

Report on Proposed Staged Stratum Subdivision

711 Hunter Street Newcastle West

Report prepared for: St Hilliers Property
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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 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.
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.

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.

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.

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.



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