

## **Peak Bodies - Submissions**

Central Coastal Board

Gippsland Coastal Board

Municipal Association of Victoria

The Nature Conservancy

Victorian Caravan Park Association

Victorian Catchment Management Council

Victorian Coastal Council

Victorian National Parks Association

21 October 2016

Ref: CBCO 1184

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

**Re: Central Coastal Board Submission - Marine and Coastal Act Review Consultation Paper**

The Victorian **Coast is one of our most valuable assets** in terms of economic, environmental and social values. It **warrants a high priority and focus**, by both the government and the community, as it comes under **increasing threat from population growth, natural processes and climate change**.

Accordingly, the Central Coastal Board (CCB) welcomes the Government's election commitments, which were highlighted at the Marine and Coastal Act (MACA) Consultation sessions as:

1. Establish a new marine and coastal act, bringing together all management and protection under one system.
2. Develop new management and oversight of marine parks, coasts and bays.

The CCB applauds the extensive recognition of the issues facing the marine and coast environment, and supports many of the initiatives in the Consultation Paper, as outlined below. However the CCB position is that the proposed changes in the Consultation Paper do not deliver on the election commitments or the potential for improvement. Neither do they achieve the Minister's stated objective of Victoria being the leading state on climate change, particularly with regard to coastal adaptation.

The CCB perspectives in this paper are heavily influenced by the views expressed by major central coast stakeholders during the Regional Coastal Plan consultation processes. Overall their view is that the existing system and the current Victorian Coastal Strategy in particular, work, but well-conceived, and considered changes, are required for a sustainable future.

The Consultation Paper proposes a Marine and Coastal Council that would provide high-level advice to the Minister. It potentially also has an important role as a conduit to the marine and coastal community. The CCB considers that **a new Marine and Coastal capability** through an organisation such as an Office of or Commissioner of Marine and Coast **is also required** in order to effectively provide leadership and focus to:

- **Deliver on the Government's commitments**
- **Address the substantive issues the Consultation Paper identifies but does not address in the proposed legislation**
- **Progress the substantive actions in the Victorian Coastal Strategy and Regional Coastal Plans**

- **Clarify the intersection with other important legislation**, and collaborate with other organisations that influence the coastal and marine environment, in particular Ports, Parks Victoria, Fisheries and DELWP (with respect to the Climate Change Act), in order to deliver integrated marine and coastal zone management.

This new organisation would provide focus and leadership on coastal and marine protection, planning and management, supported by expertise in marine and coastal science. It would:

- in consultation with the community, develop thematic and regional strategies to provide clear direction for marine and coastal management
- contribute to policy development
- have oversight of marine and coastal assets
- not undertake on-ground works but would have a coordinating role to ensure that works undertaken by the responsible entities, such as Committees of Management and local councils are compatible with the Government's policies and relevant strategies
- co-ordinate preparation of a guideline for coastal catchment management authorities assessing development in areas prone to coastal erosion and inundation
- be Victoria's main custodian of data, information and knowledge on matters relating to marine and coastal management
- have a lead role in knowledge dissemination and community engagement.

As examples of the development of thematic strategies and policies the CCB cites **the following major matters that have been highlighted in the Victorian Coastal Strategy, Regional Coastal Plans and the consultation paper but have not been significantly progressed.**

- **Governance and Management** – clear definition of responsibilities, and accountabilities and effectiveness, of the current 60+ managers on the Victorian Coast. Potential streamlining and simplification, of this, beyond the amalgamation of the smaller committees of management the paper envisages, is a major stakeholder request. The issue is not just the number of managers along the coast but the multiple managers between the inland boundary and the 3nm offshore boundary.
- **Climate Change Adaptation Policy development** - The CCB has commented extensively on the need for this, and a detailed paper on the CCB website identifies some of the policy issues that need to be addressed if Victoria is to be a leader in climate change and coastal process adaptation.
- **Funding** - the adequacy and opportunities with regard to both total funding and its distribution along the coast. There is unanimous recognition that current funding models do not provide a sustainable future.

The CCB is not seeking to prescribe the exact form that this new organisation should take but rather highlight the need for the focus and leadership on the major marine and coastal matters.

One of the most important initiatives in the Consultation Paper is the development of a full **State of the Coast and Marine Report**. The CCB recommends this be conducted by the Commissioner of Environmental Sustainability as a development of the State of the Bays Report. The CCB applauds this as providing both an objective measure of performance and a focus for all initiatives on the coast. A stronger role for on-going, real-time assessment of the state of marine and the coast should create a living monitor of the progress and state of the work being undertaken.

The **CCB supports many other specific initiatives** in the Consultation Paper as we consider that they would lead to improved protection and management:

1. A Marine and Coastal Policy. With a potential life of ten years, and largely reflecting the principles and values in the current Victorian Coastal Strategy.

2. A Marine and Coastal Strategy. Similar to the current VCS priorities and actions but with increased obligations on local managers for its adoption and application. The current Coastal Management Act has been effective in delivering the Victorian Coastal Strategy (VCS). Most stakeholders regard this as its primary achievement. The VCS has been instrumental in achieving recognition of sea level rise in the State Planning Policy but otherwise has been less effective converting its principles and actions into either State Government policy or guidelines that can be applied at the local level.
3. Focussed policies and guidelines on specific matters, for example, a much-needed policy for management of bathing boxes and boatsheds on Crown land, and guidelines for the preparation of coastal management plans.
4. Marine Spatial Planning Framework, although it is not clear in the Consultation Paper who is responsible for developing and managing this. This is another example of the potential role of the proposed focus organisation.
5. The clear inclusion of Marine, though we note the existing Act includes the marine environment to the State limit (3 nm or 5 km). Clear terminology and definitions of this will be required in the new Act.
6. **The requirement for Coastal Management Plans** as a fundamental step to strategy and policy implementation at the local level. We recommend that this is given more prominence and CMPs are scaled up to a regional level based on coastal compartments (as shown in the Consultation Paper's mapping in Appendix 4). See our attached table for further comment on this matter. To genuinely achieve the inclusion of the marine environment CMPs will also need to consider the interface with the marine environment to 3 nm off shore (note this could mean multiple land AND marine/water managers participating in CMP development).

The **CCB supports the Coastal CMAs having stronger linkages** to marine and coastal management, to encourage integrated management from the catchment to coast to marine. However, if the CMAs are to undertake a significant management role, for example, if there is no Marine and Coastal organisation, a number of significant changes to the CMAs are required. In particular, the CMA boundaries need to be adjusted to align marine and coastal boundaries, for example, the whole of Port Phillip Bay catchment should be included in a single CMA district. Additionally, the governance arrangements need to be modified to ensure that there is marine and coastal representation on the Coastal CMA Boards.

The Consultation Paper proposes that the Coastal CMAs become the referral authority for coastal erosion. Whilst this function clearly needs to be covered, the CCB considers it preferable for it to be undertaken, or at the very least co-ordinated, by the proposed Marine and Coastal organisation, rather than distributing the expertise and knowledge across multiple CMAs who would need to build their capacity to undertake this. In particular, for the central coast there needs to be a very clear definition of the role of Melbourne Water relative to the CMAs.

With regard to proposed Regional Strategic Alliance Partnerships (RASPs), the CCB recognises the value of a partnership approach for specific projects. However, the decision to establish RASPs should be made in a state-wide context and consistent with broader marine and coastal policy objectives for optimal benefit. Again a dedicated Marine and Coastal organisation can help deliver this and ensure that RASPs' governance arrangements, terms of reference and purpose are clearly established from the outset, and learnings are shared across the state.

**Other matters we believe need to be addressed in a new Act include:**

1. Clear terms and definitions for: what constitutes the coast and the marine environment, terms related to coastal processes such as coastal sediment compartments, habitat types, foreshore, estuary, coastal hazards and other relevant terms. This also needs to provide clarity of the inclusion of private land to all marine and coastal strategies and policies.
2. A clear articulation of how the new Act intersects with: legislation that defines the work of Parks Victoria as the manager for two thirds of the coast, marine parks and waterways; and the Catchment and Land Protection Act that defines the work of Coastal Catchment

Management Authorities. It needs to also include alignment with planning through the Planning and Environment Act.

3. Recognition of the regional differences along the coast, from urban bays to the sandy coasts of Gippsland to the varying geology in the west. Some form of regional representation on the proposed Marine and Coastal Council may be beneficial, if not essential to ensure the regional issues are factored into state-wide strategy and policy.
4. The Port Phillip Environmental Management Plan needs to be broadened to the wider coast, but at a minimum to Western Port and the Gippsland Lakes.

**The CCB has attached two Appendices** to this submission.

1. An evaluation of the extent to which the proposed reform addresses the 7 drivers for change identified in the Consultation Paper.
2. A brief response to the 16 questions as sought by the Expert Panel.

The CCB seeks an opportunity to meet with the Expert Panel to outline in more detail the content of this submission.

In summary, the CCB believes that the Consultation Paper substantially identifies the issues but the proposed legislative changes do not sufficiently address them.

**The CCB argues that our Coast, including its marine environment is important and needs a focussed and expert organisation to provide the leadership and ongoing commitment to deliver all of the proposed reforms sought by so many stakeholders.**

Kind regards



Ross Kilborn  
Chair, Central Coastal Board

**Appendix 1: Evaluation of the extent to which the proposed reforms addresses the 7 drivers for change**

Themes	Area of Improvement from Consultation Paper	Strengths	Shortcomings	Options /Solutions/Comments
1) Clearer Governance Arrangements	Replace VCC with a Marine and Coastal Council (VMCC).	Support: profile given to marine environment, advisory role related to Minister's functions under the Act and that Council may seek technical, scientific, legal advice in exercising its functions.	Suggest include role to provide oversight of CMPs (as there will not be RCBs to do this)	VMCC - Recommend 5 - 7 members with expertise in: coastal sciences, coastal land use planning, coastal ecology, social science, economics, local government, marine science, Traditional Owner management and include regional representation
	Greater role of coastal CMAs including advice on flooding/erosion (RCS to deal with integrated catchment, coastal & marine management).	Support integration of natural resource management in catchment/coast/marine continuum - including opening of river mouths, native vegetation management and 'blue carbon'.	Need to resolve functions of PPWCMA and MW for central coast.  Preference for a new marine and coastal entity to co-ordinate erosion referrals e.g. preparation of a Guideline for coastal catchment management authorities assessing development in areas prone to coastal erosion and inundation.	Needs significant additional resourcing and capacity for CMAs to enable coastal /marine inclusion. Needs clarity on new functions. Changes to Catchment and Land Protection Act. Changes to boundaries of CMAs to align with marine areas e.g. the whole of Port Phillip Bay should be a single CMA district. Include 'coastal' in name of relevant CMAs and change governance to include marine and coastal representation on CMA Boards.
	New ability to establish Regional Strategic Partnerships (solve complex problems across boundaries).	Support: Provides flexible arrangement to resolve key issues /achieve outcomes through a collaborative approach including involving communities .	The process of establishing new groups, clarifying terms of reference, governance arrangements and available funding can take some time and will benefit from guidance/tools to streamline the process.	
	Phase out three RCBs.	Support: as the RCBs no longer have the needed resources/capacity to be effective.	Need ensure regional issues and differences are recognised and represented.	
2) Clearer policy and management arrangements	Require a Marine and Coastal Strategy.	Support separating policy and strategy from current process of one VCS.	The purpose of each of the documents will need clarity or risk confusing stakeholders.	If the MCS is prepared every 5 years and the MCP is seen as a 10+ years document a process will be needed for alignment.
	Separate out policy from strategy and enable Minister to set Marine and Coastal Policy.	Support.	Still need provision for specific policies and consultation processes to develop them e.g. issues such as management of bathing boxes and boatsheds, marine energy, caravan parks on Crown land.	Ensure policies are related to marine and coastal futures. Policies will need bi-partisan support or risk being irrelevant within a 4 year government cycle.
	Transition small CoM into either larger CoMs, or to Local Government (or PV).	Support: as increasing pressures on the coast needs to be aligned with management capacity.	Does not address the lack of definition of boundaries and roles of the existing 60 managers, the connection to coastal compartments or inclusion of the marine environment (currently multiple managers at coastal marine interface).	Ensure there is still a process for communities to advise on coastal planning.
	Promote greater formal role and capacity building for Traditional Owners.	Support: Good case studies/examples from east and west of State.		Aligns with PV management of protected areas.
3) Strengthening marine management	Establish a marine spatial planning framework.	Support		Need to include all the marine sectors in collaborative process -including Fisheries, Ports and Parks Victoria as key players.
	Provide legislative requirement for a Port Phillip Bay EMP.	Support legislation to ensure next re-iteration of the EMP is required.	Need to extend to all the coast but especially Western Port and Gippsland Lakes.	Port Phillip EMP currently being prepared by DELWP and MW - should be ongoing role with review every 10 years.

Themes	Area of Improvement from Consultation Paper	Strengths	Shortcomings	Options /Solutions/Comments
3) Strengthening marine management	Direct management of marine sectors will continue to reside with specific agencies.	Support in terms of the large marine sectors but this should not prevent looking at ways to streamline processes or undertake them more efficiently.	Need to clearly define who is responsible for what functions.	The system has complexity and requires better information/guidance on management responsibilities.
4) Integrating Planning Systems	Require Coastal Management Plans . Note this should be about STRENGTHENING CMPs	Support move to 5 yr plans and work program which provides consent for low risk projects.	Plans continue to struggle to find funding to implement actions. The CMP process has lacked guidance from a <b>coastal management manual</b> . CMPs should also be required to consider the marine interface. A specific Marine Management Plan should also be developed.	The coastal management manual should help outline management objectives for types of areas, clarify what must go into a CMP, consider responses to risk management, requirements related to consultation and how the work program is integrated with financial obligations under legislation. Importantly, there is the opportunity to re-align CMPs to a sub-regional scale based on our improved understanding of coastal processes and the identified sediment compartments. Mapping for this process is provided in Appendix 4 of the Consultation Paper but it has not been linked with a proposed improvement. i.e. SUPPORT A SUB-REGIONAL APPROACH TO COASTAL PLANNING BASED ON COASTAL SEDIMENT COMPARTMENTS. This will assist in planning for the coast across land manager boundaries and support greater partnerships. It also helps in replacing the role of RCBs.
	Maintain a Ministerial consent provision (for high risk activities).	Support		
	Reduce duplication between consent process and Planning and Environment Act 1987 processes.	Support		
5) Adapting to Climate Change	Stronger objectives recognising climate change in the Marine and Coastal Act and align with broader Climate Change approach.	Support concept but Objectives in the Consultation Paper are vague and need to be outcome orientated. See rewording suggestion for climate change objectives in Appendix 3.	Climate Change is the weakness section of the Consultation Paper given the current and future risks from coastal hazards, which will be increased with the effects of climate change. i.e. It should be one of the Key drivers for Reform.	The CCB Paper on our website outlines key policy issues related to climate change.
	Strategy, Policy and RASPs to provide policy/guidance/technical expertise to respond/adapt to CC.	Support concept		
	Align Strategy with Climate Change Act (e.g. Adaptation Plan).	This should happen as a matter of course.	Key provisions for land managers are required through coastal legislation to: 1) To clarify issues attached to coastal protection works including liability, maintaining public access, allowing owners of land protected by works to contribute towards payment, and penalties for home-owners who carry out works on Crown land to protect their properties 2) outline needed modification of the doctrine of erosion and accretion to maintain public access to the coast	See also the CCB Paper on climate change (on website) and NSW Coastal Management Bill 2016.
6) Sustainable Resources	Greater transparency of where funds are raised and spent on the coast.	Support concept		Note: there are provisions in the Local Government Act and Crown Land Reserves Act that require accountability in financial reporting - that should be linked with implementation of CMPs.

Themes	Area of Improvement from Consultation Paper	Strengths	Shortcomings	Options /Solutions/Comments
6) Sustainable Resources	Increasing beneficiary pays - promote review of fees and charges.	Support concept		An alternative to supplement existing revenue sources is to extend and adapt the current Parks Charge collected and expended in Metropolitan Melbourne to many properties located within the catchment, whose residence enjoy the coast, but do not currently contribute due to the historic boundary definitions of this charge. A small increase in the rate of the Parks Charge could also provide sustainable future funding for the coastal zone in the Central Region – which coincidentally provides the largest and most continuous public reserve/park in the metropolitan area.
	Targeting of resources to where they are most needed (% revenue from some Crown land managers pooled and distributed on an as needs basis).	Needs more information	Likely to be resisted by Category 1 CoMs.	The proposal to reallocate a levy on Category 1 CoMs needs to be better defined i.e. what purposes would be considered in the reallocation of funds and how would funds be prioritised to ensure equity amongst contributors.
	Better articulate cost sharing arrangements for coastal protection works and consider additional mechanisms.	Support		See also note on Climate Change and recommended provision for land managers to contribute to payment of coastal protection works.
7) Improving Knowledge	Require that a State of the Marine and Coasts report be developed that sets the baseline condition and monitors change over time.	Support. Similar to State of the Bays initiative.		
	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.	Support		
8) Involving the Community	Enhance opportunities of formal and informal community involvement in marine & coastal management e.g. Coastcare, friends groups, community reference groups.	Support	The Consultation Paper does not give recognition to CMPs as an important tool in putting communities at the centre of coastal decision making.	Give greater recognition to the importance of CMPs in the MACA reform. Also the proposed related improvements - a Coastal Planning Manual to provide guidance for land managers, encouraging planning at a sub-regional scale in line with coastal compartments and best science on coastal processes and greater emphasis on implementing plans.
	Clear and transparent pathways for community input to decision making.	Support		
GAPS: Population Pressures	It would be good to mention the coast is also under increasing pressure from growing urban settlements, industrial and commercial activity, tourism and recreation. Managing these human activities, while protecting the environmental and social values of the coast, and managing current and future risks, is complex and challenging. It is in the face of these pressures , we need a modern integrated legislative framework that is up to the challenge of meeting our current needs and equipping us to face future challenges.			
Definitions	The legislation will need to provide clarity on what constitutes the coast and marine environment and define terms with a technical element such as beach, foreshore, estuary, coastal zone, coastal sediment compartment, coastal hazard, coastal protection works, coastal management plan, ecologically sustainable development etc.			



## Appendix 2 – Comments on the MACA Questions

1. Is the vision set out in the Victorian Coastal Strategy 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 in the current Victorian Coastal Strategy, with the inclusion of marine, is appropriate.

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.

Yes, they can be unnecessarily complex. In many locations there are multiple managers between the inland boundary and the 3nm offshore limit of the marine area. Not only does this inhibit ICZM it imposes practical barriers such as tourist operators requiring multiple permits to operate on a single beach. Along the beach this means dog regulations change based on an arbitrary line in the sand.

Another example is up to six managers being responsible around an estuary. See image below as an illustration of the visual confusion that confronts visitors to the coast at Inverloch.



The Public Land Consultancy uses the example below to illustrate the problem of roles and responsibilities:

*If you are a local Council, where do your powers extend to on the beach? That will depend on which cadastral layer you're investigating. If you're managing a Crown foreshore reserve, the reserve boundary will usually follow the High Water Mark. So your local laws and any Crown reserve regulations (if you can find them) will be active in that area. Below High Water Mark (the intertidal zone and the seabed) is usually unreserved Crown land, where DELWP is normally the default manager.*

*For most municipal Councils, the municipal boundary is the Low Water Mark (Section 3(3A) Local Government Act 1989 "If the boundary of a municipal district is described by reference to the sea coast ... that boundary is to be taken to be the line for the time being of the low water mark").*

*So local laws are applicable in the intertidal zone, but there won't be any Crown regulations. And any dog splashing around in the shallows below the Low Water Mark may be able to avoid the Council dog ranger.*

*Except in the City of Greater Geelong! In Corio Bay, the Municipal District extends out 200 metres into the water from High Water Mark (Government Gazette 8 December 1994).*

*In Port Phillip Bay, replicating the former Port Phillip Authority's planning controls, the current Planning Scheme boundary extends in most cases beyond High Water mark by 600 metres, which allows the Planning Scheme to cover most shore-connected structures such as piers and jetties.*

*And where exactly are High and Low Water Mark, and the other boundaries defined by reference to them? A surveyor will be able to tell you where they are at any point in time, but they are known as "ambulatory" boundaries – they wander around.*

3. Other jurisdictions have made legislative changes to deal with the impacts of accretion and erosion. Are there any aspects of the approaches used in other jurisdictions, for instance NSW and Queensland, that would be relevant for Victoria to help achieve the above improvements?

It would have been good for the Consultation Paper to outline the various treatments in the different states of Australia and make a recommendation.

Other jurisdictions have legislation to deal with:

- providing a process around coastal protection works including liability considerations, maintaining public access, maintenance and funding with beneficiaries of the works able to contribute to project cost and penalties for home-owners who carry out works on Crown land that are not sanctified by a CMP (e.g. the type of provisions needed to address issues at Oliver's Hill)\*
- modifying the Doctrine of Erosion and Accretion so that public access to a beach, headland or waterway is not restricted (e.g. needed when Fox used the Doctrine of Accretion to claim a private Sorrento headland and deny public access)\*

*\* Note: details on these provisions are in the NSW Coastal Management Bill 2016*

Note: A detailed paper on climate change and local hazards such as occurred in Collaroy NSW appears on the CCB website.

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?

The Drivers for change don't address population pressures and increased use of the coast (identified as a key issue in the Central Regional Coastal Plan 2015-2020). This driver is of importance to local communities as some coastal areas are being 'loved to death'. The settlement planning through 'Coastal Spaces' (2005) is still considered useful to better manage coastal fringe growth and recognise township boundaries. It is an example of how policy can provide local guidance for decision making

The coast is also coming under greater visitor pressure and the current Regional Coastal Board (RCB) project to prepare a Visitor Levels of Service Framework aims to provide direction on sustainable tourism.

In addition, it should be noted in the CCB submission that even though the key drivers are discussed many of the proposals are 'deferred' and the questions remain how they will be effectively delivered.

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

The objectives are wordy, vague and unfortunately are not outcome orientated. Objective 8 has become much more a vision statement than an objective for legislation.

For example, the two objectives for climate change could be improved by changing to

- Plan for, and effectively manage, marine and coastal ecosystems, waters and land by building resilience to climate change impacts
- Mitigate current and future risks from coastal hazards, taking into account the effects of climate change
- Improve the resilience of coastal communities and adapt to the impacts of increased coastal hazards.

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?

The establishment of the Victorian Marine and Coastal Council (VMCC) will need to be legislated.

The skillset should include: coastal physical sciences, coastal land use planning, coastal and marine ecology, local government management, traditional owner management and any other general skills (e.g. social science, economics, law) as deemed appropriate. Note also that Council should include members with experience of both regional and urban Victoria.

There should be a minimum of 5 members and we are recommending a maximum of 7 members. The current number of 11 members is too large (particularly as agency representatives (2) and RCB chairs (3) will no longer be on Council).

They should have a three year term with the ability to renew membership once.

Importantly, the key function of the VMCC should be to advise the Minister.

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

There may be an element of seeing how the separation of policy (revised every 10 years) and strategy (revised every 5yrs) work. Longer term policy will require bipartisan agreement.

8. Do you think the proposed reforms would provide for greater efficiency in the advisory functions for nature 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?

The CCB supports the Coastal CMAs having stronger linkages to marine and coastal management, to encourage integrated management from the catchment to sea. However, a number of significant changes

to the CMAs are required. In particular, the CMA boundaries need to be adjusted to align marine and coastal boundaries, for example, the whole of Port Phillip Bay catchment should be included in a single CMA district. Additionally, the governance arrangements need to be modified to ensure that there is marine and coastal representation on the Coastal CMA Boards.

The Consultation Paper proposes that the Coastal CMAs become the referral authority for coastal erosion. Whilst this function clearly needs to be covered, the CCB considers it preferable for it to be undertaken, or at the very least co-ordinated, by the proposed Marine and Coastal organisation it proposes rather than distributing the expertise and knowledge across multiple CMAs who would need to build their capacity to undertake this.

In particular, for the central coast there needs to be a very clear definition of the role of Melbourne Water relative to the CMAs.

9. What issues would need to be considered to enable a smooth transition for 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 are not lost as part of the process?

This direction should be supported by policy, a process to retain community input (e.g. establishment of local advisory committees) and ensuring that CMPs cover the broader areas and prioritise works.

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

Yes, this is a welcomed proposal. It should use best practice using an ecosystem based approach; balancing ecological, social and economic objectives, defining areas at an ecosystem level, and integrating planning across boundaries.

11. Do you think there is a need to legislate for an EMP to be prepared for Port Phillip Bay? What other areas would benefit from an EMP?

The advantage of a legislated approach for the PP EMP is in providing greater assurance that it will be developed and revised according to agreed timeframes. Other areas that would benefit from an EMP are Western Port and Gippsland Lakes.

12. Do you feel that the policy statement in the VCS should be reflected in legislation through the new act? Why? i.e. this refers to the VCS statement that as a general principle, use of the coast and the location of public and private assets should respect natural coastal processes. Further, the Crown does not have an obligation to reduce the impacts of coastal hazards, sea level rise and other natural processes on private land.

They should be included in the new Victorian Marine and Coastal Policy.

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

Beneficiary pays principle can be applied to coastal protection works whereby owners of land protected by the works are benefitted and they pay a percentage share of the total funding required. This provision will need to be outlined in legislation. See NSW Coastal Management Bill 2016.

Beneficiary pays should also be applied for boat launching (as there are significant costs in dredging boating channels and maintaining infrastructure). This includes parking fees (there parking areas with no charges), a larger percentage of the fees for boating and fishing licences paid back into maintaining infrastructure (some funding is available through DEDJTR's Boating Safety Program).

There is also the potential of the large marine revenue earners e.g. Ports and Fisheries to put more back into management of marine environments and resources.

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?

We need more information on how relocation of a levy on CoMs will be redistributed, how the funds would be spent and on what basis priorities would be identified to ensure equity for contributors?

A preferred alternative to supplement existing revenue sources is to extend and adapt the current Parks Charge collected and expended in Metropolitan Melbourne to many properties located within the catchment, whose residence enjoy the coast, but do not currently contribute due to the historic boundary definitions of this charge. A small increase in the rate of the Parks Charge could also provide sustainable future funding for the coastal zone in the Central Region – which coincidentally provides the largest and most continuous public reserve/park in the metropolitan area.

15. How can cost sharing arrangements be clearly articulated? Should this be a policy response involving the Commonwealth, State and local government? If so by which means? Alternatively, does it require a legislative response?

It should have some flexibility and a policy response is preferred. For example, funding needs to be able to respond to emergency situations and priorities may need to change from time to time.

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?

Yes, legislation is preferred to establish the process for a State of the Marine and Coasts Report. It will need to consider who is responsible for developing the report and the process that is adopted ( e.g. what consultation process is required). It will also need to consider the time interval between reports (e.g. every 5 years).

See the current *Coastal Management Act 1995* as an example of outlining the requirements for a report/plan, in this case preparation of a Coastal Action Plan.



23 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

Dear Dr. Wescott,

**Re: Marine and Coastal Act Submission**

Thank you for the opportunity to provide a submission on the recommended reforms in the Marine and Coastal Act consultation paper. The Gippsland Coastal Board (GCB) views the preparation of the Marine and Coastal Act as an opportunity to improve the management of Victoria's marine and coast for future generations.

The paper sets out analysis of a broad range of issues related to marine and coastal management in Victoria and a correspondingly large range of proposals for change. However the GCB believes the paper fails to strongly link the proposed reforms to the proposed vision and objectives of the Act making it difficult to consider and evaluate the proposed changes in respect to the desired outcomes.

Our submission is focussed largely on the proposed reforms related to clearer governance and institutional arrangements as they relate to the regional context. In particular we wish to ensure the valuable work of Regional Coastal Boards, Committees of Management and other groups will not be lost through the reform process. We strongly advocate that there continues to be a strong regional presence in advocacy and strategic planning for Victoria's marine and coast.

***Clearer Governance and Institutional Arrangements: Phasing out RCBs***

The GCB supports the concept of clearer governance and streamlining institutional arrangements in the case that the need is clearly articulated and the proposed arrangements provide for the range of roles and functions covered through existing arrangements. We argue that the proposed arrangements are not comprehensive and instead increase the risk that strategic management of regional coastal (and marine) management issues will be lost.

The *Coastal Management Act 1995* provides Regional Coastal Boards authority to influence a broad range of strategic coastal management issues including tourism, recreation, commerce, development and land-use planning, infrastructure provision, coastal access and amenity. In addition the VCC and RCB's have a key role in promoting public awareness and involvement in coastal issues and their management.

Regional Coastal Boards need to consider matters as diverse as optimised siting and management of boating facilities, public education, coastal flooding and erosion, statutory planning, and tourism. The organisations are unique in having an overarching perspective not available to other land managers servicing coastal areas. Despite operating in a resource constrained context RCB's have used an approach based on influence and strong relationships to develop effective collaborative partnerships with government agencies and the community to deliver enduring outcomes for Victoria's coast.

We have the following comments to make in relation to the proposed framework of a Marine and Coastal Council, Coastal Catchment Management Authorities and Regional and Strategic Partnerships.

- The governance arrangements and relationship of the proposed Marine and Coastal Council with Coastal Catchment Management Authorities and Regional and Strategic Partnerships lacks clarity. We disagree with the assertion that the proposed reforms simplify the complexity of accountabilities that currently exist for marine and coastal management. Under the proposed reforms the complexity of land and water management will remain and achievement of the vision for Victoria's marine and coast will continue to rely on good will and collaboration between multiple agencies and the community.
- We support the proposed reform for Coastal Catchment Management Authorities to deliver natural resource management across catchment, coast and marine environments. We have concerns about the resourcing of CMAs to deliver this function and the gaps in accountabilities under the proposed reforms as set out in later points.
- There are gaps in the range of functions proposed for Coastal Catchment Management Authorities and the 'as needed' Regional and Strategic Partnerships when compared with the current functions of Regional Coastal Boards. In particular leadership and accountability for regional strategic planning matters such as visitor experience, boating facilities, land use and development, boating facilities and infrastructure, research and investigations appear to be missing from the proposed framework. Furthermore a lead agency for regional marine planning and management issues are also absent from the framework.
- There is a risk that inequity will result in different parts of Victoria from a system where Partnerships to address specific issues are formed in some regions and not others.
- The assertion that "resourcing constraints have meant that Regional Coastal Boards have often been unable to perform their statutory responsibilities" (p. 45), is not supported in the consultation paper by clear evidence. Whilst we agree that resourcing constraints have at times limited the abilities of RCBS including the GCB to optimally deliver actions and programs, we strongly disagree with the statement that we haven't performed our statutory responsibilities. To this end we would argue that this statement is based on opinion rather than fact. We further question what arrangements will be in place to ensure the Coastal Catchment Management Authorities and Regional and Strategic Partnerships will be resourced to deliver these functions.
- We believe the argument for phasing out RCBs has not been strongly made, and the range of functions covered by RCBs are not adequately covered under the proposed reforms. We suggest that either the framework is revised so that it properly accounts for the functions and enables a lead agency at the regional level to have accountability for the range of

functions or the panel considers transferring RCB provisions in the Coastal Management Act be transferred to the Marine and Coastal Act. The retaining of RCBs would ensure that many important regional strategic planning functions have a dedicated lead authority who would (continue to) coordinate partnership activities and enable collaboration at the regional scale.

Of relevance is the attached GCB obligatory regulatory functions table that was prepared for the Land and Biodiversity White Paper amalgamation process and is still largely relevant today in the context of the coastal CMAs taking on some of the functions of the RCBs. Some parts have been updated.

### ***General feedback incorporating reflections from the Gippsland Practitioners Session***

#### Drivers for change

We agree that this section identifies a number of inefficiencies in the current system of coastal management that could be improved. However we believe that the paper does not present strong evidence that the old system is broken and that the new system will “fix” the problem. This position was reaffirmed at the Gippsland practitioners’ session where some participants suggested that the narrative describes a system that is more complex than it actually is. The experience in Gippsland is that the system requires that on any one issue we book a small meeting room and invite relevant stakeholders. We would propose that an alternative solution to some of these issues could be found within the current system by ensuring that projects and accountabilities are more clearly defined.

Other comments include:

- There is a real concern from practitioners about the potential loss of regional identity. The Regional and Strategic Partnerships approach, on an as-needs basis, appears to be a concept that has not been fully considered.
- There are concerns about equity in the new system (i.e. small vs. large committees of management) and in a consolidated revenue approach to management.
- Cost sharing arrangements should also be more clearly defined; many of these proposed concepts and ideas require further development and detail before comments can be provided.
- The interactions between this piece of legislation and other relevant Acts have not been explained making it difficult to understand the context and range accountabilities for marine and coastal management (e.g Marine Safety Act, Fisheries Act and the Crown Land Reserves Act).
- The intent of the marine component of the Act is commendable but the ability of the legislation to really influence marine management is perhaps weak. Without a whole of marine ecosystem approach to management including fisheries it is unlikely that meaningful change will take place.
- A major gap in the discussion paper is the role and function of Parks Victoria as the major coastal land manager in Victoria. Given Parks Victoria’s significant role in managing Victoria’s coastal and marine environment it is perhaps an oversight that the formal links between advisory bodies, strategic coastal planning organisations such as CMAs, and Parks Victoria are not more formally recognised and strengthened through this process.
- RCB’s have had a major role in ensuring that coastal climate change issues are considered, that a strong evidence base for climate change vulnerability is collected and that information is made available to members of the public and stakeholders and included in relevant



regional plans and strategies (e.g. Regional Catchment Strategies). It is important that the new legislation recognises the full range of impacts of climate change in the marine and coastal environment and sets out the accountabilities of the strategic planning agencies responsible for the coast in Victoria in relation to climate change.

- A gap in the consultation paper is the consideration of preservation of coastal Crown Land as a principle within the new legislation and the transition of various protective measures (e.g. sea walls) over time so that the cost of maintaining them in many areas does not become an ongoing burden for government and community. Principles that consider and promote coastal adaptation pathways rather than maintaining the status quo would be relevant if embedded within this legislation as well as in the Victorian Climate Change Act.

### ***Conclusion***

The Gippsland Coastal Board looks forward to continuing to collaborate and work effectively with our regional counterparts to ensure that the implementation of the new legislation provides an enhanced marine, coastal and catchment management regime and delivers positive outcomes for our coast and our community.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Ellis', is positioned above a solid red horizontal line. To the left of the signature, there is a short vertical black line.

Richard Ellis, Chair

### GCB Obligatory Regulatory Functions

GCB Regulatory Instrument Coastal Management Act (CMA)	Expected Status / Comments on Phasing	Products	Rationale	Risks if out
12(1)(a) to develop coastal action plans for land within the region	<b>IN</b> - Key tool(s) for ICZM Potential for new CAPs to reflect themes in VCS, RCS; expected to be larger in scope and potential for them to provide more direction to coastal management planning by foreshore committees and DSE <b>OUT</b> - local CAPs, Estuaries CAP actions will be rolled into RCS and Waterway Strategies	<ul style="list-style-type: none"> <li>Regional Coastal Plan</li> <li>Three CAP reviews</li> <li>Two CAPs current for Gippsland region (Boating and possibly Visitation CAP)</li> </ul> <b>Resource \$50K</b> to assist Boating CAP review, no implem funds <b>Funding source:</b> MSV (Dept of Transport) and DELWP 001	<ul style="list-style-type: none"> <li>Regional/local articulation of the VCS</li> <li>Statutory mechanisms</li> <li>Complements regional authority scope and influence on local govt planning</li> <li>List of actions to implement regional strategic directions</li> <li>CAPs well regarded by stakeholders and reviews have found them to be quite successful</li> <li>All 'cut across' range of agencies and land tenure functions</li> <li>Provide a framework for funding priorities/opportunities</li> <li>Approved by Minister</li> </ul>	<ul style="list-style-type: none"> <li><b>Loss of regional coastal focus</b></li> <li>Loss of integrating strategic planning tool</li> <li>Government reduces its commitment to the coast</li> <li><b>Reduced community and agency engagement</b></li> <li>Lack of facility to focus cross-tenure</li> <li>Potential has not been realised via one generation of CAPs</li> </ul>
12(1)(b) to provide advice to the Minister on coastal development in the region and any other matters referred to it by the Minister	<b>MAYBE</b> – Mechanism required may be through CMA Board and/or through a coastal subcommittee	<ul style="list-style-type: none"> <li>Letters to Minister e.g. on Bastion Point and Wellington Waters.</li> <li>On issues referred</li> </ul>	<ul style="list-style-type: none"> <li>Board mixed and expert membership to provide independent advice</li> </ul>	<ul style="list-style-type: none"> <li>No 'coast' and marine expertise to raise coastal matters and offer independent advice to Minister on a regional scale</li> </ul>
12(1)(c) to provide advice to the Council on coastal development in the region and any other matters referred to it by the Council	<b>OUT</b> - Current reporting arrangements through VCC unlikely to continue	<ul style="list-style-type: none"> <li>Several joint submissions</li> <li>Combined RCB/VCC processes</li> </ul>	<ul style="list-style-type: none"> <li>Effective integration of coastal issues and consistent implementation of the VCS</li> <li>NRCCAs not seen as having reporting function to new peak body</li> </ul>	<ul style="list-style-type: none"> <li>No coastal governance structure with 'peak' body</li> <li>End of Victorian model cited nationally as 'best practice'</li> <li>Government reduces its commitment to the coast and consistency in applying the VCS</li> </ul>
12(1)(d) with the approval of Council, to prepare and publish guidelines for coastal planning and management in the region	<b>MAYBE</b> –Important tool under CMA but no anticipated linkages to Council/peak body	<ul style="list-style-type: none"> <li>GCB input on Coastal Spaces, Guide for Coastal Floodplain Mgmt, Bathing Boxes Guidelines, Siting and Design Guidelines, etc.</li> <li>GCB BASIS document acts as guidelines and contains policy guidance on jetties in rivers</li> </ul>	<ul style="list-style-type: none"> <li>Guidelines considered useful tool(s)</li> <li>Coastal Spaces work provided innovative approach to assisting councils deal with the growth in coastal areas (sea change phenomena)</li> <li>Work well regarded by LGAs</li> </ul>	<ul style="list-style-type: none"> <li>Coastal topic diminished in status and rolled into NRM planning / Regional Blueprint</li> <li>Loss of coastal planning focus via guidelines</li> <li>Coastal stakeholders lost or disillusioned</li> </ul>
12(1)(e) to facilitate the implementation in the region of the Victorian Coastal Strategy, Coastal Action Plans and approved coastal guidelines for the region	<b>IN</b> - VCS, CAPS and guidelines to be continued and implemented	<ul style="list-style-type: none"> <li>CAPs</li> <li>'Future Directions' document</li> </ul>	<ul style="list-style-type: none"> <li>Improved outcomes for coastal planning and management through implementation of VCS, CAPs and guidelines</li> <li>VCS, products and governance Australian best practice</li> </ul>	<ul style="list-style-type: none"> <li>No dedicated VCS, CAPs or Guidelines</li> <li>Coastal topic diminished in status and rolled into NRM planning, with non-NRM aspects absent</li> <li>Coastal stakeholders lost or disillusioned</li> </ul>
12(1)(f) to facilitate local public awareness of and consultation and involvement in the development and implementation of the Victorian Coastal Strategy, Coastal Action Plans and approved coastal guidelines for the region	<b>IN</b> – As above	<ul style="list-style-type: none"> <li>Hosted consultation sessions and public forums on VCS</li> <li>Use of media as appropriate</li> <li>Consultation on CAPs (e.g. RCP development) and CAP reviews as appropriate</li> <li>Website</li> </ul>	<ul style="list-style-type: none"> <li>Stakeholders widely consulted in preparing plans</li> <li>Foster ownership of plans and commitment to implementation</li> </ul>	<ul style="list-style-type: none"> <li>Loss of coastal focus</li> <li>Reduced community engagement and government commitment to the coast</li> <li>Loss of advocacy voice for the community and the coast on a regional scale</li> </ul>

GCB Regulatory Instrument Coastal management Act	Status with respect to merger	Products	Rationale	Risks if out
12(1)(g) to liaise with and encourage the co-operation of government departments, municipal councils, public authorities, industry, community groups and persons and bodies involved in the planning and management of the region in developing and implementing strategic solutions to matters affecting the conservation and use the region's coast	<b>MAYBE</b> – However, advocacy role will diminish under new model	Successful at stakeholder engagement given limited resources	<ul style="list-style-type: none"> <li>Diversity (skills and geographically) of Board</li> <li>GCB has good credentials in working with a network of stakeholders, planners, managers, and delivery partners</li> <li>Build awareness of coastal issues and appropriate responses</li> <li>Co-ordination and improved cooperation of agencies working on coast</li> </ul>	<ul style="list-style-type: none"> <li>Efforts to raise the bar on coastal issues loses momentum</li> <li>Links to local government and other regional stakeholder agencies will be considerably weakened</li> <li>Objectives and outcomes sought in the current Act are diminished in stature</li> <li>Weak ICZM</li> </ul>
12(1)(h) to carry out any other functions conferred on it by or under this Act or any other Act	<b>IN</b> – New opportunities for investment in coastal NRM will be taken up  <b>MAYBE</b> – less focus on strategic coastal planning (i.e. Planning & Envir Act)	<ul style="list-style-type: none"> <li>Externally funded projects e.g. Coastal Climate Change research program</li> <li>E.g. Coastal and Marine Assets Framework</li> </ul>	<ul style="list-style-type: none"> <li>Projects aim to build linkages and knowledge sharing, collaboration and strengthen partnerships</li> <li>New work in identifying coastal and marine assets and contribute to implementing actions in RCS, NRM Plan and Marine Plan</li> </ul>	<ul style="list-style-type: none"> <li>Reduction in Government investment and commitment to the coast</li> </ul>
13(a) & (b) to report to VCC on status of coastal planning in region and implementation of VCS, CAPs and Guidelines	<b>OUT</b> - Current reporting arrangement through VCC unlikely to continue	<ul style="list-style-type: none"> <li>Annual report</li> </ul>	<ul style="list-style-type: none"> <li>Effective integration between RCBs and the VCC as part of an ICZM model</li> <li>CMAs not seen as having reporting function to peak body??</li> </ul>	<ul style="list-style-type: none"> <li>Reduction in information to coastal stakeholders from the peak body</li> <li>Weaker ICZM</li> </ul>



# **Marine and Coastal Act Consultation Paper**

**Submission**

**October 2016**

**© Copyright Municipal Association of Victoria, 2016.**

*The Municipal Association of Victoria (MAV) is the owner of the copyright in the publication MAV submission to the Marine and Coastal Act Consultation Paper.*

*No part of this publication may be reproduced, stored or transmitted in any form or by any means without the prior permission in writing from the Municipal Association of Victoria.*

*All requests to reproduce, store or transmit material contained in the publication should be addressed to 9667 5555.*

*The MAV does not guarantee the accuracy of this document's contents if retrieved from sources other than its official websites or directly from a MAV employee.*

*The MAV can provide this publication in an alternative format upon request, including large print, Braille and audio.*

*MAV submission to the Marine and Coastal Act Consultation Paper has been endorsed by the MAV Board.*

## Table of contents

<b>1</b>	<b><i>Executive summary</i></b> .....	<b>5</b>
<b>2</b>	<b><i>Introduction</i></b> .....	<b>9</b>
<b>3</b>	<b><i>Background</i></b> .....	<b>10</b>
3.1.	The role of the MAV .....	10
3.2.	The role of councils in coastal management .....	10
3.3.	The Government's commitments .....	11
3.3.1.	<b>Election promises</b> .....	11
3.3.2.	<b>Victorian Floodplain Management Strategy</b> .....	12
3.3.3.	<b>Other strategies</b> .....	14
<b>4</b>	<b><i>Summary of core issue for local government</i></b> .....	<b>15</b>
4.1.	Summary of core issues for local government .....	15
<b>5</b>	<b><i>Setting the framework</i></b> .....	<b>16</b>
5.1.	Do the reform initiatives do enough? .....	16
5.2.	Principles for sound coastal governance .....	16
<b>6</b>	<b><i>Response to the proposed reforms</i></b> .....	<b>18</b>
6.1.	Governance and institutional arrangements .....	18
6.1.1.	<b>Marine and Coastal Council</b> .....	19
6.1.2.	<b>Policy and strategy</b> .....	19
6.1.3.	<b>Expanded role of CMAs/Melbourne Water</b> .....	20
6.1.4.	<b>Establishment of Regional and Strategic Partnerships (RASPs)</b> .....	21
6.1.5.	<b>Crown Land Committees of Management</b> .....	21
6.1.6.	<b>Shared services</b> .....	22
6.2.	Strengthening marine management, policy and planning .....	23
6.3.	Integrating planning systems .....	24
6.4.	Climate change and managing risk .....	24
6.4.1.	<b>Coastal hazard vulnerability assessments</b> .....	25
6.4.2.	<b>Policy/Strategy</b> .....	26
6.4.3.	<b>Liability</b> .....	26
6.4.4.	<b>Decision making</b> .....	27

6.5.	Sustainable resourcing of the proposed system.....	28
6.6.	Improving knowledge of the condition of marine and coastal areas.....	30
6.7.	Involving the community .....	31
<b>7</b>	<b>Conclusion .....</b>	<b>32</b>

## 1 Executive summary

The development of a new Marine and Coastal Act and supporting structures is supported by the MAV and councils. Councils have a number of different roles in coastal management including acting as Committees of Management on behalf of the State Government.

Many of the recommendations in the Marine and Coastal Act Consultation Paper have merit and should achieve ongoing improvement to the system. The MAV believes, however, that much more substantive reform is required to face the challenges of climate change, ageing infrastructure and population growth.

A summary of our response to individual initiatives is outlined below.

### Summary of actions

	Proposed initiative	Summary response
<b>Improving governance and institutional arrangements</b>		
3.1	Replace the Victorian Coastal Council (VCC) with a Marine and Coastal Council.	Indifferent 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 state-wide and regional policy and strategy exist for both the marine environment and coastal land. Strategy and policy must also be translated into other decision making instruments such as planning schemes to have full effect and provide guidance to planning authorities.
3.3	Strengthen the role of the coastal Catchment Management Authorities (CMAs).	Support CMA expertise in flooding, erosion and other natural resource management issues is welcomed provided sufficient resources are provided to CMAs to undertake the advisory role. In the Port Phillip Bay, the proposal for Melbourne Water to take on this role is complicated by the Water Plan process and whether the role is compatible with their core functions.
3.4	Enable agencies (including councils) to form Regional and Strategic Partnerships (RASPs) to deal with regional planning or issue-based planning that crosses jurisdictional	No support Issue-based taskforces for regional issues are already common, do not require legislative effect, and provide a more responsive approach than artificial



	boundaries.	boundaries. There is no detail about how RASPs will be funded or resourced.
3.5	Phase out the three Regional Coastal Boards.	Indifferent Some useful interaction has occurred between the Regional Coastal Boards and councils in developing the Regional Coastal Plans (RCPs). It is unclear what the status of the RCPs will be and who will be the lead authority in terms of their implementation.
3.6	Category 2 Committees of Management (CoMs) to be transitioned into Category 1 CoMs or to local government to manage as CoM.	No support A more fundamental reworking of management arrangements is required. There needs to be simplification of responsibility within coastal reserves and a logical basis on which the boundaries are determined. Many councils do not have the resources to take on additional Committees of Management, particularly with the increased expectations around community engagement.
3.7	Local communities to continue to be encouraged to be involved in coastal management through formal and informal opportunities such as Coastcare, Landcare, local advisory bodies, the appointment of section 86 CoM under the Local Government Act or appointment to Category 1 CoMs.	Support in principle Councils support community engagement in decision making. However, if CoMs are transferred to local government consideration needs to be given to the cost to councils in administering local advisory bodies and section 86 committees.
3.8	Encourage greater use of shared services and better integration between coastal land managers.	Support in principle Councils are happy to consider the provision of shared 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 areas scheduled under the National Parks Act.	Support in principle 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 this might occur.
<b>Strengthening marine management</b>		
4.1	A Marine and Coastal Policy will be prepared, providing an overarching strategy to manage marine environments. It will be integrated and linked to a marine spatial planning	Support Marine and Coastal Policy should reflect core Government positions with the Marine and Coastal Strategy detailing how the policy

	framework and inform the Marine and Coastal Strategy.	<p>will be achieved.</p> <p>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.</p> <p>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.</p>
4.2	Develop a marine spatial planning framework.	<p>Support</p> <p>This is a gap in the current system. There must be an effective custodian of the framework and the inclusion of fisheries, ports and resources.</p>
4.3	Require a Port Phillip Bay Environment Management Plan (EMP).	<p>Support</p> <p>Provided the head of power is not drafted in a limiting manner and there is appropriate consultation with local government.</p>
<b>Integrating planning systems</b>		
5.1	<p>Coastal Management Plans (CMP) will be retained and strengthened.</p> <p>(a) The Minister can approve use and development proposed in CMPs at the time the CMP is endorsed.</p>	<p>Support in principle</p> <p>Many councils already have a form of management plan in operation for their Committees of Management. There is however concern about the cost of preparing a Coastal Management Plan and the complexity of matters to be included. The model might work if State Government plays a coordinating role and a template plan is prepared.</p>
5.2	<p>Maintain consent provisions for the Minister to have the final say on use and development on Crown land in coastal and marine areas</p> <p>(a) The new Act will clearly articulate when consent provisions are not required, a yes/no consent or require assessment</p> <p>(b) Strengthen the enforcement of unauthorised use and development and include penalty provisions for non-compliance with consent conditions.</p> <p>(c) Reduce duplication in the processing and consideration of use and development applications</p>	<p>Support</p> <p>There is significant duplication of assessment in the planning and Crown land consent processes. These processes should be mapped and opportunities identified to reduce red tape.</p> <p>There is currently no enforcement of the Crown Land (Reserves) Act and any consents issued under it. Amendment is required to this Act and Regulations. Who the enforcement agency should be requires some working through.</p>
<b>Adapting to climate change</b>		
6.1	Recognise climate change in the objectives of the new Act.	<p>Support</p> <p>Including an objective in the new Act is important to provide the basis for the</p>

		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	<p>Support</p> <p>This is a critical necessity. Councils have been provided with little assistance in this area and are exposed. Assistance is particularly required in relation to coastal hazard vulnerability assessments and State climate adaptation policy.</p>
<b>Resourcing the proposed system</b>		
7.1	Increase transparency of where revenue is generated and spent through better reporting and awareness.	<p>Support in principle</p> <p>This is necessary state-wide although more detail is required about potential reporting requirements.</p> <p>ABM councils have committed to this as part of their Bay Blueprint.</p>
7.2	Undertake a review of fees and charges to identify where the beneficiary pays principle can be applied better and more consistently.	<p>Support in principle</p> <p>Significant consultation with councils is required to determine an appropriate and agreed definition of beneficiaries.</p>
7.3	Better target resources to where they are needed by establishing a levy on certain coastal Crown land managers	<p>No support</p> <p>Councils strongly believe that additional resources are required for coastal protection and that this must be acknowledged by State Government. Councils would be concerned if a levy was generated from their income as there is already significant input of ratepayer funds to coastal management.</p>
7.4	Establish a process to determine appropriate cost-sharing arrangements for coastal infrastructure	<p>No support</p> <p>Current negotiations with local government are not appropriate and it is not considered that there should be cost sharing for coastal protection works where the obligation is on Government. Significant consultation with councils is required on this issue.</p>
7.5	Continue to build capacity, share technical expertise and support volunteer programs	<p>Support</p> <p>Provided sufficient resources are available to meet the need.</p>
<b>Improving knowledge of the condition of marine and coastal areas</b>		
8.1	Develop a State of the Marine and Coasts Report that sets the baseline conditions and monitor change over time.	<p>Support</p> <p>This is essential to decision makers.</p>
8.2	Improve knowledge translation for decision makers	<p>Support in principle</p> <p>This is essential to decision makers and the expertise to fill knowledge gaps must reside within Government.</p>

## 2 Introduction

The Municipal Association of Victoria (MAV) welcomes the release of the *Marine and Coastal Act Consultation Paper*. Coastal councils are an integral part of the coastal management system including via their roles as committees of management, planning authorities and representatives of coastal communities. Councils consider strengthening the protection of the marine and coastal environment as critical to meet the challenges of climate change, population growth and ageing assets.

