

Marine and Coastal Policy



March 2020

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Acknowledgement of Aboriginal Victorians

The Victorian Government acknowledges Aboriginal people as Australia's first people, and as the Traditional Owners and custodians of the land on which we work and live. We recognise the strength of Aboriginal people and the need for reconciliation and genuine partnerships to address the negative impacts of the past.

We recognise and value the ongoing contribution of Aboriginal people and communities to Victorian life and how this enriches us all.

We recognise that Aboriginal cultures and communities are diverse, and the value we gain in celebrating these cultures and communities. We acknowledge that the land and sea is of spiritual, cultural and economic importance to Aboriginal people. We also recognise the intrinsic connection of Traditional Owners to Country and acknowledge

their contribution in the management of land, water, the natural landscape and our built environments.

We embrace the spirit of reconciliation, working towards the equality of outcomes and ensuring an equal voice.

We have distinct legislative obligations to Traditional Land Owner groups that are paramount in our responsibilities in managing Victoria's resources.



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Introduction

Victoria's *Marine and Coastal Act 2018* (the Act) sets objectives and guiding principles for the planning and management of the state's marine and coastal environment. It establishes an integrated and coordinated whole-of-government approach to work with Traditional Owners, industry and the community to protect and manage our precious marine and coastal environment.

The Act requires a Marine and Coastal Policy (the Policy) to set out policies for planning and managing the marine and coastal environment, and to provide guidance to decision makers in achieving the Act's objectives. The Policy must also include a Marine Spatial Planning Framework (this will set out steps for achieving integrated and coordinated planning and management of Victorian's marine environment).

The Policy is a long-term approach intended to last for the next 10-15 years, and is designed to deliver a healthy, dynamic and biodiverse marine and coastal environment that is valued in its own right, and that benefits the Victorian community, now and in the future. It recognises the many benefits from sustainable uses, activities and developments.

The Policy will be accompanied by a Marine and Coastal Strategy (the Strategy), which will outline priority actions to achieve the Policy. The first Strategy is to be completed by early 2021, after which it must be reviewed every five years.

The Policy has been prepared in consultation with key government and non-government groups, with representation across various sectors, and with guidance from the Victorian Marine and Coastal Council. It draws and builds on the merits of the *Victorian Coastal Strategy 2014* and fills identified gaps.

A draft policy was released in July 2019 and was available for public comment for two months. More than 200 submissions were received. The final policy was informed by all the contributions made by the Victorian community.

The Marine Spatial Planning Framework component of the Policy was developed through an inclusive and participatory engagement approach intended to model and practise ways of working together that reflect how marine spatial planning should take place in the future. It also built and strengthened collaborative relationships between marine stakeholders.



Where the Marine and Coastal Policy applies

The Policy applies to the planning and management of matters relating to and affecting the marine and coastal environment. As defined in the *Marine and Coastal Act 2018*, the marine and coastal environment includes all private and public land and waters between the outer limit of Victorian coastal water and five kilometres inland of the high-water mark of the sea, including:

- a. The land (whether or not covered by water) to a depth of 200 metres below the surface of that land.

- b. Any water covering the land referred to in paragraph (a) above from time to time.
- c. The biodiversity associated with the land and water referred to in paragraphs (a) and (b).

The definition includes bays, inlets and estuaries, and the Gippsland Lakes.

All policy directions apply to the above defined area unless otherwise indicated.

Where a particular policy references marine and coastal Crown land, the policy applies to that area only (see the Definitions section of the Policy).

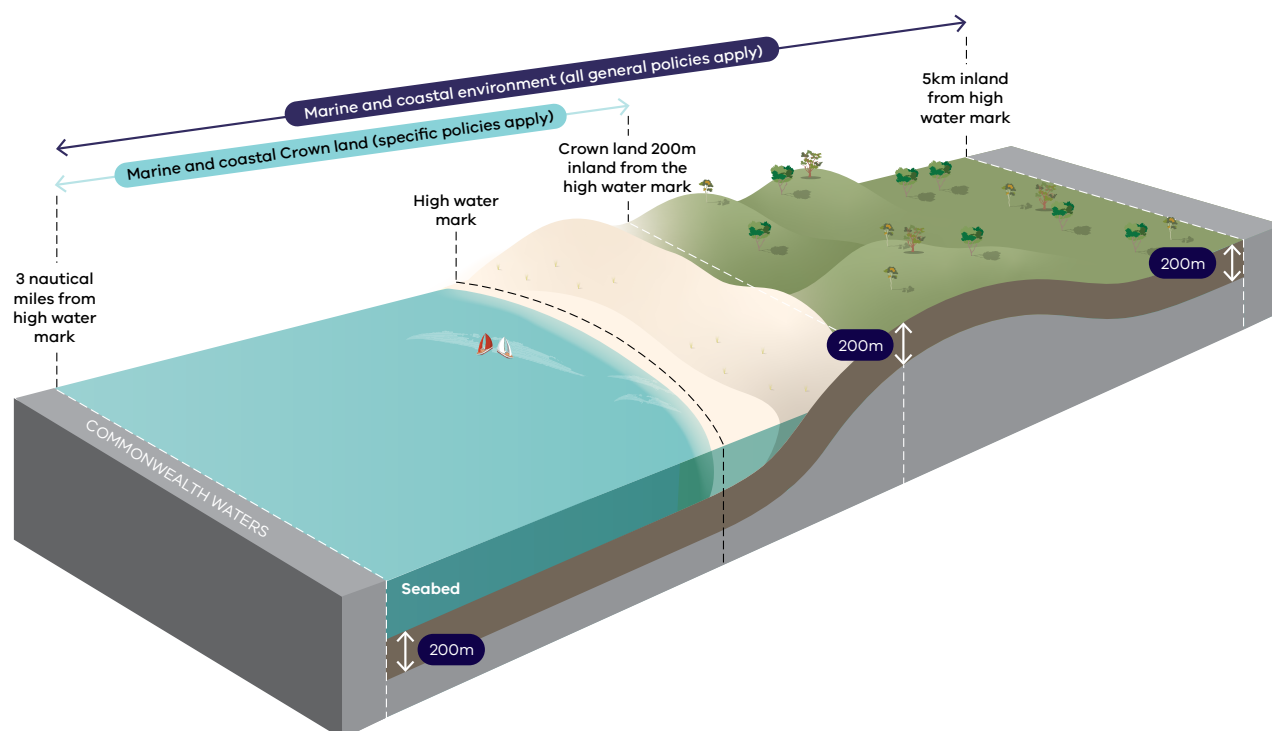


Figure 1: Areas where the Marine and Coastal Policy applies

Vision

Our vision is for a healthy, dynamic and biodiverse marine and coastal environment that is valued in its own right, and that benefits the Victorian community, now and in the future

<p>'Healthy, dynamic and biodiverse' means:</p>	<ul style="list-style-type: none"> → Marine and coastal ecosystems are functioning, resilient and connected. → Marine and coastal ecosystems are valued in their own right. 	<ul style="list-style-type: none"> → Marine and coastal ecosystems provide valued goods and services to Victorians now and in the future.
<p>'Benefits the Victorian community' means:</p>	<ul style="list-style-type: none"> → Current and future generations of Traditional Owners care for and respect Country through self-determination. → Community and user groups are actively engaged and empowered to care for, protect and improve the marine and coastal environment. → Ecologically sustainable and equitable use of the marine environment provides social, cultural and economic benefits, while minimising negative impacts. 	<ul style="list-style-type: none"> → Traditional Owners, marine and coastal managers, and community and user groups collaborate to take care of and deliver integrated and coordinated planning and management of the marine and coastal environment. → Coastal settlements are desirable places to live, work, visit and play. → Non-urban breaks between coastal settlements are maintained to preserve the character of the coastline and coastal settlements.
<p>'Now and in the future' means:</p>	<ul style="list-style-type: none"> → Cultural values and sites of heritage significance are protected for current and future generations. → The benefits of marine and coastal Crown land are available to current generations without compromising the ability of future generations to enjoy similar benefits. → Risk from coastal hazards are understood and planned for. 	<ul style="list-style-type: none"> → The impacts of climate change are understood, and adverse impacts on values of the marine and coastal environment are minimised. → Marine planning and management is integrated and coordinated; inclusive, collaborative and transparent; proactive, future oriented and adaptive; and evidence-based, utilising scientific, social, cultural and economic knowledge and information.

The United Nations Sustainable Development Goals

The 17 Sustainable Development Goals (SDGs) and their associated 169 targets were agreed by 193 countries at the United Nations in 2015. They deliver a global framework for sustainable development to 2030. Under the framework, environmental, social and economic development are indivisible. The goals aim to reduce poverty and inequality, promote prosperity and well-being for all, protect the environment and address climate change, and encourage good governance and peace and security.

The Policy guides how marine and coastal planning and management in Victoria contributes to a more sustainable world. Our vision links to sustainable development goals and connects us to the international agenda.

- The values and characteristics that contribute to natural features and landscapes are protected and enhanced.

- Natural coastal processes operate as part of a dynamic and constantly changing system.



- Growth of coastal settlement is ecologically, socially and economically sustainable.

- The marine and coastal environment hosts a diverse range of uses and experiences strategically located to be safe and sustainable now and in the future.

- Use of the marine and coastal environment by industry is ecologically, socially and economically sustainable.

- Industries sustainably use marine and coastal resources.

- Access to the marine and coastal environment is safe for the public, with facilities located to protect environmental and cultural values.

- Buildings and structures exhibit excellence in siting and design and minimise impacts on the environment.

- Buildings and structures on marine and coastal Crown land have a functional need to be near or in the water and provide significant public benefit.



- Effectively planning, preparing for and responding to emergencies in the marine and coastal environment.

- Quality science and knowledge is utilised to inform evidence-based decision making and to evaluate the effectiveness of decisions.

- Marine and coastal managers have the knowledge, skills and capacity to manage current and future challenges.

- Planning and management of marine and coastal Crown land is strategically funded and resourced to manage current and future challenges effectively.

- Building resilience and adaptation capability in ecosystems, communities and built assets to climate change is a core component of planning and managing the marine and coastal environment.



What a 'healthy' marine and coastal environment means

A healthy marine and coastal environment is biodiverse and dynamic. It contains functioning biological, physical and chemical interactions that support the local environment's many and varied plants and animals. It is able to operate as a dynamic, constantly changing system. Natural processes continue to shape landforms. Ecosystems are in a constant state of flux in response to processes like changing sea and air temperature, nutrient flows and ocean currents.

A healthy marine and coastal environment can also be defined by its ability to sustain both its intrinsic value (the value it has in itself regardless of its value to humans) as well as the full range of environmental, social, cultural and economic values that benefit the Victorian community.

Resilience and a healthy environment

An important focus of the Policy is to manage the health of the marine and coastal environment so that ecosystems, communities and built assets are as resilient as they can be in the face of future changes, which could include natural hazards, climate change, population growth or, most likely, a combination of these factors.

Resilience is the ability of a system to adapt to or tolerate change without losing its original function. It also refers to the ability of a system to overcome or bounce back from a disruption.

A healthy marine and coastal environment will promote resilience for industries and communities that rely on its resources for liveability and economic purposes.

This document sets policies to guide decision making for planning and management of the marine and coastal environment to reduce degradation and enable a healthy and dynamic environment now and in the future.



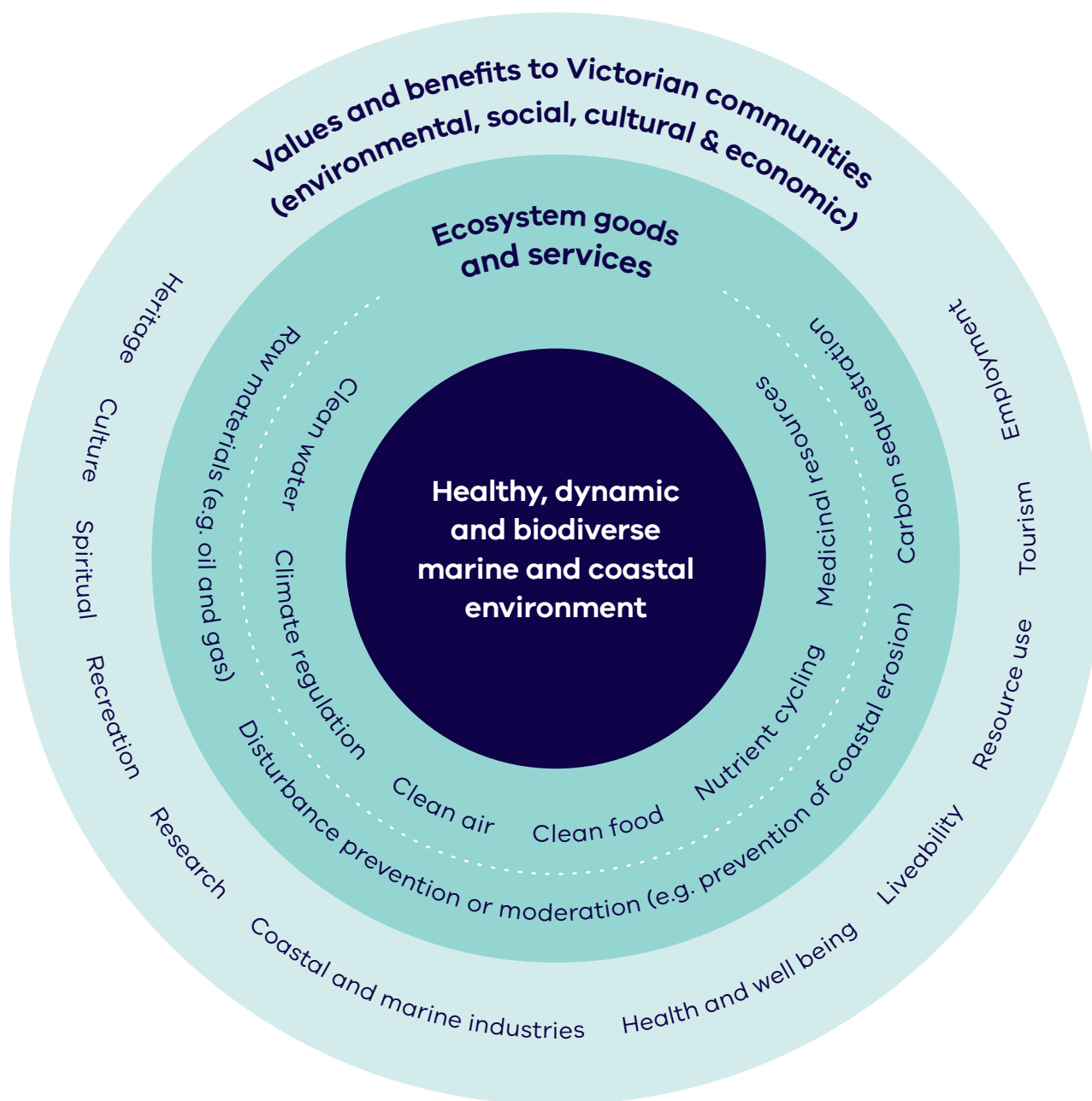


Figure 2: Importance of a healthy marine and coastal environment

Threats and drivers of change

Threats to marine and coastal health

The health of the marine and coastal environment is under threat from multiple sources, including climate change and growth in towns, cities and industries that interact with their local marine and coastal ecosystems.

These threats can lead to negative impacts on water quality and quantity, pollution and debris, invasive species, marine pests and diseases, disturbance and loss of plants and animals, and loss of access to beaches from the effects of sea walls, infrastructure and erosion. Coastal towns can also suffer loss of character from inappropriate development and poor management of visitors' actions and impacts. Degradation occurs over time and space, and the impacts in marine and coastal areas are varied and complex.

Drivers of change

During development of Victoria's *Marine and Coastal Act 2018*, three key drivers for change in the marine and coastal environment were identified: climate change, population growth and ageing infrastructure. These drivers of change exacerbate existing threats, and bring new challenges.

Population growth

Victoria has experienced record population growth over the past decade (DELWP 2018), with suburbs and towns around Port Phillip Bay, and within two hours' drive of Melbourne (notably on the Bellarine Peninsula, Mornington Peninsula, Bass Coast and Surf Coast), recording big increases in both population size and density. The 2019 *Victoria in Future* report said the state's population was forecast to grow at an average annual rate of 1.5% to almost 11.2 million by 2056. Growth in the permanent population has been accompanied by big increases in numbers of domestic, national and international visitors to coastal areas.

Growth in resident populations and visitor numbers puts pressure on the health of the marine and coastal environment, with direct impacts including:

- habitat loss and degradation
- increased introduction of invasive and pest species
- increased pollution from sources including litter, stormwater runoff and wastewater discharges
- erosion of dunes
- loss of character of coastal towns.

Population growth also increases pressure on recreational infrastructure such as walking tracks, visitor facilities, lifesaving clubs and recreational club houses, boat ramps and marinas. This, in turn, leads to more demand for alterations to beaches, foreshores, wetlands and natural processes through groynes, sea walls and dredging to support use and development.

As more people seek access to finite coastal spaces and marine resources, the risk of greater conflict between uses and the capacity of sites being exceeded will increase if the growth is not properly managed.

Increasing populations also add to pressure for growth in marine and coastal-based industries – such as seafood, energy generation and resource extraction – and for transportation of their produce across Australia and overseas.

Ageing infrastructure

Victoria has a vast inventory of coastal assets (sea walls, groynes, piers and jetties), particularly in its bays and estuaries (Port Phillip Bay, Western Port Bay, Gippsland Lakes and Corner Inlet), that have been constructed over the past 100 years.

Many of these assets are ageing and, without regular maintenance or upgrading, will no longer be able to provide the services for which they were built. In 2018 the Victorian Auditor General's Office estimated that between 20% and 30% of coastal assets were in poor condition, and between 30% and 50% were estimated to have less than 10 years' useful life remaining. Increasing storms and erosion under climate change will further undermine the integrity of many assets, forcing decisions to be made about their future existence.

With changing community and government values and priorities, some ageing coastal infrastructure will no longer be needed or wanted and there may be a need for new infrastructure. But to determine the future of individual assets, as well as the need or otherwise for new investment, a clear framework is needed to strategically consider those values and priorities.

Climate change

Climate change is increasing the pressure on Victoria's marine and coastal environment by exacerbating existing threats and introducing new ones, such as:

- rising sea levels, leading to more inundation and erosion
- increased frequency and severity of storms and other extreme weather events
- changes in ocean temperatures, currents and acidification
- changes to waterway flows, levels and regimes
- changes in the range, distribution and abundance of both introduced and native plants and animals, taking advantage of a changed climate
- coastal squeeze, which occurs when coastal ecosystems forced inland by rising sea levels run into human-made barriers such as roads and housing.

Coastal settlements, suburbs and cities including densely populated areas around Port Phillip Bay, are increasingly exposed to more severe storms, coastal flooding and erosion. Industries such as fishing and tourism will be affected by changing species distribution and increasing storm and erosion events. Productivity of agricultural land will be diminished due to salt water intrusion, flooding and erosion. And recreational opportunities on the coast will change as beaches and cliffs erode.

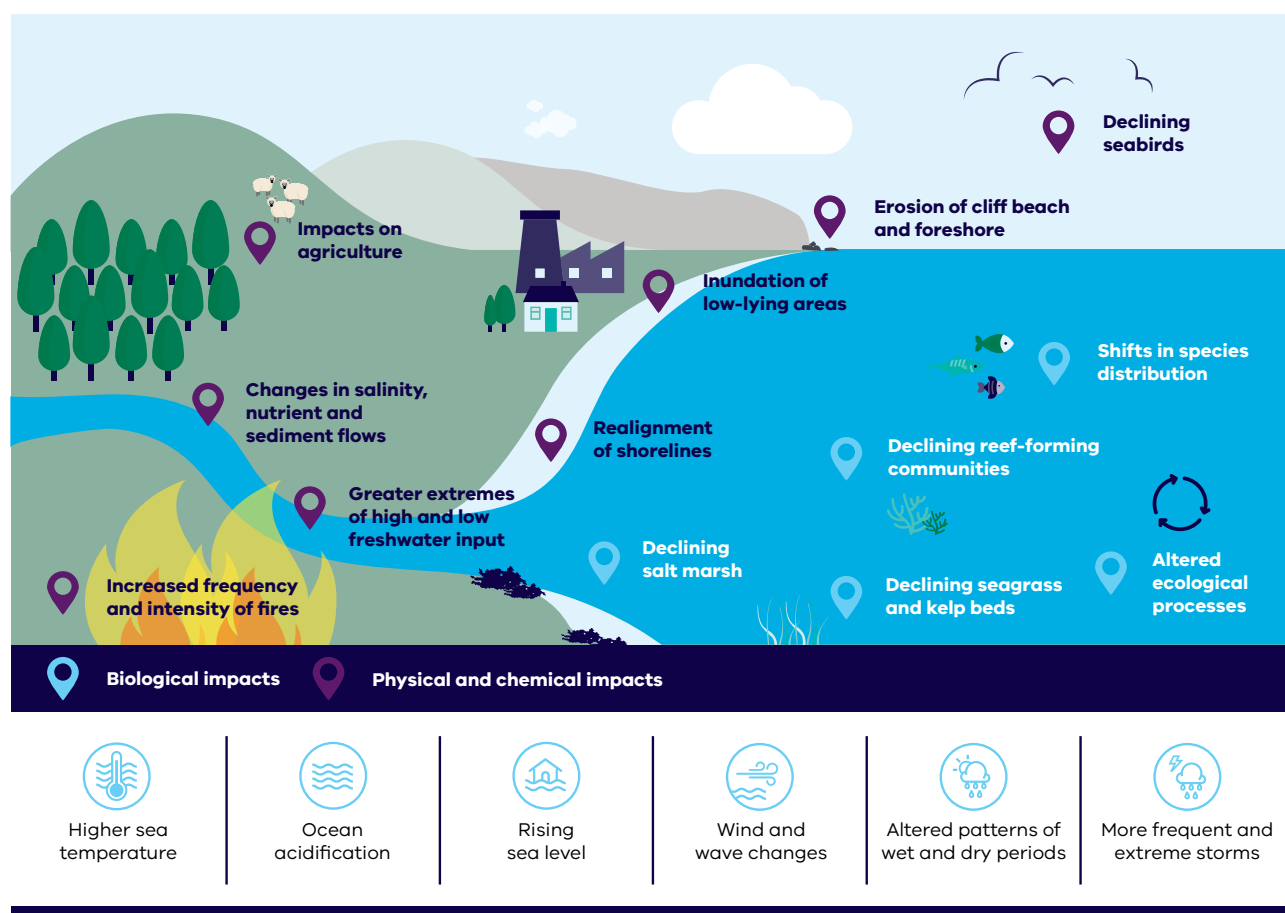


Figure 3: Impacts of climate change on the marine and coastal environment

(Source: Adapted from Victorian Coastal Council 2018)



Addressing the drivers of change

The drivers of change in the marine and coastal environment are complex, and their underlying causes cannot all be managed through the Marine and Coastal Policy. For example, population growth is influenced by many external factors including demographic changes, national policy settings, and international, national and statewide economic conditions.

The Policy does, however, play a lead role in managing the impacts of drivers of change in Victoria's marine and coastal environment. Where possible, this document provides strategic direction and specific considerations for planning, management and decision making to address the impacts from climate change, population growth and ageing infrastructure.

How to use the Marine and Coastal Policy

A 'Planning and Decision Pathway' has been developed that sets out how the objectives and guiding principles of the *Marine and Coastal Act 2018* are to be used in decision making for the marine and coastal environment. The 'Planning and Decision Pathway' aligns with the chapters of Marine and Coastal Policy.

Decision makers need to consider many priorities and demands that, at times, can be competing or conflicting. Examples include assets for recreation, industry development, housing for growing populations and maintaining a healthy environment. When decisions are made concerning competing interests, adverse impacts on values need to be weighed against the benefits of the use and development. This can be a difficult process that involves inevitable trade-offs.

The natural marine and coastal environment is often at risk of being seriously compromised by decisions concerning human demands and uses. Any deterioration resulting from those decisions tends to lead to a deterioration of social, cultural and economic values as well as the environment's intrinsic value.

Applying the pathway through strategic planning allows sustainable responses to increasing demand from human activity, as well as

prioritisation of funding and adaptation to future risks. It can also prevent ad hoc or unsustainable activities and developments.

The Marine and Coastal Policy guides all planning and decision making under the *Marine and Coastal Act 2018*.

The Planning and Decision Pathway is to be used when producing documents and making decisions under the Act, including:

- developing a Marine and Coastal Strategy
- developing a product under a Regional and Strategic Partnership
- developing an Environmental Management Plan
- developing a Coastal and Marine Management Plan
- assessing a consent application for use and development.

Further details are outlined below and in Appendix 1.

Table 1: Documents and decision making under the *Marine and Coastal Act 2018*

Documents / decision making under the <i>Marine and Coastal Act 2018</i>	Purpose	Applies to
Marine and Coastal Policy	Long-term policy guidance.	Marine and coastal environment (including all public and private land)
Marine and Coastal Strategy	Actions to achieve policy.	
Regional and Strategic Partnership (RASP)	Produce a product to respond to an identified regional issue affecting the marine and coastal environment.	
Environmental Management Plans	Actions to improve water quality, protect beneficial uses and address threats.	Marine environment
Coastal and Marine Management Plans	Translate marine and coastal policy and strategy to on-ground action.	Marine and coastal Crown land
Consent provisions for use and development on marine and coastal Crown land	Assess proposals against policy and strategy and ensure public values are protected.	

Planning and Decision Pathway



Figure 4: The Planning and Decision Pathway shows how the objectives and guiding principles of the Act should be used in decision making in the marine and coastal environment



Marine and Coastal Act 2018 principles

The Act sets out a number of guiding principles to provide long-term direction on how we think and approach our planning and decision making, irrespective of changes in strategies and government focus. The key principles, and examples of how to consider them in planning and decision making for the marine and coastal environment, are detailed below.

Table 2: Guiding principles

Principle	What it means for planning and decision making
Integrated coastal zone management	<p>Integrated coastal zone management is the process for managing all coastal issues in a framework integrated across biota and habitats, time and space, and levels of government, community and industry. To achieve integration, planning and decision making should consider:</p> <ul style="list-style-type: none"> • impacts on the whole physical system, from the catchment to the coast, along the coast, out to sea, and within and under land and water • long and short-term benefits and impacts on the environment, society and economy • impacts and issues across different land tenures and reservations (public and private) • different organisations' responsibilities and roles (national, state, regional, local) • other policies, plans and planning process applying to the area • the impact on different users and between different users of the area • industry sectors and users of the marine and coastal environment • climate resilience across marine and coastal connections.
Ecosystem-based management	<p>The structure and function of marine and coastal ecosystems is fundamental to the current and future use and enjoyment of the marine and coastal environment, its resources, and the goods and benefits it provides. To achieve sustainable ecosystem-based management, planners and decision makers should consider:</p> <ul style="list-style-type: none"> • ecosystem connections • connections across space and time • the dynamic nature of ecosystems • scientific and cultural knowledge • the impacts – direct, cumulative and incremental – on ecosystems of many decisions (small and large) • the climate resilience of the ecosystems over time.

Principle	What it means for planning and decision making
Ecologically sustainable development	<p>Resource use and development that affects the marine and coastal environment focuses on improving the total quality of life of Victorians for current and future generations in a way that maintains the ecological processes on which life depends.</p> <p>Use and development will affect (positively or negatively) environmental, social, cultural and economic values. In making decisions around what is appropriate, any adverse impacts on values, including cumulative effects, need to be weighed against the benefits of the use and development.</p> <p>Use and development of the marine and coastal environment:</p> <ul style="list-style-type: none"> • is ecologically sustainable • occurs in appropriate locations • minimises impacts on environmental values and other uses • improves the total quality of life of Victorians, across current and future generations.
Evidence-based decision making	<p>Utilise best available and relevant scientific, social, cultural and economic knowledge and physical evidence as the basis for decision making, recognising that information may be limited and that our understanding will evolve over time.</p>
Precautionary principle	<p>If there are threats of serious or irreversible environmental or other damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective precautionary measures to prevent environmental or other degradation.</p>
Proportionate and risk-based principle	<p>Actions should be proportionate to the risk.</p> <p>Risks should be assessed considering the likelihood and consequence of a threat affecting a value in the marine and coastal environment.</p> <p>Risk assessment should be in accordance with Australian standards.</p> <p>Management and regulatory processes should be proportionate to the risks involved.</p>
Adaptive management	<p>Adaptive management relies on reporting and evaluation of information from the outcomes of past operational programs to inform changes to policies and practices to improve future outcomes.</p>



Marine and Coastal Act 2018 objectives

The *Marine and Coastal Act 2018* outlines specific objectives for the planning and management of the marine and coastal environment in Victoria. The Act's objectives are to:

- a. protect and enhance the marine and coastal environment
- b. promote the resilience of marine and coastal ecosystems, communities and assets to climate change
- c. respect natural processes in planning for and managing current and future risks to people and assets from coastal hazards and climate change
- d. acknowledge Traditional Owner groups' knowledge, rights and aspirations for Land and Sea Country
- e. promote a diversity of experience in the marine and coastal environment
- f. promote the ecologically sustainable use and development of the marine and coastal environment and its resources in appropriate areas
- g. improve community, user group and industry stewardship and understanding of the marine and coastal environment
- h. engage with specified Aboriginal parties, the community, user groups and industry in marine and coastal planning, management and protection
- i. build scientific understanding of the marine and coastal environment.

How the Marine and Coastal Policy guides and informs policies, plans and decision making under other acts

Many other legislative tools contribute to planning, management and protection of different aspects of the marine and coastal environment. The Policy will guide and inform policies, plans and decision making under other acts, as outlined in Appendix 2.

Planning and decision making for the management and protection of the marine and coastal environment under the Policy also needs to take into account other acts and relevant policy under those acts. In many instances these acts set policy around specific on-ground management and planning activities related to the aspect of the marine and coastal environment they are managing or regulating.





Chapter 1 - Traditional Owners' rights, aspirations and knowledge

Intended outcome

Current and future generations of Traditional Owners care for and respect Country through self-determination.

Context

Traditional Owners in Victoria have practised and passed down their laws, customs and languages, and nurtured Country, for countless generations. But actions and institutional barriers set up soon after the arrival of Europeans in the 1800s have blocked and restricted the rights of many Traditional Owners to manage and use Country, and to have their voices heard in planning and decision making processes.

The policies set out in this chapter do not attempt to speak on behalf of Traditional Owners. They support a broader self-determination approach that emphasises the need to listen to, act upon, and respect Traditional Owners' voices and knowledge throughout planning, management and decision making.

These policies acknowledge and respect the longstanding and deep knowledge and connection to Country that Traditional Owners have and recognise and support Traditional Owners' role in leading healing and ongoing care and use of Country. The policies recognise that culture and Country are inextricably linked, and that a one-size-fits-all approach is not appropriate. Objectives and partnership arrangements will need to be tailored to the different cultural landscapes across Victoria.

These policies do not affect existing State or Commonwealth processes, nor requirements such as those under the *Traditional Owner Settlement Act 2010*, *Aboriginal Heritage Act 2006* or *Native Title Act 1993*.



Policies

- 1.1** Respect Traditional Owners' ongoing and enduring connection to the marine and coastal environment, acknowledging that land and sea are interconnected.
- 1.2** Respect and support Traditional Owners' rights to access and use the marine and coastal environment.
- 1.3** Embed Traditional Owner aspirations into decision making, planning and management (i.e. through recognising, referencing and giving effect to the priorities, aims and aspirations of applicable Joint Management Plans and Country plans).
- 1.4** Support Traditional Owners in restoring marine and coastal cultural knowledge and practices.
- 1.5** Partner with Traditional Owners to integrate caring for Country knowledge and practices into strategy, planning and management.
- 1.6** Support collaborative management of Country.
- 1.7** Support Traditional Owners to lead the identification, planning and implementation of natural resource management programs, and cultural heritage management, protection and restoration.
- 1.8** Support two-way capability and capacity-building to improve the effectiveness of working relationships and build a shared understanding between Traditional Owners and other marine and coastal land managers.
- 1.9** Support the offer of Indigenous Land Use Agreements, where agreed with relevant Traditional Owner Groups, to apply the "non-extinguishment principle" of the *Native Title Act 1993* to activities on marine and coastal Crown land that would extinguish native title.



Chapter 2 - Ecosystems and habitats

Intended outcomes

Victoria's marine and coastal ecosystems are:

- healthy, diverse, functioning, resilient and connected
- valued in their own right
- able to sustainably provide goods and services to Victorians now and in the future.

Context

Victoria's marine and coastal environment contains a diverse and unique mix of plants, animals, soils, seas and waterways – from heathlands, estuaries and wetlands, to inter-tidal mudflats, sponge gardens and kelp forests – that function together as ecosystems along its 2,512 kilometre coastline. These ecosystems and associated habitats (places where organisms or populations naturally occur) are home to more than 12,000 plant and animal species, many not found elsewhere in the world.

While Victoria's entire marine and coastal environment has high ecological value, only some of its ecosystems and habitats are recognised as significant at an international, national, state or bioregional level. Examples of these include areas that:

- support native and migratory species at a critical stage of their life cycle
- contain nutrient-rich waters and associated high species diversity
- perform nutrient-cycling processes that protect the environment from harmful algal blooms.

Sites with these attributes are variously recognised as Marine Protected Areas, National Parks, Ramsar sites designated under the international Ramsar Convention on Wetlands, or sites under other international migratory bird agreements.

Ecosystems are valued in their own right – for their intrinsic value – regardless of their benefits to humans. Intrinsic value includes the diversity of their genetic information, and the components that make up their structure and function.

Traditional Owners regard Country (which includes ecosystems and habitats) as part of, and fundamental to, culture. Country and culture are inextricably linked. Ecosystem health and function are therefore critical to safeguarding and protecting culture.



More broadly, marine and coastal ecosystems provide a vast range of other values and benefits (known as ecosystem goods and services) that all Victorians rely on to lead healthy and prosperous lives. Among the main benefits to humans are clean air, food, nutrient cycling processes, carbon sequestration, protection from climate change and storm impacts, cultural practices, industry and recreational opportunities. The extent and quality of values and benefits provided to society depend in large part on the health and extent of the ecosystem.

The health and function of marine and coastal ecosystems and associated habitats are being threatened by human uses and developments across Victoria. Population growth and urbanisation are reducing and fragmenting surviving habitats, while pollution of waterways and soils is disrupting ecosystems processes, and invasive species and increasing extraction of natural resources are changing ecosystem species composition. These threats are being exacerbated by impacts of climate change.

It is not always possible to directly manage some threats and their impacts. However, with carefully designed policies and interventions, underpinned by the best available information and science, we can strive to minimise impacts and promote resilience in marine and coastal ecosystems to prevent permanent structural change and maintain ecosystem health and function. With the policies set out in this chapter we aim to achieve best practice in the management of our marine and coastal ecosystems.

The management and protection of ecosystems and habitats is governed by a number of pieces of legislation and policy such as the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), *National Park Act 1975*, *Flora and Fauna Guarantee Act 1988* and *Protecting Victoria's Environment - Biodiversity 2037* that need to be taken into account in managing marine ecosystems and habitats.

Cumulative and synergistic effects

Cumulative effects

'Death by a thousand cuts' is an analogy often used to describe cumulative effects. Each cut may seem inconsequential on its own but together they may be catastrophic. In the environmental context, each decision may result in an increment of change that is individually insignificant but if repeated over time may accumulate and contribute to significant environmental change.

Synergistic effects

Some threats may interact synergistically in that their combined effect is greater than the sum of their individual effects. Examples of this phenomenon could include the combined effects of climate change and overfishing on marine species populations and ecosystem dynamics, or the creation of smog from the interaction of air pollutants with sunlight and its heat. This is different to cumulative effects in that the interplaying effects are not just additive; the final impact is different to the sum and nature of the individual impacts.

Managing cumulative and synergistic effects

Methods and techniques for assessing both cumulative and synergistic effects are constantly developing. Cumulative and synergistic effects may be considered at either a project level (case-by-case environmental impact assessments) or at a strategic assessment level, whichever is appropriate.

Managing cumulative and synergistic effects involves understanding the capacity of a resource, identifying its sustainable limits and drawing the line before effects become unacceptable. Whether any effects will bring receptors, such as wildlife habitat, close to their capacity or threshold to remain functioning or sustainable must be taken into account. Awareness of the level of uncertainty in identifying cumulative or synergistic effects is also needed.

Policies

Health and function of ecosystems and habitats

- 2.1** Use an ecosystem-based approach to manage Victoria's marine and coastal environment in a way that sustains ecosystems to meet both their intrinsic needs and the needs of humans.
- 2.2** The ecological values of ecosystems and habitats in the marine and coastal environment must be protected and enhanced, including by managing indirect and cross-boundary effects.
- 2.3** The ability of marine and coastal ecosystems to support the provision of goods and services (see Appendix 3) must be maintained.

- 2.4** Adopt criteria and standards for reporting on achieving good environmental status of the marine and coastal environment, for example by using the descriptors in the *Guidelines for the Assessment and Reporting on Good Environmental Status of Victoria's Marine and Coastal Environment*.
- 2.5** Maintain and enhance the overall extent and condition of native habitats across public and private land in the marine and coastal environment.
- 2.6** Maintain ecological corridors and promote linkages (such as migration pathways) and habitat adaptation to climate change (for example, through landward movement of habitats in response to sea level rise) across public and private land, and between the marine and coastal environments.
- 2.7** Maintain and improve the environmental condition of coastal wetlands, lakes and estuaries (including Ramsar sites), through:
- managing the combined influences and impacts of both catchments and the marine and coastal environment on their health
 - implementation of the *Victorian Waterway Management Strategy*, regional waterway strategies, regional catchment strategies, Ramsar management plans and estuary management plans.
- 2.8** Manage the introduction and spread of invasive and pest species across public and private land in the marine and coastal environment by following the principles of the *Invasive Plants and Animals Policy Framework*.
- 2.9** Current and future cumulative and synergistic effects on ecosystems and habitats in the marine and coastal environment must be taken into account and minimised where possible.

