NOTICE OF COUNCIL MEETING

Pursuant to the provisions of section 84 (1) of the
Local Government Act 1999

The Special Meeting of the

Adelaide Plains Council

will be held in

Council Chamber
Redbanks Road
Mallala

on

Monday 29 November 2021 at 6.00pm

James Miller
CHIEF EXECUTIVE OFFICER

In light of the ongoing COVID-19 public health emergency, and pursuant to section 302B of the Local Government Act 1999 and the Electronic Participation in Council Meetings Notice (No 1) 2020, **public access to all Council and Committee meetings will be facilitated via live stream on Council's YouTube channel**.
On the day of the meeting, a direct link to the live stream will be displayed on the homepage of Council's website www.apc.sa.gov.au

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Adelaide Plains Council	**4.1**	**Review of Code of Practice – Meeting Procedures**
	Department:	**Governance and Executive Office**
	Report Author:	**Manager Governance and Administration**
Date: 29 November 2021	**Document Ref:**	**D21/51972**

EXECUTIVE SUMMARY

- The purpose of this report is for Council to review its current *Code of Practice – Meeting Procedures* in order to reflect recent legislative changes.
- The *Statutes Amendment (Local Government Review) Bill 2020* passed through the Parliament on 10 June 2021 and the *Statutes Amendment (Local Government Review) Act (Commencement) Proclamation 2021* was made on Thursday 16 September 2021. The various amendments contained within the *Statutes Amendment (Local Government Review) Act 2021* (the Review Act) have been, and will continue to be, implemented in stages.
- Two amendments which took effect on 10 November 2021 (Round 2), upon commencement of regulation 5 and 6 of the *Local Government (procedures at Meetings) (Review) Variation Regulations 2021* (Variation Regulations), are:
    - A council member must now give seven (7) clear days' notice between asking a question on notice and the date of the meeting at which that question is to be asked and
    - A council member must now give seven (7) clear days' notice between providing a notice of motion and the date of the meeting at which the motion will be moved.
- Previously, as Members will recall and indeed as is currently provided for within Council's Code of Practice, five (5) clear days' notice was required for both questions on notice and motions on notice.
- The Local Government Association has advised that councils are not required to immediately update any code of practice documents that relate to meeting procedures in order for the change to take effect and, further, that the change can be incorporated at the next review of the code of practice.
- However, in order to maintain consistency with the relevant legislation (namely, the *Local Government (Procedures at Meetings) Regulations 2013*) and to ensure certainty amongst Members and the community regarding the notice requirements for questions on notice and motions on notice, Management is recommending that Council review its Code of Practice as a matter of urgency.
- Accordingly, a marked up copy of the Code of Practice is provided for as **Attachment 1** to this report with the relevant changes shown in green text at Clauses 9(1) and 12(2) respectively.

RECOMMENDATION

"that Council, having considered Item 4.1 – *Review of Code of Practice – Meeting Procedures,* dated 29 November 2021, receives and notes the report and in doing so adopts the *Code of Practice – Meeting Procedures* as presented as a marked-up document at Attachment 1 to this Report, noting the following amendments:

1. **At Clause 9(1), delete the words 'five (5)' and insert the words 'seven (7)' and**
2. **At Clause 12(1), delete the words 'five (5)' and insert the words 'seven (7)'."**

BUDGET IMPACT

Estimated Cost:	Nil
Future ongoing operating costs:	Nil
Is this Budgeted?	Not Applicable

RISK ASSESSMENT

Although the Local Government Association has advised that councils are not required to immediately update any code of practice documents that relate to meeting procedures in order for the change to take effect and, further, that the change can be incorporated at the next review of the code of practice, Management is recommending that Council review its Code of Practice. This will ensure consistency with the *Local Government (Procedures at Meetings) Regulations 2013* and will also eliminate any confusion amongst Members or the community regarding the notice requirements for questions on notice and motions on notice.

The adoption (or review) of a Code of Practice must be supported by two-thirds of members eligible to vote. Any Code of Practice must be reviewed within 12 months of a general election, and the operation of the Code of Practice should be reviewed once in every financial year.

Attachments

1. Code of Practice – Meeting Procedures (marked up).

DETAILED REPORT

Purpose

The purpose of this report is for Council to review its current *Code of Practice – Meeting Procedures* in order to reflect recent legislative changes.

Background/History

Legislative Requirements

Section 86 of the *Local Government Act 1999* (the Act), prescribes the procedures at meetings at a high level. Section 86(8) states:

> *Subject to this Act, the procedures to be observed at a meeting of a council will be:*
>
> *(a) As prescribed by regulation; and*
>
> *(b) Insofar as the procedure is not prescribed by regulation, as determined by the Council.*

The *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) allow for a Council to adopt a Code of Practice or Policy to vary procedures at meetings.

Regulation 4 provides Guiding Principles that should be applied with respect to the procedures to be observed at formal meetings as follows:

(a) Procedures should be fair and contribute to open, transparent and informed decision-making;

(b) Procedures should encourage appropriate community participation in the affairs of the council;

(c) Procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;

(d) Procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

The Regulations prescribe that a Code of Practice must be reviewed within 12 months of a general election and the operation of any Code of Practice should be reviewed once in every financial year. The last substantial review of the current Code of Practice occurred in June 2021 and, accordingly a further substantial review will occur prior to 30 June 2022.

Local Government Reform – Amendments

The *Statutes Amendment (Local Government Review) Bill 2020* passed through the Parliament on 10 June 2021 and the *Statutes Amendment (Local Government Review) Act (Commencement) Proclamation 2021* was made on Thursday 16 September 2021. The various amendments contained within the *Statutes Amendment (Local Government Review) Act 2021* have been, and will continue to be, implemented in stages.

Round 1 amendments commenced on 20 September 2021 and Round 2 Amendments commenced on 10 November 2021. Further amendments will commence on a date, or dates, yet to be determined. Information and reports have been presented to Council regularly throughout the reform process and, in particular, around the time of each commencement date.

Discussion

Two amendments which took effect on 10 November 2021 (Round 2), upon commencement of regulation 5 and 6 of the *Local Government (Procedures at Meetings) (Review) Variation Regulations 2021* (Variation Regulations) are:

1. Questions on Notice

Commencement of regulation 5 of the Variation Regulations, amending **regulation 9** of the *Local Government (Procedures at Meetings) Regulations 2013.*

The Variation Regulations require a council member to give at least **seven (7) clear day**s' notice between asking a question on notice and the date of the meeting at which that question is to be asked.

2. Notice of Motion

Commencement of regulation 6 of the Variation Regulations, amending **regulation 12** of the Local Government (Procedures at Meetings) Regulations 2013.

The Variation Regulations require a council member to give at least **seven (7) clear days'** notice between providing a notice of motion and the date of the meeting at which that motion will be moved.

Council's Code of Practice

Previously, as Members will recall, and indeed as is currently provided for within Council's Code of Practice, five (5) clear days' notice was required for both questions on notice and motions on notice.

The Local Government Association has advised that councils are not required to immediately update any code of practice documents that relate to meeting procedures in order for the change to take effect and, further, that the change can be incorporated at the next review of the code of practice.

However, in order to maintain consistency with the relevant legislation (namely, the *Local Government (Procedures at Meetings) Regulations 2013)* and to avoid any confusion and ensure certainty amongst Members and the community regarding the notice requirements for questions on notice and motions on notice, Management is recommending that Council review its Code of Practice as a matter of urgency.

Accordingly, a marked up copy of the Code of Practice is provided for as **Attachment 1** to this report with the relevant changes shown in green text at Clauses 9(1) and 12(2) respectively.

Conclusion

It is recommended that Council reviews, and updates, its current Code of Practice to reflect the recent legislative changes to notice periods for both questions on notice and notices of motion.

References

Legislation

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

Local Government (Procedures at Meetings) (Review) Variation Regulations 2021

Statutes Amendment (Local Government Review) Act (Commencement) Proclamation 2021 (SA)

Statutes Amendment (Local Government Review) Act 2021 (SA)

Council Policies/Plans

Strategic Plan 2021-2024 – Proactive Leadership

Adelaide Plains Council	**Code of Practice – Meeting Procedures**	
	Version Adoption by Council:	~~28 June 2021~~ TBC
	Resolution Number:	~~2021/236~~ TBC
	Current Version:	~~V10~~ TBC
	Administered by: Chief Executive Officer	**Last Review Date:** 2021 **Next Review Date:** 2022
Document No: ~~D21/29475~~ D21/51989	**Strategic Outcome:** Proactive Leadership	

Introduction

Adelaide Plains Council is committed to the principle of honest, open and accountable government and encourages community participation in the business of Council.

Sections 86(8) and 89(1) of the *Local Government Act 1999* (the *Act*) provides that, subject to the *Act*, the procedures to be observed at a meeting of Council or a Council Committee will be:-

- As prescribed by regulation; and
- Insofar as the procedure is not prescribed by regulation – as determined by the Council; and
- Insofar as the procedure is not prescribed by regulation or determined by the Council – as determined by the Council Committee itself.

Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* (the *Regulations*) specifies certain procedures to be followed during the operation of:-

- Meetings of Council;
- Meetings of a Council Committee performing regulatory activities; and
- Meetings of any other Council Committee to which the Council has resolved Part 2 will apply.

The *Regulations* provide that Council may develop and adopt a Code of Practice for its own meetings of Council and its Committees that varies certain of these provisions.

This Code of Practice restates the minimum legislative requirements contained in the *Regulations,* and contains the procedures adopted by Council that are variations of the *Act* and *Regulations*, or concern matters on which the *Act* and *Regulations* are silent. These discretionary procedures have been inserted in ***italics and bold like this***, in this Code of Practice to enable them to be read in conjunction with the formal requirements of the *Act* and *Regulations*.

Further, the terms 'regulation' and 'sub regulation' appearing in the *Regulations* have been substituted with 'clause' and 'sub-clause' respectively for the purposes of this Code of Practice. These words may be used interchangeably for the purpose of referring to and interpreting this Code. The *Act* and *Regulations* will prevail in the event of any conflict or inconsistency with this Code.

This Code of Practice will be available to the public to assist their understanding of the procedures associated with the operation of both Council and Council Committee meetings of Adelaide Plains Council.

Public Health Emergency: Electronic Participation in Council Meetings

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999,* the *Electronic Participation in Council Meetings Notice (Notice 1) 2020* varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice 1. Notice 1 commenced operation on 31 March 2020.

For the period Notice 1 has effect (as provided for in Notice 1), **this Code of Practice is altered as set out below (in red text)** and those alterations have effect notwithstanding any other provision in this Code of Practice to the contrary.

For the avoidance of doubt, save for the alterations to the Code of Practice as set out below, this Code of Practice otherwise applies to all meetings of the Council.

Part 1 – Preliminary

1. Citation

This Code may be cited as the Code of Practice - Meeting Procedures (the Code).

2. Purpose

The Code sets out the agreed procedures for the conduct of Council and Committee Meetings, including the legislative obligations and the discretionary elements which Council has varied to enable the Council to operate with reference to the specific needs of this community. It is to be read in conjunction with the *Act* and *Regulations.*

3. Interpretation

(1) In this Code, unless the contrary intention appears:

Act means the *Local Government Act 1999*;

Clear days see sub-clause (2) & (3);

Deputation means a person or group of persons who wish to appear personally before the Council or Council committee in order to address the council or committee (as the case may be) on a particular matter;

Electronic means includes a telephone, computer or other electronic device used for communication.

Disconnection of the electronic includes:

(a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard;

(b) ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard;

(c) logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard;

(d) signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or

(e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard.

Formal motion means a motion:

(i) that the meeting proceed to the next business; or

(ii) that the question be put; or

(iii) that the question lie on the table; or

(iv) that the question be adjourned; or

(v) that the meeting be adjourned[1.];

[1.] See Clause 12 for specific provisions about formal motions.

Guiding Principles see Clause 4;

Member means a member of the Council or Council committee (as the case may be);

Point of order means a point raised to draw attention to an alleged breach of the *Act* or this Code of Practice in relation to the proceedings of a meeting;

Presiding Member means the person who is the Presiding Member of the Council or Council committee (as the case may be) and includes any person who is presiding at a particular meeting;

Regulations means the *Local Government (Procedures at Meetings) Regulations 2013*.

Regulatory function means an activity which involves the making or enforcement of by-laws, orders, standards or other controls under the *Act*; and

Written notice includes a notice given in a manner or form determined by the Council ***which includes either legibly hand written or typed and either in paper or electronic form***.

(2) In the calculation of **clear days** in relation to the giving of notice before a meeting:

(a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and

(b) Saturdays, Sundays and public holidays will be taken into account.

(3) For the purpose of the calculation of **clear days** under sub-clause (2), if a notice is given after 5.00pm on a day, the notice will be taken to have been given on the next day.

(4) For the purpose of this Code, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this sub-clause prevents a division from being called in relation to the vote).

4. Guiding Principles

The following principles (the **Guiding Principles**) should be applied with respect to the procedures to be observed at a meeting of the Council or a Council committee:

(a) procedures should be fair and contribute to open, transparent and informed decision-making;

(b) procedures should encourage appropriate community participation in the affairs of the Council;

(c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;

(d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

Part 2 – Meetings of Councils and Key Committees

Division 1 – Preliminary

5. Application of Part

The provisions of this Part apply to, or in relation to:

(a) the meetings of the Council;

(b) the meetings of a Council committee performing regulatory activities; and

(c) the meetings of any other Council committee if the Council has, by resolution, determined that this Part should apply to that committee.

Where there is any doubt as to whether a committee performs regulatory activities, the Chief Executive Officer (CEO) will make a final determination on the matter.

6. Discretionary Procedures

(1) Subject to the requirements of the *Act*, if a provision of this Part is expressed to be capable of being varied at the discretion of the Council pursuant to this clause, then a Council may, by a resolution supported by at least two-thirds of the members of the Council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the Council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).

(2) Council should, at least once in every financial year, review the operation of this Code under this clause.

(3) Council may at any time, by resolution supported by at least two-thirds of the members of the Council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.

(4) Council must, in considering the exercise of a power under this clause, take into account the Guiding Principles.

(5) A person is entitled to inspect (without charge) the Code under this clause at the principal office of the Council during ordinary office hours.

(6) A person is entitled, on payment of a fee fixed by the Council, to a copy of the Code.

(7) Clause 12(4) does not apply to a motion under sub-clause (3).

(8) This clause does not limit or derogate from the operation of Clause 20.

Division 2 – Prescribed Procedures

Attendance at Council Meetings

Members of the Council may participate in a meeting of the Council by electronic means.

A member of the Council participating in a Council meeting by electronic means is taken to be present at the meeting provided that the member:

(a) can hear all other members present at the meeting;

(b) can be heard by all other members present at the meeting; and

(c) can be heard by the person recording the minutes of the meeting.

Form of Participation by Electronic Means

Where:

(a) a Council member is to participate in a Council meeting by electronic means; and

(b) the electronic means has the functionality to allow the Council member to participate in the meeting by being heard but not seen or by being both seen and heard; and

(c) the electronic means of the Council has the functionality to allow the council member to be heard but not seen or to be both seen and heard,

the member must participate by being both seen and heard.

7. Commencement of Meetings and Quorums

(1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.

Quorum

A member of the Council participating in a Council meeting by electronic means is taken to be present at the meeting provided that the member:

(a) can hear all other members present at the meeting;

(b) can be heard by all other members present at the meeting; and

(c) can be heard by the person recording the minutes of the meeting.

A quorum is taken to be present even if 1 or more Council members constituting the quorum is present by electronic means.

(2) If the number of apologies received by the CEO indicates that a quorum will not be present at a meeting, the CEO may adjourn the meeting to a specified day and time.

(3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member or, in the absence of a Presiding Member, the CEO, will adjourn the meeting to a specified day and time.

(4) If a meeting is adjourned for want of a quorum, the CEO will record in the minutes the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.

(5) If a meeting is adjourned to another day, the CEO must:

(a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting;

(b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the Council; and

(c) where such notice is to be given, notices will be placed on Council's website, its Principal Office and the Two Wells Service Centre.

(6) Council and committee meetings outlined in Part 2 Clause 6, will be adjourned if, where the items listed on the agenda are not considered by Council / Committee within three (3) hours, with the option of an additional 30 minute curfew.

Leave of the Meeting

A vote on whether ***leave of the meeting*** is granted may be conducted by:

(a) a show of hands; or

(b) where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative.

A division may be called in relation to the vote.

Adjourned Meetings

If a meeting is adjourned to another day, the Chief Executive Officer must:

(a) give notice of the adjourned meeting to each member of the Council setting out the date, time and place of the meeting;

(b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the chief executive officer.

8. Minutes

(1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

(2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.

(3) On the confirmation of the minutes, the Presiding Member will:

(a) initial each page of the minutes, which pages are to be consecutively numbered; and

(b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.

On confirmation of the minutes the presiding member may initial or sign the minutes in hardcopy or electronically.

(4) The minutes of the proceedings of a meeting must include:

(a) the names of the members present at the meeting; and

(b) in relation to each member present:

(i) the time at which the person entered or left the meeting; and

(ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and

(iii) the method of attendance by the person.

Example:

The following are examples of methods of attendance:

(a) physical attendance;

(b) by an audio-visual link;

(c) by an audio link;

(d) by telephone.

(c) each motion or amendment, and the names of the mover and seconder; and

(d) any amendment or withdrawal of a motion or amendment; and

(e) whether a motion or amendment is carried or lost; and

(f) any disclosure of interest made by a member; and

(g) an account of any personal explanation given by a member; and

(h) details of the making of an order under subsection (2) of Section 90 of the *Act* (see subsection (7) of that Section); and

(i) a note of the making of an order under subsection (7) of Section 91 of the *Act* in accordance with the requirements of subsection (9) of that section; and

(j) details of any adjournment of business; and

(k) a record of any request for documents to be tabled at the meeting; and

(l) a record of any documents tabled at the meeting; and

(m) a description of any oral briefing given to the meeting on a matter of council business; and

(n) any other matter required to be included in the minutes by or under the *Act* or any Regulation.

9. Questions

(1) A member may ask a question on notice by giving the CEO written notice of the question at least ~~five (5)~~ seven (7) clear days before the date of the meeting at which the question is to be asked.

(2) If notice of a question is given under sub-clause (1):

(a) the CEO must ensure that the question is placed on the agenda for the meeting at which the question is to be asked;

(b) the question and the reply must be entered in the minutes of the relevant meeting.

(3) A member may ask a question without notice at a meeting.

(4) The Presiding Member may allow the reply to a question without notice to be given at the next meeting.

(5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

(a) a motion under Clause 9(5) must be made prior to the question without notice and reply being made.

(6) The Presiding Member may rule that a question with or without notice not be answered if the Presiding Member considers that the question is vague, irrelevant, insulting or improper.

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Public Open Forum

Council will not facilitate the holding of Public Open Forum.

(1) To facilitate the holding of the Public Open Forum the Council will apply Clause 20 (Short Term Suspension of Proceedings) of these procedures for a period of up to 30 minutes (or less depending on public requests) at the conclusion of accepting Minutes and considering any Business Arising on each agenda of an Ordinary Council Meeting, to provide an opportunity for members of the public to raise issues for Council's consideration.

(2) A maximum of five (5) minutes per representative will apply. The Presiding Member may allow for an extension of time if appropriate.

(3) The Presiding Member will introduce the Public Open Forum by providing community members present an overview of the process to be followed during Public Open Forum.

