

Version No. 015
Coastal Management Act 1995

No. 8 of 1995

Version incorporating amendments as at
22 June 2011

table of provisions

<i>Section</i>	<i>Page</i>
Part 1—Preliminary	
1	
1 Purposes	
1	
2 Commencement	
1	
3 Definitions	
2	
4 Objectives of Act	
5	
5 Crown to be bound	
6	
Part 2—Coastal Planning and Management System	
7	
Division 1—Victorian Coastal Council	
7	
6 Establishment of Council	
7	
7 Membership and procedure of Council	
7	
8 Functions of Council	
7	
Division 2—Regional Coastal Boards	
9	
9 Coastal regions	
9	
10 Establishment of Boards	
10	
11 Membership and procedure of Boards	
10	
11A Membership of Board not an office of profit	
11	
12 Functions of a Board	
11	

- 13 Report to Council
12

Part 3—Coastal Planning

14

Division 1—Victorian Coastal Strategy

14

- 14 Victorian Coastal Strategy
14
- 15 Contents of Strategy
14
- 16 Preparing the Victorian Coastal Strategy
14
- 17 Submission of draft Strategy to Minister
15
- 18 Notice of endorsed Strategy
16

- 19 Tabling of copy of endorsed Strategy
16
- 20 Review of Strategy
16
- 21 Land managers to take Strategy into account
17

Division 2—Coastal Action Plans

18

- 22 Coastal Action Plan
18
- 23 Contents of Coastal Action Plan
18
- 24 Preparation of Coastal Action Plan
19
- 25 Submission of draft Plan to Council
20
- 26 Endorsement of Plan
20
- 27 Notice of endorsed Plan
20
- 28 Review of Plan
20
- 29 Land managers to take Plan into account
22

Division 3—Management plans

22

- 30 Preparation of management plan
22
- 31 Contents of management plan
22

- 32 Approval of management plan
23
- 33 Notice of management plan
23
- 34 Commencement of plan
23
- 35 Amendment or remaking of plan
23
- 36 Land managers to take plan into account
24

Division 4—Use and development of coastal Crown land
24

- 37 Consent required to use or develop Crown land
24
- 38 Application for consent
24
- 39 Time for decision
25
- 40 Decision of Minister
25

Part 4—Transitional
27

- 41 Saving of Council
27
- 42 Saving of Boards
27
- 43–45 *Repealed*
27

SCHEDULE—Membership and Procedure of Bodies
28

- 1 Definition
28
- 2 Terms of appointment
28
- 3 Remuneration
29
- 4 Vacancies
29
- 5 Application of **Public Administration Act 2004**
30
- 6 Meeting procedure
30
- 7 Decisions
31
- 8 Pecuniary interest of members
31

9	Sub-committees	31
10	Business plans	32

ENDNOTES

33

1.	General Information	33
2.	Table of Amendments	34
3.	Explanatory Details	35

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The Parliament of Victoria enacts as follows:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

S. 1(a) amended by No. 76/1998 s. 33.

- (a) to establish the Victorian Coastal Council; and

- (b) to provide for the establishment of Regional Coastal Boards; and

- (c) to provide for co-ordinated strategic planning and management for the Victorian coast; and

- (d) to provide for the preparation and implementation of management plans for coastal Crown land; and

- (e) to provide a co-ordinated approach to approvals for the use and development of coastal Crown land.

2 Commencement

- (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in subsection (2) does not come into operation within the period of 2 years beginning on, and including, the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period.

3 Definitions

s. 3

- (1) In this Act—

Board means a Regional Coastal Board established under Part 2;

Coastal Action Plan means a Coastal Action Plan endorsed under Part 3;

coastal Crown land means—

- (a) any land reserved under the **Crown Land (Reserves) Act 1978** for the protection of the coastline; and
- (b) any Crown land within 200 metres of high water mark of—
 - (i) the coastal waters of Victoria; or
 - (ii) any sea within the limits of Victoria;and
- (c) the sea-bed of the coastal waters of Victoria; and
- (d) the sea-bed of any sea within the limits of Victoria; and
- (e) any Crown land which is declared by the Governor in Council under subsection (2) to be coastal Crown land—

but does not include any land which the Governor in Council declares under subsection (2) not to be coastal Crown land for the purposes of this Act;

coastal waters of Victoria has the same meaning as the expression "coastal waters of the State" has in relation to Victoria under the Coastal Waters (State Powers) Act 1980 of the Commonwealth;

