



Report for Public Consultation

Proposal to revoke the classification of Community Land of 'Princes Road Reserve', Greenacres

Introduction

What is community land

Most land that is owned by Council or under its care and control is set aside for the public to use and enjoy.

All local government land (except roads) that is owned by Council or is under the care, control and management of Council is **Community Land** under the *Local Government Act 1999*, unless it has been exempted through legislation, excluded by resolution of Council or the classification has been revoked.

This land is classified as “Community Land” to make sure it is looked after for the benefit of the whole community and to reflect that some land has special meaning to locals because of important cultural or historic features. Council is responsible for actively managing this land.

Council's overall goal is to create a vibrant and attractive city that is well-planned, with safe and healthy places to live, work and play. When it plans ahead, Council takes into account changing population demographics (in particular ageing), changing community needs and shifts in leisure trends such as the increasing demand for structured recreation activities.

Over time community expectations and priorities change about how Community Land should be used and there are competing demands for its use. Council needs to consider all of these demands and the best way to use ratepayers' money in a way that benefits the most people.

Sometimes Council needs to consider whether it is in the long term interests of the community that the protection of a parcel of land under the classification of Community Land should continue. Council (in consultation with the community) may decide that such protection under this classification is no longer required, to enable the land to be sold and the proceeds used for another community purpose, such as the building of a community facility.

How is community land revoked

The *Local Government Act 1999* contains important restrictions on the ability of Council to revoke and sell its Community Land. Community Land cannot be sold without first consulting with the broader community and giving the public an opportunity to consider any proposal to sell the land. Council must take into account the views and opinions of the public when Council makes its decision as to whether it will revoke the Community Land status of the land.

There is a further step in the process. The Minister for Planning and Local Government must also consider the overall merits of the proposal and decide whether to consent to the revocation and sale and give Council the authority to proceed.

What is the process

Section 194 of the *Local Government Act 1999* requires Council to prepare a report on a proposal to revoke the Community Land classification of any land and to place that report on display and follow the steps set out in its public consultation policy before considering any submissions and submitting the proposal to the Minister for Planning and Local Government for decision. The report describes the proposal, the reasons behind it, where the land is located and the possible future use of the land.

What happens to my feedback

Details about the revocation proposal can be seen on Council's website or at Council's offices. Council staff will submit the proposal and report on consultation to Council for consideration.

Any person providing written feedback is required to include their name, address and contact information and together with the comments, these details will be treated as a public document upon receipt.

A copy of any written feedback is included in the report that will be presented to the elected members of Council. Council's response to the issues raised is also included in this report.

Council members must consider what the community has to say about the proposal, when they decide whether to make an application to the Minister for his approval.

Council staff may recommend that the classification of the land be revoked at a meeting of Council. Council may decide not to proceed any further. The decision is up to the elected members of Council.

What is the role of the Minister

If Council decides to apply for the Minister's approval, a report must be provided to the Minister that includes a copy of every public submission made during the course of the public consultation and a report on all submissions. The process of consulting the public and its results is an important factor in the Minister's decision whether to approve the proposal or not. The Minister has the discretion to decide one way or the other.

If the Minister approves Council's application - this consent gives Council the authority to pass a resolution to revoke the classification of the land as Community Land. Once that resolution is made at a meeting of Council, then the sale process can start.

The revocation of the Community Land classification does not take effect unless Council makes a resolution to give effect to the proposal. Council may decide that it does not wish to proceed with the resolution.

If Council resolves to revoke the classification, the land is freed from any dedication, reservation or trust affecting the land (other than under the *Crown Lands Act 1929*).

Report for public consultation

This Report:

- Describes the proposal
- Provides the reasons for the proposal
- Identifies the land and where it is located
- Provides a location plan.

