

# CONFIDENTIAL

## **ITEM 356**

### **UNLEY CENTRAL PROPERTY DEVELOPMENT OPPORTUNITY**

#### **SUSPENSION OF MEETING PROCEDURES**

The Presiding Member advised that he thought the meeting would benefit from a short term suspension of meeting procedures for up to 20 minutes, to discuss this Item.

This was agreed with a two thirds majority.

The meeting procedures were suspended at 8.53pm.

#### **FURTHER SUSPENSION TO MEETING PROCEDURES**

A further suspension of meeting procedures for up to 10 minutes, was agreed with a two thirds majority at 9.13pm.

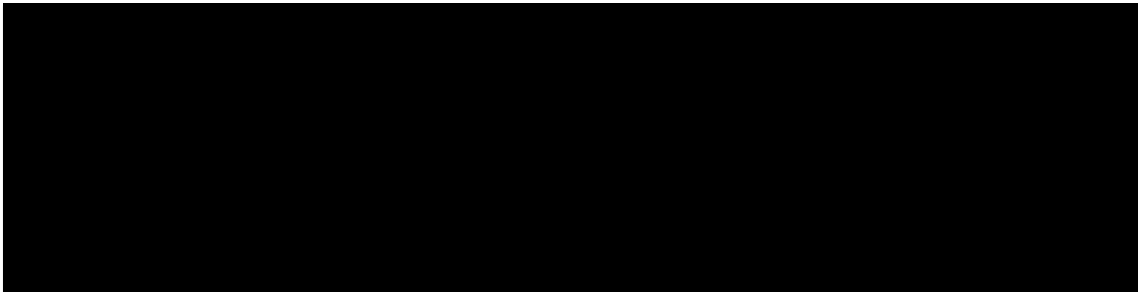
Meeting procedures resumed at 9.22pm.

MOVED Councillor Lapidge  
SECONDED Councillor Salaman

That:

1. The report be received.
2. The
  - Encumbrance E9376542 in favour of the Australian Postal Corporation relating to parking provision be removed from CT 5880/539.
  - The process be commenced to seek the removal of the Community Land classification from the portion of CT 5880/539 identified on Attachment 2 that is still classified as Community Land.

3.





CARRIED UNANIMOUSLY

**ITEM 357**

**CONFIDENTIALITY MOTION TO REMAIN IN CONFIDENCE ITEM 356 – UNLEY CENTRAL**

MOVED Councillor Boisvert  
SECONDED Councillor Salaman

That:

1. The report be received.
2. Pursuant to Section 91(7) and (3)(b) of the Local Government Act:
  - 2.1 The
    - Minutes
    - Report
    - Attachments

remain confidential on the basis that the information contained in this report could confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, and

- 2.2 the minutes, report and attachments will be kept confidential until the item is revoked by the Chief Executive Officer.

**CARRIED UNANIMOUSLY**

The doors to the Council Chambers were opened at 9.27pm.

**ITEM 358**

**UNLEY SWIMMING CENTRE FREE CASUAL ENTRY TRIAL RESULTS AND 'FRIDAY FOR A CAUSE' INITIATIVE**

See Page 6 of these Minutes.

**ITEM 359**

**QUESTIONS WITHOUT NOTICE**

See page 16 of these Minutes.

# CONFIDENTIAL

## DECISION REPORT

**REPORT TITLE:** UNLEY CENTRAL PROPERTY  
DEVELOPMENT OPPORTUNITY

**ITEM NUMBER:** 356

**DATE OF MEETING:** 14 DECEMBER 2015

**AUTHOR:** DAVID LITCHFIELD

**JOB TITLE:** GENERAL MANAGER, ECONOMIC  
DEVELOPMENT AND PLANNING

---

### 1. EXECUTIVE SUMMARY

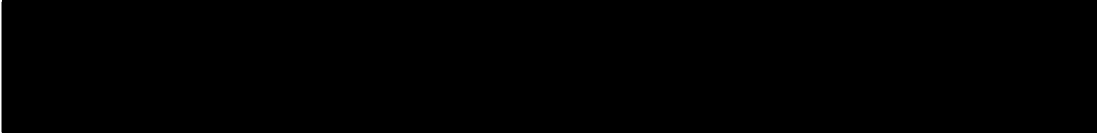
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- 1.1 The Council land has a number of easements, rights of way and is encumbered. Whilst it may not be appropriate to extinguish the easements at this time, the parking encumbrance is in favour of The Australian Postal Corporation, who no longer have an interest in any of the Council land. Consequently, it is appropriate to extinguish that encumbrance.
  - 1.2 Administration has also identified a process oversight when the land to the rear of the current BarZaar premises was purchased. Although the land already owned by Council and known as the Unley Central Car Park had been exempted from the Community Land Register, when the land to the rear of BarZaar was acquired, a separate title was not created for this land. Instead, a boundary adjustment occurred and the new purchase was simply added to the existing Council title. This necessitated the issue of a new Certificate of Title number, but the newly purchased land was not exempted from the community land classification.
- 

## 2. RECOMMENDATION

That:

1. The report be received.
2. The
  - Encumbrance E9376542 in favour of the Australian Postal Corporation relating to parking provision be removed from CT 5880/539.
  - The process be commenced to seek the removal of the Community Land classification from the portion of CT 5880/539 identified on Attachment 2 that is still classified as Community Land.

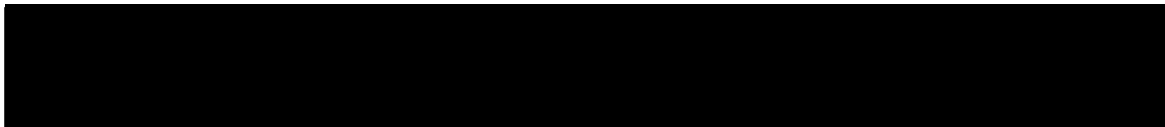
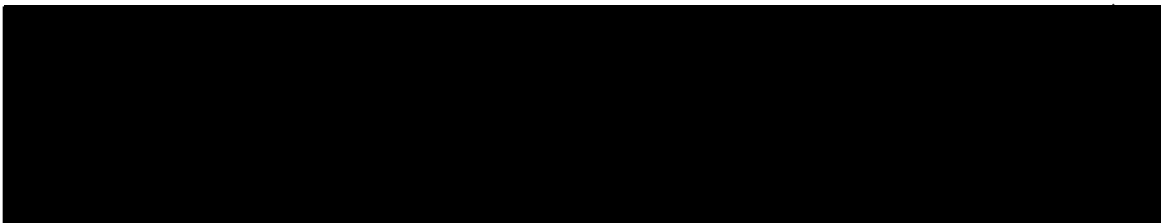
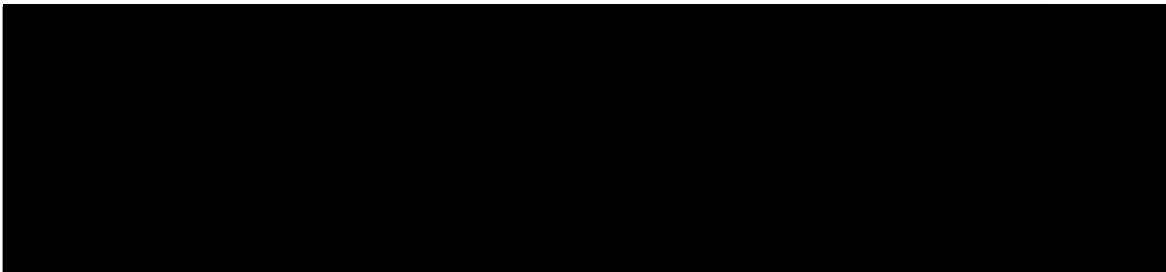
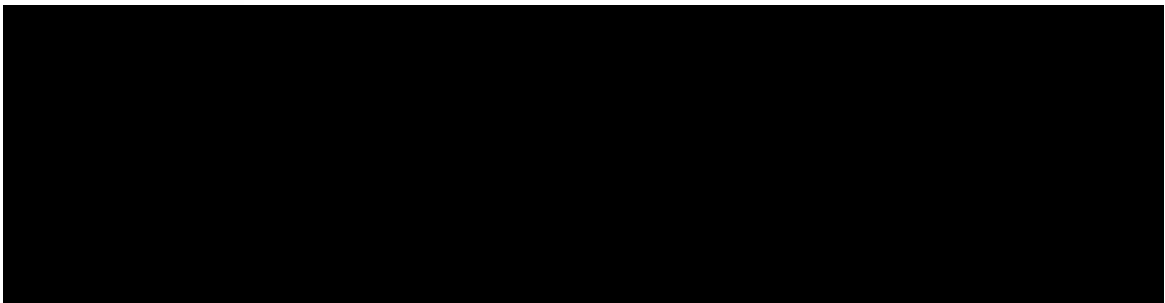
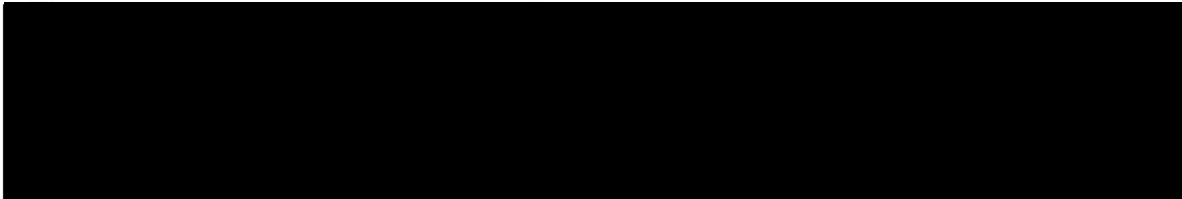
3.



1. **RELEVANT CORE STRATEGIES/POLICIES**

- a. Emerging: Objective 1.3 – A dynamic mix of uses and activities in selected precincts.
- b. Living: Objective 2.1 – Highly desirable and diverse lifestyle.

2. **DISCUSSION**



The car parking Encumbrance (E9376542) is in favour of The Australian Postal Corporation. This Corporation no longer has any interest in the land potentially being sold, so this Encumbrance can be extinguished. This is an appropriate action even if the land is not sold; the removal of an un-necessary encumbrance from land.

The other matter, being the failure to exempt the parcel of land acquired from the Australian Postal Corporation in 2002 from the Local Government Act provisions relating to Community Land, appears to have been an oversight. When Council adopted its first Register of Non-Community Land in August 2001, included in that Register was the Unley Central Car Park at 168 Unley Road. In the subsequent Gazettal Notice, the then Certificate of Title for that Car Park, CT 4525/459 was listed.

When Council purchased the relevant land (portion 166 Unley Road) from the Postal Corporation, no new title was created for that parcel. Instead, a boundary adjustment of 4525/459 occurred and the new consolidated Title was issued, being 5880/539. A portion of this Title (as indicated on Attachment 1 to 356/15) now needs to be exempted from the Community Land Register. As Council has a clear vision for the development of this site that will almost certainly entail a sale of the land, it is appropriate to address this oversight, [REDACTED]

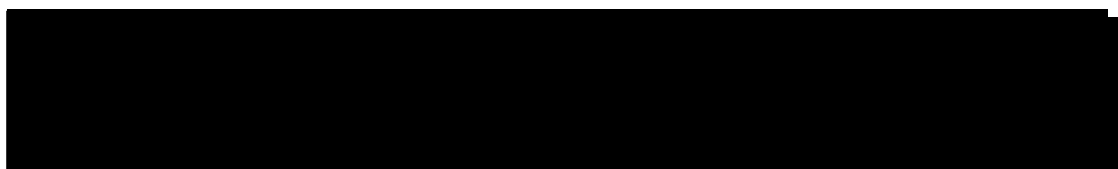
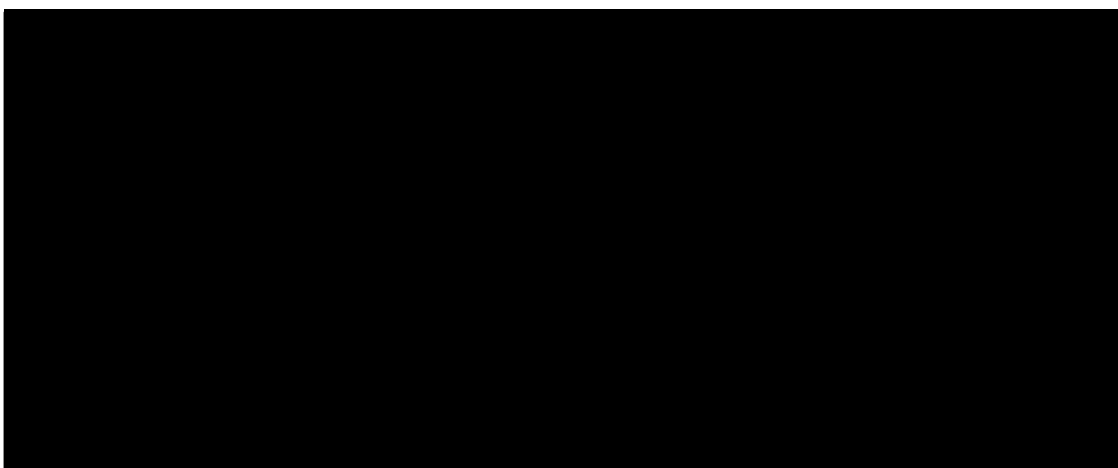
*Attachment 1*

### **3. ANALYSIS OF OPTIONS**

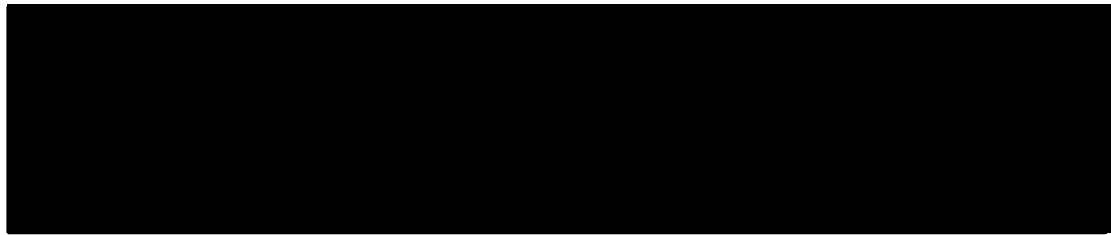
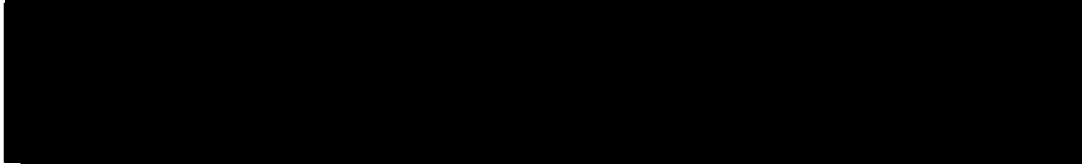
#### Option 1 –

The

- Encumbrance E9376542 in favour of the Australian Postal Corporation relating to parking provision be removed from CT 5880/539.
- The process be commenced to seek the removal of the Community Land classification from the portion of CT 5880/539 identified on Attachment 2 that is still classified as Community Land.



The advantages of this option are that it provides potential for all of the work that has been put into the desired outcome actually culminating in a successful outcome. It will also allow two administrative matters relating to the land to be addressed.



#### **4. RECOMMENDED OPTION**


Option 1 is the recommended option.

#### **5. POLICY IMPLICATIONS**

##### **5.1 Financial/budget**

- To date, there has been expenditure on legal fees during the negotiation and preparation of the legal documents.
- There will be minor legal and Lands Title Office fees involved in the removal of the Encumbrance. There will be minor advertising fees involved in the removal of the Community Land designation.
- These fees will be covered from the existing Unley Central project budget.
- There will be no additional annual operating costs as a result of the decisions.

##### **5.2 Legislative/Risk Management**

- There are no legislative implications from these decisions.
- Legal advice and involvement is ongoing.
-   
Those risks are reputational rather than financial in the main.



### 5.3 Staffing/Work Plans

- It is not anticipated at this time that there will be a requirement for additional staff resources to be deployed in this area.

### 5.4 Environmental/Social/Economic

- There are no environmental implications, other than the environmental site assessment [REDACTED]
- The project will be redefining for the Unley Central precinct when it is completed.
- The project is likely to have overall beneficial impacts on the local business community.

### 5.5 Stakeholder Engagement

- Community engagement seeking feedback on the Unley Central Precinct direction is underway at present.
- If approval is given to commence the community land revocation process, this will also require engagement as per legislation.
- No engagement is intended [REDACTED]

## 6. REPORT CONSULTATION

Only internal consultation has been with the property management area regarding the community land revocation. Corporate Services is regularly updated on progress of negotiations and any future financial impacts.

## 7. ATTACHMENTS

Land where the Community Land designation is to be revoked.



## 3. REPORT AUTHORISERS

<b>Name</b>	<b>Title</b>
David Litchfield	GM, Economic Development & Planning

Portion CT 5880/539 where Community Land classification is to be revoked shown in red