S. 3(1) def. of *Council* substituted by No. 76/1998 s. 34.

Council means the Victorian Coastal Council established under Part 2;

S. 3(1) def. of *Crown land* amended by No. 46/1998 s. 7(Sch. 1).

Crown land means land which is, or is deemed to be, unalienated land of the Crown and includes—

- (a) land of the Crown reserved permanently or temporarily or set aside by or under an Act; and
- (b) land of the Crown occupied by a person under a lease, licence or other right;
- (c) land of the Crown managed by a public authority or committee of management other than the Department of Natural Resources and Environment or the Secretary;
- (d) land of the Crown which is, or is part of, a national park or a park within the meaning of the **National Parks Act 1975**;

s. 3

development includes—

- (a) the construction or exterior alteration or exterior decoration of a building; and
- (b) the demolition or removal of a building or works; and
- (c) the construction or carrying out of works; and

- (d) the subdivision or consolidation of land, including buildings or airspace; and
- (e) the placing or relocation of a building or works on land; and
- (f) the construction or putting up for display of signs or hoardings;

function includes duty and power;

management plan means a management plan approved under Part 3;

public authority means any body corporate or unincorporate established by or under an Act for a public purpose but does not include a municipal council or a committee of management of reserved Crown land;

s. 3

region means a coastal region under Part 2;

S. 3(1) def. of *relevant coastal recommendation* inserted by No. 40/2009 s. 47.

relevant coastal recommendation means—

- (a) a recommendation of the Victorian Environmental Assessment Council relating to coastal Crown land that has been accepted by the Government under Part 3 of the **Victorian Environmental Assessment Council Act 2001**; or
- (b) a recommendation of the Land Conservation Council relating to coastal Crown land under section 5(1) of the **Land Conservation Act 1970** (as in force before its repeal) of which notice has been given by the Governor in Council under section 10(3) of that Act (as so in force), where the recommendation does not relate to land that is the subject of a recommendation to which paragraph (a) applies;

sea includes bay, inlet, estuary and any waters within the ebb and flow of the tide;

s. 4

Secretary means the body corporate established under Part 2 of the **Conservation, Forests and Lands Act 1987**;

use 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;

Victorian Coastal Strategy means the Victorian Coastal Strategy endorsed under Part 3;

works 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.

- (2) The Governor in Council may by Order published in the Government Gazette—
- (a) declare any Crown land to be coastal Crown land for the purposes of this Act; or
 - (b) declare any land not to be coastal Crown land for the purposes of this Act.

4 Objectives of Act

The objectives of this Act are—

- (a) to plan for and manage the use of Victoria's coastal resources on a sustainable basis for recreation, conservation, tourism, commerce and similar uses in appropriate areas;
- (b) to protect and maintain areas of environmental significance on the coast including its ecological, geomorphological, geological, cultural and landscape features;
- (c) to facilitate the development of a range of facilities for improved recreation and tourism;
- (d) to maintain and improve coastal water quality;
- (e) to improve public awareness and understanding of the coast and to involve the public in coastal planning and management.

5 Crown to be bound

This Act binds the Crown, not only in right of the State of Victoria but also, so far as the legislative

power of Parliament permits, the Crown in all its other capacities.

s. 5

Part 2—Coastal Planning and Management System

Pt 2 Div. 1 (Heading) substituted by No. 76/1998 s. 35.

Division 1—Victorian Coastal Council

S. 6

amended by No. 76/1998 s. 36.

6 Establishment of Council

s. 6

There is established by this Act a Council to be called the Victorian Coastal Council.

7 Membership and procedure of Council

- (1) The Council consists of not more than 11 members who are to be appointed by the Governor in Council on the recommendation of the Minister.

S. 7(2) amended by No. 46/1998

s. 7(Sch. 1), substituted by No. 76/1998 s. 37.

- (2) In recommending persons for appointment as members of the Council, the Minister must have regard to the need for the members to have between them experience and knowledge of conservation, tourism, business, recreation, commerce, issues relating to indigenous peoples, community affairs, town planning, local government and coastal engineering.

S. 7(3) repealed by No. 76/1998 s. 37.

* * * * *

- (4) The Schedule applies to the membership and procedure of the Council.

