

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 20 December 2022
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 18.1

Responsible Officer: Karen Cummings
Manager Property Services
Corporate Services

Subject: Surplus Government Land Notice

For: Decision

1. Surplus Government land notice – Exclusion of the Public

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Acting Chief Executive Officer, David Waters
- Acting Director Community Capacity, Rebecca Shepherd
- Director Corporate Services, Terry Crackett
- Director Development & Regulatory Services, Natalie Armstrong
- Acting Director Infrastructure & Operations, David Collins
- Executive Manager Governance & Performance, Lachlan Miller
- Governance & Risk Coordinator, Steven Watson
- Manager Property Services, Karen Cummings
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1: (Surplus Government land notice) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(d) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which –

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest;

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

2. Surplus Government Land notice – Confidential Item

SUMMARY

The purpose of this report is to provide an update on a government circularisation notice relating to the possible future sale of land known as the former Houghton Primary School site at 1376 Lower North East Road Houghton. As the government notice was received during Council Caretaker Period and comments on the proposal were required within 10 business days from the date of the notification, the Administration prepared comments for the Minister on behalf of Council, with the covenant that the matter be formally put to the new Council once formed, for review and, if appropriate, endorsement. This report seeks to provide background on the land in question and to obtain a resolution relating to Council's position on the land moving forward.

It is recommended that Council endorse the comments provided to the Department for Infrastructure and Transport (DIT) Property Directorate as per **Appendix 1**.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
- 2. That Council endorse the letter to the Department for Infrastructure and Transport (DIT) dated 24 October 2022 relating to its interest in the land abutting the former Houghton Primary School site at 1376 Lower North East Road, Houghton.**
- 3. That a report be brought back to Council on the costs and processes associated with acquisition of the land contained in Certificate of Title Volume 5592 Folio 413, described as Piece 91 in File Plan 206834, known as the George Morphet land.**

1. BACKGROUND

On 10 October 2022, Council received a notification from the State Government known as a Premier and Cabinet Circular 114 Site Strategic Land Use Assessment notice, for the land formerly known as the Houghton Primary School site. The purpose of the Circular 114 notice is where land may be declared surplus to government requirements, but prior to placing the land on the open market a consultation process is undertaken with State Government agencies and the local council, to ascertain if any of those agencies (including Council) has any interest in the land. An interest in the land might include a direct interest in purchasing the land or having the land transferred for a particular use, or an interest could include comments on the future use of the land should it be placed on the open market.

A copy of the Circular 114 notification is provided as **Appendix 2**.

The land to which the Circular 114 notice refers is shown as **Appendix 3**.

The land discussed in this report and in the Appendices consists of several parcels known as follows:

- Allotment 22 – the former School land on which the school buildings sit
- Allotment 23 – a separate allotment on which former school buildings sit
- Allotment 21 – a triangular piece of vacant government owned land adjacent to Lower North East Road that was acquired by the State Government for School purposes in 1966
- The land known as the “George Morphett land” which has a driveway through it providing physical access to the school land. There is no formal right of way providing legal access to the School land, and
- Land known as “The Common” owned by Adelaide Hills Council.

Whilst all of the abovementioned allotments are shown in the circularisation notice and mentioned in Council’s submission to DIT, it is noted that only allotments 21, 22 and 23 are being considered by the State Government for disposal (the other pieces not being State Government land).

Prior to receipt of the Circular 114 notice in October 2022, Council wrote to the Minister for Education expressing an interest in the large triangular allotment (allotment 21) being transferred back to the Community should it no longer be required for school purposes (***see Appendix 4***).

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 4	A Valued Natural Environment
Objective N1	Conserve and enhance the regional natural landscape character and amenity values of our region
Priority N1.2	Manage reserves and open space to support the community, whilst balancing biodiversity conservation, resource use and environmental impacts.

There is a complex history surrounding the land known as the “George Morphett land” and the triangular pieces of land adjacent to the former Houghton Primary School land dating back to 1863 where historically the land was owned by a person named George Morphett, who intended to “gift” the land to the local community. For various reasons, the actual transfer of the land to the community has never legally occurred and although previous councils have tried to have this matter rectified through various resolutions and other activities, some of the land remains in Mr Morphett’s name. Council staff have previously sought information on attempts to have the George Morphett land transferred to the community and some of that history is detailed in the submission to DIT as outlined in ***Appendix 1***.

Of note is the fact that in 1972 the former Tea Tree Gully Council resolved under the (then) *Local Government Act 1934* to assume care, control and management of the Commons land. For reasons unknown, the land title for the George Morphett land was never formally transferred to Council. As a result of the land remaining in a private name, rates such as Council rates and Land Tax continue to be levied, but are not paid, against the property.

Staff accordingly recommend that further investigations be undertaken for Council to pursue transfer of the George Morphett land, as intended, through a compulsory acquisition. It is also recommended that Council continue to pursue transfer of the large triangular piece of land known as allotment 21, from the Minister for Education to Council, for the benefit of the Community ongoing.

