

21st October 2016

Submission on the Marine and Coastal Act Consultation Paper

Thank you for the opportunity to provide a submission to the Marine and Coastal Act Consultation Paper. I am a coastal and environmental planning consultant and have worked in environmental and coastal management for 18 years. I am also a member of the Victorian Coastal Council. This is my own individual submission and represents my views only.

I work regularly on coastal projects and recreational boating infrastructure projects. I manage many Coastal Management Act consent and Planning Permit applications and the development of Coastal Action Plans, Coastal Management Plans and Site Master Plans.

I provide the following comments for your consideration:

Page 24 – Do you think coastal and marine management arrangements are overly complex? If so how has it negatively affected outcomes?

Yes, it is overly complex. The number of agencies involved in managing coast and marine issues and resources make the approval process for any projects far too complicated. It is unclear what approvals are required when and in what order. Often approval conditions end up conflicting with other approval/permit conditions. The time required to work through the approvals is hard to predict and as a result projects are held up for long periods of time (2+ years) and miss funding opportunities. This can result in detrimental outcomes for the coast and marine environment.

Page 27 – Integrating Planning Systems

The consent process (currently Coastal Management Act consent) needs to be consistent (eg. a form that is filled out against and compares the proposal to the objectives/actions of the Victorian Coastal Strategy). It should be consistent with the requirements of a planning permit so that where both are required the information submitted is the same. There needs to be some enforcement powers, but further consideration needs to be given to what these are and how it would work. The consent process should not be simply just put into the planning permit process as there are many projects where a CMA consent is required (and should be required) but a planning permit is not required.

The sequence of the approvals required for coastal and marine projects needs to be clear and when conditions are not consistent with other approvals, it needs to be clear how to negotiate a way through to achieve a satisfactory project outcome.

Coastal Management Plans should be mandatory for high use/high profile site and issues. They should be very “action driven” resulting in actions that can be implemented. The process for developing a Coastal Management Plan should be clear and straightforward so that they can be completed efficiently. When Coastal Management Plans are signed off by the Minister, the actions should then be considered to have CMA consent (which sometimes happens but not always).

Individual Submission - 2

The management of the coast in our area of Apollo Bay is not satisfactory, the local coast committee has neither the expertise or money to manage erosion, Summer population surge with maintenance, toilets and applying for funds etc. There has been significant waste of money in trying to patch up walking tracks and managing such a large area. Management decisions have to be approved by DELWP coastal management at Angelsea and this is a two tiered system. The Apollo Bay golf club have experienced many examples of these conflicting management decisions. Victorian government has the experts and the management skills to cope with big problems that will effect this coastal area, management has to be improved. The hooded plover conservation has been a worthy program but again money has been wasted with signage and poles left in place for the king tides to wash away.

Individual Submission - 3

Submission via HaveYourSay –

Overall the entire consultation paper reflects a great new approach to the way the Victorian coastal and marine environments are managed and planned for. It fills a lot of the gaps in the current system and will be a solution to a lot of the current issues. This is a true step towards achieving ICZM and I commend the panel for their efforts in achieving this.

Marine and Coastal Act Consultation Paper

Based on the recently released consultation paper (CP), I wish to provide the following comments on the proposed new Marine and Coastal Act. These comments are not necessarily listed in order of importance and address many of the specific questions outlined in the paper.

The management of Victoria's coasts is complex and involves numerous government agencies and community organizations and it is important that any new legislation focus on the need to simplify administrative arrangements and free up government resources to provide not only for the improved management of our coasts but also the challenges that lie ahead. This complexity has created considerable uncertainty in the way the coasts are managed and this has been exacerbated by the current system making an inadequate connection between coastal policy/strategies and the way they are delivered and implemented. By building on the strengths of the current system this review provides an important opportunity to address these matters and provide the much needed certainty. The following comments therefore focus mainly on the need to build greater certainty and confidence in the system.

Overall the proposed changes and recommendations in the Consultation Paper are sound and a step in the right direction. However, some matters need clarification and/or revision.

While there is merit in having a marine and coastal policy and a marine and coastal strategy it is assumed that the policy would be a relatively short and succinct statement similar to the former Statements of Planning Policy while the strategy would be a more comprehensive document designed to implement the policy and similar to the Victorian Coastal Strategy (with additions to deal with the marine component). The CP is not clear on this matter and it is confusing (CP p42) to say "To ensure transparency on changes to statewide policy, the document could be changed through an action in the Marine and Coastal Strategy that clearly identifies how and why a policy position needs to be amended". The policy should be fixed and only amended by an amendment to the policy document. It is assumed that the need to prepare the policy document first is so that it can guide the preparation of the next Coastal and Marine Strategy.

Coastal erosion and flooding associated with climate change and extreme weather events is a very important issue and government, in recent years, has not had suitable experts to provide this advice. Further, the government has been unable to provide advice on what constitutes a site of geological or geomorphological significance and the protection of these sites. While there is considerable merit therefore in strengthening the role of CMA's to "deliver integrated natural resource management across catchment, coasts and marine environments" and to provide "expert advice on coastal flooding and erosion" (CP p44) it needs to be clear how this will be achieved. If greater certainty and confidence is going to be built into the system, CMA's should not only include relevant provisions in any strategy plan they prepare, but they must be accountable for any advice they may give as part of the coastal land use planning process. Preferably the CMA should have an ongoing statutory role as a S55 referral authority (ie a

Determining Referral Authority) for coastal erosion and flooding matters and in Coastal Management Plans (CMP) the advice of the CMA must be sought, where appropriate, before a decision is made. Given the importance of the erosion/flooding issue, DELWP would also need to be resourced to support this role and to ensure statewide consistency on this matter.

While it is important that the new legislation recognises and retains the role of CMPs it is not clear, in order to strengthen the CMP, what 'integrating' CMPs with 'relevant regional and local strategic planning documents' means (CP p58). The CMP and the planning scheme (and other plans) should be stand alone documents with separate provisions that should not overlap. They can, and should, cross reference each other in each document. In order to give the CMP greater force and effect it should, preferably, be included in the planning scheme as an Incorporated Document. Further, it is not clear (CP p27) what is meant by the words "At the local scale, planning through Coastal Management Plans could be better integrated with strategic municipal planning and with relevant science concepts such as geomorphological units known as coastal compartments". It is assumed that coastal compartments have the same meaning as a land use management unit and have some scientific basis on which to identify them (ie significant vegetation). As a general comment and given the importance of CMPs in implementing coastal policy and strategies the need for up to date guidelines for preparing these plans is critical.

While maintaining the consent provisions for the Minister in relation to the use and development of Crown land is supported, the suggestion (CP p60) that CMPs could identify use and development where consent is 'not required' raises the question that CMPs could/should do more to control the use of coastal crown land by third parties. Currently the main focus of CMPs is to guide and help public land managers (who are generally exempted from planning controls) with the management of coastal crown land. While the underlying zoning (ie PLZ, PPRZ, PCRZ) can set the broad strategic direction for the future use of the land and, providing the CMP is consistent with the planning scheme, a CMP could implement the detailed planning and management requirements for coastal crown land. Consideration therefore could be given to introducing a system where consent for works on coastal Crown land is i) not required, as proposed in the CP, because the works are allowed as of right (ie an approved use in a CMP) ii) not required because the use is prohibited (ie in the CMP) iii) not prohibited but subject to conditions (ie outlined in the CMP) or iv) consent is required. Bearing in mind that a CMP could/should be an Incorporated Document in planning schemes, this approach would not only recognize the detailed work that often goes into preparing a plan, but give it a broader application, improved status and minimize the risk of duplication. Boatsheds are a good example of a third party use on coastal crown land where it would be unlikely that a planning scheme would include specific provisions relating to how and where the use should be located, however a CMP would most likely address this issue.

Objective 6 (CP p37) proposed to be included in the new legislation should include the word 'residential' after the word 'tourism' to ensure that any residential development is captured by this objective. Inappropriate residential development along the coast has been an issue for many years.

Considerable resources will need to be found to support the proposed changes to be introduced by the new legislation and while the beneficiary pays principle is supported, there is a strong

argument that the beneficiaries of a properly managed coast are all Victorians and a levy similar to the Fire Services Levy should be introduced. While the NSW approach, ie the Public Reserves Management Fund Program, has merit and could be introduced to Victoria it is problematic to attempt to identify some activities, particularly those that don't involve leases or licences, and exclude others.

General Comment

One of the main reasons why the current approach to coastal management suffers from a lack of certainty and confidence is the difficulty coastal managers and the community have in interpreting the many policies, strategies and guidelines that apply to the coast. The provisions in these documents are often not explicit enough for the decision makers to decide if a proposal is consistent with the policy, strategy or guideline and development can take place that should otherwise not have been approved. Coupled with this is the fact that reasons for not approving a development, such as the impact of a proposal on the visual amenity of an area, are often highly subjective. This has resulted in an inadequate connection being made between the coastal policies, strategies and guidelines and the delivery and implementation of these documents. While it is clear that guidelines such as the new guidelines for preparing CMPs will assist, it is hoped that the new legislation can also address this matter and hopefully these comments will help.

Individual Submission - 5

Submission via HaveYourSay –

The walking track along the beach from wild dog creek to marengo has been falling apart since the day it was so poorly planned. Waste of funds with completley incorrect project managing. Easy for everyone who loves, lives and visits Apollo Bay. Its embarrassing. Apollo Bay brings alot of money to the colac otway shire so why don't we get the same attention & care as colac? Quite frankly the falling away track is a lawsuit waiting to happen.

Marine and Coastal Act Consultation Paper

Changes that strengthen the protection of, and planning for, Victoria's coast are welcome.

I submit some brief comments as a resident of an inner urban coastal municipality, Port Phillip.

The following points are strongly supported

- Making explicit provisions for adapting to climate change in the objectives of the new Marine and Coastal Act.
- Enabling the proposed Marine and Coastal Council to seek independent scientific advice on sea level rise to inform each iteration of any Marine and Coastal Strategy
- Strengthening the role of Parks Victoria in planning and managing marine and coastal protected areas
- The ability to bring together issues based partnerships across jurisdictions

These points could be strengthened by

- Strengthening the role of Parks Victoria in planning and managing marine and coastal protected areas **through resourcing appropriate to the responsibility**
- The ability to bring together issues based partnerships across jurisdictions **while making explicit provision for involvement of community groups involved in the management and protection of coastal areas/assets**
- Enabling the proposed Marine and Coastal Council to seek independent scientific advice to on sea level rise to inform each iteration of any Marine and Coastal Strategy **and for that advice to flow through seamlessly to local government planning**
- Require the Marine and Coastal Council to regularly update information on the changing demographics of the coast

The following points give rise to further questions

Although the discussion paper refers in several places to community information and involvement, the means by which this will be made meaningful are less clear. Community groups contribution to caring for the coast is undervalued. For example

- the penguin colony at St Kilda. This now very healthy community of 1300 penguins, would not be at this healthy level without the dedication since 1986 of community members in advocacy, research, ongoing care and oversight. Subjected to threatening processes that have been held in check by community volunteers, there is now an environmental asset that has become a significant tourism asset
- Beach Patrol now has 8 groups running, covering over 50 km of beach across Port Phillip Bay with approx. 1500 volunteers signed up to help keep our beaches clean removing staggering amounts of plastic litter from entering the marine environment

- It is proper that the stewardship role of such groups, recognised biannually at the Coastal Awards, should also be respected by involving those groups **that add value and conserve the environment** that is sought to be protected as those who extract from it (fishers) or use it solely for recreation
- The role of citizen science as a means of engaging community could be further developed
- The critical role coastal local governments play in caring for the coast is poorly represented in the discussion paper
- Community concern about litter in the marine environment does not appear to be matched by policy concern or action. How might this be reflected in the Marine and Coastal Act?
- The discussion document does not really give any insight as to how the objectives of the Act will be operationalised to manage conflict along the coast – recreation/conservation, managing development in coastal areas, tourism and visitor facilities. The proposed objectives could be further tested to see whether they provide sufficient guidance on managing such conflicts.
- Acknowledging the challenges that have been faced by coastal boards over recent years, perhaps there could be further testing in the next phase of development of whether all the functions currently undertaken by coastal boards are picked up in the range of changes proposed.

Suggestions

- Ministerial Veto to ‘focus on high risk activities’. This should be altered to include circumstances where a particular application **contradicts or challenges the objectives of the Act**. This is necessary for the Minister’s discretion to be guided by the objectives of the Act in a transparent way.
- Support for community groups caring for our coasts be strengthened. Whereas the biannual coastal awards are a wonderful celebration of community contribution to the coast, and Summer by the Sea is an excellent programme, other supports be offered to community groups such as capacity building in citizen science, access to grants, access to resources and above all that their efforts be respected through meaningful involvement in decision making and direction where it affects the places they care for.

Lack of clarity

- Given the dense population concentrations on the coast of Port Phillip Bay, particular attention should be paid to Port Phillip Bay. This is not a case of privileging urban areas, but recognising the greater pressures that are placed on this Bay relative to other parts of the coast.

Resourcing

- Has consideration be given to using tolls to fund the ongoing maintenance and repair of the Great Ocean Road (such a scheme was introduced on Cape Town’s Chapmans Peak)

APOLLO BAY SAND MOVEMENTS, Depletions and Accretions

Date: 23 October 2016

Apollo Bay: The Apollo Bay area comprising two bays (Apollo Bay and Mounts Bay) was named 'Krambruk' by the original inhabitants; Krambruk being the local Aboriginal word for 'sandy place'.

Pre-1945: Influences on the beach-sands of both bays were predominately dictated by 'Mother Nature'.

At times there would have been net migration of sand along the beaches in one direction (say northwards) only to have been reversed at a later time, to provide, over decades and perhaps centuries, a sense of equilibrium or average configuration.

Post-1945: Influences on the beach-sands now had the added influences of 'Man's-endeavours', of which there have been 3 major 'projects'.

1. **Breakwater and Harbour**, on north-west tip of Pt Bunbury, between the two beaches.
(No comment is provided here. There exist numerous studies in relation to this project.)

2. **Marram-grass & Tea-tree 'farm'**, on the southern end of the Apollo Bay beach.

Whereas the beautiful vista afforded the pedestrian or driver travelling along the main road of Apollo Bay in the 1940s/1950s was the ability to view the full expanse of the shore-line and breaking waves, this has been obliterated by the ever increasing height of the sand-dunes (perhaps as high as 7m above tide level. TBC.). These dunes are effectively 'farmed' by being isolated by wire fencing, thereby encouraging uncontrolled proliferation of marram-grasses and coastal tea-trees.

Compare and consider:

- a. The volume of sand depleted/removed (by nature) from the Apollo Bay beach, from say Marriners Look-out Rd, through to Murray St, to...
- b. the volume of sand accretion/build-up in the (vegetated) sand dunes from Murray St through to Harbour Rd.

Are these volumes, 2a and 2b, of much the same order?

3. **Marram-grass & Tea-tree 'plantation'**, on the sand-bar at the northern end of Mounts Bay beach.

Whereas the sand-bar was just that, a bar of sand (of 'bald', broad and low lying appearance, say less than 2m above high tide mark), it is now a long and high sand dune (perhaps 5m high, TBC) heavily vegetated with purposely planted marram-grass (in the 1980s?) and compromised further by hosting opportunistic tea-tree invasion.

Compare and consider:

- a. The volume of sand depleted/removed (by nature) from Mounts Bay beach, from the southern end and mid-beach areas (resulting in treats to the soundness of road and other infrastructure assets), to...
- b. the volume of sand accretion/build-up in the (vegetated) sand dunes replacing the sand bar at the northern end of Mounts Bay.

Are these volumes, 3a and 3b, of much the same order?

Where to from here?

Could 'man and machine' reverse the detrimental effects of each of 2 and 3 above?

Bring in the bulldozers and trucks, (and erect groyne walls?), to restore the old pre-1945 beauty?

Regular maintenance costs would become necessary (as is the case for 1 above with its continual dredging) however this would help protect roads and other assets.

Note. Aerial photo records would be able to track these depletions and accretions. Refer Govt departments and Apollo Bay & District Historical Society (Museum).

(End)

Submission via HaveYourSay –

I have two comments to make;

1. All farms that have domestic drains that feed the Fitzroy, Surrey or Crawford Rivers or creeks should have grease traps fitted. These could be funded by individuals or with a State Government Grant.
2. The Pippi harvesting by commercial fishers should be overhauled. Far too many are being taken to the detriment of local families.

Individual Submission - 9

Submission via HaveYourSay –

the plan to turn section 2 committees over to local government will not work. you will lose your volunteer labor and therefore the cost of managing the crown land run by committees will have to come from either rate payers or increased fees and charges. as a volunteer on one of these committees i will resign as soon as any of the running of our com goes to local government.

I think this consultation paper is an example of bureaucratisation, an almost impenetrable thicket for all except those closely involved in the industry.

I very much agree with what I believe are the major objectives: replacing the Coastal Council with a Marine and Coastal Council, strengthening the CMAs, and updating the responsibilities of various agencies to take cognisance of the challenges of climate change, increased population, etc. These changes are captured on pp. 2 and 77, but there is no clear statement that I can find about how actual decisions are made and by whom.

Does GORCC disappear with the Coastal Councils? The strange table on p. 36 refers to planning and controls on coastal development by the Marine Council in the new system, but I could not find a clear statement about how all this relates to the powers of local and state government agencies. On p. 5, we are told that the new Council will 'advise' the Minister for Energy, Environment and Climate Change, but elsewhere we are told it will have decision-making powers. The important table of roles and responsibilities on p. 81 needs to be reviewed to ensure that the active verbs are the correct ones!

If I wanted to know from this document who has which specific powers and accountabilities for planning, protection and development along our coastline, then I really struggle. There is a lot of worthy prose about community involvement, scientific expertise, new challenges, etc., but no clear statement of how institutional changes will in reality reduce the current confusion and complexity.

Thankyou for the opportunity to comment on the current state of management of the section of coastline from Wye River to Marengo that I am familiar with.

There are two issues that need attention;

[a] The coastal erosion.

[b] The maintenance and improvement of the immediate coastal environment.

[a] Coastal erosion and denigration is an issue that needs immediate and urgent attention. If this issue is not addressed very soon, the consequences will be extremely serious.

[b] The Great Ocean Road is a magnet for tourists. The untidy and dilapidated state of much of the ocean side of the road is extremely unsightly. There needs to be a small, dedicated and continuous workforce to maintain and beautify the built infrastructure, the gardens and the natural environment.

I realise that the points I have made are simplistic and obvious. This is what the whole community is saying and wishing for. It is high time that an adequately funded, serious and ongoing effort is made to address them.

23/10/2016

I own the property at ----- [Barham River Estuary]

The property was purchased in mid 1980's. At that time there was no sand dune on the south side of the river. The waves would flow over into the river and there was a big sandy stretch of beach.

People would sit there and fish into the waves, similar to the Wild Dog Creek beach.

The Premier at the time, Jeff Kennett, started the work for the dole scheme and had young people plant out Marram grass along the river's edge. This grass is not native to the area and was introduced from Europe.

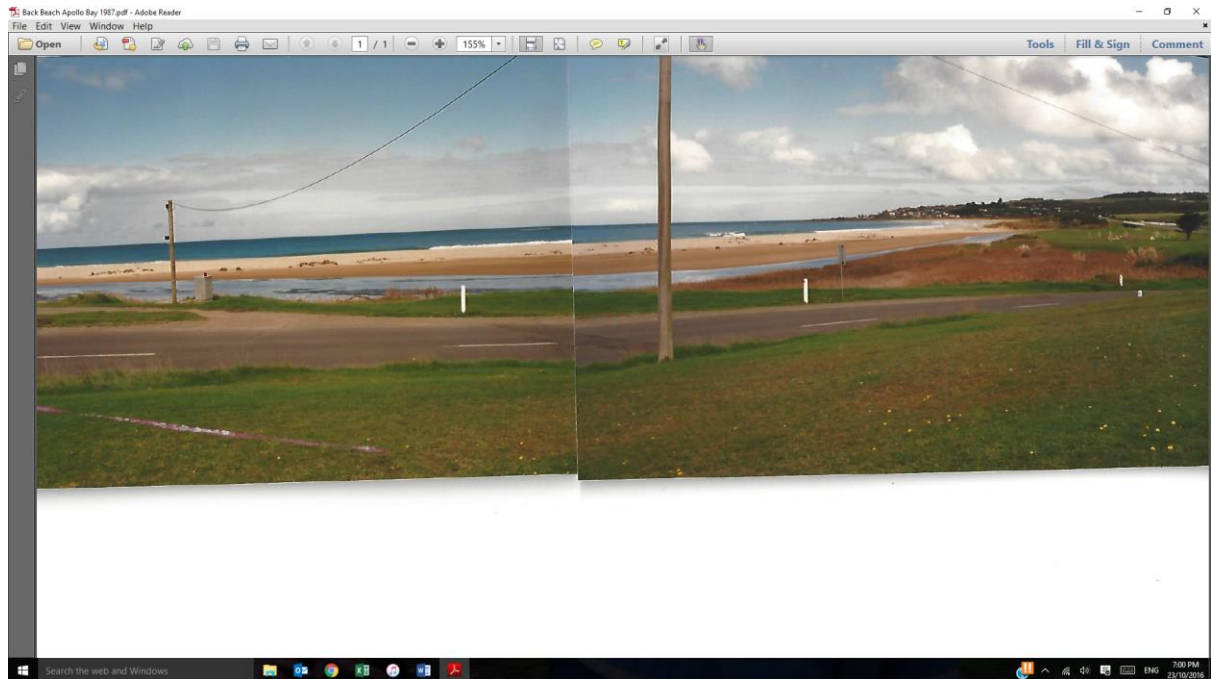
Subsequently the sand began to pile into the Marram grass. Over time the marram grass has grown and spread resulting in the creation of a huge vegetated sand dune. There is no longer a beach but rather a cliff face where the waves reach the sand dune. For a time there was a gap that the sea could come through, but that has now completely grown over.

I have attached photos of the beach scape dating from 1987 showing only a small planting of marram grass at that time and a sequence of photos showing the growth of the dune.

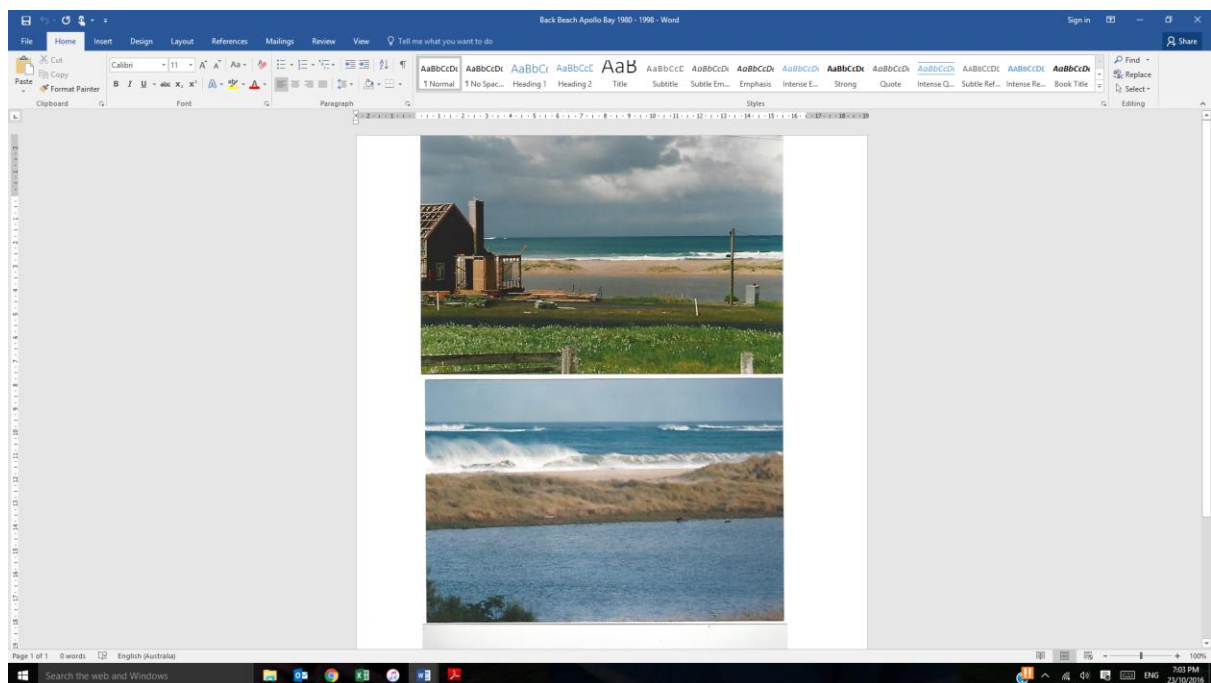
The erosion that is beginning to compromise the road towards Marengo started at the same time as this dune became substantial.

The dune, as it exists today, has captured tonnes of sand that would have ordinarily been distributed back to the Marengo beach. The existence of the dune is compromising the natural order of the tides and could possibly be responsible for the evident erosion.

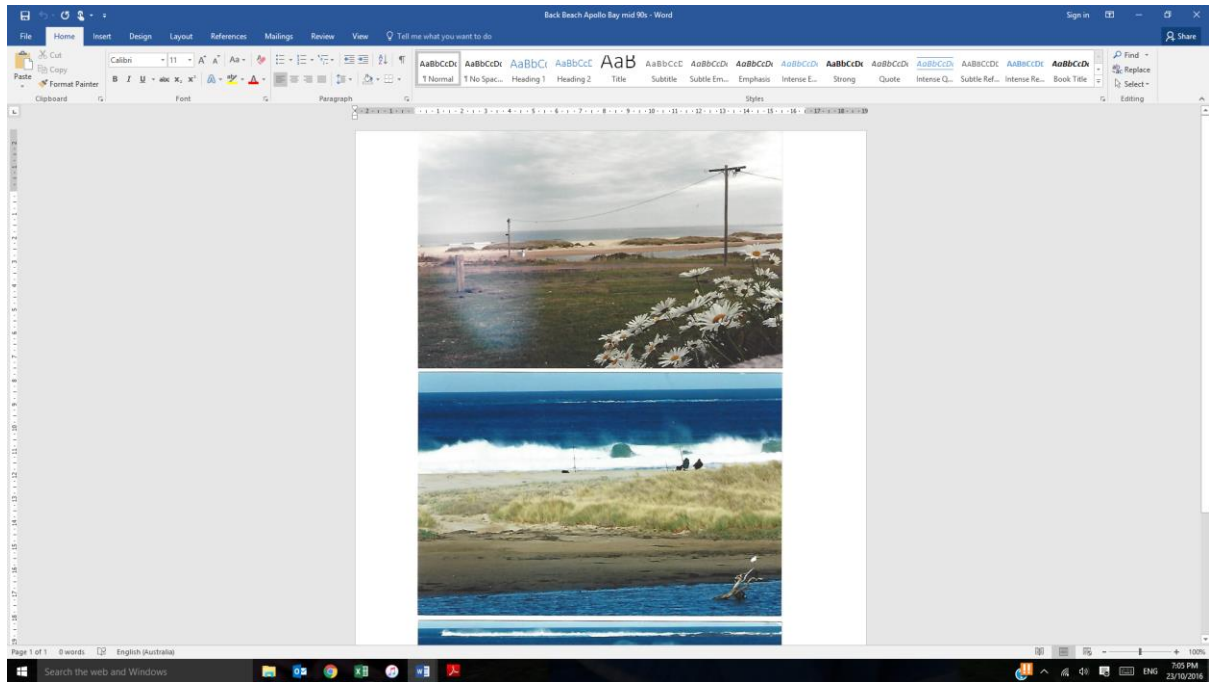
1987 Barham River Estuary Apollo Bay



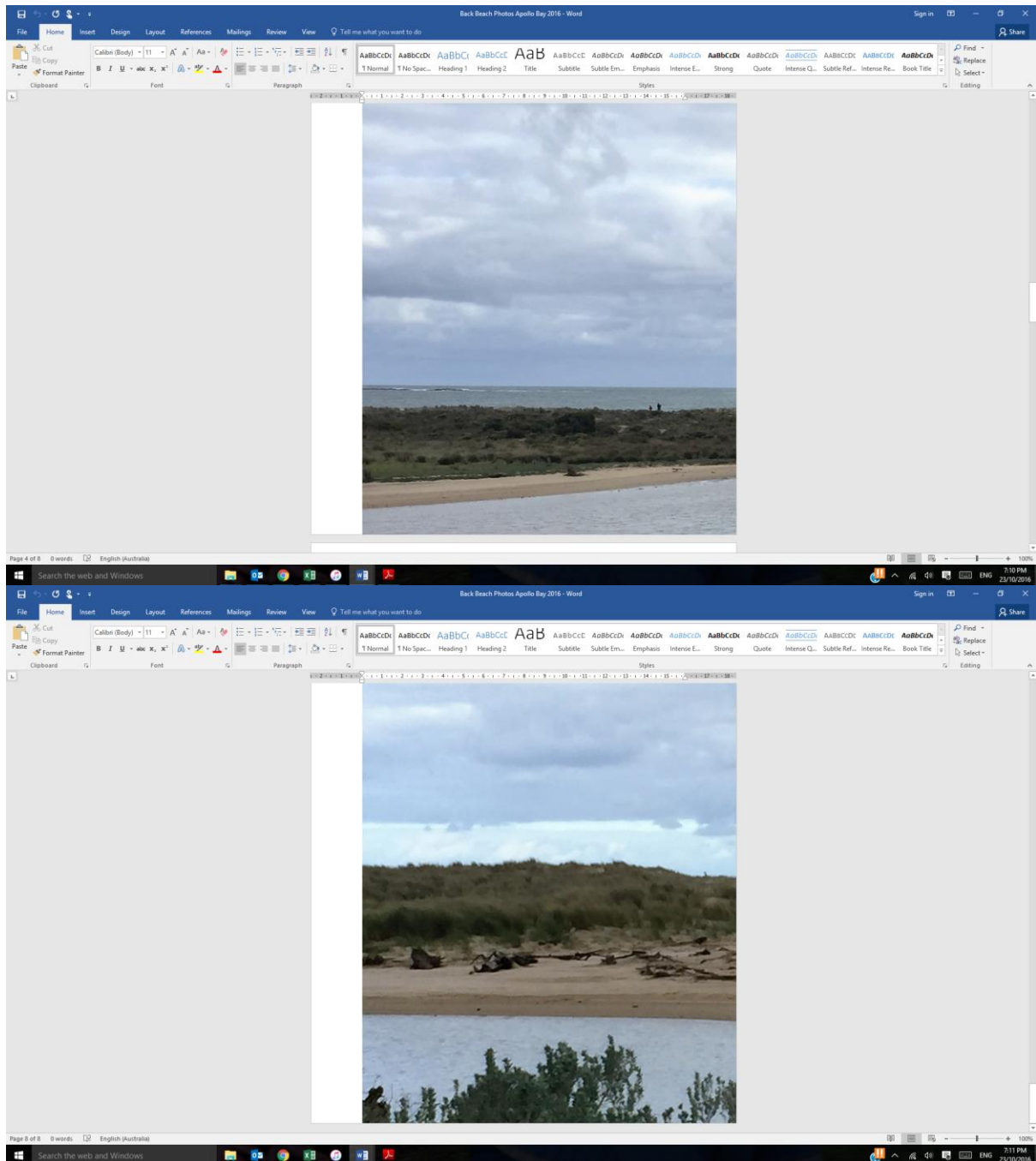
1987 – 1998 Barham River Estuary Apollo Bay – developing sand dune



Mid 1990s Barham River Estuary Apollo Bay



Oct 2016 Barham River Estuary Apollo Bay showing the huge dune.



I'm supportive of the general thrust of the Consultation Paper and will restrict myself to specific points relating to Questions 9 and 11, drawing on a range of voluntary involvements including with council advisory committees and particularly on 50 years involvement on the coast between Lorne and Cape Otway.

Re Q.9, while concurring with the need to relieve smaller groups from disproportionate compliance obligations, the danger of localised motivation and knowledge being lost in the process is very real. Having served on a couple of GORCC community reference groups, it must be possible to frame a requirement on Category 1 COMs (including councils and ParksVic) to form and empower advisory groups with respect to individually significant sites under their management. By way of example, as yet unresolved concerns about governance of Cumberland River is provided in the Appendix to my submission to the Biodiversity 2036 process cited below.

Re Q.11, in the expectation that recent concerns that the scientific effort has been low balling sea level change estimates to avoid unhelpful confrontation, and based on the findings of Holdgate et al also cited below about the impermanence of Port Phillip, the Marine and Coastal Act process needs to make reference to a potential sooner rather than later need to start planning to avoid unacceptable disruption to Melbourne and Geelong by closing Nepean Bay Bar. This will demand an EMP beyond anything previously envisaged. (I am working on a major presentation on this for 2017 delivery.)

In addition to my unnecessarily anonymised Biodiversity submission, there is more relevant detail in my submission to the Water for Victoria process. The relevant links are:

<http://haveyoursay.delwp.vic.gov.au/water-for-victoria/documents/36801/download>

<http://haveyoursay.delwp.vic.gov.au/biodiversity-plan/documents/41449/download>

https://www.academia.edu/1487435/Did_Port_Phillip_Bay_nearly_dry_up_between_2800_and_1000_cal._yr_BP._Bay-floor_channelling_evidence_seismic_and_core_dating

I am writing this submission on behalf of many residents of Sorrento, Blairgowrie and Rosebud who have become concerned that the Whitecliffs to Camerons's Bight foreshore committee of management is struggling to fulfil its obligations to effectively engage with its local community and to manage the stretch of beaches under its jurisdiction.

1) The current Foreshore Committee of Management model has passed its use-by-date!

This committee, like many others, is made up of a group of local, enthusiastic, well-intentioned, part-time, mainly retired, amateur volunteers. They oversee millions of dollars of real-estate and apparently have been appointed for their expertise/experience/knowledge in coastal management, ecology, hospitality, tourism and the like. Unfortunately, their biodata, unlike many other committees (such as the Bellarine Bayside) has not been published on their website so their specific skills are not known.

However, members of this particular committee have had difficulty in finding the time to attend the monthly meetings (many meetings this, and last year, were inquorate) and correspondence is often overlooked or not attended to leading to communication difficulties with the local community. Several recent decisions have been made without community consultation that have needlessly put members of the public at risk of being hit by traffic and led to decreased confidence in the committee itself. I have the strong impression that these decisions have been made 'on the run' because the committee members have not the requisite knowledge, skill and/or time to give the issues the close scrutiny required to make informed decisions.

The problem is not specifically with the committee members themselves – they are overwhelmed with the nature of the tasks required of time and they do not know what resources lie in their community nor know how to utilise them when they are drawn to their attention. This lack of awareness was painfully and publically revealed when this committee attempted to engage with the community in a 'consultation' meeting to explore how best to prepare their next management plan for the next decade. It was a debacle!

A committee member, designated "Master of Ceremony" (sic), would not allow discussion of the issues raised from the floor - only questions were permitted to be asked of the committee and they couldn't answer most of them anyway! The general consensus was that the committee failed to engage with its community but that it would address this deficiency. In spite of collecting several hundred email addresses, they have not been used and the community is still awaiting information concerning the committee's activities. Its website is rarely updated and still

contains errors (such as a photo of the sun purported setting in the east!) that had been pointed out to the committee of management nearly a year ago.

The policy of allowing campsites on the foreshore has passed its use-by-date!

A major concern for residents and many visitors is the current focus on catering almost exclusively for campers over the summer months. This foreshore area is public land and becomes inaccessible for most people who wish to access the Cameron's Bight/Blairgowrie beaches because of lack of parking and restricted use of the foreshore amenities.

The argument for retaining the camping sites has revolved around the requirement for this foreshore to bring in money to keep the campsites operating. This may have been appropriate 20 years plus ago. But, because of the population increase (resident and visitors), together with the concomitant increase in vehicular traffic (particularly after the opening of the East-Link freeway), this rationale is no longer tenable.

With so much of the foreshore choked with caravans and tents over summer, there are serious fire safety issues. The CFA has recognised that the Portsea, Sorrento, Blairgowrie is one of the most dangerous fire-risk areas in Victoria. In the event of a serious fire outbreak on the southern end of the Peninsula over summer, with the freeway and roads leading out most likely closed or restricted, the foreshore will provide the only safe area – if it's accessible!

The existing campsites can be easily and efficiently to the Point Nepean Reserve where there is adequate space for tents, caravans, campervans and parking for visitors and boat trailers that do not congest the roads leading into Sorrento and Blairgowrie. As many campers use the campsites as a base for enjoying the Peninsula's attractions – vine yards, surf beaches, boating, golfing, shopping, Point Nepean allows for ready access to all these. The RACV-operated campsite at Cape Schanck is a good illustration of how a site situated away from a foreshore can be successfully operated.

My submission is two-fold:

- 1)** Do away with the current committee of management structure and adopt a professional management body similar to that of the Bellarine Bayside.
- 2)** The existing campsites should be relocated away from the foreshore (perhaps to Point Nepean Reserve).

DELWP MACA Project Team,
Marine.CoastalAct@delwp.vic.gov.au

Re: Submission on the Marine & Coastal Act

Dear Sir / Madam

Thank you for the opportunity to comment on the proposed changes to the Marine & Coastal Act.

It is unfortunate that the time allotted for public comment (Aug 29th to Oct 23rd) was so short that it precluded investigation of the some aspects of the questions.

I am sure that an extension of time by a further 4 weeks would result in more detailed comments from the public.

In response to the Consultation questions.

Consultation Questions

Question 1 Is the Vision set out in the Victorian Coastal Strategy (VCS) 2014 the appropriate vision to be used for the development of a new marine and coastal system? **YES**

Question 2: Do you think coastal and marine management arrangements are overly complex? If so, how has it negatively affected outcomes? **NO**

Question 3: Other jurisdictions have made legislative changes to better deal with the impacts of accretion and erosion. **Insufficient time to investigate and arrive at an opinion.**

Question 4: Do you think the seven Drivers for Change encompass the key issues? **YES. More data on the impact of storm surges and rises in sea levels would assist in the management.**

Question 5: Do you think these objectives for a new marine and coastal system are appropriate to form the basis of the objectives for a new Marine and Coastal Act? **YES**

Question 6: Do you think the required skills for the Marine and Coastal Authority members should be legislated? **YES. The Authority needs Engineering, Environmental Sciences, Climate Change, and BOM skills.** Is the maximum of 11 members still appropriate? **YES**

Question 7: Do you agree with the recommended time frames and approach for a new marine & coastal strategy and marine & coastal policy? **Not sure. Depends on Government and the provision of funding.**

Question 8: Do you think the proposed reforms would provide for greater efficiency in the advisory functions for natural resource management in marine and coastal areas? **Probably. I am not sure if the CMA's are equipped and skilled in marine and coastal matters.** 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)? **YES. It would help the public understanding of their role.**

Question 9: What issues would need to be considered to enable a smooth transition from smaller Committees of Management (CoMs) to larger coastal managers or local government? ***The Government will need to convince the public (locals) that their views would be heard.*** How would you ensure that the benefits of local input, knowledge and effort were not lost as part of the process? ***Conduct formal consultation with coastal communities on proposed policy and works in the area.***

Question 10: Do you think Victoria needs a marine spatial planning framework? ***YES***

Question 11: Do you think there is a need to legislate for an Environmental Management Plan (EMP) to be prepared for Port Phillip Bay? ***YES.*** What other areas would benefit from an EMP? ***The Great Ocean Road coastal strip.***

Question 12: Do you feel that the policy statement in the VCS should be reflected in legislation through the new act? ***YES. It is very important to insure that legislation is in place that clearly excludes governments liability for private property on coastal areas that is affected by storm damage and rising sea levels.***

Question 13: Are there activities where you think the beneficiary pays principle could be further implemented in a fair and equitable manner? ***No Opinion***

Question 14: Do you think this approach would be effective at targeting resources to where they are most needed for coastal management? ***No Funding should be based on the needed to address the problem not on the capacity to earn income.*** Which coastal Crown land managers should be subject to such a levy and eligible to access the proposed fund? ***No Opinion***

Question 15 How can cost-sharing arrangements be clearly articulated? Should this be a policy response involving federal, state and local government? If so by which means? Alternatively, does it require a legislative response? ***Coastal erosion and rising sea levels will result in major changes to infrastructure and over a considerable period. The cost of these works must be borne by the Federal, State and Local governments and not restricted to funds available in any particular region.***

Question 16: Would legislating for a State of the Marine and Coasts Report help to achieve the system objectives? ***YES. Report should include the current height of sea levels, works undertaken to mitigate the impact of rising seas, list of areas that have been abandon for specific coastal regions.***

ADDITIONAL COMMENTS

1. Definitions

There is no indication in the proposal that the Act will include a set of definitions of the terms used in the Act, particularly where the same words will be used in other Act and Regulations, e.g. the Climate Change Act. Definitions should include AHD, MSL, High water Low water, beach, erosion, etc.

I presume that the Act will include a comprehensive set of definitions?

2. Sea Levels

The proposal refers to the 2008 predictions that sea levels will rise by 0.8m by the year 2100.

There is now evidence that sea levels are rising faster than were predicted in 2008. The Act should be based on more accurate estimates and provide for regular updates of rises in sea level based on records being made by the BOM at various stations on the Victorian coast.

Your attention is drawn to a legal opinion on Council liability for planning decisions that advises the councils to maintain up to date information on sea level rises.

3. Australian Height Datum (AHD)

I presume that the AHD remains static as the sea levels rise? If this is the case then it would pay to establish and number of offset height datum points along the coast that will be accessible in the future. In fact all harbours should have such marker.

4. Mean Sea Level (MSL)

The Mean Sea Level will change as the sea levels rise. References to changes in sea level should be based on the rise of the sea level above AHD thereby establishing a common base line measurement of AHD plus XXmm for planning and other reports.

5. Status of Land Inundated at high water

The Act should include a determination that all land which is inundated at high-water or by wave action each day revert to the Crown. I am not sure if such a determination exists under current law but it should be included in a new M&CAct.

As sea level rise areas on the coast, tidal rivers and estuaries which are inundated each day should revert to the Crown. No works or structures should be permitted by the owner without the written approval of the coastal management authority. The owner should also be made responsible for the removal of any existing structures which are no longer habitable or fit for purpose.

6. Collection of Information on Storm Surge & Coastal Erosion

There do not appear to be many accurate records available on the frequency and impact of storm surges and coastal erosion to the department.

I suggest that the department establish a group of "Coast Watchers", people who live along the coast and who take an interest in the weather, the seas, the beach, etc. These people could record and photograph storm surges and beach erosions events and submit them to a nominated DELWP public website within 24/48 hours. This would create a record of storm surges, sea behaviour and erosion that could be used to develop management responses. DELWP could ask for volunteers and select people at suitable locations along the coast.

7. Options for coastal climate hazard planning

The Act should incorporate a requirement to adopt a coastal climate hazard planning strategy that considers the strategies of Protect, Accommodate or Retreat when assessing management options.

8. Sea level Impact project

I strongly recommend that the DELWP instigate a project to provide data to Infrastructure Victoria (IV) on the status of coastal installations and to provide guidance to IV on future infrastructure projects required to protect or renew existing infrastructure in their current 30 year plan (2016-2046).

SEA-RISE PROJECT

Assess the impact of the most recent predicted rises in sea level (including ground water rises, storm surges and coastal erosion) on existing infrastructure (roads, railways, water supply, sewerage, drainage, electricity, gas, and communications cables, etc) and community assets (boat harbours, boat ramps, piers, baths, etc) which are located on public land.

Based on the assessment, determine the areas that will be inundated by rising sea levels in the current IV 30 year planning period (2016 to 2046) and make recommendations in regard to protecting, accommodating or retreating from these areas.

9. Introduce minimum floor levels above AHD in all shires

Melbourne Water has specified that the minimum floor level of any new dwelling constructed in the metropolitan area must be 2.4m above AHD. Similar requirements should be introduced in all coastal shires and applied to all new structures constructed on coastal lands.

Dear Sir / Madam, we wish to make some comments on the proposed changes to Marine & Coastal

Planning in Victoria. Page numbers refer to the Consultation Paper.

We would like to congratulate the expert panel for their thoughtful and comprehensive paper. We

support the recommendations in the document except for the comments below. Apologies if some of them are covered in the fine print – we didn't have time to read every page.

Glenda Shomaly and Neil Tucker

12. Q1 – we agree with the proposed Vision.

24. Q2 – OK

25. In the box “We are aiming...” add “improve recognition and adherence to International Agreements.”

27. In the box “We are aiming...” add “restrict strip development, and incremental small & large developments.”

28. Do wind terrain categories (for building construction standards) need to be updated?

28. Para 5 highlights the need to raise awareness among managers and the general public of likely climate change impacts on the coast.

30. Adaptive Management could come under the heading of Improving Knowledge. When changes are made to management procedures, including this current review, they should be monitored and if necessary, modified to get the best end result.

31. Another Driver for Change should be the need to do better with protection of species, esp International migratory waders, beach-nesting birds and penguins. Because of population pressures, we need a series of wildlife reserves along the coast. Managers need the ability to close sections of the coast quickly but temporarily, eg in the vicinity of Hooded plover nests or wader aggregations.

37. Objective 2 after “climate change impacts” add “and population pressure”

37. Objective 8 – the proposed levy on foreshore managers will put pressure on them to raise caravan park fees. This is opposite to the objective of ensuring all Victorians can have access. Caravan Park fees should reflect the cost of managing the park only, not the whole coast, which is enjoyed by all Victorians, including day visitors, local residents and the general public, and so the

cost should be borne by all. Social equity is important, and access to reasonably-priced caravan parks on the coast is one important aspect of that.

40. Representation on the Marine & Coastal Council must include members of conservation societies, scientists and Govt agencies.

44. How will the increased workload of the coastal CMA's be funded? The proposed system seems to be inherently a more expensive one than the current system. We believe it will be less efficient, but possibly worthwhile anyway. As per comments above, the CMA's should not be funded through caravan parks.

44. Q8 – yes, put Coastal (and Marine) in the title. If not, there is a risk that management focus could drift back to catchment management.

49. Current members should be invited to continue on any amalgamated COM's, or where there is no opportunity, perhaps as an advisory committee to the COM.

50. In the box 3.7 "Proposed improvements" add "Coastcare will need to provide support / grants for marine-base activities.

51. In the box 3.10 "Proposed improvements" add "Traditional Owners will need education & capacity-building."

56. Yes, we should have a SPF. Representation should include conservation & science members. The Framework must mesh with the Strategy.

57. Q11 – Westernport Bay needs an EMP, especially considering recent calls for a new port there.

Gippsland Lakes should be considered too – issues there include the higher than natural salinity resulting from the entrance being maintained open, and reduction of the width of the spit.

58. 6th dot point – care needs to be taken that a minister cannot override ecological values or this whole plan for economic or political purposes.

63. Q12 – Yes

67. Q13 – Tour buses, Boat fees, Horses on beaches (but they shouldn't be allowed at all).

68. Q14 – Prefer funding from general revenue to levying managers, esp for projects that the whole population benefits from, eg environmental works. Levy system adds a layer of bureaucracy and costs.

How will pollution from catchments that impacts the marine environment be addressed?

VICTORIAN MARINE AND COASTAL MANAGEMENT ACT

Submission to new Marine and Coastal Act (MACA).

Hugh Kirkman

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Introduction

On an inspection of the basic Marine and Coastal Act Consultation Paper I find the initial premise of the whole proposal flawed. There is a brief mention of the concept of Marine Spatial Planning (MSP) in the Marine and Coastal Act proposal (p. 55, VMCMA) but this should be the foundation stone of the Marine and Coastal Act.

What is Marine Spatial Planning?

Ehler and Douvere, (2007) defined marine spatial planning (MSP) in its broadest sense, *as an analysis and allocation of parts of three-dimensional marine spaces to specific uses or non-use, to achieve ecological, economic and social objectives that are usually specified through a political process. MSP is a sub-activity of the overall planning activity of sea use management. The principal output of MSP is a comprehensive marine spatial plan that includes development. It is a “vision” of the future of the marine region and reflects the output of a process in which stakeholders collectively define their purpose from core values. It guides regional decision-making, unites stakeholders with a common purpose, and motivates citizens and decision-makers to meet the goals of the vision. The comprehensive MSP is usually long-term, general in nature and policy oriented and is implemented through more detailed zoning maps, zoning regulations and a permit system* (Douvere and Ehler, 2009a, Douvere and Ehler, 2009b).

Increased development pressures on the marine environment and the potential for multiple use conflicts, arising as a result of the current expansion of offshore wind, wave and tide energy, fishing and aquaculture, dredging, mineral extraction, shipping, and the need to meet international and national commitments to biodiversity conservation, have led to increased interest in sea use planning with particular emphasis on MSP (Douvere and Ehler, 2009b)

Human activities going on in the world's oceans include: more than 50 thousand merchant vessels delivering 90% of international trade; offshore energy sources supplying 30% of oil and natural gas; more than one million kilometres of submarine cables carrying 98% of international communications and roughly 1.3 million vessels working the worlds' fisheries (MEAM, 2015).