Water and soils

- 2.10** Impacts to the environment, humans and infrastructure from the disturbance of acid sulphate soils must be avoided, remedied and mitigated in accordance with the *Victorian Acid Sulphate Soils Strategy 2009* (and any subsequent iterations) and *Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulphate Soils 2010* (and any subsequent iterations).
- 2.11** Water and soil (including sediment) quality in the marine and coastal environment must be maintained where it is in good condition, and rehabilitated where it has degraded (for example, as a result of nutrients, plastics, litter, sediment, pathogens and chemical pollutants impacting on water quality or accumulating in soil/sediment) by:
- having regard to the relevant provisions of the *State Environment Protection Policy (SEPP) (Waters)*¹
 - minimising disturbance of sediments and associated turbidity effects
 - ensuring that any drainage or discharge infrastructure (such as an ocean outfall) is appropriately located in relation to the receiving environment
 - promoting continuous improvement and best practice management of discharges
 - encouraging rehabilitation and restoration programs and works that support the improvement of water quality.

¹ And, it is anticipated from 1 July 2020, the amended *Environment Protection Act 2017*, Environment Protection Regulations 2020 and Environment Reference Standard.



Chapter 3 - Natural features and landscapes

Intended outcome

Natural features and landscapes (including seascapes) in the marine and coastal environment are protected and enhanced, while we recognise and respect naturally occurring marine and coastal processes that will also cause change.

Context

Victoria has some spectacular and well recognised coastal landscapes that are integral to the identity of the state and its people. They include the rugged wildernesses of Wilsons Promontory and the Croajingolong coast, the unparalleled Ninety Mile Beach and the iconic offshore rock formations of the Twelve Apostles and Bay of Islands in the Great Ocean Road region. As well as containing important ecological, cultural and social values, these landscapes are a powerful magnet for eco-tourism. Many are also tied to Traditional Owner stories and customs and hold deep and ongoing meaning and roles in customs and practices.

There is also an increasing awareness and appreciation of underwater seascapes and plants and animals that inhabit these submerged terrains. The 90 metre deep underwater canyon at the Port Phillip Heads supports a spectacular garden of sponges, encrusting algae, soft corals, ascidians and anemone, and is highly valued by divers.

Some of Victoria's unique natural features provide an insight into historic landscape formation processes, and the animals and plants that once lived there. Beaumaris Cliffs, for example, is a significant fossil site.

Impacts from population growth and marine and coastal developments are key threats to landscapes, natural features and seascapes. Degradation of their values and characteristics can occur from large numbers of visitors, and from built infrastructure directly affecting the landscape itself or restricting important public views. The following policies seek to protect natural features and landscapes from such threats, while recognising that natural features and landscapes (including seascapes) were and continue to be shaped by natural marine and coastal processes and are therefore subject to ongoing change regardless of human impacts.

Key legislation relevant to this chapter includes the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018*, which enables the Victorian Government to declare and protect a distinctive area and landscape subject to meeting strict criteria.



Policies

- 3.1** Protect and seek to enhance the values and characteristics that contribute to natural features and landscapes (including seascapes) in the marine and coastal environment, including by managing cumulative effects.
- 3.2** Maintain important public visual corridors on public land associated with significant landscapes (including seascapes) in the marine and coastal environment (including views from within the landscapes and views of the landscapes).



Chapter 4 - Cultural values and heritage sites

Intended outcome

Cultural values and heritage sites in the marine and coastal environment are protected for current and future generations.

Context

Cultural values and heritage sites in the marine and coastal environment play an important role in creating a sense of place, telling Victoria's unique stories and forming a core part of the identity of many Victorians. Sites of heritage significance from Victoria's European past exist alongside, and in many instances co-exist with, sites of cultural importance and heritage for Traditional Owners and Aboriginal Victorians.

Aboriginal culture is living and inherent throughout the Victorian landscape. It includes Traditional Owners' connection to and caring of Country, their languages, Creation stories, knowledge and practices. There are many sites of heritage significance to Aboriginal people, from both before and after the first contact with Europeans. The Victorian Aboriginal Heritage Register keeps records of known Aboriginal cultural heritage places and objects. However not all sites are registered and engagement with the relevant Traditional Owners groups is necessary to ensure cultural values are not negatively impacted.

Heritage sites are often linked to the central role of the sea in the early economic, social and physical development of Victoria by Europeans. Shipwrecks, lighthouses, piers and archaeological remains of early coastal settlements are among the sites that help provide links to this past. The Victorian Heritage Register lists heritage places assessed and found to be of state significance.

The dynamic nature of the coastal environment can challenge the preservation of cultural values and heritage sites. Natural marine and coastal processes can lead to physical and chemical damage, some of which will be exacerbated by the effects of climate change (such as increased erosion and higher sea levels). Increasing population and visitation rates can also put heritage sites at risk. Management of these sites needs to strike a balance between ensuring cultural values and heritage sites are understood, experienced and appreciated by the community, while also preserving them for future generations.



The management and protection of cultural values and heritage sites in Victoria is governed by the *Aboriginal Heritage Act 2006* and the *Heritage Act 2017*. Commonwealth law can also apply to Victoria's marine and coastal environment through the *Underwater Cultural Heritage Act 2018*, *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, and the *Environment Protection and Biodiversity Conservation Act 1999*. In addition to this overarching legislative framework, the following policies aim to help ensure cultural values and heritage sites are protected during planning and decision making in the marine and coastal environment.

Policies

- 4.1** Manage intangible and tangible cultural values and heritage sites to reflect and protect their values.
- 4.2** Consider and plan for the impacts of natural marine and coastal process, climate change, and land use change on cultural values and heritage sites.
- 4.3** Sites of cultural or heritage significance to Traditional Owners must be managed in a culturally appropriate manner.
- 4.4** Encourage adaptive re-use of heritage places that are no longer required for their original purpose in a way that maintains their values and character and enhances their contribution to community activities, coastal tourism and sense of place.
- 4.5** The capacity of heritage sites to cope sustainably with visitors and manage the direct and cumulative impacts of use and visitation numbers, must be assessed.
- 4.6** New memorials in the marine and coastal environment must be relevant to the surrounding environment.



Chapter 5 - Value of marine and coastal Crown land

Intended outcome

The benefits of marine and coastal Crown land continue to be available to current generations without compromising the ability of future generations to enjoy similar benefits.

Context

About 96% of Victoria's coastline, and all its marine areas, are designated Crown land and waters. The remaining 4% is freehold title to the high-water mark. Much of Victoria's coastline is covered by native title and Registered Aboriginal Party status, and some areas are in joint management with Traditional Owners. Some foreshore areas are owned and managed by local government for the benefit of the Victorian public.

Crown land and waters are held in trust for the benefit of the Victorian community meaning Victorians can enjoy relatively free access to and benefits from much of the marine and coastal environment. Reserves and foreshores on coastal Crown land provide important public spaces, as well as extensive environmental, social and economic values. Most of the coastline allows space for natural dynamics (such as tide, wave and sediment movement) to occur without causing hazards to built assets and values on land and in the sea. However, some of this land will in future be reduced in area as sea levels rise and the coastline retreats. In some places it is inevitable that existing public foreshore areas will be lost, along with the associated benefits.

Marine Spatial Planning Framework

Victoria's entire marine environment is legally defined as Crown land, which means it is for the benefit of all Victorians. Under common ownership, there are many users and beneficiaries of the marine environment's values and resources. The marine environment has been managed through the designation of marine space for human activities such as fishing, aquaculture, shipping, boating, nature conservation and oil and gas extraction. Planning and management of these uses has been conducted historically on a sector-by-sector basis. However, with increasing use and pressure on the marine environment, planning and management efforts need to be better integrated and coordinated across marine sectors.

The Marine Spatial Planning Framework (see Chapter 14) sets out a process to plan for Victoria's marine environment in an integrated, coordinated, sustainable and equitable way. Marine spatial planning can have significant benefits including proactively identifying and reducing potential conflicts between uses, and between uses and natural values, and the protection of economic, social and cultural values linked to the marine environment.

Chapters 8-11 cover sustainable use and development of the marine and coastal environment and have specific policies in relation to use and development of marine and coastal Crown land. This chapter identifies the important value of marine and coastal Crown land in the marine and coastal environment.



Policies

- 5.1** Marine and coastal Crown land will remain in public ownership for the benefit of all Victorians.
- 5.2** Maintain, enhance and monitor a comprehensive, adequate and representative system of well-managed Marine and Coastal National Parks, sanctuaries, nature conservation reserves and coastal Crown land reserves.
- 5.3** Consider options to maintain public access and allow for coastal habitat migration, where marine and coastal Crown land foreshores are lost due to sea level rise, erosion or inundation
- 5.4** Consider incorporating any increase in beach or foreshore through coastal accretion into the marine and coastal Crown land estate to ensure benefit for all Victorians.
- 5.5** Support multiple users of the marine environment to participate in marine spatial planning processes, including Traditional Owners, industry, government, lease, licence and permit holders, and conservation and recreation groups.
- 5.6** Support partnerships and collaborative management of marine and coastal Crown land with Traditional Owners.²
- 5.7** Leasing, licensing, rentals, fees and taxes for commercial use of marine and coastal Crown land should be competitively neutral to discourage use of the land as a cheap alternative to private land.

² As noted in Chapter 1, these policies do not affect existing State or Commonwealth processes, nor requirements such as those under the *Traditional Owner Settlement Act 2010*, *Aboriginal Heritage Act 2006* or *Native Title Act 1993*, or outcomes that may be delivered through the Victorian Government Treaty process



Chapter 6 - Managing coastal hazard risk

Intended outcomes

Coastal hazard risks and climate change impacts are understood and planned for.

Communities, land managers and decision makers have the capability and capacity to respond to coastal hazards.

The impacts of climate change on values of the marine and coastal environment are minimised.

Adaptation is embedded as a core component of planning in the marine and coastal environment and is used to manage uncertainty and build resilience.

Context

Natural marine and coastal processes include a wide range of complex, evolving and interrelated physical, geological and chemical actions (such as wave action, erosion, accretion, tidal currents and chemical weathering) that have and continue to shape the marine and coastal environment. These processes occur at regional and local scales, and over long and short timeframes. They constantly shift and evolve, creating highly dynamic and complex systems.

When marine and coastal processes have the potential to negatively affect environmental, social, cultural or economic values, they pose coastal hazard risks (such as flooding of coastal settlements, storms damaging coastal habitats and erosion of midden sites). Climate change is projected to increase certain types of hazard risk to the marine and coastal environment through drivers including rising sea levels, more intensive riverine flooding, changes in wave action, increases in swell energy and storm tide events, and ocean acidification.

The long-term health and functioning of the marine and coastal environment and its values relies on improving resilience in the face of change. This requires embedding adaptation as a core component of any planning process in the marine and coastal environment.

The latest projections from the Intergovernmental Panel on Climate Change on global sea level rise are for an increase of between 0.61 and 1.10 metres by 2100 above 1986–2005 levels under a high-emissions scenario, with a global average 0.84 metres.³ The range of possibilities requires us to prepare to be adaptable and flexible, and to respond to new information and observed changes in the physical environment.

³ "The ocean and cryosphere in a changing climate", Intergovernmental Panel on Climate Change, 2019.



Climate change impacts are expected to vary across Victoria, and may occur incrementally or rapidly. A one-size-fits-all-approach could therefore lead to maladaptation. Adaptation will need to be responsive to local conditions, values, risk appetite, risk exposure, capability and capacity. Different adaptation actions will have varying levels of effectiveness and costs, and positive and negative impacts depending on the local circumstances. Different adaptation measures need not be mutually exclusive, with the possibility of multiple options being used over time.

The sea level rise planning benchmark will be revised through the development of Marine and Coastal Strategy. The revision will consider the most recent sea level rise projections as they relate to the coast of Victoria with a particular focus on applying global projections to provide locally relevant and accurate information.

The Victorian Government is enabling effective adaptation through the *Climate Change Act 2017* and the *Climate Change Adaptation Plan 2017-2020*. It is also leading adaptation through development of sector-based Adaptation Action Plans. The government is committed to building resilience among Victorians and their coastal assets by responding to the latest science, and has a continuing leadership role in enabling effective adaptation across the state, including in the planning system. All levels of government will need to work collaboratively with communities and industries to develop and implement adaptation measures that are appropriate and effective in local contexts.

Policies

- 6.1** Plan for sea level rise of not less than 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, flooding, coastal processes and local conditions such as topography and geology, when assessing risks and coastal impacts associated with climate change.⁴
- 6.2** Consider available local coastal hazard assessments and localised projections when planning for coastal hazard risks.
- 6.3** Avoid development in identified areas that are vulnerable to coastal hazard risk from impacts such as erosion and flooding (both estuarine and coastal), inundation, landslips and landslides, and geotechnical risk.
- 6.4** Consider and plan for how coastal hazard risks will change over time including from gradual increases in the sea level.
- 6.5** Consider and seek to manage the impacts of climate change on the health and functioning of marine and coastal ecosystems and habitats (including the landward movement of habitats in response to sea level rise).
- 6.6** Consider the impacts of climate change on the marine environment (including but not limited to increased sea-surface temperature, ocean acidification, changed behaviour of discharge patterns and resulting discharge distributions, and changed distribution of native and invasive species) in marine spatial planning, sector-based planning, and adaptation planning.
- 6.7** Take a pathway approach to planning that:
 - a. assesses the full range of available adaptation actions in order of: non-intervention, avoid, nature-based methods, accommodate, retreat, and protect.
 - b. assesses costs, effectiveness, benefits, impacts (direct, cumulative and synergistic) and path-dependency of adaptation actions.

Pathway approach

The pathway approach is a decision making strategy made up of a sequence of manageable steps or decision points over time. The pathway approach looks at all options and identifies thresholds or triggers for when new decisions will need to be made. For example, a threshold for action could be reaching a particular frequency of flooding from storm tide events, and a trigger could be when an erosion escarpment reaches a certain distance from a building or structure.

The pathway approach is a forward looking and adaptive approach that recognises the changing nature of climate change impacts, and aims to ensure the most effective management tools are being used at the most effective time.

The pathway approach asks:

- What are the first impacts that we will face as a result of climate change?
- Under what conditions will current arrangements be ineffective?
- What are the alternatives?
- What are the different pathways that can be taken to achieve the same objectives?
- How robust are the options over a range of future climate scenarios?
- Are the options flexible enough to enable a change of path in the future with minimum disruption and cost?

⁴ The impacts of climate change, including sea level rise, will be affected by global emissions trajectories and mitigation efforts. Sea level rise is not globally uniform and regional differences within $\pm 30\%$ of the global average can result from several factors. The 'not less than 0.8m' figure is used as the statewide planning benchmark to provide a consistent policy setting across the State. It will be updated as necessary and supported by modelling that places global projections into the Victorian context to provide greater accuracy for regional and local-level adaptation.

Examples of adaptation actions in order of consideration

Adaptation actions will have different levels of effectiveness, efficiency and consequences based on local circumstances. These actions are not mutually exclusive, and a pathway approach will likely result in multiple options being used over time.

- 1. Non-intervention:** Allow marine and coastal processes, and the hazards they may pose, to occur. Non-intervention might be chosen as an appropriate action in a number of circumstances, including when the hazard poses an acceptable level of risk to values or uses, when intervention would cause unacceptable negative impacts, or when intervention would be ineffective or not cost-effective.
- 2. Avoid:** Locate new uses, development and redevelopment away from areas that are or will be negatively impacted by coastal hazards. This also needs to consider the type of use or development and if it's appropriate for the location. For example, a hospital or a piece of critical power infrastructure would have much lower tolerance to hazard risk compared to a temporary or easily moveable use or development, and would need to avoid higher risk areas. Avoidance can also help natural systems adapt by avoiding development where it would impede the movement of habitats and species, or decrease their resilience to the effects of climate change.
- 3. Nature-based methods:** The resilience of existing and new uses and development may be improved by enhancing or restoring natural features to mitigate coastal hazard risk. Restoring native vegetation to lessen the impact of erosion on dune systems would be an example of such action. Adaptation for natural systems could also include preserving and restoring corridors to allow for the landward migration of habitats and species. Nature-based methods tend to have more co-benefits than other adaptation actions, in that they can restore and enhance biodiversity values, improving resilience of vulnerable coastal ecosystems and also often improving amenity.

- 4. Accommodate:** Structures can be designed to reduce the exposure to, or decrease the impact of, coastal hazard risk, thus 'accommodating' the risk. Examples of this could include building lifesaving towers that can be rapidly and easily moved to respond to an eroding shoreline, or using building design techniques that reduce the impact of flooding. Accommodate options can be useful to improve resilience and 'buy more time' before further actions are necessary.

- 5. Retreat:** Existing structures, assets or uses may be decommissioned or relocated away from areas that are, or will be, negatively impacted by coastal hazards. Determining the timing of retreat is a strategic and localised decision that needs to be planned for proactively. If relocating, care must be taken not to move structures to sites where they will face other potential hazards.

Retreat of natural systems may also be required; for example, saltmarsh habitat that would naturally migrate landward in response to sea level rise may be obstructed by the built environment, and corridors of undeveloped land may be required to allow landward movement of species and functioning habitats.

- 6. Protect:** Existing physical barriers are enhanced, or new ones constructed, to mitigate the impact of coastal hazards caused by marine and coastal processes. An example would be the enhancement or construction of sea walls to protect strategically important values from sea-level rise and storm surge. Protect is an option of last resort; it is often expensive, its benefits tend to be very localised, and it frequently transfers the problem to nearby areas.

Despite the inherent problems, a point in time will be reached for many areas with existing development where either retreat or protect options will be the most effective and appropriate adaptation action. The timing of these actions will differ across Victoria.

6.8 Marine and coastal adaptation planning should:

- a. be conducted and implemented in consultation and collaboration with Traditional Owners, the various levels of government, communities, and authorities affected by each situation
- b. take a flexible, responsive and pathways approach supported by ongoing monitoring
- c. identify threshold or trigger points at which decisions or actions need to be taken, or further analysis is needed
- d. be implemented across different land types, including public and private land
- e. be compatible with climate change mitigation efforts
- f. inform all affected parties of the risks, opportunities and potential changes to the marine and coastal environment
- g. identify roles and responsibilities for those involved in adaptation planning
- h. ensure risks are addressed by those who are best placed to manage them, and that those most impacted by decisions have an opportunity to be involved in decision making processes.

6.9 Respect marine and coastal processes and consider them in the context of their coastal compartment type when planning for or managing coastal hazard risks.

Coastal compartments

Primary, secondary and tertiary coastal compartments are sections of coastline defined by landform and the sediment transportation processes that occur within the compartment.

Primary compartments are defined by large landforms (such as headlands and rivers) and are suitable for long-term strategic planning.

Secondary compartments are defined by sediment movement on the shoreface within and between beaches. They are suitable for regional planning and engineering decisions.

Tertiary compartments are defined by sediment movement in the nearshore areas (often individual beaches). They are suitable for detailed impact studies and local management plans for vulnerable areas.

6.10 Development or protective works (including for estuaries and coastal wetlands) that seek to respond to coastal hazards risk must avoid detrimental impacts on coastal processes.

6.11 Planning, assessing and managing coastal hazard risk must follow State government guidance where available (for example, through *The Victorian Coastal Hazard Guide*).

6.12 Advice on coastal erosion provided in accordance with the *Marine and Coastal Act 2018* should be informed by State government guidance on the best available science and decision support tools.

