PORT PHILLIP CONSERVATION COUNCIL INC.

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28th February 2010

Dr. Michael Kennedy
Chief Executive Officer
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Dear Dr. Kennedy

Re: Planning Application P10/0077
Dromana Sea Scouts Hall
250 Point Nepean Rd. Dromana

Attention Nidia Medel Senior Statutory Planner

Thank you for the opportunity to comment on the above named documents. Please note that Council was advised by email (17th February 2010) that this submission would be provided after the formal closing date of 17th February 2010. Please also note that Council acknowledged that advice in an email dated 17th February 2010.

Port Phillip Conservation Council Inc. (PPCC) is a federation of fourteen conservation groups around Port Phillip Bay, whose major focus since 1970 has been to work for better conservation of Port Phillip, its unique waters, beaches, foreshores, sea-bed, tributaries, environs and air above it.

PPCC has formulated a range of policies advocating preservation of the unique coastline of Port Phillip, the most relevant in this instance being PPCC Inc. Policy Statement No. 2 '*Planning Limits on Heights of Structures Around Port Phillip'*, PPCC Inc. Policy Statement No. 6 *'Dealing with Coastal Erosion or Accretion in Port Phillip'* and regarding as yet unstated, but possible future uses of the facility, PPCC Inc. Policy Statement No. 7 *'Commercial Operations on Foreshore Reserves'*. See links for copies of relevant PPCC Policy documents.

PPCC contends that the proposed structure is a gross over development of the site in terms of its overall height (in excess of 8 metres) and footprint and is an inappropriate and unjustified use of the already scarce Dromana foreshore reserve. Further intensive development of coastal Crown land and the net reduction of available public open space is contrary to the clear intent of the

Victorian Costal Strategy 2008 (VCS), as well as long held Federal state and local government planning policy on coastal development especially with regard to multiple use of existing facilities and likely climate change scenarios for the area.

The present proposal would dwarf the existing Hall and annexe, which both have local cultural and historic significance. The Dromana Sea Scouts Hall was the original RSL Memorial Hall, constructed following World War 1. The Annexe was the original Dromana Library during the 1950s and 1960s. Both structures hold great significance for many Dromana residents.

Presently the two main user groups – The Dromana Sea Scouts and the Dromana Bay Lifesaving Club (DBLSC) are two quite small groups with little need for a large permanent presence on the foreshore. Both organisations share common values of imbuing youth with competence in and respect for marine safety and both groups are only present on the foreshore for a very small proportion of each week throughout the year. This provides Council with an excellent opportunity to uphold the principle of multiple use of the already substantial existing facilities.

It appears however that neither group wishes to share the use of this publicly owned facility which they have the good fortune to have almost exclusive use of. A more appropriate environmental and social outcome would be for these two groups to be required to share the already substantial facilities that the community has provided for them. The overwhelming majority of beach and foreshore users do not require the (highly seasonal) services of the DBLSC or the Sea Scouts. It is not acceptable that the wider community should lose further open space and coastal amenity and also provide substantial community funds merely to cater for the unreasonable demands of these two uncooperative interest groups.

On all these grounds the proposal should not proceed, and this submission is made within that context.

DROMANA FORESHORE

The Dromana foreshore is a fixed narrow section of land that cannot be expanded unless Port Phillip Bay is filled in. What we have experienced at Dromana during the 20th Century has been a series of self interested or political decisions, often presented as objective technical opinions. As a consequence, what has happened has been the loss of the most important community asset at Dromana – the natural beach and foreshore.

Decisions made in ignorance of or indifference to the natural coastal processes in Port Phillip Bay date back many years. For example in 1936, in response to severe storms in the Bay, the Foreshore Erosion Board was set up to report and make recommendations on how to protect the coast from erosion. Unfortunately the three engineers who constituted the Board recommended an extensive program of sea wall construction, and many miles of masonry sea walls have been

constructed around the Bay, including at Dromana. Sea walls in general protect the land, but they cause loss of beach in front of them. It is now generally accepted that sea walls were a mistake, and there have not been any built for many years. So we see that decisions made in ignorance, or perhaps for expediency, reach forward through the years - often with disastrous consequences.

In recent years the Dromana Foreshore Committee of Management has undertaken some commendable work to restore and revegetate the Dromana foreshore. The committee's efforts have greatly improved the amenity of the township, largely because the natural features of the foreshore have been enhanced, more vegetation cover has reduced the visual impact of existing structures on the foreshore, and demands for more foreshore structures have been resisted. It must be disappointing for them that their environmental achievements might be devalued or subsumed by such a large and permanent structure alienating more of our treasured open space and important habitat, that they have worked so hard to improve.

There are other solutions which could satisfy the supposed demand for this proposal which should be adopted so as to provide an equitable outcome for the whole community including those few ignorant entities who continue to make unjustifiable demands for permanent and expanding occupation of our narrow coastal strip. We will expand on various other solutions later in this submission.

COASTAL PLANNING POLICY

PPCC contends the proposal fails to respond to important principles of coastal development and likely climate change scenarios.

