

**12.1 REVOCATION OF COMMUNITY LAND STATUS – 10 OSWALD DRIVE – PUBLIC CONSULTATION SUMMARY REPORT**

REPORT INFORMATION	
Report Title	Revocation of Community Land Status – 10 Oswald Drive – Public Consultation Summary Report
Document ID	84894
Organisational Unit	Environment & Infrastructure
Responsible Officer	Chief Executive Officer - Eric Brown Manager Places & Presentation - Brad Tolley
Report Attachment/s	Yes 84889 Consultation Summary Report – Redacted 84477 Consolidated Consultation and Engagement Records 78001 Petition cover page Community Land Revocation proposal Oswald Drive 2025-06-11
REPORT PURPOSE	
<ul style="list-style-type: none"> <li>The purpose of this report is to present to Council the submissions received in connection with Public Consultation process for the Council's proposal to revoke the classification of land as Community Land under section 194 of the Local Government Act 1999 (the Act) for Allotment (Reserve) 103 Deposited Plan 22525 in the area named Port Lincoln Hundred of Lincoln, being the land comprised in Certificate of Title Volume 5520 Folio 195 and more commonly known as 10 Oswald Drive, Port Lincoln; and,</li> <li>Make recommendations <b>to not proceed</b> with the community land revocation having considered the submissions received as part of the consultation process.</li> </ul>	
REPORT DECISION MAKING CONSIDERATIONS	
Council Role	Owner / Custodian - Manage community assets including buildings, facilities, public space, reserves on behalf of current and future generations
Strategic Alignment	SDP GOAL: Goal 1: Economic Growth and Opportunity SDP ACTION: 1.3 Continue to implement Council's Housing Strategy to expand fit for purpose housing options, including through the release of Council land and reassessing Council's City masterplan and associated zoning.
Annual Business Plan 2023/24	ABP INITIATIVE: Choose an item. ABP PROJECT: Choose an item.
Annual Business Plan 2024/25	ABP INITIATIVE: Choose an item. ABP PROJECT: Choose an item.
Legislation	Local Government Act 1999
Policy	Public Consultation & Community Engagement 2.63.1

Budget Implications	Moderate Variation > \$10,000 < \$50,000		
	DESCRIPTION	BUDGET AMOUNT \$	YTD \$
	See body of report	-	-
	Budget assessment comments: Should the land be revoked of the classification as Community Land and disposed of, there is a potential saving to the annual operating budget of approximately \$23,000 excl. GST.		
Risk Implications	Low Risk		
Resource Implications	Moderate Variation > 5 hours < 20 hours		
Public Consultation	Yes - Mandatory		
IAP2 Commitment	CONSULT - We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public feedback input has influenced the decision.		
OFFICER'S RECOMMENDATION			
That Council:			
1. Is satisfied the public consultation process undertaken as outlined in this report has met the requirements of the Local Government Act 1999 and the Council's Public Consultation & Community Engagement Policy; and			
2. Receives and note the submissions received in connection with the Public Consultation process, which are as contained in the attachment to this report; and			
3. In the exercise of the power contained in section 194 of the Local Government Act 1999 and having considered the results of the public consultation process determine not to proceed further with an application to revoke community land status for Allotment (Reserve) 103 Deposited Plan 22525 in the area named Port Lincoln Hundred of Lincoln, being the land comprised in Certificate of Title Volume 5520 Folio 195 and more commonly known as 10 Oswald Drive, Port Lincoln.			

## **BACKGROUND**

At the March Ordinary Meeting of Council held 17 March 2025, a Statutory Report (the **Report**) was presented to Council which detailed the proposal to revoke the classification of land as Community Land pursuant to section 194 of the Act for five (5) parcels of land. The Report addressed the criteria prescribed by section 194(2) of the Act in relation to each parcel of land. This criteria is:

- 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
- 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 - as the Council owns all the land identified in the Report, this is not a relevant consideration for the current revocation proposal.

The Report arose following growing pressures within the community for an increase in accessibility to housing, childcare and aged care<sup>1</sup>\*, which initiated a review of the Council's land holdings for sites that would be suitable to be used for these purposes. The review was progressed by the Council in an effort to address the community concerns by Council playing a facilitative role and, where practicable, removing barriers to meaningful developments for these essential services by releasing suitable land which, due to being held by Council, could be leveraged to achieve much needed outcomes on behalf of the community. In assessing the suitability of land for this purpose, consideration was given to land size, topography, land zoning, neighbourhood amenity and access to open space, service levels, ownership status (not Crown Land), native vegetation, and reasonable assessment of viability of a project.

The 5 parcels of land for which the proposal and Report pertains were identified to be, without dismissing their current use by the community, undeveloped or underdeveloped open space, that is surplus to the broader community's needs. This determination was made having regard to the current underutilised state and condition of the land compared to the potential outcomes they can deliver for provision of the much-needed essential services, (and the quantum of open space in the council area<sup>2</sup>).

Having considered the Report and supporting information, the Council resolved as follows.

## **PROPOSAL FOR REVOCATION OF COMMUNITY LAND – PUBLIC CONSULTATION ON SECTION 194 STATUTORY REPORT**

CO 25/072 Moved: Councillor Linn

Seconded: Councillor Staunton

That in the exercise of the power contained in section 194 of the *Local Government Act 1999*, the Council commences the process to revoke the community land status of the parcels of land identified in the Report comprised in Appendix A (66906) by:

- adopting the Report included as Appendix A (66906) for consultation purposes; and

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<sup>1</sup> Refer to [City of Port Lincoln Housing Strategy 2024-2029](#), [Empowering our elders Strategy 2025-2029](#), [RDA Eyre Peninsula Early Education and Care November 2023](#) and [Strategic Directions Plan 2025-2034](#).

<sup>2</sup> Refer to City of Port Lincoln [Open Space Strategy 2021-2026](#).

- **undertaking public consultation on the Report in accordance with the Council's Public Consultation and Community Engagement Policy, pursuant to section 194(2) of the Act.**

**CARRIED**

Allotment (Reserve) 103 Deposited Plan 22525 in the area named Port Lincoln Hundred of Lincoln, being the land comprised in Certificate of Title Volume 5520 Folio 195 and more commonly known as 10 Oswald Drive, Port Lincoln was one (1) of the 5 identified parcels of land subject of the revocation proposal set out in the Report

As identified in the council report that contextualised and presented the Report– having undertaken public consultation in relation to a revocation proposal, the next steps required to be undertaken are:

1. Consider, summarise and analyse all submissions received; and
2. Prepare a report for Council that addresses the consultation outcomes and includes recommendations to proceed to facilitate the Council determining whether or not to progress the revocation proposal.

If, following consideration of the consultation outcomes, the Council wishes to proceed then it must submit the Report together with a report on all submissions made on it as part of the public consultation process to the Minister.

If (and only if) the Minister approves the revocation proposal, the Council can then proceed to make a resolution revoking the classification of the land as community land.

This report serves the purpose of informing the Council of the consultation outcomes and making recommendations to facilitate a decision by the Council regarding the next steps. In doing so, this report:

1. details the consultation process undertaken;
2. summaries the consultation outcomes; and
3. sets out the Administration's response to the matters raised in the submissions that were received.

**CONSULTATION AND ENGAGEMENT PROCESS**

The Council has an adopted policy regarding public consultation and engagement, *Public Consultation & Community Engagement 2.63.1* (the Policy). Further, section 194 of the Act is prescriptive regarding the requirement of the consultation process as it relates to a proposal to revoke the classification of land as community land.

Specifically, section 194(2)(b) of the Act confirms that the Council must consult upon the Report by following the relevant steps set out in its public consultation policy. To that end, the Policy prescribes the following steps that must be undertaken (that comply with the requirements under section 50(4) of the Act):

- (1) *Prepare a document that sets out Council's proposal in relation to the topic and publish a public notice:*
  - a. *in a newspaper circulating within the area of the Council; and*
  - b. *on a website determined by the Chief Executive Officer,*



*describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the public notice.*

*(2) When submissions have been received by the closing date, Council staff will:*

- a. Consider, summarise and analyse all submissions received;*
- b. Prepare a report for Council or the relevant Council Committee which: ☐ summarises the public consultation outcomes;*
- c. presents the information in the broader context of the matter under consideration;*
- d. makes recommendations for Council or the Committee to consider when deciding on the matter/s; and*
- e. is included on the agenda for a suitable Council or Committee meeting.*

*(3) Council will consider the report and relevant recommendation/s and decide on the matter/s.*

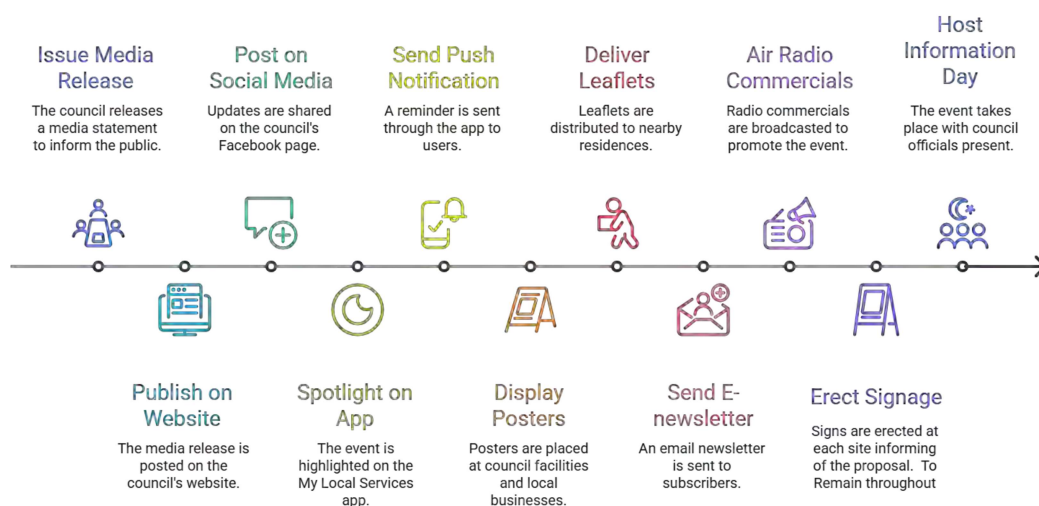
Additionally, the Department of Infrastructure and Transport (DIT) on behalf of the Office of Local Government has a published guidance paper - Section 194 – Revocation of Community Land Classification Guidance paper no. 5 April 2022 – which was referred to when conducting the consultation process.

As per Council's policy, Council will take every reasonable step to ensure the community is informed on matters of Council and of decisions that may affect the local and wider community through effective communication and consultation processes.

