

Draft Marine and Coastal Policy Submission

August 2019

Prepared by the Association of Bayside Municipalities
in consultation with the Municipal Association of Victoria

Enquiries

Jacque White – Executive Officer, Association of Bayside Municipalities
P. 03 9667 5536 | E. jwhite@mav.asn.au

Table of contents

Introduction	3
About the Municipal Association of Victoria	4
About the Association of Bayside Municipalities	4
The role of councils in the marine and coastal environment	4
Summary of key issues for local government	5
(1) State leadership on coastal climate adaptation	5
(2) Enabling consistent state-local planning	6
(3) A business case for investment on the coast	6
(4) Other matters of concern	7
General feedback on the draft Policy	8
Vision	8
Planning and Decision Pathway	8
Values	10
Population Growth	10
Language	10
Interrelationship between Policy and other initiatives	10
Conflict	11
Specific feedback on the draft policy themes (and specific policies)	12

Introduction

The Municipal Association of Victoria (MAV) and the Association of Bayside Municipalities (ABM) welcome the release of the *Draft Marine and Coastal Policy* for public consultation.

The MAV and ABM recognise the importance of this policy in communicating and guiding the Victorian Government's commitment to a healthy and well-managed marine and coastal environment, now and into the future.

We strongly support the need for a marine and coastal policy that:

- (1) Sets out clear policies for planning and managing the marine and coastal environment;
- (2) Provides guidance to decision makers in applying the principles and delivering the objectives articulated in the Marine and Coastal Act 2018; and
- (3) Sets out a framework for integrated and coordinated planning and management of the marine environment.

This submission incorporates the views of all ten ABM Member councils as well as seven other Victorian coastal councils, spanning Glenelg Shire in the far south-west of the state to East Gippsland Shire in the east. The submission focuses on key issues raised by councils, and provides our views on individual policy proposals.

Due to the time limits to respond to the draft policy, this submission is primarily informed by council officer input.

Local government engagement

Councils are concerned that the draft Policy does not appropriately or adequately recognise the critical role local government performs in the ongoing management of coastal Crown land.

In developing the draft marine and coastal strategy, councils call for early and detailed discussion and engagement, to shape the approach and inform specific actions and activities that enable, clarify and support local government planning and management in the marine and coastal environment.

About the Municipal Association of Victoria

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

Today, the MAV is a driving and influential force behind a strong and strategically positioned local government sector. Our role is to represent and advocate local government interests; raise the sector's profile; ensure its long-term security; facilitate effective networks; support councillors; and provide policy and strategic advice, capacity building programs, and insurance services to councils.

About the Association of Bayside Municipalities

The ABM represents the ten councils with frontage to Port Phillip Bay. Together these councils represent 1,287,938 people (22 percent of Victoria's population). The ABM councils play an active and integral role in the management and protection the environmental, social and economic values of Port Phillip Bay.

The ABM has a proud history of investing in knowledge sharing, partnerships and on ground projects to inform planning and management of the marine and coastal environment of Port Phillip Bay, while also building capability and networks across councils. In recent times the ABM's focus has been coastal climate adaptation, working towards a whole-of-bay approach to planning for and responding to the impacts of climate change on the coast.

The role of councils in the marine and coastal environment

Councils can have a variety of important roles that relate to the environmental management of the Victorian coastline and bays, including:

- appointed Committee of Management under the *Crown Land (Reserves) Act 1978*
- Planning Authority and/or Responsible Authority under the Planning and Environment Act 1987 (noting that Victorian government ministers, departments and authorities also regularly perform these statutory roles) as a strategic land use planning authority
- Service provider to Parks Victoria or other Committees of Management
- Asset manager

As the appointed Committee of Management local government performs the following functions:

- governance
- maintenance
- building/site administration
- building/infrastructure management
- facilities management
- natural resource management
- beach management
- festivals and event administration

Councils consider primary responsibility for the marine environment, and health of the Victoria's coast and bays to the high-water mark, to be the responsibility of the State Government. That said, councils recognise that their actions can impact the health of the marine and coastal environment through management of foreshores, and stormwater drainage responsibilities. This includes all councils within a coastal catchment, not just those that directly interface the coast or bays.

Summary of key issues for local government

Councils have highlighted a number of key issues associated with the challenges and costs of coastal adaptation to climate change, ageing assets, and community expectations with regards to access, development and protection.

(1) State leadership on coastal climate adaptation

Coastal climate change adaptation requires a holistic and whole of Victorian government response, which allows for localised models and solutions to be implemented. State Government leadership and commitment is required to respond appropriately to future climate change impacts and adaptation.

The draft Policy Executive Summary (p6) states:

*“Significant new or changed areas proposed within the draft Policy include:
Providing strong direction on climate change”*

The draft Policy does not clearly communicate a “strong direction” on climate change much beyond current arrangements. It appears to devolve critical planning and decision-making processes, and their associated risks to local government and communities. An inconsistent and fragmented approach to planning for sea level rise and coastal climate adaptation across the state may contribute to inequity, misinformation and social discord across Victorian communities.

The Policy requires significant strengthening in relation to state-led leadership on coastal climate change adaptation, particularly around key enablers like the state planning framework, strategic coastal hazard planning and management, strategic asset management and statewide community communication.

Councils call for the Policy to clearly articulate State Government direction, guidance and commitment that will have a practical, enabling and lasting effect at the local level.

Council feedback:

- Climate change related draft policies risk being interpreted as ‘optional’ and limiting – **policy language and intent must be directive and enabling.**
- The **policy needs to articulate the State Government’s approach (or hierarchy)** on adaptation action. Adaptation actions are currently shown in a text box, presented as information rather than a policy direction. Residents often expect councils to provide a ‘protect’ solution.
- The policy requires greater clarity with regards to **who is responsible for mitigating coastal processes (or impacts from an event)?**
- **Policy needs to set the tone for how the State lead conversations with communities** about coastal hazard risks, coastal climate adaptation and asset management, and debunk the expectation that all assets will be protected at all costs.

(2) Enabling consistent state-local planning

As a local planning body Councils assume a level of control over coastal development through planning schemes and overlays. State Government also assumes a level of control through planning scheme regulation.

Widespread variation currently exists in planning decisions across local government. There are limited drivers and it is often beyond the risk appetite or capability for an individual council to try new approaches (adaptive management actions or planning controls),

Councils call for the State Government to assert their responsibility through clear and concise planning guidance and investment. Personal liability risk of decision makers has received much attention lately in other states across Australia. There is concern amongst councils this Policy contributes to further ambiguity for local leaders and decision makers.

Council feedback:

- Effective planning across the coastal environment requires state-led planning decisions for the whole coast that council can then apply in a localised context.
- Locally led planning for sea level rise is beyond the risk appetite and skill base for many councils and can be divisive within local communities. Local government is sensitive to the impacts these challenges have on local communities.
- A disparate approach across the state leads to misinformation, and fosters social inequity across Victorian communities, and the process is more sensitive to political control.

(3) A business case for investment on the coast

It is the view of the MAV and ABM that the funding model proposed is not sufficient to deliver on the outcomes set out in the other policy chapters, in particular the costs associated with managing coastal hazards, responding to the impacts of coastal processes, implementing climate adaptation actions and asset maintenance.

In developing the Marine and Coastal Strategy councils seek clarity on:

- differentiating state and coastal Crown land manager expectations to fund policy outcomes and strategy actions
- mechanisms for requiring other organisations / beneficiaries to co-fund or contribute
- funds generated on coastal Crown land are retained locally for reinvestment

Councils are concerned there is an expectation within State Government that local government will and can do more with less funds. It is unreasonable to expect that additional funds will be found within existing budgets, in a rate-capped environment.

Suggestion: 'Funding' policy needs to include development of a state business case for long term strategic investment across all stakeholders and beneficiaries.

Council feedback:

- Funds currently available are inadequate for addressing the coastal management issues identified in the policy, or the outcomes described.

- The concept of co-investment is unclear and requires greater discussion and practical application. The policies are ambiguous and not well defined.
- A funding model to protect / enhance areas of state significance is required – one that broadens financial responsibility from solely the local council (and ultimately rate payers) when it is an area of state significance. For example, a coastal protection levy similar to fire services levies.

(4) Other matters of concern

a. Council liability

Councils have raised uncertainty and concern about their liability with regards to coastal protection and management. This is highlighted by recent examples in [Western Australia](#) and [New South Wales](#).

Council concerns include:

- Asset protection on council managed coastal Crown land – if the State is clear it is not protecting private assets, are councils exposed to risks and liabilities?
- Informing private land holders about protection of private assets.
- Repairing or upgrading coastal protection assets on Crown land.
- Coordinating decision making and investment from State authorities in their municipality.

