



SUBMISSION FROM SMITHS BEACHCOMBER ASSOCIATION (SBA)

**Feedback on the
Draft Smiths Beach Town Plan 2021
to the Bass Coast Shire Council (BCSC)**

Prepared September 2021

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Introduction

Introduction to the SBA

The Smiths Beachcomber Association (SBA) has been in existence for around 44 years. We are proud to be one of the oldest community groups within the Bass Coast Shire. We have a proud and respected history of ably representing our community and of working collaboratively and productively with the Bass Coast Shire Council (BCSC), Phillip Island Nature Parks (PINP) and other like-minded community groups.

Imagining the future for Smiths Beach

Creating a Master Plan for Smiths Beach has long been desired by the SBA. In July 2018, the SBA suggested this project in a letter to the Shire's CEO, suggesting the Shire consider developing a Smiths Beach Master Plan. The letter was followed by a well-received presentation of "More Feet Less Footprints" to Councillors in March, 2019.

A slide in the presentation is reproduced here:



Congratulations to the BCSC

The SBA was therefore delighted when the BCSC announced in 2019 the allocation of funding to begin a community consultation project, in order to develop a Draft Smiths Beach Town Plan. We would like to thank and congratulate the Bass Coast Shire Council and their consultants, Kinetica, for their work in researching and publishing the draft reports. In particular, we'd like to acknowledge Austin Cram and his team, for their management of the Draft Smiths Beach Town Plan and the Community Engagement process that has been undertaken.

The purpose of the SBA submission

Due to our long and detailed local advocacy for Smiths Beach, the SBA has a deep understanding of the issues, challenges and opportunities facing our township. We are also conscious of the 'once in a generational' nature of the development of a Master Plan, and the implications that this document may have for our future.

Therefore, although we concur with a range of the findings, suggestions and outcomes within the Draft Smiths Beach Town Plan, we believe that there are 8 foundational "Priority Projects" that should be prioritised for Smiths Beach. Some of these Priority Projects mirror aspects of the BCSC "Gamechanger Projects." However, several are new concepts, which we strongly believe should be undertaken within our community.

Honouring our First Peoples

Smiths Beach Estate was established in the 1950's, and for some possibly thousands of years beforehand, was known under another name by the local First Nations people. SBA wishes to acknowledge that Smiths Beach is on Bunurong Land, whose peoples are the first and true owners of the land and sea, that is now called Smiths Beach.

The SBA believes that it is important that we engage, embrace and educate our residents and visitors about the Bunurong People. The Bunurong Land Council Aboriginal Corporation (BLCAC) is the organisation that represents the Bunurong people and we feel they should be consulted and involved by the BCSC in this important community process.

*Mr Phil Dressing
President
Smiths Beachcomber Association (SBA)
29 September, 2021*

Priority Project 1: Upgrades to Drainage, Roads and Footpaths

SBA recognises that drains, footpaths and, to a lesser extent, roads were discussed in both Volumes of the Draft Smiths Beach Town Plan. We are firmly of the view that these are not only of major importance, but they are all foundational issues that are integrally linked. As such, we present them as a stand-alone priority.

1.1 High-level summary

The Draft 2021 Smiths Beach Town Plan seeks to identify Smiths Beach and Beachcomber Estates as a safe inclusive and connected community. In the opinion of the Smiths Beachcombers Association this can only be achieved if there is a much-needed and long-overdue upgrade of drainage, roads, and footpath infrastructure across the estate.

Historical background

The Smiths Beach/Beachcomber estates and neighbouring townships have the greatest number of unmade roads of any settlements on Phillip Island and within the wider Bass Coast Shire Council municipality.

Ratepayers at Smiths Beach live on an estate which was first created over fifty years ago. In the days before burgeoning tourism, residents were prepared to accept the status of unmade roads and drainage. This situation is now no longer appropriate or desired by many local residents. Indeed, this situation is hazardous, due to the growing number of tourists who visit Smiths each year.

Smiths Beach today

Smiths Beach is proudly presented in BCSC tourist promotional material as a 'jewel,' and is a highly desirable holiday location. Smiths Beach is now the most popular surf beach on Phillip Island. Due to its reputation as a 'safe', patrolled family surf beach, tourism growth is exponentially high. However, this level of popularity comes at a price - and that price is borne, to a large extent, by the residents of Smiths Beach.

Visitor safety – an important consideration

Significantly, the vast proportion of day visitors to 'Smiths' are now young families, whose safety is incumbent upon the BCSC. This safety provision should include appropriate roads and parking, as well as safe and easy access to the beach precinct. To provide this basic level of safety, a significant upgrade to the current levels of drainage, roads, parking and footpath infrastructure is required

With these increasing tourist numbers other factors come into play.

- Traffic volume is higher and drivers do not exercise due care for the pedestrians who walk across the estate.
- Unmade roads and increased vehicles have resulted in road surface breaking down. In many streets even the temporary dust suppressant surfaces have degraded and have been removed. This has resulted in uncomfortable and potentially hazardous levels of dust during the summer months – for both residents and day trippers.

- Conversely, during the winter when it is wet, conditions are slippery for drivers and uncomfortable walking for pedestrians ensues.
- A lack of footpaths means that pedestrians are forced to walk on roadways. The mixing of pedestrians and motorised traffic on unmade roads is a real safety risk. This makes walking around the estate both dangerous and uncomfortable.
- Drainage is hopelessly inadequate across the estate with open swale drains, often left populated for long periods with stagnant drain water.
- Due to lack of roadways and drainage, a large percentage of available public parking situated outside of residential homes is unusable. This is often due to deep, eroded swale drains. In the winter they also pose a significant risk of bogging to local residents.
- The current state of unmade roads around the estate does not optimise the locally available carparking in front of homes. Due to space restrictions visitors often park illegally, blocking residents in or out of their properties.



Drainage issues in Smiths Beach

Results of Community Planning Surveys held in 2009, 2020 and 2021

In the Smiths Beach, Sunderland Bay, Sunset Strip and Surf Beach Community Planning Survey of 2009, up to 48% of the respondents considered roads to be a problem that needed to be addressed. (See Appendix 1). In addition, 28% responses expressed concerns about drainage and the need to construct improved drainage systems. (See Appendix 2).

The 2020 Community Consultation phase contained in the current Smiths Beach Town Plan reveals that drainage, roads and footpath issues are still consistently listed as serious concerns for local residents. These concerns are also echoed in the most recent Community Surveys conducted in preparation for the 2021 Draft Smiths Beach Master Plan.

Armed with this consistent historical evidence, the SBA feels that it is time to act and address these issues for the benefit of both our community and our seasonal tourist population.

Smiths Beach ratepayers have had their roadmaking schemes deferred on multiple occasions over many years. This has been to their cost, both financially in terms of impact on their properties, and socially in terms of health risks. Roads are the lifeline of any modern community and should be recognised and promoted as such by BCSC.

Implementing a formalised drainage and road/footpath programme within Smiths Beach is essential to the ongoing sustainability of the village. Proper roads and drainage (which are long overdue) are key building blocks to a safe and healthy Smiths Beach. They are also fundamental to a sustainable beach environment, which is under increasing pressure through both vehicular and pedestrian traffic each year.

1.2 Community benefits

The community benefits to the Smiths Beach precinct associated with the upgrading of drainage, roads and footpaths are considerable and for the most part self-evident. Obvious benefits include improved health and wellbeing, safety and amenity around the Smiths Beach estate. Once addressed, Smiths Beach could become the desired '20-minute walking town' proposed in the Draft Smiths Beach Plan – where residents and visitors can safely walk and cycle to the beach and around the estate.

Health and wellbeing – dust, stagnant water and drainage

All local and community surveys undertaken within Smiths Beach since 2009 have highlighted the issues associated with unmade roads and open drains. (Refer Appendices 1 & 2).

The issue of airborne dust arising from unsurfaced roads is a constant problem for residents. As traffic only continues to increase around the Smiths Beach estate, this issue is now further compounded. Airborne dust has been reported as a health issue in numerous local surveys. Appendix 1 cites respiratory health issues relating to airborne dust from unmade roads and how it affects the residents in the 2009 survey.



Airborne dust on Dolphin Drive

Drainage and Easement

Open drains and lack of drainage are issues for residents, particularly in the low-lying areas around Smiths Beach. This results in flooding of properties and low-lying inundation, causing bogging and other issues for residents.

Open drains that lie with stagnant water are an optimal breeding ground for mosquitos. With the arrival of mosquito-borne illnesses on Phillip Island¹, (such as Ross River Fever and Dengue Fever) this is an issue that the BCSC can no longer ignore. However even more serious is that the conditions due to poor drainage may also create an environment for the Bairnsdale Ulcer, also known as Mycobacterium Ulcerans. This is well-documented on Phillip Island and needs to be considered seriously. Open drains



Saturated ground surface on a Gilmore Street crossover



Open drain in Gilmore Street

also encourage snake and mice/rat infestation. This is not an uncommon problem for some residents in the low-lying areas of Smiths Beach.

Consideration also needs to be given by the BCSC to the question of drainage easements throughout the Smiths Beach and Beachcomber Estates. The drainage easements that exist at the rear of several properties in Barramundi Avenue are essentially open drains. These constitute an ongoing health and safety hazard. SBA has been made aware of the danger of these drains by both members and residents. Given the increased number of young families that are renting properties in peak periods, the risk increases exponentially.

Ratepayers on the western side of Beachcomber Avenue have approached SBA complaining that they are unable to construct fences at the rear of their properties. This is on the basis that they cannot easily identify their property boundary, now partially eroded by the open creek/drain running north/south and parallel to Beachcomber Avenue.

Safety

Due to the lack of drainage infrastructure and unmade roads and footpaths, pedestrians and vehicular traffic are forced to use the roadways to move around the Smiths Beach estate. In the opinion of the SBA, this is a recipe for disaster as pedestrians and vehicles should be kept separate to ensure the safety of all.

The Draft Survey also highlights a need to consider imposing speed limits. The SBA supports any decisions that create

¹Epidemiol Infection (1997) Cambridge University Press, 'A Large Localised Outbreak of Mycobacterium Ulcerans Infection on a Temperate Southern Australian Island' pp119, 313-318.

a safer environment. However, the SBA is mindful that any introduction of these limits should only be taken after professional evaluation of the roads and geographic location - supported by detailed community consultation.

Furthermore, the Draft Report refers to reducing traffic congestion during peak holiday periods. Once again, the SBA believes that this requires a detailed study, conducted by the appropriate professional body, to determine the needs of the local community. This review should also take into consideration the number of days in any year when traffic congestion reaches a critical point and the best way to handle this situation.

The Draft Smiths Beach Town Plan, Volume 2, page 28 addresses the subject of Footpaths. The SBA is pleased to note that this suggests that the introduction of cement footpaths should be discouraged. The SBA seeks a road and pathway solution similar to the Silverleaves Estate. This applies a more harmonious blend of the construction mediums used in accommodating both vehicle and pedestrian traffic. The SBA's preferred example appears in Beachcomber Avenue, Smiths Beach, where the use of Lilydale toppings introduces a softer appearance, rather than formalised cement footpaths.



The SBA's preferred footpath treatment of Lilydale topping in Beachcomber Avenue

From a visual perspective, the Smith's Beach Estate has much to be desired due to the current state of the unmade drains, roads and lack of footpaths. The SBA supports the increase of visual amenity that will result from the proper rectification of this type of infrastructure.

Issues associated with airborne dust also reduces the amenity enjoyed by local residents during the warmer months. Currently, many residents are unable to utilise their front-facing decks or open front-facing windows, due to dust issues. Even backyard outdoor entertaining is seriously impacted due to the significant amount of dust generated from the unmade roads around the estate.

1.3 Risk, If Ignored

Local anecdotal evidence suggests that day-tripper numbers to Smiths Beach have increased substantially (estimated to be over 50%) in the past 10 years. With the growing population of Melbourne and the improved roadways to Phillip Island, visitor numbers are expected to increase by 4% per annum over the next decade. For many living in the burgeoning outer South Eastern suburbs, Smiths Beach is the closest 'safe' surf beach and is a great beach for families and learner surfers alike. Visitor numbers to Smiths Beach will only increase in the foreseeable future.

As outlined in our submission, the SBA believes that there are a range of risks to the local and visiting community that will occur if the situation relating to drains, roads and footpaths around the Smith's Beach Estate are not addressed by the BCSC. These include:

- Higher likelihood of personal injury or fatality.
- Increased health problems from dust and open drains.
- A continued reduction in visual amenity around the Smiths Beach Estate.

1.4 Financial Implications

Over many years, the SBA has seen project timelines for upgrades to Smiths Beach infrastructure appear in BCSC budgetary processes. However, these projects have never been acted upon and have been continuously delayed. The SBA fully realises that the cost of upgrading basic municipal infrastructure is always considerable. However, the cost of these projects is never going to decrease.

The SBA believes that a User Pays scheme, particularly linked with parking, (See SBA Priority Project number 7) could be a key means of funding the road and drainage improvement.

In addition, in the current economic environment, councils can borrow money at unprecedented low levels of interest. The SBA believes that this situation provides an opportunity for the BCSC to assist residents by providing the option of a cheap line of credit, to assist them to invest in the upgrade of Smiths Beach infrastructure.

Possible funding for Key Infrastructure Projects

The SBA recommends that the BCSC investigate various funding options; including a User Pays scheme (see SBA Priority Project 7). The SBA also advocates examining the possibility of borrowing funds within the Local Government Act Section 5.1 Part 7 Financial Management Section 144 (1), in order to ensure that the drainage, roads and footpaths can be implemented at Smiths Beach.

1.5 Reference in Town Plan

Volume 1: pp12-13, 20, 34, 41

Volume 2: pp23, 28, 51, 58

1.6 Responsible Authorities

Bass Coast Shire Council
Phillip Island Nature Parks
Regional Roads Victoria

1.7 Summary of Recommendation

The SBA proposes the development and implementation of a comprehensive, drainage, road and footpath plan for Smiths Beach. This will increase health, safety, access, parking and vehicular movement.

Priority Project 2. Smiths Beach Road/Back Beach Road Intersection

Both volumes of the Draft Smiths Beach Town Plan discuss the Smiths Beach/Back Beach Road intersection. They propose bicycle paths/footpaths that do not solve the cycling/pedestrian challenges. At the same time, there are many aspects of the Draft Smiths Beach Town Plan that offers great traffic-calming solutions. SBA is of the view that more attention needs to be paid to the increasing traffic on Back Beach Road and how that affects the Smiths Beach village. This pressure has worsened as a result of the recent roundabout at the intersection with Phillip Island Road, which provides right of way to traffic heading towards Melbourne.

2.1 High-Level Summary

With respect to roads and pedestrians, SBA would like to see Smiths Beach as a safe, inclusive and connected town that will be easy to move within and around, at both off-peak and peak times. With a focus on active transport, such as walking and cycling, there will be increased enjoyment of the area, improving health of both the community and the environment.

A combination of road/path/crossing treatments and speed limits will create and maintain a safe and high amenity environment for the community and visitors of all ages and abilities. Treatments could include making the speed limit along Smiths Beach and Beachcomber Avenue 40kms/hr. An additional aim could be to transition all other roads to shared zones or pedestrian friendly speeds.

Significant attention is required to the Smiths Beach Road/Back Beach Road intersection, subject to liaising with Regional Roads Victoria. Treatments could include:

- Providing pedestrian refuges as part of a compact roundabout treatment at the Back Beach Road/Smiths Beach Road intersection to assist pedestrians crossing Back Beach Road. (Note that this treatment should only be considered in conjunction with a roundabout that slows approaching traffic, as the existing crest limits visibility to traffic approaching at the posted 60km/h speed limit at this location.).
- Providing a pedestrian refuge further east on Back Beach Road near the bus stops. This would facilitate safer pedestrian connectivity across Back Beach Road, in the event that a roundabout is not constructed at the Smiths Beach Road intersection. (This option would however involve removal of trees to facilitate the widening of Back Beach Road in the vicinity of the refuge island).

Phillip Island traffic-flow considerations

Phillip Island is basically a trapezoid with a tail. Whether a local or a visitor, every driver must answer the same question in their mind – “What will I do at the intersection of Back Beach Road and Phillip Island Road?”

Traditionally, the answer of most drivers is to veer right



Major Traffic Routes on Phillip Island

and head into Cowes. In recent years, the percentage of drivers who drive straight ahead is increasing. The change in behaviour is attributed to:

1. More penguin visitors who spend less time in Cowes
2. 300 days per year of activity at the Phillip Island racetrack
3. Subdivision growth in West Cowes with preferred movement to and from San Remo avoiding Cowes,
4. Increased surfing at Smiths Beach.
5. Increased concrete batching at the Donmix quarry on Back Beach Road.
6. Potential traffic increase and heavier size of vehicles from the Gap Road Waste Transfer Station.

Most of this traffic on Back Beach Road passes through the 3 intersections at Smiths Beach. Ensuring the safe crossing of Back Beach Road by Sunset Strip locals and visitors will impact the long-term design and must be considered.

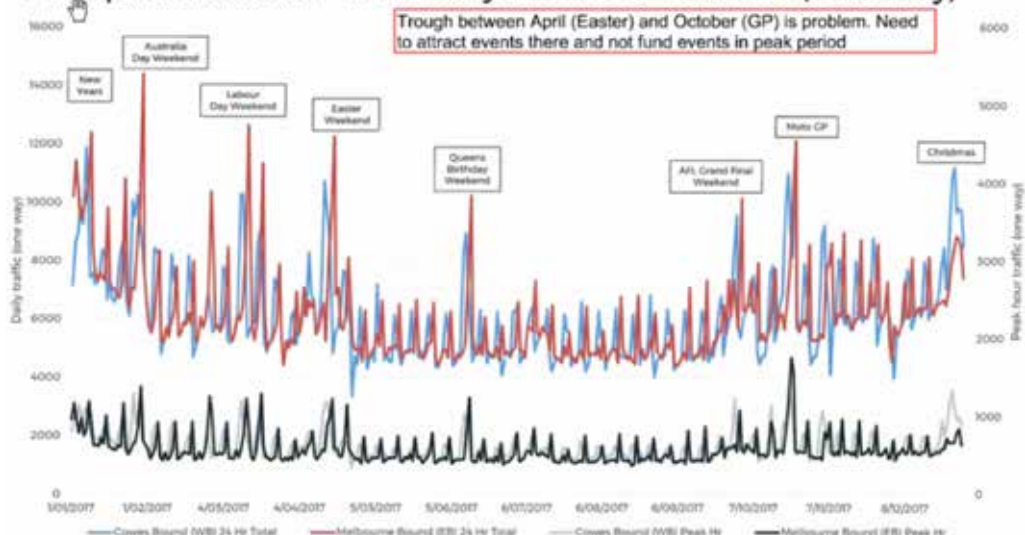
In addition, there is more traffic traveling due north out of the Smiths Beach estate and returning traffic heading south through the Back Beach Road/Smiths Beach Road intersection. A tragic accident, involving a fatality, occurred 4 years ago and rumble strips are now placed on both sides of Back Beach Road.

