

# Victorian Government Response

to the Victorian Environmental Assessment Council's  
Statewide Assessment of Public Land Final Report



**Photo credit (cover page)**

Knob Reserve, Stratford, Victoria.

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## Minister's Foreword

I am pleased to present the *Victorian Government Response to the Victorian Environmental Assessment Council's (VEAC) Statewide Assessment of Public Land Final Report* – which, when implemented, will improve the effective management of our public land. I would like to thank VEAC for its thorough investigation and comprehensive report. The Victorian Government supports all 30 recommendations in-principle, in part or in full.

Many of our favourite places are on public land – beaches, forests, parks, community halls – even the twelve apostles and the MCG. These shared public spaces are essential to the health and wellbeing of all Victorians. This is where the best examples of Victoria's natural environment are found, and there are many special places for recreation and relaxation. They also support industry, tourism and ecosystem services, such as clean air and water; contributing billions to our economy each year. Cultural heritage and Traditional Owners' connection to country are also strong on public land.

Victoria is fortunate to have a long and rich history of public land assessments that have established the framework for how we use and manage public land. But it has been nearly 30 years since the last comprehensive statewide assessment, so I welcome this timely revisitation.

A key element of VEAC's report is a call to rewrite Victoria's Crown land legislation. This legislation is long overdue for a comprehensive review and modernisation. There are many provisions and complexities, some of which date back to the late 19th and early 20th centuries, that reflect values, priorities and processes of bygone eras.

Victoria is facing a future of climate change, expanding population and increasingly dynamic demands on public land. As a community looking to the future, this government response represents a significant opportunity to ensure that public land continues to underpin our enviable lifestyle and environment across the generations.



**The Hon Lily D'Ambrosio MP**  
**Minister for Energy, Environment and Climate Change**



# Introduction

The Victorian Environmental Assessment Council's (VEAC's) *Statewide Assessment of Public Land Final Report* (Final Report) was tabled in Parliament on 8 June 2017. This is the government response in accordance with section 25 of the *Victorian Environmental Assessment Council Act 2001*.

## Background

VEAC's Statewide Assessment of Public Land was initiated in late 2014. The purpose of the investigation was for VEAC to undertake an assessment of public land in Victoria addressing the categorisation of public land, current reservation status and values on public land. The focus of the investigation was to provide information and recommendations to improve management effectiveness.

## Findings and Observations

Through the investigation, VEAC found that the public land use categories developed over the past 45 years by VEAC and its predecessors (the Environment Conservation Council (ECC) and Land Conservation Council (LCC)) are not complex compared with national and international standards. However, they are not well aligned with Victoria's primary Crown land legislation. VEAC also noted that the legislation does not reflect contemporary values and challenges and, because of incremental amendments over many years, contains complexities, inconsistencies, overlaps and gaps, with obsolete provisions confusing land managers and the community.

VEAC identified many government accepted recommendations that have not been fully implemented through to reservation (even though the management is in accordance with the accepted recommendation). VEAC found that the level of implementation varies according to the recommended land use category or overlay. The legislative mechanism for reservation was found to be a major influence on the level of implementation. For example, all national, state and wildlife parks have been legislated, however smaller areas of public land remain unreserved or inappropriately reserved. VEAC found that the *Crown Land (Reserves) Act 1978* in particular contained several features that are barriers to timely implementation.

VEAC noted that where areas are not reserved in accordance with the government accepted recommendation, the appropriate legislative framework for managing uses is not available, and compliance and enforcement are compromised.

VEAC found that 70 per cent of the areas supporting the highest terrestrial biodiversity values in Victoria are on public land, and identified regions or types of public land that warrant further assessment or review because of changing uses, values or community perceptions.

## Government response

The government response accepts in full, in principle or in part, all of VEAC's 30 recommendations. Accepting a recommendation in full means the government accepts the recommendation in its entirety. Accepting a recommendation in principle means the government strongly supports the policy intent of the recommendation; however, implementation may vary from the suggested approach. Accepting a recommendation in part means the government accepts part of the recommendation. Each response should be taken to apply to the whole recommendation where no reference to the specific recommendation number and subsection is provided in brackets (e.g. R1(a)).

There are references throughout the response to both Crown land and public land. Crown land is land that has not been alienated from the Crown and is a subset of public land. Public land includes both Crown land and freehold land that is owned by government departments and/or public authorities.

The government is committed to addressing the well-known deficiencies in Crown land legislation and clearing the backlog of unimplemented government accepted recommendations through to reservation. If Victoria's Crown land is properly categorised and reserved within a fit for purpose legislative framework, it can be effectively managed for the appropriate purpose and the community can better understand management objectives and permitted uses. This will support the protection and improvement of public land values, and will benefit all Victorians.

A modern legislative framework and secure public land estate is also critical to effectively responding to the increasing pressures on public land arising from factors such as climate change, fragmentation and deterioration of native vegetation, increasing population and associated demands on public land, dynamic community expectations and limited management resources. A more efficient legislative framework will also reduce administrative costs for businesses that use public land.

The government acknowledges that implementing the government response is a significant body of work requiring consultation with stakeholders and the broader community, along with dedicated resourcing. Decisions about resourcing will be subject to budget processes in the context of the government's investment and service delivery priorities, and may influence the staging and sequencing of the reform program.

Further, a number of the recommendations relate to improving current legislation while Recommendations R5 and R6 propose a re-write of that legislation. Again, consideration will need to be given to the staging and sequencing of the reforms to ensure that they are delivered efficiently. Where a recommendation that refers to an amendment of existing legislation is accepted by government, implementation of the recommendation may occur through the development of the new Crown land legislation, if that is a more efficient process.

The government will work closely with Traditional Owners to ensure that implementation of the government response does not adversely impact on Traditional Owner rights or interests under the *Native Title Act 1993* (Cwlth) and the *Traditional Owner Settlement Act 2010*, or create any impediments to land being available under Traditional Owner Settlement Act processes (as referred to in Recommendation R19).

Currently permitted land uses were not assessed in this investigation and will not be affected by the implementation of the government response. The current levels of protection for Victoria's protected areas will also be preserved.

# Public land classification

Recommendations R1–R4 focus on rationalising and consolidating public land use categories, aligning historical reservation purposes with revised public land use categories, and enabling State forests to be administered under the one Act. The government supports reforms that allow the community to better understand management objectives and permitted uses, and allow public land managers to more efficiently manage public land for its intended purpose.

Implementation of the following recommendations will require careful consideration of the implications associated with the Native Title Act for land reserved prior to 1996, and Land Use Activity Agreements under the Traditional Owner Settlement Act. The government will work with Traditional Owners to implement the government response in relation to all relevant recommendations.

## **R1. Revised public land use categories be incorporated in legislation.**

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

### **The government accepts this recommendation in principle.**

The government notes VEAC's finding that Victoria's system of public land use categories is not particularly complex in a national or international context. However, the public land use categories are not well-aligned with current Crown land legislation.

The government also notes that the focus of this recommendation is on the rationalisation of the categories of public land use. Permitted public land uses will not change as a result of implementing this recommendation. The intent is to capture all existing permitted land uses in new equivalent but simpler categories that are incorporated into relevant legislation.

The government supports including a revised and contemporary system of public land use categories, overlays and purposes in the relevant legislation. This will simplify the legislation, better support land managers and allow the public to more easily understand management objectives and permitted activities.

The government recognises the extensive consultation undertaken by VEAC to develop the revised system of public land use categories proposed at Table 3.2, and is largely supportive of this effort. The proposed categories capture several improvements and clarifications. However, there may need to be minor refinements to some categories and purposes, and further targeted consultation.

The government also supports recognising and protecting the rights and interests of Traditional Owners, native title holders and other Aboriginal Victorians, and their cultural values as being a clear purpose of public land categories.

In the Final Report, VEAC noted the importance of providing a community information program to explain any proposed name changes associated with the new public land use categories. The government recognises the importance of clear communication with the public in implementing this recommendation.

### *Implementation*

The Department of Environment, Land, Water and Planning (DELWP) will be responsible for implementing this recommendation, in consultation with other government departments and agencies.

## **R2. Consequential Wildlife Act amendments to remove need for further classification.**

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.

### **The government accepts this recommendation.**

The government supports simplifying the reservation of Crown land for purposes under the *Wildlife Act 1975* so that the complete reservation is achieved in one step, rather than the two-step process that arises from the further classification of wildlife areas under the Wildlife Act. For example, Wildlife reserves are first reserved under the Crown Land (Reserves) Act and then may be clarified as State Game Reserves under the Wildlife Act. This will simplify administrative processes, and reduce duplication and the scope for error.

Implementation of this recommendation will not impact on currently permitted uses – for example, hunting as a permitted use in State game reserves will not change.

#### *Implementation*

DELWP will be responsible for implementing this recommendation.

## **R3. Align 1300 historical Crown land reservation purposes.**

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.

### **The government accepts this recommendation in principle.**

The government acknowledges the very large number of reservation purposes that have developed over more than 150 years under the Crown Land (Reserves) Act or its Land Act predecessors. Many of these are minor variations of the same purpose, and/or do not reflect modern values and uses. This creates administrative complexities and inconsistencies.

The government also acknowledges the need for a simple mechanism to enable the realignment of those purposes with the revised categories discussed in Recommendation R1. Without a simple mechanism, each reservation would need to be revoked and re-reserved on an individual basis and the costs of the proposal are likely to outweigh the benefits. Implementation of this recommendation is also likely to have implications for section 24JA of the Native Title Act.

In light of this, the government will need to further consider the most appropriate simplified mechanism.

The government notes that many of these reserves are the responsibility of several different portfolios across government. Implementation of this recommendation will need to ensure that the requirements across government continue to be supported. The government will ensure that the historical reservation information will be retained and publicly searchable.

#### *Implementation*

DELWP will be responsible for implementing this recommendation, working with other relevant government departments.

#### **R4. State forest to be administered under one Act.**

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.

#### **The government accepts this recommendation.**

The government recognises the complexities that arise from the management of State forests under both the *Forests Act 1958* and the *Land Act 1958*, and that this is a long-standing issue reflecting outdated administrative responsibilities. The government supports the removal of the distinction between reserved forest and protected forest, and recognises the benefits of managing and administering those areas under the one Act with clear management objectives and uniform provisions.

#### *Implementation*

DELWP will be responsible for implementing this recommendation, in consultation with other relevant government departments and agencies.



## Reform of land legislation

Recommendations R5–R7 focus on modernising, streamlining and strengthening Crown land legislation.

The government supports the reform of Victoria’s Crown land legislation to create a regime that can efficiently protect public values and respond more effectively to modern challenges and demands. In doing so, the legislation should support cross tenure land management, for instance in relation to biodiversity and waterways, pest and weed control and fire management.

A key element to those reforms will be the development of the consultation paper (or papers) referred to in Recommendation R7, where reform proposals will be tested with stakeholders and the community to gain feedback and help avoid unintended consequences or errors.

An important requirement for the new Crown land legislation will be to maintain and/or improve the current linkages with other Acts, such as the *Fisheries Act 1995*, *Mineral Resources (Sustainable Development Act) 1990*, *Planning and Environment Act 1987*, *Sustainable Forests (Timber) Act 2004*, and other relevant acts that apply across tenure. Current processes, approvals and exemptions applying to Crown land under these Acts will continue to apply in the new legislative regime.

Any new or revised legislation will preserve currently permitted land uses and current levels of protection for Victoria’s protected areas.

### **R5. Expanded National Parks Act to include other protected areas.**

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.

#### **The government accepts this recommendation.**

The government supports the development of a single protected areas Act within five years. Based on the National Parks Act, this will consolidate and rationalise legislation relating to protected areas (which is currently spread across several Acts) and better support the effective management of Victoria’s most valued Crown land. Currently permitted uses in these areas will continue under any new legislative arrangements.

The government supports the Act including the protected areas identified in Table 3.2 of the Final Report (also including marine national parks, marine sanctuaries and natural catchment areas). The government will consider incorporating the *Heritage Rivers Act 1992* and the *Reference Areas Act 1978* in this exercise, to further integrate and rationalise legislation applying to Crown land protected areas. Fisheries reserves will continue to be managed under the Fisheries Act.

#### *Implementation*

DELWP will be responsible for implementing this recommendation, in consultation with other relevant government departments and agencies.

## **R6. New public land legislation.**

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*.

### **The government accepts this recommendation.**

The government supports the development of a simplified Crown land Act to replace the Land Act, the Forests Act and the Crown Land (Reserves) Act, and this being delivered within five years.

