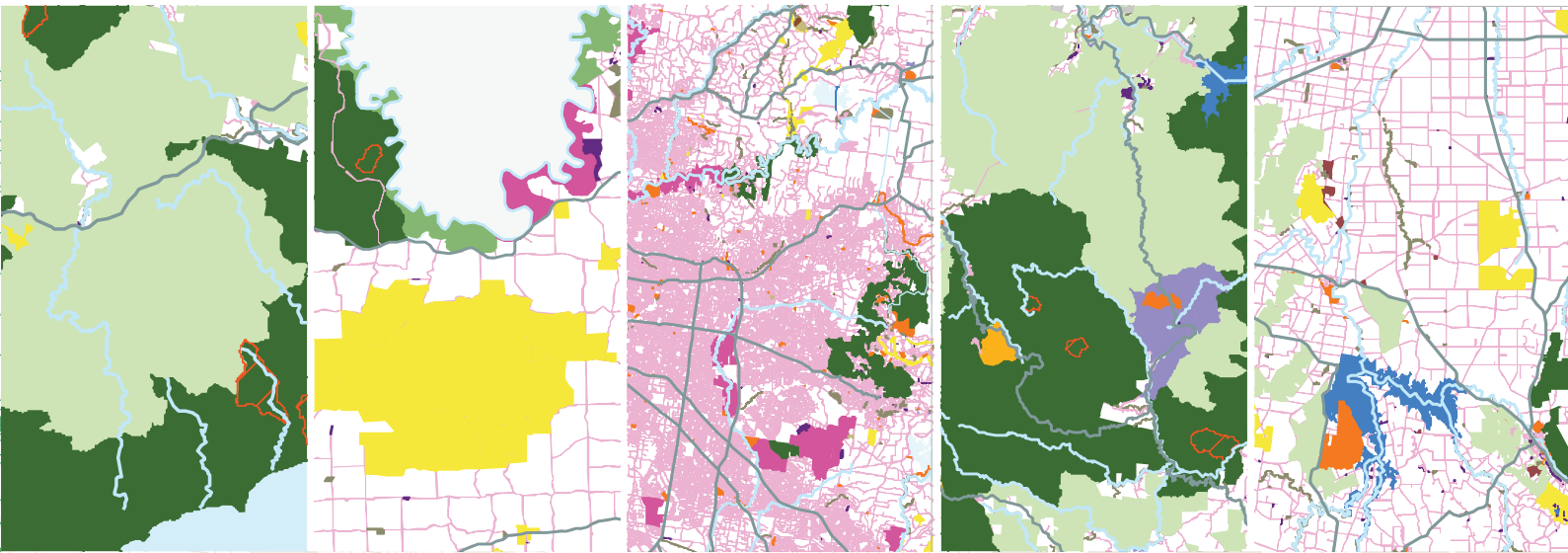


Statewide Assessment of Public Land Draft Proposals Paper

FOR PUBLIC COMMENT



August 2016

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:

Mr Nick Aberle	
Mr Nick Roberts (until April 2016)	Environment Victoria
Mr Michael Coldham	Four Wheel Drive Victoria
Ms Megan Davison	Minerals Council of Australia, Victoria
Mr Alex Green	Municipal Association of Victoria
Mr Daniel Erna	
Mr David Harden (until March 2016)	Native Title Services Victoria
Mr Charles Berger	Outdoors Victoria
Ms Jill Gallagher	Victorian Aboriginal Heritage Council
Mr Ian Cane	Victorian Apiarists Association
Mr Tim Morrissey	
Mr Tim Johnston (until April 2016)	Victorian Association of Forest Industries
Mr Gerald Leach	Victorian Farmers Federation
Mr Russell Costello	Victorian National Parks Association
Mr Barnaby McIlrath	Victorian Planning and Environmental Law Association
Ms Dianne Smith	Victorian Tourism Industry Council

WRITTEN SUBMISSIONS ARE INVITED ON THIS DRAFT PROPOSALS PAPER.

The closing date for submissions is
Monday 7 November 2016.

Please note that VEAC is receiving written submissions on the Discussion Paper for this investigation concurrently with submissions on this Draft Proposals Paper. Your submissions on either or both of these reports are welcome.

You may make an online submission via VEAC's website at www.veac.vic.gov.au or send your written submission by post or by email (see contact details). Only submissions sent directly to VEAC will be treated as submissions.

There is no required format for submissions, except that you must provide your name and your contact details, including an email address if you have one. All submissions will be treated as public documents and will be published on VEAC's website. The name of each submitter will be identified as part of each published submission, but personal contact details will be removed before publishing. Confidential submissions are discouraged. If there are exceptional circumstances that require confidentiality, please contact VEAC before making your submission.

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Foreword



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

The Victorian Environmental Assessment Council (VEAC) is releasing this draft proposals paper for public comment jointly with the discussion paper for the statewide assessment of public land. The discussion paper provides 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. This draft proposals paper presents Council's recommendations for public comment.

The findings of the assessment of public land documented in the discussion paper have been taken into account in the preparation of draft recommendations, together with input from consultation. The recommendations are also intended to address some of the pressures and challenges facing public land into the future.

While Victoria's system of public land use categories is not complex by national and international standards, some categories were found to be confusing or poorly understood. VEAC is recommending some consolidation from 18 to 13 primary categories for terrestrial public land, and an additional public land overlay to denote Aboriginal land. These changes are not intended to change the level of protection or the activities currently permitted to take place on public land.

Some significant reforms to land legislation are recommended to align the purposes of the revised public land use categories with the various Acts reserving land and to remove some of the impediments to effective management of public land. As our predecessor the Land Conservation Council also observed in 1988, the process of implementing government-accepted public land use recommendations through reservation of Crown land needs to be streamlined. Several recommendations are made in this draft proposals paper aimed at expediting reservation and removing the backlog of recommendations not formally implemented.

Council recognises that reform of primary land legislation is a major task and is recommending it be undertaken within a five-year timeframe. In the meantime, some amendments are recommended to be made immediately to align the purposes of revised categories with legislation, facilitate formal implementation of government-accepted land recommendations, and support more effective management.

Through its assessment and consultation, Council has identified several areas of the state or types of public land that are priorities for further assessment or review. These include three regions with the potential to improve the representativeness of Victoria's protected area system, and several types of public land that warrant further attention because of changing uses, values or community perceptions.

Finally, several recommendations are made addressing matters such as improving information systems, public information needs, and supporting community-based committees of management.

The Council hopes that the joint release of these two papers will facilitate the preparation of submissions. An extended period for public comment has been provided to 7 November 2016 to encourage submissions on these papers. The Council looks forward to your input during this consultation period.

Phil Honeywood
Chairperson

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.



Contents

Foreword

1 Introduction	5
1.1 Background to the investigation	5
1.2 Public land in Victoria	6
1.3 Purpose of this draft proposals paper	6
1.4 Terms of reference	7
1.5 Victorian Environmental Assessment Council	8
1.6 The investigation process	9
1.7 Community views and other advice	9
2 Draft recommendations	10
2.1 Addressing the terms of reference	10
2.2 Key findings from the assessment of public land	10
2.2.1 Public land classification	10
2.2.2 Current reservation status of public land	11
2.2.3 Values of public land	11
2.3 Overview of draft recommendations	15
2.4 Public land classification	15
2.5 Legislative reform	17
2.6 Priorities for further assessment or review	19
2.7 Improved information and information systems	21
2.8 Supporting community-based committees of management	21

Introduction

1.1 Background to the investigation

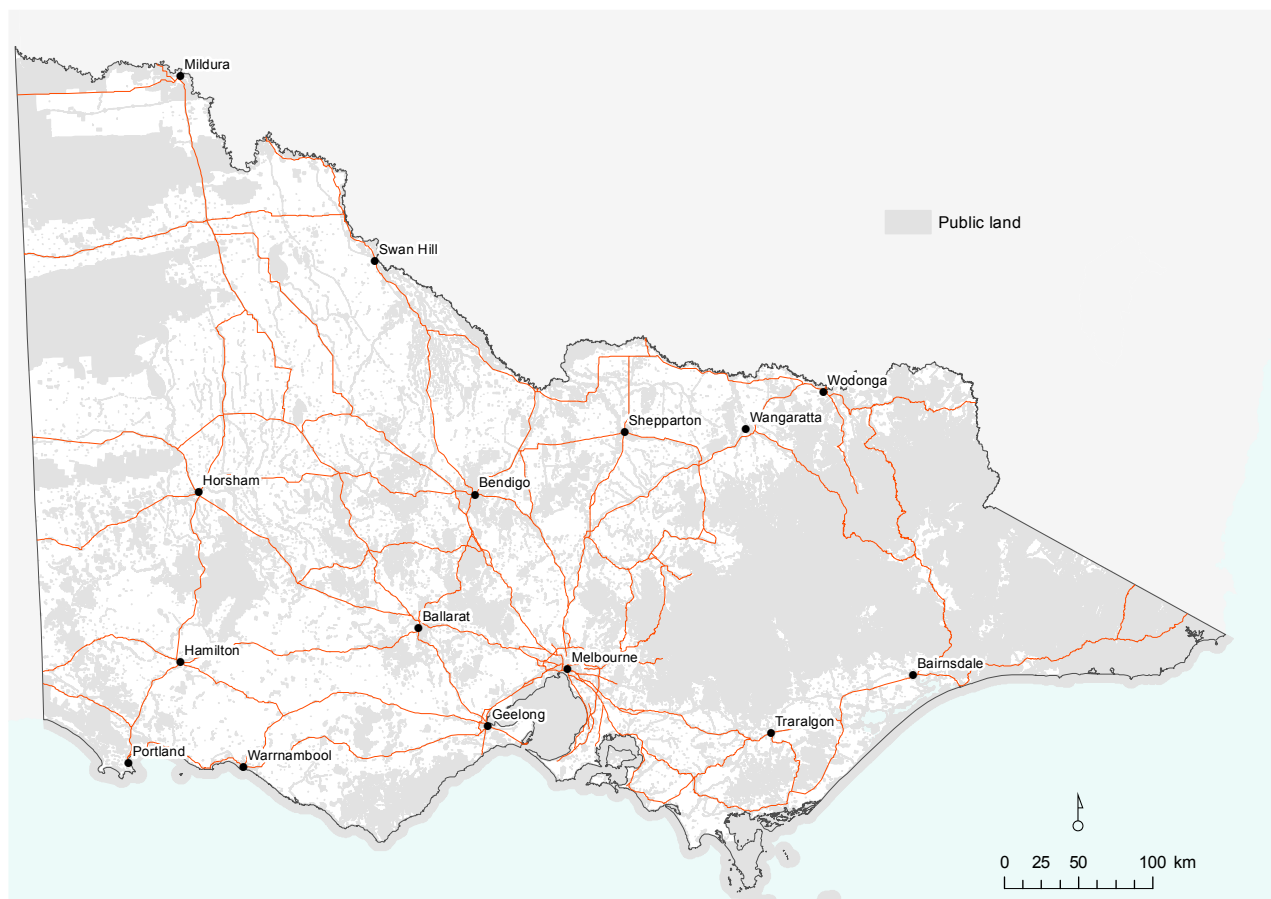
The Land Conservation Council (LCC), established in 1971, and its successors the Environment Conservation Council and the Victorian Environmental Assessment Council (VEAC) were established to carry out studies or investigations on public land throughout Victoria and make recommendations to government 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 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 more than 25 years since that report and it is 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 re-open previous land-use decisions made by successive governments.

Figure 1.1
Public land in Victoria*



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

1.2 Public land in Victoria

Estimates of the total area of Victoria and the area of public land in the state vary from source to source, and all have been recalculated for the purposes of the investigation. 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 39.7 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. Public land, as defined in the VEAC Act, includes all Crown land including marine areas and land held in freehold title by Victorian government entities, but does not include freehold land owned by local councils.

The distribution of Victoria's public land is shown in figure 1.1.

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 *Crown Land (Reserves) Act 1978* and the *National Parks Act 1975*. 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.

Public land with special forms of ownership or other unusual features are described in section 2.4 of the discussion paper and include public authority land under freehold title, Aboriginal title, restricted Crown grant, Crown land under perpetual licence for plantation purposes, subterranean land and submerged land.

1.3 Purpose of this draft proposals paper

The purpose of this draft proposals paper is to present draft recommendations for public comment.

The draft recommendations arise from the assessment of public land documented in the discussion paper for the investigation released concurrently with this draft proposals 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 this investigation specify the preparation of a discussion paper and a draft proposals paper, both of which must 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.

This report was an additional requirement to preparation of the discussion paper and the draft proposals paper. Formal public comment was not 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 have been revised, updated and summarised, and included in the discussion paper. The discussion paper provides background on public land in Victoria and addresses all three specific terms of reference.

1.4 Terms of reference

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 *Victorian Environmental Assessment Council Act 2001* and submitted to the Minister on 16 October 2014. Resources were approved by the 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.

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 February 2017.

1.5 Victorian Environmental Assessment Council

The *Victorian Environmental Assessment Council Act 2001* (VEAC Act) came into effect on 31 December 2001. This Act repealed the *Environment Conservation Council Act 1997* and established the Victorian Environmental Assessment Council (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 (LCC), established in 1971, and the Environment Conservation Council, which replaced the LCC in 1997.

Public land is defined in the VEAC Act and includes Crown land and land owned by state government public authorities. 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 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, policy 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.

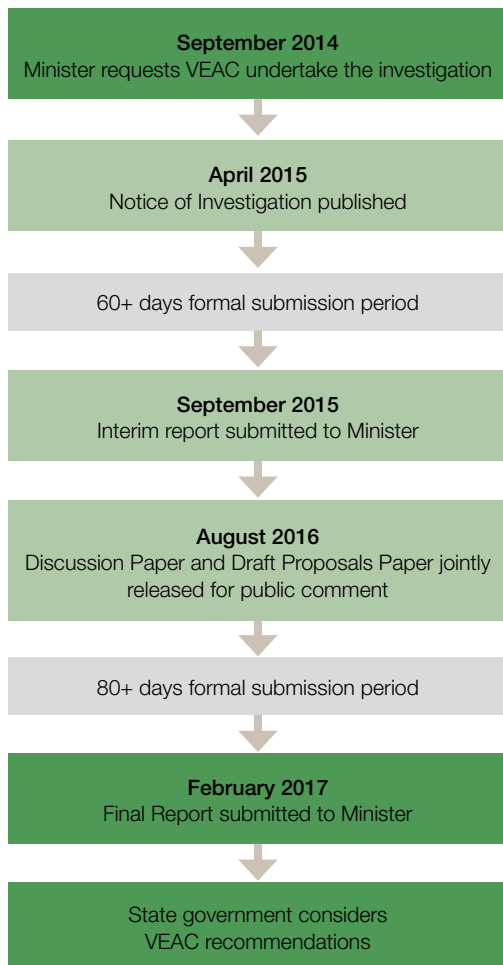
The Council conducts its affairs in accordance with the VEAC Act. In particular, Section 18 specifies that 'Council must have regard to the following considerations in carrying out an investigation and in making recommendations to the Minister—

- 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 Community views and other advice

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).

In addition to the formal submission period, consultation so far has included advice from a Community Reference Group, targeted consultation with local government, as well as meetings and discussions with public land managers across Victoria.

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 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, 13 of which were from individuals and the remainder from organisations including environment groups, community organisations, friends and landcare groups, local government, industry groups, and Victorian government agencies and entities. Submissions can be viewed at www.veac.vic.gov.au.

VEAC established a Community Reference Group (CRG) for this investigation in accordance with section 13 of the VEAC Act. Members of this group represent a broad range of interests related to the investigation. The CRG members are listed on the inside front cover of this report. The CRG has met four times to date during the investigation: in June 2015, August 2015, April 2016 and in June 2016.

VEAC engaged The Public Land Consultancy (TPLC) 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 TPLC report is available from the VEAC website.

Section 1.8 on pages 9-14 in the discussion paper contains a summary of input received from the public, the CRG, public land managers and local councils, organised under the three topics in the terms of reference. This input was taken into account by the Council in the preparation of this draft proposals paper.

Draft recommendations

This section of the draft proposals paper outlines Council's draft recommendations. Chapter 2 of the discussion paper for the Statewide Assessment of Public Land provides background information on Victoria's public land and the role of the Land Conservation Council and its successors since 1971. Chapters 3, 4 and 5 of the discussion paper address the three specific topics in the terms of reference.

2.1 Addressing the terms of reference

The first specific topic in the terms of reference requires 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, the Council has 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. Four options were presented in the interim report in 2015, and these are presented again with some additional explanation in the discussion paper in section 3.5 on page 36.

The second topic in the terms of reference requires 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 has 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 to note which recommendations or areas may require review.

The assessment of reservation status is a labour-intensive and time-consuming task which will continue for the remainder of the investigation, with additional information provided in the 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 are organised into the following groups: natural values, cultural heritage, recreation and tourism, resource uses, and utilities and government services.

2.2 Key findings from the assessment of public land

Key points from the assessment are provided at relevant places in the discussion paper. The findings that provide the basis for the draft recommendations are summarised below and discussed in more detail in sections 2.4 to 2.8 of this report prior to the relevant draft recommendations.

2.2.1 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) 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.

Four options for consolidating or changing the existing public land categories were presented in the interim report and presented again and discussed on pages 36-38 of the discussion paper:

Option 1: Minimal change, improved communication products

Option 2: Simple consolidation and re-categorisation

Option 3: Comprehensive review with clear alignment to legislation

Option 4: Next generation, to address emerging issues in public land management.

The four options include several common elements. The main elements of the options are provided in table 3.4 on pages 37-38 of the discussion paper, including examples of how they might be applied.

2.2.2 Current reservation status of public land

The assessment so far 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 so far of recommendations for other public land categories (regional parks, state forests, wildlife areas, historic and cultural features reserves) indicate between approximately 40 and 70 per cent are implemented.

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*.

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*.

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, a number of 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.

2.2.3 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.

Terrestrial biodiversity

VEAC has 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 are explored, a new analysis is made of the representativeness of Victoria's protected area system, and integrated biodiversity values (including threatened species) are 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 several 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.

