

	<p><b>Land Management Agreement Policy</b></p> <p><i>Policy No. ENVPOL 09</i></p>	Version No:	1.0
		Responsible Officer/s	Director of Environmental Services
		Issued:	2 Dec 2013
		Next Review:	July 2019

## 1. Purpose

To ensure that Land Management Agreements (LMAs) are used by Council in an appropriate manner.

## 2. Scope

Land Management Agreements are Agreements between a landowner (or a developer/applicant) and Council, entered into in accordance with the provisions of Part 5 - Section 57 (LMAs) or 57A (LMAs – Development Applications) of the Development Act 1993 and Development Regulations 2008. LMAs generally relate to the development, management, preservation or conservation of land within the area of the Council.

## 3. Definitions

Definitions as per the Development Act 1993 and the Development Regulations 2008.

## 4. Policy

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 Council's Development Plan. The use of an LMA must be consistent with the Council's Development Plan.

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

- 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.

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.

LMA's are binding on current and future owners of the land which is the subject of the LMA.

LMA's are required to be registered on a Certificate of Title. The undertakings in a LMA are enforceable under the provisions of the Development Act 1993.

## 5. Responsibilities

The Director of Environmental Services will be responsible for ensuring that the requirements of this Policy are met.

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**6. References:**

**Federal Legislation**

Not applicable

**State Legislation**

Development Act 1993 and Development Regulations 2008

**Other Related References**

Council's 'Procedures for Land Management Agreements'.

District Council of Grant Development Plan

**7. Review**

This Land Management Agreement Policy shall be reviewed by the District Council of Grant at minimum every four (4) years, within 12 months of a general election (or on significant change to legislation or other matters which could affect this Policy).

<b>Action</b>	<b>Date</b>	<b>Minute Reference</b>
Adopted by Council	03 December 2001	01344.2
Reviewed	03 September 2007	07433.4
Reviewed	18 May 2009	09133.4
Reviewed	17 October 2011	11280.3
Amended	3 April 2013	13038.1
Amended	2 December 2013	13144.1.2.8
Amended	5 September 2016	16115.3