

Westminster Reserve

Originating Officer	Land and Property Officer - Ron Bauer
Corporate Manager	Manager City Property - Thuyen Vi-Alternetti
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC200623F02

Confidential



Confidential Motion

That pursuant to Section 90(2) 3(b) (i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ilia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Thuyen Vi-Alternetti, Craig Clarke and Victoria Moritz, be excluded from the meeting as the Council receives and considers information relating to the report Westminster Reserve, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential relating to matters pertaining to commercial operations of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council.

REPORT OBJECTIVE

The purpose of this report is to provide Council with an update following recent discussions with the Westminster School for the proposed sale of Westminster Reserve (the Reserve).

EXECUTIVE SUMMARY

This report provides an update on the negotiations and discussions to date between Council and the Westminster School for the purchase of the Reserve:

- Council advised Westminster School the proposed sale price of the Reserve to be \$20,000;
- Westminster School advised that they have maintained the reserve since 1966;
- Westminster School claim the Reserve formed part of a land swap with SA Water and are checking its records for confirmation;
- Through the discussions relating to Westminster Reserve, Westminster School indicated their interest in acquisition of the reserve and also expressed a desire to purchase a portion of Council's Alison Avenue Reserve;
- Internal consultation with Council's Open Space teams indicate that Alison Avenue Reserve is not currently surplus to Council's requirements.

RECOMMENDATION

That Council:

1. Notes the Report.



2. **Endorses the administration to progress negotiations with Westminster School for the transfer of Westminster Reserve, with all costs relating to the transfer to be borne by Westminster School.**
3. **In accordance with Section 90(2) 3(b) (i) and (ii) of the Local Government Act 1999, orders that this report, the attachments and minutes arising from this report, having been considered in confidence under Section 90(2) 3(b) (i) and (ii) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2020.**

Risk Management:

The Reserve does not have a street frontage. Council has no legal access to the Reserve to undertake an ongoing maintenance program.

Legal / Legislative / Policy:

The Reserve is classified as community land under the Local Government Act 1999, before Council can dispose of the Reserve, this classification must be revoked.

DISCUSSION

Prior to the re-alignment of the Sturt River, Council owned the reserve as shown in red on the attached map (Attachment 1). After the Sturt River channel was re-aligned, the then Minister for Water Resources through the Engineering And Water Supply Department (now SA Water) acquired a portion of the Council reserve, severing a small portion now known as Westminster Reserve as shown on the attached map (Attachment 2) from the balance of the reserve now known as Kenton Avenue Reserve.

At the General Council Meeting on 11 June 2019 (GC190611F01), Council authorised Administration to enter into discussions with Westminster School for the potential sale of the Westminster Reserve for a monetary payment on the basis that the School pays all costs.

The market value of the Reserve is estimated at \$85,000 and given the Reserve is landlocked and therefore provides no open space opportunities to the community and with only one potential buyer, Council agreed to discount the purchase price to \$20,000;

Administration has met with the Principal of the Westminster School to progress the sale proposal in line with Council's resolution, negotiating a sale price of \$20,000 for the Reserve including costs associated for community land revocation.

The Westminster School claim that the Reserve was believed to part of a 'land swap' with SA Water as they surrendered land in other areas to allow the Sturt Drain to proceed. However, given the Minister for Water Resources compulsorily acquired part of the Reserve in 1981, it is unlikely a land swap between Westminster School and SA Water took place.

The Westminster School are continuing to check its archives for records but have not located such records at this time. Administration have also reviewed our records to identify if this land swap actually took place and also has not found such records at this time.

The Westminster School has further advised it has maintained this parcel of land since April 1966 incurring costs greater than the proposed purchase price of \$20,000.

The offer was tested by the Principal with his school board on Thursday 21 May 2020 in a confidential meeting, with purchase at \$20,000 declined.

Westminster School do retain an interest in acquiring the Reserve and have proposed that they would take on all costs of transfer.

As a separate and new request, the school has expressed a strong interest in purchase from Council of a portion of Alison Avenue Reserve, located adjacent south to the Westminster School farm. No undertaking was provided at that time, other than to raise the request.

This is not the first time the school has raised this request. The following feedback has been given to Westminster School in March 2018, regarding Alison Avenue Reserve:

“Although Marion (suburb) demonstrates a medium level of open space there is a lack of open space north of the train line in that part of Marion. If it was to be sold we would encourage this space be left open for community use.

