

# Consent to use and develop coastal Crown land

## Committees of Management on the Coast

Series No. 1

### Coastal Management Act consent.

If you propose to **use** or **develop** coastal Crown land you **MUST** gain written consent under the *Coastal Management Act 1995* from the Department of Sustainability and Environment (DSE).

The consent process applies to all coastal Crown land, regardless of status in a planning scheme and ensures that the Crown has the opportunity to represent the broader public interest in matters affecting the coast and seabed.

### What is coastal Crown land?

The *Coastal Management Act 1995* defines coastal Crown land as:

- any land reserved under *the Crown Land (Reserves) Act 1978* for the protection of the coastline; and
- any Crown land within 200 metres of the high water mark of the coastal waters of Victoria; or any sea within the limits of Victoria; and
- the sea-bed of the coastal waters of Victoria; and
- the sea-bed of any sea within the limits of Victoria.

### What is use and development?

The *Coastal Management Act 1995* defines **development** as:--

- the construction or exterior alteration or exterior decoration of a building; and
- the demolition or removal of a building or works; and
- the construction or carrying out of works; and
- the subdivision or consolidation of land, including buildings or airspace; and
- the placing or relocation of a building or works on land; and
- the construction or putting up for display of signs or hoardings;

**use** as: - in relation to land includes use or proposed use for the purpose for which the land has been or is being or may be developed;

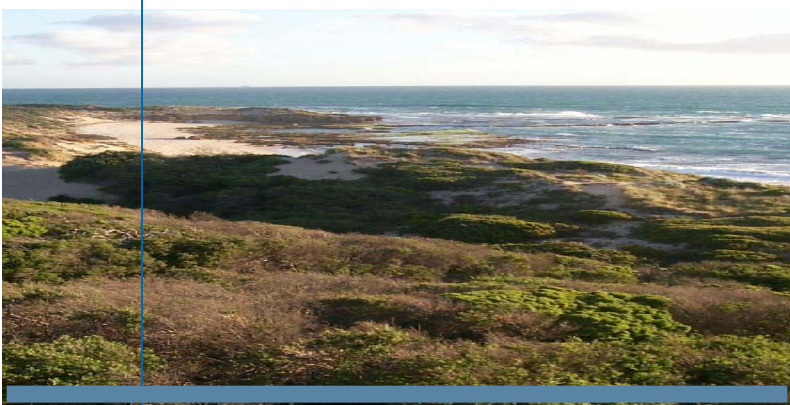
**works** as:- includes any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil.

### Applying for Coastal Management Act consent

An application for CMA consent **MUST** be in writing.

Applications can be made:

- directly to the regional DSE office or
- if a planning permit application under the *Planning and Environment Act 1987* is required and referred to DSE as a referral authority the referred application is deemed to be an application for consent under the *Coastal Management Act 1995*.



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## What information should an application contain?

An application must outline:

- The proposed use and/or development including plans outlining the extent, scale, materials, colours etc of the proposal;
- The location of the proposal;
- The approximate cost of the proposal;
- Description of the current use of the land;
- The justification for the proposal;
- An assessment of potential impacts and benefits of the proposal;
- A statement of support from the committee of management for the land (if the committee is not the applicant).

In developing the justification and assessment of potential impacts and benefits note that in deciding whether or not to consent DSE MUST have regard to:

- The Victorian Coastal Strategy; A copy is available at <http://www.vcc.vic.gov.au>
- Any Coastal Action Plan applying to the land;
- Any recommendation of the Victorian Environment Assessment Council; <http://www.veac.vic.gov.au>; and
- The purpose for which the land is reserved under the *Crown Land (Reserves) Act 1978*

Other documents to be considered are:

- Design advice: as outlined in the *Siting and Design Guidelines for Structures on the Victorian Coast (May 1998)*. A copy is available at <http://www.vcc.vic.gov.au>.
- *Landscape Setting Types for the Victorian Coast (May 1998)*. A copy is also available at <http://www.vcc.vic.gov.au>
- Any coastal management plan or approved masterplan/landscape plan applying to the land.

## Request for additional information

The Minister or delegate may ask for additional information in respect to an application. Until that further information is received the application is inactive.

## Deciding on an application for CMA consent.

The Minister delegates most Coastal Management Act consent decisions to a nominated person in DSE.

Upon receiving an application for CMA consent, DSE has 28 days to:

- consent to the use or development with or

- without conditions; or
- refuse to consent to the use or development.

**If the Minister or DSE delegate fails to make a decision within 28 days the Minister is deemed to have refused to consent to the use or development.**

There is no right of review of a decision to refuse consent under the *Coastal Management Act 1995*.

If consent is not given, a planning permit application must be refused. There is no right to apply to the Victorian Civil and Administrative Tribunal for a review of a decision by the responsible authority to refuse to grant a permit where Coastal Management Act consent has been denied.

## Is consent required for day to day maintenance activities?

Yes, consent is required for all use and development of all coastal Crown land. An existing consent for Low Impact Acts dated 14 March 2000 generally gives prior consent to day to day maintenance, repairs and safety works to a maximum value of \$10,000. Contact your regional coastal planner for more information.

## Dredging coastal Crown land

If you are proposing to dredge coastal Crown land you must apply on a specific application form for dredging. Copies of this form can be found in the EPA *Best Practice Management Guidelines for Dredging* or by contacting DSE.

Further information on requirements for Coastal Management Act consent can be sought from your local DSE Regional Coastal Planners.

Contact the DSE Customer Service Centre on 136 186 for more details.

