

ROAD CLOSURE FOR HEADLAND PARK, POINT LOOKOUT, NSI

Objective Reference:	A1975740
Attachment:	<u>Kennedy Dr & East Coast Road, NSI - Proposed Road Closure Extents & Planning Overlays</u>
Authorising Officer:	Gary Soutar General Manager Infrastructure & Operations
Responsible Officer:	Lex Smith Group Manager City Spaces
Report Author:	Claire Hardy Landscape Architect

PURPOSE

That Council makes application to the State Government under Section 99 of the *Land Act 1994* for the permanent closure of a portion of Kennedy Drive and East Coast Road adjacent to Headland Park, Point Lookout, North Stradbroke Island (NSI). That the land from this road closure be amalgamated into Lot 1 AP5382 and declared a Reserve for Park and Recreation purposes with Council accepting trusteeship of this land.

Completing the above will allow Council to upgrade the Headland Park public amenities building to increase the capacity to service the Point Lookout community and enhance the visitor experience.

BACKGROUND

The portions of Kennedy Drive and East Coast Road where they adjoin Headland Park contain park infrastructure and currently perform park functions associated with the open space zoning under the current Redlands Planning Scheme.

The permanent road closure will formalise the current function of this land for parkland and public amenities. The land does not function for traffic purposes.

Lot 1 AP5382 is currently unallocated state land which contains park infrastructure and is zoned open space under the current Redlands Planning Scheme. Allocating this land as a Reserve for Park and Recreation purposes would formalise the current function this land.

ISSUESCapacity issues

In 2012 Council undertook the demolition of the Headland Park and Captain Cook amenities at Point Lookout. These buildings were replaced with the current Headland Park amenities building which has three all abilities cubicles and a urinal. This has resulted in a significant reduction to the total number of public toilets available for use by the community and visitors to Point Lookout.

Through the community consultation undertaken for the Point Lookout coastal walk, it has been identified that there is strong community support to increase the number of public toilets at Point Lookout.

Council would like to construct, under the Gorge Walk trail head lookout project, an extension on the northern side of the building to increase the total estimated number of cubicles to 14.

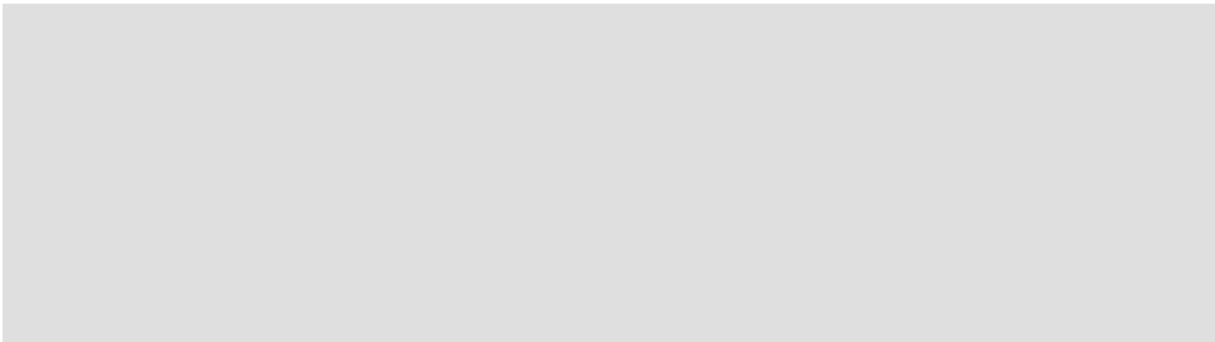
Location of public amenities

The public amenities building at Point Lookout straddles the property boundary between Lot 1 AP5382 and the road reserve – refer attachment.

To undertake the construction Council is required to permanently close of a portion of Kennedy Drive and East Coast Road adjacent to Headland Park, Point Lookout, NSI and to declare this land as a reserve for park and recreation purposes.

Road is not the appropriate land tenure

The current land tenure of “road” is not suitable for the land identified as it services and functions as part of Headland Park.



Council are not proposing to undertake the amalgamation with the adjoining Lot 48 on SP207831 (formerly Lot 48 on *SL12352*) within this road closure process.

Council will be required to obtain a Native Title Impact determination for the road closure.

Native Title

Native Title is a form of land title that recognises the unique ties that the Quandamooka People have to the lands of North Stradbroke Island, Peel Island, Goat Island, Bird Island, Stingaree Island, Crab Island and the surrounding waters of Moreton Bay. The Native Title Consent determinations were made by the by the Federal Court in 1995 and 1999 and recognises the Quandamooka People’s rights to:

- live and be present on the determination areas
- conduct traditional ceremonies
- take, use, share and exchange traditional natural resources
- conduct burial rites, teach about the physical and spiritual attributes of the area
- maintain places of importance and areas of significance.

Native Title is protected by the *Native Title Act 1993* the purpose of which is "to provide a national system for the recognition and protection of native title and for its co-existence with the national land management system".

Redland City Council's Indigenous Land Use Agreement (ILUA) with the Quandamooka People sets out broad principles and mechanisms for how the parties work together and meet responsibilities for mutual benefits.

Native Title Determination is by an application to QYAC based on the agreed process outlined in the ILUA.

Application to the state to permanently close the road

The process for permanently closing the road is by way of an application to the State Government to have the road closed under the provisions of the *Land Act*. Once Council's application is received, the state process involves a public consultation process to ensure that no persons are disadvantaged by the road closure.

Amalgamation with existing reserve for environmental purposes

Where road closures are normally undertaken the resultant land needs to be allocated a new tenure. The options would be for Council to acquire the land as freehold or propose that the land simply be amalgamated into the adjoining Lot 1 AP5382 and this parcel of land be declared as a reserve for park and recreation purposes. This is the preferred option as there is no capital expenditure required to undertake the road closure, amalgamation and declaration.

STRATEGIC IMPLICATIONS

Legislative Requirements

The permanent road closures will be undertaken by the State Government under the provisions of the *Land Act* on application from Council.

Under section 99 of the *Land Act 1994*, Council may make application to permanently close part of Kennedy Drive and East Coast Road, Point Lookout, NSI to the Department of Natural Resources and Mines (DNRM). As part of the *Land Act* road closure process, both road portions can be amalgamated with the adjoining Lot 1 AP5382 and this lot declared a reserve for park and recreation purposes.

It should be noted that the process of permanent road closure, tenure change and amalgamation can take several years to be completed.

Risk Management

The application for road closure has no risks associated with it at this stage. Any concerns that may arise from the community will be dealt with through the public consultation phase.

Financial

It is estimated that the financial cost for undertaking the above actions is unlikely to exceed [REDACTED]. The other cost will be advertising of road closure under section 915 of the *Local Government Act*.

The area will need to be re-surveyed at a cost of approximately

There are no additional maintenance costs to Council as the land is and will continue to be managed as part of the existing Headland Park Reserve.

People

The community and visitors will benefit from the road closure as this will allow Council to increase the capacity of the existing Public Amenities at Headland Park. This will address community concerns raised in the Point Lookout Coastal Walk Community Engagement regarding the capacity of the existing Public Amenities.

Environmental

There are no negative impacts to the environment.

Social

There are significant social benefits by formalising the tenure of this land into a reserve for park and recreation purposes. It will allow Council to increase the capacity of the public amenities block at Headland Park to address:

- community concerns;
- capacity issues – particularly at major events such as the Quandamooka Festival and school holidays.

Alignment with Council's Policy and Plans

CONSULTATION

Comments after consultation with the following have been taken into consideration in the preparation of this report.

- Group Manager City Spaces;
- Design Services Manager;
- Survey Services Manager;
- General Counsel.

- QYAC

QYAC Comments

QYAC has no objection to the road closure at Headland Park; however, the closure of the road will have a Native Title impact.

