

**BASTION POINT
OCEAN ACCESS BOAT RAMP**

ASSESSMENT

under

ENVIRONMENT EFFECTS ACT 1978

Minister for Planning

June 2009

1. INTEGRATED ASSESSMENT

1.1 Background

Proposals to construct an Ocean Access Boat Ramp (OABR) at Mallacoota have been under consideration within the Mallacoota community from the time that they were first proposed by the Shire of Orbost in 1990. The East Gippsland Shire Council (EGSC) has latterly undertaken the vexed role of proponent for the current project in order to enable a decision on the availability of an acceptable option for development of a new breakwater and boat ramp, with associated road access and parking. The proposed OABR site at Bastion Point is approximately 1.5 km south of Mallacoota and 520 km east of Melbourne. See Figure 1.

Figure 1. Project Location



(Source: Figure 1-1 from EES)

The proposal is intended to replace the existing single lane boat ramp at Bastion Point, which is regarded by EGSC as having inadequate capacity for providing safe and efficient launching and retrieval of boats under all-tide conditions. The existing ramp is routinely used by recreational fishers, commercial abalone divers and fishers, as well as for fisheries patrols and servicing Gabo Island. Intensive use by recreational fishers occurs during the summer and

Easter holiday periods. Weather conditions mean that it is currently useable about 25 percent of the time. The alternative ocean access is via Mallacoota Inlet, but its mouth is often closed.

The location of the current ramp is also in close proximity to a popular swimming beach that is particularly busy during summer and Easter holiday periods. Surfing occurs in the general vicinity depending on prevailing conditions. The combination of boating traffic with swimmers and surfers represents a long standing safety and risk consideration.

Council's preferred OABR project comprises at least one breakwater wall approximately 130-140 metres (m) long and 2.8 m height above AHD¹ that would protect a two-lane boat ramp with a gradient of 1:8. The ramp would be capable of launching craft up to 10 m in length. Car parking is to be provided at the existing car park which is intended to be upgraded to accommodate up to 30 cars and trailers.

The Environment Effects Statement (EES) prepared by EGSC documented three options for boat ramp locations, with an option at the current site and two options located within 150 m.

The EES was originally required by the then Minister for Planning in 2000 but took a lengthy time to prepare as project viability, study funding and technical issues were addressed. Once completed, the EES was exhibited for six weeks from 4 June to 16 July 2007. A total of 482 public submissions were received in response to the EES.

I note that in addition to the project options examined in the EES, further options were put forward and then examined during the Inquiry Panel process. Options described within the exhibited EES were largely supplanted by later designs respectively proposed by an expert witness for EGSC and the Department of Sustainability and Environment (DSE) (options 3B and LSI). Ideally these latter options would have been included within the EES documents, though an opportunity was provided for public comment on these new options as part of the Inquiry Panel process.

I have now received and considered the report of the "Inquiry Panel" that was appointed both as an inquiry under section 9(1) of the *Environment Effects Act 1978* (EE Act) to consider the exhibited EES and public submissions, as well as a panel under sections 97E, 153 and 155 of the *Planning and Environment Act 1987* to consider a planning permit application for vegetation clearance and public submissions in response. The Inquiry Panel convened on 14 July 2008 for five days at Mallacoota with further hearings being held in Melbourne.

Initial Assessment

I thank the Inquiry Panel for the approach to this EES given the long history and the wide divergence of views about an appropriate way forward. I also thank the many submitters who have taken the time and effort to respond to the EES and to inform the Inquiry Panel. I have visited Mallacoota to inspect the site, access to the site, the general area and prevailing conditions prior to making my assessment.

Mallacoota is an important coastal destination. It supports a base for tourism, water related recreation around the lakes as well as a significant commercial fishery associated with abalone. It is nestled within the general regional setting of the Croajingolong National Park. The relatively recent creation of a system of marine national parks along the coast has also created new opportunities for marine related tourism. Interest in offshore recreational angling has also increased over time, whilst the Boating Industry has experienced a long term trend to increased size in recreational vessels in Victoria.

