

Alexandrina Council



Community Land Management Plan

2023-2028

Excerpt



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Acknowledgement of Traditional Owners

The Alexandrina Council and its community acknowledge the Traditional Owners of the lands and waters of our Council district.

Introduction

Alexandrina Council owns, or has the care, control and management of a wide variety of Community Land across its district. All Local Government Land (except roads) that is owned by Council or under Council's care, control and management is deemed as Community Land, unless the Land has been specifically excluded from the Community Land classification by resolution of Council.

A Council must prepare and maintain a Community Land Management Plan or Management Plans for all Local Government Land that is owned or controlled and managed by Council (except for roads). This management plan is in accordance with the legislative requirements and framework of Section 196 of the *Local Government Act 1999*.

In accordance with subsection 196(1) of the *Local Government Act 1999*, a management plan is required for:

- All Community Land under an instrument of trust;
- All Community Land where regulations exclude the power to revoke the classification of the land as community;
- All Community Land that is, or is to be, occupied under a lease or licence; and/or
- All Community Land that has been, or is to be, specifically modified and adapted for the benefit or enjoyment of the community.

A management plan is not required for Land which has been excluded from the classification of Community Land. Land excluded from the Community Land classification is generally Land acquired for a specific commercial or operational purpose that is not intended to be retained for public or community use and does not form part of this Plan.

Having prepared and adopted a Community Land Management Plan, Council must care for Land in accordance with this Community Land Management Plan.

Definitions

For the purpose of this Plan:

Asset	means any resource owned or controlled by Alexandrina Council that can be used to produce positive community value whether that value is deemed economic, cultural, historic and/or natural.
Holiday Parks and Camping Grounds	means an approved location for various forms of overnight accommodation that may include campsites, cabins, caravan or RV parking.
Cemeteries and Memorials	means a large burial ground where Memorials (statues and structures) can be present.
Commercial Property	means a property where an operator uses the land and/or buildings to undertake business, retail or other commercial activities including small business, in accordance with the terms of a Lease or other agreement, and includes property that the Council otherwise considers is appropriate for use for a commercial purpose.
Community Land	means all Local Government Land (except roads) that is owned by a council or under a council's care, control and management unless it is exempt through legislation, excluded by resolution of Council or the classification has been revoked.
Community Land Register	means the register kept and maintained by the Council separate to this Community Land Management Plan) pursuant to Section 207 of the <i>Local Government Act 1999</i> that contains all details about Community Land in a Local Government area.
Community Services	means the provision of health, wellbeing, and learning services for the community.
Community Facilities	means places from which Community Services can be offered.
Council	means the Local Government Body, Alexandrina Council and its delegates, located in the Southern Fleurieu Peninsula South Australia at the end of the River Murray and as a gateway to the iconic Coorong.
Crown Land	means land subject to the <i>Crown Land Management Act 2009</i> and administered by the Department for Environment and Water.
Crown Record	means an official record of Crown Land (see definition above) and is abbreviated before a Volume and Folio number as 'CR'.
Certificate of Title	means an official record of ownership of private land and is abbreviated before a Volume and Folio number as 'CT'.
CWMS	means Council's Community Wastewater Management Scheme. CWMS is a wastewater drainage system.
Developed Reserve	means a medium to high level maintained amenity, primarily for the enjoyment of recreation including social, community, educational and cultural pursuits.

