

Attn: Peter Lipscomb
Honorary Secretary/Treasurer
City of Wollongong RSL Sub-Branch

Our Ref: 26543738
Date: 30 May 2025

By email to: wollongongsb@rslnsw.org.au
paul@figtreesports.com.au
john.sperring@gmail.com
ryandamian@rocketmail.com
dazw3@hotmail.com
lachlan@hisboyelroy.com.au

Dear Peter,

RE: PROPOSED EASEMENT ON LOT 1 DP 115055

We refer to your email of 2 May 2025 and respond as follows:

1. A licence agreement is not suitable for Council in substitute of an easement.
2. A sunset clause is unacceptable to Council as it could put Council in a position where it would have stormwater assets that it could not access.
3. Although an easement is permanent in nature, it can be varied or extinguished by agreement. If the club's building is expanded, or the property is sold, proposals can be put to Council to change the location, shape, or area of the easement. There is no requirement to include reference to renegotiations of the easement within the terms of the easement itself, as both the Sub-Branch and Council are entitled to attempt to renegotiate those terms at any time.
4. It is noted that any extension of the club, or sale and subsequent redevelopment, would be subject to a Development Application, which would address the easement and could propose a variation or extinguishment at that time.

Council has obtained an independent valuation report for the compensation payable for the easement in accordance with the *Land Acquisition (Just Terms) Compensation Act 1991* (NSW).

As such, Council puts the following offer to the Sub-Branch to acquire the easement (as shown on the Proposed Easement Plan and **attached** for ease of reference) on the basis that Council pay to the Sub-Branch compensation of \$8,125.00 (incl GST) plus any costs incurred by the Club in considering the granting of the easement, ie; legal and valuation costs, etc ("**Conditional Offer**").

Please note that the power to acquire an interest in property on behalf of Council is not a delegated authority and can only be authorised by a Council Resolution. Accordingly, any in-principle agreement is subject to the granting of a Council Resolution and the registration of the easement plan and documents. As such, the Conditional Offer, if accepted by the Sub-Branch, will not immediately be legally binding.

The Conditional Offer is open and capable of acceptance until close of business on **20 June 2025**.

If you accept the Conditional Offer, Council Officers will prepare a Report to Council proposing the acquisition of the easement. If Council resolves to proceed with the acquisition, Council will arrange for the formal easement documents to be prepared for lodgement.

Unfortunately, if you do not wish to accept the Conditional Offer, Council may no longer be able to proceed with the proposed project.

We look forward to hearing from you by 20 June 2025.

If you require any further information regarding the easement, please feel free to contact the writer on (02) 4227 7830 or Council's Statutory Property Coordinator, Lisa Burke on (02) 4227 7447.

This letter is authorised by

**Aaron Trevisi
Statutory Property Officer**

Wollongong City Council
Telephone (02) 4227 7111