

# Bastion Point decision stands

**Planning Minister Justin Madden's decision to approve the controversial Bastion Point boat ramp development at Mallacoota was upheld last Thursday morning in the Supreme Court.**

The Supreme Court upheld the validity of the Minister's assessment and, according to the Minister, the judgement confirmed that safety and social considerations were relevant considerations under the Environment Effects Act 1978.

Minister Madden welcomed the decision and said he was determined that to do nothing or only a minor upgrade at the existing site would have been a risk to swimmers and beach users sharing the ocean where boats are launched.

"The Supreme Court ruling recognises that this was the right decision," he said.

"This is a good outcome for growth in marine tourism, commercial fishing and recreational boat users in the region."

East Gippsland Shire mayor Cr Michael Freshwater said the Supreme Court's verdict to uphold Planning Minister Justin Madden's decision to approve the development of an ocean access ramp at Bastion Point would be welcomed by many in the community.

"While we are aware of the level of opposition to the development there are many others who recognise the benefits it could bring to Mallacoota," he said.

"Council is now busy completing the detailed design of the boat ramp and ancillary works having proven through simulation studies that the design is sound and well able to handle the prevailing sea conditions.

"The final design is due in the next couple of weeks following which council will receive a report before seeking final construction approval and funding."

Cr Freshwater said he hoped opponents to the ramp would now accept the umpire's decision and step back from the issue.

However, environment groups have now called on Minister for Environment Gavin Jennings to reject the Bastion Point proposal.

Spokesperson for the Friends of Mallacoota Leo Op den Brouw said that while Minister Madden may have acted legally, that does not condone the proposed development.

"The judgment given throws into question the law as it presently stands," Mr Op den Brouw said.

"What is the point of having an in-depth panel inquiry and hearing the views of the community if the Minister can then just ignore them?"

Friends of Mallacoota was represented by the Environment Defenders Office (EDO).

"Regretfully, the judgment confirms that the environment is not adequately protected by Victorian laws. It confirms that the Minister's discretion is so extensive that he can turn his back on his own panel's recommendations and the overwhelming objections of the community," EDO solicitor Elizabeth McKinnon said.

"This is unacceptable and must be rectified through immediate reform of the Act."

The Save Bastion Point campaign will continue to lobby Minister Jennings to accept the panel's recommendations and reject the proposal under the Coastal Management Act.

"Justice Osborn confirmed today that the Minister provided an assessment – not an approval – under the Act," Mr Op den Brouw said.

"The Minister for Planning assessment is thus not binding on the Minister for the Environment or the East Gippsland Shire Council.

"We appeal to Minister Jennings to give full consideration to the panel's conclusions and to knock this ill-conceived proposal on the head, once and for all. There is a low impact alternative possible that the panel recommended, which has broad community support and would protect Bastion Point and its unique values."

Mallacoota Ocean Access Committee (MOAC) was delighted with the Supreme Court's decision.

MOAC chair Ian Lewis said it was always the group's belief that the Minister's decision was soundly based, given the comprehensive Environmental Effects Statement compiled by the East Gippsland Shire Council.

"The majority of the community are supportive of safe ocean access, built to Australian standards and option 3B is the most viable option from a boating and safety perspective, particularly as it separates boat launching from a popular swimming and surfing area," Mr Lewis said.

"The most relevant indicator of support remains the community ballot undertaken by the electoral commission on behalf of the shire, showing 66 per cent of the community supported a substantially upgraded facility in the Bastion Point area.

"MOAC notes that the final design requested by Minister Madden has been progressing well by consultants employed by the shire and that this phase of the project is nearing completion.

"We are looking forward to this long outstanding issue being put to rest with the completion of the project in the imminent future."