

# CORRECTED VERSION

## SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Melbourne — 27 June 2008

### Members

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Mr P. Hall

Mr P. Kavanagh

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Secretary: Mr R. Willis

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### Witness

Mr M. Schinkel.

**The CHAIR** — I welcome to the hearing Maurice Schinkel of 25 Birdwood Avenue, Cowes. Maurice, do you speak as an individual or as a member of a group?

**Mr SCHINKEL** — As an individual.

**The CHAIR** — I thank you for your submission. Please make a brief statement, and then we will ask some questions.

**Mr SCHINKEL** — You have before you three pages of text from which I will read, two maps, an environment management plan and an environment effects statement scoping document.

I am a resident of Phillip Island in the Bass Coast shire. I do voluntary work at the Phillip Island Nature Park — which includes the internationally famous penguin parade — in the areas of the quarterly hooded plover and gull count, hooded plover watch, koala counts, weed removal, revegetation, the wildlife rescue roster and injured wildlife transport.

In relation to the proposed desalination plant at a site north of Williamsons Beach, near Wonthaggi — and I have provided maps of the proposed location — I have many concerns about the way this proposal is being handled. There has been virtually no meaningful consultation. The community has been unable to determine or ascertain why the proposed site was chosen. The proposed location has a significant landscape overlay, is in the catchment of the Powlett River, has sensitive dunes and vegetation, has habitat for significant flora and fauna, and has threatened hooded plovers occupying the beach as at 1 May 2008.

In addition, the proposed water pipeline alignment and the proposed power supply easement would traverse waterways and other areas of public land containing indigenous flora and fauna. Amendment C80 to the Bass Coast planning scheme was the instrument used by the government to turn private farmland into the proposed site of the desalination plant. Amendment C80 was inserted into the Bass Coast planning scheme by the government without any consultation. There was no planning panel appointed to consider the amendment and no opportunity for submissions or objections.

Amendment C80 contains a public acquisition overlay and was a mechanism by which land was compulsorily acquired. The land north of Williamsons Beach, which currently has excavations and drilling for a pilot plant occurring on it, has a public acquisition overlay, but security guards warn anyone who approaches that they are entering private property.

It is proposed by the government that the proposed desalination plant be built and run as a public-private partnership. If proceeded with, the plant and associated infrastructure would create the situation where land would go from private to public, and back to private control. This would create a new PPP acronym, being for private to public and back to private.

The government has agreed to an environment effects statement for aspects of the proposed desalination plant, but the EES has the potential to be a farce. The EES has myriad deficiencies in the following areas: no consideration of the alternatives; not identifying the power supply; not clarifying the financial costs and the associated social impact; the proponent being the facilitator of the EES; and the overuse of the term ‘minimise to the extent practicable adverse effects’.

I have provided seven copies of the document *Scoping Requirements — Desalination Project Environment Effects Statement* of May 2008 for members of the committee to peruse and ascertain for themselves the extent of the deficiencies and the potential for farce.

The pilot desalination plant and preliminary works were exempted from the EES but are subject to an environment management plan. The environment management plan has been prepared by DSE, who are also responsible for enforcing it. Work at the pilot plant site is occurring 24 hours a day.

I maintain there have been many and sustained breaches of the environment management plan in the areas of the site being accessed by other than Lower Powlett Road; advisory signage not being erected on Lower Powlett Road; vehicle speeds not being limited to 25 kilometres per hour; trucks not being fitted with tarpaulins; lighting for night-time operations not being kept low to the ground, directed onto the works area and shielded to prevent light spill; the incorrect disposal of contaminated or problem soils in accordance with EPA and local government

requirements; the water supply tanks being filled by potable water via a pipe from a drinking water main, rather than by tanks; plant and equipment not being properly cleaned and free from weeds and pathogens prior to mobilising, and I have a freedom of information request pending regarding this; and no establishment of a required wash-down facility. In addition, I am in the process of determining if there have been breaches in the areas of pedestrian access through the sensitive coastal reserve and if all activities are being confined to the designated works area.

