

8.7. Strategic Land Program Group 1 - Proposed Revocation of Community Land Classification Strathalbyn

C24260

Moved Cr Craig Maidment seconded Cr Peter Oliver

- 1. That Council is satisfied that it has complied with the due process required under Section 194 of the *Local Government Act 1999 (SA)* in its undertaking of a community land revocation process over a portion of the land parcel located at Lot 9 Rankine Street, Strathalbyn, Filed Plan 10659, Certificate of Title Volume 6218 Folio 62.**
- 2. That Council:**
 - 2.1 revoke the classification of a portion of the land in Allotment 9 Rankine Street Strathalbyn Filed Plan 10659, Certificate of Title Volume 6218 Folio 62 as community land, in accordance with section 194(3)(b) of the *Local Government Act 1999*, consistent with the approval of the Minister for Local Government.**

- 2.2 authorise the Mayor and Chief Executive Officer to complete any documentation required including sign and affix of the Common Seal to the application to the Registrar-General, that the community land classification has been revoked over the portion of the subject land in accordance with section 195(2) of the *Local Government Act 1999*.**
- 3. That on completion of the revocation of the community land classification for the portion of the land parcel located at Allotment 9 Filed Plan 10659, as contained in Certificate of Title Volume 6218 Folio 62, a further Report is provided to Council with the market value and final disposal approach method for the sale of the land.**

CARRIED

8.7. Strategic Land Program Group 1 - Proposed Revocation of Community Land Classification Strathalbyn

Responsible Officer: Tash Hunt (Executive Manager Office of the CEO)

Report Author: Lisa Hoyle (Manager Property and Procurement Services)

Recommendation

Recommendation 1

That Council is satisfied that it has complied with the due process required under Section 194 of the *Local Government Act 1999* (SA) in its undertaking of a community land revocation process over a portion of the land parcel located at Lot 9 Rankine Street, Strathalbyn, Filed Plan 10659, Certificate of Title Volume 6218 Folio 62.

Recommendation 2

That Council:

1. revoke the classification of a portion of the land in Allotment 9 Rankine Street Strathalbyn Filed Plan 10659, Certificate of Title Volume 6218 Folio 62 as community land, in accordance with section 194(3)(b) of the *Local Government Act 1999*, consistent with the approval of the Minister for Local Government.
2. authorise the Mayor and Chief Executive Officer to complete any documentation required including sign and affix of the Common Seal to the application to the Registrar-General, that the community land classification has been revoked over the portion of the subject land in accordance with section 195(2) of the *Local Government Act 1999*.

Recommendation 3

That on completion of the revocation of the community land classification for the portion of the land parcel located at Allotment 9 Filed Plan 10659, as contained in Certificate of Title Volume 6218 Folio 62, a further Report is provided to Council with the market value and final disposal approach method for the sale of the land.

Prior Resolutions

Meeting Date	Agenda Item Number	Report Title	Resolution Number
16 October 2023	11.5	Confidential) Strategic Land Program Group 1 Strategic Land Disposal in Strathalbyn.	C23423
18 December 2023	8.2	Strategic Land Program Group 1 – Lot 9 Rankine Street Strathalbyn Community Engagement Outcomes	C23505
20 March 2023	10.5	(Confidential) Strategic Land Program – Group 1 Locations	C23139

Community Strategic Plan Impact

LIVEABLE	Distinctive townships, places, spaces, and transport networks that support active lifestyles vibrant cultures and productive enterprise
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Report Objective

To review the process to date and undertake the final step to complete a revocation of community land classification over a portion of the land parcel located at Lot 9 Rankine Street, Strathalbyn, for the purpose of disposal (sale) to the adjacent private landowner.

Executive Summary

At the 20 March 2023 Council meeting, in-principal support was provided to further a proposal to revoke the classification of community land over portion of Lot 9 Rankine Street, Strathalbyn, for the intended purpose of direct disposal to the adjacent landowner.

