

Ocean Access Boat Ramp – Bastion Point Mallacoota
Submission by the Department of Sustainability and Environment,
Gippsland Region
In relation to the Environmental Effects Statement

Introduction

The Minister for the Environment and Climate Change is responsible for the following key functions of the Department of Sustainability and Environment.

- Provide a consolidated and consistent policy direction for all components of Victoria's public land estate, including coasts, alps, parks, forests and Crown land and their myriad of uses and development;
- Facilitate cross-tenure collaboration and provide leadership to the effective oversight and management of both public land and built assets;
- Provide policy responses to emerging issues and risks, advice to government, and administration of core Government policies and legislative frameworks for public land;
- Maintain expertise and management systems to ensure effective asset management and property management functions across the estate.

The Department has a range of roles to provide in relation to the development of an ocean access boat ramp at Mallacoota, firstly assessment of the proposal and potential impacts against policy and secondly consent of the land manager for the development to occur on Crown land after consideration of the proposal against policy. As the subject area is Coastal Crown land, consent takes place under the provisions of the *Coastal Management Act 1995*.

Background

The initial charter of the project was –To provide “improved” boating access to the ocean at Bastion Point. DSE supports the need for the improvement of boat launching and retrieval facilities at Mallacoota.

Comments on EES

Policy

1. In a general context the EES Report makes broad statements such as “satisfies government policy” or “is consistent with government policy” without identifying specific policy areas and demonstrating consistency. As an example, the statement “it will satisfy State Government Policy in respect to the need for the provision of reliable ocean access for the remote eastern coast of Victoria” needs to be qualified with the name of the policy documentation.
2. The Victorian Coastal Strategy 2002 has been referred to but not explicitly addressed and in particular sections relating to protection of the coast.
3. Cultural Heritage has been assessed by the EES but the studies require further works. To comply with legislation these works should have been finalised prior to the exhibition of the EES. New legislation now requires a Cultural Heritage Management Plan to be produced. The requirements and endorsement of this plan should also be completed prior to Coastal Management Act Consent being granted.

Native Vegetation Net Gain Policy

4. In 2003, Victoria's policy on native vegetation, *Victoria's Native Vegetation Management – A Framework for action*, was incorporated into the Victorian Planning Provisions. The primary goal of the *Framework* is 'A reversal, across the entire landscape, of the long term decline in the extent and quality of native vegetation, leading to a net gain'. The key aspects of implementing the *Framework* are
 - a three step approach to avoid, minimise and offset the loss of native vegetation
 - adopting a standardised approach to identifying and avoiding significant native vegetation early in strategic and regional planning processes
 - excluding high value native vegetation from future development areas where possible and
 - adopting a landscape approach to determining offsets.

The *Framework* is a whole of government policy and applies to all land tenures and land uses.

The Bastion Point EES identifies the different Ecological Vegetation Communities (EVCs), the conservation significance of these communities and how the proposed development will impact on this vegetation.

5. If following the three step principle of avoid, minimise then offset to native vegetation removal, the proposal of a new boat ramp at Bastion Point could not occur as it is a vegetated site. To consider the second step of minimise, the first boat ramp option will remove the least amount of native vegetation and create the least fragmentation and disturbance to native vegetation.

The EES identifies Option Three as the preferred option and this has the most impact on native vegetation.

Offset options on public land in and around the Mallacoota area for the loss of native vegetation are suggested in the EES. Polygons one and four have a conservation significance of **Very High**. As mentioned in the EES, 'due to the conservation significance of the Coastal Dune Scrub EVC, the approval of the Minister' for Environment is required.

The EES on Option Three for the Ocean Access Boat Ramp, Bastion Point, Mallacoota recognises and addresses the terrestrial native vegetation issues in accordance with the State Government policy of Net Gain.

Usability

6. The EES Report refers to the Victorian Coastal Strategy (VCS) and identification of Mallacoota as a site for a regional boat ramp. Regional boat ramps are defined in the VCS as "*providing a significant amount of recreational boating in appropriate conditions*".

The EES identifies that "to operate efficiently it is recommended that the protective breakwater be constructed in a way that will provide for 90% usability. This means that the ramp would be safe to launch and retrieve boats having regard to the waves that can be expected at the boat ramp 90% of the time".

It then states that "it should be noted that the levels of usability do not imply that the sea will be safe 90% of the time but that the ramp would be safe to launch 90% of the time.

Usability should only be defined as the amount of time it is safe to launch and leave the ramp area otherwise it could be seen as condoning unsafe boating. If in fact the actual usability of the ramp

is likely to be closer to 50% due to ocean conditions then this should be a basis for economic evaluation, site assessment and design.

The project appears to have grown to provide a 90% accessibility boat ramp that has an adequate level of infrastructure to accommodate large numbers of recreational and commercial vessels and lesser options do not appear to have been subjected to the same level of rigorous assessment.

During the process of EES preparation, DSE has repeatedly requested in a variety of forums but especially via the *Technical Reference Group*, that the proponent adequately investigate the use of lesser impact solutions that may result in lower accessibility rates than the 90% but provide improved access. By improved it is meant reliable, safer and greater accessibility than the 33% launch-ability that is currently available.

It should be noted that the Victorian Coastal Strategy also identifies Cape Conran as a regional boat ramp and Lakes Entrance as a State Marine Precinct but neither of these locations currently provide any where near a 90% launch and retrieval option to the open ocean.

Previous concepts

7. A report prepared by *Coastal Engineering Solutions* “*Mallacoota Boat Ramp – Concepts for Upgrading Existing Facility*” for the East Gippsland Shire in 1999 outlined the main problems with the existing ramp as follows:
 - *The ramp is located on a beach which is dynamic. The beach moves in and out on a seasonal basis as well as in response to storm wave conditions. Consequently, there is usually sand on the ramp and it is difficult to determine the end of the ramp. Often the water depth at the end of the ramp is unsuitable for launching, even by conventional off- road vehicles.*
 - *The 1:12 ramp slope is much flatter than is usual for boat ramps – typically a slope of 1:7 to 1:8 is adopted. This contributes to sand being deposited on the ramp, but more importantly means that vehicles launching boats need to be axle deep in the water before there is sufficient depth to launch their boat. This raises safety concerns for the vehicle in surging waves*
 - *The ramp was constructed on the beach and does not have an even surface. Undermining has occurred and the ramp has consequently slumped in some places*
 - *At low water the outcropping rocks to the south provide protection against beam-on waves. However water depths are usually too low and launching requires vehicles to back off the end of the ramp.....*
 - *When a swell is running at high tide, the waves tend to break across the rock outcrop requiring launching/retrieval in beam-on seas.*

Key components of the recommended minimum construction on the existing site were:

- *lengthened and steepened ramp (approx 85m), including a shorter high tide ramp, northern rock wall to limit sand movement onto ramp,*
- *a southern seawall located partially on existing rock outcrop and car and*
- *trailer parking and sealed access.*

These recommendations relevant to the current site, have been subject to detailed planning and design phases and were endorsed by the then Department of Natural Resources and Environment they are still consistent with state wide coastal policy as well as more specific regional documents.

The EES Report details the issues with the current ramp including the gradient, being covered by sand, water level. It does not however investigate whether these issues could be resolved by upgrading the current site and ramp at the Australian standard of 1:8.

The EES Report states that the requirements for safe operation of an Ocean Access Boat Ramp mean that any upgraded facility would be a substantial structure. The three options presented do not include a smaller scale, lower impact facility and evaluation around this.

Other Users Safety

8. The issue of conflicts between users (primarily boaters and surfers) has been raised as a significant reason that the current site is the least preferred site. The existing rocky outcrop acts as a natural groyne that traps sand being transported south from the Main Beach area. A small sandbar forms at the head of this rocky outcrop and as a result small surfable waves occur in this area and the take off-point is generally at the head of the outcrop. These are low intensity waves and the 'break' is referred to as the Nursery. As the swell size increases, the take-off point migrates further south.

The EES Report has identified "some impact on surfers" but has not quantified this statement. This should be quantified by estimating number of surfing days lost in the same way it has attempted to quantify the increase in usability for boat launching.

The EES also states "on balance building the ramp at option 3 location would result in a substantial improvement in the recreational conditions on the rest of the beach". This conclusion needs to be demonstrated with practical examples.

