

Report for Public Consultation

**Proposed Revocation of Community Land Classification of a
Portion of Land adjacent Bower Road, Semaphore South.**

Introduction

What is Community Land?

Most land that is owned by Council or under its care and control is set aside for the public to use and enjoy.

All local government land (except roads) that is owned by Council or is under the care, control and management of Council is **Community Land** under the *Local Government Act 1999*, unless it has been exempted through legislation, excluded by resolution of Council or the classification has been revoked.

This land is classified as “Community Land” to make sure it is looked after for the benefit of the whole community and to reflect that some land has special meaning to locals because of important cultural or historic features. Council is responsible for actively managing this land.

Council’s overall goal is to create a vibrant and attractive city that is well-planned, with safe and healthy places to live, work and play. When it plans ahead, Council takes into account changing population demographics (in particular ageing), changing community needs and shifts in leisure trends such as the increasing demand for structured recreation activities.

Over time community expectations and priorities change about how Community Land should be used and there are competing demands for its use. Council needs to consider all of these demands and the best way to use ratepayers’ money in a way that benefits the most people.

Sometimes Council needs to consider whether it is in the long-term interests of the community that the protection of a parcel of land under the classification of Community Land should continue. Council (in consultation with the community) may decide that such protection under this classification is no longer required, to enable the land to be sold and the proceeds used for another community purpose, such as the building of a community facility.

How is Community Land revoked?

The *Local Government Act 1999* contains important restrictions on the ability of Council to revoke and sell its Community Land. Community Land cannot be sold without first consulting with the broader community and giving the public an opportunity to consider any proposal to sell the land. Council must take into account the views and opinions of the public when Council makes its decision as to whether it will revoke the Community Land status of the land.

Then the Minister for Planning and Local Government (‘the Minister’) must also consider the overall merits of the proposal and decide whether to consent to the revocation and sale and give Council the authority to proceed

What is the process?

Section 194 of the *Local Government Act 1999* requires Council to prepare a report on a proposal to revoke the Community Land classification of any land and to place that report on display and follow the steps set out in its public consultation policy before considering any submissions and submitting the proposal to the Minister for decision. The report describes the proposal, the reasons behind it, where the land is located and the possible future use of the land.

What happens to my feedback?

Details about the revocation proposal can be seen on Council’s website or at Council’s offices. Council staff will submit the proposal and report on consultation to Council for consideration.

Any person providing written feedback is required to include their name, address and contact information and together with their comments, these details will be treated as a public document upon receipt.

A copy of any written feedback is included in the report that will be presented to the elected members of Council. Council's response to the issues raised is also included in this report.

Council members must consider what the community has to say about the proposal, when they decide whether to make an application to the Minister for approval.

Council staff may recommend that the classification of the land be revoked at a meeting of Council. Council may decide not to proceed any further. The decision is up to the elected members of Council.

What is the role of the Minister?

If Council decides to apply for the Minister's approval, a report must be provided to the Minister that includes a copy of every public submission made during the course of the public consultation and a report on all submissions. The process of consulting the public and its results is an important factor in the Minister's decision whether to approve the proposal or not. The Minister has the discretion to decide one way or the other.

If the Minister approves Council's application - this consent gives Council the authority to pass a resolution to revoke the classification of the land as Community Land. Once that resolution is made at a meeting of Council, then the sale process can start.

The Revocation of the Community Land classification does not take effect unless Council makes a resolution to give effect to the proposal. Council may decide that it does not wish to proceed with the resolution.

If Council resolves to revoke the classification, the land is freed from any dedication, reservation or trust affecting the land (other than under the *Crown Lands Act 1929*).

Report for Public Consultation; Section 194 Report

- Describes the proposal
- Provides the reasons for the proposal
- Identifies the land and where it is located
- Provides a location plan.