

19.3 LAND ACQUISITION FOR STORMWATER DRAINAGE EASEMENT PURPOSES - THORNLANDS

Objective Reference:**Authorising Officer:** Dr Nicole Davis, General Manager Infrastructure & Operations**Responsible Officer:** Bradley Salton, Group Manager City Infrastructure**Report Author:** Michael Pattinson, Service Manager Civil & Traffic Infrastructure Asset Management
John Frew, Senior Asset Engineer
Ying Wu, Asset Engineer**Attachments:**

1. Stormwater Construction Drawings
2. Stormwater Easement 364-368 Woodlands Drive
3. Stormwater Easement 370-380 Woodlands Drive

The Council is satisfied that, pursuant to Section 275(1) of the *Local Government Regulation 2012*, the information to be received, discussed or considered in relation to this agenda item is:

- (e) *contracts proposed to be made by it*
- (h) *other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.*

PURPOSE

To recommend that Redland City Council (Council) acquires land easements on private properties at 370-380 and 364-368 Woodlands Drive, Thornlands, described as Lot 3 and 4 on RP68430 (the subject Lots), for the purposes of storm water easements.

BACKGROUND

The stormwater pipes which cross under Woodlands Drive discharge water into the open drain in front of 364 Woodlands Drive with no proper water outlet. This causes the water to pond in the open drain and surrounding area, and overflow onto the road surface during significant rainfall events.

The flooding issues also impact on a Telstra pit located at the front of the property causing service interruption.

ISSUES

To reduce flooding and ponding at this location it is proposed to install pipes and an open drain across the two adjoining properties to drain water from Woodlands Drive to Erapah Creek.

Council's Design and Technical Services Unit has identified that the optimal location for the storm water infrastructure is on the northern boundary of 370-380 Woodlands Drive, which can provide correct alignment to the cross road culvert with minimum earth work involved.

Land may be taken by agreement under the *Acquisition of Land Act 1967* (the Act) and if negotiations are unsuccessful a compulsory acquisition process may be commenced. If land is taken by compulsory acquisition compensation may be payable for the value of the land taken but also to the damage, if any, caused by any of the following:

- i. The severing of the land taken from other land of the claimant.
- ii. The exercise of any statutory powers by the constructing authority otherwise injuriously affecting the claimant's other land mentioned in subparagraph (i).
- iii. To the claimant's costs attributable to disturbance.

STRATEGIC IMPLICATIONS

Legislative Requirements

Subparagraph 5(1)(b)(i) of the *Acquisition of Land Act 1967* (the Act), allows Council to take land for any purpose set out in schedule 1.

Schedule 1 - Part 7 - Purposes relating to water includes taking land for drainage.

Section 6 - Allows an easement to be taken where it is not necessary for the whole property to be resumed.

Section 7 Allows Council to take land other than by agreement.

Risk Management

The acquiring of an easement, construction of a stormwater drainage line and open drain will address the continued risk associated with flooding of Woodlands Drive to motorists and health issues with the ponding water.

Financial

Funds of [REDACTED] for the property acquisitions and construction of the works at Woodlands Drive are approved in Council's 2020/2021 budget under the Drainage Upgrade and expansion Program. The cost of acquiring the easements over the two properties is estimated at [REDACTED]

People

Environmental

The acquisition of the proposed easements on Lot 3 and 4, will minimise environmental harm by maintaining the natural overland flow path and provides flood immunity for the roadway and the adjacent properties.

Social

These easements will facilitate a lawful point of discharge to drain stormwater from the road and improve road safety.

Alignment with Council's Policy and Plans

The proposed easements on Lot 3 and 4 supports Council's policy and plans to obtain the best return both socially and economically for Council and surrounding property owners.

Human Rights

There are no known human rights implications associated with this report.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Program Manager – City Infrastructure	28/04/2020	Budget for acquisition discussed and identified
Design Services Manager	06/05/2020	Requirements for easement identified during design of stormwater solution
Property Officer	15/07/2020	No objection for the proposed land acquisition
Division 9 Councillor	24/07/2020	Supportive of the proposal

OPTIONS

Option One

That Council resolves as follows:

1. To negotiate the acquisition of the land as described in this report for the purposes of storm water drainage easements, by agreement.
2. To commence proceedings under the *Acquisition of Land Act 1967* to resume the land for the purposes of storm water drainage easements in the event that agreement cannot be reached.
3. To delegate authority to the Chief Executive Officer under Section 257(1)(b) of the *Local Government Act 2009*, to negotiate, make, vary and discharge all documents relevant to effecting this decision.
4. To maintain the report and attachments as confidential in accordance with any legal and statutory obligation, subject to maintaining confidentiality of legally privileged, private and commercial in confidence information until such time as the acquisition is finalised.

