

Community Land Management Plan

Port MacDonnell Cemetery (CL001)



1. INTRODUCTION

This community land management plan (**the CLMP**) has been prepared by the District Council of Grant (**the Council**) in fulfilment of its obligations under Section 196 of the *Local Government Act 1999* (**the Act**).

2. IDENTITY OF LAND TO WHICH THIS PLAN APPLIES

Common Name	Location	Ref.	Ownership
Port MacDonnell Cemetery	21 Cemetery Road, Port MacDonnell	CL001	The Crown (under the care, control and management of the District Council of Grant)
Legal Description			
Allotment 1, Deposited Plan 33003, Hundred of MacDonnell, Crown Record Volume 5752, Folio 762			

3. NATURE OF ANY TRUST, DEDICATION OR RESTRICTION

The Land is dedicated for cemetery purposes pursuant to the *Crown Lands Act 1929* (SA), by Government Gazette dated 28 November 1991 at page 1381. The dedication of the Land continues in force under the provisions of the *Crown Land Management Act 2009* (SA).

4. REASON WHY MANAGEMENT PLAN IS REQUIRED

4.1. This CLMP is required for the Land because:

4.1.1. portion of the Land is, or is to be, occupied under a lease or licence;

4.1.2. portion of the Land has been, or is to be, specifically modified or adapted for the benefit or enjoyment of the community.

5. PROVISIONS REQUIRED BY OWNER

The Council must manage any Crown Land in accordance with the dedicated purpose, pursuant to the *Crown Land Management Act 2009* (SA).

The Council are currently a party to the First Nations of the South East #1 which is anticipated to amend the Native Title status of several parcels within Council's area. The Council must manage any Land where Native Title has been recognised in accordance with the requirements under the *Commonwealth Native Title Act 1993*.

6. PURPOSE FOR WHICH THE LAND IS HELD BY COUNCIL

The land is for public use for the burial, laying down of graves and the erection of headstones as a memorial for deceased family members.

An area is set out for burial of ashes and erection of cremation memorials.

7. POLICIES AND PROPOSALS FOR MANAGEMENT OF THE LAND

7.1. Council Policies

The following policies / plans have some direct or indirect application to the Land as at the date of this CLMP. Council policies and plans undergo regular review, and may be amended, superseded or replaced:

- Disposal of Land Other Assets Policy;
- Cemetery Policy;
- Plaques and Memorials Policy;

- Strategic Management Plan 2020 – 2030;
- Port MacDonnell Urban Design Framework and Master Plan.

7.2. Council By-laws

The Council has established by-laws under the Act. The following by-laws have been identified as relevant to the management of the Land:

- By-Law 1 - Permits and Penalties;
- By-Law 2 - Local Government Land;
- By-Law 5 - Dogs.

The Council may from time to time revoke and/or replace its by-laws.

7.3. Proposals for Management of the Land

7.3.1. The Land is to be managed consistently with its dedication and with any applicable Council policies and plans.

7.3.2. Council has proclaimed that these land parcels are Dog Prohibited areas.

8. OBJECTIVES FOR MANAGEMENT OF THE LAND

8.1. The objectives for the management of the Land are:

8.1.1. To provide a facility for the use of the general public to enable long term burial/internment of deceased persons.

8.1.2. To ensure the availability of cemetery plots continues to meet the needs of the community in the future.

9. LEASES, LICENCES AND PERMITS

9.1. Subject to the provisions of the Act and the *Crown Land Management Act 2009*, the granting of exclusive and non-exclusive leases and licences over the Land or part of the Land for the following purposes (in no particular order) is consistent with this CLMP and is authorised for the purposes of Section 202(3) of the Act in relation to the Land:

- 9.1.1. to support ongoing occupation of the Land for the use of the community for long term burial/internment of deceased persons.
- 9.1.2. to provide and maintain land and infrastructure that promotes memorialising of deceased loved ones and meets the burial and cremation needs of the community;
- 9.1.3. to support ongoing occupation, use, management and upkeep of buildings, land and other community assets;
- 9.1.4. to enable temporary use of buildings and/or land for specific functions, activities and events;
- 9.1.5. to allow for the provision of essential infrastructure for the provision of electricity, gas, water, internet and telecommunications services; and
- 9.1.6. to allow for business uses of the Land that are consistent with or ancillary to the above purposes;

9.2. The granting of permits for one or more of the following purposes (in no particular order) is consistent with this CLMP and is authorised for the purposes of Section 202(3) of the Act in relation to the Land:

- 9.2.1. to enable temporary use of the Land for specific functions, activities and events.

9.2.2. to support ongoing occupation of the building on the Land and/or for the use of the community including for memorial purposes.

9.3. As at the date of this CLMP there are no occupancy arrangements over the Land via lease or licence, however there are numerous internment rights for families of deceased persons pursuant to an arrangement with the Council.

9.4. Other than where rights of occupation are granted in leases and licences, the Land is available for community use at all other times.

10. MANAGEMENT OBJECTIVES, PERFORMANCE TARGETS AND MEASURES

Objective	Performance Target	Performance Measure
Access and Use		
To provide a facility for the use of the general public to enable long term burial/internment of deceased persons.	The granting of appropriate burial/internment rights for the deceased are facilitated.	The general public have a facility for the internment of deceased persons.
To ensure the availability of cemetery plots continues to meet the needs of the community in the future.	Cemetery plot availability is monitored to ensure sufficient planning for future expansion.	The general public have a facility with the capacity to meet their long term needs.
Amenity		
To maintain the amenity and cleanliness of the cemetery.	All areas of the cemetery are maintained to an acceptable standard.	There are minimal complaints regarding maintenance, and customer requests for service are responded to in accordance with relevant service standards.
Community Involvement		
To ensure the community is provided the opportunity to be informed and contribute to the management of and decisions about community land.	Council consults with the community before adopting any changes to its Community Land Management Plans in accordance with legislation and Council policy.	Plans and land register is publicly available and consultation is undertaken in accordance with Council policy.
Environment		
To control noxious weeds which may occur on the land.	A noxious weed program has been implemented in consultation with the Limestone Coast Landscape Board.	Noxious weeds are controlled.
Governance		
To meet legislative and Council policy and legal requirements regarding community land and cemeteries.	Council's Community Land Management Plan meets the requirements of all application legislation and due consideration has been given to all Council policies and by-laws during their development. Internment arrangements are made in accordance with the <i>Burials and Cremation Act 2013</i> .	Council endorsed management plan and register for community land. Compliant interment process and records.
Safety and Enjoyment		
To identify potential hazards in a timely manner to minimise Council exposure to complaints, compensation claims and litigation.	Potential hazards are identified and eliminated and damaged equipment and infrastructure is repaired as soon as practicable or removed if damaged beyond repair and dangerous.	An appropriate inspection and maintenance program has been created and implemented.
To ensure the land does not create a fire hazard to adjacent residents or buildings.	Land is maintained so as not to present a fire risk.	Inspections of land identified as a fire hazard to adjoining land owners or buildings are undertaken and appropriate fire hazard reduction measure implemented prior to fire danger season.
Monitor the effectiveness of declared dog free areas.	Requirements of Dogs By-Law No. 5 are complied with where applicable.	Areas causing major concern are identified and managed by compliance staff.

11. NOTES

The sequence of dot points and numbering of purposes, objectives, policies, proposals and performance targets and measures listed within this CLMP do not infer a hierarchy or order of priority.

This Community Land Management Plan was considered at the Ordinary Meeting of Council on 17 April 2023 and endorsed to be published for public consultation with the landowner and the community [minute reference 23077]. This Community Land Management Plan was further considered at the Ordinary Meeting of Council on 19 June 2023 and adopted [minute reference 23126].

12. MAP

CL001:

