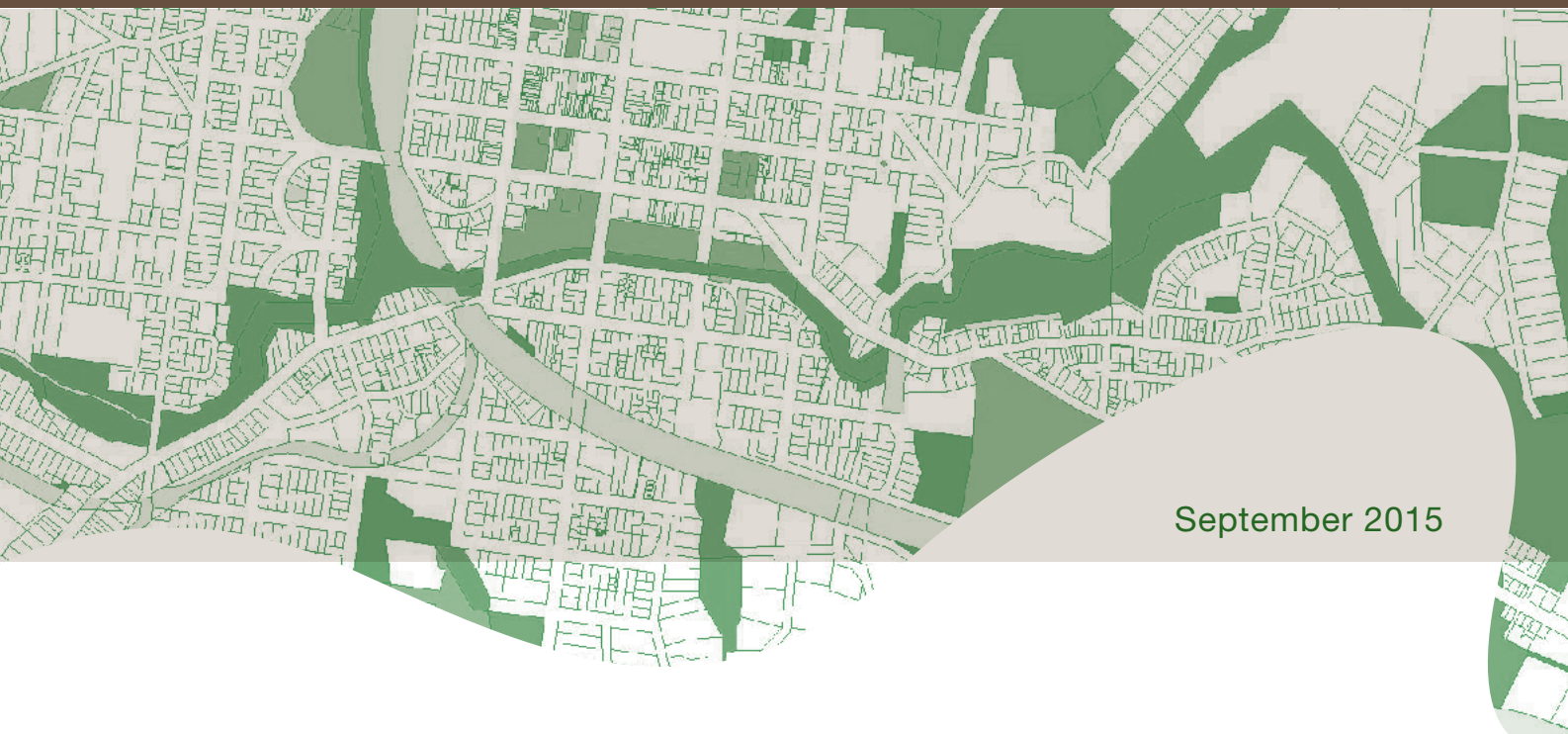


# Statewide Assessment of Public Land

INTERIM REPORT ON PUBLIC LAND CLASSIFICATION



September 2015

## 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 Roberts	<i>Environment Victoria</i>
Mr Michael Coldham	<i>Four Wheel Drive Victoria</i>
Ms Megan Davison	<i>Minerals Council of Australia, Victoria</i>
Mr Alex Green	<i>Municipal Association of Victoria</i>
Mr David Harden	<i>Native Title Services Victoria</i>
Mr Charles Berger	<i>Outdoors Victoria</i>
Ms Jill Gallagher	<i>Victorian Aboriginal Heritage Council</i>
Mr Ian Cane	<i>Victorian Apiarists Association</i>
Mr Tim Johnston	<i>Victorian Association of Forest Industries</i>
Mr Gerald Leach	<i>Victorian Farmers Federation</i>
Mr Russell Costello	<i>Victorian National Parks Association</i>
Mr Barnaby McIlraith	<i>Victorian Planning and Environmental Law Association</i>
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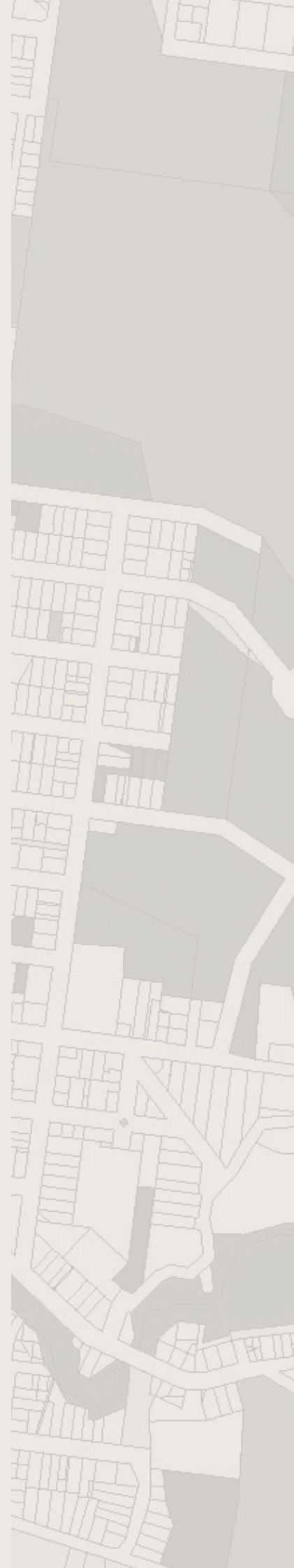
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Victorian  
Environmental  
Assessment  
Council

30 September 2015

Hon Lisa Neville MP  
Minister for Environment, Climate Change and Water  
8 Nicholson St  
East Melbourne VIC 3002

Dear Minister

## **STATEWIDE ASSESSMENT OF PUBLIC LAND – INTERIM REPORT ON PUBLIC LAND CLASSIFICATION**

In accordance with the amended terms of reference for the Statewide Assessment of Public Land provided to the Victorian Environmental Assessment Council on 2 April 2015, I am pleased to submit to you the interim report on public land classification – covering the first of the three specific terms of reference for the investigation.

As requested, information was made available to assist in the making of submissions on the first term of reference during the public consultation period following publication of the notice of investigation. Fifty submissions were received, many of which commented on the classification of public land.

The council is now preparing the discussion paper for the investigation, which is expected to be released for public comment in March 2016. The discussion paper will cover all three specific terms of reference, including an update of this interim report.

Yours sincerely

**Phil Honeywood**  
**Chairperson**

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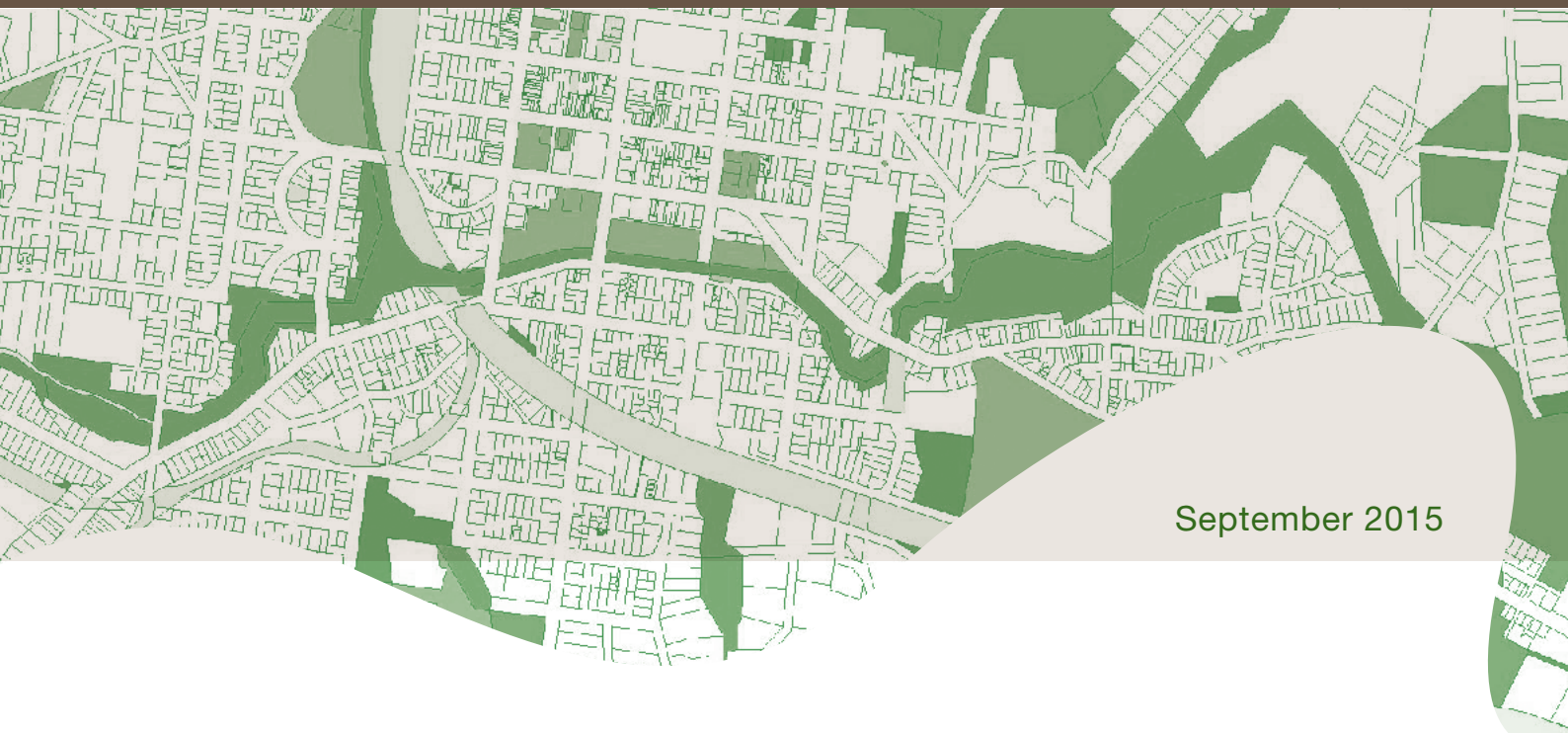
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# Statewide Assessment of Public Land

INTERIM REPORT ON PUBLIC LAND CLASSIFICATION



September 2015

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## Acknowledgment of Country

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



# Introduction

## 1.1 Background to the investigation

The public land use recommendations of the Victorian Environmental Assessment Council (VEAC) and its predecessors – the Land Conservation Council (LCC) and the Environment Conservation Council (ECC) which replaced the LCC in 1997 – provide the policy framework for the classification and management of Victoria's public land.

The LCC, established in 1971, and its successors (the ECC and VEAC) were established to carry out studies or investigations of public land throughout Victoria and make recommendations to government on the appropriate use of that land. 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.

By 1988, all 17 regional areas had been studied at least once, and the LCC published a stocktake of its work in which it aimed to provide a measure of the effectiveness of the Council in attempting to balance competing aspirations for the various values of public land. This 1988 Statewide Assessment report had several other aims, amongst 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 extent to which land managers had implemented those LCC recommendations that were accepted by government.

It is now more than 25 years since that first report and it is considered timely for VEAC to revisit aspects of the 1988 assessment in order to provide updated information for public land management. One element of the investigation, and the focus of this interim report, is to consider the recommendations of VEAC and its predecessors and the current system of public land use categories established as a result. The report considers options for making the public land classification system simpler to improve management and administration. It does not seek to re-open previous land-use decisions made by successive governments.

## 1.2 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* (VEAC Act) 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 Minister for Environment, Climate Change and Water, Hon Lisa Neville MP. The amended terms of reference (box 1) were tabled in Parliament on 15 April 2015.



## Box 1 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.

### 1.3 This interim report

The amended terms of reference 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 is also required on the first of the three terms of reference. This report is an additional requirement to preparation of the discussion paper and the draft proposals paper. Public comment is not sought on the interim report at this stage. However, the Council has decided to make this interim report available to the public as an online document on the VEAC website. It will also be updated and included in the discussion paper which will be released for public comment in early 2016.



## 1.4 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.

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 this interim report. A brief biography of each of the current Council members can be found on VEAC's website at [www.veac.vic.gov.au](http://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, however, 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."

## 1.5 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 1.1 below.

**Figure 1.1**  
Investigation process and timelines



## 1.6 Community consultation

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 included advice from a Community Reference Group, as well as meetings and discussions with public land managers across Victoria.

### 1.6.1 Written submissions

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 50 submissions following publication of the notice of investigation, 12 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](http://www.veac.vic.gov.au).

Submissions covered matters related to the full scope of the investigation, with approximately 40 expressing views on public land classification (see section 1.6.3).

### 1.6.2 Community Reference Group

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

### 1.6.3 Overview of input on public land use categories

#### *Input from written submissions*

The written submissions provided a range of valuable comments on the current public land use categories. Several submissions referred to the current system being confusing to the community, some arguing that any changes should be aimed at improving understanding of permitted uses, and others commenting that aligning categories with legislation and management was important. Support was expressed in several submissions for rationalising categories as long as there was no loss of protection. Others warned against over-simplification.

Several submissions put the view that land legislation should be reviewed, particularly the Land Act and the Crown Land (Reserves) Act with respect to reserve purposes. There was a desire expressed in some submissions to see significance rankings (national, state, regional, local) reflected in public land categories. Some submissions further called for the transfer of local significance Crown land to local government.

It was noted that the recognition of Traditional Owners rights has changed substantially since the public land use categories were established. There are new forms of title which are of relevance to the conceptualisation of public land use categories. The improved understanding and awareness of Aboriginal cultural heritage could also be reflected in descriptions of the objectives and values associated with public land use categories.

There were divergent views on alignment with zones in the planning schemes, with one view being that alignment is desirable and another view put that the zones were less effective for public land than the relevant legislation. Several submissions noted the desirability of aligning protected area categories with IUCN categories where possible.

A number of specific suggestions and comments were made including the following:

- ✦ retention of wilderness areas supported
- ✦ merge regional and metropolitan parks into recreation parks
- ✦ State forest special protection zones and special management zones be added to national or state parks where they abut, or reclassified as conservation reserves
- ✦ include nature conservation reserves and some other protected area categories in the National Parks Act
- ✦ coastal reserves require attention
- ✦ wetlands require specific recognition
- ✦ should be improved recognition of importance of linear reserves such as water frontages and roads for connectivity
- ✦ operational requirements of utilities land may conflict with public uses and therefore how it is categorised
- ✦ forest categories do not reflect contemporary forest values, which have shifted from hardwood production and plantations.

