

19 June, 2022

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Ref: MIN095340 & MIN096740

The Hon. Lily D'Ambrosio
Minister for Energy, Environment and Climate Change
Level 16, 8 Nicholson Street,
East Melbourne, VIC 3002

By email: Lily.D'Ambrosio@parliament.vic.gov.au

Dear Minister,

RE: Repair of Disabled Beach Access Ramp – Centre Road, Seaspray

I have written to you previously regarding the above. Can you please intervene in this process on my behalf.

I have previously advised of the circumstances that give rise to me seeking your intervention. In essence:

- I am wheelchair bound as a consequence of a vehicle accident some 18 months ago;
- Prior to this accident my family and I enjoyed regular beach access at Seaspray;
- Use of the above Disabled Ramp would enable me to continue to have such access;
- The Disabled Ramp was damaged by a storm event, but based on my extensive experience as a civil engineering contractor I know it can be returned to its pre-existing condition, and it can continue to serve the community for decades to come;
- The Disabled Ramp and Platform are significant community assets that are used every day of the year by both disabled and able bodied community members;
- There is no alternate regulatory compliant Disabled Access infrastructure at Seaspray;
- The damage to the ramp and platform arose because the infrastructure was not adequately maintained by the Department. It was built by your Department using materials and construction technique defined by them, but I can provide photo evidence of the lack of maintenance throughout the years.

Your Department seems determined to proceed with demolition of this Disabled Ramp and Platform. But it is proposing to do so in circumstances where:

- It has made a decision to demolish the existing infrastructure but has not yet undertaken any consultation to ascertain the views of the community (the Department states it will consult the community once it has obtained funding approval to proceed with demolition);
- The disabled access infrastructure proposed as an alternate by the Department is non-compliant with government disability regulations in that:
 - The Lifesavers facility does not have compliant ramp access from the car park to the top of the dune;
 - Whilst there is a lift inside the building, the building is closed to the public all year round except for limited time on weekends and during the December/January holiday period;
 - A Disabled Ramp on the beach side of the dune ends in a set of steps. It does not enable wheelchair access to the beach.
 - The slope of Lifesavers' main ramp is not in any way compliant with Disabled regulations.

In contrast the Centre Road facility is regulatory compliant and provides wheelchair access from the car park to the beach 24 hours a day, 365 days a year. If this is removed there is no regulatory compliant disabled access to the beach at Seaspray.

- The Department has deemed the construction materials and methodology of the Centre Road structure to be inappropriate despite these being exactly the same materials and methodology as used in construction of the Lifesavers' structure (that the Department advocates as alternative Disabled Access).

I note further the same construction materials and methodology are used in the building of four other beach access platforms in Seaspray, plus one at The Honeysuckles, one at Paradise Beach and one at Woodside Beach. Are all of these also to be demolished on the same grounds as proposed by the Department to justify demolition of the Centre Road disabled ramp and platform?

In my previous correspondence I have advised I can evidence that:

- the damage to the Disabled Ramp and Platform is a result of ongoing failure to adequately maintain the infrastructure, not a consequence of the construction materials and methodology being unsuited to the environment or unable to meet ongoing community needs;
- the existing infrastructure can be cost effectively repaired, and
- this is an important asset that is used every day and is valued by the community.

I request Minister, as a means of expediting a resolution of this matter, I be provided with the opportunity to meet a representative of your Department at Seaspray so I may present the above evidence. I would also appreciate the opportunity to respond to any other matters the Department may wish to raise in support of its decision to demolish this infrastructure.

I believe also it would be consistent with the Department's Charter for the consultant reports it obtained that support its decision to demolish this infrastructure to be available to the community.

I note that in its previous correspondence the Department made mention of the responsibility of the Committee of Management. It would be surprising that the Committee does not hold sufficient funds to support repair of the Centre Road Disability ramp and platform, particularly given it has offered \$50,000 of its funds to support a project that could at best be infrequently used by a small proportion of the community. This stands in stark contrast to the community value and importance of the Disabled Ramp.

I note further that while the Committee can evidence regular expenditure of funds on maintenance such as lawn mowing and the like, there is no evidence of it committing regular expenditure on maintenance of the Seaspray walkways (including the Disability Ramp).

I believe Minister that your department's process has not been consistent with its stated Charter (copy attached). I do not believe my views have been listened to and respected. I have not been given real opportunities to influence and make a difference. The Department has not spoken to the community as early as it can.

More importantly I do not believe the Disability policies of your government (including compliance with existing regulations) have been adhered to.

I therefore request Minister that if you are unable to intervene to cause the Department to change the decision it has come to, can you please require that the Department not take any further action regarding demolition of the Centre Road Disabled Access Ramp and Platform until I have had the opportunity to have this decision reviewed by the Victorian Ombudsman.

Your sincerely,

Gerry Russell

Gerry Russell

Copy to:

- Mr Darrin McKenzie, Regional Director, DELWP Gippsland – darrin.mckenzie@delwp.vic.gov.au;
- Kellinde Chester, Program Manager, Land and Built Environment (LBE), DELWP Gippsland kellinde.chester@delwp.vic.gov.au.

Attachment

DELWP CHARTER

Delivering on our promise

The community charter is the beginning of our work, not the end – and is only as good as its implementation on the ground. DELWP will be working with you to make this work at a practical level throughout Victoria.

When the charter is working:

- You feel included and that you are part of the decision-making process
- You will tell us we have communicated openly and honestly
- You will be clear about what we do, who your local contacts are and how we can help
- You will be open with us and tell us about your issues and aspirations
- You trust us to do our jobs and to work with you

What you can expect of us

In all aspects of our work and interaction with the public we will:

Be available	Place-based community focus	Talk to you where you live, work and play, and be visible in local communities
	Accessibility	Make sure we are easy to contact and our information is straightforward and available in a variety of different ways
	Flexibility	Respect the way you want to work with us, and adapt our approach according to local needs
Speak and listen	Active listening and understanding	Listen to and understand your views and needs and respect different opinions
	Honesty and transparency	Be honest about what's driving our priorities, what we can and can't promise to do, our timelines and why decisions have been made
	Clarity and purposefulness	Be clear why and how we are engaging, making sure we give you real opportunities to influence and make a difference
Take action	Timely and proactive	Talk to the community as early as we can, responding quickly to issues and feedback
	Consistency	Ensure we are consistent in the way we approach decisions
	Closing the loop	Inform communities about the outcomes of projects and if our plans change we will let you know when this happens and why