



REPORT FOR

COUNCIL MEETING

MEETING DATE

27 JUNE 2023

RECORD NO:

D23/36764

REPORT OF:

STRATEGY & FINANCE

TITLE:

UNSOLICITED PROPOSAL - PORTION KIMBERLEY
RESERVE, MODBURY NORTH

PURPOSE

To provide Council with the opportunity to consider an unsolicited proposal received from Mrotek Town Planning on behalf of Oasis (Modbury North) Pty Ltd to acquire portion of Kimberley Reserve, Modbury North that would be amalgamated with private land to the north of the site to be developed for housing. Consideration of the proposal includes an amendment to the relevant Community Land Management Plan for community engagement.

RECOMMENDATION

That Council resolves to:

- a) **Provide “in principle” support for the community land revocation and the potential disposal of portion of Allotment 49 in D9814 in Certificate of Title 5111/510 located at 6-8 Kimberley Avenue Modbury North, being the portion identified in Attachment 8 to the Report titled “Unsolicited Proposal – Portion Kimberley Reserve, Modbury North” and dated 27 June 2023, pending community engagement and the outcome of negotiations with the proponent Oasis (Modbury North) Pty Ltd.**
- b) Note that should the community land revocation and disposal be supported, the proceeds from the sale of land will be used to fund improvements to the remaining portion of Kimberley Reserve and the local area
- c) Adopt the Community Engagement Strategy for the statutory consultation required under Sections 194 and 198 of the Local Government Act 1999 for the potential disposal of the land and amendment to the Community Land

Management Plan as identified in Attachments 4 and 5 of the Report titled **“Unsolicited Proposal – Kimberley Reserve, Modbury North” and dated 27 June 2023.**

- d) **Adopts Attachment 8 of the report titled “Unsolicited Proposal – Portion Kimberley Reserve, Modbury North” and dated 27 June 2023 as the report** required under Section 194(2) of the Local Government Act 1999 to be made publicly available during the community engagement period.
- e) Requests that the outcomes from community engagement be presented back to a future meeting of Council.

1. BACKGROUND

Council has received an unsolicited proposal from Mrotek Planning on behalf of Oasis (Modbury North) Pty Ltd as Trustee for Oasis (Modbury North) Unit Trust to purchase approximately 533 square metres of Kimberley Reserve, Modbury North (subject land) and amalgamate with the site to the north to facilitate low-density residential development (Attachment 1).

This report considers the proposal and the implications / opportunities it presents for the community, Council's obligations under the *Local Government Act 1999* regarding the sale of community land, and outlines the next steps if Council resolves to proceed further.

The total area of Kimberley Reserve is 5,206 square metres which has frontage to both Milne Road and Kimberley Avenue. The Certificate of Title is provided in Attachment 2.

The subject land is a small portion of Kimberley Reserve located with frontage to Kimberley Avenue. It is undeveloped with a dolomite path with some vegetation and a number of trees in poor to fair condition.

Kimberley Reserve is classified as 'community land' pursuant to the *Local Government Act 1999*. The subject land is the hatched area in the aerial image below.



The remainder of the land at 285-289 Milne Road has planning approval for the development of a Child Care Centre for up to 120 children. The apportioned parcels are shown in the aerial image.

Below is a summary of the process required to consider and progress the unsolicited proposal:

1. Council to consider the merits of the proposal and whether to proceed.
2. The proposal would trigger an amendment to the Community Land Management Plan which will require consultation with the community.
3. If Council were to support the proposal, prior to disposal or alienation of community land Council is required to follow the steps in its [Community Engagement \(Public Consultation\)](#) Policy which requires community engagement and approval from the Minister for Local Government.
4. Council to consider outcomes of community engagement and resolve whether to proceed with the sale.
5. If Council resolves to proceed with the sale, approval from the Minister for Local Government is required to revoke the community land classification prior to sale.
6. If the Minister approves the revocation Council then formally resolves to revoke the classification of community land on the portion for sale.
7. A land survey would be required to clearly define the subject land prior to land division, followed by settlement and transfer.

This report presents the information required by Council to determine whether the proposal warrants progressing to Step 3 above.

2. DISCUSSION

Council's *Unsolicited Proposals Policy* indicates that Council is willing to consider unsolicited proposals from private entities to explore innovative ideas that support local economic growth, contribute to the best use of public assets and deliver a high quality of service to the community in line with Council's Strategic Plan, vision and aspirations.

In determining whether an unsolicited proposal displays sufficient merit Council should have regard to the Principles of Consideration in the *Unsolicited Proposals Policy*.

Evaluation – Unsolicited Proposals Policy

An evaluation against the *Unsolicited Proposals Policy* was conducted by key staff. See Attachment 3. A summary is provided below.

The outcome would be an integrated development that would otherwise not occur due to the ownership of the land involved and the small size of the subject land.

An alternative development scenario (which does not rely on the subject land) would require access from Milne Road with a right of way over the proposed Child Care Centre site. This would result in a poor outcome for the community as the Child Care Centre would need to be reduced to accommodate the right of way and housing development located behind a child care centre should be avoided.

The main benefits of the proposal are:

- Efficient use of land, integrated development, better town planning outcome (eg dwelling frontages rather than rear fences along Kimberley Avenue, consistent setbacks, landscaped front yards, passive surveillance) and additional dwellings make the proposal unique.
The proponent has significant experience in the building industry and property development.
Improved and consistent streetscape.
- Opportunity for Council to fund community projects in the area using proceeds from the sale of an underutilised asset.
- The proposal meets a number of Council’s Strategic Objectives.
- There will be employment opportunities during construction of the housing and increased employment opportunities in the child care sector.

3. FINANCIAL

Both the *Unsolicited Proposals Policy* and *Disposal of Land and Acquisition of Land and Assets Policy* enable Council to recover from the proponent the costs of any application for land purchase. The proponent is willing to enter into a Deed of Undertaking to pay all associated costs incurred by Council associated with the process of selling the land.

“Associated costs” includes, but is not limited to, advertising costs, statutory and administration charges, survey costs, service relocation (e.g. stobie poles, water, sewer, gas mains, Telstra cables), fencing, valuation, legal and conveyancing costs or any other costs that the CEO deems appropriate to recover.

The subject land has been valued by an independent and Certified Practising Valuer with the value being within a range of \$290,000 and \$315,000.

The sale of the subject land will result in additional income for Council. The proceeds from the sale of the land would fund improvements to the remaining portion of Kimberley Reserve and the local area in accordance with Council’s [*Open Space Policy*](#).

Council would also receive additional rate revenue.

4. STRATEGIC OBJECTIVES

Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

Objective	Comments
Community	
<i>People can have a say in decisions that affect them and the key decisions of the Council</i>	Community engagement would be undertaken in accordance with Council's <i>Community Engagement (Public Consultation) Policy</i> .
Economy	
<i>A local economy that is resilient and thrives, where businesses are supported to grow and prosper, provide local jobs and sustain our community and visitors and utilize technology to improve the livability of our city</i>	Residential development is proposed for the subject land combined with privately owned land resulting in construction job opportunities in the area. This arrangement would remove the need for reduced size of the proposed child care centre which would also provide a benefit to the local economy.
Places	
<i>Streets, paths, open spaces and parks are appealing, safe and accessible</i>	Development will improve the streetscape if designed with sensitivity to the surrounding character and amenity.
<i>Housing is well designed and affordable and responds to the changing needs of existing and future residents</i>	Additional housing would be provided in the locality
Leadership	
<i>Planning considers current and future community needs</i>	Site is considered to be strategically suitable for disposal.
<i>Major strategic decisions are made after considering the views of the community</i>	Community engagement will be undertaken and views of the community will be considered.

Community Land Management Plans

The subject land is included in the Community Land Management Plan (CLMP) for Modbury North - Kimberley Reserve. An amendment to the CLMP would be required to reduce the size of Kimberley Reserve. The amended CLMP is in Attachment 4.

Policies / Strategies

As the unsolicited proposal involves a potential land sale, the evaluation must also consider Council's [Disposal of Land and Assets and Acquisition of Land Policy](#). See Attachment 6. The proposal is consistent with the policy as follows:

- Decision making will be by Council resolution enhancing accountability, transparency and reporting.
- The procedure to revoke the community land classification will be in accordance with legislative requirements.
- An independent valuation by a Certified Practising Valuer in South Australia has been obtained to assist with any final negotiations for purchase price.
- A risk assessment has been undertaken and is summarised in section 6 of this report.
- There are opportunities to enhance local economic development and growth.
- Costs associated with the proposal will be borne by the proponent.

The proposal is an unsolicited proposal and an evaluation has been undertaken in accordance with Council's [Unsolicited Proposal Policy](#). See Attachment 3. A summary is provided in the 'Discussion' section of this Council report.

Council's *Tree Management Policy* establishes Council's position regarding increase of canopy cover through the effective management of trees under Council's care and control. The existing trees on the subject land have been assessed by Council's Horticultural Team as being of poor to fair condition – Attachment 7.

Council's *Open Space Policy* acknowledges that high quality open space provides a number of benefits in areas undergoing urban consolidation. It is noted that urban infill has occurred on 7, 14, 16 Kimberley Avenue. Proceeds from the sale of the subject land would be used to improve Kimberley Reserve and for other improvements and upgrades in the local area.

5. LEGAL

Council must comply with the requirements of the *Local Government Act 1999* (the Act) when proposing the sale or disposal of community land and follow the relevant steps set out in its public consultation policy. A report required under section 194(2)(a) of the Act will be included with Community Engagement materials. See Attachment 8.

Ministerial approval to revoke the community land classification is also required and then Council must formally resolve to revoke the community land classification. The revocation process needs to be completed prior to sale or disposal of the subject land.

6. RISK – IDENTIFICATION AND MITIGATION

A risk assessment was undertaken by the Evaluation Panel with the key outcomes of the assessment summarised below.

- Loss of public open/green space.

Comment: The subject land is a small area of public open space ie. 533 square metres. The substantial portion of Kimberley Reserve will remain as community land for use by the community and improved using sale proceeds. Removal of the subject land represents approximately 10% of Kimberley Reserve.

- Housing development will increase traffic and on-street parking on Kimberley Avenue and surrounding street network.

Comment: Traffic and parking matters would be considered during the development assessment process as required by the Planning and Design Code SA, to ensure convenient and safe access is optimized.

There will be an estimated increase in traffic of 35 – 49 vehicles per day (based on an additional five to seven properties and seven trips per day which is the industry standard for estimating traffic volumes). It is also likely that on-street parking will increase in the immediate locality, however, Kimberley Avenue is able to adequately cater for this additional traffic.

- Potential loss of a ‘buffer’ between Kimberley Avenue and development on 285-289 Milne Road.

Comment: When it is constructed the proposed Child Care Centre would remove the sense of openness and sight lines from Kimberley Avenue to Milne Road that currently exist. The remainder of 285-289 Milne Road is in private ownership and likely to be developed in some form, if not for housing. This inevitability will remove the openness, regardless of what occurs on the subject land.

- The development may not proceed after sale and amalgamation.

Comment: The proponent has advised that a development application would be lodged within six months from revocation or sale and is prepared to enter into an agreement *requiring best endeavours to be exercised to complete the development within three years of obtain planning consent*. As a means of mitigating this risk to some extent, this requirement could be included in an agreement and/or as a condition of sale. Council would however need to consider the implications for

the developer if the condition was not met and whether it would be concerned if the site were to remain vacant for an extended period of time.

- The concept for the housing development is indicative only and could result in more than five dwellings as included in the proponent's proposal.

Comment: The Planning and Design Code regulates the development of a site including allotment sizes and maximum number of dwellings that may be built. The proponent has provided an indicative number of houses only and this could change.

7. SOCIAL AND COMMUNITY IMPACT

Key impacts would be:

- Improvements to Kimberley Reserve and other improvements in the local area utilising the proceeds from the sale of the subject land.
- Improvement in the streetscape through landscaping of front gardens and housing availability.
- Economic stimulus and job creation

8. ENVIRONMENTAL

The proposal for housing development over public open space would result in a loss of vegetation and two trees that are considered to be in fair condition. See Attachment 7.

Apart from the increase in impervious area due to the housing development it is considered that the environmental impact is low.

9. ASSETS AND INFRASTRUCTURE

The maintenance cost for the entire Kimberley Reserve in 2021-2022 was \$512 which includes the cost of the SA Water meter.

There are two easements in favour of SA Power Networks on the eastern and western side of the subject land. It is likely that these two easements were established to transfer electricity from a future substation and now are likely to be no longer required given the land that was to accommodate the substation has been purchased by the proponent and is in private ownership.

Confirmation with SAPN will be required in the future to extinguish the easements.

10. COMMUNITY AND STAKEHOLDER ENGAGEMENT

The proposed amendment to the CLMP would require community engagement as set out in the *Local Government Act 1999* as it is considered to have an impact on the interests of the community.

Revocation of the community land status would be required prior to sale and following community engagement. Community engagement for the amendment to the CLMP would be undertaken at the same time as the engagement for the revocation process.

A draft Community Engagement Strategy is Attachment 5 if Council considers the proposal worthy of further consideration and progress to the next step.

11. INTERNAL REPORT CONSULTATION

The following staff have been included in the consultation process in the preparation of this Report.

