

10. Reports by the Organisation

10.1 BEAUMARIS BAY - NATIONAL HERITAGE NOMINATION

Environment, Recreation & Infrastructure - Environment, Recreation & Infrastructure
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Executive summary

Purpose and background

The Beaumaris Bay Consortium (refer to Attachment 1 for membership) has submitted an application to obtain a National Heritage List nomination for Beaumaris Bay from the National Heritage Department. For the application to progress, the National Heritage Department requires a letter of support from Council as manager of the land (on behalf of the Department of Environment, Land, Water and Planning).

At the 19 December 2019 Ordinary Meeting of Council it was resolved:

That Council undertakes community consultation and then receives a further report at its February 2018 meeting on the implications of the nomination for National Heritage listing of Beaumaris Bay.

The purpose of this report is to inform Council of the outcome of this consultation and assessment regarding the implications for Council if Beaumaris Bay receives National Heritage Listing.

The area shown in the nomination for National Heritage Listing extends from the Port Phillip Bay side of the Bay Trail from Table Rock to the Bayside municipal boundary (Mentone Corner) and into the Bay (as shown in Attachment 2). The area includes sections of Port Phillip Bay, the inter-tidal zone, cliffs and foreshore open space between the Bay Trail and the cliff top. The existing Beaumaris Motor Yacht Squadron leased area is excluded from the nominated area.

Council does not have any management authority over the Port Phillip Bay area of the nominated area or the inter-tidal zone below the high tide mark. Council is the Committee of Management for the Crown Land above the high tide mark including the cliffs and cliff top foreshore areas. Council has a number of assets in this area including paths, seats and tables, carparks, public toilets, and areas of substantial vegetation.

A Sea Scout hall, jetty and boat house are also located within the nominated area.

The Beaumaris Bay Consortium has compiled a substantial nomination submission supported by a range of scientific and paleontological evidence. It has been advised by the Australian Heritage Council that the nomination has merit.

Representatives of the Beaumaris Bay Consortium met with the Mayor and Council staff to discuss the nomination in September 2017.

Key issues

Community consultation outcomes

Nomination of Beaumaris Bay supported by participants

Of the 223 participants that submitted an online survey, 197 (88%) participants were in *Support* of Beaumaris Bay being nominated to the National Heritage List. Of the 5 (2%)

participants that were *Unsure*, 4 participants were concerned that the heritage status would impact on their ability to walk on the site.

Main reasons given by participants in support of nomination include:

- Preserving the unique natural features of the area (flora, fauna both sea and land);
- Preserving the unique cultural features of the area (fossils, Indigenous cultural significance);
- Location of the area within a Marine Sanctuary and its local, national and global cultural and historical significance;
- Importance of the site for education purposes; and
- Preventing inappropriate development of the site in the future.

Concern Heritage Listing will affect the use and enjoyment of Beaumaris Bay

Of the 223 participants that submitted an online survey, 21 (9%) participants *Do Not Support* Beaumaris Bay being nominated to the National Heritage List.

Main concerns given by participants not in support of nomination include:

- A safe harbour for the Beaumaris Yacht Squadron is urgently needed;
- Preventing community use and enjoyment of the bay;
- Protection of fossils not considered a worthwhile cause; and
- Inconclusive evidence of the environmental significance.

Direct Feedback from the Beaumaris Motor Yacht Squadron

The Beaumaris Motor Yacht Squadron (BMYS) contacted Council on Tuesday 30 January to inform Council that a number of their members were unable to navigate to Council's 'Have Your Say' page. The BMYS instead ran its own survey, asking the same questions the Council asked on the 'Have Your Say' page.

Council has been advised that of the 111 people who took part in this exercise, 107 *Do Not Support* Beaumaris Bay being nominated to the National Heritage List. Four were in *Support* of Beaumaris Bay being nominated to the National Heritage List.

It is not possible to determine if people voted in both the 'Have Your Say' survey and the independent survey run by the BMYS.

Representatives from BMYS met with the Mayor and Council staff on 8 February 2018 to discuss its proposed Safe Harbour project and redevelopment of the current BMYS site. During this meeting BMYS provided information on:

- Work completed by the BMYS to date as part of the Environmental Effects Statement;
- Consultation completed by the BMYS to promote the Safe Harbour project;
- Potential benefits of the proposed Safe Harbour project, including:
 - Berthing for rescue vessels;
 - Refuge for vessels during adverse weather events;
 - Future proofing the site for anticipated recreational growth;
 - Improved traffic access and car parking; and
 - Community benefits such as an increased boardwalk area and extensions to local foreshore paths.

The BMYS is concerned that unless the total area of the current BMYS and proposed Safe Harbour redevelopment is shown on the national heritage nomination, it will be unable to operate as normal as activities such as dredging works could become prohibited, and any redevelopment would be significantly impacted.

The BMYS does not support the nomination in its current form but supports the principle of the nomination provided it includes recognition of the current and proposed BYMS site.

Implications for Council as land manager

Areas recorded on the National Heritage List will be protected by the Environment Protection and Biodiversity Conservation (EPBC) Act 1999.

Approval under the EPBC Act is required for any action occurring within, or outside, a National Heritage place that has, will have, or is likely to have a significant impact on the National Heritage values of the National Heritage place.

Significant Impact on a National Heritage Place will cause:

- one or more of the National Heritage values to be lost; or
- one or more of the National Heritage values to be degraded or damaged, or
- one or more of the National Heritage values to be notably altered, modified, obscured or diminished.

The existing maintenance work completed by Council to manage the bushland and foreshore within Beaumaris Bay would not be considered as 'significant impact' and therefore would not require referral under the EPBC Act.

If the Beaumaris Bay area is recorded on the National Heritage List it will protect the area from future development, retain the area currently leased by the BMYS for its current use and have minimal impact on Council's use of the cliff-top areas. It is recommended that the nomination be endorsed by Council.

National Heritage Register Nomination Process

The National Heritage Register nomination process involves the current application being accepted by the Department of the Environment and Energy. If accepted, the Department of the Environment and Energy will initiate community consultation based on the nomination received.

The final extent of the nominated site to be included in the National Heritage Register will be determined by the Department of the Environment and Energy following its own assessment of the nomination.

Conclusion

It is acknowledged that in its current form, the National Heritage List nomination includes recognition of the current BMYS footprint. It does not recognise the current redevelopment proposals of the BMYS. The BMYS is finalising its Environmental Effects Statement (EES) for its Safe Harbour proposal and expects to be in a position to progress its redevelopment plans by applying for a planning permit later in 2018. Council is not in a position to support the BMYS redevelopment project; this will be the subject of assessment through the planning permit process.

The BMYS has advised Council that it recognises the significance of the Beaumaris Bay area and its redevelopment plans are designed to support and protect this area. The results of the EES will provide guidance on this issue.

It is recommended that Council provides a letter of support for the Beaumaris Bay National Heritage list nomination for the purposes of progressing to the next phase of the nomination process.

The letter will recognise the implications of the proposed listing on the current BMYS site and future proposal.

Recommendation

That Council provides a letter to the Beaumaris Bay Consortium that:

1. supports the National Heritage List nomination for Beaumaris Bay proceeding to the next phase of the assessment process;
2. acknowledges that the Beaumaris Bay National Heritage List nomination could have implications for the Beaumaris Motor Yacht Squadron (BMYS);
3. acknowledges that the BMYS future development project requires the completion of an Environmental Effects Statement (EES) and other approvals, such as obtaining a planning permit, before any redevelopment of that site could proceed; and
4. conveys this resolution by letter to the Beaumaris Bay Consortium and Beaumaris Motor Yacht Squadron.

Considerations and implications of recommendation

Liveable community

Social

Beaumaris Bay and the cliffs and foreshore are natural features enjoyed by many people for relaxation and recreation. The National Heritage nomination seeks to protect the natural elements of this area.

Natural Environment

Beaumaris Bay and the cliffs and foreshore are natural features that form an impressive part of the landscape. The National Heritage nomination seeks to protect the natural elements of this area.

Built Environment

Beaumaris Bay and the cliffs and foreshore are natural features. The Bay area below the high tide mark is managed by others. Council manages the foreshore and has a range of infrastructure that is installed along the foreshore. National Heritage listing may introduce controls on how Council manages and maintains the open space and infrastructure within the listed area.

Customer Service and Community Engagement

Council facilitated an online engagement process to determine the level of community support for nomination of Beaumaris Bay into the National Heritage List. Consultation was open from 20 December 2017 to 28 January 2018, members of the community and stakeholders were notified via direct email (Have Your Say database) and signage onsite. The project page online attracted 597 visitors, visitors to site engaged in the following activities:

- 223 people participated in the online survey
- 179 downloaded the document
- 364 people visited multiple spaces

Online engagement was used as the primary engagement tool for a number of reasons including:

- Timing of the project across festive season, online engagement is the most convenient; and
- Information required, Council was looking for indicative levels of support to inform its decision making.

The Beaumaris Motor Yacht Squadron (BMYS) surveyed its members. Of the 111 people who took part in this exercise, 107 *Do Not Support* Beaumaris Bay being nominated to the National Heritage List. Four were in *Support* of Beaumaris Bay being nominated to the National Heritage List.

Human Rights

The recommendation is not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal

There are no legal implications associated with the recommendations in this report.

Finance

There are no financial implications associated with the recommendations in this report.

Links to Council policy and strategy

The nomination of Beaumaris Bay for National Heritage listing is not part of any Council policy or strategy. Protection of Port Phillip Bay and the foreshore for a range of community and conservation purposes will assist Council achieving Goal 4 Open Space of the Council Plan by protecting and ensuring the quality of our open space, including beaches and foreshore.

The recommendations meet the goals and objectives of Council's Coastal Management Plan (2014) and Open Space Strategy (2012).