Town of Gawler
Revocation of Community Land Status
180 Hindmarsh Boulevard

180 Hindmarsh Boulevard - Deposited Plan 10310,
Certificate of Title Volume 5166, Folio 132, Evanston Gardens
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**A.** Location Map and Locality Plan
**B.** Certificate of Title
**C.** Deposited Plan
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## Links

**A.** [Section 194(2) - Local Government Act 1999](#)
**B.** [Zone Development Plans](#)
**C.** [02-03 Council – Public Consultation Policy](#)
**D.** [02-09 Council - Disposal of Land & Assets Policy](#)
Revocation of Community Land Classification Proposal
Lot 180 Hindmarsh Boulevard, Evanston Gardens

1. Introduction

This report has been prepared to address the requirements of Section 194(2) of the Local Government Act 1999, Council’s Disposal of Land and Assets Policy and Public Consultation Policy regarding the proposed revocation of the community land classification of Council owned land known as Lot 180 Hindmarsh Boulevard, Evanston Gardens (Subject Land) located on corner of Hindmarsh Boulevard and Musgrave Street.

The Local Government Act 1999 came into effect on the 1 January 2000, at this time all land, other than roads, owned or held under the care, control and management of the Council was classified as community land. This classification affects the way in which the Council can manage and use the land. It does not affect the ownership, tenure, development or zoning of the land. However, as long as the land is classified as community land, it cannot be sold.

Should the Council resolve to sell a piece of community land, it must first revoke the community land classification applying to the land. Section 194 of the Local Government Act 1999, outlines the process that the Council must undertake to revoke the community land classification. The Council must prepare, and make publicly available, a report on the proposal. It is this report which forms the basis of the Council’s consultation with the community and ensures that the community is involved in the revocation process.

2. Section 194(2) Local Government Act 1999

In accordance with Section 194(2) of the Local Government Act 1999 the Council must prepare and make publicly available a report (this report) on the proposal which must include:
- a summary of the reasons for the proposal;
- a statement of any dedication, reservation or trust to which the land is subject;
- a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the council proposes to use the proceeds;
- an assessment of how implementation of the proposal would affect the area and the local community; and
- Council must follow the relevant steps set out in its public consultation policy.

After complying with the requirements of the Act, 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, Council may make a resolution revoking the classification of the land as community land.

Following the public consultation process, all written submissions received during the consultation timeframe will form part of a report to the Council and subsequently the Minister as part of the legislative requirement and Council’s decision making process.
3. The Proposal

The Town of Gawler (Council) is seeking to revoke the community land classification applicable to the Subject Land which consists of undeveloped vacant land.

The Subject Land is Allotment 180 within Deposited Plan 10310 (Certificate of Title Volume 5166, Folio 132). The land is within the Residential Zone and more specifically within the Evanston Gardens Policy Area.

The Subject Land is currently vacant and not heavily utilised by the community, with the exception of being used as a walkway. Council undertakes minimal scheduled site maintenance, with annual slashing, weed management and rubbish collection as required. The Subject Land is significantly underutilised in its current state as the area is un-irrigated and has no recreation or park infrastructure.

Given the proximity of the Subject Land to the existing Hindmarsh Boulevard Reserve, which includes a playground, shelter with seating and irrigated kick/catch area, Council has considered this parcel may be surplus to requirements in relation to future open space and operational land requirements in Evanston Gardens.

The proposal to revoke the community land classification will enable the property to be divested by the Council, with the financial proceeds used to assist in funding of both capital projects identified in the current Long Term Financial Plan and allow potential investment of funds into the redevelopment and improvement of facilities at the existing Hindmarsh Boulevard Reserve.

4. Subject Land

The Subject Land has an area of approximately 7793 square metres and is located at corner of Hindmarsh Boulevard and Musgrave Street Evanston Gardens. It has a street frontage on Hindmarsh Boulevard of approximately 79 metres, and a street frontage on Musgrave Street of approximately 200m.

The Location Map and Locality Plan (Attachment A) illustrates the location of the Subject Land.

The Certificate of Title Volume 5166 Folio 132 (Attachment B) identifies the Subject Land as Allotment 180 in Deposited Plan 10310 (Attachment C), in the area named Evanston Gardens within the Hundred of Munno Para.

There are no easements listed on the Certificate of Title.

The Town of Gawler, 89 Murray Street, Gawler SA 5118 is the register proprietor of the Subject Land.

The Subject Land, which was designated as Community Land under the requirements of the Local Government Act 1999, comprises undeveloped land with no improvements.

The Subject Land is currently located in the Evanston Gardens/Evanston South/Hillier Residential Policy Area 4 within the Gawler Development Plan - consolidated 20 February 2018.
The area immediately surrounding the Subject Land comprises predominately residential development with dwellings dating from the 1970's through to current day. The Subject Land is surrounded by residential development with two reserves (one developed) located within 100m of the site.

The Evanston Gardens Primary School, Evanston Gardens Community Centre and Karbeethan Reserve are located approximately 500m to the west of the Subject Land along Angle Vale Road. Bus stops are located on Jack Cooper Drive, Coventry Road and Clarke Road all within 300m from the Subject Land.

5. Current Use of the Subject Land

The Subject Land is currently vacant and not heavily utilised by the community. Council undertakes as required site maintenance which may include minor vegetation management and waste collection (as required) resulting from unauthorised dumping. The Subject Land is underutilised in its current state.

6. Dedication, Reservation or Trust to which the Land is Subject

Aside from the community land classification there are no other Dedications, Reservations or Trusts on, or over the Subject Land.

7. Native Title Considerations

There are no Native Title claims over the Subject Land. The land is held in “Fee Simple” by the Council.

8. Heritage Considerations

There are no known heritage considerations associated with the Subject Land.

9. Infrastructure Considerations

There are no known infrastructure considerations associated with the Subject Land.

10. Community Land Management Plan

Community Land Management Plans were introduced through the Local Government Act 1999, as an accountability measure for Councils. The Community Land Management Plans are intended to provide transparency and certainty in respect to what the Council will allow on a particular piece of community land and how the Council intends to manage/maintain the community land.

The Subject Land is not detailed within Councils Community Land Management Plans, however the Certificate of Title indicates the Subject Land is classified as a “Reserve”. A review of Councils Community Land Management Plans indicates that the current Community Land Management Plan - Passive Reserves (Attachment D), best describes the Subject Land.
The Passive Reserves Community Land Management Plan specifically states:

**Objectives for management of land**
- Minimise hazards from fire, Feral animal control
- Weed control
- (Meet Council’s obligations under Animal & Plant Control Act as landowner)

**Policies and proposals for management of land**
- Provide reserve infrastructure as required for the benefit of members of the public e.g. benches, signage, lighting etc.

**Performance targets**
- To ensure passive recreation areas are maintained in a safe condition for public use
- To maintain irrigated reserves at a higher standard

**Performance measures**
- Regular inspections and maintenance of reserve including mowing, irrigation, weed control, fencing.

The Subject Land is considered surplus to the Council’s requirements on the basis that it is not utilised for any structured or un-structured recreation, environmental, heritage or other purpose / activities.

Upon completion of the community land revocation process, irrespective of the outcome, the Council will update its Community Land Management Plan to reflect its resolution regarding the Subject Land.


The Council’s Community Plan 2014 – 2024 was adopted by the Council in 2014, it was prepared pursuant to **Section 122** of the **Local Government Act 1999** and represents the strategic vision for the Town of Gawler, which is “A liveable, cohesive, active, innovative and sustainable community”. The Community Plan provides the overarching framework for the Council’s decision-making, which includes its asset and financial management, development, social and economic planning.

At the strategic level, the revocation of the Subject Land complies with the direction of Council’s 2014 – 2024 Community Plan.

12. Re-investment into the existing Hindmarsh Boulevard Reserve

Council in resolving to commence public consultation on the potential revocation and divestment of the Subject Land, has considered the facilities currently provided at the existing Hindmarsh Boulevard Reserve, located immediately north-east of the Subject Land.

The Council will consider improvements to the existing Hindmarsh Boulevard Reserve should the revocation and divestment of the Subject Land proceed. Council have committed through the public consultation process to investigate and consider
submissions from residents regarding proposed improvements to the reserve.

13. Council Development Plan

The Gawler Development Plan identifies the Subject Land being located in the Evanston Gardens/Evanston South/Hillier Residential Policy Area 4 within the Gawler Development Plan - consolidated 20 February 2018.

Objectives of the Evanston Gardens/Evanston South/Hillier Residential Policy Area 4:

- Objective 1: A predominantly low to medium rise and low to medium density residential area that comprises a range of dwelling types (including affordable housing), designed to integrate with areas of open space, centres or public transport nodes.

- Objective 2: Development that supports the viability of community services and infrastructure.

- Objective 3: An orderly sequence of development which allows economic and effective provision of public infrastructure and community services.

- Objective 4: Sustainable urban development outcomes through innovation in stormwater management, waste minimisation, water conservation, energy efficiency and urban biodiversity.

- Objective 5: Development that contributes to the desired character of the policy area.

14. Regulated Trees

There are no identified regulated trees (tree with a circumference of 2.0 metres or greater when measured 1.0 metre above natural ground) situated on the Subject Land.

15. Council Open Space Sport & Recreation Plan

The Gawler Open Space Sport & Recreation Plan (GOSSRP) does not specifically identify the Subject Land as a strategic site with respect to Council’s current or future open space requirements, there is no evidence to support that the Subject Land is currently utilised for significant passive or recreational activities.

The GOSSRP identifies the Subject Land as surplus to requirements and lists the land as a possible divestment opportunity.

With the proximity of the existing reserves within Evanston Gardens and the proximity to Karbeethan Reserve, the area provides significant passive and active recreation spaces. The Karbeethan Master Plan currently under development will seek to address the utilisation of Karbeethan into the future including a possible extension option which may result in the reserve being classified as a regional sporting precinct.
16. Impact on Surrounding Land-uses

The revocation and subsequent divestment of the Subject Land may create a detrimental impact, in the form of lost visual amenity to dwellings which face or abut the Subject Land. Revocation of the community land will not directly impact the adjoining landowners, however should the land be divested, the land may be developed for residential purposes.

All future change in land uses, irrespective of the owner, will be assessed against the relevant policies contained in the Council’s Development Plan and relevant legislative requirements.

17. Public Consultation

The revocation process requires a public consultation process that complies with the Local Government Act 1999 and the Council’s Public Consultation Policy.

Council recognises that public consultation enables the Council to best meet the needs of the community by ensuring that planning and decision making is based upon an understanding of the needs, aspirations and expectations of the community. Council’s public consultation process includes the following elements:

- Placement of a notice in The Bunyip inviting interested persons to provide a submission;
- Placement of a Notice in the Government Gazette;
- Letters mailed to the owners and occupiers of nearby properties of the Subject Land and locality;
- Information regarding the proposal on the Council's website www.gawler.sa.gov.au; and
- Information regarding the proposal at the:
  o Council Offices located at 43 High St, Gawler East;
  o Evanston Gardens Community Centre, 65 Angle Vale Road, Evanston Gardens.

A copy of this report and its attachments will be provided free of charge upon request.

The Council is keen to further understand the issues of its local community and will formally consider all submissions. After consideration of submissions, the Council can choose to cancel the revocation process or proceed to request the Minister for Local Government approval. If the Council chooses to proceed with the revocation all public submissions will be forwarded to the Minister for consideration.

18. Disposal of Land

Following a successful legislative and consultative process, the community land status may be revoked; the Council will seek to divest the Subject Land at market rate following an independent site valuation of the Subject Land.

The divestment of the land will comply with the Council’s Disposal of Land and Assets Policy. Clause 1.2 of this policy requires Council to comply with the following principles when seeking to divest land:

- define the methods by which Land and Assets are disposed of;
- demonstrate accountability and responsibility of Council to ratepayers;
- be fair and equitable to all parties involved;
- enable all processes to be monitored and recorded; and
- ensure that the best possible outcome is achieved for the Council.

Clause 3 of this policy outlines that Council must have regard to the following principles in its disposal of Land and Assets:

- Encouragement of open and effective competition;
- Obtaining Value for Money;
- Ethical Behaviour and Fair Dealing
- Probity, Accountability, Transparency and Reporting; and
- Ensuring compliance with all relevant legislation.

20. Conclusion

It is recommended that following the consultative process that Council consider all submissions received during the Public Consultation Process. This will inform the Council’s considerations in whether to continue to seek the revocation of the Community Land Status of Allotment 180 Hindmarsh Boulevard, Evanston Gardens.

Should the revocation be supported by the Council, and then the Minister for Local Government, the revocation of the Subject Land from the Community Land Register can occur. The site will then be offered for sale which will enable improved facilities at Hindmarsh Boulevard Reserve to be considered for implementation. The divestment of this site is an important outcome from both a financial and asset management perspective for Council.
Musgrave Street Property

Hindmarsh Boulevard Reserve
300 Metre Catchment Radius
Status: Local Level

McDonnell Terrace Property

Karbeethan Reserve & Potential Extension
Current Status: District Level
Future Status: Potentially Regional

Eldred Riggs Reserve
South Gawler Football Club

Evanston Gardens DPA
Currently in progress

Hindmarsh Boulevard Reserve
South Gawler Football Club

Evanston Gardens DPA
Currently in progress

Tambelin Station

Gravel Walking Path

Attachment A
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1886

South Australia

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

REGISTERED PROPRIETOR IN FEE SIMPLE

THE CORPORATION OF THE TOWN OF GAWLER OF PO BOX 130 GAWLER SA 5118

DESCRIPTION OF LAND (RESERVE)

ALLOTMENT 180 DEPOSITED PLAN 10310
IN THE AREA NAMED EVANSTON GARDENS
HUNDRED OF MUNNO PARA

BEING A RESERVE

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

NIL
Registrar-Generals Automated Title System

Parent Title Search

Title Reference CT 5166/132 Status CURRENT
Date Registered 25/01/1994 Authority CD 6987000

--- Parent Titles --- --- Parent Titles ---

CT 4080/57

To Return To TATS Menu, Press 'HOME', Enter 'MEB' and Press 'XMIT'
Identification Details
See attached Schedule

Ownership Details
TOWN OF GAWLER

Purpose for which land is held
Each of these areas is held to provide passive recreation/public open space for the general community

Reason why management plan required
To ensure that land is maintained in a safe, accessible condition for public enjoyment

Objectives for management of land
Minimise hazards from fire,
Feral animal control
Weed control
(Meet Council’s obligations under Animal & Plant Control Act as landowner)

Policies and proposals for management of land

- Provide reserve infrastructure as required for the benefit of members of the public eg, benches, signage, lighting etc

Performance targets

- To ensure passive recreation areas are maintained in a safe condition for public use
- To maintain irrigated reserves at a higher standard

Performance measures

- Regular inspections and maintenance of reserve including mowing, irrigation, weed control, fencing
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<td>Powell DR</td>
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Irrigated Reserves

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