

**From:** Vanessa Aziz <[vaziz@cityofsydney.nsw.gov.au](mailto:vaziz@cityofsydney.nsw.gov.au)>

**Sent:** Monday, 20 May 2019 3:59 PM

**To:** Jessica Fountain <[Jessica.Fountain@planning.nsw.gov.au](mailto:Jessica.Fountain@planning.nsw.gov.au)>

**Subject:** Notice of Exhibition for Barangaroo South 1A Subdivision (Third Phase) (SSD 8997)

Dear Jessica,

In line with the SEARs dated 18 January 2018, under point **3. Plan of Subdivision** the Plan of Subdivision must provide the following:

- *identifies all lots proposed to be created across the site;*
- *identifies the location of all servicing infrastructure across the site;*
- *details any covenants, easements, notations, rights of way or the like proposed to ensure appropriate access is provided to each service provider to enable the on-going maintenance of their assets and to enable public access to the public domain areas; and*
- *includes a draft Section 88b instrument and a building management statement where relevant.*

From the information submitted, the following information has **not** been provided in the Plan of Subdivision as per the SEARs:

- **no details of any covenants, easements, notations, rights of way or the like proposed to ensure appropriate access is provided to each service provider to enable the on-going maintenance of their assets and to enable public access to the public domain areas have been provided and**
- **the information does not include a draft Section 88b instrument and a building management statement where relevant.**

The plans do not show any easements or covenants, therefore the Department should ensure:

- Compliance with SEARs.
- Compliance with previous approval for the development of the site. For example, full compliance must be given to the conditions of the SSD development consents contained within the Instrument of Approval, and as subsequently amended, in relation to the development of the subject site where applicable to this subdivision.
- Easements under Section 196 of Conveyancing Act: Documentary reciprocal easements for services, drainage, support and shelter, and emergency egress, affecting the whole of each lot if so desired, must be created over the lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.
- Additional easements: Any other documentary easements or 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 appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to Council's satisfaction.

Thanks,

Vanessa

Vanessa Aziz

Senior Planner

Planning Assessments