

REF: CM174/09

**PROPOSED EASEMENT FOR ACCESS FOR LITTER BOOM OVER LOT 1 DP 228880  
STUART PARK, NORTH WOLLONGONG**

**Report of Manager Property and Recreation (RMC) 31/08/09**

**PR51425**

**PRECIS**

In 2008, Council constructed a litter boom in Fairy Creek to collect flotsam from within the creek. Access to the boom is over land owned by Sydney Water and this report seeks Council's authority to acquire an easement for access over Sydney Water's land.

**RECOMMENDATION**

- 1 Council authorise the acquisition of an easement for access from Sydney Water over Lot 1 DP 228880 Virginia Street, North Wollongong, as shown on Attachment 1.**
- 2 Council vote the sum of \$3,000 (GST inc) from Account No P979900 Land Acquisitions - Community Infrastructure Fund for the acquisition of the easement for access over Lot 1 DP 228880 Virginia Street, North Wollongong.**

**BACKGROUND**

In 2008, Council constructed a litter boom in the lower regions of Fairy Creek. In order to maintain the boom and remove the rubbish on a regular basis, Council is required to gain access to the creek across Sydney Water land known as Lot 1 DP 228880 Virginia Street, North Wollongong, which is located adjacent to Stuart Park. An easement for access to the boom is therefore required to be created over the Sydney Water land in favour of Council, as shown on Attachment 1.

In order to determine an appropriate amount of compensation to be paid by Council to Sydney Water for the grant of the easement over their property, a valuation was undertaken by the Department of Lands. Agreement has been reached on a compensation amount of \$3,000 which is consistent with the valuation advice.

Council will be responsible for all other costs in the matter, including plan preparation and registration costs and legal costs.

**PROPOSAL**

It is proposed to acquire the easement shown on Attachment 1 on the terms and conditions set out in this report.

**CONSULTATION AND COMMUNICATION**

Sydney Water.

Department of Lands has provided valuation advice on this matter.

Manager Finance has provided information on the funding for this easement acquisition.

**FINANCIAL IMPLICATIONS**

The cost to establish the easement is estimated to be \$3,000 (GST inclusive).

**CONCLUSION**

The easement for access is required in order to allow Council to maintain the litter boom within Fairy Creek and it is recommended that the acquisition be approved.

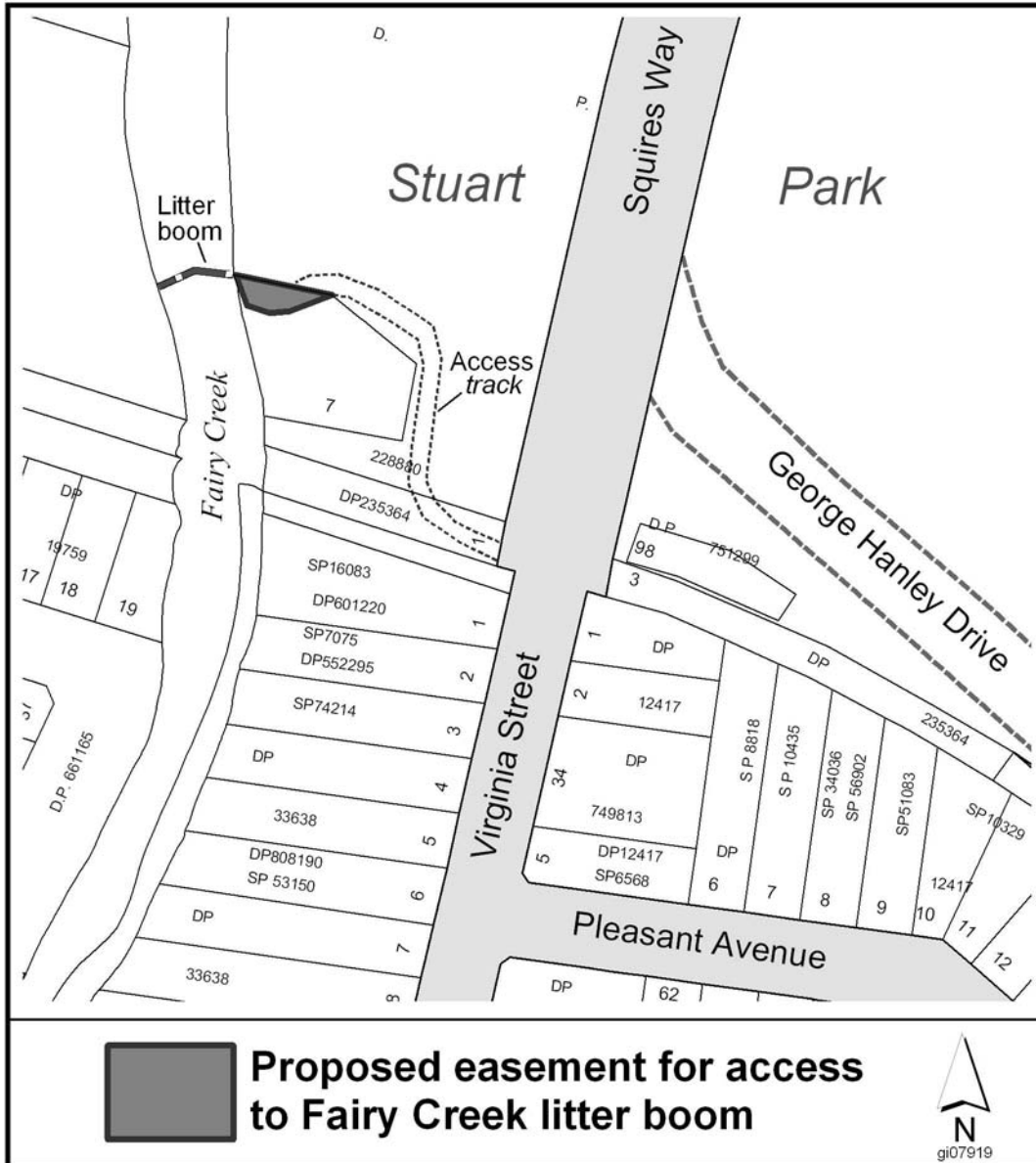
**ITEM 9**

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Name	Position Title
<b>Author:</b>	
Rose Cronin	Statutory Property Officer
<b>Authorised by:</b>	
Peter Coyte	Manager Property & Recreation
Peter Kofod	Director Infrastructure & Works
David Farmer	General Manager

**ATTACHMENTS**

1. Plan of proposed easement for access



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