	<p style="text-align: center;"><b>Land Management Agreement Policy</b> Policy No. ENVPOL 09</p>	Version No:	4
		Responsible Officer/s:	Director of Environmental Services
		Classification:	Council
		Issued:	2 December 2013
		Next Review:	April 2025

## 1. Purpose

The purpose of this policy is to provide a framework for matters relating to Land Management Agreements (**LMAs**) to ensure they are used and administered by Council in an appropriate manner.

## 2. Scope

Council, as a designated authority may enter into a Land Management Agreement (LMA) with the owner of the land pursuant to the provisions of Part 14 – Land Management Agreements of the Planning, Development and Infrastructure Act 2016 (PDI Act).

An LMA sets out rules relating to the development, management, preservation or conservation of land.

The owner of a property can enter into an LMA with the Minister for Planning, or the Council.

An agreement may be set up to:

- help conserve vegetation or preserve walking trails or other assets of public interest;
- specify the types of development appropriate for the land; and,
- vary or set aside liability used in participation with the Minister. This provision was placed in the Act to assist the State Government in freeholding of Crown shack sites.

A land management agreement becomes binding once it is noted on a Certificate of Title. It is binding on the current owner of the land, whether or not the LMA was made with that owner initially

The locations of all LMAs that are currently in force are in the South Australian Property and Planning Atlas (SAPPA).


## 3. Definitions

As per the *Planning, Development and Infrastructure Act 2016* and *Planning, Development and Infrastructure (General) Regulations 2017* (PDI Regulations).

## 4. Policy

**4.1.** The use of Land Management Agreements is not actively encouraged by Council, and should not be used as a means of undermining or circumventing the intent of the planning provisions and requirements contained in the Planning and Design Code. The use of an LMA must be consistent with the Planning and Design Code.

**4.2.** Council may consider the use of an LMA under exceptional circumstances, which may allow for:

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- restricting the future division of land, so as not to allow for additional allotments on the land and the potential for additional dwellings;
- restricting additional dwellings on a parcel of land, so that no new dwellings are constructed and the same number of dwellings are generally retained in an area; and/or
- other situations which may be acceptable to Council.

**4.3.** In considering a proposal for an LMA, Council shall be provided with detailed reasons/justification as to why the LMA is required, and what other options have been explored. The use of an LMA should be viewed as an instrument of 'last resort', when no other options are deemed as being suitable.

**4.4.** Land Management Agreement's are required to be registered on a Certificate of Title. The undertakings in a LMA are enforceable under the provisions of the Planning, Development and Infrastructure Act 2016.

## **5. Further Information**

This Policy is available on the Council's website at [www.dcgrant.sa.gov.au](http://www.dcgrant.sa.gov.au)

For further information contact the Council Offices – Telephone (08) 87210444.

## **6. Responsibilities**

The Director of Environmental Services and/or Team Leader – Development Services will be responsible for ensuring that the requirements of this Policy are met.

## **7. References / Other Documents**

### **7.1. Legislation**

*Planning, Development and Infrastructure Act 2016*

*Planning, Development and Infrastructure (General) Regulations 2017*

### **7.2. Council Policies / Procedures**

Council's 'Procedures for Land Management Agreements'.


### **7.3. Other**

Planning and Design Code

## **8. Review**

This Policy shall be reviewed by the District Council of Grant at a minimum, once within every four (4) year Council term (or on significant change to legislation or other matters which could affect this Policy).

Action	Date	Minute Reference
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