

7.4 Consultation

The EGSC has set out the consultation undertaken during the preparation of the EES in Volume 1 Main Report, Chapter 8 Consultation and Communication. It documents newsletters, workshops, liaison with key stakeholders, discussions with local residents and two meetings at Mallacoota attended respectively by those for and against the proposals. It contains a Stakeholder Perspective Matrix which provides a summary of the issues raised for and against the proposals, reported under Stakeholder Groups.

The issue of consultation was raised in many submissions, almost always in the context that it had been unsatisfactory. Four aspects of the consultation seem to warrant some analysis, as they have been interpreted in a variety of ways. They are the reliance on the results of the community ballot of 2000, the openness of those managing the EES process, the appropriateness of separate meetings at Mallacoota of those for and against the proposal, and confusion about the EGSC's preferred option.

7.4.1 The community ballot

The EGSC commissioned a community postal ballot in early 2000. The EGSC sent out ballot papers with a letter dated 24 January 2000, which supported the Coastal Engineering Solutions Pty Ltd (CES) recommendations for redevelopment of the ramp at the existing location. Voting on the ballot was not compulsory, and the closing date for completed ballot papers was 18 February 2000. Completed ballots were returned to the Victorian Electoral Commission. 66% (some 640 ballots) of those returning the ballot paper supported the redevelopment of the existing boat ramp, while 34% (some 325 ballots) were against (HS 8, EGSC Media Release 29/2/2000).

There was some confusion about the ballot, with a number of submitters who opposed the proposal questioning whether the ballot had been based on an upgrade with breakwaters, or a lower key upgrade. EGSC maintained that the ballot had been based on the design by CES. Mr Craig Ingram MP provided copies of the ballot paper and EGSC letter, along with extracts from the Mallacoota Mouth of 28 May 1999, 4 June 1999, 18 June 1999, 25 June 1999, 4 February 2000 and 11 February 2000 (HS 19), all of which had discussion on the CES proposal.

The ballot paper asked '*Do you support an upgraded ocean access for boats at the existing site at Bastion Point, as outlined by Coastal Engineering Solutions Pty Ltd in its report of October 1999?*' The ballot paper was accompanied by a letter from the EGSC which listed the features of the recommended upgrade,

which included *'a low rock sea wall on the northern side of the ramp'*, and a *'seawall on the south of the ramp built partially on the existing rock outcrop'*.

The 4 February 2000 issue of the Mallecoota Mouth included a full page article by Friends of Mallecoota urging people to vote no to the ballot, and giving reasons.

EGSC has relied on the results of the ballot as conclusive evidence that the majority of residents support the proposed upgrading, and this view is represented at a number of places in the EES, the Supplementary Reports, and the EGSC's expert witness statements.

In his expert witness report, Mr Offor submitted reasons why the figures for the ballot and submissions were so different. He first restated that *'in 2000 there was majority support for an improved facility at the current location in a form similar to Option 1 in the current EES.'* He then qualifies this statement as follows: *'It is of course not known what proportion of respondents took the opportunity to view the Coastal Engineering Solutions 1999 report prior to responding and, if they didn't, whether the design and scale of the proposal was fully appreciated based on the written text provided.'*

Mr Offor then noted that the 325 'No' votes on the ballot was not many less than the 408 objections to the EES proposals, while the 640 'Yes' votes on the ballot was very significantly greater than the 63 submission in support of the current proposals. Mr Offor then concluded:

'Clearly, there is a large proportion of the Mallecoota community that has remained silent on the current proposal, the majority of whom it would appear supported the 2000 proposal.'

Mr Offor advanced the following possible reasons for the silence of the large proportion of the Mallecoota community who were in favour of the proposal in 2000, but who did not make a submission on the EES:

- *A large number of people have changed their minds about the need for the project and are no longer supportive.*
- *Many people may have been uncomfortable voicing support (or opposition) for the project in a public manner.*

Mr Offor thought the first unlikely, as there appeared to be a widely held view in the submissions that something needs to be done about the current ramp, and there were no submissions stating that *'I voted for the proposal in 2000 but can no longer support it.'*

Concerning the second, Mr Offor stated *'I have certainly observed this situation over other controversial projects.'*

One submitter who was strongly against the present proposals told the Hearing that he 'foolishly voted Yes' on the 2000 ballot. While he had understood what was proposed, he wanted a low impact upgrade of the existing ramp. Back at the time of the ballot he couldn't believe the EGSC would pursue the high impact solution. His 'Yes' vote was intended to show support for some modest improvement.

Two ex-Councillors of EGSC made presentations to the Hearing, and stated that on the basis of their extensive discussions with residents they had each formed the view that there was general local community opposition to the proposals in the EES. On the other hand, supporters of the proposals advised the Hearing that the majority of residents supported the proposals.

One submitter cited the ABC Gippsland Online Poll conducted in June 2007. The web site extract dated 20/06/2007 provided by the submitter recorded that there were 18 responses to the poll. Question 45 asked 'What is your response to the proposed Bastion Point Ocean Access Boat Ramp?' 16% agreed with the proposition 'I am happy with what the East Gippsland Shire Council is proposing', 83% agreed with the proposition 'I would like the current facility to stay and be upgraded', while 1% agreed to the proposition 'I don't know'.

Discussion

The Panel is not persuaded that the 2000 ballot result, now eight years old, represents the views of residents and visitors on the current proposals. There are a number of possible reasons for the differences between the results of the 2000 ballot (generally supporting a proposal with breakwaters at the existing site) and the submissions on the EES (generally opposing the present proposals). Those possible reasons include that:

- the 2000 ballot did not provide an option for minor upgrading—it was either support the CES scheme for upgrading the existing site with breakwaters or vote against it;
- many people in 2000 may have been disinterested in the detail, and just voted for some improvement;
- the impacts of the present preferred proposal are too great, and a minor improvement at the existing boat ramp site is preferred; and
- those people who hold strong ecocentric values are sufficiently motivated to continue to state their opinions on the present proposals.

Given the number of traders, those involved in the abalone industry, residents and regular visitors and who have expressed either their support or objections to the present proposals in submissions and to the Hearing

directly, the Panel does not believe that fear or intimidation has played any significant part in preventing people from speaking out.

On the basis of all the submissions and expert witness statements made, the Panel is not convinced that there is a preponderance of community support for the proposals.

7.4.2 The openness of the EES process

Volume 2, Appendix 5 of the EES, Bastion Point Boat Ramp Chronology, provides an outline of the establishment of the Mallacoota Ocean Access Steering Committee ('the Steering Committee'). Under the year 2003, the Chronology states:

- *June: Council determined to arrange a meeting between the Council and the Mallacoota Community to discuss the formation of a representative Working Party to formulate a recommendation to Council on the way in which this matter might be progressed.*
- *September: Meeting with community members resolved to form a Committee to work with Council to explore mechanisms to raise a community contribution to assist funding of the required EES. It was recommended to Council that it commence the EES process. Council resolved to work with the Committee and to proceed with Stage 1 of the EES subject to matching funding being available from the Victorian Government.*

and under 2004:

- *March: Council determines to proceed with the conduct of Stage 1 of the EES and issues a Tender Brief for the appointment of a Project Manager. The Council appointed the Project Manager in June.*
- *July: Inaugural meeting of the Mallacoota Ocean Access Steering Committee was held.*

The Steering Committee was Chaired by a Councillor from EGSC and had members from EGSC as well as DSE, Tourism Victoria and representatives from the Mallacoota Ocean Access Committee (MOAC). The Steering Committee should not be confused with the Inter-Agency Contact Group, commonly called the Technical Reference Group, which comprised only representatives of EGSC and Agencies.

There was criticism in a number of submissions of the Steering Committee, concerning both its community representation and the bias it was said to have demonstrated. Key issues that have caused considerable community angst include the decision not to examine low impact upgrades of the