Proposed revocation of 'Princes Road Reserve' and closure of portion of Princes Road adjacent to 66-80 Princes Road, Greenacres

Section 194 of the *Local Government Act 1999*

Report on the proposal to revoke the Community Land classification of Allotment 105 in Deposited Plan 7922 being the land comprised in Certificate of Title Volume 3471 Folio 133

Legal description of the land

The land that is being considered for revocation is owned by Council and is known as the 'Princes Road Reserve' at Greenacres ('the Reserve').

The parcel of land is described as Allotment 105 in Deposited Plan 7922 being portion of the land contained in partially cancelled Certificate of Title Volume 3471 Folio 133. The total size of the Reserve is approximately 1,000 square metres.

Where is the land that is being considered for revocation

The Reserve is located near the St Martins Catholic Primary School at 66-80 Princess Road, Greenacres ('the School'). The location of the site is shown on the aerial photograph below.



Location plan

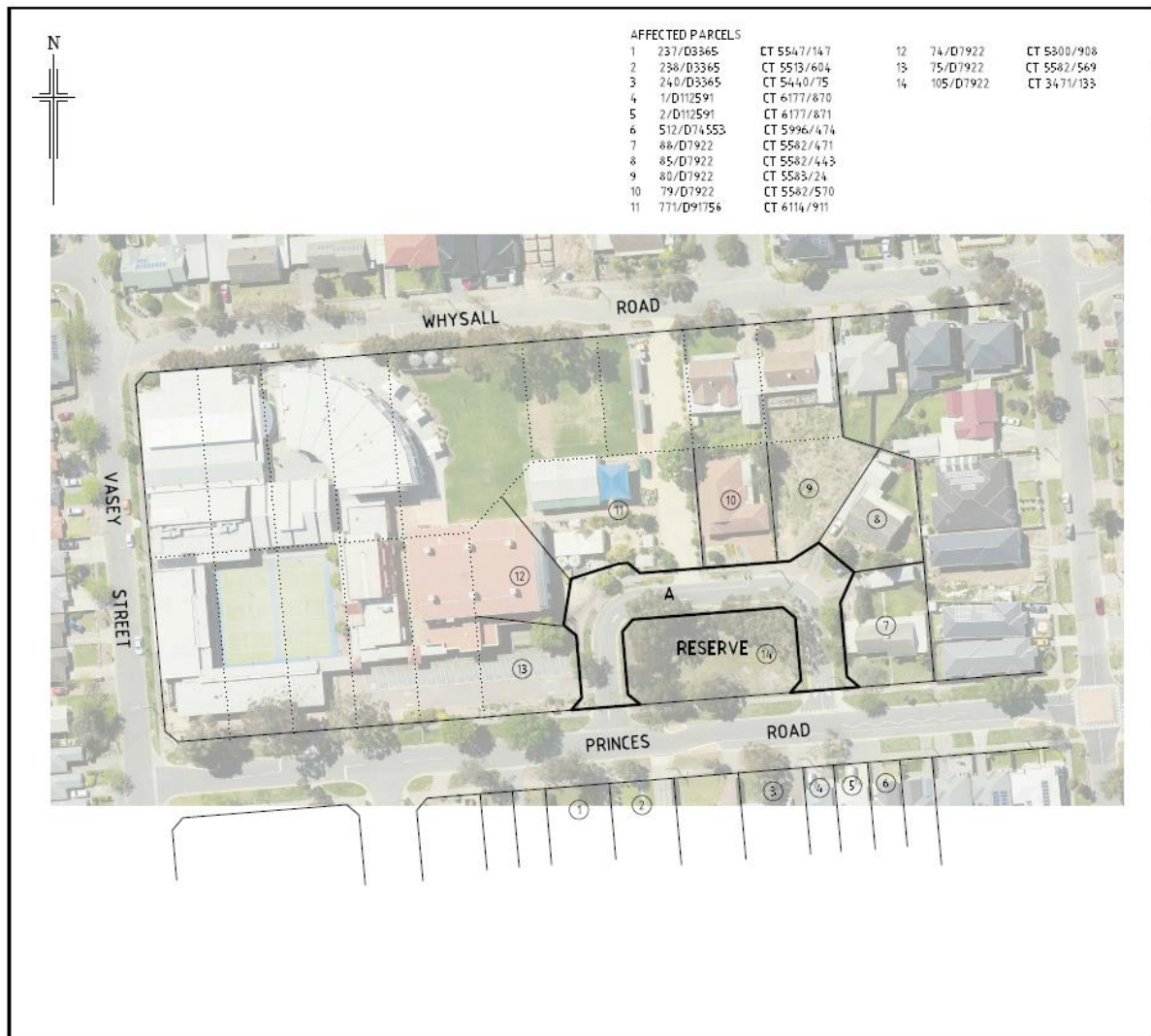
Proposal to close portion of Princes Road that surrounds the reserve

