

# Eden Magnet, 13 August 2009

## Bastion Point fight goes to Supreme Court

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Conservation groups have welcomed the decision by Friends of Mallacoota to take the Victorian planning minister to the Supreme Court to challenge his approval of an extensive boat ramp and breakwater development at Mallacoota.

Australian Conservation Foundation's spokesperson Chris Smyth said the legal action by Friends of Mallacoota, a member group of the Save Bastion Point Campaign, was an inevitable result of Victoria's weak Environment Effects Act.

"The application by the Friends of Mallacoota for a Supreme Court judicial review of the Planning Minister Justin Madden's decision indicates the community has had enough," he said.

"Minister Madden approved the East Gippsland Shire Council's Bastion Point harbour development in June this year, despite strong community opposition and his own expert panel's recommendation to reject the proposal because it would be unsafe and would provide no net benefit to society."

The Victorian National Parks Association's spokesperson Paige Shaw said the proposed development would involve an access road on the beach, a 130-metre breakwater across significant reef areas and an ongoing sand dredging operation.

"We are concerned that the removal of more than 3000 cubic metres of reef, to make way for the boating channel, and the addition of more than 8000 tonnes of imported rock, to construct the 130-metre-long breakwater, will disturb tidal flows and damage the marine habitat," she said.

"The government's decision to bury this natural icon of the Wilderness Coast under rubble, concrete and asphalt indicates its apparent lack of commitment to proper and detailed environmental impact assessment and that our environmental planning laws are too weak and need to be reformed."

The approval of the Bastion Point development follows state-wide community concerns about the government's decisions on channel deepening, the desalination plant, the Barwon Heads heritage bridge, the north-south pipeline and the Lonsdale Lakes canal estate development.

Mr Smyth said Victoria's Environment Effects Act was a mere 16 pages long, and was open to broad interpretation and made it easy for political self-interest to override environmental concerns.

"This week's application by the Friends of Mallacoota for the Supreme Court to Judicially Review the Minister's decision is the first time that such action has been taken against a Victorian Planning Minister.

It will serve as a critical test of the Environmental Effects Act," he said.

"The Brumby Government can still get it right at Bastion Point by choosing to support a low-level and sustainable upgrade of current ocean access at Mallacoota."