

Adelaide Hills Council

Community Land Management Plans and Register

September 2019



What is Community Land?

Section 193 of the *Local Government Act 1999* (the Act) states that all land owned by a council or under a council's care control and management, other than roads, is classified as community land unless the council has resolved to exclude it from community land.

Some operational land owned by Council, such as depots and offices, has been excluded from community land and is not subject to a community land management plan.

Community Land Management Plans

The Act and the *Local Government (General) Regulations 2013* set out a council's requirements in relation to community land. A council must prepare and adopt a management plan or management plans 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. The large majority of the community land of Adelaide Hills Council must be subject to a community land management plan.

Section 196 of the Act states that a management plan must:

- identify the land to which it applies
- state the purpose for which the land is held by the council
- 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 its objectives and performance targets.

Community Land Register

A council must also keep a register of community land. The register must contain, in respect of each piece of community land in the area:

- the legal description of the land (being, in the case of land that has been brought under the provisions of the Real Property Act 1886, the Certificate of Title Register Book Volume and Folio Numbers)
- the street address of the land (if any)
- the name of the locality or suburb in which the land is situated
- the name by which the land is commonly known (if any)
- the area of the land
- the name of the owner of the land
- the following details concerning any lease or licence granted over the land
 - the name of the lessee or licensee
 - the term of the lease or licence including information on the term of any extension or renewal stated in the lease or licence
 - the actual land to which the lease or licence relates (which may be identified by a plan kept in conjunction with the register), and
 - the purpose for which the lease or licence has been granted.

While all community land must be included in the register, some does not need to be covered in a community land management plan.

A single management plan may cover multiple separate holdings of community land when similar management regimes and performance measures are applicable.

Adelaide Hills Council Community Land

Adelaide Hills Council holds over 400 parcels of community land for the benefit of the community. Section 7 of the *Local Government Act 1999* explains the functions of a council, including the following:

- to plan at the local and regional level for the development and future requirements of its area;
- to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area including community services or facilities, and cultural or recreational services or facilities
- to provide for the welfare, well-being and interests of individuals and groups within its community;
- to manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- to provide infrastructure for its community and for development within its area
- to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism.

Land is held for various purposes in order to meet the requirements of Section 7 of the *Local Government Act 1999*, and this is reflected in the categories into which Council's community land is grouped. Council's community land is grouped into categories with similar characteristics, and each category has its own community land management plan.

Policies and Official Plans

Council's community land management plans do not exist in isolation. They are underpinned by a wide range of legislation, by-laws, policies and strategies.

A reference to legislation includes all amending or consolidating legislation and any replacing legislation. It also includes any regulations and codes or standards adopted under the legislation. A reference to a by-law, policy or strategy includes all amended versions or replacement by-laws, policies and strategies.

Legislation

Primary Act

Local Government Act 1999

Planning and Development

Planning, Development and Infrastructure Act 2016

Development Act 1993

Disability Discrimination Act 1992

Liquor Licensing Act 1997.

Culture and Heritage

Native Title Act 1993 (Cth)

Native Title Act (South Australia) Act 1994

Aboriginal Heritage Act 1988

Heritage Places Act 1993

Environment and Natural Resources

Native Vegetation Act 1991

Natural Resources Management Act 2004

Environment Protection Act 1993

National Parks and Wildlife Act 1972

Environmental Health

Local Nuisance and Litter Control Act 2016

Dog and Cat Management Act 1995

South Australian Public Health Act 2011

Graffiti Control Act 2001

Land Management

Crown Land Management Act 2009

Tourism

The Local Government (Mobile Food Vendors) Amendment Act 2017

Council By-Laws

By-Law No 1 - Permits and Penalties

By-law No 2 - Moveable Signs

By-law No 3 - Local Government Land

By-law No 5 - Dogs

Council Policies

Asset Management

Cemetery Operating

Community Information Display

Festivals & Events

Liquor Licensing

Management of Built Heritage

Play Space

Public Consultation

Sport and Recreation

Tree Management

Council Plans and Strategies

Your Adelaide Hills: Strategic Plan

District Masterplan

Gumeracha Precinct, Federation Park and Oval Masterplan

Adelaide Hills Business Plan and Budget

Asset Management Plan

Dog and Cat Animal Management Plan 2018 - 2022

Adelaide Hills Council Development Plan

Sport and Recreation Strategy

Adelaide Hills Trails Network Strategy

Biodiversity Strategy

COMMUNITY LAND MANAGEMENT PLANS

Plan 1 – Generic Plan for all Categories

Information that applies to all categories of community is included in Plan 1 - Generic Plan for all categories of community land. This means that common information is not repeated.

Plan 2 - Conservation

Primary purpose must be conservation. Low impact informal recreation is acceptable. Special consideration must be given to walking tracks, vehicle access, and the acceptability of dogs on or off leash. Depending on the size and location of the reserve, there may be a controlled fire regime. Revegetation activities, the control of feral species and possibilities for future linkages to other land of conservation significance may be important. Leases or licences will generally not be appropriate, but management agreements are acceptable in furtherance of the objectives for these reserves.

Plan 3 - Informal Recreation

Wide range of informal open space sites with varying levels of development and use. May incorporate facilities for non-structured activities such as playgrounds, walking tracks, and picnic facilities. Many reserves in this category are essentially open space with a medium level of maintenance. Leases will not normally be appropriate for land in this category as they would prevent the land from being used for informal recreation. Licences or management agreements that permit continued public access may be appropriate in some circumstances.

Plan 4 - Community Use

Sites used by non-sporting community organisations. Includes kindergarten or child care use, scouts or guides use and other community groups. Either the buildings on the land or the entirety of the land will generally be subject to lease or licence arrangements.

Plan 5 - Halls and Institutes

Built facilities that are in public ownership and which may be used for a wide range of community purposes and events. Will normally be operated through management agreements, leases or licences to local community groups, rather than directly by Council. Not all halls within the area of Adelaide Hills Council are owned by Council.

Plan 6 - Recreation and Sport

Sites with developed formal sporting facilities such as ovals and tennis courts. Sites will normally be leased to or managed by local management committees which manage sub-leases or seasonal licence arrangements. Facilities will normally be available for use by the wider public for unstructured activities outside of the hours of formal use. Not all recreation and sport facilities within the area of Adelaide Hills Council are owned by Council.

Plan 7 - Cemeteries

Encompasses both operational and heritage cemetery sites. Includes cemeteries not owned by AHC or the Crown, but over which AHC is actively exercising care, control and management. In these cases, consideration should be given to formally assuming administration pursuant to section 49 of the *Burial and Cremation Act 2013* to formalise control. Interment rights will be issued. Not all cemeteries within the area of Adelaide Hills Council are owned by Council.

Plan 8 - Walkways and other land held for access purposes

Walkways, laneways, thoroughfares and other land held essentially for access purposes on land which is not public road. Leases or licences will not normally be appropriate.

Plan 9 - Drainage Reserves

Land held for drainage and stormwater management purposes. Leases or licences will not normally be appropriate.

Plan 10 - Vehicle access restrictions

Land held primarily to prevent vehicle movements from private property onto public roads, but may also act as a buffer. Generally, these exist to ensure that vehicles from allotments in newer residential subdivisions will enter major roads by way of feeder roads, rather than directly entering onto a major road. Leases or licences will not be appropriate for land in this category.

Plan 11 - Civic Purpose

Sites that serve a public purpose, such as community waste water management system infrastructure, and car parks. Some land in this category is not accessible to the public for reasons of safety.

Plan 12 - Emergency Services

Sites which have the purpose of providing operational bases for emergency services. All land in this category is subject to long-term lease for security of tenure. In some cases, the sites may be portion of a larger land parcel with other uses. Not all emergency services operational bases in the Adelaide Hills Council area are located on community land.

Multi-purpose sites

Some areas of Council's community land have a wide range of activities occurring on the same land. These sites do not fit comfortably into any of the categories of community land because of the diverse uses of the site. The following sites are multi-purpose sites:

- Grasby Park, Balhannah
- Johnston Memorial Park, Balhannah
- Bradwood Park, Bradbury
- Longwood Bradbury Hall and Bradbury CFS
- Bridgewater Oval Precinct, Bridgewater
- Crafers Tennis and Netball Courts and Crafers Hall
- Evelyn Halliday Reserve, Crafers
- Federation Park, Gumeracha
- Mylor Oval and Sherry Reserve
- Mylor Parklands
- Norton Summit joint use land
- Atkinson Reserve, Piccadilly
- Apex Park, Stirling
- Steamroller Park, Stirling
- Woodside Recreation Grounds

Each of these sites has a plan delineating which part of the site has the characteristics of which category of land. The land that has the characteristics of a particular category has the same

objectives, performance targets and performance measures as described in the community land management plan for the land within that category, unless the plan contains additional site specific objectives, performance targets and performance measures.

Community land not requiring a community land management plan

Council owns about 40 parcels of land that have not been excluded from community land but for which no community land management plan is required. This land has not been modified for a public purpose and is not subject to a lease or licence. This includes small parcels of land with no legal access, sections of closed roads and other small parcels of land not managed by Council but not excluded from community land. This land should be assessed for suitability for exclusion from community land for possible disposal in most cases.