

16 March 2018

File No: CA/15/3187

Manager  
Parks Planning  
Parks Victoria  
Level 10, 535 Bourke Street  
MELBOURNE VIC 3000

Dear Manager,

### **BELFAST COASTAL RESERVE - DRAFT COASTAL MANAGEMENT PLAN**

I write in response to the release of the draft coastal management plan for Belfast Coastal Reserve for public comment. The Victorian Coastal Council (VCC) welcomes the opportunity to comment on the draft Coastal Management plan and has taken a statewide perspective in this review.

In summary, the Victorian Coastal Council submits that the current draft plan can be improved in a number of crucial ways. Fundamentally, it does not adequately apply the framework and principles of the Victorian Coastal Strategy (VCS).

While the Council commends a satisfactory risk assessment and very comprehensive consultation process, the Council considers that the draft plan could be improved in important areas before being finalised. Those areas are detailed in the following submission and can be summarized as:

- A better use and application of the Hierarchy of Principles in the Victorian Coastal Strategy, especially in the absence of a statewide policy for managing the use of dunes and beaches by domesticated animals.
- Stronger consideration of known environmental and cultural values in decision-making.
- A reconsideration of the application of current relevant statewide policies on leasing and licensing in coastal and marine areas.
- More clarity on the compliance requirements for authorised uses within the coastal reserve, and the relevant enforcement activities and resources of relevant land managers to ensure that any activities that pose residual unmitigated risks are managed as an immediate priority.
- Greater clarity could be introduced regarding the objectives, outputs and subsequent management actions of both the monitoring and research programs.

The Council offers a more detailed discussion of the rationale and feedback on the draft plan below, as well as steps that can be taken to improve it for the final version.

#### Background

The VCC is established under the *Coastal Management Act 1995*. The Council has a strategic planning and advisory role to government in relation to the Victorian coast. A key responsibility is to develop and report on the implementation of the VCS. The VCC is also required to provide advice to the Minister on proposed coastal management plans for coastal Crown land.

The 4<sup>th</sup> iteration of the VCS (VCS 2014) was released in September 2014 following an extensive research and stakeholder consultation process. The VCS provides the framework for planning and management of Victoria’s coast and is underpinned by the concept of Integrated Coastal Zone Management (ICZM). The VCS applies to both public and private land and is integrated into the Victorian planning system through the State Planning Policy Framework (SPPF).

The VCS sets a long-term vision and framework for how we plan and manage the coast, guided by a Hierarchy of Principles, policies and actions. The Hierarchy of Principles gives effect to the directions in the *Coastal Management Act 1995* and is included in the State Planning Policy Framework. Planning and decision making on the coast needs to be guided by and consistent with the Hierarchy of Principles. The principles are:

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|----------------------------|---|
| <b>VALUE &amp; PROTECT</b> | <b>1</b> Ensure the protection of significant environmental and cultural values   |
| <b>PLAN &amp; ACT</b>      | <b>2</b> Undertake integrated planning and provide clear direction for the future   |
| <b>USE &amp; ENJOY</b>     | <b>3</b> Ensure the sustainable use of natural coastal resources<br><i>Only when the above principles have been considered and addressed:</i>   |
|                            | <b>4</b> Ensure development on the coast is located within existing, modified and resilient environments where demand for development is evident and any impacts can be managed sustainably |

The VCS also notes the importance of evidence-based decision making. To assist with this the VCC established a Science Panel comprising around 40 scientists from diverse disciplines to provide independent, technical scientific advice. The VCC has sought the advice of a suitably qualified sub-group of its Science Panel to inform this submission. Sections 3, 4 and 6 below draw heavily on the advice of Associate Professor Mike Weston (Wildlife and Conservation Biology), Rob Gell (Coastal Geomorphologist) and Dr David Provis (Oceanographer). The VCC would like to thank these scientists for their contributions.

### **VCC feedback on the Belfast Coastal Reserve – Draft Coastal Management Plan**

#### **1. Community consultation**

It is pleasing to see that Parks Victoria has undertaken a range of engagement activities to involve the public in coastal planning and management decisions relating to the Belfast Coastal Reserve. Such activities are consistent with objective s.4(e) of the *Coastal Management Act 1995*. Council has benefitted from receiving two briefings on the draft management plan from Parks Victoria in December 2017 and February 2018. The long term aspirational vision for the reserve and details of the proposed management zones were discussed at these meetings.

