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Submission No:	989
Date Received:	21/5/09
Secretary:	<i>[Signature]</i>

21 May 2009

Ms Jennie George MP
 Chair
 Standing Committee on Climate Change, Water, Environment and the Arts
 PO Box 6021
 House of Representatives
 Parliament House
 CANBERRA ACT 2600

DOCUMENT THAT UPDATES COUNCIL'S SUBMISSION TO THE INQUIRY INTO CLIMATE CHANGE AND ENVIRONMENTAL IMPACTS ON COASTAL COMMUNITIES

Dear Ms George

This document updates Council's submission of 8 August 2009 because of certain developments that have occurred since the original submission.

These include Council's adoption on 23 December 2008 of a policy requiring the preparation of Climate Change Response Plan by owners of certain properties on the coast, the release of the Victorian Coastal Strategy in December 2008 and Council's decisions of 21 April 2009 to endorse a Wellington Coast Subdivisions implementation package.

1. Introduction

- 1.1. The Shire of Wellington is Victoria's third largest municipality with an area of over 10,000 square kilometres and it is home to over 40,000 people spread over thirty-seven (37) communities. Its coastline is 154 kilometres long and includes the world famous Ninety Mile Beach. The attached map shows Wellington Shire in context with the State of Victoria.
- 1.2. Wellington Shire Council has been working with the Victorian Government to develop an implementation program for the Wellington Coast Subdivision Strategy. The attached map shows the Wellington Coast Subdivision area in the context of the Wellington Shire.
- 1.3. On 23 December 2008 Wellington Shire Council adopted a policy that requires the owners of certain properties on the coast to prepare a Climate Change Response Plan. This was in response to community concern and controversy about the potential impact of climate change induced sea level rise, storm surge and inundation on The Honeysuckles, a small community on the Wellington coast.
- 1.4. At its 21 April 2009 meeting Council endorsed a Wellington Coast Subdivisions implementation package, which modifies the Wellington Coast Subdivision Strategy, first adopted by Council in 2005. This followed consideration of new information relating to land capability and suitability. The package calls for a coastal hazards assessment so that the potential impacts climate change induced sea level rise, storm surge and inundation can be better understood.

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2. The proposal

- 2.1. The proposal is to progressively re-arrange land ownership and development controls within the large inappropriate subdivisions on Ninety Mile Beach between Paradise Beach and The Honeysuckles. This is to address recognized land management issues whereby:
 - 2.1.1. critical coastal values of natural ecology and landscape are threatened by inappropriate development;
 - 2.1.2. some land zoned for development, is at risk from inundation and erosion due to potential sea level rise and subsidence; and
 - 2.1.3. development of defined township areas is being held back by lack of services.
- 2.2. This proposal represents Strategic Option 3 - 'Land Capability' which was presented and evaluated at the Project Implementation Workshop conducted with all government stakeholders on 25 February 2008.

3. Background

- 3.1. The Ninety Mile Beach inappropriate subdivisions were undertaken during the late 1950s and early 1960s. Over that period, twenty-three (23) subdivisions were approved comprising approximately 11,500 standard suburban allotments spread over twenty-five (25) kilometres of the sensitive barrier dune from The Honeysuckles, six kilometres east of Seaspray, to the eastern extent of the Paradise Beach Township. The subdivisions took no account of topography, incorporating mobile ocean beach dune systems, sensitive ecosystems and flood prone land.
- 3.2. The allotments were actively marketed to new arrivals to Australia. All were sold and, except for some that have been bought back, remain in largely disaggregated private ownership to this day.
- 3.3. The subdivisions were recognised as inappropriate almost as soon as they were completed and by the early 1970s the Victorian Government and the then Rosedale Shire Council were making efforts to control development within the subdivisions whilst avoiding the issue of large scale buy-back and re-incorporation into the public estate.
- 3.4. Efforts to control development through the planning scheme alone have led to a daunting array of zones and overlays that are confusing to the public, difficult to administer, in some cases ineffective.
- 3.5. The current Wellington Shire Council, created by amalgamation in 1994, and the Victorian Government, commissioned the development of a comprehensive strategy to deal with the issues in 2000. The Wellington Coast Subdivision Strategy was adopted by Council in September 2005. This Strategy aims to provide for the orderly development of the Ninety Mile Beach inappropriate

subdivision area and it was prepared in response to property owner concern that their development rights were being compromised and that the controls, which had been in place for more than 30 years, had not resolved the issue. In broad terms the Strategy proposed that development should occur in the township areas of Paradise Beach, Golden Beach and The Honeysuckles and low scale development should occur in Glomar Beach.

