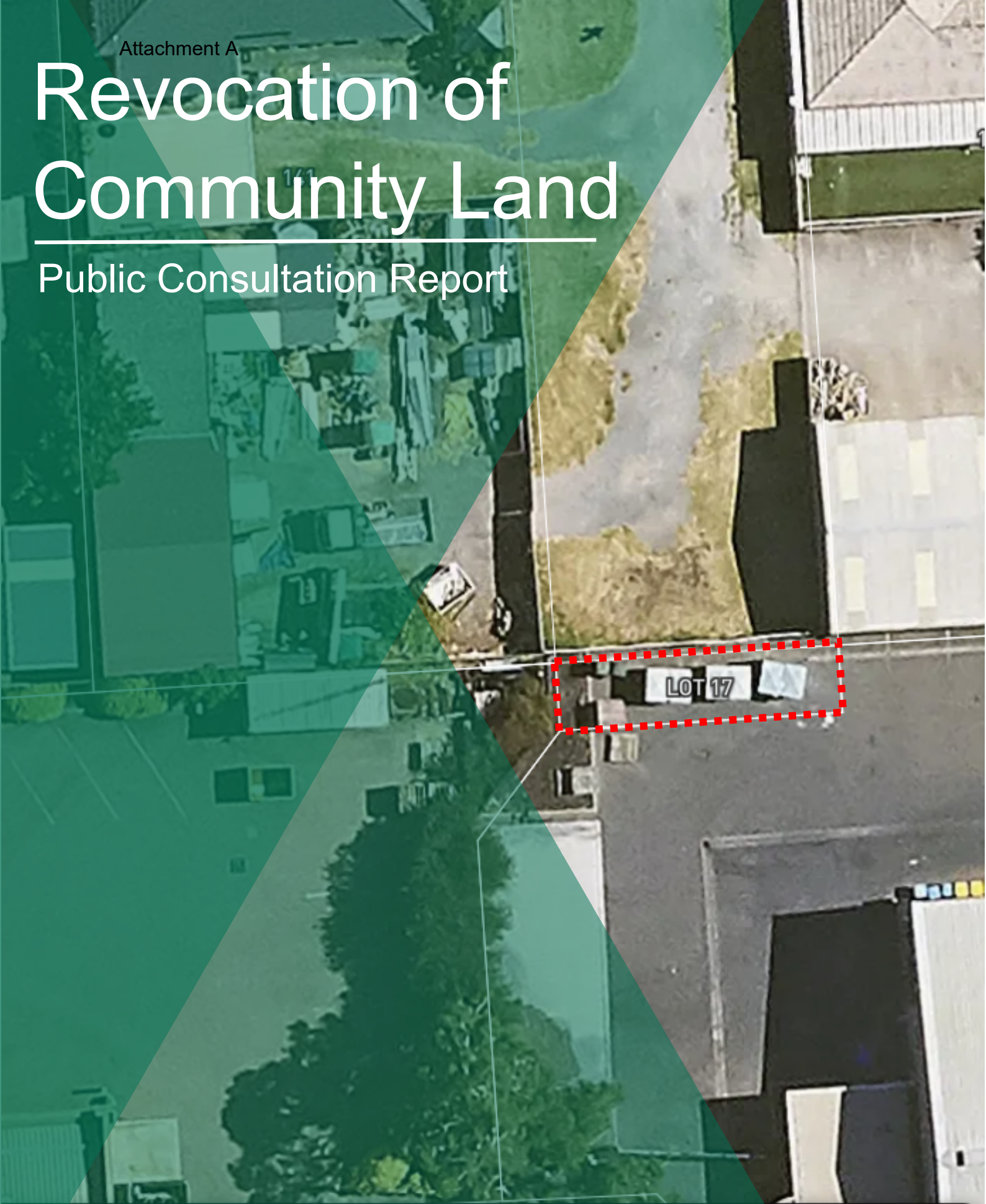


Attachment A

Revocation of Community Land

Public Consultation Report



Contents

Introduction	2
Definitions.....	2
Community Land.....	2
Community Land – Definition and Purpose	2
Community Land Revocation.....	3
Revocation under the Local Government Act 1999.....	3
Revocation Process	3
Flow Chart of Revocation Process	5
Land Details	6
Legal Description.....	6
Location	6
Map	6
Revocation Proposal.....	6
i. Reasons for the Proposal.....	6
ii. Statement of any dedications, reservations or Trusts to which the land is subject	7
iii. Is Revocation proposed with a view to sale or disposal of the land?	7
iv. How implementation of the proposal would affect the area and the local community.....	8
Community Consultation and Engagement	8

Introduction

Definitions

CT: Certificate of Title – includes land grants.

DP: Deposited Plan deposited in the Land Titles Registration Office and creates new land identifiers i.e. allotment numbers.

Reserve: The term usually describes an open space created as a condition of approval on the division of land under the *Development Act 1993* (section 50). On deposit of the plan of division under the *Real Property Act 1886* (section 223(1)(f)) the land shown on the plan as a “Reserve” vests in the name of the Council and a title is issued. In addition, the Council may have also chosen to resolve to hold certain land under its ownership as a “Reserve”.

Road Reserve: The term applies to a public road created under the *Roads (Opening and Closing) Act 1991* or Local Government Acts. The term is also occasionally used by councils to refer to land that has been surveyed (and sometimes titled) as a public road but not formed or developed for use by the public.

Community Land

Community Land – Definition and Purpose

Most land owned by Council, or held under its care, control and management, is classified as Community Land under the *Local Government Act 1999*. With the exception of roads, all local government land is Community Land unless it has been specifically exempted through legislation or the classification has been revoked by resolution of Council.

Community Land is intended to be retained and managed for community purposes and for the benefit of the broader community. This classification provides a level of protection to ensure that community interests are prioritised in decisions relating to the use and management of the land. In many cases, Community Land also holds particular cultural, historical, environmental or social significance that is valued by the local community.

Council’s Responsibilities in Managing Community Land

Council is responsible for the active and responsible management of Community Land in accordance with the requirements of the *Local Government Act 1999* and any adopted management plans. This includes ensuring that Community Land is managed in a way that meets community expectations and supports Mitcham 2030.

Mitcham 2030 presents Council’s long-term aspirations for the community, ensuring that effort and investment is directed to the right areas to best meet community needs into the future. This revocation aligns with Council’s Goal 3, Dynamic & Prosperous Places specifically 3.1 Placemaking as the revocation of this land allows for the closure of the adjoining road reserve to be developed into new housing, supporting diverse land uses and housing choice for the Community.

In managing Community Land, Council must also balance competing demands for the use of Community Land and ensure that ratepayers' funds are used efficiently and in a way that delivers the greatest overall community benefit.

Over time, community expectations and priorities may change, and in some circumstances the protections associated with Community Land classification may no longer be necessary or the land may be considered surplus to community needs. In these cases, Council may consult with the community to determine whether it is in the long-term public interest to retain the Community Land classification or to revoke the classification in accordance with the *Local Government Act 1999*. Only land that has had its Community Land classification revoked may be considered for sale, with any proceeds reinvested into projects that deliver broader community benefit.

Community Land Revocation

Revocation under the Local Government Act 1999

Under the *Local Government Act 1999*, councils have the ability to revoke the classification of land as *community land* in certain circumstances. This is a structured process designed to ensure transparency, community involvement and appropriate oversight. It is important to note that,

- Revocation does not happen without public consultation.
- No decision is final until community feedback has been considered and Ministerial approval is obtained.
- The process is designed to balance community interests, transparency and responsible land management.

Revocation Process

1. Identification and Initial Assessment

Council first identifies the land proposed for revocation and confirms ownership details, including whether the land is Council-owned or Crown land, and whether any Native Title interests apply. Where the land is Crown land, in-principle approval from the relevant State Minister may be required before progressing.

2. Preparation of a Section 194 Report

Before any decision is made, Council prepares a detailed report explaining:

- why the revocation is being proposed;
- any legal restrictions on the land, such as dedications, reservations or trusts;
- whether the land is proposed to be sold or disposed of;
- how the proposal may affect the local area and community; and
- any requirements imposed by the landowner, if Council is not the owner.