Responsibilities

- 6.13** The State government will lead, support and enable ongoing improvements to, and sharing of, scientific understanding and guidance on marine and coastal processes and coastal hazard risk.
- 6.14** The State government will update sea level rise planning policy and tools in light of emerging scientific evidence.
- 6.15** The State government will support and enable adaptation planning in the marine and coastal environment.
- 6.16** The State government will prioritise coastal hazard management activities strategically, using a risk-based approach in partnership with affected parties.
- 6.17** Owners of property or assets exposed to coastal hazard risk, including the State government, have a responsibility to understand their risk exposure based on available information, and act responsibly in light of that information and in accordance with the Marine and Coastal Policy.
- 6.18** The State government and Crown land managers do not have an obligation to manage marine and coastal Crown land or coastal processes for the primary purpose of protecting private property.





Chapter 7 - Emergency response and preparedness

Intended outcome

Emergencies that impact on the marine and coastal environment are effectively planned for to prevent or minimise immediate and long-term consequences on human health and safety, property, the natural environment and local values, and to enable recovery and reduce future risk.

Context

An emergency, as defined under the *Emergency Management Act 2013*, encompasses an actual or imminent event that may endanger the health or safety of any person in Victoria, destroy or damage property, or endanger or threaten to endanger the environment.

Emergencies that impact on the marine and coastal environment are wide ranging, including coastal flooding, bushfires, marine wildlife stranding and entanglements, oil spills, water contamination and outbreaks of invasive species.

Many coastal hazards, including flooding and erosion, will increase in severity as a result of climate change, and the changing risk profile for emergency events needs to be planned for.

Emergencies can cause direct negative impact on local values, and emergency responses need to be carefully managed to minimise further impacts. Emergency prevention and preparedness are core components of reducing the likelihood of emergencies and minimising their consequences when they occur.

The *Emergency Management Act 2013* provides the legislative direction and basis for emergency management in Victoria. It is supported by the State emergency management priorities, sub-plans for specific emergencies, state guidelines and other topic-specific acts such as the *Marine (Drug, Alcohol and Pollution Control) Act 1988*, which covers the management of oil spills.

The following policies do not affect the existing overarching emergency management framework or any existing emergency management plans. The policies provide considerations for future emergency management planning that supports the adaptive, evidence-based management approach of the *Marine and Coastal Act 2018*.



Policies

- 7.1** Emergency management planning will take a least-overall-harm approach to detrimental marine and coastal environmental impacts resulting from emergencies and any response and recovery activities.
- 7.2** Planning for emergencies and natural hazard events in the marine and coastal environment:
- a. includes provisions for mitigating the risk of emergencies, as well as responses to and recovery from emergencies
 - b. specifies the roles and responsibilities of different agencies in relation to emergency management
 - c. assesses the long-term suitability of affected uses and assets in that location
 - d. seeks, where viable, to restore environmental values lost or damaged through the emergency event and emergency response activities.



Chapter 8 - Coastal settlements

Intended outcomes

Coastal settlements are desirable places to live, work, visit and play.

Non-urban breaks between coastal settlements are maintained to preserve the character of the coastline and coastal settlements.

Growth of coastal settlements is ecologically, socially and economically sustainable.

Context

Victoria's diverse coastal settlements include major urban centres, iconic coastal towns with large tourism sectors, rural towns and smaller coastal hamlets.

Population pressures vary. Population growth in coastal areas of Melbourne and on its urban fringe has been rapid, with increasing density of development. In other areas like the iconic Great Ocean Road, there has been a significant increase in visitor numbers, requiring accommodation, hospitality infrastructure and service support. Coastal settlements surrounding significant tourism attractions also provide a critical support role and face unique challenges.

In some remote areas, slow growth or population decline are ongoing issues, and encouraging development is a major priority for local communities. Regions experiencing overall decline can also experience highly localised pockets of growth, presenting unique challenges to provide adequate infrastructure and services.

In all scenarios, robust and sound strategic planning of settlements is needed to ensure that economic growth and prosperity can be sustained without adversely affecting the local marine and coastal environment (which in many cases is the attraction) and liveability for the community.

Most of Victoria has avoided sprawling linear coastal development, allowing our distinct coastal settlements to retain their highly valued character. Non-urban breaks between settlements also play an essential role in providing:

- biodiversity buffers and habitat corridors for wildlife
- maintenance and enhancement of resilience and adaptive capacity for the natural environment
- recreational opportunities in the coastal environment
- preservation of significant landscape and aesthetic values of the coast.



A number of strategic and legislative frameworks guide the determination of coastal settlement boundaries and management of land use and growth along Victoria's coast. The *Planning and Environment Act 1987* contains the statutory framework for the Victorian planning system and provides the machinery that gives effect to state planning strategies and policies, including *Plan Melbourne* and Regional Growth Plans.

Planning schemes provide the framework for coastal settlements and the management of growth and land use. The schemes play an important role in reinforcing clear settlement boundaries, non-urban

breaks between settlements and the hierarchy and relationships between settlements. Coastal settlements are also affected by the declaration of distinctive areas and landscapes under the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018* and the *Great Ocean Road Action Plan*.

The following policies support the wider framework and aim to enable sustainable growth in Victoria's coastal environment.

Policies

- 8.1** Strategically plan and manage the development of settlements in the marine and coastal environment in an integrated and coordinated way to ensure:
- community and industry uses are provided for in appropriate locations
 - competing or conflicting uses are appropriately managed
 - coexistence of compatible activities is facilitated
 - growth is facilitated in areas where it does not threaten wetlands and estuaries
 - support for a network of diverse settlements that provide a range of opportunities
 - avoidance or minimisation of adverse impacts (direct, cumulative and synergistic) on ecosystems and habitats, local values, and landscape features.
- 8.2** Identify clear settlement boundaries in planning schemes, to plan for growth and protect coastal values; and direct growth to within these boundaries. Where no settlement boundary is identified, define the extent of the settlement by the existing urban zoned land and land identified in the planning scheme for future urban settlement.
- 8.3** Plan for settlement growth and locate development to:
- minimise and seek to avoid negative impacts on ecosystems and habitats, local values and landscape features
 - avoid increasing exposure to current or future coastal hazard risk, including risks posed by climate change such as rising sea level
 - consider the impacts of climate change along the primary foreshore, and adjacent to estuaries, inlets and inland lakes affected by coastal waters.
- 8.4** Avoid development on primary coastal dune systems, shorelines of estuaries, wetlands and low-lying coastal areas.
- 8.5** Avoid linear urban sprawl along the coast and within rural landscapes.
- 8.6** Retain and protect existing non-urban breaks and uses between all coastal settlements.
- 8.7** Urban renewal and redevelopment opportunities should be encouraged within existing settlements where they do not increase coastal hazard risk.
- 8.8** Manage and seek to minimise the impacts of hinterland growth on the marine and coastal environment, including impacts on flooding and water quality, and increased use of and demand for commercial and recreational activities.
- 8.9** Use buffers, where required, to protect environmental values, cultural values and heritage sites, and to enable the co-existence of compatible activities and to allow for adaptation of the natural environment.
- 8.10** Use water-sensitive design practices in urban areas to reduce environmental impacts on coastal wetlands, estuaries, beaches and the marine environment from sources such as litter, hydrological regimes, erosion and scouring.
- 8.11** Prohibit the development of new residential canal estates.





Chapter 9 - Marine and coastal industries

Intended outcome

Use of the marine and coastal environment by industry is ecologically, socially and economically sustainable.

Context

The marine and coastal environment contains many different industries that are vital employers and sources of prosperity for Victorians. They include well-established industries such as commercial fishing, aquaculture, shipping and ports, and gas and petroleum extraction, as well as emerging industries such as renewable energy production and storage, and carbon sequestration. These industries rely on a healthy marine and coastal environment for their ongoing success.

Population growth is increasing demands and pressures for marine and coastal industries to change or expand. However, the desire for industry expansion needs to be balanced against the need to protect and enhance the health of the marine and coastal environment on which industry relies.

The impacts of climate change will affect industries reliant on harvesting biological resources (such as commercial fishing and aquaculture) as conditions change and species distribution and abundance alter. Changes to wave energy, sea level and erosion will affect built industrial infrastructure and ease of navigation (particularly for ports and shipping). Expansion of emerging industries will also result in changes to the type of infrastructure built in the marine and coastal environment, leading to potential conflicts with existing uses.

Integrating and co-ordinating the management of industries in the marine and coastal environment provides opportunities to enhance the health of the marine and coastal environment. Examples of where this has already occurred include:

- mussel farms contributing to improved water quality
- harvesting urchins from barrens
- removing marine pests to assist restoration of kelp forests on reefs.

Many marine and coastal industries have authorising legislation, including the *Ports Management Act 1995*, the *Offshore Petroleum & Greenhouse Gas Storage Act 2010*, and the *Fisheries Act 1995*. The following policies do not affect existing legislation or duplicate its requirements. Rather, they provide for the strategic management of all uses and development to help ensure the continuing health of the marine and coastal environment on which these industries rely.



Policies

- 9.1** Strategically plan and manage industry use and development in the marine and coastal environment in a coordinated way to:
- provide for industry uses in appropriate locations (preferably on private land)
 - minimise impacts and risks to the marine and coastal environment
 - appropriately manage competing or conflicting uses
 - facilitate coexistence and co-location of compatible uses
 - take into account and minimise direct, cumulative and synergistic impacts
 - minimise exposure to coastal hazard risk and impacts of climate change.
- 9.2** Strategically plan and operate local and commercial ports to complement each other in the context of the broader economy, transport networks and the marine and coastal environments within which they are regulated.
- 9.3** Use the Marine Spatial Planning Framework to guide planning, management and decision making across marine sectors in Victoria to enable equitable and ecologically sustainable marine uses and industries, and to coordinate and integrate managing risks, impacts and change in the marine and coastal environment.
- 9.4** Prevent, manage and minimise risk from the introduction and spread of marine pests, invasive species and diseases from industry use and development in the marine environment (such as fishing, marine industries and structures).
- 9.5** Prevent, manage and minimise risk of pollution and discharge from industry use and development in the marine environment.
- 9.6** Manage and minimise the environmental impacts of dredging and spoil disposal by following State and national best-practice guidelines.
- 9.7** Use leasing and licensing arrangements for industry uses and infrastructure on marine and coastal Crown land to maximise public benefit and minimise speculative behaviour.



Chapter 10 - Recreation and tourism

Intended outcome

The marine and coastal environment hosts a diverse range of recreation and tourism experiences that are strategically planned and located to be safe and sustainable now and in the future.

Context

Recreational use of the marine and coastal environment is highly valued by Victorians and visitors alike. Recreation and tourism are key economic drivers for Victoria, contributing billions of dollars to the state economy each year. By connecting people with the marine and coastal environment, recreation and tourism also foster a sense of stewardship among users and provide community-wide health benefits from active and outdoor lifestyles.

The ways in which people enjoy Victoria's marine and coastal environment are many and varied, from the passive (staying near the water and beach walking) to the active (swimming, surfing, boating, kite surfing, fishing) and engaging with and learning about Aboriginal coastal culture. These activities are often supported by water-based clubs including angling, sailing, boating and lifesaving clubs, and structures and facilities such as camping grounds, public jetties, boat ramps and interpretive signage. Maintaining and improving facilities through initiatives such as Better Boating Victoria will play an important role in supporting ongoing sustainable recreation and tourism in Victoria.

Increases in permanent populations and visitor numbers are adding to demand for buildings and structures to support safe, equitable and sustainable recreational and tourist activities. Strong strategic management and planning can ensure sustainable access that does not degrade the values that make the marine and coastal environment a desirable place to visit and can help avoid conflict between different uses.

Policies

- 10.1** Enable a diversity of sustainable recreational uses and activities that strengthen peoples' connection with the marine and coastal environment (such as fishing, boating, surfing, swimming, bushwalking, camping, caravanning, cultural tourism).
- 10.2** Support community-based clubs to provide access and use for the broader community to the marine and coastal environment in ways that minimise environmental impacts.
- 10.3** Use strategic and spatial planning to locate opportunities for safe and sustainable recreation and tourism developments that:
 - a. respond to identified demand
 - b. minimise impacts on environmental and cultural values
 - c. minimise impacts on other users
 - d. maintain public safety
 - e. respond to the carrying capacity of the site
 - f. minimise exposure to coastal hazard risks and risk posed by climate change.



10.4 Use strategic and spatial planning to identify recreation and activity nodes (see Figure 5), to create efficient and compatible relationships between buildings and infrastructure and minimise impacts on the marine and coastal environment.

10.5 Support a sustainable network of facilities for recreational boating and water-based activities in line with strategic plans, and be responsive to:

- a. identified demand
- b. use and safety considerations
- c. the carrying capacity of the location
- d. coastal processes
- e. environmental values.

10.6 The design and location of marine-based structures and access points (including boat ramps, ports and marinas) should:

- a. consider and minimise safety risks
- b. consider sediment movement processes
- c. minimise the need for capital and maintenance dredging
- d. minimise sedimentation through catchment-based management activities (such as revegetation and erosion control).

10.7 Preferably locate new tourism developments (for example resorts, golf courses) on private land.

10.8 Tourist developments outside settlement boundaries must:

- a. protect non-urban breaks between settlements and their important values
- b. not compromise the broader open space characteristics of the coast
- c. not become new settlements or create linear coastal development
- d. consider impacts on the agricultural productivity of the area
- e. display good siting and design (see policies in Chapter 11 and Siting and Design Guidelines for Structures on the Victorian Coast).

10.9 Monitor the use of facilities in the marine and coastal environment to help determine the carrying capacity of sites and inform adaptive management and decision making.

Activity and recreation nodes

Recreation and activity nodes are a strategic planning tool for identifying and improving current and future activity and recreation developments in the marine and coastal environment. They are identified in coastal and marine management plans and are informed by relevant strategic documents (such as boating strategies). Identifying recreation and activity nodes creates efficient relationships between buildings and structures and minimises development impacts on the coast.

Activity nodes provide for community recreation facilities and tourism activities. They are within settlements and are adjacent to activity centres in planning schemes. They include public and private land.

Recreation nodes are located on marine and coastal Crown land outside activity nodes. They provide access and infrastructure for recreation and water-related activities. Use and development that supports access or the functioning of coastal-dependent activities may be sited in recreation nodes.

It should be noted that boating and fishing access points will be maintained and enhanced in line with relevant plans and strategies.



Figure 5: How activity nodes and recreation nodes might appear in a coastal context





Chapter 11 - Buildings, structures and access

Intended outcomes

Buildings and structures in the marine and coastal environment exhibit excellence in siting and design that is sympathetic to the landscape context and minimises impacts on the environment.

Buildings and structures on marine and coastal Crown land have a functional need to be near or in the water and provide significant public benefit.

Communities access marine and coastal Crown land in ways that minimise risk to public safety and protect environmental and cultural values.

Context

Buildings and structures in the marine and coastal environment support the functioning of communities and industries. They include port facilities, transport docks, jetties, boat ramps, paths, toilet blocks, picnic facilities, structures to maintain public safety, and buildings to enhance recreation opportunities such as clubs and cafes. New and improved buildings and structures that are well designed, appropriately located and properly maintained are necessary to enable a diversity of uses in the marine and coastal environment, and to accommodate increasing demand as the population grows.

Victoria's marine and coastal Crown land is an important publicly-owned asset offering benefits to all Victorians, as well as to visitors. The land contains unique values and characteristics but is limited in size and may be reduced over time as sea levels rise and the coastline retreats. For these reasons, new buildings and structures must have a functional need to be located near or in the water; otherwise they should be located further from the shore.

Developments directly on the coast and in marine waters face many challenges. They are at high risk of suffering storm damage, erosion and inundation. Development in these locations can also impede natural processes such as erosion and accretion cycles, and the ability of the natural environment to respond and adapt to change. Many existing buildings and structures were built when marine and coastal process and the impacts of climate change were not known or well understood. These legacy structures cannot always withstand changes, and do not set a precedent for future development.

Planning schemes, made in accordance with the *Planning and Environment Act 1987*, provide for the appropriate use and development of public and private land, including land covered by water. Planning schemes cover municipal districts and any other areas specified in a planning scheme.



The *Building Act 1993* and associated building standards set engineering and safety requirements for all buildings, structures and facilities. These policies provide for strategic spatial planning for the location of buildings, structures and facilities in the marine and coastal environment. Their siting and design must also follow state guidance in *Siting and Design for Structures on the Victorian Coast*.

Crown land in Victoria is managed on an equitable basis for the benefit of all Victorians. Use and development on marine and coastal Crown land should therefore balance the interests of individual users with the needs of the greater Victorian community. Many existing buildings and structures, such as yacht clubs, private jetties and bathing boxes, are managed under a lease or licence agreement between the land manager and clubs or private individuals. The management and maintenance of the structures is in accordance with those agreements, this Policy and other applicable guidelines.

Consistent with the policy in the previous *Victorian Coastal Strategy 2014*, new private structures that provide no public use benefit (for example private jetties, bathing boxes and boat sheds) are not permitted on marine and coastal Crown land. There has been a minor change to allow for where private structures provide the only access point to a property and no existing facilities have available capacity for co-location/co-use (such as jetty access to an island) (refer policy 11.8).

Policies

Supporting sustainable buildings and structures

- 11.1** Design, locate and maintain buildings and structures to effectively manage:
- a. any increase in exposure to coastal hazard risk including increased rates of sea level rise, erosion, accretion or inundation
 - b. exposure to public health and safety risks
 - c. any detrimental impacts (in particular increased hazard risk) on neighbouring Crown or private land
 - d. adverse effects on the environment and associated uses and values
 - e. impacts on marine and coastal functions and processes.

11.2 Design, locate and maintain buildings and structures to:

- a. minimise impacts on marine and coastal flora and fauna
- b. avoid impacts on cultural values and heritage sites
- c. avoid impacts on sites of geomorphological significance and fossils
- d. accommodate and sustain the natural drainage patterns and hydrology of the area
- e. use materials that respond to the geology and substrate of the site and surrounding area
- f. avoid dominant structures that are not sympathetic to the local heritage or character
- g. complement and enhance the surrounding landscape and coastal character, with the line and form of the structure sympathetic to the surrounding landscape and context
- h. retain public views to and from the water and/or along the coast
- i. avoid generating ongoing noise that intrudes on the local community

11.3 Investment in new and existing structures should follow a life cycle planning approach that:

- a. identifies future operation and maintenance accountabilities and costs, including the effects of climate change
- b. identifies and considers the structure's ongoing ability to function in light of changed conditions from the impacts of climate change
- c. plans the structure's decommissioning and removal or repurposing as part of the initial design and installation, or alteration.

Buildings and structures on marine and coastal Crown land

11.4 Provision or improvement of buildings and structures on marine and coastal Crown land is confined to those providing significant net community benefit and whose function depends on being on or near the water.

11.5 Require construction, extension or alteration of buildings and structures on marine and coastal Crown land to:

- a. make efficient use of the site
- b. facilitate multiple use and sharing of sites and infrastructure
- c. provide increased public functions and adaptability
- d. not impede access to marine and coastal Crown land except where access control is the main purpose
- e. use materials and finishes that are sympathetic to the coastal environment and durable in the longterm
- f. minimise the structure's environmental footprint.

