

Proposal for the Revocation of the Classification of and as Community Land

Report pursuant to section 194(2)(a) of the *Local Government Act 1999*

Introduction

What is Community Land?

Pursuant to section 193 of the *Local Government Act 1999* (the **Act**), all land (except roads) that is owned by the City of Port Lincoln (the **Council**) or, is under its care, control and management, is '*community land*' unless:

- the land been excluded by resolution of the Council pursuant to section 193(1) or 193(4) of the Act; or
- the community land classification of the land has been revoked pursuant to section 194 of the Act.

Community land is land that is set aside for the benefit of the greater public. The land is available for use by and the enjoyment of the public and the Council is responsible for its general care and management.

In managing community land, the Council must take into consideration a myriad of factors, including the cultural and historic relevance of the land, changing population demographics, community needs and shifts in leisure trends.

Of course, over time, community expectations and priorities change in regards to how community land should be managed. It is, therefore, important for the Council to continually assess its community land holdings with a view to ensuring the long-term interests of its residents and ratepayers.

The Council continuously assesses the ongoing need to retain community land in its area, including having regard to the need to ensure responsible use of public resources in the interests of its community.

How and Why is Community Land Revoked?

The Act contains important restrictions on the Council's ability to deal with community land. Community land cannot be sold and it must otherwise be managed in accordance with any community land management plan prepared for the land. In many cases a lease or licence cannot be granted over community land without the Council first consulting with the broader community, and thereby giving the public an opportunity to consider any relevant proposal.

Where the Council seeks to have greater flexibility to manage land that has status as community land, including by being able to dispose of it to market, the Council is required to first revoke the community land status of the land.

Chief to the revocation process is effective consultation in managing expectations and ensuring the community has a full understanding of the nature and impacts of the revocation proposal.

In order to commence the process a report that addresses the following criteria prescribed by section 194(2) of the Act, must be prepared:

- a summary of the reasons for the proposal; and
- a statement of any dedication, reservation or trust to which the land is subject; and

- a statement of whether 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; and
- 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 report must be released for public consultation in accordance with the Council's *Public Consultation Policy*. If, following consideration of the consultation outcomes, the Council wishes to proceed, then it must submit the report together with a report on all submissions made on it as part of the public consultation process to the Minister.

If (and only if) the Minister approves the proposal, then the Council can proceed to make a resolution revoking the classification of the land as community land.

Summary of this Proposal

This Report has been prepared to address the criteria prescribed by section 194(2) of the Act in respect of five (5) parcels of land held by the Council. This has arisen in circumstances where the Council has re-evaluated the need for it to continue to own this land and wishes to pursue its divestment.

Historically, the land subject of this report (the **Land**) has been used as reserves that are open to and free for use by the public. One of the five parcels has facilities for persons to skate, another a playground, while one is used as an overflow carpark. The remainder are vacant land, largely under-utilised.

In four (4) cases, the Land has gone largely unused by members of the public or their use has been superseded by upgrades to nearby reserves, such as Whait reserve, and this fact has been considered in the selection and analysis of the Land against the Council's future needs in the interests of ensuring greater value to the community. For the Harbourview Reserve, it is believed that the overwhelming need for increased aged care in the Port Lincoln Community and broader Eyre Peninsula outweighs the value to the community of the current use of the land. However, the intent is to ensure that a portion of the land continues to be available to the community as a playground.

The Council has formed the view that the Land is surplus to its needs and, noting that the Land is not used to its potential by the community and, that it cost the Council to maintain and upkeep the Land, the Council seeks to pursue alternate proposal for the Land. More specifically, the Council considers that the Land is ideal to be included in the Council's ongoing strategic plans relating to its Strategic Directions Plan 2025-2034, Housing Strategy 2024-2029, Empower our Elders Strategy, Economic Development Strategy 2023-2026 and Open Spaces Strategy 2021-2026. This includes because the value held in the Land is likely to be better realised by sale and redevelopment (either now or in future), with the resultant funds to be redistributed into other community assets and infrastructure and allow for the development of houses and services that would benefit the local community.

