

VRFish say Port Phillip Bay Channel Deepening is unacceptable!

VRFish are opposed to the Port of Melbourne Corporation's (PoMC's) Port Phillip Bay Channel Deepening Project (CDP) and the adverse impact it will have on Port Phillip Bay's ecology, fish stocks and amenity.

VRFish do not support the CDP with, but not restricted to, the following reasons:

- the dredging and dumping of huge volumes of spoil in the Bay, of which a significant proportion is toxic and the consequential dispersal or leaching of toxic chemicals as a result;
- the risks to public health from these toxins has been seriously underplayed and in some cases seemingly ignored;
- the acceptance of dumping dredged materials into the bay is based upon open ocean guidelines when Port Phillip Bay is clearly not an open ocean and more akin to a large lake;
- the significant damage to adjacent ecological communities at the heads, including the Marine National Parks, as a result of rockfall and sediment dispersal from dredging;
- the impact on populations of individual fish species such as snapper and listed species such as the grayling;
- the impact on populations of individual species other than fish such as penguins, dolphins, whales and seals;
- that dredging is likely to stress ecosystems making them more vulnerable to attack and competition from opportunistic pest species;
- the dredging at the heads is to result in increased tidal levels within the bay which serves to multiply the ongoing effects of climate change on sea level rises within Port Phillip Bay;
- the lack of clear economic benefits resulting from the project, including accurate costs and the subsequent methods to recoup the project costs from port users;
- the total lack of environmental and economic consideration and investigation into the longer term impacts resulting from required and regular maintenance dredging.

Even with the current environmental assessment apparently complete, there remains significant uncertainty about the magnitude and longevity of impacts of the CDP and resulting maintenance dredging on the Bay.

It is also unacceptable that the CDP continue under the guise of compliance to a system of, yet to be disclosed, EMP's (Environmental Management Plans) as, during the trial dredge of 2005, the proponents' displayed a lack of compliance to the system of EMP's self-imposed at the time by way of, but not limited to:

- several failures to stop dredging when key trigger levels were exceeded during the 2005 Trial Dredge;
- a failure to disclose the immediate damage during the 2005 Trial Dredge;
- total under reporting of the extent of the rockfall and the subsequent damage at The Heads trial dredge area.

This level of doubt in compliance is further compounded by Boskalis' failure to disclose to the SEES full details of breaches of safety and EMP's in both the 2005 Trial Dredge and elsewhere in the world.

To further bring into the question the issue of compliance is a failure of monitors to impose penalties for damage to The Heads in the 2005 Trial Dredge.

The final concern to bring into question, true independent monitoring, is the Port Services Amendment Bill/Act which, through allowing the implementation of wide area exclusion zones, seems specifically designed to squash any truly independent attempts to monitor the environmental effects of the CDP. We saw the use of exclusion zones used to great effect in restricting independent survey of the damage at The Heads resulting from the 2005 Trial Dredge.

The December 14, 2007 Media Release from Mr. Gavin Jennings entitled "Strict Environmental Controls for Channel Deepening" in fact shows the complete lack of understanding of the true value of Port Phillip Bay and its user groups.

In Mr Jennings' release, it is revealed that a \$100 million "Environmental Bond" would be instigated. VRFish wishes to remind the Minister that recreational and professional fishing, aquaculture, tourism and added value from Marine Protected Areas alone have a net worth of close to **\$2 billion per annum** and we form only part of the Port Phillip Bay community. The proposed environmental bond is grossly inadequate.

On December 20, 2007 the Commonwealth Minister for the Environment, Mr. Peter Garrett, offered his conditional approval citing, as one of his areas of responsibility, 'to protect the Ramsar listed wetlands of Westernport' also showing a complete lack of knowledge of the CDP to deepen the channels in Port Phillip and not Westernport.

Both approvals failed to adequately address any of the following questions:

- Will the public see the monitoring plan or have any say in the monitoring?
- Will the public ever see the data?
- Will monitoring continue after dredging?
- How independent will the monitor be?
- Who funds the independent monitor?
- Who will pay if damage exceeds the \$100 million environmental bond?