8 Functions of Council

- (1) The Council has the following functions—

- (a) to undertake statewide strategic coastal planning;
- (b) to prepare and submit to the Minister a draft Victorian Coastal Strategy;
- (c) to provide advice to the Minister and report to the Minister on—

s. 6

- (i) the implementation of the objectives of this Act and the implementation of the Victorian Coastal Strategy; and
 - (ii) matters relating to coastal planning and management, including coastal development proposals; and
 - (iii) proposed Coastal Action Plans and management plans for coastal Crown land; and
 - (iv) priorities for the provision of funding for the development of coastal Crown land; and
 - (v) research into coastal issues; and
 - (vi) the administration of the Act;
- (d) to facilitate the operation of Regional Coastal Boards;
- (e) to monitor the development of Coastal Action Plans;
- (f) to co-ordinate the implementation of the Victorian Coastal Strategy and Coastal Action Plans;
- (g) to prepare and publish guidelines for the planning and management of the coast;
- (h) to liaise with and encourage the co-operation of Government departments, public authorities, municipal councils, industry, community groups and persons and bodies involved in the planning, management and use of the coast in furthering the objectives of this Act;
- (i) to provide opportunities for the public and interested groups to be informed of and involved in the work of the Council;

- (j) to encourage the work of volunteers in using and conserving coastal resources;
- (k) to give consideration to the needs of Aborigines and other interested groups in relation to the coast;
- (l) to carry out any other functions conferred on it by or under this Act or any other Act.

s. 9

- (2) The Minister may give the Council directions in relation to the carrying out of its functions under this Act.
- (3) The Council must comply with the directions of the Minister in carrying out its functions under this Act.
- (4) The Council must submit to the Minister on or before 31 October in each year a report on the operation of this Act and the carrying out of its functions, including a report on its progress in implementing the objectives of this Act and the Victorian Coastal Strategy.
- (5) The Minister must cause each annual report submitted to him or her under this section to be laid before each House of Parliament within 7 sitting days after receiving the report.

Division 2—Regional Coastal Boards

9 Coastal regions

- (1) The Minister may by Order—
 - (a) determine the areas of Victoria which are coastal regions and define their boundaries; or
 - (b) vary the boundaries of an existing region; or
 - (c) abolish a region.
- (2) The Minister must cause a copy of an Order under subsection (1) to be published in the Government Gazette and in a newspaper circulating generally within the relevant region as soon as possible after making the Order.
- (3) On the abolition of a region—
 - (a) any Board established for that region under this Division is abolished; and

- (b) its members go out of office; and
- (c) the Minister is its successor in law.

10 Establishment of Boards

As soon as practicable after an area is determined to be a coastal region under section 9, the Minister must, by instrument, establish a Regional Coastal Board for that region.

11 Membership and procedure of Boards

S. 11(1) amended by No. 76/1998 s. 38(1).
s. 11

- (1) Subject to subsection (4), a Board consists of not more than 12 members appointed by the Minister.

S. 11(2) amended by No. 46/1998 s. 7(Sch. 1), substituted by No. 76/1998 s. 38(2).

- (2) In appointing persons as members of a Board, the Minister must have regard to the need for the members to have between them experience and knowledge of conservation, tourism, business, recreation, commerce, issues relating to indigenous peoples, community affairs, town planning, local government and coastal engineering.

S. 11(3) repealed by No. 76/1998 s. 38(2).

* * * * *

- (4) In addition to the members appointed under subsection (1), a Board, with the approval of the Minister, may from time to time co-opt to the Board up to 2 further members chosen to reflect regional coastal priorities or needs.
- (5) The Schedule applies to the membership and procedure of the Board.

S. 11A inserted by No. 76/1998 s. 39.

11A Membership of Board not an office of profit **s. 11A**

A member of a Board shall not be taken to hold an office or place of profit under the Crown which would—

- (a) prevent the member sitting or voting as a member of the Legislative Council or Legislative Assembly; or
- (b) make void the member's election to the Legislative Council or Legislative Assembly; or
- (c) prevent the member continuing to be a member of the Legislative Council or Legislative Assembly; or
- (d) subject the member to liability to pay a penalty under the **Constitution Act 1975**.