Indeed, having regard to the zoning, positioning and general nature of the Land, the Council has determined that the future sale of the Land (in accordance with a long-term divestment strategy to be established by the Council) is in the best interests of the community, not only in light of the revenue to be derived from any sale, but also for the key social and economic opportunities the sale of the land presents residents and ratepayers. For example, the development of aged care, affordable housing and childcare.

This conclusion has been reached for several reasons that are described throughout this Report in relation to each parcel of the Land.

Taking the above into account, the Council is now proposing to revoke the community land status of the Land and this Report has been prepared to pursue this proposal.

The Report addresses the statutory criteria under section 194(2) of the Act for each parcel of the Land.

For the avoidance of doubt, if the community land status of the Land is revoked (for either all or some of the properties) and future disposal of the Land will occur in accordance with the Council's *Disposal of Land and Assets Policy - Policy No 16.63.7* (the **Policy**) adopted in accordance with section 49 of the Act.

1. Harbourview Reserve

Property Details

The Council is considering a proposal to revoke the Community Land classification of Allotment 44 in Deposited Plan 7766, Allotment 75 in Deposited Plan 7765, Allotment 400 in Deposited Plan 7313, and Allotment 75 in Deposited Plan 7765, Hundred of Lincoln, being the land collectively comprised in Certificate of Title Volume 3302 Folio 108, Certificate of Title Volume 5510 Folio 485, and Certificate of Title Volume 2622 Folio 87 and more commonly known as Harbourview Reserve (**Harbourview Reserve**).

The Certificates of Title for Harbourview Reserve are **Annexure A** to this report and their location is shown in the aerial photograph below:



Reasons for Revocation Proposal

The allotments comprising Harbourview Reserve are zoned *Suburban Neighbourhood* and are suitable for residential or aged care/retirement living development. The Council presently has no plans to utilise the broader lot for community purposes beyond the existing nature of being a reserve. The Council considers that the community would be better served if the allotments are available for the development of aged care/retirement living. The reason for this is the significant and growing demand for aged care identified in Council's Empowering Our Elders Strategy.

In considering this option, the Council is aware of market interest in Harbourview Reserve as a site for a retirement village or aged care facility. Aged-care housing providers have informally expressed interest in the land for this purpose.

The need for an expansion of all facets of aged care has been identified by local Aged Care providers and the broader community. This has also been confirmed through the recently developed Empowering Our Elders Strategy as adopted by Council following significant community consultation.

The potential to for this land to be developed for aged care would also generate jobs in the community and drive economic growth.

The Council is not in a position to, itself, realise these opportunities in respect of the land.

Any sale of this land would occur in accordance with the Policy and the proceeds of sale would be reinvested into the Council's Land and Building Reserve for reinvestment into community assets and infrastructure, as approved by the Council.

In all of the circumstances this land has been identified as being surplus to the Council's requirements and by way of revocation can be utilised to assist the local vulnerable population of those in need of aged care facilities

Current Use

Harbourview Reserve is used as an open space, it is largely undeveloped, but does have some improvements, being a small playground, barbeque, shade structure and seating.

How the Council Proposes to Use the Proceeds of any Sale

If sold, the proceeds of sale would be included in the Land and Building Reserve for reinvestment into community assets and infrastructure, as approved by the Council.

Government Assistance

There is no record of any assistance having been provided by the Government to the Council at the time the Council acquired this land or otherwise in relation to the land.

How the Proposal will Affect the Local Community

If the community land status of the land is revoked, the Council will be able to sell a substantial portion of the land to facilitate the construction of an aged care facility to support the local communities aging population. It is intended that a portion of the land (approx. 1000m²) would be retained by the Council for open space.

Residents in the immediate vicinity of the land would be affected through the loss of open space and a playground, however, as above, the Council's intention is to preserve a portion of the land (approximately 1000m²) as open space that would include a new playground to mitigate the loss of the existing playground.