The formal consultation process ran from 15 May 2025 until 10am on 12 June 2025 with submissions able to be made through Council's YourSAy

The following is a detailed, step-by-step, summary of the promotional activities to ensure the local and wider community was aware of the proposal to revoke the classification of land as Community Land from 10 Oswald Drive separated by actions taken to promote the Information Day prior to commencement of formal consultation, and those actions taken relevant to the formal consultation.

## PROMOTION OF INFORMATION DAY HELD SATURDAY, 10 MAY 2025



**Media Release – Issued 28/04/2025 – Doc 72973**

- Issued to All Staff, Elected Members and Media Distribution List
- Published on Council's website home page as a News Item

*To inform residents and community of upcoming public consultation on the proposed revocation of community land and to drop by and find out more on site and ask questions – Information Day 10 May 2025*

**Website – Home Page Hero Banner – published 28/04/2025, 4.08pm – 14/05/2025, 4.23pm**

- Linking to Media Release issued 28/04/2025

**Social Media Posts - Published on Council's Corporate Facebook Page:**

- 29/04/2025 – 9.35am
- 8/05/2025 – 9.00am
- 10/05/2025 – 7.31am

**Spotlight through the My Local Services App – As of 1 May 2025 – 1119 people have downloaded the app.**

- Published 1/05/2025 – 11.47am – 10/05/2025, 4.37pm

**Push Notification sent through the My Local Services App – 9/05/2025 – 6.30pm**

- To remind the community of the Information Day on Saturday, 10 May 2025

**Promotion of Proposal for Revocation of Community Land – Information Day Poster – displayed at various Council facilities and local business display board on 3/05/2025 – Doc 83651**

- Council Office reception area
- Port Lincoln Civic Centre
- Port Lincoln Library
- Porter Street Plaza Fruit & Veg
- Port Lincoln Leisure Centre
- Cruisers Café
- Port Lincoln Boat Supplies

**Project Team hand delivered Poster, Letter & Q&A Sheet to residences nearby between Monday 5 and Friday 9 May 2025 - Doc 74546**

- 10 Oswald Drive – 16 delivered

For comparison:

- Harbourview Reserve – Highview Drive – 146 delivered
- Seaview Park – Monalena Street – 120 delivered
- 25 Chapman Street – 14 delivered
- Trigg Street Reserve – Willison Street – 40 delivered

- 479 recipients are subscribed to the Corporate E-newsletter, (189 Opens and 31 clicks)
- E-newsletter sent 2/05/2025, 3.11pm

- 84 commercials to air between 3/05/2025-10/05/2025 (5 to 6 adverts per station per day)

- Sign erected as encouraged by the DIT Guidance Paper summarising the proposal and advising on where to locate further information including a QR code linking directly to information held on the Engagement Hub.
- The sign was placed in a prominent location at the entrance to the site from Oswald Drive, Port Lincoln.
- The sign was 600mm W x 450mm D with legible font type and size.



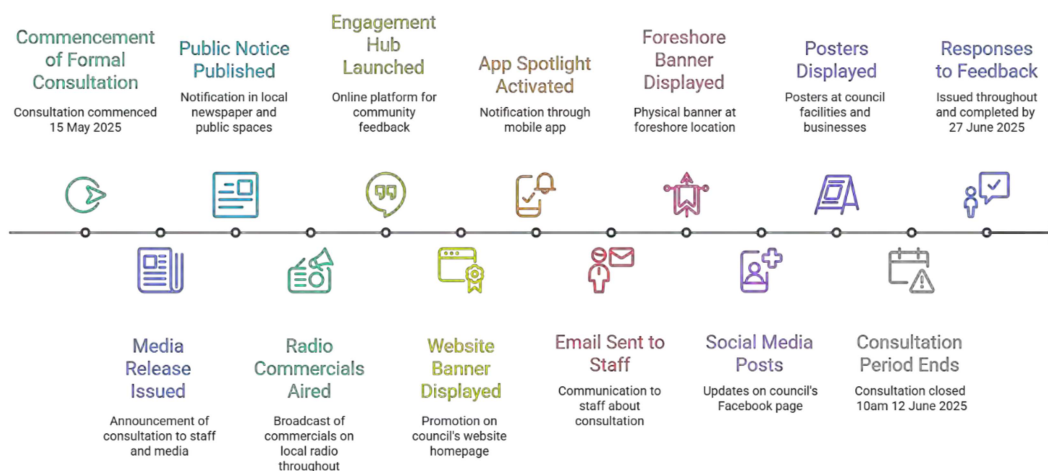
### Information Day on site 10 Oswald Drive – 10 May 2025 – 11.00am to 12.00pm

- Council's General Manager Environment & Infrastructure, Executive Manager People & Culture, Senior Property Officer, Mayor, and Elected Members present.
- Proposal for Revocation of Community Land – Reader-friendly version - Doc 83651 – available as hand out for attendees.
- Bound copies of related Council Plans available for attendees to view.
  - Strategic Directions Plan 2025-2034
  - Housing Strategy 2024-2029
  - Empowering our Elders Strategy
  - Economic Development Strategy 2023-2026
  - Open Spaces Strategy 2021-2026
- 29 people attended the session.

