

Westernport and Peninsula Protection Council Inc

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re: Port of Hastings Land Use and Transport Strategy

Comments on Consultation Draft September 2006

The frequently expressed arguments of Westernport and Peninsula Protection Council that the environmental risks of port operation and port development in Westernport are unacceptable have not been addressed in this Consultation Draft, but remain as potent potential showstoppers. We refer again to our earlier submission (March 2006) and its several supporting attachments.

There is no acknowledgment of the revelation in that submission of printed evidence that if a process of development were to start, deepening the already 'deep' channels would be on the agenda. Instead, the old chestnut of 'the natural advantage of natural deep water' emphasises the intent to avoid public scrutiny of this inevitable outcome.

It is heartening to note that environmental impact assessment is included in the planning process. However, there are some aspects of this which are of concern.

It should be explained clearly that since the proclamation of the Environment Protection and Biodiversity Conservation Act 1999 the Ramsar Convention has become a part of Australian federal law, and any action that has or will have or is likely to have a significant impact on the ecological character of a declared Ramsar wetland must be referred to the Federal Minister for the Environment. Such reference is a mandatory first step in the absence of a bilateral agreement between the State and the Commonwealth. It is unacceptable, therefore, to refer to an 'EES' which is a State process. No justification is given in the document and the verbal explanation given at the CRG briefing meeting

that 'DEH have determined that the EES process will inform both EES and EIS processes' in unacceptable when it is intended to apply this apparently undocumented understanding to actions that may be many years into the future and are still ill-defined. At this preliminary stage of planning of infrastructure - and especially before even this current study is complete - it is our understanding that it cannot be possible for a formal reference to be made and determined upon.

This report should state simply that because the site is a Ramsar site, reference of all proposed actions will be mandatory under the epbc Act, leaving a determination by the Minister to follow based on the full facts of the proposed action.

We are concerned also with the term 'strategic assessment' as applying to an 'EES'. We are not aware of this term being used in the epbc Act, (nor in the Victorian Environment Effects Act) and it deserves definition.

We are reminded of the hapless frog sitting in a bowl of water as it is slowly heated... by the time he feels enough discomfort to hop out the water is too hot for him to take action and eventually for his survival.

The 'showstopper' discussion recounted in our last submission from the Environment Forum at Hastings CFA was focussed especially on the eventual effects of the complete project (to see whether the frog is likely to die!), and applied not only to impacts on the bay and on the biota of the land, but equally on the land and road and railroad impacts on social amenity and health. We believe it is vital that a full and detailed environmental impact assessment be carried out on a completed 3-stage project before any start is made on stage 1. Whether the 'strategic assessment' is seen in such rigorous terms seems unlikely - it certainly needs to be spelt out and some authoritative justification included.

We believe further that alternative solutions (taking all modes of transport and the national interest into account) be assessed in such a full EIA; and that the full economic cost/benefit case for each alternative be assessed, using 21st century understanding of economics as including environmental costs. The ground breaking cost estimates of Costanza et al (forwarded as an attachment by Mr Len Warfe in his March 2006 submission) puts very high values on wetlands which were seen by the authors as probably very conservative. Such costing approaches have probably developed considerably since that work was done.

We found we were being boringly repetitive in attempting to fill out the Feedback Form. Please just accept: 'we disagree' - with the whole

concept! And we are deeply concerned about the process outlined. And we are worried about the frog!

We simply repeat: the science is well known and the dangers it foretells well understood. There should never have been an industrial port in Westernport and most certainly there must be contraction and not expansion in the future. And the world is moving in directions which with any luck will both reduce the need for shipping and at the same time find better solutions (not sure what the problem is - we are waiting for the cost/benefit facts) than bigger and bigger ships.

Brian Cuming

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10 November 2006