



Property Strategy 2025 - 2029



BASS
COAST

Bass Coast Community Vision 2041

From its flowing hills to its wild unspoiled coastlines, the Bass Coast is a source of celebration for all who live in and visit the region.

Our townships are vibrant, rich with culture and full of life, each with its own distinct character. Drawing on our creativity, innovation and resilience we've created a thriving and diverse economy that supports sustainable agriculture and industry.

We live proudly on Bunurong Country, and build on learnings from our First Peoples and their knowledge. We coexist in harmony with our environment, and are prepared for future challenges and changes.

We are the people of the Bass Coast. Experience our cultures and history, and contribute to our story.

Acknowledgment of Country

Bass Coast Shire Council acknowledges the Bunurong as the Traditional Owners and Custodians of the lands and waters, and pays respect to their Elders past, present and emerging, for they hold the memories, the traditions, the culture and Lore.

Bass Coast Shire Council celebrates the opportunity to embrace and empower the Aboriginal and/or Torres Strait Island Communities in their diversity.

Bass Coast Shire Council will create opportunities for future recognition and respectful partnerships that will honour the Traditional Owners and Custodians, and Aboriginal and/or Torres Strait Islander Peoples.

Diversity and Inclusion

Bass Coast Shire Council is committed to providing communications and engagement that is welcoming, safe, accessible and inclusive for our community including First Nations, Culturally and Linguistically Diverse (CALD), Lesbian, Gay Bisexual, Transgender, Queer, Intersex and Asexual (LGBTQIA+) peoples, people with disability and of all ages.

Gender Impact Assessment

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment (GIA) has been undertaken when developing this Property Strategy.

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Definitions

Committee of Management	means the role of Council in the management of Crown Land. Council acts as land manager for the areas for which it has been appointed as the Committee of Management for. The role of Committee of Management is governed by the <i>Crown Land (Reserves) Act 1978</i> .
Community Benefit	means providing the residents, ratepayers and visitors to the Bass Coast Shire services provided by Council, increased participation and growth of community groups, strength and maintain the environmental and natural characteristics of the Shire, and broadly provide benefits to quality of life. Community Benefit will reinforce the Council Vision.
Council	means Bass Coast Shire Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989
Council Vision	means the Bass Coast Community Vision 2041.
Crown Land	means the land owned by the State of Victoria.
Land	means all Property for which Council is the owner, or is to become the owner, and has the rights to use or dispose of the land.
Market Value	means the amount for which Land or Property would be sold or leased in a commercial arm's length transaction to an unrelated third party. The value can be estimated as required by Council using evidence available to it or by having an independent market valuation occur by an accredited valuer.
Property	means the assets of the Council including those owned by Council and those assets leased by Council.
Property Framework	means the internal documents prepared by Council's property team that provides the criteria outlined in this Property Strategy is used for the consideration of purchase, disposal or use of Council Property.

Purpose

The purpose of the Bass Coast Shire Council Property Strategy is to ensure that Council strategically manages its property portfolio for the long-term best interest of the community whilst aligning to the Bass Coast Shire Community Vision 2041.

The Property Strategy provides the four guiding principles, strategic guidance and objectives for the retention, acquisition, disposal, use and development of Council owned or managed property to achieve optimum financial and community benefit.

Background

Bass Coast Shire is in south-eastern Victoria, about 130 kilometres south-east of the Melbourne CBD. The Shire shares its boundaries with Western Port Bay, Cardinia Shire, South Gippsland Shire and Bass Strait. The Traditional Owners and Custodians of the land and waters are the Bunurong.

Bass Coast Shire is a rural, residential and holiday area, with a land area of 864.1 square kilometres including substantial coastal areas. The major towns are Wonthaggi, Cowes, Inverloch, San Remo and Grantville, with numerous smaller townships. The major industries of the Shire are tourism and agriculture.

From the 2016 Census to 2021 Census, Bass Coast Shire's population increased by 24.3%, approximately double the state average. Bass Coast Shire is expected to continue to grow at a fast rate, requiring additional facilities and infrastructure to support the growing number of residents.

Council owns or manages a considerable number of land parcels within the Shire. This land is used for community services, sporting facilities, trails, car parking, roads and drains. The Land held by Council has been obtained for a number of reasons with limited information on some historic parcels.

Council has also 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. There is also very limited ability for Council to 'hand back' Crown Land to the State Government once Council is appointed as the Committee of Management.

Council leases out commercial facilities across both Council owned land and Crown Land under Committee of Management which are leased at current market value rental with standard commercial terms. In addition, community user groups are charged a subsidised rental for use of Council owned or managed land and are required to enter into a lease or license agreement during their period of occupation.

Guiding Principles

The Guiding Principles set out the objectives and expectations that Council has for its management and dealings with property and property related issues and decisions. Council has agreed the following Guiding Principles for the Property Strategy.

1 - Consistency and Transparency

The objective of this Guiding Principle is to formalise Council's support for transparency in its decision-making processes to achieve the purpose stated in Council's Public Transparency Policy which is in accordance with the Local Government Act 2020. This ensures that open and transparent processes are utilised when acquiring, disposing, using and/or developing Council Property. In all instances, a Property Framework tool will be applied.

2 - Community Benefit

In accordance with the Council vision 2041, this guiding principle is designed to align property management to Council's priorities, policies, plans, social obligations and objectives. This includes ensuring that Council's property portfolio is effectively used to provide maximum community benefit. Community benefit includes the provision of Council services and the availability of Council facilities to community groups.

3 - Financial Viability

Council will strategically manage its property portfolio for the long-term best interests of the community. Council will ensure that the best value is achieved in all land dealings having regard to use, type and complexity of the subject property.

4 - Statutory Compliance

The objective of this Guiding Principle is to ensure best practice and compliance with legislative requirements for use, sale, exchange or acquisition of land including the following legislation and guidelines:

Local Government Act 1989

Local Government Act 2020

Road Management Act 2004

Transfer of Land Act 1958

Land Acquisition and Compensation Act 1986

Sale of Land Act 1962

Planning and Environment Act 1987

Crown Land (Reserves) Act 1978

Residential Tenancies Act 1997

Retail Leases Act 2003

Land Act 1958

Property Law Act 1958

Subdivision Act 1988

Valuation of Land Act 1960

Local Government Best Practice Guideline for Sale, Exchange & Transfer of Land 2009

Committee of Management Guidelines 2021

Property Management

Property Management oversees the six key components of property delivery. Frameworks, policies and procedures will be developed and used for each key component to achieve the greatest benefit from the Council Property portfolio.

Acquisition

Any land acquisition will be looked at through a strategic lens with the use of the Property Framework which consists of considering the relationship of strategic priorities to Council, funding, timing, and risk. Any property acquisition requires Council approval.

Council will look to acquire land where:

- That land will contribute directly to the current service delivery outcomes of Council; and/or
- That land is required to be owned by Council in the future as part of a plan or strategy adopted by the Council; and/or
- Ownership of the land will provide for new planned infrastructure; and/or
- Ownership of the land contributes economic, environmental or community benefits to the municipality.

Use

Leasing Goals

Council will maintain up-to-date Lease or Licence agreements for all occupants of Council-owned or managed assets, as well as for any agreements where the Council itself is the occupant. These agreements should prioritise the community's interests, either by delivering community benefits or ensuring competitive financial returns.

Commercial

Commercial leases or licenses are where the primary objective of the occupant is to trade goods or services for profit. Present examples include caravan parks and restaurants.

The commercial occupation of Council premises will be awarded through an open and competitive process unless the premises are unique or a justifiable reason for leasing to a preferred party is present. The process for awarding commercial leases will be in accordance with Council's leasing and licensing policy.

Community

A Community Lease or Licence applies to not-for-profit incorporated associations in occupation of Council assets. Under Community Leases, the not-for-profit incorporated associations pay low and/or subsidised rental or fees to support the core values and objectives of the not-for-profit group which provide and promote social, cultural and/or recreational opportunities for participation by the wider community.

Examples of Community Leases or Licences include lifesaving clubs, senior citizens clubs, historical societies and sporting clubs. This category may also include circumstances where there is a desire to support or partner with an essential or emergency service provider. The process for awarding community leases will be in accordance with Council's leasing and licensing policy.

Processes

There is no statutory restriction on licensing but the Local Government Act requires Council to make a decision on leases that:

- Have a term of 10 years or more,
- Have a term greater than one year but less than 10 years where the rent or market rent is \$100,000 per annum or;
- Allow the lessee to significantly build or improve the land.

Council officers may make a public decision on any other lease. All other leases and all licences will be approved under delegation. Delegation limits will be based on the total value of an agreement aligned to the limits of the position under the Council's Procurement Policy and the Procurement Delegations Framework.

The term offered by Council for a lease is 5 years and for a licence is 3 years. Under certain circumstances shorter or longer terms will be offered. An example of these circumstances is where the proposed Tenant will undertake significant capital investment on the Council owned or managed asset.

