



Shoreham Foreshore Reserve  
PO Box 24  
SHOREHAM 3916

## **Shoreham Foreshore Committee of Management comment on the Marine and Coastal Act Consultation Paper – October 2016**

This Submission responds to the Marine and Coastal Act Consultation Paper, August 2016. It responds first to the Executive Summary contained in the Consultation Paper and then addresses the questions that have been specifically put to comment. The Submission is primarily directed to the recommendation that Category 2 Committees of Management (CoMs with less than \$1m income) be transitioned to Category 1 CoMs.

Who we are:

The Shoreham Foreshore Reserve stretches for 2.2 km from Point Leo to Flinders on Westernport Bay. The Shoreham Foreshore Committee of Management (the Committee) was established in 1929. It is a Category 2 Committee of Management. Within the reserve is a campground of 100 unpowered sites that provides, apart from the occasional grant, the entire income of around \$175,000 per year. A ranger with extensive experience is employed. The Committee is made up of 5 members: Doug Owens, a retired CEO of a large Melbourne municipal council, Adam Shalekoff, the Co-coordinator, Climate Change in our local Shire (with a Masters in Environment and Planning), Peter Renkin, a retired Manager Aboriginal Affairs (who is also the President of the large and active Shoreham residents association), Sue Boggan, a practicing Psychologist, with a strong interest in community engagement and Toby Shnookal, a practicing barrister (QC) with a civil engineering background and qualifications. All have had a long involvement in the Shoreham Foreshore.

### **Executive Summary (page 6)**

The consultation paper states:

"This paper suggests a need for smaller Category 2 CoMs (with an annual revenue less than \$1m) being combined or consolidated into bigger, better-resourced Category 1 Committees or, where it is more appropriate, transferring their management responsibilities to local governments as CoMs or Parks Victoria. A process would be needed to work with the community and identify the specific issues and needs to determine the most appropriate model. The proposals recognise that it would be imperative to harness and maintain community involvement. The ability to offer both formal and informal opportunities for community participation has been a key strength of the current system; it must be built on. However, there is a balance between encouraging participation and overburdening community members with too much responsibility, without the necessary expertise, support or resources to undertake the task. The risk is that smaller CoMs will struggle to generate the capacity to deal with the impacts of climate change and population growth "

#### **COMMITTEE COMMENT:**

The Summary refers to the management capacity of small CoMs to manage climate change and population growth as being the underlying reason to transition to larger Committees and acknowledges the risk of loss of community participation as being the counter argument. The Committee submits that the arguments presented in the discussion paper are very weak and do not support the general proposition that larger CoMs are always a better management structure. Current CoMs or clusters of CoMs should be considered individually rather than the blanket "one size fits all" proposition expressed. The Committee is strongly of the view there would be a considerable loss of community participation if local management was removed in its region and the local community would vigorously oppose it. The increased cost of a paid management structure and the increased support the discussion paper proposes is a cost that the recommendation does not address. The submission makes the bald assertion larger CoMs are better than small CoMs while at the same time recognising no cost-benefit analysis has been done. That is a policy development driven by ideology; not proper analysis.

### 3.6 Transitioning from smaller Committees of Management (CoMs)

#### Question 9:

*What issues would need to be considered to enable a smooth transition from smaller CoMs to larger coastal managers or local government? What process should be followed? How would you ensure that the benefits of local input, knowledge and effort were not lost as part of the process?*

The consultation paper states:

“To determine the best way forward, it is proposed that a process be established to examine the best option for transitioning away from smaller CoMs in different areas. This process would be undertaken with local communities so they can have their say on the preferred approach and help ensure local knowledge and experience can be best retained. The process would take into consideration any directions from the Victorian Environmental Assessment Council’s current Statewide Assessment and should clearly look at the costs and benefits of potential options. It should also have regard to the risks facing each CoM and should work through any cost-sharing arrangements for addressing these risks with the potential land manager (see section 7.4 for further discussion of cost-sharing arrangements).”

The consultation paper makes a case for the transition from category 2 CoMs to larger category 1 CoMs on the basis:

“While local governments and Category 1 CoMs are likely to be well placed to deal with the future challenges outlined above, smaller Category 2 CoMs are not. These small CoMs will likely struggle to generate the revenue or develop the necessary skills and capacities needed to deal with future challenges, particularly in managing assets and adapting to the impacts of climate change.”

#### COMMITTEE COMMENT:

The Cat 1 CoMs referenced to support this statement are Phillip Island Nature Parks on Phillip Island and along the Great Ocean Road.

Why the Phillip Island Nature Parks operations deriving \$20m from tourism was used as an example (p 48) for moving from cat 2 to cat 1 CoMs is mystifying. The Nature Parks operation is unique and only remotely relevant from a management and service perspective but has no relevance in regard income generation.

