National Parks Act 1975

National Parks Regulations 2024

Set Aside(s) for Point Nepean National 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.

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 (conservation, hazard reduction and cultural) 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



Name: Kerri Villiers
Title: A/Executive Director Operations
Date: 13/03/2025

Areas set aside in Point Nepean National 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.	The 'restricted access area' except for marked access tracks as shown on Map 1 (Attachment 1).	At all times.	Access to the 'restricted access area' is not allowed.	This set aside is for the purposes of public safety.
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.	Beaches marked 'no beach access' from south-west of the Harold Holt Memorial to The Bend as shown on Maps 1 and 2 (Attachments 1 and 2).	At all times.	Access to the 'restricted access area' is not allowed.	This set aside is for the purposes of public safety.
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.	The following walking tracks: - Wilsons Folly Walking Track - Bay Beach Walk - Walter Pisterman Walk - Range Area Walk - Happy Valley Track as shown on Maps 1 and 2 (Attachments 1 and 2).	At all times.	Persons driving or riding non-motorised vehicles including bicycles, monocycles, skateboards, roller skates, in-line roller blades or coasters, roller skis and scooters are not allowed on walking tracks.	The term 'non-motorised vehicle' is defined and administered by Vic Roads https://www.vicroads.vic.gov.au/ This set aside is for the purpose of public safety.
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, tracks and parking areas beyond Gunners Cottage as shown on Maps 1 and 2 (Attachments 1 and 2).	At all times.	Persons driving or riding motorised vehicles including AWD vehicles, 2WD vehicles, 4WD vehicles, motorbikes, trailbikes and motorised bicycles are not allowed beyond Gunners Cottage.	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.	South Channel Fort as shown on Map 3 (Attachment 3).	1st October to December 31st each year. during the White-faced Storm Petrel.	Access to South Channel Fort is restricted in accordance with on-ground signage.	This set aside is for the purposes of the preservation, protection or management of the park. Access to Sout Channel Fort is restricted during the breeding season of White-faced Storm Petrels.

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 Map 1 (Attachment 1).	At all times.	Access to the area set aside is restricted when rabbit control programs are being undertaken in accordance with on-ground signage.	This set aside is for the purposes of public safety.
28(1)	Areas for collection of bait	To set aside an area of a relevant park as an area for the collection of animals by a hand operated bait pump for use as bait.	All intertidal zones on Port Phillip Bay beaches adjacent to recreation sites at the Visitor Centre Quarantine Station as shown on Map 1 and Maps 2a and 2b (Attachments 1 and 2).	At all times.	The collecting of squid, cuttlefish and octopus, pipi and squirters is allowed in intertidal zones on Port Phillip Bay beaches adjacent to recreation sites at the Visitor Centre Quarantine Station.	The collection of bait must be in accordance with the *Fisheries Act 1995* and *Fisheries Regulations 2019*.
54(1)(a)	Areas where sport or recreational activities prohibited or restricted	To set aside an area of a park as an area in which sport or recreational activity is prohibited.	All of the park except for the Port Phillip Bay beaches adjacent to recreation sites at the Visitor Centre Quarantine Station as shown on Map 1 and Maps 2a and 2b (Attachments 1 and 2).	At all times.	Diving, swimming and wading are not allowed.	
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.	Recreation sites at the Visitor Centre Quarantine Station as shown on Map 1 and Maps 2a and 2b (Attachments 1 and 2).	At all times.	Fires using gaseous and liquid fuels in portable commercially manufactured barbeques and cookers are allowed outside of fireplaces in the area set aside.	All fires are subject to *Forests Act 1958* and the *Forest (Fire Protection) Regulations 2014*. 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.

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.
89(1)	Areas where using vessels restricted or prohibited	To set aside an area of a park as an area in which any one or more of the following activities is prohibited, either for all vessels or for a class of vessel that is specified in the determination – the launching and landing of vessels.	Port Phillip Bay beaches adjacent to recreation sites at the Visitor Centre Quarantine Station as shown on Map 1 and Maps 2a and 2b (Attachments 1 and 2).	At all times.	All motorised vessels must launch, land, load and unload in accordance with on-ground signage on Port Phillip Bay beaches adjacent to recreation sites at the Visitor Centre Quarantine Station.	

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.

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

Column 1 - Specified regulation	*Column 2 - Extent to which specified regulation applies*
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

Column 1 - Specified regulation	*Column 2 - Extent to which specified regulation applies*
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

Attachment 1

Map 1 Point Nepean National Park and Point Nepean Quarantine Station (taken from *Parks Victoria Visitor Guide*)



Attachment 2

Map 2 Fort Nepean and Point Nepean Quarantine Station (taken from *Parks Victoria Visitor Guide*)



Attachment 3

Map 3 Port Phillip Recreational Boating Guide (snip taken from 2019 edition)