The Council has also investigated significant upgrades of reserves within reasonable proximity to this area with the upgrade of Puckridge Park (at 1.2km distance), Whait Reserve (at 1.6km) and the Foreshore Playground (at 1.5km). Additionally, Mena Place Reserve (580m), Pioneer Park (650m), Flinders Park (700m), the Train Park (700m) and the heritage walk (450m) are all in close proximity and meet a similar need.

Further, the expansion of aged care facilities in Port Lincoln is a critical community need. Development of this land for aged care would encourage job growth and assist the aging population of the area. It is difficult to see how the community need for this service will be met without the creation of more aged care facilities and the Council sees the land as presenting a valuable opportunity in this regard.

Registered Interests over the Land

The land is subject to an easement which is a SA Water wastewater gravity main across the very northern end of Harbourview Reserve noted on the Certificates of Title. (**Annexure A**).

Dedication, Reservation or Trust to which the Land is Subject

All parcels comprising Harbourview Reserve are designated as a reserve.

Intention of the Council once Revocation has Occurred

To seek expressions of interest from reputable aged care providers to develop a retirement village or aged care facility or a combination of both and, to retain a portion of the land as a reserve with a new playground being constructed.

Whilst two (2) aged care providers have raised an interest in acquiring the land, these are merely inquiries of interest and have no effect on the revocation proposal. The Council has made clear its position that any future sale of the land (if the community land status is revoked) would be in accordance with the Policy and will use the Council's adopted Policy on Sale of Land when considering the sale.

2. Lot 120 Monalena Street Port Lincoln

Property Details

The Council is considering a proposal to revoke the Community Land classification of allotment (Reserve) 76 Deposited Plan 116510 in the Town of Lincoln Hundred of Lincoln, being the land comprised in Certificate of Title Volume 6210 Folio 879 and more commonly known as Lot 120 Monalena Street Port Lincoln (**Lot 120 Monalena Street**).

The Certificate of Title for Lot 120 Monalena Street is **Annexure B** to this report and its location is shown in the aerial photograph below:



Reasons for Revocation Proposal

The Council adopted a Housing Strategy 2024-2029 which has identified a significant shortage in housing across the local area, but specifically in Port Lincoln. This is reflected across the rental and residential market and is a major community issue.

One of the actions in the adopted strategy, which underwent a full community consultation process, was to utilise Council land for residential development. Council has received an expression of interest to develop Lot 120 Monalena Street for social and affordable housing, including 40 properties with 2 to 3 bedroom residences.

Current Use

Lot 120 Monalena Street is currently open space, with low utilisation. Lot 120 Monalena Street is largely unimproved but includes a skate rink and bowl.

Lot 120 Monalena Street was considered as part of the Council Adopted Open Space Strategy 2021-2026. This plan identified the potential for this land to be disposed of, providing that:

“Once upgrades have been completed to Whait Reserve, consideration as to the need to retain [Lot 120 Monalena Street] vs disposal will need to be considered as part of the future planning for that reserve.”

How the Council Proposes to Use the Proceeds of Sale

If sold, the proceeds of sale would be included in the Land and Building Reserve for reinvestment into community assets and infrastructure, as approved by the Council.

Government Assistance

There is no record of any assistance having been provided by the Government to the Council at the time the Council acquired this land or otherwise in relation to the land.

How the Proposal will Affect the Local Community

The immediate vicinity may be affected through the loss of open space. However, Council has recently invested in significant upgrades of reserves within reasonable proximity to Lot 120 Monalena Street, including Whait Reserve (at 350m) and the Foreshore Playground (at 2km).

Specifically, Whait Reserve has recently been improved, which has been received positively by the community. Further, there are three other open space reserves within 400m of this open space (Dickens Street, Cronin Avenue and Argent Street).