Visually, the land to which this Report relates is identified in red below:



Council endorsed proceeding to community engagement at the 16 October 2023 Council Meeting. At the 18 December 2023 Council Meeting, the Council considered the community engagement and granted consent to submit a Revocation of Community Land proposal to the Minister.

A response has been received from the Minister which permits Council to proceed with a formal resolution to revoke the classification of community land over that portion of Lot 9 Rankine Street, Strathalbyn that forms the subject of this Report.

Context

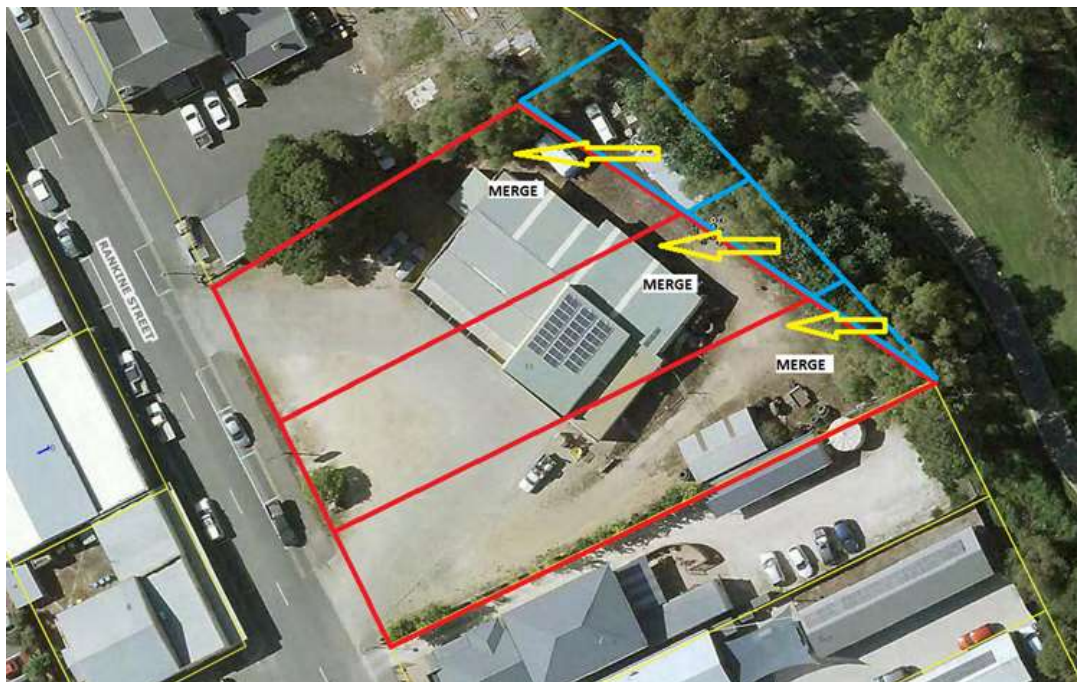
In March 2023, Council commenced its Strategic Land Program. The Program is supported by the Information Sessions held with Council Members on the 14 March 2023, the 'in-principal' support to Group 1 of the properties as endorsed at the 20 March 2023 Council Meeting and, guided by the Acquisition and Disposal of Road Policy and the Acquisition and Disposal of Land Policy as endorsed at the 17 July 2023 Council meeting.

The Strategic Land Program (**Program**) progressed an approach from an adjoining landowner of Lot 9 Rankine Street, Strathalbyn, to purchase a portion of the reserve along the rear of the private property for private use, given that neither Council nor the community had or could have practical access to the land.

The land parcel to which this Report relates is provided below:



The absence of practical access to anyone but the only adjoining owner made the proposal unusual, but suitable to consider further in the Program.



At the 16 October 2023 Council Meeting, the Council endorsed proceeding to community engagement on the proposed revocation, to assist in considering whether to further the proposal or otherwise. Public consultation was held between the 9 November and 1 December 2023.

