



Report for Public Consultation

Proposed Revocation of Community Land Classification of portion of South Parkway Reserve, Lightsvue

March 2021

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Act 1999*, unless it has been exempted through legislation, excluded by resolution of Council or the classification has been revoked.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 (‘the Minister’) 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 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 her 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 portion of 'South Parkway Reserve'
at 163-171 East Parkway, Lightsview

**Report on the proposal to revoke the Community Land classification of portion of Allotment
(Reserve) 3021 in Deposited Plan 96019 comprised in Certificate of Title Volume 6155 Folio 640**

Section 194 of the *Local Government Act 1999*

Where is the land that is being considered for revocation

The 'South Parkway Reserve' is located at 163-171 East Parkway, Lightsview.

The location of the site is shown on the aerial photograph below.



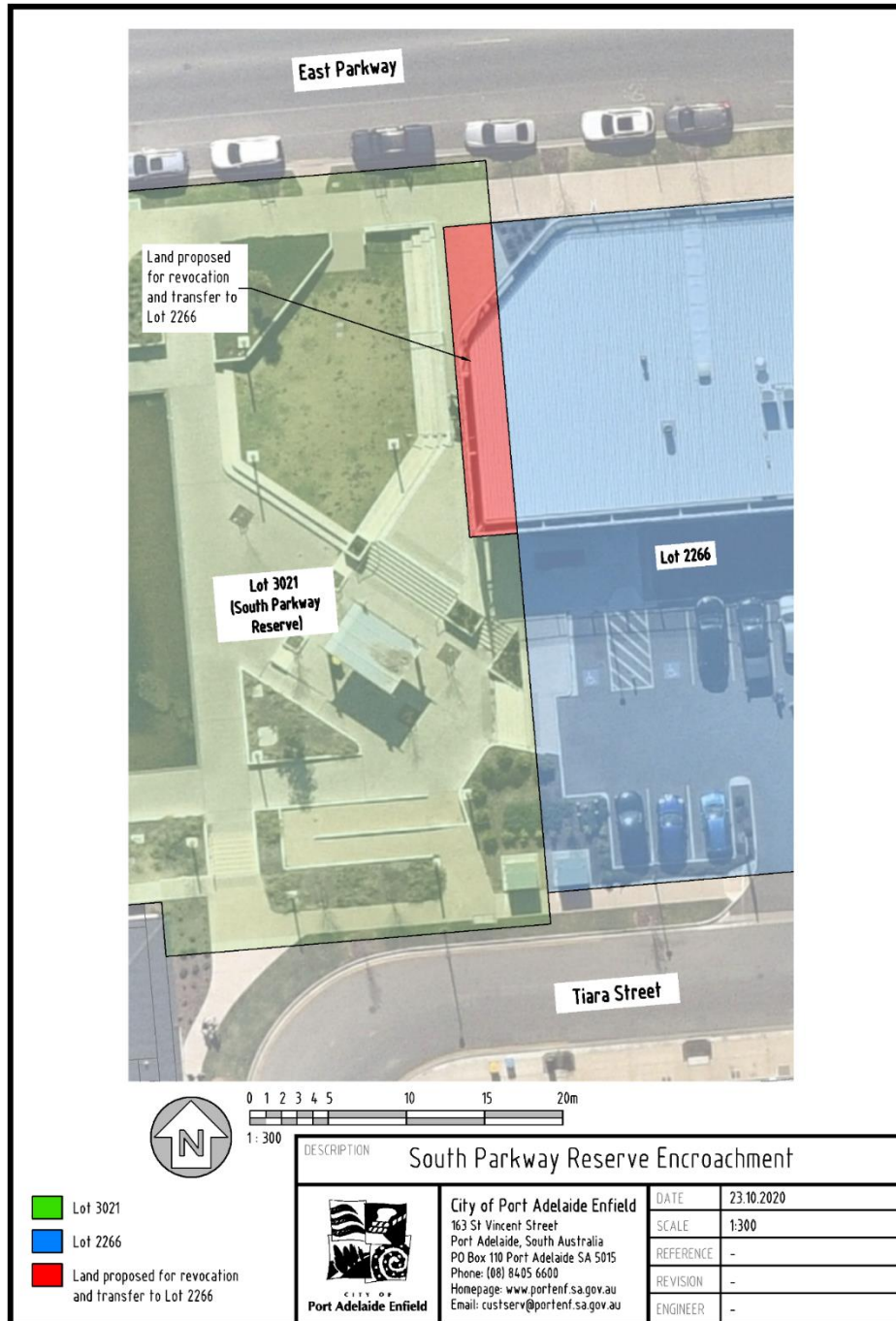
Location plan : 163-171 East Parkway, Lightsview

Legal description of the land

The land that is being considered for revocation is owned by Council and is known as the South Parkway Reserve which is located at 163-171 East Parkway, Lightsvie.