The proposed reforms canvassed within the consultation paper, if implemented, would likely have significant implications for local government. On their own many of the proposed actions have merit and may result in small improvements. However, as a whole, the proposed model will not achieve the substantive and sustainable reform needed to address future challenges. The proposed reforms represent a minimalist approach and a tweaking of the existing system rather than a genuine shift towards a sustainable and strong management system for our marine and coastal environment.

This submission provides:

1. A brief discussion of coastal management issues for councils
2. A discussion of the proposed reforms considered to be of particular importance to local government
3. Recommendations for improvement.

We note that the release of the paper so close to the commencement of the local government caretaker period has not allowed for proper Council consideration of the proposed reforms and their impacts on council and the community more broadly.

We consider it vital that the State undertake a more robust consultation process with local government about alternative potential governance models for coastal management.

In the face of a rapidly changing climate the cost of failing to take substantive action to protect our coast and marine environments will be far greater than any immediate or short term costs. This must be taken into account in the decision making about system reform.

## 3 Background

### 3.1. The role of the MAV

The MAV is the peak representative and advocacy body for Victoria's 79 councils. The MAV was formed in 1879 and the *Municipal Association Act* 1907 appointed the MAV the official voice of local government in Victoria.

Today, the MAV is a driving and influential force behind a strong and strategically positioned local government sector. Our role is to represent and advocate the interests of local government, lobby for a 'fairer deal' for councils, raise the sector's profile and help ensure its long-term security. Our services include policy advice, strategic advice, capacity building programs and insurance.

### 3.2. The role of councils in coastal management

Local government can have a number of important roles relating to coastal reserved land:

- As a strategic land use planning authority
- As a Committee of Management appointed by Government under the *Crown Land (Reserves) Act* 1978
- As a service provider to Parks Victoria or other Committees of Management
- As a manager of stormwater infrastructure and other assets.

Generally where local government is a Committee of Management, it performs the following functions:

- **Governance** – budget development and maintenance, administration
- **Maintenance** – mowing, landscaping, carpark and access, pedestrian and cycling access
- **Building/infrastructure management** – toilets, carparks and access, stormwater assets, signage, rubbish bins, BBQs, picnic tables and benches, playgrounds, drinking fountains, lighting
- **Facilities management** – toilet cleaning and maintenance, rubbish collection, parking control
- **Natural resource management** – erosion control, repair of storm damage, revegetation, pest plant and animal control, cultural heritage protection, vegetation protection
- **Beach management** – beach cleaning, beach renourishment, dog control, safety signage
- **Festivals and event administration**

Councils have never had direct responsibility for planning, installing or maintaining coastal protection assets. Councils consider this to be the responsibility of the State Government, namely the Department of Environment, Land, Water and Planning (DELWP).

Coastal councils have a strong collegiate relationship with each other, particularly the Port Phillip Bay councils through the Association of Bayside Municipalities. They have varying relationships with Parks Victoria, DELWP, Catchment Management Authorities (CMAs) and Traditional Owners.

### **3.3. The Government's commitments**

#### **3.3.1. Election promises**

It is useful to reflect on the promises about coastal management made by the Government during the 2014 election period. These included:

- Implement strategies that support coastal communities to respond to the impact of rising sea levels
- Use the Coastal Management Act and rolling five-year Victorian Coastal Strategies as appropriate accountability and reporting measures as the centrepieces of coastal policy
- Ensure the Coastal Management Act enables the protection of Aboriginal cultural heritage sites and explicitly recognises the principle of Environmentally Sustainable Development
- Review the interactions and overlap between the Coastal Management Act, the Planning and Environment Act and the Crown Land (Reserves) Act to ensure that coastal and marine zone planning and management is strengthened, integrated and simplified
- In addition to geographically-based Coastal Action Plans, draft and adopt complementary functionally-based Coastal Action Plans. For example, for recreational boating, commercial and private tenures, and the progressive removal of non-coastal-dependent uses and developments
- Prohibit draining of coastal wetlands for the purpose of development
- Maintain and strengthen Victoria's marine and coastal research program, including active scientific monitoring of Victoria's marine and coastal environment
- Prohibit new development of coastal areas that may be subject to inundation due to sea level rise and storm surges

- Investigate the rights of way along the Victorian coastline with the intention of retaining and establishing public ownership of a foreshore strip for the full length of the Victorian coastline
- Implement a strategy to improve the quality of Victoria's bay beaches.

Many of these matters still remain important for councils and are not addressed in the consultation paper. They should not be lost in the reform process currently underway.

### 3.3.2. Victorian Floodplain Management Strategy

The *Floodplain Management Strategy* 2016 has sought to clarify accountabilities around coastal flooding. The following commitments of relevance have been made to coastal management:

Policy	Accountability	Actions
<b><i>Sharing coastal flood risk information</i></b>		
Victoria's coastal flooding risks will be identified progressively through coastal hazard assessments.	<ul style="list-style-type: none"> <li>• DELWP is accountable for developing the criteria and process for identifying priorities for undertaking coastal hazard assessments</li> <li>• DELWP is accountable for the development and maintenance of standards for modelling and mapping coastal flooding</li> <li>• DELWP is accountable for undertaking coastal hazard assessments for the priority areas identified through Regional Coastal Plans</li> <li>• The CMAs and Melbourne Water are accountable for supporting the flood risk components of coastal hazard assessments</li> <li>• The CMAs and Melbourne Water are accountable for collecting data following coastal flooding and storm surges</li> <li>• DELWP and Melbourne Water are accountable for storing coastal flood information in Victoria's flood databases.</li> </ul>	<ul style="list-style-type: none"> <li>• DELWP will expand the standards for flood mapping to include coastal flooding.</li> <li>• DELWP will support LGAs in preparing coastal flood studies for the priority areas identified through coastal hazard assessments and Regional Floodplain Management Strategies.</li> </ul>
LGAs with areas at risk of coastal flooding must ensure that their Planning Scheme contains:	LGAs are accountable for ensuring that their Planning Schemes correctly identify the areas at risk of coastal	DELWP will review the flood-related overlays to determine the most appropriate planning tools in

<ul style="list-style-type: none"> <li>– the objectives and strategies for managing the risk in the Municipal Strategic Statement</li> <li>– the appropriate zones and overlays.</li> </ul>	<p>flooding, and contain the appropriate objectives and strategies to guide decisions in exercising land use controls relating to flooding.</p>	<p>relation to coastal flooding.</p>
<b>Regional flood planning</b>		
<p>DELWP will ensure that the approaches and methodologies developed through the implementation of Regional Coastal Plans will be designed to ensure that coastal hazard assessments meet the business needs of LGAs and government agencies for such things as Planning Scheme amendments, and municipal flood emergency management plans.</p>		<ul style="list-style-type: none"> <li>• The CMAs and Melbourne Water will document, in Regional Floodplain Management Strategies or implementation plans, areas with identified coastal flood risks. This will inform priorities for future coastal hazard assessments and provide an input into flood risk assessments along the coast.</li> <li>• DELWP will work with the CMAs, Melbourne Water and LGAs to: <ul style="list-style-type: none"> <li>– support the implementation of Regional Coastal Plans by developing a systematic approach to prioritising areas for detailed coastal hazard assessments including flooding</li> <li>– develop a strategic and consistent approach to assessing risks to regionally significant coastal public assets from coastal hazards, including flooding.</li> </ul> </li> </ul>
<b>Local flood responses</b>		
<p>DELWP will support LGAs to strengthen their community's capacity to adapt to the effects of coastal flooding.</p>		<p>DELWP will support local government responses by:</p> <ul style="list-style-type: none"> <li>– working with LGAs to develop adaptation responses from the hazard assessment pilot projects</li> <li>– identifying other areas where this process can be used through the implementation of Regional Coastal Plans</li> </ul>



		<ul style="list-style-type: none"> <li>– undertaking coastal hazard assessment to the standard of the pilot projects for new priority locations identified through the Regional Coastal plans</li> <li>– continuing to work in partnership with LGAs, CMAs land managers and communities to support adaptation planning.</li> </ul>
--	--	---

While the Floodplain Strategy usefully sets out responsibilities and accountabilities for coastal flooding these are not currently explicit in the legislative framework. We have not seen any evidence of these commitments being honoured to date and there would be a greater level of comfort if the responsibilities could have a legislative basis. Further, there is a need to consider the combined effect of coastal and riverine flooding which was not within scope of the Floodplain Strategy.

### 3.3.3. Other strategies

There are a range of other legislative reviews and strategies currently underway that could have interdependencies with the Marine and Coastal Act. These include:

- The Climate Change Act
- The Victorian Climate Change Adaptation Plan
- Biodiversity Strategy
- The review of the Flora and Fauna Guarantee Act
- The review of the Environment Protection Act
- The Water for Victoria strategy
- The review of the State Environment Protection Policy – Water
- The Infrastructure Victoria 30 year Infrastructure Strategy

It is important that the opportunity is not lost to enshrine accountabilities and requirements in the Marine and Coastal Act. It cannot be assumed that the other review processes will adequately respond.

## 4 Summary of core issue for local government

### 4.1. Summary of core issues for local government

MAV member councils have highlighted a number of issues relating to coastal management:

- A devolving of responsibility from State Government to local government to a point where the State considers its role to be 'advisory and facilitative' rather than an owner and manager of significant assets.
- An underlying presumption by the State Government that local government should/will fund the management of Crown land without any *capital* or *operational* funding from the State.
- An increasing push for councils (and adjoining landowners) to pay for coastal protection works (both initial capital costs and recurrent maintenance).
- A lack of clarity about the liability of councils in performing their range of functions.
- Confusion within the community, and sometimes between agencies, about respective roles and responsibilities within coastal reserves. Ultimately, as the 'touch point' for most community members, complaints come to councils.
- A lack of expertise in State Government agencies in terms of coastal erosion, geomorphic change and other coastal specific issues. These are not matters that CMAs have traditionally dealt with and DELWP no longer has coastal process or engineering expertise. This is significant in the current shift in rhetoric to 'advice, guidance and facilitation'.
- An absence of direction (in the form of State Policy) about climate change adaptation and approaches to coastal protection infrastructure and land use planning.
- A failure to identify priority areas for coastal hazard assessment on which councils can make risk assessments for both coastal management and land use planning decisions.
- An unwillingness from CMAs to become involved in coastal planning or management.
- A lack of interest from most State Government agencies in estuaries and impacts upon them.

## 5 Setting the framework

### 5.1. Do the reform initiatives do enough?

The MAV and councils are concerned that the propositions put forward in the *Marine and Coastal Act Consultation Paper* do not achieve significant improvement or result in tangible benefit for the Victorian coast and marine environment. While the objectives of the review are laudable, there is little relationship between the objectives and proposed reforms.

Many of the key issues for councils (outlined in section 4) have not been resolved including:

- A governance model that provides for:
  - Clear roles and responsibilities
  - Appropriate resourcing which matches accountability
  - Appropriate system oversight
  - State-wide information, direction and implementation instruments
- A sustainable funding model
- A framework for the consideration of climate change impacts
- A 'future fund' for coastal protection works
- Integration of coastal, marine and land use planning

#### **Recommendation:**

1. We strongly recommend focused consultation with local government about:
  - Coastal management arrangements and boundaries including 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.
  - A sustainable funding model for operational, capital and coastal protection funding.

### 5.2. Principles for sound coastal governance

In responding to the proposed reforms, we consider it useful to set out some of the principles that local government believe necessary for sound coastal governance:

- Key responsibilities and accountabilities are set out in legislation

- Responsibility for coastal reserves, and the basis on which the boundaries are determined, is determined by a logical set of criteria developed in consultation with key stakeholders, including local government
- Funding matches accountability
- Funding recognises that all Victorians are beneficiaries of the coast
- Government is cognisant of the data and information required by coastal managers to make informed decisions and seeks to provide it in a timely manner
- Access to expertise within Government is readily provided
- Local government is regularly given the opportunity to review its ongoing involvement in coastal management.

## 6 Response to the proposed reforms

### 6.1. Governance and institutional arrangements

The consultation paper recommends reforms to achieve clearer governance and institutional arrangements. Coastal management governance has long been considered problematic with the multitude of land managers (64 alone in the Port Phillip Bay area) leading to variable planning, funding, capability and management approaches.

It is our view that the proposed reforms do little to simplify coastal management or to address the key challenge around resourcing and State support.

The phasing out of the Regional Coastal Boards and Category 2 Committee of Managements is notable but not significant for the overall system.

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.

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

We are concerned that much of the rhetoric included in the consultation paper is focussed on the State having an 'advisory and facilitative' role rather than providing oversight, direction or direct involvement in coastal management.

#### Complexity of Port Phillip's arrangements

- DELWP have responsibility for the unreserved land on the seabed, direct management responsibility for the St Kilda Sea Baths land and major repairs to sea walls and renourishment of beaches around Port Phillip Bay.
- The City of Port Phillip is Committee of Management under the *Crown Land (Reserves) Act 1978* for 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.
- 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.

#### **6.1.1. Marine and Coastal Council**

Councils are indifferent about having a Marine and Coastal Council in the form proposed by the consultation paper. The current Victorian Coastal Council (VCC) has had very little interaction with coastal councils and does not influence the day to day coastal management of coastal reserves. The proposed form of the Marine and Coastal Council does not significantly differ from the current arrangements.

#### **6.1.2. Policy and strategy**

The consultation paper proposes integrated marine and coastal policy with a marine and coastal strategy. This initiative is supported as the current Victorian Coastal Strategy is a strange mix of policy, strategy and operational requirements. The separation of policy will enable direction to be given to different decision makers requiring them to have regard to the policy. Consequential changes to Acts such as the *Fisheries Act* 1995, the *Port Management Act* 1995, and the *Parks Victoria Act* 1998 must be considered.

The policy framework will need to provide guidance on issues that have not recently been given much attention, such as:

- Coastal protection infrastructure
- Coastal erosion
- Geomorphic change
- Waste from commercial and recreational vessels
- Pollution
- Coastal acid sulphate soil

As well as operational policy matters such as:

- Private structures
- Animals on beaches
- Beach renourishment

A consistent state-wide approach is critical in relation to climate change adaptation. There is a current push by DELWP for councils to implement adaptation measures through their planning schemes. This is almost impossible in the absence of a State Policy and guidance. It is also unproductive to invest time and effort in this work without understanding the coastal hazards. While a limited amount of coastal hazard vulnerability work has been done for some areas of the coast, a more comprehensive prioritised program of work is required. The immediate priority is considered to be a Port Phillip Bay coastal hazard vulnerability assessment.

**Recommendation:**

2. The marine and coastal policy framework provides guidance on issues previously not adequately dealt with, including coastal protection infrastructure, coastal erosion, geomorphic change, waste from commercial and recreational vessels, pollution, coastal acid sulphate soil, as well as operational matters such as private structures, animals on beaches, beach renourishment

**6.1.3. Expanded role of CMAs/Melbourne Water**

The consultation paper proposes phasing out the Regional Coastal Boards, while strengthening the role of coastal CMAs. CMAs would be expected to provide leadership in integrating natural resource management across catchment, coasts and marine environments. In the Port Phillip Region it is proposed that this would be achieved through expanding Melbourne Water's role.

Coastal CMA boards would be reviewed to ensure appropriate coastal and marine expertise and the CMAs would be supported to build their capabilities. The CMAs would not be expected to manage coastal protection assets nor manage or direct specific natural resources such as fisheries.

At first pass, the expanded role of the coastal CMAs/Melbourne Water to prepare regional catchment strategies with stronger marine and coastal components is appealing. However, councils note that:

- CMAs are not the 'natural' custodians of coastal management. Much of the responsibilities associated with coastal management does not involve waterways
- CMAs have not been involved in coastal processes to date and have had limited input to coastal flooding work
- Funding for coastal management is not currently available and expertise does not reside within the CMAs
- It is likely that councils would be expected to make up any capability shortfall if the reform was poorly implemented.

Port Phillip Bay councils also hold some concern about the operational constraints for Melbourne Water if it is made 'coastal CMA' for Port Phillip Bay as:

- The resourcing available to Melbourne Water is determined through the preparation of a Water Plan and approved by the Essential Services Commission. Additional Government funding will be required for the organisation to perform an expanded role.

- Melbourne Water, as a waterways manager, has not been involved in matters such as coastal erosion or other natural resource management.

**Recommendation:**

3. If CMAs (and Melbourne Water) are expected to take up additional responsibilities new legislative and administrative arrangements will need to be put in place to ensure the obligations are clear and certain.

**6.1.4. Establishment of Regional and Strategic Partnerships (RASPs)**

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 (for example coastal hazard assessments, adaptation plans, or visitation demand management strategies).

The Minister would be able to instigate a RASP upon recommendation by the Marine and Coastal Council or if the state-wide 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.

The paper notes that councils (or a group of councils) could be expected to lead a RASP. Councils consider that conceptually RASPs are already utilised and are a valuable tool for matters that require cooperation across councils and other agencies. As a voluntary mechanism the RASPs are supported but we would be concerned if they became 'directives' from Government. Given the large portfolio of matters that local government manages and many competing priorities, availability of in-house expertise and knowledge cannot be assumed.

**Recommendation:**

4. If pursued, Regional and Strategic Partnerships should not be included in the Marine and Coastal Act and instead continue to be an informal mechanism to address complex problems.

**6.1.5. Crown Land Committees of Management**

The consultation paper proposes disbanding Category 2 (small) Committees of Management and transitioning them into larger Category 1 CoMs or to a local government to manage as Committee of Management.

The responsibilities of Committees are expected to increase to include:



1. Mandatory preparation of Coastal Management Plans (CMPs)
2. Contributing to Regional and Strategic Partnerships (RASPs) or leading them when directed by the Minister
3. Assisting the integration of coastal management planning with strategic municipal planning
4. Providing further opportunities for community involvement.

There is an underlying assumption within the consultation paper that the Committee of Management model is sound and that CoMs are achieving effective coastal planning and management outcomes. There are further assumptions that councils are willing to continue as CoMs in light of the extra responsibilities and take on extra CoMs as smaller Category 2 Committees are disbanded.

While some councils are comfortable with their role in managing coastal reserves, there are others that have significant financial constraints. Some would prefer not be involved in coastal management at all or require a much greater level of support in terms of operational funding.

Careful consideration should be given to imposing additional advisory or community reference groups on local government. Such groups are resource intensive for councils and not enough research has been undertaken about the type of involvement the community would like in coastal management.

Local government does not generally support the taking up of responsibility for Category 2 CoMs, as councils already bear a significant burden managing their own and the Crown's assets.

**Recommendation:**

5. The State undertakes a more comprehensive review of management arrangements that simplifies responsibility within coastal reserves and determines a logical basis on which boundaries are defined. As part of the review process councils should be given the opportunity to consider whether they wish to continue with their existing Committees of Management responsibilities.

**6.1.6. Shared services**

The consultation paper suggests collaboration between Category 1 Committees of Management and local government on service delivery such as waste management, vegetation management, compliance and monitoring. This may be possible with respect

to expertise, knowledge and local connections/networks. However, appropriate compensation would be required for councils to take on some of the physical roles, such as rubbish collection, as there are significant resource constraints on existing service delivery.

**Recommendation:**

6. The State, in consultation with local government, drafts a template agreement for shared services.

## **6.2. Strengthening marine management, policy and planning**

The consultation paper proposes a greater focus on marine strategy and policy and the development of a marine spatial planning framework. While these measures are welcomed, councils are mindful that their expertise does not generally extend into the marine space. The main interactions councils have relate to stormwater drainage improvements and working with waterway managers.

It is unclear what implications there may be for councils as CoMs. We would say, however, that the administration of any spatial framework requires an overarching body maintaining the framework, and making amendments where necessary, as well as an enforcement arm for non-compliance with the framework. It must be clear who is fulfilling these roles.

Development of the framework would need to be a collaborative exercise between all organisations with management obligations over the coast including fisheries, ports and resource managers. 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.

Councils also wish to draw DELWP's attention to a gap in the existing system that relates to estuaries. Estuaries are neither wholly marine nor waterway environments and as such do not always fall neatly into one strategic environment. This can result in them being overlooked. As estuaries provide important habitat for many marine species it is important that they be considered.

**Recommendations:**

7. Appropriate structures be put in place for the overarching management of the marine spatial planning framework.
8. The development of the marine spatial planning framework be an exercise inclusive of fisheries, ports and resource managers.
9. There be a clear boundary distinction between planning schemes and the proposed marine spatial planning framework.

### 6.3. Integrating planning systems

The consultation paper proposes the strengthening of CMPs through:

- The mandatory preparation of CMPs for all coastal land
- A review every five years.

This approach is generally supported. However, councils are concerned that they will be expected to bear that burden alone without any assistance or funding from Government. The review process could conceivably align with the Marine and Coastal Strategy process ensuring that actions arising from the Strategy can be implemented through CMPs. The increase from three years to five years will reduce the administrative burden on coastal managers. It is suggested that a template be prepared, DELWP have a coordinating role and an accessible funding be provided. The preparation of plans could be staggered to reduce the cost to Government.

The proposed three pathways for coastal consents are also supported. This approach acknowledges simple matters, and matters that have already been considered through the CMP process, require a quicker process.

Increased penalties are also critical so that they are a sufficient deterrent. However, to have full effect, there must be a clear compliance and enforcement strategy that addresses monitoring, informal procedures to encourage compliance, clear complaint procedures, authorised officers and a willingness to proceed to prosecution if breaches are identified.

#### **Recommendations:**

10. To assist the preparation of CMPs, an accessible funding program be developed, a template be prepared and DELWP have a facilitative and coordinating role.
11. A compliance and enforcement strategy be prepared.

### 6.4. Climate change and managing risk

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 *Victorian Coastal Strategy* 2014 states that as a general principle, use of the coast and the location of public and private assets should respect natural processes. On private land the Crown does not have an obligation to reduce the impacts of coastal hazards, sea level rise and natural processes.

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 vulnerability assessments
- Providing data and advice on climate scenarios
- Determining criteria for identifying climate adaptation priorities and strategies for protection, adaptation or 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.

#### **6.4.1. Coastal hazard vulnerability assessments**

Councils have been left exposed by the State's lack of commitment to coastal hazard vulnerability assessments.

The need for information is highlighted by the NSW storms in Collaroy that saw substantial loss of beach areas and private property as a result of an intense storm. While Victoria has a level of protection from the coastal reserve this will ultimately be eroded increasing the vulnerability of significant Government assets and private land.

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 phasing out of the Regional Coastal Management Boards.

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

**Recommendation:**

12. A commitment is required to a comprehensive prioritised program of coastal hazard vulnerability assessments to inform policy and decision making.