This will require Council to undertake the process for Native Title determination as outlined in the above section Native Title.

OPTIONS

1. That Council resolves as follows:

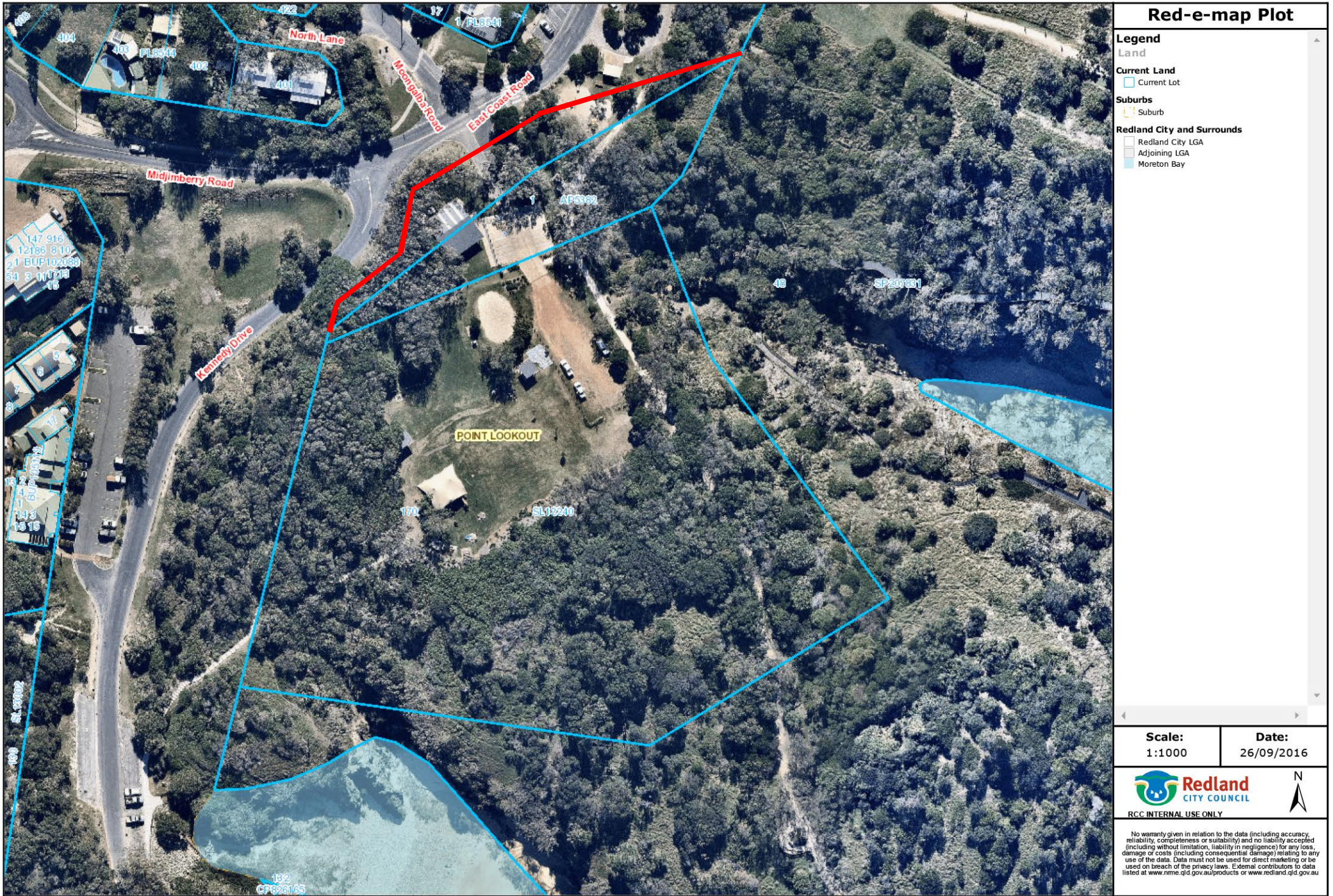
- a) To make an application to the State Government, under the provisions of section 99 of the *Land Act 1994* to permanently close portions of Kennedy Drive and East Coast Road Point Lookout, NSI;
 - b) That the land from these road closures be amalgamated into the adjoining Lot 1 AP5382 and declared a reserve for park and recreation purposes with Council accepting trusteeship of this land;
 - c) Delegate authority to the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009* to negotiate, make, vary, discharge and sign all relevant documentation associated with the road closures and amalgamation.
2. That Council resolves to take no further action in relation to the permanent road closures of Kennedy Drive and East Coast Road, Point Lookout, NSI.

