

**INTERIM FORESHORE MANAGEMENT  
AGREEMENT FOR COASTAL CROWN LAND**

**THE SECRETARY TO THE DEPARTMENT OF  
NATURAL RESOURCES AND ENVIRONMENT  
(THE SECRETARY)**

**AND**

**THE EAST GIPPSLAND SHIRE COUNCIL AS  
COMMITTEE OF MANAGEMENT  
(THE COMMITTEE)**

## 1. Introduction

The East Gippsland Shire Council (EGSC) and the Department of Natural Resources and Environment (NRE) have significant roles in managing, developing and conserving foreshore reserves in East Gippsland. Since the amalgamation of the former municipalities in East Gippsland in November 1994, a number of publicly elected committees of management were not reappointed by the Minister for Conservation and Land Management and all the former committees of management for foreshore reserves are now consolidated to operate under the EGSC.

The primary purpose of this reform was to establish a management structure which, in conjunction with strategic input from relevant stakeholders, will ensure the on-going, cost effective and appropriate management of these important reserves.

As part of this process, rationalisation of the area of management responsibility was undertaken by NRE, EGSC and Parks Victoria (PV).

*This management agreement forms the framework for principles, roles and management responsibilities agreed between NRE and the EGSC.*

## 2 Legislative and Strategic Direction

### 2.1 Coastal Management Act 1995

The Victorian *Coastal Management Act 1995* provides the following advisory, regulatory and management activities on the Victorian coast:

- \* establishment of the Victorian Coastal and Bay Management Council (Victorian Coastal Council),
- \* establishment of Regional Coastal Boards,
- \* coordinated strategic planning and management of the Victorian coast, including the preparation of coastal action plans for coastal Crown land,
- \* integrated and coordinated approvals process for the use and development of coastal Crown land.

### 2.2 Victorian Coastal Strategy

The Victorian Coastal Strategy (1997), as developed by the Victorian Coastal Council, sets out the Government's strategic direction to management agencies in relation to coastal management in Victoria. The strategy aims to:

- \* ensure sustainable use of natural resources,
- \* ensure protection of significant environmental features of the coast,
- \* provide clear direction for the future use of the coast,

- \* identify suitable development areas and opportunities.

The Shire's vision for East Gippsland, adopted in the above Strategy and confirmed in the Municipal Strategic Statement in the East Gippsland Planning Scheme reflects the community's concern to achieve appropriate development that is both economically and environmentally sustainable:

*"East Gippsland in 2010 will be recognised throughout Australia and beyond as a region combining outstanding environmental quality with a vibrant and expanding economy, whilst providing a rewarding lifestyle, employment and educational opportunities and community supports for both its residents and visitors."*

The East Gippsland Shire Council recognises the strategic significance of the Victorian Coastal Strategy and the East Gippsland Planning and Development Strategy 1997-2010 provides the following direction for coastal management (p17):

- \* *To protect and enhance significant ecological, geomorphological, geological, cultural and landscape features in the coastal zone.*
- \* *To protect and improve the water quality of the ocean, estuaries, lakes, rivers and streams throughout East Gippsland.*
- \* *To ensure that public and private land in the East Gippsland coastal zone is zoned appropriately to provide for a range of activities at suitable locations and that public access - consistent with the character and function of each area - is provided to foreshore, lake and estuary recreation areas.*
- \* *To continue to apply an integrated regional approach to coastal land use planning in East Gippsland, with the co-operation of all relevant management authorities, and to encourage community participation in all levels.*
- \* *To ensure that tourism and commercially oriented coastal developments or enterprises recognise, and minimise impacts on, sensitive coastal ecosystems and dynamic coastal processes by incorporating best practice management principles.*
- \* *To ensure that coastal planning & management is sensitive to the cultural significance of the East Gippsland coasts to the Australian community, that Aboriginal places are respected and that the Aboriginal community plays an increasing role in natural resource management.*

These objectives are further supported in the Municipal Strategic Statement of the East Gippsland Planning Scheme.

