
Acquisition of Land
Objective Reference:

Authorising/Responsible Officer: Peter Kelley, Chief Executive Officer,
Redland Investment Corporation

Report Author: Anca Butcher, Legal Counsel

PURPOSE

That Council exercise its powers under the *Acquisition of Land Act 1967* to resume land situated at 10 to 13 Auster Street, Redland Bay and 3-11 Moores Road Redland Bay

DESCRIPTION OF LAND ("Land")

Lot and Plan	Address	Registered Owner	Size	Unregistered Dealings and Encumbrances	Current Use
Lot 3 on RP6716 4	3-11 Moores Road Redland Bay	Roger Fraser Moore	44,672m ²	Nil	Vacant Land
Lot 7 on RP7532 7	13 Auster Street Redland Bay	Roger Fraser Moore	1214m ²	Nil	Vacant Land
Lot 4 and 5 on RP7532 7	10 Auster Street Redland Bay	Roger Fraser Moore	834.6m ²	Nil	Commercial/ Industrial Boat Yard

LOCATION

The Land is located at Redland Bay, in the Weinam Creek Priority Development Area. 10-12 Auster Street is located on the northern side of the street and abuts Weinam Creek. 13 Auster Street is on the southern side of the street and adjoins the main parcel which enjoys secondary frontage to Moores Road.

Surrounding development comprises mainly detached residential dwellings, Weinam Creek marina and associated marine operations.

Image 1: Location Map

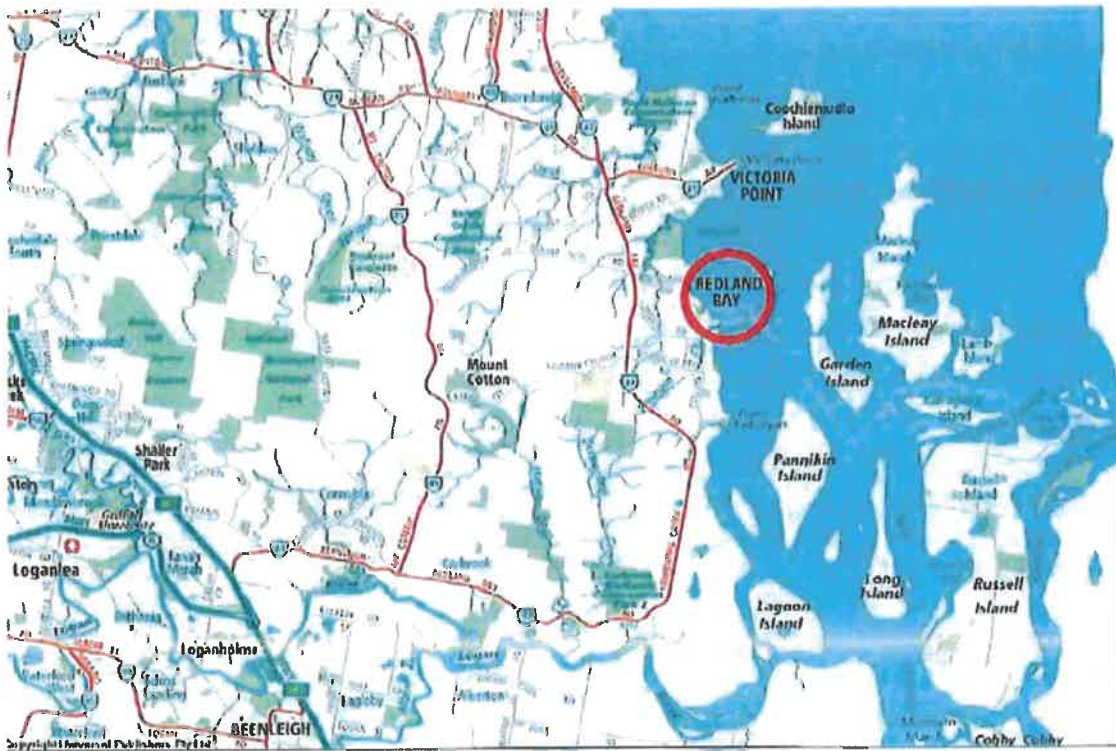


Image 2: UBD Map

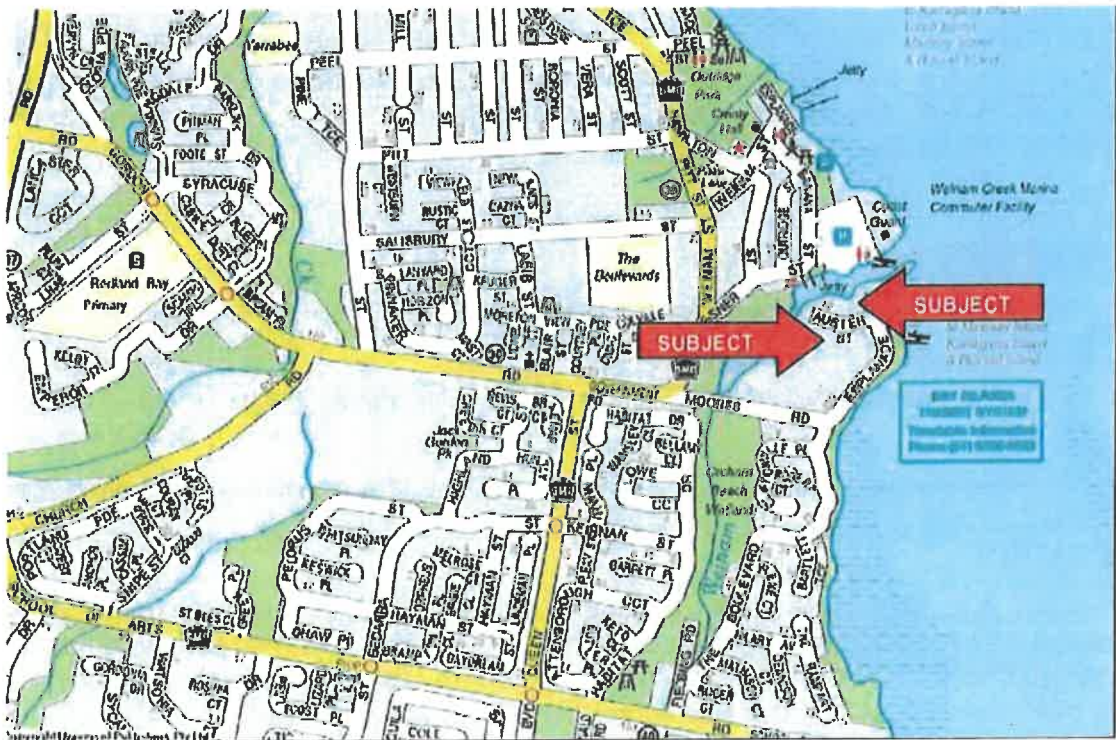


Image 3: Aerial Photo



PURPOSES FOR RESUMING LAND

Lot and Plan	Purpose
Lot 3 on RP67164	<ol style="list-style-type: none"> 1. Public Boat Ramp 2. Public car park 3. Road/Access 4. Flood mitigation 5. Walkways/bridge 6. Community Facilities
Lot 7 on RP75327	<ol style="list-style-type: none"> 1. Public car park 2. Road/access 3. Flood mitigation 4. Walkways/bridge 5. Community Facilities
Lot 4 and 5 on RP75327	<ol style="list-style-type: none"> 1. Public Boat Ramp 2. Road/Access 3. Flood mitigation 4. Walkways/bridge 5. Community Facilities

PLANNING DESIGNATIONS

The purposes for resuming the Land are consistent with the planning designations for the Land. The Land is located in the Weinam Creek Priority Development Area ("PDA").

On 21 June 2013, Weinam Creek as declared by the Queensland Government as a PDA. The Weinam Creek PDA covers a total area of 42 hectares, 36.2 hectares of which is on land and 5.8 hectares is within Moreton Bay. Weinam is the main gateway to the Southern Moreton Bay Islands ("SMBI") providing ferry services between the mainland and Russell, Macleay, Lamb and Karragarra Islands for commuters, students and shoppers. A secondary use of the harbour is for tourist and recreational boating.

The vision for the future of Weinam is to bring more facilities to the foreshore for residents and visitors of Moreton Bay. Improving the water transport facilities and associated land uses is a core consideration. Additionally, ensuring that the area is well-connected and integrated with the surrounding transport network, with particular respect to active and public transport, is a major goal.

Image 4: Weinam Creek PDA



The Weinam Creek PDA Development Scheme ("the scheme") is applicable to all development within the boundaries of the PDA.

Development in the PDA is consistent with the scheme if it complies with the PDA Vision.

PDA Vision

The PDA Vision states that the bus stop and ferry interchange are to be co-located with parking and provide an integral link between the mainland, Southern Moreton Bay Islands (Macleay, Lamb Karragarra and Russell islands) and the Greater Brisbane area.

Water based transport and boating facilities are to be provided including separate terminals for passenger and vehicle ferries, a marina, boat industries and marine services. The harbour is also to be utilised for the launch of recreational boats from trailers. Weinam Creek is to be widened to accommodate passenger and vehicle ferry traffic.

The development and well being of the Weinam Creek PDA is to be supported through the provision of a range of community facilities and services. Existing community services include Redland Bay Police, Redland Bay Community Hall, the Redland Bay Amateur Fishing Club, the Coast Guard, Sea Cadets and Redlands Sea Dragons. These facilities are to be planned and developed to ensure they can evolve with population demographics and thresholds.

Permanent residents of the Southern Moreton Bay Islands will continue to have high levels of access to transport and ferry infrastructure, and throughout the development of the PDA and are not to be disadvantaged in their access to the ferry terminal, bus interchange or parking areas.

Pedestrians, cyclists and vehicles are to be afforded safe and efficient movement options which connect with public transport, the waterfront and community focal points. Adequate parking is to be provided to meet the scale of development and anticipated future growth.

The Structure Plan forms part of the PDA Vision.

Development within the PDA should support the delivery of the following elements as indicated in Image 5:

- establishing an accessible and connected place, with efficient traffic circulation, waterfront promenades, pedestrian and cycle paths, supported by new road connections and intersections;
- providing for community facilities to continue to operate within the PDA serving the needs of existing and future residents and visitors, including marine rescue and enforcement facilities;
- providing for the passenger ferries and bus services to continue in their current location while allowing for the opportunity to relocate the passenger ferry terminal and Translink Redland Bay Marina bus station upstream into Precinct 3 on the northern side of Weinam Creek. Relocation to occur after carpark areas on adjacent land to the proposed new ferry terminal are established and new carparking is provided;

- ensuring the co-location of the bus station, passenger ferry terminal and car parking in the short and long term to provide an integrated public transport network;
- providing for vehicle ferry services to operate in the north of the PDA where traffic conflicts can be minimised;
- providing for the opportunity to create a pedestrian bridge at the end of Weinam Creek to improve north south connections;
- providing a recreational boat ramp in a safe and accessible location, of the same or improved capacity with appropriate provision of car and trailer parking;
- improving access to the waterfront and public open space through pedestrian waterfront links and a new waterfront promenade which is safe, contributes to the open space network, has regard to coastal resources and establishes connections north and south of the PDA;
- providing appropriate infrastructure and car parking facilities in accessible locations that have regard to coastal resources and meet market expectations for safety, comfort, convenience, information and service delivery. The supply of car parking will be staged, appropriately designed and sufficient to cope with predicted growth on the islands.

Image 5- PDA Structure Plan

Map 2 - Structure plan



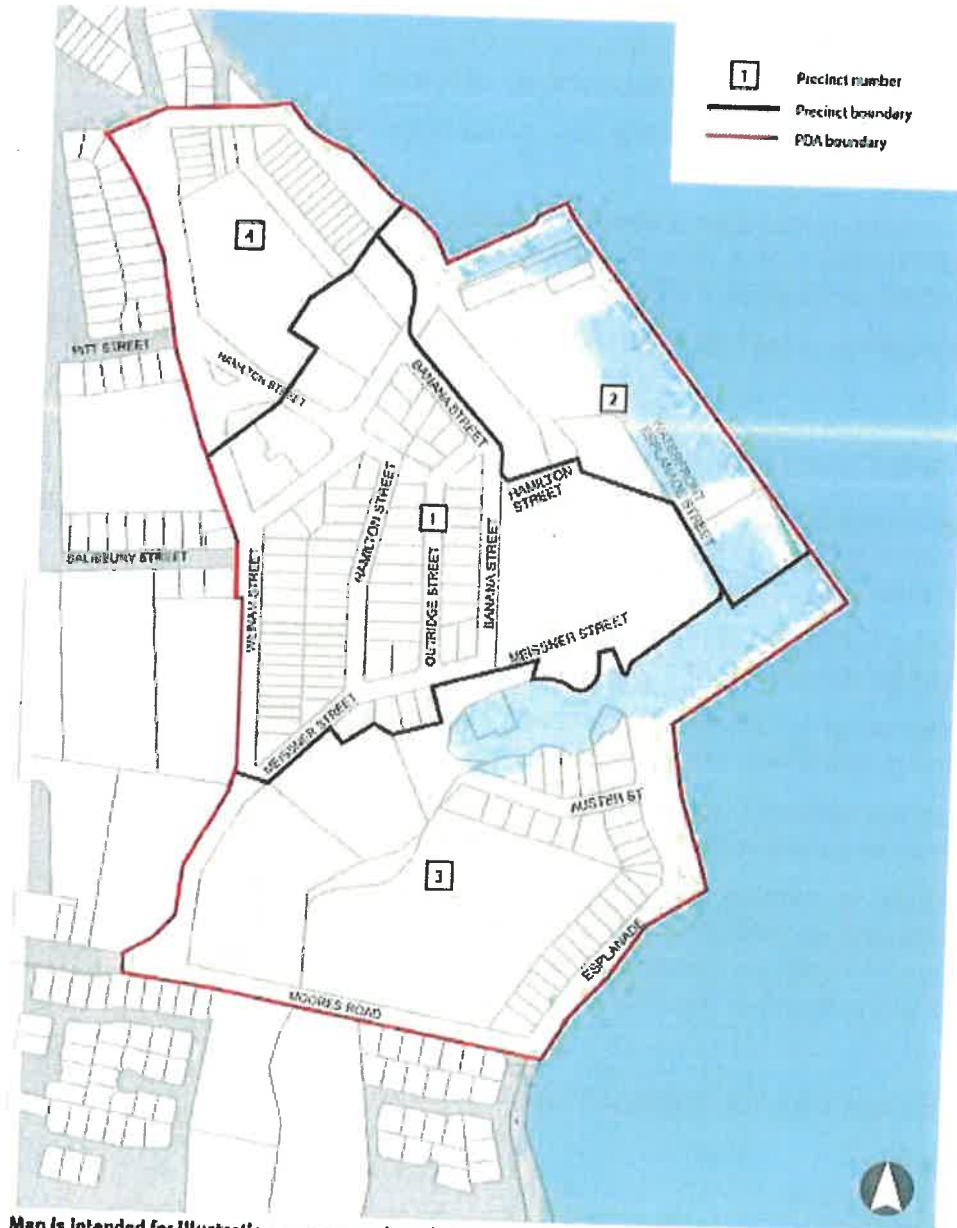
Map is intended for illustration purposes only and unless stated is not to scale

Precinct Provisions

Development in the PDA is consistent with the scheme if it complies with the Precinct Provisions. The purpose of resuming the Land is consistent with the Precinct Provisions.

