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*National Parks Act 1975*

*National Parks Regulations 2024*

## **Set Aside(s) for Lake Albacutya Park**

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

Regulation 11 provides that Parks Victoria may make a determination in writing that sets aside a regulation. In doing so, Parks Victoria may specify that set aside applies to the whole or a specified area of a park; and specified days or times or for specified periods; and to a person or class of person. In addition, Parks Victoria may set out any conditions subject to which the activity or conduct specified in the set aside determination must or must not be carried out; and specify if a permit is required to undertake the activity or conduct that is permitted, required, restricted or prohibited.

Where the area(s) covered by this Set Aside Determination, for the purpose of general park management, coincide with the area(s) covered by any other current Set Aside Determination for temporary closure of a park for the following specific purposes:

- planned burning in the approved Fire Operations Plans and incorporated into the Joint Fuel Management Program for a particular span of years
- animal and plant control programs and/ or conservation activities
- infrastructure installation and maintenance
- fire and flood recovery
- seasonal road and track closure

then 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 Melbourne**

by



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Name: Ryan Incoll

Title: A/Executive Director Conservation and Planning

Date: 8/10/2024

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## Areas set aside in Lake Albacutya Park

Regulation(s)		Details of set aside				
		Purpose of set aside determination	Area set aside	Specified conditions		Further information
				Times or period	Other conditions	
20(1)(b)	Areas where access is prohibited or restricted	To set aside an area of a park as an area to which access for a person or class of persons is restricted without a permit.	All of the park as shown on Maps 1a, 1b 1c and 1d (Attachment 1).	At all times during inundation and swamping.	Access to the area set aside is restricted during inundation and swamping events in accordance with on-ground signage.  Locked gates must not be tampered with.	This set aside is for the purpose of public safety.
20(1)(b)	Areas where access is prohibited or restricted	To set aside an area of a park as an area to which access for a person or class of persons is restricted without a permit.	All of the park as shown on Maps 1a, 1b 1c and 1d (Attachment 1).	At all times during flood and storm recovery.	Access to affected roads, tracks and visitor sites is not allowed during flood recovery as indicated by on-ground signage.	This set aside is for the purpose of public safety.
39	Areas for animals	To set aside an area of a park as an area into which animals may be brought.	All of the park as shown on Maps 1a, 1b 1c and 1d (Attachment 1).	At all times.	Dogs are allowed in the park.  Dogs must be on a leash, chain or cord which is suitable to restrain the dog not exceeding 8 metres in length. Dogs must be under the immediate control of that person at all times. Dogs must be restrained from causing a disturbance to persons, or damage to or interference with property, animals or natural features of a park. A person who brings a dog into a park	

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Regulation(s)		Details of set aside				
		Purpose of set aside determination	Area set aside	Specified conditions		Further information
				Times or period	Other conditions	
					must collect and remove from the park any faeces deposited by the dog.	
39	Areas for animals	To set aside an area of a park as an area into which animals may be brought.	All roads, tracks and parking areas as shown on Maps 1a, 1b 1c and 1d (Attachment 1).	Between sunrise and sunset.	<p><u>Access:</u></p> <ul style="list-style-type: none"> <li>Horses must remain on roads, tracks and in car parking areas.</li> <li>Horses must be on lead when not in a yarded area.</li> </ul> <p><u>Group Size:</u></p> <ul style="list-style-type: none"> <li>Maximum group size of 10.</li> </ul> <p><u>Management of horses:</u></p> <ul style="list-style-type: none"> <li>Horses cannot directly be watered waterbodies in the park.</li> <li>Buckets should be used for drinking if possible.</li> <li>Horses must not be washed in or near rivers, streams, aqueducts or other waterbodies. Buckets must be used for washing.</li> <li>Nosebags must be used for feeding. Feed type should be selected to minimise the risk of the spread of weeds, such as pellets,</li> </ul>	

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Regulation(s)		Details of set aside				
		Purpose of set aside determination	Area set aside	Specified conditions		Further information
				Times or period	Other conditions	
					certified clean chaff/hay and rolled or cracked, clean grain. <ul style="list-style-type: none"> <li>All waste associated with horses including manure, hay and other feed must be removed from the park and not left in loading and unloading areas in carparks.</li> </ul>	
42(1)	Areas for collecting firewood	To set aside an area of a park where fallen or felled trees may be cut and taken away for use as firewood within the park.	All of the park as shown on Maps 1a, 1b 1c and 1d (Attachment 1).	At all times.	Fallen or felled trees may be cut and taken away for use as firewood in fireplaces within the park.  The total collected firewood possessed must not exceed tonnage of 1m <sup>3</sup> .  The operation of chainsaws is allowed for the purpose of firewood collection.	
43	Areas for introducing firewood into parks	To set aside an area of a park where firewood may be brought into the park for use as firewood within the area.	All of the park as shown on Maps 1a, 1b 1c and 1d (Attachment 1).	At all times.	Firewood can be brought into the park for use in fireplaces within the park.  Firewood that is brought into the park must be	<i>Firewood</i> means timber or wood products that are free of chemical additives and otherwise suitable for burning as firewood.

