



Ordinary Council Meeting 23/11/21

Item 12.3 refers

Attachment 8

**OCM 5 July 2005
Item 11.2.1 - Report**

Creating opportunities



11.2.1 Surrender of Drainage Easement on Lots 98(148A), 99(150), 9(152) & 202(154) Williamson Avenue, Cloverdale

Report by Engineering Division

DATE

14 June 2005

PURPOSE OF REPORT

To seek Council's approval to proceed with the surrender of a stormwater drainage easements located on Lots 98(148A), 99(150), 9(152) & 202(154) Williamson Avenue in Cloverdale.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

Following a request by the property owners of Lots 98 & 99 Williamson Avenue to remove the drainage easement on their lots, an investigation into the easement which extends along the rear of Lots 98, 99, 9 & 202 Williamson Avenue was initiated. The investigation did not reveal any existing drains within the easements and the easements are not required for any future drainage purposes. Therefore, it is recommended that the City surrenders the drainage easements on Lots 98, 99, 9 & 202 Williamson Avenue.

Officer Recommendation Summation

Council approves the surrender of the stormwater drainage easements on Lots 98(148A), 99(150), 9(152) & 202(154) Williamson Avenue, Cloverdale.

LOCATION

Lots 98, 99, 9 and 202 Williamson Avenue, Cloverdale

APPLICANT

Jeevanie Fernando and Mudalidevage Fernando, owners of Lots 98 and 99 Williamson Avenue, Cloverdale

FILE REFERENCE

70/008 – Easements
115/001 – Development/Subdivision/Strata – Applications/Application Correspondence

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority Required

CONSULTATION

Level of Assessment = Inform

Request to Department of Land Information for title searches was carried out to confirm the drainage easements on Lots 98, 99, 9 and 202 Williamson Avenue.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**Strategic Plan**

Not Applicable

Operational Plan

Community Strategy #C5/3 – To develop and maintain a comprehensive drainage system which will take full account of long term redevelopment.

