

# Flexible Tenure Arrangements for Coastal Community Groups

## Coastal Crown Land Leases & Licences

Coastal Management Fact Sheet 4.1

**There are a number of options for tenure arrangements on coastal public land that reflect community values, balance community needs and provide equitable access to coastal public land opportunities.**

### Public Land Management in Victoria

Most of the Victorian coastline (96%) is public land that belongs to all Victorians. The majority of coastal public land adjacent to townships is reserved under the *Crown Land (Reserves) Act 1978*, for various public purposes, and is generally protected. These coastal areas are usually within urban settings or within and between coastal settlements and highly valued by the community for passive and active recreation pursuits.

With increasing use of the coast by locals and visitors it is a challenge for land managers to meet everyone's needs and expectations. With limited coastal public land, simply meeting demand is unsustainable for the coast.

### Location, location, location

Buildings on coastal public land are generally situated in highly desirable, highly valuable beachfront locations. It is therefore critical that the use of the building is maximised throughout the year, for a broad range of public and community use. Wherever possible club buildings must not restrict access and prevent other uses.

### Coastal Dependant use

Not all buildings require a coastal location. Where unimpeded views to the water or beach are necessary for safety reasons, activity specific buildings are encouraged such as observation towers and outposts. For clubs associated with the coast but not dependant on having a coastal location for their club rooms, alternative siting is encouraged for example board riding clubs and other recreation clubs such as bowling, football/netball clubs etc. When the opportunity arises club houses should be relocated away from coastal public land.

Some clubs have a long historic association with the foreshore despite not being coastal dependent. Where appropriate, foreshore managers work with these clubs to continue their historic use whilst maximising access to the

foreshore. The Point Lonsdale Bowling Club is one example, and have a lease over their bowling greens and club rooms, and a licence over the car park to ensure this is available to foreshore users during peak periods when the club is not running bowling events.

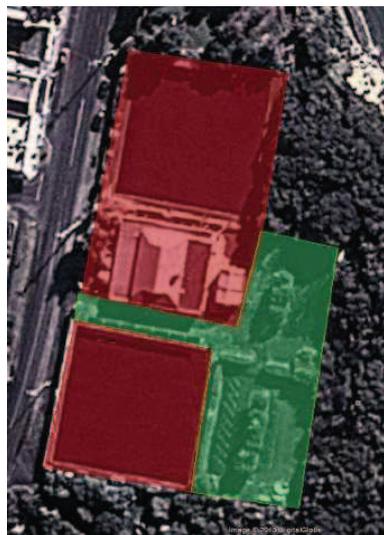


Figure 1: The Point Lonsdale Bowling Club has a lease over their greens and club rooms (red) and licence over the car park (green).

### What type of tenure arrangements are available?

Reserved foreshore public land can be leased or licensed to the community for a variety of purposes including, recreation, tourism, club activities, education and business ventures provided the purpose aligns with the management goals of the land. Tenures are administered by the relevant land manager with the following types of tenures available :

**Lease** – an agreement in which the landlord (land manager) agrees to give a tenant the exclusive right to occupy land – generally a building or structure - for a specific term, subject to the lease terms and conditions.

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**Licence** – gives permission to the holder to carry out permitted activity without the right of exclusive occupation.

**Tour operator licence** - anyone conducting an activity on public land for profit such as a recreational activity i.e. surf schools, boot camp or guided tour, is required by legislation to hold a Tour Operator Licence (refer to [www.depi.vic.gov.au](http://www.depi.vic.gov.au) – tour operator - fact sheet.)

**Permit** - for short-term or one off events such as weddings, festivals and sporting events can also be issued by the land manager.

More flexible tenure arrangements are now possible under the recently amended *Crown Land (Reserves) Act* leasing provisions that allows for a licence term to run for the same time as the adjacent lease term. The *lease/licence model* provides surety to clubs to conduct activities and retains access to coastal public land.

An example is the Torquay Sailing Club who have a lease for their business (meetings, lookouts, storage, boat repairs) and a licence for the surrounding land to enable club users to temporarily store catamarans during the race season whilst allowing for community access outside of these times – shown in feature map below (lease in yellow, licensed shown bordered red).

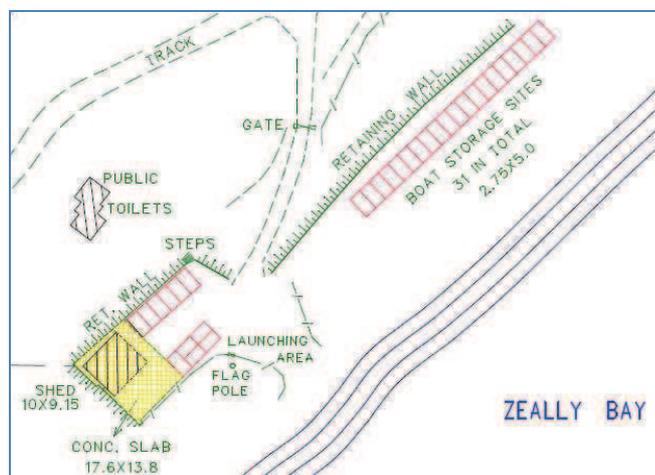


Figure 2: Plan for the lease (shaded yellow) and licence (bordered red) to the Torquay Sailing Club.



Photo 1: Torquay Sailing Club lease under the *Crown Land Reserves Act* for building and concrete apron. The catamarans in the foreground are in the licenced area.



Photo 2: Torquay Sailing Club licence under the *Crown Land Reserves Act* for boat storage during the sailing season

For more information on leasing principles, granting of leases, costs, terms and conditions see DEPI *Leasing Policy for Crown Land in Victoria (2010)* and the *DEPI Crown Land Leasing Guidelines (2012)* ([www.depi.vic.gov.au](http://www.depi.vic.gov.au)).

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