

# VICTORIAN COASTAL COUNCIL



## GUIDELINES FOR PREPARING, IMPLEMENTING AND REVIEWING COASTAL ACTION PLANS

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#### **Acknowledgement of Country and Indigenous Australians**

The Victorian Coastal Council respectfully acknowledges the original custodians of what is now known as Victoria; their rich culture, deep affinity with the land and spiritual connection to it.

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## 1.0 Purpose of the Guidelines

These guidelines are produced by the Victorian Coastal Council (VCC) under Section 8(1) (g) of the *Coastal Management Act 1995*.

The *Coastal Management Act 1995* in Division 2 enables the preparation of Coastal Action Plans (CAPs) by Regional Coastal Boards (RCBs) for their region or any part of their region. These guidelines are intended to assist Regional Coastal Boards and stakeholders in the preparation, implementation, review and revision of CAPs.

## 2.0 Context

### 2.1 The Coastal Planning Context

The *Coastal Management Act 1995* establishes the legislative framework for coastal planning and management in Victoria and enables the preparation and adoption by Government of the Victorian Coastal Strategy (VCS).

The Victorian Coastal Strategy (VCS):

- establishes an overall vision for the Victorian coast;
- provides strategic direction for planning and management of the whole coast;
- is developed by the Victorian Coastal Council and approved by the State Government as Government policy;
- integrates State, National and International principles and policies for the coast.

Coastal Action Plans (CAPs):

- enable the broader principles and priorities of the VCS to be further developed and applied at a regional or sub-regional level, or for particular issues;
- are consistent with the VCS and play a key role in its implementation;
- take a long term strategic view, clarify directions for future use and identify key actions required to achieve preferred outcomes;
- are developed by or under the guidance of Regional Coastal Boards;
- involve public consultation during preparation; and
- are referred to the Victorian Coastal Council for approval by the Council prior to referral by the Council to the Minister for Environment for endorsement.

CAPs with this regional, strategic approach differ significantly from management plans.

Management plans:

- provide direction for day to day management of an area of coast by appointed managers;
- include a business plan which outlines management requirements, proposed works and budget priorities;
- are developed by coastal managers in accordance with the *Coastal Management Act 1995*;
- must be consistent with the VCS, CAPs and relevant legislation; and
- are approved by the Minister for Environment.

The *National Parks Act 1975* provides for the preparation of plans of management for parks and reserves listed in the Schedules to that Act.

## **2.2 The Broader Planning Context**

The coastal planning system is an integral part of the broader land use planning system in Victoria. This relationship is manifested in a number of specific linkages including:

- Section 15.08-3 in the State Planning Policy Framework of the Victorian Planning Provisions which requires coastal planning to be consistent with the VCS and any relevant CAPs.
- Coastal sections in Local Planning Policy Frameworks.
- Approvals for land use and development on private land on the coast being required under the *Planning and Environment Act 1987* and for coastal Crown Land being required under the *Planning and Environment Act 1987* and the *Coastal Management Act 1995*.

Municipalities plan for coastal land use (public and private) by setting strategic directions within the context of the VCS. This planning takes different forms and may include CAPs (led by RCBs), Urban Design Frameworks or Coastal Planning Frameworks which achieve statutory acceptance through incorporation or reference in the local planning scheme.

Coastal planning is also influenced by Regional Catchment Strategies (RCS) prepared by Catchment Management Authorities. Regional Catchment Strategies establish an integrated framework for land, water and biodiversity management across the catchment, including Victorian coastal waters to three nautical miles (approx. 5.5km) offshore.

Regional strategies with coastal elements are also sometimes prepared. For example, the Great Ocean Road Region Strategy 2004. Such strategies also provide important strategic directions that influence the decision making in developing CAPs.

## **3.0 When Might A Coastal Action Plan Be Needed?**

It is imperative to determine whether a CAP is the most appropriate strategic mechanism to respond to the need for more strategic planning to clarify or implement aspects of the VCS. This will involve considering:

- The regional importance or regional implications of the issue.
- Whether other mechanisms such as a Municipal Planning Scheme amendment and the local provisions of the planning scheme, an Environmental Effects Statement, a Regional Guideline, a Park or Reserve Management Plan, or any other instrument could address the issues more effectively.

