

SSD 8997 – Stage 1A Phase 3 Subdivision Barangaroo South

Response to Department of Planning, Industry and Environment RFI dated 22 August 2019

Proposed Conditions from City of Sydney

Prepared by Lendlease (Millers Point)

11 09 2019

Proposed City of Sydney Condition	Lendlease (Millers Point) Response
RESTRICTION ON USE OF CAR SPACES AND STORAGE SPACES A documentary Restriction on Use of Land is to be created over the lots in the Subdivision Plan containing parking and/or storage spaces, pursuant to Section 88B of the Conveyancing Act 1919, created appurtenant to the Authority administering the site (or whichever Authority succeeds it), in terms to the satisfaction of the Authority requiring the on-site car parking spaces within those lots, exclusive of service and visitor car spaces, are not to be used other than by an occupant, or tenant of the building(s), with the Authority being the authority to release, vary or modify the restriction.	For consistency with the other approved subdivisions at Barangaroo South, being SSD 6381 and SSD 7478, we request that the wording from these consents (specifically B4 of SSD 6381 and B3 of SSD 7478) is applied in the condition drafting to manage the distribution and use of parking per the Building C1 Consent SSD 8529. This will ensure consistency across the Subdivision development consents, whilst achieving the intent of the City of Sydney proposed condition, without use of their proposed wording. Condition B3 of SSD 7478, as an example is noted as follows: <i>Statement of Compliance – Completion in Accordance with a Project Approval/Development Consent:</i> <i>B3. Prior to the issue of a Subdivision Certificate for a stratum subdivision, a Statement of Compliance shall be provided to the Certifying Authority demonstrating that the proposed subdivision is consistent with relevant conditions of any relevant planning approval/development consent (to the extent that they are relevant and required for that stage) issued in respect to the building (or part of the building) proposed to be subdivided. This includes, but is not limited to, any conditions relating to the allocation of the following to the respective lot/s:</i> <i>a) The number of bicycle spaces;</i> <i>b) The number of car parking spaces;</i> <i>c) The number of motor bike spaces;</i> <i>d) The number of loading spaces; and</i> <i>e) Any services or infrastructure.</i> <i>The above car parking and motorcycle spaces are to be shown as part of the relevant stratum lot.</i> <i>The bicycle spaces, loading spaces, services and infrastructure can be on separate lots only if they are part of a shared basement and managed under the Building Management Statement required by Condition B12.</i> This current wording can also be expanded to include the allocation of any storage spaces. For example, addition of: <i>f) any storage spaces.</i>

PARKING ON COMMON PROPERTY AREAS No part of the common areas in the basements and lower levels, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. Any strata subdivision(s) of the lots in this subdivision plan is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Authority administering the site (or whatever Authority succeeds it) being the authority to release, vary or modify the restriction.	As issued with the RTS, there is a registered Barangaroo South Building Management Statement. Clause 61.3 provides that the car park ramps or access ways cannot be used for the parking of vehicles. Bollards are used in areas in the basement to ensure cars cannot park in walkable areas. Further, security officers are present in the basement 24 hours a day, 7 days a week, to ensure that the basement operates appropriately and safely. Accordingly, the draft condition proposed by the City of Sydney is not required as there are already management and operational systems in place within the basement to ensure parking doesn't occur in the common areas.
BASEMENT ACCESS Appropriate easements for access (vehicular and pedestrian) shall be created within the basement areas of the building (where applicable), in favour of the lots in the subdivision to formally and legally provide for access within those lots and to and from the adjoining lands and roads.	The registered Barangaroo South Management Statement (BMS) provides for access throughout the basement as well as to and from roads. This is provided under Shared Facility 5.2.1 - Basement Vehicle and Access (which provides for the internal access through the basement), combined with Shared Facility 5.7 - Accessways and Exits, which connects these internal access areas with the roads. (Shared Facility Plans 5 & 7 attached to the BMS show these areas). Accordingly, the draft condition proposed by the City of Sydney is not required as there are already management and operational systems in place within the basement to ensure basement access.