

Community Land Management Plan

Whiting Road, Fisherman Bay

(commonly identified as a Reserve along front of Whiting Road, Residents behind)



1. INTRODUCTION

This Community Land Management Plan (CLMP) has been prepared by Barunga West Council (the Council) in fulfilment of its obligations under the *Local Government Act 1999* (the Act).

Section 193 of the Act states that all land owned by a council or under a council's care, control and management (other than roads), is classified as 'Community Land' unless the council has resolved to exclude it from being classified as Community Land or its community land status has been revoked.

Section 196 (1) of the Act states:

- (1) A council must prepare and adopt a management plan or management plans for its community land if—
 - (a) the land falls within the ambit of section 194(1)(b) or (c); or
 - (b) the land is, or is to be, occupied under a lease or licence; or
 - (c) the land has been, or is to be, specifically modified or adapted for the benefit or enjoyment of the community.

The Act also states that the management of community land must be in accordance with an approved management plan.

2. LAND TO WHICH THIS COMMUNITY LAND MANAGEMENT PLAN (CLMP) APPLIES

The parcel of land to which this CLMP applies is identified as:

Allotment 446 – Whiting Road, Fisherman Bay (the Land), HD of Mundoora, and is contained within CT6266/324 (Certificate of Title), which sits under Valuer General number 9407120013.

At the time of writing this CLMP the zoning of the subject land identified as Allotment 446 is contained within the Rural Shack Settlement Zone as depicted on the SAPPa interactive property atlas in the Planning and Design Code.

The Land has a total area of approximately 0.3581 Ha.



CT6266/324*

**Note: Map boundaries are subject to minor alignment variations*

3. REASON WHY A MANAGEMENT PLAN IS REQUIRED

A Land Management Plan is required for this parcel of Land as:

- The land has been dedicated a Community Land classification and has been, or is to be, specifically modified or adopted for the benefit or enjoyment of the community.
- A maintenance plan will ensure that the land and its improvements are being used efficiently and effectively to meet the diverse needs of the community, and provides for regular inspections, direction for repairs and upgrades to be undertaken as deemed necessary to keep any building in good condition.
- A maintenance plan will also enhance and minimise harm to and protect existing flora and fauna.

4. OWNER

The Land is owned by the Barunga West Council with the administration of the *Local Government Act 1999*. The Council is responsible for managing and governing the land in accordance with this legislation, which typically includes tasks in accordance with the *Planning, Development and Infrastructure Act 2016*.

4.1 NATURE OF ANY TRUST, DEDICATION OR RESTRICTION

The Land has been dedicated for the purpose of Reserve pursuant to the Certificate of Title.

The Land is subject to the following easements:

- Easement over the area marked A on Deposited Plan D128546 for water supply purposes (RTC13677331); and
- Easement over the area marked PP on Deposited Plan D129015 for the transmission of electricity by underground cable (RTC13728841).

4.2 PROVISIONS REQUIRED BY OWNER

The Land must be managed and maintained in accordance with the dedicated purpose, and pursuant to the provisions of this CLMP.

5. PURPOSE FOR WHICH THE LAND IS HELD

At the time of preparing this CLMP, the Land (or portion thereof) is not subject to a lease or licence therefore is retained for general community use and amenity purposes.

It provides open space, drainage and passive recreational opportunities for the public, and contributes to the visual amenity and environmental value of the area.

6. APPLICABLE COUNCIL POLICIES

- Public Consultation Policy
- Leases, Licences and Permits Policy
- By Law no. 2 – Local Government Land
- Freedom of Information Policy
- Any other Council Policy or Government Legislation as deemed applicable.

7. PROPOSALS FOR THE MANAGEMENT OF THE LAND

Barunga West Council is committed to implementing a maintenance management plan for the Land that prioritises maintenance, regulatory compliance, stakeholder engagement, and environmental stewardship. Through diligent planning, execution, and ongoing review, we aim to ensure that the Land remains an asset for the community now and into the future.

Any Parts of the Land that are under a lease or a licence will be maintained in accordance with the conditions of the lease or licence.

8. OBJECTIVES FOR MANAGEMENT OF THE LAND

By prioritising objectives, Councils can effectively manage the Land in a manner that balances the diverse needs and interests of the community while safeguarding the ecological, cultural, and recreational values of these public resources.

