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| Chapter 8 – ‘Day-to-day’ management |
| This chapter looks at the day-to-day management of the reserve. |

# 8.1 Introduction

In addition to developing and implementing its management plan for the reserve (see chapter 7), your committee will need to deal with day-to-day management issues and tasks that arise.

When managing the reserve, your committee needs to ensure that:

* It complies with all relevant local, state and commonwealth laws. This may include the need to obtain a permit before undertaking certain works to maintain the reserve.
* It is aware of the services that the local council offers which may be of assistance (see 8.10).

Occasionally, a committee may need to ask the Minister to issue regulations under the *Crown Land (Reserves) Act 1978* that are specific to the reserve.

# 8.2 Local council

Laws issued by the local council (bylaws) affect your committee’s management of the reserve. Local laws are often adopted to protect public health, safety and amenity in a municipality. For further information see [local laws](http://knowyourcouncil.vic.gov.au/guide-to-councils/what-councils-do/local-laws) on the [Know your council website](https://knowyourcouncil.vic.gov.au/).

Your local council is an important source of information, advice and resources. It is a good idea for a member of your committee to introduce themselves to the relevant bylaws officers and seek their guidance on these local laws. A good relationship with the local council is vital. It will make your committee’s job much easier.

## Planning scheme

Your reserve is subject to the local planning scheme administered by the council. The scheme regulates the allowable use and development of all land in the municipality. Your committee should be familiar with the general outline of the planning scheme and aware of the zoning and other details that apply to the reserve.

### Council strategies

It is also useful for your committee to be aware of relevant strategies that the local council has developed which may be relevant to your reserve and its management. For example, your council may have a strategy on open space and recreation.

It benefits the community when your committee’s management of the reserve and the council’s strategic approach to the management of other local recreational and open spaces complement one another.

## Maintenance and minor works

Maintenance and minor works, such as routine painting, gardening and repairs, are not usually classified as development works and do not usually require external approval. However, your committee should **always check** with the local council planning officer for advice on whether any approvals are required.

Example

Work to restore an old building to its original condition may not be regarded as routine maintenance, for example, if heritage restrictions are in place. Approvals may be required.

## Major works

Major works to extend, add, alter or otherwise change a built or natural asset usually require a planning permit. They may also require other local, state and/or commonwealth government approvals. The first step is to get the Minister’s permission for any major works. For further information, see chapter 9, Developing the Reserve.

Note that the information in Chapter 9, ‘Developing the reserve’, should also be borne in mind during the day-to-day management of the reserve. For example Aboriginal cultural heritage requirements may impact on, say, native vegetation clearing or the removal of contaminated soil.

# 8.3 Native vegetation clearing

Your committee must not remove, destroy or lop native vegetation without **first checking** if it requires a permit. A permit is required **unless** an exemption applies. Activities which **may** be exempt include:

* mowing or slashing of grass to no less than 10 centimetres for maintenance
* lopping and pruning for maintenance, if no more than a third of the foliage is removed from each plant
* removing planted vegetation, unless public funding was used to plant it for the purpose of land protection or biodiversity enhancement
* removing regrowth less than 10 years old on land lawfully cleared of native vegetation
* removing native vegetation for bushfire protection around buildings used for accommodation.

The [Native Vegetation](https://www.environment.vic.gov.au/native-vegetation/native-vegetation) page on the DELWP website has information on native vegetation removal regulations. It also has guidelines and tools to assist, for example:

* [Guidelines for the removal, destruction or lopping of native vegetation (2017)](https://www.environment.vic.gov.au/__data/assets/pdf_file/0021/91146/Guidelines-for-the-removal,-destruction-or-lopping-of-native-vegetation,-2017.pdf)
* [Applicant's guide - Applications to remove, destroy or lop native vegetation](https://www.environment.vic.gov.au/__data/assets/pdf_file/0024/90762/Applicants-guide-applications-to-remove,-destroy-or-lop-native-vegetation-v1.1-August2018.pdf)
* [Exemptions from requiring a planning permit to remove native vegetation - Guidance](https://www.environment.vic.gov.au/__data/assets/pdf_file/0018/91251/Exemptions-from-requiring-a-planning-permit-to-remove,-destroy-or-lop-native-vegetation-Guidance.pdf)

The DELWP website also has information on [vegetation management for bushfire protection](https://www.planning.vic.gov.au/policy-and-strategy/bushfire-protection/vegetation-management-for-bushfire-protection).

