

MANGLES BAY MARINA DEVELOPMENT

Motion

Resumed from 19 June on the following motion moved by Hon Lynn MacLaren —

That the Council —

- (1) notes the mass opposition to the proposed Mangles Bay marina tourism precinct development as evidenced by the petition bearing more than 8 000 signatures; and
- (2) calls on the Barnett government to honour the original 1964 agreement under which the land at Point Peron, including the site of the proposed development, was transferred by the commonwealth to the state subject to the condition that its future use would be restricted to a reserve for recreation and/or park lands.

HON LYNN MacLAREN (South Metropolitan) [2.23 pm]: I would like to conclude my remarks by bringing members' attention back to the petition report tabled in 2006, which is the evidence we are presenting today to indicate the reason the original agreement should stand. I will read from page 61 in the petition report, which is the 1964 letter. The Under Secretary for Lands wrote —

I have to advise that the Hon. the Premier of Western Australia has received a communication from the Right Honourable the Prime Minister advising him that the Minister for the Interior has approved of the Point Peron property being transferred to the State of Western Australia —

And this is the important clause, members —

subject to the existing leases and subject also to the future use of the area being restricted to a reserve for Recreation and/or Park Lands, in consideration of a cash payment of £30,460 by the State.

That is the original agreement and that was the intention of the land forever more, according to the commonwealth when it transferred it to the state. Specifically, the transfer agreement excludes commercial, industrial and residential uses. Despite my questions to the minister, no explanation has been forthcoming for this flagrant disregard of this legal agreement.

The first we heard of it, as I mentioned in my previous comments, was that the developer claimed that the state was satisfied that the terms of the land transfer do not preclude carving canals out of a peninsula and establishing an inland marina development. However, repeated requests, through my own parliamentary questions, have revealed no evidence that this is true; indeed, questions asked in the Senate by Senator Scott Ludlam and correspondence from commonwealth ministers also indicate otherwise.

Last time I spoke I asked why I had not received the evidence I had been asking for for at least two years. If this land use is permitted, the offsets are questionable. Thirty-eight hectares of Bush Forever land will be lost to Rockingham city, with the offset being 20 hectares somewhere in the Swan region. At a time when the population of Rockingham is due to increase to 180 000, much bush is being lost. Where else along the coast is protected from development? I ask the government to tip its hat to the foresight of the commonwealth leaders who reserved pockets of coastal land for recreation and/or park lands, just as the state government did with Kings Park around 100 years ago.

This is particularly important in light of the latest coastal hazard study. Members, since this motion was tabled in October of last year, the Peron Naturaliste Partnership has released a coastal hazard study that identifies the flood risk, the inundation risk and the erosion risk along our coast, all the way up to our precious Point Peron. For the first time, this report maps out the possible situation of erosion and inundation by 2110; it also looks at the current severe storms implications for that area. Members, this document, prepared as a result of this scientific study, was not completed when the developers proposed Mangles Bay Marina. This is new evidence after new scientific studies based on the latest climate change data.

Furthermore, as I have mentioned before, the boating facilities recreational needs study is also flawed. I will not go into details now because my time is quite limited. When I last spoke I had not received an answer to my freedom of information request from the Appeals Convenor or the Minister for Environment about the circumstances regarding the appeal the Conservation Commission lodged that was subsequently withdrawn. If members have been following this, I have asked questions in the Council about it, and I have now, under freedom of information, received information that indicates something of very serious concern in this process.

To recap: the Environmental Protection Authority received 260 separate submissions covering 390 separate issues, and gave the proposal conditional approval. Twenty-one appeals were then made to the Appeals Convenor. The assessment was supposed to be completed by 15 August, but will not be until September, I

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen Morton; Hon Kate Doust

understand, because the developer has not yet responded. Through an FOI request, I learned that not one but two appeals were withdrawn. The circumstances surrounding the withdrawal of the Conservation Commission appeal are still unclear. In answer to a question in Parliament, the minister provided this appeal to me. The Conservation Commission called on the project to be abandoned on several grounds. The identity of the author of the other appeal that was withdrawn is not known at this stage; I intend to FOI that as well. The Office of the Appeals Convener sought and obtained a legal opinion 10 days after the appeal was withdrawn. Why did it do that? What is it concerned about in this instance? We should ask some questions here.

The Conservation Commission, the peak body charged with overseeing regional parks and biodiversity, has opposed this twice. Now it has withdrawn its appeal. All members should be asking questions about this. These events and issues reinforce the perception that the project is dubious and it lacks proper support from at least one of the very agencies meant to oversee it. They compound the controversial record of this project which has seen petitions with over 10 000 signatures opposing the project. I seek an extension of time.

[Member's time extended.]

Hon LYNN MacLAREN: I call on the Premier to investigate the actions of the minister, the Conservation Commission and the other as yet unnamed agency to discover the full process by which they were persuaded to withdraw their appeals. I ask the minister to table a copy of the second appeal and that withdrawal. The minister will be called on to make a final decision once the Appeals Convener has completed its study. I suggest the minister should suspend proceedings until explanations of these events have been made.

HON KEN BASTON (Mining and Pastoral — Minister for Agriculture and Food) [2.33 pm]: The Mangles Bay Marina development has been going on for some 30-odd years. There have been previous proposals, but this one is the latest. In 2005, Rockingham community leaders, believing there was support for a marina, successfully obtained financial support to fund community consultation and do the due diligence, planning and environmental studies. The state government then established the Cape Peron Tourist Precinct Steering Committee to coordinate that work. Funding for that came from, interestingly, the commonwealth government, which put in \$220 000. The City of Rockingham also contributed \$100 000, the Western Australian Planning Commission contributed \$250 000 and the Rockingham Kwinana Development Office contributed \$112 000; a grand total of \$689 000.

Hon Phil Edman: It must have been a Labor government.

Hon KEN BASTON: There are times when they fund initiatives.

Extensive community consultation was undertaken which resulted in three concepts, one of which was settled on. There was a keen level of interest in this project, with over 800 people participating in the consultation process, including local residents, state government, local governments, federal government, local business, local chamber of commerce, tourism, organisations and clubs, environmental interest groups, and Aboriginal and heritage groups. It was important the commonwealth government not only put in money—the \$220 000 I mentioned—but supported the development of the feasibility study and were represented on the steering committee.

Project and community objectives were generated in 2005, and comprehensive consultation for the strategic and environmental review took place. Consultation identified stakeholders who supported the proposal and acknowledged that environmental impacts would have to be managed and objectives would have to be delivered.

In 2006, the strategic and environmental review was prepared so the EPA could examine the key environmental issues associated with the proposal. In this strategic assessment process, the EPA advised the minister on an inland marina development at Mangles Bay and identified no fatal flaws. In April 2010, the state government, following a public expression of interest process, approved LandCorp to appoint Cedar Woods as the project partner to progress planning and environmental approvals and if obtained, to deliver a marina development. Cedar Woods, as LandCorp's project partner, committed to delivering the community objectives. Those community objectives with Cedar Woods included the opening up of the beach along Mangles Bay to public access and construction of a dual-use path along the length of the beachfront to the causeway. I believe these objectives answer some of the questions raised by Hon Lynn MacLaren in previous speeches. Affordable family holiday accommodation and beachfront access are included in the honourable member's concerns. The objectives also include a site for boating clubs on a non-commercial leasehold basis, with marina frontage and beach access; a seabed lease in the marina and adjoining the boating clubs in which the clubs can build pens and lease them to members; room for 500 pens as required. There was no current commitment to build those pens, but it would be allowed in the plans. The objectives also included commercial pens to be provided in the public tourist area for commercial charter operations; a tourism hub, including restaurants, cafes and short-term

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen Morton; Hon Kate Doust

serviced accommodation; remediation and enhancement of the balance of Cape Peron; and a site for a marine science centre. These community facilities will be extremely valuable to that area.

Before I go on about the EPA, this motion concerns an area I have not been to in a long time, so I had the local member, Hon Phil Edman, from Rockingham, take me for a tour and show me exactly where all of this was. I easily observed how the objectives I have just referred to fitted in perfectly without upsetting the Cape Peron peninsula. The honourable member took me on a tour around Lake Richmond, which is not very far from his home. I was appalled. If this is something that needs protecting, we must do something about it as soon as possible, and this project will achieve that. In that water there was rubbish, car seats, bottles and everything that could have been taken to the rubbish tip.

The EPA assessed the Mangles Bay project as a public environmental review, the highest level of assessment that can be imposed. This was released for 10 weeks to obtain public comments on environmental assessment. On 29 April 2013, the EPA released its report and recommendations on the proposal for a two-week appeal period. The EPA recommended that the Minister for Environment approve the proposal, subject to the inclusion of 11 conditions. The report by the Office of the Appeals Convenor is anticipated to be presented to the Minister for Environment in September 2013.

A key element of the project will certainly be the preservation of the existing environment; that is, the project will be environmentally acceptable. Continued opportunity for public comment will be available through the planning approval process. If the environmental, planning and government approvals are obtained for the development, a further four months is required to obtain subdivision and engineering approval before development can commence in 2015.

I want to touch on the land issue, which the honourable member referred to, and that is the land assembly. As the member said, the land was purchased by the state from the commonwealth in 1964. The certificates of title indicated that no encumbrances were listed on the titles. It is noted that in 1968 the agreement on the transfer of land was amended to facilitate state development projects such as a proposed sewage treatment plant within the transferred land area. Following an exchange of correspondence requesting clarification of land use, in November 2000 the commonwealth Department of Finance and Administration wrote to the Department of Transport, advising the following, as set out in my notes —

“This Department recently took legal advice on the Commonwealth’s position as previous owner of the land. The advice we have received is to the effect that the Commonwealth, as previous owner, does not have any continuing binding legal rights in relation to the use of the land in issue.”

Hon Lynn MacLaren: Can you table that, minister?

Hon KEN BASTON: I will table that as a separate thing, yes.

Several members interjected.

Hon KEN BASTON: I will not need to table it; it will be in *Hansard*. The correspondence continues —

In particular, we have been advised that the Commonwealth does not have any legal right as previous owner to require the Point Peron land to be kept as a reserve”.

In January 2011, the commonwealth Department of Finance and Deregulation wrote to the Department of Planning, asserting that it had a legal interest in the site through a caveat on the transfer in 1964. This was contrary to its advice in November 2000. The advice provided by the State Solicitor’s Office to the Department of Regional Development and Lands was that there are no encumbrances registered on the certificate of title that restrict the state’s right to use and alienate the land. It also confirmed that the commonwealth has no proprietary interest in the land and cannot legally restrict the use of the land to parks and recreational purposes only. In November 2011, the Department of Regional Development and Lands responded to the commonwealth Department of Finance and Deregulation. In July 2012, the commonwealth Department of Finance and Deregulation responded, acknowledging the state’s position, and confirmed that no encumbrance is registered on the certificate of title.

The member raised some issues about keeping the land in public hands. I have been down there, and from what I have seen, this development will still keep it very much in public hands, but it will actually protect it. I walked along the beach and I saw boats washed up on the beach, abandoned and filled up with sand and rubbish et cetera. I also saw that a boat that had pulled its moorings was on the beach; it was a yacht—a rather good-looking boat. The area needs some establishment there that will pull all that together. This development does not go right into Point Peron; there are still oodles of bush there. Masses of land are not being cleared. This development will pull into gear what is already there and make it environmentally acceptable.

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen Morton; Hon Kate Doust

I also note that the member said there were a number of petitions. I wondered whether the people who signed the petition were from Rockingham or whether they were outsiders saying these things. I think the member said that the population will reach 180 000 before long. I believe that we need this constrained development to make sure that people are affecting only a certain area and not all the rest of the bushland that is basically there. Those boats certainly need to be pulled into a marina-type development.

I spoke about Lake Richmond. If that was cleaned up by the Mangles Bay development, it would be a huge start. The last time the honourable member spoke, she said that it is most important to guarantee access to the area. I totally agree with her on that point. It is a beautiful place, or it can be. There is much litter et cetera along the beach and foreshore. Certainly, I agree that access is needed and that the area needs to be pulled into gear. If there was some development there, it would make that happen. The member mentioned that the Aboriginal community groups were not consulted. The information that I was given is that they were consulted in that initial consultation period. I think there is still an opportunity in the planning period, as I read it, for consultation to take place.

The member also mentioned the graceful sun moths. I did not see any of them around, but I can understand why they have left.

Hon Sally Talbot: They saw you coming!

Hon KEN BASTON: They might have; I do not know.

Hon Simon O'Brien: They're in plague proportions down there.

Hon KEN BASTON: Okay. I did not see any.

Hon Lynn MacLaren: They live for only one day.

Hon KEN BASTON: Okay. They had all either died or were not born the day I went there.

Hon Lynn MacLaren: You have to go in March.

Hon KEN BASTON: Okay. I will go back again and look at the progress of the area.

The whole idea is that the Mangles Bay marine-based tourism precinct will be a major addition to the regional infrastructure and will deliver significant benefits, providing tourism and recreational opportunities, as well as beautifying the area. Of course, the other important thing is to still keep low-cost accommodation. I agree with the honourable member on that point as well. I think it is important that there are not a whole heap of high-rise buildings that people cannot afford. With the honourable local member, I also visited the area a bit further around where the little restaurants and that type of thing are located, and I have to say that it was superb. All the bush of Point Peron is really not touched at all. It is out of Mangles Bay. People can still walk up those steep hills and sweat a little, which I did. The honourable member was a little fitter than I.

The government will not support this motion. I look forward to the development of that area. Of course, Hon Phil Edman made a speech last night in the adjournment debate about his travels. I was very interested to hear his views on going up to Denham and the Shark Bay area, with which I am, of course, very familiar, and realising that a marina would be absolutely perfect in that town. Applying his vision for the Mangles Bay area to the Shark Bay area is absolutely excellent. He said, "Do you need a marina there?" and I said, "Absolutely, and I need as many members as I can get to support me to try to get it there." I think marinas are a very good way of controlling development and facilitating the boating facilities that are needed. With the pressure of people who use those facilities, we need to keep up to speed on that. With the increasing population of Rockingham that the member spoke of, the demands on that boating area will be huge. A marina can be policed to make sure that everyone who goes out looks after the area. We certainly do not support Hon Lynn MacLaren's motion. I believe the marina has a huge potential for that area, providing recreational purposes for the future. Thank you.

HON SALLY TALBOT (South West) [2.50 pm]: That really was quite an entertaining response on the government's behalf to the Mangles Bay marina development motion. I now have these lovely mental images of two honourable members puffing their way up the hills, trying out all the local cafes and hunting around —

A member: There was only one pub!

Hon SALLY TALBOT: Only one pub, but quite a long time in there, I would think! They were hunting for the graceful sun moth, not knowing they were looking in the wrong places at the wrong times. I am not sure that what we heard is any more than we could have got if we were vaguely familiar with the issue or if we just visited the area as tourists. But there is much more at stake, as all the honourable members on the government benches know. This is not just about whether people can go there for the day and have a nice time. Of course we should be cleaning up areas that have been particularly subjected to some kind of human degradation with rubbish and

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen Morton; Hon Kate Doust

the like, but what we are talking about here is a very serious point about environmental assessment processes in this state.

When it comes to those questions, we in the Labor opposition in this place are in a number of important respects on exactly the same page as the WA Greens. Like the community of Western Australia, we have gradually had our confidence in the environmental assessment processes in this state whittled away almost to nothing. That is fundamentally what this motion is about. As honourable members on the government benches know, we take a different kind of approach from that observation to the approach taken by the WA Greens, because unlike the WA Greens, one day—I suspect that day will be in March 2017—we will be back on the government benches and in charge. When we come back to the government benches we will do what we did between 2001 and 2008; namely, we will restore integrity to the environmental assessment and approval process and we will make it a process in which public confidence can be restored.

Hon Ken Baston: In the meantime, are members going to Rockingham?

Hon SALLY TALBOT: Unfortunately, we are just about —

Several members interjected.