This report forms the basis of public consultation.

3. Council Resolution to Consult

Council formally considers the report and resolves to commence public consultation in accordance with its Public Consultation Policy.

4. Public Consultation

Public consultation is a critical part of the process. Council provides public notice of the proposal, including details of the land, reasons for the proposed revocation and how people can make a submission.

- Consultation must be open for at least **21 days**, though longer periods may be provided for larger or more significant parcels of land.
- Information is made publicly available, and the community is encouraged to provide feedback, raise concerns or express support.

All submissions received are acknowledged and considered as part of the decision-making process.

5. Consideration of Submissions

After consultation closes, Council reviews all submissions and considers whether any changes to the proposal are required in response to community feedback.

6. Council Resolution to Seek Ministerial Approval

If Council decides to proceed, it resolves to seek approval from the Minister for State/Local Government Relations. The application includes the consultation outcomes and evidence that community views have been considered.

7. Ministerial Review

The Minister does not make the revocation decision but reviews the process to ensure it has been conducted properly and that the community has had a genuine opportunity to be heard. Ministerial approval authorises Council to make the decision to revoke.

The revocation of the community land classification has no effect unless the Council makes a resolution to give effect to the proposal. The Council may decide that it does not wish to proceed with the revocation. In that case, it is desirable that an appropriate resolution is made.

8. Final Council Decision

Following Ministerial approval, Council makes a final resolution on whether to revoke the community land classification. If approved, Council updates its land records and relevant management plans.

Flow Chart of Revocation Process



Land Details

Legal Description



Product
Date/Time

Register Search (CT 5543/567)
17/02/2026 03:57PM



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5543 Folio 567

Parent Title(s) CT 4244/906

Creating Dealing(s) CONVERTED TITLE

Title Issued 10/06/1998 Edition 1 Edition Issued 10/06/1998

Estate Type

FEE SIMPLE (RESERVE)

Registered Proprietor

CITY OF MITCHAM
OF PO BOX 21 MITCHAM SHOPPING CENTRE TORRENS PARK SA 5062

Description of Land

ALLOTMENT (RESERVE) 17 DEPOSITED PLAN 11335
IN THE AREA NAMED MELROSE PARK
HUNDRED OF ADELAIDE

BEING A RESERVE

Easements

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED A ON DP 11335 FOR SEWERAGE PURPOSES
TO SOUTH AUSTRALIAN WATER CORPORATION (223LG RPA)

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Registrar-General's Notes NIL

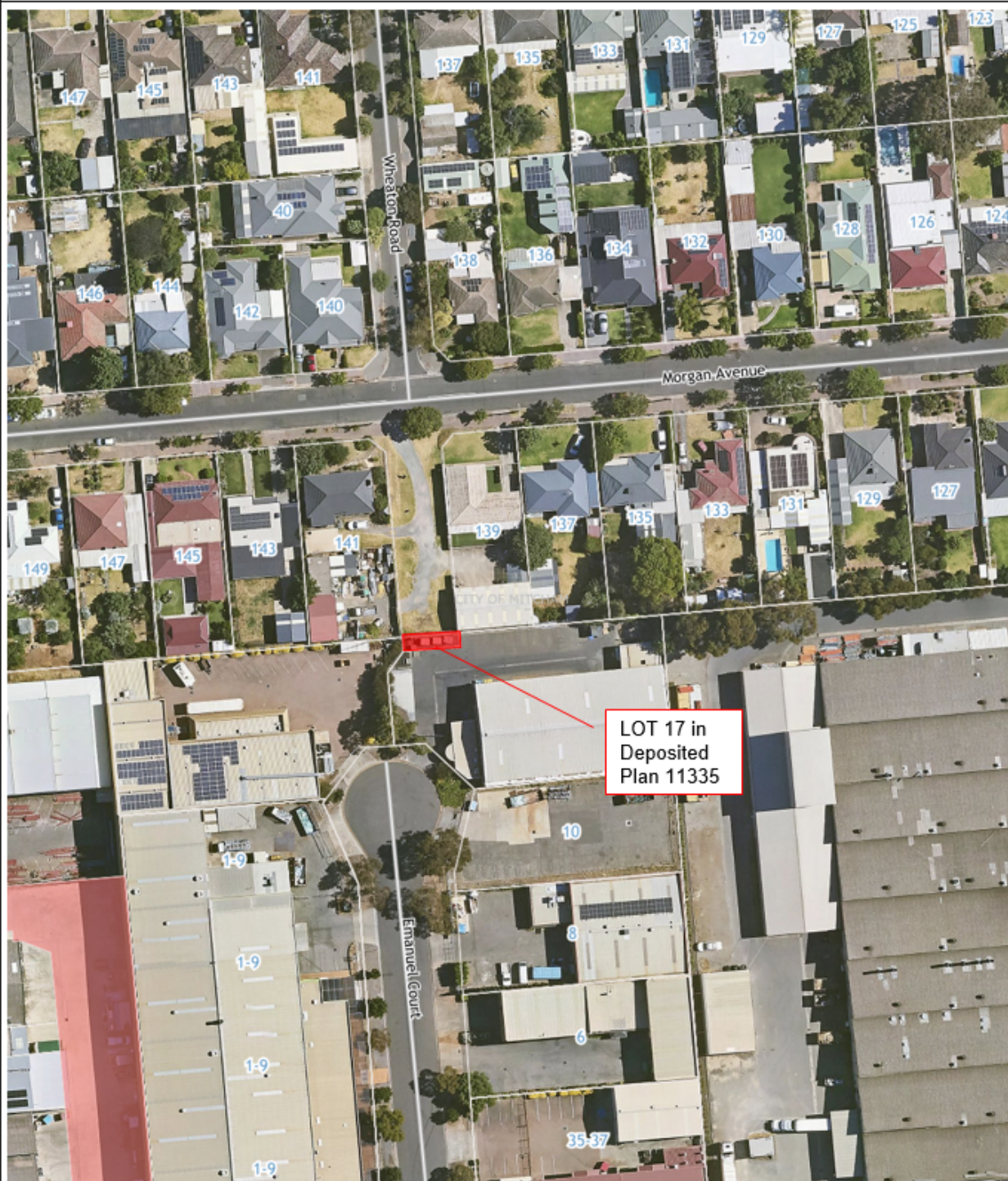
Administrative Interests NIL

Location

LOT17 Morgan Avenue, Melrose Park SA 5039

Map

LOT 17 in Deposited Plan 11335 in Certificate of Title Volume 5543 Folio 567



Created By: City of Mitcham

Data Sources: City of Mitcham
Government of SA

Projection: GDA94 / MGA zone 54

Date: 14/04/2026

Scale: 1:1211



Data contained within this document is created and supplied by the SA Government and private contractors and the City of Mitcham under license agreement.

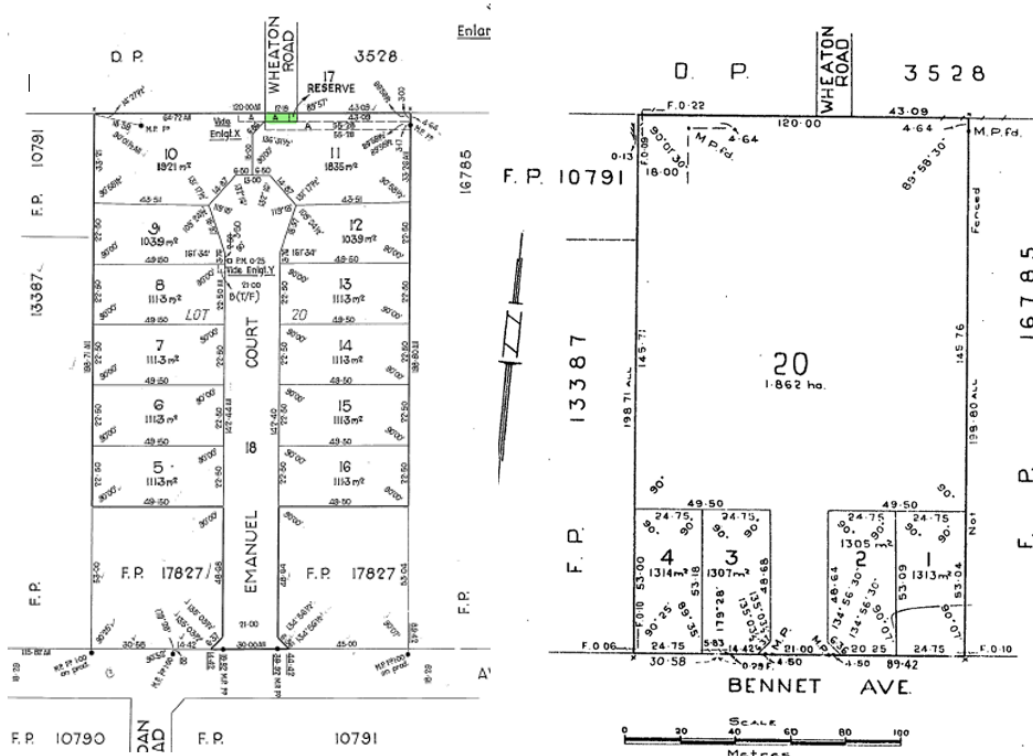
This advice and or information is given for your private use only. The City of Mitcham does not guarantee this advice or information in any way, and no responsibility will be accepted by the City of Mitcham or their officers, agents or servants. ©

Revocation Proposal

As per Section 194(2)(a) Local Government Act 1999

i. Reasons for the Proposal

Lot 17 in Deposited Plan 11335 in Certificate of Title Volume 5543 Folio 567 (known as Wheaton Road Screening Reserve (marked green below) is proposed to be disposed of as it is surplus to requirements and with the progression of the closure of the adjacent road reserve it will become land locked and unable to be accessed. Currently the land has been enclosed by 2 metre high chain link fence into the property at 2/12 Emanuel Court Melrose Park SA 5039. Wheaton Road Screening Reserve was created in 1985, as part of the subdivision which created Emanuel Court and adjoining properties. It was put in place to prevent access from Morgan Avenue to these properties and the extension of the road and associated traffic through the residential to the industrial area.



Side by side comparison of before and after subdivision

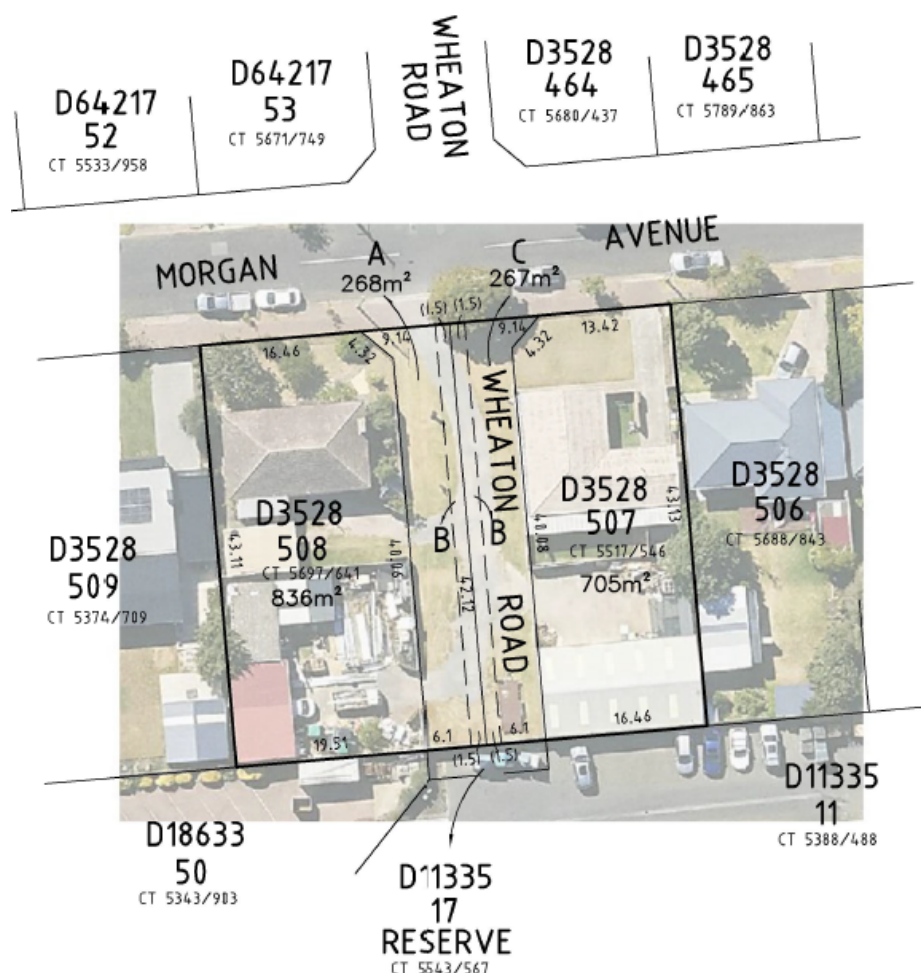
With the sale of the adjoining road reserve there will no longer be a path for council to access the land and the development of the land for residential dwellings will block any extension or access through the land that was once the function of the screening reserve. The disposal of this land will also give affect to previous

ii. Statement of any dedications, reservations or Trusts to which the land is subject

The land is not subject to any dedications, reservations or Trusts.

iii. Is Revocation proposed with a view to sale or disposal of the land?

The land is proposed to be disposed of to the owners of 2/12 Emanuel Court Melrose Park SA 5039 for nil consideration, this is because the land is not currently used by the community and has been fenced into this property. The reason it is proposed to be disposed of for nil consideration is due to its likely impact on the larger proposed road closure and the revenue obtained from that land sale.



As can be seen above the land marked A, B and C in the above image is proposed to be closed, with half merging with 139 Morgan Avenue and half merging with 141 Morgan Avenue.

As there is no impetus for the property owner to purchase the land as they have made use of it for free for an extended period of time. Council is not in a position to

force them to acquire it and as the land has no purpose to anyone but adjoining owners it has little value. Administration has been advised that the Land Titles Office may reject or delay the road closure if this piece of land that will if the road closure goes ahead become landlocked is not dealt with.

iv. **How implementation of the proposal would affect the area and the local community.**

The land is currently not able to be accessed or used by the community. Its purpose was to prevent industrial vehicles moving through the residential area and that will now be served by the road closure. Due to this it is unlikely this revocation will impact the community.

v. **Statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification (where Council is not the owner).**

Council is the owner of the land

Community Consultation and Engagement

Council's responsibilities

Public consultation is a critical part of the process. Council provides public notice of the proposal, including details of the land, reasons for the proposed revocation and how people can make a submission.

- Consultation must be open for at least **21 days**, though longer periods may be provided for larger or more significant parcels of land.
- Information is made publicly available, and the community is encouraged to provide feedback, raise concerns or express support.

All submissions received are acknowledged and considered as part of the decision-making process.

Outline Steps of Consultation

Undertake public consultation (minimum 28 days)

Council must follow the standard consultation steps in section 7.1 of the Policy, which include:

- Publishing a public notice:
 - in a newspaper circulating within the Council area, and
 - on Council's website
- The notice must:
 - describe the proposal, and
 - invite written submissions from interested persons

Attachment A Revocation of Community Land

- The consultation period must be at least 28 days
- After the consultation period closes, Council officers must:
- Summarise and analyse all submissions received
 - Prepare a report to Council or a Council Committee which:
 - summarises consultation outcomes
 - presents the proposal in context
 - includes recommendations for decision-making

Have your say!

The community is invited to provide feedback by completing the online survey at [XXXXXXXXXXXX](#) between July 18 2026 until 5pm August 16 2026. For further information call 1300 133 466 or email yoursay@mitchamcouncil.sa.gov.au

Your feedback is valuable

The public has 29 days to provide their views and opinions to Council about the revocation proposal.

Once the public consultation process has been completed, a report inclusive of the consultative results will be presented to Council for consideration in their decision to continue with the revocation of Community Land classification process.

**Revocation of Community Land – Public Consultation Report
City of Mitcham**

131 Belair Road, Torrens Park SA 5042

Phone: 1300 133 466

Website: www.mitchamcouncil.sa.gov.au