



Yorke Peninsula Council

Proposal to Revoke

**Allotment (Reserve) 29 Chenoweth Crescent
Parsons Beach
as Community Land**

September 2019

Proposal to revoke Allotment (Reserve) 29 Chenoweth Crescent, Parsons Beach as Community Land

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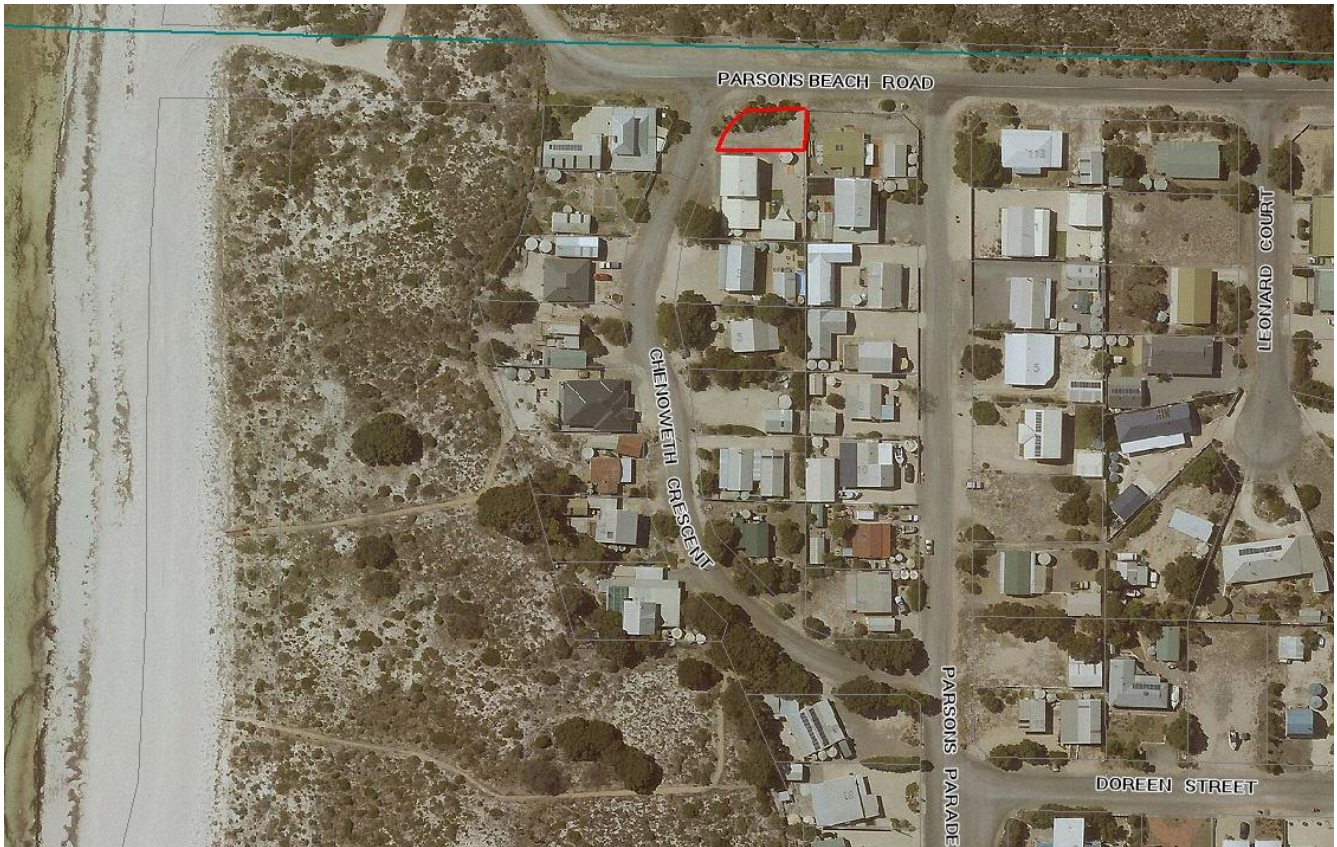
Proposal to revoke Allotment (Reserve) 29 Chenoweth Crescent as Community Land

1. Introduction

Land owned by a council or under a council's care, control and management is classified as **community land**, and section 196 of the Local Government Act 1999 (the Act) requires a council to manage community land in accordance with a **management plan** for the land.

The land located at Allotment (Reserve) 29 Chenoweth Crescent, Parsons Beach is owned by the Yorke Peninsula Council.

It has been identified that the subject land is currently under-utilised. Consequently, Council has decided to investigate selling the land, **subject to revocation of the classification of the property as community land**.



2. Description of the land

The land comprises of a vacant block (Reserve) located at Chenoweth Crescent, Parsons Beach. The land is known as Allotment (Reserve) 29 Chenoweth Crescent, Parsons Beach, Certificate of Title Volume 5539 Folio 478.

REAL PROPERTY ACT, 1986



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5539 Folio 478

Parent Title(s) CT 4202/389
Creating Dealing(s) CONVERTED TITLE
Title Issued 27/05/1998 **Edition** 3 **Edition Issued** 16/05/2018

Estate Type

FEE SIMPLE (RESERVE)

Registered Proprietor

YORKE PENINSULA COUNCIL
OF PO BOX 88 MINLATON SA 5575

Description of Land

ALLOTMENT (RESERVE) 29 DEPOSITED PLAN 11108
IN THE AREA NAMED PARSONS BEACH
HUNDRED OF MINLACOWIE

BEING A RESERVE

Easements

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED A ON DP 11108 FOR ELECTRICITY SUPPLY
PURPOSES TO DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) (223LG RPA)

Schedule of Dealings

NIL

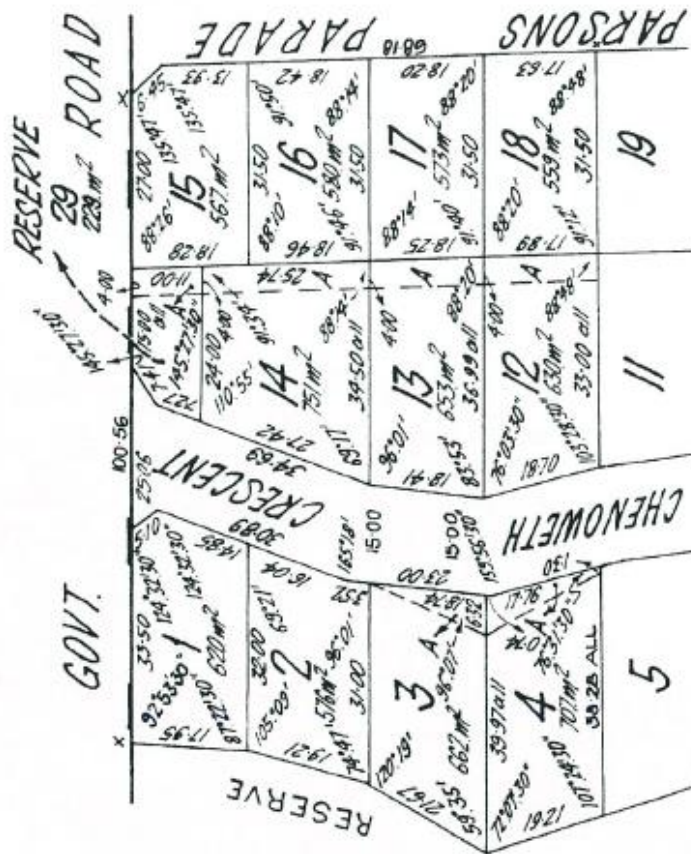
Notations

Dealings Affecting Title NIL
Priority Notices NIL

Registrar-General's Notes

AREA NAME UPDATED VIDE GOVERNMENT GAZETTE DATED 05/09/2017

Administrative Interests NIL



3. The proposal in detail

Section 194 (2) of the Act requires the Council to prepare and consider a report on the proposal addressing the following points:

- Summary of the reasons for the proposal;
- Statement of any dedication, reservation or trust to which the land is subject;
- Statement of whether revocation of the classification is proposed with a view to sale or disposal;
- Details of any government assistance given to acquire the land if it is proposed to sell the land;
- Statement of how the Council proposes to use the proceeds if it is proposed to sell the land;
- Assessment of how implementation of the proposal would affect the area and local community;
- Land ownership issues.

The details are presented in the following paragraphs.

3.1 Summary of the reasons for the proposal

It has been identified that the land at allotment 29 (Reserve) Chenoweth Street, Parsons Beach is currently under-utilised and serves no useful purpose to the community.

The Land is currently not utilised by the local community, preferring to take the short walk through the sand dunes to the beach to participate in a wide range of recreational activities like, swimming, fishing, boating, driving and other beach activities.

