

ITEM 21

PROPOSED GRANT OF EASEMENT TO DRAIN WATER OVER LOT 20 DP 852981 NO 192 GIPPS ROAD, GWYNNEVILLE

Council has received an application from the owner of No 11 Catherine Street, Gwynneville requesting an Easement for Drainage be granted in favour of his property over Council's land known as Lot 20 DP 852981 No 192 Gipps Street, Gwynneville, which is the site of the Wollongong Senior Citizens Centre and the Wollongong Workshop Theatre.

This report seeks approval to the grant of the easement.

### RECOMMENDATION

- 1 Council approve the grant of an Easement to Drain Water 1m wide over Lot 20 DP 852981 No 192 Gipps Road, Gwynneville, being the Wollongong Senior Citizens Centre and Wollongong Workshop Theatre, in favour of Lot 10 DP 1107164 No 11 Catherine Street, Gwynneville, as shown on the attachment to this report.
- 2 Council accept the payment in the amount of \$54,000 (GST free) from the owner of Lot 10 DP 1107164 No 11 Catherine Street, Gwynneville as compensation for the grant of the easement.
- 3 The creation of the easement be subject to approval of the applicant's development application for the redevelopment of his property at No 11 Catherine Street, Gwynneville and payment by him of all costs in the creation of the easement.
- 4 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.

### REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation

Authorised by: Kerry Hunt, Director Community Services - Creative and Engaged City (Acting)

### ATTACHMENTS

- 1 Map of proposed Easement to Drain Water 1m wide over Lot 20 DP 852981 No 192 Gipps Road, Gwynneville

### BACKGROUND

Council has been requested by the owner of Lot 10 DP 1107164 No 11 Catherine Street, Gwynneville to grant an Easement for Drainage of stormwater 1m wide in favour of his property over Council's property known as Lot 20 DP 852981 No 192 Gipps Road, Gwynneville. The applicant intends to redevelop his property and the slope of the land precludes drainage to Catherine Street. Similar developments in Catherine Street in close proximity to the subject site have required drainage of stormwater to Gipps Street.

Lot 20 is classified as Operational Land and is the site of the Wollongong Senior Citizens Centre and the Wollongong Workshop Theatre.

A valuation report was sought from Walsh and Monaghan Valuers for the amount of compensation that would be payable by the applicant to Council for the grant of the easement. The compensation was assessed at \$54,000 (GST free) which has been agreed to by the applicant.

### PROPOSAL

It is proposed Council approve the grant of an Easement to Drain Water 1m wide over Lot 20 DP 852981 No 192 Gipps Road, Gwynneville in favour of Lot 10 DP 1107164 No 11 Catherine Street, Gwynneville, as shown on the attachment.

## CONSULTATION AND COMMUNICATION

Comment on the proposal was sought from Council's divisions. No objections were received except for Community Facilities Section who objected based on the presence of the power supply and potable water supply to Council's facilities, being the Wollongong Senior Citizens Centre and the Wollongong Workshop Theatre. There was also concern expressed that the excavation for the drainage works may have a detrimental impact on the isolated brick piers of the Council buildings on the boundary of the easement. It is proposed the easement only be provided on the basis that the piers can be adequately protected, the driveway rectified and the power and water services possibly being relocated.

Infrastructure Division also expressed concern that there are reconfiguration and upgrade works proposed for the senior citizens building which will include adjustments to the power supply, potential connection to gas and adjustments to the drainage grates in the driveway. It was stipulated that the proposed drainage works associated with the redevelopment of No 11 Catherine Street should occur either prior to or in conjunction with the works being planned by Council on the Senior Citizens Centre.

The owner of No 11 Catherine Street has agreed to all of the above conditions.

In addition, the applicant has agreed that the granting of the easement will be subject to development consent being obtained for the proposed redevelopment of his property.

Advice was also previously sought from Finance Division on the GST that is applicable for the granting of easements who has advised that the granting of easements is GST free.

## 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 2022 goal "We are a healthy community in a liveable city".

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2017-18.

## FINANCIAL IMPLICATIONS

Council will receive \$54,000 (GST free) as compensation for the grant of the easement which is considered to be fair and reasonable. The applicant will also be responsible for all costs in the creation of the easement.

## CONCLUSION

In order to allow the redevelopment of No 11 Catherine Street to occur, subject to the granting of development consent and a stormwater pipe to be installed and formalised within Council's land, it is recommended the grant of the easement be approved.

