

ITEM 10

GRANT OF EASEMENT OVER COUNCIL COMMUNITY LAND AT LOT 662 DP 1033088, LOT 227 DP 869153 AND LOT 629 DP 1039548 IN HORSLEY

Endeavour Energy is developing a new zone substation at Stream Hill to service the West Dapto area. The substation will be located on West Dapto Road.

Underground cable feeders are proposed to be installed from the substation to off load electricity supply demand at the substation.

The proposed route of the underground cable feeders crosses through Council land at Lot 662 DP 1033088 located off Robins Creek Drive, Horsley and Council land at Lot 629 DP 1039548 and Lot 227 DP 869153 located off Ashwood Place, Horsley.

Easements for underground cables three (3) metres wide and approximately 70 metres and 240 metres long respectively are proposed to be created to protect the long-term integrity of the cables.

The report seeks approval to grant the easements.

RECOMMENDATION

- 1 Pursuant to section 46(1)(a1) of the *Local Government Act 1993*, Council resolves to grant easements for underground cables three (3) metres wide over Council land known as Lot 662 DP 1033088, off Robins Creek Drive, Horsley and Lot 629 DP 1039548 and Lot 227 DP 869153, off Ashwood Place, Horsley in favour of Endeavour Energy, as shown by yellow dashed line on the attachments to this report.
- 2 The applicant will be responsible for compensation to Council for the grant of the easements in accordance with the amount assessed by an independent certified valuer.
- 3 The applicant will be responsible for all costs relating to the easement creation including valuation, survey, plan registration and legal costs, and any other incidental costs incurred in this matter.
- 4 Approval be granted to affix the Common Seal of Council and/or delegation pursuant to section 377 of the *Local Government Act 1993* to the survey plan, Section 88B Instrument and any other documentation required to give effect to this resolution.
5. The General Manager be authorised to execute any documents to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lani Richardson, Manager Commercial Operations + Property

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

ATTACHMENTS

- 1 Map of proposed easement for underground cables 3.0m wide over Council land at Lot 662 DP 1033088 off Robins Creek Drive, Horsley
- 2 Map of proposed easement for underground cables 3.0m wide over Council land at Lot 629 DP 1039548 and Lot 227 DP 869153 off Ashwood Place, Horsley

BACKGROUND

Endeavour Energy is developing a new zone substation at Stream Hill to service the West Dapto region. The substation will be located on West Dapto Road.

Underground cable feeders are proposed to be installed from the substation to off load electricity supply demand at the substation.

The proposed route of the underground cable feeders crosses through Council land at Lot 662 DP 1033088 located off Robins Creek Drive, Horsley and Council land at Lot 629 DP 1039548 and Lot 227 DP 869153 located off Ashwood Place, Horsley.

Easements for underground cables three (3) metres wide and approximately 70 metres and 240 metres long respectively are proposed to be created over Council's land to protect the long-term integrity of the cables.

Council's land is classified as 'Community Land' pursuant to the *Local Government Act 1993* (the Act). Section 46 (1) (a1) of the Act gives Council the power to grant easements over Community Land for the following purpose: 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.

The proposed easements will have no impact upon the public's current use and amenity of the land as the cables are underground.

Council has sought a valuation report from an independent certified valuer to assess the amount of compensation payable by the applicant to Council for the grant of the easements. Details of the compensation payable has been circulated to Council under separate cover.

By granting the easements over the land, Council will receive compensation for the easements and be able to identify the exact location of the underground infrastructure which will be recorded in a registered deposited plan. Council will also formalise maintenance obligations of the underground infrastructure to ensure it is not responsible for future maintenance of the infrastructure.

PROPOSAL

It is proposed that Council approve the grant of easements for underground cables three (3) metres wide over Council's land at Lot 662 DP 1033088 located off Robins Creek Drive, Horsley and at Lot 629 DP 1039548 and Lot 227 DP 869153 located off Ashwood Place, Horsley in favour of Endeavour Energy, as shown by yellow dashed lines on the attachments to this report.

