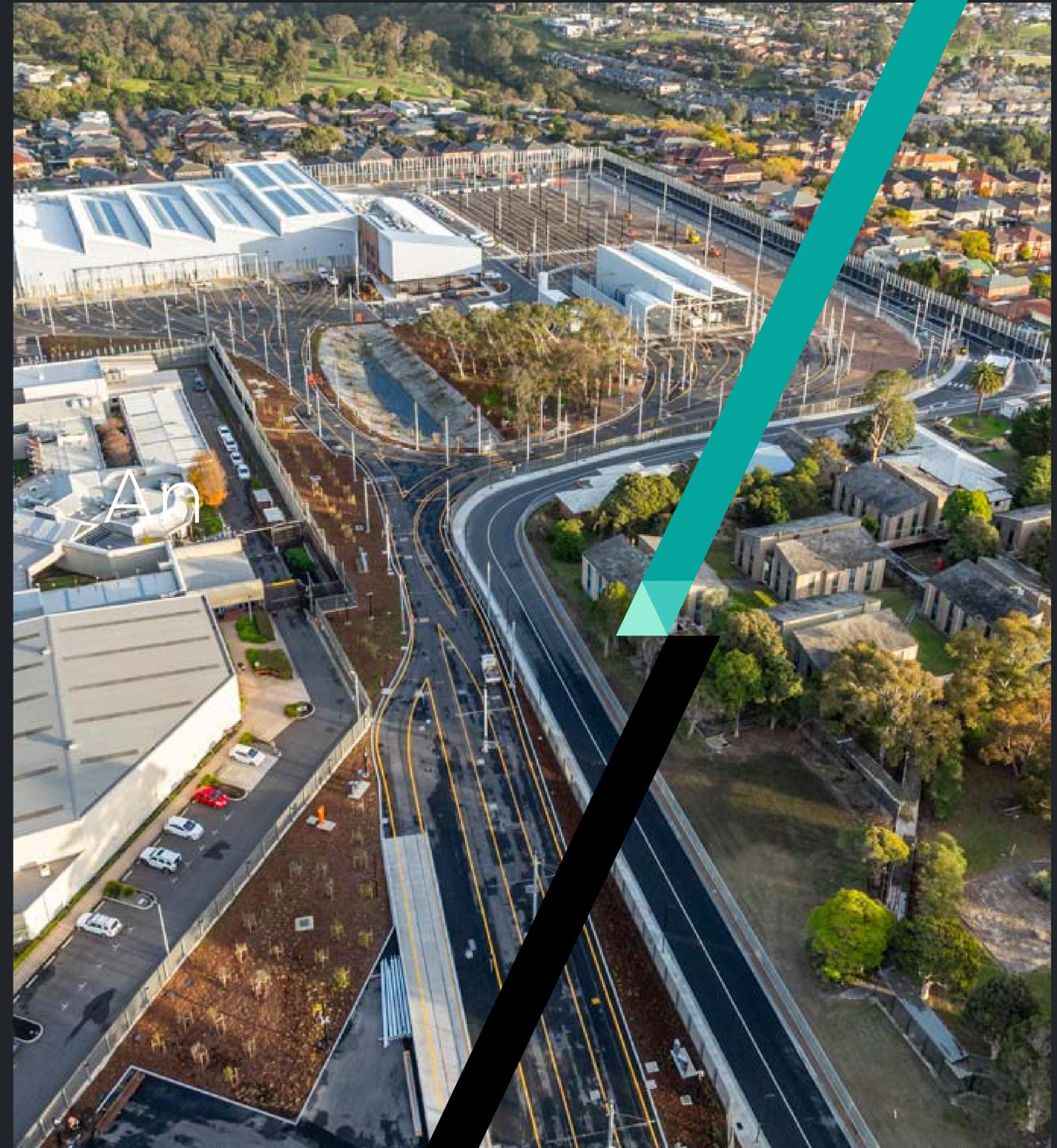


Victorian Government Landholding Policy and Guidelines

October 2025



Department
of Transport
and Planning



ACKNOWLEDGEMENT OF COUNTRY

We proudly acknowledge the First Peoples of Victoria

We proudly acknowledge the First Peoples of Victoria and their ongoing strength in practising the world's oldest living and continuous culture. We acknowledge the Traditional Owners' lands, waters and skies on which we live and work and pay respects to their Elders past and present.



Description of artwork

Aaron (Gunaikurnai) 'Movements Between the Five Clans' 2019, acrylic on canvas.

'The tracks are going between the five clans of the Gunaikurnai and the hands are the symbols of my spirit travelling around the campsites.'

This artwork was created through programs provided by the Torch. The Torch provides art, cultural and arts industry support to Indigenous offenders and ex-offenders in Victoria. The Torch aims to reduce the rate of re-offending by encouraging the exploration of identity and culture through art programs to define new pathways upon release.

Authorised and published by the Department of Transport and Planning, Melbourne June 2025.

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Document information

Date of approval 7 October 2025

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VICTORIAN GOVERNMENT LANDHOLDING POLICY

1. Purpose

The purpose of the Victorian Government Landholding Policy is to:

- a. ensure that land is only purchased or retained by Victorian Government agencies where State ownership of land:
 - i. contributes directly to current or future service delivery outcomes expected by Government;
 - ii. is central to the core business of agencies as explained in agency corporate plans;
 - iii. is financially beneficial to the State when compared to alternative investment of State funds; or
 - iv. in the case of Crown land, is appropriate on the basis that the protection of public land values make the land unsuitable for divestment;
- b. promote the highest and best use of land by providing the opportunity for the private and community sectors and other government agencies to further unlock the value inherent in the State's land estate; and
- c. require active management of land portfolios across Victorian Government agencies which is essential to the good management of the State's balance sheet.

2. Policy

- a. Victorian Government agencies must only hold land or an interest in land where State ownership of that land:
 - i. contributes directly to current or future service delivery outcomes expected of agencies as explained in agency corporate plans and does this by the most cost effective means possible;
 - ii. with the approval of the acquiring or landholding Minister:
 - provides for new infrastructure, enables the optimal use of existing infrastructure or contributes other economic benefits to the State that justify its retention or purchase;
 - after considering a Strategic Crown Land Assessment in accordance with the Victorian Government Strategic Crown Land Assessment Policy, is appropriate on the basis that the protection of public land values make the land unsuitable for divestment;

- has been considered for community uses and is necessary to provide for occupation by other government or community organisations where:
 - land is sold or transferred for a public or community purpose and the terms of sale include a restriction on title that reflects the public or community purpose so that any future change in the use of the land requires the State's consent;
 - the State receives market value rent; or
 - where the State receives less than market value rent, the social, environmental or community benefits of occupation are considered to justify the costs to the State;
 - is financially beneficial to the State when compared to alternative investment of State funds;
 - iii. is considered by the acquiring or landholding Minister to contribute to other Government objectives as may be set from time to time.
- b. For the avoidance of doubt, Victorian Government agencies must not purchase or retain land where State ownership of that land:
 - i. is not justified with reference to paragraph 2i of this Policy; or
 - ii. has not been approved pursuant to either of paragraphs 2ii or 2(a)iii of this Policy.
- c. Upon declaring land surplus to agency requirements, Victorian Government agencies must:
 - i. provide notice of 60 days of the agency's intention to dispose of land during which period other State agencies, Commonwealth agencies, the local government authority in which the land is located, or the Registered Aboriginal Party appointed to the area in which the land is located may express interest in acquiring the land;
 - ii. if another government agency expresses interest in acquiring the land, negotiate in good faith to attempt to agree on the terms of sale within 30 days after the close of the notice period; and
 - iii. if the terms of sale are agreed, transact the sale of the land at a price equal to the current market value of the land as determined by the Valuer-General Victoria.
- d. Victorian Government agencies must:
 - i. at all times maintain an accurate dataset of all land that is controlled by the agency; and

- ii. annually review agency landholdings to:
 - justify, with reference to paragraph 2a of this Policy, the basis upon which each parcel of land owned or otherwise controlled by the agency is held; and
 - identify land that is fully utilised, partly utilised, underutilised or surplus to agency requirements,
- iii. and submit a report on that review to the Department of Treasury and Finance to inform Budget planning and forward estimates.

3. Application

This Policy applies to all Victorian Government agencies (exclusions to this Policy may apply as detailed in the Victorian Government Landholding Guidelines).

4. Supporting and related documents

This Policy is supported by the Victorian Government Landholding Guidelines. Other policies which are relevant to this Policy include the Victorian Government Land Transactions Policy and Victorian Government Strategic Crown Land Assessment Policy.

This Policy deals with the purchase and retention of land. The Victorian Government Strategic Crown Land Assessment Policy and the Victorian Government Land Transactions Policy relate to the disposal of Government land, including Crown land. These policies ensure that the State's obligations in relation to the disposal of Crown land are met in accordance with the *Native Title Act 1993* (Cth) and the *Traditional Owner Settlement Act 2010*.

5. Responsibilities

This Policy is administered by the Department of Transport and Planning. The Minister for Finance is responsible for approving the Victorian Government Landholding Guidelines.

VICTORIAN GOVERNMENT LANDHOLDING GUIDELINES

Introduction

These Guidelines apply to all Victorian Government agencies (Agencies) including General Government sector entities and Public Non-Financial Corporations (PNFCs) excepting where exemptions apply.

The Victorian Government Landholding Policy (the Policy) describes the reasons by which Agencies can acquire and hold land, requires Agencies to use land efficiently, and release land they don't need for use by another government agency, Registered Aboriginal Parties, the community, businesses or individuals.

In accordance with section 2(a) of the Policy, an Agency must only hold land if it aligns with one of the six Categories in Table 1.

Table 1: Categories for Holding Land

NO.	CATEGORY
1	Land is currently used for Service Delivery by the Agency
2	Land is held for future Service Delivery by the Agency
3	Land is retained as Crown land to protect public land values
4	Land is not required for current or future Service Delivery by the Agency but contributes to Government-supported outcomes in another way
5	Land is not required for current or future Service Delivery by the Agency but its retention is financially beneficial to the State
6	Land is not required for current or future Service Delivery by the Agency but is being held to support other government objectives

These Guidelines describe how Agencies:

- That are subject to the Standing Directions 2018 under the *Financial Management Act 1994* (FMA) must annually assess and attest their compliance with Directives described in section 1¹
- Obtain approvals to hold land based on the relevant Category
- Maintain data and provide landholding reports
- Must declare land surplus, and when
- Refer surplus land to DTP Landholding and Sales
- Notify and seek advice regarding their landholdings
- Address land in Cabinet submissions
- Return the proceeds of their land sales to the Consolidated Fund
- Use the First Right of Refusal (FROR) Process.

¹ Section 1 does not apply to agencies that are not under the FMA framework or have a full exemption from the Standing Directions.

Department of Transport and Planning (DTP)

In 2023 the Victorian Government consolidated land functions into DTP and established the office of the Land Coordinator General (LCG) to coordinate actions and guide decisions on government land that will achieve the best outcomes for the State.

Support and advice relating to the *Victorian Government Landholding Policy and Guidelines* should be directed to the relevant contacts as per Table 2.

Department of Treasury and Finance (DTF) coordination of FMA Standing Directions processes

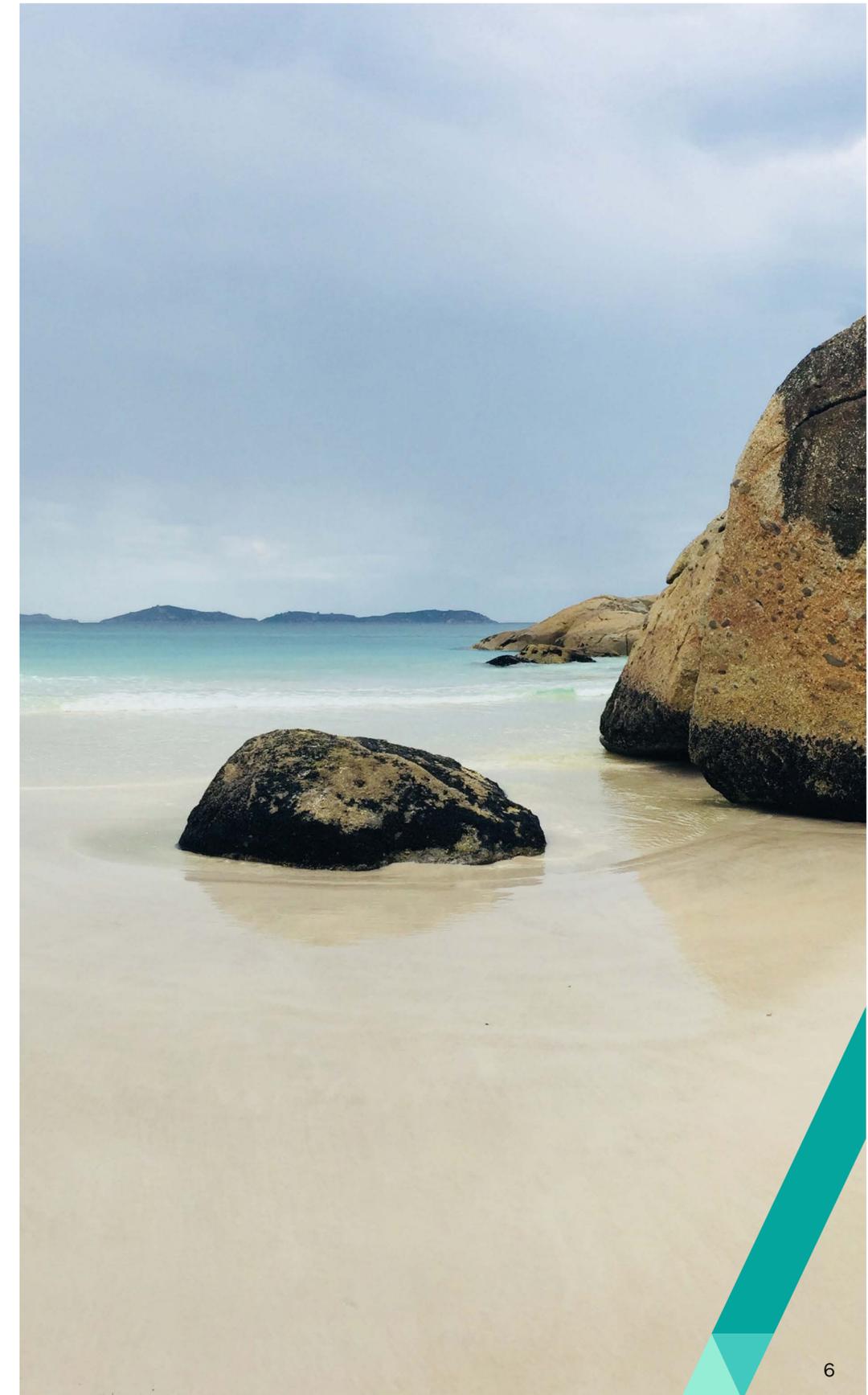
While DTP is responsible for the administration of the *Victorian Government Landholding Policy and Guidelines*, DTF is responsible for coordinating processes related to the FMA Standing Directions.

Section 1 of these Guidelines outlines the FMA Standing Directions processes by which Agencies must assess and attest their compliance with the *Victorian Government Landholding Policy and Guidelines*.

Table 2: Department of Transport and Planning contacts

PURPOSE	DTP BRANCH	CONTACT DETAILS
General Advice about this document	Landholding and Sales	GovernmentLandholdings@transport.vic.gov.au
Consulting with or notifying the Land Coordinator General	Land Coordinator General	LCG.office@transport.vic.gov.au
Referring surplus land to DTP	Landholding and Sales	governmentlandsales@transport.vic.gov.au
Submitting Landholding Reports	Landholding and Sales	GovernmentLandholdings@transport.vic.gov.au
First Right of Refusal	Government Land Advice & Assessments	fror@transport.vic.gov.au
<u>Victorian Government Land Transactions Policy</u> enquiries	Victorian Government Land Monitor	vglm.admin@transport.vic.gov.au

Further information regarding the FMA Standing Directions can be found on the [DTF website Standing Directions](#) page.



1. POLICY COMPLIANCE ASSESSMENTS AND ATTESTATIONS

Commencing in 2024-25, Responsible Bodies of all agencies subject to the Standing Directions 2018 (SDs) under the *Financial Management Act 1994* and that hold land are required to annually assess and attest their compliance with the Policy and these Guidelines as a requirement under these Standing Directions.²

Compliance assessments and reporting

Agencies must assess their compliance annually and provide a Portfolio Agency compliance report to their Portfolio Department by 15 September each year.

The report should set out compliance, including any compliance deficiencies and risks relating to the 11 Directives described in Table 3.

DTF provides annual instructions, templates and checklists to Portfolio Departments and agencies to support their assessments and reporting.

Portfolio departments must provide a portfolio compliance summary to DTF by 31 October each year.

Public Attestation

After completing the internal compliance assessment and reporting, all Responsible Bodies of relevant agencies must publicly attest to compliance with the Standing Directions and Instructions and disclose all material compliance deficiencies. The Attestation must appear in the Agency's annual report.

Further information regarding these processes can be found on the [DTF website Standing Directions](#) page.

² This does not apply to Agencies with full exemptions from the SDs

Table 3: Policy compliance directives

NO.	DIRECTIVE	
1	Agencies must only hold land if it is confirmed to meet one of the six Categories justifying its retention as described in these Guidelines	
2	Agencies must submit an up-to-date and accurate Landholding Report to DTP by 30 June each year, or as otherwise requested by the Minister for Finance or the LCG	
3	Agencies must declare land surplus to their requirements without delay if it does not currently meet one of the six Categories	
4	Agencies must consult with the Land Coordinator General before repurposing land after the previous use has ended	
5	Agencies must proactively declare land surplus as soon as it is confirmed it will cease to meet one of the six Categories in the future	
6	Agencies must refer their surplus land to the Department of Transport and Planning to facilitate its sale on their behalf unless an exemption applies	
7	Agencies exempted from Directive 6 must provide details of their completed and planned land sales to DTP	
8	Agencies must notify the LCG without delay of any land they hold that is currently (or is expected to become) surplus or underutilised	
9	Agencies must include in Cabinet submissions and Budget proposals details of any land that will need to be secured/acquired if the submission is approved	
10	Agencies must include in Cabinet submissions and Budget proposals details of any land that will become surplus as a result of the submission being approved	
11	Agencies must return the net proceeds of land sales to the Consolidated Fund after settlement of the land sale unless an exemption applies	

2. CATEGORIES FOR HOLDING LAND

Agencies must be able to justify the retention of all land they own or control, including both Freehold and Crown land under their management consistent with the purposes described in section 2(a)(i) of the Policy.



