

# Victorian Government Response to Victorian Environmental Assessment Council's Metropolitan Melbourne Investigation Final Report



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## **MINISTER'S FOREWORD**

I am very pleased to present the Victorian Government's response to the Metropolitan Melbourne Investigation Final Report from the Victorian Environmental Assessment Council (VEAC).

The Government appreciates the thorough work VEAC has done for this investigation into public land in metropolitan Melbourne. VEAC has demonstrated that public land makes a significant contribution to Melbourne's liveability, and is particularly important in the context of a growing population.

The findings have provided valuable information that will contribute to the Government's implementation of its planning policies for Melbourne, as well as feeding into the development of its metropolitan planning strategy.

Our public land is an important cultural aspect of our city and provides space for a wide range of recreation and sport. Melbourne's parklands and other open space, much loved beaches and natural areas of bush are not only vital to the liveability of our city for residents but contribute to its reputation as a world class tourism destination.

The Government understands the importance of this public land and the need to ensure the protection and enhancement of our parks and open space, whilst we look at how we can best accommodate Melbourne's rapid population growth.

VEAC's work will help the Government to achieve these goals and to inform development of a metropolitan planning strategy for Melbourne. In particular, the comprehensive inventory of public open space in the metropolitan area documented by VEAC will assist in the audit of government-owned land in Melbourne that is currently underway.

Many of the recommendations made by VEAC have been supported in the Government response. Others have been supported in principle as the Government further considers the implications of the recommendations in relation to current policies and work in progress.

Government will ensure that VEAC's recommendations are implemented as detailed in the response, in association with work on the planning strategy. This work will provide a framework for open space and approaches that will help to protect our valuable open space and meet Melbourne's open space and recreation needs in the future.

## **THE HON RYAN SMITH MP**

Minister for Environment and Climate Change

Melbourne’s public land makes a valuable contribution to metropolitan liveability, providing social and environmental benefits through the infrastructure, facilities and services it provides and supports. Public land also offers protection to a variety of natural and semi-natural values. However, public land is under increasing pressure particularly from a growing population. Public land is a finite resource that must be managed effectively and efficiently to maximise its benefits for all.

The Victorian Environmental Assessment Council (VEAC) in its Metropolitan Melbourne Investigation Final Report 2011 has systematically identified, assessed and reported on the Crown land and public authority land estate across 29 municipalities in the metropolitan region. VEAC has provided recommendations to the Victorian Government on how it might better protect and more effectively manage the values of metropolitan public land.

The VEAC report is timely as the Government is undertaking a number of projects to improve the way public land is managed. VEAC’s important recommendations will build on the work of the Government to deliver better outcomes for Melbourne. This will include a review of public land reservation categories.

In the following document, each recommendation made by VEAC is addressed as required in the *Victorian Environmental Assessment Council Act 2001*.

Responses should be taken to apply to the whole recommendation where no reference to the specific recommendation number and subsection is provided in brackets (i.e. R1 (a)).

The Government will ensure that appropriate actions are taken to implement the recommendations to the extent that they have been accepted, as required under the *Victorian Environmental Assessment Council Act 2001*.

**Protecting biodiversity on public land**

<p><b><u>Recommendation 1</u></b></p> <p><b>Additional protection for Crown land with remnant native vegetation be provided by:</b></p> <ul style="list-style-type: none"><li><b>(a) reserving unreserved Crown land for a purpose that includes the protection of its remnant native vegetation; and</b></li><li><b>(b) amending the reservation purpose of reserved Crown land, where appropriate, to include the protection of its remnant native vegetation.</b></li></ul>
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The Government partially supports this recommendation.

The Government recognises the importance of additional protection for Crown land with remnant native vegetation as a tool for protecting public land values and sustainable public land management (Rec R1 (a)).

The establishment of any additional protection for Crown land with remnant native vegetation requires consideration of existing protection measures, including existing programs, strategic priorities and management needs. The implications of Rec R1 (b) will need to be assessed on a case by case basis to ensure opportunities for potentially suitable primary and secondary uses are not unintentionally limited. The Government will implement this recommendation where there is demonstrable benefit for remnant native vegetation values.

The Department of Sustainability and Environment is the responsible agency for this recommendation to the extent that it is accepted.

### **Recommendation 2**

**Local biodiversity action programs, as outlined in the final report for VEAC's Remnant Native Vegetation investigation, be established in metropolitan Melbourne.**

The Government partially supports this recommendation.

The Government recognises the benefits of protecting biodiversity values in metropolitan Melbourne. The Government currently has a number of programs in place to manage biodiversity values.

The Government will consider this recommendation as part of its regular business. The establishment of any additional programs requires consideration of existing programs, strategic priorities and management needs.

The Department of Sustainability and Environment is the responsible agency for implementation of this recommendation to the extent that it is accepted.

### **Planning for sea level rise and coastal inundation**

#### **Recommendation 3**

**The next Victorian Coastal Strategy consider the implications of sea level rise and inundation for Crown land foreshores, and provide guidance on how the adaptation options of protect, accommodate and retreat should be implemented in relation to this land.**

The Government supports this recommendation.

The current Victorian Coastal Strategy 2008 sets policies and actions to plan for the impact of sea level rise on the coast. There is considerable work under way within the Victorian Government to undertake these actions. In the future there will be more emphasis on adaptation and longer-term strategic planning. The next Victorian Coastal Strategy will have a stronger focus on adaptation and consider the involvement of coastal communities in adaption planning.

The Victorian Coastal Council reports to the Minister for Environment and Climate Change. A function of the Council is to prepare a draft Victorian Coastal Strategy. The Government will request the Council to consult widely in drafting the next Victorian Coastal Strategy and ensure there is a stronger focus on adaptation and consideration of how to better involve coastal communities in adaption planning.

### **Maintaining and using the public open space inventory**

#### **Recommendation 4**

**Government maintain the public open space inventory developed by VEAC and:**

- a) update the public open space data for public land and land owned by local councils at least every five years**
- (b) make the spatial dataset available to local councils; and**
- (c) make the information in the inventory available to the community.**

The Government partially supports this recommendation.

The public open space inventory is a valuable asset and the Government recognises the importance of maintaining an up to date public open space inventory. Where possible, the Government will maintain the inventory and consider options of making this information available.

The Departments of Planning and Community Development and Sustainability and Environment will work together to implement this recommendation to the extent that it is accepted. Work is currently being undertaken in this area that will build on the data set developed by VEAC.

**Recommendation 5**  
**The public open space inventory data be used to inform the Government’s proposed metropolitan strategy for Melbourne.**

The Government supports this recommendation.

The public open space inventory data is one source of information that will be considered in the development of the metropolitan planning strategy.

The Department of Planning and Community Development is leading the development of the strategy and is responsible for implementation of this recommendation. The Department is currently undertaking work in this area that will build on the data set developed by VEAC.

**Meeting the open space needs of Melbourne’s growing population**

**Recommendation 6**  
**Prior to considering proposals that would result in the reduction of open space, government and local councils undertake a public process to assist them to determine the costs and benefits to the community of proposed reductions in public open space on public land and land owned by local councils.**

The Government partially supports this recommendation.

The Government has a number of strategies to manage Melbourne’s public open space network. In the pre-election Victorian Liberal and Nationals Coalition Plan for Planning, the Government committed to increasing the transparency of any public land sale by setting up an open and public process where the relevant minister must set out the reason for sale of land before disposal.

The Government currently undertakes a public process where it is appropriate to do so and where it will create a more efficient public works and open space planning process. The Government supports this recommendation where it is consistent with the effective and efficient delivery of public infrastructure and services.

The Department of Planning and Community Development and the Department of Sustainability and Environment will work together to implement this recommendation to the extent that it is accepted.

**Recommendation 7**  
**The principle of no net loss of area be applied when public open space on public land and land owned by local councils is used to deliver non-park related services and facilities.**

The Government partially supports this recommendation.

It is important to ensure that sufficient public open space is provided in a context where current and projected population growth and increased urban densities place demands on open space.

The Victorian Planning Provisions contain a number of strategies to protect the overall network of open space. Where land is required for another purpose, additional replacement land is often sought.

However, in some cases the limited availability or the cost of replacement land can pose practical difficulties for the Government and local government, particularly for some local councils in inner metropolitan areas owing to the limited availability or the cost of replacement land.

The Department of Planning and Community Development and the Department of Sustainability and Environment will work together to implement this recommendation to the extent that it is accepted.

#### **Recommendation 8**

**Public open space on public land and land owned by local councils be managed to maximise public access and to provide the widest range of user opportunities.**

The Government supports this recommendation.

The Government supports appropriate community access to open space on public land where other activities will not interfere with the primary functions of the land in question. The Government's public open space planning aims to ensure that activity needs of people of all abilities, ages and cultures are accommodated. Some uses of open space may be incompatible. Where possible, the Government supports the provision of shared facilities and complementary activities.

Optimising the use of open space across the metropolitan area and improving access to open space will be considerations in the metropolitan planning strategy.

The Department of Planning and Community Development is responsible for implementation of this recommendation.

#### **Recommendation 9**

**Government review the open space contribution policy and provisions in the Victoria Planning Provisions and *Subdivision Act 1988* with the aim of assisting metropolitan local councils meet the challenges of population increase by maximising the contribution of open space through subdivision of land. This would include:**

- (a) reviewing the contribution level in the Subdivision Act to determine whether the minimum contribution should be set at five per cent**
- (b) streamlining the process for creating a contribution schedule to clause 52.01 of the Victoria Planning Provisions**
- (c) removing the uncertainties in the interpretation and use of the Subdivision Act and clause 52.01 of the Victoria Planning Provisions**
- (d) reviewing the provisions in the Subdivision Act and clause 52.01 of the Victoria Planning Provisions that exempt some subdivisions from the requirement to make an open space contribution**
- (e) considering whether the open space objectives in clause 56.05-2 of the Victoria Planning Provisions, which detail standards for neighbourhood open space, can be made to operate with the provisions in clause 52.01, which require people proposing to subdivide to make specified contributions to the local council.**

The Government partially supports this recommendation.

The Government supports improving the efficiency and efficacy of open space planning. The Department of Planning and Community Development is currently leading work on a range of tools to help inform the strategic justification required to support the amendment process and open space provisions.

The Government has a number of mechanisms available to metropolitan local councils to decide open space contribution levels in the development process. It is up to metropolitan local councils to choose which tools are suited to meet their needs.

The Government is investigating changes to the Subdivision Act as a result of the Court of Appeal decision to ensure that Clause 52.01 can operate as intended.

The Government supports removing the uncertainties in the interpretation and use of the Subdivision Act and clause 52.01 of the Victoria Planning Provisions (Rec 9(c)). While there is no current plan to review the open space contribution policy and provisions in the Victoria Planning Provisions, the Government supports providing greater clarity in the interpretation and use of open space contribution tools available to local councils.

In relation to clause 56.05-2, the Department of Planning and Community Development is preparing planning guidance to further clarify the purpose of each provision and the relationship between them to support effective allocation of open space as part of the subdivision process (Rec 9(e)).

The Department of Planning and Community Development is responsible for implementation of this recommendation to the extent that it is accepted.

