

From: **Leanne O'Neill** <Leanne.ONeill@cgw.com.au>
Date: Thu, 7 Mar 2024 at 9:17 AM
Subject: FW: FW: FW: St James Estate
To: Secretary St James <stjames4069@gmail.com>
Cc: Vanessa Thompson <Vanessa.Thompson@cgw.com.au>

Hi Peter

No, that does not change my views, and reflects what had been assumed as the likely 'trigger' for the bridge.

For context, it is not unusual for a development approval to impose conditions on a developer to construct external works – which can include roadworks, stormwater infrastructure, footpaths, parks etc – which subsequently become a Council asset. That does not prevent a Council from dealing with those assets as they see fit in the future, and indeed it is bound to act where there is a safety issue. Unless there is some form of land tenure (such as an easement or lease – which Council does not support) or current contractual obligation to ensure the bridge remains in situ or is replaced if damaged, we do not think there is a legal basis to compel the Council to repair/replace the bridge, or to permit the body corporate to do so.