- 3.6. In April 2006 the State Government recognised the Wellington Coast Subdivision Strategy in the Coastal Spaces Recommendations report with a specific recommendation that it work with Wellington Shire Council to implement the Strategy. Further, the State announced \$100,000 to assist Council with the implementation process.
- 3.7. A joint project was subsequently initiated and a Project Control Group established with representatives from Council, the Victorian Department of Sustainability & Environment (DSE), Victorian Department of Planning & Community Development (DPCD), and Victorian Department of Infrastructure (DOI).
- 3.8. The objective of the project is to provide advice to the Victorian Government and Council on implementation of the Wellington Coast Subdivision Strategy.
- 3.9. A Project Director was subsequently recruited and the work plan was endorsed by the Project Control Group.
- 3.10. The adopted work plan called for, amongst other things, a land capability and suitability assessment to be prepared. Accordingly two workshops were held, one in May 2007 and the other in August 2007, to prepare the scope for this assessment of land capability and suitability. These workshops were attended by representatives of various government stakeholders. The land capability and suitability assessment for the entire Wellington Coast Subdivision Strategy area was completed and presented to a Project Implementation Workshop of all government stakeholders held on 25 February 2008. This assessment includes climate change impact assessments based around several sea level rise scenarios. Issues addressed during the preparation of the land capability and suitability assessment include commissioning of detailed aerial surveying, lack of servicing in the township areas and ambiguous planning controls. The Workshop adopted Strategic Option 3 - 'Land Capability' as the preferred option. This strategic option modifies the "Urban Nodal" option adopted by Council in 2005 to take into account land capability and suitability assessments including potential climate change induced inundation, erosion and subsidence. This option proposes that Golden Beach and Paradise Beach continue as viable seaside townships and that services, including sewer, streets, drainage and community infrastructure, be upgraded. This option also proposes land outside the defined townships be appropriately managed and that little or no development occur.

- 3.11. More recently Council has become aware of CSIRO reports on coastal subsidence, which are currently being mapped.
- 3.12. In December 2008 the Victorian Government released the Victorian Coastal Strategy 2008. The Strategy requires application of a policy of planning for sea level rise of not less than 0.8 metres by 2100. The Strategy also calls for the completion, as a matter of urgency, of a coastal vulnerability study and incorporation of the findings into relevant policy, planning and management frameworks.
- 3.13. Council is aware that the Victorian State Government has commissioned a detailed aerial survey of the entire Victorian coast to 120 mm intervals which will allow for detailed mapping and will indicate the most vulnerable areas of coast. This work has been commissioned as part of the Victorian Government's *Future Coasts* project, which aims to provide tools for coastal land managers, including Councils, by the end of 2009.
- 3.14. The Gippsland Coastal Board also released its report "*Climate Change, Sea Level Rise and Coastal Subsidence along the Gippsland Coast*" on 10 July 2008.
- 3.15. In 2007 Council sought Ministerial intervention to stop development outside the township areas while the implementation plans are developed. This amendment, known as C48, was approved in December 2007 with a temporary prohibition on development in place until July 2009.
- 3.16. On 23 December 2008 Wellington Shire Council adopted a policy that requires the owners of certain properties on the coast, including at The Honeysuckles, to prepare a Climate Change Response Plan. This was in response to community concern and controversy about the potential impact of climate change induced sea level rise, storm surge and inundation on The Honeysuckles, a small community on the Wellington coast.
- 3.17. The attached map is an extract from the report "*Climate Change and Sea Level Rise Implications: Ninety Mile Beach and Lake Reeve – Honeysuckles to Paradise Beach March 2008*" prepared by consultants Ethos NRM Pty Ltd with Water Technology.
- 3.18. The requirement for a Climate Change Response Plan and the adopted Guidelines for Preparation of a Climate Change (Sea Level) Response Plan are Council's initial policy response and were developed in the absence of other policy, planning and management frameworks within the State Planning System. The requirement for a planning permit at The Honeysuckles provides the trigger for a Climate Change Response Plan. Similar triggers exist in other coastal settlements on the Wellington Coast.

