

# Land Management Agreements

## Purpose of LMAs

A land management agreement (LMA) sets out rules relating to the development, management, preservation or conservation of land in South Australia.

Under section 192 of the *Planning, Development and Infrastructure Act 2016* (the Act), the owner of a property can enter into an LMA with either the Minister for Planning, another designated Minister or a council.

Some common examples of LMAs are those that:

- help conserve vegetation or the preservation of walking trails or other things of public interest;
- specify the types of development appropriate for the land, or how the land is to be used or managed in the future; and
- vary, waive, or exclude liability for matters relating to the land.

A land management agreement comes into force and effect under the Act once it is noted on the certificate of title for the relevant land. It is enforceable under the Act on the current owner of the land, whether the LMA was made with that owner initially.

## Development Assessment and LMAs

Under section 192(18) of the Act, the existence of a land management agreement is a factor which may be considered when assessing a development application.

The 2015 Supreme Court case of *Zweck v Town of Gawler* provided further guidance on the application of LMAs in development assessment. In *Zweck*, the Supreme Court found that, while LMAs may seek to prohibit certain forms of development, an LMA cannot deny a person the ability to make an application for development approval.

The Supreme Court said that where a relevant authority is assessing a proposed development that would otherwise be precluded by an LMA, the authority must have regard to the LMA. However, the existence of the LMA is not decisive. It will be a matter for the relevant authority undertaking the development assessment to determine how much weight is given to an LMA.

The relevant authority is not bound to refuse an application where an LMA seeks to prohibit the proposed development. Rather, the authority needs to consider changes in circumstances since the LMA was entered, including any change in the underlying rationale for the prohibition in the LMA or changes in the relevant planning rules.

If the reasons and rationale for the LMA being entered into have not changed, and the policy intent of the Planning and Design Code has not changed, it may be that the relevant authority will provide significant weight to the LMA. Conversely, if the Code has changed significantly and now contemplates or even promotes the type of development which is proposed, then less weight may be applied to the LMA.

If planning consent is ultimately granted, the applicant or landowner may still require the consent of the other party to the LMA (generally either the Minister or the relevant council) to waive any inconsistent requirements of the LMA that might apply before the development can proceed.

## **How to find an LMA**

The South Australian Property and Planning Atlas provides key details of all LMAs across the State, including the spatial location, parcel identity, dealing number and also lists the Minister or local council, as parties to the LMA.

For a copy of individual LMAs refer to the reference number on the certificate of title which is available from the South Australian Integrated Land Information System (SAILIS) which provides up-to-date information about land and property in South Australia.

## **Need more help?**

To find out more visit [Land management agreements | PlanSA](#), email [PlanSA@sa.gov.au](mailto:PlanSA@sa.gov.au) or call the PlanSA Service Desk on 1800 752 664.