



28 April 2021

Ms Annie Volkering  
Executive Director  
Land Management Policy Division  
Department of Environment, Land, Water and Planning  
PO Box 500  
East Melbourne Vic 8002

Dear Ms Volkering,

### **Proposed Land (Regulated Watercourse Land) Regulations**

On behalf of communities across Victoria's 38 local government areas, Rural Councils Victoria is making this submission in relation to the proposed Land (Regulated Watercourse Land) Regulations.

Community members have stressed – to their local representatives and to RCV member councils – their strong opposition to many provisions of the proposed legislation.

While RCV member councils and rural communities welcome the Victorian Government's intention to encourage more Victorians to spend time together outdoors, RCV does not support the proposed Land (Regulated Watercourse Land) Regulations in their current form.

RCV generally objects to allowing camping on licensed river frontages, but recognises that the amendments to the Land Act 1958 have been made and accordingly RCV makes the following submission in relation to the key elements of the proposed regulations:

Rural Councils Victoria has several areas of concern:

#### **1. Public access to private properties/businesses**

The proposed regulations would allow public access to riverbanks running through private land, much of which is farmland.

Farms are businesses and it would be unthinkable for city-based businesses to be forced to turn business spaces into public thoroughfares that would potentially damage those businesses.

Farms are vital to Australia's food security, economy and rural communities and are already facing serious pressures on many fronts. Many farm businesses are not in a position to manage this extra burden.

Already property owners report that gates are being left open and rubbish (including broken bottles and waste) is being left behind. That was before the final draft was even formulated.

## 2. Biohazard, water contamination

Riverbanks – including those on working farms – are important to the environment. Allowing camping raises serious issues of biohazards such as faeces and other waste contaminating soil and water.

The movement of vehicles, equipment and people creates a high risk in terms of spreading diseases, pests and weeds, thereby placing a further burden on landholders to manage the risk, potentially having a negative impact on landholders' businesses and driving up costs for no return to the business.

There are other as yet unforeseen biosecurity issues but even this quick recap leads RCV to believe that the proposed regulations may be in breach of [Victorian biosecurity regulations, standards or guidelines](#), which state "Exotic pests and diseases can threaten the agricultural sector and animal industries."

## 3. Theft, trespass

Community members have stated that they are concerned about the theft of property and stock, which they say will be inevitable. Trespass is also a major concern. Theft and trespass are in contravention of existing laws.

Stock theft causes great distress in the stolen animals. The proposed regulations are therefore likely to be **in direct contravention of the Victorian Government's** existing [Animal Welfare Action Plan](#), which aims to: "ensure that the welfare of all animals is protected through contemporary standards, practices and laws."

## 4. Dogs/pets

Pets, which would be allowed under the proposed regulations, are a source of distress for wildlife and farm animals as well as sources of biohazard in the form of faeces.

Dogs and cats pose well-known dangers to wildlife. Allowing pets may also be seen to tacitly encourage contravention of [Victorian Wildlife Regulations 2013](#).

## 5. Emergency risks, safety issues

In the event of bushfires, flash flooding or other natural disasters, campers' lives and the lives of those tasked with rescuing, or attempting to rescue, them would be endangered. Coupled with the impossibility of monitoring the location of campers across many thousands of kilometres of riverbanks across Victoria, the proposed regulations would stretch rural emergency services beyond their limits.

Fire is the number one threat to Victoria for up to six months each year. In recent years it has devastated rural areas, cost lives and billions of dollars. Under the proposed regulations, campfires are allowed (if not encouraged), yet there are no safe areas in place.

Many rural communities were significantly impacted by the 2019/20 Black Summer bushfires. These communities do not have any appetite for increased exposure to grass or bush fire.

In most cases there will likely be no fresh water supply or wood supply for campers, who can be permitted (under the proposed regulations) to stay for 28 days.

## 6. Closed and unused roads

There should be no access to river frontages via closed or unused roads. Closed and unused roads are generally not maintained to a standard suitable for general access and pose risks to users particularly those not familiar with the condition of the closed or unused roads.

Small rural councils are under significant financial pressure to maintain the existing extensive road network and they do not have any capacity to extend maintenance programs to include closed and unused roads.

### **7. Stay limit**

The 28 day stay limit should be significantly reduced to a maximum stay limit of seven days. RCV member councils have expressed concern about the inability of the State to monitor and enforce the stay limit, regardless of what the stay limit is, and requests that adequate resources to ensure compliance with the regulations, be put in place prior to commencement of the regulations.

### **8. Setback from dwellings**

The 100m setback from a dwelling should be increased to at least 500m. The activities of camping groups can impact on the landholders' quiet enjoyment of their property.

The noise from voices, barking dogs, generators, motor bikes and music all travel across the rural landscape and can be an unpleasant disturbance for landholders particularly when camp sites are only 100m from a home.

### **9. No hunting without express permission**

Hunting should not be allowed on licensed river frontages without the express permission of the adjoining landholder/licence holder.

### **10. No alcohol / limit guns**

The regulations should prohibit alcohol from camp sites on licensed river frontages. Alcohol consumption together with firearms or water bodies (eg. rivers) can be a dangerous combination and the limited police resources in rural areas means there is very limited capacity to respond to disturbances and misadventure.

### **11. No burial of faeces or rubbish**

There should be no burial of faeces or rubbish on river frontages. The regulations should espouse the principle of 'leave no trace'.

All faeces (human and animal) and rubbish should be completely removed. Faeces should be placed in portable toilet or a provided toilet facility. Campers should be required to take all rubbish with them when leaving the site.

### **12. Compliance**

The State must provide adequate resources to ensure compliance with the regulations and these resources be in place prior to the commencement of the regulations.

There is grave concern within our communities in relation to the possible behaviour of some campers and what resources will be available to ensure campers adhere to the regulations and behave in a responsible manner.

### **13. Public liability**

The State should indemnify the licensee, adjacent landholder and local council in relation to any public liability claim that could arise as a result of people accessing and camping on river frontages.

The question of with whom liability rests should a camper sustain an injury while on a licensed frontage or while using a closed or unused road, must be addressed by the State prior to the commencement of the regulations.

### **14. Fishing**

Community members tell us that fishing is one of the main reasons for proposal, yet most smaller rivers and creeks across Victoria are partially or totally dry in summer. And there are no fish in them.

### **Alternatives to the proposals**

Rural Councils Victoria agrees with the Victorian Government that it is important for people and their families to enjoy the state's great outdoors.

In that regard rural Victoria has many fabulous destinations, including many fine parks, caravan parks and existing Crown Land camping areas that have many or all of the necessary amenities, but may be in need of resourcing and repair.

With proper maintenance and funding, these sites could be rendered broadly safe, and would be used more frequently. These sites would be known to emergency services as locations for campers and other holiday makers.

Safety – for the public, landholders, wildlife, pets and those in fire-prone areas – are the key reasons to encourage the use of these camping sites rather than river frontages on private land, which are not fit for purpose, often hazardous, hard or impossible for emergency services to access and potentially the source of introduced dangers such as fire, biohazards and waste.

Therefore, Rural Councils Victoria believes that a review of the regulations should be carried out no later than twelve months after the regulations come into effect.

That the review should include genuine community consultation.

The proposed regulations do not adequately protect the environment, farm biosecurity, landholder privacy and public safety.

If any further information is required please contact Rural Councils Victoria Chair Mary-Ann Brown at [secretariat@ruralcouncilsvictoria.org.au](mailto:secretariat@ruralcouncilsvictoria.org.au)

Yours sincerely



**Mary-Ann Brown**  
**Chair**  
**Rural Councils Victoria**

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