

All use, development and works on marine and coastal Crown land by any party, including committees of management and local government, requires consent under the *Marine and Coastal Act 2018*.

What is marine and coastal Crown land?

Marine and coastal Crown land is defined under section 4 of the *Marine and Coastal Act 2018*.

In general it comprises the Crown land (whether covered by water or not) within the area between the outer limit of Victorian coastal waters and 200 metres inland of the high-water mark of the sea, to a depth of 200 metres below the surface of that land. It also includes any water covering this land from time to time. There are some exceptions to this and this should be clarified with your local Department of Environment, Land, Water and Planning (DELWP) office.

Are there any exemptions from the need to obtain consent?

There are no exemptions. All use, development and works on marine and coastal Crown land requires the Victorian Minister's consent.

However, in some cases consent may have already been issued for low-impact works. If you believe your proposal falls into this category, you should still consult your local DELWP office for advice.

What use and development have been given prior consent?

In 2013 the former Minister for Environment and Climate Change issued consent for a range of uses and development on marine and coastal Crown land considered low risk.

These include existing uses and works such as pest plant and animal eradication, maintenance works to existing structures, works to fences and emergency works. If you believe your proposal falls into this category, please contact your local DELWP office for advice.

What is the relationship between coastal consent and other statutory authorisations?

In the event that the Minister consents to a proposed activity under the *Marine and Coastal Act 2018*, the proposed activity may still require other statutory authorisation and approvals. The applicant is responsible for obtaining all other relevant Victorian and Commonwealth statutory authorisation and approval, such as relevant leases and licences, permits to take protected flora under the *Flora and Fauna Guarantee Act 1988* and approvals under the *Environment Protection and Biodiversity Conservation Act 1999*.

What is the relationship between consents, the *Planning and Environment Act 1987* and planning permits under the local Planning Scheme?

Before applying for consent, you should consult with the relevant local government and determine if the proposed use, development or works also requires a planning permit.

If a planning permit is required, a copy of a planning permit application can also be taken to be an application for consent under the *Marine and Coastal Act 2018*. Once an application for a planning permit has been made to local government, your application will be directed to DELWP for consideration.

Under section 61(3) of the *Planning and Environment Act 1987*, the local government cannot issue a planning permit on marine and coastal Crown land unless consent under the *Marine and Coastal Act 2018* has been issued. If the Minister (or delegate) refuses to issue consent, the local government must also refuse to issue a planning permit.

If a planning permit is not required, the consent application form can be submitted directly to your local DELWP office.

How do I apply for consent?

A consent application form is available from your local DELWP office. The application form must be completed in its entirety to be accepted as a valid application.

What information will I need to provide in my application for consent?

The application form details what information must be provided. This information includes:

- the location of the proposed use/development/works
- detailed plans if development is proposed
- justification for the proposed use/development/works
- how the use/development/works is to be undertaken
- details of the impact the use/development/works will have
- the community's view of the proposal.

What matters are considered when an application for coastal consent is assessed?

In determining an application for a consent to use or develop, or undertake works, on marine and coastal Crown land, the Minister must have regard to:

- the objectives and guiding principles set out in Part 2 of the *Marine and Coastal Act 2018*
- the Victorian Coastal Strategy 2014
- plans prepared under a regional and strategic partnership that applies to the land
- any environmental management plan applying to that land
- any coastal or marine management plan applying to that land
- any relevant coastal recommendation.

For many areas of marine and coastal Crown land, a management plan has been prepared by the local coastal land manager to guide the use and development of the area

into the future. These plans are also considered when assessing an application for consent.

How long will it take to assess my application for consent?

Once an application form is accepted as valid, the Minister (or delegate), must make a decision within 60 business days. DELWP may request additional information in writing depending on the nature of the works and the information provided.

Under section 70(7) of the *Marine and Coastal Act 2018*, if the Minister does not make a decision within 60 business days, the application is deemed to be refused.

Dredging coastal Crown land

If your proposal includes dredging of marine and coastal Crown land, your application must include a completed application form specific to dredging. This application form is available from your local DELWP office.

More information on dredging can be found at: www.coastsandmarine.vic.gov.au/marine/dredging

Further information

If you require further information please contact your local DELWP environmental planning team on 136 186.

To access a copy of the *Marine and Coastal Act 2018*, go to: www.legislation.vic.gov.au

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