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## **2.6 Gippsland Coastal Board**

The strategic direction for management of the coast of Victoria has been set by the Victorian Coastal Council. The Regional Coastal Board is responsible for translating that statewide direction into an appropriate regional framework through Coastal Action Plans and to undertake other statutory functions as prescribed in the Coastal Management Act 1995.

The Gippsland Coastal Board's Vision for the Coast is:

*"The coast of Victoria will be a pleasure to experience by both present and future generations, respected by the community, and regarded as one of the nation's icons (November 1998)".*

The Gippsland Coastal Board has established as its Mission Statement (November 1998) that:

*"The Gippsland Coastal Board will:*

- \* facilitate the integrated sustainable conservation, utilisation and development of the Gippsland Lakes and Coast;*
- \* foster management of the coast in such a way that the desires of humanity can best harmonise with the sustainability of the natural environment."*

The Board's first Coastal Action Plan, the Gippsland Lakes Coastal Action Plan (1999), was endorsed by the Minister for Conservation and Environment in April 1999 and recommends a series of actions relating to improved management of the Gippsland Lakes and environs. This plan recognises the need to review management arrangements for reserved Crown land adjoining the Gippsland Lakes and to implement improved management arrangements (4.1, 4.2.1, 4.2.2). This interim agreement accords with the actions identified in the Coastal Action Plan.

An additional key recommendation (7.3.1) is to amalgamate the management of jetty licensing within one agency or to develop a joint management contract. This agreement will facilitate implementing this recommendation.

**3. Purpose of the Agreement**

This agreement defines the responsibilities of the Department of Natural Resources and Environment (NRE) and the East Gippsland Shire Council (EGSC) relating to the management of significant areas of foreshore Crown land with a high urban interface and/or areas that have a high visitor usage and for which the Shire is Committee of Management (CoM). A key result of the agreement will be an effective management structure that meets Government and community expectations.

*This agreement is termed "Interim" as it is expected that a generic management agreement will be prepared by the Department as part of implementing the Coastal Crown Land Review. However, it is the intent of both parties that, subject to three yearly review, the management arrangement outlined in this agreement will be ongoing.*

**4. Parties To The Agreement**

The Secretary to the Department of Natural Resources and Environment as the Minister's representative, and the East Gippsland Shire Council as Committee of Management.

**5. Roles and Responsibilities**

The Department of Natural Resources and Environment's role is the oversight of Government policy in its application to reserve management. NRE, through its service provider Parks Victoria, will in general have responsibility for foreshore public land abutting non-urbanised areas and generally with higher conservation values.

The East Gippsland Shire Council's responsibility is as Committee of Management (CoM), defined in part 6, below - in general, for those area of foreshore Crown land with a high urban interface and/or areas that have high visitor usage.

Both NRE and the EGSC will also continue to develop and maintain a partnership, not only with each other, but with other agencies with management responsibilities on the coast, including the Gippsland Coastal Board, Parks Victoria and Gippsland Ports Committee of Management Inc.

**6. Area To Be Managed**

**6.1 Area to be Managed as Committee of Management**

Those areas of foreshore Crown land "the land" defined on the maps in appendix "A" and including:

- \* Paynesville, Eagle Point, Raymond Island and Newlands Arm,
- \* Metung, Mosquito Point and Nungurner,
- \* Lakes Entrance, Lake Bunga and Lake Tyers,
- \* Marlo,
- \* Bemm River,
- \* Mallacoota (including visitor facilities at Betka River).

The area to be managed also includes:

- \* Reserved Crown land extending into the waterways, which will enable the Shire to manage private jetty facilities within these waterways.

Note: Prior to Council amalgamations in November 1994, a number of locally elected Committees of Management had not been reappointed and responsibility for management was delegated by the Minister to the appropriate Shire. This added to existing Committee of Management responsibility for coastal Crown land for those Shires. The East Gippsland Shire Council assumed the management responsibilities of the former Shires following amalgamation and, following local review, further changes to management boundaries were approved in May 1999.

## 6.2 Other Areas

Whilst not assuming formal CoM status, the East Gippsland Shire Council will assume, under this agreement, responsibility for and manage the following visitor assets on foreshore Crown land at:

- \* Wattle Point - the jetty, boat ramp and car park area.