Essentially, increased activity in the marine environment has led to two important types of conflict.

First, not all uses are compatible with one another and are competing for ocean space or have adverse effects on each other (**user vs. user conflicts**). Numerous examples exist of conflicts between ocean users both globally and locally (Bess and Rallapudi, 2007)

Spatial use conflicts also occur within one particular use and refer, for example, to the use of different gear types for fisheries in certain areas, or the competition over use of space between

commercial and recreational fisheries. Studies in California have illustrated that new commercial ocean activities will only exacerbate conflicts between users (Sivas and Caldwell, 2008)

Second, not all uses are compatible with the needs of a healthy and sustainable environment and cause conflicts between users and the environment (**user vs. environment conflicts**). Too often, ocean uses are located in sensitive biological and ecological areas without much consideration of their impact. Many scientific studies document the degradation of the world's oceans, the decline of marine ecosystems, and the collapse of important fish species, illustrating that this is increasingly impairing the ocean's ability to produce the goods and services essential for life on Earth. Resilience is the capacity of a social-ecological system to absorb or withstand perturbations and other stressors such that the system remains within the same regime, essentially maintaining its structure.

Australia and its states do not have marine spatial plans (MSP). Australia has the third largest Exclusive Economic Zone (EEZ) in the world, with jurisdiction from state waters to 200 nautical miles from the coast. The first three nautical miles (5 km) off the coast is under state jurisdiction and the states differ in their rules, laws and regulations. No state or the Commonwealth has an MSP and this can lead to local and international conflict. There is little integrated planning between stakeholders and there is a difference in policy and laws between Australian states and they differ from those of Commonwealth marine areas.

During the past 10 years, the evolution of MSP and ocean zoning has become a crucial step in making ecosystem-based, sea use management a reality. Despite academic discussions and the fact that some countries have already started implementation, the scope of MSP has not been clearly defined. MSP is an essential step to achieve ecosystem-based sea use management. Terms such as integrated coastal management, management of large marine ecosystems (LME), marine spatial management, and ocean zoning are all used inconsistently. This is one of the reasons its importance is not more seriously reflected at the levels of policy and decision-making in most countries. Currently there is no difference between MSP and Integrated Coastal Zone Management (ICZM) (p. 84, VMCMA). MSP is often linked with Ecosystem –based Management (EBM). MSP is an essential step to achieve ecosystem-based sea use management. All three sectors of society— government, civil society, and business— are necessary for effective EBM (Katsanevakis et al., 2011) and bring together the ideas and concepts of ecosystem-based marine spatial management. Jay (2010) points out that MSP should be an adoption of marine and coastal interests rather than an extension of existing planning on the land.

A key characteristic of EBM is that it is place-based or area-based (McLeod et al., 2005), which is a marked departure from existing approaches that usually focus on a single species, sector, activity or concern (Crowder, et al., 2006, Douvere, 2010). Where sectoral management implies that each sector regulates particular activities or projects taking place at a particular location (or site) within a certain area, EBM implies that, after an area has been defined, sustainable development and use will be established for all activities in the whole area (CoastNet, 2003).

MSP and ocean zoning, especially in areas where conflicts among users and the environment are already clear, has become a crucial step in managing ecosystem-based sea use. It is defined and its core objectives are described here.

MSP is a process for regulating, managing and protecting the marine environment that addresses the multiple, cumulative and potentially conflicting uses of the sea (DEFRA, 2007). The idea was initially stimulated by international and national interest in developing marine protected areas (MPAs), e.g., the Great Barrier Reef Marine Park (GBRMP). Although the GBRMP is managed well for conservation of biological diversity there are still conflicts on development of ports, fishing and resorts.

More recent attention has been placed on managing the multiple use of marine space, especially in areas where conflicts among users and the environment are already clear, e.g., ports on the Queensland coast. Even more recent concern has focused on the need to conserve nature, especially ecologically and biologically sensitive areas, in the context of multi-use planning of ocean space including the “high seas” (Ardron et al., 2008).

There is a growing need for frameworks that can be used to conceptualize complex sustainability challenges and help organize research that increases understanding about interacting ecological and societal processes, predicts change, and supports the management, persistence, and resilience of coastal systems (Lewison et al, 2016).

The lack of such a framework, often translates into:

(1) A spatial and temporal overlap of human activities and their objectives, causing conflicts between users and users and the environment in the coastal and marine environment.

(2) A lack of connection between the various authorities responsible for individual activities and those protecting and managing the environment as a whole, non-integrated governance.

(3) A lack of connection between offshore activities and resource use and onshore communities which are dependent on these activities.

(4) A lack of conservation of biologically and ecologically sensitive marine areas.

(5) A lack of investment certainty for marine developers and users of ocean resources and improved permitting, planning, and allocation for developers, stakeholder groups, and coastal and fisheries managers (Douvere, and Ehler, 2003)

A comprehensive planning process that lays out a vision for the future development, growth and use of the Victorian coast is needed. At present there is no framework that facilitates integrated strategic and comprehensive planning in relation to all activities taking place in Victorian coastal waters. The proposed Marine and Coastal Act mentions MSP but rather limits its use considering most developing countries have or are preparing MSP (p. 55 VMCMA)

Seven Areas of Improvement

The Victorian Coastal Strategy (VCS) (p. 19 VMCMA) has provided clear strategic direction to the current system and a positive platform for strategic management by setting the vision to guide planning and decision making. While the current system has a number of strengths, there is also a number of ways in which it can be improved (p. 22 VMCMA). Seven areas of improvement were identified (p.23 VMCMA). Below are the ways that these areas can be improved by implementing MSP.

1. Governance and Institutional Arrangements.

Unnecessary complexity Current management arrangements for coastal areas are often complex; they are the legacy of historical decisions and past governance arrangements rather than contemporary design. This can prevent effective management and planning, make it difficult for the community or user groups to know who to speak with and inhibit the implementation of strategic decisions. Bringing these groups under one or two headings will simplify management and all will be working under the same policies.

Unclear roles and responsibilities The roles and responsibilities of entities within the system are often unclear, leading to ineffective management and planning. There is often confusion about who is responsible within a specific area or for a specific coastal issue. This can

lead to overlap and inconsistency where multiple entities are performing similar roles or gaps where no entity takes responsibility for a function or an issue. This lack of clarity about who does what makes it difficult for coastal and marine managers to be responsive to community expectations or industry needs, or address key threats to natural, social or economic values. For example, the current role of departments is not well articulated, especially for DELWP and Parks Victoria.

The roles and responsibilities for other aspects of managing the marine environment – the ‘who does what’ – are particularly ambiguous. The responsibility for managing marine habitat could lie with one of a number of organisations, for example Parks Victoria for marine sanctuaries and jetties, while the coast around the jetties may be local councils or DELWP. Responsibilities for local port and waterway management functions (excluding those under the *Water Act 1989*) are also unclear and complex. A MSP would bring all these stakeholders together.

Inefficiencies and misalignment of responsibilities With a number of entities performing similar roles, there are significant inefficiencies in the current system. While efforts have been made in some areas to share services such as rubbish collection and waste disposal, these are often hampered by institutional or legislative barriers, such as some institutions not being able to operate outside of the land they manage. Each entity has its own set of corporate services and internal capacity and expertise, which builds further inefficiencies into the system.

Clearer governance and institutional arrangements

The state government, local government, municipal governments and even large corporations that have an interest in the coastal and marine environment within state waters should be involved in governance of these areas. Municipalities and local government authorities are currently joined by associations that integrate their knowledge and activities

2. Strengthening marine management

All stakeholders including those involved with:

- Marine protected areas
- Fishing
- Pollution
- Ports and harbours
- Tourism
- Shipping
- Offshore installations
- Aquaculture
- Pipelines and cables
- Education and

Climate change should be involved and integrated to manage the marine and coastal areas under their jurisdiction. The marine environment requires planning and management to ensure the competing users and uses can be accommodated.

3. Integrating planning systems

Terrestrial development, plans for ports, aquaculture, storm drains, underwater cables, accumulative capacity of various planned developments, shipping, energy exploitation, such as wind, wave or tidal power, mining or gas and oil exploitation and fisheries should all be considered under an MSP.

4. Adapting to climate change

Most stakeholders in coastal terrestrial or seawater resources will be affected by climate change or the applications put in place by governments, councils, municipalities or organisations. These governance policies and developments must be understood and discussed by all parties involved hence an integrated plan should be adapted to cover the concerns of all stakeholders.

5. Sustainable resources

The users of coastal waters will need to come together to decide on conflicting uses of the resources. Commercial and recreational fishers and the policy makers for marine sanctuary zones need to agree on suitable areas for protection and buffering from exploitation. Mining and gas and oil exploration should be managed with consideration of marine ecosystems. Wind mill farms and tide and wave energy farms cannot be in shipping lanes or fishing areas.

6. Improving knowledge

Many conflicts and disagreements arise from conflicting uses of the marine and coastal environment. Marine sanctuary zones are closed to fishing but the reason for having these sanctuaries has been compromised in Victoria by commercial and recreational fishers who, through greed and ignorance, are against scientifically chosen sanctuary zones that comply with the IUCN principles and follow the agreement made by Australia in the Convention on Biological Diversity. Marine sanctuary zones are to conserve biological diversity not manage fisheries. Improving the knowledge of biological and ecosystem processes could assist the public and

particularly fishers to understand why sanctuary zones are chosen using the principles of Comprehensive, Adequate and Representative (CAR).

7. Involving the community

The community in Victoria has welcomed a managed marine and coastal strategy. It has embraced marine sanctuary zones, undertaken vast amounts of recreational fishing, tourism and scuba diving. The community is a major stakeholder and should be part of the MSP and integrated with other users. Community care groups find satisfaction in preserving, restoring and enjoying coastal reserves and sanctuaries. Most are unaware that sanctuary zones have, as a prime purpose, the conservation of marine biological diversity.

Marine Protected Areas

The CBD has its main objective to conserve biological diversity. Australia agreed to conserve 10% of its biological diversity by 2012. Victoria is obliged to follow international agreements made by the Commonwealth. It has not.

DELWP is developing the long-term Protecting Victoria's Environment – Biodiversity 2036 plan to stop the decline of Victoria's biodiversity and improve its natural environment so it is healthy, valued and actively cared for. Coupled with the native vegetation clearing regulation review and a review of the *Flora and Fauna Guarantee Act 1988*, these improvements can support better coastal conservation, now and into the future (p. 20 VMCMA). The concept of the DELWP is commendable but, as far as marine biodiversity conservation is concerned, it is not based on scientific concepts.

More than two-thirds of coastal Crown land and parts of the marine environment have been declared as national park, coastal park, marine national park or marine sanctuary. These areas are protected under the *National Parks Act 1975* and managed by Parks Victoria (see Appendix Four P. 84–86 VMCMA).

Of these areas, thirteen marine national parks and eleven marine sanctuaries were established on 16 November 2002 to protect representative examples of our marine biodiversity. In actual fact the CBD says “all examples in representative areas” not just ‘examples of our marine biodiversity’. Together, the parks and sanctuaries, which are highly protected no-take areas, cover nearly 63, 000 hectares (63 km²) or 5.3% of Victoria's marine waters (p. 16 VMCMA). Australia agreed under the CBD to have 10% of its bioregions protected. These protected or sanctuary zones are almost totally inadequate. They were not chosen by scientific adherence to the IUCN Principles nor are their sizes large enough. In a scientific study by ten marine scientists

in South Australia, a study of the world literature suggested that these protected areas should be at least seven km long considering the width can be no wider than five km (state waters to 3 nautical miles). The selection should be from each bioregion in the state. In Victoria, like South Australia, recreational and commercial fishers and the oil and gas industry compromised a scientific choice of sanctuary zones. The Victorian sanctuary zones are residue areas (Kirkman and Shepherd, 2015; Devilliers et al., 2014)—areas no one else wants.

The five strategic goals of the United Nations CBD are to:

1. Address the underlying causes of biodiversity loss by main streaming biodiversity across government and society.
2. Reduce the direct pressures on biodiversity and promote sustainable use.
3. Improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity.
4. Enhance the benefits to all from biodiversity and ecosystem services.
5. Enhance implementation through participatory planning, knowledge management and capacity building.

Climate Change

The only mention of coastal management under climate change is: “develop integrated Adaptation Action Plans for key climate exposed sectors” (p. 20 VMCMA). There is no mention of integrating activities, knowledge and policies with local councils. There should be a state-wide plan for erosion control and restricting development along the coast.

Carbon sequestration is the ability of an ecosystem to hold carbon dioxide. The release of CO₂ is of major concern in climate change. While there is much evidence of the role that terrestrial ecosystems play in carbon storage, there is an increasing body of evidence that coastal and marine ecosystems, such as seagrass habitats, salt marshes and mangroves, store very large volumes of organic carbon, known as ‘blue carbon’. Recent estimates suggest that these Australian coastal ecosystems can store more than five times the volume of ‘blue carbon’ than terrestrial ecosystems and can sequester at rates of up to 66 times that of terrestrial ecosystems (Lawrence et al, 2011).

Other Areas of Omission in the Victorian Marine and Coastal Management Act

In the new Act there should be mention of the importance of science-based decision making. The first consideration for legislation or regulation should be science-based, and then social, economical and political considerations should be used to derive the provisions of the Act.

Although the Act does not need to go into detail about management of the ecosystems regulated under the Act, it is important that some mention of monitoring be made. Monitoring of strategic indicators with results should be analysed in a timely fashion and returned to those who did the monitoring and stakeholders. Monitoring or lack of monitoring has been the cause of poor conservation and mis management. It is apparent that governments throughout Australia do not like monitoring commitments because of the expense and but this is not an excuse for not doing monitoring.

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Questions and Answers

Question 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?

As a Vision statement this is adequate but it should be incorporated in a MSP.

Question 2: Do you think coastal and marine management arrangements are overly complex? If so, how has it negatively affected outcomes? Give specific examples if possible.

There is complexity just about everywhere due to no spatial plan. E.g. stormwater drains managed by councils and Melbourne Water. Fisheries management run by fishers and Department of Fisheries without input from Parks Victoria, marine environmental scientists. Aquaculture and position of ports are chosen on a local basis with a local EES. With MSP the state would specify so many kilometres of coast under ports and if more were required proponents would have to share. All stakeholders should be under a single MSP strategy.

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

The approaches should all be under a single jurisdiction so that all methods can be considered over the whole state.

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

These seven drivers cover the issues but they are not covered by one plan. They should all be part of Marine Spatial Planning.

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

There must be a MSP for the whole state in which all the objectives are integrated. This is the basis on which to place all the other objectives.

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

There must be experienced marine scientists in the Marine and Coastal Authority. They should have experience in Ecosystem-based Management. Care should be taken not to have members with a conflict of interest. There is a strong conflict between fishers (recreational and commercial) and environmental conservationists. This conflict should be realised and avoided in any decision making. There are other obvious conflicts that may occur also, e.g. between wind farms and fishers or aquaculture and tourism.

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

I agree with the proposed improvements (p. 42) there should be a statewide policy and strategy for marine and coastal areas and logically this would appear under a Marine Spatial Plan. The time frame for this should start now with a concerted effort to bring all stakeholders together. When committees or meetings of stakeholders are established great care should be taken to allow only a single stakeholder from each activity to be in the group.

Question 8: Do you think the proposed reforms would provide for greater efficiency in the advisory functions for natural resource management in marine and coastal areas? What other changes would be useful to help recognition of an enhanced focus on coastal and marine issues by Catchment Management Authorities (e.g. Coastal in the title)? Why?

Unless the proposed reforms fit under a MSP the result will deteriorate into what we have now. Advisory functions would be increased if representatives of all stakeholders were involved in policies. Of course there will rarely be a consensus but decisions must be based on science .

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

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

Please see my submission for the proposed Act. This is the most important flaw in the Proposed Act. The preparation of a MSP would not take a lot of extra effort and would contain most of the proposed changes only under one banner.

Question 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?

There is no reason to select Port Phillip Bay. In ten years Western Port will need the same as will Corner Inlet if a port for coal export is put there. Portland and Port Fairy may eventually need a EMP. Why not cover the whole state with planning for a port using MSP?