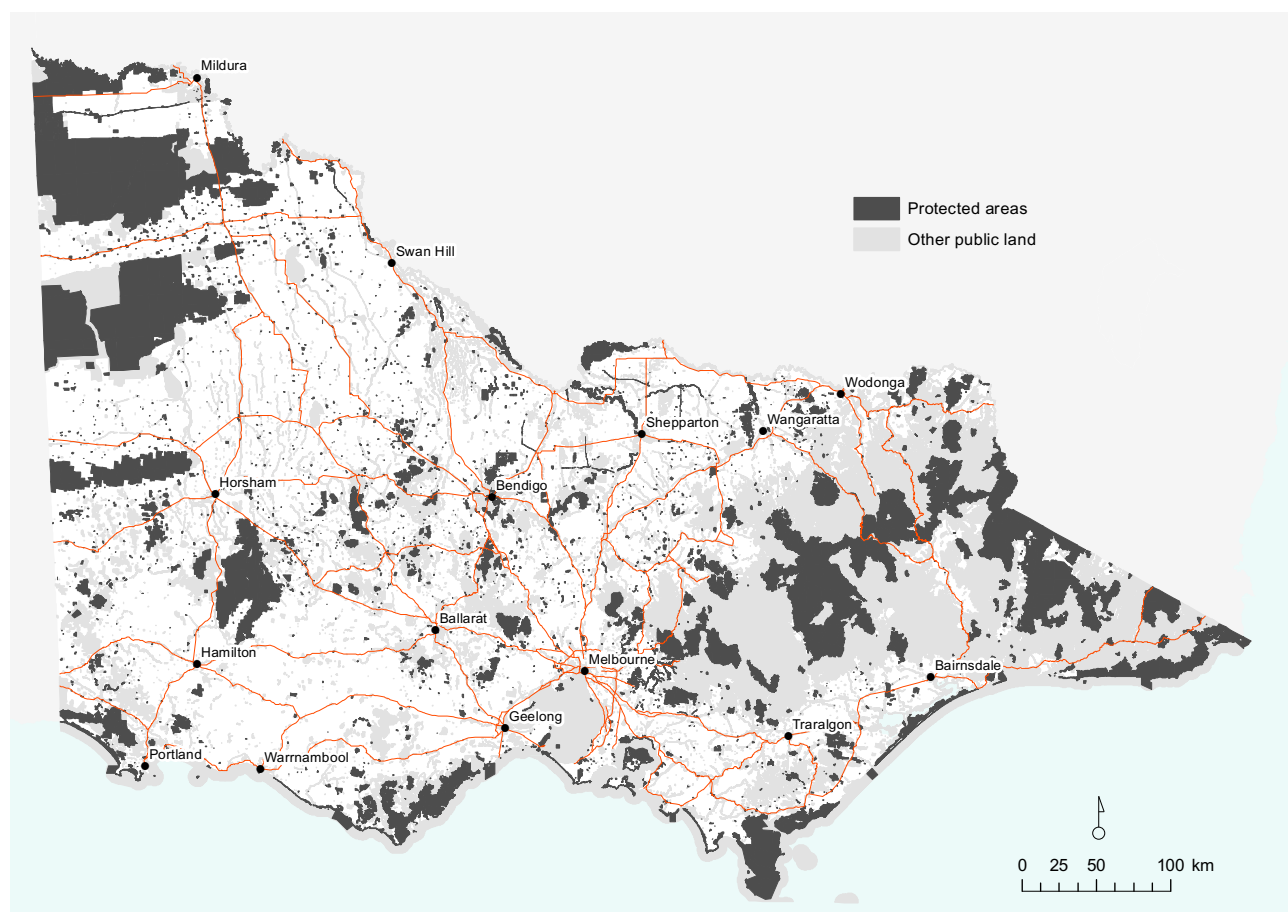
A number of national targets have been set in agreements between the Commonwealth and state/territory governments to help establish a comprehensive, adequate and representative terrestrial reserve system. The first of these were developed in 1996 for forests, and are widely known as the JANIS criteria. 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 2.1.

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. 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 Plain and Central Victorian Uplands.

Figure 2.1
Protected area system in Victoria



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 located 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.

Under the *Traditional Owner Settlement Act 2010*, Recognition and Settlement Agreements facilitate the formal involvement of Traditional Owners in land management, planning, access and use of natural resources. 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.

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.

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, 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—carbon sequestration, unconventional gas, 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.

2.3 Overview of draft 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.

In addition, the draft recommendations that the Council is making in this draft proposals paper 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.

The following themes and issues have emerged from the assessment and consultation as priorities for draft recommendations:

- ✦ public land classification
- ✦ legislative reform
- ✦ priorities for further assessment or review
- ✦ improved information and information systems
- ✦ supporting community-based committees of management.

The fifth theme also arose from the consideration of issues raised with Council in its separate Historic Places Investigation that are also relevant to the broader Crown land estate, particularly issues associated with appropriate support for community-based committees of management.

The Council is recommending that a simplified and consolidated system of public land categories is adopted from 18 to 13 primary terrestrial categories, and that these revised public land categories and their purposes 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. An additional public land use overlay is recommended to denote Aboriginal land.

Council recognises that reform of primary land legislation is a major task, and has suggested it be undertaken within a five-year timeframe. Some amendments are recommended to be undertaken immediately however, in order to facilitate the formal implementation of government-accepted recommendations or to support more effective management. 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.

The following sections 2.4 to 2.8 present 19 draft recommendations in the above five groups.

2.4 Public land classification

Council notes that:

- ✦ 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 understood and are confusing to the public.
- ✦ The grant of Aboriginal title and joint management arrangements on public land are not acknowledged in the system of public land categories.
- ✦ There are more than 1300 different wordings of Crown land reserve purposes, dating back to nineteenth-century land reservations, some of which are obsolete. Matching these to present-day public land categories, with a simplified set of purposes, would reduce complexity, improve understanding and avoid the unintended legal consequences of variations in wording.
- ✦ Changes in categorisation and nomenclature are not intended to change the permitted uses and level of protection for land in that category.