**6.4.2. Policy/Strategy**

Once good information is available, careful consideration will need to be given to the range of strategies including difficult options such as retreat and relocation or buyback of coastal properties to maintain the coastal reserve. We must proactively address these matters rather than simply responding on the run as a result of a natural disaster.

**Recommendation:**

13. Develop State Policy for climate change responses to guide coastal managers and planning authorities.

**6.4.3. Liability**

In relation to the issue of liability for the impacts of natural processes, the paper notes that New South Wales (section 733 of the *Local Government Act 1993*) 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. Other examples of acts or omissions that are excluded from liability include:

- The preparation or making of an environmental planning instrument, including a planning proposal for the proposed environmental planning instrument, or a development control plan, or the granting or refusal of a development application
- The preparation or making of a coastal zone management plan
- The carrying out of flood mitigation works
- The carrying out of coastal management works
- Anything done or omitted to be done regarding beach erosion or shoreline recession on Crown land, land within a reserve as defined in Part 5 of the Crown Lands Act 1989 or land owned or controlled by a council or a public authority
- The failure to upgrade flood mitigation works or coastal management works in response to projected or actual impacts of climate change
- The failure to undertake action to enforce the removal of illegal or unauthorised structures that result in erosion of a beach or land adjacent to a beach

- The provision of information relating to climate change or sea level rise
- Anything done or omitted to be done regarding the negligent placement or maintenance by a landowner of temporary coastal protection works
- Any other thing done or omitted to be done in the exercise of a council's functions under the Local Government Act or any other Act.

This issue is critical for councils both as a coastal land manager and as planning authorities. A key challenge that councils face in the management and protection of coastal land is the risk to infrastructure and stormwater drainage along the coast and foreshore from climate change impacts. It is critical that the new Act provide appropriate protection for councils from liability where they act in good faith in the exercise of any additional responsibilities under the Act.

**Recommendation:**

14. There should be early clarification of council liability for the impacts of natural processes. If protection is not afforded by current legislation, it should be provided for in the Marine and Coastal Act.

#### **6.4.4. Decision making**

The consultation paper suggests that DELWP is aiming for improvements that ensure that structures and built assets in the dynamic coastal zone are located appropriately and built to adapt to or withstand coastal hazards now and into the future. The policy framework will provide assistance to decision makers. Additionally consideration should be given to:

- Outlining responsibilities and accountabilities (including coastal flooding and the combined effect of coastal and riverine flooding) in the new Act and making consequential amendments to other Acts
- Including a risk assessment framework in the new Act
- Incorporating requirements into CMPs for site assessment
- Taking a structured state-wide approach and facilitating the application of any necessary planning overlays once appropriate State Policy is in place.

It is vital to future coastal decision making that DELWP:

- Identify priorities for coastal hazard vulnerability assessments and fund their preparation. The absence of data and information is problematic.

- Seek to understand the combined effect of coastal and riverine flooding. The *Victorian Floodplain Management Strategy* defers coastal flooding to the *Victorian Coastal Strategy*. The VCS does not currently provide any detailed insights into coastal flooding. The combined impact is critical to decision makers.
- Reconsider the position in the Victorian Coastal Strategy that 'natural processes are adopted as the preferred form of defence against possible impacts of changing climate'. This suggests a hands-off, let nature take its course approach. This may be appropriate on the open coastline, but it is not in areas or circumstances where there is significant economic, social, and cultural investment.

Councils are supportive of the recommendation to expand the objectives of the proposed *Marine and Coastal Act* to recognise climate change and better reflect aspirations for marine areas.

**Recommendations:**

15. Give consideration to including responsibilities and accountabilities in the new Act, including a risk assessment framework, requiring a site assessment as part of consent processes and facilitating State overlays once State Policy is in place.
16. DELWP seek to understand the combined effect of coastal and riverine flooding.
17. DELWP reconsider climate change responses and develop specific State Policy.

### **6.5. Sustainable resourcing of the proposed system**

The consultation paper acknowledges that resourcing arrangements for coastal and marine environments need to be improved in order to deal with the challenges posed by climate change, population growth and ageing assets.

Although there is limited data on revenue and expenditure related to coastal land management, the need for new charging mechanisms is recognised. Possible cost savings identified include greater use of shared services by coastal land managers; a reduction in the number of advisory institutions; and reduced duplication within the land use planning system. Further application of the 'beneficiary pays principle' is also suggested, with a review of fees and charges recommended to identify inconsistencies and gaps. 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.

We understand from councils that they receive no direct administrative funding for acting as Committees of Management. There is some limited grant funding for beach cleaning and



renourishment. Fees and charges also generate very little income. Income derived from the coastal reserve is in most instances not enough to fund day to day activities undertaken by councils within the coastal reserve and certainly not enough to fund any significant infrastructure or coastal protection work.

As part of the *Bay Blueprint* prepared for the Association of Bayside Municipalities (ABM) investigation into the expenditure of local government in coastal management revealed:

‘It was clear through council feedback that no council would earn more from coastal leases, licences and user charges on the coast than they expend in coastal management and most earn significantly less.’

Currently councils as coastal managers would expend in the order of millions of dollars each year. In contrast the State Government provides a small amount of grant funding distributed across the whole coast.

Numerous State-led reviews and reforms are currently underway that interact with coastal management and are likely to lead to further responsibilities for Committees of Management. The new Biodiversity Plan and the review of the Flora and Fauna Guarantee Act, for example, may increase expectations and requirements around coastal conservation. The next Climate Change Adaptation Plan will surely consider coasts as a climate-vulnerable asset. 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.

The consultation paper refers extensively to coastal land managers and CoMs being required to work closely (in some cases much more closely) with the community. There is no indication that councils or other CoMs would be supported (financially or otherwise) to expand their existing community consultation and engagement activities.

Councils’ financial constraints arising from rate capping are not acknowledged at all in the paper.

We believe that there is an urgent need for Government to develop a more sustainable funding model that does not rely on the provision of council ratepayer funds. Some 80 per cent of Victorians make at least one day trip to the coast each year, not to mention significant numbers of national and international tourists. It is essential that the State recognises that the coast is a State asset and that it is manifestly unfair to expect local residents and rate payers in coastal areas to continue to solely or predominantly shoulder the burden of coastal management.

There are several core areas a sustainable funding model needs to focus on:



- Operational/recurrent funding: for service delivery, natural resource management, beach renourishment, recurrent maintenance of assets and community engagement
- Capital funding: for asset renewal or new facilities
- Coastal protection funding: to respond to ageing assets or provide new protection arising from climate change.

The MAV agrees that the medium and longer term impacts of climate are going to increase the pressure on coastal managers and that this will be a 'complex and expensive task'. We are particularly concerned about the Government's current approach to coastal protection works and the definition of 'beneficiaries' which seems to require cost contributions by local government and immediately adjoining property owners.

To date insufficient work has been done by Government to explore the business case around funding coastal management. It is not reasonable to impose additional requirements on coastal managers, where existing funding is almost non-existent, without giving appropriate consideration to the impacts of those requirements. The resolution of funding needs to have the highest priority and support of Government and occur in advance of any legislative changes.

The MAV would welcome a conversation between local and State Government, as well as the Commonwealth, about funding models.

**Recommendations:**

18. Government initiate discussion with local government, and other coastal managers, about funding of coastal management.
19. Highest priority be given to developing a sustainable funding model in advance of any legislative changes.

## **6.6. Improving knowledge of the condition of marine and coastal areas**

Developing knowledge of the marine and coastal environment is an area that could benefit from substantially more time, attention and resourcing. We support a State of the Marine and Coasts report as the first step to establishing a baseline from which to measure change. Gaps in information will also need to be identified and filled in order to have better knowledge available to make good policy decisions.

Councils see a need for there to be a centralised data repository that enables the collection of data at a local or regional scale and development of a state-wide 'picture' of the marine and coastal environment.

The MAV strongly supports the use of local knowledge and understanding, and local enthusiasm for action. However, local decision-making must be supported by technical expertise from the State and funds to undertake research and works, where necessary. DELWP has been denuded of coastal policy expertise and this needs to be rebuilt.

### **6.7. Involving the community**

The Government sees involving the community as critical to improving Victoria's coastal and marine management system.

Councils understand the very high value the community place on the coastal and marine environment. Councils are seasoned performers in involving their communities in the development of coastal management plans and decision making (where possible). Supporting, acknowledging and celebrating the efforts of the community are important. However, it must be acknowledged that there is a cost to establishing and resourcing local advisory bodies or Section 86 Committees and that this has to be met in some way.

Additional work is required to understand how communities might like to be engaged in coastal management, which may be through groups such as CoastCare rather than direct responsibility. Mechanisms or assistance in interacting with 'hard to reach' groups such as children, young people and people from culturally and linguistically diverse backgrounds would also be useful.

## 7 Conclusion

The desire to develop a new Marine and Coastal Act is both commendable and necessary to address the future challenges that will be faced in marine and coastal management. Some of the initiatives such as development of a marine policy, strategy and spatial framework, the integration of these with the coastal environment, the preparation of coastal management plans and the creation of a State of Marine and Coasts Report are important improvements to the system.

The MAV and councils are concerned, however, that DELWP has not taken this opportunity to advance more significant reform to our coastal and marine management system. We strongly recommend focused consultation with local government (outside of the local government caretaker period) about:

- Coastal management arrangements and boundaries including 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 State Government for Crown land.
- Development of sustainable funding models for operational, capital and coastal protection funding.

We look forward to being able to assist Government in facilitating these important discussions.

**Australia Head Office**

Suite 2-01  
60 Leicester Street  
Carlton VIC 3053  
phone +61 03 8346 8600  
email [australia@tnc.org](mailto:australia@tnc.org)

**Postal Address**

PO Box 57  
Carlton South VIC 3053

[www.natureaustralia.org.au](http://www.natureaustralia.org.au)

**Advisory Board**

Mr Robert McLean AM Chair  
Mr Charles Carnegie  
Mr Jock Clough  
Mr Gordon Davis  
Ms Michelle Dixon  
Mr Graham Kraehe AO  
Mr Greg Paramor AO  
Mr Julien Playoust

[haveyoursay@delwp.vic.gov.au](mailto:haveyoursay@delwp.vic.gov.au)  
Department of Environment, Land, Water and Planning

21 October 2016

## **Marine and Coastal Act Consultation Paper Feedback**

The Nature Conservancy welcomes the opportunity to provide feedback on the *Marine and Coastal Act Consultation Paper*. Our feedback specifically addresses three aspects of the consultation paper:

- Regional and Strategic Partnerships
- Marine Spatial Planning Framework
- Adapting to climate change

### **Regional and Strategic Partnerships**

In brief, our support/proposed changes are:

- 1) We support the introduction of regional and strategic partnerships (RASPs);
- 2) We recommend that these partnerships are also open to the private sector, including industry and NGOs; and
- 3) That the regional and strategic partnerships (RASPs) also focus developing innovative, practical and on-ground solutions that improve coastal and marine health and management (in addition to strategic planning).

The Nature Conservancy supports the introduction of the regional and strategic partnership approach for solving coastal and marine management issues, however we propose that the partnerships are also open to the private sector – including industry and NGOs. Strategic partnerships involving government agencies and private sector provides the opportunity for shared knowledge and skills to be effectively combined to achieve significant conservation outcomes coupled with the ability to leverage more resources.

For example, since 2014 The Nature Conservancy has partnered with the Victorian Government (Fisheries Victoria) and Albert Park Yachting and Angling (APYAC) in a co-funded project to restore the lost shellfish reefs of Port Phillip Bay. Shellfish reefs once covered as much as 25% of the Port Phillip Bay seafloor, but largely due to overharvesting in the late 1800s are now functionally extinct as a habitat. These shellfish reefs once provided critical habitat for many marine species including recreationally important fish species, and other ecosystem services such as water filtration and shoreline protection.

For the past year the project partnership has been developing a scalable proof of concept for how to restore shellfish reefs and we are now ready to construct larger reefs in Corio Bay and Hobsons Bay in Stage II. Stage II of the project is being partly funded through a Recreational Fishing Grants Program and additional funding from The Nature Conservancy and APYAC. This foundation partnership is now being expanded to include VRFish, Victorian Shellfish Hatchery, and the Geelong Disabled Peoples Association. Other critical supporters and partners of our restoration efforts include government departments, corporate partners, community groups and universities.

This Port Phillip Shellfish Reef Restoration Project Partnership illustrates how the collaborative efforts of the public and private sectors can bring people together in a shared restoration vision and leverage funds for the works. It also demonstrates how these partnerships have led to practical solutions which improve the resilience of threatened marine habitats and coastal industries such as recreational fishing and ecotourism. The RASPs should help facilitate (through funding and partnerships) more opportunities for public-private partnerships to expand the development of practical solutions that address sustainable development, habitat loss, coastal protection and coastal adaptation.

### **Marine Spatial Planning**

In brief, our support/proposed changes are:

- 1) That the requirement for a Marine Spatial Planning Framework is embedded into the Marine and Coastal Act rather than the Marine and Coastal Policy; and
- 2) That the Marine Spatial Planning Framework makes explicit the use of ecosystem-based management principles, evidenced-based decision-making and conservation priority setting.

The Nature Conservancy supports the development of a Marine Spatial Planning Framework, however, we recommend that the development of framework is specified in the new legislation, rather than just policy. This approach would provide clear direction and timeframes for the Framework to be actioned and future reporting requirements. If the Framework becomes a full marine spatial plan for Victorian waters, this plan should become a legislative instrument of the Act.

Marine Spatial Planning would provide a means by which to continue to move towards an ecosystem-based management approach for Victoria's bays, estuaries and coastal waters to achieve a balanced approach to effectively managing the future objectives of marine conservation with new growth opportunities for marine industries.

### **Adapting to climate change**

#### ***Defining coastal boundaries and land ownership with sea level rise***

The issue of sea level rise will present many legal issues into the future, particularly where the sea decreases the area of emergent Crown land on the coastal fringe and encroaches into freehold land. It is important the new Act acknowledges and addresses the implications for land tenure boundaries that sea level rise presents. Providing greater clarity around this issue is important if financial incentives that require certainty of land ownership/tenure is required. For example, there is considerable potential for improved management and restoration of coastal ecosystems (e.g. saltmarsh and mangroves) to store carbon (i.e. 'blue carbon'). Carbon trading schemes operating in the voluntary or regulated markets have had an important role in providing financial incentives for ecosystem restoration. These schemes are seen as an important way of financing restoration of coastal ecosystems on private land as sea level rise 'squeezes out' their ability to occur on coastal Crown land. However, for transparency and longevity of outcomes, such schemes usually require certainty of tenure and ownership.

#### ***Nature-based adaptation***

The new Marine and Coastal Policy should explicitly mention nature-based adaptation and/or ecosystem-based management as priority measures to help coastal communities adapt and mitigate against the impacts of climate change. Promoting the protection and restoration of natural habitats (seagrasses, saltmarshes, mangroves and shellfish reefs)

together with hybrid solutions incorporating built infrastructure (e.g. living shorelines) can help protect communities from the impacts of coastal storms, sea level rise and storm surges whilst also providing a means to protect marine habitats and their ecosystem services. These habitats have been proven to reduce wave energy and help buffer shorelines from storms and should be given explicit mention in the new Policy as priority adaptation solutions which can achieve dual objectives of coastal protection and habitat conservation.

### **About The Nature Conservancy**

The Nature Conservancy is one of the world's leading conservation organisations working around the world to protect ecologically important lands and waters for nature and people. Founded in 1951 in the United States, we now work in 69 countries, with a staff of nearly 4,000 – including 600 scientists. One of our core values is respect for people, communities and cultures. That value guides our work around the world. Our goal is to create non-confrontational, pragmatic solutions to conservation challenges that respect everyone's rights and interests. Guided by strong science, we are partnering with business, governments, private investors, indigenous people and local communities, and other organizations around the world to put into action the innovations needed to achieve this new vision.

Since 2002, The Nature Conservancy in Australia has collaborated with a wide array of partners to support conservation efforts across more than 127 million hectares of Australia's lands and waters. Our focus is to address the most pressing conservation threats at the largest scale through our scientific and collaborative approach.

In 2014, The Nature Conservancy launched the Great Southern Seascapes Program with a mission to spark a revolution in marine conservation and the blue economy by scaling-up restoration of coastal habitats in bays and estuaries across southern Australia. One of the first projects to be established is the restoration of the lost shellfish reefs in Port Phillip Bay.

If you require any more information in regards to The Nature Conservancy's feedback for the *Marine and Coastal Act Consultation Paper* and or our Great Southern Seascapes Program, please contact Simon Branigan, Estuaries Conservation Coordinator, on [simon.branigan@tnc.org](mailto:simon.branigan@tnc.org) or 0409 087 278.

Yours sincerely



**Dr James Fitzsimons**  
**Director of Conservation (Australia Program)**

# Victorian Caravan Parks Association

## Submission to the Marine and Coastal Act Consultation Paper August 2016



11 November 2016

The Victorian Caravan Parks Association (VicParks) appreciates the opportunity to comment on this paper.

### General comments

The Victorian Caravan Parks Association Inc. (VicParks) is the peak industry body for owners, managers and lessees of caravan parks in Victoria. Its members are predominantly regionally based, and the industry forms an important component in the supply of both regional tourist and regional residential accommodation.

Caravan parks are a growing source of affordable tourist accommodation; the year-on-year growth of the manufacture of RVs and caravan/campervans is testimony to the continuing love affair of the public with outdoor recreational holidays. Caravan parks that are located near beaches, lakes, parks and waterways are by far the most sought-after destinations by both Victorian and interstate visitors, with the emerging market of international travellers now starting to value the open space and freedom that caravan park accommodation offers.

VicParks represents the interests of the owners of more than 384 caravan park businesses across the state, mostly in regional areas, 91 of which operate their businesses on Crown Land through a system of 21-year leases. Operating a caravan park business within the leasing framework adds a layer of complexity, uncertainty and additional administration issues not experienced by owners of caravan park businesses that own the freehold of the land on which their business operates.

Caravan park operators are typically professional business owners seeking long term, sustainable profitability and are less focussed on short term, speculative capital growth. Many see themselves as protectors of the environment in which their businesses operate, and have great respect for the land they occupy. The industry has concern that any further proposed changes to the legislation governing the caravan park industry may create an increasing administrative burden and create uncertainty for park operators and customers alike.

### Response to Issues Raised in the Paper

#### 1. Impacts of Climate Change

The caravan park industry in Victoria has been significantly impacted by climatic changes in the past 5-10 years. As an example, in 2016 all parks along the Murray that relied on that river as a source of water for the park were required to close as a result of the blue-green algae that appeared due to low water flows in the Murray and high temperatures that supported the growth of the algae. Similar events could be anticipated in low-lying coastal areas that might be impacted by a confluence of climate events.

This closure period occurred during late February – March, impacting on the Labour Day long weekend and the Easter holiday periods. These are important dates for the parks; they rely on the revenue from these and the Christmas/New Year periods to generate sufficient income to see them across the winter months, when vacancy rates in the park can be as high as 60%. The impact of the closures does not just affect the caravan park businesses, but also the local tourism operators, and retail businesses in the town, as well as impacting the level of employment for casual staff.



More recently, parks along the Murray and four other contributory waterways have been massively impacted by flooding, and many Mildura parks remain closed until the flood levels subside. Again these events have caused significant business interruption and loss of income from both the loss of tourism revenue, and also from the cost of repairs to the park environment and to dwellings, equipment, and infrastructure. It is almost impossible for the parks to purchase insurance cover to manage these events, as they are deemed to be excluded as natural events.

## **2. Role of Nature-Based Tourism in the Victorian Economy**

VicParks respectfully suggests that the Consultation Paper might have been included some expanded comments on the role of nature-based tourism on the Victorian economy. The Draft Consultation Paper correctly notes the economic value of tourism to the state coffers, and the importance of public land as the basis for much nature-based tourism.

Tourism forms a major plank in the ambitions of the Andrews Government to grow regional economies and increase employment opportunities, and the Paper's strategic intent should more forcefully recognise this driver.

The VicParks Strategic Plan developed in 2013 by *nem Australia* has estimated the contribution of Victorian caravan park businesses to the local Victorian economy to be approximately \$450 million per annum.

Therefore we advocate that ongoing discussions about the effective management of visitation levels, management of sensitive coastland areas that attract high levels of tourism and the management of emerging tourism businesses that attract greater levels of visitation requires that the new strategy should be informed by representatives with tourism-related expertise.

## **3. Role of Volunteer-based Committees and Council Personnel in the Tendering Process for Crown Land Leases**

Ninety-one VicParks members conduct their caravan park business on Crown Land reserves that are leased for 21-year periods from the Crown. The leasing process is managed by a wide variety of delegated bodies that include local Councils, Committees of Management, Water Boards and occasionally local boating/fishing associations. The tendering process for leases is not well-understood or well-managed across the state, and as a result there is a high degree of inconsistency and confusion around the process.

This uncertainty impacts on current lessees who have put much work and capital investment into the park over the 21-year lease period, and cannot be confident that this effort will be recognised in the competitive tendering process required by the current State guidelines. The net effect can be the loss to the people of Victoria of an experienced park operator who understands the local environment, understands the local flora and fauna, and enjoys introducing the park to people of Victoria and visitors to the state.

VicParks advocates for a simpler tendering policy and consistent application of the policy by delegated bodies. Volunteer-based Committees give their time and commitment in a variety of ways, but their expertise may not be in the interpretation of government tendering processes.

Similarly, Council personnel may not always have developed experience and confidence in their role in the tendering process, and may need assistance to ensure an equitable outcome.

We note that the Consultation Paper suggests the formation of Category 1 Committees of Management to ensure better quality decision-making by those Committees, recognising the shortfalls of Committees comprising mainly enthusiastic but under skilled volunteers. VicParks advocates that specific training be provided for to all Committees of Management involved in the role of tendering and leasing, or alternatively that experienced persons be available to mentor the Committees through the process.

Thank you again for the opportunity to comment on this paper. Please contact me for any further clarification or discussion on 03 9372 3420, or [elizabeth.white@vicparks.com.au](mailto:elizabeth.white@vicparks.com.au)



Elizabeth White

Chief Executive Officer  
Victorian Caravan Parks Association

## **Marine and Coastal Act (MACA) Consultation Paper August 2016**

### **Victoria Catchment Management Council (VCMC) submission**

**Preamble:** The VCMC welcomes the opportunity to comment on the Marine and Coastal Act Consultation Paper, which deals with important matters of importance to many individuals and organisations. The many complexities and issues in the current system of management of Victoria's coastal and marine areas have needed attention for some time. The new Act will provide the legislative basis for improved and integrated management of these valuable areas now and into the future.

The VCMC supports the major elements and most proposals in the paper, including:

- The summary of the need for change;
- focus on values: environmental, economic, Traditional Owner and social values;
- clear focus on climate change throughout the paper;
- drivers regarding integrating planning systems;
- clarified functions of a marine and coastal system (p36);
- amalgamation of Committees of Management (although this must be tested against community feedback);
- better funding arrangements, including the potential for raising a levy (p68);
- improved alignment with municipal planning;
- importance of volunteers;
- strengthened roles for Parks Victoria and Traditional Owners (and commensurate resourcing);
- the Victorian Environmental Assessment Council's undertaking of a new assessment of known values of Victoria's marine areas (p54); and
- the Marine Spatial Planning framework (however, note there is a resourcing issue in proposing this framework; a cost-benefit analysis should be the first step).

**Disclaimer:** The Chair of the VCMC Mr Angus Hume is also the Chair of the West Gippsland CMA and Co-Chair of the Gippsland Lake Coordinating Committee. This submission has been endorsed by the entire Victorian Catchment Management Council. It was agreed that there is no conflict of interest for Angus in this submission from the VCMC perspective.

### **Integrated catchment, coastal and marine management**

The major missing key issue from the VCMC perspective is the integration of catchment, coastal and marine management. There has been an emphasis on strengthening marine management, policy and planning (pp52-54) but little on the strengthening of the coastal and marine systems together with those of catchments. This integration of management across the three zones is critical because of the increased role proposed for the Catchment Management Authorities (CMAs).

The objectives (p37) should include the integration of catchment, coastal and marine systems. Catchment and coastal zones intersect geographically, and there are many catchment activities which have a direct impact on coastal values, including streamflow into estuaries, water quality impacts from various land uses, and sedimentation from streams and over-land flows.

Regional Catchment Strategies are described on p19. They are potentially a major way to integrate catchments, coastal and marine planning and management and rate greater prominence. However, the definition of what defines the 'marine' zone and what role the CMAs would play in its management are two critical issues that must be addressed clearly in the proposed Marine and Coastal Act.

### **'Our Catchments, Our Communities' Strategy 2016**

There is minimal mention of this important statewide strategy in the Consultation Paper. However, it is a keystone of integration across catchment, coastal and marine management. It should be used as a positive element in the new Marine and Coastal Act, noting that Integrated Catchment Management in the 'Our Catchments, Our Communities' Strategy specifically includes coasts and marine, at least out to the three nautical miles limit. To ignore this Strategy would be a missed opportunity.

