

**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
Victoria 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. 9

14 Nov 2007

INQUIRY HEARINGS ADJOURNED ~ WHAT'S HAPPENING NOW ~

WHERE IS THE EES AND ASSESSMENT PROCESS UP TO?

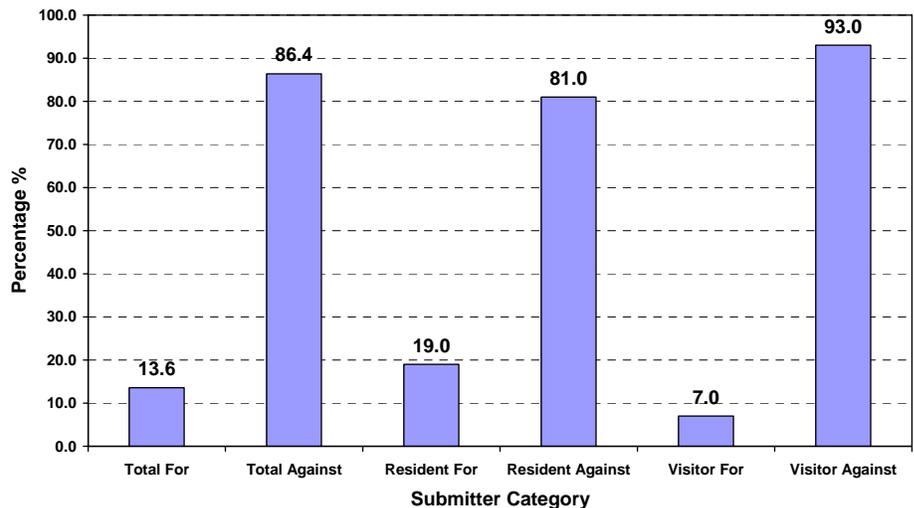
Many of you will have heard that the Inquiry Hearings to be held in November 2007 have been adjourned. There were a number of events that preceded this adjournment:

July 2007 - 482 Submissions were made to Planning Panels Victoria. To view the submissions, follow the links via the 'Documents' page on the menu of our website.

Of the 482 submissions:

- ❖ 471 clearly described whether they were 'for' or 'against' the development.
- ❖ 87% expressed major concerns about the proposed development.
- ❖ 263 were identified as being from permanent residents, and 201 from visitors.

The development is highly unpopular with permanent residents of Mallacoota, and even more so with visitors to Mallacoota – the market the development is supposed to attract.



"I am 15 years old and holiday with my family at Bastion Point. My main sport is surfing, and Bastion Point is my favourite break." Submission No. 286

"My family and I have holidayed at Mallacoota annually for over 10 years, and as visitors we choose to come to the area because of its unique beauty and its peaceful and largely undeveloped coastline" Submission 414

August 2007 - The Minister for Planning appointed an independent Panel to review submissions and convene a public Inquiry into the proposed development. The Panel consisted of Mr. Nick Wimbush (Chair), Mr. Leon Collett and Mr. Robin Saunders.

12th September - The Panel convened a Directions Hearing in Mallacoota, at which arrangements for the Inquiry were discussed. The SBPC presented a list of 16 expert witnesses who had agreed to speak at the Inquiry to support the SBPC's case. The proponent (East Gippsland Shire Council - EGSC) was not well prepared and had no expert witness list. The Panel accepted a late submission by Department of Sustainability and Environment (DSE). This submission opposed the proposed development.

The proponent has consistently failed to accept the physical constraints of the site and have sought to address all constraints through engineering outcomes.

They have not attempted to address the department's consistent views that they need to consider lesser scale developments that would minimise the environmental impacts. Submission No. 482

26 September - The Panel announced the Directions and Timetable for the Inquiry. The Inquiry was to take place in Mallacoota from 15 - 21 Nov and in Melbourne from 23 Nov – 10 Dec 2007.

1 October - The EGSC made a request to the Panel to adjourn the Inquiry Hearings. It wanted more time to deal with issues raised in the DSE submission and to organise expert witnesses. The Panel set another hearing for 11 October to consider the request. The SBPC, with the support of the Environment Defenders Office, opposed this adjournment as it felt confident in its planning for the Inquiry, and wanted the proposed development to come under public scrutiny and be reviewed by the Panel.

5 October - The Council made a more detailed request to the Panel to adjourn the Hearings on the basis of needing time to discuss with DSE matters raised in its submission. The Panel agreed to cancel the second Directions Hearing and adjourn the mid November Inquiry Hearings. No new dates were set.

“The Inquiry notes Council's position (Page 5 of correspondence) that:

• ‘Council does not intend to assume the responsibility of ‘the proponent’ or pursue the project at all if, following further discussions, the DSE maintains its objections to the proposal in principle as Council considers that such a course would likely amount to a futile waste of its resources.

• It is impossible at this stage to know the result of discussions between Council and DSE, but it is possible that as a result of discussions, there may be a need for further exhibition of material. Again, it is impossible to know the extent of any such material at this stage.’
Panel's granting of request for adjournment, 5 Oct 07.

A copy of the correspondence from the EGSC to the Panel, and the Panel's announcements are on www.savebastionpoint.org.

Oct 11 – Ocean access at Bastion Point was discussed in Victorian Parliament. In response to a question on the EES by the National Party member for the Eastern Victoria Region Mr Peter Hall MLC, the Minister for Environment and Climate Change, Mr Gavin Jennings replied: ***“the items raised in the [DSE] region's submission were not items that came from outer space in terms of environmental concerns.”***

Oct 31 – Ocean access at Bastion Point was again discussed in Victorian Parliament. Independent Member for Gippsland East, Mr Craig Ingram M.P. complained that the DSE submission shows it wants to be “the judge, jury and executioner in the process”. Premier Brumby replied that he expects:

“the panel will reconvene in the new year to conduct hearings” and that the ***“DSE has been counselled over its behaviour and the manner in which it made its submission to the EES.”***

The Parliament of Victoria Hansard reports can be viewed at <http://tex.parliament.vic.gov.au/bin/texhtmlt?form=VicHansard.adv>. Type in the relevant dates and Ministers.

Late Oct - Nov - The Council began consulting with DSE on the matters raised in its submission. We do not yet know the outcome of these discussions.

WHAT HAPPENS NOW?

The SBPC see the Council's request for adjournment as a lack of confidence in its own proposal. The Council is clearly not willing to put its proposed boatramp/breakwater development to public and agency scrutiny at an Inquiry.

We believe the Council should now abandon its proposal, as it is clearly not an appropriate solution, and is not supported by DSE, the Gippsland Coastal Board nor 87% of the submissions made to the Panel.

Instead, a low impact solution that does not involve breakwaters should now be properly considered.

Any planning for the area must involve *all* stakeholders and be consistent with Government policy and strategy to ensure that the high cultural heritage, recreational, environmental and landscape values are protected, and that safety issues are adequately addressed.

The Save Bastion Point Campaign has written to the Minister for Environment & Climate Change, requesting that he intervene. We want Minister Jennings to put in place for Bastion Point an appropriate planning process that is professionally and transparently managed. See our website for a copy of this letter.

WHAT YOU CAN DO TO HELP

You can lobby all decision makers by writing them letters. It's ***REALLY IMPORTANT*** we continue to let them know what we want. To assist, we've written a Political Lobbying Kit Nov '07 which can be found on the 'What Can I Do' page of our website.

If you would like to discuss anything about the adjournment or political lobbying ideas, please do not hesitate to be in touch with coordinator@savebastionpoint.org or call the numbers at the beginning of this Update.

Thanks for your ongoing support to **Save Bastion Point!**