

Statewide Assessment of Public Land Final Report



May 2017

VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL

The Victorian Environmental Assessment Council (VEAC) was established in 2001 under the *Victorian Environmental Assessment Council Act 2001*. It provides the State Government of Victoria with independent advice on protection and management of the environment and natural resources of public land.

The five Council members are:

Hon. Phil Honeywood (Chairperson)
Ms Joanne Duncan
Ms Anna Kilborn
Dr Charles Meredith
Dr Geoffrey Wescott

Community Reference Group

The Community Reference Group for VEAC's Statewide Assessment of Public Land is independently chaired by Mr Don Saunders.

Membership consists of:

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Mr Michael Coldham	Four Wheel Drive Victoria
Ms Megan Davison	Minerals Council of Australia, Victoria
Mr Alex Green	Municipal Association of Victoria
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Mr Mark Dingle (until Nov 2016)	
Mr Charles Berger (until Sept 2016)	Outdoors Victoria
Ms Jill Gallagher	Victorian Aboriginal Heritage Council
Mr Ian Cane	Victorian Apiarists Association
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Victorian
Environmental
Assessment
Council

1 May 2017

The Hon Lily D'Ambrosio MP
Minister for Energy, Environment and Climate Change
8 Nicholson Street
East Melbourne VIC 3002

Dear Minister

STATEWIDE ASSESSMENT OF PUBLIC LAND

In accordance with the requirements of Section 23 of the *Victorian Environmental Assessment Council Act 2001*, the Victorian Environmental Assessment Council (VEAC) is pleased to submit to you the report on the Statewide Assessment of Public Land and copies of each submission received in relation to the investigation. The Council is confident that its reports and recommendations will be a valuable resource for government and the community in establishing a sound basis for future public land management in Victoria.

I extend my appreciation to my fellow Council members, past members and VEAC's staff for their contributions to this investigation. I would also like to acknowledge the assistance to the Council throughout the investigation from the Community Reference Group, government agencies and local councils, and all the organisations and individuals who contributed information and comments during the public consultation periods.

Yours sincerely

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Chairperson

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Acknowledgment of Country

The Victorian Environmental Assessment Council acknowledges and pays its respects to Victoria's Native Title Holders and Traditional Owners, and the rich cultural and intrinsic connection they have to Country. The Council also recognises and acknowledges the contribution and interest of other Aboriginal peoples and organisations in the management of land and natural resources.



Foreword

The Victorian Environmental Assessment Council (VEAC) has welcomed the opportunity to conduct this major assessment of public land in Victoria. This final report to government builds on the discussion paper and draft proposals paper released in 2016 for public comment. The discussion paper provided a description of public land in Victoria as well as addressing the three specific topics in the terms of reference: the classification of public land, current reservation status and the values of public land. The draft proposals paper presented Council's draft recommendations for public comment.

Public land is an asset for all Victorians, and for the wider Australian and global communities. Public land provides places for cultural and social identity, community and recreational uses, resource uses, and provision of government services. In addition, this assessment has established that 70 per cent of the areas supporting the highest terrestrial biodiversity values in the state are on public land.

The findings of the assessment of public land documented in the discussion paper were taken into account in the preparation of draft recommendations together with input from consultation. The Council considered all the submissions and inputs from the wide range of consultation throughout the investigation in developing its final recommendations. The recommendations are also intended to address some of the pressures and challenges facing public land into the future.

While Victoria's public land classification is not complex by national and international standards, some categories are confusing or poorly understood. VEAC is recommending some rationalisation, and has taken into account the substantial input from consultation on the draft recommendations in arriving at its final recommendation for a consolidation from 18 to 15 primary categories for terrestrial public land. These changes are not intended to change the level of protection or the activities currently permitted to take place on public land, nor adversely affect the rights and interests of Traditional Owners or native title holders.

Throughout this investigation VEAC heard from many public land managers and stakeholders about the need for Victoria's public land legislation to be rewritten for the 21st century. Victoria's primary land legislation does not reflect contemporary values and challenges. It is timely now to simplify, strengthen and modernise the legislation in



Council members (left to right): Geoffrey Wescott, Anna Kilborn, Phil Honeywood (Chairperson), Joanne Duncan and Charles Meredith

consultation with stakeholders and the broader community. There are also substantial efficiencies for land management and administration to be gained from streamlining legislation and reducing complexity and duplication, including improved compliance frameworks, improved transparency and facilitating appropriate community involvement in public land.

It has long been recognised that the process for implementing government-accepted public land use recommendations through reservation of Crown land needs to be streamlined. Several recommendations are made aimed at expediting reservation and addressing the implementation backlog.

Through its assessment and subsequent consultation, Council identified several regions or types of public land that warrant further assessment or review because of changing uses, values or community perceptions. Recommended priorities for future work have been amended and clarified through consultation of the draft recommendations.

This investigation was a collaborative exercise, depending on the cooperation and support of government departments and agencies. The Council extends its appreciation to the individuals and organisations that have assisted VEAC by providing and updating information, and contributing advice and valuable discussion. The Council has also been assisted throughout the investigation by the advice of an active and engaged Community Reference Group representing a wide range of interests in public land.

The Council is also very grateful to everyone who participated in public consultation: local councils, government agencies, individuals and organisations who made written submissions or engaged in constructive discussions throughout the investigation.

Phil Honeywood
Chairperson



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Executive summary

In September 2014, the then Minister for Environment and Climate Change requested that the Victorian Environmental Assessment Council (VEAC) carry out an investigation into public land in Victoria. In April 2015, the request was amended by the then Minister for Environment, Climate Change and Water. An interim report on public land classification was submitted to the Minister in September 2015, and a discussion paper and draft proposals paper published for public comment in August 2016. This final report completes VEAC's investigation.

Terms of reference

The purpose of the investigation is to carry out a statewide assessment of public land in Victoria. The terms of reference noted that it is more than 25 years since the Land Conservation Council's Statewide Assessment of Public Land Use was published and it is timely to consider revisiting aspects of that assessment in order to provide updated information for management. The focus of the investigation is to provide information and recommendations to assist management effectiveness and is not intended to change the current levels of protection underpinning Victoria's protected area system.

In particular, VEAC was requested to investigate and provide:

1. an assessment of the current system of public land use categories and options for changing or consolidating the existing categories
2. an assessment of the current reservation status of public land, and
3. an inventory of the types of values on public land.

The full terms of reference are provided in section 1.3.

Public land is defined in the *Victorian Environmental Assessment Council Act 2001*. Broadly, public land is Crown land and land owned by public authorities (i.e. Victorian government agencies including government departments). Land owned by the Commonwealth government or local councils is not defined as public land.

Consultation process

Written submissions are one of the key processes used by VEAC to seek community views on issues associated with public land. The first submission period for this investigation commenced with the advertisement of the notice of investigation in April 2015. The second formal submission period followed the joint release of the discussion paper and draft proposals paper in August 2016.

A Community Reference Group was established for the investigation and met six times during the investigation. The membership of the group is listed on the inside front cover of this report.

In addition to the formal submission periods and advice from the Community Reference Group, VEAC commissioned targeted consultation with local government, and held numerous meetings and discussions with public land managers throughout the investigation.

Public land in Victoria

The total area of Victoria, including the marine area within the state's jurisdiction is 23.8 million hectares with the terrestrial component making up 22.8 million hectares (including islands).

The total area of public land is 9.4 million hectares, or 39.6 per cent of the state. If only the terrestrial area is considered, public land makes up 8.4 million hectares or 37 per cent of the state.

Four primary land Acts currently govern the use of Crown land in Victoria and establish the legal basis for its control and management: the *Land Act 1958*, *Forests Act 1958*, *National Parks Act 1975* and the *Crown Land (Reserves) Act 1978*. The four primary Acts are supplemented by several other Acts which establish public land use overlays (e.g. reference areas, wilderness zones, heritage rivers) or which govern particular reservation types or uses.

Public land with special forms of ownership include Aboriginal title land, restricted Crown grant, Crown land under perpetual licence for plantation purposes, and public authority freehold land.

Addressing the terms of reference

The first specific topic in the terms of reference required an assessment of the current system of public land use categories. VEAC reviewed Victoria's public land classification, including identification and evaluation of approaches adopted in other national and international jurisdictions, and provided options for changing or consolidating the existing categories. The draft proposals paper included draft recommendations for public comment on a revised system of public land categories.

The second topic in the terms of reference required an assessment of the current reservation status of public land. Within the context of the broad purpose of the investigation, VEAC addressed this topic by providing an assessment of progress in formally implementing—usually through land reservation—government-accepted recommendations of the LCC, ECC and VEAC, and noting which recommendations or areas may require review.

The third topic in the terms of reference is an inventory of the types of values on public land. Again within the context of the broad purpose of the investigation, VEAC has taken the opportunity to provide a comprehensive stocktake of the values on public land, as this information is otherwise dispersed and not readily available. Additional and updated information is provided in a supplement to the discussion paper published together with this final report.

Key findings from the assessment of public land

The review of public land classification in Australian and selected international jurisdictions reveals a wide range of schemes and little consistency in categories or nomenclature, reflecting the varied histories of decision making about public land and different legal and governance frameworks.

Victoria's current system of public land use categories is not particularly complex in a national and international context, and is simpler than many. There are currently 18 primary terrestrial public land categories, four marine categories, six public land overlays, and some 30 sub-categories.

The assessment of reservation status has found that the level of implementation (through formal reservation) of government-accepted LCC/ECC/VEAC public land use recommendations varies according to the public land use category or overlay. A substantially higher proportion of recommendations over public land making up Victoria's protected area system are implemented than for other public land use categories.

The legislative mechanism for reservation is a major influence on the level of implementation. A much higher proportion of accepted recommendations for land reserved under the *National Parks Act 1975*, or other specific legislation such as the *Heritage Rivers Act 1992*,

are implemented than are recommendations for land reserved under either the *Crown Land (Reserves) Act 1978* or the *Forests Act 1958*.

For the purposes of the discussion paper the description of the values of public land was organised into the following groups: biodiversity, cultural heritage, recreation and tourism, resource uses, and utilities and government services. Natural values were discussed in terms of terrestrial biodiversity, marine biodiversity, ecosystem services and climate change.

A comprehensive analysis of terrestrial biodiversity values for protected areas, other public land and private land across Victoria for this investigation (NaturePrint) indicates that the highest values are on public land. For example, although public land covers only 40 per cent of Victoria's land area, it accounts for over 70 per cent of the areas in the highest biodiversity values category. The protected area system supports 40 per cent of Victoria's highest biodiversity value areas on less than 20 per cent of Victoria's land.

Additional information on natural values is provided in a supplement to the discussion paper to ensure that the inventory of the types of values on public land is more comprehensive. In addition, a fuller explanation of Traditional Owner rights and interests in public land is included in the supplement.

Final recommendations

In making its final recommendations, Council has taken into account the findings of the assessment of public land documented in the discussion paper and information, advice and input from consultation on the draft proposals paper.

The 30 final recommendations have been reorganised from those presented in the draft proposals paper, taking into account input from public consultation, into the following groups:

- ✦ public land classification
- ✦ reform of land legislation
- ✦ improving management effectiveness
- ✦ addressing the backlog of implementation of government-accepted public land use recommendations
- ✦ protecting the rights and interests of Traditional Owners and native title holders
- ✦ priorities for further assessment or review
- ✦ supporting community-based committees of management
- ✦ public information.

List of recommendations

Public land classification	
R1	Revised public land use categories be incorporated in legislation
R2	Consequential Wildlife Act amendments to remove need for further classification
R3	Align 1300 historical Crown land reservation purposes
R4	State forest to be administered under one Act
Reform of land legislation	
R5	Expanded National Parks Act to include other protected areas
R6	New public land legislation
R7	Consultation paper to be part of legislation reform process
Improving management effectiveness	
R8	Standard regulations
R9	Remove distinction between permanent and temporary reservation
R10	Reduce complexity and improve consistency associated with leasing and licensing
R11	Provide for further designation of individual reserves
R12	Ensure agencies managing land can utilise lease and licence provisions
R13	Staged reform of restricted Crown grants and trusts
R14	Transfer Crown land forming part of a split reserve to local councils at no cost
R15	Crown land information systems consolidated and redeveloped
Addressing backlog of implementation of government-accepted recommendations	
R16	Reserve creation implementing government-accepted recommendations to remove underlying land status
R17	Minimise field survey and simplify boundary definition
R18	Maintain spatial information on all LCC/ECC/VEAC accepted recommendations
Protecting rights and interests of Traditional Owners and native title holders	
R19	Ensure implementation of recommendations does not adversely affect rights and interests of Traditional Owners and native title holders
Priorities for further assessment or review	
R20	Assess regions with clusters of endangered EVCs
R21	Review marine environment when habitat classification complete
R22	Review coastal reserves
R23	Inventory of road and rail reserves
R24	Inventory of land along waterways
R25	Inventory of state government-owned freehold land
Supporting community-based committees of management	
R26	System of regional coordinators
R27	Provide for committees of management to issue agreed types of low-risk short-term permits
R28	Remove mandatory three-year limit to appointment terms
Public information	
R29	Appropriate depiction of land with Aboriginal title and/or jointly managed or co-managed
R30	Spatially referenced information products

Introduction

The Victorian Environmental Assessment Council (VEAC) commenced this investigation into public land in Victoria – the Statewide Assessment of Public Land – in late 2014 at the request of the then Minister for Environment and Climate Change. This is the final report for the investigation and contains VEAC’s final recommendations. A supplement to the discussion paper is published together with this final report updating information in the discussion paper for the investigation published in 2016.



1.1 Background to the investigation

The Land Conservation Council (LCC), established in 1971, and its successors the Environment Conservation Council (ECC) and VEAC were established to carry out studies or investigations on public land throughout Victoria and make recommendations to government on the appropriate use of that land. The recommendations, as accepted by government, form the framework for the way in which public land is used and managed in Victoria. Since the LCC made its first recommendations to government in 1973 for the use of public land in the South-Western Area District 1, these organisations have systematically and comprehensively examined and made recommendations on the use of most public land in Victoria. Forty-three separate regional studies, reviews and statewide or special investigations have resulted in thousands of individual land use recommendations, the vast majority accepted by government.

To enable the orderly investigation of public land, the LCC divided Victoria into 17 study areas. By 1988, all 17 LCC study areas in Victoria had been studied at least once, and the LCC published a major assessment of the values of public land and public land planning procedures—the Statewide Assessment of Public Land Use. This 1988 report aimed to provide a measure of the effectiveness of the LCC in attempting to balance competing aspirations for the various values of public land. The report had several other aims, among which were to provide an overview of the environmental values and economic resources on public land and the extent to which they were protected and utilised respectively, and to review the level of implementation of those LCC recommendations that were accepted by government.

It is now almost 30 years since that report and it was considered timely for VEAC to revisit aspects of the 1988 assessment in order to provide updated information for public land policy and management. The investigation does not seek to review previous land-use decisions made by successive governments.

1.2 Public land in Victoria

Victoria's public land occupies almost 37 per cent of the total land area of the state (excluding marine areas). Estimates of the total area of Victoria and the area of public land in the state vary from source to source depending on the particular baseline used, whether or not the coastal waters of Victoria (submerged land) are included, and the ways in which the area of islands, bays and inlets are calculated.

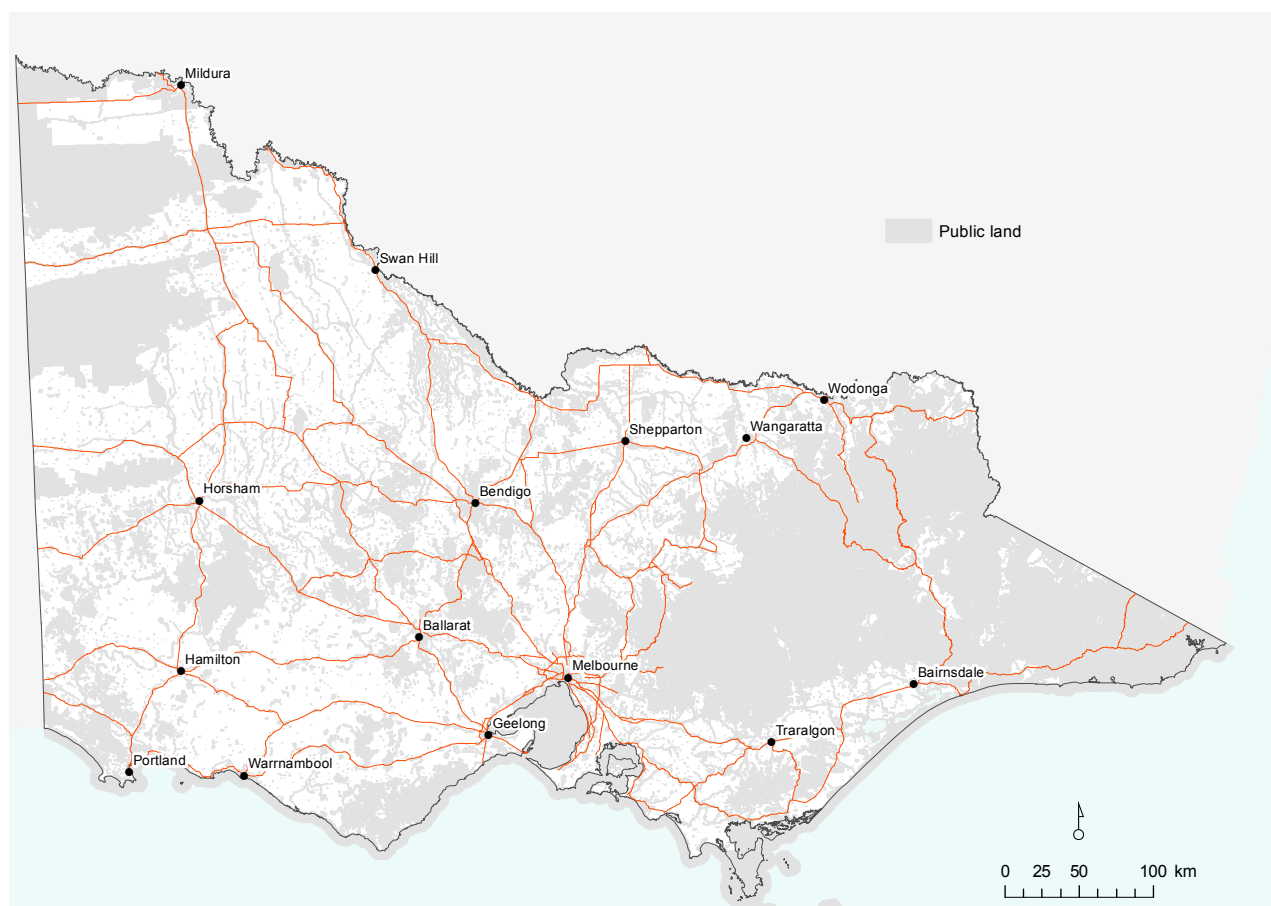
The LCC's 1988 Statewide Assessment of Public Land Use provided figures only for the terrestrial areas of Victoria, with the land area of Victoria quoted as 22,760,000 hectares and public land as 8,802,000 hectares. For the purposes of this investigation VEAC has recalculated all these areas. The total area of Victoria, including the marine area within the state's jurisdiction, is 23,753,750 hectares with the terrestrial component making up 22,752,350 hectares (including islands). The total area of public land is 9.4 million hectares or 39.6 per cent of the total area of the state. If only the terrestrial land area is considered, public land makes up 8.4 million hectares or 37 per cent of the state.

The distribution of Victoria's public land is shown in figure 1.1 (also see map A in the back pocket of the supplement to the discussion paper).

Public land is defined in the *Victorian Environmental Assessment Council Act 2001* (the VEAC Act) and includes all Crown land including marine areas and land owned by Victorian government entities. It excludes private freehold land, land owned by local councils and Commonwealth land.

Four primary land Acts currently govern the use of Crown land in Victoria and determine the legal basis for its control and management: the *Land Act 1958*, the *Forests Act 1958*, the *National Parks Act 1975* and the *Crown Land (Reserves) Act 1978*. The four primary Acts are supplemented by several other Acts which establish public land use overlays or which govern particular reservation types or uses. Public land use overlays established in legislation include reference areas, wilderness zones, remote and natural areas, heritage rivers, natural catchment areas and fisheries reserves. Land considered to be public land with special forms of ownership or other unusual features are described in the discussion paper and include public authority land in freehold title, land with Aboriginal title, restricted Crown grants, Crown land under perpetual licence for plantation purposes, subterranean land and submerged land.

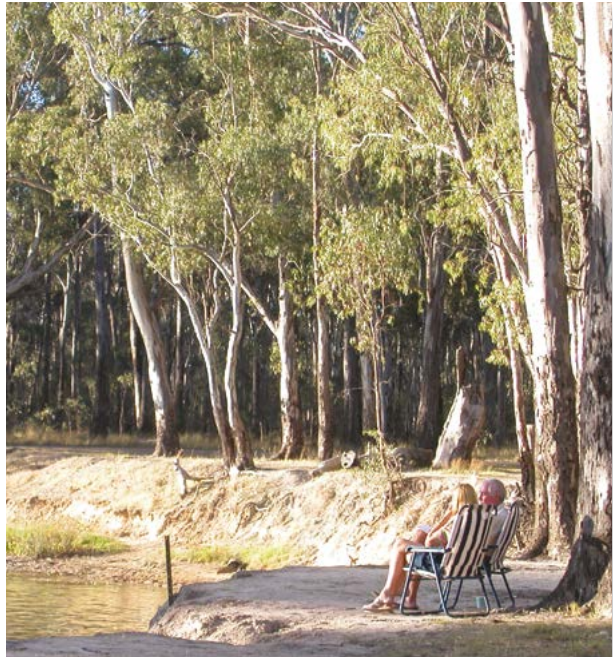
Figure 1.1
Public land in Victoria*



*includes Trust for Nature freehold land (e.g. Neds Corner Station) and licensed HVP Plantations land

1.3 Terms of reference for the investigation

On 17 September 2014, the then Minister for Environment and Climate Change, Hon Ryan Smith MP, requested that VEAC carry out a Statewide Assessment of Public Land. A business plan and budget was prepared for the investigation as required under the VEAC Act and submitted to the then Minister on 16 October 2014. Resources were approved by the then Minister on 27 October 2014. On 2 April 2015, the request was amended by the then Minister for Environment, Climate Change and Water, Hon Lisa Neville MP. The amended terms of reference were tabled in Parliament on 15 April 2015. On 16 January 2017 the Minister for Energy, Environment and Climate Change, Hon Lily D'Ambrosio MP, granted a two-month extension of time for the completion of the final report. The new date for the submission of the final report to the Minister is 1 May 2017.



Terms of reference

Pursuant to section 15 of the *Victorian Environmental Assessment Council Act 2001*, the Minister for Environment, Climate Change and Water requests the Victorian Environmental Assessment Council to carry out an investigation into public land in Victoria.

It is more than 25 years since the Land Conservation Council's *Statewide Assessment of Public Land Use* was published and it is timely to consider revisiting aspects of that assessment in order to provide updated information for public land management. National parks are recognised internationally as the core element of nature conservation and protection. Victoria's protected area estate is significant but remains fragmented and incomplete.

The purpose of the investigation is to carry out a statewide assessment of public land in Victoria which considers the recommendations of the council and its predecessors and the appropriateness of the current system of public land use categories established as a result. The focus of the investigation is to provide information and recommendations to assist management effectiveness and is not intended to change the current levels of protection underpinning Victoria's protected area system.

In particular, the council is requested to investigate and provide:

1. an assessment of the current system of public land use categories, including identification and evaluation of approaches adopted in other jurisdictions nationally and internationally, and consideration of options for changing or consolidating the existing categories to result in a system of categories that is simple and clear and that supports effective and efficient public land management;
2. an assessment of the current reservation status of public land, including areas where land use has changed since government accepted a recommendation; and
3. an inventory of the types of values on public land.

The council is requested to provide an interim report on the first term of reference that includes options for the consolidation of the existing public land categories by September 2015. To ensure there is an opportunity for public comment, the council is requested to publish information to assist in the making of submissions on this term of reference in the notice of investigation.

The council must prepare a discussion paper and a draft proposals paper.

The council must report on the completed investigation by 1 May 2017*.

*Originally February 2017

1.4 This final report

This report is the fourth and final report for the Statewide Assessment of Public Land and presents the Council's final recommendations. A supplement to the discussion paper will also be published in May 2017 to update information in the 2016 discussion paper.

The terms of reference for the investigation state that 'the focus of the investigation is to provide information and recommendations to assist management effectiveness'. Council were requested in particular:

- ✦ to provide an assessment of the current system of public land use categories and consideration of options for changing or consolidating the existing categories
- ✦ an assessment of the current reservation status of public land, including areas where land use has changed since government accepted a recommendation, and
- ✦ an inventory of the types of values on public land.

The terms of reference for the investigation specified the preparation of a discussion paper and a draft proposals paper, both of which were required to be advertised and public submissions sought.

For this investigation an interim report was also required on the first of the three specific terms of reference and was submitted to the then Minister for Environment, Climate Change and Water on 30 September 2015. The focus of the interim report was on the recommendations of VEAC and its predecessors and the current system of public land use categories established as a result. The interim report considered options for making the public land classification system simpler to improve management and administration. Formal public comment was not required or sought on the interim report. However, the Council decided to make the interim report available to the public as an online document on the VEAC website. The contents of the interim report covering the first term of reference were revised, updated and summarised, and included in the discussion paper.

The discussion paper and draft proposals paper were jointly released for public comment in August 2016. The discussion paper addressed all three specific topics in the terms of reference. The draft proposals paper presented Council's draft recommendations for public comment in five themes: public land classification, legislative reform, priorities for further assessment or review, improved information and information systems, and supporting community-based committees of management.

This final report has three chapters:

Chapter 1 provides background on the investigation and explains the role of VEAC. It also outlines the terms of reference and other matters to be taken into account in the investigation, and describes the investigation's timeframes and processes.

Chapter 2 describes the consultation process, and summarises the issues raised in submissions and forums following the release of the draft proposals paper. It also includes additional analysis of the reservation status for 11 public land use categories.

Chapter 3 provides a summary of changes to the draft recommendations resulting from submissions and consultation, reports on the rationale for the final recommendations, and presents the recommendations. The report concludes with a brief discussion of future challenges for public land management.

1.5 Victorian Environmental Assessment Council

The VEAC Act came into effect on 31 December 2001. This Act repealed the *Environment Conservation Council Act 1997* and established VEAC to conduct investigations and make recommendations relating to the protection and ecologically sustainable management of the environment and natural resources of public land. VEAC is a successor organisation to the Land Conservation Council, established in 1971, and the Environment Conservation Council, which replaced the LCC in 1997.

A number of amendments to the VEAC Act came into operation in September 2016. The amendments established a process by which VEAC is able to provide advice and assessments, in addition to being able to carry out investigations. The amended Act allows for VEAC to provide advice or carry out assessments on matters that, because of their limited scale or scope or their technical nature, might not require an investigation. A consolidated Act is available at <http://www.parliament.vic.gov.au/legislation>.

Public land is defined in the VEAC Act. It excludes private freehold land, land owned by local councils and Commonwealth land. VEAC does not make recommendations for private land, local councils' freehold land or Commonwealth land. However, VEAC reports include information on all land, where relevant, in order to provide a context for consideration of public land.

The current five members appointed to VEAC are Hon Phil Honeywood (Chairperson), Ms Joanne Duncan, Ms Anna Kilborn, Dr Charles Meredith and Dr Geoffrey Wescott. During the course of this investigation the terms of three members expired: Mr Ian Harris, Mr Ian Munro PSM and Ms Angela Reidy. The current Council thanks these past members for their contribution to this investigation and, in particular, to the development of the interim report submitted to the then Minister in September 2015. A brief biography of each of the current Council members can be found on VEAC's website at www.veac.vic.gov.au. The Council is supported by a small research and policy team and administrative secretariat. The VEAC Act requires the Council to consult with departments and public authorities, and requires departments and public authorities to give practicable assistance to the Council in carrying out investigations. VEAC papers and reports are prepared independently.

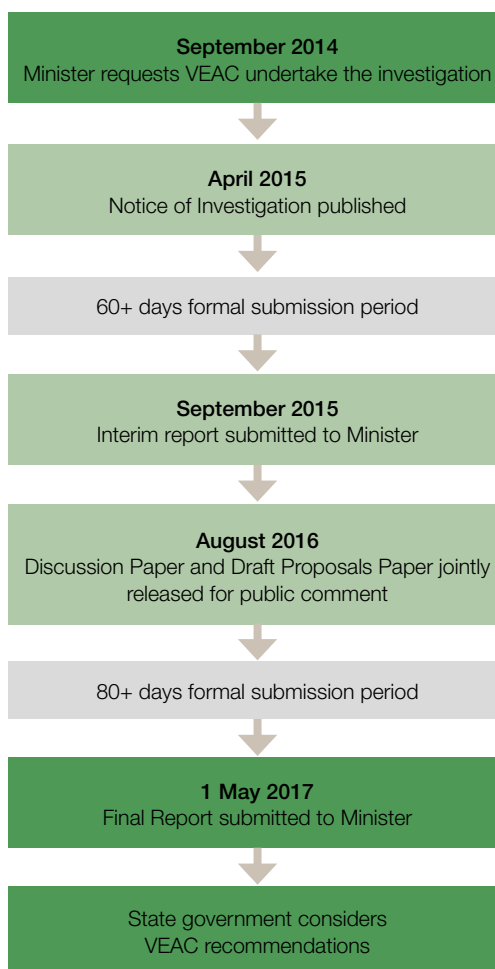
The Council conducts its affairs in accordance with the VEAC Act. In particular, section 18 specifies that 'Council must have regard to the following considerations in carrying out an investigation and in making recommendations to the Minister –

- a the principles of ecologically sustainable development;
- b the need to conserve and protect biological diversity;
- c the need to conserve and protect any areas which have ecological, natural, landscape or cultural interest or significance, recreational value or geological or geomorphological significance;
- d the need to provide for the creation and preservation of a comprehensive, adequate and representative system of parks and reserves within the State of Victoria;
- e the existence of any international treaty ratified by the Commonwealth of Australia which is relevant to the investigation;
- f any agreement at a national, interstate or local government level into which the Government of Victoria has entered, or under which the Government of Victoria has undertaken any obligation in conjunction with the Commonwealth, a State, Territory or municipal council, which relates to the subject matter of the investigation;
- g the potential environmental, social and economic consequences of implementing the proposed recommendations;
- h any existing or proposed use of the environment or natural resources.'

1.6 The investigation process

The process for this investigation was undertaken as specified in the VEAC Act and the terms of reference for the investigation. The process and timelines are shown in figure 1.2 below.

Figure 1.2
Investigation process and timelines



1.7 Policy context

There are many state government policies and strategies that inform this investigation. Several of the key policies currently being developed and of particular relevance to the terms of reference of this investigation are described briefly below.

Victoria's Climate Change Adaptation Plan 2017–2020

Victoria's *Climate Change Adaptation Plan 2017–2020* sets out climate change adaptation action across the state for the next four years. The plan fits within Victoria's Climate Change Framework, which outlines the broader, long-term approach to climate change in Victoria to 2050.

In 2015, there was an independent review of the *Climate Change Act 2010*. The review found that the existing Act does not support Victoria's current needs in responding to climate change. In February 2017, the Climate Change Bill 2016 successfully passed through the Victorian Parliament's Upper House to create a new Climate Change Act. The *Climate Change Act 2017* gives effect to the majority of the commitments set out in the *Victorian Government Response to the 2015 Independent Review of the Climate Change Act 2010*.

Protecting Victoria's Environment – Biodiversity 2037

A new biodiversity strategy *Protecting Victoria's Environment – Biodiversity 2037* was released in April 2017. It is a twenty-year plan aiming to stop the decline of Victoria's biodiversity. The plan is intended to assist Victorians to recognise the multiple values that biodiversity provides, and to identify the tools, tasks and roles needed to ensure that Victoria's natural environment is healthy and positioned to cope with the effects of future population growth and climate change.

Water for Victoria

Climate change, population growth and changing community expectations challenge the way the water resources are managed. *Water for Victoria* is part of a long-term approach by the Victorian government to overcome these challenges while ensuring that management of water resources supports all Victorians. A discussion paper was released in early 2016. Input from the community and stakeholders was incorporated into the final water plan, which was released in early 2017.

Review of the native vegetation clearing regulations

Victoria's native vegetation clearing regulations outline whether native vegetation can be cleared for development or other land uses and, if it is able to be cleared, the requirements that need to be followed. The quantity and the quality of native vegetation in Victoria influences the overall health of the natural environment by providing habitat for species, and is connected to Victoria's water and soil quality.

The review concluded in late 2016 and an outcomes report was released. The review outcomes will be delivered through amendments to the relevant clauses of the Victoria Planning Provisions (VPP) and all Victorian planning schemes, and a program of ongoing improvements as described in the outcomes report.

The proposed changes were released for further public comment in early 2017. This feedback will be considered in preparing the final changes to the VPP, which will be introduced in late 2017.

New Marine and Coastal Act and improved management and oversight arrangements

The Victorian government is developing a new Marine and Coastal Act, and improving management and oversight arrangements for Victoria's marine and coastal environment. The changes are to ensure that legislation is in place to support a healthy coast and marine environment in the future. Key issues and threats, such as climate change, population growth, and development pressures are being considered. Improved community and Traditional Owner involvement is also being explored. The new Act will aim to provide a more streamlined approach ensuring that there is less complexity and fragmentation in the laws applicable to our coasts and sea.

A consultation paper was prepared with the guidance of an expert panel. The paper discusses the current strengths and drivers for change, and outlines objectives and a series of reforms to Victoria's coastal and marine management system. Community consultation was completed in October 2016. The expert panel will use feedback on the consultation paper to guide preparation of the legislation and management arrangements in 2017.

Review of the Flora and Fauna Guarantee Act

The *Flora and Fauna Guarantee Act 1988* (FFG Act) is Victoria's key biodiversity protection legislation. It establishes objectives for the conservation of all flora and fauna, a biodiversity planning framework, and regulatory controls for threatened fish and protected flora. The FFG Act is currently being reviewed to ensure that it is both modern and effective and conserves Victoria's biodiversity into the future. The review is closely linked to the statewide plan for managing Victoria's biodiversity, *Protecting Victoria's Environment – Biodiversity 2037*. A consultation paper was released in early 2017 seeking community views on the Act and how it could be improved.

Yarra River Action Plan

The *Yarra River Action Plan*, released in February 2017, sets out 30 actions to protect the Yarra for future decades. It forms the government response to recommendations made by the Yarra River Protection Ministerial Advisory Committee. Some key actions include the creation of the independent Birrarung Council, comprised of Traditional Owners and representatives from environmental, farming and community bodies; preparation of a river corridor strategic framework, the Yarra Strategic Plan; strengthening planning controls along the river; independent auditing on the implementation of the Yarra Strategic Plan and the environmental condition of the Yarra River; review of all Crown land reservations; and construction of the missing Abbotsford link on the Yarra Main Trail.

A treaty for Aboriginal people in Victoria

In February 2016, Aboriginal people in Victoria called on the Victorian government to negotiate a treaty. As part of its commitment to self-determination the state government has agreed to treaty discussions with the Aboriginal community.

