

15 February 2013

Ms Karen Jones  
Director – Metropolitan & Regional Projects South  
NSW Department of Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Attention: Alan Cadogan  
Email: alan.cadogan@planning.nsw.gov.au

Dear Alan

**Re: Modification Request Belmore Park Zone Substation (MP 08\_0075 Mod 2)  
Sydney Citygrid Stage 1 Architectural Design Of Commercial Office**

I refer to your letter dated 31 January 2013 regarding the abovementioned modification and the associated drawings prepared by Architectus. The main changes include:

- Introduction of a recessed glass atrium through the centre of the commercial building and replacing a solid glazed roof with landscaped terraces and glass balustrades;
- Changes to the facade treatment including the introduction of a zinc clad wall along the western elevation with vertically proportioned recessed glass windows;
- Extending ground level retail uses along Pitt, Campbell and Hay Streets;
- Provision of an additional basement level;
- Changes to vehicular access; and
- Stratum subdivision of the site.

**Urban Design**

The City has generally no objection to the modification, which from an urban design point of view has greater articulation compared to the previously approved design. It is also noted that the modified design will be within the previously approved building envelope and the sun access plane for Belmore Park as prescribed under Sydney Local Environmental Plan 2012.

**Traffic / Parking**

In regards to the additional level of the basement parking, it is noted that the overall number of car parking spaces does not exceed the City's maximum car space allowance. Further, the City's Special Projects Engineer has raised no objection to the changes to vehicular access, namely the introduction of additional driveway ingress and egress points. However, concern is raised that the design of the vehicular footway crossings on both Campbell and Hay Streets are not designed in accordance with Council's standard crossover requirements. This is necessary to

ensure pedestrians will have some refuge between the 2 adjoining driveways on both streets. A suitable condition is recommended (See Attachment A).

### **Stratum Subdivision**

In regards to the Stratum subdivision of the site, the creation of Lot 22 is unusual as it results in the office space on the upper levels, which is configured to operate as integrated floors with one bank of lifts, one male and one female toilet, being divided down the middle. Multiple easements would be required on each floor.

As the City has previously stated, the through site link is not to be dedicated to the Council and this is reflected in the proposed Stratum subdivision plan. A public right of way and associated positive covenant should be created over the through-site link. An easement for light and air should be created above the through site link to provide light and air to the openings on the eastern side of the commercial building. Additional conditions are recommended (refer to Attachment A).

Should you have any enquiries regarding the above matter, please contact Andrew Rees, Area Planning Manager on 9246 7599 or at [arees@cityofsydney.nsw.gov.au](mailto:arees@cityofsydney.nsw.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G Jahn', with a stylized flourish at the end.

**Graham Jahn AM**  
**Director**

City Planning | Development | Transport

**Attachment A:** Recommended additional conditions

## **Attachment A: Recommended Additional Conditions**

### **(1) PUBLIC DOMAIN PLAN**

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for any new building work associated with the new commercial building excluding approved preparatory, demolition or shoring work.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

Note: A Public Domain Works Guarantee deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

### **(2) LAND SUBDIVISION – PART 4A APPROVAL REQUIRED**

A separate application must be made to Council or the consent authority to obtain the approval of the plan of subdivision under Part 4A of the *Environmental Planning and Assessment Act 1979*.

### **(3) SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the consent authority prior to a subdivision certificate being issued.

**(4) RESTRICTION ON USE OF SERVICE VEHICLE SPACES**

The following conditions apply to the service vehicle spaces:

- (a) The on-site service vehicle spaces are not to be used by those other than an occupant or tenant of the building, and are to be used only for service and loading purposes.
- (b) The subdivision of the site is to include an appropriate documentary restriction pursuant to section 88B of the *Conveyancing Act 1919*, so burdening the service vehicle spaces within the site to Council's or the consent authority's satisfaction.

**(5) RESTRICTION ON USE OF TENANT CAR SPACES**

The following conditions apply to the tenant car spaces:

- (a) The on-site tenant car spaces are not to be used by those other than an occupant or tenant of the site.
- (b) The subdivision of the site is to include an appropriate documentary restriction pursuant to section 88B of the *Conveyancing Act 1919*, so burdening the tenant car spaces within the site to Council's or the consent authority's satisfaction.

**(6) EASEMENTS**

Documentary easements for light and air, services, drainage, support and shelter, use of plant, equipment, service vehicle spaces, motor cycle and bicycle spaces, 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*, to Council's or the consent authority's satisfaction.

**(7) 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 lobbies, fire stairs, fire control rooms, parking, loading and service areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*, to Council's or the consent authority's satisfaction.

**(8) FLOOR SPACE RATIO RESTRICTION**

A restrictive covenant must be placed on the titles of all the lots in the subdivision limiting the sum of the Floor Space Ratio of the lots, taken together, to no more than permitted in accordance with the Sydney Local Environmental Plan 2012.

**(9) RIGHT OF PUBLIC ACCESS AND POSITIVE COVENANT**

- (a) A documentary Right of Public Access must be created on the appropriate lot/s in the subdivision over the thru-site link on the eastern side of the site between Hay Street and Campbell Street, appurtenant to Council, in terms of granting unrestricted rights for

public pedestrian access, without vehicles, exclusive of wheelchairs or other disabled aids for the disabled, and with guide dogs or hearing dogs for the visually or hearing impaired, to Council's satisfaction.

- (b) A documentary Positive Covenant must be created on the appropriate lot/s in the subdivision over the thru-site link site, appurtenant to Council. Such Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the thru-site link, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy, or an amount as required from time to time, and is to require the maintenance, upkeep, repair and lighting of the thru-site link in accordance with the requirements and to the satisfaction of Council

**(10) BUILDING MANAGEMENT STATEMENT**

The Building Management Statement must adequately address the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot to Council's or the consent authority's satisfaction.

**(11) FIRE SAFETY CERTIFICATES**

Fire Safety Certificates for each proposed lot must be submitted to Council prior to the issue of the subdivision certificate.