**Recommendation 10**  
**Government encourage multiple uses of public authority land where appropriate as one means of providing additional public open space in metropolitan Melbourne.**

The Government supports this recommendation.

Public authority land that is fit for multiple uses should be used to its potential. Providing for multiple uses is one way of increasing the availability, function and liveability of public open space. Suitability of public land for multiple uses should be determined by the compatibility of uses and the protection of the values of the land.

The Department of Planning and Community Development is responsible for implementation of this recommendation.

**Recommendation 11**  
**Government develop a standard framework for the shared management and use of public open space on public authority land that provides certainty of management and use for public authorities and open space managers.**

The Government supports this recommendation.

The development of a standard framework will assist public open space managers and public authorities to negotiate shared use of open space. The Government supports developing a framework through a consultative process and will involve all interested state agencies, local councils and other relevant public land stakeholders.

The Department of Planning and Community Development is responsible for implementation of this recommendation.

### **Recommendation 12**

**Government prepare a metropolitan open space policy and strategy that provides a long-term plan for public open space in metropolitan Melbourne. Such a document:**

- (a) encompass public open space on both Crown and public authority land (public land) and local council land in metropolitan Melbourne**
- (b) provide strategic actions to address key issues relating to the provision and protection of public open space in metropolitan Melbourne, in particular to respond to Melbourne's expected population increase. These issues could include, but should not be limited to:**
  - (i) addressing the uneven distribution of open space across metropolitan Melbourne**
  - (ii) developing appropriate standards for the distribution and accessibility of public open space in established municipalities**
  - (iii) considering approaches and mechanisms for creating new open space, including the use of public authority land, and for meeting an anticipated increase in intensity of use of existing open space, particularly in established municipalities**
  - (iv) developing guidelines for providing opportunities for different open space uses across metropolitan Melbourne.**

The Government supports this recommendation subject to wider considerations in the development of the metropolitan planning strategy.

In the pre-election Victorian Liberal and Nationals Coalition Plan for Planning, the Government committed to ensure that as the city grows, adequate open space and parkland exists for public use. The metropolitan planning strategy will provide a framework for open space and approaches to addressing future open space and recreation needs in the context of population growth and change.

The preferred approach by which local councils can achieve greater certainty regarding open space is to undertake and complete a comprehensive municipal open space strategy, which councils can then use as a framework for the management, improvement and augmentation of their open space assets in line with anticipated development needs.

The Department of Planning and Community Development is responsible for implementation of this recommendation to the extent that it is accepted.

### **Recommendation 13**

**Government require metropolitan local councils to prepare municipal open space strategies or update their existing open space strategies in accordance with the framework established by the metropolitan open space strategy. Municipal open space strategies should continue to reflect the local on-ground knowledge and expertise of local council open space planners.**

The Government partially supports this recommendation.

The Government will work in partnership with local councils to progress a long term approach to metropolitan open space planning so that an effective system of regional and local open space is provided.

The Department of Planning and Community Development is responsible for implementation of this recommendation to the extent that it is accepted.

**Recommendation 14**

**The metropolitan open space strategy and municipal open space strategies be regularly updated; at least every ten years.**

The Government partially supports this recommendation.

The Government supports the regular monitoring and review of a State Government developed wider metropolitan planning strategy as a framework for regional open space and local council developed municipal open space strategies.

The Department of Planning and Community Development is responsible for implementation of this recommendation to the extent that it is accepted. The Department is leading the development of the metropolitan planning strategy with input from its partner agencies.

**Recommendation 15**

**Government assign responsibility and allocate sufficient resources for:**

**(a) maintaining the public open space inventory and making available the information it contains; and**

**(b) developing and implementing a metropolitan open space policy and strategy.**

The Government partially supports this recommendation.

The public open space inventory complements the Government's work on metropolitan planning and open space planning and where possible will maintain the inventory and refers to its response to Recommendation 4.

The Government notes that some of the information required to implement this recommendation currently exists and additional work is underway. Implementation of this recommendation will complement the development of the metropolitan planning strategy.

The Department of Planning and Community Development is responsible for implementation of this recommendation to the extent that it is accepted.

**Assessing surplus public land for alternative public uses**

**Recommendation 16**

**A formal and transparent whole of government process and criteria be developed for assessing the potential for surplus public land to meet alternative public uses, and involve consultation with relevant local councils where appropriate.**

The Government supports this recommendation.

In the Victorian Liberal Nationals Coalition Plan for Planning, the Government commits to the establishment of a State register of significant public land and an audit of government-owned land.

The Government is currently undertaking a project to audit government-owned land, including land with the potential for meeting alternative uses. The Department of Planning and Community Development is leading the audit. The findings of these projects will inform implementation of this recommendation and the Government will consider the findings of VEAC and this recommendation as part of future policy development or review relating to the identification, disposal and alternative use of surplus public land.

The Government will establish a whole of Government process to implement this recommendation.

**Recommendation 17**

**Crown land and public authority freehold land that is not required by its land manager for a current or future use be:**

**(a) assessed through the process recommended in R16 against a range of criteria including whether the land:**

**(i) would contribute to the implementation of government priorities identified in its future metropolitan strategy for Melbourne**

**(ii) meets priority open space needs identified in the metropolitan open space strategy recommended by VEAC (see R12)**

**(iii) contributes to ecological connectivity or recreational corridors**

**(iv) forms part of a water frontage; and**

**(b) retained as public land where these and other specified public land values are identified.**

The Government supports this recommendation.

Any policy development or review relating to the identification, disposal and alternative use of surplus public land will include consideration of the public benefits of retaining public land. In developing a process and criteria for assessing surplus public land for retention, the criteria identified by VEAC will be carefully considered.

