



ORGANISATIONAL SERVICES STANDING COMMITTEE MEETING

Monday 13 February 2023

Council Chambers

126-138 Main Road Speers Point

6.30pm

Committees will be held in the following order:

Development and Planning Standing Committee
Planning for the Future Standing Committee
Organisational Services Standing Committee
Built and Natural Assets Standing Committee
Service Delivery Standing Committee
General Business Committee

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Meetings of Lake Macquarie City Council are conducted in accordance with the Code of Meeting Practice which supports open, accessible and accountable government.

Councillors are reminded of the oath or affirmation of office taken at the start of the Council term:

- To undertake duties in the best interests of the people of Lake Macquarie City and the Lake Macquarie City Council.
- To faithfully and impartially carry out the functions, powers, authorities and discretions under the *Local Government Act 1993* or any other Act to the best of their ability and judgment.

Councillors are also required to declare and appropriately manage conflicts of interest under the Code of Conduct.

Council meetings are streamed live on Council's website at webcast.lakemac.com.au

This allows our community greater access to Council proceedings, decisions and debate.

Organisational Services Standing Committee Meeting

Agenda

Monday 13 February 2023

6.30pm

Apologies: For the non-attendance of Councillors

Declaration of Interests:

Presentations: Nil

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23OS002 Mount Hutton - Proposed acquisition for road widening - Part of 23 Dunkley Parade	pg 9
23OS003 Bennetts Green - Proposed sale of land - 25 Statham Street	pg 13
23OS004 Donations requests	pg 17

Recommendations to the Organisational Services Standing Committee Meeting

Monday 13 February 2023

23OS001	Wangi Wangi - Part Darly Terrace - Proposed Road Closure
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Key focus area	5. Connected communities
Objective	5.4 Our community responds and adapts to change
File	F2021/01931 - D10899241
Author	Statutory Property Officer - Joanne Marshall
Responsible manager	Manager Property and Business Development - Elizabeth Lambert

Executive Summary

Council's approval is sought to finalise the road closure for part of the unused section of road adjoining 11 Darly Terrace, Wangi Wangi (Lot 1 DP 722272), identified in red in Attachment 1. Approval is also sought for the subsequent sale of the section of road to the owners of 11 Darly Terrace, Wangi Wangi.

Recommendation

Council approves:

- A. the closure of the section of road adjoining 11 Darly Terrace, Wangi Wangi (Lot 1 DP 722272), as highlighted in red in Attachment 1, in accordance with sections 38A to 38E of the *Roads Act 1993*,
- B. following closure, sale of the section of road highlighted in red in Attachment 1 to the owners of 11 Darly Terrace, Wangi Wangi, for a price which is consistent with the Acquisition and Divestment of Land Policy as determined by market valuation (excluding any GST), and
- C. the execution of any documentation, under Common Seal if necessary, and the implementation of any action required to implement the above recommendation.

Discussion

The owners of 11 Darly Terrace, Wangi Wangi have approached Council proposing the closure and subsequent sale of the unformed road adjoining their property. Following internal consultation, the proposal was supported as the land is considered surplus to Council needs.

The closed road will have an area of approximately 200m², and its sale will be consistent with the Acquisition and Divestment of Land Policy. The sale is justified based on the policy's adjoining owner process, and noting the land is not suitable for standalone development by Council.

When Council proposes to close a road, pursuant to s38A of the *Roads Act 1993*, it must be satisfied of the following:

Criteria	Council Comment
The road is not reasonably required as a road for public use (whether for present or future needs).	The land is located at the intersection of Darly Terrace and Goonda Promenade, Wangi Wangi. The part of the road proposed to be closed is not required for public use.
The road is not required to provide continuity for an existing road network.	The part of the road which is proposed to be closed is unformed, and the remaining road reserve is considered adequate for traffic management requirements. The relevant section of road does not form part of the active road network, and is therefore not considered to be required for continuity of that network.
If the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.	No vehicular access is provided over the land. The adjoining property at 11 Darly Terrace, Wangi Wangi gains vehicular access further along Darly Terrace.