➤ **Legal Implications**

Legal advice has been sought on status of the George Morphett land in light of the previous Council resolutions to place the land under Council's care, control and management. The advice is that Council presently has care, control and management of the George Morphett land, by virtue of the 1972 Council resolution and other former Council resolutions intending for the land for the benefit of the Community. As outlined, for various reasons, the actual land transfer never occurred. Advice has also been sought on the best means to have the George Morphett land formally transferred to Council, as has always been intended. The advice is that due to the difficulties with finding any living direct descendants of Mr Morphett, the best way to progress the matter is through a compulsory acquisition process.

➤ **Risk Management Implications**

As outlined, there has historically been an understanding that the George Morphett land be held for the benefit of the Community. This is evidenced by previous Council's resolutions and efforts to have the land formally placed in Council's name. Council has also more recently written to the Minister for education expressing an interest in allotment 21 for the benefit of the Community. If allotment 21 is placed on the open market, the opportunity for it to be retained for the benefit of the community will be lost.

Pursuing acquisition of allotment 21 and the George Morphett land will assist in mitigating the risk of:

Failure to identify Council owned open space reserves that include historic and cultural aspects to the standard sought by the community.

Inherent Risk	Residual Risk	Target Risk
High (2B)	Low (1D)	Low (1D)

➤ **Financial and Resource Implications**

Whilst a market value has been attributed to the government owned land parcels, the intention is for Council to seek the transfer of allotment 21 to it for nil consideration. Council would need to meet its own costs in relation to the transfer including stamp duty and other legal transfer fees, although it is likely that stamp duty would be minimal should the land transfer to Council for community purposes. Prior to acceptance of any transfer, an additional report would be submitted to Council seeking its approval for same, which would include further details on any costs associated with the transfer.

The school grounds as well as the Council-managed Houghton Common and adjoining George Morphett land are also already included on Council's yearly slashing program. If Council acquires the George Morphett site and allotment 21 there would be minimal increase in existing costs.

It is recommended that a report be brought back to Council on the costs and processes involved in the acquisition of the George Morphett land (described as Pce 91 in FP 206834). It is understood that a compulsory acquisition process could be possible under the Land Acquisition Act (1969). Such a process would incur legal and other costs and it is unclear if any compensation would be payable to the estate of George Morphett. It is recommended that a further report be submitted to Council on this matter in due course.

It should also be noted that Council has been regularly reporting to the Audit Committee in relation to a number of properties relating to either deceased estates or where rate notices had been unable to be delivered for many years. This included the George Morphett land where it was considered that the property would likely be vested in Council some time in the future.

As such, the rate debt for the parcel of land identified in this report has been fully provided for in Council's 2021-22 financial statements at \$46,480 with an additional 2022-23 budget allocation for rates and additional fines and interest charged for the current financial year allowed for. The rate debtor balance as at 30 November 2022 has now increased to \$49,385.

Section 143 of Act allows Council to write-off debts if the council has no reasonable prospect of recovering the debts after the Chief Executive Officer or delegate has certified that either:

- (a) reasonable attempts have been made to recover the debt; or
- (b) the costs of recovery are likely to equal or exceed the amount to be recovered.

In accordance with the conditions and limitations under Council's Section 143 delegation, there is a requirement for those debts greater than \$5,000 in respect of any one debt to be submitted to the Audit Committee prior to consideration by Council.

Further, it is also understood that there may be outstanding land tax payable over the site.

➤ **Customer Service and Community/Cultural Implications**

Not applicable.

➤ **Sustainability Implications**

The former school and childcare site is identified on the Mount Lofty Ranges Bushfire Management Area Plan and Council has been maintaining the site by slashing grass fuel loads prior to and during the Fire Danger Season. Recent inspections however have shown that another parties contractor (perhaps the Department of Education) contractor has slashed the immediate school environs and around the childcare centre.

Having the land transferred to Council would ensure sustainability of the open spaces into the future.

Council's Biodiversity Team has indicated that there is no high biodiversity in this area.

➤ **Engagement/Consultation conducted in the development of the report**

As the government circularisation notice is confidential, no particular community engagement has been undertaken on the contents of this report. There has however been significant community interest in the former School land and surrounds, for the land to be either retained by the Community or for any development proposal to be consistent with its existing use (particularly for the former School site). Prior to receipt of the government circularisation notice, Council staff met with community members (at their request) who have an interest in the future of the Houghton Commons land. They were seeking information on the future of the School land and to reconfirm their interest in the George Morphett land. The community members expressed concern at that meeting that they would not want to see further intensified development of the former School site e. g. they would not support the development of the former School land for a housing estate or similar.

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not applicable due to confidential nature of this report.
<i>Council Workshops:</i>	No workshop held.
<i>Advisory Groups:</i>	Not applicable due to confidential nature of this report.
<i>External Agencies:</i>	Department of Infrastructure and Transport as per Appendix 1 . Minister for Education as per Appendix 4 .
<i>Community:</i>	Previous community engagement as outlined in this report. No community engagement undertaken in relation to this particular report.

