

ITEM 12

PROPOSED GRANT OF EASEMENT TO DRAIN WATER OVER LOT 55 DP 25035
TIMBERI PARK, DAPTO

As a condition of consent of DA-2017/1303 at Nos 19-23 Avondale Road, Dapto for Residential – Demolition of Existing Structures and Construction of Multi-Dwelling Housing, the applicant is required to obtain an easement to drain stormwater through the adjoining Council owned Community land known as Lot 55 DP 25035 Timberi Park, Dapto.

This report seeks approval to the grant of the easement.

RECOMMENDATION

- 1 Council approve the grant of an Easement to Drain Water 1.5m Wide over Lot 55 DP 25035 Timberi Park, Dapto in favour of Lot 57 DP 25035 Nos 19-23 Avondale Road, Dapto, as shown by black dashed lines on the attachment to this report.
- 2 Council accept payment in the amount of \$1,500 (GST free) from the owner of Lot 57 DP 25035 Nos 19-23 Avondale Road, Dapto as compensation for the grant of the easement.
- 3 The applicant be responsible for all costs associated with this matter.
- 4 Approval be granted to the General Manager and Lord Mayor to affix the Common Seal of Council to the survey plan, administration sheet and Section 88B Instrument and the General Manager be delegated authority to execute 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 Innovative City

ATTACHMENTS

- 1 Map of proposed Easement to Drain Water 1.5m Wide over Lot 55 DP 25035 Timberi Park, Dapto in favour of Lot 57 DP 25035 Nos 19-23 Avondale Road, Dapto

BACKGROUND

Consent Condition No 13 of DA-2017/1303 at Nos 19-23 Avondale Road, Dapto for Residential – Demolition of Existing Structures and Construction of Multi-Dwelling Housing requires the applicant to obtain an easement to drain water through the adjoining Council owned Community land known as Lot 55 DP 25035 Timberi Park, Dapto, as shown by black dashed lines on the attachment to this report.

Timberi Park is classified as Community land under the *Local Government Act 1993*. Under Section 46(1)(a1) of the Act, Council has the ability to grant an easement “ ... for the purpose of providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the Community land to a facility of the Council or other public utility provider”.

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 amount of compensation was assessed at \$1,500 (GST free) which has been agreed to by the applicant.

PROPOSAL

It is proposed that Council approve the grant of an Easement to Drain Water 1.5m wide over the drainage pipe to be installed from Lot 57 DP 25035 Nos 19-23 Avondale Road, Dapto through Council's land known as Lot 55 DP 25035 Timberi Park, Dapto.

CONSULTATION AND COMMUNICATION

City Planning in relation to the condition in DA-2017/1303

The owner of Lot 57 DP 25035 Nos 19-23 Avondale Road, Dapto

Walsh and Monaghan Valuers

As the Council land is classified as Community land, public consultation on the proposal is required under the *Local Government Act 1993*. 117 letters were sent to landowners in the vicinity of the proposal and no submissions were received.

A notice was also placed on the land and a notice was published in the Wollongong Advertiser on 19 September 2018.

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 Our Wollongong 2028 goal "We have a healthy community in a liveable city".

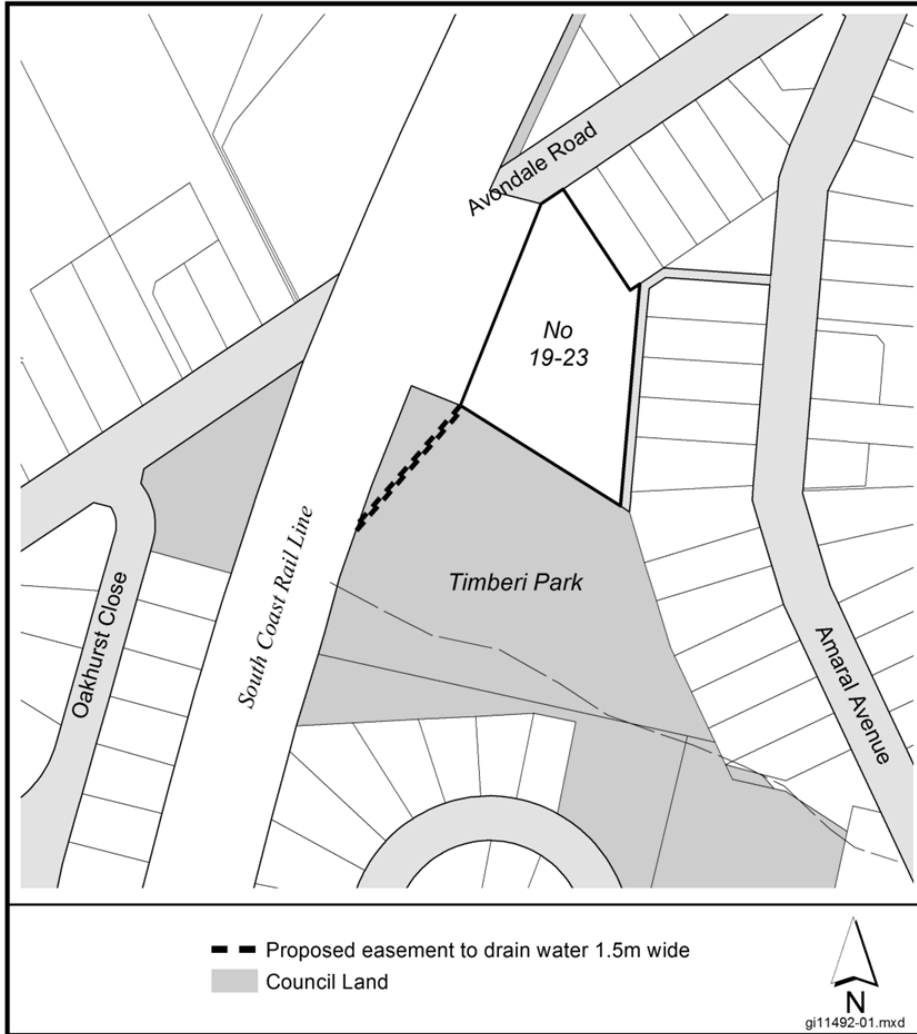
It specifically delivers on core business activities as detailed in the Property Services Service Plan 2018-19.

FINANCIAL IMPLICATIONS

Council will receive \$1,500 (GST free) as compensation for the grant of the easement being the amount of compensation noted on the valuation report prepared on behalf of Council. This amount is considered to be fair and reasonable. In addition to the compensation payable, the applicant will be responsible for all costs associated with the creation of the easement.

CONCLUSION

In order to allow the condition in DA-2017/1303 to be finalised and the stormwater pipe installed and formalised within Council's land, it is recommended that Council approves granting of the easement.



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