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Crown Land (Reserves) Act 1978

CROWN LAND (RESERVES) (CAMPING AND MISCELLANEOUS FEES) REGULATIONS 2019

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SPECIAL

Crown Land (Reserves) Act 1978
CROWN LAND (RESERVES) (CAMPING AND MISCELLANEOUS FEES)
REGULATIONS 2019

I, Lily D’Ambrosio, Minister for Energy, Environment and Climate Change, make the following Regulations.

Dated 15 July 2019

THE HON. LILY D’AMBROSIO MP
Minister for Energy, Environment and Climate Change

PART 1 – PRELIMINARY

1. Objectives

The objectives of these Regulations are to provide for –

- (a) the management of Buchan Caves Reserve, Corringale Foreshore Reserve, Gabo Island Lighthouse Reserve, Kurth Kiln Regional Park, Peach Tree Creek Reserve, Plenty Gorge Parklands and Yarra Valley Parklands;
- (b) the provision of improvements, services and facilities on the land described in paragraph (a) and the conditions under which any improvements, services or facilities so provided shall be available to or be used by any person;
- (c) the issuing and cancellation of permits for the use of an improvement, service or facility on the land described in paragraph (a);
- (d) the setting of fees for the use of improvements, services or facilities in Buchan Caves Reserve, Corringale Foreshore Reserve, Gabo Island Lighthouse Reserve, Peach Tree Creek Reserve, Plenty Gorge Parklands and Yarra Valley Parklands;
- (e) the setting of fees for entry to Fairy Cave, Federal Cave, Royal Cave and Wilsons Cave within Buchan Caves Reserve.

2. Authorising provision

These Regulations are made under section 13 of the **Crown Land (Reserves) Act 1978**.

3. Commencement

These Regulations come into operation on the day on which they are published in the Government Gazette.

4. Expiry

These Regulations expire on 15 July 2020.

5. Definitions

In these Regulations –

Aboriginal person has the same meaning as in the **Aboriginal Heritage Act 2006**;

ANZAC Day has the same meaning as in section 6(h) of the **Public Holidays Act 1993**;

Buchan Caves Reserve means all those pieces or parcels of land containing 232 hectares, more or less, and being all of the lands contained in Crown allotment 6D section C, Crown allotment 5L1 section C, Crown allotment 6C section D and Crown allotment 10J situate in the Parish of Buchan, parcel numbers P320446, P320447, P320448 and P320294, being the land coloured yellow in the plan lodged in the Central Plan Office numbered LEGL./12-090.3;

camp means –

- (a) to erect, occupy or use a tent, tarpaulin or any similar kind of shelter or temporary structure for accommodation; or
- (b) to occupy or use a swag or sleeping bag for accommodation; or
- (c) to occupy or use a vehicle or vessel for accommodation;

Corringle Foreshore Reserve means all those pieces or parcels of land containing 159 hectares, more or less, and being all of the lands contained in Crown allotment 11 section A and Crown allotment 11A section A situate in the Parish of Newmerella, parcel numbers P341277 and P341278, being the land coloured yellow in plans lodged in the Central Plan Office and numbered LEGL./12-092, LEGL./12-093 and LEGL./12-094;

Crown Land (Reserves) (Metropolitan Parks) Regulations 2011 means the regulations which were published in Government Gazette No. G 1 on 5 January 2012, pages 17 to 30, and subsequently amended by the Crown Lands (Reserves) (Metropolitan Parks) Amendment Regulations 2015 published in Special Government Gazette No. S 383 on 3 December 2015, page 1 and the Crown Lands (Reserves) (Metropolitan Parks) Amendment Regulations 2016 published in Special Government Gazette No. S366 on 28 November 2016, page 1 and the Crown Lands (Reserves) (Metropolitan Parks) Amendment Regulations 2018 published in the General Government Gazette No. G43 on 25 October 2018, pages 2397 to 2398;

eligible person has the same meaning as in section 3 of the **State Concessions Act 2004**;

fee units means an amount in dollars equal to the product obtained by multiplying the number of fee units by the amount fixed from time to time by the Treasurer under section 5(3) of the **Monetary Units Act 2004**;