The land is contained within Certificate of Title Volume 6155 Folio 640 and is described as Allotment (Reserve) 3021 in Deposited Plan 96019 and is approximately 60 square metres in size ('the Revocation Land').

The approximate location of the Revocation Land is shaded in red on the plan below.



Reasons for the revocation proposal

As part of the Lightsview development a subdivision was undertaken to create all the residential and commercial allotments, roads and reserves. Various roads and reserves were then systematically vested into Council's ownership for no consideration.

Unfortunately the subdivision that created the South Parkway Reserve ('Reserve') which was vested to Council does not align with the physical infrastructure that was built. Council has been asked to consider a proposal to transfer a small piece of the Reserve to the adjoining owner, the Urban Renewal Authority ('the URA'), to rectify the encroachment of a roof overhang and associated outdoor dining area.

The piece of land being considered for revocation is underneath the verandah of the adjacent building which is currently used as a café with an outdoor dining area. The current property boundary is located at the base of the building and does not encompass the verandah.

The photograph below shows the outdoor dining area.



Verandah and outdoor dining area that encroaches on reserve at 163-171 East Parkway

Reasons for the revocation proposal (continued)

The URA wishes to rectify the encroachment by consolidating the encroached land with its adjacent land holding as a long term solution. The adjoining land owned by URA is located at 155-161 East Parkway and is comprised in Certificate of Title Volume 6149 Folio 143 and is described as Allotment 2266 in Deposited Plan 95170 ('the URA Land').

Current use

The Reserve is currently accessible for the general public and provides some open space amenity for the local community.

What is the zoning of the land and surrounds

The Reserve is zoned Suburban Neighbourhood, as described in the City of Port Adelaide Enfield Development Plan.

How is the land classified

The Reserve is listed in the 'Community Land Management Plan Stormwater/Drainage Reserves' (Adopted 10 December 2019) (Appendix 1 – Schedule of Land; page 21).

What could happen on the land 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 transfer the Revocation Land to the URA. The land would continue to be used as an outdoor dining area associated with a café underneath the existing verandah for the foreseeable future. However, the use of the building may change over time.

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

Given the small size of the encroached land (being approximately 60 square metres), it is likely that the land proposed for revocation may have minimal or no real market value. The Revocation Land will be transferred for a nominal consideration to provide a practical and long term outcome and minimise the administrative burden for both parties in the future.

Government assistance

It does not appear that there has been government assistance to acquire the Reserve.

How will the proposal affect the local community

As the area being proposed for revocation is approximately 3.3% of the total area of the Reserve, the functionality of the Reserve would be unaffected.

What is the history behind the land

The Reserve is in the ownership of Council (in fee simple) and is contained within Certificate of Title Volume 6155 Folio 640.

The Reserve was originally comprised in a large area of land of over 86 hectares, being Certificate of Title Register Book Volume 4391 Folio 811, which was granted by the Governor to the South Australian Urban Land Trust in November 1991. From 1991 until 2015, the Reserve was in the ownership of URA and its predecessors (including Land Management Corporation and the South Australian Urban Projects Authority).

What is the history behind the land (continued)

The Reserve was vested in Council on 14 April 2015 by virtue of the lodgement of RTC 12298140, which effected the land division of Certificate of Title Volume 6150 Folio 635 ('Previous Title') in accordance with Deposited Plan 96019.

The Previous Title was entirely in the ownership of the URA. Upon the land division, in respect of the land in Deposited Plan 96019:

- URA retained ownership of Allotments 2277 to 2288 (inclusive), 2295 to 2302 (inclusive), 2340, 2342 to 2353 (inclusive), 2549, 2550 and 4567;
- the Reserve (being Allotment 3021) was vested in Council as a reserve, and Allotments 3022 to 3025 (inclusive) were vested in Council as roads; and
- Easements 'L' and 'M' over portions of the Reserve for electricity supply purposes were granted to Distribution Lessor Corporation.

In 2018 (after the land division), the building was built on land adjoining the Reserve and retained by URA, which encroaches over the Revocation Land.

Are there any registered interests over the land

There is a registered easement over the Reserve (being the portions labelled 'L' and 'M') to Distribution Lessor Corporation for electricity supply purposes. However, the Revocation Land (forming only part of the Reserve) is not subject to this easement, or any other registered interests.