For reference:

- Harbourview Reserve – Highview Drive – 11.00am to 12.00pm
  - Approx. 85-90 people in attendance
- Seaview Park - Monalena Street – 12.30pm to 1.30pm
  - 2 people in attendance
- 25 Chapman Street – 12.30pm to 1.30pm
  - 13 people in attendance
- Trigg Street Reserve - Willison Street – 2.00pm to 3.00pm
  - 14 people in attendance

### PROMOTION OF FORMAL CONSULTATION - INVITED WRITTEN SUBMISSIONS – 15/05/2025-12/06/2025 – 10AM



### Media Release – Issued 13/05/2025 – Doc 74659

- Issued to All Staff, Elected Members and Media Distribution List
- Published on Council's website home page as a News Item

*To inform and invite feedback on the proposal to revoke the community land status of multiple parcels of land – consultation open and written submissions invited from 15/05/2025 to 12/06/2025 – 10am*

**Public Notice – Published in the Port Lincoln Times 15/05/2025 – Doc 74903**

- Public Notice displayed at Council Office reception pin up board
- Civic Centre Display Cabinet at front of building
- Council's website (public notice news item)

**Radio Script – 30 second commercial on Eyre Peninsula Broadcasters – Doc 75323**

60 commercials to air between 21/05/2025-11/06/2025

**Website – Home Page Hero Banner – published 14 May 2025, 4.23pm – 12 June 2025 – 10.07am**

- Linking to Council's online Engagement Hub

**Spotlight through the My Local Services App – As of 1 May 2025 – 1119 people have downloaded the app.**

- Published 14/05/2025 – 4.20pm – 12/06/2025, 10.07am

**Engagement Hub – Proposal for Revocation of Community Land promoted through Council's online Engagement Hub - 15 May 2025**

- YourSAy page link - [\*City of Port Lincoln / Proposal for Revocation of Community Land - 10 Oswald Drive, Port Lincoln\*](#)
- 10 Oswald Drive – Doc 83416

**Email sent to All Staff – 15 May 2025, 9.18am – Doc 74673**

- Advising of formal consultation on the Proposal for Revocation of Community Land sites has begun and attached copy of Poster and Q&A Sheet

**Have your say Banner displayed on Port Lincoln Foreshore – Tasman Terrace**

- 19/05/2025 – 9am to 2/06/2025 – 9am (14 days)

**Social Media Posts – Published on Council's Corporate Facebook Page:**

- 15/05/2025 – 1.10pm
- 21/05/2025 – 10.04am
- 27/05/2025 – 10.00am
- 4/06/2025 – 12.00pm
- 10/06/2025 – 9.00am

**Promotion of Proposal for Revocation of Community Land – Formal Consultation Poster – displayed at various Council facilities and local business display board on 15 May 2025 – Doc 83651**

- Council Office reception area
- Port Lincoln Civic Centre
- Port Lincoln Library
- Porter Street Plaza Fruit & Veg
- Cruisers Café
- Port Lincoln Leisure Centre
- Port Lincoln Boat Supplies
- Port Lincoln Aboriginal Community Council

**Proposal for Revocation of Community Land – Reader-friendly version (includes Q&A Sheet) – Doc 83651 + Annexures A-E – Doc 66721 + original report presented and adopted by Council at the Ordinary Council Meeting - Doc 66906 all made available 15 May 2025**

- 50 printed copies were available during the consultation period
  - 25 at the Council Office
  - 25 at the Port Lincoln Library

**Email sent to Port Lincoln Aboriginal Community Council 15 May 2025, 11.24am – Doc 74749**

- Corporate Communications Officer spoke with Sharon Betts at the PLACC Office to deliver post for display and followed up with an email providing copy of Poster and Proposal for Revocation of Community Land (consultation document) to share with their contacts.

**Email to Local Schools – Proposal for Revocation of Community Land – Poster and Facebook Image asking to share with parents/students and staff**

- Port Lincoln High School – Doc 79954
- St Joesph's School
- Port Lincoln Primary School
- Navigator College
- Port Lincoln Special School
- Kirton Point Primary School
- Port Lincoln Junior Primary School
- Lincoln Gardens Primary School

**Corporate E-newsletter – May 2025 – Doc 78991**

- 494 recipients are subscribed to the Corporate E-newsletter, (212 Opens and 21 clicks)
- E-newsletter sent 29/05/2025. 8.59am

**Media Enquiry received from ABC Eyre Peninsula 30 May 2025 and response provided 2 June 2025, 9.28am – Doc 76505**

**Email to All Staff advising consultation has closed 12 June 2025 – 10.57am – Doc 78965**

**Engagement Hub –updated after consultation closed – 12 June 2025**

**Acknowledgement of Submissions sent to all respondents during the process and after the consultation closed. All Acknowledgements sent by 27 June 2025 via:**

- Engagement Hub
- Email - Doc 74939
- Letter – 83211 (4 letters)

As is evident from above, the consultation process, which has culminated in the preparation of this report to satisfy step 2 of the Policy (as identified above), has occurred in compliance with the Policy and the Act.

**CONSULTATION FEEDBACK SUMMARY**

A total of 65 submissions (0.43% of council population) were received as part of the consultation process this includes two (2) submissions received late on the 13 June 2026 which related broadly to all 5 sites. Where multiple submissions were made by the same respondent, these have been treated as one (1) submission and have been compiled together in the Attachment. It should be noted that forty (40) submissions were provided as direct feedback for the proposal as it relates to 10 Oswald Drive with the remaining twenty-five (25) being submissions received where the respondent provided feedback broadly across the 5 sites identified by Council for revocation.



Submissions were received through the YourSAy engagement hub (59%) , via direct email (38%) and by physical letter (3%).

Of all the 65 of submissions received in relation to the revocation proposal for 10 Oswald Drive:

- 6 indicated support for the proposal; and
- 59 expressed objections to the proposal.