The key objectives for the Land under this CLMP are:

- Sustainability of the Land including environmental conservation, resource management, and community resilience.
- Ensure that infrastructure on the Land is well-maintained and developed in a manner that minimizes environmental impact and maximizes public benefit.
- Explore opportunities for appropriate and sustainable use of the Land that may support ancillary revenue generation, where consistent with its primary purpose as open space and community amenity.
- Ensure compliance with all relevant laws, regulations, and policies governing the management of the Land, including land use planning, environmental protection, and heritage preservation.

9. LEASES, LICENCES AND BUSINESS USES

Authorised Leases, Licences and Permits

The Council may, in accordance with the *Local Government Act 1999* and any other applicable legislation, grant, vary, renew or cancel leases, licences and other agreements over the Land or any part of the Land, including any building or part of a building situated on the Land.

Any lease, licence or permit granted over community land must:

- be consistent with the purpose for which the Land is held;
- comply with any applicable community land management plan; and
- satisfy the requirements of the *Local Government Act 1999*.

Leases and licences may permit business use of the Land and may allow for the construction, modification, demolition or relocation of buildings or structures, subject to compliance with any applicable planning, development or other statutory approvals.

The Council may grant permits under the *Local Government Act 1999* or relevant Council by-laws for short-term access to and use of the Land, or any building or structure on the Land, including for business use.

In accordance with section 202 of the *Local Government Act 1999*, public consultation is required where:

- the term of the lease or licence (including any renewal rights) exceeds five (5) years; or

Community Land Management Plan

- the proposal is considered by the Council to have a significant impact on the interests of the community.

Other Leases and Licences

The grant of any other lease or licence must be consistent with the dedicated purpose of the Land and is subject to the requirements of section 202 of the *Local Government Act 1999*.

10. OBJECTIVES, TARGETS AND PERFORMANCE MEASURES

By regularly monitoring and evaluating performance using these metrics and indicators, Councils can ensure that Crown Land is managed effectively, sustainably, and in the best interests of the community and the environment.

Objective	Performance Targets	Performance Measures
Infrastructure Maintenance and Development	Ensure that infrastructure on the Land, such as trails, facilities, and amenities, is well-maintained and developed in a manner that minimises environmental impact and maximizes public benefit.	Tracking the condition of infrastructure assets on the Land, such as paths, facilities, and amenities, can help ensure they are adequately maintained and meet the needs of visitors.
Sustainable Land Use	Ensure that the use and development of the Land align with principles of sustainability, including environmental conservation, resource management, and community resilience.	Regular assessments of the environmental impact of activities.
Public Access and Recreation	Facilitate public access to the Land for recreational activities such as skateboarding, bike riding, picnicking, and other forms of outdoor recreation, while preserving the natural and cultural heritage of the land.	Review community and visitor feedback, while considering environmental impact and cultural significance with such activities.

Community Land Management Plan

Environmental Conservation	Implement measures to protect and enhance the natural environment, including biodiversity conservation, habitat restoration, and the management of invasive species and environmental hazards.	Monitoring biodiversity indicators such as species diversity, population trends, and habitat quality can help assess the effectiveness of conservation measures and habitat restoration efforts.
Revenue Generation	Explore opportunities for sustainable revenue generation from the Land through activities such as leasing, licensing, tourism, and recreational services, with the aim of reinvesting profits into land management and conservation initiatives.	Assessing revenue generation, cost-effectiveness of management practices, and budget utilisation can provide insights into the financial sustainability of the Land management activities.
Compliance with Regulations	Ensure compliance with all relevant laws, regulations, and policies governing the management of the Land, including land use planning, environmental protection, and heritage preservation.	Regular audits and inspections can ensure compliance with relevant regulations, permits, and lease agreements, minimising the risk of environmental damage, safety hazards, or legal liabilities.

11. IMPROVEMENTS ON THE LAND

At the time of adopting this CLMP, the following infrastructure is present on the Land:

- Nil

The Council may develop (or approve for development of) infrastructure consistent with this CLMP and may remove or replace infrastructure from time to time.

At the time of preparing this CLMP, there were no proposals identified or endorsed for the Land referred to in this CLMP.

12. NOTES

The sequence of dot points and numbering of purposes, objectives, policies, proposals and performance targets and measures listed within this CLMP do not infer a hierarchy or order of priority.

DRAFT