9. Potential safety issues do arise with mixed usage. Gippsland Ports in conjunction with Marine Safety Victoria have recently reviewed the operations of the existing ramp and the mixed use of the area and have implemented a Code of Conduct for users in the area.

This approach appears to have worked satisfactorily at the existing site.

Boating Safety

10. Provision of a 90% usability facility could provide a false sense of safety in marginal sea conditions. How has as a potentially larger number of boats on the water in marginal or unsafe conditions been addressed?

Option 3 was identified as providing the most significant opportunity to increase safety and minimise risk as it provides for

- Development of an appropriately designed boat ramp, which will provide for improved safety and efficiency in use.
- An increased car and trailer parking capacity and separation of boat ramp traffic from other traffic using the area

All options provide these outcomes and it is not clear how this information is used to justify one proposal over another.

- The EES states that the access road would be designed to be used only by traffic that would use the ramp. It does not explain how this would be achieved.

Ancillary Structures

11. The EES Report has identified a “need” for ancillary structures such as
 - a. fish weighing and cleaning
 - b. toilets and amenities block
 - c. boat washing
 - d. search and rescue

These features have not been incorporated into the design options presented and therefore have not been assessed as part of the EES. Land based infrastructure creates impacts on aesthetic, natural, cultural values and on other users. If these services are to be included in any final construction the potential impacts need to be identified and assessed.

Coastal Processes

12. The EES has identified the need to implement ongoing arrangements to manage the potential for movement of sand onto the boat ramp. The EES states “the possible environmental implications of this will need to be monitored to ensure that there is no detrimental impact to the marine and intertidal zones locally”. If this has been identified in the report as needing to happen it should also have been assessed in the EES.
13. The EES has not stated if the proponent will assume the costs for ongoing maintenance responsibilities.
14. EES recognised the construction of the ramp at site 3 as having the potential to impact on the reef and bluff structures in this area. It has suggested design will need to involve “appropriate” expertise to minimise impacts to geological structures. Should this have been assessed fully in the EES?

Conclusion

In looking at trying to achieve the highest launch and retrieval rates, the proponent has neglected to thoroughly consider a range of lesser options which may provide similar levels of improved boating accessibility at Bastion Point whilst reducing the impacts on marine and terrestrial environments.

The proponent has consistently failed to accept the physical constraints of the site and have sought to address all constraints through engineering outcomes. They have not attempted to address the department’s consistent views that they need to consider lesser scale developments that would minimise the environmental impacts.

The extent of the redevelopment proposal is now likely to be at the largest levels of environmental impacts.

The proponents preferred option will significantly increase the

- impacts on sites of aboriginal cultural heritage significance
- visual impacts on Bastion Point through roading and breakwaters
- social impacts associated with this multi use zone and conflicts in use
- does not effectively deal with the potential increases in offsite impacts including car/trailer parking etc.

In 1999 the Department prepared a report into a potential ramp location at Airport Cove west of Bastion Point (Environmental Assessment Proposed Ocean Access Airport Cove Mallacoota.)

That report concluded that "...the impacts on flora, fauna, landscape and cultural values would not be sufficient individually to prevent the project from going ahead, but the impacts together are substantial and would make it difficult to justify a project of this type."

Given the elevated cultural heritage, landscape and social values associated with the Bastion Point sites, and the levels of physical and visual impacts associated with options 2 and 3 (2.8 metres breakwaters, 4 to 5 metre sidecuts with 30 to 40 metre batters), and the department's previous assessment of Airport Cove it would be difficult to see how the department can support the development of options 2 and 3 within current policy parameters. The EES documentation does not clearly articulate how these impacts will be mitigated against in line with policy.

The type of facilities proposed need to be carefully considered taking into account impacts on the environment (natural values), cultural values, boat safety, maintenance requirements and costs, impacts on users etc. and be weighted against the aim of the project: being "improved" boating access at Bastion Point.

The Department does not consider the EES to have adequately assessed the lesser impact options. Options 2 and 3 as presented in the EES are not endorsed until it can be demonstrated that the lesser impact options are not viable and the cumulative impacts of the proposed developments have been addressed.



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