

National Parks Act 1975

National Parks Regulations 2024

Set Aside(s) for temporary closures (planned burns)

The *National Parks Regulations 2024* have been made under sections 32AA, 37 and 48 of the *National Parks Act 1975*.

Regulation 11 provides that the Great Ocean Road Coast and Parks Authority may make a determination to set aside an area as an area in which an activity or conduct is permitted, required, restricted or prohibited. The Great Ocean Road Coast and Parks Authority may include in the determination any conditions subject to which the activity or conduct must or must not be carried out.

Additional temporary determinations and set asides are put in place from time to time for purposes such as planned burning, seasonal road closures or pest animal control programs. These temporary determinations and set asides operate in conjunction with ongoing determinations for general park management and, where there is a conflict or perceived conflict, the temporary determinations take precedence.

This Set Aside Determination, for the purpose of general park management, does not replace those current Set Aside Determinations for the temporary closure of a park.

Signed at Torquay

by



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Name Leia Howes

Title Director of Environment and Coastal Operations

Date 11/03/2025

Areas set aside as prohibited for planned burns

Regulation(s)		Purpose of set aside determination	Area set aside	Specified conditions	
				Times or period	Other conditions
20(1)(a)	Areas where access is prohibited or restricted	To set aside an area to which access for a person or class of persons is prohibited without a permit.	The 'Closed Public Safety Area' ¹ within National Parks proposed for planned burning in the approved Joint Fuel Management Program for 2024-2027 (Attachment 1).	<p>From March 2025 to March 2026 for the period during which all access to a 'Closed Public Safety Area' is prohibited during the period from commencement of 'Fire Operations'² in a 'Closed Public Safety Area' to the cessation of 'Fire Operations' in that 'Closed Public Safety Area' as determined by the following 'Fire Operations':</p> <ul style="list-style-type: none"> a. commence or commenced in a 'Closed Public Safety Area' upon a notice being displayed on or near that 'Closed Public Safety Area'; and b. will cease upon a notice of the completion of 'Fire Operations' in that 'Closed Public Safety Area' being displayed on or near that 'Closed Public Safety Area' by an employee of the Department of Energy, Environment and Climate Action, the Great Ocean Road Coast 	All access to the areas set aside is Prohibited ³ for the full 24 hours of each day during the Fire Operations period as described in a and b of specified conditions.

¹ 'Closed Public Safety Area' means all access is prohibited in the 'Fire Operations Area' including a buffer of 150m. 'Fire Operations Area' means any area of land managed by the Great Ocean Road Coast and Parks Authority as a 'burn', 'planned burn' or 'non-burn fuel treatment' in any 'Fire Operation Plan' or in any map approved from time to time under a 'Fire Operations Plan'.

² 'Fire Operations Plan' means any plan that has been or is:

- a. prepared from time to time in accordance with the *Code of Practice for Bushfire Management of Public Land* prepared from time to time under Part 5 of the *Conservation, Forests and Lands Act 1987*;
- b. issued or published and applies from time to time during the period of this approval; and
- c. related to the role of the Secretary under Section 62(2) of the *Forests Act 1958*.

³ 'Prohibited' means:

- a. a person may not enter a 'Closed Public Safety Area' or contingency area on foot or on a bicycle or other vehicle.
- b. a person may not remain in or be present in a 'Closed Public Safety Area' or contingency area.
- c. a person must not place an obstruction within a 'Closed Public Safety Area or contingency area.'

Regulation(s)		Purpose of set aside determination	Area set aside	Specified conditions	
				Times or period	Other conditions
				and Parks Authority, Parks Victoria or VicForests.	
20(1)(a)	Areas where access is prohibited or restricted	To set aside an area to which access for a person or class of persons is prohibited without a permit.	The 'Contingency Area' ⁴ within National Parks adjacent to the 'Closed Public Safety Area' proposed for planned burning in the approved Joint Fuel Management Program for 2024 – 2027 (Attachment 1).	<p>From March 2025 to March 2026 for the period during which access to a 'Contingency Area' is prohibited when control lines fail to contain the planned burn in the 'Fire Operations Area'⁵ and/or the 'Closed Public Safety Area' as the 'Fuel Treatment Delivery Plan'⁶ and determined by the following: 'Fire Operations' (extended to and undertaken in the 'Contingency Area'):</p> <ul style="list-style-type: none"> a. commence or commenced in a 'Contingency Area' upon a notice being displayed on or near that 'Contingency Area'; and b. cease upon a notice of completion of 'Fire Operations' in that 'Contingency Area' being displayed on or near that 'Contingency Area' by an employee of the Department of Energy, Environment and Climate Action, the Great Ocean Road Coast and Parks Authority, Parks Victoria or VicForests. 	All access to the areas set aside is prohibited for the full 24 hours of each day during the Fire Operations period as described in a and b of specified conditions.

Notes

⁴ 'Contingency Area' means an area adjoining a burning unit for which burning is an acceptable option should control lines around the planned area fail to contain the burn. It is identified within the Fuel Treatment Delivery Plan for a burn to assist in managing the risk of a planned burn breaching control lines.

⁵ 'Fire Operations Area' means any area of land managed by Parks Victoria as 'burn', 'planned burn' or 'non-burn fuel treatment' in any 'Fire Operation Plan' or in any map approved from time to time under a 'Fire Operations Plan'.

⁶ 'Fuel Treatment Delivery Plan' Fuel Treatment Delivery Plan or Burn Plan means the plan which is in the required format of the Department of Energy, Environment and Climate Action (DEECA), is approved for the conduct of prescribed burning and contains a map identifying the area to be burned and incorporates the specifications and conditions under which the operation is to be conducted.

Regulation 9 Application of Regulations to traditional owner group members where land is subject to agreement under Part 6 of the *Traditional Owner Settlement Act 2010*

- (1) If a traditional owner group entity has entered into a traditional owner group agreement, any provision of these Regulations (other than a provision of these Regulations specified in the Table in subregulation (2)) that provides for an offence for carrying out an activity or doing anything that is an agreed activity does not apply to a member of the traditional owner group—
- (a) who is bound by the traditional owner group agreement; and
 - (b) who carries out the agreed activity to which the offence relates in accordance with the traditional owner group agreement and on land to which that agreement applies.
- (2) For the purpose of subregulation (1) the following Table sets out the specified provision and the extent to which that provision applies to a member of the traditional owner group.

Table

<i>Column 1 Specified regulation</i>	<i>Column 2 Extent to which specified regulation applies</i>
Regulation 14(2)	The whole
Regulation 17	The whole
Regulation 21(1), (2) and (3)	The whole
Regulation 22	The whole
Regulation 24(1) and (2)	The whole
Regulation 32	The whole
Regulation 76(1)	The whole, except if the member lights or maintains a fire in a park for the purpose of undertaking cultural activities
Regulation 79(1)	The whole
Regulation 82(1), (2), (3), (4) and (5)	The whole
Regulation 83(1) and (2)	The whole
Regulation 84	The whole

Regulation 10 Application of Regulations to Aboriginal group members where land is not subject to agreement under Part 6 of the *Traditional Owner Settlement Act 2010*

An Aboriginal group member, when undertaking an Aboriginal tradition on land in a park that is not land over which there is an agreement under Part 6 of the *Traditional Owner Settlement Act 2010*, is exempt from these Regulations, other than the provisions set out in Column 1 of the following Table to the extent set out in Column 2 of the following Table.

Table

<i>Column 1 Specified regulation</i>	<i>Column 2 Extent to which specified regulation applies</i>
Regulation 14(2)	The whole
Regulation 17	The whole

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Regulation 32	The whole
Regulation 76(1)	The whole, except if the member lights or maintains a fire in a park for the purpose of undertaking cultural activities
Regulation 79(1)	The whole
Regulation 82(1), (2), (3), (4) and (5)	The whole
Regulation 83(1) and (2)	The whole
Regulation 84	The whole

Regulation 11 Determinations setting areas aside

(3) If the land manager makes a set aside determination under the Regulations, the land manager must, as soon as practicable after making the determination:

- (a) cause signs or notice of the determination and the conditions they must comply with, to be displayed; and
- (b) publish the determination on the land manager's website.

Regulation 13 Signs and notices

(1) If the land manager makes a determination under the Regulations and is required to display a sign or notice in relation to that determination, that sign or notice must:

- (a) be displayed in a place and manner that is likely to be seen by any person affected by the determination; and

Example

A sign placed at each entry to an area set aside.

- (b) identify in words or symbols any activity that is prohibited, restricted or permitted in the area under determination; and
- (c) either:
 - (i) specify the conditions of the activities that are prohibited, restricted, or permitted; or
 - (ii) specify by reference to a determination published under regulation 11(3)(b) the activity that is prohibited, restricted or permitted and any conditions that apply to carrying out that activity.

- (2) If the land manager revokes or amends a determination made under these Regulations, the land manager must as soon as practicable cause any sign or notice that has been displayed under these Regulations to be removed or amended to reflect the revocation or amendment of that determination.

Attachment 1

Details of planned burn(s) (approved as at September 2024) listed for National Parks in the approved ‘Fire Operations Plan’ in accordance with the Joint Fuel Management Program for 2024/2025-2026/2027

*JFMP year indicative

Public Land Name	Fuel Treatment Name	*JFMP Year	Area Hectares
Port Campbell National Park	Port Campbell - Plantation Road	Year 1 (2024/2025)	166.50
	Port Campbell - Pleasant Drive	Year 2 (2025/2026)	32.94
	Port Campbell - Twelve Apostles	Year 1 (2024/2025) Year 2 (2025/2026) Year 3 (2026/2027)	348.11
Port Campbell - Plantation Road	Port Campbell - Plantation Road	Year 1 (2024/2025)	2.73