

PROPOSED ROAD OPENING AND DRAINAGE EASEMENT - RUSSELL ISLAND**Dataworks Filename:** PDG-40209 Survey Phase**Attachments:** [Redemap Sketch Location](#)
[Proposed Works Sketch Plan 40209 SK1 Rev A](#)
[Design Drawing A T92 1 1 Rev A](#)
[Design Drawing A T92 1 2 Rev A](#)
[Design Drawing A2 T92 1 Rev A](#)**Authorising Officer:****Gary Soutar**
General Manager Infrastructure & Operations**Responsible Officer:****Jason Masters**
Survey Services Manager**Author:****Michelle Gill**
Project Coordinator Survey

PURPOSE

To seek Council approval to dedicate part of Lot 119 on RP137228 to road as shown on drawing A T92-1-1 Rev.A and part of Lot 91 on RP133531 for drainage easement purposes as shown on drawing A2-T92-1 Rev.A, in accordance with the *Acquisition of Land Act 1967* and pursuant to Section 51(2) of the *Land Title Act 1994* and Section 94(4) of the *Land Act 1994* for the road dedication.

BACKGROUND

Council has been progressively sealing the gravel roads on the Southern Moreton Bay Islands (SMBI) to enhance the quality and use of island roads.

The acquisition for road is required to facilitate the road improvements at Tenanne Street, Russell Island as part of the Tenanne Street network and drainage upgrade.

ISSUES

During the design phase it was identified that there is insufficient area for service and emergency vehicles to turn around safely.

The following options were investigated:

- 1 Continuing the northern end of Tenanne Street to create a loop road with Bay Drive via the acquisition of part of privately-owned Lot 119 on RP137228. This will eliminate the current requirement to turn the vehicle around on private property and mitigate similar issues with turnaround facilities at Bay Drive. This

option will also allow a corridor for improved networking of services, if required in the future (refer to attached Drawing A T92-1-1 Rev.A).

Lot 119 on RP137228 has a current development application MC009448. This application was extended in December 2012 and will remain current until December 2014. An acquisition from this property will require a minor amendment to the application triggering a permissible change by the applicant. It has been noted by Planning Assessment that they would support a waiver for the full fee of the permissible change application in this instance. If the acquisition is taken after the application lapses then the permissible change will no longer be required.

- 2 The acquisition of part of Lot 84 located on the Eastern side of Tenanne St. This option would require a large native eucalyptus tree to be removed prior to construction.
- 3 The acquisition of part of Lot 85 on the western side is also an option due to its location and lack of constraints on the property (refer to attached Drawing A T92-1-2 Rev.A). Previous contact with the owner of this property has indicated that the owner may not be favourable to the acquisition.

The acquisition of part of privately-owned Lot 119 on RP137228 is the preferred option (option 1) as it will solve the turnaround issues for both Tenanne Street and Bay Drive. This lot is also the largest lot and would have the least impact on possible future development.

The easement for drainage is required as Lot 91 on RP133531 is at a natural low point with the existing overland flow of stormwater naturally flowing to this point. This lot is identified as Flood Storm and Drainage Constrained Land as per the Redlands Planning Scheme. The easement will allow for construction of stormwater infrastructure to formalise the existing flow point of stormwater and improve the drainage along Tenanne Street.

These improvements will be in accordance with Australian Standard AS1428.1, Redland City Council standard drawings, Austroads, Queensland Urban Drainage Manual and the Queensland Department of Main Roads Road Planning and Design Manual. They will also meet the requirements of the Redlands Planning Scheme which indicate minimum dimensions for the manoeuvre of a standard service vehicle.

STRATEGIC IMPLICATIONS

Legislative Requirements

The acquisition of land either by negotiation or resumption will occur under the *Acquisition of Land Act 1967*. *Division 1* of the Act states that a local government may take land subject to the Act for purposes outlined in schedule 1 (including roads and drainage) or that rights to the land may be acquired in the form of an easement. *Division 2* regulates the process for taking of land by means other than agreement and *Division 3* regulates the process for taking of land by agreement.

The road opening will proceed under two pieces of legislation. The *Land Title Act 1994* deals with freehold land and the *Land Act 1994* works with State land. The tenure process requires the surrender of Council's freehold land to the State, dedication of the land as road and granting Council as Trustee.

Section 51(2) of the *Land Title Act* notes: 'If the dedication is for road, the registration of the plan operates, without anything further, to open the road for the *Land Act 1994*.'

Section 94(4) of the *Land Act* notes: 'Land may be dedicated as road for public use by the registration of a dedication notice or a plan of subdivision.'

The process of dedication of the road will be triggered by the lodgement of an appropriate survey plan with the Department of Natural Resources & Mines who will register the plan, dedicate the road and assign Council as Trustee.

Risk Management

The dedication of the road will bring the area under Section 37 of the *Civil Liability Act 2003* mitigating some risk in respect to possible legal action.

In addition, risks to road users will be reduced due to clearer visibility and the dedicated vehicular turnaround.

From a risk perspective there are no major implications to Council.

Financial

The upgrade of Tenanne Street, Russell Island was adopted within the 10-year capital program, approved under the road upgrade SMBI projects.

People

There are no implications to staff identified.

Environmental

There are no environmental implications identified in the dedication of the road or easement.

Social

There are no social implications identified.

Alignment with Council's Policy and Plans

This report meets the objectives of The Corporate Plan Outcome 5: Wise Planning and Design.

CONSULTATION

Consultation was undertaken with the following:

- Councillor Murray Elliott;

- Service Manager Risk and Liability;
- Design Services Manager;
- Principal Engineer City Infrastructure;
- Property Services Manager;
- Construction Projects Service Manager;
- Project Delivery Group Manager;
- Redwaste Services Manager;
- Group Manager City Environment and Regulation;
- Group Manager City Spaces;
- Parks and Conservation Services Manager;
- Adviser Environment;
- Design and Coordination Service Manager;
- Group Manager City Planning and Assessment;
- Principal Engineer – Water and
- Principal Engineer – Wastewater Reticulation.

OPTIONS

- 1 To acquire part of Lot 119 on RP137228 and Lot 91 on RP133531 for road and easement purposes and that the Chief Executive Officer be authorised to sign any documentation in relation thereto.
- 2 To acquire part of Lot 85 on RP133531 and Lot 91 on RP133351 for road and easement purposes and that the Chief Executive Officer be authorised to sign and seal any documentation in relation thereto.
- 3 Council resolve not to acquire the land or easement resulting in current service vehicles using private property as a turnaround area and drainage issues along Tenanne St left unresolved.

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr M Elliott
Seconded by: Cr M Edwards