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 – South Parkway Reserve, Lightsvue', 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 (CT 6155/640)



Product	Title Details
Date/Time	01/05/2020 03:56PM
Customer Reference	xyz
Order ID	20200501008344

Certificate of Title

Title Reference	CT 6155/640
Status	CURRENT
Easement	YES
Owner Number	90005015
Address for Notices	PO BOX 110 PORT ADELAIDE SA 5015
Area	3501M ² (CALCULATED)

Estate Type

FEE SIMPLE (RESERVE)

Registered Proprietor

CITY OF PORT ADELAIDE ENFIELD
OF PO BOX 110 PORT ADELAIDE SA 5015

Description of Land

ALLOTMENT (RESERVE) 3021 DEPOSITED PLAN 96019
IN THE AREA NAMED LIGHTSVIEW
HUNDRED OF YATALA

BEING A RESERVE

Last Sale Details

There are no sales details recorded for this property

Constraints

Encumbrances

NIL

Stoppers

NIL

Valuation Numbers

Valuation Number	Status	Property Location Address
0612737900	CURRENT	Lot 3021 TIARA STREET, LIGHTSVIEW, SA 5085

Notations

Dealings Affecting Title

NIL

Notations on Plan

NIL

Registrar-General's Notes

Certificate of Title for the land being considered for revocation (continued)




Product	Title Details
Date/Time	01/05/2020 03:58PM
Customer Reference	xyz
Order ID	20200501008344

