



Draft Foreshore and Bushland Reserve Encroachment Policy

Preamble

Bass Coast Shire Council has been appointed by the Minister for Environment under the *Crown Land (Reserves) Act 1978* as the land manager of just over 40 kilometres of Crown Land Foreshore Reserve and over 160 hectares of inland bushland reserves.

The Council managed foreshore reserves include Ventnor, Red Rocks, Cowes, Silverleaves, Rhyll, Newhaven, Cape Woolamai (Safety Beach), Grantville, Tenby Point, Coronet Bay, Kilcunda, Cape Paterson and Inverloch. Council is responsible for the care and management of these foreshore reserves in accordance with relevant policy and strategic plans developed for these areas.

The Council-managed inland bushland reserves include Ventnor Common, Saltwater Creek Reserve, Scenic Estate Conservation Reserve, Smiths Beach Drainage Reserve, Thompson Reserve, Screw Creek Conservation Reserve and Ayr Creek Reserve. These consist of a mix of Crown Land and Council-owned land.

As the land manager for these foreshore and bushland reserves, Council is responsible to act towards addressing the problem of encroachment. Encroachment or annexation into a reserve is the practice whereby a private landholder or occupier advances a private land use activity into the abutting public reserve. Examples of encroachment include:

Lawn extensions: Where private landholders or residents have cleared coastal or bushland vegetation from the reserve and established a lawn, or after taking over ownership or tenancy have continued to maintain an established lawn.

Unauthorised planting: Where private landholders or residents have conducted unauthorised planting of vegetation in a reserve, often by planting non-indigenous ornamental plants and/or potential weed species in conservation reserves.

Informal access tracks: These commonly include informal beach access tracks. They range from undeveloped tracks that meander around existing trees, to constructed paths. Some of these paths feature materials such as logs or rocks to define a path edge, materials that have been laid to improve the track surface (e.g. pavers), "home made" steps or elevated timber stair cases.

Placement/storage of Items: This includes items such as firewood, plant pots, seating, barbecues, outdoor settings, play equipment (e.g. swings, trampolines), bee hives, caravans, boats and trailers being placed in the reserve.

Buildings: Placement of structures including sheds and bungalows, and associated infrastructure (e.g. electrical connections and plumbing works).

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Unauthorised foreshore protection works: This includes unauthorised efforts to address wave or wind erosion, such as the construction of groynes, timber walls and dumping materials including tree branches, rocks, rubble or other materials on the foreshore area.

The practice of encroachment has several risks and negative impacts including:

- Risk of public injury,
- Risk of litigation,
- The principle of private landholders using a public land for a private activity,
- Loss of biodiversity,
- Loss of protection against coastal erosion,
- Fire risk.

Where a private landholder wants to undertake works in an adjoining Council-managed reserve that may have a positive impact, such as mowing to decrease fire fuel loads or planting of indigenous vegetation, prior written approval must be gained from Council.

This policy provides a clear direction for Council when assessing the extent of encroachment on its foreshore and bushland reserves and the best management practice options.

Policy objective

The objective of this policy is to provide direction for managing encroachment in Council-managed coastal and bushland reserves.

Policy statement

Managing Encroachment

Council will develop and maintain a register of all known encroachment sites on its foreshore and bushland reserves. This register will assist in prioritising, planning and resourcing for future works and ensure that sites are not overlooked. The register will rank the encroachment issues according to degree of risk to help determine priority cases. This assessment will be conducted using the Risk Rating Matrix identified in Council's Risk Management Plan 2015-18. Council will invite the community to report known cases of encroachment in order to assist the development and maintenance of the encroachment register.

Council will assess encroachment cases on an individual basis to determine the most appropriate method of action for managing the problem. The assessment will take into account the degree of risk associated with the case, whether it is an individual resident incident or a collaborative effort by a number of properties. In some areas of the Shire there are a number of foreshore and bushland reserves that have historical encroachment issues, such as cleared mown grassed areas across a number of properties. If the encroachment case is across a number of properties Council will work with all residents involved to rectify and not target an individual resident.

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Additional documents

Encroachment management processes will be conducted in accordance with the *Foreshore and Bushland Reserves Encroachment Management Procedure 2017*.

Reference to other documents

- *National Framework for the Management and Monitoring of Australia’s Native Vegetation 2001*
- *Crown Land (Reserves) Act 1978*
- *Foreshore Regulations*
- *Victorian Coastal Strategy 2017*
- *Bass Coast Shire Council Plan 2017 – 2021*
- *Bass Coast Shire Natural Environment Strategy 2016 – 2026*
- *Bass Coast Planning Scheme*
- *Bass Coast Shire Council Local Law No.1 Neighbourhood Amenity 2012*
- *Bass Coast Shire Council Risk Management Plan 2015-18*

Review process

This Policy will be reviewed by Council no later than four years from the date it is adopted or concurrent with any impacting change in state or federal legislation and practice.

Accountability process

The progress of encroachment management will be reported to Council through the *Natural Environment Strategy 2016-2026* annual snapshot report. The report will be presented to Council by the Manager Sustainable Environment or department delegate.

Approval

Adopted by Council at its meeting held on	Date/...../.....
Signed by the Mayor (Name).....	
.....	Date/...../.....