The potential for pylons crossing the landscape from the proposed site north for 70 kilometres to provide power has emerged recently as a threat to farmland, remnant bushland and public land.

I appreciate the opportunity to bring to your attention the deleterious and alienating impact the desalination proposal would have, and the pilot desalination plant is already having, on areas of public land.

**The CHAIR** — I thank you for your submission. Our reference, as you know, is the sale and development of public land, or the alienation of public land.

**Mr SCHINKEL** — Yes.

**The CHAIR** — There are a couple of things I need to understand clearly, and the first is: is the land on which the pilot desalination plant now being worked on, now owned by the state of Victoria?

**Mr SCHINKEL** — I believe so, but my internet searches have been unable to clarify that exactly. I believe it to be public land, but when you approach the boundary or the edge of the road reserve, security guards advise you that you are approaching private land.

**The CHAIR** — It is my understanding that it has been sold or compulsorily acquired and is now owned by the state of Victoria, and that is your understanding as well.

**Mr SCHINKEL** — That is my understanding, yes.

**The CHAIR** — The second thing I am curious about is the easement for the wires and so forth, and potentially for pipes. Do you have details on that;

**Mr SCHINKEL** — Yes.

**The CHAIR** — And what pieces of public land does that cross? Can you identify those for us?

**Mr SCHINKEL** — I can.

**The CHAIR** — I am not sure if an easement is the correct term in the case of public land, but it is, I guess, in effect an easement.

**Mr SCHINKEL** — I will forward to you a document called 'The Victorian desalination project — power grid corridor option' under Our Water Our Future, which shows the easement going from the proposed site north to the vicinity of Nar Nar Goon. I maintain that some of the areas of public land it would be crossing would be, for example, the Powlett River, the Bass River, Adams Creek, Lang Lang River, Yallock Creek, McDonalds Drain and Cardinia Creek. Beyond river frontages and river crossings, I am not exactly sure. This document is so recent I have not been able to determine exactly any more areas of public land this proposal would cross.

**The CHAIR** — Have you undertaken any assessment of the impact on public land of this electricity easement?

**Mr SCHINKEL** — I would envisage it would be almost a complete alienation.

**The CHAIR** — Right. Have you undertaken any assessment of the impact on the actual land on which the pilot plant is being constructed?

**Mr SCHINKEL** — Yes. The impacts I perceive or the breaches of the environment management plan — I have made a list here — are particularly concerning lighting. Between dawn and dusk, if you drive from Kilcunda towards the site, you can see the creation of a completely new light source from the pilot desalination plant, with all of those impacts of light spill onto public land and the impact on the native vegetation there. The turning over and

disposal of soil is another question. The use of the water supply, principally a potable water supply, is something of most concern. And then there is the matter of what I perceive as a breach of what appears on page 34 of the environment management plan — that is, the bringing in of equipment that I do not think has been properly cleaned.

That has the potential to introduce pathogens into the environment, principally a species called phytophthora, which is a cinnamon fungus and which instigates what is known as dieback. Those are some of the impacts I see that are already happening or could potentially happen from the pilot desalination plant.

**Mr TEE** — Thank you for your submission. This is an important project in the sense that it will be the only source of water that is not reliant on rain, and it is a project that I understand has bipartisan support — I think the Liberal Party supports it as well. It is a major project for us.

**The CHAIR** — I think you have put words in my mouth.

**Mr TEE** — You do not support it?

**The CHAIR** — I did not say that. We have concerns about the scale and the size of the plant and the process behind it.

**Mr TEE** — I thought you supported it.

**The CHAIR** — We support a desalination plant, but there has been no agreement to support — —

**Mr TEE** — My question really focuses on the environmental concerns that you have raised. As I understand it, there is an environment effects statement, which was subject to public consultation.