<i>Disability Access Inclusion Plan (DAIP)</i>	means the South Australia's Disability Access Inclusion Plan 2019-2023 outlines actions that will be progressed by the department over the next four years to reduce the barriers faced by people living with a disability.
<i>Emergency Services</i>	means service providers that respond to emergencies and provide other safety-related services either as part of their on-the-job duties or as part of the main mission of their business (e.g.: CFS Station, Surf Clubs, sea rescue squadrons).
<i>Land</i>	means, according to the context; land as a physical entity or a legal estate or interest in, or right in respect of, land.
<i>Lease</i>	means an agreement pursuant to exclusive use of Local Government Land or part thereof, is granted to another party (the lessee) for a specific period of time in accordance with agreed conditions. This can be a ground lease only or inclusive of existing facilities on site.
<i>Lessee</i>	means a person who holds the lease of a property; a tenant.
<i>LGA</i>	means the Local Government Association of South Australia.
<i>Licence</i>	means an agreement by which non-exclusive use of Local Government Land or part thereof, is granted to another party (the licensee) for a specific use some of the time, which may have the effect of restricting or reasonably interfering with the general public's access to that land during the licence term.
<i>Local Government Land</i>	means land owned by a Council or under a Council's care, control and management.
<i>Marina</i>	means a specially designed harbour with mooring for vessels.
<i>Multi-Use Land</i>	means pieces of Community Land that contain a wide range of infrastructure and activities occurring and does not fit exclusively in one category. This Land has been broken up into various categories and maps can be found in Annexure A.
<i>Native Title</i>	means the communal, group or individual rights and interests of Aboriginal peoples in relation to land or waters.
<i>Native Vegetation</i>	means a plant or plants of a species indigenous to South Australia including a plant or plants growing in or under water of the sea.
<i>Open Space</i>	means Council Land that is undeveloped and is accessible to the public. Alexandrina Council's land that is classified as "Open Space" have varying maintenance levels as outlined in Annexure B.
<i>Performance Measure</i>	means the process of collecting, analysing and/or reporting information regarding the performance of a piece of Community Land.
<i>Performance Target</i>	means the specific, planned level of a result to be achieved within a timeframe with a given level of resources for a piece of Community Land

Permit	means a document allowing or providing permission for an activity to occur.
Reserve	means Community Land dedicated or designated by the Council as a reserve.
Sport and Recreation	means a location where an activity of leisure and recreation can be carried out for the enjoyment, amusement or pleasure of the community.
Tenure Agreement	means a negotiated and typically legally binding arrangement between parties under which land or buildings are held or occupied
Undeveloped Reserve	means a very low to low level maintained amenity, primarily used for passive needs of the community.

Alexandrina 2040 (A2040) Strategic Plan

The Community Land Management Plan takes into consideration actions of the A2040 Strategic Plan. A2040 is a strategic suite of adopted plans, launched by Alexandrina Council in 2021. A2040 focuses on the five key actions of Climate Response, Appropriate Growth, Community Inclusion, Transport Connections and Environmental Innovation.

- **Climate Response:** Climate change is the issue of greatest concern to the people of Alexandrina. Increasingly frequent adverse events, the fragility of our ecosystems and the security of our water supplies led to our Climate Emergency declaration in 2019.
- **Appropriate Growth:** Well managed development relies on the best available social and physical infrastructure and services. Appropriate growth supports residents, farmers, businesses, community organisations and the many visitors central to job creation and our economic destiny.
- **Community Inclusion:** Brings generations and communities together, welcoming visitors into our region and embraces diversity supporting our growing population, stimulating spending and attracting investment. Success in community inclusion is defined by events and gatherings in our villages, beaches, open spaces, community centres and social hubs.
- **Transport Connections:** The Community needs a high-quality road, water, rail and trail network that is safe, well maintained, supportive of healthy lifestyles and environmentally sustainable.
- **Environmental Innovation:** It is clear that we can go well beyond the management of waste, water and energy and extend to circular resource systems, regenerate farming, aquaculture and nature-based recreation and ecotourism, in our future decision making.

Objectives of Community Land Management Plan

The Community Land Management Plan is a document that guides the management of particular categories of, or other specific Community Land. Council's Strategic objective is to provide and maintain facilities that are safe, sustainable and useful, whilst protecting the Land interests and recognising the community's position. The purpose of this plan is to guide Administration in ensuring appropriate Land use practices are applied.

The purpose and objectives specific to the Community Land that has been assigned a classification under this management plan are outlined therein.

Any modifications to Community Land may be subject to appropriate referrals by the relevant development assessment authority for comment or consent. Referral bodies can include; Government Agencies, Native Titles Branch, EPA, Native Vegetation, Water Resources, Marine Safety, SA Water, National Parks and Wildlife Services (where affected) and Natural Resources.

The Plan also seeks to incorporate the Disability Access Inclusion Plan (DAIP) to provide accessible locations.