DIRECTIVE 1

Agencies must only hold land if it is confirmed to meet one of the six Categories justifying its retention as described in these Guidelines

Table 4 summarises six Categories by which an Agency may justify holding land, each with specific Criteria and requirements to confirm support and approval. In cases where an Agency cannot justify holding land based on any of the six Categories, it should declare the land surplus as soon as is practicable consistent with Directive 3.

Further detail on each Category is provided on the following pages.

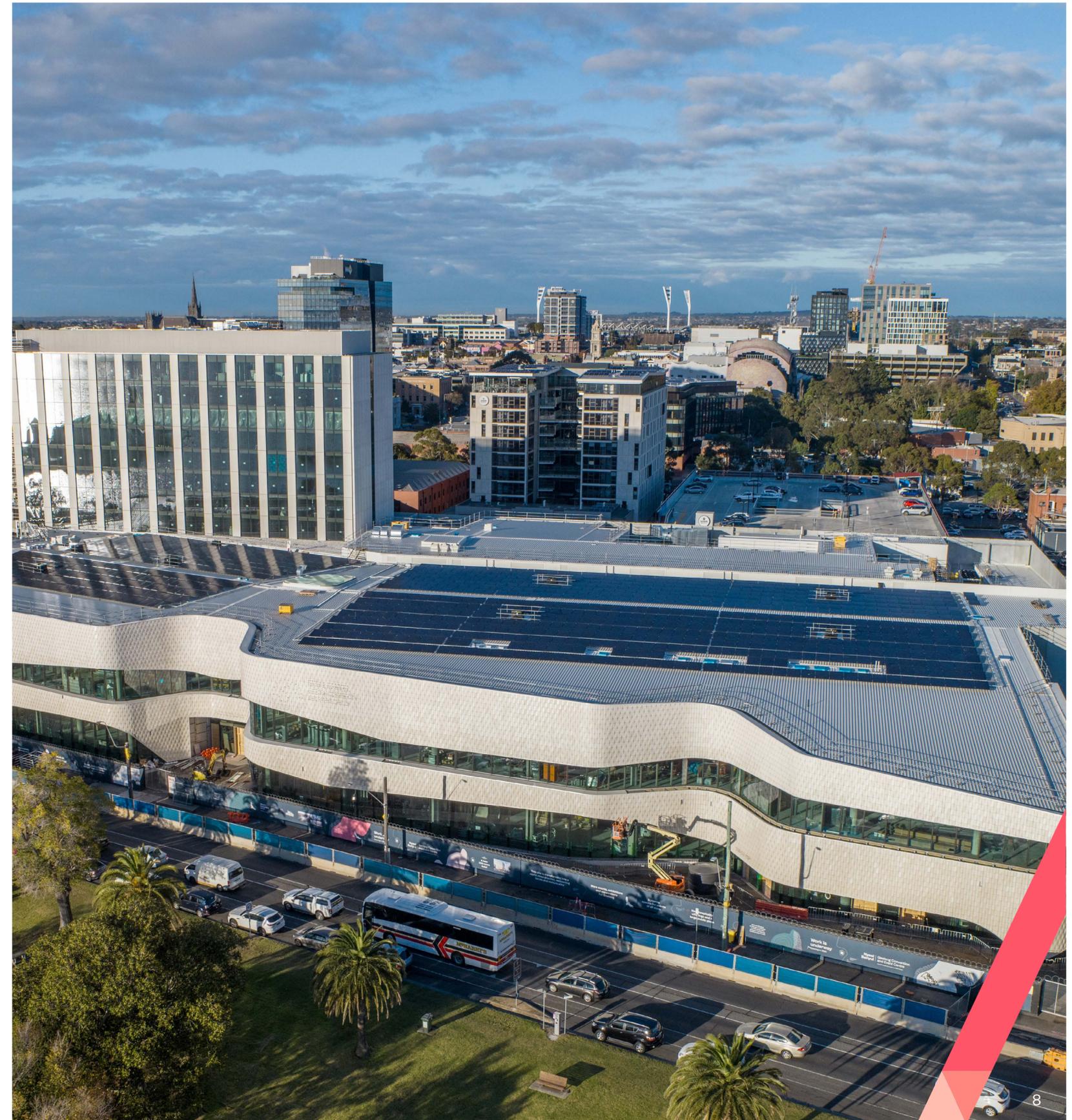


Table 4: Categories for holding land and criteria for approval

NO	CATEGORY	CRITERIA	REQUIREMENTS			
			CORPORATE PLAN ALIGNMENT	LCG CONSULTED	LANDHOLDING MINISTER ³ APPROVED	MINISTER FOR ENVIRONMENT APPROVED
1	Land is currently used for Service Delivery by the Agency	A. Service delivery and B. Cost-effective	✓			
2	Land is held for future Service Delivery by the Agency	A. Service delivery and B. Cost-effective	✓	✓	✓	
3	Land is retained as Crown land to protect public land values	A. Strategic Crown Land Assessment				✓
4	Land is not required for current or future Service Delivery by the Agency but contributes to State-supported outcomes in another way	A. Supports Agency service outcomes or B. Used by another agency for service delivery	✓	✓	✓	
5	Land is not required for current or future Service Delivery by the Agency but its retention is Financially beneficial to the State	A. Negative land value or B. Financially beneficial		✓	✓	
6	Land is not required for current or future Service Delivery by the Agency but is being held to support other government objectives	A. Site specific		✓	✓	

3. 'Landholding Minister' applies to a Minister who owns (or is acquiring) land in freehold or is responsible for Crown land; and/or the Minister responsible for an Agency that owns (or is acquiring) land in freehold or manages Crown land.

CATEGORY 1

Land is currently used for Service Delivery by the Landholding Agency

Consistent with section 2(a)(i) of the Policy, Agencies should ensure both of the following criteria apply for land held based on Category 1.

Service delivery

State ownership of land contributes directly to current service delivery outcomes expected of the Agency.

Category 1 allows for situations where the majority of the land is used for service delivery by the Agency, but where portions of the land, or parts of buildings constructed on the land, are leased to external tenants for one of the following reasons:

- **Complementary use:** the tenant supports the Agency's service delivery, for example:
 - part of a building leased to a café serving Agency staff and visitors
 - part of a hospital leased to a florist, or private health specialists.
- **Impractical to sell:** Part of the land (or part of a building) is not needed by the Agency, but it is impractical to sell it. For example:
 - one floor of a multi-level building that is otherwise used by the Agency for service delivery is leased to a private tenant
 - due to sensitive uses, buffer land is needed around an Agency facility and is licenced for grazing
 - easements prevent use of parts of the land.

