



VICTORIA'S MARINE AND COASTAL POLICY

Victoria's Department of Land, Water and Planning (DELWP) is leading a process of reform to improve the planning and management of our marine and coasts.

CONTEXT AND BACKGROUND

Victoria's marine and coastal environments are special and unique. The coastline of southern Australia is the only major south-facing coastline in the southern hemisphere, and has been isolated for 65 million years. As a result, we are incredibly lucky to have an incredibly high species richness and diversity, with many species found here and nowhere else (known as endemic). For example, we have the highest level of seaweed endemism of any region globally, and almost half of our fish species are endemic. Victoria alone boasts over 12,000 marine species, of which 172 species and four communities having been given a conservation listing.

Our marine and coastal environments are essential for life. They provide enormous environmental, social and cultural benefits to our communities, from the air we breathe, to the food we eat, and the places we enjoy for recreation.

In the face of existing and emerging threats such as climate change, pollution, and the increasing pressures of commercial and recreational activities, it is essential we plan for and manage them well.

Victoria's Department of Land, Water and Planning (DELWP) is leading a process of reform to improve the planning and management of our marine and coasts. It began with the finalisation of the *Marine and Coastal Act 2018*, and now requires the development of a Marine and Coastal Policy.

A draft Marine and Coastal Policy document has been released, and builds on the legacy established through the old Victorian Coastal Strategy. It has many strengths, but it also has significant gaps. Now is the critical time to address these gaps before it is finalised.

The policy is a key document that will be tabled in State Parliament, and will guide decision-makers, including local councils and land managers, in the planning, management and sustainable use of our coastal and marine environment for the next 10-15 years.

In summary, the draft policy is a good start, with strengths that should be supported, but significant gaps that must be improved upon.

Strengths of the draft policy include:

- The banning of damaging new residential canal estates.
- Policies on what should be allowed to be built on our beaches and foreshores.

Elements of the draft policy that need strengthening include:

- Recognising the need to monitor and manage the health of our marine national parks and sanctuaries is a good start. This needs strengthening so we can complete our marine conservation estate. Victoria has the lowest of any state of its marine waters in highly protected areas, and does not meet international benchmarks.
- Ensuring marine and coastal Crown land remains in public ownership is a great policy, however we need to ideally acquire coastal land that is currently not in public ownership.

Gaps in the draft policy include:

- It essentially does not address fisheries, ports and shipping, which can have major impacts on the marine environment.
- It is light on detail on the protection of internationally significant Ramsar wetlands, critical as safe havens for migratory and shorebirds.
- The Marine Spatial Planning Framework has too many barriers to initiating the marine spatial planning process, and does not currently meet the objectives of the *Marine and Coastal Act 2018*.

NEEDS STRENGTHENING

1. "Maintain and monitor a comprehensive, adequate and representative system of well managed Marine and Coastal National Parks, sanctuaries, nature conservation reserves and coastal Crown land reserves, including minimising the impact of activities on those waters and lands and managing for their legislated purposes." (Chapter 5: Value and Marine and Coastal Crown Land, policy 5.2, page 35)

Victoria has only 5.3 per cent of its marine waters highly protected in marine national parks and sanctuaries, the second lowest of any state. We do not even meet the lowest international benchmark for high level protection, and many significant habitats are not adequately protected.

We strongly support the need for our marine conservation estate to be recognised as a comprehensive, adequate and representative system (CAR) as a stand-alone policy. This policy should be retained; however, it needs significant strengthening to include reference to also completing our marine and coastal conservation estate.

The strengthened policy should be (suggested edit in italics):

"Maintain, monitor, *and complete* a comprehensive, adequate and representative system of well managed Marine and Coastal National Parks, sanctuaries, nature conservation reserves and coastal Crown land reserves, including minimising the impact of activities on those waters and lands and managing for their legislated purposes."

All state and territory governments have agreed to the development of a National Representative System of Marine Protected Areas (NRSMPA), which is underlined by the CAR system. It has been recognised through independent assessments that Victoria's network of marine protected areas may not meet the CAR system.

The Victorian Environmental Assessment Council's (VEAC) 2017 *State-wide Assessment of Public Land* recommendations states:

Recommendation 21: "Victoria's marine environment be reviewed for the comprehensiveness, adequacy and representativeness of its marine protected areas ..." and "... the existing system of no-take marine protected areas has some gaps in representation, and individual marine protected areas may not meet the adequacy criterion ..."

The draft policy lacks the recognition of the agreement to implement the CAR system of marine protected areas, the recommendation by VEAC to review, and the need to meet international benchmarks.

Completing our marine conservation estate will ensure Victoria aligns with international benchmarks, which have set the bare minimum for high-level protection at 10 per cent of marine habitats (UN's Sustainable Development Goal 14, 'Conserve and sustainably use the oceans, seas, and marine resources') – double the Victorian percentage. The long-term aspiration of the IUCN however is for at least 30 per cent in no-take areas. Currently, Victoria has the second lowest percentage of state waters as no-take marine protected areas, and doesn't even meet the lowest benchmark.