All options considered in the Inquiry process will involve a change in conditions at Bastion

¹ Australian Height Datum

Point as any option will require the implementation of new infrastructure, that by its very nature, will appear different to the boat ramp that is there now and which is likely to be much more significant in its engineering design. Even an upgrade of the existing boat ramp, which has been raised as an option during the Inquiry process, will result in a significantly different on ground experience as any upgrade would need to be constructed to contemporary safety and engineering standards.

In this regard I note that all options considered will need to be designed and implemented to address contemporary safety and operational requirements. Given that the EGSC, and other submitters to the Inquiry, have raised safety and other operational concerns with the current ramp, a do nothing option is not viable as this would not address issues that have been raised. The only option that would completely address current risks would be to close the ramp and remove it altogether. That outcome would not address current user needs nor likely future needs and is therefore also not a viable alternative.

During my inspection of the area, and as outlined in the Inquiry Report, the current site arrangements at Bastion Point result in unavoidable risk as swimmers, boaters and other water users interact in close proximity. Whilst these risks are at their greatest during holiday periods and particularly in summer, in the longer term, the potential risks are only likely to increase as the population of Mallacoota continues to grow over time and as recreational boating demands increase over time – largely as a flow on consequence of the anticipated overall increase in the Victorian population.

My assessment following consideration of the Inquiry Report and from my inspection of the site is that ‘do nothing’ is not an option and that a new boat ramp is required that provides, to the extent possible, for mitigation of risks. My conclusion from observing the existing site is that physical separation of swimmers and other beach users from the process of boat launching and retrieval represents a long term solution to mitigating risk. Any contemporary new facility would need to be designed consistent with a full safety audit and in accordance with relevant design standards and considerations. Operational requirements, commensurate with the conditions and practical marine risks that are present in any open ocean launching and retrieval, may need to be established by Marine Safety Victoria and Gippsland Ports.

1.2 Inquiry Panel Evaluation Objectives

The Inquiry Panel adopted a framework for its assessment based on the set of “evaluation objectives” included in the Assessment Guidelines that were issued to guide preparation of the EES. These objectives, with some simplifications and refinement, provide an appropriate framework to provide an integrated assessment of the OABR proposal and the likely impacts of different options considered. These objectives reflect relevant considerations under the legislation and related policy to which the project is subject, in particular (see Table 1):

- *Coastal Management Act 1995* (CM Act) and the Victorian Coastal Strategy and relevant Coastal Action Plans
- *Environment Protection Act 1970* (EP Act) and the State Environment Protection Policy (Waters of Victoria)
- *Planning and Environment Act 1987* (PE Act) and the East Gippsland Planning Scheme
- *Flora and Fauna Guarantee Act 1988* (FFG Act) and Victoria’s Biodiversity Strategy
- *Aboriginal Heritage Act 2006* (AH Act).

The objectives also reflect the principles and objectives of ecologically sustainable development, as a relevant consideration required under the 2006 *Ministerial Guidelines for Assessment of Environmental Effects under the Environment Effects Act 1978*.

Table 1: Evaluation Objectives and Legislative Sources

Evaluation Objective	Key legislation
1. To provide efficient, safe infrastructure for the launching and retrieval of commercial and recreational boats under all tides at Mallacoota	CM Act PE Act Marine Act 1988
2. To avoid significant interference with coastal processes related to local patterns of sediment movement	CM Act
3. To avoid significant adverse impacts on marine ecology and water quality during both project construction and operations	CM Act EP Act PE Act
4. To avoid significant adverse ecological impacts on native vegetation and habitats of terrestrial fauna or flora and ensure suitable offsets are available	PE Act
5. To minimise detrimental impacts on the character and amenity of Bastion Point, including its attractiveness for recreation, education and tourism	CM Act PE Act
6. To avoid to the maximum extent practicable, adverse impacts on Aboriginal and post-settlement cultural heritage	AH Act
7. To provide a clear overall societal benefit, taking into account economic impacts, social outcomes and residual environmental impacts	CM Act PE Act

1.2 Assessment Response to Evaluation Objectives

I now provide my findings in the context of the evaluation objectives introduced above, before turning to respond to the latter's recommendations.

Objective 1: To provide efficient, safe infrastructure for the launching and retrieval of commercial and recreational boats under all tides at Mallacoota

This objective reflects the basic purpose of the OABR project. The efficiency and safety of the infrastructure options during different seasons and weather conditions need to be taken into account for both commercial and recreational users boating users, and other beach and water users. In terms of prospective commercial users, the needs of abalone and other commercial fishers as well as tourism operators warrant consideration. Efficiency encompasses both functional and cost aspects, while the safety of both users and other parties needs to be considered. I note the advice provided to the Inquiry by the East Gippsland Shire Council, which is the Committee of Management for the foreshore, that concerns with current operational risks at the existing launching ramp may necessitate its closure.

It is clear from the EES and the Inquiry Report that safety is a significant overall consideration

in assessing alternatives. I have seen the ramp in operation and concur with the general observations made to the inquiry by a number of parties on this issue. I note particularly the advice of Gippsland Ports, who are responsible for management of marine issues in the special use zone identified around the existing launch ramp site, that past practices to minimise interaction between boat traffic and other water users has not been successful and that a preferable outcome would be to increase the physical separation between conflicting user groups to minimise long term risks of recreational water users and boats impacting each other. This advice matches my observations.

Practical operating safety is a serious issue that has received considerable attention in both submission and by the Inquiry Panel and in this context it is disappointing to note that a comprehensive safety audit of both the current ramp and future options was not effectively undertaken to inform the process and the Inquiry. In this respect I note that whilst a written submission was made by Marine Safety Victoria that raised relevant design considerations, neither Marine Safety Victoria nor Gippsland Ports appeared at the Inquiry to expand upon their written submissions.

In this context, and having regard to the Inquiry Panel's report, it is my assessment that:

- All proposed options for a new boat ramp with breakwaters would significantly enhance the functional efficiency of boat launch and retrieval activities, as well as the safety of boats within the area enclosed by the breakwater structures. The combination of a dual lane boat ramp together with a formed road and increased parking capacity would increase the efficiency of the movement of vehicles and parking, particularly at peak times over the Christmas-New Year period, and would enable improved pedestrian and vehicular management to be implemented.
- The options for a new boat ramp at a new location at Bastion Point is likely to raise operational safety considerations that will need to be addressed potentially including overall safety of boat users transiting the area enclosed by the breakwater structures either to or from open water, because of the hazards respectively associated with: (a) exiting boats encountering waves side on in a situation of constrained visibility because of the breakwater walls themselves; and (b) timing the movement of returning boats to access the safety of the breakwaters.
- The greatest increase in risk exposure would occur for inexperienced recreational boat users who might be encouraged to utilise the new facility because of its apparent safety, but who lack the level of local knowledge and boat-handling skill acquired by local commercial users. Accordingly operational conditions may need to be established to manage the practical use of any new ramp, and these conditions may need to vary with prevailing conditions.
- A comprehensive safety and risk audit should be undertaken by Marine Safety Victoria to inform detailed design of any open ocean access ramp option, including associated search and rescue capacity and requirements.
- Surfers are unlikely to be exposed to any increase in risk as the likely practical impact of construction of a breakwater at the sites considered is likely to physically prevent surfing in the immediate vicinity of the breakwater.

I note that the Victorian Coastal Strategy 2008 (VCS) prepared under the CM Act establishes an overall framework for planning and management of the coast and this strategy identifies Mallacoota as a Regional Boating Facility. In relation to future investment in boating facilities, the strategy requires that safety considerations be addressed along with visual, cultural, coastal processes and other considerations. Having regard to these policy statements, as well as the identification of risks through the inquiry, it is my assessment that priority be given to minimise risk to swimmers and to boat users through physical separation of activities in the first instance. Secondly the appropriate design of any infrastructure and the establishment and enforcement of appropriate operating conditions including safety services

and equipment, should be commensurate with assessments undertaken by Marine Safety Victoria.

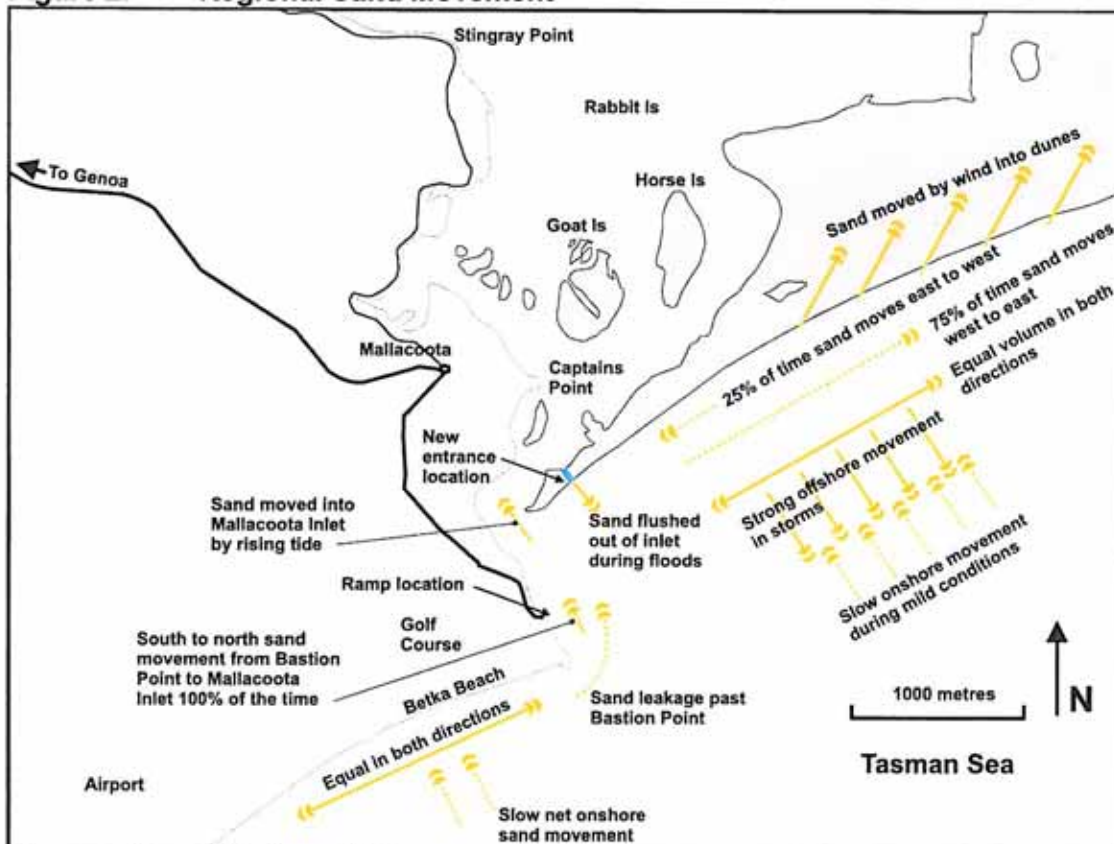
Objective 2: To avoid significant interference with coastal processes related to local patterns of sediment movement

This objective relates to the primary physical effects of the proposed boat ramp and breakwaters on wave propagation and sediment movement. The latter was a threshold issue during the early development of the EES, but the analysis in the EES is at best indicative².

Figure 2 shows the regional pattern of sand movement. Some sand progressively moves around Bastion Point from Betka Beach and then along the foreshore towards Mallacoota. The general movement of sand between Mallacoota and Gabo Island is driven by wave rather than tidal energy and is towards the east, though there is a cyclical movement back and forth across the “barrier coast” enclosing Mallacoota Inlet.