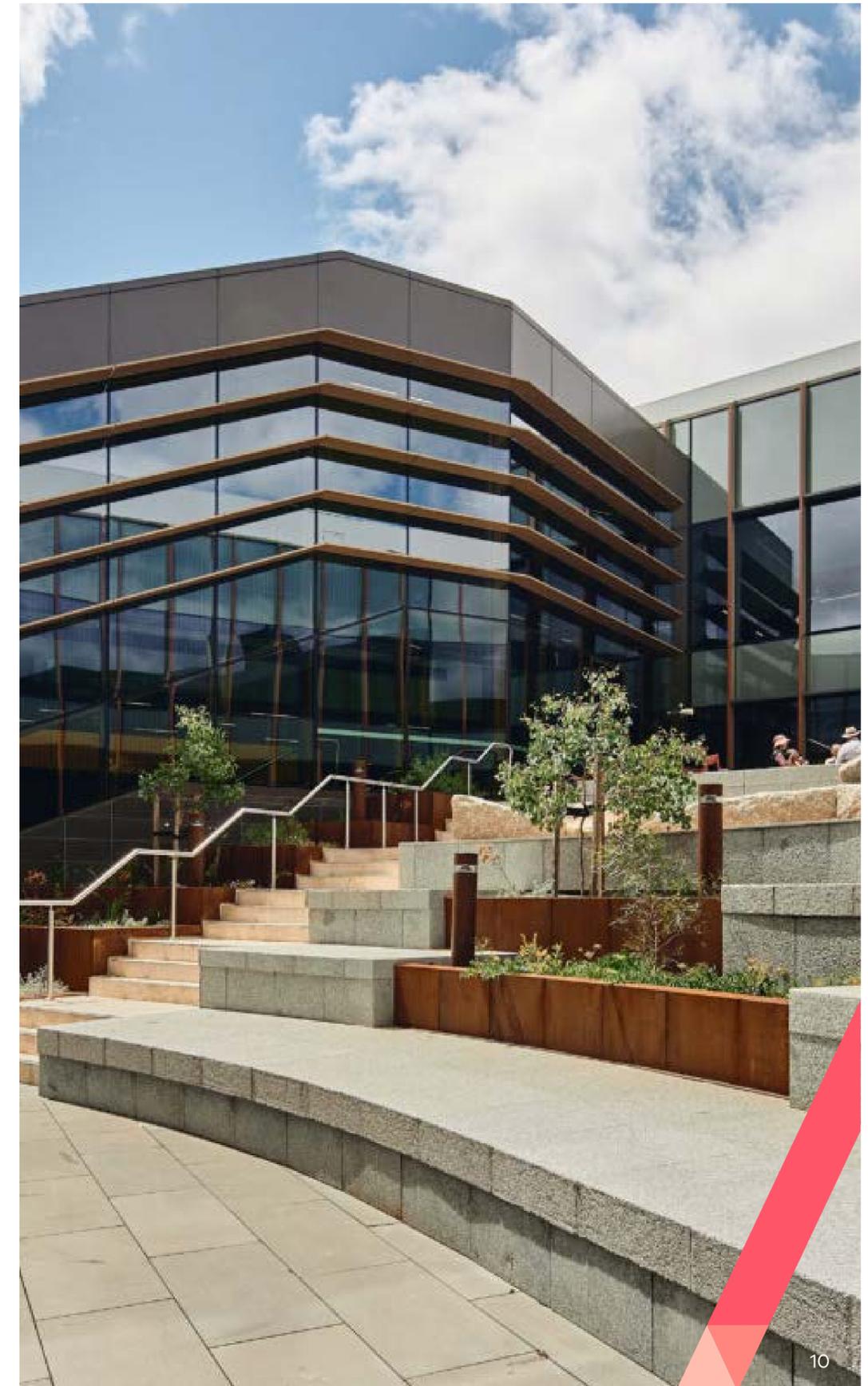
Cost-effective

The Agency should be able to demonstrate that the use of the land to deliver the services is cost effective compared to alternatives, and having determined that none of the following scenarios apply:

- **Relocating services to lower value land:** If the function which the property supports could be performed elsewhere at a lower cost without impacting negatively on service delivery. E.g. relocating storage facilities from an inner metro area to lower value land.
- **Whether the land area is greater than is needed:** Some of the land could be subdivided and released or leased/licenced for another use.
- **Consolidating services to release land:** The services could be provided within a smaller footprint, e.g. consolidating functions from two sites onto one site to enable the other to be released.

Approvals

Agencies should ensure the use of the land is endorsed by the Victorian Government as demonstrated by its inclusion in Agency corporate plans.



CATEGORY 2

Land is held for future Service Delivery by the Landholding Agency

Consistent with section 2(a)(i) and 2(a)(ii)A of the Policy, Category 2 applies to land that is not currently required for service delivery but is required for future service delivery. Agencies should ensure both of the following criteria apply for land that is held based on this Category.

Service delivery

State ownership of land contributes directly to future service delivery outcomes expected of the Agency and must be endorsed by the Victorian Government as demonstrated by inclusion in agency corporate plans.

This may include situations where:

- land subject to a Public Acquisition Overlay (PAO) has been purchased prior to the formal compulsory acquisition process, e.g. land was available for purchase and it was considered more cost effective to acquire at this time compared to a later compulsory acquisition
- where no PAO exists, but the future requirement for the land has been formally approved by the acquiring or landholding Minister and is supported by the LCG. In these situations, the Agency should be able to confirm if the proposed future use is fully funded and approved, and when the future use is expected to commence.

Cost-effective

The Agency should be able to demonstrate the following:

- **Compared to alternatives:** the future use of the land to deliver the proposed services is cost-effective compared to alternatives as described for Category 1.
- **Interim uses:** the land has been made available for interim uses, including by other Agencies, community groups, or private tenants.

Consultation and approvals

Agencies must undertake the following steps for any land to be held based on Category 2.

Consult with the LCG

Agencies should advise the LCG and consider feedback regarding:

- whether the proposed future use of the land has been approved by the relevant authority and has been fully funded.
- when and how much of the land is expected to be used for service delivery by the Agency
- whether interim land use options have been identified or considered. If an interim option has not been identified the LCG may assist the Agency to identify an interim use
- if the land is leased or proposed to be leased, whether the Agency will receive market value rent from tenants; or if the Agency receives less than market value rent, it is justified based on other benefits to the State, and where applicable, an exemption has been obtained from the *Victorian Government Land Transactions Policy* for the rent to be less than the value determined by the VGV
- for Crown land subject to the *Native Title Act 1993* or the *Traditional Owner Settlement Act 2010*, of the impact (if any) on Traditional Owner rights from the proposed future and any interim use as assessed by undertaking a Strategic Crown Land Assessment (SCLA).

Receive approval of the Landholding Minister

In seeking approval of its landholding Minister, Agencies should advise whether the LCG supports the proposed land use, and include any other relevant feedback from the LCG.



CATEGORY 3

Land must be retained as Crown land to protect public land values

Consistent with section 2(a)(ii)B of the Policy, Category 3 applies where State ownership of land is needed in order to protect public land values. Agencies should ensure the following criteria apply for land that is held based on Category 3.

Strategic Crown Land Assessment (SCLA)

A SCLA must have been undertaken in accordance with the *Victorian Government Strategic Crown Land Assessment Policy* confirming that State ownership of the land is needed in order to protect public land values, and that the land is unsuitable for divestment.

Approvals

Agencies should secure the following for any land held based on Category 3.

Minister for Environment

Under the *Victorian Government Strategic Crown Land Assessment Policy*, if a parcel of Crown land is determined to be unsuitable for divestment from the Crown estate due to its public land values, the land is to be referred to the Minister for Environment. Accordingly, retaining land for the protection of public land values **is only relevant to the Minister for Environment** and will be supported by a Ministerial decision that has been made with regard to a Strategic Crown Land Assessment.

CATEGORY 4

Land is not required for current or future service delivery by the Agency but contributes to Government-supported outcomes through use by another Agency or community organisation

Category 4 is based on section 2(a)(ii)C of the Policy, and applies to situations where land is not needed for service delivery (current or future) by the Agency; but retaining ownership and leasing part or all of the site to an external entity delivers other benefits. This may be appropriate if either of the following two criteria apply:

- **Service delivery by another Agency:** Land is held by one Agency but used by another Agency for service delivery. In these situations, advice should be sought from the LCG whether it is preferable and appropriate to sell or transfer the land to the Agency using it for service delivery.
- **Community use:** Land is leased/licenced for use by a not-for-profit entity or community group that contributes to Government supported outcomes and it is not viable to sell the land to the tenant (e.g. due to the tenant's financial constraints), including the following situations:
 - Tenant supports Agency objectives: the tenant provides services consistent with the outcomes expected of the Agency, such as a community health provider leasing land owned by the Department of Health.
 - Tenant delivers other benefits: Agencies should seek advice from the LCG in these situations to confirm that leasing the land to the tenant is preferable compared to alternatives uses of the land.

Consultation and approvals

Agencies should undertake the following steps for any land held based on Category 4.

Consult with the LCG

Agencies should advise the LCG:

- how the proposed/current use supports Government objectives
- why the proposed/current use is considered preferable to selling the land, and how this has been determined
- in the scenario that the land is used by another Agency for service delivery, confirmation from the other Agency that the service delivery and use of the land has been approved and/or funded by Government
- if the land is leased or proposed to be leased, whether the Agency will receive market value rent from Tenants; or if the Agency receives less than market value rent, it is justified based on other benefits to the State, and where applicable, an exemption has been obtained from the *Victorian Government Land Transactions Policy* for the rent to be less than the value determined by the VGV
- for Crown land subject to the *Native Title Act 1993* or the *Traditional Owner Settlement Act 2010*, of the impact (if any) on Traditional Owner rights from the proposed future and any interim use as assessed by undertaking a Strategic Crown Land Assessment (SCLA).

Receive approval of the Landholding Minister

In seeking approval of its landholding Minister, Agencies should advise whether the LCG supports the proposed land use and include any other relevant feedback from the LCG.

CATEGORY 5

Land is not required for current or future Service Delivery by the Agency but is financially beneficial to the State to retain it

Category 5 is based on section 2(a)(ii)D of the Policy and may be appropriate if either of the two criteria below are met:

- **Land has a negative market value and the Agency** and/or the State would be in a worse financial position if it was to sell the land, for example due to:
 - **Land contamination:** Land is highly contaminated and where the cost of remediation exceeds: (the market value of the land) less (the present value of future holding costs); or
 - **Land includes heritage buildings:** and the required maintenance and/or restoration costs for the buildings exceed the market value of the land.
 - **Otherwise financially beneficial to the State** in addition to 5A, there may be other circumstances where the State would be in a better financial position by retaining ownership of land that is not needed for service delivery in comparison to selling it.

For each of the above criteria, the financial benefit must be assessed from a State (rather than an Agency) perspective. For example, Agencies cannot use this Category to hold land for the purposes of investment (refer to [section 7](#) of these Guidelines).

Consultation and approvals

Agencies should undertake the following steps for any land held based on Category 5.

Consult with the LCG

Agencies should confirm:

- details of the financial assessment that supports holding the land
- how and where the financial benefit will be realised
- if the land is leased or proposed to be leased, whether the Agency will receive market value rent from Tenants; or if the Agency receives less than market value rent, it is justified based on other benefits to the State, and where applicable, an exemption has been obtained from the *Victorian Government Land Transactions Policy* for the rent to be less than the value determined by the VGV
- whether the land could be sold and the proceeds of sale returned to the Consolidated Fund
- if the land were to be sold, for Crown land subject to the *Native Title Act 1993* or the *Traditional Owner Settlement Act 2010*, whether compensation or Land Use Activity Regime liabilities would accrue.

Receive approval of the Landholding Minister

In seeking approval of its landholding Minister, Agencies should advise whether the LCG supports the proposed land use and include any other relevant feedback from the LCG.

CATEGORY 6

Land is not required for current or future Service Delivery by the Agency but is being retained to support other government objectives

Category 6 may include situations where Crown land is held because it is within an area subject to negotiations under the *Traditional Owner Settlement Act 2010 (Vic)*, and Traditional Owner consent has not been given to sell the property.

Category 6 acknowledges there may be situations that do not meet the criteria of Categories 1 to 5, but where State ownership of land is beneficial to the State.

Consultation and approvals

Agencies should undertake the following steps for any land held based on Category 6.

Consult with the LCG

Agencies should advise the LCG:

- the objective that is sought to be achieved and the expected benefit
- the portfolio in which the benefit will be realised
- The value of the land and foregone proceeds of sale
- if the land were to be sold, for Crown land subject to the *Native Title Act 1993* or the *Traditional Owner Settlement Act 2010*, whether compensation or Land Use Activity Regime liabilities would accrue.

Receive approval of the Landholding Minister

In seeking approval of its landholding Minister, Agencies should advise whether the LCG supports the proposed land use and include any other relevant feedback from the LCG.

3. AGENCIES MUST ANNUALLY REPORT ON THE UTILISATION OF THEIR LAND

Section 2(d)(i) of the Policy requires Agencies to maintain an accurate dataset of all land that it controls. Section 2(d)(ii) of the Policy requires Agencies to annually review and provide a report to DTP, including the basis on which each property is held, and identifying its utilisation status.



DIRECTIVE 2

Agencies must submit an accurate Landholding Report to DTP by 30 June each year, or as otherwise requested by the Minister for Finance or the LCG

Reports submitted by Agencies should comply with the following:

- one report should be submitted by each Agency
- reports should be emailed to GovernmentLandholdings@transport.vic.gov.au
- reports should be in Microsoft Excel format PDFs will not be accepted
- reports should include all landholdings owned or managed by the Agency
- reports should include the details in Table 5.



Table 5: Land data to be maintained and reported by Agencies

* 1 hectare = 10,000m²

DATA TYPE	DETAILS LEVEL 1	DETAILS LEVEL 2
Location	<ul style="list-style-type: none"> – Street Address, Suburb, Municipality – Standard Parcel Identifier (SPI) – Crown Allotment 	
Size	Land area (metres squared)*	
Status and ownership	Crown	<ul style="list-style-type: none"> – Crown land manager / Committee of Management – Whether the land is subject to the <i>Native Title Act 1993</i> / <i>Traditional Owner Settlement Act 2010</i>
	Freehold	<ul style="list-style-type: none"> – Owner (name on title)
Contact details	Land manager name	<ul style="list-style-type: none"> – Land manager contact email
Value	Book value	<ul style="list-style-type: none"> – Valuation date
	Market value	<ul style="list-style-type: none"> – Valuation date
Planning details	Planning zone	
	Overlays	
Category for holding land (see Section 2)	C1 – Agency use	<ul style="list-style-type: none"> – Current use details – Opportunity to improve utilisation? – Expected date current use will end
	C2 – Agency future use	<ul style="list-style-type: none"> – Future use details – When use will start – Current use details
	C3 – Crown land values	
OR		
Surplus status	C4 – Use supports Agency or used by another Agency	<ul style="list-style-type: none"> – Supports Agency – Land used by another Agency
	C5 – Financially beneficial	<ul style="list-style-type: none"> – Current use details
	C6 – Other	<ul style="list-style-type: none"> – Current use details
	No Category	<ul style="list-style-type: none"> – Date of surplus declaration – (OR) Expected date of surplus declaration
Leases or licences	Leased or Licenced or NA	<ul style="list-style-type: none"> – Leaseholder name and tenure – Peppercorn or Market rent
Physical site conditions	Buildings	<ul style="list-style-type: none"> – Building Footprint – Year of construction (estimate if unknown) – Heritage listed (Y/N)
	(OR) Vacant Land	
	Land contamination	<ul style="list-style-type: none"> – (Y/N) and details if available

Exemptions to data requirements and reporting

An exemption to paragraph 2(d)(i) and 2(d)(ii) of the Policy applies to the Department of Energy, Environment and Climate Action (DEECA) and Parks Victoria in relation to:

- Crown land managed under the *National Parks Act 1975* (national, wilderness, state and other parks and reserves), *Forests Act 1958* (State forest), *Wildlife Act 1975* (wildlife and nature reserves), *Heritage Rivers Act 1992* (heritage rivers and natural catchment areas), and *Reference Areas Act 1978* (reference areas)
- other Crown land managed as State forest, coastal reserves, nature conservation reserves and natural features reserves, including government approved land that is to be managed for environmental, conservation, cultural heritage, and other high public land values
- Crown land managed under the *Crown Land (Reserves) Act 1978* and within DEECA's portfolio including those that are managed by a Committee of Management appointed under section 14 of that Act
- Crown land in strata (e.g. verandas or balconies over government roads, underground land used for pipelines, etc.)
- regional and metropolitan parks managed by Parks Victoria.

Unreserved Crown land that is:

- bed and banks of waterways, river frontage, reservoirs, and seabed, and
- managed by another agency and not in DEECA's portfolio.

An exemption to paragraph 2(d)(ii) of the Policy may be appropriate for Agencies for certain sites where the use is sensitive, and/or where release of the data would present a risk to the Agency or the users of the site. Agencies should engage with DTP Land and Property to confirm reporting requirements in these cases.



4. WHEN AND HOW AGENCIES DECLARE LAND SURPLUS

As required under section 2(b) of the Policy, Agencies should only hold land where it is justified by one of the six Categories, and with the support and approvals described in Section 2 of these Guidelines.



DIRECTIVE 3

Agencies must declare land surplus to their requirements without delay if it does not currently meet one of the six Categories

If an Agency is holding land that does not meet one of the six Categories, it should be declared surplus to the Agency's requirements.

Agencies should undertake the following steps when declaring land surplus:

1. Obtain written approval declaring the land surplus to the Agency's needs from:
 - the legal landowner for freehold land; or
 - the Accountable Officer or responsible Minister for Crown land managed by the Agency.
2. Unless an exemption applies⁴, the land should be referred to DTP Landholding and Sales to facilitate its sale on their behalf. Refer to Section 5 for further details.

Directive 3 applies to all land, including both Crown and Freehold land. However, in the case of Crown land subject to the *Native Title Act 1993* or the *Traditional Owner Settlement Act 2010*, it is acknowledged that after declaring land surplus, there may be situations where the Crown land must be held because it is within an area subject to negotiations under the *Traditional Owner Settlement Act 2010 (VIC)*, and Traditional Owner consent has not been given to sell the property.

A surplus declaration cannot be reversed unless approval is obtained from the Minister for Finance.

⁴ Some agencies are exempted from this Directive. Please refer to section 5 of these Guidelines for further details.





DIRECTIVE 4

Agencies must consult with the Land Coordinator General before repurposing land after the previous use has ended

Directive 4 applies to situations where an Agency has relocated (or expects to relocate) services/functions that were (or are) using all or a substantial part of a site, or those services/functions have ceased (or are expected to cease), and the Agency seeks to continue to hold the land for:

- a new (or next) use, either different in nature or the same as the previous use, that has already been identified by the Agency, or
- a future use that has yet to be identified or confirmed by the Agency.

In these situations, the Agency should undertake the following actions prior to seeking approvals or commencing any activities to prepare the land for its proposed next use:

- Notify the LCG as soon as it is known that the current use of the land will end or relocate.

This will typically be well before (in some cases years before) the current use ends, and provide the following information:

- details of the intended next use of the land, when it is intended to commence, and how much of the land this next use is expected to use
- whether the intended next use of the land is Consistent with the Agencies objectives, has been approved by Government, and whether Government has provided the Agency with funding to acquire land.

Consider feedback from the LCG and ensure it is included by the Agency when seeking approval for the next use from the relevant approver (e.g. Landholding Minister, Secretary, Board).

LCG feedback may include:

- confirmation that the proposed next use of the land is consistent with one of the land ownership Categories described in these Guidelines and is supported by the LCG

- advice on whether the land could accommodate other uses in addition to the proposed next use by the Agency, e.g. through subdivision of the site or co-location with another Agency
- whether there is an urgent need for the land by another Agency that Government wishes to consider alongside the Agency's proposed next use
- options for the Agency to use alternative land within the Government estate that may be better suited to the proposed next use by the Agency, or result in a better overall outcome for the State
- in situations where the proposed next use of the land is not expected to commence for many years, whether there are interim uses that could deliver benefits to the State without impacting the proposed next use by the Agency.
- in situations where the Government has provided land acquisition funding that will no longer be needed, steps required by the Agency to return these funds
- whether the impact (if any) on Traditional Owner rights (including consideration of whether the land is subject to section 47B and the future acts regime under the *Native Title Act 1993* (Cth) and any related financial implications for the State/Agency.