The first step on the pathway to treaty is for Victorian Aboriginal people to decide who should represent the community and who can, and should, negotiate a treaty on their behalf. The *Aboriginal Community Consultation on the Design of a Representative Body* report commissioned by the Aboriginal Treaty Interim Working Group was released in February 2017. The report presents the findings from the community-led consultations on representation held across Victoria from October to December 2016.

Detailed options for representative structures are now being developed and the Victorian Aboriginal community will consider and decide on these during the current and next phases of consultation.



Consultation and further work

Written submissions are one of the key processes used by VEAC to seek community views on issues associated with public land. For every investigation, the VEAC Act requires VEAC to publish a notice of investigation and receive submissions for a minimum period of 60 days (if the Minister does not specify a time). The terms of reference for this investigation specified the preparation of a discussion paper and a draft proposals paper, both of which must be advertised and public submissions sought for a minimum period of 60 days.

VEAC established a Community Reference Group (CRG) for this investigation to provide advice to the Council in accordance with the VEAC Act. Members of this group represented a broad range of interests related to the investigation. The CRG members are listed on the inside front cover of this report. The CRG met seven times during the investigation: in June 2015, August 2015, April 2016, June 2016, October 2016, November 2016 and March 2017.

In addition to the formal submission periods and advice from the CRG, VEAC commissioned targeted consultation with local government, as well as holding meetings and discussions with public land managers throughout the investigation.

This chapter also summarises the results of additional work undertaken on implementation of government-accepted recommendations since publication of the discussion paper and the draft proposals paper.

2.1 Initial consultation

The first submission period for this investigation commenced with the advertisement of the notice of investigation on 18 April 2015 and closed on 22 June 2015.

The terms of reference for this investigation requested the Council provide an interim report on the first term of reference that includes options for the consolidation of the existing public land categories by September 2015. In order for the interim report to be informed by public comments, the Council was requested to publish information to assist in the making of submissions on this term of reference in the notice of investigation. Maps and fact sheets were published on VEAC's website for this purpose.

VEAC received 51 submissions following publication of the notice of investigation. These submissions covered matters related to the full scope of the investigation. Submissions can be viewed at www.veac.vic.gov.au.

For a detailed description of the input received in the first submission period in response to the notice of investigation, see section 1.8 on pages 9-14 in the discussion paper.

Meetings with public land managers were held to assist in the preparation of the discussion paper and the draft proposals paper. Five meetings were held with DELWP and Parks Victoria regional and head office staff, the Department of Health and Human Services and the Game Management Authority.

VEAC engaged The Public Land Consultancy to undertake detailed consultation with a sample of nine local councils on their use and management of Crown land reserves. All other local councils in Victoria were invited to comment on the consultation report. Twenty-two additional local councils provided input to VEAC in response to this invitation. The report is available from the VEAC website.

2.2 Second stage of consultation

Written submissions

The discussion paper and draft proposals paper were jointly released on 19 August 2016 for an extended period of public consultation. Submissions in response to the papers closed on 7 November 2016. A total of 64 written submissions were received in response to the discussion paper and draft proposals paper: 18 from individuals and the remainder from local government, state government organisations, conservation groups, specific interest groups, organisations and consultants. See appendix 1 for a list of the submissions received. Submissions can be viewed at www.veac.vic.gov.au. Submissions covered the full scope of the investigation. One submission focused only on the discussion paper, 23 only on the draft proposals paper, 39 addressed both documents and one submission addressed neither document. A further four informal submissions were made to VEAC through written correspondence.

Consultation with public land and resource managers

In September and October 2016, VEAC conducted nine regional briefings and consultation sessions. Participants included DELWP regional staff, Parks Victoria, catchment management authorities, water authorities, local councils, port authorities, land management boards (Falls Creek Alpine Resort, Phillip Island Nature Parks, Winton Wetlands), regional tourism boards, the Environment Protection Authority, Trust for Nature, and Traditional Owners.

2.2.1 Overview of feedback on the discussion paper

Feedback on the discussion paper through written submissions and meetings with public land and resource managers has been summarised by chapter. Most of the comments on the discussion paper focused on chapter 5, which detailed public land values.

Chapter 1: Introduction

Few submissions commented on this chapter. Those that did, focused on the importance of public land in supporting biodiversity, allowing for climate change adaptation and buffering biodiversity from human population increases. More detail was requested on key policies and how public land managers determine effectiveness of public land management.

Chapter 2: Background on public land

Few comments were received on this chapter. Some suggested that additional detail should be provided on both native title rights and interests that are recognised under the Commonwealth *Native Title Act 1993* and Traditional Owner rights that are recognised under the *Traditional Owner Settlement Act 2010*.

Chapter 3: Public land classification (first term of reference)

Respondents were supportive of the options for changes to public land classification involving review of categories and improved alignment with legislation. Local councils emphasised their reluctance to take on additional locally significant land without adequate resourcing. More detail was requested on particular types of land including: protected areas, aquaculture zones, special management zones in state forest, Ramsar wetlands, biosphere reserves, and unreserved Crown land. One submission suggested that it is important to also consider the values on private land and in indigenous protected areas to provide context for the values on public land.

Chapter 4: Current reservation status (second term of reference)

This chapter received little comment. One submission suggested that identifying barriers to full implementation of previous recommendations should guide the crafting of future recommendations. A number of submissions expressed concern that only protected areas show high levels of implementation. Others requested effective or improved management for specific places covered by previous recommendations which were currently unimplemented.

Chapter 5: Values of public land (third term of reference)

Input on this chapter has been grouped into the major categories of values.

Natural values

The need for climate change adaptation planning was strongly emphasised in several submissions. In a related point, a number of submissions identified the importance of particular types of land in supporting biodiversity, including some that are not public land. A view was expressed that ecological vegetation classes (EVCs) are not the most appropriate methodology to assess biodiversity and alternative metrics were suggested including native vegetation condition and structural diversity, the presence of particular species and local floristic data. Additional detail was requested in some submissions on under-represented EVCs, pest plants and animals, and coastal Crown land.

Cultural heritage

Submissions on non-Aboriginal cultural heritage requested more detail or emphasis on particular values including wild horses, maritime cultural heritage (e.g. shipwrecks) and moveable heritage objects.

Groups representing Aboriginal interests drew attention to areas where the discussion paper did not provide adequate coverage of Traditional Owner settlements and native title holder claims, intangible Aboriginal cultural heritage, and the legal framework for protecting Aboriginal cultural heritage.

Recreation and tourism

Submissions from recreational interest groups highlighted the range of values their activity contributes to the state. Individual submitters requested additional or more up to date data and information on particular activities on public land. Groups representing Aboriginal interests identified the distinct recreational interests that Traditional Owners have in land (e.g. hunting/fishing/camping).

Resource uses

Submissions from user groups highlighted the range of values their activity contributes to the state. These values included apiary, mineral water, the supply of drinking water and carbon sequestration.

Many commented on state forest, particularly in the Central Highlands region. Individuals and conservation groups emphasised the importance of conservation and recreational values of state forest. The impact of logging on the Leadbeater's possum was frequently raised in such submissions. Forest industry groups underscored the importance of the timber industry and forest produce to local jobs and the state economy.

Groups representing Aboriginal interests expressed concern that the discussion paper paid insufficient regard to the economic and resource rights of Traditional Owners on Crown land through Land Use Activity Regime and Future Act rights and interests.

Individuals, user groups and industry bodies all requested more data about particular uses of public land, or for more frequent releases of such data.

2.2.2 Feedback on the draft proposals paper

Public land classification

The intention to assist the public to better understand the management objectives and permitted activities in particular categories was well supported. It was recognised that the proposed changes would assist in streamlining public land administration.

There were different opinions expressed about changing the names of parks and reserves to align with changes to public land categories, with some concerned about the associated costs while others argued that there is no point in simplifying categories if land unit names were not eventually changed. Concerns were also raised about the perception that reclassification would lead to changes in uses, and the community's attachment to particular place names.

Better articulation of the alignment between the proposed public land categories and other Acts that influence public land management – such as the *Planning and Environment Act 1987* – was requested.

Opposition to this recommendation tended to highlight that, although the current system is perceived as complex or confusing, the proposed changes do not go far enough or will further increase public confusion about the purposes and allowed uses of public land use categories. There was concern to ensure that changes to categories do not inadvertently affect the rights and interests of Traditional Owners and native title holders.

The following sections summarise the input on specific revised public land categories.

National park

It was emphasised that simplification of land under the National Parks Act requires careful consideration to avoid unintended consequences. The proposal to rename state parks was well supported, as it is recognised this category is managed for the same purposes as national parks and that state parks are often confused with state forest.

Strong attachment to the wilderness parks was expressed, and it was suggested that this could be addressed by representing them as overlays within national parks.

Concerns were expressed about re-categorising Castlemaine Diggings National Heritage Park as a national park, as it was considered to set a precedent allowing ongoing mineral exploration and mining in a national park.

Recreation park

This proposed category received much attention, with most concern expressed about the name rather than the purpose of the category. There was support for retaining the name 'forest park' for existing areas as efforts had been made to assist public understanding of the forest parks category and change might result in public confusion. It was considered important to be clear that sawlog and pulplug harvesting are prohibited in forest parks.

Nature reserve/Natural features reserve

While nature reserve was well understood, the difference between nature reserves and natural features reserves was not clear to many.

Game reserve

This proposed category also received much attention. Some were concerned that use of the term 'game' in the name suggests that these reserves are only used for hunting, whereas they are also significant conservation areas. Wildlife reserve was suggested as an alternative name. On the other hand, it was pointed out that the term 'state game reserve' is well understood and widely used by recreational hunters and has legal status e.g. Wildlife (State Game Reserve) Regulations 2014.

Community use reserve

This primary category was not well understood, although the sub-categories such as recreation reserve and parkland and garden are well known. Some argued that this was a useful category, particularly to capture land of local significance. Some local councils pointed out that reserves currently included in this category vary widely across the state, with those in inner Melbourne often being of state significance. Other comments related mainly

to the existing categories proposed to be included in the revised category. For example there was opposition to any coastal reserves being included in a community use reserve category, and some discussion about the appropriate place for the sub-categories of lake reserve and highway park.

Other categories

There was little comment on the proposed conservation park category, other than a desire expressed from some to maintain descriptive or local names. The resources reserve was not widely supported with a number of comments objecting to mineral springs reserves being included in this category, and confusion about the land status of plantations. The concurrent government consultation on a new Marine and Coastal Act led to some confusion from stakeholders about the marine and coastal public land use categories discussed in VEAC's draft recommendations. There was a range of points made about land used for services and utilities, with public land managers noting that many individual sites require review. Due to the different management and administrative systems that may apply to water frontages and the bed and banks of waterways, it was suggested that these do not belong in the same category.



Legislative reform

There was strong support for legislative reform, both short-term amendments and a larger overhaul. Some were concerned that momentum could be lost in a five year time frame, while others thought that this target was appropriate given the scale of the task. Almost everyone agreed that this investigation offers a rare opportunity to address well-known deficiencies in public land legislation, to clear the backlog of unimplemented government-accepted recommendations and to strengthen the relationship between the primary land acts and other relevant legislation (e.g. Water Act).

Crown Land (Reserves) Act amendments

R3(a) Purposes to align with new categories

While this was generally supported, it was identified that the community often supports reservations for a specific purpose, and the advantages of this change will need to be clearly articulated.

R3(b) Align historical purposes

Some submissions supported this change, identifying that it will lead to better governance and management, particularly where old reservation purposes are overly restrictive. Others thought the advantages of this change were unclear, and that while some reservation purposes may be old, they are well understood by local managers.

R3(c) Distinction between temporary and permanent reservation

This draft recommendation was widely supported, as the distinction between permanent and temporary reservations is seen as unnecessary. The difficulties in revoking inappropriate permanent reservations was acknowledged as an impediment to implementing government-accepted LCC/ECC/VEAC recommendations.

Reassurance was sought that appropriate Parliamentary scrutiny would still apply to a carefully-considered suite of categories/reservation types as part of a rigorous due diligence process prior to implementation. Amendment of section 11 of the Crown Land (Reserves) Act was suggested to provide an interim solution for revoking permanent reservations.

R3(d) Remove underlying land status

It was generally agreed that this recommendation would assist in reserving land into the future. Some submissions noted that it would be desirable to have whole land units administered under only one Act.

A number of concerns were identified which would need to be addressed in implementation. These included the implications for operation of the Native Title Act, the legal complexities associated with restricted Crown grants, inaccurate mapping of Crown parcels, and the potential to miss small parcels in a land unit when removing

reservations in bulk.

R3(e) Improved leasing/licensing consistency

Support was expressed for improving the consistency and transparency of leasing and licencing.

R3(f) Issue of short-term licences and permits by committees of management

Support for simplification of short-term licences was expressed in written submissions. Land managers were divided on this matter, reflecting the range of values and uses in different reserves, and the different interpretations of consistency or inconsistency with the purposes of the reserve. It was thought that a provision already exists in section 17(1) under the Crown Land (Reserves) Act and amendment is not required.

R3(g) Restricted Crown grant trusts

Some submissions supported modernising the governance framework and transparency around restricted Crown grant trusts. Objectors stressed that, while imperfect, restricted Crown grants provide critical protection for land.

R3(h) Three year limit for committees of management

This draft recommendation was widely misunderstood, and clarification was sought that the intention is for three year terms to remain the norm, and for longer terms to be optional. Some land managers thought that a longer term such as five years would assist in retaining members for some committees, particularly in areas where it is already difficult to recruit members. The option of longer terms might also help to simplify committee of management administration and decision making processes. Other land managers were concerned that extended terms could be detrimental, particularly for underperforming committees. The advantages of a regular review of committee membership were stressed by some. The advantage of shorter appointment terms being less of a commitment and so an incentive for members to join was also identified. A guideline was suggested for appointment terms based on the committee of management category.

Other recommendations for legislative amendments

R4 Amendments to the Wildlife Act

There was agreement that the current relationship between the Crown Land (Reserves) Act and the *Wildlife Act 1975* is confusing. The proposed change would simplify administrative processes and may address confusion regarding the management of land reserved under the Crown Land (Reserves) Act but further managed under the Wildlife Act.

It was stressed that amendments would need to ensure that offence provisions and management requirements under the Wildlife Act be maintained under any proposed legislation. Interactions with legislation specifying land that can be subject to Aboriginal Title also need to be considered.

R5 Standardised regulations

This recommendation was generally supported. Areas not being formally reserved in accordance with government-accepted LCC/ECC/VEAC recommendations are considered to be a problem for on-ground management as appropriate regulations cannot be made. It was suggested that all regulations be developed in accordance with the *Victorian Guide to Regulation* and be reviewed every 10 years. While they may operate well in some areas, e.g. City of Melbourne, local laws are generally seen as inadequate to cover the range of issues that apply to Crown land.

R6 Provide for state forest to be administered under one Act

This recommendation was generally welcomed. Appropriate consultation was considered to be necessary prior to legislative change.

R7 Simplified preparation of gazettal plans

This recommendation was supported by regional public land managers as a means to help reduce the backlog of formal reservation of land to implement government-accepted recommendations. Several suggestions were made to assist in clarifying the intention of the draft recommendation.

R8 'Aboriginal land' public land overlay

The intent of this draft recommendation to recognise Traditional Owner interests in public land was broadly viewed as a positive step. There was a variety of views about what constitutes joint management, with some considering the ambiguity sufficiently great that it would be confusing to try to represent it in an overlay.

Groups representing Traditional Owner interests expressed another view. They suggested that because Traditional Owner rights and interests extend beyond the grant of Aboriginal Title, Traditional Owner rights and interests in Crown land should be included in the purposes of public

land categories. Furthermore, because Aboriginal Title is a grant in fee simple (i.e. freehold) and notwithstanding all the caveats, constitutes ownership, it is therefore not appropriate to represent Aboriginal land as a public land overlay.

R9, R10 New land legislation within five years

Rewriting the primary public land Acts was broadly supported. Submitters identified the opportunity to strengthen relationships between these Acts and other land management legislation (e.g. Water Act, Catchment and Land Protection Act, Parks Victoria Act, Planning and Environment Act). Some submissions considered that the five year time frame was appropriate given the scale of the task, whereas others were concerned about the process losing momentum over such a long time and requested a 2-3 year timeframe instead. One submission suggested a systematic review to identify failings of the current legislation prior to the revision, and another encouraged the processes of amending or re-writing legislation to be transparent and open to all stakeholders to contribute their views.

There was significant concern to ensure that protection levels would not be reduced in the process of developing protected area legislation.

Priorities for further assessment or review

R11 Regions with clusters of endangered EVCs

This recommendation was strongly supported by conservation groups. The perceived inadequacy of the current reserve system in the Central Highlands was commented on in many submissions. Submissions called for additional bioregions (Riverina, Bridgewater, Greater Grampians, entire Wimmera, Victorian Volcanic Plains), particular types of land (inland waterways and wetlands), or particular land use categories (marine protected areas) also be added to the list for further consideration. One submission argued that a desktop analysis should be conducted to assess the potential to meet the EVC shortfalls in every bioregion, whereas another indicated that any review should be done at a finer scale than bioregions.

Opponents to this draft recommendation argued that it was beyond the scope of VEAC's terms of reference. Other submissions suggested that future assessments should consider options to meet comprehensiveness, adequacy and representative criteria without reducing productive services from public land.

R12 Coastal reserves

Written submissions expressed widespread in-principle support for this recommendation, but few comments were received in face-to-face meetings. Many submissions identified examples of perceived inappropriate uses of coastal reserves (e.g. commercial use, coastal

development/infrastructure) and the negative impacts of these uses on conservation and recreation values. In particular, commercial horse training at Killarney beach was commented upon.

The need for climate change adaptation planning was mentioned several times in response to this recommendation. It was noted that cultural heritage values (e.g. Moyjil and the national heritage-listed site of Budj Bim) are also at risk from climate change.

R13 Review state forest

It was generally considered that this draft recommendation was not well expressed and the intent was unclear. The point was strongly made in submissions that the wording of the recommendation put a disproportionate focus on commercial forestry activity within state forest, to the exclusion of other uses. These submissions also emphasised that commercial forestry is a long-term enterprise and that harvesting of sawlogs is permitted in the appropriate zones of state forest even though it may not currently be taking place.

Conservation organisations strongly supported this recommendation. Some proposed that a future review consider formal land tenure changes for Special Protection Zones, some Special Management Zones, and areas of state forest in the central and western parts of Victoria.

R14 Inventory of linear reserves

The importance of linear reserves, particularly in fragmented rural landscapes, was frequently commented on. The intention to inventory such reserves was generally supported, but further information was sought as to how such an inventory would be used. Useful outcomes of the inventory could include an assessment of vegetation quality and connectivity, greater protection for remnant vegetation, improved habitat linkages and corridors, and a database which is maintained and available to all public land managers. The costs of such an audit, and the ongoing maintenance of the inventory were questioned.

A timeframe for implementation of this recommendation was requested, as were separate recommendations dealing with road/rail reserves, riparian public land, and coastal reserves, due to the different nature of these environments. There were several suggestions in submissions for extending this recommendation, including an inventory of Aboriginal cultural heritage values near waterways.

R15 Inventory of state government-owned freehold

Such an inventory was supported, but information was again sought on the end use of such an inventory, particularly where significant values were discovered.

It was stressed that if an inventory included Aboriginal heritage values, the provisions of the *Aboriginal Heritage Act 2006* for sensitive information (especially for Ancestral

Remains and Secret or Sacred Objects) should be replicated. Alternatively, it was suggested that inventories could link to the Victorian Aboriginal Heritage Register, without the need to duplicate information.

There were several suggestions in submissions for extending this recommendation including consideration of devolved management arrangements (e.g. leasehold land for private companies or public bodies such as universities).

Improved information and information systems

R16 Crown land information systems

The need for improvements in these systems was strongly emphasised at many regional meetings and in written submissions. It was noted that this process is already underway in DELWP, but there is uncertainty about who will maintain and host the systems into the future and ongoing resourcing. Interoperability and the capacity to share data between land managers (e.g. Parks Victoria, local councils and committees of management) were identified as key features of any new systems. A key outcome of such a system was considered to be improved confidence in the information land managers provide to government and to the public.

R17 Information products

A platform or portal which would provide web-based spatial information for the public about permitted uses was strongly supported. Development and maintenance of such products would ensure consistent information is provided to the public, improve compliance, and assist in achieving conservation objectives. The sorts of information requested included:

- ✦ local status updates (flooding, road closures, warnings)
- ✦ where particular activities can take place (horse riding, recreational prospecting, dog walking, hunting)
- ✦ land manager and land owner
- ✦ asset condition
- ✦ archival map layers.

The need for the spatial information to be available across all land tenures was stressed, and it was suggested the project could build on work which has already been done in other areas (e.g. DELWP's work on state forest recreation sites, data.vic, the DELWP Digital First team, Parks Victoria's work on marine national parks, Planning Schemes Online, citizen science databases). Several agencies also offered their support and assistance. Clarification was sought as to whether the database would be hosted and managed by DELWP or a different body.

R18 VEAC spatial information on government-accepted recommendations

This recommendation was supported. Land managers considered that continuing to have a single entity administer LCC/ECC/VEAC recommendations and their status would address issues associated with public land management and ensure consistent information is provided to relevant users. The importance of maintaining any register was strongly emphasised. It was also suggested that information on levels of implementation be regularly reported.

Supporting community-based committees of management

R19 Regional coordinators

There was strong support for this recommendation from regional consultation and in written submissions, with many noting the support currently provided by DELWP with limited resources. There were some concerns that the additional role would be expected to be provided from within existing resources, and that this was not possible. Some noted that the role may be better placed with local councils than in DELWP, as some municipalities have large numbers of committees (e.g. Baw Baw shire has up to 20 committees). Others suggested that coordinators could be located within Parks Victoria if that was more appropriate.

The large role already carried by local government in supporting community-based committees was acknowledged by many, and was considered to also require support.

Many submissions noted the divergence between this recommendation and that of the Marine and Coastal Act consultation paper, which recommended amalgamating smaller local committees of management.

It was suggested that in developed areas, local councils should act as committees of management, as there is too much administration for volunteer groups to deal with. The Friends model was suggested as a better alternative for community involvement. More financial support from DELWP to committees was also requested in a number of submissions.

Additional recommendations

Many submissions raised additional issues for which recommendations could be made in the final report. Some have already been discussed in the preceding sections. While a number of suggestions were beyond the scope of this investigation, or even the VEAC Act, a number of additional areas for recommendations are listed below.

'Locally-significant' land: The policies and protocols about the sale of Crown land transfer appears to prevent the transfer of locally-significant land to councils at no cost even where that appears to be a sensible outcome.

Climate change adaptation: Studies into the potential impacts of climate change were suggested to identify public or private land which would allow for adaptation. Trials to establish climate-ready plant species were also proposed.

Marine and coastal environments: The complexity of managing these environments was highlighted, particularly in the face of climate change. While out of scope, a specific coastal study was requested to identify public land with environmental values which, if subject to inundation, could be replaced by the protection or acquisition of some adjacent freehold land.

Resourcing: Additional resources were requested by public land managers to implement the backlog of LCC/ECC/VEAC recommendations. The need for increased resourcing for public land management and improved training in Crown land administration were also identified.

Legislative review: Small-scale reviews of the legislation were suggested for every 5-10 years to avoid the need for an overhaul in another 30 years.

Management effectiveness: A number of submissions requested mechanisms to monitor the effectiveness of public land management. To improve land management, one authority requested the ability for public authorities to enter into agreements on title (e.g. s 173 agreements in Planning and Environment Act). Another submission called for the provision of native vegetation offsets on Crown land.

Future review: Future reviews were called for into all uncategorised public land and the ownership and management of waterway corridor land.



2.3 Further work

The previous assessment of reservation status of government-accepted LCC/ECC/VEAC public land use recommendations found that the level of implementation (through formal reservation) varied greatly according to the category or overlay and the legislative mechanism for reservation. For details of this analysis, see chapter 4 of the discussion paper (pages 39-56).

While it was not possible to assess all public land use categories and overlays in time for the discussion paper, this work was well received, and stakeholders expressed interest in continuing the assessment. Since the release of the discussion paper in August 2016, the implementation status was assessed for an additional ten public land use sub-categories (eight sub-categories of natural features reserves, one sub-category of community use areas and one sub-category of earth resources). The assessment of implementation for wildlife areas was also extended to cover all of these areas across the state (see table 2.1). Unless otherwise specified, all land units within each category were assessed across the state. All of the sub-categories subject to this additional analysis are implemented through reservation under the Crown Land (Reserves) Act.

2.3.1 General findings

This assessment confirms the previous finding that the level of implementation of government-accepted recommendations varies according to the legislative mechanism for reservation. Land units reserved under the *National Parks Act 1975* or other specific legislation show between 94 and 100 per cent implementation. In contrast, land units reserved under the Crown Land (Reserves) Act show between 0 and 80 per cent implementation.

The level of implementation is also influenced by the category being part of the protected area system. Protected areas show between 29 to 100 per cent implementation. Protected areas with lower implementation tend to be those in lower IUCN categories (for details of the IUCN classification see appendix 8 of the discussion paper, page 151). For example streamside areas are classified as IUCN category III (natural monument or feature) and are 29 per cent implemented, whereas nature conservation reserves are classified as IUCN category IA (strict nature reserve) and are 74 per cent implemented. Both of these categories are reserved under the Crown Land (Reserves) Act.

Areas that are not part of the protected area system generally have lower levels of implementation (between 0 and 80 per cent implementation). However, a few sub-categories show a different pattern. Wildlife areas were 80 per cent implemented and lake reserves were 76 per cent implemented. Both of these sub-categories

of the natural features area primary category have some land units available for hunting. There is therefore strong community interest in ensuring that these areas are appropriately reserved.

Some categories have a small number of land units (e.g. caves and highway parks). Uncertainty about the implementation status of any one land unit in these sub-categories has a greater impact on the overall assessment of implementation compared to a category with many land units (e.g. bushland reserves). For example, assessment of 94 wildlife areas showed 69 per cent implementation. When the remaining 135 wildlife areas were subsequently assessed, implementation increased to 80 per cent.

There is only one land unit in the River Murray Reserve sub-category, and it is unimplemented. Some 8 per cent of this reserve is unreserved, and the remaining 92 per cent is reserved for an inappropriate purpose or purposes. However this sub-category is now subsumed by later government-accepted recommendations. The majority of the area originally recommended as River Murray Reserve across several LCC investigations was reviewed in VEAC's River Red Gum Forests Investigation (2008). Downstream of Lake Hume, all previously identified areas of River Murray Reserve have been allocated to other land use categories, primarily the Murray River Park (regional park category).



2.3.2 Areas where land use has changed

Stone reserves and education areas were two categories identified where the land use may have changed since government accepted a recommendation. This is part of the second term of reference for this investigation (see terms of reference on page 3 of this report).

Indeed the land use does appear to have changed for stone reserves that were assessed in the original LCC Ballarat study area of 1982. Only 36 per cent of stone reserves were correctly reserved. One third of the unimplemented land units were reserved for another purpose, and all of these reservations occurred after 1982. These alternative purposes included: conservation of an area of natural/historic interest, management of wildlife, preservation of species of native plants, and public recreation. This pattern suggests that public land managers may have been assessing land units for their values and assigning different reservation purposes. This category is worthy of further systematic consideration involving all stakeholders, in particular local councils.

Education areas were previously recommended to be set aside for environmental education; some have permanent school camps established on site or nearby. The recommendations permit use for environmental studies, which may involve some environmental manipulation that would not normally be possible in parks and conservation reserves. Land use also appears to have changed in this category. No new education areas have been recommended in over a decade. Recent VEAC investigations have re-categorised many existing education areas. Education areas that have been recently recommended were pre-existing, and were often recommended with reduced boundaries.

Only 26 per cent of 34 education areas were reserved for an appropriate purpose, and 73 per cent of unimplemented education areas were incorrectly reserved. Two land units had inappropriate reservation purposes that predated the recommendation, 13 were reserved under the Forests Act instead of the Crown Land (Reserves) Act, and one land unit was reserved for conservation of an area of natural interest after the recommendation was approved by government.

Table 2.1

Implementation of government-accepted recommendations in 2017 for selected public land use categories and overlays

Category/ overlay	Sub-category	Level of implementation (%) – full and partial [†]	Number of land units or areas subject to recommendations	IUCN category
National park		100	41	II
State park		100	25	II/III
Wilderness park		100	3	IB
National heritage park		100	1	Yes
Regional park		48	31	No
Nature conservation reserve		74	421	IA
Historic and cultural features reserve		40	139	No
*Natural features reserve	Bushland area ¹	69	104	IV
	Cave	85	7	III
	Geological and geomorphological features area	44	18	III
	Highway park	14	14	No
	Lake reserve	76	107	No
	Mineral spring	67	12	No
	River Murray reserve ²	0	1	No
	Streamside area ³	29	48	III
	Wildlife area ⁴	80	229	No
Alpine resort		100	6	No
Forest park		100	1	No
State forest ⁵		57	n/a	No
*Community use area	Education area	26	34	No
*Earth resources ⁶	Stone reserve	36	67	No
Marine national park		100	13	II
Marine sanctuary		100	11	III
Multiple use marine protected area		100	6	Yes
Reference area		94	144	IA
Wilderness zone		100	19	IB
Remote and natural area		100	24	IA/II
Heritage river		100	17	See note 7
Natural catchment area		100	26	No

[†]For an explanation of full and partial implementation under the Crown Land (Reserves) Act, see page 48 of the discussion paper.

*Denotes categories that have been analysed subsequent to the publication of the discussion paper in August 2016.

1. Only recommendations in the Angahook-Otway, Ballarat, Corangamite, and River Red Gum Forests investigation areas were assessed for bushland areas. This sub-category has an estimated 1,150 land units (5,140 parcels and 48,850 hectares). The areas assessed represent 11 per cent of the total number of bushland areas across the state.
2. There is only one land unit in this sub-category. The majority of previously recommended River Murray Reserve was reviewed in the River Red Gum Forests investigation. This category now only remains upstream of Lake Hume. Downstream of Lake Hume, most of the previous River Murray Reserve has become River Murray Park.
3. Only recommendations in the Angahook-Otway, Ballarat, Corangamite, and River Red Gum Forests investigation areas were assessed for streamside areas. The areas assessed represent 20 per cent of the total number of streamside areas across the state.
4. The four investigation areas assessed for this sub-category in the discussion paper (Ballarat, Gippsland Lakes Hinterland, River Red Gum Forests, and Wimmera) showed 69 per cent implementation for 94 land units. The figure of 80 per cent in this table refers to all 229 land units across Victoria.
5. State forest was assessed on a hectare basis as parcels are poorly defined.
6. Only recommendations in the Ballarat investigation area were assessed for stone reserves as a pilot study into the implementation of this sub-category.
7. Protected area status for heritage rivers depends on the underlying land status.

Final recommendations

This section of the final report provides Council's final recommendations and the reasons for those recommendations.

3.1 Addressing the terms of reference

The first specific topic in the terms of reference required an assessment of the current system of public land use categories that has been established as a result of the recommendations of VEAC and its predecessors. As requested, VEAC reviewed Victoria's public land classification, including identification and evaluation of approaches adopted in other jurisdictions nationally and internationally, and provided options for changing or consolidating the existing categories. The review was submitted to the Minister as an interim report in 2015 and a summary was included in the discussion paper in 2016 for public comment. The draft proposals paper included draft recommendations on a revised system of public land categories.

The second topic in the terms of reference required an assessment of the current reservation status of public land, including areas where land use has changed since government accepted a recommendation. Within the context of the broad purpose of the investigation, VEAC addressed this topic by providing an assessment of progress in formally implementing—usually through land reservation—government-accepted recommendations of the LCC, ECC and VEAC, and noting which recommendations or areas may require review.

The assessment of reservation status is a labour-intensive and time-consuming task which continued following the release of the discussion paper and the draft proposals paper, with additional information provided in a supplement to the discussion paper and summarised in section 2.3 of this final report.

The third topic in the terms of reference is an inventory of the types of values on public land. Within the context of the broad purpose of the investigation, VEAC has taken the opportunity to provide a comprehensive stocktake of the values on public land, as this information is otherwise dispersed and not readily available. While Council recognises that there are strong inter-relationships between types of values, for the purposes of the investigation the values were organised into the following groups: natural values, cultural heritage, recreation and tourism, resource uses, and utilities and government services. Additional and updated information is provided in a supplement to the discussion paper published together with this final report.

3.2 Key findings from the assessment of public land

Key points from the assessment were provided at relevant places in the discussion paper. The findings that provide the basis for the final recommendations are summarised below and discussed in more detail in sections 3.3.2 to 3.3.9 prior to the relevant recommendation. The feedback from public consultation on the draft recommendations is summarised in section 2.2.2 of this report.

3.2.1 Public land classification

The review of public land classification in Australian and selected international jurisdictions reveals a wide range of schemes and little consistency in categories or nomenclature, reflecting the varied histories of decision making about public land and different legal and governance frameworks.

Protected areas—areas set aside for the long-term conservation of nature—have received more attention globally and nationally, and categorisation is more consistent for this subset of public land, often aligned to seven IUCN protected area management categories.

Victoria's current system has evolved from a set of simplified public land use categories developed by the LCC from 1988 to 1993, based on the recommended use or purpose of the land. There have been major changes in perceptions about public land and its use and management since then.

Victoria's current system of public land use categories is not particularly complex in a national and international context, and is simpler than many. There are currently 18 primary terrestrial public land categories, four marine categories, six public land overlays, and some 30 sub-categories.

A strength of the Victorian system is that, unlike most jurisdictions, all public land (parks, forests, Crown land reserves) has been systematically reviewed and assigned to a land category. A weakness of the system is that it is not completely aligned with the legislation reserving land, and some categories are not well understood or are confusing to the public.

3.2.2 Current reservation status of public land

The assessment of reservation status has found that the level of implementation (through formal reservation) of government-accepted LCC/ECC/VEAC public land use recommendations varies according to the public land use category or overlay.

A substantially higher proportion of recommendations over public land making up Victoria's protected area system are implemented than for other public land use categories. All recommendations accepted by government for national,

state and wilderness parks, marine national parks and marine sanctuaries have been implemented. Three quarters of recommendations for nature conservation reserves have been implemented. Implementation of some of the six multiple-use marine protected areas is incomplete, particularly in relation to the coastal components. Almost all recommendations for public land use overlay categories (reference area, wilderness zone, remote and natural area, heritage river, natural catchment area) have been implemented (94 to 100 per cent).

All government-accepted recommendations for alpine resorts have been implemented. Assessment of recommendations for other public land categories (regional parks, state forest, wildlife areas, historic and cultural features reserves) indicate between approximately 40 and 80 per cent are implemented.

State forest has not been implemented as a unified land category similar to 'reserved forest' under the Forests Act, as the LCC recommended more than 30 years ago. Similar licensed activities in state forests are still administered under two different Acts - either the Forests Act or the *Land Act 1958*.

The legislative mechanism for reservation is a major influence on the level of implementation. A much higher proportion of accepted recommendations for land reserved under the *National Parks Act 1975*, or other specific legislation such as the *Heritage Rivers Act 1992*, are implemented than are recommendations for land reserved under either the *Crown Land (Reserves) Act 1978* or the *Forests Act 1958*.

The additional assessment carried out since publication of the discussion paper confirms the previous finding that the level of implementation of government-accepted recommendations varies according to the legislative mechanism for reservation. However, some sub-categories of natural features reserve show a different pattern. Wildlife areas are 80 per cent implemented and lake reserves are 76 per cent implemented.

Barriers to formally implementing government-accepted recommendations include insufficient resourcing, which includes staff time and expertise as well as appropriate, thorough and reliable tools to support work flows. There is a range of well-known deficiencies in the information systems for Crown land that require urgent attention. In addition, several features of the Crown Land (Reserves) Act are also slowing down the reservation of land under that Act in accordance with the government-accepted recommendations.

3.2.3 Values of public land

As described above, for the purposes of the discussion paper the description of the values of public land was organised into the following groups: biodiversity, cultural heritage, recreation and tourism, resource uses, and utilities and government services.

Additional information on the following values is provided in the supplement to the discussion paper published separately to this final report to ensure that the inventory of the types of values on public land is more comprehensive::

- ✦ total shortfall in under-represented EVCs
- ✦ species diversity
- ✦ habitat for native species
- ✦ rainforest
- ✦ old-growth forest
- ✦ aquatic ecosystems
- ✦ wilderness
- ✦ caves
- ✦ geological and geomorphological features
- ✦ mineral springs
- ✦ scenic landscapes
- ✦ scientific research and education
- ✦ maritime cultural heritage

In addition, a fuller explanation of Traditional Owner rights and interests in public land is included in the supplement.

The discussion paper discussed natural values in terms of terrestrial biodiversity, marine biodiversity, ecosystem services and climate change.

Terrestrial biodiversity

VEAC conducted new analyses to describe the contribution of Victoria's public land to protection of terrestrial biodiversity, using the most recent imagery and spatial modelling. Statewide and bioregional extent of native vegetation and ecological communities were explored, a new analysis was made of the representativeness of Victoria's protected area system, and integrated biodiversity values (including threatened species) were assessed.

Native vegetation supports nearly all Victoria's terrestrial biodiversity and is therefore a key indicator of the spatial occurrence of biodiversity. The Department of Environment, Land, Water and Planning (DELWP) and its predecessors have been developing and refining maps of native vegetation extent for many years. For this investigation, native vegetation extent is based on the 2010 modelled extent, modified to include 2015 modelling of grasslands and wetlands to produce the most reliable current understanding of the extent of native vegetation.

Native vegetation is the key indicator of the overall state of terrestrial biodiversity. Some 45 per cent (11.2 million hectares) remains of Victoria's original coverage of native vegetation. Although public land accounts for only 40 per cent of Victoria's land area, it supports 70 per cent of its remaining native vegetation. The vast majority (92 per cent) of native vegetation on public land consists of native trees, which occur primarily in large, contiguous blocks in the east and north west of the state.

Through the Convention on Biological Diversity the Australian and Victorian governments are committed to establishing a representative protected area system. For terrestrial areas, this is largely achieved through the National Reserve System (NRS). The NRS is a formally-recognised, national network of protected areas which cover terrestrial and inland freshwater ecosystems. It is complemented in marine environments by the National Representative System of Marine Protected Areas (NRSMPA).

Ecological vegetation classes (EVCs) are the standard unit for describing native vegetation types in Victoria and have been used as surrogates for ecological communities for many years.

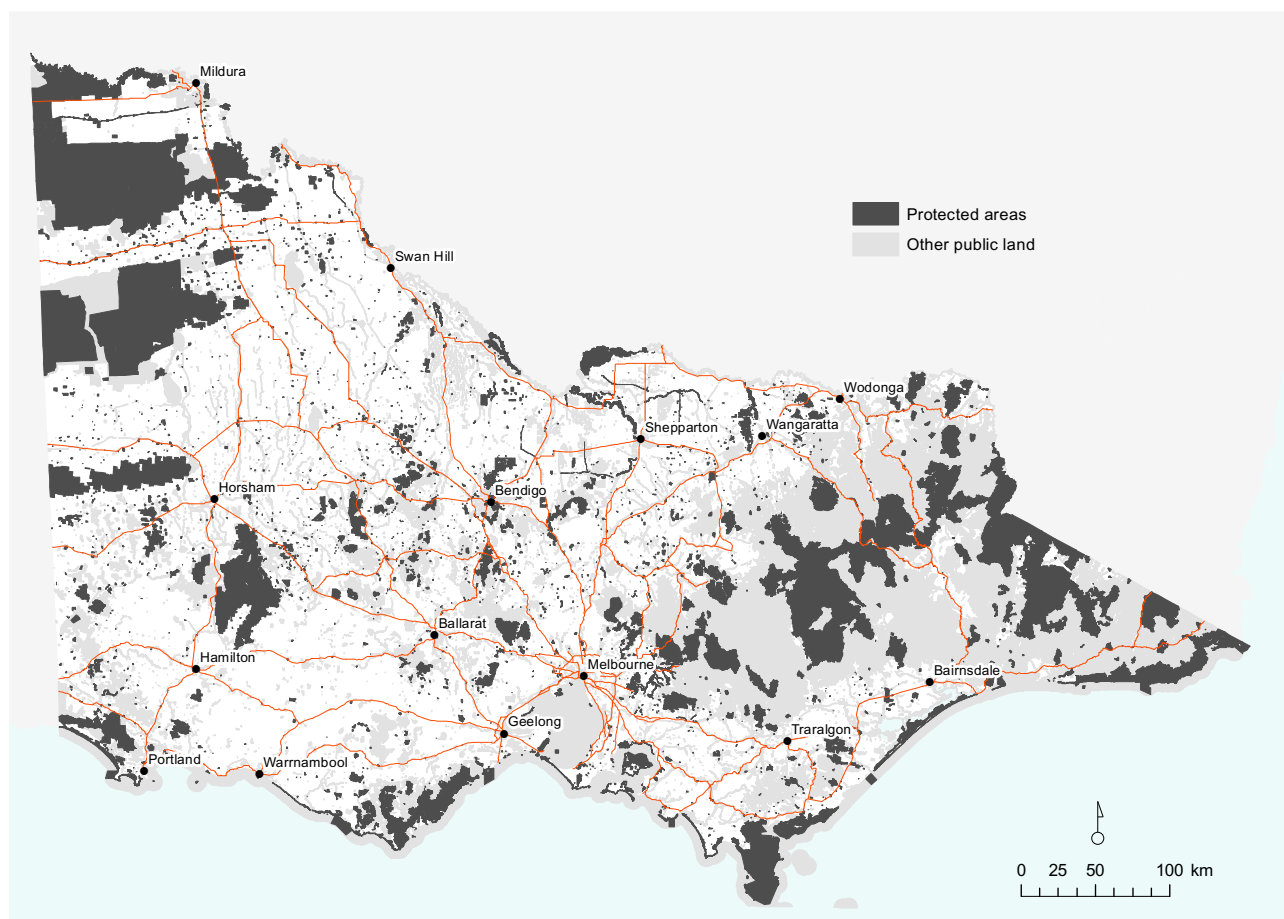
The NRS and the NRSMPA processes incorporate the broad requirement for a comprehensive, adequate and representative protected area system. This is commonly referred to as the 'CAR' system. The CAR criteria set targets at the ecosystem level for terrestrial areas in Victoria.

Several national targets have been set in agreements between the Commonwealth and state/territory governments to help establish a comprehensive, adequate and representative terrestrial reserve system. The first of these were developed in 1996 for forests, and are widely known as the JANIS criteria. These are currently under review to align with Aichi Biodiversity Targets, adopted in 2010 at the tenth meeting of signatories to the Convention on Biological Diversity. The analyses described in the discussion paper are based on the numerical JANIS targets.

The distribution of Victoria's protected areas can be seen in figure 3.1.

There are several measures that could be used to assess which bioregions have the poorest representation of EVCs in protected areas, i.e. those that would generally be high priorities to improve representativeness. One simple characterisation is to identify the bioregional EVCs that require the largest areas to be added to the protected area network to meet their respective targets.

Figure 3.1
Protected area system in Victoria



A more effective approach however is to identify parts of Victoria where there is a concentration of poorly represented EVCs with sufficient occurrence on public land outside current protected areas to substantially improve representation. These regions would then require a more detailed assessment incorporating the full range of public land values, socio-economic considerations and community views.

There are three regions of Victoria where under-represented EVCs form a distinct cluster: South West Victoria, Strzelecki Ranges, Gippsland Plains and Central Victorian Uplands.

Based on a comprehensive analysis of biodiversity values across Victoria (NaturePrint), VEAC has produced strategic biodiversity values maps and analysed strategic biodiversity values for protected areas, other public land and private land (see section 5.1.2 in the discussion paper). These analyses indicate that the highest values are on public land. For example, although public land covers only 40 per cent of Victoria's land area, it accounts for over 70 per cent of the areas in the highest biodiversity values category. Moreover, the protected area system supports 40 per cent of Victoria's highest biodiversity value areas on less than 20 per cent of Victoria's land.

Marine biodiversity

Victoria's marine waters cover more than 10,000 square kilometres, extending three nautical miles from the coastline. Knowledge of Victoria's marine biodiversity has continued to improve since 1991 when the LCC began its Marine and Coastal Special Investigation. Since the investigation was completed by the ECC in 2000, additional valuable data have been collected and progress is being made on a standardised scheme for habitat classification analogous to Victoria's EVCs for terrestrial biodiversity. These will substantially improve the ability to assess Victoria's current system of marine protected areas against the CAR criteria.

The 24 areas recommended by the ECC as marine national parks and marine sanctuaries were implemented in 2002 with several significant boundary amendments.

VEAC's assessment of Victoria's existing marine protected areas for its recent Marine Investigation (completed in 2014) was limited by the wording of its terms of reference to an assessment of their performance in meeting the purposes for which they were established, and any ongoing threats and challenges to their effective management. The assessment did not explicitly address CAR criteria.

However, it is evident from preliminary assessments based on available information that the existing system of no-take marine protected areas has some gaps in representation, and individual marine protected areas may not meet the adequacy criterion.

Many strategies and reports have drawn attention to the absence of, and the need for, an integrated approach to management of the state's marine waters (see page 79 of the discussion paper).

Cultural heritage

Public land often has especially well preserved tangible Aboriginal heritage, as well as broad Aboriginal cultural landscapes with rich intangible heritage. Many sites on public land have shared cultural heritage values—they are highly significant to Traditional Owners and also for non-Aboriginal heritage.

Not all Aboriginal cultural heritage sites are known. Some sites may be in mountainous areas or covered in thick vegetation, which could be revealed if the landscape is altered by events such as bushfires, landslides, erosion or coastal dune processes. Identification and documentation of Aboriginal cultural heritage sites and objects is important for future management as well as to ensure their protection.

Sites of non-Aboriginal history listed on the Victorian Heritage Register for public land include sites relating to forestry, law enforcement, maritime industry, mining, monuments, parks and gardens, public utility, transport and water supply. VEAC completed an investigation into historic places on public land in August 2016.



Traditional Owner rights and interests in public land

Traditional Owners assert economic and other resource rights with respect to land and waters through traditional laws, customs and practices. These rights are formally executed through determinations made by the Federal Court under the *Native Title Act 1993* (Cth) (NT Act) and agreements in the State of Victoria under the *Traditional Owner Settlement Act 2010* (Vic) (TOS Act). In November 2016, the Victorian government strengthened Traditional Owner's rights to access Crown land and natural resources for cultural, social and economic reasons. Cultural heritage rights are recognised and protected under the *Aboriginal Heritage Act 2006* (Vic) (amended in 2016).

Today, Traditional Owner groups seek increased economic participation through their active management of cultural and natural assets, as well as through tourism and trading.

The Traditional Owner Settlement Act allows for:

- ✦ Natural Resource Agreements, which recognise rights to take and use resources and to be involved in the management of land
- ✦ the legal right to enter into Land Agreements which provide for grants of land in freehold title for cultural and economic purposes.
- ✦ Aboriginal Title to be jointly managed in partnership with the State.

Rights to fishing, hunting and camping are all legally recognised through the NT Act and TOS Act. Traditional Owners do not intend to restrict the public's access to parks and reserves, but to access and use natural resources for economic purposes and to fulfil cultural obligations. Alongside the broader public's rights to access and enjoy parks, reserves and other public lands, Traditional Owners' access, management and use of natural resources for cultural, social and economic purposes provides substantial benefits to all Victorians and the living heritage of Victoria.

The Victorian government currently has agreements with five Traditional Owner groups. Aboriginal title has been granted over 16 parks and reserves (more than 90,000 hectares) in two agreements—with the Gunaikurnai and the Dja Dja Wurrung. Agreements granting Aboriginal title for parks and reserves to other Traditional Owner groups are likely in the future.

Recreation and tourism

Most public land is generally available for outdoor recreation, although all recreational activities are not suitable for every site. Recreational activities vary in intensity, and settings on public land range from remote to intensively developed. Almost all public land is also available for education in broad terms, with formal environmental education provided for in a small number of areas.

Research indicates that most Victorians regularly participate in a variety of outdoor activities on public land, with high levels of visitation to local parks, coasts, and rivers and waterways. Research also shows that many people value simply knowing that natural places exist, whether they choose to experience them directly or not.

Many areas of public land in or near residential areas are reserved for sports and organised recreation, such as golf courses, racecourses, rifle ranges, showgrounds and sportsgrounds. Public land and their associated facilities which are heavily used by the community in cities and towns include public parks and gardens, and public buildings such as public halls, tourist advice, community centres, galleries, museums, exhibition centres and libraries.

There is significant hunting (deer, native ducks, native quail and pest animals) on public land in Victoria, while Victoria's marine, state and inland waters provide extensive and diverse opportunities for approximately 800,000 recreational fishers. Another recreational resource use of public land is fossicking or prospecting for minerals such as gold and gemstones.

In 2013–14, tourism was estimated to be worth more than \$20 billion to the Victorian economy. Public land is the basis for most nature-based tourism in Victoria.

Resource uses, utilities and government services

Public land provides many valuable natural resources, both renewable and non-renewable, which are important to the Victorian economy.

Industry sectors important to the Victorian economy which rely on extraction of natural resources include timber, fisheries, water, minerals and petroleum, other earth resources (rock, gravel, sand), non-timber forest products (seeds, eucalyptus oils), apiculture, and renewable energy.

Some resource uses, for example, carbon sequestration, unconventional gas and renewable energy were unknown or in their infancy at the time of the LCC's 1988 statewide review. As a use of public land, carbon sequestration (the capture and long-term storage of carbon dioxide) was not envisaged in the LCC's 1988 report. A new feature of the minerals and petroleum sector in Australia since 1988 is the development of unconventional gas—coal seam, shale and tight gas.

Other resource uses have declined since that time. For example, the amount of native forest on public land available for timber harvesting has declined considerably, and the designation of public land for plantations has declined as a result of the privatisation of softwood and hardwood plantations in the 1990s. The designation of public land for brown coal production has declined since the privatisation of the government-owned electricity monopoly in the 1990s.

Public land is also used for many purposes generally managed through licences (which provide non-exclusive use over an area or provide for commercial or non-commercial activity) or leases (which grant an exclusive right to occupy a defined area of land). Some 45,540 licences and leases are on issue. Licences and leases for unused roads, water frontage and apiary-related uses are the most numerous. Other licences and leases include plantation leases, stratum leases (for air above land and land beneath the surface), pipeline licences, radio, television and telecommunication site licences/ leases, and a variety of commercial, industrial and business-related licences and leases.

Public land supports Infrastructure and facilities associated with public utilities and essential services such as transport, energy, water and sewerage, telecommunications and government services (health, education, justice, cemeteries and government administration).

A total of about 660,000 hectares of public land is categorised as services and utilities area, including more than 600,000 hectares of road reserves (7 per cent of terrestrial public land). Linear road and rail reserves have significant biodiversity values and reserves and make a major contribution to ecological connectivity. Land used primarily for utilities and services often have significant secondary uses, particularly nature conservation and recreation.

3.3 Final recommendations

3.3.1 Overview

In making its final recommendations, Council has taken into account the findings of the assessment of public land documented in the discussion paper and information, advice and input from consultation on the draft proposals paper.

In addition, the recommendations that the Council is making in this final report are intended to address some of the pressures and challenges facing public land into the future. These include climate change, fragmentation and deterioration of native vegetation, the demands of Victoria's increasing population for available public land, changing community expectations, and the limited resources available to public land managers to deal with an ever-widening range of responsibilities.

Table 3.1 is a summary of the changes made to the draft recommendations following consultation on the draft proposals paper. Details are provided with the relevant recommendations in sections 3.3.2 to 3.3.9. The final recommendations have been reorganised from those presented in the draft proposals paper, taking into account input from public and agency consultation, into the following eight groups:

- ✦ public land classification
- ✦ reform of land legislation
- ✦ improving management effectiveness
- ✦ addressing the backlog of implementation of government-accepted recommendations
- ✦ protecting the rights and interests of Traditional Owners and native title holders
- ✦ priorities for further assessment or review
- ✦ supporting community-based committees of management
- ✦ public information.

The following sections 3.3.2 to 3.3.9 present a total of 30 recommendations in the above eight groups.

Table 3.1

Summary of changes to recommendations since the draft proposals paper

Final recommendation (summarised)	Draft recommendation	Changes
Public land classification		
R1 Revised public land categories be incorporated in legislation	R1	Some changes to categories in response to consultation; description and purpose added to table
R2 Consequential Wildlife Act amendments to remove requirement for further classification	R4	No change
R3 Align 1300 historical Crown land reservation purposes	R3(b)	No change
R4 State forest to be administered under one Act	R6	Minor rewording to address stakeholder questions and comments
Reform of land legislation		
R5 Expanded National Parks Act to include other protected areas	R9	Reworded to address stakeholder questions and comments
R6 New land legislation	R10	Reworded for clarification
R7 Consultation paper as part of legislation reform process	NEW	Addresses stakeholder concerns and reduces risk of unintended consequences
Improving management effectiveness		
R8 Standard regulations	R5	Minor rewording
R9 Remove distinction between permanent and temporary reservation	R3(c)	No change
R10 Reduce complexity and improve consistency associated with leasing and licensing	R3(e)	No change
R11 Provide for further designation of individual reserves	NEW	Responds to issues raised by local government
R12 Ensure agencies managing land can utilise lease and licence provisions	NEW	Responds to issues raised by public authorities
R13 Staged reform of restricted Crown grants and trusts	R3(g)	Reworded for clarification and to respond to concerns about adequate funding
R14 Transfer Crown land forming part of a split reserve to local council at no cost	NEW	Responds to issues raised by public land managers
R15 Crown land information systems consolidated and redeveloped	R16	Responds to concerns about adequate funding
Addressing the backlog of implementation of government-accepted recommendations		
R16 Reserve creation in accordance with accepted recommendation to remove underlying land status	R3(d)	Extended to reservations under Acts other than the Crown Land (Reserves) Act
R17 Minimise field survey and simplify boundary definition	R7	Reworded for clarity
R18 Maintain spatial information on all LCC/ECC/VEAC accepted recommendations	R18	No change

Final recommendation (summarised)	Draft recommendation	Changes
Protecting the rights and interests of Traditional Owners and native title holders		
R19 Ensure implementation of above recommendations (R1–R18) has no effect on current rights and interests of Traditional Owners and native title holders	NEW	Responds to stakeholder concerns
Priorities for further assessment or review		
R20 Assess regions with clusters of endangered EVCs	R11	No change
R21 Review marine environment when habitat classification completed	NEW	Responds to stakeholder proposals
R22 Review coastal reserves	R12, R14	Reworded for clarity and to address comments from consultation
R23 Inventory of rail and road reserves	R14	Recommendation split to improve clarity and to address comments from consultation
R24 Inventory of land along waterways	R14	Recommendation split as above
R25 Inventory of state government-owned freehold land	R15	Reworded in response to stakeholder questions and comments
REMOVED	R13	Responds to stakeholder questions and comments relating to uncertainty about current policy environment (see page 39)
Supporting community-based committees of management		
R26 System of regional coordinators	R19	Reworded to respond to concerns about adequate funding
R27 Provide for committees of management to issue agreed types of low-risk short-term permits	R3(f)	Removes reference to licences and improves clarity in response to stakeholder questions and comments
R28 Remove mandatory three-year limit to appointment terms	R3(h)	Reworded for clarity
Public information		
R29 Appropriate depiction of land with Aboriginal title and/or jointly managed or co-managed	R8	Split from legislated designation of such land in response to stakeholder questions and comments (now also partly addressed in R1)
R30 Web-based spatially referenced information	R17	Reworded to respond to concerns about adequate funding

3.3.2 Public land classification

In recommendation R1, Council is recommending that a rationalised and consolidated system of public land use categories is adopted, 15 (reduced from 18) primary terrestrial categories and four marine categories, and that these revised public land categories and their purposes (or objects) be aligned with the various Acts reserving land. These changes are not intended to change the level of protection or the permitted uses on the public land.

As noted throughout this investigation, Victoria's system of public land use categories is not a particularly complex one in a national and international context but, for historical and other reasons, is not well aligned with legislation. Some categories are not well known or understood or the names are confusing to the public. Another area of confusion is the sub-categories, some of which are better known and understood than the primary category (recreation reserve compared with community use reserve, for example). As well, there is confusion about the hundreds of specifically worded purposes of Crown land reservations and how they relate to the broader categories.

The major changes to the proposed classification since the draft proposals paper are retention of the national heritage park and coastal reserve categories, reconsideration of the names recreation park (now regional park) and natural features reserve (now bushland reserve), and inclusion of the proposed resources reserve in the utilities and government services category. There are some minor rewordings of other category names.

In responding to these comments and concerns and to assist understanding, the table of recommended categories now includes the broad purposes (or objects) of each of the revised categories as well as a description in table 3.2.

The age of the existing classification and legislation is apparent in that neither the rights and interests of Traditional Owners and native title holders nor Aboriginal cultural values are acknowledged in the purposes of existing public land categories, except in terms of protection of 'archaeological' values. Council has recommended explicitly stating that one of the purposes of public land is to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values.

Council agrees with the view expressed by many stakeholders and public land managers that names that are well understood by the public and that link to the landscape need not be changed for change's sake even though the legislation will group them together. For example, coastal park is recommended to be included in the revised 'conservation park' category in legislation but individual parks can retain their current name; forest

park is recommended to be grouped in the revised 'regional park' category but parks can retain their current names. In other cases, such as state park, the existing name of the category is confusing or misleading and Council is not recommending that the name be retained (see box 3.1). It is understood that these changes will take some time to implement on the ground. Inevitably there will be perceptions that a name change from state park to national park is a change in status even though they are currently managed for the same purposes, and there may be some concerns that permitted uses have changed. Name changes should be accompanied by a community information program to ensure that concerns and misperceptions are minimised.

In table 3.2, the Council has indicated clearly where descriptive or local names can be retained. The table also indicates for three revised primary categories where additional specific purposes can be denoted equivalent to the former sub-categories. These are: community use reserves; water frontage, bed and banks; and utilities and government services.

Changes in categorisation and nomenclature do not change the permitted uses and level of protection for land in that category.



Box 3.1

National parks and state parks

Currently, while Victoria's national parks and state parks are listed in different schedules of the National Parks Act, they are managed for the same purposes.

Currently, state parks are often confused with state forest, which has a very different legislated purpose and permitted uses.

The national and state designations probably arose from the U.S. system where the terms reflect the level of government under which they are established, unlike the Victorian situation. The national and state park designations in Victoria are also sometimes mistakenly thought to represent the level of significance of the land or the level of protection. Neither is correct. Although there was an element of significance in the original intent of the LCC in describing the national and state park categories, it has never been reflected in legislation and the distinction has been discarded.



Under the recommended revised public land classification and changes to legislation, all 26 existing state parks will become national parks. This will be a change in name only; no permitted uses will change in any park as a result of this process.

Existing state park signs and information materials are expected to gradually be updated to reflect the new names as they are due for renewal, accompanied by a community information program.

Recommendation

R1

The revised public land use categories and overlays in table 3.2, which forms part of this recommendation, with their corresponding purposes be incorporated in the relevant legislation, replacing existing purposes.

Table 3.2
Revised public land classification (*denotes protected area)

Category and description	Purpose (or object)
Terrestrial	
<p>*1. National park</p> <p>Extensive area or areas often with national significance with outstanding natural values and diverse land types contributing to representativeness of parks and reserves in the state</p> <p>Includes national park, state park, wilderness park (see note 1)</p>	<p>To permanently protect the natural environment and natural biodiversity along with underlying ecological structure and supporting environmental processes</p> <p>to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values</p> <p>to protect historic sites and values</p> <p>to provide for ecologically sustainable scientific, educational, inspirational, recreational and visitor opportunities consistent with conserving those values</p>
<p>*2. Conservation park</p> <p>Land often linear in shape with natural features, flora and fauna of landscape or conservation significance</p> <p>Includes many National Parks Act Schedule 3 'other parks' such as coastal park (see note 2)</p>	<p>To permanently protect and restore the natural environment and natural biodiversity</p> <p>to protect features of natural, cultural or scientific interest</p> <p>to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values</p> <p>to enable public recreational and educational use consistent with conserving those values and features</p>
<p>*3. National heritage park</p> <p>Landscapes with outstanding cultural and natural values</p>	<p>To protect the shared Aboriginal and historic cultural values of the landscape and the associated natural environmental and biodiversity values</p> <p>to recognise and protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values</p> <p>to provide for scientific, educational, inspirational, recreational and visitor opportunities consistent with conserving those values</p>
<p>4. Regional park</p> <p>Extensive areas of natural or semi-natural land close to population centres or major tourist routes or easily accessible</p> <p>Includes most parks in schedule 3 of the National Parks Act not included in conservation park above, and regional, metropolitan and forest parks (see note 3)</p>	<p>To provide opportunities for informal recreation for large numbers of people associated with the enjoyment of natural or semi-natural surroundings or semi-natural open space</p> <p>to protect natural and semi-natural landscapes and scenic values</p> <p>to protect natural biodiversity to the extent consistent with the above</p> <p>to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values</p> <p>to provide for minor resource extraction not incompatible with all of the above, excluding sawlog and pulpwood harvesting</p>

Category and description	Purpose (or object)
<p>*5. Nature reserve</p> <p>An area of land or wetland of particular importance for its significant flora, fauna, natural habitat, geology or geomorphology</p> <p>Includes nature conservation reserve and natural features reserves sub-categories cave, geological and geomorphological features area</p>	<p>To protect significant natural ecosystems, species and/or geodiversity features</p> <p>to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values</p> <p>to provide for low levels of human visitation consistent with strict protection and conservation of those values</p>
<p>*6. Bushland reserve</p> <p>An area of land containing important elements of the natural environment or landscape of habitat or scenic significance</p> <p>Includes natural features reserve sub-categories – bushland area, natural and scenic features area, streamside area</p>	<p>To protect and restore species and habitats including remnant vegetation and areas with value as habitat linkages</p> <p>to protect and maintain scenic features and landscapes</p> <p>to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values</p> <p>to provide for educational and recreational opportunities and controlled low-intensity exploitation of natural resources not incompatible with the above</p>
<p>7. Coastal reserve</p> <p>Generally linear areas of coastal public land (foreshores) adjacent to and sometimes extending a short distance into bays, estuaries and the open coast often with facilities for intensive visitor use (<i>see note 4</i>)</p>	<p>To provide opportunities for informal recreation associated with enjoyment of the coastal environment</p> <p>to protect natural coastal landscapes, ecosystems and cultural features</p> <p>to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values</p> <p>to provide for facilities consistent with the conservation of natural and cultural values</p>
<p>8. Historic reserve</p> <p>An area of land containing important relics or historical associations ranging from large areas with several historic themes to small reserves with one theme</p>	<p>To protect places, features and objects of historic cultural interest</p> <p>to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values</p> <p>to provide for recreation and education associated with appreciation and understanding of the history of the place, feature or object</p> <p>to provide for controlled low-intensity exploitation of natural resources not incompatible with all the above</p>
<p>9. Wildlife and game reserve</p> <p>Areas of significant habitat and conservation values for waterbirds</p> <p>Includes natural features reserve - wildlife area (seasonally available for hunting)</p>	<p>To protect and restore wildlife habitat</p> <p>to provide for sustainable seasonal hunting of game species</p> <p>to protect natural biodiversity, scenic and landscape values, and cultural values</p> <p>to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values</p> <p>to provide opportunities for public recreational and educational uses where this does not conflict with the above</p>
<p>10. State forest</p> <p>Extensive areas of land supporting native forest and other native vegetation with a range of diverse conservation and recreational values, and containing a range of resources to supply community demands</p>	<p>To provide for ecologically sustainable production of hardwood timber and other forest products</p> <p>to supply water and protect catchments and streams</p> <p>to protect natural biodiversity, scenic and landscape values, and historic cultural values</p> <p>to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values</p> <p>and to provide for public recreational and educational uses where this does not conflict with the above</p>

Category and description	Purpose (or object)
<p>11. Water frontage, bed and banks reserve</p> <p>Generally linear area of land adjacent to a waterway or lake, and bed and banks</p> <p>Includes natural features reserve sub-categories stream frontage, bed and banks; lake which can be retained as sub-categories</p>	<p>To protect and restore native vegetation and habitat for native fauna</p> <p>to protect adjoining land from erosion, and provide for flood passage</p> <p>to protect water quality</p> <p>where necessary to provide for the passage of artificial flows of water stored within the catchment or transferred from other catchments</p> <p>to protect scenic and landscape values, and historic cultural values</p> <p>to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values</p> <p>to provide opportunities for public recreational and educational uses (including hunting of game species where appropriate) at a level that does not conflict with the above</p>
<p>12. Water production reserve</p> <p>Land in the catchment of or adjacent to a water supply storage or offtake</p> <p>Includes water production areas, water distribution and drainage areas</p>	<p>To protect water supply and operation of the water supply system</p> <p>to protect and restore habitat for native flora and fauna</p> <p>to protect features of historic interest</p> <p>to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values</p> <p>to provide for appropriate recreational activities and levels of use</p> <p>to provide for flood passage and drainage requirements of adjacent land, where necessary provide for the passage of artificial flows of water stored within the catchment or transferred from other catchments</p> <p>to maintain streams in a stable condition using environmentally sound techniques</p>
<p>13. Alpine resort</p> <p>An area of land designated as an alpine resort under the <i>Alpine Resorts Act 1983</i></p>	<p>To provide for snow-based recreation infrastructure and associated activities</p>
<p>14. Community use reserve</p> <p>Land developed or appropriate for particular community use such as environmental education, organised sports and recreation, campgrounds, rail trails, schools, public halls and other buildings, local parklands and gardens, and libraries</p> <p>Includes community use area (all sub-categories)</p>	<p>To promote appropriate use of the land by the community</p> <p>to provide means of access by the general public where compatible with the above</p> <p>to provide facilities for community use</p> <p>to protect the landscape, the natural environment and features of cultural significance where compatible with the above</p> <p>to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values</p> <p>to provide for a specific use (for example: parkland and garden, recreation, recreation trail, school, public building, environmental education)</p>
<p>15. Utilities and government services reserve</p> <p>Land developed or appropriate for public utilities or government services such as transport infrastructure including roads; electricity and gas installations; communications and survey fixtures; supply of minerals, stone, gravel and sand; hospitals; police stations; water and sewerage services; cemeteries</p> <p>Includes services and utilities area (all sub-categories) and earth resources</p>	<p>To provide for the provision of the public utility or government service</p> <p>to provide for a specific use (for example: road; railway; port; airport; municipal building; hospital; production of stone, gravel or sand; cemeteries and crematoria, etc.)</p>

Category and description	Purpose (or object)
Marine	
16. Marine national park Generally extensive area of intertidal and subtidal land and the waters above it, together with the associated flora and fauna, with outstanding natural values representing the diverse marine environments in the state	To permanently protect the natural environment and natural biodiversity along with underlying ecological structure and supporting environmental processes to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values to provide for ecologically sustainable scientific, educational, inspirational, recreational and visitor opportunities consistent with conserving those values
17. Marine sanctuary Generally small area of intertidal and subtidal land and the waters above it, together with the associated flora and fauna, accessible to the public and with special natural and educational values	To protect the natural environment and natural biodiversity to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values to provide for educational, recreational and visitor opportunities consistent with conserving those values
18. Marine park/marine and coastal park Area of coastal and/or intertidal and subtidal land and the waters above it, together with the associated flora and fauna, of high conservation significance and diverse values for recreation and sustainable resource uses	To protect the natural environment and natural biodiversity to protect coastal landscapes and geodiversity to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values to provide for educational, recreational and visitor opportunities consistent with conserving those values, and ecologically sustainable use of marine resources
19. Coastal waters reserve Area of intertidal and subtidal land and the waters above it within state jurisdiction not otherwise designated for a specific use	To provide for a diverse range of activities that are compatible with long-term sustainable use (see note 5) to provide for the integrated management of Victoria's marine, estuarine and coastal area to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values
Uncategorised public land Land not included in any of the above primary land categories, not well known, requiring assessment or no longer required for a discontinued use Includes residual areas of plantation land not subject to a lease or licence, and revegetation areas	
Overlay	
*Reference area	As in existing legislation
*Wilderness zone	As in existing legislation
*Remote and natural area	As in existing legislation
*Heritage river	As in existing legislation
Natural catchment area	As in existing legislation
Fisheries zone (including aquaculture)	As in existing legislation
Conservation area	(see note 6)

Notes

- 1 Wilderness park: 'wilderness zone' overlay to be maintained and purpose specified separately in legislation as at present and placed over three existing wilderness parks, and 'wilderness' to be retained in name for these parks e.g. Big Desert Wilderness National Park.
- 2 Includes 10 of the 18 National Parks Act Schedule 3 parks (excludes: Beechworth, Steiglitz and Woodlands historic parks; Lake Albacutya, Lysterfield and Tyers parks; the Langwarrin Flora and Fauna Reserve and Haining Farm). Descriptive or current local names can be retained for conservation parks, e.g. Discovery Bay Coastal Park, Nyah-Vinifera Park.
- 3 Descriptive or current local names can be retained e.g. Otway Forest Park, Beechworth Historic Park, Lysterfield Park.
- 4 Coastal reserve is included within but is not the same as 'coastal Crown land' as defined in the Coastal Management Act 1995.
- 5 Government-accepted recommendations R11 and R12 in the ECC's Marine, Coastal and Estuarine Investigation (2000) provides guidance for uses and activities.
- 6 Government-accepted recommendation R5 in VEAC's Yellingbo Investigation (2013). Protected area status dependent on provisions of the legislation under which underlying land is reserved and managed.

Recommendation R2 addresses Council's view that the categorisation of land should take place in the primary Acts reserving land, and should be avoided in other Acts such as the Wildlife Act. Currently the Wildlife Act has provisions for further classification of some Crown land reserves and sets up a confusing parallel system of names, several of which are obsolete. In addition, if the exact wording of the reservation purpose under the Crown Land (Reserves) Act is not used the area cannot be further classified as a wildlife reserve and subcategories under the Wildlife Act. The most well known of these subcategories is State Game Reserve, which VEAC is recommending in recommendation R1 be re-named as Wildlife and Game Reserve to address substantial feedback that the values of these reserves should be recognised in the name in addition to their use for seasonal hunting. Consequential amendments associated with implementation of this recommendation will ensure that the permitted uses and associated regulatory provisions are unchanged

Recommendation

R2 Associated with implementation of recommendation R1, Part II of the Wildlife Act be amended to remove the requirement for further classification of areas reserved under the Crown Land (Reserves) Act.

While the Crown Land (Reserves) Act currently lists 33 purposes for which land may be reserved, these may be used in part or in combination leading to many more potential wordings than this number. In addition there are hundreds of historical wordings of Crown land reserve purposes, dating back to nineteenth-century land reservations, some of which are obsolete. Recommendation R3 is intended to provide a legislative mechanism to match these to recommended public land use categories and purposes when these are legislated, without the need to individually re-reserve areas. It will also address some administrative complexities and inconsistencies that arise when the reservation purpose does not reflect specific wording in legislation relating to, for example, Crown land leases.

Recommendation

R3 The Crown Land (Reserves) Act be amended to align the 1300 or so historical reservation purposes to the purposes of the revised public land use categories through a schedule that replaces them with the purposes of the relevant category.

Amongst other things, recommendation R4 addresses the situation of State forest being currently managed under both the Land Act and the Forests Act, depending on whether or not it is reserved forest or unreserved land. The confusing classification of State forests as protected forest or reserved forest within the Forests Act, and the absence of objectives for management. In various forms this recommendation has been made by VEAC and its predecessors since the 1980s.

Recommendation

R4 The Land Act and the Forests Act be amended to provide for all state forest to be administered under one Act and be reserved under a single land tenure with the provisions currently applying to reserved forest.

3.3.3 Reform of land legislation

Throughout this investigation VEAC heard from many public land managers and stakeholders about the need for Victoria's public land legislation to be rewritten for the 21st century. The benefits are both short and long term, tangible and intangible. VEAC's stocktake of public land presented in the discussion paper for this investigation highlighted the major changes in perceptions about public land and its uses and management since the LCC's 1988 assessment. Victoria's primary land legislation dates from well before this time, and does not reflect contemporary values and challenges. The Land Act in particular is widely considered to be a legacy Act dating from the 19th century and European settlement of the state.

In 2018 it will 60 years since commencement of the current Land Act and Forests Act and 40 years or more for the National Parks Act and the Crown Land (Reserves) Act. While attempts have been made in the last 25 years to rewrite legislation, none have been completed. Meanwhile fine-scale legislative solutions to issues have increased the complexity of the primary legislation and led to inconsistencies, overlaps and gaps, while retention of obsolete provisions confuses practitioners and the community. It is timely now to simplify, strengthen and modernise the legislation in consultation with stakeholders and the broader community. There are also substantial efficiencies for land management and administration to be gained from streamlining legislation and reducing complexity and duplication, including improved compliance frameworks, improved transparency and facilitating community involvement in public land.

Council recognises that reform of primary land legislation is a major resource-intensive task, and has suggested it

be undertaken within a five-year timeframe. Council also now recommends that legislation reform is preceded by a consultation paper that sets out proposed directions and invites stakeholder input. This new recommendation R7 responds to feedback on the draft proposals paper and will assist in identifying and resolving potential unintended consequences.

Council has not made specific recommendations about timing of legislative amendments ahead of the recommended major reform of land legislation in recommendations R5 and R6 but, if opportunities arise in the government's legislation program, some amendments could be undertaken in the short term as outlined in the relevant recommendations to:

- ✦ align the proposed revised categories and purposes to current legislation
- ✦ remove some of the impediments to effective management in the Crown Land (Reserves) Act
- ✦ expedite implementation and reduce the backlog of government-accepted public land use recommendations not formally reserved.

Recommendation

R5 Within five years, the National Parks Act be expanded to include revised categories of national parks, conservation parks, nature reserves, marine protected areas, and other categories and overlays classified as protected areas, to become the National Parks and Conservation Reserves Act.

Recommendation

R6 Within five years, a new public land Act be developed to replace the current Land Act, Crown Land (Reserves) Act and Forests Act.

Note: Provisions in the Forests Act relating to public land management across land tenures such as those relating to fire could be included in the new Act or another suitable Act such as the *Conservation, Forests and Land Act 1987*.

Recommendation

R7 A consultation paper be prepared for public comment as part of the legislation reform process.

3.3.4 Improving management effectiveness

Throughout this investigation the Council received feedback from public land managers, including local government and other committees of management, about various provisions of the land legislation that militate against effective on-ground management. There are many examples of onerous or inconsistent administrative requirements flowing from the legislation that do not necessarily reflect the significance of the values or the potential risks. Land administration and on-ground management is more difficult because information systems for Crown land are no longer fit for purpose and require ongoing attention.

The draft recommendations in the draft proposals paper addressing these issues were generally supported. Council has clarified the intention of some draft recommendations, and addressed some additional issues that were raised by public land managers during consultation in new recommendations R11, R12 and R14.

Council has also noted concerns from local councils and other appointed or delegated land managers – who manage most Crown land reserves – that legislative amendments to simplify processes should not inadvertently dilute the protections that currently apply to Crown land reserves. The usual processes of preparing legislation should ensure that these details are worked through with land managers and key stakeholders.

The Council agrees with some submitters that this investigation has highlighted the lack of resources to support Crown land administration, and that appropriate resourcing and improved training is required.

The absence of regulations to manage land creates issues for visitor management and enforcement. Land managers have emphasised to VEAC that this is particularly important for regulating use of popular visitor sites, whether formal or informal, including camping areas. The absence of regulations is often a result of the areas not being formally reserved. Recommendations R16 and R17 address expediting the reservations of areas subject to government-accepted LCC/ECC/VEAC recommendations.

Recommendation

R8 Standard regulations be developed for groups of public land categories in the revised system, together with amendments to the Crown Land (Reserves) Act that provide a simplified means to revoke any existing regulations when new regulations are made.

The distinction between temporary and permanent Crown land reserves in Victorian legislation is not made in any other Australian jurisdiction, and contributes to the inconsistencies and complexity of reserving and managing Crown land. The provisions that require amending legislation to revoke permanent reserves, but not temporary reserves, lead to arbitrary outcomes unrelated to significance of the values or the potential risks. Council is recommending that a parliamentary role be retained, but linked to specific public land use categories or individual reserves of high significance (see also new recommendation R11).

Recommendation

R9 The Crown Land (Reserves) Act be amended to remove the distinction between temporary and permanent reservation, retaining a parliamentary role for revocations of land in revised categories of nature reserves, bushland reserves, regional parks and coastal reserves.

DELWP advises that there are 30 different leasing, licensing or permit regimes that may be used to provide legal access to and use of Crown land under the four main land Acts. Many regimes reflect historic situations and practices that are no longer relevant today. The Crown Land (Reserves) Act, in particular, has approval and scrutiny provisions that are linked to the reserve purpose in a way that does not necessarily reflect the likely risks to or significance of public land values. As well as being administratively complex for government and applicants, this can lead to perverse management outcomes in which uses are applied to less suitable sites where approvals are less onerous.

As in recommendation R9 for revocation of Crown land reserves, the Council considers that approval and scrutiny processes should be aligned to specific public land use categories or individual reserves of high significance.

Recommendation

R10 The Crown Land (Reserves) Act be amended to reduce the complexity and improve consistency and transparency associated with leasing and licensing by aligning Ministerial approval processes and parliamentary scrutiny to appropriate revised land categories.

While there was general support for aligning approvals and scrutiny processes and revocations to land use categories, Council's attention was drawn to the example of individual reserves classified as community use reserves (e.g. parkland and garden) requiring higher level approval and scrutiny to be retained because of their State significance. This is likely to be required for some Crown land reserves in central and inner Melbourne, for example, and Council is recommending a process be available for this purpose.

Recommendation

R11 In association with implementation of R9 and R10 a process be established to designate a class of reserves into which individual reserves could be nominated that would retain Ministerial, Governor-in Council approvals processes and a parliamentary role if warranted by their state or strategic significance, if they fall in public land categories that would not otherwise have such approvals.

It was brought to Council's attention during the consultation on the draft proposals paper that water authorities may not be able to authorise leasing and licensing tenures over Crown land that they manage. If legal advice confirms that this is the case, Council is recommending it be remedied for consistency and to improve management effectiveness.

Recommendation

R12 Amend the Crown Land (Reserves) Act if required to ensure that agencies appointed to manage land under section 18 of the Act can utilise the lease and licence provisions available to section 14 committees.

As described in the discussion paper, some 40 trusts manage land reserved for a particular public purpose, such as a racecourse or mechanics institute, via a restricted Crown grant. Excluding the trusts created by statute or connected to major institutions, the legal and governance framework for management is outdated and does not conform to contemporary practice and standards (e.g. regarding appointments and reporting.)

These 40 or so trusts can be grouped based on the significance of their assets or income; whether there are trustees and the land is actively used broadly for the same or another use beneficial for the community; and those where the trustees are no longer active – trustees are deceased, the land is vacant or is no longer used for the purpose of the grant.

DELWP has undertaken a preliminary assessment of these trusts but an adequately resourced, dedicated project is required to complete this work due to the associated complex and technical legal issues and probable legislative requirements. Individual assessment is likely to be required for each site, given the variable issues and complexity and degree of involvement of trustees. Priority should be given in the short to medium term to transferring sites where the trustees are deceased to an alternative land management arrangement such as a committee of management; and to identifying trusts which require, for example, investigation of the legal status of the arrangements on the site, including the status of the trustees.

Recommendation

R13 An adequately resourced project be established for the reform of restricted Crown grants, beginning with the transition of trusts managing restricted Crown grants to a modern legal and governance framework including surrender or revocation of the Crown grant and establishment of a Crown land reserve committee of management where appropriate.

During VEAC's consultation for this investigation, there was considerable discussion about transferring reserves that are of only local relevance to local councils. However VEAC also heard from local councils that they are currently reluctant to take on additional land and would be unlikely to be receptive to a direction to assume more land management responsibilities. While the transfer of Crown land to local councils at no cost might provide an incentive to take on reserves, the current government landholding and land transactions policies and guidelines impede this course of action, even in cases where it is seems clear that it is the most sensible outcome.

While the broader issues require more discussion than is possible within the scope of this VEAC investigation, there is an opportunity to improve management in the short term by facilitating the transfer of Crown land to the local council at no cost where the current situation is clearly not optimal for effective management: for example, where ownership of a single reserve is split between the Crown and the local council (see box 3.2).

Recommendation

R14 Where the owners agree, Crown land forming part of a locally managed reserve with ownership split between a local council and the Crown be transferred to the local council at no cost.

There is a range of well-documented deficiencies in the information systems that support Crown land administration and management. One recent review listed no less than seven public land information systems that have been established or evolved in reference to a number of business areas responsible for different aspects of Crown land administration. The result is fragmented, unconnected and unreliable information systems that are at risk of becoming inoperable.

The Council understands that work has begun within DELWP to remedy this situation. Despite this, Council continued to hear concerns from public land managers throughout the public consultation period that there would be insufficient resources to ensure that the process is completed and, equally importantly, ensure ongoing maintenance of newly developed systems.

Modern land administration relies on accurate, up to date mapping and database systems to support planning and decision making. There are few areas that are more critical to effective public land management.

Recommendation

R15 Adequate resources be provided to ensure Crown land information systems are consolidated, modernised, redeveloped and maintained.

Box 3.2 Split reserves

Buln Buln recreation reserve, Baw Baw Shire Council

Largely through historical accident, there are a number of reserves across the state where part of the land belongs to the Crown, and part of it is owned in freehold title by the local council. Many of these reserves are mainly of local interest and relevance, such as recreation reserves.

The legal status of the land is imperceptible to the community who use these reserves on a daily basis. The situation is different for the managers of these 'split reserves,' who are usually the local council or community-based committees of management.

The majority of the Buln Buln recreation reserve for example is held by the Baw Baw Shire Council in freehold title. However, the central third of the oval is Crown land. This means that when the Buln Buln Recreation Reserve Committee of Management wants to upgrade existing facilities or conduct activities, for example, there is an incentive to do so on the council freehold land, as it is administratively simpler. If the committee wants to issue a licence to use the reserve, two separate approvals may need to be granted, one for the Crown land and one for the council freehold land.

For the football and cricket spectators, other challenges arise. Two thirds of spectators are subject to the local council's local laws, while one third are subject to Crown land regulations. Those driving on the gravel track surrounding the oval are also subject to varying legal provisions.



3.3.5 Addressing the backlog of implementation of government-accepted recommendations

As summarised in section 3.2.2 of this report, there is a backlog of formal implementation of government-accepted recommendations for areas reserved under the Crown Land (Reserves) Act, with a number of adverse consequences such as enforcement being compromised because regulations cannot be made.

Council acknowledges that, prior to formal reservation, public land is managed in accordance with the accepted recommendations as far as possible. The absence of formal reservation should therefore not be taken to suggest that the land is not being appropriately managed. However, if an area is not formally reserved the full legislative framework for managing uses is not available, and compliance and enforcement are compromised.

In 1988, the LCC suggested that ways to streamline the process of implementing government-accepted recommendations should be investigated. This has not been done to date in a comprehensive manner.

The administration involved in revoking old and inappropriate permanent reservations is still preventing new reservations from being made, as it was before 1988. Enabling the creation of a new reserve to have the effect of removing the underlying land status would expedite formal implementation of government-accepted recommendations under the Crown Land (Reserves) Act. Extension of this recommendation to enable the establishment of areas under the National Parks Act to have the effect of removing reserved forest would also streamline reservation processes.

Recommendation

R16 Where land is reserved in accordance with a government-accepted LCC/ECC/VEAC recommendation, legislation be amended to provide for the creation of the reserve to have the effect of removing the underlying land status including permanent reservations, government roads and reserved forest.

Recommendation

R17 Office of Surveyor-General Victoria consider ways to minimise field survey and simplify boundary definition and/or preparation of gazettal plans for reserves that are created to implement government-accepted LCC/ECC/VEAC recommendations.

Throughout the investigation, VEAC heard from stakeholders that it was important to continue to monitor and report on the level of implementation of government-accepted recommendations.

VEAC has established and maintains a 1:25,000 scale parcel-based dataset (VEACRECS25) which provides accurate digital mapping of Government-accepted VEAC, ECC, and LCC public land use recommendations for the state. These data, if maintained and periodically formalised, provide a means by which boundaries and public land categories can be quickly and simply clarified, and a way to monitor and report on implementation performance.

Recommendation

R18 Spatial information on all government-accepted LCC/ECC/VEAC public land use recommendations continue to be verified and maintained by VEAC, and their status be periodically formalised and reported.

In this final report, Council has not made specific recommendations about the timing of legislation amendments ahead of the recommended major reform of land legislation. However, if the opportunity arises in the legislation program, Council believes that amendments should be undertaken in the short term to facilitate the formal implementation of government-accepted recommendations or to support more effective management.

3.3.6 Protecting the rights and interests of Traditional Owners and native title holders

Council received feedback from bodies representing Victorian Traditional Owners and native title claimants about their concerns that there are potential unintended consequences of recommendations relating to new or amended legislation affecting classification or reservation of land (e.g. recommendations R1 to R6 and R8 to R9).

Council acknowledges the specific issues raised. These are centred on concerns that new or amended legislation or changes in land status should not adversely impact on rights and interests recognised under existing, or capable of being recognised under future, native title or Traditional Owner Settlement Act outcomes. For example, the changes should not adversely affect Traditional Owner or native title holder rights and interests in accessing and using land or natural resources (including hunting, fishing, gathering, camping rights). Reforms should also not adversely affect the possibility of Aboriginal Title being granted over a particular area, and should not adversely impact Future Act rights or rights afforded by the Land Use Activity Regime. Council notes that land status changes are significant to Traditional Owners and may attract procedural rights under the Land Use Activity regime and Future Act regime.

In order that Council's intentions are clear, a new recommendation is included in this final report that the implementation of recommendations not adversely impact on native title rights and interests, and rights and interests under existing or potential Traditional Owner Settlement Act agreements. Any legislative reform process should include appropriate consultation at both the directions and the drafting stages.

Recommendation

R19 Implementation of recommendations involving new or amended legislation or changes in land status be carried out in a way that does not adversely affect Traditional Owner or native title rights and interests, or impede land being available under Traditional Owner Settlement Act processes.

3.3.7 Priorities for further assessment or review

As described in the discussion paper and summarised in section 3.2.3 above, biodiversity analyses conducted by VEAC for this investigation highlight terrestrial ecological communities that are under-represented in Victoria's protected area system.

There are three regions in Victoria with clusters of under-represented EVCs which also have sufficient occurrence on public land outside current protected areas to substantially improve representation. These regions warrant a more detailed assessment incorporating the full range of public land values, socio-economic considerations and community views.

As described in the discussion paper and in section 3.2.3 of this report when marine habitat classification is complete, it is likely that several of Victoria's marine ecological communities will also be found to be under-represented in Victoria's protected area system. Input from public consultation on the draft proposals paper indicated to the Council that there was a desire to reflect the need for future work in this area in the recommendations.

Recommendation

R20 Public land use in the following Victorian regions with clusters of endangered EVCs be assessed for their potential to improve the representativeness of the protected area system:

- (a) South west region (includes Glenelg Plain, Dundas Tablelands, Wimmera (south), Warrnambool Plain and Victorian Volcanic Plain (west) bioregions)
- (b) Strzelecki Ranges and Gippsland Plains bioregions
- (c) Central Victorian Uplands and adjoining bioregions.

Recommendation

R21 Victoria's marine environment be reviewed for the comprehensiveness, adequacy and representativeness of its marine protected areas when current work on marine habitat mapping and classification is completed and available.

VEAC's analysis and consultation suggest public land areas that are confusing, poorly implemented or where uses, values and community expectations are changing include forests, coastal land outside parks, and linear reserves such as road and rail reserves and water frontages.

The draft proposals paper contained three draft recommendations for future inventories or reviews of different categories of public land: coastal reserves; linear reserves comprising road and rail reserves and riparian land; and state government-owned freehold land (public authority land). These have been clarified and reorganised taking into account feedback on the draft recommendations.