OFFICER'S RECOMMENDATION

That Council resolves as follows:

- 1. To make an application to the State Government, under the provisions of section 99 of the *Land Act 1994* to permanently close portions of Kennedy Drive and East Coast Road Point Lookout, North Stradbroke Island;**
- 2. That the land from these road closures be amalgamated into the adjoining Lot 1 AP5382 and declared a reserve for park and recreation purposes with Council accepting trusteeship of this land.**
- 3. To delegate authority to the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009* to negotiate, make, vary, discharge and sign all relevant documentation associated with the road closures and amalgamation.**

Proposed Road Closure Extents



Attachment A - Proposed Road Closure Extents & Planning Overlays

Planning Overlays - Redland's Planning Scheme



Red-e-map Plot

Legend

Land

- Current Land
 - Current Lot
 - Suburb

Suburbs

- Suburb

Redland City and Surrounds

- Redland City LGA
- Adjoining LGA
- Moreton Bay

Redlands Planning Scheme V7.1

Sub Areas

- Sub Area

Designated Community Infrastructure

- Designated Community Infrastructure

Zones

- RESIDENTIAL
 - Urban Residential
 - Medium Density Residential
 - Low Density Residential
 - SMBI Residential
 - Point Lookout Residential
- CENTRE
 - Major Centre
 - District Centre
 - Neighbourhood Centre
 - Local Centre
 - SMBI Centre
 - Point Lookout Centre
 - Point Lookout Tourist
- INDUSTRY
 - Commercial Industry
 - General Industry
 - Island Industry
 - Marine Activity
- CONSERVATION
 - Park Residential
 - Environmental Protection
 - Conservation
- OTHER
 - Community Purposes
 - Emerging Urban Community
 - Open Space
 - Rural Non Urban
 - Investigation Zone
 - Unzoned

Scale: 1:1000

Date: 26/09/2016

Redland CITY COUNCIL

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Attachment A - Proposed Road Closure Extents & Planning Overlays

Open Space Strategy & Existing Assets



Attachment A - Proposed Road Closure Extents & Planning Overlays

Red-e-map Plot

Legend

Land

- Current Lot
- Suburb

Redland City and Surrounds

- Redland City LGA
- Adjoining LGA
- Moreton Bay

Parks and Marine

Play Equipment

- Play Installation

Public Amenities

- Public Amenity

All Trails

- Track or Trail

Activities

- Kick About
- Community Garden
- Nature Play
- Toddler Play
- Primary Play
- Teenage Hangout
- Physical Activity
- Commercial Assessment
- Dog Off Leash
- Quiet Contemplation
- Large Picnic Area
- Access to Nature
- Weddings
- Skateboard or BMX
- Sport
- All Abilities Play
- Festivals
- Public Toilets
- Walking & Cycling
- Indoor Facility
- Commercial Use
- Water Based Recreation
- Signature Experience

Park Names

Recreation Park Hierarchy

- T1 - Destination Park
- T2 - Community Park
- T3 - Neighbourhood Park
- T4 - Meeting Place
- T5 - Civic Spaces
- Unallocated

Park Function

- Community Purpose Land
- Ecological Area

Scale: 1:1000

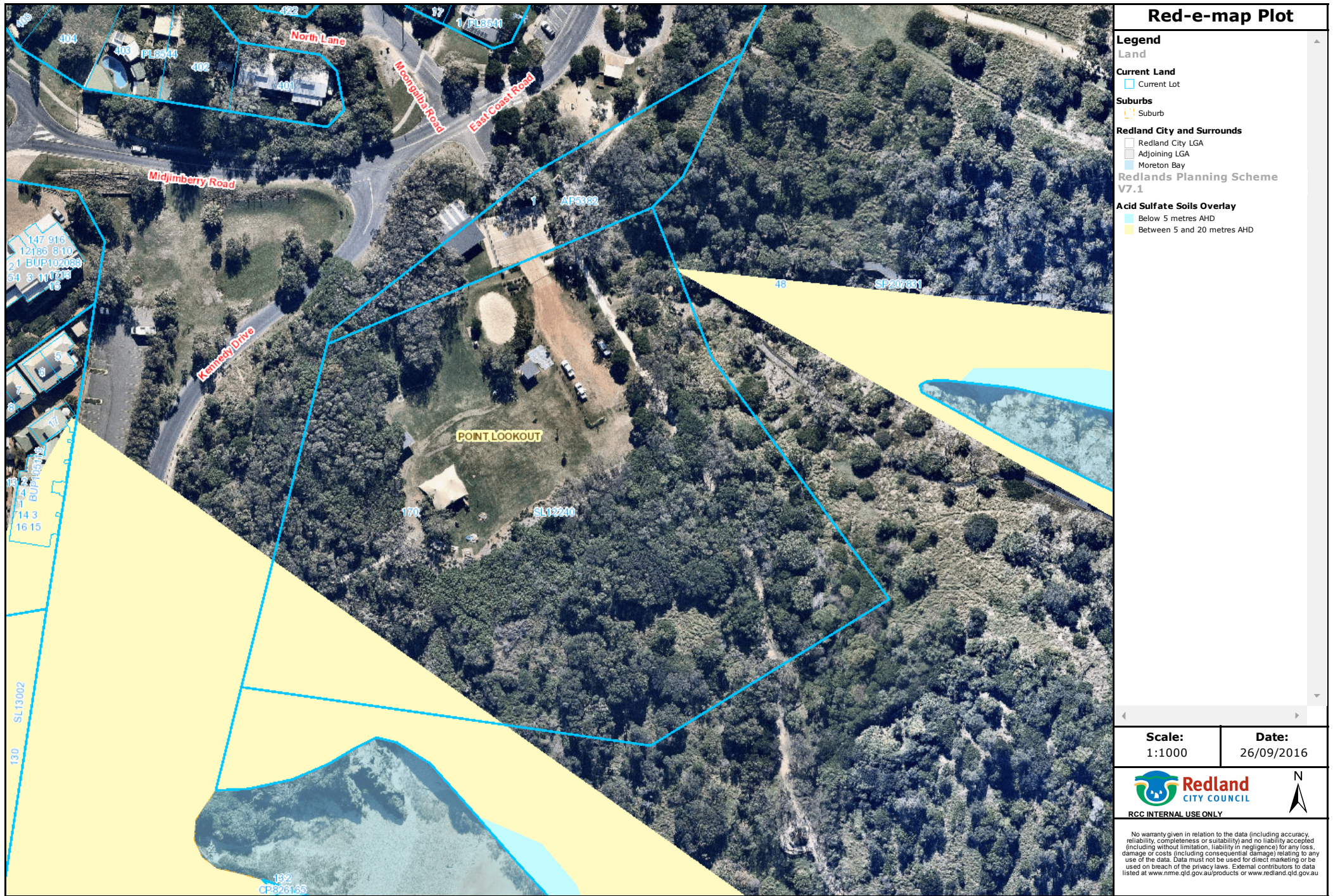
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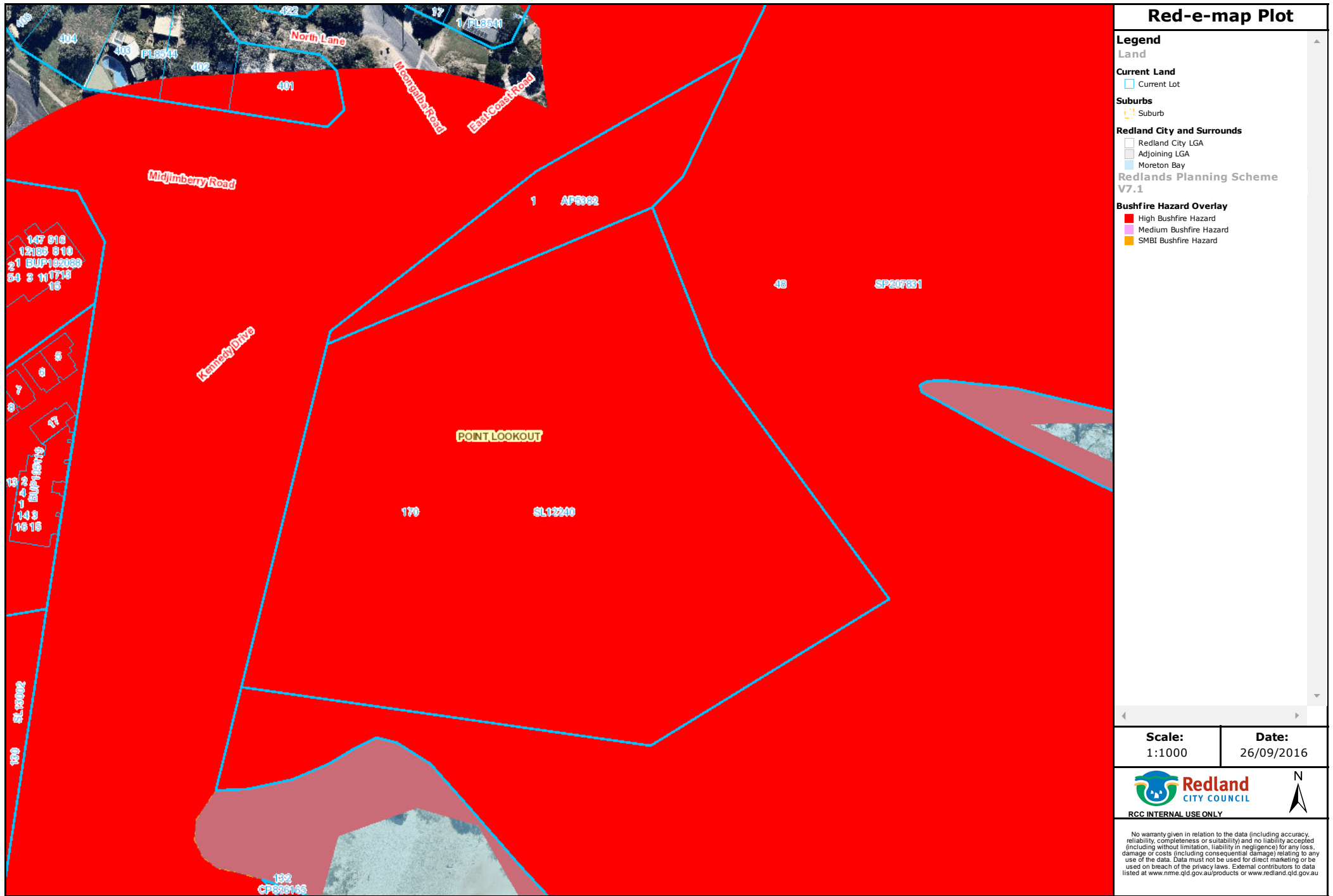
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Planning Overlays - Acid Sulphate Soil



Attachment A - Proposed Road Closure Extents & Planning Overlays

Planning Overlays - Bushfire Hazard



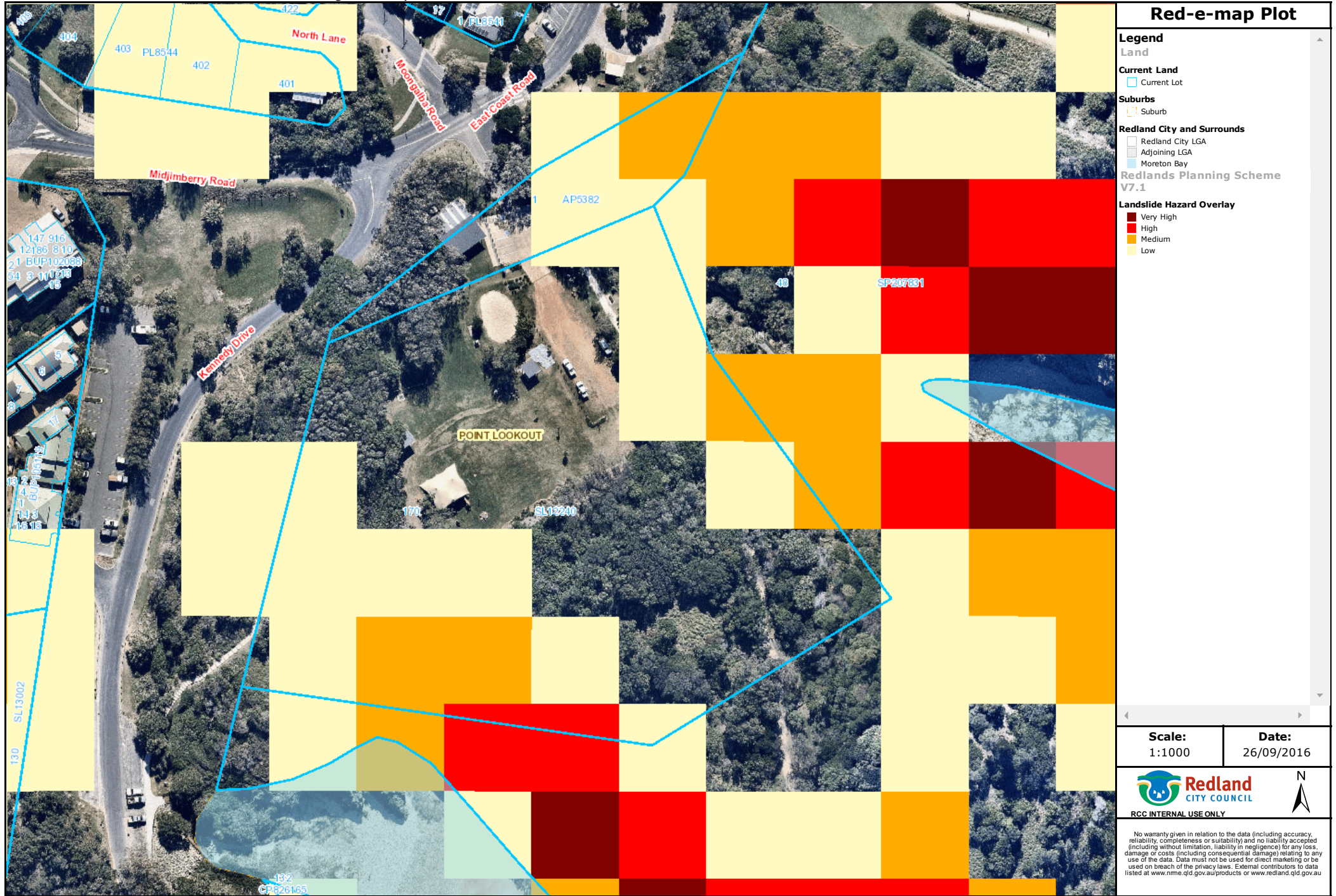
Attachment A - Proposed Road Closure Extents & Planning Overlays

Planning Overlays - Heritage Places



Attachment A - Proposed Road Closure Extents & Planning Overlays

Planning Overlays - Landslide Hazard



Attachment A - Proposed Road Closure Extents & Planning Overlays