In addition to the consultation feedback, a petition was tabled to Council via its principal office on 11 June 2025 from the Head Petitioner, Mr Chris McGown, on behalf of the persons that signed the petition. The petition contained 168 valid and unique signatures.

The petitioners ‘strongly oppose the City of Port Lincoln Council’s proposal to revoke the community land classification of the reserve located at 10 Oswald Drive for the purpose of constructing residential housing’.

The petition was presented to Council at the Ordinary Meeting of Council held 16 June 2025. Upon receiving the petition, Council resolved the following.

**PETITION RECEIVED – COMMUNITY LAND REVOCATION PROPOSAL AT 10 OSWALD DRIVE PORT LINCOLN**

**CO 25/138      Moved: Deputy Mayor Rowsell      Seconded: Councillor Broadfoot**

**That Council:**

- 1. Notes and receives the petition submitted by Mr Chris McGown on behalf of the residents and community members of Port Lincoln, and surrounds, who have been included in the petition as tabled; and,**
- 2. Acknowledges the significant effort and dedication put into gathering the identified signatures and thanks Mr Chris McGown for his active citizenship; and**
- 3. Advise Mr Chris McGown that the petition will be seriously considered as part of the consultation process on the Community Land Revocation proposal along with all other submissions received and the tabling of the community consultation is scheduled for consideration at the July Ordinary Council meeting.**

**CARRIED**

As per Council Policy, only the first cover page of the petition which provided the details of the Head Petitioner, the subject matter and action that they are seeking Council to consider was included as an attachment to the report. The full petition was made available to the Elected Members via Council Server.

The main grounds for the objections raised are reflective of the grounds that are commonly raised in connection with revocation proposals and included residents’ strong attachment to local open space, uncertainty about future land use, and an expectation of transparency and community benefit.

The key themes that emerged from the consultation, both in support for and in opposition to the proposal are set out in detail below.

## **Key Themes of Support**

A small number of submissions expressed support for the proposal, with the following themes:

### **1. Need to Address Housing Shortage**

- Acknowledgement of the housing crisis in Port Lincoln.
- Support for using underutilised land to address housing shortages for the broader community.

### **2. Strategic Alignment**

- Some submissions highlighted the opportunity for the proceeds from disposal of the land being reinvested back into other strategic open space and community facilities improvements.

## **Response:**

Respondents raised concern about the growing demand for housing within Port Lincoln and implied an urgency for a need to address the issue.

The comments suggest it is appropriate that Council proactively facilitate practical, long-term solutions where land has been identified as suitable for this use when considering nearby open space alternatives. This aligns with the Council's Housing Strategy 2024-2029 and the feedback received from the community during its development. By proactively managing its land portfolio, the Council can contribute to ease housing pressure in a responsible and strategic manner.

Any residential development on the land would be subject to the applicable Property and Development Policies relevant to the land's zoning. This includes matters such as minimal allotment size and street frontage, which would limit any development to something complimentary to the existing area and neighbourhood character.

The zoning, and proximity to alternative formal and informal local level reserves, provides an opportunity for strategically aligned, low impact means to release land for residential development. Doing so will not only reduce annual operational expenses, but sale proceeds can also be allocated to improvements at other open spaces and community facilities, such as the Council's allocation of \$150,000 towards the renewal of the playground at Rustler's Gully in the current Annual Budget of Council. As per the revocation proposal, the proceeds from any sale would be included in the Land and Building Reserve, which would see funds reinvested into community assets and infrastructure, as approved by the Council.

## **Key Themes of Opposition**

The majority of submissions opposed the proposal, with the following themes:

### **1. Loss of Green/Open Space**

- Concern that once green space is lost, it is irreversible.
- 10 Oswald Drive is seen as a valued community asset, primarily to the adjoining residents, even if underdeveloped.
- Descriptions of daily use by families, children, and dog walkers were submitted.

### **2. Impact to Property Views and Values**

- Worries about the impact future development may have on existing property views were noted from those overlooking the reserve.
- Some submissions cited the intended purpose as amenity for the adjoining properties and in ensuring views for those properties.
- Assertions were made that property values would be negatively impacted should the revocation process proceed, and the land be developed.



**3. Unsuitability of the Land for Development**

- Steep slopes, poor access, narrow entry points, and rocky terrain were cited as obstacles to development.
- Residents questioned the benefit of the proposal in addressing the housing shortage.

**4. Environmental and Biodiversity Impact**

- Worries about the impact on native vegetation and wildlife.
- Some submissions noted the park's role in stormwater management and biodiversity.

**5. Alternative Solutions Suggested**

- Suggestions to:
  - Use privately-owned land for development.
  - Improve the park rather than sell it.

