Report on Easements – 338 Pitt Street Development
Prepared for CHINA CENTRE DEVELOPMENT PTY LTD
Prepared by Touchstone Partners Pty Ltd 29 November 2019

# **Touchstone Partners**

#### **Purpose of this report**

This report has been prepared to accompany the SSDA for the redevelopment of the 338 Pitt Street site for China Centre Development Pty Ltd.

The report provides details of:

- all easements relating to the site;
- the proposed retention, extinguishment or other proposed treatment of easements / restrictions on title.
- Timeframe for detailed resolution.

#### **Subject Site**

The 338 Pitt Street development comprises the majority of the southern half of the block that is bounded by Castlereagh, Liverpool and Pitt Street. The landholding consolidated into one ownership and the subject of the development proposal is:

Part (Lot) 3 DP 1044304	233 Castlereagh Street
Lot 1 DP 90016	241 Castlereagh Street
Lot 1 DP 78245	243 Castlereagh Street
Lot 1 DP 70702	245 Castlereagh Street
Lot B DP 183853	249 Castlereagh Street
Lot A DP 448971	126 Liverpool Street
Lot B DP 448971	128 Liverpool Street
Lot C DP 448971	130 Liverpool Street
Lot 10 DP 857070	338 Pitt Street
Lot 1 DP 66428	332-336 Pitt Street.

The development proposal does not include:

Part (lot) 4 & 5 DP 1044304 320 Pitt / 227 Castlereagh Streets

Lot 1 DP 706240 225 Castlereagh Street

**Dungate Lane** 

The subject site includes 22 easements that are summarised over and provided in detailed in Appendix A.

#### **Overview of Easements**

As a brief overview of the existing easements and the proposed means of dealing with those easements, the following commentary is provided:

#### Access to 320 Pitt from 233 Castlereagh

9 easements relate to the obligations, restrictions and requirements for ongoing access to car parking, couriers, loading dock and pedestrian circulation from basement

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B1 of 233 Castlereagh Street to 320 Pitt Street. It is the intention of development to preserve the rights afforded to 320 Pitt Street and the physical interconnection in the new development. The nature of this access is described in the detail plans submitted as part of the SSDA. Staging of replacement will be agreed with adjoining owners following approval of the Stage 2 SSDA.

### Footway around driveway access to/ from Basement 233 Castlereagh

1 easement relate to footway access into the lot around the driveway access into 233 Castlereagh and for egress to Pitt Street. It is intended to extinguish this easement and to reinstate the footway as the footpath.

#### Through site retail

An existing through site retail link occurs from the Castlereagh Street level across the site and down one level to Pitt Street. This linkage is the subject of 2 easements for public right of access and for access to the grease arrestor on 370 Pitt. The through site link is to be replaced by a new link which will provide a public right of access. The easements for access to the grease arrestor will be unnecessary as a new grease arrestor will be provide on the subject site.

#### **Support, Repairs, Maintenance and Access**

There are 4 easements for support, repair and maintenance relating to the common boundary of Part (lot) 3 and Part (lots) 4 and 5. These easements will be retained, subject to any rationalisation that may occur as part of the development design in the Stage 2 DA

#### **Substation**

There is a substation located at the rear of 249 Castlereagh Street. There are 4 easements relating to the substation and access to the substation. There is a further easement running from the substation west through 338 Pitt Street for a consumer main supplying services to Pitt Street. The substation will be replaced with an onsite chamber substation(s). If Ausgrid require ongoing connection of consumer mains to Pitt Street, these will be negotiated with Ausgrid as part of the approval process.

Attached is a Schedule of Easements and Proposed Actions that deals with each easement or restriction on title.

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**Attachment A - Schedule of Easements** 

