

Frequently asked questions about licensing and fencing Yellingbo Landscape Conservation Area

* The Yellingbo Conservation Area has been renamed Yellingbo Landscape Conservation Area (YLCA), to reflect its reservation as a new category of park: 'landscape conservation area' under the National Parks Act 1975.



Background

This document is designed to provide a high-level summary of licensing and fencing relating to the Yellingbo Landscape Conservation Area (YLCA). For more detailed information please refer to *Licensing principles for fencing and grazing within Yellingbo Landscape Conservation Area* available here; <https://engage.vic.gov.au/yellingboconservationarea>.

What is Crown land?

'Crown land', also known as 'public land', is land managed by the government on behalf of the community. It includes national and other parks, state forests, and public purpose reserves.

What is a Crown land water frontage?

A Crown land water frontage is a strip of Crown land that runs alongside a river, creek or wetland. It generally occurs between the waterway and freehold (private) land boundaries and can vary in width from 5 to 100 metres.

The Department of Environment, Land, Water and Planning (DELWP) currently manages most Crown land frontages around the YLCA. However, as part of implementing the YLCA, this responsibility will be transferred in phases to Parks Victoria over several years.

Licences

What is a riparian management licence?

A riparian management licence is issued to adjacent landowners by DELWP for a Crown land water frontage and recognises that all or part of the frontage is being managed by a licensee to protect and improve the riparian environment (e.g. fenced out and supporting native vegetation). Riparian management licences are issued for up to five years.

For more detailed information on riparian management licences, please visit;

<https://www.forestsandreserves.vic.gov.au/land-management/crown-land-water-frontage-licensing>.

Do I need a licence?

If your property adjoins a Crown land water frontage with an existing licence and you want to maintain and improve the riparian environment, you can apply to DELWP to renew your riparian management licence for a further five years.

New licences may be available for Crown land water frontages that have not been previously licensed within the YLCA. Licences will not be issued in the YLCA in areas classified by DELWP as conservation zones. Refer to the decision matrix in *Appendix 1: Riparian management licence decision tree*.

Yellingbo Landscape Conservation Area

Will grazing licences be renewed around the YLCA?

No, grazing licences will not be renewed around the YLCA. However, as part of implementing the YLCA, most landowners who hold a grazing licence will be able to transfer to a riparian management licence, with the primary purpose being conservation. A riparian management licence may allow grazing to continue inside a fence, as a special condition of the licence and if all conditions are met. However, stock will not have direct access to waterways under any circumstances.

How long are licences valid for?

DELWP issues riparian management licences to adjacent landowners for up to five years. As Parks Victoria assumes management responsibility for new areas of the YLCA, licences will remain in place until they expire, at which time Parks Victoria may issue conservation agreements to adjacent landowners who wish to continue to maintain and improve the riparian environment.

Fences

Do I require a fence?

If you do not have livestock¹, you are not required to fence off the frontage. If you have livestock, they must be contained within your property and be excluded from the Crown land and waterway. A stock exclusion fence on the common boundary of the freehold land and Crown land is the most effective way to achieve this. The cost of installing a fence is the landowner's responsibility. Adjacent landowners may be eligible for financial assistance from Melbourne Water through the Stream Frontage Management Program. Melbourne Water will subsidise the cost of fencing based on the setback from the waterway. The further the setback from the top of the bank of the waterway, the higher the contribution. More information can be found at; <https://www.melbournewater.com.au/water-data-and-education/get-involved/apply-funding/stream-frontage-management-program>.

Where can I position my fence?

Each situation is different, so the position of fencing on adjacent properties is determined on a case-by-case basis. In most cases, the fence should be as close to the common boundary of freehold land and Crown land as practicable.

In some cases, fence positioning may be determined by a 'give-and-take' approach. A give-and-take fence alignment occurs where a fence deviates from the Crown land and freehold land boundary. This is often needed to protect natural values and to ensure common-sense fencing as part of a riparian management licence.

