

REPORT FOR:	Council		
MEETING DATE:	10 October 2023		
REPORT FROM:	Director City Services		
REPORT TITLE:	Community Land Revocation Process 2023		
FILE NAME:	F10/138	RECORD NO:	AR23/47703

STRATEGIC DIRECTIONS	
4	Infrastructure
4.2	We have safe, accessible and well-utilised CBD, public spaces and built environments that reflect the priorities of our community.
5	Governance and Financial Sustainability
5.5	We meet or exceed legislative and accreditation requirements for all relevant programs.

SUMMARY/ABSTRACT

The purpose of this report is to inform Elected Members of the review process undertaken with the Community Land Management Plans and to obtain Council's endorsement to commence the revocation of the Community Land classification process in relation to four parcels of land located within Bird Lake and one parcel of land located between two parcels of land owned by the Port Augusta Gun Club.

RECOMMENDATION

Council:

1. Endorses the revocation proposal to remove the 'Community Land' classification applicable to Section 187 CT 5189/561, Section 194 CT 5189/560, Section 196 CT 5189/290 and Section 199 CT 5189/562, identified as undeveloped community land situated within Bird Lake.
2. Endorses the revocation proposal to remove the 'Community Land' classification applicable to CT 6100/44 identified as a closed unmade public road situated between two parcels of Private Land.
3. Approves commencing a Public Consultation and Engagement process, as per Council's Communication Strategy and places an advert in the Transcontinental, and additional information on Council's Facebook Page and on Council's Website regarding the revocation proposals.
4. Forwards letter to key stakeholders and neighbouring properties to provide information about the revocation proposals.

BACKGROUND

Bird Lake Parcels

The four land parcels within Bird Lake were not specifically excluded from community land classification when the Community Land Management Plans were originally developed. This was an oversight at the time, as there is no need for a community land classification. All other parcels of Council owned land situated within Bird Lake do not have any land dedication attached to them.

The revocation of community land status on the four parcels within Bird Lake will ensure consistency of all land status for the Bird Lake area. There is no need for the land to be classified as community land, as the land cannot be accessed or used for community purposes, as it is an environmental conservation zone.

Plans and titles of the relevant parcels are annexed to this report.

Portion of Land (closed road) Certificate of Title 6100/44

This unmade road was closed in 2012 and community land status was not excluded at the time of the closure, and as a result, was applied to the land. During the 2021 review of Community Land Management Plans, the Port Augusta Gun Club identified that this parcel runs between two parcels of land that they own, and forms a part of their shooting range. As a result it is not appropriate for use as community land. Since this was identified the Port Augusta Gun Club have leased the land from Council.

DISCUSSION

Revocation Process

To revoke the Community Land status for the above parcels of land, Council must undertake community consultation, publish public notices, and inform key stakeholder and neighbours of the proposal, in order to obtain any submissions in relation to the proposed changes. Following community the consultation process, a report will be prepared for the Minister to formally revoke the classification.

It is recommended that Council endorse the revocation proposal for the removal of the community land status for all parcels noted in this report in line with section 194 of the Local Government Act 1999 and Council's Consultation and Engagement Strategy.

The information in relation to each of the parcels below, will be made available as a part of the consultation process, so that the community can review the relevant information prior to providing any feedback.

Bird Lake Land Parcels

A summary of the reasons for the proposal

The revocation of community land status on the four parcels within Bird Lake will ensure consistency of all land status for the Bird Lake area. There is no need for the land to be classified as community land, as the land cannot be accessed or used for community purposes, as it is an environmental conservation zone.

Statement of any Dedication, reservation, or trust to which the land is subject

The four land parcels within Bird Lake were not specifically excluded from community land classification when the Community Land Management Plans were originally developed. This was an oversight at the time, as there is no need for a community land classification. All other parcels of Council owned land situated within Bird Lake do not have any land dedication attached to them.

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

Exclusion of Community land status of these four land parcels is not proposed for the disposal of the land.

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

The land cannot be accessed or used for community purposes, as it is an environmental conservation zone, therefore there will be no change to the current community access.

