

## **DIRECTOR DEVELOPMENT SERVICES**

### **DA/ITEM 6.4**

### **7. REVOCATION OF COMMUNITY LAND BLACK POINT – ALLOTMENT 201**

#### **PURPOSE**

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

#### **RECOMMENDATION A**

That Council:

1. receive the 13 written submissions from authors of the original submissions and the 12 new submissions received from Black Point property owners in response to the extension of the community engagement process for the proposed revocation of community land.
2. give approval to proceed with seeking Ministerial approval for the revocation of Community Land classification over the Council owned property located on Black Point Road, Black Point, being Allotment 201, Plan 41613, Certificate of Title: Volume 5294 Folio 896.
3. authorise the Mayor and Chief Executive Officer to sign and affix Council's Common seal to the relevant documents necessary to execute the revocation, transfer of properties and licence.

OR

#### **RECOMMENDATION B**

1. receive the 13 written submissions from authors of the original submissions and the 12 new submissions received from Black Point property owners in response to the extension of the community engagement process for the proposed revocation of community land.
2. do not proceed with seeking Ministerial approval for the revocation of Black Point, Allotment 201, Plan 41613, Certificate of Title: Volume 5294 Folio 896.

#### **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 8<sup>th</sup> February 2017, the Debate Report, DA Item 6.4 - Revocation of Community Land Allotment 201, was presented (Attachment 1A – refer to Separate Cover document), along with the 26 submissions received from the community engagement process.

Council provided the authors of the written submissions the opportunity to make a verbal submission, of which five people presented at the February 2017 Council meeting. Having considered the submissions, Council deferred the matter for further consideration to the May 2017 Council meeting.

## **DISCUSSION**

At the public Elected Members Workshop held on 22<sup>nd</sup> March 2017, Elected Members reviewed and analysed all submissions in further detail. The key issues identified from the written and verbal submissions were presented along with detailed comments by Council Officers.

On 7<sup>th</sup> April 2017, Council wrote to the authors of the 26 submissions and all other Black Point property owners to offer them further opportunity to submit either a written or a verbal submission to the 10<sup>th</sup> May Council meeting, particularly in relation to the Key Issues and Council Comments document (Attachment 2 – refer to Separate Cover document), which was also presented at the above mentioned Elected Members Workshop. As a result, Council has received 13 submissions from the authors of the original 26 submissions and 12 new submissions from property owners who had not made a previous submission (Attachment 3 – refer to Separate Cover document).

After considering all 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 either proceed with seeking Ministerial approval for the revocation of Community Land classification over Allotment 201, Black Point Road, Black Point or cease the proposed revocation process.

## COMMUNITY ENGAGEMENT PLAN

Community Engagement Plan Level 2 – Consult.

Further engagement undertaken from the 7<sup>th</sup> April to 26<sup>th</sup> April 2017 (Attachment 4 – refer to Separate Cover document). Black Point property owners were offered the opportunity to submit a further submission in relation to the identified Key Issues and Council Comments document.

## 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:

- Nil
- Nil

## 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 1A:** Separate Cover - Debate Report and Attachments to February 2017 Council Meeting – Allotment 201, Black Point.

**Attachment 2:** Separate Cover - Key Issues and Council Comments document.

**Attachment 3:** Separate Cover - Summary of Submissions and Submissions Received from Extended Consultation.

**Attachment 4:** Separate Cover - Community Engagement Plan.

## **DIRECTOR DEVELOPMENT SERVICES**

### **DA/ITEM 6.4**

#### **8. REVOCATION OF COMMUNITY LAND BLACK POINT – ALLOTMENT 202**

##### **PURPOSE**

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

##### **RECOMMENDATION A**

That Council:

1. receive the 13 written submissions from authors of the original submissions and the 12 new submissions received from Black Point property owners in response to the extension of the community engagement process for the proposed revocation of community land.
2. give approval to proceed with seeking Ministerial approval for the revocation of Community Land classification over the Council owned property located on Black Point Road, Black Point, being Allotment 202, Plan 41613, Certificate of Title: Volume 5294 Folio 897.
3. authorise the Mayor and Chief Executive Officer to sign and affix Council's Common seal to the relevant documents necessary to execute the revocation, transfer of properties and licence.

OR

##### **RECOMMENDATION B**

1. receive the 13 written submissions from authors of the original submissions and the 12 new submissions received from Black Point property owners in response to the extension of the community engagement process for the proposed revocation of community land.
2. do not proceed with seeking Ministerial approval for the revocation of Black Point, Allotment 201, Plan 41613, Certificate of Title: Volume 5294 Folio 897.