The order in which objectives are listed in this Community Land Management Plan is for convenience only and is not to be interpreted as an order of priority. All objectives carry equal weight.

Objectives of Community Land Register

The Community Land Register is a “living’ document subject to change as the Council and Community evolve. The Register must contain, in respect of each piece of Community Land:

- 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; and
- The following details concerning any lease or licence granted over the Land:
 - The name of the Lessee of 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 related (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.

The Community Land Register is kept separate from this management plan and will be updated if and when any of the above information for a piece of Community Land changes or where new Community Land is acquired in accordance with the *Local Government Act 1999*.

Crown Land and Dedicated Land

Crown Land is Land subject to the *Crown Land Managements Act 2009* and administered by the Department for Environment and Water (DEW).

Dedicated Land or Alienated Land is Crown Land under the care, control and management of another party other than Crown. Most Crown Land placed under Council's care and control includes a dedication purpose. Dedication purposes include (but are not limited to) recreation, community, water and cemetery purposes. The Council must ensure that the use (activities) undertaken on the land are consistent with the dedication purpose or, the Department for Environment and Water has approved an alternative use.

Revocation of Community Land

A Council may revoke the classification of Land as Community Land in accordance with the requirements specified in Section 194 (1) of the *Local Government Act 1999*.

The Council is the instigator of any proposal to revoke the classification of Community Land, and is ultimately responsible and accountable to its community for the decisions it makes. The Act seeks to ensure that members of the community are involved in the revocation process.

The process for revoking the Community Land classification is identified in Section 194 (1) of the *Local Government Act 1999* and Guidance Paper No. 5 – Community Land Revocation.

The Council is required to clearly demonstrate to the community that it has developed a specific strategy for the future use of the Land, and that revocation of the classification for that Land is necessary to deliver that strategy.

The Council should also take a holistic approach when developing a proposal for revocation of Land that will facilitate a project or strategy on adjoining Land (for example, the revocation is necessary to enable a road to be opened under the *Roads (Opening and Closing) Act 1991* to give access to an adjoining Land division). It is important that the Council takes into account the processes and procedures required under other legislation, in addition to those under the *Local Government Act 1999*.

Community Engagement

Alexandrina Council is committed to open, accountable, transparent and responsive decision making, which is informed by effective communication and engagement between the Council and the community.

- Members of the community have a right to be informed about issues affecting their area and their lives and to influence Council's decisions about these issues.
- Community interest will vary depending on the issue and the number of people affected, and Council's level of consultation will reflect this, in accordance with Council's Public Consultation Policy and the *Local Government Act 1999*.
- Community engagement in Council decision making should result in greater confidence in the Council and responsive decision making
- Council decision making will be open, transparent and accountable.

Community Engagement will be required if Council intend to revoke the Classification of Community Land.

Lease or Licence of Council Land

The granting of a tenure agreement formalises the use of Community Land by groups such as sporting clubs, community organisations and commercial businesses or individuals who are providing facilities or services for public or private benefit for an appropriate return to Council.

Over time, tenure agreements will expire, require renewal and/or renegotiation, and new leasing agreements considered. An agreement enables Council to formalise tenure and suitable Land management practices with organisations, businesses and individuals who occupy or manage Community Land.

Community Engagement is undertaken as part of the decision making process in accordance with the *Local Government Act 1999* when considering the application of a Lease or Licence on Community Land.

Heritage Places

The *Heritage Places Act 1993* makes provision for the identification, recording and conservation of places and objects of non-Aboriginal heritage significance and, to establish the South Australian Heritage Council.

Native Title

Native Title refers to the rights and interests of Aboriginal and Torres Strait Islander people towards Land and waters, according to their traditional laws and customs. As a common law right, Native Title may exist over areas of Crown Land or waters, irrespective of whether there are any Native Title claims or determinations over the area.

The Department for Environment and Water is not responsible for the negotiation of Native Title rights but is committed to managing Crown Land consistently in accordance with the *Commonwealth Native Title Act 1993*.