Victoria's *Biodiversity 2037* strategy already recognises the need to review our protected area system:

"Priority 18. Maintain and enhance a world-class system of protected areas. Initiatives by the government to deliver this priority will include: Review the extent, representativeness and adequacy of the reserve system to identify key gaps and additional complementary measures required to improve the reserve system on public and private land."

Completing the marine conservation estate also directly links with the first two objectives of the *Marine and Coastal Act 2018* which are to:

"(a) to protect and enhance the marine and coastal environment;
(b) to promote the resilience of marine and coastal ecosystems, communities and assets to climate change."

2. "Ensuring marine and coastal Crown land remains in public ownership." (Chapter 5: Value and Marine and Coastal Crown Land, policy 5.1, page 35)

We strongly support this as a stand-alone policy, and this policy should be retained.

However this could be strengthened by acknowledging the need to consider filling the gap for what is not currently designated as coastal Crown land. 96% of our coastline is reserved as Crown land, leaving 4% to be acquired.

NEEDS SUPPORTING

1. "Prohibit the development of new residential canal estates." (Chapter 9: Coastal Settlements, policy 9.10, page 47)

Canal estates can have the potential to cause many detrimental environmental impacts that result in the destruction of natural features, particularly wetlands and estuarine areas. If not designed and managed properly, they can lead to increased stormwater runoff and sedimentation entering the marine area. This was a previous policy in the 2008 Victorian Coastal Strategy, and was removed in the 2014 iteration. The addition of this policy again is welcome.

We strongly support as a stand-alone policy. This policy should be retained.

2. "Require buildings, structures and facilities on or in marine and coastal Crown land to have a functional need to be located near or in the water and ensure that they provide significant public benefit." (Chapter 10: Buildings, Structures and Access, policy 10.2, page 50)

On many occasions we see proposals for facilities, buildings, infrastructure along our coast that are not dependent on being located on the coast. It is essential we only allow what actually needs to be located on the coast to be located on the coast, to avoid the unnecessary development of our coastline.

We strongly support this as a stand-alone policy. This policy should be retained.

GAPS

1. No policy on fisheries, aquaculture, ports, shipping (and other potential emerging industries) seeking to avoid negative impacts on environment, social, cultural and economic values.

The commercial wild catch sector targets a diversity of species (finfish, molluscs, echinoderms, crustaceans and sharks) across various environments. Reductions in spawning and recruitment of commercial species can threaten the viability of fisheries, and in Victorian there are knowledge gaps on the stock structure for many species. There is also no sound estimate

of recreational catches but some estimates have put recreational catches for key species above commercial catches both in Victoria. Meanwhile aquaculture in Victoria experienced growth of 18 per cent in 2016-17.

Shipping activity is continuing to grow, with the Port of Melbourne's volume of trade through the port growing by 3.2 per cent annually. Locations at highest risk of shipping accidents and spillages are the ports of Melbourne, Geelong and Hastings as well as Port Phillip Heads.

Strangely, there is no policy that ensures fisheries, aquaculture, ports and shipping must minimise and avoid negative impacts on environmental, social, cultural and economic values, under the marine industry chapter, when clearly their scope is covered. This is a serious flaw.

However there is a policy (Chapter 11: Marine and Coastal Industries, page 54) acknowledging dredging, and that oil, gas and renewable energy:

"11.5 Use and development of marine and coastal Crown land for energy extraction, renewable energy generation or energy transportation must:

- minimise and seek to avoid negative impacts on environment, social, cultural, and economic values
- give preference to private land to locate above-ground infrastructure."

This policy either needs to include fisheries, aquaculture, ports and shipping within its scope, or create a separate policy dot point:

- Use and development of marine and coastal Crown land for fisheries and aquaculture, and ports and shipping minimise and avoid negative impacts on environment, social, cultural, and economic values.

There are also no policies relating to the sustainable management of fisheries in particular throughout the draft policy. There were outcomes and policies in the previous 2014 Victorian Coastal Strategy which have disappeared, and should be retained:

"Outcomes:

- Commercial and recreational fisheries are managed within an ecosystem-based marine planning framework and are ecologically sustainable
- An ecologically sustainable and viable aquaculture industry that uses low environmental impact production systems, is disease free, and implements best practice aquaculture and environmental management

Policy:

- Fishing stocks are comprehensively assessed and managed by identifying and managing important fish habitats, support for research, developing harvest strategies, increasing focus on ecosystem impacts of, commercial and recreational fishing
- Safe and ecologically sustainable recreational fishing is supported. This may be through the provision of facilities, enforcement of regulations, monitoring, behaviour change initiatives (e.g. Seal the Loop, Anglers Diary) and the inclusion of information in the Victorian Recreational Fishing Guide (DEPI (b) 2014)"

2. Protecting Ramsar sites are not adequately recognised in the policy.

A Ramsar site is a wetland site designated to be of international importance under the Ramsar Convention, needing improved management and maintenance of their ecological character. Many are international safe holds for migratory wading birds, shore birds and other significant habitats.

In the draft policy (Chapter 2: Ecosystems and Habitats, policy 2.7, page 28), there is no policy that effectively deals with protecting the marine component of Ramsar sites, which is an issue where many of Victoria's Ramsar sites, for example Westernport Bay, are largely protecting marine waters.

The one policy that does mention Ramsar seems to defer to waterway policy, even though large areas of Ramsar are marine.

"2.7 Manage the health of coastal wetlands (including lakes) and estuaries through implementation of the Victorian Waterway Management Strategy and regional waterway strategies" defers to the waterway strategy, which does not cover direct management of the marine environment.

The *Victorian Waterways Management Strategy* states:

"The Strategy does not include shallow marine waters except for those listed as internationally important wetlands (that is, Ramsar sites) or those listed in A Directory of Important Wetlands in Australia. Whilst the direct management of the marine environment is not a focus for the Strategy, it is recognised that activities in the catchment can affect marine receiving waters."

Whilst many elements of managing Ramsar sites sit with the federal government, the state governments

have an important role to play.

Australia's national *Ramsar Implementation Plan 2016-2018*, lists goals and targets from Ramsar Strategic Plan 2016-2024, Goal 1, target 1: "Where opportunities exist, continue to integrate wetland conservation and wise use of Ramsar and other wetlands into state and local policies, strategies and plans that relate to the use and management of natural resources."

There needs to be a policy that directly deals with managing the health of the marine component of Ramsar wetlands, such as:

- From the previous 2014 Victorian Coastal Strategy (with suggested edit in italics): "Protect and improve the ecological integrity of Ramsar sites, coastal wetlands and estuaries, *and including the marine component*".
- From VNPA's *Nature Conservation Review 2014*: "Greater levels of protection for the habitat of threatened species and special features, including Ramsar wetlands and sites identified in the nature conservation review gap analyses:
 - Gippsland Lakes (parts): to better protect Ramsar wetland values;
 - Prohibit any replication of the artificial beaches of the Wyndham Cove harbour development elsewhere along Port Phillip Bay's Ramsar-listed western shoreline;
 - Create a new Corio Bay Coastal Park to give stronger protection to Ramsar sites between Limeburners Bay and Lake Borrie;"

2. Marine Spatial Planning Framework

Refer to Chapter 15: A Marine Spatial Planning Framework for Victoria, page 68-103.

A Marine Spatial Planning Framework (the Framework) establishes a process for achieving integrated and coordinated planning and management of the marine environment, between sectors (fisheries, ports, oil and gas, tourism, conservation etc) – a first for Victoria as a whole. In simple terms, similar to a land use planning scheme, with zones for particular uses, but on a much larger scale for the protection of our largest publicly-owned space in Victoria – our marine environment.

Thorough stakeholder consultation went into developing the final framework, as a guide for if, when and how to do a marine spatial plan. However there are some flaws in the current Framework which need to be addressed:

a) The Framework needs does not meet the objectives in the Marine and Coastal Act 2018.

Currently the Framework does not meet the objectives in the *Marine and Coastal Act 2018*, which states (our emphasis added):

"A Marine and Coastal Policy must include a marine spatial planning framework that establishes a process for achieving *integrated and co-ordinated planning and management* of the marine environment."

The Framework does not do this, as it does not allow for changes to existing management tools, by stating:

"The MSP Framework does not replace single-sector planning and management and does not make changes to existing management tools".

In this case, the Framework will not lead to clear onground changes to management, and integrated and coordinated planning will not occur. This will only reinforce the current status-quo, and result in a business as usual approach – which begs the question, what is the point?

b) Too many barriers for initiating a marine spatial planning process.

The intent of the Framework is to provide guidance on if, when and how a marine spatial planning process would occur. However when it comes to initiating a marine spatial planning process, there are too many barriers for the relevant partners to go through to get authorisation to commence the marine spatial planning process.

These include:

- Approval for the marine spatial planning process requires the approval to form a Regional and Strategic Partnerships (RASPs).
- The funding processes requires partners of the RASP to demonstrate to the Minister responsible how the marine spatial plan will be financed.
- The responsible Minister needs to seek approval from other potentially affected ministers prior to authorising the commencement of a planning process.

In reality, it appears it will rely on the proactive nature/initiative of potential partners to initiate. This will be challenging considering managers capacity and lack of funding which already exists to undertake there core work.

What the Framework should do:

- Meet the objectives of the *Marine and Coastal Act 2018* (suggested edits in italics): "A Marine and Coastal Policy must include a marine spatial planning framework that establishes a process for achieving *integrated and co-ordinated planning and management* of the marine environment, by *requiring changes in planning and management*."
- Ensure clear thresholds for triggering a plan are included within the framework.
- Allow a process for the proactivity of a marine spatial planning process, not wait until incidences or conflicts arise.

HOW YOU CAN HAVE YOUR SAY

DELWP has released the draft policy for public comment until 15 August 2019.

The final Marine and Coastal Policy, due to be released by December 2019, should reflect the community and stakeholder views on how Victoria's marine and coastal environment should be planned for and managed.

Now is the critical time to address the gaps before it is finalised.

You can have your say by 15 August on the draft policy by answering a series of questions on the engage Victoria website, or by uploading your own submission here: engage.vic.gov.au/draft-marine-and-coastal-policy

FURTHER INFORMATION

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