➤ **Additional Analysis**

Additional discussion on the history of the allotments is outlined in the letter to DIT as per **Appendix 1**.

It is intended that if Council chooses to pursue acquisition of allotment 21 from the Department of Education, that the land be transferred to Council for nil consideration. If Council decides to not pursue the option of transfer of allotment 21, then there is a risk that the land may be sold and developed for an alternate unknown use. Similarly, despite former Council resolutions to assume care, control and management of the George Morphett land, if formal ownership is not pursued and finalised then there is a risk that Council's interest in the land for community purposes could be challenged in the future.

For the sake of completeness, the Administration does not recommend the Council pursue the purchase of either allotment 22 or 23. There is no identified strategic need for Council to acquire these pieces of land and the buildings thereon.

3. OPTIONS

Council has the following options:

- I. Endorse the letter to DIT dated 24/10/2022 and seek further advice on compulsory acquisition of the adjacent George Morphett land (Recommended)
- II. Do not endorse the letter to DIT dated 24/10/2022 (Not Recommended)

4. APPENDICES

- (1) Letter to Department for Infrastructure and Transport dated 24/10/2022
- (2) Circularisation notice 114 from Department for Infrastructure and Transport
- (3) Map of Houghton Common land
- (4) Letter to Minister for Education dated 22/06/2022

Appendix 1

Letter to Department for Infrastructure and Transport

24 October 2022

Mr Tomasz Owczarek
Strategic Land Use Officer – Property Directorate
Department for Infrastructure and Transport
GPO Box 1533
ADELAIDE SA 5001
E: tomasz.owczarek@sa.gov.au

Dear Mr Owczarek,

Department for Infrastructure and Transport Premier and Cabinet Circular 114 site Strategic Land Use Assessment for the former Houghton Primary School at 1376 Lower North East Road Houghton

I refer to the *Cabinet Circular 114* notice received from your office on 7 October 2022 regarding the Strategic Land Use Assessment for the former Houghton Primary School land located at 1376 Lower North East Road, Houghton.

We note your timeframes that expressions of interest in the land are required within 10 business days from the date of your notice. Please note that as Council is currently going through an Election process it is unable to make any formal decisions regarding acquisition of land or other significant matters until after the Election is held and finalised in November 2022. Therefore the comments contained herein are those of the Administration, pending a formal report and decision of Council regarding its position on the land at its December 2022 Council meeting.

The Houghton Commons land, including the School grounds and surrounds, have a significant history with the community of Houghton, the Adelaide Hills Council and the previous local government authorities that formed into the existing Adelaide Hills Council over many decades. Council staff have liaised with the community of Houghton regarding this land, and their interest in this land, over an extended period of time and also more recently. Accordingly in response to the Circular 114 notice we wish to draw to your attention Council's understanding of the following in relation to the history, land tenure and Council's interest in the Houghton Commons land and surrounds. Please note, when we refer to "The Commons" we refer to the whole of the School land (allotments 21, 22 and 23), the adjacent George Morphet Land (CT 5592/413) and Council's existing triangular parcel of land (CT 5542/363).

- John Richardson was the original subdivider of Houghton (in the 1800s).
- John Richardson owned the Commons.
- We suspect that the Commons was intended to be a common area for the local residents to graze their sheep.
- John Richardson had a mortgage over the Commons in favour of John Barton Hack (first mortgage), which was later assigned to John Morphett.
- John Richardson also had a second ranking mortgage over the Commons to George Morphett.
- John Morphett, with the consent of George Morphett exercised a power of sale, and transferred the land to George Morphett. Council's Lawyers have confirmed with the Lands Titles Office that this unique process was able to be done at that particular time.
- We understand that the Commons land was originally gifted to the community by George Morphett in 1863. Whilst it was gazetted that this land was to be vested in the District Council of Highercombe, there was no legislative manner in which to do that, so the land remained in the name of George Morphett.
- The identified area of land (as shown in red on the plan attached and known as allotment 21) was compulsorily acquired by the Minister for Education in 1966 and used for school purposes, being a portion of the school oval, until the closure of the school. It appears that the School land was also acquired by the Department at this time.
- In 1972 the City of Tea Tree Gully resolved to assume the care, control and management of the remainder of the Commons, pursuant to section 453 of the Local Government Act 1934-1971.
- In 1976 the boundaries between the City of Tea Tree Gully and the District Council of Gumeracha were realigned, putting the Commons within the area of the District Council of Gumeracha.
- In 1980 the District Council of Gumeracha resolved that the Common be held as parklands pursuant to the Local Government Act 1934-1980.
- In 1997 the District Council of Gumeracha amalgamated with the District Council of East Torrens, the District Council of Onkaparinga and the District Council of Stirling, to form Adelaide Hills Council.
- Currently a caveat by the Commissioner of State Taxation is registered over the George Morphett land. We do not have the details of what is claimed under this caveat.