Name	Position	Consulted about
Gabby D'Aloia	Manager Technical & Engineering Services	Traffic movement
Dennis Kariuki	Project & Assets Engineer	Evaluation Panel Member. Stormwater Management.
Joshua Leong	Traffic Officer	Evaluation Panel Member Traffic and on street parking
Nick Bennett	Technical Officer Infrastructure Planning	Evaluation Panel Member Infrastructure assets
Deb Pearson	Accountant	Maintenance Cost
Sarah McDougall	Community Engagement & Research Coordinator	Community Engagement
Dean Coats	Team Leader (Arboriculture)	Tree assessment

Attachments

1. Unsolicited Proposal - Oasis (Modbury North) Pty Ltd - portion Kimberley Reserve	77
2. Certificate of Title 5111/570 Kimberley Reserve	108
3. Evaluation - Unsolicited Proposals Policy	109
4. Amended Draft Community Land Management Plan - Modbury North	112
5. Draft Community Engagement Strategy	123
6. Evaluation - Disposal of Land & Assets and Acquisition of Land Policy	132
7. Tree Assessment Report - portion Kimberley Reserve	137
8. Section 194(2) Report - Local Government Act 1999	140

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Unsolicited Proposal

Purchase of partially alienated Council reserve land
forming part of Kimberley Reserve, Modbury North

Prepared For: Oasis Property Group

20 April 2023

MROTEK TOWN PLANNING | 178 MAIN ROAD MCLAREN VALE



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1.0 EXECUTIVE SUMMARY

This submission proposes to purchase partially alienated Council reserve land for integration into adjoining land to be developed for a childcare centre and housing.

The proposal represents a unique 'moment in time' opportunity to make the best use of public assets in accordance with the Council's Strategic Plan, vision and aspirations; and deliver better community and housing infrastructure.

The proponent, the Oasis Property Group, owns adjoining land at 285-289 Milne Road, Modbury North. Development approval has been granted for a childcare centre leaving 1500m² for housing.

The proponent seeks to purchase council reserve land measuring 10.2m by 52.3m, or 533sqm in area that is off to the side of the main Kimberley Reserve. The shallow depth of the land and its location limits its usability for public purposes.

Sale of the land would allow for it to be integrated into a proposed childcare centre and low-density housing development that would result in the following benefits:

- better use of existing public assets,
- a positive outcome for the Kimberley Avenue streetscape,
- a better-quality childcare and low-density housing development estimated in value at \$4.55M, employing more than one hundred people during construction and once operating the childcare centre will employ twenty plus staff members; and
- potential for the Council to invest the proceeds of the sale into existing local reserves, including Kimberley Reserve.

The proponent as the main adjoining landowner is the only party capable of integrating the land into a development and therefore there are no other competing interests likely to emerge from an open market process.

The proponent acknowledges any sale of the land, if supported will be at or above the current market valuation, with due regard to all associated costs to achieve the transaction or such other amount as the Council resolves.

If the proposal is supported a superior development outcome can be achieved for 285-289 Milne Road. If it is not supported the strip of Kimberley reserve land will be rendered even less usable once the adjoining site is developed.

The development of the proponents adjoining land therefore represents a rare moment in time when a master planned and integrated approach to the design and development of the site, incorporating the alienated piece of reserve land is feasible.



2.0 PROPOSAL SUMMARY DETAILS

Proponent Details	Oasis Property Group
Proposal	Purchase of partially alienated Council reserve land forming part of Kimberley Reserve Modbury North measuring 10.2m by 52.3m, or 533sqm in area
Location of Development	The subject land is described in Council's Community Land Register as Kimberley Reserve (186), Lot 49 in Deposited Plan 9814, being the land contained in Certificate of Title 5111/510.
Kimberley Reserve Total Area	5,165 sqm
Land Area of reserve land subject to unsolicited proposal	532 sqm or 10.3% of total reserve land (refer Figure 1 below).
Use of reserve land subject to unsolicited proposal existing use	Gravel path, trees and shrubs (refer Figure 3 photo)



Figure 1: Reserve land subject to unsolicited proposal and 285-289 Milne Road, owned by Oasis Property Group (red and blue outline)



3.0 SUBJECT LAND & LOCALITY

The subject land (refer Figure 2 below) is approximately 10.2m by 52.3m or 533sqm in area.



Figure 2: Subject reserve land highlighted blue



Figure 3: View from Kimberley Avenue to the west, subject reserve land to the north and highlighted in blue (right of image) and dwelling to the south (left of image)



There are no regulated trees on the subject land that meet the minimum circumference requirements under the Planning, Development & Infrastructure Act.

The subject land is of mixed amenity. While providing a natural outlook the vegetation is patchy and unkept. The shrubs obscure visibility and provide potential hiding spaces thereby reducing the sense of safety.

In contrast the main part of Kimberley Reserve is an attractive and pleasant reserve consisting of taller trees and grassed areas. Infrastructure is limited to a concrete path and park bench limiting the reserves use to passive recreation such as walking and kicking a ball.



Figure 4: View of main Kimberley Reserve area from Milne Road

In terms of adjoining land uses, 285-289 Milne Road was previously used for primary production with remnant almond trees and other vegetation recently removed. Part of the site (2,500m²) has been approved for a childcare centre. The balance of the site (1500m²) is proposed to be developed with low density housing.

An existing dwelling at 10 Kimberley Avenue abuts and shares a 10.2m boundary with the eastern reserve boundary. To the north is Milne Road a busy collector Road.



5.0 PROPOSAL DISCUSSION

Description

If the proposal to purchase the land is supported, it will be added by way of a land division to 285-289 Milne Road for the purpose of supporting an enhanced childcare centre and low-density residential development.

An indication of how the subject land could be developed in association with 285-289 Milne Road is shown in Figure 5 below.



Figure 5: Preferred development concept incorporating reserve land.

The dashed red line in Figure 5 indicates the location of the reserve boundary relative to possible future development.

The concept demonstrates that dwellings with a substantial building setback to Kimberley Avenue can be developed supporting generous front yard landscaping and onsite visitor parking.



Objectives of Proposal

The development of the partially alienated piece of council land in association with private land at 285-289 Milne Road will result in the better management of public assets, improved Kimberley Avenue streetscape and a better-quality childcare and residential development.

The approved childcare centre plan assumes future access to the 1500sqm is to be obtained from Kimberley Avenue. If this vision is realised through purchase of the reserve land it will result in a superior childcare centre and residential development.

If the Council does not support this unsolicited proposal, then a revised approach to the design and development of the site, including the childcare centre, will be required.

A potential alternative design is shown in Figure 6 below. This alternative design while ticking all the Planning & Design Code minimum planning requirements is considered an inferior outcome compared to the design shown in Figure 5 and in Appendix A.

What is needed of the Council?

Council approval is sought to enter exclusive negotiations to purchase the strip of land at market rates.

It is recognised that exclusive negotiations and sale will be subject to the revocation of the land from community land status. This will involve a rigorous statutory consultation process to be undertaken with the community.

The nature and extent of expected outcomes

Subject to Council support to revoke the community land status and to sell the land a development application seeking approval for residential dwellings will be submitted within 6 months, with the site developed within 3 years of development approval being granted.

The benefits the proposal will deliver for Council and the Community

The sale of the land will benefit the Council and Community by:

- reducing council maintenance costs associated with the partially alienated strip of land,
- place downward pressure on council rates, and or assist with maintenance and upgrade of existing reserves,
- support potential improvements to local reserves, including Kimberley Reserve,



- allow for future residential dwellings to directly front Kimberley Avenue delivering a more attractive and safer streetscape; and
- support more onsite dwelling parking and landscaping of front yards.

Alternative Scenario for 285-289 Milne Road, Modbury North

In the event the unsolicited proposal is not supported the likely development scenario for the site is shown below in Figure 6.

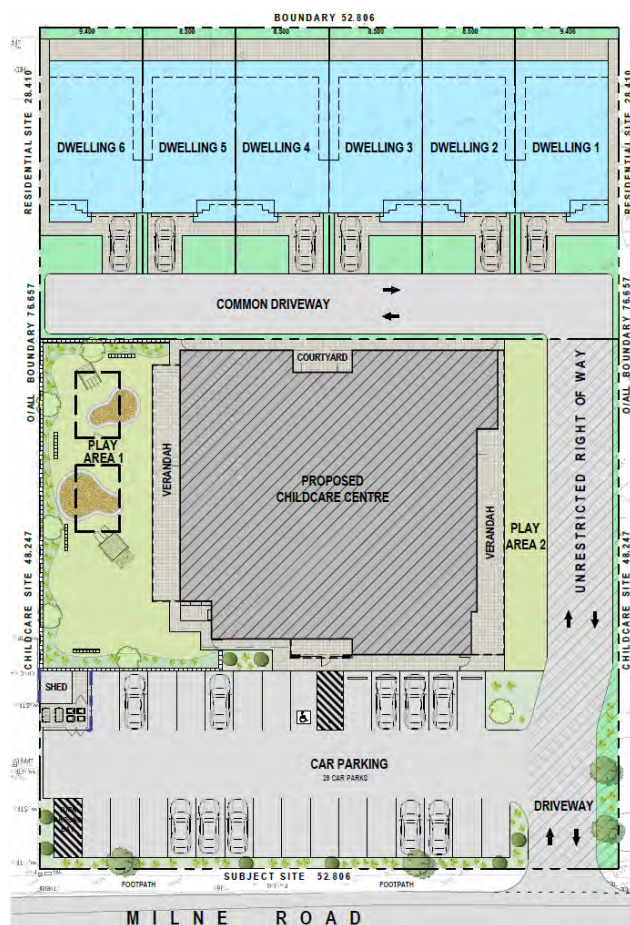


Figure 6: Alternative development concept based on no sale of the reserve land.

The above is a compromised design and development outcome for the following reasons:

- reduces childcare centre capacity from 120 children to 90-100 children and the viability of the centre,



- residential and commercial traffic is shared via a right of way, which is not ideal,
- future dwellings will turn their backs onto Kimberley Avenue making for a less attractive streetscape; and
- the alienated piece of Council reserve land will become physically more isolated and less useable.

The integration of the narrow strip of reserve land would therefore support a superior development design and outcome.



6.0 DESCRIPTION OF AGAINST EVALUATION CRITERIA

Community need/Council priority

The proposal will support delivery of the City of Tea Tree Gully Strategic Plan as follows:

City of Tea Tree Gully Strategic Plan	
Objective	Proponent Comment
Economy	
A local economy that is resilient and thrives, where businesses are supported to grow and prosper, provide local jobs and sustain our community and visitors and utilise technology to improve the livability of our city.	For an economy to be prosperous it must attract and retain a skilled workforce, who in turn require accommodation surrounded by good amenities, including quality parks and open spaces. The cost of maintaining land that is limited in its use, reduces the Council's capacity to invest in other more usable open spaces. The subject land, due to its partially alienated position off to the side of the main reserve limits its use options. Proceeds from the sale of the land would assist with placing downward pressure on rates and assist with funding reserve upgrades and improved reserve maintenance. The proposal will support a better development outcome that cannot otherwise be achieved without the addition of the Council reserve land. An enhanced development outcome will support the provision of childcare and associated employment, provision of housing to meet the needs of changing demographics, improved streetscape and potential



	enhancement of Kimberley Reserve, subject to Council budget decisions.
Leadership	
Leadership and advocacy is focused on the long-term interests of the community	Maintenance costs associated with underutilised council land represents both a financial burden to the City's ratepayers and a lost opportunity to invest in other more beneficial areas. Community expectations in relation to the quality of open spaces areas have increased, which requires investment in the renewal and where appropriate higher reserve service standards. Consequently, there has been a policy and service delivery trend towards investing in quality spaces over a quantity of open space.
Delivery of services is sustainable and adaptable.	The sale of the land will support council resources being used more efficiently and effectively and in areas more valued by the community.

Other benefits

Social, cultural and environmental	The proceeds of the sale will assist with strengthening Council's financial position and capacity to invest in the renewal of existing nearby parks and greening programs. Parks with better quality infrastructure and useable space are more likely to be utilised by the community, supporting healthier communities.
Economic benefit, activity and jobs	The combined development value of the childcare centre and residential development is estimated at \$4.55M. Both projects, while under construction, will employ more than one hundred



	people. The childcare centre once operating will employ twenty plus staff members. The land sale will support a better quality and more sustainable childcare centre and residential design and development outcome.
Housing supply	The proposal will assist with meeting high quality housing supply in the City, responding to changing demographics.

Negative Impacts

Loss of vegetation and perceived impact on amenity and outlook	The community may value the existing natural outlook more than, for example, dwellings with landscaped front gardens.
Traffic	The development of the site with 5 dwellings is expected to generate approximately 10 vehicle movements per dwelling, per day, or a total of 50 additional movements per day. Kimberley Avenue is a local road. Local roads are designed to support a capacity of up to 1500 vehicles per day. The addition of 50 vehicles per day is therefore unlikely to result in traffic volumes that create unsafe conditions or negatively impact on amenity on Kimberley Avenue.
Noise	There may be a concern about potential noise or activity associated with new dwellings. Typically, this will be limited to residents coming and going in vehicles as is the case in any residential environment.



Property values	The development of the land with housing may be perceived as either positively or negatively impacting on property values. The provision of a new childcare facility is likely to be appealing to young families, while the housing will be appealing to new residents, or existing residents looking to downsize or modernise, but continue living locally.
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Value for money

No financial or in-kind support is sought from Council to facilitate the proposal.

If supported by the Council the sale of the land will be at or above the current market valuation, with due regard to all associated costs to achieve the transaction or such other amount as the Council resolves.

Given the partially alienated location of the land off to the side of the main reserve, the proponent as the main adjoining landowner is the only party capable of developing the land for residential purposes.

A viable proposal from another party is therefore highly unlikely as the land is too narrow to develop.

A competitive process will therefore not yield better outcomes for the community and come at an administrative cost to the Council and community.

Capacity and capability of proponent

The Oasis Property Group is a new company comprising four directors that collectively have extensive property development and management experience in childcare centres and hospitality venues.

One of those directors is Mr Joe Scinto, founder and Director of Built Solutions. Built Solutions is one of South Australia's most respected commercial and residential home building companies. Mr Scinto has been involved in property development for many years and has been responsible for delivering several high-profile projects across Adelaide. Built Solutions is the builder of choice for Oasis



Property Group and has constructed multiple developments for the group as well as other entities.

A capability statement for Built Solution is provided in the Appendices to this proposal.

Oasis Property Group and its Directors have extensive experience in dealing with government, including negotiating the purchase of government land and obtaining relevant statutory approvals to undertaken development.

Oasis Property Group have several projects across Adelaide that are at various stages of development.

If the unsolicited proposal is supported, planning approval will be sought within 12 months and completion of the residential development within 3 years of Development Approval.

Council's Disposal of Land Assets and Acquisitions of Land Policy

The following assessment is offered in relation to the assessment criteria:

Ecological value – the land is shallow in depth at 10.2m and small in area at 532sqm. Existing vegetation is patchy and does not contain any important habitat. Once 285-289 Milne Road is developed to the north, the land will abut residential development on two boundaries and Kimberley Avenue to the south.

Trees and Vegetation – None of the existing vegetation is regulated under the Planning Development and Infrastructure Act.

Character and Appeal – The subject land is of mixed amenity. While providing a natural outlook the vegetation is patchy and unkept. The shrubs obscure visibility and provide potential hiding spaces thereby reducing a sense of safety.

Accessibility – This is limited to a gravel pedestrian path traversing the site, unlike the main reserve area which is serviced with a concrete footpath.

Recreational value – The land is not large enough to support any active activities such ball activities or sports. Its partially alienated location off to the side of the main reserve means it is out of sight and therefore not ideally suited for passive recreation.

Cost of maintenance – Currently maintenance includes the gravel path and vegetation and weed management. Once 285-289 Milne Road is developed, community expectations may increase in relation to the appearance and presentation of the land increasing the cost of maintenance.



Contamination – A preliminary site history report prepared for 285-289 Milne Road suggests land in the locality is unlikely to present a contamination risk.

Climate change – the subject property currently makes a limited contribution to the heat island affect, though some areas are bare earth and would therefore radiate more heat than those areas vegetated. If the land is integrated into future residential development, it will be used for a combination of front yard landscaping, including the opportunity for medium to large trees to be planted, and driveway access and vehicle parking.

Uniqueness of proposal

The proposal is unique in that only the owner of 285-289 Milne Road is likely to be capable or interested in the land given its location and dimensions. The development of the private land represents a rare moment in time opportunity where a master planned and integrated approach to the design and development of the site to include the alienated land will be feasible.

In conclusion the proposal represents a unique moment in time opportunity to make the best use of public assets, deliver better community infrastructure in the form of a childcare centre and deliver an enhanced residential development outcome to Kimberly Avenue.

7.0 FINANCIAL AND COMMERCIAL DETAILS

The proponent accepts Council's Disposal of Land and Assets and Acquisition of Land Policy, in that the purchase price for the land will be determined by an independent valuation commissioned by Council and undertaken by an accredited and reputable property valuer, at the proponents cost.

The proponent acknowledges an agreement in writing will be required to pay this purchase price before continuing the process of revocation of the community land status.

8.0 COST AND GOVERNANCE REQUIREMENTS TO COUNCIL

The proponent undertakes to follow all procedural requirements specified under Council policies and procedures to ensure Council's stipulated cost and governance requirements are met.



9.0 RISK ASSESSMENT

Risk: Landowner/developer is delayed or unable to undertake the proposed development and some of the benefits associated with the development of the site are delayed or not delivered.

Response/Mitigation: The landowner/developer is open to entering into an agreement requiring best endeavors to be exercised to complete the development within 3 years of obtaining planning consent.

10.0 INTELLECTUAL PROPERTY DETAILS

The proponent will adhere to relevant intellectual property requirements agreed to as part of any formal deed or contract with the City of Tea Tree Gully.

11.0 APPENDICES

Appendix A – Preferred Development Option and Alternative Inferior Option

Appendix B – Built Solutions Capability Statement

APPENDIX A

Item 12.2

Attachment 1

Superior proposal
incorporating Council
reserve land

OVERALL SITE PLAN
OPTION 1

SCALE 1:250

0 2.5 5 7.5 10 12.5m

SCALE BAR



Boundary information on this drawing has been provided via a detailed survey only. Prior to any building work commencing, it is the builder's responsibility to arrange a Boundary Identification survey to confirm all dimensions and set outs.

PR1	CONCEPT ISSUE TO CLIENT	VA	09/03/23
rev	details	dm	date

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building designers

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08 8130 3700

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www.aspexdesigners.com.au

ABN 73 090 085 037

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Verifying all dimensions & setbacks is the responsibility of the contractors. This drawing should not be scaled. Discrepancies should be reported immediately to the designer. This drawing shall be read in-conjunction with all other drawings, documents and specifications.

CONCEPT STAGE

project
**PROPOSED
RESIDENTIAL DEVELOPMENT**
address
285-289 Milne Rd,
Modbury North, SA, 5092
client
Built Solutions
sheet size
A2
drawing title
MASTER PLAN - OPTION 1
project no
BSL 3992
scale
1:250
drawing no
CD01
drawn
VA
revision no
PR1



LEGEND

- HATCH DENOTES EXTENT OF CHILDCARE
- HATCH DENOTES EXTENT OF NEW BUILDING WORK
- HATCH DENOTES EXTENT OF MODULAR PAVING
- HATCH DENOTES CAR PARKING AND DRIVEWAYS
- HATCH DENOTES EXTENT OF LANDSCAPING

OVERALL SITE PLAN
OPTION 1

SCALE 1:250

0 2.5 5 7.5 10 12.5m

SCALE BAR

Boundary information on this drawing has been provided via a detailed survey only. Prior to any building work commencing, it is the builder's responsibility to arrange a Boundary Identification survey to confirm all dimensions and set outs.

PR2	COUNCIL RESERVE NOTED	GZ	04/04/23
PR1	CONCEPT ISSUE TO CLIENT	VA	09/03/23
rev	details	dm	date

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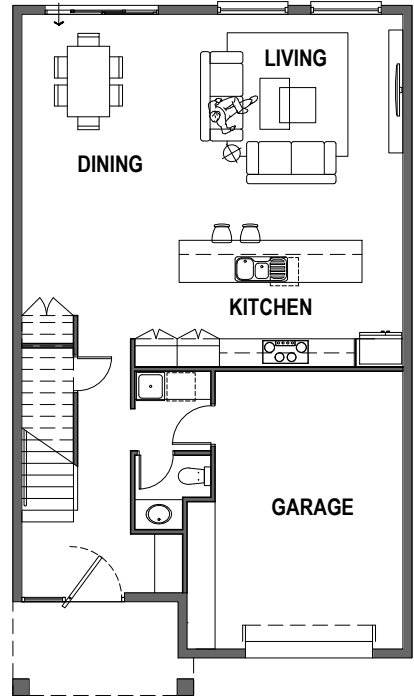
admin@aspexdesigners.com.au
www.aspexdesigners.com.au

ABN 73 090 085 037

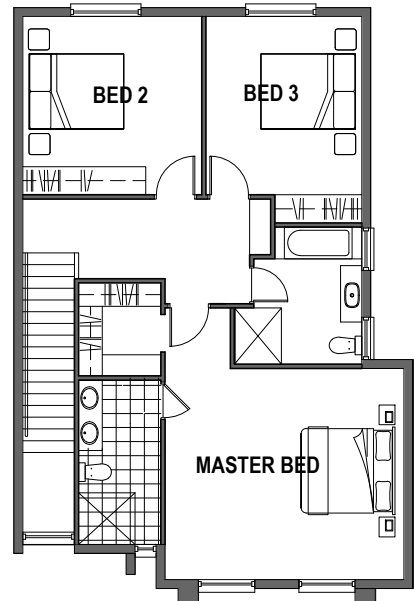
CONCEPT STAGE

project
PROPOSED
RESIDENTIAL DEVELOPMENT
address
285-289 Milne Rd,
Modbury North, SA, 5092
client
Built Solutions
sheet size
A2
scale
1:250
drawn
VA

drawing title
MASTER PLAN - OPTION 1
project no
BSL 3992
drawing no
CD01
revision no
PR2



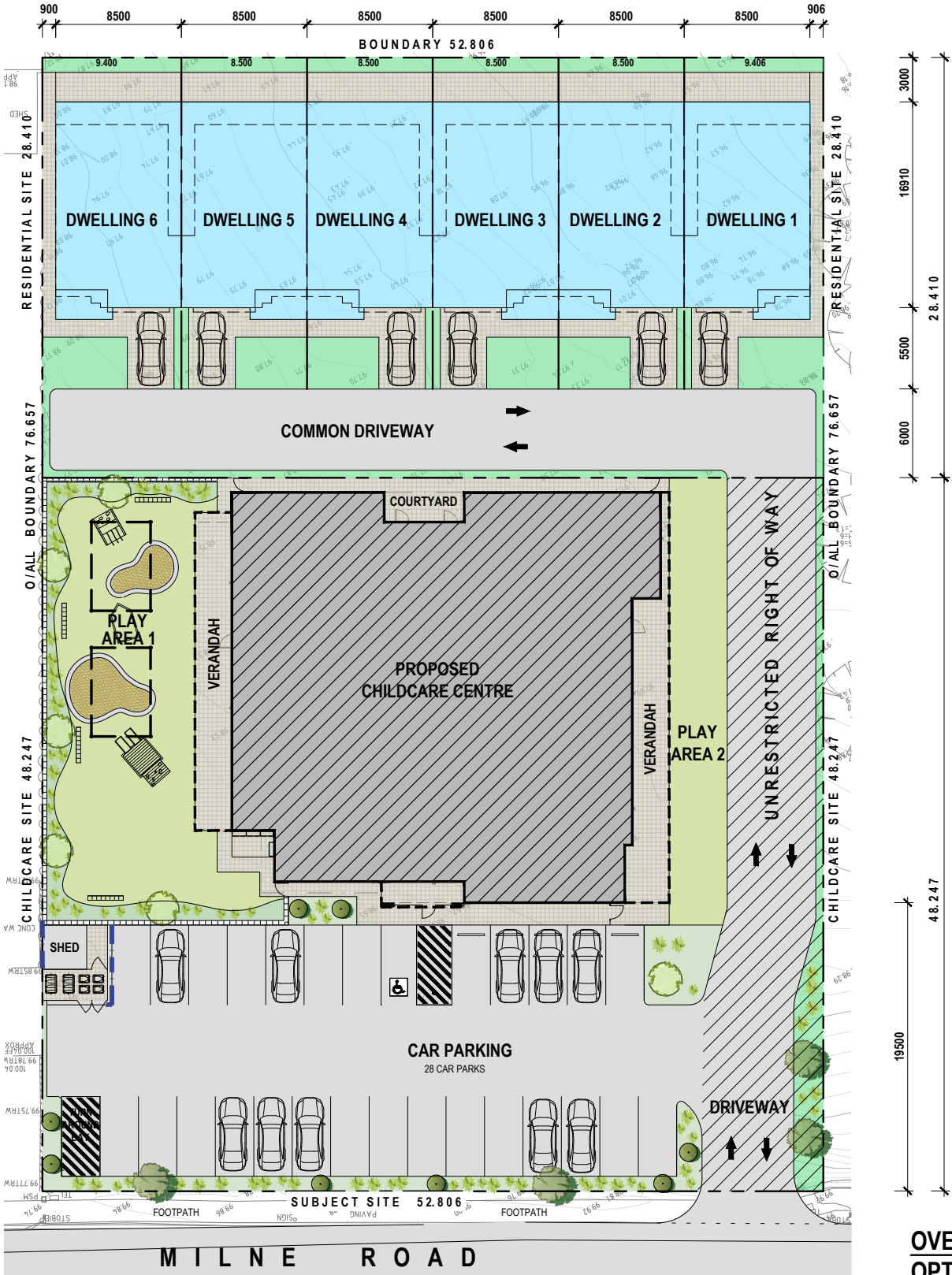
GROUND FLOOR
SCALE 1:100



FIRST FLOOR
SCALE 1:100

AREAS	(m ²)
GROUND FLOOR LIVING	79.5
FIRST FLOOR LIVING	81.0
GARAGE	23.5
PORTICO / VERANDAH	7.3
TOTAL	191.3

Inferior proposal - no council land



- LEGEND
- HATCH DENOTES EXTENT OF CHILDCARE
 - HATCH DENOTES EXTENT OF NEW BUILDING WORK
 - HATCH DENOTES EXTENT OF MODULAR PAVING
 - HATCH DENOTES CAR PARKING AND DRIVEWAYS
 - HATCH DENOTES EXTENT OF LANDSCAPING

Boundary information on this drawing has been provided via a detailed survey only. Prior to any building work commencing, it is the builder's responsibility to arrange a Boundary Identification survey to confirm all dimensions and set outs.