The PRESIDENT: Order! Order!

Hon SALLY TALBOT: We are just about at the low point at this stage. That is why honourable members get excited whenever I talk about this because they actually feel pretty uncomfortable. I am sure Hon Simon O'Brien will make a lengthy contribution to the debate on the motion because he will have plenty to say. I hope all the members for the South Metropolitan Region have something to say about it because it is their duty to their constituents to represent their points of view.

Several members interjected.

The PRESIDENT: Order! Order! Members, we cannot have four people making a speech at once. There must be only one on their feet. Other people will get the opportunity, I can assure members, in turn.

Hon SALLY TALBOT: Thank you, Mr President.

Several members interjected.

The PRESIDENT: Order!

Hon SALLY TALBOT: I am sure that when members such as Hon Simon O'Brien respond, they will address things like Roe stage 8 and represent the views of their constituents on those matters as well. I read Hon Phil Edman's speech. Unfortunately, I was out of the chamber on urgent parliamentary business during the member's statement, but I read his speech with great interest. He has clearly set himself up to be—I will not say the minister for marinas; he probably would like to be the minister for marinas—perhaps the official spokesperson for marinas! As far as Hon Phil Edman goes, marinas are the greatest thing since sliced bread. In fact, he probably thinks that they are even better than sliced bread. I think he would like to see a marina around every corner up and down the Western Australian coast. More marinas the better, he said last night. It really was a most intriguing little journey up the midwest coast with a marina around every headland. I should think that Hon Ken Baston is quite glad that Hon Phil Edman did not go a little further up because he would have had marinas all around the Kimberley coast as far as King Sound!

We are looking forward to a contribution to this debate by the would-be minister for marinas. However, what I want to put on record is that while we agree with the basic sentiments expressed by Hon Lynn MacLaren, there are some important points of difference between us and I want to explain some of those differences. I will not go so much into the second part of Hon Lynn MacLaren's motion that refers to the original 1964 agreement, which had to do with the inclusion of the site and some land transfers between the commonwealth and the state government; I will leave that to one of the opposition members for the South Metropolitan Region, Hon Kate Doust, who importantly was —

Several members interjected.

The PRESIDENT: Order! Order!

Hon SALLY TALBOT: Hon Nick Goiran is obviously getting irritated as well, Mr President.

The PRESIDENT: Leave him to me. If the member would direct her comments through the chair, I will ensure that Hon Nick Goiran does not interrupt her again.

Hon SALLY TALBOT: Thank you very much, Mr President. I am looking forward to hearing what he has to say as well. However, I was making the point that paragraph (b) of the motion, which is about the land transfer,

Extract from Hansard

[COUNCIL — Wednesday, 7 August 2013]

p2840d-2855a

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen Morton; Hon Kate Doust

will be addressed in some detail by Hon Kate Doust, who is not only a member for South Metropolitan Region, but was also on the 2006 Standing Committee on Environment and Public Affairs inquiry, which looked in some detail at that question.

I am looking at where this mass opposition has come from. As Hon Ken Baston said, this whole process has been going on for a very long time. There is no question that there is a substantial amount of community support, not just in the Rockingham area, but in Western Australia generally, for this development. I can say that every single one of those people in favour of the development also has a wish that the environmental values of the area are respected. They do not want to see some kind of concrete jungle in the middle of a dying wetland area where they can park their boats. That is not what they want. Hon Ken Baston just described an area of great physical beauty. Despite the degraded nature of Lake Richmond, there is the natural coastline, and the traditional uses of the area by both Aboriginal people and Europeans, who have used it as a holiday area. That is what attracts people to that area, and they are the values that they want to see continued if the marina goes ahead.

Do we have the confidence that that will be the case? I put it to the chamber that the community of Western Australia does not have that confidence. I bet that a large number of the people who have signed the petition are not anti-development; they are not fervently opposed to the marina per se. I know this from having spoken to a great many of them personally during the four and a half years when I was the shadow minister for the environment. They are concerned that this government has so little regard for and understanding of the concept of the preservation of environmental values that the community will end up with some kind of marine slum on its hands, where all the natural life has died. We will then be forced into the kind of remediation that will cost millions of dollars and take decades to do. If people look at the magnificent work that has been done around the Causeway area in East Perth, they will see the kind of things that will need to be done when a government gets it wrong. People do not want to see that happening to Mangles Bay. When other speakers on the government side contribute to this debate, that is what I want to hear them address. How can they give the community the assurance that that is not going to happen?

The whole process of environmental assessment is pretty well established in this state. Many of the changes that the Barnett government has introduced since 2008 have been broadly supported by members of my party. They included the establishment of the Office of the Environmental Protection Authority. As I pointed out many times before in this house, it was a move that was already in train when we lost government. I know that the Deputy President (Hon Stephen Dawson) would be very familiar with that having been closely involved in the preliminary staging of the work for the setting up of the Office of the Environmental Protection Authority. We therefore supported those kinds of moves. We supported the streamlining of certain procedures in the whole EPA process. We also broadly supported cutting red tape when it was simply duplication or, more importantly to my mind, when it involved people taking the lazy way out and saying, “We don’t have the time or the energy to make this decision now, so we’ll put it off for another 30 days.” Of course those things should be tightened up so that people with sound plans for development and sound proposals for expansion of industry, tourist accommodation or recreation facilities in environmentally sensitive areas are not thwarted by that kind of nonsense.

The problem is that over the past nearly five years now we have seen a systematic erosion of the confidence that the community had in those processes. Where has that been more starkly demonstrated than in the process around the James Price Point project? I am sure when I say “James Price Point” in this place, a number of members opposite sigh and say, “Not that again. They’re going to go on about James Price Point again.” I am going to go on about it, but nothing to do with the substantive issues and the pros and cons of James Price Point. I am just going to go on about the process of environmental assessment, as that is what I am talking about at this moment on this motion.

James Price Point was a project that absolutely eclipsed the Mangles Bay development. There is no comparison between the two. We were talking about the largest ever industrial project to come into Western Australia—a project that is worth at least \$45 billion to the state. Would members not think, when the government sat down and looked at all the processes and all the hoops that had to be jumped through to give the proponents the outcome they were proposing, that the government would have wanted to make absolutely sure that all the t’s were crossed and all the i’s were dotted? That makes it sound quite trite. It makes it sound as though it is just a kind of pen-pushing exercise. But of course it was not. I draw the direct comparison because of the environmental sensitivity of the two areas that we are talking about—James Price Point and Mangles Bay. It was therefore terribly important that we got James Price Point right. What actually happened when we came to that process? Do not tell me that every member of the Barnett government was happy with what went on. They could not have been happy with the way that process was allowed to unravel until we got to the point where the largest industrial environmental approval that had ever come before the state of Western Australia had four out of five members of the EPA declare a conflict of interest and take a back seat, and the decision was finally made by one

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen Morton; Hon Kate Doust

person on his own. At no stage during any of the comments I have ever made in this house about this fiasco have I ever impugned the reputation or the competence of the sole individual who was left to make that decision. My point is simply that we had a process that was clearly set out in the EPA act. The day-to-day running of the environmental assessment process is highly regulated. It must be one of the most highly regulated areas of activity in this state, yet gradually all those safeguards to make sure the community could retain its confidence in the process were whittled away until one individual gave the thumbs up to a project that was worth \$45 billion. I put it to honourable members through you, Mr Deputy President (Hon Stephen Dawson), that at that point the community was absolutely speechless with horror at what had happened to an environmental system that was supposed to deliver us not just good outcomes but also good outcomes that had been arrived at in a way that was open and transparent and that were clearly defensible at every single step of the process—and that did not happen in relation to James Price Point. That then went from bad to worse, if that could possibly be said to be the case. How could things get worse from that stage? In fact we ended up with the Appeals Convenor ruling on his own as well. We ended up with a result that was only specifically endorsed by two individuals on a \$45 billion project. All of that of course has subsequently fallen in a very large messy and expensive heap, and the government will be wearing that like the proverbial albatross for a number of years. It will go down as one of the signal failures of process during these years of the Barnett government.

