DIRECTOR DEVELOPMENT SERVICES

DA/ITEM 6.4

1. REVOCATION OF COMMUNITY LAND BLACK POINT – ALLOTMENT 201

PURPOSE

To consider submissions received in relation to the community engagement process for the revocation of Community Land classification, for the purpose of selling property at Black Point.

RECOMMENDATION

The Council:

1. receives written submissions received in relation to the proposed revocation of the classification as community land Allotment 201, Certificate of Title 5294 Folio 896 provided to the Council under separate cover to the report of the Director Development Services in relation to Item 6.4 (the submissions);
2. having considered the submissions defers the further consideration of this matter to the May 2017 Ordinary Council Meeting.

LINK TO STRATEGIC PLAN

Goal:	1 Economically Prosperous Peninsula
Strategy:	1.2 Deliver strategic and responsible land use planning
Goal:	5 Responsible Governance
Strategy:	5.3 Meet all legislative requirements and compliance with Council's internal controls

BACKGROUND

The Local Government Act 1999, establishes a framework for the classification of most land owned by a Council or under a Councils care, control and management (local government land) as 'community land'.

The framework aims to ensure a consistent, strategic and flexible approach to the administration and management of local government land. Its objectives are to protect community interests in land for current and future generations.

It is important to note that the Council is the instigator of this proposal to revoke the classification of community land, and as such, it is ultimately the Council that is responsible and accountable to its community for the decisions it makes.

The Act seeks to ensure that members of the community are involved in the revocation process, and to provide them with an opportunity to make submissions which Council must consider.

The Act sets out the process the Council must follow to revoke the community land classification of land. The process for revoking community land classification exists to give scope to the Council to determine (in consultation with its community) whether the community's long-term interest in a parcel of land does or does not need to be protected.

The Council must, before revoking the community land classification of land as community land make publicly available a report containing the matters prescribed in Section 194(2)(a) of the Act.

At the Council meeting of 14th September 2016, the Council considered reports of the Director of Development Services in relation to the proposed revocation of the classification as community land Allotments 201, 202, 203 and 204 Plan Number 41613, (the Land). At that meeting the Council resolved to commence the community engagement process for the revocation of the community land classification for the Land. As required by the Act, a report was prepared and made publicly available in accordance with, and containing the matters prescribed in, Section 194(2)(a) of the Act and community consultation was undertaken in accordance with the Council's Community Engagement Policy as required by the Act.

In accordance with Councils Community Engagement Policy a Level 2 Community Engagement process was undertaken. The community engagement commenced on 21st September and concluded on 25th November 2016, providing the opportunity for community members to make a submission to Council.

The Level 2 community engagement notification included;

- personalised letter sent to Black Point property owners – Attachment 5
- a Public Notice was advertised in the Yorke Peninsula Country Times on 20th September and 18th October 2016 – Attachment 6
- Public Notification on Council's website and the Community Engagement Report - Attachment 7
- copy of signage erected on Allotments 201, 202, 203, and 204 notifying of the community engagement for the proposed revocation of community land – Attachment 8
  (Copy of signage in situ – Attachment 8)
- notification on Council's Facebook page

DISCUSSION

The Act (s50(4)(b)) requires that the Council's public consultation policy must provide for the consideration by Council of any submissions made. Once the public notification period has ended, there must be compliance with this aspect of the policy. The Act (s194(3)(a)) also requires that the Council submit to the Minister a report on all submissions made as part of the consultation process.

As a result of Council resolving to commence with the community engagement process at the 14th September 2016 Council meeting, a Level 2 consultation process was undertaken in accordance with the Community Engagement Plan as per Attachment 4.

In accordance with the Community Engagement process, community members were provided with a 9 week period to make a submission to Council, with the opportunity to make a verbal submission to the February 2017 Council meeting.

At the end of the consultation process, Council had received 26 written submissions. Of those written submissions received, 4 people have indicated (at the time of writing this report) that they would like to make a verbal presentation to Council.

A petition with 104 signatures was also received and presented to the 14th December 2016 Council meeting.

A copy of the Submissions Summary identifying the public's issues is contained within Attachment 1.

A Location Map of Submissions Received is in Attachment 2.

A copy of the Comments to the Key Issues is contained in Attachment 3.

A full copy of the written submissions has been received and provided under separate cover.

After considering the public submissions, Council may resolve to seek Ministerial approval for the proposal. Only then can an application be made to the Minister. Council cannot delegate the power to make an application to the Minister, this must be a resolution of Council.

If the Minister approves the proposal, the Council may then (but is not required to) make a resolution revoking the classification of the Land as community land.

Officers are recommending that Council defer the matter to the May 2017 Council meeting in order to further assess the written and verbal submissions and seek clarification where necessary by way of further engagement with the community.

COMMUNITY ENGAGEMENT PLAN

Community Engagement Plan Level 2 – Consult. Now completed.

CONSULTATION PROCESS

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Corporate Management Team
- Property Tenure Officer

In preparing this report, the following External Parties were consulted:

- Maloney Field Services
- MoselSteed

POLICY IMPLICATIONS

PO072 Disposal of Land and Other Assets

PO057 Community Engagement Policy

BUDGET AND RESOURCE IMPLICATIONS

No budget implications during the revocation process excepting signage and postage costs which were absorbed in existing budgets. Should the revocation proceed and land is listed for sale, the following costs are anticipated (at the time of writing this report).

- Approximately $4,000 – Conveyancer fees including LMA for each allotment.
- Approximately $10,600 – Development Application fees including Development Assessment Commission Application, consulting, drafting, surveying & administration include monitoring of development application and work following the approval.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government Act 1999 Section 194 (2)(a) and Section 201 (2)(iii).

ATTACHMENTS

Attachment 1: Summary of Submissions Received.

Attachment 2: Location Map of Submissions Received.

Attachment 3: Comments to Key Issues.

Attachment 4: Completed Community Engagement Plan.

Attachment 5: Letter to Black Point Property Owners.

Attachment 6: Public Notice - Appearing in Yorke Peninsula Country Times.

Attachment 7: Community Engagement Report.

Attachment 8: Copy of Signage - Copy of Signage in Situ

Black Point Revocation of Community Land - Submissions Summary

Attachment 1

	Name/Resident	Black Point property	Property in the vicinity of	Summary	For/ Against
1	Kim Lodge	A150	A201	Is in agreement with Dr Gray's submission. Disappointed and against the revocation proposal. Will seek compensation if revocation proceeds.	Against
2	Dr John Gray	A22	A201	There are negative impacts on selling all the properties. Outlines a detailed solution/way to move forward which includes - retaining A201 & A202 as reserve, 1 site on A203 & A204 as reserves, transfer owership of one site on A201 to BPPA for future community facility: and create fund from 25% of land sales for BP projects. Sees the revocation as a short sighted cash grab by Council. Request to appear before Council.	Against
3	Kym Woolford	A46	A201/202	Provides background history of reserves with past plans of BP & notice from BP Shackowners Assoc. dated 15/2/1996. The reserves are a community asset vested to Council. Strongly asks Council to remove the revocation application for all allotments. Is willing to appear before Council.	Against
4	Vin & Deb Callery	A1072	A202	A1072 is behind A202. Are not in favour of the revocation. Council has an obligation to provide adequate and safe beach accesses and if revocation went ahead this would be compromised. Revocation not in the best interest of the community.	Against
5	Andrew Derrington	A372	A202	A372 is in front of A202. Was never offered freehold of the adjoining allotment due to it being left as a reserve. Due to size of the block it should not be included in the proposal. Strengh of the community will depend in part on limiting further development. Concerned that the sale of A202 will significantly affect the enjoyment of the amenity and potentially interfere with the enjoyment of his shack.	Against
6	Robert and Janet Potter	A404	A202	A404 is behind A202. Assured A202 could not be further developed nor would beach access be restricted which reflects in the increased land value. Does not support the revocation as the proposal will potentially restrict their sea views and beach access. There may be compensation claims directed at Council if revocation is approved. Strongly oppose.	Against
7	Graham Derrington	A407	A202	A407 is behind A202. Of the understanding that A202 was designated as beach access and public carpark. Feels there is already inadequate car parking and notes there is currently signage infront of shacks stating that vehicles cannot park on private property, indicating a lack of parking space.	Against