Native Title is a fundamental consideration for all parties when assessing applications for Crown Land tenure or permitting any activity on Crown Land. The granting of a Lease or Licence over Crown Land may affect Native Title and involve compensation pursuant to the *Native Title Act 1993*.

Kungun Ngarrindjeri Yunnan Agreement

The Kungun Ngarrindjeri Yunnan Agreement was signed on the 8 October 2002 between Alexandrina Council and the Ngarrindjeri Heritage Committee, Ngarrindjeri Native Title Management Committee and the Ngarrindjeri Tendi (on behalf of Ngarrindjeri people, the Kungun Ngarrindjeri Yunnan (Listen to Ngarrindjeri People Talking)). The agreement included a Sincere Expression of Sorrow and Apology to the Ngarrindjeri People and a series of commitments to work together.

The Council acknowledges that the Ngarrindjeri are the Traditional Owners of the Goolwa area and that according to their traditions, customs and spiritual beliefs, its lands and waters remain their traditional country.

The Council also acknowledges and respects the rights, interests and obligations of Ngarrindjeri to speak and care for their traditional country, lands and waters in accordance with their laws, customs, beliefs and traditions.

Alexandrina Council and the Ngarrindjeri commit to seek ways to work together to uphold Ngarrindjeri rights and to advance Ngarrindjeri interests when decisions are being made about their traditional country lands and waters.

Aboriginal Heritage

The *South Australian Aboriginal Heritage Act 1988* (SA) is the statutory protection and preservation Act of Aboriginal Heritage and is separate to Native Title. Aboriginal Heritage rights apply to all Lands and waters within South Australia, not just Crown Lands. It is an offence to damage, disturb or interfere with any Aboriginal site, damage any Aboriginal object or damage or interfere with or remove any Aboriginal object or remains.

Legislative Requirements

The *Local Government Act 1999* provides framework and requirements for the control and management of all local government Land, including Community Land. The legislative requirements that attach to Community Land are aimed and focused on ensuring a consistent, strategic and flexible approach to Land management, in order to protect community interests for current and future generations through direction and criteria for the use of Community Land.

The Community Land Management Plan has been prepared with regard to and in accordance with applicable legislation. To that end, the following legislation has influenced this Community Land Management Plan*:

- *Aboriginal Heritage Act 1988*
- *Burial and Cremation Act 2013*
- *Coast Protection Act 1972*
- *Crown Land Management Act 2009*
- *Disability Discrimination Act 1992 (Cth)*
- *Disability Inclusion Act 2018 (SA)*
- *Environment Protection Act 1993*
- *Heritage Act 1993*
- *Heritage Places Act 1993*
- *Land Acquisition Act 1969*
- *Land and Business (Sale and Conveyancing) Act 1994*
- *Local Government Act 1999*
- *Local Nuisance and Litter Control Act 2016*
- *National Parks & Wildlife Act 1972*
- *Native Title (South Australia) Act 1994*
- *Native Title Act 1993 (Cth)*
- *Native Vegetation Act 1991*
- *Natural Resources Management Act 2004*

- *Planning, Development and Infrastructure Act 2016*
- *Real Property Act 1886*
- *Residential Parks Act 2007*
- *Residential Tenancies Act 1995*
- *Retail and Commercial Leases Act 1995*
- *River Murray Act 2003*
- *Roads (Opening and Closing) Act 1991*

*or future Acts where the above has been updated or superseded

Relevant Council Policies for Management of the Land

This Community Land Management Plan is to be read in conjunction with and implemented consistent with Council's Strategic Plan, A2040, and the Disability Access and Inclusion Plan.

Section 196(5)(a) of the *Local Government Act 1999* states that in the event of an inconsistency between the provisions of an official plan or policy under another Act and the provisions of a Management Plan under this Act, then the provisions of the Community Land Management Plan prevail to the extent of the inconsistency.

Community Land should be accessible to local communities and visitors whilst ensuring the Land is safe, functional and its values protected. Council acknowledges community diversity and strives to attain an equitable distribution of usage rights, and access to all Community Land within the Alexandrina District.

