



PROPOSAL FOR CONSIDERATION OF REVOCACTION OF PART OF COMMUNITY LAND

COPPER COAST



Section 2246, 23-39 Hills Road, North Moonta

September 2022

lifestyle location of choice

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1. Introduction

This report contains the reasoning and background on the proposal to revoke the classification of Part of Section 2246, 23-29 Hills Road, North Moonta as community land. At the Council Meeting on the 5th September 2022, the Council decided to undertake the Public Consultation to determine if the community supported the revocation process for the new proposal for part of the land to be used by the Copper Coast Lifestyle Village.

2. What is community land?

At the commencement of the *Local Government Act* on 1 January 2000, all land - other than roads - owned or under Council's care, control and management were classified as "community land".

Classification only affects the way in which a Council can manage and use the land under the Act. It does not affect ownership, tenure, development, or zoning. For as long as it remains classified as community land, the land cannot be sold by the Council and must be managed in accordance with the Act.

Classification as community land does not prevent the land from being used for business or commercial purposes. The Act allows a Council to approve the use of community land for such purposes provided that the use has been authorised in an approved management plan for the land.

Land acquired by a Council is classified as community land, unless the Council specifically resolves to exclude the land from classification prior to taking possession or control of the land.

Removal of land from classification does not prevent a Council from making a resolution to re-classify the land as community land at some later date. A notice must be placed in the Government Gazette of any such resolution.

3. How are community interests in community land protected?

The community's interest in community land is protected in a number of ways. Community land cannot be sold or disposed of, unless the classification of community land is first removed by a revocation process.

If community land is:

- to be occupied under a lease or licence; or
- specifically modified or adapted for the benefit or enjoyment of the community; or
- held under an "instrument of trust"; or
- is one of the reserves listed in Schedule 8 of the Act, or in another Act

then the Council must prepare and adopt a management plan for the land and the land and the land must be managed in accordance with the provisions of the Act, and the adopted management plan.

A Council may lease or licence community land for any purpose authorised by the management plan for the land. This may include leasing for business or commercial purposes, for example, to a private caravan park or tourism operator.

The revocation process, the preparation of a management plan, and in most cases, the leasing of community land requires a Council to consult with its community before it carries out the activity. Details of your Council's Public Consultation Policy can be accessed through our website, or by contacting the Council's head office.

The Act also provides specific protection to land of particular significance, for example, the Adelaide Parklands, by prohibiting the revocation of its community land classification. (These lands are set out in Schedule 8 or the Act).

4. What is the process for revoking the classification of community land?

Under section 194 of the Act, before a Council revokes the classification of community land it must prepare a report on the proposal and follow the steps set out in its Public Consultation Policy.

The report, which is to be made available during the public consultation phase, must contain:

- A summary of the reasons for the proposal to revoke the classification of community land;
- A statement of any dedication, reservation or trust to which the land is subject;
- A statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the Council proposes to use the proceeds;
- An assessment of how implementation of the proposal would affect the area and the local community; and
- If the Council is not the owner of the land – a statement of any requirements made by the owner as a condition of approving the proposed revocation.

The revocation of a classification of community land cannot occur unless the Minister for Local Government approves the proposal and, if the land is not owned by the Council, the owner of the land.

5. How can the community have input into the revocation process?

Councils must consult with their communities about their intention to revoke the community land classification of any land in accordance the provisions of the Local Government Act and a Council's Public Consultation Policy.

- All Councils must have a Public Consultation Policy that sets out the steps to be followed when consulting with the public on this matter.
- The Public Consultation Policy must provide for publication in a newspaper circulating within the Council area of a notice of the proposal and invite interested persons to make submissions on the proposal within a period of at least 21 days.
- The Council must consider any submissions made.

6. What does the Minister for Local Government take into consideration when determining whether or not to approve the revocation of a community land classification?

The following are some of the matters that the Minister for Local Government may take into account in determining whether or not to approve the revocation of a community land classification.

- Whether the land falls within any of the restraints that prevent the revocation from occurring;
- Whether a report on the proposal was prepared containing the information mentioned above, and whether the report was made available to the public as part of the Council's public consultation process;
- Whether the public notice placed in the local newspaper advising of the proposal provided for at least a 21 day period (the minimum required by the Local Government Act) for the community to make written representations to the Council;
- If submissions were made to the Council as a result of the public consultation process, whether the necessary report to the Minister on all submissions made has been provided; and
- if the land is under the Council's care, control and management, but not its ownership, evidence that the land owner has approved the revocation of the classification.
- The Council's reasons for the proposal and its assessment of how it would affect the area and the local community;
- The reasons given by any public submissions that may oppose the revocation;
- The relationship of the proposal, if any, to Government strategic planning for open or recreational land in the area or region;

- In cases where State Government financial assistance was given to acquire the land and the Council intends to dispose of it following the revocation, whether the Council has resolved to use the sale proceeds for the acquisition or development of other land for public or community use or the provision of community facilities. (Under section 201, if the Council has not so resolved, the Minister may, as a condition of approving revocation of the land to be sold, require the Council to pay to the Crown or apply, for a purpose specified by the Minister, a proportion of the proceeds related to the proportion of the original financial assistance.)

7. Can community land be leased or licensed?

Under section 202 of the Act, a Council may grant a lease or licence or renew a term over community land for any purpose for a term not exceeding 42 years, provided such a lease or licence is consistent with the management plan for the land.

Before a Council grants a lease or licence over community land, it must carry out public consultation in accordance with its Public Consultation Policy. However, public consultation is not required if the proposed lease or licence is authorised in an approved management plan and the term of the lease or licence is five years or less, or it is excluded from this requirement by regulation.

8. What does this process actual do?

If the process was supported by the community and the Minister removed the classification of Community land, the future use of the land would no longer be restricted by the requirements in the Local Government Act with regards to Community Land. The Council could then sell or lease the land or use it for any other legal purpose. In this case, as the owner is the Crown, the State Government would undertake and process the sale of the land in accordance with their requirements for surplus land.

9. Summary of the reasons for the proposal

The Copper Coast Lifestyle Village has produced a new proposal for the purchase and use of around 30% of the Crown Land (under the care and control of Council) for 11 additional retirement units, an activity centre, a vegetable garden and a shed. A Facilitator appointed by the Copper Coast Council had discussions separately with surrounding residents of the Lifestyle Village, Lifestyle Village residents, Lifestyle Village Management and Council.

Subsequently, a meeting was held with representatives from the surrounding residents, Lifestyle Village residents, Lifestyle Village Management and Council to progress and produce a draft new Concept Plan for the redevelopment of only part of the land. A copy of the new Concept Plan proposed is attached for information (refer Appendix 1).

As a result of the new Concept Plan proposed, Council decided the following at its meeting held on 5th September 2022 as follows:-

1. The proposed new Plan submitted by the Copper Coast Lifestyle Village for the development as submitted adjoining the Copper Coast Lifestyle Village for additional retirement units be received and that the balance of the land remain Crown Land.
2. Council undertake the required consultation for the revocation of this Section of the Community Land in accordance with Section 194(2) of the Local Government Act 1999.
3. All submissions received regarding the new proposal be presented to the new Council for consideration.

The Department for Environment and Water as the owner of the land will then undertake the process for the disposal of the land considered surplus to its requirements and to be purchased by the Copper Coast Lifestyle Village.

10. Statement of any dedication, reservation or trust to which the land is subject

The subject land is Section 2246, 23-39 Hills Road, North Moonta and is shown on the map below. The land is Crown Land with the Copper Coast Council as Custodian.



11. Statement of whether revocation of the classification is proposed with a view to sale or disposal

The proposal from the Copper Coast Lifestyle Village is for the purchase of part only of the land described as Section 2246, 23-39 Hills Road, North Moonta for the proposed development indicated in the Concept Plan attached. If approved by the Minister, the land is proposed to be disposed of by the State Government through their process with a view to selling this part of the land to the Copper Coast Lifestyle Village.

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

The land has been vacant I understand for a number of years and adjoins some residences. Adjoining residents may use this land and the Moonta Community may use the land sometimes as a thoroughfare. Photographs showing the land are shown in Appendix 2.

The proposal is submitted by the Copper Coast Lifestyle Village for the development of part only of the land, as per their Concept Plan.

13. Ownership of the land

The Crown is the owner of Section 2246, 23-39 Hills Road, North Moonta.

Certificate of Title 5756/458 – Appendix 3

14. What Now?

If you are for or against this proposal please let us know.

Write to: Chief Executive Officer,
PO Box 396,
KADINA SA 5554

Email: info@coppercoast.sa.gov.au

Or leave an online submission by completing the form on our Website. Submissions are required to be lodged by 5.00 pm, Monday, 10th October 2022.

A report will be prepared for Council with a copy of all submissions received. If there is support for the proposal, the Council may support the revocation of the land as community land as proposed. A request would then be made to the State Minister for Local Government in accordance with the provisions of the Local Government Act 1999.

APPENDIX 2







Product	Register Search (CR 5756/458)
Date/Time	04/05/2021 02:41PM
Customer Reference	BRIONY FOR CEO
Order ID	20210504007738

This Crown Record Register Search is a true and correct extract of the Register of Crown Records maintained by the Registrar-General. Crown Land is administered pursuant to the Crown Land Management Act 2009 by the Department of Environment, Water and Natural Resources.

Crown Record - Volume 5756 Folio 458

Parent Title(s)

Creating Dealing(s) RT 8862517

Title Issued 12/04/2000 Edition 2 Edition Issued 10/07/2017

Estate Type

CROWN LAND (ALIENATED)

Owner

THE CROWN

Custodian

COPPER COAST COUNCIL
OF 51 TAYLOR STREET KADINA

Description of Land

SECTION 2246
HUNDRED OF WALLAROO
IN THE AREA NAMED NORTH MOONTA

TOTAL AREA: 2.023HA (CALCULATED)

Easements

NIL

Schedule of Dealings

NIL

Schedule of Interests

LAND DEDICATED FOR RECREATION PURPOSES PURSUANT TO THE CROWN LANDS ACT, 1929 BY GAZETTE 14/05/1981

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Registrar-General's Notes NIL

Administrative Interests NIL