The tragedy of all this is that the washout will go on for years. When I go to the community and talk about the rigour of environmental assessment and I say what I have been saying for years and years in this state, that every project has to meet the same high standards of environmental protection, that it will go through a process that is almost unparalleled in its rigour and thoroughness and that everybody in the community will have a chance to comment and to have their comments reflected upon and get feedback on their comments, people just look at me in disbelief. They say, “We don’t think the government’s got confidence in its own processes any more. Where is this rigour that you have always talked about?” It has simply melted away before people’s very eyes and it has made people very, very unhappy.

Really, the government has a challenge to restore that faith. How can it restore that faith when we read the 11 specific conditions that have been placed by the EPA on this project? This project has a long way to go, as Hon Ken Baston said. Even once it gets past September this year when the Appeals Convenor reports, it will go through the ministerial approval process and all the local government planning processes. It has therefore a very long way to go.

The problem I have is when I read through some of these conditions, it reminded me very strongly of the conditions that we saw attached to a project that is even closer to my heart than the Mangles Bay project, which is the Point Grey proposal in Mandurah. I have put my views on the record several times about Point Grey and so has my colleague David Templeman, the local member for Mandurah in the other house. We are absolutely implacably opposed to the Point Grey project. I will never forget the moment I read through the EPA report when it was first released. Of course we do not want the project to go ahead because in our heart of hearts we have the gravest reservations about how anyone could possibly dig a canal right across the width of the Peel–Harvey estuary, clearing away all that monosulfidic black ooze, which is highly toxic. Somebody might be able to tell me that wonderful name that black ooze is known by in Latin. The waters around there are subject to all sorts of seasonal currents, so commonsense tells us that it is not going to be possible. However, trying desperately to hang onto our last threads of faith in the process, we thought it would go through a scientific assessment, it would come back and we would accept what it said. When I started to read the EPA report on Point Grey, I thought it was going to reject the proposal, because the report is full of riders, conditions and notes about not having enough evidence to make the decisions. Yet, in the end, the EPA said, “Subject to the following conditions we will grant approval”, which is exactly what it said in the case of Mangles Bay.

In the past with developments of this kind, the EPA itself has admitted that the jury is still out on the science and that the evidence has not yet come in to finally prove that the processes will be safe and that we should allow the proponents to manage that process. Often when that has been said in the past, the proponents have not been there when things have gone wrong. The company has either wound up and moved off or it has run out of money in its trust fund. Look at what has happened in Mandurah with the canal developments. All of the financial security to keep the revetments in good order went into a trust fund established by the developers and there is nothing in the trust fund anymore. People are looking back through the fine print of the deeds of purchase.

Hon Alanna Clohesy interjected.

Hon SALLY TALBOT: Someone has just given me the right word for “black ooze”, it is atramentum—sounds very medical! It is the black ooze in Point Grey that we are very concerned about; it is highly toxic. I thank the honourable member for that.

Extract from Hansard

[COUNCIL — Wednesday, 7 August 2013]

p2840d-2855a

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen Morton; Hon Kate Doust

In Mandurah, people have read back through the fine print of their contracts of sale and found references to trust funds. They have gone back to the holders of the trust funds and found that there is no money in them, because it is too many years later, things have wound up and people have moved on.

It is with great trepidation that I see the references in the conditions to the planting of seagrass, because I note in the Environmental Protection Authority's recommendations that there are grave reservations expressed about whether seagrass can be replanted, and I hope Hon Phil Edman will specifically take this point on. I put it to honourable members that an environmental assessment process simply cannot be run on crossed fingers. It just will not wash. Crossed fingers do not result in environmental protection. They do not result in the sound financial provision for the remediation of environmental catastrophes in an area. Crossed fingers are about allowing the loud voices of developers to drown out the voices of moderation that urge caution when these decisions are made. The fact is that if it is decided to go ahead with a process that will remove or destroy seagrass, there has to be a meaningful provision made for restoring that seagrass. I put it to honourable members that that can actually be done. We should ask the proponents to show us that they can replant seagrass and we can then look at what they are proposing. Instead of that, for some inexplicable reason, the onus has been reversed. This matter has not received final ministerial sign-off and I sincerely hope it will not receive it before these issues have been addressed. We have reversed the onus and it looks as if it is planned to say to the proponents that they can rip out all the seagrass, but they must put it back—it must be replanted. We do not have any evidence that that can be done so why would we give this project the tick at this stage? I cannot understand why we would not move a motion in this place along those lines, in which case members on my side of the house would support it absolutely unequivocally if it made specific observations about that lack of evidence that the area can effectively be remediated, as far as the seagrass goes, in the way that seems to be suggested.

There was a time when I would have been less cynical about this issue. However, during my four and a half years as shadow environment minister taking it up to successive environment ministers in the Barnett government, my cynicism has grown to the point that it is really my default position when it comes to making any comment on what environmental conditions this government proposes. That was confirmed for me last week when I began to hear reports about what the new Minister for Fisheries—Hon Troy Buswell, who seems to have added Fisheries to his growing list of portfolio responsibilities—said about marine parks. I was already intensely sceptical about this government's approach to marine parks and my scepticism goes back to the moment that honourable members may remember. Honourable members on this side of the house would certainly remember it very, very well as a defining moment of the last Parliament. I asked the environment minister at the time, Hon Donna Faragher, without notice in question time what the environmental values at Camden Sound were that she was aiming to protect with Camden Sound Marine Park. I am sorry to harp on about this; I am glad she is not here because I know that it was not a particularly helpful exchange as far as she was concerned. She first of all said that she was not sure what my question meant, so I asked what the environmental values were again. The budget papers made specific reference to the Camden Sound Marine Park protecting multiple environmental values of the Camden Sound area. I asked what the multiple environmental values were and she said she did not know what I meant. I asked again what the multiple environmental values were and she answered, "Well, everybody knows about the whales." That made me think that we have a government that uses phrases like "the protection of multiple environmental values" without having a clue what it is talking about. I know there are people in the department who understand those concepts and they are undoubtedly the people who wrote those phrases in the budget papers, but unfortunately that never filtered through to the point that it was the subject of any kind of meaningful discussion around the cabinet table. It could not possibly have been because the minister with carriage of the whole issue did not know what the multiple environmental values were. Obviously, this great tradition continues apace in the Liberal Party. It was reported that some comments that came from the mouth of the new fisheries minister led Paul Murray in *The Weekend West* of last Saturday, 3 August, to write that the minister must have been drinking truth serum. We all know Paul Murray's views about marine parks and I do not read Paul Murray's comments on marine parks for information on them, but I like his commentary on the Liberal government, which is proving to be more and more interesting as time goes on. It appears that the Minister for Fisheries said something. Before I tell members what he said, I have to tell members who he said it to. It seems extraordinary that he would go to a forum like the awards night of the Western Australian Fishing Industry Council —

Point of Order

Hon PHIL EDMAN: I ask about the relevance to this debate of what Hon Sally Talbot is saying.

The DEPUTY PRESIDENT (Hon Stephen Dawson): I thank Hon Phil Edman for his point of order. Hon Sally Talbot is speaking to Hon Lynn MacLaren's motion. I think what she is saying is relevant, but I ask her to quickly glance over the motion again and remind herself of what it is about.

Debate Resumed

Hon SALLY TALBOT: I will explain so members can be absolutely clear about the point I am making. The motion moved by Hon Lynn MacLaren starts with the words —

That the Council —

- (a) notes the mass opposition to the proposed Mangles Bay Marina tourism precinct development as evidenced by the petition bearing more than 8 000 signatures; ...

I think that Hon Lynn MacLaren has in fact got a lot more signatures than that.

Hon Lynn MacLaren: Yes, on a previous petition there were 2 000 signatures, so I totalled them up to 10 000 in my remarks.

Hon SALLY TALBOT: Over 10 000 people have signed this petition. I am sure Hon Phil Edman is very familiar with the terms of this petition. There are seven key points and 10 000 people have signed a petition to look at these seven key points that encapsulate their opposition to this proposal. Because I am fairly confident Hon Phil Edman will stand up in a moment to oppose Hon Lynn MacLaren's motion for reasons that he supports the marina, which is a bit different from the argument I am putting forward, I want to lay out some information for him to consider about why people might not be happy just to take his endorsement of the project at face value and say it must be okay because Hon Phil Edman is a member of a government that really, really gets the issue of marine protection.