Relevant Council policies that are referred to in this plan include but are not limited to the following:

- *Cemeteries and Memorials Policy*
- *Acquisition and Disposal of Land Policy;*
- *Lease and Licence Policy*
- *Naming of Roads, Reserves and Public Places Policy*
- *Public Consultation Policy*
- *Risk Management Policy*
- *Safe Environment Policy*
- *Tree Management Policy*
- *Climate Change Policy*
- *Council By-laws*

Land Categories

For the purpose of this Plan, Community Land has been grouped into the following:

Chapter 1: Reserves

- Undeveloped Reserves
- Developed Reserves

Chapter 2: Community Services

- Community Facilities
- Sporting and Recreation
- Emergency Services
- Cemeteries and Memorials

Chapter 3: Business Services

- Commercial Property
- Marinas
- Holiday Parks and Camping Grounds

Annexure A: Multi-Use Land - Some areas of Council's Community Land have a wide range of infrastructure or activities occurring on the same parcel of land. These sites do not fit exclusively into any one of the categories of Community Land because of the diverse uses on the site. These parcels of Land have been identified as "Multi-Use Land" with a map contained in Annexure A, delineating which part of the land parcel sits under which category.

Chapter 1: Reserves



Chapter 1: Reserves

• *Undeveloped Reserves* • *Developed Reserves*

Land Identification

Reserves are identified as either:

- Undeveloped Reserves; or
- Developed Reserves

The Reserves are specifically identified in a schedule under each heading in this Plan.

Reason why a Management Plan is required

A Management Plan is required for Reserves to protect the community's interests to access the reserves, or derive an adequate benefit from an alternative utilisation of the reserve.

The granting of a tenure agreement for community activity on Community Land is conditional on the activity being consistent with the objectives of this Management Plan.

Proposals for the management of the Land

- To provide and maintain reserves that are safe, sustainable and useful.
- Provide for maintenance, renewal and upgrade of assets including (but not limited to) buildings, car parking, drainage, lighting, footpaths, furniture and landscaping.
- Recognise Reserves that hold specific historical, environmental, cultural and/or Native Title interests through annexed documentation which provide operational management practices for the Land.
- Support any business purpose that the Council has assessed as being consistent with the purpose for which the Land is held; and
- Grant an agreement (eg. Lease or Licence) where the Council is satisfied that the granting of an agreement will deliver a sporting, cultural, environmental, social or economic benefit for the Community.

DEVELOPED RESERVES

Overview

A 'Developed Reserve' is defined as a Level A or B maintenance profile reserve (in accordance with Alexandrina's Open Space classifications in Annexure B) and/or where appearance and infrastructure has been considerably modified and developed for the enjoyment or benefit of the community. These Reserves generally contain community amenities including but not limited to play equipment, car parks, seating, toilets, landscaped areas, paths, walkways, bike tracks, interpretive signage, plaques, public artwork, monuments and dedicated memorials.

Council recognises that Developed Reserves may hold significance for Indigenous communities due to their relationship with the natural environment.

Purpose for which the Land is held

To provide locations for community or commercial uses for both passive and active recreation and other activities and, provide a visually aesthetic and appealing area for community benefit. Leases and licences may be granted where the permitted use thereunder is consistent with the objectives for this land.

Activities that are permitted on the Land may include social, community, education and cultural pursuits. Improvements to the reserve such as amenities, path networks, paving, irrigated and non-irrigated turfed areas, are maintained to an agreed standard under the Alexandrina Parks and Gardens Work Specifications and Open Space Maintenance Levels.

Objectives

- To provide public open space to community across the area of Alexandrina
- To provide public toilets, picnic areas, playgrounds, car parks, play spaces and equipment that meet Australian Standards
- To provide opportunities for a wide range of formal and informal recreation activities, including passive activities and unstructured sport
- grant tenure agreements in respect of the land for:
 - uses which protect and enhance the environmental values of the land; or
 - provide management solutions for the land (eg. maintenance and/or fire mitigation strategies); or
 - promoting or enabling recreational uses of the land that the Council considers appropriate; or
 - a use considered by the Council to be of community and/or commercial benefit.
- To provide locations for Sustainable Resource management and storage (eg. Council's Community Wastewater Management ponds)
- provide appropriate spaces for the exercising of dogs in accordance with legislation and Council By Laws
- To support use of open space for short term activities, events and social gatherings.