11.6 When a building is being replaced or modified, its footprint or impact should be consolidated or minimised as far as possible to ensure marine and coastal Crown land is being used efficiently and sparingly.

11.7 Use and development of marine and coastal Crown land must not unreasonably affect the amenity of other users, or restrict or prevent access for other users.

11.8 Do not permit new private buildings or structures on marine and coastal Crown land that provide no public use benefit (for example private jetties, bathing boxes, boat sheds), unless they provide the only access point to a property and no existing facilities have available capacity for co-location/co-use (such as jetty access to an island).

11.9 Manage risk to public safety from unsafe or poorly maintained buildings and structures on marine and coastal Crown land, and consider removal if necessary and appropriate.

11.10 Consider relocating existing buildings and structures that are not functionally dependent on being located on marine and coastal Crown land, away from that land if suitable opportunities arise.

Table 3: Examples of buildings and structure types that are functionally dependent on being located on marine and coastal Crown land

<p>Usually located on marine and coastal Crown land because they are functionally dependent on being on or near the water</p>	<ul style="list-style-type: none"> • Jetty • Bathing box and boat shed • Pier • Marina • Mooring • Boat ramp • Harbour • Navigation aid • Lifesaving observation tower • Access point and stairs
<p>Provide support to the functioning of marine and coastal activities and may be appropriate in some marine and coastal Crown land locations</p>	<ul style="list-style-type: none"> • Toilet facility • Shared trail, boardwalk • Car parking • Marine rescue facility • Lifesaving club room • Public lookout • Barbecue, picnic and play equipment • Kiosk/café/restaurant (preferably in an urban setting) • Appropriate public camping facility

Examples of buildings and structures that do not support a coastal or marine activity and do not need to be located on marine and coastal Crown land:

- Non-water-based sporting facility
- Non-maritime industrial plant and storage
- Community hall
- Commercial function centre
- Other utilities

Access to marine and coastal Crown land

11.11 New development must not impede existing access to marine and coastal Crown land and must minimise loss of public open space.

11.12 Provide well designed and safe access to marine and coastal Crown land (e.g. through paths/fencing) to:

- minimise risk to public safety
- protect cultural values
- protect natural values and habitats at critical life stages (such as for migratory and nesting shorebirds)
- avoid exacerbating erosion and landslip risk.

11.13 Do not create private paths from private residential land through abutting marine and coastal Crown land.

11.14 Prohibit off-road access to marine and coastal Crown land and beaches by private vehicles in accordance with *the Land Conservation (Vehicle Control) Act 1972* and the *Land Conservation (Vehicle Control) Regulations 2013*.

11.15 Access to marine and coastal Crown land that meets the needs of people with varied levels of physical ability or capability should be provided, where practicable.

11.16 Control domestic and commercial animal access to marine and coastal Crown land to locations and times that minimise risks to public safety and amenity and protects environmental values.



Chapter 12 - Stewardship and collaborative management

Intended outcomes

Traditional Owners, marine and coastal managers, community groups and user groups:

- are actively engaged and empowered to care for, protect and improve the health of the marine and coastal environment
- collaborate, as stewards, to take care of and deliver integrated and coordinated planning and management of the marine and coastal environment
- have the knowledge, skills and capacity to manage current and future challenges.

Improved knowledge and understanding of the marine and coastal environment is used to inform evidence-based decision making and evaluate the effectiveness of those decisions.

Context

Thousands of Victorians make significant contributions to protecting and improving the health and values of the marine and coastal environment. These contributors include Aboriginal Victorians and Traditional Owner groups, volunteers, committees of management, Coastcare, Landcare, citizen science groups, coastal advisory groups, conservation management networks, community groups, boating and fishing groups, industry groups, management agencies, individuals, local councils and state government.

Community stewardship involves caring for the natural marine and coastal places that exist in and around the communities we live in, and taking actions that benefit the environment. Those taking action have various motivations and levels of capacity to protect, care for and responsibly use the marine and coastal environment. All these actions contribute to achieving our vision of a healthy, dynamic and biodiverse marine and coastal environment. Increasing this sense of community stewardship requires understanding and overcoming barriers to action.



The diversity of people, organisations, challenges and opportunities involved in marine and coastal management means that a collaborative approach is vital. No single agency can deliver an integrated response. Informal and formal collaboration arrangements are required to deliver coordinated and integrated planning and management of the marine and coastal environment.

All marine and coastal managers are facing increased pressures from climate change, population growth, ageing infrastructure, habitat loss and fragmentation and changing community management expectations. The skills and capacity of managers to deal with these issues varies. To be effective, management arrangements need to align responsibility with capacity and expertise, have adequate coordination of investment, and support marine and coastal managers to be efficient and sustainable in the long term.

Building knowledge and understanding of the marine and coastal environment can improve how we manage it, and help us identify threats, initiate responses and monitor the effectiveness of those responses (adaptive management). It will build a story that allows more accurate prediction of emergencies, and more effective responses to these events, while avoiding development in high-risk areas. Information and knowledge will also enable modelling of future climate change scenarios and setting of trigger points for action. Using this knowledge will allow our managers to adapt to future needs. Improved access to and quality of knowledge is critical for all involved in planning and managing for the marine and coastal environment.

Policies

Engage

- 12.1** Engagement on planning and decision making under the *Marine and Coastal Act 2018* must:
- recognise the rights and aspirations of Traditional Owners
 - recognise the wide variety of community values and knowledge
 - be inclusive and provide opportunities for broad and diverse participation
 - build on existing programs of community engagement.
- 12.2** Support marine and coastal community groups and networks (for example, through Coastcare, citizen science programs and sector group programs) to educate and engage the community about the landscape, environmental values, impacts and challenges facing the marine and coastal environment, and encourage their protection.
- 12.3** Support meaningful engagement between Traditional Owners, other marine and coastal land managers and decision makers, community, and user groups.
- 12.4** Support meaningful engagement with all affected parties in planning and decision making.

Collaborate

- 12.5** Recognise and support Traditional Owners' rights and cultural responsibilities to manage Country.
- 12.6** Support opportunities to strengthen shared marine and coastal management outcomes through partnering with:
- Traditional Owners
 - marine and coastal industries
 - community groups and networks
 - sector and user groups
 - people with a diversity of skill sets and interests
 - other marine and coastal managers, regional organisations and government agencies.
- 12.7** Coordinate and align investment in marine and coastal volunteer programs, and in capacity building for communities and marine and coastal managers.

Build capacity

- 12.8** Reduce the complexity of marine and coastal Crown land management arrangements.
- 12.9** Marine and coastal managers should be supported:
- with the necessary knowledge, information, skills and resources to effectively manage current and future challenges (for example, from climate change and changing community expectations)
 - to integrate planning and management of the marine and coastal environment through mechanisms outlined in the *Marine and Coastal Act 2018* (such as Regional and Strategic Partnerships and Coastal and Marine Management Plans) or through relevant mechanisms under other acts
 - with evidence and decision support tools (such as the Marine Knowledge Framework and Strategic Management Prospects) to guide management practice and decision making.
- 12.10** Support decision makers and referral authorities to build their capacity on coastal erosion through state guidance on the best available science, adaptive evidence and decision support tools.

Knowledge

12.11 Inform decision making with state guidance on the best available peer reviewed science.

12.12 Use knowledge gained through monitoring, evaluation and reporting of planning, management and decision making under the *Marine and Coastal Act 2018* to improve, inform and adapt future policy, strategy, planning and decision making.

12.13 Maximise knowledge transfer and practice around marine and coastal planning and management by:

- a. coordinating collection of information on habitats, physical processes, water quality, hazards and built assets to share an understanding of the condition of the marine and coastal environment across the state
- b. integrating scientific, environmental, social, cultural and economic knowledge.

12.14 Support technical expertise within government by complementing it with advice from a diverse network of independent experts, Traditional Owners and industry to:

- a. build understanding and knowledge bases
- b. monitor existing and emerging issues
- c. identify knowledge and information gaps, and current and future research needs
- d. share and communicate information
- e. effectively translate knowledge into decision making.

12.15 Use citizen science programs to:

- a. increase understanding and identification of coastal and marine environments and ecosystem functions
- b. build community stewardship, understanding and appreciation of natural coastal and marine ecosystems
- c. collaborate with marine and coastal managers in the management of marine and coastal ecosystems
- d. contribute to the knowledge base for monitoring, evaluation and reporting of planning, management and decision making under the *Marine and Coastal Act 2018*.





Chapter 13 - Funding for sustainable management of marine and coastal Crown land

Intended outcome

Planning and management of marine and coastal Crown land is strategically funded and resourced to effectively manage current and future challenges.

Context

Sustainable funding is vital to achieve integrated, co-ordinated and ecologically sustainable protection, planning and management of Victoria's marine and coastal environment.

In 2018 the Victorian Auditor General's Office found that funding models for marine and coastal management have at times been uncertain, inconsistent, restricted in application, unequally distributed and inadequate. It recommended improving knowledge of coastal hazards, strengthening support for and oversight of coastal managers, and developing a sustainable funding model for effective resourcing of coastal management. The Marine and Coastal Policy aims to provide high-level policy guidance to support actions to deliver these recommendations on the ground.

Demands to fund protection, planning and management of the marine and coastal environment compete with many other societal demands on the finite resources of governments. Our needs and wants are much greater than the amounts available, so the funding we have must be effectively prioritised, while other opportunities for investment in the marine and coastal environment need to be explored.

This chapter does not explicitly outline funding commitments for implementation of the Policy; rather it provides direction on development of a more strategic and sustainable approach to funding planning and management of marine and coastal Crown land. The Marine and Coastal Strategy will support and give effect to the Policy, and detail priority actions. It will also be accompanied by an implementation and evaluation plan.

Each marine and coastal Crown land manager needs to:

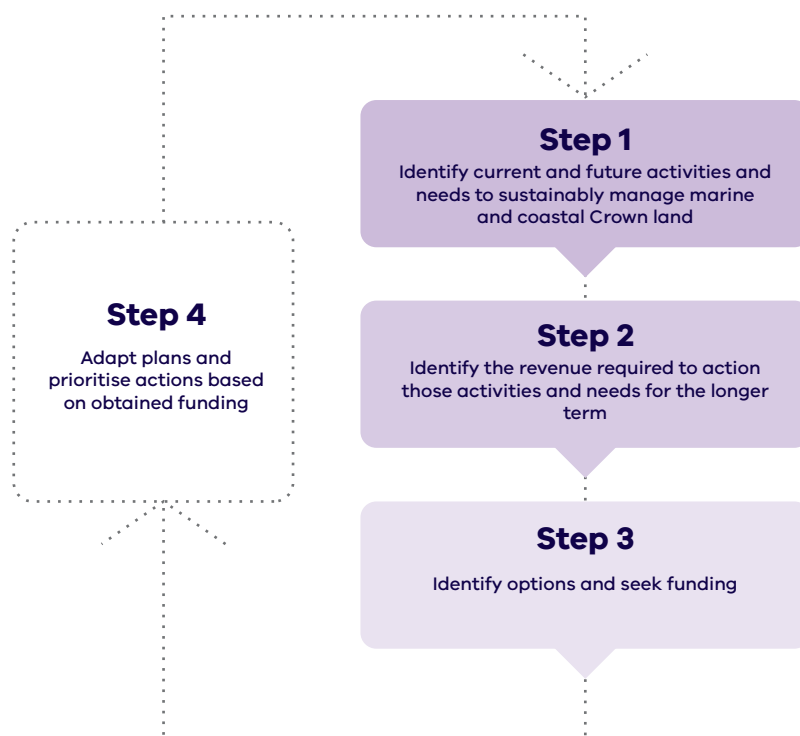


Figure 6: Process for identifying funding needs and future demands for management of marine and coastal Crown land

As a starting point towards a more sustainable funding approach, the process outlined in Figure 5 includes monitoring of both current funding needs and future demands in a comprehensive and consistent manner, based around the strategic planning framework in the *Marine and Coastal Act 2018*.

Note that in circumstances where specific activities on marine and coastal Crown land have specific funding strategies outlined in legislation and policy (for example, fisheries cost recovery and artificial estuary opening) these strategies will still apply. The policies in this chapter are overarching and intended to provide general guidance, particularly when detail is not available.

Policies

- 13.1** Funding marine and coastal management is a shared responsibility of all levels of government, beneficiaries and users of the marine and coastal environment.
- 13.2** Planning to identify funding for current and future activities and needs (Figure 6) for management of marine and coastal Crown land should:
- use planning tools under the *Marine and Coastal Act 2018* (see Appendix 1)
 - identify the 'business as usual' actions such as day-to-day management and maintenance of marine and coastal values and assets
 - identify new actions and expenditure required to meet the needs associated with growing populations, ageing infrastructure and building resilience to climate change
 - ascertain whether the task has already received funding from another source
 - identify the level of service required and performance outcomes for management, maintenance and new actions
 - identify opportunities to share and integrate service provision between marine and coastal land managers
 - take a multi-year, long-term approach.
- 13.3** Revenue generated from fees and charges for uses and activities on marine and coastal Crown land should be directed towards maintaining the environment and infrastructure in accordance with planning developed through policy 13.2.

13.4 Where a need for funding exceeds 'business as usual' requirements, marine and coastal Crown land managers, the state and other partners should collaborate to identify alternative funding options and opportunities.

13.5 State investment in capital costs of marine and coastal assets (in particular coastal protective structures) located on Crown land should be prioritised using a transparent risk-based approach, informed by the latest coastal hazard information and known values, and should favour works of statewide importance (including those identified in policy 13.4).

13.6 Funding options that can distribute costs and the spending burden over time should be considered to allow for inter-generational equity.

Co-investment arrangements

- 13.7** Co-investment arrangements should be used for asset renewal, major repair, replacement and removal, and new investments.
- 13.8** Those who share the risk and benefit from an asset (beneficiaries) need to be partners in co-investment. For example, a single coastal protection structure may simultaneously provide: significant public benefit, protection of infrastructure such as roads and utilities, and protection of private properties.
- 13.9** Partner co-investment contributions should be proportionate to the benefit a partner gains from the asset and their capacity to contribute.
- 13.10** All beneficiaries of assets on marine and coastal Crown land should contribute (through co-investment arrangements) to the capital and ongoing maintenance costs of works.
- 13.11** Consider how ongoing management, maintenance, auditing costs, decommissioning and reuse costs will be met in any co-investment arrangement

Accounting and reporting

- 13.12** To better understand and align investment revenues and costs, accounting and reporting systems for marine and coastal management should be:
- consistent
 - fit for purpose
 - efficient
 - administratively efficient
 - flexible between levels of government and marine and coastal managers.
 - the systems should also avoid imposing unnecessary cost burdens on stakeholders.
- 13.13** Opportunities for accounting and reporting in the context of environmental economic accounting should be considered and used if appropriate.

Fees and charges

- 13.14** Fees and charges for uses and activities on marine and coastal Crown land should be:
- consistent with *State Cost-Recovery Guidelines* and State government policy
 - reflective of the value and benefit provided by the private asset, and compensate for any exclusion of public access or public amenity on marine and coastal Crown land
 - set to maintain fairness and equity for the use and enjoyment of the marine and coastal environment
 - in line with similar rates in the area, so that the maximum public benefit is gained for use of a public asset
 - in instances of commercial use of marine and coastal Crown land, competitively neutral to discourage use of Crown land as a cheap alternative to private land.
- 13.15** Consider use of fees and charges to address issues of carrying capacity to ensure sustainable use of the marine and coastal environment.



Chapter 14 - Marine Spatial Planning Framework

Purpose of the Marine Spatial Planning Framework

The *Marine and Coastal Act 2018* requires the development of a statewide Marine Spatial Planning Framework (MSP Framework) that provides a process for achieving integrated and coordinated planning and management of the marine environment.

The MSP Framework has three primary functions:

1. To support integration and coordination of planning and management across marine sectors, the land-sea interface and jurisdictional boundaries
2. To support Traditional Owners, marine sectors, marine users and the community participate in marine planning and management
3. To provide a process for:
 - determining where and when marine spatial planning is required
 - initiating, approving and undertaking marine spatial planning, including producing and implementing marine plans.

A range of existing legislation, policies and plans provide direction for planning, management and decision making in the marine environment (see Appendix 2). The MSP Framework does not replace,

remove or duplicate their requirements; rather, it provides guidance and a process to support an integrated and coordinated approach to planning and management across sectors.

In addition, the MSP Framework is intended to complement other aspects of the Marine and Coastal Policy detailed in this document. When the MSP Framework is applied, the Planning and Decision Pathway (see page 16) and policies for planning and management of the marine and coastal environment set out in preceding chapters must also be considered.

Intended outcomes

Marine ecosystems are healthy, resilient and functional, retaining their intrinsic value while also providing ecosystem goods and services.

Ecologically sustainable and equitable use of the marine environment provides social, cultural and economic benefits, and minimises negative impacts on values.

Marine planning and management is:

- integrated and coordinated
- inclusive, collaborative and transparent
- proactive, future oriented and adaptive
- evidence-based, utilising scientific, social, cultural and economic knowledge and information.

Context

The marine environment, in keeping with its legal status as Crown land, is managed to provide environmental, social, cultural and economic benefits to the people of Victoria. Common uses of Victoria's marine environment – such as fishing, boating, various other forms of recreation and shipping and tourism – are changing and expanding, and new industries and uses are developing. As use of the marine environment increases and diversifies, so too does the potential for conflict between uses and users over marine space or resources, and cumulative and synergistic pressures on marine ecosystems.

With some exceptions, the main focus of planning and management has been on individual sectors or activities, with responsibility shared across government agencies and bodies. But with increasing use and pressures on the marine environment, better integration and coordination of our planning and management efforts is now needed across marine sectors. This will enable Victoria to prepare for, and balance, current and future uses of the marine environment, and ultimately support healthy and resilient marine ecosystems.

Marine spatial planning

Marine spatial planning is a process designed to improve planning, management and governance of the marine environment, and the values and benefits it provides. It can have significant benefits including proactively identifying and reducing potential conflicts between uses, and between uses and natural values, and the protection of economic, social and cultural values linked to the marine environment.

It offers a systematic process for assessing where activities may be compatible or incompatible, and where activities (either individually or cumulatively) conflict with an area's desired future.

The process of marine spatial planning:

- assesses current and future human activities, informing management options to achieve objectives for a given area
- is collaborative, with participation from all users, to inform decisions about sustainable and equitable use of marine resources and space
- is ecosystem-based, strategic and evidence-based
- is iterative and promotes adaptive management across sectors.

A marine plan is an output of the marine spatial planning process. It is a strategic document that provides the structure and direction for marine spatial management decisions in the area to which the plan applies.

Authority for marine spatial planning in Victoria

The Minister responsible for the *Marine and Coastal Act 2018* is designated as the lead Minister responsible for marine spatial planning in Victoria. Mechanisms under the Act that could be used to authorise a marine spatial planning process include a Regional and Strategic Partnership or an Environmental Management Plan.

The location and need for undertaking marine spatial planning in Victoria will be determined through a coordinated, statewide approach, directed by the lead Minister. This approach will consider and identify the areas that should be prioritised for undertaking marine spatial planning.

Given the range of interests and activities associated with the marine environment, the lead Minister will seek approval from all ministers with portfolio interests in a marine planning area before authorising the commencement of a marine spatial planning process, and before approving any proposed marine plan.

