

## Item 4.

### Owner's Consent - 14-26 Wattle Street Pyrmont

**File No: X025362**

#### Summary

On 19 February 2018, Council resolved to sell the former Council depot at 14-26 Wattle Street, Pyrmont, with a requirement for the purchaser to build for the City an 80-place child care centre, a multi-purpose, two court indoor recreation facility and a through-site link from Wattle Street to Jones Street.

Following a competitive Expression of Interest and Best and Final Offer process, a sale of the property on the above terms was contracted with Landream Pyrmont Pty Limited (Landream) on 21 December 2018.

The contracts provide that the sale to Landream is to be completed within seven months of the Stage 2 Development Consent. The planning approval stages for the site's redevelopment include a Concept (Stage 1) Development Consent, Design Competition and Stage 2 Development Consent. The Stage 2 Development Consent is currently forecasted for December 2021.

In order for the City to fulfil its obligations under the contracts, owner's consent must be provided so that Landream is able to lodge Development Applications.

This report seeks Council's endorsement to delegate authority to the Chief Executive Officer to grant owner's consent to Landream lodging the Concept (Stage 1) Development Application for its redevelopment of the entire site and all future applications required to allow Landream to progress its redevelopment of the entire site.

The granting of owner's consent to lodge any development applications does not fetter Council's discretion as consent authority to determine any development applications lodged by Landream, or as landowner to submit an objection to any development applications lodged by Landream.

The endorsement of this recommendation will ensure the City and Landream continue to meet their contract obligations.

**Recommendation**

It is resolved that Council delegate authority to the Chief Executive Officer to grant owner's consent to Landream Pymont Pty Limited lodging all applications required under the Environmental Planning and Assessment Act 1979 to allow Landream to progress its redevelopment of the entire site.

**Attachments**

**Attachment A.** Resolution of Council Dated 19 February 2018

## Background

1. On 19 February 2018, Council endorsed the disposal of the surplus property at 14-26 Wattle Street with a requirement that the purchaser:
  - (a) build an 80-place childcare centre and a multi-purpose two-court indoor recreational centre on the site, and transfer stratum ownership of these facilities back to the City;
  - (b) build a through-site link from Wattle Street to Jones Street that complies with Disability Discrimination Act requirements; and
  - (c) where practicable, supply any sandstone to be removed from the site, cut into blocks, for future use by the City.
2. On 21 December 2018, following a two-stage competitive Expression of Interest and Best and Final Offer process, a sale of the property on the above terms was contracted with Landream.
3. The planning approval stages for the site's redevelopment include a Concept (Stage 1) Development Consent, Design Competition and Stage 2 Development Consent. The Stage 2 Development Consent is currently forecasted for December 2021.
4. The contracts provide that the sale to Landream is to occur within seven months of the Stage 2 Development Consent.
5. City staff and Landream meet monthly to manage Landream's obligations to deliver the above facilities and to ensure timelines are met. Landream requires owner's consent from the City to make development applications on the site.
6. The granting of owner's consent on a significant property or land (including road) owned or managed by Council is a function which is not delegated to the CEO.
7. To manage the City's contractual obligations, the most practical and expeditious approach is for the Council to delegate authority to the CEO to provide owner's consent to Landream's lodgement of:
  - (a) its Concept (Stage 1) Development Application for its redevelopment of the entire site; and
  - (b) all future applications required to allow Landream to progress its redevelopment of the site.
8. The granting of owner's consent does not fetter Council's discretion:
  - (a) as consent authority to determine any development applications lodged by Landream; or
  - (b) as landowner to submit an objection to any development applications lodged by Landream.
9. The granting of owner's consent will ensure that the City and Landream continue to meet their contractual obligations.

### **Budget Implications**

10. There are no budget implications directly related to the report.

### **Relevant Legislation**

11. Environmental Planning and Assessment Act 1979.
12. Local Government Act 1993.

### **Critical Dates / Time Frames**

13. Council's adoption of the recommendations will ensure that the City, in its capacity as owner, and Landream, in its capacity as developer and purchaser, will meet their obligations under the contracts.

### **Options**

14. Council could determine not to delegate authority to the Chief Executive Officer to give owner's consent for the lodgement of applications as required by legislation. Such action could delay the purchaser/developer and impact Landream's obligations under the contracts. In this situation, Landream could choose to apply to the court for any order to grant land owner's consent.

### **Public Consultation**

15. There is no public consultation required for the City in its capacity as a property owner to authorise the lodgement of an application.

### **AMIT CHANAN**

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