

What is the General Consent?

All use, development or works on marine and coastal Crown land by any party, including committees of management and local government, requires consent under the *Marine and Coastal Act 2018*. This includes uses, developments and works that are considered low risk and part of the day to day maintenance of the land, such as removing invasive species of plants and animals and clearing existing tracks of vegetation.

The general consent provides approval for a range of uses and development which are considered low risk, to remove the need for individual applications.

The *Marine and Coastal Act 2018* includes saving provisions to ensure consent issued before the new Act came into effect remains in place. The general consent was issued by the former Minister for Environment and Climate Change on 27 August 2013.

The *Marine and Coastal Act 2018* enables regulations to be developed for use and development of marine and coastal Crown land. The regulations will outline what use, development and works does not require consent, along with a set of standard conditions. The regulations will streamline the process for obtaining consent and once made, will replace the general consent.

What works are approved under the general consent?

A range of low risk uses, and developments are approved under the general consent, including:

- mowing grass and trimming branches to maintain a clear pathway
- resurfacing roads and pathways
- internal renovations to existing buildings that do not increase the height or footprint of the building

Can I demolish and rebuild a structure under the general consent?

Yes, as long as the new structure is within the same footprint as the existing structure, does not increase the height and the value of the works is less than \$100,000.

Can I clear vegetation on coastal Crown land for fire protection purposes?

No, the clearing of vegetation is not included in the general consent. Vegetation can be managed to maintain an existing fire access track but cannot be cleared for any purpose. For advice on the fire protection measures undertaken on coastal Crown land in your area, please contact the local land manager or Department of Environment, Land, Water and Planning (DELWP) on 136 186

Why can't I increase the footprint of my structure under the general consent?

The general consent provides approval for works that are considered low risk, such as replacing like for like within the existing footprint and height. Any increase in footprint is considered a higher risk and must undergo a formal assessment process, including community consultation and ensuring that all native title requirements are met.

What is native title?

Native title describes the rights and interests of Aboriginal and Torres Strait Islander people in land and waters, according to their traditional laws and customs. Native title rights may include the possession, use and occupation of traditional country. In some areas, native title may be a right of access to the area. It can also be the right for native title holders to participate in decisions about how others use their traditional land and waters. The *Native Title Act 1993* describes the circumstances under which native title will be recognised.

In terms of new works, native title may not be extinguished, and the rights and interests of Aboriginal and Torres Strait Islander people must be considered in the planning stage.

This is best done as part of an assessment for consent under the *Marine and Coastal Act 2018*.

Can I remove vegetation to improve the view from my property?

No, maintenance of vegetation in the general consent is issued for specific purposes only and the removal of vegetation to improve the view from private property is not one of them.

Vegetation can be managed to improve ecological health or to maintain existing paths, roads and fire access tracks, existing buildings and structures, signs and overhead services. If you think your project falls within one of these areas, you may be required to justify your opinion by providing advice from a suitably qualified professional, such as an ecologist where vegetation is removed for ecological health.

Are there any conditions under the general consent that have to be met?

Yes, there are several conditions in the general consent that must be met prior to any works being undertaken. These include ensuring that all native title requirements are met and that works must be consistent with any coastal action plan, management plan or other plan applicable to the land. There is also a provision that consent can be withdrawn where a particular use, development or works is deemed worthy of special consideration.

How do I find out if there is a coastal action plan or management plan applicable to a section of Crown land?

Coastal action plans or regional coastal plans identify strategic directions and objectives for use and development of coastal land on a regional scale. Please contact your local DELWP office to determine whether there is a coastal action plan or regional coastal plan applicable to marine and coastal Crown land in your area.

Coastal management plans are prepared by the local land manager in consultation with DELWP. For further information about whether there is a coastal management

plan applicable to a reserve, please contact the local land manager or your local DELWP office on 136 186.

Are there any reasons why works that appear to be covered in the general consent should not be undertaken?

Yes, where works appear to be covered under the general consent, there may be a coastal action plan or management plan which contradicts the proposed works. For example, the replacement of a BBQ shelter within the existing footprint would be covered under the maintenance consent, however an approved management plan for the area may state that the BBQ shelter is to be removed and relocated within the reserve. All works within the general consent must be consistent with any applicable coastal action plan, management plan or other plan.

There may also be special circumstances where the general consent will be withdrawn. For example, the replacement of a structure currently within an area experiencing coastal inundation or in an area of erosion will not be allowed to be re-built in the same location.

Who should I talk to before undertaking works on coastal Crown land under the general consent?

The majority of coastal Crown land outside of national and coastal parks is managed by an appointed committee of management. The committee of management is responsible for the strategic planning of the land and day to day maintenance. Prior to undertaking any work, please contact the committee of management to determine whether the work proposed is consistent with the strategic planning for the area.

How do I find out if my project is approved under the general consent?

Please contact your local DELWP office for advice on 136 186.

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ISBN ISBN 978-1-76077-153-9

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