The government recognises that Victoria's Crown land legislation needs to be rewritten to meet the needs of the 21st century. Much of the legislation in these Acts dates to the 19th century and early 20th century, is not necessarily fit for purpose and does not support the efficient administration of Crown land or the achievement of management objectives. A single, simplified and modernised Act will reduce complexity and duplication, be more efficient to administer and better facilitate community involvement in public land. It will also result in an improved compliance framework with greater transparency. The government will also progress the incorporation of site specific Crown land Acts into a reformed public land Act where this is appropriate.

The government notes that bushfire management is an integral part of land management. Provisions relating to fire protection, management and control will continue to be integrated into Crown land legislation. This is because bushfire management is most effective in reducing risk to life, property, roads, infrastructure and ecosystem resilience when it is delivered as part of a broader land management responsibility. In reforming the Crown land legislation, the government will consider the best way to ensure that consistent provisions relating to fire continue to be integrated into Crown land legislation.

#### *Implementation*

DELWP will be responsible for implementing this recommendation, in consultation with other relevant government departments and agencies.

## **R7. Consultation paper to be part of legislation reform process.**

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

### **The government accepts this recommendation.**

The government supports the preparation of a consultation paper (or papers) as part of the Crown land legislation reform process.

The consultation paper (or papers) will be an important opportunity to provide stakeholders and the community with details of the proposed reforms of Victoria's Crown land legislation, and to obtain input. This approach will help ensure that there are no unintended consequences or errors arising from the proposed reforms, including for Traditional Owners as outlined in Recommendation R19.

It is intended to release a consultation paper (or papers) in 2019 for public comment as a first step to commencing the Crown land legislation reform process.

### *Implementation*

DELWP will be responsible for implementing this recommendation, in consultation with other relevant government departments and agencies.

## Improving management effectiveness

Recommendations R8–R15 focus on developing standard regulations for public land categories, improving leasing and licensing provisions, reforming restricted Crown grants and providing adequate resources for improving Crown land information systems.

The government supports improvements to administrative processes to enable land managers to more efficiently protect public values, while enabling appropriate public land uses.

### **R8. Standard regulations.**

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 government accepts this recommendation.**

The government currently develops standard regulations where possible and will continue to do so, as this is considered best practice. Legislating a revised system of public land use categories as discussed under Recommendation R1 and implementing the backlog of government accepted recommendations through to reservation will provide a clearer framework to apply this approach in a consistent and uniform manner. This will help expedite the application of appropriate regulations to important Crown land areas. Areas that are not sufficiently regulated cause on-ground management and enforcement issues, particularly at popular visitor sites and on unreserved Crown land.

The government also supports a simplified process to revoke any existing regulations when new regulations are made. This would provide an efficient means to remove redundant Ministerial regulations made under the Crown Land (Reserves) Act and its predecessors, which have proliferated over time, are no longer relevant and are very difficult to identify since they are not part of the Statute book. A similar approach has been adopted in legislation where Ministerial regulations under the Crown Land (Reserves) Act are revoked when a new reservation is made.

The government does not interpret this recommendation as applying to statutory rules made by the Governor in Council.

#### *Implementation*

DELWP will be responsible for implementing this recommendation.

### **R9. Remove distinction between permanent and temporary reservation.**

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.

#### **The government accepts this recommendation.**

The government recognises that the distinction between temporary and permanent reservations has become somewhat arbitrary, and has created inconsistencies and complexity in reserving and managing Crown land (the main difference between temporary and permanent reservations is the level of parliamentary scrutiny). Many of the current reservations to which parliamentary processes apply reflect historic values and administrative processes that are no longer appropriate.

The government supports instituting a modernised reservation and revocation process that aligns scrutiny and oversight with appropriate levels of protection. However, in developing the public land categories under Recommendation R1, the government will further consider those categories to which a parliamentary role should apply, and what this role might be. In addition to those mentioned by VEAC, there may be other categories that warrant a higher form of scrutiny such as water frontage, bed and banks reserves.

Implementation of this recommendation will need to support the requirements of the diverse portfolios that manage and administer Crown land, including Education and Training, Health and Human Services, and Justice and Regulation.

#### *Implementation*

DELWP will be responsible for implementing this recommendation, in consultation with other relevant government departments.

### **R10. Reduce complexity and improve consistency associated with leasing and licensing.**

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.

#### **The government accepts this recommendation.**

The government supports reducing unnecessary complexity and improving the consistency and transparency of leasing and licensing. This will better support public land managers and better enable appropriate use of public land. The current legislation does not align modern values and risks with appropriate degrees of scrutiny. In streamlining these processes, appropriate checks and balances will be realigned with the revised public land categories discussed in Recommendation R1.

When implementing the broader reforms to the Crown land legislation referred to in Recommendations R5 and R6, the government will also consider improvements to leasing and licencing provisions for land currently managed under the Land Act.

Implementation of this recommendation will need to support the requirements of the diverse portfolios that manage and administer Crown land, including Education and Training, Health and Human Services, and Justice and Regulation.

*Implementation*

DELWP will be responsible for implementing this recommendation, in consultation with other relevant government departments.

**R11. Provide for further designation of individual reserves.**

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.

**The government accepts this recommendation.**

The government recognises that standardised categories, purposes and associated administrative processes may not provide the appropriate level of protection and scrutiny for all reserves in all instances. Establishing a nomination process to elevate reserves of 'significance' to a higher level of scrutiny and protection would enable appropriate checks and balances to be applied to the exceptions.

The government will consider the criteria for nomination, the assessment process and the appropriate parliamentary role as the public land use categories discussed under Recommendation R1 are finalised.

*Implementation*

DELWP will be responsible for implementing this recommendation, in consultation with other relevant government departments.

**R12. Ensure agencies managing land can utilise lease and licence provisions.**

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.

**The government accepts this recommendation.**

The government supports enabling agencies appointed to manage land under section 18 of the Crown Land (Reserves) Act to efficiently issue leases and licences over land placed under their control and management. The government will determine if amendments to Crown land legislation are necessary to enable this.

*Implementation*

DELWP will be responsible for implementing this recommendation, in consultation with relevant government agencies.

### **R13. Staged reform of restricted Crown grants and trusts.**

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.

#### **The government accepts this recommendation in principle.**

The government acknowledges the public benefit associated with transitioning trusts managing restricted Crown grants to a modern legal and governance framework. This will provide the government and community with greater assurance that public assets and the associated income generated from those assets are being used appropriately. Implementing this recommendation will also have benefits for record keeping by removing the need to retain both a Crown and freehold record for the land.

The government notes implementation of this recommendation will be a complex and technical exercise and may need to be staged. There are a range of circumstances and issues that will need to be assessed to determine the appropriate response, along with stakeholder consultation. Implementation of this reform will be a resource intensive process and will depend on budget priorities.

#### *Implementation*

DELWP will be responsible for implementing this recommendation.

### **R14. Transfer Crown land forming part of a split reserve to local councils at no cost.**

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.

#### **The government accepts this recommendation in part.**

The *Victorian Government Landholding Policy and Guidelines* and the *Victorian Government Land Transactions, Policy and Guidelines* establish the framework for the retention or sale of surplus government land (including Crown land) to local councils. The revenue generated from the sale of surplus Crown land is reinvested into important new infrastructure such as schools, hospitals and public transport.

However, the government supports the transfer of Crown land in 'split' reserves to councils in certain circumstances where councils agree. Transferring Crown land in split reserves to local councils could be considered where it may lead to better land management outcomes and deliver cost and administrative savings to the State. Locally managed reserves with split ownership and dual legislative regimes applying to differing parts of the one land unit can lead to perverse management outcomes. Management and use decisions can be made according to the more conducive legislative regime, rather than the best outcome for the site and users. This may compromise the service that is provided to the community. State involvement in split reserves that are providing local benefits also consumes resources that could be allocated to other State priorities.

The government only supports the transfer of Crown land forming part of a split reserve to a local council where the land will be used for an identified public purpose (e.g. a sporting oval), and there are clear

management efficiency gains and a benefit to the State. Any transfer of Crown land to a local council would include a restriction on the title and would need to include a monetary consideration reflecting the restriction on title. The transfer would only be applicable in situations where the State and councils agree to such an arrangement.

*Implementation*

DELWP will be responsible for implementing this recommendation, in consultation with the Department of Treasury and Finance and relevant local councils.

**R15. Crown land information systems consolidated and redeveloped.**

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

**The government accepts this recommendation.**

The government supports the consolidation and modernisation of Crown land information systems. DELWP is already addressing this recommendation through the initiation of a Crown land Information Systems Improvement Project (CLIIP). The CLIIP will deliver a modern, web-based IT solution for the management of Crown land information. The new system will replace current Crown land administration programs and provide a range of web, mobile, workflow and digital storage capabilities. The CLIIP will interface with the Victorian Online Titling System and will provide system access to key stakeholders such as Committees of Management and Parks Victoria.

The project has commenced and is scheduled for completion in 2019-20.

*Implementation*

DELWP will be responsible for implementing this recommendation.



# Addressing the backlog of implementation of government-accepted recommendations

Recommendations R16–R18 address expediting the reservations of areas subject to government-accepted LCC/ECC/VEAC recommendations, and maintaining related spatial information. The government commits to implementing the backlog of government accepted recommendations through to reservation, and supports simplifying the reservation process where possible to assist in delivering this commitment.

## **R16. Reserve creation implementing government-accepted recommendations to remove underlying land status.**

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.

### **The government accepts this recommendation.**

The government acknowledges that the process of removing land status impedes the implementation of government accepted LCC/ECC/VEAC recommendations through to reservation. The government supports amending the legislation to expedite and simplify the reservation process while retaining appropriate checks and balances.

#### *Implementation*

DELWP will be responsible for implementing this recommendation.

## **R17. Minimise field survey and simplify boundary definition.**

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.

### **The government accepts this recommendation.**

The government acknowledges that the requirement for field surveys significantly impacts on the implementation of government accepted LCC/ECC/VEAC recommendations through to reservation. Where digital mapping and aerial photography have been used to provide an approximate result for a recommendation instead of a field survey, a further site review and field survey may be required to align the boundary of the proposed recommendation to the cadastre, and avoid any legal ambiguity.

The government notes that where the boundaries of proposed reservations can be related to cadastral boundaries or readily identifiable natural features, the need for field surveys may be minimised. However, this is not appropriate in some situations. The Office of Surveyor-General Victoria has implemented methods of minimising field survey, such as the use of abutments and Global Navigation Satellite System-derived

coordinates to define boundaries, and will continue to explore other methods utilising new survey technologies and techniques, including a spatially accurate cadastre.

The government also notes that the full implementation of a spatially accurate Vicmap Property would reduce the need for field surveys to define reserve boundaries. The Office of Surveyor-General has undertaken a funded pilot program to make Vicmap Property survey accurate, and its full implementation could occur within seven years, pending further funding.

#### *Implementation*

DELWP will be responsible for implementing this recommendation.

### **R18. Maintain spatial information on all LCC/ECC/VEAC accepted recommendations.**

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.

#### **The government accepts this recommendation in principle.**

The government recognises the value of maintaining an accurate record of government-accepted public land use recommendations to provide clarity to land managers and the community about the government approved land use category. However, the government will further consider the appropriate body to maintain this record in the long term.

The government also acknowledges the benefits of reporting on the implementation status of government accepted recommendations to help identify areas requiring greater focus from government. The government will seek to amend the *Victorian Environmental Assessment Council Act 2001* to require VEAC to report periodically on the reservation status of government accepted recommendations.

#### *Implementation*

DELWP will be responsible for implementing this recommendation.

## 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.**

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.

#### **The government accepts this recommendation.**

Implementation of the government response is an opportunity to further positively engage with Victorian Traditional Owner Groups and to better recognise their rights and interests in Crown land in the reformed Crown land legislation.

The government recognises that detailed legal analysis will be required to assess the impacts of Crown land reforms on Traditional Owner and Native Title rights and interests. The government will work closely with Traditional Owners to ensure there are no adverse impacts.

#### *Implementation*

DELWP will work with Traditional Owners to implement this recommendation.

## Priorities for further assessment or review

Recommendations R20–R25 focus on increasing Victoria’s knowledge base and data to improve public land management, in both the terrestrial and marine environments.

The delivery of several of these recommendations aligns with Priority 18 in Victoria’s Biodiversity Plan, *Protecting Victoria’s Environment – Biodiversity 2037* to: “maintain and enhance a world class system of protected areas”.

### **R20. Assess regions with clusters of endangered EVCs.**

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.

#### **The government accepts this recommendation.**

This government notes that this recommendation aligns with Victoria’s Biodiversity Plan. There is a commitment to “review the extent, representativeness and adequacy of the reserve system to identify key gaps and additional complementary measures required to improve the reserve system on public land” (Priority 18).

The government accepts Recommendation R20(a).

The government accepts Recommendation R20(b). Implementation of Recommendation R20(b) will be scheduled in the future to support decisions on the future classification of the 8 000 hectares of land known as the 'Cores and Links' in the Strzelecki Ranges. The government notes that land under long term lease or perpetual licence to HVP Plantations will be excluded from this investigation.

The government accepts Recommendation R20(c), recognising that part of the Central Victorian Uplands are being investigated through VEAC’s Central West Investigation, which is currently underway.

VEAC will be requested to undertake these investigations, noting that, when developing recommendations, VEAC is required to consider the full range of land uses and perspectives, including socio-economic impacts.

The information made available through the investigations will be incorporated into broader processes such as the Regional Forest Agreements and forest management planning. The Regional Forest Agreements currently outline that any changes to the area of State forest will not lead to a net deterioration in the timber production capacity of those areas available for harvesting.

#### *Implementation*

DELWP will be responsible for implementing this recommendation, in consultation with other relevant government departments.

## **R21. Review marine environment when habitat classification complete.**

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.

### **The government accepts this recommendation.**

The government acknowledges that information from this review will support better policy and planning decisions for the marine environment. This review could form part of a broader assessment of values in the marine environment to assist in the development of any future spatial planning for the marine environment. The review will not include recommendations to expand Victoria's marine protected area system. It is current government policy that no new marine national parks will be created.

VEAC will be requested to undertake this assessment.

#### *Implementation*

DELWP will be responsible for implementing this recommendation, in consultation with other relevant government departments and agencies.

## **R22. Review coastal reserves.**

- 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*.

### **The government accepts this recommendation.**

The government supports a review of the number and types of coastal reserves and an inventory of values and uses being developed and maintained to assist planning and decision making. VEAC will be requested to undertake the assessment outlined in Recommendation R22(a). The emphasis of the assessment will be a review and inventory of values and uses, not on changing current uses of coastal reserves.

Regarding Recommendation R22(b), the government is currently determining where future hazard assessments are required along the coast, which will include areas with high environmental, cultural heritage, social and economic values that are at risk from climate change.

#### *Implementation*

DELWP will be responsible for implementing this recommendation, in consultation with other relevant government departments and agencies.

### **R23. Inventory of road and rail reserves.**

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.

#### **The government accepts this recommendation in principle.**

The government recognises the contribution remnant vegetation in road and rail reserves (also known as linear reserves) makes to ecological connectivity while providing key habitat for many species. While the government acknowledges the value and importance of this inventory, resources are required to complete and maintain it. The government will further consider the implementation of this recommendation, as resources permit.

#### *Implementation*

DELWP will be responsible for implementing this recommendation.

### **R24. Inventory of land along waterways.**

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

#### **The government accepts this recommendation in principle.**

The government acknowledges the importance of information about ownership, management, values and uses of land along waterways to inform planning and decision making. The government currently maintains databases that include this information and, in that context, the government accepts the recommendation.

Catchment Management Authorities maintain an inventory of values and threats to waterways across the state (known as the Aquatic Value Identification and Risk Assessment (AVIRA)). AVIRA includes information about the values and condition of riparian land, much of it gathered for the Index of Stream Condition, which contains information about vegetation width, fragmentation, tree and shrub cover, and weeds. AVIRA is used to assist in planning and decision-making, and has been used to determine priorities for riparian management in regional waterway strategies. This information is publicly available.

The government also maintains information about the management responsibility for each licensed Crown frontage.

The government acknowledges that there may be some gaps in the available information and is committed to continual improvement of these databases to support decision making and planning.

#### *Implementation*

DELWP and Catchment Management Authorities will be responsible for implementing this recommendation.

## **R25. Inventory of state government-owned freehold land.**

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.

### **The government accepts this recommendation.**

The government acknowledges the benefits of a readily available spatial representation of government owned freehold land.

Land Use Victoria, part of DELWP, has established a Government Land Information Systems (GLIS) project that will deliver a digital platform that provides a single point of information for all government owned land. The digital platform will connect data from multiple sources; provide custom search and filter abilities; be online and mobile responsive and user-friendly with multiple user profiles and security; provide reporting and analytics; and notify users about parcels of interest. The implementation of a spatially accurate Vicmap Property referred to in Recommendation R17 will aid this process.

#### *Implementation*

DELWP will be responsible for implementing this recommendation, in consultation with other relevant government departments and agencies.

## Supporting community-based committees of management

Recommendations R26–R28 focus on providing greater support to community-based committees of management.

There are approximately 1200 local community-based (volunteer) committees of management. The government recognises the extensive community service performed by community-based committees of management. The government is committed to providing additional support to these committees, where possible.

### **R26. System of regional coordinators.**

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.

#### **The government accepts this recommendation in principle.**

The government values and acknowledges the extensive community service performed by community-based committees of management, and recognises that they need better support.

The government has significantly improved the information available to committees of management in response to the Victorian Auditor-General's audit in 2014 – the *Oversight and Accountability of Committees of Management*. Further, the modernisation of Crown land information systems referred to in Recommendation R15 will include a digital interface for committees to simplify administration.

However, the government recognises that additional support is required and will consider how this might best be provided.

#### *Implementation*

DELWP will be responsible for implementing this recommendation.



**R27. Provide for committees of management to issue agreed types of low-risk short-term permits.**

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.

**The government accepts this recommendation.**

The government supports enabling committees of management to issue agreed types of short-term permits for up to three years for recurring events (e.g. monthly farmers markets). This will reduce the administrative burden and help maximise appropriate community use of reserves. In implementing this recommendation, the government will need to ensure that the permits are not inconsistent with the reserve purpose. The government also considers that there is merit in extending this reform to all Crown land managers.

*Implementation*

DELWP will be responsible for implementing this recommendation.

**R28. Remove mandatory three-year limit to appointment terms.**

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.

**The government accepts this recommendation in part.**

The government supports providing increased flexibility in the appointment terms for committees of management. This may provide greater incentive for community members to take on committee roles and reduce the administrative burden associated with appointments.

However, to ensure appropriate governance and provide assurances that the reserves are being managed appropriately, the government does not support an open-ended appointment for committees that are not incorporated associations under the *Associations Incorporation Reform Act 2012*. The government supports increasing the current maximum of three-year appointments to five years. A maximum term of five years for appointments provides greater flexibility, while retaining a mandatory review and reappointment process within a reasonable timeframe.

*Implementation*

DELWP will be responsible for implementing this recommendation.

## Public information

Recommendation R29 relates to the appropriate depiction of Aboriginal title and/or jointly managed or co-managed land in public land maps and signage, subject to agreement of Traditional Owners and native title holders. Recommendation R30 is about spatially referenced information products for the public about activities on public land.

### **R29. Appropriate depiction of land with Aboriginal title and/or jointly managed or co-managed.**

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.

#### **The government accepts this recommendation.**

The government supports the appropriate depiction of Aboriginal title and/or joint management or co-management arrangements on public land maps and signage for parks and reserves, where Traditional Owners agree. The government also supports representing other rights, such as rights under the Native Title Act, where native title holders agree and this is practical. This recommendation will be implemented progressively.

#### *Implementation*

Crown land managers will work with Traditional Owners and native title holders to implement this recommendation.

### **R30. Spatially referenced information products.**

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.

#### **The government accepts this recommendation.**

The government acknowledges the benefits of providing accurate public land information to users to improve both the visitor experience and compliance. This should ideally be available across public land tenures.

The government currently provides a range of paper and web-based products to assist the public. For example, Parks Victoria provides visitor guides (or Park Notes), which are available on its website. The visitor guides contain summary information, such as suggested activities, and most guides include a map showing the park boundaries and access roads and tracks.

As data quality and information systems improve, the government will continue to look at ways in which information can be better communicated to the public. For example, Forest Fire Management Victoria, part of DELWP, is currently building a mobile phone application and maps for visitors to State forests, called 'More

To Explore'. More To Explore aims to provide information to help people use and enjoy Victoria's extensive areas of State forest.

Reforms to public land legislation and implementation of the backlog of government accepted LCC/ECC/VEAC recommendations through to reservation will improve the currency of information, from which web based information products can be developed.

*Implementation*

DELWP will be responsible for implementing this recommendation, in consultation with other relevant government departments and agencies.