The Land is located in Precinct 3 of the Land Use Plan in the scheme.

Image 6- Precinct Plan



The precinct intent is for development in Precinct 3 to provide for boating access from Weinam Creek into Moreton Bay, and associated parking requirements as well as opportunity for residential and marine industry development.

The scheme states that development in Precinct 3 is to enhance pedestrian access through the continuation of the waterfront promenade and pedestrian connections through the site. Connectivity across the creek will be investigated including potential for a pedestrian bridge at the end of the creek connecting the

north and south of the precinct and providing links to the residential areas, southern waterfront and proposed long term parking.

The scheme states that it is intended that Precinct 3:

1. provide opportunities for convenient longer term parking with good connections to the ferry and into the mixed use node. Ensures adequate car parking is provided to meet the scale of development and anticipated growth;
2. ensure the location of the boat ramp has regard to the safety of all boat users and the operational requirements of ferries;
3. provide for the relocation of the boat ramp to the end of Weinam Creek on the southern side;
4. make provision for parking associated with the boat ramp on the southern side of Weinam Creek, which reduces conflicts between trailer boats and pedestrian and vehicle traffic in the rest of the PDA;
5. ensure parking areas are designed to appropriately interface with adjoining uses;
6. allow for a pedestrian bridge towards the end of Weinam Creek to improve north south connectivity in the precinct;
7. deliver a new north south connection from Moores Road to the recreational boat ramp, providing access to parking, the boat ramp, residential and marine industry development;
8. provide an upgrade of the Meissner Street and Moores Road intersection to provide for development in the south of the precinct;
9. ensures access minimises impacts of vehicle and trailer movements adjoining residential development;
10. ensure the safety of pedestrians and cyclists moving through the area and seeks to separate vehicle, trailer and people movements;
11. contribute to creating a strong pedestrian connection along Meissner Street between the waterfront and Precinct 3 and extend the waterfront promenade and pedestrian connection through the Precinct to connect to areas to the south of the PDA;

The preferred land uses for Precinct 3 are:

1. car park
2. dual occupancy
3. dwelling unit
4. home based business
5. landing
6. low impact industry
7. marine industry
8. multiple dwelling
9. port services

10. service industry

11. utility installation (for the purposes of transport services).

The purposes for acquiring the land are consistent with the both the PDA Vision and the Precinct Intent of the scheme.

IDENTIFICATION OF SERVICE NEED

In 2013, Cardno prepared a report for Redland City Council titled "Weinam Creek Structure Plan- Traffic Masterplan Report."

The report concluded that:

"parking at Weinam Creek is acknowledged to be an issue, with high demand and constrained opportunities for further expansion. The majority of the site is dominated by parking, with most areas located along the foreshore. All the parking areas are currently at capacity, with overflow parking being accommodated by informal parking areas created on private lots. A potential increase in population on the SMBI will further increase demand for parking, given the heavy reliance on private vehicles by island residents."

The report revealed that existing parking areas were at or close to 100% parking utilisation.

Image 7: Parking utilisation map from Cardno Report.



Car parking is required to be co-located near the proposed bus station and passenger ferry terminal. There is no other available land in proximity to the bus station and passenger ferry terminal that can fulfil this need.

Expansion of existing car parking facilities is not an option as they are already operating at capacity and there is no available land for the expansion of these facilities.

Other sites at a greater distance the bus station and passenger ferry terminal may be available for resumption however; the process would require the resumption of occupied homes.

