Berri Barmera COUNCIL

Proposal to revoke land from its Community Land classification, July 2026

Lot 15 Chilton Road, Berri

- For community consultation –

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Introduction/purpose

The Council seeks to commence a process to revoke the Community Land status of land forming a portion of Lot 15 Chilton Road, Berri ('*the Land*').

The land is a 3,359m² portion of land associated with and located in the north-east corner of Alan Glassey Park. The land is currently being informally utilised for horticultural production and is encroached upon by an outbuilding associated with the dwelling on the adjoining allotment at 67 Chilton Road, Berri.

The revocation of the land's Community Land status forms part of a proposed land swap arrangement initiated by the owner of the adjoining property at 57 Chilton Road, Berri. The proposal involves the exchange of a 1,755m² portion of their land adjoining Alan Glassey Park in return for *the Land*.

In these circumstances, the Council now wishes to commence a process to revoke the Community Land status of *the Land* and to consult/engage with the community on its proposal accordingly.

In accordance with Section 194(2) of the *Local Government Act 1999*, the Council must prepare and make publicly available a 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 prepared with a view to sale or disposal of the land and, if so, details 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 (community engagement) policy.

The revocation framework is outlined in Section 3 of this report.

Further details of the proposal are set out herein.

The subject land

The Land, as shown below in *Figure 1*, is located at Lot 15 Chilton Road, Berri.

The land is described as Allotment 15 in Deposited Plan 26325 and is contained within Certificate of Title Volume 5155 Folio 55.

The Land is 3,359m² in area, and is located in the north-east corner of Alan Glassey Park, which lies on the eastern periphery of the Berri township.

The Land is currently occupied by horticultural production and is otherwise encroached upon by an outbuilding associated with an existing dwelling at 67 Chilton Road, Berri.

The Land is surrounded by horticultural production to the north and east, low-density residential development to the south, and recreational land uses to the west.

The land is accessed via a public road between Chilton Road and Stadium Drive.

The Land is located within Rural Neighbourhood Zone, as described within the South Australian Planning and Design Code, a Zone which provides for predominantly residential development with complementary ancillary non-residential uses compatible with a spacious and peaceful lifestyle for individual households.

A copy of the Certificate of title is contained within **Appendix A**.

Figure 1 – Subject Land



Source: SAPPA

The Revocation Framework

As prescribed by Chapter 11 of the *Local Government Act 1999* ("the Act"), and as described in the Community Land Revocation Guidance Paper prepared by the Office of Local Government, April 2022, the statutory framework that governs a revocation process is summarised below.

The framework aims to ensure a consistent, strategic and flexible approach to the administration and management of local government land (as that term is defined under the Act). Its objectives are to protect community interests in land for current and future generations.

The land is classified as Community Land and for so long as that is the case, the Council is required to manage it in accordance with the community land provisions under the Act and its Community Land Management Plan.

However, Council may seek to revoke the classification of the land as Community Land in accordance with section 194 of the Act. This process involves the following steps:

- Preparation of a Section 194(2)(a) report

  A report is prepared outlining the proposed revocation and including all information required under section 194(2)(a) of the Act.

- Community consultation

  The Section 194(2)(a) report forms the basis for public consultation, undertaken in accordance with section 194(2)(b) of the Act and Council's public consultation policy. Public notice of the proposal will be provided via Council's website and a local newspaper. Adjoining landowners will be notified by letter, and the report will be made available on Council's website and at the Council office. Submissions will be invited from the public.

- Consideration of submissions and referral to the Minister

  After the consultation period closes, Council will consider all submissions received. Submitters will be advised of the meeting date and time at which Council will consider their submissions. Council will then decide whether to proceed with the proposal. If it does, a report summarising all submissions will be forwarded to the Minister for approval under section 194(3)(a) of the Act.

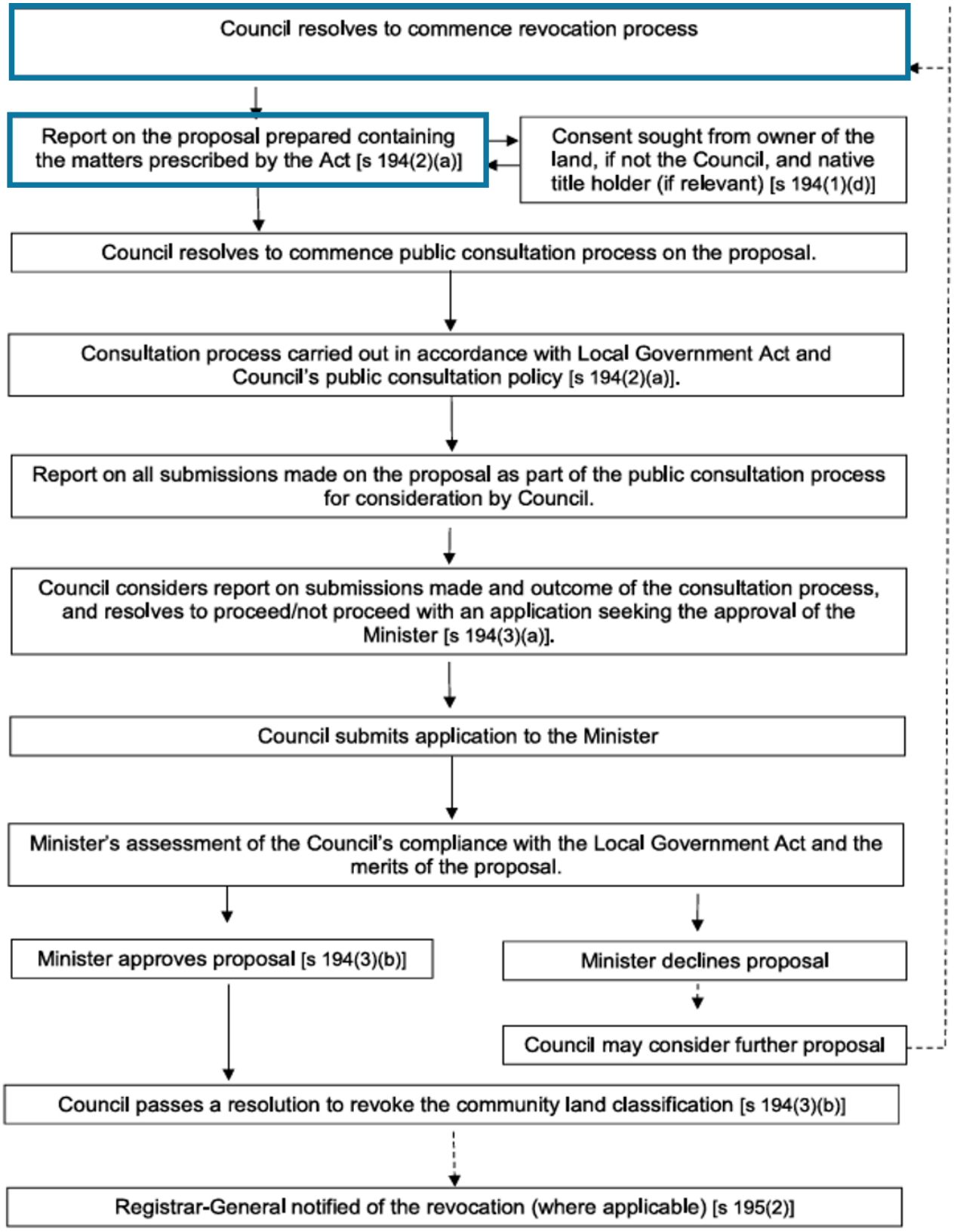
- Ministerial approval and final Council resolution

  If the Minister approves the proposal, Council may then resolve to revoke the Community Land classification under section 194(3)(b) of the Act. The revocation only takes effect once this final resolution is made.

A graphic illustration of the process is shown in Figure 2 on the following page – the current stage of the process is highlighted in blue (note that some steps are not relevant in the case of the revocation proposal in respect of the land).

Please also refer to Chapter 11 of the *Local Government Act 1999*.

Figure 2 – Community Land revocation process



Source: Community Land Revocation Guidance Paper prepared by the Office of Local Government, April 2022.

Prescribed Section 194(2)(a) matters

As outlined above, before the Council submits a proposal to the Minister for the purpose of seeking approval on the revocation of the classification of the Land as Community Land, it must prepare and make publicly available a report on the proposal.

This report forms Council's proposal and the basis of the Council's consultation with the community.

This report must address all of the matters listed in section 194(2)(a) of the Act, each of which are detailed under the following subheadings:

(i) summary of the reasons for the proposal

As outlined in Section 1, Council has been approached by the landowner of 57 Chilton Road, Berri to undertake a land swap involving a portion of their land and the portion of Community Land that forms the subject of this report.

The revocation of the Community Land classification is required to facilitate this proposed land swap.