Feedback from councils indicates the draft policy does not resolve any of the current ambiguity with regards to liability issues.

b. Prosperity of coastal settlements and towns

A number of regional coastal councils have expressed concern that many policies challenge the fundamentals of coastal settlements. These coastal councils rely on coastal areas with respect to tourism, industry and recreation. These activities and investments on coastal Crown land adjacent to coastal settlements and towns are critical to the vitality and prosperity of these townships. Population growth in these settlements is critical to the rural and regional economic prosperity and future of these municipalities.

c. Continuation of existing Coastal Management Plans

Councils seek confirmation that existing Foreshore / Coastal Management Plans (now Coastal and Marine Management Plans) will be recognised and remain valid until they such time they are reviewed. Councils are seeking assurance that approved consents will remain in place.

General feedback on the draft Policy

We provide feedback on the following overarching aspects of the draft Policy.

Vision

The vision for the Policy is “a healthy, dynamic and biodiverse marine and coastal environment that benefits the Victoria community now and in the future”.

It could be interpreted that the vision infers the only beneficiary is people (the Victorian community). Suggest that the vision include benefit to native flora and fauna and/or the natural environment.

Position: Councils support this vision.

Planning and Decision Pathway

(Summary document p2-4 and Policy document p20.)

The ‘planning and decision pathway’ (including associated tables and text) is unclear and confusing and creates complexity to what should be concise policy guidance. It requires rework as it is not a decision pathway in its current form.

a. Terminology and language

Different terminology is used interchangeably across the summary document and draft policy diagrams/text/tables associated with the pathway, for example: “policies”, “themes”, “steps”, “chapter”, “guide” and “checklist”. For example, in the summary document the five policy themes are referred to in different ways: “policy themes”, “themes” “chapters” and “planning and decision pathway steps”.

This is a broader issue across the whole policy, where the language, and variation of language creates complexity and makes it difficult to follow, despite being a relatively straightforward policy statement in theory.

The terminology needs to be consolidated, and consistently applied across the pathway and entire policy document. The policies must be clear, straightforward statements, written succinctly without overlap and repetition of ideas.

b. Pathways diagram (p19)

The policy dedicates four pages of explanatory text attempting to explain the planning and decision pathway. Either through re-design or consolidation this needs to be simplified and clearer.

The pathways diagram is confusing to the reader. It is presented in a linear way (horizontally) which implies the planning and decision pathway should be undertaken as a linear process. However the text implies the reader must work horizontally and vertically and interchangeably back and forth? Recommend re-designing this diagram to reflect the dynamic nature of the process (both horizontal and vertical processes involved).

Use of the term ‘pathway’ can imply prioritisation of the steps. It is unclear if decision makers are to operate using a step-based (hierarchical) or dynamic approach? Are the principles weighted equally when applied to decision making in line with the Policy? This must be clearly stated.

The order of the text does not line up with the order conveyed in the diagram eg. the principles are shown first, yet are described last in the four pages of text.

The Planning and Decision Pathway diagram refers to the “guiding principles of the Act” and “policies”. On the very next page the document refers to the “objectives of the Act” and “policies” referred to as “planning and decision pathway steps”. Between the diagram and the text, it’s difficult to understand the links and interrelationships (principle, objectives, policy themes) and thinking process.

Councils have also provided feedback on:

- Assumed expertise – the pathway assumes decision makers are experts in environmental and ecology issues
- Economic and social balance – there appears to be limited consideration of the economy or social implications in the pathway, being heavily skewed to environmental issues

c. Table 1: Checklist for how the principles can be considered (p21)

Table 1 presents a ‘checklist’ for how the principles of the Act can be considered. A ‘checklist’ implies that the information provided is optional, yet the principles in the Act are legislated.

For the principles to be applied consistently across all decision makers this table needs to provide clear direction on expectations and decision-making process, removing any ambiguity that application of the principles is optional. It is unclear if there is a hierarchy of principles, as there was in the *Victorian Coastal Strategy*.

The text describing each principle in Table 1 appears skewed to environmental outcomes and a ‘do nothing’ approach. Of particular concern, is the limited acknowledgement of social or economic drivers for possible development.

The principle “integrated coastal zone management (ICZM)” (p21) is described as the process for management across “levels of government”. Councils request that this definition be corrected – effective ICZM requires integration broader than just all levels of government. ICZM must include industry (as is well documented in the Marine Spatial Planning Framework) and community (acknowledging the many citizen science initiatives and volunteers involved in committees of management, Coastcare, etc.).

The descriptions for the precautionary, proportionate and risk-based and adaptive management principles are vague and provide little if any guidance. More detail in relation to methodology and options available is required to avoid a ‘do nothing’ outcome. Principles should include reference to social, community and economic values. Greater guidance is required with respect to social and economic implications.

In relation to the principle “ecologically sustainably development”, councils query how the social value and benefit of assets such as Life Saving Clubs and Coast Guard Stations will be weighed against private facilities with the use of ‘environmental economic accounting’.

Position: In principle support of the ‘pathway’ concept, however requires significant structural changes, simplification and editing to guide effective, scalable decision-making

Values

“Values” and “beneficiaries” are referred to throughout the Policy. The draft Policy lacks transparency about how values are determined, by whom, and who benefits from the value. A definition is required in the Policy to provide clear guidance for the strategy.

Population Growth

The Policy recognises population growth as a key ‘driver of change’ to the coastal environment. For many coastal councils, populations are forecast to increase placing corresponding pressure on the local coastline. As such, the need for clear management guidance on coastal use and values is critical. Councils are seeking a pro-active policy on acquisition of freehold foreshore land back into public ownership when the opportunity arises.

Language

Suggest that the language across the Policy needs to be tightened as the intent is often ambiguous (open to interpretation). While it is recognised that actions and responsibilities will be part of the Marine and Coastal Strategy, there is growing concern that it will be assumed local government are responsible. The Policy and subsequent Strategy requires unambiguous and consistent language, articulating the expectation of key stakeholders.

The Draft Policy is too long. Strongly suggest policies are reviewed and those with no clear intent or directive are removed, and where they infer action are moved to the Strategy instead.

The Draft Policy is considered to describe a **metropolitan focused experience** and in doing so fails to recognise regional coastal planning and management challenges and opportunities.

It is noted that the language used in Chapters 2, 3, 4 and 5 emphasise maintaining over enhancing. If enhancement is a priority, then this language needs to flow back to the outcomes.

Interrelationship between Policy and other initiatives

It would be of value to councils, and possibly other coastal stakeholders for a cohesive narrative around all of the current policy changes proposed by the State that relate to the coastal environment. There appears to be few links or recognition across all the current changes affecting council managed coastal Crown land, such as:

- Distinctive areas and landscapes assessment.
- Requirements to prepare a Coastal and Marine Management Plan
- A need to ensure all asset registers along our foreshore are up to standard.
- A need to ensure all assets normally managed by DELWP are at an appropriate standard.

All of these initiatives have a significant inter-relationship but it is unclear what has precedence over what. This becomes apparent when one policy change fails to take into consideration the outcomes sought within other policy streams and councils are left to make sense of it. This leads to inconsistency, wasted resources, frustration and inaction

Suggestion: it is noted that marine spatial plans are not referred to in the Marine and Coastal hierarchy presented in Appendix 1.

The Policy references guidelines and tools yet to be developed or publicly released. Suggest their inclusion is inappropriate until such time as they are available to decision makers and can be considered as part of providing feedback on this Policy.

Conflict

Councils seek clarity on how policies should be prioritised when conflicts arise.

The dynamic nature of the coast and marine environment often puts it at odds with the 'benefit of the community' outcomes described in the Policy. Changes in sand movement, erosion, storm surge etc., are all part of a healthy marine and coastal environment but often do not contribute to community benefit. This issue should be addressed in the policy.