#### ***Input from the Community Reference Group***

Advice from the Community Reference Group included:

- ✦ a range of input about the priority that should be given to changing public land categories, from those who did not see it as a high priority compared with on-ground public land management, to others who considered that it could provide a basis for legislative reform
- ✦ the need to describe how the public land use categories are given effect
- ✦ the opportunity to reflect changes in Aboriginal land tenure and joint management arrangements into future public land categorisation
- ✦ agreement that land use categories that overlapped or were confused with each other are coastal reserve/coastal park, and state park/state forest/forest park
- ✦ whether there was any potential for reflecting native vegetation offsets and their role in managing biodiversity in the categorisation

- ✦ input from apiarists, four wheel drivers, outdoor education sector, and the minerals and timber industries about their use of public land
- ✦ the significant involvement of Traditional Owners and Representative Aboriginal Parties, as well as volunteers and community organisations in public land management
- ✦ the opportunity to review the comprehensiveness, adequacy and representativeness of the land use categories that make up the protected area system.

#### ***Input from public land managers***

Input from meetings with public land managers included observations that the public had a generally low level of understanding of the current system of classifying public land. In particular, State forest, State park, forest park, wildlife reserve and natural features reserve appeared to cause confusion. While there is general agreement that there is scope to revise and consolidate the public land categories, public land managers were of the opinion that the public were more interested in being able to access accurate information about permitted activities in specific locations than on gaining a conceptual understanding of public land categories. The difficulties in precisely mapping areas of public land available in Victoria for deer hunting and recreational prospecting, for example, are well known.

The divergence between the categories established through Government-accepted recommendations of VEAC and its predecessors, and the legislated public land categories was cited by land managers as a source of confusion.

Public land managers also expressed an interest in understanding if and how Aboriginal joint management of parks and reserves would affect the categories system.

## Public land classification

Most modern states hold some land in government ownership (public land), and most international and Australian jurisdictions have developed systems of public land classification. Public land classification can be understood for the purposes of VEAC's investigation as the assignment of public land to particular purposes and uses, and the naming of the resulting public land categories. Like many classification systems, the aim is to organise information and make communication easier by having a single name for similar things.

Usually the decisions to assign public land to particular uses have been made incrementally by governments over decades or even centuries. In some cases, as in Victoria, attempts have subsequently been made to re-organise and standardise the ad hoc public land classifications that have arisen as a result of this history. Some parts of the public land estate have been considered in more detail than others; in particular, protected areas - areas set aside for the long-term conservation of nature - have been the subject of extensive discussion and categorisation globally and nationally. Other public lands have generally received less attention.

### 2.1 Australia

Public land classification in all Australian jurisdictions has been reviewed. Appendix 1 tabulates the results of this review for all states (other than Victoria), territories and the Commonwealth, listing the major public land categories, the governing legislation and land manager.

For most jurisdictions, Crown land outside protected areas and forests is the most difficult to characterise. Some states do not specify standardised purposes for Crown land reserves, providing for reserves to be dedicated for any specific purpose (e.g. South Australia) while others have a long list of specified purposes for reservation or dedication which are equivalent to reserve categories (e.g. 34 in Queensland). Several jurisdictions hold large proportions of land in pastoral leasehold, a form of Crown land tenure virtually unknown in Victoria; e.g. in New South Wales about 88 per cent of Crown land is under Western Lands leases and in the Northern Territory pastoral leases account for more than 45 per cent of the land area of the territory.

Commonwealth public land categories have been included for completeness, although they cover a narrower suite of land than the states and territories, focusing on terrestrial and marine protected areas, and land used for government purposes (defence, public buildings).

Section 3 describes Victoria's current system of public land classification.



## 2.2 International

Public land classification in New Zealand, United States of America and Canada has been reviewed and the results tabulated in appendix 2. These jurisdictions were selected as those most similar to Victoria's public land in governance and landscape. However, all have a system of government that provides for establishment of major parks and reserves on public land by the federal or national government, which is essentially dissimilar to Australia. In the case of the US and Canada, these national reserves are complemented by state or provincial reserves. In Australia's federal system, land management is the responsibility of the states.

While the systems of land ownership and tenures in regions such as Europe and Asia may be markedly different from those in Australia, considerable work has been done globally, as noted previously, to standardise protected area categorisations ie areas set aside for the long-term protection of nature. For this part of the public land estate, categorisations for an additional sample of five countries (from South America, Africa, Europe, Middle East and Asia) are provided in appendix 3.





## Victoria's current system of public land classification

### 3.1 Public land in Victoria

Victoria's public land occupies about 38 per cent of the total land area of the state, the smallest proportion of public land in any Australian state or territory. There are various figures cited as the total area of Victoria depending on the particular baseline used, whether or not the coastal waters of Victoria (submerged land) are included and how the islands, bays and inlets are calculated. The total area cited as public land also varies from source to source.

The Land Conservation Council's 1988 *Statewide Assessment of Public Land Use* provided figures only on the terrestrial areas of Victoria, with the land area of Victoria quoted as 22,760,000 hectares and public land as 8,802,000 hectares.

For the purposes of this investigation VEAC has recalculated all these areas (table 3.1). The total area of Victoria is 23,753,670 hectares (including submerged land) with the terrestrial component making up 22,752,300 hectares (including islands). Submerged land includes bays, major inlets and coastal waters to the state limit of 3 nautical miles from the territorial sea baseline. Appendix 4 provides the data sources for these calculations.

**Table 3.1**  
**Area of Victoria**

Feature type	hectares
mainland	22,708,200
islands	44,100
<i>Total terrestrial component</i>	<i>22,752,300</i>
waters*	1,001,370
<b>Total</b>	<b>23,753, 670</b>

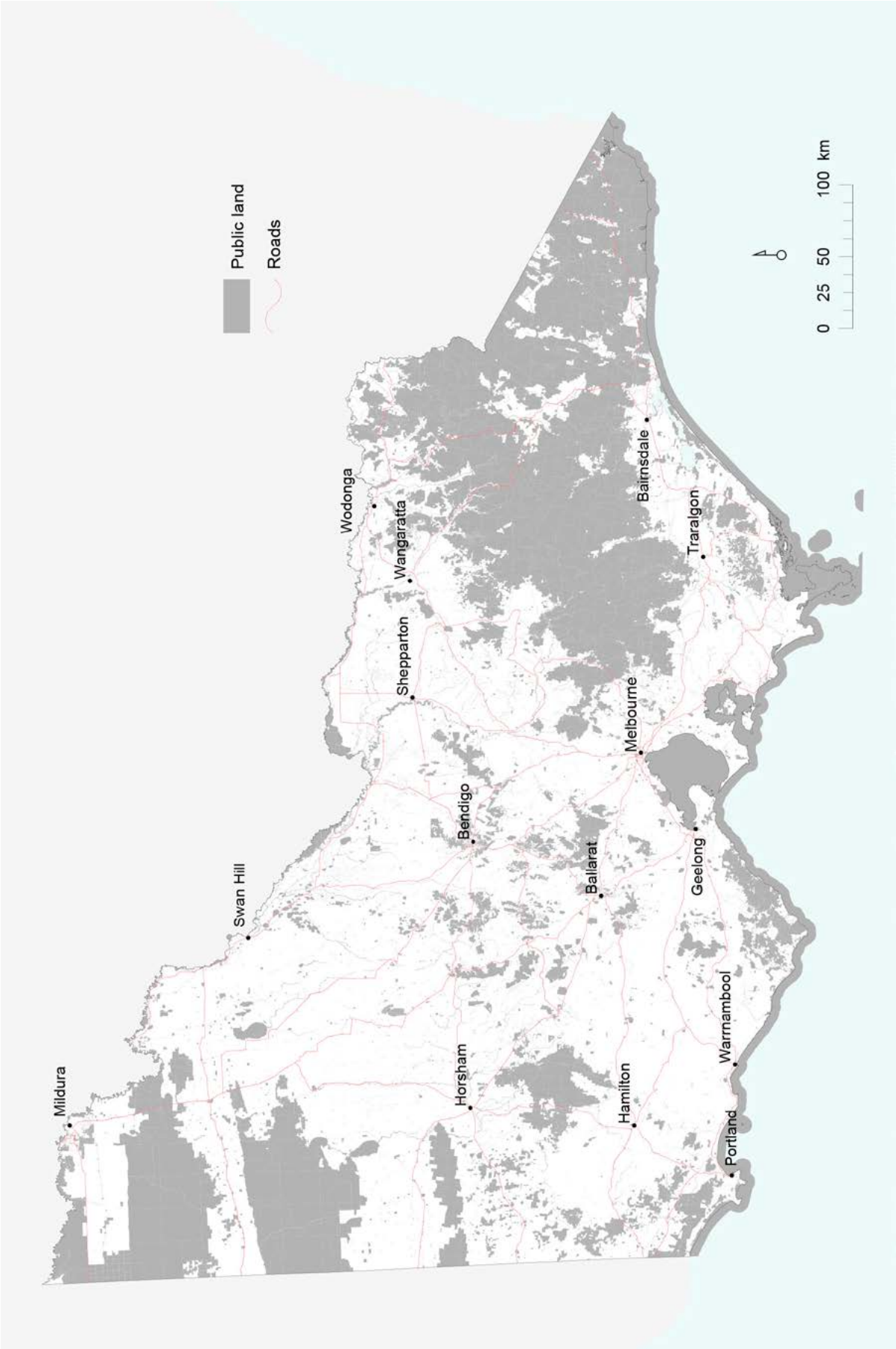
\*waters includes bays, major inlets and coastal waters ie the seabed below the waters to a distance of 3 nautical miles from the Territorial Sea Baseline

The distribution of Victoria's public land is shown in figure 3.1. Table 3.2 provides a summary of the composition of the public land estate.

Public land including submerged land has been recalculated as 9,424,433 hectares making up approximately 39.7 per cent of the total area of the state.

Public land has a specific definition in the VEAC Act. As well as Crown land, public land includes land owned in freehold title by state government public authorities and entities, but does not include freehold land owned by local councils. While there is as yet no reliable inventory of freehold state government-owned land across the state, the extent of this land is not negligible. For example, VEAC's Metropolitan Melbourne Investigation completed in 2011 estimated that government-owned land comprised 35 per cent of the public land in the 29 municipalities studied.

Figure 3.1 Public land in Victoria\*



\*includes Trust for Nature freehold land

**Table 3.2**  
**Composition of Victoria's public land**

Category	hectares
National park	2,897,043
State park	161,661
Wilderness park	200,686
National heritage park	7,501
Other park (conservation)	46,353
Regional park	123,359
Nature conservation reserve*	298,446
Coastal reserve	21,919
Historic and cultural features reserve	43,617
Natural features reserve	380,838
Water production	97,980
Community use area	44,494
Alpine resort	10,033
Forest park	48,124
State forest	3,180,553
Plantation	139,067
Earth resources	19,187
Services and utilities area**	659,270
Uncategorised public land	23,336

#### Marine

Marine national park	52,293
Marine sanctuary	841
Multiple-use marine protected area	67,830
Coastal waters	900,000
<b>Total</b>	<b>9,424,433</b>

#### Overlays

Reference area	111,106
Wilderness zone	640,786
Remote and natural area	267,266
Heritage river	159,457
Natural catchment area	141,180
Aquaculture zone	55
<b>Total</b>	<b>1,319,850</b>

\* includes Trust for Nature protected area

\*\* includes road reserves

## 3.2 Role of the Land Conservation Council and successors

### 3.2.1 Origin of the Land Conservation Council

The following brief summary of the origin and operation of the Land Conservation Council (LCC) is drawn from Danielle Clode's 2006 history of the Land Conservation and Environment Conservation Councils *As if for a thousand years* and the LCC's 1988 *Statewide Assessment of Public Land Use*. Prior to the establishment of the LCC, the Land Utilization Advisory Council, although focused on soil conservation, was the forum in the 1950s and 1960s for interdepartmental discussion (and disputes) about public land use.

The LCC was established by the Bolte government in 1971, in an attempt to defuse the controversy over the government's scheme to subdivide public land for agricultural settlement in the ecologically fragile Little Desert. The Little Desert dispute galvanised public opinion and provided an opportunity after the 1970 state election to introduce a systematic approach to resolving public land issues that was at arms length from politics. Bolte went to the election promising that the government 'would have a full study made of Crown Lands in Victoria with the object of setting aside and permanently reserving substantial areas for National Parks, Wildlife Reserves and Forests Parks. This should ensure that at least 5 per cent of the State is preserved forever'. At the time just over one per cent of Victoria was protected in national parks or wildlife reserves.

The purpose of the LCC was to 'balance' the use of land in Victoria through the recommendations it made over public land. Almost all of Victoria's prime agricultural land had already been alienated. The functions of the council as set down in its legislation clearly outline its responsibilities to protect the natural environment from further destruction. The LCC also needed to balance the needs of existing production from public land – e.g. timber, minerals, stone, honey – and recreational uses. It was to make its recommendations after careful scientific assessment and transparent public consultation processes, both enshrined in legislation. The legislation also enshrined the independence of the council, providing for the appointment of an chairperson from outside the public service.

Its primary task, its processes and its independence remained largely unchanged through the replacement of the LCC with the Environment Conservation Council (ECC) in 1997 and then with the Victorian Environmental Assessment Council (VEAC) in 2001. However council composition and governance changed substantially reflecting changes in the public service, and the wording of its role has changed, with VEAC's function now being on 'matters relating to the protection and ecologically sustainable management of the environment and natural resources of public land'.

Figure 3.2 (overleaf) shows the geographic boundaries of the LCC, ECC and VEAC investigation areas.

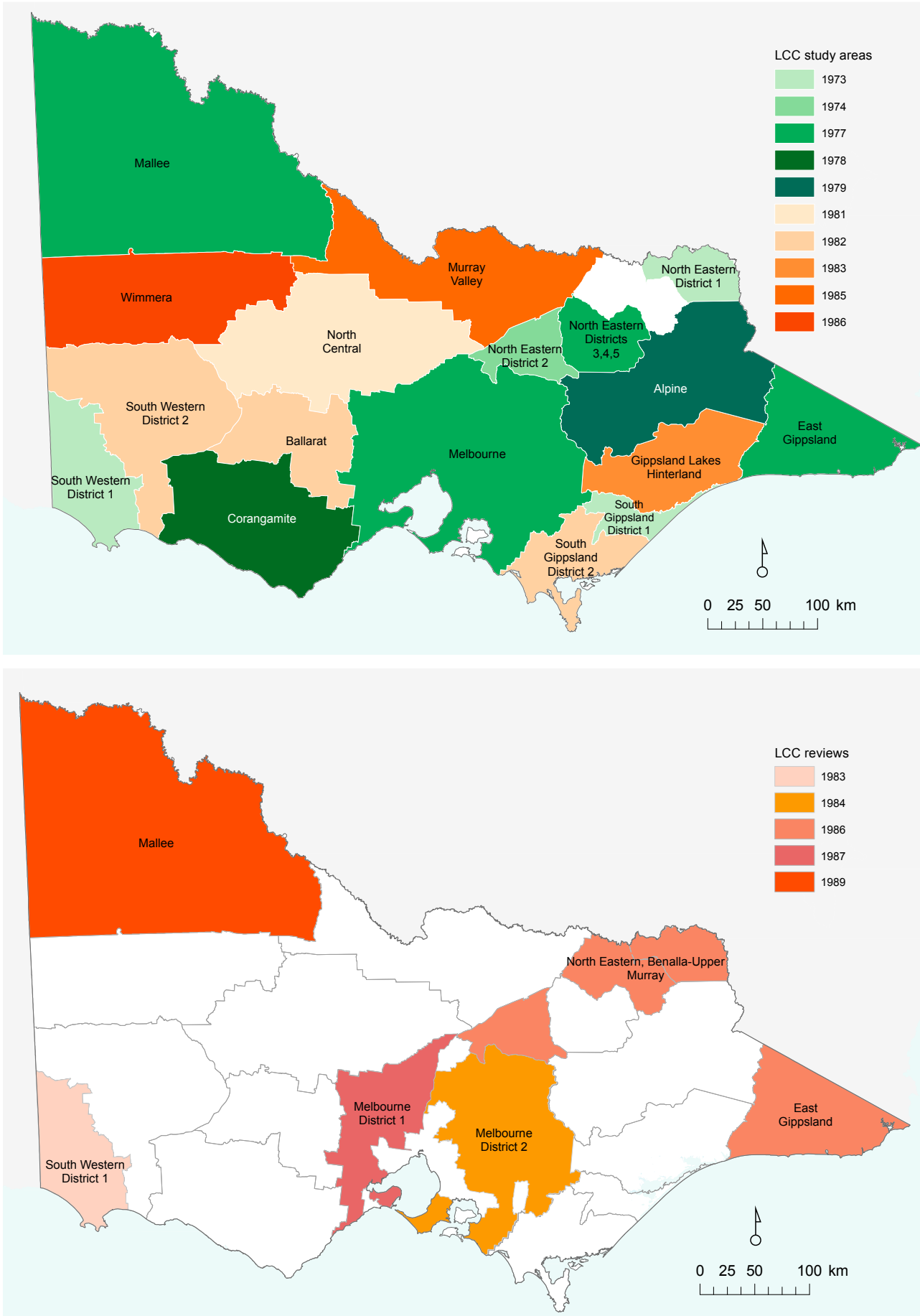
### 3.2.2 Public land use recommendations

In 1971 when the LCC began work most public land was classified as unreserved Crown land, national parks, wildlife reserves, reserved forest, road reserves, and a small number of 'other' reserves.