**Mr SCHINKEL** — There was a scoping document, which closed on 13 March. We have a whole new series of people involved in this, principally the people affected by the proposed powerline corridor. These people were only informed as late as late May. They have actually been excluded from the 13 March deadline for the scope of the environment effects statement. The document you have before you is the scoping document based on submissions made up until 13 March. There could be a whole new group of people who would not have realised they have been affected, and now they are.

**Mr TEE** — As I understand it, you have got the environment effects statement, which I think will be completed this year, is it?

**Mr SCHINKEL** — I am unable to determine the timescale.

**Mr TEE** — In addition I understand the EPA Victoria will need to provide its approval. I think you have raised some issues; have you raised those with the EPA?

**Mr SCHINKEL** — Yes. On the question of the disposal of soils which occurred on 9 June, 16 June and 24 June, I have passed those details on to Bass Coast shire and by letter to the EPA. At this stage I have not got a reply from the EPA.

**Mr TEE** — As I said, I think its approval will need to be obtained as well. Then, in addition, I think the commonwealth environment minister has provided his approval, and that has been the issue which was challenged in the federal court, as I understand it, unsuccessfully.

**Mr SCHINKEL** — Yes. And I have what is called the reasons for the decision under the Environment Effects Act, which excludes the pilot desalination plant, and that was the question raised before the federal court. I will circulate that to you.

**Mr TEE** — It seems to me — and I would appreciate your comment on this — that there are a number of safeguards or protections in place either through the state environment effects statement or the EPA's or the commonwealth's responsibilities.

**Mr SCHINKEL** — 'Safeguards'; I am not entirely sure how to define that term.

**Mr TEE** — All right. That is all I have got for the moment.

**Ms PENNICUIK** — Thank you for coming today, Mr Schinkel. It is very lucky for you to get in just before we finish our taking of evidence at hearings. Once again I am going to have to declare that, unlike the Liberal Party and the Labor Party, the Greens are opposed to this project, and have been. That needs to be on the record in terms of any comments or questions that I ask you. This document here about why you oppose desalination is — —

**Mr SCHINKEL** — That is the map I prepared. Coincidentally it has that information on it.

**Ms PENNICUIK** — Just these reasons here — the reasons that you have?

**Mr SCHINKEL** — Yes. It was a very good map, and I thought it would be very useful.

**Ms PENNICUIK** — It is a very good map, yes. But they are the reasons we oppose it as well. I just wanted to talk a little bit about the environment effects statement. You have got here in your statement that you read before, 'The EES has a myriad of deficiencies in the areas of: no consideration of alternatives'. It is rather more a comment than a question. Certainly I have been involved in closely monitoring the EES process for the channel deepening project; it also does not consider alternatives. I think what you will find, Mr Schinkel, is that EES processes do not consider alternatives, and that is a basic flaw with them. I am just wondering with your third point, 'not clarifying the financial cost and the associated social impact' — that is basically the externalities, the impacts that are not included in the effects — could you tell us a little bit about what social impacts you are expecting?

**Mr SCHINKEL** — I would envisage a five-fold increase in people's water bills and that associated impact; no doubt about it.

**Ms PENNICUIK** — I was thinking probably more of local social impacts.

**Mr SCHINKEL** — Locally?

**Ms PENNICUIK** — Yes.

**Mr TEE** — Jobs?

**Mr SCHINKEL** — I would see a net reduction in jobs, actually, through damage to tourism. The social aspect is something I really have not considered. It is such a big project. Having some involvement with the Phillip Island Nature Park, I understand its tourism activities. I believe it would be severely harmed if this project were to proceed, principally through harm to the ecology of the little penguin. That is the first negative social impact that I would see — the job loss through tourism associated with the little penguin.

**Ms PENNICUIK** — You said here that the environment management plan was prepared by DSE, so it was not prepared by the proponent. Usually they are. In your document you say that the environment management plan was prepared by DSE.

