7. Managing the reserve

This chapter looks at key principles, management tools and legal obligations that the committee needs to take into account in its management of the reserve.

## 7.1 Tools to manage the reserve

The main guiding principle in managing a reserve is that it is public land for the use and enjoyment of all. This principle must be balanced with the need to protect and maintain the reserve, its natural features and its assets, which may require some regulation or control on use and access. Management tools include management plans, business plans, financial plans and work plans. As well as managing the reserve and its assets, committees of management may also develop and enhance them.

## 7.2 Management, business and financial plans

To help achieve the best possible outcomes, the management of reserves must be planned rather than ad hoc. It is strongly recommended that committees, in consultation with their local DELWP office and local government, prepare a management plan or works schedule with a corresponding business plan or annual budget so that plans remain consistent with the aims of the local community. The benefit of these documents is that they provide a context for financial expenditure to which every member has agreed, and they draw together the big picture of what the committee wants to achieve. Management documents may include the following:

* **Management plan** or management statement, which outlines the committee’s aspirations for the use and development of the reserve over its term of office. It details what the committee intends to do to maintain and develop the reserve.
* **Business plan**, which outlines how the committee will implement its management plan. It details what actions the committee will need to take over its term to achieve its objectives, where it has the power to do so, such as employ staff, enter into leases or licences and seek grant money. It also incorporates the risk management plan (see chapter 10 for further details).
* **Financial plan**, which details the income and expenditure needed to achieve the management plan. A financial plan is often incorporated into the business plan.

The amount of detail in these documents may vary depending on the specific reserve. These three plans may be developed as one, rather than three separate documents (see diagram below). Smaller reserves may wish to simplify this process further into a simple **management statement** that contains a 12 month vision, together with receipts and expenses.

When preparing a plan it is a good idea to contact the local DELWP office, which may be able to provide your committee with assistance, such as a plan template.

Coastal Committees

Committees that manage coastal land have additional management requirements under the *Coastal Management Act 1995*. Their management plan must accord with the requirements of that Act. Further guidance is available from the [DELWP website](http://www.depi.vic.gov.au/forestry-and-land-use/coasts/coastal-committees-of-management) or contact your local DELWP regional office.

## 7.3 Other management tools

In addition to developing plans or statements, the committee may wish to consider other tools that can assist in its management of the reserve, such as:

Allocating and controlling use

If all or part of the reserve requires protection, a committee may control its use by limiting numbers and types of users, physical access or the times and conditions of use and access. A reserve for conservation purposes, for example, may need to limit public access to areas of the reserve undergoing revegetation. Rules (regulations) and pricing (fees and charges) are two effective mechanisms to allocate and regulate use.

Use of subcommittees

Apart from council committees, a committee cannot delegate its powers to any other body, but it may establish subcommittees to consider certain matters. These subcommittees may be either standing committees with ongoing functions (for example, a finance subcommittee) or working groups for a particular task (for example, a spring planting subcommittee).

Subcommittees have no power in their own right and cannot make decisions on behalf of the committee. Their recommendations must be brought back to the full committee to be considered, approved, amended or rejected. It is therefore possible for committees to include non-committee members with relevant skills/knowledge on their subcommittees.

## 7.4 Legal obligations

When managing the reserve, the committee also needs to take into account the legal obligations that apply, including:

Native vegetation permitted clearing regulations

A planning permit is required to remove, destroy or lop native vegetation on public and private land, unless an exemption applies. Activities which may be exempt from the requirement for a permit in certain circumstances include:

* mowing or slashing of grass for maintenance
* lopping and pruning for maintenance
* removing planted vegetation
* removing regrowth less than 10 years old
* removing native vegetation for bushfire protection around buildings used for accommodation.

For clarification on which works to native vegetation are exempt from requiring a planning permit, please contact your local council’s statutory planning team or your local DELWP office.

Applying for a permit

The *Permitted clearing of native vegetation – Biodiversity assessment guidelines* outline the application requirements for a permit to remove native vegetation. The [DELWP website](http://www.depi.vic.gov.au/environment-and-wildlife/biodiversity/native-vegetation/native-vegetation-permitted-clearing-regulations) provides information and tools to assist with the application process to remove native vegetation.

