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Victorian Coastal Council
PO Box 500
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Re: Draft Victorian Coastal Strategy 2013

Thank you for the opportunity to respond to the Draft Strategy.

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 and articulating how we see coastal management of the Port Phillip region should be focussed. See: <http://home.vicnet.net.au/~phillip/policies.htm>.

In our view, it is disappointing that despite the Victorian Coastal Strategy having existed for over 10 years, and despite its stated aims, the natural coastal assets of Victoria continue to decline. Indeed, many millions of taxpayers' funds have been allocated to coastal works on Port Phillip Bay in recent years which have further degraded coastal amenity.

We note that compared with earlier versions, the 2013 Draft appears to have adopted a "higher level" or visionary approach, and gives less clear policy direction. This is well illustrated in reference to the Precautionary Principle. In 1992, at the UN sponsored Rio de Janeiro conference, 180 nations, including Australia, agreed to adopt the Precautionary Principle. We are obliged to respect that agreement, entered into by the Federal government, and binding on all levels of government in Australia. It axiomatic then that it should be a central theme of all environmental and planning policy and accompanying documents produced by government, including the VCS.

However, whilst the 2008 VCS clearly identified the Precautionary Principle at a **policy** level stating: '*Apply the precautionary principle to planning and management decision making when considering the risks associated with climate change*¹', the 2013 Draft appears to have relegated the Precautionary Principle to one line in an Appendix.

This perhaps has come about in response to powerful forces and vested interests which we believe increasingly threaten our publicly owned coastal assets, which we will discuss below. The Draft VCS in its current form does not or cannot adequately address these issues.

The tyranny of small decisions

For too long our coastal management has been dogged by the "tyranny of small decisions", whereby over time a number of decisions that in themselves are not significant accumulate and interact to result in significant impact on the coastal zone.

Around Port Phillip, the tyranny of small decision making has sadly led to many examples of degradation and exploitation of the coastline - a small sample of which is below:

¹ VCS 2008 Page 38



Above: Steps to a non existent Beach. Anthony's Nose Dromana. The formal sea wall was built in past decades to protect Point Nepean Rd from the sea, but is now deteriorating rapidly, with large granite boulders falling out of the structure. 1st July 2008 © J. Warfe



Above: Informal rock wall (constructed in recent years) in vain attempts to halt scouring caused by the abrupt end of the formal sea wall Anthony's Nose. High water level regularly renders beach unusable. 17th September 2008 © J. Warfe



Above: Scour has now moved from end of formal seawall to end of informal rock wall, exposing various infrastructure including asbestos. Erosion of elevated car park beyond is continuing since picture taken. 1st February 2009 © J. Warfe

We note the recent recommendation by the Department of Environment and Primary Industry that larger groupings of Reserves under the one Manager² goes some way to address this matter, and would have the additional benefit of removing some of the considerable pressures volunteer Committees of Management experience. However we contend that even more should be done to ensure that we have a national consistent approach to preserving our coastal assets.

In his April 2013 address to the Australian Coastal Councils Conference³, Coastal Geomorphologist Professor Nick Harvey (Centre for Coastal Research University of Adelaide) refers to the long standing pernicious problem of sectorial decision making. He cites Federal government reports dating back to 1980 which consistently identify the problem of decision making in isolation. Dr. Harvey has identified overwhelming support for national action on coastal management, and notes that the lack of action arising from previous inquiries suggests even with COAG involvement there is a need for NGOs and local councils to lobby federal politicians for change.

Instead of repeatedly slicing and dicing our remaining coastal environmental assets as per last Century, they must be restored and enhanced in preparation for the very different future we face, especially on the coast, as climate change and increasing sea level impacts approach.

If we continue to assess and approve projects in this partisan, ad hoc, outmoded and reactionary manner, there is no logical endpoint to these expansions, and our coastline will become a wall of masonry and assorted ugly man made protrusions into the Bay.