### **CMAs' role**

The proposal for the strengthened role for CMAs needs further consideration and detail. While the proposal seems to be sensible in the first instance, the roles of the Regional Coastal Boards and CMAs need to be mapped out so that only the compatible functions are transferred to the CMAs. Other functions may be related to planning, boating, marine safety and so on and will need to be considered. However, our major interest is that the CMAs must have a defined role with regard to coastal and marine management which is complementary to their current roles, and that the required expertise and resourcing must be available within these organisations for a smooth transition.

Specifically, the new Marine and Coastal Act must include provisions that enable coastal local governments, CMAs and other agencies to strengthen the protection of the coast from inappropriate development. Increasing pressure from population and climate change requires clear rules regarding the approval of future coastal developments. Each CMA should be a determining referral authority on natural resource management issues such as coastal erosion and coastal flooding.

Note that there are several strategies and plans in progress which are suggesting new or expanded roles for CMAs. The VCMC is concerned that there could well be incremental creep regarding the CMAs' functions, not always with sufficient recognition of adequate funding and capacity.

This vital aspect of adequate and secure resourcing for the coastal CMAs in taking on an expanded role must be addressed. In addition, there will be the need for coastal and marine experience and knowledge in the future membership of the coastal CMA Boards. Any reform of institutional arrangements needs careful analysis, including roles, responsibilities, management of expectations and perceptions and investment in building relational capital.

The relationship of the coastal CMAs to the new Marine and Coastal Council needs to be clarified, as do the new arrangements for their Regional Catchment Strategies, especially regarding the marine element.

Regarding the name of CMAs, their 20 year history of achievements has led to excellent recognition of their name and their role in Victoria. We support the continuation of the name CMAs. However, Government may wish to explore this question of names through the CMAs' various community engagement processes. Catchments include coasts geographically...and administratively their boundaries extend to the three nautical mile limit. Moreover, 'Coastal Catchment Management Authorities' is an unwieldy name, and would create a divide between those five CMAs and the remaining CMAs. When applicable, the **coastal** CMAs can be referred to in that way.

### **Marine and Coastal Council**

The proposed role of the Marine and Coastal Council (MACC), replacing the current Victorian Coastal Council, is an advisory one, albeit with an extended focus. It follows that membership should be skills-based, rather than representative (note that term 'representatives' is used on p79) so that members' roles are not compromised. Skills requirements should be legislated including: experience and knowledge in governance; financial management; legal matters; scientific and technical aspects of catchment, coastal and marine management and climate change; planning and local government; and community engagement.

There should be a minimum of members (7), to cover the range of skills required. The maximum of 11 is appropriate.

VCMC and CMAs currently report through two Ministers, while the proposed MACC reports through just the one. This is a governance issue which needs to be sorted. The relationship between VCMC and MACC needs close attention. There is the potential for greater alignment and consolidation of their respective roles.

"To increase transparency, the new Council would be able to formally table in Parliament any advice provided" is a proposal on p40. This needs further careful consideration. Advice to a Minister from an independent Council like the MACC is confidential, may be controversial, and may be fearless in going against that Minister's preferences. In some cases, there may be risk for the Minister and the Council in tabling advice in Parliament.

MACC's role regarding the proposed new Marine and Coastal Strategy and Policy development and approval is advisory only. It seems that DELWP will do the work. So clarification around approvals, directions, issues, conflicts and controversy needs to be considered in these arrangements. We would suggest that a new Strategy every four years (p41) would be onerous and that an interval of five or six years should be considered, aligned with the development of new Regional Catchment Strategies.

### **VCMC role**

There is a role for the VCMC in the final Marine and Coastal Act, although the only mention found in the Consultation Paper is on p70, in relation to an alignment of the VCMC's Catchment Condition and Management report with the monitoring and reporting role in the proposed State of the Marine and Coasts report. VCMC's advisory and reporting roles should be included in the figure on p2 showing current institutional arrangements and in the figure showing possible future institutional arrangements (p 77).

### **Complexity of new arrangements: Regional and Strategic Partnerships (RASPs), Environmental Management Plans (EMPs), Coastal Management Plans (CMPs)**

Current coastal and marine management arrangements are overly complex, as explained comprehensively in the Consultation Paper. One specific issue for the VCMC has been how to deal with coastal and (especially) marine issues, and to what level, in the establishment of guidelines for the Regional Catchment Strategies (RCS), and for the CMAs in the development of those RCSs.

However, the proposed reforms still seem to be complex. The introduction of RASPs along with existing EMPs and CMPs is not well described. What would trigger each of these processes? What scope and what size area would each cover? Where is the resourcing? What is the status of their outcomes? How do they differ? How do they each relate to Regional Catchment Strategies.... and to other plans?

### **'State of the Marine and Coasts' report**

The Consultation Paper proposes that there be a State of the Marine and Coasts Report, a Marine and Coastal Strategy and a Marine and Coastal Policy. The differentiation among these various reports will need to be clarified.

A State of Marine and Coasts report could develop over time, building on the current State of the Bays report and under the broad framework of the State of the Environment report. What would be the role of the new MACC in the development and approval of that report? Note that the Commissioner for Environmental Sustainability has a reporting role, not a monitoring role regarding the condition of the broader environment (p18).

Legislating for the State of the Marine and Coasts report would appear to be required. However, this could be managed through a gradual process, building on

the development of the Marine and Coastal Strategy and Policy documents in the first instance.

Issues related to the State of the Marine and Coasts report that need consideration are: audience; available data; required ongoing monitoring; roles of contributing agencies (including CMAs); resourcing of collection of data and production of report; definition of what data are required; format of report; relationship with other reports including the coastal CMAs' annual catchment condition reporting, VCMC's five-yearly catchment condition and management reporting, the Commissioner for Environmental Sustainability's five- yearly State of the Environment report and the CMAs' five to six yearly Regional Catchment Strategies.

## Gaps

There remain some major gaps which need to be addressed in the new Marine and Coastal Act, summarised as follows:

- integrated catchment management focus;
- VCMC role;
- importance of Regional Catchment Strategies;
- clarification of the role of CMAs;
- consideration of special arrangements in the Port Phillip and Westernport catchment where both the PPW CMA and Melbourne Water have roles;
- definition of what constitutes the 'marine environment';
- a clear custodian of marine health;
- the potential important role of Blue Carbon (briefly mentioned on p53) as a driver of change; and
- clear definition and demarcation of roles amongst the many relevant parties under the proposed reforms.

Dr Paul Smith, Deputy Secretary Energy, Environment and Climate Change  
C/- Marine and Coastal Act Consultation  
Policy and Strategy Unit  
Department of Environment, Land, Water and Planning  
P O Box 500  
**EAST MELBOURNE VIC 3002**

23 October 2016

Dear Dr Smith,

**RE: Victorian Coastal Council Submission to the Marine and Coastal Act Consultation Paper**

Thank you for the opportunity to provide input to the Marine and Coastal Act (MACA) Consultation Paper. The Victorian Coastal Council (VCC) would like to congratulate the government on having the foresight to ensure the marine and coastal management system can appropriately respond to future challenges such as climate change, population growth and ageing infrastructure.

As our future becomes more uncertain we must be willing to make tough decisions that will help to protect our marine and coastal assets and support coastal communities. The VCC has prepared this submission with the view that there are many proposals in the MACA consultation paper that are timely to include in the new Marine and Coastal Act and that will improve the consistency and cohesiveness of the system.

We are also of the view that there are some additional reforms that should be considered by government now and over the next five years. These 'blue sky' reform propositions aim to further strengthen the marine and coast system into the future and deliver true integrated coastal zone management.

The Council would be happy to meet with the project team to discuss this submission and the recommendations made by the Council to assist the development of the new Act and other system reforms.

Yours sincerely,



Cathy Whelan

Chair  
Victorian Coastal Council



# Marine and Coastal Act Consultation Paper

Submission prepared by the Victorian Coastal  
Council

October 2015

## Contents

<b>1.0 Introduction</b>	4
<b>2.0 The role of the Victorian Coastal Council</b>	5
<b>3.0 Strengths of the existing system</b>	5
<b>4.0 Principles to guide reform</b>	5
<b>5.0 Response to MACA consultation paper</b>	7
5.1 Boosting community involvement	7
5.2 Clarifying functions of a marine and coastal system	7
5.3 MACA Objectives	8
5.4 A Marine and Coastal Council	8
5.5 Separation of policy and strategy	9
5.6 Catchment Management Authorities	9
5.7 Regional and Strategic Partnerships (RASPs)	10
5.8 Phasing out Regional Coastal Boards	10
5.9 Committees of Management	10
5.10 Coastal Management Plans	11
5.11 Sustainable Resourcing	11
5.12 Improving knowledge, building capacity and knowledge transfer	12
<b>6.0 Strategic propositions: strengthening the system into the future</b>	13
6.1 Strategic Leadership, Trusted Advice: A Coast and Marine Commissioner	14
6.1.1 A Case Study: The California Coast Commission	15
6.2 Responsible Investment, Sustainable Financing: An integrated investment framework	15
6.2.1 Case Studies: Victorian Salinity Investment Framework and Great Barrier Reef Investment Framework	15
6.3 A new Marine and Coastal “Science and Knowledge” Hub	16
6.3.1 Case Studies: The Gold Coast to the European Union	17
Appendix One. VCC Response to all proposals in the MACA Consultation Paper	18

## 1.0 Introduction

Victoria's unique and diverse coast is one of the community's most cherished and visited natural asset with four out of five Victorians visiting the coast every year. The Victorian Coastal Council (VCC) sees the development of a Marine and Coastal Act as a once in a generation opportunity to provide for the future protection of marine and coastal assets. Valuing Victoria's coast and marine ecosystems and understanding the social, cultural, economic and environmental benefits they deliver is central to effective decision making.

The sustainable management of marine and coastal assets is facing a number of significant challenges including:

- Delivering an agreed strategic vision across government portfolios including environment, planning, regional development, ports, tourism, fisheries and infrastructure and clarifying and aligning federal, state and local government responsibilities
- Accommodating population growth with pressures for both permanent settlements and 'lifestyle' properties
- Responding to climate change and early impacts on coastal communities. Sea level rise, increases in severity and frequency of storms, rising temperature and increased ocean acidity all present a significant risk to the natural, social and economic values of marine and coastal environments
- Balancing and protecting significant natural and social values (97% of the coast is crown land) against the \$18.3 billion of economic value provided to Victorians through the use and enjoyment of the coast.

Over 20 years the *Coastal Management Act 1995* (the Act) has provided a sound framework for the protection and management of Victoria's coastal land. The inclusion of marine environments into this framework is essential for the successful implementation of Integrated Coastal Zone Management (ICZM). The development of a new Marine and Coastal Act provides the opportunity to build on the success of the current Act and strengthen links in the state's legislative framework.

Many of the proposals in the MACA consultation paper have merit and will deliver important improvements to the marine and coastal system. The Council's submission provides feedback on the proposals in the paper and presents recommendations to strengthen proposals where the Council believes this is needed.

The Council, however, also believes that there are three key issues that warrant further exploration:

- The current leadership and management arrangements are failing to deliver true integrated coastal zone management
- There is an urgent need to harness existing resources effectively and take a coordinated approach to coastal management and protection
- There is a critical underlying gap in baseline knowledge which is impacting on the quality of decision making, as well as a gap in the skills and expertise of marine and coastal managers.

The Council has explored three additional reforms to address these issues and believes the government should consider these strategic propositions now and over the next five years:

- A Coast and Marine Commissioner
- An integrated investment framework
- A science and knowledge capability hub.

## 2.0 The role of the Victorian Coastal Council

The VCC is established under the *Coastal Management Act 1995*. The Council's primary purpose is to advise the Minister for Energy, Environment and Climate Change about the protection and management of the Victorian coast. A key responsibility of the Council is to develop a draft Victorian Coastal Strategy (VCS). The VCS applies to Victorian coastal waters and land, both public and private. The VCS (2014) contains a hierarchy of principles, the first being 'value and protect'. The VCS is integrated into the Victorian planning system through the State Planning Policy Framework (SPPF).

The VCS (2014) highlights five key issues that require an integrated policy response:

- Managing population growth
- Adapting to a changing climate
- Managing coastal land and infrastructure
- Valuing the natural environment, and
- Integrating marine planning.

## 3.0 Strengths of the existing system

The *Coastal Management Act 1995* established a strong coordinated strategic framework for coastal planning and management of the whole of the Victorian coast. The Victorian Coastal Strategy sets a long term vision for the coast and informs coastal decision making. Embedding the strategy in the land use planning system has helped to support planning decisions. The Council has led the development of the strategy and Council members, as subject matter experts, have been available to provide strategic advice to government. The impact of sea level rise on coastal landscapes and settlements has also been highlighted and considered in planning legislation. Perhaps the most significant strength is that the community continue to enjoy the coast and the majority believe it is being well managed.

## 4.0 Principles to guide reform

As input to the new MACA, the Council explored a range of options to improve coastal governance arrangements. The Council has developed five principles to underpin a new approach to marine and coastal management in Victoria. They include:

1. Integrated planning and management in the marine environment
2. Management boundaries are defined by coastal features and community needs
3. Management arrangements align accountability, authority and resourcing
4. Strategic oversight and sustainable resourcing
5. Access to technical expertise and addressing knowledge gaps.

**Table One: VCC principles for a new model of marine and coastal management**

<b>Principle</b>	<b>Problem</b>	<b>Desired Outcome</b>
<b>1. Integrated planning and management in the marine environment</b>	<ul style="list-style-type: none"> <li>• The management of terrestrial and marine environments is undertaken separately</li> <li>• The management of conflicting uses in the marine environment is becoming increasingly disparate</li> </ul>	<ul style="list-style-type: none"> <li>• An integrated marine planning framework is provided incorporating coastal waters, estuaries and intertidal areas</li> <li>• Decision makers have consistent approach to dealing with conflicting uses</li> </ul>
<b>2. Management boundaries are defined by coastal features and community needs</b>	<ul style="list-style-type: none"> <li>• Current boundaries are arbitrary</li> <li>• Integrated Coastal Zone Management (ICZM) is impeded by the disconnect between these boundaries and coastal cells or catchments</li> </ul>	<ul style="list-style-type: none"> <li>• Victoria's coastline is divided into logical coastal cells or catchments</li> </ul>
<b>3. Management arrangements align accountability, authority and resourcing</b>	<ul style="list-style-type: none"> <li>• Large number of managers</li> <li>• Ad hoc decision making</li> <li>• Lack of integrated planning</li> <li>• Limited collaboration</li> <li>• Communities unclear about roles and responsibilities of marine and coastal managers</li> </ul>	<ul style="list-style-type: none"> <li>• Managers have clear roles</li> <li>• Decision makers are accountable and have a focus on ICZM</li> <li>• Actions are prioritised and well aligned</li> </ul>
<b>4. Strategic oversight and sustainable resourcing</b>	<ul style="list-style-type: none"> <li>• Coastal managers are not resourced to fulfil their legislated roles</li> <li>• Inequity in the ability of coastal managers to generate revenue</li> <li>• Council has no role in monitoring alignment of resources to deliver the VCS</li> <li>• Insufficient funding allocated to infrastructure or climate change mitigation/adaptation</li> </ul>	<ul style="list-style-type: none"> <li>• Sufficient resources are available</li> <li>• Revenue generation and expenditure aligns with the directions in the VCS</li> <li>• All Victorian's contribute to the cost of coastal management</li> <li>• Infrastructure funding is identified for climate change adaptation priorities and ongoing maintenance</li> </ul>
<b>5. Access to technical expertise and addressing knowledge gaps</b>	<ul style="list-style-type: none"> <li>• Technical capacity of marine and coastal managers has been reduced over time</li> <li>• Absence of state-wide coastal risk assessment and mitigation/adaptation planning</li> <li>• Lack of baseline data on the condition of marine and coastal environments</li> <li>• Data gaps preventing informed decision making</li> </ul>	<ul style="list-style-type: none"> <li>• Policy developers and decision makers have ready access to marine and coastal technical expertise</li> <li>• Baseline data on which to measure improvement or decline</li> </ul>

## 5.0 Response to MACA consultation paper

The Council supports many of the proposals in the MACA consultation paper and believes they will deliver important improvements to the marine and coastal system. This section contains the Council's feedback on key proposals in the MACA consultation paper and presents recommendations to strengthen these proposals where the Council believes this is needed. Appendix One presents a table that summarises the Council's overall response to all the proposals in the MACA consultation paper.

### 5.1 Boosting community involvement

The Council takes up its role based upon on a deep commitment to community participation as an essential foundation to sound decision-making and management of the marine and coastal environment. The Council agrees with the statement in the MACA consultation paper that opportunities to engage the community have not been maximised. The Council supports the proposal that a new Marine and Coastal Council (MACC) is established and that it provides a conduit between government and community. The new MACC would, therefore, have an important oversight role in ensuring that community engagement across the system is meaningful and contributes to transparent, sound decision making. The Council recommends that the role of a new MACC include:

- Promoting public understanding through education and encouraging Victorians to participate in coastal and marine management
- Engaging with the Victorian community on key coastal and marine issues (including matters of interest to Government and the Minister)
- Advocating for leading practice community engagement and public transparency in coastal and marine management
- Establishing a Community Reference Group and a Traditional Owner Joint Management group as sub-committees
- Advancing the role and recognition of volunteers delivering programs such as citizen science and monitoring, Coastcare, marine education and other community programs.

The proposed changes to Committees of Management and Regional Coastal Boards may generate concern that local and regional community engagement in coastal management will be reduced. To address these concerns, the Council recommends that the new MACC develops:

- A 'coastal community charter' to guide community engagement activities of marine and coastal managers
- Traditional Owner engagement principles that support joint coastal and marine management with Traditional Owners.

### 5.2 Clarifying functions of a marine and coastal system

The Council believes it is critical that the hierarchy of functions from policy through to on-ground delivery are clearly defined and well integrated. The Council does not support the recommendation to not include regional level planning as a mandatory requirement in the MACA. Regional coastal plans provide a critical link between state-wide strategy and local coastal management plans. Where they have failed to be effective is in the supporting arrangements for their funding and clear accountabilities for delivery. The Council does not believe that the Regional Catchment Strategies provide a real alternative to Coastal Action Plans (including Regional Coastal Plans). Regional Catchment Strategies focus on natural resource

management and address issues such as land degradation. The Coastal Action Plans in the current Act provide directions and objectives for the use and development of the coast at a regional scale. They also inform planning and controls about access, use and development at a local scale. As population growth, climate change and sustaining economic growth continue to place pressure on marine and coastal ecosystems, regional planning will have a critical role in identifying solutions and balancing impacts that are difficult to resolve at a local or state-wide level. They are also closely aligned to the Regional Growth Plans and the consent process required under the Planning and Environment Act 1987. The Council believes that the requirement for regional marine and coastal plans should be retained in the MACA and the Secretary of Department of Environment, Land, Water and Planning (DELWP) should be accountable for their delivery. DELWP should also ensure that delivery of the regional plans is funded, operational policies are developed and local Coastal Management Plans are aligned. The Council does not believe this function can be successfully delivered by RASPs. Like the Regional Coastal Boards, RASPs could effectively bring together partners and consult with the community, however they would not have authority or accountability to ensure the outcomes of the plan are funded or delivered.

### 5.3 MACA Objectives

The new MACA presents an important opportunity to set clear objectives for the marine and coastal system. The Council supports formally recognising climate change in the objectives of MACA. The Council also supports the scope and intent of the eight objectives. However the Council is concerned that the language used contains technical terminology that the community and users of the legislation may have difficulty understanding. The Council recommends that the objectives are written in simple language that can be clearly understood by the community, stakeholders and user groups. In line with its reform principle of addressing knowledge gaps, the Council believes an additional objective should be included:

- Enhance science-based evidence, knowledge and understanding of issues relating to ecologically sustainable development and the marine and coastal environment.

### 5.4 A Marine and Coastal Council

The current VCC has a range of important functions including state-wide strategic planning, preparing the Victorian Coastal Strategy, advising the Minister, facilitating the operation of Regional Coastal Boards, encouraging cooperation, supporting community involvement and reflecting the needs of Traditional Owners. In line with the Council's reform principle of improving management arrangements, the Council supports the proposal that a new Marine and Coastal Council (MACC) is established and would:

- Maintain a focus on marine and coastal strategy and policy
- Provide a conduit between government and community
- Facilitate scientific research and best practice marine and coastal management
- Advise the Minister
- Have an oversight role in monitoring the implementation of strategy and policy.

The Council also believes that there is another critical role for the new MACC as a conduit between government, community and industry. Many of the opportunities and challenges facing the marine and coastal environment are linked to unlocking economic potential without compromising natural, social and cultural values. If the Council is to fulfil its role in advising on policy and strategy, it needs to maintain an active dialogue with the industries that depend on the marine and coastal environment.

In relation to the specific activities of the proposed MACC, the Council has investigated the roles of a range of advisory councils including Victorian Environmental Assessment Council (VEAC), Victorian Catchment Management Council (VCMC), Alpine Resorts Coordinating Council (ARCC) and the Heritage Council.

The Council recommends that the new MACC undertakes the following roles:

- Provide advice to the Minister on state-wide issues impacting sustainable management of marine and coastal environments and coastal communities
- Provide advice to the Minister on all developments or change in use that present a potential 'significant impact' on the marine and coastal environment
- Provide advice on marine and coastal policy development and implementation
- Establish guidelines for the preparation of the Victorian Marine and Coastal Strategy
- Monitor and advise on the development, funding and implementation of the Victorian Marine and Coastal Strategy
- Promote public understanding and encourage Victorians to participate in coastal and marine management
- Advocate for best practice community engagement and public transparency in coastal and marine management
- Advancing the role and recognition of volunteers involved in programs such as citizen science and monitoring, Coastcare, marine education and other community programs
- Establish as subcommittees such as a Community Reference group, Traditional Owner Joint Management group and Science and Knowledge expert panel
- Facilitate scientific research and access to technical expertise.

The Council supports the recommendation in the MACA consultation paper that the new MACC has members with relevant experience and knowledge and includes broad representation from the community including rural and regional communities, Traditional Owners, user groups and industry. To increase public transparency and community confidence in the performance of the new MACC, the Council recommends that the formal advice provided by the MACC is documented in its annual report which is then tabled in Parliament.

The Council believes the accountability to audit major decisions taken under other Acts to ensure decision makers have specifically taken into account the MACA should sit with the Secretary of DELWP. As a strategic advisory council the new MACC would have limited capability or authority to undertake this audit role successfully. However, the Secretary could refer matters identified through an audit process to the new MACC for advice.

The MACA consultation paper explored the option of a Marine and Coastal Authority with responsibilities from policy setting through to service delivery. The Council agrees that such an organisation would likely be less responsive and agile in responding to emerging issues.

### 5.5 Separation of policy and strategy

The Council strongly supports the clear separation of policy and strategy proposed in the MACA paper. The new Marine and Coastal policy should consolidate the various policy statements and the hierarchy of principles in outlined in the VCS (2014). The Council also supports that policy development is a key accountability of the Secretary of DELWP and that the new MACC has a critical role in advising on policy development and implementation.

### 5.6 Catchment Management Authorities

The Council supports increasing the effectiveness of Catchment Management Authorities (CMAs) in the delivery of their current responsibilities along the coast, in estuaries and in the marine environment out to three nautical miles. The Council believes better integration of natural resource management across



catchment, coasts and marine environments could be achieved by enhancing the skills and expertise of CMAs and ensuring coastal CMA boards have appropriate marine and coastal expertise.

### 5.7 Regional and Strategic Partnerships (RASPs)

Many regional issues are already being addressed through existing regional forums and partnerships such as G21, the Association of Bayside Municipalities and the Great South Coasts group. The Council supports the value of such partnerships in fostering cooperation between organisations and communities. The Council also supports the formation of RASPs to deliver issue based planning where communities and marine and coastal managers identify that this is the most efficient and effective delivery model. The Council does not, however, believe that RASPs are the best vehicle to deliver legislated regional coastal planning. The Council also does not see a need for the RASPs to be a legislated mechanism administered on behalf of the Minister.

### 5.8 Phasing out Regional Coastal Boards

The Council supports the phasing out of the Regional Coastal Boards and that the functions of the Boards should be transferred to the Secretary of DELWP. A critical function that has been successfully delivered by the Boards has been facilitating community awareness and engagement in regional coastal planning. The Council believes it is critical that:

- there is regional representation on the new MACC; and
- establishment of a community reference group be a mandatory requirement for DELWP in preparing regional marine and coastal plans.

### 5.9 Committees of Management

Coastal processes are not bounded by land tenure, land management, jurisdictional or policy boundaries. Integrated coastal zone management requires arrangements that enable management responses that operate across a geographic area (land to sea), across different land tenures (public and private) and foster collaboration at a national, state, regional and local level. There is no cohesive logic to which areas various Committees manage, when Parks Victoria becomes involved or how the area from three nautical miles out to the high tide mark is effectively managed. This is further complicated by the number of coastal managers. There are 63 different coastal managers in Victoria and over 40 just in the Port Phillip and Westernport Bay area.