Note that if the proposed works would have significant impact on a matter of national significance then referral to the Commonwealth Government under the *Environment Protection and Biodiversity Conservation Act 1999* may also be required.

Protected flora controls

The *Flora and Fauna Guarantee Act 1988* requires that a Protected Flora Licence or Permit is obtained to collect protected flora or undertake activities on public land, which might kill, injure or disturb protected native plants. See the [DELWP website](http://www.depi.vic.gov.au/environment-and-wildlife/threatened-species-and-communities/flora-and-fauna-guarantee-act-1988/protected-flora-controls) for further information on protected flora controls.

Trees and electric power lines

Committees of management are only responsible for any low voltage electric line which solely services the reserve land and for the maintenance of any trees on its reserve that may overhang a boundary and interfere with a low voltage private power line on a neighbour’s property. An electricity distribution company will be responsible for keeping the whole or any part of a tree clear of any other electric power lines that run through or into the reserve land.

Pest and weed control

A committee, as the delegated land manager, has an obligation to control all weeds and pests on its reserve and ensure that they do not invade neighbouring land. Grants may be available from DELWP to assist in pest and weed control. Contact the [local DELWP office](http://www.delwp.vic.gov.au/about-us) for details and an application form.

Emergency management and fire prevention works

All committees should have a bushfire management plan which meets Country Fire Authority (CFA) requirements. On rural reserves this plan may include fire prevention works which may need to be carried out by the committee prior to the summer months, to reduce the risk of bushfire ignition and/or bushfire spread.

As a first step, the committee should contact the Fire Management Officer at its [local DELWP office](http://www.delwp.vic.gov.au/about-us). The officer will assist the committee to assess its obligations relating to fire prevention work, including how to assess whether permits are required, how to assess biodiversity values and how to notify neighbours of intended work. For many reserves, the committee will also need to contact the Municipal Fire Prevention Officer at their local council. For further information on bushfire management planning visit the [CFA website](http://www.cfa.vic.gov.au/).

Fencing

The Fences Act *1968* sets out the requirements for construction, maintenance and repair of boundary fences by landholders. The Act applies to "occupiers" of adjoining land. The term "occupier" refers to those actually occupying properties as a licensee or lessee and those entitled to occupy them as owners.

The Crown is exempt from the requirements of the Fences Act stipulating that neighbours must share fencing costs. Therefore, neither DELWP nor committees are not required to contribute to the construction, maintenance or repair of fences, although they may choose to do so as a good neighbour.

The reverse also applies: if a committee wants to construct a fence, it cannot use provisions of the Fences Act to recover costs from its neighbour(s).

In certain circumstances, where the Crown land has been leased or licensed to a private person or company, the occupiers of Crown land (the lease or licence holder) will be required to contribute to the maintenance and repair of boundary fences, for example:

A private property owner is licensing an unused road (Crown land) that runs between the boundary of their land and the boundary of a neighbouring privately-owned property. As there is only one common fence between the two properties they must both contribute to maintenance and repair of the fence, even though the licensee pays a rental for use of the unused road (Crown land).

Fencing along a shared boundary with Crown land

In most cases, it is not a requirement for private land owners of adjoining land to construct a fence along a shared boundary with Crown land. However, at times it may be in the landowner’s best interests to do so. Some situations where it would be beneficial for an adjoining private landholder to construct a fence include:

* where the adjoining private land is being used for grazing and a fence is required to prevent livestock entering the Crown land
* the adjoining Crown land is publically accessed and a fence is required to prevent public access to the private land.

Any fencing constructed must be of sufficient standard for the intended use of the private land, for example, a stock proof fence would be required to retain any livestock within the private property boundary.

Fire damage to fences

For information about boundary fencing damaged by fire visit the [damaged or destroyed fences](http://www.depi.vic.gov.au/fire-and-emergencies/recovery-after-an-emergency/fences-control-lines-and-essential-water-after-bushfire) page on the DELWP website.