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Regulation(s)		Details of set aside				
		Purpose of set aside determination	Area set aside	Specified conditions		Further information
				Times or period	Other conditions	
					free of chemical additives, soil, weeds, seeds and pathogens.	
65	Setting aside areas where devices or equipment that produce noise may be operated	To set aside an area of a park as an area in which a person may use or operate devices or equipment that produce noise and that are specified in the determination.	OTIT Campground, Western Beach Campground and Yaapeet Beach Campground as shown on Maps 1a, 1b and 1c (Attachment 1).	Between 8am and 10pm daily.	The operation of generators is allowed in the area set aside.	
72	Areas for camping	To set aside an area of a park other than an occupation site as an area for camping.	OTIT Campground, Western Beach Campground and Yaapeet Beach Campground as shown on Maps 1a, 1b and 1c (Attachment 1).	At all times.	Dispersed camping in existing camp sites is allowed in accordance with on-ground signage.  Native vegetation must not be cleared or damaged when camping.	
72	Areas for camping	To set aside an area of a park other than an occupation site as an area for camping.	All of the park except within 50m of a campground as shown on Maps 1a, 1b and 1c (Attachment 1).	At all times.	Dispersed camping is allowed in accordance with on-ground signage.	
76(2)	Lighting or maintaining fires restricted	To set aside an area of a park as an area in which a person may light or maintain a fire in a place other than a public fireplace.	All of the park as shown on Maps 1a, 1b and 1c (Attachment 1).	At all times.	Fires using solid fuels in portable commercially manufactured barbeques and cookers outside of fireplaces are allowed in the area set aside, subject to <i>Forests Act 1958</i> and the <i>Forest (Fire Protection) Regulations 2014</i> .	A 3m perimeter from the fire to flammable material must be maintained at all times.  Before leaving the place of the fire, the person responsible for the fire must completely extinguish the fire, or ensure that a person who has the capacity and means to extinguish the fire is in charge of the fire.

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Regulation(s)		Details of set aside				
		Purpose of set aside determination	Area set aside	Specified conditions		Further information
				Times or period	Other conditions	
					Native vegetation must not be cleared or damaged during the lighting, kindling or maintaining of a campfire.	
76(2)	Lighting or maintaining fires restricted	To set aside an area of a park as an area in which a person may light or maintain a fire in a place other than a public fireplace.	All of the park as shown on Maps 1a, 1b and 1c (Attachment 1).	At all times.	<p>Fires using solid fuels outside of fireplaces are allowed in the area set aside, subject to <i>Forests Act 1958</i> and the <i>Forest (Fire Protection) Regulations 2014</i>.</p> <p>Native vegetation must not be cleared or damaged during the lighting, kindling or maintaining of a campfire.</p>	<p>A 3m perimeter from the fire to flammable material must be maintained at all times.</p> <p>Before leaving the place of the fire, the person responsible for the fire must completely extinguish the fire, or ensure that a person who has the capacity and means to extinguish the fire is in charge of the fire.</p>
76(2)	Lighting or maintaining fires restricted	To set aside an area of a park as an area in which a person may light or maintain a fire in a place other than a public fireplace.	All of the park as shown on Maps 1a, 1b and 1c (Attachment 1).	At all times.	<p>Fires using gaseous and liquid fuels in portable commercially manufactured barbeques and cookers are permitted outside of fireplaces in the area set aside, subject to <i>Forests Act 1958</i> and the <i>Forest (Fire Protection) Regulations 2014</i>.</p> <p>Native vegetation must not be cleared or damaged during the</p>	<p>A 1.5m perimeter from the fire to flammable material must be maintained at all times.</p> <p>Before leaving the place of the fire, the person responsible for the fire must completely extinguish the fire, or ensure that a person who has the capacity and means to extinguish the fire is in charge of the fire.</p>

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Regulation(s)	Details of set aside				
	Purpose of set aside determination	Area set aside	Specified conditions		Further information
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				lighting, kindling or maintaining of a campfire.	

## Division 2 – Application of Regulations

### 7. Application of Regulations to permit holders etc.

A person acting under and in accordance with the terms and conditions of any lease, licence, permit, authorisation, consent or other authority granted under the Act, or an agreement entered into under the Act, is not subject to these Regulations to the extent that the activities authorised by the lease, licence, permit, authorisation, consent, other authority or agreement are inconsistent with these Regulations.

