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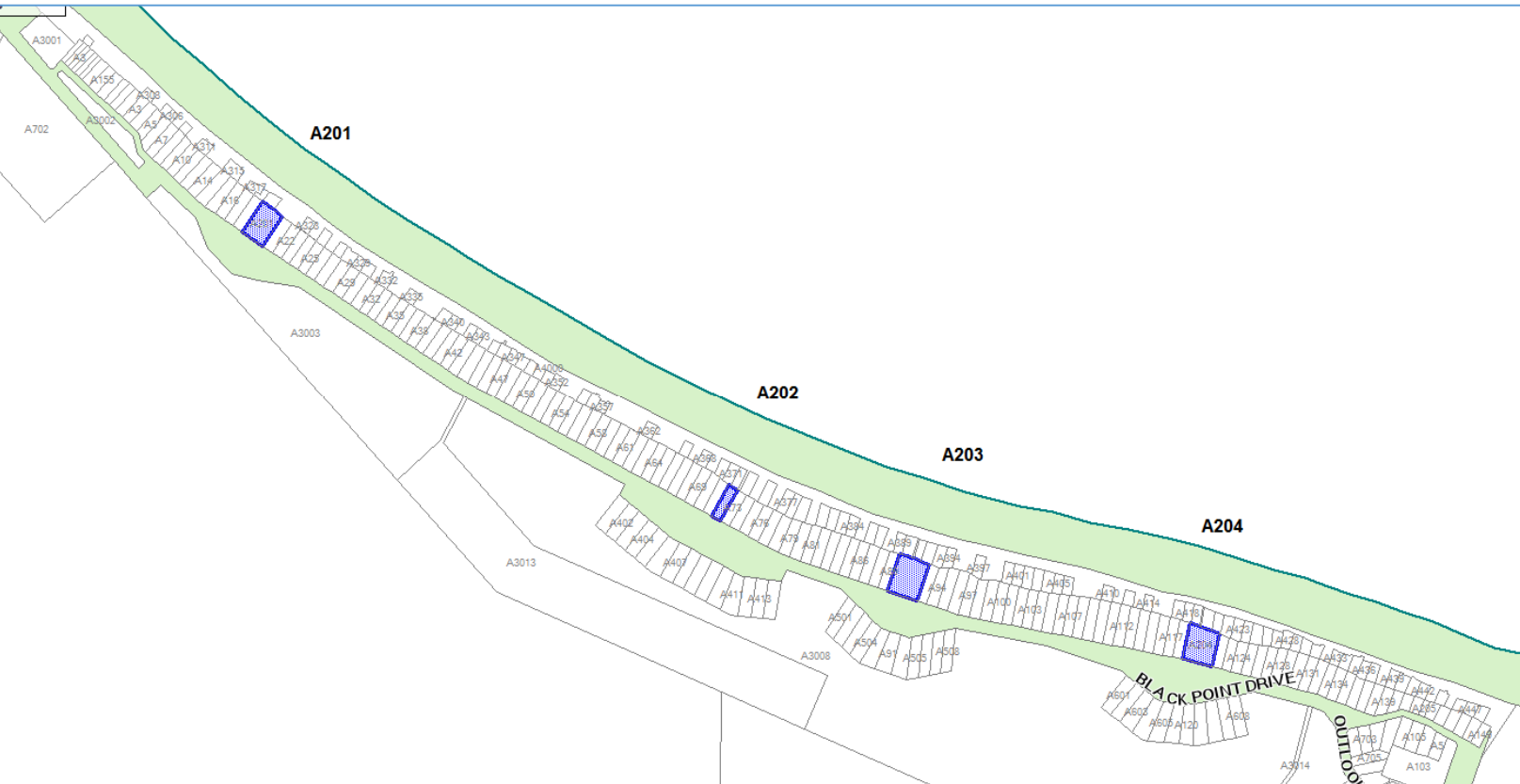
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## Presentation of Key Issues and Responses

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

Should 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 standing on freehold land where shack is under lease”*

### 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.



## 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 the



## 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.

RESPONSE

## Key Issue – Beach Accesses



### Key Issue

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

*Restricting public access to 3km of beach”*

*As Council considered future comes of public access and creating from the public beach, with the residents at Black Point”*

### 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 process.





## Key Issue – Breach of Trust



### Key Issue

Council has misled the Black Point Community about the status and continued land use. Council states in 2016 Community Engagement Report that reasons Council obtained 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 final development between the Council and the developer Prodec, were contingent on Prodec granting Council the Reserves for those reasons. It is evident from the Council's Statement of Requirement dated September 1991, which required the

### 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

## 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 that land was built on, then views would be obstructed and therefore severely devalue these properties.

*"If I had have known Councils intentions to develop the land then I would have purchased a property elsewhere".*

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

### 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.

## Key Issue – Proceeds of the Sale



### Issue

*Evocation 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 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.

## Key Issue – Capacity of Infrastructure



### Key Issue

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

*“Inadequate infrastructure”*

*“Further stress on water and sewerage, services 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 continued.....**



## 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

A large, stylized, black and white stamp that reads 'RESPONSE'. The stamp is tilted and has a distressed, ink-like texture with some splatters around the edges.

## 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 a major reason for underutilisation”*

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

### Our Response

Council is not aware of any complaints regarding a lack of facilities in and around Black Point. There is land to the south-west 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.

# 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

Continuation 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  
the 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.



## Key Issue – Car Parking



### Key Issue

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

*Currently limited public spaces 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 car parks are 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



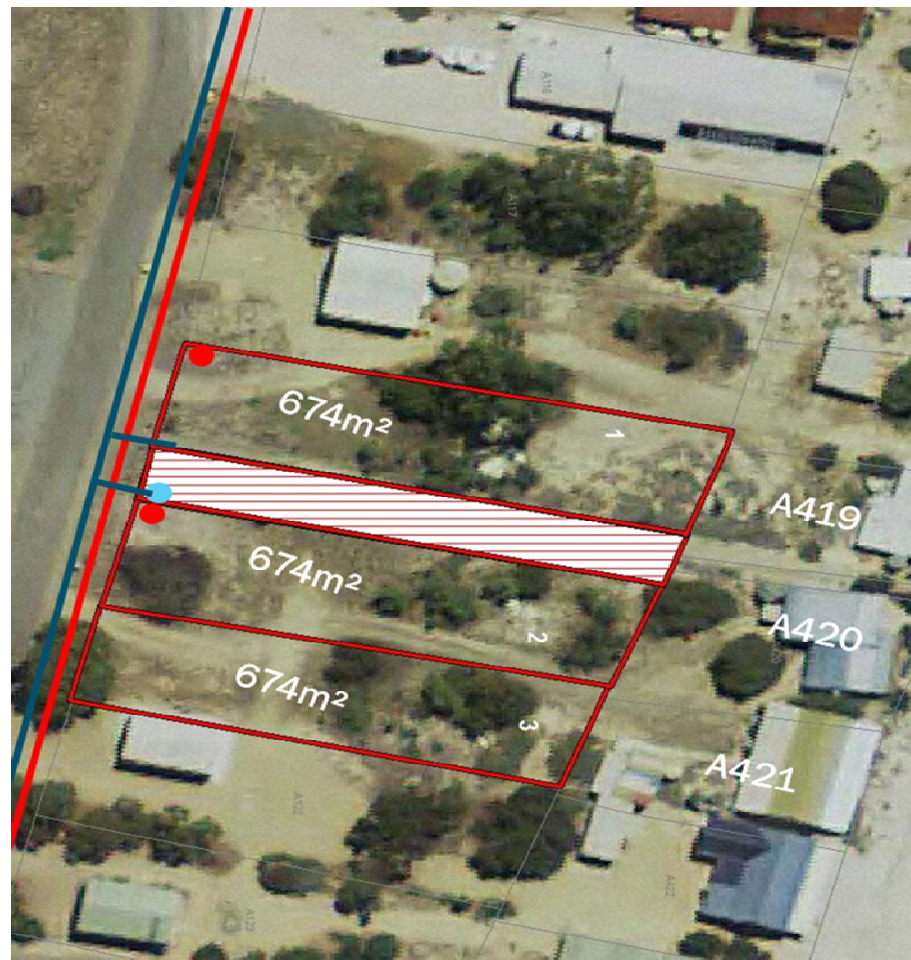
3 Residential allotments  
5 metre access way  
Services infrastructure



# Lot 204 Black Point Drive



3 Residential allotments  
5 metre access way  
Service infrastructure





# QUESTIONS

