



Presentation of Key Issues and Council Comments

Proposed Revocation of Community Land Black Point

Key Issue 1

Can the freehold of the blocks be offered to the Life Tenure Leaseholders and those shacks adjacent to the Reserves only? Current leaseholders should be given first right of refusal.

“Concerns of risk to security of the current tenure and access to life tenure”

“Council regulations in regard to building on freehold land where shack is still under lease”

Council Comment

If the revocation proceeds and is approved, there will be no changes to the current tenure arrangements with the Crown. Land Management Agreements would be registered on Certificates of Titles of any new freehold allotments created, preventing any development from occurring until the Crown lease shack sites in front of the allotments being sold is removed.

Furthermore, if the revocation proceeds, the provisions of the Local Government Act do not place any direct restrictions on the price which must be obtained by the Council for the sale of Council land. Council would ensure that any sale or disposal would be transparent and ensure that Council obtains the best price and that all potential purchasers are given equal opportunity to purchase the land or assets. Council would have the following options available as described below:

- sale by public advertising or public auction or
- negotiate directly with persons who have a pre-existing interest in the land

As part of any sale process Council would obtain 2 independent valuations of each of the proposed allotments (on the basis of a subdivision taking place), which can be used to set the reserve price for auction or for direct negotiation.

Council does not yet have a position on the method that would be used if the revocation process does proceed.

Key Issue 2

Council has an obligation to provide adequate and safe beach access. Community members believed they would always have access to the beach.

“Restricting public access to 3km of beach”

“Has Council considered future outcomes of public access and retreating from the public beach, with more residents at Black Point”

Council Comment

Council acknowledges that adequate, safe provision of beach accesses and rights of way will need to be established and maintained by Council as part of any land division process.

As part of the scoping process and initial concept plans if the revocation were to proceed, alternative beach access and public walkway routes were identified. These were outlined in the Community Engagement Report – Revocation of Community Land Classification, September 2016 (‘Community Engagement Report’), available on the Council website.

Key Issue 3

Council has misled the Black Point Community about the status and continued land use. Council states in the 2016 Community Engagement report that reasons Council obtained the reserves was so that public access to the beach could be secured for the future and the balance of the land could be utilised for recreational purposes. The negotiations about the original development between the Council and the developer Prodec, were contingent on Prodec granting Council the Reserves for those reasons. This is evident from the Council’s Statement of Requirement dated September 1994, which required the reserves to be acquired by the Council before the original development could proceed.

Council Comment

The Community Engagement Report was drafted to provide information to the community in relation to the potential revocation at Black Point.

The section of the recent Community Engagement Report questioned in Issue 3, refers to a historical decision made by the former Central Yorke Peninsula Council and reflects the position of the Council at that time.

As noted in the Community Engagement Report, Council have noted that since the creation of the reserves, the primary use of the reserves is by the adjacent shack owners for access and storage of vehicles and boats.

The open space reserves have minimal value from a recreational or leisure perspective and have little or no impact on future recreational opportunities for the local or wider community. The land is not being utilised in this manner due to the location of the reserves being at the rear of the existing leasehold shacks and the adjoining properties being residential.

Key Issue 4

Some community members have expressed that they paid a premium for their property due to the fact that the land (Allotments) situated behind or next to their property. If the land was built on, then views could be obstructed and therefore severely devalue these properties.

“If I had have known Councils intentions to revoke the land then I would have purchased a property elsewhere”.

Some community members have stated that they will seek compensation if views are obstructed and properties devalued.

Council Comment

Black Point has lineal development along the entire foreshore. The blocks concerned will create a natural infill of the existing allotments along the streetscape. Current design guidelines within Council’s Development Plan will ensure that any further development will be in keeping with the character of the area, if the revocation were to proceed.

Key Issue 5

“Revocation is a quick cash grab without consideration as to how it will affect the existing Black Point community”.

What will Council do with the funds raised from the sale of the Reserves if they are sold?

Council Comment

Council has a duty of care to its entire community. It is part of good governance to consider all opportunities to minimise annual rate increases and offer value for money at every opportunity.

As reported in the Community Engagement Report, if the revocation were to proceed on all proposed allotments the sale of the reserve would contribute to the following projects -

- Installation of fixed walkways on both sides which may minimise any future safety concerns and assist with launching and retrieval activities.
- \$150k - Community projects on application from Black Point Progress/Black Point community.
- Road renewals – The balance of all other proceeds to be injected into Council’s unsealed road network, above and beyond those currently identified and projected in Council’s Long Term Financial Plan.

Key Issue 6

Will Revocation put additional strain on water, sewerage, services and amenities?

“Inadequate infrastructure”

“Further stress on water and sewerage, service and amenities”

Council Comment

The Community Wastewater Management Scheme (CWMS) allows for 115,000 litres per day through the treatment plant. Current flows average less than 20,000 litres per day. Peak period flows (Christmas to New Year) reach a maximum of 65,000 litres per day.

Council’s water scheme aims to deliver between 5 and 20 litres per minute. Actual readings through the meter reach an average high of 50 kilolitres per day during summer months. The supply to Councils tanks is up to 432 kilolitres per day. Council has never experienced supply problems to the storage tanks and reserve capacity is enough for six days of average use.

Taking this data into consideration, if the revocation were to proceed, the addition of these proposed allotments will not impact on the current infrastructure.

Key Issue 7

The Black Point Progress Association would like to see the reserves developed further with recreational facilities, such as bbqs, picnic tables, parking etc.

“Lack of development on reserves is reason for underutilisation”

“Council has failed to invest in infrastructure to encourage local and wider community to enjoy Black Point”

Council Comment

After a review of Council’s records from 2003, Council has not identified any requests regarding the recreational facilities, or lack of, located around Black Point. Council have identified land to the south-west of Black Point (Maxine Hawke Reserve) suitable for park and recreation facilities.

It is noted that the caravan park area contains a BBQ and tables with chairs for public use.

If the revocation were to proceed, the map below highlights that 2.4 % of the total reserve area for Black Point is proposed for the revocation process. Therefore 97.6% of reserve land remains available for potential future recreational facility development.



Remaining reserves (97.6%) are highlighted in green

Key Issue 8

Diminution of Public Space – ***“the amount of open space for access and visual connection between the sea and Black Point Road and the allotments to the south is a critical element of the character of this settlement”.***

Council Comment

The proposed revocation and sale of these four allotments will have minimal impact on the character of Black Point.

Current design guidelines within Council’s Development Plan will ensure that any further development will be in keeping with the character of the area.

Key Issue 9

The reserves should be designated car parking for visitors to Black Point.

“Currently limited public places for car parking”

Council Comment

Council records have not identified any requests to improve or make available more car parking at the reserves, moreover it is noted by Council staff that the existing carparks are underutilised.