Consultation in relation to the proposal to close the road and sell the land to the adjoining owners has been undertaken in accordance with Council's Acquisition and Divestment of Land Policy and legislative requirements.

The owners of 11 Darly Terrace, Wangi Wangi have confirmed their interest in purchasing the relevant section of road for a price which will be determined by a market valuation, and no objections have been received in relation to the proposal to close the road.

Assessment of options

As the land is not required as a road and there have been no objection to the proposal, it is recommended to proceed with the proposed road closure and sale of that section of road adjoining 11 Darly Terrace, Wangi Wangi.

If the road closure and sale do not proceed, the land will remain as road and Council will be responsible for the road as roads authority. Currently, the land is maintained by Council and is on Council's cyclic mowing schedule.

Community engagement and internal consultation

Notice was given, inviting submissions on the proposal as required by section 38B of the *Roads Act 1993*, as follows:

Notice required	Council Comment
To be published in a local newspaper	An advertisement was placed in the Newcastle Herald on 17 September 2022 giving notice of the proposal to close the road. No submissions or objections were received in response to the notice.
To all owners of land adjoining the road	The owners of the properties adjoining the road were notified of the proposal to close the road. No submissions were received.
To all notifiable authorities	Notice of the proposal to close the road was given to all notifiable authorities as required by the <i>Roads Act 1993</i> and the <i>Roads Regulation 2018</i> . No objections were received in response to the notice.
To any other person prescribed by the <i>Roads Regulation 2018</i>	The <i>Roads Regulation 2018</i> requires notice of the proposal to close the road to be given to any owner or occupier of land whose land will suffer a material loss of access because of the road closure. No additional notice was considered to be necessary under these provisions.

No submissions from the general public were received by Council.

No statutory authorities or service providers have objected to the proposed road closure.

Crown Lands has confirmed the road will vest with Council upon closure.

Internal consultation was also undertaken with the following departments of Council: Recreation and Land Planning, Infrastructure Assets, Development Assessment and Certification, Integrated Planning, and Legal Services.

Key considerations

Economic impacts	None.
Environment	If the land is developed in the future, it's environmental impact will be assessed as part of the development application process.
Community	None.
Civic leadership	The exhibition of the proposed road closure has satisfied statutory requirements and ensured consultation with the community and stakeholders.

Financial	Costs associated with the proposed road closure are being met by the applicant. Section 43 of the <i>Roads Act 1993</i> requires the proceeds of sale to be used either to acquire other land for public roads, or for carrying out road work on other public roads.
Infrastructure	None.
Risk and insurance	Risks associated with preparation of a road closure application are minimised by following due processes under the <i>Roads Act 1993</i> and Council procedures, as noted. Additionally, this action is covered by Council's professional indemnity insurance as a standard activity.

Legislative and policy considerations

Roads Act 1993

Roads Regulation 2018

Closure of Council Roads Fact Sheet (issued by NSW Department of Planning, Industry and Environment)

Council Road Closure Procedure

Acquisition and Divestment of Land Policy

Attachments

1. Aerial photograph showing section of road proposed to be closed - adjoining 11 Darly Terrace Wangi Wangi D10965250



23OS002	Mount Hutton - Proposed acquisition for road widening - Part of 23 Dunkley Parade
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Key focus area	3. Mobility and accessibility
Objective	3.1 It is safer and easier to get around our city to connect with others
File	PM15/0117/20 - D10895753
Author	Property Contracts Officer - Amber Pagett
Responsible manager	Manager Property and Business Development - Elizabeth Lambert

Executive Summary

Council's approval is sought to purchase a small portion of 23 Dunkley Parade, Mount Hutton (part Lot 2 DP 525717) (the land), as outlined in red in Attachment 1.

The land is required to facilitate footpath upgrade works and will be dedicated as public road in accordance with the *Roads Act* 1993 on completion of the purchase.

Agreement has been reached with the owner regarding the purchase, and funds are available to meet the purchase costs.

Appropriate due diligence has been carried out and the purchase is recommended.

Recommendation

Council approves:

- A. the purchase of part 23 Dunkley Parade, Mount Hutton (part Lot 2 DP 525717), identified in red in Attachment 1, for the purposes of public road, for the purchase price of \$10,000 (including any GST), and
- B. execution of any documentation, under Common Seal where necessary, and implementation of any actions required to effect the above recommendation.

Discussion

As part of the continuing project for the Warners Bay Road Intersection Upgrade included in Council's Operational Plan 2022/2023 (Strategy 3.1.1), staff have identified the existing road reserve is not wide enough to facilitate part of the proposed works.

The owner of approximately 25.4 m² of vacant land adjacent to the existing road reserve has agreed to sell the land to Council so the works can be completed.

A purchase price of \$10,000 (including any GST) has been agreed with an additional payment of \$3,000 (excluding any GST) for the owner's legal expenses. In addition, Council have agreed to install a new Colorbond fence around the proposed new boundary which is included in the project funds.

The purchase will be subject to the subdivision of the land from the remaining portion of the property, and Council will be responsible for survey and subdivision costs associated with the purchase.

Appropriate due diligence has been carried out, including a market valuation undertaken by an external valuer. The purchase price is in line with the identified valuation, and the additional terms agreed are considered reasonable having regard to the valuation.

On completion of the purchase, the land will be dedicated as public road in accordance with the *Roads Act 1993*.

Assessment of options

It is recommended Council approves the purchase of part of 23 Dunkley Parade, Mount Hutton, as shown in Attachment 1, for the agreed purchase price of \$10,000 (including any GST) with an additional payment of \$3,000 (excluding any GST) for the owner's legal expenses.

Not proceeding with the proposal could potentially result in future acquisition at a higher cost, increased project costs, delays or re-design implications, and impact Council's ability to effectively undertake its road management functions.

Community engagement and internal consultation

Internal consultation has been undertaken with Council's Asset Management department and no concerns were raised.

Council's legal department was consulted in the preparation of this report.

Key considerations

Economic impacts	The delivery of improved road infrastructure supports the economic activity within the city.
Environment	The proposal will not have any environmental impacts. Environmental impacts associated with the footpath works will be addressed as part of the project approval.
Community	The proposal will facilitate works to improve the footpath infrastructure, providing increased pedestrian amenity and safety.
Civic leadership	The proposal will allow Council to effectively undertake its road management functions.
Financial	The purchase costs will be funded from the project funds, which are sufficient for the estimated costs.
Infrastructure	The proposal will facilitate Council ownership of land required for public infrastructure, including road reserve and footpath rehabilitation works.
Risk and insurance	Appropriate due diligence has been undertaken. The proposed purchase does not present any significant risk or insurance implications.

Legislative and policy considerations

Local Government Act 1993

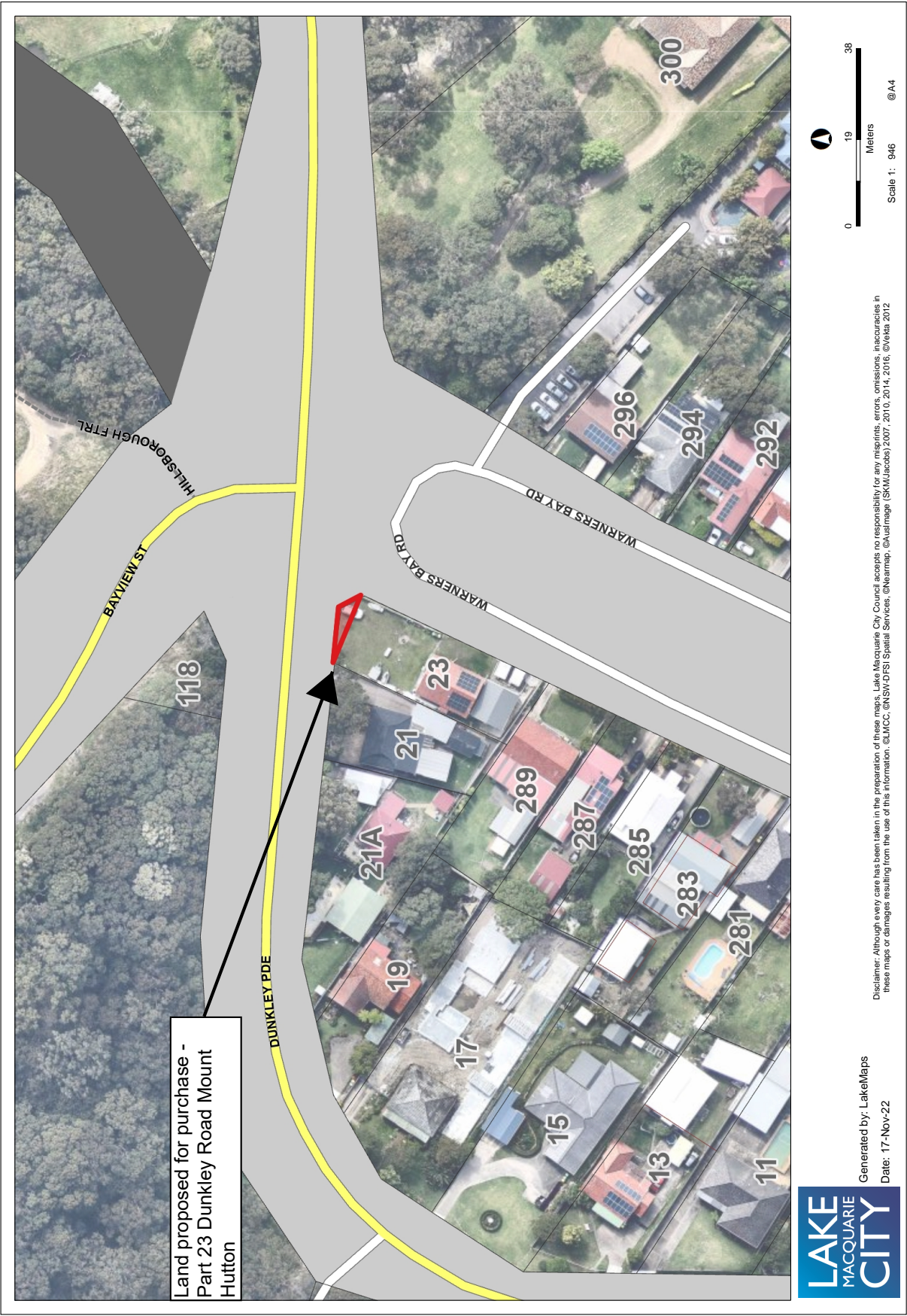
Conveyancing Act 1919

Roads Act 1993

Acquisition and Divestment of Land policy

Attachments

1. Aerial - 23 Dunkley Parade Mount Hutton D10895746



23OS003	Bennetts Green - Proposed sale of land - 25 Statham Street
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Key focus area	4. Diverse economy
Objective	4.3 Our growing population supports a thriving local economy
File	F2022/00932 - D10759264
Author	Property Contracts Officer - Amber Pagett
Responsible manager	Manager Property and Business Development - Elizabeth Lambert

Executive Summary

Council's approval is sought to sell 25 Statham Street, Bennetts Green (Lot 12 DP 238504), outlined in red in Attachment 1, to the owner of the adjoining property at 2 Templar Place, Bennetts Green.

Sale of the property is appropriate as it is surplus to Council's operational requirements and has limited potential for independent use due to its width (8.9m), bushfire and environmental constraints. The sale to the adjoining owner will also assist in progression of a recently approved industrial development at 2 Templar Place by facilitating improved drainage outcomes.

Appropriate due diligence has been undertaken and sale of the property is recommended.

Recommendation

Council approves:

- A. sale of 25 Statham Street, Bennetts Green (Lot 12 DP 238504), as outlined in red in Attachment 1, at the agreed price of \$95,000 (excluding GST), and
- B. execution by Council, under Common Seal where necessary, and implementation of any actions required to effect the above recommendation.

Discussion

The owner of the adjoining property, 2 Templar Place, Bennetts Green, approached Council regarding undertaking drainage work on Council's property associated with the proposed industrial development subject of DA/2555/2021.

Appropriate due diligence has been carried out, including consultation with the relevant Council departments to confirm the property is surplus to Council's operational requirements, and preparation of a market valuation by Council's valuer.

Negotiations, including discussions between Council's valuer and the adjoining owner's external valuer, have resulted in the parties agreeing to the purchase price of \$95,000 (excluding GST), which is within the range identified by Council's valuer.

These valuations included consideration of the current zoning and size (708m²) of Council's land, but also its constraints, limited independent development potential and market.

It is considered the proposed sale to the adjoining neighbour is the most appropriate outcome in this instance.

The sale will provide a financial return to Council, reduce its costs, risk and liability associated with underutilised surplus land and assist in facilitating industrial development of the adjoining land and use of Council's land in manner consistent with its IN2 Light Industrial zoning.

The sale will be subject to consolidation of Council's property with the adjoining land, 2 Templar Place.

Assessment of options

It is recommended Council approves the sale of 25 Statham Street, as shown in Attachment 1, for the agreed price of \$95,000 (excluding GST).

Not proceeding with the preferred option will result in lost sale revenue to Council, and continued management cost, responsibility and liability associated with underutilised vacant land. It would be harder for the adjoining owner to provide appropriate drainage for their approved industrial development, and result in less efficient use of IN2 land.

Sale of the land is preferred to alternatives such as providing an easement for drainage. The proposed drainage works will occupy a large portion of the site, leaving the remainder of the land with little practical use. In those circumstances, it would not be in the public interest for Council to retain responsibility and liability for the land.

In accordance with Council's Acquisition and Divestment of Land Policy, the other adjoining private land owner was also approached regarding the potential sale of Council's property, who advised they have no interest in any part of the land. It is noted the land to the south is Crown Land, who have not indicated any interest in the land. Sale to the Crown would not be preferred, as it would be harder for the adjoining owner to implement appropriate drainage and limit efficient use of IN2 zoned land.

Community engagement and internal consultation

Internal consultation has been undertaken with Asset Management, Development Assessment and Certification and Financial Services. No concerns were raised. Council's legal team were consulted in preparation of this report.

Key considerations

Economic impacts	The proposal will facilitate efficient use of IN2 zoned land both on and around Council's land. Facilitating appropriate industrial development will have economic benefits for the community, through increased construction activity and employment.
Environment	Environmental impacts on the land from proposed drainage works have been considered as part of DA/2555/2021.
Community	None.
Civic leadership	Sale of surplus land is consistent with Council's Acquisition and Divestment of Land Policy and appropriately reduces Council's land management responsibility and liability.
Financial	Net sale proceeds will be returned to Council.

Infrastructure	None.
Risk and insurance	The proposal will reduce the liability risks associated with Council's ongoing ownership of underutilised vacant land.

Legislative and policy considerations

Local Government Act 1993

Conveyancing Act 1919

Acquisition and Divestment of Land Policy

Attachments

1. Site Aerial - 25 Statham Street Bennetts Green D10891819



23OS004	Donations requests
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Key focus area	2. Lifestyle and wellbeing
Objective	2.1 Our community has access to adaptable and inclusive community, health and wellbeing services
File	F2023/00056 - D10938394
Author	Council Liaison Officer - Shannon MacKenzie
Responsible manager	Head of Communications and Corporate Strategy - Kate Davies

Executive Summary

This report considers one application for donation made under the Funding from Council Policy, in accordance with section 356 of the *Local Government Act 1993*.

Recommendation

Council approves the donation of \$1400 of in-kind services to Hunter Heart Safe for the installation and one replacement battery for four Automated External Defibrillators (AED) in Croudace Bay, Warners Bay, Valentine and Speers Point.

Discussion

Under section 356 of the *Local Government Act 1993*, Council may provide donations and financial assistance to support community, sporting and cultural projects in Lake Macquarie City. The Funding from Council Policy is a framework of four specific programs to assist Council to distribute its annual funding allocation equitably to external bodies and groups.

The Donations Program considers requests from not-for-profit groups and organisations with significant local membership or participation, and/or are undertaking a project with significant local benefits. The maximum allowable donation per financial year under this program is \$2000.

Assessment of options

One application has been received for consideration in February 2023, requesting an in-kind donation of Council services totalling \$1400. The application has been assessed by staff against the criteria in the Donations Program Guidelines and is recommended for approval. The assessment of the application is detailed in Attachment 1.

Nothing in the Funding from Council Policy prohibits Council from considering funding assistance or in-kind support outside the scope of the policy. Council will consider each case on its merits and any assistance provided will not be considered a precedent for future requests.

Community engagement and internal consultation

Consultation has been undertaken with the applicants and Council's Executive and Communications and Corporate Strategy departments.

Key considerations

Economic impacts	None																		
Environment	None																		
Community	The application from Hunter Heart Safe will provide access to life saving AEDs creating a safer environment at four local community facilities.																		
Civic leadership	The Donations Program allows Council to provide support to the community and work in partnership with organisations to achieve the best outcomes for residents of and visitors to the city.																		
Financial	<table> <tr> <td>Donations budget</td><td>2022-2023</td></tr> <tr> <td><u>Allocation:</u></td><td>\$40,000</td></tr> <tr> <td>Proposed additional allocation (December review)</td><td>\$20,000</td></tr> <tr> <td></td><td><hr/></td></tr> <tr> <td></td><td>\$60,000</td></tr> <tr> <td><u>Less:</u></td><td></td></tr> <tr> <td>Donation fund commitments as at 31 January 2023</td><td>\$40,220</td></tr> <tr> <td>February 2023 commitment</td><td>\$1400</td></tr> <tr> <td><u>Remaining Funds:</u></td><td>\$18,380</td></tr> </table> <p>It is proposed to allocate an additional \$20,000 to the Donations Program as part of the December review of the 2022-2023 Operational Plan and Budget for the consideration of donation requests until 30 June 2023.</p>	Donations budget	2022-2023	<u>Allocation:</u>	\$40,000	Proposed additional allocation (December review)	\$20,000		<hr/>		\$60,000	<u>Less:</u>		Donation fund commitments as at 31 January 2023	\$40,220	February 2023 commitment	\$1400	<u>Remaining Funds:</u>	\$18,380
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<u>Remaining Funds:</u>	\$18,380																		
Infrastructure	None																		
Risk and insurance	It is a condition of receiving funding that the successful applicant will assume all normal commercial responsibilities including public risk and or any other appropriate insurance cover for the project.																		

Legislative and policy considerations

Local Government Act 1993

Funding from Council Policy

Donations Program Guidelines

Attachments

1. Request for donation - February 2023 D10938615

Request for donation – February 2023

A)	Applicant	Request	Funding requested	Funding recommendation
	Hunter Heart Safe	Automated External Defibrillators (AED) for public spaces	\$1400 (in-kind)	\$1400 (in-kind)
<p>Request details</p> <p>Hunter Heart Safe is a not-for-profit group of local health care workers who volunteer their time to teach resuscitation skills (CPR and AED use) to the community in order to help increase the survivor rate of cardiac arrest victims.</p> <p>The group received a donation of AEDs from Belmont 16s and is seeking in-kind support from Council to install and maintain four of the devices at Croudace Bay, Warners Bay, Valentine and Speers Point. It is proposed that the AEDs are installed prominently in community areas in these suburbs, to provide public access to the life saving devices. Council will determine the locations for installation and replace the original batteries at the end of their lifespan.</p>				
<p>History</p> <p>Funding has not previously been requested and/or provided under the Donations Program.</p>				
<p>Donations Program Guidelines provisions</p> <p>The Donations Program offers financial assistance to not-for-profit groups and organisations that have significant local membership or participation, and/or are undertaking a project that shows significant local benefits.</p> <p>Council will consider each request on an individual basis against the eligibility and criteria requirements of this program. The maximum allowable donation per financial year under this program is \$2000.</p>				
<p>Assessment</p> <p>As the project specifically provides benefits to the Lake Macquarie community, this application is consistent with the policy and is recommended for approval.</p>				