While the macro-pattern of sand movement can be explained in terms of the geomorphological response, the local movement of sand back and forth along the beach north of Bastion Point have not been accurately quantified. Sand movement in the latter area is dictated by localized wave conditions resulting from waves propagating around reefs and rock outcrops. It is, however, clear that sand may potentially accumulate near any breakwater in this location and that effective design consideration will need to be placed on arrangements for sand bypass or removal.

Figure 2. Regional Sand Movement



(Source: Figure 5-1 from EES)

² I note that the EES modelled several alternatives for the breakwater wall's height – which offered different levels of usability - the length of the wall was not varied as EGSC's consultant considered that a 130 m breakwater was necessary to attenuate wave height at the launch point.

I note from my inspections and the Inquiry Report that the estuary opening at Mallacoota changes location depending on weather, flood and other conditions.

The main issue in relation to overall coastal processes in this context is the uncertainty identified in the EES regarding the quantity of sediment that would potentially need to be removed annually to maintain access to a new boat ramp and to ensure sand supply past any breakwater.

It is my assessment that the OABR project would affect local sediment movement to the extent that it represents an operational design consideration for project operation, but it is unlikely to significantly affect either the form of local beaches or the entrance to Mallacoota Inlet.

As a consequence any design for a new ramp would need to incorporate provision for sand bypass or otherwise have capability for recurrent sand removal factored in.

Objective 3: To avoid significant adverse impacts on marine ecology and water quality during both project construction and operations

The area of inter-tidal reef in East Gippsland is restricted by virtue of the region having a limited extent of rocky coastline relative to sand beaches. Notwithstanding that reefs along the far East Gippsland coast, including Bastion Point, are known to support a broad range of marine invertebrate species, the area of inter-tidal reef proposed to be removed for the breakwater options is not sufficiently large to be likely to involve a significant impact with respect to marine biodiversity. This conclusion is supported by the absence of any local records of marine benthic species of particular conservation significance.

In addition to the “footprint” impacts of the proposed facility construction, both construction and operation of the facility have the potential to cause a minor reduction in water quality. However, any such reduction is likely to be of short duration in this ocean-exposed setting and hence have negligible effects on either marine ecology or other beneficial uses.

While I agree with the Inquiry Panel that further work could have been undertaken for the EES to provide a more comprehensive understanding of the marine ecology of Bastion Point, it is my assessment that the potential impact on the ecological character of Mallacoota Inlet and surrounding area are not of a magnitude that would in itself preclude development of a boat ramp with a breakwater at Bastion Point.

Objective 4: To avoid significant adverse ecological impacts on native vegetation and habitats of terrestrial fauna or flora and ensure suitable offsets are available

Although partially modified since European settlement, the terrestrial native vegetation within the EES study area is relatively intact with very low weed cover. The vegetation predominantly consists of Coastal Dune Scrub, which is dominated by Giant Honey-myrtle (*Melaleuca armillaris*). A small gully contains a small number of species that are characteristic of Warm Temperate Rainforest, although this particular area is highly modified. Individual zones of vegetation have been rated as of either high or very high conservation significance, depending on their quality.

I note that during the inquiry, options 3B and LS1 were introduced with the support of the Department of Sustainability and Environment. Both of these options reduce the need for vegetation removal through utilisation of existing access tracks with additional access

provided at the base of the headland. I note that exhibited Option 3 would require the removal of 1.18 hectares of native vegetation to provide an expanded car park and road access, whereas Options 3B and LS1 put forward during the Inquiry Panel process would require removal of only 0.68 and 0.425 ha respectively.

Whilst the total loss of vegetation for each option would be able to be offset by revegetation or enhanced management of similar vegetation in the area to meet net gain requirements under *Victoria's Native Vegetation Management – A Framework for Action*, as far as possible options that minimise the need for vegetation removal are preferable.

In addition to the floristic values of this vegetation, I note that the vegetation may provide habitat for a bandicoot species, possibly the Southern Brown Bandicoot, which is listed under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (though not the FFG Act). However, I also note that no project options or elements would be likely to significantly affect the habitat of any migratory or listed bird species that occur in the area.