Following consideration of the other strategic mechanisms above, preparation of a CAP could be considered if the majority of the following criteria are met:

- An integrated and coordinated planning process is required.
- A number of agencies are involved in the issue.
- A number of areas of public and private land with a range of tenures are involved.
- There is a range of approaches that may be required to achieve the outcome/s.
- Planning for the marine environment is required outside of Marine National Parks or planning scheme boundaries.

A CAP is not appropriate for an issue or suite of issues that occur at a local scale, such as a specific site within a coastal reserve or a single reserve. A management plan would be a more appropriate mechanism to deal with local issues in such cases.

A CAP may be a useful tool where crossover issues between public and private land need to be addressed and the other planning instruments available are unsuitable.

## 4.0 Who Can Prepare A Coastal Action Plan?

Section 22 of the *Coastal Management Act* 1995 enables the preparation of CAPs by RCBs. An RCB can initiate CAPs or be directed to prepare a CAP by the Minister or the VCC. Other organisations such as government agencies and municipalities may request that a CAP be prepared.

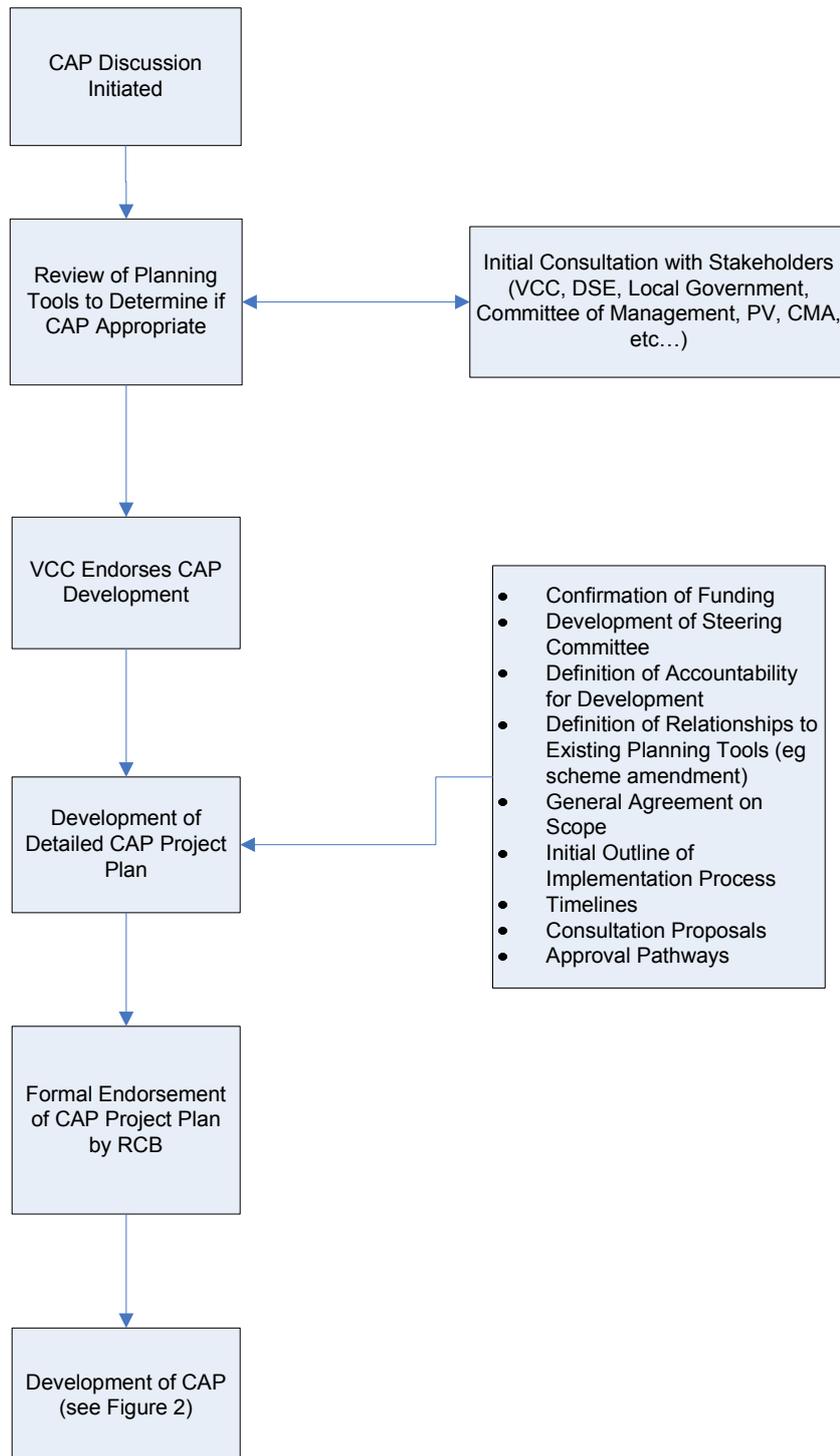
## 5.0 The Decision to Proceed

Whether a CAP is being prepared at the RCB's discretion or directed by the Minister or VCC, a clear and logical process is needed to ensure the decision to proceed is clear and transparent, and that support and where necessary approval is obtained prior to CAP initiation.

Formal approval to develop a CAP is not required from the VCC under the *Coastal Management Act* 1995. However, an 'in-principle' endorsement from the VCC prior to formally committing to develop a CAP is critical to ensure the support and engagement of the VCC in the CAP process.

Figure 1 shows a suggested process for 'planning' a CAP.

