

Easements over Council Land Application 22/23



If you need help lodging your form, contact us		
Email	council@northernbeaches.nsw.gov.au	
Phone	1300 434 434	
Customer Service Centres	Manly Town Hall, 1 Belgrave Street Manly NSW 2095	Dee Why Civic Centre, 725 Pittwater Road Dee Why NSW 2099
	Mona Vale 1 Park Street Mona Vale NSW 2103	Avalon 59A Old Barrenjoey Road Avalon Beach NSW 2107

Office use only	
Form ID	4125
TRIM Ref.	
Last updated	June 2022
Business unit	Property
Application no.	
Receipt no.	

Privacy Protection Notice	
Purpose of collection	For Council to provide services to the community
Intended recipients	Northern Beaches Council staff
Supply	If you choose not to supply your personal information, it may result in Council being unable to provide the services you seek
Access/Correction	Please contact Customer Service on 1300 434 434 to access or correct your personal information

Part 1: Applicant Details

Title	<input type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Ms <input type="radio"/> Other:		
First Name			
Last Name		ABN	
Name of User/Group/Organisation			
Address			
Post Code			
Phone		Alternate	
Mobile		Fax	
Email			

Part 2: Owner(s) Details

Title	<input type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Ms <input type="radio"/> Other:		
First Name			
Last Name		ABN	
Name of User/Group/Organisation			
Address			
Post Code			
Phone		Alternate	
Mobile		Fax	
Email			

Part 3: Reason for Application

Please select one of the following reasons
<input type="checkbox"/> Creation of easement over Council owned land
<input type="checkbox"/> Modification of existing easement
<input type="checkbox"/> Extinguishment of existing easement over private land

Part 4: Purpose of the Easement

Provide further details for the purpose of the easement
<input type="checkbox"/> Drainage (Stormwater)
<input type="checkbox"/> Right of way
<input type="checkbox"/> Other (please describe)

Part 5: Current land use

<input type="checkbox"/> Parks and Reserves	<input type="checkbox"/> Road Reserves
<input type="checkbox"/> Bushland	<input type="checkbox"/> Drainage Reserve
<input type="checkbox"/> Carpark	<input type="checkbox"/> Community Facility/Centres
<input type="checkbox"/> Other:	

Part 6: Project Description - details of land affected by the easement

Describe the reason for the creation, modification or extinguishment of an easement.	
Council land affected by easement (e.g. Reserve Name, Street Name)	
Parcel Identification (If known - Lot and DP)	
Street address benefitting from the proposed easement	
Suburb	

Part 7: Attach Plan

Please attach a plan showing the proposed or existing easement (this plan is to show the location and dimension of the easement).

Part 8: Development Application

Has a Development Application been lodged with Council?	Yes	No
If so, what is the DA number?	DA Number:	

Part 9: Surveyor's Details

Title	<input type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Ms <input type="radio"/> Other		
First Name			
Last Name		ABN	
Name of User/Group/Organisation			
Address			
Post Code			
Phone		Alternate	
Mobile		Fax	
Email			

Part 10: Checklist

Use this Checklist to confirm you have fully completed your Application			
Have you included a survey plan of the proposed easement, or the existing easement, with the approximate boundary dimensions and area? (include in the survey plan, existing encroachment and significant trees and identify the species and size of trunk).	Yes		No
Have you read the Information for Applicants regarding easements over Council land. See page 4.	Yes		No
Have you paid the application fee in accordance with Council's Fees and Charges.	Yes		No

Part 11: Agreements to terms and conditions

	I understand that this is an application. It is not a legally binding contract. I acknowledge that the creation, modification or extinguishment of an easement over Council land is subject to formal Council approval.		
Applicant's Name			
Signature		Date	
Landowner's Name			
Signature		Date	

Easements over Council Land

- Information Sheet

Information for Applicants

Please retain this information for your own reference.

Please ensure that you read this Information sheet prior to lodging an easement application. Do not hesitate to ask any questions of Council staff. It is important to note that the applicant is to pay all costs associated with pursuing an easement application. The estimated costs for this application are discussed below in the fee section.
All easement applications are subject to formal Council approval.

Following receipt of the non-refundable easement application fee (in accordance with Council's Fees and Charges) and this completed form, the following actions are undertaken (Please note, this is a general guide to the process and each application may vary):

1. Council Property Officers will consult with internal stakeholders (e.g. Environment & Sustainability, Transport & Assets and Planning & Place)
2. Staff will carry out Public Notification in accordance with Section 47 of the Local Government Act 1993 and these include letters to surrounding residents, notification on Council's Webpage and a notice on the subject land. The public notice period runs for a minimum of 28 days.
3. Council is required to consider all submissions received and take actions to resolve any actions in accordance with the Local Government Act 1993.
4. If it is considered your proposal has merit, Council officers will engage an independent registered valuer to carry out the current market value of the creation, modification or extinguishment of the easement. Please note there is a minimum compensation fee in Council's Fees and Charges. The cost of the valuation is to be reimbursed by the applicant, prior to the engagement of the valuer.
5. Following concurrence from the applicant in regards to the compensation fee payable for the proposed easement, the proposal will be submitted to the elected Council for formal consideration.
6. Please note, any Easement for Drainage of Water over Council land will include conditions regarding pipes to be below the ground. Other ongoing conditions/obligations by the benefiting property owners are to be registered on their property as a Positive Covenant.
7. Following receipt of a Council resolution on the proposal, Council's Property Officers will undertake the relevant steps for the creation, modification or extinguishment of the easement.
8. For the creation of an easement, Council will prepare the relevant documentation, such as the easement terms and positive covenant, to be included with the easement plan. Council will instruct the applicant's surveyor to lodge the relevant documents with NSW Land Registry Services.
9. As a general caution, please note that should Council receive an objection to the proposed easement during the public notification period, Council will be required to refer the objection to the Minister for Local Government for determination (S.47 of LGA). Council accepts no liability if the Minister fails to approve the proposed easement or Council decides not to proceed with granting the proposed easement.
10. If you are acting on behalf of the land owner you will need to provide a letter of Power of Attorney and this letter needs to be submitted as part of the application. Where there is more than one owner, we require all owner's agreement (in writing) to this application.

Fees

It is important that you are aware of the costs involved in the process. The costs are outlined below:

Application Fee	\$2,600.000 In accordance with Council's Fees and Charges
NSW Land Registry Services - registration costs	As per LRS requirements at applicants cost
Surveying Costs	Quote to be sought by applicant
Valuation Costs	As per quote from Council's valuer
Council's legal costs & disbursement costs	As per quote from Council's solicitor
Compensation fee for the creation, modification or extinguishment of an easement	\$12,585.00 or an amount determined by valuation whichever is greater
These costs are non-refundable. Council's fees are subject to change in line with annual Delivery Program process.	