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Our Ref MYM:MOS:5172424

Dear Nicole

Ocean Access Boat Ramp Bastion Point, Mallacoota

We refer to the Directions of the Panel dated 22 May 2008 and in particular to direction 2 which requires the circulation of a list of expert evidence to be called by 6 June 2008.

We apologise for the delay in providing a list of experts to be called by Council. The delay is due in part to Council's further attempts at mitigating the potential impacts of the proposed access road and car parking arrangements as set out in this letter. We write this letter in order to ensure that the Panel and the Environment Defenders' Officer are informed in a timely manner of Council's key decisions in relation to the project.

Modified Access Road

As set out in the Council Minutes dated 13 May 2008 (provided to the Panel under cover of a letter dated 30 May 2008) Council had resolved to advise the Panel that it:

- (a) had no objection to the Coastal Engineering Solutions Report dated January 2008 prepared for DSE (**DSE Report**) being considered as part of the hearing process; but

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- (b) did not accept that the options developed by the DSE provide a better outcome than the preferred option exhibited in the EES.

The balancing exercise underlying Council's decision is summarised in the following paragraphs of the council officer's report:

The DSE options avoid the need to remove vegetation, with the exception of the car park area, and are less likely to impact on known sites of cultural significance.

The construction of the access road on the beach increases potential for conflict between boat launching traffic and beach users creating potential safety hazards, impacting on the amenity of the area, and causing an increased visual impact associated with the structure and overall construction area.

Since making that resolution, Council has received expert assistance from Mr Alan Wyatt in relation to the visual impact of the modified access road as depicted in the DSE Report at figure 4(b) (namely the option that wraps the road around the back of the beach).

In summary, Mr Wyatt considers that the visual impacts associated with the modified access road are *less* than those associated with the road as exhibited in the EES, particularly if the road and any associated pedestrian access is constructed on piers. The main visual advantage of the modified access road is that beach users and those people driving along the access road will retain their views of the existing vegetation rather than have those views interrupted by the road and batters. Further, Mr Wyatt considers that there are various design techniques that could be used to blend the modified access road into its surrounds, as well as designing the road such that it integrated with beach and boat users.

Council has also engaged Mr Chris Butler of Grogans to provide traffic engineering assistance to ensure, inter alia, that the access road is designed to successfully integrate pedestrian and vehicular traffic.

Further, in relation to Aboriginal cultural heritage, Dr Vincent Clark has not only confirmed that the modified access road would avoid significant Aboriginal cultural sites, but he considers that the access road may even be protective of the highly significant Aboriginal cultural heritage site located adjacent to the beach.

Those factors, in addition to the native vegetation advantages already acknowledged by Council, shift the balancing exercise *in favour* of the modified access road.

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On 17 June 2008, Council decided to support the facility as identified in option 3 but with the modified access road as depicted in the DSE Report at figure 4(b).

List of Witnesses

The following are the witnesses to be called by Council:

Theme	Expert
Coastal processes/ Coastal engineering	Peter Reidel
Native vegetation	Catherine Costello
Aboriginal Cultural heritage	Dr Vincent Clark
Planning	Rob Milner
Landscape	Alan Wyatt
Economics	Jack Backen
Social	Tim Offor

We also bring to the attention of the Panel that we will be filing a report from Chris Butler in relation to traffic and parking issues. It may be, however, that it is not necessary to call him to give oral evidence to the Panel.

Similarly, in relation to the author of the Ancillary Structures Report, Mr Gerry Byrne, we do not propose to call him unless the Panel is of the view that it would benefit from having Mr Byrne available to give evidence.

On the recommendation of Mr Wyatt a survey plan is being prepared. We anticipate that the survey plan will be available by 20 June 2008. We will circulate a copy of the plan when it is available, but we do not anticipate calling the surveyor.

Council's decisions in relation to who it calls to give expert evidence obviously requires a balance to be struck between:

- (a) ensuring a timely and efficient hearing and minimising cost; and
- (b) any advantages that the Panel may obtain from oral evidence.

We estimate that we will require a half hour per expert for their initial presentation. The presentation by Mr Riedel in relation to coastal process may take slightly longer. Further, if there is significant expert material filed in opposition, their presentations may lengthen so that they can respond to that opposing evidence.

We bring to the attention of the Panel that we will not be in a position to circulate the expert report of Rob Milner by 27 June 2008. Mr Milner is unable to finalise his

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report due to long standing commitments. We anticipate that the report will be circulated as soon as possible and will be available shortly after that date. We note that the planning theme day is towards the end of the hearing and do not consider this will cause any prejudice to any party.

If you have any queries please contact Mathew Sherwell on 9240 0873.

Yours faithfully



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