

Submission to the Statewide Assessment of Public Land being undertaken by the Victorian Environmental Assessment Council (VEAC)

Submission from Dr John Cooke

The intent of this Submission is to highlight the important contribution that Public Land makes to the economic well being of regional Victoria, and to make suggestions on how this contribution can be better managed in strategic, planning approval processes.

Under Public Land processes in Victoria, land is set aside for purposes ranging from wilderness and remote access to multiple use. Generally the areas of highest conservation value are protected in the status providing highest protection. However, some Public Land contains both high conservation values and rights of access for the provision of services. The Murray River Reserve is one such area.

Government and its Agencies are often criticized for either 'locking away' Public Land and in doing so denying the opportunity for commercial gain. Government and its Agencies are often criticized for being 'obstructionist' and 'slow' when responding to proposals to access public land for the provision of infrastructure and for the utilization of resources on the Public Land.

This Submission argues that much of this criticism stems from the lack of an appropriate overarching strategy and that an overarching strategy should be developed. This Review provides an opportunity for VEAC to make a Recommendation to Government that such a strategy should be developed. The purpose of the overarching strategy would be to guide the consideration of applications to access Public Land for the siting of infrastructure and for the use of the resources on that land relevant to infrastructure projects.

VEAC has previously recognized the need for a Strategic Approach

VEAC in its Recommendations regarding the River Red Gums Forest Investigations recognized the need for a strategic approach to provide guidance of approval processes relating to management of water supply infrastructure on Public Land adjacent to rivers and streams. This Recommendation whilst accepted by Government has not been implemented.

On one hand, the Recommendation failed to recognize the complexity of the issues involved, the size of the irrigation developments serviced and hence the contribution that irrigation development makes to Gross Domestic Product. On the other hand, the Recommendation highlighted that an issue existed. This Submission argues that the role of the Departments representing the interests of the development, other than those Departments who manage Public Land, should be formally recognized and involved in the approval processes.

The approval and subsequent licensing of infrastructure on Public Land often occurs under Acts and Regulations separate to the Acts and Regulations under which Public Land is managed. Infrastructure on Public Land for the supply of water, roads and communications is approved and managed under Acts and Regulations specific to the purpose for which access is sought.

The role for Public Land Managers is to address matters relevant to the protection of

Public Land values. The Managers are skilled, trained and resourced for this purpose. They are not appropriately equipped to evaluate the merits or otherwise of the proposal being addressed. The regulators of Acts that cover infrastructure often become the advocates for the Infrastructure project under consideration.

Costs should be born by the developer irrespective if the development is for public or private good. Important public infrastructure by nature generates substantial community benefit, and some of this benefit should be used to minimize and mitigate the impacts. Those seeking approval to occupy public land may be prepared to cover more of the costs of processing the approvals. In return the approvals would be assessed in a strategic, clear and timely manner.

This Review provides an opportunity for VEAC to set a strategic direction on how appropriate consideration for access to Public Land for important infrastructure can be better managed.

An overarching strategy would provide direction to how consideration of public land values could be better balanced when access for essential infrastructure is being considered.

Taking a high level strategic approach

Victoria has strong and strategic policies and processes to protect its land, water and biological resources.

Collectively these policies and processes determine the limits to:

- a. How much land is available for development and for which purpose,
- b. How much water is available for development,
- c. How catchment condition should be protected and enhanced as a result of development,
- d. How and which Biological Resources are to be protected, and
- e. How impacts on social, cultural and environmental values are to be avoided, minimized and mitigated.

Because these policies and processes have evolved separately, and at different times, they can seem like a confusing jumble. However, close observation reveals strong and consistent themes once they are put together. The challenge is to develop improved processes that will provide appropriate balance to the themes embedded in the various Acts and Regulations involved.

This Submission argues that the present Review provides an opportunity for VEAC to set a clearer and more strategic framework on how these policies and procedures should be applied to Public Land where it is the best and often only site for the infrastructure to be sited.

Victoria's Auditor-General, has recently undertaken an Audit of the *Effectiveness of Catchment Management Authorities*. That Audit recognized the need for an overarching strategy for integrated catchment management that provides clear roles, responsibilities and accountabilities for Catchment Management. Victoria's Auditor-General also recognized the lack of a strategic direction when addressing the *Oversight and Accountability of Committees of Management*. In the letter covering the Catchment Management Report, the Auditor General stated;

My recommendations reinforce the need for an overarching strategy for integrated catchment management and clearer roles, responsibilities and accountabilities. I also recommend that improved arrangements for monitoring and reporting on catchment condition, strategy delivery and investment outcomes be established. I am encouraged that DEPI and CMAs have accepted these recommendations and already commenced work to implement them.

This Submission argues that VEAC could recommend to Government that an overarching strategy be prepared to address how proposals to access Public Land for infrastructure could be better managed.

Summary of this Submission

The Review now being undertaken by VEAC provides an opportunity to advise Government on how the arms of Government can work better together to achieve a higher level of management of infrastructure on Public Land. The intent would be to ensure that the social, cultural and environmental benefits that may flow from the infrastructure are balanced against the need to protect the values for which the land is set aside.

Public land often provides the best and only location for important infrastructure as it adjoins rivers and wetlands, and has mountain peaks for communication facilities. Often these sites also contain important social, cultural and environmental impacts. Conflicts often arise in terms of time lines, level of detail and complexity of the intent of use when approval is sought to access Public Land.

This Submission argues that VEAC should take the opportunity provided by this Review to develop a strategic overview as to how the impacts of important infrastructure or service on public land values can be avoided minimized and mitigated.