Specific feedback on the draft policy themes (and specific policies)

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
Chapter 1: <i>Outcome:</i>	Traditional Owner rights, aspirations and knowledge <i>Current and future generations of Traditional Owners care for and respect land and Sea Country through self-determination and two-way learning.</i>
<i>Position: support</i>	
<p>Key issues</p> <p>Councils support this policy, and request further consideration of how traditional owners will be resourced to lead, participate and partner as described in the policies. It is important the Policy does not set expectations of Traditional Owners without ensuring provision of adequate resourcing, otherwise this will become a significant constraint on relationships and outcomes being achieved.</p> <p>Councils seek additional policy on how sites of Aboriginal value and heritage at risk from coastal processes will be strategically protected and managed as this is beyond the resources of an individual council.</p> <p>General comments</p> <p>On a case-by-case basis, a Registered Aboriginal Party (RAP) may choose to partner or provide advice to a local government, usually on a fee for service basis. There is no requirement for the RAP to provide comment or advice to management agencies, yet the Policy requires (and Councils support) greater Traditional owner respect and recognition. This presents real and practical difficulties to any management agency trying to find a representative voice of Traditional Owners. In addition, a RAP may not have the resources and/or expertise to be able to respond to the vast number of planning and management decisions encompassed by this policy.</p> <p>The existing Victorian Coastal Strategy generally identifies major planning initiatives (Regional Coastal Management Plans, Catchment Plans) as the principal means of engagement with the Traditional Owners. However, the way the draft policy is written, all aspects of coastal management will require engagement through ‘partnership.’ If this is the intent, it can be anticipated that all future funding and or budget proposals related to marine and coastal management will require a component allocated to partnership with Traditional Owners as distinct from engagement with other stakeholders.</p>	
1.2	<p>Policy 1.2 refers to “applicable land and Sea Country Plans”.</p> <p>This policy requires further clarification, it is currently unclear:</p> <ul style="list-style-type: none"> - What these plans are – do they currently exist or to be developed? - Who is responsible for preparing and approving these plans or where can they be found? - Do they have statutory effect? What is their status under the Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018? - Will a process similar to a CHMP be required? <p>These plans do not seem to be referred to in the AV guidelines for planning and development?</p>

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
1.3 - 1.6	These policies refer to partnership, collaborative management of land and sea country, and Traditional Owners leading the identification, planning and implementation of natural resource management programs and cultural heritage protection and restoration. This becomes challenging for councils in areas where a Registered Aboriginal Party (RAP) is yet to be determined and there are multiple groups to consult. Councils encourage the State Government to prioritise working through the process to support establishment of RAPs, or adequate resourcing (funding) of Traditional Owner groups to support their participation.
1.7	Local government welcomes support from State Government to build stronger networks with Traditional Owners, respectfully and effectively building knowledge and capacity with regards to Traditional Owner rights, aspirations and knowledge. The Policy may need to clarify that Traditional Owners has the same meaning as specified Aboriginal party in the Act.
Chapter 2: <i>Outcome:</i>	Ecosystems and habitats <i>Ecosystem-based management is consistently applied so that Victoria's marine and coastal ecosystems: are healthy, functioning, resilient and valued in their own right; provide goods and services to Victorians now and in the future. Victoria's marine and coastal environment contains a healthy, diverse and connected range of habitats.</i>
<i>Position: in principle support, with further clarification required.</i>	
Key issues The principles of ecosystem- based management are supported, but few Councils have in-house coastal engineers or access to specialised scientific knowledge regarding their coastline to guide decision making. There is a significant skills gap in these areas, especially considering ecosystems and habitats impacts from climate change. Council need assistance to access appropriate skill development opportunities and build capacity in this area, as well as funds to contract specialist skills that may not exist in Victoria. A State commitment to supporting this investment is required to facilitate meaningful local government management of coastal ecosystems and habitats on coastal Crown land. Councils seek recognition of 'significant' habitats at a local level not just of regional/state significance.	
General comments Query the lack of reference in this chapter to the recently released Assessment of the Values of Victoria's Marine Environment by the Victorian Environmental Assessment Council. Specifically with regards to ecosystem based management of the identified values of Victoria's marine environment. Explanation of "managing cumulative and synergistic effects" needs to be written in plain English, so that the intent and purpose is a lot clearer. This section doesn't reference blue carbon. Is there a possibility of this being included with a strong policy statement to ensure carbon released due to disturbance of a blue carbon eco system is avoided or offset and ongoing carbon sequestration loss is also avoided or offset?	
Fig. 6	The text (p26) referring to Figure 6 (p27) states the "influence that government, industry and community management and social responses have on ecosystem condition and function and delivery of good and services". The actual diagram does not convey this concept particularly clearly. Question the value of the diagram at all.

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
2.2 (p28)	<p>To be able to protect and enhance “values”, these values must be identified.</p> <p>Councils request this policy includes reference to ‘identification of coastal values’, as a critical step in protecting and enhancing values of marine and coastal habitats and ecosystems. Acknowledging that marine values are identified in the recent <i>Assessment of the Values of Victoria’s Marine Environment</i> VEAC report. The policy requires clarification on:</p> <ul style="list-style-type: none"> - How will values in the marine and coastal environment be identified / assessed? - Page 29 text box refers to tools for identification and management of significant ecosystems and habitat’s, but not “values”. How will the values be used to assess priorities for funding and increased investment in protection and enhancement at the local, regional and state level? <p>The VAGO report on coastal assets suggest values being protected by existing coastal assets are not well understood. Suggest a policy that enables work to be undertaken to understand and assess coastal values, to better inform strategic coastal asset management.</p>
2.3	<p>Policy 2.3 refers to “full range of goods and services in Appendix 2. It is considered Appendix 2 presents a select range of goods and services and needs to include stronger reference to recreational boating, windsurfing, jet skis etc. This should only be where it is sustainable and has no detrimental impact on the local marine and coastal environment.</p> <p>Appendix 2 relating to Ornamental resources should include abalone pearls. The current state regulatory requirements do not assist with the production of this resource.</p>
2.4 and 2.6	<p>Consider – “Seek to restore, improve and increase”</p> <p>Include “take action to enforce where any ecosystems and their functions have been degraded or negatively impacted”</p> <p>Promote natural features. Native flora and fauna and coastal and marine ecosystems to strengthen peoples connection with the marine and coastal environment.</p>
2.9	<p>The policy references future effects that require forecasting, modelling etc. There is a need for greater clarity around this policy; specifically how it will work when there is a lack of clarity around synergistic effects. The policy needs to establish measurement of synergistic effects and application of the data.</p> <p>Councils are concerned about the likely complexity of assessments to understand cumulative and synergistic affects at a project level. It may be preferable that cumulative and synergistic affects are considered only at a strategic level in the context of setting broad policy, rather than requiring specific assessments for individual projects.</p>
Chapter 3: <i>Outcome:</i>	<p>Natural features and landscapes</p> <p><i>Significant natural features and landscapes (including seascapes) in the marine and coastal environment are protected and enhanced recognising that marine and coastal processes will cause change</i></p>
<i>Position: in principle support</i>	
Key issues	

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
	<p>In principle, councils support the policies to ‘protect’ and ‘maintain’ natural features and landscapes. However, planning, remediation works or maintenance associated with these natural features and landscapes within council managed coastal Crown land is often beyond the technical, resource and financial capacity of a council.</p> <p>What is the expectation on the appointment Crown land manager to resource and fund the protection and maintenance of natural features and landscapes that are identified as ‘significant’ to the State? Most Crown land management arrangements were struck at a very different time, when the issues currently at play were (or at least appeared to be) less complex, more localised and less reliant on a whole-of-system response. The Policy seems to assume that the current antiquated system of management is going to be adequate to manage a problem what was not conceived by decision makers at that time.</p> <p>General comments</p> <p>Key to the effective protection, enhancement or restoration of natural feature and landscapes is clarity around responsibility.</p>
Text box (p 31)	<p>2nd paragraph refers to identification of coastal landscapes and features, “excluding metropolitan Melbourne’. Will further work be done to identify features and landscapes in metropolitan Melbourne?</p> <p>Reference to the Marine and Knowledge Framework – when will this be available to councils so they are aware of identified seascapes, ecosystems or habitats within their municipalities and consulted with regards to any associated management expectations. In this regard local landscape protection guidelines and green wedge management plans that are already referenced or incorporated in local planning policies will need to be addressed.</p>
3.1	<p>There needs to be greater recognition that many significant coastal landscapes are highly modified and will likely remain so well into the future, so the emphasis on enhancing and restoring characteristics needs to be further considered in this context.</p> <p>What mechanisms will be used to protect seascapes? For example, Significant Landscape Overlays only apply to the land.</p>
3.2	<p>This point could easily be interpreted as clearing vistas on foreshores, which is an issue for many coastal councils.</p> <p>The language needs to be clearer, that this policy will require assessment of visual corridors from the public domain.(and is not relevant to the question of assessment of view sharing from private land holdings.</p>
<p>Chapter 4: Heritage and cultural values</p> <p><i>Outcome: Cultural values and sites of heritage significance in the marine and coastal environment are protected for current and future generations.</i></p>	
<p><i>Position: in principle support, with further clarification required</i></p> <p>Key issues</p> <p>Lack of reference to national heritage significance areas such as the Great Ocean Road, and acknowledgment of existing Masterplans.</p> <p>General comments</p> <p>Concern the policy is somewhat contradictory to policies on page 50 that suggest structures not needed on the foreshore should be removed when opportunities arise.</p> <p>If a heritage place is no longer required for its original purpose what is the reasoning behind maintaining the value and character if it’s “no longer required”. This</p>	

