

TITLE: [ES] Acquisition of Land for the Purposes of Relocation of Sewer Rising Main at Goonal Place, Banora Point

ORIGIN:

Design

FILE NO: PF3861/930 Pt1

REASON FOR CONFIDENTIALITY:

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

SUMMARY OF REPORT:

Council Engineers have identified the need to relocate a 150mm sewer rising main located on several properties at Banora Point where no easement has been granted in Council's favour. The rising main is in a poor condition and it is necessary to replace it.

Council has made overtures to the owners of Lot 25 in DP 879517, a property adjacent to the parcels of land and sharing a common boundary, to subdivide and acquire part of the land to relocate the rising main so that ultimately the rising main will be located within land owned by Council.

RECOMMENDATION:

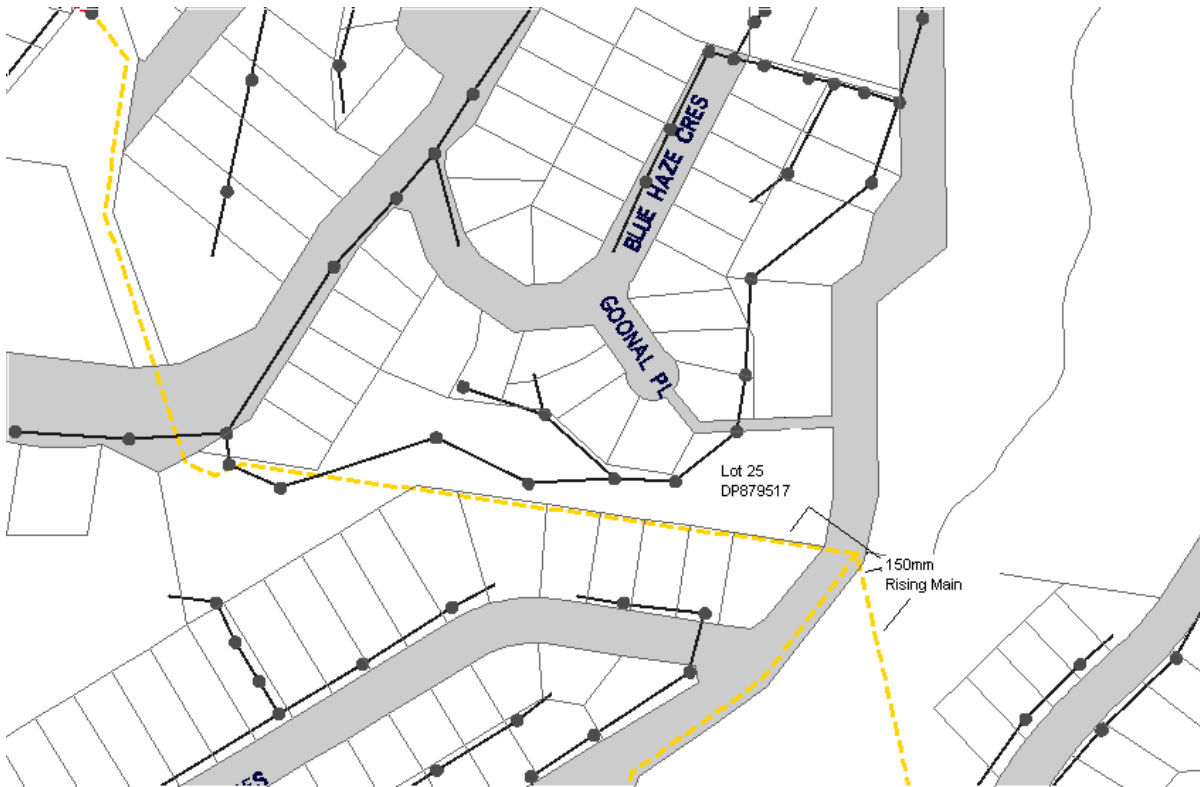
That Council:-

1. Approves the acquisition of part of Lot 25 in DP 879517 from Mr Thomas Lane & Ms Heather Scott by private treaty for the sum of **\$50,000.00** (GST inclusive) subject to the following:
 - (a) Completion of the LEP Amendment No 45;
 - (b) Development consent for:
 - (i) Relocation of the 150mm sewer rising main;
 - (ii) Relocation of steps/footpath for 6 months from the date of the Contract;
 - (c) Council erecting a fence between the common boundaries between the proposed subdivided parcels; and
 - (d) Subdivision of the land within 6 months of the date of the Contract;
2. Approves the creation of an Easement for Drainage of Water within the land to be retained by Mr Lane & Ms Scott;
3. Votes the expenditure of \$75,000.00 from the Sewer Fund;
4. Approves the classification of the land as operational pursuant to the Local Government Act, 1993 following completion of the acquisition; and

5. All necessary documentation be executed under the Common Seal of Council.

REPORT:

Council Engineers have identified the need to relocate a 150mm sewer rising main located on several properties fronting Mariners Crescent at Banora Point where no easement has been granted in Council's favour. The rising main is in a poor condition and it is considered necessary to replace it. The rising main is marked on the plan below by a broken line:-



