

Revocation of Community Land Classification Public Consultation Report

Lot 81 Adelaide Road Hayborough 5211

Figure 1



April 2023



Introduction

The *Local Government Act 1999* (the Act) establishes a framework for the classification of land as 'community land' as a default of all land that is owned by Council or under Council's care, control and management. The community land framework aims to ensure a strategic approach to the management of the land, with the objective of protecting the community's current and future interests in the land. The classification of community land occurs by default under the Act when Council acquires land unless resolved by Council to exclude at the time of acquisition.

Whenever Council proposes to revoke the community land status over such land, Council is required to prepare a report for public consultation/consideration and provision to the Minister for Local Government. This report is a '*Revocation of Community Land Classification Public Consultation Report*', for the land identified below, pursuant to Section 194 of the Act.

Subject Land

The subject parcel of land (the Land) is Lot 81 Adelaide Road, Hayborough which borders Adelaide Road Hayborough and is commonly known as Tuck Reserve. The Land adjoins the Northpoint Fleurieu Car Dealership and the ALDI shopping precinct.

The subject Land is shown on **Figure 1** of this report. The area of the whole Land is approximately 10,300 square metres and consists of the following Title:

Certificate of Title - Volume 5251, Folio 877
Deposited Plan - 41777, Allotment 81

A copy of the Title for the Land is attached as **Appendix A**.

A copy of the Deposited Plan is attached as **Appendix B**.

Purpose for the Proposal

The purpose of this report is to revoke the classification of community land on a portion of the Land known as Lot 81 Adelaide Road, Hayborough as shown in **Figure 1** of this report.

The reason for the revocation is to formalise the occupancy of a 3500m² portion of the subject Land, to the Minister of Health, for the construction of a new ambulance station. The land to which the new ambulance would be cited is approximately 72 metres in length, 49 metres in width for a total of 3500m² in area and shown highlighted in **Figure 1** of this report. Council intends to sell the 3500m² of land associated with the encroachment to the Minister of Health through a boundary realignment. This process is consistent with the Council's *Disposal of Land and other Assets Policy*:

- 6.3.7.5 – By negotiation – with the owners of the land adjoining the land or others with a pre-existing interest in the land; and
- 6.3.8 – Council will seek to dispose of the land at or above the current market valuation whichever method is likely to provide Council with a maximum return. Unless there are reasons for the Council to accept a lesser return that is consistent with the Council's overall strategic direction.

Before Council is able to dispose of any land, its classification of community land must first be revoked.

The new ambulance station would be architecturally designed to be aesthetically pleasing in the highly visible location. Vegetation will also be added to add a buffer for the surrounding residents.

The proposal from the Minister of Health is for 3500m² of Lot 81 only, with the remainder of the revoked portion of Land to be the subject of further consideration. Any change to this purpose or potential disposal of the remaining Land requires separate proposals and resolutions from the Council.

The area and location of the proposed boundary realignment and usage is shown in **Figure 2**.

Figure 2



Dedication, Reservation or Trust

The whole Land of lot 81, is affected by a dedication as 'reserve' on the Certificate of Title is commonly known as Tuck Reserve. On revocation of the classification of community land, the Council will give notice of the revocation to the Registrar-General to amend the Certificate of Title.



Revocation and Financials

The revocation of the classification of community land proposal is to allow for 3500m² square metres of Land as shown highlighted in yellow in **Figure 1** to be sold to the Minister of Health. An agreed market value purchase amount is yet to be determined however the amount will be allocated to Capital revenue for general use.

Community Impact from Proposal

Removing the community land status on the proposed portion will have a limited impact on community recreation, given the current usability and amenity of the reserve. The proposed boundary realignment will be conducive to increased functionality of the reserve and provide contiguous development along Adelaide Road instead of encroaching into the reserve. A portion of the funds received by the Council from the sale of the land could, in the first instance, be used to increase the amenity of the remaining reserve. A pedestrian walking path will be established to ensure connectivity for surrounding residents to Adelaide Road. The Minister of Health is also committed to providing a vegetation buffer between the reserve, surrounding residents and the ambulance station development.

The proposed revocation will provide greater opportunity for the future use of the land, which may include disposal of the land. This is subject to future Council considerations and resolutions.

Owner of the Land

The Land (Lot 81 of DP 41777) is owned by the City of Victor Harbor.

Public Consultation

This public consultation report for the revocation of the classification of community land for a portion of the land known as Lot 81, forms part of the consultation requirement in accordance with the City of Victor Harbor's Public Consultation Policy and Section 194 of Local Government Act 1999, which includes:

- Minimum 21 days public consultation period.
- Notice of community land revocation to be placed in the local newspaper.
- Community Land Consultation Report and information made available on Council's website and at the Civic Centre during the consultation period.
- Council to receive written submissions from the public on the proposed revocation and land transfer up until 5pm on the final day of public consultation.

Written submissions should be addressed to the Chief Executive Officer (Community Land Consultation) and sent via:

- Post: City of Victor Harbor, PO Box 11, Victor Harbor SA 5211
- Email: localgov@victor.sa.gov.au
- Web: Complete the online form at yoursay.victor.sa.gov.au

For further information, please contact:

- Phone: 8551 0500
- Email: localgov@victor.sa.gov.au

Appendix A



Product Register Search (CT 5251/877)
Date/Time 17/03/2023 11:18AM
Customer Reference Revocation
Order ID 20230317003249

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 5251 Folio 877

Parent Title(s) CT 5085/740
Creating Dealing(s) RTD 7838600
Title Issued 02/03/1995 Edition 1 Edition Issued 02/03/1995

Estate Type

FEE SIMPLE (RESERVE)

Registered Proprietor

CITY OF VICTOR HARBOR
OF PO BOX 11 VICTOR HARBOR SA 5211

Description of Land

ALLOTMENT (RESERVE) 81 DEPOSITED PLAN 41777
IN THE AREA NAMED HAYBOROUGH
HUNDRED OF GOOLWA

BEING A RESERVE

Easements

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED C ON DP 41777 FOR SEWERAGE PURPOSES
TO SOUTH AUSTRALIAN WATER CORPORATION (223LG RPA)

Schedule of Dealings

NIL

Notations

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

City of Victor Harbor – Lot 81 Adelaide Road Hayborough