CONSULTATION AND COMMUNICATION

- Applicant
- Council's Project Delivery Division
- Council's Recreation Division
- Council's Civil Assets Division
- Council's Land Use Planning Division

Council also gave Statutory Notice of the proposed granting of an easement over Council's Community land pursuant to the *Local Government Act 1993*, with the close of submission period being 10 April 2024. No submissions were received.

PLANNING AND POLICY IMPACT

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

This report contributes to the delivery of Our Wollongong 2032 Goal "We are a connected and engaged community" through managing easements and other encumbrances on Council land.

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2024-25.

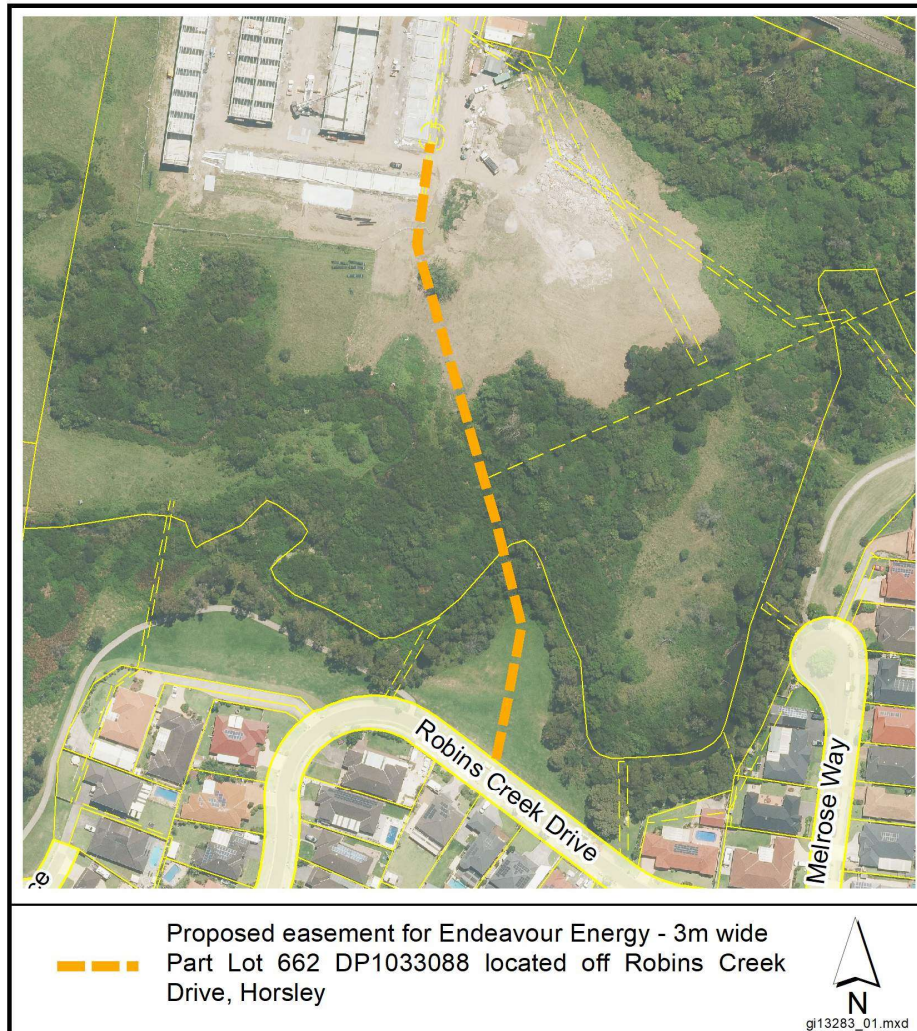
FINANCIAL IMPLICATIONS

Council will receive compensation prior to the grant of the easements in accordance with the amount determined by an independent certified valuer.

The applicant will also be responsible for valuation costs and all costs in the creation of the easement including survey, plan lodgement and legal costs, and any other costs associated with the grant/registration of the easement.

CONCLUSION

As the proposed installation of the underground cable feeders will service the expanding development of the West Dapto area, it is recommended Council resolves to grant the easements.



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