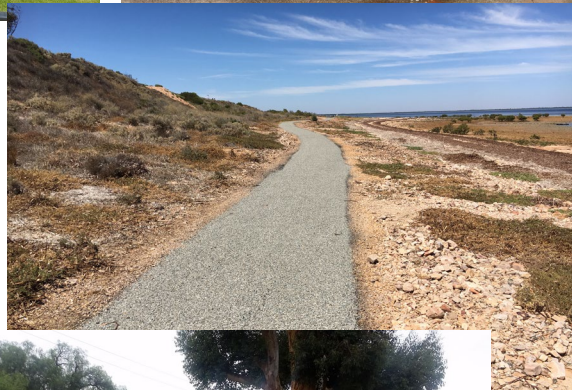




District Council of
Mount Remarkable

Community Land Management Plans



INTRODUCTORY DOCUMENT

Prepared by the District Council of Mount Remarkable

Adopted by Council
at its meeting on
Tuesday 19th February 2019

Management Plan:	Introductory Document
Management Plan Status:	Adopted
Legislative References & Applicable Sections:	Local Government Act 1999, Chapter 11
Date Implemented:	13 th June 2006; MB Page 7428; Min Ref 101.2006
Dates Reviewed, Amended & Re-adopted:	19 February 2019; MB Page 8769; Min Ref 038-2019
Date Revoked:	
Next Scheduled Review:	February 2024

1 What is Community Land?

In relation to Local Government land, provisions in the Local Government Act 1999 (“the Act”) reflect the continuing trend towards effective management of community resources and facilities.

Subject to exclusion from classification and revocation, Section 193 of the Act defines Community Land as “*All Local Government land (except roads) that is owned by a Council or under the Council’s care, control and management*”.

Council’s are now required to establish a classification and management system for Local Government land, which ensures that Council land is managed appropriately and that the community is actively involved in decisions affecting the future use and management of open access areas.

Classification as Community Land reflects the importance of the land to the community because of its use or particular features and it must be managed according to special guidelines prescribed in the Act.

Chapter 11 of the Act deals with the obligations and responsibilities that are imposed upon Councils as the custodians of land for the benefit of current and future generations of the community ie. Community Land.

The classification system under this Chapter of the Act applies to all Local Government land, except roads.

The term “Local Government land” includes :-

- land owned by a Council; and
- land which, though not owned by the Council, is under its care, control and management.

2 What is a Community Land Management Plan?

Section 196 of the Act prescribes that Council must prepare and adopt a management plan for its Community Land if:-

- the land is, or is to be, occupied under a lease or licence; or
- the land has been, or is to be, specifically modified or adapted for the benefit or enjoyment of the community.

Community Land Management Plans (CLMPs) identify clear objectives and established directions for planning, resource management and maintenance of Community Land.

They clarify direction, both to Council staff and the general public, and assist in assigning priorities in works programming and budgeting. Often identical objectives and performance measures will apply to the majority of land within each category enabling a generic approach to the preparation of CLMPs.

Community Land Management Plans:-

- Are prepared by Council in consultation with the community, other stakeholders and relevant agencies;
- Identify the important features of the land;
- Clarify how Council will manage the land; and
- Indicate how the land may be used or developed.

Section 196 of the Act provides that CLMPs must:-

- Identify the land;
- State the purpose for which it is held;
- State the Council's objectives, policies (if any) and proposals for the management of the land;
- State performance targets and how the Council proposes to measure its performance against the objectives and performance targets;
- Must identify the owner (if the owner is not the Council) and contain any provisions reasonably required by the owner;
- State the nature of the trust, dedication or restriction to which the land is subject;
- Should (as far as practicable) be consistent with other relevant official plans and policies about conservation, development and use of the land (for example the Development Plan for the Council's area).

A CLMP should (as far as practicable) be consistent with other relevant official plans and policies about conservation, development and use of the land. For example, a CLMP should be consistent with:-

- the Council's Development Plan under the Development Act 1993;
- any other relevant statutory or other official policies for -
 - * protecting the State heritage;
 - * encouraging recreational or sporting activities; or
 - * fostering tourism.

Linkages should also be made between the CLMPs and other plans and programs such as:-

- District Bushfire Prevention Plan;
- Recognition of significant trees;
- Risk Assessments undertaken from a Mutual Liability Scheme perspective;
- Strategic Plans.

In broad terms, a CLMP is a legislative requirement for specified Community Land that aims to balance the unique site conditions with community requirements.