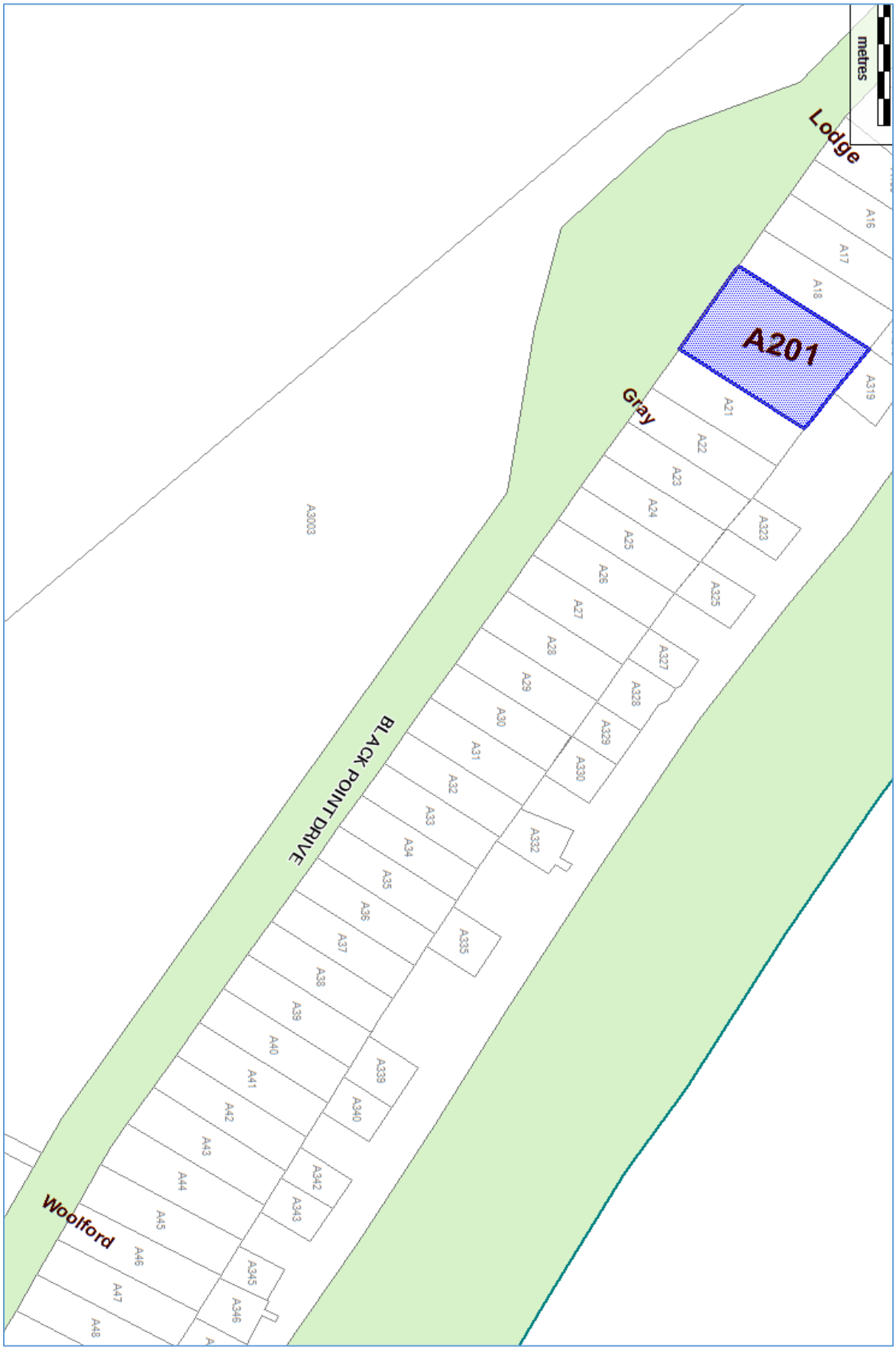
	Black Point Revocation of Community Land - Submissions Summary				Attachment 1
	Name/Resident	**Black Point property**	**Property in the vicinity of**	**Summary**	**For/ Against**
8	Andreyev Lawyers on behalf of Geoffrey Stock	A408	A202	A408 is behind A202. Council has misled client and the Black Point community about the status and continued land use. Believed that they would always have acces to the beach and unobstructed views. It was this expectation, reinforced by the Councils representations that enabled the developer to successfully concude the development and the sale of the allotments. Requests to appear before Council.	Against
9	Paul Ware	A409	A202	A409 is located behind A202. Of the belief that A202 would become a carpark with clear access to the beach. Current beach access is very small and not practical. Strongly objects to the sale of the block because they want a decent beach access. Requests to appear before Council.	Against
10	Rodney and Kay Fox	A390	A203	A390 is in front of A203. Are pleased with the revocation proposal. 2/12/2016 - Kay contacted the office to say that she is only in favour of the revocation if she is given the first right to purchase one of the allotments.	Maybe
11	Arch Thorne	A391	A203	A391 is in front of A203. Applaudes the idea of the revocation. Money raised would benefit rate payers and make the boat ramp safer. There would be no additional strain on amenities as they are currenlty using them. Would like to buy one of the allotments and believes current lease holders should be given the first right to purchase the allotments. In favour of the revocation.	For
12	Ian Bonnin	A392	A203	A392 is in front of A203. Insufficient information to make decision if they support or oppose revocation. Would certainly oppose the revocation if it meant any risk to the security of their current tenure and access to life tenure. However, if subdivided may be interested in purchasing land depending on a number of factors. Addresses issues raised by BPPA, which author does not agree with.	Not sure
13	John Morgan	A502	A203	A502 is behind A203, Totally against revocation proposal. Purchased his land in 1999 with the belief that these allotments were reserves and would stay that way. Land value will drop without walkway access to the beach. A very nasty precedent will be created by the proposal which will spoil the amenity of Black Point. Goes against many land priciples detailed in Council's development guidelines.	Against

	Black Point Revocation of Community Land - Submissions Summary				Attachment 1
	Name/Resident	**Black Point property**	**Property in the vicinity of**	**Summary**	**For/ Against**
14	Karren and Warren Corbett	A503	A203	A503 is behind A203. Council has never maintained the properties therefore they look to the public, as being private properties. Suggests that Council collaborate with BP Progress to rehabilitate the reserve for environmental, recreational and leisure pursuits. Paid a premium for A503 with knowledge that A203 was to be created into a reserve therefore A503 would be severly devalued if the revocation went ahead. Is a desperate measure to raise revenue therefore the revocation is not justified. Requests to appear before Council.	Against
15	Rob and Greta Lake	A91	A203	A91 is behind A203. Believe they paid a premium for their land with knowledge that A203 would be created into a reserve in the future. Lack of development & access of reserve is reason for underutilisation. An open reserve would provide parking for visitors and easier access to the beach. Creation of open space creates a community meeting place for existing property owners to congregate & children to play. The revocation is a quick 'cash grab' without consideration by Council as to how it will affect the existing BP community. Strongly objects & will consider legal position if revocation is approved.	Against
16	George Kourlis	A505	A203	A505 is behind A203. Is against the revocation and has concerns about losing beach accesses and community space. It is common sense to preserve the allotments as was agreed on when development occurred. A201 - sell one block only. A202 - leave as is. A203 & A204 - sell one block only from each allotment Remaining lots could be cleared for open car parking. In the process of building at Black Point and not confident anymore due to the mistrust of Council. Requests to appear before Council.	Against
17	David Hindmarsh	A121	A204	A121 is behind A204. Totally disagrees with revocation. Revocation will put further stress on water & sewerage services and amenties. Paid a premium price for the property as it is situated behind a reserve & has sea vistas so sale of reserve will reduce the value of A121. Will be seeking compensation from Council if revocation goes ahead. If he knew the revocation was going to happen then he would have purchased a property in Wallaroo instead.	Against
18	Wayne Stringer	A419	A204	A419 is in front of A204. Submission states A119 however property is A419. Expresses interest in purchasing A204.	For
19	Diane McGrath	A420	A204	A420 is in front of A204. Is upset that a two storey dwelling could potentially be built behind her shack. Request to purchase land behind her shack approx. 4 years ago was refused. Raises privacy concerns of buildings behind her shack and that beach access could be compromised.	Against

