

Report on Proposed Staged Stratum Subdivision

711 Hunter Street
Newcastle West

Report prepared for: St Hilliers Property
3/8 Windmill Street
Millers Point NSW 2000

Report prepared by: Karl Robertson
Registered Surveyor
CMS Surveyors

Date: 19 May 2023

Ref: 21745

Report on Proposed Staged Stratum Subdivision: 711 Hunter Street, Newcastle West

A. Introduction

The development will see the construction of mixed use facilities, comprising two residential towers over a base commercial level and four levels of shared above ground parking.

It is intended to subdivide the site in two distinct stages to match the construction staging. The proposed new lots will be stratum lots.

Stage 1 will create three stratum lots:

- Lot 1 – north residential tower, car parking, lifts and lobbies
- Lot 2 – north commercial component with carparking, loading dock, garbage rooms
- Lot 3 – residue to be subdivided in stage 2.

Stage 2 will create two stratum lots:

- Lot 4 – south residential tower, car parking, lifts and lobbies
- Lot 5 – south commercial component with car parking

Lots 1 and 4 will be further subdivided into separate Strata Schemes

B. Subdivision Proposal

It is proposed to subdivide Lot 1 in DP867617 in two stages to reflect the construction staging. The accompanying draft subdivision plans are indicative only and subject to final design, construction, and survey on site.

The building has shared parking levels, common access ramps, driveways, landscaping, shared facilities, and many crucial services interwoven between the lots and stages. These will be dealt with by creation of a Management Statement, to be registered on the title of all lots at the time of registration of the first residential strata plan. This is known as a Strata Management Statement (SMS). Upon registration of the SMS a Building Management Committee (BMC) will be formed with representatives from all lots. The owners corporation will represent lots that are further subdivided by a strata scheme.

The SMS will govern the interaction between each lot, and will address items such as:

- List of shared facilities with percentage contribution from each lot
- Obligations regarding common building insurance
- BMC functions and procedures
- Maintenance, alterations, and access to shared facilities

The Stage 1 subdivision will create a residue lot, being lot 3, which will be subdivided into lots 4 and 5 in Stage 2. At completion of the development, prior to further strata subdivision, the site will consist of four Torrens Title building stratum lots to separate the discrete uses within the building. The SMS will cover all lots within

both stages- at the end of the development all lots will be administered by this single Management Statement and BMC.

This form of subdivision is very common and is particularly suited to mixed use tower developments that share basement and carpark levels. Examples include:

- Stamford Hotel and commercial complex, Riley Street, Mascot
- Mezzo mixed use retail, commercial, and residential development, 87 Bay Street, Glebe
- Rhodes Central mixed use retail and residential staged development, Walker Street, Rhodes.

C. Section 88B Easements

Stage 1 Easements

The stage 1 plan proposes to create the easements listed below. Additional easements may be added to the final plan upon review of DA consent conditions.

Item	Name	Lot Burdened	Lot Benefit	Description and Comments
1.	Easement for Support and Shelter (whole of lots)	Each lot 1-3	Every other lot 1-3	Standard global easement allowing subjacent and lateral support for the building structure.
2.	Easement for Services (whole of lots)	Each lot 1-3	Every other lot 1-3	Covers all services which cross from one lot to another. Standard global easement for this type of subdivision. Services definition to include stormwater drainage.
3.	Easement for Fire Egress (whole of lots)	Each lot 1-3	Every other lot 1-3	Allows access by emergency egress in an emergency or fire drill. Standard global easement for this type of subdivision.
4.	Right to Access Shared Facilities (whole of lots)	Each lot 1-3	Every other lot 1-3	Standard global easement allowing access and use of shared plant rooms and facilities. Shared facilities are listed in the SMS.
5.	Right of Access (A)	3 2 1	1,2 1,3 3	Allows site access through driveway and ramps into the shared parking levels. Lots 4 and 5 in stage2 will continue to have the benefit of this right.
6.	Right of Access (B)	2	1	Allows lot 1 resi everyday access to their ground level lifts and lobby over lot 2.
7.	Right to access and use loading dock (C)	2	3	Shared commercial loading dock within stage 1 commercial.
8.	Right to use garbage room (D)	2	1,3	Garbage rooms within Stage 1 commercial to be shared between all Lots.

9.	Easement for parking (E)	2	3, 4	Allow stage 2 commercial to park in stage 1 commercial. Easement is indicative only and subject to final carpark design and layout.
10.	Right of public access (F)	2	Council	Allows appropriate public access over Ground Level forecourts.
11.	Easement for Construction (whole of lots 1 and 2)	1,2	3	Allows construction works of stage 2 to continue. Terms include allowing crane swing to over-sail stage 1 Terms exclude apartments from the easement. Easement to be released upon registration of Stage 2 subdivision.

The Right of Access (A) created in the Stage 1 subdivision will allow lot 5 (stage 2 residential) appropriate access through the Stage 1 parking levels and into their parking spaces.

Item 2 Services will be defined in the 88B Instrument to specifically include water, sewerage, stormwater drainage, gas, electricity, ventilation, lighting, irrigation, exhaust, air-conducted air, air-conditioned air, garbage, telephone, television, radio impulses, and other services as required.

A separate easement for drainage will be created as required to allow Stage 2 to drain stormwater through Stage 1 to the discharge point in Hunter Street. Refer to proposed stormwater concept plan for details.

Stage 2 Easements

The stage 2 plan proposes to create the easements listed below. Additional easements may be added to the final plan upon review of DA consent conditions.

Item	Name	Lot Burdened	Lot Benefit	Description and Comments
1.	Easement for Support and Shelter (whole of lots)	4 5	5 4	Standard global easement allowing subjacent and lateral support for the building structure.
2.	Easement for Services (whole of lots)	4 5	5 4	Covers all services which cross from one lot to another. Standard global easement for this type of subdivision.
3.	Easement for Fire Egress (whole of lots)	4 5	5 4	Allows access by emergency egress in an emergency or fire drill. Standard global easement for this type of subdivision.
4.	Right to Access Shared Facilities (whole of lots)	4 5	5 4	Standard global easement allowing access and use of shared plant rooms and facilities. Shared facilities are listed in the SMS.

5.	Right of public access (Y)	4	Council	Allows appropriate public access over Ground Level forecourts.
6.	Right of Access (Z)	4	5	Allows lot 5 resi everyday access to their ground level lifts and lobby over lot 4.
7.	Right of Access (X)	5	1, 2, 4	Allows all lots access through the parking levels.

The Easement for Construction (whole of lots 1 and 2) created in Stage 1 will be released upon registration of the Stage 2 subdivision plan. Other restrictions to Stage 1 prior to completion of Stage 2 may include:

- Temporary hoarding areas around the construction interface
- Temporary restricted access around the construction interface
- Shared facilities which only apply on completion of Stage 1
- Shared facilities which only apply on completion of Stage 1 and Stage 2

Examples of typical shared areas and facilities (subject to final design) include: goods and passenger lifts, driveways and common parking areas, loading dock, fire systems, services, structure, security systems and cctv, roller shutters, plant rooms, exhaust systems, drainage and hydraulic systems, slab waterproofing, façade maintenance. Appendix A shows an example of a typical schedule of shared facilities for reference.

The Level 5 landscaping will be listed as a shared facility between the residential stratum lots. It will form part of the common property of each residential strata plan upon completion.

I trust the information provided in this report is suitable for your requirements. Should you have any further questions please do not hesitate to contact me at this office.



Karl Robertson
Registered Surveyor
CMS Surveyors
krobertson@cmssurveyors.com.au

Schedule – Shared Facilities (DRAFT)

This Schedule describes the Shared Facilities in the Building. The list of Shared Facilities must be read in conjunction with clauses 9.1 and 9.2 which describe the items and costs associated with the operation, management, preventative maintenance and replacement of Shared Facilities.

Unless a particular item specifies otherwise, Shared Facilities are available for use by each Member, Owner and Occupier.

Item No.	Shared Facility	Description	Members Benefited:	Location
1.	Facilities Manager / Building Manager Fee	<p>The Facilities Manager / Building Manager is appointed by the Committee to provide management and operational services for the Building.</p> <p>Fee for the service provided by the Facilities/Building Manager in accordance with the Strata Management Statement. The building management services will include the services provided by the facilities/building manager appointed by the Committee. This will include management fees and other fees or charges that the Committee must pay and other costs incurred by the Committee according to its agreement with the building manager.</p>	All members	N/A

APPENDIX- A

2.	Strata Management services	<p>Strata management services include the services provided by the strata Manager appointed by the committee. Costs for strata management services include, without limitation:</p> <ul style="list-style-type: none"> (a) management fees and other fees that the committee must pay to the strata Manager according to their agreement; and (b) other costs incurred by the committee according to its agreement with the Strata Manager; (c) audit and accounting fees incurred by the Committee in performing its functions; and (d) costs incurred by the Committee to maintain its records (including its financial records) according to this management statement. 	All members	N/A
3.	Capital Works Fund Levies - BMC	The levies imposed upon the Members to establish a capital works fund in accordance with	All members	N/A

APPENDIX- A

		clause 16.1 to pay for the renewal and replacement of the physical Shared Facilities.		
4.	Audit Cost	Cost relating to auditing accounts of the Strata Management Statement.	All members	
5.	Insurance	<p>Costs for insurance include:</p> <ul style="list-style-type: none"> (a) building insurance premiums; (b) machinery breakdown insurance premiums; (c) public liability insurance premiums for Shared (d) Facilities; (e) premiums under other policies effected by the Committee according to this management statement; (f) excesses on insurance policies affected by the Committee; (g) valuations of the Building for building insurance purposes; (h) insurance brokers fee; and 	All members	N/A

APPENDIX- A

		(i) other insurance related costs incurred by the Committee for the Building, Shared Facilities and under the Easements or under an existing policy.		
Operating expenses:				
6.	Signage	<p>Signage includes all line marking, directional signage, facility signage and signage for the Building which is located in or on shared facilities.</p> <p>It does not include signage on or within a member's component of the Building (which only services that component).</p> <p>Costs associated with signage include maintenance, cleaning, repair and lighting (including electricity consumption costs).</p>	All members	Throughout Building
7.	Cleaning	This shared facility includes the cleaning of shared areas.	All members	N/A
8.	Repairs and Maintenance	Includes general repairs and maintenance of shared facilities.	All members	N/A
9.	Building Management control system	<p>Includes computer hardware and software to control security system, mechanical systems and lifts, located in various locations.</p> <p>Car park Management System Hardware & Software - Roller door, traffic light system, signage</p>	All members	Throughout Building

APPENDIX- A

		<p>etc</p> <p>Comms Cupboards - Located on carpark and ground levels</p> <p>Mechanical System - located in carpark levels</p> <p>Lift System - refer to lift management system</p>		
10.	Manned security	Services contracted for security guard services including but not limited to roving patrols, static security or on call security guard services	All members	External to building
11.	Security System	<p>The security system includes all security items giving access to shared facilities including but not limited to the Lobby Entry ground level and carpark levels entry. It includes:</p> <ul style="list-style-type: none"> (a) (a) Security computer hardware and software system; (b) Security Keys and associated card readers; (c) The security controller; (d) The security panel lift door giving access to the car park at ground level and the roller door giving access to Occupiers; (e) Audio/Video intercom system; and (f) All wires, cables and ducts 	All members	Throughout Building

APPENDIX- A

		to operate the security system computers and controllers.		
12.	Fire System	<p>Includes all:</p> <ul style="list-style-type: none"> (a) Evacuation system and smoke detectors- throughout site and common lobbies; (b) Fire hydrant booster valves; (c) Fire indicator panel, Hydrant Booster, Pumps. (Meters and Pump Room) (d) Includes Mimic panels; (e) Hydrant risers & hose reel distribution lines; (f) Occupant warning system control panel; (g) Fire sprinkler system; (h) Power to hydrant Pump Room; and <p>All essential fire safety measures/systems.</p>	All members	Carpark levels to roof, throughout Building.
13.	Fire pump room and fire hydrant tanks	Pump room for fire hydrant, including pumps, pipes to water tanks and ancillary equipment. Includes hydrant tanks servicing hydrants system including all booster pumps, valves, storage tanks, associated pipework, and electrical components.	All Members	<p>Carpark levels</p> <p>Fire pump room is ground floor; Fire hydrant tanks are level 1</p>

APPENDIX- A

14.	Hydrant booster cupboard	Cupboard to house booster valves, including valves, controls, meters (where appropriate), riser space and pipes, and cleaning and repair, maintenance and replacement of the cupboard and equipment.	All Members	Ground floor
15.	Fire stairs	All shared fire stairs providing emergency egress from the Building	All members	Roof level to carpark levels (Lot 1 and 2)
16.	Annual fire certification	Essential services certification for the whole Land.	All members	N/A
17.	Lighting	<p>This shared facility includes:</p> <p>(a) External lighting including the light poles and fittings located in the Open Space Areas and Shared Access ways; and</p> <p>(b) Shared lobbies, plant rooms and serviceable roof levels.</p> <p>Costs for this shared facility include costs for switches, meters, controls, risers, pipes, cables, lighting fittings, globes, cables, stands, maintenance, and electricity consumption.</p>	All members	Carpark and ground levels
18.	Car park lighting	Car park lighting on all carparking levels and emergency lighting for car park. Includes costs for switches, meters, controls, risers, pipes, cables, lighting fittings, globes, cables, stands, maintenance, and electricity consumption.	All Members	Carpark levels (Lots 1 and 2)

APPENDIX- A

19.	Electricity consumption	Electricity consumption to Shared Facilities, including metered consumption to areas such as the Loading Dock and the car park generally.	All Members	Throughout Building
20.	Sewer and stormwater pump pits	Sewer system and stormwater pump pits, including all associated pumps, conduits, tanks, pits, pipes, any associated water meters and water charges. The shared facility includes any cleaning and routine and non-routine maintenance costs associated with this shared facility.	All Members	Carpark and ground levels
21.	Gross pollutant trap	Pollutant trap servicing the whole Building, including all servicing, cleaning, maintenance, repair and replacement.	All Members	Carpark and ground levels
22.	Car park mechanical ventilation	Car park mechanical ventilation system comprising fans rooms, supply air fans in car park and associated equipment. Includes the exhaust fan and supply fan systems, intake louvers, ducts servicing the exhaust risers, fan motors and housing, controls and associated equipment, mechanical intake plenum, maintenance of rooms and equipment.	All members	Carpark and ground levels (Lots 1 and 2)
23.	Building perimeter drainage	Building perimeter drainage system servicing street boundaries.	All members	Ground levels (Lots 1 and 2)

APPENDIX- A

		Includes drains, ducts and silt traps.		
24.	Cold water plant room	<p>Plant room housing booster pump for supply of cold water to the Building. Includes cold water meters, cold water booster pumps and hydraulic pipes and associated equipment that exclusively services Shared Facilities and more than one component of the Building.</p> <p>It does not include any hydraulic pipes and pumps that are exclusively used by one Member.</p>	All Members	Ground Level (Lot 1)
25.	Hot water plant room	<p>Plant room housing booster pump for supply of hot water to the Building. Includes hot water meters, hot water booster pumps and hydraulic pipes and associated equipment that exclusively services Shared Facilities and more than one component of the Building.</p> <p>It does not include any hydraulic pipes and pumps that are exclusively used by one Member.</p>	All Members	Ground Level (Lot 1)
26.	Electrical and Communications cupboards	Cupboard housing equipment for MDF, MATV, telephones, CCTV, intercom and security systems and NBN. Includes the room and the communication equipment in the room and associated ducts, cables and equipment, throughout the Building.	All Members	Carpark and ground levels (Lot 1)
27.	Main switch room	Electrical switch room, including switches, meters, controls, risers,	All Members	Carpark levels (Lot 1)

APPENDIX- A

		pipes, cables. Includes cleaning and repair, maintenance and replacement of the room and equipment.		
28.	Electrical switch cupboards	Electrical switch cupboards, including switches, meters, controls, risers, pipes, cables. Includes cleaning and repair, maintenance and replacement of the cupboards and equipment.	All Members	Ground level (Lot D)
29.	Rain water tank and pump	Water tank receiving rain water from roof and supplying landscaping and car wash bay, and rain water tank pump.	All Members	Carpark levels (Lot 1)
31.	Water meter cupboard	Room to house water meters, including pumps, valves, controls, meters, riser space and pipes. Water usage as metered will be paid for by each Member. Water as metered to the common areas will be paid for as part of this Shared Facility.	All Members	Ground level (Lot 1)
32.	Mains Gas meter cupboard	Room to house gas meters, including pumps, valves, controls, meters, riser space and pipes. Includes gas main connection. Gas usage as metered will be paid for by each Member. Gas as metered to the common areas will be paid for as part of this Shared Facility.	All Members	Ground level (Lot 1)
33.	Kitchen exhaust	Kitchen exhaust chimney system, including risers, ducts, fans, motors and all ancillary equipment.	Lot 1 & 2	Ground level to level 2 (Lots 1 and 2)
34.	Grease arrestor	Grease arrestor including all pumps, valves, storage tanks,	Lot 1	Ground Level Lot 1

APPENDIX- A

		associated pipework, and electrical components.		
35.	Sewer boundary trap	Sewer boundary trap and connection point to Council main, servicing drainage from all Stratum Lots.	All Members	Ground level (Lot 1)
36.	Service Bay / Loading Dock	Service Bay, including cleaning and repair and maintenance of the bay and any costs of running the bay. Used for loading by All Members and car wash bay purposes by Occupiers of Apartments.	All Members	Ground level (Lot 1)
37.	Lift	<p>The shared facility includes:</p> <ul style="list-style-type: none"> (a) Carparking levels and Ground Floor lift lobbies; and (b) lift cars for lifts; and (c) all wires, cables and ducts for the operation of the operation of the lifts; and (d) lift over-run. <p>Costs for this Shared Facility include:</p> <ul style="list-style-type: none"> (e) cleaning; and (f) electricity costs; and (g) access to and from the lobby, lifts, corridors and stairs using the most direct route or a route nominated by the committee, from time to time. (h) Maintenance contract and repair of the lift 	All Members	Resi lifts (x2) (lot 1) – shared facility; carpark to roof Commerical Lift (x1) (lot 1) – shared facility; carpark to level 3

APPENDIX- A

37.		Other costs associated with the use and operation of the lifts.		
38.	Roller shutters, driveways and vehicle control	Covers all roller shutters, driveways and vehicle control, including repair, replacement and maintenance of plant and equipment and driveway cleaning and maintenance. Includes traffic light system, roller shutter door and access system.	All Members	Carpark levels (Lots 1 & 2)
39.	Landscaped Areas	<p>Use, maintenance and repair of landscaped areas external to the Building, including all planter boxes, landscaping, lighting, light and power poles, paved areas, street furniture and lawn.</p> <p>Costs associated with the Landscaped Areas include the cost of signage, cleaning, repairing and maintaining street furniture, regular gardening and landscaping maintenance, operating, repairing and maintaining the irrigation system.</p>	All Members	Ground level to Level 21 (Lot 1)
40.	Mechanical Ventilation Contract	<p>Routine and non-routine regular service and maintenance contract(s) in relation to other plant which are Shared Facilities including:</p> <p>(a) supply fan;</p> <p>(b) various shafts and ducts; and exhaust fans;</p>	All Members	Carpark and ground levels (Lots 1 and 2)

APPENDIX- A

43.	Facade	The facade of the Building. Includes all costs associated with the facade, such as maintenance, cleaning, painting, repair and replacement.	All Members	Whole building (Lots 1 and 2)
44.	Public Toilet	Toilet facility for customers, commercial tenants, residents, and service contractors. Includes cleaning, repair, maintenance and replacement of the room and all equipment, lighting and plumbing.	All Members	Ground Level (Lot 1)
45.	OSD tank	Tank for detention of stormwater. Includes cleaning, maintenance and repair of the tank.	All Members	Ground Level (Lot 1)
46.	Embedded Network Services	Embedded Network Services used by or in connection with the Shared Facilities. Includes associated Embedded Network Equipment.	All Members	Throughout Building
47.	Fire Services contracts - routine and non-routine	<p>The fire detection and prevention systems (wet and dry) including:</p> <p>(a) fire detection system including all fire, smoke and heat detectors including electrical components that form part of the fire detection system;</p> <p>(b) Fire hydrant and hose reel system including all booster pumps, valves, storage tanks, associated pipework and electrical components etc;</p> <p>(c) fire extinguishers;</p> <p>(d) fire system inspection,</p>	All Members	All Lots

APPENDIX- A

47.		<p>testing, monitoring and certification;</p> <p>(e) fire detection panel, EW1S panel, smoke control panel, connection to fire brigade and smart graphic system, and associated electrical components; and</p> <p>(f) all other items associated with the shared fire services.</p> <p>Costs for the fire system include the costs to comply with any obligations of the Committee regarding fire safety.</p> <p>The fire system does not include additional fire safety equipment or services installed in a strata scheme, Strata Lot or Stratum Lot by a Member, Owner or Occupier.</p>		
48.	Pest Control Contract	Pest control in all Shared Facilities areas including inspection, treatment and remedial actions.	All Members	All Lots
49.	TV aerial, Pay TV Satellite and QAM head end equipment	TV antennae, satellites and all ancillary equipment. Includes repair, maintenance and replacement of the equipment.	All Members	Ground level and roof (Lot 1 and Lot 2)
50.	R&M - General	Repair and maintenance on Shared Facilities not covered in specific categories - such as shared plant rooms, shared fire stairs, car park and Service Bay entry etc.	All Members	Whole building (Lots 1 and 2)

APPENDIX- A

51.	R&M - Carpentry	Repair and maintenance of Shared Facilities involving carpentry and door locks to Shared Facility areas.	All Members	Whole building
52.	R&M - Painting	Repair and maintenance of Shared Facilities involving painting to Shared Facility areas.	All Members	Whole building (Lots 1 and 2)
53.	R&M - Plumbing	Repair and maintenance of Shared Facilities involving plumbing to Shared Facility areas.	All Members	Whole building (Lots 1 and 2)
54.	R&M - Electrical	Repair and maintenance of Shared Facilities involving electrical including (a) maintenance and testing of shared switchboards: (b) emergency light testing and maintenance to Shared Facility areas; and lamp replacement to shared areas.	All Members	Whole building (Lots 1 and 2)
55.	Central Ground Floor Courtyard	The Through Site Link costs, including all costs associated with the Through Site Link, such as maintenance (both routine and non-routine), cleaning, painting, landscaping, repair and replacement.	All Members	North Tower Retail Stratum, South Tower Retail Stratum
56.	Gutters & Downpipes	Gutters & downpipes costs including routine and non-routine maintenance, cleaning, painting, repair, replacement, additional gutters & downpipes.	All Members	Whole building (Lots 1 and 2)

APPENDIX- A

57.	Stair Pressurisation System	Stair Pressurisation System costs including routine and non-routine maintenance, cleaning, painting, repair, replacement.	All Members	Whole building (Lots 1 and 2)
58.	Mechanical Plant Rooms	Mechanical plant rooms costs including routine and non-routine maintenance, cleaning, painting, repair, replacement.	All Members	Whole building (Lots 1 and 2)
59.	Mechanical Systems	Mechanical systems costs including routine and non-routine maintenance, cleaning, painting, repair, replacement.	All Members	Lots 1 and 2
59.	Garbage Room	Garbage room costs including routine and non-routine maintenance, cleaning, painting, repair, replacement.	All Members	Lots 1 and 2
61.	Letter Boxes	Letter Boxes costs including routine and non-routine maintenance, cleaning, painting, repair, replacement.	All Members	Lot 1
62.	Shared Driveways & Ramps	Driveway and ramp costs including routine and non-routine maintenance, cleaning, painting, repair, replacement.	All Members	Carpark levels; lots 1 & 2
63.	Shared Commercial, Retail & Residential Lobbies	Shared lobby costs including routine and non-routine maintenance, cleaning, painting, repair, replacement.	All Members	Carpark levels; lots 1 & 2
64.	Administration	Miscellaneous costs relating to the management of the building	All Members	N/A
65.	Works, Health & Safety Reports	Consultant reports for Health & Safety	All Members	N/A
66.	Legal fees	Legal fees	All Members	N/A