**Response to Key Themes of Opposition:**

	<b>Key Theme/Concern Raised</b>	<b>Council Response</b>
<b>1</b>	<b>Loss of Green/Open Space</b> <ul style="list-style-type: none"> <li>- Concern that once green space is lost, it is irreversible.</li> <li>- 10 Oswald Drive is seen as a valued community asset, primarily to the adjoining residents, even if underdeveloped.</li> </ul>	<p>The City of Port Lincoln is committed to providing access to a range of open spaces varying in quality, appearance and amenity in a well-distributed manner, as an 'open space network' within the city.</p> <p>Council maintains a large area of nearby reserve at Valley View Road/Lindsay Street (200m) and Sarah Crescent (350m) which serves similar function to 10 Oswald Drive as informal recreational reserves. Additionally, there is an existing reserve, known as O'Connor Reserve of Flaxman Street (650m) which provides a higher level of amenity for recreation including irrigated lawns.</p> <p>The mentioned nearby reserves are broadly accessible by the community, 10 Oswald Drive does not share this accessibility, and in many cases remains unknown as a public open space. Its community benefit must take this into account.</p> <p>Assessment shows, when referring to the Open Space Strategy, that there is surplus open space within the city when compared to common quantitative standards. When applying quantitative planning standards, the City of Port Lincoln has an oversupply of public open space. In percentage terms, it is more than the 12.5% referred to in Section 198 of the Planning, Development and Infrastructure Act.</p> <p>In proportion to the population, however, there is approximately four (4) times the amount of open space referred to in the planning standard identified above. In this calculation, Council has excluded over 50% of the area of its underdeveloped reserves. If these were included, the amount would be closer to eight (8) times.</p> <p>The below table taken from the Open Space Strategy provides visual of a high-level analysis when looking at the total open space area within the city.</p>

	Existing Population in 2016	Anticipated Population 2026	Amount of Open Space in Port Lincoln - Existing	Amount of Open Space as a % of the Residential area in Port Lincoln in 2016	Amount of Open Space Necessary in Port Lincoln to provide 3ha per 1,000 people in 2016	Amount of Open Space Necessary in Port Lincoln to provide 3ha per 1,000 people in 2026
<b>City of Port Lincoln</b>	14,024	16,200	105ha*	Approx. 15%	44.2ha	48.6ha

\* Murray's Point Reserve (117ha), Grantham Island Reserve (50ha) and two-thirds of the Caravan Park Reserve have been excluded from the calculation of total public open space given that they are substantial areas of open space that are not readily accessible/usable to most residents/visitors (i.e. accessible only by boat or fenced).

It is important to note that, although there are increased maintenance and ownership costs, it is not necessarily a detriment to the city to hold this surplus, unless, when faced with increasing demands for other competing essential services that the community expects. Responsible provision of open space must be balanced against these competing community priorities.

Given that 10 Oswald Drive has been found to be suitable when considering things such as zoning, size etc. and that spatial assessment shows that there is reasonable access to several other local level reserves nearby, there is a high level of reasonableness to disposing of 10 Oswald Drive to address, in part, the significant demand for housing in lieu of its current community benefit as a local open space reserve. Underutilisation must be being considered in this context as the term 'underutilised' is not a claim that the site is currently unused as a reserve.

**2****Impact to Property Views and Values**

- Worries about the impact future development may have on existing property views were noted from those overlooking the reserve.

Any development on the land would be subject to the relevant requirements assessed as part of Development Application process, as such the impact would be within normal planning and infrastructure outcomes in line with those requirements imposed on a private developer.

	<ul style="list-style-type: none"> <li>- Some submissions cited the intended purpose as amenity for the adjoining properties and in ensuring views for those properties.</li> <li>- Assertions were made that property values would be negatively impacted should the revocation process proceed, and the land be developed.</li> </ul>	<p>Development on the land may change the outlook for onlooking properties, and this impact must be assessed against the intended community benefit of the proposal.</p> <p>It is understood that the land was transferred to Council in 1982 under s223LF of the Real Property Act as a developer's contribution in lieu of monetary consideration. Whilst the requirement for such contributions remain to this day, it is important to put this into the context of the surrounding area and competing strategic needs. With several nearby reserves, and pressing need for housing availability, the most strategic use of the land could be reasonably demonstrated as being for use for residential development.</p> <p>For this to occur, the revocation process under Section 194 of the Act must be followed, which, if completed in fullness, removes the reservation of the land as a 'reserve' as described in Section 195 of the Act. This process exists in legislation to enable communities to adapt over time, and facilitate such changes in use.</p> <p>Whilst the open space contribution may have been designed by the respective developer to utilise the lowest value portion of land being developed and done in a way to maximise values of adjoining allotments to be sold, this is not an ongoing value offered by the land. The benefit predominantly accrues to a select few proximate residents, rather than providing a sustainable and accessible asset for the broader community as demonstrated by the site receiving the lowest available score in the Open Space Strategy for access (1-2). This deviates from the fundamental principle of Community Land being, by definition, intended to be for enjoyment by the broader community.</p>
<b>3</b>	<p><b>Unsuitability of the Land for Development</b></p> <ul style="list-style-type: none"> <li>- Steep slopes, poor access, narrow entry points, and rocky terrain were cited as obstacles to development.</li> <li>- Residents questioned the benefit of the proposal in addressing the housing shortage.</li> </ul>	<p>Whilst the site does present with additional challenges for development, construction and engineering practices exist and are in-practice across industry, including within the city. Those challenges may define the construction methodology, and the considerations made to achieve project viability, but they do not preclude development of the land.</p> <p>Any development completed on site will require a full development approval process, including referral to external agencies (including those dealing with Sewer and Power such as SAPN and SAWater).</p>

It is noted that any future development would require careful consideration of access roads to ensure traffic is appropriately managed. Off street parking is part of the development approval assessment process.

The land that forms 10 Oswald Drive, although subject to change further review and survey which would be undertaken by any prospective developer, if approached conservatively, could be suitable for the creation of 2-3 allotments by way of a land division. With high-growth population predictions suggesting a requirement for 40 additional dwellings per annum, this project could satisfy 5% or more of annual housing growth needs, an outcome prediction which would need to be considered against current community benefit.

In respect of maintenance costs, whilst the revocation proposal has been driven primarily due to the suitability of the land for use in addressing housing shortages, there are some positive financial outcomes that could also be realised should the land be disposed of and repurposed, which are shown in the below table.

