

Legislative Council—No 29

As introduced and read a first time, 21 June 2006

South Australia

**Local Government (Open Space) Amendment
Bill 2006**

A BILL FOR

An Act to amend the *Local Government Act 1999*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Local Government (Open Space) Amendment Act 2006*.

2—Amendment provisions

- 5 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Local Government Act 1999*

3—Amendment of section 194—Revocation of classification of land as community land

- 10 (1) Section 194(3)—delete subsection (3) and substitute:
 - (2a) A public consultation policy for the purposes of subsection (2) with respect to land that is significant open space must at least provide for—
 - 15 (a) the council to serve a copy of the relevant report under subsection (2)(a) on the electors in respect of a place of residence or rateable property located (in whole or in part) within 500 metres of any part of a boundary of significant open space; and
 - 20 (b) the council to allow those electors a period determined by the council (which must be at least 1 month after service of the report) to make submissions to the council in relation to the matter.

- 5 (2b) If within the period determined under subsection (2a)(b) 10 per cent or more of the electors entitled to receive a copy of the report under subsection (2a)(a) notify the council in writing that they desire a poll to be conducted on the matter, the council cannot proceed to take further steps to revoke the classification of the relevant land unless or until the council has conducted a poll of electors for its area under the *Local Government (Elections) Act 1999* in relation to the matter.
- 10 (2c) If a majority of electors voting at a poll under subsection (2b) vote against the proposal to revoke the classification of the land as community land, the council cannot proceed to revoke that classification in relation to the land unless—
- 15 (a) a majority of electors for its area voting at a subsequent poll under the *Local Government (Elections) Act 1999* vote in favour of the revocation (without the need for the council to repeat any step previously undertaken under this section); or
- 20 (b) the council revives the proposal to revoke the classification following a general election of the council and, after again completing the steps required under subsection (2), a poll is not required under subsection (2b) or, if a poll is so required, a majority of electors voting at the poll vote in favour of the revocation.
- 25 (3) Subject to complying with the requirements of the preceding subsections (and subject to the outcome of any poll under those subsections), the council may then submit the proposal to the Minister and, if the Minister approves revocation of the classification, the council may, by resolution, revoke the classification of the land as community land.
- 30 (3a) The council must, in submitting a proposal to the Minister under subsection (3), furnish to the Minister a report—
- (a) on all submissions made to the council as part of the public consultation process required under subsection (2); and
- (b) if relevant, that certifies the outcome of any poll conducted by the council in relation to the matter.

(2) Section 194—after subsection (4) insert:

- 35 (5) In this section—
- significant open space*** means a piece of land (including land comprising more than one certificate of title)—
- (a) that—
- 40 (i) is wholly or predominantly open space; or
- (ii) is identified as open space in a Development Plan; and
- (b) that is located in an urban area or in a township; and
- (c) that has an area of at least 250 square metres.

Schedule 1—Transitional provision

1—Transitional provision

5 The amendments made by this Act to the *Local Government Act 1999* extend to a proposal under consideration by a council under section 194 of that Act at the time of the commencement of this Act, other than where the council has, before that commencement, submitted the proposal to the Minister under subsection (3) of that section.