

Renewable Energy

Getting it to our power-points

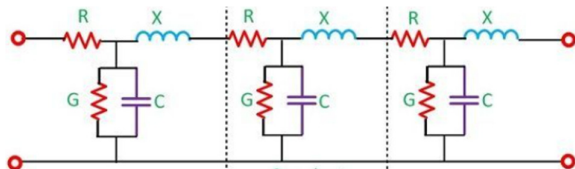
As we shift from coal and oil to renewables, we find wind farms and solar panel farms appearing across the Victorian countryside. And so we need new transmission lines.

Where they traverse private land, they will need an *easement*. Landholders will retain ownership but face restrictions on building and farming, for which they will be appropriately compensated. You can read all about it on the [VicGrid website](#).

But can there be easements over public land? New transmission lines will certainly traverse roads, rivers, parks and reserves. Some of the consents needed will be the same as for private land, but what about the basic right to occupy the land?

Here at The Public Land Consultancy we have addressed that question on behalf of various clients.

The [Pacific Blue](#) wind farm at Crowlands in Pyrenees Shire is mainly on private freehold land, traversed by government road reserves. Pacific Blue knew that they couldn't just build a turbine on such a road, but what if their windmill blades intrude into the airspace above it? Yes, we reassured them: that can indeed be authorised.



[Avenis Energy](#) are building a large battery energy storage facility at Grahamvale near Shepparton. It will be on private freehold, but the cables connecting it to the grid will cross under various road reserves, and a major irrigation channel.

Here is a curiosity: government road reserves are implied easements in favour of all utilities, whether they are public sector or not. Post 1988 subdivisional road reserves, however, are implied easements in favour of public authorities only, not private sector utilities. Well, that's better than pre-1988 subdivisional road reserves, which may not be easements in favour of anybody.

The mining company [VHM Limited](#) is about to start extracting rare earths and mineral sands from a site at Goschen in Gannawarra Shire. The operation requires fresh water to be piped in and wastewater to be discharged – along government road reserves.

Our advice: even though there is already a blanket consent for such infrastructure, your project would warrant its own site-specific authorisation. Just to make this one a little more complex, it needs a Cultural Management Heritage Plan (CHMP) under the *Aboriginal Heritage Act 2006* and, since the water source is a Ramsar-listed wetland, Commonwealth consent under the *Environment Protection and Biodiversity Conservation Act 1999*.

Overall, we have to say that statutory provisions for easements over public land can best be described as hit and miss.

We have a *Pipelines Act 2005*, but it relates only to hydrocarbons. The *Forests Act 1958* and the *National Parks Act 1975* each allow electricity line easements to be negotiated, but there is no detail. In the *Crown Land (Reserves) Act 1978* we find that licences for some secondary purpose (like powerlines) may be superimposed over a reservation for some other primary purpose (say recreation), but such licences have a set duration, and cannot really be used as quasi-easements.

In 2010 the Victorian Law Reform Commission put together a substantial report on [Easements and Covenants](#), but it looked only at private freehold land. Time for a new reference to the VLRC, Mr Attorney-General ! ■

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Our courses can be
Tailor Made

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Incorporated Committees
Conditional Crown Grants

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Forthcoming Training Course
presentations



Usually, our training courses are 'off the rack', but we can stitch something special together for clients with specific needs.

For Councillors and senior staff in City of Horsham we did a special '**Native Title and Aboriginal Heritage**' course, focussing on that Council's relationship with the Barengi Gadjin traditional owners.

For Glen Eira Council, we put together a special version of our '**Roads Governance**' course – focussing on the information needs of council staff at the public interface.

For Victorian Infrastructure Development Authority (VIDA) we modified our standard course '**Working with Owners Corporations**' to assist their urban land acquisition program.

For Bellarine Bayside Committee of Management, we ran our '**Coastal Land Management**' course on-site, including an explanation of the rather odd regime relating to roads within their Crown land reserve.

For Wangaratta and neighbouring Councils in North-East Victoria we assembled a '**Roads Governance**' course which generated some great round-the-table knowledge-sharing.

For the Level Crossing Removal Project (LXRP) we put together a special '**Restrictions on Title**' training package.

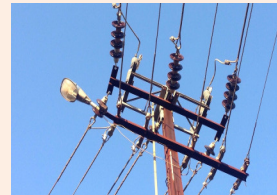
Can we measure you up for a bespoke garment ?

Lunchtime Conversations

Join us on the second Tuesday of the Month for a 1-hour Lunchtime Conversation on some topic related to public land



In November 2025 we discussed half a dozen court cases which had, in one way or another, clarified our understanding of public land law



In March 2026 we took a look at the deficiencies of the law relating to easements on public land



In August 2025 we looked at heritage sites such as HMVS Cerberus, off the coast of Sandringham.

The Public Land Consultancy acknowledges that our core work relates to the lands of Victoria's Traditional Owners. We promote recognition of Indigenous rights through study, policy and the law.

Q Is a Crown Land Committee an
& Incorporated Association?

A *Question asked at a recent workshop*

Whether we're talking about clubs, or companies, or public sector agencies, the benefits of incorporation should be well known – but misunderstandings seem to persist. One such misunderstanding manifests as the question being addressed here.

