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PRESIDENT'S REPORT TO THE 2008 ANNUAL GENERAL MEETING

In my report to the 2006 and 2007 AGMs, I highlighted a letter PPCC Inc. received from the then Deputy Premier, the Hon. John Thwaites MLA, which advised that the state government had launched its ***"Our Environment Our Future – Sustainability Action Statement 2006"***. That document contained 150 initiatives across five key areas of action, which are:

1. Responding to the challenge of climate change
2. Maintaining and restoring our natural assets
3. Using our resources more efficiently
4. Reducing our everyday environmental impacts ... and
5. Government leading by example.

I put to you that in late 2008, the Brumby Government has not met an acceptable standard in any one of those 5 initiatives – and certainly not in the 5th principle - leading by example.

Two years have passed since the ***Sustainability Action Statement*** was launched, still without much evidence that these laudable commitments have made it off the paper they are written on. We appear to have a government that is committed to big and outmoded infrastructure responses to complex social and environmental issues.

The obvious increasing conflict on issues ranging from the North-South pipeline to the Desalination Plant between affected residents, conservationists and the Brumby Government, and the following review of issues that PPCC Inc. has concerned itself with over the last year suggest that the government has abandoned those five principles.

2008 activities: During the year we have been involved in a number of issues, most notably:

Channel Deepening

We have kept a close eye on the implementation of the project, which unfortunately commenced this year on 8 February. Several of your Committee and PPCC Inc. Member Organization representatives attended the Federal Court hearings of Blue Wedges Inc. V Federal Minister for Environment, held over several days between December 2007 and March 2008.

BW was challenging Mr Garrett's decision to approve the project, which he made on 20 December 2007, three days after receiving what amounted to perhaps 50,000 pages of material. BW contended that Mr Garrett could not have been fully apprised of the facts of the case in his 3 days of deliberation, and that he had not considered impacts of climate change or issues of intergenerational equity in allowing a toxic dump to be constructed in the Bay.

The Federal Court decided however that Mr Garrett's approval was legal. The Judge made it quite clear though that the Court's jurisdiction was limited. The Court could not decide whether the project was going to be good or bad for the Bay, only that the decision had been legally made. This case has underscored just how weak our Federal and State laws are in protecting the environment. Given the recent experiences of BW, YWYS and the North-South Pipeline

campaigners, it seems the EPBC Act has been cast so as to enable development, rather than to protect the environment. Another very recent example of the ineffectual state of our environmental protection legislation is the recent announcement by government that the Frankston By-pass will be going ahead – in spite of an EES not having been completed.

Earlier this month, Tim Pallas, the Minister for Ports, announced that a “dredging milestone” had been reached with the completion of works at the Entrance. The Minister said he had every confidence in the way the project had been managed. This claim was made in spite of no independent inspection of the Entrance having been carried out at the time, and there had been reported incidents including a failure to clean up an area of 9000 sq. metres of rock fall, larger than expected turbidity plumes, especially from the dump site, a 1000 litre oil spill, and two smaller spills.

We heard the same glib assurances at the completion of the 2005 trial dredge, which later proved to be far from the truth. At the June 2007 SEES hearings, we learned that significant damage occurred during the trial, which will contribute to ongoing erosion over decades, and a final depth at the Entrance of up to 22 metres - several metres deeper than planned.

Mid-year, with some start up funding from various local councils and public donations, ACF, in conjunction with Monash scientists, implemented its BayMonitor program in response to the considerable public concern about the impacts of dredging. ACF Marine campaigner Chris Smyth is hopeful that their work could stop the project – or if not, it will at least provide truly independent scientific scrutiny of the project. PPCC Inc. recently donated \$350 to assist the BayMonitor program. So far ACF has reported on a number of shortcomings by the Port of Melbourne Corporation (PoMC) and Boskalis. In July, ACF wrote to Queen Beatrix of the Netherlands advising her that in her name, the Queen of the Netherlands ship is engaged in environmental damage in Port Phillip. ACF asked Queen Beatrix to withdraw her Royal Warrant from Royal Boskalis. We understand ACF has not yet received a reply. This initiative reminds us that the fate of Port Phillip Bay is basically in foreign control, which is an unfortunate and unacceptable situation.

What we have learned from channel deepening and the other proposals recently approved by Mr Garrett is that the EPBC Act in its present form serves developers and multinational corporations. It does not protect the environment.

Tonight I would like to invite everyone to turn our minds to what we can do to address this totally unacceptable situation.

Tidal power proposal

A recent proposal from a private company, Tenax Energy, is to install a tidal powered electricity generation system at the Entrance - within the canyon area, and adjacent to the Marine National Park. *The Mail* of 1 October 2008 reported that this possibility was researched as part of the PoMC's channel deepening proposal – although I can assure you that it was never recorded in the 15,000 or so pages of SEES documentation.

The tidal power proposal has already got as far as Mr Garrett's desk, to be assessed under the requirements of the EPBC Act, the same Act that has allowed channel deepening, the desalination plant and the North-South pipeline.

The 50-year project includes plans to install 45 generators of 18 metres height 17 metres below water level. A 2 km cable will run to land in the vicinity of Shortland Bluff, and is said to provide power to up to 15,000 homes.

There has been no public consultation to date. Now that we do know about it, this is another example of a project that should be opposed vigorously before it becomes unstoppable and our precious marine environment is further blighted with industrialisation. We have learned from experience that the Brumby Government's big infrastructure dreams have a habit of becoming a reality - even before the necessary approvals have been obtained if it suits them - as in the case of channel deepening and the Desalination Plant.

The public was unaware of the Port Phillip Heads tidal power proposal until it made it to Mr Garrett's desk and was listed for submission on the Federal Department of Environment website for a short period. Unfortunately PPCC Inc. did not make a submission, but we will be watching its progress closely from now on.

Thankfully, both ACF and the [VNPA](#) have produced comprehensive submissions to the proposal, (copies available), or we can arrange to send to anyone that would like a copy.

Marinas or so-called Safe Harbours

Another apparently unstoppable project is the Frankston Marina, which is advancing to the stage of calling for tenders. Member groups FBA Inc. and KCA Inc. have done a magnificent job over two decades now to oppose this unnecessary, unattractive and destructive proposal. Marina developments all seem to start with the appearance of a tiny yellow triangle on the map in the Victorian Coastal Strategy. Before you know it, an EES is underway in which environmental concerns are derided and ignored in favour of the developers' now rather tired and fallacious jobs claim. The Minister for Planning then readily approves the project, and a degraded environment follows.

Mornington Harbour is the next piece of coastline earmarked for degradation in favour of the minority and vested interests of the boating industry. In this instance the government has even funded the EES. It is a sad fact that in the early 1990s a very similar proposal by the Yacht Club was soundly rejected by the local community. Now, 15 years later the same proposal has to be fought all over again. The lesson is that an environmental victory is rarely the end of the matter. Member Organization MEA Inc. can be sure of our support in their opposition to this project and we hope to defeat the proposal again -15 years after it made its unwelcome debut.

Beaumaris Motor Yacht Squadron also has a proposal for a 116-berth marina and associated rock wall and filling of the Bay. The Committee is tracking the progress of this proposal closely.

At Queenscliff, the harbour development is well underway and a similar proposal is mooted for Portarlington.

All of these developments are prime examples of what has been a very concerning trend – for public land to be alienated in favour of private gain.

Notably, at Safety Beach the Martha Cove Marina, which PPCC Inc. actively opposed – both the first EES and then the later dumping of spoil inland – has been constructed largely on private land. Now, the developer CP1 is on the verge of collapse, owing banks and other lenders millions of dollars. The developed land, houses and berths are not selling. It appears boat owners do not

want to live in or near marinas, and neither does anyone else. It seems marinas can only survive when they can exploit public assets - high quality coastal crown land - and rely on government support by way of substantial taxpayer funded investment.

We received advice from a sympathetic Bayside councillor last week that Parks Victoria is developing a multi-million budget bid over years for boating developments, entitled ***Parks Victoria Bays and Maritime Initiative***. This has been happening with little local government involvement and we were told that several other councillors are concerned it is being done with little recognition of the effects of boating developments on local interests. The same councillor advised us that DSE circulated a report at the last Association of Bayside Municipalities meeting (9 October) that it regards the BMYS redevelopment as *"implementing the Boating CAP"*. That sounds very much like DSE will be supporting the BMYS expansion plans. Clearly there are some very powerful influences on government at present that represent exploiting and diminishing the natural features of the Bay for private gain.

Foreshore Management Plans

PPCC Inc. was specifically invited to comment on the Capel Sound Foreshore Reserve Draft Management Plan, and we made a comprehensive submission in April of this year. The draft contained a number of contentious proposals, most notably a proposal for all year round camping on the foreshore, as is now being endorsed by DSE. The proposal by the Capel Sound Foreshore committee is in conflict with [PPCC Inc's Policy No. 16](#), which specifically deals with our concerns about camping and caravanning on foreshore reserves.

The draft plan did state that sullage disposal from campsites has the potential to contaminate the groundwater of Capel Sound and pollute the marine ecosystems, but then went on to propose a number of ineffectual options to manage these totally unacceptable impacts. Their suggestion to manage the complex and critical issues of pollution of groundwater and marine ecosystems included: camper education, dump points, waste storage tanks ... and user-friendly detergents to be encouraged. It is a sad indictment that people appointed to manage precious public reserves on behalf of the Victorian public could have such a simplistic and short-sighted view of how a scarce and precious resource like our coastline should be managed into the future. Sadly DSE seems to have been diminished to the status of an "enabling authority" – merely providing the necessary approvals under the Coastal Management Act so that development can proceed apace, and no longer able to advise, direct and enforce policy.

Conditions in foreshore camping reserves generally resemble something out of Dickensian England, and the present plan serves only to entrench those substandard conditions. The Capel Sound Foreshore Committee's idea that it is still acceptable to engage in 19th Century style practices, like carting buckets of sludge around, was also evident in its failure to seriously consider the 21st Century issue of sea level rise impacts and inundation on the foreshore they manage, and their considerable infrastructure plans for it.

Following receipt of our submission, the Committee invited PPCC Inc. to a meeting with themselves and DSE. On 30 May, Geoffrey Goode and I attended a meeting at the Capel Sound Foreshore Reserve and outlined our concerns, particularly in relation to foreshore camping, human health and marine and groundwater pollution. Five months later we have heard nothing more!

Also of note is a recent push by Centrelink for access to the Rosebud Foreshore Reserve for emergency housing for the homeless. Centrelink Rosebud approached the Mornington Peninsula

Shire Council requesting that it allow the foreshore camping areas to be used as an emergency housing solution. Centrelink had already had agreement from the Salvation Army to provide tents. To their credit the MPSC did not agree to a formal arrangement with Centrelink. This is another potential threat to any foreshore reserve around the Bay where camping is already an established practice, and the threat may increase as the economic situation worsens.

There is little doubt that various entities are putting pressure on government for greater access to our public reserves. Foreshore Management Plans around the coast are probably being formulated right now that focus on continued exploitation of a scarce resource. The focus of these plans **should** be preparation for the now indisputable impacts of climate change – less rainfall and more inundation of the coastline from rising sea levels. These plans should be built around retention and enhancement of the protective, natural, irreplaceable features of our foreshore reserves. The Federal government's Department of Climate Change last week warned that 700,000 coastal homes may be affected by rising sea levels within the next century (*The Age* Friday 17 October). For homes to be affected, that means the foreshore in front of them will have been profoundly altered and probably vastly diminished, and there is no doubt some of those homes will be on the 265 km of our Port Phillip coastline.

It is patently absurd for government to be championing initiatives like foreshore camping and commercial developments on coastal Crown land, thus rendering the coastline even more vulnerable to attack from climate change, whilst also warning us of the impending threats to the coastline posed by climate change.

Carnivals, caravans, skate parks and other non-coastal-dependent uses must become a thing of the past for our foreshore reserves - so we need to make sure we have input into these management plans wherever possible.

Bathing Boxes

Bayside City Council has recently released its final Bathing Box and Boat Shed policy. PPCC Inc. made a submission that advised BCC of [PPCC Inc's policy](#) on bathing boxes and other structures on the coast, and opposing some aspects of the BCC policy, the most contentious of which was the proposal to allow more boxes to be built as "infill". This policy appears to be in conflict with DSE's policy of no net gain of sheds around the coastline of Port Phillip Bay – and it flies in the face of the Federal Government's sea level rise warning.

PPCC Inc. recently wrote to the Central Coastal Board asking for its policy on bathing boxes. CCB advised that it is a strategic organization and does not develop policy. It advised that we should consult DSE for direction on its bathing box policy for Port Phillip Bay. It begs the question: Who is more powerful, CCB or DSE?

Victorian Coastal Strategy (VCS)

Early this year the draft VCS was released and PPCC Inc. made a submission to it. (Copy available). The Committee assessed the document as inadequate in many respects. We were advised that the final document would be released mid-year, however it is still to be released. We understand that it has been delayed as a result of latest sea level rise predictions, which had not been included in the draft, and it is likely that the recent VCAT decision upholding Bass Coast Shire Council's decision not to approve development of low lying coastal land because of future sea level rise impacts and the Federal Government's recent sea level rise warning should also have sent a shudder down the spine of the VCS planners.

