

ITEM 5

GRANT OF EASEMENTS AND RESTRICTIONS ON THE USE OF LAND OVER COUNCIL OPERATIONAL LAND BEING LOT 3 DP 1313641 AS PART OF CLEVELAND ROAD UPGRADE PROJECT

This report seeks Council's approval to the grant of easements and restrictions of the use of land over part of Council's operational land, Lot 3 in DP 1313641 Cleveland Road, Cleveland (Property) as part of Stage 2 of the Cleveland Road Upgrade Project and Electrical Approvals (Project).

RECOMMENDATION

- 1 Council resolves to the grant of easements for Padmount substation, underground cables and associated restrictions of the use of land (subject to final survey) over Council operational land currently known as part Lot 3 DP 1313641 Cleveland Road, Cleveland in favour of Epsilon Distribution Ministerial Holding Corporation (Endeavour Energy) (EDMHC), as shown on Attachment 2 to this report.
- 2 Council will be responsible for all costs relating to the easement creation including survey, plan registration and legal costs, and any other incidental costs incurred in this matter.
- 3 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.
- 4 The General Manager be authorised to execute any documents to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Roisin OSullivan, Manager Commercial Operations + Property (Acting)
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Cleveland Road Staging Plan
- 2 Proposed Easements and Restrictions - Stage 2 Electrical Utility Plan

BACKGROUND

Cleveland Road is currently a rural-standard road servicing 20 rural dwellings. While the level of service currently provided by this infrastructure is acceptable for the small number of landholders, this road would not be able to safely cater for the increased demand associated with the more than 4,000 planned new dwellings forecast to be constructed within Stage 3 of West Dapto Urban Release Area (WDURA).

Council has received funding from the NSW Government under the Restart NSW program for the construction of Stages 1, 2 and 3 of the Cleveland Road Upgrade Project. The Staging Plan is shown in Attachment 1 to this report.

The upgrade of this road from a rural-standard to urban-standard road will include new kerb and gutter, stormwater works, shared paths, street lighting and utility relocations. Existing electrical utilities are to be relocated to facilitate the project, which includes undergrounding of electrical infrastructure on private property, and installation of new electrical infrastructure as part of the network connections.

In accordance with Endeavour Energy's Guidelines for Network Connection Works, it requires the establishment of easements and restrictions of the use of land for installation of network assets in, on or over land. As the distribution system lessor is Epsilon Distribution Ministerial Holding Corporation (EDMHC), the proposed grant of easements and restrictions must be granted to or vested in EDMHC, which in turn is exercised by the distribution system lessee Endeavour Energy Network Asset Partnership (EENAP) and its nominee Endeavour Energy, who is responsible for performing any obligations of EDMHC.

As Council has proposed the upgrading of the road to facilitate and service the additional dwellings associated with Stage 3 of the WDURA, Endeavour Energy is entitled to impose conditions on Council as the works impact existing electrical utilities – at no cost to Endeavour Energy.

It is noted that the proposed road upgrade cannot proceed in its current form without the approval from Endeavour Energy, which can only be overcome with the grant of these easements and restrictions.

Attachment 2 to this report shows the proposed easements and restrictions over the Property as detailed below:

- Easement (A) and restrictions (B) and (C); relate to a proposed Padmount substation, which will likely form a connection for future development of the Property. The substation has been located adjacent to the existing 132kV overhead electrical transmission easement to minimise any possible impacts on the Property.
- Easements (D) and (E) for underground cables 3.0 metres wide and 5.0 metres wide respectively are required to reconnect relocated underground electrical assets to existing overhead 33kV electrical assets which traverse the Property heading south.
- The final location of the proposed easements and restrictions are subject to final survey.

The proposed easements will have no impact upon the current use and amenity of the Property, which is currently held under agistment licence and administered by Council.

Council will not be seeking payment of compensation for the grant of the easement (in accordance with its *Land and Easement Acquisition and Disposal Policy*) from Endeavour Energy as Council's upgrade of Cleveland Road Stage 2 works necessitates the relocation of network electrical assets – placing the burden of replacement or relocation on Council.

PROPOSAL

It is proposed that Council approve the grant of easements and restrictions of the use of land for the Padmount substation and relocated underground cables variable widths over Council's land at Lot 3 DP 1313641 located off Cleveland Road, Cleveland in favour of EDMHC as shown on the Attachment 2 to this report.

CONSULTATION AND COMMUNICATION

- Infrastructure Strategy + Planning and Project Delivery Team
- Urban Release – City Strategy Team
- Land Use Planning – City Strategy Team
- Infrastructure Strategy + Planning - Civil Assets Team
- Infrastructure Strategy + Planning – Transport Planning Team
- Development Assessment Certification – Development Engineering Team

No objections from the relevant Council teams to the proposed grant of easements and restrictions on the use of land were received. As the land is classified as operational land pursuant to the *Local Government Act 1993* (NSW), Council is not required to provide Statutory Notice of the proposed grant of easements or restrictions pursuant to the Act.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 goal 'We have sustainable accessible and affordable Transport' and 'We have a healthy community in a liveable city'.

The report is in accordance with Council's *Land and Easement Acquisition and Disposal Policy*. It specifically delivers on core business activities as detailed in the Property Services Service Plan 2024-25 and works towards delivering the future goal 'Plan and provide sustainable infrastructure for safe and liveable places integrated with the environment and accessible to key transport routes.'

FINANCIAL IMPLICATIONS

Council will be responsible for all costs associated with the creation of easements and restrictions on the use of land including survey, plan lodgement fees and legal costs, and any other costs associated with the grant/registration of the easements and restrictions.

The funding source for all costs associated with the grant of easements and restrictions on the use of land, will be split, and partly funded from the Restart NSW Grant and partly funded from Section 7.11 West Dapto Development Contributions Plan.

CONCLUSION

The proposed grant of easements and restrictions on the use of land will facilitate the utility approvals necessary for Stage 2 of Cleveland Road Upgrade Project, therefore, it is recommended Council resolves to grant the easements and restrictions as proposed over the Property.



