

ITEM 4. GRANT OF EASEMENT - CITY WEST HOUSING - 3 JOYNTON AVENUE ZETLAND

FILE NO: S071342

SUMMARY

In September 2013, the City, in its capacity as owner, gave its consent to City West lodging a development application for one six-level building (Building A) and one eight-level building (Building B) comprising a total of 104 affordable housing units.

Both parties acknowledged that the proposed development would not comply with the Deemed-to-Satisfy provisions of the Building Code of Australia (BCA) due to the proximity of the northern face of Building B to the site's northern boundary.

The City and City West also acknowledged that, in principle, a grant of easement by the City in favour of City West over the City's land for fire separation and egress purposes was the preferred alternative solution, subject to Council consent.

The proposed easement zone would be created over a portion of the City's land that will become a 15 metre wide public thoroughfare enabled by the heritage curtilage from the southern and northern face of the former South Sydney Hospital Administration Building. The thoroughfare extends from Portman Avenue to Joynton Avenue and borders the City West land, Matron Ruby Park and the future community space within the Esme Cahill Building.

The only permissible developments within the easement zone are minor structures such as landscape furniture, play equipment or awnings. The proposed easement will not impair the City's embellishment works within the public thoroughfare or impede the public right of access.

On 3 December 2013, City West Housing received development consent for 104 affordable housing units and are on schedule to attain practical completion by February 2016, subject to registration of the easement.

This report seeks Council consent to grant an easement of approximately 25.2m² in favour of City West Housing over the City's land and to approve the compensation offered by City West in the amount of \$58,000 plus GST and all reasonable costs including valuation and legal fees.

RECOMMENDATION

It is resolved that:

- (A) Council grant an easement for access and in favour of Lot 1 in Deposited Plan 1174641 being land owned by City West Housing Pty Limited over Lot 2 in Deposited Plan 1174641 being land owned by the City;
- (B) Council accept the compensation amount of \$58,000 plus GST as supported by valuation and all reasonable costs to be paid by City West Housing prior to registration of the easement;

- (C) the compensation received from the grant of easement be reserved for the creation or funding of further affordable housing opportunities within the City of Sydney; and
- (D) authority be delegated to the Chief Executive Officer to finalise all negotiations including any amendments to the terms of the easement and enter into any documentation required to the grant of easement.

ATTACHMENTS

Attachment A: Plan of Proposed Easement

Attachment B: Indicative Landscape Plan

BACKGROUND

1. On 5 December 2011, Council resolved to sell a portion of land within the former South Sydney Hospital site to City West Housing Pty Limited for the development and operation of affordable rental housing.
2. The City subdivided the Hospital site to create a 3,096m² parcel referred to as 130 Portman Avenue, being Lot 1 in Deposited plan 1174641. The balance of the City's land, with an area of 15,700m², is now Lot 2 in Deposited Plan 1174641.
3. The City West development fronts Portman Avenue with an easterly aspect over the future Matron Ruby Park to the original Esme Cahill building, the single level Pathology building and the three level Administration Building, as shown in the attached Public Domain Plan.
4. The Public Domain and Conservation Management Plan for the former South Sydney Hospital site established curtilages around these heritage buildings to create sight lines and pedestrian through site links.
5. On 3 December 2013, development consent was granted for one six-level building (Building A) and one eight-level building (Building B) comprising a total of 104 affordable housing units. A public right of way from Matron Ruby Park to Portman Avenue will separate the two buildings. The development will also comprise a ground floor café, basement parking for 40 vehicles and garbage loading facilities. The City West development is well advanced, with an anticipated completion in early 2016.
6. City West has offered to compensate the City granting an easement for fire separation and emergency egress. This easement will satisfy the solutions endorsed by the Fire Safety Engineer and Fire Brigade to comply with the Building Code of Australia. The easement conditions will provide a setback of three metres to the northern building boundary relative to the windows in question.
7. The proposed easement will be approximately 25.2m² extending 18.5 metres east from Portman Avenue along the City's southern boundary and lie within the heritage setback of the 'Administration Building', which is 15 metres from the southern wall face to the City West boundary and Matron Ruby Park.
8. The proposed easement will not impede the City's embellishment of the public thoroughfare. The City can establish open shade structures, undertake landscaping paving at ground level, underground services and landscaping furniture such as seating and playground equipment.
9. City West has agreed to compensate the City in the amount of \$58,000 plus GST, as supported by valuation, in addition to the City's reasonably legal costs and valuation fees.

BUDGET IMPLICATIONS

10. The financial consideration for the City's grant of easement is not budgeted in the current financial year.
11. The compensation received from the grant of easement will be reserved for the creation or funding of further affordable housing opportunities within the City of Sydney.

12. As the City is compensated for all costs incurred, there is no impact on the operational budget.

RELEVANT LEGISLATION

13. The land is classified as operational under the Local Government Act 1993 as amended.
14. The City is granting the easement in accordance with section 88B of the Conveyancing Act.

CRITICAL DATES / TIME FRAMES

15. The easement must be registered on the title of Lot 2 in Deposited Plan 1174641 (City-owned land) prior to practical completion, estimated to be early February 2016.

PUBLIC CONSULTATION

16. No public consultation is required for the City as an owner of land to grant an easement.

AMIT CHANAN

Director City Projects and Property

Nicholas Male-Perkins, Senior Development Manager