Other strategies have identified that Phillip Island road use falls outside normal Victorian road design due to the fact that the local economy is the most tourism dependent region in Victoria. Tourists like to walk, ride and generally absorb the natural experiences that the island has to offer.

Roadways	Current Situation
Dolphin Drive	Good medium length vision, close to bus stop
Smiths Beach Road	On a crest and a curve, poor vision. Service Road on both sides
Beachcomber Avenue	Reasonable vision, 80km commences 10m past intersection and cars typically are 80 km/h before passing the intersection

The SBA recommends that two medium term arrangements be made: an underpass and traffic lights be installed at the Back Beach Road/Smiths Beach Road intersection. The Draft Town Plan lists a pedestrian refuge in the centre of Back Beach Road, which should be an immediate outcome of the Town Plan and installed as the highest priority.

Phillip Island Road – 2017 Daily and Peak Volumes (One Way)



Clarification on RRV vision – Children Crossing then 80 k/h



Right: The construction of an underpass for cattle in South Gippsland which could be considered as an option for the Smiths Beach Road/ Back Beach Road intersection.

2.2 Community Benefit

The most important strategy written for the management and control of traffic is the Phillip Island Integrated Transport Strategy which has an objective to “Reduce the domination of Private Cars.” Of course, the most profound community benefit of this will be an immediate increase in the safety of pedestrians, cyclists and motorists living and visiting within Smiths Beach.

Recommendation: Prioritise pedestrian safety and convenience

Immediate steps should be taken to insert pedestrian refuges and reduced speed limits in order to increase safety, while medium term interventions such as traffic lights and an underpass can be considered and implemented.

2.3 Risk if Ignored

The increase in vehicle movements on the roads inside and adjoining the estate:

1. will make it unsafe for families to enjoy walks;
2. require more vehicle parking
3. additional “near misses” and deaths on the roads around Smiths Beach, but on the Back Beach Road/Smiths Beach Road intersection in particular.

There are real and significant opportunities that are made possible by the classification of Bass Coast under the DALA (Distinctive Areas and Landscapes Act). The long term (50 years) vision that DAL requires should be a key driver of the traffic recommendations of the Smiths Beach Town Plan.

2.4 Financial Implications

The total works required to optimise road reserves for safety and repeat visitation is likely to be \$2m per year for 5 years. This is based on Woolamai roundabout costs of \$10m and Back Beach Road costs of \$8m.

2.5 Reference in Town Plan

Volume 2: p24



School group crossing major intersection – extreme high risk

2.6 Responsible Authority

Regional Roads Victoria
Bass Coast Shire Council

2.7 Summary of Recommendation

The BCSC, in conjunction with Regional Roads Victoria, should take immediate steps to prioritise pedestrian and vehicular safety via a combination of road/path/crossing treatments and speed limits on the Smiths Beach Road/Back Beach Road intersection.

SBA recommends that two medium term arrangements be made: an underpass and traffic lights on the Back Beach Road/Smiths Beach Road intersection. The Draft Town Plan lists a pedestrian refuge in the centre of Back Beach Road, which should be an immediate outcome of the Town Plan and installed as the highest priority.



Proposed town square site at 218 Smiths Beach Road – looking south east

Priority Project 3. Smiths Beach Town Square

The SBA has been advocating for the use of 218 Smiths Beach Road for the community since 2006. In recent history, Council has been amenable to the buyback of this land for community use. It is very disappointing to see that not only has the Smiths Beach Draft Plan Volume 2 (Game Changer 5.4, Project 4) not considered this in terms of enhancing public open space in the village, but has proposed that the best use of the block would be for more commercial activity. SBA members disagree strongly with that assertion.

3.1 High-Level Summary

According to the Smiths Beach Town Plan (Draft) Volume 2, “Town Centre Enhancement and Shared Space” is included as a Game Changer project (refer Section 5.4). Although the Background Report (Volume 1) for the Town Plan considers an earlier SBA submission on the merits of utilising 218 Smiths Beach Road as public open space, the majority of the Draft Town Plan countenances the rezoning of 218 Smiths Beach Road for development of further services for local residents and visitors.

SBA strongly disagrees with the rezoning of 218 Smiths Beach Road from residential (GRZ1) to business use (MUZ) and believes, as per previous SBA submissions, that this Town Plan is an opportunity for the estate to achieve the community’s desire for a Town Square.

The following design was provided to SBA and Council by designer, Nicola Tregear, several years ago. It is our understanding that Council adopted and implemented Stage One of this design with the refurbishment of the outside space in front of the Smiths Beach General Store. Please see the accompanying design plan.

SBA contends that inclusion of 218 Smiths Beach Road as open public space meets with the overall intention of Project 4 - Town Centre Enhancement and Shared Space.

SBA, apart from the above strong objection regarding 218 Smiths Beach Road, are in agreement with the intent of Project 4. The overall design of Smiths Beach Road (south of Marlin Street) would need to be coordinated with a traffic design study, but SBA strongly agrees with it being



Proposed staged design for Smiths beach precinct prepared by Nicola Tregear



Stage 1 of Nicola Tregear's design is now completed



Proposed town square site at 218 Smiths Beach Road – looking south west

developed as a low speed, pedestrian friendly zone. Such treatments would support retaining the existing character of the township with increasing visitor numbers and increasing currently levels of resident and visitor amenity.

3.2 Community Benefit

SBA contends that this Town Plan is a once in a generational opportunity to obtain an open public space, adjacent to the existing services in the heart of Smiths Beach.

The use of 218 Smiths Beach Road as an open public space, however, is not considered in the Draft Town Plan. It is only considered as a further availability of business zoned land.

Volume 2 “Land Use” compares provision of services in comparable towns - Woolamai, Rhyll, and Surf Beach. According to the 2016 Census, the permanent population of Smiths Beach was 226, significantly less than the compared towns. In addition, according to the census, less than 15% of homes in Smiths Beach are occupied. The vast majority are holiday homes which are unoccupied for most of the year. This proportion of occupied residences is significantly lower than in the other towns.

SBA, based on available data, believes that Smiths Beach should be viewed as a low growth settlement and as such, housing density and permanent resident population are unlikely to increase significantly.

SBA would contend that should any future businesses be set up on 218 Smiths Beach Road, they would not be viable given the seasonal nature of the town population and day visitors.

SBA would submit that in the current ‘commercial area’, the Surf Shop is the only viable business throughout the year; the General Store operates marginally during the non-peak periods. Even with school buses present, both businesses are quiet in non-peak periods. Utilisation of 218 Smiths Beach Road as open public space would be an opportunity to enhance existing businesses (Surf Shop and General

Store) as well as providing increased amenity for local community and visitors alike.

SBA would further contend that should the block be rezoned and used for commercial use, the elevation of the block from the road does not avail easy parallel parking and access as per the existing areas opposite. Any treatment for the required parking/disabled access would create additional traffic and safety issues during peak periods.

SBA strongly disagree with Draft Town Plan - Objective 3 of Land Use, i.e., Key Directions LU3A, LU3B & LU3C.

It is hard to see how it can be argued that additional mixed businesses are an enhancement of the Smiths Beach Town Centre. Especially when compared with additional seating, a bike repair station, additional trees providing shade, art installations and general enhanced amenity for pedestrians (Draft Smiths Beach Town Plan Volume 2, Game Changer Project 4 - Town Centre Enhancement and Shared Space), especially when green space is at a premium.

The Draft Smiths Beach Town Plan Volume 1 (4.2.3 - Feedback from Community) makes reference to the importance of the Smiths Beach atmosphere. This includes enjoyment of open space, prevention of sprawl, support for reclaiming of privately-owned land for shared public use and central green space in the activity centre. It also mentions the desire of local business to expand. As there are only two commercial tenants (shops) in the area this last point is a puzzle. The commercialisation of what could be community space is a concern. We do not support the prioritisation of commercial interests over the benefits to the local community and visitors. We firmly believe that the use of 218 Smiths Beach Road as green space for the community and visitors will assist the local shop/café, as well as providing a passive open space to be enjoyed by families.

3.3 Risk if Ignored

SBA has been of the view that Smiths Beach lacks a centrally located town square, and have made several submissions to BCSC over many years regarding acquisition of 218 Smiths Beach Road to highlight this issue.

Volume 2 lists public open space in Smiths Beach as Smiths and YCW beaches and Mitchell Reserve - all of which are removed from the 'Town Centre' of Smiths Beach. None of the above fulfil the option of open public space in the town centre. Given the proximity of 218 Smiths Beach Road to the shops, the beach and amenities, and given the diagrammatical explanation of what the Smiths Beach town centre is in Volume 2 of the Draft Plan, it is a puzzle to the SBA that Mitchell Reserve, though valuable for many reasons, would be considered as a meeting place for beachgoers.

The use of 218 Smiths Beach Road as a town square maintains the amenity of the Smiths Beach town. In addition, it provides the required public open space adjacent to the General Store, PO Box area and Surf Shop for the increasing numbers of visitors. This space would accommodate picnic tables and water fountains with shading from new indigenous trees, as per enhancements described in the Draft Smiths Beach Town Plan.

The opportunity to obtain open land in the Town Centre will not be repeated and, should this site be rezoned as a business site, risks further intensifying traffic congestion and further jeopardising pedestrian safety.

3.4 Financial Implications

The value of open space in the heart of the estate was not planned and included in the original subdivision.

3.5 Reference in Town Plan

Volume 1: pp28-29, 38-39
Volume 2: pp22, 30-33

3.6 Responsible Authority

Bass Coast Shire Council

3.7 Summary of Recommendation

BCSC acquire 218 Smiths Beach Road for the purpose of establishing a town square with facilities for families to gather together away from the beach.

Priority Project 4. Planning and Regulation

SBA recognises that planning is often a vexed issue for Local Government authorities, in trying to balance multiple competing interests. Given the vision for Smiths Beach as outlined in the Draft Smiths Beach Town Plan, SBA is eager to ensure that planning matters are consistent with the 'Guidelines for Building in Small Coastal Towns', proposed future legislation /guidelines for coastal villages in creating a long-term, sustainable Smiths Beach.

4.1 High-Level Summary

Smiths Beach has become a prized residential location on Phillip Island and is a much sought-after hamlet for holiday makers. More recently, the area has seen the building of larger houses for use both as family holiday homes and to satisfy the burgeoning Airbnb-type market.

Multiple legislation and regulations now shape planning regulations for coastal communities such as Smiths Beach. As such, the Smith Beach Town Plan is a clear opportunity to ensure a cohesive town planning framework is set up. This will be invaluable in setting parameters both for existing and future land owners in the Smiths Beach estate.

The Victorian Parliament has adopted the Distinctive Areas and Landscapes Act to protect unique and sensitive landscapes and distinctive places that are highly valued for their environmental, social, cultural and economic assets. These areas are vital to the functioning of our urban areas, providing people with clean air, drinking water, food, resources and recreational opportunities.

Bass Coast has been declared a 'distinctive area and landscape' to protect the environment, landscape and lifestyle. In addition, the Department of Environment, Land, Water and Planning (DELWP) is currently developing a draft Statement of Planning Policy for the area, in collaboration with Bass Coast Shire Council, the Bunurong and relevant government agencies and authorities.

The SBA believes that the Statement of Planning Policy should recognise the commitments made already by BCSC in concert with the Small Coastal Township Alliance in "Guidelines for Building in Small Coastal Towns". These Guidelines state, "Respect coastal communities' preference for dwellings to be below 7m in height".

Planning Policy also needs to be in accord with Clause 15 of the State Planning Policy Framework:
"Planning should achieve high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place.
- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Minimises detrimental impact on neighbouring properties."

In specific planning reports, Council has recognised the need for, and as far as practicable, to contribute towards: “A high standard of urban design and amenity... creating quality-built environments [that] support the social, cultural, economic and environmental wellbeing of our communities, cities and towns.”

At first sight, the Draft Town Plan, in principle at least, seems to support this approach:

Key objectives of the Planning Scheme as it relates to overall settlement are:

- To ensure that residential development and related urban uses are restricted to existing or identified settlements.
- To encourage sustainable development and minimise impacts on the environment.
- To discourage urban development that encroaches or impacts on significant environmental features.
- To discourage inappropriate development in areas where an environmental hazard has been identified.
- To enhance the sense of identity for each community.
- Ensure that new urban development contains high quality infrastructure, community services and facilities.
- To provide for improved public open spaces to meet the needs of growing communities.

Designated as a “Low Growth Settlement” (Clause 21.09), the planning scheme establishes a settlement boundary around Smiths Beach and sets out the following policy positions:

- Consolidate settlement within the township of each estate and discourage development beyond the settlement boundary.
- Regarding land use, locate commercial, community and residential development around Smiths Beach Road.
- Establish wildlife corridors through the town.
- Limit building forms to a maximum of two storeys (or 7 metres from natural ground level to top of the wall, and 8 metres to the ridge).
- Encourage setbacks that are consistent and contextual.
- Low fences are encouraged. (See Smiths Beach Town Plan/Draft Town Plan Report Volume 1, page 21)

However, the Draft Smiths Beach Town Plan then makes two recommendations that are clearly in conflict with these principles:

“PRCF 1a: Undertake a Township and Neighbourhood Character Assessment for Smiths Beach. In the to be confirmed retain the existing planning controls that maintains a maximum of 3 storeys in the General Residential Zone and the Design and Development Overlay 1 with a maximum of 2 storeys.

PRCF 1b – Encourage a maximum building limit of 3 storeys in the Mixed-Use Zone, consistent with the surrounding General Residential Zone (within the Town Centre).” (See Smiths Beach Town Plan/Draft Town Plan Report Volume 2, page 61)

There is a clear contradiction here. The first part of PRCF 1a, is to undertake a Township and Neighbourhood Character Assessment for Smiths Beach. This would clearly indicate that the predominant character of the estate is shaped by 1-2 storey dwellings, typically well under 7 metres. Yet, the second part of this very recommendation, and also PRCF 1b, presume that 3-storey developments should be permitted.

A clear Statement of Planning Policy is required to remove the potential for ambiguity and to enforce the principles espoused in the Distinctive Areas and Landscapes legislation, the Guidelines for Building in Small Coastal Towns, and Council’s own planning principles. Under current arrangements, Council has accepted planning applications which breach this Guideline, even at the expense of other residents’ amenity. Furthermore, apart from the effects on the amenity of the estate, the risk of permitting dwellings that are of increasing scale, is that there will be increasing run off into public areas and risk to the natural environment.

Residents and holiday home owners need to be cognisant of the fact their homes exist within a broader neighbourhood of scarce shared resources and while taste cannot be legislated for easily, height limits can be. SBA is eager to ensure that new developments and renovations to existing homes do not exceed 7 metres in height and that setbacks are consistent across the hamlet. We are of the strong opinions that the beach feel of the area is maintained and enhanced.

Parts of the estate have a Design and Development Overlay 1 (DDO1) which applies. The DDO1 typically covers residential areas close to the foreshore in all towns or settlements. This is intended to ensure that views of the beach cannot be built out and therefore must be shared. As a consequence, this minimises visual bulk and ensures that visual appearance is protected. The purpose of DDO1 is to protect views and minimise development visibility from the foreshore and surrounds. However, at present, Council has indicated only that any new development within DDO1 with a height greater than seven metres (two storeys) will require a planning permit.

Recommendation: Statement of Planning Policy

SBA strongly advocates that Statement of Planning Policy must:

- a) maintain town boundaries;
- b) ensure height limits are enshrined in local government regulations;
- c) ensure that any commercial development is consistent with the cultural and natural environment; and
- d) ensure that as usage of the beach and natural environment increases, disruption to the natural environment is contained to be no greater than it is at present.

Furthermore, beyond the DDO1 area (in other words, north of Marlin Street), current zoning arrangements allow the maximum height of a dwelling is the standard 11 metres, or three storeys. No neighbourhood character objectives are specified.



Historical examples of inappropriate town approval



This clearly contradicts not only the Guidelines for Building in Small Coastal Towns, but also the wishes of the community. The issue is not only whether or not a view is affected and protected, but the overall consistency of the relatively small estate.

The estate has a Vegetation Protection Overlay Schedule 2 (VPO2) which is intended to ensure that native species are protected and trees are not cut down.

4.2 Community Benefit

While there is a wide variety of housing in Smiths Beach, the existing limit of 1-2 storeys and of 7 metres results in low visual bulk that blends well with vegetation and trees, maintaining the feel of a coastal village. This is important for residents and visitors, and is part of the reason why Smiths Beach is very popular with short-stay visitors. Maintenance of the existing sense of scale in the estate will encourage accessibility for more people, and genuine sharing of the public amenity.

4.3 Risk if Ignored

Without a clear Statement of Planning Policy, there is clear risk to the Vision espoused in the Draft Smiths Beach Town Plan. In practice, there is a risk of inappropriate development on the estate, not least a proliferation of three storey developments which diminish the amenity of neighbours. Smiths Beach will look and become much more like a suburban development in Melbourne, rather than a beachside village. Reduced green space and fewer trees will harm the natural environment and increase the risks of water runoff.

4.4 Financial Implications

Financial implications include: VCAT costs and BCSC staff costs, as they respond to both requests and complaints. These are also significant cost implications for land owners if the planning framework is ambiguous, and for increasing community tensions.

4.5 Reference in Town Plan

Volume 1: pp 22-27

Volume 2: pp 28-30

4.6 Responsible Authority

Bass Coast Shire Council, with DELWP and other public land management agencies.

4.7 Summary of Recommendation

The SBA believes that the Statement of Planning Policy should recognise the commitments made already by BCSC in concert with the Small Coastal Township Alliance in "Guidelines for Building in Small Coastal Towns". These Guidelines state, "Respect coastal communities' preference for dwellings to be below 7m in height".

Planning Policy also needs to be in accord with Clause 15 of the State Planning Policy Framework:

"Planning should achieve high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place.
- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Minimises detrimental impact on neighbouring properties."

Statement of Planning Policy

SBA strongly advocates that Statement of Planning Policy must:

- a) maintain town boundaries;
- b) ensure height limits are enshrined in local government regulations;
- c) ensure that any commercial development is consistent with the cultural and natural environment; and
- d) ensure that as usage of the beach and natural environment increases, disruption to the natural environment is contained to be no greater than it is at present.

Priority Project 5A: Walks and Pathways

This section relates largely to the Draft Smiths Beach Town Plan Volume 2, Game Changer 5.1 Project 1. SBA believes a pedestrian pathway is integral to the future of the visitor economy. We do not support a 10-metre-wide walkway, nor a fence blocking access to the beach, nor could we support a trail that is not a reasonable distance from residential properties. As such, we present the following alternative view.