For further information contact:

* your local council’s statutory planning team
* your local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations).

If the proposed works would have significant impact on a matter of national significance, such as a threatened native grassland, they must also be referred to the Federal Government under the *Environment Protection and Biodiversity Conservation Act 1999*. For further information see the Federal Government’s guidance on the law about [agriculture](http://www.agriculture.gov.au/ag-farm-food/natural-resources/vegetation/apdc-act) practices and [environmental](http://www.environment.gov.au/epbc/information-for/farmers) considerations.

# 8.4 Protected flora controls

The *Flora and Fauna Guarantee Act 1988* requires that a Protected Flora licence or permit must be obtained to:

* collect protected flora
* undertake activities on public land that might kill, injure or disturb protected native plants.

The DELWP website has information on [Protected Flora Controls](https://www.environment.vic.gov.au/conserving-threatened-species/flora-and-fauna-guarantee-act-1988/protected-flora-controls) and the [Flora and Fauna Guarantee Act 1988](https://www.environment.vic.gov.au/conserving-threatened-species/flora-and-fauna-guarantee-act-1988).

# 8.5 Contaminated land

Land can become contaminated from a variety of uses, for example, illegal dumping of rubbish or historic uses. Contaminated land can cause harm to human health and adverse environmental impacts.

Some land uses have a higher risk of contamination, particularly:

* chemical storage, for example, fuel and pesticides
* outdoor shooting ranges from use of lead shot
* unauthorised dumping of rubbish, including asbestos
* historic mines or mine tailing treatment sites
* depots and other chemical storage facilities
* the use of landfill of unknown quality or origin.

As of 1 July 2020, if your committee manages a reserve that includes contaminated land, it has a duty to minimise the risk of harm to human health and the environment. This new duty is part of the *Environment Protection Amendment Act 2018.* A [fact sheet](https://www.environment.vic.gov.au/sustainability/environment-protection-reform/ep-bill-2018) is available from the DELWP website.

If there is contaminated land, the actions your committee needs to take will depend on the type of contamination and the site-specific risks. Contact your local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations) for advice if the committee suspects that land on the reserve may be contaminated.

# 8.6 Bushfire management

Your committee should have a **bushfire management plan** which meets Country Fire Authority (CFA) requirements. On rural reserves, this may include fire prevention works that need to be carried out before the start of the bushfire season. The CFA will be a key source of information for your committee.

Your committee can also contact the local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations), for example, the fire management officer. The department may be able to assist with matters such as:

* assessing whether permits are required
* assessing biodiversity values.

For many reserves, the committee will also need to contact the local council. Depending on the council, the contact will be someone, such as an emergency management coordinator or a fire prevention officer. Your local CFA can advise on the best person to contact at the council if this is needed.

For further information on bushfire management planning visit the [CFA website](http://www.cfa.vic.gov.au/).

The [public land (emergency) recovery](https://www.ffm.vic.gov.au/recovery-after-an-emergency/public-land-recovery) page on the DELWP website has a [fact sheet](https://www.ffm.vic.gov.au/__data/assets/pdf_file/0015/21282/Hazardous-tree-removal-after_KP.pdf) on hazardous tree removal after a bushfire.

# 8.7 Trees and electric power lines

Your committee is responsible for:

* any low voltage electric line which solely services the reserve
* the maintenance of any trees on the reserve that may overhang its boundary and interfere with a low voltage private power line on a neighbour’s property.

The electricity distribution company is responsible for maintaining any other electric power lines running through or into the reserve and for keeping trees clear of them.

Contact the Energy and Water Ombudsman (1800 500 509) if your committee is experiencing difficulties with a power company and you cannot resolve the issue. The committee must first attempt to resolve the issue with the power company and give them a reasonable opportunity to fix the problem.

# 8.8 Pest and weed control

Your committee, as the delegated land manager, has an obligation to:

* control all weeds and pests on the reserve
* ensure these do not invade neighbouring land.

The DELWP website has helpful information including pages on:

* [Invasive species on public land](https://www.environment.vic.gov.au/invasive-plants-and-animals/invasive-species-on-public-land) and [Early invaders](https://www.environment.vic.gov.au/invasive-plants-and-animals/early-invaders) and [Weed risk ratings](https://www.environment.vic.gov.au/invasive-plants-and-animals/weed-risk-ratings)
* [Wildlife management and control authorisations](https://www.wildlife.vic.gov.au/managing-wildlife/wildlife-management-and-control-authorisations)
* [Weeds, pests and overabundant species](https://www.ari.vic.gov.au/research/pests-weeds-and-overabundant-species).

Your committee can contact the local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations) for advice. Local Landcare groups are also a good source of advice.

From time to time, funding may be available to assist in pest and weed control. Enquires can be made at your local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations).

# 8.9 Fencing

The Fences Act *1968* sets out requirements for the construction, maintenance and repair of boundary fences.

* The Crown is exempt from the requirement that neighbours must share fencing costs. Neither DELWP nor committees have 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 your committee wants to construct a fence, it cannot use the Fences Act to recover costs from a neighbour.

In certain circumstances, where Crown land is leased or licensed to a person or organisation, the lease or licence holder must contribute to the maintenance and repair of boundary fences.

### Fencing along a shared boundary with Crown land

In most cases, the owners of adjoining land are not required 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, for example:

* where their land is being used for grazing, to prevent livestock entering the Crown land
* where the Crown land is open to the public, 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’s boundary.

# 8.10 Some local council services that can assist

Some of the services offered by your local council may assist the committee in its management of the reserve.

## Conservation and environment

Local councils are actively involved in conserving and protecting the environment. The types of activities that councils regulate and undertake include:

* protecting land and biodiversity under the planning scheme
* developing and implementing local conservation plans.

Many council activities can directly benefit the reserve. For example, council activities may include:

* providing plants for revegetation
* developing a wildlife corridor
* running recycling programs
* developing walking and bicycle path networks.

Contact your local council to check the activities they offer that can help your committee. For example, some local councils may help with maintenance activities, such as mowing.

## Physical services

Councils provide many physical services that support reserves, such as the development and maintenance of roads, footpaths, bike paths, drains, waste management, and parks and gardens.

## Health and human services

The local council’s environmental health officer can advise on requirements relating to:

* septic tanks
* health standards in food areas
* noise standards
* pollution standards
* pest control.

# 8.11 Reserve-specific regulations (issued by Minister)

In almost all cases, the combination of commonwealth, state and local government laws provides all the protection and controls necessary for your committee to successfully manage its reserve. Very occasionally, a committee will need to ask the Minister to issue regulations specific to the reserve. This would only be necessary if:

* existing laws do not cover some of the activities your committee needs to control
* the committee wants to charge fees, or
* the committee wants to set aside an area of the reserve, for example, restrict public access for revegetation.

Examples

The committee wants to restrict access to a dune area to allow for its fencing off and regeneration.

The committee wants to charge an entry fee to the reserve.

## What to consider

Section 13 of the Crown Land (Reserves) Act sets out the subject matter that regulations made by the Minister can address.

To decide if your committee needs to ask the Minister to make reserve-specific regulations to control certain activities on the reserve:

* List all the activities the committee wants to regulate.
* Liaise with the local council to determine which activities can be regulated by council bylaws.
* If any of the activities which need to be regulated cannot be regulated by council bylaws, contact your local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations) for advice.

Well before submitting an application (via DELWP) to the Minister, contact the department to discuss any reserve-specific regulations that your committee believes may be needed.

## Enforcing regulations

Regulations for a reserve are not enforceable until they have been published in the Government Gazette. If there is a compliance issue, **never** place yourself in a dangerous situation. It is not the role of the committee to enforce the regulations. Instead:

* Contact the **relevant enforcement agency**, for example, Victoria Police, local council bylaws officers, and DELWP authorised officers.
* Contact **emergency services** if there is an actual or imminent threat to the people on the reserve or to the reserve or its assets. When the situation is under control, contact your local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations) as soon as possible.

# 8.12 Volunteer engagement

Volunteers can play an invaluable role in assisting your committee with the day-to-day management of the reserve. See chapter 15 ‘Volunteers’, in particular 15.10 ‘Encouraging volunteers’. See also 2.9 ’Community engagement’.

# 8.13 Electronic copy

An electronic copy of this document is available from the DELWP website ([www.delwp.vic.gov.au/committees](http://www.delwp.vic.gov.au/committees)).