

Policy 4.10 Land under Council Jurisdiction

Directorate	Assets and Operations Business and Governance
Responsible Officer	Director Assets and Operations Business and Governance

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Record of Administrative Amendments

<u>Amendment Version No.:</u>	<u>Description of Administrative Amendment</u>	<u>Date Reviewed</u>
<u>6.2</u>	<u>Version placed on public exhibition (D25/37739)</u>	<u>May 2025</u>
<u>6.1</u>	<u>Review of policy in accordance with Section 165 of the Local Government Act 1993</u>	<u>March 2025</u>
<u>6.0</u>	<u>Adopted Policy 4.10 Land Under Council Jurisdiction (D22/71257)</u>	<u>20/07/2022</u>

1 Introduction

1.1 Scope

This policy applies to all public land, road or building assets owned or controlled by Bega Valley Shire Council.

The scope of this policy demonstrates direct commitment to the following strategic guiding principles:

- Equitable and inclusive | commitment to building connection with stakeholders and build trust and respect with the community.
- Transparent | open in decision-making process and updating of progress.
- Financially sustainable | generating greater revenue and reducing reliance on rates for income.
- Accountable | proactive consultation and engagement.

1.2 Purpose

To ensure that public land is maintained and used safely for the amenity and benefit of the resident community, visitors and the environment.

1.3 Definitions

Word or Terminology	Description
Land	<u>All Council owned or managed land including Crown land of which Council is the direct Council Crown land manager, and Community and Operational land as defined under the Local Government Act 1993.</u>
<u>Road</u>	<u>As defined in the Local Government Act 1993, public road means a road which the public are entitled to use.</u> <u>Road includes—</u> <u>(a) highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and</u> <u>(b) any part of a road and any part of anything referred to in paragraph (a), and</u> <u>(c) anything forming part of a road or anything forming part of anything referred to in paragraph</u>
<u>Building</u>	<u>Any building or structure on or improvement to land</u>
<u>Council</u>	<u>Bega Valley Shire Council</u>

2 Legislation

- Aboriginal Land Rights Act 1983 (NSW)
- Biodiversity Conservation Act 2016 (NSW)
- Conveyancing Act 1919 (NSW)
- Crown Land Management Act 2016 (NSW)
- Environment Protection and Biodiversity Conservation Act 1999 (Cth)
- Environmental Planning and Assessment Act 1979 (NSW)

- Land Acquisition (Just Terms Compensation) Act 1991 (NSW)
- Local Government Act 1993 (NSW)
- National Parks and Wildlife Conservation Act 1975 (Cth)
- Native Title Act 1993 (Cth)
- Real Property Act 1900 (NSW)
- Residential Tenancies Act 2010 (NSW)
- Retail Lease Act 1994 (NSW)
- Roads Act 1993 (NSW)
- Valuation of Land Act 1916 (NSW)
- Regulations under each of the above Acts and any other legislation applicable to the Policy.

~~Local Government Act 1993 (NSW)~~

~~Crown Land Management Act 2016 (NSW);~~

~~Valuation of Land Act 1916 (NSW);~~

~~Conveyancing Act 1919 (NSW);~~

~~Environmental Planning and Assessment Act 1979 (NSW);~~

~~Residential Tenancies Act, 1987; 2010 (NSW);~~

~~Land Acquisition (Just Terms Compensation) Act, 1991 (NSW);~~

~~Roads Act, 1993 (NSW);~~

~~Retail Lease Act, 1994 (NSW);~~

~~Aboriginal Land Rights Act 1983 (NSW);~~

~~Native Title Act 1993 (Cth);~~

~~Environment Protection and Biodiversity Conservation Act, 2000; 1999 (Cth);~~

~~National Parks and Wildlife Conservation Act, 1975 (Cth);~~

~~Real Property Act 1919 (NSW);~~

~~Regulations under each of the above Acts and any other legislation applicable to the Policy.~~

3 Implementation

3.1 Policy Statement

~~Bega Valley Shire~~ Council will address the matter of 'Lands under Council jurisdiction' in a systematic manner by:

- ~~To provide~~ Ensuring a policy framework through which ~~Bega Valley Shire~~ Council can consider its freehold and vested ~~reserve~~ land, buildings, and roads, and make decisions, using a systematic, informed approach with respect to the management, retention, disposal, dedication, or acquisition of such assets
- ~~To ensure~~ Ensuring that decisions ~~made in relation to regarding~~ the use of ~~Bega Valley Shire~~ Council's land and building assets guarantee maximum return to the Shire, ~~by either by achieving realising~~ a commercial level of financial return or by fulfilling a community benefit aligned ~~with the~~ the Bega Valley Community Strategic Plan
- ~~To create~~ Generating greater revenue from current and potential land, ~~property and facility building, and road~~ holdings, ~~thereby to reducing~~ reliance on rates for income
- Implementing guidelines that document the range of activities or uses that are subject to an approval or consent ~~of BVSC by Council~~
- Obtaining appropriate rentals for the use of public land, building and road holdings
- Applying the principles of consistency, transparency, and accountability to the procedures ~~relating~~ related to this Policy, ~~in order to ensure~~ appropriate use and management of Council ~~controlled~~ land and buildings
- Ensuring that Civil Aviation Safety Authority (CASA) requirements are adhered to for persons wishing to land private helicopters on lands under Council's jurisdiction-
- Implementing procedures that prohibit or restrict smoking in certain outdoor public areas.

3.2 Responsibilities

3.2.1 Elected Council

~~Insert text here~~ The elected Council will review the policy to ensure it is in the public interest and can be reasonably administered by Council.

3.2.2 Chief Executive Officer (CEO), Leadership Executive Group (LEG)

~~Insert text here~~ The CEO and LEG will review the policy to ensure it is in the public interest, is consistent with other legislation and Council policies, and that the Business and Governance directorate is resourced to be able to administer it.

3.2.3 ~~(insert Directorate or section details)~~ Business and Governance Directorate

~~Insert text here~~ The Policy is administered by the Property and Legal Services team.

~~_____ (insert position name details if applicable)~~

The Property and Legal Services team is supported by various other teams within other Council directorates.

4 Supporting documents

4.1.1 ~~BVSCouncil~~ BVSC Procedures that relate to this Policy

Procedure No.:	Procedure Name	External or Internal Procedure
4.10.3	Management of Leases and Licences	External
4.10.4	Rental assessment and rebate	External
4.10.5	Acquisition, dedication and disposal of land or interests in land	External
4.10.6	Road Naming	External
4.10.8	Road closure and private sale	External
4.10.9	Native Title Manager Guidelines	External

4.1.2 ~~BVSCouncil~~ BVSC Policies that relate to this Policy

Policy No.:	Policy Name
1.05	Film and Video
1.06	Festivals and Events Cultural Diversity
2.02	Live, Work, Invest
3.01	Development Administration
4.1503	Public regulation Use of Public Land (Local Approvals)

5.01

Asset Management

Note: Policy details may change from time to time. To ensure you are viewing the most recent version please view Council's adopted Policies and Procedures on Council website: www.begavalley.nsw.gov.au

Under Review