12 Functions of a Board

- (1) A Board has the following functions—
 - (a) to develop Coastal Action Plans for land within the region;
 - (b) to provide advice to the Minister on coastal development in the region and any other matters referred to it by the Minister;
 - (c) to provide advice to the Council on coastal development in the region and any other matters referred to it by the Council;
 - (d) with the approval of the Council, to prepare and publish guidelines for coastal planning and management in the region;
 - (e) to facilitate the implementation in the region of the Victorian Coastal Strategy, Coastal Action Plans and approved coastal guidelines for the region;
 - (f) to facilitate local public awareness of and consultation and involvement in the development and implementation of the Victorian Coastal Strategy, Coastal Action Plans and approved coastal guidelines for the region;
 - (g) to liaise with and encourage the co-operation of Government departments, municipal councils, public authorities, industry, community groups and persons and bodies involved in the planning and management of the region in developing and implementing strategic solutions to matters

affecting the conservation and use of the region's coast;

- (h) to carry out any other functions conferred on it by or under this Act or any other Act.
- (2) The Minister may give a Board directions in relation to the carrying out of its functions under this Act.
- (3) A Board must comply with the directions of the Minister in carrying out its functions under this Act.

13 Report to Council

s. 13

A Board must report to the Council by 30 June in each year on—

- (a) the status of coastal planning in the region; and
- (b) the implementation in its region in the preceding year of the Victorian Coastal Strategy, Coastal Action Plans and approved coastal guidelines for the region.

s. 13

Part 3—Coastal Planning

Division 1—Victorian Coastal Strategy

14 Victorian Coastal Strategy

s. 14

As soon as practicable after the commencement of this section, the Council must commence to prepare a Victorian Coastal Strategy.

15 Contents of Strategy

- (1) The Victorian Coastal Strategy must provide for the long term planning of the Victorian coast—
 - (a) to ensure the protection of significant environmental features of the coast; and
 - (b) to provide clear direction for the future use of the coast including the marine environment; and
 - (c) to identify suitable development areas and development opportunities on the coast; and

- (d) to ensure the sustainable use of natural coastal resources.
- (2) The Victorian Coastal Strategy must be consistent with—
 - (a) the **National Parks Act 1975**, in the case of any park within the meaning of that Act; and
 - (b) the purposes for which land was reserved, in the case of land reserved or deemed to be reserved under the **Crown Land (Reserves) Act 1978**.

16 Preparing the Victorian Coastal Strategy

- (1) In preparing the Victorian Coastal Strategy, the Council must consult with—
 - (a) any Minister or public authority whose interests the Council considers are likely to be affected by the Strategy; and
 - (b) the municipal council of any municipal district to which the Strategy will apply; and
 - (c) land owners in any area affected by the Strategy;
 - (d) any other persons or organisations whose interests the Council considers are likely to be affected by the Strategy.
- (2) The Council may comply with subsection (1)(c) and (d) by—
 - (a) making the draft Strategy available for inspection by the public for at least 4 weeks after its preparation; and
 - (b) publishing a notice in a newspaper circulating generally in the State and in a local newspaper circulating generally in the areas which will be affected by the Strategy stating where and when the draft Strategy can be inspected, and inviting public comment by a set date; and
 - (c) considering any comments made by the set date; and
 - (d) making any appropriate changes to the draft Strategy.

- (3) The Council may take any other steps it thinks appropriate to involve the community in the preparation of the Strategy.

17 Submission of draft Strategy to Minister

s. 17

- (1) On completion of the draft Victorian Coastal Strategy, the Council must refer it to the Minister for consideration.
- (2) The Minister must consider the draft Strategy and may—
 - (a) endorse the Strategy; or
 - (b) endorse the Strategy with any amendments the Minister considers appropriate; or
 - (c) refer the draft Strategy back to the Council for further consideration.
- (3) The Minister may include in the Strategy endorsed under subsection (2)(a) or (b) any Government proposals for implementation of the Strategy.

18 Notice of endorsed Strategy

- (1) The Minister must cause notice of the endorsement of the Victorian Coastal Strategy to be published in the Government Gazette as soon as practicable after it is endorsed under section 17.
- (2) The Strategy comes into operation on the date that notice is published in the Government Gazette or on any later day stated in the Strategy.

19 Tabling of copy of endorsed Strategy

If the Minister endorses the Victorian Coastal Strategy under section 17, the Minister must cause a copy of the endorsed Strategy to be laid before each House of Parliament within 7 sitting days after notice of that endorsement is published in the Government Gazette.