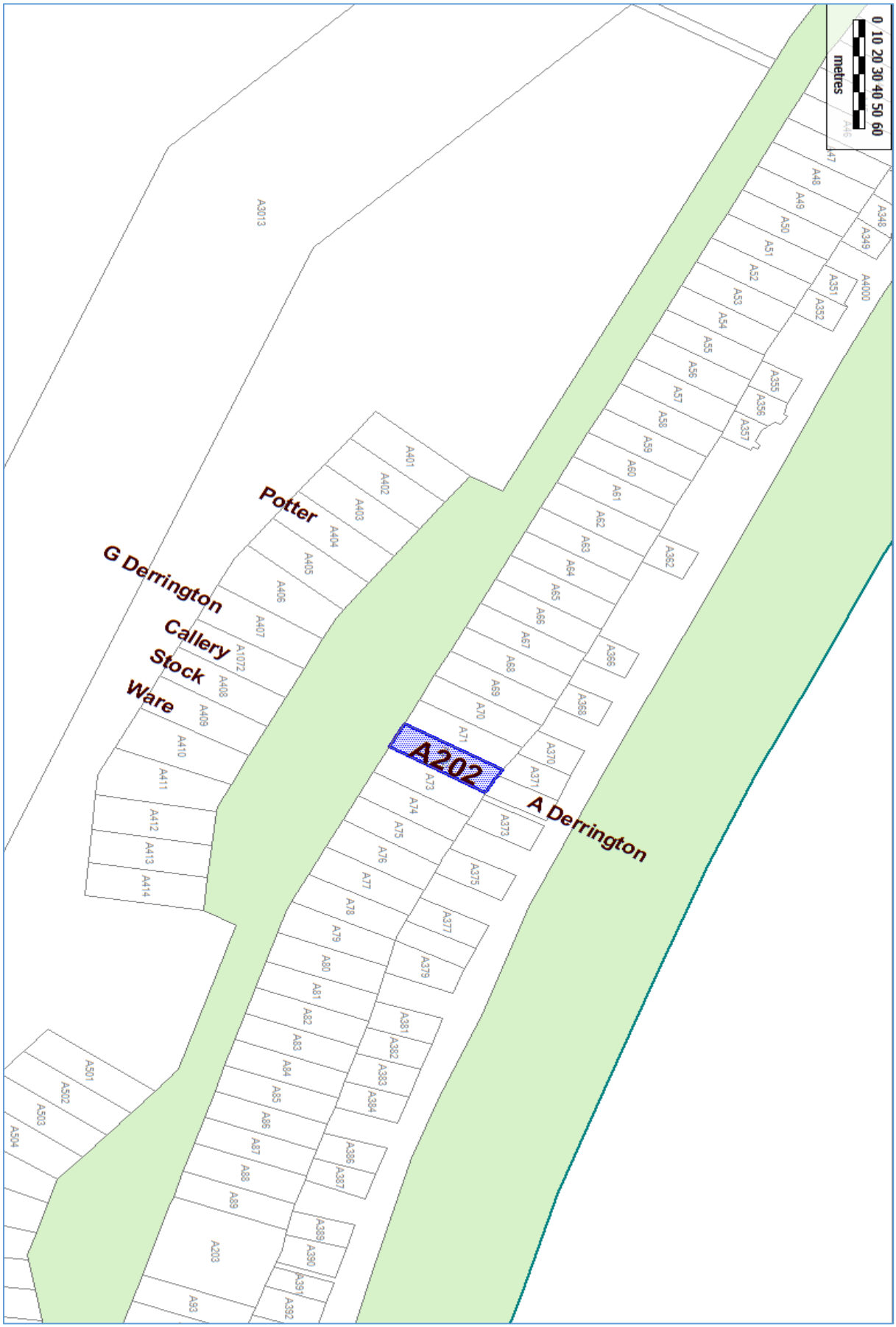
	Black Point Revocation of Community Land - Submissions Summary				Attachment 1
	Name/Resident	**Black Point property**	**Property in the vicinity of**	**Summary**	**For/ Against**
20	The Fire Service Fund	A604	A204	A604 is behind A204. The Funds house is single storey and substantial drop in value of their property would be certain if A204 was sold & up to 3, two storey homes were built, blocking their view across A204. The Fund urges Council not to revocate the land. Property is used for the exclusive use for the Rest & Rehabilitaion of SA MFS employees & familiies.	Against
21	Cosimo Cardone	A606	A204	A606 is behind A204. The revocation may consequently obstruct views & devalue his property. When A606 was purchased he was told that nothing would be built in front of A606, on Crown land. Strongly opposes the revocation at Black Point.	Against
22	PD & BJ Sanders, JK White, BJ Dare, MWD Sanders	A122	A204	A122 is next to A204. Against the revocation. Understanding was that several parcels of land would remain community land to ensure permanent public access to the beach. If the revocation was to go ahead they believe the sale of the freehold allotments should be offered to the current shack owners who have the lease on the beach side of the allotments at a similar price to what they would have paid 20 years ago.	Against
23	S T Greenslade & V F Hodges	A124	A204	Adjacent to A204. Against the revocation. Revocation propposal is a contradiction to how the freeholding plans were proposed & presented to shack owners at the time.	Against
24	Graham Dickson	A607	A204	Writing on behalf property owners who have signed a petition. Believes the reserve classification designated, should remain. Ratepayers behind the reserves, feel a revocation is a betrayal of the conditions that they purchased their land under. The petitioners reserve the right to appear before Council.	Against
25	Black Point Progress Association		All	Overwhelming response from BP survey, for oppostion to the revocation. Provides history of the four reserves. Unable to support the revocation proposal. Feels that Council has breached the trust of the BP community, would be diminishing public space & there is insufficient infrastructure for development. Council is opportunistic with no regard for community interest. Will pursue legal counsel if Council chooses to ignore the issue and concerns raised. Further letter received requesting to appear before Council.	Against

	Black Point Revocation of Community Land - Submissions Summary				Attachment 1
	Name/Resident	**Black Point property**	**Property in the vicinity of**	**Summary**	**For/ Against**
26	Burke Urban		All	Provides a precise account on the background & process of the creation of the reserves. Councils strong desire to open the beach to the public. This enabled car parking areas and public access, sufficient space and orderly breaks in the free-holding lots so that the long linear nature of the shack environment would be broken, with the objective of making the area more public friendly. Creation of the reserves resulted in the inability to offer freeholding opportunities for some future purchasers. Provides comment on Council's reasons for the proposed revocation in particular on the statement on interest expressed by adjoining properties, the current use of the reserves by shack owners & the reserves having little or no impact on future recreational opportunities. Requests to appear before Council.	Against
27	Petition			104 signatures tabled at the 14th December 2016 Council Meeting	

Allotment 201 **LOCATION MAP OF SUBMISSIONS RECEIVED** **Attachment 2**

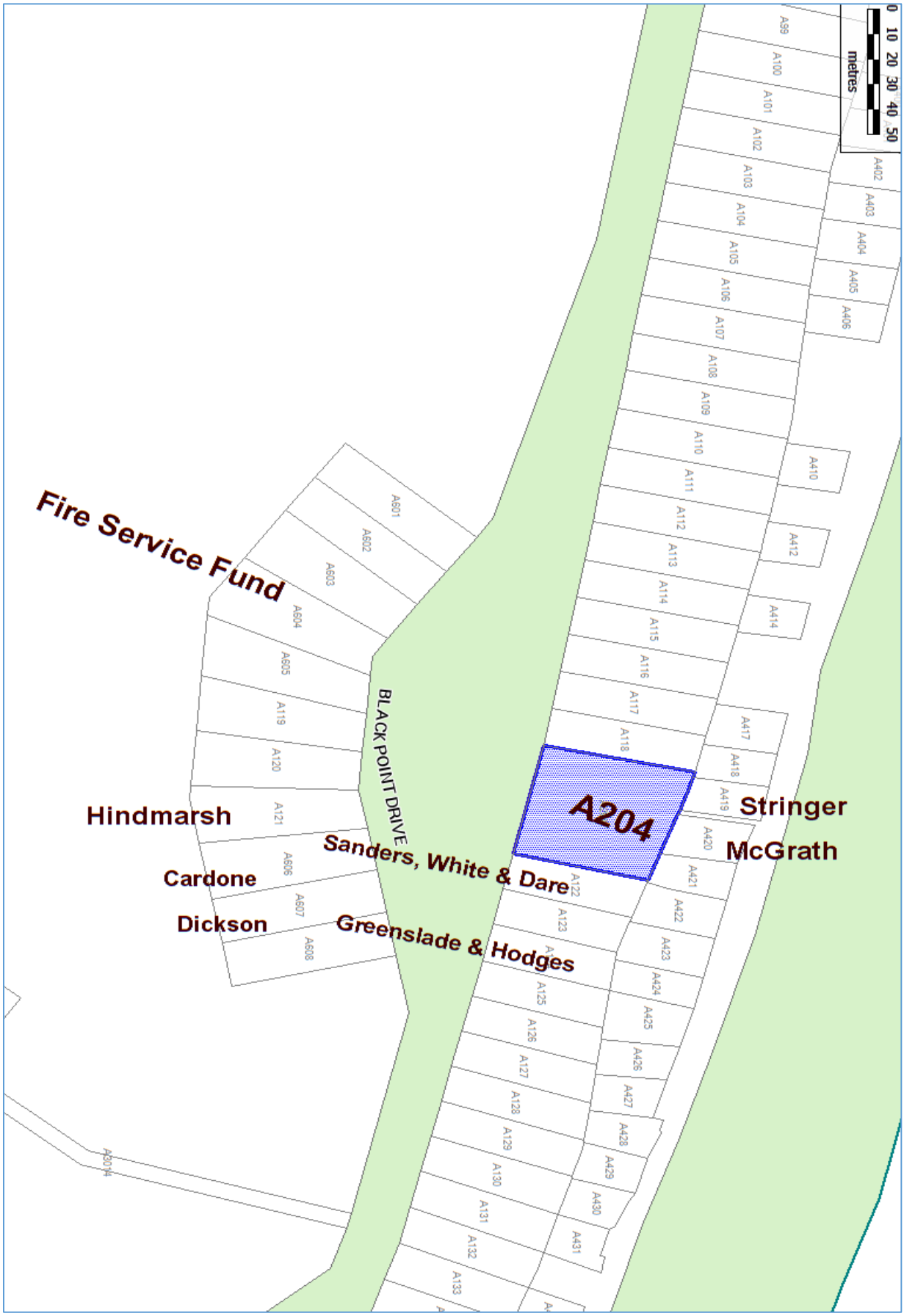


Allotment 202



Allotment 203

Allotment 204



Comments – Key Issues

Attachment 3

Breach of trust

"Misleading representations by Council to client and community at the time"

"Council previously demanded the reserves with strong desire to open the beach to the public"

"Contradiction to how freeholding plans were proposed / presented to shack owners"

"Double dipping of funds from sale of old road reserve"

"Proposal goes against many of Council's land principles detailed in development guidelines"

"Council is required in accordance with Clause 6(a) of LGA 1999 – to act as a representative etc"

"Reserves were to be used as public access ways and recreational purposes. Not to be developed or built on"

Council comment: The former Central Yorke Peninsula Council requested reserves be established in the land division process however Councils records have not identified any requests to develop the reserves further for community activities.

Current tenure for shacks

"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: 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 is removed.

'Rights of way' would be registered on Certificate of Title of any new freehold allotments to provide legal access to existing Crown Lease shack sites.

Walkways would also be established in each reserve that's subject of the revocation process for public access to the beach.

Car parking

"Off street parking for visitors"

"Value that community places, on ensuring the allotments remain communal land"

"Currently limited public space and access to beach"

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.

Access

"Will devalue property financially and recreationally by blocking sea views and restricting beach access for future use"

"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: Provision of walkways for beach access would be included in any proposed land division of the reserves.

Dwelling Clusters south of reserves

"Paid premium price due to reserve being in front of allotments, sea views & beach access"

"Devaluation of property"

"Loss of view and amenity if 2 storey building is erected"

Council comment: No evidence available to determine categorically that views and/or property valuations would be affected.

Reserves

"Lack of development on reserves is reason for underutilisation"

"Council has failed to invest in infrastructure to encourage local & wider community to enjoy Black Point"

"Lack of open green space and diminution of public space and community facilities"

Council comment: Council records have not identified any requests to develop further the reserves for community activities.

Infrastructure

"Inadequate infrastructure"

"Further stress on water & sewerage services & amenities"

Council comment: There is capacity in the current water and wastewater systems to cater for any new allotments as proposed within the report.

COMMUNITY ENGAGEMENT PLAN - Attachment 4

SF215
Responsible Officer: Business Improvement Officer
Issue Date: 10th June 2015
Next Review Date: June 2019

PROJECT NAME: REVOCATION OF COMMUNITY LAND – ALLOTMENT 201 BLACK POINT

Stakeholders	Level 2 CONSULT	Responsibility	Start Date	End Date	Status	Evaluation Method
Affected residents	Personalised Letter	Director Develoment Services	5/09/2016	5/09/2016	C	Report back to Council on the outcome of the Community Engagement process.
Entire community	Public Notice	Director Develoment Services	21/09/2016	25/11/2016	C	
Entire community	Website	Director Develoment Services	21/09/2016	25/11/2016	C	Elected Members to make decision based on any submissions received from the Community Engagement process.
Entire community	Social Media	Director Develoment Services	21/09/2016	25/11/2016	C	
Entire community	Signage	Director Develoment Services	21/09/2016	25/11/2016	C	
Entire community	Ability to appear before Council	Director Develoment Services	8/02/2017	8/02/2017	C	

YORKE PENINSULA COUNCIL

PRINCIPAL OFFICE:
8 Elizabeth Street, Maitland
Telephone (08) 8832 0000
ALL CORRESPONDENCE TO:
PO Box 57, MAITLAND, SA 5573
Fax (08) 8853 2494
Email: admin@yorke.sa.gov.au
Website: www.yorke.sa.gov.au

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Attachment 5

Dear Sir or Madam,

Allotments 201, 202, 203 & 204 Black Point Drive, Black Point

As part of Council's ongoing review of assets, a proposal has been submitted to examine the release of community land allotments at Black Point.

The Proposal involves the revocation of the Community Land classification for each of the above mentioned Reserves, to enable Council to subdivide the properties, with the intent of selling each new allotment.

A report will be presented to the 14th September 2016 Council meeting seeking Council's permission to examine the revocation process, the community engagement process on the proposal being the first step.

In the event that the decision is made to commence the consultation process, a public notice will be advertised in the YP Country Times and on Council's website giving the public the opportunity to forward submissions to Council, on the matter. A copy of the public notice will also be posted to you for your information and a sign advertising the proposal will be displayed on each of Allotments 201, 202, 203 & 204. Submissions can be received up to 5.00pm, 25th November 2016.

A further report will be presented to Council early next year on the outcome of the community engagement process. If Council decide to proceed with the revocation process, an application will be submitted to the Minister for Planning, to approve the revocation.

Please do not hesitate to contact me on (08) 8832 0000 if you have any queries in relation to this matter.

Yours sincerely

Roger Brooks
DIRECTOR DEVELOPMENT SERVICES

BRANCH OFFICES
MINLATON: Phone 08 8853 3800
YORKETOWN: Phone 08 8852 0200
WAROOKA: Phone 08 8854 5055

Attachment 6

YORKE PENINSULA COUNCIL

COMMUNITY ENGAGEMENT
PROPOSED REVOCATION OF COMMUNITY LAND CLASSIFICATION

Notice is hereby given pursuant to Section 194(2)(b) of the Local Government Act 1999 that Yorke Peninsula Council proposes to revoke the classification of Community Land for the following properties:

The whole of Allotment 201 Black Point Drive, Black Point, in Deposit Plan 41613 comprised in Certificate of Title Volume 5294 Folio 896
The whole of Allotment 202 Black Point Drive, Black Point in Deposit Plan 41613 comprised in Certificate of Title Volume 5294 Folio 897
The whole of Allotment 203 Black Point Drive, Black Point in Deposit Plan 41613 comprised in Certificate of Title Volume 5294 Folio 898
The whole of Allotment 204 Black Point Drive, Black Point in Deposit Plan 41613 comprised in Certificate of Title Volume 5294 Folio 899

The proposed revocation is to enable Council to consider subdividing the subject properties with the intent to sell each allotment.
A detailed report in relation to the proposed revocation and future intentions of the land is available for viewing at Yorke Peninsula Council offices at Maitland, Minlaton, Yorketown and Warooka and on Council's website, www.yorke.sa.gov.au

Enquiries on this matter can be directed to
Roger Brooks, Director Development Services
Phone: (08) 8832 0000

Written submissions are to be addressed to:
Revocation Black Point
Attention: Director Development Services

Submissions close at **5.00pm Friday, 25th November 2016** and can be forwarded by;
Post: Yorke Peninsula Council, PO Box 57 Maitland SA 5573
Facsimile: (08) 8853 2494
Email: admin@yorke.sa.gov.au
Personal Delivery: Council offices as listed above.

All submissions received will be provided to Council for consideration.
Please indicate in the submission if you wish to appear before Council on this matter.

Andrew Cameron
Chief Executive Officer

Attachment 7

COMMUNITY ENGAGEMENT REPORT

REVOCATION OF COMMUNITY LAND CLASSIFICATION

BLACK POINT RESERVES

SEPTEMBER 2016

COMMUNITY ENGAGEMENT REPORT

Purpose of report

To provide information in regard to the proposed revocation of the Community Land classification for Allotments 201, 202, 203 & 204, Black Point Drive, Black Point for the purpose of subdividing and then selling each of the properties.

Background

Back in the mid-1980s, Council was approached by developer Prodec Pty Ltd, with a proposal to offer freehold titles to the existing shack owners at Black Point. Subsequently, the road reserve at the rear of the beachfront shacks was sold to the developer.

The developer then created a new road south of the existing road reserve and subdivided the existing road. The new allotments were offered as freehold land to the then shack owners directly in front.

Council at the time were mindful that when the freeholding process was completed and the shacks relocated onto the freehold land, public access to the beach would be restricted. Council negotiated to obtain several reserve areas within the old road reserve 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. This resulted in four reserves being created along Black Point Drive being Allotments 201, 202, 203 and 204.

The four properties are registered in the ownership of Yorke Peninsula Council and not subject to any dedication, additional reservation or trust other than being vested to Council as a reserve. Council are not aware of any Government assistance to initially acquire the land.

Reason for proposal

There has been significant interest expressed by adjoining property owners, and other interested parties, in the possibility of purchasing the properties.

Since the creation of the reserve, 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.

As there is no strategic or operational need to retain ownership of the subject lands, they have been identified as being surplus to Council's needs.

Disposal, with the view to sell the properties, is considered to be appropriate in this instance.

To enable Council to sell the subject lands and in accordance with the Local Government Act 1999, it is necessary for Council to revoke the Community Land classification on each of the allotments.

As a matter of consistency with existing freehold allotments at Black Point, a Land Management Agreement (LMA) may need to be registered on the Certificate of Title for new allotments, to advise future owners of any development restrictions on the land, until any existing buildings are removed from the adjoining Crown land.

A commercial valuation of the properties will be sought should the revocation process proceed and land division occur.

Proceeds of proposed sale

It is proposed that the proceeds of the sale of the reserve will contribute to the following projects -

- $150k - Black Point Boat Ramp ($300k Project with SABFAC committing $150k).
- 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.

Property details

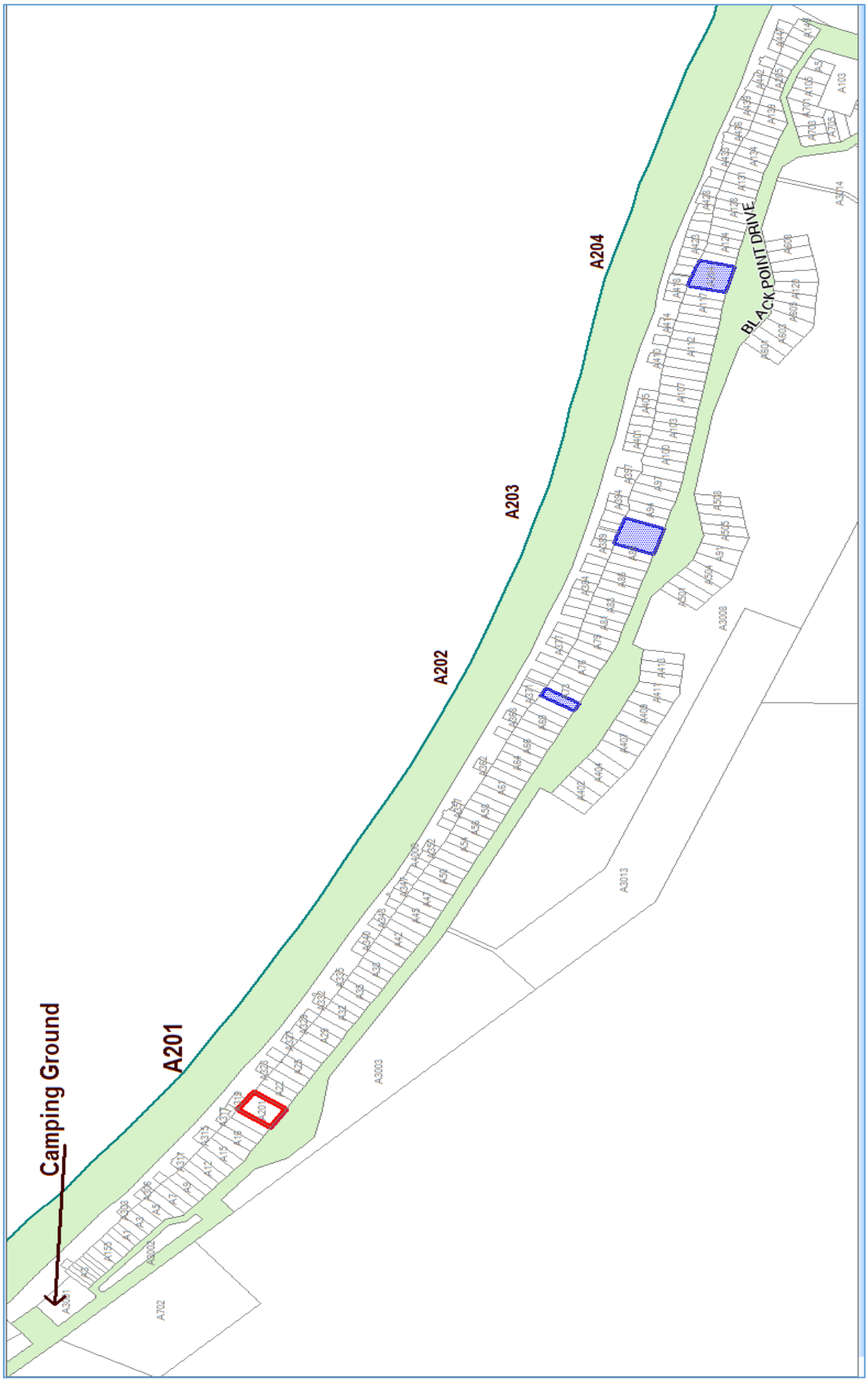
<u>Allotment 201 Black Point Drive, Black Point</u>

- Certificate of Title: Volume 5294 Folio 896.
- Listed on Council's Community Land register as Category 2 Recreation and Sport.
- Located within Council's Settlement Zone.
- Vested in Council as a public reserve and comprises a site area of 1980m² with a width of 36.94m and average depth of 53.68m.
- Governed by planning controls of the Policy Area 3 Black Point which permits a land division for detached dwelling sites of 450m² minimum, where Community Wastewater Management Scheme (CWMS) service is available.
- Shacks and sheds exist in the respective privately owned properties, to the east and west of the allotment.
- At the Black Point Drive frontage a power transformer is located on the easement in the western corner of the site, one CWMS connection exists and there is one private water supply connection to the Council owned/run water supply scheme.
- Electricity, water and telecom underground lines run along the front of the allotment.
- The property has an existing 6m (approx.) wide vehicular & walking access track, from Black Point Drive to the beach located near the centre of the site which appears to serve shack Allotment 319 (annual Crown licence until 30/6/2037) located at the north-east corner.
- A survey has been undertaken to establish the position of existing services that run through Allotment 201. The cable locator used for the survey on site, has located all services as far as is practically possible.
- The water line appears to end approximately a third way into the property as this is where the locating equipment lost the signal and the services were no longer traceable.

Proposal for Allotment 201

- Create two allotments of approximately 950m² and 800m² subject to easements with average frontage of 15m.
- Have a 3m public walkway access to the beach.
- Register a Right of Way to the shack owner of Allotment 319 through the new allotment.
- Use the Right of Way to run effluent, water and power services.

Allotment 201 Location map



Allotment 201 Proposed plan

Water

Electricity

Property details

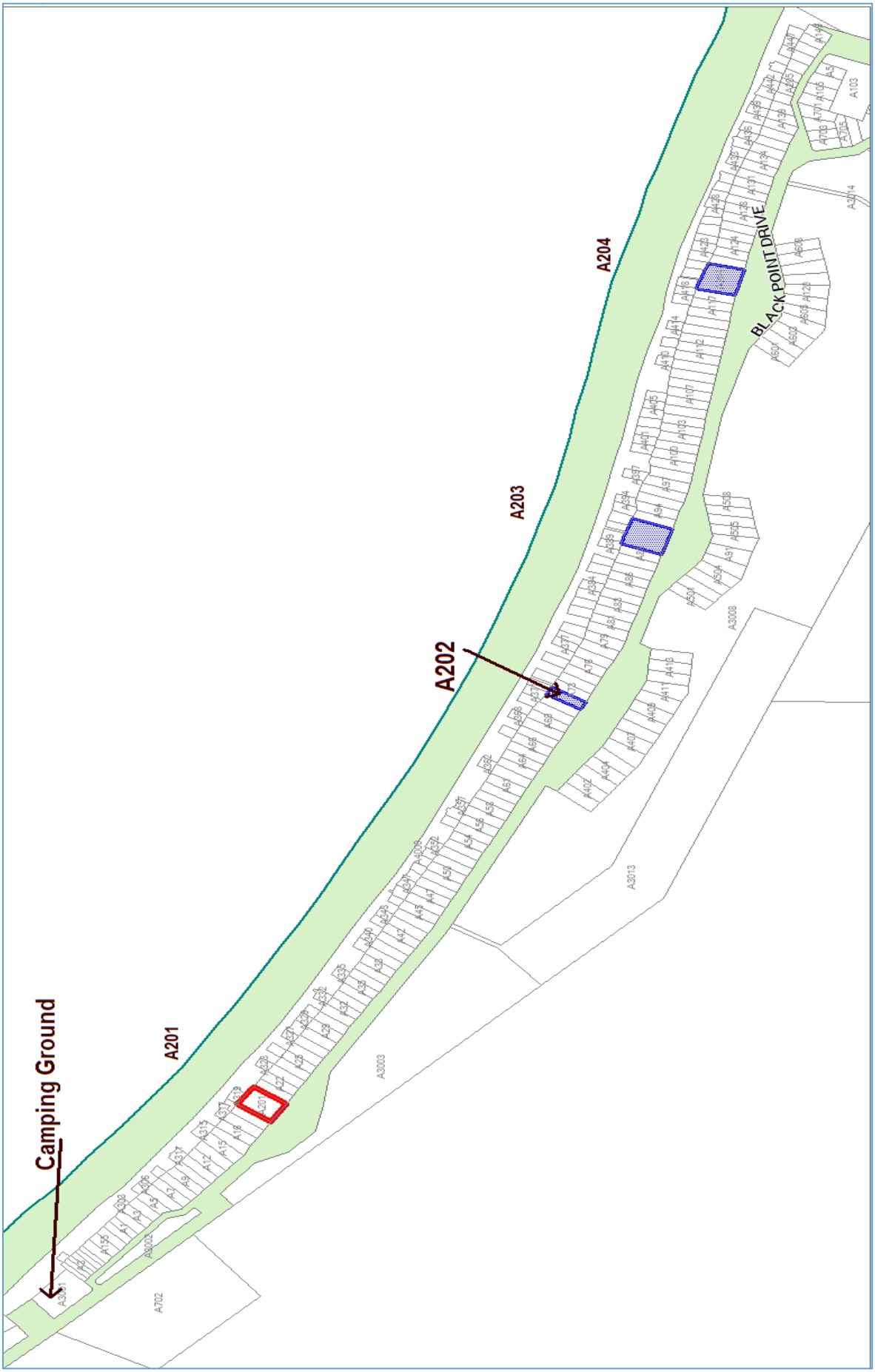
Allotment 202 Black Point Drive, Black Point

- Certificate of Title: Volume 5294 Folio 897.
- Listed on Council's Community Land register as Category 2 Recreation and Sport.
- Located within Council's Settlement Zone.
- Comprises a site area of 784m² with a width of 14.92m and average depth 52.82m.
- Governed by planning controls of the Policy Area 3 Black Point which permits a land division for detached dwelling sites of 450m² minimum, where Community Wastewater Management Scheme (CWMS) service is available.
- The privately owned properties, to the east and west of the partially treed allotment extend respectively onto Allotment 371 (Crown Licence until 30/6/2037) and Allotment 373 (fixed term Crown lease until 30/6/2037).
- A driveway exists through the property which leads to adjoining shack Allotment 372 (annual Crown licence until 30/6/2037).
- One CWMS connection and private water supply connection to the Council owned/run water supply scheme is located at the Black Point Drive frontage.
- Electricity, water, sewer and telecom underground lines run along the front of the allotment.
- A survey has been undertaken to establish the position of existing services that run through Allotment 202. The cable locator used for the survey on site, has located all services as far as is practically possible.
- The electricity line appears to end in the middle of the property as this is where the locating equipment lost the signal and the services were no longer traceable.

Proposal for Allotment 202

- Create a new allotment comprising of approx. 630m² on the western side of the 3m walkway.
- Retain the 3m wide walkway to provide access to the beach between Allotments 372 and 373.

Allotment 202 Location map



Allotment 202 Proposed plan

Water

Electricity

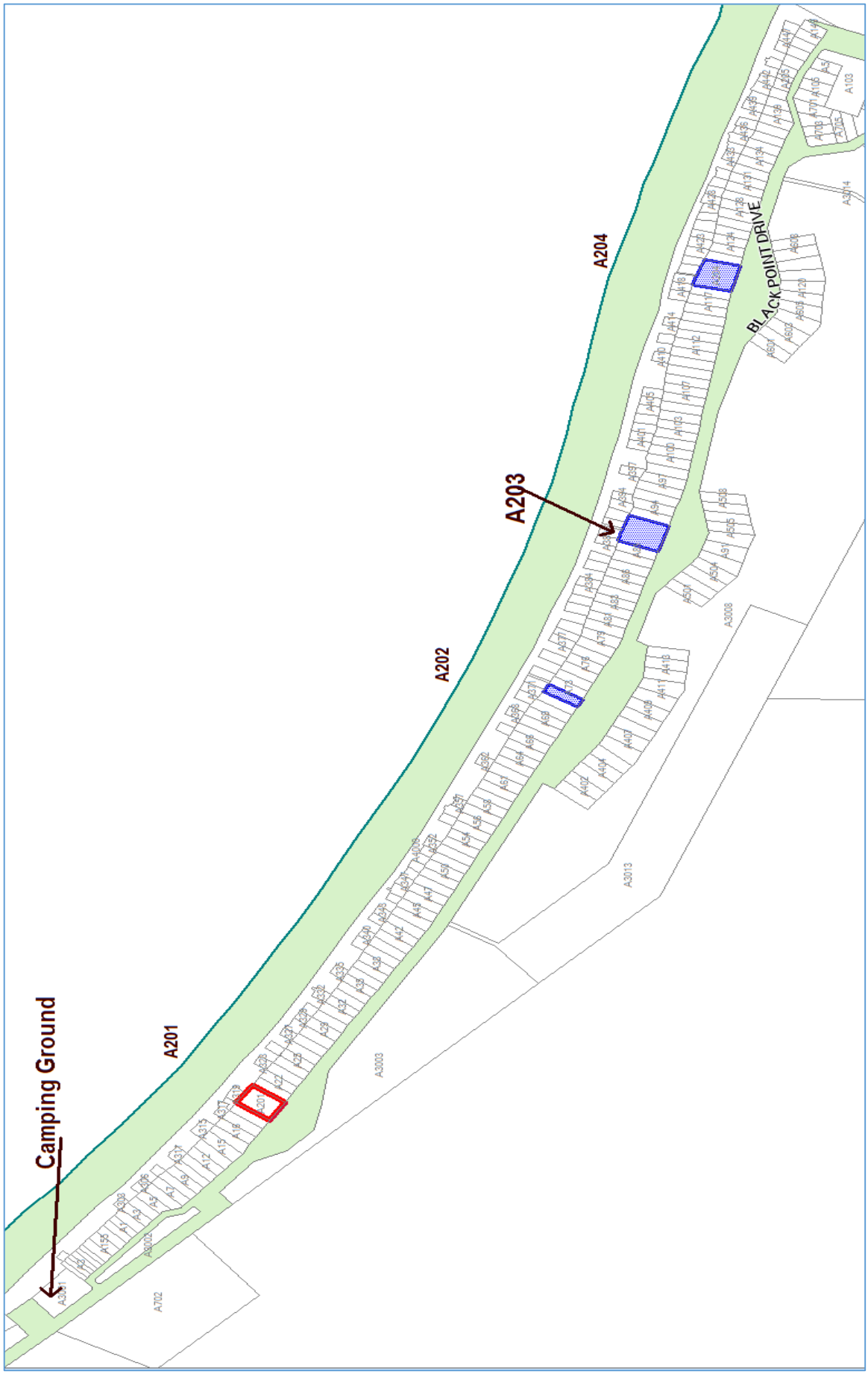
Allotment 203 Black Point Drive, Black Point

- Certificate of Title: Volume 5294 Folio 898.
- Listed on Council's Community Land Register as Category 2 Recreation and Sport.
- Located within Council's Settlement Zone.
- Vested in Council as a public reserve and comprises a site area of 2604m² with a width of 45.43m and average depth 56.8m.
- Governed by planning controls of the Policy Area 3 Black Point, which permit a land division for detached dwelling sites of 450m² minimum, where Community Wastewater Management Scheme (CWMS) service is available.
- Shacks and sheds exist in the respective privately owned properties, to the western and eastern sides of the allotment.
- Has 2 existing vehicular & walking access tracks approx. 6m wide, from Black Point Drive to the beach with the westerly track appearing to be access to the adjoining Allotments 390 & 391 and the easterly track serving as access to shack site, Allotment 392.
- Two electricity, one CWMS, two water and two telecom lines run through the property underground. A power transformer is located on the easement in the western corner of the property.
- Two CWMS connections and one private water supply connection to the Council owned/run water supply scheme are located at the Black Point Drive frontage.
- Telecom, CWMS, water and electricity underground lines run along the front of the property.
- A survey has been undertaken to establish the position of existing services that run through Allotment 203. The cable locator used for the survey on site, has located all services as far as is practically possible.
- The water line appears to end approx. one third of the way into the property with the electricity line ending three quarters of the way in. This is where the locating equipment lost the signal and the services were no longer traceable.

Proposal for Allotment 203

- Create three allotments of approximately the same size.
- Straighten the existing 6m track as a public road which can provide legal frontage and services to adjoining shack sites Allotments 390 and 391, both which hold annual Crown licences until 30/6/2037.
- A 3m right of way is needed to provide access to shack Allotment 392 (annual Crown licence until 30/6/2037) and which could contain easements for services to the three shack allotments and allow access to the beach.

Allotment 203 Location map



Allotment 203 Location map

Water

Electricity

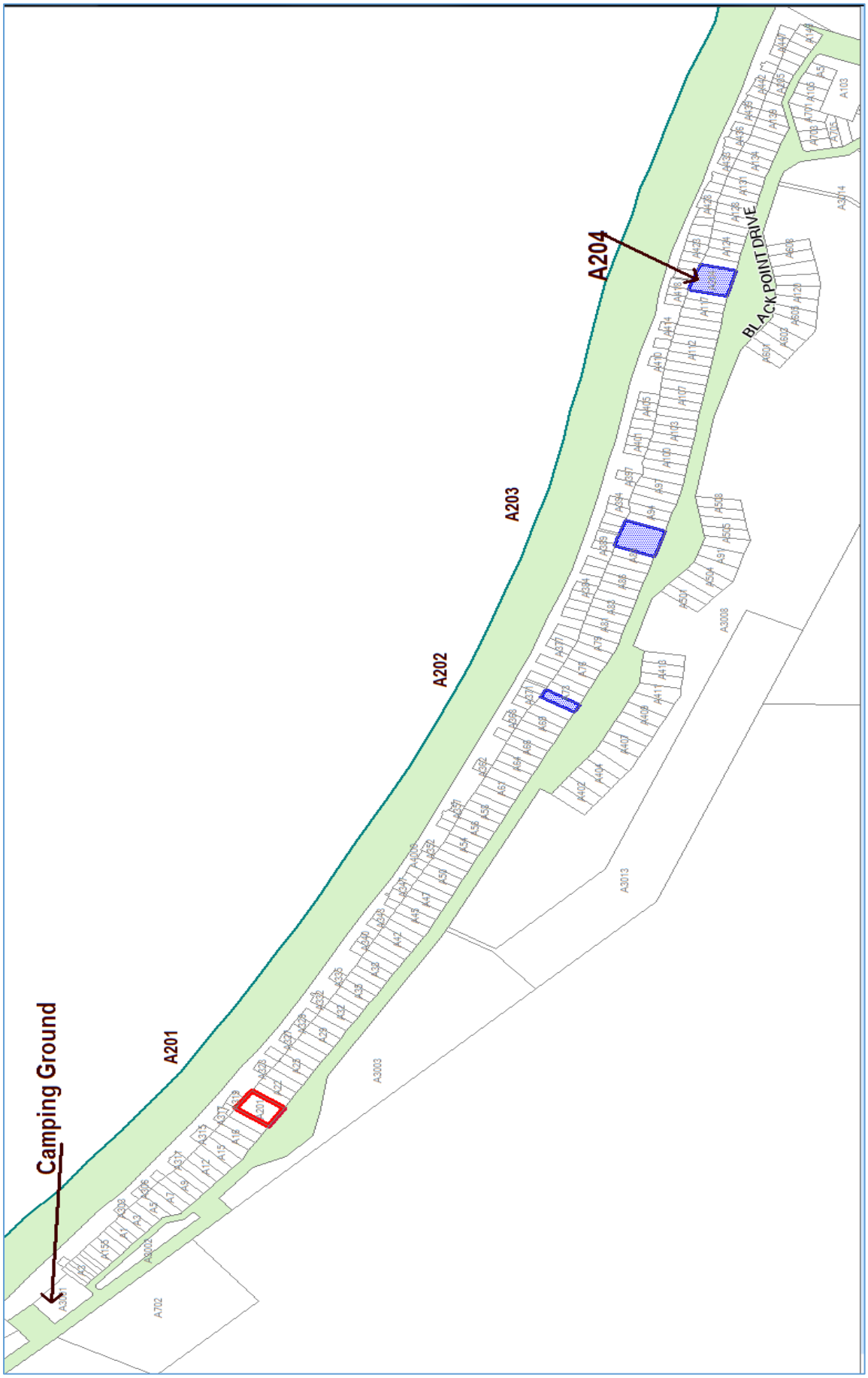
Allotment 204 Black Point Drive, Black Point

- Certificate of Title: Volume 5294 Folio 899.
- Vested in Council as a Public Reserve and comprises a site area of 2336m² with a width of 44.38m and average depth 52.2m.
- Has 2 existing vehicular & walking access tracks approx. 6m wide, from Black Point Drive to the beach with the westerly track appearing to be access to the adjoining Allotments 419, 420 and 421 shack sites (all with annual Crown licence until 30/6/2037).
- Governed by planning controls of the Policy Area 3 Black Point, which permit a land division for detached dwelling sites of 450m² minimum, where Community Wastewater Management Scheme (CWMS) service is available.
- Three electricity, two telecom, one CWMS and one water line run through the property.
- Electricity, water, sewer and telecom underground lines run along the front of the allotment.
- A survey has been undertaken to establish the position of existing services that run through Allotment 204. The cable locator used for the survey on site, has located all services as far as is practically possible.
- The water line appears to end in the middle of the property as this is where the locating equipment lost the signal and the services were no longer traceable.