Whilst the MACA consultation paper proposes a rationalisation of some smaller Committees of Management, the Council remains concerned that even following the implementation of these changes that unclear management arrangements will remain, as well as poor alignment of boundaries. The Council supports creation of new Committees of Management where it can be demonstrated that they:

- have boundaries that reflect natural features and community needs
- reduce the number & complexity of land managers in a geographic location
- have accountability and authority linked to a defined revenue source
- have technical expertise and capacity to deliver key functions.

These new management arrangements should also align with the recommendations of the recent VEAC assessment of public land use categories. The Council also recommends that as part of strengthening the role of Parks Victoria that some Committee of Management areas be rationalised and incorporated into areas managed by Parks Victoria.

### 5.10 Coastal Management Plans

As there are likely to remain a large number of marine and coastal managers, the Council recommends that Coastal Management Plans (CMPs) be prepared on the basis of marine and coastal planning areas that reflect natural features and community needs. These planning areas may cover multiple marine and coastal managers and would require a lead coastal manager to be selected based on their skills and their capacity to deliver the plan by working with and engaging the community and other coastal managers. This delivery mechanism echoes the model presented in the MACA consultation paper for RASPs. The Council has undertaken some preliminary analysis of Victoria's marine and coastal features and identified six primary regional coastal areas and then a number of secondary smaller coastal cells. The Council believes these secondary coastal cells would form a good basis for developing the planning areas for CMPs. The Council believes that preparation of CMPs needs to be a mandatory requirement within the MACA. The plans need to be delivered within realistic timeframes and with an identified funding source. By reducing the number of plans, ensuring the plans are refreshed every five years, incorporating changes in use and development proposals for Ministerial approval and building a requirement for community engagement, the Council believes the value of the coastal management plans will be strengthened. The Council also recommends that the plans include the marine environment and planning areas extend to three nautical miles offshore.

### 5.11 Sustainable Resourcing

The Council believes that sustainable resourcing is critical to ensuring coastal and marine assets are protected. In line with the Council's reform principle of strategic oversight and sustainable resourcing, the Council supports the proposal that new MACC would have a role in:

- Investigating measures that would provide greater transparency on the costs and revenue generated and spent in coastal and marine areas;
- Identifying where beneficiary pays principle could be better applied.

The Council also recommends that the new MACC has an ongoing role in monitoring funding and alignment of priorities with the Victorian Marine and Coastal Strategy.

Programs such as commissioning of new research, coastal protection works and major infrastructure all rely on funding and prioritisation at state-wide and regional level. The Council therefore believes that DELWP has a critical role in ensuring that the directions of state-wide strategy and regional plans are clearly aligned into program priorities and funding sources.

The Council also supports establishing appropriate cost-sharing arrangements for coastal infrastructure. A significant future coastal infrastructure liability exists due to the combined impact of deferred asset maintenance and climate change. Marine and coastal managers are currently not required to manage annual or medium-term program funding in a manner that accumulates funds to address these future infrastructure needs. The Council wishes to promote responsible funding and financing of coastal infrastructure. The Council supports the recommendations in the recently released draft Victorian 30 year Infrastructure Strategy to:

- improve coastal protection infrastructure
- implement a pricing, funding and expenditure regime for protected areas, which ensures that funding and revenue reflect the ecosystem services provided
- establish governance arrangements that enable coastal managers to act as an asset manager, forward planning for maintenance and renewal to address existing or emerging challenges.

The Council sees a major opportunity for the VCC, and a new MACC, to work with Department of Environment Land Water and Planning (DELWP) and Infrastructure Victoria to ensure immediate and short

term state-wide marine and coastal infrastructure priorities are appropriately provided for and there is commitment to a sustainable funding model for the pipeline of future works.

Whilst the Council acknowledges that there is inequity in the ability of coastal managers to generate revenue, the Council is unsure that introducing a new levy on certain coastal Crown Land managers is the best solution. While the idea of an environmental dividend generated from the coast is appealing, the Council is not convinced that there is enough income being generated to enable a levy without significant disruption to day to day operation or capital improvement budgets.

Further investigation is needed of existing levies and whether their scope or geographic coverage could be expanded to help fund marine and coastal programs and better reflect the beneficiaries pays principle. There may also be an opportunity to ensure income generating assets are included within new larger Committee of Management boundaries to enable income to be reinvested across a broader geographic area.

#### 5.12 Improving knowledge, building capacity and knowledge transfer

The Council's reform principle of accessing technical expertise and addressing knowledge gaps reflects the value the Council places on evidence-based decision making. The Council is currently supported by an expert scientific panel comprising over 40 senior scientists representing a broad range of disciplines to provide a 'whole of coast' perspective. This panel has made a vital contribution to the work of the Commissioner for Environmental Sustainability in preparing the 'State of the Bays' report. The Council supports the proposal in the MACA consultation paper that the new MACC has a core function to improve knowledge transfer for decision makers, identify gaps in knowledge and monitoring, commission research and foster technical expertise and capacity.

The Council has explored whether a science panel, as a sub-committee of the new MACC, would be an appropriate way to deliver this function. The Council believes a science panel could deliver the function of building capacity and knowledge transfer at a strategic level. However, a science panel model may have limited ability to support the delivery of science and technical expertise to assist decision-making and management at a regional and local level.

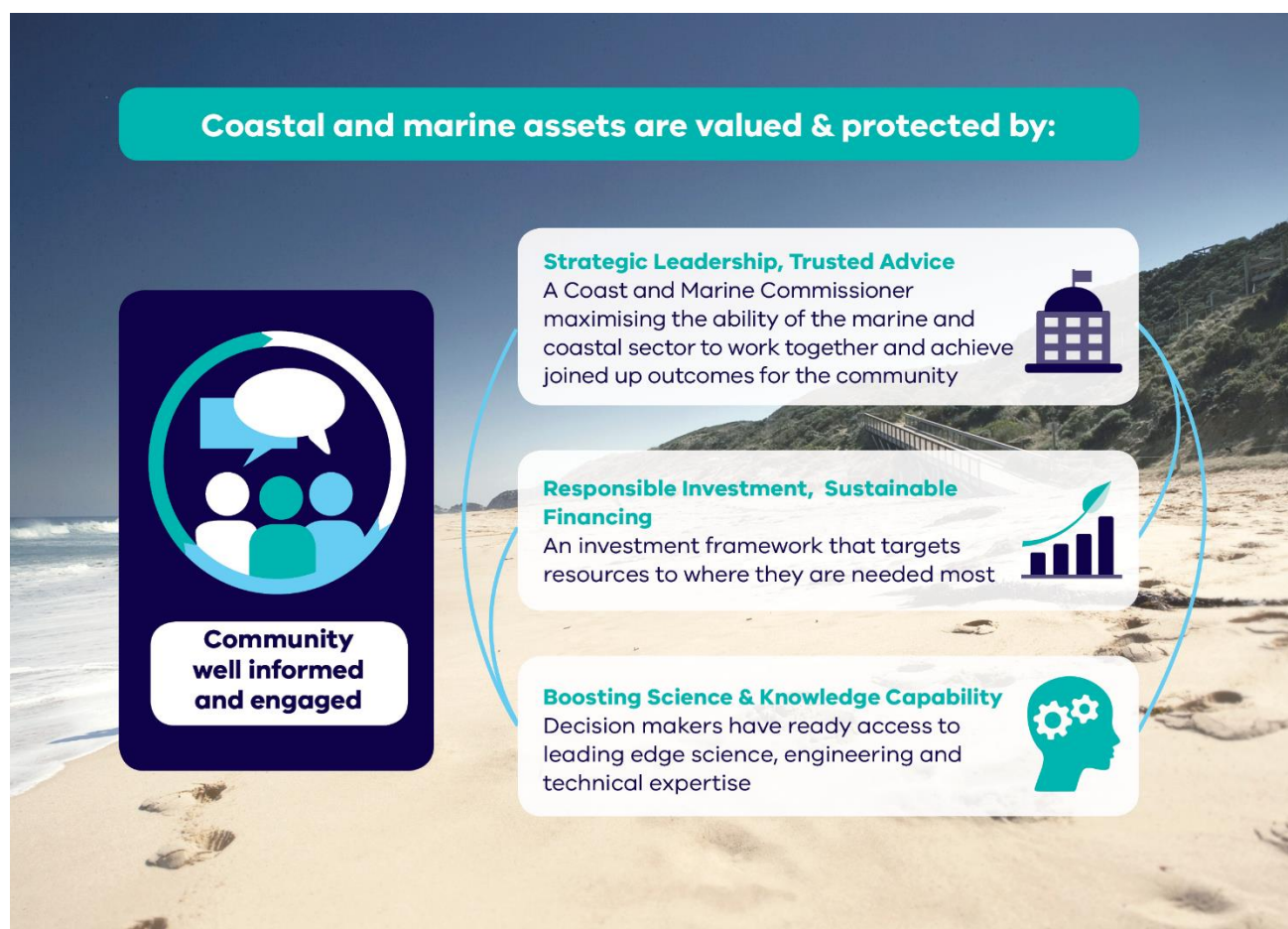
The Council also supports the proposal in the MACA consultation paper to develop a State of the Marine and Coasts Report. The Council recommends that future reports also align with the 2018 Framework for the State of the Environment report which incorporates both state and benefits. The Council believes there is an important opportunity to build upon initial assessments of the benefits of ecosystem services provided by marine and coastal communities.

The Council believes that there has been a reduction in technical skills and capability amongst marine and coastal managers over time. Whilst some local governments and large Committees of Management may have appropriate expertise, overall there is a gap particularly in area of coastal processes and engineering. This expertise has shifted into large engineering based consulting firms and often smaller local councils or Committees of Management do not have the skills or experience to effectively procure and manage these consulting services. The Council therefore strongly supports the proposal to build capacity and technical expertise among marine and coastal managers and ensure this expertise is shared across the network. The MACA consultation paper, however, is not sufficiently clear about how this might be achieved.

## 6.0 Strategic propositions: strengthening the system into the future

The development of the MACA is a once in a generation opportunity to respond to the future challenges facing the marine and coastal environment. The Council has taken this submission as an opportunity to present some 'blue sky' reform propositions for the consideration of government. These strategic propositions aim to further strengthen the marine and coastal system and deliver true integrated coastal zone management.

The Council recognises that such propositions would require further investigation and asks that the door for these additional reforms be kept open to allow this exploration.



## 6.1 Strategic Leadership, Trusted Advice: A Coast and Marine Commissioner

The Council believes that even with the intended MACA proposals there will remain significant challenges in fully integrating management of the marine environment. It is a concern to many stakeholders that whilst the marine environment is used by a wide range of user groups such as fisheries, ports, renewable energy, recreational boating and fishing there is no integrated, strategic oversight across the various Acts and government portfolios that can help to monitor the impacts of activities and facilitate and guide a more integrated approach. Delivering an agreed strategic vision across government portfolios including environment, planning, regional development, ports, tourism, fisheries and infrastructure is also a significant challenge.

The Council has explored other models to further strengthen an 'arm's length' government entity without moving to a stand-alone Authority. The Council believes a significant reform opportunity exists in establishing a Coast and Marine Commissioner as a mechanism to address these concerns.

There are a number of government Commissioners operating in land management including the Commissioner for Environmental Sustainability and the Emergency Management Commissioner. The Council envisages the role of a new Coast and Marine Commissioner would be to:

- Maximise the ability of the marine and coastal sector to work together and achieve joined up outcomes that are community focused
- Lead and facilitate key initiatives focused on system-wide reform with integrated policy, strategy, planning, streamlined consents, investment and improved service delivery
- Integrate social and environmental considerations into economic development in the marine and coastal environment
- Coordinate investment planning
- Ensure all planning processes achieve greater efficiency and effectiveness in the delivery of marine and coastal management services
- Provide governance oversight for improving marine and coastal science, knowledge and technical expertise
- Promote openness, transparency and accountability in decision-making.

The Council has considered whether these outcomes could be achieved through amendments to the role of the Commissioner for Environmental Sustainability. A key difference is that the proposed Marine and Coast Commissioner would have a specific focus on delivering reform of the marine and coastal sector, in the same manner the Emergency Management Commissioner is focused on reform of the emergency management sector. The Commissioner for Environmental Sustainability has a broad role across the entire Victorian public sector and works and consults with all sectors of the Victorian community. However, like the Commissioner for Environmental Sustainability, this new Commission could be established through a low overhead model and utilise existing resources that support the current advisory arrangements.

### 6.1.1 A Case Study: The California Coast Commission

The mission of the California Coast Commission is ‘protecting and enhancing California’s coast’. The Commission is committed to protecting and enhancing California’s coast and ocean for present and future generations. It does so through careful planning and regulation of environmentally sustainable development, rigorous use of science, strong public participation, education and effective intergovernmental coordination. In partnership with coastal cities and counties, the Coastal Commission plans and regulates the use of land and water in the coastal zone. The Commission’s decisions are bound by the policies of the Coastal Act. These policies constitute the statutory standards for issues including access and recreation, habitat protection, development design, commercial fisheries, industrial uses, offshore oil and gas development, water quality, ports and public works. The coastal zone governed by the Commission includes an inland coastal zone and an offshore zone including a three-mile-wide band of ocean.

## 6.2 Responsible Investment, Sustainable Financing: An integrated investment framework

The Council is supportive of the initial steps outlined in the consultation paper to better understand the current financial commitment to the marine and coastal environment as well as maximise opportunities to enhance revenue. The Council believes that a more holistic and comprehensive approach needs to be taken to address future challenges. An integrated investment framework that supports the implementation of policy and the Victorian Marine and Coastal Strategy is recommended by the Council. The framework would be based on the following key principles:

- Target resources to where they are needed most
- Maximise revenue generation, without compromising public good obligations
- Explore expansion of existing levies such as the Parks Charge and Environmental Contribution Levy
- Provide for reinvestment in coastal and marine protection, infrastructure, services, research and capability building
- Ensure consistent application of ‘beneficiary pays’ principle
- Provide for responsible risk based funding and financing of coastal infrastructure
- Include recurrent maintenance costs
- Address the maintenance renewal gap
- Identify appropriate cost-sharing arrangements between federal, state and local government.

### 6.2.1 Case Studies: Victorian Salinity Investment Framework and Great Barrier Reef Investment Framework

Investment frameworks that may act as models include the Salinity Investment Framework and the Reef Investment Framework. The Salinity Investment Framework (SIF) was commissioned by the Victorian State Salinity Council to guide public investment in salinity management initiatives at state, regional and catchment levels. The aim of the SIF was to ensure that public investment was directed to programs with the best potential to protect assets of high public value at threat from salinity.

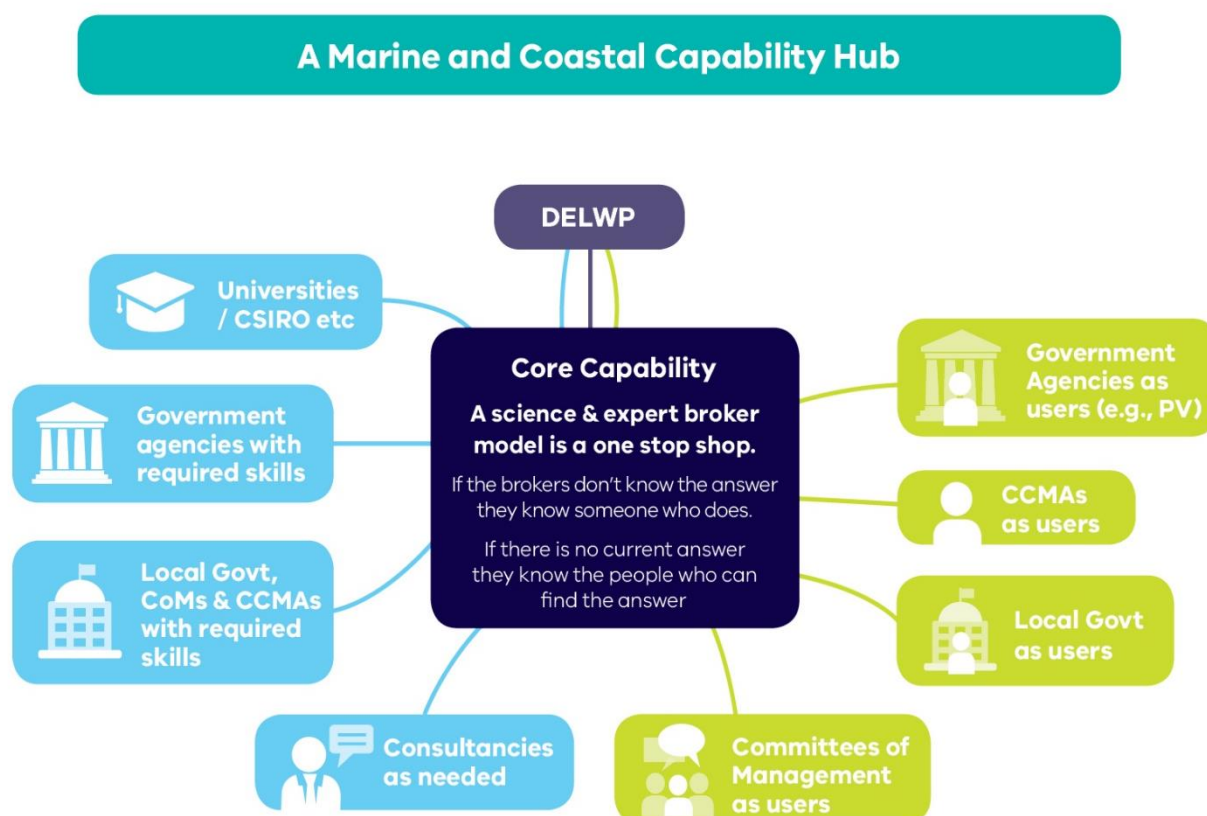
The Reef Investment Framework is a robust framework aimed at harnessing and coordinating public and private investment to maximise outcomes for the Reef. It is guided by the following principles:

- additionality and complementarity: investments will build on and align with existing efforts
- clear outcomes: investments are focused on delivering results to achieve Plan outcomes
- cost-effectiveness: investments will be well-planned and cost-effective
- collaboration and partnerships: investments will consider opportunities for co-investment, strategic collaboration and partnership
- evidence-based scientifically robust: investments will be informed by the best available scientific and expert knowledge



### 6.3 A new Marine and Coastal “Science and Knowledge” Hub

The Council and expert science panel have been exploring options to address the underlying gaps in knowledge which are currently impacting on the quality of decision making as well as the skills and expertise of marine and coastal managers. The Council believes a new ‘science and knowledge’ capability hub should be established to provide a central point of coordination and connectivity for marine and coastal science, engineering and technical expertise, as well as social science and cultural knowledge. The marine and coastal ‘science and knowledge’ hub would be low overhead and agile, with a clear focus on delivering public value and supporting marine and coastal decision makers. DELWP would have an important role in providing governance, as well as being a partner and user. The Council believes a marine and coastal capability hub is consistent with the reforms being considered by DELWP and the Commissioner for Environmental Sustainability.



Decision makers need to be able to ask the right questions, procure appropriate science and knowledge and then effectively use it in decision-making. To boost the capability of marine and coastal managers, the hub would provide guidance and standards for procuring knowledge particularly in the fields of coastal processes and engineering.

Options to develop such a capability hub include:

- A central hub with networked capability and governance linked to DELWP Chief Scientist;
- Partnering with the University of Melbourne proposal to establish a National Coasts and Climate Centre at Point Nepean;
- Building upon the Victorian Marine Science Consortium approach;
- A not-for-profit organisation similar to the Sydney Institute of Marine Science

### 6.3.1 Case Studies: The Gold Coast to the European Union

There are many successful models for creating networked science and knowledge capability. At a basic level, the Gold Coast Coastal Knowledge Hub creates an opportunity for coastal managers to meet annually and 'ensure that the hard learnt lessons from the past are available to guide and inform the next generation of coastal managers'. It achieves this aim by summarising literature, providing access to data on coastal processes, provides a record of the effectiveness of past actions and identifies knowledge limitations for future decision-making.

The Victorian Marine Science Consortium is a consortium of tertiary institutions, CSIRO, EPA and Fisheries Victoria's fisheries management and science team. It highlights the benefits of having experts co-located and teams of marine managers having ready access to research and data.

The Industry Capability Network is an example of an industry-based network that brokers connections between Australian and New Zealand businesses and technical capacity. It exists to stimulate economic activity and connect industry with current and emerging opportunities. It delivers this service through a team of technical consultants offering tailored procurement services.

The European Union Knowledge and Competence Centres are at the forefront of processing science-based evidence to inform policy makers and provision of tools to support decision-making. The knowledge centres are virtual and designed to be a 'one-stop-shop' in their area of expertise and include communities of practice. The competence centres focused on providing analytical tools to address specific policy problems.

All of these models rely on a central coordinating hub brokering connections between decision makers and a network of scientific and technical experts.



## Appendix One. VCC Response to all proposals in the MACA Consultation Paper

Proposed reform in MACA paper	VCC Principles	Expert panel recommendations	VCC response
<b>Improving governance and institutional arrangements</b>	<p>3. Management arrangements align accountability, authority and resourcing</p> <p>2. Management boundaries are defined by coastal features and community needs</p>	<ul style="list-style-type: none"> <li>✓ Replacing VCC with a Marine and Coastal Council</li> <li>✓ Separating policy and strategy</li> <li>✗ Removing regional coastal planning from the MACA</li> <li>✗ Regional Catchment Strategies are an alternative to Coastal Action Plans</li> <li>? Land managers prepare individual CMPs</li> <li>✓ Strengthen CMAs to fulfil their obligations</li> <li>✓ Phasing out Regional Coastal Boards</li> <li>✗ Legislated RASPs deliver regional planning</li> <li>✓ RASPs deliver issue based planning</li> <li>✓ Transitioning from smaller Committees of Management</li> <li>✓ Boosting community stewardship</li> <li>✓ Greater use of shared services</li> <li>✓ Strengthen role for Parks Victoria</li> <li>✓ A greater role for Traditional Owners</li> </ul>	<ul style="list-style-type: none"> <li>• New MACC role - see section 5.4</li> <li>• Regional marine and coastal planning should be retained in the MACA</li> <li>• Secretary of DELWP should be accountable for delivery and implementation of regional plans</li> <li>• Coastal Management Plans should be prepared based on planning areas that reflect natural features and community needs</li> <li>• The VCC is concerned that the proposed changes will still result in unclear management arrangements and poor alignment of boundaries. The VCC would support new CoM's where they: <ul style="list-style-type: none"> <li>○ have boundaries that reflect natural features and community needs;</li> <li>○ reduce the number &amp; complexity of land managers in a geographic location;</li> <li>○ have accountability and authority linked to a defined revenue source;</li> <li>○ have technical expertise and capacity to deliver key functions</li> </ul> </li> <li>• Creation of new CoM's reflect changes to public land use categories recommended by VEAC</li> <li>• Strengthen CMAs to fulfil their existing obligations in marine and coastal natural resource management</li> <li>• RASP's deal with issue based cross-jurisdictional planning</li> </ul>

<b>Strengthening Marine Management</b>	1. Integrated planning and management in the marine environment	<ul style="list-style-type: none"> <li>✓ Marine and Coastal Policy articulates how we manage marine environments</li> <li>✗ MACC may have role in audit and compliance to promote decisions that consistent with Act</li> <li>✗ Marine spatial planning as part of policy</li> <li>✓ Port Phillip Bay EMP</li> </ul>	<ul style="list-style-type: none"> <li>• The Secretary of DELWP has an audit role for major decisions taken under other Acts to ensure decision makers have specifically taken into account the proposed MACA</li> <li>• Marine spatial planning framework embedded in proposed MACA rather than policy</li> <li>• EMPs are rolled out to other marine and coastal management cells</li> </ul>
<b>Integrating Planning Systems</b>		<ul style="list-style-type: none"> <li>✓ Coastal Management Plans retained and strengthened</li> <li>✓ Clearly articulating when a consent is required</li> <li>✓ Strengthen enforcement of unauthorised use and development</li> <li>✗ MACC may be requested to advise on consents</li> </ul>	<ul style="list-style-type: none"> <li>• MACC provides advice to the Minister on developments and changes in land use that present a potential “significant impact” on marine and coastal environment</li> <li>• Coastal Management Plans should be prepared based on planning areas that reflect natural features and community needs</li> <li>• Funding provided to undertake CMPs and with a five year review</li> </ul>
<b>Adapting to Climate Change</b>		<ul style="list-style-type: none"> <li>✓ Recognise climate change in objectives of MACA</li> <li>✓ Align marine and coastal policy and strategy with revised Climate Change Act</li> </ul>	<ul style="list-style-type: none"> <li>• Future opportunity to harmonise revised Climate Change Act and MACA, not just align policy and strategy</li> <li>• Strategic, regional and local leadership on climate change mitigation and adaptation is critical to the protection of marine and coastal ecosystems and the benefits they generate</li> </ul>

<b>Resourcing the proposed system</b>	4. Strategic oversight and sustainable resourcing of infrastructure and services	<ul style="list-style-type: none"> <li>✓ MACC investigate measures to increase transparency</li> <li>✓ MACC identify where “beneficiary pays” principle can be better applied</li> <li>✓ Appropriate cost-sharing arrangements</li> <li>✓ Build and support volunteer programs</li> <li>✗ Establish a levy and use funds for grants or loans</li> </ul>	<ul style="list-style-type: none"> <li>• The new MACC has a role in monitoring the funding of the Victorian Marine and Coastal Strategy</li> <li>• DELWP ensures delivery of regional plans has clearly identified funding</li> <li>• VCC/MACC and DELWP work with Infrastructure Victoria on coastal infrastructure planning and investment priorities</li> </ul>
<b>Improve knowledge transfer</b>	5. Access to technical expertise & Address knowledge gaps	<ul style="list-style-type: none"> <li>✓ Science and knowledge transfer a core function of MACC</li> <li>✓ State of the Marine and Coasts report sets the baseline condition and monitors change</li> </ul>	<ul style="list-style-type: none"> <li>• Enhanced capability needed in terms of research and technical expertise from policy through to day to day operations.</li> </ul>



Level 3, 60 Leicester St  
Carlton Victoria 3053  
Phone 03 9347 5188  
Fax 0 9347 5199  
vnpa@vnpa.org.au  
www.vnpa.org.au  
ABN 34 217 717 593

21 October 2016

Dear Marine and Coastal Act Project Team

**Re: VNPA submission on the Marine and Coastal Act Consultation Paper**

The Victorian National Parks Association welcomes the opportunity to comment on the reform of Victoria's marine and coastal administrative, legislative and policy framework, as outlined in the Marine and Coastal Act Consultation Paper released on 30 August 2016.