Option Two

That Council resolves as follows:

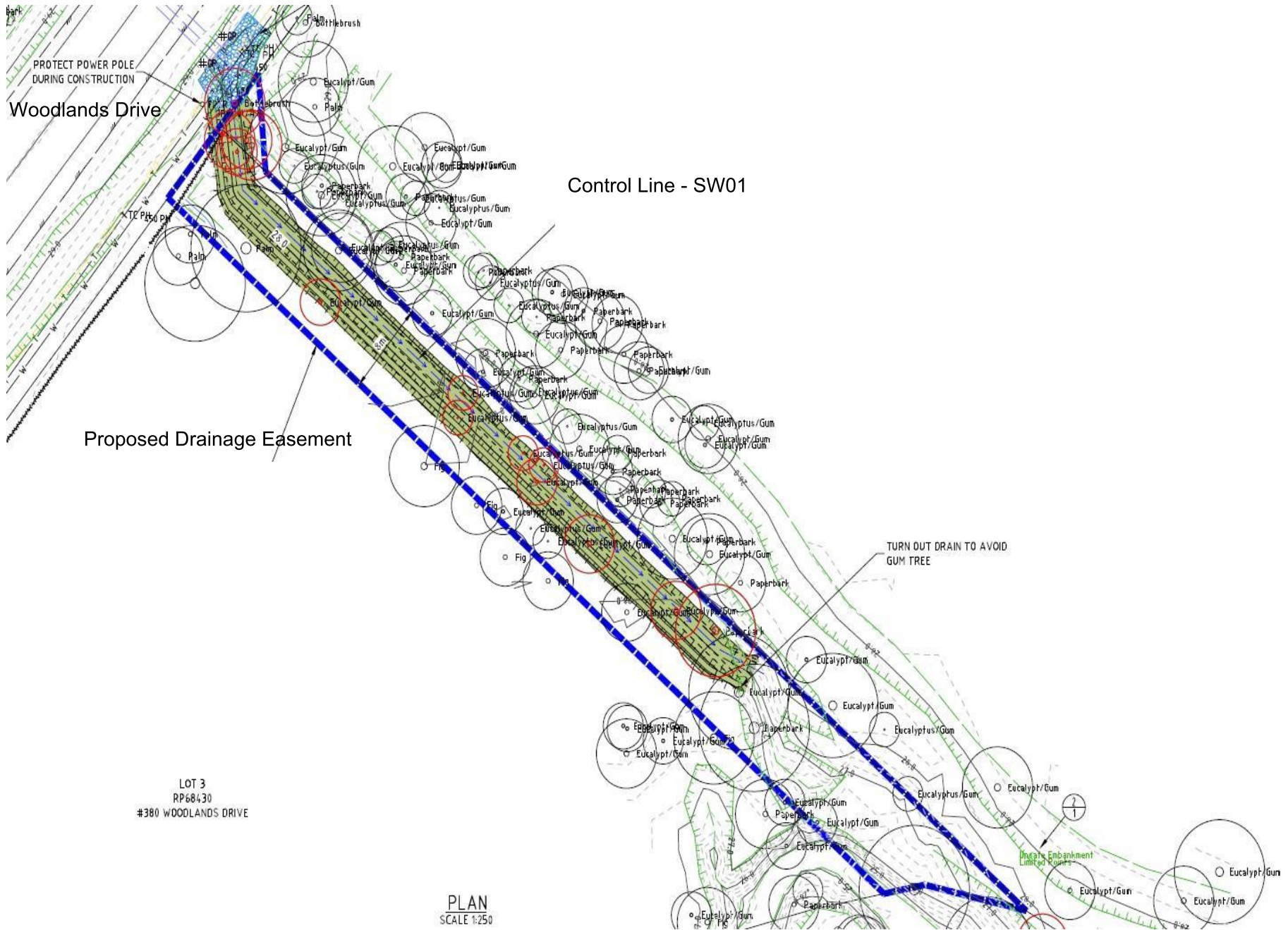
1. To not acquire the land for the purposes of a storm water drainage easements.
2. To maintain the report and attachments as confidential in accordance with any legal and statutory obligation, subject to maintaining confidentiality of legally privileged, private and commercial in confidence information until such time as the acquisition is finalised.