Update the Agency's landholding dataset as follows:

- if the use has not yet ended, it should remain as a Category 1 site, and the date that the use is expected to end should be included. If the date is yet to be confirmed, an estimate should be included
- if the land use has ended, it should be changed to a Category 2 site and details included on the nature and expected timing of the intended next use and details of any expected interim uses.

This Directive applies to both freehold and Crown land, including:

- Land proposed to be repurposed by the Agency for another use by the same Agency
- Land proposed to be repurposed by the Agency for use by another Agency without transacting the land, including where the land is Crown land it is proposed to change the Crown land Administrator to another Agency.

This Directive is not intended to apply to minor changes in the use of a site, e.g. extending a building, adding an additional building.

Agencies should seek advice from the LCG if they are unsure whether a proposed repurposing of land meets the threshold for this Directive.



DIRECTIVE 5

Agencies must proactively declare land surplus once it is confirmed it will cease to meet one of the six Categories in the future

Directive 5 is similar to Directive 3 but relates to situations where land is currently being used for a purpose consistent with one of the six Categories, but it has been confirmed that use will end in the future.

Directive 5 acknowledges it can often take considerable time to prepare surplus land for another use, particularly where the land needs to be rezoned or there is contamination.

To limit both the length of time land is underutilised and associated management costs, agencies must declare the land surplus immediately upon becoming aware that its current use of the land will end, before the current use ends. Awareness may be triggered by, for example:

- a new project being approved/funded that will result in the current activities moving from the land to another site in the future. e.g. funding has been approved for the development of a facility at a new site that will replace an existing facility
- it is known that the current project/service/program for which the land is currently being used will sunset/end in the future.

5. CENTRAL COORDINATION OF SURPLUS GOVERNMENT LAND SALES

To improve consistency of implementation and central oversight of government land sales:

- all Agencies must refer their surplus land to DTP Landholding and Sales to centrally facilitate its sale unless an exemption applies (see below) and
- agencies exempted from the above must coordinate with and report the status of their land sales to DTP Land and Property.



DIRECTIVE 6

Agencies must refer their surplus land to the Department of Transport and Planning to facilitate its sale on their behalf unless an exemption applies



How to refer surplus land to DTP

In referring surplus land to DTP for sale, Agencies should:

1. Email DTP via governmentlandsales@transport.vic.gov.au providing details of the surplus land and including confirmation the land has been declared surplus by its legal owner (for freehold land) or Landholding Minister (for Crown land).
2. Provide any existing information relating to the Category of the land, such as contamination and encumbrances.
3. Continue to manage and maintain the land until it has sold and settled.

DTP Landholding and Sales will undertake all necessary steps to progress the site for sale, including, where required:

- engaging with DEECA to undertake a Strategic Crown land Assessment (for Crown land) including to consider whether the sale will impact Traditional Owner rights and/or engage the Native Title Act's future acts regime or a Land Use Activity Agreement under the *Traditional Owner Settlement Act 2010*
- listing the site on the First Right of Refusal (FROR) Process via GovMap and negotiating with agencies that express an interest
- engaging with the LCG to determine potential future uses that support the objectives of Government
- coordinating applications for planning scheme amendments if needed
- any due diligence including land contamination status
- engaging the Surveyor General Victoria for any necessary survey work
- coordinating valuations from the Valuer-General Victoria
- engaging relevant professional services to facilitate the sale. Engaging and seeking approval of the Victorian Government Land Monitor
- providing updates and advice to, and liaising with, the Agency until the sale is completed.

Note: some land sales will not require all of these steps.

Exemptions from Directive 6

The following Agencies are exempted from Directive 6:

- Universities
- Homes Victoria
- Development Victoria
- Melbourne Water
- Trust for Nature
- VicTrack
- DEECA for the sale of Crown land valued at less than \$250,000
- Where DTP has confirmed delegation to another Agency.

Despite the exemption, Agencies exempted from Directive 6:

- May voluntarily elect to refer land to DTP to facilitate its sale on their behalf
- Must comply with Directive 7.

Note: Regardless of which Agency is facilitating the sale, land sales must be conducted in accordance with the Victorian Government Land Transactions Policy.



DIRECTIVE 7

Agencies exempted from Directive 6 must provide details of their completed and planned land sales to DTP in February and September each year

Agencies exempted from Directive 6 should provide details of their completed and expected land sales to DTP by 1st February and 1st September each year to provide central oversight and coordination of all government land sales and inform financial estimates and reporting.



6. WHEN TO NOTIFY THE LAND COORDINATOR GENERAL

Established in 2023, the LCG sits within DTP and provides a clear and single-entry point into government, to coordinate land functions and support land needs of significant projects across departments.

The LCG will review landholding reports submitted by Agencies (see section 3 of these Guidelines) to identify opportunities to deliver greater value from government landholdings.



DIRECTIVE 8

Agencies must notify the LCG without delay of any land they hold that is currently (or is expected to become) surplus or underutilised

The LCG can provide guidance and support for Agencies, including in relation to seeking approvals to hold land under certain Categories described in section 2. To ensure the LCG is engaged early in the process, Agencies should notify the LCG as soon as possible in any of the following situations:

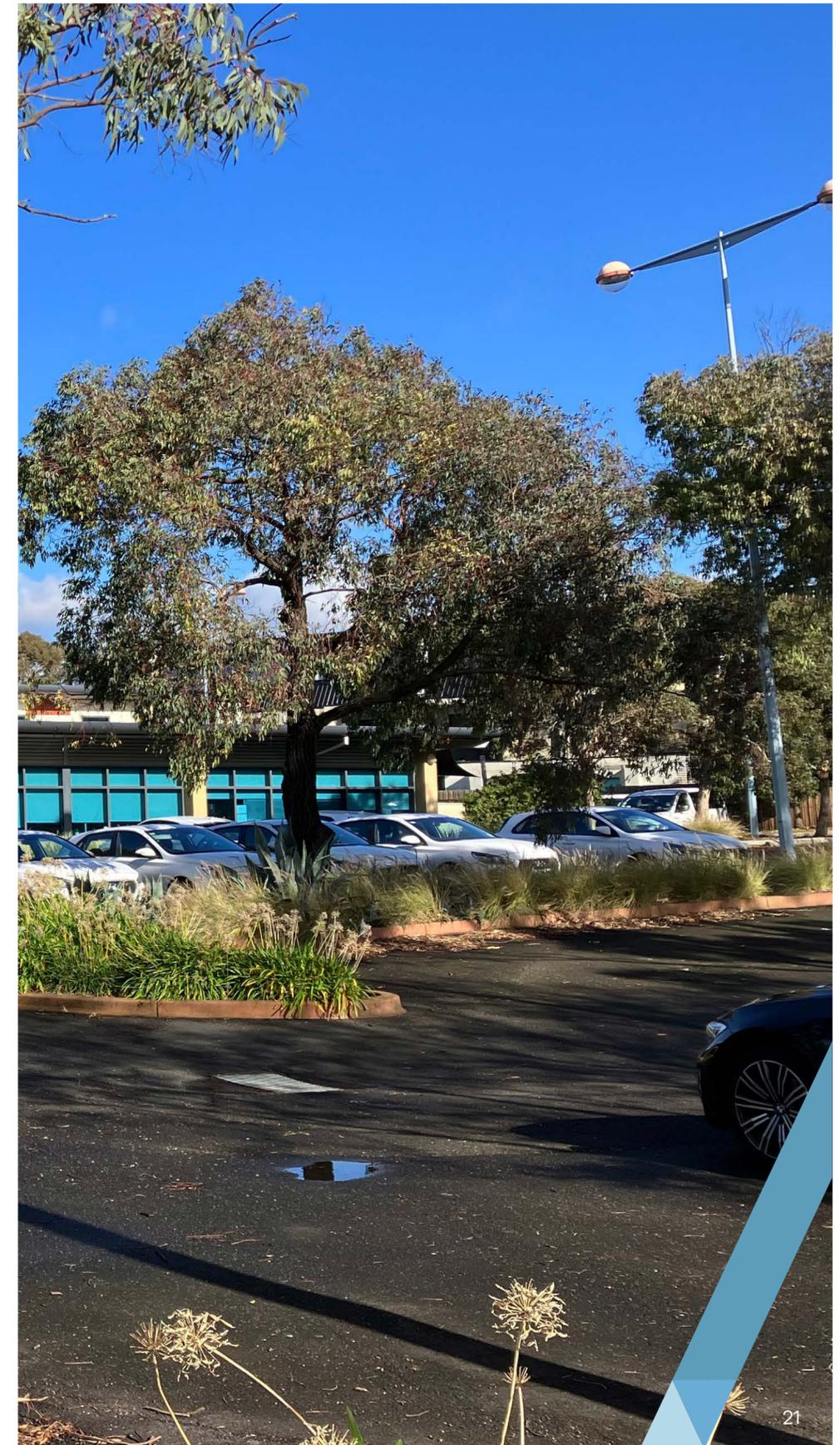
- when land is declared surplus by the Agency
- when it is identified that land is not being used by the Agency for a purpose consistent with one of the six Categories, and a future use of the land by the Agency has not been approved or funded, but it is yet to be declared surplus by the Agency
- when land is being used by the Agency for a purpose consistent with one of the six Categories, but it has been identified that the current use will cease in the future
- if an Agency wishes to repurpose land for an alternative use by that Agency.