The site area is only 229 square metres and in accordance with Council's Development Plan parameters in regard to dwelling design and minimum subdivision sites and road frontages are outlined below:

- Where not connected to community waste water management system
 - site area 1,200 square meters minimum
 - minimum frontage 15 metres
- Setbacks
 - average of adjoining or 6 metres where not adjoining single storey and 8 metres for two storey.

Due to Council's Development Plan, the subject land will only be suitable for an adjoining property and will be offered for sale on the basis that it is amalgamated into an adjacent owner title.

3.2 Statement of any dedication, reservation or trust to which the land is subject

The land is not subject to a reservation as listed on the title. Subject to approval from the Minister, Council will immediately after the revocation of the classification of land as community land, give

notice of the revocation to the Registrar-General in a manner and form approved by the Registrar-General.

3.3 Statement of whether revocation of the classification is proposed with a view to sale or disposal

Subject to due process Council intends to dispose of the land by negotiation with owners or person(s) who have an interest in land adjoining the Land in accordance with Council's Disposal of Land and Other Assets Policy.

3.4 Details of any government assistance given to acquire the land if it proposed to sell the land

Council has no record or knowledge that Government financial assistance was provided to acquire the land.

3.5 Statement of how the Council proposes to use the proceeds if it is proposed to sell the land

It is proposed that net sale proceeds will be allocated to community projects within the Parsons Beach area.

3.6 Assessment of how implementation of the proposal would affect the area and local community

The Land is currently not utilised by the local community, preferring to take the short walk through the sand dunes to the beach to participate in a wide range of recreational activities like, swimming, fishing, boating, driving and other beach activities.

It is deemed the proposal will not have any negative affect on the general community.

3.7 Land Ownership

The Yorke Peninsula Council is the owner of the land.

4. Community consultation program

Section 192 (2)(b) of the Local Government Act requires the Council to consult with the community on the proposal in accordance with the Council's community engagement policy.

Appendix 2 of the Council's community engagement policy specifies the steps to be followed for the proposed revocation of classification of community land. A copy of Appendix 1 is attached as Appendix A.

In addition to the mandatory requirements of the Policy, it is proposed to notify all key stakeholders including:

- All Landowners within the Parsons Beach community

Council will further assess the proposal for revocation of the Allotment 29 (Reserve) Chenoweth Street, Parsons Beach as a result of the submissions received.

Community Engagement Policy

Appendix 2 – Community Land – Revocation Classification

Extract

The following information sets out the Yorke Peninsula Council’s minimum standards to meet the legislative requirements of the Act.

Submissions must be received by Council within the timeframes outlined in the public notice (minimum of 21 days) and can be in the form of:-

- *Written submission*
- *Email submissions*
- *Web form submissions and*
- *Online form submissions*

<p>Revocation of classification of land as community land</p>	<p>194(2)</p>	<p><i>Before a council revokes the classification of land as community land –</i></p> <p><i>(a) The council must prepare a report and make publicly available a report on the proposal containing –</i></p> <ul style="list-style-type: none"> <i>(i) A summary of the reasons for the proposal; and</i> <i>(ii) A statement of any dedication, reservation or trust to which the land is subject; and</i> <i>(iii) A statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the council proposes to use the proceeds; and</i> <i>(iv) An assessment of how implementation of the proposal would affect the area and the local community; and</i> <i>(v) If the council is not the owner of the land – a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and</i> <p><i>(b) The council must follow the relevant steps set out in its public consultation policy.</i></p>
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Notification

Level 2 – Consult

Means

Obtaining feedback on preferences when there are options available.

Examples of when we will use Consult:

- There are several options available
- Final decisions are being shaped
- Issues and concerns are unclear

We will ask:

- Which option is preferred?
- What would be the impact be?
- Any suggestions for improvement?

We will do this through:

- Council’s Website
- Media releases
- Letter or survey to primary and/or secondary properties
- Letter/email or survey to Progress Associations
- Copies of major reports or plans made available at Council offices
- Report to Council summarising submissions for formal Council decision

Within the following timeframes:

Minimum three weeks or compliance with statutory requirements (if applicable)

5. Indicative time frame

The following table presents an indicative time frame for the revocation process

Milestone	2019						
	11/9	17/9	13/11	18/11			
Report to Council to commence public consultation.	•						
Public consultation period. 17/9/2019 to 15/10/2019							
Council approval to report on public consultation results and recommendation to seek Minister’s approval.			•				
Submit proposal to Minister for revocation approval.							

- Represents council meeting