

PROPOSED ROAD OPENING – KARDINIA STREET, MACLEAY ISLAND**Dataworks Filename:** PDG-40424; P136972**Attachments:** [Redemap Aerial Plot](#)
[Redemap CN1 Zoning Plot](#)
[Design Drawing AK95 1 1 Rev A](#)
[Design Drawing AK95 1 2 Rev A](#)**Responsible 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 acquire appropriate tenure over part or all of Lot 162 on RP31214 to allow a standard turnaround for large vehicles. The acquisition will be 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 upgrade to the road surface is part of the SMBI Road Construction Project and also aims to alleviate potential stormwater issues within the area.

The acquisition for road is required to facilitate the road improvements at Kardinia Street, Macleay Island as part of the Ilya and Kardinia Streets road 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 acquisition of privately owned Lot 162 on RP31214 is required to facilitate a service turnaround facility at Kardinia Street, Macleay Island.

Many locations were investigated as potential sites for the turning facility however were unsuitable due to site limitations. All council-owned lots fronting Kardinia Street

have been investigated with many lots zoned Conservation CN1 and unsuitable due to surrounding swamp.

The road improvements are 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 also meet the requirements of the Redlands Planning Scheme which indicate minimum dimensions for the manoeuvre of a standard service vehicle.

The area required for a vehicle turnaround in this location is approximately 103m². The preferred solution is to acquire the entire Lot 162 on RP31214 allowing greater flexibility in design and construction (refer to attached drawing AK95-1-1 Rev. A).

If the land holder wishes to retain Lot 162, only the area required would be dedicated as road. It would also be possible to dedicate this area as an easement to give a secondary interest to Council and allow for the turnaround.

Lot 162 on RP31214 may be suitable for a land exchange with an alternate council freehold property in accordance with the Southern Moreton Bay Island's Land Exchange Policy and Guideline. The property services officer will investigate this option as part of the negotiations with the land owner.

STRATEGIC IMPLICATIONS

Legislative Requirements

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 upgrading of Kardinia Street, Macleay Island was adopted within the 10-year capital program, approved under the road upgrade SMBI projects for the 2016/2017 financial year.

People

There are no implications to staff identified.

Environmental

There are no environmental implications identified with 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 Environment and Regulation;
- Group Manager City Spaces;
- Advisor Environment;
- Senior Strategic Planner;
- Senior Planner Planning Assessment;
- Design and Coordination Service Manager;
- Group Manager City Planning and Assessment;
- Principal Engineer – Water and
- Principal Engineer – Wastewater Reticulation.

OPTIONS

- 1 To acquire Lot 162 on RP31214 by negotiation for road purposes in accordance with Part 2 of the *Acquisition of Land Act 1967*.
- 2 To acquire an easement over part of Lot 162 on RP31214 pursuant to *Section 6 and Schedule 1 of the Acquisition of Land Act 1967*.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr P Gleeson
Seconded by: Cr M Edwards

That Council resolve as follows:

1. That the Chief Executive Officer be delegated authority under section 257(1)(b) of the *Local Government Act 2009* to negotiate the purchase and price for the land required for the turnaround facility pursuant to Division 3 of the *Acquisition of Land Act 1967*;
2. If negotiations with the owner are unsuccessful as per item 1, that Council, in accordance with Division 2 of the *Acquisition of Land Act 1967* proceed with resumption action over part of Lot 162 on RP31214 and the land is then dedicated as an easement as shown on drawing AK95-1-2 Rev.A;
3. 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
4. That the report and attachments remain confidential.

