

SCUBA DIVERS FEDERATION of VICTORIA

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via fax to: 9655 8740

20 April, 2005.

Channel Deepening Project

Department of Sustainability & Environment,
PO Box 500,
East Melbourne 3002.

re: **Panel Report on the Channel Deepening Environmental Effects Statement (EES).**

This is a submission from the SCUBA Divers Federation of Victoria (SDFV) in relation to the recommendations of the Expert Panel in relation to the Port Phillip Bay Channel Deepening Environment Effects Statement (EES), and the Ministers Response to the Report.

About us

The SDFV is an affiliation of private and non-commercial SCUBA diving Clubs and associations in Victoria, and provides peak-body representation of the interests and community values of recreational SCUBA divers. Recreational diving is a direct means to experience the rich biological and habitat diversity in Port Phillip Bay, and the potential ramifications of the Port of Melbourne's Channel Deepening Project in relation to affecting our underwater heritage is critically important to recreational divers. The SDFV has participated as a community stakeholder in all the public phases of the Project, and we have previously voiced concerns as to the robustness of the methodologies and gating decisions applied to the progression of the Project.

Our comments of the Report

We commend the Panel Report, and as community group, we are highly thankful of the depth and consistency of analysis of the EES, and more particularly the means and extent to which the Panel has considered submissions in relation to the EES.

The Expert Panel has now identified that much of the material provided in relation to the EES as being seriously flawed, incomplete, and in some cases knowingly misrepresented. The extent to which the EES is deemed flawed is staggering, and in our view, this disenfranchises community stakeholder participation and raises serious implications in relation to expectations of consultative processes. The SDFV, like many stakeholders, relies on the assumption that public service instrumentalities (such as the Port of Melbourne Authority) act in good faith and in the public interest, and that details involving subject matter expertise are presented for stakeholder buy-in on a *bona-fidi* basis. Community organizations typically have little capacity (or resources) to test or challenge technically complex matters, and thus are hamstrung in making informed decisions in the participative consultation processes without assuming the general validity of matters under consideration. In this particular case, the community has been fortunate that an adjunct process has captured the deficiencies. But the fallout is that we are left feeling 'duded' in a general sense, wondering how we trust information and representations in the future.



The simple take-home message here appears to be that all projects (involving public service instrumentalities) will now need to have highly independent checks and balances to scrutinize the veracity and validity of claims. This is sad.

Our comments on the recommendations

We make the following points in relation to the Panel's recommendations:

1. In general, the SDFV is very supportive of the Panel recommendations and believe they should be carried out (in detail).
2. In principle, we oppose the Project unless the Panel recommendations are suitably and sufficiently addressed.
3. We acknowledge the Minister's Response as appropriate, and we are encouraged that the Response implies that the vast majority of the Panel's Recommendations will be addressed and/or implemented.
4. In relation to Recommendation E, the SDFV holds that it is critical, and most productive to retain the present Expert Panel for the purposes of the SEES.
5. In relation to Trial Dredging of the Rip, the SDFV has concerns about the suggestion on the simple basis that there are no details provided. The very essence of the Panel's Report underlines the issue that there is a lack of sufficiently informative data (in the ESS) to make sound decisions (including risk management decisions).

The SDFV strongly advocates the use of scientifically sound methodologies for methodologies for predicting the effects of the overall Project. In particular, we endorse conclusions/recommendations on Page 49 & 50 of the Panel Report that Heads area design needs to be clarified and made available (in a form that make sense). We would like to see 3D modeling of the area of the Heads which allows before and after scenarios.

If the methodologies require trial dredging, then we suggest that it would be consistent if it is required that the trial be as non-damaging and limited as possible and established only after appropriate environmental and other approval processes are followed first. The Trial Dredging in the Rip suggested by the Panel (10.3) did not include the exact location, physical dimensions, total volume, or duration of the trial. These details must be made public before the Trial begins, and must be limited to the minimum necessary to provide data for the SEES.

From the perspective of recreational diving activities, community stakeholder consultation in relation to a dredging trial needs to occur, before the fact, with the SDFV, Dive Industry Association of Victoria (DIVA), and environmental groups, and eco-tourism operators. Specifically, the timing of the Trial Dredging should be agreed to by the stakeholders, and only carried out during the Ebb tidal flow. Moreover, we would like some very clear communications about what is being done, the intent of the exercise, the measurement parameters, controls and management triggers. We would also like to know if there are aspects of the Trial Dredging (such as health & safety) which would limit or preclude recreational diving in the general vicinity during the trial period. For instance, would the use of such equipment as a hydro hammer produce noise or sonic conditions which might be harmful for recreational scuba divers? As per the Panel recommendations (14.1.4), the Trial Dredging must be stopped immediately there is any effect on a Marine Park.



6. In relation to Recommendation h - Community Liaison committee, the SDFV welcomes and endorses the concept, but we have concern about the make up of the community groupings as mentioned in the Panel's report and recommendations.

The report mentions Dive Victoria as representative of the diving community. Firstly, Dive Victoria is a single company (commercial operator), and we think it inappropriate that a single company is named as representative of the industry when there is a peak body – DIVA which can better represent the general interest of the all operators in the area. Second, Recommendation 102 focuses on the commercial dive industry, yet recreational diving activities (particularly in the Port Phillip Heads area) are not best characterized by the commercial industry alone. Indeed, in terms of recreational SCUBA diving activity, the majority occurs through private clubs, associations and individuals, not through commercial operators. Clubs survive and prosper with diving activity, and club viability is similarly threatened by the consequences of the Channel Deepening processes in the same way as for commercial operators. The SDFV is the recognized peak body of non-commercial recreational diving, and we note in the depths of the Report, the Panel does observe that the interests and needs of the general recreational diver differs from that of the commercial operator providing charter boat services.

We therefore submit that it would be appropriate, and best reflect the dive community's use of the area, if both DIVA (as the peak-body representative of the commercial dive charter operators (not Dive Victoria), and the SDFV (as the peak-body representative of the general recreational diver are members of the proposed Community Liaison Committee.

We do concur that the livelihood of the commercial operators who operate in the southern reaches of the bay is likely to suffer as a result of Channel Deepening Project, and we are supportive of actions to seek compensation for their lost business should the Channel Deepening Project occur in such a way as to limit or restrict their ability to provide recreational diving charter services.

7. In relation to Recommendation 104, we support the notion, but the "horizontal visibility" figure needs some calibration in useful terms for divers. We suggest that consultation with recreational divers would be constructive here.

Many SDFV member clubs have expressed concerns about the risk assessment and management process. Many hold that there are still too many 'ifs'. Many hold that the value of the SEES will be compromised through the use of terms and undertaking (in Section 18 Conclusions) such as 'acceptable environmental effects', which remain poorly defined and very subjective. Indeed, it can be argued the Proponent's EES merely had the wrong relativities. Some have the view that the Ministers Response reflects a mechanism to accommodate and merely alter the benchmarks so the Project can proceed.

In summary, the SDFV welcome and endorse the Expert Panel's Report, and accept their conclusion that the Proponent's EES is unacceptable. Furthermore, the proposed SEES process must be conducted with the same independence and rigour as the Expert Panel's investigation, and that process monitoring and management must use independent, and non-proponent mechanisms. We submit that it is really in the whole-of-community best interests if the Project does not proceed "without environmental safeguards being put in place to absolutely minimise the long term, environmental risk to the Bay".



The SDFV is keen to be kept informed of developments and if further comments or discussion are desired, we are more than happy to be contacted.

Thank you for the opportunity to comment.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John M. Hawkins".

Dr John M. Hawkins,
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