



District Council of Loxton Waikerie

Principal Office 29 East Terrace, Loxton SA • Postal Address Box 409, Loxton SA 5333
Branch Office: Strangman Road, Waikerie SA 5330

Revocation of Community Land Bookpurnong Terrace, Loxton



Report for public consultation March 2020

**Proposal to revoke
Classification of Community Land**

Allotment 7 in Filed Plan 107807
Bookpurnong Terrace, Loxton

Contact
Asset & Property Management Officer
Telephone: 8541 0700

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Section 1

INTRODUCTION

Community Land Classification

All local government land with the exception of roads, either owned or managed by Council under its care and control management, is classified as Community Land under the *Local Government Act 1999*. Land can however be exempt from this classification via legislation or revoked by resolution of Council.

The purpose of land attaining 'Community Land' status is to ensure the community benefits from its use or that it is recognized for its special historical and cultural significance. It is therefore Council's responsibility to manage the land so as to meet the expectations of the community.

Over time the expectations of the community may change and the demands on Community Land and the protections that come with it are no longer necessary or it is seen as surplus to the communities needs. Council may decide to engage with the community to sell the land and channel the proceeds to projects that would serve the needs of the community more beneficially.

Revocation of Community Land Process

In accordance with the *Local Government Act 1999*, before Council can sell land classified as Community Land, it must first consult with the broader community and provide the public the opportunity to consider any proposal to sell the land and to offer feedback for Council's consideration.

The *Local Government Act 1999* section 194 requires that a report on the proposal to revoke Community Land classification must be prepared and placed on display; Council website plus other forms of display (refer *Guidance Paper, Effective Consultation pp 6¹*). The report describes the proposal, the reasons behind the proposal, the location of the land, and what is to be done with the land once the Community Land classification has been removed. In addition Council must follow its adopted Public Consultation Policy to inform the public of the proposal to revoke land with the intention to sell. Feedback from the community is presented to Council for consideration, if a decision is made to proceed with the revocation an application is made to the Minister for approval.

The report for public consultation provides the following (refer *Guidance Paper, Notice of the Proposal to the Public pp 6-7²*):

- A summary of the reasons for the proposal
- Details which readily identify the land inclusive of plans, maps and the Certificate of Title reference of the lands location
- A statement of Council's proposal to revoke the community status of the land and how any proceeds received on disposal is to be used
- An invitation for interested persons to make a submission in relation to the proposal
- Closing date of submissions and how further information of the proposal may be obtained

Revocation of Community Land classification entitles the land to be freed from any dedication, reservation or trust that may affect the use and future sale of the land.

¹ *Guidance Paper, Section 194 – Revocation of Community Land Classification. Release date 27 September 2018*

² *Guidance Paper, Section 194 – Revocation of Community Land Classification. Release date 27 September 2018*

Minister's Approval

Once a decision has been made to make application to the Minister for approval, a report must be prepared to the Minister as per the *Local Government Act 1999* section 194(3)(a) that includes a copy of every submission received during the public consultation period and a report as to their effect. The Minister is unable to make a decision without receiving evidence that the public have been duly consulted and that adequate notification has been provided. The Minister has the discretion to reject or approve the proposal.

In the event that the Minister approves the revocation of the land, Council is granted the authority to pass a resolution to revoke the classification of the land as Community Land. Once that resolution is made the sale process can begin.

