

8.2. Strategic Land Program Group 1 - Lot 9 Rankine Street Strathalbyn Community Engagement Outcomes

C23505

Moved Cr Craig Maidment seconded Cr Sue Miller

That Council:

- 1. Receive the Community Engagement submissions on the proposed revocation of the classification of community land over a portion of Lot 9 Rankine Street Strathalbyn as contained in this meeting agenda at Attachment 1 of this report.**
- 2. Is satisfied that Council has complied with the due process required under Section 194 of the Local Government Act 1999 (SA) to commence a community land revocation process over a portion of the land parcel located at Lot 9 Rankine Street Strathalbyn, Filed Plan 10659, as contained within Certificate of Title Volume 6218 Folio 62.**
- 3. Grants 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 portion of the land parcel located at Lot 9 Rankine Street Strathalbyn, Filed Plan 10659, Certificate of Title Volume 6218 Folio 62.**
- 4. Receive a further report following the decision of the Minister.**

CARRIED UNANIMOUSLY

8.2. Strategic Land Program Group 1 - Lot 9 Rankine Street Strathalbyn Community Engagement Outcomes

Responsible Officer: Trish Kirkland (General Manager Corporate)

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

Recommendation

That Council:

1. Receive the Community Engagement submissions on the proposed revocation of the classification of community land over a portion of Lot 9 Rankine Street Strathalbyn as provided at Attachment 1 of this Report.
2. Is satisfied that Council has complied with the due process required under Section 194 of the Local Government Act 1999 (SA) to commence a community land revocation process over a portion of the land parcel located at Lot 9 Rankine Street Strathalbyn, Filed Plan 10659, as contained within Certificate of Title Volume 6218 Folio 62.
3. Grants 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 portion of the land parcel located at Lot 9 Rankine Street Strathalbyn, Filed Plan 10659, Certificate of Title Volume 6218 Folio 62.
4. Receive a further Report following the decision of the Minister.

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	C23424
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 receive the submissions from the community engagement on a proposal to revoke the community land classification over an approximately 440 m² portion of the land located at Lot 9 Rankine Street Strathalbyn, for the purpose of sale by direct disposal to the adjacent landowner.

Executive Summary

At the 20 March 2023 Council meeting, in-principal support was provided to further explore a proposal to revoke the classification of community land over a portion of Lot 9 Rankine Street Strathalbyn, Filed Plan 10659 Certificate of Title Volume 6218 Folio 62, for the purpose of sale by direct disposal to the adjacent landowner.

At the 16 October 2023 Council Meeting, the Council endorsed proceeding to community engagement on the proposed revocation. Public consultation has been undertaken with the submissions from the consultation provided to Council to assist in considering whether to further the proposal or otherwise.

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**) progresses an approach from the adjacent landowner, to purchase a portion of the reserve for amalgamation into their property due to its locally on the rise of a steep incline which prevents community access to that particular portion of the public reserve. The absence of any practical access to anyone but the adjoining landowner made the proposal suitable to consider further in the Program.



At the 16 October 2023 Council Meeting, the Information Pack outlining the merits of the proposal to dispose of the land to the adjacent landowner was endorsed to proceed to public consultation.

General Analysis

Public consultation was held between the 9 November and 1 December 2023 through advertising in the local newspapers and Council's MySay page. Public Notice was displayed in the Southern Argus and Fleurieu Sun on the 9 November 2023.

On close of public consultation, there were no written submissions and ten (10) contributions to the MySay page as provided in Attachment 1 of this Report. The respondents were Alexandrina Residents and Alexandrina Ratepayers. The Council Post reached 737 people and the Instagram account reached 300 people.

Of the ten (10) submissions received, six (6) or 60% were in support of the proposal and four (4) or 40% objected to the proposal to revoke the classification of community land over a portion of the reserve for the purpose of sale.

The key themes in support of the proposal were:

- As long as no structure or rubbish could be viewed from the Parklands
- Reinvestment of proceeds into 'more pavers'
- Proceeds not to be used to reduce Council debt.
- Sale makes practical sense.

