



District Council of Loxton Waikerie

Principal Office **29 East Terrace, Loxton SA** • Postal Address **Box 409, Loxton SA 5333**
Branch Office: **Strangman Road, Waikerie SA 5330**

Revocation of Community Land James Street, Wunkar



Report for public consultation March 2020

**Proposal to revoke
Classification of Community Land**

Allotment 94 in Hundred Plan H700700
James Street, Wunkar

Contact
Asset & Property Management Officer
Telephone: 8541 0700

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Section 1

INTRODUCTION

Community Land Classification

All local government land with the exception of roads, either owned or managed by Council under its care and control management, is classified as Community Land under the Local Government Act 1999. Land can however be exempt from this classification via legislation or revoked by resolution of Council.

The purpose of land attaining 'Community Land' status is to ensure the community benefits from its use or that it is recognized for its special historical and cultural significance. It is therefore Council's responsibility to manage the land so as to meet the expectations of the community.

Over time the expectations of the community may change and the demands on Community Land and the protections that come with it are no longer necessary or it is seen as surplus to the communities needs. Council may decide to engage with the community to sell the land and channel the proceeds to projects that would serve the needs of the community more beneficially.

Revocation of Community Land Process

In accordance with the *Local Government Act 1999*, before Council can sell land classified as Community Land, it must first consult with the broader community and provide the public the opportunity to consider any proposal to sell the land and to offer feedback for Council's consideration.

The *Local Government Act 1999* section 194 requires that a report on the proposal to revoke Community Land classification must be prepared and placed on display; Council website plus other forms of display (refer *Guidance Paper, Effective Consultation pp 6¹*). The report describes the proposal, the reasons behind the proposal, the location of the land, and what is to be done with the land once the Community Land classification has been removed. In addition Council must follow its adopted Public Consultation Policy to inform the public of the proposal to revoke land with the intention to sell. Feedback from the community is presented to Council for consideration, if a decision is made to proceed with the revocation an application is made to the Minister for approval.

The report for public consultation provides the following (refer *Guidance Paper, Notice of the Proposal to the Public pp 6-7²*):

- A summary of the reasons for the proposal
- Details which readily identify the land inclusive of plans, maps and the Certificate of Title reference of the lands location
- A statement of Council's proposal to revoke the community status of the land and how any proceeds received on disposal is to be used
- An invitation for interested persons to make a submission in relation to the proposal
- Closing date of submissions and how further information of the proposal may be obtained

Revocation of Community Land classification entitles the land to be freed from any dedication, reservation or trust that may affect the use and future sale of the land.

¹ *Guidance Paper, Section 194 – Revocation of Community Land Classification. Release date 27 September 2018*

² *Guidance Paper, Section 194 – Revocation of Community Land Classification. Release date 27 September 2018*

Ministers Approval

Once a decision has been made to make application to the Minister for approval, a report must be prepared to the Minister as per the Local Government Act 1999 section 194(3)(a) that includes a copy of every submission received during the public consultation period and a report as to their effect. The Minister is unable to make a decision without receiving evidence that the public have been duly consulted and that adequate notification has been provided. The Minister has the discretion to reject or approve the proposal.

In the event that the Minister approves the revocation of the land, Council is granted the authority to pass a resolution to revoke the classification of the land as Community Land. Once that resolution is made the sale process can begin.

Section 2

THE LAND

Land Description

The District Council of Loxton Waikerie is considering a proposal to revoke the Community Land classification of a parcel of Crown Land that the Council has care and control management over at James Street, Wunkar for the purpose of selling the land to a private investor. Council will engage a real estate agent to handle an open market sale of the land inviting all potential investors to offer a bid. Proceeds from the sale will be held in general revenue and used to benefit the residents of the District's communities with preference given to the township of Wunkar.

The parcel of land being considered for revocation is the whole of the land comprised in Crown Record Volume 5755 Folio 566 (being Allotment 94 in Hundred Plan H700700) located at James Street, Wunkar which is highlighted in yellow on the aerial photograph below.

The total size of the Land being considered for revocation is approximately 11,160 square metres.



The land fronts James Street and Norman Street.

The area surrounding the block is thick Mallee scrub made up of a combination of privately owned land parcels and Crown Land (former children's playground). The proposed land is approximately 500m from the Wunkar township centre denoted by the Golden Grain Tavern on Railway Terrace.

There are no easements.

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 566

Parent Title(s)

Creating Dealing(s) RT 8862483

Title Issued 11/04/2000 Edition 1 Edition Issued 11/04/2000

Estate Type

CROWN LAND (ALIENATED)

Owner

THE CROWN

Custodian

DISTRICT COUNCIL OF LOXTON WAIKERIE
OF PO BOX 409 LOXTON SA 5333

Description of Land

SECTION 94
HUNDRED OF MANTUNG
IN THE AREA NAMED WUNKAR

TOTAL AREA: 1.113HA (CALCULATED)

Easements

NIL

Schedule of Dealings

NIL

Schedule of Interests

LAND DEDICATED FOR COMMUNITY CENTRE PURPOSES PURSUANT TO THE CROWN LANDS ACT, 1929 BY
GAZETTE 30/09/1976

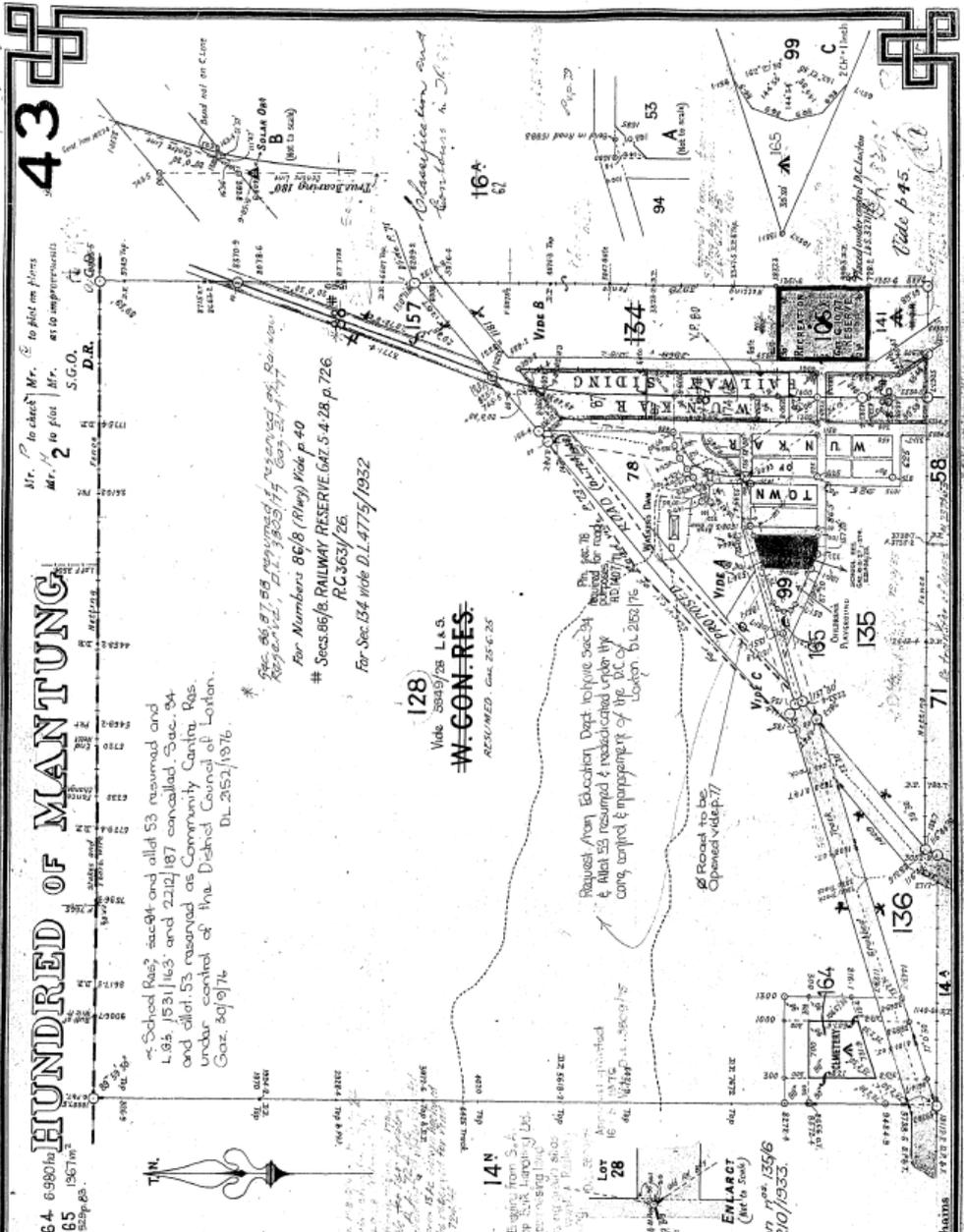
Notations

Dealings Affecting Title NIL

Priority Notices NIL

Registrar-General's Notes NIL

Administrative Interests NIL



164 6980 ha
185 1867 ha
0.8.529 p. 85.

Mr. P. to check Mr. S. to plot in lines
Mr. 2 Mr. S.G.O.
D.R.

100 HUNDRED OF MANTUNG

School Res. sects and allot 53 returned and L. 85, 153, 163 and 2212/187 cancelled. Sec. 94 and allot 53 reserved as Community Centre Res. under control of the District Council at London. Gaz. 30/9/76. DL 252/1976.

Secs. 87, 88, 89 reserved if reserved as School Res. under control of the District Council at London. For Numbers 89/8 (Plan) Vol. p. 40 # Secs. 86/8 RAILWAY RESERVE. Gaz. 5.4.28, p. 726. RC 363/26. For Sec. 154 vide D.L. 4775/1932

128
Vide 2849/28 L & G.
W-CON-RES
RESERVED. Gaz. 25.6.25

No. of Sects	Areas of Sects	Description	Locality
94	2%	School Reserve	
99	7-5-21	Children's Playground	
105	10	Recreation Reserve	
135	53	Water-Cons. Reserve	
136	15 1/2	Cemetery	
147 1/2	9 1/2		
157	8 1/2		
86	3.951 ha		
87	20		
88	6 1/2		
128	128		
134	78		
141	5		
Total			

Adjoining WUNKAR RAILWAY SIDING