Catholic Education South Australia has also approached Council to close portion of Princes Road adjacent to the School and surrounding the Reserve, to create an area of safety for families to drop off and collect their children to cater for the expected increase in students with the expansion of the facilities.

More specifically the portion of Princes Road that is proposed for closure is contained in Allotment 106 in Deposited Plan 7922 being part of the land contained in partially cancelled Certificate of Title Volume 3471 Folio 133. Land Services SA has confirmed that Allotment 106 was originally created as part of Princes Road and was vested as a road in the Corporation of the City of Enfield in 1967.

The portion of Princes Road that is proposed for closure is identified on the following plan as the area labelled 'A'.

This roadway would need to be closed under the procedure of the *Roads (Opening and Closing) Act 1991* before it can be transferred to a third party.



Photographs of the site



Reasons for the revocation proposal

Council has been approached by Catholic Education South Australia who is interested in purchasing the Reserve as the School is expanding its educational facilities and needs an area for additional staff car parking to support its expanded school facilities.

Current use

The Reserve is currently accessible for the general public but given its size and that it is surrounded by a public road, the functionality and utility of the Reserve is diminished. The Reserve provides some open space amenity for the local community.

What is the zoning of the land and surrounds

The Reserve is located within the Residential Zone and the Residential East Policy Area, as delineated in the City of Port Adelaide Enfield Development Plan.

How is the land classified?

The Reserve is listed in the 'Community Land Management Plan Passive Recreation Reserves' (adopted 10 December 2019)(Appendix 1 – Schedule of Land; page 31).

What could happen on the Reserve if it is revoked

Depending on the response from the community and the approval of the Minister for Planning and Local Government, Council intends to sell the Reserve to the Catholic Endowment Society Incorporated by private negotiation. Council will seek to maximise the sale value for the land.

How the council proposes to use the proceeds of the sale of the revoked land

Council intends to place the proceeds of sale of the Reserve and the portion of closed road into general revenue and use the funds towards the upgrade and modernisation of existing community facilities across the Council area and reduce the need to borrow money to do so.

It does not appear that there has been government assistance to acquire the Reserve as it was vested to the Corporation of the City of Enfield in 1967 by virtue of the *Town Planning Act 1929-1963* probably as a condition of approval for the subdivision by the South Australian Housing Trust.

How will the proposal affect the local community

The revocation proposal will assist the School in expanding the educational facilities offered to the local community and more widely by providing an area for car parking to support the larger facility. However, the proposal will reduce the amount of functional open space within the Council area.

The proposal to close the road adjacent to the School and surrounding the Reserve to create an area of safety for families to drop off and collect their children will have a positive impact on the functioning of the School and the safety of children and parents.

There may be a loss of some of the trees that exist on the Reserve if development approval is given to the establishment of a car park. Any regulated or significant trees on the land would be subject to planning controls and consideration would be given to any tree damaging activity to these particular trees. The normal planning assessment process would consider the design and layout of the car park, the health, condition and structure of the existing trees and what replacement trees and shrubs are proposed to minimise any significant impact on the landscape. An assessment would be made as to which trees are worthy of retention and which trees could be removed.

What is the history behind this land

The Reserve is in the ownership of Council (in fee simple) and is contained in a partially cancelled Certificate of Title Volume 3471 Folio 133.

Certificate of Title Volume 3471 Folio 133 was issued to the South Australian Housing Trust on 9 February 1967. A subdivision was subsequently approved and the balance of the land being Reserves 'A' and 'B', Whysall Road, the Walkway, Princes Road and Redward Road was vested in the Corporation of the City of Enfield in 1967 by virtue of section 14(1) of the *Town Planning Act 1929-1963*.

Section 14(1) of the *Town Planning Act 1929-1963* provided that when any plan of subdivision was deposited in the Lands Titles Registration Office every road, street, thoroughfare, reserve or other like open space shown on that plan shall be vested for the purpose indicated on the plan in fee simple by virtue of that Act in the Council of the area in which it was situated.

As Allotment 105 is designated in Deposited Plan 7922 as Reserve 'B', the parcel of land vested in the Corporation of the City of Enfield for the purposes of a reserve.

Are there any registered interests over the land?

There does not appear to be any easements or other registered interests over Allotment 105.

Dedication, reservation or trust to which the land is subject

The Reserve is held by the City of Port Adelaide Enfield by what is known as a 'fee simple' ownership. The Reserve does not appear to be subject to any known Crown Land dedication, reservation or trust.

Have Your Say

Council wants to hear what you have to say, good or bad. You are invited to make a submission on the proposed revocation of community land classification.

Your submission must be made in writing headed 'Community Land Revocation – Princes Road Reserve, Greenacres', and include your name, address and contact information. Please note, all submissions will become public documents upon receipt.

Your feedback is important, it will be reported to a Council Meeting after the close of the consultation, and will be used to guide our decision making in relation to the proposal. Submissions can be emailed to consultation@cityofpae.sa.gov.au, posted to PO Box 110, Port Adelaide SA 5015, or hand delivered to the Civic Centre at 163 St Vincent Street, Port Adelaide.

If you need any further information please contact Council's Community and Commercial Property Team on telephone 08 8405 6600 or send an email to consultation@cityofpae.sa.gov.au.

Certificate of Title for the land being considered for revocation



Product Register Search (CT 3471/133)
 Date/Time 29/07/2020 03:08PM
 Customer Reference STMartSoCT3471133
 Order ID 20200729010077

South Australia (CERTIFICATE OF TITLE)

Register Book,
Vol. 3471 Folio 133

Now Certificate of Title for the whole of the Land in Vol.1425 Folio 111 Vol.1471
 Folios 39 and 40 Vol.1546 Folios 139 and 140 Vol.1571 Folio 187 Vol.1606 Folio 147
 Vol.1608 Folio 134 Vol.1621 Folio 61 Vol.1624 Folio 7 Vol.1637 Folio 13 Vol.1649
 Folio 15 Vol.1654 Folio 151 Vol.1681 Folio 129 Vol.1690 Folio 124 Vol.1694 Folio 3
 Vol.1704 Folio 200 Vol.1774 Folio 115 Vol.1787 Folio 171 Vol.1806 Folio 31 Vol.1847
 Folio 70 Vol.1858 Folio 115 Vol.1890 Folio 172 Vol.1892 Folio 139 Vol.1950 Folio 166
 Vol.2048 Folio 141 Vol.2188 Folio 184 Vol.2200 Folio 95 Vol.2211 Folio 127 Vol.2402
 Folio 115 Vol.2415 Folio 162 Vol.2456 Folio 51 Vol.2477 Folio 38 Vol.2503 Folio 50
 Vol.2560 Folio 135 Vol.3092 Folios 190 to 200 inclusive Vol.3093 Folios 1 to 16
 inclusive 18.19.20.21.24.25 and 26 Vol.3120 Folio 175 Vol.3352 Folio 141 and
 Balance of the Land in Vol.2542 Folio 103