20 Review of Strategy

s. 18

- (1) The Council must review the Victorian Coastal Strategy—
 - (a) at any time at the direction of the Minister; or

- (b) if no direction is given, at the end of 5 years following the endorsement of the Strategy.
- (2) The Council may review the Strategy at any time with the approval of the Minister.
- (3) In reviewing the Strategy, the Council must consult with—
 - (a) any Minister or public authority whose interests the Council considers are likely to be affected by the review; and
 - (b) the municipal council of any municipal district to which the Strategy applies; and
 - (c) land owners in any area affected by the Strategy; and
 - (d) any other persons or local organisations whose interests the Council considers are likely to be affected by the review.
- (4) The Council may comply with subsection (3)(c) and (d) by—
 - (a) publishing a notice in a newspaper circulating generally in the areas affected by the Strategy inviting public comment on the Strategy by a set date; and
 - (b) considering any comments made by the set date.
- (5) This Division applies to the preparation and endorsement of any amendment of the Strategy arising from a review in the same way as it applies to the Strategy.

21 Land managers to take Strategy into account

s. 21

In carrying out a function involving land management—

- (a) on behalf of the Crown; or
- (b) under an Act—

a Minister, public authority, committee of management of reserved Crown land or municipal council

must take all reasonable steps to give effect to the Victorian Coastal Strategy.

Division 2—Coastal Action Plans

22 Coastal Action Plan

s. 22

A Regional Coastal Board—

- (a) may prepare a Coastal Action Plan for its region or any part of its region; and
- (b) must prepare a Coastal Action Plan at the direction of the Minister or the Council.

23 Contents of Coastal Action Plan

(1) 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.

(2) A Coastal Action Plan must be consistent with—

- (a) the Victorian Coastal Strategy; and
- (b) the **National Parks Act 1975**, in the case of any park within the meaning of that Act; and
- (c) the purposes for which land was reserved, in the case of land reserved or deemed to be reserved under the **Crown Land (Reserves) Act 1978**.

24 Preparation of Coastal Action Plan

s. 24

- (1) In preparing a Coastal Action Plan, the Board must consult with—

- (a) any Minister or public authority whose interests the Board considers are likely to be affected by the Plan; and
 - (b) if the Plan will apply to a municipal district, the municipal council of that municipal district; and
 - (c) land owners in the area to be affected by the Plan; and
 - (d) any other persons or local organisations whose interests the Board considers are likely to be affected by the Plan.
- (2) A Board may comply with subsection (1)(c) and (d) by—
- (a) making the draft Plan available for inspection by the public for at least 4 weeks after its preparation; and
 - (b) publishing a notice in a newspaper circulating generally in the area affected by the Plan stating where and when the draft Plan can be inspected, and inviting public comment by a set date; and
 - (c) considering any comments made by the set date; and
 - (d) making any appropriate changes to the draft Plan.
- (3) A Board may take any other steps it thinks appropriate to involve the community in the preparation of a Coastal Action Plan.

25 Submission of draft Plan to Council

- (1) On completion of a draft Coastal Action Plan, the Board must refer it to the Council for consideration.
- (2) The Council must consider the draft Plan and may—
 - (a) approve the Plan; or
 - (b) refer the draft Plan back to the Board for further consideration or amendment.

26 Endorsement of Plan

- (1) If the Council approves a Coastal Action Plan, it must refer it to the Minister for endorsement.
- (2) The Minister, on the recommendation of the Council, may endorse in whole or in part or with amendments any Plan referred to him or her under this section.

27 Notice of endorsed Plan

- (1) The Minister must cause notice of the endorsement of a Coastal Action Plan to be published in the Government Gazette as soon as practicable after it is endorsed under section 26.
- (2) The Plan comes into operation on the date that notice is published in the Government Gazette or on any later day stated in the Plan.

28 Review of Plan

s. 25

- (1) A Board must review a Coastal Action Plan applying in its region—
 - (a) at any time at the direction of the Minister or the Council; or
 - (b) if no direction is given, at the end of 5 years following the endorsement of the Plan.
- (2) A Board may review a Coastal Action Plan applying in its region at any time with the approval of the Council.

s. 28

- (3) In reviewing a Coastal Action Plan, a Board must consult with—
 - (a) any Minister or public authority whose interests the Board considers are likely to be affected by the review; and
 - (b) if the Plan applies to a municipal district, the municipal council of that municipal district; and
 - (c) land owners in the area affected by the Plan; and
 - (d) any other persons or local organisations whose interests the Board considers are likely to be affected by the review.

- (4) A Board may comply with subsection (3)(c) and (d) by—
 - (a) publishing a notice in a newspaper circulating generally in the area affected by the Plan inviting public comment on the Plan by a set date; and
 - (b) considering any comments made by the set date.
- (5) A Board may take any other steps it thinks appropriate to involve the community in a review of a Coastal Action Plan.
- (6) This Division applies to the preparation and endorsement of any amendment of a Plan arising from a review in the same way as it applies to a Plan.

