

Review of Adelaide Park Lands Community Land Management Plan

Tuesday, 9 August 2022
Council

Strategic Alignment - Enabling Priorities

Public

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EXECUTIVE SUMMARY

This report seeks approval of the consolidated draft Community Land Management Plan (CLMP) for the Adelaide Park Lands under the care, control and management of the City of Adelaide for the purposes of statutory consultation.

Council is required under the *Local Government Act 1999* (LG Act) to adopt a CLMP for the Adelaide Park Lands. Under the *Adelaide Park Lands Act 2005* (APL Act) this must be consistent with the Adelaide Park Lands Management Strategy and be reviewed at least every five years.

A review of the approach to the preparation of CLMPs identified opportunities to align CLMP content and review processes more closely with statutory requirements through the development of a single consolidated CLMP.

This more holistic management approach will provide statutory compliance and improved ability to achieve review timeframes and clear content for communicating with the community about management of the Adelaide Park Lands. It will also reduce duplication and potential for inconsistency with the Adelaide Park Lands Management Strategy.

Consultation on the draft CLMP for the Adelaide Park Lands will be undertaken in accordance with the statutory requirements of the LG Act and APL Act. Mandatory public consultation required under legislation is permitted during the caretaker period which runs from 6 September until mid-November 2022.

RECOMMENDATION

THAT COUNCIL

1. Approves the consolidated draft Community Land Management Plan for the Adelaide Park Lands under the care, control and management of the City of Adelaide presented as per Attachment A to Item 10.16 on the Agenda for the meeting of the Council held on 9 August 2022, being released for statutory consultation, subject to consultation with the Minister for Planning.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<p>Strategic Alignment – Enabling Priorities</p> <p>The consolidated draft Community Land Management Plan for the Adelaide Park Lands aligns with the key actions to:</p> <ul style="list-style-type: none"> - Demonstrate bold governance leadership in the Local Government Sector (5.1). - Review Council services to balance efficiencies with meeting community expectations (5.6).
Policy	The proposed CLMP would supersede all pre-existing CLMPs for the Adelaide Park Lands excepting the CLMP for the Adelaide Oval Precinct, Part of Tarntanya Wama (Park 26).
Consultation	<p>Public consultation on a CLMP for the Adelaide Park Lands must be undertaken in accordance with the statutory requirements of the LG Act and APL Act (Section 19) and the consultation steps in Table 1 of the CoA Community Consultation Policy adopted by Council on 16 July 2019.</p> <p>A workshop was held with Council Members at The Committee on 21 June 2022.</p> <p>Kadaltilla / Park Lands Authority considered the approach on 28 July 2022. Consultation on a CLMP for the Adelaide Park Lands must be undertaken in accordance with the statutory requirements of the <i>Local Government Act 1999</i> and <i>Adelaide Park Lands Act 2005</i> (Section 19). Mandatory public consultation required under legislation is permitted during an election period, including caretaker period.</p> <p>Consultation on the proposed CLMP will follow the consultation steps set out in Table 1 of the CoA Community Consultation Policy adopted by Council on 16 July 2019.</p>
Resource	The revised approach to preparing the CLMPs for the Adelaide Park Lands reduces the timeframe and resources required to deliver the comprehensive review programme.
Risk / Legal / Legislative	<p>A CLMP for the Adelaide Park Lands must meet the statutory requirements of the <i>Local Government Act 1999</i> and <i>Adelaide Park Lands Act 2005</i>. The review of existing CLMPs for the Adelaide Park Lands is beyond the statutory timeframe of five-years.</p> <p>Legal review has confirmed that a consolidated draft CLMP meets statutory requirements.</p>
Opportunities	The review process has identified opportunity for stronger alignment of CLMP content and review processes with statutory requirements. This includes a streamlined approach to the five-yearly review process so that it can be achieved within the statutory timeframe.
22/23 Budget Allocation	The project is targeting completion in the 2022/2023 financial year and can be delivered within existing operating budgets.
Proposed 23/24 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The CLMP for the Adelaide Park Lands must be comprehensively reviewed at least once in every five years.
22/23 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Requirements and Process

