



# **Business Paper**

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## **Shire Services Committee**

**Monday, 5 August 2019**

**6:30pm**

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

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**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**  
SER010-19 Proposed Acquisition of Part 170 Karimbla Rd Miranda for Open Space  
Purposes
- 7. QUESTIONS**
- 8. CONSIDERATION OF BUSINESS IN CLOSED SESSION**
- 9. CONFIDENTIAL REPORTS FROM OFFICERS**

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**SER010-19      PROPOSED ACQUISITION OF PART 170 KARIMBLA RD MIRANDA  
FOR OPEN SPACE PURPOSES**

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**SER010-19**

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

**EXECUTIVE SUMMARY**

- 170 Karimbla Road, Miranda adjoins Kiah Place Reserve along Ewey Creek and the 90m2 of land to the rear of the property is zoned public open space.
- 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 along Ewey Creek in Kiah Place Reserve.
- Council has been attempting to acquire the land 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 is in agreement with the valuation.
- This land is listed for acquisition 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. It is recommended that Council approve the purchase of this property.

**REPORT RECOMMENDATION**

THAT:

1. The acquisition of part Lot 4 DP 21073 known as part of 170 Karimbla Road Miranda to increase open space at Kiah Place Reserve 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 170 Karimbla Road Miranda, approximately 90sqm (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 private properties with open space zoned land.

The owner of 170 Karimbla Road Miranda has contacted Council to advise they are interested in selling the land. An independent valuer, PJC Valuations, has provided advice on the current market value of the property which was offered to and accepted by the owner subject to Council resolution. Appendix B, provided under separate cover, contains confidential details of this valuation.

Council officers recommend proceeding with the purchase of this 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. Legal, valuation and survey costs are estimated at approximately \$6,000, in addition to this there may be 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 along Ewey Creek 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: 2015/4569

