

# Community Land Management Plans

## Part 1 - Introduction

### 1.1 What is Community Land?

The Local Government Act 1999 (“The Act”) introduced the concept of community land.

Subject to exclusion from classification and revocation, Section 193 of the Act defines community land as “All Local Government land (except roads) that is owned by a Council or under the Council’s care, control and management.”

Chapter 11 of the Act deals with the obligations and responsibilities that are imposed upon Councils as the custodians of land for the benefit of current and future generations of the community, i.e. community land.

Section 207 of the Act requires Council to prepare and adopt a Community Register. The Community Land Register includes all of the Council’s community land. The next stage in compliance with the community land provisions under the Act is the implementation of community Land Management Plans.

### 1.2 What is a Community Land Management Plan (CLMP)?

Pursuant to Section 196 of the Act, the Council must prepare and adopt a Management Plan for its community land if:

- The land is, or is to be, occupied under a lease or license: or The land has been, or is to be specifically modified or adapted for the benefit or enjoyment of the community.
- A CLMP is required for all parcels of land identified within this plan as it has been identified as having been specifically modified for the benefit or enjoyment of the public.

A CLMP must also state the purpose for why the land is held.

A Community Land Management Plan (CLMP) is a document that identifies community land, the purpose or which it is held and dictates how the Council manages the land to which it relates. CLMP’s provides a means to control future use, development and maintenance of that land.

A CLMP is a legislative requirement for specified community land owned by Council. The plan aims to balance the unique site conditions with community requirements for open space recreation opportunities and facilities.

### 1.3 Purpose of a Community Land Management Plan

Community land is recognised as an important component of the urban environment, providing opportunities for recreation and leisure and a CLMP provides a framework within which Council can develop a balanced response to current opportunities and address future pressures in respect thereof.

These Management Plans identify clear objectives and establish directions for planning, resource management and maintenance.

### 1.4 Before adopting a CLMP, Council must undertake community consultation. Community consultation plays an important role in the production of any CLMP as it provides Council with a sound understanding of relevant local issues from people who are familiar with and use the land. To a large degree, the direction for future development of land (in particular open space) is based on the views expressed by the general public.

Public involvement and consultation generates an understanding of Council’s Land Management aims. It combats misinformation and misunderstandings and fosters support for Council’s programs and policies.

Draft CLMP's will be exhibited for a 21 day period and will enable interested parties to comment on and have input into the management of the land (i.e. make a submission). In order to generate widespread community awareness of the draft CLMP, the following steps have been undertaken:

- Advertisements in the Messenger Newspaper
- Copy of draft document posted on Council's Website
- Copy of draft document available at Council's Customer Service Desk and Libraries

#### **1.4.1 Writing a Submission**

Submissions give members of the public an opportunity to express their opinions, provide information and suggest alternatives to Council's proposed management strategies for the relevant land.

If you would like to make a submission, ensure submissions are as effective as possible by:

- Listing all points according to the section and page number in the CLMP.
- Briefly describe each subject or issue you wish to raise.
- State specifically which objectives, proposals, policies, strategies and performance measures you agree or disagree with, and give reasons.
- Suggest alternatives to deal with any issue with which you disagree.

#### **1.4.2 Public Notice**

Once a CLMP has been adopted by the Council, the Council must give public notice of its adoptions i.e. publish a notice in the Gazette and the newspaper circulating throughout the State.

### **Part 2 - Policy and Planning Issues**

#### **2.1 Council/Government Policies**

These CLMP's are closely linked to the City of West Torrens Strategic Plan and to the City of West Torrens Open Space Strategy Plan (2004).

The following controlling legislation, Council Policies and Plans will impact upon Council's Management of Community Land.

