



*Friends of  
Mallacoota*  
Inc.

\*Embargoed until 12.01am, Thursday 6 August, 2009\*

## **MEDIA RELEASE**

### **Community group takes Planning Minister to Supreme Court**

Friends of Mallacoota today stood up for many Victorian communities when it announced its decision to take the Planning Minister to the Supreme Court to challenge his approval of an extensive boat ramp and breakwater development at Mallacoota in the state's far-east.

Planning Minister Justin Madden approved the development under the *Environment Effects Act* in June this year, despite strong community opposition and his own expert Panel of Inquiry's recommendation to reject the proposal.

The legal action was filed this week by the Environment Defenders Office (EDO) on behalf of the Friends of Mallacoota, a member group of the Save Bastion Point Campaign.

EDO solicitor Elizabeth McKinnon said they will be arguing that the Minister failed to make an assessment of how the proposed boat ramp would impact on the environment, as the *Act* requires him to do.

"We believe there are grounds to seek Judicial Review in that the Minister fundamentally misunderstood his task under the *Act*," she said.

"Obviously no community group wants to wind up in the Supreme Court. However, the Minister's decision in this instance is so extraordinary that the Friends of Mallacoota and the community feel they have been left with no other option."

Friends of Mallacoota said the decision to take legal action against the Minister was not easy but it had been left with little choice.

"We feel compelled to apply for a Judicial Review of the Minister's decision because the government has consistently ignored the community's strongly expressed wishes and his own expert Panel's recommendations," spokesman for Friends of Mallacoota Leo op den Brouw said.

"Most of the Mallacoota community and many holiday makers from around Victoria do not want the development to go ahead because it will be unsafe and will irreversibly damage the much-loved Bastion Point environment and surrounding coastline."

Mr op den Brouw questioned why the Minister had bothered undertaking an Environmental Effects Statement (EES) process if he was just going to ignore the findings of the Inquiry Panel.

"Save Bastion Point spent more than \$50,000 and countless hours putting together our submission to the EES and arranged for seven experts to represent us at the Panel hearings," he said.

"We have also outlined a smarter and safer low-key development that would improve ocean access and protect the area's outstanding attractions. But Minister Madden has ignored our concerns and our efforts to find a more suitable option for the community. This just isn't right.

"Many communities around Victoria have experienced the token manner in which the Government consults communities in relation to proposed developments. We hope this legal action will send a clear message to the government that a transparent and accountable process needs to be upheld."

Ms McKinnon said the legal action was based on the argument that the Minister for Planning was not a law unto himself, and can be held accountable for his actions in administering environmental impact assessment in Victoria.

"While of course the legal action seeks to defend the integrity of the Independent Panel's findings and save the Mallacoota coast from destructive development, the case is also an important test of the credibility of environmental assessment laws in Victoria," she said.

**To arrange interviews please contact:** Sacha Myers, media officer, on 0417 017 844.

**More information:** <http://savebastionpoint.org/>