1. Section 196 of the *Local Government Act 1999* (LG Act) sets out the following requirements for a Community Land Management Plan (CLMP) to address, including specific requirements for the Adelaide Park Lands:
 - (1a) *The Adelaide City Council must prepare and adopt a management plan for the Adelaide Park Lands.*
 - (2) *A single management plan may apply to one or more separate holdings of community land.*
 - (3) *A management plan must –*
 - (a) *identify the land to which it applies; and*
 - (b) *state the purpose for which the land is held by the council; and*
 - (c) *state the council's objectives, policies (if any) and proposals for the management of the land; and*
 - (d) *state performance targets and how the council proposes to measure its performance against its objectives and performance targets; and*
 - (e) *in the case of the management plan for the Adelaide Park Lands:*
 - (i) *provide information on any arrangements or restrictions on public use of any part of the park lands, or on movement through the park lands; and*
 - (ii) *provide specific information on the council's policies for the granting of leases or licences over any part of the park lands.*
2. Section 19 of the *Adelaide Park Lands Act 2005* (APL Act) states that the management plan for community land within the Adelaide Park Lands must be:
 - 2.1. Consistent with the Adelaide Park Lands Management Strategy (APLMS).
 - 2.2. Comprehensively reviewed at least once in every five years.

Current CLMP Approach

3. The first CLMP (1999) was a single, comprehensive management plan for the Adelaide Park Lands.
4. The second iteration of the CLMP (2005) transitioned to the creation of separate plans for each park. This aligned with the commencement of the APL Act and its requirement to develop an APLMS which focusses on a vision and enhancement proposals for the Park Lands.
5. The 2013 series of CLMPs transitioned back to a more consolidated approach, by:
 - 5.1. Combining many parks into 'Chapters'; and
 - 5.2. Including Chapter 1 which provided the overall 'Legislative and Planning Framework' and certain provisions which applied to all parks (to avoid duplication in each park section).
6. The current CLMPs mostly date from 2013 and, except for three, are outside of the five-year legislative timeframe for review.
7. Since November 2020, Council has adopted the General Provisions of the Adelaide Park Lands Community Land Management Plan and three reviewed CLMPs for:
 - 7.1. Golden Wattle Park / Mirnu Wirra (Park 21W)
 - 7.2. The Adelaide Oval Precinct
 - 7.3. Bunday's Paddock / Tidlangga (Park 9).

8. Section 8 of the LG Act provides a list of mandatory considerations of Council when making a statutory decision under the LG Act. In preparing a CLMP, Council must have regard to the following principles:

Principles to be observed by Council	CLMP response
Provide open, responsive and accountable government	The CLMP includes performance objectives, targets and measures as a means of being accountable for the management of community land.
Be responsive to the needs, interests and aspirations of individuals and groups within its community	The CLMP is subject to statutory community consultation (under the LG Act).
Participate with other councils, and with State and national governments, in setting public policy and achieving regional, State and national objectives	Council must, before it releases a proposed CLMP for public consultation under the LG Act, consult on a draft of its proposal with the relevant Minister, the Adelaide Park Lands Authority (Kadaltilla / Park Lands Authority), and any State authority or adjoining council that has a direct interest in the matter.
Give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community	The CLMP identifies key national, State, regional and local legislation and policies relevant to the management of community land.
Seek to co-ordinate with State and national government in the planning and delivery of services in which those governments have an interest	The CLMP for the Adelaide Park Lands must be consistent with the APLMS which reflects a range of shared objectives for the Adelaide Park Lands and gives rise to partnerships in planning and service provision.
Seek to collaborate, form partnerships and share resources with other councils and regional bodies for the purposes of delivering cost-effective services (while avoiding cost-shifting among councils), integrated planning, maintaining local representation of communities and facilitating community benefit	
Seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations	The CLMP sets out the purpose for which land in the Adelaide Park Lands, under the care and control of Council, is held. There is alignment with the principles contained in APL Act which includes economic, social, environmental and cultural considerations.
Manage its operations and affairs in a manner that emphasises the importance of service to the community	The CLMP sets out performance objectives, targets and measures for management of community land which identifies community service provision. In large part these apply equally across the Adelaide Park Lands. Where specific service need has been identified, this is outlined in the CLMP.
Seek to ensure that council resources are used fairly, effectively and efficiently and council services, facilities and programs are provided effectively and efficiently	
Seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs	
Achieve and maintain standards of good public administration	The CLMP establishes links with other Council documents including policies and operating guidelines for the management of community land.
Seek to balance the provision of services, facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers	The CLMP identifies a relationship with Council's asset management plans which are directly related to the long-term financial management plan and sustainability of the Council.
Ensure the sustainability of the council's long-term financial performance and position	