29 Land managers to take Plan into account

s. 29

In carrying out a function involving land management—

- (a) on behalf of the Crown; or
- (b) under an Act—

a Minister, public authority, committee of management of reserved Crown land or municipal council must take all reasonable steps to give effect to a Coastal Action Plan applying to that land.

Division 3—Management plans

30 Preparation of management plan

- (1) The Secretary may prepare a management plan for any area of coastal Crown land.
- (2) A committee of management of coastal Crown land reserved under the **Crown Land (Reserves) Act 1978** may prepare a management plan for the whole or any part of that land.
- (3) The Secretary or a committee of management must, at the direction of the Minister, prepare a manage-

ment plan under this section for an area within a time specified by the Minister.

- (4) This section does not apply to any park within the meaning of the **National Parks Act 1975**.

31 Contents of management plan

- (1) A management plan of an area must—
- (a) set out the land management requirements for the area; and
 - (b) include a 3 year business plan describing proposed works for the area.
- (2) A management plan for an area must be consistent with and give effect to—
- (a) the Victorian Coastal Strategy; and
 - (b) any Coastal Action Plan applying to the area; and

S. 31(2)(c) amended by No. 46/1998 s. 7(Sch. 1), substituted by No. 40/2009 s. 48.

- (c) any relevant coastal recommendation.

32 Approval of management plan

- (1) The Secretary or committee of management must refer a completed management plan to the Minister for approval.
- (2) The Minister may—
- (a) approve the management plan; or
 - (b) approve the management plan with amendments; or
 - (c) refuse to approve the management plan.

33 Notice of management plan

The Minister must cause notice of an approved management plan to be published in the Government Gazette.

34 Commencement of plan

s. 32

An approved management plan takes effect on the day on which it is published in the Government Gazette or on a later date specified in the plan.

35 Amendment or remaking of plan

- (1) If the Secretary or a committee of management of an area has prepared a management plan under this Division, the Secretary or committee—
 - (a) may at any time prepare an amendment to the plan; and
 - (b) must at the end of the 3 year period to which the plan applies prepare a new plan for the area in accordance with this Division.
- (2) This Division applies to the amendment of a management plan in the same way as it does to a management plan.

36 Land managers to take plan into account

In carrying out a function involving the management of coastal Crown land, a Minister, public authority, committee of management of the land or municipal council must take all reasonable steps to give effect to an approved management plan applying to the land.

Division 4—Use and development of coastal Crown land

37 Consent required to use or develop Crown land

A person must not use or develop coastal Crown land unless the written consent of the Minister has first been obtained.

40 penalty units.

38 Application for consent

s. 36

- (1) An application for consent to use or develop coastal Crown land must be made in a form and manner approved by the Minister.

- (2) If the responsible authority under the **Planning and Environment Act 1987** gives the Minister, the Secretary or the Department of Natural Resources and Environment, as a referral authority under that Act, a copy of an application under that Act for a permit for a use or development of coastal Crown land, that application is deemed also to be an application under this section for consent to that use or development unless consent has already been given under this Division for that use or development.

39 Time for decision

s. 39

- (1) Subject to subsection (3), the Minister must make a decision within 28 days after receiving an application for consent to use or develop coastal Crown land.
- (2) The Minister may ask for additional information in respect of an application.
- (3) If additional information is requested, the Minister must decide the application within 28 days after receipt of that further information.

40 Decision of Minister

- (1) After considering an application, the Minister may—
 - (a) consent to the use or development; or
 - (b) consent to the use or development subject to conditions; or
 - (c) refuse to consent to the use or development.
- (2) In deciding whether or not to consent to a use or development, the Minister must have regard to—
 - (a) the Victorian Coastal Strategy; and
 - (b) any Coastal Action Plan applying to the land; and

S. 40(2)(c) amended by No. 46/1998
s. 7(Sch. 1), substituted by No. 40/2009
s. 49, amended by No. 29/2011 s. 3(Sch. 1 item 14).

- (c) any relevant coastal recommendation; and

- (d) the purposes for which land was reserved, in the case of land reserved or deemed to be reserved under the **Crown Land (Reserves) Act 1978**.
- (3) If the Minister fails to make a decision within the time required under section 39, the Minister is deemed to have refused to consent to the use or development.

s. 40

Pt 4
(Heading and ss 41–45) substituted as Pt 4 (Heading and ss 41, 42) by No. 76/1998 s. 40.

