

ITEM 8

PROPOSED GRANT OF AN EASEMENT TO DRAIN WATER 1.0M WIDE OVER LOT 217 DP 25391

As a condition of consent of DA-2018/1630 at No 35 Yellagong Street, West Wollongong for demolition of existing structures and construction of new 10-unit multi-dwelling with associated carparking and infrastructure, the applicant is required to obtain an easement to drain water through the adjoining Council owned land known as Lot 217 DP 25391. This report seeks approval to the grant of the easement.

### RECOMMENDATION

- 1 Pursuant to section 46(a1) of the *Local Government Act 1993*, Council resolves to grant an easement to drain water 1.0m wide over Council Community land known as Lot 217 DP 25391, in favour of Lot 105 DP 25391 No 35 Yellagong Street, West Wollongong, as shown crosshatched on the attachments to this report.
- 2 Council accept payment in the amount of \$2,200.00 (GST free) from the owner of Lot 105 DP 25391 No 35 Yellagong Street, West Wollongong as compensation for the grant of the easement.
- 3 Approval be granted to affix the Common Seal of Council to the survey plan, Section 88B Instrument and any other documentation required to give effect to this resolution.
- 4 The applicant be responsible for all costs relating to the easement including valuation, survey, plan registration and legal costs, and any other costs incurred in this matter.

### REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation

Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

### ATTACHMENTS

- 1 Map of Proposed Easement to Drain Water 1.0m Wide over Council Community Land Known as Lot 217 DP 25391
- 2 Aerial Map of Proposed Easement to Drain Water 1.0m Wide over Council Community Land known as Lot 217 DP 25391

### BACKGROUND

Development consent for DA-2018/1630 at No 35 Yellagong Street, West Wollongong for demolition of existing structures and construction of new 10-unit multi-dwelling with associated carparking and infrastructure was granted on 23 December 2019.

Consent condition (i)(a) of DA-2018/1630 requires the applicant to obtain an easement to drain water 1.0m wide through the adjoining Council owned Community land known as Lot 217 DP 25391, as shown crosshatched on Attachments 1 and 2 to this report. The easement will connect to a headwall with scour protection which will be maintained as a Council asset.

Lot 217 DP 25391 is classified as Community land under the *Local Government Act 1993*. The proposed easement will not impact on the existing use of the Community land.

Council's Statutory Property Officer sought a valuation report from Walsh and Monaghan Valuers regarding the amount of compensation that would be payable by the applicant to Council for the grant of the easement. The amount of compensation was assessed at \$2,200.00 (GST free) which has been agreed by the applicant.

## PROPOSAL

It is proposed that Council approve the grant of an easement to drain water 1.0m wide over Lot 217 DP 25391, in favour of Lot 105 DP 25391 No 35 Yellagong Street, West Wollongong, as shown crosshatched on Attachments 1 and 2.

## CONSULTATION AND COMMUNICATION

- Legal Services
- Kevin Pritchard – survey at KFW – acting on behalf of the applicant
- Walsh & Monaghan Valuers
- Council's Finance Division in relation to GST advice on compensation payable by the applicant to Council for the grant of the easement.
- Council's Infrastructure Strategy and Planning Division in relation to the headwall and scour protection

## PLANNING AND POLICY IMPACT

This report is in accordance with Council's policy "Land and Easement Acquisition and Disposal".

This report contributes to the delivery of Wollongong 2028 goal 1 "We value and protect our environment".

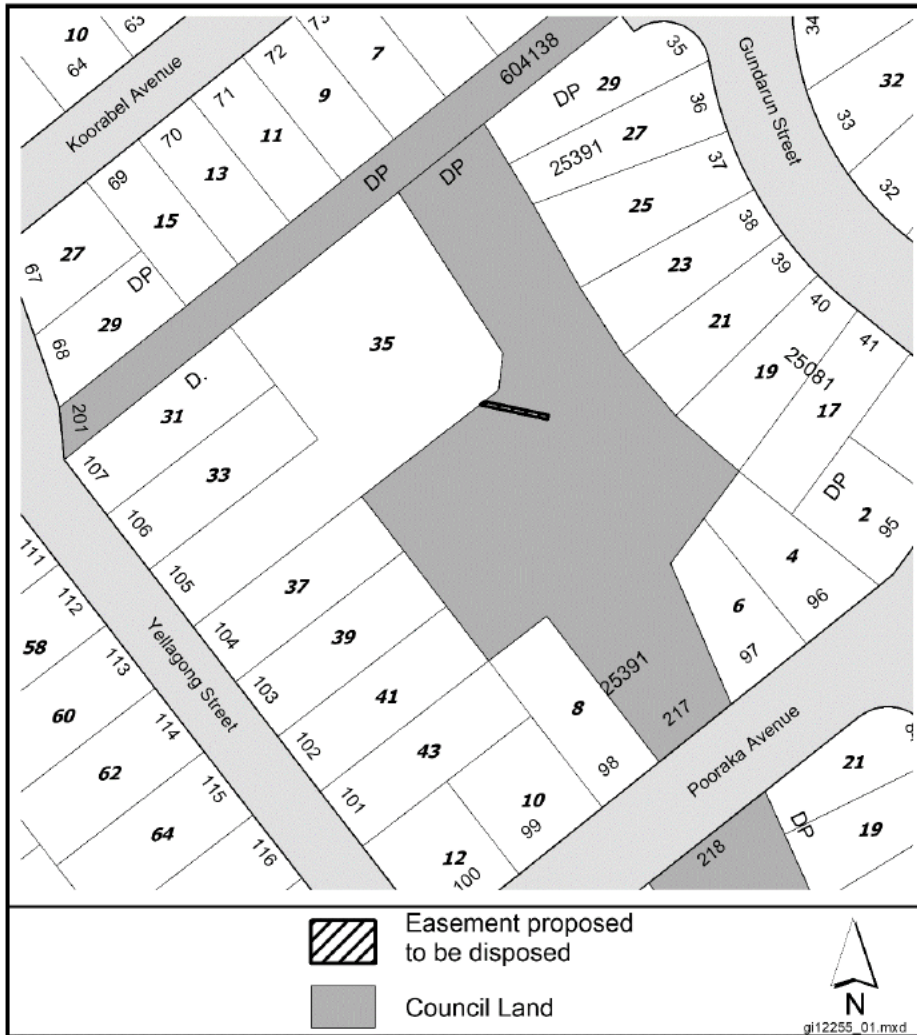
It specifically delivers on core business activities as detailed in the Property Services Service Plan 2020-21.

## FINANCIAL IMPLICATIONS

Council will receive \$2,200.00 (GST free) as compensation for the grant of the easement which is considered fair and reasonable based on the valuation report obtained. The applicant will also be responsible for all costs in the creation of the easement including valuation, survey, plan lodgement and legal costs, and any other costs.

## CONCLUSION

Consent condition (i)(a) of DA-2018/1630 permits the owners of Lot 105 DP 25391 No 35 Yellagong Street, West Wollongong to install drainage infrastructure on Council's adjoining Community land. By granting a drainage easement over the land, Council will receive compensation for the easement, be able to identify the exact location of the drainage infrastructure and will formalise maintenance obligations in relation to the drainage infrastructure.



We have every effort has been made to ensure the highest possible quality of data, no liability will be accepted for any inaccuracy of the information shown.  
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