The government has shown over and over again that it does not understand the issue. Over and over again when the issue of protecting an area like Mangles Bay comes up, the government fails dismally. It fails spectacularly and we end up having to remediate major environmental damage. This is upsetting the community—the 10 000 people who signed this petition and the many thousands of people in Western Australia who have grave reservations about this project going ahead but have not signed the petition. To illustrate that this government does not understand what environmental protection is about, particularly when it comes to the marine environment, I will quote Hon Troy Buswell, the Minister for Fisheries. An article in *The Weekend West* on Saturday, 3 August, reported that at the Western Australian Fishing Industry Council awards night a couple of weeks ago he said —

“I love marine parks,” ...

But —

“I have no idea what they do.

When I read that, I thought he had actually trumped Hon Donna Faragher —

“Every time someone says to me, ‘We need a marine park’, I say ‘What’s it going to do?’

I am still quoting Hon Troy Buswell.

Hon Peter Collier: That was tongue-in-cheek.

Hon SALLY TALBOT: I am quoting Hon Troy Buswell as he was quoted by Paul Murray in *The Weekend West* on Saturday, 3 August. I have seen no explanation by the Minister for Fisheries for those comments so I assume he meant to say what he was reported to say. In the article he goes on —

“In the Kimberley we have a marine park in Camden Sound to protect whales which are already protected.”

Mr Buswell said marine parks were driven by a small, select group of people: “We don’t have to mention them by name. We all know who they are.”

That sounds like a veiled threat to me. The problem is that when Mr Buswell makes those comments, tongue-in-cheek or not, for goodness sake, the man is a minister of the Crown. When he stands at a public function and says, “Every time someone says a marine park, I say what’s it going to do” or “I love marine parks; I have no idea what they do”, he is showing that he is out of touch even with the audience he is talking to at WAFIC. WAFIC understands exactly what marine parks do.

A couple of years ago the whole State Parliamentary Labor Party was in Cervantes for a couple of days of professional development. We walked into the bowling club for dinner. Of course, when I walked into that bowling club for dinner I was not inconspicuous because I walked in with the man I am married to who happens to be the ex-Minister for Fisheries and is somewhat conspicuous.

Hon Nick Goiran: I am just thinking about the relevance here.

Extract from Hansard

[COUNCIL — Wednesday, 7 August 2013]

p2840d-2855a

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen Morton; Hon Kate Doust

Hon SALLY TALBOT: I am explaining to the government how wrong it gets it when it talks about planning for the marine environment, which is the substance of at least the first part of the motion moved by Hon Lynn MacLaren. As I have already said, the second part of the motion will be addressed by Hon Kate Doust.

When we walked into the Cervantes Bowling Club, everybody came up to the former Minister for Fisheries and said, “You are the bastard who put in the marine park off Cervantes.” So we had some Cervantes Bowling Club banter about this and we got some nice fish and chips and had a great evening. At the end of the night the same people came back to our table and said, “Well, actually, we were only having a go at you because we now catch more fish than we have ever caught before, so thank God for the marine park.” That is what they said. All the recreational and commercial fishers in the area recognise the benefits from having a marine park off Cervantes. That is what marine parks are about. In relation to Mangles Bay, if the Minister for Fisheries does not get it, and successive ministers for the environment do not get it, we are in danger of the new Minister for Environment not getting it either, and the Minister for Planning not being prepared to get involved and say, “Hold on, hold on. Let us have a look at the reports”. Hon Lynn MacLaren referred to the climate change report that was released only today. Honourable members should read it. It says that major events like Hurricane Katrina are now the norm, not the exception. Almost every indicator of measurement that is taken on climate—ocean temperature, rainfall and that sort of thing—is showing the effects of climate change. The recommendation that has come out today is that we should look very carefully at our coastal planning processes because what we do now will not work if these changes go ahead at the speed at which they are now being measured. It looks as though the entire government is deaf to the evidence around it about how we should carry out marine planning.

This motion was moved in good faith. Although to a large extent the Labor opposition is on the same page as the Greens when it comes to expressing these concerns, we will not support the motion because we have not completely lost our confidence in the fact that this state’s environmental assessment process will eventually have the rigour to withstand the onslaught that it is subject to under the Barnett government. We must retain that faith in the system because if we do not, what do we have in its place? The government is happy to dance around on the stage to industry’s tune about cutting red and green tape and all that sort of thing, yet the government is blind to the fact that unless we can re-establish confidence in existing processes, none of that red-tape cutting will have any effect. It will not speed up processes because, as we pointed out in several previous debates about red-tape cutting, if we remove processes from the beginning of the system they stack up at the end of the system and the proponents will have extremely expensive and lengthy delays to their projects. It will certainly not achieve better environmental outcomes because corners will be cut and irreversible damage done, or, even if it turns out to be reversible, it will take many years and millions of dollars to get ourselves out of a state that we should never have been put in in the first place.

HON PHIL EDMAN (South Metropolitan) [3.27 pm]: I will start with a bit about the history of where this project has come from and how it has now developed into an inland marina project. In 1985, John Holland wanted to build a marina off the causeway and in that report it had to do some environmental or feasibility studies. I will just refer to commercial crabbing when I talk about one of the things that happened in Cockburn Sound. Back in the 1970s, or probably at the beginning of the 1980s, commercial crabbers were catching in excess of 80 tonnes a year. That figure decreased quite quickly. When John Holland put out a report about wanting to build a marina in Mangles Bay, commercial crabbing decreased to two tonnes a year. More than 80 per cent of seagrass was damaged or destroyed because of industry and all the nitrogen and phosphorous that was pushed into the sound. This is when the issue of the health of the sound became quite serious. In 1992 the then department—marine and harbours I think it was called—put another proposal forward for a marina in Mangles Bay that was quite near Boundary Road and closer to Palm Beach jetty, but because of the significant loss of seagrass and the fact it was such a sensitive topic as a result of what had been lost through damage to the sound, that project did not get up. The Court Liberal government back in 1997 came up with the concept of an inland marina in Mangles Bay, mainly because the Liberal government at the time was also sensitive and understood the issues in relation to seagrass.

My involvement in this project goes back to 2003 when we had a horrific storm come from the north. I was not a member of the Liberal Party; I was not politically engaged. I was driving home that night and some 20 to 30 boats had broken from their moorings; and we had boats virtually on the road—the Esplanade. The storm passed the next morning and it had not only done some irreversible damage along our coastline, but also, most importantly, reinforced everybody’s views down where I live that a marina or a safe haven was badly needed in Rockingham. At that time, the federal member for Brand was Hon Kim Beazley and the member for Rockingham was and still is Mark McGowan. One of the ideas that came from many of us in the community who were pulling the boats off the shore to try to put them back in the marina and clean up the damage, because it was just so huge —

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen Morton; Hon Kate Doust

Hon Liz Behjat: I saw your photo in the paper.

Hon PHIL EDMAN: The member did? I would have been a lot younger then!

We said, “Why don’t we get an action group together? Why don’t we get something to go and lobby the governments of the day in order to get some support down here for this project?” That started what was called the Rockingham marina action group. Five of us put in for that and one of our members was a member of the Labor Party, so it was not a Liberal-run action group. Some 20 000 people wanted to support us and the fact that we needed a marina or safe haven in that area. I became the spokesperson for that group.

One of the very first things I did was knock on the door of the member for Rockingham, Mark McGowan—his office was in the shopping centre in those days—and ask for his support for this project. I could not get a meeting with the member for Brand back then, so our group decided that it would write to Kim Beazley and ask for his support. It must have been the *TV Week* awards and Kim Beazley was on there talking about how much he was there for his electorate. I was disappointed that the Rockingham marina action group had written a letter to Kim Beazley and had been waiting some two months to get a reply to that letter and it never happened. The community was so upset that we did not get a letter back from our member for Brand, Hon Kim Beazley, that we decided to send it to the public fax number of the then Prime Minister of Australia, Hon John Howard. To my disbelief, I got a phone call from the Prime Minister’s office saying that we might be able to get some help to kick this project up through what was then called the Regional Partnerships program. I got educated about Regional Partnerships and then went and saw the City of Rockingham, obviously with permission from the committee, to see whether the City of Rockingham would put in an application for funds to start a feasibility study for the Mangles Bay marina.