Having undertaken a review of the Certificate of Title, plans and gazette notices evidencing the Council resolutions, Council is of the view that the Commons (George Morphett land) is now owned by the beneficiaries, executors or administrators of George Morphett. According to the legal advice held by Council, Council presently has the care control and management of the Commons, by virtue of the resolution made in 1972 (by Tea Tree Gully Council), and is also still bound to hold the land as parklands pursuant to the 1980 resolution. From a practical perspective this means the Commons is classified as Community Land and the requirements for a Community Land Management Plan and a notation in the Community Land register, apply. However, the Council assuming care, control and management of this land does not, in and on itself, give rise to ownership rights in fee simple for the Council.

In light of the above, and the advice that the George Morphett land is actually classified as Community Land under the Local Government Act, Council is currently investigating acquisition of the George Morphett land by compulsory acquisition. We are currently seeking advice on how best to proceed with this process and the costs involved.

In terms of the Circular 114 notice, we note the driveway access for the School land (allotment 22) is via the George Morphett land parcel. If Council is able to formally acquire the George Morphett land, it would be prepared to consider a formal right of way or similar to be registered on the title in favour of the School land.

In addition to the above, now that the School has been closed please note that Council has more recently expressed an interest in acquiring back from the Department of Education allotment 21, known as the Triangular piece of land adjacent to Lower North East Road. To that end, I attach a letter sent to the Minister of Education, Training and Skills on 22 June 2022 expressing an interest in this site. Whilst we are still waiting on a response from the Minister to this correspondence, we draw to your attention that this interest remains current and we would like to pursue Council's interest in this site via this Circularisation 114 process also.

Given Council's formal interest in the land surrounding the School (particularly allotment 21 and the George Morphett land) to remain as open space/Community Land, and the fact that the current access to the former School land is via the George Morphett/Community land, Council has some interest in the future use of the School site as a potential neighbour, and how this future use might impact on the adjacent public open space uses. To that end, I encourage ongoing communication with Council staff as the disposal of the former School land on the open market progresses.

As outlined above, due to the current Election period in Local Government, the comments contained herein are that of the Administration only in light of previous dealings and activities relating to the Houghton Commons. We plan to formalise Council's position by reporting this matter to an upcoming Council meeting at their earliest convenience. At this stage we are hoping this matter will be reported to the December 2022 Council meeting and we will keep you informed.

In the meantime, should you have any queries, please contact Karen Cummings, Manager Property Services on 8408 0470 or email kcummings@ahc.sa.gov.au.

Yours sincerely



David Waters
Chief Executive Officer (Acting)

Appendix 2

*Circular 114 Notice from Department for Infrastructure
and Transport*



**DEPARTMENT FOR INFRASTRUCTURE AND TRANSPORT
PREMIER AND CABINET CIRCULAR 114
SITE STRATEGIC LAND USE ASSESSMENT**

Schedule D Template: Strategic Assessment

DIT File Reference:	
PART A: PROPERTY INFORMATION	
Owning Agency Property Reference (if applicable)	Former Houghton Primary School
Site Identification* • Certificate of Title identification: • Plan (e.g. DP, FP) & Lot Number:	1. CT 6272/444 – Lot 21 FP254176 2. CT 6272/445 – Lot 22 FP254176 3. CT 6272/446 – Lot 23 FP254176
Site Street Address	1376 Lower North East Road, Houghton
Registered Proprietor (as per Land Services records)	1 & 3. Minister for Education 2. Minister for Education and Children's Services.
Current Responsible Minister (e.g. Minister for Transport and Infrastructure if registered as Commissioner for Highways)	Minister for Education, Training and Skills
Is the property Crown land? DEW approval is required to dispose of Crown land, to demonstrate approval has been granted DEW must complete Initial Test for Crown land. • Unalienated Crown land • Subject to Crown Condition Agreement • Dedicated Crown land • Land under care, control and management of Minister responsible for <i>Crown Land Management Act 2009</i> • Certificate of title with a Trust Grant endorsement	No
Site Area (m²) and Dimensions (m)	1: 5726msq. 2: 8098msq. 3: 975msq
Capital Value Site Value (include date and source of valuation/s; if multiple records exist, provide relevant valuation number/s; where 'fair value' is used, attach advice from Valuer-General confirming validity of using 'fair value' for purposes of the Initial Test)	\$1,150,000 \$410,000 5 April 2022 Revenue SA 4711779004 & 4711782000 now cancelled – new valuation # 4711779012 & 4711782019
Local Government Area	Adelaide Hills Council
Relevant volume of the Planning Strategy	
Planning and Design Code (SAPPA) (provide zoning as per the Planning and Design Code)	1. Productive Rural Landscape, Township 2. Productive Rural Landscape 3. Productive Rural Landscape

Current Use/s of Site	1&2 - Primary School 3 - Kindergarten & Child Minding
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Contacts: For assistance to complete the Strategic Assessment (Refer Schedule F)

Attachments checklist:

- ☐ copy of Certificate of Title or Crown Record/Crown Lease
- ☐ if dedicated Crown land, details of the Crown Condition Agreement
- ☐ if 'fair value' uses, Valuer-General advice confirming validity