In relation to the greater community at large, social and affordable housing is seen as an absolute priority to the local community. Overcrowding and homelessness are significant community issues that can be assisted by increasing the supply of affordable housing to members of the local community. Lot 120 Monalena Street has significant potential to address this need.

Registered Interests over the Land

There is a registered interest in the form of a service easement for sewerage purposes to SA Water noted on the Certificate of Title (**Annexure B**).

Dedication, Reservation or Trust to which the Land is Subject

Lot 120 Monalena Street is subject to a reservation (it is a reserve) that can be lifted through the revocation process pursuant to section 195(1) of the *Local Government Act 1999*.

Intention of the Council once Revocation has Occurred

To seek expressions of interest from non-for-profit affordable housing providers to develop Lot 120 Monalena Street into approximately 40 residences which can be used for social and affordable housing.

3. 25 Chapman Street

Property Details

The Council is considering a proposal to revoke the Community Land classification of Allotment (Reserve) 70 Deposited Plan 11045 in the area Named Port Lincoln Hundred of Lincoln, being the land comprised in Certificate of Title Volume 5796 Folio 568 and more commonly known as 25 Chapman Street Port Lincoln (**25 Chapman Street**).

The Certificate of Title for 25 Chapman Street is **Annexure C** to this report and its location is shown in the aerial photograph below:



Reasons for Revocation Proposal

The Council adopted a Housing Strategy 2024-2029 which has identified a significant shortage in housing across the local area, but specifically in Port Lincoln. This is reflected across the rental and residential market and is a major community issue. One of the actions in the adopted strategy, which was subject to a full community consultation process, was to utilise Council land for residential development.

25 Chapman Street has been identified as being surplus to the Council's needs and is land that would serve a benefit the community by being sold and developed into residential homes.

Current Use

25 Chapman Street is currently underutilised and has no community function. The land is undeveloped and contains no notable features of public interest. The Council is regularly required to conduct fire prevention and pest control works at the site, which come at a cost.

How the Council Proposes to Use the Proceeds of Sale

If sold, the proceeds of sale would be included in the Land and Building Reserve for reinvestment into community assets and infrastructure, as approved by the Council.

Government Assistance

There is no record of any assistance having been provided by the Government to the Council at the time the Council acquired this land or otherwise in relation to the land.

How the Proposal will Affect the Local Community

It is not expected that there would be any significant impact on the community or if 25 Chapman Street were to be repurposed.

The disposal of 25 Chapman Street would enable the Council's expenditure on pest and fire control at this site to be repurposed into other community assets that have greater utilisation.

If the community land status of the land is revoked this would allow for further residential development on the land, which would go some way towards addressing the challenges facing the community as a result of the current affordable housing crisis.

Registered Interests over the Land

There are two registered interests in the form of easements for sewerage and drainage purposes noted on the Certificate of Title (**Annexure C**).

Dedication, Reservation or Trust to which the Land is Subject

25 Chapman Street is subject to a reservation (it is a reserve) that can be lifted through the revocation process pursuant to section 195(1) of the *Local Government Act 1999*.

Intention of the Council once Revocation has Occurred

To list 25 Chapman street for sale through a competitive market process to secure the best price in accordance with the Policy.

4. 10 Oswald Drive

Property Details

The Council is considering a proposal to revoke the Community Land classification of allotments Allotment (Reserve) 103 Deposited Plan 22525 in the area named Port Lincoln Hundred of Lincoln, being the land comprised in Certificate of Title Volume 5520 Folio 195 and more commonly known as 10 Oswald Drive, Port Lincoln (**10 Oswald Drive**).

The Certificate of Title for 10 Oswald Drive is **Annexure D** to this report and its location is shown in the aerial photograph below:



Reasons for Revocation Proposal

The Council adopted a Housing Strategy 2024-2029 which has identified a significant shortage in housing across the local area, but specifically in Port Lincoln. This is reflected across the rental and residential market and is a major community issue. One of the actions in the adopted housing strategy was for Council land to be utilised for residential development.