Proposed consolidated CLMP

9. A review of the approach to preparing CLMPs considered Council's statutory obligations for CLMPs arising from the LG Act and APL Act.
10. This review identified opportunities for stronger alignment of CLMP content and review processes with statutory requirements, which in turn should streamline the five-yearly review process such that it can be achieved within statutory timeframe.
11. The current approach, the subject of this report, is to transition back to a consolidated CLMP (**Attachment A**).
12. The consolidated CLMP meets the statutory requirements and takes the approach of containing information which applies to the management of the Adelaide Park Lands as a whole system including:
 - 12.1. The management framework for the Adelaide Park Lands, including key legislation and CoA strategies, policies and plans.
 - 12.2. The overall purpose for which the Adelaide Park Lands are held (as a system of parks):
 - 12.2.1. To provide benefit for the people of South Australia by being publicly accessible green open space.
 - 12.2.2. To support a diverse range of environmental, natural heritage, cultural and social values and activities.
 - 12.2.3. To support outdoor and community based recreational activities.
 - 12.2.4. To provide a defining feature to the City of Adelaide.
 - 12.2.5. To contribute to the economic and social wellbeing of the city.
 - 12.3. The overarching objectives, targets and measures for the Adelaide Park Lands.
13. The consolidated CLMP also provides park specific management information as each park has a specific context and management considerations. Each park has a dedicated page in the CLMP which includes:
 - 13.1. Identification of the land.
 - 13.2. Park context.
 - 13.3. Purpose for which the land is held (this is in addition to the overall purpose for which the Adelaide Park Lands are held).
 - 13.4. Park specific objectives, targets and measures for managing the land (these are in addition to the overarching objectives, targets and measures for the Adelaide Park Lands which also can apply where relevant).
 - 13.5. Management proposals.
 - 13.6. Restrictions of public use and movement.
14. The previously adopted (April 2021) CLMP for the Adelaide Oval Precinct remains a stand-alone document due to the inherent complexities introduced into the management of that Precinct by the *Adelaide Oval Redevelopment and Management Act 2011* and the resulting Licence Area. A link to this document will be provided in the consolidated CLMP.

Benefits of the proposed consolidated approach

15. The new, consolidated CLMP is more functional and provides the following benefits:
 - 15.1. A more holistic management approach to the Adelaide Park Lands under Council's care and control.
 - 15.2. Clear content for communicating with the community about management of the Adelaide Park Lands.
 - 15.3. A functional and easy to use document.
 - 15.4. Statutory compliance with plan content and improved ability to achieve review timeframes.
 - 15.5. Reduced duplication and potential for inconsistency with the Adelaide Park Lands Management Strategy.
 - 15.6. More efficient consideration by Kadaltilla, State Government and Council.
16. The proposed consolidated CLMP is strongly aligned with the intent of the relevant legislation by focusing on Council's objectives, policy and proposals for the management of land and how it proposes to measure its performance against management objectives and targets.

17. Rather than duplicating existing content in other documents, which can result in inconsistency, additional information (such as the Cultural Landscape Assessment, relevant Council strategies, policies, guidelines and land titles) are provided through linked documents.

Consultation

18. Consultation on a CLMP for the Adelaide Park Lands must be undertaken in accordance with the statutory requirements of the LG Act and APL Act. As it is mandatory under legislation, public consultation may occur during Council's caretaker period which runs from 6 September until mid-November 2022 when the election results are certified.
19. Council must, before it releases a proposed CLMP for public consultation under the LG Act, consult on a draft of its proposal with:
 - 19.1. The Minister responsible for the APL Act, currently the Minister for Planning (The Hon Nick Champion MP).
 - 19.2. The Adelaide Park Lands Authority (Kadaltilla / Park Lands Authority).
 - 19.3. Any State authority or adjoining council that has a direct interest in the matter.
20. Kadaltilla considered the consolidated draft CLMP on 28 July 2022 and will provide advice to Council.
21. The subsequent consultation steps for statutory consultation on a proposed CLMP are set out in Table 1 of the CoA Community Consultation Policy, which states:
 - 21.1. Council will provide public notice of the options for consideration.
 - 21.2. Information provided on a CoA corporate website.
 - 21.3. Council to ensure that any documents that are legislatively required to be freely available for inspection are on public display and print versions are available to purchase for a fixed fee in the customer centre; and freely available for view and/or purchase for a fixed fee in the City's libraries and community centres as required.
 - 21.4. Notice published in a local newspaper circulating in the CoA.
 - 21.5. Provide a minimum of 21 days for people to make submissions to Council (unless stated).
 - 21.6. Receipt of submissions by CoA.
 - 21.7. Submissions to be considered by Council in decision-making.
 - 21.8. Inform public of outcome (as per relevant section).

ATTACHMENTS

Attachment A – Reviewed and consolidated Community Land Management Plan for the Adelaide Park Lands under the care, control and management of the City of Adelaide

- END OF REPORT -