The Government will establish a whole of Government process to implement this recommendation.

**Recommendation 18**

**Government allocate resources for the assessment of surplus public land for alternative public uses.**

The Government partially supports this recommendation.

The Government will ensure that appropriate actions are taken to implement the recommendation related to the assessment of surplus public land for alternative public land uses to the extent that it has been accepted, as required under the Victorian Environmental Assessment Council Act 2001. Any further resources will be subject to budget processes.

The Government will establish a whole of Government process to implement this recommendation to the extent that it is accepted.

**Recommendation 19**

**Crown land assessed as suitable for another public use be retained by the Crown and assigned to a new public land manager for this public purpose.**

The Government partially supports this recommendation.

The Government will consider the findings of VEAC and this recommendation as part of any policy development or review relating to the identification, disposal and alternative use of surplus Crown land in the future.

The Government will establish a whole of Government process to implement this recommendation to the extent that it is accepted.

**Selling public land that is suitable for another public use**

**Recommendation 20**

**Impending sales of Crown land and public authority freehold land be listed on a central register, such as the Government Land Monitor’s sales bulletin board. Listings:**

- (a) be for a minimum of 60 days**
- (b) continue until the land is sold; and**
- (c) be accessible to all public authorities, local councils and the public.**

The Government partially supports this recommendation.

In the pre-election Victorian Liberal Nationals Coalition Plan for Planning, the Government committed to the establishment of a State register of significant public land. The Government refers to its response to recommendation 16 regarding projects related to the audit of government-owned land.

The Government will review the process for the sale of Crown land and public authority freehold land with the timelines of this recommendation in mind. It would be premature to predict the findings of the audit to provide definitive comment on the disposal or valuation of Government land at this stage.

The Government will establish a whole of Government process to implement this recommendation to the extent that it is accepted.

**Recommendation 21**

***The Policy and instructions for the purchase, compulsory acquisition and sale of land be amended so that public authority freehold land can be sold at a market value that reflects its intended public use where it is assessed that significant community benefits will be achieved.***

The Government partially supports this recommendation.

The findings and recommendations of the VEAC report will be considered as part of any policy development or review relating to identification, disposal and alternative use of surplus public land in the future.

The Government recognises that land that has been purchased with public funds should be assessed to determine its appropriate future use having regard to current and future public benefit. The Government notes that amending the policy and instructions for the purchase, compulsory acquisition and sale of public authority freehold land is likely to have a financial impact on the operation of some agencies.

The Government will establish a whole of Government process to implement this recommendation to the extent that it is accepted.

**Recommendation 22**

**Criteria and conditions be developed for the sale of public authority land at a reduced market value.**

The Government partially supports this recommendation.

There are exceptional situations where overriding public benefits will be derived from the sale or transfer of public land at a reduced market value. The Government will review this recommendation in relation to relevant current projects including the audit of government-owned land.

The Government will establish a whole of Government process to implement this recommendation.

### **Awareness of Aboriginal cultural heritage values**

#### **Recommendation 23**

**That public land managers undergo, or continue to undergo, cultural heritage training to increase or maintain their awareness of the existence of Aboriginal cultural heritage values on public land.**

The Government supports this recommendation.

The Government recognises the value of our State's Aboriginal heritage to all Victorians. All land managers have obligations to manage Aboriginal cultural heritage values in accordance with the requirements of the Aboriginal Heritage Act 2006 and the associated regulations.

Many Government agencies already have existing programs and policies that guide staff planning and management of Aboriginal cultural heritage values on public land. The Government will continue to develop awareness of Aboriginal cultural heritage values among relevant staff.

### **Resourcing implementation of public land use recommendations**

#### **Recommendation 24**

**Government allocate resources:**

- (a) to implement previously accepted LCC recommendations on Crown land through appropriate reservation**
- (b) for areas not subject to accepted LCC recommendations, to formalise current public land use shown on map A of this report (except those areas recommended for a change in use) through reservation of Crown land as provided for in each public land use general recommendation**
- (c) to implement government accepted recommendations for changes to public land use (A1 to E5)**

The Government partially supports this recommendation.

The Government will review all outstanding accepted LCC recommendations in the investigation area, with a view to determine their current relevance and priority. This review will occur within 5 years. Implementation of recommendations will then be undertaken in accordance with the findings of this review and Government priorities at the time (Rec 24 (a)). Those determined to be no longer relevant or a priority will be amended or revoked.

Formalisation of current public land use for Melbourne shown on map A of the VEAC report is subject to consideration in relation to other Government priorities (Rec 24 (b)).

Implementation of recommendations for changes to public land use (A1 to E5) will occur to the extent that the recommendation is accepted and in relation to other Government priorities (R24 (c)).

The Department of Sustainability and Environment is responsible for implementation of this recommendation to the extent that it is accepted.

## Recommendations for public land use / recommendations for changes to public land use

### Additions to Kinglake National Park

#### **Recommendation A1**

- (a) The area of approximately 2,590 hectares, shown hatched on figure 7.1, be added to Kinglake National Park under the *National Parks Act 1975*; and**
- (b) a management agreement be established under section 32I of the *National Parks Act 1975* for the area shown on figure 7.1 as Yan Yean Reservoir and surrounds; and**
- (c) Melbourne Water continues to manage all infrastructure associated with the Yan Yean Reservoir and water treatment facilities.**

The Government partially supports this recommendation.

Most of this land is and will continue to be a closed catchment and managed for water quality and biodiversity objectives. There are boundary and management issues to be resolved, particularly concerning management of the Sherwin Ranges southern buffer and some public roads and associated road reserves.