At that stage we decided to engage also with the opposition of the time. The Leader of the Opposition was Hon Colin Barnett. The very first time I met our Premier, the then Leader of the Opposition, was on the beach at Mangles Bay. The other person I met for the very first time that day was Hon Simon O’Brien. I will always remember Simon because he had these funny sideburns—that sort of look. His signature mark was those amazing sideburns. I have a photo of Hon Simon O’Brien, the now Premier and me. But I was not a member of the Liberal Party. I wanted to use both sides to get this project up and running. Time went by and we still had no response from Kim Beazley to the letter we sent. I was becoming greater friends with Hon Simon O’Brien and making more contacts within the Liberal Party. I decided that maybe it was time for me to join the Liberal Party because I just was not getting anywhere with our federal member for Brand.

The City of Rockingham put in an application for \$250 000 through Regional Partnerships and guess what? We got it; the money came down. I remember Hon Chris Ellison came down to the City of Rockingham to the Cruising Yacht Club and presented that cheque. Straightaway once that was approved, Mark McGowan came down with another cheque from then Premier Geoff Gallop for another \$200 000-odd. That was fantastic; it was excellent. Still at this point we had not received any communication from the member for Brand. This all got into the paper and it was starting to escalate when, finally, the member for Brand invited me into his office. I thought, “You beauty” and we brought in the plans for this inland marina. The member sat us down in his lounge and we had a cup of tea and some scones and looked at the plan. I said to Kim, “Look, you’ve got to support this. We can get money through Regional Partnerships.” The member for Brand said to me, “No, you can’t because you’re not regional.” I said, “The Prime Minister said that we can”—this is what clicked in my brain—and he said, “Really? Get it all done and bring it back to me and I’ll endorse it for you.” That is when I snapped. I thought, “You’ve got to be kidding me!” So I became more active in the Liberal Party and, basically, before I knew it I was on a plane. I flew over to meet John Howard and one of his ideas was, “Maybe you should think about running against the member for Brand if you’re that passionate about the area and you’re that upset that you think the representation is just so lousy.” So I did. It was a safe Labor seat. I lobbied purely on the basis of more facilities and amenities. One of the main reasons for that was we wanted to get this safe haven, this marina, in Mangles Bay. On election night back in October 2004, there was a 16 per cent primary vote gain and Brand became a marginal seat. It was not because of me; it was because the community was sick and tired that the federal member of the Labor Party—Mark McGowan did put some money into it—was basically neglecting that seat and that issue. As I stand here in Parliament as a member of this great place, which is a privilege, I wish I had brought the letter with me. I have never, ever had a reply. To this date I have never had a reply from Kim Beazley. When I see him, I am going to ask, “Are you ever going to reply to this letter, Kim?” It will probably be if we have a coffee down at the new marina in Mangles Bay when it happens!

Anyway, when the Labor Party was in power under Geoff Gallop and Alan Carpenter, there was the Rockingham Kwinana Development Office, which was actually an initiative brought in by the Labor Party. Mark McGowan was the chairman of the Rockingham Kwinana Development Office and one of its major projects was the Mangles Bay marina, so we would like to think that Mark was championing the cause and

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen Morton; Hon Kate Doust

trying to get the project through. Unfortunately, the feasibility study had finished and the government at that time was not prepared to do any more until our government got into power. And so it starts again.

There is an issue and I understand what Hon Sally Talbot is talking about with seagrass. Dr Des Lord proved that seagrass could be regrown. Murdoch University has proved that seagrass can be regrown. We have only to look at the environmental moorings put in place at not only Rottnest Island but also Mangles Bay. The seagrass is growing back. That is another valuable point: if this marina goes ahead—I say “if” because it has not been ticked off by the minister yet; he has not made his decision—and a lot of those boats left the moorings and came into the marina, we would regain probably 2.5 hectares of seagrass.

As to the petition, Hon Lynn MacLaren—I cannot say I did this because members know I was on holidays for a couple of weeks up north—my office certainly went through 8 147 of the 10 000 signatures. I am saying this not because I want to have a go, Hon Lynn MacLaren, but I wanted to point out that of those 8 147 signatures, 1 871 were from people who live outside the electorate, 2 005 signatures were from people who do not even live in the South Metropolitan Region, there were 34 international signatures, 93 signatures were from interstate people, and more than 400 were invalid. Despite that, if we look at the area closest to the marina, people from there signed that petition. I do not say that everybody in that area is happy about having a marina there; I have never, ever said that. I respect that minority who have some concern about that project, I really do, but there were signatures from nine people who live in Point Peron, 791 from Rockingham, and 491 from Shoalwater. That was out of 8 147 signatures; I would love to analyse the other couple of thousand. It was amazing that there were signatures from France and Scotland—Hon Nick Goiran would like that! There were two signatures from France, 21 from the United Kingdom, and 49 from New South Wales. Maybe those people were there for a holiday, and I hope they were because it is an amazing place. I just wanted to highlight that not all those signatures are from the project area; they are widespread.

Hon Lynn MacLaren: That is right.

Hon PHIL EDMAN: Even from outside the South Metropolitan Region.

Hon Lynn MacLaren said that the recreational boating facilities study stated there would be 55 957 boats in Western Australia by 2012, and at the time I took the member’s word for that. She also said that it was predicted that there would be 84 857 boats by 2025. The member went on to ask whether we are on target to meet the projections, and whether we really needed this marina, which is a fair ask. We did a bit of study as well during the winter recess, Hon Lynn MacLaren, and in December 2012 there were 95 580 registered vessels in Western Australia; almost double —

Hon Lynn MacLaren: Is that statewide?

Hon PHIL EDMAN: Predicted; yes.

On page 11 of that recreational boating facilities study that was done under the Labor government, the recommendation was in favour of Mangles Bay Marina, and that was not even done on our watch. Hon Lynn MacLaren also found it interesting that the report did not include Mandurah; that is because Mandurah is included in the Peel recreational boating facilities guide. In relation to Mandurah Ocean Marina, I could be wrong but Hon Lynn MacLaren also made reference to there being a marina just down the road, so I checked out the figures on that, too. There are no vacancies in the Mary Street part, the south harbour has no vacancies, and in the main marina there is probably 10 per cent availability. That is fact.

Hon Lynn MacLaren also spoke about the graceful sun moth. I did not want to rudely interject when the member spoke in June, but I did ask whether it had been deleted from the endangered species category; it was, on 18 May 2013. Also, the Environmental Protection Authority has given approval to the development, subject to a long list of conditions. So it is not like it has been approved and the developers can just go ahead and do it; the approval is subject to conditions.

I pause here for a moment to reflect and say that I think the majority of the Rockingham community want a marina at Mangles Bay. A couple of months ago, the City of Rockingham voted to support the marina at Mangles Bay. These councillors are directly elected representatives of the Rockingham community, so I place great weight on their support. Councillors have to look at indicators to make sure they are doing what they are elected to do. The Rockingham Kwinana Chamber of Commerce has again recently given strong public backing to this project. The local boating clubs have also given strong backing for this marina. Rockingham council, the Chamber of Commerce and the local boating club representatives are all democratically elected by members of the Rockingham local community; they represent my community, and they all support Mangles Bay Marina.

But I am a politician, and for me the key indicator is how people vote. In the recent state election the Greens (WA) specifically and vigorously campaigned in Rockingham against this project. It was the Greens’ number one issue when they sought the support of the people of Rockingham.

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen Morton; Hon Kate Doust

Hon Nick Goiran: How did they go?

