



# **COMMUNITY LAND MANAGEMENT PLAN**

**FOR**

**PENOLA COMMON**  
**(Crown land)**

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## Introduction

In compliance with section 196 of the *Local Government Act 1999*, (“the Act”) the Wattle Range Council (“the Council”) has prepared this Management Plan for Crown land under its care, control and management that comprises portion of Penola Common and which is classified as “community land”.

A Community Land Management Plan is a document prepared by the Council in consultation with the community to provide clarity and direction for the development, management, use and maintenance of its community land that is intended to be modified for community use or occupied under a lease or licence, pursuant to sections 196(1)(b) and 196(1)(c) of the Act.

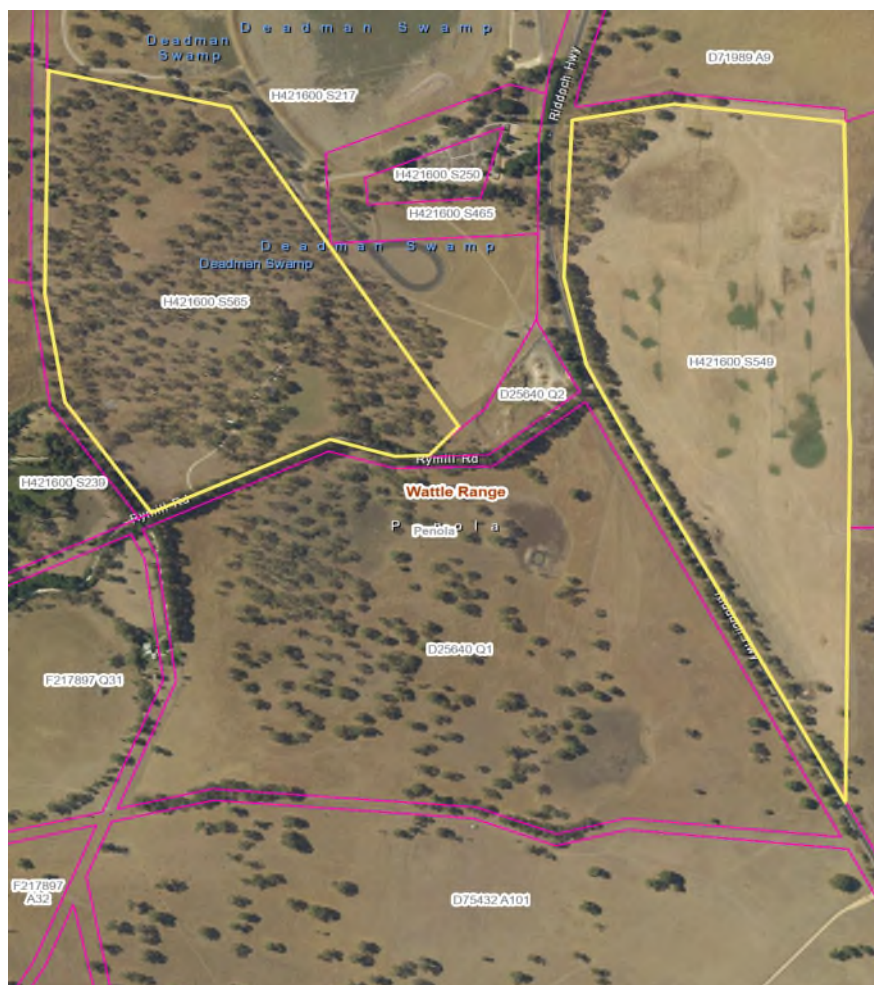
This plan replaces the Penola Commonage Management Plan dated April 2000 so far as it relates to the “Subject Land” covered by this plan.

The order in which objectives, proposals, land use initiatives and policies are set forth in this plan shall not be taken to imply any particular priority or consideration or action in its implementation.

## Description of the Land to which this plan applies (section 196(3)(a) of the Act)

Penola Common contains a mix of Freehold land owned by the Council and dedicated Crown land which has been placed under the care, control and management of the Council. This plan applies only to the dedicated Crown land shown bordered in yellow lines on the plan hereunder titled Figure 1 and hereinafter referred to as the *Subject Land*.

Figure 1



The balance of Penola Common comprises Council owned Land that has a range of management obligations that differ from Crown Land. A separate plan titled “Community Land Management Plan for Penola Common (Council owned Land)” has been created to accommodate the differences.

## **Owner of the Subject Land** (section 196(4)(a) of the Act)

In accordance with section 189 of the Act, the owner of the Subject Land is the Minister of the Crown to whom the administration of the *Crown Land Management Act 2009* has been committed, (hereinafter referred to as *the Landowner*).

The balance of the area designated "Penola Common" is freehold land owned by the Council and comprises Piece (Q) 30 in Deposited Plan (DP) 90641, Piece (Q) 31 in Deposited Plan (DP) 90641, Piece (Q) 32 in Deposited Plan (DP) 90641, Allotment 33 in Deposited Plan (DP) 90641 and Portion of Section 217, Hundred of Penola. A separate plan titled "Community Land Management Plan For Penola Common (Council Owned Land)" has been adopted for the freehold land.

## **Purpose and Dedications** (section 196(3)(b) and section 196(4)(b) of the Act)

The Subject Land is dedicated and is held by the Council for the following purposes:

- Section 549, Hundred of Penola, ("**Section 549**") is dedicated for *District Council* purposes by virtue of a notice published in the South Australian Government Gazette dated October 8, 1953 ("**Section 549 Dedicated Purpose**"). Section 549 is under the Council's care, control and management. Accordingly, the Council holds Section 549 for the Section 549 Dedicated Purpose.
- Section 565, Hundred of Penola, ("**Section 565**") is dedicated for *recreation* purposes by virtue of a notice published in the South Australian Government Gazette dated December 20, 1984 ("**Section 565 Dedicated Purpose**"). Section 565 is under the Council's care, control and management. Accordingly, the Council holds Section 565 for the Section 565 Dedicated Purpose.

The Section 549 Dedicated Purpose and the Section 565 Dedicated Purpose are collectively referred to in this plan as the "Dedicated Purposes".

## **Objectives, Policies and Proposals** (section 196(3)(c) of the Act)

### Objectives

The Council's objectives for the management of the Subject Land are to:

- Maintain and improve the amenity of Section 549 to ensure that it can sustain use for the Section 549 Dedicated Purpose.
- Maintain and improve the amenity of Section 565 to ensure that it can sustain use for the Section 565 Dedicated Purpose.
- To support and facilitate the enjoyment use, occupation and development of the Subject Land by persons and groups for purposes that align with or that are not inconsistent with the Dedicated Purposes.

### Plans, policies by-law and trust

The following plans, policies and by-law have been adopted and trust declared as at the date of this plan and may have application to the Council's management of the Subject Land. The plans, policies and by-law are subject to ongoing review and may be altered or replaced from time to time.

### Plans

Wattle Range Council Strategic Plan 2023 - 2027

Wattle Range Council 25 Year Strategic Land Use Plan 2022

Penola Community Plan 2015

Asset Management Plan (CWMS)

Asset Management Plan (Stormwater Drainage)

Asset Management Plan (Footways)

Asset Management Plan (Buildings & Structures)

Asset Management Plan (Roads)

### Policies

Customer Charter Sewerage Services (Wastewater)

Tree Management policy

Asset policy

Risk Management Policy

General Environmental Policy

Community Engagement Policy

### By-law

Local Government Land By-law 2019 (By-law no. 4 of 2019)

### Declaration of Trust

On 6 May, 1998 the Council executed a Declaration of Trust (“the trust”) to:

Hold the Subject Land for the public use of the residents of the former District Council of Penola (in its configuration as at 30 June 1997) for sporting, agricultural, educational, recreational, community or like purposes but subject to certain conditions on use and access.

