



# **COMMUNITY LAND MANAGEMENT PLAN**

**FOR**

**PENOLA COMMON**  
**(Council owned 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 Community Land Management Plan for land owned by the Council that comprises portion of the Penola Common and is classified as “community land”.

A Community Land Management Plan (CLMP) 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.

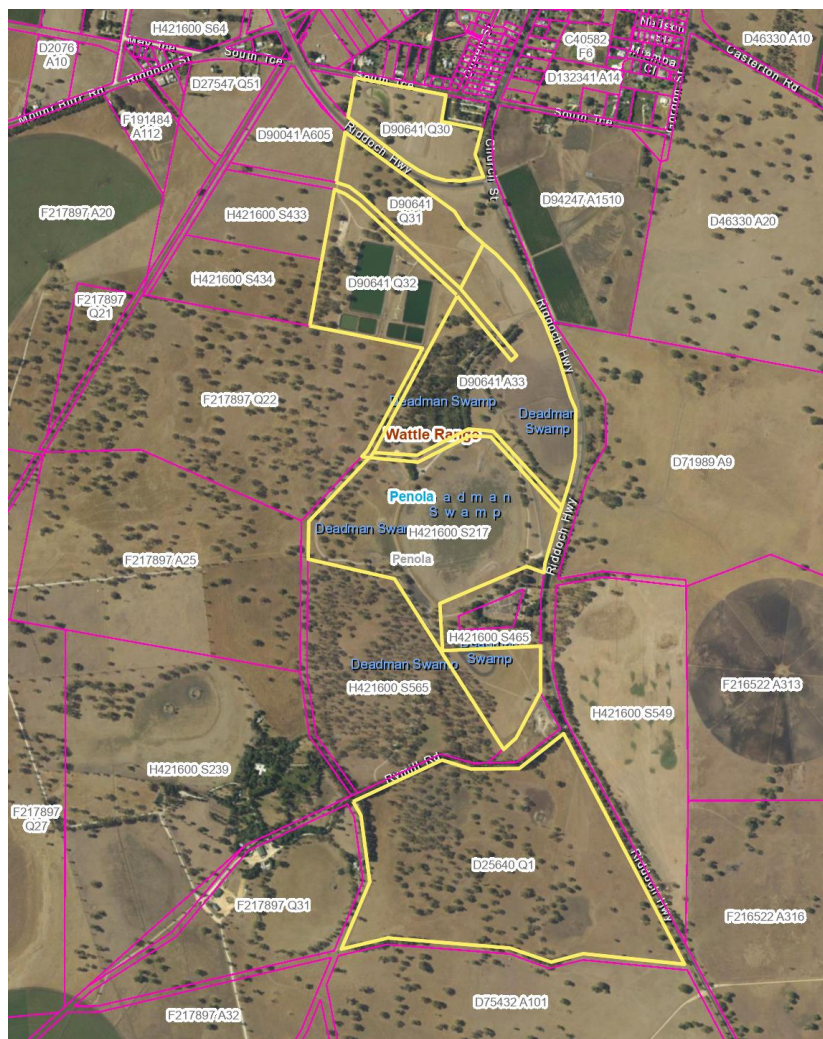
This plan replaces the Penola Commonage Management Plan dated April 2000 so far as it relates to the “Subject Land” covered by this plan.

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 both land owned by the Council and Crown land dedicated under the care, control and management of the Council. This plan addresses the land owned by the Council bordered in yellow lines on the plan hereunder titled Figure 1, hereinafter referred to as the *Subject Land*.

Figure 1



The balance of Penola Common comprises Crown land Sections 565 and 549, Hundred of Penola, that have a range of management obligations that differ from Council owned land. A separate plan titled “Community Land Management Plan for Penola Common (Crown land)” has been created to accommodate the differences.

**Purpose** (section 196(3)(b) of the Act)

The Subject Land is held by the Council for the enjoyment and use of the residents of Penola and the general public as a site for sporting, agricultural, educational, recreational, community and/or like 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 the Subject Land to support a mix of formal and informal community uses that align with the purpose for which the land is held.
- 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 purpose for which the Council holds the Subject Land.
- To permit secondary uses of the Subject Land that are not inconsistent with the Council’s other stated objectives.

Plans, policies, by-law and trust

The following plans, policies and by-law have been adopted and trust declared by the Council 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 2016

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

### Proposals

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

- To receive advice on current and proposed future use and management of the Subject Land from the Greenrise Lake Advisory Committee, which is a committee that has been established by the Council pursuant to section 41 of the Act.
- To encourage and receive applications from people, including but not limited to local businesses, community groups and individuals, for existing and new uses (which may or may not also include development proposals) of the Subject Land for purposes that are consistent, or not inconsistent, for the purpose for which the Council holds the Subject Land and the Council's objectives for the management of the Subject Land set out in this plan (which may include but are not limited to, grazing, hay cutting, bicycle riding, horse riding, dog exercise park, walking trails, arboretum/wetland development, playground, public toilets, barbecue facilities, recreational vehicle parking, storm water collection, community wastewater management (including disposal of treated water and waste by irrigation and land spreading), the storage and removal use and/or disposal of road making material and earthen spoil that is or hereafter may be on the Subject Land).
- To ensure that any upgrades to existing facilities or addition of new facilities comply with the *Disability Discrimination Act 1992*, as the case may be.
- To grant leases and licences over portions of the Subject Land for purposes consistent, or not inconsistent, with the 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 those business purposes would, in the Council's opinion, further the Council's objectives for the management of the Subject Land stated in this plan.

For the purposes of section 202(3) of the Act, the granting by the Council of leases or licences over the Subject Land for the following purposes: grazing, hay cutting and camping for a term of 5 years or less are authorised by this plan (and do not require public consultation prior to their grant or issue):

- Other than where leases and licences have been granted the Council proposes to make the Subject Land available for general public use.
- For the purpose of maximising the available space to increase the potential variety of uses of the Subject Land the Council proposes to remove and dispose of the spoil and overburden deposited in the construction of the stormwater collection facility located on portion of Piece (Q) 30 in Deposited Plan 90641 and make good the surface of the said land, so far as reasonably possible, as if the spoil or overburden had not been deposited there.

- As a cost-effective benefit to the community the Council proposes to continue to utilise portion of the Subject Land developed for the Penola common wastewater management scheme (CWMS) (portion of Piece (Q) 32 in Deposited Plan 90641 for the deposit, storage, recovery, removal and re-use of materials (including equipment) associated with road or similar construction on or away from the Subject Land.
- In support of the CWMS the Council proposes to continue to utilise portions of Piece (Q) 1 in Deposited Plan 25640 for land spreading of solid waste under licence from the Environment Protection Authority.

**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 and performance targets 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 the Subject land to support a mix of formal and informal community uses	Lease or licence portions of the Subject Land for purposes (e.g., grazing, hay cutting) that serve to enhance its condition and accessibility for community use	The Council to conduct an annual audit and inspection of tenure for grazing and hay cutting as controls over the condition of the Subject Land
Facilitate the enjoyment, use, occupation, and development of the Subject Land for purposes that align with the purpose for which the Subject Land is held	To provide safe and suitable infrastructure for the benefit of the community	Review Council's community feedback platforms and conduct annual inspections of facilities
Permit secondary uses of the Subject Land that are not inconsistent with the Council's other stated objectives	Maximise the variety of uses for which the Subject Land is held	The Council will keep a record of approved uses and management proposals and review the record annually to ensure its objectives are being met