



Department of Sustainability and Environment

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20 March 2008

Maria Marshall
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By email: maria.marshall@maddocks.com.au

Dear Ms Marshall,

OCEAN ACCESS BOAT RAMP – BASTION POINT, MALLACOOTA EAST GIPPSLAND PLANNING SCHEME, PERMIT APPLICATION 162/2007P

I refer to your client's written list of questions of clarification, provided to the Department of Sustainability and Environment (Department) on 6 March 2008. The Department has reviewed its submission to the Inquiry in this matter dated 5 September 2008, and its role in this matter. The Department had raised matters relating to cultural heritage, useability of the ramp, marine safety and the safety of other users, as matters for consideration by the Panel, but does not claim expertise in these areas, and will not comment on policies relating to these matters in the course of the panel hearing.

Comments made in the submission, that the Department does not support or endorse any of the options set out in the EES, were not intended as Departmental advice in relation to the Proposal, as the responsible governmental authority.

Instead, the Department's concern in this matter is only with its responsibilities in relation to the use of Crown land (under the *Coastal Management Act 1995*) and in relation to the impact on native vegetation by the proposed Project (in the context of the *Flora and Fauna Guarantee Act 1988*). These are the only matters the Department will refer to in the Panel hearing.

The Department is committed to this proposal proceeding in the form recommended by the Panel and intends to take a constructive role in achieving this outcome throughout the remainder of the panel process.

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The Department will follow the recommendations of the Panel in this matter.

Yours sincerely



Christopher Stafford
A/Director, Legal Services

CC: *Nicole Maloney, Panel Coordinator, Planning Panels Victoria*
Kate Nelson, East Gippsland Shire Council
Alan Freitag, Department of Planning and Community Development
Adrian Williams, Department of Planning and Community Development
Brendan Sydes, Environment Defender's Office