



Victorian  
Environmental  
Assessment  
Council

# Assessment of Victoria's Coastal Reserves Consultation Summary

November 2019



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### **Contact details**

Victorian Environmental Assessment Council

Level 39, 2 Lonsdale St

GPO Box 527

Melbourne, Victoria 3001

Phone (03) 9637 9902 or 1800 134 803 (toll-free from landline)

Email [veac@delwp.vic.gov.au](mailto:veac@delwp.vic.gov.au)

[www.veac.vic.gov.au](http://www.veac.vic.gov.au)

### **Acknowledgement of Aboriginal Victorians**

The Victorian Environmental Assessment Council pays its respects to Victoria's Aboriginal peoples, Native Title Holders and Traditional Owners and acknowledges their rich cultural and intrinsic connections to Country. Council recognises that the land and sea is of spiritual, cultural, environmental and economic importance to Aboriginal people and values their contribution and interest in the management of land and sea.



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# 1. Introduction

This Consultation Summary outlines the main points that VEAC heard from local communities, land managers and other stakeholders relating to VEAC's draft report, maps and associated inventory for the Assessment of Victoria's Coastal Reserves. The draft report, maps and inventory were published in October 2019 and are available on the VEAC website. Public consultation closed on 11 November 2019.

## 1.1 Victorian Environmental Assessment Council

VEAC provides the Victorian government with independent and strategic advice on matters related to the protection and management of the environment and natural resources of public land. It was established under the *Victorian Environmental Assessment Council Act 2001*. The Council conducts its work in accordance with the VEAC Act. Public land is defined in the VEAC Act; it excludes private freehold land, land owned by local councils and Commonwealth land.

VEAC carries out its investigations or assessments and provides advice at the request of the Minister for Energy, Environment and Climate Change. Together the Act and terms of reference provided by the Minister describe how an investigation or assessment must be conducted, including the number of reports to be prepared, matters to be taken into account, timeframes and public consultation.

The VEAC Act was amended in 2016 to allow the Minister to request the Council to conduct an assessment or to provide advice in relation to a matter that, in the opinion of the Minister, does not require an investigation, having regard to the matter's limited scale or scope or its technical nature. Assessments do not require formal public consultation unless specified by the Minister in the terms of reference. This assessment of the Victoria's coastal reserves is requested pursuant to section 26B of the Act and the terms of reference specify one period of public consultation on the draft report. For the purposes of this assessment coastal reserves include any Crown land along Victoria's coast (including the coast of any bay, inlet and estuary and the Gippsland Lakes).

The current five members appointed to VEAC are Ms Janine Haddow (Chairperson), Ms Joanne Duncan, Ms Anna Kilborn, Dr Charles Meredith and Dr Geoffrey Wescott.

## 1.2 Background to the assessment

On June 2018, the Minister for Energy, Environment and Climate Change, the Hon Lily D'Ambrosio MP, asked VEAC to conduct an assessment of Victoria's coastal reserves, including their legal status, significant values and values that are at risk from the impacts of climate change.

The assessment has been requested to assist the Victorian government's future planning and decision-making for Victoria's coasts and support the government's marine and coastal reforms. The focus of the assessment is to provide information and recommendations to assist future planning and management effectiveness. It does not include making recommendations for changes to current uses of coastal reserves.

The purpose of the assessment is to:

- a) review the number and types (reservation status) of coastal reserves in Victoria
- b) identify reserves with high environmental, cultural heritage, social and economic values and identify values at risk from the impacts of climate change
- c) identify current and emerging uses of the coastal reserves, and
- d) compile an inventory, including spatial distribution, of values and uses of the coastal reserves.

The Victorian government accepted recommendation R22(a) in VEAC's Statewide Assessment of Public Land Final Report (2017) to provide information on the number and types of coastal reserves and an inventory of values and uses to assist future planning, decision-making and enhance management effectiveness. The *Marine and Coastal Reforms Final Transition Plan* (2018) also includes this VEAC assessment as action 1.2.

#### Box 1 Terms of reference

Pursuant to section 26B of the *Victorian Environmental Assessment Council Act 2001*, the Minister for Energy, Environment and Climate Change hereby requests the Victorian Environmental Assessment Council (the Council) to carry out an assessment of Victoria's coastal reserves<sup>1</sup>.

The purpose of the assessment is to:

- a) review the number and types (reservation status) of coastal reserves in Victoria;
- b) identify reserves with high environmental, cultural heritage, social and economic values and identify values at risk from the impacts of climate change;
- c) identify current and emerging uses of the coastal reserves; and
- d) compile an inventory, including spatial distribution, of values and uses of the coastal reserves.

As a first step, the Council is required to publish a definition of coastal reserves to be used in the assessment, including a diagrammatic representation and map of Victoria's coastal reserves.

The assessment and associated inventory will assist the Victorian Government's future planning and decision-making for Victoria's coasts.

The Council must take into account relevant agreements under the *Traditional Owner Settlement Act 2010*.

As part of the assessment, the Council must produce a draft report and seek public comment on it.

The Council must report on the completed assessment by 6 December 2019.\*

<sup>1</sup> For the purposes of this assessment, Victoria's coastal reserves include any Crown land along Victoria's coast (including the coast of any bay, inlet and estuary and the Gippsland Lakes) that is:

- a) reserved under section 4(1)(ze) of the *Crown Land (Reserves) Act 1978* for the protection of the coastline or is otherwise reserved under that Act and is landward of low water mark; or
- b) unreserved Crown land under the *Land Act 1958* that is landward of low water mark.

For clarity, Victoria's coastal reserves do not include any Crown land described as a park or marine sanctuary in Schedule 2, 2B, 3, 4, 7 or 8 to the *National Parks Act 1975* or any unreserved Crown land from low water mark to the outer limit of Victoria's coastal waters (mostly 3 nautical miles).

\*extended to 6 March 2020

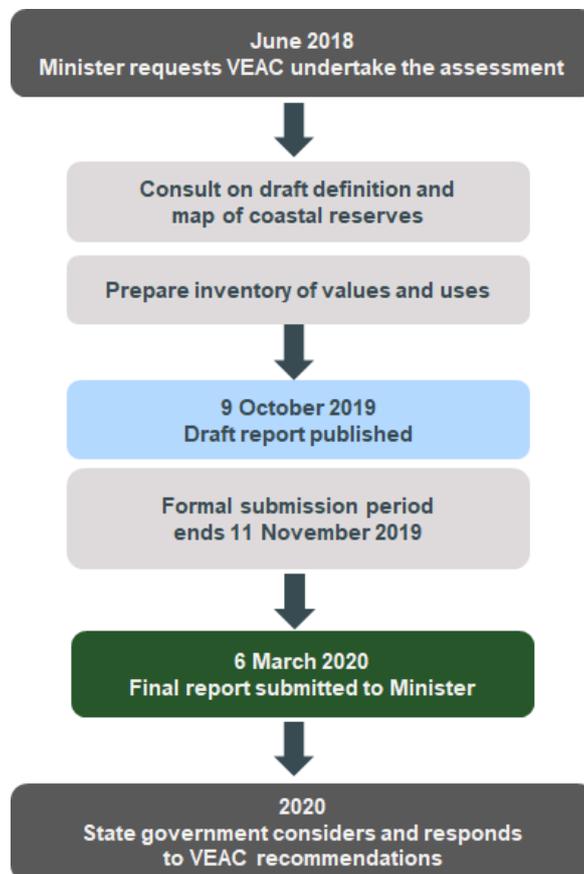
### 1.3 The assessment process

The key steps for the Assessment of Victoria's Coastal Reserves are specified in the VEAC Act and in the terms of reference. A flow chart showing the key steps for the assessment is provided below.

In July 2019 a technical definition of coastal reserves was developed with the assistance of practitioners and key stakeholders (see section 2.2 of the draft report).

A map of Victoria's coastal reserves is shown in appendix 1 of this Consultation Summary.

The draft report and associated inventory of values and uses were released on 9 October 2019. These documents, along with supporting fact sheets and maps for each coastal municipality, are available on the VEAC website at <http://www.veac.vic.gov.au/investigation/assessment-coastal-reserves>



## 2. Traditional Owners

Traditional Owners have told VEAC they do not separate coastal from associated catchment or marine values. For VEAC's recent Assessment of the Values of Victoria's Marine Environment, Traditional Owners advised that the nature of Aboriginal culture and knowledge means that there is not a well-documented inventory of information relating to sections of the Victorian coast available to decision-makers. This was considered to represent a very significant gap under the terms of reference for that assessment.

Chapter 7 of the report for the Assessment of the Values of Victoria's Marine Environment provided an outline of the Aboriginal cultural values for Sea Country in Victoria, based on a report prepared for VEAC by the Federation of Victorian Traditional Owner Corporations. A strategic framework prepared by the Federation was also included articulating Victorian Traditional Owners' long-term goals and objectives for developing and applying Indigenous knowledge and practice for Sea Country in a contemporary Victorian context.

The *Draft Marine and Coastal Policy* (2019) acknowledges that institutional barriers have limited the opportunities for many Traditional Owners to manage and use land and Sea Country, and to have their voices heard in planning and decision-making processes. Recognising this history, the draft marine and coastal policies do not attempt to speak on behalf of Traditional Owners. They support a broader self-determination approach that emphasises the need to listen to and respect Traditional Owners' voices and knowledge throughout planning, management and decision making in the marine and coastal environment.

## 3. Consultation and information gathering

Stakeholder consultation is a key part of VEAC's work, tailored to the nature and specific requirements of each investigation or assessment. For this assessment, the consultation process has included provision of information to interested organisations and individuals, targeted stakeholder consultation on technical information (e.g. draft technical definition of coastal reserves) and one formal written submission period on the draft report.

Information gathering and data analysis form a major component of the assessment. VEAC has worked with land managers, local government and state government to collate the information necessary for this assessment of coastal reserves.

### 3.1 Defining coastal reserves

The terms of reference (box 1 on page 3) provide only a general description of Crown land to be included or excluded from the assessment. The terms of reference therefore note that the first step for the assessment is publication of a draft definition of coastal reserve including a diagrammatic representation and map of coastal reserves. Establishing a definition and map base of coastal reserves is a precursor to preparation of an inventory of values and uses and other analyses required for this assessment.

A technical definition of coastal reserves was developed with the assistance of practitioners and key stakeholders and circulated to them for comment in July 2019.

Section 2.2 of the draft report includes a technical definition of coastal reserves and additional comments in response to this definition were invited.

### 3.2 Submissions

Written submissions are one way for VEAC to seek community views on issues and values associated with public land. For this assessment, the terms of reference required VEAC to produce a draft report and seek public comment on it.

Submissions were made via the VEAC website or by email. VEAC considers all the information, views and comments made in written submissions.

#### Submission period

There was one submission period for the Assessment of Victoria's Coastal Reserves. The submission period commenced on 9 October 2019 with the release of the draft report and the associated inventory and interactive mapping, and closed on 11 November 2019.

The release of the draft report and its availability on VEAC's website was advised by email bulletin and a notification was published on VEAC's website and Facebook page. Letters were also mailed to public land licence holders without an available email address. Licence and lease details were provided by the Department of Environment, Land, Water and Planning (DELWP) (July 2019).

VEAC received 11 submissions with eight received from organisations and three from individuals.

### 3.3 Community information sessions and workshops

Community information sessions and workshops were held in five locations along Victoria's coast (Inverloch, Lakes Entrance, Frankston, Warrnambool and Geelong) between 23 October and 31 October 2019. The community information sessions were advertised on VEAC's website and Facebook page, and in some key regional newspapers. The sessions were also advertised in an email news bulletin sent to a mailing list compiled for the assessment. Sharing of the email and Facebook post with others who might be interested was encouraged.

Overall, 45 people attended the sessions with between 7 to 10 people at each session. The sessions provided an opportunity for face-to-face engagement with VEAC. Attendees were able to learn more about the assessment, view maps and other information and to provide input into the assessment. Most people came to hear the introductory presentation on the assessment and to participate in group discussions. Key elements of the assessment were discussed in the workshop component of the sessions.



## 4. Summary of feedback

VEAC is considering all the input received during the community information sessions and workshops, and in submissions, as it develops the final report for the assessment of Victoria's coastal reserves. VEAC heard from residents, visitors, community organisations and land managers. Helpful information was provided about changing or emerging trends and uses, important values, as well as issues and information about specific places. The assessment has benefited greatly from the knowledge provided by all who were involved in the consultation.

The main topics highlighted in submissions and at the community information sessions and workshops were:

- the importance to the community of coastal reserves and coastal public land more generally
- management issues at specific sites along Victoria's coast stemming largely from increasing population pressures, changing uses and the impacts of climate change
- a need for clarity and consistency to support management decision-making
- the complexities and confusion relating to public land management arrangements along the coastline
- uncertainties faced by public land managers as a result of climate change and how it will impact prioritisation of resources
- a desire for a coordinated strategic approach to managing and responding to climate change impacts on Victoria's coastal public land
- opportunities for proactive management decisions, open communication and leadership by government in response to the challenges presented by climate change
- observations relating to changing uses and emerging trends on coastal reserves in Victoria.