### Trust Conditions (use and access)

Use or access to the Subject Land by any person shall be subject to:

- (i) Such restrictions, regulations or prohibitions as the Council (or its successors) may apply from time to time to such use or access consistent with achieving an appropriate level, type and mix of uses of the Subject Land and, specifically, to avoid or otherwise best manage conflicting uses of the Subject Land;
- (ii) The continuation of the existing licensed use on the Subject Land for the disposal of septic tank effluent.
- (iii) Such other by-laws and regulations as the Council (or its successors) may legally make for the proper management of the Subject Land

Whilst the Dedicated Purposes of the Subject Land impose a restriction on its use and alienation, the uses expressed in the trust are deemed able to be accommodated within the limits of the dedications.

### Proposals

The Council’s proposals for the management of the Subject Land are:

- To receive advice and reports on existing and/or proposed use and management of the Subject Land from the Greenrise Lake Advisory Committee, which is a committee established by the Council pursuant to section 41 of the Act.
- To manage and oversee the use of the Subject Land for activities that are consistent or not inconsistent with the Dedicated Purposes, including the ongoing use of Section 549, Hundred of Penola, for irrigation with wastewater.
- Maintain and if necessary add to or replace Council owned facilities and improvements on the Subject Land that benefit the community.
- To encourage and receive applications from people, including but not limited to local businesses, community groups and individuals, for existing or new uses of the Subject Land (that may or may not also include development proposals) that are consistent or not inconsistent with the Dedicated Purposes and the Council’s objectives for its management of the Subject Land that are set out in this plan (which may include but are not limited to) sporting, agricultural, educational, recreational, community or like purposes.
- To grant leases and licences over the whole or portions of the Subject Land where this is permitted by the *Crown Land Management Act 2009* for purposes consistent or not

inconsistent, with the Dedicated Purposes and objectives stated in this plan (and such leases and licences will be deemed to be consistent with this plan for the purposes of section 202(6) of the Act). Leases and licences may be granted for business purposes where they would, in the Council's opinion, further the Council's stated objectives for the management of the Subject Land.

- For the purposes of section 202(3) of the Act the grant by the Council of leases or licences over the Subject Land for any of the purposes contained in the Declaration of Trust for a term of 5 years or less and that are consistent or not inconsistent with the Dedicated Purposes, as they relate to the Subject Land, are authorised by this plan (and do not require public consultation prior to their grant or issue).

**Native Title**

All proposed acts and dealings facilitated by the Council involving the Subject Land that affect native title must comply with the *Native Title Act 1993 (Cth)*.

If and when any determination of native title rights is made in respect of the Subject Land, the Council will consult with the determined native title holders in respect of any provisions they require to be included in this plan.

**Provisions required by the Landowner** (section 196(4)(c) of the Act)

The Landowner was consulted during the preparation of this plan and has required the following provisions to be included in this plan:

All proposed acts and dealings facilitated by the Council that involve the leasing or licensing of interests in, or addition of improvements to the Subject Land must include consultation with the Landowner prior to their approval or implementation.

**Performance Targets** (section 196(3)(d) of the Act)

Performance targets are the goals to be achieved by the Council in the implementation of this plan. How the Council's performance will be measured is the method for determining whether the objectives have been met. The objectives, performance targets and methodology for measuring performance are as set out in Schedule 1 hereunder:

**Schedule 1**

<b>Objectives</b>	<b>Performance Targets</b>	<b>How Performance Measured</b>
To maintain and improve the Subject land to ensure that it remains fit for use for the Dedicated Purposes	To authorise activities on the Subject Land that mitigate flammable growth (hay cutting and grazing), to protect facilities and keep the Subject Land accessible for community use	Carry out annual inspections of the Subject land to ensure that its use is sustainable and that it continues to be fit for purpose for uses consistent with the Dedicated Purposes
Support and facilitate the enjoyment, use, occupation and development of the Subject Land agreeable with the applicable Dedicated Purposes	To realise an appropriate level, type and mix of uses for the Subject Land	In its approval process the Council will review use and management proposals from the community and the Greenrise Lake Advisory Committee for compliance with the Dedicated Purposes