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President's Report to the 2011 Annual General Meeting

Like most other years, 2011 has been eventful, with many challenges for us environmentalists.

As so many of us have dedicated so much time to involvement in EES processes and Inquiries, I thought you would be interested first to hear about the recent Parliamentary Report into the EES process in Victoria and some of the 58 submissions made to the Committee. Submitters included PPCC Inc, our Member Organization MBCL Inc, along with Blue Wedges, EDO, ACF, Melbourne University Law academics, and many other concerned environmental groups.

In 2010 the Environment and Natural Resources Committee commenced the Inquiry; however a change of government after the Hearings meant the Committee's work languished for a time, but was revisited during 2011, with the Report being released this month.

There has been a perception in the community that an EES has the power to reject a proposal, however this is not the case, and I think the submission made by Law academic, Mr Brad Jessup, of the ANU explains this paradox.

Quote: "The greatest obstacle to rigorous and thorough assessments of state projects is that they are assessed too late in the policy making cycle. There is almost pointlessness to an environmental assessment when the state has affirmed the project as its infrastructure priority. This happened in Victoria with the Channel Deepening project and the two recent major water projects (DeSal and NS pipeline).

There was a fait accompli about these projects irrespective of the government's rhetoric about only proceeding subject to environmental clearance. In each instance the policy foundations for the projects and alternatives to the projects were excluded from assessments, meaning that the community was unable to vent fundamental concerns about the projects and offer alternatives." (End Quote)

Compounding that problem is another highlighted by the Committee:

"Based on submissions from community groups and consistent with submissions sent to the Environment Assessment Review in 2002, the committee notes there is a perception that the advice prepared by consultants who are contracted by the proponent may be biased in favour of the proponent. The credibility of the EIA process can be affected by that perception. For this reason the Committee believes that penalties for false or misleading conduct should be introduced to EIA legislation"

The Committee has made a recommendation that penalties should apply, but whether that or any of the recommendations are accepted by Government remains to be seen.

In this context it is relevant to consider Dr. Matt Edmunds, Director of Australian Marine Ecology's advice in his submission under the heading: **Duty to provide accurate information.**

Quote: "The nature of the EES processes, reviews and oversight appears to just assume all information is impartial and valid. There are consultancies that provide scientific as well as advocacy services, to varying degrees. There is little transparency as to what sort of service is commissioned. Scientists are not beholden to a code of ethics or commitment to provide impartiality.

Although most I know do or would, there are no assurances that this is the case unless an organisation has its own explicit code of ethics. There is no explicit audit or oversight process. Peer reviewers are likely to detect and report extreme bias, but it is rarely looked for explicitly.

Moreover, the most common form of bias is by omission, which is difficult to detect at the reporting phase"
(End Quote)

These are just some of the problems that groups like ours have been confronting for years in our often frustrating and debilitating involvement in an EES process which is failing the community and the environment.

Rather than the sweeping change to environmental assessment process which most of us probably think should occur, the Committee has made 50 recommendations for change but these appear to be mainly minor - and of course are yet to get government approval.

Marinas and EESs

- **Mornington Marina**

PPCC Inc. Member Organization MEA Inc. conducted a magnificent community campaign and involvement in the EES Inquiry into the Mornington Marina proposal earlier this year. The Panel completed its investigations in May and has since recommended that the Marina go ahead – though with 17 recommendations which will require the redesigning of the whole project. Both Council and Government are yet to respond to the Panel Report.

- **Beaumaris Bay**

An EES is expected soon for Beaumaris Motor Yacht Squadron's proposed marina expansion and Member Organization BCS Inc. has already put considerable effort into a community information campaign, including letterboxing and petitions.

- **Blairgowrie Marina**

Blairgowrie Yacht Club has approval for a 50% expansion of the existing Marina (which is already causing major adverse environmental impacts), adding 110 wet berths, upgrading 35 existing visitor berths, extending the wave wall and removing the wave attenuator, parts of which broke apart in October 2009, spreading polystyrene foam as far away as Safety Beach.

The Club will also replace its slipway, winch house and gantry crane with travel lift and construct a new hardstand area for racing yachts. So, more coastal impacts, loss of beach and of foreshore are likely. Planning permission was granted by former Planning Minister Madden last year, without the need for an EES.

Other matters of interest

Member Organization Geelong Environment Council Inc. recently sought our support for their campaign to oppose Government's support for extending Alcoa's lease for another 50 years to mine coal in the Anglesea Heathlands. Coal from this site is used to power a power station supplying the Point Henry smelter.

Over many years conservation groups have fought planning proposals for housing developments on the heathland. Their efforts have raised funds to purchase private land as it became available, and there has been huge community effort to protect this marvellous asset on the doorstep of Anglesea and Geelong.

GEC Inc. has concerns including the fact that there is no transparency in the leasing process. Alcoa has declined to speak with them and no information from Government is available under FoI.

GEC Inc. and other local groups believe the only solution is for alternative energy sources to be used at Point Henry – or obviously for the smelter to be decommissioned - especially as the world has a glut of aluminium, and it is so easily and efficiently recycled.

Dune vegetation at the Queenscliff Ferry terminal

The ferry operator has made application to remove an area of dune vegetation so that car parking can be significantly increased. This revegetation and foreshore area cannot ever be replaced, and it appears the ferry operator will only be required to pay a sum of money to DSE.

Dromana Bay Lifesaving Club

After calling in PPCC's VCAT appeal, Planning Minister Matthew Guy has approved development of a very large, two-storey clubhouse on the narrow strip of remaining foreshore adjacent to Dromana Pier. We believed the proposal was an inappropriate overdevelopment of the site, especially for such a small and seasonal club, which only provides beach surveillance on weekends from midday to 5 or 6 pm, between November and Easter, in a 400 metre stretch of Dromana's 6 km of beaches, for a total of approximately 250 hours per year.

The building will overshadow beach users and the small historic adjacent Memorial Hall, alienate almost all the public foreshore and walking path in the adjacent area, and disenfranchise the Sea Scouts, who have used the area for 50 years without unnecessary infrastructure and with respect for the natural features of the area. Since their recent arrival, the lifesavers have been unwilling to share facilities with the Sea Scouts, and all indications are they will not be willing to share their new facilities with them either.

So much for the VCS's direction for multiple use of existing facilities.

When calling it in Minister Guy said it was to provide "certainty" for the Lifesaving Club. Local Liberal MP Martin Dixon was also supportive of the club's expansion.

Minister Guy's only explanation for his approval decision was his Department's support for the proposal. Rather than our VCAT appeal, where we would have been able to put our case in full, all parties attended a session with senior Departmental Planner Ms Jane Monk, who then advised the Minister.

Our \$300 application fee to VCAT has not been refunded either - despite our written requests.

Seaford LSC liquor licence

At last a small victory!

VCAT has advised that the club has withdrawn its application for a liquor licence. At the Practice Note day we listened in amazement at the Club's members justifying the application on the grounds that they wanted to enjoy a drink before driving home. Thankfully their application was so poorly prepared that they were directed to go away and refine their application. Despite being granted plenty of time to do so, it seems the club was not able to get its act together. Again, as with the DBLSC, it appears that the SLSC is a very small operation with very few active members. The title "Lifesaving Club" however appears to entitle these few people to demand and usually get what they want.

However this has been diluted by a notice in *Business Age* last Wednesday 19th October advertising: *A new multi-million dollar Frankston City Council redevelopment of Keast Park in Seaford is on the market to lease. The redevelopment includes an 80 seat café overlooking PPB, views to Mornington to the left and Melbourne's CBD to the right, with seating inside and outside. Tenders for the lease are open until November 4th.*

It seems, as with the recent Seaford LSC redevelopment where FCC was also the proponent, that they are determined to keep treating Seaford Foreshore as a "development opportunity".

Sol Lew Pool

Member group MEAFEC inc. has also done marvellous work in sustaining objection to the illegal construction of a swimming pool on public land by Mr Solomon Lew. In conjunction with Cr Leigh Eustace, Mr David Morris local Liberal MLA, and other conservation groups, Council, Government and the media were lobbied. PPCC Inc. also wrote to DSE and all MPSC councillors.

It appears that as of 9th October, that Government has refused to sell the land to the Lews, so congratulations to MEAFEC Inc. and all others involved who have so effectively stood up for public ownership.

Port Phillip Bay Maintenance Dredging 2012-21

PoMC has announced that it will seek approval for a 10-year period to dredge all the channels in the Bay as well as berth approaches and swing basins in the Yarra River Port area. Information sessions are underway in several locations around the Bay, and we attended one in Rosebud on 10th October. They state that 2.3 million cubic metres of silt and sand will be removed, which will involve 80 weeks of dredging over 10 years, with a maximum of 15 weeks dredging in any year and it appears that greater volumes will be removed to maintain the deeper channels than was removed in previous maintenance dredging.

Dredging will also occur at The Heads. Dumping of contaminated material will continue at the northern Spoil Ground. At the session on 10th October, it was admitted that the only assessment of the toxic dump is visual or "hydrographic" – i.e. graphing the surface of the site.

There is no assessment of potential leakage of toxins at the site or the surrounding areas.

PPCC Life Governor

It is now 12 months since Jack Iggulden our founding President and first Life Governor died. PPCC Inc. formed in 1970 and there with Jack at our inception was Geoffrey Goode. Due to his long and distinguished support for PPCC Inc. the Committee was unanimous in recommending to this AGM that Geoff be appointed our second Life Governor. I commend to you all the motion to appoint Geoff to the position of Life Governor, and also thank Geoff for his years of dedication to this organization, including as our Webmaster, and his wider contributions to community life.

Finally

A sincere thank you to the Committee: Janet Ablitt, Eva Welch, Adrian Cerbasi, Walter Grahame and Jenny Warfe. During the year the Committee commenced alternating meetings between Eva's and Janet's homes, so a special thank you to both Eva and Janet for the use of your homes during the year, and of course to Val Tarrant, who hosts our AGMs.

And, of course thank you again to all of you from our Member Organizations, who work so hard to protect that precious place where the land meets the sea.

Len Warfe
President
Port Phillip Conservation Council Inc.
24th October 2011