## 7. Assets To Be Managed

All built and natural assets within "the land"(see appendix "B) and including, but not restricted to, approximately 63 km of foreshore, 13 constructed carparks, 11 unconstructed car parks, approximately 30 km of tracks, 35 toilet blocks, 3 boat sewage hoppers, 10 playgrounds, 15 barbeques, 26 public jetties, 26 boat ramps, 3 marinas, 5 foreshore related caravan parks, the Cunninghame Arm footbridge, seawalls adjoining Committee of Management foreshores and miscellaneous structures including boardwalks, playgrounds, signage, lighting, footpaths, planted vegetation and rubbish bins.

The parties acknowledge that the assets identified in appendix B may be incomplete or overstated and that the asset register will be subject to on going review.

- 8.7 The CoM is the primary public contact in relation to managing “the land” and will consult appropriately with the relevant community on any management plan process, on particular planning and development issues and on its day to day management. It is understood that the Council’s regular Community Consultation Program will be the basis for meeting its day to day consultation requirement.
- 8.8 Subject to negotiations with stakeholders and finalising appropriate policy, the responsibility of private jetties and some other tenures currently issued by NRE on “the land” will rest with the CoM.
- 8.9 On-going management responsibility must be identified before approval is granted to construct any additional permanent structures on “the land.”
- 8.10 The assets constructed on reserve foreshore land remain the property of the Crown. However, these assets will be managed by the CoM as “loan” assets and the CoM will maintain an appropriate insurance cover for all assets on the reserve.
- Note: NRE will maintain a public liability insurance policy for “the land” as part of a policy which covers all reserves managed by Committees of Management. Under this policy, the Committee is insured against legal liability arising from the death, bodily injury or loss or damage to the property of a third party. The Committee should ensure that, wherever possible, lessees, licensees or hirers of the reserve indemnify the committee and the Crown against claims for death, personal injury or loss or damage to personal property. Such an indemnity should be made a condition of any lease, licence or agreement issued by the Committee.
- 8.11 NRE and the CoM will develop and implement appropriate local laws or regulations for “the land.”
- 8.12 Where authorised land use changes have the potential for or result in the creation of high urban interface areas adjoining foreshore reserves or areas of high visitor use, NRE and the CoM will review the boundaries of “the land” to ensure that responsibilities reflect the Agreement.
- 8.13 The CoM will meet its obligations for “best practice” occupational health and safety management, human resources management and contract management relating to “the land” as outlined in the Shire’s Corporate and Business Plans.
- 8.14 The Committee will not inherit any current claims nor outstanding liabilities, excluding employee liabilities, from past managers of the Reserve.

- 8.15 In the event that a storm or serious unforeseen event results in significant damage to assets and structures, the Committee will submit to the Department, no later than 30 days after the event, an assessment of the damage including estimated costings to reinstate the damage.
- 8.16 The Committee must not, without the consent in writing of the Secretary, borrow against the assets of "the land" or invest funds generated from "the land."

**9. Committee of Management Responsibilities**

Subject to budgetary limitations, the CoM is to ensure that its management of "the land" focuses on:

**9.1 Business Planning**

This agreement recognises that the East Gippsland Shire Council has developed a 5 Year Corporate Plan and provides an annual Business Plan as part of its normal procedures. Therefore, a separate Foreshore Business Plan for Foreshore Reserves is not required subject to Council providing yearly budget figures, as outlined in Section 11 and meeting reporting requirements as set out in Section 12.

The CoM will:

- 9.1.1 Undertake a risk audit and a prepare a risk management plan,
- 9.1.2 Pursue funding and grant opportunities to supplement existing revenue to develop and maintain facilities on "the land,"
- 9.1.3 Ensure that all revenue raised from "the land" is expended for the purposes of protecting, maintaining and improving "the land,"
- 9.1.4 Market and promote the role of the CoM in managing "the land,"
- 9.1.5 Adopt appropriate management arrangements for major assets (including caravan parks and marinas) to optimise revenue returns consistent with Government policy,
- 9.1.6 Adopt a transparent pricing policy for tenures which recognises the need for community use and both private and commercial development on reserved Crown land, and which is consistent with Government policy,
- 9.1.7 Develop and monitor appropriate delivery and performance standards.



## **9.2 Management Planning**

The CoM will:

- 9.2.1 Progressively prepare foreshore management plans for identified foreshore management units,
- 9.2.2 Review existing management plans within the review period as specified in each plan.

## **9.3 Development**

Approvals for development proposals should be consistent with approved management plans. Where approved plans do not exist, the CoM should:

- 9.3.1 Identify key development sites within management units of "the land,"
- 9.3.2 Ensure that opportunities to develop key sites identified for development are provided for in a fair and equitable manner,
- 9.3.3 Prepare (or ensure that potential developers prepare) concept plans and detailed plans with specifications as appropriate for planned development works,
- 9.3.4 Seek Coastal Management Act consent for development works as required under the Act.

## **9.4 Community Consultation**

The CoM will:

- 9.4.1 Liaise with the community and relevant users and bodies as required and identified in "Management Principles,"
- 9.4.2 Encourage community participation in the management, maintenance and care of "the land" (eg Friends groups and Coast Action/Coast Care groups),
- 9.4.3 Increase environmental awareness of users of coastal Crown land,
- 9.4.4 Promote achievements, priorities and approved works on the reserve within local communities.

**9.5 Maintenance/Protection**

The CoM will:

- 9.5.1 Operate and maintain foreshore assets and infrastructure,
- 9.5.2 Protect indigenous foreshore vegetation,
- 9.5.3 Undertake beach protection and renourishment works,
- 9.5.4 Control erosion,
- 9.5.5 Undertake waste management,
- 9.5.6 Undertake beach cleaning,
- 9.5.7 Control noxious/invasive weeds,
- 9.5.8 Review and implement local laws and regulations,
- 9.5.9 Participate in the control of marine and land pollution in the Reserve and on waters adjacent to the Reserve.

**10. Skills Available**

The CoM agrees to provide the appropriate management and skills to ensure that the coastal Crown land is managed in accordance with the requirements of this agreement.

**11. Budget**

See appendix "C." The annual budget will identify income and expenditure in the following areas: Operations Income (eg foreshore occupations and jetty licenses), Operations Expenditure (eg playgrounds, carparks, toilet blocks, litter), Programs (eg Beach Protection, Risk Mitigation, Beach Cleaning), Caravan Parks, Marinas and Staffing and identify proposed Capital Works programs and direct Council contribution.

**12. Reporting**

The CoM will provide an annual report by 1 September each year outlining:

- 12.1 Income/expenditure for the previous financial year (which will be audited as part of Council's total audit requirement),
- 12.2 Monitoring/maintenance report on built and natural assets,
- 12.3 Key objectives for the following financial year including:
  - Status of Management Plans for defined areas* (approved, in preparation, future action),
  - Identification of proposed capital works projects for a rolling three year period,*
  - Identification of projects suitable for community groups,*
  - Major maintenance or other proposed development works for the year.*
- 12.4 Assessment against delivery and performance standards,
- 12.5 User and community satisfaction report,
- 12.6 Major achievements/outstanding issues.

**13. Length of Agreement**

3 years from the date of signing.

14. Execution

By the Secretary to the Department of Natural Resources and Environment

BY AUTHORITY, the SEAL of THE SECRETARY  
TO THE DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENT was affixed to this document

On the .....day of .....,1999.

By .....Full Name

In the presence of:

.....Witness

The Common Seal of the East Gippsland Shire Council was hereunto affixed

On the .....day of ....., 1999 in the presence of

.....Chief Executive

.....Witness

APPENDIX A:

**EAST GIPPSLAND SHIRE  
COUNCIL**

**COMMITTEE OF MANAGEMENT**

**FORESHORE RESERVE AREAS**

APPENDIX B:

**EAST GIPPSLAND SHIRE  
COUNCIL**

**FORESHORE RESERVE  
ASSET REGISTER**

APPENDIX C:

**EAST GIPPSLAND SHIRE  
COUNCIL**

**FORESHORE RESERVE**

**BUDGET**