How to use the MSP Framework

The MSP Framework consists of two parts that in combination establish a process for achieving integrated and coordinated planning and management of the marine environment.

Part A – Policies to guide:

- integration and coordination of planning and management
- the process of marine spatial planning (Part B).

Part B – The process for initiating, approving and undertaking marine spatial planning.

Statewide Marine Spatial Planning Guidelines (MSP Guidelines) will provide detailed instructions about how to undertake marine spatial planning in identified areas.



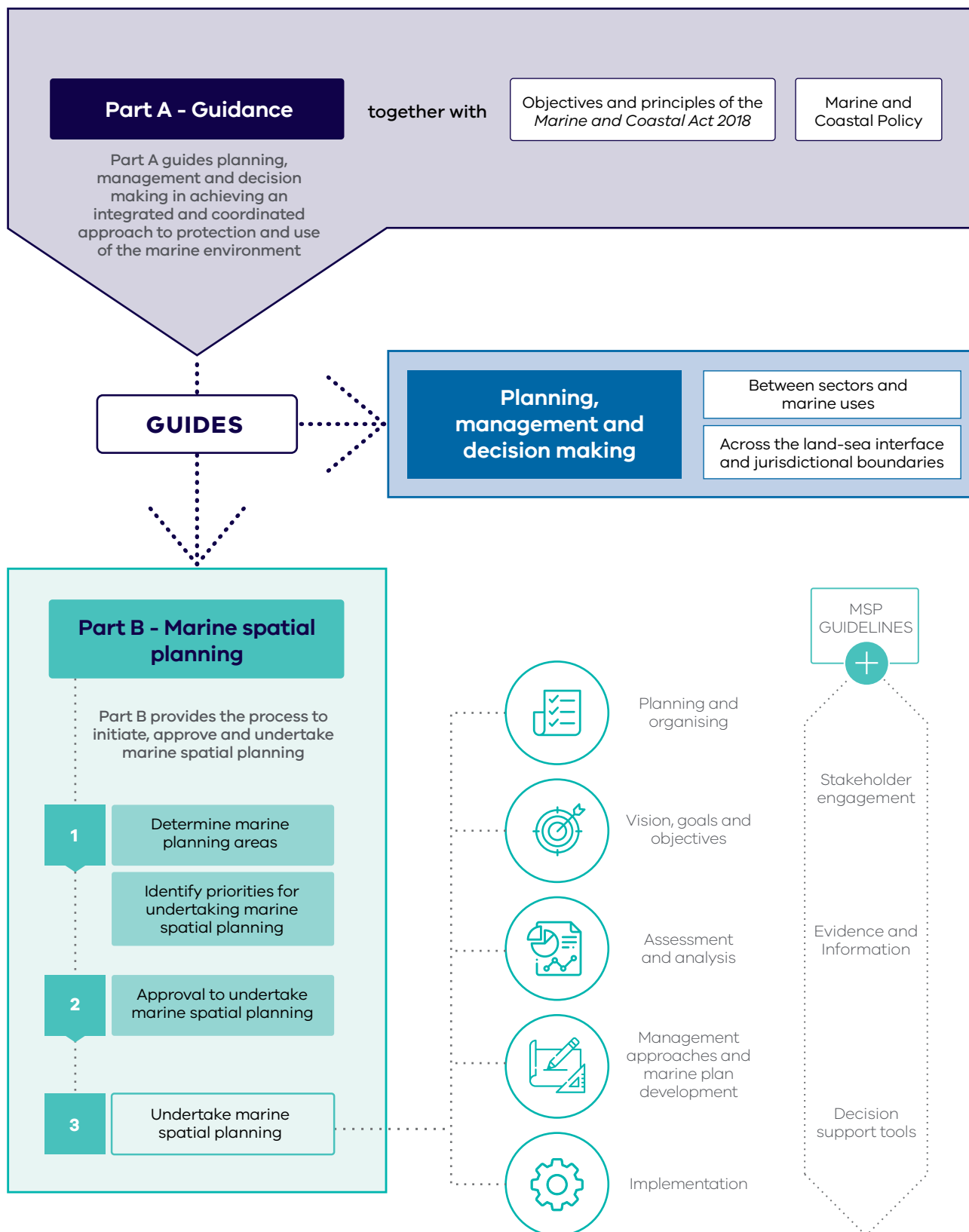


Figure 7: Overview of the Marine Spatial Planning Framework

Where the MSP Framework applies

The *Marine and Coastal Act 2018* defines the 'marine environment' as extending from the high-water mark for three nautical miles, or 5.5 kilometres, to the boundary of Victoria's state jurisdiction (see Figure 8 and Definitions section). It includes all bays, inlets, estuaries and the Gippsland Lakes. The marine environment also extends to a depth of 200 metres below the surface of the seabed, and includes the biodiversity associated with the land and water.

Given the dynamic and interconnected nature of marine and coastal systems, marine planning and management must also consider and complement policies, planning and management occurring outside Victorian waters and in the broader 'marine and coastal environment' and vice-versa.

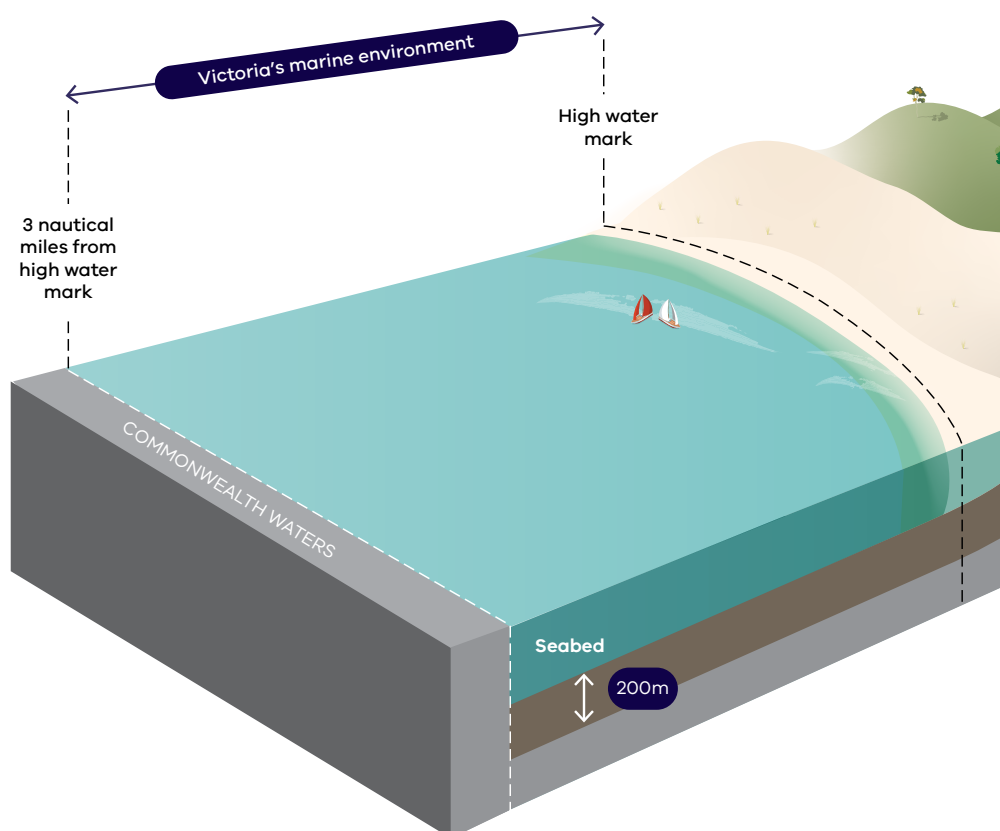


Figure 8: Extent of Victoria's marine environment

PART A – Guidance

The following characteristics and policies – together with the objectives and principles of the *Marine and Coastal Act 2018* and the other policies set out in this Marine and Coastal Policy – will guide planning, management and decision making in achieving an integrated and coordinated approach to protection and use of the marine environment.

Healthy, resilient and functional marine ecosystems

In addition to their intrinsic value, Victoria's marine environments provide for a diversity of human uses, activities, values and benefits. These are dependent on ecologically healthy and resilient marine ecosystems. Planning, management and decision making for the marine environment therefore must support healthy, resilient and functional marine ecosystems.

Policies

- 14.1** Protect and conserve marine biodiversity and, where appropriate, recover and enhance.
- 14.2** Support habitat and species diversity, distribution and abundance at levels capable of ensuring the long-term provision of ecosystem goods and services.
- 14.3** Recognise and support marine ecosystems' contribution to climate change mitigation and adaptation.
- 14.4** Identify and manage high conservation value areas through appropriate mechanisms.

Ecologically sustainable and equitable use of the marine environment

Ecologically sustainable and equitable use of the marine environment (including marine space and resources) involves balancing multiple objectives, including the achievement of socio-economic benefits from use and activity, and conservation outcomes.

Integration is required between different uses, activities and values, and must be in accordance with existing legislation, policies and plans providing direction for the marine environment. Planning, management and decision making for the marine environment needs to balance the valuable contribution of activities to society, while considering long-term outcomes.

Policies

- 14.5** Marine planning and management must be in accordance with all relevant legislation, strategic plans and policies operating in the marine environment. These include the Marine and Coastal Policy and plans and products developed under the *Marine and Coastal Act 2018*, and sectoral legislation, policies and plans (such as the *Fisheries Act 1995* and the *Ports Management Act 1995*).
- 14.6** Support and enhance opportunities for ecologically sustainable use and activity, including commercial, industrial, recreational and cultural uses, and scientific research.
- 14.7** Recognise and consider the social and economic contribution of current and emerging activities in the marine environment, including any existing use and access arrangements.
- 14.8** Consider potential future uses in planning processes, including the possible extent, benefits and adverse impacts on existing uses and the environment.

- 14.9** Understand and assess compatibility and conflict between uses and activities, and with the environment. Consider direct, cumulative and synergistic impacts on uses, activities and the environment, and climate and environmental change.
- 14.10** Locate and manage use, activity and access to:
- optimally and equitably use marine space and resources within ecological limits
 - minimise direct, cumulative and synergistic impacts on uses, activities and the environment.
- 14.11** Consider non-use values of the marine environment, including its intrinsic value, the aesthetic quality of locations, cultural and identity links with maritime activities and Sea Country, appropriate seascape, and sense of place.
- 14.12** Support Traditional Owners' contributions to resilient regional communities and healthy resilient cultural landscapes, including pursuit of economic opportunities through Sea Country practice.

Marine spatial planning operates within the three-dimensional nature of the marine environment, addressing activities on the seabed, in the water column and on the surface. This supports use of an area for multiple activities. Time should be considered as a fourth dimension because the compatibility of uses, management activities, issues and challenges are not static, and there are seasonal and lifecycle considerations.

Integration with land-based planning and across jurisdictions

Victoria's marine environment is dynamic and interconnected. Land and catchment processes, activities and development can have implications for the marine environment and vice-versa. Activities, development and environmental processes occurring outside of Victoria can also have an influence. Given these dynamics, integration of planning and management is required across the land-sea interface and across boundaries with adjacent jurisdictions.

Policies

- 14.13** Understand and consider the critical linkages across the land-sea interface including human activity, and physical and ecological processes.
- 14.14** Consider and complement land-use and catchment planning and management at the local and regional levels.
- 14.15** Land planning and catchment management authorities must be informed and invited to participate in the marine spatial planning process and in the development of any outputs, including marine plans.
- 14.16** Land planning and catchment management authorities must consider marine plans when conducting terrestrial and catchment planning.
- 14.17** Consider and complement planning and management occurring in adjoining jurisdictions.
- 14.18** Neighbouring authorities must be informed and invited to participate in any marine spatial planning process that intersects with, or affects, adjacent states or Commonwealth waters, or where the neighbouring authority would have an interest.

Inclusion, collaboration and transparency

Integration of activities and management strategies associated with the marine environment requires participation and collaboration among Traditional Owners and other rights holders, all levels of government, marine sectors, stakeholders and the public. This extends to adjacent jurisdictions to ensure coherence across ecosystems and administrative boundaries.

Working across sectoral and institutional compartments enables improved management of marine space and resources, and provides transparency and certainty for the community and industry. Cooperation across all sectors also strengthens integration, enables complementary decisions and actions and leads to more efficient and effective management.

Involving and collaborating with a diversity of parties enables sharing of information and knowledge that can significantly raise the quality of planning and management. Decisions should be transparent and easily understood by all stakeholders and the public.

Policies

- 14.19** Involvement and engagement of Traditional Owners, marine users, industry and the broader public in marine planning, management and associated decision making is essential.
- 14.20** Support collaboration and cooperation within and between sectors, and between governmental agencies.
- 14.21** Ensure transparency in planning and management processes supports sectoral decision making and investment.

Recognition and integration of Sea Country knowledge and practice

For Victorian Traditional Owners, Sea Country does not distinguish the marine environment from coastal or associated catchment values, and includes all parts of the natural world and the interactions between them.

The importance of Sea Country should be recognised and integrated into marine planning and management through self-determination and two-way learning. This includes recognising and respecting Traditional Owners' cultural responsibility to manage Country, the contribution of Traditional Owner knowledge to planning and management, Sea Country practice as living knowledge, and the need for a holistic approach to the management of multiple values and objectives to heal both Country and culture.



Proactive, future oriented and adaptive

Marine planning and management should not only be responsive to present conditions and challenges but also include future scenarios and possible new uses. Areas of the marine environment without any visible problems or conflicts today may be subject to future pressures or conflict between uses.

Forward thinking helps to anticipate and manage conflict and address the direct, cumulative and synergistic impacts of multiple activities. Undertaking marine spatial planning can enable proactive decision making in the short term to achieve desired long-term outcomes.

Policies

- 14.22** Promote and support long-term strategic planning by marine sectors.
- 14.23** Planning and management must not only be responsive to present conditions and challenges but include future scenarios and possible new uses.
- 14.24** Planning and management must be adaptive and responsive to changing circumstances and environmental processes, including new ecological challenges, climate change and social and economic factors.
- 14.25** Monitoring, evaluation, reporting and improvement (MERI) tools must be timely, adequate and responsive, and support the refinement and adaptation of marine planning and management.

Evidence-based, utilising scientific, social, cultural and economic knowledge and information

Marine planning, management and decision making must be evidence-based, and this requires access to timely and relevant knowledge and information. A diversity of data and information (including scientific and socio-economic research, Traditional Owner knowledge and practice, and local user knowledge) should be utilised.

Information and data should be shared across government departments, marine sectors and the community. Citizen science programs can also help increase understanding of marine ecosystems, while fostering appreciation and stewardship.

Policies

- 14.26** The best available evidence and information (including Traditional Owner knowledge and practices, scientific and socio-economic research, citizen science, industry and the community) must be utilised.
- 14.27** Key information and knowledge gaps are understood, informing priority actions to meet information needs.
- 14.28** Evidence and information must be transparent, accessible and maintained to enable collaborative research and analysis, ongoing learning, adaptive management and decision making.



PART B – Marine spatial planning

Expanding and diversifying uses and activities in the marine environment increases the potential for conflict between uses, and between uses and natural values. Additionally, climate change poses its own sets of threats and challenges for marine ecosystems. As we face these increasingly complex and challenging scenarios, individual sectoral approaches to planning and management may be insufficient to adequately support and balance the long-term use and health of the marine environment. This is where marine spatial planning can be beneficial.

Marine spatial planning does not seek to create a one-off 'master plan'; rather, it is a continuous, iterative process that will adapt according to new knowledge or needs (including threats, challenges and new activities). Anticipating and addressing potential conflicts and opportunities through marine spatial planning can help avoid problems in the future and provide certainty and clarity for users of the marine environment, industry and the community.

The MSP Framework provides a three-step process to initiate and undertake marine spatial planning:

Step 1 – Determine marine planning areas and identify priorities for marine spatial planning

Step 2 – Approval to undertake marine spatial planning using a mechanism in the *Marine and Coastal Act 2018* (Regional and Strategic Partnership or Environmental Management Plan)

Step 3 – Undertake marine spatial planning.

Step 1 – Determine marine planning areas and identify priorities for undertaking marine spatial planning

A statewide approach will be used to determine marine planning areas and to prioritise when marine spatial planning will be implemented in these areas.

This approach will be directed by the lead Minister responsible for marine spatial planning in Victoria.

Determining marine planning areas

Victoria's marine environment will be divided into marine planning areas. A marine planning area will be the specific area to which a marine plan (produced through a marine spatial planning process) and its identified actions will apply.

The boundaries of marine planning areas are unlikely to coincide with the boundaries of a single ecosystem. Further, the boundaries are likely to differ from the geographic spread of human activity (such as fishing, or siting of marine infrastructure) and will not align neatly with natural processes that are external to the marine planning area (such as sediment processes or larval dispersion).

Marine planning areas will be identified by considering:

- physical and biological attributes
- jurisdictional boundaries
- distribution and extent of use and activity
- values, including economic, social, cultural and ecological values, and 'threats'.

Identifying priorities for undertaking marine spatial planning

Undertaking a marine spatial planning process in an identified planning area may be beneficial if there are, or it is expected there will be, incompatible uses of the marine environment or uses that may have a negative impact (including direct, cumulative or synergistic impacts) on values. It may also be beneficial where there is an opportunity to develop a new industry or use of the marine environment.

Prioritising the implementation of marine spatial planning in the identified marine planning areas will be guided by:

- the presence of multiple stakeholders and users with interests in the area
- clearly identifiable issues or opportunities in the area, including:
 - the degradation of marine environmental values
 - new or emerging activities being proposed, with a need to decide on an appropriate location to enable sustainable and long-term development
 - existing or anticipated threats or risks to environmental, economic, social or cultural sustainability, or to sites, species or areas of significance
 - the existence, or likely existence, of conflict between existing and/or emerging human activities or uses
 - altering ecological processes, or uses and activities, in response to the impacts of climate change.

Information and knowledge that could help determine the boundaries of marine planning areas, and to identify where and when marine spatial planning will be undertaken, could include:

- Traditional Owners' knowledge of the marine environment
- recent or new scientific data and supporting independent advice on values (environmental, economic, social, cultural) and threats spanning marine sectors and issues
- communities' desire for access to the marine environment, and to values associated with the marine environment
- management arrangements currently in place
- economic data on the value of relevant industries and uses
- predicted growth of existing and emerging industries and uses
- analysis of population and demographic change
- statistics detailing the level of demand on resources, and trends over time
- interactions between various marine activities, including conflicts and synergies

Step 2 – Approval to undertake marine spatial planning

Approval from the Minister responsible for the *Marine and Coastal Act 2018* is required to authorise a marine spatial planning process. Mechanisms under the Act that could be used include a Regional and Strategic Partnership or an Environmental Management Plan.

In authorising marine spatial planning to proceed, the Minister will:

- consider any advice from the Victorian Marine and Coastal Council
- consider any other advice or recommendations, including from a State of the Marine and Coastal Environment Report or the Victorian Environmental Assessment Council
- outline the scope of the marine planning process and who must be involved
- seek approval from all ministers with portfolio interests in the marine planning area and with responsibilities for use and activity occurring within the marine planning area
- seek advice from all ministers with portfolio interests in the marine planning area about existing legislative requirements (for example, the *Fisheries Act 1995*) that will inform the marine spatial planning process
- specify an appropriate body to oversee and coordinate the marine spatial planning process and the implementation of management outcomes
- consider appropriate funding mechanisms.

