

**TITLE: [EO-OC] Consent to Easement to Drain Water within Lot 2 DP 534521**

**ORIGIN:**

**Design**

**FILE NO: DA05/0308 Pt5**

**SUMMARY OF REPORT:**

Council has received various reports relating to the Barnby Street subdivision in Murwillumbah comprised in development consent DA05/0308.

Schedule A of the consent provides that prior to the consent becoming operable, it was necessary for the proponent, Metricon Qld Pty Ltd, to obtain owner's consent to the creation of an easement to drain water 12 metres wide within Lot 2 DP 534521 as a suitable 'legal point of discharge' for the subdivision.

Lot 2 is Council owned land, therefore the consent must be granted by Council.

A plan was provided to Council showing the location of the intended easement, and has been approved by the Development Assessment Unit, however, Council officers are of the view that the proponent does not need to create the easement, merely to show where the easement will be created and to provide a written undertaking to the effect that the easement will be created in the plan of subdivision in accordance with the plan approved by Council.

A written undertaking to this effect has been received, it is now necessary for Council to provide its consent to the creation of the easement within Lot 2 DP 534521 so that Schedule A of DA05/0308 is satisfied and the consent becomes operable.

**RECOMMENDATION:**

**That Council provides its consent as the owner of Lot 2 DP 534521 to the creation of an Easement to Drain Water within Lot 2 as shown in the draft plan of easement provided by Metricon Qld Pty Ltd.**



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

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Nil.

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