# 338 Pitt Street – SUMMARY OF EASEMENTS

# ref	Alfa ref	Description	Lot burdened	Lot benefitted	Proposed Action
1	Α	Right of access and use for loading dock off Castlereagh Street, access to loading dock, turntable and garbage facilities 5.3m wide, vehicle 10tonne.	3	4	New loading dock with right of access for 320 Pitt Street to be included in shared basement in new development. New easement arrangements to be agreed with owners as required.
2	В	Easement for repairs to metal wall to 227 Castlereagh Street	3	5	Right to be maintained to 227 Castlereagh Street. Any adjustment of right to be subject to Owners Consent and Stage 2 DA design (eg if building to boundary, reconsider requirement).
3	С	Easement for support between Part 4 and 5.	5	4	Not applicable to the subject site or development application.
4	D	Right of footway to extend a footway into the allotment around the driveway access to both Pitt and Castlereagh Streets.	3	City of Sydney	To be extinguished. The existing driveway is proposed to be demolished and the footway is proposed to revert to the footpath reservation.
5	Е	Right of footway, variable width, 2.5m high above an inclined plane for pedestrian access 7am–7pm. Right of footway extends over both Part 3 & 4.	3, 4	City of Sydney	A new through site link is proposed to replace the existing connection between Castlereagh Street and Pitt Street.
6	F	Easement for telecommunications 2.29 and 2.415m wide (North of subject site)	4	Telstra Corp Ltd	Not applicable to the subject site or the subject Stage 2 development application.
7	G	Easement for telecommunications variable wide (North of subject site)	4	Telstra Corp Ltd	Not applicable to the subject site or the subject Stage 2 development application
8	Н	Right of carriageway variable width through part 233 Castlereagh Street	3	4	New loading dock with right of access and egress for 320 Pitt Street to be included in shared basement in new development. New easement arrangements to be agreed with owners as required.
9	1	Easement of courier parking adjacent to easement H	3	4	New loading dock with courier parking for 320 Pitt Street to be included in shared basement in new development. New easement arrangements to be agreed with owners as required.
10		Restriction on use of car parking and courier use limited to persons in Parts (lots) 3 and 4	3	City of Sydney	Restriction to be preserved under revised arrangement referenced in H above and subject of an acceptable final design approved in Stage 2 DA and or alternate arrangement being reached between the parties.
11		Limitation on additional FSA in B1.	3	City of Sydney	Limitation to be extinguished upon granting of construction certificate Stage 2 DA and subject to an acceptable final design approved in Stage 2 DA and or alternate arrangements being reached between the parties.
12		Limitation on building, right of access and use to grease arrestor.	3	City of Sydney	Proposed Stage 2 DA to provide an on-site grease arrestor for the use of the premises on the subject site. Limitation and rights of access to be extinguished upon granting of construction certificate Stage 2 DA and subject to an acceptable final design approved in Stage 2 DA.
13	J	Easement for light and air, 4m wide.	5	4	Not applicable to the subject site or the subject Stage 2 development application.
14		Covenant on Lot 3 to seal up windows to the north and south of the footway reference in D above.	3	City of Sydney	Covenant proposed to be extinguished on the basis that the driveway and the easement D to be demolished and extinguished and walls burdened to be demolished.
15		Restriction of use for car parking and couriers in accordance with the provisions of a deed for licence.	3, 4	4, 3	New loading dock with access and egress to parking for 320 Pitt Street to be included in shared basement in new development. New easement arrangements to be agreed with owners as required.
16	K	Easement for lateral and subjacent support variable width	3, 4	4, 5, 3	Easement to be retained. Subject to engineering details to be provided as part of an acceptable final design at Stage 2 DA.
17	L	Right to access and use (to lift) variable width.	3	4	New loading dock with access and egress to 320 Pitt Street to be included in shared basement in new development. New lift between basement and 320 Pitt Street to be installed. New easement arrangements to be agreed with owners as required.
18	N	Easement for services for access and repair of services located on either lot.	3, 4	4, 3	Easement to be maintained in principle, subject to an acceptable final design at Stage 2 DA and or alternate arrangements being reached between the parties.
19	М	Right of access and use of grease arrestor (located between Lots 4 and 5).	4	3	Proposed Stage 2 DA to provide an on-site grease arrestor for the use of the premises on the subject site. Limitation and rights of access to be extinguished upon granting of construction certificate Stage 2 DA.
	E1	Easement for electrical purposes 1m wide in floor and stairs to connect Dungate Ln to Pitt St.	3	Energy Australia	Easement for consumer main connection substation at P1, P2 to Pitt St. Easement to be maintained / replaced subject to requirements of Ausgrid to (continue to) provide a consumer main from replacement chamber substation to Pitt St.
	E2	Easement for electrical purposes 1m wide in floor and stairs to connect Dungate Ln to Pitt St.	Lot 10, DP 857070	Energy Australia	Easement for consumer main connection substation at P1, P2 to Pitt St. Easement to be maintained / replaced subject to requirements of Ausgrid to (continue to) provide a consumer main from replacement chamber substation to Pitt St.

# 338 Pitt Street – SUMMARY OF EASEMENTS

# ref	Alfa ref	Description	Lot burdened	Lot benefitted	Proposed Action
	P1	Easement for substation 6912 at GL Dungate Ln.	Lot 10, DP 857070	Energy Australia	Existing substation to be replaced with a new chamber substation for the purposes of the proposed development, subject to an acceptable final design at Stage 2 DA and if Ausgrid require the provision of a consumer main to services in Pitt Street.
	P2	Easement for substation 6912 at GL Dungate Ln.	Lot 10, DP 857070	Energy Australia	Existing substation to be replaced with a new chamber substation for the purposes of the proposed development, subject to an acceptable final design at Stage 2 DA and if Ausgrid require the provision of a consumer main to services in Pitt Street.
	R	Right of way at GL Dungate Ln for access to P1, P2.	Lot 10, DP 857070	Energy Australia	Right of way to be replaced with right of way to new substation as required by Ausgrid as part of Stage 2 DA.

## References:

Lot (Part) 3 (DP 1044304) is 233 Castlereagh Street, part of the subject development

Lot (Part) 4 (DP 1044304) is 320 Pitt Street, the neighbouring building to the north of the subject site, with a Pitt Street frontage

Lot (Part)5 (Lot 2 DP 1066859) 5 is 227 Castlereagh Street, the neighbouring building to the north of the subject site, with a Castlereagh Street frontage



















