



COMMUNITY CONSULTATION

Community Land Management Plan Amendments – Category 3 and 4

Section 207 Marine Parade, Port Vincent

PROJECT SUMMARY

Council are in the process of considering a change to the Community Land Classification for Section 207 Marine Parade, Port Vincent from Category 3 – Public and Community Facilities to Category 4 – Business and Commercial.

On 8th March 2023, Council gave permission to proceed with the community engagement process for the proposed amendments and therefore pursuant to Sections 197 & 198 of the Local Government Act 1999 the Council is seeking responses to the proposed amendments.





Purpose

The Yorke Peninsula Council invites you to comment on the proposed amendments to the Community Land Management Plan.

Common Name: Port Vincent Wharf and Community Facilities

Address: Section 207 PLN: 131400, Crown

Record Volume 5848 Folio 650.

The amendment proposed:

To reclassify the subject land from Community Land Management Plan (CLMP) Category 3 – Public and Community Facilities to CLMP Category 4- Business and Commercial.

Background

The subject land is Crown Land in Council's care, control and management and identified as:

Section 207 PLN: 131400, Marine Parade, Port Vincent

Crown Record Volume 5848 Folio 650

Crown Dedication – recreation, jetty and access purposes





The land is predominately utilised by locals and visitors for recreational activities. The land provides access to the public wharf and jetty, recreational fishing, use of public shelters, bar-be-cue facilities and public toilets. Moving the land to Category 4 will enable additional uses of the area for business and commercial activities.



The CLMP for Public and Community Facilities states that the purpose for which land is held is described as a public and community facility that is defined as a piece of land or building set aside to encourage, promote and facilitate recreational, cultural, social, historical and educational pastimes and activities, and to provide for passive recreational activities.

Objectives for the management of the land includes:

- To maintain the land for mixed uses including conservation, active and passive recreation, educational facilities and broad community uses.
- To improve the maintenance of public infrastructure and facilities and to preserve local heritage and places of significance.
- To increase the use, enjoyment and accessibility and safety of the community land.
- Where appropriate, grant leases and grant or accept easements, and or rights of way over the land.

To allow for business and commercial activities, it is recommended that the subject land identified as the Port Vincent Wharf should be moved to CLMP – Category 4 – Business and Commercial.

The CLMP for Business and Commercial states that 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.

Objectives for the management of the land

- To provide 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.



Reclassifying land from one category to another is an amendment to both Category 3 and Category 4 of the CLMPs, as it will change the land to which each applies.

The community engagement process on the proposed amendments to re-classify the subject land from Community Land Management Plan (CLMP) Category 3 – Public and Community Facilities to CLMP Category 4- Business and Commercial. Pursuant to Sections 197 and 198 of the Local Government Act 1999. The Yorke Peninsula Council is now seeking the views of the public regarding Council's decision.

Implications of the Project

Whilst changing the community land classification will permit the subject area available for business and commercial activities, it is still contrary to the Crown dedication. Dedicated for *recreation, jetty and access purposes*. Should Council wish to grant a lease/licence or permit on dedicated land, Council must adhere to the Crown Land Management Act 2009.

Commercial "for profit" activities on Crown land under the care, control and management of Council will not be permitted without the approval of the owner of the land.

Council's Assets and Infrastructure Department has raised some structural concerns of the wharf, particularly where vehicles are accessing the wharf over-hang. Solutions to allow vehicles to use the overhang have the potential to be costly for Council.

The lease with DIT clearly states that the permitted use of the Port Vincent Jetty and Wharf shall be permitted to:

- Use the jetty/wharf as a public jetty/wharf;
- Use the jetty/wharf for any other purpose determined by Council to be in the best interest of the community.

The lease terms must be considered when making decisions with regard to activities outside of the "permitted use".

Benefits of the Project

A Council cannot approve the use of community land for business purpose contrary to the provision of a management plan.

Re-classifying the land as Category 4 - Business and Commercial will allow Council greater flexibility when assessing requests to use the subject land for business and commercial activities.

Consultation on the proposed amendments to the CLMPs will further assist Council to develop the community expectations for the use of the Port Vincent Wharf and Jetty area.

To achieve this, it is important that community opinions, requirements and views are considered to assist Council with the development of an effective Community Land Management Plan.



Timeline

The consultation period (minimum of 21 days required) will begin on Thursday 9th March 2023 and close at 5pm Monday 17th April 2023.

Following the consultation period, a report will be presented to Council on the outcome of the consultation process for their consideration.

Project Impact

The land will continue to be managed in accordance with the current CLMP Category 3 – Public and Community Facilities until Council has considered the community feedback and made a decision to either approve the amendments or not.

How do I provide my feedback?

Written Submissions

All written submissions must be received by 5pm Monday 17th April 2023, and should be addressed to:

Community Consultation

Community Land Management Plan Amendments

PO Box 57

Maitland SA 5573

Email: admin@yorke.sa.gov.au

What happens to my feedback?

- The information from the public consultation process will assist Council in its deliberation associated with adopting the proposed Community Land Management Plan Amendments – Category 3 & 4.
- Submissions received from the public consultation process will be collated and presented in a report to Council if required.

How do I know my Feedback has been received?

All feedback (submissions or correspondence) will be acknowledged.

Contact Person - For more information, please contact

Name: Sue Beech

Title: Property Tenure Officer

Phone: 8832 0000

Email: admin@yorke.sa.gov.au

A detailed report in relation to the proposed revocation and future intentions of the land is available for viewing at Yorke Peninsula Council offices at Maitland, Minlaton, and Yorketown and on Council's website, www.yorke.sa.gov.au