

National Parks Act 1975

National Parks Regulations 2024

Set Aside(s) for Leaghur State 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 coincide with the area(s) covered by any other current Set Aside Determination, for the purpose of closure of an area, this Set Aside Determination replaces other Set Aside Determinations and is in force until such time as this Set Aside Determination is amended or revoked.

Signed at Melbourne

by

A handwritten signature in black ink, appearing to read 'D. McLaughlin', is written over a light blue horizontal line.

Name: Daniel McLaughlin

Title: Executive Director Conservation and Planning

Date: 29 August 2024

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Areas set aside in Leaghur State 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)(a) | 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 prohibited without a permit. | All roads and tracks except Forest Lane as shown on Map 1 (Attachment 1). | At all times. | Persons driving goods carrying vehicles with over two tonnes carrying capacity are not allowed on Forest Lane. | This set aside is for the purposes of the preservation, protection or management of the park. |
| 20(1)(a) | 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 prohibited without a permit. | Black Box walking track as shown on Map 1 (Attachment 1). | At all times | Persons driving or riding motorised vehicles including AWD vehicles, 2WD vehicles, 4WD vehicles, motorbikes, trailbikes and motorised bicycle and persons using non-motorised vehicles including bicycles, motorcycles, skateboards, roller skates, in-line roller blades or coasters, roller skis and scooters are not allowed on the Black Box Walking Track. | The term 'non-motorised vehicle' is defined and administered by Vic Roads https://www.vicroads.vic.gov.au/ The term 'motorised bicycle' is defined and administered by Vic Roads https://www.vicroads.vic.gov.au/ This set aside is for the purposes of the preservation, protection or management of the park. |
| 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 Map 1 (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 Map 1 (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. |
| 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 Map 2 (Attachment 2). | 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 ³ . | |

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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 | |
| | | | | | 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 Map 2 (Attachment 2). | 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 free of chemical additives, soil, weeds, seeds and pathogens. | <i>Firewood</i> means timber or wood products that are free of chemical additives and otherwise suitable for burning as firewood. |
| 72 | Areas for camping | To set aside an area of a park other than an occupation site as an area for camping. | Leaghur camping area as shown on Maps 3a and 3b (Attachment 3). | At all times. | Dispersed camping is allowed in visitor sites adjacent to the Murray River 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 Map 3 (Attachment 3). | At all times. | Fires using gaseous and liquid 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> . Native vegetation must not be cleared or damaged during the lighting, kindling or maintaining of a campfire. | A 1.5m 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. |

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.

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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. 2) 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 |

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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:

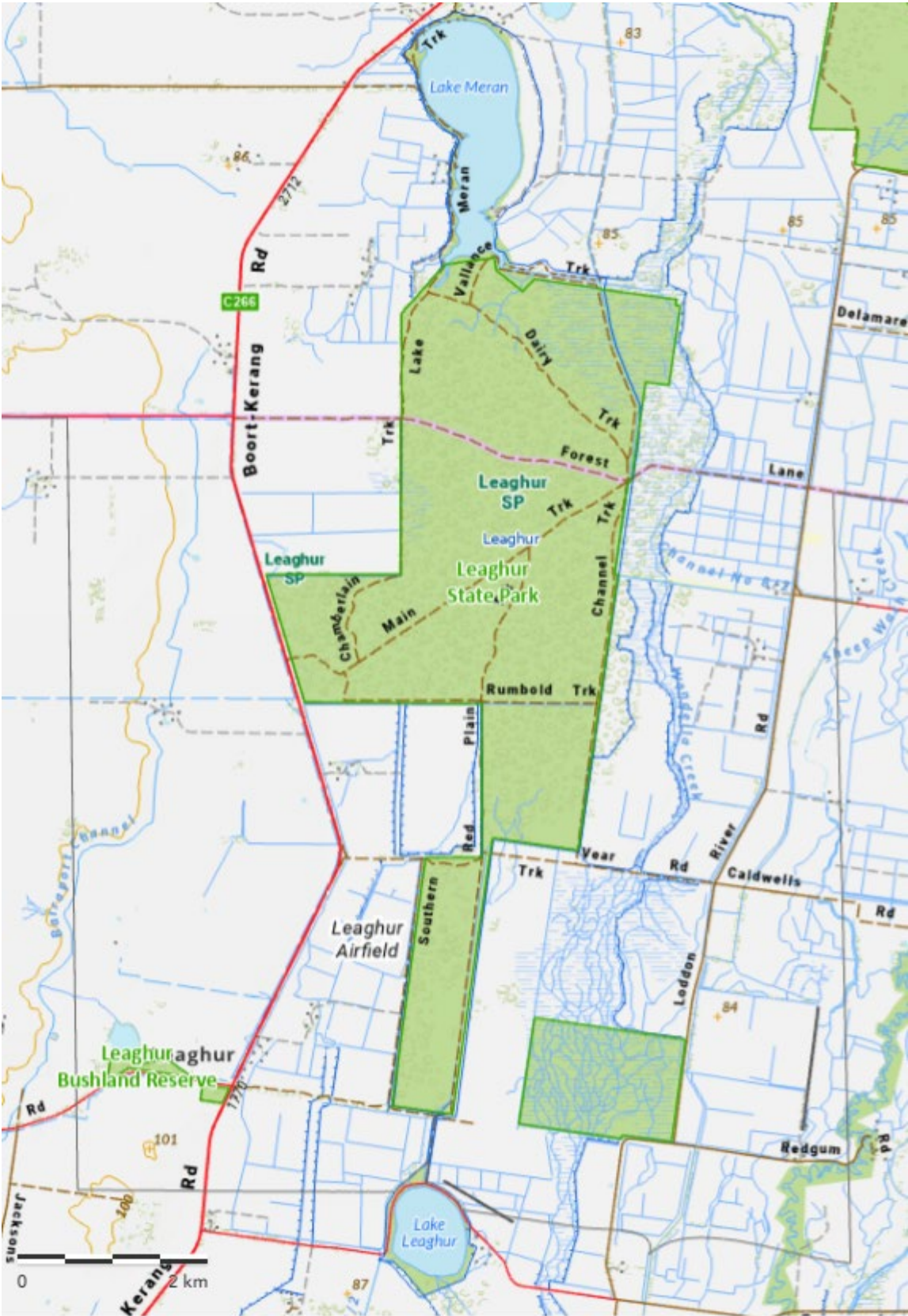
Table

| <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 |

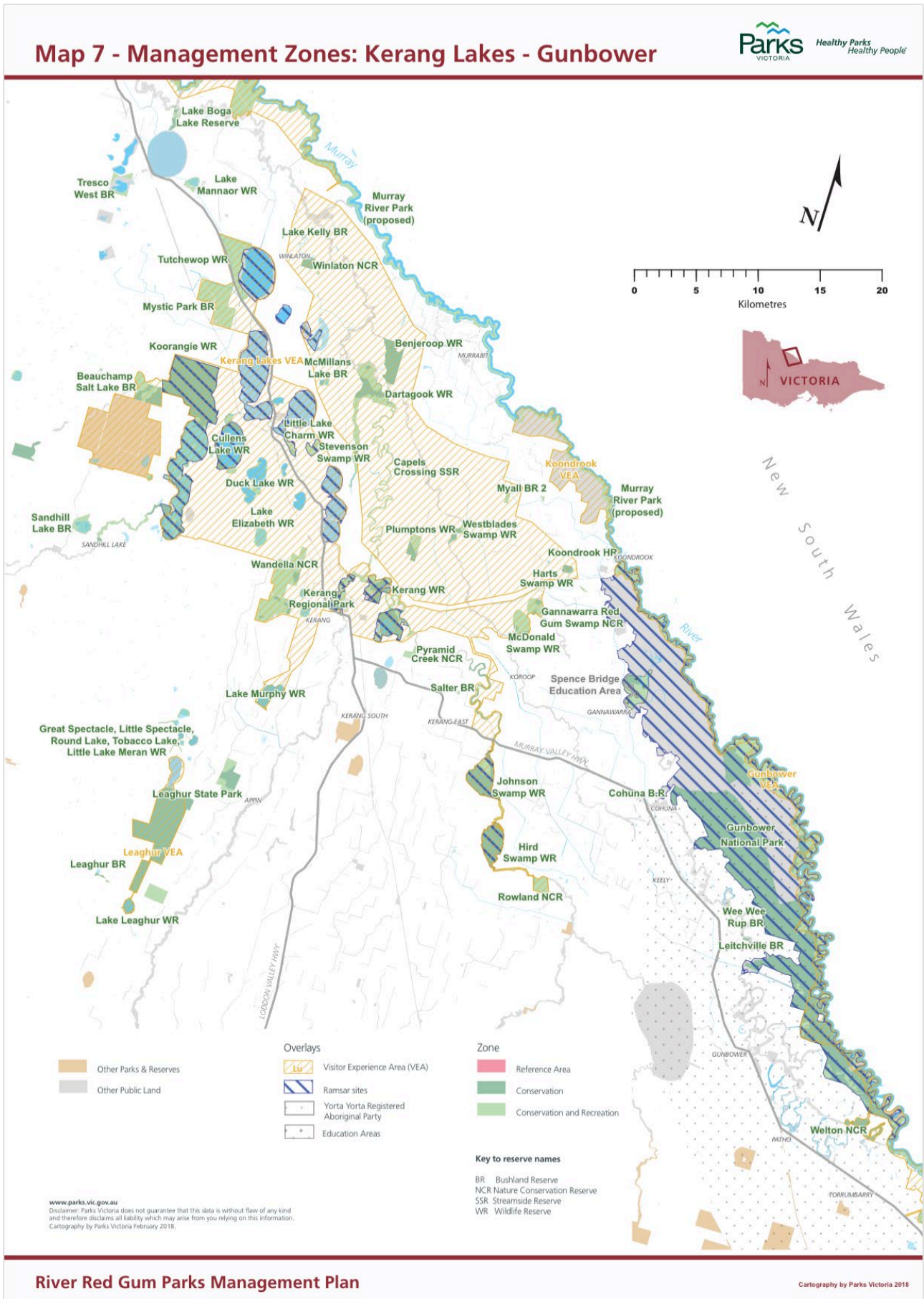
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Attachment 1