Figure 1 – CAP Pre-Planning



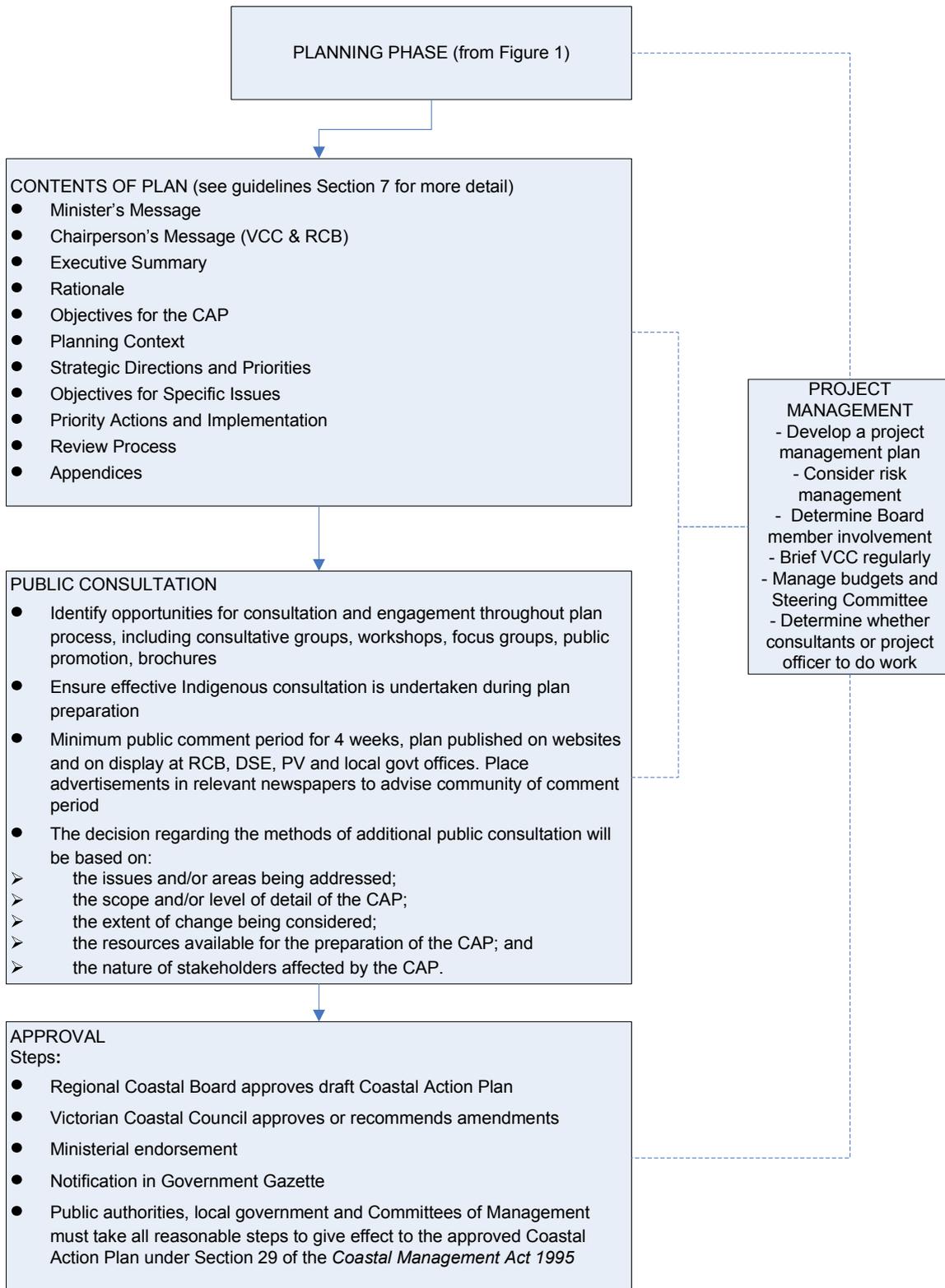
## 6.0 Preparing a Coastal Action Plan

The legal requirements for preparing a CAP are contained in Sections 23 – 27 of the *Coastal Management Act 1995*. These sections contain requirements for:

- Content.
- General scope.
- Need for consistency with other Acts.
- Consultation and review requirements.
- Approval pathway through the VCC and Minister.
- Notification of Ministerial endorsement of the CAP in the Government Gazette.

These legislative requirements are expanded on and shown in Figure 2.

**Figure 2 – CAP Preparation Process**



## 7.0 Content and Structure of a Coastal Action Plan

### 7.1 Statutory Context

Section 23(1) of the *Coastal Management Act 1995* sets out the requirements for the contents of CAPs including strategic directions for use and development as follows:

*A Coastal Action Plan –*

- a) must identify strategic directions and objectives for use and development in the region; and*
- b) must provide for detailed planning of the region or part of the region-
 
  - i) to facilitate recreational use and tourism; and*
  - ii) to provide for protection and enhancement of significant features of the region's coast, including the marine environment.**

The Act also directs that CAPs must be consistent with the VCS, the *National Parks Act 1975* and the *Crown Land (Reserves) Act 1978*.

Within this definition of CAPs it is accepted practice to develop **area** based CAPs and **issues** based CAPs.

- Area based CAPs may cover the whole or part of a region and address a range of issues within that area.
- Issues based CAPs focus on a particular strategic issue or issue group and address it across the region or part of the region.

