

**PLAN 1**

## GENERIC PLAN FOR ALL CATEGORIES

**Plan 1 – Generic Plan for all Categories of Community Land****Disclaimers**

Adelaide Hills Council has made every reasonable attempt to ensure the accuracy of the information presented in the Community Land Register. However, it does not guarantee the information is complete, correct or up to date and the information may be subject to change without notice.

In no event shall Adelaide Hills Council be liable to any third party who obtains access to the information contained in the Register under any law for any loss or damage (including, but not limited to, direct, indirect, economic and consequential damage) in respect of any matter whatsoever related to any information contained in the Register.

All information within the community land management plans is in addition to Council By-law No 3 - Local Government Land and does not replace the by-law. All provisions of Council By-law No 3 - Local Government Land continue to have force on land subject to a community land management plan.

In any community land management plan of Adelaide Hills Council, any reference to a decision of Council or an authorised act by Council includes any decision or action by any employee of Adelaide Hills Council with a relevant delegated authority and is not to be limited in meaning to a resolution of the elected members of Adelaide Hills Council unless explicitly described as such.

**The Register**

The Register lists and provides the required information for every parcel of community land owned by Council or under Council's care control and management to the extent that this is practicable. It also lists that land which has been identified that does not have a title but which is owned by Council. This is largely portions of roads that were closed prior to 1991 and for which titles were never issued. As this land had not been identified at the time of the introduction of the *Local Government Act 1999* it was not excluded from community land. It is likely that there is other land that has resulted from road closures prior to 1991 that is owned by Council but which has not yet been identified as such. Although any such land is community land of Council, it is not currently entered on the Register.

**Identification of Land**

The legal descriptions of the land and parcel identifiers enable the physical location of any land parcel to be identified. A change in the details of either or both does not constitute a change in the community land management plan for that land.

**Performance Targets**

The performance targets for community land management plans define desirable outcomes for the land. The ability to meet those targets may be affected by budgetary pressures, the availability of resources, practicability or circumstances beyond the control of Adelaide Hills Council, such as changes in legislation and the wider economic environment. A plan is not invalidated because of an inability to meet performance targets.

**Objectives of Community Land Management Plans**

The order in which objectives are listed in any community land management plan is for convenience only and is not to be interpreted as an order of priority.

**PLAN 1****GENERIC PLAN FOR ALL CATEGORIES****Leases, Licences and Permits on Community Land**

Leases, licences and permits are permitted on some categories of community land. Where the community land management plan for a category does not authorise the issuing of a lease, licence or permit, an application for a lease, licence or permit will not be accepted.

A lease, licence or permit for land in a category of land for which lease, licences and permits may be issued must be conditional on the activity or occupation being leased, licenced or permitted being compatible with the community land management plan for that category of land. All leases must be consistent with section 202 of the *Local Government Act 1999*.

If a lease, licence or permit is granted, it must:

- Be compatible with the use and objectives of the community land category to which the land belongs
- Be compatible with the performance targets of the community land category to which it belongs
- In the case of dedicated Crown land, the lease must be consistent with the dedicated purpose
- Be for activities that are consistent with the current and future needs of the community
- Not result in damage to the values of the category of land to which the subject land belongs
- Not create significant disturbance or nuisance to surrounding property owners
- Be compatible with the needs of the wider community
- Be subject to suitable insurance by the lessee, licensee or permit holder.

A change in the name or legal entity of a Lessor will not constitute a change in a community land management plan unless it will have a deleterious effect on the ability to meet the objectives or performance targets of the relevant land.

**Improvements on Community Land**

The improvements listed as envisaged as being compatible with each category of land are representative. An improvement that is listed as compatible with a category of community land may still require development approval and development on any community land that is dedicated Crown land will require the consent of the Minister for Environment and Water or his or her delegate before any development can occur.

**Dogs on Community Land**

Dogs are permitted on many, but not all, Council reserves with or without restrictions. The Dog and Cat Animal Management Plan 2018 – 2022 provides comprehensive information on the access to reserves by dogs accompanied by humans. Specific information for most community land is listed in Appendix 1 of the Dog and Cat Animal Management Plan 2018 – 2022. Dogs are permitted on a lead on all community land not specifically identified in the Dog and Cat Animal Management Plan 2018 – 2022. The management of dogs on all community land is as specified in the Dog and Cat Animal Management Plan 2018 – 2022, any amended version or versions of that plan, or its successors.

If at any time baiting for feral species occurs on any community land of Council, dogs may be prohibited from entering that land for their own safety until it is assessed as being safe for them again to do so.