The following sections summarise the information, opinions and comments that VEAC heard, grouped by common themes, and responses to 'comments invited' sections in the draft report. The statements made in the following sections are not VEAC's views or interpretations and VEAC does not attest that they are factually correct. They present the range of views and input that VEAC heard during stakeholder engagement activities for this assessment.

For further details on these points and other suggestions and comments made during the consultation, see the written submissions published on VEAC's website.



## What VEAC heard about...

### ...Public land management and administration

#### General

- management arrangements are often complex and confusing – it is not always clear which agency to contact – especially in the Gippsland Lakes area; management is fragmented and poorly coordinated between the range of responsible land managers and agencies
- Traditional Owners should be more involved in the management of coastal areas
- improved acknowledgement, respect and involvement of First Peoples in conservation of Victoria's coastal reserves and waterways is needed
- management of coastal land often involves the balancing of visitation/public access/social values and the protection of the environment
- coastal reserves provide important public open space and must be retained and expanded where possible
- coastal reserves provide a buffer zone between the coastline and marine environment
- coastal reserves should be used for coastal-dependent uses, rather than uses that could be accommodated on other areas of public land
- issues and concerns were raised about some specific sites, including:
  - several locations within and around Queenscliff and Point Lonsdale
  - Belfast Coastal Reserve
  - the northern coast of Phillip Island
  - areas of other coastal public land including national parks and marine national parks at Port Phillip Heads and along the Great Ocean Road.

#### Management of natural values

- coastal reserves identified as having high natural and other values should be managed to protect and enhance these values in the long term
- coastal reserves should be primarily managed to protect their environmental values such as native vegetation, landscape and water features
- identify and protect areas fringing wetlands that are vital for shorebirds and migratory waders from inappropriate uses and population pressures
- management decisions are compromised by a lack of research on some natural values (e.g. sandy shore ecology)
- some environmental values are poorly protected (e.g. fossil sites)
- include restoration of coastal vegetation and reparation of sand dune erosion
- leave seaweed on beaches as it is important for shorebird feeding, shelter and habitat
- improve control of invasive plant and animal species in the marine and coastal environment

- community groups should be more involved in pest plant and animal control where possible to facilitate greater appreciation of and pride in the natural values of the area, and to strengthen community connections to nature
- better waste and pollution controls are needed for waterways and stormwater systems
- there is a need for better public education around protecting the marine and coastal environment
- priority should be given to allowing natural coastal processes to occur, rather than engineered coastal defences; and to retaining and maintaining or restoring natural inlets and waterways wherever possible.

### *Management of recreation and tourism values*

- all visitor facilities (such as car parks and access tracks) and coastal industries should be positioned to minimise impacts on natural and cultural heritage values
- there can be rapid increases in visitation to some sites that have little or no existing infrastructure (toilets, car parks, formal walking tracks) resulting in increases in erosion and other negative impacts; these are hard to predict and manage
- some activities prevent other users from safely using the beach, compromising the enjoyment of public land for some users or threatening important natural values
- opportunities for tourism and visitor facilities should not be prioritised above environmental, cultural and social values; decision making should assess the social values of coastal areas, rather than return on investment
- coastal reserves, and Crown land more generally, do not need to provide economic returns; this perception undermines their importance to communities
- actions on coastal reserves should not diminish the values of Victoria's marine environment
- the presence of dogs in coastal reserves is a safety issue in some locations and may not comply with regulations.

### *Resourcing*

- funding of land management has not increased in line with visitation rates
- land managers are under-resourced and rely on volunteers
- in order to obtain funding for public land management from DELWP, supporting evidence or studies are often required but these require significant resources to produce (especially problematic for volunteer public committees of management)
- inadequate funding can lead to inappropriate decision making by land managers who require revenue to support management of the reserve (e.g. commercial developments on coastal reserves)
- management decisions can be complex; for example, provision of an all-accessible footpath ensures that Victoria's coast is accessible to everyone, however, this infrastructure occupies a larger area of coastal land and has significant financial costs
- public safety is prioritised by land managers with unsafe areas fenced off from public access as a short-term measure; however, implementing longer-term solutions is generally outside scope/capacity for local land managers
- some coastal heritage structures are deteriorating.

### *Administrative arrangements*

- the land manager for coastal reserves is often unclear; make it clearer in the final report
- management arrangements are often complex and confusing
- undertake a review of the number of management authorities for coastal land in Victoria
- strong government directives are needed to coordinate management across the numerous management agencies
- facilities and infrastructure on coastal reserves should not be privately managed
- consider establishing one authority to manage and protect Victoria's coastline.



### *Reservation types and purposes, and planning scheme zoning*

- all coastal reserves should be permanently reserved
- all coastal reserves should be reserved for specific purposes and that purpose should inform planning and management decisions
- unreserved coastal land should be assessed and reserved for the appropriate purposes
- the purposes and objectives for coastal reserves should refer to the need to protect the coast and coastal reserves in the context of climate change
- the purpose for each coastal reserve should be clear and should give clarity around the appropriate and inappropriate uses of the area; this is especially important given the increasing demands on reduced areas of coastal land due to climate change
- planning scheme zoning often permits inappropriate uses to take place on coastal reserves
- consider a zoning system to highlight areas with important environmental values and manage to protect these values as the primary purpose
- coastal reserves are used for public recreation, and areas abutting townships or settlements, should be zoned Public Purposes to accommodate the diverse range of uses
- all coastal reserves should be zoned Public Conservation and Resource Zone (PCRZ) so that planning proposals include a public consultation process.

### *Governance or administrative processes*

- the community should be able to participate fully in decision making, including appointment of committees of management, and not just when decisions have already been made
- Coastal management consent processes are vague and don't properly involve the community
- Coastal siting regulations are often ignored – they should be strengthened or adhered to – and they should be monitored for compliance
- the lack of formal implementation of government-accepted LCC/ECC/VEAC recommendations has implications for management
- many of the issues identified in the Victorian Coastal Strategy in 2002 remain unresolved and should be re-evaluated.

### *...The inventory component of the assessment*

- the inventory should be incorporated into DELWP's Crown Land Information Platform (CLIP) project to make it more accessible
- managers already have access to much of the values and uses information in the inventory (and more detailed location specific information)
- suggested additions to the inventory:
  - Victorian Heritage Inventory dataset/archaeological values
  - more detail on coastal access infrastructure (car parks, roads, trails); levees
  - pest plants and animals; invasive species
  - ecosystem services
  - more detail on threats
  - add the Parks Victoria Visitor Experience Framework information relating to the locations of activities and buildings to the inventory
  - identify sites of current/active erosion in the inventory
  - active uses; areas used for surf sports and water sports
  - land subject to inundation overlays from local government.

### *...Climate change*

- many members of the community are afraid of the effects of climate change and there is a need for proactive management – as well as open communication about the rationale behind management decisions – by local, state and national government
- a coordinated national or statewide strategic approach is required to managing and responding to the impacts of climate change on coastal land
- Victoria should look to what is being done in other places around the world for guidance
- the option of 'retreat' should be discussed more often and how this might be practised should be explored
- a consistent decision-making approach is needed based on values at each site rather than precedents established in other locations

- some coastal areas in Victoria are 'canaries in the coalmine' for climate change hazards e.g. Mount Martha, Apollo Bay, Ocean Grove, Inverloch, Point Lonsdale
- visitors go to other areas if a popular area is affected by coastal erosion e.g. people now go to Mount Martha South instead of Mount Martha beach
- there is an opportunity to try and pre-empt the loss of some areas and proactively 'activate' an alternative place (and communicate this decision openly to the public)
- we need to improve our understanding of the impact of climate change on Victoria's utilities infrastructure such as electricity, water, sewerage, and phone lines
- instead of representing sea level rise and storm surge at two points in time (2040 and 2100), show it as an overlay using elevation only to indicate the immediacy of the issue
- undertake an asset and infrastructure liability survey for future climate change impacts
- erosion is affecting sea walls in addition to sand dunes
- erosion resulting from sea level rise and storm surge can expose historic rubbish/tip sites resulting in household waste on beaches
- climate change is directly impacting coastal environments and action to mitigate climate change is needed now
- further research could be used to identify areas of increased vulnerability and targeted management works could be undertaken in these areas to reduce coastal erosion
- in the context of climate change, inundation and erosion, the coast requires careful management and the guiding principle should be that there is limited, if any, development allowed in these areas
- utilise extensive local knowledge when considering the impacts of climate change on the local values of coastal reserves
- marine and coastal management plans should be prepared with local communities to outline responses to inundation and loss of private and public land, and appropriate funding should be allocated
- increase protected areas on Victoria's coast to compensate for land lost to sea level rise.