It would be concerning to lose all of the community assets (established trees that have lengthy life expectancies) at this side of the reserve. Open Space Operations would oppose any potential disposal based on the criteria of the Tree Management Framework. The area has existing trees that provide habitat for local avifauna and should be retained”.

The feedback outlined above indicates that there is little support for the disposal of this portion of the Alison Avenue Reserve.

The portion of land that Westminster is interested in, is a small portion, immediately adjacent their school and a residential property owned by the school which is currently used to sell uniforms. It does not include the playground area. (Attachment 3)

There is no current change to the position of Administration. Alison Avenue Reserve was upgraded in 2010 and services a residential area that includes children that attend Westminster and the Marion Primary Schools. The open space is also valued, which includes the wooded and grove planted area that is the area in question.

The grove plantings are not historically listed and there is no direct reference in the Tree Management Framework. It should be noted that nearby reserves (the other side of Sturt River) contain Almond groves that have historical importance to the area.

The current draft Open Space Plan has provisional allocation for a drink fountain and sport goals in the 2024/25 financial year at a cost of \$30,000.

The suburbs of Marion and Oaklands Park have approximately 25-49 and 50-139 square metres respectively of open space per person, which is considered good provision and has large parcels of open space land in close proximity also, which include Kenton, Bombay, Oakleigh Road and Oaklands Estate reserves.

Should the Council have an interest in exploring the value of the portion of the Alison Reserve land sought by Westminster for potential sale, Administration can progress valuations for that purpose.