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
	statement seems incongruent. If the original purpose is no longer required it can still be recognised for that use such as cultural meeting places or converted to something else which still tells the historic story.
4.3	<p>Policy 4.3 is supported in principle; however Council seek acknowledgement that a balance of decision making should be applied to respect the heritage, social and economic aspects as well as environmental aspects.</p> <p>This policy requires greater clarity of intent and purpose. What is “adaptive re-use”? Adaptive re-use in a heritage sense is a commonly used term in heritage conservation referring to the re-use of a place in a manner that is sensitive to, and reinforces the conservation of what is of heritage significance about the place.</p> <p>Council seek clarification as to how heritage places are deemed “no longer required”, and how it is determined their value and character is to be maintained?</p>
4.4	<p>What formula and methodology will be used to calculate carrying capacity and the cumulative impacts of use and visitation on heritage and culturally significance in a way that is consistent across all coastal managers?</p> <p>Consider referencing high visitation and pressure on coastal areas specifically in policy.</p>
4.5	<p>Memorials in the marine and coastal environment, these are mentioned in both Chapter 4 (4.5) and Chapter 10 (Table 2 on page 50). Suggest this policy contradicts table 2 in chapter 10 (page 50).</p> <p>Council are under increasing pressure to provide memorial plaques on the foreshore – suggest the policy needs to provide stronger guidance as to whether these plaques are considered “relevant and non-intrusive” (Chapter 4) or “not necessary on coastal and Crown Land and to be removed or relocated” (Chapter 10)? Is this ‘non-intrusive’ from an ecological or social perspective?</p> <p>Seek clarification – does this policy refer to new or existing memorials?</p>
<p>Chapter 5: Value of the marine and coastal Crown land</p> <p><i>Outcome: The benefits of marine and coastal public land are available to current generations without compromising the ability of future generations to enjoy similar benefits.</i></p>	
<p><i>Position: support</i></p> <p>Key issues</p> <p>Policy 5.2 appears to be significantly restricted, possibly preventing eco-tourism, adventure and wilderness experiences, and associated infrastructure. For many coastal Councils the economic prosperity and future of coastal townships is predicated on these current and future opportunities. Suggest policy acknowledges support for these activities and associated infrastructure.</p> <p>On occasions, opportunity exists to increase the area of coastal foreshore in public ownership through the acquisition of freehold land. The Policy should clearly specify that where the opportunity exists, unreserved coastal foreshore land should be transferred into public ownership in perpetuity, preferably as reserved coastal Crown land. Suggest the Policy needs to acknowledge that the changing nature of the coast means we can’t expect how we enjoy the coast now, or have enjoyed in the past, to be the</p>	

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
	<p>same as how it is enjoyed in the future. This comes down to why people value the coast. We can still provide outside space and paths along the foreshore, but it may not look or function in exactly the same way.</p> <p>Foreshore land held in public ownership, such as that held by local government or other statutory authorities, should also where practicable, be required to abide by the policies applicable to marine and coastal Crown land. A specific policy to this effect may be desirable. This consideration is relevant to policies throughout the document, especially Chapter 10— Buildings, Structures and Access.</p> <p>General comments</p> <p>A discussion of the marine spatial planning framework is included in Chapter 5, a comparable discussion of the planning framework applicable to marine and coastal land would also be appreciated.</p> <p>Query how the outcome for chapter 5 is this measurable?</p> <p>Terminology:</p> <ul style="list-style-type: none"> - It is noted that the Chapter heading refers to ‘Crown’ land, yet the primary outcome relates to marine and coastal ‘public’ land. - Page 34 refers to coastal Crown land as ‘a precious and finite natural asset’ and in Chap 10. p. 49; as ‘a finite resource.’ In reality, coastal Crown land is a limited asset or resource. <p>The connection between Marine and Coastal Management Plans, Environmental Management Plans and the Marine Spatial Planning Framework is unclear in developing ‘management plans’ for marine and coastal Crown land.</p>
5.1	<p>In some coastal municipalities significant sections of the coast are currently not accessible to the public. Chapter 5 discusses a preference for Crown land to remain in public ownership to benefit all Victorians, with the policy assuming public ownership ensures free and open access to coastal and marine areas.</p> <p>Chapter 12 discusses the importance of coastal environments hosting a diverse range of recreation and tourism experiences to provide equitable and sustainable public coastal access. The inaccessible state of significant sections of coastlines (such as Wyndham) essentially privatises coastal access to the exclusive benefit of a small number of neighbouring private land owners. It is not enough to assume that public land ensures public access. Significant investment is required to connect rapidly growing communities to its coastline.</p> <p>There are significant access and equity issues to be addressed between coastal access in places such as Melbourne’s west and the rest of Port Phillip Bay and elsewhere on the Victorian coastline, in terms of public access to recreation and tourism opportunities. The policy is an opportunity to identify this imbalance and to prioritise investment in increasing public access and amenity.</p>
5.2	<p>This policy calls for improved investment, beyond current funding, recognising high visitation sites.</p> <p>Suggest policy acknowledges support for eco-tourism, adventure and wilderness activities and associated infrastructure.</p>
5.3	<p>Policy is ambiguous. “Consider incorporating any increase in beach or foreshore through accretion into the marine and Crown land estate to ensure benefit for all Victorians.” By definition, it is understood that any new coast resulting from accretion will automatically be marine and coastal land under the Act, and, as former subtidal land, the subject area of accretion will (in the majority of circumstances), by default, be Crown land. It would make sense that if an area of land accretes adjacent to a coastal reserve, that the boundaries of that reserve be defined or modified to incorporate any natural accretion. For example, the</p>

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
	<p>seaward boundaries of coastal foreshore reserves could be defined as Low Water Mark (LWM) or 100m seaward of LWM. If coastal foreshore accretes adjoining a freehold land boundary, it is understood that, by default, that land becomes Crown land under the Act. If this is not the case, it should be. It should not be a policy or discretionary option.</p> <p>Policy should discuss coastal processes that result in an increase in the coastal Crown land footprint. The Policy also needs to consider processes that result in a permanent net loss of coastal Crown land (i.e. sea level rise) and how the value of coastal Crown land will be used to guide State investment in coastal protection works. For example, would the risk of complete loss of the coastal Crown land reserve to inundation be justification to invest in protection works?</p>
5.4	<p>Effective, long term planning and management of the marine and coastal environment is underpinned by active, committed participation of multiple users.</p> <p>The language of “encourage” in this policy downplays the critical role of cross-organisational and cross-sector engagement and participation, and with the potential for “participation” to be interpreted as optional (it is only encouraged, not required). Suggest that “encourage” be replaced with more directive language that ensures that integrated coastal Crown land can be achieved.</p> <p>Policy 5.4 seeks to encourage participation of multiple users in marine spatial planning process. The process for preparing Marine Spatial Plan set out later in the document appears to mandate collaboration – This is more than just encouraging active participation.</p>
Chapter 6: <i>Outcome:</i>	Managing coastal hazard risk <i>Risks from coastal hazards are understood and managed. Climate change impacts are understood and their negative impacts on the environmental, social, and economic values of the marine and coastal environment are minimised. Adaptation is integrated as a core component of planning in the marine and coastal environment, and is used to improve decision-making, manage uncertainty and build resilience.</i>
<p><i>Position: in principle support (with the exception of 6.3) noting significant concern regarding translation of policies into action</i></p> <p>Key issues</p> <p>Planning for and managing coastal hazard risk is a significant issue for coastal councils and their communities. There are wide ranging expectations and assumptions across community, local and state government with regards to the assessment of coastal hazards, mitigation responses and ongoing planning and adaptive management.</p> <p>Managing coastal hazard risk must be strongly led by State Government, in partnership with local government and other key stakeholders, specifically in relation to sea level rise and “adaptation actions”. Strategic regional planning and action to manage coastal climate hazard risk is beyond the skill and financial capability of an individual council. Councils have raised significant concerns about the expectations on local government to manage coastal hazard risks, and the resource requirements. In the context of a rate-capped environment, the capacity of local government to co-invest in adaptation actions is very constrained.</p> <p>State ‘support’ for risk management must be led through a clearly stated policy direction, state-led information gathering and dissemination, and supporting trials (pilots) and resources that provide knowledge and capability across individual management agencies.</p> <p>The MAV and ABM call for a Victorian coastal centre of excellence that brings together the expertise to coordinate strategic priorities (retreat, protection etc), and resource the necessary actions / partnerships.</p> <p>The “adaptation actions” read as a text box of ideas or information. Councils call for a clear directive, providing a hierarchy or process for decision making around adaptive</p>	

