



**Yorke Peninsula Council**

**Proposal to revoke**

**Bennett Street Reserve**

**Port Vincent**

**as Community Land**

**June 2018**

# Proposal to revoke Bennett Street Reserve, Port Vincent as Community Land

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# Proposal to revoke the Bennett Street Reserve, Port Vincent 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 14 Bennett Street, Port Vincent is owned by the Yorke Peninsula Council.

It has been identified that the Bennett Street Reserve 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 reserve at 14 Bennett Street Port Vincent. The land is known as Lot 1 in Deposited Plan 38377, Certificate of Title Volume 5170 Folio 107.



REAL PROPERTY ACT, 1986



South Australia

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 5170 Folio 107

Parent Title(s) CT 2022/19  
Creating Dealing(s) RTD 7599016  
Title Issued 17/02/1994 Edition 2 Edition Issued 20/11/2013

### Estate Type

FEE SIMPLE (RESERVE)

### Registered Proprietor

YORKE PENINSULA COUNCIL  
OF PO BOX 88 MINLATON SA 5575

### Description of Land

ALLOTMENT (RESERVE) 1 DEPOSITED PLAN 38377  
IN THE AREA NAMED PORT VINCENT  
HUNDRED OF RAMSAY

BEING A PLAYGROUND RESERVE

### Easements

NIL

### Schedule of Dealings

NIL

### Notations

Dealings Affecting Title NIL  
Priority Notices NIL  
Registrar-General's Notes NIL  
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.

#### **4.1 Summary of the reasons for the proposal**

It has been identified that the land at Bennett Street, Port Vincent is currently under-utilised and serves no useful purpose to the community.

The Land is currently not utilised by the local community in comparison with other parks and reserves in the local area and appears underdeveloped for recreational use with no amenities and low value vegetation.

It is considered that the local community prefers to use other existing recreational facilities at Burrows Park and Marine Parade, which offer easy access to the beach, parking, shops, shelters, benches, BBQ facilities and public toilets etc.

The land does not provide enough open space area for family recreation, to kick a football, cricket and many other family activities.

Consequently, Bennett Street Reserve is surplus to Council's requirements.

#### **4.2 Statement of any dedication, reservation or trust to which the land is subject**

The land is not subject to a dedication, reservation or trust.

#### **4.3 Statement of whether revocation of the classification is proposed with a view to sale or disposal**

Subject to due process Council intends to sell the property on the open market in accordance with Council's Disposal of Land and Other Assets Policy.

#### **4.4 Details of any government assistance given to acquire the land if it proposed to sell the land**

No Government financial assistance was provided to acquire the land.

#### **4.5 Statement of how the Council proposes to use the proceeds if it is proposed to sell the land**

Subject to due process Council intends to sell the property on the open market in accordance with Council's Disposal of Land and Other Assets Policy.

It is proposed that sale proceeds will be allocated to the upgrading of public toilet facilities on Port Vincent Foreshore and Port Vincent Oval rejuvenation.

#### **4.6 Assessment of how implementation of the proposal would affect the area and local community**

The Land is currently not utilised by the local community in comparison with other parks and reserves in the local area and appears underdeveloped for recreational use with no amenities and low value vegetation.

It is considered that the local community prefers to use other existing recreational facilities at Burrows Park and Marine Parade, which offer easy access to the beach, parking, shops, shelters, benches, BBQ facilities and public toilets, etc.

The land does not provide enough open space area for family recreation, to kick a football, cricket and many other family activities.

Although there will be a reduction in the open space in the area, the sale proceeds will be used to contribute towards developing other areas of the Port Vincent township.

#### **4.7 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:

- Landowners within the immediate vicinity
- Port Vincent Progress Association

Council will further assess the proposal for revocation of the Bennett Street Park 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><b>Revocation of classification of land as community land</b></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"> <li><i>(i) A summary of the reasons for the proposal; and</i></li> <li><i>(ii) A statement of any dedication, reservation or trust to which the land is subject; and</i></li> <li><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></li> <li><i>(iv) An assessment of how implementation of the proposal would affect the area and the local community; and</i></li> <li><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></li> </ul> <p><i>(b) The council must follow the relevant steps set out in its public consultation policy.</i></p> |
|--|---------------|---|

**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  | Week Beginning |     |      |      |  |  |  |  |  |  |  |
|--|----------------|-----|------|------|--|--|--|--|--|--|--|
|  | 2018           |     |      |      |  |  |  |  |  |  |  |
|  | 11/6           | 9/7 | 13/8 | 20/8 |  |  |  |  |  |  |  |
| Report to Council to commence public consultation  | •              |     |      |      |  |  |  |  |  |  |  |
| Public consultation period   |                |     |      |      |  |  |  |  |  |  |  |
| 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