### *...Future planning*

- new coastal infrastructure should be built according to the future projections for a site e.g. the bottom level of a new surf lifesaving club should be designed to permit periodic flooding and buildings should have the capacity to have upper levels added
- siting and design guidelines or a coastal erosion overlay could be used to help decision-making around where infrastructure can and cannot be built on coastal reserves
- new developments or infrastructure should be placed well back from the coast, inlets or waterways, and buildings and infrastructure should be relocated over time
- there is a need for greater continuity and structured governance to manage the environmental pressures of continued population growth
- opportunities to acquire additional areas of coastal reserve should be investigated, especially in places with no coastal reserves or they are narrow or fragmented
- opportunities to protect or construct biolinks between coastal reserves and inland vegetated public land should be investigated

- there is a need for a consistent agency response that is based on science and appropriately resourced to assist with management works in high impact areas
- questioning the necessity for increases in demand for coastal infrastructure to be met when other priorities may be more important for coastal Crown land
- future population growth should be managed to protect the coastal spaces between settlements and the existing town boundaries should be maintained
- the coastline is fragile and needs to be protected from increasing pressures relating mostly to increasing human use.



### *...Emerging or changing uses*

- peak visitation to Victoria's coast has increased and peak periods last longer; this is on top of already increased baseline visitation, even in the winter months
- more people visiting the coast have dogs
- more cultural heritage sites might be revealed as a result of coastal erosion
- we might see more scuba diving as a result of warmer waters and people are swimming for more months of the year using wetsuits
- some changes in visitor use are sudden and difficult for managers to predict e.g. staff from Mornington Peninsula Shire get around 400 people visiting the Pillars at Mount Martha (a jump rock spot) on some days, likely due to sharing information on social media
- include in emerging uses or changes the wide use of mountain and trail bikes, jet skis and increasing numbers of recreational fishers and swimmers
- the numbers of visitors and the activities undertaken on coastal land need to be actively managed due to growing populations placing increasing pressure on available areas (e.g. better manage the number of tourist buses visiting the Great Ocean Road)
- some commercial activities are increasing and may require access across coastal reserves

- nature-based tourism is increasing
- emerging uses or trends include the use of the coastline to generate energy through harnessing wave energy, offshore wind turbines, and tidal energy
- anticipating changes to use or emerging uses is very difficult.

### *...The assessment process, scope or final report*

- consider all types of public land on Victoria's coast (not just coastal reserves) to provide an overview of all of Victoria's important coastal public land; the definition of coastal reserves is too narrow for this assessment
- the use of case studies in the report is a good way to demonstrate complexities
- consider restating those coastal reserve government accepted LCC/ECC/VEAC recommendations from previous studies that have not yet been implemented
- resolve whether the overlays of conservation and recreation zones for coastal reserves recommended by the Environment Conservation Council in 2000 are still relevant
- consider recommending a more holistic approach to managing coastal land in Victoria
- general appreciation and acknowledgement of the comprehensive body of work that has gone into the draft report
- requests for updates with new material or minor corrections to some information for the final report
- discuss further the impact on estuaries of climate change and sea level rise
- include more information on fire risk management, including Traditional Owner input in management planning and protection of assets
- planned retreat should be discussed in the final report
- include more information that would assist land managers to prepare for the effects of climate change, especially the likely impacts on ageing coastal assets and infrastructure, and of funding availability.

### *...Areas of uncertainty for public land managers*

- coastal land managers are seeking tools to help them prioritise management of competing values or uses
- land managers are uncertain in making decisions about where to invest resources because of coastal hazards e.g. what is the priority for pest control in areas at risk of erosion when there are limited resources?
- how climate change projections are applied to new coastal infrastructure siting and design
- need for greater understanding of what the community expectations are for management of coastal areas affected by climate change
- how the 'Doctrine of Accretion' will be applied to coastal areas impacted by climate change
- need for clarity with title boundaries, especially in the Gippsland Lakes area as it is impacted by climate change.

## 5. Final report

VEAC will take into account the input it has received from all consultation activities in developing the final report, maps and associated inventory for the Assessment of Victoria's Coastal Reserves.

The Council thanks everyone who has provided VEAC with information, opinions and ideas relating to coastal reserves in Victoria.

The final report will be provided to the Minister for Energy, Environment and Climate Change in March 2020 and published on VEAC's website within seven days of submission to the Minister.

Notice of the publication of the final report will be issued via VEAC's website, Facebook page and by email bulletin to the mailing list for the assessment.