3 Categories of Community Land

Community Land must be categorised according to its function. Categorisation is an effective way in which to focus on the essential aspects of each area of land.

Community land must be managed in accordance with the core objectives for the relevant category, which apply as a result of the Legislation and are not optional.

The different categories of Community Land within the District Council of Mount Remarkable are:

- Public Halls, Institutes & Civic Centres;
- Community Buildings;
- Cemeteries;
- Waste Management;
- Recreation Reserves;
- Caravan Parks;
- Other Reserves.

Site specific CLMPs are prepared where issues for a particular site are more complex and beyond the scope of the general CLMP for that category of Community Land.

4 Community Land Register

Pursuant to Section 207 of the Act, Council keeps a register of Community Land.

The Community Land Register is a complete list of all land within the District Council of Mount Remarkable area which has been classified as Community Land.

The Community Land Register is available for inspection (without charge) at the Council Office, Stuart Street, Melrose.

5 Land Excluded from the Classification of Community Land

Pursuant to the provisions of Section 193 of the Act, Council has previously undertaken a process to exclude certain land from the classification as Community Land. Other land has been excluded from the classification since that time by resolution prior to purchase.

Land which has been excluded from the classification as Community Land is listed in Schedule 1 (attached).

6 Business Use of Community Land

Section 200 of the Act provides that a person must not use Community Land for a business purpose unless the use is approved by Council. Further, a Council cannot approve the business use of Community Land contrary to the provisions of a CLMP.

A Council may attach conditions to an approval for the business use of Community Land as it considers appropriate, and penalties exist for persons contravening these requirements.

In light of these matters, each CLMP will contain specific reference to business use of the land.

7 Sale or Disposal of Community Land

Pursuant to Section 201 of the Act Council cannot dispose or sell community land without first revoking the community land classification. In order to revoke the community land classification, Council must adhere to the procedures set out in Section 194 of the Act and may only do so subject to specific exceptions and qualifications which ensures the land is eligible for revocation from the classification of community land. Refer to Section 8 for further details.

8 Leasing or Licensing of Community Land

Section 202 of the Act entitles Council to grant a lease or licence over community land. A lease or licence may provide for:

- Buildings and other structures used for the purpose of activities conducted under the lease or licence
- The exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges;
- Any other matter relevant to the use or maintenance of the land.

Before the Council grants a lease or licence relating to community land it must follow the relevant steps as set out in its Public Consultation Policy. However Council need not undertake this process if the lease or licence has been authorised in an approved management plan for the land and that the proposed lease or licence is five years or less.

9 Amendment or Revocation of Community Land Management Plans

Section 194 of the Act permits the Council to revoke the classification of land as community land subject to specific exceptions and qualifications and outlines Councils responsibilities and processes required when revoking land from Community Land classification.

To exclude land from the community land classification, Council must:

- prepare a detailed report outlining the reasons for excluding the land from the community land classification and provide an assessment of how implementation of the proposal would affect the area and the local community.
- Follow the relevant steps detailed in the Public Consultation Policy
- Report on the processes undertaken to the Minister
- Following approval from the Minister make a resolution revoking the classification of the land as community land.

10 Public Availability of Community Land Management Plans

The public may inspect a copy of this Introductory Document and any of the Community Land Management Plans, at the offices of the Council during normal office hours, and may obtain a copy for a fee fixed by the Council, if any.

Further enquiries in relation to these Management Plans should be directed to the Chief Executive Officer, by telephoning 8666 2014 or emailing postmaster@mtr.sa.gov.au.

11 Review of Management Plan

The Plans will be reviewed every five years. The Chief Executive Officer will report to Council on the outcome of the evaluation (if any) and make any recommendations for amendment, alteration or a substitution of a new policy.

Reference should also be made to Section 8 above.

12 Adoption of Community Land Management Plans

The Community Land Management Plan was adopted by the District Council of Mount Remarkable at its meeting on Tuesday 19th February 2019.

Schedule One

Land Excluded from the Classification as Community Land

Assessment No.	Valuer General No.	Common Name	Property Address	Certificate of Title	Owner
A10417	8301788002	Vacant Land	7 Appila Township	CT 5837/256	District Council of Mount Remarkable
A11798	8301927009	Booleroo Centre Community Gym and Public Toilets	A RP4916 & A RP4918 Booleroo Centre	CT 6043/791	District Council of Mount Remarkable
A27319	8303734008	Closed Booleroo Refuse Depot	768 FP184850 Hd Booleroo	CT 5812/260	District Council of Mount Remarkable
A29507	830396900*	Former Wirrabara Forest CWA & Tennis Clubhouse	400 DP24446 Hd Darling	CT 5831/144	District Council of Mount Remarkable
A13201	8302060005	Council Works Depot Melrose	110 DP26609 Melrose	CT 5865/519	District Council of Mount Remarkable
A15142	8302241009	Vacant Land	167 Port Germein	CT 5527/974	District Council of Mount Remarkable
A15156	8302242001	Vacant Land	168 Port Germein	CT 5703/945	District Council of Mount Remarkable
A15598	8302285052	Port Germein Caravan Park	220, 221, 222, 223, 224, 215, 216 Port Germein	CT 5748/613 CT 5527/977 CT 5703/945 CT 5709/529 CT5709/528	District Council of Mount Remarkable
A12330	8301994252	Land for drainage purposes	21 DP1744 Booleroo Centre	CT 5702/610	District Council of Mount Remarkable
A12623 A42200	8302006500 8302006500	Backpackers & Heritage Centre Melrose	115 DP50833 Melrose	CT 5865/521	District Council of Mount Remarkable
A35524	8304498457	Wilmington STEDS Pond and Surrounding Land	231 & 232 Hd Willochra	CT 6163/862	District Council of Mount Remarkable
A18869	8302652019	Public Toilets, CFS Station Wilmington	150 DP91137 Wilmington	CT 5809/549	District Council of Mount Remarkable
A18427	8302613001	Wilmington Visitor Centre	222 FP33338 Wilmington	CT 5843/192	District Council of Mount Remarkable
A20270	8302881006	Vacant Land	204 FP185096 Wirrabara	CT 5666/891	District Council of Mount Remarkable
A13166 A13215	8302056006 8302061008	Works Depot Melrose	880 FP184962 111 DP26609 Melrose	CT 5865/520 CT5220/479	District Council of Mount Remarkable
A39734	8304945608	Closed road	L RP4635 Hd Wongyarra	CT 5636/704	District Council of Mount Remarkable
A38007	8304745008	Lello's Quarry Reserve	871 FP184953 Hd Wongyarra	CT 5737/162	District Council of Mount Remarkable
A39144	8304878003	Lello's Quarry Reserve	870 FP184952 Hd Wongyarra	CT 5709/465	District Council of Mount Remarkable
A13229	8302062000	Council Depot Melrose	94 FP208275 Melrose	CT 5481/658	District Council of Mount Remarkable
A23000	8303319103	Wirrabara Transfer Station	265 Hd Appila	CT 5497/921	District Council of Mount Remarkable
A17308	8302452009	Road	26, 27, 28 DP1163 Port Germein	CT 5412/992 CT 5412/666	District Council of Mount Remarkable

A21925	8303047216	Wirrabara Works Depot	162, 163, 164, 166, 165 Wirrabara	CT 5434/307 CT 5434/308 CT 5434/309 CT 5434/310 CT 5434/311	District Council of Mount Remarkable
A37992	830474200*	Slee's Quarry Reserve	874 FP184956 Hd Wongyarra	Limited CT5696/523	District Council of Mount Remarkable
A27008	8303708408	Booleroo Centre Works Depot	222, 223, 132 DP64268 Booleroo Centre	CT 5373/123 CT 5373/124 CT 6066/300	District Council of Mount Remarkable
A35146	8304465006	Vacant Land	649 FP184731 Hd Willochra	CT 5702/228	District Council of Mount Remarkable
A14811	8302217009	Vacant Land	115 Port Germein	CT 5577/864	District Council of Mount Remarkable
A14825	8302217500	Vacant Land	116 Port Germein	CT 5370/814	District Council of Mount Remarkable
A15192	8302246002	Port Germein CFS Shed	172 Port Germein	CT 5527/976	District Council of Mount Remarkable
A42282	8304615350	Telco Tower – TV Blackspots installation	259 DP59050 Hd Willowie	CT 5893/518	District Council of Mount Remarkable
A35281	8304621208	Refuse Landfill Willowie	260 DP61921 Hd Willowie	CT 5906/265	District Council of Mount Remarkable
A23573	8304899808	Melrose STEDS Ponds	566 DP55578 Hd Wongyarra	CT 5888/84	District Council of Mount Remarkable
A170	8303291286	Wirrabara STEDS Ponds	426 Hd Applia	CT 6103/967	District Council of Mount Remarkable
A18201	8302590006	Wilmington CWA	626 FP184708	CT5782/768	District Council of Mount Remarkable