Mornington Peninsula Planning Scheme
Environmental Significance Overlay - Schedule 25 Port Phillip Coastal Area

The location, height, overlooking issues and overall bulk of the proposed structure cannot meet the environmental objectives of ESO 25 including the requirement for protection and enhancement of the natural features, vegetation, ecological diversity, landscape quality, heritage values and recreation opportunities of the Port Phillip Bay coastal area and associated intertidal and marine habitats.

ESO 25 Decision guidelines require the Responsible Authority to consider issues including:

- The degree to which the proposed development is dependent on a coastal location.

- The ability to reduce the number of buildings and other structures by combined use or reuse of existing buildings.

- The Victorian Coastal Strategy, Siting and Design Guidelines for Structures on the Victorian Coast (May 1998) and Landscape Setting Types for the Victorian Coast (May 1998).

Some of the activities undertaken by the DBLSC are not coast dependent (such as meetings, fitness training). Location of a permanent structure on the coastline which is used largely on a seasonal basis cannot therefore be properly justified. Rather than reduce the number of structures on the coast, as ESO 25 guides us to do, this proposal would introduce another very large building, duplicating many of the facilities already available in the immediate area.

The VCS and its underpinning documents guide against large structures in foreshore locations which intrude into view lines and reduce the experience of natural coastal scenery. The *'Landscape setting types for the Victorian coast 1998'* advises that this area has high scenic quality; Nepean Hwy and adjoining townships need to express a greater coastal character, and the "progression experience" to the natural headland at Pt. Nepean and The Rip should be enhanced. Placing a large two storey structure on the foreshore in Dromana, replicating the less pleasing aspects of more urban coastal areas closer to Melbourne, will not achieve that laudable intent.

The Victorian Coastal Strategy 2008

Hierarchy of Principles

At the outset, the VCS sets a number of principles to be addressed culminating in Principle 4*: "Ensure development on the coast is located within existing modified and resilient environments where the demand for development is evident and the impact can be managed*[1]*.*

Although the present proposal may indeed be located within an existing modified environment, there is no evidence that environment is resilient. Importantly, although the "demand for development" may be emanating from the DBLSC itself, there is no credible evidence that the DBLSC, with its extremely small membership and transient seasonal presence requires such a large and permanent presence in an area of high value and scarce coastal land. We will expand on some of these issues further within the submission.

Criteria for use and development on coastal Crown land

Criteria include a number of important requirements[2] which the present proposal does not meet including:

[1] VCS 2008 Page 21
[2] VCS 2008 Page 56

VCS states: *Facilitates multi-use of sites and existing infrastructure and the rationalisation of existing buildings and car parks without resulting in over-use*

We note that within the immediate area existing facilities include:

- The substantial existing Hall and its "Rust Hall" annexe, both used almost exclusively by the Dromana Sea Scouts and Guides – a group with small membership who use the Halls for very few hours each week, and generally at weekday times when a Life Saving Club would not be operating anyway. The Halls have access to kitchen and toilet facilities and are well maintained externally and internally.
- A large boatshed (approx 55 sq. metres) apparently used exclusively by the Dromana Sea Scouts
- A substantial brick toilet block providing 7 toilets and multiple hand basins and showers for females and males.

The designers of the proposed facility appear to have ignored the above VCS criteria, instead designing a structure which would unnecessarily duplicate much of the surrounding existing and substantial infrastructure.

VCS states: *Facilitates improvements of sites or existing developments that have poor environmental or social performance*

We contend that the proposal does not improve the site or existing developments – it merely duplicates and overshadows the existing facilities. Rather than replacing something with "poor environmental or social performance" the proposed development would diminish the substantial cultural, historic and aesthetic significance of the existing halls and would duplicate the existing immediately adjacent toilet facilities.

VCS states: *Exhibits excellence in siting and design, complements or integrates with the coastal landscape and setting, maintains important public views, vistas and sightlines and is set back from the coast as far as practicable in line with vulnerability assessments.*

The proposed design does not exhibit excellence in design. The substantial two story structure, its overall height and its unnecessarily high pitched roof is far in excess of the needs of the very small and seasonal DBLSC activities. Rather than being set back from the coast as far as possible, the new facility would be moved at least 10 metres closer to the coast than the footprint of existing buildings on the site. The existing walking path through the foreshore would also have to be relocated on the northern extremity of the site, hard up against the sea wall. This would mean that in some weather conditions, and certainly as storm surge and inundation impacts intensify in future, the relocated pathway might be unusable.

The deck surrounding the second story is far in excess of what would be required to survey the beach for lifesaving purposes. The proposed deck unnecessary overlooks the nearby and very

popular picnic area to the west and open recreational area to the East – thus reducing the amenity for those persons using the remaining open recreational areas. Rather than design excellence and integration with the coastal setting, if the proposal were to proceed its main contribution would be to alienate a substantial area of existing and well used open space for the exclusive use of a very small number of club members.

VCS states: *Will not be vulnerable to climate change risk within the lifespan of the new development.*

Whilst we note that the Coastal Assessment commissioned by the DBLSC[3] predicts coastal erosion would not have any significant impacts on the proposed structure within a 50 year lifespan, we are not convinced by the reassurances regarding coastal inundation impacts. We note that although the consultant suggests that inundation has not been a problem in the past, no explanation is offered as to why the sea wall was built. (As previously noted, sea walls were generally built to protect the land from the encroaching sea).

The report advises that even in the most extreme circumstances, the level of inundation reached would still be 1.5 metres below the finished floor level of the proposed structure. However, what is not revealed is the extent of inundation. How much foreshore land would remain accessible and useable in front of and around the proposed structure when inundation scenarios 1 (predicted sea level rise to 2100 with no storm surge or wave), 2 or the extreme 3 (sea level rise, high tide, storm and wave surge) occur?

In other words, using the same climate scenarios, by how many metres will the remaining land and the relocated walking path in front of the proposed structure be inundated?

[3] Oldfield Consulting Australia 'Proposed Life Saving Clubhouse Coastal Assessment'

Rear of Halls and toilet block. February 16th 2010

Note: DBLSC equipment is currently adequately housed within the two shipping containers in the centre of the image

Vegetation in the centre of the above image lies at the northern extent of the proposed structure and would be removed to accommodate the new structure moving forwards approximately 10 metres towards the sea. How close to the proposed building would inundation impacts occur? How much open space would be lost? By how much would the proposed structure reduce the useable public open space and pathways in future?

Clearly, under any of the climate change scenarios, the location of the proposed structure would result in a substantial reduction of public amenity.

Recent estimates of sea level rise indicate the rate has increased from 1.7mm/year during the 19th to 20th Century to 3.1mm/year from 1993 to 2003 (Church et al)[4]. Church further predicts that as the rate of sea level rise increases it is likely that seawalls and other traditional methods used to hold back encroaching sea levels to be less effective.

This further reinforces the policy advice contained in the VCS 2008 that further intensive and expensive development on low lying coastal areas should be avoided in future – not actively pursued as Council is presently doing.

VCS states: *Enhances public access to the coast and will not result in a reduction of open space.*

[4] Church et al 'Briefing: A post IPCC AR4 update on sea level rise'. ACE CRC 2008 Page 5

Clearly the substantial footprint, the overbearing two storey design, the relocation of the walking path to the back of the sea wall, and its duplication of existing facilities will substantially reduce public access to land which is currently highly valued and much loved public open space.

The footprint of the proposed structure would occupy approximately 120 sq. metres of what is currently well used open space. Including the planted embankment – which would no longer be useable open space per se, the proposed structure would be approximately 12.5 metres closer to the seawall than present structures on the site. Under future climate change scenarios considered by the consultant, as the predicted inundation occurs, the proposed structure would occupy a relatively larger proportion of the remaining public open space.

VCS states: *Has carefully considered access, pedestrian safety and implications to the surrounding community from demand likely to be generated by the new use, and encourages access by modes other than private vehicle.*

It appears this criterion has not been carefully considered. The proposed plan shows approx. 27 sq. metres of car and boat/fuel storage area and additional large wash bay of approx. 9 sq. metres. Vehicle access to this area could only be achieved by either creating a new driveway through the existing picnic area to the west or through the open recreation area to the east. Either way, the net effect is an undesirable increase in vehicles traversing the foreshore – thus reducing the amenity and safety of the high numbers of people using the existing open space.

PLANNING FOR CLIMATE CHANGE

Although a Coastal Assessment has been commissioned by the major beneficiary of the proposal DBLSC[5]; Council should commission a more thorough and independent analysis of likely climate change scenarios and in line with the Rio Protocol[6] – binding on all levels of government- adopt a precautionary approach to any future developments in this narrow strip of coastal land, which will inevitably be exposed to future climate change risks.

We offer the following evidence from two recent and major reports into the likely impacts of climate change on our coastline, relevant to this and any future coastal development, for your consideration:

1. House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts October 2009 Report *'Managing our Coastal Zone in a Changing Climate – the time to Act is Now'*

The Report provides commentary and data particularly relevant to the issues raised in this submission, and some facts that have not been considered by the DBLSC Coastal Assessment.

[5] Advice from DBLSC Vice President Pers comm. 1st March 2010
[6] United Nations Conference on Environment and Development (UNCED) Rio 1992, Chapter 17 of 'Agenda 21' (The Global Action Plan)

- Quote: *"Climate Change is a global issue that requires government to move beyond traditional approaches and boundaries or governance and environmental responses. At present governance and institutional arrangements concerning climate change and the coastal zone are significantly disjointed, lack leadership and accountability"* [7]

- The Report acknowledges the significance of the Bruun Rule[8], which has generally been overlooked or misinterpreted in analysis of sea level rise impacts on local communities. Most often, the predicted one metre Sea Level (SL) rise this century is mistakenly assumed to mean that, at the shoreline, water will encroach one metre further onto the beach. This is far from the truth.

- The Bruun Rule states that for every unit that water rises vertically it can spread 50 -100 times horizontally inland – resulting in a far greater inundation impact. Depending on the coastal topography- the inundation impact may be somewhat less or more than the general rule, but the relationship between SL and the coastline is an immutable law of nature.