**The CHAIR** — I think they are the proponent.

**Ms PENNICUIK** — They are?

**The CHAIR** — Yes, the capital project.

**Mr SCHINKEL** — The DSE stamp is on the front of the document, yes.

**Ms PENNICUIK** — So they are the proponent, and they also enforce their own environment management plan. Is that what you are saying?

**Mr SCHINKEL** — I maintain they are not adequately enforcing it.

**Ms PENNICUIK** — Who is checking that it is being enforced?

**Mr SCHINKEL** — It is a 24-hour operation. There is a community assembly there that keeps a record of the comings and goings of all vehicles. The comings and goings of government vehicles, I maintain, do not adequately represent an enforcement of the environment management plan.

I can give you an example most recently of photographs I have got here pertaining to the section about vehicles being required to be cleaned. I took these photos yesterday, which I will tender, showing an apparatus used to roll out pipes. That is a series of rollers with wheels on. They were unloaded from a large vehicle two days ago. I took those photos yesterday. If you look closely, you will see dirt on all these vehicles, on these rollers, before they even start. I reckon that is a breach of the environment management plan. The strange thing is that yesterday there were approximately 10 members of staff from DSE who arrived at the site, parked outside the site on the Lower Powlett Road and walked onto the property, and, from what I could see, made no effort to determine that that piece of equipment there — —

**The CHAIR** — What is it, sorry?

**Mr SCHINKEL** — It is a series of rollers that are used to move large pipes around. The pipes are lifted, the wheels are put underneath the pipe and then with heavy equipment the pipes are dragged to where they want them to go. I would suggest they had been used previously somewhere else, rolled over the dirt there, and the dirt has not been washed off. They have turned up here at the land north of Williamsons Beach with the dirt on them from a previous site, with the potential there to introduce plant pathogens into the environment.

This is only one of two instances I have been able to photograph. For example, if the vehicles do not stop, which they do not, you cannot photograph them. By some fluke, these ones were parked on the road reserve and I was able to photograph them. If they had have been parked beyond the road reserve and I tried to photograph them, the security guard would have approached me and told me to leave the site, as happens as you approach the fence.

The local community assembly that is occurring there currently has a list of 107 pages of traffic movements to and from that site 24 hours a day since 10 May, which I equate to multiple traffic movements with very little assessment of the clean state or otherwise of those vehicles and the potential to introduce pathogens into public land.

**Ms PENNICUIK** — I am just trying to clarify this. The DSE staff that you mentioned before, are they supposedly enforcing the environment management plan?

**Mr SCHINKEL** — That is another issue. It is easy to see when a government car arrives — they have got those red numberplates on — but they do not stop and you cannot say to them, 'Excuse me, are you from DSE? Are you from VicRoads? Are you from the EPA?'. They proceed onto the site, go into the compound of the pilot desalination plant and then later leave. My big concern is that they should perhaps be on the border checking vehicles before they proceed onto the site or onto this newly acquired public land, with the potential to stop these pathogens potentially being introduced.

**Mr KAVANAGH** — Thank you for your evidence. In your statement in the form of a letter in the second last paragraph you talk about the threat to public land by the pylons. Is that the electrical easements that you are referring to there?

**Mr SCHINKEL** — There are two easements proposed. One is proposed for the power and the other is the easement for the water supply. The most recent document released is a proposal for a power grid option north of the site. Yes, that is my concern.

**Mr KAVANAGH** — That damage or the threat would be in the form of the aesthetics of the public land?

**Mr SCHINKEL** — If they were finally established it would be the aesthetics, but in order to build these things I would envisage there would be significant and wide excavations, earthmoving equipment, placing of pads to support these structures and all that associated damage — turning over of soil, removal of vegetation — on areas of public land, farmland and bushland.

**Mr KAVANAGH** — Thank you.

**The CHAIR** — Thank you for your submission. We certainly appreciate it, and we may be in touch further.

**Mr SCHINKEL** — Thank you.

**Committee adjourned.**