The Great Ocean Road Coast Committee (GORCC) example has validity but its tourism infrastructure, the nature and function of the Crown land and its income potential stands it apart from most other Crown land reserves or groups of Reserves.

The highly successful example of the Shoreham Foreshore Reserve is more relevant to consideration of the success of Level 2 CoMs (and the supposed need to transform them all) than the two Cat 1 CoMs referred to. There are a very large number of highly successful Level 2 CoMs across Victoria that are entirely overlooked.

No evidence is presented to support the statement that smaller Cat 2 CoMs are not well placed to deal with future challenges. Some will be, some will not. A large number of Cat 2 CoMs are successful and self-sufficient. Some are reliant on some State or Federal government grants for major infrastructure works as are Cat 1 CoMs. The assumption that one cap fits all is unproven and perhaps erroneous.

Correctly the paper says costs and benefits should be examined. A cost benefit analysis must be the key determinant of the best CoM structure. The analysis needs to have regard to income and expenditure scenarios, service and infrastructure standards, capacity to deal with future challenges (outlined in the consultation paper), the purpose and function of specific reserves, economies of scale, community expectation and volunteer impact.

## 7.2 Greater beneficiary pays:

The Consultation paper states:

“While a 'one size fits all' approach to fees and charges is not suggested, a comprehensive review of all fees charged by coastal Crown land managers should be undertaken. This should focus on where greater consistency, cost recovery or additional revenue could be achieved while maintaining fairness and equity for the use and enjoyment of marine and coastal areas.”

This review is a critical precursor to undertaking a cost benefit analysis. Just as the one size fits all is not suggested for fees and charges it should also not apply to size and structure. Let matters be considered on their individual merits.

### **There are fundamental differences between the West Coast and Phillip Island Committees and those on Mornington Peninsula Western Port side.**

Shoreham - The Reserve is Crown land, it is a permanent reservation and its reservation purpose is the “protection of the coastline”. The key objectives of the reserve management plan are to ensure the protection and enhancement of the natural and cultural values of the reserve, to provide safe and appropriate recreation experiences, ensure sustainable facilities and equitable access and to involve the community in planning and management of the reserve.

Public meetings held in developing the past two management plans have expressed overwhelming demanded no change that will adversely impact the natural environment. Reserve income is derived from 100 unpowered sites. Neither the community nor campers desire any shift to powered sites or the introduction of cabins. The tariff for a site peak period is \$35 per night.

Peak period tariffs under the Great Ocean Road Coast Committee include:

Torquay:	Cabins	\$205 to \$395 p.n.
	Powered camp sites	\$89 p.n.
Angelsea:	Cabins	\$205 to \$331 p.n.
	Powered camp sites	\$83 p.n.

For Barwon Coast CoM (example):

Barwon Heads: Cabins	\$160 to \$325 p.n.
Powered sites	\$84 p.n.
Unpowered sites	\$48 p.n.

In addition, both Committees generate circa 18.5% of their income from leases and licenses and in some years grants from State and Federal Government comprise 15% to 18% of income.

The income generation on the West coast will never be matched by the Western Port Reserves. At Shoreham income from leases and licenses is small, circa \$500 per year. Even if site rental increased to the Barwon Heads level \$35 to \$48 p.n. (37%) camping fee income would increase from circa \$175,000 to \$240,000. A significant increase in income can only be achieved by acting contrary to community expectation – introducing powered sites and cabins into the Flora and Fauna Reserve.

The income generating Reserves of Pt Leo and Balnarring are similarly structured to Shoreham.

Great Ocean Road Coast and Barwon Coast generate between \$6 – 8m. The 5 CoM's on Western Port generate a combined income of \$1.1m.

**One size does not fit all. Each area needs to be considered on its merits and a comprehensive review of all fees needs to be undertaken prior to a thorough cost benefit analysis.**

There is limited capacity to generate economies of scale from a merger of the 5 Western Port CoMs. Current Committees with staff employ the minimum number required to meet current community agreed service levels. Shoreham employs one full time Manager and under any new structure at least one person would be required to manage the Reserve.

## **CONCLUSION**

The attached letter dated 11 July 2016 to The Hon Lily D'Ambrosio, Minister for the Environment sets out the views of the Western Port Committees at that date.

The Shoreham Committee welcomes the opportunity to work with DELWP or any other Government appointed body charged with the responsibility to undertake a detailed analysis of what offers the best structure to manage the Western Port Reserves.

At this time there is insufficient knowledge to determine what that structure might be and to conclude a Category 1 Committee is the answer is premature.

## **3.8 Promoting greater use of shared services and better integration**

The Consultation Paper states:

“For current Category 1 CoMs or where smaller ones are transitioning to Category 1 CoMs, collaboration for service delivery and better integration with local government should be encouraged and facilitated. Services such as waste management, vegetation management, compliance and monitoring could be more efficiently delivered in partnership between these organisations rather than each engaging their own contractors or undertaking these services in house. Better integration between these organisations should be encouraged to ensure coastal management is fully woven into key municipal policy and planning on broader issues such as tourism, recreation and open space.”

## **COMMENT:**

The reference to Category 1 CoMs applies or should apply equally to Cat. 2 CoMs.

Despite what is written in the paper Local Government in some areas has been and is an unwilling participant in managing or assisting the management of Crown land which is seen as a State responsibility.

Over decades of consecutive State and Federal Governments, Local Government has been induced with financial incentives to provide services such as Home Care, School Crossing supervision, Government Road maintenance only to see the State and Federal Government contributions decline and Local Government left to continue the service.

This cost shifting has added millions of dollars to the rate bill. With the recent introduction of rate capping Councils are now reducing service levels and in some cases ceasing to provide a service considered to be the responsibility of another level of Government.

Whilst better integration and the greater use of shared resources is preferred the Shoreham Committee has experienced the opposite in its dealings with the Mornington Peninsula Shire.

### *Example 1. Regulation Enforcement*

Local Government is best resourced and has the legislative capacity to enforce regulations pertaining to dogs and dog owners on the public beach that forms part of the foreshore. The Committee works under ineffective Crown lands enforcement legislation. Importantly, there is no ability to issue on the spot penalty notices. After two years of discussion with Mornington Peninsula Shire and with the Committee offering to pay for an enforcement service provided the Council, the Council flatly declined, citing the matter was a State government responsibility.

### *Example 2. Storm Water control*

Storm water from the neighbouring residential estate is discharged at various point into and running through the Reserve causing erosion to the foreshore cliff face. This has resulted in a large land slip some 4-5 years ago. Repeated requests for action by the Local Government to implement an improved drainage system has not resulted in any effective action.

### *Example 3. Current Management of adjoining foreshore area*

The Shoreham Foreshore reserve is zone 21 on the map that is contained on page 86 of the Discussion Paper. As is clear from that map, it adjoins zone 17, an area of foreshore managed by Local Government. There has been absolutely no weed control, no management of pests and, in fact, no management at all of the Local Government managed area of that foreshore from where it abuts the Shoreham Reserve for the several kilometers until it reaches the built up area of Flinders for at least 20 years.

## **CONCLUSION**

Suggestions in the paper that Local government will take on an increased management role of foreshore reserves is questioned.

### 7.3 Targeting resources to where they are needed most

The paper recommends:

“Better target resources to where they are needed by establishing a levy on certain coastal Crown land managers.”

#### COMMENT

Shoreham supports the concept of a levy. The levy may be applied to Cat. 2 CoMs as well as Cat.1 CoMs.

### 7.4 Better articulating cost sharing arrangements

The paper recommends:

“Establish a process to determine appropriate cost-sharing arrangements for coastal infrastructure.”

#### COMMENT

Much resource time will be expended in pursuing this recommendation. Hopefully it succeeds. History shows cost sharing arrangements do not hold for any length of time.

## 9. Boosting community involvement

The paper states:

“opportunities to engage the community on matters specific to the coastal and marine environment have not been maximised, are often sectorial based and have not engaged the wider community. The management and delivery of community engagement and involvement needs to better balance all community values into the future. Achieving this outcome would support stimulating investment (interest, resources and programs) in coastal and marine management now and into future.”

#### COMMENT

The Shoreham Committee supports recommendations seeking to boost community involvement.

Volunteers are essential to achieving the objectives of the consultation paper.

The transition from Cat. 2 CoMs to Cat.1 will see a number of volunteers disengaged. Most of the current volunteer Committee members are likely to discontinue their involvement.

We understand the Great Ocean Road Coast Committee initially established the former smaller Committees as local advisory groups but individuals felt the value of their input not worth the effort and the advisory groups had a short existence.

The Great Ocean Road Coast and Barwon Coast CoM's have initiated a number of volunteer and community involvement programs (mostly as Friends of ..... Groups) providing examples of how volunteers can be engaged over the longer term.

Volunteer and community involvement in the direct Governance of Committees is however significantly diminished in Cat. 1 CoMs. Currently through the volunteer committee members the community has a direct and immediate voice to the Reserve management and staff.

The local community walk the Reserve, know the Reserve, see how it is maintained and provide direct feedback to decision makers on a daily and weekly basis. This is largely lost in a larger organisation where communication channels are filtered through a tiered structure.

We thank you for considering this submission.

Doug Owens  
Chairperson

For and on behalf of the Shoreham Foreshore Committee of Management  
21 October 2016