There are clearly defined shortcomings in the information under which the approvals were given; including documents and reports which were presented after the SEES process was complete.

It is our clear opinion that omission of these documents has resulted in the Panel Inquiry, the Independent Expert Group, and subsequently the assessment of the State Planning Minister, and the conditional approval by the State and Commonwealth Ministers for Environment to proceed whilst failing to adequately consider the overall impacts of the project as required under the State Coastal Management Act 2005 and the Commonwealth EPBC Act.

In fact the issue of the entire process of approval for the CDP must, indeed, be brought into question as we have, effectively, the State Government proposing their project, conducting the EES into their project, evaluating the EES's into their project and finally approving their project. This must raise serious concerns as to the objectivity and independent appraisal of the EES and S-EES into the CDP and further to include any monitoring by any state government agency such as the Department of Sustainability and Environment (DSE) and the Environmental Protection Authority (EPA).

We trust that the Ministers should see fit to re-assess their decisions to support the project with due and proper consideration of the outlined deficiencies. We also wish to point out that the results of the benefit/cost analysis presented to the SEES is not in our opinion a satisfactory benefit when compared to the risks to Port Phillip Bay, its residents, its users, its reliant businesses and its environment.

VRFish, the Victorian Recreational Fishing Peak Body strongly urges the State of Victoria to immediately stop the Channel Deepening Project.

It is clear that there are many other suitable alternatives and that the Port of Melbourne will easily grow to its maximum potential within a very short period of time even without CDP.

It is also very clear that the Port of Melbourne's close proximity to the CBD is not ultimately beneficial, and that a truly national port system and supporting inland rail infrastructure will be much more suitable, and provide a highly reduced load on our already highly stressed inner suburb transport infrastructure.

It is obvious that the overwhelming majority of Victorians have strongly voiced their opposition to this project's suitability, and it is time that this opposition is clearly recognised.

We urge you to act with haste to ensure that the interests of the public of Victoria are protected by the immediate rejection of the project.

In conclusion we wish to recount some words by the current Commonwealth Environment Minister, Mr. Peter Garrett, in an article entitled "Our Politicians All At Sea" in "The Age" June 15, 2001:

"The Australian Conservation Foundation has supported the Victorian National Parks Association's marathon efforts to establish "no take" marine national parks in Victoria because they are integral to the protection of the state's magnificent and unique marine life.

There is no doubt marine national parks are also vital to the long-term survival of our coastal communities. The benefits of these parks cannot be underestimated. Protecting our natural assets makes areas more attractive to visitors and improves the quality and quantity of commercially exploited marine species.

The spin-offs are clear - more fish, more tourists and genuinely sustainable communities."

"Due to the isolation of this region for more than 65 million years, Victoria's marine environment is considered one of the most important in the world. Many marine plants and animals, including 85 per cent of southern Australian fish species, are found nowhere else on earth. Despite their uniqueness and beauty, less than 0.05 per cent of Victoria's coastal waters have so far been given full protection. Recently, no less than 150 of the world's leading marine scientists concluded that there was compelling scientific evidence that marine parks and sanctuaries conserved biodiversity, fish and fisheries. "

VRFish wishes to remind the Ministers and, indeed, the State of Victoria, the proposed Channel Deepening Project will very much negatively impact the Marine National Parks and, in fact, the whole ecosystem of Port Phillip Bay.

Such damage cannot be costed!

The proposed \$100 million 'environmental bond' is totally inadequate, both in amount and structure. The Port of Melbourne Corporation is a State Government Corporation and hence any bond imposed on them is merely a bond on both the arbitrators and the proponents and ultimately a tax on the Public of Victoria.

The actual dredging companies and the consultants who have recommended this project and its methodology must be the parties to provide the surety to the people of the State of Victoria if this project is to proceed.

There are obvious shortcomings in the process, and vital information has been ignored in the SEES. Hence, any current decisions and assessments are based on flawed, undisclosed or inadequate data and we request its further and immediate re-assessment.