

Crown Land Policy

Preamble

Council has been appointed as the Committee of Management for over 120 hectares of Crown land within the municipality, including recreation and open space, coastal reserves, bushland reserves and civic and community facilities. The appointment of Council as the Committee of Management for Crown land has been made over many decades and there is not always a good understanding of the rationale and background for this appointment.

Today, Council is operating in a more financially constrained environment, while simultaneously needing to meet the demands of population growth, higher community expectations, the impact of more frequent and intense weather events, and a more complex legislative environment as well as increased responsibility from the State government. There is very limited ability for Council to 'hand back' Crown land to the State government.

There are also benefits in Council managing Crown land. It provides greater ability to deliver integrated community planning, higher levels of presentation and amenity, preservation and enhancement of the natural environment and can also provide a more streamlined approach to the delivery of services and community facilities.

The challenge facing Council is how to best utilise its limited resources to deliver the assets, services and level of amenity the community needs.

Policy objectives

Within Bass Coast there are three broad categories of land: Crown land, Council owned land and privately owned land. This policy applies to all Crown land managed by Council as the Committee of Management and to Crown land managed by non-government entities or organisations.

The Crown Land Policy sets out the:

- Council's role in managing Crown land
- Principles for Council's management of Crown land
- Council's investment in Crown land where it's not the land manager
- Support for other non-government Crown land managers within Bass Coast
- Council's expectations of the State
- Transition arrangements

Crown Land

Crown land is held by the Crown (the King or Queen) in right of the State of Victoria. Crown land can be reserved for a particular public use, or unreserved. Reserved public use may include recreational, cultural, forestry, conservation and delivery of government services.

Unreserved Crown Land has not been set aside for a specific public use.

The Department of Energy, Environment and Climate Action (DEECA) states that around one third of land in Victoria is designated as Crown land. Of the land approximately:

- 50% is national or state parks
- 39% is State Forests
- 4% is unreserved or Australian Government managed Crown land
- 7% (550,000 hectares) is Crown land reserves.

Council is responsible for managing approximately 126 hectares of Crown land reserves. Other managers of Crown land reserves include:

- DEECA,
- other state government departments (eg Department of Education and Training)
- Statutory agencies
- Voluntary committees of management

Council's role as a land manager

Section 15 of the *Crown Land (Reserves) Act 1978* outlines the responsibilities of Council as the appointed land manager of Crown land. These include:

- Manage, improve, maintain, and control the land for the purposes for which it is reserved
- Exercise powers, functions, and authorities as are conferred
- Carry out works (subject to approvals)
- May take legal proceedings for specified purposes

Council is responsible for the effective management of Crown land (under its control) on behalf of the community and acts as a steward of a strategic asset underpinning the delivery of public value, on behalf of the Crown and the community.

Principles for the management of Crown Land

Council will apply the following principles when considering taking over management of further Crown land reserves and for managing resource allocation as the current land manager:

- **Strategic Alignment**
The Crown land reserve directly supports Council in responding to the Community vision 2041 or achievement of the Council Plan 2021-2025. The land is required for Council to deliver on its policies, plans and strategies.
- **Service Delivery**
The land or assets directly contribute to the current or future service delivery outcomes expected by Council. Council will not seek to take on land or assets that it deems the responsibility of other levels of government eg Education, healthcare, housing.
- **Community Value**
Management of the land or asset is financially sustainable and is beneficial to Council when compared to alternative investment of Council funds. The risk in taking over management of the land is acceptable to Council and delivers clear benefit to the community.

Council investment in Crown land

Council will not invest in, or take responsibility for, the delivery of assets or the maintenance of infrastructure/land where Council is not the land manager.

Where Council is the land manager and leases or licences the land to other organisations for permitted use, the lease, licence or partnership agreement will set out the terms of any Council investment or support.

Support for other Crown Land Managers

There is an increasing demand for Council to support State government appointed volunteer Committees of Management. Council recognises the important role that these volunteers play and the value they bring to the local community. However, Council cannot continue to take on more unfunded responsibility for land or assets that it does not manage.

Council will consider requests to project manage the delivery of critical capital infrastructure, on behalf of the State or other agencies, on a full cost recovery basis.

Council will support other land managers through advocacy to other levels of government, access to Council's community grants (where eligible) and provide letters of support for other grant applications.

A partnership agreement may be formed where the delivery of services or facilities support the principles set out in this Policy.

Transition arrangements

Planning for the delivery, upgrade or renewal of assets on Crown land is often completed many years in advance and captured through Council's Long Term Financial Plan. There are projects captured in Council's Long Term Financial Plan that will no longer be consistent with this Policy.

Where Council is not the land manager, but has made a commitment to the delivery of an asset on Crown land, and this commitment is captured in Council's financial documents, Council will maintain the commitment to the project at the amount listed in the financial document. A risk assessment will need to be undertaken to ensure the risk to the proposed asset or works is acceptable and will achieve the expected useful asset life.

Council will not commit additional funds to the project.

Expectations of State government

Council is not alone in the delivery of services and infrastructure to the community and acknowledges the key role that the State government play.

When considering the needs of the Bass Coast community it is Council's expectation that the State government will:

- Adequately resource and support volunteer Committees of Management.
- Ensure assets on Crown land managed by the State government, their agencies or volunteer committees of management are adequately maintained and insured.

- Acknowledge that Local government alone cannot, and should not, be forced to manage the impacts of climate change on coastlines, assets and the community.
- Fund the delivery of assets and services on Crown land managed by the State.

Reference to other documents

- *Crown Land (Reserves) Act 1978*
- *Land Act 1958*
- Committee of Management Responsibilities and Good Practice Guidelines 2015

Review process

This Policy will be reviewed no later than four years following adoption by Council or within 6 months of new public land legislation being enacted.

Accountability process

Councillors and senior staff are accountable for the application of this Policy. The Manager Governance and Property is responsible for reviewing and updating the document.

Gender Impact Assessment (GIA) Statement

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment (GIA) has been undertaken when developing the Policy. The Policy is assessed as having a neutral impact on gender equality.

Approval

Version number	DRAFT	adopted by	Date	DRAFT
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Adopted by Council at its meeting held on	Date/...../.....
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Signed by the Mayor (Name).....

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