The setback distance of the fence from the top of the waterway bank will also be determined by the conservation values of the adjacent Crown land. In general, land with higher conservation values will require a greater setback from the waterway. For more information please refer to the document *Licensing principles for fencing and grazing within Yellingbo Landscape Conservation Area* available here; <https://engage.vic.gov.au/yellingboconservationarea>.

Where is the common boundary of my freehold land and the Crown land?

Most of the waterways around the YLCA have not been surveyed since the late 19th century. Recent data, including satellite and aerial images, indicate that, due to the impacts of natural forces, waterways have gradually changed course since the previous surveys were conducted. As part of the implementation of the YLCA, cadastral surveys are being undertaken to re-establish Crown land boundaries around the YLCA. Given the extent of the YLCA and the complexity of surveying waterways, the surveys are being completed in stages. This process is expected to take several years to complete.

¹ livestock means an animal (including a bird) of any species used in connection with primary production or kept or used for recreational purposes or for the purposes of recreational sport.

Yellingbo Landscape Conservation Area

Property boundaries can only be determined by cadastral surveys undertaken by licensed surveyors on behalf of the government. Give-and-take fence alignments negotiated between DELWP and adjacent landowners do not denote the common boundary between freehold and Crown land. Rather, give-and-take fences are for practical purposes only, such as to contain livestock on freehold land.

Can I install a fence directly along the common boundary of my freehold land and the Crown land?

In areas where a cadastral survey has been completed by either by government or private licensed surveyors, landowners have the option of fencing directly along the common boundary of their freehold land.

In areas that have not yet been surveyed, adjacent landowners can (at their own expense) engage a licensed surveyor to determine the location of the common boundary if they wish to construct a fence on the boundary. Survey plans must be submitted by licensed surveyors to the Office or Surveyor General Victoria for certification. In all situations where a fence is installed, the property boundary is still defined by the survey, rather than the fence itself.

All proposed fencing alignments must be approved by DELWP prior to installation. Fences installed without approval may be required to be deconstructed and reinstalled at the approved alignment, at the adjacent landowners expense.

Will existing native vegetation in the path of the fence be removed?

Existing native vegetation will not be removed for new fences to be installed. Fence alignments may deviate slightly from the boundary to allow for native vegetation.

I have an existing fence that is not at the required setback distance. Do I need to erect a new fence?

If an existing fence on Crown land is not at the required setback distance, the fence may need to be deconstructed and realigned to an agreed position. This will be negotiated on a case-by-case basis following a site assessment by a DELWP officer. Financial assistance for fencing may be available through Melbourne Water's Stream Frontage Management Program, for further details please visit; <https://www.melbournewater.com.au/water-data-and-education/get-involved/apply-funding/stream-frontage-management-program>.

Who can use the Crown frontage once it is fenced?

A riparian management licence doesn't entitle the licence holder exclusive use of the land; the public can enter and use the land for recreational activities such as walking, fishing and bird watching. Pedestrian access must be provided at any fence that crosses a frontage. A riparian management licence holder is subject to the same conditions as a member of the public when undertaking activities not specified in their licence conditions, such as recreational activities.

Gates may be installed in private fences to allow for access between private and public land for the purposes of maintenance, water and emergency access and permitted recreational activities.

Will I still have access to water my stock or crop?

Adjacent landowners who hold a riparian management licence may be eligible for off-stream watering through a Melbourne Water diversion licence. In addition to a diversion licence, the adjacent landowner is required to have water rights to access water. More information about obtaining a diversion licence and purchasing water rights can be found at; <https://www.melbournewater.com.au/water-data-and-education/waterway-diversions>.