##### **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 8<sup>th</sup> February 2017, the Debate Report, DA Item 6.4 - Revocation of Community Land Allotment 202, was presented (Attachment 1B – refer to Separate Cover document), along with the 26 submissions received from the community engagement process.

Council provided the authors of the written submissions the opportunity to make a verbal submission, of which five people presented at the February 2017 Council meeting. Having considered the submissions, Council deferred the matter for further consideration to the May 2017 Council meeting.

## **DISCUSSION**

At the public Elected Members Workshop held on 22<sup>nd</sup> March 2017, Elected Members reviewed and analysed all submissions in further detail. The key issues identified from the written and verbal submissions were presented along with detailed comments by Council Officers.

On 7<sup>th</sup> April 2017, Council wrote to the authors of the 26 submissions and all other Black Point property owners to offer them further opportunity to submit either a written or a verbal submission to the 10<sup>th</sup> May Council meeting, particularly in relation to the Key Issues and Council Comments document (Attachment 2 – refer to Separate Cover document), which was also presented at the above mentioned Elected Members Workshop. As a result, Council has received 13 submissions from the authors of the original 26 submissions and 12 new submission form property owners who had not made a previous submission (Attachment 3 – refer to Separate Cover document).

After considering all 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 either proceed with seeking Ministerial approval for the revocation of Community Land classification over Allotment 202, Black Point Road, Black Point or cease the proposed revocation process.

## COMMUNITY ENGAGEMENT PLAN

Community Engagement Plan Level 2 – Consult.

Further engagement undertaken from the 7<sup>th</sup> April to 26<sup>th</sup> April 2017 (Attachment 4 – refer to Separate Cover document). Black Point property owners were offered the opportunity to submit a further submission in relation to the identified Key Issues and Council Comments document.

## 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:

- Nil
- Nil

## 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 1B:** Separate Cover - Debate Report and Attachments to February 2017 Council Meeting – Allotment 202, Black Point.

**Attachment 2:** Separate Cover -Key Issues and Council Comments document.

**Attachment 3:** Separate Cover - Summary of Submissions and Submissions Received from Extended Consultation.

**Attachment 4:** Separate Cover - Community Engagement Plan.

## **DIRECTOR DEVELOPMENT SERVICES**

### **DA/ITEM 6.4**

#### **9. REVOCATION OF COMMUNITY LAND BLACK POINT – ALLOTMENT 203**

##### **PURPOSE**

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

##### **RECOMMENDATION A**

That Council:

1. receive the 13 written submissions from the previous authors of the original submissions and the 12 new written submissions in response to the extension of the community engagement process for the proposed revocation of community land.
2. give approval to proceed with seeking Ministerial approval for the revocation of Community Land classification over the Council owned property located on Black Point Road, Black Point, being Allotment 203, Plan 41613, Certificate of Title: Volume 5294 Folio 898.
3. authorise the Mayor and Chief Executive Officer to sign and affix Council's Common seal to the relevant documents necessary to execute the revocation, transfer of properties and licence.

OR

##### **RECOMMENDATION B**

1. receive the 13 written submissions from authors of the original submissions and the 12 new submissions received from Black Point property owners in response to the extension of the community engagement process for the proposed revocation of community land.
2. do not proceed with seeking Ministerial approval for the revocation of Black Point, Allotment 203, Plan 41613, Certificate of Title: Volume 5294 Folio 898.

##### **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 8<sup>th</sup> February 2017, the Debate Report, DA Item 6.4 - Revocation of Community Land Allotment 202, was presented (Attachment 1C – see Separate Cover document), along with the 26 submissions received from the community engagement process.

Council provided the authors of the written submissions the opportunity to make a verbal submission, of which five people presented at the February 2017 Council meeting. Having considered the submissions, Council deferred the matter for further consideration to the May 2017 Council meeting.

## **DISCUSSION**

At the public Elected Members Workshop held on 22<sup>nd</sup> March 2017, Elected Members reviewed and analysed all submissions in further detail. The key issues identified from the written and verbal submissions were presented along with detailed comments by Council Officers.

On 7<sup>th</sup> April 2017, Council wrote to the authors of the 26 submissions and all other Black Point property owners to offer them further opportunity to submit either a written or a verbal submission to the 10<sup>th</sup> May Council meeting, particularly in relation to the Key Issues and Council Comments document (Attachment 2 – refer to Separate Cover document), which was also presented at the above mentioned Elected Members Workshop. As a result, Council has received 13 submissions from the authors of the original 26 submissions and 12 new submissions from property owners who had not made a previous submission (Attachment 3 – refer to Separate Cover document).