Question 12: Do you feel that the policy statement in the VCS should be reflected in legislation through the new act? Why?

Reflecting policy from the VCS in the new Act but have all stakeholders aware of policy changes and allow them an input. With a MSP policy statements can be made for each issue on the coast rather than having to start again each time a policy or legislation is required.

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

There should be no assistance given to any fishers. It is not some right of theirs to fish, rather the sea commons should be preserved for all with sustainable resource use decided on by science. The user pays concept should apply to stakeholders removing or looking for resources that, if found, will be taken from the marine and coastal environment.

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

Such a fund would be most useful to overcome or assist with the problems that occur with local councils, Ngos and community groups. There is little knowledge of nor responsibility taken for the severe erosion occurring on some coasts, e.g. Lang Lang cliffs. Catchment inputs from farming and possible overexploitation of fish. Monitoring of recreational fish take, deep and shallow edges of seagrass, maps of mangrove and saltmarsh, and effects and progress of erosion should all be covered in the new Act.

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

If there is overlapping conflict or interests in marine and coastal waters, the commonwealth's MSP should be invoked—the commonwealth does not have a MSP!

The local Committee of Management is inadequately and inappropriately funded. No funds have been available for two to three years to complete a foreshore master plan!

Skill sets in the management committee seem to be inadequate. But difficult to know as the committee essentially operates behind closed doors.

Decision making in DELWP is non-existent or extraordinarily slow.

Community has no idea who is responsible for what.

Repeated studies defer decision making and replace effective action.

Risk aversion stifles decision making.

Multiple layers of legislation prevents timely action

Multiple jurisdictions allows buck passing of inaction.

Blurred decision boundaries prevent effective action

Marine and Coastal Act - Consultation Paper August 2016:

Submission and Comment

The Vision as postulated in this discussion paper is a worthy vision for the future of Victoria's Coastal and Marine Environments. However, fundamental to the fulfilment of this vision is the presence of effective and efficient management of these environments to ensure that the vision is realised. In espousing the environmental values of the Coastal and Marine environments, the paper does not demonstrate nor direct adequately how these values will be protected into the future.

The paper also describes the Coastal and Traditional Owner values which together with the environmental values are the fundamental and primary values of our Marine and Coastal Environments of Victoria. These values under the vision described, must be protected and given priority in determining usage and management of the Coastal and Marine environments. Sadly, this is not the case under the current management arrangements for coastal areas. Furthermore, in reading the Consultation Paper, it is difficult to understand how this proposed change process will facilitate or bring about enhanced, diligent and effective management that will deliver the proposed vision for the Marine and Coastal environments.

Large tracts of Victoria's coast are wild and near natural areas with considerable Traditional Owner, Environmental and Social values. The current management arrangements and structure do not provide anywhere near what is needed to protect these important values and are compromised by:-

- Lack of government follow through on existing public land planning processes, particularly LCC/ECC/VEAC recommendations for reserves.
- Lack of described and determined management arrangements to implement the directions of state-wide and government endorsed recommendations.
- Lack of resources and regulations to allow management (if any exists), to ensure that inappropriate, conflicting and damaging uses do not occur in reserved area of the Coast.

I offer a case study of Belfast Coastal Reserve. This Reserve is described in the LCC Corangamite Area Final Recommendations 1978, COASTAL RESERVES as:-

"J2 The coastal frontage land from Lady Bay, City of Warrnambool to Griffiths Island, Borough of Port Fairy (now Moyne Shire)."

Recommendations for Coastal Reserves are:-

J1-J2 That the areas listed below and shown on the maps

- (a) Be used to:

- (i) Provide opportunities for informal recreation for large numbers of people, and also for recreation related to enjoying and understanding nature
- (ii) Protect and conserve natural coastal landscapes and ecosystems and geomorphological, archaeological and historic features for public enjoyment and inspiration for education and scientific study
- (iii) Ensure the conservation of aquatic littoral and terrestrial fauna and flora
- (iv) Provide facilities for shipping, fishing and boating (including harbour facilities) together with the necessary navigational aids”.

Furthermore, J2 Belfast Coastal Reserve usage is described in more detail in subsequent pages with five zones including primary uses that re-iterate the above recommended uses.

Whilst having been formally accepted by government in 1979 and 1980, as yet the follow through on these recommendations has not occurred.

Consequently, we have a management arrangement that has Warrnambool City Council, Parks Victoria, Moyne Shire Council and DELWP all managing segmented sections of this important coastal strip without any plan of management, no reservation status nor regulations and with few resources.

As a result, the significant habitat values are not being protected and all values and uses described for the Reserve by the LCC, not being facilitated nor supported.

In the last year or so, there has been an escalation in use of areas of this reserve by commercial horse training. This activity involves using the soft sand above the high water mark and the sand dunes for endurance and stamina training of race horses. Large numbers access the beaches within Belfast Coastal Reserve. The impacts on the soft sand, which is the habitat of the Vulnerable Hooded Plover, migratory shore birds and other species, is destroying the habitat for sand fleas, sand worms and other creatures which are the bottom of the food chain and fundamental to the continuing survival of the creatures that rely on these for food. The use of the dunes for exercise work is destroying the stability of the dunes and likely to be damaging archaeological sites. The activities are at scale at Killarney that beach users such as fishermen, swimmers and other beach goers cannot access the beach because of the sheer intensity of activity and numbers of horses. The end result is heavily ploughed sand from the base of the dunes to the high water mark which consequently is very difficult to walk across. This unauthorised use has become an exclusive use.

The authorities are apparently powerless to remove this unauthorised activity and in fact the municipalities are even working with DEWLP to consider shifting the activity and authorising it on East Beach and Port Fairy! All consequent to a complete failure of government for follow through with public land reservation, appropriate management arrangements with adequate resources and regulations for use.

If the result of this Marine and Coastal Act Consultation paper is merely to articulate another re-arrangement that will not bring about sensibility in management of areas such as Belfast Coastal

Reserve, then all is wasted. Coastal Strategies and re-arrangements of so-called management arrangements will in the end achieve little.

In terms of management of Coastal Reserves, that are set aside for conservation, recreation and such as described by the LCC, it should be that these areas, particularly Belfast Coastal Reserve be set aside as a Coastal Park and managed by Parks Victoria with appropriate regulations instituted and adequate resources available to protect these significant areas. Otherwise why do we continue to waste time, money and energy in high level planning processes? Committees of management, particularly municipalities that are rural in nature both locational and philosophically will not and cannot adequately manage Coastal Reserves.

Regarding other comments to this discussion paper process, I offer the following:-

Clearer Governance and Institutional Arrangements: As the foundation Chief Executive of Wimmera Catchment Management Authority, former member of Victorian Catchment Management Council and former member of Western Coastal Board I support the proposed change to institutional arrangements as described in the paper. It was frustrating as a Coastal Board member at the inability of that body to fulfil its obligations due to lack of resources. It will be essential for, whatever new arrangements are implemented, resources available to be matched to the responsibilities allocated under this new framework.

I would comment that given that the transfer of Coastal Board role to the CMAs is only an advisory role, it will be a lesser role, albeit a complimentary one, to that of the current business that the five CMAs now have. Therefore to suggest that the CMAs be titled Coastal Catchment Management Authorities is misleading in terms of balance of roles. The catchment role will be the larger of the two roles. Perhaps they should be named Catchment and Coastal Management Authorities.

Integrating Planning Systems: it will be important to formalise the integration of key aspects of coastal planning. It is essential that improvements in the system as described in the paper are followed through and implemented.

As outlined earlier, without appropriate public land reservation, regulation, management and resourcing for much of our coast, we will struggle to have appropriate positive, community supported outcomes for our coasts.

Submission regarding the Marine and Coastal Act –

Consultation Paper 2016

Although the Consultation Paper contains a number of encouraging drivers for change (Drivers 1, 2, 3, 4, and 6), it concerns me that Driver 5 – Sustainable resourcing includes fishing. I do not condone fishing in any form and I believe that Australia, with its vast land resources, does not need to undertake fishing in order to sustain our human population. I think that truly sustainable resourcing would focus only on building up the marine populations to be used as a tourism resource for viewing only, not for eating.

In addition to this, I would like to express my disappointment at the lack of further additions or extensions to marine parks. I believe this Marine and Coastal Act is severely lacking in this regard.

While this Act promises many good things, such as promoting integrated and co-ordinated coastal and marine advice, planning, management, et al., I wonder how it can protect areas of significance such as the Moolap wetlands/ex-Cheetham saltworks around Point Henry in Geelong. It seems to me that a Marine and Coastal Act may have many good intentions, but developers can often step in and eradicate such intentions by building on the coastal areas which should be conserved. Could this Act stop such blind profiteering? Many of the words in this Act hold promise, but I wonder if this Act could really be put into practice.

PROPOSED VICTORIAN MARINE AND COASTAL ACT SUBMISSION

Thank you for the opportunity to comment on the proposed Victorian Marine and Coastal Act. I have a keen interest in this not only from application of coastal legislation and policies in previous and current employment, but also as a member of a coastal community who engages in wildlife rehabilitation and protection on a voluntary capacity. These are my personal views and not those of the organisation I may work for.

Where the document mentions marine in most instances it should also be partnered up with coastal. There is concern in not identifying both as the emphasis on the coast may be diminished, and the objective of this document is to give both coastal and marine environments equal billing when it comes to decision making. I also note there is no definition for 'marine'. The document has a definition for coast which encompasses marine, however the title of the document clearly articulates marine and coastal.

I am not overly confident we need to change the Victorian Coastal Council to a Marine and Coastal Council. How would this change the current state of play of deliverables? Should we be considering maybe a Marine and Coastal Authority or Marine and Coastal Compliance teams that would be regionally based? Which ever model is approved it is imperative that funding arrangements are in place to support and resource the model to enable outcomes to be achieved. We do not want to set up something to fail in its infancy. Having said that the body overseeing the model must be measured, be transparent and be accountable.

The need to ensure the changes are supported by legislative provisions that are enforceable also require either DELWP being supported to engage more compliance officers, or provisions provided for land managers to enforce the smaller day to day issues that are on the increase and leading to greater impacts overall. Enforceable penalty infringement notices would lead to greater and faster behavioural change along the coastline and must be incorporated into the documents and model being developed.

The document contains a lot of emphasis on climate change but lacks clear articulation on dealing with current detrimental impacts such as overuse, dogs, litter, pollution and the lack of compliance powers.

I did not pick up on any synergies with existing legislation in particular the *Crown Land (Reserves) Act 1978* and how the policies, strategy and new Act will incorporate or amend existing legislation.

Question 1 VISION

Although both visions, that of the VCS and the proposed enhanced vision are engaging, there are some concerns with words such as 'healthy' and 'appreciated by all' are subjective to interpretation. For example what is the benchmark for healthy? Should we be looking at 'improving the health of'? Benchmarks would be determined which would then be monitored to provide additional reporting mechanisms to determine if in fact we are meeting targets and measuring performance.

'Appreciated by all' also comes with concerns. What I value and appreciate is not what others do. To maintain any system for the appreciation by all will and does ensure degradation of landforms, loss of biodiversity, loss of aesthetics etc. Not sure how you address this concern, but there should be consideration in the planning/mapping phase to consider focus on activity nodes, minimising impacts and opening up areas that we are trying to maintain for biodiversity/conservation purposes and this would also mean controlling development, dogs, kite surfing, paragliding, horse activities just to name a few. All of these under the current statement are conflicting. the areas set aside for biodiversity/conservation purposes would be areas where we need to say 'no' to activities which would assist in addressing cumulative impacts and incremental changes to some sites. Sometimes we just have to say no and not pander and support the voices of a few. This should also not just be applied to areas of Crown land under the National Parks Act, but look across the whole coastal and marine landscape.

'Appreciated by all' is a broad statement for access for all abilities individuals as most of the coast does not allow for nor is deemed appropriate for access for all abilities. If this is to be true to its word, there must be provisions where appropriate that land managers MUST commence planning for and implementing facilities for access for all abilities. This could be as simple as identifying appropriate BBQ, car parking and playground equipment to meet the needs of those that already lead a restrictive lifestyle.

Question 2 COMPLEXITY OF COASTAL AND MARINE MANAGEMENT

The current arrangements of coastal and marine management is extremely complex for a number of reasons.

Many coastal reserve boundaries are a line in the sand rather than working towards infrastructure that is already in place. For example Barwon Coast manage over 30 metres of land to the east of 7W access way. The jurisdictional boundary should be in line with the 7W access way. This is one example of thousands across the state.

Management of land that abuts a Marine Sanctuary is another one. Using Barwon Coast boundary again, there is a line in the sand at the base of The Bluff that is managed by Barwon Coast and then the rest of the intertidal zone outwards is Parks Victoria.

Boat ramps are even more complex when part of a ramp may be on Council land, part of it may be a committee of management due to the appointment of that committee as Port manager and then other parts may be Parks Victoria as the structure lies within a State Game Reserve. This is the case with Lake Connewarre State Game Reserve.

These are just some of the examples and problematic for example when a car goes off the boat ramp, a wildlife issue may arise, or there is a breach of regulations within the marine sanctuary. This process hinders a quick response time and can delay or even result in no action at all some times.

Sometimes also the roles of Committees of Management are further hindered due to lack of clarity between the Committee and DELWP. This may be the case with regards to small fire issues and wildlife issues. The lack of DELWP staff prohibits timely response to committees. And the lack of clear understanding and restriction on compliance exacerbates the situation.

Coastal management is further complicated from adjoining land development where councils 'may have regard to' or 'consider' existing coastal policies and documents yet support an inappropriate development adjoining coastal Crown land.

Over the years many agencies, councils etc have manipulated the intent of existing documents. Any proposed changes to coastal and marine planning and management MUST strengthen the language in all documents to ensure they are applied for their intent. This needs to be supported with appropriate compliance measures, both within planning schemes and DELWP legislation. Our existing documents as good as they are, lack a back bone. This lack of back bone and complexity of multiple land managers has in some instance lead to the loss of biodiversity values and has not achieved the desired outcome of protecting the coast. The appropriate changes would be embraced for many who work on ground along the coast.

Coastal Management Plans across the entire coastline may be one mechanism to assist in driving and guiding councils and others on inappropriate use and developments. The plans would drive the key development areas, identify exclusion zones, minimise overdevelopment of other zones, and could even include guiding principles on view sharing, protecting the aesthetics of an area and improving protection for biodiversity (not just plants but the fauna). More emphasis on fauna needs to be included into these plans if we are promote holistic spatial planning. To strengthen the plans would also require stronger legislative provisions that would be enforceable.

Integrating planning systems is a positive step forward, how this achieved and implemented warrants further discussion and planning within itself.

Question 3 LEGISLATIVE CHANGES ACCRETION AND EROSION

Having limited knowledge of other states full legislation, it has been identified along the coast there is a lack of quantifying and qualitative data on changes of the widths of coastal reserves over the years, including the processes and rates of erosion or deposition.

Some protection measures used overseas has seen local communities rally together to seek funding and raise money required for them to carry out private property protection works.

If government was to provide funding across the state to private landholders for protection works, there maybe questions asked about equity for all. This issue should also be the driver for councils/others not approving certain developments that would require protection works at a later stage.

Question 4 SEVEN DRIVERS FOR CHANGE

Within the document I did not get a sense for the need to maintain recreational nodes or compact coastal settlements to ensure the protection of the aesthetic values of the coast between settlements remain or are enhanced.

The document should have more emphasis on ecosystem services of both coastal and marine environmental systems. Identifying these benefits would be key drivers for decision making; especially when there is emphasis on a monetary value. Money talks.

Although I support the seven drivers for change, I may have missed it but did not pick up on emphasis on how we address overuse now. We are loosing so much just by inappropriate decisions, inappropriate actions and use by individuals, lack of compliance that would assist in leading behavioural change, inappropriate activities, and human impacts today. The current behaviour will ensure greater losses before climate change impacts really take hold. Are we going to just address climate change issues, or are we going to create new changes within this document that will assist implementing every day behavioural change along the coast here and now to ensure biodiversity, ecosystem services losses are minimised?

Question 5 OBJECTIVES OF THE NEW SYSTEM

Generally support the objectives but have concerns with the wording; language needs to be strengthened and must be supported by legislative provisions that are enforceable through at least penalty infringement notices for the smaller everyday issues.

The following strongly need to be considered when finalising the objectives to lessen existing stressors on our coastal landscapes.