When an Agency is aware of land that is (or could be considered) underutilised, including but not limited to scenarios where:

- the land area is greater than is needed for its current use and there is potential for an alternative government or other uses on the balance of the land; or
- the current use is considered 'not cost-effective' compared to its potential use. For example, using a site for storage in an inner metro area where the planning scheme allows a higher value use.

The LCG will provide advice on appropriate actions for the Agency depending on the situation.

The LCG can be contacted via LCG.office@transport.vic.gov.au



7. LAND INFORMATION TO INCLUDE IN SUBMISSIONS TO GOVERNMENT

Government decision-making processes require accurate information regarding land transactions, as described below.



DIRECTIVE 9

Agencies must include in Cabinet submissions and funding proposals details of any land that will need to be secured/acquired if the submission is approved

Reasonable estimates on the likely value and timing to acquire land will be important to ensure sufficient funding is provided and the acquisition can be completed within project milestones.

Estimates of the cost to acquire land:

- should be based on a valuation (or estimate) provided by the Valuer-General Victoria (VGV), noting these are for internal purposes informing the Government decision-making process
- may at times be required prior to suitable land being identified, in which case a VGV valuation or estimate will not be possible. In these circumstances, estimates should be based on market data for land of a similar size, location and zoning, and with a contingency
- include a contingency to account for potential increases in value prior to acquisition
- where it is proposed to acquire, develop or use Crown land, it should include estimated costs associated with impacts on native title (if any) or under a Land Use Activity Agreement.

Cabinet submissions should also advise whether:

- the land is already identified and set aside for the proposed use (e.g. under a Public Acquisition Overlay)
- several site options have been identified
- no land has been identified.

In situations where the Agency intends to acquire or use Crown land, estimates of timelines should account for any agreements required, or other procedural rights that need to be provided to Traditional Owners under the Native Title Act's future acts regime or a Land Use Activity Agreement under the *Traditional Owner Settlement Act 2010*.

When developing submissions to Government, Agencies may consult DTP Landholding and Sales to review cost estimates and timelines.





DIRECTIVE 10

Agencies must include in Cabinet submissions and funding proposals details of any land that will become surplus as a result of the submission being approved

Agency submissions to Government to fund new infrastructure projects often result in other land becoming surplus to the Agency's needs.

In submissions of this nature, Agencies should include the estimated future land sales proceeds as an offset in the Capital funding section of the Submission's Financial tables, noting:

- the estimated value should reflect the sale value of the site, e.g. based on a recent VGV market value
- for Crown land subject to the *Native Title Act 1993* or a Land Use Activity Agreement under the *Traditional Owner Settlement Act 2010*, the estimated sale value should identify (and deduct) the estimated value of compensation liabilities or community benefits payments to Traditional Owner corporations
- the sale proceeds should be included in the financial year that the land is expected to settle
- agencies should contact DTP Landholding and Sales for advice on the estimated sale value and timing.



8. PROCEEDS OF LAND SALES ARE RETURNED TO THE CONSOLIDATED FUND

The net proceeds of all government land sales (i.e. the gross proceeds less any costs of sale) must be returned to the Consolidated Fund after settlement.



DIRECTIVE 11

Agencies must return the net proceeds of land sales to the Consolidated Fund after settlement of the land sale

'Net proceeds of land sales' refers to the gross proceeds of the sale less any costs incurred in the process of selling the land, which may include:

- costs associated with due diligence, preparation and sale, such as the processes listed in [section 5](#)
- in situations where an Agency is seeking to improve utilisation by consolidating services onto a smaller footprint of the land, or consolidating services from two sites onto one site, costs associated with relocating the services to enable the sale
- for the sale of Crown land subject to the *Native Title Act 1993* or a Land Use Activity Agreement under the *Traditional Owner Settlement Act 2010*, compensation or community benefits payments to Traditional Owner corporations may be made from the gross proceeds of sale.

This Directive applies to all land (Crown and freehold) that was owned or managed by any Agency prior to sale, unless an approved exemption exists, consistent with the six possible exemptions described below.

Exemptions

- Prevented by legislation (standing exemption) – prevented by legislation: this applies to Agencies required under legislation to retain the proceeds of their land sales. For the avoidance of doubt:
 - this standing exemption only applies where legislation explicitly prevents the land sales proceeds from being returned to the Consolidated Fund.
 - this standing exemption does not apply to legislation that allows an Agency to retain the proceeds of sale but does not explicitly require it.
- Universities (standing exemption): Proceeds of land held in freehold title by universities is not required to be returned to the Consolidated Fund.
- Cabinet approved exemption: this applies where Cabinet has approved an Agency retaining the proceeds of specific land sales.
 - Agencies should seek advice from DTP Landholding and Sales regarding this option.
- Treasurer general exemption: The Treasurer has approved the retention of sale proceeds pursuant to section 29 of the *Financial Management Act 1994*.
- Treasurer PNFC exemption: this applies where the Agency is a Public Non-Financial Corporation (PNFC), and the Treasurer has approved on advice from DTF that it should retain some or all of the proceeds of specific land sales.
 - Agencies should contact DTF Shareholder Advice prior to seeking this exemption.
- Minister for Finance exemption: this applies where it can be demonstrated by an Agency, and is approved by the Minister for Finance that:

- a property was directly obtained through philanthropy, charitable donations, bequests, gifting or fundraising activities and it is evident the donor wished the benefits/value of the property to be applied to specific outcomes that require the Agency to retain the sales proceeds; or
- land within a project or program needs to be replaced and it is proposed that funds from the sale of the land be allocated towards the purchase of alternative land. This could be part of the relocation of services from an old building to a new building, or where land is deemed unsuitable for its planned use and needs to be replaced.

Advice on how to return land sales proceeds to the Consolidated fund

Agencies should seek advice from their portfolio Department or DTF regarding the timing and manner in which to return land sales proceeds to the Consolidated Fund.

9. FIRST RIGHT OF REFUSAL (FROR) PROCESS

As per Section 2(c) of the Policy, upon declaring land surplus to their requirements, Agencies are to give notice of the surplus land to other Victorian Government agencies, Commonwealth Government agencies, the local government authority (LGA) in which the land is located, and the Registered Aboriginal Party (RAP) appointed to the area in which the land is located.

FROR notifications are managed by DTP Land and Property, and the typical process to list surplus government land is via the GovMap website. Agencies should contact fror@transport.vic.gov.au for advice on how to use GovMap, or if another manner of notification is required (e.g. email).



60 days for expressions of interest

From the date of notification, all other Victorian Government Agencies, the relevant LGA, the Commonwealth Government, and the relevant RAP will have a period of 60 days in which to submit an expression of interest to acquire the surplus land.

- Victorian Government Agencies expressing their interest should ensure they have (or expect to obtain in the near future) the relevant approval to acquire and hold the land consistent with one of the six Categories described in these Guidelines
- local government authorities may wish to use this notification to consider whether there is a suitable community use for the surplus government land.

If an expression of interest is not received within 60 days, the Agency responsible for facilitating the sale may proceed to dispose of the surplus land in accordance with the Victorian Government Land Transactions Policy.

30 days to negotiate a sale

If an expression of interest is received within 60 days, the parties are required to negotiate in good faith to attempt to agree on the terms of sale within 30 days after the close of the expression of interest period (or such other period as may be agreed between the parties).

If the terms of sale are agreed between the parties, transfer of the surplus land may proceed in accordance with the Victorian Government Land Transactions Policy.

If the terms of sale are not agreed between the parties within 30 days, but one of the following situations applies, the Agency responsible for facilitating the sale should provide additional time:

- agreement is expected, e.g. the Agency, LGA or RAP has received approvals to purchase the land but some processes need to be concluded, such as VGV valuations
- the Agency, LGA or RAP that has expressed an interest is in the process of seeking approval to purchase the land and seeks an extension of a reasonable timeframe to accommodate the approval process.

If the sale does not proceed, the Agency responsible for facilitating the sale may proceed to dispose of the surplus land in accordance with the Victorian Government Land Transactions Policy.

Multiple expressions of interest

If more than one expression of interest is received in respect of surplus land, expressions of interest by Victorian Government agencies will take precedence over other expressions of interest.