CAPs are also a statutory mechanism for defining **activity nodes** and **recreational nodes** (as defined in Figure 8 in the VCS) and sensitive sites on the coast.

### 7.2 Structure of a Coastal Action Plan

The range of issues and areas covered by a CAP varies and might include:

- Strategic land-use and urban planning, including the future designation, sustainable use and development of designated activity and recreation nodes.
- Cross-jurisdictional opportunities for cooperative planning.
- Protection of areas of environmental significance.
- Strategic priorities for provision of sustainable infrastructure and facilities for coastal use and access.
- Opportunities to redevelop and improve existing facilities to increase public benefit and ecological sustainability.
- Landscape protection, coastal recession, coastal risk mitigation or public access.

However it is desirable to have a consistent format across the State. This will assist with community and stakeholder recognition of the CAP and ensure that implementation of the VCS occurs in a coordinated manner.

The general structure should be as follows:

- 'Implementing the VCS' Statement
- Minister's Message
- RCB Chairperson's Message
- Statement of acknowledgment of traditional land owners
- Executive Summary
- Rationale
- Objectives for the CAP
- Planning Context
- Strategic Directions and Priorities
- Objectives for Specific Issues
- Priority Actions and Implementation Plan
- Review Process
- Appendices

This structure may be modified to meet the needs of specific issues being addressed but should be retained as above wherever possible. The CAP document itself to be approved by the VCC and endorsed by the Minister should be concise with supporting data contained in appendices or separate volumes.

