

2 December 2021

Your Ref: SSD 11564741
Our Ref: R/2020/16/A
File No: 2021/532695

Candice Pon
Planning Officer
Department of Planning, Industry and Environment

via Planning Portal

Dear Candice

Stage 1B (Stage 5) Subdivision Barangaroo South – SSD 11564741 – Advice on Environmental Impact Statement

Thank you for your correspondence dated 2 November 2021 which invites the City of Sydney Council (the City) to provide comments on the proposed subdivision of land located within the Barangaroo South precinct. Council officers understand that the proposal will create 9 new lots being the following:

- **Lot 600** – will be the residue of Lot 500 following subdivision.
- **Lot 601** – the residential portion of Building R4A.
- **Lot 602** – the retail portion of Building R4A.
- **Lot 603** – the residential portion of Building R4B.
- **Lot 604** – the retail portion of Building R4B.
- **Lot 605** – the residential portion of Building R5.
- **Lot 606** – the retail portion of Building R5.
- **Lot 607** – a second residential portion of Building R5 (Residential A).
- **Lot 608** – a substation.

Most of the easements required for the orderly operation of the lots are not noted on the plan and this is probably because they would fill up the plans, cluttering it with a lot of information. A draft 88B instrument has also been included in the application, listing the various easements and who will be benefitted or burdened by them.

Briefly, the easements are for access, for provision of various services, for overhanging awnings, for light and air and for maintenance within the subdivision and are generally satisfactory.

Reciprocal easements for services, for support and shelter, for emergency egress purposes, and for access are also provided on the draft 88B instrument. These easements are required for all stratum subdivisions and are acceptable.

Finally, a Positive Covenant is also provided requiring easements to be extinguished on any land that may be dedicated to the public in the future, prior to that dedication taking place.

The City recommended that restrictions relating to parking and residential apartments should also be required. The Restrictions are recommended to benefit Council as the site is within the LGA.

Overall, the City recommends that in the event of the application being recommended for approval, the following conditions are to be added:

(1) LAND SUBDIVISION – SUBDIVISION CERTIFICATE

A separate application must be made to Council or an accredited certifier to obtain the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

(2) SYDNEY WATER CERTIFICATE - SUBDIVISION

Prior to the issue of a Subdivision 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 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 Principal Certifying Authority prior to a Subdivision Certificate being issued.

(3) RESTRICTION ON RESIDENTIAL DEVELOPMENT

A documentary Restriction on Use of Land is to be created over the residential lots in the Subdivision Plan (shown on the plan as Lots 601, 603, 605 and 607), pursuant to Section 88B of the *Conveyancing Act 1919*, appurtenant to Council, in terms to the satisfaction of Council requiring the apartments within that lot are to be used for permanent residential accommodation only and not for the purpose of short-term rental accommodation such as hotel, serviced apartments, boarding house, tourist and back-packer accommodation, with the Council being the authority to release, vary or modify the restriction.

(4) RESTRICTION ON USE OF CAR SPACES AND STORAGE SPACES - RESIDENTIAL

A documentary Restriction on Use of Land is to be created over the lots in the Subdivision Plan that contain parking (nominally), pursuant to Section 88B of the *Conveyancing Act 1919*, appurtenant to Council, in terms to the satisfaction of Council requiring that the on-site car parking spaces and storage spaces, exclusive of service spaces, are not to be used other than by a resident, tenant or occupant of the lots, with the Council being the authority to release, vary or modify the restriction.

(5) PARKING ON COMMON PROPERTY AREAS

No part of the common areas and traffic aisles in the basement levels, apart from drop-off or 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, trailers or boats. Any strata subdivision of all or part of the building is to include an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

(6) EASEMENTS FOR ACCESS

Appropriate Easements for Access (or similar) are to be created over any required corridors, passages, driveways, traffic aisles, stairs and lifts, within the development that are needed to provide access from (or across) one lot to another, pursuant to Section 88B of the *Conveyancing Act 1919*. The Easements are to be reciprocal in nature (where applicable), granting rights of access to persons and/or vehicles, and are to be created in appropriate terms acceptable to Council, with the Council being the authority to release, vary or modify the easement.

(7) EASEMENT FOR USE OF LOADING DOCKS & GARBAGE ROOMS

Appropriate Easement is to be created over any loading dock areas and garbage rooms, within the subdivision plan, pursuant to Section 88B of the *Conveyancing Act 1919*. The Easement is to burden the lot(s) containing the loading docks or garbage rooms and benefit those lots in the subdivision requiring use of these areas. The easement(s) must grant rights of access to and the use of the loading dock area (including the loading and unloading of service vehicles, delivery vehicles and the like) and/or garbage rooms, and is to be created in appropriate terms acceptable to Council, with the Council being the authority to release, vary or modify the easement.

(8) EASEMENTS RELATING TO STRATUM LOTS

Documentary reciprocal easements for services, drainage, support and shelter, and emergency egress (and other similar easements as required), 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.

(9) 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.

(10) STREET ADDRESSES OF LOTS

In accordance with Clause 60(c) of the Surveying and Spatial Information Regulation 2017, the street addresses for each lot must be shown on the final plan of subdivision.

Should you wish to speak with a Council officer about the above, please contact Marie Burge, Senior Planner, on 9265 9333 or at mburge@cityofsydney.nsw.gov.au

Yours sincerely,



ANDREW REES

Area Planning Manager

City Planning | Development | Transport