Political support

The level of support from the two major parties for our Member Organizations' particular issues has been rather faint – particularly from Brumby Government members. A couple of exceptions are noteworthy, namely MLC Andrea Coote (Lib), who has spoken on several occasions in Parliament on issues including alienation of coastal Crown land for private use (especially boat camps in City of Port Phillip), groyne construction and beach renourishment in Bayside municipality and opposing the dumping of toxic waste in the Bay. Liberal MLAs David Morris (Mornington) and Martin Dixon (Dromana) have made media announcements and parliamentary speeches questioning aspects of the channel deepening project, including safety issues at the Entrance and monitoring failures. Frustratingly though, it is Martin Dixon that spoke in parliament last week requesting the Minister for Environment to give consent under the CMA for the construction of a swimming pool on Rosebud Foreshore coastal Crown land.

It has been The Greens that have consistently and diligently displayed a commitment to the principals of environmental sustainability. This has been shown in numerous ways.

Northern Region Greens MLC Greg Barber's contribution as a committee member of the Parliamentary Committee on Finance and Public Administration, which examined the economic case for the Channel Deepening Project was learned and thorough. He used his MBA training to critically analyse the PoMC's economic justifications and found them wanting. His lone minority report was the most rigorous section of the report by far, upholding the view that the economic case for the project had not been rigorously examined and was not justified economically.

I commend Southern Metropolitan Greens MLC Sue Pennicuik for the establishment of that committee. Sue has also shown determined commitment to opposing the dumping of toxic waste in the Bay and her consistent questioning of the various Ministers responsible for aspects of the project. Sue has also shown great support for various local environmental issues.

Western Metropolitan Greens MLC Coleen Hartland has consistently supported local environmental issues in her region also.

From what I can see, it has only been The Greens that have been willing to do more than make speeches in Parliament or make flying visits to examine local issues.

A couple of examples being: Colleen Hartland raised the issue of *Container Deposit Legislation* in Parliament. PPCC Inc. Committee raised Container Deposit legislation some time ago as we saw that it will assist in reducing litter in our coast reserves and waterways, and will make better use of our mineral resources. Ms Hartland has now funded a postcard campaign to support *Container Deposit Legislation*. We are currently obtaining a supply from The Greens and will distribute them to Member Organizations for signing.

And, Sue Pennicuik attended most of the Channel Deepening SEES Inquiry last year, and made it her business to know the issue in detail, rather than just mouthing platitudes as the major parties have largely reverted to on the issue.

Ms Pennicuik has produced a comprehensive report on the project, which you can obtain from her office, and has also initiated a postcard campaign outlining her opposition to the *Channel Deepening Project*. More than 500 cards addressed to Mr Brumby have already been returned to her office, and she hopes to receive thousands of cards for strategic use at a future date. We do

have a supply of those, so please take some for distribution to your Member Organization for letter boxing your areas or placing in supportive local businesses etc.

I congratulate our three Greens MLCs for their commitment to environmental issues, and their willingness to expend campaign time and funds on these important community issues – issues that the two major parties seem to think are largely irrelevant.

Committee Issues

We reluctantly accepted Frank Hart's resignation from the Committee during the year, but were very glad to welcome Eva Welch as Frank's replacement, also from FBA. On behalf of the membership I would like to thank Frank for his input and expertise over a number of years, and to welcome and thank Eva.

In Summary

It has been a rather disappointing year for conservationists around the Bay, with very little evidence of support from government for conservation of our coastline and marine assets.

As I said last year however, we are still extremely privileged to be the conservationists that have ensured our own small sections of the coast are well cared for – by people like us that do understand the big picture: such as global warming and population pressures. We can take heart that the demands being made by developers and the corporate sector are becoming more shrill and more unpalatable to the broader community. At last the media, and particularly Letters to the Editor do seem to be turning the corner - showing a growing awareness that **business as usual** and the continued expansion of the economy and the population required to feed it, is unsustainable for our ancient and fragile continent.

Our local battles continue to at least modify some of the excesses of the developers. We are acting locally and thinking globally. What's more, the recent global economic downturn may well sound the death knell for some very environmentally and socially questionable projects such as the St. Kilda Triangle, which as reported in *The Age* last week, now looks likely not to get corporate funding. Our much loved sections of coast still exist, and may indeed be saved from some of what even our Prime Minister, Mr Rudd, is now describing as "the excesses of capitalism".

There remains however the ongoing challenge to ensure that we can retain the intactness and quality of our much loved Bay and coastline in the face of what will be very different future.

Thank you all for playing your part in that.

Len Warfe
President
Port Phillip Conservation Council Inc.