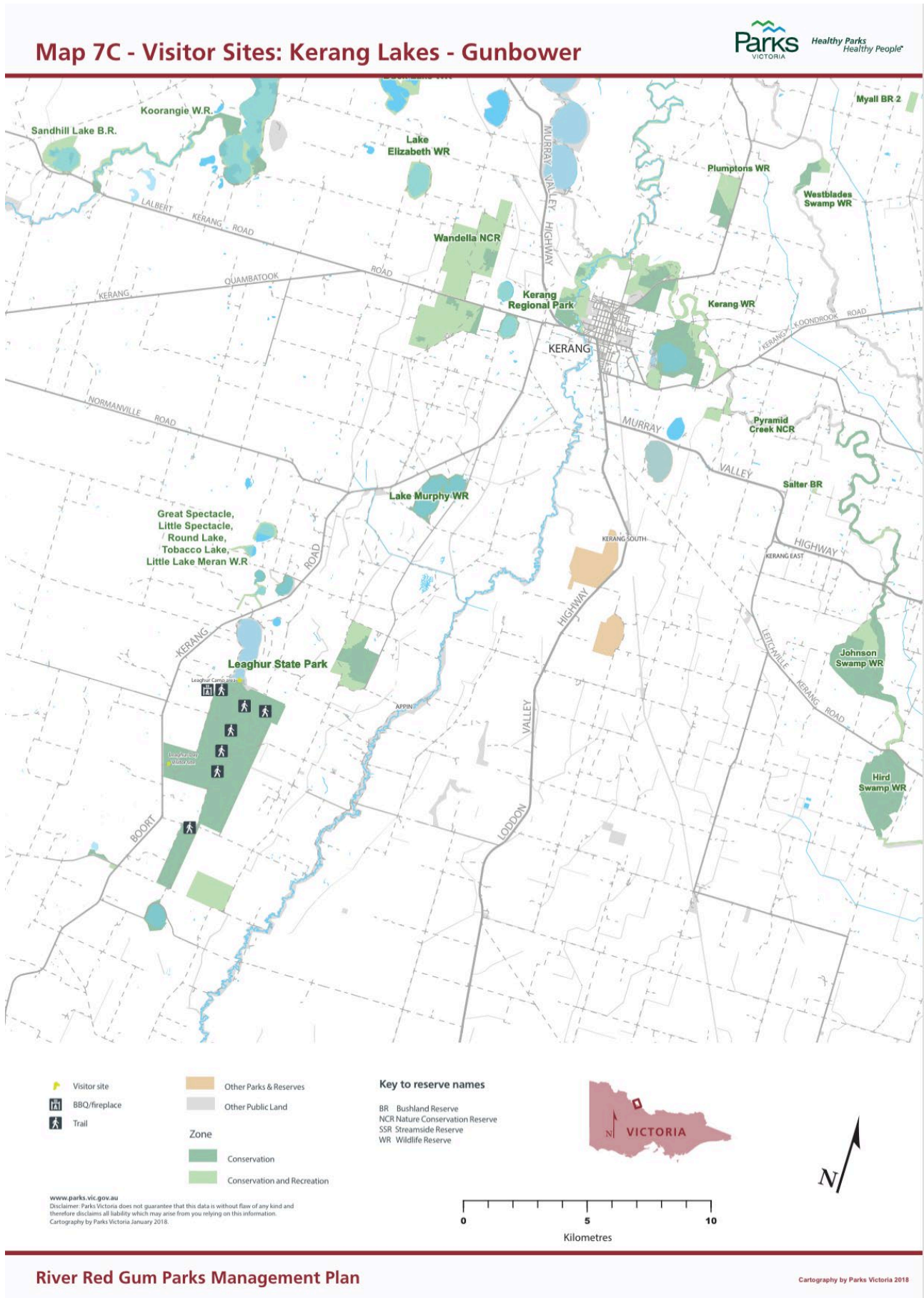
Map 1 Leaghur State Park (taken from Parks Victoria asset information management system)



Map 2 Management Zones: Kerang Lakes – Gunbower (taken from River Red Gum Parks Management Plan 2018)



Map 3a Visitor Sites: Kerang Lakes - Gunbower (taken from *River Red Gum Parks Management Plan 2018*)



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Map 3b Leaghur camping area on Valliance Track near Lake Meran