Hon PHIL EDMAN: What was the outcome? That is right. The outcome was that the Greens vote plummeted from 13 per cent in the 2008 election to 6.1 per cent in 2013. The only issue they were campaigning on as they were handing out the how-to-vote cards was Mangles Bay Marina.

What is on the site of this project now? There is some degraded land and some of these old, asbestos-ridden shacks. Jeez, members cannot tell me that that is a great place for families—I would love to know whether they are paying rates as well, but that is an argument for another day. The facilities that the Mangles Bay Fishing Club and the Cruising Yacht Club have are just wrong. The way those boats have been cleaned and what they are using at the moment for antifouling is not right; something needs to change down there. Those facilities date back probably past the 1960s, so something needs to be done. I live on Lake Richmond, and it is very disheartening to see shopping trolleys and the rubbish in the lake from the Water Corporation drains. Something needs to be done about that by either the council or the environmental centre; maybe they need a hand, but we cannot leave it like that because it is not good for the thrombolites.

Hon Lynn MacLaren: Why not the local member?

Hon PHIL EDMAN: The local member? Let us all get together, Lynn, and we will go down there for a big clean-up day. The member can lead it, and I will come down in my ugg boots.

Several members interjected.

Hon PHIL EDMAN: Whatever they are called—wellies or whatever!

Hon Simon O'Brien: You can invite Hon Sally Talbot down to make her inaugural visit to Rockingham!

Hon PHIL EDMAN: That is a good idea, Hon Simon O'Brien. I will maybe shout her lunch as well, which I have already invited her to!

Several members interjected.

The DEPUTY PRESIDENT (Hon Stephen Dawson): Order, members. Hon Phil Edman has the call.

Hon PHIL EDMAN: In relation to the environment, I am also on record saying the same as the member for Rockingham: if this project does not environmentally stack up, then we are not going to support it. If this project is going to kill all the thrombolites, fish, turtles and everything in there, I will be against it. Only the other night we had a long-neck turtle actually walk into our yard. It was an exciting time, but we put it back into the lake. There are a lot of species in there.

Hon Liz Behjat interjected.

Hon PHIL EDMAN: No.

It has to be environmentally sustainable, and it has to be environmentally acceptable. I am very confident that Cedar Woods will do an exceptional job looking after and building this marina. The work they have already put into the consultation with the public and the boating clubs is amazing. As I said last night, I have had a look at Geraldton marina, with which Cedar Woods was also involved, and some of the buildings around there.

One has only to look at some other projects that it has done as well. I sit back and I listen. If people have a problem and they are not happy with that project, I will get the calls, especially if Cedar Woods or LandCorp has done something wrong. I cannot really fault much yet—it has been fine—but I will be keeping an eye on the way that project rolls out.

Let us talk now about Point Peron, which is not Mangles Bay. It needs some work. There are weeds that have made it to the area and they need to be pulled out. There needs to be some revegetation. It is an amazing spot in Western Australia. There is a lot of history there, with the gun batteries from World War II and so forth, and an amazing view of the Shoalwater Islands Marine Park. But it needs some love and attention. Through this project, Cedar Woods will put some money towards that to rehabilitate that area. Hon Lynn MacLaren cannot tell me that that place does not need some money spent on it because it does.

In relation to facilities, it has already been said—I will not go over what has already been said in this debate—that affordable short-stay accommodation is needed, as well as a marine science centre for excellence. Rockingham Senior High School is one of the leading schools for maritime studies, but it does not have an area where the students can be on the waterfront. In fact, I had to ask the Rockingham Volunteer Sea Rescue Group whether it minded if we used one of its classrooms for a few months to get some of the students involved in marine studies. Murdoch University is based in Rockingham, too. The CSIRO is currently doing some work on Cockburn Sound and it is starting to get activated, which is excellent. So much is there from a science-based

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen Morton; Hon Kate Doust

perspective and also for our children's future that a marine science centre for excellence is begging to be located in that area. It is wanted and it will be well used.

Hon Darren West: You'll have to have a chat with the minister.

Hon PHIL EDMAN: The project has to get the tick-off first.

There will be restaurants and bars, and that will create more jobs, because people have to eat. This project will provide economic sustainability for that part of the region, which is very important. It is about growth. I am not saying that it is a threat to the environment. There is a lot more to this project than just having pens for some boaties to park their boats or to refuel them. This is a community project, and the community has been well informed. The feasibility study cost over half a million dollars. The Australian Labor Party provided half of that, as did the federal Libs at the time. Everybody had their input, and this desired model has now come up.

I have no problem whatsoever that Hon Lynn MacLaren wanted to raise this issue, because it has given me the opportunity to speak about the project and also to say how passionate I am about it. However, I want to summarise and finish with this point: if the project is not environmentally acceptable or sustainable and there are major problems—that is, it is going to kill the thrombolites or the seagrass is going to die or something else there will be a major problem, but I am not going to talk about the graceful sun moth—we need to look at it. However, so far I cannot see anything in front of me that suggests that this marina cannot be built, and be built to those very stringent environmental conditions.

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [3.53 pm]: I will make some comments about the environmental aspects of this motion. I will just run through some of the comments that I have here in front of me, but I know that they do not cover the last aspects of the information that Hon Lynn MacLaren, a member for South Metropolitan Region, was asking for about some specific areas. Unfortunately I did not have time to get that information for the member. That might be something she can ask about in question time or in some other way to get that information. What I wanted to say was that the proposal for the Mangles Bay marina-based tourist precinct was subject to formal environmental impact assessment by the Environmental Protection Authority under the provisions of the Environmental Protection Act 1986.

The environmental assessment process is an independent and transparent process that requires proponents to demonstrate how their project can be undertaken in an environmentally acceptable manner. The Environmental Protection Act only provides for environmental factors, not social or economic factors, to be considered during the assessment process. However, the Environmental Protection Authority does consider a number of principles, including that of intergenerational equity.

The public was provided with opportunities for input into that process. Public submissions were received by the Environmental Protection Authority on both the draft environmental scoping document and the public environmental review document. Two hundred and sixty-two submissions were received by the Environmental Protection Authority on the proponent's public environmental review document. The majority of the submissions received either objected to the proposal and/or raised significant environmental and social concerns.

The Environmental Protection Authority released its report and recommendations on the proposal on 29 April 2013—that is report 1471. This report concluded that the proposal can be managed to meet the Environmental Protection Authority's environmental objectives and recommended that a number of strict environmental conditions be imposed on the development. In reaching its conclusion, the Environmental Protection Authority considered the potential impacts of the proposal on the environmental values of the area, which included marine environmental quality, benthic habitat, marine fauna, terrestrial flora and fauna, and Lake Richmond.

Eighteen appeals received in objection to the Environmental Protection Authority's report are being investigated by the Office of the Appeals Convenor. Once the Appeals Convenor's investigation and report have been finalised, the Minister for Environment will be in a position to determine the appeals. Following the determination of the appeals, the minister will also undertake consultation with relevant decision-making authorities, as required by section 45(1) of the Environmental Protection Act, about whether the proposal should be implemented; and, if so, the conditions to which the implementation should be subject. It is important that the environmental assessment process is run in an impartial manner and the issues are considered on their merit.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [3.57 pm]: I rise to make some comments on the motion that has been moved by Hon Lynn MacLaren mainly as a member for South Metropolitan Region. I thank her for moving this motion. It is not often that we get an opportunity to debate an issue such as Mangles Bay or Point Peron. For me personally, it is an issue that is very close to my heart, having spent my teenage years growing up across the road from Point Peron. Some members of my family still live in that area, and other members of my family have lived within a block of Point Peron for more than 80 years. So it is an area that I claim to know reasonably well.

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen Morton; Hon Kate Doust

As a teenager, prior to leaving home to go to university in 1980, I spent a lot of my recreational time in and around Point Peron because, let us face it, back in the 1980s, as I have already alluded to, there was not a lot to do elsewhere in Rockingham. Rockingham was a great place for sailing. I used to go off the coast there with my friends in their surf cat. We used to go running up to the point and clamber around the rocks. In fact, we engaged in a range of other activities in and around Point Peron. My siblings were very active there in the Australian Navy Cadets, which operates just next to the causeway in Point Peron. It is an area that I have what I think is a reasonably good on-the-ground knowledge of. Since I have been in Parliament, it is also an issue that has been bobbing up and down, depending upon who has been in government and where this idea to redevelop that area has been tracking.