From its beginnings in 1952, the VNPA has been closely involved in advocacy on marine and coastal planning, protection and management, including the coordination on the campaign in support of the establishment of the world's first highly protected marine national park network in 2002. Since then, VNPA has also focused on the need for marine and coastal law reform, and was delighted when the establishment of a marine and coastal act become a policy commitment of the Victorian Labor Party in the lead up to the 2014 state election.

This VNPA submission outlines the marine and coastal reform that we believe necessary, while also commenting on elements of the Marine and Coastal Act Consultation Paper.

Should you or your staff wish for further information, please contact me on 0407 463 594 or [chriss@vnpa.org.au](mailto:chriss@vnpa.org.au).

Thank you for considering our submission on these very important matters.

Yours faithfully

Chris Smyth  
Project Manager  
Victorian National Parks Association



**Victorian National Parks Association submission  
on the  
Marine and Coastal Act Consultation Paper**



**23 October 2016**

# Victorian National Parks Association submission on the Marine and Coastal Act Consultation Paper

## RECOMMENDATIONS

Recommendation 1a: The Marine and Coastal Act should contain principles for ecologically sustainable development, ecosystem-based management and marine and coastal spatial planning, as well as the precautionary principle and the evaluation of cumulative impacts, and provisions that ensure the preparation of regional marine and coastal plans and management plans covering Victoria's marine and coastal areas.

Recommendation 1b: The Marine and Coastal Act should establish a framework that plans for and manages the many uses of Victoria's marine and coastal areas including fisheries, ports and marine national parks i.e. multi-user planning and management.

Recommendation 2: The Marine and Coastal Act should establish the Marine and Coastal Authority with the functions as outlined in this submission.

Recommendation 3: VNPA supports the preparation of the Victorian Marine and Coastal Strategy and recommends that it be prepared by the Marine and Coastal Authority.

Recommendation 4: A Marine and Coastal Authority should be established to drive the integration of marine and coastal planning through integrated, ecosystem-based regional marine and coastal plans to replace the current single-sectored, single-jurisdiction and disintegrated planning framework.

Recommendation 5: The Office of the Commissioner for Environmental Sustainability should prepare five-yearly state of the marine and coasts reports and use these as one measure of the performance of the Marine and Coastal Authority and other agencies engaged in the planning, protection and management of Victoria's marine and coastal area.

Recommendation 6: The Minister should establish and appoint members to a number of Marine and Coastal Committees, with the proposed Marine and Coastal Authority to oversee their operations.

Recommendation 7: Traditional Owners should be provided with the opportunity and capacity to engage meaningfully in marine and coastal planning, protection and management of their Sea Country.

Recommendation 8: A Marine and Coastal Research and Information Service, under the auspices of the proposed Marine and Coastal Authority, should be established to develop a marine and coastal research strategy, direct and conduct research, and act as a clearing house for environmental, cultural, social and economic data about Victoria's marine and coastal area to help build and transfer knowledge and educate the community.

Recommendation 9: That the Marine and Coastal Act establish a Science Panel to advise the proposed marine and coastal authority on marine and coastal science matters.

Recommendation 10: A Marine and Coastal Management Contribution Fund should be established that receives funds from the revenue generated on coastal crown land and in marine waters and is then used to cover in part the costs of marine and coastal planning and management.

Recommendation 11: Agencies with management responsibilities within the marine and coastal area should refer proposed actions that may be inconsistent with regional marine and coastal plans and management plans to the Marine and Coastal Authority for advice and potential amendment of the plans.

Recommendation 12: The Marine and Coastal Act should have provisions for ministerial consent and veto for the use and development of marine and coastal areas, after advice from the Marine and Coastal Authority, penalties for actions in contravention of marine and coastal plans, and powers for the Authority to apply for court injunctions where necessary.

Recommendation 13: Review and evaluation mechanisms should be included in the Act.

Recommendation 14: Parks Victoria's funding and powers, and its role in the marine and coastal regions, should be strengthened.

# Victorian National Parks Association submission on the Marine and Coastal Act Consultation Paper

## 1. INTRODUCTION

### The need for reform

Three days out from the November 2014 state election, the Labor Opposition released its environment policy, which included a commitment to establish a Marine and Coastal Act:

*An Andrews Labor Government will undertake a five-yearly State of the Bay report to monitor the health of coasts, bays and waterways. We will establish a new Marine and Coastal Act, bringing together all management and protections under the one system.*

For more than 40 years there has been talk about the need for reform—an integrated approach to marine and coastal planning and management in Victoria—but most ‘solutions’ enacted have revolved around collaboration, interdepartmental committees, hope and a lot of faith in ‘the system’. There has been no appetite for major institutional reform.

The Labor Government’s commitment to a Marine and Coastal Act indicates it too sees the need for reform. The most recent significant reform in this area was the *Coastal Management Act 1995*, put in place by a Coalition government in the 1990s. It established the institutional arrangements—Victorian Coastal Council and regional coastal boards—and processes for policy development and the preparation and implementation of coastal strategies, action plans and management plans.

While the scope of the strategic planning under the *Coastal Management Act 1995* covers all land along the coast, its management scope is focused on coastal crown land, and does not include objects or provisions for ecologically sustainable development, ecosystem-based management, the precautionary principle or cumulative impacts. The *Planning and Environment Act 1987* drives both strategic and statutory land use planning processes for freehold and crown land.

There has been no attempt to develop similar ‘use planning’ for the state’s marine waters, with the various industry sectors managed under separate, mostly commodity-focused or sector-based legislation e.g. *Fisheries Act 1995*; *Port Management Act 1995*; *Port Services Act 1995* (shipping comes under federal legislation); *Petroleum Act 1998*; *Forests Act 1958*. In 2009, a marine plan was proposed in the ‘Land and biodiversity at a time of climate change’ white paper, but that was not progressed by the Coalition Government subsequently elected in 2010.

There are many existing statutes that can be applied to Victoria’s marine and coastal environment, including those in Table 1. Then there are the strategies for the coast, for transport, fisheries, ports and tourism, and various management plans, action plans, statutory plans and strategic plans, policies and so on, all of which can cut across marine and coastal environments. This fragmented approach to planning and management:

- Provides no clear vision for the integration of marine and coastal planning, protection and management or its integration
- Creates duplication across various agencies involved in marine and coastal matters
- Leads to objectives and outcomes that can be at cross purposes
- Creates visions limited to the narrow agendas of individual agencies or sectors
- Undermines ecologically sustainable development and ecosystem-based management.



**Table 1 A selection of statutes that can be applied to marine and coastal environments**

<i>Aboriginal Lands Act 1991</i>	<i>Land Act 1958</i>
<i>Biological Control Act 1986</i>	<i>Land Conservation Vehicle Control Act 1972</i>
<i>Catchment and Land Protection Act 1994</i>	<i>Livestock Management Act 2010</i>
<i>Climate Change Act 2010</i>	<i>Marine Safety Act 2010</i>
<i>Coastal Management Act 1995</i>	<i>National Parks Act 1975</i>
<i>Commissioner for Environmental Sustainability Act 2003</i>	<i>Parks Victoria Act 1998</i>
<i>Conservation, Forests and Lands Act 1987</i>	<i>Petroleum (Submerged Lands) Act 1982</i>
<i>Crown Land (Reserves) Act 1978</i>	<i>Petroleum Act 1998</i>
<i>Cultural and Recreational Lands Act 1963</i>	<i>Planning and Environment Act 1987</i>
<i>Environment Effects Act 1978</i>	<i>Pollution of Waters by Oil and Noxious Substances Act 1986</i>
<i>Environment Protection Act 1970</i>	<i>Port Services Act 1995</i>
<i>Fisheries Act 1995</i>	<i>Sustainability Victoria Act 2005</i>
<i>Flora and Fauna Guarantee Act 1988</i>	<i>Victorian Environment Assessment Council Act 2001</i>
<i>Forests Act 1958</i>	<i>Victorian Conservation Trust Act 1972</i>
<i>Game Management Authority Act 2014</i>	<i>Water Act 1989</i>
<i>Heritage Rivers Act 1992</i>	<i>Wildlife Act 1975</i>

The Victorian Government's proposal for a Marine and Coastal Act provides a remarkable opportunity to address these and other weaknesses. A Marine and Coastal Act should establish the framework for integrated and spatial marine and coastal planning and management and drive:

- ecologically sustainable use of Victoria's marine and coastal resources
- integrated and spatial marine and coastal planning across sectors and agency jurisdictions
- security of access and certainty of process for marine and coastal industries
- increased knowledge and understanding of Victoria's marine and coastal environment
- community and industry stewardship of Victoria's marine and coastal environment and effective community engagement in planning, protection and management.

### **The reform that is needed**

From its beginnings in 1952, the VNPA has been closely involved in advocacy on marine and coastal planning, protection and management, including the coordination of the campaign in support of the establishment of the world's first highly protected marine national park network in 2002.

Since then, VNPA has also focused on the need for the reform of Victoria's marine and coastal planning, management and protection framework, and was delighted when a Marine and Coastal Act became a policy commitment of the Labor Government. Unfortunately, the scope of that reform has been constrained from the outset by the government's ongoing refusal to allow consideration of commercial fishing, ports and marine national parks in the reform process.

VNPA's advocacy for marine and coastal law reform has been articulated in VNPA's *Nature conservation review* and *The coast is unclear*, both released in 2014. In summary our proposals include:

- marine and coastal act
- marine and coastal authority
- marine and coastal strategy
- integrated, ecosystem-based regional marine and coastal planning and management
- marine spatial planning
- state of marine and coastal reporting
- restructuring of coastal committees of management

- marine and coastal research and information service.

We are very pleased that the consultation paper touches on each of these, with the exception of the information service, and gives varying degrees of support to them save for the marine and coastal authority (more on that in the next section). Instead of an authority, it proposes renaming the Victorian Coastal Council to the Victorian Marine and Coastal Council.

The only other institutional reform proposed is the formation of what the paper calls Regional and Strategic Partnerships (RASPs). Agencies could ‘come together to solve shared problems...led by one of the partner agencies with the skills and resources required to address the issue and the capacity to bring the community along’.

The consultation paper also considers the options for covering the cost of marine and coastal management, how to better engage the community, the need to improve knowledge, marine spatial planning and adaptation to climate change.

This submission is largely structured around the dot points listed above, but also comments on those matters referred to in the previous three paragraphs.

## **2. A NEW INSTITUTIONAL FRAMEWORK**

Institutional reform is severely constrained in the consultation paper, and it is difficult to determine the differences between the chart of the current system with that of the proposed system. The paper proposes a name change for the Victorian Coastal Council to the Victorian Marine and Coastal Council, and appears to turn over the responsibilities of regional coastal boards (they will go) to catchment management authorities, which would have to expand their marine and coastal expertise. The paper also indicates that membership of the council could be representative of ‘community, user groups and industry’, which would be a major and disturbing step away from the expertise base of the existing Victorian Coastal Council.

RASPs could be a useful way of dealing with emerging planning issues specific to a region but could also be undermined by agency power plays and dominated by influential regional interests. The RASPs could simply be a way of maintaining the divided responsibilities and fragmented institutional arrangements that various past plans and strategies have said needed integration, but usually through ‘coordination’ or perhaps, in this case, ‘partnerships’, rather than through the wholesale reform of a broken institutional framework. This submission believes that the RASPs should be established by the Marine and Coastal Authority for short-term action on specific planning and management issues within a region and that they include VNPA’s proposed Marine and Coastal Committees, local municipalities, the community and ‘distinct marine sectors’.

The Marine and Coastal Council, as proposed in the consultation paper, would have a greater focus on marine issues but its role would appear to be very similar to that of the existing Victorian Coastal Council, that is, one of providing advice to the Minister. Existing agencies would continue to go about prosecuting their agendas—single-sector and single-jurisdictional arrangements - and are encouraged to do so by the paper’s comments on ‘Accountability for functions’ on page 80: ‘Maintaining the management of specific sectors with current entities will maintain the clear accountabilities that are already provided for through specific legislation, for example fisheries management’. The fundamental reason for reforming marine and coastal planning and management is to overcome this approach—the paper fails dismally here.

### **1. A Marine and Coastal Act**

The proposed Marine and Coastal Act can establish a framework for integrated and spatial marine and coastal planning, protection and management. To do this, VNPA believes the Act should have

the following objects:

#### Objects

- Establish the functions and powers of the Marine and Coastal Authority and define its geographical scope.
- Ensure the ecologically sustainable use and ecosystem-based management of Victoria's marine and coastal resources.
- Ensure that the precautionary principle is applied and cumulative impacts are assessed and considered in decision-making processes.
- Provide for integrated and cooperative ecosystem-based marine and coastal planning, protection and management of Victoria's marine and coastal environments involving governments, the community, marine and coastal industries and Indigenous peoples and that is fair, accountable and transparent.
- Ensure that the management actions of Victorian public agencies operating on coastal crown land and in coastal waters are consistent with the Act's objects and the objectives of regional marine and coastal plans.
- Increase security of access and certainty of process for marine-based and coast-based industries.
- Promote ecologically sustainable development and improvements in the economic, social and cultural wellbeing of regional coastal communities.
- Increase knowledge and understanding of Victoria's marine and coastal environment.
- Encourage community and industry stewardship of Victoria's marine and coastal environment.
- Ensure Indigenous communities are engaged in regional marine and coastal planning and that their rights and knowledge are recognised and respected.
- Enable effective community engagement in marine and coastal planning and management and conservation activities.
- Ensure that marine and coastal planning, protection and management builds resilience to and adapts to climate change.

There are also a number of key principles that must be included in the Act—they do not appear in other natural resource based legislation in Victoria (not even in the new Bill establishing the Victorian Fishing Authority). They should. These are the principles of ecologically sustainable development, ecosystem-based management and marine and coastal spatial planning:

#### Principles of ecosystem-based management, ecologically sustainable development and marine and coastal spatial planning

The principles of ecosystem-based management for Victoria's marine and coastal area are:

- maintain ecological processes including, for example, water and nutrient flows, community structures and food webs, and ecosystem links
- maintain biological diversity, including the capacity for evolutionary change
- maintain viable populations of all native species in functioning biological communities
- manage human use and minimise its impacts on ecosystems so that they do not degrade ecosystems function
- assess direct, indirect and cumulative impacts of human actions on ecosystems.

The principles of ecologically sustainable development are:

- ensure effective integration of both long-term and short-term economic, environmental, social and equitable considerations in decision-making processes
- ensure that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation
- uphold the principle of intergenerational equity—that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations
- ensure that the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision making
- promote improved valuation, pricing and incentive mechanisms.

The principles<sup>1</sup> of marine and coastal spatial planning are:

- incorporate ecological principles and the attributes of healthy, functioning ecosystems into a decision-making framework with clearly defined targets for these ecological attributes
- maintain or restore native species diversity, habitat diversity and heterogeneity, key species, and connectivity
- maintain the delivery of ecosystem services that humans want and need
- account for regional, spatial and temporal scales and uncertainty about complex interactions and dynamic systems in the planning process
- apply ecological principles with social, economic, and governance principles.

Each set of principles should be used to inform the allocation of marine and coastal resources, and the designation, location and management of uses.

Ecosystem-based management is about managing the human impacts on marine and coastal ecosystems, not the ecosystems themselves, and considers these impact when making management decisions. The stocking of marine species, such as prawns, is not ecosystem-based management, it is ecosystem manipulation and has no place in a framework following ESD, ecosystem-based management and spatial planning.

The United Nations Convention on Biological Diversity (CBD) refers to it as:

*“a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way”<sup>2</sup>*

The Communications Partnership for Science and the Sea (COMPASS) defined it as:

*“an integrated approach to management that considers the entire ecosystem, including humans. The goal of EBM is to maintain an ecosystem in a healthy, productive and resilient condition so that it can provide the services humans want and need. EBM differs from current approaches that usually focus on a single species, sector or activity or concern; it considers the cumulative impacts of different sectors”<sup>3</sup>.*

Foley and Halpern et al<sup>4</sup> explain what ecosystem-based marine spatial planning is:

- Proactive, integrated, and comprehensive decision making process to determine how activities can best be organized to sustain use and maintain ecosystem health
- Combines ecological, economic, and social objectives
- Identifies areas that are appropriate for specific types of activities in order to reduce conflicts between users and the environment
- Adaptive process that adjusts with new data and changing conditions - Participatory process that actively involves stakeholders.

They also state that:

In order for ecosystem-based marine spatial planning to be a successful mechanism for maintaining ecosystem health, specific and measurable scientific guidelines must inform the goals and objectives of the process and be used to develop spatial plans.

They concluded:

The future of the oceans depends on successful, timely implementation of a comprehensive governance framework that moves away from a sector-by-sector management approach to one that 1) balances the

---

<sup>1</sup> See Foley, M. and Halpern, B. et al, 2010, 'Guiding principles for marine spatial planning', *Marine Policy*, vol. 34, issue 5, September 2010, pp955-966.

<sup>2</sup> United Nations Convention on Biological Diversity (CBD). Ecosystem Approach; 2011 <<http://www.cbd.int/ecosystem/>>

<sup>3</sup> Communications Partnership for Science and the Sea (COMPASS). Scientific consensus statement on marine ecosystem-based management; 2005 <[http://www.compassonline.org/sites/all/files/document\\_files/EBM\\_Consensus\\_Statement\\_v12.pdf](http://www.compassonline.org/sites/all/files/document_files/EBM_Consensus_Statement_v12.pdf)>

<sup>4</sup> Foley, MM et al. *Marine Policy* (2010); Ehler, C. and F. Douvère. UNESCO (2009); Crowder, L et al. *Science* (2006).

increasing number, diversity, and intensity of human activities with the ocean's ability to provide ecosystem services; 2) incorporates appropriate ecological, economic, social, and cultural perspectives; and 3) supports man.

A major tool of marine spatial planning is the zoning of uses for the spatial allocation of marine and coastal resources. Zones are already used in local government statutory plans for coastal freehold and crown land, and also extend 600 metres out from the shoreline. In the marine environment zones allocate waters for shipping lanes, fishing areas, port areas, telecommunication cables and pipelines. But there is no integration of the zoning process across the marine and coastal boundary or between the marine resource sectors. In the latter case these resources are allocated within each sector's management and planning. This must change.

The consultation paper acknowledges the importance of marine spatial planning but recommends that it be mentioned in a Marine and Coastal Policy and as part of a Marine Spatial Planning Framework. When summarising the changes to legislation on page 79, the paper says that one of the changes will be to: 'Enable marine spatial plans to be developed as required'. This is simply not strong enough. In another paragraph it indicates that 'Coastal management plans MUST be prepared for all areas of coastal public land'. Marine and coastal spatial planning should be embedded in the Marine and Coastal Act to ensure that marine and coastal spatial plans are required throughout the marine and coastal area.

Regional marine and coastal plans should be the framework under which marine and coastal management plans are prepared and implemented. These management plans would generally be for areas smaller than a marine and coastal region and should be prepared by Marine and Coastal Committees (see section 6 of this submission).

Recommendation 1a: The Marine and Coastal Act should contain principles for ecologically sustainable development, ecosystem-based management and marine and coastal spatial planning, as well as the precautionary principle and the evaluation of cumulative impacts, and provisions that ensure the preparation of regional marine and coastal plans and management plans covering Victoria's marine and coastal areas.

Recommendation 1b: The Marine and Coastal Act should establish a framework that plans for and manages the many uses of Victoria's marine and coastal areas including fisheries, ports and marine national parks i.e. multi-user planning and management.

## **2. A Marine and Coastal Authority**

Although 92 pages in length, the consultation paper uses only one paragraph to dismiss a Marine and Coastal Authority by creating a straw man of an 'all-encompassing entity' that would do almost everything in marine and coastal planning, protection and management. It is a major flaw in the paper and the government's vision, especially as the Stakeholder Reference Group supported an authority (interestingly, the question raised in this part of the paper asks: 'Do you think the required skills for the Marine and Coastal Authority members should be legislated?' Perhaps there's hope yet).

The paper says on the matter (with VNPA's response below each quote):

The option for a Marine and Coastal Authority would have a advisory and policy setting role as well as taking on responsibilities for coastal and marine management and service delivery. This all-encompassing entity would significantly reduce the complexity of the current system by having one large organisation but would have had a number of disadvantages.

It would have a number of advantages if given the right functions and powers.

Such an organisation would likely be far less responsive to local and regional differences and less attuned to the issues and expectations of local communities and specific marine sectors.

The consultation paper provides no evidence for this statement but later proposes the abolition of coastal boards, which have largely provided the engagement with local communities. It would appear that under the consultation paper's proposals, their role may be taken up by catchment management authorities with coastal boundaries (they would have 'coastal' added to their name) or by establishing Regional and Strategic Partnerships.

The reference to 'specific marine sectors' implies that these sectors would continue to be allowed to unduly influence the conduct of marine and coastal planning and management. Including industry representatives on the proposed Marine and Coastal Council could achieve the same outcome. One of the reasons for the VNPA proposing a Marine and Coastal Authority is to help overcome the single-sector and single-jurisdiction approach that has dogged marine and coastal planning and management for decades.

The level of community engagement and responsiveness of any organisation will be influenced by its role, functions and administrative arrangements. The Marine and Coastal Authority would engage with communities through the consultation processes for preparing the marine and coastal strategy and regional marine and coastal plans that would be laid down in the legislation, and through the Marine and Coastal Committees that VNPA proposes in this submission to be established by the Minister with oversight of their operation by the Authority. It could also engage in specific planning and management issues by establishing short-term Regional and Strategic Partnerships that do not just involve agencies, as proposed by the consultation paper, but involve the community and 'distinct marine sectors' as well. This could be ensured by the legislation requiring such arrangements.

Having such a broad role-ranging from providing advice and developing policy, managing coastal infrastructure and natural environments, providing visitor services to managing distinct marine sectors such as fisheries or local ports-would require an organisation with a very large variety of skills and expertise it would cut across a range of ministerial portfolios and likely internalise a number of competing priorities and directions. This would make it far less agile to deal with emerging issues and the key challenges facing marine and coastal management, such as addressing the impacts of climate change and population growth.

The roles listed in the above quote are way beyond what the VNPA sees as the roles of the proposed Marine and Coastal Authority. The authority would not be involved in the direct management of infrastructure and natural environments, or of visitor services or distinct marine sectors'. Yes, it would prepare the Marine and Coastal Strategy and regional marine and coastal plans, and those strategies and plans would need to be followed by those agencies with responsibility for managing 'distinct marine sectors'. The authority would regularly audit the performance of those agencies and report on that to the relevant ministers. VNPA is disappointed that the government is resisting a Marine and Coastal Authority while establishing a Victorian Fishing Authority, which again is a single-sector or 'distinct marine sector' approach to the planning and management of marine and coastal areas.

In contrast to the position of the consultation paper, VNPA believes that the Marine and Coastal Act should establish the Marine and Coastal Authority, a statutory independent body that would replace the Victorian Coastal Council (and be our alternative to the consultation paper's Victorian Marine and Coastal Council). The Authority would be responsible for driving integrated and spatial planning, protection and management of coastal crown land and the state's coastal waters.

The Authority would have a board of eight members (including the Chair) who had the relevant expertise to oversee the Authority's operations in marine and coastal planning, protection and management. A person would be eligible for appointment as a Board Member if they had suitable qualifications, experience and knowledge in an area relevant to the function of the Authority including:

- (a) marine and coastal management and policy development
- (b) ecologically sustainable marine and coastal resource use
- (c) marine and coastal science
- (d) marine and coastal related communications and education
- (e) Indigenous knowledge of and relationships with marine and coastal environments
- (f) environmental law
- (g) public sector governance
- (h) environmental auditing of programs, policy and processes
- (i) fisheries
- (j) offshore petroleum
- (k) shipping
- (l) Marine and coastal protection
- (m) marine and coastal related tourism.

