

CITY OF CAMPBELLTOWN
COMMUNITY LAND MANAGEMENT PLAN
LOCHIEL PARK LANDS
Adopted 18 January 2022

BACKGROUND

The Lochiel Park Lands form part of the Lochiel Park site, which was developed by Renewal SA as a sustainable 'green village'. Two-thirds of the site, which includes the Lochiel Park Lands, has been established as an 'urban forest' comprising southern wetlands and reserve areas.

The Council is responsible for the care, control and management of the Lochiel Park Lands, which is undertaken in accordance with this Community Land Management Plan (the **Lochiel Park Plan**). The Lochiel Park Plan has been prepared and adopted in accordance with clause 11 of Schedule 8 of the *Local Government Act 1999* (the **Act**).

THE LAND TO WHICH THE LOCHIEL PARK PLAN APPLIES

The Lochiel Park Lands (the '**Land**') is Crown Land that has been dedicated for 'parkland purposes' pursuant to section 18 of the *Crown Land Management Act 2009* (the **CLM Act**). With effect from 17 March 2015, the Land was placed under the care, control and management of the Council pursuant to section 20 of the CLM, subject to the conditions of dedication (the **Conditions**) contained in **Annexure A**.

The Council continues to be the custodian of the Land and the Land has status as community land pursuant to section 193(1) and clause 11(15) of Schedule 8 to the Act. Specifically, clause 11(15) of Schedule 8 to the Act confirms that the Land, upon being placed under the care, control and management of the Council, is classified as community land and the classification is irrevocable.

The Land is the whole of the land comprised in the following Crown Records:

Crown Record	Address	Owner	Details of any relevant restrictions, dedication or trust
Volume 6164 Folio 806	Lochiel Park Lands	Crown	Dedication as Parklands
Volume 6164 Folio 807	Lochiel Park Lands	Crown	Dedication as Parklands
Volume 6164 Folio 808	Lochiel Park Lands	Crown	Dedication as Parklands

KAURNA ACKNOWLEDGEMENT

In preparing the Lochiel Park Plan the Council acknowledges and pays respect to the Traditional Owners of the Land, the Kaurna People of the Adelaide Plains. As the traditional custodians of the Land the Council respects their spiritual relationship with their Country and acknowledges that their cultural and heritage beliefs are still as important to the living Kaurna people today.

PURPOSE FOR WHICH THE LAND IS HELD BY THE COUNCIL

The Land is held for the parklands purpose for which it has been dedicated. This includes the use of the Land for the recreational, wellbeing and environmental needs of the community, and for the preservation of natural assets in accordance with the Conditions.

In accordance with the requirements of the Act, the Council will, in its management of the Land:

- maintain access from and across the Land to the land associated with Lochend House;
- take reasonable steps to maintain and preserve the infrastructure and other facilities that existed on the Land at the time that it was placed under the care, control and management of the Council;
- take reasonable steps to preserve vegetation on the Land;
- not develop or adapt the Land for organised sporting activity or for a purpose that would restrict free access to and use of the Land consistent with its dedicated purpose; and
- ensure that that Land remains as park lands that provide free access to the public.

OBJECTIVES FOR THE MANAGEMENT OF THE LAND

The following objectives each carry equal weighting. This means that not one objective outweighs another and rather, each objective is to be considered in a balanced and measured way taking into account (as relevant) the specific facts and circumstances applicable to the decision-making process.

1. To provide nature-based open space areas and facilities that encourage participation in, and facilitate, recreational, cultural and community pursuits and to seek to maximise the use of the Land and their facilities for these purposes.
2. To provide an area for the enjoyment of the community, where a range of passive recreational activities such as, but not limited to, picnics, walking, photography, bike riding and dog exercising, may be undertaken.
3. To address specific environmental, heritage and urban design objectives.
4. To comply with the requirements of clause 11 of Schedule 8 of the Act and the Conditions.
5. To facilitate use of the Land for community purposes consistent with its park land dedication in accordance with any lease or licence issued by the Council.
6. To facilitate appropriate (as determined by the Council) recreational and cultural activities occurring on the Land in accordance with any permit issued by the Council.
7. To establish, in consultation with the community, a designated space for exercising dogs, in the nature of a 'dog park'.

PROPOSALS FOR THE MANAGEMENT OF THE LAND

Subject to compliance with the requirements of all relevant legislation and the Conditions, the Council may develop and manage the Land to enhance its use as a community asset.

Council's specific proposals for the management of the Land are:

- preservation of park land vegetation and nature based open spaces;
- to maintain, renew and upgrade infrastructure on the Land as appropriate and within budget constraints;
- Council may at its discretion, approve the use of any part of the Land for business purposes, provided that such business purpose is consistent with the park lands dedicated purpose of the Land and in accordance with the Conditions;
- the Council may agree to grant a lease or licence over the Land where the Council is satisfied that the terms of the lease or licence are consistent with the park lands dedicated purpose of the Land and the Lochiel Park Plan;
- to provide inclusive access to open space for the community where appropriate and practicable; and
- establishing an accessible dog park in consultation with the community where dogs may be exercised.

PERFORMANCE TARGETS AND MEASUREMENT

Performance targets and measures relating to the Land are summarised (in no particular order or priority) in the following table.

Performance Target	Performance Measures
Ensure appropriately designed and managed open space that connects spaces and facilities and facilitates optimal shared use of the Land by the members of the community.	<p>Periodic inspection of all open spaces and facilities are undertaken to assess and ensure their fitness for purpose and that they are suitably accessible by the community.</p> <p>Any new infrastructure that is installed on the Land complies with applicable Australian Standards</p> <p>Increased visitation to and use of the Land, which may be measured through customer surveys and feedback.</p> <p>Permits issued where the Council considers this is appropriate to support suitable recreational and cultural activities occurring on the Land.</p>

	<p>Increased public satisfaction and use of the Land as measured by feedback that is provided to the Council through its customer feedback platforms.</p> <p>Leases and Licences are issued where deemed appropriate and in accordance with applicable legislation</p>
Provide safe and appropriately maintained land, within the constraints of the nature-based environment.	<p>Routine asset maintenance and renewal undertaken in accordance with work schedules and Asset Management Plans.</p> <p>Periodic inspections of the Land to be conducted and any obvious safety concerns arising in connection with them will be addressed as a matter of priority and as soon as practical.</p> <p>Any reported accidents or service requests will be investigated by Council and responded to in accordance with Council's customer service standard.</p> <p>Signage to be erected on the Land where appropriate, to provide guidance to the public regarding appropriate uses of the Land</p>
A focus on minimal and sensitive development; ensuring that existing biodiversity is protected, enhanced and maintained where possible.	<p>Any new development is consistent with the sustainability principles that underpin Lochiel Park.</p> <p>Biodiversity inspections will be undertaken periodically with outcomes reported upon in the Council's Biodiversity Report Card.</p> <p>Maintenance of vegetation (including mowing, brush-cutting, weed control, mulching, planting and watering) will be conducted in accordance with the relevant Council maintenance schedule.</p>
The Land is freely and safely accessible to the public, where practicable, and within the constraints of a natural environment.	<p>Adequate access to the Land is maintained unless precluded for safety, operational or environmental protection reasons as reasonably determined by the Council.</p>

Establish a safe, secure and functional area which is fit for exercising dogs without restraint.	<p>A designated space for dog activity is established and maintained with secure fencing so that activities within the space do not pose a safety hazard or nuisance for the wider community, or otherwise pose a risk to biodiversity on the balance of the Land</p> <p>Requests and complaints regarding animal management will be actioned in accordance with Council's customer service standards.</p>
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DECISION MAKING IN RELATION TO THE LAND

The Lochiel Park Plan will be implemented, where applicable, in accordance with other plans and policies that relate to the Land (as may be amended from time to time), including the plans and policies listed below. These plans and policies establish objectives, strategies and actions that will guide the future development, maintenance and management of community land within the Council's area, including the Land. All of them are available for inspection at the Council's principal office during ordinary business hours and on the Council's website www.campbelltown.sa.gov.au.

In accordance with the Act, in the event of an inconsistency between the provision of an official plan or policy under another Act and the provisions of the Lochiel Park Plan, the provisions of the official plan or policy prevail to the extent of the inconsistency.

- **Strategic Plan 2024**
A strategic plan that provides a framework to respond to the economic, social and environmental sustainability pressures faced by the Council region.
- **Open Space Directions and Strategies June 2012**
The City of Campbelltown Open Space Vision provides a strategic framework that guides the future provision, development and management of open space across the City over the next 10 years and beyond. The Open Space Vision identifies what is important for the City of Campbelltown regarding open space and provides a long-term vision for the future. The Open Space Vision includes strategic and specific directions through defined 'focus areas', strategic objectives, strategies and actions. It is a comprehensive and integrated document that aims to reflect and influence other local and State strategic planning.
- **Access and Inclusion Policy**
To support Council's commitment to building a community where people of all ages and abilities have equal opportunity to access and participate in community life with dignity.
- **Active Ageing Policy**
Council is committed to becoming an age-friendly city which provides an inclusive and accessible environment that promotes active ageing.

- **Asset Management Policy**
The policy identifies how asset management is to meet a required level of service in the most cost-effective way, through the creation, acquisition, maintenance, operation, rehabilitation and disposal of assets to provide for present and future community needs.
- **Animal Management Plan 2016 – 2021**
Providing suitable on-leash and off-leash activity areas is vital to the success of animal management in the area. Dog owners require suitable areas to exercise dogs safely.
- **Community Plan Policy**
Council's Community Plan brings together research and policy to inform practice that is current, relevant and appropriate to the local context. The Community Plan is a key strategic plan of action for the whole of Council to address the needs and aspirations of the Community.
- **Disability Access and Inclusion Plan 2020 -2024**
Disability Access and Inclusion Plan is a framework to ensure that all people with a disability can participate in Community life with dignity.
- **Environment Plan**
This Environment Plan is one of Council's four strategic plans, this Plan is a key document for guiding Council planning and activities that impact the local environment. It aligns with Council's Strategic Plan and the Resilient East Climate Change Adaptation Plan.
- **Physical Activity and Sports Policy**
Council is committed to providing facilities that encourage participation in sport and/or physical activity programs.
- **Risk Management**
Council will integrate risk management into its corporate culture and its everyday business operations at the strategic, project, operational and emergency risk levels.
- **Resilient East Climate Change Adaptation Plan 2020 – 2024**
A plan to ensure the eastern region remains a vibrant, desirable and productive place to live, work and visit, and that our businesses, communities and environments can respond positively to the challenges and opportunities presented by a changing climate.
- **Tree Management Policy**
The Tree Management Policy provides a framework to manage the trees under Council's influence and control.
- **Local Government Land By-Law No 4**
Regulates access to and activities that may be undertaken on the Land
- **Dog By-Law 2016**
Provides legislation for where dogs are prohibited or must be walked on-leash.

South Australian Government Policy

- **Regional Climate Change Adaption Plan June 2016**
To provide the foundation for a coordinated and collaborative response to climate change and identifies priorities for adaptation across the Eastern Region.

ANNEXURE A

CONDITIONS OF DEDICATION

CROWN LAND MANAGEMENT ACT 2009: SECTION 20

TAKE NOTICE that pursuant to the CROWN LAND MANAGEMENT ACT 2009, I, Ian Hunter, Minister for Sustainability, Environment and Conservation, Minister of the Crown to whom the administration of the *Crown Land Management Act 2009* is committed have placed the Crown land under the care control and management of The Corporation of the City of Campbelltown (the Custodian), subject to all the Conditions as set out and described in this instrument:

Purpose	Parklands
Conditions	<ol style="list-style-type: none">1. Purpose The Custodian must only use the Land for the Purpose.2. Stop Work<ol style="list-style-type: none">2.1. The Minister may order, by written notice, the Custodian or any other party having an interest in the Land, to stop work forthwith on the Land if there is an imminent and likely breach of a law or a significant risk to public health and safety or property or if it is considered that the works are inconsistent with the purpose of the dedication.2.2. The Custodian or other party may only resume work upon receiving written approval to do so by the Minister.3. Minister's power of entry The Minister or representative may enter the Land at any time.4. Fixtures/Improvements<ol style="list-style-type: none">4.1. Unless otherwise specified in writing, any buildings or improvements already erected on the Land being determined to be fixtures by the Minister, are and remain property of the Crown.4.2. No new development or work (except minor maintenance and repair works) may be commenced on the Land unless the Minister has first consented to the same in writing.4.3. All buildings and improvements erected on the land after the date of this instrument are hereby severed from the land.4.4. If the dedication of land is revoked or withdrawn from the care, control and management of the Custodian, the Minister may direct the Custodian to remove from the land all fixtures and improvements that are the property of the Custodian at the Custodian's cost.5. Rates and Taxes etc The Custodian is responsible for the payment of all rates, taxes, charges and levies on or attributable to the Land.6. Indemnity The Custodian must indemnify the Minister and the Crown in right of the State of South Australia and keep the Minister and the Crown in right of the State of South Australia forever indemnified in respect to the whole of the Minister's costs and expenses (including without limitation legal costs and expenses) of and incidental to the implementation of this dedication including the enforcement of the Purpose or Conditions.

	<p>7. Breach of Conditions</p> <p>Subject to the Custodian being given a reasonable opportunity to make good the breach (if capable of remedy), the Minister may withdraw the Land from the care, control and management of the Custodian if a breach of a condition subsists or has occurred.</p> <p>8. Waiver of Conditions</p> <p>8.1. The Minister may waive a condition or breach of condition by notice in writing.</p> <p>8.2. No waiver of condition or breach of a condition shall operate as a waiver of any other condition or any other breach of condition.</p> <p>9. Special Requirements</p> <p>None.</p>
Fixtures/ Improvements	<p>Notwithstanding any principle of law to the contrary, the Minister acknowledges:</p> <ol style="list-style-type: none"> 1. South Australian Water Corporation owns certain recycled water infrastructure and the recycled water network situated on the Land in accordance with an agreement between the Custodian, South Australian Water Corporation and Renewal SA (formerly Land Management Corporation); and 2. all other improvements on the Land at the date that the Land is placed under the care, control and management of the Custodian are owned by the Custodian.
Definitions/ Guidance	<ol style="list-style-type: none"> a) the reference to "the Act" means the <i>Crown Land Management Act 2009</i>; b) the term "Land" is a reference to the Crown Land that this instrument is noted against; c) the term "Minister" means the Minister to whom the administration of the Act has been committed, and includes a reference to a person delegated or authorised by the Minister to perform a function or power under the Act and may include an a representative of the Minister; d) a reference to a condition in the Conditions means a condition listed in this instrument or as varied under the Act; and <p>THESE CONDITIONS AS SET OUT ABOVE ARE IN ADDITION TO THE PROVISIONS OF THE <i>CROWN LAND MANAGEMENT ACT 2009</i> AND DO NOT LIMIT THE MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION IN THE EXERCISE OF HIS RIGHTS OR DISCRETIONS HE MAY ENJOY UNDER THE ACT.</p>

Dated 17th day of March 2015



HON IAN HUNTER MLC,
MINISTER FOR SUSTAINABILITY, ENVIRONMENT AND CONSERVATION