It is my assessment that the potential impacts on terrestrial ecology would not preclude development of a new or upgraded boat ramp with ancillary facilities at Bastion Point. Further it is my assessment that options 3B and LSI are preferable in that they minimise the need for vegetation removal by proposing access to the ramp from the existing beach access road and along the base of the headland via a low key track on the beach. This is an approach not unlike that implemented at St Aubins Way at Sorrento.

Objective 5: To minimise detrimental impacts on the character and amenity of Bastion Point, including its attractiveness for recreation, education and tourism

As the Inquiry Panel report has described with some clarity, two conflicting visions for the future of the Bastion Point precinct emerge through the EES and submissions. The first reflects the rationale for the project, which identifies the potential for an accessible, safe boat ramp to support the efficient operations of commercial boat users and at the same time to advance the attraction of Mallacoota as a place for boat-based tourism, especially for recreational fishing. The second view, expressed in submissions, is that the natural amenity of Mallacoota and its environs needs to be protected, both because of the quality of life it supports and because the “wilderness coast” landscape character and associated recreational opportunities are the key values of the area for sustainable tourism.

Tourism has for many decades been an important source of business and employment for Mallacoota, and a wide range of accommodation for visitors has been established. Key attractions relate to the coastal and marine natural environment, including Mallacoota Inlet, Gabo Island, Mallacoota Beach and the Croajingolong National Park. Mallacoota is identified as a location for family holidays providing a broad range of fishing and other recreation opportunities in both ocean settings and also around the extensive lakes and river system. The Victorian Coastal Strategy 2008 identifies it as a Regional Boating location.

As I have indicated, to do nothing is not an option because of safety considerations and therefore all viable options will involve the development of new infrastructure.

The construction of a new breakwater would alter the largely natural visual appearance of Bastion Point, in its immediate vicinity as well as from the viewing point at Mallacoota and the main Mallacoota beach area. Development of an access road along the beach, as proposed by some options, would add to this visual/aesthetic change, however the extent of that impact is likely to be less than that associated with construction of an extended access road along the clifftop, particularly if the access is located close to the base of the headland.

The significance of these changes needs to be considered in the context of the important

conservation values of Croajingolong National Park, as well as the regional landscape values.

The Croajingolong National Park provides extensive opportunities for wilderness experience, camping and walking. In contrast, Mallacoota is an important regional destination for recreation and supports existing marine related activities and commercial fishing. Notwithstanding that man made structure will always look different to natural coastal conditions, the overall visual impact of the construction of a boat ramp and breakwater at Bastion Point will largely be confined to the immediate location, rather than posing a threat to the overall visual qualities of the broad coastline and national park.

Notwithstanding this, the ramp will be visible to anyone who uses the area around Bastion Point and therefore significant attention should be placed on landscape design to inform engineering design to mitigate as far as possible visual impact.

While Bastion Point is used for many forms of recreation activity, including beach walking, rock rambling, swimming, snorkelling and general enjoyment of the beach environment, surfing was most commonly raised within submissions as the recreational activity likely to be most affected by the project. All the breakwater options have been assessed as likely to have an impact on the renowned "Broken Board" surfing break, both through direct wave loss and through removal of an entry point for surfers' access to this break. Other activities such as rock rambling and snorkelling would likely suffer a minor reduction in opportunities, while rock fishing might gain some benefit from access to a breakwater.

A key educational value of the rocky coastline of Bastion Point and the area extending to Little Rame Head is the most extensive coastal exposure of Palaeozoic sedimentary rocks in Victoria. It is considered to be of State significance as a site for "the study of depositional and deformational history of the Mallacoota Beds and the analysis of coastal landforms produced on rocks on intricate structure"³. Detailed design to minimise the actual footprint of any new construction will be important to minimise the extent of any impact on shore platform values

In summary, it is my assessment that the development of a new or upgraded boat ramp with a breakwater at Bastion Point would have a visual impact and therefore significant attention should be placed on optimising design and construction methods to minimise as far as practicable visual impacts.