<b>10 Oswald Drive</b>	<b>24/25</b>
Lincoln Tree Control	\$ 1,436.60
Water - no charge	\$ -
<b>10 Oswald Expenses</b>	<b>\$ 1,436.60</b>
 <b>Potential Annual Rate Revenue</b>	 <b>\$ 4,020.08</b>
 Potential Disposal Price based on OVG value	 \$ 430,000
<b>Interest on funds @ 4.15%</b>	<b>\$ 17,845.00</b>
 <b>Total Annual opportunity cost</b>	 <b>\$ 23,301.68</b>

4	<b>Environmental and Biodiversity Impact</b> <ul style="list-style-type: none"> <li>- Worries about the impact on native vegetation, wildlife, and climate impact.</li> <li>- Some submissions noted the park's role in stormwater management.</li> </ul>	<p>Any future development of the site would be subject to compliance with the <i>Native Vegetation Act 1991</i> and <i>Planning Development and Infrastructure Act 2016</i>. The requirements of this legislation operate such that if the proposed development at the site has a negative impact upon the environment, it is offset via a Significant Environmental Benefit (SEB) outcome within the region. It is likely that a future project would require the removal of vegetation on the site, however, there may be mandatory requirements for some to be retained or for other open space to be established in the development.</p> <p>This would necessitate a report to be commissioned by an accredited Native Vegetation consultant has under the requirements of the Native Vegetation Regulations 2017.</p> <p>Whilst protections exist and are imposed onto developers, it is considered likely that the type of residential development that would take place on the land would be largely tailored to match the existing neighbourhood character and be intentionally sensitive to native vegetation and wildlife. Failing this, the legislated protections would achieve similar outcomes.</p> <p>Impacts of any development of the land on stormwater management would be assessed and resolved through the Development Application process.</p> <p>The reserve, identified as a 'Bush Reserve' scored the lowest available score for its 'Nature and Environmental' value being 1-2 (out of 10) within the Open Space Strategy.</p>
6	<b>Alternative Solutions Suggested</b> <ul style="list-style-type: none"> <li>- Use privately-owned land for development.</li> <li>- Retain part of the reserve (e.g., 30%) and develop the rest.</li> <li>- Improve the park rather than sell it.</li> </ul>	<p>Unfortunately, as indicated in Council's Housing Strategy, there is a shortfall in available housing within the City of Port Lincoln area. There are also many privately approved developments that have not progressed to construction to various factors that have limited their financial viability.</p> <p>Similarly, due to the layout of the reserve, retaining say 30% and developing the rest is unlikely to make the project viable. It is also noted that there are several reserves within the nearby vicinity.</p> <p>As indicated above, the current level of open space/reserve is in the order of four times the required under planning guidelines based on population numbers. However, Council has a recognised shortage in housing, particularly in the affordable/social housing space.</p>

## **ALIGNMENT WITH COUNCIL STRATEGIES:**

### **Housing Strategy 2024-2029 and Community Needs**

The proposal aligns with the City of Port Lincoln's Housing Strategy 2024–2029, which identifies a significant shortage of housing in Port Lincoln. This shortage is evident in both the rental and residential markets and is recognised as a major community issue. One of the Strategy's key actions is to consider the use of Council-owned land for residential development. It is noted Council received over 260 submissions in preparing this plan noting the challenges the broader community face.

### **Strategic Directions Plan 2025–2034**

Following broad community consultation, the City's Strategic Directions Plan 2025–2034 identifies a specific action, Action 1.3, which states: "Continue to implement Council's Housing Strategy to expand fit-for-purpose housing options, including through the release of Council land and reassessing Council's City masterplan and associated zoning." This clearly outlines the importance of this initiative to the broader community. Additionally, Action 1.4 is: "Actively investigate and facilitate options for expanded childcare services." Further, Action 2.1 reads: "Advocate for continued investment and expansion of Health and Aged Care Services including regional offerings ....." These actions demonstrate the Council's commitment to addressing community needs and planning for sustainable growth and underscore the reasoning behind undertaking this revocation process.

### **Open Space Strategy 2021–2026**

The Open Space Strategy 2021–2026, developed by the City of Port Lincoln, identifies under Goal 1, Action 2: "Dispose of existing surplus land," and Action 3: "Identify and dispose of surplus land during reserve planning processes where appropriate after consultation with the community." The strategy also assesses the access and environmental value of the 10 Oswald Drive reserve as 1–2 (out of 10) and its play and recreation scores as 1–2 (out of 10) being the lowest available scores. This strategy involved significant community consultation and provides a framework for managing public open spaces in a way that aligns with community needs and resources.

## **SUMMARY & RECOMMENDATION**

The consultation process for the revocation proposal has been comprehensive. It occurred in compliance with the Act and the Policy and was informed by the state government guidance paper.

Allotment (Reserve) 103 Deposited Plan 22525 in the area named Port Lincoln Hundred of Lincoln, being the land comprised in Certificate of Title Volume 5520 Folio 195 and more commonly known as 10 Oswald Drive, Port Lincoln, driven by the strategic goals of the Council including the Open Space and Housing Strategies has been identified as surplus. Further investigations have confirmed this position.

This assessment took into account many of the concerns raised during consultation when conducted and measured those against the beneficial outcomes of the proposal and to existing service levels such as nearby community assets.

65 submissions were received in connection with the revocation proposal, with 40 of 65 being submitted in direct response to 10 Oswald Drive. The majority of the submissions opposed this proposal.

Whilst it is acknowledged that the loss of this reserve would effect members of the community, primarily the adjoining residents, there are still considered to be compelling reasons to progress the proposal. Indeed, this is necessary if the Council wishes to take steps itself to address the affordable housing issue, as Council committed to do in Action 8 of Goal 1 of the Housing Strategy 2024-2029.

When assessing the positive strategic outcomes versus the immediate impacts upon residents and taking into consideration that funds generated from disposal can be put back into further improvements to community assets, this revocation proposal is considered to be significantly beneficial for the community.

### **OPTIONS:**

There are several options for Council to consider in determining whether or not to proceed with the proposed revocation. However, there appear to be three main options with a few variations: (1) do not proceed and retain the land as a reserve (2) do not proceed and do further work to formally determine demand for the site and the potential outcomes through an independent study, and reconsider this site but with a clear proposal on the development outcomes (3) proceed with an application for permission from the Minister to revoke.

The three proposed options/resolutions are as follows:

#### **Option 1: To not proceed with revocation**

This option stops the land revocation process and thereby retains the community land status of the reserve.

#### **That Council:**

- 1. Having regard to the process undertaken, is satisfied the public consultation has met the requirements of Council's Public Consultation & Community Engagement Policy; and**
- 2. Receive and note the submissions received during the Public Consultation process as presented as an attachment to this report; and**



3. In the exercise of the power contained in section 194 of the Local Government Act 1999 and having considered the results of the public consultation process determine not to proceed further with an application to revoke community land status for Allotment (Reserve) 103 Deposited Plan 22525 in the area named Port Lincoln Hundred of Lincoln, being the land comprised in Certificate of Title Volume 5520 Folio 195 and more commonly known as 10 Oswald Drive, Port Lincoln.

**Option 2: To not consider revocation until further investigative work is done**

Do not proceed and do further work to formally determine demand for the site and the potential outcomes through a further assessment, and reconsider this site but with a clear proposal on the development outcomes including traffic impacts etc.

It may be that this results in the matter not being considered again for the foreseeable future or ever if developmental outcomes cannot be reasonable forecast by the investigations.

**That Council:**

1. Having regard to the process undertaken, is satisfied the public consultation has met the requirements of Council's Public Consultation & Community Engagement Policy; and
2. Receive and note the submissions received during the Public Consultation process as presented as an attachment to this report; and
3. In the exercise of the power contained in section 194 of the Local Government Act 1999 and having considered the results of the public consultation process determine not to proceed further with an application to revoke community land status for Allotment (Reserve) 103 Deposited Plan 22525 in the area named Port Lincoln Hundred of Lincoln, being the land comprised in Certificate of Title Volume 5520 Folio 195 and more commonly known as 10 Oswald Drive, Port Lincoln, at this time.

**Option 3: To proceed with revocation**

This option initiates the process of an application to the Minister to request permission to revoke the Community Land status and, if successful, would trigger a further process to dispose of the land as per relevant Council policy.

**That Council:**

1. Is satisfied the public consultation process undertaken as outlined in this report has met the requirements of the Local Government Act 1999 and the Council's Public Consultation & Community Engagement Policy; and
2. Receives and note the submissions received in connection with the Public Consultation process, which are as contained in the attachment to this report; and
3. In the exercise of the power contained in section 194 of the *Local Government Act 1999* and having considered the outcomes of the public consultation process, submits to the Minister for Local Government:
  1. the Proposal to Revoke Community Land Classification of Land Report and attached appendices; and
  2. a report addressing all submissions made in connection with the public consultation process; and
  3. all other documentation as required or as the CEO determines,

**For the purposes of seeking the Minister’s approval for the Council to revoke the community land classification attaching to Allotment (Reserve) 103 Deposited Plan 22525 in the area named Port Lincoln Hundred of Lincoln, being the land comprised in Certificate of Title Volume 5520 Folio 195 and more commonly known as 10 Oswald Drive, Port Lincoln.**

**RECOMMENDATION:**

Public consultation on the proposed revocation of Community Land status for 10 Oswald Drive generated strong engagement (65 submissions; 168-signature petition) and clear concern about loss of open space, local amenity and impacts on the immediate resident’s property views and values, even as respondents acknowledged the City’s pressing housing challenges. Council’s own strategic documents recognise both sides of this tension: the *Housing Strategy 2024-2029* commits Council to “Explore opportunities with registered housing providers to deliver housing on surplus council land.” The *Open Space Strategy* calls on Council to ‘Dispose of existing surplus land’ as an action of Goal 1: yet the *Environmental Sustainability Strategy 2025-2034* identifies the need to “Consider biodiversity conservation in Council’s strategic decisions relating to development of Council land”.

Given the significance of the community response and the legislative safeguards around revocation under s194 Local Government Act 1999 (SA) (including Ministerial consent and best-practice engagement per DIT Guidance Paper No.5), and the overall predictable outcomes the development of the land would have on the City’s housing shortage, Option 1 to not proceed with the revocation is being put to the Council. The primary reason for the recommendation is based on the relatively limited development potential of the site, compared to the perceived strong community response opposed to the proposal.

It is therefore the recommendation of the Council Administration that Council not to proceed further with an application to revoke community land status for Allotment (Reserve) 103 Deposited Plan 22525 in the area named Port Lincoln Hundred of Lincoln, being the land comprised in Certificate of Title Volume 5520 Folio 195 and more commonly known as 10 Oswald Drive, Port Lincoln, although options as described exist.