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An assistance dog, while accompanying and under the control of the person it assists, has the same access rights as the person, regardless of any restrictions that may apply to other dogs.

**Closure of Community Land because of High Fire Risk**

Adelaide Hills Council encompasses much of the highest fire risk areas of South Australia. There have been serious bushfires across the Council area resulting in fatalities, injuries and property damage. Notwithstanding the rights of the community to access community land, Adelaide Hills Council may declare any community land to be closed to the public on any day when fire conditions are forecast to be or actually become Severe, Extreme or Catastrophic, with the exception of any land that may be designated by the South Australian Country Fire Service as a bushfire Safer Place or a Last Resort Refuge site.

**Closure of Community Land because of Prescribed Burn Activities**

Some community land, especially in the Conservation category, may be included in prescribed burns undertaken in conjunction with the Department for Environment and Water or its successors. Notwithstanding the rights of the community to access community land, Adelaide Hills Council may declare any community land to be closed for the purpose of carrying out a prescribed burn.

**Easements**

The granting of an easement over community land will only constitute a change of a Community Land Management Plan for that land if the easement would have a deleterious effect on the ability to achieve the objectives for the land or to meet the performance targets for the land.

**Telecommunications infrastructure on Community Land**

The placement of telecommunications infrastructure on a building on community land will not constitute a change in a community land management plan. The placement of telecommunications infrastructure directly on community land will constitute a change of a community land management plan if the placement of the infrastructure would have a deleterious effect on the ability to achieve the objectives for the land or to meet the performance targets for the land.

**Significance to Traditional Custodians**

The Adelaide Hills Council area is traditionally the land of the Peramangk and Kurna people. Community land retains heightened significance to these peoples, containing as it does some of the few areas of their traditional lands that remain publicly accessible. At the time of the adoption of this plan, there is a consent determination over the Kurna claim area, but no claim has been made by Peramangk people. While native title now continues to exist over only a small minority of the community land of Adelaide Hills Council, Council acknowledges that its community land retains significance to Peramangk and Kurna people as traditional custodians, regardless of the native title status of the land.

Whilst the heritage status of this land is subject to the South Australian *Aboriginal Heritage Act 1988* as administered by the South Australian Government, we recognise that, as a living culture, heritage and cultural history is often passed as oral history through generations and local knowledge may not always be gleaned through standard research methods. Council values the role of traditional custodians in contributing to heritage knowledge in managing this land.

**PLAN 1****GENERIC PLAN FOR ALL CATEGORIES****Commercial Activities on Community Land**

Community land is held for the benefit of the whole community. While it is appropriate for not for profit organisations to operate on some community land, it is generally not appropriate for community land to be used by for profit entities. If any community land is subject to commercial activities, full commercial rental will be applied to the area occupied. Where commercial activities exist with the profits donated to not for profit causes and audited by Council, commercial rental will not be charged. Commercial for profit activities on Crown land under the care, control and management of Council will not be permitted under any circumstances.

**Disability and Mobility Impaired Access to Community Land**

Adelaide Hills Council aims to be inclusive for the whole community. In acknowledging this, not all community land can be accessible to everyone. The geography of the Adelaide Hills Council area means that much of the land in the conservation and informal recreation categories has steep to very steep terrain and land in the conservation category in particular often has dense vegetation. This will limit the accessibility of land with these attributes. In particular, some tracks and trails on this land may only be suitable for reasonably fit persons with no mobility limitations.

**Encroachments on Community Land**

An encroachment on community land is not compatible with a community land management plan as it prevents the land from being used for its designated purpose. An encroachment cannot be compatible with the objectives of a community land management plan. An encroachment on community land constitutes an unauthorised occupation and encroaching fences or structures will be required to be removed from community land.

**Vehicle Access Over Community Land**

Some community land, particularly in the Recreation and Sport category and the Cemetery category, has formed driveways and car parking areas. On land that does not have formed driveways or car parking areas, access by non-Council vehicles is limited to the following circumstances:

- Vehicles of contractors and event personnel that have been authorised to enter the land by Adelaide Hills Council
- Vehicles of statutory authorities that have a legal right of access
- Emergency services vehicles in the performance of duties
- Access to an adjoining property across a legal right of way that exists at the time of the adoption of this plan
- Temporary access, authorised by licence or permit, to access the rear of an adjoining property for construction purposes, but only if there is no alternative access and the vehicle access across the community land will not cause damage to the land, such as the removal of native vegetation, or create a risk to other users of the land.