District Council of Grant

# Community Land Management Plan

## Port MacDonnell Soldiers Memorial
## (CL052-A, CL052-B)

## 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 |
|---|---|---|---|
| Soldiers Memorial | 1 Charles Street, Port MacDonnell | CL052-A | The Crown (under the care, control and management of the District Council of Grant) |
| | **Legal Description** | | |
| | Allotment 141, Town of Port MacDonnell, Hundred of MacDonnell, Crown Record Volume 5633, Folio 57 | | |

| Common Name | Location | Ref. | Ownership |
|---|---|---|---|
| Council Reserve | 1 Charles Street, Port MacDonnell | CL052-B | The Crown (under the care, control and management of the District Council of Grant) |
| | **Legal Description** | | |
| | Allotment 139, Town of MacDonnell, Hundred of MacDonnell, Crown Record Volume 5633, Folio 58 | | |

## 3. NATURE OF ANY TRUST, DEDICATION OR RESTRICTION

CL052-A is dedicated for soldiers memorial purposes pursuant to the *Crown Lands Act 1929* (SA), by Government Gazette dated 19 January 1922 at page 98. The dedication of the Land continues in force under the provisions of the *Crown Land Management Act 2009* (SA).

CL052-B is dedicated for district council purposes pursuant to the *Crown Lands Act 1929* (SA), by Government Gazette dated 9 July 1959 at page 48. 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

Land owned or controlled by Council which supports natural assets and/or infrastructure of historic or social significance to the community.

## 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;
- Public Consultation 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; and
- By-Law 2 - Local Government Land.

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 on Leash areas (except within playground areas which have been proclaimed as 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 support use of the Land by the public for outdoor historical and social activities;

8.1.2. to provide and maintain land and infrastructure that encourages, promotes and supports social and educational pastimes and activities;

8.1.3. to facilitate open space infrastructure being accessible as appropriate by users of varying ages and abilities; and

8.1.4. to actively promote the facilities to the community to maximise useage.

## 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 and visitors, including community groups for historic, reflective and meeting purposes;

9.1.2. to provide and maintain land and infrastructure that promotes educational activities and assists in meeting the social needs of the community and visitors;

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 for educational and meeting purposes.

9.3. As at the date of this CLMP there are no occupancy arrangements over the Land via lease or licence 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 promote areas of interest or historical significance via interpretive signage and monuments. | Low impact structures at sites of interest are provided and maintained. | The social, historic and educational needs of the community are met. |
| To facilitate open space facilities and infrastructure being accessible as appropriate by users of varying ages and abilities. | Council has a program in place to address compliance with Council's obligations under the Disability Discrimination Act 1992. | Open space and infrastructure asset improvements are budgeted and delivered. |
| **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. |
| **Governance** | | |
| Where appropriate, grant or renew lease or licence agreements, and grant or accept easements and rights of way over the land in accordance with the relevant legislation and Council policy, plans and by-laws detailed within this management plan (as amended from time to time). | Lease or licence agreements are in place and periodical reviews of agreements are undertaken to ensure terms and conditions are met. | Periodical reviews of agreements identify that terms and conditions are being complied with. |
| To meet legislative and Council policy and legal requirements regarding community land. | 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. | Council endorsed management plan and register for community land. |

| 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 for high use areas has been implemented within resource constraints. |

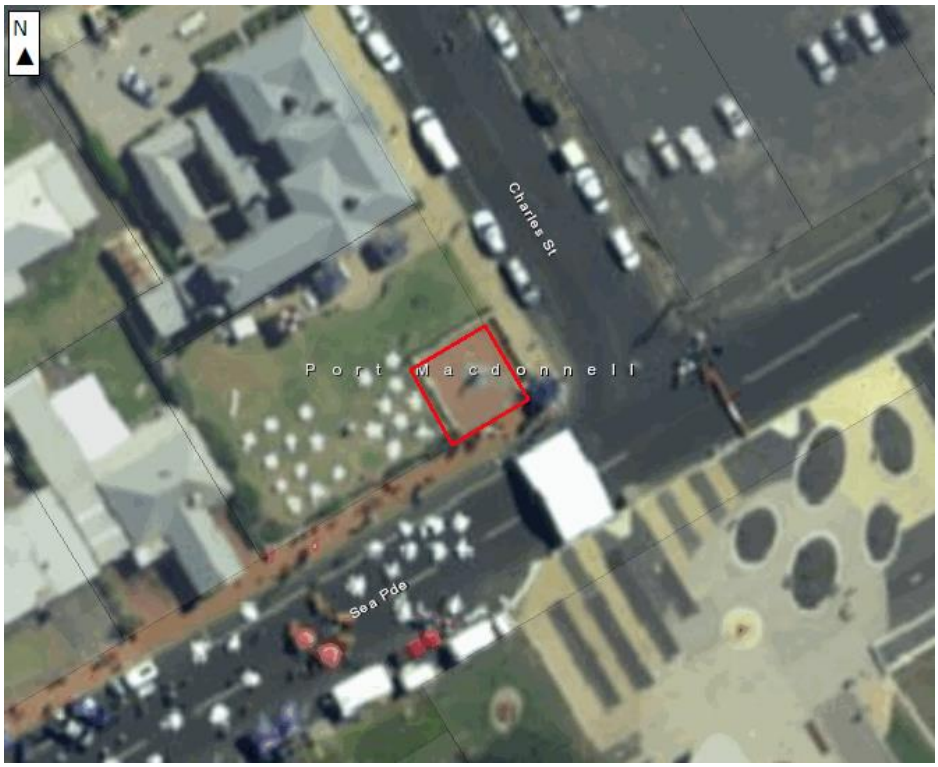
## 11. NOTES

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

**CL052-A:**




**CL052-B:**