

ITEM 6

PROPOSED GRANT OF EASEMENT TO DRAIN WATER 1.2M WIDE OVER LOT 12 DP 210948, PART GUEST PARK, FAIRY MEADOW

As a condition of consent of DA-2019/1206 relating to Lot 27 DP 26939, No 23 Guest Avenue, Fairy Meadow for a two lot Torrens title subdivision, alterations and additions to existing dwelling house, and construction of new dwelling house to create dual occupancy, the applicant is required to obtain an easement to drain water through the adjoining Council owned land known as Part Guest Park, Fairy Meadow, being Lot 12 DP 210948.

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 1.2m wide over Council Community land being Part Guest Park, Fairy Meadow known as Lot 12 DP 210948, in favour of Lot 27 DP 26939 No 23 Guest Avenue, Fairy Meadow, as shown crosshatched on Attachment 1.
- 2 Council accept payment in the amount of \$1,200.00 (GST free) from the owner of Lot 27 DP 26939 No 23 Guest Avenue, Fairy Meadow as compensation for the grant of the easement.
- 3 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.
- 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: Lucielle Power, Manager Property + Recreation
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Map of Easement Proposed to be Granted Over Lot 12 DP 210948
- 2 Aerial Map of Easement Proposed to be Granted Over Lot 12 DP 210948

BACKGROUND

Development consent for DA-2019/1206 at No 23 Guest Avenue, Fairy Meadow was granted on 21 May 2020.

Consent condition (i)(a) of DA-2019/1206 at No 23 Guest Avenue, Fairy Meadow for a two lot Torrens title subdivision, alterations and additions to existing dwelling house, and construction of new dwelling house to create dual occupancy requires the applicant to obtain an easement to drain water minimum 1.0m wide through the adjoining Council owned land known as Lot 12 DP 210948, as shown crosshatched on Attachments 1 and 2. The easement will connect to a headwall with scour protection which will be maintained as a Council asset.

Lot 12 DP 210948, known as Part Guest Park, Fairy Meadow is classified as Community land under the *Local Government Act 1993*. The grant of the easement will not impact the current use of the Community land.

Council obtained a valuation report from Walsh & 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 \$1,200.00 (GST free) which has been agreed by the applicant.

By granting a drainage easement over the land, Council will receive compensation for the easement, be able to identify the exact location of the underground drainage infrastructure, and will formalise

maintenance obligations of the underground drainage infrastructure to ensure that Council is not responsible for future maintenance of the underground drainage infrastructure.

PROPOSAL

It is proposed that Council approve the grant of an easement to drain water 1.0m wide over Lot 12 DP 210948, in favour of Lot 27 DP 26939, No 23 Guest Avenue, Fairy Meadow, as shown crosshatched on the attachments to this report for the compensation amount assessed at \$1,200.00 (GST free).

CONSULTATION AND COMMUNICATION

- Legal Services
- 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".

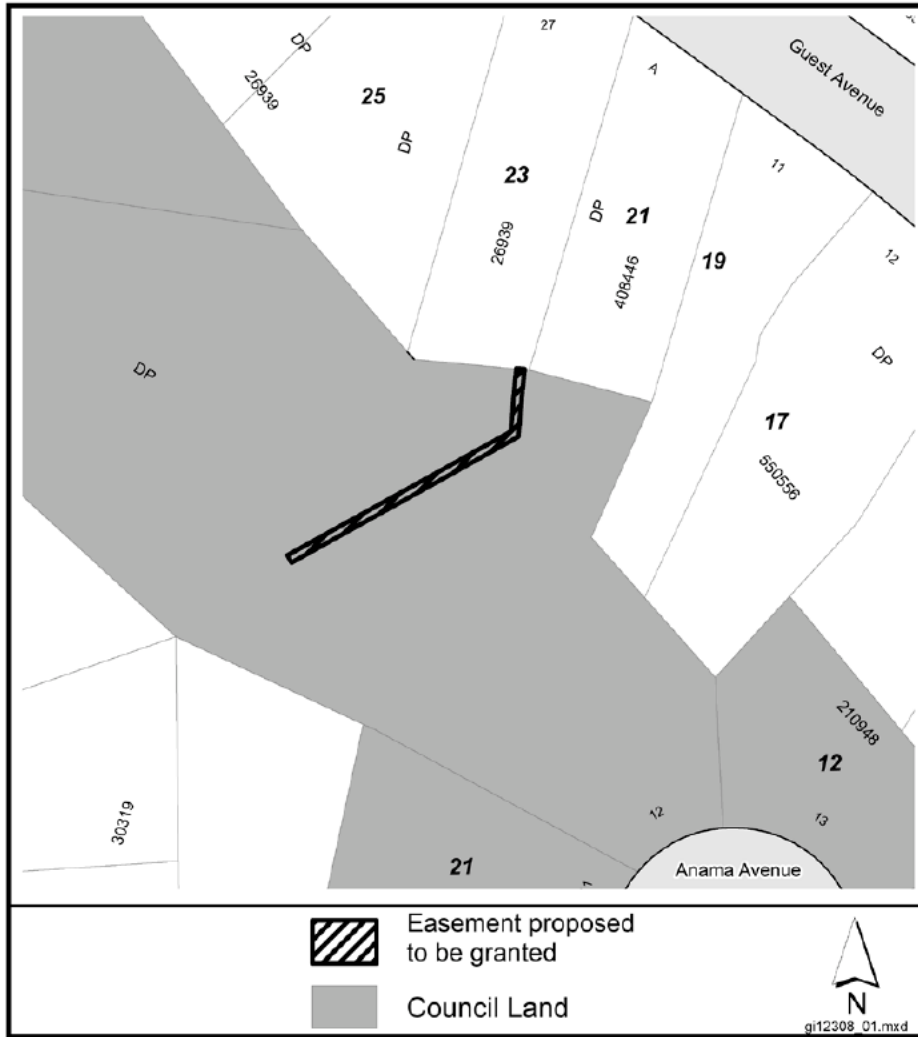
It specifically delivers on core business activities as detailed in the Property Services Service Plan 2020-21.

FINANCIAL IMPLICATIONS

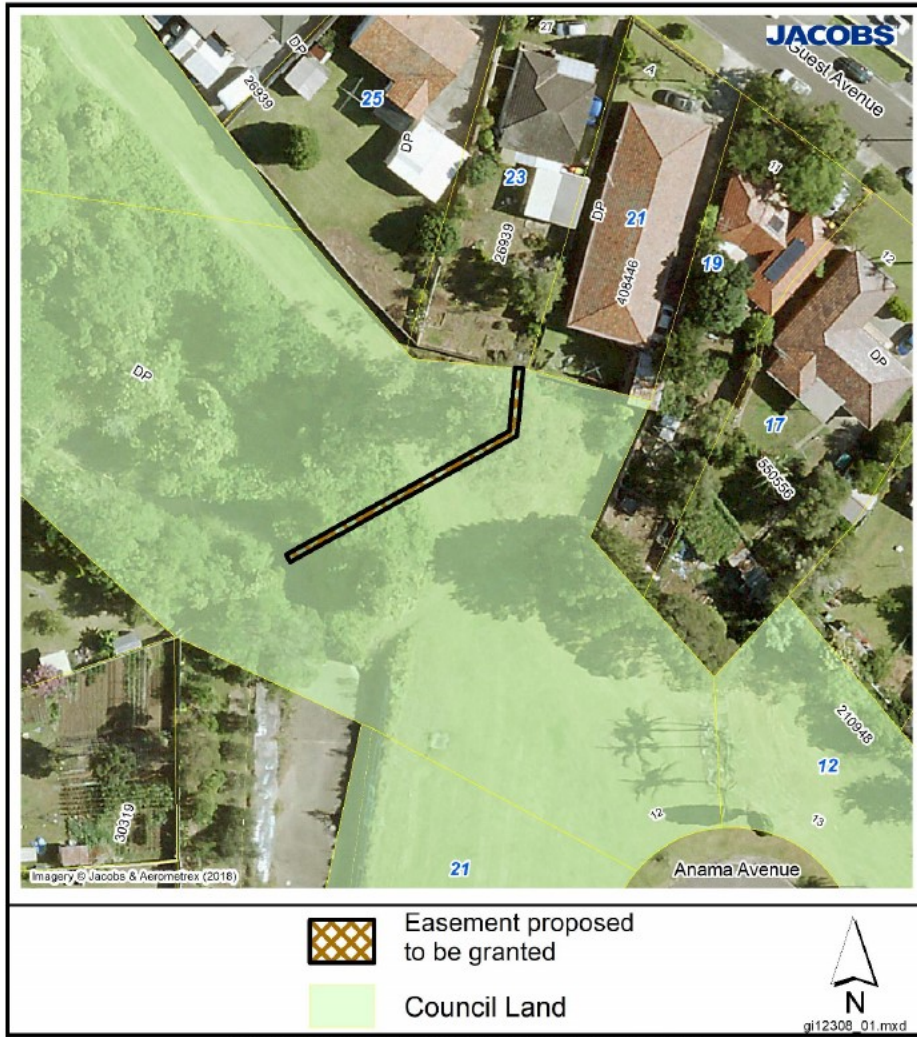
Council will receive \$1,200.00 (GST free) as compensation for the grant of the easement which is considered fair and reasonable based on the valuation report obtained. The applicant will also be responsible for all costs in the creation of the easement including valuation, survey, plan lodgement and legal costs, and any other costs.

CONCLUSION

Consent condition (i)(a) of DA-2019/1206 permits the owners of Lot 27 DP 26939, No 23 Guest Avenue, Fairy Meadow 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 underground drainage infrastructure, and will formalise maintenance obligations of the underground drainage infrastructure to ensure that Council is not responsible for future maintenance of the underground drainage infrastructure.



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