So that everyone is clear about it, I also put on the record that my mother, Esther Grogan, has been a key activist on the Preserve Point Peron group. My mother, once she is fired up and involved, is fully engaged. I will say, however, I do not agree with my mother on everything. I had to point this out to Cedar Woods when I met with them recently, because as soon as I walked through the door, they said, “Oh, you are Esther’s girl,” and I replied, “Yes, but it doesn’t mean I agree with her on everything.” I just had to set the scene.

It is a difficult issue. I agree with Hon Phil Edman on some points and disagree with him on others, and I will go through those. I also note his comments about the bad weather in 2003 and the boats getting mashed up on the shore. I remember cyclone Alby in the late 1970s. Boats used to be harboured in town at the Cruising Yacht Club and after cyclone Alby went through, the whole of that coastline changed significantly. People could no longer lie on the beach because the beach became part of the hill. At that point, the smaller craft were transferred to the safer harbour at Mangles Bay, a lot of people moved the club down, and an enclosure was established for boats to be housed there. Prior to cyclone Alby, the area around Mangles Bay did not have the population it has now and it certainly did not have as many boats as it has currently; that has increased over the years.

Hon Phil Edman: What year was that?

Hon KATE DOUST: It was about 1978 or 1979. I know it was towards the last years of my schooling, so it may have been when I was in year 11 or 12. I cannot remember the actual year, but I am sure it was 1978–79. However, I do know that it was at about that time that significant changes occurred in boat traffic there, because before that time the beach was virtually empty, which was a blessing, and people could go sailing from that part of Point Peron and there was not much traffic on the water.

Point Peron is a place of historical significance, not only for the Indigenous community, but also as a place for European settlement in WA. I refer members to the 2006 Standing Committee on Environment and Public Affairs report in which there is reference to Captain James Stirling, who read the official proclamation on Garden Island in 1829. Mention is also made of Nicolas Baudin, of whom the President of this chamber is a particular aficionado. There are a number of significant references in our history that pertain to that part of our state. I am pleased to see Hon Robin McSweeney in the chamber today, because she was a part of that 2006 Standing Committee on Environment and Public Affairs inquiry, which provided a number of recommendations to the government and were unanimously agreed to by committee members. My good friend Hon Bruce Donaldson was also a member of that committee. All of us had a range of concerns, particularly about the environmental impacts of the initial design of the canal and marina development for that area at that time, and its impact on Lake Richmond. The government of the day accepted a number of the committee’s recommendations and injected funding into research and assessments of the area.

In 2006 that committee also recommended alternative sites be investigated. The Wanliss Street site was the preferred option of the committee because it had much deeper water, its access was attractive and there was less potential for environmental damage in that part of Rockingham. Unfortunately, the proponent of that project—I cannot remember its name—struck some financial difficulties.

Hon Phil Edman: It was Devex.

Hon KATE DOUST: Devex, was it? That project did not proceed, and there has been no indication that will ever come up again. The committee worked diligently over a period of time and left the door open for other proposals, because it knew the proposal for significant change in that area would not happen overnight. It was a change that would take not several years but perhaps 20 or 30 years. This issue has been around for decades. The committee left the door open. The committee was of the view that, once the government had responded to the recommendations and hopefully had taken action, if anyone wanted to reopen the inquiry, and if another petition was presented at a later stage calling on the government to look at particular aspects of the matters involved in developing a marina or a canal project, that should be able to occur.

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen Morton; Hon Kate Doust

The petition tabled by Hon Giz Watson at that time had over 2 000 signatures. I do not think that the Standing Committee on Environment and Public Affairs questioned those signatures. I was interested to hear Hon Ken Baston and Hon Phil Edman talk today about their analysis of the signatures and where people lived. I thought that was amusing. Sometimes when people have nothing else to talk about, they criticise the detail. The house has discussed this matter on a range of petitions. I have even raised with the Clerk the tabling of a petition written in French. I challenged the veracity of that petition and received an appropriate ruling. It does not matter where people who sign a petition live. It is enough that they have thought seriously and are concerned about the matters couched in the petition to sign it. Getting people to sign petitions is hard work. We have been through that exercise over the last couple of years with the Elizabeth Quay petition. I do not think that too many of the 14 000 people who signed the Elizabeth Quay petition lived around The Esplanade. If they had, that would have probably negated the petition.

It is really good that people from all around the state are interested in the future use of Point Peron and have signed a petition. It is great they want the government to think about what is done in that area. I am disappointed that members would attack individuals who sign a petition, because I do not think that is relevant to the discussion on what should happen with Point Peron. I know that petition has been automatically referred to the Standing Committee on Environment and Public Affairs, and I do not know whether that committee will make a decision to conduct any further inquiries into the matters outlined by Hon Lynn MacLaren in that petition. That is up to that committee. However, I would think that if it did not do that on this occasion, as we get closer to final decisions being made I am sure this will not be the end of it. I am sure other petitions will be tabled in this house identifying particular aspects of the proposal on which at some point the government will have to make a decision. What we have seen here is simply the petition process working. I hope it continues to work in that way, as I think it is a healthy way for people to voice their interest or their concern about a particular issue. I know that the more than 2 000 people who signed that petition back in 2005–06 would have received some degree of satisfaction that as a result of raising that concern and being prepared to sign that petition, the committee was able to raise matters with the government and the government was then encouraged to take some action, which it did. I think that is very healthy and I hope that we see more of that.

Coming to the first part of the member's motion, it is important to note petitions that people have signed. Yesterday, at the rally for the Community and Public Sector Union–Civil Service Association of WA more than 6 000 people signed a petition to raise their concerns with the state government about the potential loss of jobs in the public sector. I think it is important that people use that mechanism to draw an issue to the government's attention. I am not too sure how they will go with that petition, as they do not have the capacity to refer it to that very wonderful upper house parliamentary committee, the Standing Committee on Environment and Public Affairs. I am sure Hon Simon O'Brien as the chair would be very keen to have an opportunity to inquire into matters associated with redundancies in the public sector. However, I will come back and talk about Point Peron.

I have always been a bit concerned about this proposal. I went to the very first meetings that were held in the Rockingham council premises. I cannot even tell members the year now, but I can say that it was very early on in my time as a member of this place, that there were a few hundred people at the very first meeting I attended and that the initial drawings shown to people caused an uproar. People were very upset. I do not think Hon Phil Edman was a member of the council at the time.

Hon Phil Edman: Which year was that?

Hon KATE DOUST: I cannot tell him. It was very early on after I was elected a member, so it was the early 2000s.

I remember watching and listening to the shock that people showed at that time about such an invasive proposal. The idea that Point Peron would have a physical inlet carved into the land and housing built on it was such a foreign idea to people. Over time a series of modifications have been made to the plan. I must say that I personally still have concerns about the idea of cutting into the point. I listened carefully to my colleague Hon Sally Talbot talk about the environmental aspects associated with creating that inland marina and I share her concerns. When I met with Cedar Woods in June 2012, which showed me the latest incarnation, some of my concerns had been allayed. It has pushed back the initial proposal slightly from Lake Richmond. I note that a lot of the camp sites at Point Peron were very significant. It was one of the few places where low-income families were able to book a holiday and go away. Prior to my family's move to Rockingham in 1975 we had a fantastic holiday at the Australia Post camp in Point Peron. For a lot of families who could not afford to travel east or overseas or even down south and, let us face it, these days probably could not afford to go to Rottnest Island, Point Peron provided a really affordable, viable option.

Debate interrupted, pursuant to standing orders.

Extract from *Hansard*

[COUNCIL — Wednesday, 7 August 2013]

p2840d-2855a

Hon Lynn MacLaren; Hon Ken Baston; Hon Dr Sally Talbot; Hon Phil Edman; Deputy President; Hon Helen
Morton; Hon Kate Doust

[Continued on page 2865.]

Sitting suspended from 4.15 to 4.30 pm