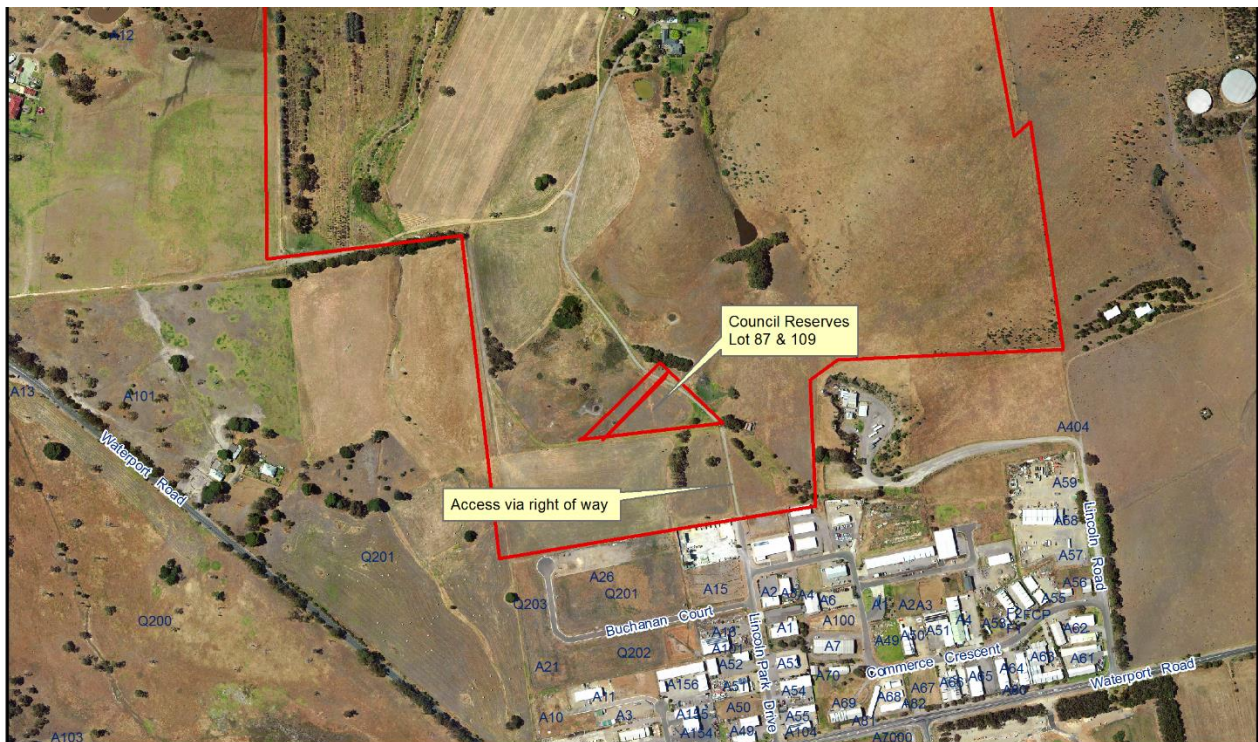




# Revocation of Community Land Status Public Consultation Report

## Council Reserves Lot 87 & 109 Waterport Road, Hindmarsh Valley

Figure 1



July 2019



## Introduction

The *Local Government Act 1999 (the Act)* establishes a framework for the classification of land as “community land” for the majority of 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.

Whenever Council propose 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 Status Public Consultation Report*”, instigated by Council at its meeting held on 29 January 2019, for the land identified below, pursuant to Section 194 of the Act.

## Subject Land

The subject land (the Land) consists of two contiguous vacant allotments that are positioned entirely within the land holding of the adjoining property which is in private ownership. Access is gained to the Land via a ‘right of way’ over private land. Both parcels of land were gifted to Council under the *Development Act 1993, Part 4 Section 50*, as part of the Open Space Contribution for the Lincoln Park Industrial Estate sub division that occurred during 1990 and 1995. The community land status of the allotments occurred as a default when Council acquired the Land. The subject land is shown on **Figure 1** of this report.

The area of the Land is approximately 8,000 square metres and consists of the following Titles:

Certificate of Title Volume 5937, Folio 773  
Certificate of Title Volume 5974, Folio 765  
Deposited Plan 43248, Allotments 87 & 109

A copy of the Certificate of Titles 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 the proposal is to provide Council with the opportunity to explore future options for the Land. The potential use of the Land for the community is limited due to the position of the two allotments located entirely within the adjoining property holding which is in private ownership and is zoned ‘Primary Production’.

Access to the Land is via a ‘right of way’ that traverses from the southern point of the Land. This access point leads from an Industrial Estate that is zoned as ‘Light Industry’.

Currently, the Land is not used or maintained by Council, and has been identified as not required for future use. The ‘right of way’ provides public access to the land, but impedes the Land to be used by the community. Therefore, Council is exploring options for the use of the Land which may include disposal of the Land. For Council to dispose of the Land the community Land status of the Land must be revoked.

## Dedication, Reservation or Trust

The Land is not subject to dedication, reservation or trust.

## Revocation and Financials

The revocation of the classification of community land status will provide the opportunity for Council to dispose of the land if deemed appropriate. Any funds received through the disposal of the land may be used for Council projects.

## Community Impact from Proposal

Allotments 87 and 109 are fully contained within a private property holding, consequently, the City of Victor Harbor (as property owner) currently does not maintain or utilise the Land for any community purpose.

The 'right of way' is accessed through the Lincoln Park Industrial Estate via Lincoln Park Drive. The remaining adjoining land consists of primary production land holdings. There are no residential areas located near the Land that may be impacted by the proposal to dispose of the Land.

The location of the Land eliminates any practical community use of the Land therefore, the impact of the proposal contained within this report to the community will be minimal.

## Owner of the Land

The Land (Lot 87 & 109 of DP43248) is owned by the City of Victor Harbor.

## Public Consultation

This public consultation report for the revocation of community land status of the subject land 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. Consultation will commence on Thursday, 1 August 2019.
- Notice of community land revocation to be placed in the local newspaper 'The Times' on Thursday, 1 August 2019.
- Community Land Consultation Report and information made available on Council's website ([www.yoursay.victor.sa.gov.au](http://www.yoursay.victor.sa.gov.au)) and at the Civic Centre during the consultation period.
- Council to receive written submissions from the public on the proposed revocation and land proposal up until **5pm on Friday, 23 August 2019**.

**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](mailto:localgov@victor.sa.gov.au)
- Web: Complete the online submission form at [www.yoursay.victor.sa.gov.au](http://www.yoursay.victor.sa.gov.au)

**For further information contact the City of Victor Harbor's Property Team at [localgov@victor.sa.gov.au](mailto:localgov@victor.sa.gov.au) or by calling (08) 8551 0500.**

## Appendix A



<b>Product</b>	Register Search (CT 5937/773)
<b>Date/Time</b>	04/01/2019 11:36AM
<b>Customer Reference</b>	MG
<b>Order ID</b>	20190104003057
<b>Cost</b>	\$28.75



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 5937 Folio 773

<b>Parent Title(s)</b>	CT 5914/393, CT 5914/398		
<b>Creating Dealing(s)</b>	RTC 10124087		
<b>Title Issued</b>	18/03/2005	<b>Edition</b>	1
		<b>Edition Issued</b>	18/03/2005

### Estate Type

FEE SIMPLE (RESERVE)

### Registered Proprietor

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

### Description of Land

ALLOTMENT (RESERVE) 87 DEPOSITED PLAN 43248  
IN THE AREA NAMED HINDMARSH VALLEY  
HUNDRED OF GOOLWA

BEING A RESERVE

### Easements

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED E AND J ON DP 43248

### Schedule of Dealings

NIL

### Notations

<b>Dealings Affecting Title</b>	NIL
<b>Priority Notices</b>	NIL
<b>Registrar-General's Notes</b>	NIL
<b>Administrative Interests</b>	NIL





Government of South Australia  
Department of Planning,  
Transport and Infrastructure

Product Register Search (CT 5974/765)  
Date/Time 04/01/2019 11:38AM  
Customer Reference MG  
Order ID 20190104003099  
Cost \$40.15



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 5974 Folio 765

Parent Title(s) CT 5937/772, CT 5937/774  
Creating Dealing(s) RTC 10542783  
Title Issued 09/11/2008 Edition 1 Edition Issued 09/11/2008

### Estate Type

FEE SIMPLE (RESERVE)

### Registered Proprietor

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

### Description of Land

ALLOTMENT (RESERVE) 109 DEPOSITED PLAN 43248  
IN THE AREA NAMED HINDMARSH VALLEY  
HUNDRED OF GOOLWA

BEING A RESERVE IN DP 27885

### Easements

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED E AND K ON DP 43248  
TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED D ON DP 72316

### Schedule of Dealings

NIL

### Notations

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