10 Oswald Drive has been identified as being surplus to the Council's needs and is land that would serve a benefit to the community by being sold and developed into residential homes.

Current Use

10 Oswald Drive is current underutilised and has no community function. The land is undeveloped and contains no notable features of public interest. The Council regularly undertakes works of fire prevention and pest control thereon.

The Council considers that 10 Oswald Drive is not suitable for redevelopment into a reserve due to its limited road frontage and its topography.

How the Council Proposes to Use the Proceeds of Sale

If sold, the proceeds of sale would be included in the Land and Building Reserve for reinvestment into community assets and infrastructure, as approved by the Council.

Government Assistance

There is no record of any assistance having been provided by the Government to the Council at the time the Council acquired this land or otherwise in relation to the land.

How the Proposal will Affect the Local Community

It is not expected that there would be significant impact on the community or neighbours if 10 Oswald Drive were to be repurposed.

The disposal of 10 Oswald Drive would enable the Council's expenditure on pest and fire control at this site to be repurposed into other community assets that have greater utilisation.

If the community land status of the land is revoked, this would allow for further residential development on the land, which would go some way towards addressing the challenges facing the community as a result of the current affordable housing crisis.

Registered Interests over the Land

There are no registered interests noted on the Certificate of Title (**Annexure D**).

Dedication, Reservation or Trust to which the Land is Subject

10 Oswald Drive is subject to a reservation (it is a reserve) that can be lifted through the revocation process pursuant to section 195(1) of the *Local Government Act 1999*.

Intention of the Council once Revocation has Occurred

To list 10 Oswald Drive for sale through a competitive market process to secure the best price in accordance with the Policy.

5. 3 Willison Street

Property Details

The Council is considering a proposal to revoke the Community Land classification of Allotment 53 in Deposited Plan 4606 in the Hundred of Lincoln County of Flinders, being the land comprised in Certificate of Title Volume 2058 Folio 124 and more commonly known as 3 Willison Street, Port Lincoln (**3 Willison Street**).

The Certificate of Title for 3 Willison Street is **Annexure E** to this report and its location is shown in the aerial photograph below:



Reasons for Revocation Proposal

3 Willison Street is adjacent to an existing early learning centre. The Council considers that the site would be better utilised if it were repurposed to develop a childcare centre to address the lack of availability for childcare in the area.

Current Use

3 Willison Street is currently open space, with low utilisation. It is largely unimproved land and has the predominant use as an overflow parking area for the neighbouring early learning centre.

How the Council Proposes to Use the Proceeds of Sale

If sold, the proceeds of sale would be included in the Land and Building Reserve for reinvestment into community assets and infrastructure, as approved by the Council.

Government Assistance

There is no record of any assistance having been provided by the Government to the Council at the time the Council acquired this land or otherwise in relation to the land.

How the Proposal will Affect the Local Community

3 Willison Street does not provide any facilities to the community outside of it being open space. It is used as an overflow carpark for the early education centre. The land is currently undeveloped and contains no features of public interest. The Council regularly undertakes works of fire prevention and pest control on the land.

It is the view of the Council that 3 Willison Street should be utilised for the development of a child care centre to assist the local community. In a recent report of the Regional Development Australia Eyre Peninsula organisation it was concluded that there are approximately 289 childcare places required across the lower Eyre Peninsula area. The local community is in need for increased access to childcare centres.

Registered Interests over the Land

There are no registered interests noted on the Certificate of Title (**Annexure E**). However, SA Power networks powerlines run across the north-western corner of 3 Willison Street and are subject to a statutory easement.

Dedication, Reservation or Trust to which the Land is Subject

3 Willison Street is subject to a reservation (it is a reserve) that can be lifted through the revocation process pursuant to section 195(1) of the *Local Government Act 1999*.

Intention of the Council once Revocation has Occurred

To commence an expression of interest process for the development of a childcare or early learning facilities on 3 Willison Street to assist the growing needs of the community.