- City of West Torrens By-laws
- City of West Torrens Open Space Strategy Plan
- City of West Torrens Policies on Playgrounds, Trees, Reserves, Community Halls, Public Consultation, Graffiti, Environment, Risk Management, Dogs and Signs
- City of West Torrens Strategic Plan
- Local Government Act 1999
- Development Act 1993
- EPA Act 1993
- Aboriginal Heritage Act 1988
- Heritage Act 1993
- Native Title Act 1993 (Commonwealth)
- Native Title Act 1993 (South Australia)
- Recreational Greenways Act 2000
- Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)
- National Parks and Wildlife Act 1972
- Recreational Grounds Rates and Taxes Exemption Act 1981
- Recreational Grounds (Joint Schemes) Act 1947
- Water Resources Act 1997

## CUMMINS HOUSE

Cummins House was built in 1842 by Sir John Morphett and was owned by the Family until 1977, when the State government acquired it as a State Heritage Property. The House and Gardens are under the care and control of Council.

Other classes of community land for which management plans have been prepared include council parks, recreational and sporting grounds, the River Torrens Linear Park, occupied and/or leased properties, rail corridors, the Brickworks Markets, car parks, drainage lands, kindergartens, walkways / buffer zones & screening reserves, City of West Torrens Memorial Gardens, and a miscellaneous class including parcels of land reserved for various purposes.

This management plan details management issues, goals, performance targets and performance measures for Cummins House.

## **CUMMINS HOUSE IDENTIFICATION**

Land designated as Cummins House and subject to this Management Plan is identified in Appendix 1.

## **CUMMINS HOUSE OWNERSHIP**

Cummins House is officially under the Care and Control of Council from the Minister of Works. Ownership details are provided in Appendix 1. The tenure of the land and details of any trusts, reservations, dedications or other restrictions affecting the land is stated in Appendix 1. Details of any known Native Title claims are provided in Appendix 1.

## **PURPOSE FOR WHICH CUMMINS HOUSE IS HELD BY COUNCIL**

Cummins House is used for the convenience of the public as a museum and as an education, exhibition, reception and performance centre.

## **REQUIREMENT FOR MANAGEMENT PLANNING**

A management plan has been prepared for Cummins House as the land has been specifically modified for the benefit and enjoyment of the community.

## **OBJECTIVES FOR THE MANAGEMENT OF THE LAND**

- Provision of a historically significant property to be operated by an appropriately qualified person/organisation and to be maintained to a high standard.
- To provide for the operation and administration of the property.
- To provide a venue for a range of activities as approved by Council under conditions contained within the lease for the property.
- To allow for the exclusion, removal or regulation of persons, vehicles or animals from the land.
- To allow for the imposition of admission or other charges for entry or use of the facilities.
- To ensure the appropriate management of the property which reflects the heritage nature of the land and buildings.
- To allow for the conducting of commercial /business activities on Community land.
- To provide clear guidelines on the use of facilities by patrons and contractors.
- To ensure compliance with all Policies and By-laws which may impact on the use of any Community Land.

## **MANAGEMENT ISSUES AND PERFORMANCE TARGETS**

Management issues and performance targets relating to the provision and maintenance of Cummins House are summarised in the following schedule:

<b>MANAGEMENT ISSUES</b>	<b>PROPOSALS</b>	<b>PERFORMANCE TARGETS</b>	<b>PERFORMANCE MEASURES</b>
<b>Heritage</b>	To ensure that the House and gardens, furniture and fittings and other items associated with the property are maintained in a manner which reflect the heritage significance of the property.	Reflect the values of conservation, management plans and state heritage objectives.	Compliance with conservation management plans and objectives.
<b>Landscape Character</b>	To provide landscaped areas to be used by patrons and to add to the amenity of the property.  To facilitate and assist the Cummins Society to maintain the grounds and gardens.	To maintain areas as needed, allowing for seasonal growth rates and required use.  To ensure sufficient resources are available to maintain standards.	Areas maintained in useable and safe condition.  Volunteer numbers are maintained.  Gardens maintained to a level that reflects the heritage value of the property.
<b>Buildings</b>	To ensure that the heritage nature of all buildings and structures are maintained in accordance with specific guidelines and with conditions contained within the Lease.	Liase with approved conservation architect to ensure conservation guidelines are met.	Approvals obtained.  Responsibilities met.  Standards maintained.
<b>Shade</b>	To provide adequate shade to enable use throughout the day during summer.	To provide shade tree planting and/or structures.	Shaded areas established.
<b>Weeds</b>	To maintain effective weed control.	To control and report on proclaimed pest plants as required. To control seasonal growth of annual weeds.	Proclaimed plants controlled.  Scheduled weed control program completed.
<b>Litter</b>	To maintain the site in a tidy state free of litter.	To remove litter during regular scheduled maintenance.	Site maintained free of excessive litter.

<i>Graffiti</i>	To maintain the site free from graffiti.	Offensive graffiti to be removed within one working day of report being received. Inoffensive graffiti to be removed within 3 working days of report being received. Regular inspections of high profile streets to be scheduled.	Graffiti removed within specified timeframes.
<i>Irrigation</i>	To provide an irrigation system to maintain the amenity of the Gardens.	To sustain turf to standards required for active recreation pursuits. To provide drip irrigation as required to garden bed areas. Irrigation systems to meet requirements determined by water restrictions. Best sustainable practices to be implemented.	Irrigation functioning within approved hours.  Irrigation maintained to avoid water wastage.
<b>Parking Areas</b>	To provide parking areas for use by patrons.	To ensure that parking areas can be accessed and utilised by all patrons.	Parking issues monitored regularly and as required.
<b>Driveways</b>	To provide driveways as required for vehicles.	To ensure that all driveways are maintained in a reasonable condition and remain easily accessible.	Regular inspection as part of scheduled park maintenance processes.
<b>Fencing</b>	Erection of fencing throughout and around the perimeter of the property to bound the site from adjoining land and road frontages, where necessary.	To ensure all fencing is maintained to a reasonable standard.	Regular inspection and maintenance of fences as required.
<b>Leases/ Licenses</b>	To allow the lease/license of the whole of or any part of the land and improvements as deemed appropriate by Council.	To negotiate lease/license agreements with organisations and/or members of the public for the use of Cummins House and associated facilities.  To ensure Patrons meet the terms and conditions of the agreement.	Maintenance and regular update of a lease/license register.  All terms and conditions met.
<b>Operation and Administration</b>	To oversee/facilitate the administration of the facilities through a forum known as The Cummins Board in accordance with the Council approved Terms of Reference.	Regular Board meeting held to consider issues. Appointment of an appropriate qualified Manager to oversee operations.	Number of meetings held.  Manager appointed.
<b>Permits/ Occasional Hire</b>	To provide permits/authority to enable specified use of	To monitor the issue of permits to members of the community,	Maintain records of permits issued and monitor use.

	the land/buildings or a portion of the land/buildings.	organisations and service suppliers and so that fair and approved use of the facilities are achieved.	Conditions of use are complied with.
<b>Exercising of Dogs</b>	To allow for areas to be set aside for both down owners and/or other members of the public.	Compliance with all restrictions on the exercising of dogs.	Reduced number of complaints regarding dogs in parks and reserves.

## **APPENDIX 1**

### **CUMMINS HOUSE**

<b>Asset Number(s)</b>	304
<b>Name of Reserve</b>	Cummins House
<b>Location</b>	Sheoak Avenue, Novar Gardens
<b>Certificate of Title</b>	CT 5796/195
<b>Plan</b>	FP 6203
<b>Parcel</b>	Allotment 145
<b>Area</b>	6,716
<b>Registered Proprietor</b>	Councils Care and Control - this land is officially under the Care and Control of the Minister of Works
<b>Tenure</b>	Care and Control
<b>Reservations/Dedications</b>	Under Councils Care and Control
<b>Native Title</b>	No known Native Title claims