However, not all development in all coastal settlements on the Wellington Coast requires a permit. A copy of Council's Guidelines for the Preparation of a Climate Change (Sea level Rise) Response Plan) is attached.

- 3.19. Council, at its 21 April 2009 meeting, endorsed a Wellington Coast Subdivisions implementation package, which modifies the Wellington Coast Subdivision Strategy, first adopted by Council in 2005, following consideration of new information relating to the land capability and suitability. The package calls for a coastal hazards assessment some the potential impacts climate change induced sea level rise, storm and inundation can be better understood. This approach also gives time for the development of policy, planning and management frameworks signalled in the Victorian Coastal Strategy 2008.
- 3.20. Council has written to the relevant Victorian Government Ministers seeking formal consideration of the proposed Wellington Coast Subdivisions implementation package. A response is currently being awaited.

4. Response to Inquiry terms of reference

- 4.1. Council notes the terms of reference for the Inquiry into climate change and environmental impacts on coastal communities and makes the following comments:
- *Existing policies and programs related to coastal zone management, taking into account the catchment-coast-ocean continuum*
- 4.1.1. It has become evident through the Wellington Coast Subdivision Strategy project that a comprehensive coastal management policy response is required. While the release of the Victorian Coastal Strategy in December 2008 has assisted; comprehensive policy, planning and management frameworks are still required to address potential inundation and coastal erosion hazards as a result of climate change induced sea level rise and land subsidence.
- 4.1.2. It is suggested that the Commonwealth and State work with Wellington Shire Council to develop policies and programs specific to coastal zone management and taking into account the catchment-coast-ocean continuum. The Wellington coast provides an excellent range of examples where mitigation and adaptation strategies and actions could be trialled.
- 4.1.3. One approach, which could be further developed, is the requirement developed by Wellington for a Climate Change Response Plan. Consideration should be given to incorporating policies and tools within the Victorian Planning System requiring all owners of vulnerable properties on the coast to prepare a Climate Change Response plan whenever a development is contemplated.
- *The impact of climate change on coastal areas and strategies to deal with climate change adaptation, particularly in response to projected sea level rise*

- 4.1.4. The endorsed implementation plan for the Wellington Coast Subdivision Strategy, currently being considered by the Victorian Government, proposes to progressively rearrange land ownership, development controls and infrastructure in a way that reflects evolving coastal planning policy including flora/fauna and landscape preservation promotes sustainable development of defined settlement areas; and delivers transparency and equity.
- 4.1.5. The implementation package also proposes that a coastal vulnerability assessment be undertaken for the coast between Seaspray and Paradise Beach. This will help to inform the development of policy, planning and management frameworks, including innovative adaptation and mitigation strategies.
- 4.1.6. Again, it is suggested that the Wellington coast provides an excellent opportunity to trial model response mitigation and adaptation strategies including the Climate Change Response Plan discussed above.
- *Mechanisms to promote sustainable coastal communities*
 - 4.1.7. The implementation plan for the Wellington Coast Subdivision Strategy proposes sustainable development of defined settlement areas. This will require progressive rearrangement of land ownership, new development controls and infrastructure to reflect evolving coastal planning policy, including innovative adaptation and mitigation strategies.
- *Governance and institutional arrangements for the coastal zone.*
 - 4.1.8. The implementation plan for the Wellington Coast Subdivision Strategy proposes to progressively rearrange land ownership to reflect evolving coastal planning policy, promote sustainable development of defined settlement areas and deliver transparency and equity. Council envisages that property ownership in the defined settlement areas will remain in private hands and that land ownership outside the defined settlement areas will be largely public. The process and institutional arrangements required to progressively rearrange land ownership are being resolved in the current negotiations between Council and the Victorian State Government as part of the Wellington Coast Subdivisions implementation plan.
 - 4.1.9. It is suggested that the Wellington coast does provide an excellent opportunity to trial model governance and institutional arrangements in this important coastal zone.

5. Summary

- 5.1. Wellington Shire Council welcomes the opportunity to present to the public hearing for the inquiry into Climate Change and Environmental Impacts on Coastal Communities at the City of Kingston Municipal Offices on 21 May 2009.
- 5.2. Wellington Shire Council has taken the initiative by adopting a policy that requires the owners of certain properties on the coast to prepare a Climate Change Response Plan when proposing development in vulnerable coastal communities.
- 5.3. Wellington Shire Council has proposed a Wellington Coast subdivisions implementation package, which includes a vulnerability assessment of the coast between Seaspray and Paradise Beach.
- 5.4. Wellington Shire Council suggests that the Commonwealth and Victorian State Government work with it to develop policy, planning and management frameworks to address potential inundation and coastal hazards arising from climate change induced sea level rise and storm surges.