PART B: INITIAL TEST	Provide your assessment – complete all fields
Is the fair value of the property, including improvements (Capital Value), in excess of the 'threshold of value'? *\$550,000 including GST in the metropolitan area, \$110,000 including GST outside of the metropolitan area	Yes
Does the land adjoin or have the potential to be amalgamated with other land in government ownership (Australian, State or local)?	No
Is there a declared project in the approved Capital Investment Program or <i>Strategic Infrastructure Plan</i> for SA for which the property may be suited? If yes, provide details of program/project.	No
Is the site use consistent with the zoning in the Planning and Development Code and Development Plan (or intended zoning) in relevant Structure Plan or volume of the Planning Strategy? Provide details.	No
Is the site within an area included in a Precinct Plan?	No
Do other factors exist which may give the property strategic significance in relation to implementation of government policy? If yes, provide details of factors.	No
In your assessment, is the property of strategic significance? Guidelines for assessment: If none or insufficient of the above factors exist, the property shall be deemed not have strategic significance.	No

Does URA endorse the ITSS?	Yes
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PART C: SITE STRATEGIC LAND USE ASSESSMENT INFORMATION (SSLUA)	
Basic Infrastructure Inventory <ul style="list-style-type: none"> Floor Area Age/Condition of all major improvements Tenancy details (if applicable) 	691.66sqm over 8 buildings 1966-1974 Good -
Potential Constraints <ul style="list-style-type: none"> Known encumbrances over the site Known native vegetation Issues Known heritage Issues Environmental considerations (including potential site contamination) 	- The former Houghton Primary School access point is from a deceased estate (George Morphett) and there is no registered right of way other this land (see attached map). - This is also a driveway encroaching on the land (see attached map).
Known relevant studies / assessments previously carried out relating to site	-
Known interests in purchasing the site Provide information about any negotiations	-
Other relevant comments and supporting documentation	-

1. Introduction

The Department of Planning, Transport and Infrastructure (Department) has the responsibility to assess underutilised government land and determine if a Site Strategic Land Use Assessment (SSLUA) is undertaken prior to offering surplus property to the open market, pursuant to *Premier and Cabinet Circular 114* (PCC114).

A SSLUA is a process undertaken by the Department to determine, from the state strategic perspective, whether the property should be either retained in government ownership or disposed.

2. Site Context and Policy Context

This assessment is over three allotments (**ATTACHMENT A**). Two of the subject properties (A22 & A23 in FP254176) are located in the Productive Rural Landscape Zone (Z4802) and A21 in FP 254176 is within the Township Zone – Z6001 (as per the Planning and Design Code (**ATTACHMENT B**)).

The properties are land locked as the access point to the former school was from a deceased estate and there is no registered right of way over this land.

There is also a driveway encroachment over A21 in FP 254176 (**ATTACHMENT C**).

3. Strategic Context and Locality Context

The State Government's broad vision for sustainable land use and the built development of the state is outlined in the Planning Strategy. The relevant volumes of the Planning Strategy are *The Greater Adelaide 30 Year Plan* (February 2010) and *The 30-Year Plan for Greater Adelaide – 2017 Update* (Plan).

The planning strategy presents current State Government policy for development in South Australia based on key economic, social and environmental factors to guide and coordinate State Government activity in the construction and provision of services and infrastructure. The Plan contains principles that provide guidance to the implementation of the planning strategy. It also indicates directions for future development to the community, the private sector and local government.

The subject land is located within the Greater Adelaide Government Planning Region (**ATTACHMENT D**). This region covers an area of 9000 square kilometres and extends from Victor harbor in the south to Kapunda in the north and as far as Murray Bridge in the east. It includes the following local government areas; Adelaide Plains, Light, Barossa, Gawler, Playford, Salisbury, Tea Tree Gully, Adelaide Hills, Mount Barker, Campbelltown, Port Adelaide Enfield, Charles Sturt, Prospect, West Torrens, Walkerville, Adelaide, Norwood Payneham & St Peters, Unley, Burnside, Holdfast Bay, Mitcham, Marion, Onkaparinga, Yankalilla, Victor Harbor, Alexandrina and Murray Bridge.

4. Strategic assessment

The Department is satisfied a SSLUA is required regarding the properties. Pursuant to PCC114 the Department is seeking comments or expression of interest (shared utilisation or acquisition of the subject properties) from government agencies and the relevant council and is also seeking comments regarding the following factors:

- development opportunities arising from the zoning, land use, location, and physical attributes of the subject land;
- employment opportunities and potential for employment growth within the region;
- potential conflict between land use and zoning interface;
- potential environmental impacts and/or heritage factors;
- known contamination issues;
- native title considerations;
- potential opportunities or conflicts related to transport and land use integration; and;
- opportunities resulting from disposal of surplus government land

5. Agency requirements

Agencies and councils expressing interest in a surplus property must indicate a timeframe within which approval for the expenditure is to be obtained and the transaction completed. This timeframe must not exceed three months, or such other term approved by Cabinet. If the transaction is not completed within 30 working days after the time indicated the relevant disposal agency (i.e. URA, DEW or DIT) may implement a revised disposal strategy. (*Refer PC114 Clause 63*)

6. Recommendations

The Site Strategic Land Use Assessment is to determine strategic significance of the subject land from the government state strategic perspective. If the land is determined as being of no State strategic significance it may be disposed of efficiently in accordance with the procedures laid down in the Premier and Cabinet circular PCC114.

However, if the consultation process concludes that factors exist, including implementation of the Planning and Strategy or state or local government policy, the subject land in its entirety may be determined as being of strategic significance and be retained in government control to ensure that the use of government real property contributed to the Governments strategic priorities.

7. Agencies consulted

- Attorney-General's Department
- Auditor-General's Department
- Courts Administration Authority
- Department for Child Protection
- Department for Correctional Services

- Department for Education
- Department for Energy and Mining
- Department for Environment and Water
- Department for Health and Wellbeing
- Department of Human Services
- Department for Infrastructure and Transport
- Department for Innovation and Skills
- Department of Primary Industries and Regions
- Department for Trade and Investment
- Department of Treasury and Finance
- Department of the Premier and Cabinet
- Electoral Commission of South Australia
- Environment Protection Authority
- SAFECOM
- South Australian Country Fire Service
- SA Housing Authority
- South Australian Metropolitan Fire Service
- South Australian State Emergency Service
- South Australian Tourism Commission
- South Australia Police
- Office for Recreation, Sport and Racing
- Adelaide Hills Council

8. Attachments

- A. Aerial Map and Location
- B. SAPPa Parcel Report - zoning and development control principles
- C. Map showing land locked properties, access point and encroachment
- D. Greater Adelaide Region – Adelaide Hills Council 30Year Plan Principles

ATTACHMENT A – Aerial Image Locality



Land Services Group

The SA Property and Planning Atlas is available on the Land Services Group Website: www.sa.gov.au/landservices
Houghton PS and associated land

Date created:

November 20, 2019



Government of South Australia
Department of Planning,
Transport and Infrastructure



Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.

ATTACHMENT B - SAPPA ZONE REPORT – Planning & Design Code



Address Details

CT 6272/444 – Lot 21 FP254176

Unit Number:

Street Number:

Street Name: LOWER NORTH EAST

Street Type: RD

Suburb: HOUGHTON

Postcode: 5131

Property Details:

Council: ADELAIDE HILLS COUNCIL

State Electorate: NEWLAND (2014), NEWLAND (2018), SCHUBERT (2022)

Federal Electorate: MAYO (2013), MAYO (2016), MAYO (2019)

Hundred: YATALA

Valuation Number: 4711779012

Title Reference: CT6272/444

Plan No. Parcel No.: F254176A21

Zone Details

Zones Township (Z6001) – T

Desired Outcome	
DO 1	A township supporting a range of residential, community, retail, business, commercial and light industry uses and facilities.
DO 2	Development contributes to and enhances streetscapes and the settlement patterns comprising the township.

Overlays

Hazards (Bushfire - Medium Risk) (O2408) - Medium

The Hazards (Bushfire - Medium Risk) Overlay seeks to ensure development responds to the medium level of bushfire risk by siting and designing buildings to mitigate threat and impact of bushfires on life and property and facilitating access for emergency service vehicles.

Hazards (Flooding - Evidence Required) (O2416)

The Hazards (Flooding - Evidence Required) Overlay adopts a precautionary approach to mitigate potential impacts of potential flood risk through appropriate siting and design of development.

Mount Lofty Ranges Water Supply Catchment (Area 1) (O3903)

The Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay is to protect Adelaide's drinking water supply by limiting development to that which has a beneficial impact on the quality of water harvested from the Mount Lofty Ranges Watershed

Native Vegetation (O4202)

The Native Vegetation Overlay seeks to protect, retain and restore areas of native vegetation.

Prescribed Water Resources Area (O4802)

The Prescribed Water Resources Area Overlay seeks to ensure the sustainable use of water in prescribed water resource areas.

Regulated and Significant Tree (O5404)

The Regulated and Significant Tree Overlay seeks to mitigate the loss of regulated trees through appropriate development and redevelopment.

Traffic Generating Development (O6001)

The Traffic Generating Development Overlay aims to ensure safe and efficient vehicle movement and access along urban transport routes and major urban transport routes.

Urban Transport Routes (O6301)

The Urban Transport Routes Overlay seeks to ensure safe and efficient vehicle movement and access along urban transport routes.

Variations

Minimum Site Area (V0005) - 4000 _____

Minimum site area is 4,000 sqm

ATTACHMENT B - SAPPA Parcel Report

Address Details CT 6272/445 – Lot 22 FP254176
CT 6272/446 – Lot 23 FP254176

Unit Number:

Street Number:

Street Name: LOWER NORTH EAST

Street Type: RD

Suburb: HOUGHTON

Postcode: 5131

Property Details:

Council: ADELAIDE HILLS COUNCIL

State Electorate: NEWLAND (2014), NEWLAND (2018), SCHUBERT (2022)

Federal Electorate: MAYO (2013), MAYO (2016), MAYO (2019)

Hundred: YATALA

Valuation Number: 4711782019

Title Reference: CT6272/445

Plan No. Parcel No.: F254176A22

Zone Details

Zones

Productive Rural Landscape (Z4802) – PruL

Desired Outcome	
DO 1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.
DO 2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO 3	Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.

Overlays

Environment and Food Production Area (O1502)

The Environment and Food Production Area Overlay is an area of rural, landscape, environmental or food production significance within Greater Adelaide that is protected from urban encroachment

Hazards (Bushfire - High Risk) (O2408) - High

The Hazards (Bushfire - High Risk) Overlay seeks to ensure development responds to the high level of bushfire risk by siting and designing buildings to mitigate threat and impact of bushfires on life and property, facilitating access for emergency service vehicles and situating activities that increase the number of people living and working in the area away from areas of unacceptable bushfire risk.

Hazards (Flooding - Evidence Required) (O2416)

The Hazards (Flooding - Evidence Required) Overlay adopts a precautionary approach to mitigate potential impacts of potential flood risk through appropriate siting and design of development.

Limited Land Division (O3605)

The Limited Land Division Overlay seeks to limit fragmentation of land to avoid undermining primary production.

Mount Lofty Ranges Water Supply Catchment (Area 1) (O3903)

The Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay is to protect Adelaide's drinking water supply by limiting development to that which has a beneficial impact on the quality of water harvested from the Mount Lofty Ranges Watershed

Native Vegetation (O4202)

The Native Vegetation Overlay seeks to protect, retain and restore areas of native vegetation.

Prescribed Water Resources Area (O4802)

The Prescribed Water Resources Area Overlay seeks to ensure the sustainable use of water in prescribed water resource areas.

Traffic Generating Development (O6001)

The Traffic Generating Development Overlay aims to ensure safe and efficient vehicle movement and access along urban transport routes and major urban transport routes.

Water Resources (O6902)

The Water Resources Overlay seeks to protect the quality of surface waters in South Australia.

ATTACHMENT C – Greater Adelaide 30Y Plan Principles

The 30-Year Plan for Greater Adelaide – 2017 Update (Plan) – A volume of the South Australian Planning Strategy - Plan Principles

The State Government's broad vision for sustainable land use and the built development of the state is outlined in the Planning Strategy. The relevant volumes of the Planning Strategy are *The Greater Adelaide 30 Year Plan* (February 2010) and *The 30-Year Plan for Greater Adelaide – 2017 Update (Plan)*.

The Plan details the State Government's aim to achieve population and employment growth targets by developing new urban areas in greenfield locations (30% of new growth), and by increasing infill and population densities in existing urban centres (70% of new growth).

The subject land is located within the Greater Adelaide Government Planning Region. This region covers an area of 9000 square kilometres and extends from Victor harbor in the south to Kapunda in the north and as far as Murray Bridge in the east. It includes the following local government areas; Adelaide Plains, Light, Barossa, Gawler, Playford, Salisbury, Tea Tree Gully, **Adelaide Hills**, Mount Barker, Campbelltown, Port Adelaide Enfield, Charles Sturt, Prospect, West Torrens, Walkerville, Adelaide, Norwood Payneham & St Peters, Unley, Burnside, Holdfast Bay, Mitcham, Marion, Onkaparinga, Yankalilla, Victor Harbor, Alexandrina and Murray Bridge.

The Plan contains principles that provide guidance relevant to the future land use and disposal of the subject land. In summary the strategic directions evolve around the themes of:

- Education
- Heritage and Natural Resources
- Employment
- Health
- Residential
- Transport

The Plan also contains policy themes and policies relevant to the proposed future land use and disposal of the subject land:

Policy theme: Design quality

Policy 25. Encourage urban renewal projects that take an all-inclusive approach to development by including streetscapes, public realm, public art and infrastructure that supports the community and responds to climate change.

Policy 29. Encourage development that positively contributes to the public realm by ensuring compatibility with its surrounding context and provides active interfaces with streets and public open spaces.

Policy 31. Recognise the unique character of areas by identifying their valued physical attributes.

Policy theme: The economy and jobs

Policy 55. Promote certainty to undertake development while at the same time providing scope for innovation.

Policy 56. Ensure there are suitable land supplies for the retail, commercial and industrial sectors.

Policy 63. Provide for sustainable tourism development across Greater Adelaide by facilitating tourism-related developments such as restaurants, specialty retail accommodation and other value adding activities.

Policy 73. Provide sufficient strategic employment land options with direct access to major freight routes to support activities that require separation from housing and other sensitive land uses

Appendix 3

Map of Houghton Common land



Appendix 4

Letter to Minister for Education dated 22/06/2022

22 June 2022

The Honourable Blair Boyer MP
Minister for Education, Training and Skills
minister.boyer@sa.gov.au

Dear Minister Boyer

Houghton Primary School

The Adelaide Hills Council has been approached by the local community of Houghton in relation to the Houghton Primary School site.

A process that has been commenced by the State Government to bring a portion of the land under the provisions of the *Real Property Act 1886* has led the local community to believe that the State Government intends to sell the land on which the former school is located.

A portion of the site (as identified in red on the plan attached) was originally gifted to the community by George Morphett in 1863. Whilst it was gazetted that this land was to be vested in the District Council of Highercombe, there was not a legislative manner in which to do that, so the land remained in the name of George Morphett. The identified area was compulsorily acquired by the Minister for Education in 1966 and used for school purposes, being a portion of the school oval, until the closure of the school.

If the land is not required for school or other community purposes by the State Government, the Houghton community is seeking a return of the land to the community, in accordance with the wishes of George Morphett, rather than it being sold.

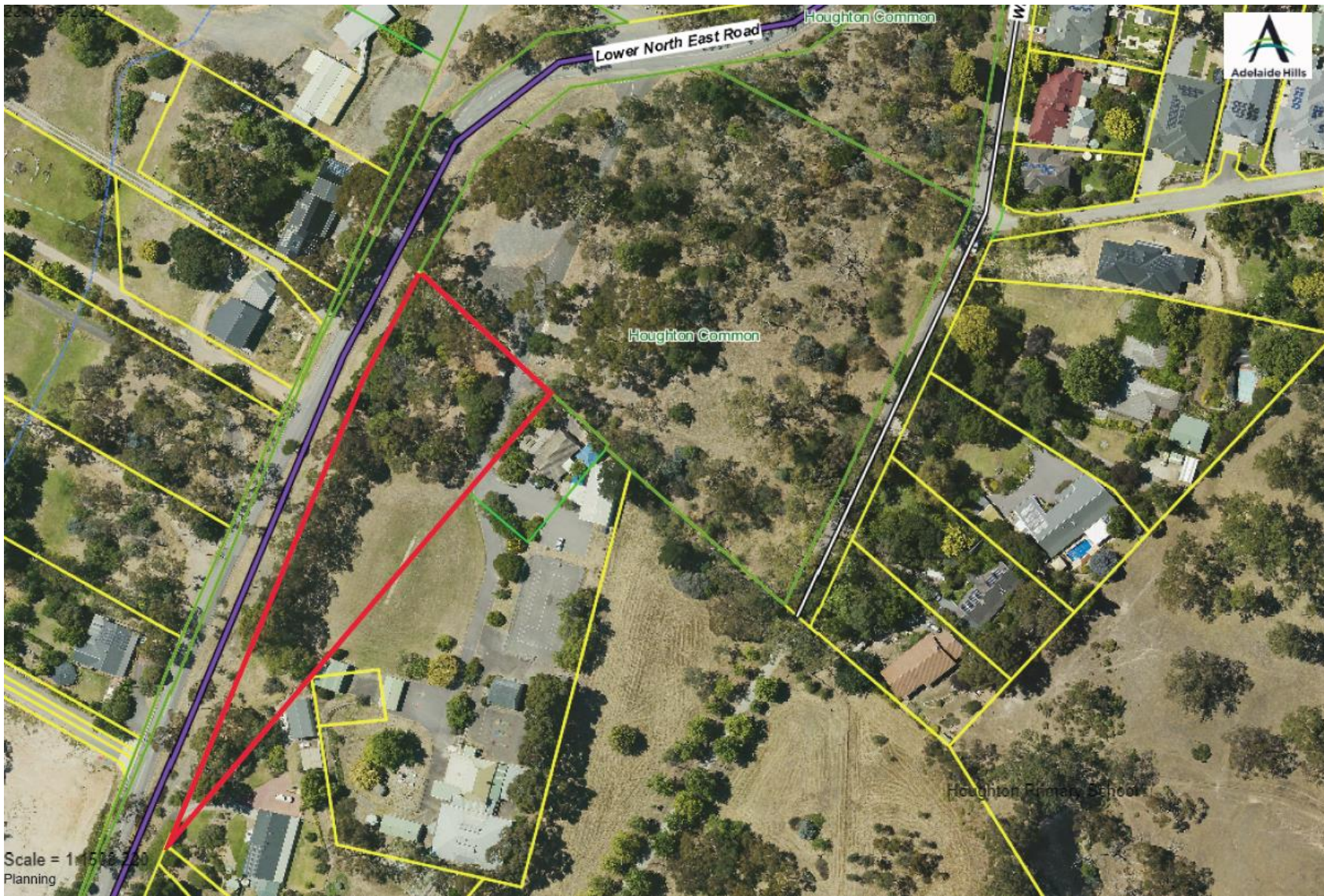
The Adelaide Hills Council supports the Houghton community with this request and we advocate on their behalf for the land to be returned to the community if it is no longer required by the State Government. I trust that the State Government will consider the wishes of the local Houghton community in their decision making process.

I would be happy to engage further with you in relation to this issue.

Yours sincerely



Dr Jan-Claire Wisdom
Mayor



3. Surplus Government Land notice – Duration of Confidentiality

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.1 in confidence under sections 90(2) and 90(3)(d) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first.
Related Attachments	Until the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first.
Minutes	Until the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first.
Other (presentation, documents, or similar)	NIL

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.
