



WARRNAMBOOL HARBOUR MASTER PLAN

March 2018

Appendix C: Use and Development of Crown Land

Fact sheet

Use and development of coastal Crown land



When is consent under the *Coastal Management Act 1995* required?

All use or development of coastal Crown land by any party, including committees of management and municipal councils, requires consent under the *Coastal Management Act 1995*.

What is coastal Crown land?

Coastal Crown land is generally all Crown land within 200m of the high tide mark and the seabed of Victorian coastal waters. There are some exceptions to this and this should be clarified with your local Department of Environment and Primary Industries (DEPI) office.



Are there any exemptions from the need to obtain consent?

There are no exemptions. All use and development of coastal Crown land requires the 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 DEPI office for advice.

What use and development have been given prior consent?

In 2013 the Minister for Environment and Climate Change issued consent for a range of uses and development on coastal Crown land considered low risk. These include existing uses, 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 DEPI 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 *Coastal Management Act 1995*, the proposed activity may still require other statutory authorisation and approval from the Minister or DEPI. The applicant is responsible for obtaining all other relevant Victorian and Commonwealth statutory authorisation and approval, including a permit to take protected flora under the *Flora and Fauna Guarantee Act 1988* and approvals under the *Environment Protection and Biodiversity Conservation Act 1999*.

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

Before applying for coastal consent you should consult with the relevant local government and determine if the proposed use or development also requires a planning permit. Should a planning permit also be required, the applicant must append a completed coastal consent application form with the planning permit application. This will then be forwarded to DEPI by the local government planner.

Under section 61(3) of the *Planning and Environment Act 1987*, the local government cannot issue a planning permit on coastal Crown land unless consent under the *Coastal Management Act 1995* has been issued. If the Minister (or delegate) refuses to issue coastal consent, the local government must also refuse to issue a planning permit.

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

How do I apply for consent?

A coastal consent application form is available from your local DEPI office. The application form must be completed in its entirety in order 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
- detailed plans if development is proposed
- justification for the proposed use/development
- how the use/development is to be undertaken
- details of the impact the use/development will have
- the community's view of the proposal.

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

Under s 40(2) of the *Coastal Management Act 1995*, the Minister must have regard to:

- a) the Victorian Coastal Strategy; and
- b) any Coastal Action Plan applying to the land; and
- c) any relevant coastal recommendation; and
- d) the purposes for which the land was reserved under the *Crown Land (Reserves) Act 1978*.

For many areas of coastal Crown land, a coastal 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 coastal 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 28 days. DEPI may request additional information in writing depending on the nature of the works and the information provided.

Under section 40(3) of the *Coastal Management Act 1995*, if the Minister does not make a decision within 28 days, the application is deemed to be refused.

Dredging coastal Crown land

If your proposal includes dredging of coastal Crown land, your application must include a completed application form specific to dredging. This application form is available from your local DEPI office. More information can be found in DEPI's fact sheet on dredging.

Further information

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

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