Objective 6: To avoid to the maximum extent practicable, adverse impacts on Aboriginal and post-settlement cultural heritage

There have been no European cultural heritage sites identified at Bastion Point. However, the area was long occupied by Aboriginal peoples in pre-European times and, from the evidence of midden material present, it must have been a significant gathering place for camping and consumption of sea food.

Construction of an access road to Option 3 would require that some Aboriginal cultural heritage sites regarded as "very significant" be destroyed whilst options 3B and LS1 have the merit that siting of access routes on the beach would, if well managed, avoid serious damage to the middens. Accordingly Option 3B has merit in this regard.

Objective 7: To provide a clear overall societal benefit, taking into account economic impacts, social outcomes and residual environment impacts

The key approval required for the Bastion Point boat ramp to proceed is consent under section

³ *Sites of Geological and Geomorphological Significance in East Gippsland, Victoria*, Ministry for Conservation (1981)

40 of the CM Act. I note that the objectives of this Act under section 4 are (emphases added):

- (a) to plan for and manage the **use of Victoria's coastal resources on a sustainable basis** for recreation, conservation, tourism, commerce and similar uses in appropriate areas;
- (b) **to protect and maintain areas of environmental significance** on the coast including its ecological, geomorphological, geological, cultural and landscape features;
- (c) to **facilitate the development of a range of facilities** for improved recreation and tourism;
- (d) to maintain and improve coastal water quality;
- (e) to improve public awareness and understanding of the coast and to **involve the public in coastal planning and management**.

In making a decision under section 40 of the CM Act, the Minister is to consider the Victorian Coastal Strategy (VCS) prepared under Division 2 of the Act. The VCS is based on the principles of ecologically sustainable development and integrated coastal zone management and adopts a hierarchy of four principles to guide coastal planning and management reflecting the Act's objectives.

Parallel to the objectives and principles for coastal management under the CM Act and VCS are the objectives of planning in Victoria under section 4(1) of the PE Act, which are of general relevance to planning the use, development and protection of land in Victoria. The latter objectives are (emphases added):

- (a) to provide for the **fair, orderly, economic and sustainable use, and development** of land;
- (b) to provide for the protection of natural and man-made resources and the **maintenance of ecological processes and genetic diversity**;
- (c) to **secure a pleasant, efficient and safe working, living and recreational environment** for all Victorians and visitors to Victoria;
- (d) to **conserve and enhance those buildings, areas or other places** which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (e) to protect public utilities and other assets and **enable the orderly provision and co-ordination of public utilities** and other facilities for the benefit of the community;
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- (g) to balance the present and future interests of all Victorians.

The overarching evaluation objective adopted here (viz. "To provide a clear overall societal benefit, taking into account economic impacts, social outcomes and residual environment impacts") encapsulates relevant legislative and policy considerations, including the objectives of the two Acts above and the specific issues captured by the preceding evaluation objectives.

In this context it is my assessment that:

- All of the OABR options considered by the Inquiry Panel would have degrees of environmental effects and these have been documented by the Inquiry Panel.
- Mallacoota is an existing town on the Victorian coast that supports a mix of recreational and other marine uses and has been identified in the Victorian Coastal Strategy 2008 as a regional boating destination. In this respect Mallacoota is like other similar towns along the Victorian coast that provide a range of coastal infrastructure and other services that support overall community use and enjoyment of

the coast

- Current safety concerns that have been identified during the Inquiry process are such that ‘do nothing’ is not an option.
- Investment in a new facility would provide a practical solution to the long term issues of swimmers and boating in close proximity by allowing deliberate separation of incompatible uses for the long term.
- All options considered do present their own challenges in terms of boater use of any facilities. The risks associated with boaters of differing levels of competence and experience using facilities that provide access to open ocean conditions, that are often very changeable, will require implementation of effective management arrangements to mitigate risks to boaters from their own behaviour.
- Of the options considered, option 3B, including an access provided along the base of the headland, via the existing access track leading off an expanded existing car park is preferable in terms of minimising overall impact.
- Accordingly, should any new ramp be provided, it will be essential for a full safety audit to be conducted to inform detailed design, including the potential provision of user operational guidelines and associated search and rescue capacity. Marine Safety Victoria should take a lead role in that detailed assessment.
- Should EGSC, as the proponent, seek to implement a new OABR, EGSC should develop detailed construction design in consultation with MSV and DSE, AAV and Gippsland Ports with the objective of establishing a breakwater design that is as visually unobtrusive as possible, considers and includes specific provisions to be identified by MSV in relation to design and operational safety considerations, advice from DSE in relation to car park design, native vegetation offsets, management of car park runoff, waste treatment, traffic management between pedestrians and vehicles and design for climate change, and consultation with AAV in relation to cultural heritage.

This Assessment will be made available to decision-makers under Victorian law, in particular the Minister for Environment and Climate Change, who must consider this Assessment before deciding whether to allow the proposal to proceed under the CM Act.

2. RESPONSE TO INQUIRY RECOMMENDATIONS

The Inquiry's recommendations are reproduced in *italics* with the response by the Minister for Planning in normal type font below.

Recommendation in chief

Inquiry recommendation

The environment effects of Options 1, 2 and 3 as exhibited, Options 3a and 3b, and Option LSI are such that there is no overall societal benefit in progressing these options further and they should be discarded.

Minister's response

It is my assessment that the above recommendation fails to consider the issue of inherent risks associated with swimmers and other beach users in close proximity to boating traffic near the current launch ramp location and that to do nothing is not an acceptable long term option. It is my assessment that insufficient weight was placed on the advice from the relevant local port manager in relation to the current risks of boaters and other water users.

Upgrading the existing ramp

Inquiry recommendations

The Panel does not consider that breakwaters should be considered in the minor upgrading of the existing ramp.

The present ramp is generally considered to be too narrow. Any contemplated upgrade should review its width and consider options to widen it.

Minister's response

It is my assessment that the above recommendation is noted however an upgrade of the existing boat ramp would not address the inherent conflicts between water users and therefore the issue of breakwaters at the existing ramp site is no longer in consideration.

Special use zone

Inquiry recommendation

The Panel recommends that measures to improve the risk profile of the Special Use Zone be considered and implemented.

Minister's response

The existing special use zone does not appear to have been effective in resolving inherent risks and conflicts between water users. It is my assessment that physical separation of swimmers and other beach users from boating traffic is a preferred long term objective, as generally indicated by Gippsland Ports.

Further Studies

Inquiry recommendation

The Panel recommends that further studies be undertaken to resolve the issues of:

- *the need for and extent of parking to be provided, and whether any provision should be staged to ensure no oversupply is provided;*
- *the form of the road and parking layout that will minimise visual intrusion and native vegetation removal, with consideration given to the car park layout in Option LS1;*
- *whether the road sloping down to the beach needs to be sealed in some fashion;*
- *whether beach parking should be restricted or prohibited, or more effectively and actively managed to improve circulation, safety and amenity.*

Minister's response

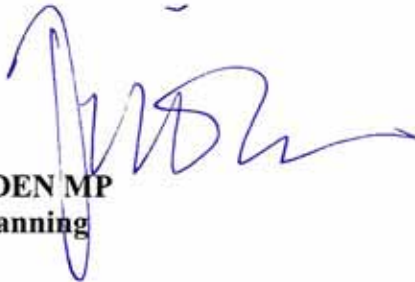
It is my assessment that these further studies be supported in principle particularly to inform detailed design of any proposal that is to be constructed generally along the lines of Option 3B.

Community advisory committee**Inquiry recommendation**

The Panel recommends that the EGSC establish a broadly based community advisory committee and appoint an independent facilitator to assist EGSC in developing the detailed design of the minor upgrade of the existing ramp, consistent with the general scope set out above.

Minister's response

It is my assessment that EGSC, DSE, MSV and Gippsland Ports determine the specific construction design and associated operational, safety and management arrangements for a new ramp to be constructed generally along the lines of Option 3B.



JUSTIN MADDEN MP
Minister for Planning

Date:

10 JUN 2009