Diagrams and graphics should be used to simplify the content and messages of the CAP. Mapping should be to a high standard and use of regional GIS resources should be considered. Within the scope of the CAP, boundaries of local government areas and catchment management authorities and the territory of traditional owners should be mapped.

The CAP sections are discussed in more detail below.

### ***7.2.1 'Implementing the VCS' Statement***

This is a standard statement prepared by the VCC which sets the context for the CAP within the State coastal planning framework.

### ***7.2.2 Ministers Message***

The section should contain an introductory message from the Minister upon CAP endorsement under the Coastal Management Act.

### ***7.2.3 RCB Chairperson's Message***

The section should contain an introductory scene setting message from the RCB Chair.

### ***7.2.4 Statement of Acknowledgment of Traditional Land Owners***

A statement of acknowledgment of traditional land owners should be included.

### ***7.2.5 Executive Summary***

This section should be a brief summary of key points and actions from the CAP.

### **7.2.6 Rationale**

This section should be a summary of the rationale for preparing the CAP determined in the pre-planning process. It should reflect the key decisions made in determining that a CAP is required rather than another planning tool.

It should outline clearly whether the CAP is being prepared on an issues based or geographic approach and the reason for this decision.

### **7.2.7 Objectives for the CAP**

This section should be a succinct statement of the objectives for the CAP as a whole. It is not a statement of detailed objectives for specific CAP outcomes.

### **7.2.8 Planning Context**

The section will be a summary and analysis of how the CAP fits within the planning context of the area or issue under consideration. It should:

- Identify key issues that require the development of the CAP.
- Identify key planning processes and documents.
- Provide an analysis of how the CAP will relate to them (ie be consistent with, lead to change or replacement of, etc...) in process and implementation terms.

The CAP must be explicit when defining the area to which it applies whether it is State coastal waters, a Local Government municipal boundary, the whole region or another boundary as appropriate.

If the CAP is being prepared in conjunction with a planning scheme amendment this should be explained in this section. This section should also outline how the CAP fits within relevant National, State and regional policy.

Many of the issues relevant to this section will be explored to some extent in the planning stage but will require further analysis and investigation in the CAP development.

The planning context must explore how the CAP will be implemented within the existing strategic planning documents in the region.

### **7.2.9 Strategic Directions and Priorities**

This section will outline the key strategic directions for the area or issue under consideration. These directions will be high level statements outlining the approach(s) to the issues and/or areas considered in the CAP.

### **7.2.10 Objectives for Specific Issues**

Objectives for use and development should be explored in this section to address the desired outcomes for the issue or region being covered by the CAP. These objectives should be clear and simple and accompanied by explanatory text.

### **7.2.11 Priority Actions and Implementation Plan**

High level priority actions will be identified in this section within the CAP. Actions will have clearly identified:

- Specific responsibilities for action and implementation.
- Priorities for implementing actions.
- Key partners to assist with implementing actions.

Actions will be strategic in nature and not those you would expect to see in a management plan. Actions may relate to improving processes or identifying opportunities (economic, environmental, social, and cultural) at a regional or sub-regional scale to improve coastal management consistent with the VCS.

The section within the CAP will also contain an implementation plan which is a consolidated list of strategic actions to be implemented in the five year life of the CAP. The implementation plan should be presented as a five year rolling plan enabling refocusing of actions annually within the endorsed CAP.

The implementation plan should include:

- Actions, responsibilities, priorities, timeframes for actions and key partners as above.
- Structure and membership of the implementation committee involving key stakeholders in CAP development.
- Funding or pathways to obtaining funding for actions.
- An evaluation and reporting framework for tracking the implementation progress of the CAP and real outcomes on the ground.

An example pro-forma of a CAP implementation plan is shown in Appendix 1 including actions, lead agent, partner agencies, priority, updates, performance targets, workplan status, indicative funding and implementation timeframe.