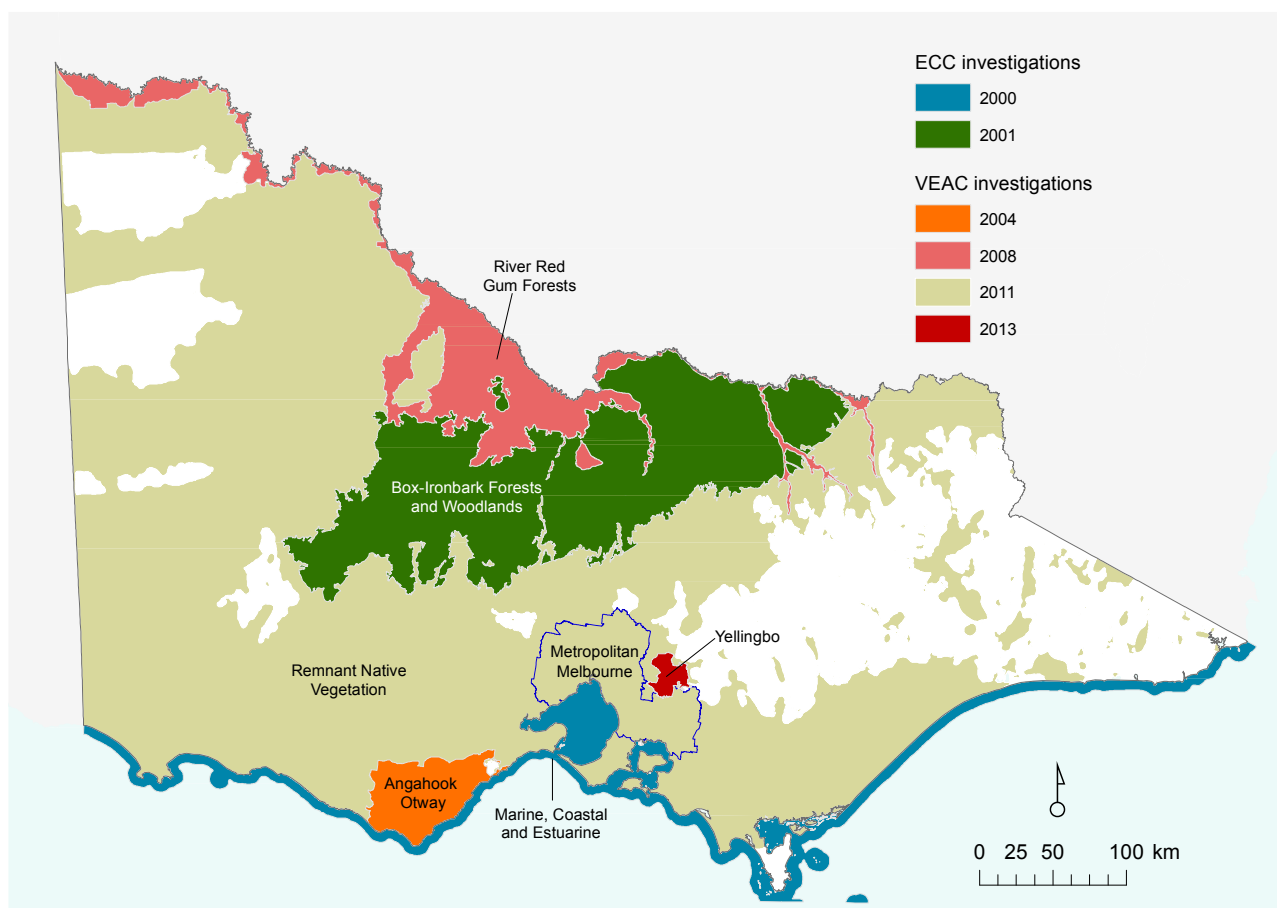
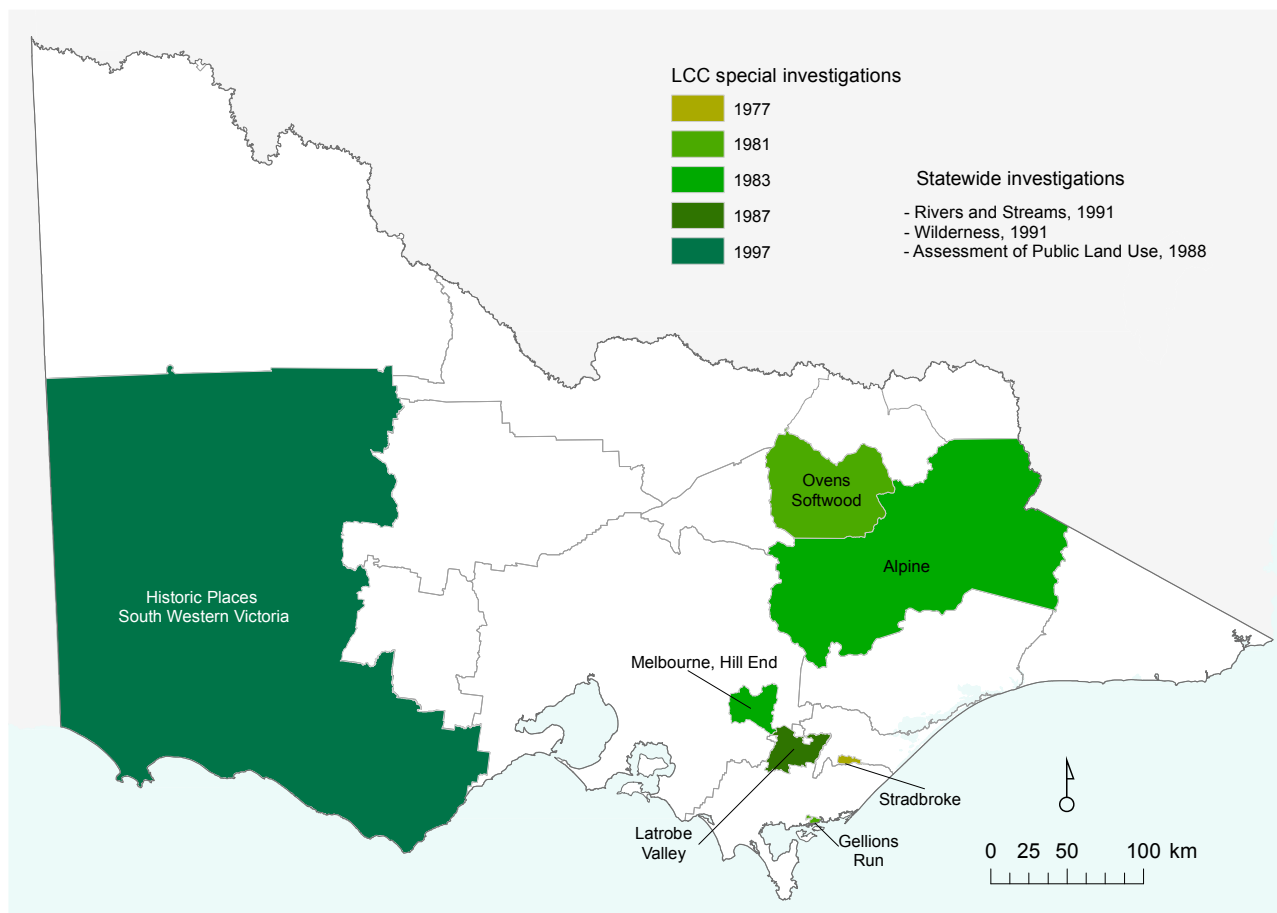
By 1974, the LCC had adopted the approach of assigning public land units to a system of 23 categories, determined by proposed use or purpose. With each regional study however, new categories were created to accommodate the diversity of environment and land uses across the state, and by 1988 the number of categories had grown to 48. The LCC's 1988 statewide assessment proposed a reduction of those 48 categories into 18 category groups (including 'uncategorised' land) with sub-categories retaining much of the relevant detail. Appendix 5 presents the 48 categories and the simplified list of 18 categories from the 1988 report together with a description of each major category and its proposed objectives. The number of principal categories settled at 19 through the development of the LCC's last major regional study: the Melbourne Area District 2 review in 1994. Changes between 1988 and 1994 included the addition of coastal reserve and earth resources categories, and the relegation of education area to a sub-category of community use area. New categories and overlays such as heritage rivers had also been added resulting from recommendations of the Wilderness Special Investigation (1991) and the Rivers and Streams Special Investigation (1991).

Victoria's current system of principal public land categories and sub-categories based on government-accepted recommendations of the LCC, ECC and VEAC is provided in table 3.3. The table also separately lists those land-use categories that are implemented as overlays to the primary land category. Where relevant, the investigation in which a new category or sub-category was introduced after 1988 is noted.

Figure 3.2 LCC, ECC and VEAC investigation areas







**Table 3.3**  
**Current government-accepted public land use**  
**categories and sub-categories**

1.	National park
2.	State park
3.	Wilderness park <sup>1</sup>
4.	National heritage park <sup>2</sup>
5.	Other park (conservation)
	Coastal park
	NPA Schedule 3 Park <sup>3</sup>
6.	Regional park
	Metropolitan park <sup>4</sup>
7.	Nature conservation reserve
8.	Coastal reserve
9.	Historic and cultural features reserve
10.	Natural features reserve
	Cave
	Natural and scenic features area
	Geological & geomorphological features area
	Wildlife area
	Streamside area
	Stream frontage, bed and banks
	Bushland area
	Lake
	Highway park
	Mineral spring
11.	Water production
	Water distribution and drainage
12.	Community use area
	Education area
	Recreation area
	Recreation trail
	Shooting range
	Parkland and garden
	Building in public use
13.	Alpine resort
14.	Forest park <sup>5</sup>
15.	State forest
16.	Plantation
	School plantation

17.	Earth resources
	Mining area
	Stone reserve
	Coal production
18.	Services and utilities area
	Transport
	Electricity and gas
	Communications, survey and navigation
	Municipal buildings and services
	Hospitals, public offices and justice
	Water and sewerage services
	Cemetery
19.	Uncategorised public land
	Revegetation area
20.	Land not required for public purposes

#### Marine

1.	Marine national park <sup>6</sup>
2.	Marine sanctuary <sup>6</sup>
3.	Multiple-use marine protected area
	Marine park
	Marine and coastal park
4.	Coastal waters <sup>7</sup>
5.	Aquaculture zone <sup>6</sup>

#### Overlays

1.	Reference area
2.	Wilderness zone <sup>8</sup>
3.	Remote and natural area <sup>8</sup>
4.	Heritage river <sup>9</sup>
5.	Natural catchment area <sup>9</sup>
6.	Conservation area <sup>10</sup>

<sup>1</sup>LCC Wilderness Special Investigation (1991)

<sup>2</sup>ECC Box-Ironbark Forests and Woodlands Investigation (2001)

<sup>3</sup>VEAC River Red Gum Forests Investigation (2008)

<sup>4</sup>VEAC Metropolitan Melbourne Investigation (2011)

<sup>5</sup>VEAC Angahook-Otway Investigation (2004)

<sup>6</sup>ECC Marine, Coastal and Estuarine Investigation (2000)

<sup>7</sup>Referred to in LCC Statewide Assessment of Public Land Use (1988) and recommended in ECC Marine, Coastal and Estuarine Investigation (2000)

<sup>8</sup>LCC Wilderness Special Investigation (1991)

<sup>9</sup>LCC Rivers and Streams Special Investigation (1991)

<sup>10</sup>VEAC Yellingbo Investigation (2013)

### 3.2.3 Legal status of accepted recommendations

The area-specific recommendations of the councils identify land-use categories and, for each category:

- ✦ specify its purpose
- ✦ nominate the suitable uses
- ✦ list the inappropriate uses that are not permitted there
- ✦ may include policies that explain or interpret its basic purposes
- ✦ may refer to principles and/or guidelines to be put into effect in more detailed management plans or site-specific proposals
- ✦ specify the form of reservation.

Section 10(3) of the *Land Conservation Act 1970* provided that, once recommendations have been accepted by the Minister, following notice to affected government departments and public authorities, an Order in Council requires departments or public authorities to use 'all diligence and dispatch to give effect to any recommendation' so far as it affects any land vested in or controlled by such departments and authorities. Government-accepted LCC recommendations also require an Order in Council to be amended or revoked.

Section 26 of the VEAC Act provides that, if the statement of the government response to a report specifies that the government wholly or partly accepts a recommendation, the Government must ensure that appropriate actions are taken to implement the recommendation to the extent that it has been accepted.

The *Environment Conservation Council Act 1997* was silent with respect to the government response to recommendations of the Environment Conservation Council (ECC). The VEAC Act, however, includes provisions that deem recommendations of the ECC to be recommendations of VEAC to which the VEAC Act applies.

Legal status is also conferred on recommendations of the LCC, ECC and VEAC through references in Acts such as the National Parks Act, the Crown Land (Reserves) Act, the Forests Act, the Wildlife Act and earth resources legislation. The Forests Act and the Wildlife Act provide, for example, for the Secretary to give effect to a recommendation where land is subject to a notice under section 10(3) of the Land Conservation Act (referred to above) even if the recommendation conflicts with the purpose for which the land is reserved.

Restricted crown land (land where special permissions must be obtained for mining and/or exploration) is defined in Schedule 3 of the *Mineral Resources (Sustainable Development) Act 1990* (MRSDA), for example, by reference to VEAC recommendations and public land use categories. The MRSDA also provides for the Minister to exempt land from being subject to a licence under the Act in order to implement LCC and VEAC recommendations.

### 3.3 Land use categories in legislation reserving Crown land

The following account of Victoria's first public land reservations is drawn from a report prepared in 2014 by Robyn Ballinger for VEAC's Historic Places Investigation.

After the first white settlement of the Port Phillip District in the mid-1830s, public land sites were given statutory protection to ensure the supply of natural resources for future populations. In 1839, surveyor Robert Hoddle marked out public purpose reserves in and around Melbourne for quarrying, brickmaking and lime production, and in 1848 an Order in Council put aside land for towns and villages, Aboriginal reserves, water reserves, inns, mineral reserves and timber reserves. On 1 July 1851 the Port Phillip District separated from New South Wales to become the colony of Victoria.

By 1853, there were nine timber reserves and 185 water reserves gazetted in Victoria, and by 1859 there were nearly 3,000 acres of public purposes reserves. The first Land Act passed by the Victorian Parliament (the *Sale of Crown Lands Act 1860*) made further provisions for the reservation of lands for a wide variety of public purposes, including cemeteries, courthouses, public halls, recreation reserves, hospitals, schools, roads, jetties, and railway infrastructure. By 1884, two million acres of land had been set aside for what was termed 'the public interest'.

Four primary land Acts now 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 following information has been sourced from DELWP.

The first three of these Acts have their origins more than 100-150 years ago and still contain provisions from that time; including the two 1958 Acts which simply consolidated earlier Acts.

The four Acts are supplemented by several 'overlay' Acts which govern particular reservation types or uses or, in a narrow range of circumstances, reserve land (see section 3.3.5).

The current legal status of Crown land reflects the use of these Acts and their predecessors over a period of more than 150 years, broadly reflecting:

- ✦ historic decisions to reserve land for particular purposes
- ✦ decisions made since the 1970s to implement LCC/ECC/VEAC recommendations through reservation processes to reflect approved land uses
- ✦ other decisions of governments and/or parliaments which depart from LCC/ECC/VEAC recommendations.

Consequently the legal status of some land is up to date and reflects government-accepted LCC/ECC/VEAC land categories, while the legal status of other areas is out of date or even obsolete.

Appendix 6 tabulates the current LCC/ECC/VEAC land use categories, their legislative basis and legislated purposes.

### 3.3.1 *Land Act 1958*

The major focus of this Act is on the sale, leasing and licensing of Crown land and preventing unauthorised occupations. Its provisions date back to the 1800s.

Over time, land moved from being administered under the Land Act to other Acts. However, for unreserved Crown land, the provisions of the Land Act apply.

### 3.3.2 *Crown Land (Reserves) Act 1978*

This Act provides for the reservation, use and management of Crown land, either temporarily or permanently, for public purposes including for conservation, recreation, services and utilities. Before this Act was proclaimed in 1978, the legal basis for reserving Crown land was part of the Land Act. The Act also provides for the appointment of committees of management to manage reserves.

There are 33 public purposes for which reserves may be established, singly or in combination.

### 3.3.3 *Forests Act 1958*

The Act provides for State forest (reserved forest and protected forest) and the management of forest produce on State forest. It also provides for the control and management of reserved forest by the Secretary. Other than for forest produce and fire, protected forest is administered under the Land Act.

The Forests Act also provides for the management of fire in the fire protected area (State forest, National Parks Act parks and land declared as protected public land).

### 3.3.4 *National Parks Act 1975*

The Act provides for the protection, use and management of national, state, wilderness and other parks and marine national parks and marine sanctuaries and provides for their management and control by the Secretary.

### 3.3.5 *Other Victorian legislation governing specific reservation types or uses of Crown land*

The four primary Acts are supplemented by several 'overlay' Acts which establish public land use overlays or which govern particular reservation types or uses. In addition, there are also the Acts such as the *Flora*

and *Fauna Guarantee Act 1988*, the *Mineral Resources (Sustainable Development) Act 1990* and the *Water Act 1989* which generally apply to public land.

### **Public land 'overlays' established in legislation**

Designations under the *Reference Areas Act 1978* and the *Heritage Rivers Act 1992* can apply to any public land, while wilderness zones and remote and natural areas are only applied to national parks. Fisheries reserves may be declared over any Crown land, except for land under the National Parks Act.

**Reference areas** are relatively small areas of public land containing viable samples of one or more land types that are relatively undisturbed. Reference areas recommended by LCC/ECC/VEAC and accepted by government are proclaimed under the Reference Areas Act to maintain natural systems as a scientific reference to enable comparative study of modified and unmodified lands. There are 144 reference areas in Victoria.

Victoria's 18 **heritage river areas** are rivers with outstanding values for current and future generations, and are protected under the Heritage Rivers Act. The LCC's Rivers and Streams Special Investigation (1991) systematically studied the biodiversity, recreational, cultural heritage and scenic values of Victoria's rivers. Heritage rivers were nominated by the LCC as those rivers, or river reaches, that had at least four values of state or greater significance. **Natural catchment areas** are also protected under the Heritage Rivers Act which requires that the area is maintained in an essentially natural condition. There are 26 natural catchment areas in Victoria.

**Wilderness areas** and **remote and natural areas** were established in Victoria largely as a result of the LCC's Wilderness Special Investigation (1991) into the identification, reservation and use of wilderness areas and other areas of high wilderness quality in Victoria. The LCC also identified 24 other areas with remote and natural attributes. The LCC's recommendations, varied by Government, were implemented through amendments to the National Parks Act. In addition to creating one new wilderness park and adding to the two existing wilderness parks, new schedules creating 20 wilderness zones and 22 remote and natural areas in national parks were added to the Act along with new provisions to provide a clear basis for the protection and management.

**Fisheries reserves** may be declared for various purposes, including aquaculture, under the *Fisheries Act 1995* over reserved or unreserved Crown land except for land under the National Parks Act.

### **Legislation governing specific types of Crown land reserves**

The *Wildlife Act 1975*, the *Alpine Resorts Act 1983* and the *Alpine Resorts (Management) Act 1997*, the *Royal*

*Botanic Gardens Act 1991* and the *Zoological Parks and Gardens Act 1995* deal with specific types of reserves under the Crown Land (Reserves) Act.

For example, section 14 of the Wildlife Act sets up a management framework for areas reserved for wildlife purposes under section 4(1)(o) of the Crown Land (Reserves) Act, names them as State Wildlife Reserves and provides for their further classification and management as State Game Reserves, State Game Refuges, State Faunal Reserves and so on. A management framework was also established and remains under the Wildlife Act for 'Nature Reserves' applying to some areas of public land recommended by the LCC to be managed for specific purposes by the former Fisheries and Wildlife Service. The Wildlife Act also provides for the declaration and management of areas of public and private land as wildlife management co-operative areas and wildlife sanctuaries.

### 3.3.6 Relevant Commonwealth legislation

The Commonwealth's jurisdiction over environmental matters comes from the Australian Constitution. The central piece of Commonwealth legislation is the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) which specifies the matters for which the Commonwealth has regulatory responsibility, and is derived from the 1992 Intergovernmental Agreement on the Environment and the 1997 COAG Heads of Agreement. The Heads of Agreement provided that the Commonwealth would apply its assessment and approval processes to meet its obligations on matters of national environmental significance (NES):

- ✦ World Heritage properties
- ✦ declared Ramsar wetlands
- ✦ national heritage places
- ✦ nationally threatened species and communities
- ✦ migratory species and cetaceans
- ✦ nuclear actions
- ✦ the marine environment
- ✦ the Great Barrier Reef Marine Park
- ✦ a water resource, in relation to coal seam gas development and large coal mining development.

Victoria's single World Heritage property (the Royal Exhibition Building and Carlton Gardens), its 11 Ramsar wetlands, and 18 of its 24 national heritage places are on, or mostly on, public land.

The EPBC Act establishes the National Heritage List, which includes natural, Indigenous and historic places that are of outstanding heritage value to the nation. The EPBC Act specifies that the regulations must prescribe principles

for managing national heritage places. The national heritage management principles as set out in schedule 5B of the Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC regulations) should be used when preparing and implementing management plans and management arrangements for a national heritage place.

### 3.3.7 International designations

Australia participates in development and implementation of many international agreements dealing with the environmental and biodiversity conservation and sustainable use, including global and regional conventions and treaties and bilateral agreements such as the World Heritage Convention and the Ramsar Convention on Wetlands.

All of these international conventions create obligations for Australia to act in some manner to prevent or minimise harm to the environment or to act to restore degraded landscapes. However, very few of these agreements require Australia to implement these obligations in a particular manner and Australia's implementation of these obligations can be through non-legislative mechanisms.

#### **Ramsar wetlands**

The Convention on Wetlands of International Importance (the Ramsar Convention) was signed in Ramsar, Iran in 1971.

The Ramsar Convention aims to halt the worldwide loss of wetlands and to conserve, through wise use and management, those that remain. The convention encourages member countries to nominate sites containing representative, rare or unique wetlands, or that are important for conserving biological diversity, to the List of Wetlands of International Importance (Ramsar List). Australia's has 65 Ramsar sites, 11 in Victoria. The Victorian Ramsar sites cover more than 300,000 hectares of mostly public land.

The implementation of the Ramsar Convention in Australia is supported by the Commonwealth EPBC Act. No Victorian legislation specifically refers to Ramsar sites. The EPBC Act establishes a framework for managing Ramsar listed wetlands through the Australian Ramsar Management Principles under the EPBC regulations.

Ramsar wetlands are a matter of national environmental significance that are protected under the EPBC Act. The Act regulates actions that will or are likely to have a significant impact on the ecological character of a Ramsar wetland. The Commonwealth *Water Act 2007* establishes a range of mechanisms which support sustainable management of water resources, particularly in the Murray-Darling Basin, including a requirement for the Basin Plan to give effect to the Ramsar Convention and a number of other international environmental



agreements, and to promote the wise use of all the Basin water resources and the conservation of declared Ramsar wetlands.

**Biosphere reserves**

‘Biosphere Reserve’ is an international designation made by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on the basis of nominations submitted by countries participating in the Man and the Biosphere Programme (MAB). MAB was launched in 1971 to promote a greater understanding and provision of knowledge and skills to support sustainable relationships between people and their environment. A biosphere reserve which includes one or more protected areas and surrounding lands that are managed to combine both conservation and sustainable use of natural resources.

Australia currently has 14 biosphere reserves, four in Victoria. The EPBC Act includes provisions for the development of cooperative arrangements between the Commonwealth, states and territories in the development of biosphere reserves. Management principles for the management of Australian biosphere reserves are set out in the EPBC regulations.

**3.4 Other systems of classifying land in Victoria**

**3.4.1 Planning scheme zones and overlays**

Local government planning schemes may apply to all private and public land in Victoria. A planning scheme is binding on all members of the public, on every Victorian minister, government department, public authority and council. The following information is sourced from the Planning division of DELWP.

Each of the 79 local government areas in Victoria and each of the three special planning areas (Alpine Resorts, Port of Melbourne, and French and Sandstone Island) is covered by a planning scheme, which sets out objectives, policies and provisions for the use, development and protection of land in the area. A planning scheme regulates the use and development of land through planning provisions. Matters that a planning scheme may provide for are described in section 6 of the *Planning and Environment Act 1987*. The planning scheme zones land for particular uses, and land may also have an overlay as well as a zone affecting it.

Planning Practice note 2 (June 2015) provides guidance about the appropriate use of the Public Land Zones. Public land is not defined in the Victoria Planning Provisions or the Planning and Environment Act, but it is commonly accepted that public land comprises:

- ✦ Crown land
- ✦ land vested in or owned by a minister, government department, public authority or municipal council

- ✦ land otherwise used for a public purpose.

Public land zones are not intended to identify the legal status of the land nor indicate the existing land use. They are intended to set out appropriate statutory requirements which apply to the use and development of the land in addition to the relevant land management legislation.

Table 3.5 sets out the four public land zones and their purposes.

**Table 3.5  
Public land zones in planning schemes**

Zone	Purpose
Public Use Zone	This zone recognises the use of land for a public purpose and prescribes a number of categories of public use which can be shown on the planning scheme map. This is the main zone for public land used for utility or community service provision.
Public Park and Recreation Zone	This is the main zone for public open space and public recreation areas.
Public Conservation and Resource Zone	This zone provides for places where the primary intention is to conserve and protect the natural environment or resources. It also allows associated educational activities and resource-based uses.
Road Zone	This zone enables declared roads and other important roads or proposed roads to be designated on the planning scheme map.

A public land zone is applied to public land where the surrounding zoning is inappropriate or where there is a special reason to identify separately the public land for planning purposes. Land is not automatically included in a public land zone simply because it is public land. There are situations where a public land zone is not the most appropriate zone. Examples include roads and remnant parcels of public land in rural areas. In such cases the use of other zones and overlays may appropriately recognise the purpose for which the land is reserved.

**3.4.2 IUCN protected area categories**

Protected areas – national parks, wilderness areas, nature conservation reserves and so on – are the cornerstone of biodiversity conservation. Effectively managed systems of protected areas have been recognised as critical instruments in achieving the objectives of the Convention on Biological Diversity and the Millennium Development Goals.

Consistency in comparing protected areas across Australia is achieved by the allocation and use of an internationally defined set of management categories, known as IUCN (International Union for Conservation of

Nature) categories. Protected are defined by IUCN as follows:

a protected area is a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values.

There are seven IUCN protected area categories:

- Ia Strict Nature Reserve
- Ib Wilderness Area
- II National Park
- III Natural Monument or Feature
- IV Habitat/Species Management Area
- V Protected Landscape/ Seascape
- VI Protected area with sustainable use of natural resources

Under the *Australia's Strategy for the National Reserve System 2009-2030* all the state and territory governments and the Australian government have agreed to adopt international standards for the **definition of a protected area** and management categories used by the IUCN.

IUCN protected area management categories classify protected areas according to their management objectives (see appendix 7). The categories are recognised by international bodies such as the United Nations and by many national governments as the global standard for defining and recording protected areas and as such are increasingly being incorporated into legislation such as in Australia's EPBC Act for Commonwealth reserves.

Every two years, the Australian government collects information on protected areas from state and territory governments and other protected area managers. This information is published in the Collaborative Australian Protected Area Database (CAPAD). CAPAD is used to provide a national perspective of the conservation of biodiversity in protected areas. It also allows Australia to regularly report on the status of protected areas to meet international obligations such as those in the Convention on Biological Diversity.

CAPAD is a textual and spatial database with information available for nine years between 1997 and 2014. Marine data and information is also available as a separate dataset.

### 3.5 Public authority land in freehold title

Under the VEAC Act, 'public land' is defined as including 'land vested in any public authority' (other than municipal councils and water authorities where the land is in a sewerage district). 'Vested' is not defined in the Act

but has been interpreted broadly to mean 'held by'.

Accordingly, it includes land held by public authorities under freehold title, and Crown land that authorities hold under licence or other arrangement.

Public authorities include: water authorities; various public bodies in the portfolios of transport (VicRoads, VicTrack), education (schools), health (hospitals, community facilities) and justice (police stations, courts; and emergency services. Some land used by private energy utilities is public land.

It is estimated by Land Victoria that there are approximately 142,000 land titles held by public authorities. While some – for major reservoirs, transport and utility uses – have been included and mapped in LCC, ECC and VEAC investigations, most of these parcels of land have never been reviewed.

Much of this land is operational, with purpose-built infrastructure or buildings, while others land may no longer be operationally required by public authorities or was purchased for future use but is now not required.

The extent of this land is conservatively estimated as at least 200,000 hectares.

### 3.6 Plantation land

Government-owned softwood and hardwood plantations were transferred to the Victorian Plantations Corporation (VPC) on its establishment in 1993. The VPC was established under the *State Owned Enterprises Act 1992* and the *Victorian Plantations Corporation Act 1993*, to establish, maintain and manage timber plantations on land vested in or managed by the Corporation, and to enter into, administer or manage agreements or licences relating to forest produce on that land.

Approximately 170,000 hectares of Crown land was vested in VPC, including an estimated 107,000 hectares of softwood plantations, 8000 hectares of hardwood plantations, and approximately 55,000 hectares of non-plantation land, including some native forest.

In March 1998, the Victorian government announced its decision to privatise the VPC. In October 1998, VPC was sold to Hancock Victorian Plantations Pty Ltd, including a licence to the 170,000 hectares of land vested with VPC, granting Hancock the right to operate a plantation business on that land in perpetuity. The licence is transferable, registrable and divisible and all royalties or rents were received by the State in an upfront fee as part of the sale proceeds. Along with the licence, all of VPC's other assets, liabilities and timber supply contracts were transferred to Hancock.

The plantation land described above is not considered to be public land within the scope of this investigation.