- Allowing dogs to run free along the coast especially during August and April when this is our peak season for breeding beach nesting birds, exhausted shearwaters, fledgling penguins, and juvenile seals; just to name a few. Wildlife harassed, injured or killed by dogs is dramatically on the rise.
- Increased volume of litter entering catchments, waterways and the ocean not only polluting the waters, but impacting on all marine species.
- Listening to community but also being able to explain why an action is not deemed appropriate and stand by that and not let the minority override decisions through the Ministerial process.

- Supporting the implementation of penalty infringement notices and other legislative provisions for breaches of unauthorised use and development, or other relevant regulations.
- Having input into other marine and coastal programs that may/may not have implications for the coastal and marine environment. For example the new Fisheries Target 1 million recreational program will increase the impacts of fishing on our waterways, coastal zones and wildlife. There will be an increase in wildlife entanglements and ingestion of fishing gear. There will be an increase in the amount of plastics littering the areas. What provisions have fisheries put in place to assist land managers address these ongoing issues?

Question 6 LEGISLATED MARINE AND COASTAL COUNCIL

If it is to be a Marine and Coastal Council, the number of members I would have thought would be governed by the number of appropriate agencies and institutions that should have representation, which would be identified in the Councils terms of reference. Would the Marine and Coastal Council be more effective to have a head board who develops the policies and strategies with the input from regional Marine and Coastal Council officers who would oversee implementation and compliance management? The regional officers would be authorised officers that would work closely with both the MCC and land managers, and provide invaluable compliance support.

If it is a Marine and Coastal Authority Victoria the role would be slightly different in providing and developing policy, strategies and legislation, as well as overseeing implementation of the legislation applicable to the coastal and marine environments.

The policies and strategies need to be incorporated into planning schemes, as should be any coastal management plans or future precinct plans.

Question 7 TIMES FRAMES AND APPROACH TO THE PROPOSAL

Not sure if the CMA model is the appropriate one. A Marine and Coastal Authority within regions may be best model. Skill sets within this authority would allow for dedicated focus on whole of coastal and marine management, bringing consistency in planning and application of proposed strategies, policies and legislation. Regional boundaries could be redesigned to meet the appropriate needs of the application of the new model.

Preparing a new statewide policy and strategy should consider and have strong linkages to existing documents such as native vegetation, biodiversity, fisheries, threatened species.

Question 8 PROVIDING FOR GREATER EFFICIENCIES

Catchment Management Authorities to a lesser degree do not provide input into coastal township planning and development, nor coastal development and would need to be strengthened within the CMA's should the CMA model be adopted.

I hold some reservation about giving the main role of responsibilities to the five CMA's. Would it be more transparent to create a Marine and Coastal Authority Victoria as a separate entity? There needs to be strong support and emphasis to whomever approves a model, that the model MUST be supported financially to enable enough resourcing to fulfil its obligations to deliver the desired outcomes proposed. We do not want to see any model set up to fail due to a short fall in funding arrangements. We may as well save money now and remain status-quo.

The statement on regional issues continue to be addressed through existing non-legislative regional forums does not achieve, or achieves very few improvements to coastal biodiversity values. Most of these forums drive more development and recreational pursuits at the continued expense of landscape change, and loss of flora and fauna.

The statement that local government have proven successful in coastal management may be true in some instances. For regional areas such as Geelong local government is one of the key challenges for coastal exploitation and inappropriate developments that impact on town amenities, aesthetics and coastal values.

Question 9 SMOOTH TRANSITION

When considering the amalgamation of smaller CoM, great caution and investigation should be explored prior to appointing councils over coastal Crown land.

Prior to implementing any changes to existing smaller committee's of management a rigorous community and departmental engagement exercise should be carried out. This would bring to the fore not only pro's and cons of any change, but lead to measurables from the existing committee; what has worked, what has not and reasons why. If the majority of the community support existing management practices and conservation protection versus community expectations are met, then the status-quo may be appropriate.

Maintaining volunteers and promoting volunteers is critical to the success of any model. It is disheartening to see after so many years and so many success stories that Coastcare is being phased out and incorporated into Landcare. Loosing Coastcare identity goes against with this proposal is all about and should be brought forward as a priority. For a whole of coastal and marine planning other volunteer groups such as Friends groups, Fishcare and Estuary Watch needs to be included.

If there was to be a Marine and Coastal Authority or the like that had enforcement powers, this would alleviate the need for committee's of management to have to pay councils to assist them with daily compliance issues. This can become costly, time consuming for CoMs seeking reports from council on value for money, and is not always a priority area for councils. Parks Victoria currently has limited resources to conduct compliance roles within their marine protected areas or coastal reserves. So to strengthen their role, would require Parks Victoria to have resourcing arrangements addressed.

I strongly believe that at least Category 1 committees should have an indigenous person employed as part of their team. Not sure if it should be a traditional owner per se as sometimes this cannot be filled. However maybe an indigenous person who would be trained and overseen by the Regional Aboriginal Party for that area if one exists. This would work two fold, in engaging possibly indigenous youth to reconnect to country, learn about coastal management today whilst sharing knowledge with non-indigenous land managers. This cross pollination of sharing knowledge is greatly welcomed.

I don't necessarily believe need for all Committee's to create a new position specific, but should allow for when a position becomes available where appropriate it should be considered for an Indigenous trainee.

Question 10 SPATIAL PLANNING FRAMEWORK

Victoria does need a spatial planning framework and must be inclusive of where known for both coastal and marine:

- Cultural heritage sites; both Indigenous and European
- Wildlife exclusion zones and habitat zones;
- recommendations of boating caps, estuary action plans, coastal management plans where a use/zone has been identified and approved ;
- Fisheries habitat zones; nursery grounds, aquaculture zones
- Threatened flora and fauna locations;
- High risk erosion sites;
- Geomorphology sites of significance;
- Litter and pollution hotspots;
- Species migratory routes;
- Marine pests;
- Ecosystem service values; ie blue carbon
- Recreational/activity nodes.

Agencies, Aboriginal people including RAPs, councils, consultants, environmental groups and community should be given the opportunity to provide data.

Recent presentations at the National Coast to Coast Conference raised concerns of the risk by interest groups may pose on advancing the 'blue economy' diminishing the environmental values of an area. This must be at the fore for any future coastal and marine planning.

To strengthen the intent of the spatial planning data, this should somehow be linked into the legislative framework of the overall new model. It would also be beneficial to have cooperative support and sign off by Ministers responsible for elements of the new model.

Having worked with Coastal Management Plans, caution should be applied when considering that if a plan has been signed off by a Minister then it is deemed to be granted consent. I believe this is fine for certain smaller works/maintenance programs within the plan, however larger major projects within the plans should only be granted in-principle support subject to final details being

presented. Having enforcement penalties attached to consent conditions would assist in minimising breaches of conditions.

Consideration should be given to the potential cumbersome nature of CMPs that cover multiple coastal reserves that may be prepared in partnership with several land managers. The documents need to be user friendly.

Question 11 LEGISLATE ENVIRONMENTAL MANAGEMENT PLAN

The idea of an environmental management plan for Port Phillip Bay is warranted and supported, however there is danger in only including this bay. Consideration should be given to Western Port Bay, other bays and inlets and lake systems. As seen so many times before, especially with threatened species, when the focus and resources favour one, there will be demise of another species. All species and ecosystems are worthy of protection, but it comes down to how we share the resources to protect and enhance these systems that are critical to minimising further degradation to a point of no return.

Question 12 POLICY STATEMENT

Either the policy statement in the VCS or a new one that aligns with whatever model is agreed upon should be reflected in legislation. Once again any new model and supporting tools will only be successful if the funding arrangements and resources, including legislative compliance powers are provided and allowed to be implemented for their intent. If this is not to be the case, then maybe the status-quo should remain and further funds that would have been spent on further developing a new model could go back to existing Coastal Councils to assist them in fulfilling their roles.

It is interesting to read past history records that back in the 1800's there was concern of overuse of the foreshores. To this day we still do not address this issue, and it is only going to get worse.

Question 13 BENEFICIARY PAYS PRINCIPLE

The debate on whether or how a beneficiary pays for utilising coastal and marine environments is a complex one. There are potential negative impacts; one being to coastal residents who may be compromised from this principle when selling a property.

How you justify how one activity user pays and another one does not is a major equity issue. Do you therefore target those user where there are known impacts and then what are the benchmarks for impacts? This may also be a dangerous precedent as this would now limit or prohibit potential exclusion of some users.

A lot more planning and analysis needs to be done on this one prior to determining a definitive answer.

Where are tourism boards within this beneficiary pays principle? They are the key contributors to overuse of the coastal and marine environments yet are not seen to be pro active in promoting appropriate use and behaviour of these areas. Much more needs to be done here.

Question 14 EFFECTIVENESS OF TARGETING RESOURCES

A percentage of current land rates that council collect should be directed back to the coastal land manager to support ongoing maintenance of the coastal reserves those residents reside near. It must be clear that this should not be seen as a mechanism for councils to increase rates, but rather work within the current rate system. This method would apply across the state for all Committee's of Management.

Currently councils across municipalities do not provide any rate percentage back to Committee's of Management for coastal upkeep which enhances the municipalities tourism capacity. Councils also charge Committee's for using their services such as Animal Control officers and municipal waste charges.

Question 15 COST SHARING

Cost sharing could be implemented mainly through bulk purchasing of goods, which could include everyday items such as toilet paper, office consumerables to bulk purchasing of power etc. This could also be applied to compliance efforts across a region.

What is the criteria for cost sharing for protection works?

Question 16 LEGISLATING STATE OF MARINE AND COASTS REPORT

Not sure if it requires legislating, it does however require the legislative means and powers to hold those entrusted with implementing the objectives accountable. Consideration also needs to be given to who and where a central database will be housed, how and who will be able to access the data.

There are many elements that need consideration, however the two critical ones that stand out are the need to stronger language so that all the policies, strategies and legislation can and are applied for their intent. There is a strong need to ensure the new framework enables and caters for powers to enforce. The provision of penalty infringement notices should be included both under the Act but also provision for them to be incorporated into the consent process.

I thank you for the opportunity to make this submission and look forward to hearing the outcomes.

After reading through the Consultation Paper August 2016 and meeting with DELWP staff in Lakes Entrance, I would like the following comments to be considered before the Marine and Coastal Act is introduced to Parliament.

1.

Create provision within the Act to provide legislation to create Estuarine Protected Area with in the Gippsland Lakes. Currently only marine waters have a representative system of protected areas. One or two areas of environmental significant waters should be set-a-side as a future reference area to monitor the health of the Gippsland Lakes and water-ways. While this action may create short term concern, the introduction of Marine Protected Areas in 2002 has now been widely accepted by communities.

2.

Create provision within the Act to provide legislation to create a better framework between several government Agencies to manage, monitor and regulate the illegal discharge of water and sewerage from boats on the lakes of Gippsland. Currently many boats are used as full or part-time residence which are often moored continuously (Permit to berth) at jetties for many months at a time. Many of these boats do not have sewage waste removal plumbing fitted thus obvious the waste water and sewage is discharged at night into the water-ways. It is also obvious several large tour boats also do not use the sewerage pump-out facilities provided thus discharge waste near the Ocean Entrance to Gippsland Lakes. Currently several government Agencies have some management responsibilities to manage the problem but each Agency tends to rely on other Agencies. Currently the problem involves East Gippsland Shire (residents), DELWP, Gippsland Ports, Marine Safety Victoria (boats) and EPA.

3.

Create provision within the Act to involve the Tourism Industry in the planning processes for development and activities along the coast line. The Tourism Industry does have various levels of responsibility and business involvement. Currently the East Gippsland tourism industry is managed by Destination Gippsland, Business & Tourism East Gippsland, East Gippsland Marketing and local Business & Tourism Associations. The proposed system (page 77) makes no mention of involving the business and tourism industry in future Institutional Arrangements.

4.

Create provision within the Act to create a framework to implement a generic water-ways permit for businesses wishing to operate on the lakes of Gippsland. Currently several Agencies are involved, for any business wishing to operate on the water-ways and/or associated coastline. Our business must work with East Gippsland Shire, Gippsland Ports, DELWP and Parks Victoria thus each of these agencies have different requirements to obtain a permit for a business to operate on the waterway.

5.

More publicity should be directed to the communities around the lakes of Gippsland (including Gippsland Lakes) to highlight this new Act will have have effect on future development and activities in and around the Gippsland Lakes. I believe there was very little interest in the consultation process from communities around the Gippsland Lakes as many residents assumed the process was about "Marine and Coastal land". Many East Gippsland residents believe the ocean coast line and the abutting Bass Strait was the basis of the new Legislation. They do not

believe Gippsland Lakes (including land in and around Bairnsdale, Lakes Entrance, Paynesville, Metung, etc) is part of the Marine and Coastal environment. I believe the East Gippsland Shire needs to educate residents as to the significance of this new legislation.

Other aspects of the consultation paper appear to be feasible....

Personal Submission on new Act - from Phil Wright, Smiths Beach

SUBMISSION on MARINE and COASTAL ACT – October 2016

ABSTRACT: IDENTIFY PROBLEM before RESTRUCTURE and PERCEIVED SOLUTION

I am very worried that the new Ctee will spend years restructuring. I suggest that a top down bottom up approach is adopted. The Ctee is formed and the state (DELWP) works with community groups to begin formalized management of the entire Victorian coast.

The key points are:

- form a ctee through parliament (have the top sorted) then work on the bottom. The middle will slowly evolve.
- break coast into 10km sections and allocate funding to conduct a snapshot of each
- section: errpsion, native vege, weeds, infrastructure
- recruit locals with resources available rather than make hardworkers spend much
- energy applying for funds that are not available
- break coastal strip into 3 : tidal zone, 1km seaward, 200m landward
- develop a financial mechanism whereby private landowners are given incentive to give
- up sections of title to be merged with coastal reserve
- move forward 40 years and try and identify demand on coast
- declare TCB days – total car ban
- introduce user-pays (beneficiary)
- work on principal of “Strategic Incremenatalism”.

Who is customer for Marine and Coastal Vic ?

What service do they want ?

Suggest, this is a good starting point, rather than sacking CMAs and creating large CoM.

1. OVERVIEW – PROBLEM DEFINITION

- 1.1. List public access coastal destinations by each shire.
- 1.2. Describe impacts placed on Marine and Coast on a 40deg long weekend in Feb 2017 ?
- 1.3. Describe what impacts will be experienced with Melb Population doubling in 2040 with current managements structure ?
- 1.4. Describe what management should be in place to deliver intergenerational equity.
- 1.5. Identify blockers and enablers to achieve this management structure.

