



# **PROPOSAL FOR CONSIDERATION OF REVOCATION OF COMMUNITY LAND**

**COPPER COAST**



**Allotment 101, George Street, Kadina**

**February 2023**

# *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 Allotment 101 George Street, Kadina. At the Council Meeting on the 1<sup>st</sup> February 2023, the Council decided to undertake the Public Consultation to determine if the community supported the revocation process to allow for the sale of the land.

## 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 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 Council's Public Consultation Policy can be accessed through our website, or by contacting the Council 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 actually 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 Council has owned Allotments 91 and 101 George Street, Kadina for a number of years. A copy of the Titles are shown (Attachment 1). Allotment 101 is Community Land.

A plan showing the land in George Street is attached (Attachment 2). The land has been vacant for a number of years and is not used. The land adjoins a potential development.

The Council is considering the possibility of revoking the community land status for Allotment 101, so that the land can be sold. It is vacant and if sold could be used potentially for residential development in the area. The land is zoned Neighbourhood, which supports residential development.

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

There is no dedication, reservation or trust on the land.

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

The land has been vacant for a number of years and Council is considering the revocation of the community land status for Allotment 101 to enable the sale of the land, which adjoins other land, which may be subject to development. The zoning of the land supports residential development.

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

The land has been vacant for a number of years and adjoins other residential premises. It is not used.

### 13. Ownership of the land

The Copper Coast Council is the owner of Allotments 91 and 101 George Street, Kadina.

Certificate of Title: (Refer Attachment 1)

Volume 5560 Folio 575 – Allotment 91 (Filed Plan 212961)

Volume 5603 Folio 986 – Allotment 101 (Filed Plan 213336)

### 14. What Now?

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

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

Email: [info@coppercoast.sa.gov.au](mailto: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, 13<sup>th</sup> March 2023.

A further 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.



Product Register Search Plus  
(CT 5560/575)  
Date/Time 01/11/2022 09:36AM  
Customer Reference katrina  
Order ID 20221101001210

REAL PROPERTY ACT, 1886



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 5560 Folio 575

Parent Title(s) CT 3552/119  
Creating Dealing(s) CONVERTED TITLE  
Title Issued 04/08/1998 Edition 2 Edition Issued 10/07/2017

### Estate Type

FEE SIMPLE

### Registered Proprietor

COPPER COAST COUNCIL  
OF 51 TAYLOR STREET KADINA

### Description of Land

ALLOTMENT 91 FILED PLAN 212961  
IN THE AREA NAMED NEW TOWN  
HUNDRED OF WALLAROO

### Easements

NIL

### Schedule of Dealings

NIL

### Notations

Dealings Affecting Title NIL  
Priority Notices NIL  
Notations on Plan NIL

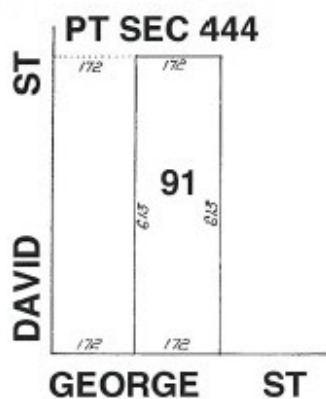
### Registrar-General's Notes

APPROVED FX24446

Administrative Interests NIL



THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3552/119



300 150 0 300 <sup>1/16</sup> S

FOR METRIC CONVERSION	
1 LINK	= 0.201168 METRES
1 CHAIN	= 100 LINKS
1 ACRE	= 0.404686 HECTARES
1 ROOD	= 1011.7 m <sup>2</sup>
1 PERCH	= 25.29 m <sup>2</sup>

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION

## Certificate of Title - Volume 5603 Folio 986

Parent Title(s)	CT 2246/169		
Creating Dealing(s)	CONVERTED TITLE		
Title Issued	07/12/1998	Edition 2	Edition Issued 10/07/2017

### Estate Type

FEE SIMPLE

### Registered Proprietor

COPPER COAST COUNCIL  
OF 51 TAYLOR STREET KADINA

### Description of Land

ALLOTMENT 101 FILED PLAN 213336  
IN THE AREA NAMED NEW TOWN  
HUNDRED OF WALLAROO

### Easements

NIL

### Schedule of Dealings

NIL

### Notations

Dealings Affecting Title NIL

Priority Notices NIL

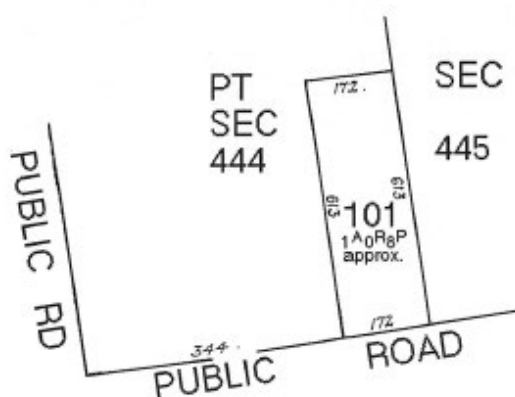
Notations on Plan NIL

#### Registrar-General's Notes

APPROVED FX24446

Administrative Interests NIL

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 2246/169



300 0 300 LKS.

**FOR METRIC CONVERSION**  
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NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION

