

8 October 2019

Our Ref: 2019/507369
File No: R/2019/13

Eliza Cook
Student Planner, Key Sites Assessments
Department of Planning, Industry and Environment
320 Pitt Street
Sydney NSW 2000

via Planning Portal

Dear Eliza

Request for Advice – Stage 1B (Fourth Stage) Subdivision – SSD 9758

Thank you for your correspondence dated 11 September 2019 which invites the City of Sydney ('the City') to review the application in respect of SSD 9758 regarding the subdivision of land within Barangaroo South.

Council has reviewed the submitted documentation for the proposed subdivision of the existing residue lot and make the following comments:

An Easement for Access (shown on the plans) will give legal access to the lot (otherwise it would have been land locked). It appears that Easements have been created covering services as well, although a general condition has been included requiring the creation of any easements necessary for the orderly operation of the lots.

It is recommended that Restrictions be imposed upon the residential apartments, parking and the like. This could be done if the building is further subdivided in stratum but as it is unclear if and when this will happen it is appropriate to impose a condition requiring their creation now.

If there are any car share spaces, it should be ensured that any car parking spaces designated as a car sharing space are to be used only for the purpose of a car share operation.

Should the department proceed with granting consent to the application, it is recommended that the following conditions be imposed:

RESTRICTION ON RESIDENTIAL DEVELOPMENT

A documentary Restriction on Use of Land is to be created over Lot 501 in the Subdivision Plan, pursuant to Section 88B of the *Conveyancing Act 1919*, appurtenant to the Authority administering the site (or whatever Authority succeeds it), in terms to the satisfaction of the Authority administering the site requiring that the residential 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.

RESTRICTION ON USE OF CAR SPACES AND STORAGE SPACES

A documentary Restriction on Use of Land is to be created over Lot 501 in the Subdivision Plan, pursuant to Section 88B of the *Conveyancing Act 1919*, created appurtenant to the Authority administering the site (or whatever Authority succeeds it), in terms requiring the storage spaces and on-site car parking spaces within Lot 501 (including spaces within the car stacker), exclusive of service and visitor car spaces, are:

- (a) In the case of car spaces and storage spaces allocated to residential apartments, not to be used other than resident of the subject building for parking of vehicles related to residence in the unit with which the space is associated,
- (b) In the case of car spaces and storage spaces allocated to the hotel use, not to be used other than by hotel guests, function patrons and staff of the hotel. In addition, car parking spaces used in connection with hotel function areas are to be available only to patrons while using the function facilities and must not be used for public car parking,
- (c) In the case of car spaces and storage spaces allocated to a commercial use, not to be used other than by an occupant or tenant of the subject building.

The Authority administering the site (or whatever Authority succeeds it) is to have the authority to release, vary or modify the restriction.

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.

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.

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.

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 Certifier prior to a Subdivision Certificate being issued.

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

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. Rees', written over a horizontal line.

ANDREW REES
Area Planning Manager