



OFFICE OF THE
LORD MAYOR
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1 August 2016

Mr Ben Pritchard
President
Teneriffe Progress Association
20/22 Florence Street
TENERIFFE QLD 4005

Dear Mr Pritchard

Thank you for your email of 30 June 2016 about the installation of a fence blocking public pedestrian access to Mactaggarts Place, Vernon Terrace and Riverwalk. Prior to your letter being received Council had already commenced investigation into the matter following representations from the local Councillor, Councillor Vicki Howard, to the Chairman of Council's City Planning Committee, Councillor Julian Simmonds.

Council remains committed to encouraging access and activity along the river as outlined in the River's Edge Strategy. This strategy identifies a vision, principles and potential projects for the inner-city reaches of the river. I can assure you, pedestrian connections along the river are an important element of the River's Edge Strategy.

I am advised the recently constructed fencing was placed on the private land owned by the Mactaggarts Place Body Corporate, to prevent public access through the private property. Although I appreciate this may be inconvenient for pedestrians and certainly is not an action that Council encourages or supports, this is nonetheless an action which is permitted on private property.

Council Officers have reviewed the development approval issued in 1994 for the Mactaggarts building and advise that the approval did not require public access to be provided from Vernon Terrace to the river walkway through the area in question and there is no requirement for public access to be maintained by way of an easement conditioned as part of the approval. The approval only required the developer to dedicate land adjacent to the river to Council as parkland, as well as construct the section of river walkway adjacent to the site.

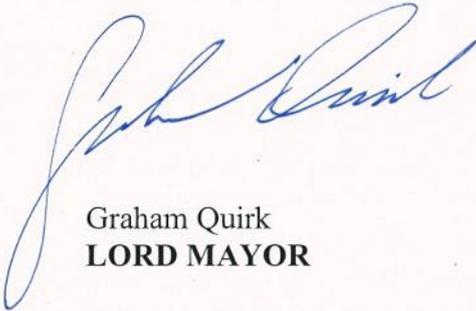
I am told that changes such as the installation of an internal fence in the manner undertaken does not require development approval by Council despite the site being a Heritage Place. However, in an attempt to explore all avenues, Council has approached the State Government Department of Environment and Heritage requesting them to investigate if they have any powers to intervene in this matter, as Mactaggarts building is on the State Heritage Register. I am advised that officers from that Department have since visited the site but Council has not been advised the outcome of that inspection. You may wish to make representation to the local State Member in relation to following up the outcome of that inspection.

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Further, and prior to the Teneriffe Festival, I wrote to the Body Corporate for Mactaggarts asking them to reconsider their decision to erect the fence in this location. I recently received a response saying they would not do so.

While I understand and appreciate this is not the outcome you were hoping for, I trust the above information has outlined Council's pursuit of the matter on behalf of the community.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Graham Quirk', written in a cursive style.

Graham Quirk
LORD MAYOR

Ref: LM04674-2016