Yours sincerely



LYNDON WEBB
Chief Executive Officer

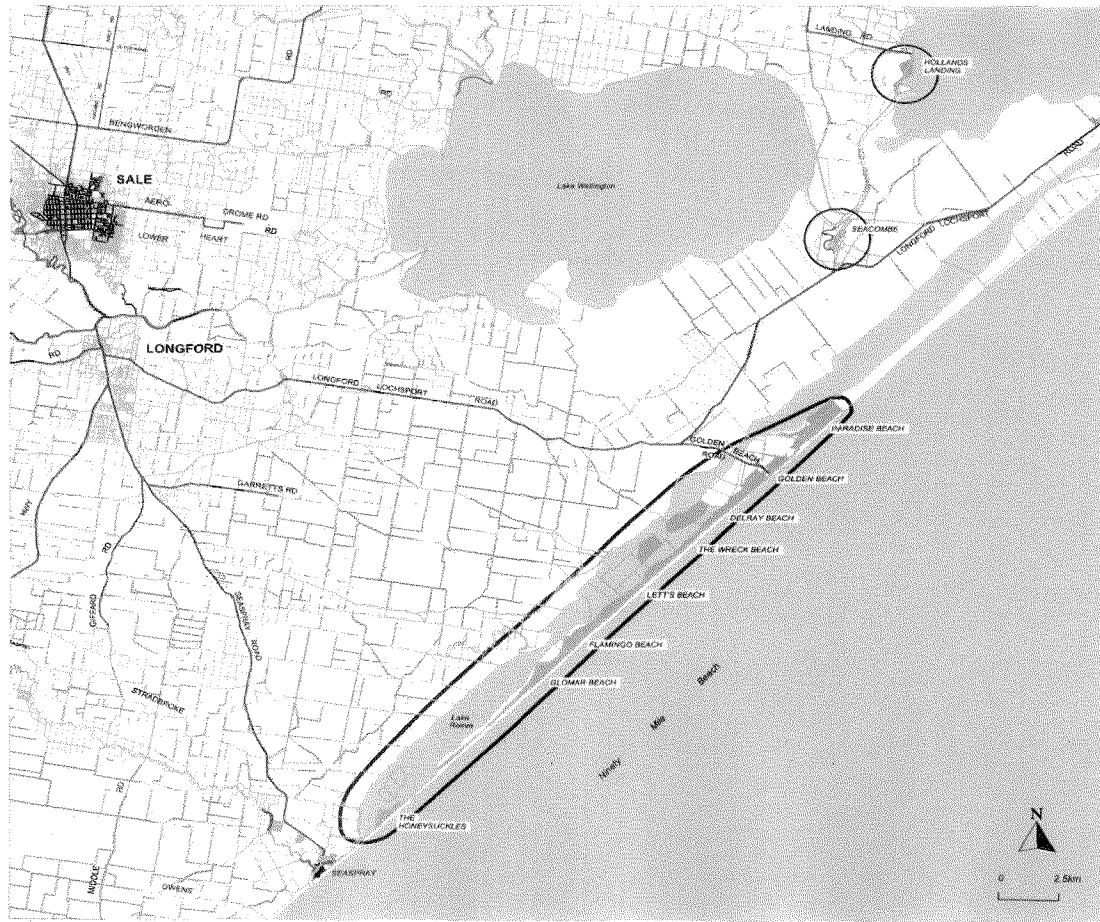
Our Ref: BDG:pld
Reply To: Bruce Graham

WELLINGTON SHIRE IN CONTEXT WITH THE STATE OF VICTORIA



Wellington Shire, Victoria, Australia

WELLINGTON COAST SUBDIVISION AREA IN CONTEXT OF THE WELLINGTON SHIRE



○ SUBDIVISION AREAS SUBJECT TO THE STRATEGY

SHIRE OF WELLINGTON
 WELLINGTON COAST SUBDIVISION STRATEGY
 HONEYSUCKLES TO PARADISE BEACH,
 SEACOMBE AND HOLLANDS LANDING

FIGURE 1 STRATEGY AREA

Ref. No. 31/13095 - June 2003



PHOTO: PRIMARY DUNE LOOKING TO SEASPRAY



Guidelines for Preparation of a Climate Change (Sea Level Rise) Response Plan



WELLINGTON
SHIRE COUNCIL

Planning permits for development of a new dwelling on land in the The Honeysuckles, if approved, will generally include the following conditions.