After considering all 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 either proceed with seeking Ministerial approval for the revocation of Community Land classification over Allotment 203, Black Point Road, Black Point or cease the proposed revocation process.



## COMMUNITY ENGAGEMENT PLAN

Community Engagement Plan Level 2 – Consult.

Further engagement undertaken from the 7<sup>th</sup> April to 26<sup>th</sup> April 2017 (Attachment 4 – refer to Separate Cover document). Black Point property owners were offered the opportunity to submit a further submission in relation to the identified Key Issues and Council Comments document.

## 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:

- Nil
- Nil

## 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 1C:** Separate Cover - Debate Report and Attachments to February 2017 Council Meeting – Allotment 203, Black Point.

**Attachment 2:** Separate Cover - Key Issues and Council Comments document.

**Attachment 3:** Separate Cover - Summary of Submissions and Submissions Received from Extended Consultation.

**Attachment 4:** Separate Cover - Community Engagement Plan.

## **DIRECTOR DEVELOPMENT SERVICES**

### **DA/ITEM 6.4**

#### **10. REVOCATION OF COMMUNITY LAND BLACK POINT – ALLOTMENT 204**

##### **PURPOSE**

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

##### **RECOMMENDATION A**

That Council:

1. receive the 13 written submissions from the previous authors of the original submissions and the 12 new written submissions in response to the extension of the community engagement process for the proposed revocation of community land.
2. give approval to proceed with seeking Ministerial approval for the revocation of Community Land classification over the Council owned property located on Black Point Road, Black Point, being Allotment 204, Plan 41613, Certificate of Title: Volume 5294 Folio 899.
3. authorise the Mayor and Chief Executive Officer to sign and affix Council's Common seal to the relevant documents necessary to execute the revocation, transfer of properties and licence.

OR

##### **RECOMMENDATION B**

1. receive the 12 written submissions from the previous authors of the original submissions and the 12 new written submissions in response to the extension of the community engagement process for the proposed revocation of community land.
2. do not proceed with seeking Ministerial approval for the revocation of Black Point, Allotment 204, Plan 41613, Certificate of Title: Volume 5294 Folio 899.

##### **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.

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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 8<sup>th</sup> February 2017, the Debate Report, DA Item 6.4 - Revocation of Community Land Allotment 202, was presented (Attachment 1D – see Separate Cover document), along with the 26 submissions received from the community engagement process.

Council provided the authors of the written submissions the opportunity to make a verbal submission, of which five people presented at the February 2017 Council meeting. Having considered the submissions, Council deferred the matter for further consideration to the May 2017 Council meeting.

## **DISCUSSION**

At the public Elected Members Workshop held on 22<sup>nd</sup> March 2017, Elected Members reviewed and analysed all submissions in further detail. The key issues identified from the written and verbal submissions were presented along with detailed comments by Council Officers.

On 7<sup>th</sup> April 2017, Council wrote to the authors of the 26 submissions and all other Black Point property owners to offer them further opportunity to submit either a written or a verbal submission to the 10<sup>th</sup> May Council meeting, particularly in relation to the Key Issues and Council Comments document (Attachment 2 – refer to Separate Cover document), which was also presented at the above mentioned Elected Members Workshop. As a result, Council has received 13 submissions from the authors of the original 26 submissions and 12 new submissions from property owners who had not made a previous submission (Attachment 3 – refer to Separate Cover document).

After considering all 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 either proceed with seeking Ministerial approval for the revocation of Community Land classification over Allotment 204, Black Point Road, Black Point or cease the proposed revocation process.

## COMMUNITY ENGAGEMENT PLAN

Community Engagement Plan Level 2 – Consult.

Further engagement undertaken from the 7<sup>th</sup> April to 26<sup>th</sup> April 2017 (Attachment 4 – refer to Separate Cover document). Black Point property owners were offered the opportunity to submit a further submission in relation to the identified Key Issues and Council Comments document.

## 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:

- Nil
- Nil

## 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 1D:** Separate Cover - Debate Report and Attachments to February 2017 Council Meeting – Allotment 204, Black Point.

**Attachment 2:** Separate Cover - Key Issues and Council Comments document.

**Attachment 3:** Separate Cover - Summary of Submissions and Submissions Received from Extended Consultation.

**Attachment 4:** Separate Cover - Community Engagement Plan.