



# Victorian Recreational Boating Strategy

**Submission**

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

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## Introduction

The Municipal Association of Victoria (MAV) and the Association of Bayside Municipalities (ABM) welcome the opportunity to provide a submission in response to the draft Victorian Recreational Boating Strategy.

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 the interests of local government; 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 local government.

The ABM represents the ten councils with frontage to Port Phillip Bay. Together these councils represent 1.2M people (22% of Victoria's population). The ABM councils play an active and integral role in the protection and management of the environmental, cultural, social and economic values of Port Phillip Bay.

The MAV and ABM have sought to work closely with Better Boating Victoria (BBV) since its establishment. We would welcome the opportunity to continue discussions about how BBV and councils might work together better to plan and manage safe and responsible access to and use of our coast and inland waterways, for the benefit of our communities.

## Summary of key issues

The draft Strategy provides a prioritised implementation plan for improved boating infrastructure. In its current form, it appears to be written with only the needs and desires of boaters in mind. This is concerning for a number of reasons, not least because our waterways and coastal, riparian and lakeside areas are valued, shared and enjoyed by multiple stakeholders, not just recreational boaters.

It is particularly concerning that the rights, aspirations and knowledge of Traditional Owners appear to have largely been overlooked, with the Strategy seeming to suggest that Traditional Owners will only be consulted *after* project sites have been selected. This is clearly unacceptable and does not align with the Victorian Government's support for greater self-determination nor the objectives of the *Marine and Coastal Act 2018* and the *Water Act 1989*.

The vision set out on page 20 enunciates the narrow focus on boaters and boating infrastructure. There is no acknowledgment that in order to achieve "a better boating experience" boaters need our waterway, coastal and marine environments to be healthy, safe and clean, and resilient to the impacts of population growth, climate change and development.

While the Strategy mentions that BBV will “partner with others”, it seems the only motivation to do this is to get others to agree to deliver what the Strategy promises. There appears to be little interest in genuinely engaging and working with other non-boating stakeholders, including in the development of this Strategy, to identify a sustainable and safe way forward. For example, we are keen to know if the water sector has been consulted on the development of this Strategy as they are not mentioned at all and there seems to be little alignment with the Victorian Government’s water policy “Water for Victoria”.

A number of councils identified a lack of any engagement in determining the list of priority boat ramps. Councils also provided feedback that they were not consulted regarding the condition survey of coastal assets, and felt that input from the relevant asset manager to this process should have been mandatory.

As a Recreational Boating Strategy, it is understandable that BBV has drafted the strategy with boaters’ wants front of mind. However, in order to deliver on the vision of a “better boating experience”, collaboration and cooperation with others, including councils, is critical. Consideration of environmental impacts and the challenges of climate change, population growth, and sustainable asset management are also fundamental to achieving this vision.

**Recommendation:** The strategy be reworked to address six significant, critical gaps:

- (1) *Acknowledgement and engagement of Traditional Owners*
- (2) *Protection of environmental values*
- (3) *Respect for shared use of our waterways and the marine and coastal environment*
- (4) *Climate adaptation and sustainable use*
- (5) *Ongoing management and maintenance of boating facilities*
- (6) *Alignment with the Marine and Coastal Act and Policy*

As outlined in the following pages, addressing these gaps is critical not only to achieve the support and confidence of local government but also to provide boaters with the best chance of achieving a better boating experience.

## 1. Acknowledgement and engagement of Traditional Owners

Traditional Owner rights, aspirations, values, uses and practices on land and water are recognised in Australian law. Traditional Owner acknowledgement and engagement is required by all levels of government.

At the state level, acknowledgement of Traditional Owner groups' knowledge, rights and aspirations for land and sea country is a specific objective of the *Marine and Coastal Act 2018*. The *Water Act 1989* likewise requires Victoria's water resources and waterways to be managed in a way that considers Aboriginal cultural values and uses. The State has also made clear that

its new Public Land Act will support Traditional Owner self-determination in relation to public land.

With this legislative context in mind and with the Victorian Government proudly working towards a treaty (or treaties) with Aboriginal Victorians, it is concerning that the draft Strategy appears to have been developed with little, if any, engagement and input of Traditional Owners. We consider this to be a critical gap in the Strategy that needs to be addressed as a matter of priority.

