

EVELYN HALLIDAY RESERVE
COMMUNITY LAND MANAGEMENT PLAN

DRAFT

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1- BACKGROUND

Evelyn Halliday Reserve (the **Land**) located at 22 Wright Road, Stirling is a parcel of land utilised for Informal Recreation, Conservation and Community Use. The Land was bequeathed to Council in the will of Ms Evelyn Halliday in 1991. The whole of land is described as Allotment 30 in Deposited Plan 40804, Certificate of Title Volume 5234 Folio 737. The land was accepted by Council in October 1991 via an *Acknowledgement of Trust*.

The Land is subject to a Declaration of Trust dated 7 October 1991 (the **Trust**), pursuant to which the Land must be used for:

“a Recreation Reserve for the general benefit of the Community forever”.

The Trust has the following conditions in respect to the use of the Land:

- The Council hereby declares that forthwith after the transfer of the Land to the Council it will hold the same upon trust to use the same as a recreation reserve for the general benefit of the community forever.
- The Council further declares that the Land shall be known as “The Evelyn Halliday Reserve” in memory of the benefactor of the Land.
- The Council shall have the power to make such rules and regulations as it thinks fit for the management and good order of the Land so far as the same are consistent with the foregoing provisions of the Deed.
- Where the context so admits the term “the Council” includes its successors and assigns.

Evelyn Halliday Reserve is a multi-use facility which features a popular fenced dog park dedicated for off-leash dog exercising, informal recreation, conservation and community use areas. A portion of the Land consists of a house block (approximately 2,000 sqm) with a cottage.

2- IDENTIFICATION DETAILS

IDENTIFICATION DETAILS		
2.1	Name of Land/Reserve	Evelyn Halliday Reserve
2.2	Location	22 Wright Road, Stirling, South Australia, 5152
2.3	Certificate of Title	Certificate of Title Volume 5324 Folio 737 being Allotment 30 in Deposited Plan 40804 in the area named Stirling in the Hundred of Onkaparinga as depicted in the plan attached at Appendix 1
2.4	Area	6.489 hectares
2.5	Owner	Adelaide Hills Council (the Council)
2.6	Trust/Dedication/Restriction	Declaration of Trust dated 7 October 1991
2.7	Owner Requirements	The Trust requires the Land to be used as a Recreation Reserve for the general benefit of the Community forever

3- WHY A MANAGEMENT PLAN IS REQUIRED

Under the *Local Government Act 1999* (**the Act**) “community land” is all local government land (except roads) that is under the care, control and management of the Council unless expressly excluded by the Council.

In accordance with section 196(1) of the Act the Council is required to prepare and adopt a management plan for any community land that is, or is to be, occupied under a lease or licence and for any community land that has been, or is to be, specifically modified or adapted for the benefit or enjoyment of the community.

A Community Land Management Plan (**CLMP**) for Evelyn Halliday Reserve has been prepared by the Council in fulfilment of its obligations under section 196 of the Act. Under the Act, the Council must manage community land in accordance with the management plan. In this case the Land must be used in accordance with the Trust.

4- PURPOSE FOR WHICH THE LAND IS HELD

Section 196(3)(b) of the Act requires a CLMP to state the purpose for which the Land is held.

The Council holds the Land under the provisions of the Trust as “a Recreation Reserve for the general benefit of the Community forever”.

Consistently with the provisions of the Trust the Council has identified the following purposes for which the Land is held:

- Open space area;
- Informal recreation facilities;
- Conservation
- Community use
- Wildlife rehabilitation by a not-for-profit organisation

5- OBJECTIVES FOR THE MANAGEMENT OF THE LAND

The detailed objectives for the management of the Land including the performance targets and measures are contained within the Schedule of this plan. The Objectives for Evelyn Halliday Reserve are as follows:

- To manage, control and conserve the Land in accordance with the Trust.
- To provide recreation facilities and space on the Land that are fit-for-purpose, safe, well maintained and accessible for people of all ages, backgrounds and abilities.
- To provide or allow occupation rights to community and not-for profit groups for informal recreation, conservation, community uses and wildlife rehabilitation by way of lease, sub-lease, licence, permit or management agreement.

6- POLICIES FOR THE MANAGEMENT OF THE LAND

Section 196(5) of the Act requires a management plan, as far as practicable, to be consistent with other relevant official plans and policies about conservation, development, and use of the Land. These plans and policies prevail to the extent of any inconsistency with this management plan.

The following policies, by-laws, plans and strategies have some direct or indirect application to the Land are relevant as at the date of the CLMP. Council policies undergo regular review, and may be amended, superseded, or replaced.

General Council		
Plans and Strategies	Plans and Strategies applicable to management of all community and recreational facilities for Evelyn Halliday Reserve.	• Your Place Your Space- Strategic Plan 2024 • Long Term Financial Plan • District Masterplan • Annual Business Plan and Budget • Asset Management Plan • Access and Inclusion Plan 2020-2024 • Dog and Cat Animal Management Plan 2018-2022 • Adelaide Hills Council Development Strategy • Sport and Recreation Strategy 2017-2021 • Age Friendly Community Plan 2016-2019 • Waste Management Plan 2017 • Resource Recovery and Recycling Strategy 2019 • Biodiversity Strategy 2019-2024
Policies	General Council policies applicable to management of all community and recreational facilities for Evelyn Halliday Reserve.	• Asset Management Policy • Public Consultation Policy • Safe Environments Policy • Tree Management Policy • Community & Recreation Facilities Policy • Waste & Resource Recovery Services Policy • Volunteer Engagement
By-Laws		• By-law No 1- Permits and Penalties • By-law No 2- Moveable Signs • By-law No 3- Local Government Land • By-law No 5- Dogs • By-law No 6 - Cats

7- PROPOSAL FOR THE MANAGEMENT OF THE LAND

It is a requirement under section 196(3)(c) of the Act for the Council to state the proposal for the management of the Land in the CLMP.

It is specifically proposed (subject to available funding and all relevant Council and statutory approvals and authorisations) that:

1. A portion of Land known as
 - a. the cottage on the house block,
 - b. an area of approximately 40 sqm for aviaries for injured wildlife, and
 - c. the existing shed on site

be leased to Save our Wildlife Foundation Inc. for wildlife rehabilitation purposes to benefit sick, injured and orphaned wildlife in their final stages of rehabilitation and to provide emergency care for animals that survive bushfire or other emergency events and require ongoing rehabilitation until their release back into the wild.

2. The remainder of the house block land be licensed for non-exclusive purposes to Save our Wildlife Foundation Inc. to use and enter upon the house block land for wildlife rehabilitation purposes.

8- PERFORMANCE TARGETS

It is a requirement under section 196(3)(d) of the Act for the Council to state its performance targets for the Land.

See 11. Schedule

9- PERFORMANCE MEASURES

It is a requirement under section 196(3)(d) of the Act for the Council to state how it proposes to measure its performance against its objectives and performance targets.

See 11. Schedule

10- LEASES, LICENCES AND PERMITS

10.1 Leases and Licences consistent with Community Land Management Plan

For the purposes of section 202(3) of the Act the Council is authorised to grant a lease, sub-lease or licence over the Land or any part of the Land for the purposes of the management, control, and conversation of the Land in accordance with the Trust, so long as it is consistent with this plan.

Subject to the terms of the Trust and any existing interest the Council may grant further leases or licences over any portion of the Land in accordance with section 202 of the Act.

If a lease or licence is granted, it must:

- Be consistent with the Trust.
- Be compatible with the objectives of this CLMP in respect to the Land.
- Be compatible with the performance targets of this CLMP.
- Permit activities that are consistent with the current and future needs of the community.
- Not result in damage to the Land.
- Not create significant disturbance or nuisance to surrounding property owners.
- Be compatible with the needs of the wider community.

The details of a lease or licence over the Land are required to be specified in the Council's Community Land Register pursuant to Section 207 of the Act.

10.2 Permits

Subject to the terms of the Trust, the Council may grant permits for the Land that are consistent with the Trust.

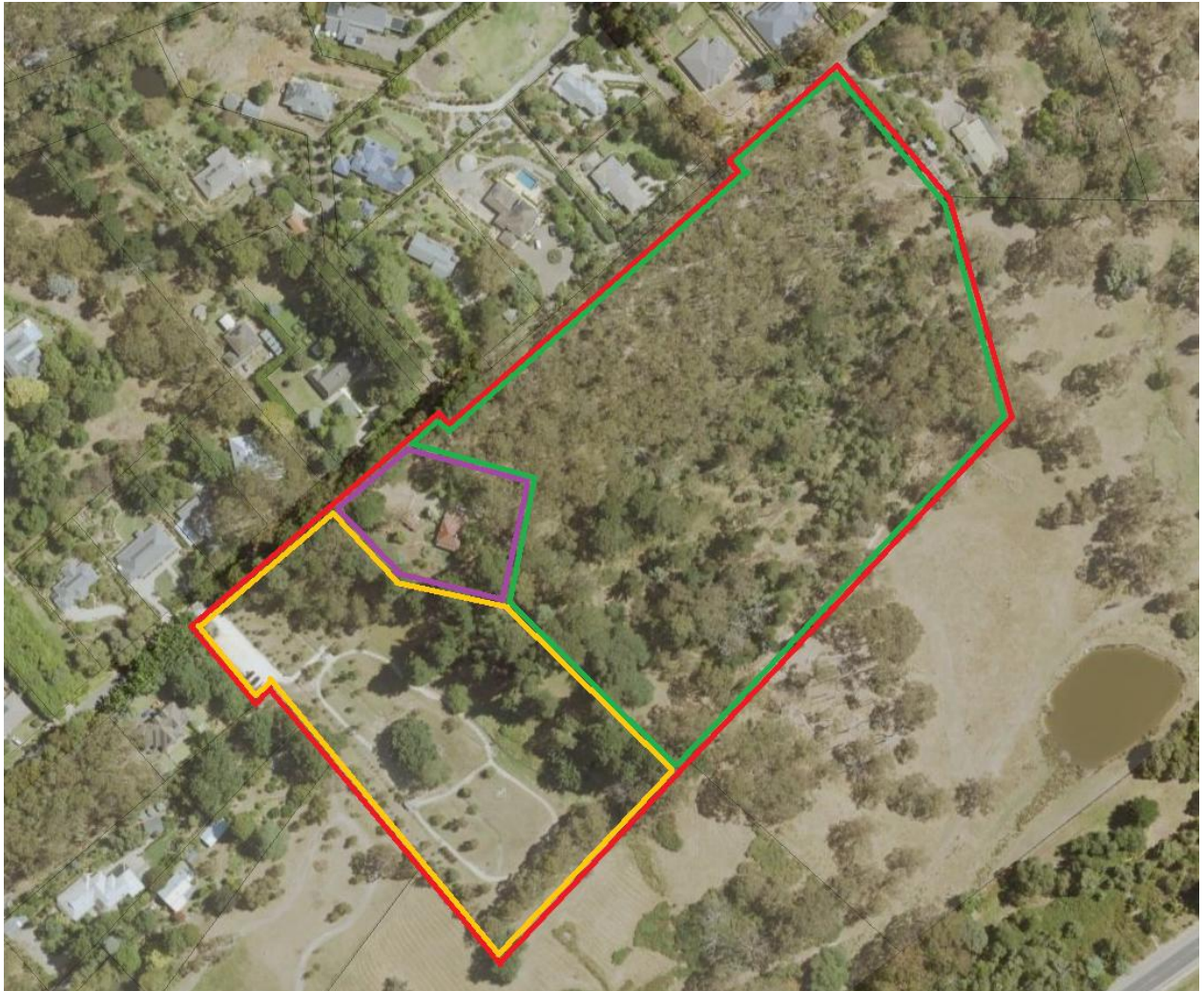
11- SCHEDULE

Other than where indicated above the sequence of objectives, proposals and policies within the plans does not infer a hierarchy or order of priority. The target is the goal or standard to be aimed for or reached; whereas the measure is how the Council proposes to determine whether the target/objective has been reached.

OBJECTIVES	PERFORMANCE TARGETS	HOW PERFORMANCE IS MEASURED
To manage, control and conserve the Land in accordance with the Trust.	The management, control and conservation of the land does not contravene the Trust.	On-going audit of the Trust against the management, control and conservation of the Land, including the provisions of any lease or licence granted in accordance with the Trust.
To provide recreation facilities and space on the Land that are fit-for-purpose, safe, well maintained and accessible for people of all ages, backgrounds and abilities.	Playing surfaces and buildings are maintained to a standard that is safe for the playing of sports intended for those surfaces. Playing equipment is compliant with relevant legislation, building standards and codes.	Annual inspections in accordance with the Council's obligations under the Lease Agreement to ensure it is being maintained to the standard required to provide a recreation facility that is fit-for-purpose, safe, well maintained, and accessible. Annual audit and the continual review of the Council's asset management program
To provide or allow occupation rights to community and not-for profit groups for community and recreation purposes by way of lease, sub-lease, licence, permit or management agreement.	To ensure any leases, licences and permits are granted in accordance with the plan and the terms of the Trust.	Regular audit of leases, licences and permits in community land register to show how the land is being used by community and not-for-profit groups.

Appendix 1

Evelyn Halliday Reserve – CT 5324/737



-  Boundary of Evelyn Halliday Reserve
-  Informal Recreation
-  Conservation
-  Community Use / Wildlife Rehabilitation