At the 18 December 2023 Council Meeting, the Council considered the community engagement feedback and granted consent to submit a Revocation of Community Land proposal (**application**) to the Minister responsible for the Local Government Act 1999 (**Minister**) for consideration to approve the proposal to revoke the classification of community land over a portion of the land parcel for the purpose of disposal with a further Report brought back to Council following the decision of the Minister.

General Analysis

Section 193 of the *Local Government Act 1999* specifies that all local government land except roads that is owned by a Council or under a council's care, control and management is taken to have been

classified as community land unless it has been excluded. If supported, the revocation of the community land classification over the subject portion of Lot 9 Rankine Street Strathalbyn means that portion of the land will cease to be community land and can be dealt with by Council as a land disposal.

Following the 18 December 2023 Council resolution to proceed to the Minister, an application to revoke the community land classification was lodged.

On the 12 April 2024, the Minister provided correspondence in support of the revocation, subject to the Council passing a motion to revoke the community land classification pursuant to section 194(3)(b) of the *Local Government Act 1999*. This means that the Minister is satisfied that the Council has complied with the legislative process required to request a community land revocation and has assessed the merits of the application.

The Minister's approval gives Council the authority to pass a Council resolution to revoke the community land classification and deal with the portion of the land in accordance with the statement of intent (Information Pack). The recommendations in this report provide the final step and opportunity for Council to consider the proposal to revoke the community land classification or otherwise.

Comparative Analysis

The Information Pack and outcomes of the community engagement process were integral and relevant to the Minister's exercise of their discretion to consent to the revocation of the community land classification.

Should Council determine not to progress this proposal to a community land revocation, an alternative resolution for Recommendation 2 is provided below:

That Council has reviewed the process undertaken to date to submit an application to the Registrar-General to revoke the classification of community land over a portion of the land parcel described as Allotment 9 Filed Plan 10659, as contained in Certificate of Title Volume 6218 Folio 62 and has determined not to proceed further with the revocation of community land process.

Financial and Economic Implications

In accordance with the Alexandrina Council's Adopted Budget / Long Term Financial Plan, the financial implications of adopting this recommendation are considered low as the land proposed to be sold provides no benefit to the community.

The cost to lodge the formal application to the Registrar-General is \$187 (ex GST), other than administrative costs associated with resourcing the process.

Should Council revoke the classification of community land as an outcome of this Report, Council will be required to obtain two (2) independent market values for the land as per Council's Acquisition and Disposal of Land Policy for direct disposal, at an approximate cost of \$4,000. This will be followed by additional property costs to administer the processes for sale, accumulating in a total spend of approximately \$12,000 (ex GST).

The portion of the land parcel the subject of this report has a current Valuer General (VG) assessment of \$68,000. The administrative costs of progressing this proposal are estimated at \$12,000 (ex GST). The anticipated revenue may or may not exceed the \$68,000 Valuer General (VG) assessment of the land's worth and will be determined and reported back to Council following two independent market assessments of the value of the land.

In accordance with financing the Long-Term Financial Plan, any surplus funds are applied to repaying borrowings. Proceeds from the sale of the land will reduce borrowings and provide capacity for Council to reinvest the revenue in alternative project initiatives.

Council currently receives a minor annual rent return of \$55 on the existing annual permit which would have no impact on Council's financial position should it cease.

Risk Management

In accordance with Alexandrina Council's Risk Assessment Matrix, the risk of adopting this recommendation is considered low. The inclusion of this portion of land within the private land holder's property is a logical extension to the light industrial premises that it adjoins.

Combined; the previous Council reports, the Information Pack and the disclosure of the submissions received during the community engagement process meet the requirements of the legislative processes outlined in section 194 (Revocation of classification of land as community land) of the *Local Government Act 1999*, section 50 (Public Consultation Policies) of the *Local Government Act 1999* and the processes referenced in the Local Government Guidance Paper for the Revocation of Community Land Classification.

Conclusion

The support of the Minister of the *Local Government Act 1999* has been obtained, which permits Council to proceed with a formal resolution to revoke the classification of community land over a portion of the land parcel located at Lot 9 Rankine Street, Strathalbyn.

Attachments

Nil