POLICY IMPLICATIONS

Not Applicable

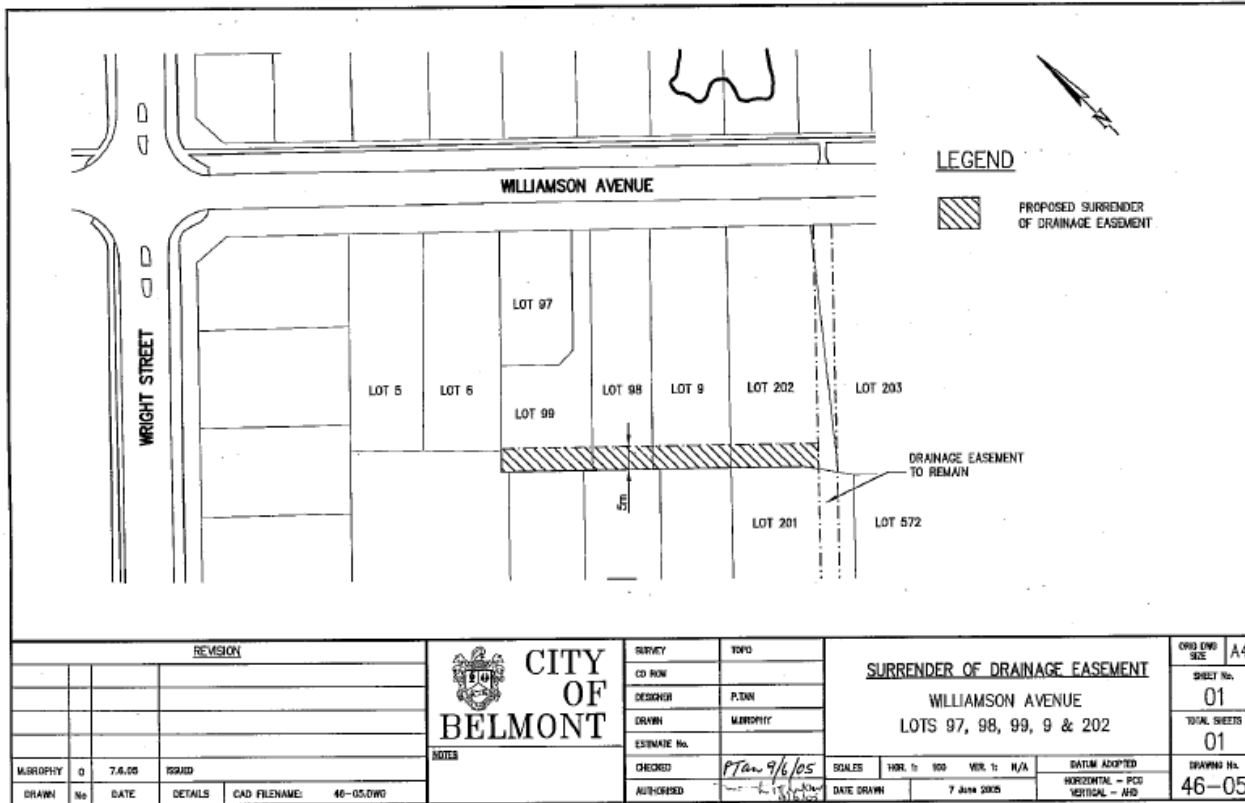
STATUTORY ENVIRONMENT

Not Applicable

BACKGROUND

A written request was received from Jeevanie Fernando and Mudalidevage Fernando, owners of Lots 98 and 99 Williamson Avenue, Cloverdale for the removal of the City's stormwater drainage easements on their properties. Lots 98 and 99 have resulted from a recent subdivision and the property owners are concerned with the development area being impacted by the easements.

A preliminary investigation shows 5.0 metres wide easements, vested under the City of Belmont for the purpose of stormwater drainage, and extending over the width of Lots 98, 99, 9 and 202 at the rear. The following site plan, Drawing No. 46-05 shows the location of the drainage easements.



Further investigation of Council's records and site inspection did not reveal any evidence of any drainage pipes within the easements, and also no record of the taking of the easement and its purpose was found.

OFFICER COMMENT

A check of Council's past records of correspondence and drawings did not reveal any information on the drainage easements. A site inspection by Council' officers also did not show any evidence of any pipe works or manholes. The surrounding street drainage system was also investigated and no evidence of pipe connection coming from the easement was found.

From the investigation, it is possible to conclude that the easements must have been provided for future drainage purposes during the subdivision of the lots many years ago. Currently the existing catchment is adequately served by an existing drainage system and there are no requirements for the extension of the drainage system through the easements. The properties in the area currently disposed of stormwater runoff on site using soak wells to recharge groundwater.

In conclusion, it is appropriate that the City approves the removal of the drainage easements on Lot 98, 99, 9 and 202 Williamson Avenue. At this stage, it is proposed that the City proceeds only with the surrender of the easement on Lots 98 & 99 and the City's solicitors, McLeods be requested to prepare the necessary legal documentation for the execution of the surrender of the easement.

Nevertheless, it is possible that some service may exist in the easement and in order to protect the City's interests, it is considered appropriate to require the applicant to engage an independent party to check the easement for anything that may impede its closure.

The process to remove the remaining easements on Lots 9 and 202 shall be initiated only at the request of the individual property owners. It is appropriate that all expenses associated with the surrender of the drainage easements be covered by the City.

FINANCIAL IMPLICATIONS

The financial costs involve mainly the fees charged by the City's solicitor and also the expenses associated with plan preparation, registration and lodgement of title with the Department of Land Information. The total costs incurred will be costed to Works and Technical Services budget allocation: Services – Legal Account no. 940.00.0.270.

ENVIRONMENTAL IMPLICATIONS

There is no impact on the environment.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That it be recommended to Council that:

1. *The surrender of the stormwater drainage easements on Lots 98(148A), 99(150), 9(152) & 202(154) Williamson Avenue, Cloverdale, be approved; and*
2. *The City's solicitor, McLeods, be requested to undertake at this stage the execution of the surrender of the easement on Lots 98 and 99 Williamson Avenue in Cloverdale.*
3. *That the applicant be required to engage a consultant to undertake an independent inspection to confirm there is no infrastructure currently in place that would preclude the removal of the easement.*

**OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.2**