



# YORKE PENINSULA COUNCIL COMMUNITY LAND MANAGEMENT PLAN

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## **CATEGORY 4 – BUSINESS AND COMMERCIAL**

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### **PROPERTY DETAILS**

- Community Land Register – Item 1-7
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### **OWNERSHIP DETAILS**

- Community Land Register – Item 8
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### **PURPOSE FOR WHICH LAND IS HELD**

The properties listed in the schedule have been developed and/or modified to include one or more of the following: caravan park, airstrip, commercial premises, marinas, waste depots, weighbridges etc.

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### **REASON WHY MANAGEMENT PLAN IS REQUIRED**

- Land specifically modified for the benefit and enjoyment of the public
  - Lease/Licence
  - Act of Parliament or Trust
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### **OBJECTIVES FOR THE MANAGEMENT OF THE LAND**

- To provide a financial return to Council
  - Optimise opportunities for business and industry
  - Where appropriate, grant leases and grant or accept easements, and or rights of way over the land
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### **POLICIES AND PROPOSALS FOR MANAGEMENT OF THE LAND**

Ensure consistency with the objectives set out in the Yorke Peninsula Council's corporate documents including:



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- Strategic Plan
- ILUA Agreement
- Development Plan
- Animal Management Plan
- Parks & Gardens Infrastructure Asset Management Plan
- By Law No. 2 Local Government Land
- Any other council or government policies where applicable.

## DEPARTMENT FOR ENVIRONMENT, WATER AND NATURAL RESOURCES

- Dedicated land may only be used for purposes consistent with that for which it was dedicated, and no other purpose. A change of land use will require the resumption of the land and re-dedication for a purpose consistent with the new use.
- The granting of a lease/licence over dedicated land requires approval from the Minister if native title has not been extinguished and the lease will cause any development (within the meaning of the *Planning, Development and Infrastructure Act 2016*). That the Council is satisfied that the lease would not detract from any existing public use and enjoyment of the land, would not prevent the land being used for the purpose for which it was dedicated and would not otherwise be improper or undesirable.
- The Doctrine of Fixtures applies to dedicated land. Any buildings or other improvements erected on the land determined to be fixtures will be the property of the Crown unless the Minister has expressly stated in writing that the improvements shall be deemed to be severed from the land.
- Easements required over dedicated land may only be granted by the Minister pursuant to the *Crown Lands Act, 1929*.
- The clearance of native vegetation (including grasslands) must not occur without the prior approval of the relevant Minister and the Native Vegetation Council.

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## PERFORMANCE TARGETS

- See Schedule

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## PERFORMANCE MEASURES

- See Schedule
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**ADOPTED BY COUNCIL:**

**Date – per Council Resolution 209/2018 (8/08/2018)**

*R. Stanger*  
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MAYOR

*Blaine*  
.....

CHIEF EXECUTIVE OFFICER

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## PERFORMANCE TARGETS AND MEASURE

Schedule

Management Issues	Objectives, Policies and Proposals	Performance Targets	Performance Measures
Business and Commercial Use	To approve business/commercial use of community land with such conditions as may be deemed appropriate by Council.	<p>To ensure business/commercial use of community land is not in conflict with other users and that business activities are appropriately controlled.</p> <p>To ensure occupants meet the terms and conditions of approval.</p>	<p>Ensure conditions of approval are adhered to through regular inspections.</p> <p>Periodical review of agreements to ensure terms and conditions are met.</p>

### Permits, Licences and Leasing of Business and Commercial

The granting of a lease, licence or permit formalises the use of council facilities by individuals such as caravan parks, airstrips, Marinas and commercial organisations who are providing facilities or services for public use that is consistent with the intent and purpose of the land.

The terms and conditions of a lease, licence or permit will ensure that property management of the area is undertaken such that it is maintained in a safe and functional condition, and that the interest of Council and the public are protected.

There are a number of leases, licences and permits issued to various parties over land included in this Management Plan – details of these agreements are displayed in the Schedule, Item 12-13.

A lease, licence or permit enables Council to negotiate agreements with organisations and individuals who occupy or manage Community Land. These agreements allow clear legal definition of the rights and obligations that an organisation or individual has in regard to the land whilst ensuring public access is maintained. From time to time leases, licences and permits will expire, require renewal and/or renegotiation, and new leasing proposals considered.

Where the agreement is for a period exceeding five years, Council is required by the Local Government Act, 1999 to consult with the community. However, exemptions of certain leases/licences over community land from consultation requirements when it is a term of the lease/licence that there is to be no substantial change in the use of the land. Local Government (General) Regulations 2013, Section 22, (1) (b).



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Council will only grant a lease, licence or permit for use of Community Land under this Management Plan if it is:

- Consistent with the current use and purpose of the land.
- Allow compatible business and community uses of the land.
- Encourage and maximise economic opportunities for community growth and development.
- Acknowledged that all suitable insurances have been sighted by Council.