



Draft Community Land Management Plans 2024

Information and Summary of Proposed Changes



Background

All local government land (except roads) that is owned by a council, or under a council's care, control and management is classified as "community land" as defined under the Local Government Act (LG Act), unless it has been exempted through legislation, excluded by resolution of Council or the classification has been revoked. Once classified as community land, the land cannot be disposed of, unless a revocation process has been completed.

Chapter 11 of the LG Act provides a framework for the administration and management of community land which aims to ensure a consistent, strategic and flexible approach in order to protect the communities interest in land for current and future generations. CLMPs provide direction for the use of each community land parcel.

Community Land Management Plans – CLMPs – (the Plan)

The CLMPs are prepared in consultation with the community and provide high level guidance about the community's expectations for the management of the land. Council must have regard to the contents of a CLMP when making management decisions.

Section 196 of the Local Government Act 1999 (LG Act) requires Council to prepare and adopt management plans for all community land that has been or is to be specifically developed, modified or adapted for the benefit or enjoyment of the community or the land is, or is to be, occupied under a lease or licence.

The current CLMP's were adopted by Council in 2004 with the eighth plan, the Tabernacle Church Cemetery, adopted after the land was gifted to Council in 2017.

The categories for the **current** CLMPs adopted in 2004 and 2017 include:

- Plan 1 – Open Space Reserves;
- Plan 2 – Encounter Lakes;
- Plan 3 – Leased Land;
- Plan 4 – Cemeteries;
- Plan 5 – Car Parking;
- Plan 6 – Community Facilities
- Plan 7 – Commercial Lease/Licence
- Plan 8 – Tabernacle Church Cemetery

The current CLMPs are available on council's website.

Preparation of the Draft Community Land Management Plans

Legislation determines what a Community Land Management Plan must include:

- It must identify the land to which it applies;
- State the purpose for which the land is held;
- State the Council's objectives, policies (if any) and proposals for the management of the land;
- Contain performance targets (such as an objective or goal to be performed); and
- Specify how the Council proposes to measure its performance against its objectives and performance targets.

- Identify the owner of the land; and
- State the nature of any trust, dedication or restriction to which the land is subject apart from the LG Act.
- Contain any provisions that the owner reasonably requires and identify those provisions required by the owner.

It is not intended that a management plan should be a detailed or complex document. A management plan should not include specific development plans or proposals for the land. Objectives, policies, proposals and performance targets should be simple and achievable.

The management plans must be consistent with Council's other Strategic Plans for the area and reflect other regulatory interests in the land such as native title and heritage issues where applicable.

Proposed updated Community Land Management Plans

It is proposed the current eight (8) plans are modified to seven (7) new categories. The new groupings as to align the use of the land with each land parcel, making it easier when searching for the appropriate management plan.

As the updated plans have been largely re-written, including new categories, it was considered not practical to use the current documents with track changes. New documents were created for the Elected Member workshop held on the 5 February 2024. The track changes shown on the attached updated draft plans are amendments added as a result of and since the workshop and after consultation with the Office of Crown Lands.

The proposed updated Plans/categories are listed below:

Plan Number	Proposed Plan / Category	Previous Plan / Category
Draft Plan 1	Parks, Gardens and Reserves	Open Space Reserves & Encounter Lakes
Draft Plan 2	Town Centre and Foreshore Reserves	Commercial Lease/Licence
Draft Plan 3	Sport and Recreation	Leased Land
Draft Plan 4	Conservation and Nature Reserves	Open Space
Draft Plan 5	Buffer and Controlled Access Reserves	not previously covered
Draft Plan 6	Operational and Other Community Land	Cemeteries, Car Parking, Community Facilities
Draft Plan 7	Tabernacle Church Cemetery	Tabernacle Church Cemetery

The existing CLMPs will be revoked at the same Council meeting when the new CLMPs are being adopted by Council.



What are the main changes?

The draft CLMPs have been prepared to include:

- A standard format with simpler language and less repetition;
- Update current proposals relevant to each community land grouping;
- A Ramindjeri and Ngarrindjeri acknowledgment;
- Tailored objectives relevant to the primary use and functionality of the land and in accordance with relevant Council plans and policies where appropriate;
- Meaningful performance targets and methods of measuring performance against the stated objectives and targets.

Included in each individual management plan is a list of land parcels detailing basic information that applies to that plan. The purpose to assist readers with recognising which land parcels the individual plan relates to.

What is the difference between a Community Land Management Plan (CLMP) and the Community Land Register (CLR)?

Under section 207 of the LG Act, a Council must keep a register of all community land in its area. This Register is a separate document from the Management Plans and is updated on a regular basis when new properties have been acquired or disposed of by the Council or when there are any other changes to a parcel of land.

The CLR must contain the following details for each parcel of community land:

- Its legal description;
- Street address and suburb;
- Its commonly known name
- The area of the land
- The name of the owner of the land;
- Lease or licence details (if applicable) including the name of the tenant, the term and its purpose.
- Must contain copies of current management plans; and
- May consist of a computer record of the relevant information.

A copy of the CLR showing the current and proposed draft Community Land Management Plans are available on council's website.

The information provided for each land parcel in the CLR and the CLMPs are determined by legislation. Proposed amendments to a CLMP requires a resolution of the council and in certain circumstances, public consultation. For this reason, the detailed information for each land parcel is managed through the Community Land Register which can be regularly updated.



Land Excluded from the Classification of Community Land

Local Government land that has been excluded by resolution of Council or has had its community land classification revoked has been included in this report (as information only) as a separate document titled the 'Excluded and Revoked Land Register' and is available on Council's website.

Next Steps

After public consultation has been completed in line with Council's Public Consultation Policy, the next steps will be:

- Feedback from the consultation will be collated and summarised into a report for presentation to Council for consideration.
- Adoption or revision of each CLMP by Council.
- If adopted, a notice will be placed in the Government Gazette.
- If major revision or amendments are required, then additional community consultation may be required prior to further consideration by Council for adoption.

Please note that this document provides a summary of key amendments only, and the draft Community Land Management Plans and Community Land Register should be read to gain a deeper understanding of what is proposed.

Have Your Say

The City of Victor Harbor welcomes your feedback. You can view the draft Community Land Management Plans online at **yoursay.victor.sa.gov.au** or in hard copy at the Civic Centre, 1 Bay Road, Victor Harbor.

Feedback can be shared:

Online – Provide your feedback using the online form at **yoursay.victor.sa.gov.au**

In hard copy – Written submissions should be addressed to the City of Victor Harbor Chief Executive Officer and returned:

- **By post** – PO Box 11, Victor Harbor SA
- **By email** – localgov@victor.sa.gov.au
- **In person** – deliver to the Civic Centre, 1 Bay Road, Victor Harbor.

All feedback must be received by 5pm on Friday, 27 September 2024.

Following the public consultation period, submissions received may be presented to a future meeting of the Council for consideration.

More Information

Got a question about the City of Victor Harbor's Draft Community Land Management Plans?

Contact the City of Victor Harbor at localgov@victor.sa.gov.au or (08) 8551 0500.