5.1A High-Level Summary

The south coast of the Island offers many iconic walks. Smiths Beach is central to the development of a unique offering in this context, a clifftop walk between Sunderland Bay and Berry's Beach. Two key components of this are relevant to the Smiths Beach Town Plan:

- a) a clifftop walk linking Smiths Beach and YCW beach, and
- b) a clifftop walk through the drainage reserve adjacent to Smiths Beach, at least to Express Point.

A Clifftop Walk Between Smiths Beach and YCW Beach

This proposal centres upon access being established to the parcel of land identified as 'St Bede's Land' in the photo top right.

Smiths Beachcomber Association (SBA) is of the view that the land (outside of St.Bede's' built and fenced area) should be acquired by Bass Coast Shire Council or the State Government, returned to the community and eventually managed by Phillip Island Nature Parks. There are many Bass Coast Shire (BCS) documents that refer to strategic environmental land however, there is little specific information as to the definition, location and detail in regard thereto. For the purposes of this response, we have used the term Strategically Valuable Landholdings (SVL)

'Common Good' is the overarching principle and whether the land in question is currently regarded as best use.

St.Bede's Land

Council's preferred location of the pathway is to fence a walkway immediately to the south of the Waikiki Crescent ratepayer properties. SBA objects most strongly to this proposal.

St.Bede's College has attempted to exclude members of the public from their land by installation of warning signs. (Photo 1) Interestingly, the signs do not indicate prosecution of offenders merely that they transgress at their own risk. We believe some Waikiki ratepayers have written to St.Bede's seeking permission to access their land, with permission provided to a few.

Evidence of many Pedestrian Desire Lines (PDLs) on and around the property and back gates in the rear fences of Waikiki Crescent properties would indicate a massive failure of this strategy. (Photos 2 and 3.)



St.Bede's Land



Photo 1.
St.Bede's signage



Photo 2. Pedestrian desire lines looking south along St.Bede's property



Photo 3. Any walkway between Smiths Beach and YCW must be a suitable distance away from residential landholding

Pedestrian (residents and visitors - Waikiki Crescent and St.Bede's College) Desire Lines (PDL's) have been formed through the primary dune area of Smiths Beach, which is undesirable from any vantage point.

The majority of Waikiki Crescent and Beach Court properties on the southern side do not have rear fences and those that do have gates constructed within. It also appears that the lack of a defined St.Bede's property boundary/boundaries has resulted in vast areas not being well maintained. Infestation of gorse is widespread along this coastal fringe.



An unmaintained patch of gorse weed on St Bede's land

Acquisition of a Strategically Valuable Landholding

SBA advocated provision of a linking Smiths Beach/YCW pathway when St.Bede's applied for a building permit (Permit Application 070198) in October, 2007. We understand BCSC had inserted a specific clause (Clause 8) seeking provision of land to be used as walkway in their Permit Conditions. However, it was determined the Clause was unlawful and it was removed from the Permit Application.

There are a number of options to obtain the subject land. The first step in this process is to send a delegation of representatives from Bass Coast Shire, Phillip Island Nature Parks and SBA to present a land donation proposal to St.Bede's College Board. There would be a number of strategic benefits to be gained with this action.

Aspirations

Bass Coast Shire's Phillip Island and San Remo Visitor Economy Strategy 2035 Action 57 recommends the undertaking of a feasibility study into user pays models. This includes paid car parking and a bridge toll to **create a quarantined fund for future visitor infrastructure and strategic environmental land acquisition** to showcase the region's natural vistas with investment in coastal walkways, viewing platforms and recreational infrastructure.

Action 5.6, Game Changer 8 states, "Showcase the region's natural vistas with investment in coastal walkways, viewing platforms and recreational infrastructure."

Bass Coast Shire's Aspirational Network Pathways Plan 2016, adopted by Council on the 18th May, 2016 identified (listed as number 35) a coastal pathway from Smiths Beach Road to Beachcomber Avenue. Explicit pathway design detail was not provided in that document.

Bass Coast Shire's Active Bass Coast Plan adopted by Council and dated September 2018 arguably crystalizes the framework in which more succinct and relevant plans are developed and adopted.

Precedents set: Summerlands Peninsular

In 1985, the Victorian government announced that it would purchase all 774 allotments on the Summerland Peninsula to protect the penguin colony, setting up the "Summerland Estate Buy-Back Programme". The programme had a projected end date of 2000, with the land to be added to the Phillip Island Nature Park. By 2007, 732 properties had been voluntarily sold by their owners, at a cost to the government of around a million dollars a year.

In June 2010, the government announced that the buy-back programme had been completed, and the land involved was in the process of being added to the Phillip Island Nature Park and revegetated. Today, no houses remain on the subdivision.²

Precedents Set: Carnival site

BCSC purchased the 16.3-hectare property on the corner of Phillip Island Road and Ventnor Road. Owners of the land settled on a price to avoid the hassle of a compulsory acquisition process and possible court action.

Indications are that the land will be home to the Phillip Island Aquatics and Recreation Precinct, which will provide Phillip Island with an essential recreation and aquatics facility to improve the health and wellbeing of the local community and visitors to the Island.

Precedents Set: Gap Road Land

BCSC purchased 158 Gap Road in December 2019. The property is approximately 45.8 hectares and is to be used as a waste transfer station. Because its large size "offers opportunities to achieve additional benefits for the Phillip Island community, as only about 4.5ha is needed for council use".³

5.2A Community benefit

Construction of a pathway from Smiths Beach Road to the YCW Beach car park achieves the outcomes as recommended in numerous BCS strategic documents. The land becomes a publicly-managed bio link joining the Beachcomber west bio link from Back Beach Road. Construction of a formal beach access and possible viewing platform enhances this land value and possibly land values abutting. Should the land pass to PINP, flora and fauna will be a focus. Eradication of a large stand of gorse will be achieved. Enabling beach visitors to access this piece of land takes significant pressure off overcrowding on Smiths Beach.

5.3A Risk if Ignored

Uncontrolled pedestrian desire lines (pdl's) may proliferate. Flora and fauna exposed to irreversible damage. Potential erosion of primary dune area and climate change beach erosion. Issues identified in the first instance to get funding for the Draft Town Plan will remain. Community may become critical of Council funding a program that fails to materialise.

Community Support

Visitors to Smiths Beach find it difficult to understand that the St Bede's' land is privately owned. It is part of the coast and in almost every other situation would be public open space with structured walkways, picnic settings and steps to the beach.

Apart from St Bede's' and perhaps a few of the 22 adjoining landowners, there is widespread support for this proposal.

² https://en.wikipedia.org/wiki/Summerlands,_Victoria

³ <https://sgst.com.au/2020/02/neighbour-kicks-up-a-stink-over-island-tip/>

On this point BCSC has shown great leadership and courage to acquire the Carnival site and land for the Transfer Station site in Gap Road. These acquisitions have been well respected by the community.

This proposal goes much further and can be the catalyst for the formal commencement of the long-discussed round island walking trail.

A Rural Conservation Zoning would be best for community. In reality the land is virtually valueless for St.Bede's and requires constant maintenance. The formalization of their PDL to the beach could be their best outcome.

We're confident a first step presentation to St.Bede's College Board, as previously invited by Business Manager, Dominic Langdon would be achievable. A consortium of PINP, BCSC and SBA would make a compelling argument for deaccessioning their land.

5.4A Financial Implications

There are a number of procurement options:

- Subject land is donated to PINP by St.Bede's.
- Victorian State Government buys the land from St.Bede's and passes care and control to PINP.
- BCSC procures land and negotiates with PINP to take care and control.

It is believed Phillip Island Nature Park has no mandate to procure private land in their own right.

Bass Coast Shire's Phillip Island and San Remo Visitor Economy Strategy 2035 Action 57 recommends the undertaking of a feasibility study into user pays models including paid car parking and a bridge toll to create a quarantined fund **for future visitor infrastructure and strategic environmental land acquisition is to showcase the region's natural vistas with investment in coastal walkways, viewing platforms and recreational infrastructure.**

5.5A Reference in Town Plan

Volume 2: p 60

5.6A Responsible Authority

Phillip island Nature Parks, Bass Coast Shire Council, with DELWP and other public land management agencies.

5.7A Summary of Recommendation

BCSC initiates as a matter of urgency, a conversation with key stakeholders (representatives from St Bede's Board of Management, Bass Coast Shire, Phillip Island Nature Parks and SBA) with the intent to return ownership, by way of good citizen donation, of this strip of land back to the community under the management of Phillip Island Nature Parks. SBA supports a pathway between the Smiths Beach and YCW carparks. However, this pathway should be a suitable distance away from residential properties on Waikiki Crescent and Beach Court.

Priority Project 5B: Coastal Paths and Connectivity



5.1B High-Level Summary

When Smiths Beach was subdivided, there was no attempt to create public spaces for community enjoyment. On two corners of estate there is an 8-acre Drainage reserve. The NW reserve has been named Mary Mitchell and is a low-level playground and a natural vegetation reserve. High Quality natural attraction for wellbeing and socialisation. The South East Reserve has been classified as quality vegetation and has been used by Council in complying with Net Gain legislation. There is a narrow strip for the community to walk a circular trail around the reserve and commence a path to Express Point.



Drainage Reserve – flora and fauna study lead to Net Gain



Drainage Reserve – red shading is boundary of Net Gain

This paper recommends the two reserves are used the foundation of a pathway network that:

- enables public usage to traverse the coastal fringe from Gap Rd to Sunderland Bay;
- connects in the north to Oswin Roberts, Rhyll Inlet, Silverleaves and Cowes;
- connects to the west along a Westernport Water Easement to Gap Rd then Wimbledon Heights and Cowes; and
- Construct a path on Rural Roads, Victoria Road Reserve to Seal Rocks and Cowes

5.2B Community Benefit

The first step is a path from Smiths Beach Drainage Reserve to Express Point then to Sunderland Bay. Express Point is one of best surf breaks in Victoria and suitable for highest skill level. With increasing high tide, it is dangerous for surfers to walk along the high tide mark.

The eastern beach of Smiths is one of most productive habitats for hooded plovers, it is now classified as dog free. At high tide, surfers and plovers share the same narrow space.

The land on west has amazing views that are inaccessible due to gorse infestation. The remnant bushland is unfenced and is possibly degrading as the wind blows melaleuca over and weeds expand.

The community benefit to access these magnificent sites for health well-being and local economy is extremely high.

5.3B Risk if Ignored

Most of the land that is required for the coastal walk is privately owned and it is possible that the owners have plans to construct houses close, or over the optimum pathway alignment.

The remnant vegetation requires fencing and management to protect from grazing animals and weed infestation. The only way that this will be possible is through a pedestrian access for Landcare, SBA and other community groups to preserve the bio links.

The Phillip Island San Remo Design Framework has a pathway from Sunderland Bay to Smiths through the middle of the rural properties, this is unlikely to be acceptable.

5.4B Financial Implications

Based on the purchase of land in Gap Rd by BCSC for a Transfer Station, it is likely that the land for a 5m wide path from Gap Rd to Sunderland Bay could be purchased for \$100k. \$35k/Ha.

The site is 46 Ha and was purchased for \$1.6m. A 5m strip for 3.5km would be an area of 1.7Ha and cost approximately \$60k. This would require a gravel path - \$100k and bridge across creek - \$1m. Total cost = \$1.2m



Informal track on Express Point – erosion and weed propagation



Aerial photo of Express Point with black lines showing private / public barrier

The Visitor Economy Strategy covers this scenario very well in Actions 56 (investment in coastal walkways), Action 57 (user pays model and strategic environmental land acquisition)), Action 58 (environmental management charge).

5.5B Reference in Town Plan

Volume 2: p60

5.6B Responsible Authority

Phillip Island Nature Parks, Bass Coast Shire Council, with DELWP and other public land management agencies.

5.7B Summary of Recommendation

Investigate a potential pedestrian connection between Smiths Beach and Sunderland Bay through the Aspirational Pathways Project and its successor, Tracks and Trails Strategy. To be confirmed PINP, BCSC (Major Projects) AM

Investigate a potential pedestrian connection between Smiths Beach and Pyramid Rock and a pathway along Back Beach Road connecting to the Track and the existing Gap Road pathway. To be confirmed PINP, BCSC (Major Projects).

Priority Project 6: Beach Amenities

This project can be linked to Smiths Beach Draft Town Plan Volume Two, Game Changer Project Two (YCW Beach Carpark & Environs Improvements) and Game Changer Project Three (Re-Imagining Smiths Beach Carpark as a place of Celebration & Community Space).

SBA is in support of Project Two in its entirety. In particular, we would like to emphasise that we wholeheartedly support the Beachcomber-YCW Activity Area Master Plan 2014. SBA is also in support of a Life Saving Tower at YCW beach. We believe that this would enhance safety at YCW beach, but that it would also serve to share the visitor load with Smiths Beach.

We have some reservations however, in relationship to Project Three. These reservations range from the location of car parks for people living with disabilities (close to the steps rather than the ramp), to the idea of food trucks (with the exception of a surfing carnival or similar event) and the suggestion of a community hub, at what is now the toilet area. There are already good meeting facilities at the YCW camp which could be explored.

We do not see a solution offered to the issue of where cars will park, given fewer car parks will be available to visitors. While we support 'kiss and drop' for the car park, parking in the surrounding streets needs to be addressed for this to work (hence SBA Priority Project 1 – Drains, Roads & Footpaths). At the same time, a longer-term solution needs to be found for continued increased demand for parking in the Smiths Beach estate. Currently, saturation occurs in peak periods. As a result, 218 Smiths Beach Road is already being illegally used for carparking in the summer months and over Easter.

These matters of concern relating to the Draft Smiths Beach Town Plan, Game Changer -Project Three (Re-Imagining Smiths Beach Carpark as a place of Celebration and Community Space) requires further work, to which we would be happy to contribute. However, we support an urgent makeover of the current toilet facilities, and so present this priority to you.

6.1 High-Level Summary

This section focuses specifically on the amenities at Smiths Beach itself, and at YCW Beach.

Significant improvements have been made to beach access from the car park and the associated footpaths in recent years. New shower facilities have been installed adjacent to the toilet block/pumping station.

However, the toilet blocks at both Smiths Beach and YCW are old, dark, unfriendly and in need of updating. Even though relatively new, the external shower facilities at Smiths beach become very muddy, very quickly presenting adults and children with challenges in preparing to get into their cars and leave the beach. While the actual toilet facilities are



Dated and tired toilet facilities at Smiths Beach



Dated and tired YCW toilet block and men's facilities (above and below)



relatively small, the footprint of the Smiths Beach toilet block is quite substantial as it houses the pumping station and a storage facility.

As visitation to Smiths Beach increases over the next decade, the current facilities will be even more unable to cope with the visitor traffic. There is real need for a new toilet block which provides more facilities in a more attractive albeit equally as functional setting. Ideally, there would also be shower facilities in the new block.

The Sewerage pumping station is also located at the Smiths Beach site. Therefore, any attention to toilet and shower facilities will require that consideration be given to implications for Westernport Water.

6.2 Community Benefit

Improved toilet facilities will offer better, safer and more hygienic access for families. While all of the proposals in PRCF 3a are useful, the recommendation regarding the “New and upgraded public toilets at Smiths and YCW beaches” is clearly the most significant. (See Smiths Beach Town Plan/ Draft Town Plan Report Volume 2, page 30)

6.3 Risk if Ignored

If the existing facilities continue to degenerate, families will be reluctant to use facilities leading to increased damage to the beachscapes and increasing defecation in the swimming area.

6.4 Financial Implications

Cost unknown

6.5 Reference in Town Plan

Volume 1: pp 44-46, p51

Volume 2: 20, 22, 28, 30-31, 48-49

6.6 Responsible Authorities

Bass Coast Shire Council, Phillip Island Nature Parks, Westernport Water.

6.7 Summary of Recommendation

SBA would like BCSC, in conjunction with Westernport Water and PINP, to prioritise the replacement of the toilet blocks at YCW and Smith Beach.

Priority Project 7: User Pays: The Key to Funding the Plan’s Implementation

SBA has long advocated User Pays as a creditable funding source for both Bass Coast Shire Council and Phillip Island Nature Parks. It is a successful model for seaside villages worldwide, and is popular in many seaside villages, urban, regional and rural municipalities across Victoria and around Australia. It offers a practical method for revenue gain and investment for the Bass Coast Shire.

7.1 High-Level Summary

Former Queensland Premier, Sir Joh Bjelke Petersen, has been credited with saying that Victorians came to Queensland with one \$20.00 note and one pair of underpants and didn’t change either of them! That pearl of wisdom could reference Smiths Beach.

Finding a way to help fund infrastructure is a key to component to the implementation of the Smiths Beach Master Plan.

Although the Bass Coast Shire Council adopted its Beachcomber YCW Activity Area Master Plan in 2014⁴, to date no recommendations contained in that Plan have been implemented. It is suggested that a State Government Council Rate Cap and a lack of community lobbying is the reason for Council recalcitrance. Quite obviously the difficulty in obtaining funding is central to this situation.

Bass Coast Shire Council tabled its Visitor Economy Strategy in August, 2016 in which Action 57 recommends, “Undertake a feasibility study into user pays models including paid car parking and a bridge toll to create a quarantined fund for future visitor infrastructure and strategic environmental land acquisition.”⁵

SBA supports the User Pays concept and was delighted to note, again, reference to the concept in Council’s Draft Smiths Beach Town Plan. It is the belief of the SBA that a preliminary analysis would indicate a capacity for a User Pays Program to raise significant capital in a relatively short period of time in a planned manner.

Background

A User Pays concept is not new to Phillip Island. The Shire of Phillip Island had been considering a toll as early as 1967 but did not adopt the proposal. On the 21st October, 1970 the Victorian Government introduced a Bill titled the Phillip Island Conservation Act 1970 to establish a Phillip Island Development Authority. The Bill, introduced by Sir Arthur Rylah and Mr Manson, the Minister for State Government, on the initiative of Mr Hamer then Minister for Local Government.

⁴ Bass Coast Shire Council’s Beachcomber YCW Activity Area Master Plan - 2014

⁵Bass Coast Shire Council’s Phillip Island and San Remo Visitor Economy Strategy 2035. August, 2016

The powers of this proposed authority included that of recommending the acquisition of land for conservation or development purposes, and requesting the Shire Council to make a contribution towards the cost of such land. The major funding for this proposed authority was to come from collection of a toll from vehicles crossing the new San Remo bridge replacing the original bridge, constructed in 1940. The toll would give the authority an independent source of income.

However, this toll became the focus for opposition to the proposed authority and the Bill was never voted on after much political activity. The matter was again raised with the State Government in 1979, with no further action taken at that time.

In 2016, SBA wrote to BCSC CEO Paul Buckley asking the Council to investigate introducing a User Pays program to fund the YCW Activity Master Plan. This proposition was then included in the Council's Visitor Economy Strategy 2035.

Bass Coast Shire Council's Phillip Island and San Remo Visitor Economy Strategy 2035.

Objectives include -

"Build community infrastructure that improves quality of life (trails, beach infrastructure.)"