In the 21st Century, as our population numbers soar and demand for natural coastal experiences increases accordingly it is no longer appropriate to allow small sectional interest groups to modify, degrade and exploit the environment to suit themselves. This is the challenge for decision makers, and many community members look to the Victorian Coastal Council to prosecute this agenda.

Population growth

Recent ABS population projections indicate that Melbourne could have at least 8.5 million residents by 2060⁴. Whilst the Draft makes some oblique references to future population growth, it has concentrated on reporting on past numbers⁵, when it is of course future numbers which are relevant to planning for the future.

The Draft fails to identify precisely how the coast could be protected from the onslaught of use and visitations that a doubling a Melbourne's population by 2060 would cause. Indeed, if Melbourne's current population growth rate of 1.8% per annum is maintained, its population would double by 2051 – a mere 38 years. At present over 60% of our growth is from deliberate migration programs. On this trajectory Melbourne's population would double again to over 16 million before the end of the century, then doubling again and again ad infinitum. It is inexplicable (unless they are mathematically illiterate) that any policy maker can possibly believe his/her own rhetoric that rapid population growth will solve the supposed ageing population 'problem'. As surely as we import more people, those people will age, as will their descendants. And each of those millions of persons is likely to want to exert their right to experience the coast.

Whilst government continues to accommodate demands from the business sector for continued growth, it seems the mathematical certainty of compounding growth has not made it into the consciousness of our planners. Sooner or later we will be faced with the reality that infinite growth is not possible on a finite planet. At the local scale- infinite growth in the use of coastal assets is not possible when those assets are finite.

² Draft VCS 2013, Page 48

³ <http://www.seachangetaskforce.org.au/Publications/TUE%201%20Harvey.pdf>

⁴ Australian population to exceed 40 million by 2060 The Age 26th November 2013

<http://www.theage.com.au/national/australian-population-to-exceed-40-million-by-2060-20131126-2y7w0.html>

⁵ Draft VCS 2013, Page 17

Whilst the Draft talks about 'protection of coastal values' and 'coastal settlements and growth will be appropriately planned and managed'⁶, the Draft has not adequately addressed the looming exponentially growing demands on our coastal assets.

In short, as with many other current planning documents, the elephant in the room - population growth- is being ignored.

Political interference

There is a plethora of legislation, policies, strategies and Action plans focussed on coastal matters. These documents reflect careful and comprehensive development and refinement of expert, departmental and importantly community consultation and input over many years.

Despite this, a powerful determinant of what happens on the coast is often local political influence, rather than a reliance on the legislation and policies developed by and on behalf of taxpayers and ratepayers. Gallingly, local political input often seeks to circumvent the legislation in favour of responding to the demands of a narrow vested interest. Such ad hoc short term vision is a threat to our remaining coastal assets and does not serve the community well.

Rather than politically correct attempts to provide 'balance', the VCS must find some way to elevate its influence in the decision making process, eliminate political influence and promote a reliance on legislation and policy.

Unless this occurs we will continue to labour under the tyranny of small decisions, and our coastline will continue to degrade.

Valuing Natural capital

Intact environments are critical to our very survival on Earth, and whilst we note your small reference to the 'monetary' value of habitat types, we contend that this should receive much greater emphasis in the VCS than it has been given. This is especially relevant since the state government announced its support for commercial developments in National Parks – many of which have coastal boundaries.

Research by Costanza et al 1997⁷ confirms that the value of our natural world is undervalued, or not valued at all in economic terms. Costanza determined that Ecological services are critical to life on Earth; contribute to human welfare and thus represent part of the total economic value of the planet. The entire biosphere, most of which is outside 'the market' was estimated at an **average of \$33 trillion per year (1997 US\$), whilst Global Gross National Product** was only approx **\$18 trillion per year**. This type of research has been repeated many times, yet still governments ignore the value of our natural capital in any consideration of developments that require access to and exploitation of natural capital. This is especially relevant when that natural capital has already been identified as a National Park – a community owned asset.