PR1	CONCEPT ISSUE TO CLIENT	VA	09/03/23
rev	details	dm	date

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CONCEPT STAGE

project
**PROPOSED
RESIDENTIAL DEVELOPMENT**

address
285-289 Milne Rd,
Modbury North, SA, 5092

client
Built Solutions

sheet size
A2

drawing title
MASTER PLAN - OPTION 2

project no
BSL 3992

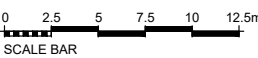
scale
1:250

drawn
VA

revision no
PR1

**OVERALL SITE PLAN
OPTION 2**

SCALE 1:250



APPENDIX B

Item 12.2

Attachment 1



built solutions

builtsolutions.com.au

(08) 8122 1699

**Business
CAPABILITIES**



ABOUT US

Delivering residential, commercial, industrial and turnkey solutions.

Built Solutions hold a reputation for high standards and value adding options for investment, industrial, commercial, multi-row and residential builds.

With over 25 years' experience, we guide our clients through the complex process of property development, building and property investment.

We pride ourselves on expert consultation. Built Solutions is an experienced team who delivers impeccable finishes and personalised customer service, every time.



OUR MISSION & VALUES

Our Mission

Our mission is to provide comprehensive and turnkey development solutions and investment opportunities for our clients.

Our Values

We value high standards and expert consultation developed over 25 years of experience.

Built Solutions give expert fixed price solutions and delivers custom designs and finishes with personalised service.

OUR DIRECTOR

Joe Scinto, Managing Director

Joe has more than 20 years experience in managing and directing an architectural design company as well as managing building projects. He has combined these two passions into his work at Built Solutions.

As a true custom builder, every project is unique, every building exclusive. Joe prides himself on delivering only the highest quality buildings for both commercial and residential clients and considers his business a 'one-stop-shop'. Joe and his team work with all of their clients every step of the way, creating turn-key finished builds that exceed client expectations.



KEY FEATURES & BENEFITS



Experience

For 25 years Built Solutions have delivered unique, exclusive and thoughtfully designed multi-storey mixed used, residential developments, bespoke childcare, medical facilities and industrial warehousing.



Value Adding

Our resources, relationships and knowledge provide seamless efficiency to our investors with a solid analysis on feasibility, repositioning and redevelopment that add value and instil trust.



Personalised Service

Our team provides individual attention and expert facilitation to guide our clients through all levels of the design and documentation process, right through to the construction phase.

WHAT WE DO BEST

Adelaide's Leading Custom Build Provider.

Commercial. Residential. Architectural Design. Planning Approvals.
Project Management. New Builds. Land Divisions.



Commercial & Industrial

We deliver innovative and collaborative concepts for optimum use.



Row & Multi-Dwellings

Our intuitive use of space and style maximises value and appeal.



Childcare & Medical

Our purpose built facilities are individually designed and solution focused.



New Builds and Estates

We provide a turnkey solution to suit your individual needs and requirements.





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Product	Register Search (CT 5111/510)
Date/Time	21/04/2023 01:29PM
Customer Reference	Kimberley Res
Order ID	20230421004688



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 5111 Folio 510

Parent Title(s)	CT 4012/156		
Creating Dealing(s)	RT 7440123		
Title Issued	09/03/1993	Edition 1	Edition Issued 09/03/1993

Estate Type

FEE SIMPLE (RESERVE)

Registered Proprietor

CITY OF TEA TREE GULLY
OF PO BOX 571 MODBURY SA 5092

Description of Land

ALLOTMENT (RESERVE) 49 DEPOSITED PLAN 9814
IN THE AREA NAMED MODBURY NORTH
HUNDRED OF YATALA

BEING A RESERVE

Easements

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED EASEMENT C ON DP 9814 FOR ELECTRICITY SUPPLY PURPOSES TO DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) (223LG RPA)

Schedule of Dealings

NIL

Notations

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



Attachment to Council Report 27 June 2023 – Unsolicited Proposal – Oasis (Modbury North) Pty Ltd - Portion Kimberley Reserve, Modbury North

Summary of Evaluation – Proposal to purchase portion Kimberley Reserve - against criteria in Council's Unsolicited Proposals Policy

Evaluation Criteria	Comments by the Evaluation Panel
Community Need/Council Priority The proposal should be consistent with the Council's objectives outlined in its Strategic Plan and provide a positive economic, social, cultural or environmental outcome for the Council.	Supports Council's Strategic Plan as follows: <i>Objective 4.1.</i> <i>Streets, paths, open spaces and parks are appealing, safe and accessible</i> The proposed residential development of the space will improve the appeal of the street through amenity improvement and landscaping <i>Objective 4.4. Buildings and places are well designed, energy efficient and display a uniqueness of character and identity</i> The space proposed for purchase is currently undeveloped and underutilised. Housing is contemplated with individual driveway access and landscaped front yards which is compatible with existing character of the locality.
Value for Money The proposal should represent value for money for Council and the community when any form of financial contribution or risk sharing with Council is proposed.	• Proponent requests approval to purchase narrow strip of land – portion of Kimberley Reserve (533 square metres – represents approximately 10% of Kimberley Reserve area). • In the submission no financial offer has been provided by the proponent at the time of the evaluation. • The subject land has been valued in the range \$290,000 - \$315,000 by a Licensed Practising Valuer. • Monetary offer is yet to be made, however proponent is aware of Council's policy for sale of Council land that Council requires market value (as a minimum) for the land. • The proponent acknowledges revocation of community land status is required and approval from Minister before Council can resolve to revoke the community land classification.

Attachment to Council Report 27 June 2023 – Unsolicited Proposal – Oasis (Modbury North) Pty Ltd - Portion Kimberley Reserve, Modbury North



Evaluation Criteria	Comments by the Evaluation Panel
Capacity and Capability of proponent The proponent should demonstrate it has the capacity and capability to deliver the proposal in a timely manner.	- The proposal reflects capacity and incentive to deliver the proposal. - The proponent has significant experience in the building sector. - Third parties have been involved to prepare the concept plans for the housing development proposal.
Council's Land and Assets Policy In the case of land and assets, the proposal should be considered against the principles and considerations outlined in Council's <i>Disposal of Land and Assets and Acquisition of Land Policy</i> .	Evaluation against the <i>Disposal of Land and Assets and Acquisition of Land Policy</i> has been undertaken and is an attachment to the Council Report of 27 June 2023.
Uniqueness of Proposal The proposal should exhibit sufficient uniqueness to justify a departure from the competitive bidding process.	The proponent owns the land to the north of the subject land. Unique aspects of the proposal: - Combining underutilised community land with land owned by the proponent. - Efficient use of land, integrated development, better town planning outcome (eg frontage to Kimberley Avenue, consistent setbacks, landscaped front yards, passive surveillance) and additional dwellings make the proposal unique. - Proponent could utilize own land for residential development without the portion of Kimberley Reserve as proposed – see alternatives scenario on page 9 of the proposal – however this is considered a less desirable outcome as it would reduce the footprint for housing and reduce the capacity of the proposed Child Care Centre. - Another alternate development in this way would most likely be townhouses with a shared driveway to the street. Access over Council land (Right of Way with no restrictions) would be required. This would have the same effect as disposal of the land as access would be free and unrestricted to allow access to the dwellings.



Attachment to Council Report 27 June 2023 – Unsolicited Proposal – Oasis (Modbury North) Pty Ltd - Portion Kimberley Reserve, Modbury North

Evaluation Criteria	Comments by the Evaluation Panel
	- Utilisation of the portion of Kimberley Reserve (approximately 533 square metres) as proposed could be undertaken by others with potential for one dwelling only – subject to a suitable design as the depth of the ‘allotment’ is approximately 10m with a wide frontage of approximately 50 metres. The proposal as presented provides the unique opportunity for an integrated development, efficient use of the land and improved streetscape. - The proposal maximises use of both portions of land. - Summary of reasons for justification to depart from the competitive bidding process: - Integrated development with owner of adjoining parcel (portion of 285-289 Milne Road) with minimal financial outlay by Council - Proposal provides for a high standard of residential development that would not otherwise eventuate - Unlikely that Council would develop that portion of the reserve for housing. In the unlikely event that this were to occur the development would be less than industry standard in terms of design due to the dimensions of the subject land – ie the shallow depth of the allotment (approximately 10m) and wide frontage.
No competing proposals The subject matter of the proposal should not already be under consideration by Council via an existing or planned procurement process.	- None known. - In this case, no weightings were applied to the criteria as there was only one proposal to consider and therefore no comparison necessary.

Community Land Management Plan

Modbury North

NOTE: Proposed amendment is to dimensions and area for Kimberley Reserve. This is indicated in the aerial map on page 11 of this document. The proposal is subject to formal adoption by Council following community engagement during July-August 2023

Coolabah Reserve, Oratanga Reserve, Fairleigh Reserve, Solandra Reserve, Beeanbee Reserve, Veronica Reserve, Famechon Reserve, Saturn Reserve, Gargarin Reserve, Neville Reserve, Rosemary Reserve, **Kimberley Reserve**, Vostock Reserve, Gold Reserve

Description

Identity of land the subject of this plan:

Coolabah Reserve (182)

Lot 471 in Deposited Plan 9655, being the land contained in Certificate of Title 3822/155, bounded by Warrandee Drive, Coolabah Street and Darrang Court. The attached plan identifies the location of the land. The land comprises a grassed area, concrete footpath, reserve furniture such as a park bench and signage.

Oratanga Reserve (181)

Lot 499 in Filed Plan 20497, being the land contained in Certificate of Title 3774/95, Lot 498 in Deposited Plan 9520, being the land contained in Certificate of Title 3774/95, Lot 500 in Deposited Plan 9520, being the land contained in Certificate of Title 3774/95, Lot 117 in Deposited Plan 7998, being the land contained in Certificate of Title 3525/64, bounded by Golden Grove Road, Oratanga Road and Rawlings Road. The attached plan identifies the location of the land. The land comprises extensive natural grasses and trees, wire mesh and permapipe fencing, creek, stormwater outlet, concrete footpath, reserve furniture such as a bin and signage.

Fairleigh Reserve (179)

Lot 101 in Deposited Plan 81574, being the land contained in Certificate of Title 6048/934, Lot 118 in Deposited Plan 7998, being the land contained in Certificate of Title 3525/64, Lot 65 in Deposited Plan 11264, being the land contained in Certificate of Title 5539/321, Lot 84 in Filed Plan 7454, being the land contained in Certificate of Title 5498/394, Lot 63 in Deposited Plan 11264 being the land contained in Certificate of Title 5539/294, Lot 66 in Deposited Plan 11264, being the land contained in Certificate of Title 5539/319, Lot 64 in Deposited Plan 11264, being the land contained in Certificate of Title 5539/323, Lot 46 in Filed Plan 132048, being the land contained in Certificate of Title 5752/914, Lot 20 in Deposited Plan 33180, being the land contained in Crown Record 5386/833, this parcel is also the subject of a Native Title Claim which at this point is unresolved. Bounded by Rawlings Road, Fairleigh Avenue, Beltana Avenue and Ladywood Road. The attached plan identifies the location of the land. The land comprises extensive natural grasses and trees, lighting, permapipe and wire mesh fencing, concrete and dolomite footpaths, playground, pedestrian bridge, creek, wetland, stormwater outlet/trash bags, reserve furniture such as park benches, bin and signage.



For more information, please contact us on 08 8397 7444
or visit www.teatreegully.sa.gov.au

Solandra Reserve (218)

Lot 226 in Deposited Plan 10319, being the land contained in Certificate of Title 5552/392, bounded by Solandra Way, Solandra Crescent, Ladywood Road and Montague Road. The attached plan identifies the location of the land. The land comprises extensive natural grasses, trees, irrigated playspace, dolomite footpath, shade covered playground, creek, storyboard information, viewing platform, stormwater outlet, aquifer storage and recovery well, monitoring well, agricultural style fencing, reserve furniture such as park benches and table, drinking fountain, bins, signage, public toilets, shade structures and BBQ's.

Beeanbee Reserve (240)

Lot 62 in Deposited Plan 19160, being the land contained in Certificate of Title 5386/203, Lot 501 in Deposited Plan 58264, being the land contained in Certificate of Title 5873/619, Lot 66 in Deposited Plan 33888, being the land contained in Certificate of Title 5067/489, bounded by Ladywood Road, Legacy Crescent, Beeanbee Court, Jaycee Street and Solandra Way. The attached plan identifies the location of the land. The land comprises extensive natural grasses and trees, a grassed area with irrigation, landscaping, tubular fencing, creek, stormwater outlet, concrete footpath, pedestrian bridge, reserve furniture such as park bench, gazebo, signage and bin.

Veronica Reserve (276)

Lot 215 in Deposited Plan 10320, being the land contained in Certificate of Title 5553/745, Lot 33 in Deposited Plan 10655, being the land contained in Certificate of Title 5486/49, bounded by Veronica Avenue and Dianthus Crescent. The attached plan identifies the location of the land. The land comprises extensive natural grasses and trees, basket ball ring, adult fitness equipment and dolomite footpaths.

Famechon Reserve (259)

Lot 1003 in Deposited Plan 75298, being the land contained in Certificate of Title 5999/517, Lot 1004 in Deposited Plan 75298, being the land contained in Certificate of Title 5999/518, Lot 121 in Deposited Plan 11253, being the land contained in Certificate of Title 5539/375, Lot 31 in Deposited Plan 10655, being the land contained in Certificate of title 5798/139, Lot 156 in Deposited Plan 20221, being the land contained in Certificate of Title 5467/394, Lot 28 in Deposited Plan 10730, being the land contained in Certificate of Title 5740/761, bounded by Famechon Crescent, Solandra Crescent and Carruthers Drive. The attached plan identifies the location of the land. The land comprises a grassed area with irrigation, landscaping, lighting, permapine tubular fencing, concrete and dolomite footpaths, extensive natural grasses and trees, playground, reserve furniture such as park benches, bin.