Part 4—Transitional

S. 41 substituted by No. 76/1998 s. 40.

41 Saving of Council

s. 41

The Victorian Coastal Council is deemed to be the same body as the Victorian Coastal and Bay Management Council despite the change in its name and any change in its membership resulting from the amendment of this Act by the **Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998**.

S. 42 substituted by No. 76/1998 s. 40.

42 Saving of Boards

A Board is deemed to be the same body despite any change in its membership resulting from the amendment of this Act by the **Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998**.

Ss 43–45
repealed by No. 76/1998 s. 40.

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SCHEDULE

Sch.

Membership and Procedure of Bodies

Sch. cl. 1 amended by No. 76/1998 s. 41(1).

1 Definition

In this Schedule—

body means—

- (a) the Victorian Coastal Council; or
- (b) a Regional Coastal Board;

member in relation to a Regional Coastal Board, includes co-opted member.

2 Terms of appointment

Sch. cl. 2(1) amended by No. 76/1998 s. 41(2)(a).

- (1) A member of a body, other than a co-opted member, holds office for a term, not exceeding 3 years, specified in the instrument of his or her appointment.

Sch. cl. 2(2) repealed by No. 76/1998 s. 41(2)(b).

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- (3) A co-opted member holds office for a term, not exceeding 2 years, specified in the instrument of his or her appointment.
- (4) A member of a body is eligible for re-appointment.
- (5) The instrument of appointment of a member of a body may specify terms and conditions of appointment.

Sch. cl. 3 amended by Nos 46/1998
s. 7(Sch. 1), 76/1998 s. 41(3) (LA s. 39B(3)).

3 Remuneration

- (1) A member of a body who is not a full-time employee of the public service is entitled to receive the fees and travelling and other allowances from time to time fixed by the Governor in Council in respect of that member.

Sch. cl. 3(2) inserted by No. 76/1998 s. 41(3).

- (2) Despite subclause (1), a member of a Board who is also a member of the Legislative Council or a member of the Legislative Assembly is not entitled to receive fees and travelling and other allowances as a member of the Board.

4 Vacancies

- (1) A member of a body may resign by writing delivered to the Minister, or in the case of a co-opted member of a Board, to the Board.
- (2) The Governor in Council may at any time remove a member of the Council from office.
- (3) The Minister may at any time remove a member of a Board from office.
- (4) A Board may at any time remove a co-opted member of the Board from office.

Sch.

- (5) If the office of a member becomes vacant during the member's term of office, the Governor in Council (in the case of the Council), the Minister (in the case of a Board) or a Board (in the case of a co-opted member) may, in accordance with Part 2, appoint a member to fill the vacant office.
- (6) A member appointed under subclause (5) holds office for the rest of the term of appointment of the member whose place he or she fills.

Sch. cl. 5 amended by No. 46/1998 s. 7(Sch. 1), substituted by Nos 108/2004 s. 117(1) (Sch. 3 item 34), 80/2006 s. 26(Sch. item 16).

5 Application of Public Administration Act 2004

The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member of a body in respect of the office of member.

Sch.

6 Meeting procedure

- (1) The chairperson of a body is to preside at all meetings of the body at which the chairperson is present.
- (2) If the chairperson is absent from a meeting of a body, the members present at the meeting must elect one of their members to preside at the meeting.
- (3) A person presiding at a meeting of a body has a deliberative vote and, if voting is equal, a second or casting vote.
- (4) At a meeting of a body a question must not be decided unless there are present at least half the total number of persons who are for the time being members of the body.
- (5) At a meeting of a body, the decision on a question of the majority of the members of the body present at the meeting is the decision of the body.
- (6) A body must meet at least 5 times in each year.
- (7) Subject to this clause, a body's procedure is in its discretion.

7 Decisions

An act or decision of a body is not invalid only because of—

- (a) a defect or irregularity in the appointment of a member; or
- (b) a vacancy in its membership.

8 Pecuniary interest of members

Sch.

- (1) A member of a body who has a pecuniary interest in a matter being considered or about to be considered by

the body must, as soon as practicable after the relevant facts have come to his or her knowledge, declare the nature of the interest at a meeting.