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
	<p>actions that empowers and enables local government to plan and manage accordingly.</p> <p>Councils call for the State to proactively communicate and engage with communities on coastal climate hazard risks and responses.</p> <p>General comments</p> <p>This policy needs to state clearly that climate change on the coast is a known, not a possibility.</p> <p>References to “pathway approach” require further clarification.</p> <p>Wherever ‘adaptation’ is mentioned, this should explicitly be written as ‘climate change adaptation’. Outcome #3 suggests “adaptation” is “used to improve decision-making”. Query how adaptation improves decision-making? Is there a type of approach that is assumed here, but not stated?</p> <p>The policies do not appear to align with the proposed adaptation actions. There needs to be a clear link between the two. Suggest the adaptation actions be structured in a manner that is less linear and be more “circular” as different adaptation methods will be appropriate to different situations and need to be localised in implementation.</p> <p>A linking policy is required to the effect that coastal hazard assessment should also consider the potential requirements of an emergency response. For example; road access requirements for flood or fire evacuation plans.</p> <p>Councils have queried the assessment of “risk” in the Policy – in some situations not consenting/approving certain infrastructure poses a greater risk eg. buildings and assets associated Surf Living Clubs, Coast Guard.</p> <p>This policy references <i>Victoria’s Climate Change Adaptation Plan 2017-2020</i> as the providing the “clear outline of roles and responsibilities for adaptation”. In a general sense this is the case. In the context of coastal climate adaptation there is not clear guidance on who is responsible for what, and when. The Plan states “New funding of \$4.4 million will support immediate action, with further commitments to be made over the life of the Adaptation Plan.” What proportion of these funds now, and over the life of the Plan are specifically allocated to climate action on the coast?</p> <p>It is considered that there needs to be policy included that acknowledges the social value and economic benefit of coastal settlements and the need to provide for their ongoing and further development for the benefit of all Victorians.</p>
6.6	<p>‘Pathway approach’ requires further definition for the non-expert reader; similarly Policy 6.8 and the boxed text on p. 39 refers to ‘coastal compartments’ which provide a framework for coastal hazard planning; an information source is required.</p>
6.1-6.15	<p>Climate change will continue to affect Victoria’s coastal and marine areas. The proposed policies for managing coastal hazard risk pave the way to bring greater clarity and certainty to how these risks will be managed. Councils support the focus on a pathways approach to planning that allows for a range of adaptation options to be considered. Key to effective adaptation planning and management will be clear direction on how state and local government (and other stakeholders) will work in partnership to deliver these ‘adaptation actions’. Critical to this partnership will be state led communication and engagement with the Victorian community, regarding sea level rise, coastal hazard risk and the adaptation actions that will (and won’t) be considered.</p> <p>The policies as described pave the way for far more effective planning, management and action. Councils would welcome the opportunity to work closely with the State Government in determining the actions in the Marine and Coastal Strategy that enable effective state-local coastal hazard risk management.</p> <p>Challenge for local government (for noting in preparing the strategy) is capability and expertise. Many councils do not have the in-house expertise to advise on</p>

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
	climate adaptation (planning and/or management). Achieving this policy outcome will require investment in capability building, along with a more holistic state led approach to knowledge and knowledge sharing , and planning frameworks.
Adaptive actions text box p38	<p>Suggest that the strength of the “adaptation actions” be reassessed, and communicated as an order of consideration (directing decision making).</p> <p>Local government call for a robust policy position that provides a consistent state-led approach, which in turn enables tailored, fit-for-purpose localised adaptation actions.</p> <p>Rather than “adaptation actions” suggest there be a statement of expectation that non-intervention, avoid, etc. are explored rather than the assumption that protection measures are implemented as the standard management response. This is an important step in shifting community expectations that assets (public and private) will be protected, and that state or local government will step in.</p> <p>“Accommodate” – needs a modern example, beyond raising minimum floor heights which is a fall-back position. The policy needs to reflect alternatives.</p> <p>The issue of liability (in relation to climate change impacts and the coast) is critical for council both as a coastal land manager and as a planning authority. There continues to be a lack of clarity around climate change adaptation roles and responsibilities. This impacts funding and resourcing of data and information that is needed to inform local and regional decision making.</p>
6.3	<p>This Policy is not supported</p> <p>This policy would be considered as maladaptation when constructing assets with 50 plus year asset life (including houses). This policy will also conflict with local land subject to inundation overlays that require a larger increase, allowing for the interaction between a 1% AEP catchment storm event and 2,100 storm surge levels (for example Elster Creek Catchment). This may lead to planning decisions being challenged in VCAT where there is inconsistency between this Policy and local planning schemes. Bass Coast Shire successfully argued that water flows into urban, developed areas as well as rural areas, so the 0.8m by 100 standard should be applied universally. 0.2m over current levels by 2040 is only 20 years away, and is less helpful for long term planning decisions.</p> <p>This policy does not provide a strong mandate for a consistent approach to planning for sea level rise across the state, and may have a negative influence on social and economic outcomes. The reliance on councils to continue to lead the development of planning controls on private land around coastal settlement in response to forecast sea level rise will contribute to inequity, confusion and division across Victorian communities. A state-driven planning control approach is required to ensure timely and coordinated responses across the state.</p>
6.6b	<p>Policy should include assessment of cumulative impacts</p> <p>It is essential that avoid, and retreat options are fully explored over an extended period of time. Retreat options which include setting aside undeveloped land to allow for landward movement of species and habitats must be carefully considered in consultation with private land owners. Councils support investigation of a range of options for protection from sea level rise and storm surge, based on adaptation planning.</p>
6.7	Suggest add another subclause – ‘consider and avoid maladaptation at the local and broader scale’. Avoiding maladaptation is not specifically addressed in the policy currently.
6.10	‘Support’ is a broad catch all term. How will State government support adaptation? The Policy needs to better articulate ‘support’ for this policy to be meaningful. Suggest the State Government should lead and help resource coastal adaptation planning across Victoria, in consultation with (and with the

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
	support of) the local government sector.
6.11	Policy is somewhat vague and re-wording is suggested. ‘Must’ implies an imperative while ‘guidance’ implies a suggested (but not mandatory) way forward. What if there is no guidance available (as it is suggested may be the case)? The ‘planning, assessing and managing of coastal risk’ should be underpinned by appropriate, consistent, relevant policy and the advice of suitably qualified experts where site specific solutions are required. The preferred way forward should be agreed in collaboration with the relevant public land manager, taking into account a combination of relevant policy, site specific issues, expert advice / recommendations and appropriately agreed cost apportionment (cost apportionment potentially being a separate but critical issue moving forward).
6.14	<p>Policy 6.14 seeks to impose the responsibilities associated with assets exposed to coastal hazard to the owners of property. The Policy requires owners to act. The actions and management are not detailed and as such is a very open-ended statement with little guidance as to how this is to be effectively managed.</p> <p>Response to 6.14 – home owner notification and responsibilities. Do they honestly think that</p> <p>Councils recognise that community, business and all levels of government need to understand their exposure to coastal hazard risk, each stakeholders has varying degrees of capacity to act “responsibility” in light of that risk.</p> <p>State Government should play a key future role in driving a coordinated approach to coastal asset protection. It will often be impractical for individual asset owners, landowners (whether public or private) to act alone.</p>
6.15	There have been mixed responses to this policy with some councils in strong support and others indicating they do not support the policy – suggest further consultation with local government is required.
6.14	<p>Concern as to how owners (and future owners / renters) will be informed of their property or asset risk, and the response to that information. Similar to flood zones, suggest introduction of coastal hazard zone to ensure property owner have ease of access to the information. At the very least, land affected by the policy should be mapped and the data be made available to Councils and the community. Unclear how property owners will be made aware of the risk? Possibly only if planning scheme amendment is triggered. Councils are seeking clarity on State Government’s role in raising awareness and providing information to property owners to build their understanding of the risk and how to respond.</p> <p>“Owners of property exposed to coastal hazard risk, including state government, have a responsibility to understand that risk and act responsibly in light of that risk and in accordance with this Policy. There is concern around the lack of clarity concerning implementation of this policy:</p> <ul style="list-style-type: none"> - Who will pay for required assessments and studies? - How will properties exposed to coastal hazard risk be formally identified and by whom? - Who will be responsible for notifying private owners of property at risk? - Who will decide the appropriate adaptation action?
6.15	Request this policy clarify the State and Crown land Manager’s liability with respect to protecting private property? Possibly an action for the marine and coastal strategy.
Chapter 7: Emergency response and preparedness Outcome: <i>Emergencies in the marine and coastal environment are effectively planned for to prevent or minimise immediate and long-term impact on human health</i>	

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
<i>and safety, property, the environment and local values, and to enable recovery from emergency events and reduce future risk.</i>	
<p><i>Position: support</i></p> <p>Key issues Many coastal environments are hotspots for crowd management issues eg. during major coastal events, festivals, public holidays such as New Year's. Emergency preparedness needs to includes improvements and coordination across emergency services, local and state government to anticipate and manage issues before and as they arise</p> <p>Specific consideration needs be given to the high number of tourists/visitors to coastal area, addressing issues like how they are communicated with, impacted by and recover from emergencies. Ensure emergency planning, communications and warnings target the needs of tourists and visitors travelling in coastal areas during periods of high risk.</p> <p>General comments Suggest including reference to the role that coastal spaces (eg. beaches and lifesaving clubs) play during emergencies such as bushfires, as places of safe retreat, refuge, control points, etc.</p> <p>The chapter refers to "preparedness" however the three policies do not seem to cover it?</p> <p>Chapter 7 title needs to incorporate Recovery. Emergency Response, Preparedness and Recovery</p> <p>Suggest there needs to be reference to Coast Guard as part of emergency response on the coast.</p> <p>Ensure designated emergency response agencies can provide timely action to all reported coastal and marine emergencies, based on the risk to environment and predicted impacts on the visitor economy.</p> <p>Does emergency response cover landslips or collapse of state built rock walls or other assets?</p>	
7.2	Recovery planning should occur for an area in advance of any impact, and needs to include consideration of maladaptation.
Chapter 8: <i>Outcome:</i>	Ecologically sustainable use and development <i>Victoria's marine and coastal environment hosts a diverse range of uses and experiences that do not compromise the values of this finite area. Use and development of the marine and coastal environment: is ecologically sustainable; is equitable; occurs in appropriate locations; minimises impacts on environmental values and other uses; and improves the total quality of life of Victorians, across current and future generations.</i>
<i>Position: support, in principle</i>	
<p>Key issues This Chapter has strong alignment to the <i>Siting and Design Guidelines</i> referenced in the policy (p44). These Guidelines have not been released, and would be of value in</p>	

