



# **Ordinary Council Meeting 23/11/21**

**Item 12.3 refers**

## **Attachment 6**

**Porter Consulting Engineers  
– Site Investigation Report for  
Extinguishment of Drainage  
Easement**

*Creating opportunities*



Our Ref: MC/SA/L094.21  
Job No: 21-03-041



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15 April 2021

Jintai Properties (AUS) Pty Ltd  
265 The Esplanade  
MOUNT PLEASANT WA 6153  
[Carrie.Shao@ApexHoldingsAus.com.au](mailto:Carrie.Shao@ApexHoldingsAus.com.au)

**Attention: Carrie Shao**

Dear Carrie,

## **LOT 25 (#375) DALY STREET, CLOVERDALE INVESTIGATION FOR THE EXTINGUISHMENT OF A DRAINAGE EASEMENT**

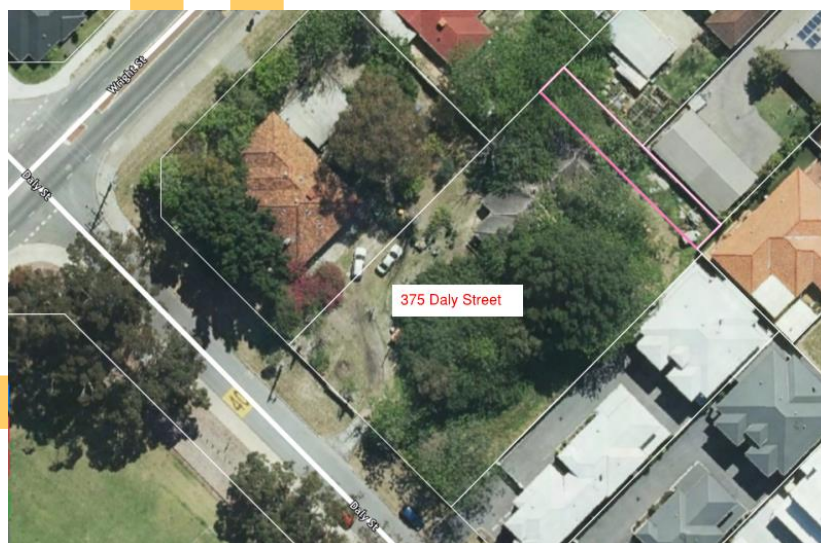
Porter Consulting Engineers (PCE) was engaged by Apex Holdings on behalf of Jintai Properties (AUS) Pty Ltd to investigate Lot 25 Daly Street, Cloverdale within the City Belmont, for the possible extinguishment of a drainage easement to the rear of the property to facilitate proposed redevelopment of the site.

The investigation seeks to confirm or otherwise the presence of any in-ground stormwater drainage infrastructure.

Jintai Properties is seeking to develop the site into an 8 unit strata residential development. However, the existing drainage easement impacts the proposed development which conflicts with the proposed buildings. An investigation is required by the City of Belmont to support an application for extinguishment of the stormwater drainage easement currently held in favour of the City.

### **1. Easement**

Within Lot 25 Daly Street there is a 5m wide easement across the full width of the lot (refer **Figure 1**) which is held in favour of the City of Belmont.



**Figure 1: Stormwater drainage easement (shown in pink) within 375 Daly Street<sup>1</sup>**

<sup>1</sup> MNG Access, *MNG Access*, viewed 13 April 2021, < <https://www.mngaccess.com.au/>>

The Transfer of Land notice<sup>2</sup> in **Attachment 1**, confirms that a drainage easement was granted and transferred to the City in 1966.

## 2. Investigation

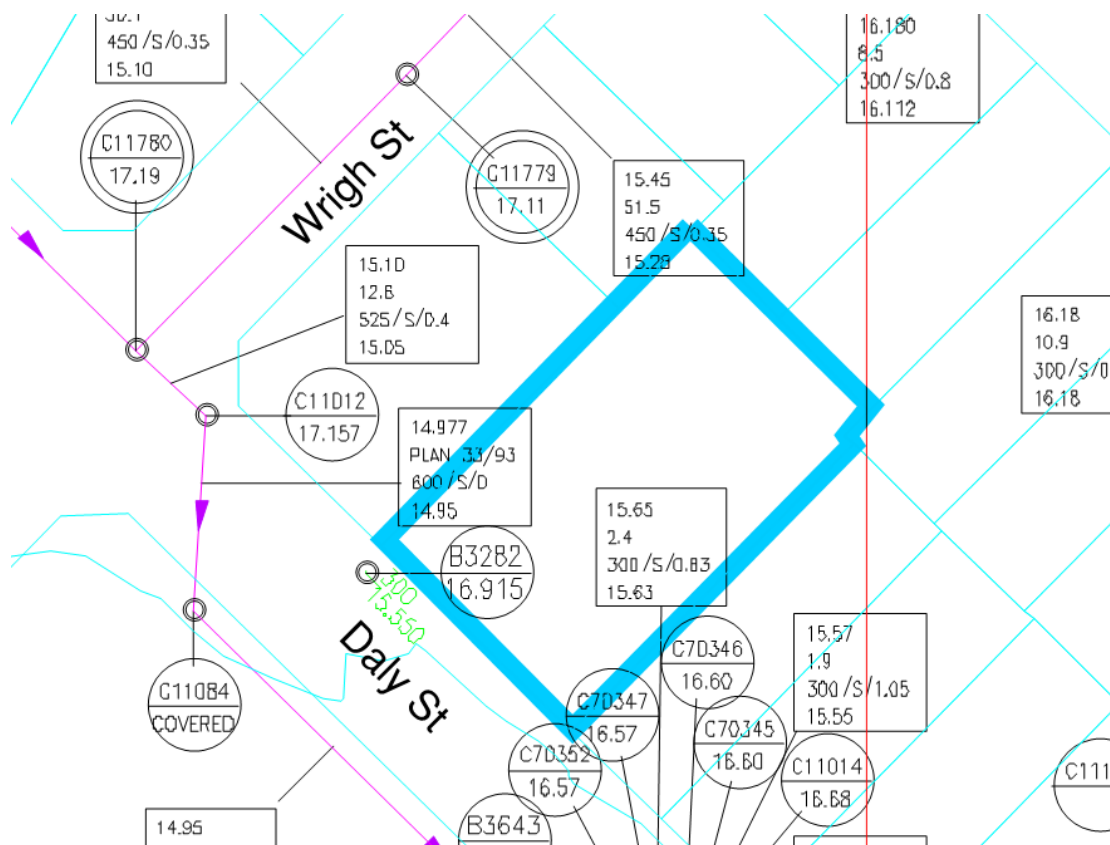
The investigation relied on a review of the City of Belmont records, public utility records, visual inspection, excavations and prodding within the easement.

### Desktop Review

A desktop review of schematic plans from Dial Before You Dig shows that the location of existing public utility assets for the area did not indicate any services within the easement.

A review of the City of Belmont's drainage asset mapping did not record any drainage assets within the easement, nor in the vicinity of the easement as shown in

**Figure 2.** Furthermore existing pit C11779 on Wright Street does not align with the easement, further supporting there not being drainage assets in the easement that connects with municipal drainage in Wright Street.



**Figure 2: Extract from the City of Belmont drainage asset mapping (#375 Daly Street shown in blue)**

A review of the Water Corporation's mapping (ESINET)<sup>3</sup> did not identify any water, sewer or main drainage assets within or adjacent to the easement.

<sup>2</sup> Rajaram, U. *City's Response - 375 Daly Street Cloverdale - investigations for extinguishment of a drainage easement*, email to Cook, M., <mcook@portereng.com.au>

<sup>3</sup> Water Corporation, *ESINET*, viewed 13 April 2021, <<https://esinet.watercorporation.com.au/>>

A review of easement mapping for the immediate surrounding area has identified that the immediate abutting neighbouring lots no longer show the continuation of the easement through abutting lots (refer **Figure 3**). This suggests that the neighbouring lots had successfully extinguished the drainage easement from their lot sometime in the past.



**Figure 3: Discontinuity in the drainage easement (remaining easement extent shown in pink)**

Shawmac Consulting Engineers also conducted a similar investigation<sup>4</sup> for the drainage easement within 152 (lot 9) and 154 (lot 202) Williamson Avenue, which was the former continuation of this easement (as per the Transfer of Land notice). Shawmac concluded that there is no evidence of any drainage infrastructure within the easements they reviewed.

### Onsite Investigations

On 8 April 2021 excavations onsite were undertaken within the easement of Lot 25 (#375) Daly Street. Two test pits were excavated with a mini-excavator to an approximate depth of 1m, with further prodding of up to 300mm. Typically, stormwater drainage pipework is installed 600-900mm below the ground surface level.

Given restrictions to accessibility and limited excavations onsite, the excavations did not encounter evidence of any in-ground stormwater or other assets, with the excavation profile suggesting the ground in the area had not been previously excavated. Test pit locations and photos are included within **Attachment 2**.

## **3. Findings**

The outcomes of the desktop review and onsite excavations did not discover any evidence of stormwater drainage assets within the easement.

The City of Belmont has advised that they have reviewed their records and did not discover any information indicating drainage infrastructure within this easement.

Therefore, based on the information reviewed and investigations undertaken, there is opportunity to consider extinguishment of the easement within Lot 25 (#375) Daly Street, Cloverdale, as there is no

<sup>4</sup> Shawmac, Lot 9 (152) and Lot 202 (154) Williamson Avenue, Cloverdale Drainage Easement Inspection, Version 2-07-08-14

evidence of stormwater drainage infrastructure in the easement, and if there was at a point in time in the past, this drainage system would now be redundant.

If the unlikely event that undocumented in-ground infrastructure be encountered during the redevelopment works of the site, further investigations should be undertaken to ascertain if the infrastructure is redundant and can be removed.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Michael Cook', with a long horizontal flourish extending to the right.

MICHAEL COOK  
**SENIOR CIVIL ENGINEER**

Enc.

**ATTACHMENT 1:**  
**Transfer of Land Notice for the Stormwater Drainage Easement**



index Advised  
The Chief Written 39719.  
WESTERN AUSTRALIA STAMP DUTIES  
A011805

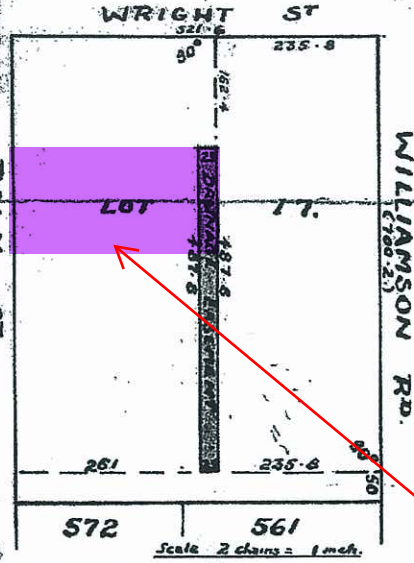
21-000-67 520917 S . . D S/LST \$\*\*\*1.00  
WESTERN AUSTRALIA

"THE TRANSFER OF LAND ACT, 1893/1950"

TRANSFER OF LAND

ILIAS ANASTASIOU CHRISTOU of corner of Wright Street and Daly Street, Belmont, in the State of Western Australia, Poultry Farmer, being registered as the proprietor of an estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder IN COMPLIANCE with the direction of the Town Planning Board that a condition of approval to the subdivision on Plan that a drainage

statement over the land hereinafter described be granted to BELMONT DOES HEREBY GRANT AND TRANSFER TO SHIRE OF BELMONT of 211 Great Eastern Highway, Belmont, in the said State its successors and assigns the full and free right and liberty to at all times to use the lands hereinafter described for the purpose of drainage and to pass water and soil through under and along the same and from time to time and at all times to construct drains thereon and to enter thereon to inspect, cleanse repair and maintain such drains and when and where necessary to lay new drains in substitution therefor.



THE LANDS HEREINBEFORE REFERRED TO:  
Portion of Swan Location 33 and being portion of Lot 17 the subject of diagram 22811 as is delineated and coloured green on the sketch in the margin hereof and being portion of the land comprised in Certificate of Title Volume 1277 Folio 872.

We approve this Sketch:  
*[Signature]*  
*[Signature]*  
*[Signature]*

DATED this Third day of October One thousand nine hundred and sixty six.

SIGNED by the said ILIAS ANASTASIOU CHRISTOU in the presence of:  
Commissioner for Declarations  
*[Signature]*

*[Signature]*

THE COMMON SEAL of the SHIRE OF BELMONT was hereunto affixed pursuant to a resolution of the Council and in the presence of:

PRESIDENT

SHIRE CLERK

ENCUMBRANCES Mortgage 71071/67

Extent of 375 (lot 22) Daly Street, Cloverdale (shown in purple)

*[Handwritten notes]*  
Dupl. to  
placed  
in R.R.  
Recd. by  
C.M.  
*[Signature]*

Endorsement on Back of St. 1277-872

*[Handwritten notes]*  
TRANSFERRED  
SEE MAP ON BACK  
OF ST. 1277-872  
SKETCH AS  
ON TRANSFER

Transfer A 11805. Grants to SHIRE OF BELMONT the right to enter upon the portion of the within land coloured blue on the map in the margin hereof for the purpose of exercising certain drainage rights as set out in the said transfer.

*[Signature]*



**ATTACHMENT 2:**  
**Test Pit Location and Photographs**





**Test Pit 1**



**Test Pit 2**



**Test Pit 2**