APPROVED FX250687
AREA NAME UPDATED VIDE GOVERNMENT GAZETTE DATED 07/04/2016

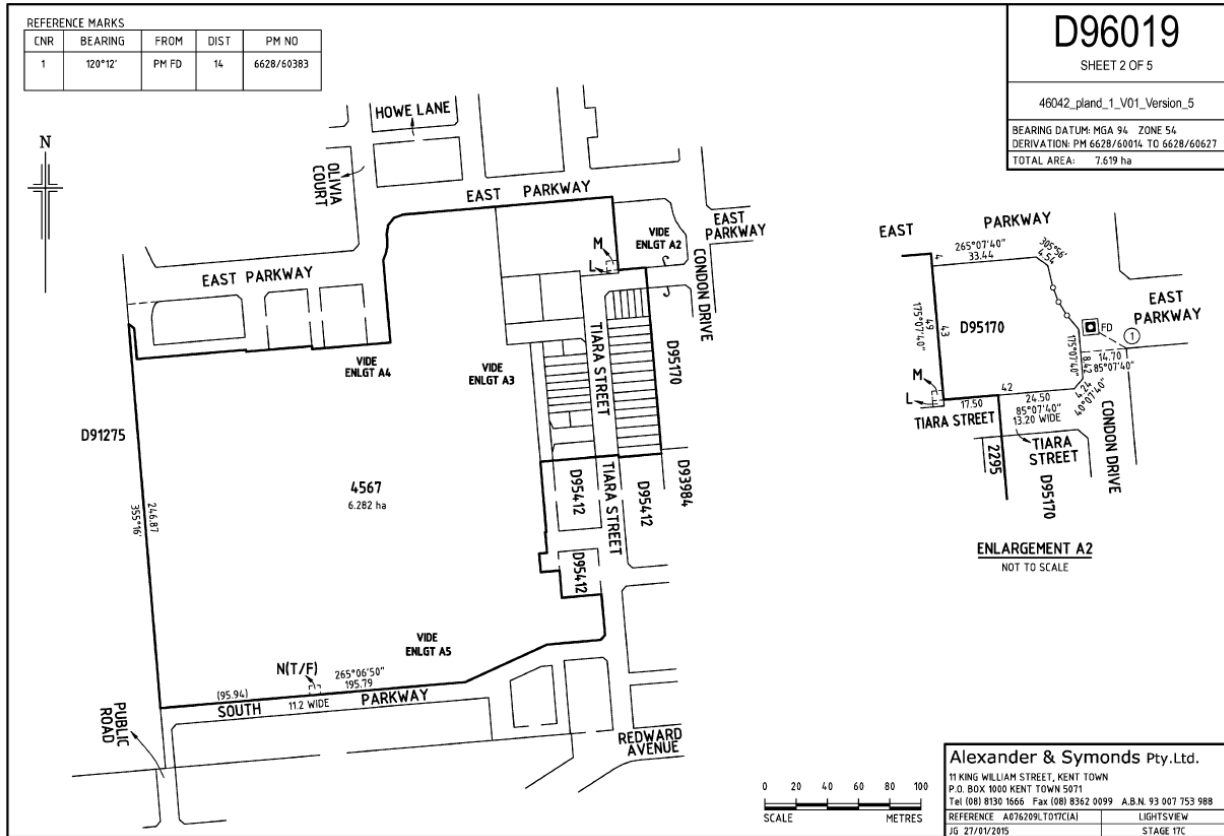
Administrative Interests

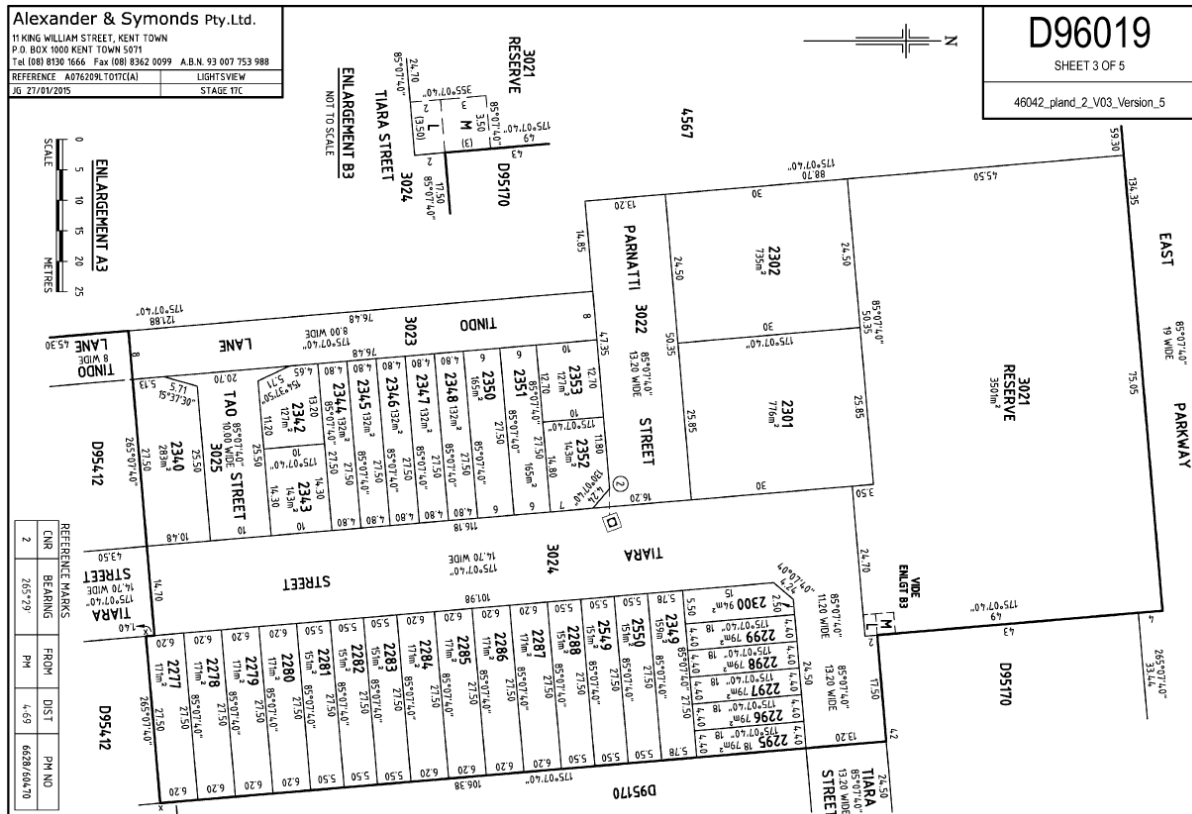
NIL

Deposited Plan 96019

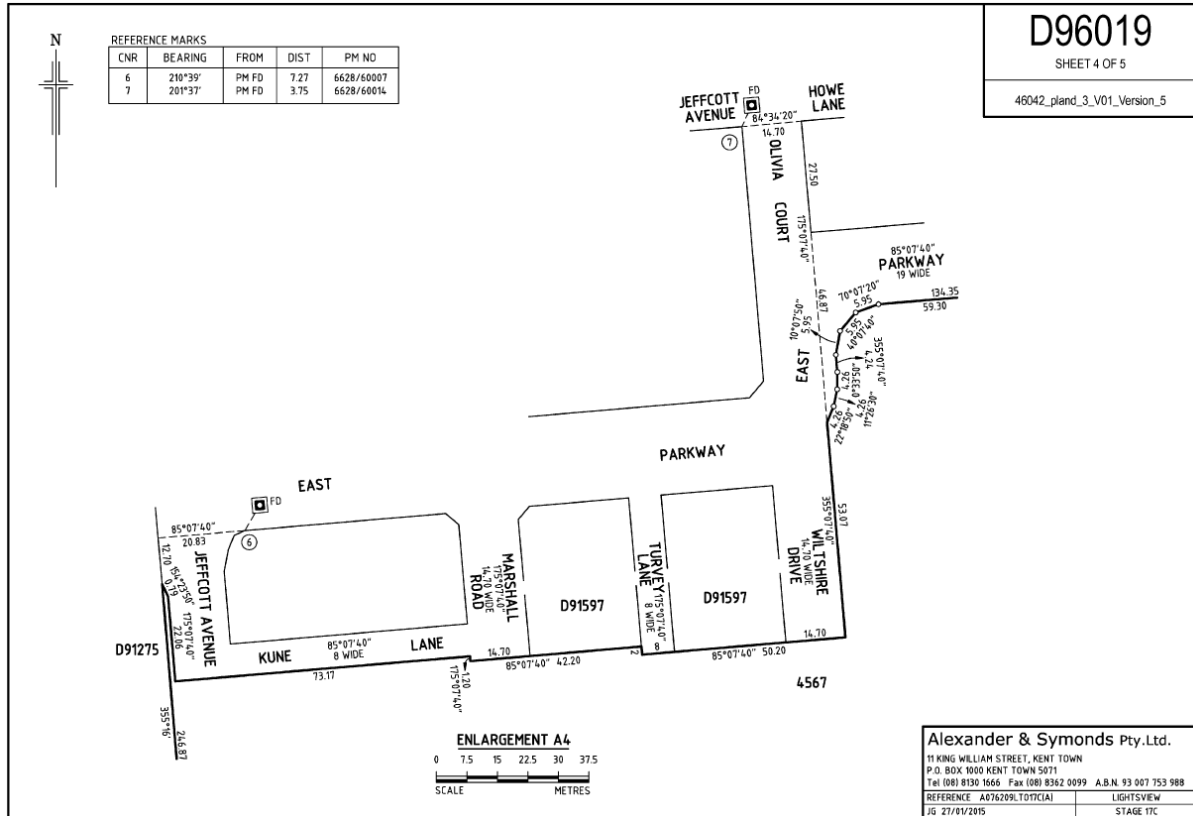
PURPOSE:	DIVISION	AREA NAME:	NORTHGATE	APPROVED:	JULIA GADSDON 24/03/2015	 D96019 SHEET 1 OF 5 46042_text_L01_v05_Version_5																																
MAP REF:	6628/39/B, 6628/39/G, 6628/39/H, 6628/39/A	COUNCIL:	CITY OF PORT ADELAIDE ENFIELD	DEPOSITED:	DEAN WATSON 31/03/2015																																	
LAST PLAN:	D95413	DEVELOPMENT NO:	040/D276/13/005/41015																																			
AGENT DETAILS:	ALEXANDER & SYMONDS PTY LTD 1ST FLOOR 11 KING WILLIAM ST KENT TOWN SA 5067 PH: 81301666 FAX: 83620099			SURVEYORS CERTIFICATION:		I Noel Raffe Gahren, a licensed surveyor do hereby certify - 1) That this plan has been made from surveys carried out by me or under my personal supervision and in accordance with the Survey Act 1992. 2) That the field work was completed on the 5th day of January 2015 excepting for the final placement of survey marks. 23rd day of March 2015 Noel Raffe Gahren Licensed Surveyor																																
AGENT CODE:	ALSY																																					
REFERENCE:	A076209LTO17C(A)																																					
SUBJECT TITLE DETAILS: <table border="1"> <thead> <tr> <th>PREFIX</th> <th>VOLUME</th> <th>FOLIO</th> <th>OTHER</th> <th>PARCEL</th> <th>NUMBER</th> <th>PLAN</th> <th>NUMBER</th> <th>HUNDRED / IA / DIVISION</th> <th>TOWN</th> <th>REFERENCE NUMBER</th> </tr> </thead> <tbody> <tr> <td>CT</td> <td>6150</td> <td>635</td> <td></td> <td>ALLOTMENT(S)</td> <td>4565</td> <td>D</td> <td>95413</td> <td>YATALA</td> <td></td> <td></td> </tr> </tbody> </table>							PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER	CT	6150	635		ALLOTMENT(S)	4565	D	95413	YATALA												
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ANNOTATIONS: NOTIFICATION OF FINAL MARKING VIDE PR 12386232 PRO RG 22.9.2015																																						

Deposited Plan 96019 (continued)



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