If multiple expressions are received and the competing interests cannot be resolved between the parties, the matter will be escalated to the LCG or the Minister for Finance for advice on how to proceed, taking into account the following:

- **Colocation opportunities:** Whether multiple parties could use the land, e.g. by subdividing and selling parts of the site to separate purchasers.
- **Public benefit:** The degree of public benefit offered under each of the proposed land uses. Public benefit would be determined in a manner consistent with its definition under the *Victorian Government Land Use Policy*.
- **Criticality of the site:** Where similar public benefit outcomes are expected under proposals from multiple parties, the relative importance of the location or other characteristics of the land to each may be considered. E.g. if one proposal involved a land use that was dependent on the location or other unique characteristics of the subject land, it may be prioritised over another proposal that is likely to be able to purchase and use alternative land.
- **Readiness to purchase:** Parties that have approval and budget in place to purchase, develop and/or use the site may be prioritised over those that don't.
- **Timeliness of use:** A party that intends to immediately commence development/use of the site may be prioritised over another party that does not intend to use the site for many years.

Sale to local government for a community use

If a local government authority expresses an interest via FROR to acquire land for a community purpose, the Minister for Finance may at his discretion approve the sale at a price less than the current market value of the land as per Exemption 3 of the *Victorian Government Land Transactions Policy*. In practice, this typically involves a restriction being applied to the land title that limits its use to the specific community purpose, and the land being sold at a price determined by the Valuer-General Victoria that takes account of the title restriction.

FROR should be undertaken within two years of a planned sale

If FROR has been undertaken on land but it ended more than two years before the planned sale date, the Agency facilitating the sale should seek direction from DTP Landholding and Sales or the LCG to confirm whether FROR should be undertaken again.

Exemptions to FROR

A Standing Exemption to paragraph 2(c) of the Policy (i.e. the FROR Process) applies to:

- the sale of residential properties owned or otherwise controlled by Homes Victoria that:
 - are valued at less than \$2 million as assessed by the Valuer-General Victoria; and
 - comprise an area of less than 2,000 m².
- the sale of land that has been developed (or is being sold under development agreements) by Development Victoria.

Further FROR exemptions may be approved on a case-by-case basis by the Director, DTP Landholding and Sales under delegation from the Minister for Finance in the following circumstances:

- the land can only be sold to an adjoining owner or where the relevant planning scheme does not support development of the land in its own right (e.g. land locked parcels, water easements or channel reserves)
- title anomalies and resolution of structural encroachment on government land
- declared government policy (endorsed by Cabinet or a Committee of Cabinet) applies
- cabinet or a Committee of Cabinet has approved an exemption
- where Cabinet, a Committee of Cabinet or the Minister for Planning has approved terms in a lease that include an option to purchase, or if legislation expressly allows an agency to grant a lease with an option to purchase
- occupiers with specific connections to the land (i.e. where significant improvements have been built on the land or if the land is reserved in accordance with the *Crown Land (Reserves) Act 1978* and the occupier could continue occupation of the site in perpetuity
- sales between two Victorian government agencies.

10. SUMMARY OF EXEMPTIONS

Cabinet or a committee of Cabinet may approve an exemption to any or all the requirements contained in the Policy.

Universities are exempted from the Directives described in these Guidelines but are otherwise required to comply with the Policy, including FROR requirements.

Other exemptions relevant to specific sections of the Policy and these Guidelines are described in the relevant sections of these Guidelines, including:

- exemptions to data requirements and reporting – see [Section 3](#)
- exemptions to the requirement to refer surplus land to DTP for sale (Directive 6) – see [Section 5](#)
- exemptions to the requirement to return land sales proceeds to the Consolidated Fund (Directive 11) – see [Section 8](#)
- exemptions to the First Right of Refusal (FROR) Process – see [Section 9](#).



GLOSSARY

Agency

Has the same meaning as Victorian government agency, as defined below.

Crown land

'Crown land' means land that has not been alienated from the Crown (i.e. not 'freehold land') and comprises:

- Unreserved Crown land
- Reserved land or land set aside permanently in accordance with legislation including the *Crown Land (Reserves) Act 1978*, *Forests Act 1958*, and *National Parks Act 1975*, and
- Crown leasehold land (land subject to a lease granted under the *Land Act 1958*).

Land

Is the physical land and fixtures attached to the land, including all things that are a natural part of the land such as trees and minerals and all things that are attached to land such as buildings and improvements on the land.

Landholding Minister

Is the Minister who:

- in the case of freehold land, owns (or is acquiring) the land; or is responsible for the agency or statutory authority that owns (or is acquiring) the land
- in the case of Crown land, Is the minister responsible for the Crown land as determined under the General Orders; or Is responsible for the agency or statutory authority that manages the land.

Public or community purpose

In the context of the First Right of Refusal process and where doubt exists as to whether a proposed purpose is a public purpose, the proposed purpose will be determined to be a public purpose or not at the discretion of the landholding Minister.

Purchase

An arrangement in which a Victorian government agency agrees to receive a land transfer from another party or an interest in land.

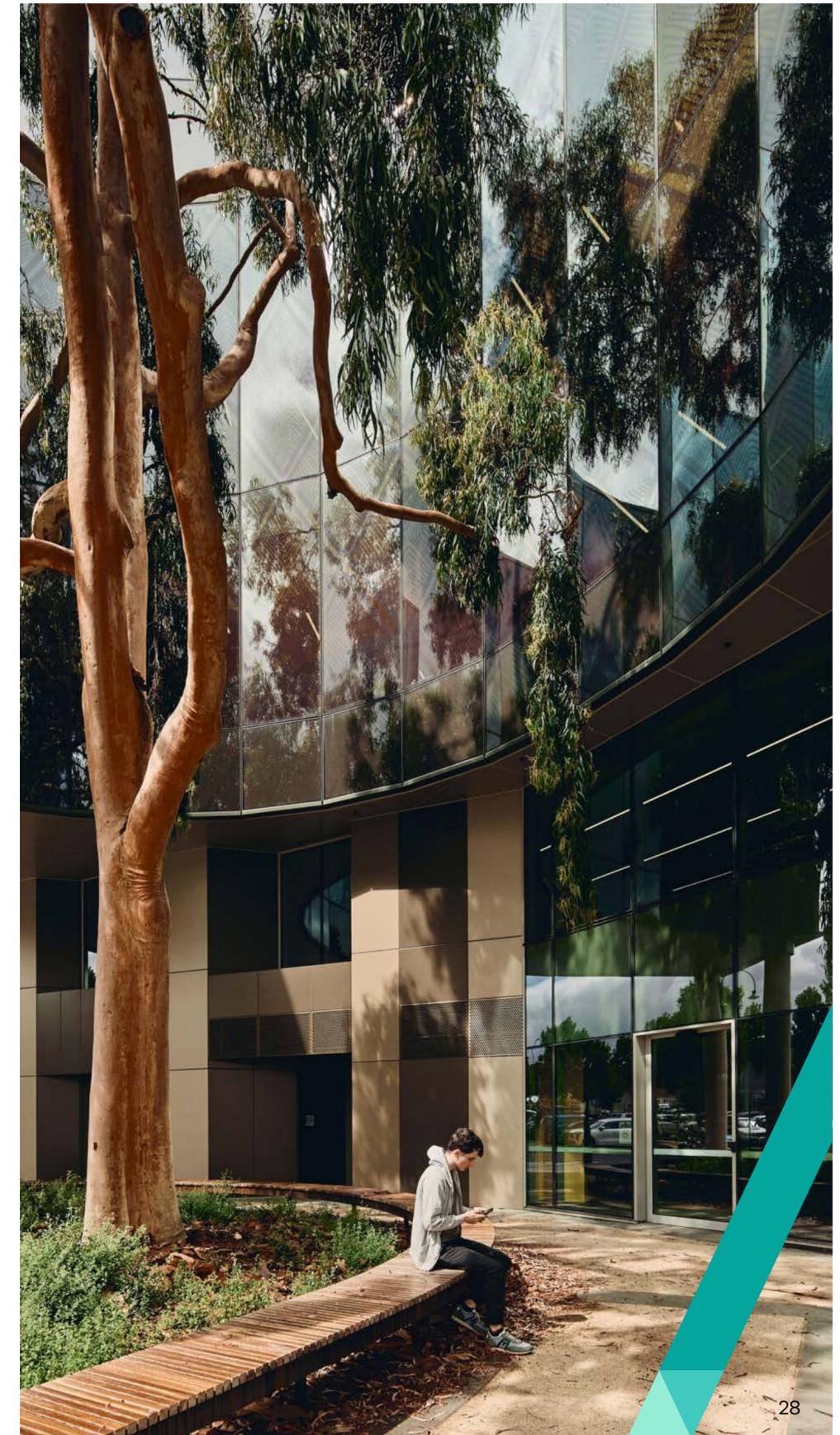
Registered Aboriginal Party

Registered Aboriginal Parties (RAPs) are corporations appointed by the Victorian Aboriginal Heritage Council to protect and manage Aboriginal cultural heritage within their appointed areas. RAP responsibilities apply to all land and waters in a RAP's appointed area.

Victorian government agency

All Victorian Government departments, public statutory authorities and any legal entity which is established under State legislation for a purpose of the State (including those independent of government control) along with companies in which the State has an interest and any organisation, other than a council, which requires statutory authorisation and/or ministerial approval, especially where public funds are involved in a land transaction.

To avoid doubt, 'Victorian government agencies' does not include local councils or Commonwealth government agencies.





Department
of Transport
and Planning

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