Gabo Island Lighthouse Reserve means the land contained in Crown allotment 1A, Parish of Gabo, temporarily reserved as a site for tourism and public purposes by Order in Council dated 9 December 1995 and published in the Government Gazette on 14 December 1995;

Good Friday has the same meaning as in section 6(e) of the **Public Holidays Act 1993**;

Kurth Kiln Regional Park means Kurth Kiln Regional Park as described in Division 2 of Part 4A of the Fifth Schedule of the Act;

Labour Day has the same meaning as in section 6(d) of the **Public Holidays Act 1993**;

Melbourne Cup Day has the same meaning as in section 6(j) of the **Public Holidays Act 1993**;

Minister means the Minister administering the **Crown Land (Reserves) Act 1978**;

off peak season means, for the purposes of the Schedule, the following periods –

- (1) For specified campsites, the period commencing 1 May and finishing on 31 October in each year (excluding any periods where peak season or shoulder season apply);
- (2) For roofed accommodation, the period commencing 1 May and finishing on 31 August in each year (excluding any days where peak season or shoulder season fees apply);

park means Kurth Kiln Regional Park;

Parks Victoria means the body established under Part 2 of the **Parks Victoria Act 2018**;

Peach Tree Creek Reserve means all of the lands, contained in Crown allotments 2006, 2008, 2020 and 2021, Township of Tamboon, Parish of Barga, temporarily reserved as a site for Public Purposes (Recreation) by Order in Council dated 9 July 1996 and published in the Government Gazette on 11 July 1996;

peak season means, for the purposes of the Schedule, the following periods –

- (1) For specified campsites –
 - (a) Friday and Saturday nights during the period from the last Friday in October each year until the end of February of the following year;
 - (b) the Sunday and Monday nights immediately before Melbourne Cup Day;
 - (c) the Friday, Saturday and Sunday nights immediately before Labour Day;
 - (d) if ANZAC Day falls on a Friday, the Thursday night immediately before ANZAC Day, ANZAC Day and the Saturday immediately following ANZAC Day;
 - (e) if ANZAC Day falls on a Monday, the Friday, Saturday and Sunday nights immediately before ANZAC Day;

- (f) the period between the end of school term one and the beginning of school term two in each year; and
- (g) the period between the end of school term four and the beginning of school term one in the following year;
- (2) For roofed accommodation –
 - (a) the period between the end of school term four and the beginning of school term one of the following year;
 - (b) the Friday, Saturday and Sunday nights immediately before Labour Day;
 - (c) the Thursday night immediately before Good Friday, Good Friday, the Saturday before Easter Sunday and Easter Sunday nights;

Plenty Gorge Parklands means the land described as Plenty Gorge Parklands in the Schedule to the Crown Land (Reserves) (Metropolitan Parks) Regulations 2011;

Queen’s Birthday has the same meaning as in section 6(i) of the **Public Holidays Act 1993**; **recognition and settlement agreement** means an agreement made under section 4 of the **Traditional Owner Settlement Act 2010**;

reserve means any of the following –

- (a) Buchan Caves Reserve;
- (b) Corringale Foreshore Reserve;
- (c) Gabo Island Lighthouse Reserve;
- (d) Peach Tree Creek Reserve;
- (e) Plenty Gorge Parklands; and
- (f) Yarra Valley Parklands;

roofed accommodation means a building or structure that is provided and managed by Parks Victoria within a reserve or the park for the purpose of accommodation;

school term means days on which a Government school is required to be open for attendance by students determined in writing by the Minister administering the **Education and Training Reform Act 2006** under regulations made under that Act;

shoulder season means, for the purposes of the Schedule, the following periods –

- (1) For specified campsites –
 - (a) the period from 1 November each year until 30 April of the following year (excluding any periods where peak season applies);
 - (b) the period between the end of school term three and the beginning of school term four in each year;
- (2) For roofed accommodation –
 - (a) the period from 1 September to 30 April of the following year (excluding any days where peak season fees apply);
 - (b) Friday, Saturday and Sunday nights immediately before the Queen’s Birthday;
 - (c) the period between the end of school term two and the beginning of school term three in each year;

specified campsite means an individual campsite within a campground of a reserve or the park that is provided and managed by Parks Victoria for the specific purpose of camping;

the Act means the **Crown Land (Reserves) Act 1978**;

the Saturday before Easter Sunday has the same meaning as in section 6(f) of the **Public Holidays Act 1993**;

traditional owner means an Aboriginal person who is a member of a traditional owner group that has –

- (a) native title rights recognised under the **Native Title Act 1993** of the Commonwealth; or
- (b) a recognition and settlement agreement;

traditional owner group has the same meaning as in the **Traditional Owner Settlement Act 2010**;

Yarra Valley Parklands means the land described as Yarra Valley Parklands in the Schedule to the Crown Land (Reserves) (Metropolitan Parks) Regulations 2011.

6. Application of regulations

These Regulations do not apply to any of the following persons –

- (a) an employee of Parks Victoria acting in the course of their duties;
- (b) an authorised officer acting in the course of their duties;
- (c) a police officer acting in the course of their duties;
- (d) a contractor, agent, volunteer or other person carrying out any work for or acting on the authority or instruction of the Minister or Parks Victoria;
- (e) a person acting in accordance with a lease, licence, tenancy, permit or authority granted or issued in relation to a reserve or the park under the Act or another Act relating to Crown land;
- (f) a person employed under Part 3 of the **Public Administration Act 2004** acting in the course of their duties.

7. Exemption – Traditional Owners

Regulation 8(1)(a), 8(1)(d), and 8(2) do not apply to a traditional owner when camping on Crown land which is subject to a recognition and settlement agreement or a positive determination of native title under the **Native Title Act 1993** of the Commonwealth.

PART 2 – ADMINISTRATION, MANAGEMENT AND USE OF A PARK OR RESERVE

8. Fees

- (1) A person must not use the following improvements, services or facilities unless the person does so under and in accordance with a permit issued for that specified purpose and has paid any relevant fee imposed under Schedule 1 –
 - (a) a specified campsite;
 - (b) roofed accommodation;
 - (c) the Nioka Bush Camp Hall (including kitchen) within Plenty Gorge Parklands;
 - (d) a car parking space within the Corringle Foreshore Reserve or Peach Tree Creek Reserve.

Penalty: 2 penalty units

- (2) A person must not enter Fairy Cave, Federal Cave, Royal Cave or Wilsons Cave within Buchan Caves Reserve without paying the relevant fee under Table 2 of Schedule 1.

Penalty: 2 penalty units

- (3) The fee payable by an eligible person is subject to a ten percent discount where the fee relates to use of a specified campsite (including a specified campsite that includes the use of car parking space).

9. Permits

- (1) Subject to these Regulations, the Minister may issue a permit authorising the holder of the permit to use an improvement, service or facility specified in regulation 8(1) subject to any conditions specified in the permit.

- (2) The Minister may cancel a permit at any time –
 - (a) if the holder of the permit has –
 - (i) contravened the permit; or
 - (ii) otherwise breached these Regulations; or
 - (b) if the continuation of the permit is likely to be detrimental to, or interfere with, the management and protection of the natural environment, features, or visitors in a reserve or the park; or
 - (c) for the purposes of management of a reserve or the park.
- (3) The cancellation of a permit under subregulation (2) does not take effect until the holder of the permit is given notice in writing of that cancellation.