The Government will investigate whether adding this area to Kinglake National Park will deliver improved public land outcomes.

The Department of Sustainability and Environment is responsible for implementation of this recommendation to the extent that it is accepted.

### Additions to Bunyip State Park

#### **Recommendation A2**

- (a) The area of approximately 62 hectares, shown hatched in figure 7.2, be added to Bunyip State Park under the *National Parks Act 1975*; and**
- (b) grazing licences may be reissued to the current licensees only.**

The Government partially supports this recommendation.

Allowable activities, including grazing will be determined based on management objectives for the area.

The Department of Sustainability and Environment is responsible for implementation of this recommendation to the extent that it is accepted.

## Additions to Point Cook Coastal Park

### **Recommendation A3**

**The area of approximately 961 hectares, shown hatched in figure 7.3 (see VEAC final report):**

**(a) be used to:**

- (i) conserve, protect and re-establish indigenous flora, fauna and natural ecosystems**
- (ii) preserve and protect features in the park of archaeological, historical, ecological, scenic, geological or other scientific interest**
- (iii) provide opportunities for recreation and education associated with the enjoyment and understanding of natural environments and cultural heritage where consistent with (i) and (ii) above;"**

**(b) specifically protect the following features and values:**

- (i) the diverse indigenous flora and fauna associated with the threatened grasslands, saltmarsh and wetlands; and migratory and wader bird species**
- (ii) saltmarsh and lagoons comprising Truganina wetlands and Cheetham wetlands between Laverton Creek and Point Cooke (see note 1)**
- (iii) indigenous fauna associated with the beach and intertidal environments of the adjoining Point Cooke Marine Sanctuary;**

**(c) generally permit the following activities:**

- (i) bushwalking, nature observation, cultural heritage appreciation, picnicking, recreational fishing**
- (ii) bicycle riding on formed roads and tracks**
- (iii) research, subject to permit**
- (iv) cultural heritage activities in the vicinity of the homestead;**

**(d) exclude the following activities:**

- (i) harvesting of forest products, including firewood collection**
- (ii) grazing by domestic stock (see note 2)**
- (iii) hunting and use of firearms**
- (iv) dog walking except on leash on specified trails**
- (iv) off-road motorcycling**
- (v) burning solid fuel fires (see note 3);**

**(e) include adjoining unused road reserves, where appropriate; and**

**(f) be established under Schedule Three of the *National Parks Act 1975*.**

The Government partially supports this recommendation.

The park boundary will need to be surveyed to reflect topography, site constraints and adjacent land uses.

Allowable and excluded activities within the area will be determined based on management objectives.

The Department of Sustainability and Environment is responsible for implementation of this recommendation to the extent that it is accepted.

**General recommendations for nature conservation reserves and Trust for Nature protected areas**

**Recommendation B**

**Nature conservation reserves and Trust for Nature protected areas as shown on map A (see VEAC final report) and listed in appendix 2, according to their specific values:**

**(a) be used to:**

- (i) conserve and protect species, communities or habitats of indigenous flora and fauna**
- (ii) provide for educational and scientific study, where consistent with (i) above**
- (iii) provide for recreation by small numbers of people, where consistent with (i) above**
- (iv) identify and protect cultural heritage values, where consistent with (i) above;**

**(b) generally permit the following activities, where compatible with (a):**

- (i) bushwalking, nature observation, heritage appreciation, picnicking**
- (ii) car touring, including four wheel driving, on formed roads and tracks**
- (iii) for Crown land, apiculture on existing licensed sites, subject to the outcome of scientific research into the ecological impacts of this industry, and management requirements**
- (iv) for Crown land, exploration and mining for minerals and searching for and extraction of stone resources subject to the consent of the Crown land Minister under the relevant legislation;**

**(c) exclude the following activities:**

- (i) grazing of domestic stock (see note 2)**
- (ii) harvesting of forest products**
- (iii) hunting and use of firearms (see note 3)**
- (iv) solid fuel fires at any time of year (see note 4)**
- (iv) dog walking (see note 5)**
- (v) horse riding;**

**(d) include adjoining unused road reserves, where appropriate;**

**(e) be permanently reserved, if Crown land is not already appropriately reserved for conservation purposes, under the *Crown Land (Reserves) Act 1978* (see note 5); or**

**(f) continue to be managed in accordance with the above, for Trust for Nature land, and:**

- (i) should these areas no longer be required by Trust For Nature, that the areas be transferred to the Crown, and**
- (ii) be permanently reserved for conservation purposes under the *Crown Land (Reserves) Act 1978*.**

The Government partially supports this recommendation.

The Government will review the current land category "nature conservation reserves" and "Trust for Nature protected areas" as part of a review of the current system of categorising public land. The objective of this review will be to implement a simpler, more transparent and robust system.

Allowable and excluded activities within the area will be determined based on management objectives.

The Government considers a high level of scrutiny is needed in assessing adjoining unused road reserves for inclusion (Rec B (d)), as these areas are likely to be required for potential future road development.

Areas no longer required by Trust For Nature will be considered on a case by case basis according to government priorities at the time (Rec B (f)(i)).

The Department of Sustainability and Environment is responsible for implementation of this recommendation to the extent that it is accepted.

