

9 October 2017

Graeme Neilsen

George Town 7253

General Manager

George Town Council

Dear Justine

File No:	32.36
<b>George Town Council</b>	
09 OCT 2017	
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Action Officer:	Doc No.
(AA) EOC	

I hereby lodge an objection to a Notice of Intent to Sell Public Land under Section 178 of the Local Government Act 1993 and pursuant to Council Resolution 203/17 on 19 July 2017

I refer to each advertised property with reasons and associated comments. I do not question Council's legislative rights to sell Public Land but question the probity and obligation of Council in regard to the best interests of the wider community beyond any short term and minimal fiscal benefit.

Council over many years have commissioned several community recreation studies. All are consistent with the benefits of available public open spaces. This of course comes at a cost but also presents opportunities for community involvement. A shining example of this is the involvement in the maintenance and development of the riverside reserve in Tamar Avenue. Much needed community pride can be achieved of course led by Council initiative.

In the "Background" section of the 19 July Agenda (Page 58) Councillors were advised that **"Council holds a number of parcels of land for various reasons including those that have been acquired as potential public open spaces to be converted to public reserves but have never been developed as they do not possess characteristics that make them acceptable to do so."**

This advice is questioned and its content objected. As an appointed consultant to the developers of both Gerzalia Drive and Riverleads Drive I state without fear or favour that both lots referred to were identified in consultation with council planning personnel of the day and were identified as **"Public Open Spaces"** NOT "potential" as advised. Further these spaces have been used for casual recreational need since their acquisition. Whilst Council has not promoted the reserves by signage Council has never restricted access. Those residents in the near vicinity who purchased their own allotment expected the benefit of the stated "Public Open Space" on their title documentation to be an ongoing community asset and treated the land as such and in some case made their purchase decision on the basis and location of the reserves.

The requirement of Council to require a land transfer from the developer was to meet the immediate or future needs of the residents. These needs or future needs have not changed and it is quite possible that the benefits of open spaces and not necessarily structured children' play areas are beneficial to the well- being of residents and visitors of all ages. Council had the opportunity to require a cash contribution to develop other open spaces but chose the land acquisition option on the basis that there were NO areas set aside for this purpose.

In regard to COMMUNITY AND STAKEHOLDER CONSULTATION (page 62) reference to community consultation as part of the review of the Strategic Plan is somewhat dubious. I cannot think of any reason why a community would want to specifically continue to remind a Council to retain an asset that was acquired by the Council for a specific purpose. Council should be cognisant of recent advices that they have received from child development experts and health professionals as to the benefits of play and recreation. The principles of advices are not restricted to new or pristine playgrounds for one particular age group. Mature aged persons most certainly enjoy a bushland setting in its natural state (Gerzalia Drive) and certainly if it leads to one of our waterfront locations. Why dispose of this valuable asset when it is one of a kind with no alternate access.

#### **Lot 501 Woolcock Court PID 7888524**

This parcel of land is intrinsic in the long term and future development of land owned by the state. The entire and substantial residential complex on the northern boundary of the town represents a splendid opportunity for growth in the medium to long term. Forward thinking planning of the Master Plan had a series of cul-de- sac residential areas linked by interlocking recreational areas. This forward thinking strategy was aimed to enhance what some would deem as a concentrated and bland environment. The very purpose of cul-de-sac infrastructure is to eliminate through roads but as it is in this case provide linkage of user friendly and aesthetic appeal spaces. Natural open and native spaces are an asset for those in a sometimes bland housing environment.

Further in relation to the Woolcock Court reserve as the then appointed agent by the state to sell all the land owned by the state south of North Street to Agnes Street (later put on hold to negotiate the responsibility of which party Council/ State to extend Agnes Street) I state that at all times the intent of the several parcels of land connecting the substantial cul-de-sac development had interlocking reserves incorporated in their design. (I urge Councillors to study the overall design incorporating the unmade sections of Franklin and Agnes Streets and Broomhall Court.)

I can only assume that those in the position of decisions within the Council of the day had input. Why remove a future asset when this still state owned portion of land presents such a huge potential benefit for growth within our municipality? When this wonderful opportunity evolves it will be this Council who is responsible for a diminished facility if for minimal short term fiscal gain a long term benefit and attraction for suburban enjoyment is denied.

PLEASE NOTE: A previous Council declined the innovative proposal that I proudly negotiated with a former Premier to hand over this expansive residential development to Council with associated incentives for attraction of new residents both local and interstate. This is a marvellous opportunity awaiting revival !

#### **Gerzalia Drive PID 1737346**

This parcel of land was a requirement by Council to allocate for "Open Public Space" in lieu of 5% of land value. Council quite correctly deemed that there was no public recreational space in the vicinity and the parcel of land negotiated represented the **ONLY** access to the waterfront areas adjacent to the entire subdivision. Further the total design of the Low Density residential Zone took into account that future subdivision as the town developed the land could be rezoned into General Residential. It should be noted that this substantial area of George Town in the southern sector is the last that can be developed due to the restrictions of the bordering Industrial Zone.