SITE SELECTION CRITERIA

Criteria	How the Land satisfies the criteria
Physical Site requirements, area and Topography	10-12 Auster Street has a near level contour with its rear and northern boundary abutting Weinam Creek. 13 Auster Street has a gentle fall from its eastern boundary to Weinam Creek. The sites are suitable for the purposes of acquiring the land.
Proximity and availability of services	Electricity, water and sewerage are connected to 10-12 Auster Street and available for connection to 13 Auster Street.
Public transport	The Land is near the proposed bus station and passenger ferry terminal.
Regional and local compatibility	The purposes for acquiring the Land are consistent with the both the PDA Vision and the Precinct Intent of the scheme.
Avoids or minimises impacts on natural and historic values	The Land is mostly clear of vegetation. A PDA Development Application will be required for the proposed uses. An environmental report and assessment will be included as part of the PDA Development Application.
Native title	The Deeds of Grant for each lot shows that the freehold title to the lots was granted before 23 December 1996, therefore the grant of freehold title extinguished native title.
Contamination	The Land is not listed on the Environmental Management Register or the Contamination Land Register.
Flood	The Land was subject to the Flood Prone, and Storm Tide Overlay under the Redlands Planning Scheme. Development on the Land may require some reclamation filling and construction of retaining walls to

	mitigate against flood and storm tide impacts.
Appropriate or alternative land available on the open market for sale.	There is no other appropriate or alternative land near the proposed bus station and passenger ferry terminal available on the open market for sale.
Community Consultation	Extensive community consultation was carried out between 10 January 2014 and 24 February 2014 for the public notification of the Weinam Creek PDA scheme. All interested stakeholders including the community, residents, and business operators were invited to make written submissions.

PREVIOUS VALUATION AND NEGOTIATIONS

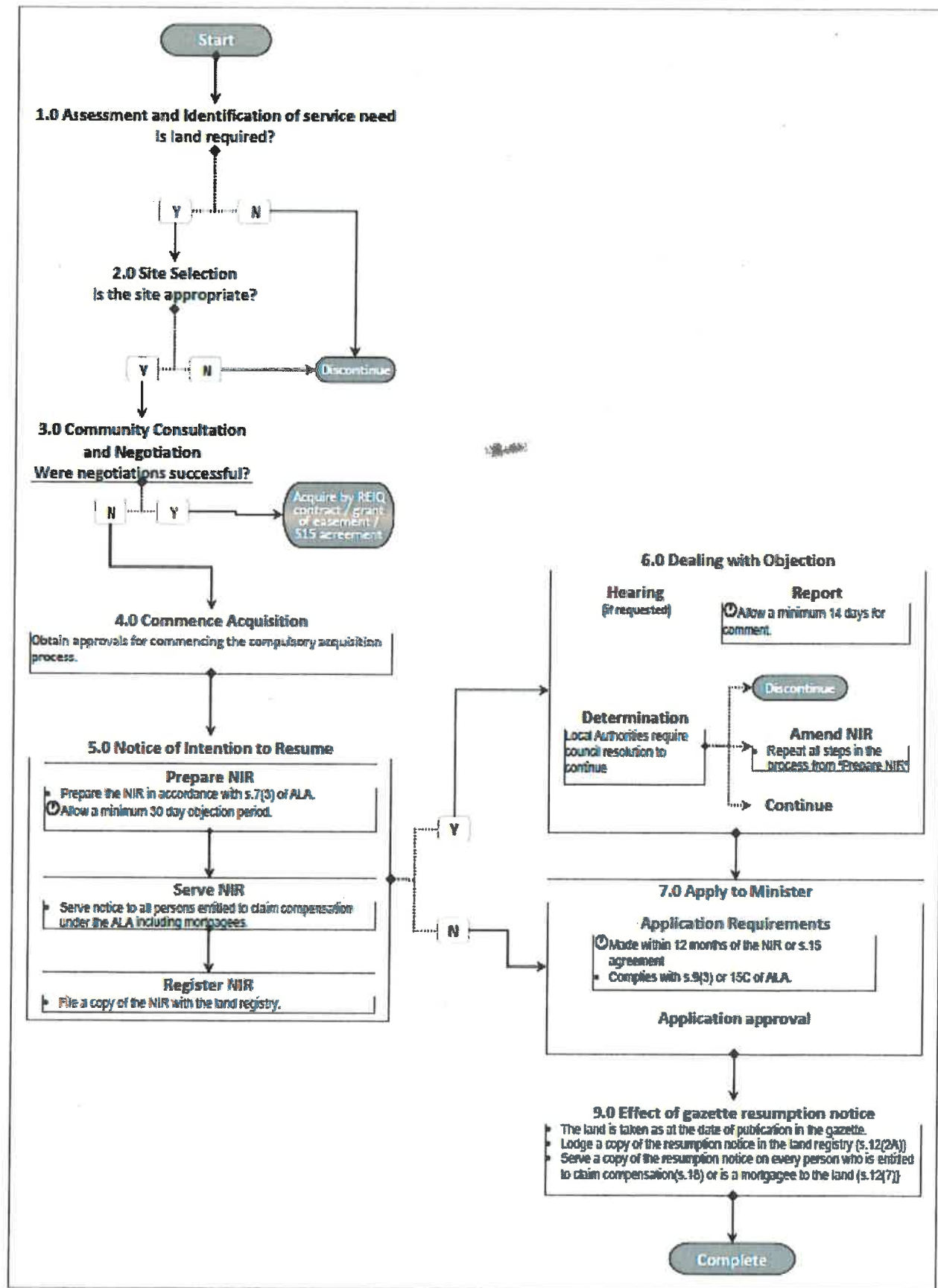
In 2014 the Land was valued by Savills Valuations at [REDACTED]. An updated valuation will be obtained as part of the negotiation and acquisition process.

On 10 June 2014, Peter Kelley commenced negotiations on Council's behalf with the Owner of the Land and a formal letter of offer was sent. On 11 November 2014, another formal letter of offer was sent to the Owner. There were approximately 12 meetings with the Owner to negotiate a purchase. The negotiations were unsuccessful.

PROCESS FOR RESUMPTION UNDER THE ACQUISITION OF LAND ACT

Once Council issues the Notice of Intention to Resume, the Owner will be provided 30 days to lodge an objection. The objections will be heard and determined by the Chief Executive Officer of Council acting under delegation.

If the Chief Executive Officer determines that the resumption should proceed, the Owner will be paid compensation for the market value of the Land as at the date of the resumption.



STRATEGIC IMPLICATIONS

Legislative Requirements

The *Local Government Act 2009* and *Local Government Regulation 2012* and *Acquisition of Land Act 1964* are relevant to this report. Council is acting in accordance with these Acts.

Risk Management

The background information in this report, may reduce the risk of a legal challenge.

Alignment with Council Policy and Plans

The recommendation is in accordance with previous resolutions by Council. A previous Council resolution dated 9 October 2013, resolved that Council commence negotiations for the purchase of a portion of the Land.

Financial

Funds will be drawn down from general revenue for the acquisition and site establishment costs.

OPTIONS

1. That Council resolves as follows:
 - a. To proceed to negotiate the purchase of the Land referred to in the report at market value;
 - b. If negotiations to purchase the Land are unsuccessful, that Council proceed to prepare and serve a Notice of Intention to Resume the Land in accordance with the Acquisition of Land Act 1967;
 - c. 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 the agreement and to sign all documents in regard to this matter;
 - d. To delegate authority to the Chief Executive Officer to consider any grounds of objection to the taking of land and determine whether the resumption should proceed or be discontinued under section 8 of the Acquisition of Land Act 1967;
 - e. That the report remain confidential.

OR

2. That Council resolves as follows:
 - a. To proceed to negotiate the purchase of the Land referred to in the report at fair market value.

OFFICER'S RECOMMENDATION

1. That Council resolves to adopt Option 1.
2. Note that this report remains confidential.