Council has made overtures to the owner of Lot 25 in DP 879517, to the north of the affected parcels of land and sharing a common boundary, to subdivide and acquire part of the land to relocate the rising main so that ultimately the rising main will be located within land owned by Council.

You will note that there are several sewer mains located on Lot 25 and it is considered to be to Council's benefit to have these mains located within Council owned land.

Lot 25 is zoned 7(d) Environmental Protection (Scenic Escarpment) and has a single dwelling entitlement. Council is seeking to subdivide part of Lot 25, which will be made possible by an LEP amendment which will preserve the dwelling entitlement for the residue of Lot 25 after the subdivision. The LEP amendment has been advertised and is currently with the Minister for final approval prior to gazettal. The LEP amendment will allow the subdivision of the parcel of land and the retention of the dwelling entitlement.

A set of very steep stairs is constructed on a dedicated footpath dividing Lot 25 into two parts, which also provides a pedestrian path from Goonal Place to Old Ferry Road. A 450mm stormwater pipe is located beneath the footpath. These steps are very steep and difficult to use. Council is intending to construct an alternative set of steps and redirect the footpath to the south-eastern boundary of the parcel to be acquired (as shown by a broken line on the copy of DP 879517 following this report and marked "A") which will lie on a moderate incline and provide a more amenable pathway between Goonal Place and Old Ferry Road. It is intended that the existing steps remain within the land to be

retained by Mr Lane and Ms Scott and an easement for the drainage of water in Council's favour be created in lieu of the existing status as footpath.

The plan below shows the location of the 450mm stormwater pipe beneath the footpath where the steps are located:



The owners of Lot 25, Mr Thomas Lane and Ms Heather Scott have accepted the preliminary offer to subdivide their land and sell Section A to Council and retain Section B (as shown on the copy of DP 879517 following this report), subject to the provision of a fence on the common boundary between the proposed subdivided parcels.

Council obtained a valuation of Section A from the State Valuation Office, with the sum of **\$50,000.00** (exclusive of GST) being the current market determination.