Checked Book 293 Page 576 860 88726
Area Book 63 p. 41 1539 p. 4
Survey correct

Plotted on Land Office Plans, P-9726
County Plan
Original Plans

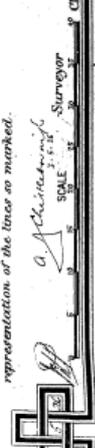
For Improvements vide Valuation Paper No. D.A. 12496

Position of Permanent Marks shown thus

- Main Peg
- Old Peg
- Observation Peg

I hereby certify that this survey was made and that this plan is a true and correct representation of the lines so marked.

Surveyor



Scale 1:10,000

Section 3

PUBLIC CONSULTATION

Public Notice

Published in *The Murray Pioneer*, *The Loxton News*, and *The River News* on 4 March 2020



District Council of Loxton Waikerie

Revocation of Land from Classification as Community Land

Pursuant to Sec 194 Local Government Act 1999

Notice is hereby given in accordance with the *Local Government Act 1999* section 194 and in accordance with Council's Community Engagement Policy, that the District Council of Loxton Waikerie, resolved at its meeting held 17 May 2019, that the public be consulted over the proposal to remove the Community Land classification of land located at James Street Wunkar. More particularly described as:

- **The whole of the land comprised in Crown Record Volume 5755 Folio 566 (being Allotment 94 in Hundred Plan H700700)**

Council is considering the revocation of the community land classification of the land for the purposes of making the land available for sale to a private investor.

Council is seeking feedback from the community on this proposal.

Following public consultation, a further report will be submitted to Council to enable it to consider public submissions received in relation to the proposed revocation.

A report and plan are displayed on Council's Website www.loxtonwaikerie.sa.gov.au.

Interested persons may obtain further information by contacting the Asset & Property Management Officer on: **8541 0700** or Council@lwdc.sa.gov.au. Written submissions on the proposal are invited.

The closing date for submissions is **5.00pm Friday 3 April 2020**.

David Beaton Chief Executive Officer

Council Website

Revocation of Community Land – James Street, Wunkar

The area identified in the photograph below in yellow is land classified as Community Land, Council has identified this land as being surplus to its needs and is considering revoking the lands Community Land status to allow it to be sold. The land is the site of the former Wunkar Primary School and has not been used in any capacity for over 20 years. Council will seek to sell the land to a private investor, proceeds from the sale will be held in general revenue and used to benefit the residents of the District's communities with preference given to the township of Wunkar.

The land fronts James Street and Norman Street.

The area surrounding the block is thick Mallee scrub made up of a combination of privately owned land parcels and Crown Land (former children's playground). The proposed land is approximately 500m from the Wunkar township centre denoted by the Golden Grain Tavern on Railway Terrace.

The total area of the Land being considered for revocation is approximately 11,160 square metres.

There are no easements.



Community and Stakeholder Engagement

Engaging the community in the revocation of Community Land is a significant part of the revocation process. This being the case, Council invites all stakeholders and members of the community to offer their views on Council's proposal to revoke the Community Land classification of land located at James Street, Wunkar.

Proposed Signage



District Council of Loxton Waikerie Revocation of Land from Classification as Community Land James Street, Wunkar

Council is considering the revocation of the Community Land classification of James Street, Wunkar being the area marked in yellow on the aerial photograph, for the purpose of selling the land to a private investor.



Proceeds from the sale will be held in general revenue and used to benefit the residents of the District's communities with preference given to the township of Wunkar.

Members of the public are invited to provide feedback on this proposal. A report on the proposal may be viewed on the Council website www.lwdc.sa.gov.au

You may request details of this proposal to be posted to you by contacting the Asset & Property Management Officer on **8541 0700** or email council@lwdc.sa.gov.au

The closing date for written submissions is 5.00pm Friday 3 April 2020

Plan of where the revocation signs are to be installed at the site



Each sign is a standard A0 size

Have your say

The consultation period begins Wednesday 4 March 2020 and closes on **Friday 3 April 2020**.

You can provide your feedback by:

- Writing to:
Asset & Property Management Officer
District Council of Loxton Waikerie
PO Box 409
Loxton SA 5333
- Submitting a letter to Council or your comments via email on Council@lwdc.sa.gov.au

Your feedback is valuable

The public has a period of at least 21 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.

District Council of Loxton Waikerie

Report on the revocation of classification as community land

Section 194 of the *Local Government Act 1999*

Report on the proposal to revoke the Community Land classification of the whole of the land comprised in Crown Record Volume 5755 Folio 566 (being Allotment 94 in Hundred Plan H700700), located at James Street, Wunkar.

Reason for the Proposal

Council wishes to sell the land that is currently unoccupied to a private investor for the purposes of developing the site as their private residence.

Council's responsibility to its local community is to manage dedicated land parcels in order to provide that land for the enjoyment of the community. When Council recognizes that the benefits to the community are no-longer available or the expectations of the community have changed rendering the land surplus to Communities needs, Council may chose to divest itself from the management of that land.

Consequently, Council is considering a proposal to revoke the community land classification of land Council has care and control management over located at James Street, Wunkar. Due to the community land classification, Council is required under the *Local Government Act 1999* section 194 to apply to the Minister to have the community land status revoked in order to sell the land on the open market.

More specifically, the land that is being considered for this proposal is described as the whole of the land comprised in Crown Record Volume 5755 Folio 566 (being Allotment 94 in Hundred Plan H700700).

How will the proposal affect the local community?

The land is currently unused by the local community as it is no-longer functions as a Primary School. It is considered that the communities living in the area prefer to send their children to the larger townships of Loxton and Berri because they offer better and more modern educational services. Wunkar is also a township no-longer occupied by a growing population due to the closing of industry and other services in the township.

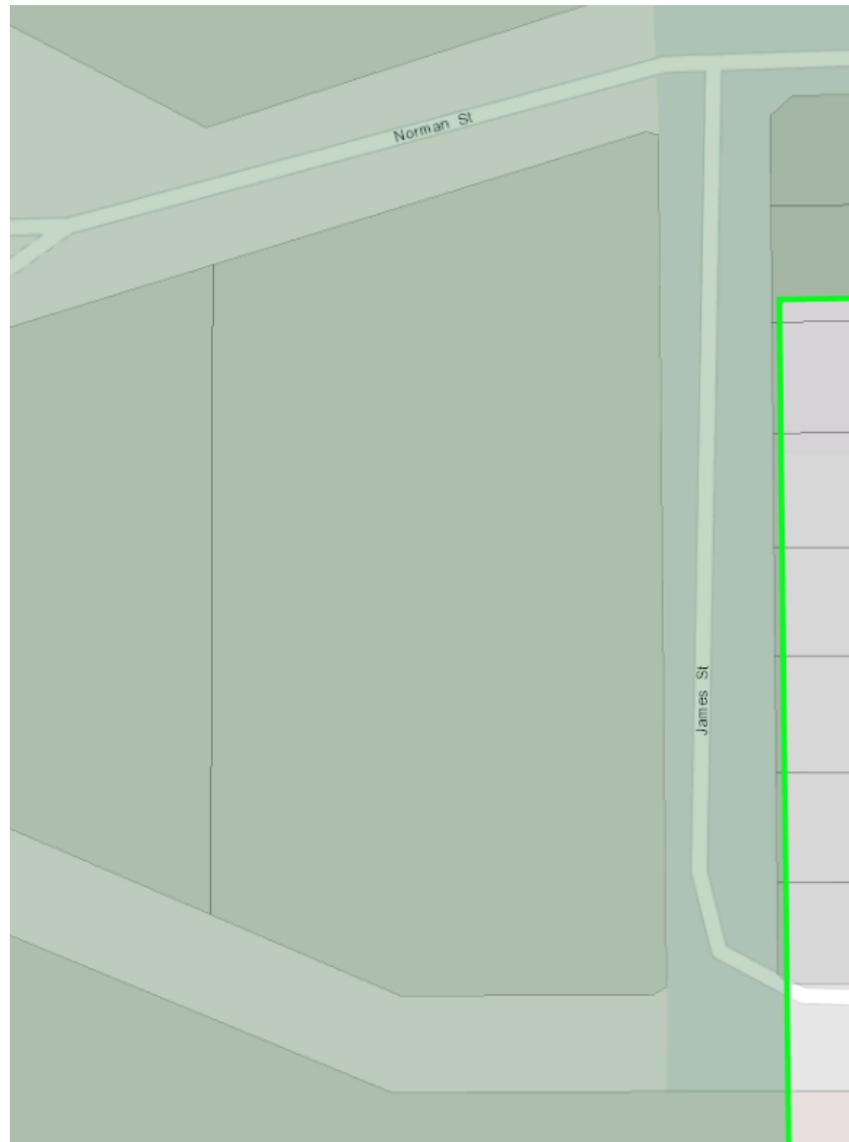
By selling the land to a private investor, the land can be developed for the enjoyment of a private residence while maintaining harmony within its surrounding landscape. Due to cost, availability of resources, and current restrictions denoted under community land classification, future upgrades are beyond the resources of Council.

What is the history behind this land?

Records dating back before amalgamation (1997) and beyond indicate that this land was dedicated as a Primary School. Although the Primary School ceased to function approximately 20 years ago, much of the area remains untouched with original toilet block and administration building remaining in situ.

What is the zoning of the land?

Allotment 94 is currently zoned 'PrPro' – Primary Production. The relevant zone can be seen in the plan below.



Are there any registered interests over the land?

There are no easements located on the land

What could happen on the land if it is sold?

Rezoning of the land parcel is not under consideration, any future sale to a private investor is restricted by its current primary production zoning.

Section 4



16.1 Corporate & Community Services Recommendation Report

Report Number	16.1
Subject	Sale of the Wunkar Primary School land parcel
Author of report	Adrian Dick – Assets and Property Management Officer
People consulted	Graeme Schubert – Interested party Gordon Thomson – Director Corporate and Community Services Kirsten Freer – Department of Environment and Water
Strategic Plan	3.1.3 Maintain and Improve our community buildings and facilities
Other document reference	
File Reference	
Financial implications	Wunkar Primary School is located on Crown Land under the care and control of Council. Land is currently unused requiring minimal maintenance. Buildings are untenanted and not fit for purpose.
Risk/Asset Management	There are no plans to redevelop the Wunkar School site, this parcel of land is a surplus Council asset and limited by its community dedication.
Attachments	Picture – Wunkar land parcel map and buildings and other structures Letter from Graeme Schubert – Feb 2019
Expected outcomes:	
Economic	
Social	Preserving the history of the Wunkar township
Environmental	
Recommendation	
That Council:	
<ol style="list-style-type: none">1. That Council declares that it is intent to revoke the Community Land status for the land pursuant to section 194 of the Local Government Act 1999 with the intent to offer the land for sale.2. Similarly Council recommends to the Minister to revoke the dedication to the Council of the old Wunkar Primary School site CR 5755/566 as part of the process.	





16.1 Corporate & Community Services Recommendation Report

REPORT

A letter from Graeme Schubert was received by Council on 7 February 2019 requesting the opportunity to buy the old Wunkar Primary School site.

Mr Schubert is originally from Wunkar and attended the school that was located on the site that he now wishes to buy. The school has been closed for the last 20 to 25 years and is in desperate need of upkeep. If approved, Graeme plans to buy the land and buildings, build himself a modest two bedroom house (he is a retired builder) and live out his days where he grew up; he still has family and friends throughout the area. In discussions with him, Graeme said that he will create a small dedication plaque to the school in the area between the old office block and the front fence. He has spoken briefly to Leon Stasinowsky who has suggested to Mr Schubert that he seek approval from Council of his proposal. Mr Schubert owns property on York Peninsula which he is in the process of selling, he does not own any adjoining property in Wunkar.

The parcel of land where the school is located is Crown Land in the care and control of Council, dedicated as community land.

The Department of Environment and Water (DEW) suggested that if Mr Schubert owned an adjoining property the land could be sold to him privately (no public auction). That not being the case, in addition to the usual Ministerial approval as well as Council approval, the proposal would need to go to public consultation and the sale would have to go to public auction (can't sell directly). The process has a few other complications (e.g. revoked with the buildings fixed to the land and sold as land and buildings) that the Lands Department needs to work through (long process).

Mr Schubert is very keen to purchase the site and is prepared to wait. The land parcel includes land and buildings and is recorded in the asset register at approximately \$100k (replacement cost), market value may be considerably less than that.



16.1 Corporate & Community Services Recommendation Report





16.1 Corporate & Community Services Recommendation Report





16.1 Corporate & Community Services Recommendation Report



Hi David. My name is Graeme Schubert.
I'm very keen to buy the old Wunkar school grounds.
It's in bad shape, vandalised and a real eye sore
for the town.

If I could buy this at a reasonable price, I
promise I'd tidy it up, build a new fence, and
plant natives. Then build a shed workshop
for my carpentry tools etc. I'm a retired builder
with lots of skills and I would like to start a
men's shed for the locals and help anyone's
or ladies projects

Born in Wunkar I went to this school from
grades 1-5. I returned and worked for
Hand Built Homes for 25 years - lived at Pyap West
Volunteered at Wunkar footy club for that time.
I'm currently living at York peninsula and selling
my property which will easily finance this adventure.
I've spoken to Leon Stazy, a long time friend and
he's given me his full support.

Look forward to speaking to you Dave

Many thanks



Graeme Schubert.
15 West Ave Alford. SA 5555

Post Box 128 Alford 5555

Ph 0428411193

RECEIVED
07 FEB 2018
Original to:
CC:
FILE No.
DOC No.

Extract of Council meeting minutes relating to proposed land sale

Council meeting held 17th May 2019

16. Corporate & Community Services Reports

16.1 Sale of Wunkar Primary School Land Parcel

Cr Flavel entered at 11.40 am.

Cr Norton moved Cr Vowles seconded

That Council:

- 1. That Council declares that it is intent to revoke the Community Land status for the land pursuant to section 194 of the Local Government Act 1999 with the intent to offer the land for sale.**
- 2. Similarly council recommends to the Minister to revoke the dedication to the Council of the old Wunkar Primary School site CR 5755/566 as part of the process.**

CARRIED

This is a true copy of the original document being an extract from the Council meeting minutes held 17th May 2019.

David Beaton
Chief Executive Officer
District Council of Loxton Waikerie

Signature: 

Print name: David Beaton