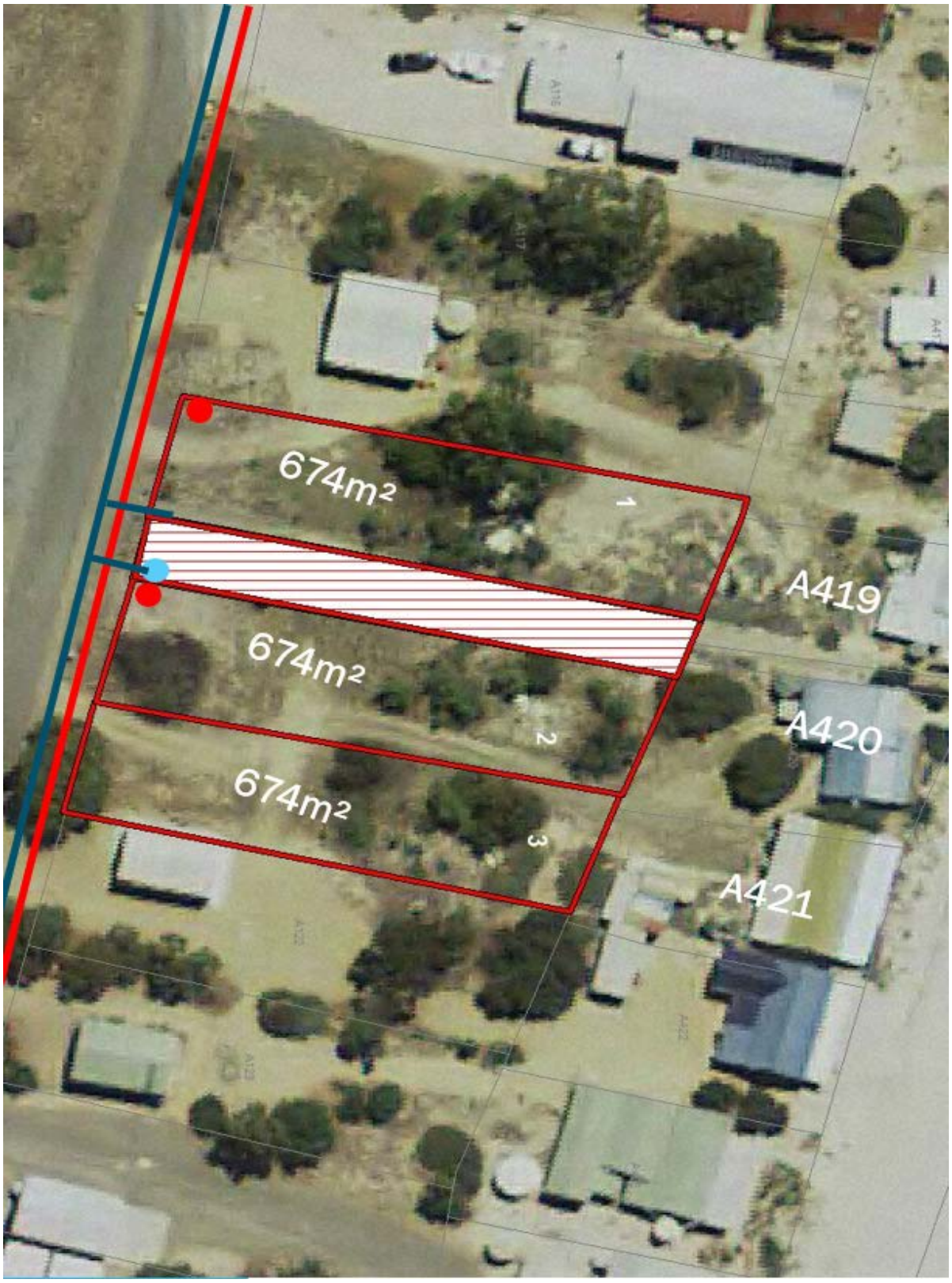
Proposal for Allotment 204

- Create three allotments of approx. 660m², 640m² and 740m².
- Straighten the existing track to provide access to Allotments 419 & 420.
- A right of Way will need to be created for Allotment Lot 421 which could also contain easements for water and electricity for Allotments 419, 420 & 421.

Allotment 204 Location Map



Allotment 204 - Proposed plan



Water

Electricity

The Community Engagement process

A public notice advertising the community engagement process and describing the matter of the revocation will appear in the Yorke Peninsula Country Times and on Council's website, with an invitation for interested persons to make submissions to Council in relation to the matter.

A sign will be displayed on site of each Reserve and all Black Point property owners and surrounding property owners will receive a copy of the public notice. Persons may also make a written submission to appear before Council.

This detailed information report will be made available at all Council Offices and on Council's website for the public to access.

It is proposed that a further report will be presented to Council on the 8th February 2017 on the outcome of the community engagement process. The report will include any written submissions received for Council's consideration and to decide if Council should proceed with the revocation process by applying for the consent of the Minister for Planning.

Process timeline:

	COMMUNITY ENGAGEMENT PLAN					SF215 Responsible Officer: Business Improvement Officer
						Issue Date: 10th June 2015
						Next Review Date: June 2019
	PROJECT NAME: Revocation of Community Land Allotments 201, 202, 203 & 204 Black Point					
Stakeholders	**Level 2 CONSULT**	**Responsibility**	**Start Date**	**End Date**	**Status**	**Evaluation Method**
Affected residents	Personalised Letter	Director Develoment Services	5/09/2016	5/09/2016	C	Report back to Council on the outcome of the Community Engagement process. Elected Members to make decision based on any submissions received from the Community Engagement process.
Entire community	Public Notice	Director Develoment Services	21/09/2016	25/11/2016	NS	
Entire community	Website	Director Develoment Services	21/09/2016	25/11/2016	NS	
Entire community	Social Media	Director Develoment Services	21/09/2016	25/11/2016	NS	
Entire community	Signage	Director Develoment Services	21/09/2016	25/11/2016	NS	
Entire community	Ability to appear before Council	Director Develoment Services	8/02/2017	8/02/2017	NS	

Public Notice

YORKE PENINSULA COUNCIL

COMMUNITY ENGAGEMENT

PROPOSED REVOCATION OF COMMUNITY LAND CLASSIFICATION

Notice is hereby given pursuant to Section 194(2)(b) of the Local Government Act 1999 that Yorke Peninsula Council proposes to revoke the classification of Community Land for the following properties:

The whole of Allotment 201 Black Point Drive, Black Point, in Deposit Plan 41613 comprised in Certificate of Title Volume 5294 Folio 896
The whole of Allotment 202 Black Point Drive, Black Point in Deposit Plan 41613 comprised in Certificate of Title Volume 5294 Folio 897
The whole of Allotment 203 Black Point Drive, Black Point in Deposit Plan 41613 comprised in Certificate of Title Volume 5294 Folio 898
The whole of Allotment 204 Black Point Drive, Black Point in Deposit Plan 41613 comprised in Certificate of Title Volume 5294 Folio 899

The proposed revocation is to enable Council to consider subdividing the subject properties with the intent to sell each allotment.

A detailed report in relation to the proposed revocation and future intentions of the land is available for viewing at Yorke Peninsula Council offices at Maitland, Minlaton, Yorketown and Warooka and on Council's website, www.yorke.sa.gov.au

Enquiries on this matter can be directed to
Roger Brooks, Director Development Services
Phone: (08) 8832 0000
Written submissions are to be addressed to:
Revocation Black Point
Attention: Director Development Services

Submissions close at **5.00pm Friday, 25th November 2016** and can be forwarded by;
Post: Yorke Peninsula Council, PO Box 57 Maitland SA 5573
Facsimile: (08) 8853 2494
Email: admin@yorke.sa.gov.au
Personal Delivery: Council offices as listed above.

All submissions received will be provided to Council for consideration.
Please indicate in the submission if you wish to appear before Council on this matter.

Andrew Cameron
Chief Executive Officer

Attachment 8

YORKE PENINSULA COUNCIL

COMMUNITY ENGAGEMENT
PROPOSED REVOCATION OF COMMUNITY LAND CLASSIFICATION

Notice is hereby given pursuant to Section 194(2)(b) of the Local Government Act 1999 that Yorke Peninsula Council proposes to revoke the Community Land classification for this property:

The whole of Allotment 201 Black Point Drive, Black Point, in Deposit Plan 41613 comprised in Certificate of Title Volume 5294 Folio 896.

The proposed revocation is to enable Council to consider subdividing the property into two allotments with the intent to sell each allotment.

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Andrew Cameron
Chief Executive Officer

YORKE PENINSULA COUNCIL

Agriculturally rich - Naturally beautiful

YORKE PENINSULA COUNCIL

COMMUNITY ENGAGEMENT
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