Section 2

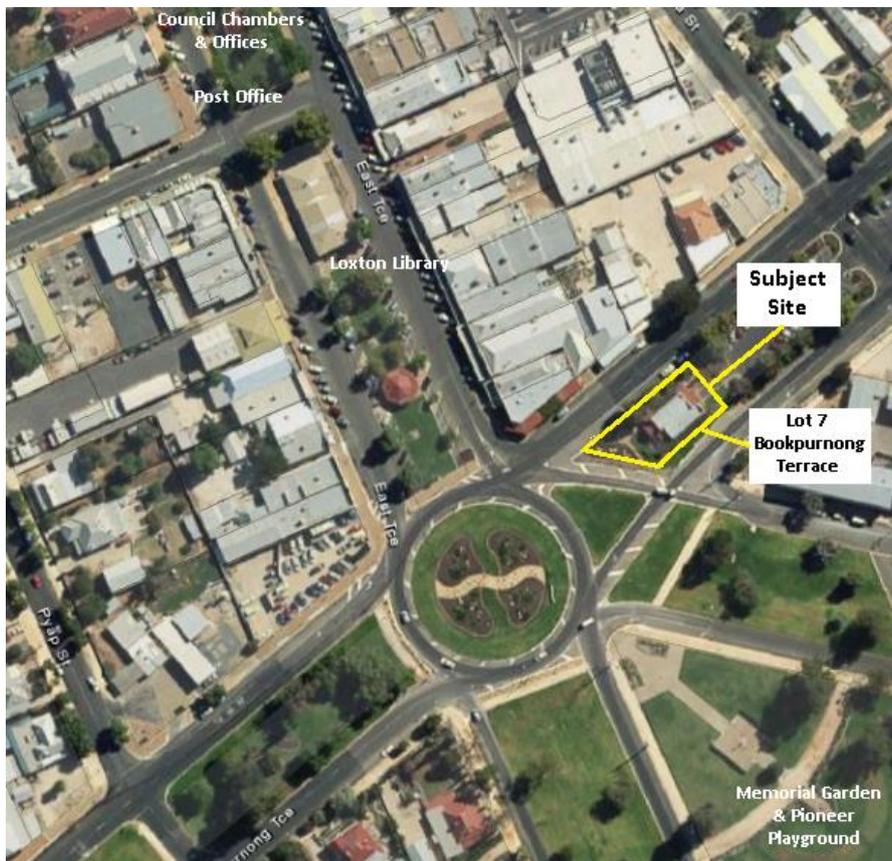
THE LAND

Land Description

The District Council of Loxton Waikerie is considering a proposal to revoke the Community Land classification of a parcel of Council owned Land on Bookpurnong Terrace, Loxton for the purpose of selling the land to a private investor. Council will engage a real estate agent to handle an open market sale of the land inviting all potential investors to offer a bid. Proceeds from the sale will be held in general revenue and used to benefit the residents of the District's communities.

The parcel of land being considered for revocation is the whole of the land comprised in Certificate of Title Volume 5189 Folio 99 (being Allotment 7 in Filed Plan 107807) located at Bookpurnong Terrace, Loxton which is highlighted in yellow on the aerial photograph below.

The total size of the land being considered for revocation is approximately 774 square metres.



The land parcel fronts the round-about intersecting Bookpurnong Terrace, Tobruk Terrace, Kokoda Terrace, and East Terrace. The land parcel forms part of the large medium strip running along Bookpurnong Terrace and adjoins Allotment 91 being a car parking area.

The site of the land parcel is located on the edge of the Loxton Central Business District. The proposed land is approximately 255 metres from the Loxton township centre denoted by the Council Chambers and Post Office located on East Terrace.

There are no easements.

REAL PROPERTY ACT 1999



South Australia

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 5189 Folio 99

Parent Title(s) CT 2821/170
Creating Dealing(s) CONVERTED TITLE
Title Issued 24/05/1994 **Edition** 2 **Edition Issued** 25/05/1994