### 3.7 Land in Aboriginal title

The grant of Aboriginal title operates similarly to principles of ‘hand back / lease back’ of land elsewhere in Australia. That is, it provides for areas to effectively remain public land despite granting an underlying form of Aboriginal title, as a transfer of Aboriginal title will be conditional on an agreement with the state.

The following description is sourced from the Department of Justice and Regulation and the Department of Environment, Land, Water and Planning.

Native title is the recognition in Australian law that some Aboriginal and Torres Strait Islander people continue to hold rights and interests in land and water. The source of native title lies in the laws and customs observed by Aboriginal and Torres Strait Islander people when Australia was colonised by Europeans. For native title to be recognised, those laws and customs must have been acknowledged and observed in a ‘substantially uninterrupted’ way from the time of settlement until now. The Commonwealth *Native Title Act 1993* provides a process through which Indigenous Australians can lodge an application to seek a determination of native title.

In 2010, acknowledging the difficult nature of having native title determined under the Native Title Act, the Victorian government developed an alternative system for recognising the rights of Victorian traditional owners.

Victoria’s *Traditional Owner Settlement Act 2010* allows the government and traditional owner groups to make agreements that recognise traditional owners’ relationship to land and provide them with certain rights on Crown land. Under the Act, a settlement package can include a Land Agreement which provides for grants of land in freehold title for cultural or economic purposes, or as Aboriginal title to be jointly managed in partnership with the State.

‘Aboriginal title’ is an estate in fee simple (freehold) subject to the following statutory conditions and limitations:

- ✦ the traditional owner group entity is not able to sell, transfer, dispose of, encumber or otherwise deal with the estate or any legal or equitable interest in the estate
- ✦ the grant is subject to the limitation that the traditional owner group is not able to lease or license the estate or any legal or equitable interest in the estate, and
- ✦ is subject to a condition that the state is provided with rights to occupy, use, control and manage the land.

To date Aboriginal title has been granted over 16 parks and reserves (more than 90,000 hectares) in two agreements – with the Gunaikurnai and Dja Dja Wurrung. Agreements granting Aboriginal title for parks and reserves to other traditional owner groups are likely in the future.

### 3.8 Subterranean land and submerged land

Previous assessments of public land focused on the terrestrial land estate. However Crown land in Victoria also includes submerged land being land beneath water including the seabed out to Victoria’s coastal water limit at three nautical miles. Less well known is that subterranean land, i.e. land beneath the surface of the earth, is also usually Crown land. Private land often extends only to 15 metres beneath the land surface and the land beneath that depth is Crown land.

#### 3.8.1 Subterranean land

The source for land ownership extending ‘up to the heavens and down to the centre of the earth’ or ‘from heaven to hell’ is the common law principle *usque ad coelum et usque ad inferos*.

This applies to most Crown land in Victoria with the exception being those parcels which are defined in stratum by an upper and lower limit.

The breadth of the concept of land ownership being ‘up to heavens and down to the centre of the earth’ is subject to further qualifications established by legislation conferring ownership of, for example, all minerals upon the state.

Land alienated in Victoria prior to 29 December 1891 has no depth limitation (i.e. the ownership extends from the heavens to the centre of the earth), and after that date a depth limitation applies to land granted by the Crown (see section 339 of the Land Act). This means that Crown land exists below the land granted with an upper level being the depth limitation (standard depth limitation is now 15 metres below the surface) and a lower level the ‘centre of the earth’.

In the goldfields region of Victoria the Greater Bendigo National Park and some other areas have been established with a depth limitation of 100 metres beneath the land surface.

#### 3.8.2 Submerged land

Submerged land in Victoria’s bays and inlets and within the coastal waters of the state are largely, except for marine national parks and marine sanctuaries, unreserved Crown land. Other exceptions include terrestrial parks under the National Parks Act located on the coast which usually extend seawards to the low water mark and include the intertidal areas, and some coastal reserves reserved for the protection of the coastline under the Crown Land (Reserves) Act which extend up to 600 metres seaward.

The desire to retain the option to extract resources from deep below the seabed of marine national parks has led to the parks having a depth limitation of 200 metres beneath the surface of the seabed, below which is unreserved Crown land which can be accessed from outside the park.

## Assessment of the current system of public land use classification in Victoria

The Council's interim assessment of Victoria's public land categories has included a review of the strengths and weaknesses of the current system, informed by input from stakeholders and public land managers.

The current system has evolved from a set of simplified public land use categories developed by the LCC from 1988 to 1993. Section 3.2 of this report describes the LCC/ECC/VEAC processes of assigning public land to land use categories.

The analysis of the current system is organised around the following common assertions derived from the consultation so far:

- ✦ the pressures on and uses of public land have changed in the 25 years since the current system of public land categories was established; community perceptions of public land have changed
- ✦ unlike other national and international jurisdictions, assignment of public land to categories in Victoria over the last 40 years resulted from systematic and consultative studies and reviews, informed by science and thorough consultation
- ✦ the public does not understand public land categories, particularly in relation to permitted activities, and is often confused by the nomenclature
- ✦ the divergence of the LCC/ECC/VEAC categories from the categories used in legislation reserving land leads to reduced management effectiveness on the ground
- ✦ the relevant land manager cannot easily be inferred from the public land category.

### 4.1 Changes since the LCC assessment in 1988

There have been many major changes in perceptions about public land and its use and management in the last 25 years. Most fundamental is the High Court's 1992 landmark decision overturning the concept of *terra nullius* (that no one owned the lands before European settlement). Other significant changes include increasing awareness of climate change and its impacts, continuing degradation of Victoria's remaining vegetation, changes in patterns of resource use from public land, socio-economic changes leading to changes in the way the public uses and values public land, the digital revolution in information, entertainment and mapping, and finally major changes in public administration and the agencies managing public land and natural resources.

#### 4.1.1 Aboriginal rights and interests in land

This section is drawn from the Victorian Aboriginal Heritage Council's submission to VEAC in response to the notice of investigation advertised earlier in 2015.

The High Court's 1992 Mabo decision and the resulting *Native Title Act 1993* (Cth) resulted in a fundamental shift in the law and in government policy towards a greater recognition of the interest of Aboriginal persons and Traditional Owners specifically in their country. Since the LCC's assessment in 1988, the relationship between the Victorian government and the Aboriginal people of Victoria has shifted in legislation, administration and policy towards a greater recognition of the rights and interests of Traditional Owners to their Country. These rights are now recognised in Victoria in various ways including through determinations under the Native Title Act and the *Traditional Owner Settlement Act 2010*. There are new forms of title and important practical implications of these changes which are relevant to the conceptualisation of public land use categories.

Understanding and awareness of Aboriginal cultural heritage has also grown significantly in the last decade. Extensive and often sensitive Aboriginal cultural heritage exists across Victoria. Land in public ownership often has especially well preserved tangible heritage as well as broad Aboriginal cultural landscapes with rich intangible heritage.

#### 4.1.2 Pressures on natural ecosystems

Major continuing or emerging pressures on natural ecosystems in Victoria since the LCC's assessment in 1988 include habitat fragmentation and degradation, resulting in part from increasing population, and climate change.

##### **Climate change**

Awareness of climate change as a major issue and action to address it are relatively recent, based on gradually developing understanding during the 1980s among scientists, government and the community about the impacts on climate of increasing carbon dioxide levels.

Climate change is expected to increase the number of days with very high and extreme fire weather, particularly in southern Australia. The potential environmental impacts of changing fire regimes and the related fire prevention and suppression strategies are profound.

##### **Habitat degradation**

Victoria is the most cleared of all the Australian states, with about half of the original vegetation cleared, including 80 per cent of the cover on private land. Continued degradation of remaining native vegetation is currently the major threat to biodiversity on public land.

Climate change adds to and interacts with existing stressors, such as vegetation clearing and introduced pests and weeds, that have already contributed to the decline in Victoria's biodiversity.

VEAC's Remnant Native Vegetation Investigation (2011) found that within Victoria's fragmented landscapes (79 per cent of Victoria) the more cleared bioregions tend to have a lower proportion of their native vegetation on public land. The patches on public land are scattered across thousands of public land sites, including roadsides. A whole of landscape approach to protection of biodiversity is critical in these bioregions.

#### 4.1.3 Resource use on public land

The LCC's 1988 report documented the way in which its recommendations provided for the use of resources from public land, and estimated the current production. Major resources include forest produce, and minerals and petroleum. The use of public land for agriculture, primarily grazing, was also documented. Since that time there have been some substantial changes in these uses, four of which are outlined below.

##### **Timber**

The amount of native forest on public land available for timber harvesting has declined considerably since 1988. The LCC's report stated that, in 1988, about 4.4 million hectares was available as areas in which timber production was a major permitted use (not including substantial areas of mature forest available for once-off logging in parks and reserves); the equivalent figure today is 3.2 million hectares. (Note that the gross and net productive areas are substantially smaller than the available area.)

VicForests reports that during the 1980s an average of approx. 7,470 hectares was harvested each year, declining in the 1990s to 6,900 hectares. Currently, VicForests estimates that it harvests around 4,300 hectares of native forest in Victoria each year. Until recently, VicForests managed the commercial production of timber in the east of Victoria only. In late 2014, commercial harvesting in the western Victorian forests was transferred to VicForests, although this will not add substantially to the above figure.

The use of public land for plantations has declined as a result of the corporatisation and subsequent privatisation of softwood and hardwood plantations in the 1990s described in section 3.6.

##### **Carbon sequestration**

Carbon sequestration is the general term used for the capture and long-term storage of carbon dioxide. Sequestration methods include enhancing the storage of carbon in soil, in forests and other vegetation, or storing carbon in underground geological formations (geosequestration).

As a use of public land carbon sequestration was not envisaged in the LCC's 1988 report, nor is it reflected in the current system of public land use categories.

Victoria's *Climate Change Act 2010* recognised the value of sequestered carbon on Victoria's public land and established clear rules under which Crown land can be managed and used for carbon sequestration purposes. The Victorian government may manage its own land or by arrangements with third parties, based on a new instrument known as carbon sequestration agreements. The Crown Land (Reserves) Act was amended to provide for a new purpose of reservation of 'carbon sequestration in vegetation and soil'.



## **Minerals and petroleum**

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. (Conventional gas is natural gas that is easier to access and extract.) Coal seam gas is extracted from coal deposits – or ‘seams’ – at depths of 300-1000 metres underground.

Exploration for unconventional gas resources in Victoria started in the early 2000s. While tight gas has been found near Seaspray in Gippsland, the existence of coal seam or shale gas in Victoria is yet to be demonstrated. The parts of Victoria with the highest potential for unconventional gas are the Gippsland and Otway basins.

The Environment and Planning Committee of Parliament is currently conducting an inquiry into onshore unconventional gas in Victoria. The committee tabled its interim report on 1 September 2015.

## **Grazing on public land**

It has been long recognised that a major cause of river degradation and damage to public land water frontages is unrestricted stock access to the river. Since 1988 there has been increased recognition of the environmental values of riparian land and substantial changes in the management of grazing on water frontages.

Approximately 30,000 kilometres of Victoria’s 170,000 kilometres of water frontage is Crown land (excluding water frontages in parks and forests) which may be licensed to the adjoining landowner. Water frontage licences were traditionally issued for grazing but are now also issued for riparian management to recognise that all or part of the frontage is being managed to protect and improve the riparian environment.

Since 2005, cattle grazing has also ceased in the Barmah forest and the Alpine National Park after decades of controversy.

### **4.1.4 Changes in community use of public land**

Victoria’s population in 1988 was 4.3 million. Now it is 5.9 million with metropolitan Melbourne itself at a population of 4.4 million. The concentration of Victoria’s rapidly increasing population in Melbourne has led to the increasing interest in open space and ‘liveability’, examined in detail in VEAC’s Metropolitan Melbourne Investigation (2011).

In addition to increasing population many socio-economic changes have taken place in Australia since 1988 that have influenced community perceptions and uses of public land in Victoria.

Key socio-economic changes that were identified in an assessment of the vulnerability of Australia’s biodiversity to climate change include:

- ✦ the decline of agriculture in marginal landscapes
- ✦ different or new landscape uses such as carbon sequestration
- ✦ high-density urban living
- ✦ ‘sea change’ and ‘tree change’ movements
- ✦ the expanding Indigenous estate as land is restored to Aboriginal ownership
- ✦ private sector conservation.

Some of these changes have already been discussed. These trends have been characterised as a movement in developed nations towards non-agricultural production land uses.

Stakeholders have also reported major changes in leisure pursuits since 1988, resulting initially from the rise in digital technology use and then, to a lesser degree, to a reaction to the domination by online technologies leading to a renewed desire to connect with nature or engage in outdoor adventure activities.

### **4.1.5 Changes in Government administration**

Danielle Clode’s history of the LCC and ECC discusses changes in State government administration as an evolving process that began in the 1970s and resulted in a more managerial model of public service in the 1980s.

In the 1990s, following worldwide trends, Victoria moved much further to a ‘contractual’ model of public service, and many departmental functions were moved to newly created statutory authorities, corporatised or privatised. It was during the 1990s that catchment management authorities and Parks Victoria were established as statutory authorities to take on functions previously carried out directly by departments.

The amalgamation of departments in the 1980s and the 1990s resulted in the formerly autonomous public service departments or agencies once represented on the LCC (Lands, Forests Commission, National Parks Service, Fisheries and Wildlife, Soil Conservation Authority, Agriculture, Water, and Minerals and Energy) all in a single mega-department – the Department of Natural Resources and Environment. Since that time divisions have moved in and out of reconfigured departments and there has been some further corporatisation or movement of functions outside direct departments, with VicForests established in 2004 and the Game Management Authority in 2014. Reviews following serious bushfires in Victoria during the 2000s have also led to changes in fire emergency management and governance.

The LCC itself was abolished in 1997 and replaced with the ECC, and in 2001 the ECC was replaced with VEAC.

## 4.2 Community understanding and awareness

### 4.2.1 Permitted activities and exceptions

Council notes that attempts to inform the public about the activities that can be carried out in different categories of public land is hampered by misconceptions and misinformation, and the myriad exceptions that exist in almost every category.

For example, a common misconception amongst the general public (other than enthusiasts) is that four wheel driving is not permitted in national parks while it is permitted in State forest. In fact, it is permitted on public roads and formed tracks in both parks and State forests, and it is illegal to operate motorised vehicles off-road in both categories.

Appendix 8 is an example of a summarised table of activities in major public land categories, and illustrates the number of exceptions there are to the general rules applying to particular categories. However, standardising the activities and uses that are permitted in each category, while superficially attractive, does not acknowledge that the exceptions have arisen over the years as a result of public consultation and political debate, and in many cases represent a legitimate expression of community views about particular sites, well understood by users of the site.

VEAC's consultation with land managers and stakeholders indicates that the information sought from members of the public about the activities that are permitted on public land is usually activity and site specific. For example, deer hunters seek information about where hunting is permitted on public land and maps of those areas, and information about any other restrictions. The same kind of information is sought by recreational prospectors. Other groups may be aware of the public land category in which their activity is permitted or not permitted, but require spatially accurate information about the boundary. Recreational fishers are generally aware, for example, that they are not permitted to fish in marine national parks and sanctuaries, and the free Victorian Recreational Fishing Guide App has a "Can I fish here?" function which provides information about whether they are approaching a park boundary using a

smartphone's internal GPS.

There is some anecdotal evidence that the changes in government administration of public land and natural resources over the past 20 to 30 years have made it more difficult for the public to know which department or agency manages a particular area of public land or regulates a particular activity, and where to seek information. Countering that is the exponential advancement of digital technologies and online resources, which make it easier than ever to find information, irrespective of changes in the land or natural resource manager.

### 4.2.2 Nomenclature

From anecdotal reports, there seems no doubt that some of the public land categories are confused with each other, are not understood, or are simply unknown to the general community. In particular, state park is routinely confused with state forest, and forest park and regional park are not well understood.