OFFICER'S RECOMMENDATION

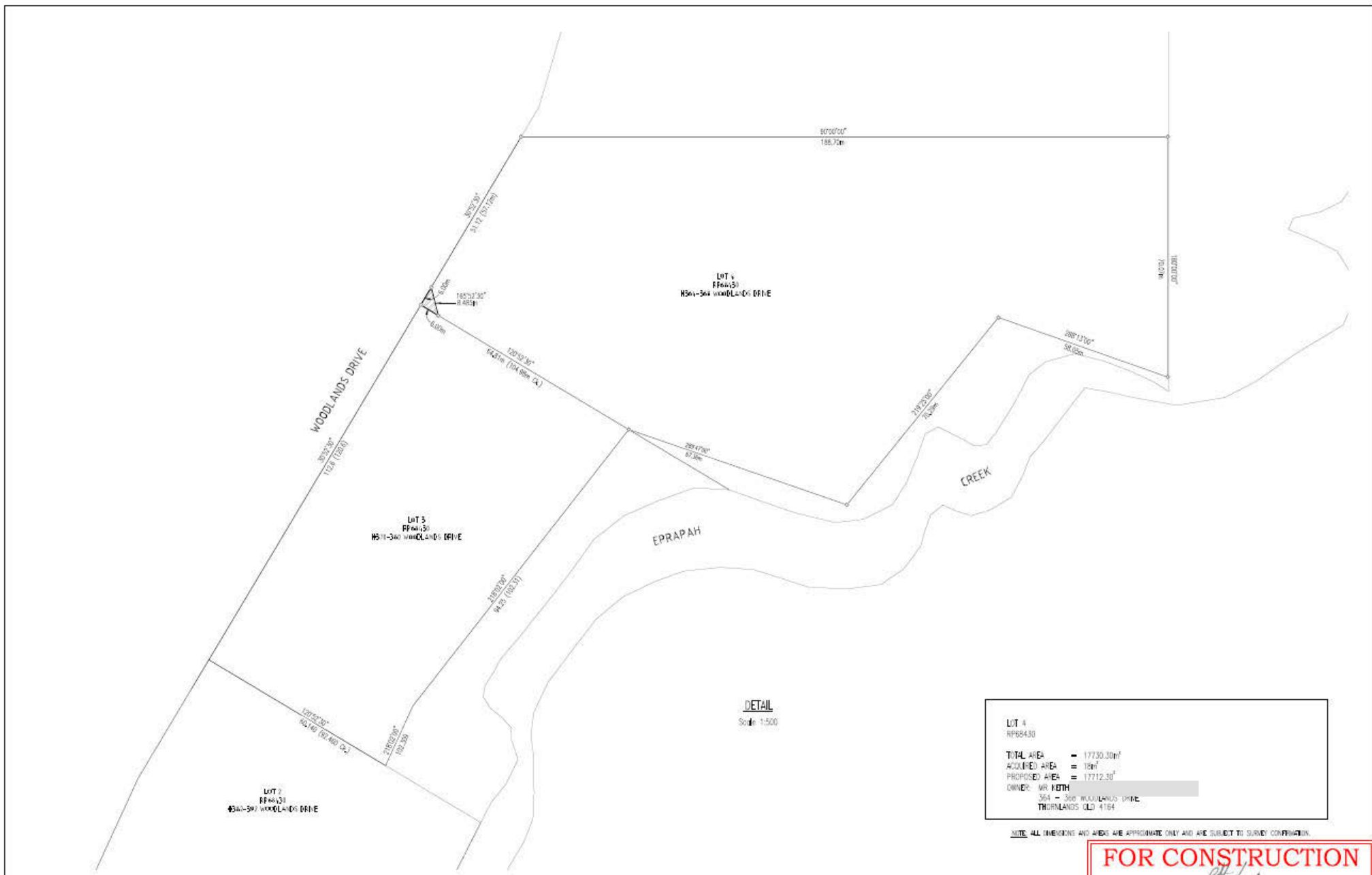
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3. To delegate authority to the Chief Executive Officer under Section 257(1)(b) of the *Local Government Act 2009*, to negotiate, make, vary and discharge all documents relevant to effecting this decision.
4. To maintain the report and attachments as confidential in accordance with any legal and statutory obligation, subject to maintaining confidentiality of legally privileged, private and commercial in confidence information until such time as the acquisition is finalised.

Attachment 1 - Stormwater Easement Woodlands Drive



WA Design Services Unit \Current Drawings\Woodlands Drive #364 - Stormwater Drainage_4.9.21_MH Design\3_Construction\AutoCAD\4.9.21A_Drawing Set.dwg, 26/06/2020 11:39:20 AM



LOT 4
 RP68430
 TOTAL AREA = 17730.30m²
 ACQUIRED AREA = 18m²
 PROPOSED AREA = 17712.30²
 OWNER: MR. NETH
 364 - 366 WOODLANDS DRIVE
 THORNLANDS QLD 4164

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

FOR CONSTRUCTION

MANAGER DESIGN SERVICE: *J. High*



REV.	DATE	DESCRIPTION	BY	CHKD
1	10/04/18	AS SHOWN		
2	10/04/18	AS SHOWN		
3	10/04/18	AS SHOWN		
4	10/04/18	AS SHOWN		
5	10/04/18	AS SHOWN		
6	10/04/18	AS SHOWN		
7	10/04/18	AS SHOWN		
8	10/04/18	AS SHOWN		
9	10/04/18	AS SHOWN		
10	10/04/18	AS SHOWN		



DATE	10/04/18	SURVEY OF	364 WOODLANDS DRIVE THORNLANDS
SCALE	AS SHOWN	FIELD#	FW002501CH
FILE# / PLAN#	FW002501	WORK DATUM	ROC
JOB N	17433	ORIGIN PSM	57196
SURVEYOR	E CHUR	LEVEL B	06/76
		VERT DATUM AND	
		REF LEVEL	31.466

PROJECT:	364 WOODLANDS DRIVE, THORNLANDS
TITLE:	PROPOSED DRAINAGE EASEMENT LOT 4 RP68430

SHEET SIZE:	A1	DRAWING NUMBER:	A RW2-14-1	REV:	A
PLAN # OF 1:		PROJECT NUMBER:	RW2-14-06		