Portion of Land (closed road) Certificate of Title 6100/44

A summary of the reasons for the proposal

This unmade road was closed in 2012 and community land status was not excluded at that time. As the entirety of this portion of land is located between land owned by the Port Augusta Gun Club, it cannot be utilised by the public. The land is leased to the Port Augusta Gun Club as it forms a part of their shooting range. The proposal for the revocation is to seek a permanent resolution of this issue.

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

The parcel of land is a former unmade public road, that was closed in 2012, and community land status was not excluded at the time of the road closure, therefore automatically becoming community land. The land is currently leased to the Port Augusta Gun Club.

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.

Revocation of community land classification is proposed to allow Council to facilitate the disposal of the land to the Port Augusta Gun Club, as the only adjoining owners of the land.

There was no government assistance provided to acquire this land, as it was a former unmade public (Council) road.

It is envisaged that the valuation for the land will be quite low, and a separate report will be presented to Council to determine a suitable sale price, in accordance with the Disposal of Assets Policy. The limited proceeds will be treated as general revenue.

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

CT 6100/44 is located entirely within two other allotments of privately owned land and the revocation of community land status would not affect the area or the local community.

CONFIDENTIALITY PROVISIONS

Not applicable.

RISK MANAGEMENT

1: Financial/Budget/Asset Management

The costs for the revocation process will be limited to advertising costs, and can be covered from existing budgets.

2: Legal/Policy

Section 194 of the *Local Government Act 1999* provides the legislative framework in relation to the revocation of the community land status applicable to Council land and the process undertaken complies with these provisions.

3: Environment/Planning

The portions of land located at Bird Lake are zoned as environmental conservation zone and they cannot be utilised by the general public.

4: Community

It is not envisaged that the revocation of community land status for the parcels detailed in this report will have any impact on the broader community, as the land is not currently used by the general public.

Melissa Kretschmer
27/09/2023

Bird Lake Area
Assessment 2627
Valuation 662503200*
Section 196 - CT5189/290
Section 199 - CT5189/562
Section 187 - CT5189/561
Section 194 - CT5189/560



CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1886



South Australia

VOLUME 5189 FOLIO 290

Edition 2

Date Of Issue 25/05/1994

Authority CD 6987000

I certify that the registered proprietor is the proprietor of an estate in fee simple (or such other estate or interest as is set forth) in the land within described subject to such encumbrances, liens or other interests set forth in the schedule of endorsements.

REGISTRAR-GENERAL



WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT CERTIFICATE

REGISTERED PROPRIETOR IN FEE SIMPLE

THE CORP OF THE CITY OF PORT AUGUSTA OF 4 MACKAY STREET PORT AUGUSTA SA 5700

DESCRIPTION OF LAND

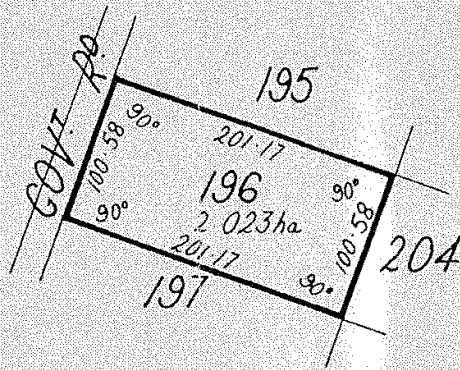
SECTION 196
HUNDRED OF DAVENPORT

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

NIL



CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1886



South Australia

VOLUME 5189 FOLIO 560

Edition 2

Date Of Issue 25/05/1994

Authority CD 6987000

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DESCRIPTION OF LAND

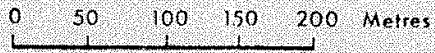
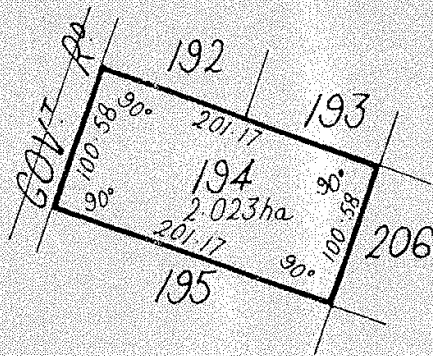
SECTION 194
HUNDRED OF DAVENPORT

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

NIL



CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1886



South Australia

VOLUME 5189 FOLIO 561

Edition 2

Date Of Issue 25/05/1994

Authority CD 6987000

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THE CORP OF THE CITY OF PORT AUGUSTA OF 4 MACKAY STREET PORT AUGUSTA SA 5700

DESCRIPTION OF LAND

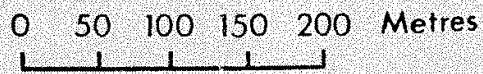
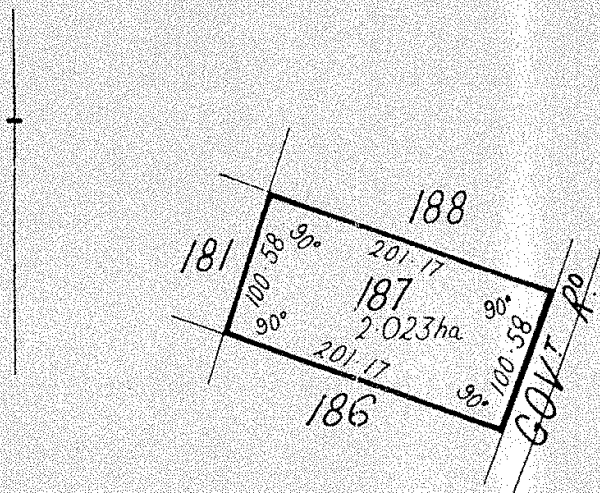
SECTION 187
HUNDRED OF DAVENPORT

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

NIL



CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1886



South Australia

VOLUME 5189 FOLIO 562

Edition 2

Date Of Issue 25/05/1994

Authority CD 6987000

I certify that the registered proprietor is the proprietor of an estate in fee simple (or such other estate or interest as is set forth) in the land within described subject to such encumbrances, liens or other interests set forth in the schedule of endorsements.

REGISTRAR-GENERAL



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REGISTERED PROPRIETOR IN FEE SIMPLE

THE CORP OF THE CITY OF PORT AUGUSTA OF 4 MACKAY STREET PORT AUGUSTA SA 5700

DESCRIPTION OF LAND

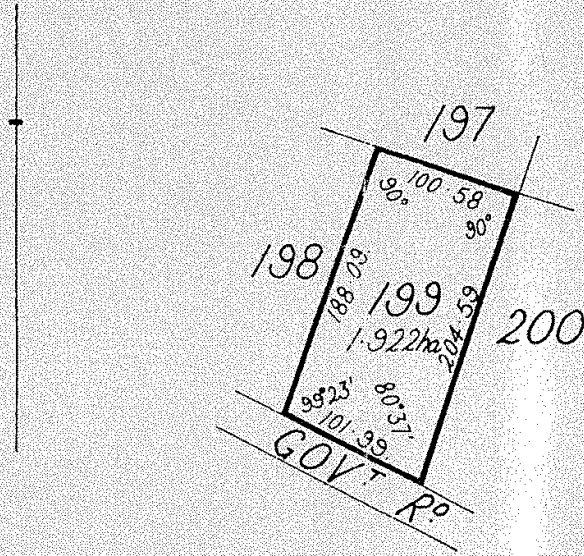
SECTION 199
HUNDRED OF DAVENPORT

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

NIL



Closed Public Road
Assessment 1965
Valuation 6625055500
CT 6100/44



CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1886

**South Australia**

VOLUME 6100 FOLIO 44

Edition 1
 Date Of Issue 13/09/2012
 Authority VM 11802401

I certify that the registered proprietor is the proprietor of an estate in fee simple (or such other estate or interest as is set forth) in the land within described subject to such encumbrances, liens or other interests set forth in the schedule of endorsements.

**REGISTRAR-GENERAL****REGISTERED PROPRIETOR IN FEE SIMPLE**

THE CORPORATION OF THE CITY OF PORT AUGUSTA OF PO BOX 1704 PORT AUGUSTA SA
 5700

DESCRIPTION OF LAND

CLOSED ROAD MARKED A ROAD PLAN 6437
 HUNDRED OF DAVENPORT

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

NIL

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT CERTIFICATE.

VOLUME 6100 FOLIO 44

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