The national and state designations probably arise from the US system where the appellations actually reflect the level of government under which they are established and managed, unlike the Victorian situation. National and state park designation in Victoria is also sometimes erroneously thought to reflect the level of significance of the land. Although there was an element of significance in the original intent of the LCC in describing the national and state park categories, it has never been reflected in legislation and the distinction has been discarded.

Previous attempts at consolidating categories have sometimes compounded the confusion, by relegating to sub-categories reserve types that may be well known and understood. For example, the 'community use area' category may not be well-known but includes the well-understood sub-categories of recreation reserve, parkland and garden and so on. Similarly, 'natural features reserve' is not as well known as some of its sub-categories such as water (or stream) frontage, wildlife reserve, mineral springs reserve and so on. The natural features reserve category includes sub-categories that are protected areas according to the IUCN definition, and reserves that are not considered to be protected areas, further confusing the purpose of the category.

Other sources of confusion arise from the local retention of well-understood names for particular sites such as e.g. the McKenzie Flora Reserve, while also referring to the site generically as a nature conservation reserve.

### 4.3 Legislative framework for public land management

LCC/ECC/VEAC recommendations as approved by the Governor in Council or the government are binding on government departments and public authorities.

The LCC/ECC/VEAC recommendations, as approved and unless varied by a subsequent decision of government (or Parliament), govern how the public land in Victoria is used and managed, irrespective of the underlying legal status. However, to be able to apply and enforce regulations, appropriate reservation through the legislative framework is required.

A key issue hindering effective management is the non-reservation of land in accordance with the accepted LCC/ECC/VEAC recommendations. The misalignment between the approved land use and the legal status of the land makes the creation and application of uniform regulations and compliance and enforcement difficult or impossible, and the issuing of permits or licences potentially cumbersome and complex.

A further issue is that some areas are not covered by recommendations, as land in cities, towns and boroughs was excluded from some earlier LCC studies and investigations. Some significant areas not covered include the Crown land in the area of the former cities of Geelong, South Barwon, Geelong West and Newtown and the Borough of Queenscliff.

Later stages of this investigation will consider in detail the level of implementation of accepted recommendations and the current reservation status of public land.

Other issues brought to VEAC's attention include the administrative complexities that arise from the 1200 or more different wordings of reservation purpose for Crown land reserves, which is a legacy of reservation processes over more than 150 years. Some of these issues relate simply to the difficulty in keeping track of all reserves aligned with a particular LCC/ECC/VEAC category in order to apply regulations, but others are the unintended problems caused when a reservation purpose might not reflect specific wording in legislation.

Specific examples of issues include:

- ✦ wildlife reserves are established under the Wildlife Act only by virtue of their reservation purpose under the Crown Land (Reserves) Act. If the exact wording is not used, this will preclude an area becoming a wildlife reserve under the Wildlife Act
- ✦ impacts on leases under the Crown Land (Reserves) Act over certain land that is described by reference to specified purposes unless certain criteria are met. If the purpose is similar but not identical to the legislated wording, other stricter criteria apply (including the possibility of the lease being disallowed by Parliament)
- ✦ reserves within one land use category may be reserved under different Acts – e.g. there are LCC/ECC/VEAC recommended regional parks reserved under the Crown Land (Reserves) Act, the Forests Act and the National Parks Act
- ✦ reservation and management arrangements do not always sit within the one Act – e.g. some areas are reserved under the Crown Land (Reserves) Act but, through particular legislative provisions, managed under the Forests Act, National Parks Act or Wildlife Act. This reflects the history of Crown land use administration or political decisions.

## Options for consolidation or change to the current system of public land use categories

The first term of reference for this investigation requires 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.

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.

Following consideration of the interim assessment outlined in preceding sections of this report, Council considers that there are four broad options.

### Option 1

#### Minimal change, improved communication products

Option 1 reflects the results of the evaluation of Victoria's system of public land categories in comparison to other jurisdictions. Victoria's system is not complex in comparison to other jurisdictions and is simpler than many. Input from submissions, the Community Reference Group and public land managers suggest that while some confusion is evident, public land classification is not a major issue.

Features of this option are:

- a. minor changes to nomenclature to improve clarity but reflects the view that major changes to nomenclature will lead to incorrect perceptions that permitted uses have changed for particular areas of public land
- b. minimising the need to rename parks and reserves or change signage and publication materials
- c. changes to descriptions of purposes and values associated with public land categories to reflect the growth in knowledge and understanding of Aboriginal rights and interests
- d. acknowledgement of the input Council has received that users of public land are interested in spatially accurate information about the activities they can undertake on different areas of public land
- e. higher priority given to the development of improved information products such as mobile phone apps for recreational users.

### Option 2

#### Simple consolidation and re-categorisation

Option 2 reflects some of the analysis of strengths and weaknesses of the current system outlined in section 4.

Features of this option are:

- a. consolidating or re-categorising a small number of categories and sub-categories that VEAC's consultation reveals the public has little understanding of or confuses, such as national and state parks, forest parks and regional parks; this includes consolidating some similar categories with each other, and also rationalises and re-categorises some natural features reserve sub-categories
- b. avoiding consolidations that will lead to changes in the permitted uses on public land; e.g. while there may be an argument for coastal parks to be re-categorised as national or state parks in terms of public perception, natural values or recreational uses, such a change may inadvertently result in a change to the earth resources regime and potentially to access to minerals, and would require consultation about the implications for particular areas
- c. new overlays to public land categories would acknowledge Aboriginal title and Aboriginal-managed land.

## Option 3

### Comprehensive review with clear alignment to legislation

Option 3 consolidates the public land use categories and makes some updates to reflect contemporary values and uses, and aligns the categories to new or amended legislation.

Features of this option are:

- a. reflecting the input from public land managers and others that effective management and provision of clear information to the public is compromised by land legislation that doesn't align with the Government-accepted public land uses
- b. alignment of public land categories and their purposes to new or amended legislation that implements the revised categories
- c. removal of overlapping and obsolete legislative provisions
- d. amendment of the National Parks Act (e.g. to a National Parks and Nature Conservation Act) would include all protected area categories
- e. amendment of the Crown Land (Reserves) Act would replace the 33 purposes of reservation in section 4 with a smaller number of purposes that align with the purposes of the categories as accepted by successive governments, noting that in practice the wording of the purposes are not currently observed
- f. Forest Act and Land Act amendments would remove the historical division between reserved forest and protected forest in favour of one State forest category administered under the Forests Act that reflects the multiple values and uses for which native forests are managed
- g. Wildlife Act amendments would remove provisions for sub-categorising land; required sub-categories would be established in the relevant primary act.

## Option 4

### Next generation

Option 4 builds on Option 3 to facilitate addressing emerging issues in public land management.

Additional features of this option are:

- a. the increasing importance of managing fragmented landscapes and habitat linkages across public and private land could be acknowledged by use of e.g. the conservation area overlay recommended by VEAC for the Yellingbo area, and by links to local planning schemes
- b. responding to current discussions about appropriate management of some categories of community use reserves, and government services and utilities land, the relevant categories could be designated respectively as 'local' significance community use reserves and government operational land to facilitate transfer to local government or public authorities
- c. higher levels of significance could be addressed by incorporating international designations such as Ramsar wetlands into legislated public land categories.

# Appendix 1

## Public land classification in Australian jurisdictions

Category	Land manager
<b>SOUTH AUSTRALIA</b>	
<i>National Parks and Wildlife Act 1972</i>	Department of Environment Water and Natural Resources
National park Conservation park Game reserve Recreation park Regional reserve Sanctuary (overlay)	
<i>Wilderness Protection Act 1992</i>	Department of Environment Water and Natural Resources
Wilderness Protection Area Wilderness Protection Zone	
<i>Crown Land Management Act 2009</i>	Department of Environment Water and Natural Resources
Conservation reserve River frontage Dedicated land – recreation, sporting club, school, hospital Crown leasehold land Unalienated Crown land	
<i>Forestry Act 1950</i>	Forestry SA
Forest reserve Native forest reserve (all or part of forest reserve)	
<i>Marine Parks Act 2007</i>	Department of Environment Water and Natural Resources
Marine park	
<i>Fisheries Management Act 2007</i>	Department of Primary Industries and Regions
Aquatic reserve Rock lobster sanctuary	
<i>Natural Resources Management Act 2004</i>	Department of Environment Water and Natural Resources
Road reserve	
Miscellaneous legislation reserving or designating land	
River Murray protection area Adelaide Dolphin Sanctuary Arkaroola Protection Area Shipwreck reserve	

Category	Land manager
<b>WESTERN AUSTRALIA</b>	
<i>Conservation and Land Management Act 1984</i>	Department of Parks and Wildlife
National park Conservation park Marine park Nature reserve Marine nature reserve Marine management area State forest Timber reserve	
<i>Land Administration Act 1997</i>	Minister of Lands, Department of Lands
Class 'A' reserve Class 'B' reserve Reserve Use and benefit of Aboriginal people Mall reserve Railway Recreation, sporting reserve Crown (pastoral) lease Unmanaged reserve Unallocated Crown land	
<i>Fish Resources Management Act 1994</i>	Department of Fisheries
Fish habitat protection area	
<i>Metropolitan Water Supply, Sewerage and Drainage Act 1909</i>	Department of Water
Water reserve Catchment area	
<i>Main Roads Act 1940</i>	Main roads Western Australia, Department of Transport
Main road, highway	



Category	Land manager
<b>NORTHERN TERRITORY</b>	
<i>Territory Parks and Wildlife Conservation Act 2006</i>	Parks and Wildlife Commission NT
National park Nature park Desert park Marine park Recreation park Wildlife park Park Conservation reserve Coastal reserve Hunting reserve Historical reserve Reserve Conservation area Recreation area Botanic garden Sanctuary (overlay) Wilderness zone (overlay) Area of essential habitat (overlay)	
<i>Crown Lands Act 1992</i>	Department of Lands, Planning and the Environment
Dedicated reserves	
<i>Fisheries Act 2011</i>	Department of Primary Industries and Fisheries
Aquatic life reserve Fish reef protection areas	
<i>Pastoral Land Act 1992</i>	Pastoral Land Board/ Department of Land Resource Management
Pastoral lease	

Category	Land manager
<b>QUEENSLAND</b>	
<i>Nature Conservation Act 1992</i>	Department of National Parks, Recreation, Sport and Racing- Queensland Parks and Wildlife Service
National park National park (Aboriginal land, Torres Strait Islander land, Cape York Peninsula Aboriginal land) Regional park Nature refuge Coordinated conservation area Forest reserve	
<i>Recreation Areas Management Act 2006</i>	Queensland Parks and Wildlife Service
Recreation area	
<i>Forestry Act 1959</i>	Department of Agriculture and Fisheries
Timber reserve State forest - State plantation forest - Feature protection area - State forest park - Scientific area - Forest drive	
<i>Land Act 1994</i>	Department of Natural Resources and Mines
Dedicated reserve Leasehold land Dedicated road Unallocated state land	
<i>Marine Parks Act 2004</i>	Queensland Parks and Wildlife Service
Marine park	
<i>Fisheries Act 1994</i>	Department of Agriculture and Fisheries
Fish habitat area	
<i>Transport Infrastructure Act 1994</i>	Department of Transport and Main Roads
Rail transport corridor	

## Appendix 1 (continued)

### Public land classification in Australian jurisdictions

Category	Land manager
NEW SOUTH WALES	
<i>National Parks and Wildlife Act 1974</i>	National Parks and Wildlife Service, Office of the Environment and Heritage, within the Department of Premier and Cabinet
National park Nature reserve State conservation area Regional park Aboriginal area Historic site Karst conservation area Wild river (overlay)	
<i>Wilderness Act 1987</i>	National Parks and Wildlife Service, Office of the Environment and Heritage, within the Department of Premier and Cabinet
Wilderness	
<i>Marine Parks Act 1997</i>	Marine Parks Authority, within Department of Primary Industries
Marine park Aquatic reserve	
<i>Brigalow and Nandewar Community Conservation Area Act 2005</i>	National Parks and Wildlife Service, Office of the Environment and Heritage, within the Department of Premier and Cabinet
Community conservation area	
<i>Forestry Act 2012</i>	Forestry Corporation of NSW/other land managers for non-forest uses
State forest Flora reserve Timber or forest reserve	
<i>Crown Lands Act 1989 and other legislation</i>	Department of Primary Industries – Lands
Crown reserves or dedicated land (specific purposes) Travelling stock reserves Western Lands leases Crown roads Submerged lands of Crown waterways Commons	

Category	Land manager
TASMANIA	
<i>Nature Conservation Act 2002</i>	Parks and Wildlife Service, Department of Primary Industries, Parks, Water and Environment
National park State reserve Nature reserve Game reserve Conservation area Nature recreation area Regional reserve Historic site	
<i>Living Marine Resources Management Act 1995</i>	Parks and Wildlife Service, Department of Primary Industries, Parks, Water and Environment
Marine protected area	
<i>Forestry Act 1920</i>	Forestry Tasmania, Department of State Growth
State forest Forest reserve	
<i>Crown Lands Act 1976</i>	Crown Land Services, Department of Primary Industries, Parks, Water and Environment
Public reserve Reserved road	
<i>Land Acquisition Act 1993</i>	Various
Freehold public land	
<i>Local Government (Highways) Act 1982</i>	Local government areas
Local road	

Category	Land manager
AUSTRALIAN CAPITAL TERRITORY	
<i>Nature Conservation Act 2014</i>	Territory and Municipal Services Directorate
Wilderness area National park Nature reserve Catchment area	
<i>Planning and Development Act 2007</i>	Territory and Municipal Services Directorate
Special purpose reserve Urban open space Cemetery or burial ground Lake Sport and recreation reserve Heritage area	

Category	Land manager
COMMONWEALTH	
Marine park	
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Department of the Environment/Parks Australia/Australian Antarctic Division
National park Marine reserve Nature reserve Botanic garden	
<i>Great Barrier Reef Marine Park Act 1975</i>	Great Barrier Reef Marine Park Authority
Miscellaneous legislation	
Defence land Public building	

## Appendix 2

### International examples of public land classification

Category	Land manager
<b>NEW ZEALAND</b>	
<b>National level</b>	
<i>Forests Act 1949</i>	Ministry for Primary Industries
Crown forestry land	
<i>National Parks Act 1980</i>	Department of Conservation
National park - wilderness area	
<i>Conservation Act 1987</i>	Department of Conservation
Amenity area Conservation park Ecological area Government purpose reserve Historic reserve Marginal reserve (20 m) – foreshore, lake, river or stream Nature reserve Recreation reserve Sanctuary area Scenic reserve Scientific reserve Stewardship area Watercourse area Wildlife management area	
<i>Reserves Act 1977</i>	Department of Conservation
Local purpose reserve	
<i>Wildlife Act 1953</i>	Department of Conservation
Wildlife management reserve Wildlife refuge Wildlife sanctuary	
<i>Marine Reserves Act 1971</i>	Department of Conservation
Marine reserve	
Miscellaneous legislation	Ministry for Primary Industries/ Department of Conservation
Benthic protection area Marine mammal sanctuary Mātaitai or Taiapure reserve (customary fishing reserve)	

Category	Land manager
<b>CANADA</b>	
<b>National level</b>	
National park National park reserve National historic site National marine conservation area Protected landscape Heritage railway station Heritage lighthouse Federal heritage building	Parks Canada
National wildlife area National migratory bird sanctuary Marine wildlife area	Canadian Wildlife Service (in Environment Canada)
Marine protected area Large ocean management area/integrated area	Fisheries and Oceans Canada
Indian reserve	Aboriginal Affairs and Northern Development Canada (on behalf of First Nations, Inuit, Metis)
National defence land	Canadian Forces
Federal harbour Federal airport Railway	Transport Canada
Heritage river	
<b>Provincial level</b>	
Provincial park	Examples from British Columbia, Nova Scotia, Ontario, Quebec
Conservation reserve	
Fauna reserve	
Conservancy	
Provincial recreational area	
Ecological reserve	
Provincial nature reserve	
Protected area	
Provincial wildlife area	
Enhanced management area	
Territorial park	
Wilderness area	
Provincial protected beach	
Provincial game sanctuary	

Category	Land manager
Provincial wildlife management area	
Natural area	
Heritage rangeland	
Forest reserve	
Grazing reserve	
General use area	
Public road (BC)	
Forest Service road	
Regional and municipal park	
Regional airfield	
Utility (reservoir, power generation and transmission infrastructure)	
<b>UNITED STATES</b>	
<b>National level</b>	
National park National monument National preserve National historical park National historic site National battlefield park National military park National battlefield National battlefield site National memorial National recreation area National seashore National lakeshore National river and national wild and scenic river National reserve National parkway National historic park National trail Marine protected area	US National Park Service
National forest National grassland National monument National preserve Purchase unit Land utilization project Research and experimental area National forest wilderness area National forest primitive area	US Forest Service

Category	Land manager
National monument National conservation area Cooperative management and protection area Outstanding natural area Wilderness area Wilderness study area (overlay) National wild and scenic river National historic trail National scenic trail Headwaters forest reserve	US Bureau of Land Management
National wildlife refuge Wetland management district Waterfowl production area Co-ordination area Marine national monument	US Fish and Wildlife Service
National marine sanctuary Marine national monument National estuarine research reserve National fish and wildlife refuge	National Oceanic and Atmospheric Administration
Recreation area or site	US Army Corps of Engineers
Indian reservation	Bureau of Indian Affairs
Military reservation	Department of Defence
Dam Hydroelectric power plant Reservoir Recreation area	Bureau of Reclamation
<b>State level</b>	
State park State beach State historic park State recreation area State natural reserve State vehicular recreation reserve State historical monument State marine park State seashore Wayside campground State cultural reserve Underwater recreation reserve State forest State wildlife area State forest park State wildlife management area State memorial State historic site State preserve State reserve	



## Appendix 3

### Protected area categories:

examples from South America, Africa, Europe, Asia and the Middle East

Brazil	South Africa	Norway	Japan	Saudi Arabia
Area of relevant ecological interest	Bird sanctuary	Botanical conservation area	National park	Bird sanctuary
Biological reserve	Botanical garden	Habitat management area	National wildlife protection area	HimatTraditional Reserve
Ecological reserve	Forest nature reserve	Marine protected area	Natural habitat conservation area	Inviolable sanctuary
Ecological station	Forest wilderness area	National park	Nature conservation area	Managed nature reserve
Environmental protection area	Marine protected area	Natural monument	Prefectural natural park	Marine wildlife sanctuary
Marine extractive reserve	Mountain Catchment Area	Nature reserve	Prefectural nature conservation area	National nature reserve
Coastal and marine protection area	National heritage site	Protected landscape	Prefectural wildlife protection area	National park
National forest	National park	Wildlife conservation area	Protected water surface	National recreation area
National park	Nature reserve		Quasi national Park	Natural monument
Sustainable development reserve	Private nature Reserve		Wilderness area	Nature reserve
Wildlife sanctuary	Protected environment			Protected area
	Provincial nature reserve			Protected landscape
	Special nature reserve			Reserve
				Wildlife management area

## Appendix 4

### Datasets for Victorian area calculations

VMINDEX.FR\_FRAMEWORK\_AREA\_POLY

MARINE1.AMB\_COASTAL\_WATERS\_STATES\_POLY

Source: DEWLP corporate digital dataset – short metadata

<b>Resource Name:</b>	FR_FRAMEWORK_AREA_POLYGON
<b>Title:</b>	Framework (Polygon) 1:25,000 - Vicmap Index
<b>Anzlic Id:</b>	ANZVI0803002895
<b>Custodial Program:</b>	Information Services Division (DELWP)
<b>Custodian:</b>	Department of Environment, Land, Water & Planning
<b>Abstract:</b>	This layer represents polygons for the state boundary, zero contour, coastline and the data extent for Vicmap Elevation & Vicmap Features, Vicmap Hydro, Vicmap Transport.
<b>Search Words:</b>	LAND Topography
<b>Nominal Input Scale:</b>	1:25,000
<b>Currency Date:</b>	01 June 2015
<b>Dataset Status:</b>	Completed
<b>Positional Accuracy:</b>	The planimetric accuracy attainable will be the sum of errors from three sources: the positional accuracy of the source material, errors due to the conversion process, errors due to the manipulation process. For topographic base derived data this represents an error of 8.3m on the ground for 1:25,000 data. A conservative estimate of 10m for the standard deviation will be used in any data quality information. Alternate and equal ways of expressing this error are: not more than 10% of well-defined points will be in error by more than 16 m. The worst case error for the data is +/- 30 m. For vertical positional accuracy of points determined from contours there is an expectation that the elevation accuracy (standard deviation) will be half the value of the contour interval.
<b>Attribute Accuracy:</b>	99%
<b>Logical Consistency:</b>	The allowable error in attribute accuracy ranges between 1% to 5% error. Logical consistency is a measure of the degree to which data complies with the technical specification. The test procedures are a mixture of scripts, microstation MGE program and on-screen visual checks.
<b>Data Source:</b>	The line work and points were derived from the Vicmap Digital Topographic (VDT) map base coordinated by LIG. VDT evolved from Victoria's printed 1:25,000 Topographic Map Series program together with the need to supply a control framework for the creation of the rural Digital Cadastral Mapbase. The capture scale is 1:25,000 Statewide and the coverage, except for minor border issues is also statewide.

## Appendix 5

### Land Conservation Council's proposed simplified public land use categories: extracts

The following tables are extracted from the LCC's 1988 report *Statewide Assessment of public land use* (pages 65 and 71-74).

Table 10

#### PUBLIC LAND USE CATEGORIES

Present categories	Proposed classification
Reference area	Reference area
National park	National park
State park	State park
Wilderness area	Wilderness
Regional park	Regional park
Multi-purpose park	Regional park
Coastal park	Regional park
Marine reserve	Nature conservation reserve
Marine and wildlife reserve	Marine park
Gippsland Lakes reserve	Natural features reserve
Wildlife reserves	Natural features reserve
Wildlife co-operative management area	Natural features reserve
Flora reserve	Nature conservation reserve
Flora and fauna reserve	Nature conservation reserve
Natural features and scenic reserve	Natural features reserve
Water production	Water production
Water supply regulation and drainage	Water production
Education area	Education reserve
Historic area	Historic reserve
Historic reserve	Historic reserve
Coastal reserve	Regional park
Scenic coast	(No equivalent)
Public land water frontage reserve	Natural features reserve
Streamside reserve	Natural features reserve
River Murray reserve	Natural features reserve
Geological reserve (or Monument)	Natural features reserve
Cave reserve	Nature conservation reserve
Bushland reserve	Natural features reserve
Scenic reserve	Natural features reserve
Lake reserve	Natural features reserve
Roadside conservation	Natural features reserve
Highway park	Regional park
Recreation reserves	Community use reserve
Alpine resort	Alpine resort
Hardwood (timber) production	State forest
State forest	State forest
Eucalyptus oil production	State forest
Softwood production	Forest plantation reserve
Forest area	State forest
Minerals and stone	Public utility reserve
Coal production	Public utility reserve
Hydroelectricity production	Public utility reserve
Agriculture	(Government land)
Utilities and survey	Public utilities reserve
Township land	Uncategorized public land
Uncommitted land	State forest
Other reserves and public land	Uncategorized public land
Revegetation areas	Uncategorized public land

Table 11

## SIMPLIFIED PUBLIC LAND CATEGORIES

Description	Objects
1. <i>Reference area</i>	
A substantially undisturbed tract of land containing representations of major land systems in the State	<p>protection of natural ecosystems for use as scientific references</p> <p>restricted use for non-manipulative scientific investigation</p>
2. <i>National park</i>	
A substantial tract of land of nation-wide significance because of its outstanding natural environments and features, scenic scenic landscapes, and diverse land types	<p>protection and conservation of native flora, fauna, and natural features and the protection of sites of archaeological and historical significance</p> <p>supply of water and protection of catchments</p> <p>recreation and education associated with the enjoyment and understanding of, and compatible with protection of, the natural environment</p> <p>limited areas of development for more-intensive recreation</p>
3. <i>State park</i>	
A tract of land containing natural environments and features, scenic landscapes, and one or more land types complementing those found in national parks to provide a system representing the major land types of the State	<p>protection and conservation of native flora, fauna, and natural features and the protection of sites of archaeological and historical significance</p> <p>supply of water and protection of catchments</p> <p>recreation and education associated with the enjoyment and understanding of, and compatible with protection of, the natural environment</p> <p>limited areas of development for more-intensive recreation</p>
4. <i>Nature reserve</i>	
An area of land and/or water of particular importance because of its significant floral or faunal values or natural habitat	<p>protection of species of communities of native plants and animals</p> <p>education, scientific study, and limited informal recreation compatible with that protection</p>
5. <i>Wilderness area</i>	
An extensive tract of relatively undisturbed land and/or water offering opportunities for isolated non-mechanized recreation in a challenging natural environment	<p>solitude, and unconfined and challenging forms of non-mechanical recreation in controlled numbers</p> <p>protection and conservation of the natural environment</p>



## Appendix 5 (continued)

Land Conservation Council's proposed simplified public land use categories: extracts

**Table 11 (continued)**

Description	Objects
<p>6. Marine park</p> <p>An area of coastal, intertidal, or subtidal land that, because of its nature or the nature of the waters that cover it or because of its natural environment, is of conservation or scientific significance</p>	<p>protection and conservation of native flora, fauna, natural features, and sites of archaeological or historical importance</p> <p>diverse recreation and education associated with the enjoyment and understanding of natural environments compatible with the protection of park values</p> <p>development of selected areas for more-intensive recreation</p> <p>controlled commercial utilization of natural resources in marine parks</p>
<p>7. Natural features reserve</p> <p>An area of land containing important elements of the natural environment, landscape, and/or geological or geomorphological features that are of scenic or conservation significance</p>	<p>protection and maintenance of the identified landscape and/or other values</p> <p>recreation and education where appropriate and where compatible with the above</p> <p>controlled low-intensity exploitation of natural resources compatible with both the above</p>
<p>8. Education reserve</p> <p>An area of land containing a diversity of land types capable of providing for a range of educational experiences and having safe access</p>	<p>provision of opportunities for students to compare and study the nature and functioning of natural ecosystems and to conduct field analysis and manipulative experiments</p> <p>maintain the integrity of the ecosystem so far as is compatible with the above</p>
<p>9. Historic reserve</p> <p>An area of land containing significant relics and/or artefacts of historical or cultural importance</p>	<p>protection and maintenance of identified historical relics and artefacts</p> <p>recreation and education associated with the understanding of the history of the region, compatible with the above</p> <p>limited exploitation of natural resources compatible with both the above</p>
<p>10. Regional park</p> <p>A tract of land containing indigenous or non-indigenous vegetation readily accessible from urban centres or major tourist routes and capable of providing opportunities for informal recreation for large numbers of people</p>	<p>recreation for large numbers of people associated with enjoyment of the natural surroundings</p> <p>protection and conservation of native flora, fauna, and natural features compatible with the above</p> <p>limited exploitation of natural resources in specified areas and where compatible with both the above</p>
<p>11. Water production</p> <p>An area of land in the catchment of or adjacent to a water supply storage or offtake</p>	<p>protection of the water supply and the operation of the water supply system</p>



**Table 11 (continued)**

Description	Objects
11. Water production (continued)	<p>restriction of access to protect water quality</p> <p>conservation of the natural environment, landscape, and features of cultural significance where compatible with the first object</p>
12. Community use reserve	
Land appropriate or developed for particular community use	<p>to promote appropriate use of the land by the community</p> <p>to provide facilities for community use of the land</p> <p>to provide means of access by the general public where compatible with the first management object</p> <p>to conserve the landscape, the natural environment and features of cultural significance where compatible with the first two management objects</p>
13. State forest	
An extensive area of land supporting native forests and other native vegetation and containing a mosaic of land types, diverse conservation and recreation values, and a range of resources needed to supply community demands	<p>provision of timber and other forest products on a sustainable-yield basis</p> <p>supply of water and protection of catchments.</p> <p>protection and conservation of native flora and fauna, landscape, and other natural values, and archaeological and historical values</p> <p>provide opportunities for public recreation and education and other public services</p>
14. Coastal waters of Victoria	
An area of intertidal and subtidal land within the jurisdiction of the State of Victoria but not described in any other category	<p>to protect the natural environment and features of cultural significance</p> <p>to provide for the controlled exploitation of natural resources including wildlife and fish</p> <p>to allow for aquaculture activities</p> <p>to provide for the use of land for a diverse range of recreational and educational purposes</p> <p>to provide for the necessary navigational and safety aids and associated facilities for boating and fishing</p>
15. Alpine resort	
An area of land described in an Order of the Governor-in-Council for the time being in force under Section 19(1) of the Alpine Resorts Act 1983	<p>to use the land, or to promote its use, for establishment and development of alpine resorts, having regard to environment and ecological factors and the safety of the public in such a way as to encourage the use of the land in all seasons of the year</p> <p>to provide for:</p> <ul style="list-style-type: none"> <li>* the orderly establishment of alpine resorts, the orderly continuation of existing alpine resorts, and their orderly continuation and development</li> </ul>

## Appendix 5 (continued)

### Land Conservation Council's proposed simplified public land use categories: extracts

**Table 11 (continued)**

Description	Objects
15. Alpine resort (continued)	<ul style="list-style-type: none"> <li>* a range of accommodation facilities and services for tourists of a kind that will encourage people, whatever their income, to use and enjoy alpine resorts</li> <li>* for facilities and services for persons who live or work in alpine resorts</li> </ul>
16. Forest plantation reserve	
An area of land supporting a man-made softwood or hardwood forest plantation	<p>to promote the production and utilization of public land produce and the use of intensive silvicultural techniques</p> <p>to provide other goods and services compatible with that</p> <p>to allow for the use of land for a diverse range of purposes, including recreation and education activities and the taking of wildlife and fish</p>
17. Public utility reserve	
Land appropriate or developed for use for public utilities	<p>to provide for the provision of the public utility for which the land is to be used</p> <p>to protect any area of land minimally affected by the carrying out of activity under the above, and the preservation and conservation of the landscape and natural environment of that area</p> <p>to provide for the controlled exploitation of natural resources, including wildlife and fish, where compatible with those management objects</p>
18. Uncategorized public land	
Land not included in any of the above categories	<p>to conserve the landscape and the natural environment</p> <p>to provide for limited exploitation of natural resources compatible with that</p> <p>such other objects as are prescribed</p>

## Appendix 6

### Current Victorian land use categories and links to the legislated reservation system

VEAC land use category and sub-category	Legislative basis	Legislated purpose(s)
<b>Terrestrial</b>		
<b>1. National park</b>	<i>National Parks Act 1975</i> Schedule 2	<p>preserve and protect in its natural condition for the use, enjoyment and education of the public</p> <p>preserve and protect indigenous flora and fauna in the park</p> <p>preserve and protect wilderness areas in the park and features in the park of scenic, archaeological, ecological, geological, historic or other scientific interest</p>
<b>2. State park</b>	National Parks Act Sch 2B	<p>preserve and protect in its natural condition for the use, enjoyment and education of the public</p> <p>preserve and protect indigenous flora and fauna in the park</p> <p>preserve and protect wilderness areas in the park and features in the park of scenic, archaeological, ecological, geological, historic or other scientific interest</p>
<b>3. Wilderness park</b>	National Parks Act Sch 2A	<p>preserve and protect the natural environment including indigenous flora and fauna and features of ecological, geological or scenic significance; and features of archaeological or historic significance; and features of scientific significance</p> <p>provide opportunities for solitude and appropriate self-reliant recreation</p>
<b>4. National heritage park</b>	<i>Crown Land (Reserves) Act 1978</i> incl Part 2 of the Fifth Schedule National Parks Act Sch 4	the protection of cultural and natural heritage
<b>5. Other park (conservation)</b>	National Parks Act Sch 3	<p>preserve, protect and re-establish indigenous flora and fauna</p> <p>preserve and protect features in the park of scenic, archaeological, ecological, geological, historic or other scientific interest</p> <p>enable the park to be used by the public for the enjoyment, observation and</p> <p>enable public use for enjoyment, observation and study of the countryside and its pursuits, its flora and fauna, its ecology and geology and other features</p>
Coastal park		as above
NPA Schedule 3 Park		as above
<b>6. Regional park</b>	Crown Land (Reserves) Act incl Part 4A of the Fifth Schedule National Parks Act Sch 3 <i>Forests Act 1958</i> Section 50	<p>(a) to provide opportunities for informal recreation associated with the enjoyment of natural or semi-natural surroundings; and</p> <p>(b) to protect and conserve biodiversity, natural and cultural features and water supply catchments; and</p> <p>(c) for minor resource use that is not inconsistent with paragraphs (a) and (b)</p>
Metropolitan park	Crown Land (Reserves) Act Section 4	public park

## Appendix 6 (continued)

### Current Victorian land use categories and links to the legislated reservation system

VEAC land use category and sub-category	Legislative basis	Legislated purpose(s)
<b>Terrestrial</b>		
<b>7. Nature conservation reserve</b>	Crown Land (Reserves) Act Section 4 (l), (m), (n), (o) Part 1 of Sch 5  National Parks Act Sch 3 and 4 (Langwarrin Flora and Fauna Reserve and Deep Lead Nature Conservation Reserve)  <i>Wildlife Act 1975</i> Section 16	the preservation of areas of ecological significance  the conservation of areas of natural interest or beauty or of scientific historic or archaeological interest  the preservation of species of native plants  the propagation or management of wildlife or the preservation of wildlife habitat
<b>8. Coastal reserve</b>	Crown Land (Reserves) Act Section 4 (x), (ze)	areas for public recreation including areas for camping  protection of the coastline
<b>9. Historic and cultural features reserve</b>	Crown Land (Reserves) Act Section 4 (m)  a Division of Part 4 of the Fifth Schedule	the conservation of areas of natural interest or beauty or of scientific historic or archaeological interest  for public purposes, being in particular, the purposes of the protection of historic and cultural features
<b>10. Natural features reserve</b>	Crown Land (Reserves) Act Section 4 (m) and Part 3 of Sch 5	the conservation of areas of natural interest or beauty or of scientific historic or archaeological interest
Cave	section 4 (m)	as above
Natural and scenic features area	section 4 (m)	as above
Geological & geomorphological features area	section 4 (m)	as above
Wildlife area	Crown Land (Reserves) Act Section 4 (l), (m), (n), (o)  and <i>Wildlife Act</i> Section 16	the propagation or management of wildlife or the preservation of wildlife habitat
Streamside area		
Stream frontage, bed and banks	Crown Land (Reserves) Act Section 4 (e)	the protection of the beds or channels and the banks of waterways
Bushland area	Crown Land (Reserves) Act Section 4 (m)	
Lake	Crown Land (Reserves) Act Section 4 (e)	protection of the bed and banks of a lake
Highway park		
Mineral spring	Crown Land (Reserves) Act Section 4 (k)	mineral springs

VEAC land use category and sub-category	Legislative basis	Legislated purpose(s)
<b>Terrestrial</b>		
<b>11. Water production area</b>	Crown Land (Reserves) Act Section 4 (d)  a Division of Part 6 of the Fifth Schedule	watersheds and gathering grounds for water supply purposes, the supply and distribution of water and works associated therewith including reservoirs aqueducts pipe-lines channels and waterways  public purposes being, in particular, water supply purposes
Water distribution and drainage		
<b>12. Community use area</b>	Crown Land (Reserves) Act Section 4	
Education area	section 4 (p)	pre-school centres, State schools and other institutions of public instruction and areas and facilities for the study of the natural environment
Recreation area	section 4 (za), (j), (x)	show-grounds and race-courses  public baths and swimming pools  areas for public recreation including areas for camping
Recreation trail		
Shooting range		
Parkland and garden	section 4 (w), (zf)	public parks gardens and ornamental plantations  zoological parks
Building in public use	section 4 (p), (z)	pre-school centres, State schools and other institutions of public instruction and areas and facilities for the study of the natural environment  Buildings in public use including halls libraries museums galleries and war memorials  facilities and services for tourists or for the promotion of tourism
<b>13. Alpine resort</b>	Crown Land (Reserves) Act Section 4 (v)	alpine resorts
<b>14. Forest park</b>	Crown Land (Reserves) Act  Division of Part 7 of the Fifth Schedule is deemed to be permanently reserved under section 4	(a) providing opportunities for informal recreation associated with the enjoyment of natural surroundings;  (b) protecting and conserving biodiversity, natural and cultural features and water supply catchments;  (c) supplying a limited range of natural resource products
<b>15. State forest</b>	<i>Forests Act 1958</i> (reserved forest)  <i>Land Act 1958</i> (unreserved Crown land)	not specified
<b>16. Plantation</b>	Crown Land (Reserves) Act section 4 (t), (ma)	the growth preservation and supply of timber including Government school forest plantations  carbon sequestration in vegetation and soil
School plantation	section 4 (t)	



## Appendix 6 (continued)

### Current Victorian land use categories and links to the legislated reservation system

VEAC land use category and sub-category	Legislative basis	Legislated purpose(s)
<b>Terrestrial</b>		
<b>17. Earth resources</b>		
Mining area		
Stone reserve	section 4 (u)	the supply of sand gravel stone and other materials for the construction of public roads buildings and other works
Coal production		
<b>18. Services and utilities area</b>	Crown Land (Reserves) Act	
Transport	section 4 (a), (b), (c)	ports quays wharves docks and landing places roads car-parks tramways and railways aerodromes and landing grounds for aircraft
Electricity and gas		
Communications, survey and navigation		
Municipal buildings and services	section 4 (i), (r)	municipal buildings and store-yards public buildings including offices halls libraries museums galleries and war memorials
Hospitals, public offices and justice	section 4 (q), (r), (y),(zc), (zd)	prisons and reformatories public buildings including offices halls libraries museums galleries and war memorials the purposes of health and social welfare hospitals and institutions or services for any other purposes administered by the Minister administering the <i>Health Services Act 1988</i> or conducted by committees registered under the <i>Hospitals and Charities Act 1958</i> bush nursing centres
Water and sewerage services	section 4 (f)	drainage and sewerage works
Cemetery	section 4 (zb)	cemeteries and crematoria
<b>19. Uncategorised public land</b>	<i>Land Act 1958</i>	May be unreserved or reserved for an obsolete purpose
Revegetation area		
<b>20. Land not required for public purposes</b>		

VEAC land use category and sub-category	Legislative basis	Legislated purpose(s)
<b>Marine</b>		
<b>1. Marine national park</b>	National Parks Act Sch 7	<p>preserve and protect the natural environment and indigenous flora and fauna of the park and any features of the park which are of geological, geomorphological, ecological, scenic, archaeological, historic or other scientific interest; and</p> <p>promote the prevention of the introduction of exotic flora and fauna into the park; and</p> <p>provide for the eradication or control of exotic flora and fauna found in the park; and</p> <p>provide for the use, enjoyment and understanding of marine national parks and marine sanctuaries by the public; and</p> <p>promote an understanding of the purpose and significance of marine national parks and marine sanctuaries</p>
<b>2. Marine sanctuary</b>	National Parks Act Sch 8	as above
<b>3. Multiple-use marine protected area</b>	Crown Land (Reserves) Act section 4 (m), (x) National Parks Act Sch 4	<p>the conservation of areas of natural interest or beauty or of scientific historic or archaeological interest</p> <p>public recreation</p>
<b>4. Coastal waters</b>	<i>Land Act 1958</i>	mostly unreserved
<b>5. Aquaculture zone</b>	<i>Fisheries Act 1995</i> section 88	aquaculture

<b>Overlays</b>		
<b>1. Reference area</b>	<i>Reference Areas Act 1978</i>	preserve in its natural state as far as is possible, because the area is of ecological interest and significance
<b>2. Wilderness zone</b>	National Parks Act Sch 5	<p>preserve and protect the natural environment including indigenous flora and fauna and features of ecological, geological or scenic significance; and features of archaeological or historic significance; and features of scientific significance</p> <p>provide opportunities for solitude and appropriate self-reliant recreation</p>
<b>3. Remote and natural area</b>	National Parks Act Sch 6	protect and preserve the natural environment of the area, including indigenous flora and fauna and features of ecological, geological, scenic, archaeological, historic or scientific significance
<b>4. Heritage river area</b>	<i>Heritage Rivers Act 1992</i> Schedule 1	<p>a) ensure that the significant nature conservation, recreation, scenic or cultural heritage attributes of the area are protected</p> <p>(b) subject to paragraph (a), provide opportunities for other recreational activities, landscape appreciation and education within the area; and</p> <p>(c) ensure that that part of the river which is in the area is maintained without further interference with its free flowing state except as otherwise provided in the Act</p>
<b>5. Natural catchment area</b>	Heritage Rivers Act Sch 2	ensure that the area is maintained in an essentially natural condition

# Appendix 7

## IUCN protected area categories

### **I(a) Strict Nature Reserve**

Category I(a) are strictly protected areas set aside to protect biodiversity and also possibly geological/geomorphical features, where human visitation, use and impacts are strictly controlled and limited to ensure protection of the conservation values. Such protected areas can serve as indispensable reference areas for scientific research and monitoring.

### **I(b) Wilderness Area**

Category I(b) protected areas are usually large unmodified or slightly modified areas, retaining their natural character and influence without permanent or significant human habitation, which are protected and managed so as to preserve their natural condition.

### **II National Park**

Category II protected areas are large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible, spiritual, scientific, educational, recreational, and visitor opportunities.

### **III Natural Monument or Feature**

Category III protected areas are set aside to protect a specific natural monument, which can be a landform, sea mount, submarine cavern, geological feature such as a cave or even a living feature such as an ancient grove. They are generally quite small protected areas and often have high visitor value.

### **IV Habitat/Species Management Area**

Category IV protected areas aim to protect particular species or habitats and management reflects this priority. Many Category IV protected areas will need regular, active interventions to address the requirements of particular species or to maintain habitats, but this is not a requirement of the category.

### **V Protected Landscape/ Seascape**

A protected area where the interaction of people and nature over time has produced an area of distinct character with significant, ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.

### **VI Protected area with sustainable use of natural resources**

Category VI protected areas conserve ecosystems and habitats together with associated cultural values and traditional natural resource management systems. They are generally large, with most of the area in a natural condition, where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area.

## Appendix 8

### Example of a summary of permitted activities in major land use categories

This table is sourced from an ECC brochure (2001) summarising the activities allowed in the major land use categories recommended in the Box-Ironbark Forests and Woodlands investigation area. It illustrates the complexity of providing

accurate information, given the number of exceptions and conditions that apply – including allowance for the land manager's discretion - in relation to many activities.

ACTIVITY	National park	State park	National heritage park	Regional park	Nature conservation reserve	State forest
<b>Recreation and tourism activities</b>						
Nature observation	✓	✓	✓	✓	✓	✓
Picnicking and barbecues	✓	✓	✓	✓	✓	✓
Camping <sup>1</sup>	✓	✓	✓	✓	✓	✓
Bushwalking or short walks	✓	✓	✓	✓	✓	✓
Car-touring, four-wheel driving and trail bike riding <sup>2</sup>	✓	✓	✓	✓	✓	✓
Dogs	✗	✓ <sup>3, 4</sup>	✓ <sup>4</sup>	✓ <sup>4</sup>	✗ <sup>3</sup>	✓
Visiting historic features	✓	✓	✓	✓	✓	✓
Orienteering and regaining <sup>4</sup>	✓	✓	✓	✓	✓	✓
Car rallies <sup>4</sup>	✗ <sup>3</sup>	✗ <sup>3</sup>	✓ <sup>7</sup>	✗	✗	✓
Horse riding <sup>5</sup>	✗ <sup>3</sup>	✓ <sup>4</sup>	✓ <sup>4</sup>	✓ <sup>4</sup>	✗ <sup>3</sup>	✓
Hunting	✗ <sup>6</sup>	✗ <sup>6</sup>	✗ <sup>6</sup>	✗ <sup>6</sup>	✗ <sup>6</sup>	✓ <sup>6</sup>
<b>Prospecting/ metal detecting</b>						
Metal detecting	✗ <sup>3, 8</sup>	✓ <sup>7</sup>	✓ <sup>7</sup>	✓	✓ <sup>7</sup>	✓
Gold panning	✗ <sup>8</sup>	✓ <sup>7</sup>	✓ <sup>7</sup>	✓	✗	✓
Gemstone fossicking	✗ <sup>8</sup>	✗	✓ <sup>7</sup>	✓	✗	✓
<b>Resource industries</b>						
Mineral exploration	✗ <sup>9</sup>	✗ <sup>9</sup>	✓ <sup>9,10</sup>	✓ <sup>10</sup>	✓ <sup>10</sup>	✓
Mining	✗	✗	✓	✓	✓	✓
Sawlog and post production	✗	✗	✗	✗	✗	✓
Firewood	✗ <sup>11</sup>	✗ <sup>11</sup>	✗ <sup>11</sup>	✗ <sup>11</sup>	✗ <sup>11</sup>	✓
Apiculture	✓ <sup>12</sup>	✓ <sup>12</sup>	✓	✓	✓ <sup>12</sup>	✓
Eucalyptus oil production	✗	✗	✗	✗	✗	✓ <sup>13</sup>
<b>Other uses</b>						
Environmental education	✓	✓	✓	✓	✓	✓
Approved research	✓	✓	✓	✓	✓	✓
Water production/distribution	✓	✓	✓	✓	✓	✓
Stone extraction	✗ <sup>14</sup>	✗ <sup>14</sup>	✗ <sup>14</sup>	✗ <sup>14</sup>	✗ <sup>14</sup>	✓
Grazing <sup>15</sup>	✗	✗	✗	✗	✗	✓
Utilities	✗ <sup>16</sup>	✗ <sup>16</sup>	✗ <sup>16</sup>	✗ <sup>16</sup>	✗ <sup>16</sup>	✓

- 1 Camping may be at designated campsites only, and may be excluded from some smaller reserves
- 2 Only on roads and tracks formed for the passage of four-wheel vehicles; may be subject to seasonal or permanent closure
- 3 Some exceptions
- 4 Subject to certain conditions
- 5 Only on formed roads or specially designated tracks
- 6 Land managers may organise shooting drives to assist in the control of feral animals
- 7 Some areas may be excluded in management plans
- 8 Permitted along Reedy Creek (Chiltern-Pilot National Park)
- 9 Existing exploration or mining licences continue; Government may approve mining following such exploration  
Specified park and reserve areas will extend only 100 metres below the surface, allowing new exploration and mining beneath this depth

- 10 Restricted under the *Mineral Resources Development Act 1990*
- 11 Some firewood may be available from ecological management in parks and reserves. Previously felled firewood can be collected from new parks and reserves
- 12 Permitted where an existing use
- 13 Confined to areas used since 1995
- 14 Extraction for local management use only
- 15 Only small areas are suitable for grazing. Light grazing for ecological management may continue in limited areas
- 16 Some existing utilities are within recommended parks and reserves. These will generally continue