- To further illustrate; the one centimetre (averaged) rise in water levels in Port Phillip Bay resulting from Channel Deepening has been successfully and deceptively depicted as being of no consequence. In truth however, the one centimetre increase in water levels on a flat shoreline means that up to one metre of previously dry land will now regularly be underwater.

- Much of the shoreline of Port Phillip including the Southern Peninsula is low lying land. The deliberate and swift arrival of more water in the Bay as a result of channel deepening will augment the expected gradual global warming induced SL rise impacts on our coastline around the Bay. The senseless, wilful act by the state government to deliberately add to the well known threats posed by global warming induced sea level rise, must be one of the most potent examples of how out of step government is with science and the principles of sound long term planning. To our knowledge, the additional risk posed by the additional water levels resulting from the channel deepening project has not been included in any coastal vulnerability assessments of this site.

Further relevant data and comments from the Report:

[7] Manly Council NSW submission to House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts Report October 2009 *'Managing our Coastal Zone in a Changing Climate – The time to Act is Now'* Page 5
[8] Ibid Page 35

- In Victoria alone, more than 80,000 coastal buildings and infrastructure are at risk from projected sea level rise, coastal flooding and erosion[9].
- The area of land subject to inundation by storm surge is likely to increase by 4- 15% by 2030 and 16 - 63% by 2070. It is predicted to affect more than 2000 individuals, 1000 dwellings and approx. $780 million in improved property value[10].
- A 1-in-100 year storm surge is likely to happen every 1 to 4 years by 2070[11], and, also in relation to predicted frequency of storm events: *"What this means is that if you have a flooding event which only happens every year at the moment, by the end of the century it will be happening every day"*[12]. It is unclear whether the consultant undertaking the DBLSC's Coastal Assessment has considered this information when referring to a one in 400 year event[13].
- In relation to Insurance cover for coastal buildings and infrastructure, the Insurance Council of Australia (ICA) confirmed that there are some things that cannot be insured for: *"Risks identified.....and not generally covered….. include Storm Surge, Landslip and Sea Level Rise…….no you cannot get cover for that in any significant or competitive way ….You would not be able to find a policy to cover you for a landslip issue …..I would not envisage that changing into the future"*[14].
- In relation to Sea level rise, ICA stated: *"you simply cannot get an insurance product at the moment for gradual sea level rise that at a future time prevents you using a parcel of land because it has become untenable…."*, and *"whereas the value of coastal buildings may be protected to some extent by insurance, the land value of properties is not insured at all"* [15]. Has Council, DBLSC and its Coastal consultant considered this issue?
- In relation to uncertainties about legal matters relating to climate change and the coastal zone, the National Sea Change Taskforce (NSCT) commented: *"…Councils are at a loss as to how to respond at the moment. What we are seeing is developments being approved right now that, if some of the projections coming out of the IPCC are proved correct, will be placed at risk in the future….there are still properties being approved today, which perhaps it would be prudent not to"* [16].

- The legal practitioners Australian Network of Environmental Defenders Offices (ANEDO) state: *"First do no more harm. It is important to not compound the significant problems already faced by coastal communities by making further ill- considered planning and infrastructure which ignores looming biophysical realties. If decisions are made ignoring this principle, they will inevitably create even larger costs for future generations to bear, and undermine the concept of intergenerational equity…"*[17]

[9] Ibid Page 37
[10] Ibid Page 37
[11] Ibid Page 37
[12] Dr. Hunter, Antarctic Climate and Ecosystems Cooperative Research Centre, in evidence to Committee. Page 47
[13] Oldfield Consulting Australia 'Proposed Life Saving Clubhouse Coastal Assessment' Page 12
[14] Mr. Sullivan. ICA submission Ibid Page 116 -117
[15] Ibid Page 118 - 120
[16] Ibid Page 144 NSCT submission
[17] Ibid Page 149

All these points are very relevant to the DBLSC proposal. The Report makes 47 recommendations, which signal the need for immediate and serious changes to our current land management policy and practices on the coast. In relation to the cumulative impacts of coastal developments, the Committee recorded that the cumulative impacts of many small decisions taken along the coast are clearly not being dealt with effectively under current Federal and state environmental protection regimes, stating: *"This also requires urgent attention"*[18].

In relation to population impacts on the coast, the Committee recorded that the clear message was that coastal development and population pressures were having a dramatic impact on the coastal environment and that our present poor coastal land use planning practices were a significant factor in this regard[19].

PPCC draws your attention to the growing body of literature on litigation surrounding climate change, negligence, duty of care, and public nuisance in failing to act appropriately to mitigate impacts. As far back as 2002, Australian Conservation Foundation (ACF) lawyers pointed out the possible scenario of common law actions around an entity posing a public nuisance by diminishing the public's right to enjoyment of and access to the adjacent beach and foreshore[20]. A public nuisance action is not tied to the possession of land or proprietary rights. If public funds were used to construct a large new building on the Dromana Foreshore, Council should consider the likelihood of exposing ratepayers to possible litigation for Council failing to act appropriately to protect commonly owned assets – our beach, foreshore, and coastal infrastructure.