"Increase spend per visitor from \$157 to above the Regional Victorian average (\$184.90)"

Build Connectivity.

"A medium to longer term action for consideration is instigating a user pays system such as a bridge toll"

"...Another recommended option is the instigation of car parking charges at identified visitor hubs."

"...and proper investigation and feasibility testing will be required to inform decision making."

"Any funds secured through these user pay initiatives would need to ensure that collected revenue is quarantined for tourism-related infrastructure and promotion of the pilot loop bus service."

"Undertake a feasibility study into user pays models including paid car parking and a bridge toll to create a quarantined fund for future visitor infrastructure and strategic environmental land acquisition. (Action 57)"

Current position

Many Councils have adopted User Pays principles. These include:

- Kingston City Council which has pay to park bayside car parks. Visitors pay but Local Government Area (LGA) ratepayers receive a payment exemption. A company is outsourced to collect fees and maintain car parking meters. The scheme has been described by Council as "well accepted".
- Bayside City Council - Same as above.

⁶ Propertyvalue.com.au September, 2021.

⁷ Draft Smiths Beach Town Plan/Background Report/ February, 2021, Section 4.9.1.

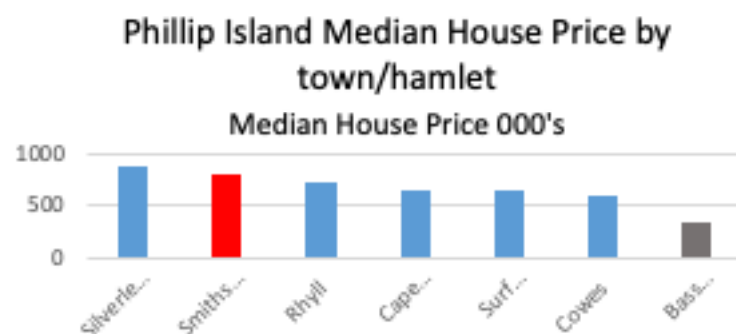
- City of Port Phillip – Same as above but only to 12.00am.
- Mornington Peninsular – Used to have a parking fee at Rye Pier but no longer charge any parking fees. Machine maintenance and reward/effort model given as the reasons for discontinuing the scheme.
- Point Leo. Public Foreshore and Reserve. Foreshore Committee structure. Three permanent staff employed. Self-funded from "parking and from campsite fees".
- Wilsons Promontory – entry into all Parks Victoria parks is free.
- Surf Coast – According to one Councillor, no parking fees charged as yet but under consideration.

In NSW, 45 national parks charge a motor vehicle entry fee. Byron Bay has beachside car parks where visitors pay. "Byron parking meters raised \$500,000 in three months". Broken Head Nature Reserve charges \$4.00 per vehicle per hour.

The Bass Coast Proposition

There are no street nor beachside car parking charges within Bass Coast Shire at present.

However, SBA has proposed a User Pays scheme to Council on many occasions over the years, specifically to fund necessary infrastructure. This approach was suggested when SBA was lobbying for the Smiths Beach Master Plan and specifically to the Community Connection Session in September, 2017, specifically in regard to the feasibility of developing and implementing a User Pays scheme for Smiths Beach visitors.



Smiths Beach property owners contribute to maintenance costs in their annual rates. Median house prices for Smiths Beach are the second highest on Phillip Island with Silverleaves topping the list⁶. It is assumed rate levels follow a similar trajectory.

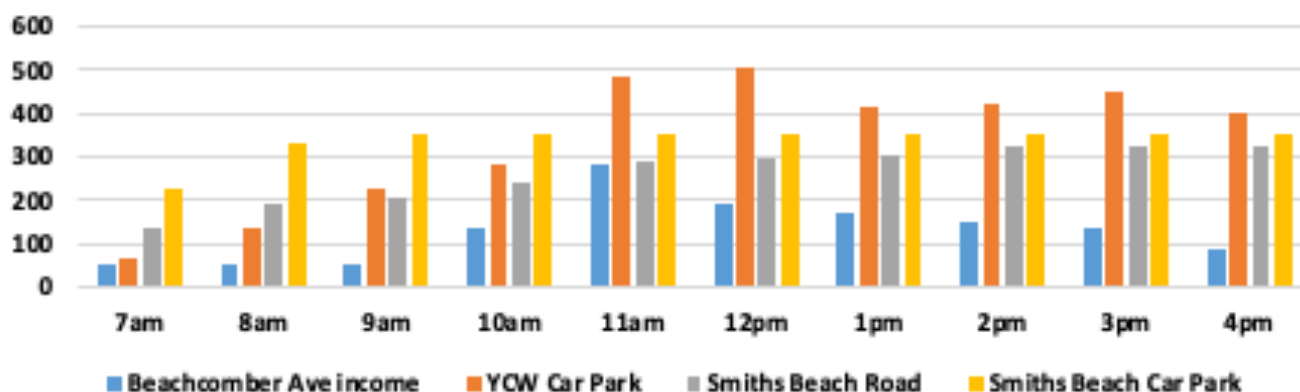
Currently, visitors (excluding Bass Coast Shire ratepayers) to Smiths Beach contribute little toward the maintenance of the infrastructure they enjoy. Additionally, school camps don't pay, surf schools don't pay.

Draft Smiths Beach Town Plan/Background Report/ February, 2021⁷, Section 4.9.1.

Opportunities to explore (and actions) comments – "The community identified the following opportunities:

- **Examine the feasibility of introducing a user pays model for funding initiatives in Smiths Beach.**

\$ Income Generation by hour



- Introduction of a special charge scheme to lower the drains and powerlines.
- **Introduction of paid parking in public areas during the summer period.**
- Advocate to Lifesaving Victoria for YCW Beach and Smiths Beach to have increased patrols.
- **Introduction of parking permits for residents linked to number plates and paid visitor permits to manage tourists.**
- Council to borrow funds to implement the Smiths Beach and YCW Master Plans to protect the environment and improve the experience.
- To develop an agreement for co-management of Smiths Beach public land between Bunurong Land Council Aboriginal Corporation and public land management agencies.
- To review and align planning and management responsibilities for public land."

Draft Smiths Beach Town Plan Report (Volume 2) June, 2021. Section 5.2 Project 2 – YCW Beach Carpark and Environs Improvement, otherwise known as the Beachcomber-YCW Activity Area Master Plan 2014.

This plan has been reinforced for implementation. SBA has always advocated for the vast majority of the actions identified within the Master Plan, and is pleased to concur with the implementation of actions listed therein.

Yet despite the indication of widespread community support for a user pays scheme, Council continues to let infrastructure decline, and misses opportunities for improvements. For example, the Beachcomber YCW Activity Area Master Plan was adopted in 2014 and continues to await implementation. It was included in the Smiths Beach Town Plan in the same form the plan was tabled in 2014.

7.2 Community Benefit

The community benefit to the implementation of a User Pays model is significant. As detailed above, many other municipalities within Australia currently raise funds from such a scheme.

It is the opinion of the SBA that such a scheme creates benefit for both the local community and the visitor population, as the funds raised can be allocated towards the development and maintenance of a broad range of desired infrastructure within Smiths Beach.

7.3 Risk if ignored

With visitor growth to Phillip Island and Smiths Beach, in particular, expected to model exponential growth over the next 50 years, the BCSC obviously faces significant challenges to fund required infrastructure to meet visitor demand. Of course, this is in addition to ensuring the ongoing provision and upgrading of municipal services to BCSC residents.

By not utilising a valid, tried and tested model of monetary generation through a User Pays scheme, the BCSC is risking the deterioration of municipal services through lack of funding. Therefore, the SBA strongly advocates the implementation of a User Pays scheme to create an equitable revenue generation programme.

7.4 Financial Implications

The Potential

Surveys conducted by the Traffix Group and included in their Road Use Hierarchy & Car Parking Demand Assessment April, 2021⁸ indicated that traffic volumes on both Smiths Beach Road and Beachcomber Avenue were highly influenced by the weather on that day.

Smiths Beach Car Park has 71 potential revenue raising car spaces. Smiths Beach Road has 72 car spaces. YCW Beach Car Park has a total of 115 unrestricted parking spaces. Beachcomber Avenue has a total of approximately 150 unrestricted parking spaces.

Further, it is suggested that the car parks at Smiths Beach and YCW be sealed and drained in the first instance to facilitate appropriate parking delineation and installation of

⁸ Traffix Group - Road Use Hierarchy & Car Parking Demand Assessment April, 2021.

car parking fee collection infrastructure. As funds are raised, additional car parking infrastructure in Beachcomber Avenue and Smiths Beach Road can be planned and funded. Perhaps assisted by a special charge scheme.

Using the Traffic Report as mentioned herein, on Saturday 9th January, where the temperature in Melbourne was 28 degrees, and using a nominal \$5.00 per vehicle per hour, conservatively \$10,750 would have been generated on that day⁹ from car parking fees at the four locations mentioned above. No consideration was given to cars parked in Mills Court, Beach Court, Marlin Street, Barramundi Avenue, Murray Street, Hollywood Crescent and Waikiki Crescent on that day. Some of those vehicles may have been resident owned.

On Sunday 17th September, 2017 at 12.40pm a reasonably warm day, 53 vehicles were parked in the Smiths Beach car park.

This data indicates a capacity to raise significant capital in a relatively short period of time through implementation of a User Pays Program.

7.5 Reference in Town Plan

Volume 1: p28

7.6 Responsible Authorities

Bass Coast Shire Council

7.7 Summary of Recommendation

The SBA proposes that the BCSC undertakes a feasibility study into a User Pays model, including paid beachside car park and street parking tolls to create a quarantined fund for future visitor infrastructure and strategic environmental land acquisition.

Priority Project 8: Recognition of Bunurong Perspectives

SBA welcomes the opportunity to hear the views of the Bunurong people. We encourage a deeper understanding and integration of culture, in a manner determined by the Bunurong people.

8.1 High-Level Summary

Respect for and Engagement with the Bunurong Land Council Aboriginal Corporation

SBA acknowledges that Smiths Beach is on Bunurong Land, the first and true owners of the land and sea. The Bunurong Land Council Aboriginal Corporation (BLCAC) is the organisation that represents the Bunurong people. BLCAC is also the appointed Registered Aboriginal Party, responsible for managing and protecting aboriginal cultural heritage on Country, under the Heritage Act 2006.

We think that this requires more attention in the Report. SBA believes that the view of the Bunurong people should be integral to any changes to the Smiths Beach area and surrounds, and strongly endorses the statement that: "Recognition and celebration of the traditional and ongoing relationship between the land and the Bunurong Traditional Owners is essential". (Smiths Beach Draft Town Plan Report Volume 1, page 48).

The Draft Smiths Beach Town Plan recommends engagement with BLCAC for specific actions:

- a) Undertake a cultural heritage values assessment in partnership with the Bunurong Land Council Aboriginal Corporation;
- b) Develop an agreement for co-management of Smith's Beach public land between Bunurong Land Council Aboriginal Corporation and public land management agencies through the Aboriginal Cultural Heritage Land Management Agreement (ACHLMA). (Draft Smiths Beach Town Plan Volume 1, page 52, Volume 2, page 31,35).

There are references to drawing on Bunurong cultural heritage in public art installations, but no specific recommendations to this effect. SBA believes that the cultural heritage values assessment should shape these initiatives – see particularly, the opportunities in SBA Priority Projects 3, 5A, 5B and 6.

SBA encourages BCSC to ensure that these processes provide further advice from BLCAC on culturally sensitive areas in and near the Smiths Beach estate.

8.2 Community Benefit

However, at present there is little or no indication of sites that have cultural significance for Bunurong people in the Smiths Beach area. This is not only disrespectful, it misses

⁹Traffic Group - Road Use Hierarchy & Car Parking Demand Assessment April, 2021.



This is one example of the kind of First Nation signage that assists to educate visitors in other locations.

a valuable opportunity to promote better awareness about Indigenous heritage on Smiths Beach and to promote reconciliation, not only amongst Smiths Beach residents, but also with the very large number of visitors to the beach. Furthermore, depending on the advice received from BLCAC, there might well be significant sites to which First Nations people should have enhanced access. This in turn would enable other community members to develop a deeper understanding of Indigenous Culture.

8.3 Risk if Ignored

The neglect of the cultural significance of these sites will continue to implicate BCSC and local residents in systemic racism. Opportunities to strengthen social and economic participation by First nations people now and in the future will be lost.

8.4 Financial Implications

Subject to discussion with BLCAC and BCSC.

8.5 Reference in Town Plan

Volume 1: p 52

Volume 2: pp31, 35

8.6 Responsible Authorities

BCSC and BLCAC are the authorities responsible for acting on these objectives, in conjunction with other public land management authorities. SBA is willing to support these conversations on behalf of the local community.

8.7 Summary of Recommendation

Recognition and Engagement with Bunurong custodianship of Smiths Beach

SBA strongly endorses the proposals for cultural heritage values assessment and co-management of the public lands. This work should be extended to encompass identification of culturally sensitive sites, and to ensuring that opportunities for sharing stories and supporting reconciliation are pursued. BCSC to discuss with BLCAC how appropriate stories and images are to be represented on the Smiths Beach estate.

Conclusion

The preparation of the Smiths Beach Town Plan is a 'once in a generational' opportunity to address challenges that exist presently in the village, and to enhance the amenities for future generations of visitors, as is anticipated in the Bass Coast Visitor Economy Strategy.

SBA is acutely conscious of this opportunity and wishes to ensure that Smiths Beach continues to be one of Phillip Island's 'jewels' for residents and visitors alike, for decades to come.

SBA has welcomed the BCSC Draft Report on the Smiths Beach Town Plan and appreciates its proposals on many issues. We are very grateful for the considered, inclusive and thoughtful approach from Bass Coast Shire officers and congratulate them and the consultants for their excellent work. At the same time, we do think there are crucial gaps which require further consideration. The SBA submission aims, notwithstanding our very positive view of both the process and the Draft Plan, to point out these gaps and offer proposals on how they can be addressed.

SBA will continue to support the development of the Smiths Beach Town Plan and will participate in every opportunity to do so.

Appendices

Appendix 1

Smiths Beach, Sunderland Bay, Sunset Strip and Surf Beach Community Planning Questionnaire 2009 Raw Data for Likes, Issues and Needs – Road Condition

Smiths Beach, Sunderland Bay, Sunset Strip and Surf Beach Community Planning Survey 2009	
Issues and Needs Raw Data Sheet	Road Condition
This category gives details of problems, issues, challenges and needs in relation to the condition of roads in the local area. NB: Some responses raised more than one of the issues.	
Number of people raising issue	54 (22%) of the 247 questionnaires returned indicated a problem with roads 65 (26%) indicated a need for improved roads
PROBLEMS	NEEDS
<ul style="list-style-type: none"> • 16 x concerns about dust <ul style="list-style-type: none"> ○ People and property engulfed in clouds of dust t a health issue for young, elderly and sufferers of allergies or lung disease • 12 concerns about poor road condition • 10 concerns about dirt or unmade roads • 11 concerns about specific maintenance <ul style="list-style-type: none"> ○ Roadside veg is out of control impairing sightlines when driving ○ Verges not maintained ○ Curbs ○ Only want dust suppressant not made roads ○ Any further sealing of roads is an unnecessary expense to owners ○ Very poorly designed roads ○ Spray seal all roads ○ All roads should have dust suppressant ○ Grading of roads lower than level of driveway access which causes flooding along roadway ○ The dirt roads are not maintained very well - always have potholes ○ Roads too rough to make healthy walking possible • 4 x concerns about lack of sealed roads • 4 x concerns about design of roads <ul style="list-style-type: none"> ○ Ability to cope during peak periods ○ No roads in scenic estate 	<ul style="list-style-type: none"> • 25 x comments in support of sealing roads <ul style="list-style-type: none"> ○ Sealed road because children play on the street ○ Fully sealed roads in Sunderland Bay ○ Seal Sunderland Bay service road ○ California Drive to be 'sealed' like the surrounding streets to stop the dust. ○ Our street - Galleon Crescent - needs spray - on bitumen treatment - especially for Summer ○ Sealed roads in Surf Beach - something for the rates we pay. ○ Sealed exactly like the Esplanade ○ Sealed road - Waikiki Crescent would be great ○ Road resurfacing should continue within the smaller roads ○ Sealed roads ○ Chip seal all roads ○ Paved roads • 12 x comments re need for roads to be maintained <ul style="list-style-type: none"> ○ 4 x roads should have dust suppressant ○ Roads upgraded with pebble stones to keep safe ○ Streets graded more often ○ Better line markings • 7 x comments re need for better • 7 x comments re need for made roads • We require a double land road on the Island and the bridge

Appendix 2

Smiths Beach, Sunderland Bay, Sunset Strip and Surf Beach Community Planning Questionnaire 2009 Raw Data for Likes, Issues and Needs – Drainage

Smiths Beach, Sunderland Bay, Sunset Strip and Surf Beach Community Planning Survey 2009	
Issues and Needs Raw Data Sheet	Drainage
This category gives details of problems, issues, challenges and needs in relation to the quality and effectiveness of street drainage.	
Number of people raising issue	<p>37 (15%) of the 247 questionnaires returned raised concerns about drainage</p> <p>33(13%) of the 247 questionnaires returned indicated a need for improved drainage systems</p>
PROBLEMS <ul style="list-style-type: none"> 19 x specific comments on drainage <ul style="list-style-type: none"> 4 x breeds mosquitoes 2 x Health and safety are factors Form underground drainage so road can be widened to allow angle parking on smiths beach road Drainage in front of property is not consistently maintained Dangerous (deep) culverts especially Marlin St - west of Smiths Beach Rd and parts of Hollywood cres (west side) Stagnate pools - in gutters Please do not drain water - needed for soil/sub soil - cracks in drought Poor stormwater runoff control Grading of roads lower than level of driveway access which causes flooding along roadway. The drainage system doesn't work - water doesn't drain away Ditches need to be dug out to allow water to run away. Drains are third class. When we first purchased home, cutting truck would come and cut the dirt to enable the water to escape and not have mosquito breeding grounds The open drain system on Smiths Beach Road is disgusting and dangerous, always looks grotty, also floods with heavy rains. Drainage not working on bike paths 	NEEDS <ul style="list-style-type: none"> 10 x specific comments on drainage needs <ul style="list-style-type: none"> Better storm water management: present systems at Smiths Beach diverts it to the beach Better drainage of roadside areas to restrict insect breeding and smells Drains need to be concealed Drainage update to meet the demand of built area Would like to see local retarding basin made into wetland area with walking track through and reclosing gates. Would really add to area. Street guttering cleaned and dug out Proper curbs and channels and drains Roads - use dust sealant and grassy verges to absorb run off (e.g. Coghlan Rd.) not cement curbs - present sealed roads at Smith Beach very successful. The gutters need cleaning and reforming as used to happen before amalgamation Re-surfacing of Roads in Sunderland Bay, as was done in Cape Woolamai to reduce water sitting in drains