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12th December 2018

Mr Andrew Sharpe
CEO
City of Albany

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Attention: Andrew Sharpe

Dear Mr Sharpe,

RE: Warriup Swamp/Lake Mullocullup and proposal for water skiing gazettal

We write to you in relation to the proposal to gazette the Lake Mullocullup site for approved use by water skiers and motor boating. *Would you please formally acknowledge receipt of this letter in Council minutes?*

The Albany Community Environment Centre Inc. (ACEC) consists of around 25 active financial members and an even broader base of affiliate community groups and partner organisations. We are a not-for-profit community based association, who advocate and educate on matters relating to protection of our environment and developing more sustainable communities and economies.

Our community work has spanned almost 25 years and includes revegetation, restoration, landscaping, mulching and weeding of the Yakamia Creek Project/Friends of Yakamia Creek in conjunction with local government and state government, as well as implementing the first co-mingled recycling bins for a Great Southern Shopping Precinct, at North Road Shopping Centre with our recent Waste Authority Grant.

Executive Summary

Our top 8 considerations we request you consider in relation to the gazettal issue are as follows:

1. Prior to any proposal for gazettal, an environmental, ecological and water quality monitoring and reporting period of 12 months should be approved, implemented and jointly funded by the City of Albany and the Department of transport (see recent Minutes of local council meeting (DIS123) setting aside readily available budget funding for monitoring reports and signage (total \$23,000). This is because without baseline studies and control lake studies, impact monitoring would be less effective if gazettal occurred immediately.
2. The City of Albany should consider **introducing by-laws and fines** to deter unauthorised access of the Lake, and any revenue raised should be placed into the above monitoring plan. The narrow access to site, the risk of the generally shallow lake and tree-lined shore makes it unacceptable to gazette for water-skiing and motor boating.
3. Any ongoing management and stewardship of the Lake should involve stakeholders in an **environmental management plan (EMP)** including ACEC members, local community members and scientists, landholders and indigenous interests.
4. Access to the Lake is by the **one fire track and this deters “multiple users”** at the site as any water skiers would dominate the shoreline and quiet enjoyment of the Lake at any given time, unlike other more peaceful use of the lake for canoeing and picnicking. There is significant community opposition to the gazettal proposal to allow for water skiing and this should be weighed up against the small group of local farmers wanting to continue their unauthorised water skiing on the Lake.
5. If gazettal does proceed, further consultation should occur if any ground is disturbed, given the relevance and **importance of s 18 of the Aboriginal Heritage Act** provisions (for example, we understand disturbance of site could include placement of signage and buoys or markers in the waterbody, boat ramps, erection of toilets or facilities or carving out an alternative access track. Consultation and other matters required under the relevant Act (including a Noongar Standard Heritage Agreement should be adhered to and budgeted for.
6. **Conditions** to be **attached to any permits** for water skiing and motor boating, or conditions relating to the gazettal should include:
 - Strict prohibition of motor boats and water skiing at fish, turtle and **bird breeding seasons**;
 - Other conditions to support ecological health of ecosystem of the Lake;

- Time limit on any permit allowing water skiing to allow the government to withdraw permission to use the Lake for same purpose if Lake health is negatively impacted in association with the gazettal.
7. Joint management of the Lake should include indigenous members of our community and utilised through the **Ranger program** that has recently been introduced by government and is in the development stages, as well as Gondwana's wetlands capability project.
 8. **Whole of ecosystem approach** to considering monitoring control sites, and other impacted freshwater systems should be embraced by the ongoing research and review in the management of the Lake funded by any permit system that allows for water skiing and utilises citizen scientists as legitimate data collectors with appropriate training and support. We support a targeted education campaign and active management to reduce impacts from nutrient run-off from surrounding farms and broader land management issues that feed the **blue-green algae problem** at the Lake in late summer. This issue should be addressed as part of the EMS and ongoing research, so that the lake's fragile health and resilience be considered and actively responded to in the context of compounding negative impacts on the Lake's ecological health from water-skiing and motor boats.

We set out our detailed objections and synthesis report below.

Economic considerations

Safety is an economic risk for the Department of Transport, Local Government and an insurance risk. With reports of water-levels being obtained during high water depth periods (mid-winter) and very few sites in the waterbody being over 3m deep (safe area) we argue that this issue needs further consideration before gazetting the Lake for water-skiing. Please refer to information on water depths in the objections by Dale Roberts. A recent expedition to the Lake led by indigenous elder Carol Pettersen and over 20 families and community members found only 2 places with over 2m in depth.

The economic cost of disturbing another freshwater wetland and the unquantified cost of losing breeding sites potentially for birds and turtles should be weighed up against benefiting the social desire for water-skiing of a small section of the human community. Our wetlands are the heart and soul of our ecosystem: freshwater is vital to all living systems, and particularly the south-west of WA. We are experiencing loss and degradation of our freshwater swamps and lakes all across the globe, and WA has a huge history of this destruction and lack of ecological sensitivity and appreciation. Therefore, given the increasing drying climate, we need to adopt precautionary measures before negatively impacting our environment further. For

example: what do we know of the Lake's resilience to climate change and water-skiing impacts?

We need to have ongoing monitoring budgets to maintain wetland health or have any chance of limiting the impact to the Lake.

The cost of policing any unauthorised use of the Lake once gazettal has occurred is also an ongoing budgeting constraint. The Lake is over 1 hour's drive from Albany, and any real "oversight" or adequate "response times" is surely lacking. There is a history of dangerous and bad behaviour by water skiers and motor boaters in the past. Again, the City of Albany and Department of Transport should weigh up the risk to safety and the associated cost in the case of a terrible disaster. (Perhaps fines for unlawful access to the Lake could assist in raising revenue to manage the Lake's health.)

Dr Myles Mitchell's report on Aboriginal Heritage & Consultation 2018 detailed the need for further consultation with Aboriginal people before any impact on the Lake is proposed to be authorised. The costs of further consultation should be considered.

Interpretive signage, indigenous significance signage and education signage should be integral to any increase of use of the Lake. The budget for this signage should be considered, with adequate consultation and research for community-engaged signage.

Camping and access to the Lake as well as amenities as toilets and picnic tables should be considered and weighed up in any budget constraints on broadening the current use of the Lake for conservation and quiet enjoyment. Bringing more people on site with a gazettal means these amenity considerations should be realistically budgeted for, perhaps over a staggered period. The evidence demonstrates that littering and fires is a problem with a disregard for caring for the environment with no oversight or regulation of use of the site.

Ecological considerations

Please refer to the other reports noted below (particularly CENRM report which states further monitoring and reporting is required) and other objection letters addressed to the Department from Basil Schur, Green Skills and Dale Roberts.

Regarding bird species and reliance on the Lake – out of 3 lakes in the vicinity, this Lake Mullocullup supports a threatened species, the Carnaby cockatoo, and boasts to be the lake with the largest number of birdlife as compared to the other local lakes in the vicinity (Anne Bondin report).

In summary, we do not think the ecological impacts are properly understood so further research is required. Freshwater lake systems are notoriously under researched, and so it is illogical to rely on limited reports of the health and resilience of the Lake.

In the meantime, during a precautionary monitoring and reporting period for 12 months, the community has sufficient already-existing water-skiing areas for the community's enjoyment.

Social, Cultural, Health and Safety Considerations

What is a Lake worth? And what is one person's perspective on their "entitlement" to use the Lake for water-skiing?

How can we be so short sighted as to assume a Lake should be able to absorb the impact of water-skiing and fuel from motorboats and other associated damage?

The Lake is already impacted from farming and associated land management practices. Why not consider restoring the Lake from ongoing blue-green algae problems? The monitoring and research required needs a time without water-skiing for the results to be meaningful. Impact cannot be assessed otherwise.

Why should one group of people be allowed to water-ski when other people cannot enjoy the serenity while they are water-skiing?

Why cannot we re-train ourselves and our children to enjoy canoeing and bird watching and picnics? With a drying climate, fragile eco-systems like Lake Mullocullup need better care.

The "mental health" of some local farmers needs to be flexible such that they can acknowledge and decide to be "happy" to look at using their petrol to attend five (5) other already gazetted water-skiing locations in the Albany area, or simply attend the Lake for peaceful walking and picnicking. We note other landholders in the area are concerned for the Lake's ecological health.

The site has been accepted as an Aboriginal Heritage site (Site 37628) for good reasons. This should not be overlooked in any decision to gazette the area for water-skiing. It is argued these uses are not compatible. With limited access to the water's edge to engage in spiritual welcomes to the Lake and enjoying the natural beauty of the lake when water-skiers are about, means that motor boating conflicts in a major way with other uses at the Lake.

Report Synthesis Acknowledgement List

We trust you have access to and will consider the following relevant reports:

- a) Dr Myles Mitchell report on Aboriginal Heritage & Consultation 2018;
- b) Great Southern Institute of Technology – Mireembin Lake Ecology Report (Silvia Leighton) 2014;
- c) Anne Bondin Birds Australia Report 2008/Feb 2016 (Fauna report);
- d) CALM Report 1980;
- e) Centre of Excellence in NRM Report Sept 2018 Dr B Cook;
- f) Dr Dale Roberts report/objection letter addressed to you recently;

- g) Department of Water, Tracey Calvert 2008 report;
- h) ITC Fauna Survey Greenskills 2009;
- i) Correspondence to the Minister Rita Saffiotti, Minister Dawson from various community members and groups;
- j) Local Council minutes from relevant meetings involving the Lake.

If you would like a copy of any of the abovementioned reports, please contact us.

Conclusions

There is an outstanding issue of legal interpretation of permitted purpose of the Lake (Class C Nature Reserve) for camping, conservation of flora and fauna and stock water use under s 46 (1) of the *Land Administration Act 1997*. We do not consider water-skiing and motor boating to be a logical inclusion in this purpose, or an ancillary purpose (with consideration of relevant case law). We emphasise the Lake should be managed with a plan as detailed at s 49 (3) of that Act.

Thank you for considering our objections and briefing report. We trust you will value the community input into your decision-making, as we understand the difficult nature of weighing up competing factors.

If you would like to contact us to clarify anything in our correspondence, or have inquiries into what involvement the ACEC may have in the future of Lake Mullocullup's management and stewardship, please email albanycec@gmail.com or contact Committee member Lara Norman on 0412 358 987.

Kind Regards



David Rastrick on behalf of
ACEC Inc. Co-ordinating Committee