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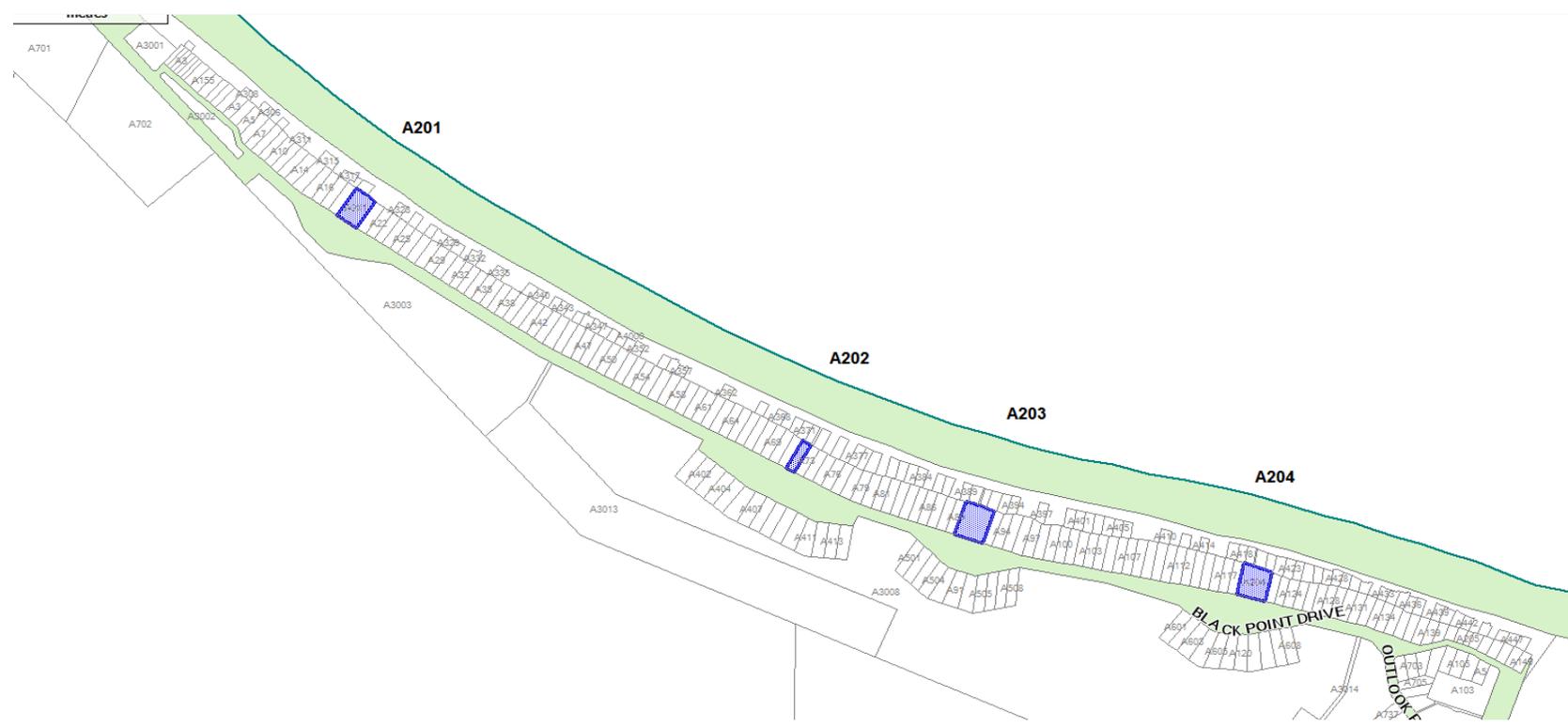
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Presentation of Key Issues and Responses

Revocation of Community Land Black
Point

Location of Allotments



KEY ISSUES



Further to the community engagement process, Council received 26 submissions.

The following key issues have been identified from the submissions.

Key Issue – Tenure of Shacks and Sale of Allotments

Key Issue

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”

KEY ISSUES

Our Response

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.

Response continued.....

RESPONSE

Key Issue – Tenure of Shacks and Sale of Allotments

Response continued

- The provisions of the LG Act do not place any direct restrictions on the price which must be obtained by the Council for the sale of Council land (once it's community land classification has been properly revoked prior to disposal). However, the Council should determine a reserve price or set a monetary range for negotiation purposes to ensure the Council achieves a fair price for any potential disposal.
- Regard must also be had to the Council's current Policy prepared and adopted in accordance with section 49(1)(d) of the LG Act.
- Section 49(2)(c) of the LG Act provides that the Policy must allow the Council to enter into contracts other than by a tender process subject to the recording of reasons as to why a tender process was not used in certain circumstances.



