

## ITEM 9

### EXTINGUISHMENT OF EXISTING EASEMENT FOR TRANSMISSION LINE AND GRANT OF EASEMENT FOR UNDERGROUND CABLES OVER COUNCIL COMMUNITY LAND AT LAKESIDE DRIVE RESERVE, KOONAWARRA BEING LOT 143 DP 573617

This report recommends the extinguishment of an easement for overhead transmission lines and the creation of an easement for underground cables over Council's land at Lot 143 DP 573617, Lakeside Drive Reserve, Koonawarra.

#### RECOMMENDATION

- 1 Council authorises the extinguishment of an easement for transmission lines over Council land known as Lot 143 DP 573617, Lakeside Drive Reserve, Koonawarra, as shown crosshatched on the attachment to this report.
- 2 Pursuant to Section 46 (1) (a) of the *Local Government Act 1993*, Council authorises the grant of an easement for underground cables over Lot 143 DP 573617, Lakeside Drive Reserve, Koonawarra, as shown crosshatched on the attachment to this report, subject to statutory notification requirements being met in accordance with Section 47 of the *Local Government Act 1993*.
- 3 The applicant be responsible for all costs related to the easement extinguishment and the easement grant including but not limited to valuation, survey, plan registration and legal costs.
- 4 Authority 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 sign any documentation necessary to complete the above matters.

#### 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 extinguishment of easement for transmission lines and easement for underground cables over Council land at Lot 143 DP 573617

#### BACKGROUND

Development consent for DA-2020/1332 was granted for the subdivision and creation of fourteen lots consisting of five super lots, one environmental offset lot and eight lots for future road provision on Lot 30 DP 1175058 which is adjacent to the south of Council's land at Lot 143 DP 573617 ("Council's land").

As part of the intended works for the applicant's development, the applicant seeks to remove the overhead power lines on Council's land and move cables underground. The transmission line tower and all overhead wires will also be removed from the transmission line easement area.

An easement currently exists over Council's land for the overhead transmission lines. It is proposed to extinguish the existing easement and grant a new easement in the same vicinity for the underground cables. It is considered that the works will increase public enjoyment and amenity as it improves the visual appearance of Council's land. Additionally, the works would provide more usable public open space on Council's land.

Council's land is classified as 'Community Land' and categorised as 'Park' pursuant to the *Local Government Act 1993* (the Act). Council has limitations on how it can deal with Community land, in particular to the granting of leases, licences and other estates. An easement is deemed an "other estate" for the purposes of the Act.

Section 46 (1) (a) of the Act gives Council the power to grant easements over Community Land for the provision of public utilities and works associated with or ancillary to public utilities. The proposed

easement relates to the supply of electricity by an electricity supply authority and as such is permissible under the Act.

Council sought a valuation report from Walsh and Monaghan Valuers to assess the amount of compensation that would be payable by the applicant to Council for the grant of the easement. The compensation details have been circulated to Council under separate cover.

By granting an easement over Council's land, Council will also formalise maintenance obligations of the underground cables to ensure it is not responsible for the future maintenance of the underground cables.

## PROPOSAL

It is proposed that Council approve the extinguishment of the easement for transmission lines and the grant of an easement for underground cables over Council's land as shown crosshatched on the attachment to this report.

## CONSULTATION AND COMMUNICATION

- Applicant
- Walsh and Monaghan Valuers
- Development Assessment and Certification (DAC)
- Heritage
- Legal Services
- Transport
- Stormwater
- Parks and Open Spaces

Council has commenced statutory notification of the proposed grant of an easement over Council's Community land pursuant to the *Local Government Act 1993*. The close of submissions is 20 January 2025. Should any reasonable objections be received following the completion of statutory notification, the matter will be reported back to Council.

## PLANNING AND POLICY IMPACT

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.

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.

## FINANCIAL IMPLICATIONS

The applicant will be responsible for all costs in the extinguishment and creation of the easement including but not limited to valuation, survey, plan lodgement, legal costs and any other costs associated with the extinguishment and grant of the easement. The compensation to be received is considered fair and reasonable based on the valuation report that was obtained.

## CONCLUSION

By extinguishing the existing easement on Council's land for overhead transmission lines and granting an easement for underground cables, Council will improve the public enjoyment of Council's land. Council will also be able to identify the exact location of the underground infrastructure and will formalise maintenance obligations of the cables to ensure Council is not responsible for the future maintenance of the underground cables.

