9. Developing the reserve

This chapter looks at what committees need to be aware of and approvals they may require as they seek to make improvements to their reserve.

Many committees choose to develop their reserve by upgrading existing facilities, constructing new facilities and/or landscaping the reserve. A committee may develop its reserve by extending, altering or changing the reserve’s assets (built or natural), but only after first obtaining all necessary approvals. Any proposed development must be consistent with the use and purpose of the reserve.

All proposals are subject to a process that is designed to ensure that only appropriate developments proceed. This includes the need to:

* obtain the Minister’s consent
* gain any required local council, state government, and/or commonwealth government approvals.

## 9.1 Obtaining the Minister’s consent

Initial consultation with DELWP before planning begins

Before developing any plans or seeking any approvals, the committee should first contact DELWP for advice. DELWP officers will advise on the process for obtaining the minister’s consent as land owner and, if applicable, consent under the Coastal Management Act *1995.* They can also provide information on other matters, such as potential Aboriginal cultural heritage responsibilities, etc.

Applying for the Minister’s consent

The Minister for Environment, Climate Change and Water is the landowner of Crown land on behalf of the Victorian government.

* The minister’s consent as landowner is required for all developments. The committee’s application for landowner's consent should be provided in writing and include supporting material such as site plans and specification of works.
* For coastal Crown land, the minister’s consent is also required under the Coastal Management Act *1995.*

The Crown, not the committee, will become the owner of development works on a reserve. Developments or improvements undertaken by a tenant may become the property of the Crown or may be retained by the tenant, depending on the terms and conditions of the lease.

## 9.2 Gaining council and government approval

Once the landowner’s consent is obtained every committee is subject to the same requirements for planning, building and approvals as a developer of private land.

Local government

For any development, the planning unit of the local council will be the committee's next contact once the minister’s consent is obtained. Council can provide information and advice on all the approvals likely to be required by any level of government. A planning permit and/or a building permit are approvals that may be required from the local council. Application forms and further information can be obtained from the local council. (Also see chapter 6, Regulating the Reserve.)

Note that maintenance and minor works such as routine painting, gardening and repairs are not development works and do not usually require external approvals. However committees should check with their local council planning officer for advice on whether any external approvals are, in fact, required – e.g. restoration to return an old building to its original condition may involve substantial work and so may not be regarded as maintenance.

State government

If a development is proposed for a site **nominated** for the *Victorian Heritage Register*, send advice on the activity or proposal to the Executive Director, Heritage Victoria. Where a development is proposed for a place **listed** on the *Victoria Heritage Register*, consent is required from Heritage Victoria. For further advice, contact [Heritage Victoria](http://www.heritage.vic.gov.au/).

Under the *Aboriginal Heritage Act 2006* landowners or land managers have responsibilities to protect Aboriginal cultural heritage when undertaking development work or other activities that may create significant ground disturbance. For further advice contact [Aboriginal Affairs Victoria](http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/aboriginal-affairs-overview).

If a proposed development includes the addition or expansion of liquor or gaming facilities, an appropriate licence is required. For details and further advice, contact the [Australian Business Licence and Information Service](https://ablis.business.gov.au).

Commonwealth government

Native Title Act *1993*

Native title may exist over areas of Crown land or waters, regardless of whether there is a native title claim in the area, which will affect the development application and approval process for committees. For further information visit the [Native Title](http://www.depi.vic.gov.au/forestry-and-land-use/managing-land/indigenous-land-management) section in the DELWP website.