Businesses who might gain access to National Parks would be handed an irreplaceable priceless asset, and no doubt at a fee which would not reflect the real value of that asset. What's more, developments would grow over time whilst some businesses would inevitably fail. It is regrettably usual, as is the case on our foreshore Crown land, that the infrastructure of failed businesses lives on long after the failed business departs e.g. boat hire, cafes, hovercraft pads etc.

Many such "enterprises" have left ugly infrastructure behind which stays for years reducing amenity and posing safety risks, and inevitably has to be removed at public expense. This too would be the likely outcome of failed developments in National Parks- an additional burden for taxpayers to rectify.

A 99-year lease of park land is effectively a private sale. The government will, over time, have little control over what happens in such lease areas, public ownership and access to these irreplaceable assets will be compromised, and wildlife habitat will be lost. The VCS must address this issue robustly.

⁶ Draft VCS 2013, Page 44

⁷ *The value of the world's ecosystem services and natural capital* Nature Vol 387 May 1997

Climate change

Whilst we note that the Draft acknowledges the importance of climate change, we are concerned that the relevance, expertise and recommendations in two significant reports may have been overlooked. We submit that the Draft VCS 2013 does not comply with the important recommendations in the reports.

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'

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"*⁸

- ❖ The Report acknowledges the significance of the Bruun Rule⁹, 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. Council or its consultants have not considered to ANY degree the likely impacts of the Bruun Rule in the plans for Rosebud and its coastline.

To further illustrate; the one centimetre 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, less than one metre above SL. 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. This 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, the principles of sound long term planning, and the needs and wishes of the community.

Further relevant data and comments from the Report:

- ❖ In Victoria alone, more than 80,000 coastal buildings and infrastructure are at risk from projected sea level rise, coastal flooding and erosion¹⁰.
- ❖ 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 value¹¹.

⁸ 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

⁹ Ibid Page 35

¹⁰ Ibid Page 37

- ❖ A 1-in-100 year storm surge is likely to happen every 1 to 4 years by 2070¹², 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”*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 wayYou would not be able to find a policy to cover you for a landslip issueI 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
- ❖ 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 realities. 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

The Report makes 47 recommendations, which in large measure signal the need for immediate and serious changes to our current land management 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

¹¹ Ibid Page 37

¹² Ibid Page 37

¹³ Dr. Hunter, Antarctic Climate and Ecosystems Cooperative Research Centre, in evidence to Committee. Page 47

¹⁴ Mr. Sullivan. ICA submission Ibid Page 116 -117

¹⁵ Ibid Page 118 - 120

¹⁶ Ibid Page 144 NSCT submission

¹⁷ Ibid Page 149

¹⁸ Ibid Page 192

environment and that our present poor coastal land use planning practices were a significant factor in this regard¹⁹.

We also draw 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 foreshore²⁰. A public nuisance action is not tied to the possession of land or proprietary rights.

Thus, in the event of providing Coastal Management Act consent to an inappropriate/non-coastal dependent development on coastal Crown land, government and the VCC should consider the likelihood of exposing taxpayers to possible litigation for it failing to act appropriately to protect commonly owned assets – our beach, foreshore, and indeed the publicly funded inappropriate infrastructure itself.

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.

- ❖ 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 effective²¹.

There is already some powerful evidence that additional water levels in the Bay resulting from channel deepening, in concert with storm surges, is impacting on coastline within the Shire from Portsea to Mt. Eliza in ways not seen in living memory.

The following images show how the shoreline can behave under present climate conditions – let alone the future.

¹⁹ Ibid Page 218

²⁰ [Tort Based Climate Change Litigation in Australia](#), pages 12-17

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>



Above: Surging drains adjacent to Pt. Nepean Rd McCrae 26th April 2009 during storm event. 26th April 2009.



Above: No Beach remaining on the flat shores of McCrae beach.....what will an additional metre of SL rise look like? Approximately, it will mean the photographer would be standing in one metre deep water, whilst the shoreline will be tens of metres further inland, well across Pt. Nepean Rd. Images © J. Warfe



Above: Portsea Beach has been lost to the sea and millions of taxpayers' funds have been spent in vain attempts to protect the multimillion dollar properties behind. An unsightly line of bluestone boulders has since been dumped on the beach. October 2012 © J. Warfe



Point Nepean near Observatory Point. Significant erosion underway. October 2012. © J. Warfe. A recent visit in November 2013 confirmed that erosion has continued.





Above: Rosebud Foreshore west of Pier Another example of sectorial interests inflicting costly remediation onto the community. 22nd July 2009 © J. Warfe

In the early 1970s, construction rubble from the Freeway was dumped on the Rosebud beach, supposedly to create a wider foreshore, but undoubtedly also as a free dumping site. The "land" is now considered part of Rosebud Foreshore and has experienced significant erosion in recent years. With increasing sea levels, this area will likely be inundated.



Above: Rosebud Activity Centre structure Plan proposed picnic area, prior to sandbagging. 22nd July 2009 © J. Warfe



Rosebud Pier beach and foreshore after \$250,000 sandbagging 2012. © J. Warfe. The Brumby government promised a 160 metre long, 10 metre wide beach at high tide in this location once the sandbagging works were complete. That has never eventuated.



Rosebud Pier beach May 2009 © J. Warfe

At present Mornington Peninsula Shire Council's Plans for Rosebud and its foreshore is but one of many parochial, stand alone plans produced by this and other coastal Councils. There is no consideration of the cumulative impacts of its "visions" on the natural and built environment of the local area, let alone Port Phillip Bay's coastline. It is yet another example of the tyranny of small decisions²². The Plan commits ratepayers to incalculable future expense attempting to find (ultimately futile) hard engineering solutions to protect inappropriately located developments on the Rosebud foreshore.

It is no longer reasonable to assume that engineering "solutions" will always be found to alleviate future sea level rise damage to new developments. In the past, and under the less significant rate of sea level rise we have experienced so far, seawalls have been constructed in many Peninsula locations in attempts to protect infrastructure. As a rule these structures may protect the land, but the beach is lost, along with the amenity and habitat that it provides²³.

The rate of sea level rise from the 19th to 20th Century averaged 1.7mm/year. Recent estimates indicate the rate has increased to 3.1mm/year from 1993 to 2003²⁴. As the rate of sea level rise increases, as predicted we should expect 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 development on the primary dune and low lying coastal areas should be avoided in future – not actively pursued.

Conclusion

For decision makers, it is no longer appropriate to cling to the well worn decision paradigms of the past and present. We are in a time of great change, and the decision making tools relied on in the past, including some current legislation have passed their use by date. We reiterate two important concepts.

1. The Precautionary Principle²⁵, binding on all levels of government, which attributes the burden of proof that there will be no harm to the advocates of the project. Briefly put it says: If in doubt, don't.
2. Newton's Third Law (1689). Newton's Third Law, put simply says: For every action (force) in nature there is an equal and opposite reaction. It is an immutable, observable law of nature, so it is indeed puzzling why after 350 years we are surprised when nature responds according to a fundamental law of the universe. It seems we are incapable of understanding the fundamental principle that our actions will always have consequences. Newton's Third Law is particularly obvious in modern man's incessant tinkering with coastal processes and is well demonstrated in the many clearly observable changes to the coastline in recent years.

It certainly behoves the VCC to ensure that, despite whatever pressures decision makers may encounter, not to allow inappropriate non-coast dependent developments to be located on coastal Crown land.

Yours sincerely,



Len Warfe
President

²² 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 190

²³ Dr. Woehler, Birds Australia, in evidence 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'*

²⁴ Church et al 'Briefing: A post IPCC AR4 update on sea level rise'. Page 5

²⁵ Rio Conference 1992