#### **2. Competing uses and the need for a state-wide approach**

The VCC notes that there is significant community interest in this draft management plan with many different user groups expressing alternative views on appropriate uses within the reserve reflecting the range of environmental, social and cultural and economic values associated with the reserve. Such challenges associated with competing uses are only likely to increase in the future due to population growth and climate change impacts rendering some areas of the coast inaccessible. To ensure a sustainable, healthy coastal and marine environment both now and in the future, these competing uses must be appropriately managed taking a statewide perspective that balances the interests of all Victorians.

The VCC believes there is a need for a clear state-wide policy relating to the use by domesticated animals of dunes and beaches and the protection of natural and cultural assets on those dunes and beaches. This policy needs to be developed for unreserved areas of Crown land and reserved areas that are yet to develop coastal management plans. Such a policy would reduce uncertainty for users and provide clear future guidance for delegated land managers. Until such a policy exists, the VCC suggest drawing on the Hierarchy of Principles, policies and actions within the current VCS.

### **3. Inconsistent application of the VCS and the Principles for decision making**

Whilst the VCS does not specifically refer to the scenario currently facing Belfast Coastal Reserve relevant principles can be drawn from the strategy to guide consideration of this issue. The VCC is concerned that the VCS 'Hierarchy of Principles' have not been appropriately applied in the development of this draft coastal management plan, and where the principles have been considered, incorrect interpretation has been given to the weighting and prioritisation of these principles.

The following observations are made:

- The first order principle of 'Value and Protect' requires that a balance be achieved between coastal access, management of recreation users and conserving natural and cultural values to ensure co-existence. Access and recreational use in onshore environments needs to be well managed with appropriate enforcement of tools such as disturbance buffers to *ensure* protection of threatened plants and animals to protect the ecological integrity of onshore coastal environments.
- The principle of 'Plan and Act' notes the role activity and recreation nodes can play. It states that coastal dependent activities may be sited in recreation nodes. It is however, questionable whether commercial horse training can be classified as a coastal dependent activity. Sand and saltwater training of racehorses can and does occur inland at purpose-built facilities.
- The Principle of 'Use and Enjoy' suggests actions be taken to reduce risks associated with access. The VCC understands a risk management assessment has been prepared by Parks Victoria to inform the preparation of the draft management plan as per the requirements of the VCS, however the environmental risk associated with horse training remains 'high risk' with limited risk mitigation actions proposed.
- The VCC notes that the draft plan refers to the economic value that the racing industry contributes to the local economy. However, the plan does not outline the *added* economic value to the racing industry or local economy of training racehorses on the beaches in question. Nor does it highlight the potential economic loss of endangered bird species, or other natural assets, to local tourism revenue. Whilst economic values are a relevant consideration, in this case the VCC contends that they are not of a higher priority consideration to the protection of significant environmental and cultural values.

Further commentary is provided below regarding the significant environmental and cultural values associated with the Belfast Coastal Reserve.

#### **i. Recognition of significant environmental value**

The VCS recognises the need to value the intrinsic characteristics of coastal and marine environments, habitats, ecosystems and biodiversity. The following commentary is provided based on inputs by Associate Professor Mike Weston (Wildlife and Conservation Biology) from the VCC Science Panel. It highlights current knowledge relating to known significant environmental values associated with the Belfast Coastal Reserve.

#### ***Vulnerable bird species***

The VCC notes the importance of the Belfast Coastal Reserve to nationally threatened birds (e.g. Orange-bellied Parrot and Hooded Plover), and important populations of bird species listed under the Environment *Protection and Biodiversity Conservation Act 1999* (EPBC) (i.e., migratory

shorebirds). Conservation of these species is important in the context of increasing pressures to the coast and its biodiversity. Of note is the occurrence of an important breeding population of the EPBC-listed Hooded Plover within the reserve. In relation to this species the VCC notes:

- BirdLife Australia has conducted Hooded Plover conservation and monitoring in Victoria since 1980 (Weston 1993), and possesses the most accurate and relevant data on this species on south-eastern Australia, and within the reserve.
- Recent counts by BirdLife Australia suggest that this stretch of coast is especially important for Hooded Plover, having increased in importance over past years. Substantial numbers of breeding pairs occur in this region (BirdLife Australia unpublished data).
- To breed, Hooded Plovers require areas with specific geomorphology and harbouring certain prey resources (Cuttriss et al. 2015; Ehmke et al. 2016). Territories are usually temporally stable, and host breeding year after year (Weston et al. 2009). Protection of breeding territories has long been recognised as a key conservation measure (Dowling and Weston 1999).
- While increasing numbers in the area are encouraging, they are not necessarily linked to population viability. Ecological traps may exist, and population viability cannot be automatically assumed.
- Hooded Plovers in Victoria are almost exclusively tied to sandy high-energy beaches, unlike some populations in South Australia and Western Australia (Barrett et al. 2003). They are thus considered sandy-shore obligate species in Victoria where, with very few exceptions, their entire life cycle occurs on high energy ocean beaches (Marchant and Higgins 1993). This means that they cannot and do not use other habitats than sandy-shores.
- The VCC notes the long-term conservation efforts related to this species, and that where effective management is implemented, conservation and coexistence with human uses is possible (Maguire et al. 2011). Measures include zoned restrictions on dogs, especially in areas where breeding occurs, and addressing other threats (Dowling and Weston 1999; Maguire 2008).
- Hooded Plovers are threatened by a variety of processes, including dogs, especially off leash dogs, invasive predators, flooding, and egg- and chick- crushing agents, such as horses (Maguire 2008). Dogs and horses directly threaten Hooded Plovers by crushing their eggs and young, and dogs have been shown to crush eggs and prey on young in Victoria (Lees et al. *in Review*). Dogs (and by deduction, horses) also indirectly and detrimentally affect Hooded Plovers by causing physiological and behavioural disruption (“disturbance”), potentially affecting bird condition and compromising parental care (Weston and Elgar 2005, 2007). Hooded Plovers are especially prone to disturbance, and for their size appear to be among the most sensitive species to human approaches in Australia (Weston et al. 2012).

## ii. **Recognition of cultural landscape and living heritage**

The VCS acknowledges that healthy coastal and marine ecosystems provide significant social and cultural values for all Victorians. It is pleasing to see that the draft plan recognises the cultural significance of the area to the Eastern Maar and the Gunditjmarra Traditional owners and the cultural value of the landscape to residents and other visitors to the area. The plan notes the requirements under the *Aboriginal Heritage Act 2006* to protect Aboriginal cultural heritage but also refers to several authorized and unauthorized activities within the Belfast Coastal Reserve that are disturbing Aboriginal cultural heritage. The primary area of concern appears to relate to pedestrian, horse and motor vehicle access to sensitive dune areas.

The VCC is concerned that the plan may not adequately address the values of the Gunditjmarra Traditional Owners who have indicated that they do not support racehorse training within the reserve due to the threat it poses to their cultural heritage. The Council suggests that further

investigation is required as a matter of priority to ensure that adequate actions are in place to protect significant cultural heritage areas within the reserve and to avoid non-compliance with the 'Value and Protect' higher order VCS principle.

#### **4. Consideration of the scientific evidence base to determine appropriate uses at individual sites**

The VCS contends that timely and good decision making on the coast requires authoritative information based on science and evidence. Such information is essential to inform site specific assessments to determine appropriate uses at individual locations. For some critical decisions within the plan, Council considers that evidence is lacking. Below we offer a summary of the known state of knowledge about impacts of both horses, and dogs, and beach biodiversity, to support decision-making at individual sites.

##### **Horses, and beach biodiversity**

VCC notes that licences for commercial horse training on public beaches do not exist elsewhere in Victoria. It also notes that the environmental impacts of horses are poorly documented in Australia, but impacts may manifest themselves at low levels of usage (Phillips and Newsome 2001; Newsome et al. 2002, 2008).

No specific studies of the impact of horses on beaches in Australia exist, and this constitutes a key information gap and research need. However:

- In terrestrial contexts, horses appear more impactful than walkers (Pickering et al. 2010).
- Horses are likely to cause avian disturbance (see Weston et al. 2012), and shorebirds are known to initiate escape responses to horses; in at least some contexts these responses appear more frequent than those elicited by other stimuli (Lafferty 2001).
- Horses also create indentations in the beach which may trap or impeded the movement of flightless young of birds.
- Horses trample ground nests (Mandema *et al.* 2013) including those of shorebird nests on beaches (e.g., Sabine et al. 2006). The VCC is aware of observations of horses crushing beach nests from western Victoria (G. Maguire *pers. comm.*). Thus, on beaches horses represent a crushing risk for eggs and flightless young, especially in the upper beach and lower dune (Maguire 2008). Such crushing results in partial or complete failure of a given reproductive attempt.
- Horses trample beach infauna such as shellfish (Taylor et al. 2012). Only one study exists regarding this, from New Zealand, and which investigated horses and Surf Clams. On average, horse riding resulted in 36.9% mortality within a single hoof print. Extrapolative modelling predicted that the long-term presence of horse riders (and vehicles) would be highly detrimental to shellfish. Shellfish, and other beach infauna, form important parts of food webs on beaches so processes which disrupt these constitute stressors to beach ecologies (Defeo et al. 2008; Schlacher et al. 2008).
- Beach-visitors perceive horse-riding as among the most damaging recreational activities on beaches (Priskin 2003).
- Horse faeces deposited directly on the beach are little studied, but are known to occur, and are a possible source of contamination of water and sand (Kitts et al. 2014).

##### **Dogs and beach biodiversity**

Dogs on beaches represent a controversial topic, however a growing body of literature has been established:

- Dogs cause disturbance to vertebrate wildlife such as birds, apparently at greater distances and intensities than walkers (Lafferty 2001; Weston and Stankowich 2013).
- Dogs can crush bird eggs on beaches in Victoria (Weston et al. 2017).
- Dogs prey upon flightless young of birds on Victorian beaches (Lees *et al.* In Review).

- Compliance with leashing laws on Victorian beaches is low, and apparently intractable (Dowling and Weston 1999; Williams *et al.* 2009; Miller *et al.* 2013). Dog exclusion zones are associated with the highest compliance in Victoria, compared with other types of restrictions (Maguire *et al.* *In Press*).
- Dogs can dominate small coastal reserves, displacing or replacing natural scavengers (Schlacher *et al.* 2015).
- Dog faeces potentially contributes to bacterial loads in marine waters and beach sands (Halliday and Gast 2010; Zhu *et al.* 2011). In some surf beaches, it can represent the primary source of microbial pollution (Ervin *et al.* 2014).

Given these factors, the VCC supports the exclusion of dogs from the Conservation Zone as proposed in the draft management plan.

##### **5. Apparent failure to apply state-wide policy on leasing and licensing**

The plan identifies a significant increase in the area for licensed racehorse training over the current known use. The plan provides no information or justification on the coastal dependency of racehorse training or the net community benefit of licensing the activity.

The criteria for use and development on Coastal Crown land (including reuse and redevelopment) is outlined on page 66 of the VCS. Given that racehorse training is considered a use under license it would need to meet the criteria for use and development. The criteria include (but is not limited to) the relevant points:

- Demonstrates need to be sited on the coast, based on support for, and direct linkage to coastal activities.
- Demonstrates that the use and development cannot be feasibly located elsewhere.
- Recognises nature conservation and biodiversity as primary values for use and management of coastal Crown land.

The policy for decision making (on page 67 of VCS) states:

*(5) Leasing and licensing arrangements on coastal Crown land (including renewals) must consider how they can contribute to achieving the outcomes and policies of the Victorian Coastal Strategy.*

*(6) Clear leasing and licensing agreements are established for commercial uses of coastal Crown land. Associated rentals, fees, rates and taxes should be competitively neutral to discourage the use of coastal Crown land as a cheap alternative to private land. The revenue raised should be directed towards protecting, developing and maintaining the environment and infrastructure in accordance with approved management plans.*

It is noted in the plan that there is a synthetic sand fibre track at the Warrnambool Racecourse and that the demand for beach training of racehorses has increased significantly in recent years. It is unclear how the racing industry contribution to the local economy is connected to race horse training on the beach. The equity of licences between smaller and larger trainers is acknowledged as an issue but not addressed.

Gunditj Mirring Traditional Owners Aboriginal Corporation have expressed that they do not currently support commercial racehorse training occurring within the reserve. The increase in the area for racehorse training seems at odds with managing the area and working in partnership with Traditional Owners.