2. *Climate Change Risks to Australia's Coast* Report, Australian Government Department of Climate Change Released 14th November 2009

Some key findings for Victoria:

- Between 27,600 and 44,600 residential buildings in Victoria may be at risk of inundation from a sea-level rise of 1.1 metres and storm tide associated with a 1-in-100 year storm.
- The current value of the residential buildings at risk is between $6.5 billion and $10.3 billion.
- There are approximately 4,700 residential buildings (and numerous public assets) located within 100 metres of 'soft' erodible shorelines.

Nationally, the Report makes a number of recommendations relevant to future coastal planning in our local area, and specifically to the present proposal.

[18] Ibid Page 192
[19] Ibid Page 218
[20] Tort Based Climate Change Litigation in Australia, pages 12-17

- While risks will unfold over time, there is a case to begin now with early national action to reduce current risks and avoid the building of new exposures

- Avoidance of future risk is the most cost-effective adaptation response in most cases. Decisions on future development, particularly in areas highly exposed to the impacts of climate change, should not increase risk.

- There is a large risk legacy in the coastal zone from buildings and other infrastructure constructed in the past.

- Natural ecosystems provide valuable environmental services and can buffer many of the risks associated with a changing climate in the coastal zone. Planning is needed to maximise system resilience, allow for ecosystem movement and make explicit decisions about tradeoffs.

- Leadership by governments will be necessary if adaptation action in the coastal zone is to be effective[21].

Those who have devised the present proposal have not heeded this advice. The proposal does not avoid building new exposures, it does not avoid future risks, but it does contribute to an additional legacy of coastal infrastructure. Under future climate change scenarios, that even the DBLSC consultant has considered, by its very presence the structure would occupy a larger proportion of the remaining available foreshore land, thus reducing the availability and use of natural ecosystems as a buffer against future impacts of climate change.

It could hardly be more obvious that our coastal assets, including the Dromana foreshore, have for many years been victim to the tyranny of small decision making.

A pertinent example of small decision making is the nearby McCrae foreshore 3 kms to the west of the proposed DBLSC. In the 1960s a clubhouse for the then Rosebud Life Saving Club was built on the foreshore. Initially the foreshore in front of the building was extensive, but 20 years later, and in spite of public funds being expended to shore up the building with the installation of groynes into the Bay, tonnes of rocks being dumped on the beach and thousands of tonnes of sand relocated by road from Rosebud beach to McCrae, the clubhouse inevitably collapsed into the sea. All these works were undertaken at the instigation of an impressive range of experts: The Port of Melbourne Authority; the forbear of DSE; the then Flinders Shire Council, and finally

[21] *Climate Change Risks to Australia's Coasts* Australian Government Department of Climate Change Page 135 http://www.climatechange.gov.au/en/publications/coastline/climate-change-risks-to-australias-coasts.aspx

the then Administrative Appeals Tribunal. All these experts said these “solutions” would protect the building from wave attack. All these expensive and intensive public works failed.

Public funds were then used to remove these failed solutions: tonnes of concrete, building rubble and rock, and to rebuild the facility further westward. Rosebud Life saving Club caused a lot of damage to the McCrae beach over many years, and their infrastructure posed enormous loss of amenity and safety risks to other beach users, who for a time had to scramble over rock and rubble to use their beach. Indeed the remains of the groynes are still evident on the beach and in the water. Twenty years later they still blight the landscape and still cause hazards to swimmers and beach walkers. The Rosebud Lifesaving Club was a liability for the community over many years –not an asset, and their unfortunate legacy is still evident on the McCrae beach.

So, contrary to the advice of the DBLSC coastal consultant, it seems unlikely that the insignificant seawall at Dromana could possibly protect the proposed DBLSC from the likely wave attack and storm events predicted under future climate change scenarios. Experts are not always right, and we see no evidence that the DBLSC consultant has a better track record than the list of experts advising on the then Rosebud Life Saving Club. The coastline is a dynamic place, and it is not possible to predict with any real accuracy what will occur when substantial structures are built on sand dunes.

One thing is clear. Now is not the time to locate large expensive structures on our coastline, especially those which reduce available open space, duplicate existing facilities and which primarily serve a small sector of the community.

It is time for the ‘business as usual’ model to be abandoned.

DISCUSSION

The levels of activities undertaken by the DBLSC do not justify the loss of public amenity and expenditure that the present proposal would impose on the community. Whilst a lifesaving club does provide opportunities for group activities, an objective analysis of the actual needs of the user groups shows that their activities could be well catered for with various other solutions which would facilitate more equitable access and enjoyment of our remaining undeveloped coastline.

Reduced amenity

The most valuable and sensitive zone along the coast for people’s coastal activities is the land and sea within 200 metres of the coast. Indeed, this zone is recognised by all levels of government as being significant for its cultural and ecological values (and more recently its likely climate change impacts). Tall structures close to the Bay’s coastline have very great adverse environmental effects on the Bay’s coastal margins. They are not just a background bulk, but

become the obtrusive foreground of the coastal landscape, replacing the previous view of the sky and other natural features.

Tall structures affect the use of the coast because of their appearance, including such effects as reflections, colours, shading of ground, lighting and glare at night, and wind disturbance, which can harm coastal vegetation. Tall buildings, because of their capacity, generate extra traffic and congestion pressures on the coast, which is already heavily congested, particularly at times of peak use.