CARRIED 11/0



Kate Street

Iya Street

Iya Street

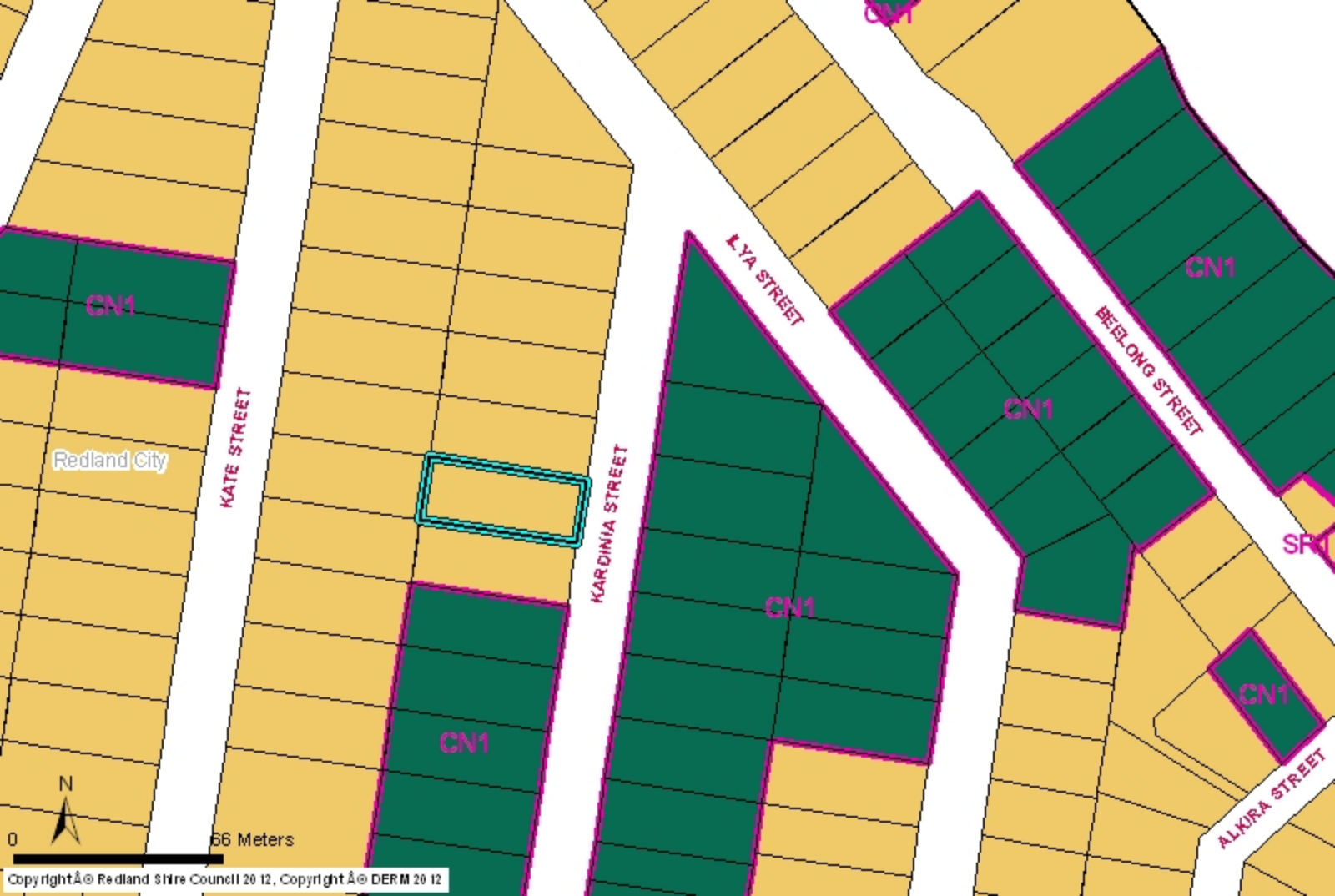
Boforo Street

Karohia Street

Iya Street

Akira Street

66 Meters



Redland City

KATE STREET

KARDINIA STREET

L'YA STREET

BEELONG STREET

ALKIRA STREET

CN1

CN1

CN1

CN1

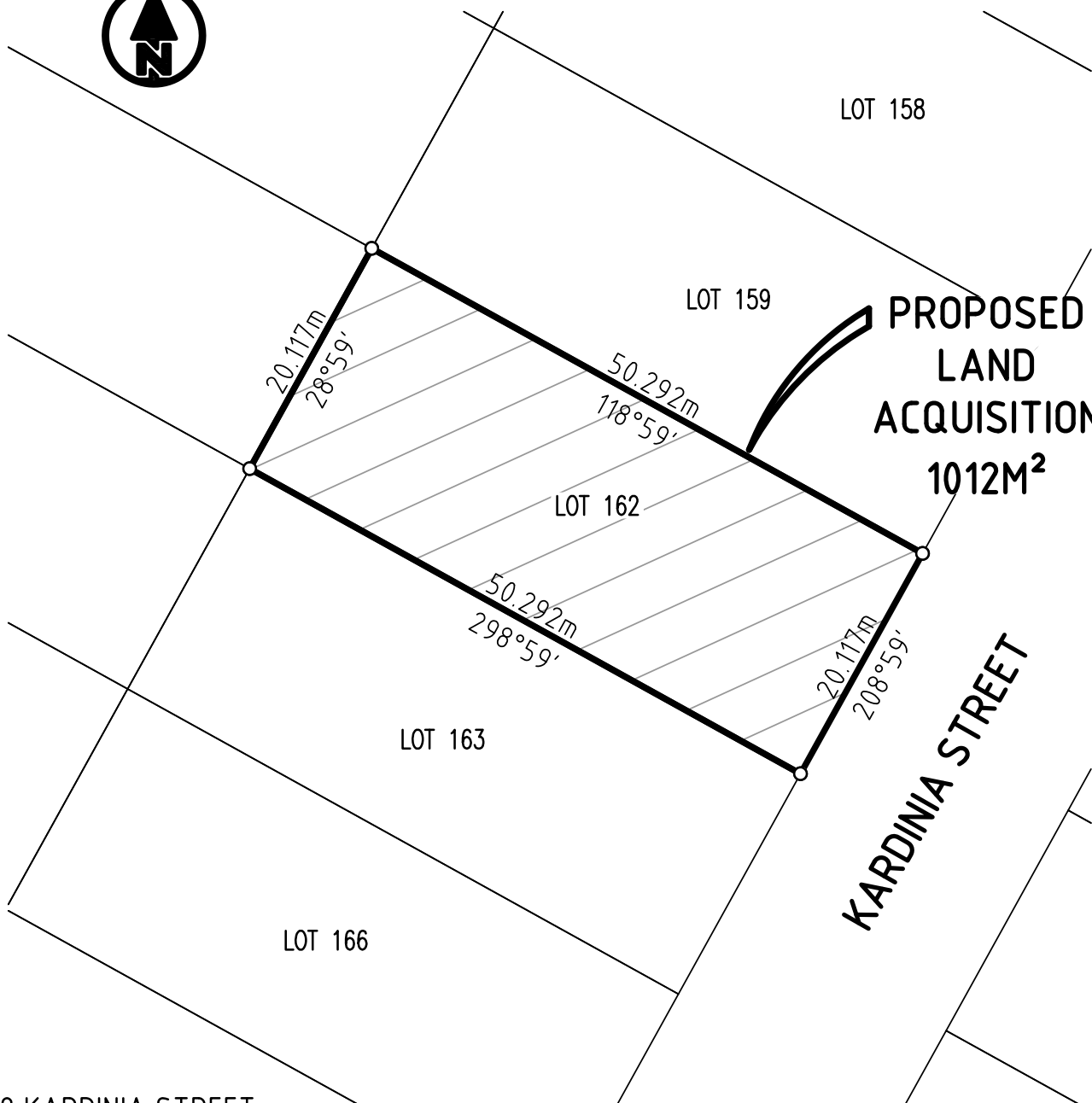
CN1

CN1

SR1



66 Meters



29 KARDINIA STREET

LOT 162

RP31214

PARISH OF RUSSELL

TOTAL LOT AREA = 1012m²

TOTAL AREA TO BE ACQUIRED = 1012m²

OWNER: MS GEORGIA K CAMPBELL

5/5 NURSERY STREET

NUNDAH QLD 4012

DETAIL

Scale 1:1000

PRELIMINARY
NOT FOR CONSTRUCTION OR TENDER

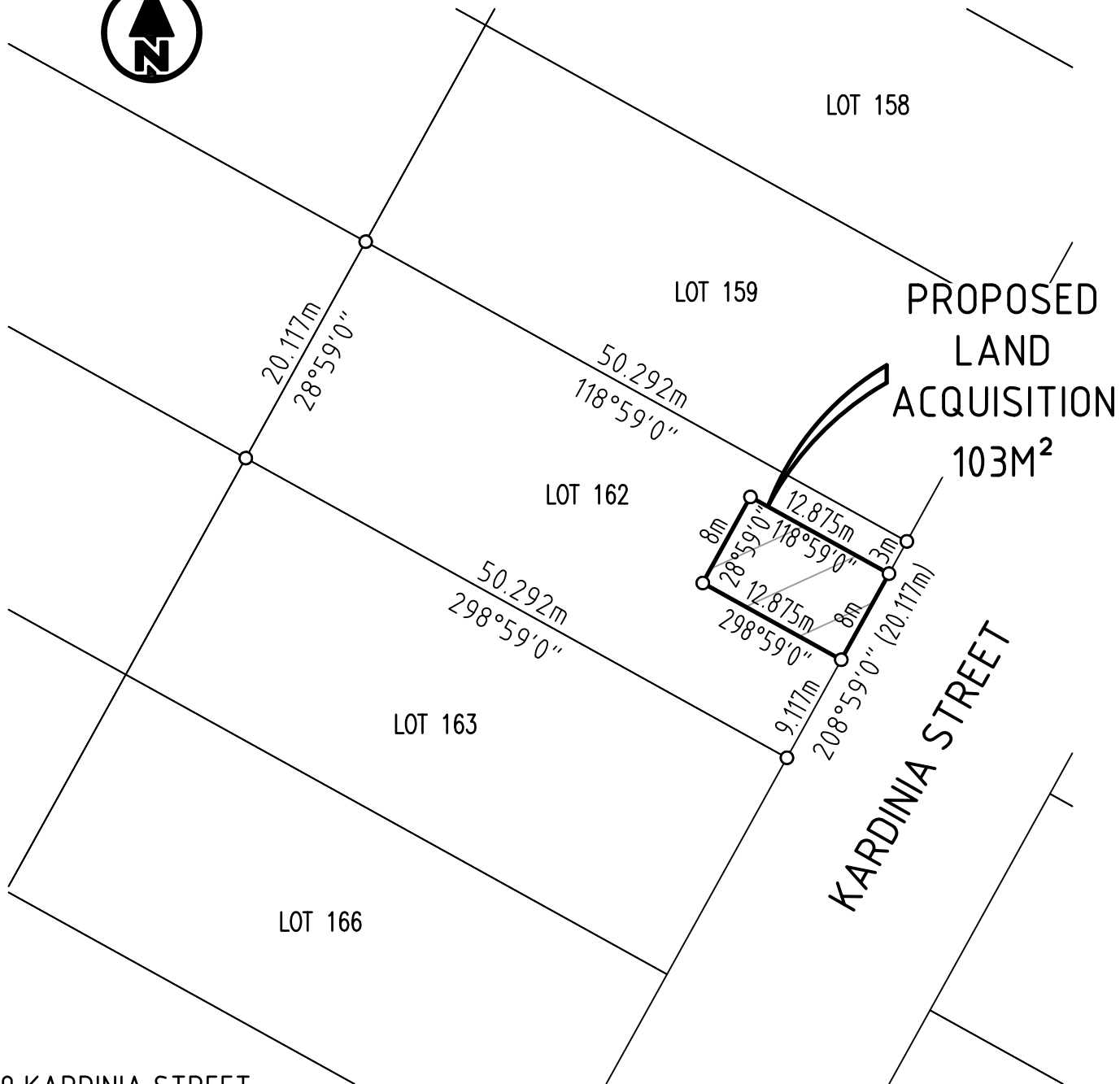
NOTE: ALL DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY CONFIRMATION

DATE:	7/5/13
DRAWN:	MH
CHECKED:	



PROPOSED LAND ACQUISITION
LOT 162 RP31214
MACLEAY ISLAND

DRAWING NO. A4	
AK95-1-1	
A	



DETAIL

Scale 1:1000

29 KARDINIA STREET

LOT 162

RP31214

PARISH OF RUSSELL

TOTAL LOT AREA = 1012m²

TOTAL AREA TO BE ACQUIRED = 103m²

PROPOSED AREA OF LOT 162 = 909m²

OWNER: MS GEORGIA K CAMPBELL
5/5 NURSERY STREET
NUNDAH QLD 4012

PRELIMINARY
NOT FOR CONSTRUCTION OR TENDER

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

DATE:	7/5/13
DRAWN:	MH
CHECKED:	



PROPOSED LAND ACQUISITION
LOT 162 RP31214
MACLEAY ISLAND

DRAWING NO. A4	
AK95-1-2	
A	