

Mark Brown

From: Brendan Hoskins <BHoskins@jbaurban.com.au>
Sent: Tuesday, 9 September 2014 3:19 PM
To: Mark Brown
Cc: Matt Crews
Subject: MP 10_0230 MOD 2 - Comments from Council

Hi Mark,

We note that Council does not have any in-principle objection to the proposed modification. Council has recommended two considerations, being:

1. Up-front disclosure provisions are set detailing the management and maintenance of the building (such as a Building Management Statement of Strata Management Statement).
2. Appropriate easements and rights of vehicular and personal access are created.

Our response to these points is provided below.

Management and Maintenance Details

Appropriate details regarding the management and maintenance regimes for the development will be provided prior to the registration of the subdivision in accordance with the relevant legislative requirements. The details of the Building Management Scheme or any other required statements are still being developed and will be subject to more review prior to finalisation. The proposed modification seeks only to alter the alignment of the subdivision, and does not materially change the nature of the approved development or give rise to any requirement for the submission of these documents at this point in the assessment process.

Easements and Rights of Way

Schedule 4 of the Concept Plan requires documentary rights of carriageway and public rights of way, easements and positive covenants to be created prior to the issue of the Occupation Certificate for the Retail Development. Furthermore, Condition G1 to G3 of the Retail/Club Project Approval require:

G1. ACCESS

Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, and created pursuant to Section 88B of the Conveyancing Act 1919.

G2. SERVICES

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance and any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the Conveyancing Act 1919.

G3. RIGHTS OF WAY

Documentary rights of footway and carriageway must be created over the appropriate lots in the subdivision to provide the necessary access to areas within the site including fire stairs, fire control rooms, parking, loading and service areas, and created pursuant to Section 88B of the Conveyancing Act 1919.

A draft of the easements to be provided in the subdivision was included with the modification application. These will be finalised and registered at the appropriate time. As such, there are sufficient requirements already in place and draft easements noted to ensure that sufficient easements will be created and registered at the appropriate time.

Please feel free to contact me if you required any additional information or wish to discuss.

Kind Regards

Brendan



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