

Increasing cynicism

Sir,- "We have been misled" was the emotive heading when East Gippsland Shire Council blamed the Department of Sustainability and Environment for the bungled process towards the Mallacoota boat ramp.

But with hundreds of thousands of dollars of public money spent so far it is likely the council still has lawyers working behind the scenes.

I was on council when in 2005 it was resolved (March 5) to proceed with the Environment Effects Statement.

Stated in material from which councillors made their decision was that no direct financial implications would result. There was no expectation of staff engaging expensive legal preparation for panel hearings.

The resolution set out the study parameters - not just for a ramp, breakwall and road impacts - but for boat cleaning, fish cleaning, toilets etc. As it turned out, proper analysis of these ancillaries was not done.

The shire has attempted to scapegoat the DSE to cover major omissions in the EES. In November 2005 the draft EES presented to a DSE convened Technical Reference Group (TRG) was rejected on the grounds that various studies were incomplete and the document did not meet assessment guidelines and was not of a sufficient standard for public exhibition.

The council was required to carry out further work on the EES and re-submitted it in August and again in November 2006. On each occasion the TRG rejected drafts.

The EES persisted with a bias to the biggest development supposedly to be used 90 per cent of the time. Although experienced seamen opposed

this as dangerous to attract amateur boaters, it was presented as a safer option. In reality it would be most suited to large-scale commercial interests for aquaculture.

It is hard to believe that consistent inadequacy and omissions by consultants instructed by a program manager and shire's senior staff could be possible unless for deliberate bias to achieve a particular outcome.

There appears to have been selective analysis to achieve option three despite legislative requirements that cannot be ignored. It is concerning that councillors, including the mayor quoted in media releases, may not have studied the EES with its bias and omissions, but have been lead to believe that the DSE is responsible for the current stalemate.

Ultimately council carries responsibility through its chief executive officer from staff who directed consultants.

As pointed out by the inquiry panel, matters raised in the DSE submission were covered by

other submitters. Therefore the contents of the late DSE submission should not have "left the shire reeling" if they had been studying concerns or following due process.

I believe that the council should not have called for a halt to the panel process. It need not engage legal defence if it is open to a best public outcome.

Considerable public money is being spent including panel costs, shire's ongoing legal representation, added to EES consultants plus revisions - likely to exceed \$500,000. Council as proponent cannot simply wash its hands of this waste. An outside investigation should be considered.

It has been an expensive process, not just financially but in time researching hundreds of submissions, in community stress, and increasing cynicism towards transparent and proper process.

Yours etc.,
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