

7.0 COMMUNITY DIVISION REPORTS

ITEM 7.1	40 KINGSWAY DEE WHY - PROPOSED MULTI-PURPOSE COMMUNITY FACILITY AND CARPARK (PCYC) - PROPOSED EASEMENT FOR ELECTRICITY PURPOSES TO AUSGRID
REPORTING MANAGER	GROUP MANAGER BUILDINGS, PROPERTY AND SPATIAL INFORMATION
TRIM FILE REF	2014/362934
ATTACHMENTS	1 Proposed Location Plan - 40 Kingsway Dee Why 2 Draft Easement Plan - 40 Kingsway Dee Why

EXECUTIVE SUMMARY

PURPOSE

To consider granting an Easement for Electricity Purposes and associated Right of Carriageway to Ausgrid over Council's Community Land at 40 Kingsway Dee Why for the construction of an electricity substation kiosk in association with the construction of the new Multi-Purpose Community Facility and Carpark (PCYC).

SUMMARY

A requirement of the proposed development of Council's new Multi-Purpose Community Facility and Carpark (PCYC) is that Ausgrid requires a new electricity substation kiosk to be constructed to service this facility. Ausgrid also requires the landowner/developer to enter into a formal Deed of Agreement for Easement followed by a formal Easement for Electricity Purposes and associated Right of Carriageway (under Ausgrid's standard terms and conditions) for the occupation of the new electricity substation kiosk on Council's land.

FINANCIAL IMPACT

The estimated costs associated with granting the subject Easement for Electricity Purposes and associated Right of Carriageway to Ausgrid is not expected to exceed \$10,000. The costs are to be funded from the existing budget for the development of Council's site.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council:

- A. Grant an Easement for Electricity Purposes and associated Right of Carriageway within Council's Community Land at 40 Kingsway Dee Why (Lot 1 DP 1193308) at nominal consideration to Ausgrid for the construction of an electricity substation kiosk in association with the construction of Council's proposed new Multi-Purpose Community Facility and Carpark.
 - B. Delegate authority to the General Manager to execute the necessary documentation in order to give effect to this resolution including a Deed of Agreement for Easement prior to the formal granting of the subject Easement for Electricity Purposes and associated Right of Carriageway.
 - C. Fund all costs associated with the granting of the proposed easement and right of carriageway.
-

REPORT

BACKGROUND

Council has received development consent for the construction of the new Multi-Purpose Community Facility and Carpark (PCYC) on Council's Community Land at 40 Kingsway Dee Why.

A requirement of the proposed development is a new electricity substation kiosk to service this development. Council will be required to fund the construction of the electricity substation kiosk before it is formally commissioned and taken over by Ausgrid as it is currently the sole electricity infrastructure authority within Warringah.

As part of the proposal, Ausgrid also requires the landowner/developer to enter into a formal Deed of Agreement for Easement followed by a formal Easement for Electricity Purposes and associated Right of Carriageway (under Ausgrid's standard terms and conditions) for the occupation of the new electricity substation kiosk on Council's land. Plans of the proposed Easement for Electricity Purposes and associated Right of Carriageway are attached to this report as attachments. (Proposed Location Plan – 40 Kingsway Dee Why & Draft Easement Plan – 40 Kingsway Dee Why).

The Local Government Act 1993 (the Act) provides that a lease, licence or other estate in respect of Community Land may be granted for the provision of public utilities and works associated with or ancillary to public utilities.

The Act also relevantly provides:

1. Council must give notice and exhibit notice of such a proposal;
2. any person may make a submission in writing to Council during the specified period; and
3. before granting the estate, Council must consider all submissions duly made to it.

Having regard to the matters referred to in this report, it is considered that the grant of the subject easement and associated right of carriageway by Council at nominal consideration is in the public interest as the electricity supply for this facility is an essential service.

CONSULTATION

The location of the proposed new electricity substation kiosk was provided in the Development Application plans which were formally exhibited as part of this development proposal.

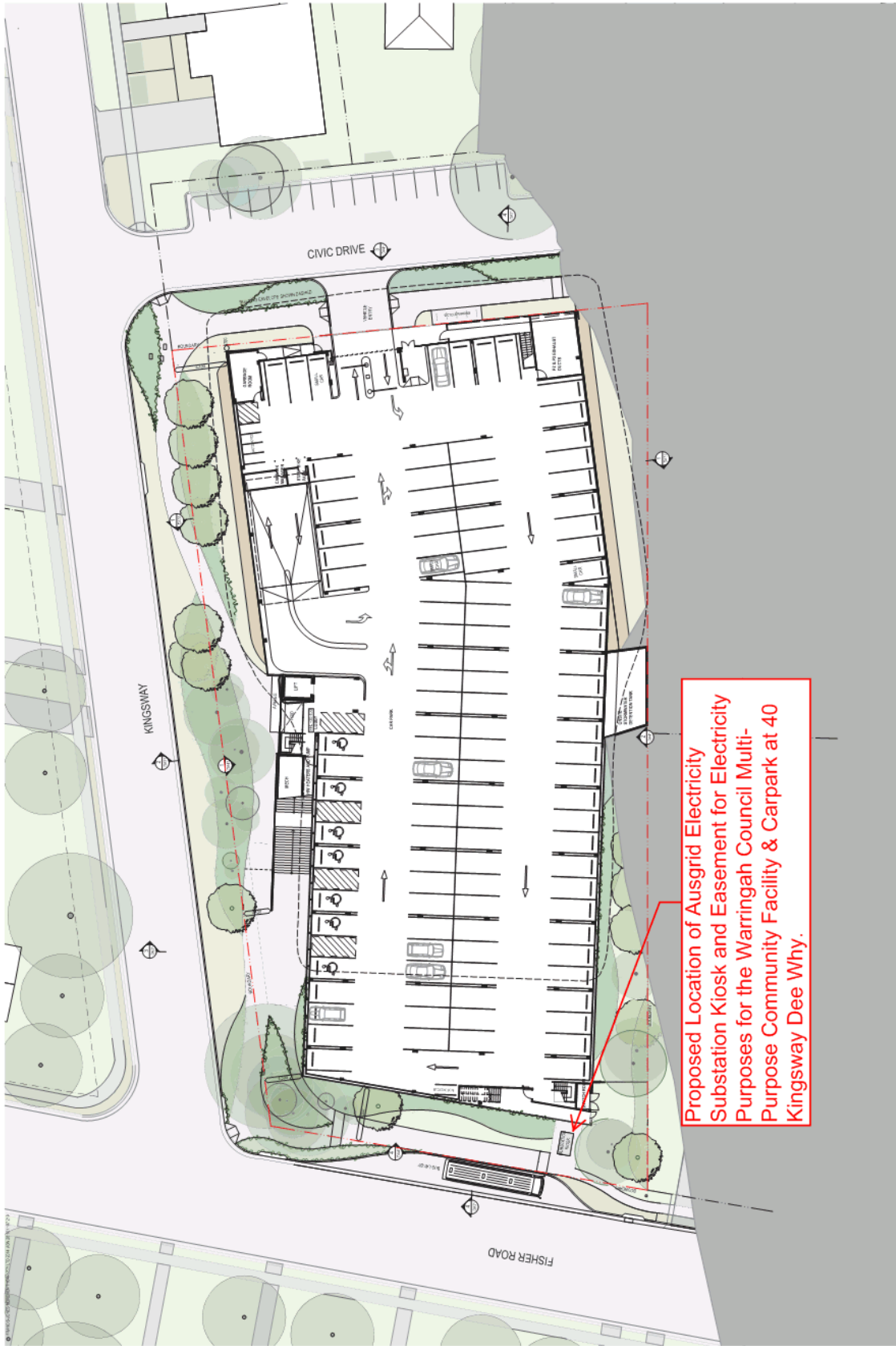
Additionally, the proposed easement and associated right of carriageway were publicly notified and exhibited in accordance with section 47 of the Local Government Act 1993 which included an advertisement in The Manly Daily on 18 October 2014, Council website notice, neighbours notification letters and notice signs adjacent to the subject site. The submission period concluded on 17 November 2014 and no submissions were received by Council during this period.

FINANCIAL IMPACT

The estimated costs associated with granting the subject Easement for Electricity Purposes and associated Right of Carriageway to Ausgrid is not expected to exceed \$10,000. The costs are to be funded from the existing budget for the development of Council's site.

POLICY IMPACT

Nil



Proposed Location of Ausgrid Electricity Substation Kiosk and Easement for Electricity Purposes for the Warringah Council Multi-Purpose Community Facility & Carpark at 40 Kingsway Dee Why.

1 PLAN - PARKING LEVEL
 WARRINGAH COUNCIL - MULTI-PURPOSE COMMUNITY FACILITY & CARPARK, DEE WHY
 24-40 KINGSWAY, DEE WHY, NSW 2088
 LOTS 2 & 3, BECTON ST & PART LOT 100 DP 104825
 1:200 @ A1
 28/03/2014
 P:\Projects