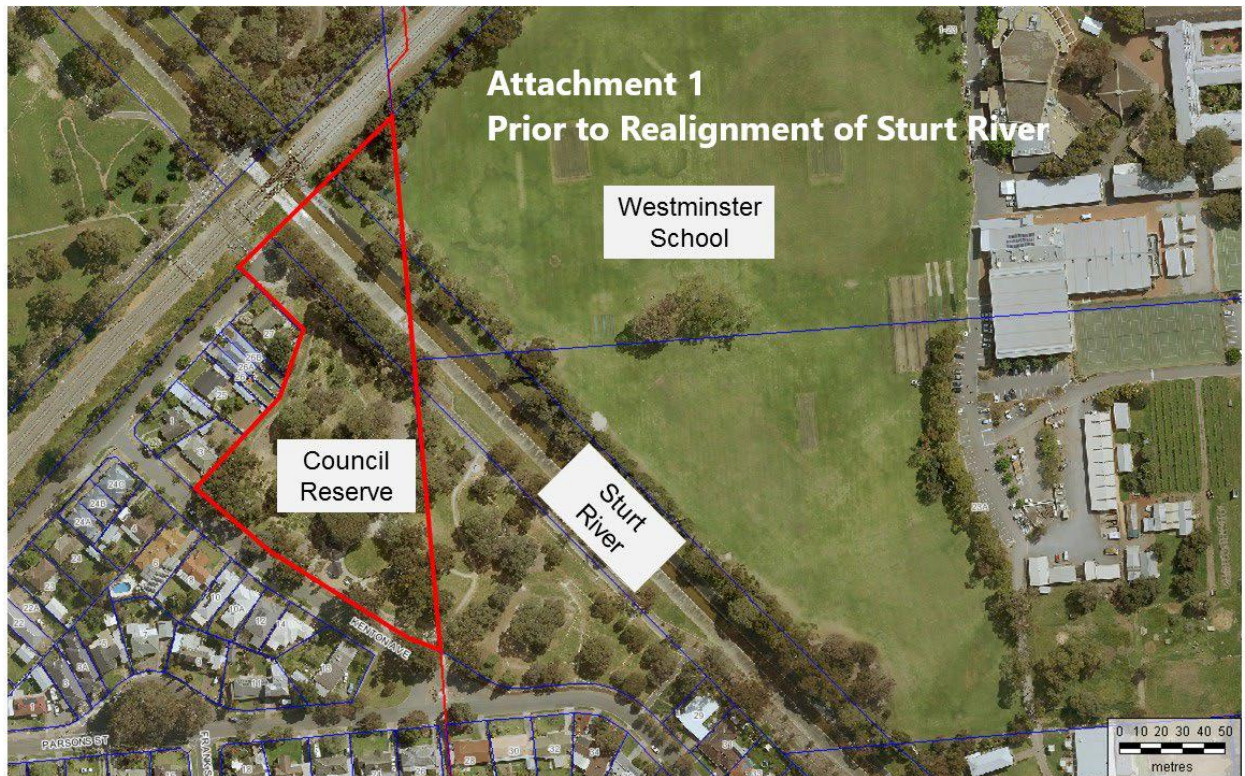
NEXT STEPS

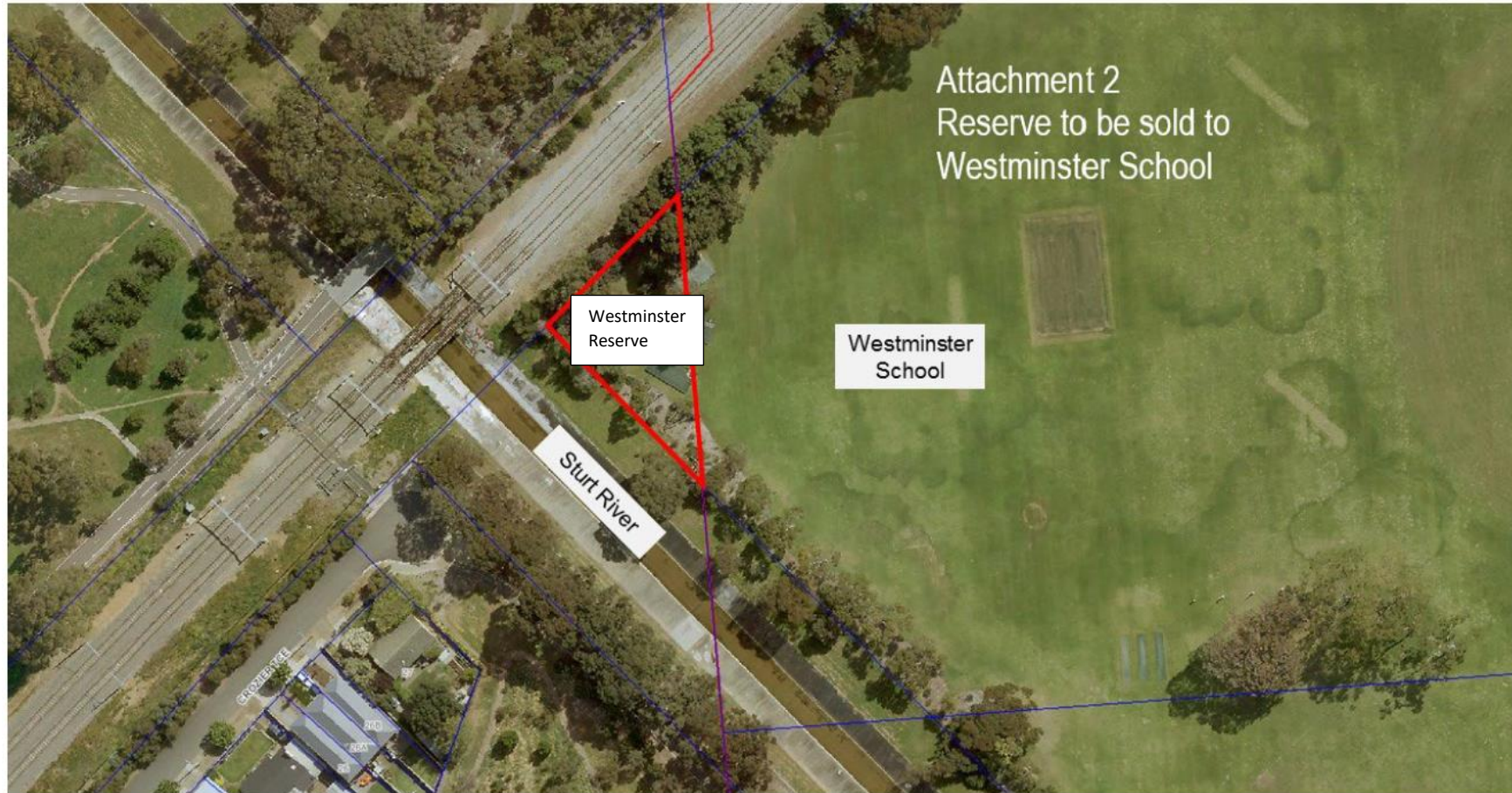
The Administration will continue negotiations in line with Council's direction with Westminster School.

Based on these discussions a further report will be brought back to Council to inform on the progress of those discussions and any resulting resolution.

Attachment

#	Attachment	Type
1	Attachment 1 - Westminster School - Prior to realignment of Sturt River	Image File
2	Attachment 2 - Westminster Reserve	PDF File
3	Attachment 3 - Alison Avenue Reserve	PDF File





APPENDIX 3 – Proposed portion of Alison Avenue Reserve for acquisition by Westminster School

Plan View



Street View:

