



Business Paper

Shire Services Committee

Monday, 1 July 2019

**Commencing at the conclusion of the Extraordinary
Council Meeting**

**Committee Rooms 203 and 204,
Level 2, Administration Building,
4-20 Eton Street, Sutherland**

SUTHERLANDSHIRE

ORDER OF BUSINESS

- 1. ACKNOWLEDGEMENT OF COUNTRY**
- 2. APOLOGIES**
- 3. DISCLOSURES OF INTEREST**
- 4. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**
- 5. PRESENTATIONS**
- 6. REPORTS FROM OFFICERS**
SER009-19 Proposed Acquisition of 41 Riverview Road Oyster Bay for Open Space
Purposes
- 7. QUESTIONS**
- 8. CONSIDERATION OF BUSINESS IN CLOSED SESSION**
- 9. CONFIDENTIAL REPORTS FROM OFFICERS**

**SER009-19 PROPOSED ACQUISITION OF 41 RIVERVIEW ROAD OYSTER BAY
FOR OPEN SPACE PURPOSES**

SER009-19

Attachments: Appendix A [↓](#) and Appendix B (under separate cover)

EXECUTIVE SUMMARY

- The privately owned property at 41 Riverview Road, Oyster Bay adjoins Carina Bay Reserve and is zoned public open space. It is one of a number of properties earmarked for purchase under the Development Contribution Plan 2016, to increase open space at Carina Bay Reserve.
- This land is listed in the Sutherland Shire Local Environmental Plan 2015 and Council has a statutory obligation to acquire this property. Section 7.11 funds (previously Section 94) are held in trust for this purpose.
- Council has been attempting to acquire the open space zoned property for some time and, in response to Council's correspondence, the owner has invited Council to acquire the property.
- Council arranged an independent valuation and based on this made an offer to purchase the property, subject to Council resolution. The owner responded with their own valuation and are seeking to negotiate terms with Council. Financial details are under separate cover attached to this report.
- The acquisition of the subject property satisfies an objective of the Sutherland Shire LEP 2015, Development Contribution Plan 2016, and will assist Council in providing the community with increased open space at Oyster Bay. It is recommended that Council approve the purchase of this property.

REPORT RECOMMENDATION

THAT:

1. The acquisition of part Lot 91 Deposited Plan 14716 known as part of 41 Riverview Road Oyster Bay to increase open space at Carina Bay Reserve, Oyster Bay at terms and conditions to the satisfaction of the Chief Executive Officer be approved.
2. In accordance with the Power of Attorney dated 24 October 2018 (Registered 29 October 2018, Book 4751 No. 700) Manjeet Grewal, Council's Chief Executive Officer, execute any necessary documentation to give effect to this resolution.

PURPOSE

To seek Council approval to acquire part of 41 Riverview Road Oyster Bay approximately 380sqm (subject to survey) of land for open space purposes as identified in the Development Contribution Plan 2016.

BACKGROUND

In 2005 Council Shire Wide Open Space and Recreation Facilities Plan was adopted. Council identified a number of properties to acquire for open space purposes with Section 7.11 funds (previously Section 94).

In 2016 a new Development Contribution Plan was created. This plan authorised the Section 7.11 contributions to be pooled and that properties within the plan be acquired when listed for sale on the open market or at the request of the owner.

DISCUSSION

Council is committed to creating public open space corridors identified in Council's LEP 2015. Council officers regularly write to the owners of properties with open space zoned land held in private ownership.

The owner of 41 Riverview Rd responded to Council advising it was interested in selling the land. An independent valuer, Southern Alliance Valuations has provided advice on the current market value of the property which was offered to the owner. The owner engaged another valuer, Statewide Valuations Pty Ltd, and has put forward a counter offer to Council. Appendix B, provided under separate cover, contains confidential details of these valuations.

Council officers recommend negotiating with the property owner to secure the property.

RESOURCING STRATEGY IMPLICATIONS

Council has a statutory obligation under LEP 2015 to purchase the property and compensation must be determined in accordance with the [Land Acquisition \(Just Terms Compensation\) Act 1991](#). Compensation must be assessed as the market value of the property and Council is required to pay the property owners reasonable legal costs and valuation costs. Legal, valuation and survey costs are estimated at approximately \$6,000, in addition to this there are minor works required to ensure privacy for the land owner via the construction of a boundary fence. These works are estimated to cost \$2,000 and can be accommodated within current operating budgets.

Development Contribution Plan 2016 has carried forward funds from previous Section 7.11 (S.94) plans and Council is committed to acquiring properties as they are listed on the market or at the request of the land owner.

STRATEGIC ALIGNMENT

This proposal assists Council in meeting the following strategic objective:

Community Strategic Plan Strategy	Delivery Program (2017-2021) Deliverables
6.3 Providing welcoming, safe and accessible places and spaces that encourage active lifestyles.	6F Develop and implement an Open Space Leisure and recreation Strategy.

POLICY AND LEGISLATIVE REQUIREMENTS

Sutherland Shire Council had 12 plans relating to Section 7.11 (S.94) funds. In 2016, these were amalgamated into one plan, the Development Contribution Plan 2016. This plan will operate for a ten year period from 2016 – 2026.

All land acquisitions and associated works will continue to be funded from the money held in trust that was collected by the 2005 Shire-Wide Open Space and Recreation Facilities Plan. The properties will be purchased as they come on the market or at the request of the land owners.

CONCLUSION

The subject property is earmarked for purchase under Development Contribution Plan 2016. Acquisition of this property will assist Council in achieving a contiguous open space corridor at Oyster Bay for use by the community. The acquisition of this property satisfies an objective of the LEP 2015 and it is recommended that approval be given for the purchase of this property.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Property Services, Lani Richardson, who can be contacted on 9710 0614.

File Number: 2015/4775

Appendix A

Zoned RE1



Location of site

