

ITEM 6

PROPOSED GRANT OF EASEMENT TO DRAIN WATER 3.0M WIDE OVER LOT 207 PIONEER DRIVE, WOONONA (LOT 207 DP 776457) AND LOT 545 THOMAS COLLAERY PLACE, WOONONA (LOT 545 DP 831486)

As a condition of consent of DA-2019/1464 at No 9 Pioneer Drive, Woonona for demolition of existing structures and construction of a self-storage unit development, the applicant is required to obtain an easement to drain water through the adjoining Council owned land known as Lot 207 Pioneer Drive, Woonona (Lot 207 DP 776457) and Lot 545 Thomas Collaery Place, Woonona (Lot 545 DP 831486). 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 3.0m wide over Council Community land known as Lot 207 DP 776457 and Lot 545 DP 831486, in favour of Lot 43 DP 818249 and Lot 44 DP 818249, No 9 Pioneer Drive, Woonona, as shown crosshatched on the attachments to this report.
- 2 Council accept payment in the amount of \$1,000.00 (GST free) from the owner of Lot 43 DP 818249 and Lot 44 DP 818249, No 9 Pioneer Drive, Woonona as compensation for the grant of the easement.
- 3 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.
- 4 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.

## REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation  
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

## ATTACHMENTS

- 1 Map of Proposed Easement over Council's Land known as Lot 207 DP 776457 and Lot 545 DP 831486
- 2 Aerial Map of Proposed Easement over Council's Land known as Lot 207 DP 776457 and Lot 545 DP 831486

## BACKGROUND

Deferred development consent for DA-2019/1464 at No 9 Pioneer Drive, Woonona for demolition of existing structures and construction of a self-storage unit development was granted on 23 June 2020.

Consent condition (i)(a) of DA-2019/1464 requires the applicant to obtain an easement to drain water 3.0m wide through the adjoining Council owned Community land known as Lot 207 DP 776457 and Lot 545 DP 831486, 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 207 DP 776457 and Lot 545 DP 831486 are both classified as Community land under the *Local Government Act 1993* and function as a drainage reserve. The proposed easement will not impact on the existing use of the Community land.

Council sought a valuation report from Walsh & Monaghan Valuers regarding 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 \$1,000.00 (GST free) which has been agreed by the applicant.

## PROPOSAL

It is proposed that Council approve the grant of an easement to drain water 3.0m wide over Lot 207 DP 776457 and Lot 545 DP 831486, in favour of Lot 43 DP 818249 and Lot 44 DP 818249, No 9 Pioneer Drive, Woonona, as shown crosshatched on Attachments 1 and 2.

## CONSULTATION AND COMMUNICATION

- Legal Services
- Vertex Project Management – acting on behalf of the applicant
- 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".

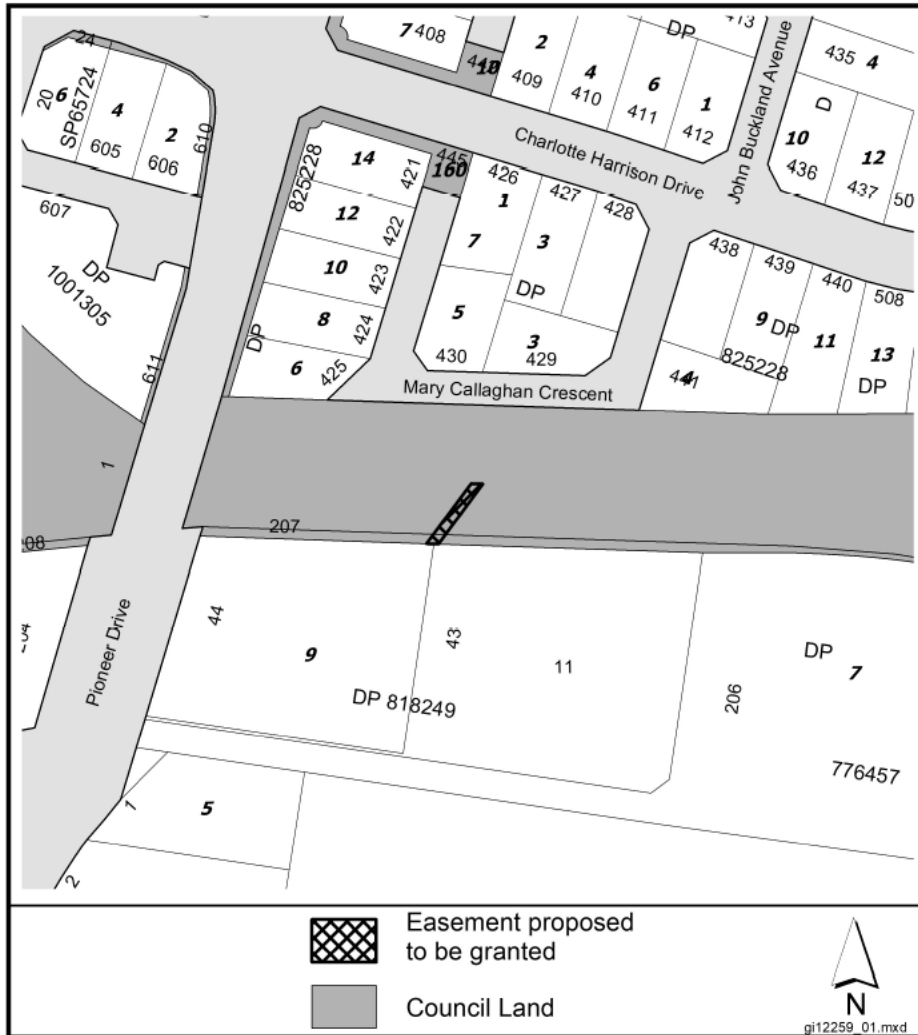
It specifically delivers on core business activities as detailed in the Property Services Service Plan 2020-21.

## FINANCIAL IMPLICATIONS

Council will receive \$1,000.00 (GST free) as compensation for the grant of the easement which is considered to be 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-2019/1464 permits the owners of Lot 43 DP 818249 and Lot 44 DP 818249, No 9 Pioneer Drive, Woonona 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 drainage infrastructure and will formalise maintenance obligations in relation to the drainage infrastructure.



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