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
	<p>providing informed feedback on this chapter. Suggest the policy include content on what the principles will be in these Guidelines</p> <p>The question of functional dependence to be located near or on the water is not a new principle (page 43). Many of the uses nominated as ‘not necessary’ such as toilet facilities, boardwalks, picnic, barbeque areas, play equipment and kiosk are the very uses that contribute to the vitality and functioning of the foreshore areas, often adjacent to and forming part of commercial precincts. The introduction of the word ‘may be appropriate’ creates an unnecessary uncertainty. Based on the nodes concept, this precludes areas from sensible and sustainable development. It provides little benefit for entrepreneurial investment and consideration. This is of particular concern that many economic development policies developed with the state seeks to leverage off advantages of coastal areas for eco-tourism.</p> <p>General comments</p> <p>The outcomes section refers to environmental values. There is also a need to refer to other values e.g. landscape, and cultural values etc.</p> <p>Suggest language is strengthened beyond “minimise”, “avoid”, etc to include ‘enhance’, ‘regenerate’, etc.</p>
8.1	<p>Policy refers to cumulative impacts. There is no guidance as to how or who will undertake cumulative impact assessments, or how these will be resourced.</p> <p>The retention of the concept of activity and recreation nodes in part provide for more active recreational areas but precludes other areas that may see development for or an increase in activity. This limits some councils from using their unique coastal attributes and values to generate an economic, social and cultural benefit</p> <p>Some councils note concern that funding prioritisation appears subject to nodes and policy direction that would prevent areas not contained in nodes from funding opportunities. Some areas outside of nodes may prove to have minimal risks and should not be precluded from becoming a node. The proposed “trade off” as discussed in the Draft Policy needs to be considered in a more pragmatic manner.</p> <p>Policy requires planning and management strategies to ensure that community and industry uses are provided for in appropriate locations.</p> <p>This appears to be linked to the coastal dependency principle. There are established community uses such as community centres, education facilities and the like which may be deemed not to be water dependent. It would be a significant unintended cultural impact to many coastal townships if existing community uses were restricted from enhancement, expansion or further development. This matter needs to be addressed explicitly in the Draft Policy.</p>
8.6	<p>This policy needs to recognise current zoning and existing residential development, as it is ambiguous if it refers to new or existing development (redevelopment). This policy position does not consider risk in a balanced manner when weighed against economic and social outcomes.</p>
8.8	<p>Respecting acid sulphate soils are a concern and the policy discusses avoidance there is often little ability to do so in in some estuarine areas. The policy could be strengthened by suggesting “where unavoidable treating soils to minimise detrimental environmental impacts”.</p>
8.9	<p>This policy should set an expectation that any drainage or discharge is treated to minimise litter and other contaminants entering the marine environment.</p>
8.4-8.9	<p>Policies 8.4-8.9 relating to appropriate location, form and limits require review to be written as decision guidelines. They should be matters to be considered so as to provide guidance. Policy 8.4 preferences current uses over future uses, and there could potentially be a preferred alternative future use. Policy 8.5 says “not exacerbate coastal hazard risk” whilst 8.6 seeks to “avoid areas that are vulnerable to coastal hazard risk”. Policy 8.8 requires review to recognise</p>

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
	that avoidance of disturbing acid sulphate soils may not be possible. Policy emphasis should be on appropriately managing the risk in the event that acid sulphate soils are encountered.
Chapter 9: Outcome:	Coastal settlements Growth of coastal settlements is ecologically, socially and economically sustainable.
<p><i>Position: it is considered that this chapter is significantly unresolved.</i></p> <p>Key issues</p> <p>Councils have provided mixed views on this policy, interpreting the emphasis of the policy quite differently. Suggest further consultation to clarify the intent of this policy chapter and simplify the language to remove assumptions or risk of misinterpretation. For example, Council views spanned:</p> <ul style="list-style-type: none"> - This policy is premised upon an assumption that population growth in coastal settlements is resulting in direct negative impacts only, to the character of settlements and health of the marine and coastal environment. There needs to be a stronger emphasis on enabling economic development, including the development of the visitor economy and associated product, recognising that certain coastal locations have a critical role to play in the economy of the State and the region. - Currently, economic growth is prioritised higher which can lead to more damage in the near future. Ecologically sustainable growth of coastal settlements needs to be weighted more than social or economic growth due to the impacts of climate change and changing marine conditions. <p>Population pressures are resulting in increased pressure on access to coastal environments and infrastructure. The Policy fails to recognise that population growth for coastal settlements is vital for the regional economy, and that population growth can be appropriately managed via robust and sound strategic planning processes. There is an inadequate recognition of the importance of social and community values associated with use and recreational values associated with coastal settlements and coastal activities. It is noted that the Draft Policy would appear to sit uncomfortably with other State policies regarding economic development and tourism.</p> <p>The interrelation between Draft Policy and the Victorian Planning Provisions is ambiguous. The suggestion of possibly new overlays and buffers requires discussion early and directly with local government as part of this process and not be delayed to a future planning scheme amendment at the Victorian level.</p> <p>General comments</p> <p>Adding to the public estate on the coast is important to increase access to the foreshore. In planning new areas of settlement a policy to increase coastal public land would assist local government in negotiating a contribution of land for open space.</p> <p>An additional policy to consider impact of climate change on settlement planning along the primary foreshore as well as adjacent to estuaries, inlets and inland lakes affected by coastal waters, would also assist.</p> <p>The requirement that settlement boundaries are based on existing urban zoned land and land identified for future urban development in current planning schemes may not always be appropriate in the context of managing growth and increased population. There is a need to recognise that some level of development will occur outside coastal settlements such as nature based eco-tourism facilities; small scale accommodation provision; restaurants/wineries etc in the farming zone etc; replacement of</p>	

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
existing assets.	
9.3	Further guidance around “redefining” settlement boundaries should be provided, along with how this should be consistently undertaken
9.4	Policy needs to be more flexible to allow for replacement of current assets where appropriate (for example dwellings destroyed after bushfires). Policy ought to apply to planning within identified settlements.
9.5-9.6	These policies potentially undermine the ability to plan for the growth of settlements in accordance with earlier policies. If these policies are seeking to provide additional guidance perhaps they should be provided as sub-points rather than specific policies.
9.7	Policy requires rewording to delete reference to “important public views”, having regard to well established principles of view sharing etc.
9.8	Should also consider the impact of increased use and demand for commercial or recreational activities.
Chapter 10: Buildings, structures and access <i>Outcome: Buildings, structures and facilities on public and private land in the marine and coastal environment exhibit excellence in siting and design that is sympathetic to the coastal and marine landscape context and minimise impacts on the environment. Buildings, structures and facilities on marine and coastal Crown land are functionally dependent on being near or in the water and provide significant public benefit. Access to marine and coastal Crown land is developed and located to enable safe public access and protect environmental and cultural values.</i>	
<i>Position: support, in principle</i>	
Key issues <p>Councils would welcome a clear policy and strategy in relation to the removal of existing illegal structures on coastal Crown land. The Policy appears to make no reference to existing uses or rights.</p> <p>For some Councils, This section introduces requirements relating to maintaining or reducing established footprints as pre-conditions for development. It is considered that the policy is unrealistic and seeks to deliberately undermine investment in coastal buildings and structures. This will result in the cultural fabric of many coastal townships adversely changing and the economic viability of townships being diminished. A ‘buildings, structures and assets’ policy should be assessed through a risk based approach, considering regional and social impacts of such a policy.</p> <p>These policies fail to recognise the historical and social values that coastal developments have. These policies could result in existing facilities and infrastructure to be neglected and have no regard to the economic value and visitor experience they provide for in the wider Victorian community. In our view, these policies do not reflect the outcome sought.</p>	
General comments <p>The outcome is very broad – question how it can possibly be measured.</p> <p>There is a need to further review processes for Coastal Management Consents, and the approval of the Minister. There is evidence that the consent process for use and</p>	

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
	development on marine and coastal Crown land is not sufficiently integrated with other approval processes (for example permitting processes under the Planning and Environment Act)
	The policy states “Crown land is managed on an equitable basis”? How is “equity” assessed? What does managed on an equitable basis mean in practice?
Table 2 (p50)	<p>The suggestion that toilets, playgrounds, surf lifesaving clubs, public lookouts, barbeque and picnic areas may not be necessary to be positioned on coastal Crown Land presents a significant concern to some councils, particularly regional and rural coastal settlements. Many of these coastal towns are centred around coastal recreational areas. Foreshore areas with these types of facilities are what make many coastal towns attractive for residents and tourists alike. Council investment into these facilities is specifically directed towards the economic prosperity of the towns, to attract visitors and retain residents. It is recommended that Table 2 be revisited to take a more pragmatic approach and consider broader regional implications of the <i>Siting and Design Guidelines</i>.</p> <p>Table 2 provides no incentive for the upgrade of existing facilities. There is concern that any move to upgrade facilities may lead to interpretation of a ‘suitable opportunity’ to relocate existing facilities.</p>
10.3	<p>Communities have expressed concern to councils that State government will undertake removal of existing private assets. What constitutes a “suitable opportunity” to relocate existing infrastructure? Who determines this suitability?</p> <p>Why is this policy not linked to the chapter “managing coastal hazard risk”? It would appear to make more sense linked to the environmental risks associated with the location of structures in terms of impacts of sea level rise; alignment with the ‘adaptive actions’ (p38); and the common community expectation that buildings, structures and facilities will be protected.</p>
10.4	<p>Private infrastructure (specifically private jetties) currently exists under certain conditions and with applicable controls. A policy position of ‘discouragement’ as opposed to prohibition is preferred.</p> <p>Exemptions or exclusions for current and future landholders who have no other access to properties other than by water is required, such as within the Gippsland Lakes system.</p> <p>Concern this policy could this be read as precluding replacement/redevelopment of existing facilities at the end of their life?</p> <p>What is the policy position on managing existing structures? Appreciate this could be addressed in the strategy but would be good to get guidance on structures needing repair or are no longer fit for purpose in the policy.</p>
10.6	Perhaps avoid or minimise impact is better wording? As an example, as sometimes coastal protection works that has a minor impact will be preferable to losing the site entirely to coastal erosion.
10.7 and 10.8	<p>Feedback that these policies appear to conflict with each other. Could be rewritten to strengthen maintaining or reducing existing building footprints</p> <p>New buildings must be designed to respond to anticipated future sea level rise. This often requires increasing the Finished Floor Levels above existing. This in turn necessitates the construction of external decks, ramps and stairs to access the foreshore which increases the overall footprint. In addition, DDA requirements must be met, necessitating inclusion of elements such as accessible toilets, lifts and so on. This also results in an increase in building footprint. Population growth, increased membership numbers and changes in the type and extent of equipment (eg motorised beach buggies that didn’t exist 50 years ago) also put significant pressure on the available storage space within Life Saving Clubs in particular. DELWP has taken the view that off- site storage of</p>

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
	equipment should be encouraged. This is often expensive (if rental storage is required) and impractical for clubs, particularly in the context of access to essential equipment. Suggestion that greater discretion to be provided in considering assessing the operational needs of Life Saving Clubs, their requirements and their critical role in providing (voluntarily) an essential safety service. Recommended that DELWP should seek specific feedback from LSV and Clubs on this issue.
10.9 and 10.11	Could be combined to one policy. Same message?
10.12	What is meant by “formalise”? Gravel or sealed paths? Does it mean rationalise existing access across the coastal area to clearly define access and pathways? Intent is unclear.
Chapter 11: Marine and coastal industries Outcome: Marine and coastal industries are valued for their contribution to the well-being and function of Victorian communities and the economy .	
<p><i>Position: support in principle, with some wording modification.</i></p> <p>Key issues Policy outcome needs to be more in line with the Act, which has a clear focus on protecting and enhancing environmental values. Industries in the marine and coastal environment will not be valued by all. The outcome needs to reference similar messages to the Marine and Spatial Planning Framework in terms of the multiple benefits of marine and coastal industries, balanced with supporting healthy and resilient marine and coastal ecosystems. Suggest the outcome needs to recognise the impact industries can have on the marine and coastal environment, and that ‘value’ is a difficult proposition for local government to support in the face of local community opposition to new and existing industries.</p> <p>General comments The Policy prioritises community access to coastal areas over private and commercial development across a number of Chapters, however this Chapter discusses commercial uses as being largely separate from broader community access aspirations. There appear to be no public access policies for integrated planning outcomes in this Chapter? There needs to be further consideration of likely industry requirements, particularly in relation to gas exploration, extraction and processing including provision for onshore crossing points and that processing infrastructure can be located within 5.5 kilometres of the coastline. The policy is an opportunity to achieve more integrated land use, sustainable and coastal planning principles in commercial areas, especially in the case of new proposals located on public land. There should be an expectation that commercial coastal development be integrated with public access provisions and that mixed-use developments are prioritized to provide community coastal access and recreational amenity outcomes, as well as commercial returns. This policy is not clear as to the future of existing industries which may not fit the qualitative criteria. It is considered that this chapter requires reconsideration as to the “on ground” impacts for coastal settlements.</p>	

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
11.2	“Consider how to manage” should be stronger worded – such as “manage and minimise risk”.
11.1 - 11.5	<p>Policies do not appear to address management of increased volume of maritime traffic, and associated impacts on Port Phillip Bay, and other ports and bays. Councils raise concern over the impact of increased maritime traffic in Port Phillip Bay triggering additional dredging. Also, the impact of wave energy affecting coastal processes (eg. wake and surge impacts on beaches); assets (eg. damage to piers and jetties); and at times comprising the safety of swimmers and beach users.</p> <p>The ABM maintains its position, opposing any further capital works dredging in Port Phillip Bay, and have held that position with State Government for the past five years.</p> <p>The policy is also silent on the creation of new ports when examples including Bay West have been identified by other parts of government. The Policy should clarify the position on new port developments.</p>
<p>Chapter 12: Recreation and tourism</p> <p>Outcome: The marine and coastal environment hosts a diverse range of recreation and tourism experiences strategically planned and located to be safe, equitable and sustainable now and in the future.</p>	
<p><i>Position: support</i></p> <p>Key issues</p> <p>Policy appears primarily written around promoting use and responding to demand. This seems at odds with the decision pathway of protecting and enhancing cultural and environmental values.</p> <p>The policy focuses on recreation and tourism experience. It needs a broader focus on the visitor economy, and to recognise the importance of coastal tourism to the economy of Victoria. It needs to consider how to facilitate new tourism product, and to lift the quality of the visitor experience.</p> <p>General comments</p> <p>Suggest this policy acknowledge that for some coastal environments recreation and tourism is limited / controlled / restricted where a cultural or environment value is at risk due to recreation / tourism.</p> <p>Promoting use and responding to demand is in conflict to protecting the natural environment. Is the State intending to provide a framework to clarify which view is more important?</p>	
(p57)	<p><i>Re: sub-heading “Camping and caravan parks”</i></p> <p>Councils query why the policy needs to direct expenditure in camping and caravan parks. Unclear is this statement refers to private or council run parks.</p>
12.1	This policy needs to reference promotion of use should not be at a cost to the environment / values (cultural and environment).
12.2	This policy needs to reference the Siting and Design Guidelines for sustainable use, or it risks being incongruent with the policy chapter on ecologically

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
	<p>sustainable use and development (chapter 8).</p> <p>Safety of visitors needs to be strengthened in this statement, including option to deter visitation to particular locations by providing alternatives?</p>
12.4	<p>Policy needs to be revised. There will be examples of tourism development located on private land which will be located outside existing settlements or activity nodes.</p> <p>Tourism development is not generally a coastally dependant land use and should not be supported on public marine and coastal land unless there is a clear and unique justification, for example a marine aquarium or underwater viewing platform. A preferred wording is: 'Private non-foreshore land is the preferred location for new tourism development that is not coastally dependant.'</p>
12.6	<p><i>Position: concern.</i></p> <p>Stronger policy direction required than “consider”, as the impact of sediment movement from marine facilities has direct impacts on coastal processes and assets. Councils are often left funding asset maintenance or asset fails as a result of these impacts. Councils would benefit from collaboration and co-funding of maintenance dredging between local and state government. Currently dredging arrangements are adhoc, uncoordinated and allocated based on historical precedent rather than current marine management area responsibilities, leading to cost inefficiencies and poorer environmental and amenity outcomes.</p> <p>Suggest that sediment movement management plans are a prerequisite of development. This may include timing of infrastructure creation, re-creation of reefs to stabilise the sea bed, monitoring and managing the in-water sediment movement post development, etc.</p> <p>The ABM maintains its position, opposing any further capital works dredging in Port Phillip Bay, and have held that position with State Government for the past five years.</p>
<p>Chapter 13: Stewardship and collaborative management</p> <p><i>Outcome: Community and user groups are actively engaged and empowered to care for, protect and improve the health of the marine and coastal environment. Communities, organisations and user groups as stewards collaborate to deliver integrated and coordinated planning and management of the marine and coastal environment. Marine and coastal managers have the knowledge, skills and capacity to manage current and future challenges. Improved access to and quality of knowledge and understanding of the marine and coastal environment is used to inform evidence-based decision making and evaluate the effectiveness of those decisions.</i></p>	
<p><i>Position: in principle support, noting concern that policies do enable effective stewardship and collaborative management</i></p> <p>Key issues</p> <p>Concern from Councils that the policies are a representation of good intention only. Policies appear to replicate current activities. Policies need to demonstrate future strategic, effective engagement and partnerships. This policy does not direct, enable (or clarify the intent) of greater stewardship and collaborative management.</p> <p>The Marine and Coastal Transition Plan identified a review of governance arrangements to simplify management of the coastal environment. The Policy makes no reference to this being pursued? Councils maintain the position that fundamental consideration of the management arrangements is required. There needs to be a simplification of responsibility within coastal reserves and logical basis on which the boundaries are determined.</p>	

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
	<p>General comments</p> <p>Concern that reliance on volunteers to undertake management function isn't always appropriate, and that Committees aren't always well resourced or supported to perform required functions.</p> <p>Language – this chapter interchanges stewardship, engagement, collaboration, partnership. Suggest clarifying language and definitions.</p> <p>Access to knowledge and building capacity is supported by Council, including encouraging more professionals and technical experts in the field of coastal and marine management to Victoria.</p>
<p>Chapter 14: Funding</p> <p><i>Outcome:</i></p>	<p><i>Planning and management of marine and coastal Crown land is strategically funded and resourced to effectively manage current and future challenges.</i></p>
	<p><i>Position: concern</i></p> <p>Key issues</p> <p>The policies do not provide a clear direction for coastal managers to guide how the Policy as a whole will be funded to ensure the vision is met. . There is little distinction between use of existing funds and triggers for new funds or a model / investment plan for longer term funding.</p> <p>The framework for sustainable funding (figure 7) is too basic. Council feedback suggests it is not a framework, but the current basis for project funding across coastal land managers, thus it's unlikely to result in a more effective or long term funding solution. Suggest the model is the same</p> <p>Councils are concerned the draft policy as a whole requires coastal managers to do more, with less available funds. Councils are concerned with co-investment, as it appears to be a cost shifting proposal seeking local government to invest in infrastructure replacement or new infrastructure? Most councils do not have the funds or funding resources to do so. Policies need to be more prescriptive so that other relevant organisations understand their roles and responsibilities in providing funding to coastal protection works (for example).</p> <p>Query how outcomes from the <i>Financing the Coast</i> report commissioned by DELWP have informed this Chapter? Councils welcome the opportunity to review the report, and better inform a response to this policy chapter.</p> <p>General comments</p> <p>An “integrated” management approach relies heavily on the co-investment model. This model does not take into account the varying capacity of regional stakeholders to fund / co-fund activities. The varying budget processes across organisations do not allow for co-investment to be currently done effectively.</p> <p>Local government needs to be given increased resources and financial capacity to enable maintenance and improvements to the coastal infrastructure. In doing so, the health of the marine environment is protected.</p> <p>Equity of funding – funding needs to consider the ability of organisations to co-contribute (eg. metro, vs regional and rural councils with a smaller rate base).</p> <p>Executive Summary point 7 - references promoting a sustainable funding process for coastal planning and management and references this being a “shared responsibility</p>

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
	<p>of all levels of government, beneficiaries and users”. This is an area that requires clarity and consensus with regards to the way forward; How does the State Govt envisage “all beneficiaries and users” being responsible for sustainable funding for coastal and marine management?</p>
<p>Context 2nd paragraph p64</p>	<p>The context sets out the findings from the VAGO report on coastal asset protection, stating “that funding models for marine and coastal management have at times been uncertain, inconsistent, restricted in application, unequally distributed and inadequate”. The policies listed in this chapter do not adequately address the issues raised by VAGO, and do not provide coastal asset managers with a clear pathway for investment. Current available funds and the “framework for sustainable funding” model in the policy are inadequate for addressing the current coastal asset management issues.</p> <p>It is well established that population growth, increasing public expectations on the level of service and climate change are all leading to rapidly increasing costs for coastal management. Funding models will need to adapt and respond to these escalating cost pressures and this needs a policy position.</p>
<p>Fig. 7 (p65)</p>	<p>The framework provided is not a sustainable funding model. The model calls on coastal managers to undertake a basic budget planning exercise – identify activities, determine costs, seek funding, adapt and priorities. The diagram suggests that each coastal manager do this in isolation.</p> <p>A sustainable funding model needs to map out (1) effective use of available funds and (2) opportunities for new funds (be that through co-investment, business case, innovation, etc. and (3) shared investment responsibility across the coastal managers and the beneficiaries of the assets and values being protected/managed.</p> <p>Step 3 refers to “seek funding” – where are coastal managers expected to seek funding from? The policies do not indicate any new funds?</p> <p>Step 4 of the Framework refers to “obtained funding” – where will coastal managers be obtaining these funds from? The funding model needs to differentiate between available funds (in the system) and potential new (funds). The Policy (in its entirety) cannot be achieved with the current available funds.</p> <p>The diagram is very similar in look and sequence to the “relationship between socioeconomic systems and ecosystem services” model on p27. Suggest the two need to be distinctly different</p> <p>Adhoc grant based funding programs are generally the only funding option available and do not achieve a consistent or transparent process for coastal investment</p>
<p>14.3</p>	<p>This policy is ambiguous. The policy needs to direct the requirement for co-investment in coastal asset protection. The policy needs to clearly bind state agencies into co-funding protection / coastal hazard management works where their assets are being protected?</p> <p>Policy needs to be revised to recognise that State Government is primarily responsible for the funding of marine and coastal management. State Government should also be primarily responsible for asset renewal and replacement. This is not a core responsibility of Local Government.</p> <p>This policy could be conceived to conflict with 6.14 that identifies the asset owner as having primary responsibility for responding to coastal risks.</p> <p>The beneficiaries pay principle should be further clarified as including all residents of Victoria, as there is substantial evidence of high coastal visitation and use from across the State. Attributing community benefit to just local coastal communities would not be a fair and balanced outcome. One funding model example is the current use of developer contributions to Melbourne Water for the State to then construct and upgrade stormwater treatment at the catchment scale in a planned and coordinated manner in response to increasing population.</p>
<p>14.3,</p>	<p>Concern the Policy states in sections 14.3 and 14.5 that funding is the responsibility of all levels of government and that the State government, in conjunction</p>

Policy	SUMMARY OF LOCAL GOVERNMENT RESPONSE
14.5, 14.7	with other marine and coastal Crown land managers, will ‘collaborate in developing funding options for plans developed under the Marine and Coastal Act 2018’. However, section 14.7 states that ‘Marine and Coastal Managers are responsible for the costs of ongoing and/or periodic maintenance of marine and coastal assets’.
14.6	Support a transparent risk based approach to funding. However, current approaches lead towards investment only in high profile, high population, immediate risk scenarios. The approach will need substantial change to properly account for proactive (not just reactive) investment, and in prioritising natural values and the inherent value of coastal Crown land.
14.7	Where the identified level of service in a Coastal Management Plan (Coastal and Marine Management Plan) is over and above the current level of service then additional funding avenues need to be considered. In a rate capped environment Councils are often unable to lift the current level of service without additional funding.
14.8	The policy emphasis on co- investment arrangements needs to be re-worked. Local Government in a rate capped fiscal environment cannot be expected to provide increased funding for marine and coastal management, including for asset renewal.
Chapter 15: A Marine Spatial Planning Framework for Victoria	
<i>Position: support</i>	
<p>Key issues</p> <p>Request that the role of coastal Crown land managers (eg. councils) is recognised in the background/context in terms of importance of engaging the relevant council in any Marine Spatial Plan. The secondary effects of changes to use of the marine environment can impact on the coastal environment (eg. erosion, sand drift, hazards, water quality, emergency management, etc.).</p> <p>General comments</p> <p>The process look complex and difficult to achieve, so there is some risk that it may not be taken up as a useful tool.</p> <p>It is not apparent how Marine Spatial Plans will properly interface with traditional land based planning.</p> <p>The interaction with the planning scheme should be further elaborated, including establishing or updating formal referral processes to/from Council and DELWP in relation to Marine and Coastal planning.</p> <p>Chapter 15 provides detailed discussion of considerations associated with developing a marine spatial planning framework. Much of this discussion, particularly in relation to human use, is also applicable to planning for the coastal foreshore areas. The critical linkages between onshore and offshore areas both in terms of human activity, physical and ecological processes require further development within the Policy.</p>	