#### **15 Riverleads Drive PID1723024**

The developer of this subdivision was required to allocate this allotment and not afforded the option of a 5% cash contribution at the insistence of Council who deemed that there was no public allocated recreational space in the area due to an earlier administrative oversight where land allocated was resumed by a landowner. Council insisted that there was a need due to no other recreation land allocation from York Cove to beyond Lawrence Street. The developer voluntarily and at their own expense created the walkway linking Reece St to Riverleads Drive to access the recreation land and beyond. The allotment was specifically subdivided in consultation with Council and allocated a service entrance of three (3) metres which I believe is less than the requirement for a residential subdivision. A previous proposal by Council to sell this land was abandoned for all the right reasons which are still relevant today. It is somewhat inconsistent with good planning intent to abandon a requirement for public open space when the density of occupancy has increased rather than a reduction. The need for recreation spaces and play areas has not decreased and if the reason to present the property for sale is based on the need for fiscal return to offset other deficiency the reasoning would be in direct conflict with the provisions of appeal criteria as set out in the Local Government Act 1993 178A (3) (a) and (b)

#### **30 Davies Street PID 6450301**

This land most likely resumed for unpaid rates is on an unmade road and unless purchased by an adjoining landholder who could adhere the titles will present a negative financial return for ratepayers if the purchaser requests the basic services of road and footpath etc. In any case it is not a "good look" for Council to be engaging in land sales with substandard infrastructure.

#### **241 Agnes Street PID1931747**

Historically this allotment was set aside for a recreational area when subdivided by the government of the day. Play equipment was installed. The allotment is used by residents of Edward Court as a thoroughfare to connect with Agnes St to schools and shops etc. Investment by Council in recreation facilities to the near south would appear to be suitable for the area but the amenity of the well-used thoroughfare will be compromised if the total allotment is sold. I would respectfully suggest that with a generous allotment size of over 1400 square metres that the land could be disposed after a suitable pedestrian access is kept for those who currently enjoy the facility.

**Gerzalia Drive PID 2048374**

There is no objection to the sale of this property but it is noted the appeal to purchase is restricted to only one adjoining property owner. It is suggested a better solution would be to negotiate some arrangement for joint tree plantings to enhance the end of road environment. I am wondering at the intent of this odd parcel but it could have been part of special arrangement by the original land owner to direct storm water from as far afield as the southern section of Tamar Avenue. This it is suggested should be investigated as there may have been some easement oversight:

In conclusion I wish to state that in the case of the larger allotment in Gerzalia Drive and the land in Riverleads Drive there would appear to be a legitimate moral expectation to re-examine Council's insistence of a land acquisition from the developers of the day who were very much in the minority of having the faith to invest in George Town. In both cases the contribution of land at the insistence of Council Officers was a considerable financial impost. It is noted that since the acquisition of the land over several decades Council has never restricted access to these properties or indeed quantified their usage as non-manicured places of recreation. Perhaps Council does not value the contribution of the original developers of the land. It raises the question as to whether Council was ever kosher in the conditions of the day or indeed whether strategies are in place now to be supportive of those who wish to invest in the development of the municipality.

Yours sincerely

Graeme Nelsen

To: THE GENERAL Manager  
OF THE GEORGE TOWN Council  
Justine Brooks.

10/10/17.

I would like to put in my objection to the sale of Land Plo 1737346 next to St GERZALIA Drive George Town. In the 1990's we did the subdivision and had all but finished it when the George Town Council of that time had overlooked the public open space. The only option was for them to take the land of my block St GERZALIA DR. We had no offer of "cash in lieu" or contribution the Council just took the open space from my block or the subdivision would not go thru. If this land is not being used for what it was taken from me for which is public open space. I would hope that the Council will work something out for me, and would like to have the time to sort something out. I would ask for an extension to get more information as my lawyer has ~~say~~ ask me to speak to the Council first see what you would like to do then go from there. Land 1737346 under sections 178 (4) of the Local Government Act 1993. We purchased lot 7 on SP 124457. originally this was taken for public open space.

Wendy Jackson

George Town

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George Town Council	
11 OCT 2017	
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(ECS) GM	

AA



R & V Colgrave

George Town 7253  
10 October 2017

File No:	32.36
George Town Council	
10 OCT 2017	
RECEIVED	
Action Officer	Doc No.
AA	EOC

Att: Justine Brooks Bedelph  
General Manager  
George Town

Dear Justine

We wish to both object and comment on two properties advertised in the Examiner for sale as Public Land.

1. In regard to Gerzalia Drive PID 1737346 it is our recollection as developers that this long narrow section bordering a property which we sold was acquired by Council for future service work and if our memory serves us correctly it was something to do with a future sewerage pump. We respectfully suggest that inquiries be made re this matter. We believe the section forms part of the near neighbour's fenced section and is maintained by them.
2. In regard to Gerzalia Drive PID 2048374 this allotment was selected to comply with the requirement to make available 5% of land to be subdivided or 5% of the land value. Naturally we would have preferred the latter but Council insisted on the land transfer. The reasons given were that there was no other recreation open space available in this new subdivision and because the low density could well be converted into a more concentrated housing area in the future the need for open space would increase. Further the land presented a pristine natural environment (fauna & flora) and the only access to the Tamar River (Deceltful Cove) which is now closer to its original condition following some industrial negatives than it has ever been in recent history. Speaking of history this particular location has its own story to tell about some enterprising convicts who attempted an ill-fated venture to build an "escape vessel."

Lastly the land was the only section of the subdivision that had not been disturbed for agriculture and horse training facilities. This all added to the ongoing use as a delightful low maintenance recreation area. I have observed many using the area and it should be noted that it was a requirement to put in a modest car-park lay-by. This was not an area set aside for a conversion to a public reserve but is rather an active and valuable asset for near neighbours and has the potential for further publicity and use.

Yours sincerely



Rob & Val Colgrave

