

6. PUBLIC LAND POLICIES

6.01 Regional Overview

Public Land comprises approximately 70% of the Upper Yarra Valley & Dandenong Ranges Region. Most of this Public Land is in the forested, mountainous eastern part of the Region, but is also scattered throughout the settled western areas, particularly within the Dandenong Ranges. The Public Land presence dramatically affects the Region, because of its size and location and because of the resources it contains.

The resources of Public Land in the Region have values for water and timber production, flora and fauna conservation, tourism and recreation, landscape protection and many other minor uses.

6.02 Responsibility for Public Land Management

The primary responsibility for management of Public Land in the Region lies with the Department of Conservation and Natural Resources, Melbourne Parks & Water and Melbourne Water. Melbourne Water is responsible for the management of the Region's extensive water catchment areas, most of which are closed to public access. The Department of Conservation and Natural Resources has a broad public land management role, in the areas of national parks, soil conservation and land protection, conservation and forestry.

6.03 Land Conservation Council

Recognition must be given to the recommendations of the Land Conservation Council, that have been adopted by Government, particularly with regard to those policies for the Melbourne Area, District 2, which covers all areas of Public Land within the Region.

The Land Conservation Council recommendations, once adopted by Government, will specify the range of land uses for Public Land within the Region and must be implemented in the Region and not be over-ruled by the Regional Strategy Plan.

6.04 Regional Objectives

The objectives for the Region's Public Lands are to ensure that:

- Public Land is managed in a manner consistent with decisions of Government;
- the use, development and management of all Public Land is consistent with the objective of seeking to enable increased protection for the special features and character of the Region;
- the long term conservation of the natural environment of Public Land is provided for, and
- the renewable resources of Public Lands are managed in a way that provides for their sustainable use, and that non-renewable resources are used wisely, so that essential ecological processes and life support systems are maintained.

6.05 Management of Public Land

Public Land must be used and managed in accordance with State Planning Policies for the Region, recommendations of the Land Conservation Council which have been adopted by Government, and in a manner which is consistent with the Regional Objectives for Public Land.

The location and extent of all **Public Land Policy Areas** is shown on **Map Series 1**.

6.06 Public works and undertakings

All works and undertakings carried out in the Region by a government department, public authority or Council must be in conformity with the Regional Strategy Plan. The organisation proposing to carry out the works and undertakings must obtain written confirmation from the relevant council that the proposed works or undertakings conform with the Regional Strategy Plan. The Council may require that specified conditions must be met to ensure that the proposed works or undertakings conform with the Regional Strategy Plan.

Disputes about conformity with the Regional Strategy Plan

If there is a dispute with the Council about whether works and undertakings to be carried out by a government department, public authority or council are in conformity with the Regional Strategy Plan, the Premier will decide whether any works or undertakings may proceed.

The Premier must seek the advice of the Minister administering the Planning and Environment Act before deciding whether the proposed works or undertakings conform with the Regional Strategy Plan and whether any conditions should be imposed.

6.07 Alienation of Crown Land

There must be no further alienation of Crown land in the Region, for private sale, except for rationalisation or management purposes or as provided for elsewhere in the Regional Strategy Plan.

6.08 Disposal of surplus Public Land

Surplus public land held by a Government Department, Public Authority or a Council must not be disposed of without an assessment of community, public open space, recreation, heritage and environmental/conservation needs, and which may include retaining the land in public ownership for an alternative public use.

6.09 Road reserves, easements and linear reserves

Remnant native vegetation, significant wildlife habitat and landscapes on linear reserves, including roadsides, stream frontages and railway (both used and disused) reserves must be protected and the revegetation of these areas with indigenous native species must be encouraged.

Unused road reserves or easements may only be alienated or leased where such road reserves or easements are not of special significance for nature conservation, recreation or other public use.

The alienation or leasing of unused road reserves or easements in Sites of Natural Significance, must not occur until there is an appropriate agreement in place, between the agency currently controlling the land and Council, which provides for the most stringent limitation on clearing of native vegetation.

When a road reserve or other linear easement is alienated, it must be ensured that the retention of easement rights for public utilities, where appropriate, should be a condition of alienation; and/or if the reserve or easement is adjacent to other Public Land, provision for public access where appropriate should be a condition of the alienation.

6.10 Clearing of native vegetation on road reserves, easements and linear reserves

The clearing of native vegetation on road reserves, easements and other linear reserves must be strictly controlled, so as to protect botanical, wildlife habitat and landscape values. Managers and owners of these areas must be encouraged to prepare revegetation and rehabilitation programs for those areas that are devoid of vegetation or otherwise degraded.

When issuing or renewing licences for unused road reserves or easements, the relevant Department should ensure that:

- the intrinsic value of existing vegetation and its value as a refuge or habitat for wildlife are maintained;
- the area is protected from wildfire and soil erosion and noxious weeds and vermin are controlled;
- public access is maintained, and
- revegetation with indigenous native species is encouraged on unused road reserve or easements, particularly in Sites of Natural Significance.

6.11 Private use of Public Land

Crown or other Public Land, which is leased or licensed for private use, must be protected from inappropriate use or development which would prejudice its future use for public purposes, or which would be inconsistent with policies for the underlying or adjacent Regional Strategy Plan Policy Area.

