CONFIDENTIAL AGENDA ITEMS

COUNCIL MEETING

26 July 2016

Item 15.1 Paternoster Road Land Offer
Item 15.2 Council Business Centre Fit Out – Procurement Process
CONFIDENTIAL REPORTS BY OFFICERS

<table>
<thead>
<tr>
<th>Item Number</th>
<th>15.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>PATERNOSTER ROAD LAND OFFER</td>
</tr>
<tr>
<td>Date</td>
<td>26 July 2016</td>
</tr>
<tr>
<td>Author(s)</td>
<td>Rebecca Howard, Team Leader Property and Procurement</td>
</tr>
<tr>
<td>Reference</td>
<td>CC10/2464; CR16/33204, CR16/35615, CR16/35592, CR16/35617, CR16/35597</td>
</tr>
<tr>
<td>Previous Motion</td>
<td>NIL</td>
</tr>
</tbody>
</table>

In accordance with Sections 83(5) and 84(6) of the Local Government Act, 1999 – the Chief Executive Officer considers that this item may be considered in confidence by the Council on the grounds set out below (and therefore will remain confidential until the Council resolves how this item is to be classified).

A further written report will be considered by Members at the Meeting after the following recommendation is carried.

OFFICER’S RECOMMENDATION

Item 15.1 – Paternoster Road Land Offer (CC10/2464)

That:
1. Pursuant to Sections 90(2) and 90(3)(b) of the Local Government Act 1999 (the Act), the Council orders that the public be excluded from attendance at that part of this meeting relating to Item 15.1, excepting the following persons:
   - Chief Executive Officer
   - Acting Manager Economic Development, Regulatory Services & Communications
   - Manager Infrastructure & Engineering Services
   - Manager Library & Community Services
   - Manager Finance & Corporate Services
   - Team Leader Property and Procurement
   - Minute Taker

to enable the Council to consider Item 15.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 15.1:

(b) information the disclosure of which—
   (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
   (ii) would, on balance, be contrary to the public interest;

Specifically, the present matter relates to the land value and potential purchase price expected by a landowner.
The disclosure of this information could reasonably be expected to be commercially advantageous to a potential purchaser or developer who is seeking land in the vicinity.

The Council has considered the public interest in relation to whether to make this order. The prevailing public interest in these circumstances is the requirement to not disadvantage a landowner through publication of his/her property values or plans, prior to a potential Development Application process. The Council considers that, on balance, disclosure would be contrary to the public interest.

2. Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.
OFFICER’S RECOMMENDATION

Item 15.1 – Paternoster Road Land Offer (CC10/2464)

That Council -
1. Note the Paternoster Road Land Offer Report.
2. Advise the landowner that Council will not seek to purchase a portion or whole of the land at this time.
3. Subject to any future land division request, consider acquiring the river front land in accordance with the Development Plan.

BACKGROUND

In February 2016 Mr Jim Collins, owner of 50 Paternoster Road Reid, contacted Council staff regarding his property, seeking to determine if Council would be interested in purchasing part or all of the property. A copy of his letter is contained in Attachment 4.

The property is located in Reid, fronting Paternoster Road and extending to the centre line of the River at the rear. The land is approximately 7007 square meters, predominately flat with a 53 meter frontage. Improvements on the land include a residence, shedding and a swimming pool.

Located at the rear of the property is a large underground, concrete communications bunker built in the 1940’s and used throughout World War 2. The bunker is listed on the Local Heritage Register and marked in the Development Plan (refer Attachment 1). The bunker is approx. 40m in length, 8m high and 10m wide. The bunker is in excellent condition for its age and has retained a number of its original features including access doors and air-conditioning plant.

Mr Collins is considering developing the property, including undertaking a land division to create up to 9 allotments. A copy of the draft land division is attached (Attachment 2). This land division has not been submitted through a Development Application, nor has Mr Collins received any preliminary planning advice from the Council Planning Department.
The purpose of this report is to determine the Council’s interest in purchasing or otherwise acquiring part or all of the Paternoster Road property now, or during a possible future land division.

COMMENTS/DISCUSSION

The property is located within the Rural Living Zone which is prescribed as follows in the Development Plan (extract as Attachment 3):

**Objective**

A zone primarily accommodating detached dwellings on large allotments set in a semi-rural environment, with a range of agricultural activities, including small hobby farms and some non-agricultural activities, in suitable areas.

**Principles of Development Control**

1. Development undertaken in the Rural Living Zone should be, primarily, detached dwellings on large allotments set in a semi-rural environment and incorporating a range of agricultural activities including small hobby farms, but some non-agricultural activities that do no conflict with the objective of the zone may be suitable in certain parts of the zone.

2. The minimum allotment size should be 4 hectares and the frontage of an allotment to a public road should not be less than 33 1/3 percent of the average depth of that allotment.

Given the above, the proposed land division is non-complying and would require consideration through a development assessment process. It should be noted however, that a number of smaller allotments do exist within this area. The assessment process would consider both the Development Plan Zoning and the existing character of the area.

In addition, the Development Plan provides that when land is divided:

110

(i) if it borders a watercourse the land immediately adjoining the watercourse should become public open space, with a public road fronting the open space and be rehabilitated for appropriate public use.

111

Where land which has a frontage onto the Gawler River, North Para River and South Para River is divided, a reserve at least 30 metres wide, when measured from the top of the bank, should be provided along such a frontage.

The Development Plan provides that Council has the ability to negotiate the transfer of river corridor land, upon a land division, for the purposes of a public reserve.

In this instance, the local heritage place (WW2 bunker) is located along the river corridor and within 30m of the top of the river bank. The Council owns the land parcel adjacent the property (located to the west) and the land parcels along the river behind the existing properties (as marked on Attachment 1).

Council could seek to secure the land and the associated bunker as part of the land division negotiations. This approach provides Council with time to plan the management and protection of the site, and will not require significant financial outlay.
The proposed land division creates less than 20 allotments which is the trigger point for
the need for open space allocation, however as the land proposed to be divided is
along the river corridor, the Development Plan allows Council to negotiate a transfer of
land to Council control for the purposes of maintaining the riverine environment.

Mr Collins has offered that Council may seek to purchase the entire property. Mr
Collins is seeking over $1m for the property based on his calculations of the estimated
return on investment post the land division process. The current capital valuation of
the property by the Valuer-General is $410,000.

Should Council consider purchase of part or all of the property an independent
valuation would be required to inform a potential purchase price.

The Gawler Open Space, Sport and Recreation Plan makes reference to river corridor
land and the continued development of river and nature based parks, refer Theme 3
below:

Theme 3: Recreation and Nature
Continue to strengthen the quality, appeal and diversity of the river and nature based
parks, including through the development of additional river and nature based parks as
the population increases, and to balance the provision between the north and south of
the Town. Also aim to achieve a spread of good quality neighbourhood parks that
are appealing and accessible to local communities.

In addition, the GOSSRP provides the following strategies regarding land acquisition
for the purpose of recreation:

1.4 Consider other opportunities for land acquisition to achieve linear connections
such as along Gawler River, North Para River and South Para River, and
provide key parcels for future sport and recreation use. An Open Space
Planning Framework has been developed to guide the acquisition of
appropriate land parcels (refer Appendix A). Also investigate opportunities for
obtaining access to private land to complete linear connections.

4.2 Extend the trail network along the river systems with the ultimate aim to extend
along the Gawler River to the South and the length of the North Para River and
South Para River as shown on Map 4. Use the trail network to connect people
to the river and nature based parks along the rivers. Negotiating 'right of way'
arrangements with private land owners may be required to achieve this.

Although Council owns the land adjacent this parcel (along the western boundary), the
ability to establish trails or useable open space in this location is difficult given the
connectivity to public roads or other trails in the area. Planning for a trail or other use
of the land should be undertaken with a view that that land may be acquired in the
future as part of the Development Application assessment process.

COMMUNICATION (INTERNAL TO COUNCIL)

Manager, Infrastructure and Engineering
Senior Development Assessment Planner
Engineering Team

CONSULTATION (EXTERNAL TO COUNCIL)

Mr Jim Collins
POLICY IMPLICATIONS

Gawler (CT) Development Plan

STATUTORY REQUIREMENTS

Nil

FINANCIAL/BUDGET IMPLICATIONS

In the 2016/2017 Financial Year, no budget has been allocated for the purchase or valuations for the purpose of purchasing property.

Should Council seek to purchase part or all of the property, an independent valuation would be required, costing approximately $1800 to $2500.

The Council has endorsed a Divestment Strategy that focusses effort on the divestment of surplus lands with the aim to re-invest any revenue earned back into community facilities outlined in the Long Term Financial Plan. The Council does not currently have a strategy on the acquisition of land for recreation purposes or other community uses, and this is reflective in the financial forecasts of the Long Term Financial Plan.

COMMUNITY PLAN

Objective 1.3: Protect and promote Gawler’s unique heritage
Objective 2.2: Growth to be respectful of cultural and built heritage
Objective 2.4: The local environment to be respected
Objective 4.1: Create and maintain a riverine environment that reflects the social, cultural and landscape values of the river corridor
Item 15.1 – Paternoster Road Land Offer

ATTACHMENT 1 Locality Map & Photographs
ATTACHMENT 2 Proposed Land Division (draft)
ATTACHMENT 3 Extract of Development Plan
ATTACHMENT 4 Letter from Mr Collins
(c) unless wastes produced by the proposed use of the land, or any use permitted by the principles of development control, can be managed so as to prevent pollution of a public water supply or any surface or underground water resources;

(d) if the size, shape and location of, and the slope and nature of the land contained in, each allotment resulting from the division is unsuitable for the purpose for which the allotment is to be used;

(e) if any part of the land is likely to be inundated by tidal or floodwaters and the proposed allotments are to be used for a purpose which would be affected detrimentally when the land is inundated;

(f) where the proposed use of the land is the same as the proposed use of other existing allotments in the vicinity, and a substantial number of the existing allotments have not been used for that purpose;

(g) if it would cause an infringement of any provisions of relevant building legislation or any by-law or regulation made thereunder; or

(h) where existing significant trees or remnant vegetation will be removed or compromised.

110 When land is divided:

(a) any reserves or easements necessary for the provision of public utility services should be provided;

(b) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in a satisfactory manner;

(c) a water supply sufficient for the purpose for which the allotment is to be used should be made available to each allotment;

(d) provision should be made for the disposal of waste waters, sewage and other effluents from each allotment without risk to health;

(e) roads or thoroughfares should be provided where necessary for safe and convenient communication with adjoining land and neighbouring localities;

(f) each allotment resulting from the division should have safe and convenient access to the carriageway of an existing or proposed road or thoroughfare at all times;

(g) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare;

(h) for urban purposes, provision should be made for suitable land to be set aside for usable local open space; and

(i) if it borders a watercourse the land immediately adjoining the watercourse should become public open space, with a public road fronting the open space and be rehabilitated for appropriate public use.

111 Where land which has a frontage onto the Gawler River, North Para River and South Para River is divided, a reserve at least 30 metres wide, when measured from the top of the bank, should be provided along such a frontage.

112 Land division within an area identified as being ‘Excluded Area from Bushfire Protection Planning Provisions’ on Bushfire Protection Area Figures Ga(BPA)/1 to 5 should be designed to make provision for:

(a) emergency vehicle access through to the Bushfire Protection Area and other areas of open space connected to it;
Attention Ms Rebecca Howard,

Dear Rebecca,

With regards to your recent site inspection and subsequent discussion on the possibility of The Town of Gawler acquiring part of or whole of our property at 50-54 Paternoster Road Reid 5118’ to enable the Council to continue the Linier Park from the Reid Development through to Paternoster Road.

We, the owners of the above property could consider three different proposals as follows:-

**PROPOSAL ONE**

The purchase of Land from the rear of the Besser block Outbuilding back towards the Existing council boundary, which would include the Underground Bunker of Historical Significance to the Council of Gawler.

The large Bunker was built and used during the second world war by the Americans as a Communications Centre with the joint Australian & USA Air Force.

This would allow the continuation of the Walkway to Paternoster Road.

As no valuation has been put on this section of land, a true valuation would be required To begin negotiations.

**PROPOSAL TWO**

All Land and Property as outlined in Proposal One plus part of Land on the Southern Side of the existing House Yard to enable road access to Reidsview Linear Park from Paternoster Road. Again a True Valuation would be required.

**PROPOSAL THREE**

A FULL Purchase of the whole property including land and buildings. This would enable Council to further develop Reidsview Linear Park Area and the underground Heritage Bunker.
We have surveyed this property, excluding that section outlined in Proposal One into nine
Facilitate Nine Large Housing Blocks with a commercial Value of $1.2M after Development
Costs.
This Valuation is a Estimated Value only and subject to negotiations
Trusting this Proposal meets with your requirements.

JR & DM Collins