

Local Government - Submissions

Bayside City Council

Borough of Queenscliffe

Colac Otway Shire Council

Corangamite Shire Council

East Gippsland Shire Council

Glenelg Shire Council

Greater Geelong City Council

Hobsons Bay City Council

Port Phillip City Council

South Gippsland Shire Council

Surf Coast Shire Council

19 October 2016



Marine and Coastal Act Consultation
Policy and Strategy Unit
Department of Environment, Land, Water and Planning
PO Box 500
EAST MELBOURNE VIC 3002

Corporate Centre
76 Royal Avenue, SANDRINGHAM
PO BOX 27 SANDRINGHAM VIC 3191
T (03) 9599 4444
F (03) 9598 4474
enquiries@bayside.vic.gov.au
www.bayside.vic.gov.au

Dear Sir/Madam

Bayside City Council Submission – Marine and Coastal Act Consultation Paper

Thank you for the opportunity to comment on the Marine and Coastal Act Consultation Paper. Council, as a Crown Land Committee of Management and freehold owner of part of the Brighton foreshore is interested in the development of this new Act. Council's response to the Consultation Paper is outlined below.

General Comment

Overall, the proposed objectives of the Consultation Paper appear sound and Bayside City Council (Council) policies and strategies generally support the objectives and the development of the Marine and Coastal Act.

Council has been a long standing member of the Association of Bayside Municipalities (ABM) and has a thorough understanding of the Coastal Management Act and the challenges of managing and maintaining coastal Crown Land.

It is disappointing that the release of the Consultation Paper was close to the commencement of the Local Government 'caretaker period' and as such, does not allow for proper Council consideration of the proposed reforms and their impacts on Council and the community more broadly. It is Council's understanding that Municipal Association Victoria (MAV)/ABM has raised this issue with the Department of Environment, Land, Water and Planning (DELWP) and the Chair of the Expert Panel.

Due to the timing of the Consultation Paper, Council has not been able to formally adopt this submission, however the submission is based on Council's existing policy position.

Council generally supports and agrees with the seven **drivers for change** listed in the Consultation Paper:

1. Clearer governance and institutional arrangements
2. Strengthen marine management, policy and planning
3. Integrating planning systems
4. Adapting to climate change
5. Sustainable resourcing
6. Improving knowledge
7. Involving the community



The following **Statewide and Regional governance changes** proposed are supported:

- New Marine and Coastal Council
- New Marine and Coastal Strategy and implementation plan
- New Marine and Coastal Policy to guide decision makers
- Phase out Regional Coastal Boards
- Expanded role of coastal Catchment Management Authorities (CMAs) and scope of Catchment Strategies

The following **local changes** are supported:

- Maintain and promote role of volunteers
- Greater role for Traditional Owners in planning and management
- Strengthen the role of Parks Victoria - marine/coastal protected areas

Specific comment

Clearer Governance and Institutional Arrangements

Council believes that the introduction of a new Marine and Coastal Act provides a unique opportunity to address long-standing governance issues, embedding a model that ensures the long term viability of effective regional and local coastal management.

Council agrees that the revision of the Act should seek to reduce complexity, provide clearer roles and responsibilities, minimise duplication, and better align responsibilities with capacity and resourcing. Council regularly receives feedback from the community regarding the complexities of coastal management and the number of agencies involved in coastal management decision making. The proposed changes do not adequately articulate how this will be addressed.

The proposed phasing out of Regional Coastal Boards (RCB) is a notable change, though is not considered significant. There is limited detail regarding how the five Coastal Catchment Management Authorities and Melbourne Water will assume the functions performed by the Regional Coastal Boards, short of reassigning RCB funding.

Regarding the establishment of Regional and Strategic Partnerships (RASP's), Council would like to highlight the effective and ongoing work of the ABM. The ABM has been serving as an advisory body and a forum for sharing complex coastal issues (similar to the function proposed for the RASP's), for the member councils of Port Phillip for many years with great success. The ABM demonstrates an existing working model for the proposed RASP's.

The Consultation Paper also notes that councils could be expected to lead a RASP. There is no indication if or how a council would be financially supported to do so, and in light of existing council ABM memberships, there is potential of duplication here.

Council has many active long term volunteer groups assisting with foreshore conservation and maintenance. Their value lies not only in the physical work that they undertake but also in the vast amount of local coastal knowledge accumulated in such groups. Council agrees with the importance of maintaining and promoting volunteers in coastal land management at the local level.

Integrating planning Systems

Council is generally supportive of the requirement for the development of Coastal Management Plans. However, the DELWP needs to be mindful of the costs involved (including significant community consultation) to Committees of Management. The process for obtaining Ministerial sign off for Coastal Management Plans would benefit from streamlining.

Council is supportive of a greater emphasis on the marine environment in the Consultation Paper. However, it is unclear whether this is a Parks Victoria responsibility or it is expected of Council as Committee of Management. Currently Council does not have resources to apply to this management issue.

Adapting to Climate Change

The Consultation Paper notes that there is a lack of certainty around the current framework for planning and responding to climate change and that there is also a perceived lack of action due to concerns about liability. The Consultation Paper also notes that many coastal assets such as sea walls and groynes are aging and are no longer viable with a lack of clarity regarding responsibility for constructing new coastal protection assets.

Within Bayside there are numerous sections of seawall in Black Rock, Hampton and Brighton and a significant number of groynes in Sandringham, Hampton and Brighton. Many require ongoing repair and some in particular are prone to frequent storm damage. Bayside also has a number of beaches prone to coastal erosion and is in constant discussion with the DELWP regarding coastal protection works. Funding for new coastal protection infrastructure and repairs to existing coastal protection infrastructure (seawalls/groynes) is a State government responsibility managed by the DELWP. Council has successfully partnered with the DELWP in the community consultation phase of asset construction and renewal.

The issue of liability (in relation to climate change impacts and the coast) is critical for councils both as coastal land managers and as planning authorities. There appears to be a continued lack of clarity around climate change adaptation roles and responsibilities which in turn, impacts the funding and resourcing needed to inform local and regional decision making. As such, Council queries whether the new Act will further explain liabilities for the impacts of natural processes, and increased clarity on roles and responsibilities for coastal protection works.

Sustainable resourcing of the proposed system

It must be recognised that the beneficiaries of Victoria's coasts and bays is far greater than residents of coastal municipalities. All Victorians derive benefits from Victoria's coastline.

The Bayside Coastal Management Plan (2014) states that:

"The Bayside foreshore contains around 180 hectares of public open space. The foreshore has complex natural systems and heritage values. It is heavily used by local residents and the broader Melbourne community for many forms of recreation and increased demand is expected in the future."

In seeking to apply the 'beneficiary pays' principle, it is essential that the State government recognises that the coast is an asset for all Victorians and that it would be manifestly unfair to expect local residents and rate payers in coastal areas to solely or predominantly shoulder the burden of coastal management. Examples of high external visitation in Bayside are the iconic bathing boxes at Dendy Street Beach in Brighton and Ricketts Point and Ricketts Point Marine Sanctuary in Beaumaris. These sites attract tens of thousands of visitors each year.

Numerous State government led reviews and reforms are currently underway that interact with coastal and marine management. Pending further consultation and finalisation of these reviews it is unclear what the implications will be for coastal land managers. If councils are expected to take on increased responsibilities as coastal land managers it will be critical to determine how this will be resourced and supported by the State government through appropriate funding mechanisms.

The lack of a clearly defined cost-sharing arrangement for the maintenance, repair, renewal and construction of coastal infrastructure (such as coastal protection works on coastal Crown land) is also noted with no proposals within the Consultation Paper to articulate how this would be achieved.

It should also be noted that Councils are now subject to increased financial constraints arising from the State government imposed rate capping which is not at all acknowledged in the Consultation Paper. Coastal Councils and their ratepayers should contribute to, but not be expected to carry the financial burden of managing and maintaining Victoria's coastline and coastal infrastructure. An example of the current inequity in managing coastal Crown Land is the cost to Council to manage Bayside's foreshore (approximately \$2.5 million per annum) compared to receipt of approximately \$150,000 as a beach cleaning subsidy. It must be noted that Council generated foreshore revenue is significantly lower than operational expenditure.

Local Governments as Committees of Management are already contributing significant funds to the management of coastal Crown Land and should not be expected to 'share' further costs. In fact, there are strong grounds for coastal Councils to seek significant funding from the State government for the management of coastal Crown Land on behalf of all Victorians.

Improving Knowledge of the condition of Marine and Coastal Areas

Bayside is supportive of building knowledge of the marine and coastal environment and views this as fundamental to effectively manage and protect the foreshore. A "State of the Marine and Coasts" report is appropriate, but Bayside questions the wording of 'periodically assess' and seeks clarification on timeframes and efficiencies of this reporting.

With the increase in popularity of 'Citizen Science' and the wealth of local knowledge found in volunteers and held within Local government regarding the condition of marine and coastal environments, it is vital that this information is captured to informing decision making within the system.

In conclusion

Council appreciates the opportunity to contribute to the Marine and Coastal Act consultation process, but wishes to reiterate the poor timing of this consultation due to Local government elections, resulting in limited ability for Local government to involve its community in responding to the consultation process.

The introduction of a new Marine and Coastal Act provides a unique opportunity to address long-standing coastal and marine management governance issues. Council is generally supportive of the objectives and the development of the Marine and Coastal Act.

Should you require clarification or further information regarding this submission, please contact Mr Steven White, Director Environment Recreation and Infrastructure on 9599 4430.

Yours sincerely



Adrian Robb
Chief Executive Officer

Copy: Steven White, Director Environment Recreation and Infrastructure
Claire Dunn, Municipal Association Victoria
Jacquie White, Association of Bayside Municipalities



Marine and Coastal Act Consultation Paper

SUBMISSION

The Borough of Queenscliffe welcomes the opportunity to provide a submission on the Marine and Coastal Act Discussion Paper (Discussion Paper).

There are a number of proposals in the Discussion Paper that are of particular concern to the Borough of Queenscliffe. This submission focuses on these concerns.

The Discussion Paper proposes reforms to the existing governance arrangements with respect to Coastal Crown Land management. It is our view the reforms will not simplify the arrangements, rather add to local Councils' responsibility. For example, the phasing out of Regional Coastal Boards and essentially replacing them with Regional and Strategic Partnerships (RASPs) which can be established by the Minister will lead to Council's potentially taking the lead role in the RASPs. RASPs may be established to address specific issues and the resource impact to local coastal Councils could be significant, particularly if more than one RASP is established at any time.

Another suggestion in the Discussion Paper is phasing out of Category 2 Committees of Management (CoM) and either transferring their responsibilities to Councils or establishing smaller CoMs pursuant to Section 86 of the Local Government Act. It is our view that either option does little to address the current lack of appropriate support to smaller CoMs and, in simple terms, transfers oversight and support responsibility of these smaller CoMs from the State Government to Local Government.

Any proposed reforms should recognise that the majority of the Victorian coast is Crown land. As such, the coastal management system needs to be funded and managed in a way that has a direct relationship with the State and that recognises that the coast is a State asset.

The Discussion Paper also required CoMs to prepare Coastal Management Plans, improve reporting on income and expenditure relating the Crown Land activities and, in cases of Local Government, increase the role as Planning Authority on coastal consent matters. All these added responsibilities have resource implications, particularly for small regional Councils, which are not considered in the Discussion Paper.

With respect to climate change, the Consultation Paper notes that:

- Climate change will continue to affect Victoria's coastal and marine areas
- Sea level rise, increases in the severity and frequency of storms and rising temperatures are leading to increased flooding of low-lying areas; erosion of dunes; loss of beaches, sand dunes and saltmarshes and mangroves; and increased salinity in estuaries, rivers and bays
- The current framework for planning and responding to climate change lacks certainty
- There is a perceived lack of action due to concerns about liability

- Many coastal assets such as sea walls and groynes are old and no longer viable and there is a lack of clarity regarding who has responsibility for constructing new coastal protection assets.

The consultation paper does not acknowledge the strong need for DELWP to take leadership in coastal climate change and focus on:

- Identifying priorities for coastal hazard assessments
- Providing data and advice on climate scenarios
- Determining criteria for identifying climate adaptation priorities and strategies for protection and retreat
- Managing a 'future fund' for adaptation priorities.

These issues are of significant concern to councils and to respond to a changing environment, there must be some coordinated approach to risk identification, response and funding.

Coastal hazard vulnerability assessments

While assessments exist for four small areas of the coast, the learnings and methodology from undertaking these assessments has not been released for broader application. The *Victorian Floodplain Management Strategy* identifies the process for identifying priorities for coastal hazard vulnerability assessments as being through the Regional Coastal Plans with funding and direction from DELWP. Responsibility for the Regional Coastal Plans has become unclear with the removal of the Regional Coastal Boards.

There is no forward plan for assessments and no funding/budget allocation for coastal hazard vulnerability assessments and adaptation planning. This must be clarified as part of this reform process.

It is considered the State Government should take a leadership role in driving coastal hazard assessments and adaptation planning (including land use planning outcomes) to ensure a level of consistency is applied across the state. Further, climate change is not an exact science and there is a need for any coastal hazard assessments to be reviewed and updated at regular intervals, which is not recognised in the proposed initiatives.

The Borough of Queenscliffe is particularly concerned with the Discussion Paper's themes about funding future coastal protection assets, particularly in light of sea level rise and its impact on both private and public land. Future coastal protection works are likely to be complex and expensive and the Discussion Paper appears to be suggesting a beneficiary pays principle. It appears that the beneficiaries referred to are local coastal communities. It has been reported that some 84% of Victorians made at least one day trip to the coast per annum, not to mention significant numbers of national and international tourists.

As with many, if not all, Councils with coastal crown land management responsibilities, the Borough of Queenscliffe spends more on coastal management than it receives in income. It follows that the gap between income and expenditure is funded by local ratepayers. It is essential that the State recognises that the coast is a State asset and that it would be manifestly unfair to expect local residents and rate payers in coastal areas to continue to solely or predominantly shoulder the burden of coastal management.

Council acknowledges it has received funding from both the State and Federal Governments to assist with coastal management. However, these funds tend to be on off, project based and part of a competitive application process that does not provide security moving forward.

In terms of public consultation, it is disappointing that the Discussion Paper consultation window for such an important issue for coastal local councils coincides with Councils' Election Caretaker Period for the upcoming Local Government Elections. Elected Councillors are restricted in their ability to participate in public consultation events during this period. That said, it is somewhat pleasing that further targeted consultation is planned in the near future. It is our understanding that this targeted consultation will involve local Councils. Borough of Queenscliffe would welcome the opportunity to participate in the next phase of consultation.

In conclusion, the need to develop a new Marine and Coastal Act is necessary to address the future challenges that will be faced in marine and coastal management.

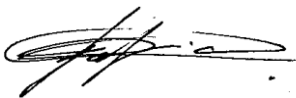
The Borough of Queenscliffe is concerned that opportunities have not been taken up or maximised in the set of reform ideas presented. As mentioned earlier, we strongly recommend focused consultation with local government (outside of the caretaker period) about:

- Their role as Committees of Management and their capacity to continue or take up additional responsibilities
- Alternative governance models that more clearly recognise the responsibility of the Government for Crown land.
- Funding models for operational, capital and coastal protection funding.

The Borough of Queenscliffe is particularly concerned that a significant proportion of proposed reforms will lead to additional responsibility transferred to Councils with no corresponding ongoing funding or assistance from the State Government.

Should you need any further information or clarification, do not hesitate to contact the undersigned by phone on (03) 5258 1377 or by email on phil.josipovic@queenscliffe.vic.gov.au.

Kind Regards



Phil Josipovic
General Manager Planning & Infrastructure

Borough of Queenscliffe
50 Learmonth Street (PO Box 93) Queenscliff VIC 3225



20 October 2016

Marine and Coastal Act Project Team
Energy, Environment & Climate Change
Department of Environment, Land, Water & Planning
8 Nicholson Street
East Melbourne, Victoria 3002

Dear Sir/Madam

Re: Submission on Marine and Coastal Act Consultation Paper

Corangamite Shire welcomes the opportunity to provide feedback on the Marine and Coastal Act Consultation Paper. The preparation of a new Marine and Coastal Act will have implications for local government as a sector as well as for individual coastal municipalities. Council recognizes that there are significant benefits to be achieved from the preparation of new legislation.

Much coastal land within Corangamite Shire is currently managed by Parks Victoria. It is therefore disappointing that the Consultation paper does not set a clear vision for the future role of the State, particularly in relation to its ongoing management of coastal assets. In seeking to apply the 'beneficiary pays', it is essential that the State recognises that the coast is a State asset and that it would be manifestly unfair to expect local residents and rate payers in coastal areas to solely or predominantly shoulder the burden of coastal management. The lack of a clearly defined cost-sharing arrangement for the maintenance, repair, renewal and construction of coastal infrastructure that offers both public and private benefits is also noted.

Council is also concerned that the *Marine and Coastal Act consultation paper* does not sufficiently address future resourcing arrangements for coastal and marine environments. For example, there is no guidance as to the funding arrangements for new coastal infrastructure or for the repair and maintenance of existing infrastructure. Given the significant under investment which has occurred over recent years, it is important that the new *Marine and Coastal Act* properly address requirements for future resourcing relating to coastal infrastructure provision and maintenance.

The proposal to phase out the Regional Coastal Boards and strengthening the role of coastal Catchment Management Authorities (CMAs) needs to be appropriately resourced. Council is aware that CMAs experience difficulties in resourcing current obligations (for example in relation to flood management) and whilst the consultation paper proposes increasing responsibilities for coastal CMAs, it does not address the requirement for additional resources or expertise. In Councils experience CMAs have traditionally taken a strong NRM/environmental focus, and do not necessarily have expertise or resources in relation to other coastal planning functions (for example recreation planning, boating coastal action plans etc.).

CORANGAMITE SHIRE COUNCIL

Civic Centre, 181 Manifold Street, Camperdown VIC 3260

Telephone 03 5593 7100 Facsimile 03 5593 2695 Email shire@corangamite.vic.gov.au

www.corangamite.vic.gov.au

The proposed establishment of Regional and Strategic Partnerships (RASPs) need to be further considered, and the proposed role of local government in relation to potentially leading the preparation of RASPs needs to be further defined. There is no discussion as to how RASPs are to be resourced. The consultation paper provides no detail on the quantum of funding likely to be required or how this is to be achieved. It is noted that the consultation paper places greater emphasis on local government undertaking increased community engagement and having the potential to lead RASPs without any consideration of how this is to be resourced.

Councils' financial constraints arising from rate capping are not acknowledged at all in the paper. In the context of rate capping, it is not reasonable to cost shift or introduce new requirements for local government without addressing the requirement for additional resourcing. There is no indication that the principles of the *Victorian State Local Government Agreement* have been considered in the preparation of the consultation paper.

Council is also concerned that the consultation paper has not given sufficient attention to the current complexity of coastal approval processes. There is scope to achieve reforms to simplify requirements, and to reduce the substantial length of time taken to achieve approvals. In relation to project approvals, there is scope to rationalise requirements for Coastal Management Act consent, Parks Vic/Local Port works approval; CMA and EPA works approvals. There is a need to provide clearer guidance around project approvals required and the sequence of obtaining those approvals. Timeframes around approval processes are inconsistent and cannot easily be planned for. The complexity and uncertainty around approvals processes impacts project funding and delivery. In the context of the need to maintain and upgrade coastal infrastructure, it is important this is addressed in the preparation of new legislation.

Ongoing community engagement in relation to coastal management will continue to be important, and in Councils view this needs to be strengthened where the State is the coastal asset manager. The consultation paper does not recommend a preferred approach to community consultation and involvement where Parks Victoria is and will continue to be the managing agency.

Please find attached, more detailed comments on each of the proposed reforms

Should you require further clarification concerning any of the matters raised please contact Ian Gibb, Director Sustainable Development on 55937162 or by email ian.gibb@corangamite.vic.gov.au.

Yours faithfully



Andrew Mason
Chief Executive Officer

encl.

Submission on Marine and Coastal Act Consultation Paper

3	Improving governance and institutional arrangements	
3.1	Replace the Victorian Coastal Council with a Marine and Coastal Council	The VCC is not seen as a particularly effective body and it seems there are no real additional powers and functions for the new Council that would enable it to have influence.
3.2	Preparation of a state-wide policy and strategy for marine and coastal areas	Supported in principle. It is critical that policy and strategy exist for both marine and coastal land. It must also be translated into other decision making instruments such as planning schemes to have full effect.
3.3	Strengthening the role of coastal Catchment Management Authorities	The expanded role of the coastal CMAs to prepare regional catchment strategies with stronger marine and coastal components potentially offer benefits in terms of improved planning outcomes. However it is noted this reform is being proposed without any review of the purposes of CMAs; or of resourcing allocated to CMAs. The charter of CMAs is narrowly focused around environment and land management, and this is of concern given the broader role of the coast and coastal management issues (for example in relation to tourism, recreation etc.). Any new or additional responsibilities arising from these proposed reforms would need to be costed and funded. A key concern is the capacity of the CMAs to resource coastal issues and to undertake functions currently performed by the Regional Coastal Boards. There is a risk that Corangamite would be expected to make up any capability shortfall of the CMAs if this reform were to be poorly implemented.
3.4	Enable regional and strategic partnerships (RASP) to be established with relevant partners to deal with regional or issue based planning that crosses jurisdictional boundaries.	The consultation paper proposes introducing Regional and Strategic Partnerships (RASPs) to bring local government, community and agencies together to solve shared problems associated with regional planning or issue-based planning across jurisdictional boundaries. The Minister would be able to instigate a

		<p>RASP upon recommendation by the Marine and Coastal Council or if the statewide strategy identifies the need for one. The Marine and Coastal Council would recommend a RASP in response to a request from, and after consultation with, relevant agencies.</p> <p>The paper notes that councils could be expected to lead a RASP. There is no indication if or how Corangamite would be financially supported to do so. It must be clear how the RASPs will be funded and resourced.</p>
3.5	Reduce the complexity of advisory bodies by phasing out the Regional Coastal Boards	Some useful interaction has occurred between the Regional Coastal Boards and councils in developing the Regional Coastal Plans. Council is unclear about what the status of the RCPs will be and who will be the lead authority implementing them.
3.6	Smaller Category 2 CoMs should be transitioned into larger (Category 1) CoMs or the areas under their management be transitioned to local government to manage as the Committee of Management	While the basis for suggesting this initiative is understood, a more fundamental consideration of the management arrangements is required. There needs to be a simplification of responsibility within coastal reserves and logical basis on which the boundaries are determined. Corangamite does not have the resources to take on additional Committees of Management, particularly with the increased expectations around community engagement.
3.7	Continue to preserve, maintain and promote volunteers in coastal land management through formal and informal opportunities such as Coastcare, Landcare, local advisory bodies, s.86 committees, 'Friends of' groups and other means.	Support in principle. Councils support community engagement in decision making. However, if Committees of Management are transferred to local government there is a cost to councils in administering local advisory bodies and section 86 committees that needs to be factored in.
3.8	Encourage greater use of shared services and better integration between coastal land managers.	Support in principle. Corangamite is happy to consider the provision of services provided there is appropriate compensation for doing so and the activity is considered to be to the broader benefit of the municipality.
3.9	Maintain Parks Victoria's role managing areas primarily for conservation such as	Support in principle.

	areas scheduled under the National Parks Act.	However, it is critical that appropriate resources be provided for PV to be able to effectively undertake the role.
3.10	Support Traditional Owner Land Management Boards to be involved in coastal and marine protected area management.	Support in principle It is unclear in the consultation paper how that might occur. The consultation paper does not discuss any changes in relation to native title settlement or opportunities for a “whole of coast” settlement. Nor does it discuss any reforms in relation to Indigenous Land Use Agreements.
4	Strengthening Marine Management	
4.1	A Marine and Coastal Policy will be undertaken, providing an overarching strategy to manage marine environments. It will be integrated and linked to a marine spatial planning framework and inform the Marine and Coastal Strategy.	Support. Marine and Coastal Policy should form the core Government positions with the Marine and Coastal Strategy detailing how the policy will be achieved. It is critical that an implementation plan be attached to the strategy as the absence of a plan has been one of the failings of the past. There is a real need to clearly articulate State policy on marine and coastal matters such as marine parks, coastal protection, private structures, appropriate development, beneficiary pays circumstances.
4.2	Develop a marine spatial planning framework.	Support. This is a gap in the current system.
4.3	Require a Port Phillip Bay Management Plan	Support. Provided the head of power is not drafted in a limiting manner and appropriate consultation with local government.
5	Integrating Planning Systems	
5.1	Coastal management plans (CMP) will be retained and strengthened. a. The Minister can approve use and development proposed in CMPs at the time the CMP is endorsed.	Support in principle. There is concern about the cost of preparing a Coastal Management Plan and the complexity of matters to be included. If a template plan could be prepared and the new MACC/DELWP or the CMAs given the coordinating role, the model might work.
5.2	Maintain consent provisions for the Minister to have the final say on use and development on Crown land in coastal and marine areas.	Support. There is significant duplication of assessment in the planning and crown land consent processes. There is a need to rework the

	<p>a. The new act will clearly articulate when consent provisions are:</p> <ul style="list-style-type: none"> • not required • simply a YES or NO consent, or • required to assess proposals against marine and coastal policy and strategy, and ensure public benefits are protected. <p>b. Strengthening the enforcement of unauthorised use and development and including penalty provision for non-compliance consent conditions.</p> <p>c. Reduce duplication in the processing and consideration of use and development applications.</p>	<p>relationships between planning permits and crown land consents, and to review mechanisms around implied consents (for example the arrangements in relation to existing uses prior to 1995).</p> <p>There is currently no enforcement of the Crown Land (Reserves) Act and any consents issued under it. Who the enforcement agency should be requires some working through.</p> <p>The consultation paper does not sufficiently address the current complexity of coastal approval processes. There is scope to achieve reforms to simplify requirements, and to reduce the substantial length of time taken to achieve approvals. The focus of these reforms need to address both project approvals and permits and land tenure/lease arrangements.</p> <p>In relation to project approvals, there is scope to rationalise requirements for Coastal Management Act consent, Parks Vic/Local Port works approval; CMA and EPA works approvals. There is a need to provide clearer guidance around project approvals required and the sequence of obtaining those approvals. Timeframes around approval processes are inconsistent and cannot easily be planned for. The complexity and uncertainty around approvals processes impacts project funding and delivery. In the context of the need to maintain and upgrade coastal infrastructure, it is important this is addressed.</p> <p>In relation to land tenure and leases, the consultation paper does not address any proposed reforms. For example, there could be benefit in rationalising unreserved and reserved Crown Land, and in reviewing the distinction between temporary and permanent reservations. There is also scope to reform processes around the issue</p>
--	--	---

		and renewal of licences and permits.
6	Adapting to Climate Change	
6.1	Recognise Climate Change in the objectives of the new Marine and Coastal Act.	Support. Including an objective in the new Act is important to provide the basis for the development of policy and strategy.
6.2	Provide strong policy, guidance and technical expertise to decision makers on the process of adapting to climate change	Support. This is a critical necessity. Councils have been provided with little to no assistance in this area. In relation to the issue of liability for the impacts of natural processes, the paper notes that in NSW section 733 of the <i>Local Government Act 1993</i> provides that councils are not liable for damage caused by flooding and natural hazards in the coastal zone as a result of the doing or omitting to do something in good faith, such as granting or refusal of a development application. There is opportunity for Victoria's new Act to further clarify liability for the impacts of natural processes. The issue of liability (in relation to climate change impacts and the coast) is critical for council both as a coastal land manager and as a planning authority. There continues to be a lack of clarity around climate change adaptation roles and responsibilities. This impacts funding and resourcing of data and information that is needed to inform local and regional decision making.
7	Resourcing the proposed system	
7.1	Increase transparency of where revenue is generated and spent through better reporting and awareness.	Support. This is necessary statewide.
7.2	Undertake a review of fees and charges to identify where the beneficiary pays principle can be applied better and more consistently.	This recommendation requires further investigation and consideration. In its current form the recommendation is not supported because of the lack of definition for what is actually proposed Significant consultation with councils is required about beneficiaries.
7.3	Targeting resources to where they are needed most.	Concern.

		Corangamite strongly believes that additional resources are required for coastal protection and that this must be acknowledged by Government.
7.4	Establish a process to determine appropriate cost-sharing arrangements for coastal infrastructure	Concern. Current negotiations with local government are not appropriate and significant consultation with councils is required on this issue.
7.5	Continue to build capacity, share technical expertise and support volunteer programs	Support. Provided sufficient resources are available to meet the need.
8	Improve knowledge transfer	
8.1	Require that a State of the Marine and Coasts Report be developed that sets the baseline condition and monitors change over time.	Support. This is essential to decision makers.
8.2	Improve knowledge translation for decision makers through ensuring state-wide strategy is informed by the report, gaps in knowledge and monitoring are identified and research is commissioned, and technical expertise and capacity is fostered in partner organisations.	Support. This is essential to decision makers.

16 December 2016

Marine and Coastal Act Consultation
Policy and Strategy Unit
Department of Environment, Land, Water and Planning
PO Box 500
EAST MELBOURNE VIC 3002

Dear Sir/Madam

Colac Otway Shire Council Submission – Marine and Coastal Act Consultation Paper

The Colac Otway Shire Council would like to thank the Department of Environment, Land, Water and Planning (DELWP) for the opportunity to provide a draft submission on the Marine and Coastal Act Consultation Paper (the Paper).

In terms of process, Council would like to first express our concerns regarding the timing of this consultation. Conducting the consultation during local government elections has not allowed Councillors (as elected representatives of the community) an opportunity to provide input into this submission. To address this issue, a draft submission is provided at this time. A final submission will be provided following consideration by the new Council in December 2016.

The coastline within our municipality, which includes the Great Ocean Road (GOR), is the most significant economic driver within our region due to the number of high value cultural and environmental assets. This combination of values is recognised by our community who expect that this area will be appropriately managed into the future. These values are also recognised through the GOR's National Heritage Listing and also at the international level through the regions iconic status as a tourist destination.

Council supports the State Government commitment to reform the management of the Victorian coast. However, Council also believes that the broad recommendations outlined in the Paper are not sufficient to achieve the meaningful and significant change that is required. Specifically, the Paper recommends largely retaining the existing management arrangement within our municipality (which includes a range of authorities undertaking a variety of roles) and is missing this major opportunity to make the meaningful change required to significantly improve the management of this iconic section of coast.

Council does not believe the proposed changes will provide meaningful change to managing the complex issues of the GOR region. The recent fires and landslips along the GOR highlight how challenging emergency management is in this region and how any emergency management decisions need to be made in consideration of the GOR values and its broader economic benefits.



Council believes that a fundamentally new approach is required that responds to the needs and values of the coastline and the communities within the GOR region. For example, Council suggests that a single, appropriately funded and resourced GOR authority, be given consideration because the issues of the road and the coast require integrated management which can best be achieved through a single authority. With this recommendation in mind, the following comments are raised in response to the Paper.

Role of Catchment Management Authorities (CMA) to provide expert advice

If a GOR Authority were formed and adequately resourced it could effectively become the subject matter expert on coastal erosion and inundation issues in our region. However, if it was not formed Council supports the principle of a single 'subject matter expert' providing advice on coastal erosion and inundation issues. We recognise that the CMA's currently undertake this role for inundation but would need extra resources to also undertake this role to the level required for both inundation and coastal erosion.

If the State Government decided to pursue the option of CMAs undertaking this role, then it is critical that the level of detail provided in their advice is at a scale that is meaningful for the applicable land manager. The advice currently provided by CMAs in relation to erosion mitigation along inland water ways is often preliminary, general and broad. Although valuable, it often is not in a format to be practically implemented and requires additional advice for specific designs and monitoring.

It is also important to note that the CMAs role in the delivery of Local Coastal Hazard Assessments (LCHA) to date has been limited to facilitating action rather than directly undertaking this work at a large scale. For example Colac Otway Shire, along with a number of other Councils in the South West region, is currently embarking upon a LCHA. Although the CMAs are a key stakeholder for the project, if they were to gain the responsibility for providing expert advice on erosion and inundation in the future then their role in these sorts of projects should be elevated to project manager level.

Roles, Responsibility, Resourcing and Capacity

The Paper puts forward the concept of Regional and Strategic Partnerships (RASP's) to deal with regional planning or issue-based planning that cross jurisdictional boundaries. The Paper notes Councils could often be expected to lead new Regional and Strategic Partnerships (RASPs). If this option is pursued, details for how this will be financially supported need to be provided because Councils are not in a position to fund this, particularly in a rate capping environment. Additional to this, Councils are unlikely to have the expertise to be able to manage planning matters related to marine and freshwater environments and therefore would not be best placed to lead the RASPs in many cases.

If it were formed, Council believes a GOR authority would be well placed to lead RASPs where required. The majority of issues that arise could be better dealt with directly by a GOR authority but where a multi-agency response is needed (e.g. Emergency Management) then this new agency would be well placed to work them to ensure there is an effective management response that considers the broader range of issues and values associated with the whole of the GOR.

As stated previously, Council commends the broad objective to create a more efficient and effective approach to managing this dynamic and complex environment. However, it's unclear how the changes will address immediate issues within our municipality which is why Council believes that more significant reform is required.



A recent example of this is the sand erosion issues in Apollo Bay and Marengo (see Attachment 1). The Otway Coast Committee (OCC - as the land manager) has struggled to respond to these issues due to resource and capacity constraints.

The limited resources and capacity of the OCC affects organisations (such as Council) who have assets located further in land. The OCC's inability to effectively manage the scale and complexity of the problems puts other assets at risk such as Barwon Water's reticulated water and sewage pipelines, Council's footpaths and also the Great Ocean Road. Together the OCC, DELWP and Council have responded to the erosion issues through sand replenishments. However, this response has been somewhat reactive and has hinged largely on Council facilitating, with State Government support.

The OCC limited resources do not allow adequate management of areas with high environmental values as well as areas such as the Apollo Bay Foreshore that is essentially an urban environment on reclaimed land. To manage this type of issue for coastal committees the Paper proposes Action 3.6 which suggests transitioning Committees from Category 2 to Category 1 or to local government. However, even with Category 1 status it is not clear how the OCC will be sufficiently resourced to effectively manage current and future challenges. Transitioning responsibility to Council would be ineffective for achieving any meaningful and necessary change into the future, particularly in a rate capping environment.

Council has on a number of occasions, been requested by the OCC to assist in emergency works to stabilise dangerous areas as a result of coastal erosion. While Council will always endeavour to assist in such circumstances, the inability of the OCC to undertake this work impacts on Council's pre-planned annual works program. Therefore as stated above, Council believes that the formation of an effectively resourced GOR authority should be investigated. This approach would enable the income generated along the entire section of GOR coast to be more effectively distributed to manage the critical issues, but even with this approach additional funding options (as discussed below) would need to be implemented to ensure the GOR authority was effectively resourced.

Financing and Funding Options

The majority of the Victorian coast is Crown Land. As such, Council recommends that any reforms provide for increased investment by the State Government given the coast is a State asset. The complexity of land management along the coast, where within a single 100 metre strip inland from the coast, land could be managed or controlled in some way by DEWLP, VicRoads, Parks Victoria, a water authority, a CMA, a Council, a Coastal Committee and the private sector, is inherently inefficient and almost certainly to be ineffective in pursuit of any land management objective. This complexity is the result of decisions made incrementally by the State and is unlikely to be resolved without a fundamental new approach, which would include legislative and administrative rationalisation of land management roles along the coast.

It is Council's opinion that the current funding model is not sufficient to manage the challenges for coastal land managers into the future. Therefore, Council supports the approach in the Paper to explore a range of options, including 'beneficiary pays' and levy systems. Although these may provide an opportunity to source further funding, their implementation may be difficult.



For example, under beneficiary pays it will be difficult to identify who the beneficiary is and what level of contribution they should pay towards a particular piece of infrastructure (e.g. beach access steps, boat ramps, the GOR, etc.). In the case of the GOR, it serves as a vital economic and social artery for the many thousands of permanent residents who live along it. However it is also a key tourism driver for the state, including Melbourne. In this instance there is perhaps an equity reason for ensuring a strong State Government general revenue component of any land management funding model.

Such a model must still provide opportunity for local communities to contribute to the development of localised mechanisms to raise further funding where required.

Balanced against a rationalisation of State Government land management roles must be an acknowledgement that for many coastal communities the foreshore is an inherent element of their economic and social life. Where that foreshore is managed by a body that reports or is answerable to a State Government body there is the possibility of a disconnect between the local community expectations and the State land management agencies. This disconnection is perhaps more likely where the reason a particular parcel of land falls under the jurisdiction of State agency is the result of historical accident rather than deliberate decision. Accordingly, a new GOR authority would need to have direct involvement and direction by people from the local community. A governance model that ensures there is a mix of appropriately skilled people along with representation from the local community would need to be developed to help ensure the local GOR needs are balanced against the broader State objectives.

Council would again like to thank DELWP for the opportunity to provide a draft submission into this process. We would also welcome the opportunity to provide further input and formally request that Colac Otway Shire be included in future consultation opportunities.

Please contact Stewart Anderson, Manager for Environment and Community Safety, on 5232 9414 if you require further information regarding this draft submission.

Yours Sincerely,



Sue Wilkinson
Chief Executive Officer



Attachment 1. Coastal erosion impacts at Marengo and Apollo Bay.



Contact: Nicole Reynolds
Telephone No: (03) 5153 9500
Email: feedback@egipps.vic.gov.au

20 October 2016

Corporate Centre
273 Main Street (PO Box 1618)
Bairnsdale Victoria 3875
Telephone: (03) 5153 9500
National Relay Service: 133 677
Residents' Information Line: 1300 555 886
Facsimile: (03) 5153 9576
Email: feedback@egipps.vic.gov.au
ABN: 81 957 967 765

Marine and Coastal Act Consultation
Policy and Strategy Unit
Department of Environment, Land, Water and Planning
PO Box 500,
East Melbourne VIC 3002

Email: Marine.Coastal@delwp.vic.gov.au

Dear Sir or Madam.

Re: Marine and Coastal Act Discussion Paper August 2016 – East Gippsland Shire Council Submission

Please find enclosed a Submission which has been prepared by East Gippsland Shire at officer level in relation to the Marine and Coastal Act Discussion Paper August 2016.

Given the timing of the release of the Discussion paper immediately prior to the commencement of the Local Government Election Period it has not been possible due to time constraints to gain a formal Council resolution on the matter.

East Gippsland Shire supports the notion of reform to the Marine and Coastal Act and many principles contained within the Discussion Paper.

The impact of the Marine and Coastal Act Discussion Paper is extensive and will have significant impact to the East Gippsland Shire. There are a significant number of concepts and changes proposed that require further consultation and explanation prior to policy and legislative change. The implications relate to operational, financial, governance, community, policy and long term coastal adaptation strategies.

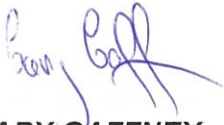
We consider the Committees of Management model is sound and in our experience it makes sense that East Gippsland Shire is the COM for all Urban Foreshores.

In summary given our role as local government in vast tracts of public foreshore and the most used parts of the foreshore throughout East Gippsland we do not believe that the entire Discussion Paper given adequate consideration or acknowledgement of the role of local government in the management of coastal foreshores.

A key matter relates to the question of adequate and sufficient resourcing of the tasks currently and proposed to form part of Category 1 Committees of management.

Please do not hesitate to contact Fiona Weigall, Manager of Strategic Planning to discuss any element of this submission further.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gary Gaffney', with a stylized flourish at the end.

GARY GAFFNEY
Chief Executive Officer

Marine and Coastal Act Consultation Paper

Submission by East Gippsland Shire

Key Points

- *This is a significant opportunity to influence an updated approach to coastal planning and management across the State and we appreciate the opportunity to contribute to this process.*
- *There is a need for more detailed discussion and engagement with the Local Government sector to help shape the final approach and recommendations in detail.*
- *We are experienced land managers and there is a lot that could be learnt from our experience as a regional coastal land manager.*
- *Coastal land in East Gippsland has benefited significantly from Council's strategic approach to maintenance, planning and investment in coastal infrastructure.*
- *An underlying challenge for coastal planning is a lack of resources to meet current and future planning and infrastructure pressures that is unlikely to be resolved by legislative or policy changes.*
- *The membership or operation of the Marine and Coastal Council needs to ensure effective representation and connection with regional areas.*
- *There is a need to look more strategically at the most appropriate long term management arrangements for coastal areas, rather than simply looking to transition to larger entities;*
- *The work that will be required to strategically drive the rationalisation of COM arrangements and manage them effectively into the future should not be underestimated.*
- *There is a need for either a simplification of COM arrangements or additional resources allocated to manage these statutory arrangements in a much more proactive way.*
- *For the RASPs to be successful, it is considered that there will be a need to provide appropriately located resources to undertake the work that is required to bring regional partners together in effective ways.*
- *It is considered that there may be merit in examining the role and effectiveness of co-operative arrangements that have been operated over many years to understand how regional partnership approaches in the future might be tackled.*
- *EGS understands the need to strengthen the way that we plan for and manage marine areas by creating a clear legislative requirement to plan and coordinate activities undertaken through a range of different agencies.*
- *The longer term management of the Gippsland Lakes is a priority for EGS given the significant role the Lakes system has in our Shire; however it is not entirely clear from the Consultation Paper how priority for marine areas like the Lakes, as opposed to off shore marine waters, might actually be dealt with into the future*
- *We believe that a level of practicality will need to be applied to future planning processes that have regard for past planning and resource constraints of land managers;*
- *The Victorian Government will need to allocate additional resources and expertise to support the efficient operation of an enhanced integrated planning system.*
- *Improving the way we adapt to future climate impacts is extremely important in a coastal environment and the resources required to do this well should not be underestimated.*

- *There is no simple solution to the challenge associated with an underlying lack of funding and investment across our coast.*
- *This needs a much more strategic approach, linked to a review of future management arrangements.*

EGS would welcome the opportunity for further discussion and engagement in respect to the Consultation Paper and reform directions.

Introduction

This Submission has been prepared by the East Gippsland Shire (EGS) at Officer level to provide a detailed submission to the Marine and Coastal Act Consultation Paper August 2016.

Given the timing of the release of the Consultation Paper immediately prior to the commencement of the Local Government Election Period it has not been possible in the time available gain Council input or to obtain a formal Council resolution in relation to the matters raised in this submission.

The proposed legislative and policy proposals outlined in the Consultation Paper are extensive and the approach is clearly intended to generate thinking and discussion about what a future approach to Marine and Coastal planning might involve. A consequence of the Consultation Paper approach means that many potential proposals are not fully detailed, discussed or resolved entirely. There are many aspects where it was considered the assumptions were not clearly substantiated and the detail of the operational changes, procedures and protocols have not been provided.

The potential initiatives flowing from the Marine and Coastal Act Consultation Paper are extensive and may result in significant implications for Council and other coastal municipalities. The timing of the consultation, together with the potential significance of future Victorian Government policy and legislative directions leads us to conclude that there will be a clear need for ongoing and more detailed engagement with the coastal municipalities as key participants in coastal management and planning across the Victorian Coast. It is considered that the success of this process from a Local Government perspective will ultimately be impacted unless Local Government decision makers can be engaged in the process effectively.

Key Points:

- *This is a significant opportunity to influence an updated approach to coastal planning and management across the State and we appreciate the opportunity to contribute to this process.*
- *There is a need for more detailed discussion and engagement with the Local Government sector to help shape the final approach and recommendations in detail.*

Coastal Planning and Management in East Gippsland

EGS is currently Committee of Management (COM) for a significant areas of urbanised coastal Crown Land including foreshore land in the following locations Paynesville, Eagle Point, Raymond Island, Newlands Arm, Metung, Mosquito Point, Nungurner, Lakes Entrance, Lake Bunga, Lake Tyers Beach, Marlo, Bemm River, Gipsy Point and Mallacoota.

EGS is committed to the management of these places for the enjoyment of residents and visitors and to maintain and preserve the natural values. These places and spaces are key recreational, relaxation and reflection spaces in East Gippsland and frequently coastal reserves make the principal contribution to the urban amenity of our coastal towns. Foreshores are important to our communities and create a sense of place and character for our townships, settlements and places for both residents and visitors to the coast.

Our land management responsibility includes the following elements:

- Approximately 63 kilometres of foreshore reserve;

- Over 20 constructed car parks;
- Approximately 30 kilometres of walking tracks and paths;
- 35 toilet blocks;
- Three marinas;
- 10 playgrounds and numerous barbeques, shelters and outdoor furnishings;
- One Surf Life Saving Club Facility
- Approximately 30 public jetties and a similar number of boat ramps;
- Five foreshore related caravan parks;
- A footbridge; and
- Seawalls and miscellaneous structures such as boardwalks, signage, lighting, footpaths, planted vegetation and rubbish bins.

Significantly, in addition to townships on the open coast, EGS also incorporates the eastern and most intensively developed portion of the Gippsland Lakes an area that is subject to existing development and land use pressures.

Taking on this level of responsibility for planning, managing and investing in coastal Crown Land is a substantial undertaking for a regional municipality. It is important to understand that this has been quite a strategic approach for EGS when in 2000, Council worked with the Victorian Government to establish and pilot an approach to replace almost all of the existing community COM arrangements with the appointment of Council to this role. This approach has been continued with some level of refinement over time. We see this approach has merit and offers the following beneficial outcomes for the community:

- A consistent level of management and maintenance of urban coastal land across the municipality for residents and visitors alike;
- Capacity to plan for the use and development of public foreshore land through the establishment of partnership approaches to bring all relevant land managers together to prepare integrated Foreshore Management Plans for areas under our responsibility;
- The ability to view the foreshore as a critical component of the overall development and land use approach for each township by integrating foreshore and township master planning processes;
- Community members are engaged in our planning processes and can have an impact on the future direction we will take to the role of the Foreshore without expecting our ageing community to take on such a substantial management commitment in the complex environment;
- Investment of substantial Council resources in maintaining and developing coastal public land resources across the Shire, with substantial operating and capital resources being allocated for implementation of Foreshore Management Plan outcomes on an annual basis;
- Successfully using the resources that we have to source other contributions, sometimes in kind from the community to support achievement of the strategic outcomes we have identified;
- Being able to translate Victorian Coastal Strategy and outcomes to a local area management and decision making processes;
- The ability to better manage the interaction between waterway use and land based impacts and to smooth the impact of visitors and users of coastal land through non-coastal mechanisms; and
- Taking proactive planning approaches to understanding and developing our adaptation approaches to the impact of coastal climate change.

Our experience as a coastal land manager is extensive and has evolved over this time, and we have also identified a range of limitations and challenges, including:

- A reducing level of involvement, support and engagement from the Victorian Government in undertaking planning for coastal Crown Land;
- Increased pressure to report on State and Regional Planning outcomes when these processes offer little or no support in achievement of outcomes on the ground or for communities;
- Withdrawal of locally based coastal expertise and advocates;
- The challenge that, while it is relatively easy to undertake planning, implementing plans is becoming increasingly challenging;
- Despite the way we operate there are ongoing issues with the complexity of historical management and operating environments that would benefit from a strategic examination;
- A lack of understanding of the capability of Council to engage the community and as a responsible authority, land manager and project delivery organisation;
- What feels like an increasingly ad hoc, illegible approach to funding opportunities to support important work on coastal land. For example, there are many opportunities to access grants and programs related to recreational fishing, but accessing funding to address often very historically generated coastal risks is extremely challenging; and
- An apparent lack of understanding about the current state of coastal infrastructure and the fact that it is often characterised as ageing and in need of significant maintenance and attention, which is beyond the ability of Local Government to provide.

While this review process allows an opportunity to address some of these specific concerns, we consider that there is an underlying lack of investment occurring in public land and facilities across the coast. This is something that Local Government and other Committees of Management can't address in isolation and something we feel is not adequately addressed by the Consultation Paper.

This submission is presented in the context of our experience and we appreciate the opportunity to make comment on matters that we consider represent important initiatives from the perspective of a Local Government land manager.

Key Points:

- *We are experienced land managers and there is a lot that could be learnt from our experience as a regional coastal land manager.*
- *Coastal land in East Gippsland has benefited significantly from Council's strategic approach to maintenance, planning and investment in coastal infrastructure.*
- *An underlying challenge for coastal planning is a lack of resources to meet current and future planning and infrastructure pressures that is unlikely to be resolved by legislative or policy changes.*

Response to Proposed Reforms

Governance and Institutional Arrangements

It is considered that this review provides a significant opportunity to make a range of improvements to the current Governance and Institutional arrangements.

- **Marine and Coastal Council**

It is considered that there is merit in strengthening the advocacy and advisor role of the Marine and Coastal Council. However it is considered vital to ensure that there is the ability

to engage with regional areas in a logical and appropriate way in the absence of a formal Regional Coastal Board structure. While it appears that it is intended to ensure a comprehensive membership structure, maintaining an appropriate level of engagement and connection with regional areas will require allocation of resources and implementation of processes that support this connection in an effective way. Traditionally these connections have been through the Regional Coastal Boards, which we consider have been eroded over time and implementation of reporting requirements that have little relevance to understanding our particular challenges.

Key Point:

- *The membership or operation of the Marine and Coastal Council needs to ensure effective representation and connection with regional areas.*

- **Policy and Strategy**

It is considered that the Victorian coastal management system has benefited from a strong approach to policy and strategy development over many years and that this approach should be supported and strengthened as part of any future approach.

- **Crown Land Committees of Management**

We've outlined our experience as a COM across East Gippsland and we understand that our approach is somewhat unusual in the broader Victorian context.

Our observation is that many of the current COM arrangements are reflective of historical circumstances that in many cases have their origins in management arrangements that were put in place many years ago and have experienced only limited change and active management over an extended period of time. We also understand that many municipalities will be reluctant to take on any additional management responsibilities; or in many cases liabilities.

While there may be merit in seeking to amalgamate small COMs and creating a hierarchy as proposed, it difficult to see how this will work effectively without leadership and insight into what might be possible as an improved future arrangement.

It is considered that there is a need for a much more strategic approach to the way that Crown Land management arrangements evolves in Victoria to ensure that we are best placed to meet the many challenges that this highly valued land will be subjected to into the future. As changes to COM arrangements represent a policy rather than legislative reform, we think that there should be a more detailed examination of these arrangements and the way that Committees operate under the relevant provisions of the *Crown Land (Reserves) Act 1978* examining:

- What are the most effective management arrangements for these highly contested public spaces?
- What are the logical connections between urban and coastal environments and can these areas be managed in a different way to the more natural areas of the coast?
- How can the community be engaged in their coastal reserves without having to take on the burden of being a Committee?
- What resources are required from Government to appropriately support COMs?

It is noted that many of these issues are not unique to coastal Crown Land but relate to the public land portfolio in Victoria more generally.

We are aware that there are a range of initiatives seeking to improve the performance, capacity and operation of COMs, we believe there is a need for more comprehensive reforms including the need to modernise COM Agreements to eliminate inconsistencies between historical agreements and more recently developed guidelines. It is assumed that in many cases there are just insufficient resources able to be allocated to management of these arrangements in the current environment. We think this may call for either a significant simplification or additional resourcing and ideally strategic examination of the most appropriate future management arrangements rather than a simple transitioning from smaller to larger committees.

The need to address the complexity of the current COM arrangements, even in the environment we operate in has been regularly raised as a strategic issue in Gippsland and in East Gippsland. There continues to be a range of circumstances where there are multiple land managers in very close proximity (Gippsland Ports, EGS, Parks Victoria – some over water and some over land). There appears to be a range of barriers to unravelling the complexity of these arrangements that could benefit from a more comprehensive review process.

An example of the nature of this complexity can be seen in Lakes Entrance. Council manages most of the Crown foreshore abutting the urban areas in town, but has no management responsibilities for Bullock Island which is entirely public land. Some sections of the Island are occupied by Gippsland Ports, an Academic Institution and the Fishermen's Co-operative. The balance of the Island, which is essentially undeveloped is the responsibility of the Department of Environment, Land, Water and Planning (DELWP). This DELWP managed public land is highly valued and well used by the community particularly for fishing but DELWP does not have the capacity to manage or plan for the future of the area and so it remains a less than desirable area to visit in Lakes Entrance. Council partnered with a range of stakeholders and community members and contributed funding to enable the development of a Master Plan in an attempt to understand the most appropriate future use of the balance of land on the Island and to determine the level of investment required to achieve the agreed outcome on the land. However, a review of the state of the infrastructure and an the inability of the Victorian Government to commit funding to bring the infrastructure up to a point where Council could realistically take management responsibility without the ratepayers inheriting a significant liability, is likely to mean that this area remains essentially unmanaged into the future.

Key Points:

- There is a need to look more strategically at the most appropriate long term management arrangements for coastal areas, rather than simply looking to transition to larger entities;*
 - The work that will be required to strategically drive the rationalisation of COM arrangements and manage them effectively into the future should not be underestimated.*
 - There is a need for either a simplification of COM arrangements or additional resources allocated to manage these statutory arrangements in a much more proactive way.*
- Phasing out RCBs and Strengthening Catchment Management Authorities**

A move from a Gippsland wide Regional Coastal Board to an approach that strengthens Catchment Management Authorities may be an appropriate response, though we consider there are a number of matters that may require specific consideration, especially in the Gippsland context.

The boundaries of CMAs are based on river catchments rather than what might be considered a logical interaction with the coast e.g. the Gippsland Lakes and coastal areas abutting them are split between two CMAs. The ability of the two CMA organisations to continue to work together will be important in the new operating environment.

CMAs are organisations with significant Natural Resource Management experience, but perhaps less capacity to understand broader issues of significance to the future development of the coast. While it is appreciated that coastal and regional land use planning approaches have been significantly improved over the last 10 years, it is considered important to ensure that the system retains appropriate mechanisms to take up non-NRM issues in a structured and meaningful way. This may be a role for a RASP or some more permanent arrangement.

- **Regional and Strategic Partnerships**

EGS is supportive of the concept proposed in respect to Regional and Strategic Partnerships (RASPs). It is considered that this approach provides an appropriate level of flexibility to shape partnership and planning approaches to an issue specific scale that has the potential to be very beneficial.

Early work undertaken by the Regional Coastal Boards might be described as facilitating this kind of partnership and our observation has been that some great work was undertaken while there were resources in the region to support effective partnering and strategising around agreed regional issues.

For the RASPs to be successful, it is considered that there will be a need to provide appropriately located resources to undertake the work that is required to bring regional partners together in effective ways. Partnerships require resourcing as while working together can maximise resources, they also frequently require resourcing, if the outcomes to be achieved will have real meaning and follow through commitment from the organisations involved.

There has been strategic focus on the Gippsland Lakes since at least the 1980s in recognition of the need to more effectively manage the Lakes as a complex system. This has resulted in the development of strategy to guide the many agencies with management, decision making, policy or other responsibilities that may have an influence on the Gippsland Lakes. It has also led to the establishment of quite specifically focussed governance arrangements through the former Gippsland Lakes Ministerial Advisory Committee (GLMAC) and the current Gippsland Lakes Co-ordination Committee. These arrangements have some similarities with the role that a RASP might perform from a planning perspective, but they are also in many respects a mechanism that has been developed to overcome the complexity of management arrangements and responsibilities and to seek a co-ordinated approach by a range of stakeholder organisations. They have also benefited from substantial funding to support the operation of the arrangement and have provided substantial capacity to implement strategic priorities through partner organisations. While the Gippsland Lakes might be a somewhat unique example on the Victorian coast, it is considered that there may be merit in examining the experience of these Committees and the thinking that has been gained over quite a number of years about how to improve the way these complex management and planning arrangements can work.

Key Points:

- *For the RASPs to be successful, it is considered that there will be a need to provide appropriately located resources to undertake the work that is required to bring regional partners together in effective ways.*

- *It is considered that there may be merit in examining the role and effectiveness of co-operative arrangements that have been operated over many years to understand how regional partnership approaches in the future might be tackled.*

Strengthening marine management, policy and planning

EGS understands the need to strengthen the way that we plan for and manage marine areas by creating a clear legislative requirement to plan and coordinate activities undertaken through a range of different agencies.

The Gippsland Lakes has always been viewed as a coastal waterway and is also forms part of both East Gippsland Shire and Wellington Shire. The Gippsland Lakes are also zoned as public “land” under the relevant provisions of the East Gippsland Planning Scheme. Council would be keen to better understand how planning for the Gippsland Lakes might evolve over time, especially given the current arrangements associated with the Gippsland Lakes Coordination Committee exist only for a finite period and funding horizon. The longer term management of the Gippsland Lakes is a priority for EGS given the significant role the Lakes system has in our Shire; however it is not entirely clear from the Consultation Paper how priority for marine areas like the Lakes, as opposed to off shore marine waters, might actually be dealt with into the future.

It is also considered important that any marine spatial planning has appropriate regard for any related land based impacts and that these are factored into decision making processes.

Key Points:

- *EGS understands the need to strengthen the way that we plan for and manage marine areas by creating a clear legislative requirement to plan and coordinate activities undertaken through a range of different agencies.*
- *The longer term management of the Gippsland Lakes is a priority for EGS given the significant role the Lakes system has in our Shire; however it is not entirely clear from the Consultation Paper how priority for marine areas like the Lakes, as opposed to off shore marine waters, might actually be dealt with into the future*

Integrating Planning Systems

EGS is supportive of many of the initiatives outlined in the Consultation Paper, including:

- Linking approvals to strategic planning;
- Providing clarity about when consents are or are not required;
- Recognising the capacity of different COMs to responsibly manage and develop coastal Crown Land; and
- Reducing duplication in approval and consent processes.

We do consider that a level of caution needs to be exercised in designing and implementing the new planning and transition arrangements and that a one size fits all perspective may be inappropriate:

- Given how much land we plan and have responsibility for, EGS can't simply review/renew our plans and will need a period in which to transition and where our current plans are accepted and it would be impossible for us to renew them on a five yearly cycle under our current resourcing arrangements;

- While we accept an alternative approach may be to provide additional resources to support this work across the State, we are not convinced this would make a great deal of sense from the perspective of our coastal communities, especially where plans have been recently developed. We develop plans in an integrated way but we do have a very clear focus on the community connection to the public land we are looking at;
- We think there would be a number of potential risks for Councils where Coastal Plans are developed by COMs that do not have effective input from and the broader perspective of Local Government if these plans are to then become part of the formal Planning Scheme and approvals process for land use decision making purposes;
- The need to ensure that proposals that are not contemplated by a plan can be considered as it is impossible for a five year plan to forecast every potential proposal/situation;
- There is a need for clarity to be provided around the role of each of the different plans that guide the coastal planning system so that the hierarchy is clearly understood and appropriate planning scale is understood;
- The need to recognise that there are a range of Business as Usual maintenance requirements that the land manager will need to be facilitated to undertake;
- The Victorian Government will need to ensure appropriate allocation of expertise and resources to support development and approval of plans as there have been significant delays and revisions in the past and challenges for officers to have time to make meaningful contributions through the planning process.

Two other matters that we believe require examination (and apologies if we have not identified where this is already dealt with in the Consultation Paper) are:

- The definition of coastal land and where application of the new Act will be applicable or not. In the case of the Gippsland Lakes the rule applied has operationally been that the requirement to comply has applied to Crown Land below the highway bridges on each of the rivers flowing into the Lakes. This has resulted in the somewhat unusual “Coastal” approvals being triggered.
- Clarification of the Coastal dependency definition and its application in the context of the wide variety of coastal Crown Land being used and managed across the coast – urban, natural, wilderness – perhaps there is a need for guidance that varies depending on the context, environment and role that the land primarily performs.

Key Points:

- *We believe that a level of practicality will need to be applied to future planning processes that have regard for past planning and resource constraints of land managers;*
- *The Victorian Government will need to allocate additional resources and expertise to support the efficient operation of an enhanced integrated planning system.*

Adapting to Climate Change

It is considered that it is appropriate to include an objective in respect to coastal Climate Change in the revised Act. Climate Change will be significant and very visible on the coast and the Act needs to provide strong recognition of this fact to influence strategy, policy and guidance around how this should be managed in Victoria. We also understand the links to the other current reforms being undertaken in Victoria and agree that these two review processes need to be aligned.

While we endorse the concept that greater decision making guidance needs to be provided by the Victorian Government, our understanding is that there are substantially fewer

resources dedicated to this activity in Victoria when compared with approaches by other States in Australia.

While the Marine and Coastal Council and potentially the work of a RASP might provide guidance in respect to future climate change, it is considered that there needs to be a more detailed examination of what resources are actually required to provide effective mechanisms to turn policy into strategic and meaningful action along the coast

Key Point:

- *Improving the way we adapt to future climate impacts is extremely important in a coastal environment and the resources required to do this well should not be underestimated.*

Sustainable Resourcing of the proposed system

It is considered that there many of the challenges that are being and will be experienced into the future along the coast are a result of an underlying lack of resources and investment in coastal areas across the coast.

We recognise that initiatives such as those suggested, including understand where the resources are generated and reallocating them, levying commercial uses or beneficiary pays options, may be appropriate in some circumstances. We do not consider that a “one size fits all” approach would be appropriate, and that moving to these arrangements to generate new or reallocate resources could:

- Result in disincentives to generate income;
- Create a further imbalance in the allocation of resources because there isn’t sufficient information to be clear about how to prioritise funding that maybe available across the coast; and
- Perpetuate ad hoc funding arrangements that are not viewed in the broader context of the coast – for example – funding to improve recreational fishing activities will have a range of significant infrastructure and planning implications for public land managers along the coast, but the only funding apparently available is for new/upgraded infrastructure.

It is considered that many of the issues around sustainable resourcing of the system have their origin in the historical management arrangements that exist across the coast and that if there was the ability to undertake a strategic review of these arrangements (as earlier suggested) then there may be an opportunity to understand better how resources can be sourced and invested back into coastal areas.

For example, it may not be inappropriate for resources generated by COMs to be reinvested back into the area managed by that COM if the COM management areas are logical and appropriate to the scale of impact and activity and connectivity with surrounding areas.

Given forecast impacts that coastal areas will experience, there is a need to ensure that we are thinking beyond current funding needs to a much more future focussed regime that can justify the identification and allocation of a sustainable source of funding into the future.

Key Points:

- *There is no simple solution to the challenge associated with an underlying lack of funding and investment across our coast.*
- *This needs a much more strategic approach, linked to a review of future management arrangements.*



Marine and Coastal Act Consultation Paper - comments from Glenelg Shire Council

Adam Smith

to:

Marine CoastalAct/DELWP/VICGOV1

19/10/2016 02:07 PM

Hide Details

From: Adam Smith <ASmith@glenelg.vic.gov.au>

To: Marine CoastalAct/DELWP/VICGOV1 <Marine.CoastalAct@delwp.vic.gov.au>,

Thank you for the opportunity for Glenelg Shire Council to comment on the proposed Marine and Coastal Act. Council welcomes the review of the current Coastal Management Act 1995 and hopes that the subsequent Marine and Coastal Act will reduce complexity, provide clearer roles and assist with managing our coastlines.

After review of the document Council staff had the following comments:

3.1 The establishment of a Marine and Coastal Council should provide a good resource for advice, guidance and strategic direction. There should be a minimum required skill level for the members to be able to provide concise advice, guidance and strategic direction. There should be a minimum and maximum number of members.

3.3 The boosting of the roles of coastal Catchment Management Authorities is welcome as there have been some concerns and confusion over the integration of estuary and coastal management. If this was to happen the CMA's would need greater financial support to enable the employment of appropriately qualified staff as most do not have expertise in the coastal environment due to their current focus. There may also need to be some State (and National) standardisation in the delivery of advice. This is particularly evident with CMA's as there seems to be different requirements for delivery dependent upon the individual CMA.

3.4 Council fully supports the provision for regional and strategic partnerships (RASPs) and actively participates in fostering coordination, cooperation and partnerships between organisation and communities. This has been demonstrated in past and current projects undertaken within the G21 and Barwon South West regions (a current example being the establishment of a strategic partnership to look at the development of local coastal hazard assessments for the Barwon South West region).

3.6 Council can understand the requirement for transitioning from smaller Committees of Management to larger ones, local governments or Parks Victoria. This would allow for better coordination, delivery of services and management of these areas especially in respect to climate change and coastal erosion. This transition would need to be handled carefully so that current community participation is not devalued and lost. There would also need to be financial support, where required, given to the receiving agency (especially if they are resource constrained) to take on this additional responsibility i.e. development of Coastal Management Plans where required (as outline in 5.1), management/maintenance of foreshore structures (rock walls, groins, seawalls, etc).

3.9 It is agreed that Parks Victoria role in coastal management needs to be strengthened and supported similar to that of the CMA's.

5.1 Council has some concern that the development of Coastal Management Plans may limit or duplicate the assessment and referral requirements of any permit applications, i.e. if a development is not included in a CMP (comes up after its development) this could mean that it could not go ahead or that the CMP would need to be redone. It would also mean that planning would need to refer to the CMP in their assessment as well as DELWP

creating extra resource requirements. This would create extra tasks for Council Planning Units to undertake which is not an improvement.

Where the CMPs can exempt the need for Coastal Management Act consent, would be of benefit.

5.2 Articulation of the consent provisions would enable better and more responsive management of the coastline. It would also be good to have strengthened penalty provisions to act as a greater deterrent to inappropriate development.

6. Adapting to climate change:

There is the need to address the issue of liability, that is, to provide that Councils are not liable for damage caused by flooding and natural hazards in the coastal zone as a result of the doing or omitting to do something in good faith, such as granting or refusal of a development application. For example: for some time decisions within the Dutton Way area were delayed by over seven years because of this issue of liability to Council of a decision.

7. Sustainable resourcing of the proposed system

The management of any area creates a financial burden on the managing agency. Council supports the development of institutional arrangement and greater clarity of cost sharing arrangements for local coastal assets many of which are legacy items from Past State Governments. This would hopefully give some security to future works programs and long term maintenance and repair of coastal structures.

Council suggests a system such as a State Coastal Prioritised Works Program

The future coastal mitigation costs are significant. National and State priorities needs to be set at the appropriate level. A State funded State Coastal Prioritised Works Program could be implemented for the long term maintenance and repair of key coastal assets. All authorities/agencies could assist with providing information to assist with the State priorities.

8. Council supports the improvement of knowledge of the condition of marine and coastal areas. Thought would need to be given as to the repository and access to this information. This could be similar to coastadapt.com.au (or use of coastadapt.com.au if agreement was made with Federal Govt.)

9. Council fully endorses and supports boosting the involvement of the community in the management of the coastline.

General comments:

It is felt that a state-wide approach is needed for coastal planning controls rather than individual Councils having to undertake coastal studies and hazards mapping to inform planning controls and then having to submit them to State Government. This could be similar to the implementation of state-wide Bushfire controls. Implementation of consistent coastal controls on a state-wide basis through a coastal zones (or similar) would enable clear integration of planning systems and decisions both on private and public land. This could be facilitated by the support of Regional and Strategic Partnerships similar to that for the development of local coastal hazard assessments for the Barwon South West region.

The Regional and Strategic Partnerships would also have capacity to assist State Governments with holistically advising on a State Coastal Prioritised Works Program. This State Coastal Prioritised Works Program would then fund the State, Regional and Local priorities.

Regards

Adam Smith

Environmental Sustainability Coordinator

Glenelg Shire Council
PO Box 152
PORTLAND VIC 3305
Phone: 03 5522 2203
Mobile: 0427 711 974
Email: asmith@glenelg.vic.gov.au
Web: www.glenelg.vic.gov.au

Disclaimer

Please consider the environment before printing this email. This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail and any file attachments is strictly prohibited. If you have received this e-mail in error, please immediately notify us by reply e-mail to the sender. You must destroy the original transmission and its contents.

Appendix 1

CITY OF GREATER GEELONG OFFICER SUBMISSION

Marine and Coastal Act

Consultation Paper – August 2016

Introduction

Please note that all comments provided are those of Officers and have yet to be endorsed by Council Executive and Council Administrators. Council Officers are currently seeking Executive and Administrator endorsement of the comments below and intend to provide a formal submission in the coming weeks.

The City of Greater Geelong notes the release of the Marine and Coastal Act – Consultation Paper August 2016 and welcomes the opportunity to provide a submission.

The City of Greater Geelong recognises that the Victorian Government is undertaking comprehensive reform with regard to marine and coastal management so that Victoria is better equipped to meet future challenges.

The City of Greater Geelong with a population of over 225,000 in close proximity to Corio and Port Phillip Bays as well as open coast plays a critical role in the management and health of these waters. In addition the City is responsible for approximately 45 kilometres of coastline including major coastal infrastructure such as sea walls, jetties and boat ramps and significant biodiversity assets including habitat for the nationally threatened Hooded Plover. The City is also a partner in various local, regional and statewide efforts to better manage coastal and marine assets and has often played a key role in understanding and improving the management of the marine and coastal environment.

GENERAL OBSERVATIONS

The proposed introduction of the Marine and Coastal Act and associated management changes represents significant reform that is welcomed to better reflect the values of marine and coastal assets and to enable integrated management responses across jurisdictional boundaries based on up to date data and information.

The effectiveness of the reform will be determined by its ability to clearly articulate roles and responsibility and to identify clear means for implementation that is properly resourced and not unnecessarily onerous.

KEY ISSUES

Question 1

Is the Vision set out in the Victorian Coastal Strategy (VCS) 2014 the appropriate vision to be used for the development of a new marine and coastal system?

If not, how can it be improved?

The Vision set out in the VCS and enhanced by the Expert Panel to provide a greater focus on the marine environment is:

“A healthy coast and marine environment appreciated by all, now and in the future”

Council officers consider the Vision an appropriate summation of the aspirations for the coastal and marine environment of Victoria.

Question 2:

Do you think coastal and marine management arrangements are overly complex?

If so, how has it negatively affected outcomes? Give specific examples if possible.

It is Council officers view that some current arrangements for coastal and marine management contain levels of complexity that do not provide improved / enhanced outcomes.

Specifically officers note:

- The Marine and Coastal Act needs to be legislation and drafted in a fashion to allow changes and/or additions in relation to policy and guidelines.
- The requirement for local government to submit all proposals for works on coastal land for Ministerial approval, regardless on the size or nature of works, is sometimes unnecessary and leads to increased response times. Council agrees with the Paper that *'the new act is an opportunity to clarify and simplify when and how the Minister's consent is required'*.
- Example
The requirement for local government to submit application for certain works to other agencies including Parks Victoria, CMAs, Heritage Victoria and Aboriginal Affairs Victoria sometimes introduces duplication of effort in assessment.
- Example
Parks Victoria has the power and authority to review certified engineer designs submitted by local government as part of its works permit process which appears to introduce duplication of effort in assessment.
- The existing gaps between Coastal Management Plans along the Victorian coast results in poor integration with local strategic planning policy and inconsistent and inappropriate planning responses across and within municipalities. Whilst the Consultation Paper appropriately recommends that Coastal Management Plans MUST be prepared for all areas of coastal public land, it is beyond the capacity of local government and in particular the City of Greater Geelong to update all of the existing Coastal Management Plans and establish new ones for the length of coast we manage. The development of these plans needs to be appropriately resourced by the State Government.
- Council agrees that Coastal Management Plans need to be applied to areas based on logical boundaries, not municipal or Committee of Management divides, but are delineated by natural occurring coastal process or sediment compartments.
- Coastal Management Plans should be approved or endorsed by the Minister. The plans could also develop work plans that identify some minor works within a 5 year program that will not require CMA consent.

Question 3:

Other jurisdictions have made legislative changes to better deal with the impacts of accretion and erosion.

Are there any aspects of the approaches used in other jurisdictions, for instance NSW and Queensland, which would be relevant for Victoria to help achieve the above improvements?

Council officers consider that the NSW Coastal Management Act 2016 section 28 provides a good example of legislative changes that better deal with the impacts of accretion and erosion. That is:

Modification of doctrine of erosion and accretion

(1) This section applies to land:

(a) which is within the coastal zone, or which adjoins the tidal waters of Sydney Harbour or Botany Bay, or their tributaries, and

(b) a boundary (the water boundary) of which is defined or otherwise determined by reference to a mean high-water mark.

(2) A court has no jurisdiction to make a declaration concerning a water boundary that would increase the area of land to the landward side of the water boundary if:

(a) a perceived trend by way of accretion is not likely to be indefinitely sustained by natural means, or

(b) as a consequence of making such a declaration, public access to a beach, headland or waterway will be, or is likely to be, restricted or denied.

Question 4:

Do you think the seven Drivers for Change encompass the key issues?

If not, what other key issues need to be addressed to improve Victoria's coastal and marine management system?

Council officers consider the Drivers for Change to encompass the key issues to improve Victoria's coastal and marine management system. Council makes the following additional comments the headings of Drivers for Change:

1. Clearer governance and institutional arrangements

Council considers the need for the roles and responsibilities of coastal managers to be clearly articulated with a view to avoiding duplication, reducing response times and allowing for integrated and coordinated management.

2. Strengthening marine management, policy and planning

Council endorses the approach to strengthen marine management, policy and planning where the development of guidance in this area is based on comprehensive and consistent data collection and monitoring.

3. Integrating planning systems

Council officers would like to see a streamlined approach to coastal planning and CMA consent that reflects Coastal Management Plans approved by the Minister.

A number of planning mechanisms could be considered, however this may be beyond the scope of the new Marine and Coastal Act. These include:

- The inclusion of a Coastal Hazard Overlay into the Victorian Planning Provisions to address inundation under a range of sea level rise scenarios, and the provision under such an overlay to direct future land use in affected locations. This would be in addition to the existing Land Subject to Inundation Overlay which is designed to address riverine and catchment flooding.
- Public acquisition overlay in areas adjacent to land subject to future permanent inundation - including identification of areas of high conservation value
- Recognition of and reference to the Victorian Planning and Environment Act 1987 and its provisions as they relate to marine and coastal environment
- A clearer definition of emergency works and how they may be exempt from the complex CMA consent process.

NSW provides a good model of integrating coastal management planning under the NSW Coastal Act.

- As example

Under the NSW Coastal Act the Minister publishes a gazetted coastal management manual for the purposes of this Act. Where the manual is to impose mandatory requirements and provide guidance in connection with the preparation, development, adoption, implementation, amendment, and review of, and the contents of, coastal management programs.

4. Adapting to climate change

Council officers note the need for:

- State wide consistency in approach to coastal hazard assessments and data availability
- Consistent application of the Precautionary Principle
- Adapting the use of land in accordance with introduction of temporal approaches
- Formal recognition of the difference between catchment flooding (fresh water) and coastal inundation (salt water)
- Immediate action in response to the existing issue of erosion
- Identification of areas where sea level rise will increase coastal vulnerability
- Consideration of coastal processes in response planning
- Greater emphasis on the impact to coastal and marine biodiversity
- Recognition that a legitimate response may be to do nothing
- Inclusion of accretion and erosion within legislation (see section 28 NSW Coastal Act example)
- Legislation to address the issue of private coastal protection and access structures such as seawalls, groynes and jetties on coastal crown land.

5. Sustainable resourcing

The new Marine and Coastal Act provides the opportunity to set objectives in relation to sustainable resourcing and should consider a number of mechanisms such as establishing a future or trust fund. Further analysis of how this fund should be

explored as part of the process and consideration given to levies and / or a significant contribution from the sale of the Port of Melbourne. Philanthropy / Crowd funding / Corporate sponsorship could also be considered as an option to funding a trust.

6. Improving knowledge

Council officers consider the establishment of a consistent and appropriate approach to monitoring and data collection along the entire Victorian coastline to be a priority.

The uniform accessibility and consistent linking of this data to existing data and structure planning / planning responses should also be a priority.

7. Involving the community

Council officers note the need for:

- Consultation with the community in an appropriate, comprehensive and coordinated manner
- Treatment of volunteers to be consistent and to empower them as stewards of their work areas
- Improved funding for Coast Care and extension work to ensure they have an adequate profile if they are to be merged with Landcare
- Greater use of citizen science to collect data
- On-going access to grants for biodiversity restoration works

Question 5:

Do you think these objectives for a new marine and coastal system are appropriate to form the basis of the objectives for a new Marine and Coastal Act?

Are there any issues that need to be considered when finalising these objectives?

Council officers consider the eight objectives for a new marine and coastal system are appropriate to form the basis of the objectives for the new Marine and Coastal Act.

Question 6:

Do you think the required skills for the Marine and Coastal Authority members should be legislated? If so what skills, backgrounds and expertise should be represented? Should there be a minimum number of members?

Is the maximum of 11 members still appropriate?

Council officers believe that the required skills for the Marine and Coastal Authority members should be legislated.

The NSW Coastal Management Act 2016 section 24 (3) serves as a good example of legislating for the skills of the members of the Coastal Authority. That is:

A member of the NSW Coastal Council must have expertise in one or more of the following fields:

- (a) coastal physical sciences, including geomorphology,*
- (b) coastal engineering,*
- (c) coastal land use planning,*

- (d) coastal ecology,*
- (e) social science,*
- (f) economics,*
- (g) local government management,*
- (h) property law,*
- (i) dispute resolution,*
- (j) traditional and contemporary Aboriginal use and management of the coastal zone.*

Council believes that a minimum number of seven members and a maximum number of 11 members are appropriate for the Marine and Coastal Authority.

Question 7:

Do you agree with the recommended time frames and approach for a new marine & coastal strategy and marine & coastal policy?

Why?

Council officers believe that, due to the pending Council elections and period of caretaker mode, the current timelines only permit for minimal Councillor input.

Question 8:

Do you think the proposed reforms would provide for greater efficiency in the advisory functions for natural resource management in marine and coastal areas?

What other changes would be useful to help recognition of an enhanced focus on coastal and marine issues by Catchment Management Authorities (e.g. 'Coastal' in the title)?

Why?

This question goes part way to assuming that more responsibility will be given to the Catchment Management Authorities. The City of Greater Geelong is apprehensive that the CMAs be empowered to build capacity at the expense of experienced coastal managers such as local government.

Historically, CMAs have been responsible for catchment and riverine flooding and erosion. In recent years coastal land managers, in particular Local Government and in some cases State Government have led investigations into coastal inundation and erosion, which is a quickly evolving field.

Coastal land managers and in some cases State Government have been responsible for implementing coastal, protection strategies and on ground works. Considerable experience, expertise and capacity have grown within organisations that have led this work.

The recognition of the CMAs as having an enhanced focus on coastal and marine issues would undoubtedly introduce another level of bureaucracy. This is especially the case if the Land Subject to Inundation Overlay continues as the policy tool to deal with coastal inundation with CMAs as the referral authority.

Question 9:

What issues would need to be considered to enable a smooth transition from smaller Committees of Management (CoMs) to larger coastal managers or local government? What process should be followed? How would you ensure that the benefits of local input, knowledge and effort were not lost as part of the process?

Within the City of Greater Geelong there are no small Committees of Management that would be transitioning to larger coastal managers or local government.

However, in areas where this transition is likely to occur, Council believes it would be important for the existing managers of smaller Committees of Management to have the opportunity to be involved in establishing the larger Committees of Management and ensuring that the benefits of local input, knowledge and effort were not lost as part of the process.

The Committee of Management Model has worked well in some locations, with their majority of funding, derived through foreshore camping and holiday parks, and expended on either accommodation for their visitors or foreshore maintenance. Local Government are better suited in some cases to manage significant coastal infrastructure and hazards such as erosion and inundation.

Another serious issue in relation to the existing arrangement with Committees of Management is the expectation by the State Government that Coastal Crown land managers take on the responsibility to manage land with no beneficial use, such as contaminated land or land where people are occupying dwellings on Crown land.

Question 10:

*Do you think Victoria needs a marine spatial planning framework?
If so, what would be the key elements and who should be involved?*

Council officers believe that a marine spatial planning framework is required for this jurisdiction due to complexities associated with stakeholders and their particular areas of interest. It would be expected that whilst the Victorian Coastal Council would lead the development of the framework, input from all marine stakeholders would need to be central to this process.

Question 11:

*Do you think there is a need to legislate for an Environmental Management Plan (EMP) to be prepared for Port Phillip Bay?
What other areas would benefit from an EMP?*

Council officers believe there is a need to legislate for an EMP to be prepared for Port Phillip Bay.

Other areas that would benefit from the preparation and implementation of EMP include, but not limited to Western Port Bay, Corner Inlet / Nooramunga and the Gippsland Lakes as well as potentially the inlets and estuaries such as Mallacoota, the lower Barwon and the Thompson Creek Estuary

Council supports extending the use of Environmental Management Plans to be a tool available for coastal and marine managers to better plan and manage areas of environmental significance in their jurisdiction for example an EMP for Hooded Plovers and beach nesting birds.

Question 12:

*Do you feel that the policy statement in the VCS should be reflected in legislation through the new act?
Why?*

Council officers believe that it is important for the new act to provide clarification in legislation regarding the liability for the impacts of natural coastal processes. There is an element of

perceived liability for local governments without such indemnity being contained in legislation.

Question 13:

Are there activities where you think the beneficiary pays principle could be further implemented in a fair and equitable manner?

Council officers believe a beneficiary pays principle should be adopted and the development of a guideline to assist coastal managers in their implementation of consistent fee structures for the use of foreshore land and its facilities.

For example foreshore parking and boat trailer parking at launching facilities would be an appropriate way to assist with the management and maintenance of the foreshore and associated assets.

Question 14:

Do you think this approach would be effective at targeting resources to where they are most needed for coastal management? Which coastal Crown land managers should be subject to such a levy and eligible to access the proposed fund?

Any introduced levy should apply more broadly than just targeting coastal crown land managers. Many sectors of the community benefit from the marine and coastal environments other than those living by the coast.

A levy could be applied to the broader regional alliances but accessed by an appropriate Regional and Strategic Partnership that is established to represent the interests of Crown land managers charged with the responsibilities of planning and managing coastal land and associated assets.

There are multiple opportunities for the greater use of shared services across a number of agencies that would improve efficiency and economical viability. A number of RASPs could be established to address certain issues within logical geographic areas. A RASP model applied to managing coastal land and facilities would deliver a coordinated approach to accessing funds raised by a levy as well establishing consistent maintenance, levels of service, rules, regulations and enforcement.

Question 15

How can cost-sharing arrangements be clearly articulated? Should this be a policy response involving federal, state and local government? If so by which means? Alternatively, does it require a legislative response?

Future funding needs to be established in an equitable manner so that legislative responsibility is adequately resourced.

Council believes that cost sharing arrangements on Crown Land should be included in the policy as well as reflected in the legislation, however, it is noted that it is difficult to reflect all three tiers of government, particularly federal, within a State legislative response.

It is essential that a model be adopted that delivers resources to where they are most needed, or where management responsibilities are extensive and the ability to raise revenue is limited.

Question 16:

Would legislating for a State of the Marine and Coasts Report help to achieve the system objectives?

What issues would need to be considered in drafting a legislative obligation?

Council officers note that State of the Environment reporting is extremely expensive and could absorb vital funding from essential on ground works. Council would like to see other mechanisms for monitoring and reporting considered before this reporting is endorsed.



21 October 2016

Marine and Coastal Act Project Team
Department of Environment, Land, Water and Planning
Level 10, 8 Nicholson St
East Melbourne VIC 3002

Ask for: Kathleen McClusky
Phone: 9932 1000
Our Ref: A2471846

To Whom It May Concern,

Marine and Coastal Act Consultation Paper

As a municipality that has a direct interface with Port Phillip Bay and 23 kilometres of coastline Hobsons Bay City Council welcomes the opportunity to provide input to the development of the Marine and Coastal Act (MACA).

The proposed drivers for change are supported and development of the MACA is seen as a necessary action to strengthen Victoria's ability to protect, maintain and enhance the coast and marine environments.

Hobsons Bay City Council welcomes any additional opportunities to provide further input into the development of the MACA.

If you would like to discuss this submission further, please contact Kathleen McClusky, Manager Strategy and Advocacy on 9932 1004 or email kmccclusky@hobsonsbay.vic.gov.au.

Yours sincerely

Chris Eddy
Chief Executive Officer

Recent consultation on the development of Council's Biodiversity Strategy shows that the community is concerned about the loss of coastal assets, including coastal parks, as a result of climate change. This consultation indicated that the community would like to see a planned approach taken to allow for the upstream retreat of significant coastal habitat in the event of sea level rise. As this issue is not currently addressed in other coastal strategies, it is recommended that it be acknowledged in the new MACA, the Port Phillip Bay Environmental Management Plan (EMP) and linked to other relevant legislation and strategies. Learning from other jurisdictions who have already taken steps would be a practical approach.

If the NSW model is introduced, Council's foreshore boundary could regularly move. If eroded, the boundary will revert to the Crown and this may be considered a permanent loss of public foreshore land. If this is the case, a number of questions may be raised:

- can sustainable sand replacement programs be achieved?
- who is responsible for damaged or collapsed assets as part of the storm event such as access ramp and retaining structures?

If foreshore is accreted an amendment for public access and ownership is undertaken requiring Council to provide additional resources to maintain and manage the space as ongoing Council responsibilities is not sustainable.

It is suggested that a state-wide investigation and engagement needs to be undertaken to address this complex issue.

As discussed throughout this submission, it is important to ensure that legislation is consistent and aligns with one another. To this end, it is suggested that the definitions in the *Local Government Act 1989* (which states the boundary as the low water mark) and the new MACA and related strategy and policy be consistent.

Question 4 (pg.31): Do you think the seven Drivers for Change encompass the key issues? If not, what other key issues need to be addressed to improve Victoria's coastal and marine management system?

1. Clearer governance and institutional arrangements
2. Strengthening marine management
3. Integrating planning systems
4. Adapting to climate change
5. Sustainable resourcing
6. Improving knowledge
7. Involving the community

1. Clearer governance and institutional arrangements

It is acknowledged that there is a need for clearer governance and institutional arrangements regarding the ongoing planning and management of coastal areas in order to ensure a consistent management approach is delivered along the coast. Currently, institutional arrangements are unclear and lead to inconsistent management outcomes along the coast

with local government in many instances playing a larger role in coastal and foreshore management without the necessary expertise to manage such assets.

Currently there are a range of authorities and agencies with foreshore and coastal management responsibilities which are not consistent between metropolitan and regional areas. Across these various authorities there are inconsistencies in roles and responsibilities both formally and informally which results in gaps and duplications in asset management, environmental protection, access and use. In addition there are various regional bodies such as the Associated Bayside Municipalities (ABM) that have an interest in foreshore and coastal related issues and opportunities however similarly their roles are unclear and not captured in a coordinated approach. Collectively this results in the poor application of limited resources struggling to address base level asset management and environmental protection.

2. Strengthening marine management

The proposal to establish a greater marine focus in strategy and policy is supported.

In Hobsons Bay City Council's response to the Victorian Government's Developing a new Port Phillip Bay Environmental Management Plan – Discussion Paper in February 2016, it was stated:

The discussion paper indicates that the plan is likely to focus on waters of the Bay up to the high tide mark, water quality, marine life and habitat. It is recommended that the plan be extended to include estuaries. Estuaries are neither wholly marine or waterway environments and as such do not always fall neatly into one strategic environment. This can result in the risk that they are overlooked. As estuaries provide important habitat for many marine species it is important for them to be considered in this plan.

The discussion paper recognises that Melbourne's population is set to nearly double over the next 35 years. There are only three formal beaches in the western metropolitan area (Altona Beach, Williamstown Beach and Werribee South Beach) and it is currently evident that considerable urban growth for the western and north western suburbs places, demands on coastal areas. This will only increase given the projected growth and, if left unmanaged, nutrient and pollutions loads will increase. This in turn will reduce the number of days that water quality at beaches will be suitable for swimming and other recreational activities. To address these issues an integrated approach is recommended to be taken to planning in any Environmental Management Plan. This should include key links between strategies and policies that can help to protect and enhance our marine environment. It should also include correlations to land use planning as well as the strategic documents listed in the discussion paper.

These comments can be applied more broadly in relation to the marine environment and related strategy and policy development.

Fish stock

Council's two boat ramps (Warmies Boat Ramp and Altona Boat Ramp) support over 90,000 launches per year, approximately 68 per cent of these launches are for fishing purposes. The demand for fishing is greater than this figure but is restricted by the number of parking spaces available at these facilities. Land based anglers along the foreshore, who are not quantified, also source fish stocks.

Managing this demand and the marine environment is an issue that needs to be addressed.

3. Integrating planning systems

Simplifying the requirements and process involved when the Minister's consent is required is supported.

The proposed requirement of the new MACA will require coastal managers (Council) to prepare a Coastal Management Plan (CMPs). The need for Council to prepare such a plan is supported in order to strengthen the understanding of relevant impacts and to support adaptation and mitigation projects.

The proposal for coastal land managers to review Coastal Management Plans every five years, as opposed to the current requirement of three years, is supported. This will ensure alignment and consistency with the state-wide strategy development timeframes and reduce the administrative burden on land managers.

4. Adapting to climate change

The need to recognise climate change in the objectives of the new Marine and Coastal Act is considered to be of utmost importance. This proposal and the need to align the MACA and supporting strategy and policy with the Climate Change Act is strongly supported.

Hobsons Bay City Council made a submission to the Victorian Government's Revised Draft Floodplain Management Strategy in August 2015. The submission highlighted that the strategy relies heavily on flooding matters that relate to riverine flooding, however, is limited on flooding from coastal tide and storm surge flooding. The strategy states that coastal flooding will be covered by the Victorian Coastal Strategy. It is assumed that, as both of these strategies cover flooding issues, these strategies will jointly address the issues around the combined impact of riverine flooding and coastal flooding, sea level rise and storm surge on each other and on settlements. Currently this information is missing from the combined strategies.

It is recommended that issues such as this, that fall under multiple policy areas, be addressed consistently in all legislation and strategy development. Objectives and requirements for such matters should be aligned to ensure efficient management. A clear definition of roles and responsibilities is necessary and collaboration should be encouraged to ensure a holistic approach is taken. Duplication of efforts and the use of common resources by all agencies will assist in gaining a shared understanding of issues and providing a consistent management regime.

The opinion that Victoria's new Act should further clarify liability for the impacts of natural coastal processes is supported. As per recent NSW legislative amendments cited in the consultation paper, this would provide assurances that a council is indemnified and considered to have acted in good faith if they act in accordance with an approved coastal management program.

5. Sustainable resourcing of the proposed system

The need to increase transparency of where revenue is generated and spent is acknowledged. Any investigation by the proposed Marine and Coastal Council of measures that would achieve increased transparency needs to consider any additional administrative

burden that these measures may place on COMs. Any new reporting requirements should be developed in a manner that utilises readily available data without requiring excessive manipulation or analysis that may introduce further complexity and resource requirements.

6. Improving knowledge

The sixth driver for change regarding improving knowledge is supported. There is need for improved policy and strategic direction and there are gaps in knowledge across Australia of human impacts and other threats on marine systems. These include effects of litter and pollution. The proposed Victorian Marine and Coastal Strategy and Policy should have consideration to the recommendations of the Senate Inquiry into the threat of marine plastic pollution, released by the Parliament of Australia in April 2016, and work collaboratively with the Australian Government to address these recommendations.

Various climate change, foreshore and coastal planning tools are available however currently there is no consistent source of information which further compounds the complexity for the respective authorities.

7. Involving the community

The seventh driver for change – *involving the community* – is critical to improve Victoria's coastal and marine management system. Informal and formal community involvement in Hobsons Bay is currently quite strong consisting of the Committee of Management (CoMs), a range of 'friends groups' and other environmental related community groups including (but not limited to) Beach Patrol, Transitions Hobsons Bay and Seaholme Sustainability Street. Council's Sustainable Environment Advisory Group and conservation programs also involve schools and other groups. Supporting, acknowledging and celebrating the efforts of the community is important.

More generally, the community places a very high value on our coastal and marine environment, with recent consultation highlighting 'the coast, beach and the bay' as the most commonly stated reason why people like Hobsons Bay. Council supports this continued community involvement and broadly welcomes the improvements expected to flow from a reformed marine and coastal management system.

However, there are some gaps within the proposed system that could be addressed to promote greater community involvement. Firstly, the proposed Marine and Coastal Policy should prioritise access to coastal and marine environments for people with mobility limitations such as people with a disability, older people and parents with prams. Second, while the development of CMPs includes mandatory public consultation, consideration should be given to how this can be extended to involve 'hard to reach' groups such as children, young people and people from culturally and linguistically diverse backgrounds.

Question 5: Do you think these objectives (pg.37) for a new marine and coastal system are appropriate to form the basis of the objectives for a new Marine and Coastal Act? Are there any issues that need to be considered when finalising the objectives?

A greater emphasis should be placed upon access to coastal and marine environments when finalising the objectives for a new MCA. This issue is addressed most directly through

objective eight: *Ensure that all Victorians can enjoy a wide range of experiences, and diversity of natural coastal and marine habitats, now and in the future.*

Coastal and marine environments present accessibility challenges for people with mobility limitations. Sand, uneven ground, and water present inherent (but not insurmountable) difficulties. Moreover, it is not feasible or desirable to make all of the coastal and marine environment accessible to people with mobility limitations. Indeed, there are some areas that are (and should remain) protected from people of all abilities. Unfortunately, the MCA Consultation Paper does not directly address these challenges.

It is considered that these must be addressed in order to achieve the Act's proposed vision and objectives. When finalising the objectives, emphasis should be placed on how all Victorians will be able to enjoy our natural coastal and marine habitats. For example, guidance should be provided to ensure that (where appropriate) access is provided in line with appropriate standards, e.g. sufficient path width and gradients, allocated resting places, accessible seating, etc. This issue is exacerbated by the fact that numerous agencies have an interest in and around our coastal areas and seeking feedback and permission can be complex and onerous when building or upgrading infrastructure.

There is also a range of practical initiatives that can improve access to coastal and marine environments. Some of these may be used as case studies within future Victorian Government policy development. Hobsons Bay has recently been involved in three examples:

1. Accessible beaches trial – over the 2015-16 summer, 40 metres of high-quality matting was introduced at Williamstown Beach and a beach wheelchair was available at Altona Beach. The trial was successful and plans are now in place to expand the trial to make both beaches fully accessible
2. Accessible marine experiences – *Tenacious* is the world's biggest wooden ship and is specifically adapted to provide accessible sailing activities. Council played a key role establishing the Seaworks Maritime Precinct, Williamstown as the home base to *Tenacious* during its visit to Australia in 2016 and 2017
3. Para World Sailing Championships – the Royal Yacht Club of Victoria in Williamstown hosted the Championships in December 2015. The event showcased how people with a disability can participate (and excel) in marine activities

Finally, funding is an ongoing issue with regards to accessibility, including within coastal and marine environments. The new coastal and marine system should allocate resources to enable Category 1 CoMs and local government to plan and deliver activities and infrastructure that improve accessibility for all and help to meet the new Act's vision and objectives.

Question 6 (pg.40): Do you think the required skills for the Marine and Coastal Authority members should be legislated? If so, what skills, backgrounds and expertise should be represented? Should there be a minimum number of members? If the maximum of 11 members still appropriate?

It is suggested that 15 members are required to sit on the MACA. Including the marine environment in the new MACA will require additional people to properly support and resource the authority.

The legislation should identify the skills and experiences that the members should represent including research, marine, land managers, relevant authorities/departments, users, bays and open water, etc. In doing this, extensive consultation should be undertaken to ensure that all of the necessary skills, background and expertise is identified and documented.

The paper does not clearly define how the proposed governance structure would impact on local or regional networks such as the ABM.

Question 7 (pg.42): Do you agree with the recommended time frames and approach for a new marine and coastal strategy and marine and coastal policy? Why?

Yes. The suggested timelines will enable effective transitions from the old to the new. The delineation of the strategy and the policy will ensure the strategy is a whole of government document and resources and legislation will ensure the proposed outcomes are more readily achieved.

Question 9 (pg.49): What issues would need to be considered to enable a smooth transition from smaller CoMs to larger coastal managers or local government? What process should be followed? How would you ensure that the benefits of local input, knowledge and effort were not lost as part of the process?

Resources and funding

It is agreed that under new management arrangements, it is important that organisations responsible for coastal management have capacity and expertise to deal with the future challenges of increased impacts of climate change, population growth and changing community expectations.

The consultation paper suggests that local government and Category 1 CoMs are likely to be well placed to deal with these future challenges. Also, that collaboration for service delivery and better integration with local government should be encouraged and facilitated for services such as waste management, vegetation management, compliance and monitoring. This may be the case with respect to expertise, knowledge and local connections/networks, however, not so with respect to funding and available resources. Local government is now operating in a rate-capped environment and budget and resource constraints significantly limit the extent of coastal management activities that local councils are able to facilitate and/or deliver. In the absence of increased funding, this issue will be further exacerbated if local government's role and responsibilities are increased. The proposal to transition coastal management responsibilities to local government is not supported. Much of the existing foreshore conditions including infrastructure is in poor or at risk category and it is unsustainable to expect local government to solely manage these environments.

In the submission to the 2016-17 Victorian State Government Budget, Hobsons Bay City Council informed: "With funding opportunities being scarce and councils having to operate in a rate capping environment it will be challenging to maintain and protect our current

foreshore assets. In order to future proof our coastline for generations to come Council and the state government will need to invest between \$12 and \$15 million over the next 10 years to ensure our foreshore can handle the impacts from climate change or damage caused by storms and extreme weather."

Regional and strategic partnerships (RASP)

The consultation paper states that subsequent to the development of Coastal Action Plans and Regional Coastal Plans, there is now less need to have permanent entities charged with providing advice, facilitation and planning at a regional scale. The paper suggests that this is partially due to local government possessing greater skills and expertise than in the past and now covering larger areas as well as regional groupings such as the Association of Bayside Municipalities (of which Council is a member) dealing with a range of regional issues.

It is important to note that while this may be the case, resources within local government and regional groupings are already constrained and much of existing coastal conditions and infrastructure are in poor condition or at risk. If there is a view to expanding the roles and responsibilities of these organisations and for the Minister to be able to nominate an organisation to lead a Regional and Strategic Partnership's, it is likely that funding will be required to ensure resource availability to deliver project outcomes. Given the large portfolio of matters that local government manages and many competing priorities, availability of in-house expertise and knowledge cannot be assumed.

Knowledge transfer

Another issue that would need to be considered to enable a smooth transition from smaller CoMs to larger coastal managers or local government will be to develop a process to ensure that knowledge can be transferred effectively and comprehensively from the smaller CoMs. This would need to capture expertise as well as documentation and records. In order to ensure that the benefits of local input, knowledge and effort were not lost as part of the process, there may be a requirement to fund new positions within the larger CoMs to retain key personnel from the smaller CoMs that become defunct.

Question 10 (pg.56): Do you think Victoria needs a marine spatial planning framework? If so, what would be the key elements and who should be involved?

The development of a marine spatial planning framework is supported.

Hobsons Bay's accessibility within the metropolitan area has seen it grow in popularity as a destination for a variety of water based activities in recent years. This has been accompanied by increasing development pressure. Since 2000, development along Hobsons Bay's foreshore has included the following:

- redevelopment of the J.J. Savage and Sons' site, both onshore and through expansion of their previous marina, which resulted in a substantial increase in boating accommodation
- redevelopment of the Parsons Marina which now operates as The Anchorage Marina. The development comprised a significant marina upgrade and expansion with complementary land-based facilities and dredging of an approach channel

- the expansion of the Victorian Water Police facilities and water access requirements at Williamstown
- the Port of Melbourne Corporation becoming the Committee of Management of Ann Street Pier in Williamstown

A marine spatial planning framework would facilitate the orderly planning and management of the marine environment by offering the following benefits:

- ensure and improve access to, from and within waterways for all users
- improve vessel movement and safety within waterways for all users
- manage and enhance the environmental quality of waterways
- improve safety/risk management of the waterway

Development of the framework would need to be a collaborative agreement between all organisations with management obligations over the coast. Additionally, clarity is required over the application of the framework over coastal land. It should not diminish the role of local planning schemes on coastal land.

Question 11 (pg.57): Do you think there is a need to legislate for an Environmental Management Plan (EMP) to be prepared for Port Phillip Bay? What other areas would benefit from an EMP?

Yes. Port Phillip Bay is a key regional avenue for recreation, economic opportunities, and transportation for both residents and visitors including interstate and international tourists. Hobsons Bay has 23 kilometres of coast and significant coastal assets and urban areas.

The new plan have a strong focus on coordination both between Victorian Government agencies and between Victorian Government agencies and local government. This coordinated approach would facilitate an adaptive and responsive approach that enables emerging issues to be managed in a collaborative and timely manner. For example, since the development of the first Port Philip Bay Environmental Management Plan, natural processes have shifted sand bars supporting important migratory bird habitat from the Ramsar listed Cheetham wetlands east into recreational areas designated for kite surfing. It is timely to review how these two competing needs are managed. A collaborative and adaptive approach to the management of the Bay is critical for managing these types of issues as they emerge.

The plan should be adequately resourced to ensure its success, including maintaining the Bay and its assets in the longer term. The plan should incorporate the provision and maintenance of sea walls, boat ramps and piers around the Bay, with specific recognition of the influences of climate change. Legislating the requirement for the preparation of this plan would provide the clarity and certainty necessary to facilitate effective management.

The plan should address the construction of new protection structures and the upgrade of existing structures to meet 2040, 2070 and 2100 scenarios.

Question 12 (pg.63): Do you feel that the policy statement in the Victorian Coastal Strategy (see pg. 62) should be reflected in legislation through the new act? Why?

Currently there is a lack of clarity around the management of coastal risk associated with potential sea level rise provided in planning schemes. While the State Planning Policy Framework (SPPF) has a benchmark for sea level rise at clause 13.01-1, there is currently no link from the SPPF into potential site specific land use controls such as a zone or overlay mechanism.

The new Marine and Coastal Act could complement the Climate Change Act through the measures outlined in the consultation paper, as follows:

- developing strong policy and ensure effective guidance and technical expertise is available to decision makers
- establish a baseline of condition
- establish benchmarks for planning to be set and updated through the Marine and Coastal Strategy and Marine and Coastal Policy

These measures would then be translated into the *Planning and Environment Act 1987* and planning schemes and provide clear and direct guidance for effective administration.

Question 13 (pg.67): Are there activities where you think the beneficiary pays principle could be further implemented in a fair and equitable manner?

It is suggested that further investigation and extensive consultation be undertaken to understand the most effective way to further implement this principle in a fair and equitable manner that doesn't create community divide and unnecessary cost pressures.

Question 14 (pg.68): Do you think this approach would be effective at targeting resources to where they are most needed for coastal management? Which coastal Crown land managers should be subject to such a levy and eligible to access the proposed fund?

As Victoria's population increases, demand for the use of coastal areas increases. Coastal councils are required to cater for access and infrastructure needs in excess of the demand created by their own residents, as residents from inland municipalities utilise coastal municipality infrastructure, particularly in summer months. This results in coastal councils being required to support and improve local infrastructure that has a regional benefit. This can include the entire foreshore and activities such as jetty works, dredging, sand bar augmentation, condition assessments, planning for asset renewal.

There is a current lack of clarity and inconsistencies regarding the defined property boundaries and associated roles and responsibilities. In the absence of this clarity, it is assumed that local government is responsible (particularly where Council is the appointed CoM) however the majority of CoM delegations are not well defined. This results in inefficiencies and inconsistent management of assets along the coastline, which may protect coastal areas from the impacts of climate change such as sea level rise. The Victorian Government needs to develop tools and methodologies to support local government but as a priority, the property boundaries and roles and responsibilities need to be clarified and confirmed.

Mechanisms to increase the availability of funding for infrastructure upgrades designed to improve resilience to the impacts of climate change are important. Current funding for foreshore works is targeted at renewal only, rather than improving the resilience of existing infrastructure. In Hobsons Bay, the current fiscal environment is limiting the scope of works which can be carried out. For example, the Altona foreshore needs an increase in the height of the sea wall. Funding mechanisms should continue to support regional approaches to ensure consistency across local government boundaries and achieve cost efficiencies. There would be concern from levied coastal managers that they may not receive or be granted access to their 'fair share' of funds considering their contributions over time and others' perception of priority matters to which funding may be directed. The levy would be supported providing there is a system to prioritise and optimise the allocation of funds in priority areas or to those councils and agencies that need them the most.

A fairer levy may be a state-wide levy for the coastal and marine environment similar to the model used for the Parks Victoria's Parks Charge. This could be used to resource renewal, climate change adaptation, maintenance, sustainable marine environments, etc.

The use of Council rates as a potential funding mechanism for coastal and asset protection works is not supported, particularly in light of recent rate capping. If such an approach is pursued, it creates uncertainty as to which properties will have increased rates – properties that have an interface with the coast (which already pay higher insurance premiums), properties within 500 metres of the coast and/ or the entire municipality. It is unlikely that this approach will be supported by local councils if not all coastal local councils are levied.

Further to this, while it is noted that there will be new costs associated with marine and coastal management activities in a changing climate, roles and responsibilities need to be clearly defined and accounted for. Cost shifting from Victorian Government to local councils is not considered to be an acceptable approach. An example of this is particularly significant in the context of coastal Crown land which is not managed by councils and for which the Victorian Government currently has primary responsibility for planning and management.

Question 15 (pg.69): How can cost-sharing arrangements be clearly articulated? Should this be a policy response involving commonwealth, state and local government? If so, by which means? Alternatively, does it require a legislative response?

There is a definite need to better define cost-sharing arrangements for the maintenance, repair, renewal and construction of new and existing infrastructure on the coast.

Greater clarity of roles and responsibilities is required across all agencies - Victorian Government, Melbourne Water, CoM and local government. Agency responsibilities should be clearly defined and documented.

Refer to our response to Question 14.

Question 16 (pg.71): Would legislating for a State of the Marine and Coasts Report help to achieve the system objectives? What issues would need to be considered in drafting a legislative obligation?



Yes. Legislating for a State of the Marine and Coasts Report will help to achieve the system objectives.

As outlined in Hobsons Bay City Council's submission to the Victorian Government's *Water for Victoria Discussion Paper*, the aim of having flood resilient communities, properties and infrastructure is supported. It is recommended that improved sea level rise and storm surge modelling to inform decision making be strongly supported by the Victorian Government. It is also recommended that improved state wide flood modelling be undertaken that clearly identifies the flood risk to downstream communities from new urban growth areas and changes in rainfall intensities. This information is crucial for informing robust land use planning decisions and any amendments to the planning schemes identifying flood prone areas be undertaken by the Victorian Government to streamline the process and reduce the burden on local governments.

As previously mentioned, the proposed Victorian Marine and Coastal Strategy and Policy should have consideration to the recommendations of the Senate Inquiry into the threat of marine plastic pollution, released by the Parliament of Australia in April 2016, and work collaboratively with the Australian Government to address these recommendations. This includes participating and supporting research into the extent, source, threats and effects of marine plastic pollution on the environment and human health.

Enquiries: Claire Ulcoq
Telephone: (03) 9209 6442
File Ref: E95912/16



25 October 2016

Associate Professor Geoff Wescott
Chair, Expert Panel
Marine and Coastal Act Consultation
Policy and Strategy Unit
Department of Environment, Land, Water and Planning
PO Box 500
EAST MELBOURNE VIC 3002

Dear Associate Professor Wescott

**CITY OF PORT PHILLIP SUBMISSION ON THE MARINE AND COASTAL ACT
CONSULTATION PAPER**

Thank you for providing the City of Port Phillip with the opportunity to provide feedback on the *Marine and Coastal Act* Consultation Paper.

Please find enclosed Council officer's submission on the consultation paper.

Due to the local government caretaker period we have not been able to obtain Council endorsement of the submission.

Should you have any queries about the submission, please do not hesitate to contact Claire Ulcoq, Open Space Planner, on 9209 6442.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Tracey Slatter".

TRACEY SLATTER
Chief Executive Officer

Cnr Carlisle St & Brighton Rd,
St Kilda Victoria 3182

Private Bag No 3,
PO St Kilda Victoria 3182,
DX 35706 Balaclava VIC

Phone (03) 9209 6777
Facsimile (03) 9536 2722
assist@portphillip.vic.gov.au
www.portphillip.vic.gov.au

This submission provides an overarching response from the City of Port Phillip to the *Marine and Coastal Act* consultation paper prepared by the Department of Environment, Land, Water and Planning (DELWP) in August 2016.

Population growth

The City of Port Phillip is home to more than 107,127 residents, and is continuing to grow. The City of Port Phillip encompasses part of the Fishermans Bend Urban Renewal Area, which, by 2050, will be home to approximately 80,000 residents and provide employment for 60,000 workers.

The City of Port Phillip is a key tourist destination, renowned for its unique atmosphere and diversity, attracting approximately four million visitors annually. Furthermore, over 3.2 million residents reside around the shore of Port Phillip Bay across ten municipalities.

It is imperative that the proposed *Marine and Coastal Act* (the Act) acknowledges the significant population growth the City of Port Phillip and Victoria more broadly is experiencing.

Complexity of coastal and marine management arrangements

Under the *Crown Land (Reserves) Act 1978*, the City of Port Phillip is the delegated Committee of Management (CoM) for the Port Phillip Foreshore Reserve from Sandridge Beach in the north to the Elwood Diversion Drain at Head Street in the south.

As the CoM, Council is responsible for the implementation of Council's *Foreshore Management Plan* and relevant aspects of the *Victorian Coastal Strategy 2008*. The *Foreshore Management Plan* establishes agreement between Council as the CoM, DELWP and the community as to how the Port Phillip Foreshore Reserve will be managed.

Council is responsible for managing a significant amount of infrastructure and facilities located within the foreshore environment including buildings, waste and recycling bins, barbeques, picnic tables, seats and benches, public toilets and showers, playgrounds, exercise stations, pathways, car parks, cycling facilities, drains, drinking fountains, access ways, lighting, parks and trees. Council also has primary responsibility for beach cleaning, protecting foreshore vegetation and cultural heritage values, and managing the demand for recreational activities, festivals and events along the foreshore.

Within the Port Phillip Foreshore Reserve, Parks Victoria is the CoM for several piers and jetties, including the St Kilda Pier and Breakwater, Lagoon Pier and Kerferd Road Pier. Council officers are supportive of Parks Victoria retaining this role.

As demonstrated above, Port Phillip Bay and the Victorian coastline have many segmented groups responsible for strategically planning for, and delivering, actions to protect and enhance the coastline. To achieve a consistent approach to management and protection that is resource efficient and effective an alternative model of governance is needed.

The proposed reforms in the Act do not significantly differ from the current governance arrangements. With no alternative options proposed, it is unclear how the significant improvements needed to protect the Victorian Coastline, especially Port Phillip Bay, could be achieved.

It is imperative that DELWP consults with local governments about alternative governance models for coastal management. Improved governance models need to clearly recognise the roles and responsibilities of all groups; and provide for appropriate resourcing which matches accountability and appropriate system oversight. Regardless of any future governance model adopted, resourcing, including expertise, capacity and funding must be appropriate to enable action.

Impacts of climate change

Climate change is a significant long-term challenge Council is currently facing, with much of the municipality exposed to the impacts of climate change, particularly flooding and erosion. Council's *Budget 2016/17* describes the potential future impacts including increased flooding, storm damage, decreased water quality and security of water supply, reduced summer outdoor activities and hotter urban spaces.

A key challenge Council faces in the management and protection of the Port Phillip Foreshore is the risk to infrastructure and stormwater drainage along the coast and foreshore from these impacts. Council has adopted principles in the *Foreshore Management Plan* to plan for the environmental, social and economic impacts associated with climate change to implement adaptation strategies to deal with beach erosion, flooding, storm surges and sea level rise.

An example of the challenges Council faces is the management and protection of the road infrastructure adjacent to the Port Phillip Foreshore. Beaconsfield Parade carries approximately 40,000 cars per day, and it is foreseen that this infrastructure will be impacted by climate change over the next 20 years. The consultation paper suggests that DELWP are aiming for improvements that ensure that assets in the dynamic coastal zone are located appropriately and built to adapt or withstand coastal hazards now and into the future. However, consideration needs to be given to how, in relation to the example presented above, the State intends to deal with the impacts on traffic as a consequence of impacted road infrastructure if there is no provision in the Act for the State to protect sea wall and groyne assets. DELWP should give consideration to prescribing a risk assessment process in the Act to manage this.

Additionally, the heritage-listed St Kilda Sea Baths located on the Port Phillip Foreshore are controlled and managed by DELWP. The consultation paper does not provide any detail in relation to whether DELWP has considered how it intends to protect State owned or managed assets.

Amendments to planning for climate change impacts

Council officers are seeking further clarification in regards to what implications the Act may have for the *Victoria Planning Provisions*, and consequently to local government planning schemes.

Coastal areas can be subject to 1:100 ARI flood events, and there are also declared areas under the *Building Act 1993* that may be affected (and subject to a referral at the building permit stage, and subject to specific flood levels). Some coastal areas are affected by a Special Building Overlay under the *Port Phillip Planning Scheme* (e.g. near Sandridge Beach and Elwood Canal). Consideration should be given in the Act to coastal inundation, and including provisions such as prescribing minimum floor levels for new infrastructure along the foreshore.

Planning for coastal climate change adaptation including managing coastal inundation and erosion need to be carefully considered and modelled. Council would support a Port Phillip Bay-wide approach to planning and modelling for climate change impacts.

Any amendments proposed as part of an erosion or land subject to inundation overlay should be facilitated by the State, as requiring each of the ten local governments surrounding Port Phillip Bay to facilitate their own planning scheme amendments would be resource inefficient and time consuming.

Integrating planning systems

The concept of the Marine Spatial Planning Framework presented in section 4.2 of the consultation paper is strongly supported by Council officers. In particular, the focus on roles and responsibilities will provide greater clarity for State and local government, industry and other stakeholders.

The proposed improvements to the Act to clarify when consent provisions are required are strongly supported. However, Council also suggests providing further details regarding when consent would not be required (e.g. for minor works). For example, the Act could consider whether a coastal consent is always required when the use or works are in accordance with a coastal management plan.

It is important that the Act specifies when a planning permit is required in addition to coastal consent. Council officers are supportive of any proposal to reduce the duplication of these two systems. For example, the Act could provide that, where a use is in accordance with a coastal management plan, the use could be exempt from requiring a planning permit.

DELWP should ensure there are strong connections between the Act and other policy and legislation that relates to climate change and catchment management. Furthermore, DELWP must consider the potential overlap between the Act and the *Victorian Aboriginal Heritage Act 2006*. The requirement for a Cultural Heritage Management Plan under the *Victorian Aboriginal Heritage Act 2006* is in addition to the planning permit and coastal consent requirements, and would normally be required prior to applying for a permit/consent.

Improvements to Victoria's coastal and marine management system

The consultation paper proposes to include provisions in the Act to require the preparation of a Marine and Coastal Strategy to better clarify and streamline responsibilities and accountabilities for the protection and health of marine environments.

Council's *Foreshore Management Plan* provides objectives to ensure the ecological health of the foreshore and marine environments through management of stormwater and litter along the beaches. In conjunction with Melbourne Water, Council has implementation actions to:

- Relocate stormwater drain outlets from the sand and filter stormwater pollutants from entering the Bay
- Upgrade ageing stormwater drainage infrastructure and litter traps with consideration to climate change and increasing storm flows.

Additionally, the *Foreshore Management Plan* provides objectives to improve the water quality along Port Phillip foreshore and Bay to provide a healthier marine environment. In conjunction with Melbourne Water, Council has implementation actions to:

- Improve the water quality in Port Phillip Bay
- Increase the total area covered by litter traps and filtering of stormwater to improve water quality in line with Council's Water Plan
- Implement strategies to inform the public of the potential health risks from exposure to the marine environment after significant rainfall events.

Council is of the expectation that the proposed reforms would not put the onus on Council to be solely responsible for the health of the Port Phillip Bay.

Council has a self-imposed obligation to manage Council land to a standard which will achieve best practice stormwater management over time, as defined by *Urban Stormwater Best Practice Environmental Management Guideline*, aligning local government aspirations closely with State level policy. However, this is not a legislated responsibility and it does not extend to land outside of Council control; therefore Council is not solely responsible for managing stormwater pollution.

The City of Port Phillip, along with five other inner-city municipalities, has introduced a planning scheme amendment. Stormwater management - Water Sensitive Urban Design (Clause 22.12 of the *Port Phillip Local Planning Scheme*) sets minimum requirements for water quality protection in private development with a primary focus of protecting downstream aquatic environments. Council recommends that State wide policy is developed in order to create consistency across jurisdictions and greater reach in the protection of receiving environments, including Port Phillip Bay, from stormwater related pollution.

Advisory functions for natural resource management in marine and coastal areas

The consultation paper proposes to strengthen the role of Catchment Management Authorities (CMAs) in coastal and marine management and planning. Council officers submit that adequate funding and resourcing should be provided to Melbourne Water to enable them to become the CMA for Port Phillip Bay.

While Council recognises there is a significant opportunity to have one regional body providing direction and acting as a data collector for Port Phillip Bay, we understand that Melbourne Water do not currently see themselves as the responsible party to lead the delivery of a Coastal Hazards Vulnerability Assessment for Port Phillip Bay. Consequently, Melbourne Water's role and commitment to lead and strengthen coastal and marine management for the Bay would need to be clarified.

If the appropriate expertise, funding and capacity were provided to Melbourne Water, along with strong directive from the State to lead on coastal management, it could be a successful model.

Committees of Management

The current arrangement of Council being the delegated CoM for the Port Phillip Foreshore Reserve is working effectively; and there are no smaller CoMs involved in the management of the Port Phillip Foreshore Reserve. It is the understanding of Council officers that the City of Port Phillip's role as the CoM for the Port Phillip Foreshore Reserve would not be effected by DELWP's proposal to transition Category 2 CoMs into Category 1 CoMs.

Notwithstanding the above, the consultation paper does not provide any clarity as to why local government CoMs would take on additional responsibilities from smaller CoMs, without the provision of additional resources or funding.

Funding arrangements

Council considers the development of the Act the ideal opportunity for significant reform in coastal land and marine management in Victoria. However, in order for this reform to result in a healthier coastline that will survive the impacts of population growth and climate change, the reforms proposed in the Act need to be adequately resourced.

There is a significant lack of funding provided to at risk and highly impacted foreshores, with coastal based local government rate payers having to pay for an asset that is used by all Victorians.

A levy is proposed to increase available funding, however DELWP have suggested in the consultation paper that this will be directed to priority coastlines. The consultation paper does not contain any information regarding how, or by whom, coastlines will be prioritised.

As CoM for the Port Phillip Foreshore, Council receives funding annually under the Beach Cleaning Subsidy Program. In accordance with the *Foreshore Management Plan*, the subsidy to Council in 2014/2015 was estimated to be \$288,349.

The proposed levy will not meet Council's current expenditure for maintaining and managing the Port Phillip Foreshore; and as proposed, it assumes there is more money than there are costs to maintain the foreshore. Additionally, Council is facing significant financial challenges due to the introduction of the State Government's rate capping policy and congestion levy. It must be acknowledged that additional funding is required for coastal protection.

Resourcing arrangements

Multiple agencies have shared roles and responsibilities in the management of the Port Phillip Foreshore:

- DELWP is responsible for overseeing the management of Crown land on the coast, and have delegated the management of coastal Crown land to the City of Port Phillip as CoM. In addition to unreserved land on the seabed, DELWP have direct management responsibility for an area of unreserved Crown land where the St Kilda Sea Baths is located. DELWP is responsible for funding major repairs to sea walls and renourishment of beaches around Port Phillip Bay.
- Council is delegated the CoM under the *Crown Land (Reserves) Act 1978* of the Port Phillip Foreshore Reserve.
- Parks Victoria is the CoM for the St Kilda Pier and Breakwater, Lagoon Pier and Kerferd Road Pier. Parks Victoria is the local port manager for the Port Phillip Bay, and is responsible for the safe and efficient operations of the Port Phillip Bay as a waterway, including implementing new Recreational Boating and Swimming Zones, navigation aids and signage on the water.
- Melbourne Water owns and manages major stormwater outlet drains to the Port Phillip Bay, located at the rock groyne in Sandridge, Princes Street Port Melbourne, Lagoon Pier, Kerferd Road Pier, Cowderoy Street in St Kilda West, Brooks Jetty, Elwood Canal and Head Street Main Diversion Drain.
- Port of Melbourne Corporation is responsible for commercial shipping in the waters of Port Phillip, and own freehold land within the Port Phillip Foreshore including the Webb Dock Trail and Perce White Reserve. The Port of Melbourne Corporation manages Station Pier and surrounding waterway.
- Major Projects Victoria manages Princes Pier.

Protection of the Port Phillip Foreshore needs to be considered and designed through an integrated approach between all agencies. There are opportunities to continue to build on these existing relationships to improve management of the Port Phillip Foreshore and on-ground investment.

The collaborative efforts of the above agencies are essential to achieving the actions of Council's *Foreshore Management Plan*, and Council officers are supportive of the proposed actions in the consultation paper to encourage better integration between coastal land managers.

Proposed Regional and Strategic Partnerships

The consultation paper proposes forming Regional and Strategic Partnerships (RASPs) to bring agencies together to solve shared problems, in place of Coastal Action Plans. DELWP suggests that local governments may be expected to lead a RASP.

Council would only be inclined to lead a RASP in relation to Council-owned assets. Council officers have the following questions in relation to the process for establishing RASPs:

- Regional Coastal Boards have statutory responsibilities for developing Coastal Action Plans. Does DELWP intend for RASPs to have any statutory responsibilities delegated to them by the Minister?
- Will the process for the Minister to nominate an organisation to lead a RASP, based on their skills and capacity to deliver the required plan, be prescribed in the Act?
- Has DELWP considered the criteria agencies will need to meet to demonstrate their skills and capacity to lead a RASP?
- If a problem is critical or time-sensitive, will there be provisions included in the Act to expedite the process to form a RASP?
- The consultation paper suggests the Act will prescribe a process for RASPs to develop plans, or other outputs, that can be embedded into the decision-making processes within the system. Does DELWP envisage that the prescribed process will stipulate the contents and structure of a plan, or output, and what the RASP must have regard to, similar to the process included in the current *Coastal Management Act 1995* for the preparation of Coastal Action Plans?



26 October 2016

Marine and Coastal Act Consultation
Policy and Strategy Unit
Department of Environment, Land, Water
& Planning
PO Box 500
EAST MELBOURNE 3002

Dear Sir / Madam

**Submission by South Gippsland Shire Council to the Marine and Coastal
Act – Consultation Paper August 2016**

Thank you for the opportunity to comment on the Marine and Coastal Act Consultation Paper – August 2016. South Gippsland Shire Council has reviewed the issues and options being considered and in general supports the intent of the proposed changes.

We note that the current Coastal Management Act 1995 has limited impacts on Council's operations and where consideration of the Act is required, we have not experienced any significant concerns with the operation of the Act. We trust that the new Act will build on the successes of the Coastal Management Act 1995 and provide a clear policy environment for Council to continue to work in.

The following are brief comments on some of the key initiatives being considered as part of the new Act.

- The 'Objectives' of the Act are supported. Specifically the increased focus on climate change, building resilience and adaptation are supported. The strengthened commitment to public access and engagement in coastal management is also welcomed.
- An increased role for Catchment Management Authorities in coastal planning is supported. Coastal Boards do not typically play a direct role in council management of coastal land planning issues and it appears that benefits will be provided by strengthening the role of the CMA's in this area. While potentially beneficial in terms of technical expertise and statutory powers, increasing the role of the CMA's must be adequately funded. Recent coastal projects involving the West Gippsland CMA have revealed funding issues that have impacted Council. Managing and responding to climate change is going to be an increasingly



significant issue in coming years and the CMA's must be appropriately funded in response to any broadening of their roles and responsibilities.

- Facilitating 'Regional and Strategic Partnerships' through the Act is supported. While the specifics of how this is to occur are unclear, it is clear that coastal management issues (especially in relation to climate change) do not stop at jurisdictional boundaries. We note that this Council is currently working with Wellington Shire Council on a sea walls / coastal levy bank strategy in recognition that the issues are the same regardless of council boundaries. At present there is limited coordination between coastal councils in relation to planning scheme responses to climate change. Any strengthening of the Act to support broader regional or state wide consideration of these issues is welcomed.
- Replacing the Victorian Coastal Council (VCC) with the Marine and Coastal Council could provide benefits especially if the new body takes on a scientific and research advisory role. As noted above climate change issues need to be considered at a high level and more active involvement with stakeholders is required than has been provided by the VCC which is predominantly limited to a policy role. Councils currently lack an informed 'go to place' for climate change related matters and strengthening the current arrangements (potentially providing an agency councils can formally refer matters to for advice) would be welcomed.
- Strengthening the role of Parks Victoria in coastal management and planning is welcomed. Coastal parks (particularly Wilsons Promontory) form a significant part of this Shire's coastline. Historically Council has had little involvement in the management of Parks Victoria coastline however, as the primary land manager, it is appropriate to strengthen Parks Victoria's role in coastal management.
- Preparation of a Marine and Coastal Strategy and Policy for the purpose of integrated planning is supported. Council has limited direct involvement in the marine environment due to the delineation of the Shire boundaries, but having an overarching document seeking to draw all marine issues together in an integrated manner would be beneficial.
- Providing a 'greater focus on Port Phillip Bay and other priority areas' must not occur at the cost of other areas. We note that Corner Inlet is not identified in the discussions on this issue. While a minor point we trust that the identification of some areas as priority areas will not affect strategy and implementation funding.
- Strengthening the role of Coastal Management Plans is supported.
- Maintaining the Minister's veto powers over planning permit applications on coastal land is strongly supported. Allowing some changes in relation to 'low impact works' could be beneficial however councils should be consulted on what works may constitute 'low impact works'.
- Continuing to update planning benchmarks for sea level rise is supported. Planning for a rise of 0.8m at 2100 will be ineffective based on recent scientific information. Continuous review of these issues will be essential in coming years.



- Transitioning 'smaller committees of management into either larger committees or to local government' would present concerns if this increases the roles and responsibilities of councils without consent of all parties. This Council currently has a role in coastal committees of management and is aware of the staff time and resource implications involved in fulfilling these duties. Where councils take on new or expanded roles, this must only occur with the consent of the affected councils. Furthermore, some small committees have a high level of personal ownership of their roles and responsibilities. Bigger in this regard is not always better. Some imbalance may occur as some sections of coastline are very well managed and resourced by smaller (in terms of coastline) committees. Meaningful consultation will be required before committees are changed so that those community members with the most active interest in coastal management are not alienated by changes to the management structures.
- Potential changes to the fees and charges are noted however we note the general nature of this discussion. In principle it makes sense to seek to distribute revenues generated from coastal activities in a manner that recognizes that some areas generate little or no revenue yet still require expenditure. The principle is sound however more detail is required before the full impacts of these changes can be considered. Clearly detailed consultation with committees of management is required along with transition provisions that respond to the financial planning of the committees.

We trust these comments are of assistance to you. If you have any queries or comments in relation to the abovementioned matters please contact me on 5662 9304 or email paul.stampton@southgippsland.vic.gov.au .

Yours sincerely

Paul Stampton
Manager Planning

Our Ref: KS:RH: F10/481: D16/87330
Contact: Kate Sullivan 5261 0604



13 September 2016

Marine & Coastal Act Consultation
Policy and Strategy Unit
Department of Environment Land Water & Planning
PO Box 500
EAST MELBOURNE VIC 3002

By email: Marine.CoastalAct@delwp.vic.gov.au

1 Merrijig Drive
Torquay, Victoria

POST
PO Box 350, Torquay
Victoria 3228

PHONE
03 5261 0600

FAX
03 5261 0525

WEB
www.surfcoast.vic.gov.au

EMAIL
info@surfcoast.vic.gov.au

Dear Sir/Madam

Surf Coast Shire Council Submission – Marine and Coastal Act Consultation

Thank you for providing an opportunity for Council to comment on the Marine and Coastal Act.

In general, Council agrees with the directions proposed in the consultation paper with two key exceptions:

1. The timing of the consultation is problematic for such an important issue so close to Council caretaker period. The submission date occurs during caretaker period. Coastal Councils are key stakeholders and due to this timing are unable to give this matter due consideration. This includes important discussions with other key agencies such as the Great Ocean Road Coast Committee (GORCC).
2. Council recommends further work on the proposed changes that could be made to 'clearer governance & institutional arrangements'. Council receives consistent feedback from the community regarding the excessive number of agencies involved in decision making relating to proposals impacting the coast and management of the coastal environment. The changes proposed don't adequately address this issue.

Council generally supports and agrees with the seven **drivers for change** listed in the Consultation Paper:

1. Clearer governance & institutional arrangements
2. Strengthen marine management, policy & planning
3. Integrating planning systems
4. Adapting to climate change
5. Sustainable resourcing
6. Improving knowledge
7. Involving the community

The following **Statewide and Regional governance changes** proposed are supported:

- New Marine & Coastal Council
- New Marine & Coastal Strategy & implementation plan
- New Marine & Coastal Policy to guide decision makers
- Phase out Regional Coastal Boards
- Expanded role of coastal Catchment Management Authorities (CMAs) & scope of Catchment Strategies

In relation to the expanded role of coastal CMAs and scope of Catchment Strategies, Council would like to add that it has a close and productive relationship with Corangamite Catchment Management Authority (CCMA) and strongly supports the proposed change.

The following **local changes** are supported:

- Maintain & promote role of volunteers
- Greater role for Traditional Owners in planning & management
- Strengthen role of Parks Vic - marine/coastal protected areas

Clearer governance & institutional arrangements:

Council strongly supports the State's commitment to address complexity, clarify roles and responsibilities and reduce or remove inefficiencies; Council's view is that the proposed changes do not go far enough.

In the Surf Coast Shire the coastal foreshore is predominantly managed by a Category 1 Committee of Management (GORCC) and Parks Victoria and some Crown Land is unreserved land managed by DELWP. Council currently manages smaller areas of coastal Crown land including the Bells Beach Surfing Recreation Reserve and the land alongside estuaries within the coastal townships. There are often too many agencies managing land and inland waters in the coastal catchment leading to inefficient and inconsistent service delivery, confusion about roles and responsibilities, poor management of infrastructure, unclear financial obligations, vegetation and other unsatisfactory community and environmental outcomes. Some of the land management boundaries make no logical sense (such as Taylor Park in Torquay) and Crown land managed by some agencies would arguably be better managed by others. In this context there are also opportunities to explore shared services and efficiencies further.

River openings is a particular issue for this Shire (including Anglesea River, Painkalac Creek and Thompson Creek) where there are multiple land managers involved including the CCMA as regulator. This results in an overly complex environment for decision making, financial obligations and permit approvals.

Under the proposed local level changes there will be no improvement to the current situation in our Shire. Council therefore recommends that the State further considers this issue if it truly wishes to make effective change to help deliver better outcomes for the environment and community.

General comments:

Council supports initiatives to increase shared service and other collaborations between agencies such as open space maintenance and facility cleaning.

Clear anomalies in land management responsibilities should be addressed such as Taylors Park in Torquay, which is on the inland side of the esplanade.

Regarding the proposed levy for land managers Council is unclear as to how this will work where the land manager is local government. Without further details Council is unable to support this proposal.

In terms of the proposed Regional & Strategic Partnerships further clarity is required on the role and responsibilities of the lead agencies, which could include local government, to deliver these. Councils are unlikely to have the required expertise in the marine environment to lead planning in this area, therefore Council's view is that local government would not be leading partnerships to manage the marine environment or become a manager of freshwater or marine environments.

Adapting to climate change and the 'beneficiary pays' principle

Issues of uncertainty, ageing infrastructure, responsibility for coastal protection, legal liability, public land access, coastal land buffers and private land impacts are challenges faced by all coastal land managers, including councils and these are appropriately acknowledged in the Consultation Paper.

The 'beneficiary pays' principle is a key concern for Council. Whilst there is some theoretical merit to the beneficiary pays principle, in reality understanding who the actual beneficiaries are and to what extent, is vague and complicated when assets have local, regional, national and international significance and there are multiple land managers involved.

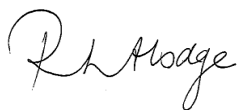
For example, recently after beach access steps were washed away at O'Donohue Road Anglesea it took more than 12 months for the steps to be replaced as no clear beneficiary could be identified. This long delay resulted in significant community safety risks and environmental damage. The beach is used by Surf Coast locals as well as regional, state, national and international visitors and marks the boundary of Parks Victoria and GORCC managed land. There are many similar examples along the coast where understanding who the beneficiaries are, and therefore who pays, is very difficult. In addition, some of the infrastructure costs will be too significant to be adequately funded at the local level.

Council recommends that further investigation is undertaken to establish how a beneficiary pays system can effectively work or an alternative system be developed where responsibilities for managing coastal assets and resolving coastal risks can be more fairly and efficiently applied, particularly coastal areas with high visitor numbers.

Council has noted that DELWP has released its Victoria's Climate Change Adaptation Plan Directions Paper for public feedback closing 23 September 2016 and that the Directions Paper is the final opportunity for public input prior to publication of Victoria's second Climate Change Adaptation Plan in early 2017. Surf Coast Shire Council will liaise with the MAV who intends to prepare a response in consultation with its members. Council would like to express its frustration that the timing of this consultation on such an important issue to our community is also occurring during the Council caretaker period.

Thank you again for the opportunity to present this submission. Please feel free to contact Kate Sullivan, General Manager Environment & Development, on 5261 0821 if you require any further information.

Yours sincerely



Cr Rose Hodge
Mayor