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# Madden battle ramps up

By **ADAM MORTON**  
 ENVIRONMENT REPORTER

PLANNING Minister Justin Madden faces a Supreme Court battle with a community group after approving a controversial boat ramp development that experts found was environmentally and economically flawed.

Mr Madden announced in June that he would allow the East Gippsland Shire Council to construct a boat ramp and breakwater at Mallacoota.

He rejected the recommendations of a government-appointed panel that found the proposal was economically "very weak" and would affect local wilderness and make the Bastion Point site less appealing to tourists.

The panel proposed an upgrade to the 40-year-old ramp. Mr Madden disagreed, reasoning that boat access was important for marine tourism and commercial fishing. He also believed that doing nothing or allowing only a minor upgrade would increase the risk to swimmers.



Still fighting: Leo op den Brouw (right) with fellow boat ramp campaigners Jenny Mason and Jim Sakkas.

PICTURE: MICHAEL RAYNER

The Friends of Mallacoota launched a legal challenge on two grounds: that Mr Madden failed to take into account the ramp's environmental impact and denied locals natural justice by not hearing their case.

Spokesman Leo op den Brouw said the group was stunned that Mr Madden had ignored expert advice on "very flimsy grounds". He said: "What is the point of an expensive public process if it is going to be overturned in the end? It doesn't make sense."

Environment Defenders Office solicitor Elizabeth McKinnon, acting on behalf of the group, said it would be a test case for Victoria's environmental assessment laws.

"The minister basically approved the development because he thinks they should have a boat ramp. That is not his role," she said.

The court bid is backed by the Australian Conservation Foundation and the Victorian National Parks Association on the grounds the proposal requires the removal of reef and construction of a road on the beach. ACF spokesman Chris Smyth said the Environmental Effects Act was too broad to prevent political self-interest overriding environmental concerns.

Government spokeswoman Emma Tyner said it was not appropriate to comment given legal action was under way.