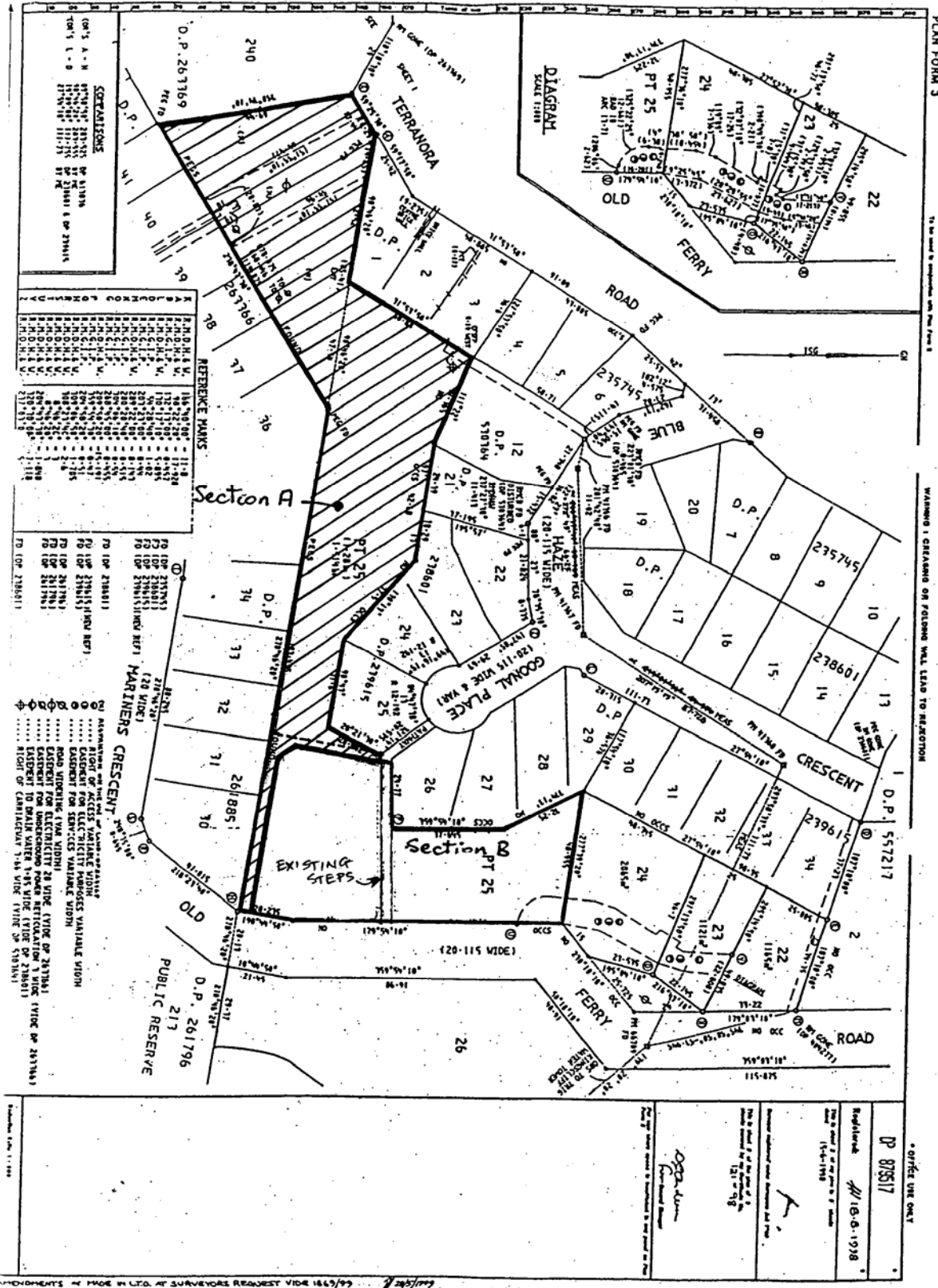
A preliminary verbal offer, subject to Council approval, was made to the landowners, Mr Tom Lane and Ms Heather Scott, and they have accepted the offer.

Estimates of cost for the relocation of the steps amounts to **\$20,000.00** and the cost of the fence amounts to **\$5,000.00**.

The purpose of this report is to seek Council's approval to the following:-

1. Acquisition of part Lot 25 in DP 879917 subject to completion of the LEP amendment and Development Consent for the relocation of the sewer rising main and steps;
2. The relocation of the sewer rising main;
3. Construction of an alternate set of steps alongside the boundary between Lot 25 and the adjacent parcels; and

- Creation of an easement for drainage of water for the stormwater pipe beneath the existing steps.



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Sewer Fund to fund the works and acquisition.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

Nil.