Council notes, in relation to Aboriginal cultural heritage values in any of the proposed inventories, the provisions regarding the Victorian Aboriginal Heritage Register in the *Aboriginal Heritage Act 2006*. These provisions, particularly the access restrictions for sensitive information (especially Ancestral Remains and Secret or Sacred objects), would apply or other options explored, for example, whether the proposed inventories could be linked to the Register.

There has been a decline in the amount of native forest available for timber harvesting in recent decades. Over the same period some forest management functions have moved outside direct departments with VicForests established in 2004. There is less focus on overall forest management at a time when state forests face increasing pressures, e.g. from disturbances such as bushfires, from the demands of a wide range of users, and from changing community expectations. The Council agrees with a view put to it by some public land managers, and endorsed by a number of stakeholders, that there is now a significant gap in the articulation of how State forest is managed for all its values.

The draft proposals paper contained a draft recommendation for a review of values, uses and appropriate land category for State forest where commercial harvesting of sawlogs has ceased. This draft recommendation attracted many comments both in support and opposition. Other submissions were unclear about what was meant, and reminded Council that commercial harvesting has not necessarily ceased in State forests where it is currently not taking place. Since then, in March 2017, the Minister has requested VEAC conduct a Central West Investigation for public land in and around the Wombat, Wellsford, Mount Cole and Pyrenees Range forests. Given this new investigation will examine some of these issues, and the government's ongoing consideration of the eastern Victorian native forests which the Council does not wish to pre-empt, it has not proceeded with the draft recommendation.

Coastal reserves were broadly classified into coastal recreation and coastal protection zones in the Environment Conservation Council's Marine, Coastal and Estuarine Investigation (2000), and the zoning was recommended to be incorporated in the Victorian Coastal Strategy. This work was not carried out as the Victorian Coastal Strategy has since taken a more strategic role.

The potential impacts of climate change on coastal areas include the effects of sea level rise on infrastructure, loss of coastal habitat, and loss of coastal Crown land impacting on recreation opportunities.

Recommendation

- R22** (a) The number and types of coastal reserves be reviewed and an inventory of values and uses of the reserves be developed and maintained to assist planning and decision making
- (b) reserves with high environmental, cultural heritage, social and economic values at risk from the impacts of climate change be identified, as specified in the *Victorian Coastal Strategy 2014*.

VEAC's Remnant Native Vegetation Investigation (2011) found that used and unused road reserves and rail reserves support a significant proportion of native vegetation in Victoria's fragmented landscapes. These linear reserves make a major contribution to ecological connectivity and in some landscapes provide key habitat for many species.

Recommendation

- R23** An inventory of road and rail reserves be developed and significant native vegetation values mapped, as outlined in recommendations R4 and R5 of VEAC's Remnant Native Vegetation Investigation (2011), to assist planning and decision making.

Victoria is fortunate in that most of the frontages of wetlands and permanent streams have been retained as public land and most contain native vegetation. These riparian areas are highly significant in terms of the diversity of plants and animals they support and their contribution to the health of rivers and catchments.

Recommendation

R24 An inventory be compiled for land along waterway frontages, including ownership, management, values and uses to assist planning and decision making.

There is currently no readily available inventory of state government-owned land held in freehold title across the state, although the extent of this land is considerable. Since consultation on the discussion paper and the draft proposals paper in late 2016, Land Use Victoria (LUV) has been established. In relation to the recommended inventory of state government-owned freehold land (recommendation R25), Council is aware that LUV is likely to have a future role in relation to state government land information. While the recommended inventory is proposed to include information on values and uses and thus potentially has a wider scope, implementation of this recommendation needs to be integrated with the work of LUV as it develops. Feedback from public authorities indicates a willingness to work collaboratively to develop and maintain such an inventory.

Recommendation

R25 An inventory of state government-owned freehold land be undertaken to identify distribution and extent, ownership, manager, and values and uses; and a register be compiled and maintained through a collaborative arrangement across government to assist planning and decision making.

3.3.8 Supporting community-based committees

There are approximately 1,200 local community-based (volunteer) committees of management managing 1,500 Crown land reserves (see box 3.3 for more background). Their contribution benefits the community environmentally, socially and economically.

Some volunteer-based committees of management do not have sufficient resources to procure professional assistance with governance and financial issues, accessing grants, developing partnerships, and planning and strategy. Council is aware that local committees of management have a DELWP point of contact who provides as much support as possible within limited resources and other responsibilities. For local committees, their voluntary efforts would benefit greatly from the additional assistance of a dedicated departmental officer, similar to the Landcare regional facilitators model. During the consultation it was suggested that in some places such a regional coordinator could be placed with the local council office or with Parks Victoria depending on the characteristics of the regional area and the location of offices.

Some submitters questioned the apparent conflict of VEAC's draft recommendations with the directions for the proposed Marine and Coastal Act which propose transitioning away from small volunteer committees of management to larger amalgamated committees. However Council's recommendations focus on the 1,000 local category 3 committees across the state, while the direction in the Marine and Coastal Act is for transitioning approximately 20 smaller category 2 committees with more complex management responsibilities and accountabilities. There are no category 3 committees managing coastal Crown land.

Recommendation

R26 Enhanced support for community-based committees of management be provided with additional funding for a system of regional coordinators located in DELWP or other agreed regional agency.

Box 3.3

Committees of management

Committees of management are established under the *Crown Land (Reserves) Act 1978* to 'manage, improve, maintain and control' their reserve on behalf of the Minister for Energy, Environment and Climate Change. The types of reserves committees of management look after include coastal areas, bushland, community halls, historic buildings, sporting grounds, rail trails, parks and gardens.

Committees of management may be volunteer members elected from the community or bodies such as local councils, Gippsland Ports, Phillip Island Nature Parks, water corporations, Working Heritage or Parks Victoria. There are approximately 1,500 Crown land reserves managed by 1,200 local volunteer committees of management. A further 2,800 Crown land reserves are managed by local councils as committees. Some committees receive funding from fees collected for the use of their reserve, including parking, camping and other hiring fees. Other committees have virtually no income to manage their reserve.

Following a Victorian Auditor-General's Office audit of departmental oversight of and support for committees of management in 2013-14, committees are now grouped into one of four categories largely based on the financial return generated from their



reserve and the statewide significance of the reserve. Small (category 3) committees manage local reserves for their community. Large (category 1 and 2) committees manage reserves of regional/statewide significance. Category 2 committees have an annual income or financial reserve in excess of \$250,000 but less than \$1 million. Category 1 committees generate over \$1 million of annual revenue and can report under the *Financial Management Act 1994*.

Category 4 committees are those which are subject to a governance framework separate to the Crown Land (Reserves) Act but remain accountable to the Minister as a manager of Crown land. Examples of these committees are incorporated associations subject to a governance framework under the *Associations Incorporation Reform Act 2012*.

DELWP provides assistance to local (category 3) committees, both through preparing guidance material and other resources and through DELWP regional offices. Local councils often also provide substantial practical and financial support to local committees.

Effective management of activities on local reserves (e.g. recreation reserves and public halls) by volunteer committees of management would be enhanced if committees were able to directly issue low-risk permits. There was a range of opinion expressed about this draft recommendation during public consultation, with concerns raised about potentially inappropriate activities that might fall within a three year licensing regime. Council has amended the wording of the recommendation to focus on activities that would be subject to permit rather than a licence, and considers that DELWP could provide guidelines about the types of low-risk activities that could be managed in this way: for example functions such as weddings and celebrations; markets and similar events; performances; meetings of community groups in public buildings.

Recommendation

R27 Ensure that the Crown Land (Reserves) Act can provide for the issue of agreed types of short-term permits for up to three years directly by local committees of management, for uses that are not inconsistent with the purpose of the reserve, amending the Act if required.

Extending the appointment term of members of volunteer-based committees of management beyond three years where warranted would assist some committees in retaining members and expertise. In addition Council notes that a large part of DELWP's workload for the small local committees relates to three yearly appointment processes.

There was some misunderstanding about VEAC's draft recommendation to remove the three-year limit to appointment terms. VEAC is not proposing legislating for a longer term, simply to provide more flexibility by removing the mandatory three-year term from the Act. It is expected that terms would mostly remain at three years as a matter of practice, and a longer term such as five years only be used in special circumstances. In this context it is noted that currently, about 120 of the 1,200 local committees of management are incorporated associations under the Associations Incorporation Reform Act (see box 3.3), not incorporated under section 14A of the Crown Land (Reserves) Act, and are 'ongoing' with no three yearly recruitment process.

Recommendation

R28 The Crown Land (Reserves) Act be amended to remove the mandatory three year limit to appointment terms for committees of management incorporated under section 14A of the Act.

3.3.9 Public information

In the draft proposals paper, VEAC recommended that land in Aboriginal title and public land under joint management be designated through a legislated 'Aboriginal land' public land overlay.

After further consideration, and given that Aboriginal title is a grant of land in fee simple and therefore not public land, Council has changed its recommendation for a legislated public land overlay. Feedback from public consultation also indicated some different understandings of the term 'joint management'. The intention of the draft recommendation was to recognise the status of relevant parks and reserves as Aboriginal land, and the revised recommendation R29 addresses this intention. Recommendation R1 proposes including a specific purpose 'to protect the rights and interests of Traditional Owners, native title holders and Aboriginal Victorians, and their cultural values' into the legislation establishing the revised system of public land categories.

Recommendation

R29 With the agreement of Traditional Owners and native title holders, parks and reserves with Aboriginal title and/or joint management or co-management arrangements be depicted in public land maps and signage in a way that appropriately recognises the form of ownership and management.

There is public demand for spatial information about the activities that can be undertaken on different areas of public land, and the facilities that are available for visitors. While there are a number of excellent apps available or being developed for specific activities or areas, it is still difficult to obtain accurate up-to-date information across categories of public land in the different forms desired by the public. There is a demand for paper-based map products as well as online information, targeted to the specific information required by different user groups. Many stakeholders commented to VEAC that additional resources are required for development and maintenance of public information material.

Recommendation

R30 A range of paper and web-based spatially referenced information products be developed for the public about activities on public land, and adequate resources be provided to ensure the continued accuracy and currency of the data.

3.4 Future challenges for public land management

While the scope of this statewide assessment of public land has been wide, Council's recommendations have focused on addressing matters that are tractable in the short to medium term. Throughout the investigation however Council has received substantial input reflecting concerns about the long-term management of public land. In particular, submitters and the broader community are concerned about the impacts of climate change on the natural environment, and the implications for use and management of public land. Other longer-term issues raised during the consultation include the pressures imposed on public land by Victoria's growing population.



Changes since the LCC assessment of public land use in 1988

As described in VEAC's discussion paper for this investigation, many changes have occurred in the community's perceptions of public land and its use and management since the LCC conducted the last statewide assessment in 1988.

Most fundamental has been the High Court's landmark 1992 decision overturning the concept of *terra nullius* (that no one owned the lands before European settlement). This resulted in a shift in the relationship between the Victorian government and the Aboriginal people of Victoria in legislation, administration and policy towards a greater recognition of the rights and interests of Traditional Owners to their Country. These rights are now recognised in Victoria in various ways including through determinations under the Native Title Act and the Traditional Owner Settlement Act.

Other significant changes over the past 30 years include:

- ✦ the continuing fragmentation and degradation of Victoria's native vegetation. Only 45 per cent of the original cover of native vegetation remains. Public land accounts for 40 per cent of Victoria but supports 70 per cent of the remaining native vegetation
- ✦ the digital revolution in entertainment, information and mapping has led to profound changes in leisure patterns, public access to information, and the tools for research and land management
- ✦ patterns of resource extraction on public land have changed substantially. The footprint of some industries such as commercial forestry has shrunk on public land. Other industries, such as apiary have expanded. New and emerging industries, such as unconventional gas (see page 22) and the alternative energy sector, offer new opportunities and potential impacts on public land
- ✦ major changes in public administration, including corporatisation and privatisation of utilities, have led to changes to the agencies that manage public land and natural resources.

Future challenges for public land

Over the next 25 to 30 years, the major pressures on public land are likely to come from continuing population growth and the increasing impacts of human-induced climate change.

Victoria is now the fastest growing state in Australia, with the population projected to reach 10.1 million people by 2051. The populations of Melbourne, Ballarat, Bendigo and Geelong are expected to nearly double. Melbourne's western suburbs alone will house an additional 1 million people. As our population continues to grow, increasing demands will be placed on land and water resources. Public land surrounding Melbourne and regional centres will be under particular pressure as growing numbers of people seek to use these areas for an expanding number of recreational pursuits with differing levels of impact.

Scientists agree that Victoria is already experiencing the effects of human-induced climate change. Victoria's temperature has increased across the state since 1950, and average rainfall has decreased in all parts of Victoria.

The Victorian government's *Biodiversity plan 2037*, released in April 2017, highlighted that climate change has brought new and challenging threats to biodiversity. *Victoria's Climate Change Framework* (2016) highlights that climate change science cannot fully predict how species or ecosystems will respond to climate change impacts, so building the resilience of the natural environment is a complex task. Climate change will compound existing challenges facing catchment management, including changes to waterways and wetlands, water flows, fire regimes and pests and diseases. It will also exacerbate other pressures such as land degradation, habitat loss and the impacts of a growing population.

Many treasured places on public land will change with the intensification of climate change. While some Aboriginal cultural heritage sites (e.g. Budj Bim) are threatened by climate change, other previously unknown sites may become exposed. Some plant and animal species may be able to move to adapt to and thrive in new conditions. Those that cannot will decline. Habitats may change shape; some grasslands may turn into shrublands. Alpine habitats, freshwater dependent ecosystems and the marine and coastal environment will be particularly impacted.¹ As plants and animals move around the landscape, corridors and connectivity will increase in importance; the current distribution of public land may no longer offer adequate protection.

New challenges and opportunities for public land management, unimaginable now, will undoubtedly emerge in the next 30 years. The package of recommendations contained in this report respond to changes in the uses and perceptions of public land since 1988 and establish a strong foundation for addressing new challenges.

¹ <http://vicnature2050.org/>

Appendix 1

Submissions received

Organisations	*Period 1	*Period 2
Aboriginal Victoria		●
Anderson Inlet Landcare	●	
Anglesea, Aireys Inlet Society for the Protection of Flora and Fauna (ANGAIR)	●	
Australian Brumby Alliance Inc		●
Australian Paper		●
Barwon Coast Committee of Management Inc.	●	
Bass Coast Shire Council		●
Belfast Coastal Reserve Action Group		●
BirdLife Australia Victoria Group	●	●
Bushwalking Victoria	●	
City of Melbourne		●
Coliban Water		●
Corangamite Shire Council		●
Environment Victoria	●	●
Euroa Environment Group		●
Friends of Banyule	●	
Friends of Somers Foreshore Inc.	●	
Friends of the Koalas		●
Geelong Environment Council	●	●
Glen Eira Environment Group Inc.	●	
Glen Eira Residents Association Inc	●	
Goulburn Broken Catchment Management Authority	●	●
Goulburn-Murray Water		●
Goulburn Valley Environment Group Inc.		●
Gunbower Landcare Inc.	●	
Hamilton Field Naturalists Club	●	●
Institute of Foresters of Australia		●
Kingston Residents Association	●	
Macedon Ranges Shire Council		●
Mansfield Shire Council	●	
Melbourne Water	●	●
Mid-Loddon Sub-Catchment Management Group	●	
Mid-Murray Field Naturalists Inc.	●	
Minerals Council of Australia		●
Mordialloc Beaumaris Conservation League Inc.	●	●
Mount Alexander Shire Council		●
Municipal Association of Victoria		●
Native Title Services Victoria Ltd and the Federation of Victorian Traditional Owner Corporations Ltd		●
Nillumbik Shire Council		●
North East Catchment Management Authority	●	
Parks Victoria		●
Phillip Island Nature Parks		●
Port Phillip Boatshed Association & Mornington Peninsula Beachbox Association Inc		●
Port Phillip Conservation Council Inc	●	
Prospectors and Miners Association of Victoria Inc.	●	
The Public Land Consultancy	●	●
Rubicon Forest Protection Group		●
South Gippsland Shire Council		●

* Period 1 refers to submissions received in response to the Notice of Investigation.

Period 2 refers to submissions received in response to the Discussion Paper or Draft Proposals Paper.

Organisations	*Period 1	*Period 2
South West Anglers Association Inc	●	
Sporting Shooters Association of Australia Victoria Ltd.		●
Strathbogie Ranges Conservation Management Network	●	
Strathbogie Sustainable Forests Group Committee		●
Trust for Nature	●	●
Unnamed, Concerned residents - Wedderburn	●	
Victorian Aboriginal Heritage Council	●	●
Victorian Association of Forest Industries	●	●
Victorian Apiarists' Association Inc.		●
Victorian Caravan Parks Association		●
Victorian Catchment Management Council		●
Victorian Coastal Council	●	
Victorian Farmers Federation	●	●
Victorian National Parks Association	●	●
Warringal Conservation Society	●	
Warrnambool City Council		●
Wellsford Forest Conservation Alliance	●	●
Western Coastal Board	●	
The Wilderness Society Victoria Inc.	●	
Wyndham City Council	●	
Zoos Victoria		●

Individuals	*Period 1	*Period 2
Margaret Blakers	●	
John Cooke	●	
Caroline Copley	●	
Beverley Dick		●
Nina Earl	●	●
James Fitzsimons		●
Lisa Gervasoni		●
Madeline Glynn		●
Ary Hoffmann		●
Chris Hosking	●	●
Leila Huebner		●
Yvonne Ingeme		●
Judith Irvin	●	
David Lindenmayer		●
Russell Lynch	●	
Adam Miller		●
Adrian Marshall		●
Peter Mitchell		●
Geoff Mosley	●	
Nick Pastalatzis		●
Bruce Pingo	●	
Tony Smith	●	●
Norm Stimson	●	
Neil Tucker		●
Clinton Williams		●
Jim Walker	●	
Alison Walpole	●	
John Young		●
Andrew Zappelli		●