The key themes in objecting to the proposal were:

- Misinterpretation of area of proposed closure
- Land should be retained as public land, whether in a gully / ravine or otherwise.
- Proposed use of the land under private owner is unclear.

Comparative 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. The revocation of the community land classification over a portion to Lot 9 Rankine Street Strathalbyn means that land will cease to be community land and can be dealt with by Council as proposed in the Information Pack.

A Council may revoke the classification of land as community land by preparing and making publicly available, a report on the proposal which must contain all of the following information:

- A summary of the reasons for the proposal;
- A statement of any dedication, reservation or trust to which the land is subject;
- A statement of whether the 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;
- An assessment of how implementation of the proposal would affect the area and the local community; and
- 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.

The specifics of this proposal were provided in the Information Pack that formed the basis of the publicly available consultation information to inform the public of the Council's proposal, enable them to form a view and make a submission should they have chosen to do so. The nature and outcomes of the public consultation process are integral and relevant to the Minister's exercise of their discretion to consent to the revocation of the community land classification or otherwise.

Should the Council resolve to progress the revocation process, a recommended resolution is provided in this Report to permit an application to be submitted to the Minister responsible for the Local Government Act 1999 (Minister) for approval to the proposal.

Should Council not wish to progress this proposal further, an alternative resolution is required to be endorsed, which states that Council has determined not to proceed further with the revocation of the community land process. An alternative recommendation 3 is provided below:

'Has considered the community feedback on the proposal to submit a Revocation of Community Land proposal (application) to the Minister responsible for the Local Government Act 1999 (Minister), for consideration to approve a proposal to revoke the classification of community land over a portion of the land parcel described as Lot 9 Rankine Street Strathalbyn, Filed Plan 10659 Certificate of Title Volume 6218 Folio 62, for the purpose of sale and has determined not to proceed further with the revocation of community land process'

If the application does proceed, the Minister has a duty to review the process followed by Council in submitting a proposal for a revocation of community land classification and assess the merits of the proposal. The submission to the Minister will include a report on the content of all submissions made in the course of public consultation as provided at Attachment 1 of this Report.

If the Minister is satisfied that the Council has complied with the legislative requirements, the Minister will then assess the merits of the proposal in determining whether to approve or not approve the proposal. If the Council has not followed the requirements set out in the legislation, the Minister will not exercise their discretion to approve a proposal.

The Council will be advised of the Minister's decision in writing. If the Minister does not approve of the proposal or the application does not comply with the Act, the matter will not proceed. The Minister's approval, if it determines to do so, gives Council the authority to pass a Council resolution to revoke the community land classification and deal with the land in accordance with the statement of intent (proposal). Once notified of the Minister's decision, a final report will be brought back to Council to endorse the revocation or otherwise.

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.

At this stage of the process, the request is to assess the community feedback on the proposal and determine whether to proceed with an application to the Minister or otherwise.

Generally, the feedback indicates that the proposal is of minimal public interest, noting that 300 persons visited the online consultation page with only 10 submissions received in total, with four (4) in objection.

The Minister will consider all of these submissions as part of their deliberations to consent to the revocation or otherwise. Should the Minister approve the application, a final Report is provided to Council to formally revoke the classification of community land. At this point, Council has a final opportunity to decide whether to progress the matter or otherwise.

The financial position of Council would be provided in this final Report, once the decision of the Minister is known, noting that Council will be required to receive two (2) independent market values for the land as per Council's Acquisition and Disposal of Land Policy. If Council proceeds to sell the land to the adjacent landowner, all costs other than Council's conveyancing costs will be recoverable from the purchaser.

Risk Management

In accordance with Alexandrina Council's Risk Assessment Matrix, the risk of adopting this recommendation is considered low, given the land is not accessible to the general public.

The submissions from the community engagement process assist in informing the Council and the Minister of the advantages, disadvantages and community interest in revoking the community land classification over a portion of this land parcel or otherwise.