Saturn Reserve (171)

Lot 292 in Deposited Plan 9487, being the land contained in Certificate of Title 5519/649, bounded by Armstrong Crescent, Aldrin Crescent and Saturn Crescent. The attached plan identifies the location of the land. The land comprises a grassed area with irrigation, playground and basketball ring, paved footpath, lighting, landscaping, reserve furniture such as park bench, wooden table and chair, bin and signage.

Gagarin Reserve (170)

Lot 164 in Deposited Plan 9458, being the land contained in Certificate of Title 5430/246, bounded by Gagarin Street and Armstrong Crescent. The attached plan identifies the location of the land. The land comprises extensive natural grasses and trees, stormwater outlet, gravel footpath.



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or visit www.teatreegully.sa.gov.au**

Neville Reserve (177)

Lot 638 in Deposited Plan 7863, being the land contained in Certificate of Title 5519/161, bounded by Anthony Road and Neville Avenue. The attached plan identifies the location of the land. The land comprises extensive natural grasses and trees, playground, reserve furniture such as park bench, signage and bin.

Rosemary Reserve (176)

Lot 677 in Deposited Plan 7864, being the land contained in Certificate of Title 5519/9, bounded by Rosemary Drive, Primmer Avenue and Ebony Avenue. The attached plan identifies the location of the land. The land comprises a grassed area with irrigation, permapine barriers, dolomite footpath, reserve furniture such as a park bench and bin.

Kimberley Reserve (186)

Lot 49 in Deposited Plan 9814, being the land contained in Certificate of Title 5111/510, bounded by Milne Road and Kimberley Avenue. The attached plan identifies the location of the land. The land comprises extensive natural grasses and trees, permapine fencing, dolomite footpath, reserve furniture such as a park bench.

Vostock Reserve (250)

Lot 160 in Deposited Plan 9457, being the land contained in Certificate of Title 5518/928, bounded by Vostock Place and Gagarin Street. The attached plan identifies the location of the land. The land comprises a grassed area with irrigation, playground, park bench and signage.

Gold Reserve (1)

Lot 104 in Deposited Plan 13474, being the land contained in Certificate of Title 5697/352, bounded by North East Road, Golden Grove Road and Gold Court. The attached plan identifies the location of the land. The land comprises a grassed area with irrigation, permapine fencing, and dolomite footpath.



For more information, please contact us on 08 8397 7444
or visit www.teatreegully.sa.gov.au

Purpose

Council retains this land for the following purposes:

The Council is required by Section 7 of the Local Government Act 1999 to “provide services and facilities that benefit its area, its ratepayers and residents and visitors to its area, including amongst other things recreational facilities”. This land is retained by Council to provide passive recreation facilities for the community and other visitors. The casual hire of these reserves can be arranged by contacting Council’s Call Centre 8397 7444.

The land is not otherwise the subject of any formalised lease or licence. Council may grant a lease or licence of the whole or any part of the land during the life of this management plan.

Council will consider the land in regards to it being suitable for the purpose and may with its powers under Council’s By-Laws restrict or prevent activities that are considered to be inappropriate for the land.

Objectives

Council’s objectives for managing this land are as follows:

The Council seeks to ensure that all of its assets are utilised to their maximum potential. In particular the land serves to meet the Council’s desire that residents are able to partake in a range of activities to achieve a balanced life incorporating recreation opportunities.

Management Proposal

These are the Council’s proposals for managing this land:

The land comprises extensive natural grasses and trees, grassed area, irrigation, landscaping, tubular, mesh and permaline fencing, wetlands, creek and stormwater outlet, concrete, gravel and dolomite footpaths, pedestrian bridge, reserve furniture such as park benches, bins and signage. The following are proposed:

1. **Grassed area**
The grassed areas are currently equipped to satisfy the needs of regular users. As required, controllers and sprinklers are replaced or repaired to maintain a service standard consistent with its existing use. The sites are regularly mowed and watering occurs in accordance with the Code of Practice for Irrigated Public Open Space as regulated by SA Water.
2. **Landscaping**
Some reserves are partly irrigated to landscaped garden beds and grassed areas. Most contain mature trees and native grasses and Council staff attend to the upkeep of these properties by conducting horticultural maintenance practices such as mowing, weeding, pruning, etc.
3. **Fencing**
Reserve boundary fencing adjacent to residential or commercial properties are not managed or maintained by Council in accordance with the Fences Act 1975. Fencing rails or panels at other sites independent of “boundaries” are repaired or replaced to ensure that they are structurally sound and suit the intended purpose.
4. **Creek Maintenance**
Watercourses and creeks generally are inspected on a regular basis for the management of weed growth and pollutants. It may be necessary to carry out earth works to address erosion.

5. Wetlands

Council will maintain these by undertaking the following activities as required:

- (a) Silt removal
- (b) Reed monitoring and control such as pruning or removal
- (c) Surrounding vegetation management
- (d) Cleaning of trash bags
- (e) Water quality testing

6. Reserve Furniture

Park benches, signage, bins and gazebo are common features within these reserves. This equipment is checked on a regular basis to establish that the fixtures and fittings are mechanically sound and suit their intended purpose. Plumbing, painting and carpentry improvements will be carried out as required to ensure the robust nature of these fixtures.

7. Stormwater outlet and culvert

Council regularly inspects stormwater outlets, culverts and side entry pits to remove any potential blockages and carry out repairs as necessary to minimise the risk of flooding.

8. Footpaths

Footpaths within these reserves are formed of dolomite. Defects in the footpaths are often reported by local residents and through the "Customer Response Management" system, Council will then attend to its repair. Tripping hazards are also recorded via Council resources and as required will either be replaced or repaired.

9. Pedestrian Bridge and Viewing Platform

Hand rails, decking timber and other structural elements such as abutments are inspected on a regular basis to check the fittings and fixtures are mechanically sound. As required, painting and carpentry work is carried out to ensure the safety of these bridges.

10. Playground

Play equipment is regularly inspected to check that the fittings and fixtures are mechanically sound. Any soft fall area is inspected and re-levelled regularly including raking and topping up annually.

11. Lighting

Some reserves are equipped with lighting to illuminate the pathways and nearby equipment. The post top lamps are checked for electrical and structural integrity as required.

12. Aquifer Storage and Recovery Well

Aquifer storage and recovery equipment includes pumps, monitoring electronics, small sheds and service pits. Council manage and repair electronics and other equipment as required.

Council has a regular maintenance schedule, which is reviewed prior to the setting of the Council's annual budget. The schedule provides for the Council's staff to attend to the upkeep of the land in a reasonable fashion bearing in mind the requirement on Council to attend to the management of its other City wide assets.

Subject to compliance with the requirements of all relevant legislation the Council may, during the life of this management plan, develop the land by erecting buildings or structures which will enhance the use of the land as a recreation facility.

Council Policies

The following Council policies also effect how the Council will manage this land:

- Asset Management Policy
- Boundary Fence Management Policy
- Building & Swimming Pool Inspections Policy
- Community Centres Policy
- Disability Discrimination Act Policy
- Environmental Sustainability Policy
- Community Engagement (Public Consultation) Policy
- Risk Management Policy
- Smoke Free Policy
- Tree Management Policy

These policies may be viewed at the Council's office and at the Council's Library. Copies may be provided on request.

Other Government Policies

The following State Government policies and plans concerning conservation and development relate to this land:

The land is in Residential Tea Tree Gully, Residential Central, Golden Grove Residential Zones, Special Use Zones, District Commercial 2 Zones.

The Council's Development Plan governs what activities may occur on the land and how it may be developed during the life of the Plan.

The Council has adopted by-laws which effect and regulate activities on Council land:

- The Council's "Dogs" by-law
- The Council's "Roads" by-law
- The Council's "Local Government Land"

Performance Appraisal

The Council will measure how it has managed the land in the following ways:

The Council regularly undertakes community consultation studies and surveys and will include a request that respondents comment on their views of and experiences in using the land. In addition the Council invites people to comment to the Council via its website, by post or facsimile, in person at the Council offices and by telephone.

The Council will record all complaints and compliments and attend to those requiring action. In addition complaints and compliments will be reported on annually at a meeting of the Council.

The Council has adopted a performance management system to record successful achievement of employee functions. Regular assessment and reporting of compliance with the Council's asset maintenance programme is integral to this process.

As part of the horticultural management of the land the Council will carry out "random anonymous audits" to measure whether the Council is meeting its objectives expressed in its management schedule. The Council will review this Management Plan within 5 years of the date of its adoption and as appropriate amend maintenance as required.

Development

There are no immediate plans to develop these sites.

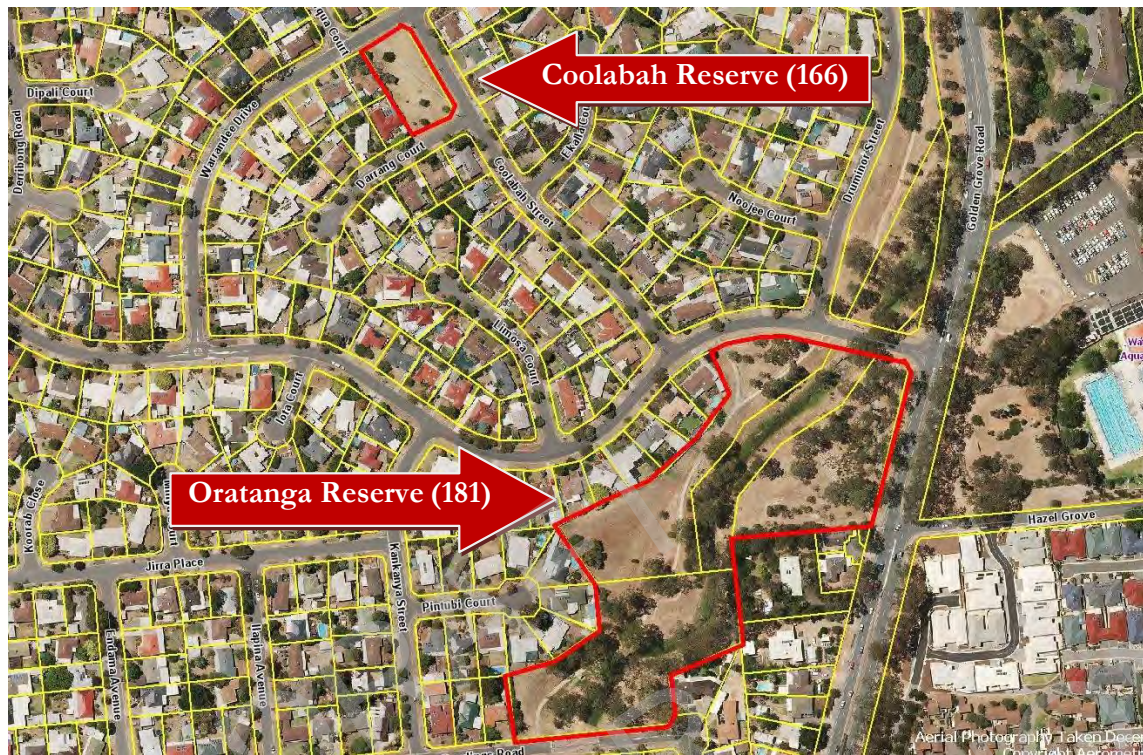
Council can, however, consider any future development on each site beyond the 2014/2015 financial year, in particular the removal and/or replacement of above ground infrastructure and equipment until the expiry of the Management Plan. Any development will be subject to future budget bids and consultation with the Community.