10. Camping

- (1) A person must not camp in a reserve or the park, other than in a specified campsite.
Penalty: 2 penalty units
- (2) A person must not camp in a specified campsite for more than 30 consecutive nights.
Penalty: 2 penalty units
- (3) A person who camps in a specified campsite must maintain his or her campsite in a clean and tidy condition.
Penalty: 2 penalty units

11. Use of soap and detergents

- A person must not use or dispose of any soap, detergent or similar substance in a reserve or the park within 50 metres of any sea, river, stream, creek, well, spring, dam, lake, reservoir, bore or other body of water, except in toilets, showers or other facilities provided in a reserve or the park for that purpose.
Penalty: 5 penalty units

12. Hygiene

- A person must not leave behind or deposit faeces in a reserve or the park unless –
- (a) if toilet facilities are provided, the person does so in toilet facilities provided; or
 - (b) if toilet facilities are not provided, the person does so by burying those faeces 100 metres or more away from any river, stream, creek, well, spring, dam, lake, reservoir, bore or water body.
- Penalty: 5 penalty units
-

SCHEDULE 1

Regulation 8

FEES PAYABLE FOR ENTRY UPON LAND AND USE OF IMPROVEMENTS,
SERVICES AND FACILITIES IN A RESERVE

Table 1 – Buchan Caves Reserve

<i>Column 1</i>	<i>Column 2</i>
IMPROVEMENT, SERVICE OR FACILITY	FEE PER NIGHT
Fees by specified campsite	
High (Powered) (Peak Season)	2.05 fee units
High (Non-Powered) (Peak Season)	1.84 fee units
High (Powered) (Off Peak Season)	1.84 fee units
High (Non-Powered) (Off Peak Season)	1.66 fee units
High (Powered) (Shoulder Season)	1.94 fee units
High (Non-Powered) (Shoulder Season)	1.75 fee units
Additional car parking space	0.68 fee units
Fees for roofed accommodation	
Cabins (Peak Season and Shoulder Season)	7.22 fee units
Cabins (Off Peak Season)	6.50 fee units
Wilderness Retreat for up to two people	13.71 fee units
Wilderness Retreat for each additional person	1.65 fee units

Table 2 – Buchan Caves Reserve

<i>Column 1</i>	<i>Column 2</i>
ENTRY UPON LAND	FEE
Entry fee for cave tour – single cave tour (Royal Cave or Fairy Cave)	
Adult	1.58 fee units
Child (Aged 5 to 16 years)	0.93 fee units
Senior	1.32 fee units
Family (2 adults, 2 children aged 5 to 16 years)	4.37 fee units
Bus Group (Minimum of 10 people) fee per person	1.18 fee units
School Group (Prep to Year 10) fee per student	0.6 fee units
School Group (Years 11, 12, University & TAFE students) fee per student	0.93 fee units
Entry fee for cave tour – Royal Cave and Fairy Cave	
Adult	2.37 fee units
Child (Aged 5 to 16 years)	1.37 fee units
Senior	1.94 fee units
Family (2 adults, 2 children aged 5 to 16 years)	6.52 fee units
Bus Group (Minimum of 10 people) fee per person	1.94 fee units
School Group (Prep to Year 10) fee per student	0.93 fee units
School Group (Years 11, 12, University and TAFE students) fee per student	1.37 fee units

Entry fee for cave tour – Federal Cave	
Adult	2.64 fee units
Child (Aged 5 to 16 years)	1.88 fee units
Entry fee for Wilsons Cave Tour (Schools only)	
School Group (Prep to Year 10) fee per student	1.51 fee units
School Group (Years 11, 12, University and TAFE students) fee per student	1.88 fee units

Table 3 – Corringale Foreshore Reserve

<i>Column 1</i>	<i>Column 2</i>
IMPROVEMENT, SERVICE OR FACILITY	FEE PER NIGHT
Fees by specified campsite - Corringale Foreshore Reserve Campground	
Specified campsite up to 6 persons and one car parking space (Peak Season)	1.03 fee units
Specified campsite up to 6 persons and one car parking space (Off Peak Season)	0.93 fee units
Specified campsite up to 6 persons and one car parking space (Shoulder Season)	0.98 fee units
Additional car parking space	0.68 fee units

Table 4 – Gabo Island Lighthouse Reserve

<i>Column 1</i>	<i>Column 2</i>
IMPROVEMENT, SERVICE OR FACILITY	FEE PER NIGHT
Fees for roofed accommodation	
Lightstation Cottage (Peak Season and Shoulder Season)	26.45 fee units
Lightstation Cottage (Off Peak Season)	23.80 fee units

Table 5 – Peach Tree Creek Reserve

<i>Column 1</i>	<i>Column 2</i>
IMPROVEMENT, SERVICE OR FACILITY	FEE PER NIGHT
Fees by specified campsite – Peach Tree Creek Campground	
Specified campsite up to 6 persons and one carpark space (Peak Season)	1.03 fee units
Specified campsite up to 6 persons and one carpark space (Off Peak Season)	0.93 fee units
Specified campsite up to 6 persons and one carpark space (Shoulder Season)	0.98 fee units
Additional carpark space	0.68 fee units

Table 6 – Plenty Gorge Parklands

<i>Column 1</i>	<i>Column 2</i>
IMPROVEMENT, SERVICE OR FACILITY	FEE PER NIGHT
Fees by specified campsite or for roofed accommodation	
Nioka Bush Camp Exclusive Site	27.19 fee units
Nioka Bush Camp Exclusive Site with Kitchen and Hall	31.72 fee units
Roofed Accommodation – 34 Bed Bunkhouse	38.52 fee units
Fee for campground facility	
Nioka Bush Camp Hall including kitchen – exclusive use of kitchen & hall facilities (camping fees additional)	18.20 fee units

Table 7 – Yarra Valley Parklands

<i>Column 1</i>	<i>Column 2</i>
IMPROVEMENT, SERVICE OR FACILITY	FEE PER NIGHT
Fee by specified campsite	
Longridge Park Exclusive Site	11.90 fee units

ENDNOTES**PENALTY UNITS**

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2019 is \$165.22. The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

FEE UNITS

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**. The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2019 is \$14.81. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is fixed under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year is published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

PLENTY GORGE PARKLANDS AND YARRA VALLEY PARKLANDS

A person who camps in a specified campsite or stays in roofed accommodation within Plenty Gorge Parklands or Yarra Valley Parklands may be required to obtain a permit under the Crown Land (Reserves) (Metropolitan Parks) Regulations 2011.

OTHER RELEVANT LEGISLATION

In addition to these Regulations, the following laws also apply to activities within a park or reserve –

Aboriginal Sites and Relics

Aboriginal heritage (including Aboriginal objects, places and remains) is protected under the **Aboriginal and Torres Strait Islander Heritage Protection Act 1984** (Commonwealth) and the **Aboriginal Heritage Act 2006** (Victoria). A contravention of this legislation may also result in the imposition of penalties.

Domestic Animals

The responsible ownership of dogs and cats is regulated by the **Domestic Animals Act 1994** and Regulations made under that Act. Failure to adhere to that legislation may result in the imposition of penalties.

Fires

The **Forests Act 1958**, the Forests (Fire Protection) Regulations 2014 and the **Country Fire Authority Act 1958** also limit the lighting of fires in certain areas.

A person who fails to comply with the **Forests Act 1958**, the Forests (Fire Protection) Regulations 2014 and the **Country Fire Authority Act 1958** may be liable to the imposition of penalties.

Firearms

The possession, carriage and use of firearms are regulated under the **Firearms Act 1996**. A contravention of that Act may result in the imposition of penalties.

Fishing

Fishing is regulated by the **Fisheries Act 1995** and Regulations made under that Act. Failure to adhere to that legislation may result in the imposition of penalties.

Litter

The depositing of litter is regulated under the **Environment Protection Act 1970** and may result in the imposition of penalties.

Motor vehicles

Under the Land Conservation (Vehicle Control) Regulations 2013, the use or operation of a motor vehicle is not permitted within the reserve except on a road, in a parking area, adjacent to a road, or in an area declared as an off-road access area or a restricted access area where that class of vehicle is permitted. A contravention of those requirements may result in the imposition of penalties.

Historic Places and Objects

All archaeological sites and archaeological artefacts are protected under the **Heritage Act 2017**. A contravention of that Act may result in the imposition of penalties.

Wildlife

The taking, hunting or destroying of wildlife, including game, is regulated under the **Wildlife Act 1975** and Regulations made under that Act. A person who fails to comply with the requirements of that legislation may be liable to the imposition of penalties.

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