

October 2016



# Community Land Consultation Report

Section 194 of Local Government Act 1999,  
Revocation of Community Land Classification

**Allotment 46 contained in Deposited Plan 3645**

**Certificate of Title Volume 1370 Folio 180.**



The purpose of this report is to outline the proposal to remove (revoke) the community land classification status from a narrow drainage reserve to allow for the lands disposal by Council. The land is identified as Allotment 46 Port Elliot Road Hayborough.

Legislation requires Council under Section 194 of the *Local Government Act 1999*, to prepare a Community Land Consultation Report to be made available for comment through Council's Public Consultation Policy and must contain the following information:

- I. A summary of the reasons for the proposal
- II. A statement of any dedication, reservation or trust to which the land is subject to
- III. A statement of whether revocation of the classification is proposed with a view for 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
- IV. An assessment of how implementation of the proposal would affect the area and the local community
- V. If 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 classification.

## **I. Reason for Community Land Revocation**

The intent of removing community land status is to enable the transfer of ownership of the land to the Victor Harbor Baptist Church (VHBC). The land currently separates two of their titles and adjoins a third title. The proposed acquisition of this 0.91metre wide drainage reserve would enable the planning for improved and expanded facilities to meet the increased service provision demands of the community.

Allotment 46 was reserved under the original plan of land division in 1927 for drainage purposes, but the need has never been realised in the subsequent development of the area. Council's Environment and Infrastructure Department has identified the land as too narrow to be used as a drainage reserve and is therefore surplus to Council's requirements.

The VHBC is a not-for-profit non- government organisation that supports the local community through counselling support, family and children support services, welfare assistance and social interaction opportunities for the isolated and lonely.

## **II. Dedication, Reservation or Trust**

The land involved in the proposed community land revocation is identified as Lot 46 contained in Deposited Plan 3645 (Appendix A), Certificate of Title Volume 1370 Folio 180 (Appendix B) is not subject to dedication or reservation.

The land is 0.91 metres wide by 91.44 metres in length, a total area of 83 metres<sup>2</sup>.

The land is recorded in the Register Book as held under Trust to Council for drainage purposes.

In the event of community land revocation, as per Section 195(2) of *Local Government Act 1999*, the Registrar- General will make appropriate amendments to any relevant instrument of title or other public record.

### **III. Revocation and Financials**

The removal of the classification of community land status is with the intent of the Baptist Church acquiring the land.

At the meeting held on 22 August 2016, Council resolved that if the revocation is successful the transfer of the land to the VHBC is to be exempt from the open market or tender process as cited in Council's 'Sale and Disposal of Council Land & other Assets' Policy. Further, due to the size, location and limited practical use of the land by the community, the land be gifted to the local Church with the Church responsible for all direct costs involved with the acquisition.

No Government assistance was provided in Council acquiring the land.

### **IV. Community Impact**

The minimal area of the land eliminates any practical use by any person except the adjoining property owner. The City of Victor Harbor (as current property owner) is not able to maintain or utilise the land for any community purpose.

The VHBC is the current owner of six parcels of land in which Lot 46 separates and adjoins. If the revocation and land transfer is successful, the proposed expansion of the local Church facilities will allow for the increase in support services and assistance available to the community.

The impact to the surrounding residents would be limited as the increase in the size of the combined properties would not allow for a significant increase in the vehicle parking area or traffic movement but to allow for the construction of facilities to improve and expand the services currently provided. It is anticipated the main entrance to the site will remain from Port Elliot Road thus minimising traffic flow from Sutherland Avenue.

### **V. Owner of the Land**

The land identified as Lot 46 contained in Deposited Plan 3645, Certificate of Title Volume 1370 Folio 180 is owned by the City of Victor Harbor.

## Public Consultation

The Community Land Consultation Report 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 shall include the following steps:

- I. Development of this report for public consultation
- II. Notice of community land revocation and land transfer proposal placed in the local newspaper 'The Times'
- III. Community Land Consultation Report and information mailed to the adjacent property owner
- IV. Community Land Consultation Report and information made available on Council's website and at the Civic Centre
- V. Minimum 21 days public consultation period
- VI. Council to receive written submissions from the public on the proposed revocation and land transfer up until the close of the consultation period
- VII. Presentation of any written submissions received for consideration by Council.

Written submissions address to:                      Community Land Consultation  
Chief Executive Officer, City of Victor Harbor  
Mail: PO Box 11, Victor Harbor SA 5211  
Or  
Email: [localgov@victor.sa.gov.au](mailto:localgov@victor.sa.gov.au)

For further information contact:                      Property Team, City of Victor Harbor  
1 Bay Road Victor Harbor.  
Email: [localgov@victor.sa.gov.au](mailto:localgov@victor.sa.gov.au)  
Phone: 8551 0500





CANCELLED AS REGARDS PORTION  
OF THE WITHIN LAND (LAND NOW IN  
PLAN No. 3645) AND A NEW  
CERTIFICATE OF TITLE ISSUED VIDE  
L.T.O. 1321 OF 1927 VOL 1673  
FOR 64

*J. D. ...*  
DEP. REG. GENL.

Balance of THE WITHIN LAND <sup>Good Income</sup> <sub>Class - 1st Division</sub>  
IN DEPOSITED PLAN No. 3645 IS VESTED  
IN THE District COUNCIL OF Caracas BY  
BY VIRTUE OF SEC. 36 SUB SEC. 2 OF ACT  
1462 OF 1890. File L.T.O. Docket 12219/27

*J. D. ...*  
DEP. REG. GENL.