Step 3 – Undertake marine spatial planning

Once marine spatial planning has been authorised, the process will be completed in accordance with the MSP Framework, statewide MSP Guidelines and any legislation, policies and plans operating within the planning area.

Figure 9 outlines the steps involved in undertaking a marine spatial planning process (See Appendix 4 for an overview of each step). The process requires stakeholder engagement and participation, use of the best available evidence and information, and application of consistent decision support tools. Each step will be further detailed in the MSP Guidelines.

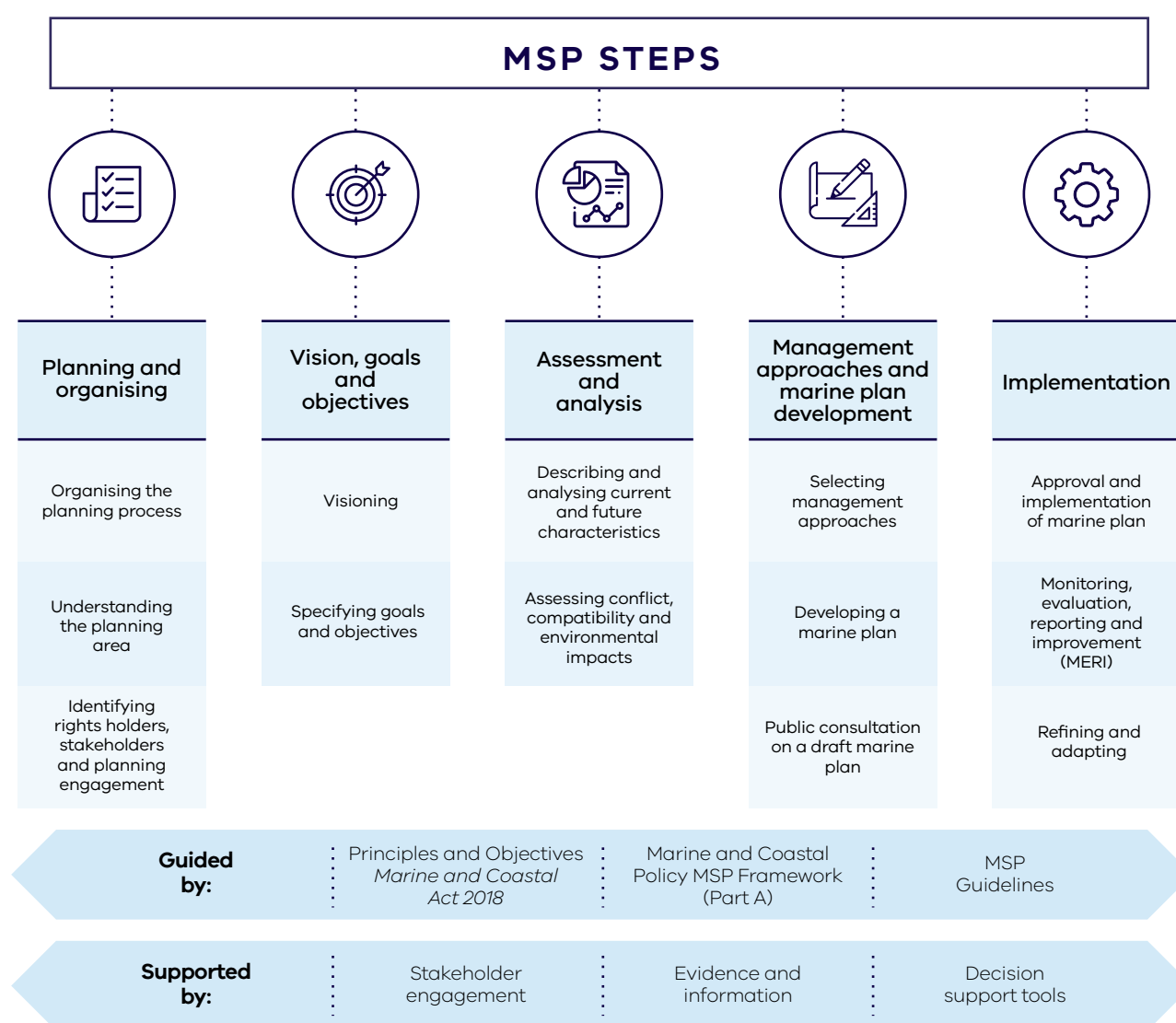


Figure 9: The marine spatial planning process

Participation in marine spatial planning

Traditional Owners as custodians of land and Sea Country, must be invited to participate in marine spatial planning. The method of participation should be determined by Traditional Owner groups themselves. Given the range of interests and activities in the marine environment, implementation of marine spatial planning must also involve government and non-government groups that have:

- an interest, connection or existing rights associated with the marine planning area
- planning, management or regulatory responsibility for the marine and coastal environment and its associated uses (including those in neighbouring jurisdictions and those with land or catchment management responsibilities).

Marine plans

A marine plan is a key output of the marine spatial planning process. It is a comprehensive strategic document that provides the structure and direction for marine spatial management decisions in the area of the marine environment to which the plan applies. A marine plan must be developed in accordance with any relevant provisions of the *Marine and Coastal Act 2018* (including the MSP Framework and MSP Guidelines) and any legislation that applies to the marine environment within the planning area.

A marine plan should identify when, where, and how the goals and objectives for the planning area will be met. As a minimum, it should:

- identify the scope of the plan
- specify a vision, goals and objectives for the planning area
- detail the key issues identified through assessment and analysis
- identify management approaches that will be used to address the key issues and achieve the goals and objectives for the planning area. This must include:
 - identifying existing management approaches within the planning area
 - identifying the agency, sector, or group responsible for implementation, and acknowledge that existing management authority maintains management of the marine resource (for example, under the *Fisheries Act 1995*)
 - a plan and timeline for implementing the management approaches.
- include a zoning plan, where it has been decided one is required, that is consistent with any statewide classification scheme
- outline a monitoring, evaluation, reporting and improvement (MERI) strategy for the plan.

Where appropriate, the marine plan should also provide instruction on how existing planning and management (such as within a sector, or land-based planning) should complement the plan, and act on any commitments or requirements.

Marine plans must be written in an accessible format, and include appropriate graphics and maps for clear communication to a diverse audience. A draft marine plan must be released for public comment before the completion of a final plan. While stakeholders will have participated in the development of the plan, this broader consultation will help further refine the plan ahead of its approval.

Approval and implementation of marine plans

The Minister responsible for the *Marine and Coastal Act 2018* has the authority to approve marine plans. Before approving a marine plan, the Minister will:

- ensure compliance with the requirements of the Act, including public consultation, notice and publication, and consistency with the objectives and guiding principles of the Act, the Marine and Coastal Policy, the MSP Framework and MSP Guidelines
- seek advice from all ministers with portfolio interests in the marine planning area about compliance with other relevant acts (such as the *Fisheries Act 1995*)
- seek approval from all ministers with portfolio interests in the proposed plan, and with responsibilities for use and activity occurring with the marine planning area.

Once approved, the marine plan will guide planning, management and decision making in the area of the marine environment to which the plan applies. While management of the marine resources will remain with the existing authority, all planning, management and decision making must be consistent with the marine plan. Implementation of management approaches identified in the plan will depend on the various approaches selected. This will include those that are enforced through other legislation (beyond the *Marine and Coastal Act 2018*) governing use and activity associated with the marine environment. Where zoning is to be used, a single consistent system will be used across all planning areas in Victoria's marine environment.



Appendix 1

Planning hierarchy of documents, decision making, and advice under the *Marine and Coastal Act 2018*

	<i>Marine and Coastal Act 2018</i> hierarchy	Purpose	Prepared by	Applies to
State	Marine and Coastal Policy (including the Marine Spatial Planning Framework)	Long-term policy guidance	Minister*	Marine and coastal environment (including all public and private land)
	Marine and Coastal Strategy – with implementation plan	Actions to achieve policy – reviewed every 5 years	Minister*	
	State of the Marine and Coastal Environment Report	Track the health and condition of marine and coastal environment over time – prepared every 5 years	Minister* (can request the Commissioner for Environmental Sustainability to produce)	
Regional	Regional and Strategic Partnership (RASP)	Produce a product to respond to an identified regional issue affecting the marine and coastal environment	Partner agencies of the RASP	Marine environment
	Environmental Management Plans	Actions to improve water quality, protect beneficial uses and address threats	Minister*	
Local	Coastal and Marine Management Plans	Translate marine and coastal policy and strategy to on-ground action	Crown land managers (e.g. Parks Victoria, other committees of management)	Marine and coastal Crown land
Site	Consent provisions for use and development on marine and coastal Crown land – enable regulations to specify exemptions, strengthen enforcement, and apply penalties, charges and bonds	Give the Minister the opportunity as land owner to assess proposals against policy and strategy and ensure public values are protected	Minister*	
	Advice on coastal erosion	Provide technical advice on any matters relating to or affecting coastal erosion	Coastal catchment management authorities and Melbourne Water	Marine and coastal environment

*Minister responsible for the *Marine and Coastal Act 2018*



Appendix 2

The role of the Marine and Coastal Policy in guiding and informing policies, plans and decisions under other acts

MARINE AND COASTAL POLICY

(including Marine Spatial Planning Framework)

Examples of policies, plans, strategies and decisions that must take into account the Marine and Coastal Policy

STATE

Marine and Coastal Strategy
(*Marine and Coastal Act 2018*)

State Planning Policy Framework
(*Planning and Environment Act 1987*)

Adaptation Action Plan
(*Climate Change Act 2017*)

REGIONAL

Regional and Strategic Partnership Product
(*Marine and Coastal Act 2018*)

Environmental Management Plans
(*Marine and Coastal Act 2018*)

Marine plans
(*Marine and Coastal Act 2018*)

LOCAL

Coastal and Marine Management Plans
(*Marine and Coastal Act 2018*)

National Park Management Plans
(*National Parks Act 1975*)

SITE

Consent for use and development
(*Marine and Coastal Act 2018*)

Coastal erosion advice
(*Marine and Coastal Act 2018*)

Exploration permits/licences
Retention leases
Production and mining licences
(various resources acts*)

* Geothermal Energy Resources Act 2005, Mineral Resources (Sustainable Development) Act 1990, Petroleum Act 1998, Underseas Mineral Resources Act 1963.

State Environment Protection Policy
(*Environment Protection Act 1970*)

Biodiversity Strategy
(*Flora and Fauna Guarantee Act 1988*)

Regional
Catchment
Strategy
(*Catchment and
Land Protection
Act 1994*)

Distinctive Area
Landscapes
*Planning and
Environment
Amendment
(Distinctive Areas
and Landscapes)
Act 2018*

Plan
Melbourne

Great
Ocean
Road Action
Plan

Regional
Waterway
Management
Strategies
(*Water Act 1989*)

Local Planning Policy
Framework
(*Planning and
Environment Act 1987*)

Safety and Environment
management plans and
port development
strategies
(*Port Management
Act 1995*)

Fisheries management
plans and aquaculture
management plans
(*Fisheries Act 1995*)

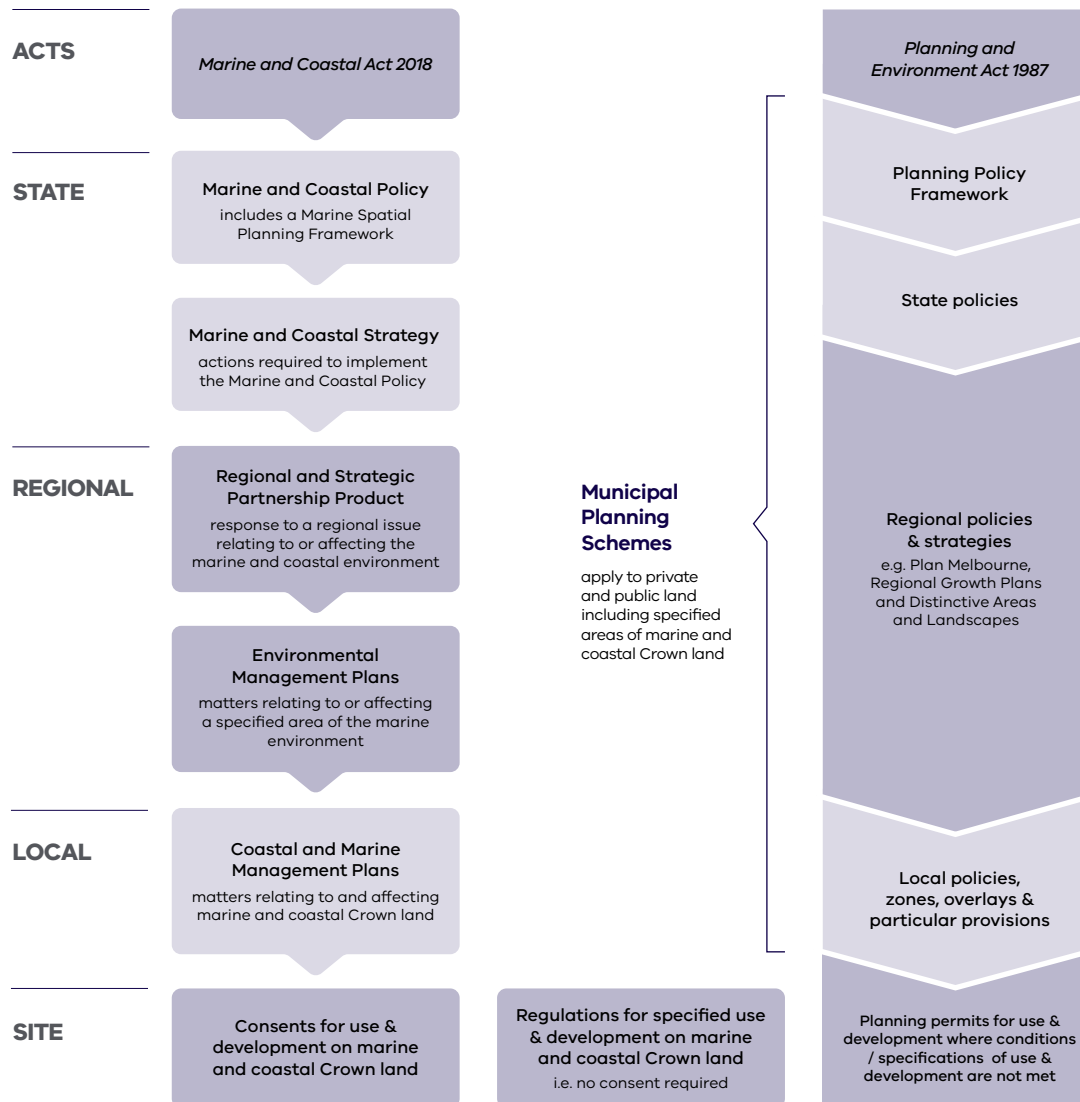
Leases, licences and
permits (*Crown
Land (Reserves)
Act 1978, Land Act
1958 and National
Parks Act 1975*)

Planning
permits
(*Planning and
Environment Act
1987*)

Licences and
approvals
(*Environment
Protection Act 1970*)

Coastal flooding
advice
(*Water Act 1989*)

Relationship between the Marine and Coastal Act 2018 planning hierarchy and the broader land use planning system



Other relevant legislation, plans, strategies, guidelines and assessments

The following list identifies some of the key legislation, policies, guidance documents, assessments and international agreements that may guide or impact decision making under the Marine and Coastal Policy, or that may set out requirements (including any approvals) additional to those required under the *Marine and Coastal Act 2018*. This list is not exhaustive and will necessarily change as new policies and legislation are enacted or existing ones are updated. It should be used as a guide only.

Acts

- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth)
- *Aboriginal Heritage Act 2006*
- *Australian Maritime Safety Authority Act 1990* (Cth)
- *Biosecurity Act 2015* (Cth)
- *Building Act 1993*
- *Catchment and Land Protection Act 1994*
- *Climate Change Act 2017*
- *Crown Land (Reserves) Act 1978*
- *Emergency Management Act 2013*
- *Environment Effects Act 1978*
- *Environment Protection Act 1970 & Environment Protection Act 2017*
- *Environmental Protection and Biodiversity Conservation Act 1999* (Cth)
- *Fisheries Act 1995*
- *Fisheries Management Act 1991* (Cth)
- *Flora and Fauna Guarantee Act 1988*
- *Heritage Act 2017*
- *Land Act 1958*
- *Land Conservation (Vehicle Control) Act 1972*
- *Major Transport Facilitation Act 2009*
- *Marine Safety Act 2010*
- *Marine (Drug Alcohol and Pollution Control) Act 1988*
- *Maritime Transport and Offshore Facilities Security Act 2003* (Cth)
- *National Parks Act 1975*
- *Native Title Act 1993* (Cth)
- *Offshore Petroleum & Greenhouse Gas Storage Act 2010*
- *Planning and Environment Act 1987*
- *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018*
- *Pollution of Waters by Oil and Noxious Substances Act 1986*
- *Ports Management Act 1995*
- *Traditional Owner Settlement Act 2010*
- *Transport Integration Act 2010*
- *Underwater Cultural Heritage Act 2018* (Cth)
- *Underwater Cultural Heritage (Consequential and Transitional Provisions) Act 2018* (Cth)
- *Water Act 1989*
- *Wildlife Act 1975*

Regulations

- *Aboriginal Heritage Regulations 2007*
- *Building Code of Australia*
- *Building Regulations 2018*
- *Environment Protection (Ships' Ballast Water) Regulations 2017*
- *Fisheries (Fees, Royalties and Levies) Regulations 2017*
- *Fisheries Regulations 2009*
- *Land Conservation (Vehicle Control) Regulations 2013*
- *Marine Safety Regulations 2012*
- *National Parks Regulations 2013*
- *National Construction Code*
- *Native Vegetation Removal Regulations*
- *Pollution of Waters by Oil and Noxious Substances Regulations 2012*
- *Port Management (Local Ports) Regulations 2015*

International agreements

- *Agreement on the Conservation of Albatrosses and Petrels (ACAP)*
- *China-Australian Migratory Bird Agreement*
- *Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)*
- *Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971 (Ramsar Convention)*
- *International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004*
- *Japan-Australia Migratory Bird Agreement*
- *Republic of Korea-Australia Migratory Bird Agreement*

Policies, strategies and assessments

- Assessment of the Values of Victoria's Marine Environment (Victorian Environment Assessment Council, 2019)
- Asset Management Accountability Framework (Department of Treasury and Finance, 2016)
- Coastal Spaces Landscape Assessment Study (Department of Sustainability and Environment, 2006)
- Coastcare Strategy 2020-25 is now being finalised
- Commercial port land-use strategies (port managers)
- Great Ocean Road Region Landscape Assessment Study (Department of Sustainability and Environment, 2004)
- Great Ocean Road Regional Strategy (Department of Sustainability and Environment, 2004)
- Invasive Plants and Animals Policy Framework
- Managing Country Together Framework 2018 (Parks Victoria, 2018)
- Melbourne's Water Future (Department of Environment and Primary Industries, 2013)
- Our Catchments, Our Communities - Integrated Catchment Management in Victoria 2016-2019 (DELWP and Catchment Management Authorities, 2016)
- Planning Policy Framework (including State, regional and local policies (municipal planning schemes))
- Plan Melbourne 2017-2050 (strategy and implementation plan)
- 2050 Port Development Strategy (Port of Melbourne, 2019)
- Port of Geelong – Development Strategy 2013 (Victorian Regional Channels Authority, 2013)
- Port of Hastings Land Use and Transport Strategy (Port of Hastings Corporation, 2009)
- Protecting Victoria's Environment – Biodiversity 2037 (Department of Environment, Land, Water and Planning, 2017)
- Recreational Boating Facilities Framework (Central Coastal Board, 2014)
- Regional and Strategic Partnerships made under the *Marine and Coastal Act 2018*
- Regional Catchment Strategies
- Regional Floodplain Management Strategies
- Regional Waterway Strategies made under the

