

4 March 2022

Will Guthrie
Director, Land Policy
Department of Environment, Land, Water and Planning

cc: Elizabeth Patterson and Michael Noelker

Re. Draft Coastal and Marine Management Plan Guidelines

Thank you for the opportunity to provide feedback to the draft Coastal and Marine Management Plan (CMMP) Guidelines.

Over the past four years councils have invested significant time and knowledge hosting workshops and participating at events to inform development of CMMP Guidelines. Councils' commitment and input reflect the importance they place in these Guidelines as a critical tool in:

- (1) informing council budgets, resourcing and business planning;
- (2) directing a key part of their role in implementing the Marine and Coastal Act and Policy; and
- (3) bringing some consistency to the planning and management of the coast.

We and councils are genuinely committed to working with DELWP to ensure the CMMP Guidelines are a clear and effective guidance document.

The current draft Guidelines do not provide a clear process for preparing a CMMP and are not supported by councils. Further work is needed on the draft guidelines to clearly set out the legislated requirements, process, outputs and outcomes.

We encourage DELWP to convene a small working group with the expertise to address the gaps and concerns. We suggest the working group include representation from a selection of councils / committees of management (preferably at different stages of completing or commencing a CMMP), as well as DELWP representatives with working knowledge of the Marine and Coastal Act, Policy and Strategy. The ABM / MAV would be happy to help convene this group.

The key concerns raised by councils are:

1. Format

The document is not easy to navigate. The format of the guidelines as lengthy tables of just text makes the document difficult to determine the steps, the actions within each step and the difference between legislated components versus guidance.

As a reference point, the design and format used in the *Siting and Design Guidelines* provides clarity on the process and considerations required. This would be a good starting point for the CMMP Guidelines.

Revised guidelines would benefit from:

- Graphic representation of the steps and outputs at each stage – a simplified, logical diagrammatical process.

- Structure (eg. numbering/lettering) to provide a clear logic-process for the user and easier navigation between sections.
- Each stage set out to clearly show the context (why), course of action (process), the tasks and associated outputs expected or intended outcomes of this stage (what).
- The relevant links and references to other documents incorporated into the document rather than requiring land managers to jump between pages and between documents to navigate the requirements.
- A hierarchy of 'must haves' versus recommendations or 'nice to have' to provide clarity on how a CMMP can be scalable to match the issues or available resources, while still being compliant with the Marine and Coastal Act and consistent with Marine and Coastal Policy and Strategy.

2. Alignment with the Marine and Coastal Policy

The Guidelines have numerous sections / statements that appear at odds or are inconsistent with the Marine and Coastal Policy or are inconsistently referenced within the guidelines. These are just some examples:

- Alignment between Policy vision and development of a CMMP vision is unclear
- Use of the Policy guiding principles is unclear, as the means of ensuring CMMPs align with the Act (and Policy) in terms of sound planning and decisions making
- Recognition of Traditional Owners as rightsholders, not stakeholders.
- Language and the order of content needs to align with the Planning and Decision Pathway and the adaptation actions outlined in the Policy – 'use' and 'access' appear to be the primary driver in many sections with inconsistent reference to environmental protection, natural processes, adaptation and sustainable use.
- Definitions need to be consistent with the Policy and within the guidelines eg. interchangeable use of Coastal Crown land manager / land manager / coastal manager and reference to marine and coastal environment or just coast, with marine often left off.

It is critical the CMMP Guidelines also show clear linkages and alignment to the Marine and Coastal Strategy with CMMPs a key tool for the achievement of local government actions in the strategy. In addition, reference to and integration of how coastal programs and other guidelines intersect with CMMPs such as Victoria's Resilient Coast, Future Foreshores, Coastal Hazard Assessments, Siting and Design Guidelines.

3. Clarity on scope and direction

Vision: The guidelines suggest that each CMMP has its own vision, relevant to that area of coast. In other sections of the guidelines, it refers to the Policy vision as the driver. We are of the view that each CMMP vision needs to align with the Policy vision, while considering the values and aspirations unique to that area.

Lifespan: The guidelines appear to provide inconsistent information as to the lifespan of a CMMP, and are vastly different to the timeframes of the Policy and Strategy? We suggest, in a similar way to the Marine and Coastal Policy, a CMMP might have a long-term vision of 10-15 years, with shorter timeframes for review. Eg. the Policy is 15 years, with the Strategy reviewed every 5 years. Why would a CMMP be 20-50 years? The suggested timeframe is unrealistic for a council to consider, across multiple political changes and budget limitations and the significant

changes that can occur in the natural environment, political environment and community expectations.

Level of detail: the content in the tables that describe each stage frequently jumps between high level through to very micro and prescriptive. There are also numerous opinion-based statements that need to be removed.

Traditional Owner engagement: clarity and consistency is needed regarding reference to Traditional Owner Corporations / RAPs and Traditional Owners. We also note that engagement of RAPs as rightsholders is different to stakeholders. The language differs to what the Policy sets out, and in some sections engagement with TO Groups / TOs appears to be missed.

4. Collaboration – state-local partnership

The protection and management of the marine and coastal environment is beyond the remit of an individual council. It relies on a strong state-local government partnership across the various agencies.

This needs to be reflected in the guidelines, articulating the collaboration and working partnership that is required (and expected) across the multiple agencies. This includes making relevant data and resources easily available, sharing expertise and local knowledge, participating in a Project Steering Group, committing resources and funding to relevant actions for implementation etc.

For example, the guidelines need to set out DELWP's role and resource commitment, such as:

- Allocated DEWLP contact person that supports access to the state and regional data and resources that are referenced in the guidelines.
- DEWLP participation on a Project Steering Group, especially the larger CMMPs or once with identified challenges.

Suggest there needs to be clearer guidance on how to approach coastal compartments, particularly across municipalities and/or government agencies, including how to allocate the resources and costs, governance and if participation is a requirement or an option.

Suggest the inclusion of a process for resolving issues that arise when developing a CMMP between project leads, agencies, stakeholders or other interested parties. Councils have raised concern about the challenges of managing the expectations of communities where there are not the resources or funds within state or local government to deliver the works or maintain the levels of service on the coast. The Guidelines refer to extensive community consultation but are unclear on the decision-making power of the governance group versus the lead local government versus DELWP and the Minister in approving a Plan.

5. Costs and benefits

Feedback on previous draft versions of the guidelines suggested the need for a compelling reason for a land manager (council/Committee of Management) to prepare a CMMP. These draft guidelines do not go far enough in providing a compelling reason for what is otherwise a resource-intensive and lengthy process with significant financial cost involved over many years.

The current reason of 'why' is based on a CMMP being an "essential tool" and "demonstrates that you are performing your role as a Committee of Management". Councils query the accuracy of this statement, as there are many aspects to the role, function and performance of a Committee of Management / Council beyond its CMMP.

The guidelines suggest that one organisation would bear the cost of leading development of a CMMP, which most likely would be a council. The guidelines need to acknowledge:

- The challenge and cost implications of planning, budgeting and implementing a multi-year project to develop the CMMP. There needs to be flexibility in timing, scope and deliverables that acknowledge the variability across councils in terms of human resources and funding, as well as complexity of the issues and engagement that would be required. Small rural councils will struggle to fund CMMPs and are unlikely to have the staff available to lead the process. Councils raise concern that MACA approval is linked to having an approved CMMP.
- The requirement and responsibility of agencies / other coastal organisations to commit human resources and funding to the planning, governance, development, and implementation of a CMMP (as appropriate to their role in the marine and coastal environment).

We look forward to the opportunity to work closely with DELWP to support development of the CMMP Guidelines, including the supporting resource kit.

We will provide more detailed feedback on the draft guidelines document by the end of the week, consolidated from council responses and discussions. Any queries please contact Jacquie White (ABM) jwhite@mav.asn.au or Claire Dunn (MAV) cdunn@mav.asn.au.