

Foreshore and Bushland Reserve Use Policy

Preamble

Beaches, foreshores and bushland reserves are some of the Bass Coast's most valued community assets. They are important recreation and relaxation areas for many residents and visitors. Foreshore and bushland areas also contain valuable and irreplaceable remnants of indigenous vegetation that provide important habitat to a range of fauna, some of which are rare or threatened. They are also important to the economy. For example, commercial operations can directly benefit from the natural or recreational value of foreshores and bushland.

Bass Coast Shire Council is the land manager of just over 40 kilometres of foreshore reserves and over 160 hectares of inland bushland reserves. Most of the foreshore reserves are Crown land. Under the *Crown Land (Reserves) Act 1978*, the Department of Environment, Land, Water and Planning appoints Council as land manager of those reserves. Some of the foreshore reserves are government road reserves or Council-owned reserves.

The Council-managed foreshore reserves include Ventnor, Red Rocks, Cowes, Silverleaves, Rhyll, Newhaven, Cape Woolamai (Safety Beach), Grantville, Tenby Point, Coronet Bay, Kilcunda, Cape Paterson and Inverloch. Council is responsible for the care and management of these foreshore reserves in accordance with relevant policy and strategic plans developed for these areas.

The Council-managed inland bushland reserves include Ventnor Common, Saltwater Creek Reserve, Scenic Estate Conservation Reserve, Smiths Beach Drainage Reserve, Thompson Reserve, Screw Creek Conservation Reserve and Ayr Creek Reserve. These consist of a mix of Crown Land or Council-owned land.

Many of the public activities considered normal use of foreshore and bushland reserves are determined by the relevant Victorian Government Regulations. Other permitted or prohibited activities are determined by Council's Local Law No.1 Neighbourhood Amenity 2012.

The use of foreshore and bushland reserves for larger scale commercial or club operations are governed by State Government Crown Land leasing policy. These include the tenure arrangements for commercial operations such as caravan parks, restaurants/cafes, and clubs such as lifesaving clubs, yacht squadrons and angling clubs.

However, some activities are not considered normal public use of a reserve under the various foreshore regulations, nor are they covered by the aforementioned legislation. These include:

Small scale commercial operations such as surf schools, watercraft hire or tuition, yoga and fitness classes, guided tours and the sale of goods (e.g. ice creams, drinks, sun screen).

Community Events such as festivals, concerts, markets, biathlons, cycling rides and fun runs.

Club events such as surfing competitions, lifesaving events and beach volleyball tournaments.

Private activities and events such as wedding and remembrance ceremonies or private celebration events.

As the land manager, Council is responsible for determining which of these activities will be permitted on foreshore and bushland reserves.

This policy provides a consistent framework for Council when assessing Foreshore Use permits. Further explication is included in the Bass Coast Shire Council Event Permit Guidelines.

Applicants for some activities may also require approval from other agencies (e.g. Tourism Operator Licence from Parks Victoria).

The Foreshore Use Policy also applies to the use of Bass Coast Shire Council-managed bushland reserves. Where the policy refers to 'foreshore' this should be understood as a reference to these bushland reserves.

Policy objectives

The policy's objectives are to:

1. Ensure that any approved foreshore use provides a benefit to the community and adds value to the community's coastal experience.
2. Ensure that any approved foreshore use minimises negative impacts on the natural environment and cultural and heritage values.
3. Provide direction for permitted private activities.
4. Ensure commercial operations are coastal dependent or add value to the coastal experience.
5. Support the development of the local economy.

Policy statement

1. Community benefit

Council will only support foreshore use that provides a clear benefit to the community and/or adds value to the community's coastal experience.

Council will not support activities that may have a negative impact on the community coastal experience. Negative impacts include, but are not limited to, risk to public safety, excessive noise, competition for public space and offensive content.

Large-scale community events must only be held in 'high-use' locations that have adequate supporting infrastructure.

Where competition for space or foreshore resources prohibits multiple uses, applicants will be required to undertake a competitive evaluation process.

2. Natural environment, cultural and heritage protection

Council will only support foreshore use that minimises negative impacts on the natural environment and cultural and heritage values.

Council will not support activities that may have a negative impact on the natural environment. This includes impacts on flora and fauna, natural systems or coastal processes.

Council will not support activities that may have a negative impact on the cultural or heritage values of the reserve.

Council may ask applicants for a Foreshore Use Permit to undertake an independent assessment. This is to identify and manage potential environmental, cultural or heritage impacts of a proposed activity.

3. Private activities

3.1. Ceremonies and events

Only 'informal' private ceremonies (such as wedding and remembrance ceremonies) and events are permitted on foreshore reserves. This is in accordance with Council's Local Law No.1 Neighbourhood Amenity 2012.

The private ceremony or event must not interfere with the normal use of the area, including public access.

The following definitions and guidelines also apply:

- An informal ceremony is one that does not require structures like tents or marquees; however, it may include a small table, arch and a few chairs for those people unable to stand for a long period.
- A permit is not required for an informal private ceremony and a fee will not be charged.
- Council will not take bookings or reserve areas for weddings or private ceremonies.
- Council resources will not be allocated to the staging of private events.

3.2. Use of land

Public coastal land must not be used to place items or erect structures in memorial of a private individual or individuals. Exceptions will be considered for historical, community group or local 'identities' involved in community work to be remembered with memorials in accordance with Council's place naming protocols.

Public coastal land must not be used for the storage or permanent placement of private items or structures.

4. Commercial operations

Council will support commercial operations that are coastal dependent and/or add value to the coastal or open space experience.

Council does not support the sale of goods that are not coastal dependent or do not add value to the coastal experience. (This policy position excludes goods that are sold as

part of a community event supported by Council's Events Policy such as food and beverages or market stall items.)

Council may set fees for commercial operations to recover costs to the community and the management of public land. Council may offer a fee reduction to operations that provide benefit to the community and/or contribute to community education, including education about conservation or coastal safety.

5. Support local economy

Council supports the development of businesses within the commercial business district.

Council does not support the sale of goods if the goods are available at a reasonable distance in a nearby commercial area.

Additional documents

Bass Coast Shire Council – Foreshore Use Permit application form

Bass Coast Shire Council Local Law No.1 Neighbourhood Amenity 2012

Bass Coast Shire Council – *Events Policy 2017*

Bass Coast Shire Council Event Permit Guidelines 2017

Crown land (Reserves) Act 1978

Regulations for the care, Protection, and Management of “Cape Paterson Beach Reserve” 1945

Regulations Grantville, Corinella and San Remo Foreshore Reserves Corinella Public Recreation Reserve 1986

Regulations Inverloch Foreshore Reserve

Regulations Kilcunda-Powlett River Foreshore Reserve 1986

Regulations Phillip Island Foreshores and Other Reserves 1991

Reference to other documents

Bass Coast Shire Council – Council Plan 2017-21

Bass Coast Shire Council – Economic Development Strategy 2016-2021

Bass Coast Shire Council – Natural Environment Strategy 2017

Bass Coast Shire Council – Phillip Island and San Remo Visitor Economy Strategy – 2035 Growing Tourism

Review process

Council will review this policy within four years of its adoption.

Accountability process

Accountability for the effective administration of the Foreshore Use Policy by the Coast and Bushland Team rests with the Manager Sustainable Environment.

Approval

Adopted by Council at its meeting held on

Date 20/09/2017

Signed by the Mayor (Cr Pamela Rothfield)



Date 25/09/2017