

Swan Bay Environment Association Inc.



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Executive Officer
Environment and Natural Resources Committee
Parliament House
Spring Street, East Melbourne VIC 3002

30 March 2010

Dear Sir/Madam,

The Swan Bay Environment Association presents this submission on the Environmental Effects Statement process in Victoria.

The Association has been involved with two EES processes over the last few years and members have concerns about two aspects of the process. These concerns are:

- i) That the developer chooses the consultants to conduct the EES process, and
- ii) That the process isn't sufficiently rigorous to prevent projects which will have a negative environmental impact from proceeding.

We believe that the current process, which involves a developer selecting the consultants to conduct the EES process, allows developers to handpick consultants who will return a finding that will allow the project to proceed. In all cases there will be a large amount of money at stake, and in most cases the developer will be well aware of the environmental effect of their project. They will tend to choose consultants who may gloss over these effects or make minimal mention of these in their reports.

We also believe that the current process is not sufficiently rigorous to provide protection for the environment which it is meant to safeguard.

When the EES for the Channel Deepening project was prepared some years ago the final document was very long and detailed. Sometime after the initial EES was prepared, the Minister requested that a Supplementary EES be prepared, requiring additional analyses to be undertaken. It appears that despite the \$120 million spent on the SEES, the Government were reluctant to expose it to too careful scrutiny.

The community was given little time to respond to the SEES, and no members of the EES panel were on the SEES panel which was disappointing considering the experience that they now had in this area.

Despite the many questions that were raised about the impact that this project would have on the environment, the Minister allowed the dredging to proceed. This has since caused serious rock fall in the area. The long term effect of this is uncertain, demonstrating that the EES process has, in this case, failed to protect the environment.

Before commencing their Residential and Waterways development in Point Lonsdale, Stockland were required to prepare an EES. The resultant statement had input from experts in many fields such as marine ecology, ecology, salinity and climate change.

These consultants each studied the area in some detail and compiled their reports. Unfortunately the final document, while strong on detail, lacked a thorough analysis of the effects that each of these areas have on the others.

The expert on climate change admitted that there may be a rise in the water level but that water entering the development can be controlled. The flora and fauna consultant outlined the vegetation communities but was unable to personally observe much of the bird life that other people had recorded on the site. The hydrologist outlined how the water would move through the canal system and how the 'flushing' system would work.

There was no analysis, however, of how effectively the flushing system would work with a 1.4m sea level rise, or what effect any of this would have on the bird life in areas such as Swan Bay and whether this would increase the bird populations on the site.

While a lot of valuable information was presented in Stockland's EES, more revealing was what was omitted. The public consultation process exposed this, and despite strong evidence being presented to suggest that this project would have a severe impact on the climate not only on site but also in the surrounding area, the project was allowed to proceed.

Both of these experiences have made us question the rigour of a process in which the developers choose the consultants to prepare the EES, and the public consultation does not seem to have much of an effect on the final decision.

As a voluntary organisation which cares strongly about the environment, the Swan Bay Environment Association put a lot of time and effort into studying the EES for both of these projects, and putting in a submission during the public consultation periods. In both cases we were disappointed that so many unpaid hours were effectively wasted as they had little effect on the final outcome.

We would like to suggest that developers not be allowed to choose the consultants to undertake the EES process, and that prior to the EES process, initial community consultation take place so that a set of questions can be formulated which must be addressed through the process.

Finally we would suggest that the Minister take more notice of the community input as there is a lot of important local knowledge which seems to be disregarded when final approvals are made.

Yours sincerely,
Felicity Thyer
For Swan Bay Environment Association