### **General recommendations for regional parks**

#### **Recommendation C**

**Regional parks as shown on map A (see VEAC final report):**

**(a) be used to:**

- (i) provide for informal recreation for large numbers of people associated with enjoyment of natural or semi-natural surroundings**
- (ii) conserve and protect natural landscapes and scenic values**
- (iii) conserve and protect biodiversity to the extent that is consistent with (i) above, and**
- (iv) protect significant cultural and historic sites, landscapes and places, including Aboriginal cultural sites and places;**

**(b) generally provide for the following activities, according to the specific characteristics of each park:**

- (i) bushwalking, nature observation, heritage appreciation, picnicking, recreational fishing, cycling**
- (ii) camping**
- (iii) dog walking**
- (iv) car touring and four wheel driving on formed roads and tracks**
- (v) mountain bike and trailbike riding on formed roads and tracks**
- (vi) horse riding on formed roads and tracks and overnight camping with horses**
- (vii) metal detecting, prospecting, and**
- (viii) research, subject to permit;**

**(c) generally exclude the following activities:**

- (i) harvesting of forest products (see note 2)**
- (ii) grazing by domestic stock (see note 3)**
- (iii) hunting and use of firearms (see note 4), and**
- (iv) licensed apiculture (see note 5);**

**(d) where appropriate, be restored (subject to clearly defined, transparent and scientifically supported ecological objectives) to re-establish ecosystems or to return them to a state more closely resembling their natural condition (see notes 2 and 3);**

**(e) include unused road reserves adjoining parks, where appropriate;**

**(f) have a management plan prepared for each park in partnership with key user groups, local authorities and the community; and**

**(g) be permanently reserved under the *Crown Land (Reserves) Act 1978* for the purpose of regional park if not already appropriately reserved (see notes 6 and 7).**

The Government partially supports this recommendation.

The Government will review the current land category "regional parks" as part of a review of the current system of categorising public land. The objective of this review will be to implement a simpler, more transparent and robust system.

Allowable and excluded activities within the area will be determined based on management objectives.

A review of management planning is being undertaken in order to achieve more integrated public land planning across the landscape and this will dictate how management plans are developed in the future (Rec C(f)).

The Department of Sustainability and Environment is responsible for implementation of this recommendation to the extent that it is accepted.

### **General recommendations for metropolitan parks**

#### **Recommendation D**

**Metropolitan parks as shown on map A and listed in appendix 5 (see VEAC final report):**

**(a) be used to:**

- (i) provide for informal recreation for large numbers of people associated with enjoyment of natural or semi-natural surroundings or open space**
- (ii) conserve and protect natural landscapes and scenic values and open space**
- (iii) provide for organised recreation to the extent that is consistent with (i) and (ii) above and according to the specific characteristics of each park**
- (iv) conserve and protect biodiversity to the extent that is consistent with (i) above; and**
- (v) protect significant cultural and historic sites, landscapes and places, including Aboriginal cultural sites and places;**

**(b) include unused road reserves adjoining parks, where appropriate;**

**(c) have a management plan prepared for each park in partnership with key user groups, local authorities and the community; and**

**(d) be permanently reserved under the *Crown Land (Reserves) Act 1978* for the purpose of metropolitan park if not already appropriately reserved (see note 2).**

The Government partially supports this recommendation.

The Government will review the current land category "metropolitan parks" as part of a review of the current system of categorising public land. The objective of this review will be to implement a simpler, more transparent and robust system.

Allowable and excluded activities within the area will be determined based on management objectives.

A review of management planning is being undertaken in order to achieve more integrated public land planning across the landscape and this will dictate how management plans are developed in the future (Rec D(c)).

The Department of Sustainability and Environment is responsible for implementation of this recommendation to the extent that it is accepted.

## General recommendations for natural features reserves

### **Recommendation E**

**The natural features reserves as shown on map A, according to their specific characteristics:**

**(a) be used to:**

- (i) protect natural features and values**
- (ii) protect and restore areas with remnant vegetation or habitat value and conserve indigenous flora and fauna**
- (iii) protect water quality where appropriate**
- (iv) protect historic and Aboriginal cultural heritage features, values and sites**
- (v) provide opportunities for education and recreation, including hunting where specified (see note 2), at levels consistent with (i) to (iv) above**
- (vi) maintain scenic features and the character and quality of the local landscapes**
- (vii) preserve features of geological or geomorphologic interest;**

**(b) generally permit the following activities:**

- (i) exploration for minerals be permitted, and mining, subject to decisions on particular cases**
- (ii) prospecting and apiculture;**

**(c) exclude the following activities:**

- (i) timber harvesting**
- (ii) domestic stock grazing in bushland, scenic, geological and geomorphologic features and streamside areas (see note 1);**

**(d) include unused road reserves in adjoining natural features reserves where appropriate ecological or recreational values are identified; and**

**(e) be permanently reserved under the *Crown Land (Reserves) Act 1978* if not already appropriately reserved; or**

**(f) be managed in accordance with the above if public authority owned land.**

The Government partially supports this recommendation.

The Government will review the current land category "natural features reserves" as part of a review of the current system of categorising public land. The objective of this review will be to implement a simpler, more transparent and robust system.

Allowable and excluded activities within the area will be determined based on management objectives.

The Department of Sustainability and Environment is responsible for implementation of this recommendation to the extent that it is accepted.

## **Bandicoot Corner Bushland Area**

### **Recommendation E1**

- (a) The area of approximately 8 hectares, shown hatched in figure 7.4 (see VEAC final report), be permanently reserved as a natural features reserve-bushland area and used in accordance with the natural features reserves general recommendations E**
- (b) Melbourne Water continue to manage the adjoining Yallock Creek drain for its biodiversity values.**

The Government supports this recommendation and refers to its response to Recommendation E for natural features reserves.

The Department of Sustainability and Environment is responsible for implementation of this recommendation.

## **Edithvale Wetland Bushland Area**

### **Recommendation E2**

**That the area of approximately 5 hectares of Crown land, shown hatched on figure 7.5 (see VEAC final report) be used in accordance with natural features reserves general recommendations E.**

The Government supports this recommendation and refers to its response to Recommendation E for natural features reserves.

This recommendation is consistent with the management of these areas as part of the Edithvale-Seaford Wetlands Ramsar Site with the obligation to maintain their ecological character at the time of listing in 2001.

The Department of Sustainability and Environment is responsible for implementation of this recommendation.

## **Addition to Seaford Wetland Bushland Area**

### **Recommendation E3**

**That the area of approximately 5 hectares of Crown land at Seaford Wetland, shown hatched on figure 7.6 (see VEAC final report) be added to the existing natural features reserve-bushland area (Seaford Wetland Reserve) and used in accordance with natural features reserves general recommendations E.**

The Government supports this recommendation and refers to its response to Recommendation E for natural features reserves.

This recommendation is consistent with the management of these areas as part of the Edithvale-Seaford Wetlands Ramsar Site with the obligation to maintain their ecological character at the time of listing in 2001.

The Department of Sustainability and Environment is responsible for implementation of this recommendation.

## Beaumaris Cliffs Geological and Geomorphological Features Area

### **Recommendation E4**

**The area of approximately 3 hectares of Crown land, shown hatched on figure 7.7 (see VEAC final report) be used in accordance with natural features reserves general recommendations E.**

The Government supports this recommendation and refers to its response to Recommendation E for natural features reserves.

The natural features reserve should include the entire fossil bed area from Table Rock Point to Charman Road and includes the Black Rock Sandstone layer. The Museum of Victoria will be consulted to verify the location of the fossil bed.

The Department of Sustainability and Environment is responsible for implementation of this recommendation.

## Yallock Creek Streamside Area

### **Recommendation E5**

**The area of approximately 6 hectares of Crown land, shown hatched on figure 7.8 (see VEAC final report) be permanently reserved for conservation purposes and used in accordance with natural features reserves general recommendations E.**

The Government supports this recommendation and refers to its response to Recommendation E for natural features reserves.

The Government considers a high level of scrutiny is needed in assessing adjoining unused road reserves for inclusion as these areas are likely to be required for potential future road development.

The Department of Sustainability and Environment is responsible for implementation of this recommendation.

## General recommendations for coastal reserves

### **Recommendation F**

**That coastal reserves shown on map A (see VEAC final report):**

- (a) be used to:**
  - (i) provide opportunities for recreation for large numbers of people, and also for recreation related to enjoying and understanding nature**
  - (ii) protect and conserve natural coastal landscapes, ecosystems and significant geomorphological, archaeological and historical features for public enjoyment and inspiration and for education and scientific study**
  - (iii) ensure the protection and conservation of important indigenous aquatic and terrestrial fauna and flora**
  - (iv) ensure the identification and protection of Aboriginal cultural heritage sites and places**
  - (v) provide opportunities for fishing and facilities for boating, together with the necessary navigational aids, and also to provide for necessary recreational facilities to support beach-related activity;**
- (b) include adjoining unused road reserves, where appropriate; and**
- (c) if not already appropriately reserved, be permanently reserved, with the seaward boundary to low water mark, under the *Crown Land (Reserves) Act 1978*.**

The Government partially supports this recommendation.

The Government will review the current land category "coastal reserves" as part of a review of the current system of categorising public land. The objective of this review will be to implement a simpler, more transparent and robust system.

Allowable and excluded activities within the area will be determined based on management objectives.

The Department of Sustainability and Environment is responsible for implementation of this recommendation to the extent that it is accepted.

### **General recommendations for water production areas**

#### **Recommendation G**

**Water production areas including storage areas, diversion works and associated facilities; protective buffer zones around diversion works and storages where defined in a special area plan and any other public land considered necessary, as shown on map A (See VEAC final report):**

- (a) be used for water supply purposes**
- (b) permit other activities by the water supply authority after consultation with the Department of Sustainability and Environment, and other relevant agencies as appropriate**
- (c) protect natural and cultural heritage values**
- (d) include adjoining unused road reserves, where appropriate; and**
- (e) if Crown land which is not already appropriately reserved, be permanently reserved under the *Crown Land (Reserves) Act 1978* for water supply purposes and be managed by the appropriate water supply authority; or**
- (f) if public authority land, be managed in accordance with the above.**

The Government partially supports this recommendation.

The Government will review the current land category "water production areas" as part of a review of the current system of categorising public land. The objective of this review will be to implement a simpler, more transparent and robust system.

Allowable and excluded activities within the area will be determined based on management objectives.

The Department of Sustainability and Environment is responsible for implementation of this recommendation to the extent that it is accepted.

## General recommendations for historic and cultural features reserves

### **Recommendation H**

**Historic and cultural features reserves as shown on map A, according to their specific characteristics:**

- (a) be used to protect historic and cultural heritage values, features and sites (Aboriginal and non-Indigenous)**
- (b) provide opportunities for:**
  - (i) education and informal recreation such as picnicking, walking and, where relevant, fishing, and**
  - (ii) more intensive recreation such as camping, where specified by the land manager, and where compatible with (a)**
- (c) protect areas with remnant natural vegetation or habitat value**
- (d) exclude timber harvesting**
- (e) permit low impact exploration for minerals and mining, subject to consideration of the impact on values in (a) for each application or case**
- (f) generally permit prospecting and apiculture, where relevant**
- (g) exclude grazing (see note 2)**
- (h) include adjoining unused road reserves, where appropriate; and**
- (i) if Crown land which is not already appropriately reserved, be permanently reserved under the *Crown Land (Reserves) Act 1978*; or**
- (j) if public authority land, be managed in accordance with the above.**

The Government partially supports this recommendation.

The Government will review the current land category "historic and cultural features reserves" as part of a review of the current system of categorising public land. The objective of this review will be to implement a simpler, more transparent and robust system.