Estate Type

FEE SIMPLE

Registered Proprietor

DISTRICT COUNCIL OF LOXTON WAIKERIE
OF PO BOX 409 LOXTON SA 5333

Description of Land

ALLOTMENT 7 FILED PLAN 107807
IN THE AREA NAMED LOXTON
HUNDRED OF BOOKPURNONG

Easements

NIL

Schedule of Dealings

NIL

Notations

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



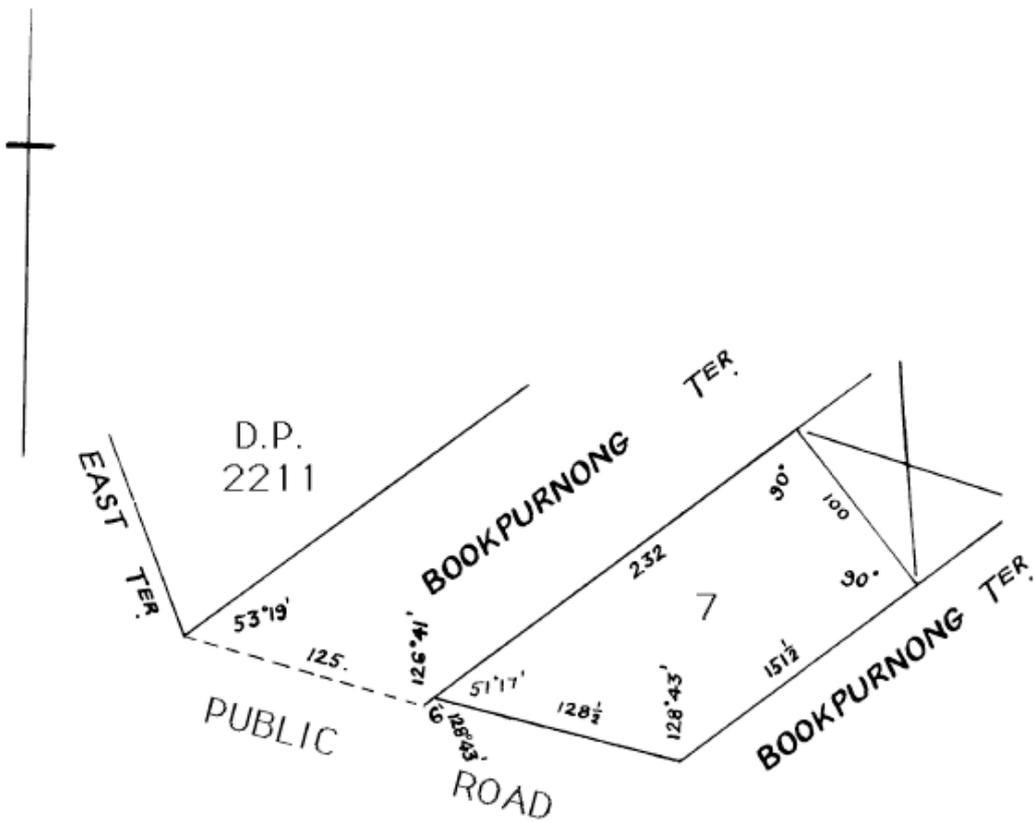
S.A. LANDS TITLES OFFICE RE-IDENTIFICATION PLAN

AREA : LOXTON
LGA : DISTRICT COUNCIL OF LOXTON
HUNDRED : BOOKPURNONG
SECTION : P S 11/11F

PLAN NUMBER
FP 107807
SHEET 1 OF 1
ACCEPTED FOR FILING
04/05/1994

REGISTRAR-GENERAL

This plan is scanned from Certificate of Title 2621/170



100 50 0 100 LKS.

DISTANCES ARE IN LINKS	
FOR METRIC CONVERSION	
1 LINK	= 0.201168 metres
1 CHAIN	= 100 LINKS

Note : Subject to all lawfully existing plans of division

Section 3

PUBLIC CONSULTATION

Public Notice

Published in *The Murray Pioneer*, *The Loxton News*, and *The River News* on 4 March 2020



District Council of Loxton Waikerie

Revocation of Land from Classification as Community Land

Pursuant to Sec 194 Local Government Act 1999

Notice is hereby given in accordance with the *Local Government Act 1999* section 194 and in accordance with Council's Community Engagement Policy, that the District Council of Loxton Waikerie, resolved at its meeting held 13 December 2019, that the public be consulted over the proposal to remove the Community Land classification of land located at Bookpurnong Terrace, Loxton. More particularly described as:

- **The whole of the land comprised in Certificate of Title Volume 5189 Folio 99 (being Allotment 7 in Filed Plan 107807)**

Council is considering the revocation of the community land classification of the land for the purposes of making the land available for sale to a private investor.

Council is seeking feedback from the community on this proposal.

Following public consultation, a further report will be submitted to Council to enable it to consider public submissions received in relation to the proposed revocation.

A report and plan are displayed on Council's Website www.loxtonwaikerie.sa.gov.au.