### 8. Persons to whom offences under these Regulations do not apply unless otherwise specified

These Regulations, other than regulations 23, 40 and 86 (1), do not apply to a person who:

- (a) is acting as a servant or agent of the Crown; or
- (b) is acting under and in accordance with a contract with:
  - (i) the Crown; or
  - (ii) a person acting as a servant or agent of the Crown; or
- (c) is acting under the direction of a person acting as a servant or agent of the Crown; or
- (d) is acting with the permission of a person acting as a servant or agent of the Crown; or
- (e) is an authorised officer acting in the course of the authorised officer's duties.

### 9. Application of these 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 specified in the Table in sub regulation.
- 2) that provides for an offence to carry out an agreed activity under that agreement does not apply to a member of the traditional owner group:
  - (a) who is bound by the agreement; and
  - (b) who carries out the agreed activity to which the offence relates in accordance with the agreement and on land to which that agreement applies.

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For the purpose of sub regulation (1), the following Table sets out the specified provisions 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 purposes 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

## **10. Application of these 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 to the extent set out in Column 2 of the following Table:

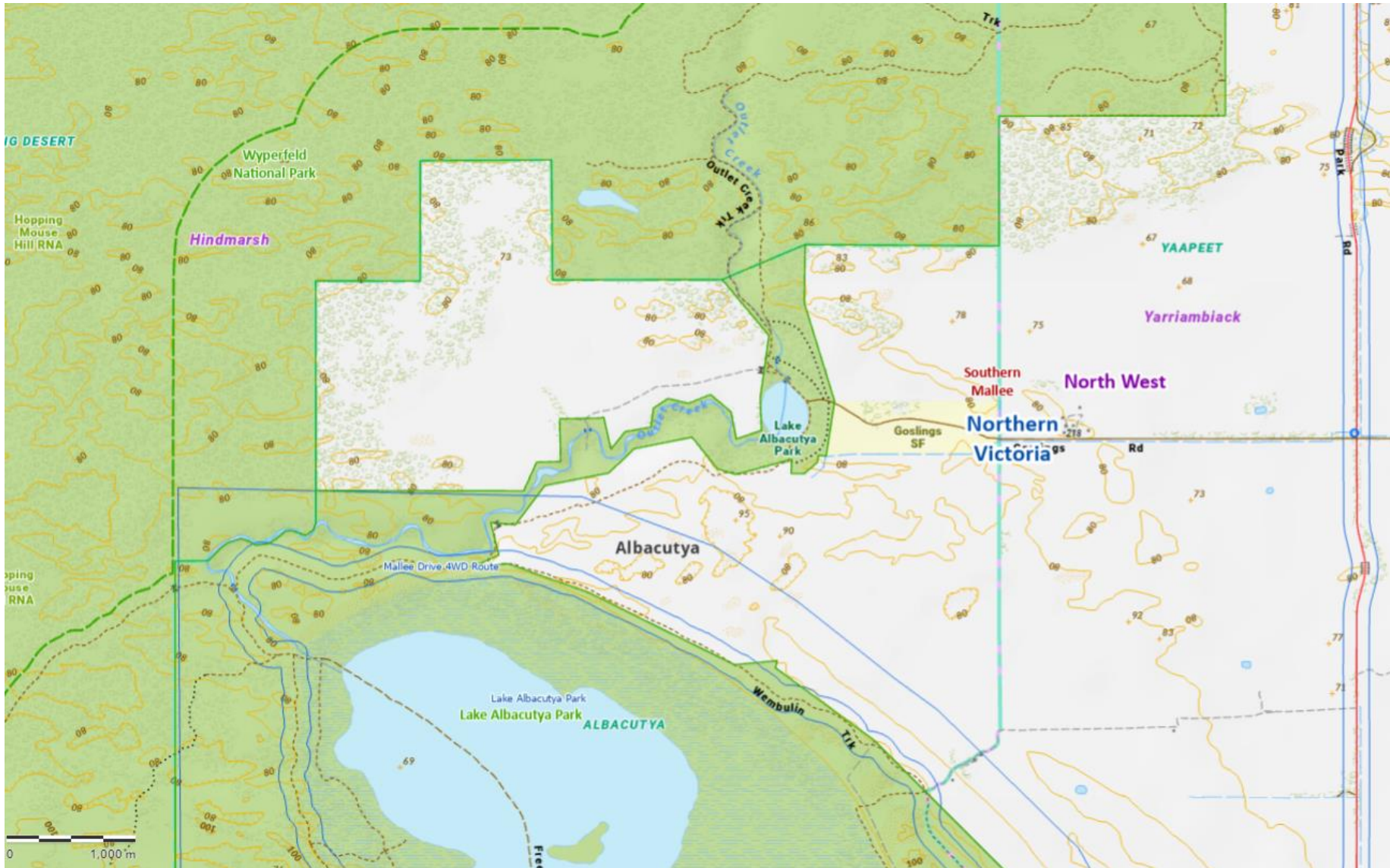
**Table**

<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
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 purposes 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

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## Attachment 1

Map 1a Lake Albacutya Park – far north (taken from Parks Victoria asset information management system)



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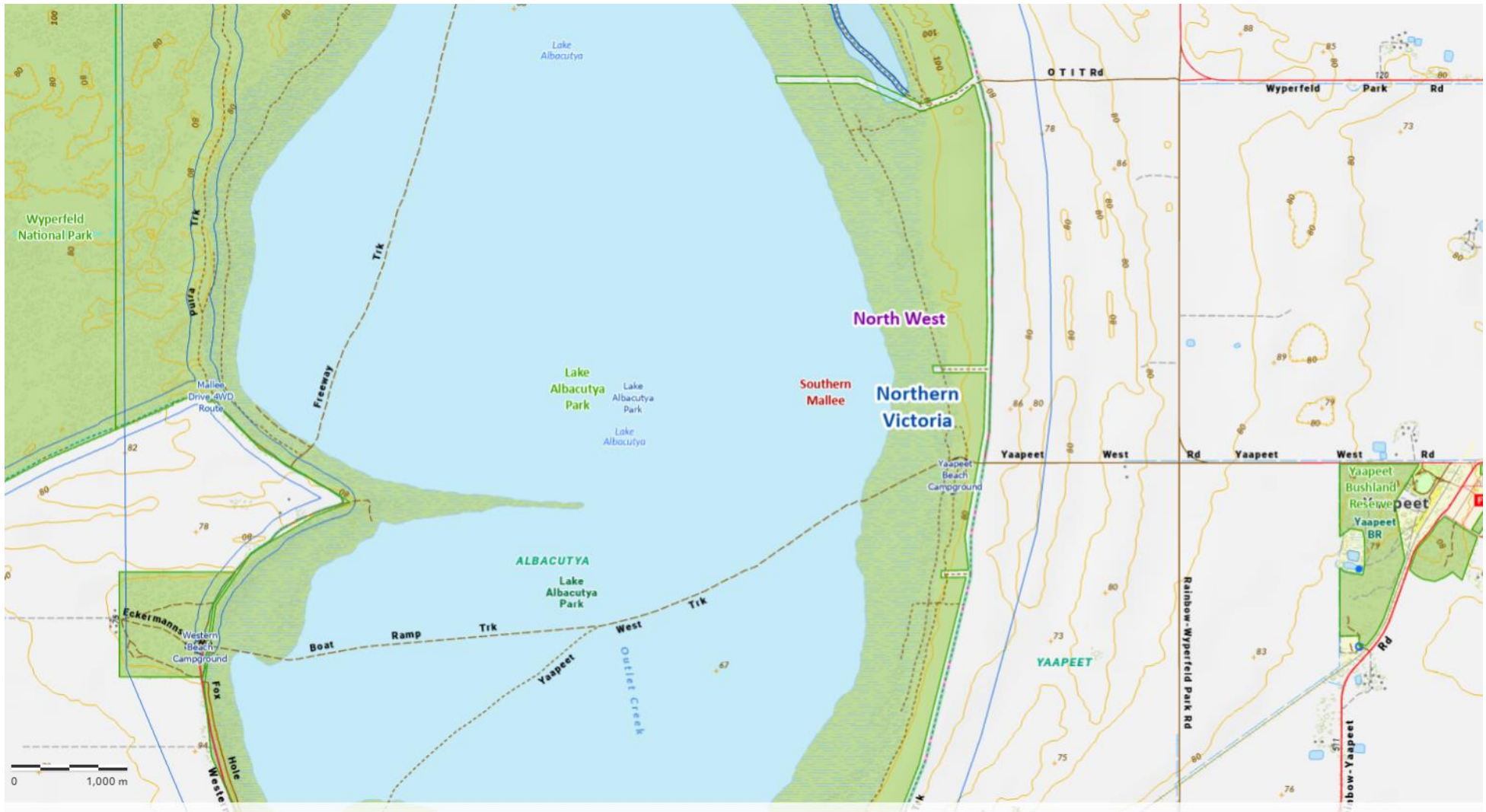
Map 1b Lake Albacutya Park – north (taken from Parks Victoria asset information management system)



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Map 1c Lake Albacutya Park – middle (taken from Parks Victoria asset information management system)



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