

Grant of Easement for public lighting at 73-85 Pirie Street, Adelaide

Tuesday, 9 August 2022
Council

Strategic Alignment - Enabling Priorities

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EXECUTIVE SUMMARY

'Pirie Street Pty Ltd and Others' (Pirie Street Pty Ltd) are currently constructing a 21-storey commercial building at 73-85 Pirie Street (on the corner of Pirie Street and Freemasons Lane). Prior to the development commencing, public lighting in Freemasons Lane was provided via streetlights that were attached to the building originally occupying the development site. This was because the carriageway in Freemasons Lane extended all the way up to that building – leaving no space for light poles.

The new building being constructed on the development site is set back from Freemasons Lane, meaning an alternative solution was required for the reinstatement of public lighting in Freemasons Lane. Having examined various options in detail, it was determined that the best place for public lighting was within the development site immediately adjacent to Freemasons Lane. Three streetlights will be mounted on poles and one streetlight will be mounted on the new building.

Pirie Street Pty Ltd has agreed to grant an easement to the City of Adelaide (for public lighting purposes) over a portion of the development site.

This report recommends that Council accept the Grant of Easement, authorises the Chief Executive Officer to negotiate the terms of the easement (including its extent) and authorises the Chief Executive Officer and Lord Mayor to affix the Common Seal to the Grant of Easement.

RECOMMENDATION

THAT COUNCIL

1. Approves, pursuant to section 190 of the *Local Government Act 1999 (SA)* and section 96 of the *Real Property Act 1886 (SA)*, accepting a Grant of Easement (for the purposes of installation and maintenance of public lighting infrastructure) over portions of the land located at 73-85 Pirie Street, including:
 - 1.1 The land that is coloured green in Attachment A to Item 10.17 on the Agenda for the meeting of the Council held on 9 August 2022.
 - 1.2 Portions of the building located on the land.
 2. Authorises the Chief Executive Officer to negotiate the terms of the Grant of Easement, including its extent.
 3. Authorises the Chief Executive Officer and Lord Mayor to execute and affix the Common Seal of the Council to the Grant of Easement and any other documents to give effect to Council's resolution.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities If Council accepts the Grant of Easement, it will enable the reinstatement of the public lighting in Freemasons Lane (a public road) that was removed as part of the demolition of the existing building at 73-85 Pirie Street.
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Internal staff resources to consider the proposal and legal costs to prepare and register the Grant of Easement.
Risk / Legal / Legislative	Accepting the Grant of Easement will entail legal responsibility for assets within the easement and therefore the same risks associated with ownership of public lighting infrastructure on a public road. The easement plan will be prepared by a Licenced Surveyor representing Pirie Street Pty Ltd and Others. The Grant of Easement will be prepared by lawyers representing the City of Adelaide. The easement plan and Grant of Easement are yet to be finalised. Council may accept the Grant of Easement pursuant to its powers under section 190 of the <i>Local Government Act 1999 (SA)</i> and pursuant to section 96 of the <i>Real Property Act 1886 (SA)</i> .
Opportunities	If Council accepts the Grant of Easement, it will enable public lighting in Freemasons Lane to be reinstated.
22/23 Budget Allocation	Not as a result of this report
Proposed 23/24 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	As per public lighting infrastructure located on public roads.
22/23 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	As per public lighting infrastructure located on public roads.
Other Funding Sources	Not as a result of this report

DISCUSSION

1. 'Pirie Street Pty Ltd and Others' (Pirie Street Pty Ltd) are currently constructing a 21-storey commercial building (the Building) at 73-85 Pirie Street - on the corner of Pirie Street and Freemasons Lane. The site (the Development Site) is coloured purple on the site map (Link 1 view [here](#)).
2. The Development Site is contained within Certificate of Title Volume 6270 Folio 505, (Link 2 view [here](#)) the registered proprietor (owner) being 'CBUS Property Pirie Street Pty Ltd'.
3. The development application number for the project is S10/41/2017.
4. The Building and surrounding civil works on the Development Site are expected to be completed in August 2022.
5. The Building can be seen in this 'northern building elevation' taken from the development application (Link 3 view [here](#)).
6. The Building is set back from Freemasons Lane (noting that the red line is the boundary of the Development Site) (Link 4 view [here](#)).
7. Streetlights were attached to the building that occupied the development site prior to the development commencing (Link 5 view [here](#)). This was because the carriageway extended all the way up to that building – leaving no space for light poles.
8. In discussions with Pirie Street Pty Ltd, it was decided that the best way to provide public lighting to Freemasons Lane after the development is complete is to install streetlights in the locations shown as yellow dots on this image (Link 6 view [here](#)) ie the streetlights would be located on the Development Site – not on Freemasons Lane.
9. The most southern streetlight will be mounted to the wall of the Building and the other three streetlights will be mounted on poles. A conduit will run between the streetlights to supply electricity.
10. In order to provide the City of Adelaide with long-term certainty in relation to its right to retain the public lighting infrastructure on the Development Site, Pirie Street Pty Ltd (acting for the registered proprietor of the Development Site - CBUS Property Pirie Street Pty Ltd) has agreed to grant an easement to the City of Adelaide for the purpose of public lighting.
11. The easement will be depicted on a survey plan that will be lodged with Land Services SA. It will be sufficiently large to comfortably accommodate all of the lighting infrastructure, including streetlights, poles and conduits. The indicative extent of the proposed easement is shown in **Attachment A** (coloured green).
12. The easement would be 'long-form', which allows us to tailor the terms of the easement so that it best meets our needs.
13. Council may acquire land, including a legal interest in land (which includes easements), pursuant to section 190 of the *Local Government Act 1999 (SA)*. Council may accept the grant of an easement pursuant to section 96 of the *Real Property Act 1886 (SA)*. These powers have not been delegated by Council.
14. Accordingly, the purpose of this Report is to seek Council's approval to accept the grant of an easement (for the purpose of public lighting) over a portion of the Development Site. It also requests Council to authorise the Chief Executive Officer to negotiate the terms of the (long-form) easement, including its extent. The terms of the easement will provide the City of Adelaide with the power to install and maintain public lighting infrastructure on portions of the Development Site.

DATA AND SUPPORTING INFORMATION

Link 1 – Site Map

Link 2 – CT 6270/505

Link 3 – North elevation

Link 4 – North elevation (close-up)

Link 5 – Google Maps image of Freemasons Lane

Link 6 – Streetlight locations

ATTACHMENTS

Attachment A – Location of proposed easement

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