Hall and Annexe viewed from Beach 16th February 2010

The proposed two storey structure would be approx. 10 metres closer to beach than present buildings, approximately twice as high, intruding significantly into the skyline view and general amenity of beach and foreshore users.

Viewed from Pt. Nepean Rd, the current design would be a large bulky building dominating the skyline and surrounding open space and existing structures. Aside from alienating more of the already scarce passive recreational areas in the area, the two storey structure exceeds 8 metres height and would create a sense of overshadowing and overlooking for persons attempting to enjoy the remaining foreshore areas around the structure

Duplication of facilities

The permit application advises that the proposed works would cost $800,000. It is unacceptable that such a significant amount of public monies should be dedicated to a development which duplicates so much of the existing facilities within the immediate area. There is ample opportunity for co-location or relocation of existing user groups, and ample existing facilities which could be renovated and refurbished for considerably less expenditure.

Dromana Sea Scouts Halls (Formerly RSL Memorial Hall and Dromana Library)

The Dromana Sea Scouts Hall has a floor area of approximately 35 sq. metres, and the Rust Hall annexe a further approx. 20 sq. metres. Both Hall and annexe appear to be in good repair externally so an innovative and sympathetic internal renovation would provide ample floor space for the existing user groups – DBLSC and Sea Scouts - to share.

Dromana Sea Scouts Boatshed

As well as the hall on Pt. Nepean Rd., the Dromana Sea Scouts also occupy a large powered boatshed of approx. 55 sq. metres, adjacent to the beach. Although the shed appears dated, it has a substantial footprint which could be renovated externally and internally to provide additional shared boat storage and even beach patrol headquarters. As the shed is located forward of important established foreshore vegetation, a permanent or mobile observation tower located at the boatshed would provide closer and wider views of the beach than could be obtained from the lookout area in the proposed development – thus providing a better service to the community.

Dromana Sea Scouts boatshed 16th February 2010

Substantial toilet block

Immediately east of the proposed development is a substantial and well maintained toilet block of approximately 170 sq. metres with multiple showers, toilets and hand basins. The block is structurally sound, indeed with its capacious interior and soaring cathedral ceiling it could arguably be described as architecturally and aesthetically pleasing.

Toilet block viewed from west February 16th 2010

The DBLSC proposal would add approximately another 10 toilets, 9 hand basins and 7 showers within a few metres of the existing substantial toilet facility and would be an unnecessary duplication of infrastructure, further alienation of public open space and wasteful of resources in this small section of foreshore reserve. Numerous other toilet facilities exist every few hundred metres throughout the Dromana foreshore reserve – we do not require more than double the number of toilets, showers and basins in this small section of foreshore.

Imaginative design could renovate this substantial existing toilet structure to provide an adequate facility to meet the ongoing needs of foreshore users and the demands of the small and seasonal DBLSC operations. As well as rationalising and updating the interior facilities, perhaps an observation tower could be added to the roofline.

How much benefit would the community receive from this new development?

Permanent and expanded occupation of highly prized coastal Crown land is a serious matter which requires the highest levels of justification – as articulated in planning policy at all levels of government. The DBLSC proposal expects significant community funding and demands permanent alienation of public land, so it invites serious analysis of the club's demands.

DBLSC has only been in existence since 1997. Prior to that, original members of the DBLSC had been members of the Rosebud and District Life Saving Club operating out of McCrae. A rift in that club resulted in a small number of people wanting to set up another club. An approach was made to DSE who facilitated their access to the Dromana State School boatshed. This was soon rejected by the new club and demands were made for different accommodation. Co-location with the Sea Scouts was apparently also explored in the interim, which also apparently proved unsuccessful. The DBLSC website indicates that it is only since 2006 that the club has even had the two shipping containers on the foreshore. Clearly then DBLSC is a relative newcomer to Dromana and is a small highly seasonal operation focussed on a very small section of the 6 km stretch of beach from Dromana to Safety Beach.

The DBLSC website advises that the club formed in 1997 and it patrols the Dromana Foreshore from the approx. 400 metres between McCulloch Street to the Dromana Pier and that patrols are on Saturdays, Sundays and Public Holidays. We note however that this information relates to Summer 2006, and that the website is still promoting its 2006 AGM on 22nd July 2006[22], begging the questions: How active is the Club? How many active members does it have?

Life Saving Victoria's website provides current information which advises that Dromana is patrolled from 28th November 2009 to 5th April 2010. No information is available regarding hours of operation, however assuming patrols are from 9am to 5 pm, this suggest that for the 2009-2010 season, 32 days or 256 hours of beach patrol occurred in the approx. 400 metres between McCulloch St and Dromana pier. We also note that swimmers are advised to swim between the flags – which according to our observations are generally placed approximately 50 metres apart. This suggests only 12% of the 400 metre "patrolled" area between McCulloch Street and Dromana pier might be under constant surveillance between the flags.

[22] http://www.dromanabay.org/

Of the 6 kms of beaches between Dromana and Safety Beach, only 0.8% of Dromana's beaches are under surveillance, (the 50 metres between the flags), and then only for some of the daylight hours on Saturday, Sunday and some public holidays[23].

No information is available as to how many rescues or drownings may have occurred in Dromana, or whether any rescues, or how many, have been performed by DBLSC members since they decided to set up in Dromana. Whilst we cannot dispute any statistics should they be produced; we know the Dromana area well and know that it is a very safe swimming area. We are not aware of any drownings having occurred in our almost seventy year knowledge of the area. Anecdotally we know of only two "beach" rescues in the Dromana McCrae area (both with life saving clubs) in the last 15 years. Both rescues were performed by members of the public – one whilst the McCrae life savers were on duty in their clubhouse but remained unaware of the incident nearby (a young swimmer hit her head on a groyne, ironically put there in a failed attempt to save the lifesaving club from wave attack). The other incident involved a child falling from Dromana pier on one of the numerous days of the year when life savers were not on patrol. It is of course impossible to know whether even if the club had been on patrol they would have been able to respond to the incident in time to rescue the child.

It seems reasonable to assume therefore that unless an incident occurs on a patrolled beach, on one of the 30 or so days of the season, being a Saturday, Sunday or some public holidays between late November and early April and between perhaps 9am to 5pm; life savers would not be in attendance.

Clearly, rescue and drownings data is critical to assess the real value and need for life saving services in Dromana, and to what extent the club should receive public funds to expand their occupation of our irreplaceable coastal land to the overly large, overly costly, visually dominating permanent presence it is proposing.

Notably, Life Saving Victoria website refers the reader to ***BeachSafe*** a portal that collates information on beaches around Australia at: http://beachsafe.org.au for further information on Dromana.

BeachSafe advises that Dromana beach has a General Beach Hazard Rating of 2, **with Least hazardous: 1-3,** Moderately hazardous: 4-6, Highly hazardous: 7-8, Extremely hazardous: 9-10.

It further advises that the 3 kilometre long Dromana Beach faces north-west, while the 2.7 km long Safety Beach swings around to finally face west in lee of Martha Point and are more exposed to westerly winds and wind waves than the beaches to the west. Consequently, the high storm waves have steepened the nearshore and the sand flats that reach 1 km wide off Rosebud progressively narrow to 300 m at Dromana Pier, and 100 m at Safety Beach. Furthermore, the

[23] Life Saving Victoria website http://www.lifesavingvictoria.com.au/www/html/86-patrolled-beaches.asp?intSiteID=1

higher waves produce a double bar system at Safety Beach, characterised by alternating bars and rips every 200 m. Swimming is relatively safe during calms and low wind waves, however Safety Beach in particular will have higher waves and rips during strong winds. Wind waves can reach 1 m or more at Safety Beach during strong westerlies, otherwise it is usually flat.

So, perhaps if a fixed permanent lifesaving service could be justified at all for the very safe beaches in the Dromana area, it perhaps should be located in Safety Beach, where conditions can be more variable. One option might be for the Club to co-locate with the Safety Beach Sailing Club and Coastguard in the impressive multi storey purpose built facility (using considerable community funds) adjacent to Martha Cove. Other alternatives include the former coastguard headquarters, currently under consideration for removal, or DBLSC could purchase and renovate one or two existing boatsheds.

Does the DBLSC need any more of the foreshore?

People use Dromana's beaches all year round day and night. Of the 8,760 hours in a year, DBLSC has provided 256 hours of life saving services for the current season[24]. Whilst we do not of course condemn the Club for providing that service, it does not excuse their unreasonable and unjustifiable demands for a permanent expanded presence on the Dromana foreshore. What the statistics do is illustrate that DBLSC demands could and should be accommodated with a more flexible service which has a less impactful footprint on our irreplaceable coastal land.

Considering the small and highly seasonal nature of the club's operations, we suggest that in the unlikely event that any further expansion was required, consideration should be given to locating some of the non coast dependent aspects of the service, such as meetings and fitness training, away from the coast – or to suitable accommodation close to the beach but on the south side of Pt. Nepean Rd. Numerous options are possible if some innovative thinking was applied. One example is co-location with the CFA headquarters immediately opposite the beach near Seacombe St. Dromana. Another reasonable alternative, and a very appropriate outcome, would be for the Club to heal any rift between itself and the Rosebud/McCrae Club and operate a more mobile service from the purpose built, and underutilised, Rosebud and District Life Saving Club at McCrae. This would result in a more comprehensive, responsive and flexible service for more of the beach going community.

More transportable equipment and mobile facilities?

Many life saving clubs around Australia happily operate their service from a fixed headquarters which is not immediately on the coast - often behind the dunes at surf beaches. Equipment is then transported to the coast and back when the life saving service is operating. In this way, the fixed location need not be on sensitive or highly prized sections of the coast, and could even be

[24] Extrapolated from Life Saving Victoria data

located on sites away from the coast. The available evidence points strongly to the fact that a fixed location is more likely to suit the needs of the club, but not necessarily the needs of the vast majority of the community.

Notably, the Altona Life Saving Club, which has been in existence since 1927, operates its entire service from clubrooms on the landward side of The Esplanade at 127 The Esplanade Altona. They apparently have no difficulties in transporting their equipment across the main street onto the beach.

Alternatively, a fully mobile service in a Winnebago style vehicle would be even more responsive to community needs and allow for the life saving service to move to the most popular sections of beach on any particular day, or where weather conditions were more likely to result in incidents. Many important services operate mobile services for the benefit of the wider community. Services such as the Blood Bank, Mobile Libraries, the Heart and Diabetes Foundations and the mobile MPSC Tourism centre all offer comprehensive and in some cases highly technical mobile services, responsive to the needs of the community and able to go where the community needs them.

DBLSC could be more responsive to and considerate of the needs of the community by a modest update of the present facilities and a greater investment in mobile facilities. We ask that DBLSC consider doing so.

A Trojan horse for commercial operations?

PPCC has observed the rise and fall of many coast based clubs over the 40 years of our existence. It is unfortunately the case that many of the structures we now see on our foreshores have been built in response to the demands of small special interest user groups. Whilst a group's membership is often ephemeral and the group may not be long lived, their built legacy remains. Oversized, ugly and inappropriately located buildings, many falling into disrepair, are now evident on many locations around the foreshores of Port Phillip Bay. Such buildings are now prime targets for commercial operators who have seized the opportunity to justify non coast dependent uses, such as waterfront restaurants. One such example is the Seaford Life Saving Club, whose membership dwindled to less than 10 members in recent years, and who have justified renting a large portion of their clubhouse to a restaurateur, who happily seized the opportunity to have what no other of the many café owners in Seaford has – absolute waterfront. The net result is alienation of public land for private gain and loss of public amenity for the majority of beach users in Seaford.

We note the design of the DBLSC proposal, with its upper story balcony on three sides and walls of glass would provide a tantalising opportunity for a club in need of operating cash to justify renting out its exclusive waterfront views. The expansive deck and large open upper floor is far in excess of what is actually required for a lookout onto the beach below. Perhaps the plan was even

developed with an eye to renting out the upper floor for a range of non coast dependent activities, a function room, or a café/restaurant?

Thus against all sensible planning policy, another non coast dependent operator could appear on our coastline. The best way to ensure that no more unjustified encroachments onto our coastline can occur is to remove the impetus for such an unfortunate outcome by not creating yet another building unnecessarily and permanently occupying our coastline, and which by its very nature and location would require costly and regular maintenance and a large operating budget.

Finally

It is extremely disappointing that it appears no lessons have been learned - Council is still operating under the 'business as usual' model. It continues to treat our narrow fragile coastline as a resource to be exploited, rather than carefully rehabilitating it so as to be more resilient to the impending impacts of climate change this century and beyond. It is no longer acceptable to continue to locate large permanent immoveable structures, such as the DBLSC proposal, on our foreshores.

The justifications provided for the DBLSC proposal do not stand close scrutiny. The return on investment for this proposal is unacceptably low. It fails to meet the vital tests of overwhelming community need, provision of a vital service, or value for investment that such an expensive building, located in such a significant location should.

The DBLSC has not provided any credible evidence that the service they provide cannot be provided from the existing facilities, perhaps with some renovation, and shared with other users. It is simply unacceptable that due to a rift in the Rosebud and District Life Saving Club 13 years ago, we are now faced with demands for yet more loss of publicly owned open space. The public should not have to tolerate such demands merely because a few members of a club could not get on with others some years ago, and can now not get on with their neighbours, the Sea Scouts - with whom they should share a common bond. In a recent discussion with the DBLSC[25], the club's Vice President said that perhaps the proposed DBLSC hall facilities could be shared with the community. This notion is a feeble justification for obtaining the facility that the club wants but hasn't properly justified. Even if it were the case that Dromana needed another community hall, a foreshore location would not be necessary or appropriate. Indeed it would be contrary to all current coastal planning policy.

In any event, Dromana is already well served with halls and meeting facilities such as the Dromana Community Hall, The Old Shire Offices, the Dromana Elderly Citizens Hall, The Dromana Bowling Club Hall, and various church halls – all for hire. We don't need another hall – we need leadership from Council to encourage more flexible and efficient use of existing resources.

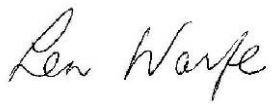
[25] Pers Comm 1st March 2010

Sadly, planning law and its administration generally lags behind public opinion and accepted research. Thus, whilst various Management Plans and other planning documents might still allow a particular development to occur, a decision to approve a particular development may not represent good planning, or indeed the wishes of the majority of the community.

Clearly a rational outcome could be achieved that would satisfy the real, rather than perceived, needs of the DBLSC whilst also avoiding the excessive expense and loss of amenity that the present proposal would create. Evidence as to why the present proposal should not be approved has been presented along with various alternative solutions that could achieve a satisfactory outcome for all.

We urge Council to consider our suggestions and refuse this permit application. In doing so, Council has the opportunity to encourage us all to think differently about our shared and irreplaceable coastal assets and to start the process of planning for the very different future we now know is ahead - especially for our coastline.

Yours sincerely



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