2. DEMOGRAPHICS of M&C

- 2.1. Break users into basic groups and describe their needs, usage and behaviours in 2040
- 2.2. Melbourne people – day visitors
- 2.3. Melbourne people short stay – camping, motels
- 2.4. Melbourne people – holiday home owners
- 2.5. Internationals

3. USER GROUPS – SERVICE DELIVERY

- 3.1. What does each group expect
- 3.2. What would they be willing to pay for
- 3.3. What is deliverable and what is outside supply and demand eg Prom summer camping

4. TRANSPORT

- 4.1. How can coastal managers free themselves from tyranny of private cars ?
- 4.2. Community education – use of cars must change
- 4.3. Park at footy ground 10k from coast and picked up by minibus with trailer – straight to destination
- 4.4. Becomes part of the family experience
- 4.5. Entices visitors back offseason with no restriction and supports local business
- 4.6. Like we declare Total Fire Ban – Total car Ban (even for locals)
- 4.6.1. Coordinated access for nurses returning home etc

5. COASTAL USE

- 5.1. Have concentrated areas with car parking
- 5.2. Attract with Life Saving Services
- 5.3. Toilets showers, pickup and dropoff, local catering, popups, bars, coffee shops on location
- 5.4. Other areas have no parking and encourage “isolated beaches” accessible only by walking
- 5.5. World best linked shared paths across the entire state
- 5.5.1. Paths separated from cars eg Castles to Joanna in Otways
- 5.6. Who owns coast
- 5.6.1. Every effort (carrot) to encourage private landowners to relinquish ownership of 200m strip from private landowners
- 5.6.2. Identify “super boatramps” in areas hardly used and create new community recreation
- 5.6.3. allow for bulk boat launching and can accommodate car ferries
- 5.7. Identify amenity negative activities and work on 20 year program to phase out
- 5.7.1. Dogs – construct dog running areas close to coast with large dams BUT no threat to wildlife
- 5.7.2. Jetskis
- petrol and noise. Not welcome anywhere

6. MANAGEMENT of MARINE and COASTAL

- 6.1. Ownership by people of Victoria – what is in the best interest for future generations
- 6.2. Divide into manageable sections (10km)
- 6.3. Utilise local communities in a proactive way. State gment makes it easy rather than current decades of fighting authorities
- 6.4. Rather than begging for grants – allocate an annual budget for each section
- 6.5. Use geospatial techniques to record critical data:
- 6.5.1. Average High Tide
- 6.5.2. Highest High Tide
- 6.5.3. Areas of erosion – list engineering structures eg seawalls, jetties, boatramps
- 6.5.4. High quality native vege
- 6.5.5. Weed infestation
- 6.5.6. Overlay aerial photos and identify areas most at risk
- 6.5.7. Identify areas that are easiest to restore – weedfree sections
- 6.5.8. Check “nutrient levels “from increased discharge at same concentration and warmer water
- 6.5.8.1. Community to be trained to record changes in algae proliferation
- 6.5.9. Engage geospatial techniques to record areas failing and those succeeding

7. MARINE and COASTAL MANAGEMENT – Management by Location

- 7.1. Marine – from low tide to 1km seaward
- 7.2. Intertidal – lowest low to highest high

- 7.3. Land – 200m above high tide – crown reserve and private
- 7.4. Management plans for each location including “beneficiary pays”.
- 7.5. Alter uses which may mean non-natural activities
 - 7.5.1. For enjoyment of people of Victoria
 - 7.5.2. SLSC, Stairs across wildlife areas, artificial reefs for surfing and diving

8. BENEFICIARY PAYS

- 8.1. People pay to park in StKilda or the snow. It is acceptable. It is not acceptable to have sections of community paying for others
- 8.2. Trip from Melb to PI is \$30 return \$10 entry is acceptable
- 8.3. High Tech management – gantry beam with beeper – no entre fee or parking meters

9. STRATEGIC INCREMENTALISM

- 9.1. Identify what can be achieved with current structure
- 9.2. Promising extra services and passing to LGAs with no funds is not acceptable
- 9.3. Principle of Generational Equity must be used
- 9.4. Make a change across entire state
- 9.5. Focus o community managing 10km with guaranteed funding and measure performance concept of 2 Retail water Authorities in melb
- 9.6. Form 11 Person MAC Authority
- 9.7. Works with Councils and Beneficiary Pays
- 9.8. Then look at best middle model, none will work perefactly so don't kid ourselves

Think 2040 and pressures managed with ease and all Victorians Marvel at Vision

	DELWP	Comments
1	1. Is the vision in the Victorian Coastal Strategy 2014 appropriate for the development of the MACA?	Not sure
1.1	1.1. If not, how can it be improved?	
2	2. Do you think coastal and marine arrangements are overly complex?	Yes
2.1	2.1. If so how has it negatively affected outcomes	Too many layers
2.2	2.2. Give specific examples	Who is responsible for intertidal areas – below low and above high tide ?
3	3. Other jurisdictions have made legislative changes to better deal with the impacts of accretion and erosion.	Don't know
3.1	3.1. Are there aspects eg NSW and Qland that would help Vic ?	

4	4. Do you think the 7 drivers for change encompass the issues ?	Yes but written in CEO-speak
4.1	4.1. If not what other key issues ?	
5	5. Do objectives for new marine and coastal system are appropriate for basis of MACA ?	Yes
5.1	5.1. Any issues to be considered ?	See above
6	6. Should skills of MAC Authority members be legislated ?	Yes
6.1	6.1. What skills, background and expertise ?	All levels including conservation and surfing
6.2	6.2. Min number of members ?	11
6.3	6.3. Is max 11 appropriate ?	Yes
7	7. Do you agree with time frames and approach ?	No
7.1	7.1. Why ?	Absurd to have closing date - day after councils in caretaker
8	8. Would reforms provide efficiency in advisory functions ?	Not necessarily
8.1	8.1. What changes to CMA s ?	CMAs should remain but have 200m either side of waterway in their responsibility
9	9. What issues to enable smooth transition from small CoMs to larger coastal managers or LGAs?	Disagree with large coastal managers and changing CMAs
9.1	9.1. What process ?	
9.2	9.2. How to ensure local input, knowledges and effort are not lost ?	See Above
10	10. Does Vic need a marine spatial planning framework ?	Definitely. Should consist of three zones : 200m above high tide, inter-tidal, 1km below low tide
10	10.1. What would be key elements ?	Average High tide, Highest High Tide,
11	11. Is an EMP needed for Port Phillip ?	Yes
11	11.1. What other areas ?	Westernport and every piece of the coast

12	12. Should policy statement in VCS be reflected in legislation and new Act ?	Yes
12	12.1. Why ?	Have one big fight at top (legislative) and when disagreements arise there is a mechanism to solve.
13	13. Are there activities where beneficiary pays principle could be implemented in a fair and equitable manner ?	See attachment. We must learn from the prom where Supply and Delivery are matched with over demand.
14	14. Do you think this approach would be effective at targeting resources where they are most needed for coastal management ?	Yes
14	14.1. Which coastal Crown land managers should be subject to such a levy and eligible to access the proposed fund ?	All - see Above
15	15. How can cost-sharing be articulated ?	Legislative - we only have one coast
15	15.1. Should this be a policy response involving federal, state and local government ?	We need national erosion and management. Does the coast belong to NSW who allow 4WD or the people of Aust ?
15	15.2. By which means ?	federal leadership
15	15.3. Does it require a legislative response ?	Yes
16	16. Would legislating for a State of MAC Report help achieve the system objectives ?	Yes
16	16.1. What issues would need to be considered in drafting a legislative obligation ?	1. Inter-generational equity, 2. Native vege restoration, 3. Private sector restriction to ownership of public asset, 4. Views cannot be privatized - Kitty Miller, Smiths, Sunderland Bay

23 October 2016

Marine and Coastal Act Consultation
Policy and Strategy Unit
DELWP
PO Box 500
EAST MELBOURNE VIC 3002

Dear Madam/Sir,

Thank you for the opportunity to provide feedback on the Consultation Paper on the Marine and Coastal Act.

Many of the issues identified in the paper are worthy of exploration and I support the overall intention to improve coastal and marine management in Victoria. I provide several overarching comments and some specific comments on select issues through my knowledge and experience working on coastal issues at staff and board level from a range of perspectives in Victoria and NSW, the most relevant and recent being over 11 years with regional coastal boards (including Executive Officer to both the Central and Western RCBs). I regularly access and use the coast in many ways, and a member of the Australian Coastal Society.

Overarching concerns

Evidence-based decision making

The Consultation Paper raises many worthwhile issues, and suggests a lack of evidence-based decision is an undesirable outcome arising from a lack of knowledge. However, in making a case for change, the Paper appears to present evidence for a select number of issues only, and even then from a limited array of sources with only nine external references for the full document. This is of particular concern for several parts of the paper which deal with significant challenges and propose significant change, with a lack of robust analysis.

For example, there appears to be very limited commentary on, or analysis of, the arrangements proposed and their alignment or otherwise with those of other states. This does not bolster assertions that the proposed way forward will position Victoria as a leader in the field. I expected there to be a robust piece of work which analyses Victoria's current system in detail, identifies key issues and desired objectives, and explores how other states approach these same issues. If that work has been completed, I believe it would be valuable addition to the public discourse. Without it, the rationale for change in several sections comes across as statements of opinion and is far less compelling.

Resisting pressure to narrow the focus

Since my move to Victoria in late 2002, I have observed the lenses through which coastal and marine management are interpreted becoming increasingly narrow despite significant shifts in awareness and knowledge. I have seen a notable shift away from an appreciation and understanding of people, use and settlements (eg Coastal Spaces 2006) towards an approach which exhibits a clear bias towards environmental/natural resource values and coastal Crown land management. This appears to be manifest in the entire Paper's text and photographic messages (eg the inclusion of government environmental reforms). In my opinion, this shift is a result of personnel changes in departments rather than changes in government policy, and an apparent reluctance to venture outside the dominant natural resource management comfort zone of many coastal professionals (Blackley 2013).

While I strongly support objectives to manage environmental values, I believe that social and economic issues and values are of great importance in both their own right and in their implications for the environment. However, the Paper appears to present social and economic issues and values as either largely dependent on the natural environments present on public land or as pressures on/threats to environmental assets.

Population growth and demographic change do place pressure on environments, but they are valid issues in their own right. People are part of the coast, and they value the coast for the communities, culture and infrastructure which exist there – these are social constructs and great value is derived from them independent of the natural environment.

Without the holistic consideration of social and economic issues and values, coastal management decisions run the serious risk of delivering inadequate responses to the serious challenges we face and to integrate with systems which will inevitably evolve to include them. This is relevant to the Drivers for Change:

- Significant potential for missed opportunities to truly integrate with other planning systems which favour social and economic information to underpin decisions – Driver 3
- Inaccurate risk assessments and responses, through failure to adequately quantify social and economic values and implications of consequences – Driver 4
- Business cases for investment which undervalue different inputs and outcomes for that investment and thus reduce their likelihood of success – Driver 5
- Decisions made using assumptions about community values and preferences rather than actual knowledge of them, which offends communities and is politically risky – Drivers 6 and 7.

As an example of the broader consideration required to truly position Victoria as a leader, I encourage you to examine the Western Coastal Board's Caravan and Camping Parks study (see WCB website) which includes an international literature review of non-market economic value, a world-first study of non-market economic value and social preferences for climate change adaptation in caravan parks, and a decision support framework to illustrate how such information can be used in existing decision making processes (which are supported in the Consultation Paper). It is disappointing that this work was not referred to in the Paper, as it cast new light on a number of issues directly relevant to the Paper and would greatly benefit decision making. It also invites further clarification of the 2012 Ipsos Report's findings.

The urgency of coastal management is far greater than marine

I agree that marine issues have been neglected and require attention. However, I believe the evidence is clear that coastal pressures are far greater and far more urgent. In this light, I do not support the renaming of legislation, bodies and instruments to Marine and Coastal as it places an incorrect emphasis on the matters they are charged with addressing. I also believe that it runs a real risk of alienating those less interested in the marine, and the marine environment. Given the pressures which exist, and their likely increase, I do not believe now is the time to shift the focus away from the coast. In saying this, I do not wish to detract from the importance of marine matters, but to highlight their relative importance in the context of coastal risks and pressures.

Part 1. Current system

1. Vision and values

- The focus on the environment is not supported by a clear rationale, and appears to promote an appreciation of coastal management which is not consistent with ICZM's necessary consideration of both development and conservation needs. This is evident throughout the document.
- The values of the coast have serious implications for future management and are both complex and nuanced. The development of the Act should consider a great deal more information than is able to be contained in the Paper, and greater recognition of the interplay between values.

2. The current system

- The Paper suggests that the institutional framework in Victoria was established to provide "overarching guidance for the management of marine and coastal environments". The Coastal Management Act 1995 has 5 objectives which clearly state it was intended to deliver outcomes for use, development and conservation. The Paper's bias towards environment in this light is difficult to understand.
 - It is very disappointing to note that Coastal Action Plans (CAPs) have not been considered a strength of the current system. The Western Coastal Board (WCB) completed a statutory review of CAPs in 2012 following extensive consultation with regional partners and communities. This comprehensive review clearly illustrated how successful CAPs had been, and identified success factors and areas for
-

improvement at a regional and local scale. That this formal work is not referenced in the Paper is concerning, particularly given the statements in the Paper regarding evidence-based decisions and the insights the Review Report contains relevant to the proposed RASPs.

Part 2: Proposed reforms

3. Case for change

While I support any initiative designed to improve coastal and marine management, the case for change is not strong. It is my experience that the challenges identified through the drivers are almost all able to be delivered through existing processes if political will is forthcoming. I have many concerns with this section of the paper, but my most immediate is the way in which the institutions are dealt with.

- The Paper presents an inconsistent picture of the functions of Victoria's four institutions, appearing to favour "advisory" while noting they provide "advice, facilitation and planning" (p25). While these bodies may be considered advisory by some today, calling them "advisory" omits the bulk of their statutory functions and successes. Future arrangements need to ensure that all the activities involved in achieving effective ICZM are catered to, and the current proposals do not appear to do this.
- The Paper raises several points to support the removal of RCBs. However, in the absence of any evidence or analysis, and the lack of earlier cited reasons in Part 3's implications, the proposed way forward appears as a predetermined outcome. It notes overlap, resourcing challenges and declining influence (p25), highlights "significant overlap" between both the VCC and RCBs and between CMAs and RCBs on p38 and notes several issues on p45. I encourage the Panel to consider the following alternative view:
 - The Paper doesn't identify any areas of overlap to make this case – this is a significant issue as it suggests that the original Act was poorly designed. In my experience, there have been many instances where perceptions of overlap between RCBs and VCC have existed, but if one examines Sections 8 and 12 of the Act, looks at the activities of the VCC and RCBs over the past 15 years and assumes that the VCC operates at a state level and RCBs at a regional level, the areas of overlap can be shown to be either insignificant or non-existent. In the case of RCBs and CMAs, there are greater grounds for confusion given the similarities of regional operation, but as the Executive Officer of two RCBs, almost all the confusion I encountered from stakeholders was able to be easily dealt with and allayed. In my view, the assertions of overlap are not substantiated with any evidence, and it would be a great shame if perceptions of overlap were allowed to drive change.
 - It is true the RCBs have experienced resourcing challenges in recent years, though the Paper implies this is the doing of RCBs. This issue became acute following the DELWP decision to centrally manage the development of Regional Coastal Plans (RCPs) and control all funding for Plan development, including the appointment of a VPS6 Project Manager in addition to existing regional staff. During this time, DELWP experienced significant regional budget challenges, and recurrent budget reductions were passed on to RCBs inconsistently across the regions.
 - It is also true that the Boards' influence declined in recent years. Through my direct experience in this regard, I am in little doubt that this decline was due to the DELWP interpreting the 2012 Ministerial Direction to develop RCPs very narrowly and discouraging RCBs from engaging in their other historically very successful regional activities. This significantly decreased interaction with regional stakeholders. At the same time, RCB Executive Officer positions were also abolished by the DELWP, leaving Boards with only limited administrative assistance. Project funds were also forced to be used for operations. It is therefore no wonder RCB influence declined.
 - CMAs cannot be considered to provide similar functions to RCBs unless the perception is that RCBs only participate in natural resource management issues. This furphy was put to rest through the Land and Biodiversity White Paper corporate merger process between RCBs and CMAs in 2010.
 - Local government amalgamations occurred prior to RCB formation, and many local councils do not possess sufficient skills to address coastal issues. In particular, many local governments are looking for a catalyst to address regional issues, and RCBs provided that in many instances. RASPs have the potential to do this, but there is little explanation of capacity when there are serious capacity constraints evident across local governments.
 - The abolition of RCBs is a very significant change, and I am disappointed that the implications of the reforms in Part 3 do not include any commentary on the implications of this. It does not encourage confidence in the proposal, and I do not support the abolition of RCBs as presented.

- In addition to the institutional concerns, I would like to encourage the Panel to consider:
 - Driver 3 - A key driver for integration of planning systems should be the alignment of strategic planning and policy. Integrating CMPs and municipal planning should be pursued, but CMPs are not able to deal effectively with regional-scale issues and should not be the sole coastal input. This section should promote integration across all planning systems which influence coastal areas, such as local government corporate plans and sectoral planning eg tourism. This should intend to align strategic direction and implementation, and provide consistency in the event of legal challenge.
 - Drivers 4 and 6 – the focus on information in Driver 4 should be extended well beyond existing threats to values and focus on the actual values themselves, which are poorly understood. Issues of knowledge translation and gaps in environmental matters – the “lack of evidence-based decisions” – are exactly the same for social and economic issues. However, Driver 6 only seems to focus on knowledge of environmental condition. Research into social and economic issues is essential to effective decision making and should be promoted.

Part 3: Implications

3. Changes to governance and institutional arrangements

- The proposed functions of the Council appear to weaken the current role of the VCC. The current Act provides VCC with powers to perform a range of functions, including undertake statewide strategic coastal planning and to prepare a draft VCS (my emphasis). The proposed arrangements provide primarily for advice and facilitation. The current functions should be explicitly retained.
- The skills-based membership of the current VCC is one of its strengths, as it minimises parochial interests. In my experience, representative membership encourages a narrow contribution and should be avoided at all costs. There is a range of other mechanisms to ensure the input of community, user and industry to coastal and marine management. Representation is a problematic approach given the sheer number of legitimate coastal stakeholders and perceptions of bias towards those appointed.
- I support the proposed interest of the Council in use and development proposals, as this has been a key weakness of the current system, in turn obliging RCBs to participate in such processes to advocate for the VCS. However, in order to fulfil this function effectively, Council would require sufficient capacity to engage in planning matters consistent with relevant content from the VCS.
- A key gap in Council functions is that of participation and advocacy within strategic land-use planning processes. Much involvement in statutory planning and applications can be avoided if the planning scheme, and particularly local policy provisions, is sufficiently strong. The VCC have not engaged strongly in this area historically, leaving advocacy for the VCS in municipal planning issues to the RCBs.
- The RCBs have a history of strong community engagement. A new Council and CMAs would need considerably more capacity to deliver similar engagement in coastal issues across the state.
- Current CAPs would remain effective under the proposals. They would likely need to be reviewed to remain current in the absence of a valid RASP and sunsetted once appropriate RASPs were in place to deal with these issues. As such, CAPs will require some form of recognition in the proposed arrangements.

8. Improving knowledge

The focus of knowledge gathering should be broadened to social and economic values, drivers and pressures.

Reference

Blackley S. (2014). *The practice of decision making in coastal climate change adaptation: Reflections from a Victorian case study*. In: Opportunities for the Critical Decade: Enhancing well-being within Planetary Boundaries. Presented at the Australia New Zealand Society for Ecological Economics 2013 Conference, The University of Canberra and Australia New Zealand Society for Ecological Economics, Canberra, Australia.

Thank you for allowing me to make comment on the Marine and coastal Act consultation paper.

As usual there never seems enough time and I have many more views on this document but to do them justice I have just left it to late. Overall it's good to see progress moving forward in this document in an area of our environment that has been overlooked in the past this maybe because being mostly out of site out of mind and with more knowledge comes experience and understanding now to act and educate.

No mention on enforcement or any extra powers of enforcement. The existing system has failed in the use of protection through enforcement against those who have no respect and blatantly manipulate.

Need for recording and taking away rights to operate of proven inappropriate or misleading expert reports used to approve developments. I.E. environmental report done by a well-known Tasmanian group this report was what allowed the Portland Abalone farm to set up this report stated something like that there was no concern with coastal erosion in this area in the future this was 1999, within 12 months of setting up the coast had receded something like 30 meters by 2004 they had completed their second stone wall protection which the owners took the state to court and received nearly \$600,000.00 for cost of wall construction and a cost to the tax payer well above this figure.

Reports are done to suit who is paying this is how they keep getting work from those with money to pay and why not there is never any repercussion from these manipulated, misleading reports.

I was also informed by a CEO of the Glenelg Hopkins CMA that they did not see themselves as an Authority and did not believe in wielding the big stick. If CMAs are to be re-named to reflect their new responsibilities as coastal managers then this attitude needs to be addressed, I believe changing the name of CMAs that have coastal rolls is a preferred option.

Page 58 5.1 the minister can approve use and development proposed in CMPs at the time the CMP is endorsed. If the minister approves CMPs at the time there needs to be an expiry date in case there isn't already, otherwise if new scientific information comes to hand they will still have the right to develop.

Below not within your questions but this I have learnt recently and see as a major flaw of concern for our coast and coastal environments.

EPA do not have an overall control or any understanding of overall pollution within a given area as ports which are controlled federally which EPA do not have access or any involvement in or interest in being a part of.

Example: EPA say they monitor overall chemical pollution for a region, area or community so they stay within safe upper limits, but if ports are regulated federally and work independently there is

no way EPA has any idea. This knowledge has come about from the obvious pollution damage to vegetation within Narrawong and health complaints from numerous people within Narrawong, EPA have also been questioned on overall chemical pollution coming from Portland across the bay and I asked EPA on Methyl Bromide treatment use on logs, wood chips within the harbour and being told EPA do not control anything to do with harbours this is federally controlled so EPA have no way of knowing overall pollution within a given area another problem they are more interested in human overdosing rather than general environment wildlife (birds, mammals, insects) limits.

Question 9

Removal of smaller CoM under 1 million dollars turnover.

As a committee member for 28 years on a committee the minister has just had to sack I can understand the concern of smaller committees of management, but saying any under a turnover of 1 million is a bit rich when there is probably 90% of committees under this figure, to amalgamate many smaller committees together will only add another level of bureaucracy and possibly alienate many conscientious willing volunteers, rather than calling them a committee of management with the powers that go with it, they need to have a name change and a change of appointment instead of being appointed by the minister they could be classed as a volunteer group under guidance of DELWP who would set out coastal management plans that these groups would be guided by this would remove the need for experience in keeping up with the likes of climate change understandings Etc.

In the Consultation paper you mention committees of management,

“Struggle to generate the capacity to deal with impacts of climate change and population growth”

This I believe is incorrect from my experience as many just do not believe in climate change believing it is a greens load of bull, their only interest in the environment is what they can get out of it.

For example on the Narrawong reserve they have spent in the last 6 years with funding approved but not yet completed on structures for the use of people of approx. \$700 thousand and anything to help protect or enhance the environment maybe \$1 thousand and not one member who believes in climate change.

Question 11: Why pick out Port Phillip Bay as the only area for EMP Environmental management plan, when you have areas like the Glenelg shire region with its many years of conflict after the harbour construction and erosion and we will be facing even bigger environmental pressures in the very near future which are taking place now but not yet seen, like pippy harvesting on a commercial scale along Discovery bay, the large scale recreational tuna fishing out of Portland, Portland Harbor possibly wanting to expand to help cope with log and wood chip exports, areas

of the coast are under pressure from development as is all the state, people using our beaches as roads.

Question 12

Yes I do believe the policy statement in the VCS should be reflected in law because it will help protect the state (tax payers) against costs for what is essentially out of their control, a very good example of this is the story above about the abalone farm near Portland when it cost the state well in excess of \$600,000.00 for coastal erosion.

There can never be too many scientific studying done as this will strengthen our knowledge and understanding of now and any changes in the future but they need to be complete state wide not just areas that are under threat now. There is also a need for studying the past for a fuller picture of now and the changes.

What is proposed for when our coast is eroded to a point that there is no crown land buffer zone left?

Current issues

- Integration/coordination between CoMs and local government can be difficult
- Workload of the CoM has increased
- Have to fund from caravan park revenue - rubbish collection, weed/vegetation management, insurance, legal documentation (can be \$\$\$)
- Currently getting good numbers interested in being on the CoM
- Erosion a concern
- Currently have Parks Victoria managing areas in between CoM/local government
- Have a Foreshore management plan in place (2015)
- Sea wall work to protect caravan park - also protects other assets - needed a CMA consent and a planning permit
- Lots of conditions on planning permits
- Room for improvement in sharing knowledge and expertise and providing better guidance to coastal managers

Proposed transition for small CoM to larger CoM/Local government or PV

- Integration/coordination between CoMs and local government can be difficult
- An MoU between land managers could be an alternative to a formal amalgamations/transitions
- Better support needed from DELWP (legal, engineering, labour contracts)
- Need to think about how leases would be dealt with/transitioned
- Community concern about how SGSC has managed caravan parks
- Community needs to be engaged in any transition process
- Need to engage other community groups, not just foreshore managers
- Need to be prepared to go back/review

Supporting Community involvement

- Managers need to be responsive, local knowledge critical and need to listen to it and not lose it
- Better acknowledgement needed - Coastal Awards for Excellence a good example
- Respect the history

Hi,

We desperately need beach access ie. Safe Steps down to the beach at Cawood St. Apollo Bay which were impacted by the erosion back in July AS SOON AS POSSIBLE, this access is vital before DECEMBER when the influx of Christmas Holiday makers arrive, at the moment there is no proper access except at the Surf Club.

People are going down the sand dunes which of course is very dangerous as there are rocks close to the surface. Also the grass on both sides of the path from Cawood St to Joyce St has not been cut for months and the growth could be harbouring snakes. Also Is there any likelihood of a few seats along this picturesque path???

The Manager and Research and Consultation Team

Green Paper.

Marine and Coastal Act

Marine.CoastalAct@delwp.vic.gov.au

Dear Team

Re: Submission. Marine and Coastal Act Consultation.

Thank you for the opportunity to comment on the various proposals being considered by the state government as it starts the process of reviewing the Act.

I am retired and live at Blairgowrie and have interests in boating and the teaching of boating skills to local children. I walk along the Foreshore Reserve every second day and during summer period more often. I am also involved in Bushfire Prevention Issues and the promotion of our local community. As a volunteer I am also involved in the care of Slips Reserve one of our bushland reserves in Blairgowrie

For me the Foreshore Reserve and the associated Blairgowrie Village represents the heart and soul of our community. As a community we identify strongly with our national parks and coastal reserves and we vote!

Any significant changes to the administration and development of these areas without adequate consultation would cause considerable disquiet within the Blairgowrie community.

As a member of Community 3942, our local community organisation in Blairgowrie, I have been shocked by the number of government agencies that have ownership rights or a power of veto or a blocking influence on worthwhile foreshore projects

It is an agonising and frustrating process to work through the competing agendas of government agencies that surround foreshore operations.

Then put into mix the number of groups that wish to have exclusive rights of access to the foreshore on one hand and others who wish to have preferred access and we have a potentially explosive situation.

In the words of a former shire councillor discussions on dogs on beaches, and the foreshore “can lead to World War 111”

These are the groups that use the foreshore reserve at Blairgowrie:

Blairgowrie Yacht Squadron

Cameron's Bight Boat Club with on the beach boat storage capacity

Scuba Divers who increasingly dive along the piers at the BYS

Off the Beach Boating

Fishing off the Piers

From the Beach, Access to Swing Moorings

Dog Owners

Caravaners

Bathing Boxes Owners

Walking Groups

Family Picnics

Wedding and Funeral Celebrations

Family Reunions

Group Picnics

School Camps

Swimming Lessons

Training for Surf Life Savings Clubs

Passive Recreation and swimming

The foreshore especially over summer and weekends is loved to death and given its fragile state, something is going to give.

I best describe the present administrative arrangement for our foreshore as; " Centralization of Power, Decentralisation of Blame "

The big decisions are made in Box Hill and conveyed in due course to the Foreshore Committee but when the going gets tough both the Minister of the day and the Public Servants disappear from view and the poor old Foreshore Committee cops the lot.

The Foreshore Committee have little power and insufficient finance to undertake its basic tasks but is expected to be the blotting paper to absorb community anger at the state of the foreshore.

Running the Camping Ground absorbs most of the energy of the Foreshore Committee and the money generated from this activity barely cover the costs of running this operation. In attempting to increase its cash flow the Foreshore Committee without explaining itself to the local community increased the foot print of the camping ground at the expense of access to other users attempts to raise camping fees has been blocked by the Minister

The caravan park is not generating enough income to meet the costs of running the whole foreshore but with the massive increase of day visitors the continued use of the foreshore by caravaners is being questioned.

From a local level, rearranging the administrative structures, is akin, in my view, to rearranging the deck chairs on the Titanic .

The increasing population of Melbourne and with the improved transport links, more people are choosing to live in Blairgowrie and work in the south eastern suburbs. Tourism and the increased numbers flocking to Blairgowrie both as holiday makers and day visitors is creating intolerable pressures on our fragile foreshore

Now with climate change, the increased risks of bushfire and a rise in sea levels is adding new dimensions to the work of our foreshore committee.

The big issue is the lack of finance available to care for the foreshore.

Do you understand that the toilets along the Foreshore are not connected to the new sewerage system that has been recently installed in the Southern Peninsula. Why?? Because our local Foreshore Committee does not have sufficient funds to connect the existing toilets to the new system. Warning! Swimming in some places along the Blairgowrie beach can be a health hazard but do not tell your Minister!

Do you understand that the bushfire prevention plan for the foreshore is not being implemented1 Why? Because the foreshore committee does not have the funds to meet the requirements of the State Government to reduce the high fuel loads within the Foreshore Reserve. Apparently the funding for this task needs to come from external sources, whatever that means.

Yes you could save some money in administration costs by requiring the Mornington Peninsula Shire to administer the Foreshore Reserves on behalf of Parks Victoria but it is important to note that our Shire has not yet made a submission to your review. Why?

The word around town is that the Shire is not prepared to undertake this role unless significant state finance is made available to the shire. The Shire has also learnt the lessons from the past, where the Federal and State governments provide additional start- up funds and then progressively reduce this financial support over a number of years while at the same time refusing the Shire to increase its rates. This is called 'cost shifting' by the shire.

If you have a grand plan for our marine and coastal environment, make certain that you have guaranteed sources of state finance to back your vision

If you haven't got the finance then keep the system of foreshore committees as this structure has greater potential to gain local support and ownership of the local foreshore. You would then need to give the Foreshore Committee the powers to make and implement good decisions that are owned by the local community.

Without adequate funds, Decentralisation of Power, Decentralisation of Responsibility and Decentralisation of Blame may be the best away to go!. You could merge and consolidate the foreshore reserves but I believe that nearly all of the energies of the Foreshore Committees in our area is directed to the task of operating the caravan parks.

You could transfer all the caravan parks along the bay beaches to the Nepean National Park at Portsea and set up a state of the art camping and caravan park to be operated year round. The cost saving in the long run would be enormous and the Foreshore authorities could concentrate on task catering for the permanent population, holiday makers, other tourists and day visitors.

You may also care to examine the away in which the caravan parks from Newcastle to the Tweed i.e. North Coast of NSW are being administered by one leadership organisation involving a number of Shires. Talk to North Coast Holiday Parks NSW. The CEO is Steve Edmonds.

Web Page;

nswchpt.com.au/

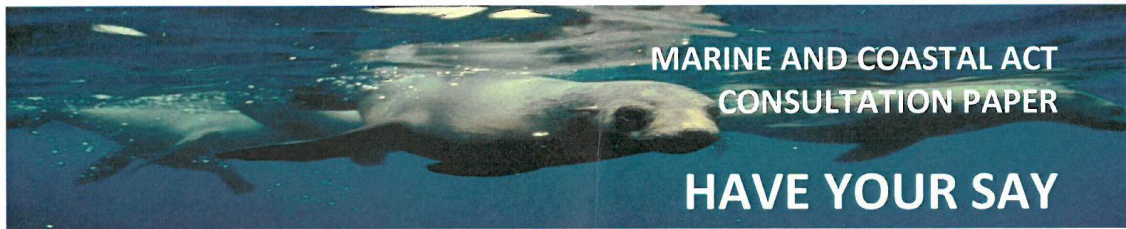
I suspect that the role of the Foreshore Committees has been seriously underestimated and not respected but I think the most difficult task faced by the Foreshore Committee is all about camping

Take this function away and better things could happen.

Yours sincerely,

Murray Homes

Citizen



Would you like to provide a comment or feedback on the Marine and Coastal Act Consultation Paper?

Boat Ramps - mornington, Patterson Lakes entrance.
- more boat ramps with parking.

* Schnapper Point Boat Ramp to be increased in size.

* PARKING availability is a major issue @ mornington.

Charter boat uses up to 10 spaces every charter.

Staff have trouble getting a park in the morning.

No parking available for guests/customers.

In summer there are no spaces from 8am!!!

* Disabled access ramps or sand so ppl with disabilities can get into the water.





Would you like to provide a comment or feedback on the Marine and Coastal Act Consultation Paper?

There are organisations with community facilities that fall into no-mas land in relation community grants.

For instance the Anglessea Motor Yacht Club is on GORCC land and not a council facility. They can not apply for the State Gov't Community Sporting Grants because Council has to be either the land owner or building owner. We need to think about how these community groups get equitable access to funding streams.



To Whom It May Concern.

I wish to make a submission and/or comments in regard to my property at --- Road Leopold that has around 410 metres of absolute Corio Bay frontage.

This parcel of land has a permit for a caravan park.

We are also gifting/donating some 4,000 square metres of waterfrontage land to assist the establishment of the Leopold Angling and Aquatic Club (LAAC). They have around 120 members, a shed to operate out of and a permit to assemble, although they do not have a formal boat ramp.

Allowing public access to the foreshore and "Linking Leopold to the Bay" are part of the future plans we have for this area, as the section of bay frontage land between Point Henry and Point Richards is mainly Private/Freehold property, and as such there is limited public access, except for a public boat ramp at Clifton Springs.

We would like the opportunity to discuss our vision/plans with those in Government that manage and are responsible for this part of the foreshore.

Thank you for giving me this opportunity.

Regards.