



5th July 2010

Planning Panels Victoria – Mornington Marina Project
Level 1, 8 Nicholson Street
EAST MELBOURNE VIC 3002

Dear Sir/Madam,

**RE: Mornington Boat Haven Limited – Marina Proposal
EES, Amendment C107 Mornington Peninsula Planning Scheme, Permit Application
No. CP09/005**

We write on behalf of the Mornington Environmental Association (“MEA”). MEA was formed more than twenty years ago in 1988. Our aim is “to work for the protection and enhancement of the environment of the Mornington area, and for the preservation of the essential character of Mornington”.

MEA has focussed on providing a community awareness program in relation to Mornington Boat Haven Limited (MBHL)’s proposals. This has been achieved during the statutory consultation period through:

- a street stall 3 days a week providing information about the proposals to passers by;
- a stall at the monthly Growers Market;
- continuous display and staffing at the pier;
- media releases;
- letter box dropping of thousands of leaflets;
- distribution of stickers;
- providing thousands of the Council’s official submission forms to the public where requested;
- a public meeting held on 3rd July on Mothers Beach to provide a final opportunity for the public to respond;
- seeking the environmental opinions of relevant experts; and
- meetings with the local Member of Parliament, David Morris, and the leaders of several user groups.

In summary, MEA has serious concerns with the Mornington Marina proposals put forward by MBHL. Details of these concerns are set out below and relate to the likely significant environmental impacts of the proposals, and the inconsistency of the proposals with strategic planning objectives.

The main objection MEA has to the proposals, however, is that they will turn a much loved and well used public open space enjoyed by both the Mornington Peninsula community and visitors into a privatised marina facility for the benefit of the privileged few who own boats.

1 INCORRECT DESCRIPTION OF PROPOSALS:

.1 MBHL's permit application describes the nature of the proposals as “use and development of land (including the sea bed) for a pleasure boat facility (safe harbour)”. Having regard to MBHL’s full documentation, MEA considers that the description of the proposals as a “pleasure boat facility” is incorrect having regard to the land use terms in Clause 74 of the Planning Scheme. A more accurate description of the proposals would be the following:

“Use and development of unalienated and reserved Crown Land comprising:

- (a) a restricted recreation facility comprising a marina (with 170 floating berths arranged as marina pens; 8 'fore and aft' moorings; 12 swing moorings; 10 public berths; and 10 emergency and police berths) with associated sewage and refuelling facilities, travel lift, wash down facilities, and minor building works to the existing Mornington Yacht Club (MYC) building;
- (b) a new public jetty to provide access to the marina; and
- (c) two wave screen structures

as detailed in the Concept Layout Plan – Proposed Works (S013) and Typical Sections (SO14)”.

.2 That is, the main purpose of the proposals is a use that is restricted to members of a club or group, members' guest, or to the public on payment of a fee. This is in contrast to the existing use of the harbour where the dominant use falls within the clause 74 definition for “informal outdoor recreation”. That is, the land is open to the public and used by non-paying persons for leisure and recreation.

.3 It is understood that in 2009 Council officers requested MBHL to provide a plan as part of its' application documentation delineating those areas of the subject land that would be publicly accessible, and those areas that would only be accessible to members of the marina facility. It appears, however, that this plan was never provided. It can be drawn from this that the MBHL do not intend that any of the area the subject of the proposal should continue to be publicly accessible.

2 EXISTING USE, ZONING AND OWNERSHIP OF SUBJECT LAND:

.1 The MYC club house, car parking areas adjacent to the club house and beach, car parking areas along Schnapper Point Drive and Flinders Drive, the public reserve bounded by Schnapper Point Drive and Flinders Drive, the cliff tops, and Mothers Beach, Scout Beach and Shire Hall Beach are currently reserved Crown Land under the *Crown Land (Reserves) Act 1978*. The Mornington Peninsula Shire Council is the public land manager for the purposes of that Act and the Committee of Management is made up of a range of stakeholders representing the users of the area.

.2 Parks Victoria are the public land manager for the purposes of the *Crown Land (Reserves) Act 1978* in relation to the historically significant Mornington Pier and the waters in front of the MYC Clubhouse.

.3 The rest of the waters the subject of the MBHL's proposals are unalienated Crown Land governed by the provisions of the Lands Act 1958. DSE is currently responsible for the management of this unalienated Crown Land.

.4 The zoning of the subject land currently prohibits the proposals. Paragraph 4 of the resolution made by Council at its' meeting held on 21 December 2009 makes it clear that the Council has not made a decision to support or not support the proposals and the planning scheme amendment. The reason the Council has requested the Minister to place the planning scheme

amendment and permit application on exhibition is primarily to enable community involvement in assessment of the proposals.

MEA considers that the existing zoning and overlays applying to the subject land optimise the protection of existing uses of this much loved community public open space because it prioritises the conservation and protection of the natural environment which is what attract existing users and visitors to the area (including people fishing, scuba divers, scout clubs, swimmers, snorkelers, sunbathers, yachters, artists, wedding parties, and people picnicking on the beach).

In contrast, if the zoning was changed to a Public Parks and Recreation Zone, this would enable a restricted recreation facility for use by the privileged few boat users who can afford to pay for the use of the marina facilities to be assessed against planning recreation objectives which do not prioritise the conservation of the environment.

3 BOATING CAP & VICTORIAN COASTAL STRATEGY

.1 Whilst the Boating CAP (March 2007) and the Victorian Coastal Strategy identify Mornington as a Regional Boating Facility, it is also recognised by these strategic policy documents that it is important to ensure that the natural environment is not adversely affected by any development. Given the likely adverse impacts that the proposals would have on local beaches, and existing public users and visitors by prioritising boating activity within the harbour, MEA consider that the appropriate balance to be struck between existing and proposed uses are boating facilities of a significantly smaller scale that support the existing local community users of the harbour.

.2 MEA also considers that it is important to distinguish the creation of a safe boating facility from the creation of a commercial marina facility which is what is proposed by MBHL. The reality is that a safe boating facility could be achieved by proposals of a significantly lesser scale or purely by a travel lift. MBHL's proposals are primarily a commercial venture for the benefit of the privileged few rather than of any real public benefit.

4 “OUR BAYS VISION – MARITIME AND COASTAL INITIATIVE” (JULY 2009)

.1 MEA is surprised that MBHL's proposals appear in Environment Minister Gavin Jennings' Coastal Initiative given that when the document was written the proposals had not been the subject of consultation with the local community nor an EES process. The message conveyed by the document is that a marina proposal at Mornington Harbour is a 'done political deal' and that any engagement with the community and panel/inquiry and EES process is really a sham. MEA sincerely hopes that this is not the case given the importance of the Mornington Harbour to the local community as an iconic public recreation area.

5 ENVIRONMENTAL EFFECTS:

i) Social Impacts:

MBHL's socio-economic report concludes that the proposals would have a positive social impact. However, the assessment fails to highlight the following **adverse** impacts:

(a) Whilst the proposed travel lift would enable boats to be removed from the water expeditiously during unsafe weather conditions, the increase in the number of berths in the water and the space required to install travel lift facilities would mean less space would be available for other water users. It is impossible to accurately define the area that would still be available for public users of the water given that the application drawing S013 is indicative only.

- (b) Those who are likely to be able to afford to keep their boats at the marina facility (which is unlikely to include many of the boats which are moored in the harbour now) would likely have large pleasure boats. In order to ensure the safety of swimmers and other water users within the area, Parks Victoria/ Marine Safety Victoria as waterways managers would, in the interests of public safety and to avoid potential conflicts, have to prohibit or severely restrict the use of the waters by other recreational users (e.g. swimmers, divers, canoeists). Mornington Sea Scouts (who have operated from Scouts Beach for over 70 years) in addition to losing their safe beach, have been advised that their little boats will have to sail outside the pier – impossible for safety reasons, due to the proposed marina infrastructure within the Harbour
- (c) Given the proposed expansion of boating facilities and evidence of the impacts that similar marina facilities have on public beaches (e.g. Sandringham and Brighton), it is likely that water quality and the general health of the marine environment will deteriorate and the area will no longer attract the wide range of community users and visitors that it currently does.
- (d) There are already significant safe harbour facilities provided at Martha Cove which is operating at less than half capacity. During storms, many of the boats which are moored in Mornington can be found in Martha Cove's safe refuge, and there are many marina berths in Martha Cove available for purchase/ lease. Given that it is reasonable to assume that the proposed marina berths would be offered to boat owners at market prices (see page 79 of Social Economic Report), it is likely that the increase in supply would adversely impact on the already struggling viability of Martha Cove. In addition, the increase in supply would prioritise boat users over other public users in Mornington's most popular and accessible beaches.
- (e) The proposed wave screens are designed and shown on Typical Section S014 to the sea floor. Fishers expressed concern when surveyed by Parks Victoria (reported in the "Mornington Pier Reconstruction and Access Planning Study" (2007)) that this would be detrimental to fishing. Sunbathers, snorkelers and swimmers that were surveyed expressed concern that it may affect sand movements in the area and be detrimental to Mothers Beach. The use of the area under the Pier by divers would also be prevented.

(ii) A Safe Harbour and the impacts of Climate Change

- .1 Mornington faces a long fetch to the north. North and north west winds cause major waves. Sand moves along the beaches north in summer and south in winter.
- .2 Proposals for marina facilities within Mornington Harbour have a long history dating back to 1988. The proposals have been rejected on previous occasions for compelling environmental and planning reasons which have not changed in the last 22 years. What has changed, however, is the climate. It is common knowledge that there the extremities of weather patterns mean rapid increases in the rise of sea level, and more wave and storm activity. These forces are beyond our control.
- .3 Apart from these forces of nature which are beyond our control, there are also other projects in Port Phillip Bay which are likely to have an impact on the environmental conditions within Mornington Harbour and along the adjacent coastline; for example, channel dredging. The EES prepared by MBHL has little regard to these factors.
- .4 In relation to climate change and the sea level rise of 0.8m by 2100 referred to in clause 15.08 of the Planning Scheme and in the Victorian Coastal Strategy 2008, MBHL's response to this issue has been to place a 50 year time limit on the life of their development given that the design of the proposals is based on a sea level rise of 0.4 metres.

.5 In summary, given the physical characteristics of Mornington Harbour, it is not by its nature a 'safe harbour.' The proposals put forward by MBHL would not remedy this situation. The only aspect of MBHL's proposal which would promote Mornington Harbour as a safe refuge is the installation of a travel lift which would improve the efficiency of removing boats from the water during storm activity.

.6 The report of Mr Reidel commissioned by the Mornington Peninsula Council in 2009 (*Mornington Harbour Coastal Engineering Advice*) also confirms that the proposals as put forward by MBHL would not secure a safe harbour within Mornington Harbour.

.7 MBHL demonstrate the need for a safe harbour by reference to photos of damaged boats washed up on the beach within the Harbour during a severe storm surge. The fact is, however, that if boats moored in the Harbour had been responsibly moored, and those moorings had been checked and maintained, then the damage could have been avoided. In addition, it is well recognised that many boats use Martha Cove, merely 11 km down the coast and available as a safe haven when storms are forecast. In addition, most boats in Mornington harbour are taken out of the water during winter. This demonstrates that members can and do take reasonable steps to protect their boats and that it is unnecessary to build marina berths to secure the safe storage of boats. Furthermore, forecasts are easily available so boat owners can act accordingly. It is therefore questioned why the Mornington community should lose its loved and well used harbour merely to protect a few irresponsible boat owners.

(iii) No Need for More Marina Berths

.1 MBHL's assessment of their proposals fails to demonstrate that there is any real need for additional marina facilities within the region. The facilities proposed would have a similar pricing structure to those already provided at Martha Cove and therefore attract a similar market of boat owners. Unlike Mornington Harbour, Martha Cove also provides a safe refuge for boats in stormy weather, and enjoys excellent access to the freeway system and car parking facilities. There is a large supply of berths currently available at Martha Cove but there would appear to be a lack of demand. It is noted that these facilities were used by many of the boat users at Mornington for the purpose of seeking safe refuge during the last significant storm activity. It would appear to be sensible economic policy to avoid increasing the supply of marina berths further when there is clearly an existing over-supply of berths on the market. In addition, Martha Cove provides excellent access, boat maintenance and parking facilities which cannot be provided at Mornington Harbour.

(iv) Loss of Amenity and Adverse Impacts on Character

.1 The current character of Mornington Harbour is that which you would find in a sleepy seaside village but animated by the activity of a range of local community users and visitors on the weekends. The historic pier is enjoyed for promenading by visitors visiting the area and it is well used by local fishermen. The views of the Harbour from the cliff top can be described as similar to those found in the Italian Riviera. It is a unique asset of the Mornington community which should be protected from yet another commercial marina development which prioritises private boat users over the wider Mornington community. The harbour and its cliff top recreational reserve is the main public space in Mornington providing a focus for the community. Mornington harbour should remain as it is – a much loved public-used space, with access, shelter for families with children, with clean water and sand and without a semi-industrial boat maintenance facility.

.2 MBHL's proposals will clearly have an adverse impact on this character. The 4 metre high solid wave screens and structured pen berths will replace the current swing moorings and wide range of users found within the Harbour with a predominance of boating activity. The ambience of

Mornington, with its Main Street leading to the Mornington Park and then the harbour will be totally altered.

(v) Impacts on the Beaches

.1 MEA considers that Mothers Beach will no longer be a safe or pleasant swimming beach due to changes in sand accumulation that would be caused by the proposals. It is recognised by MBHL that the impacts on the coastal system are unknown. The proposal to provide an artificial reef off Scout Beach are indicative only and there are no details provided of the specific sand replenishment scheme that would be required to maintain the local beaches, including Mills Beach to the north, which hardly gets a mention.

.2 It is also not clear where the sand for replenishment would come from and who would commit to the cost of the necessary sand replenishment program. Indeed if the sand was not carefully selected and a foreign source was used, this could lead to further adverse impacts on the beaches and waters of the Harbour at large through the introduction of matter which is not natural to the local environment.

.3 The experience of the impact the Blairgowrie marina has had on the coastal system should not be repeated at Mornington. The Blairgowrie proposals have resulted in major sand accumulation which requires remedying by expensive and on-going dredging. This maintenance program has relied on public money.

.4 At page 64 of the EES prepared by MBHL, it states that that as a result of the proposed Safe Harbour it is expected that the wave climate along the coastline will change, resulting in the movement of approximately 1,000m³ of sand from Shire Hall Beach to Scout Beach each winter (Water Technology, 2008). It is noted that this amount is far less than that modelled in 1987 when the proposed marina development was smaller and had different alignment of the rock walls. In addition, MBHL's EES concludes at page 177 that the construction of the proposed wave screens at the Harbour would have little or no effect on coastal processes at the beaches to the south or east of the Harbour. However, it was modelled by GHD in 1987 that some 10,000-27,000m³ of sand would be transported into the proposed marina area (a much smaller proposal) and this amount would have been eroded from Scout Beach, Shire Hall Beach and the southern end of Mills Beach (where the Life Saving Club is located). This variation in modelling questions the credibility of the conclusions reached by MBHL as to the environmental impacts of its proposals.

(vi) Environmental Impacts on Water Quality from additional boating activity

.1 MBHL's proposal will result in an increase in the number of motor powered boats using the Harbour. Regardless of the intentions of responsible boat users, it is inevitable that the increase in motor boat traffic will lead to a diminution in water quality. Accumulations of polluted sediments in the water are also likely to be washed up on the local beaches leading to deterioration in the quality of coastal vegetation and the sand. There would appear to be no real assessment in the EES of the likely increase in oil pollution resulting from the increased motor boat activity in the Harbour that would result from the proposals.

.2 In addition, the proposed wave screens will inevitably result in the accumulation of fine sediments and muds in the Harbour. Whilst the hydrodynamic modelling carried out by MBHL indicates that harbour water flushing will be adequate to maintain reasonable water quality, the mobilization of the sediments and fine particulates within the Harbour will be altered. These sediments flow through the local Tanti, Manmangur, and Cararr Creeks, and the stormwater drains of Cook, Drake, and Blake Streets, Esplanade and around Mornington Park. With the obstruction to wave energy caused by the wave screens, accumulations of unpleasant smelling materials will form. The EES has not addressed the impact of reduced wave energy and its impact on beach quality and

local waterways. Similarly, the long term environmental effects of anaerobic sediments and fines caused by the proposals have not been assessed.

.3 At page 168 of MBHL's EES, it states that all boat repairs and maintenance that have the potential to generate pollution should be undertaken in designated work areas and that maintenance work should occur inside buildings or under cover to reduce contamination to stormwater. In addition, it is provided that maintenance should be undertaken in areas over impermeable surfaces that are properly drained to a collection pit, and that abrasive blast cleaning should be performed in suitable enclosures to contain the spread of residues. MEA questions the ability of MBHL to keep residues, leaks and spills out of the Harbour given its' past track record. For example, during the summer of 2009-10, oil wastes from a large dredge entered the water on Mothers beach. When the dredge was removed and stored in the Harbour boat yard, heavy oil continued to leak onto the ground. The clean up strategy invoked by MYC's members (ie MBHL) was to sprinkle sand over the oil, then allow rain to wash residues across the pavement and down the drain pipe leading directly into the Harbour. If the MYC cannot hold wastes generated on site now, what chance is there when large scale maintenance and repairs go on in the yard?

(vii) Proposed changes to pier by Parks Victoria

.1 MEA notes that Parks Victoria (PV) were granted a planning permit in January 2009 for the construction of a wave screen along the historic Mornington Pier which is subject to a Heritage Overlay. The approved details of the wave screen are the same details which now form the elevations and cross-sections submitted by MBHL with their application.

.2 It is understood, however, from PV senior officers who met with MEA on 23 June 2010 that PV are now reviewing their design and that significant variations requiring an amendment to the existing planning permit have been lodged with the Council for consideration. The new PV proposal is for two wave screens, one on either side of the pier, with different footings. PV could not confirm the impacts the new proposals would have on water flows and water quality within the Harbour. MEA has been advised by Council officers that MBHL's consultants, SKM, state that the changes proposed by PV do not affect the assessment carried out by Water Technology in relation to the MBHL proposals. It is difficult to understand how this can be the case given that the design of the wave screens proposed by PV have significantly changed and it is reasonable to assume that this will have a significant impact on the hydrodynamics of the Harbour. It is also queried whether MBHL now propose to change the design of their wave screens so they are the same as PVs given that MBHL's current application drawings are actually those that were endorsed in relation to PV's permit granted in January 2009 which is now the subject of revision.

.3 MEA submit that given the above circumstances, it would be erroneous for the Panel to rely on the assessment carried out by Water Technology without further modelling taking into account the impacts of PV's new proposals on MBHL's proposals, and clarification as to whether MBHL will be adopting the same wave screen design as that which is now proposed by PV.

(viii) Inadequacy of Field Monitoring underpinning the EES

.1 The field monitoring of the marine environment carried out for the purpose of the EES was undertaken on 4 days between November 2007 and January 2008 (ie in summer). Seasonal sand movement is north in summer, whilst it is southward drifting in winter. Locals who fish and swim in the harbour note that marine organisms alter during the seasons as does the amount of sediment. Given the very restricted studies of marine ecosystems in the Harbour, it is considered that the results of the assessment of the impacts of the MBHL proposals on the marine environment must be treated with caution.

(ix) Other inadequacies in the assessment set out in the EES:

.1 Apart from the uncertainty surrounding the actual design of the wave screens given PV's current proposals to change the design which is the subject of MBHL's application, it is considered that the EES is also deficient in the following respects:

- lack of assessment of the effects of blocking wave energy on the finer particles in the water column and on the seabed;
- no assessment of the need for such a large marina;
- lack of assessment of alternative solutions for delivering a safe harbour in the region or acknowledgement that this is already achieved at Martha Cove;
- no assessment of long term effects of dredging;
- no assessment of the effects of MBHL's proposals on the Selwyn fault;
- no assessment of the social and environmental effects on Mills Beach to the north of the proposed marina.

6. INADEQUATE PARKING:

.1 It is well recognised that parking at the harbour and around Schnapper Point is already at full capacity for most of the year and particularly in summer months, is subject to significant congestion. Families are frequently unable to find a suitable spot even to unload people and picnics due to trailers and cars and boats using existing spaces.

.2 MBHL's response to the car parking problem is a proposal to provide a shuttle bus; however, this proposal is clearly undeveloped. For example, the application documentation fails to provide any certainty as to:

- (a) who will pay for this shuttle bus service;
- (b) where the alternative car parking will be provided for pick up by the shuttle bus; and
- (c) the frequency of the service and whether it would be available to members of the public.

Clearly the existing car parking within the vicinity of the Harbour and surrounding Main Street lacks the capacity to accommodate the marina proposals.

7 SUMMARY:

For the reasons set out above, MEA strongly argues that the MBHL proposals should be refused and that the existing zoning of the Mornington Harbour should be retained so that it can remain as a loved and heavily utilised public open space by the Mornington community and its regular weekend and holiday visitors. Mornington Harbour should not be transformed into a restricted recreation facility for the privileged few.

Yours faithfully,

Janet Oliver,
President, **MORNINGTON ENVIRONMENT ASSOCIATION Inc**