Allowable and excluded activities within the area will be determined based on management objectives.

The Department of Sustainability and Environment is responsible for implementation of this recommendation to the extent that it is accepted.

## General recommendations for community use areas

### **Recommendation I**

**Community use areas, as shown on map A (see VEAC final report), according to their specific characteristics:**

- (a) be used as recreation areas and trails, parklands and gardens, reservoir parks, or for education and other community purposes; and**
- (b) provide for a broad range of recreational and leisure activities including organised sport, walking, cycling and picnicking**
- (c) protect the conservation, scientific, educational and historic values of botanic gardens and ornamental plantations**
- (d) provide for education and public enjoyment in schools, public halls, kindergartens, libraries, museums and other similar areas**
- (e) provide for appropriate facilities**
- (e) maintain or restore features of cultural significance, natural surroundings and the local character and quality of the landscape where relevant, and where compatible with the above**
- (f) exclude harvesting of forest products, hunting and 'stone' extraction, as defined in the *Extractive Industries Development Act 1995***
- (g) include adjoining unused road reserves, where appropriate; and**
- (h) if Crown land which is not already appropriately reserved, be reserved under the *Crown Land (Reserves) Act 1978*, including reserving open space for a specific open space purpose: or**
- (i) if public authority land, be managed in accordance with the above.**

The Government partially supports this recommendation.

The Government will review the current land category "community use areas" as part of a review of the current system of categorising public land. The objective of this review will be to implement a simpler, more transparent and robust system.

Allowable and excluded activities within the area will be determined based on management objectives.

The Department of Sustainability and Environment is responsible for implementation of this recommendation to the extent that it is accepted.

## General recommendations for services and utilities areas

### **Recommendation J**

**That reserves and easements for public services and utilities such as transport, electricity and gas, communications, cemeteries, water and sewerage be used for those purposes; and that:**

- (a) new services, or utility sites and easements or lines, not be sited in or across reference areas, and wherever possible not be sited in or across national, state or other parks or nature conservation reserves;**
- (b) railway lines, roadsides and other service and utility sites be managed to protect natural values including remnant native vegetation and habitat, and Aboriginal cultural heritage values, as far as practical;**
- (c) should a public land area or building and site used for service or utility purposes no longer be required for its primary designated use, it be assessed for its natural, recreational and cultural heritage values, and capability for other public uses.**

The Government partially supports this recommendation.

The Government will review the current land category "services and utilities areas" as part of a review of the current system of categorising public land. The objective of this review will be to implement a simpler, more transparent and robust system.

Allowable and excluded activities within the area will be determined based on management objectives.

The Department of Sustainability and Environment is responsible for implementation of this recommendation to the extent that it is accepted.

## General recommendations for uncategorised public land

### **Recommendation K**

**Public land other than that recommended for specific uses in this report, or subject to previous accepted specific land use recommendations:**

- (a) be uncategorised public land; and**
- (b) existing legal use and tenure continue for the time being**
- (c) Crown land be assessed and either:**
  - (i) retained and assigned to a Department of Sustainability and Environment land manager if it has public land values, or**
  - (ii) disposed of if assessed as having no public land values and as being surplus to current and future community needs; and**
- (d) consistent with recommendation R17, surplus public authority land be:**
  - (i) assessed for its potential to meet alternative public uses**
  - (ii) retained as public land where certain public land values are identified,.**
  - (iii) disposed of if assessed as having no public land values and as being surplus to current and future community needs.**

The Government partially supports this recommendation.

Where this recommendation relates to the sale of surplus land, the Government refers to its responses to recommendations 16 to 22.

The Department of Sustainability and Environment is responsible for implementation of this recommendation to the extent that it is accepted.

## Ryans Swamp and surrounds

### **Recommendation N1**

- (a) Melbourne Water continue to use and manage the 191 hectare area containing Ryans Swamp and surrounds, as shown within the red boundary on figure 7.9 (see VEAC final report), to protect and enhance biodiversity values and in accordance with natural features reserves general recommendations E; and**
- (b) should Melbourne Water no longer require this area, it be transferred to the Crown and be permanently reserved for conservation purposes under the *Crown Land (Reserves) Act 1978*.**

The Government supports this recommendation and refers to its response to Recommendation E for natural features reserves.

The Department of Sustainability and Environment is responsible for implementation of this recommendation.

## Truganina Swamp

### **Recommendation N2**

- (a) Melbourne Water continue to use and manage the 100 hectares comprising Truganina Swamp, as shown within the red boundary in figure 7.3 (see VEAC final report), to protect and enhance biodiversity values and in accordance with natural features reserves general recommendations E; and**
- (b) should Melbourne Water no longer require this area, it be transferred to the Crown and be permanently reserved for conservation purposes under the *Crown Land (Reserves) Act 1978*.**

The Government supports this recommendation and refers to its response to Recommendation E for natural features reserves.

The Department of Sustainability and Environment is responsible for implementation of this recommendation.

## Edithvale – Seaford Wetlands

### **Recommendation N3**

- (a) Melbourne Water continue to use and manage Edithvale–Seaford Wetlands, as shown within the red boundary in figures 7.5 and 7.6 (see VEAC final report), to protect and enhance biodiversity values and in accordance with natural features reserves general recommendations E; and**
- (b) should Melbourne Water no longer require the areas in (a) above, that these areas be transferred to the Crown and be permanently reserved for conservation purposes under the *Crown Land (Reserves) Act 1978*.**

The Government supports this recommendation and refers to its response to Recommendation E for natural features reserves.

The Department of Sustainability and Environment is responsible for implementation of this recommendation.