- (2) A person presiding at a meeting at which a declaration is made must cause a record of the declaration to be made in the minutes of the meeting.
- (3) After a declaration is made by a member—
 - (a) unless the body otherwise directs, the member must not be present during any deliberation with respect to that matter; and
 - (b) the member is not entitled to vote on that matter; and
 - (c) if the member does vote on the matter, the vote must be disallowed.

9 Sub-committees

- (1) A body may form or dissolve sub-committees and define their functions and membership.
- (2) The membership of a sub-committee is not restricted to members of the body that formed it.
- (3) A body may, with the consent of the Minister, by instrument delegate to a sub-committee any of its functions except this power of delegation.

Sch. cl. 9(4) inserted by No. 76/1998 s. 41(4).

- (4) A member of a sub-committee is entitled to receive the fees and travelling and other allowances from time to time fixed by the Minister.

10 Business plans

- (1) In respect of each period of 3 years after its establishment, a body must prepare a business plan setting out its proposed activities for that period.
- (2) A body must prepare and submit its first business plan not later than 6 months after its establishment.
- (3) A body must prepare and submit each subsequent business plan, not later than 6 months after the end of the period to which the last plan relates, to—
 - (a) the Minister, in the case of a plan prepared by the Council; or

- (b) to the Council, in the case of a plan prepared by a Board.
- (4) A business plan must be prepared in accordance with any guidelines from time to time issued by the Minister.
- (5) The Minister or the Council may approve or reject a business plan submitted to the Minister or Council under this clause.
- (6) A body must have regard to a current approved business plan in performing its functions.

Sch.

ENDNOTES

General Information

Endnotes

Minister's second reading speech—

Legislative Assembly: 8 December 1994

Legislative Council: 21 March 1995

The long title for the Bill for this Act was "A Bill to establish a Victorian Coastal and Bay Management Council, to provide for the establishment of Regional Coastal Boards, to provide for co-ordinated strategic planning and management for the Victorian coast and a co-ordinated approach to approvals for the use and development of coastal Crown land and for other purposes."

The **Coastal Management Act 1995** was assented to on 26 April 1995 and came into operation as follows:

Sections 1, 2 on 26 April 1995: section 2(1); sections 3–36, 41, 42(1), Schedule on 6 July 1995: Government Gazette 6 July 1995 page 1698; sections 37–40, 42(2)–(6), 43–45 on 26 April 1997: section 2(3).

Table of Amendments

Endnotes

This Version incorporates amendments made to the **Coastal Management Act 1995** by Acts and subordinate instruments.

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

<i>As-sent Date</i> :	26.5.98
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<i>Com men ce- ment Date :</i>	S. 7(Sch. 1) on 1.7.98: s. 2(2)
<i>Cur- rent State :</i>	This infor- mation relates only to the provision/s amending the Coastal Manage- ment Act 1995

Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998, No. 76/1998

<i>As- sent Date :</i>	10.11.98
<i>Com men ce- ment Date :</i>	Pt 3 (ss 33– 41) on 1.7.99: s. 2(4)
<i>Cur- rent State :</i>	This infor- mation relates only to the provision/s amending the Coastal Manage- ment Act 1995

Public Administration Act 2004, No. 108/2004

<i>As- sent Date :</i>	21.12.04
<i>Com men ce- ment Date :</i>	S. 117(1)(S ch. 3 item 34) on 5.4.05: Govern- ment Ga- zette 31.3.05 p. 602

<i>Current State</i> :	This information relates only to the provision/s amending the Coastal Management Act 1995
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Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006

<i>Assent Date</i> :	10.10.06
<i>Commencement Date</i> :	S. 26(Sch. item 16) on 11.10.06: s. 2(1)
<i>Current State</i> :	This information relates only to the provision/s amending the Coastal Management Act 1995

Crown Land Acts Amendment (Lease and Licence Terms) Act 2009, No. 40/2009

<i>Assent Date</i> :	5.8.09
<i>Commencement Date</i> :	Ss 47–49 on 6.8.09: s. 2(1)
<i>Current State</i> :	This information relates only to the provision/s amending the Coastal Management Act 1995

Statute Law Revision Act 2011, No. 29/2011

<i>As- sent Date</i> :	21.6.11
<i>Com men ce- ment Date</i> :	S. 3(Sch. 1 item 14) on 22.6.11: s. 2(1)
<i>Cur- rent State</i> :	This infor- mation relates only to the provision/s amending the Coastal Manage- ment Act 1995

Explanatory Details
Endnotes

No entries at date of publication.