Interested persons may obtain further information by contacting the Asset & Property Management Officer on: **8541 0700** or Council@lwdc.sa.gov.au. Written submissions on the proposal are invited.

The closing date for submissions is **5.00pm Friday 3 April 2020**

David Beaton Chief Executive Officer

Council Website

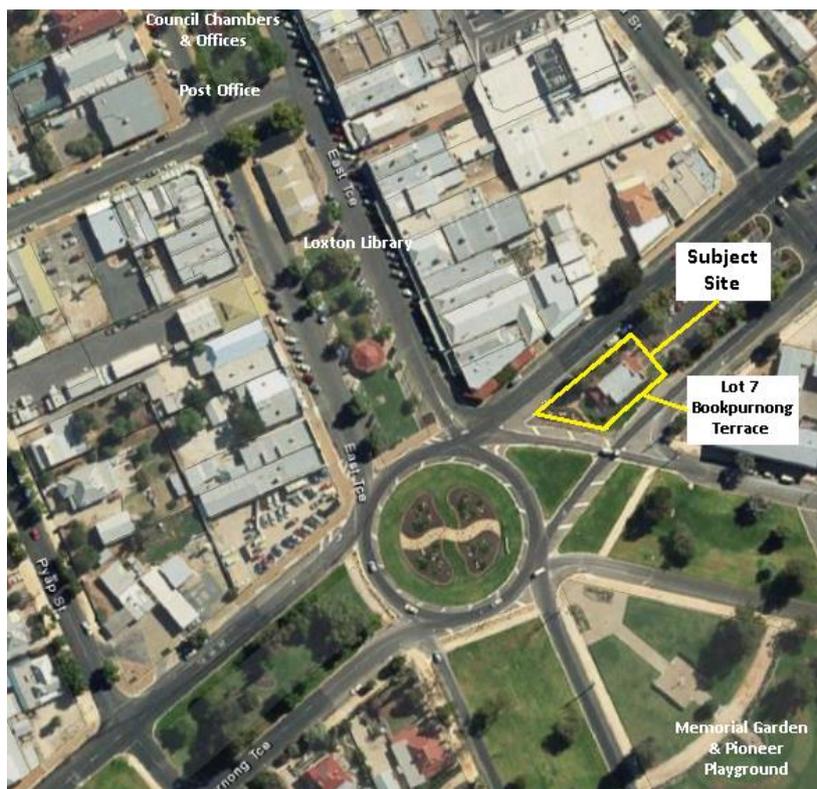
Revocation of Community Land – Bookpurnong Terrace, Loxton

The area identified in the photograph below in yellow is land classified as Community Land, Council has identified this land as an opportunity to divest itself of assets surplus to its requirements and is considering revoking the lands Community Land status to allow it to be sold. The land is the site of the former Loxton Visitors Information Centre now located in conjunction with the Loxton Library. Prior to this the building was the site of the Loxton Fire Station until its relocation to Raymond Avenue in 1994, Council will seek to sell the land to a private investor. Proceeds from the sale will be held in general revenue and used to benefit the residents of the District's communities.

The land parcel fronts the round-about intersecting Bookpurnong Terrace, Tobruk Terrace, Kokoda Terrace, and East Terrace. The land parcel forms part of the large medium strip running along Bookpurnong Terrace and adjoins Allotment 91 being a car parking area. The site of the land parcel is located on the edge of the Loxton Central Business District. The proposed land is approximately 255 metres from the Loxton township centre denoted by the Council Chambers and Post Office located on East Terrace.

The total size of the land being considered for revocation is approximately 774 square metres.

There are no easements.



Community and Stakeholder Engagement

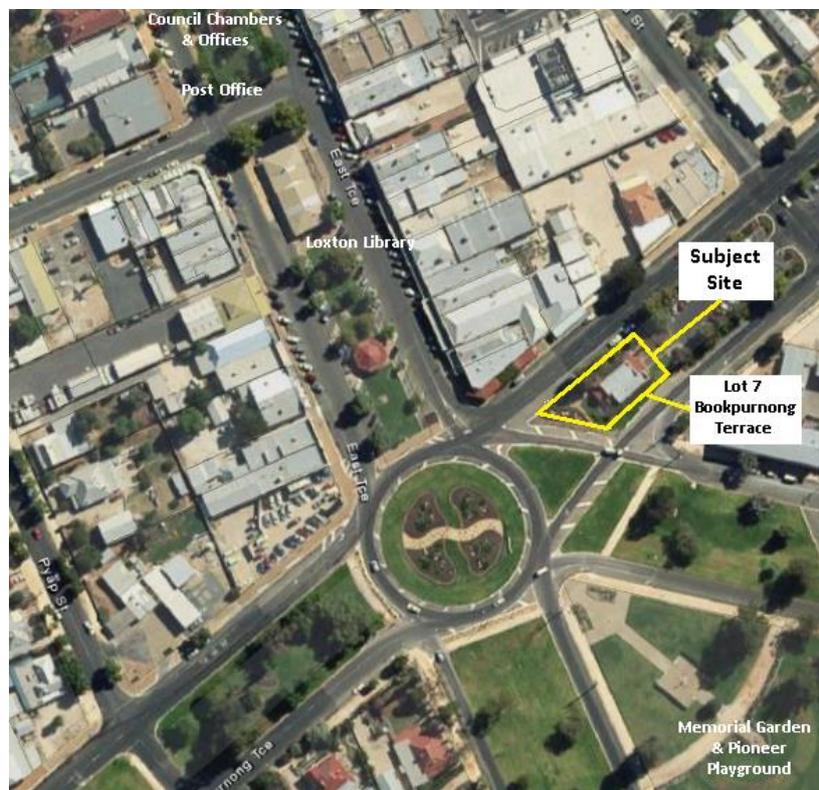
Engaging the community in the revocation of Community Land is a significant part of the revocation process. This being the case, Council invites all stakeholders and members of the community to offer their views on Council's proposal to revoke the Community Land classification of land located at Bookpurnong Terrace, Loxton.

Proposed Signage



District Council of Loxton Waikerie Revocation of Land from Classification as Community Land Bookpurnong Terrace, Loxton

Council is considering the revocation of the Community Land classification of Bookpurnong Terrace, Loxton being the area marked in yellow on the aerial photograph for the purpose of selling the land to a private investor.



Proceeds from the sale will be held in general revenue and used to benefit the residents of the District's communities.

Members of the public are invited to provide feedback on this proposal. A report on the proposal may be viewed on Council's website www.lwdc.sa.gov.au

You may request details of this proposal to be posted to you by contacting the Asset & Property Management Officer on **8541 0700** or email council@lwdc.sa.gov.au

The closing date for written submissions is 5.00pm Friday 3 April 2020

Proposed plan of where the revocation signs are to be installed at the site



Each sign is a standard A0 size

Have your say

The consultation period begins Wednesday 4 March 2020 and closes on **Friday 3 April 2020**.

You can provide your feedback by:

- Writing to:
Asset & Property Management Officer
District Council of Loxton Waikerie
PO Box 409
Loxton SA 5333
- Submitting a letter to Council or your comments via email on Council@lwdc.sa.gov.au

Your feedback is valuable

The public has a period of at least 21 days to provide their views and opinions to Council about the revocation proposal. Once the public consultation process has been completed, a report inclusive of the consultative results will be presented to Council for consideration to determine whether to continue with the revocation of the Community Land classification process.

District Council of Loxton Waikerie

Report on the revocation of classification as community land

Section 194 of the *Local Government Act 1999*

Report on the proposal to revoke the Community Land classification of the whole of the land comprised in Certificate of Title Volume 5189 Folio 99 (being Allotment 7 in Filed Plan 107807) located at Bookpurnong Terrace, Loxton.

Reason for the Proposal

Council wishes to sell the land formerly occupied by the Loxton Visitors Information Centre to a private investor for the purposes of reducing assets surplus to Council's requirements.

Council's responsibility to its local community is to provide services that are required by the Local Government Act and to provide services not presently offered by a third party at a fair cost. When Council controlled services are considered to be provided more economically by a third party or those services can be provided at a lesser cost to the community, Council must consider if those services will continue to benefit the local community thus resulting in the Council choosing to divest itself from the management of those services or from the facilities they occupy.

Consequently, Council is considering a proposal to revoke the community land classification of land Council owns located at Bookpurnong Terrace, Loxton. Due to the community land classification, Council is required under the *Local Government Act 1999* Section 194 to apply to the Minister to have the community land status revoked in order to sell the land on the open market.

The land that is being considered for this proposal is described as the whole of the land comprised in Certificate of Title Volume 5189 Folio 99 (being Allotment 7 in Filed Plan 107807).

How will the proposal affect the local community?

The land is currently untenanted. The Visitors Information function previously conducted at this site has been merged with the community library operations in East Terrace. This is in the heart of Loxton CBD.

By relocating the Loxton Visitors Centre to the Library complex, the proposal to sell the land to a private investor allows the Council to divest itself of an asset surplus to its current requirements thus reducing costs of maintaining a facility that provides no additional benefit to the community.

What is the history behind this land?

Records show prior to 1994 this land was dedicated as a fire station.

What is the zoning of the land?

Allotment 7 is currently zoned 'DCe' – District Centre. The relevant zone can be seen in the plan below.



Are there any registered interests over the land?

There are no easements

What could happen on the land if it is sold?

A future sale to a private investor is limited to by its current zoning and will therefore mostly likely be bought and developed by a business enterprise.

District Centre zones are typically established to support economic growth. Such activities allowed in this zone include:

- Civic Centre
- Offices
- Library
- Hospital
- Hotel
- Places of worship

Section 4



District Council of Loxton Waikerie

17.1.2 Options for the use of the former Loxton Visitor Information Centre building

Department	Corporate and Community Services Administration Management
Author	Cheryle Pedler - Acting Director Corporate and Community Services
People Consulted	David Beaton – Chief Executive Officer
Attachments	1. VIC report [17.1.2.1 - 8 pages]

Recommendation

That council advertises for Expressions of Interest for the former Loxton Visitor Information building, including a request for a business case to support the Expression of Interest, to assist Council in determining the outcome.

Purpose

To provide the Council with information regarding possible future options for the former Loxton Visitor Information Centre building.

Background/Report

At the July 2019 meeting, Council resolved to investigate options for the Loxton Visitor Information Centre ("LVIC") building. The options included, but were not limited to:

- demolition and use of the site as a Recreational Vehicle short term park close to the CBD
- disposal by sale
- approach the Loxton Historical Village regarding relocation

At the November 2019 meeting, the Loxton Chamber of Commerce made deputation outlining a proposed for a Loxton Business Hub to be established, including potential for it to be housed within the LVIC. Interested residents involved with The Village have also expressed interest in utilising the building for storage and display of historical items.

The attached paper outlines the different options available to Council to consider.

Strategic Alignment

3 Our Environment

3.1 Assets and Infrastructure - Sustainably provide core community assets and infrastructure.

3.1.3 Maintain and improve our community buildings and facilities

Nature of councils role

Advocator - advocate and support initiatives on behalf of the community

Partner - council contributes funds and/or resources

Provider - provide physical infrastructure and essential services

Engagement

Stakeholder name	Type of engagement
Nil	

Risk management consideration

Risk rating has been assessed as: Low

Financial Implications

For budget consideration

Relevant documents

Nil



**Loxton Visitor Information Centre building -
options for future use**



Report for the District Council of Loxton Waikere meeting, 13 December 2019

Background

At the March 2019 meeting the Council resolved to trial a new service delivery model for visitor information services, operating the Loxton and Waikerie visitor information centres from the town libraries. The new service model was trialled and subsequently implemented in the period to August 2019. The new service model resulted in the former Loxton Visitor Information Centre ("LVIC") building being unused for public access purposes.

At the July 2019 meeting, Council resolved to investigate options for the use of the former LVIC building and provide a report for consideration. The options included, but were not restricted to:

- demolition and use of the site as a Recreational Vehicle short term park close to the CBD
- disposal by sale
- approaching the Loxton Historical Village regarding relocation

Further, at the November 2019, following a deputation from the Loxton Chamber of Commerce, Council resolved to give in principle support to the establishment of a Loxton Business Hub. The basis of this resolution was that the Chamber of Commerce proposed to use the former LVIC building for that purpose.

Council's Manager of Library and Information Services advises that the building is currently being used for the storage of items such as furniture, shelving, display units and materials due to limited space availability at the Loxton Library and Visitor Information Centre.

Site information

Property Address	Allotment 7, Filed Plan 107807 Bookpumong Road, Loxton
Registered Owner	District Council of Loxton Waikerie
Title details	Certificate of Title Volume 5189 Folio 99
Encumbrances / title discussion	Community land. The Community Land Management Plan notes the use of the land as a Council building for operational purposes. There are no easements, encumbrances or restrictions documented on the title search.
Development Plan Zoning	District Centre Zone

Description of land and buildings

The land is a parcel of community land. The parcel is approximately 774 square metres in size. The land is landscaped and improved, forming part of the large median strip running through Bookpumong Terrace. Allotment 91 to the east contains a car parking area which can be used in association with the building.



Photo 1 – Allotment 7 Bookpurnong Road, Loxton – approximate boundary of land shown in red

The building was formerly occupied by the Loxton Fire Station and has been renovated and upgraded. It subsequently accommodated the Loxton Tourist Information Centre. The building is of masonry construction with a timber framed glass panelling wall at the front and a steel framed pre-colour treated metal verandah surrounding. Internally the building comprises an office area, reception, large open display area, kitchen, cleaning store and toilet facilities. A general storeroom with roller door access and bare concrete flooring is located to the rear. The building has a floor area of approximately 150 square metres. There is approximately 60 square metres of usable floor space, plus additional offices and amenities.

The latest Council valuation report for insurance purposes lists the replacement value for the building (assuming replacement with a modern equivalent) as \$305,000. The capital value is noted as \$119,000, this market/rateable value is the most accurate valuation to consider.

There are currently no known major maintenance issues with the building but replacement of plumbing and painting would be required over the next 10 years.



Photo 2 – Gallery area 1



Photo 3 – Gallery area 2



Photo 4 – office area

Options for future use

Demolition and use of the site as a Recreational Vehicle short term park close to the CBD

The Loxton Catch Centre was demolished three years ago at a cost of \$22,000 ex GST. The site was simple to access and was able to be cordoned off without impact to traffic or users of nearby facilities.

Demolition of the LVIC building and site alterations will require consideration of traffic zone management, as well as a decision regarding the standard of the site for long vehicle parking, landscaping and other costs, disposal of waste materials, which increased substantially in recent times. A very rough estimate of cost would be in the order of \$50,000 - \$60,000 plus GST, depending on final plans for the layout of car parking, including negotiation with DPTI regarding any proposed changes to access arrangements to the land. Council also needs to consider the removal of asbestos containing materials.

There are a number of locations suitable for long vehicle parking in the town centre or nearby. Marked long vehicle is available on Martha and Edward Streets and further, informal long vehicle parking is available on Edward, Martha or William Streets, or in the median strip on Bookpurnong Terrace.

Whilst options for long vehicle parking can be improved in Loxton, the asset write off and costs associated with the demolition and establishing the future use make this an expensive option to establish a small number of parks.

Positives

Council provides an accessible long vehicle parking option for visitors to the town.

Negatives

Exact cost of demolition and subsequent works is unknown.

Loss of an iconic, highly visible building in the township.

Complete write off of an asset valued for replacement at \$119,000.

The building is currently used for storage of items associated with the Library and Information Centre. Alternative storage options will need to be found for these goods.

Disposal by sale

Council must consider if there is a benefit in retaining ownership of the building, together with any future need from a Council operational viewpoint.

The capital value of the land is likely to be the closest indicator to the market valuation of the land, at \$119,000. A recent valuation of another public use building on Council land in Loxton showed market value to be within \$5,000 of the capital value.

If Council was to consider the sale of the building, the community land status would need to be revoked with the relevant processes followed as prescribed by the *Local Government Act 1999*. Whilst this is a lengthy process, undertaking this process will provide opportunity for Council to on-sell the land quickly if the opportunity arose.

