



District Council of Elliston Community Land Management Plan

Category 4 — Business and Commercial

Property Details

Community Land Register Item 1—11

Ownership Details

Community Land Register Item 12

Purpose for which land is held

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

Reason why Management Plan is required

- The land has been specifically modified or adapted for the benefit and enjoyment of the community
- Act of Parliament or Trust
- Lease/Licence
- Business Purposes

Objectives for the management of the land

- To provide a financial return to Council
- To optimise opportunities for business and industry
- To, where appropriate, grant leases and grant or accept easements and or rights of way over the land



District Council of Elliston Community Land Management Plan

Category 4 — Business and Commercial

Policies and proposals for management of the land

Ensure consistency with the objectives set out in the District Council of Elliston's corporate documents and any other council or government policies where applicable.

Strategic Plan

Development Plan

Asset Management Plan

Public Consultation Policy

Development of Roads on Reserves Policy

Street Planting Policy

Department for Environment and Water

- 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.

Performance Targets

See Schedule

Performance Measures

See Schedule

Adopted by Council:

Date: 21 April 2020

Resolution: 2020.85



District Council of Elliston Community Land Management Plan

Category 4 — Business and Commercial

Management Issues	Objectives and Proposals	Performance Targets	Performance Measures
<i>Business and Commercial Use</i>	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>Period review of agreements to ensure terms and conditions are met.</p>

Permits, Licences and Leasing of Public and Community Facilities

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.

Any leases, licences or permits issued over land included in this Management Plan are displayed at Item 10 of the attached Schedule.

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 (5) years, Council is required by the *Local Government Act 1999* to consult with the community. However, there may be 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).

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.