(4) The following guidelines will apply in relation to the Public Open Forum:-

- ***The community member must provide their name and town/location details at the beginning of their address;***
- ***Time allowed is five (5) minutes as per sub-clause (2);***
- ***All questions need to be addressed to the Presiding Member and no discussion and/or debate will occur between the community member and individual Council Members;***
- ***The representation must focus on the issue/topic of concern and must not be about individual Council Members or staff;***
- ***Council Members are able to ask questions of the public through the Presiding Member; and***

- ***The Presiding Member has complete discretion over the process and may refuse to allow discussions to continue if he/she considers that the process is not being adhered to.***

(5) Where the Presiding Member of the meeting considers it appropriate, a response or update on the issue raised may be requested from the CEO or delegate, to be provided as soon as practicable.

(6) The person's name, town/location and topics discussed will be recorded in the Minutes of the meeting.

10. Petitions

(1) A petition to the council must:

(a) be legibly written or typed or printed; and

(b) clearly set out the request or submission of the petitioners; and

(c) include the name and address of each person who signed or endorsed the petition; and

(d) be addressed to the council and delivered to the principal office of the council.

A petition must be addressed to the Council and delivered to the Council by email to info@apc.sa.gov.au

(2) If a petition is received under sub-clause (1), the CEO must ensure the petition or, if the Council has so determined as a policy of the Council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the Council, or is so provided by a policy of the Council, a committee of the Council, ***and that a copy of the full petition is provided to Council Members on request.***

(3) Sub-clause (2) may be varied at the discretion of the council pursuant to *Regulation 6* of the *Local Government (Procedures at Meetings) Regulations 2013*.

11. Deputations

(1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the Council) a written request to the council ***five (5) clear days before the date of the meeting at which the person(s) wishes to appear.*** [1]

(a) If the matter relates to an item of business on the Agenda, the written request may be received at the principal office of the Council up until 5.00pm on the day of the meeting.

A person or persons wishing to appear as a deputation at a meeting must deliver a written request to the Council by email to info@apc.sa.gov.au

(2) The CEO must transmit a request received under sub-clause (1) to the Presiding Member.

(3) The Presiding Member may refuse to allow the deputation to appear at a meeting ***or may offer those requesting a deputation the opportunity to appear at a relevant Committee (as per sub-clause (7)).***

(4) The CEO must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.

A person or persons wishing to appear as a deputation at a meeting may appear by electronic means.

The Chief Executive Officer will (with respect to a request that has not been refused), when informing the person or persons who requested the deputation of the outcome of their request, indicate the method by which the person or persons are to appear at the meeting.

(5) If the Presiding Member refuses to allow a deputation to appear at a meeting, the Presiding Member must report the decision to the next meeting of the Council or Council committee (as the case may be).

(6) The Council or Council committee may resolve to allow a deputation to appear despite a contrary ruling by the Presiding Member.

(7) A council may refer the hearing of a deputation to a council committee.

(8) A person or persons appearing as a deputation will be allowed to speak on an issue for a maximum of ten (10) minutes. The Presiding Member may allow for additional time or speakers.

[1] This will enable staff to liaise with the Presiding Member, prior to distribution of the agenda for the meeting. A notation should appear on the agenda for the meeting in relation to the deputation.

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Council Meetings – Call Over of Items of Business

(1) Each item on the meeting agenda will be considered separately with Council considering each recommendation made in such reports.

12. Motions

(1) A member may bring forward any business in the form of a written notice of motion.

(2) The notice of motion must be given to the CEO at least ~~five (5)~~ seven (7) clear days before the date of the meeting at which the motion is to be moved.

(3) A motion to the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the Council must be brought by written notice of motion.

(4) If a motion under sub-clause (3) is lost, a motion to the same effect cannot be brought:

(a) until after the expiration of twelve (12) months; or

(b) until after the next general election; whichever is the sooner.

(5) Subject to the *Act* and this Code, a member may also bring forward any business by way of a motion without notice.

(6) The Presiding Member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.

(7) The Presiding Member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the Council or Council committee (as the case may be).

(8) A motion will lapse if it is not seconded at the appropriate time.

(9) A member moving a motion will speak to the motion at the time of moving the motion.

(a) A member seconding a motion may elect to either speak to the motion at the time of seconding or may reserve their right to speak to the motion until a later stage of the debate. Where a member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to the motion.

(10) A member may only speak once to a motion except:

(a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or

(b) with leave of the meeting; or

(c) as the mover in reply.

(11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion:

(a) A member who has seconded a motion, and has reserved their right to speak to the motion at a later stage pursuant to sub-clause (9)(a), may not move or second an amendment to the motion,

(b) Wherever practicable, members wishing to move a motion without notice in relation to an item that is different from that recommended in the agenda for that item are encouraged to make available a written copy of their motion to assist the Presiding Member in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.

(12) A member who has not spoken in the debate on a question may move a formal motion.

(13) A formal motion must be in the form of a motion set out in sub-clause (14) (and no other formal motion to a different effect will be recognised).

(14) If the formal motion is:

(a) that *the meeting proceed to the next business*, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business;

(b) that *the question be put*, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the Presiding Member without further debate;

(c) that *the question lie on the table*, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption);

(d) that *the question be adjourned*, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or

(e) that *the meeting be adjourned*, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.

(15) If seconded, a formal motion takes precedence and will be put by the Presiding Member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).

(16) A formal motion does not constitute an amendment to a substantive motion.

(17) If a formal motion is lost:

(a) the meeting will be resumed at the point at which it was interrupted; and

(b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e. a motion to the same effect) cannot be put until at least one (1) member has spoken on the question.

(18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

(19) Any question that lies on the table as a result of a successful formal motion under sub-clause (14)(c) lapses at the next general election.

(20) The CEO must report on each question that lapses under sub-clause (19) to the Council at the first ordinary meeting of the Council after the general election.

(21) Sub-clauses (9), (10) and (11) may be varied at the discretion of the Council pursuant to *Regulation 6* of the *Local Government (Procedures at Meetings) Regulations 2013*.

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Member who places Notice of Motion on Agenda Absent

(1) In circumstances where a Notice of Motion has been placed on the Council Agenda and the member who placed the Notice of Motion is not in attendance at the meeting, another Elected Member may move the motion in their stead or move a motion without notice in the same terms of the Notice of Motion.

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Motions without Notice (refer Regulation/Clause (12)(6) and (7))

(1) Motions without Notice have not been advertised to the broader community and therefore it is considered not in the interest of best governance practice, and a denial of natural justice, to have items that do not fit into the following criteria below, considered at this part of the meeting.

(2) The agenda item 'Motions without Notice' is to be restricted to business that is:-

- ***A request that a report on a particular topic be presented at a future meeting;***
- ***A simple matter, requiring little information to be considered, and the impact of which on Council is deemed to be minor;***
- ***A matter arising from an item before Council that has been considered in detail at that meeting, and where a Motion without Notice is seen as the best way to resolve the matter; and/or***
- ***A matter of such urgency and importance that failure to consider it at the meeting would be likely to result in detriment to the Council.***

(3) Wherever practicable, members wishing to move a Motion without Notice (in relation to an item on the agenda) that differs from that recommended in the agenda for that item are encouraged to make available a written copy of their motion. This will assist the Presiding Member in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.

13. Amendments to Motions

(1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

(2) An amendment will lapse if it is not seconded at the appropriate time.

(3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.

(a) A member may only speak once to an amendment to the motion except:

(i) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or

(ii) with leave of the meeting.

(b) For the avoidance of doubt:

(i) any member (including the mover and seconder of the original motion and any other person who has spoken to the original motion at an earlier stage) is entitled to speak to the amendment and, in doing so, is not taken to have spoken to the original motion; and

(ii) clause (13)(3)(a) does not prevent a member from speaking to any further amendment to the original motion.

(4) If an amendment is lost, only one (1) further amendment may be moved to the original motion.

(5) If an amendment is carried, only one (1) further amendment may be moved to the original motion.

(6) Sub-clauses (1), (3), (4) and (5) may be varied at the discretion of the Council pursuant to *Regulation 6* of the *Local Government (Procedures at Meetings) Regulations 2013*.

14. Variations etc.

(1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.

(2) The Presiding Member must immediately put the question for leave to be granted and no debate will be allowed on that question.

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Right of Reply

(1) The mover of a motion shall have an opportunity to respond following all debate on a motion (closing the item / right of reply).

(2) Following the conclusion of the right of reply, no further debate shall occur and the motion shall be put.

15. Addresses by Members, etc.

(1) A member must not speak for longer than five (5) minutes at any one (1) time without leave of the meeting.

(2) A member, may, with the leave of the meeting, raise a matter of urgency.

(3) A member may, with leave of the meeting, make a personal explanation.

(4) The subject matter of a personal explanation may not be debated.

(5) ***Where practicable, a copy of the personal explanation is provided to the Presiding Member before the meeting.***

(6) The contribution of a member must be relevant to the subject matter of the debate.

(7) Sub-clauses (1) and (2) may be varied at the discretion of the Council pursuant to *Regulation 6* of the *Local Government (Procedures at Meetings) Regulations 2013*.

(8) ***A member is at all times during a meeting to address and refer to another member or an employee by their official title or designation, for example, "Councillor (Surname)".***

(9) ***A member speaking at a meeting is not to make a personal reflection upon, or impute an improper motive to, another member or to an employee.***

(10) ***If the Presiding Member is to enter the debate, they must only do so between the first and last speaker.***

16. Voting

(1) The Presiding Member, or any other member, may ask the CEO to read out a motion or amendment before a vote is taken.

(2) The Presiding Member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.

(3) A person who is not in his or her seat is not permitted to vote.

(4) Sub-clause (3):-

(a) may be varied at the discretion of the council pursuant to *Regulation 6* of the *Local Government (Procedures at Meetings) Regulations 2013*; and

(b) does not apply in relation to a member participating in a Council Committee meeting by telephone or electronic means approved in accordance with procedures determined by the Council or Council Committee for the purposes of Section 89 of the *Act.*

A vote in relation to a question for decision before the Council may be taken:

(a) a show of hands; or

(b) where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative.

In relation to a member participating in a Council meeting by electronic means, a member is not permitted to vote in circumstances where there has been a disconnection of the electronic means.

17. Divisions

(1) A division will be taken at the request of a member.

(2) If a division is called for, it must be taken immediately and the previous decision of the Presiding Member as to whether the motion was carried or lost is set aside.

(3) The division will be taken as follows:

except for a member participating in a meeting by electronic means which has audio only:

(a) the members voting in the affirmative will, until the vote is recorded, stand in their places;

(b) the members voting in the negative will, until the vote is recorded, sit in their seats;

(c) the Presiding Member will count the number of votes and then declare the outcome.

where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.

(4) The CEO will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).

(5) Sub-clause (3) may be varied at the discretion of the council pursuant to *Regulation 6* of the *Local Government (Procedures at Meetings) Regulations 2013.*

18. Tabling of Information

(1) A member may require the CEO to table any documents of the Council relating to a motion that is before a meeting (and the CEO must then table the documents within a reasonable time, or at a time determined by the Presiding Member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).

(2) The CEO may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under Section 90 or 91 of the *Act*.

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Urgent Business Items

(1) A member may raise an item for discussion, not already on the agenda, if the item cannot wait until the next meeting of Council.

(2) Members are encouraged to notify the Presiding Member prior to the meeting if they intend to raise a matter as an Urgent Business item.

(3) Where possible, and to facilitate good and informed decision-making, Members are encouraged to raise such Urgent Business Items by way of a motion seeking a report to be submitted.

19. Adjourned Business

(1) If a formal motion for a substantive motion to be adjourned is carried:

(a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and

(b) the debate will, on resumption, continue from the point at which it was adjourned.

(2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.

(3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.

(4) The provisions of this clause may be varied at the discretion of the Council pursuant to *Regulation 6* of the *Local Government (Procedures at Meetings) Regulations 2013*.

20. Short-Term Suspension of Proceedings

(1) If the Presiding Member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the Presiding Member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the Presiding Member.

(2) The Guiding Principles must be taken into account when considering whether to act under sub-clause (1).

(3) If a suspension occurs under sub-clause (1):-

(a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and

(b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension:-

(i) the provisions of the *Act* must continue to be observed[2]; and

(ii) no act or discussion will have any status or significance under the provisions which have been suspended; and

(iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and

[2] See particularly Part 4 of Chapter 5 and Chapter 6 of the *Act*

(c) the period of suspension should be limited to achieving the purpose for which it was declared; and

(d) the period of suspension will come to an end if:

(i) the Presiding Member determines that the period should be brought to an end; or

(ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

21. Chief Executive Officer (CEO) may submit report recommending revocation or amendment of council decision

(1) The CEO may submit a report to the Council recommending the revocation or amendment of a resolution passed since the last general election of the Council.

(2) The CEO must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.

(3) The provisions of this clause may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.*

Suspension of other Inconsistent Provisions

To the extent that any other discretionary provision of this Code of Practice or specific procedure adopted by the Council in this Code of Practice could be read as being inconsistent or incompatible with the ability of a member of the Council to participate in a meeting of the Council by electronic means, the provision is suspended in respect of the member while they are participating in the meeting by electronic means.

In circumstances where a provision is suspended under this paragraph, the Presiding Member may give directions to a member of the Council in respect of an alternative method of compliance with the suspended provision.

Any member who disagrees with a direction of the Presiding Member under this paragraph may move a motion that the direction not be adhered to. Such a motion must be moved immediately following the issuance of the direction. In the event such a motion is successful, the meeting may give directions to a member, by resolution.

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Termination of Meetings in the Event of an Emergency

(1) In the event of an emergency requiring evacuation of the building the meeting will be deemed to have been suspended in accordance with the requirements of Clause 20(1).

(2) The CEO or delegate will direct all staff and any visitors to the designated emergency assembly points.

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Confidential Items

The conduct of all Council and committee meetings will be in accordance with Council's Code of Practice - Access to Council Meetings and Documents, which explains the use of confidential provisions under the Local Government Act 1999 at Council and committee meetings.

Part 3 – Meetings of Other Committees

22. Application of Part

The provisions of this Part apply to or in relation to the meetings of any Council committee that is not subject to the operation of Part 2.

23. Notice of Meetings for Members

(1) Pursuant to Section 87(15) of the *Act*, Section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:-

(a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;

(b) that notice need not be given for each meeting separately;

(c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;

(d) that it is not necessary for the CEO to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

24. Public Notice of Committee Meetings

(1) Pursuant to Section 88(7) of the *Act*, Section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if sub-sections (2), (3) and (4) provided as follows:

(a) that public notice need not be given for each meeting separately; and

(b) that public notice may be given by displaying a notice and agenda in a place or places determined by the CEO after taking into account the nature and purpose of the committee.

25. Minutes

(1) The minutes of the proceedings of a meeting must include:-

(a) the names of the members present at the meeting; and

(b) each motion carried at the meeting; and

(c) any disclosure of interest made by a member; and

(d) details of the making of an order under subsection (2) of Section 90 of the *Act* (see subsection (7) of that section); and

(e) a note of the making of an order under subsection (7) of Section 91 of the *Act* in accordance with the requirements of subsection (9) of that section.

(2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

Part 4 – Miscellaneous

26. Quorum for Committees

(1) The prescribed number of members of a Council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.

(2) For the purposes of this clause, the **prescribed number** of members of a Council committee is:

(a) unless paragraph (b) applies, a number ascertained by dividing the total number of members of the committee by two (2), ignoring any fraction resulting from the division, and adding one (1); or

(b) a number determined by the Council.

*See also Section 41(6) of the *Act*

27. Voting at Committee Meetings

(1) Subject to the *Act* and this Code, a question arising for decision at a meeting of a Council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.

(2) Each member of the Council who is a member of a Council committee and who is present at a meeting of the committee must, subject to a provision of the *Act* to the contrary, vote on a question arising for decision at that meeting.

(3) The Presiding Member of a Council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

28. Points of Order

(1) The Presiding Member may call to order a member who is in breach of the *Act* or this Code.

(2) A member may draw to the attention of the Presiding Member a breach of the *Act* or this Code, and must state briefly the nature of the alleged breach.

(3) A point of order takes precedence over all other business until determined.

(4) The Presiding Member will rule on a point of order.

(5) If an objection is taken to the ruling of the Presiding Member, a motion that the ruling not be agreed with must be moved immediately.

(6) The Presiding Member is entitled to make a statement in support of the ruling before a motion under sub-clause (5) is put.

(7) A resolution under sub-clause (5) binds the meeting and, if a ruling is not agreed with:-

(a) the ruling has no effect; and

(b) the point of order is annulled.

(8) All Points of Order, and any subsequent ruling and motions of a Point of Order, will be recorded in the minutes of the meeting.

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Conduct of Members

The Mandatory Code of Conduct for Council Members will be adhered to for all meetings.

29. Interruption of Meetings by Members

(1) A member of a Council or Council committee must not, while at a meeting:

(a) behave in an improper or disorderly manner; or

(b) cause an interruption or interrupt another member who is speaking***; or***

(c) use offensive language.

(2) Sub-clause (1)(b) does not apply to a member who is:

(a) objecting to words used by a member who is speaking; or

(b) calling attention to a point of order; or

(c) calling attention to want of a quorum.

(3) If the Presiding Member considers that a member may have acted in contravention of sub-clause (1), the member must be allowed to make a personal explanation.

(4) Subject to complying with sub-clause (3), the relevant member must leave the meeting while the matter is considered by the meeting.

(5) If the remaining members resolve that a contravention of sub-clause (1) has occurred, those members may, by resolution:

(a) censure the member; or

(b) suspend the member for a part, or for the remainder, of the meeting.

(6) A member who:

(a) refuses to leave a meeting in contravention of sub-clause (4); or

(b) enters a meeting in contravention of a suspension under sub-clause (5), is guilty of an offence.

Maximum penalty: $1,250.

30. Interruption of Meetings by Others

(1) A member of the public who is present at a meeting of a Council or Council committee must not:

(a) behave in a disorderly manner; or

(b) cause an interruption.

Maximum penalty: $500.

ADDITIONAL COUNCIL-DETERMINED PROCEDURES

Public Holidays on Scheduled Meeting Days

(1) Council meetings will be held one (1) day later in the event of any public holiday falling on any scheduled meeting day.

(2) Committee meetings not undertaking a regulatory function will meet on an alternate day as agreed by the committee members.

Annual Appointment of Committee Chairman, Deputy Chairman and Members

The appointment of Committee Chairman, Deputy Chairman and Members will be in line with the Council endorsed Terms of Reference for the relevant Committee.

Use of Electronic Media

The Chairperson may deem appropriate for one (1) or more members to participate in committee meetings, covered by Clause 5 'Application of Part', via telephone or electronic means. In doing so the method must ensure that all members and any public member present are able to clearly hear the discussions.

Related Documents

Code of Practice – Access to Council Meetings and Documents

Code of Conduct for Council Members

Deputation Request Form

Records Management

All documents relating to this Code of Practice will be registered in Council's Record Management System and remain confidential where identified.

Document Review

This Code of Practice must be reviewed within 12 months of a general election and should be further reviewed at least once in every financial year.

Council may, at any time, by resolution supported by at least two-thirds of the members of Council as a whole, alter, substitute or revoke this Code of Practice.

References

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

Further Information

Members of the public may inspect this Code of Practice free of charge on Council's website at www.apc.sa.gov.au or at Council's Principal Office at:

2a Wasleys Rd, Mallala SA 5502

On payment of a fee, a copy of this policy may be obtained. Any queries in relation to this Code of Practice must be in writing and addressed to the General Manager – Governance and Executive Office.