Positives

Council realises a monetary return for the building.

Council is no longer responsible for the upkeep and maintenance of a disused building.

Sale provides an opportunity for a business to purchase a highly visible building in the Loxton township.

Negatives

Monetary return is unknown.

Community land revocation would need to be undertaken, adding potentially 6-12 months to the disposal process.

The building is currently used for storage of items associated with the Library and Information Centre. Alternative storage options will need to be found for these goods.

Approaches from the Loxton Historical Village and Loxton Chamber of Commerce

Residents associated with The Village have expressed interest in using the building for storage and display of historical items, in particular documents outlining the history of the district. It is not clear what is proposed in terms of tenure or how any costs for the on-going running and maintenance of the building would be met.

The Loxton Chamber of Commerce have also expressed an interest in establishing a small business hub, with the ability for small business to book desk or meeting space.

As the Community Land Management Plan denotes the use of the building as operational, community, office and meeting space uses would be consistent with the Management Plan.

Positives

Council makes a building available for a community group to assist with improving access to historical documentation and information.

Council makes a building available to an organisation supporting small business in the township.

Negatives

Return is unknown, but likely significantly less than commercial rent would realise.

No current understanding of the proposal for how the building would be managed, including on-going running costs and maintenance.

The building is currently used for storage of items associated with the Library and Information Centre. Alternative storage options will need to be found for these goods.

Commercial rental

Informal advice received indicates that the building would realise between \$100 and \$150 per square metre of space per annum, realising a commercial return of \$15,000 - \$22,500 per annum, with the likely return on the lower end. The tenants could be responsible for all outgoings and maintenance of the building, subject to the lease negotiation.

As the Community Land Management Plan denotes the use of the building as operational, any proposed use would need to be consistent with that delineation.

Positives

Council realises a monetary return for use the building.

Council maintains ownership of the building, providing future options for other uses.

Council is no longer responsible for the upkeep and maintenance of a disused building, depending on the commercial rental agreement.

Leasing provides an opportunity for a business to utilise a highly visible building in the Loxton township.

Council can manage commercial leasing options in house.

Negatives

Monetary return is unknown at this time.

The building is currently used for storage of items associated with the Library and Information Centre. Alternative storage options will need to be found for these goods.

Conclusion

There are positives and negatives to each option discussed. Council must balance considerations about whether to retain ownership or on-sell the building, as well as consider visual amenity of the building, given the high profile location of the property. There is a significant cost to demolish including the resultant asset write off, and there would be a direct cost to Council in establishing the area for long vehicle parking.

The location of the building provides benefits to any interested parties utilising the building. It is a high profile, visible location, with ample parking in close proximity making it ideal for a number of uses.

Council has been approached by some residents interested in utilising the building for storage of historical items, and by the Loxton Chamber of Commerce, who wish to establish a business hub within the building.

Recommendation

Before Council could consider the sale of the land, the community land status would require revocation. As an interim measure and in order to better inform the final decision, I recommend that Council advertises for Expressions of Interest (EOI) for the building. The EOI may include options for rental, community use or purchase of the building.

All EOIs should include a business case to support the EOI to assist Council in determining the outcome.

Cheryle Pedler

Acting Director Corporate and Community Services

Council meeting held 13th December 2019

17. Corporate & Community Services Reports

17.1 Corporate & Community Services Reports for Decision

17.1.1

17.1.2 Options for the use of the former Loxton Visitor Information Centre building

Cr Altschwager declared a conflict of interest and left the meeting at 12.41pm

**Cr Thiele moved Cr Norton seconded
That council advertises for Expressions of Interest for the former Loxton Visitor Information building, including a request for a business case to support the Expression of Interest, to assist Council in determining the outcome.**

CARRIED

**Cr Norton moved Cr Webber seconded
That council commence the process to revoke the community land status pursuant to section 194 of the Local Government Act of the former Loxton Visitor Information Centre, volume 5189 folio 99.**

CARRIED

This is a true copy of the original document being an extract from the Council meeting minutes held 13th December 2019.

David Beaton
Chief Executive Officer
District Council of Loxton Waikerie

Signature:



Print name:

