

**Friends of Mallacoota  
Far East Gippsland Boardriders  
Mallacoota Coast Action/ Coastcare**  
supported by ~  
**Mallacoota Surf Life Saving Club  
Melbourne Save Bastion Point Group  
Surfrider Foundation Australia  
Australian Conservation Foundation  
Victorian National Parks Association  
Save the Waves Coalition  
Friends of Gippsland Lakes  
Disabled Surfers Association**

## Save Bastion Point

*protect this coastal environment from inappropriate development*

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Save Bastion Point Campaign Update No. 15

6 June 2010

**\* POSITIVE OUTCOMES FROM SUPREME COURT HEARING \*  
\* LATEST ON DESIGN OF BOAT RAMP & BREAKWATER \* WHAT NEXT \***

### SUPREME COURT HEARING

The case *Friends of Mallacoota vs Minister for Planning* was held at the Supreme Court in Melbourne on 10th May. We were ably represented in court by barristers Richard Niall, Emily Porter, and Environment Defenders Office (EDO) solicitor, Elizabeth McKinnon. The argument of our case was that Minister Madden had not assessed the environment effects as required under the Environment Effects Act, but instead had delivered an opinion, and relied on irrelevant matters.

Unfortunately, the judgment went against the Friends, with Justice Osborn finding that Madden had acted within the legal bounds of his responsibility. This judgment confirms that our environmental law is not yet adequate to protect the environment, and can allow a Minister to go against his own Panel's "careful, fair and balanced evaluation."

**But all is not doom and gloom - far from it!**

Justice Osborn confirmed that Madden gave an assessment, NOT AN APPROVAL. An assessment is not binding on the ultimate decision maker, who in this case is Minister for Environment, Gavin Jennings, under the Coastal Management Act.

Justice Osborn, was not able to give a judgment on the merits of the assessment, however he did explicitly comment on the Panel's report as being careful, fair and balanced, and indicated some of his disquiet about the Minister's assessment.

Despite the judgment going against us, the Supreme Court challenge has been a valuable undertaking. It has raised the profile of the campaign significantly, and we have more grounds now to appeal to Jennings not to approve the proposed development. The judgment will make it more difficult for Minister Jennings to rubberstamp Madden's assessment.

Justice Osborn considered the debate an important one, and did not award costs against the Friends.

Thank you to all campaign supporters who showed solidarity and attended the hearing and judgment.

### INVITATION TO COMMUNITY MEETING

WHEN – Tues 8 June, 7pm arr for 7.15 start  
WHERE – MIVA (Mallacoota Health Centre)  
WHAT – Information sharing about the Court case, next steps in the process towards an alternative boat ramp development to the current proposal, and future campaign actions.

Please let others know that everyone is welcome.



Tim and Karl with their SAVE OUR SURBREAKS board on a day of huge swell at Bastion Point, photo by Janice Wright, 15 May 2010

## WHERE IS COUNCIL AT - CURRENT DESIGN

Mallacoota Ocean Access Boat Ramp Community Advisory Committee (MOABRCAC) met again on 17 May. The consultants presented the results of the breakwater design/strength testing from the wave tank at the University of Adelaide, and the draft design plans for the whole development. The detailed designs show how ill-considered the whole proposal is:

- Boats will need to reverse along a narrow channel between other boats, the jetty and rocks for some 35/40 metres before being able to turn around;
- The road on the beach will have a nearly 2 metre high rock batter on the ocean side;
- The carpark will be of the Kmart variety extending some 200mts from the first carpark/ lookout up to the second lookout with no vegetation screening between the carpark and road;
- Pedestrians wanting to access the end of Bastion Point beach will need to cross the road at the very point where boat trailers will be reversing, and then negotiate steps over the breakwater;
- Notional parking for non-boating beach users – are kids meant to cross the carpark among the boats?
- The design plans have major problems relating to safety, landscape, environmental and functional grounds.

The original requirement in the EES and the Planning Ministers recommendations of using sensitive landscape design to minimise the visual blight of the development *is non-existent.*

To use the Shire representative's words: "there's not much you can do to reduce the visual impact of a breakwater and boatramp"....not to mention the causeway road along the beach!

## WHERE TO NEXT FOR THE PROPOSAL?

Once finalised, the design plans along with an economic study will be submitted to the Shire Council by late June. Council will vote on whether to apply to Minister for Environment FOR APPROVAL of the proposed development.

## WHAT NEXT FOR OUR CAMPAIGN?

More than half the Shire Councillors have to date supported the proposed development. Before they vote on whether to apply to Jennings for his approval, we will need to convince them to vote against it. We will also need to lobby Minister Jennings not to approve the proposal. And among other things, we will need to seek support from all political parties. We need them ALL to know our message.

- Option 3b is not appropriate for this coast
- The community doesn't want it
- It isn't financially viable and we don't want to pay for it in any way, via taxes, rates or user-pays
- It's a potential death trap - why build a facility that is unsafe when safety concerns can be addressed in other ways
- A low-impact upgrade at the site of the existing boat ramp, without breakwaters, is more suitable. This is what the Panel recommended.

See our "What Can I Do?" page on the website menu bar for the LOBBY KIT and other actions.

We'll send further information out soon about more lobbying you can do – it really is very important that we all take action now!

Please don't hesitate to send us your lobbying and action ideas too!

## RECENT POLITICAL LOBBYING

### Meeting in Mallacoota with Shadow Minister for Planning

On 29 March more than 200 Mallacoota residents demonstrated to Matthew Guy their opposition to the proposed development. Guy met with Leo op den Brouw and Dave Huxtable to discuss the proposal. We are pleased the Liberal Party is interested in hearing our concerns and hope to see support for our cause from the Libs and other parties too.

Well done to everyone for turning up, especially the families and children.



Photo by Michael Raynor, 29 March 2010

### Letters and visits to politicians

Our letter writing to Councillors, local Members of Parliament, Ministers and other politicians is making an impact – we were told by one politician that every politician in the State now knows about Bastion Point! Some people have specifically made face to face visits for an even greater impact. Please keep up this lobby action.

### Postcards delivered to Jennings

On Wednesday 12 May, 1400 postcards were presented to the Minister for Environment and Climate Change, Gavin Jennings. Mallacoota artist Melinda Beacham had created an eye-catching display to present the cards. Beautifully crafted marine creatures were fixed atop bamboo poles, which were linked together by swathes of blue organza material and strings of postcards. Leo Op den Brouw formally addressed the Minister, who then spoke to the supporters present, answering their questions. Although the Minister did not commit to any position, he did indicate his awareness of the strong opposition to the proposal, and said he would give it his careful consideration.

Thanks to Melinda and all those who came to lend their support.



### PUBLICITY/ VISIBILITY

#### Markets

We had large numbers of both new and returning visitors to our market stall seeking news and information on Bastion Point. Our email/postal supporter base was further strengthened.

Thanks to all who helped in the tent, and particularly to all our supporters who departed saying "Good luck!" and "Keep up the fight – we love Bastion Point."

#### Media

We have been successful in getting some good media coverage over the past few months and essentially got our cause into the Melbourne public arena. This has included a segment on ABC Stateline programme, a half page spread in the Age, and many radio interviews on Melbourne, regional and interstate programmes. We have spoken at length and on numerous occasions to regional ABC, and have featured on a video on the ABC Gippsland website. As well, WIN television highlighted our postcard presentation to Gavin Jennings. Letters from supporters have also been printed in the Age and a number of regional papers. In addition, articles have featured in other media such as the VNPA magazine, Parkwatch, and the Patagonia international surf catalogue.

It is important to keep media's interest in the issue, so keep writing letters to the press whenever the opportunity arises.

### Website

The website is attracting an increasing number of visitors from Australia and around the world. There were over 4,000 unique visitors to the site over the last calendar year. There were close to 7,000 actual visits to the site, with 1,000 of those coming from overseas. Regions with the greatest hit rate are New Zealand, USA/Canada, Europe and South America.

Our maximum number of hits is 175 visits in one day and we got 173 after Helen Pitts article in The Age.

### FUNDRAISING

A Mallacoota event of note and one which contributed hugely towards covering the cost of the Supreme Court case was the "A Last Walk around Bastion Point" Photographic Exhibition and Auction at the Mudbrick in January. Norm Neilson, photographer extraordinaire from Metung, created beautiful photographs of Bastion Point and allowed them to be exhibited and auctioned. This evening was a great success financially, but also provided an opportunity for a coming together of those who feel so passionately about the proposed desecration of our special beach. Following the Mallacoota event, Norm produced more prints for exhibition and auction in Bairnsdale, and more again for those who wished to order later. In all, he produced 130 framed photographs allowing us to raise over \$17,000 for our cause! Our thanks go again to Norm and to Councillors Bill Gamble, Mendy Urie and Dick Ellis who gave us real practical support.

Thank you to everyone's tremendous generosity at the auction and in general for donating money to support the work of the campaign.

### BASTION POINT PROJECTS OFFICER

The Victorian National Parks Association (VNPA) is supporting the campaign by hosting a Projects Officer position and lobbying to prevent the proposed development from happening. Simon Branigan has greatly assisted the campaign with communications and media expertise which was a huge help during the recent Supreme Court case. Volunteers from VNPA recently did a letter box drop of our postcards in marginal seats to raise the profile of the issue for the upcoming State election.

Thank you VNPA for your ongoing support and we wish to welcome and thank Simon for assisting our work.

Some inspiring words from great musicians:

**Get up, stand up!**  
**Stand up for your rights!**  
Bob Marley

**Power to the People!**  
John Lennon