

Draft Marine and Coastal Strategy community information session

Questions and Answers

Teams Live event - held 19 August 2021

Q Have the intangible values of the Traditional Owners been reflected in the Act?

The *Marine and Coastal Act 2018* has as an objective to acknowledge Traditional Owner groups' knowledge rights and aspirations for land and sea country. The Marine and Coastal Policy 2020, state that this is the first objective to be considered in the Planning and Decision pathway.

The draft Marine and Coastal Strategy supports Traditional Owners to build their cultural values, uses and practices into healing and managing Country. It aims to empower Traditional Owners to manage coastal and marine areas and offers them the resources and tools they need to realise their obligations in this space. It encourages Traditional Owners to embed their rights and their obligations into the planning and management of coastal and marine environments.

Q In the most basic terms could you please define Marine Spatial Planning?

Marine spatial planning is a process designed to improve planning, management and governance of the marine environment, and the values and benefits it provides. It can have significant benefits including proactively identifying and reducing potential conflicts between uses, and between uses and natural values, and the protection of economic, social and cultural values linked to the marine environment. It offers a systematic process for assessing where activities may be compatible or incompatible, and where activities (either individually or cumulatively) conflict with an area's desired future.

The process of marine spatial planning:

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

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

You can also find out more about marine spatial planning and a short, explanatory animation on our webpage <https://www.marineandcoasts.vic.gov.au/marine/marine-spatial-planning>

Q How will strategy actions be prioritised over the 15 years?

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The Marine and Coastal Act 2018 establishes the guiding principles and objectives for planning and managing the state's marine and coastal environment.

The Marine and Coastal Policy 2020 sets the vision and long-term outcomes for the planning and management of our marine and coastal environment for the next 15 years. It establishes a planning and decision pathway for consideration of the Act's objectives.

This draft Strategy is the first of three consecutive strategies to be delivered during the 15-year life of the Policy. It steers the direction and outlines a collective action plan for the next five years by allocating timeframes and responsibilities for delivery of priority actions. This establishes how we will work together to achieve the Policy's vision.

The draft Strategy describes six priority actions for the marine and coastal environment for the next 5 years. The public consultation process is a chance to verify with the community that these actions are the priority for the next five years.

Q **What consultation was undertaken with external stakeholders and coastal communities in developing the draft strategy?**

The draft Strategy has been developed with extensive consultation with those stakeholders that will be delivering the actions and activities on the ground. This is marine and coastal managers across the state including local governments, Parks Victoria, Committees of Management and Port Authorities. We also engaged with peak industry and interest groups and portfolio agencies across government. This engagement built on strong networks established through development of the Act and Policy.

The development of the draft Strategy has benefited from strong guidance of Traditional Owners and the Victorian Marine and Coastal Council, established through the legislation.

DELWP utilised online engagement tools to work with these groups in a series of workshops to set foundations for the Strategy, outline what success would look like in five years and develop priority actions ideas. A process of refinement of those ideas through discussion with action leads has led to the actions and activities presented in the draft Strategy.

Q **In terms of coastal protection - will funding for this be considered on a more consistent approach into the future?**

While the draft Marine and Coastal Strategy sets the priority actions for the next five years, these may change based on feedback from public consultation. Some activities in the draft are already funded. For example, the Government has allocated \$4.52 million for marine spatial planning, Victoria's Resilient Coast adaptation framework and activities led by Traditional Owners.

The Marine and Coastal Strategy will be a blueprint for future investment, including development of business cases. Further funding will be subject to budget and service delivery priorities.

As the first of three strategies under the Policy, it establishes the foundations for investment in the policy's second and third five-year cycle that are critical to achieving the vision and intended outcomes of the Policy.

The draft Strategy has as a priority action to Identify resource needs and funding for sustainable marine and coastal management. The six activities to implement this action intend to determine the resources required and funding options for sustainable marine and coastal management by:

- first establishing what funding we have,
- what funding we need to effectively manage current and future challenges, and
- then determine options for funding and create strategic long-term investment plans for marine and coastal management.

These activities lay the foundations in this first Strategy for the implementation of further reforms in future strategies.

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Q What powers will be available under the Act to challenge invasive industry already operating within the new 5km boundary, particularly in environmentally sensitive high value conservation areas. Will it provide enforcement? Will the Act provide any powers of enforcement for environmental breaches within the marine environment and on land within the new 5km zone?

The *Marine and Coastal Act 2018* requires consent to use and develop Marine and Coastal Crown land. Penalties apply if use and development occurs without a consent, or if a condition (other than reporting) is not complied with. The Act also allows regulations to be made regarding the consents, conditions on a consent and exemptions from the requirement to obtain consent. The Act provides for authorised officers, with respect to consents.

The land use planning system as outlined in the *Planning and Environment Act 1987* supports the implementation of the Policy and other planning mechanisms under the *Marine and Coastal Act 2018*. The DELWP Planning Group has been closely involved in development of the Marine and Coastal Policy. The Victorian Planning Policy Framework currently reinforces policies in the Marine and Coastal Policy 2020.