Water Act 1989

- Sites of Geological and Geomorphological Significance
- State Environment Protection Policies (Environmental Protection Authority) (and, it is anticipated from 1 July 2020, the Environment Protection Regulations 2020 and Environment Reference Standard)
- Victoria's System of Marine National Parks and Marine Sanctuaries – Management Strategy 2003-2010 (Parks Victoria and the Department of Sustainability and Environment, 2003)
- Victorian Acid Sulphate Soils Strategy (Department of Sustainability and Environment, 2009)
- Victorian Aquaculture Strategy 2017-2022 (Department of Economic Development, Jobs, Transport and Resources, 2017)
- Victorian Floodplain Management Strategy (Department of Environment, Land, Water and Planning, 2016)
- Victorian Waterway Management Strategy (Department of Environment and Primary Industries, 2013)
- Water for Victoria – Water Plan

Plans

- Coastal and Marine Management Plans made under the *Marine and Coastal Act 2018* (and any operative Regional Coastal Plans made under the *Coastal Management Act 1995*)
- Environmental Management Plans made under the *Marine and Coastal Act 2018*
- Estuary Management Plans
- Gippsland Boating Coastal Action Plan 2013
- Great Ocean Road Action Plan
- Management Plans under the *Fisheries Act 1995*, *National Parks Act 1975* and *Coastal Management Act 1995*
- Port Phillip Bay Environmental Management Plan
- Ports Safety and Environment Management Plans, Department of Transport
- Ramsar site management plans
- Regional Growth Plans (including the G21 RGP, Great South Coast RGP and Gippsland RGP)

- State Maritime Emergencies (non-search and rescue) Plan (Emergency Management Victoria, 2016)
- Stormwater management plans (local government)
- Structure plans / township plans / urban design frameworks (local government)
- Traditional Owner Country Plans and Joint Management Plans
- Victoria's Climate Change Adaptation Plan 2017-2020 (Department of Environment, Land, Water and Planning, 2016)
- Victorian Cetacean Emergency Plan (Department of Environment, Land, Water and Planning, 2015)
- Victorian Marine Pollution Contingency Plan
- Western Victoria Boating Coastal Action Plan 2010
- *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (Department of Environment, Land, Water and Planning, 2017)
- Implementing a Coastal Settlement Boundary: Planning Practice Note 36
- Inspection Guidelines for Coastal Protection Structures on Crown Land (Department of Environment, Land, Water and Planning, 2019)
- Living with Cliffs - Coastal Cliff Hazards and How We Can Manage Them (Department of Environment and Primary Industries, 2013)
- Managing Coastal Hazards and the Coastal Impacts of Climate Change Planning Practice Note 53
- Masonry Seawalls: Repair and Maintenance Guidelines and Specifications (Department of Sustainability and Environment, 2009)
- Monitoring Sandy Coasts in South West Victoria: Coastal Management Guidelines (Department of Environment, Land, Water and Planning, 2019)
- National Assessment Guidelines for Dredging 2009 (Cth)
- Siting and Design for Structures on the Victorian Coast (VCC, 1998)
- Urban Stormwater Best Practice Environmental Management Guidelines (Stormwater Committee, 1999)
- Use, Development and Works on Marine and Coastal Crown Land (Department of Environment, Land, Water and Planning, 2018)
- Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soils (Department of Sustainability and Environment, 2009)
- Victorian Coastal Hazard Guide (Department of Sustainability and Environment, 2012) - released alongside the Victorian Coastal Inundation Dataset

Guidelines

- Aboriginal Participation Guidelines for Victorian Catchment Management Authorities
- Applying the Flood Provisions in Planning Schemes: Planning Practice Note 12
- Best Practice Environmental Management: Guidelines for dredging (Environmental Protection Authority, 2001)
- Best Practice Management Guidelines for Committees of Management: Managing Caravan and Camping Parks on Crown Land (Department of Sustainability and Environment, 2012)
- Committee of Management Responsibilities and Good Practice Guidelines (Department of Environment, Land, Water and Planning, 2015)
- Cost-Recovery Guidelines (Department of Treasury and Finance, 2013)
- Flexible Tenure Arrangements for Coastal Community Groups: Coastal Crown Land Leases and Licences (Department of Environment and Primary Industries, 2013)
- Guidelines for Developing a Coastal Hazard Assessment (Department of Environment, Land, Water and Planning, 2017)
- Guidelines for the Assessment and Reporting on Good Environmental Status of Victoria's Marine and Coastal Environment (Department of Environment, Land, Water and Planning, in preparation)
- Guidelines for the Monitoring and Assessment of Coastal Point Source Discharges (Environmental Protection Authority, 1999)

Appendix 3

Marine and coastal ecosystem goods and services

Ecosystem goods and services	Description	Example
Regulating services – the regulation of natural processes by ecosystems that benefit humans		
1. Air purification	Influence of a marine/coastal ecosystem on air quality	<ul style="list-style-type: none"> Wetlands, trees and soil filter air pollutants such as carbon monoxide, nitrogen oxides and particulate matter. Algae and phytoplankton release oxygen into the atmosphere.
2. Climate regulation	Contribution of a marine/coastal ecosystem to the maintenance of a favourable climate	<ul style="list-style-type: none"> Blue carbon ecosystems (saltmarsh, mangroves and seagrasses) capture and store carbon from the atmosphere.
3. Disturbance prevention or moderation	Contribution of marine/coastal ecosystem structures and functions to preventing coastal erosion and dampening the impacts of coastal hazards and sea-level rise	<ul style="list-style-type: none"> Natural features/habitats (such as coastal cliffs, wetlands, mangroves and kelp forests) absorb or reduce energy and/or provide a physical barrier. Vegetated land cover intercepts and absorbs water, retaining it and slowing its movement. Coastal vegetation maintains dunes and other natural shoreline structures.
4. Regulation of water flows	Contribution of marine/coastal ecosystems to the maintenance of localised hydrological processes and coastal current structures	<ul style="list-style-type: none"> Transportation of sediments by river and coastal currents The effect of kelp forests on localised current intensity Coastal currents maintaining deep channels used for shipping
5. Waste treatment and assimilation	Removal of contaminant and organic nutrient inputs to marine/coastal environments from humans	<ul style="list-style-type: none"> Nutrient-cycling processes (which prevent harmful algal blooms) Breakdown of chemical pollutants by microorganisms Filtering of water by riparian vegetation and wetlands
6. Biological control	Contribution of marine/coastal ecosystems to the maintenance of population dynamics, resilience through food web dynamics, disease and pest control	<ul style="list-style-type: none"> Support of reef ecosystems by herbivorous fish that keep algae populations in check The role that top predators play in limiting population numbers of opportunistic species like jellyfish
7. Gene pool protection	Contribution of marine/coastal habitats to the maintenance of viable gene pools through natural selection/evolutionary processes	<ul style="list-style-type: none"> Genetic diversity that enhances adaptability of species to environmental changes, contributing to ecosystem resilience and maintenance of ecosystem function

Ecosystem goods and services	Description	Example
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Supporting services – ecosystem functions that support and enable the maintenance and delivery of final services

8. Migratory and resident species' habitat	Contribution of a particular marine/coastal habitat to migratory and resident species' populations through the provision of critical habitat for feeding, or reproduction and juvenile maturation	<ul style="list-style-type: none"> Natural habitats and nutrient rich waters important for supporting commercial and recreational fisheries
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Provisioning services – material products obtained from ecosystems that benefit humans

9. Food	All legally available flora and fauna extracted from coastal/marine environments for consumption by humans	<ul style="list-style-type: none"> Wild capture and farmed fish and shellfish, seaweed
10. Water	Water extracted from the marine/coastal environment for human, industrial or shipping use	<ul style="list-style-type: none"> Seawater desalination for drinking water supply, cooling water for industrial processes, land-based aquaculture, ballast water for shipping
11. Raw materials	Extraction of any renewable material from coastal/marine environments	<ul style="list-style-type: none"> Sand, salt, seaweed for fertiliser
12. Genetic resources	Provision/extraction of genetic material from marine/coastal flora and fauna for use in non-medicinal contexts	<ul style="list-style-type: none"> Use of marine flora/fauna-derived genetic material to improve agricultural crop resistance to saline conditions
13. Medicinal resources	Any material extracted from or used in the marine/coastal environment for its ability to provide medicinal benefits	<ul style="list-style-type: none"> Medicine plants and pharmaceutical products
14. Ornamental resources	Any material extracted for use in decoration, fashion, handicrafts, souvenirs etc	<ul style="list-style-type: none"> Shells, mother of pearl, abalone pearls

Ecosystem goods and services	Description	Example
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Cultural services – the contribution of ecosystems to non-material human benefits

15. Leisure, recreation and tourism	Provision of opportunities for tourism, recreation and leisure that depend on a particular state of marine/coastal ecosystems	<ul style="list-style-type: none"> Bird/whale watching, beachcombing, sailing, recreational fishing, diving, swimming
16. Aesthetic experience	Contribution of a marine/coastal ecosystem to the existence of a landscape or seascape that generates a noticeable emotional response within the observer	<ul style="list-style-type: none"> Visual and other experiential values provided by a landscape/seascape's uniqueness Wild and scenic values Presence of key species or habitats of interest
17. Inspiration for culture, art and design	Contribution of a marine/coastal ecosystem to the existence of environmental features that inspire elements of culture, art and/or design	<ul style="list-style-type: none"> Coastal/marine scenes or features portrayed in artwork or jewellery Architecturally designed buildings and bridges based on a marine inspired theme Films/animations based on marine ecosystems
18. Cultural heritage	Contribution of a marine/coastal ecosystem to the maintenance of cultural heritage and identity, and providing a 'sense of place'	<ul style="list-style-type: none"> Custodianship, cultural knowledge and practices based around marine and coastal ecosystems
19. Spiritual experience	Contribution of a marine/coastal ecosystem to formal and informal collective religious experiences	<ul style="list-style-type: none"> Indigenous and other religious beliefs centred on gods or ancestral linkages connected to the sea, sky, earth, forests and forces of nature
20. Information for cognitive development	Contribution of a marine ecosystem to education, research, and individual and collective cognitive development	<ul style="list-style-type: none"> Environmental education of adults/children/communities The contribution of a marine/coastal ecosystem to research and development or scientific understanding



Appendix 4

Overview of steps in the marine spatial planning process

Step		Overview
 Planning and organising	Organising the planning process	Initial planning for how to undertake the marine spatial planning process (including timeframes, required resourcing, scope and governance).
	Understanding the planning area	Understanding the area, including any key issues and risks (such as water quality or climate change impacts), physical and biological characteristics and the extent and distribution of the various uses and activity. This includes considering requirements under other existing legislation (such as the <i>Fisheries Act 1995</i>) that apply to the planning area and that will inform the scope of a marine plan and any management approaches developed.
	Identifying rights holders, stakeholders and planning engagement	Identifying all parties with an interest, connection or existing rights associated with the marine planning area and determining when and how to engage them in the process.
 Vision, goals and objectives	Visioning	Developing a shared vision for the planning area enables marine spatial planning to pursue a desired future for the planning area, allowing for the process to be specific to the area's characteristics and needs.
	Specifying goals and objectives	Specifying goals and objectives for the planning area enables efforts and management approaches to be focused on achieving results. Objectives should reflect the priorities for use, activity and conservation within the planning area.
 Assessment and analysis	Describing and analysing current and future characteristics	Gathering, collating and analysing all available information relevant to the planning area, and the goals and objectives set for the area. This includes: examining current and future use and activity, and the interactions with other uses, and with ecosystems and ecological processes; understanding gaps in knowledge and data; and assessment of existing management activities, including spatial designations and existing legislative requirements.
	Assessing conflict, compatibility and environmental impacts	Using a systematic, proportionate and risk-based process for assessing compatibility between different marine uses and activities, and where activities (either individually or cumulatively) conflict with the objectives of the marine planning area. This process should consider temporal and spatial aspects, and anticipate possible future conflicts. In assessing environmental impacts, it is necessary to look beyond direct impacts of an activity on ecosystem components, and to consider the cumulative and synergistic impacts of human influence and natural variability. MSP Guidelines will address approaches/tools to support the identification and management of conflict and compatibility (including guidance for assessing environmental impacts), and outline processes for consultation and dispute resolution.

Step		Overview
 Management approaches and marine plan development	Selecting management approaches	<p>Together with key sectors and stakeholders, management approaches to address the goals and objectives for the planning area are set. Management approaches influence human activity within the planning area and are not limited to spatial or temporal measures.</p> <p>Criteria to be used in evaluating alternative management approaches should be agreed through the marine planning process and with the partners involved.</p>
	Developing a marine plan	<p>A marine plan is a comprehensive strategic document that provides the structure and direction for marine spatial management decisions. It should identify when, where and how the goals and objectives for the planning area will be met.</p>
	Public consultation on a draft marine plan	<p>A draft marine plan must be released for public comment. While the community and key stakeholders will have had opportunity to participate in the development of the plan, this phase of broader consultation will help further refine the plan.</p>
 Implementation	Approval and implementation of marine plan	<p>Approval of a marine plan resides with the Minister responsible for the <i>Marine and Coastal Act 2018</i>, with agreement from responsible ministers of other applicable acts.</p> <p>A marine plan should identify agencies or partners responsible for implementing specific actions outlined in the plan.</p>
	Monitoring, evaluation, reporting and improvement (MERI)	<p>Marine spatial planning is a continuous, adaptive process that includes performance monitoring and evaluation.</p> <p>The MSP Guidelines will detail the MERI requirements of the marine spatial planning process and any resulting marine plan including: monitoring that assesses the state of the system (environmental conditions but also monitoring of use and activity, and progress in resolving conflict between uses) and monitoring that measures the performance of management approaches.</p>
	Refining and adapting	<p>Informed by the MERI, an adaptive approach involves:</p> <ul style="list-style-type: none"> • collaboration and involvement of Traditional Owners, marine sectors and the community • exploring alternative ways to meet the goals and objectives for the planning area • predicting the outcomes of alternatives based on the current state of knowledge • monitoring the impact and effectiveness of management approaches • using the results to update knowledge and adjust management approaches as required.

Definitions

Buffers – Adequate separation distances between potentially conflicting or incompatible values and/or uses e.g. between environmental/cultural values and development impacts, between different recreational users, and industry and recreational users.

Carrying capacity – the number of people in a region and the level of human activity that can be sustained at a certain level without causing environmental degradation.

Coastal acid sulfate soils – These soils are found in low-lying coastal areas and the marine environment, and contain high concentrations of iron sulfates. Relatively harmless in their undisturbed (submerged) state, these soils produce and release large quantities of sulfuric acid when exposed to oxygen through excavation, dredging or drainage, detrimentally affecting coastal and marine environments.

Cumulative effects – the impact on the environment resulting from the effects of one or more impacts, and the interactions between those impacts, added to other past, present, and reasonably foreseeable future pressures.

Reasonably foreseeable future pressures include future permitted activities (i.e. activities allowed without the need for consent), granted but not yet implemented consents, and environmental change (e.g. climate change impacts).

Ecosystem – All living things in a given area, as well as their interactions with each other, and with their non-living environments (e.g. weather, earth, sun, soil, climate, atmosphere).

Good environmental status – a framework to determine and report on whether different uses of marine and coastal resources are conducted at a sustainable level, ensuring their continuity for future generations.

Habitat – The place or type of site where an organism or population naturally occurs.

Invasive species – A species occurring, as a result of human activities, beyond its accepted normal distribution that threatens valued environmental, agricultural or other social resources by the damage it causes.

Iterative pathway approach – a conceptual planning approach of a series of interlinked pathways where the course can change at agreed trigger or decision points within the context of a range of future scenarios.

Least overall harm – the scenario that has the least negative environmental impact.

Maladaptation – Adaptation actions that adversely affect other systems, sectors or social groups, increase their vulnerability or increase greenhouse gas emissions.

Marine and coastal Crown land – defined in the *Marine and Coastal Act 2018* as all Crown land and waters between the outer limit of Victorian coastal waters and 200 metres inland of the high-water mark of the sea, including:

- a. Crown land (whether or not covered by water) to a depth of 200 metres below the surface of that land
- b. any water covering the land referred to in paragraph (a) from time to time.

In addition, marine and coastal Crown land includes Crown land that extends more than 200 metres inland of the high-water mark of the sea where it has been reserved under the *Crown Land (Reserves) Act 1978* for the purposes of the protection of the coastline.

For this purpose, it includes land (whether or not covered by water) and any water covering that land to a depth of 200 metres below the surface of that land.

Marine and coastal environment – defined in the *Marine and Coastal Act 2018* as the following between the outer limit of Victorian coastal waters and 5 kilometres inland of the high-water mark of the sea –

- a. the land (whether or not covered by water) to a depth of 200 metres below the surface of that land
- b. any water covering the land referred to in paragraph (a) from time to time
- c. the biodiversity associated with the land and water referred to in paragraphs (a) and (b).

Marine and coastal processes – The physical, chemical and biological processes that occur in the marine and coastal environment over both long and short timescales. For example, the natural accretion and erosion of beaches, nutrient cycling and soil formation processes, the structure and functioning of ecological communities.

Marine environment – defined in the *Marine and Coastal Act 2018* as the following between the outer limit of Victorian coastal waters and the high-water mark of the sea –

- a. the land (whether or not covered by water) to a depth of 200 metres below the surface of that land
- b. any water covering the land referred to in paragraph (a) from time to time
- c. the biodiversity associated with the land and water referred to in paragraphs (a) and (b).

Natural features and landscapes – specific natural components within a landscape (features) or large subsets of the environment (landscapes) which involve the physical character of the area, the perception of that character (e.g. memorable, wild and scenic) and the associations with that area (including cultural, spiritual, historic and heritage associations).

Path dependency – where decisions, events or outcomes at one point in time constrain adaptation, mitigation or other actions or options at a later point in time.

Significant public benefit – demonstrated by the following criteria:

- ‘public benefit’ should be defined as relevant to each individual case, based on an understanding of public values of the site in question
- there must be a need for the identified value to be protected in order to provide significant public benefit
- protection of private property should not be the only purpose of a structure on marine and coastal Crown land. Benefit should, be in the least, access and amenity to the broader local community
- it is not enough to show that there is no public detriment as a result of a proposal. ‘Significant’ public benefit must be demonstrated (e.g. protection of environmental and cultural features of the coast).

Synergistic effects – synergism occurs when the total effect of an interaction between two or more processes is greater than the sum of the effects of each individual process.