For more information please contact;

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Yellingbo Landscape Conservation Area

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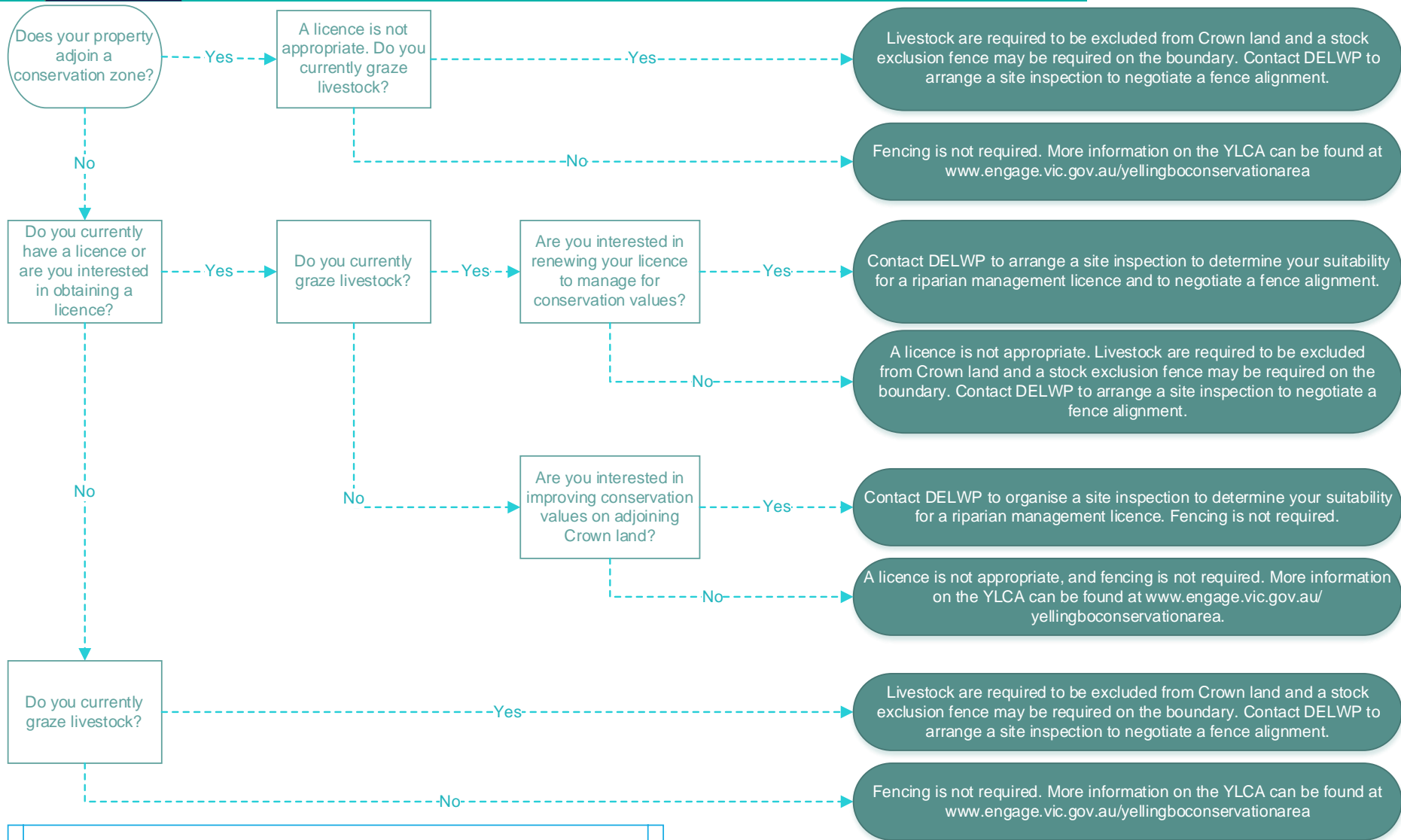
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Yellingbo Landscape Conservation Area



Note: If a licence is not appropriate, however you are interested in improving conservation values on adjoining Crown land, please contact your local Friends or Landcare group to participate in community voluntary activities.