The Policy provides specific detail around buildings, structures and access on marine and coastal Crown land. The *Marine and Coastal Act 2018* requires consent for use and development of marine and coastal Crown land that must be consistent with the Policy. The *Planning and Environment Act 1987* and the *Marine and Coastal Act 2018* are linked to reduce duplication of process. A planning permit for marine and coastal Crown land cannot be issued unless consent under the *Marine and Coastal Act 2018* has been granted.

Q What's the state of play with the development of the marine and coastal spatial framework?

The Marine and Coastal Policy 2020 includes a Marine Spatial Planning Framework (MSP Framework) which sets out Victoria's approach to Marine Spatial Planning (MSP). DELWP are leading implementation of the MSP Framework and will be working with Traditional Owners and engaging with a range of marine stakeholders as work progresses.

The first stages of implementation are occurring through a State-wide Assessment that identifies marine planning areas and where might benefit from more detailed MSP occurring. Guidelines that will provide instructions on how to undertake MSP are also being prepared.

The draft Strategy includes a priority action to implement integrated planning of the marine environment as outlined in the framework. It proposes to do this through five activities that:

- Determine mechanism to give effect to marine spatial planning and resulting marine plans;
- Provide guidance and tools to apply the marine spatial planning framework; and
- undertaking marine spatial planning in a priority area.

Further implementation of the MSP Framework, following completion of the State-wide Assessment and MSP Guidelines, will occur through the proposed priority action identified in the draft Strategy.

Q There is likely to be a clear tension between the adaptation of the pathway approach of the policy and the environmental and community values of stretches of coastline that are under threat from accelerating coastline recession. Will the Strategy seek to resolve that tension? In terms of 'retreat' and coastal crown land, how will that be considered/managed into the future?

The Marine and Coastal Policy 2020 provides strong direction on climate change. It embeds climate change adaptation as a core component of all planning in the marine and coastal environment, and for the first time explicitly states a hierarchy of adaptation actions that must be considered.



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The Policy guides decision makers to consider risks from coastal hazards and to better understand the impacts from climate change. It also guides how to use this knowledge to improve decisions, manage uncertainty and build resilience of people, communities and the natural environment to climate impacts.

The draft Strategy proposes to implement this through a priority action to Adapt to impacts of climate change by:

- normalising public conversations about climate change
- applying knowledge and science of climate impacts in the planning of adaptive responses
- creating and adopting a state-wide approach to improve long-term resilience and adaptation to coastal hazards.

Q

How will you prioritise different stakeholder values in order to make future decisions?

The Marine and Coastal Policy 2020 outlines a 'Planning and Decision Pathway' that sets out how the objectives and guiding principles of the *Marine and Coastal Act 2018* are to be used in decision making for the marine and coastal environment.

The 'Planning and Decision Pathway' aligns with the chapters of Marine and Coastal Policy. The Marine and Coastal Policy also includes a Marine Spatial Planning Framework to support consideration of different values and uses occurring in the marine environment.

Decision makers need to consider many priorities and demands that, at times, can be competing or conflicting. Examples include assets for recreation, industry development, housing for growing populations and maintaining a healthy environment. When decisions are made concerning competing interests, adverse impacts on values need to be weighed against the benefits of the use and development. This can be a difficult process that involves inevitable trade-offs. The natural marine and coastal environment is often at risk of being seriously compromised by decisions concerning human demands and uses. Any deterioration resulting from those decisions tends to lead to a deterioration of social, cultural and economic values as well as the environment's intrinsic value.

Applying the pathway through strategic planning allows sustainable responses to increasing demand from human activity, as well as prioritisation of funding and adaptation to future risks. It can also prevent ad hoc or unsustainable activities and developments. The Marine and Coastal Policy guides all planning and decision making under the *Marine and Coastal Act 2018*.

Q

How is the policy going to be future proofed as changes over the next 15 years are likely to be dramatic

Development of a Marine and Coastal Strategy is a requirement of Victoria's *Marine and Coastal Act 2018*, which sets principles and objectives for planning and managing this sensitive part of our environment.

The Marine and Coastal Policy released in March 2020, sets a 15-year vision for a healthy, dynamic and biodiverse marine and coastal environment that is valued in its own right, and that benefits the Victorian community, now and in the future.

The draft Marine and Coastal Strategy identifies how we will achieve this vision. It is the first of three strategies that will deliver the objectives of the policy and lays the foundation for the next 15 years of work to preserve our marine and coastal environment.

The revision of the Strategy must occur every 5 years, this also provides opportunity to analyse the Policy to determine if anything needs to be changed. The Act provides for the Policy to be amended and outlines a process to do this.

The Marine and Coastal Policy builds on long term policy positions that have been established since 1995 in five iterations of the Victorian Coastal Strategy.



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Q Can you please clarify what the "High Water Mark" is? Is it HAT? MHHWS? The "high water mark" is important for planning - can you please work to define it so it is clear for approval and applications. It seems a Marine and Coastal Act or Policy would be a good place to clarify and set it down to something definable. so there is no ambiguity.

DELWP will explore and work towards providing further clarity regarding references to High Water Mark.