Key Issue – Tenure of Shacks and Sale of Allotments

Response continued

- Whilst there is emphasis in the current Policy to promote “transparency and accountability in sale and disposal procedures and practices to ensure that Council obtains the best price and that all potential purchasers are given equal opportunity to purchase the land or assets” and for the Council to conduct the sale and disposal of land in an open arena (except where issues of confidence require special consideration), it could be said that sale by public advertising or public auction is the fairest and most transparent method for disposal of the Council’s land.
- Council’s Policy specifically addresses the ability of the Council to negotiate direct with persons who have a pre-existing interest in the land and also identifies the issues to be considered when deciding which is the most suitable method of disposal.



Key Issue – Tenure of Shacks and Sale of Allotments

Response continued

- As part of any sale process Council would obtain 3 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. This means that the ability to negotiate direct with the leaseholder in relation to the land is in accordance with the Policy.
- If Council decides to enter into negotiations with the leaseholders (after a revocation process has been achieved) reasons will need to be recorded for entering into a contract which did not result from an open tender process.



Key Issue – Beach Accesses

Key Issue

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

KEY ISSUES

Our Response

Council acknowledge 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 proce



Key Issue – Breach of Trust

Key Issue

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.

KEY ISSUES

Our Response

The former Central Yorke Peninsula Council requested reserves be established in the original land division process. For the past 23 years public access has been maintained by Council with little development opportunities being identified by Council or the Black Point Community. Council's records have not identified any requests to develop these or any other reserves further for community activities.

RESPONSE

Key Issue – Dwelling Clusters South of Reserves and Devaluation of Property

Key Issue

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.

KEY ISSUES

Our Response

Black Point has lineal development along the entire foreshore. The blocks concerned will create a natural infill of the existing allotments along the streetscape. There has been no available evidence to determine categorically that views and/or property valuations would be affected.

RESPONSE

Key Issue – Proceeds of the Sale

Key Issue

“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?

KEY ISSUES

Our Response

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. Rather than a ‘cash-grab’ this would potentially provide an opportunity to implement worthwhile projects that benefit the entire community while minimising any additional strain on Council budgets.

RESPONSE

Key Issue – Capacity of Infrastructure

Key Issue

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

“Inadequate infrastructure”

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

KEY ISSUES

Our Response

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 periods flows (Christmas to new Year) reach a maximum of 65,000 litres per day.

Response continue

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Key Issue – Capacity of Infrastructure continued



Response continued

Councils 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 – 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.

The addition of a small amount of allotments will not impact on the current infrastructure.

Key Issue – Recreational Services

Key Issue

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”

KEY ISSUES

Our Response

Council is not aware of any complaints regarding a lack of facilities in and around Black Point. There is land to the southwest of Black Point (Maxine Hawk 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. In reference to the following map – 2.4% of the total reserve area for Black Point is proposed for the revocation process.

RESPONSE

Reserves - highlighted in green

It is estimated that 2.4% of the reserves would encompass the proposed revocation.



Key Issue – Loss of Open Space

Key Issue

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”.

KEY ISSUES

Our Response

The proposed revocation and sale of these 4 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.

RESPONSE

Key Issue – Car Parking

Key Issue

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

“Currently limited public places for car parking”

KEY ISSUES

Our Response

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 carpark underutilised.

RESPONSE

Lot 201 Black Point Drive

- 2 Residential allotments
- 3 metre walkway
- Services infrastructure



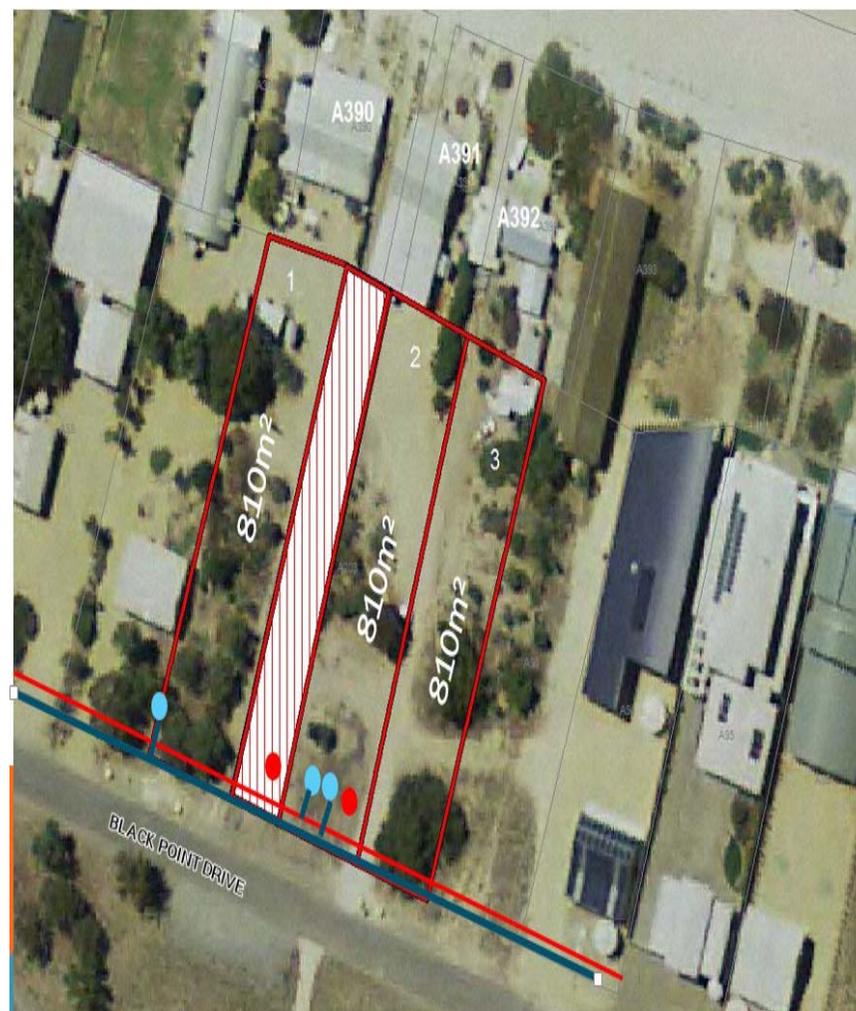
Lot 202 Black Point Drive

- 1 Residential allotment
- 3 metre walkway
- Services infrastructure



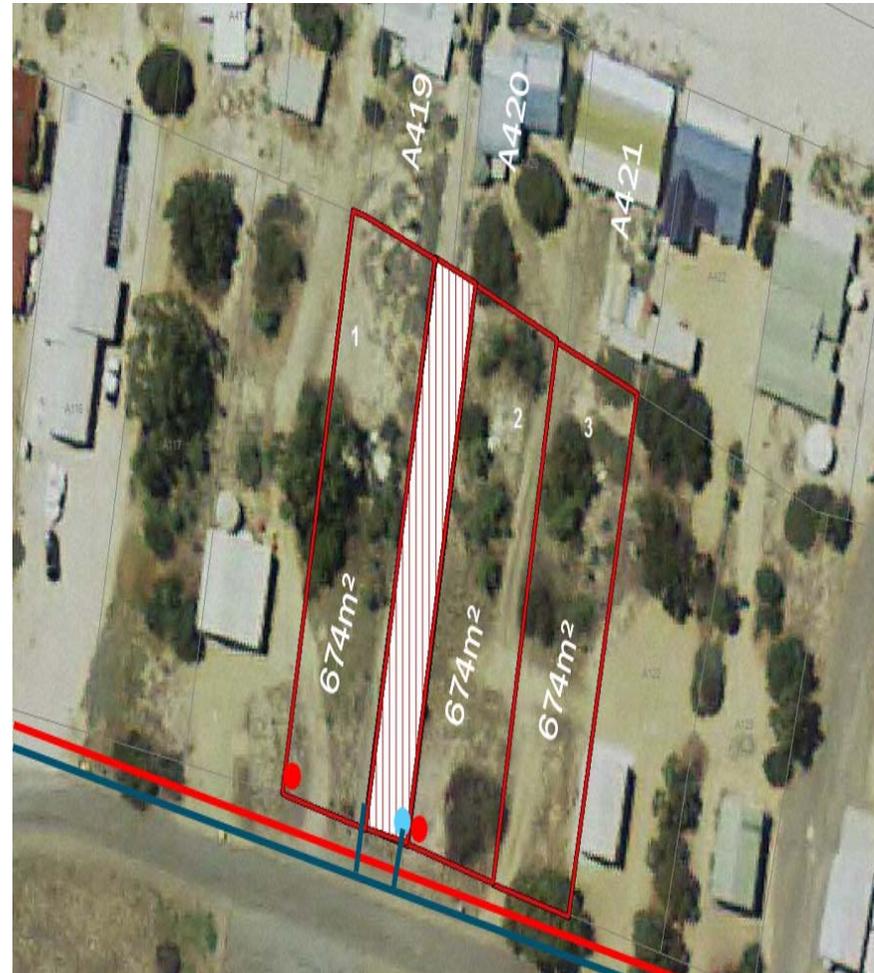
Lot 203 Black Point Drive

- 3 Residential allotments
- 6 metre access way
- Services infrastructure



Lot 204 Black Point Drive

- 3 Residential allotments
- 6 metre access way
- Service infrastructure





QUESTIONS