The proposed revocation and subsequent land swap represent a logical formalisation of the existing arrangement, whereby each portion of land is effectively being used in a manner consistent with its proposed future tenure. The Community Land is currently being used informally for private purposes in association with adjacent primary production, while the private land forms part of the broader of Alan Glassey Park. This process will regularise these arrangements and align legal tenure with actual land use.

The Community Land, in its current state, provides limited benefit to the broader community, as it does not function as part of Alan Glassey Park in a practical sense. It is not landscaped, nor is it used for sport, recreation, or any other active public purpose so far as the Council is aware. The zoning applying to the land, being the Rural Neighbourhood Zone, also differs from that of the wider Alan Glassey Park, which is zoned Recreation Zone, and therefore may not support the same range of public recreation outcomes or uses. In contrast, the land to be received is zoned Recreation Zone, which is more consistent with its intended use as part of Alan Glassey Park. Please see Figure 3 below for Zoning Ordinance.

Figure 3 – Zoning Ordinance



Source: SAPPA

(ii) a statement of any dedication, reservation or trust to which the land is subject

As outlined earlier, the land is located at Lot 15 Chilton Road, Berri.

The Land is described in Certificate of Title Volume 5150 Folio 55 as:

- Lot 15 in Deposited Plan 26325
- Being freehold land - fee simple
- Being in the ownership of the Berri Barmera Council

The proposed Community Land revocation does not relate to the entire allotment, but rather a 3,359m² portion located in the north-eastern corner of the allotment.

There are no dedications, reservations, or trusts registered over the land.

A copy of the Certificate of Title is contained in **Appendix A**.

(iii) statement of whether revocation of the classification is proposed and 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

Yes, revocation of the Community Land classification is proposed. Council wishes to swap this piece of land for a 1,755m² portion of land at 57 Chilton Road, Berri.

The proceeds in this case would be the 1,755m² portion of land at 57 Chilton Road, Berri, as shown in Figure 1. This portion of land would continue to be utilised as part of Alan Glassey Park, consistent with its current informal use.

(iv) an assessment of how implementation of the proposal would affect the area and the local community

The subject land is currently identified primarily as an undeveloped portion of the Alan Glassey park, which is informally being utilised for private purposes in association with adjoining land uses. Accordingly, if the Community Land classification were revoked and the subject land disposed of, the community would no longer have access to, or use of, the land.

Council is of the opinion that the revocation of the Community Land classification will not adversely impact the community, as the land provides limited open space value in its current condition. Any potential adverse impact is considered to be suitably offset by the receipt of land at 57 Chilton Road, Berri.

The land is located in a Rural Neighbourhood Zone, as described in the Planning & Design Code – a zone that provides for predominantly residential development with complementary ancillary non-residential uses compatible with a spacious and peaceful lifestyle for individual households.

Any future development of the land would be subject to complying with the provisions of the Rural Neighbourhood Zone, via a development assessment process through the relevant planning authority. In certain cases, this process would also involve public notification.

The community will benefit through the subsequent land swap, which will formalise the tenure of land currently being utilised as part of Alan Glassey Park, ensuring the land is appropriately aligned with its existing community use.

Council's Strategic Plan 2025-2035 was adopted by Council in July 2025 after a period of public consultation and provides the framework for future sustainability of the Council, its area and the wider region.

At a strategic level, the revocation of the Subject Land is consistent with Council's Strategic Plan. The following priorities, outcomes and objectives are relevant to this proposal:

Strategic Priority: Vibrant Community

Outcome 1: Fostering a Safe, Inclusive and Welcoming Community

Objective 1.1: Improve neighbourhood safety, accessibility and usability of public spaces.

(v) 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

Not applicable – the land is owned by the Council.

Submissions

In line with Council's Public Consultation and Community Engagement Policy, Council invites and welcomes community submissions on the Community Land revocation proposal for the land.

Submissions should be addressed to:

The Chief Executive Officer
Berri Barmera Council
PO Box 229
Berri SA 5343

and received by no later than 23 September 2026.

Please direct any enquiries or questions to:

Tim Pfeiffer
Chief Executive Officer
Berri Barmera Council
08 8582 1922

Appendix A – Certificate of Title

LAND SERVICES SA

Product	Register Search (CT 5150/55)
Date/Time	13/08/2026 02:24PM
Customer Reference	
Order ID	20260813007314

REAL PROPERTY ACT, 1886 South Australia

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 5150 Folio 55

Parent Title(s)	CT 4282/658				
Creating Dealing(s)	RTD 6755572				
Title Issued	21/10/1993	Edition	3	Edition Issued	18/12/2006

Estate Type

FEE SIMPLE

Registered Proprietor

THE BERRI BARMERA COUNCIL
OF PO BOX 229 BERRI SA 5343

Description of Land

ALLOTMENT 15 DEPOSITED PLAN 26325
IN THE AREA NAMED BERRI
BERRI IRRIGATION AREA

Easements

NIL

Schedule of Dealings

NIL

Notations

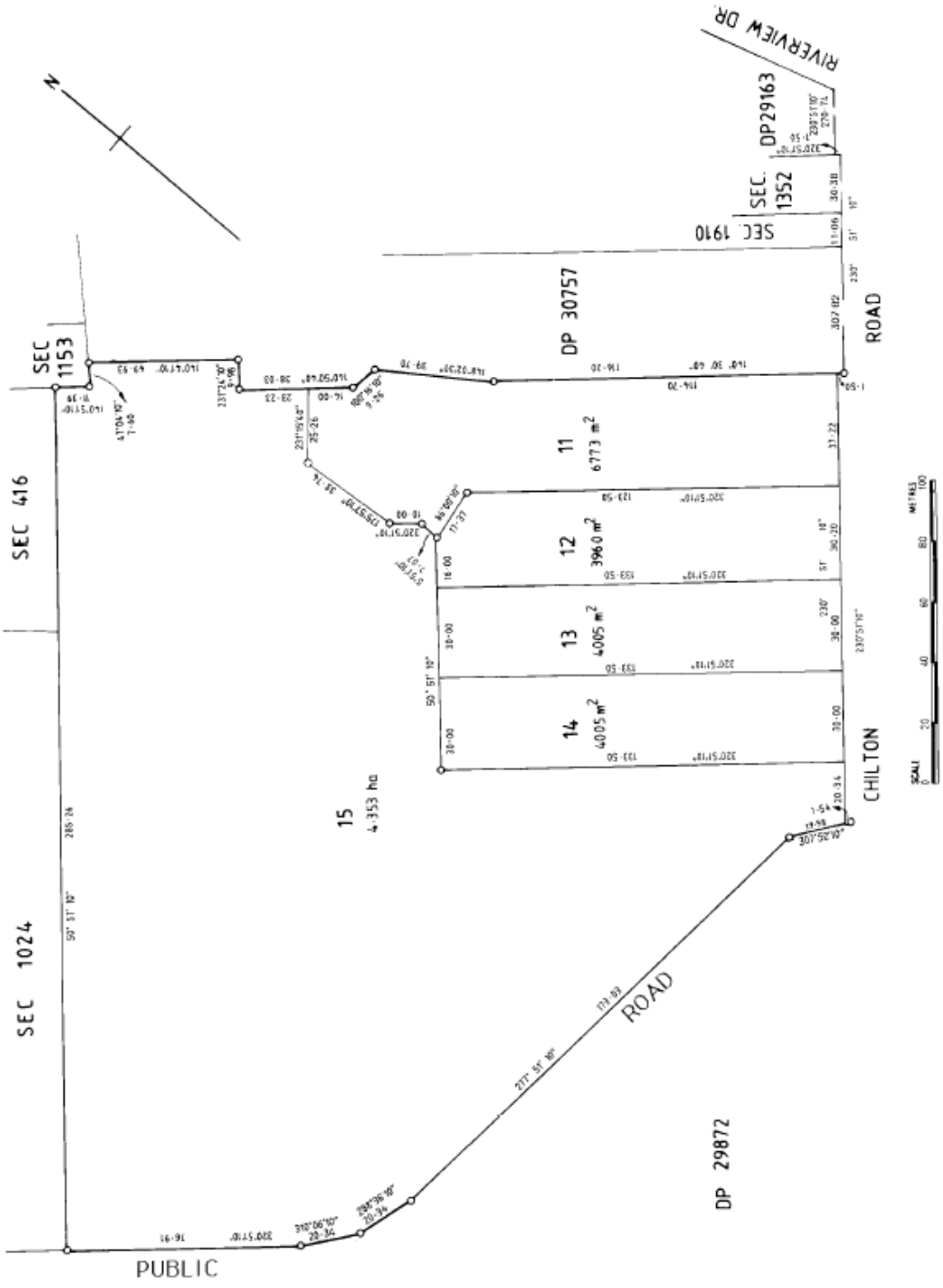
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL

Registrar-General's Notes

AMENDMENT TO DIAGRAM VIDE 9/96
APPROVED D117644

Administrative Interests	NIL

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