In table 5.1 of the plan, key threats to conservation assets of the reserve are noted. Habitat degradation from disturbance from horses (including recreational riding and training activities), the risk is noted as extreme for the following impacts, including after management action:

- Coastal dune scrub morphology/% vegetation cover (also important to the integrity of Aboriginal cultural values in dune areas including middens and burial sites)
- Resident shorebirds, nesting, fledging, feeding (Hooded Plover, Oyster Catchers)
- Migratory Shorebirds, feeding, resting (Fairy Prion, Grey-headed Albatross, Rudy Turnstone)

VCC contends that it is not consistent with statewide leasing and licensing policies to retain such significant risks unmitigated.

In the absence of risk mitigation, licence compliance will be even more crucial. There is anecdotal evidence that compliance to the current rules by some trainers has been low in some areas in recent history. There is little point introducing a licensing regime that is not honoured by all trainers. In the VCC's view, taking the step to formally licence the non-coastal dependent activity of training race horses on the foreshore requires a strong and commensurate commitment from all trainers to abide by licence requirements. Any failure, real or perceived, to do so should result in a strong enforcement response. With use of public assets for private activities comes a responsibility to live by the rules. VCC notes that this may require a step up in compliance monitoring activities by the relevant land management agencies. The VCC notes that it is currently unclear in the draft plan if adequate resources and accountabilities have been identified to monitor compliance with licence requirements, reserve conditions and regulations.

## **6. Research and monitoring**

Research and monitoring activities in the draft plan are vague, especially relating to beach and coastal erosion monitoring. The plan could be enhanced by specifying the methods to be employed (e.g. beach profiles and ideally the measurement technique), locations to be monitored (e.g. location and number of beach profiles) and frequency and timing of measurements along with the parameters to be reported. In the absence of such detail being available, the plan could be improved by adding a framework and/or pathway to achieve clarity.

The physical state of the beach underpins the activities in the study area. The beach area between the water's edge and the toe of the dune system is the area at most risk. If this area gets narrower, or disappears, due to sea-level rise or storm activity, many of the other activities cease to have any meaning. Proper monitoring of this area is thus fundamental to any monitoring or investigation of other systems, physical, ecological or social.

It appears that many of the research and monitoring items lack specifics relating to inputs or outputs. This section of the plan could be clearer that monitoring and research are two separate topics. Monitoring is a specified process at a site occurring at specified times and the outputs are a given set of parameters which can be assessed over time and used to provide triggers for action. Research is an investigative activity with goals and aims, but without specified inputs and outputs as the outcome is not known in advance. It is important that this difference is recognised and VCC believes the final plan could be improved by being clearer in this section as a first step. Subsequent, greater clarity could be introduced into this section regarding the objectives, outputs and management actions of both the monitoring and research programs.

## **7. Conclusion**

In summary, the Victorian Coastal Council submits that the current draft plan can be improved in a

number of crucial ways. Fundamentally, it does not adequately apply the framework and principles of the Victorian Coastal Strategy (VCS).

While the Council commends a satisfactory risk assessment and very comprehensive consultation process, the Council considers that the draft plan could be improved in important areas before being finalised.

Those areas were detailed above and can be summarized as:

- A better use and application of the Hierarchy of Principles in the Victorian Coastal Strategy, especially in the absence of a statewide policy for managing the use of dunes and beaches by domesticated animals.
- Stronger consideration of known environmental and cultural values in decision-making.
- A reconsideration of the application of existing relevant statewide policies on leasing and licensing in coastal areas.
- More clarity on the compliance requirements for authorised uses within the coastal reserve , and the relevant enforcement activities and resources of relevant land managers to ensure that any activities that pose residual unmitigated risks are managed as an immediate priority.
- Greater clarity could be introduced regarding the objectives, outputs and subsequent management actions of both the monitoring and research programs.

The Victorian Coastal Council welcomed the opportunity to comment on the Belfast Coastal Reserve Draft Coastal Management plan. Should you wish, I, or representatives of the Council, would be pleased to meet with you to discuss any issues or feedback raised in this submission.

Yours sincerely

A handwritten signature in blue ink that reads "Boxshall". The signature is written in a cursive style with a large initial 'B'.

Dr Anthony Boxshall PhD, GAICD, BSc  
Chair, Victorian Coastal Council



## Appendix 1: References cited in this submission

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