Climate Change Response Plan Required:

Before the development starts, the owner must prepare a climate change management plan, which examines the various climate change impacts on the land. For example, inundation arising from storm events, possible longer term inundation arising from breach of the primary dune and more permanent inundation due to sea level rise, and actions which will be undertaken by the owners of the dwelling to adapt the safety of the dwelling and its inhabitants to those impacts.

The plan should include triggers for action, such as particular inundation levels, storm warnings, etc. and the action response to those triggers.

The plan must be to the satisfaction of the responsible authority and be reviewed at least every 10 years or sooner if required by the responsible authority.

173 Agreement:

Before the development starts, the owner of the land shall enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987 which will covenant that the owners acknowledge they will abide by actions stipulated in the approved climate change management plan.

The agreement will bind the applicant as the owner and shall run with the land so that all successors in title are bound by the agreement. This agreement will be prepared at the applicant's cost and to the satisfaction of the Responsible Authority, and shall be registered on the title in accordance with Section 181 of the Planning and Environment Act, 1987.

In response to these planning requirements, the Applicant/Land Owner is expected to:

1. Identify, assess and document potential risks arising from climate change. These will include on site risks to occupants and property, and off site risks such as pollution (e.g. water inundated waste water disposal systems, chemicals stored on the property etc), loss of equipment and personal belongings (e.g. caravans, boats, outdoor furniture etc).
2. Prepare a written Response Plan to these identified risks.
3. Enter into an agreement with Council (Section 173 under the *Planning & Environment Act 1987*). This agreement must be registered on Title.
4. Review the Climate Change Response Plan at least every 10 years or sooner when required by Council.
5. Submit the reviewed agreement to Council for approval.

Assessment:

Before a Response Plan can be prepared, the site must be assessed for susceptibility to flooding and climate change influences. The assessment should include a physical description of the property, including:

- Property description.
- Proximity to the coast line.
- Surface levels to Australian Height Datum (AHD).

This information will indicate the likely level of inundation in the event of storm surges breaching the primary dune and gaining access to the property.

Guidelines page 1

References:

Relevant references, as determined by Council from time to time, may include:

- Ethos NRM Report, 2008
- Draft Victorian Coastal Strategy, 2007
- CSIRO studies relevant to sea level rise and the Gippsland coast line.

Predicted Risks:

Risks predicted to arise and which must be addressed include:

1. *Short Duration Inundation*—Flooding from expected more intense storm events.
2. *Medium Duration Inundation*—Longer duration flooding arising from breach of dunes and storm surge.
3. *Long Duration Inundation*—Permanent inundation due to sea level rise.

Response:

Possible issues to be addressed in each predicted risk:

- Loss of safe access and egress to the property by owners and Emergency Services.
- Risk of drowning.
- Loss of communication services.
- Loss of electricity services/electrocution.
- Water damage to buildings, associated infrastructure and personal property.
- Pollution (e.g. water inundated waste water disposal systems, chemicals stored on the property etc.
- Permanent inundation and loss of effective use of the property

Ways in which the issues could be addressed:

- Building design e.g. use materials not susceptible to water damage, raise floor levels, raise wiring, use waste water treatment systems which can be isolated from flood levels, design storage areas above flood levels.
- Construct dwellings which are able to be readily removed.
- Evacuate site in time—monitor weather reports and be guided by instructions from Emergency Services.
- A set flooding trigger for evacuation could be considered.
- Notify relevant flood coordinating body the flood response has been activated.
- The site to be cleared at the direction of the responsible authority if it reasonably forms the view that certain indicators of risk have been reached, such as:
 - The probability of periodic hazardous flooding has become unacceptable (possible trigger – flooding deeper than 300mm has 10% or greater Annual Event Probability (AEP)).
 - Unacceptable likelihood of dangerous conditions e.g. probability of a marine erosion event threatening property or essential infrastructure, being assessed at greater than 1% per year, at any time over the following ten years.
 - Essential public infrastructure becoming impractical or uneconomic to maintain.
 - The land owner to accept full financial responsibility for implementation of the Site Clearance Plan.