Combined, the previous Council report on this matter, the information provided during the public consultation process and the disclosure of the submissions received within this Report 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

A potential land disposal in Strathalbyn has been included in Group 1 of the Strategic Land Program. Part of the process to further the proposal requires the revocation of the community land classification over a portion of the land. In order to revoke a community land classification, community engagement is required and has been held. The submissions from the public consultation are put to Council to assist in determining whether to progress the proposal to the Minister or otherwise.

Should Council not wish to progress the proposal to the Minister, an alternative resolution is required to be endorsed which states that Council has determined not to proceed further with the revocation of community land process. An alternative recommendation 3 is provided below:

3. Has considered the community feedback on the proposal to submit a Revocation of Community Land proposal (application) to the Minister responsible for the Local Government Act 1999 (Minister), for consideration to approve a proposal to revoke the classification of community land over a portion of the land parcel described as Lot 9 Rankine Street Strathalbyn, Filed Plan 10659 Certificate of Title Volume 6218 Folio 62, for the purpose of sale and has determined not to proceed further with the revocation of community land process.

Attachments

Attachment 1 - Lot 9 Rankine Street Strathalbyn - Community Engagement submissions

Survey Responses

09 November 2023 - 01 December 2023

Survey – Lot 9 Rankine Street, Strathalbyn

(Revocation of Community Land Classification)

My Say Alexandrina

Project: Revocation of Community Land - Lot 9 Rankine Street Strathalbyn (portion of)



VISITORS					
10					
CONTRIBUTORS			RESPONSES		
10			10		
0	0	10	0	0	10
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous



Respondent No: 1

Login: Anonymous

Email: n/a

Responded At: Nov 09, 2023 18:50:41 pm

Last Seen: Nov 09, 2023 18:50:41 pm

IP Address: n/a

Q1. Which statement best describes you?

Alexandrina Ratepayer

Q2. Full Name

[REDACTED]

Q3. Email address

[REDACTED]

Q4. Do you support the proposal to revoke the community land classification over a portion of Lot 9 Rankine Street Strathalbyn, as per the information provided in the attached Information Pack, for the purpose of sale and amalgamation into adjacent private property?

No

Q5. Please provide further comments

not answered

Q6. Please provide further comments

Many people use that ramp as a way of coming up to Rankine and Albyn Terraces. Removing that land from public access would reduce access to the park – a terrible idea!



Respondent No: 2

Login: Anonymous

Email: n/a

Responded At: Nov 09, 2023 20:25:44 pm

Last Seen: Nov 09, 2023 20:25:44 pm

IP Address: n/a

Q1. Which statement best describes you?

Alexandrina Resident

Q2. Full Name

[REDACTED]

Q3. Email address

[REDACTED]

Q4. Do you support the proposal to revoke the community land classification over a portion of Lot 9 Rankine Street Strathalbyn, as per the information provided in the attached Information Pack, for the purpose of sale and amalgamation into adjacent private property?

Yes

Q5. Please provide further comments

As long as it can be ensured that no unsightly rubbish or structure can be viewed from the Rotary Park which would impact on the ambience of the park

Q6. Please provide further comments

not answered



Respondent No: 3

Login: Anonymous

Email: n/a

Responded At: Nov 09, 2023 23:44:46 pm

Last Seen: Nov 09, 2023 23:44:46 pm

IP Address: n/a

Q1. Which statement best describes you?

Alexandrina Resident

Q2. Full Name

[REDACTED]

Q3. Email address

[REDACTED]

Q4. Do you support the proposal to revoke the community land classification over a portion of Lot 9 Rankine Street Strathalbyn, as per the information provided in the attached Information Pack, for the purpose of sale and amalgamation into adjacent private property?

No

Q5. Please provide further comments

not answered

Q6. Please provide further comments

Provisionally NO. However, provided the new owner does not spoil the general outlook or compromise the habitat of wildlife, nor industrialize the area to the detriment of residents or visitors then I have no objection



Respondent No: 4

Login: Anonymous

Email: n/a

Responded At: Nov 10, 2023 11:28:27 am

Last Seen: Nov 10, 2023 11:28:27 am

IP Address: n/a

Q1. Which statement best describes you?

Alexandrina Resident

Q2. Full Name

[REDACTED]

Q3. Email address

[REDACTED]

Q4. Do you support the proposal to revoke the community land classification over a portion of Lot 9 Rankine Street Strathalbyn, as per the information provided in the attached Information Pack, for the purpose of sale and amalgamation into adjacent private property?

Yes

Q5. Please provide further comments

not answered

Q6. Please provide further comments

not answered



Respondent No: 5

Login: Anonymous

Email: n/a

Responded At: Nov 10, 2023 17:01:26 pm

Last Seen: Nov 10, 2023 17:01:26 pm

IP Address: n/a

Q1. Which statement best describes you?

Alexandrina Ratepayer

Q2. Full Name

[REDACTED]

Q3. Email address

[REDACTED]

Q4. Do you support the proposal to revoke the community land classification over a portion of Lot 9 Rankine Street Strathalbyn, as per the information provided in the attached Information Pack, for the purpose of sale and amalgamation into adjacent private property?

Yes

Q5. Please provide further comments

Invest the proceeds into more pavers

Q6. Please provide further comments

not answered



Respondent No: 6

Login: Anonymous

Email: n/a

Responded At: Nov 16, 2023 07:52:43 am

Last Seen: Nov 16, 2023 07:52:43 am

IP Address: n/a

Q1. Which statement best describes you?

Alexandrina Ratepayer

Q2. Full Name

[REDACTED]

Q3. Email address

[REDACTED]

Q4. Do you support the proposal to revoke the community land classification over a portion of Lot 9 Rankine Street Strathalbyn, as per the information provided in the attached Information Pack, for the purpose of sale and amalgamation into adjacent private property?

No

Q5. Please provide further comments

not answered

Q6. Please provide further comments

Community/Public land/Reserves should not be given over to private holders/citizens it is for the use of the public/rate payers whether it is a gully/ravine or not.



Respondent No: 7

Login: Anonymous

Email: n/a

Responded At: Nov 23, 2023 11:02:38 am

Last Seen: Nov 23, 2023 11:02:38 am

IP Address: n/a

Q1. Which statement best describes you?

Alexandrina Ratepayer

Q2. Full Name

[REDACTED]

Q3. Email address

[REDACTED]

Q4. Do you support the proposal to revoke the community land classification over a portion of Lot 9 Rankine Street Strathalbyn, as per the information provided in the attached Information Pack, for the purpose of sale and amalgamation into adjacent private property?

Yes

Q5. Please provide further comments

While I support the sale of the land I do not support using the proceeds to reduce council debt. It is community land and the Community should benefit in some tangible way in the form of maintenance or improvement to other community land within Strathalbyn. Selling community assets to reduce council debt creates a very dangerous precedent and sends the wrong message to those in council responsible for sustainable financial and debt management.

Q6. Please provide further comments

not answered



Respondent No: 8

Login: Anonymous

Email: n/a

Responded At: Nov 28, 2023 10:36:22 am

Last Seen: Nov 28, 2023 10:36:22 am

IP Address: n/a

Q1. Which statement best describes you?

Alexandrina Resident

Q2. Full Name

[REDACTED]

Q3. Email address

[REDACTED]

Q4. Do you support the proposal to revoke the community land classification over a portion of Lot 9 Rankine Street Strathalbyn, as per the information provided in the attached Information Pack, for the purpose of sale and amalgamation into adjacent private property?

Yes

Q5. Please provide further comments

not answered

Q6. Please provide further comments

not answered



Respondent No: 9

Login: Anonymous

Email: n/a

Responded At: Nov 30, 2023 13:03:01 pm

Last Seen: Nov 30, 2023 13:03:01 pm

IP Address: n/a

Q1. Which statement best describes you?

Alexandrina Ratepayer

Q2. Full Name

[REDACTED]

Q3. Email address

[REDACTED]

Q4. Do you support the proposal to revoke the community land classification over a portion of Lot 9 Rankine Street Strathalbyn, as per the information provided in the attached Information Pack, for the purpose of sale and amalgamation into adjacent private property?

Yes

Q5. Please provide further comments

It makes practical sense to support a Strathalbyn business by supporting the land classification on a very under utilised piece of community land.

Q6. Please provide further comments

not answered



Respondent No: 10

Login: Anonymous

Email: n/a

Responded At: Dec 01, 2023 10:36:43 am

Last Seen: Dec 01, 2023 10:36:43 am

IP Address: n/a

Q1. Which statement best describes you?

Alexandrina Resident

Q2. Full Name

[REDACTED]

Q3. Email address

[REDACTED]

Q4. Do you support the proposal to revoke the community land classification over a portion of Lot 9 Rankine Street Strathalbyn, as per the information provided in the attached Information Pack, for the purpose of sale and amalgamation into adjacent private property?

No

Q5. Please provide further comments

not answered

Q6. Please provide further comments

No details what this land will be used for !

ENGAGEMENT TOOL: SURVEY TOOL

Survey – Lot 9 Rankine Street, Strathalbyn (Revocation of Community Land Classification)

Visitors	10	Contributors	10	CONTRIBUTIONS	10
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Which statement best describes you?



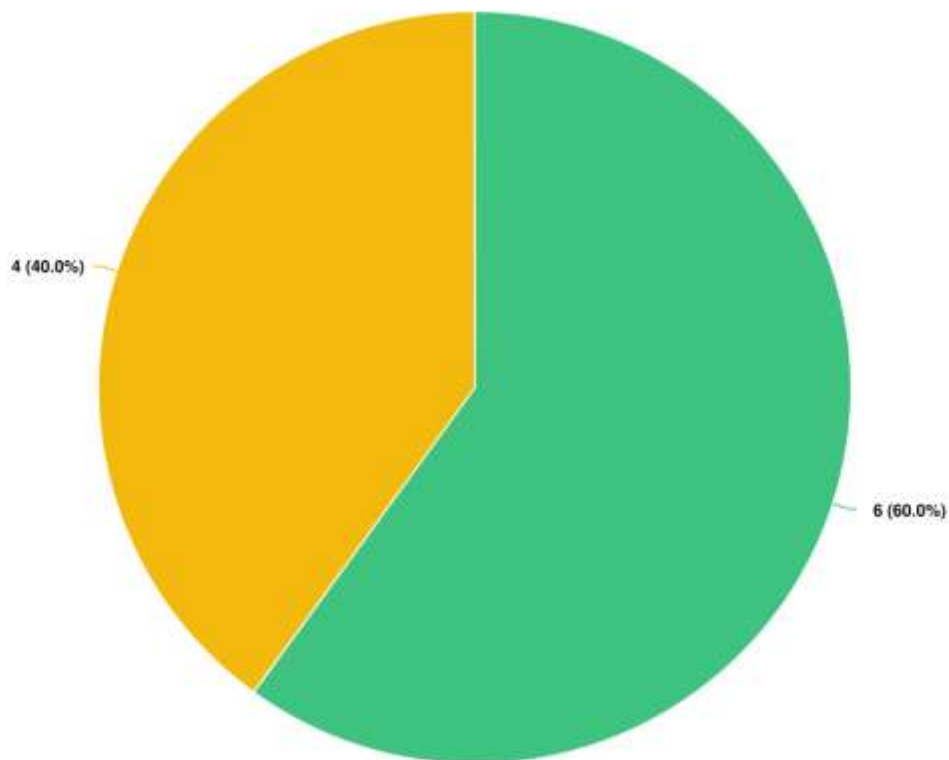
Question options

● Alexandrina Resident ● Alexandrina Ratepayer

Mandatory Question (10 response(s))

Question type: Radio Button Question

Do you support the proposal to revoke the community land classification over a portion of Lot 9 Rankine Street Strathalbyn, as per the information provided in the attached Information Pack, for the purpose of sale and amalgamation into adjacent pri...



Question options

☒ Yes ☐ No

Mandatory Question (10 response(s))

Question type: Radio Button Question