***Implementation planning must be considered early in the development of the CAP. The final CAP endorsed by the Minister MUST have a comprehensive, logical and agreed implementation plan as a component of the CAP to ensure successful implementation of strategic actions.***

The implementation process is shown in Figure 3.

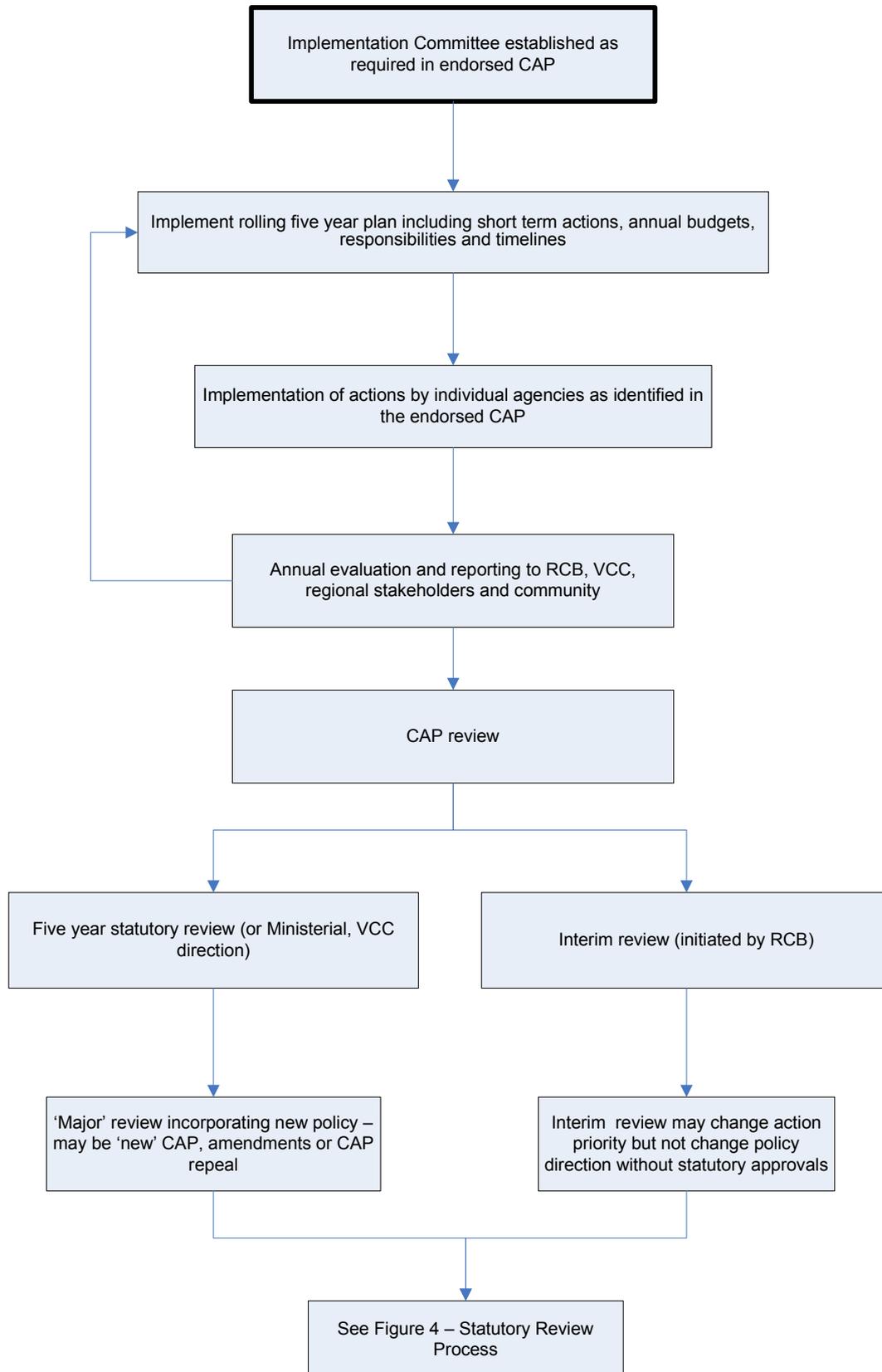
### **7.2.12 Review Process**

CAPs are reviewed under Section 28 of the *Coastal Management Act 1995*. A CAP must be reviewed by the relevant RCB, either at the direction of the Minister or VCC or at the end of five years from the date of endorsement. This would be a major review which could reflect significant changes in policy over time or the planning framework for the CAP.

Regional Coastal Boards may also wish to undertake an “interim review” of a CAP to further inform implementation. This may result in a change of action priority but policy direction must not be changed without statutory approvals. Section 28(2) of the *Coastal Management Act 1995* enables a Board to review a CAP at any time with the approval of the Council. The Act also prescribes consultation requirements for a review, including public advertising. Any written amendment to a CAP requires VCC approval and Ministerial endorsement. A suggested process for review is shown in Figure 4.

The review of a CAP should assess:

- How the CAP has been implemented.
- What the outcomes were.
- What were the successes and failures of the CAP.
- What unforeseen issues or impacts have arisen over the life of the CAP.

**Figure 3 – CAP Implementation Process**

Outcomes of the statutory review might be to:

- Repeal the CAP in its entirety due to it being completed.
- Review and re-release the CAP with updated contents and strategic directions (see below).
- Amalgamate the CAP with other CAPs or other regional strategic planning documents.

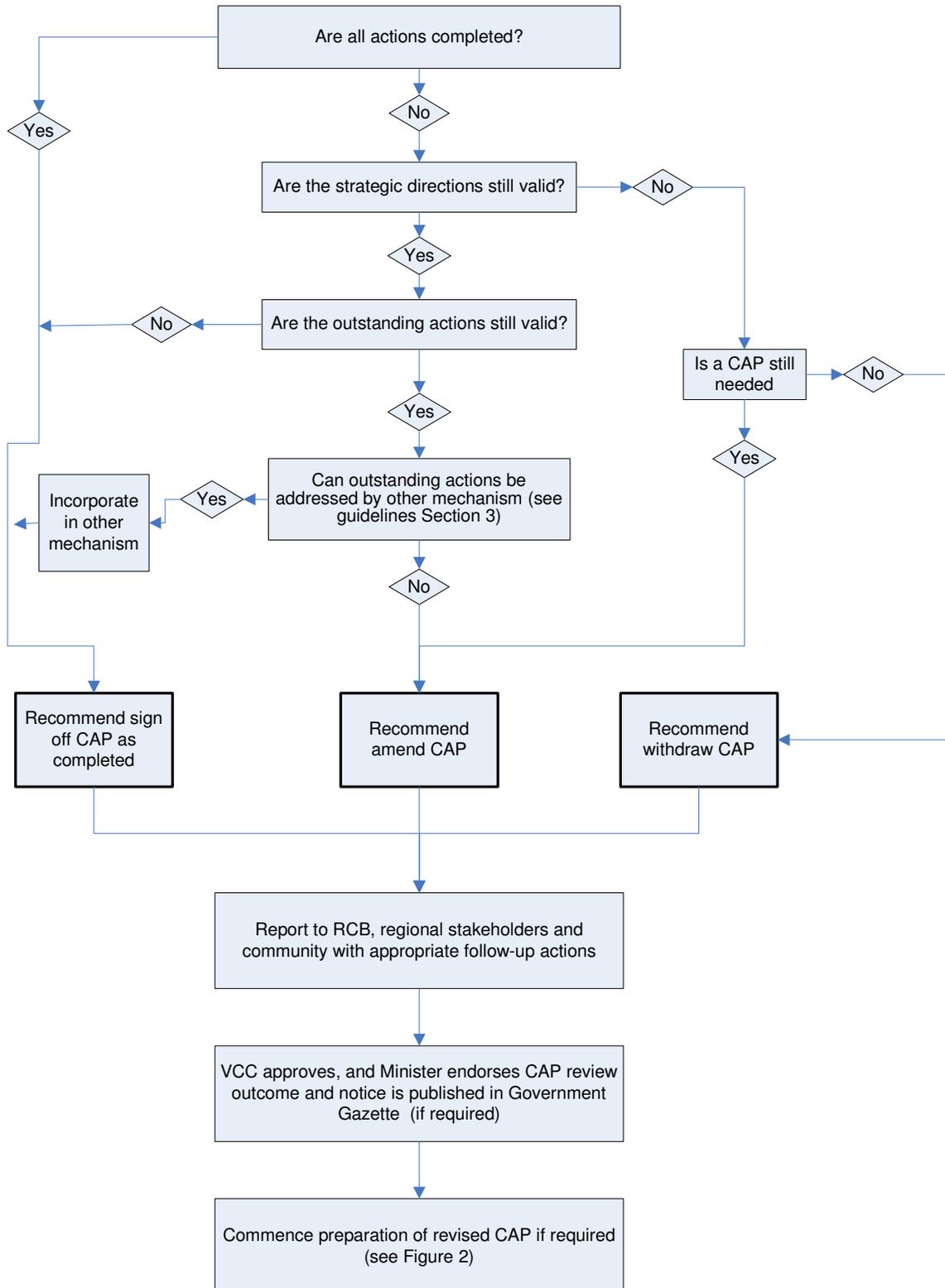
VCC approval and the Minister's endorsement are required for the outcome of the CAP statutory review. These outcomes should also be reported via RCB annual reporting on the state of coastal planning in the region.

Should a decision be made to revise the CAP, section 24 of the *Coastal Management Act 1995* applies. This section prescribes the steps required, including consultation, to prepare a CAP (or to prepare a revised CAP).

### **7.2.13 Appendices**

The Appendices to the CAP should contain background information to minimise the size and complexity of the CAP itself.

**Figure 4 – Statutory Review Process**



**FURTHER INFORMATION**

Further information can be obtained from  
*Executive Officer*  
*Victorian Coastal Council*  
*Level 2*  
*8 Nicholson Street*  
*East Melbourne Victoria 3000*  
*Ph (03) 9637 9456*

## Appendix 1 – Worked Action from Example Proforma Implementation Plan

Part 1

Action		Lead agent		Partner Agencies		Priority		Lead Agent Update		Performance Targets Dates	
No.	Description	Existing	Proposed	Existing	Proposed	Existing	New	Action to date	Future intentions	Existing	Proposed
8.1.4	Establish new or revised MOU to re-commit agencies to implementation & evaluation of the SWCAP.	WCB				High	High	WCB 6/4/05: Revised MoU being drafted for comment by Implementation Committee.	WCB 6/4/05: Have all CAP Partners sign revised MoU.	MOU in place within 1 year of gazettal of SWCAP and interagency forum established within 6 months of the MOU	MOU developed and signed by all CAP Partners by Sept 05

Part 2 – Table Connects to Right of Part 1 Table

Workplan Status			Indicative funding		Implementation period			
Action is in a <u>current</u> workplan	Action is in a <u>proposed</u> workplan	Action is <u>not in any</u> workplan plan, but is still seen as important	Required amount for 2005/06 and 2006/07	Committed		2005 (2nd half)	2006	2007
				Amount	Source			
Yes			\$1,000	\$1,000	WCB			

## Appendix 2 - Glossary

**CAP – Coastal Action Plan**

Prepared under Division 2 of the *Coastal Management Act* 1995.

**DSE – Department of Sustainability and Environment**

State Government department responsible for provision of coastal management and broader natural resource management services to the Victorian community.

**RCB – Regional Coastal Board**

Three coastal Boards cover the Victorian coastline, the Western, Central and Gippsland. RCBs provide independent advice to the VCC and Minister for Environment on strategic coastal planning issues.

**RCS – Regional Catchment Strategy**

Integrated natural resource management plan endorsed by the State and Federal Government based on Catchment Management Authority regions. Coastal RCSs are (from west to east) the Glenelg-Hopkins, Corangamite, Port Phillip and Westernport, West Gippsland and East Gippsland.

**VCC – Victorian Coastal Council**

The VCC is the 'peak body' covering the State of Victoria to advise the Minister for the Environment on coastal planning matters. The VCC prepares the Victorian Coastal Strategy.

**VCS – Victorian Coastal Strategy**

State Government's endorsed strategy that provides direction for coastal planning and management in Victoria.