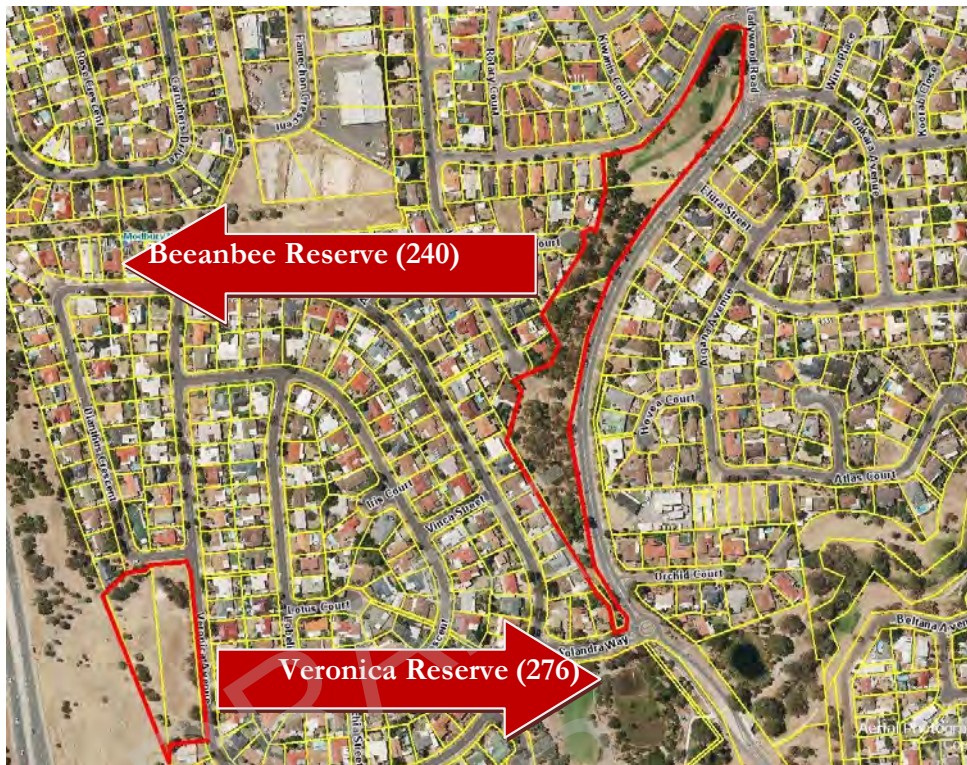
Date of Adoption and Amendments

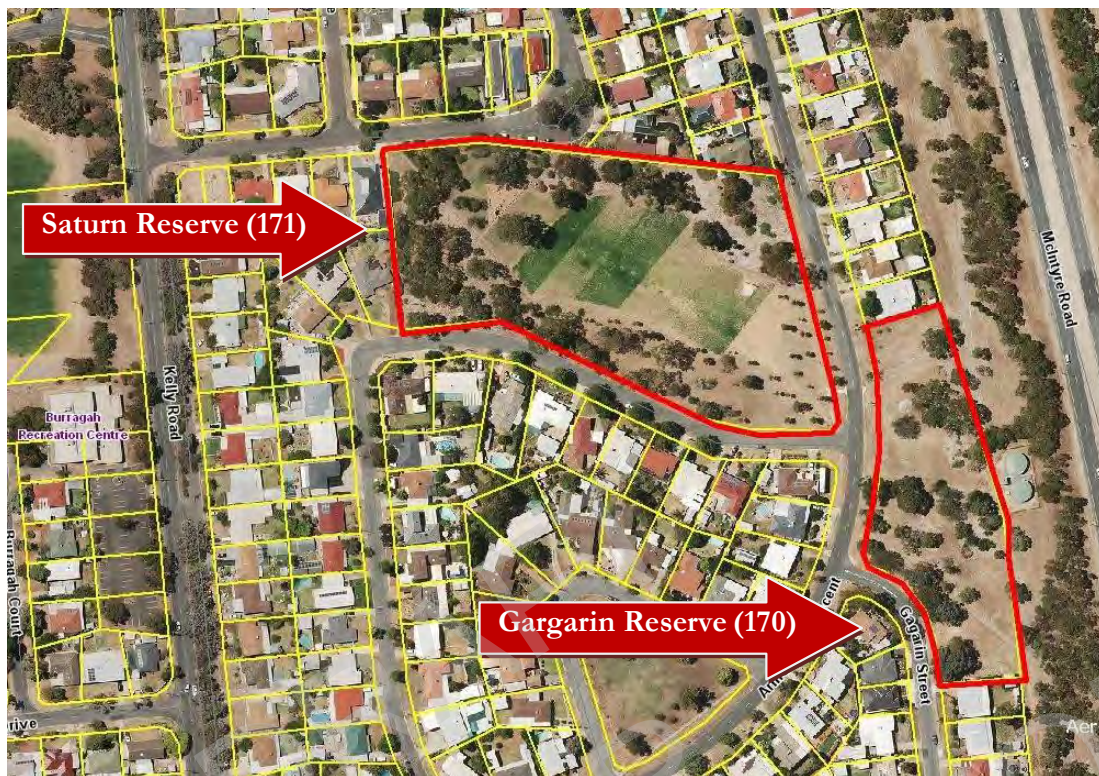
Adopted by the City of Tea Tree Gully at a meeting of the Council on 13 October 2015.

CLMP amendment endorsed by Council 19 January 2021 - to include public toilets, shade structures and BBQs - Solandra Reserve.

CLMP amendment proposed to dimensions and area of Kimberley Reserve aerial map.









Portion of Kimberley Reserve, Modbury North – community land classification revocation & CLMP amendment

Community Engagement Strategy



Background of project (brief overview/description)

Introduction

Council has received an unsolicited proposal from Mrotek Planning on behalf of Oasis (Modbury North) Pty Ltd to purchase approximately 533 square metres of Kimberley Reserve located at 6-8 Kimberley Avenue, Modbury North (subject land). The total area of Kimberley Reserve is 5,206 square meters which has frontage to both Milne Road and Kimberley Avenue.

The subject land is located to the east of the main area of the Reserve and located south of land at 285-289 Milne Road, Modbury in the ownership of the proponent. It is undeveloped with a dolomite path with some vegetation on it. The trees have been assessed by Council and are considered to be in poor to fair condition.

Kimberley Reserve is classified as 'community land' as defined in the *Local Government Act 1999*. The subject land is in the General Neighbourhood Zone (Planning and Design Code SA).

The proposal

The proponent wishes to purchase the subject land from Council and amalgamate it with land to the north in its ownership. Combining both parcels of land will provide a total of around 2,000 square metres which is proposed to be developed for low-density housing (5-7 houses, maximum two storeys), with frontage to Kimberley Avenue.

The remainder of the land at 285-289 Milne Road has planning approval for the development of a Child Care Centre for up to 120 children. The apportioned parcels and subject land area are shown in the aerial image below.



Portion of Kimberley Reserve – community land classification revocation & CLMP amendment
– community engagement strategy

Portion of Kimberley Reserve, Modbury North – community land classification revocation & CLMP amendment

Community Engagement Strategy



The subject land has been valued in the range of \$290,000 and \$315,000 by an independent and Certified Practising Valuer.

Council would use the proceeds of a sale of the subject land to improve the remainder of Kimberley Reserve and for upgrades/improvements in the local area.

Consideration of Council policies

Council's *Unsolicited Proposals Policy* indicates that Council is willing to consider unsolicited proposals from private entities to explore innovative ideas that support local economic growth, contribute to the best use of public assets and deliver a high quality of service to the community in line with Council's Strategic Plan, vision and aspirations.

In determining whether an unsolicited proposal displays sufficient merit to progress and enter into exclusive negotiations, Council must have regard to the Principles of Consideration in the *Unsolicited Proposals Policy*.

Both the *Unsolicited Proposals Policy* and *Disposal of Land and Acquisition of Policy* enable Council to recover from the proponent the costs of any application for land purchase. The proponent is willing to enter into a Deed of Undertaking to pay all associated costs incurred by Council associated with the process of selling the land.

As the unsolicited proposal involves a potential land sale, the evaluation must also consider Council's *Disposal of Land and Assets and Acquisition of Land Policy*. The proposal has been evaluated and found to be consistent with the policy.

Council's *Tree Management Policy* establishes Council's position regarding increase of canopy cover through the effective management of trees under Council's care and control. The existing trees on the subject land have been assessed by Council's Horticultural Team as being of poor to fair condition. The proposal for housing development over public open space would result in a loss of vegetation and two trees that are considered to be in fair condition.

Apart from the increase in impervious area due to the housing development it is considered that the environmental impact of the proposal is low.

Assessment of how the implementation of the proposal would affect the area and the local community

Implementation of the proposal would affect the area and the local community as follows:

Positive effects:

- The local community and the area will directly and indirectly benefit through economic stimulus and jobs created from the housing development
- Maximum development of the childcare centre would result, providing a needed service in the area. The capacity of the child care centre would be reduced without Council's land to provide access to the proposed housing development
- Efficient use of land, integrated development, better town planning outcomes (eg frontage to Kimberley Avenue rather than rear fences, consistent setbacks, landscaped front yards, passive surveillance) and additional housing in the area
- The proponent has significant experience in the building industry and property development

*Portion of Kimberley Reserve – community land classification revocation & CLMP amendment
– community engagement strategy*

Portion of Kimberley Reserve, Modbury North – community land classification revocation & CLMP amendment



Community Engagement Strategy

- Improved and consistent streetscape
- Opportunity for Council to fund community projects in the area using proceeds from the sale of an underutilised asset.
- The proposal meets a number of Council's Strategic Objectives.

Negative effects:

- Loss of open and green space
- Potential loss of a 'buffer' between Kimberley Avenue and development on 285-289 Milne Road
- Housing development will increase traffic and on-street parking on Kimberley Avenue and surrounding street network
- The development may not proceed after sale and amalgamation

Conclusion:

On balance, it could be considered that the benefits of the proposal outweigh the disadvantages as the sale proceeds would be invested in the local area and improvements in Kimberley Reserve. The existing trees are in poor to fair condition, one is likely to be retained, others could be replaced and landscaping in front of the proposed dwellings would enhance the streetscape.

The following is also noted:

- When it is constructed the proposed Child Care Centre would remove the sense of openness and sight lines from Kimberley Avenue to Milne Road that currently exist. The remainder of 285-289 Milne Road is in private ownership and likely to be developed in some form, if not for housing. This inevitability will remove the openness, regardless of what occurs on the subject land.
- The area of public open space that is the subject land consists of 533 square metres. This is adjacent to the larger portion of Kimberley Reserve which will remain as community land for use by the community. Removal of the subject land represents approximately 10% of all of Kimberley Reserve and will leave 4,673 square metres of public open space for community use.
- It is likely that on-street parking will increase in the vicinity of the proposed development as residents and visitors may choose to park on the road. This would result in changed conditions for road users but is manageable on low volume roads such as Kimberley Avenue and Apex Avenue.
- There will be an estimated increase in traffic of 35 – 49 vehicles/day (based on an additional five to seven properties and seven trips per day which is the industry standard for estimating traffic volumes). Kimberley Avenue is able to adequately cater for this additional traffic.
- Stormwater management and flow implications would be assessed during the development application process and flooding risk mitigation measures identified during this process.
- The proponent has advised that a development application would be lodged within six months from revocation or sale and is prepared to enter into an agreement *requiring best endeavours to be exercised to complete the development within 3 years of obtaining planning consent*. As a means of mitigating this risk to some extent, this timeframe could be included in an agreement and/or as a condition of sale.

Portion of Kimberley Reserve, Modbury North – community land classification revocation & CLMP amendment

Community Engagement Strategy



Legislative requirements

Community land classification revocation

Council must comply with the requirements of the Local Government Act 1999 (the Act) when proposing the sale or disposal of community land and follow the relevant steps set out in its public consultation policy. A report required under section 194(2)(a) of the Act will be included with the community engagement materials (available on the 'Have Your Say' website, at Council's Civic Centre reception and posted on request).

Ministerial approval for the proposal is subsequently required (section 194(3) of the Act), following which Council must formally resolve to revoke the community land classification. The revocation process is to be completed prior to sale or disposal of the land.

Community Land Management Plan – Modbury North

The subject land is included in the Community Land Management Plan (CLMP) for Modbury North, in which Kimberley Reserve is listed. An amendment to the CLMP would be required to reduce the size of Kimberley Reserve, should the proposal proceed.

The proposed amendment to the CLMP would require community engagement as set out in the Act as it is considered to have an impact on the interests of the community. Community engagement for the amendment to the CLMP would be undertaken at the same time as the engagement for the revocation process.

Community engagement

Community engagement will be undertaken to understand the views of local residents, business owners/managers, community groups, key stakeholders and the broader community on this proposal. All feedback provided will be presented to Council for consideration prior to making any further decisions about this proposal.

This community engagement strategy has been developed in line with the City of Tea Tree Gully's [Community Engagement Public Consultation Policy](#)

Portion of Kimberley Reserve, Modbury North – community land classification revocation & CLMP amendment



Community Engagement Strategy

What do you want to achieve from the community engagement?			
Information gathering only	☐	Validation of research/data	☐
Identification of need(s)	☐	Seeking guidance/direction	☒
Obtaining local knowledge	☐	Location specific information	☒
Obtaining feedback on activity	☒	Interest specific information	☐
Other (please specify)	☐		
Key objectives/purpose of the community engagement: - To inform the community of the: - unsolicited proposal from Oasis (Modbury North) Pty Ltd to purchase a portion of Kimberley Reserve, which would be amalgamated with private land for low-density housing development - amendment to the CLMP for Modbury North (subject to outcomes of community engagement and relevant Ministerial & Council approvals to revoke the community land classification) - To inform the community of the steps required to revoke (change) the community land classification - Advise that the proceeds from the disposal of the subject land would be used to improve the remainder of Kimberley Reserve and for upgrades/improvements in the local area - To seek community feedback regarding the revocation of the community land classification of a portion of Kimberley Reserve, for the purpose of selling this portion to Oasis (Modbury North) Pty Ltd to facilitate low-density housing development (as per the unsolicited proposal), and amendment to the relevant CLMP			
Start and end dates of the planned community engagement			
Start: 10 July 2023		End: 4 August 2023	
Is there a statutory/legal requirement to engage?	Yes ☒	No ☐	
Has community engagement relating to the project/activity been previously undertaken?	Yes ☐	No ☒	
Level of community engagement on the spectrum identified			
Inform ☐	Consult ☒	Involve ☐	Collaborate ☐

Portion of Kimberley Reserve, Modbury North – community land classification revocation & CLMP amendment

Community Engagement Strategy



Areas/locations to be targeted as part of the strategy			
Whole of region/Council area			☐
Balmoral Ward	☐	Pedare Ward	☐
Drumminor Ward	☒	Steventon Ward	☐
Hillcott Ward	☐	Water Gully Ward	☐
Suburb(s) affected			
Modbury North, Modbury Heights			
Details (eg residents in a 200m radius of...): Residents, property and business owners and other stakeholders within an approximate 250-300m radius of Kimberley Reserve (generally following road boundaries) will be directly notified of this proposal and provided with the opportunity to comment.			
Target audience/stakeholders for this community engagement activity			
General community	☒	Progress associations	☐
Private sector	☒	Youth	☐
Not for Profit organisations/ Service providers	☐	Community organisations/groups (social, economic, environmental)	☒
Local, State and Federal Government	☐	Faith groups	☒
Community activists	☐	Resident's groups	☐
Chambers of Commerce	☐	Environmental groups	☐
Local schools	☐	Industry groups/peak bodies	☐
City of Tea Tree Gully staff	☐	City of Tea Tree Gully ELT	☐
City of Tea Tree Gully MLT	☐	Media	☐
Comment: Stakeholders included in the mailout area include: • Clovercrest Baptist Church • Campania Sports & Social Club • Australia Post • SA Power Networks (easements on subject land) • Other businesses along Famechon Crescent			
Desired/estimated number of participants			
<50 ☒	50-100 ☐	101-200 ☐	200-500 ☐
501-1000 ☐	>1000 ☐		

Portion of Kimberley Reserve – community land classification revocation & CLMP amendment
– community engagement strategy

Portion of Kimberley Reserve, Modbury North – community land classification revocation & CLMP amendment



Community Engagement Strategy

Key messages and main communication points

The following strategic key messages and communication points will be highlighted throughout the engagement process:

- Council has received a request (unsolicited proposal) from Oasis (Modbury North) Pty Ltd to purchase a portion of Kimberley Reserve, Modbury North.
- The portion of land proposed for sale is approximately 533 square metres (approx. 10% of the total reserve area) and located to the east of the main area of Reserve. It is undeveloped and has a dolomite path and some vegetation.
- Oasis (Modbury North) Pty Ltd wishes to purchase this portion of Kimberley Reserve and amalgamate it with a portion of the land to the north at 285-289 Milne Road which is already in its ownership.
- Combining both parcels of land will provide a total of around 2,000 square metres which is proposed to be developed for low-density housing (5-7 houses, maximum two storeys), with frontage to Kimberley Avenue (refer to draft concept plan).
- The remainder of the land at 285-289 Milne Road has planning approval for the development of a childcare centre for up to 120 children (refer to aerial image showing apportioned parcels).
- The portion of reserve (subject land) has been valued in the range of \$290,000 and \$315,000 by an independent and Certified Practising Valuer.
- Council would use the proceeds of a sale of the subject land to improve the remainder of Kimberley Reserve and for upgrades/improvements in the local area.
- Key effects of this proposal include:
 - o Direct and indirect benefits to the local community through economic stimulus and jobs created from the housing development
 - o Maximum development potential of the childcare centre, providing a needed service in the area. The capacity of the childcare centre would be reduced without Council's land to provide access to the proposed housing development
 - o Additional housing would be made available in the area in an integrated development that makes efficient use of the land.
 - o There may be a potential loss of a 'buffer' between Kimberley Avenue and development on 285-289 Milne Road, however it is noted that construction of the proposed childcare centre would remove the sense of openness and sight lines from Kimberley Avenue and Milne Road that currently exist.
 - o It is likely that on-street parking will increase in the vicinity of the proposed development as residents and visitors may choose to park on the road. This would result in changed conditions for road users, but is considered manageable on low volume roads such as Kimberley Avenue and Apex Avenue.
- More information about the effects of the implementation of the proposal on the area and local community can be found in the Report for Consultation (Section 194) available on the 'Have Your Say' website, at Council's Civic Centre reception or on request.
- Oasis (Modbury North) Pty Ltd will be responsible for all costs associated with the community and stakeholder engagement process, as well as other costs to purchase the site, development of the site, etc.
- As this portion of Kimberley Reserve is classified as community land, the community land classification of the portion of this reserve needs to be revoked (changed) before any sale can occur. The revocation process requires that Council must consult with the community.
- If Council decides to proceed with this change, final approval from the State Government's Minister for Planning is required.

**Portion of Kimberley Reserve, Modbury North – community
land classification revocation & CLMP amendment***Community Engagement Strategy*

- The Community Land Management Plan for Modbury North, in which Kimberley Reserve is listed, would also need to be amended to reduce the size of Kimberley Reserve, should the proposal proceed.
- Council will consider the community's feedback before any further decisions are made in relation to this proposal.

Portion of Kimberley Reserve, Modbury North – community land classification revocation & CLMP amendment
Community Engagement Strategy



Action Plan (for consultation period 10 July to 4 August 2023)				
What/technique	Stakeholder group	Engagement level	Purpose	When/frequency
Letter/email	Residents, businesses & other stakeholders within a 250-300m radius of Kimberley Reserve (generally following road boundaries)	Consult	- Advise of consultation process and detail ways they can have their say - Provide information about the proposal - Provide option to request a hard copy feedback form - Include key messages - Include reference and URL to access Section 194 Report	Posted in the week prior to the consultation open date
'Have Your Say Tea Tree Gully' online engagement site	Broader community	Inform/Consult	- Advise of consultation process and detail ways they can have their say - Provide an online feedback form - Include key messages - Include Section 194 Report	Website content live from the consultation open date
Statutory notice to the public in a newspaper circulating within the area of council (<i>The Advertiser</i>)	Broader community	Inform	- Advise of consultation process and the proposal - Where to find more information and to provide feedback (web link)	In public notices section on the day consultation commences
Onsite signage	Broader community	Inform	- Advise of consultation process and what's proposed - Where to find more information and to provide feedback (web link)	Signage up at the commencement of consultation
Social media	Broader community	Inform	- Advise of consultation process and what's proposed - Where to find more information and to provide feedback (web link)	Once during consultation period
Documents available at Civic Centre	Broader community	Inform/Consult	Inform of consultation process and collect feedback/comments	During consultation period
Acknowledgement email/letter	All respondents who provided contact details	Inform	- Thank respondents for their contribution - Advise date of Council meeting and invite to attend / make deputation	Following close of consultation
Outcomes email/letter	All respondents who provided contact details	Inform	Advise outcome/Council decision and next steps	Following the Council decision



Attachment to Council Report 27 June 2023 – Unsolicited Proposal – Oasis (Modbury North) Pty Ltd - Portion Kimberley Reserve, Modbury North

Summary - Evaluation Principles of Consideration - Disposal of Land and Assets and Acquisition of Land Policy – Unsolicited Proposal – Oasis (Modbury North) Pty Ltd – portion Kimberley Reserve, Modbury North - May 2023.

Principles for Council to have regard	Comments by the Evaluation Panel
The usefulness of the Land or Asset	No site improvements and is not used for active or passive recreation.
The intention for the use of the Land	Sale and amalgamation with private land for low-density residential housing development.
The current market value of the Land or Asset	Independent valuation prepared by McGees Property. Subject land in the value range \$290,000 to \$315,000
The total estimated value of the Disposal	Current market value in the range \$290,000 to \$315,000 plus GST and other associated costs (unknown)
The annual cost of maintenance	- Minimal - In 2021/2022 approximately \$512 was spent on maintenance of Kimberley Reserve in its entirety, including SA Water meter charges.
Any alternative future use of the Land including the inclusion of affordable housing	Remain as a portion of Kimberley Reserve.
The number of known potential purchasers of the Land	One – proponent.
Any duplication of the Land or Asset or the service provided by the Land or Asset	- Other reserves and open space within close proximity: - Ladywood Reserve (23,000 square metres) located approximately 250 metres east of Kimberley Reserve, accessible via Kimberley Avenue and crossing Ladywood Road, also accessible via Milne Road. - Apex Reserve (1,000 square metres) located approximately 240 metres south of Kimberley Reserve, accessible via Apex Avenue and Jaycee Street. - Carruthers East Plantation (4,340 square metres) located approximately 110 metres west of Kimberley Reserve, accessible via Milne Road - Famechon Reserve, (11,472 square metres) located approximately 420 metres west of Kimberley Reserve accessible via Milne Road and Carruthers Drive.



Attachment to Council Report 27 June 2023 – Unsolicited Proposal – Oasis (Modbury North) Pty Ltd - Portion Kimberley Reserve, Modbury North

Principles for Council to have regard	Comments by the Evaluation Panel
Any impact the Disposal or Acquisition of the Land or Asset may have on the community	Pros • Increase in construction jobs and jobs within the child care sector • Marginal increase in housing availability • Would provide funding to make improvements to Kimberley Reserve and other assets in the local area • Improved streetscape



Attachment to Council Report 27 June 2023 – Unsolicited Proposal – Oasis (Modbury North) Pty Ltd - Portion Kimberley Reserve, Modbury North

Principles for Council to have regard	Comments by the Evaluation Panel
	• Use of underutilized land • Increased rate revenue for Council
	Cons • Loss of open and green space • Potential impact on traffic, change in road conditions for road users • May result in additional on street parking and reduced safety for motorists and pedestrians • Potential impact on stormwater flow • Increased impervious area
Any cultural or historical significance of the Land or Asset	• None known
The positive and negative impacts the disposal of the land or asset may have on the operations of the Council	• Negligible impact • No maintenance requirement • Tree replacement of existing low- quality low amenity trees
The long-term plans and strategic objectives of the Council	• Long Term Financial Plan • Strategic Plan - <i>Objective 3.3 - A local economy that is resilient and thrives, where businesses are supported to grow and prosper, provide local jobs and sustain our community and visitors and utilise technology to improve the livability of our City.</i> • Strategic Plan – <i>Objective 4.1 – Streets, paths, open spaces and parks are appealing, safe and accessible</i> • Strategic Plan – <i>Objective 4.5 – Housing is well designed and affordable and responds to the changing needs of existing and future residents.</i>
The remaining useful life, particularly of an Asset	N/A
A benefit and risk analysis of the proposed Disposal	• See Section 2 of Report to Council – 27 June 2023



Attachment to Council Report 27 June 2023 – Unsolicited Proposal – Oasis (Modbury North) Pty Ltd - Portion Kimberley Reserve, Modbury North

Principles for Council to have regard	Comments by the Evaluation Panel
The results of any community consultation process	Community engagement to occur as required under Local Government Act 1999
The opportunity to promote local economic growth and development	- Will provide an opportunity for construction of the Child Care Centre as planned and approved. - Increase in opportunity for construction work (estimated by proponent as an additional 100 jobs during construction) and child care sector associated jobs – approximately 20 new jobs.
Any restrictions on the proposed Disposal and Acquisition	- Expected that restrictions / requirements of both parties would be clarified through Heads of Agreement. - Reliant on community land revocation and development approval.
The content of any Community Land management plan (CLMP)	- Community land revocation proposed if sale is pursued. - CLMP will need to be amended to remove portion of the Reserve if sale of the subject land eventuates.
Delegation limits, taking into consideration accountability, responsibility, operation efficiency and urgency of the Disposal or Acquisition	Presented to Council as per <i>Unsolicited Proposals Policy</i> and relevant delegations.
Potential revenue from disposal – impacted by topography and physical attributes including above and below ground infrastructure; preferred development outcomes such as housing density and development design; and current property market	- Proponent identified a willingness to pay market value. - Independent valuation prepared by a Licensed Practising Valuer indicates a range in value \$290,000 to \$315,000.
Compliance with statutory and other obligations	<i>Local Government Act 1999</i> – Community Land revocation if sold - Real Property Act 1886 (SA) - Land and Business (Sale and Conveyancing) Act 1994 - Development Approval required for housing development – Planning and Design Code SA
Any potential land contamination or remediation costs	None known.



Attachment to Council Report 27 June 2023 – Unsolicited Proposal – Oasis (Modbury North) Pty Ltd - Portion Kimberley Reserve, Modbury North

Principles for Council to have regard	Comments by the Evaluation Panel
Any other relevant policies of the Council	• Unsolicited Proposals Policy • Open Space Policy • Community Engagement (Public Consultation) Policy • Tree Management Policy
Ecological Value	• Marginal – the subject land is relatively small in area with limited vegetation on site.
Trees and vegetation	• Most of the trees on the subject land are in poor to fair condition with amenity value of low to medium. No regulated trees on the subject land.
Character and appeal	• It appears that the land at 285-289 Milne Road was set aside for a substation for the provision of electricity. The 'handle' to Kimberley Reserve situated to the south of the proposed substation site was intended to create a buffer for the residential properties (from the substation). • The character of the area around Kimberley Reserve and Kimberly Avenue is predominantly low density residential.
Accessibility	• N/A not used for active or passive recreation.
Recreational value	• Nil. No recreation facilities present.
Cost of maintenance	• Approximately \$512 for the entire reserve.
Contamination	• No known contamination.
Climate change	• Would increase climate impacts marginally by reducing green space and increasing hard surfaces (e.g. heat island as a result of hard surfaces). • Increase surface run-off from rain water and increasing the demand on existing stormwater infrastructure. • There is no stormwater infrastructure in the immediate vicinity of the subject land. Future development would need to manage stormwater on site to prevent flooding during medium to extreme events.

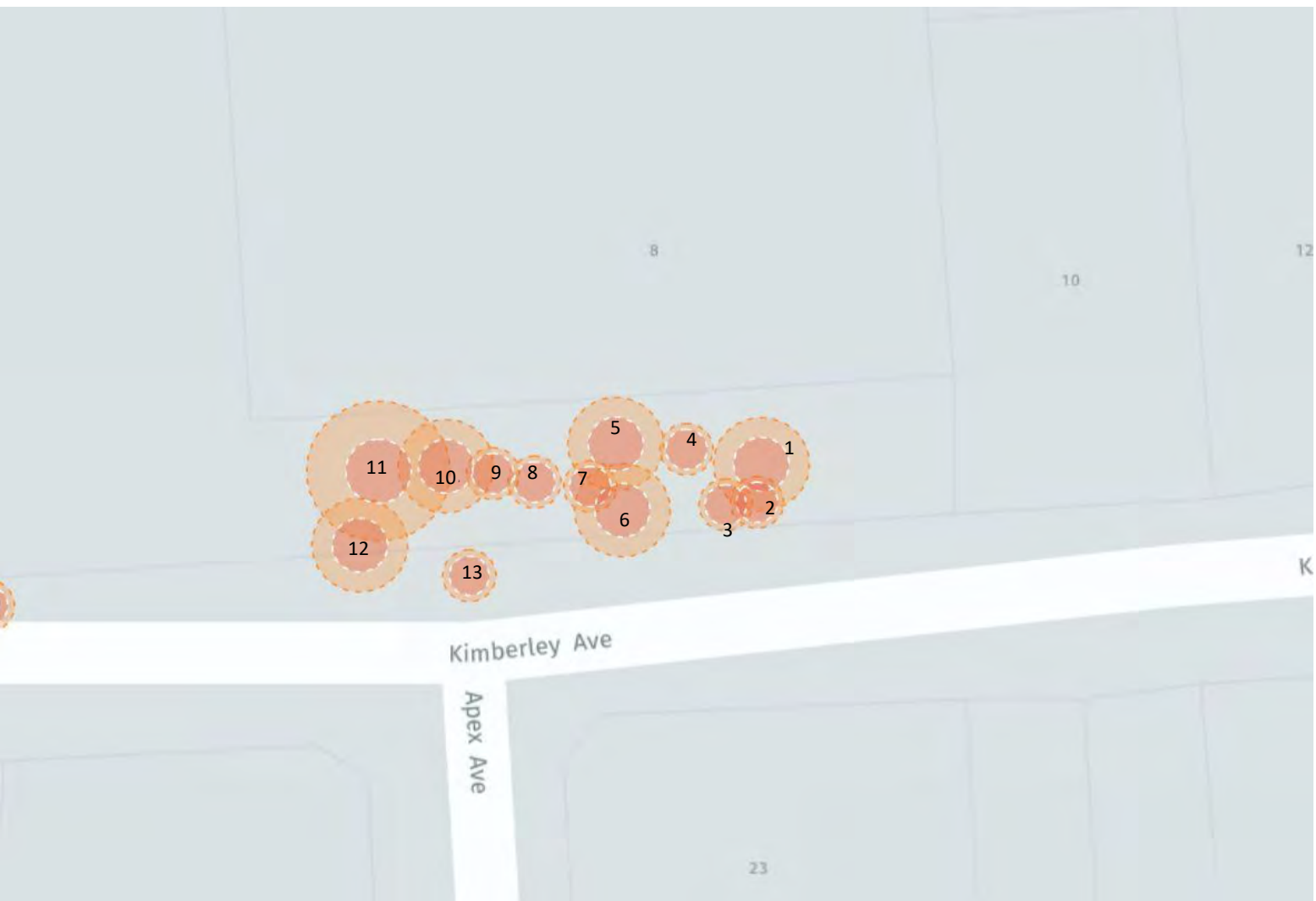
The Trees majority of the trees located in the designated area are overall poor in condition with minimal benefits to the community. Some have already failed and require removal. These could potentially be replaced as street trees.

Data Collected by Dean Coats.



Tree Data Summary Table

Tree number	Species	Owner	Circumference	Status under PDI Act	Tree Health	Tree Structure	Tree Retention Value
001	<i>Corymbia citriodora</i>	Council	<2m	Unregulated	Good	Good	Medium
002	<i>Melaleuca armillaris</i>	Council	<2m	Unregulated	Fair	Poor	Low
003	<i>Melaleuca armillaris</i>	Council	<2m	Unregulated	Fair	Fair	Low
004	<i>Melaleuca armillaris</i>	Council	<2m	Unregulated	Dead	Failed	Low
005	<i>Melaleuca armillaris</i>	Council	<2m	Unregulated	Good	Fair	Low
006	<i>Melaleuca armillaris</i>	Council	<2m	Unregulated	Good	Poor	Low
007	<i>Melaleuca armillaris</i>	Council	<2m	Unregulated	Dead	Failed	Low
008	<i>Melaleuca armillaris</i>	Council	<2m	Unregulated	Poor	Failed	Low
009	<i>Melaleuca armillaris</i>	Council	<2m	Unregulated	Fair	Failed	Low
010	<i>Melaleuca armillaris</i>	Council	<2m	Unregulated	Poor	Failed	Low
011	<i>Melaleuca armillaris</i>	Council	<2m	Unregulated	Fair	Fair	Low
012	<i>Eucalyptus porosa</i>	Council	<2m	Unregulated	Fair	Fair	Medium
013	<i>Lophostemon confertus</i>	Council	<2m	Unregulated	Good	Good	Medium



REPORT FOR CONSULTATION
SECTION 194(2)(a) OF THE LOCAL GOVERNMENT ACT 1999
UNSOLICITED PROPOSAL – PORTION OF KIMBERLEY RESERVE
6 – 8 KIMBERLEY AVENUE, MODBURY NORTH

The following information is required under Section 194 of the *Local Government Act 1999* when Council is consulting with the community about a proposal to revoke community land classification. There is reference to a Report to the Council meeting on 27 June 2023. This is available on Council's website by clicking [here](#).

Legislative Requirement and Response	
1. Description of the proposal:	Council has received an unsolicited proposal from Mrotek Planning on behalf of Oasis (Modbury North) Pty Ltd as Trustee for Oasis (Modbury North) Unit Trust (the proponent) to purchase approximately 533 square metre portion of Kimberley Reserve located at 6 - 8 Kimberley Avenue, Modbury North (subject land). The reason for the proposal is set out in Item 4 below.
2. Description of the community land:	- The subject land is classified as 'community land' as defined in the <i>Local Government Act 1999</i>. - It is identified as portion of Allotment 49, DP 9814 contained within Certificate of Title Volume 5111, Folio 510. Kimberley Reserve is dedicated as a Reserve with a total area of 5,206sqm. The street address is 6-8 Kimberley Avenue, Modbury North. - The subject land is approximately 52.3metres wide x 10.2 metres deep, is located to the east of the main area of the Reserve and south of land at 285-289 Milne Road, Modbury in the ownership of the proponent. It is undeveloped with a dolomite path running east to west with a number of trees and some vegetation on it. The trees have been assessed by Council and are considered to be in poor to fair condition. A copy of the assessment report is provided in the Report to the Council meeting on 27 June 2023. - The subject land is in the General Neighbourhood Zone (Planning and Design Code SA).
3. Ownership:	The City of Tea Tree Gully owns the subject land in fee simple. A copy of the Certificate of Title is provided in the Report to the Council meeting on 27 June 2023.
4. Summary of reasons for the proposal (Section 194(2)(a)(i)):	- The proponent wishes to purchase the subject land from the Council to amalgamate it with land to the north in its ownership. Refer to aerial map below. - Combining both parcels of land will provide a total of around 2,000 square metres which is proposed to be developed for low-density housing, with frontage to Kimberley Avenue. - The proponent has provided a conceptual design for the proposed housing development in the Report to the Council meeting on 27 June 2023. - The land is classified as community land and will require revocation of the community land status prior to sale. This is subject to Council considering the community's views on the proposal and obtaining the Minister's approval to revoke the classification.



For more information please contact Council on
08 8397 7444 or visit Council's website www.teatreegully.sa.gov.au

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REPORT FOR CONSULTATION
SECTION 194(2)(a) OF THE LOCAL GOVERNMENT ACT 1999
UNSOLICITED PROPOSAL – PORTION OF KIMBERLEY RESERVE
6 – 8 KIMBERLEY AVENUE, MODBURY NORTH

Legislative Requirement and Response	
	
5.	Statement of any dedication, reservation or trust to which the land is subject (Section 194(2)(a)(ii)). - Kimberley Reserve is designated as a “Reserve” on the Certificate of Title. - There are no other dedications or trust known to Council.
6.	A statement of whether revocation of the classification is proposed with a view to sale or disposal of the land (Section 194(2)(a)(iii)). The revocation is proposed with a view to the proponent purchasing it from Council for the purpose of developing it for low-density residential housing (5 – 7 houses, maximum 2 storeys).
7.	Details of any Government assistance given to acquire the land; and a statement of how the council proposes to use the proceeds (Section 194(2)(a)(iii)). - The Council will use the proceeds of a sale to improve the remainder of Kimberley Reserve and for upgrades/improvements in the local area. - No Government assistance was forthcoming to acquire the land.
8.	If sale or disposal is contemplated, the report should indicate if the proposal is consistent with the council’s policy on sale or disposal of land (Section 49(1)(d)). The proposal is consistent with Council’s Disposal of Land and Assets & Acquisition of Land Policy as follows:



For more information please contact Council on
08 8397 7444 or visit Council’s website www.teatreegully.sa.gov.au

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REPORT FOR CONSULTATION
SECTION 194(2)(a) OF THE LOCAL GOVERNMENT ACT 1999
UNSOLICITED PROPOSAL – PORTION OF KIMBERLEY RESERVE
6 – 8 KIMBERLEY AVENUE, MODBURY NORTH

Legislative Requirement and Response	
	- The proposal is consistent with the objectives in Council's Strategic Plan 2025, particularly Objectives 1.5, 3.3, 4.1, 4.5, 5.3 and 5.6 – refer to the Report to the Council meeting on 27 June 2023. - Decision making will be by Council resolution. - The procedure to revoke the community land classification will be in accordance with legislative requirements. - There has been consideration of the principles set out in 2.4.3(d) of the Policy with a summary in the Report to the Council meeting on 27 June 2023. - An independent property valuation by a Certified Practising Valuer in South Australia has been obtained and will be the purchase price (plus GST) if the sale were to proceed. The subject land has been valued in the range of \$290,000 to \$315,000. - A risk assessment has been undertaken and is summarised in the Report to the Council meeting on 27 June 2023. - There are opportunities to enhance local economic development and growth.
9.	An assessment of how implementation of the proposal would affect the area and the local community (Section 194(2)(a)(iv)). Implementation of the proposal would affect the area, the local community/residents as follows: Positive effects: - The local community and the area will directly and indirectly benefit through economic stimulus and job creation from the housing development. - Maximum development of the Child Care Centre would result, providing a needed service in the area. The capacity of the Child Care Centre would be reduced without the Council's land to provide access to the proposed housing development. - Implementation of the proposal would result in efficient use of land, integrated development, better town planning outcome (eg frontage to Kimberley Avenue rather than rear fences, consistent setbacks, landscaped front yards, passive surveillance) and additional housing in the area. - The proponent has significant experience in the building industry and property development. - Improved and consistent streetscape. - Opportunity for Council to fund community projects in the local area using proceeds from the sale of an underutilised asset. - The proposal meets a number of Council's Strategic Objectives – see Report to the Council meeting on 27 June 2023. Negative effects: - Loss of public open and green space. - Potential loss of a 'buffer' between Kimberley Avenue and development on 285-289 Milne Road. - Housing development will increase traffic and on-street parking on Kimberley Avenue and surrounding street network. - The development may not proceed after sale and amalgamation.



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Conclusion: On balance, it is considered that the benefits of the proposal outweigh the disadvantages as the sale proceeds would be invested in the local area and improvements in Kimberley Reserve. The existing trees are in poor to fair condition, one is likely to be retained, others could be replaced and landscaping in front of the proposed dwellings would enhance the streetscape. When it is constructed the proposed Child Care Centre would remove the sense of openness and sight lines from Kimberley Avenue to Milne Road that currently exist. The remainder of 285-289 Milne Road is in private ownership and likely to be developed in some form, if not for housing. This inevitability will remove the openness, regardless of what occurs on the subject land. The following is also noted: • The area of public open space that is the subject land consists of approximately 533 square metres of undeveloped land. This is adjacent to the larger portion of Kimberley Reserve which will remain as community land for use by the community. Removal of the subject land represents approximately 10% of all of Kimberley Reserve and will leave 4,673 square metres of public open space for community use. • It is likely that on-street parking will increase in the vicinity of the proposed development as residents and visitors may choose to park on the road. This would result in changed conditions for road users but is manageable on low volume roads such as Kimberley Avenue and Apex Avenue. • There will be an estimated increase in traffic of 35 – 49 vehicles/day (based on an additional five to seven properties and seven trips per day which is the industry standard for estimating traffic volumes). Kimberley Avenue is able to adequately cater for this additional traffic. • Stormwater management and flow implications would be assessed during the development application process and flooding risk mitigation measures identified during this process. • The proponent has advised that a development application would be lodged within six months from revocation or sale and is prepared to enter into an agreement <i>requiring best endeavours to be exercised to complete the development within 3 years of obtaining planning consent</i>. As a means of mitigating this risk to some extent, this timeframe could be included in an agreement and/or as a condition of sale.
10. The statement should take into consideration any relevant strategic planning documents prepared by the council (Section 194(2)(a)(iv)). • The proposal is consistent with the objectives in Council's Strategic Plan 2025, particularly Objectives 1.5, 3.3, 4.1, 4.5, 5.3 and 5.6. More information is available in the Report to the Council meeting on 27 June 2023. • Council's Open Space Policy acknowledges that high quality open space provides a number of benefits in areas undergoing urban consolidation (it is noted that infill development has occurred in Kimberley Avenue at Nos 7, 14, 16 and land has been cleared at 18 Kimberley Avenue). Proceeds from the sale of the subject land would be used to improve Kimberley Reserve and for other improvements and upgrades in the local area.



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