SOUTH AUSTRALIAN ENDURING TRUST is the proprietor of an estate in fee simple subject nevertheless to
 such encumbrances liens and interests as are notified by memorial underwritten or endorsed hereon in
 THOSE PIECES of land situated in the HUNDRED OF YATALA COUNTY OF ADELAIDE being the ALLOTMENTS 112.
 113.114.115.116.117.118.119.120.121.122.123.124.125.127.128.129.130.131.134.135.136.137.138.139.140.141.
 142.143.144.145.146.149.148.149.150.151.152.153.154.155.156.157.158.159.160.161.162.163.164.165.166.168.
 169.170.171.177.178.179.180.181.182.183.184.185.186.187.188.189.190.191.192.193.212.213.217.218.219.220.
 221.222.223.224.225 and 226 and PORTIONS OF ALLOTMENTS 167.214.215 and 216 of the subdivision of
 portion of Section 488 laid out as GREENACHES ESTATE WHICH said Portions of Allotments are more
 particularly delineated and bounded as appears in the plan in the margin hereof and therein colored
 green WHICH said Allotments are bounded as appears in the plan deposited in the Lands Titles
 Registration Office No.3365 WHICH said Section is delineated in the Public Map of the said Hundred
 deposited in the Land Office at Adelaide
 In witness whereof I have hereunto signed my name and affixed my seal this 9th day of February 1967

Signed the 9th day of February 1967, in the presence of 1914 OT-172

Resubdivision Approved under
 Sec. 11 T.P. Act 1929-1963 Vide
 Dkt 442165

RESERVES and ROADS
 in Deposited Plan T922
 now REDESIGNATED as
 Allotments 104 to 112 incl

116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 127
 128
 129
 130
 131
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 149
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 168
 169
 170
 171
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 212
 213
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226

BIRDWOOD R^d
 WHYSALL R^d
 PRINCES R^d

187
 188
 189
 215
 214
 213
 217
 216

50 0 30 FT

REGISTRAR-GENERAL
 SOUTH AUSTRALIA

Dkt T. Form 200/167

CANCELLED
A portion of the within land (and
AND
ISSUED VIDE Docket No. 1008 VOL 1008 PCL 1008
A. Mahon Hayler 21 APR 1967
DEP. REG. GENL.

CANCELLED AS REGARDS PORTION OF THE WITHIN LAND (AND
SHOW IN PLAN No. 7922) AND A NEW CERTIFICATE OF TITLE
ISSUED VIDE L.T.O. 1008 OF 1008 VOL 1008 PCL 1008
A. Mahon Hayler 21 APR 1967
DEP. REG. GENL.

Robert A.D. Hayler
Solicitor-General
THE WITHIN LAND (AND
IN DEPOSITED PLAN No. 1008 VESTED IN
THE CORPORATION OF THE CITY OF ADELAIDE
BY VIRTUE OF SEC. 14 SUB SEC 1 OF ACT 1946
OF 1929 VIDE L.T.O. DOCKET No. 1008 OF 1008
A. Mahon Hayler 21 APR 1967
DEP. REG. GENL.

Robert A.D. Hayler
Solicitor-General
NOTIFICATION No. 476324 PART OF THE WITHIN LAND
IS VESTED IN THE CORPORATION OF THE CITY OF ADELAIDE
AS A PUBLIC STREET PURSUANT TO SECTION 301 OF THE
LOCAL GOVERNMENT ACT AS AMENDED VIDE GOVERNMENT
GAZETTE DATED 25.7.1946 PRODUCED S.T.T. 1946 AT 9.30 PM
CANCELLLED AS REGARDS ABOVE LAND AND SUBJECT THEREOF
V.L. 1008

CANCELLED as regards (portion of) the
within land WALKWAY D.P. 7922
Closed vide confirmation of Road Order
in Gazette dated 23-12-82
(Road Plan No. 8037)
ENTERED 23-2-83

Notations

Dealings Affecting Title

NIL

Priority Notices

NIL

Registrar-General's Notes

NIL

Administrative Interests

NIL

Deposited Plan 7922