Incorporation may occur by various means. Some public land user groups are corporate entities before they become public land tenants or managers. These might include companies (incorporated under the Commonwealth corporations code) or municipal councils (incorporated under the Local Government Act). So it is with clubs and societies created under the *Associations Incorporation Reform Act 2012*.

Some of these corporate entities may become committees of management of Crown land. Their own charter must allow them to do so, and they must meet the criteria set out in section 14(4) of the *Crown Land (Reserves) Act 1978*.

A clear feature of these criteria is that the entity must be established for 'public purpose' – rather than for the narrow purposes of benefiting its own membership. Thus, in our opinion, the local footy club, the Scouts, and the YMCA can't become committees of management of Crown land: worthy causes though they may be, they must occupy and use the local reserve as tenants.

Then we come to 'local' committees of management – bodies consisting of three or more persons, and initially unincorporated. They may incorporate under the CL(R)Act itself – as provided for in section 14A.

This Act allows the appointment of (amongst others) "any board, committee, commission, trust or other body corporate or unincorporate established by or under any Act for any public purpose." Curiously, the list includes bodies 'unincorporate' – but this is surely just a hangover from earlier times.

So – to get back to the question – an incorporated Crown Land Committee of Management is not an Incorporated Association – but an Incorporated Association may become a Committee of Management. ■

Q What is a
& Conditional Crown Grant?

A *Question asked by a developer hoping to buy cheap Crown land*

A Crown grant is the instrument which converts Crown land to freehold. It is not a contract – there is only one signature at the bottom, and that's the signature of the Governor in Council.

On the face of it, the dealing is a unilateral grant, but in reality it's a sale between two parties – the Crown as vendor and some purchaser. Grants are issued under the *Land Act 1958*, although subsequent dealings will occur under the *Transfer of Land Act 1958*.

All Crown grants contain conditions – but some are more conditional than others. A typical handwritten 19th Century grant includes phrases such as...

Reserving and excepting nevertheless unto us our heirs and successors all gold and silver and auriferous and argentiferous earth or stone ...

Conditions in grants were also an early attempt to shape the uses to which land would be put – in other words, an early attempt at land use planning. The South Melbourne market site was granted to the Borough of Emerald Hill on condition that:-

...the said land hereby granted and the buildings for the time being thereon shall be at all times hereafter maintained and used as and for a General Market, and public buildings and offices and conveniences connected therewith... and for no other purpose whatsoever.

So – why is a 21st Century developer interested in this very old-fashioned form of instrument? Because the more restrictive the condition, the lower the valuation. It's a device for buying Crown land on the cheap – but there's a catch.



Unlike a covenant on title, or a planning scheme zoning, the condition can't be lifted by a court or a council. Treasury and Finance will remove the condition only on payment of the remainder of the full purchase valuation. ■

Readers of *Terra Publica* should not act on the basis of its contents which are not legal advice, are of a general nature, capable of misinterpretation and not applicable in inappropriate cases. If required, we can obtain formal legal advice from one of our legal associates

Professional Development, April-July 2026

NOTE: some presentations are 3 sessions, each of 2 hours duration;
others are 2 sessions, each of 3 hours duration

	Coastal Land Management <i>Presenter: Richard O'Byrne</i>	Tues 14 April, 10am – 12pm Wed 15 April, 10am – 12pm Thurs 16 April, 10am – 12pm
	Leases and Licences of Public Land <i>Presenter: Richard O'Byrne</i>	Tues 21 April, 10am – 12pm Wed 22 April, 10am – 12pm Thurs 23 April, 10am – 12pm
	Roads Governance <i>Presenter: David Gabriel-Jones</i>	Tues 28 April, 10am – 12pm Wed 29 April, 10am – 12pm Thurs 30 April, 10am – 12pm
	Crown Land Governance <i>Presenter: David Gabriel-Jones</i>	Tues 12 May, 10am – 12pm Wed 13 May, 10am – 12pm Thurs 14 May, 10am – 12pm
	Property Law and Planning <i>Presenter: Lydia Eastwood</i>	Tues 12 May, 10am – 1pm Wed 13 May, 10am – 1pm
	The Law relating to Vegetation <i>Presenter: Matt Looby</i>	Tues 19 May, 10am – 12pm Wed 20 May, 10am – 12pm Thurs 21 May, 10am – 12pm
	Land Law for Managers of Rivers and Riparian Land <i>Presenter: Johanna Slijkerman</i>	Tues 19 May, 10.30am - 12.30pm Thurs 21 May, 10.30am – 12.30pm Fri 22 May, 10.30am – 12.30pm
	Native Title and Aboriginal Heritage <i>Presenter: Henry Dow</i>	Tues 26 May, 10am – 1pm Wed 27 May, 10am – 1pm
	Land Law and Service Utilities <i>Presenter: Nick Sissons</i>	Tues 9 June, 10am – 1pm Wed 10 June, 10am – 1pm

Cost:
\$550 including GST,
course notes and certificate
of attendance

Accreditation: These courses
are eligible for CPD points for
lawyers, planners, valuers, and
FPET for surveyors.

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