When considering the proposed issue of a lease or licence for Crown or Public Land, the Government Department or Public Authority responsible for the management of such land:

- May, where appropriate, allow restricted and limited recreation use by the public.
- Ensure that cultivation is not permitted, except with the approval of the Government Department or Public Authority responsible for the land's management.

- Should ensure that licensees provide stiles in any fences erected across their licence area, where required.
- Should ensure that the intending licence or lease holder has obtained the relevant approval or planning permit from the Council administering the planning scheme for the area affected by the licence or lease, to use or develop that land for the intended purpose of the lease or licence.
- The use and development of privately owned land in Public Land Policy Areas must have regard to the policies generally applying in the vicinity of the subject land.
- The use and development of public land which is not in a Public Land Policy Area must have regard to the policies for Public Land.

6.12 Landscape protection

The landscape character of Public Land in the Region is of high value and must be maintained or enhanced, and special landscape features must be protected.

Government Departments, Public Authorities and Councils responsible for management of Public Land must ensure that:

- All proposed land use changes and activities are carried out in a manner which ensures that the landscape character is maintained or enhanced and special landscape features are protected.
- Where the land is within a landscape ‘classified’ or ‘recorded’ by the National Trust of Australia (Victoria), regard must be had to any citation applying to those landscapes, in the carrying out of any works or undertakings.
- Where such works and undertakings could have a significant landscape impact, advice should be sought from the National Trust prior to commencement of such works or undertakings.

6.13 Fire Protection

All Public Land in the Region must be protected from fire and fire protection and suppression must be undertaken by relevant Government Departments or Public Authorities in accordance with the Fire Management Policies in Chapter 20.

6.14 Water Resources

The vital importance of Public Land within the Region for water production purposes must be recognised and the use of that land for those purposes must be protected. Water resources on Public Land in the Region must be managed in accordance with Water Resources Policies in Chapter 17.

6.15 Forest management

The importance of the forested Public Land in the Region as a source of timber and other products must be recognised. Forest management must:

- ensure that the use of forests is sustainable for the full range of products and other benefits that forests provide, including recreation, water production, soil conservation and the protection of flora and fauna;
- protect the identified environmental values of native forests;
- ensure native forest management and timber harvesting operations are consistent with protection of forest environment;
- have regard to the Code of Forest Practices, and in particular, minimise the permanent removal of native forest and increase the current net area of public native forest;
- take account of any relevant State Government policies and/or strategies for conservation of natural resources and for the timber industry, especially with regard to encouraging reforestation, preferably with native species from the same locality;
- ensure that the traffic impacts from forestry uses do not have an adverse impact on the environmental and landscape values of the area and on nearby roads; and
- ensure that the land allocated for timber production is in accordance with the Land Conservation Council recommendations adopted by the State Government.

6.16 Timber production

Timber harvesting, both hardwoods and softwoods on public and private land, and associated activities, must be carried out in a manner which minimises any detrimental effects on the Region's landscape, composition of vegetation, wildlife, soil, water quality and yields, recreation and transport system.

Timber harvesting, planning and operations must have regard to the Code of Forest Practices and any specific local prescriptions.

Working Plans for timber production on Public Land within the Region must have regard to the need to:

- conserve the natural environment and protect flora and fauna which has been identified in Sites of Natural Significance;
- minimise adverse visual effects on the area, and take full account of the importance of landscapes of special significance;
- protect steep slopes, gullies, watercourses, riparian areas, minimise stream crossings and construct culverts and/or bridges where crossings occur;
- minimise erosion and run-off and take measures to prevent the direct entry of run-off from road surfaces to watercourses;
- rehabilitate and revegetate logged areas, including log loading areas, after harvesting; and
- include any proposals for construction or major reconstruction of permanent roads.

6.17 Softwood plantations

Softwood plantations on Public Land within the Region must not be expanded beyond those areas designated for that purpose by the State Government.

6.18 Recreation and Tourism

A wide range of recreation and tourism opportunities must be maintained and provided for on Public Land, in accordance with the relevant Recreation and Tourism Policies in Chapter 16.

6.19 Environmental education and research

Environmental education awareness and research in the Region must be fostered, and areas of Public Land allocated specifically for environmental education purposes must be used and managed to provide opportunities for study of nature and natural ecosystems.

6.21 Other policies applying to Landscape Living Policy Areas

In addition to the policies contained within this chapter, Township Policy Areas may also be affected by policies applying to:

- Management of Sites of Natural Significance and of Native Vegetation
- Management of Sites of Cultural Significance
- Puffing Billy Railway Scenic Corridor
- Floodplain Management Areas; Special Study Areas
- Human Services
- Commercial Centres
- Manufacturing and Industry
- Extractive industry, Mining & Soil Removal
- Recreation and Tourism
- Water Resources
- Service Networks
- Transport
- Fire Management;
- Schedule One - State Planning Policies for the Region
- Schedule Five - List of Environmental Weeds for the Upper Yarra Valley & Dandenong Ranges Region
- Schedule Six - Exemptions to the policies or provisions under the Regional Strategy Plan.