Recognition of Traditional Owner rights, aspirations and values must inform and be reflected throughout the final Strategy.

**Recommendation:** The Strategy demonstrate appropriate engagement, and recognition of Traditional Owner rights and values.

## 2. Protection of environmental values

Our waterways, coastal and marine areas are places for all Victorians to enjoy. The health of these environments underpins the Strategy vision of an “enhanced boating experience”.

Currently the strategy offers little recognition of the potential environmental impact of the proposed renewal and expansion of recreational boating facilities on the coastal zone and marine environment. The Strategy must articulate:

- how environmental values will be protected and integrated into the design, building and ongoing maintenance of boating facilities at site as well as impacts to adjoining coastlines from effects of dredging, erosion, accretion, etc.
- recognition of the consent and approval processes required at the state, regional and local level demonstrating adherence to environmental protection legislation, planning and development regulations.

Environmental protection and sustainable use must be integral to this Strategy, with decisions on new boating infrastructure adhering to the relevant legislation and guidelines.

The Strategy objectives promote a significant increase in the number of recreational boaters accessing inland waterways and the coast at any given time. It is unclear if any consideration has been given to the capacity of our waterway and coastal zones to cope with this growth and what the cut-off or “tipping point” might be.

It is essential that the Strategy take a more holistic approach, considering boating infrastructure renewal and development in the context of protecting ecosystems and biodiversity, sustainable design, climate change risk and increased demand from other users of these areas.

All boating facility construction (renewal, expansion or development) must be approved under the various statutory planning and development controls. These include consent under the Marine and Coastal Act 2018, Planning and Environment Act 1987 and Aboriginal Heritage

Regulations 2018. These Acts are not referenced in the Strategy. It is critical that relevant actions in the Strategy clearly articulate the requirement, and commitment by Better Boating Victoria, to obtain the necessary approvals prior to any construction taking place.

The Strategy offers no reference to the need for detailed environmental, cultural, social and/or economic impact assessments for proposed sites as part relevant statutory approval processes. It also offers no discussion on how proposals must align with municipal planning strategies and local strategic planning policy and development plans for coastlines, lakes and waterways. Of particular concern is the limited reference to the need for Cultural Heritage Management Plans and possible Cultural Heritage Permits.

In its current form, the maps earmarking existing and new locations for boating facilities suggest consents are not required, or that these sites are already approved and that proposals align with local strategic planning and investment objectives for those areas. This is misleading and undermines legislation and policy in Victoria mandating those processes that account for environmental and cultural impacts and community views.

The Strategy seems to suggest that most or all boat license holders access the water regularly and want increased access to allow more boats on the water. We question if this accurately represents the boating community, many of whom likely care deeply about protecting our waterways and marine environment and would not want to see irreversible damage caused from poorly sited or poorly designed boat facilities.

To further protect the environmental values of waterways and the coast, the Strategy must include actions that focus on educating the boating community about the potential and known environmental impacts of their activity and how to avoid or at least minimise those impacts. For example, translocation of marine pests, catch limits, marine protected areas, protection of foreshore vegetation around car parks, litter, etc.

In addition, the Strategy must provide for increased support to agencies responsible for compliance and enforcement on the water and at boat ramps, such as Parks Victoria, Maritime Safety Victoria, Victoria Police and local councils. At the very least the Strategy must identify these critical stakeholders, and the action(s) that ensure a strong working partnership for the safety of all waterway and marine users, as well as for the protection of the marine environment.

A significant increase in boaters on the water must be matched with resources to support patrols and blitzes during peak periods, especially in RAMSAR and marine protected areas, but also in and around foreshores with increased potential for traffic and parking issues.

**Recommendation:** That the Strategy acknowledge the importance of protecting our natural environment and put greater emphasis on non-infrastructure responses, such as demand management to allow safe and orderly access at peak times as well and sustainable design and eco-engineering responses.

### 3. Shared use of the marine and coastal environment, and inland waterways

The [Victorian Marine and Coastal Community Attitudes and Behaviours Research](#) (2018) shows that top five reasons people visit and access the beach are passive (walking, swimming, eating/drinking, lying and relaxing, sporting activities). Fishing came in as the sixth most popular reason for visiting the coast.

The Strategy falls short of recognising these existing recreational uses. The Strategy vision and objectives need to be framed in the context of a better boating experience that still recognises and allows for the rights, values and needs of other users.

The Marine and Coastal Management Act 2018 states:

*“It is a guiding principle for the management of the marine and coastal environment that planning and management should be coordinated and integrated, as appropriate, across industry sectors and users of the marine and coastal environment”.*

*Reference 8(c), page 13 of the Act.*

The Strategy must clearly recognise waterways and coasts are public spaces, supporting multiple uses and users. In accordance with the Marine and Coastal Act 2018 and the Water for Victoria policy, the Strategy must coordinate and integrate the values and needs of the boating community with other sectors and users, recognising the balance and compromise that is required to achieved shared use.

Councils have raised concern about the lack of community engagement by BBV, both in the development of this strategy, and with local communities where facilities upgrades and construction is already taking place.

It is unacceptable that the strategy focuses on accessibility specifically for the boating community, with no or little regard for the accessibility, recreational use and values of other stakeholders. Access points to many coastal and inland waterways are already congested spaces, especially during peak summer periods. Development and expansion of boat ramps and carparks must incorporate effective traffic management, community safety and amenity. This is not evident in the draft Strategy.

### 4. Climate adaptation and sustainable use

The Strategy does not adhere to the Marine and Coastal Act (and Policy) and may provide outcomes contrary to the recent changes made to the Victorian Planning Provisions (amendment VC171) with respect to addressing the impact of climate change on marine and coastal areas and associated assets.

In some municipalities, boat ramps identified for renewal or construction are located in areas impacted by storm surge, sea level rise and coastal inundation, or areas of known future risk. The Strategy is unclear on how these current and projected risks will be considered as part of siting and design considerations.

The impact of climate change on existing coastal infrastructure is already a significant issue for councils, dealing with the financial costs, liability and risk, and community expectations for protection. Coastal hazards, risks of climate change and offsite impacts generated by proposals for boating infrastructure must be addressed in the strategy and reflected in objectives and actions.

Siting and design of boating facilities must adhere to the [Siting and Design Guidelines](#) for structures on the Victorian Coast and align with the sustainable development goals of the local council or relevant land manager. This is not evident in the Strategy. Development of boating facilities must also be consistent with local Coastal and Marine Management Plans and other relevant regional and local strategies for the coast. Acknowledgement of this must be reflected in the Strategy.

The Victorian Government’s water policy “Water for Victoria” clearly recognises the impacts of climate change and the importance of planning for and adapting to these impacts. With a warmer, drier future predicted, it is critical that the Strategy acknowledge that recreational boating may not always be possible at certain sites due to low lake and water storage levels and low river flows. This reality must be factored into any planning for renewed or new facilities. This Strategy provides an important opportunity to educate the boating community about the impacts of climate change and to build their knowledge of mitigation and adaptation responses.

Councils support the need to develop a boating tourism plan (Strategic Objective 6b). These plans should be developed in conjunction with state, regional and local stakeholder, and as part of the State Government’s Victorian Visitor Economy Master Plan. Strategic Objective 6c (develop boating destination trail) requires further development, in consultation with regional councils in particular, as the Strategy omits areas of high recreational activity including tour operators providing boating experiences to visitors (eg. Southern Gippsland region).

**Recommendation:** That the Strategy clearly address how the impacts and risks of climate change will be addressed in the siting and design of new and renewed boating facilities. Climate resilient infrastructure is required, ensuring investment in new or expanded boating facilities does not exacerbate existing asset management challenges.

The strategy must go further in committing to water sensitive urban design of foreshore facilities including carparks, as well as sustainable, environmentally sensitive design of boat ramps. This includes maximising opportunity for nature-based eco-engineering and providing for multiple use.

## 5. Ongoing management and maintenance of boating facilities

The Strategy needs to clearly define agency roles and responsibilities for asset design and planning, ongoing ownership, management and maintenance to ensure good governance of boating infrastructure.