Adelaide Plains Council	**4.2**	**Chief Executive Officer Recommendation pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 – Process – Revocation of Community Land Classification – Two Wells**
	Department:	**Governance and Executive Office**
	Report Author:	**Chief Executive Officer**
Date: 29 November 2021	**Document Ref:**	**D21/51970**

EXECUTIVE SUMMARY

- The purpose of this report is for Council to:
    - Acknowledge that the Department for Environment and Water - Crown Lands Program has now accepted that as a result of recent amendments to the *Crown Land Management Act 2009*, the approval of the Minister for Planning and Local Government and a subsequent resolution of Council is no longer required to revoke the community land status of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 (the Relevant Land);
    - In light of the above, consider the Chief Executive Officer's (CEO) recommendation, pursuant to Regulation 21 of the *Local Government (Procedures at Meetings) Regulations 2013,* that Council revoke resolution 2021/403 of 8 November 2021 which relates to the revocation process of the Relevant Land; and
    - Consider the CEO's subsequent recommendation outlining the amended steps to be taken to proceed directly to making a request to the Minister for Environment and Water to declare the Relevant Land surplus and commit to the disposal of the Relevant Land to Council, on terms to be subsequently agreed by Council.
- Council, at its meeting held on 5 October 2021, initiated the abovementioned process in accordance with Section 194 of the *Local Government Act 1999* to revoke the community land classification of the Relevant Land. This was at the insistence of the Department for Environment and Water, notwithstanding some doubt as to whether such revocation was required prior to the Relevant Land being removed from Council's care, control and management as part of the subsequent freeholding process.

- Following a public consultation period, Council subsequently at a Special Meeting held on 8 November 2021 considered the one (1) submission received and in doing so resolved to submit the proposal for revocation to the Minister for Planning and Local Government for approval. Subject to receiving that Minister's approval of the proposal, a further resolution of Council would have been required to revoke the community land classification of the Relevant Land.
- Notwithstanding the above, following further communications with the Department for Environment and Water after their consideration of recent amendments to the *Crown Land Management Act 2009,* Management have been advised that the Department for Environment and Water have now accepted that the approval of the Minister for Planning and Local Government and a subsequent resolution of Council is no longer required to revoke the community land status of the Relevant Land.
- It is therefore for Council to consider the recommendations outlined within this report, including revoking its 8 November 2021 resolution, in order to now proceed with a formal request to the Minister for Environment and Water to declare the Relevant Land surplus and commit to its disposal to Council. As part of this disposal process (should it ultimately proceed), the community land classification of the Relevant Land will be automatically revoked, with no further action required from Council.

RECOMMENDATION 1 – Acknowledgment of Process/Legislative Change

"that Council, having considered Item 4.2 – *Chief Executive Officer Recommendation pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 – Process – Revocation of Community Land Classification – Two Wells* dated 29 November 2021, receives and notes the report and in doing so notes that as a result of recent amendments to the *Crown Land Management Act 2009,* the approval of the Minister for Planning and Local Government and a subsequent resolution of Council is no longer required to revoke the community land status of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739."

RECOMMENDATION 2 – CEO Recommendation pursuant to Regulation 21 of the *Local Government (Procedures at Meetings) Regulations 2013*

"that Council, having considered Item 4.2 – *Chief Executive Officer Recommendation pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 – Process – Revocation of Community Land Classification – Two Wells* dated 29 November 2021, and in light of resolution 2021/XX above, rescinds Council Resolution 2021/403 made on 8 November 2021 as follows:

> ***'that Council, having considered Item 5.2 – Outcome of Public Consultation – Revocation of Community Land Classification, dated 8 November 2021, and after having completed public consultation on the Proposal and having considered the submission received on the Proposal in response to the public consultation described in paragraphs 1 and 2 of the Resolution above:***

1. Resolves to seek the formal consent of the Minister for Environment and Water (as the owner of the land) to the Proposal as required under section 194(1)(d) of the Local Government Act 1999 (the Act), to the extent that such consent has not already been provided

2. Resolves to prepare a report on all submissions received in response to the public consultation described in paragraphs 1 and 2 of the Resolution above and submit this report and the Proposal to the Minister for Planning and Local Government (as the Minister responsible for the administration of the Act) seeking approval for the Proposal

3. Authorises the Chief Executive Officer to attend to the preparation of all documents and correspondence and all other matters required to give effect to the above resolution

4. Instructs that a further report be prepared for the Council notifying of the response received from the Minister for the Council to decide whether to pass a resolution to give effect to the Proposal and

5. Acknowledges that the process for formally revoking the dedication of the relevant land will be dealt with subsequently under the Crown Land Management Act 2009, in conjunction with the broader acquisition proposal.'"

RECOMMENDATION 3 – New Process

"that Council, having considered Item 4.2 – ***Chief Executive Officer Recommendation pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 – Process – Revocation of Community Land Classification – Two Wells*** **dated 29 November 2021, and after having considered the submission received in response to the public consultation on the proposal to revoke the community land classification applying to Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739, which is dedicated Crown land under the Council's care, control and management (Relevant Land):**

1. **Resolves, in accordance with sections 24 and 25 of the *Crown Land Management Act 2009,* to proceed with requesting the Minister for Environment and Water to declare the Relevant Land surplus and commit to disposing of the Relevant Land to Council, on terms to be subsequently agreed by Council and**
2. **Authorises the Chief Executive Officer to attend to the preparation of all documents and correspondence and all other matters required to give effect to the above resolution."**

BUDGET IMPACT

As Members are aware, Mr Sean Keenihan has provided, and will continue to provide, strategic advice and guidance to Council in relation to the potential revocation of community land classification and associated processes. At this early stage, the total cost is unknown however Council, in its 2021/2022 Annual Business Plan and Budget, set aside an allocation for this purpose.

RISK ASSESSMENT

Council is no longer required to submit the proposal to revoke the community land status of the Relevant Land to the Minister for Planning and Local Government, or make a resolution revoking the classification of the Relevant Land under Section 194(3) of the *Local Government Act 1999*.

Therefore, after having now undertaken public consultation, and after considering the submission received (notwithstanding that such consultation is no longer legislatively required), should Council wish to proceed with the process to acquire the Relevant Land, the next step is to request the Minister for Environment and Water to declare the Relevant Land surplus in accordance with Section 24 of the *Crown Land Management Act 2009* and commit to its disposal to Council.

Attachments

1. Copy of Agenda Item 4.1 – Public Consultation – Revocation of Community Land Classification – Two Wells dated 30 September 2021 (noting that the Special Council Meeting scheduled for 30 September 2021 was adjourned until 5 October 2021)
2. Copy of Agenda Item 5.3 – Outcome of Public Consultation – Revocation of Community Land Classification dated 8 November 2021

DETAILED REPORT

Purpose

The purpose of this report is for Council to:

- Acknowledge that as a result of changes to the *Crown Land Management Act 2009*, the Department for Environment and Water has now accepted that approval of the Minister for Planning and Local Government and a subsequent resolution of Council is no longer required to revoke the community land status of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 (Relevant Land);
- In light of the above, consider the CEO's recommendation, pursuant to Regulation 21 of the *Local Government (Procedures at Meetings) Regulations 2013,* that Council revoke resolution 2021/403 which relates to the revocation process of the Relevant Land; and
- Consider the CEO's subsequent recommendation relating to the amended steps to be taken in order to request the Minister for Environment and Water to declare the Relevant Land surplus and proceed with the disposal of the Relevant Land to Council on terms to be agreed.

Background

As Members are aware and as outlined in previous Council reports, Section 194 of the *Local Government Act 1999* (the LG Act) deals with the revocation of community land classification and specifically outlines the process a council is required to follow in order to revoke the status of community land.

Council, at its meeting held on 5 October 2021, initiated the abovementioned process in accordance with Section 194 of the LG Act to revoke the community land classification of the Relevant Land (refer **Attachment 1** and Council resolution 2021/366). A public consultation period was subsequently undertaken, in accordance with Council's *Public Consultation Policy*, from 13 October until 3 November 2021, with one (1) submission received.

Subsequently, at a Special Meeting held on 8 November 2021, and in accordance with the process under Section 194 of the LG Act, Council considered the outcome of public consultation in relation to the proposal to revoke the community land classification of the Relevant Land (refer **Attachment 2).** In doing so, Council resolved as follows:

Moved Councillor Keen Seconded Councillor Lush 2021/403

"that Council, having considered Item 5.2 – Outcome of Public Consultation – Revocation of Community Land Classification, dated 8 November 2021, and after having completed public consultation on the Proposal and having considered the submission received on the Proposal in response to the public consultation described in paragraphs 1 and 2 of the Resolution above:

1. *Resolves to seek the formal consent of the Minister for Environment and Water (as the owner of the land) to the Proposal as required under section 194(1)(d) of the Local Government Act 1999 (the Act), to the extent that such consent has not already been provided*

2. *Resolves to prepare a report on all submissions received in response to the public consultation described in paragraphs 1 and 2 of the Resolution above and submit this report and the Proposal to the Minister for Planning and Local Government (as the Minister responsible for the administration of the Act) seeking approval for the Proposal*
3. *Authorises the Chief Executive Officer to attend to the preparation of all documents and correspondence and all other matters required to give effect to the above resolution*
4. *Instructs that a further report be prepared for the Council notifying of the response received from the Minister for the Council to decide whether to pass a resolution to give effect to the Proposal and*
5. *Acknowledges that the process for formally revoking the dedication of the relevant land will be dealt with subsequently under the Crown Land Management Act 2009, in conjunction with the broader acquisition proposal.'"*

CARRIED

Discussion

Community Land Revocation Process

The process Council adopted on 8 November 2021, and indeed that is outlined within section 194 of the LG Act, involves preparing a report to the Minister for Planning and Local Government seeking approval followed by a subsequent Council resolution before seeking the formal consent of the Minister for Environment and Water.

Notwithstanding the above, the Department for Environment have now confirmed the position previously put to them that recent amendments to the *Crown Land Management Act 2009* have made it clear that where Crown Land is dedicated to a council's care, control and management and the Minister for Environment and Water withdraws that land from the council's care, control and management, the classification of that land as community land under the LG Act is taken to be revoked (and such revocation has effect for the purposes of the LG Act).

These amendments mean that although Council commenced the revocation process under Section 194 of the LG Act, the approval of the Minister for Planning and Local Government and the need for a subsequent Council resolution is no longer required to revoke the community land status of the Relevant Land, and Council may deal solely with the Minister for Environment and Water in relation to the proposal for the purchase, sale and development of the Crown land.

In light of the above, it is recommended that Council acknowledge that as a result of recent amendments to the *Crown Land Management Act 2009*, the approval of the Minister for Planning and Local Government and a subsequent resolution of Council is no longer required to revoke the community land status of the Relevant Land (Recommendation 1 above).

Pursuant to Regulation 21 of the *Local Government (Procedures at Meetings) Regulations 2013,* it is further recommended that Council rescind its resolution of 8 November 2021 (Recommendation 2 above) and in doing so consider the CEO's subsequent recommendation (Recommendation 3 above) that will facilitate, and indeed expedite, Council's proposal being put to the Minister for Environment and Water to seek a declaration that the Relevant Land is surplus and proceed with disposal of the Relevant Land to Council, on terms to be subsequently agreed by Council.

Conclusion

It is therefore for Council to consider the recommendations outlined within this report, including revoking its 8 November 2021 resolution, in order to now proceed with a formal request to the Minister for Environment and Water to declare the Relevant Land surplus and commit to its disposal to Council on terms to be agreed. As part of this disposal process (should it ultimately proceed), the community land classification of the Relevant Land will be automatically revoked, with no further action required from Council.

References

Legislation

Crown Land Management Act 2009

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

Council Policies/Plans

Annual Business Plan and Budget 2021/2022

Public Consultation Policy

Strategic Plan 2021-2024

Adelaide Plains Council	**4.1**	**Public Consultation – Revocation of Community Land Classification – Two Wells**
	Department:	**Development and Community**
	Report Author:	**General Manager – Development and Community**
Date: 30 September 2021	**Document Ref:**	**D21/43751**

COPY

EXECUTIVE SUMMARY

- The purpose of this report is to provide Council with an overview of the processes required to revoke the Community Land classification of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739
- These Crown Parcels are under the care and control of Council, however they are owned by 'The Crown'
- This land is recognised as Community Land under the Local Government Act 1999 and currently classified under Council's Community Land Management Plan as 'Community and District Council' purposes.
- To revoke the classification of Community Land, Council is required to follow the process that is outlined within section 194 of the Local Government Act 1999, including, preparing a report detailing the land and purpose of the revocation, an assessment of how implementation of the proposal would affect the area and the local community, carry out public consultation (in accordance with Council's public consultation policy) and submit the proposal to the Minister for consideration.

RECOMMENDATION

"that Council, having considered Item 4.1 – *Public Consultation – Revocation of Community Land Classification – Two Wells*, dated 30 September 2021, receives and notes the report and in doing so:

1. **Instructs the Chief Executive Officer to undertake public consultation in relation to the proposed revocation of the Community Land classification of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 in accordance with Council's Public Consultation Policy and**

2. **That upon completion of the public consultation period, a report detailing all submissions received, be returned to Council for consideration."**

BUDGET IMPACT

Estimated Cost:	$500 (public consultation notices)
Future ongoing operating costs:	0
Is this Budgeted?	Yes

RISK ASSESSMENT

The proposed recommendation is for consultation only and is in accordance with the requirements of the *Local Government Act 1999*.

Attachments

1. Community Land Revocation Report Two Wells.

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DETAILED REPORT

Purpose

The purpose of this report is to provide Council with an overview of the processes required to revoke the Community Land classification of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739.

The Subject Land is land dedicated to Adelaide Plains Council for Community and District Council Purposes Pursuant to the Crown Lands Act, 1929. The land is owned by 'The Crown'.

Council proposes to revoke the community land classification of the Subject Land (two Crown Parcels) as the first step in the process to ultimately enable the Subject Land to be developed and used in accordance with the relevant provisions of the Planning and Design Code. This would in all likelihood involve an acquisition of the land by Council.

Should Council acquire the land, it is proposed that subject to a satisfactory development proposal being agreed between Council and the private sector, all or part of the Subject Land will be on-sold by Council, subject to Council determining whether to retain a portion of the land currently zoned Recreation.

It is not Council's intention to seek to profit from the proposed community land revocation and ultimate sale to the private sector, rather Council seeks to use its unique position to unlock the Subject Land and allow it to be developed for a mix of retail, commercial and community offerings.

COPY

Background/History

In 2013, the Two Wells Residential Development Plan Amendment (DPA) was gazetted by the Minister for Planning with an intention to provide zoned land for residential and associated growth in Two Wells.

At the time the Planning Minister stated *"This DPA will allow for the provision of up to 3,400 new dwellings and up to 9,700 more residents living in Two Wells over the next 20-30 years."* While the growth in and around Two Wells is well underway, much of the infrastructure (physical and social) is not yet in place and while the land was rezoned by the State, responsibly for the planning for urban growth and implementation will mostly fall on Council.

The key component of this urban growth is residential growth in and around Two Wells, which will place additional demands on the provision of sufficient land for employment, commercial and retail land uses and the development of community and social services.

Development of the Subject Land, should the community land classification be revoked (and should Council ultimately be successful in securing the right to purchase the Subject Land from the Crown), will open up the currently underutilised Subject Land for a higher and better use as contemplated by the Planning and Design Code, to support the increased residential growth in and around Two Wells.

Since 2014, Council has taken active steps to facilitate and support urban growth at Two Wells, including:

- Recognising its role in facilitating economic development and investment;
- Noting the unparalleled residential growth at Two Wells and the associated need for services;
- Commissioning a Retail Supply and Demand Study (in 2014 and revised in 2019);
- Preparing urban design guidelines and main street concept plans, to identify land holdings within the Two Wells township considered suitable for retail, commercial and community activities to occur, noting the majority of land between the Two Wells Main Street and Port Wakefield Road is 'Crown Land' owned by the State Government;
- Engaging with the Crown Lands Program, Department for Environment and Water (Crown Lands) with a view of understanding their appetite in making available Crown Land within Two Wells for retail, community and commercial investment;
- Requesting Crown Land to obtain valuations of the Subject Land;
- Considering amendments to the Planning and Design Code, introduced by the State Government, which allow for retail investment to occur outside of the existing Two Wells township;
- Commissioning an independent review of the Valuations of the Subject Land; and
- Engaging extensively with the Minister for Environment and Water, the Hon David Speirs MP, with a view of obtaining his support in declaring the Subject Land surplus and, ultimately, releasing the Subject Land to Council.

Discussion

Council proposes to revoke the community land classification of the Subject Land to ultimately enable the Subject Land to be developed in accordance with the relevant provisions of the Planning and Design Code.

Section 180 Old Port Wakefield Road, Two Wells SA 5501 is located within the Township Main Street Zone. It has a total site area of approximately 1.82 hectares (18,200 square metres) with frontage to the Two Wells Main Street and secondary access to Wells Road and Windmill Road. The site is still currently used by the Two Wells Dog Obedience Club, while their new facility located at Clara Harniman Reserve is completed.

Section 716 Buckland Park (Wells) Road, Two Wells SA 5501 is located partly within the Employment Zone, partly within the Township Main Street Zone and partly within the Recreation Zone. The site is split into two (2) distinctive pieces being the western portion fronting Mallala Road and Port Wakefield Highway with a total site area of approximately 9,462 square metres (0.9462 hectares) and the eastern portion fronting Mallala Road, Wells Road and Port Wakefield Road with a site area of approximately 53,131 square metres (5.3131 hectares). The eastern portion contains an existing trotting track while the western portion is used for the agistment of horses.

The trotting track portion of the site is still currently used by the Two Wells Trotting Club, while their new facility located at Hams Park is completed

COPY

Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739

Source: https://sappa.plan.sa.gov.au/

COPY

The desired outcome of the Township Main Street Zone is:

> *A cohesive, active, accessible and welcoming main street environment for residents and visitors to shop, work, meet, entertain and relax.*
>
> *Development contributes to the vibrancy and activity of public spaces and reinforces the traditional main street character.*

Appropriate land uses may include community facilities, consulting rooms, dwellings, indoor recreation centre, library, office, pre-school, shop or tourist accommodation.

The desired outcome of the Recreation Zone is:

> *Provision of a range of accessible recreational facilities.*

Appropriate land uses may include car parking, indoor recreation facility, open space, outdoor sports courts, recreation area, shop ancillary to recreation facility, sporting clubrooms, sporting ovals and fields or swimming pool.

The desired outcome of the Employment Zone is:

> *A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities.*
>
> *Distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.*

Appropriate land uses may include consulting room, indoor recreation facility, light industry, motor repair station, office, retail fuel outlet, service trade premises, shop, store or warehouse.

Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730

Source: https://sappa.plan.sa.gov.au/

The Subject Land is currently underused given its zoning under the Planning and Design Code. Any development application for the above land uses, or any not outlined above, will be required to be assessed against the relevant provisions of the Planning and Design Code by a relevant planning authority (Accredited Professional, Assessment Manager or Council Assessment Panel).

The unlocking of the development potential of the Subject Land for a range of retail, commercial or community uses will provide the local and wider community with much needed services to accompany the urban growth already underway within Two Wells and the wider Council area.

In order to revoke the community land status it will be necessary, pursuant to Section 194(2) of the Local Government Act 1999, for Council to:

(a) prepare and make publicly available a report on the proposal containing—

(i) a summary of the reasons for the proposal; and

(ii) a statement of any dedication, reservation or trust to which the land is subject; and

(iii) 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; and

(iv) an assessment of how implementation of the proposal would affect the area and the local community; and

(v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification;

This process provides members of the community an avenue to be involved in the revocation process, and an opportunity to make submissions which Council must consider.

Further to the steps outlined above, Council is then required to carry out public consultation in accordance with its public consultation policy. After complying with these requirements, Council must submit the proposal with a report on all submissions, to the Minister for Local Government. The Minister has a duty to—

- review the process followed by a council in submitting a proposal for a revocation of community land classification, and
- assess the merits of the proposal.

It is then for the Minister to make the final determination to revoke the Community Land classification or not.

Attached is a Community Land Revocation Report that addresses the requirements under section 194(2) of the Local Government Act 1999.

Conclusion

It is proposed to revoke the community land classification of the Subject Land (two Crown Parcels) as the first step in the process to ultimately enable the Subject Land to be developed and used in accordance with the relevant provisions of the Planning and Design Code.

Development of the Subject Land, should the community land classification be revoked (and should Council ultimately be successful in securing the right to purchase the Subject Land from the Crown), will provide the local and wider community with support services located within the Two Wells Town Centre to accompany the residential growth already underway within Two Wells and the wider Council area.

COPY

References

Legislation

Local Government Act 1999

PDI Act 2016

Council Policies/Plans

Community Land Management

Plan Public Consultation Policy

Strategic Plan 2021-2024

COPY

PUBLIC CONSULTATION

Section 180 Old Port Wakefield Road, Two Wells SA 5501

Section 716 Buckland Park (Wells) Road, Two Wells SA 5501

REVOCATION OF COMMUNITY LAND STATUS

COPY

CONTENTS

1. **REPORT**

2. **PROPERTY LOCATION MAP**

3. **CROWN RECORDS FOR SUBJECT LAND**

4. **SECTION 194 LOCAL GOVERNMENT ACT 1999**

5. **COUNCIL AGENDA ITEM**

6. **PUBLIC CONSULTATION NOTICE**

COPY

PROPOSAL FOR REVOCATION
OF CLASSIFICATION AS COMMUNITY LAND

Section 180 Old Port Wakefield Road, Two Wells SA 5501

Section 716 Buckland Park (Wells) Road, Two Wells SA 5501

("Subject Land")

Section 194 Local Government Act 1999

REPORT

COPY

1. Reasons for the Proposal

In 2013, the Two Wells Residential Development Plan Amendment (DPA) was gazetted by the Minister for Planning with an intention to provide zoned land for residential and associated growth in Two Wells.

At the time the Planning Minister stated *"This DPA will allow for the provision of up to 3,400 new dwellings and up to 9,700 more residents living in Two Wells over the next 20-30 years. The future needs of the community will be catered for with a new local centre, provision for a school, improved flood protection and an environmentally friendly design."*

While the growth in and around Two Wells is well underway, much of the infrastructure (physical and social) is not yet in place and while the land was rezoned by the State, responsibly for the planning for urban growth and implementation will mostly fall on Council.

The key component of this urban growth is residential growth in and around Two Wells, which will place additional demands, associated with this residential growth, on the provision of sufficient land for employment, commercial and retail land uses and the development of community and social services. Recent population growth and residential approvals within Adelaide Plains Council show that rapid population growth has commenced and planning for the provision of associated services to accompany residential growth must progress.

Future development of the Subject Land, should the community land classification be revoked (and should Council ultimately be successful in securing the right to purchase the Subject Land from the Crown), will open up the currently underutilised Subject Land for a higher and better use as contemplated by the Planning and Design Code, to support the increased residential growth in and around Two Wells.

Section 180 Old Port Wakefield Road, Two Wells SA 5501 is located within the Township Main Zone. Section 716 Buckland Park (Wells) Road, Two Wells SA 5501 is located partly within the Employment Zone, partly within the Township Main Street Zone and partly within the Recreation Zone.

The desired outcome of the Township Main Street Zone is:

> *A cohesive, active, accessible and welcoming main street environment for residents and visitors to shop, work, meet, entertain and relax.*
>
> *Development contributes to the vibrancy and activity of public spaces and reinforces the traditional main street character.*

Appropriate land uses may include community facilities, consulting rooms, dwellings, indoor recreation centre, library, office, pre-school, shop or tourist accommodation.

The desired outcome of the Recreation Zone is:

> *Provision of a range of accessible recreational facilities.*

Appropriate land uses may include car parking, indoor recreation facility, open space, outdoor sports courts, recreation area, shop ancillary to recreation facility, sporting clubrooms, sporting ovals and fields or swimming pool.

The desired outcome of the Employment Zone is:

> *A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities.*

COPY

Distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.

Appropriate land uses may include consulting room, indoor recreation facility, light industry, motor repair station, office, retail fuel outlet, service trade premises, shop, store or warehouse.

Any development application for the above land uses, or any not outlined above, will be required to be assessed against the relevant provisions of the Planning and Design Code by a relevant planning authority.

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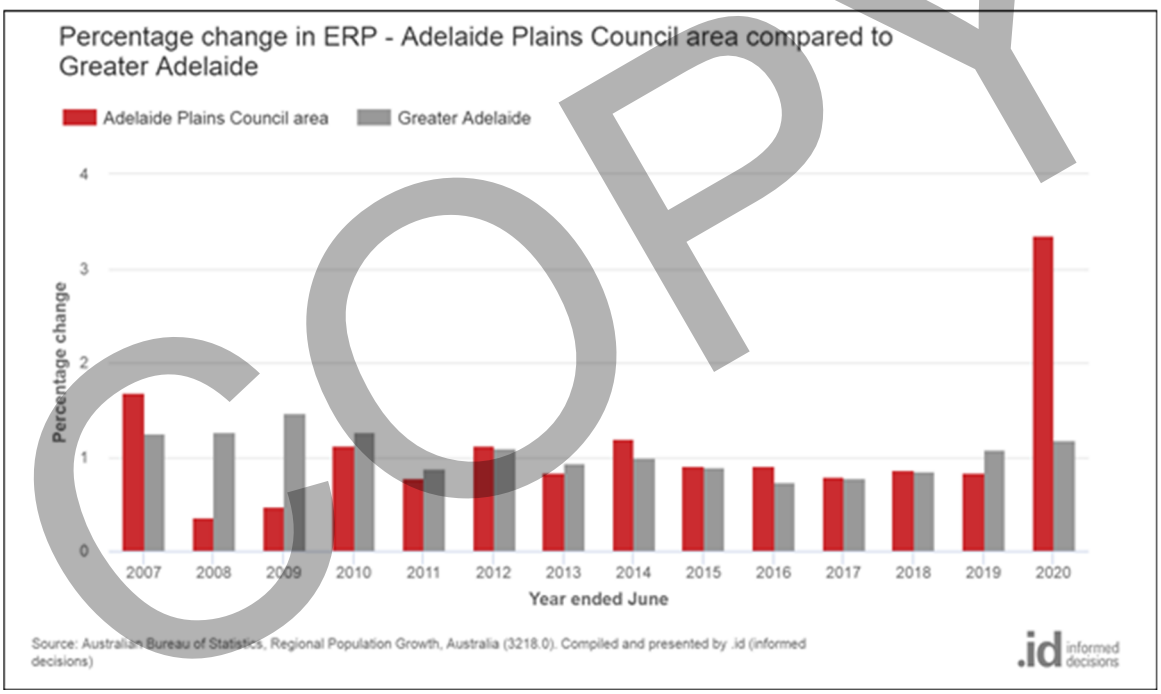

Estimated Population Increase in APC compared to Greater Adelaide Year Ended 2020

Since 2014, Council has taken active steps to facilitate and support urban growth at Two Wells, including:

- Recognising its role in facilitating economic development and investment;
- Noting the unparalleled residential growth at Two Wells and the associated need for services;

- Commissioning a Retail Supply and Demand Study (in 2014 and revised in 2019);
- Preparing urban design guidelines and main street concept plans, to identify land holdings within the Two Wells township considered suitable for retail, commercial and community activities to occur, noting the majority of land between the Two Wells Main Street and Port Wakefield Road is 'Crown Land' owned by the State Government;
- Engaging with the Crown Lands Program, Department for Environment and Water (Crown Lands) with a view of understanding their appetite in making available Crown Land for retail, community and commercial investment;
- Requesting Crown Land to obtain valuations of the Subject Land;
- Considering amendments to the Planning and Design Code which allow for retail investment to occur outside of the existing Two Wells township;
- Commissioning an independent review of the Valuations of the Subject Land; and
- Engaging extensively with the Minister for Environment and Water, the Hon David Speirs MP, with a view of obtaining his support in declaring the Subject Land surplus and, ultimately, releasing the Subject Land to Council.

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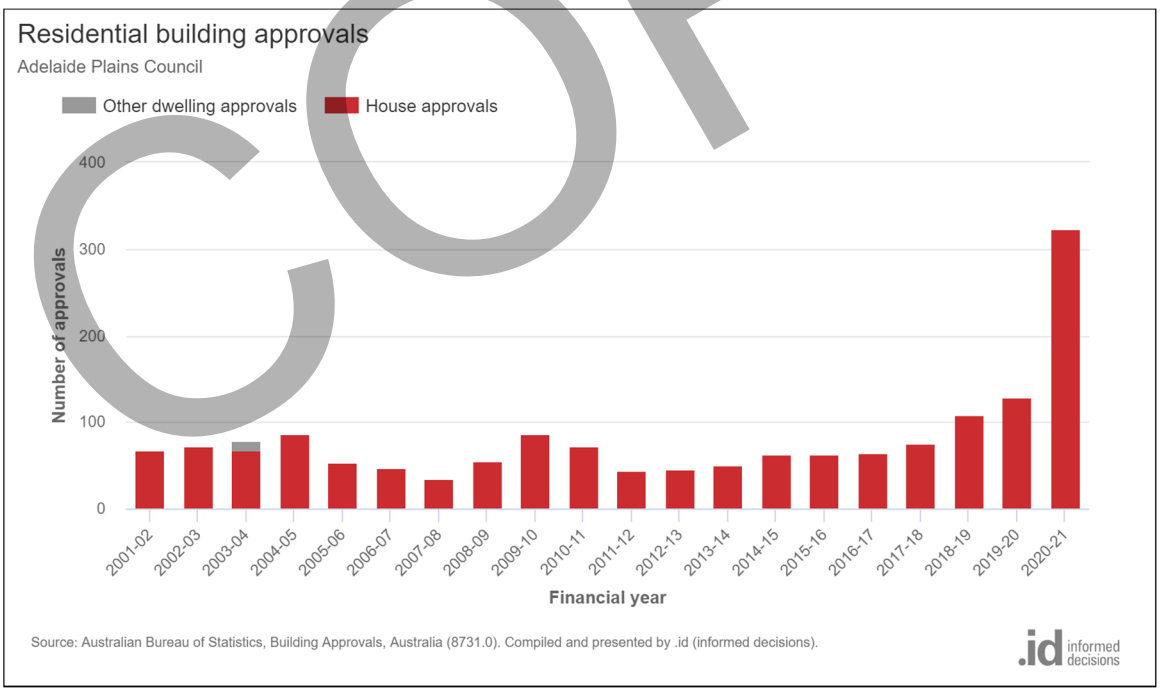

Residential Building Approvals up to June 30 2021

2. Statement of any Dedication, Reservation or Trust.

The Subject Land being Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 is land dedicated to Adelaide Plains Council for Community and District Council Purposes Pursuant to the Crown Lands Act, 1929.

The Local Government Act 1999 requires Council to keep a register of all community land in the district. All local government land (except roads) that is owned by Council or is under its care, control and management, is classified as community land unless it has been specifically excluded from that classification by Council.

Council's Community Land Register comprises a table listing all the community land in the district, including a list of local government land excluded from this classification. Each of the above Crown parcels is recorded in the Adelaide Plains Council Community Land Register.

https://www.apc.sa.gov.au/__data/assets/pdf_file/0025/356236/Adelaide-Plains-Council-Community-Land-Register.pdf

The Subject Land is not subject to any other reservation or trust that Council is aware of.

3. Purpose of the Proposal

Council proposes to revoke the community land classification of the Subject Land (two Crown Parcels) as the first step in the process to ultimately enable the Subject Land to be developed and used in accordance with the Planning and Design Code.

Attachment 2 Extract of the Planning and Design Code outlining zone boundaries is attached.

As Council is not the owner of the Subject Land, there may be requirements imposed by the Crown as a condition of approving the proposed revocation of the community land classification of the Subject Land. Council is not aware of any requirements at this time.

Further, Council will need to negotiate and agree the right to purchase the Subject Land with the Crown.

It is proposed that subject to a satisfactory development proposal being agreed between Council and the private sector, all or part of the Subject Land will be on-sold by Council, subject to Council determining whether to retain portion of land currently zoned Recreation. It is not Council's intention to seek to profit from the proposed revocation

COPY

and ultimate sale to the private sector, rather Council seeks to use its unique position to unlock the Subject Land and allow it to be developed for a mix of retail, commercial and community offerings.

4. Effect of the Proposal

Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 has a total site area of approximately 1.82 hectares (18,200 square metres) with frontage to the Two Wells Main Street and secondary access to Wells Road and Windmill Road. The site is still used by the Two Wells Dog Obedience Club, while their new facility located at Claire Harniman Reserve is completed.

Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 is split into two (2) distinctive pieces being the western portion fronting Mallala Road and Port Wakefield Highway with a total site area of approximately 9,462 square metres (0.9462 hectares) and the eastern portion fronting Mallala Road, Wells Road and Port Wakefield Road with a site area of approximately 53,131 square metres (5.3131 hectares).

The eastern portion contains an existing trotting track while the western portion is used for the agistment of horses. The trotting track portion of the site is still used by the Two Wells Trotting Club, while their new facility located at Hams Park is completed.

The Subject Land is currently unused or underused given its zoning under the Planning and Design Code.

Council considers that unlocking the development potential of the Subject Land for a combination of retail, commercial and community uses will provide the local and wider community with much needed services to accompany the urban growth already underway within Two Wells and the wider Council area.

5. Owner of the Land

Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 is owned by the South Australian Crown (under the care and control of Adelaide Plains Council). Land Dedicated for Community Purposes Pursuant to the Crown Lands Act, 1929 by Gazette 29/03/2007.

Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 is owned by the South Australian Crown (under the care and control of Adelaide Plains Council). Land Dedicated for District Council Purposes Pursuant to the Crown Lands Act, 1929 by Gazette 27/03/1969 (Portion added by Gazette 16/07/1970).

COPY

2. PROPERTY LOCATION MAP

Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730

Source: https://sappa.plan.sa.gov.au/

COPY

Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739

Source: https://sappa.plan.sa.gov.au/

COPY

3. CROWN RECORDS FOR SUBJECT LAND

LAND SERVICES SA

Product	Register Search (CR 5984/730)
Date/Time	17/08/2020 06:58PM

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 5984 Folio 730

Parent Title(s)	CR 5755/736				
Creating Dealing(s)	RTD 10622385				
Title Issued	20/04/2007	**Edition**	2	**Edition Issued**	23/09/2016 [Previous Edition]

Estate Type

CROWN LAND (ALIENATED)

Owner

THE CROWN

Custodian

ADELAIDE PLAINS COUNCIL
OF PO BOX 18 MALLALA SA 5502

Description of Land

SECTION 180
HUNDRED OF PORT GAWLER
IN THE AREA NAMED TWO WELLS

TOTAL AREA: 1.82HA (APPROXIMATE)

DIAGRAM BOOK PAGE 68

Easements

NIL

Schedule of Dealings

NIL

Schedule of Interests

LAND DEDICATED FOR COMMUNITY PURPOSES PURSUANT TO THE CROWN LANDS ACT, 1929 BY GAZETTE 29/03/2007

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

COPY

LAND SERVICES SA

Product	Register Search (CR 5755/739)
Date/Time	17/08/2020 07:00PM

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 5755 Folio 739

Parent Title(s)

Creating Dealing(s) RT 8862510

Title Issued 11/04/2000 **Edition** 2 **Edition Issued** 23/09/2016 [Previous Edition]

Estate Type

CROWN LAND (ALIENATED)

Owner

THE CROWN

Custodian

ADELAIDE PLAINS COUNCIL
OF PO BOX 18 MALLALA SA 5502

Description of Land

SECTIONS 713, 714, 715 AND 716
HUNDRED OF PORT GAWLER
IN THE AREA NAMED TWO WELLS

TOTAL AREA: 11.52HA (CALCULATED)

Easements

NIL

Schedule of Dealings

NIL

Schedule of Interests

LAND DEDICATED FOR DISTRICT COUNCIL PURPOSES PURSUANT TO THE CROWN LANDS ACT, 1929 BY GAZETTE 27/03/1969 (PORTION ADDED BY GAZETTE 16/07/1970)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

COPY

4. SECTION 194 LOCAL GOVERNMENT ACT 1999

194—Revocation of classification of land as community land

(1) A council may (subject to the following exceptions and qualifications) revoke the classification of land as community land in accordance with the following procedure.

Exceptions and qualifications—

(a) The classification of the Adelaide Park Lands as community land cannot be revoked unless the revocation is by force of a provision of another Act.

(b) The classification of land as community land cannot be revoked if the land is required to be held for the benefit of the community under Schedule 8, under a special Act of Parliament relating to the land, or under an instrument of trust.

(c) The classification of land as community land cannot be revoked if the power to revoke the classification of that land is excluded by regulation.

(d) The classification of other land as community land cannot be revoked unless—

(i) the Minister approves revocation of the classification; and

(ii) if the land is under the care, control and management of the council but is not owned by the council—the owner of the land approves revocation of the classification.

(2) Before a council revokes the classification of land as community land—

(a) the council must prepare and make publicly available a report on the proposal containing—

(i) a summary of the reasons for the proposal; and

(ii) a statement of any dedication, reservation or trust to which the land is subject; and

(iii) 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; and

(iv) an assessment of how implementation of the proposal would affect the area and the local community; and

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(v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and

(b) the council must follow the relevant steps set out in its public consultation policy.

(3) After complying with the requirements of subsection (2), the council—

(a) must submit the proposal with a report on all submissions made on it as part of the public consultation process to the Minister; and

(b) if the Minister approves the proposal—may make a resolution revoking the classification of the land as community land.

(4) The Minister must consult with the relevant council before a regulation is made under subsection (1) in relation to a specific piece of land.

(5) For the purposes of subsection (1)(a) (but subject to the exclusion of roads under section 193(1)), the Adelaide Park Lands will be taken to be any local government land within the Adelaide Park Lands, as defined (from time to time) under the *Adelaide Park Lands Act 2005*.

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5. COUNCIL AGENDA ITEM 4.1 – PUBLIC CONSULTATION – REVOCATION OF COMMUNITY LAND CLASSIFICATION – TWO WELLS DATED 30 SEPTEMBER 2021

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6. PUBLIC CONSULTATION NOTICE

Public Consultation – Revocation of Community Land

Notice is hereby given pursuant section 194 (2) of the *Local Government Act 1999* (the Act) that the Adelaide Plains Council proposes to revoke the community land classification of:

- Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and
- Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739

The proposed revocation will enable the land to be developed consistent with the relevant zoning provisions and planning policy contained within the Planning and Design Code.

Council has prepared a Report regarding the proposed revocation that addresses the requirements under section 194 (2) of the Act and is available for inspection at Council's:

- Website www.apc.sa.gov.au
- Principal Office, 2a Wasleys Road, Mallala SA 5502
- Two Wells Service Centre, 69 Old Port Wakefield Road, Two Wells SA 5501

Any person is entitled to comment on the proposed revocation via a written submission and, accordingly, Council now invites interested persons to review the Report and make written submissions.

Written submissions must be received by 5pm on Thursday 28 October 2021 and addressed to:

Adelaide Plains Council
Submission – Revocation of Community Land Classification at Two Wells
By post: PO Box 18, Mallala SA 5502
Or by email: info@apc.sa.gov.au

Note: All written submissions will become public record, including forming part of a report to Council. Please indicate in your submission if you wish your correspondence to remain anonymous for the purposes of a report to Council.

Enquiries may be directed to Darren Starr, General Manager – Development and Community at info@apc.sa.gov.au or (08) 8527 0200.

James Miller
Chief Executive Officer

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Attachment 1 Excerpt of the minutes of Special Council Meeting 30 September 2021

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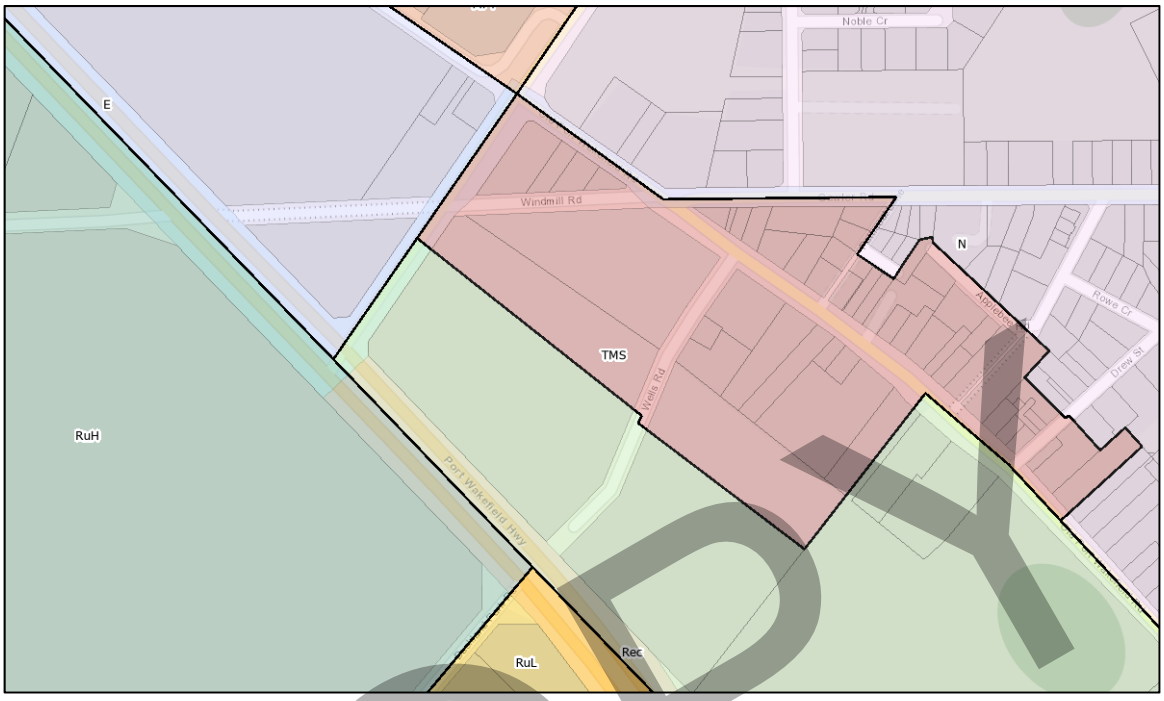
Attachment 2 Excerpt of Planning and Design Code 2021 Zoning Details



Source: https://sappa.plan.sa.gov.au/ 2021

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Adelaide Plains Council	**5.2**	**Outcome of Public Consultation – Revocation of Community Land Classification**
	Department:	**Governance and Executive Office**
	Report Author:	**Acting General Manager – Governance and Executive Office**
Date: 8 November 2021	**Document Ref:**	**D21/49081**

EXECUTIVE SUMMARY

- Council is currently considering a proposal to revoke the community land classification applying to Section 180 in the Hundred of Port Gawler in the area named Two Wells, being the whole of the land in Crown Record Volume 5984 Folio 730 and Section 716 in the Hundred of Port Gawler in the area named Two Wells, being portion of the land in Crown Record Volume 5755 Folio 739, which land is dedicated Crown land under the Council's care, control and management (the Proposal).
- The purpose of this report is for Council to:
    - consider the outcome of public consultation in relation to the Proposal; and; determine whether to submit the Proposal, along with a report on submissions made as part of the public consultation process, to the Minister for Planning and Local Government seeking approval for the Proposal.
- Council considered a report in relation to the Council undertaking public consultation on the Proposal at its Special Council Meeting on 5 October 2021 (**Attachment 1**). The Council resolved at this meeting (Council Resolution 2021/366) to prepare and make publicly available a report on the Proposal and to follow the relevant steps set out in its public consultation policy in respect of the Proposal.
- In accordance with Council Resolution 2021/366, section 194(2) of the *Local Government Act 1999*(SA) (the Act) and Council's *Public Consultation Policy*, public consultation was undertaken from 13 October 2021 until 3 November 2021 (inclusive) (details of which are set out in **Attachment 2**). Council's decision to commence public consultation featured on the front page of the Echo November edition (released 28 October 2021) and within the Bunyip 13 October 2021 edition and Plains Producer 27 October 2021 edition (**Attachment 3**). Council also contacted the Adelaide Plains Kennel and Obedience Club and the Two Wells Trotting Owners and Trainers Association directly in relation to public consultation, as they each occupy one of the parcels of land the subject of the Proposal on a month by month lease while their respective relocation exercises to new premises are completed (**Attachment 4**).
- A copy of the documents which were on public display for the duration of public consultation, including the report required by Section 194(2) of the Local Government Act, are in **Attachment 5** to this Report (the Public Consultation Documents).

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- At the conclusion of the public consultation period, Council had received only one submission from Mr Ian O'Loan (**Attachment 6**). This submission appears to be in favour of the proposed revocation however does highlight related matters for Council's consideration.
- Now that the deadline for public submissions on the Proposal required by the Council's public consultation policy has closed the Council must consider the submission received and determine either:
    - not to proceed with the Proposal; or
    - to submit the Proposal with a report on all submissions made as part of the public consultation process to the Minister responsible for the administration of the Act seeking the Minister's approval for the Proposal.

RECOMMENDATION 1 – Acknowledge Public Consultation

"that Council, having considered Item 5.2 – *Outcome of Public Consultation – Revocation of Community Land Classification*, dated 8 November 2021, receives and notes the report and in doing so acknowledges that:

1. **In accordance with Council Resolution 2021/366, as required by section 194(2)(a) of the *Local Government Act 1999*(SA) (the Act) the Council prepared and made publicly available during the period from 13 October 2021 until 3 November 2021 (inclusive) a report on its proposed revocation of the community land classification applying to Section 180 in the Hundred of Port Gawler in the area named Two Wells, being the whole of the land in Crown Record Volume 5984 Folio 730 and Section 716 in the Hundred of Port Gawler in the area named Two Wells, being portion of the land in Crown Record Volume 5755 Folio 739, which land is dedicated Crown land under the Council's care, control and management (the Proposal)**
2. **Public consultation was undertaken on the Proposal for the purposes of section 194(2)(b) of the Act in accordance with Council Resolution 2021/366 and Council's *Public Consultation Policy* during the period from 13 October 2021 until 3 November 2021 (inclusive)**
3. **One submission, presented as Attachment 6 to this Report, was received by the Council in response to the public consultation described in paragraphs 1 and 2 above and**
4. **In relation to the one submission received, Council notes that it is generally in favour of the Proposal and that the other matters raised by it do not directly relate to the Proposal but are matters that may be taken into account by the Council in relation to any future development or use of the land the subject of the Proposal."**

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RECOMMENDATION 2 – Consideration of Submissions and Seeking Approval for the Proposal

"that Council, having considered Item 5.2 – *Outcome of Public Consultation – Revocation of Community Land Classification*, dated 8 November 2021, and after having completed public consultation on the Proposal and having considered the submission received on the Proposal in response to the public consultation described in paragraphs 1 and 2 of the Resolution above:

1. **Resolves to seek the formal consent of the Minister for Environment and Water (as the owner of the land) to the Proposal as required under section 194(1)(d) of the Local Government Act 1999 (the Act), to the extent that such consent has not already been provided**
2. **Resolves to prepare a report on all submissions received in response to the public consultation described in paragraphs 1 and 2 of the Resolution above and submit this report and the Proposal to the Minister for Planning and Local Government (as the Minister responsible for the administration of the Act) seeking approval for the Proposal**
3. **Authorises the Chief Executive Officer to attend to the preparation of all documents and correspondence and all other matters required to give effect to the above resolution**
4. **Instructs that a further report be prepared for the Council notifying of the response received from the Minister for the Council to decide whether to pass a resolution to give effect to the Proposal and**
5. **Acknowledges that the process for formally revoking the dedication of the relevant land will be dealt with subsequently under the *Crown Land Management Act 2009*, in conjunction with the broader acquisition proposal."**

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BUDGET IMPACT

Estimated Cost:	Nil
Future ongoing operating costs:	Nil
Is this Budgeted?	Not Applicable

RISK ASSESSMENT

Council cannot resolve to revoke the community land status in accordance with the Proposal until such time as the Minister for Planning and Local Government approves the Proposal. Therefore, having now undertaken public consultation, and after considering the submission received, should Council wish to proceed with the Proposal, the next step in accordance with Section 194(3) of the Local Government Act 1999(SA), is to seek the approval of the Minister for Planning and Local Government to the Proposal.

In accordance with Section 44(3) of the Local Government Act 1999(SA), Council cannot delegate the power to make an application to the Minister. Council, therefore, must formally resolve to submit the proposal to the Minister for approval (if it wishes to do so).

Attachments

1. Copy of Item 4.1 – Public Consultation – Revocation of Community Land Classification – Two Wells dated 30 September 2021.
2. Copy of Public Consultation Notices appearing in local newspapers the Plains Producer and Bunyip on 13 October 2021.
3. Copy of newspaper articles from Echo November edition, Bunyip 13 October 2021 edition and Plains Producer 27 October 2021.
4. Copy of letter to Adelaide Plains Kennel and Obedience Club and Two Wells Trotting Owners and Trainers Association dated 13 October 2021.
5. Copy of Public Consultation Documents.
6. Copy of submission by Mr Ian O'Loan dated 2 November 2021.

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DETAILED REPORT

Purpose

The purpose of this report is for Council to:

- Consider the outcome of public consultation in relation to the Proposal and
- Determine whether to submit the Proposal, along with a report on submissions made as part of the public consultation process, to the Minister for Planning and Local Government seeking approval for the Proposal.

Background/History

Section 194 of the Local Government Act 1999 (the Act) deals with the revocation of the classification of land as community land. In particular:

(1) A council may (subject to the following exceptions and qualifications) revoke the classification of land as community land in accordance with the following procedure.

(a) …

(b) …

(c) …

(d) The classification of other land as community land cannot be revoked unless—

(i) the Minister approves revocation of the classification; and

(ii) if the land is under the care, control and management of the council but is not owned by the council—the owner of the land approves revocation of the classification.

(2) Before a council revokes the classification of land as community land—

(a) the council must prepare and make publicly available a report on the proposal containing—

(i) a summary of the reasons for the proposal; and

(ii) a statement of any dedication, reservation or trust to which the land is subject; and

(iii) 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; and

(iv) an assessment of how implementation of the proposal would affect the area and the local community; and

(v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and

(b) the council must follow the relevant steps set out in its public consultation policy.

(3) After complying with the requirements of subsection (2), the council—

(a) must submit the proposal with a report on all submissions made on it as part of the public consultation process to the Minister; and

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(b) if the Minister approves the proposal—may make a resolution revoking the classification of the land as community land.

Council considered Item 4.1 – *Public Consultation – Revocation of Community Land Classification – Two Wells* (in **Attachment 1** to this Report) at its Special Council Meeting on 5 October 2021 and resolved as follows:

4.1 Public Consultation – Revocation of Community Land Classification – Two Wells

Moved Councillor Parker *Seconded Councillor Boon* ***2021/366***

"that Council, having considered Item 4.1 – Public Consultation – Revocation of Community Land Classification – Two Wells, dated 30 September 2021, receives and notes the report and in doing so:

1. ***Instructs the Chief Executive Officer to undertake public consultation in relation to the proposed revocation of the Community Land classification of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 in accordance with Council's Public Consultation Policy and***
2. ***Acknowledges that upon completion of the public consultation period, a report detailing all submissions received, be returned to Council for consideration."***

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Discussion

Public Consultation – Process

In accordance with Resolution 2021/366, section 194(2) of the Act and Council's *Public Consultation Policy*, public consultation was undertaken from 13 October 2021 until 3 November 2021 (inclusive).

A paid public notice was placed in local newspapers the Plains Producer and the Bunyip on 13 October 2021 (**Attachment 2** to this Report). In addition, Council's decision to commence public consultation featured on the front page of the Echo November edition (released 28 October 2021) and within the Bunyip 13 October 2021 edition and Plains Producer 27 October 2021 edition (**Attachment 3** to this Report).

Direct Contact with Community Groups Occupying the Land

Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 is currently the subject of a lease between Council and the Adelaide Plains Kennel and Obedience Club (APKOC). That lease is currently in a month by month "holding over" while APKOC's relocation exercise to Clara Harniman Reserve is completed.

Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 is currently the subject of a lease between Council and the Two Wells Trotting Owners and Trainers Association (TWTOTA). This lease is also in a month by month "holding over" while TWTOTA completes its relocation exercise to Hams Park.

Accordingly, Council wrote directly to APKOC and TWTOTA on 13 October 2021 to notify each of them of Council's decision to undertake public consultation on the Proposal and their opportunity to make

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a submission during the public consultation period. This additional engagement was intended to ensure that each group was fully aware of the Proposal and that their relocation exercises would be unaffected by the Proposal. Naturally, direct notification also ensured that both APKOC and TWTOTA had the opportunity to make a submission for consideration during the public consultation period.

A copy of each communication is provided for as **Attachment 4** to this Report.

Public Consultation – Outcome

At the conclusion of the public consultation period, Council had received only one submission from Mr Ian O'Loan (**Attachment 6**). This submission appears to be in favour of the proposed revocation however does highlight related matters for Council's consideration. It is noted that these matters are not related to the Proposal itself but may be kept in mind by Council if and when the Land is proposed to be developed or used for any particular purpose in the future:

> *It is very good to see that after two decades plus of negotiation the Crown has now agreed for the APC to purchase the above lands.*
>
> *However, before any land is transferred to APC it is vital that the intersection of Pt Wakefield Road and Mallala Road is up graded to accept the current and future traffic flow through this intersection.*
>
> *…*

Next Steps

If, having considered the outcome of the public consultation process on the Proposal the Council considers it appropriate to proceed with the Proposal, then the next step, in accordance with Section 194(3) of the Act, is to seek the approval of the Minister for Planning and Local Government for the Proposal.

To do so, section 194(3) of the Act requires that the Proposal and a report on all submissions made on it as part of the public consultation process be submitted to the Minister.

Further, the Office of Local Government has published a Guidance Paper – Section 194 – Revocation of Community Land Classification (click here to access). The Guidance Paper outlines information that must be included in the application to the Minister:

- *A copy of the report prepared by the council for the purposes of section 194(2)(a);*
- *In the event that the land is under the care, control and management of the council but is not owned by the council, a copy of the landowner's approval of the revocation (including approval of any native title holders);*
- *If the council proposes to sell the land, a copy of the council's policy on the sale or disposal of land, under section 49(1)(d);*
- *Details of the public consultation undertaken, including copies of the actual advertisement(s) placed in local newspaper(s), media releases, photos of signs erected on the land, and copies of any correspondence sent to adjoining property owners or occupiers as well as details of those persons who were notified;*

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- *A copy of the relevant certificate of titles, spatial plan(s) showing the cadastral boundaries of the subject land and immediate surrounding areas, and any other documentation that the council believes will support its application; and*
- *In the event that the land is to be sold, a copy of the valuation report on the land (if obtained), and a copy of any resolution by the council to use the proceeds of the sale of the land for the acquisition or development of other land for public community use or for the provision of community facilities.*
- *Copies of all submissions or petitions made on the proposal as part of the public consultation process;*
- *A report to the Minister on all submissions received on the proposal during the council's public consultation process, for the purposes of section 194(3)(a) and the council's response to the issues raised in the submissions received;*
- *A copy of the agenda report and minutes for the council meeting at which the council considered any submissions made during the public consultation process;*
- *A copy of council's resolutions relevant to the proposal, including the resolution to submit the proposal to the Minister.*

Council will be advised of the Minister's decision in writing. The revocation of the community land classification does not take effect unless and until Council makes a resolution to give effect to the proposal. It may decide that it does not wish to proceed with the revocation.

If the council resolves to revoke the classification, the land is freed from any dedication, reservation or trust affecting the land, other than a dedication, reservation or trust under the *Crown Lands Management Act 2009* (SA). (per Section 195(1) of the Act, which is set out below).

> *195—Effect of revocation of classification*
>
> *(1) The revocation of the classification of land as community land frees the land from a dedication, reservation or trust affecting the land, other than a dedication, reservation or trust under the Crown Lands Act 1929.*
>
> *(2) If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication reservation or trust under the Crown Lands Act 1929, the council must, immediately after the revocation of the classification of land as community land, give notice of the revocation to the Registrar-General in a manner and form approved by the Registrar-General (and the Registrar-General must then make appropriate amendments to any relevant instrument of title or other public record).*

Conclusion

Having now undertaken public consultation in relation to the Proposal, it is for Council to now consider the one submission received and, should Council wish to proceed with the Proposal to resolve to seek the approval of the Minister for Planning and Local Government in relation to the Proposal in accordance with Section 194(3) of the Local Government Act.

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References

Legislation

Crown Lands Management Act 2009

Local Government Act 1999

Council Policies/Plans

Annual Business Plan and Budget 2021/2022

Public Consultation Policy

Strategic Plan 2021-2024

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Adelaide Plains Council	**4.1**	**Public Consultation – Revocation of Community Land Classification – Two Wells**
	Department:	**Development and Community**
	Report Author:	**General Manager – Development and Community**
Date: 30 September 2021	**Document Ref:**	**D21/43751**

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EXECUTIVE SUMMARY

- The purpose of this report is to provide Council with an overview of the processes required to revoke the Community Land classification of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739
- These Crown Parcels are under the care and control of Council, however they are owned by 'The Crown'
- This land is recognised as Community Land under the Local Government Act 1999 and currently classified under Council's Community Land Management Plan as 'Community and District Council' purposes.
- To revoke the classification of Community Land, Council is required to follow the process that is outlined within section 194 of the Local Government Act 1999, including, preparing a report detailing the land and purpose of the revocation, an assessment of how implementation of the proposal would affect the area and the local community, carry out public consultation (in accordance with Council's public consultation policy) and submit the proposal to the Minister for consideration.

RECOMMENDATION

"that Council, having considered Item 4.1 – *Public Consultation – Revocation of Community Land Classification – Two Wells*, dated 30 September 2021, receives and notes the report and in doing so:

1. **Instructs the Chief Executive Officer to undertake public consultation in relation to the proposed revocation of the Community Land classification of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 in accordance with Council's Public Consultation Policy and**

2. **That upon completion of the public consultation period, a report detailing all submissions received, be returned to Council for consideration."**

BUDGET IMPACT

Estimated Cost:	$500 (public consultation notices)
Future ongoing operating costs:	0
Is this Budgeted?	Yes

RISK ASSESSMENT

The proposed recommendation is for consultation only and is in accordance with the requirements of the *Local Government Act 1999*.

Attachments

1. Community Land Revocation Report Two Wells.

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DETAILED REPORT

Purpose

The purpose of this report is to provide Council with an overview of the processes required to revoke the Community Land classification of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739.

The Subject Land is land dedicated to Adelaide Plains Council for Community and District Council Purposes Pursuant to the Crown Lands Act, 1929. The land is owned by 'The Crown'.

Council proposes to revoke the community land classification of the Subject Land (two Crown Parcels) as the first step in the process to ultimately enable the Subject Land to be developed and used in accordance with the relevant provisions of the Planning and Design Code. This would in all likelihood involve an acquisition of the land by Council.

Should Council acquire the land, it is proposed that subject to a satisfactory development proposal being agreed between Council and the private sector, all or part of the Subject Land will be on-sold by Council, subject to Council determining whether to retain a portion of the land currently zoned Recreation.

It is not Council's intention to seek to profit from the proposed community land revocation and ultimate sale to the private sector, rather Council seeks to use its unique position to unlock the Subject Land and allow it to be developed for a mix of retail, commercial and community offerings.

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Background/History

In 2013, the Two Wells Residential Development Plan Amendment (DPA) was gazetted by the Minister for Planning with an intention to provide zoned land for residential and associated growth in Two Wells.

At the time the Planning Minister stated *"This DPA will allow for the provision of up to 3,400 new dwellings and up to 9,700 more residents living in Two Wells over the next 20-30 years."* While the growth in and around Two Wells is well underway, much of the infrastructure (physical and social) is not yet in place and while the land was rezoned by the State, responsibly for the planning for urban growth and implementation will mostly fall on Council.

The key component of this urban growth is residential growth in and around Two Wells, which will place additional demands on the provision of sufficient land for employment, commercial and retail land uses and the development of community and social services.

Development of the Subject Land, should the community land classification be revoked (and should Council ultimately be successful in securing the right to purchase the Subject Land from the Crown), will open up the currently underutilised Subject Land for a higher and better use as contemplated by the Planning and Design Code, to support the increased residential growth in and around Two Wells.

Since 2014, Council has taken active steps to facilitate and support urban growth at Two Wells, including:

- Recognising its role in facilitating economic development and investment;
- Noting the unparalleled residential growth at Two Wells and the associated need for services;
- Commissioning a Retail Supply and Demand Study (in 2014 and revised in 2019);
- Preparing urban design guidelines and main street concept plans, to identify land holdings within the Two Wells township considered suitable for retail, commercial and community activities to occur, noting the majority of land between the Two Wells Main Street and Port Wakefield Road is 'Crown Land' owned by the State Government;
- Engaging with the Crown Lands Program, Department for Environment and Water (Crown Lands) with a view of understanding their appetite in making available Crown Land within Two Wells for retail, community and commercial investment;
- Requesting Crown Land to obtain valuations of the Subject Land;
- Considering amendments to the Planning and Design Code, introduced by the State Government, which allow for retail investment to occur outside of the existing Two Wells township;
- Commissioning an independent review of the Valuations of the Subject Land; and
- Engaging extensively with the Minister for Environment and Water, the Hon David Speirs MP, with a view of obtaining his support in declaring the Subject Land surplus and, ultimately, releasing the Subject Land to Council.

Discussion

Council proposes to revoke the community land classification of the Subject Land to ultimately enable the Subject Land to be developed in accordance with the relevant provisions of the Planning and Design Code.

Section 180 Old Port Wakefield Road, Two Wells SA 5501 is located within the Township Main Street Zone. It has a total site area of approximately 1.82 hectares (18,200 square metres) with frontage to the Two Wells Main Street and secondary access to Wells Road and Windmill Road. The site is still currently used by the Two Wells Dog Obedience Club, while their new facility located at Clara Harniman Reserve is completed.

Section 716 Buckland Park (Wells) Road, Two Wells SA 5501 is located partly within the Employment Zone, partly within the Township Main Street Zone and partly within the Recreation Zone. The site is split into two (2) distinctive pieces being the western portion fronting Mallala Road and Port Wakefield Highway with a total site area of approximately 9,462 square metres (0.9462 hectares) and the eastern portion fronting Mallala Road, Wells Road and Port Wakefield Road with a site area of approximately 53,131 square metres (5.3131 hectares). The eastern portion contains an existing trotting track while the western portion is used for the agistment of horses.

The trotting track portion of the site is still currently used by the Two Wells Trotting Club, while their new facility located at Hams Park is completed

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Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739

Source: https://sappa.plan.sa.gov.au/

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The desired outcome of the Township Main Street Zone is:

> *A cohesive, active, accessible and welcoming main street environment for residents and visitors to shop, work, meet, entertain and relax.*
>
> *Development contributes to the vibrancy and activity of public spaces and reinforces the traditional main street character.*

Appropriate land uses may include community facilities, consulting rooms, dwellings, indoor recreation centre, library, office, pre-school, shop or tourist accommodation.

The desired outcome of the Recreation Zone is:

> *Provision of a range of accessible recreational facilities.*

Appropriate land uses may include car parking, indoor recreation facility, open space, outdoor sports courts, recreation area, shop ancillary to recreation facility, sporting clubrooms, sporting ovals and fields or swimming pool.

The desired outcome of the Employment Zone is:

> *A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities.*
>
> *Distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.*

Appropriate land uses may include consulting room, indoor recreation facility, light industry, motor repair station, office, retail fuel outlet, service trade premises, shop, store or warehouse.

Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730

Source: https://sappa.plan.sa.gov.au/

The Subject Land is currently underused given its zoning under the Planning and Design Code. Any development application for the above land uses, or any not outlined above, will be required to be assessed against the relevant provisions of the Planning and Design Code by a relevant planning authority (Accredited Professional, Assessment Manager or Council Assessment Panel).

The unlocking of the development potential of the Subject Land for a range of retail, commercial or community uses will provide the local and wider community with much needed services to accompany the urban growth already underway within Two Wells and the wider Council area.

In order to revoke the community land status it will be necessary, pursuant to Section 194(2) of the Local Government Act 1999, for Council to:

(a) prepare and make publicly available a report on the proposal containing—

(i) a summary of the reasons for the proposal; and

(ii) a statement of any dedication, reservation or trust to which the land is subject; and

(iii) 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; and

(iv) an assessment of how implementation of the proposal would affect the area and the local community; and

(v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification;

This process provides members of the community an avenue to be involved in the revocation process, and an opportunity to make submissions which Council must consider.

Further to the steps outlined above, Council is then required to carry out public consultation in accordance with its public consultation policy. After complying with these requirements, Council must submit the proposal with a report on all submissions, to the Minister for Local Government. The Minister has a duty to—

- review the process followed by a council in submitting a proposal for a revocation of community land classification, and
- assess the merits of the proposal.

It is then for the Minister to make the final determination to revoke the Community Land classification or not.

Attached is a Community Land Revocation Report that addresses the requirements under section 194(2) of the Local Government Act 1999.

Conclusion

It is proposed to revoke the community land classification of the Subject Land (two Crown Parcels) as the first step in the process to ultimately enable the Subject Land to be developed and used in accordance with the relevant provisions of the Planning and Design Code.

Development of the Subject Land, should the community land classification be revoked (and should Council ultimately be successful in securing the right to purchase the Subject Land from the Crown), will provide the local and wider community with support services located within the Two Wells Town Centre to accompany the residential growth already underway within Two Wells and the wider Council area.

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References

Legislation

Local Government Act 1999

PDI Act 2016

Council Policies/Plans

Community Land Management Plan

Public Consultation Policy

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PUBLIC CONSULTATION

Revocation of Community Land Classification

Notice is hereby given pursuant section 194(2) of the Local Government Act 1999 (the Act) that Adelaide Plains Council proposes to revoke the community land classification of:

- Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and
- Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739.

The proposed revocation will enable the land to be developed consistent with the relevant zoning provisions and planning policy contained within the Planning and Design Code.

Council has prepared a Report regarding the proposed revocation that addresses the requirements under section 194(2) of the Act and is available for viewing at: Council's website www.apc.sa.gov.au, Principal Office, 2a Wasleys Road, Mallala or the Two Wells Service Centre, Old Port Wakefield Road, Two Wells.

COPY

Any person is entitled to comment on the proposed revocation via a written submission and, accordingly, Council now invites interested persons to review the Report and make written submissions.

Written submissions must be received by 5pm on Wednesday 3 November 2021 and addressed to:

Adelaide Plains Council
Submission – Revocation of Community Land Classification at Two Wells
By post: PO Box 18, Mallala SA 5502

Or by email: info@apc.sa.gov.au

Note: All written submissions will become public record, including forming part of a report to Council.

Enquiries may be directed to Darren Starr, General Manager – Development and Community at info@apc.sa.gov.au or (08) 8527 0200.

James Miller Chief Executive Officer
Adelaide Plains Council

8 November 2021 Council Meeting
29 November 2021 Council Meeting

PM0606

Adelaide Plains Council

PUBLIC CONSULTATION

Revocation of Community Land Classification

Notice is hereby given pursuant section 194(2) of the Local Government Act 1999 (the Act) that Adelaide Plains Council proposes to revoke the community land classification of:

- Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and
- Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739.

The proposed revocation will enable the land to be developed consistent with the relevant zoning provisions and planning policy contained within the Planning and Design Code.

Council has prepared a Report regarding the proposed revocation that addresses the requirements under section 194(2) of the Act and is available for viewing at: Council's website www.apc.sa.gov.au, Principal Office, 2a Wasleys Road, Mallala or the Two Wells Service Centre, Old Port Wakefield Road, Two Wells.

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James Miller
Chief Executive Officer
Adelaide Plains Council

COPY

LAND VISION

COPY

BEC O'BRIEN

ADELAIDE Plains Council has formally moved to have community land status in Two Wells revoked in a bid to open up future development options for the growing town.

At a special meeting held on Tuesday, October 5 the council voted in favour of seeking public consultation on the proposed revocation of the community land classification of two sections of property in Two Wells.

The land is vacant Crown land, owned by the state government, and is locally identified by the town's former trotting track and dog obedience club grounds.

There is also a small triangular parcel of land along Port Wakefield Road and Mallala Road being considered. Before the council can move forward with any development on Crown land, the land's status must be revoked.

Council CEO James Miller said public consultation on the land in question was the first of many steps in a long process and the council was working to provide development opportunities for years to come.

"Council plays an important role in facilitating township growth and service provision," Mr Miller said.

"With Two Wells' population forecast to reach 10,000 by 2040, the council is preparing now in identifying strategic land parcels within the town centre that may be suitable for retail, commercial and community investment in the future.

"Commencing public consultation on the revocation of community land classification is the first step in this process and we look forward to hearing what the community has to say."

Mayor Mark Wasley said the public consultation move comes on the back of the completion of Stage 1 of council's planned multi-staged makeover of the Two Wells main street, the Village Green.

"Private sector investment and confidence will only gather momentum through council's investment into our own public realm," Mr Wasley said.

Two Wells Regional Action Team president Ian Lennon said council's recent public notice to revoke community land on Old Port Wakefield Road and Wells Road came as no surprise as the redevelopment of a portion of that land for commercial purposes had been flagged for many years.

Continued page 2

Land plans to prosper Two Wells

• From page 1

"The intent has clearly been approaching fruition with council's recent efforts to relocate the Adelaide Plains Kennel and Obedience Club to Lewiston," Mr Lennon said.

"TWRAT supports carefully planned development that provides for increased liveability for the community without negatively impacting upon the amenity and character of the Two Wells township, and without disenfranchising community members."

Anyone is entitled to review the report and comment on the proposed revocation via a written submission.

Written submissions must be received by 5pm on Wednesday, November 3, 2021 and addressed to:

Adelaide Plains Council

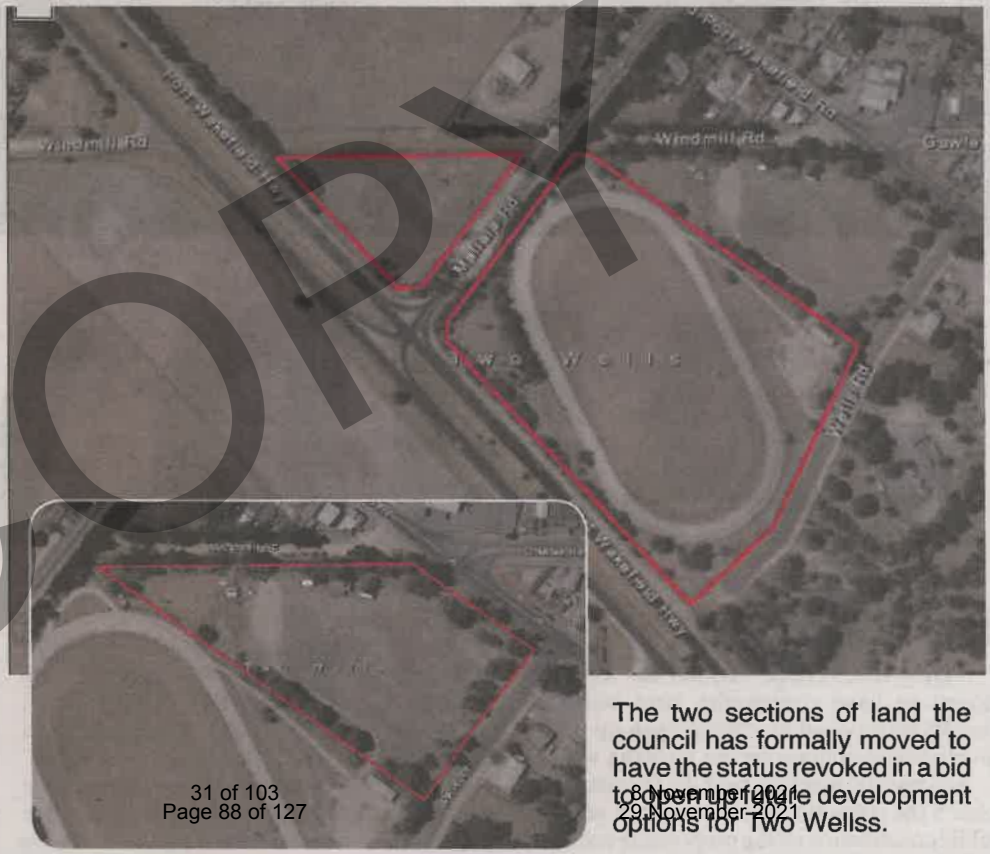
Submission – Revocation of Community Land Classification at Two Wells

By post: PO Box 18, Mallala SA 5502

Or by email: info@apc.sa.gov.au

All written submissions will become public record, including forming part of a report to council.

General enquiries should be directed to Darren Starr, General Manager – Development and Community at info@apc.sa.gov.au or phone 8527 0200.



The two sections of land the council has formally moved to have the status revoked in a bid to open up future development options for Two Wellss.

COPY

TWO WELLS COMMUNITY

Community to have say on land use

Ellouise Crawford
ellouise.crawford@bunyippress.com.au
@ellecrawford90

THE future of two parcels of land at Two Wells is being considered by Adelaide Plains Council as it looks to support significant residential growth over the next two decades.

At a special meeting last week, council supported a public consultation period regarding the revocation of "community" land status for two sections of land off the Two Wells main street, at Wells Road and Port Wakefield Highway, totalling just over 80,790 square metres.

The land is owned by the Crown but under the care and control of council. It is used by Two Wells Dog Obedience Club and Two Wells Trotting Club, both of which are relocating to new facilities elsewhere.

According to a council report, council proposes to revoke the community land classification of the subject land to enable it to be developed.

"Should council acquire the land, it is proposed that subject to a satisfactory development proposal being agreed between council and the private sector, all or part of the subject land will be on-sold by council, subject to council determining whether to retain a portion of the land currently zoned recreation," the report said.

"It is not council's intention to seek to profit from the proposed community land revocation and ultimate sale to the private sector, rather council seeks to use its unique position to unlock the subject land and allow it to be developed for a mix of retail, commercial and community offerings.

"…the unlocking of the development potential…will provide the local and wider community with much-needed services to accompany the urban growth already underway within Two Wells and the wider council area."

Following the public consultation period, a report will be brought back to council detailing the submissions received, ahead of any final decision regarding the land's status.

Council is the second-fastest growing region behind Mount Barker and could double its population to more than 20,000 people within the next 15 to 20 years.

Last week's motion, to move to a public consultation period, was supported by councillors John Lush, Marcus Strudwicke, Terry-Anne Keen, Kay Boon, Brian Parker and Carmine Di Troia, but was not by Cr Joe Daniele.

Council is looking to revoke the community land status of land formerly used by the local trotting and dog obedience clubs to unlock the potential for retail, commercial and community development. IMAGE: Supplied

Australian Government

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Land plans to prosper Two Wells

BEC O'BRIEN

ADELAIDE Plains Council has formally moved to have community land status in Two Wells revoked in a bid to open up future development options for the growing town.

At a special meeting held on Tuesday, October 5 the council voted in favour of seeking public consultation on the proposed revocation of the community land classification of two sections of property in Two Wells.

The land in question is Crown land, owned by the state government, and is locally identified by the town's former trotting track and dog obedience club grounds.

There is also a small triangular parcel of land along Port Wakefield and Mallala Road being considered.

Before the council can move forward with any development on Crown land, the land's status must be revoked.

Council CEO James Miller said public consultation on the land in question was the first of [illegible] Special Council Meeting [illegible] Special Council Meeting [illegible] to provide development opportunities for years to come.

"Council plays an important role in facilitating township growth and service provision," Mr Miller said.

"With Two Wells' population forecast to reach 10,000 by 2040, the council is preparing now in identifying strategic land parcels within the town centre that may be suitable for retail, commercial and community investment in the future.

"Commencing public consultation on the revocation of community land classification is the first step in [illegible] and we look forward to hearing what the community has to say."

Mayor Mark Wasley said the public consultation move comes on the back of the completion of Stage 1 of council's planned multi-staged makeover of the Two Wells main street, the Village Green.

"Private sector investment and confidence will only gather momentum through council's investment into our own public realm," Mr Wasley said.

Two Wells Regional Action Team (TWRAT) president [illegible] Lennon said council's [illegible] of public notice to revoke community land on Old Port Wakefield Road and Wells Road came as no surprise as the redevelopment of a portion of that land for commercial purposes had been flagged for many years.

"The intent has clearly been approaching fruition with council's recent efforts to relocate the Adelaide Plains Kennel and Obedience Club to Lewiston," Mr Lennon said.

"TWRAT supports carefully planned development that provides for increased liveability for the community [illegible] [illegible] [illegible] ter of the Two Wells township and without disenfranchising community members."

The public can comment on the proposed revocation via a written submission. Written submissions must be received by 5pm on Wednesday, November 3, 2021 and addressed to: Adelaide Plains Council, Submission – Revocation of Community Land Classification at Two Wells, By post: PO Box 18, Mallala SA 5502 or by email: info@apc.sa.gov.au. All written submissions will become public record, including forming part of a report to council. For general enquiries contact Darren Starr, at info@apc.sa.gov.au or phone 8527 0200.

Special Council Meeting 33 of 103 8 November 2021
Special Council Meeting Page 90 of 127 29 November 2021

Stacie Shrubsole

From: Stacie Shrubsole
Sent: Wednesday, 13 October 2021 9:56 AM
To: 'info@bthsecurity.com.au'
Cc: James Miller; Darren Starr; Alyssa Denicola
Subject: Public Consultation - Revocation of Community Land Classification - October 2021
Attachments: Adelaide Plains Kennel and Obedience Club - Public Consultation - Revocation of Community Land Classification - October 2021.pdf; Community Land Revocation Report - Two Wells - Final.pdf

Good morning Mrs Heinze

On behalf of Adelaide Plains Council Chief Executive Officer, Mr James Miller, I **attach** letter dated 12 October 2021.

Thank you and kind regards,

Stacie Shrubsole | **Administration and Executive Support Officer**
Governance and Executive Office | **P:** (08) 8527 0200 | **E:** sshrubsole@apc.sa.gov.au
PO Box 18, Mallala SA 5502 | www.apc.sa.gov.au

Adelaide Plains Council

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Adelaide Plains Council

2a Wasleys Road
Mallala SA 5502

PO Box 18
Mallala SA 5502

Tel – 08 8527 0200
Fax – 08 8527 2242
info@apc.sa.gov.au
apc.sa.gov.au

ABN – 58 384 968 672

Our Ref: D21/45368

12 October 2021

Mrs Debbie Heinze, President
Adelaide Plains Kennel and Obedience Club
PO Box 7
WILLASTON SA 5118

By email: info@bthsecurity.com.au

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Dear Debbie

Re: Public Consultation – Revocation of Community Land Classification

We are writing to notify you that Council, at its Special Meeting on Tuesday 5 October 2021, resolved as follows:

4.1 Public Consultation – Revocation of Community Land Classification – Two Wells

Moved Councillor Parker Seconded Councillor Boon ***2021/ 366***

"that Council, having considered Item 4.1 – Public Consultation – Revocation of Community Land Classification – Two Wells, dated 30 September 2021, receives and notes the report and in doing so:

1. ***Instructs the Chief Executive Officer to undertake public consultation in relation to the proposed revocation of the Community Land classification of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 in accordance with Council's Public Consultation Policy and***
2. ***Acknowledges that upon completion of the public consultation period, a report detailing all submissions received, be returned to Council for consideration."***

CARRIED

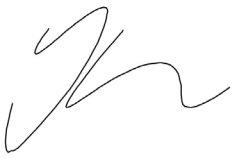
Accordingly, Council will be undertaking public consultation in relation to the above proposed revocation of community land from Wednesday 13 October 2021 until 5pm on Wednesday 3 November 2021.

A copy of the public notice is **enclosed** for your convenience. The proposed revocation will enable the land to be developed consistent with the relevant zoning provisions and planning policy considerations contained within the Planning and Design Code. Council has prepared a Report regarding the proposed revocation that addresses the requirements under section 194(2) of the Act. This Report will be available for viewing at Council's website (www.apc.sa.gov.au), Principal Office (2a Wasleys Road, Mallala) or the Two Wells Service Centre (Old Port Wakefield Road, Two Wells).

We note that Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 is currently the subject of a lease between Adelaide Plains Council and the Adelaide Plains Kennel and Obedience Club (the Lease). Relevantly, the Lease is currently in a month by month "holding over" (refer Clause 5.6 of the Lease) while the Club's relocation exercise to Clara Harniman Reserve is completed. To that end, we confirm that the potential development of this land is a long term project and Council intends to work with the Club in this regard.

Enquiries may be directed to Darren Starr, General Manager – Development and Community at info@apc.sa.gov.au or (08) 8527 0200.

Yours sincerely



James Miller
Chief Executive Officer

COPY

Stacie Shrubsole

From: Stacie Shrubsole
Sent: Wednesday, 13 October 2021 9:59 AM
To: 'raylemon@bigpond.com'
Cc: James Miller; Darren Starr; Alyssa Denicola
Subject: Public Consultation - Revocation of Community Land Classification - October 2021
Attachments: Community Land Revocation Report - Two Wells - Final.pdf; Two Wells Trotting Owners and Trainers Association - Public Consultation - Revocation of Community Land Classification - October 2021.pdf

Good morning Mr Lemon

On behalf of Adelaide Plains Council Chief Executive Officer, Mr James Miller, I **attach** letter dated 12 October 2021.

Thank you and kind regards,

Stacie Shrubsole | **Administration and Executive Support Officer**
Governance and Executive Office | **P:** (08) 8527 0200 | **E:** sshrubsole@apc.sa.gov.au
PO Box 18, Mallala SA 5502 | www.apc.sa.gov.au

Adelaide Plains Council

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info@apc.sa.gov.au
apc.sa.gov.au

ABN – 58 384 968 672

Our Ref: D21/45377

12 October 2021

Ray Lemon
Two Wells Trotting Owners and Trainers Association
PO Box 244
TWO WELLS SA 5501

By email: raylemon@bigpond.com

COPY

Dear Ray

Re: Public Consultation – Revocation of Community Land Classification

We are writing to notify you that Council, at its Special Meeting on Tuesday 5 October 2021, resolved as follows:

4.1 Public Consultation – Revocation of Community Land Classification – Two Wells

Moved Councillor Parker Seconded Councillor Boon ***2021/ 366***

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We note that Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 is currently the subject of a lease between Adelaide Plains Council and the Two Wells Trotting Owners and Trainers Association (the Lease). Relevantly, the Lease is currently in a month by month "holding over" while the relocation exercise to Hams Park Reserve is completed. We understand that the relocation is on track for completion and, to that end, we confirm that the potential development of this land is a long term project and therefore should not interfere with the Association's plans.

Enquiries may be directed to Darren Starr, General Manager – Development and Community at info@apc.sa.gov.au or (08) 8527 0200.

Yours sincerely

James Miller
Chief Executive Officer

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Public Consultation

Revocation of Community Land Classification

Notice is hereby given pursuant section 194(2) of the Local Government Act 1999 (the Act) that Adelaide Plains Council proposes to revoke the community land classification of:

- Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and
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Submission – Revocation of Community Land Classification at Two Wells
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James Miller
Chief Executive Officer

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PUBLIC CONSULTATION

Section 180 Old Port Wakefield Road, Two Wells SA 5501

Section 716 Buckland Park (Wells) Road, Two Wells SA 5501

REVOCATION OF COMMUNITY LAND STATUS

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CONTENTS

1. REPORT

2. PROPERTY LOCATION MAP

3. CROWN RECORDS FOR SUBJECT LAND

4. SECTION 194 LOCAL GOVERNMENT ACT 1999

5. COUNCIL AGENDA ITEM

6. PUBLIC CONSULTATION NOTICE

COPY

PROPOSAL FOR REVOCATION
OF CLASSIFICATION AS COMMUNITY LAND

Section 180 Old Port Wakefield Road, Two Wells SA 5501

Section 716 Buckland Park (Wells) Road, Two Wells SA 5501

("Subject Land")

Section 194 Local Government Act 1999

REPORT

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1. Reasons for the Proposal

In 2013, the Two Wells Residential Development Plan Amendment (DPA) was gazetted by the Minister for Planning with an intention to provide zoned land for residential and associated growth in Two Wells.

At the time the Planning Minister stated *"This DPA will allow for the provision of up to 3,400 new dwellings and up to 9,700 more residents living in Two Wells over the next 20-30 years. The future needs of the community will be catered for with a new local centre, provision for a school, improved flood protection and an environmentally friendly design."*

While the growth in and around Two Wells is well underway, much of the infrastructure (physical and social) is not yet in place and while the land was rezoned by the State, responsibly for the planning for urban growth and implementation will mostly fall on Council.

The key component of this urban growth is residential growth in and around Two Wells, which will place additional demands, associated with this residential growth, on the provision of sufficient land for employment, commercial and retail land uses and the development of community and social services. Recent population growth and residential approvals within Adelaide Plains Council show that rapid population growth has commenced and planning for the provision of associated services to accompany residential growth must progress.

Future development of the Subject Land, should the community land classification be revoked (and should Council ultimately be successful in securing the right to purchase the Subject Land from the Crown), will open up the currently underutilised Subject Land for a higher and better use as contemplated by the Planning and Design Code, to support the increased residential growth in and around Two Wells.

Section 180 Old Port Wakefield Road, Two Wells SA 5501 is located within the Township Main Zone. Section 716 Buckland Park (Wells) Road, Two Wells SA 5501 is located partly within the Employment Zone, partly within the Township Main Street Zone and partly within the Recreation Zone.

The desired outcome of the Township Main Street Zone is:

> *A cohesive, active, accessible and welcoming main street environment for residents and visitors to shop, work, meet, entertain and relax.*
>
> *Development contributes to the vibrancy and activity of public spaces and reinforces the traditional main street character.*

Appropriate land uses may include community facilities, consulting rooms, dwellings, indoor recreation centre, library, office, pre-school, shop or tourist accommodation.

The desired outcome of the Recreation Zone is:

> *Provision of a range of accessible recreational facilities.*

Appropriate land uses may include car parking, indoor recreation facility, open space, outdoor sports courts, recreation area, shop ancillary to recreation facility, sporting clubrooms, sporting ovals and fields or swimming pool.

The desired outcome of the Employment Zone is:

> *A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities.*

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Distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.

Appropriate land uses may include consulting room, indoor recreation facility, light industry, motor repair station, office, retail fuel outlet, service trade premises, shop, store or warehouse.

Any development application for the above land uses, or any not outlined above, will be required to be assessed against the relevant provisions of the Planning and Design Code by a relevant planning authority.

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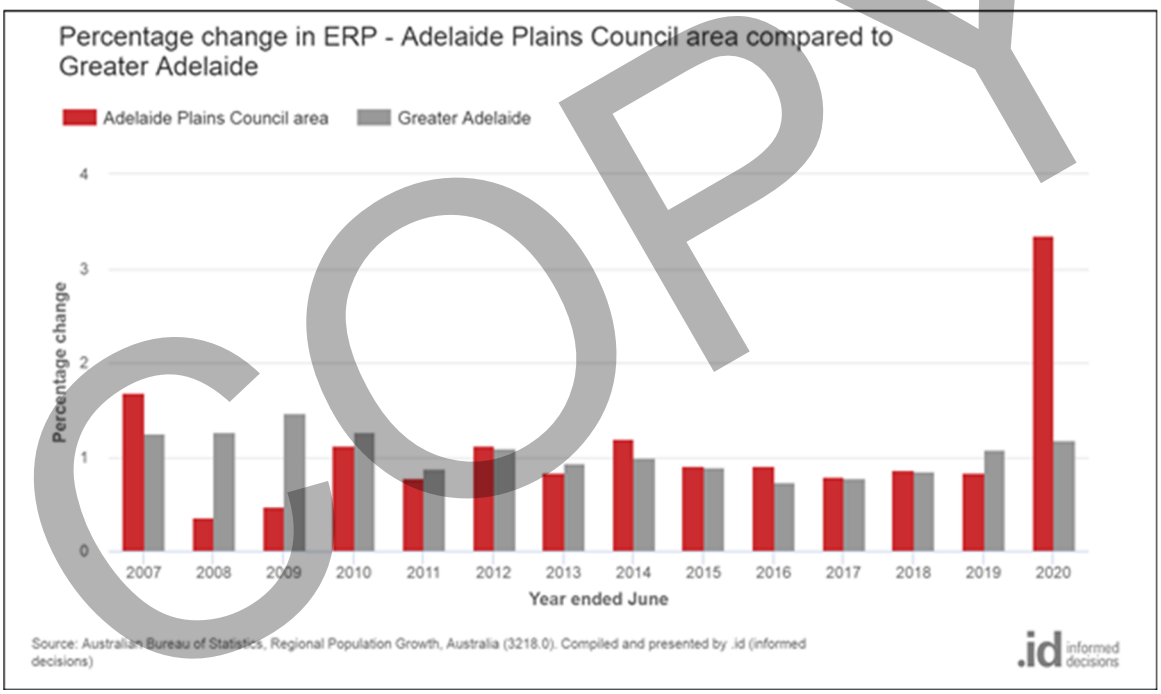

Estimated Population Increase in APC compared to Greater Adelaide Year Ended 2020

Since 2014, Council has taken active steps to facilitate and support urban growth at Two Wells, including:

- Recognising its role in facilitating economic development and investment;
- Noting the unparalleled residential growth at Two Wells and the associated need for services;

- Commissioning a Retail Supply and Demand Study (in 2014 and revised in 2019);
- Preparing urban design guidelines and main street concept plans, to identify land holdings within the Two Wells township considered suitable for retail, commercial and community activities to occur, noting the majority of land between the Two Wells Main Street and Port Wakefield Road is 'Crown Land' owned by the State Government;
- Engaging with the Crown Lands Program, Department for Environment and Water (Crown Lands) with a view of understanding their appetite in making available Crown Land for retail, community and commercial investment;
- Requesting Crown Land to obtain valuations of the Subject Land;
- Considering amendments to the Planning and Design Code which allow for retail investment to occur outside of the existing Two Wells township;
- Commissioning an independent review of the Valuations of the Subject Land; and
- Engaging extensively with the Minister for Environment and Water, the Hon David Speirs MP, with a view of obtaining his support in declaring the Subject Land surplus and, ultimately, releasing the Subject Land to Council.

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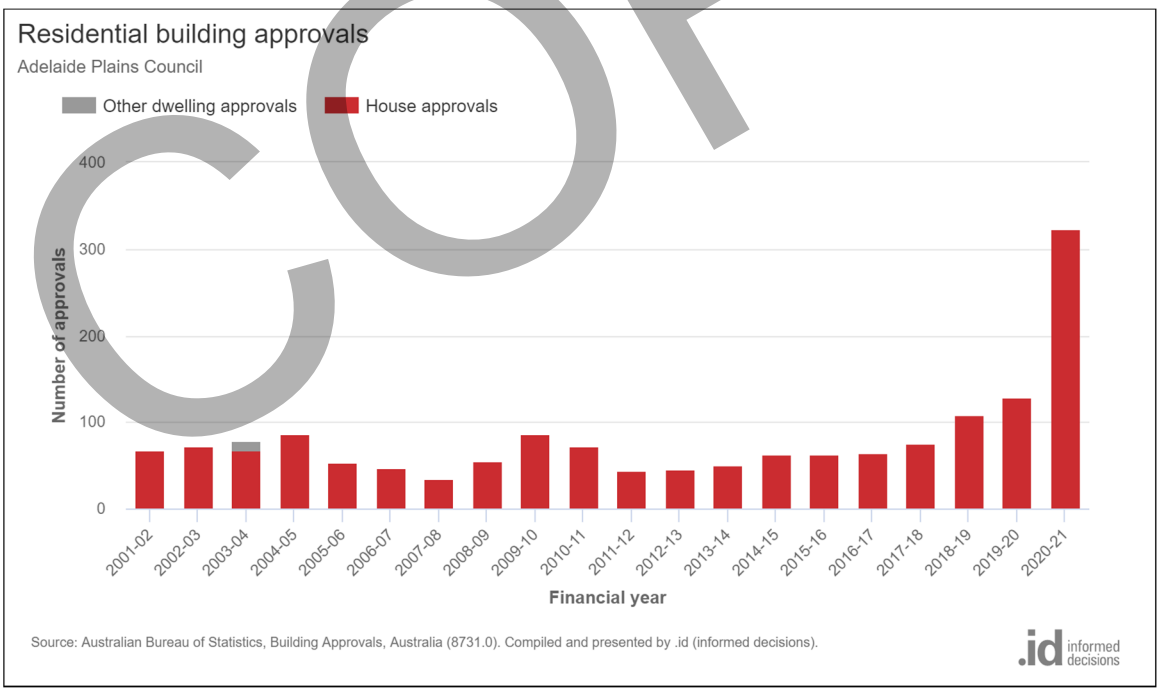

Residential Building Approvals up to June 30 2021

2. Statement of any Dedication, Reservation or Trust.

The Subject Land being Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 is land dedicated to Adelaide Plains Council for Community and District Council Purposes Pursuant to the Crown Lands Act, 1929.

The Local Government Act 1999 requires Council to keep a register of all community land in the district. All local government land (except roads) that is owned by Council or is under its care, control and management, is classified as community land unless it has been specifically excluded from that classification by Council.

Council's Community Land Register comprises a table listing all the community land in the district, including a list of local government land excluded from this classification. Each of the above Crown parcels is recorded in the Adelaide Plains Council Community Land Register.

https://www.apc.sa.gov.au/__data/assets/pdf_file/0025/356236/Adelaide-Plains-Council-Community-Land-Register.pdf

The Subject Land is not subject to any other reservation or trust that Council is aware of.

3. Purpose of the Proposal

Council proposes to revoke the community land classification of the Subject Land (two Crown Parcels) as the first step in the process to ultimately enable the Subject Land to be developed and used in accordance with the Planning and Design Code.

Attachment 2 Extract of the Planning and Design Code outlining zone boundaries is attached.

As Council is not the owner of the Subject Land, there may be requirements imposed by the Crown as a condition of approving the proposed revocation of the community land classification of the Subject Land. Council is not aware of any requirements at this time.

Further, Council will need to negotiate and agree the right to purchase the Subject Land with the Crown.

It is proposed that subject to a satisfactory development proposal being agreed between Council and the private sector, all or part of the Subject Land will be on-sold by Council, subject to Council determining whether to retain portion of land currently zoned Recreation. It is not Council's intention to seek to profit from the proposed revocation

COPY

and ultimate sale to the private sector, rather Council seeks to use its unique position to unlock the Subject Land and allow it to be developed for a mix of retail, commercial and community offerings.

4. Effect of the Proposal

Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 has a total site area of approximately 1.82 hectares (18,200 square metres) with frontage to the Two Wells Main Street and secondary access to Wells Road and Windmill Road. The site is still used by the Two Wells Dog Obedience Club, while their new facility located at Claire Harniman Reserve is completed.

Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 is split into two (2) distinctive pieces being the western portion fronting Mallala Road and Port Wakefield Highway with a total site area of approximately 9,462 square metres (0.9462 hectares) and the eastern portion fronting Mallala Road, Wells Road and Port Wakefield Road with a site area of approximately 53,131 square metres (5.3131 hectares).

The eastern portion contains an existing trotting track while the western portion is used for the agistment of horses. The trotting track portion of the site is still used by the Two Wells Trotting Club, while their new facility located at Hams Park is completed.

The Subject Land is currently unused or underused given its zoning under the Planning and Design Code.

Council considers that unlocking the development potential of the Subject Land for a combination of retail, commercial and community uses will provide the local and wider community with much needed services to accompany the urban growth already underway within Two Wells and the wider Council area.

5. Owner of the Land

Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 is owned by the South Australian Crown (under the care and control of Adelaide Plains Council). Land Dedicated for Community Purposes Pursuant to the Crown Lands Act, 1929 by Gazette 29/03/2007.

Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 is owned by the South Australian Crown (under the care and control of Adelaide Plains Council). Land Dedicated for District Council Purposes Pursuant to the Crown Lands Act, 1929 by Gazette 27/03/1969 (Portion added by Gazette 16/07/1970).

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2. PROPERTY LOCATION MAP

Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730

Source: https://sappa.plan.sa.gov.au/

COPY

Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739

Source: https://sappa.plan.sa.gov.au/

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3. CROWN RECORDS FOR SUBJECT LAND

LAND SERVICES SA

Product: Register Search (CR 5984/730)
Date/Time: 17/08/2020 06:58PM

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 5984 Folio 730

Parent Title(s) CR 5755/736

Creating Dealing(s) RTD 10622385

Title Issued 20/04/2007 **Edition** 2 **Edition Issued** 23/09/2016 [Previous Edition]

Estate Type

CROWN LAND (ALIENATED)

Owner

THE CROWN

Custodian

ADELAIDE PLAINS COUNCIL
OF PO BOX 18 MALLALA SA 5502

Description of Land

SECTION 180
HUNDRED OF PORT GAWLER
IN THE AREA NAMED TWO WELLS

TOTAL AREA: 1.82HA (APPROXIMATE)

DIAGRAM BOOK PAGE 68

Easements

NIL

Schedule of Dealings

NIL

Schedule of Interests

LAND DEDICATED FOR COMMUNITY PURPOSES PURSUANT TO THE CROWN LANDS ACT, 1929 BY GAZETTE 29/03/2007

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

COPY

LAND SERVICES SA

Product	Register Search (CR 5755/739)
Date/Time	17/08/2020 07:00PM

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 5755 Folio 739

Parent Title(s)

Creating Dealing(s) RT 8862510

Title Issued 11/04/2000 **Edition** 2 **Edition Issued** 23/09/2016 [Previous Edition]

Estate Type

CROWN LAND (ALIENATED)

Owner

THE CROWN

Custodian

ADELAIDE PLAINS COUNCIL
OF PO BOX 18 MALLALA SA 5502

Description of Land

SECTIONS 713, 714, 715 AND 716
HUNDRED OF PORT GAWLER
IN THE AREA NAMED TWO WELLS

TOTAL AREA: 11.52HA (CALCULATED)

Easements

NIL

Schedule of Dealings

NIL

Schedule of Interests

LAND DEDICATED FOR DISTRICT COUNCIL PURPOSES PURSUANT TO THE CROWN LANDS ACT, 1929 BY GAZETTE 27/03/1969 (PORTION ADDED BY GAZETTE 16/07/1970)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

COPY

4. SECTION 194 LOCAL GOVERNMENT ACT 1999

194—Revocation of classification of land as community land

(1) A council may (subject to the following exceptions and qualifications) revoke the classification of land as community land in accordance with the following procedure.

Exceptions and qualifications—

(a) The classification of the Adelaide Park Lands as community land cannot be revoked unless the revocation is by force of a provision of another Act.

(b) The classification of land as community land cannot be revoked if the land is required to be held for the benefit of the community under Schedule 8, under a special Act of Parliament relating to the land, or under an instrument of trust.

(c) The classification of land as community land cannot be revoked if the power to revoke the classification of that land is excluded by regulation.

(d) The classification of other land as community land cannot be revoked unless—

(i) the Minister approves revocation of the classification; and

(ii) if the land is under the care, control and management of the council but is not owned by the council—the owner of the land approves revocation of the classification.

(2) Before a council revokes the classification of land as community land—

(a) the council must prepare and make publicly available a report on the proposal containing—

(i) a summary of the reasons for the proposal; and

(ii) a statement of any dedication, reservation or trust to which the land is subject; and

(iii) 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; and

(iv) an assessment of how implementation of the proposal would affect the area and the local community; and

COPY

(v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and

(b) the council must follow the relevant steps set out in its public consultation policy.

(3) After complying with the requirements of subsection (2), the council—

(a) must submit the proposal with a report on all submissions made on it as part of the public consultation process to the Minister; and

(b) if the Minister approves the proposal—may make a resolution revoking the classification of the land as community land.

(4) The Minister must consult with the relevant council before a regulation is made under subsection (1) in relation to a specific piece of land.

(5) For the purposes of subsection (1)(a) (but subject to the exclusion of roads under section 193(1)), the Adelaide Park Lands will be taken to be any local government land within the Adelaide Park Lands, as defined (from time to time) under the *Adelaide Park Lands Act 2005*.

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5. COUNCIL AGENDA ITEM 4.1 – PUBLIC CONSULTATION – REVOCATION OF COMMUNITY LAND CLASSIFICATION – TWO WELLS DATED 30 SEPTEMBER 2021

COPY

Adelaide Plains Council	**4.1**	**Public Consultation – Revocation of Community Land Classification – Two Wells**
	Department:	**Development and Community**
	Report Author:	**General Manager – Development and Community**
Date: 30 September 2021	**Document Ref:**	**D21/43751**

EXECUTIVE SUMMARY

- The purpose of this report is to provide Council with an overview of the processes required to revoke the Community Land classification of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739
- These Crown Parcels are under the care and control of Council, however they are owned by 'The Crown'
- This land is recognised as Community Land under the Local Government Act 1999 and currently classified under Council's Community Land Management Plan as 'Community and District Council' purposes.
- To revoke the classification of Community Land, Council is required to follow the process that is outlined within section 194 of the Local Government Act 1999, including, preparing a report detailing the land and purpose of the revocation, an assessment of how implementation of the proposal would affect the area and the local community, carry out public consultation (in accordance with Council's public consultation policy) and submit the proposal to the Minister for consideration.

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RECOMMENDATION

"that Council, having considered Item 4.1 – *Public Consultation – Revocation of Community Land Classification – Two Wells*, dated 30 September 2021, receives and notes the report and in doing so:

1. **Instructs the Chief Executive Officer to undertake public consultation in relation to the proposed revocation of the Community Land classification of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 in accordance with Council's Public Consultation Policy and**

2. **That upon completion of the public consultation period, a report detailing all submissions received, be returned to Council for consideration."**

BUDGET IMPACT

Estimated Cost:	$500 (public consultation notices)
Future ongoing operating costs:	0
Is this Budgeted?	Yes

RISK ASSESSMENT

The proposed recommendation is for consultation only and is in accordance with the requirements of the *Local Government Act 1999*.

Attachments

1. Community Land Revocation Report Two Wells.

COPY

DETAILED REPORT

Purpose

The purpose of this report is to provide Council with an overview of the processes required to revoke the Community Land classification of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739.

The Subject Land is land dedicated to Adelaide Plains Council for Community and District Council Purposes Pursuant to the Crown Lands Act, 1929. The land is owned by 'The Crown'.

Council proposes to revoke the community land classification of the Subject Land (two Crown Parcels) as the first step in the process to ultimately enable the Subject Land to be developed and used in accordance with the relevant provisions of the Planning and Design Code. This would in all likelihood involve an acquisition of the land by Council.

Should Council acquire the land, it is proposed that subject to a satisfactory development proposal being agreed between Council and the private sector, all or part of the Subject Land will be on-sold by Council, subject to Council determining whether to retain a portion of the land currently zoned Recreation.

It is not Council's intention to seek to profit from the proposed community land revocation and ultimate sale to the private sector, rather Council seeks to use its unique position to unlock the Subject Land and allow it to be developed for a mix of retail, commercial and community offerings.

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Background/History

In 2013, the Two Wells Residential Development Plan Amendment (DPA) was gazetted by the Minister for Planning with an intention to provide zoned land for residential and associated growth in Two Wells.

At the time the Planning Minister stated *"This DPA will allow for the provision of up to 3,400 new dwellings and up to 9,700 more residents living in Two Wells over the next 20-30 years."* While the growth in and around Two Wells is well underway, much of the infrastructure (physical and social) is not yet in place and while the land was rezoned by the State, responsibly for the planning for urban growth and implementation will mostly fall on Council.

The key component of this urban growth is residential growth in and around Two Wells, which will place additional demands on the provision of sufficient land for employment, commercial and retail land uses and the development of community and social services.

Development of the Subject Land, should the community land classification be revoked (and should Council ultimately be successful in securing the right to purchase the Subject Land from the Crown), will open up the currently underutilised Subject Land for a higher and better use as contemplated by the Planning and Design Code, to support the increased residential growth in and around Two Wells.

Since 2014, Council has taken active steps to facilitate and support urban growth at Two Wells, including:

- Recognising its role in facilitating economic development and investment;
- Noting the unparalleled residential growth at Two Wells and the associated need for services;
- Commissioning a Retail Supply and Demand Study (in 2014 and revised in 2019);
- Preparing urban design guidelines and main street concept plans, to identify land holdings within the Two Wells township considered suitable for retail, commercial and community activities to occur, noting the majority of land between the Two Wells Main Street and Port Wakefield Road is 'Crown Land' owned by the State Government;
- Engaging with the Crown Lands Program, Department for Environment and Water (Crown Lands) with a view of understanding their appetite in making available Crown Land within Two Wells for retail, community and commercial investment;
- Requesting Crown Land to obtain valuations of the Subject Land;
- Considering amendments to the Planning and Design Code, introduced by the State Government, which allow for retail investment to occur outside of the existing Two Wells township;
- Commissioning an independent review of the Valuations of the Subject Land; and
- Engaging extensively with the Minister for Environment and Water, the Hon David Speirs MP, with a view of obtaining his support in declaring the Subject Land surplus and, ultimately, releasing the Subject Land to Council.

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Discussion

Council proposes to revoke the community land classification of the Subject Land to ultimately enable the Subject Land to be developed in accordance with the relevant provisions of the Planning and Design Code.

Section 180 Old Port Wakefield Road, Two Wells SA 5501 is located within the Township Main Street Zone. It has a total site area of approximately 1.82 hectares (18,200 square metres) with frontage to the Two Wells Main Street and secondary access to Wells Road and Windmill Road. The site is still currently used by the Two Wells Dog Obedience Club, while their new facility located at Clara Harniman Reserve is completed.

Section 716 Buckland Park (Wells) Road, Two Wells SA 5501 is located partly within the Employment Zone, partly within the Township Main Street Zone and partly within the Recreation Zone. The site is split into two (2) distinctive pieces being the western portion fronting Mallala Road and Port Wakefield Highway with a total site area of approximately 9,462 square metres (0.9462 hectares) and the eastern portion fronting Mallala Road, Wells Road and Port Wakefield Road with a site area of approximately 53,131 square metres (5.3131 hectares). The eastern portion contains an existing trotting track while the western portion is used for the agistment of horses.

The trotting track portion of the site is still currently used by the Two Wells Trotting Club, while their new facility located at Hams Park is completed

Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739

Source: https://sappa.plan.sa.gov.au/

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The desired outcome of the Township Main Street Zone is:

> *A cohesive, active, accessible and welcoming main street environment for residents and visitors to shop, work, meet, entertain and relax.*
>
> *Development contributes to the vibrancy and activity of public spaces and reinforces the traditional main street character.*

Appropriate land uses may include community facilities, consulting rooms, dwellings, indoor recreation centre, library, office, pre-school, shop or tourist accommodation.

The desired outcome of the Recreation Zone is:

> *Provision of a range of accessible recreational facilities.*

Appropriate land uses may include car parking, indoor recreation facility, open space, outdoor sports courts, recreation area, shop ancillary to recreation facility, sporting clubrooms, sporting ovals and fields or swimming pool.

The desired outcome of the Employment Zone is:

> *A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities.*
>
> *Distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.*

Appropriate land uses may include consulting room, indoor recreation facility, light industry, motor repair station, office, retail fuel outlet, service trade premises, shop, store or warehouse.

Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730

Source: https://sappa.plan.sa.gov.au/

The Subject Land is currently underused given its zoning under the Planning and Design Code. Any development application for the above land uses, or any not outlined above, will be required to be assessed against the relevant provisions of the Planning and Design Code by a relevant planning authority (Accredited Professional, Assessment Manager or Council Assessment Panel).

The unlocking of the development potential of the Subject Land for a range of retail, commercial or community uses will provide the local and wider community with much needed services to accompany the urban growth already underway within Two Wells and the wider Council area.

In order to revoke the community land status it will be necessary, pursuant to Section 194(2) of the Local Government Act 1999, for Council to:

(a) prepare and make publicly available a report on the proposal containing—

(i) a summary of the reasons for the proposal; and

(ii) a statement of any dedication, reservation or trust to which the land is subject; and

(iii) 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; and

(iv) an assessment of how implementation of the proposal would affect the area and the local community; and

(v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification;

This process provides members of the community an avenue to be involved in the revocation process, and an opportunity to make submissions which Council must consider.

Further to the steps outlined above, Council is then required to carry out public consultation in accordance with its public consultation policy. After complying with these requirements, Council must submit the proposal with a report on all submissions, to the Minister for Local Government. The Minister has a duty to—

- review the process followed by a council in submitting a proposal for a revocation of community land classification, and
- assess the merits of the proposal.

It is then for the Minister to make the final determination to revoke the Community Land classification or not.

Attached is a Community Land Revocation Report that addresses the requirements under section 194(2) of the Local Government Act 1999.

Conclusion

It is proposed to revoke the community land classification of the Subject Land (two Crown Parcels) as the first step in the process to ultimately enable the Subject Land to be developed and used in accordance with the relevant provisions of the Planning and Design Code.

Development of the Subject Land, should the community land classification be revoked (and should Council ultimately be successful in securing the right to purchase the Subject Land from the Crown), will provide the local and wider community with support services located within the Two Wells Town Centre to accompany the residential growth already underway within Two Wells and the wider Council area.

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References

Legislation

Local Government Act 1999

PDI Act 2016

Council Policies/Plans

Community Land Management Plan

Public Consultation Policy

COPY

6. PUBLIC CONSULTATION NOTICE

Adelaide Plains Council

PUBLIC CONSULTATION

Revocation of Community Land Classification

Notice is hereby given pursuant section 194(2) of the Local Government Act 1999 (the Act) that Adelaide Plains Council proposes to revoke the community land classification of:

- Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and
- Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739.

The proposed revocation will enable the land to be developed consistent with the relevant zoning provisions and planning policy contained within the Planning and Design Code.

Council has prepared a Report regarding the proposed revocation that addresses the requirements under section 194(2) of the Act and is available for viewing at: Council's website www.apc.sa.gov.au, Principal Office, 2a Wasleys Road, Mallala or the Two Wells Service Centre, Old Port Wakefield Road, Two Wells.

Any person is entitled to comment on the proposed revocation via a written submission and, accordingly, Council now invites interested persons to review the Report and make written submissions.

Written submissions must be received by 5pm on Wednesday 3 November 2021 and addressed to:

Adelaide Plains Council
Submission – Revocation of Community Land Classification at Two Wells
By post: PO Box 18, Mallala SA 5502
Or by email: info@apc.sa.gov.au

Note: All written submissions will become public record, including forming part of a report to Council.

Enquiries may be directed to Darren Starr, General Manager – Development & Community at info@apc.sa.gov.au or (08) 8527 0200.

James Miller
Chief Executive Officer
Adelaide Plains Council

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Attachment 1 Excerpt of the minutes of Special Council Meeting 30 September 2021

4.1 Public Consultation – Revocation of Community Land Classification – Two Wells

Moved Councillor Parker Seconded Councillor Boon **2021/ 366**

"that Council, having considered Item 4.1 – *Public Consultation – Revocation of Community Land Classification – Two Wells*, dated 30 September 2021, receives and notes the report and in doing so:

1. **Instructs the Chief Executive Officer to undertake public consultation in relation to the proposed revocation of the Community Land classification of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739 in accordance with Council's Public Consultation Policy and**
2. **Acknowledges that upon completion of the public consultation period, a report detailing all submissions received, be returned to Council for consideration."**

CARRIED

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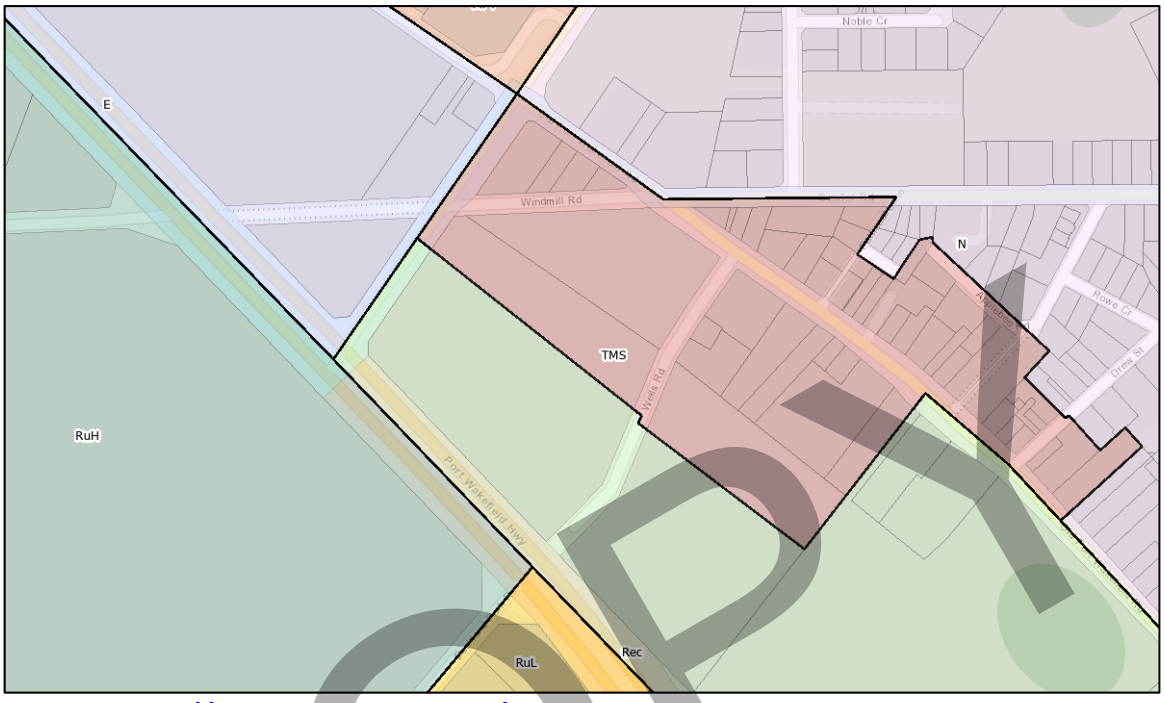
Attachment 2 Excerpt of Planning and Design Code 2021 Zoning Details



Source: https://sappa.plan.sa.gov.au/ 2021

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Stacie Shrubsole

From: himoloan@bigpond.com
Sent: Tuesday, 2 November 2021 7:58 PM
To: Info
Cc: James Miller; Darren Starr
Subject: Emailing: Revocation of Community Land Classification
Attachments: Revocation of Community Land Classification Sec 180 Hd Pt Gawler and Sec 716 Hd Pt gawler.docx

Please find attached submission re Revocation of Community Land Classification.
When presentations are made regarding this important issue I am willing to be heard personally by APC Regards Ian O'Loan OAM Chair APBAG

Your message is ready to be sent with the following file or link attachments:

Revocation of Communuity Land Classification

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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Revocation of Community Land Classification Sec 180 & 716 Hd Pt Gawler, Two Wells

It is very good to see that after two decades plus of negotiation the Crown has now agreed for the APC to purchase the above lands.

However, before any land is transferred to APC it is vital that the intersection of Pt Wakefield Road and Mallala Road is up graded to accept the current and future traffic flow through this intersection.

The requirements are that a similar furniture alignment as in the just constructed Carslake Road design be undertaken on current traffic flows and prediction for the forthcoming 25 years.

This design must consider that the current traffic flow has changed in the last 2 years with the movement of 36,000 tonnes of grain from Plains Grain moving through the intersection on double and triple trailers, this is planned to double in coming years to the extent up to 100,00 tonnes of grain will travel through this area. Full length acceleration lanes and deceleration lanes MUST be implemented, along with turning lanes , as per design done by DMITRE some years ago but NOT implemented.

The Liberty housing development is well under way adjacent with some 2000 houses on the way to construction with the potential of 4000 daily vehicle movements.

Xavier school has 165 students all transported currently by car to school to and from daily , increasing to 365 next year and in a further 5 years to 1100, the entrance round about to this site has NOT been constructed as plan design application. Also, there is only one entrance doubling as exit which is unsatisfactory for normal traffic and NO emergency exit for ambulance and fire. A second access MUST be a priority for construction.

As the Eden subdivision also progresses there is a need for further traffic design at Two Wells Main Street and Gawler Road with a roundabout, land acquisition may also be required.

The road complex also must consider there is maybe a housing division at Mallala in the future with up to 2000 dwellings, possibly half commuting to northern Adelaide area.

A heavy vehicle bypass north off the Mallala Road using Temby Road connecting to Port Wakefield Road(Highway One) is a practical solution to move all commercial heavy vehicles away from the Mallala Road/Two Wells Main road intersection.

From this information the transfer of the above-mentioned Crown Land has far reaching ramifications and ALL these matters must be considered before APC takes the said land into its possession as DIT and Federal Government is required to put major funding into the road complex.

The whole project is of major importance to APC towns access now and into the future, let's not have a repetition of the Mt Barker access on the South-eastern Freeway.

Ian O'Loan

Chair APBAG

COPY

Adelaide Plains Council	**5.1 Confidential Item**
29 November 2021	

5.1 Crown Land, Two Wells – November 2021

RECOMMENDATION

"that:

1. **Pursuant to section 90(2) of the Local Government Act 1999, Council orders that all members of the public, except Chief Executive Officer, General Manager – Governance and Executive Office, General Manager – Finance and Business, General Manager – Infrastructure and Environment, General Manager – Development and Community, Manager Governance and Administration/Minute Taker, Information Technology Support Officer and Mr Sean Keenihan of Norman Waterhouse Lawyers be excluded from attendance at the meeting of Council for Agenda Item 5.1 –** ***Crown Land, Two Wells – November 2021***

2. **Council is satisfied that pursuant to section 90(3)(b) and 90(3)(h) of the Local Government Act 1999, Item 5.1 –** ***Crown Land, Two Wells – November 2021*** **concerns:**

    a. **commercial information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting business, or to prejudice the commercial position of Council, being a verbal briefing relating to ongoing negotiations and would on balance be contrary to the public interest and**

    b. **legal advice, being a verbal briefing by Mr Sean Keenihan, Chair, Norman Waterhouse Lawyers in relation to the matter of Crown Land at Two Wells**

3. **Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential."**