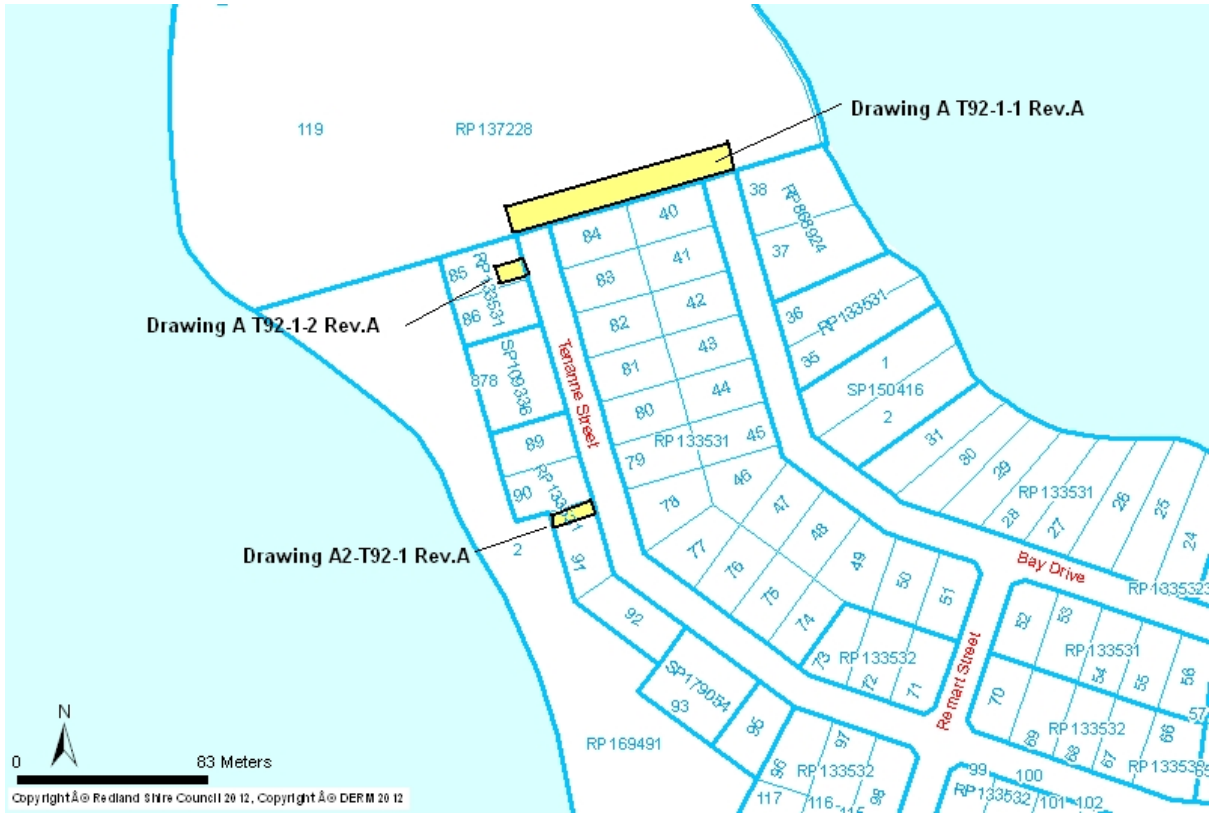
That Council resolve as follows:

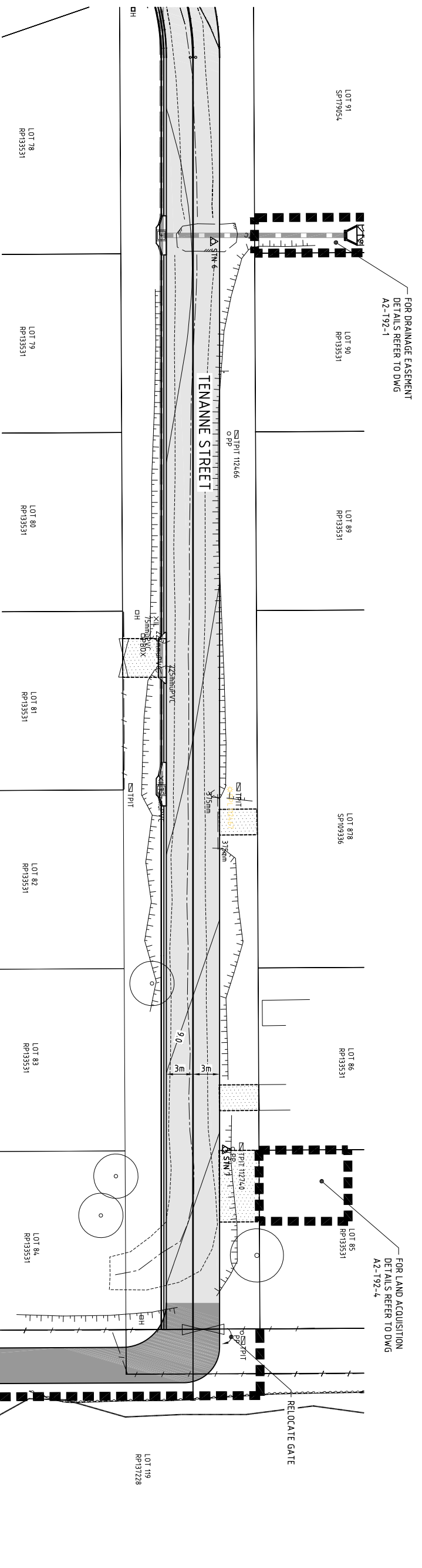
1. To acquire part of Lot 119 on RP137228 by negotiation in accordance with *Section 5 of the Acquisition of Land Act 1967* and dedicate as road pursuant to *Section 51(2) of the Land Title Act 1994* and *Section 94(4) of the Land Act 1994*;
2. To acquire an easement over part of Lot 91 on RP133531 for drainage purposes pursuant to *Section 6 of the Acquisition of Land Act 1967*;

3. That the Chief Executive Officer be delegated authority under section 257(1)(b) of the *Local Government Act 2009* to negotiate the purchase price pursuant to Division 3 of the *Acquisition of Land Act 1967*; and
4. If negotiations with the owner are unsuccessful as per item 1, that Council proceed with resumption action under Division 2 of the *Acquisition of Land Act 1967* and the acquired land is then dedicated as road pursuant to Section 51 of the *Land Title Act 1994*;
5. If negotiations with the owner are unsuccessful as per item 2, that Council, in accordance with Division 2 of the *Acquisition of Land Act 1967* proceed with resumption action and the land is then dedicated as an easement for drainage purposes;
6. That the Chief Executive Officer be delegated authority (under s.257(1)(b) of the *Local Government Act 2009*) to negotiate, make, vary, discharge and sign all necessary documentation; and
7. That the report and attachments remain confidential.

CARRIED 10/1

Cr Talty voted against the motion.

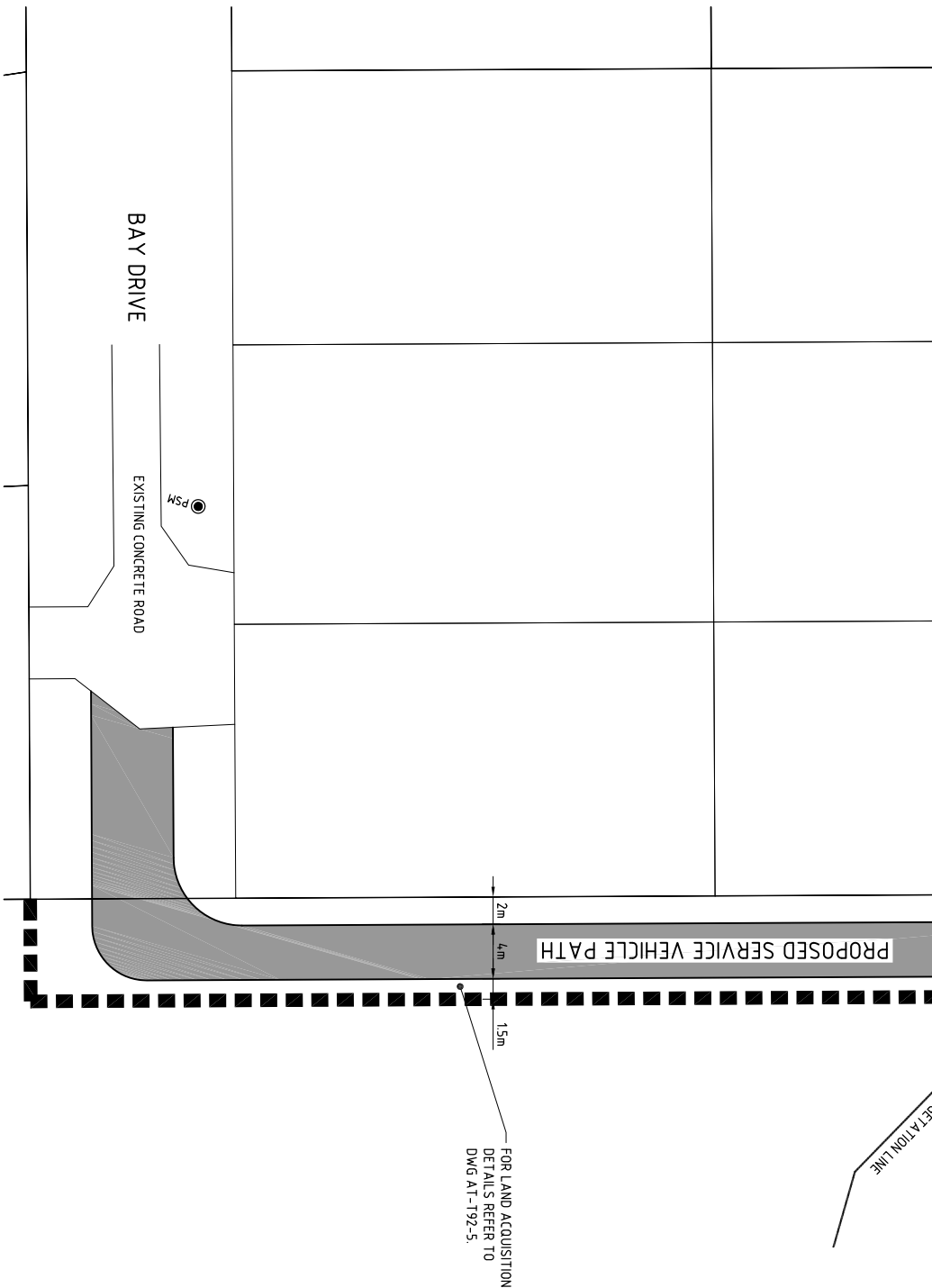




PROPOSED WORKS LEGEND

- SURFACING 2 COAT BITUMEN SEAL BASE (CBR60) 150mm THICK SUB BASE (CBR35) 125mm THICK
- KERB AND CHANNEL (TYPE M)
- 100mm THICK GRAVEL
- FUTURE KERB AND CHANNEL
- STORMWATER DRAINAGE STRUCTURE
- PRECAST HEADWALL
- MAINTENANCE HOLE
- STORMWATER PIPE
- COUNCIL LAND
- ACQUISITION LINE REFER TO DWG A2-192-1, A2-192-2 & A1-192-4 FOR DETAILS
- ROCK PITCHING

PLAN
SCALE 1:250



THIS PLAN WAS PLOTTED FOR INFORMATION ONLY



REV	DATE	DESCRIPTION	DR	NS	APPROV
A	18/07/13	INTEGRATION ONLY			

DESIGN SERVICES
Redland
CITY COUNCIL
MANAGER DESIGN SERVICES

PROJECT: **TENANNE STREET, RUSSELL ISLAND ROAD AND DRAINAGE PROPOSED WORKS SKETCH PLAN**

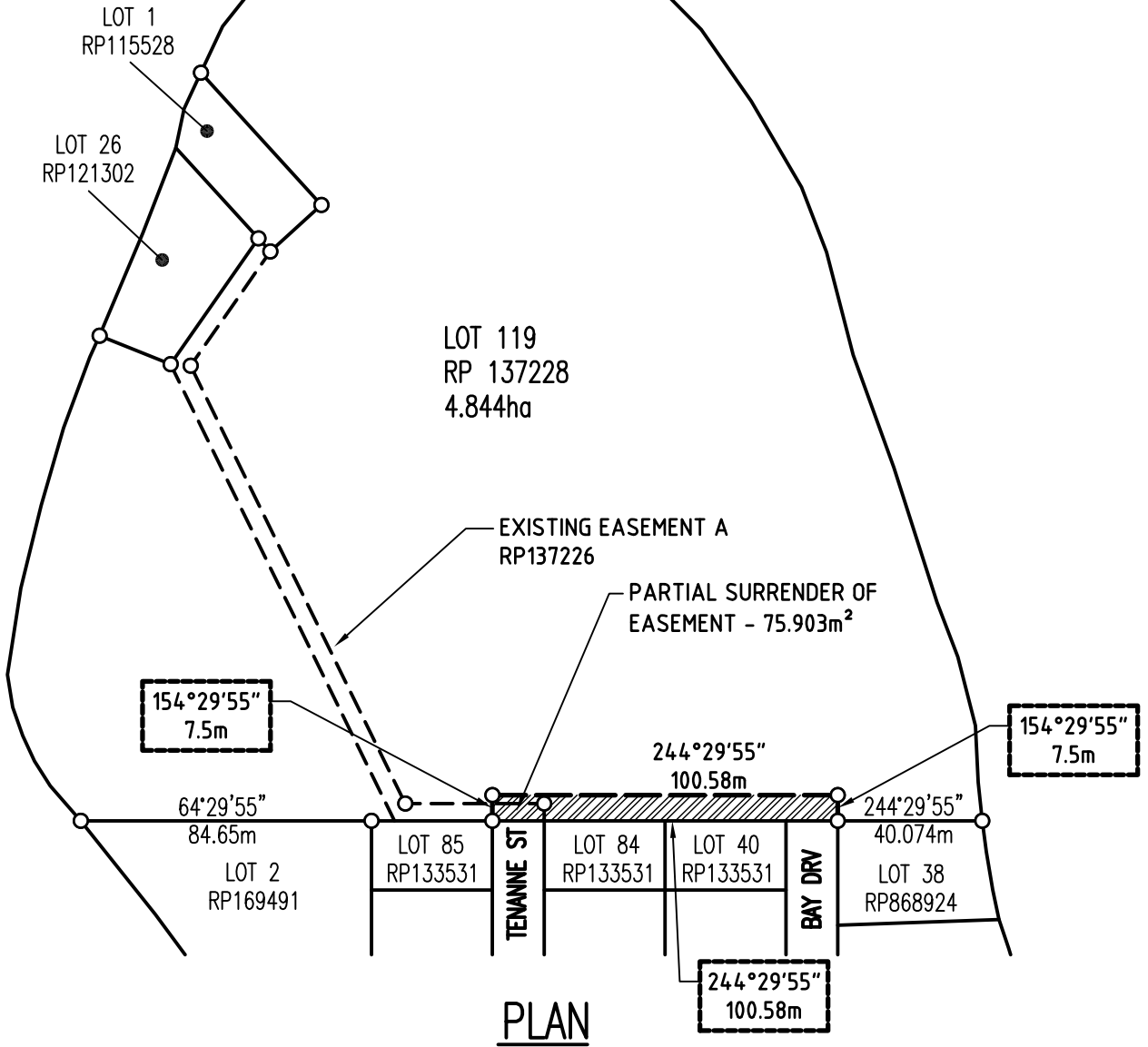
SHEET SIZE: **A1**
DESIGN SERVICES DWG: **40209-SK11**
REV: **A**
RCC DWG No:

SURVEYED BY: J. MAY/J. MG
SURVEY FILE: RT092001
PSM: 130509 RL: 1234LAND
DATE: 17/11/2011

PSM LOCATION: ADJACENT TO LOT 4,1 RP133531



MORETON BAY



PLAN
Scale 1:2000

LOT 119
 RP 137228
 RUSSELL ISLAND
 TOTAL AREA = 48440m²
 ACQUIRED AREA = 754m² (APPROX.)
 PROPOSED AREA = 47686m² (APPROX.)
 OWNER: MR GARY JOHN ROSE
 PO BOX 1729 CLEVELAND DC 4163

NOTE: ALL DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY CONFIRMATION.

DATE:	30.01.13
DRAWN:	CF
APPROVED:	



PROPOSED LAND ACQUISITION
LOT 119 RP 137228
56 TENANNE STREET RUSSELL ISLAND

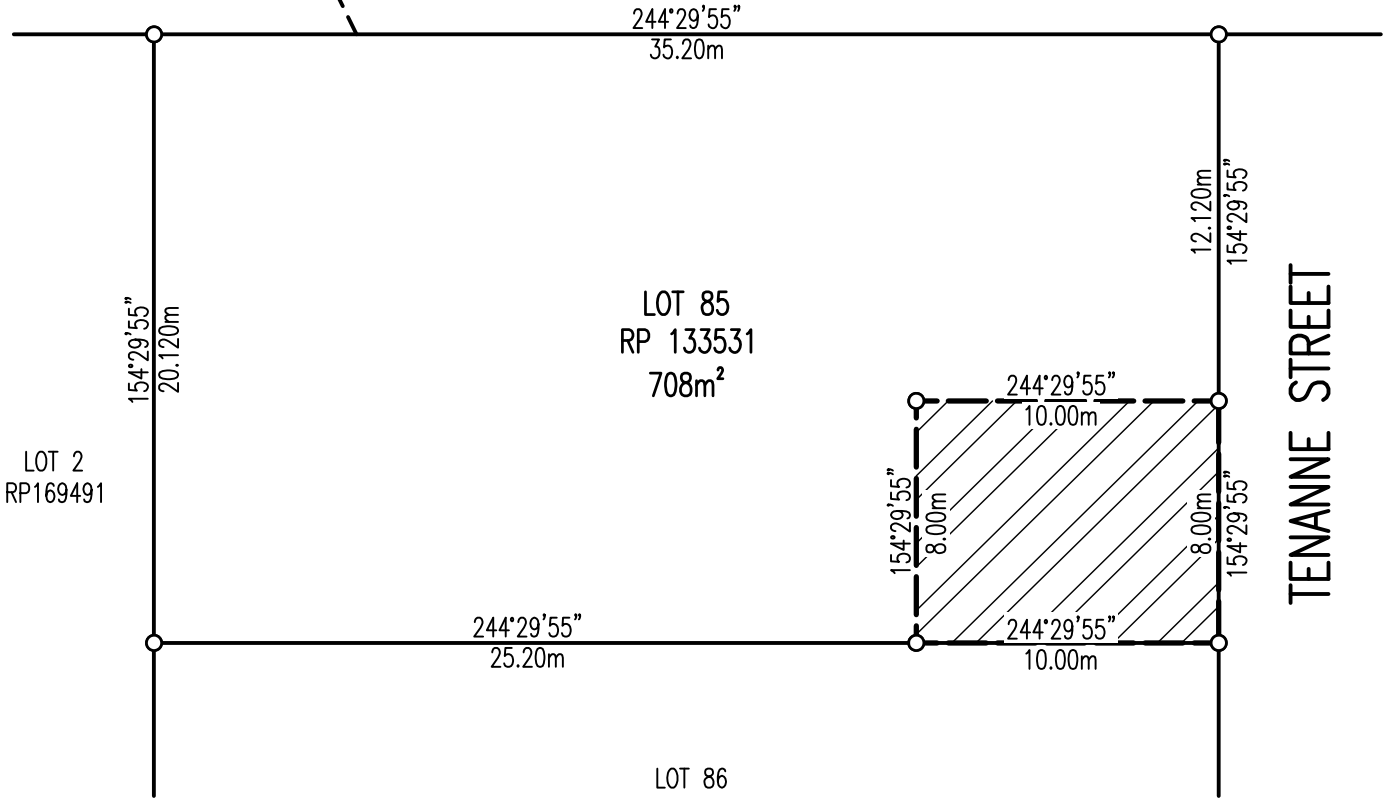
DRAWING NO.		A4
A T92-1-1		
A		

W:\Design Services\Urban\Current Drawings\Tenanne Street - Russell Island Stage 1\40209\AuroCAD\Design\Land Acquis\plan - LOT119 RP137228.dwg, 31/01/2014 10:54:52 AM, Adobe PDF



EMT A
RP137226

LOT 119
RP137228



TENANNE STREET

PLAN
Scale 1:250

LOT 85
 RP 133531
 RUSSELL ISLAND
 TOTAL AREA = 708m²
 ACQUIRED AREA = 80m²
 PROPOSED AREA = 628m²
 OWNER: MR HARVEY BUITRAGO
 2-32 SARMAR STREET
 RUSSELL ISLAND 4184

NOTE: ALL DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY CONFIRMATION.

DATE:	30.01.14
DRAWN:	ND
APPROVED:	

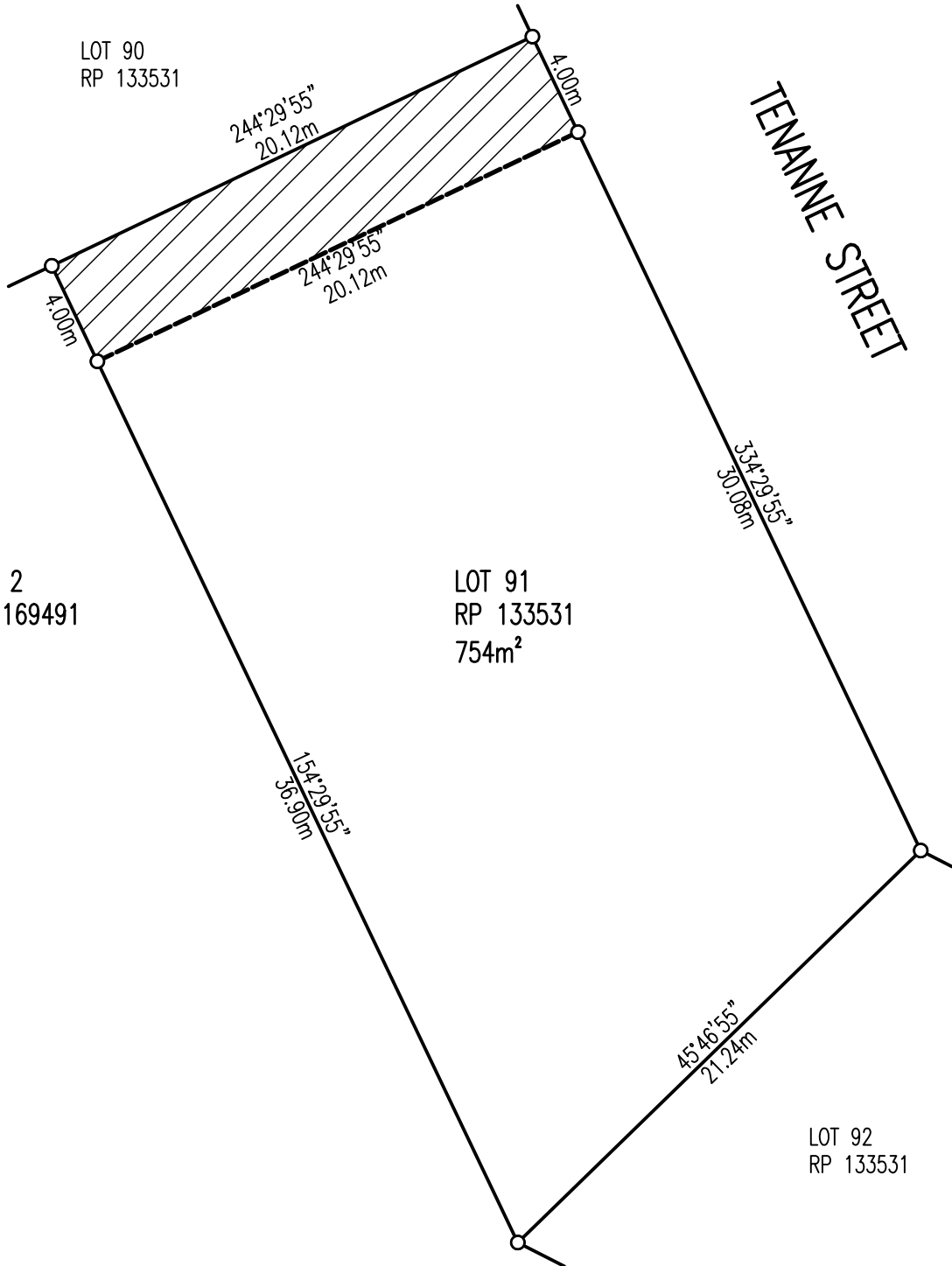


PROPOSED LAND ACQUISITION
 LOT 85 RP 133531
 50 TENANNE STREET RUSSELL ISLAND

DRAWING NO.		A4
A T92-1-2		
A		



LOT 90
RP 133531



LOT 2
RP 169491

LOT 91
RP 133531
754m²

LOT 92
RP 133531

LOT 91
RP 133531
RUSSELL ISLAND

TOTAL AREA = 754m²
ACQUIRED AREA = 80m² (APPROX.)
PROPOSED AREA = 674m² (APPROX.)

OWNER: MR ANDREW SIONE LAFITANI PEACOCK
16 FONTANA WAY
SPRINGFIELD LAKES QLD 4300

DETAIL

Scale 1:250

NOTE: ALL DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY CONFIRMATION.

DATE: 30.01.14

DRAWN: CF

APPROVED:



PROPOSED DRAINAGE EASEMENT
LOT 91 RP 133531
38 TENANNE STREET RUSSELL ISLAND

DRAWING NO. **A4**

A2-T92-1

A [] [] [] [] []