Councils are keen to continue their engagement with BBV but report ongoing uncertainty and inconsistency in BBV's approach to funding, particularly for long-term maintenance of assets. This includes clarifying expectations to manage and maintain associated infrastructure such as toilet facilities, rock groynes, etc that are directly linked to the safe and accessible use of a boat ramp.

Councils and other land managers already have significant challenges resourcing the existing substantial coastal and inland waterway infrastructure under their management. These challenges are exacerbated by climate change and the ongoing pressure for more development to accommodate population and tourism growth in areas close to the water. Demographic trends show that people continue to invest in and value locations with ease of access to the water, including inland river systems and lakes. The proposed expansion of boating facilities identified in the Strategy has the potential to exacerbate these existing and ongoing pressures.

If BBV cannot or will not commit to funding the ongoing maintenance of boating facilities beyond an initial 2-3 year contract, then this need to be communicated upfront to allow councils to determine whether it is a facility they can reasonably and responsibly support. Councils work with finite budgets and have a range of critical community services and infrastructure to manage in a rate-capped environment.

Councils acknowledge there are a variety of management and maintenance models for coastal and waterway assets. Councils support the need for a review of these models in the context of this Strategy, but strongly oppose it becoming a cost shifting exercise back onto councils.

Councils call for transparent and robust governance arrangements for the Better Boating Fund, to guide the disbursement of funds. Given the direct interest councils have as land and infrastructure managers, we recommend local government be represented in the governing arrangements.

We also request that the recommendations from the [Victorian Auditor-General's Report on Protecting Victoria's Coastal Assets](#) (2018) be considered in the development of future management options being funded through the Better Boating Fund.

**Recommendation:** That the Strategy clearly defines who is responsible for:

- Design and planning of new boating infrastructure
- Ownership of new infrastructure
- Ongoing maintenance of infrastructure
- Management and maintenance of associated infrastructure

## 6. Marine and Coastal Act and Policy

The Strategy does not comply with the Marine and Coastal Act 2018 and Marine and Coastal Policy 2020. The Policy provides a ‘planning and decision pathway’ that directs how the objectives and guiding principles of the Act should be used in decision making in the marine and coastal environment. This includes:

- Acknowledge Traditional Owners' rights, aspirations and knowledge.
- Protect and enhance the marine and coastal environment.
- Respect natural processes.
- Strengthen resilience to climate change.
- Use and develop sustainably.

Activity 3.1 of the draft Marine and Coastal Strategy states a Victorian Recreational Boating Strategy will be developed that:

- incorporates climate change adaptation responses;
- is aligned with regional and local place-based plans (e.g. management and adaptation plans);
- optimises environmental outcomes; and
- aligns with Traditional Owner objectives and assertions for Country.

In its current form the Victorian Recreational Boating Strategy does not comply with the Marine and Coastal Act 2018; the Marine and Coastal Policy (2020); nor the draft Marine and Coastal Strategy. This legislation is a whole-of-government approach and underpins the role of Victorian coastal councils as the appointed coastal Crown land manager. It should also underpin the aspirations of the Victorian Recreational Boating Strategy, if boaters are to enjoy the marine environment and be able to access the coast now, and in years to come.

## Other concerns

### a. Use of statistics and references

The draft Strategy includes a number of statistics, some of them surprising, without any reference to their source. If these statistics are to appear in the final strategy, we ask that their source be clearly referenced so that they can be validated.

Councils note that the “Central Coastal Board Recreational Boating Facilities Framework” was used by Deloitte in preparation of the Strategy, however this document does not appear to exist online, nor the Deloitte assessment. Detailed references should be included in the Strategy to provide greater transparency.

### b. Definitions

The Strategy would benefit from the inclusion of definitions to provide clarity on some of the terms used. For example, the Strategy states that ‘one-in-ten Victorians regularly participates in recreational boating’ but it is not clear how “regularly” is defined nor which boating activities are classified as “recreational boating”? Does the term “destination locations” have a specific meaning/specific attributes? Other terms that would benefit from provision of a definition include: asset managers, waterway managers, marine agencies, the Irregular Riding Rule.