Draft recommendation

R1 The revised and consolidated system of primary public land use categories and overlays in table 1, which forms part of this recommendation, be adopted.

Table 1

Proposed changes to public land use categories

Current category or sub-category	Proposed category	Protected area
Terrestrial		
National park	National park	✓
State park	National park	✓
Wilderness park	National park	✓
National heritage park	National park	✓
Coastal park	Conservation park	✓
National Parks Act schedule 3 park (some)	Conservation park	✓
Regional park	Recreation park	
Metropolitan park	Recreation park	
Forest park	Recreation park	
Historic park (some)	Recreation park	
Nature conservation reserve, some natural features reserves	Nature reserve	✓
Natural features reserve - cave - geological and geomorphological features area	Nature reserve	✓
Natural features reserve - bushland area/reserve - natural and scenic features area - streamside area	Natural features reserve	✓
Coastal reserve (some)	Natural features reserve	✓
Historic park (some)	Historic reserve	
Historic and cultural features reserve	Historic reserve	
Natural features reserve - wildlife area (seasonally available for hunting)	Game reserve	
State forest	State forest	
Natural features reserve - stream frontage, bed and banks	Water frontage, bed and banks	
Alpine resort	Alpine resort	
Community use area	Community use reserve	
Natural features reserve - highway park - lake	Community use reserve	
Coastal reserve (some)	Community use reserve	
Natural features reserve - mineral spring	Resources reserve	
Earth resources	Resources reserve	
Plantation	Resources reserve	
Services and utilities area	Services and utilities area	
Water production	Services and utilities area	
Marine		
Marine national park	Marine national park	✓
Marine sanctuary	Marine sanctuary	✓
Multiple-use marine protected area	Marine park	✓
Coastal waters (see note 1)	Coastal waters (see note 2)	
Overlay		
Reference area	Reference area	✓
Wilderness zone	Wilderness zone	✓
Remote and natural area	Remote and natural area	✓
Heritage river	Heritage river	✓
Natural catchment area	Natural catchment area	
Fisheries zone (incl aquaculture)	Fisheries zone (incl aquaculture)	
	Aboriginal land (new)	(see note 3)
Conservation area (see note 4)	Conservation area	(see note 3)

Notes

1 A land category in the LCC's 1988 statewide assessment and a government-accepted recommendation R12 in ECC's Marine, Coastal and Estuarine Investigation (2000)

2 Implementation may be influenced by the outcomes of the current Marine and Coastal Act review

3 Protected area status dependent on provisions of the legislation under which underlying land is reserved and managed

4 Government-accepted recommendation R5 in VEAC's Yellingbo Investigation (2013)

2.5 Legislative reform

In addition to the matters noted in section 2.4, Council notes that:

- ✦ 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.
- ✦ Crown Land (Reserves) Act and Land Act have anachronistic or confusing provisions that militate against effective management. There are many examples of onerous administrative requirements that do not necessarily reflect the significance of the values or the potential risks. The Land Act is essentially a nineteenth-century Act largely concerned with the sale, leasing and licensing of Crown land.
- ✦ 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 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 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.
- ✦ DELWP advises that there are 30 different leasing, licencing, permit etc. regimes that may be used to provide legal access to and use of Crown land under the four main land Acts.
- ✦ 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.
- ✦ 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.

The aims of the draft recommendations for legislative reform are to:

- ✦ align revised public land use categories with the various Acts reserving land
- ✦ expedite implementation and remove backlog of government-accepted public land use recommendations not formally implemented
- ✦ remove some of the impediments to effective management in the Crown Land (Reserves) Act.

Draft recommendation

R2 Legislation be amended in the short term and new legislation established within five years to reflect the recommended revised system of public land use categories, to streamline implementation of government-accepted recommendations, and to improve management effectiveness.

Draft recommendations

- R3** The Crown Land (Reserves) Act be amended as follows:
- (a) amend the purposes in section 4 (1) to align with the revised and simplified system of public land categories
 - (b) align the 1300 or so historical reservation purposes to the purposes of revised public land categories through a schedule that replaces them with the purposes of the relevant revised category
 - (c) remove the distinction between temporary and permanent reservation, retaining a parliamentary role for revocations of land in revised categories of nature reserves, natural features reserves, recreation parks and coastal land in any category
 - (d) where land is reserved in accordance with a government-accepted LCC/ECC/VEAC recommendation, 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
 - (e) 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
 - (f) ensure that legislation can provide for the issue of short-term licences and permits for up to 3 years directly by committees of management for uses that are not inconsistent with the purpose of the reserve or not to the detriment of the reserve
 - (g) provide for staged transition of trusts managing restricted Crown grants to a modern legal and governance framework such as a committee of management
 - (h) remove the three year limit to appointment terms for committees of management incorporated under section 14A of the Act.
- R4** Associated with the Crown Land (Reserves) Act amendments in R3, the Wildlife Act be amended to remove requirement for further classification of areas reserved under the Crown Land (Reserves) Act.

Draft recommendation

- R5** Standard regulations be developed for each public land category 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.

Draft recommendation

- R6** 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 provisions similar to those currently applying to reserved forest.

Draft recommendation

- R7** Office of Surveyor-General Victoria consider ways to simplify preparation of gazettal plans for reserves that are created to implement government-accepted LCC/ECC/VEAC recommendations.

Draft recommendation

- R8** Land in Aboriginal title and public land under joint management be designated through a legislated 'Aboriginal land' public land overlay.

Draft recommendations

- R9** Within five years, new protected area legislation be developed based on the existing National Parks Act, or by amendments to that Act, to include revised categories of national parks, conservation parks, nature reserves, marine protected areas, and other categories and overlays classified as protected areas.
- R10** Within five years, new land legislation be developed to replace the current Land Act and Crown Land (Reserves) Act.

2.6 Priorities for further assessment or review

Council notes that:

- ✦ 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.
- ✦ 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 and coastal land outside parks.
- ✦ 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.
- ✦ 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.
- ✦ 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.
- ✦ 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.
- ✦ 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.

Draft recommendation

R11 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.

Draft recommendation

R13 Review values, uses and appropriate land category for State forest where commercial harvesting of sawlogs has ceased.

Draft recommendation

R14 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), and a similar inventory be compiled for riparian public land and linear coastal reserves outside the protected area system.

Draft recommendation

R12 Following a review of the number and types of coastal reserves outside the protected area system, reserves with high environmental, social and economic value be identified and values at risk from the impacts of climate change be identified, as specified in the Victorian Coastal Strategy 2014.

Draft recommendation

R15 An inventory of state government-owned freehold land be undertaken to identify distribution and extent, ownership, and values and uses; and a register be compiled and maintained.

2.7 Improved information and information systems

Council notes that:

- ✦ Information systems for Crown land are no longer fit for purpose, are at risk of becoming inoperable and require urgent attention.
- ✦ While a number of agencies have databases or lists, there is no centrally maintained, accurate and authoritative register of Crown land for Victoria.
- ✦ There is public demand for spatial information about the activities that can take be undertaken on different areas of public land.
- ✦ 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.

Draft recommendation

R16 Crown land information systems be consolidated, modernised and redeveloped.

Draft recommendation

R17 A range of spatially referenced information products be developed for the public on activities on public land.

Draft 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.

2.8 Supporting community-based committees of management

Legislative amendments in recommendations R3(f) and (h) and R6 are aimed at providing support to community-based committees of management.

In addition, Council notes that:

- ✦ There are approximately 1,200 local community-based (volunteer) committees of management managing 1,500 Crown land reserves. Their contribution benefits the community environmentally, socially and economically. Some committees have a revenue base from fees collected from camping, parking or a range of other activities, while others have virtually no funding at all.
- ✦ 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. For these committees, their voluntary efforts would benefit greatly from the assistance of a departmental officer, similar to the Landcare regional facilitators model.

Draft recommendation

R19 Community-based committees of management be supported with a system of regional coordinators located in DELWP.