Council as tenant

Where Council's portfolio does not contain suitable or available properties for service delivery, Council will explore leasing premises from third parties or joint use opportunities as a viable option for service delivery. Any leasing opportunities under consideration will be assessed in relation to nearby properties owned by the Council. Council should avoid leasing property (acting as Tenant) on behalf of third parties, and this option should only be pursued to facilitate a Council service.

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.

Council's role as a land manager under 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.

Council is responsible for managing approximately 126 hectares of Crown land reserves. Any Crown land management will be looked at through a strategic lens with the use of the Property Framework and Crown Land Policy which consists of considering the relationship of strategic priorities to Council, funding, timing, and/or risk. Any changes including additional, modified or returned management of Crown land requires Council approval.

Disposal

Any land disposal by Council will be looked at through a strategic lens with the use of the Property Framework which consists of considering the relationship of strategic priorities to Council, funding, timing, and/or risk. Any property disposition requires Council approval in accordance with the statutory procedures.

Council will look to dispose of land taking into consideration:

- That land no longer contributes directly to the current service delivery outcomes of Council; or
- That land is not required to be owned by Council in the future as part of a plan or strategy adopted by the Council; or

- Ownership of the land will not provide planned infrastructure; or
- Ownership of the land will no longer contribute economic, environmental or community benefits to the municipality.

Road Discontinuance

Council has the power to discontinue a road and to sell land from a road reserve. The Act contains procedures and a decision-making process that must be followed before a road discontinuance and sale proposal can be finalised. The legislation requires Council to consult with the community before making a final decision. Any person can make a submission in relation to a proposal and have the right to be heard in support of their submission. Council will assess applications taking into consideration the complexity, time, effort and cost associated with any proposed road discontinuance. Council will prioritise road discontinuance that have a strategic benefit to Council.

The process for Road Discontinuance is both costly and takes a considerable amount of time. Any road discontinuance application will be subject to a fee. This is payable on application and will be non-refundable. This fee is additional to Council's costs associated with the road discontinuance and sale which will be payable by the applicant/s at settlement.

Maintenance

All properties owned by Council which are tenanted by third parties including commercial, community, sporting and others will be subject to a Maintenance Schedule. Tenants will be required to perform their obligations under the Maintenance Schedule. In addition, it is expected that tenants will keep Council's property in a clean and tidy condition and notify Council of any maintenance issues.

Implementation Plan

No	Strategic Objective	Guiding Principle/s	Implementation Date
1	Maintain a register of Council owned and managed properties (property portfolio)	Consistency and Transparency	2025 reviewed annually
2	Maintain up to date leasing and licensing Template documents	Consistency and Transparency / Statutory Compliance	Reviewed annually
3	Renew and update Leasing and Licensing Policy	Consistency and Transparency / Statutory Compliance	2025
4	Renew and update Road Discontinuance Policy	Consistency and Transparency / Statutory Compliance	2025
5	Renew and update Crown Land Policy	Consistency and Transparency / Statutory Compliance	2028
6	Support Service Managers in reviewing use of Council Land and facilities to ensure maximum community benefit.	Community Benefit	Ongoing
7	Assist in identifying opportunities for increased use of Council owned facilities	Community Benefit / Financial Viability	Ongoing
8	Maintain the frameworks and procedures for the acquisition and disposal of land	Statutory Compliance / Financial Viability	2025 reviewed annually

9	Require all occupants of Council owned and managed land to be on a tenancy agreement	Consistency and Transparency / Community Benefit / Financial Viability	2026 audit and reviewed annually
10	Assist and identify opportunities for strategic acquisition of council property	Community Benefit / Financial Viability	Ongoing
11	Identify opportunities for strategic disposal of Council property	Financial Viability	2025 reviewed annually
12	Ensure market rental is paid by tenants on Council's commercial properties	Financial Viability	In accordance with lease market review dates

Related Council Policies

Leasing and Licencing Policy

Crown Land Policy

Road Discontinuance Policy

Bass Coast Shire Community Vision 2041

Document Information

Type	Property Strategy
Mayor	
Date Adopted	
Responsible Officer	Manager Major Projects and Property
Version Number	Draft

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Bass Coast Shire Council
76 McBride Avenue, Wonthaggi, VIC 3995
PO Box 118, Wonthaggi, VIC 3995

1300 BCOAST (226 278) or (03) 5671 2211 or via the
National Relay Service (if you are deaf and/or find it
hard hearing or speaking with people who use a phone)
on their website:

www.accesshub.gov.au

basscoast.vic.gov.au