The functions of the Marine and Coastal Authority would be to:

- (a) Administer the Act and any subordinate legislation or regulations made under it
- (b) Prepare a 5-year Marine and Coastal Strategy that applies to all coastal land and state waters
- (c) Develop, review and then monitor the implementation of 10-year regional marine and coastal plans that apply to coastal crown land and state waters
- (d) Provide written advice to the Minister on marine and coastal policy, planning and management matters
- (e) Establish a Marine and Coastal Information Service as a clearing house for information on marine and coastal planning, protection and management
- (f) Undertake, commission, support or fund marine and coastal research and relevant communications and education projects
- (g) Oversee the work of Marine and Coastal Committees appointed by the Minister
- (h) Audit the performance of state agencies, local municipalities and Marine and Coastal Committees with certain marine and coastal management responsibilities in the implementation of regional marine and coastal plans and management plans.
- (i) Provide advice to agencies and other bodies on their referral of development proposals that may impact on the operational objectives and targets of the regional marine and coastal plans.
- (j) Establish Regional and Strategic Partnerships that include state agencies, local municipalities, marine and coastal committees, the community and marine industry as required.

The Authority would develop the plans and oversee their implementation by other agencies and bodies. It would evaluate the performance of management agencies and bodies to ensure that their actions were consistent with the objectives, targets and timelines of the Marine and Coastal Strategy, the regional marine and coastal plans and the Act. The audits of performance would be reported to the relevant ministers, with advice on how to improve performance.

The regional marine and coastal plans would, among other things, contain a set of planning zones with planning zone rules, objectives and targets, along with allowable uses for each zone. This transparent and accountable planning process would be carried out in close consultation with stakeholders, Marine and Coastal Committees, coastal municipalities, other agencies and the community, and allocate marine and coastal natural resources for ecologically sustainable uses. Oversight of the management of these zones would be conducted by the Marine and Coastal Authority, but the management functions would be with state agencies, Marine and Coastal Committees, local municipalities and coastal catchment management authorities.



Recommendation 2: The Marine and Coastal Act should establish the Marine and Coastal Authority with the function as outlined in this submission.

### **3. Marine and coastal strategy**

The VNPA supports the proposal that the Victorian Coastal Strategy become the Victorian Marine and Coastal Strategy. The Victorian Marine and Coastal Strategy must provide for the long-term planning of the Victoria's state waters and coastal land:

- to ensure the protection of significant environmental features of state waters and coastal crownland
- to provide clear direction for the future use of state waters and coastal land
- to identify suitable development areas and development opportunities in state waters and coastal land
- to ensure the sustainable use of natural marine and coastal resources.

Recommendation 3: VNPA supports the preparation of the Victorian Marine and Coastal Strategy and recommends that it be prepared by the Marine and Coastal Authority.

### **4. Integrated regional marine and coastal planning**

#### Failures of the current system

When trying to introduce an integrated approach to Victoria's coastal planning and management, the challenge is the complexity of the arrangements. In his second reading speech on the *Coastal Management Bill 1995*, Minister Mark Birrell expected the *Coastal Management Act 1995* to reduce the complexity of management by reducing the number of bodies.

To some extent this has been achieved by reducing the number of committees of management at the local level, but there has been little change in the number of responsible government agencies or the number of statutes that apply to marine and coastal areas. The Act has not prevented the planning and management of Victoria's coast becoming more complex, and the vision of integrated coastal zone management is as illusory as ever.

The institutional arrangements and provisions for process established by the *Coastal Management Act 1995* have driven the preparation and implementation of the Victorian coastal strategy, regional coastal action plans, boating coastal action plans and estuary coastal action plans, and many coastal management plans. Coastal planning documents often mention the need to integrate and to collaborate across the various agencies and bodies with some responsibility for the planning, protection and management of the coast. However, their proliferation, along with those by different agencies with different purposes, makes the coastal planning and management far more complex and expensive than it needs to be.

Further complexities have been introduced by the outcomes of the Coastal Spaces Initiative, the greater use of coastal planning scheme provisions such as zones and overlays, the intervention of ministers, the rulings of VCAT, the advice of planning panels, regional catchment strategies and the involvement of various government agencies.

As with previous coastal strategies, the 2014 edition saw integrated coastal zone management as its guiding concept:

Underpinning this Strategy and influencing the way we manage the coast is the concept of 'Integrated Coastal Zone Management'. Coastal processes are not bounded by land tenure, land management, jurisdictional or policy boundaries. Integrated Coastal Zone Management (ICZM) is about working across a geographic area (land to sea), across different land tenures (public and private), and across organisational and jurisdictions (national, State, regional & local). ICZM is the basis for coastal planning and management in Victoria and is achieved through formal and informal collaboration and coordination between all the different groups who use and manage the coast.



But as the authors of the *South-west coastal action plan* (SWCAP) found in 2002:

An issue that became apparent during the development of the SWCAP was the way in which decision-making processes with respect to land and resource management are undertaken by managing agencies...many separate decisions are made with respect to the strategic planning, use, development, management and provision of access along the coast. Such decisions taken in their own right and on their own merits may appear reasonable but, when considered as a cumulative series of actions, may result in a significant impact on access to resources and the sustainable management of resources.

Over many years much has been said in various planning strategies and action plans of the need for an integrated approach to coastal planning and management. The solutions put forward usually revolve around collaboration, interdepartmental committees, hope and faith, just as in the 2014 Victorian coastal strategy. VNPA doubts that the coastal planning and management framework can implement integrated coastal zone management when many separate agencies deal with each component and have their own agendas.

#### A case study of a system failure

A current example of these difficulties is the Government's implementation of the Target One Million Project, which aims to increase the number of anglers in Victoria to one million by 2020.

The policy on the Target One Million Project was released prior to the 2014 election and is now being implemented, pre-empting the state of the bays report, the Biodiversity Conservation Plan and the Port Phillip Bay Environment Management Plan, and while consultation on the Marine and Coastal Act is continuing and the draft legislation is not to be released until well into 2017. The implementation of the Target One Million policy could have enormous impacts on Victoria's marine and coastal environments, especially those of Port Phillip Bay. Features of the project are:

- an increase of angler numbers from an estimated 750,000 to one million, a 33% increase
- restocking of marine species in bays and inlets
- construction of artificial reefs
- closure of commercial fishing in Port Phillip Bay
- no more marine national parks.

The targeted 33% increase in angler numbers could see a 33% increase in the catch of fish, a 33% increase in boat numbers, and a 33% increase in the infrastructure needed to support them. An increase in boating activity will increase fishing pressure across Port Phillip Bay, while the infrastructure needs, such as jetties, boat ramps, marinas, car parks, access roads and other structures will take up further areas of a narrow and fragile publicly owned coastal strip.

Marine restocking of species in bays and inlets is the manipulation of ecosystems, the anathema of ecosystem-based management, and prioritises species that are targets for anglers that will create imbalance in marine food webs. The construction of artificial reefs will change seabed habitats and place even more pressure on fish by encouraging them to aggregate and making them more vulnerable to being caught.

The closure of commercial fishing in Port Phillip Bay, a fishery with seafood products that were assessed as ecologically sustainable by the independent and science-based Sustainable Australian Seafood Assessment Project, will reduce the locally available source of seafood for consumers but also remove an important data source about fish stocks. And, even though the commercial fishing has been independently assessed as ecologically sustainable, there has been no assessment of the ecological sustainability of angling—we don't know whether the existing angling fishing pressure is ecologically sustainable, let alone that pressure caused by one million of them.

Finally, the ban on marine national parks is short-sighted and ill-advised. Establishing the world's first network of marine national parks in 2002 was a critical first step in providing better protection for marine life. But the network is not complete, and scientific analysis commissioned by VNPA has

shown the need for additional marine national parks and sanctuaries at a number of places in Victoria's marine waters.

Policies like Target One Million should only be implemented if they are considered consistent with an overall Marine and Coastal Strategy and individual regional marine and coastal plans. Its current implementation exemplifies the problems we have with the single-sector and single-jurisdiction approach to marine and coastal planning and management without reference to an overall plan with operational objectives and targets that take into consideration the needs of all users of the marine and coastal environment. The Target One Million project should be shelved until we have regional marine and coastal plans with clear operational objectives, targets and timeline.

#### Catchment management authorities and integration

The consultation paper also recommends a greater role for the five catchment management authorities with coastal boundaries. Their engagement with coastal and marine planning has been ad hoc and very limited due to a lack of marine and coastal expertise on their boards and a general focus on land and riparian areas away from the coast. The consultation paper suggests that they be more engaged around the issues of flooding, inundation and coastal erosion. Where this relates to stream flows, VNPA supports that engagement as it should be the responsibility of the authorities to ensure that the management and use of catchments does not cause the degradation of marine and coastal areas. Where it comes to issues of erosion and sea level rise associated with climate change, this is something that should be more the responsibility of those agencies and other bodies with direct management responsibility for marine and coastal areas. Coordinated action on climate change impacts could be coordinated by Regional and Strategic Partnerships.

#### The way forward

To avoid the disintegrated and single-sector approaches that have plagued marine and coastal planning and management for decades, and to enhance the protection, maintenance and restoration of marine and coastal nature, will require collaborative, well-planned and adequately resourced actions by all levels of government, the community and stakeholders. To effectively do so will require legislative and institutional reform. It will also require integrated planning and management, the aim of many a legislator and policy maker down through the years. But integrated marine and coastal planning and management is unachievable under the current coastal planning and management structures in Victoria. There are too many responsible agencies, municipalities, committees of management and planning and management processes. The simple solution is to simplify the framework and integrate it from the start. A key to achieving this is the development of integrated and ecosystem-based regional marine and coastal plans.

The objectives of ecosystem-based regional marine and coastal plans should be to:

- (a) establish a framework for the planning, protection and management of state waters and coastal crown land
- (b) ensure that decisions in relation to marine and coastal resource allocation are environmentally, socially, culturally and economically balanced, and that threats are minimised
- (c) identify, preserve and protect important places, significant species and ecological communities in state waters and coastal crown land
- (d) establish planning zones that, if possible, are:
  - i. based on marine and coastal ecosystems
  - ii. informed by Indigenous knowledge of Sea Country
  - iii. integrated with municipal statutory planning zones
- (e) ensure that ecosystem-based marine and coastal planning and management is integrated with existing marine and coastal planning and management processes across relevant industry and government bodies and the planning schemes of coastal municipalities

- (f) provide a framework for the identification and review of marine protected areas and their integration with regional marine and coastal planning processes
- (g) ensure effective engagement by Indigenous people in regional marine and coastal planning and management decision making, including the recognition of their customary rights to hunt, fish and gather
- (h) improve expertise and capabilities in marine and coastal management, science, technology and engineering
- (i) foster community engagement in regional marine and coastal planning and management and an increased community understanding of Victoria's marine and coastal environments, biological diversity, ecological processes and resources.

The contents of regional marine and coastal plans should include:

- (a) a description of:
  - i. the marine and coastal region's ecosystems and their values
  - ii. the marine and coastal region's natural, social, cultural and economic values
  - iii. existing uses and their economic social, and cultural benefits to the region
  - iv. existing impacts on the marine and coastal region
  - v. existing actions to minimise those impacts
- (b) maps identifying:
  - i. the boundaries of the marine and coastal region to which a regional marine and coastal plan applies
  - ii. the marine and coastal region's ecosystems and their uses
  - iii. spatial marine and coastal planning zones, and the resource allocation to each use in those zones, including priority areas for subsistence and economic use by Indigenous communities
- (c) a matrix of permissible and non-permissible uses within each of the spatial planning zones
- (d) a list of measurable operational objectives and management actions that must be achieved and implemented by the responsible marine and coastal management agencies
- (e) a performance assessment system to monitor and review the progress of the responsible marine and coastal management agencies referred to in (d) above
- (f) an assessment of potential threats to the environmental, economic, cultural and social values and benefits in the marine and coastal region
- (g) actions to optimise the economic, social and cultural benefits from the natural resources in the region
- (h) actions to engage and collaborate with stakeholders, Indigenous communities and the wider community.

In preparing the regional marine and coastal plans, the Marine and Coastal Authority would engage interested parties and the general community by:

- (a) holding community fora within the marine and coastal region during the preparation of the policy statement and draft regional marine and coastal plan
- (b) liaising and consulting regularly with representatives of marine and coastal industries, Indigenous communities and conservation organisations during the preparation of the policy statement and draft regional marine and coastal plan.

On completion, the final regional marine and coastal plan would be tabled in parliament and be a disallowable legislative instrument.

Recommendation 4: The Marine and Coastal Authority should drive the integration of marine and coastal planning and management through integrated, ecosystem-based regional marine and coastal plans to replace the current single-sectored, single-jurisdiction and disintegrated planning framework.

## 5. State of marine and coastal reporting

Victoria's bays have a great many environmental values and beneficial uses. A rigorous and regular program of monitoring and reporting can help ensure they still do into the future. At the 2014 election the following commitment was made: the '...Andrews Labor Government will undertake a five-yearly State of the Bay report to monitor the health of coasts, bays and waterways'.

In section 8, the consultation paper goes further by proposing a state of the marine and coasts report. By doing this, the Victorian Government can ensure that future monitoring and reporting of the state of the marine and coastal environment is rigorous, consistent, transparent and integrated, and in a form that is useful to both government agencies and the community.

The first state of the bays report, due for release in November 2016, is focusing on the state of Victoria's two main bays but can establish the framework for the development of the next Victorian Marine and Coastal Strategy and regional marine and coastal plans. The report is being prepared by the Office of the Commissioner for Environmental Sustainability. This should continue with subsequent marine and coastal reports to provide an independent measure of the performance of VNPA's proposed Marine and Coastal Authority, and other responsible agencies, with regards to their efforts to improve the health of marine and coastal environments.

Recommendation 5: The Office of the Commissioner for Environmental Sustainability should prepare five-yearly state of the marine and coasts reports and use these as one measure of the performance of the Marine and Coastal Authority and other agencies engaged in the planning, protection and management of Victoria's marine and coastal area.

## 6. Marine and Coastal Committees: Restructuring coastal committees of management

A mix of bodies, including the Department of Environment, Land, Water and Planning, Parks Victoria, coastal municipalities and community-based committees of management currently manages coastal crown land reserves in Victoria. This governance framework is in need of simplification, with greater integration, less duplication, more effective and targeted management and based in coastal communities. This has been in part supported by the consultation paper.

The merging of smaller committees of management to form the Otway Coast Committee, the Great Ocean Road Coast Committee, Barwon Coast and the Bellarine Bayside committees has proven beneficial. This governance model should be enhanced, consolidated and extended to the remainder of the coastal crown land reserves that have a largely recreational focus along the Victorian coast.

Crown land which is largely used for recreational purposes should be managed by Marine and Coastal Committees and be established under the proposed Marine and Coastal Act. They would be regarded as Category 1 committees of management in the context of the consultation paper. Crown land currently with Category 2 committees of management would become the responsibility of the Marine and Coastal Committees or, where it is difficult to establish such community-based committees, be managed by the local municipality. Their responsibility would include coastal crown land and the adjoining coastal waters out to at least the extent of the nearshore zone and possibly out to 600 metres, which would coincide with the extent of planning zones in coastal municipal statutory planning schemes (some councils will take on the responsibility of marine and coastal committees along some areas of the coast).

Those existing coastal crown land reserves that have conservation values and are in need of a conservation focus to management, should be managed by Parks Victoria, with their incorporation into an existing park under the *National Parks Act 1975* or their establishment as a new protected area under that Act. Coastal crown land in conservation areas may be used for recreation, but it should only be at a scale and location that does not undermine its conservation values.

The area managed by a Marine and Coastal Committee may also have some conservation values that will need protection. There may also be some commercial uses, the management of which could also fall to the Marine and Coastal Committee. For example, local ports and jetties used by commercial fishers, charter operators and tourist operations, and the lease of buildings for hospitality and accommodation services.

The Marine and Coastal Committees and their members would be nominated by the community and appointed by the Environment Minister, while the proposed Marine and Coastal Authority would oversee their operations. The Committees would prepare and implement marine and coastal management plans, which are based on the objectives and targets of the regional marine and coastal plans and consistent with the Marine and Coastal Strategy. They would assess and approve the permits for the use of their management area, presuming that use is consistent with the management plan, and collect fees to be used in the management of marine and coastal areas. The Marine and Coastal Authority would support and monitor their performance.

Recommendation 6: That the Minister establishes and appoints members to a number of Marine and Coastal Committees, with the proposed Marine and Coastal Authority to oversee their operations.

## **7. Traditional Owners and marine and coastal planning**

The Traditional Owners of marine and coastal areas should be given the opportunity and the capacity to engage meaningfully in regional marine and coastal planning. Effective engagement and consultation mechanisms with Traditional Owners on matters relevant to the planning, protection and management of their Sea Country should be outlined in the Act. Such matters may include:

- areas for exclusive Traditional Owner use
- fisheries of customary and special significance
- Traditional Owner use of marine and coastal resources
- when a referred action is proposed for their Sea Country
- engagement in Sea Country management
- Indigenous fisheries strategies
- Joint management of conservation areas in their Sea Country.

Recommendation 7: Traditional Owners should be provided with the opportunity and capacity to engage meaningfully in marine and coastal planning, protection and management of their Sea Country.

## **8. Marine and Coastal Research and Information Service**

Improving knowledge of the condition of marine and coastal areas is the theme of section 8 in the consultation paper. There are many gaps in our scientific knowledge of coastal and marine environments. The Science Panel of the Victorian Coastal Council identified three emerging issues for which scientific understanding is inadequate. Common to each, the panel said:

...is the need to focus on processes that occur at long time scales and potentially over wide areas of the coast. Both of these dimensions will provide challenges to coastal management, as they operate at scales that cross jurisdictions and planning windows<sup>5</sup>.

The three emerging issues<sup>6</sup> were:

- understanding the effects of increased climatic variability
- understanding the importance of links between catchments, estuaries and broader coastal waters for maintaining marine ecosystem health
- understanding the cumulative ecological consequences of coastal development to meet human needs.

---

<sup>5</sup> Victorian Coastal Council Science Panel 2011, *Emerging scientific issues on Victoria's coast: 2011 update*, Victorian Coastal Council, p. iv.

<sup>6</sup> Victorian Coastal Council Science Panel, loc. cit.

There were three other panel concerns in terms of Victoria's technical capacity to respond to emerging environmental issues:

- understanding the condition of Victoria's coastal environments, and linking that to a clear decision-making framework
- matching Victoria's technical capacity to meet scientific needs by maintaining and developing appropriate expertise
- the continuing operation of the Science Panel to provide independent, strategic, scientific advice for the whole coast.

The Marine and Coastal Research and Information Service would help to address these knowledge gaps and others, and improve the integration of research that is conducted in Victoria's marine and coastal areas. It would establish a consistent methodology and parameters for the environmental, social and economic research in Victoria's marine and coastal environments that it and other bodies would conduct. It would also be a clearing-house for advice to stakeholders, planning and management bodies and the broader community. The service would:

- prepare and implement a Marine and Coastal Research Strategy and Action Plan
- conduct comprehensive mapping of current settlements, 'coastal nature conservation priority areas', and predicted sea-level rise for the whole Victorian coastline
- combine this with mapping of projections of where both settlements and biodiversity will, and can, move to as a result of sea level rise
- monitor the implementation of growth boundaries around existing settlements to ensure a balance between biodiversity protection and development priorities
- oversee marine and coastal research projects and be a source of funds for such projects
- liaise with and seek the advice of the Science Panel and research organisations to ensure the consistent application of research methodologies and the release of research findings into the public domain
- ensure that citizen science is encouraged and conducted in a way that the data gathered can be integrated with other data collected.

The information service would also develop a variety of public information resources and services that would act as a one-stop shop for information on coastal protection, planning and management. A dedicated website for the purpose would include:

- all current coastal planning, protection and management documents
- maps of all marine and coastal habitats with information about their natural values
- maps of all coastal conservation and crown land reserves
- development proposals for the coast
- data on threats and impacts along the coast.

Recommendation 8: A Marine and Coastal Research and Information Service, under the auspices of the proposed Marine and Coastal Authority, should be established to develop a marine and coastal research strategy, direct and conduct research, and act as a clearing house for environmental, cultural, social economic data about Victoria's marine and coastal area to help build and transfer knowledge and educate the community.

## **9. Science Panel**

The Victorian Coastal Council currently has a Science Panel to advise it on a broad range of marine and coastal science relevant to its work including marine and estuarine ecology, climate change processes, environmental chemistry, coastal and marine engineering, oceanography and geomorphology. The great value of this should be reaffirmed by it being formally established under the Marine and Coastal Act.

Recommendation 9: That the Marine and Coastal Act establish a Science Panel to advise the proposed Marine and Coastal Authority on marine and coastal science matters.

## **10. Funding marine and coastal planning, protection and management**

The planning and management of Victoria's coastal crown land and marine waters is underfunded. Although much is funded from the Victorian state budget, the amount provided from that always falls short of what is needed when the budget is pushed and pulled in various directions by the demands from various sectors. In 7.1-7.3 the consultation paper considers how to account for costs and revenue in marine and coastal planning and management, to better target the use of expenditure, and to fill the gap between current funding and what is needed.

VNPA believes that the funds generated from perhaps recreational and commercial fishing licences, boat licence fees, building and land leasing arrangements, mooring fees, stamp duty from the sale of boat sheds, commercial fishing licence fees, royalties from petroleum extraction, for cables and pipelines crossing the crown land reserves, tour operator fees and other revenue sources could find their way into a Marine and Coastal Management Contribution Fund, not consolidated revenue. This should not replace funds already provided from consolidated revenue but add value to those funds. The funds for example, could be distributed to Marine and Coastal Committees through grants and loans.

Recommendation 10: A Marine and Coastal Management Contribution Fund should be established that receives funds from the revenue generated on coastal crown land and in marine waters and is then used to cover in part the costs of marine and coastal planning and management.

## **11. Referrals**

An important element in ensuring that the objectives and targets of regional marine and coastal plans are upheld is a referrals process. The preparation of the Marine and Coastal Strategy and regional marine and coastal plans would allocate resources and establish planning zones with allowable uses. From time to time, however, uses may be proposed that are not covered by the original plans or be at a scale or by a method not envisaged by the plan.

Any such proposal that would be inconsistent with the plan and comes under the responsibility of another agency, that agency would refer the proposal to the Authority for assessment and comment. In preparing its comments on the proposed action, the Authority could consult with the relevant Marine and Coastal Committee and other relevant agencies. The Authority could, in some circumstances, determine that the proposal would require an amendment to the plans and that would involve a public consultation process. Proposals that may require amendments could be:

- changes in gear and the location of a fishery or a new fishery targeting a previously untargeted species
- a new shipping lane
- creation of or expansion of a marine national park
- major dredging and the dumping of waste and spoil
- harbour, marina and boat ramp construction or expansion
- petroleum rig construction and removal
- laying of pipelines and telecommunications cables
- scuttling of vessels
- coastal development likely to impact on the marine and coastal area
- a new ocean outfall
- artificial reefs.

Amendments could also occur where new information has come to light that requires changes to the operational objectives, targets and zones of a plan.

Recommendation 11: Agencies with management responsibilities within marine and coastal regions should refer proposed actions that may be inconsistent with regional marine and coastal plans and management plans to the Marine and Coastal Authority for advice and potential amendment to plans.

## **12. Consents and enforcement**

The consultation paper discusses Ministerial consent or veto with regards to the use and development of the marine and coastal areas and for the issuing of permits. VNPA generally supports these sentiments expressed in the paper. We also believe that there is a role for a Marine and Coastal Authority in providing advice to the minister on such matters.

The Act should also contain significant penalties for actions that undermine the regional marine and coastal plans and any marine and coastal management plan. Where the penalties may not be deterring the action, then the Authority should be able to seek a court injunction to prevent the action.

Recommendation 12: The Marine and Coastal Act should have provisions for ministerial consent and veto for the use and development of marine and coastal areas, after advice from the Marine and Coastal Authority, penalties for actions in contravention of marine and coastal plans, and powers for the Authority to apply for court injunctions where necessary.

## **13. Review and evaluation**

To ensure that regional marine and coastal planning and management is adaptive to new information and meeting the needs of the community and marine and coastal areas, review and evaluation mechanisms should be included in the Act.

Recommendation 13: Review and evaluation mechanisms should be included in the Act.

## **14. Strengthening the role of Parks Victoria**

VNPA supports the need to strengthen the role of Parks Victoria, as outlined in the consultation paper, but also the need to ensure it has sufficient resources and authority to carry out that role, including direct reporting to the Minister. This is sadly lacking at the moment.

We are yet to be persuaded that Parks Victoria should be managing local ports, jetties, etc. (referred to in the consultation paper) that are not associated with conservation reserves. Management of these could become part of the role of the VNPA's proposed Marine and Coastal Committees.

Recommendation 14: Parks Victoria's funding and powers, and its role in marine and coastal regions, should be strengthened.