PERFORMANCE TARGETS AND MEASURES

Performance Target	Performance Measures
Ensure appropriately managed open space that facilitates optimal shared use by the community	Leases and Licences are granted to third parties where deemed appropriate and in accordance with applicable legislation and Council's Lease and Licence Policy. Periodic inspection of all open spaces and facilities are undertaken in accordance with the Councils asset management practices to assess and ensure that they are suitably accessible by the community. Permissions issued, including under a Council By-law, as appropriate to support suitable recreational, social or cultural activities. Public consultation has been undertaken as applicable and in accordance with Council's Public Consultation Policy. Activities should be compatible with any zoning or planning requirements.
Provide safe and appropriately designed and maintained Land	Routine asset maintenance and renewal undertaken in accordance with work schedules and the Council Asset Management Plans. Periodic inspection of the Land to be conducted in accordance with the Councils asset management practices with any obvious safety concerns being addressed as a matter of priority and as soon as practical. Any reported accidents or service requests will be investigated by Council and responded to in accordance with Council's customer service standards and work flow priorities. Signage is erected and maintained where appropriate, to provide guidance to the public regarding appropriate uses of the Land. Any new improvements are assessed by Council to be sympathetic/complementary to the surrounding environment.

Performance Target	Performance Measures
Improvements that are fit for purpose	Any new infrastructure that is installed on the Land complies with applicable Australian Standards and is compatible with any zoning or planning requirements Periodic inspection of all open spaces and facilities are undertaken in accordance with Councils asset management practices to assess and ensure fitness for purpose.
Ensure uses and activities on the land align with the Crown Land dedication purpose.	The land parcel is managed consistent with the Crown Land dedication purpose (where a dedication purpose exists) or, Crown Land has approved an alternative use.
Ensure the Land is accessible and that accessibility is inclusive	In accordance with Disability Access and Inclusion Plan (DAIP), Disability Inclusion Act 2018 , the Building Code and other applicable legislation.
Protect areas of Cultural significance	Appropriate engagement with First Nations /Traditional Custodians will occur when and Cultural Heritage Surveys undertaken.
Bushfire risks are managed while maintaining biodiversity values	Mitigation programs include the control of overgrown vegetation and fuel reduction on public transport corridors either directly by Council, or through management agreements with interested stakeholders.
To ensure remnant Native Vegetation is preserved and/or rehabilitated	Routine conservation inspections are undertaken periodically with the outcomes documented. Recreational activities and events do not result in a loss of biodiversity values.

Title Reference	Address
CT 6080/926	Lots 306+ Braemer Drive, Strathalbyn SA 5255
CT 6080/927	Lots 306+ Braemer Drive, Strathalbyn SA 5255
CT 6127/453	Lots 306+ Braemer Drive, Strathalbyn SA 5255
CT 5451/600	Lot 91 Catherine Street, Strathalbyn SA 5255
CT 5332/887	Lot 1 (Gardens) Albyn Terrace, Strathalbyn SA 5255
CT 6168/431	Lot 103 West Terrace, Strathalbyn SA 5255
CT 5727/552	Lot 307 High Street, Strathalbyn SA 5255
CT 5543/582	Lot (Res) 131 Burkett Drive, Strathalbyn SA 5255
CT 6036/814	300 Michelmore Road, Strathalbyn SA 5255
CT 5794/275	Lot 9 Murray Street, Strathalbyn SA 5255
CT 5892/302	Lot 5 Parker Avenue, Strathalbyn SA 5255
CT 6218/62	Lot 9 Rankine Street, Strathalbyn SA 5255
CT 6047/943	Lot 177 St Andrews Drive, Strathalbyn SA 5255
CT 6275/864	Lot 503 Callington Road, Strathalbyn SA 5255
CT 5392/362	2 Donald Street, Strathalbyn SA 5255
N/A	Corner of South Terrace & High Street Strathalbyn (corner of AM/PM) No assessment number, CT reference or legal address available but land is legally owned by Council.
CT 5471/518	1 Commercial Road, Strathalbyn