

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 28 May 2011, we the Planning and Assessment Commission approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.

**Member of the Commission    Member of the Commission    Member of the Commission**

**Sydney,**

**2011**

## SCHEDULE 1

The above approval is modified as follows:

**A. SCHEDULE 1, PART A – TABLE** is amended by the insertion of the **bold and underlined** words/numbers as follows;

### PART A — TABLE

|                                          |                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application made by:</b>              | Meriton Apartments Pty Ltd .                                                                                                                                                                                                                                                                                                 |
| <b>Application made to:</b>              | Minister for Planning                                                                                                                                                                                                                                                                                                        |
| <b>Major Project Application:</b>        | MP 09_0148                                                                                                                                                                                                                                                                                                                   |
| <b>On land comprising:</b>               | 12 – 40 Bonar Street and 5 Loftus Street, Arncliffe.                                                                                                                                                                                                                                                                         |
| <b>Local Government Area</b>             | City of Rockdale                                                                                                                                                                                                                                                                                                             |
| <b>For the carrying out of:</b>          | <ul style="list-style-type: none"><li>• Excavation of and dewatering of site.</li><li>• Construction of basement level car parking for 450 vehicles</li><li>• Erect 4 residential flat buildings comprising 305 apartments</li><li>• Undertake landscaping works</li><li>• <b><u>Staged Strata subdivision</u></b></li></ul> |
| <b>Estimated Cost of Works</b>           | \$109, 324, 820                                                                                                                                                                                                                                                                                                              |
| <b>Type of development:</b>              | Major Project under Part 3A of the Act.                                                                                                                                                                                                                                                                                      |
| <b>Determination made on:</b>            | 3 March 2010                                                                                                                                                                                                                                                                                                                 |
| <b>Date approval is liable to lapse:</b> | 5 years from the date of determination unless the development has been physically commenced.                                                                                                                                                                                                                                 |

### PART B—NOTES RELATING TO THE APPROVAL OF MP NO. MP09\_0148

#### **Responsibility for other consents / agreements**

The Proponent is responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

#### **Appeals**

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

#### **Legal notices**

Any advice or notice to the approval authority shall be served on the Director-General.

### PART C—DEFINITIONS

In this approval,

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this approval.

**BCA** means the Building Code of Australia.

**Certifying Authority** has the same meaning as Part 4A of the Act.

**Council** means City of Rockdale.

**Department** means the Department of Planning or its successors.

**Director-General** means the Director-General of the Department.

**Environmental Assessment (EA)** means the Environmental Assessment prepared by Meriton Apartments and dated 11 September 2009.

**Minister** means the Minister for Planning.

**MP No. MP09\_0148** means the Major Project described in the Proponent's Environmental Assessment.

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

**Preferred Project Report (PPR)** means Preferred Project Report prepared by Meriton Apartments dated December 2009.

**Proponent** means Meriton Apartments Pty Ltd or any party acting upon this approval.

**Regulation** means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

**End of Section**

## SCHEDULE 2

### CONDITIONS

#### PART A – ADMINISTRATIVE CONDITIONS

The above approval is modified as follows:

**A. Condition A1 (1)** is amended by the insertion of the **bold and underlined** words/numbers as follows;

#### **A1 Development Description**

(1) Development approval is granted only to carrying out the development described in detail below:

- Excavation and dewatering of site; and
- Construction of basement level car parking for 401 vehicles
- Erection of four residential flat buildings containing ~~305~~ **307** apartments
- Undertake landscaping works
- **Staged Strata Subdivision**

**B. Condition A2** is amended by the insertion of the **bold and underlined** words/numbers as follows;

#### **A2 Development in Accordance with Plans and Documentation**

Except where amended by the Modification Application submitted by Meriton Apartments Pty Ltd on 27 July 2010 and the following drawings:

| <b>12 – 40 Bonar Street and 5 Loftus Street, Arncliffe, MP09_0148 MOD 4</b>         |                        |                                                       |                    |
|-------------------------------------------------------------------------------------|------------------------|-------------------------------------------------------|--------------------|
| <b>Revision</b>                                                                     | <b>Name of Plan</b>    | <b>Drawing Number</b>                                 | <b>Date</b>        |
| E                                                                                   | LEVEL 02 – ARCH 200    | A-111-L02                                             | 22/07/10           |
| B                                                                                   | LEVEL 03 – ARCH 200    | A-112-L03                                             | 22/07/10           |
| B                                                                                   | LEVEL 04 – ARCH 200    | A-113-L04                                             | 22/07/10           |
| B                                                                                   | LEVEL 05 – ARCH 200    | A-114-L05                                             | 22/07/10           |
| B                                                                                   | LEVEL 06 – ARCH 200    | A-115-L06                                             | 22/07/10           |
| B                                                                                   | LEVEL 07 – ARCH 200    | A-116-L07                                             | 22/07/10           |
| B                                                                                   | LEVEL 08 – ARCH 200    | A-117-L08                                             | 22/07/10           |
| B                                                                                   | LEVEL 09 – ARCH 200    | A-118-L09                                             | 22/07/10           |
| B                                                                                   | BLDG A ELEVATIONS      | A-130-ELEVS                                           | 22/07/10           |
| B                                                                                   | BLDG B ELEVATIONS      | A-131-ELEVS                                           | 22/07/10           |
| B                                                                                   | BLDG C ELEVATIONS      | A-132-ELEVS                                           | 22/07/10           |
| B                                                                                   | BLDG D ELEVATIONS      | A-133-ELEVS                                           | 22/07/10           |
| <b><u>Staged Strata subdivision drawings Prepared by Wayne Allen Diver-Tuck</u></b> |                        |                                                       |                    |
| <b><u>Drawing No.</u></b>                                                           | <b><u>Revision</u></b> | <b><u>Name of Plan</u></b>                            | <b><u>Date</u></b> |
| <b><u>Sheets 1-52</u></b>                                                           | <b><u>01</u></b>       | <b><u>Staged Strata Plan 123969 – Loftus ABCD</u></b> |                    |
| <b><u>Staged Strata subdivision drawings Prepared by Wayne Allen Diver-Tuck</u></b> |                        |                                                       |                    |
| <b><u>Drawing No.</u></b>                                                           | <b><u>Revision</u></b> | <b><u>Name of Plan</u></b>                            | <b><u>Date</u></b> |
| <b><u>Sheets 1-21</u></b>                                                           | <b><u>01</u></b>       | <b><u>Strata Plan 123969 Loftus Street</u></b>        |                    |

|  |  |                |  |
|--|--|----------------|--|
|  |  | <b>Stage 1</b> |  |
|--|--|----------------|--|

## **B. INSERT THE FOLLOWING NEW PART AND CONDITIONS**

### **PART H – PRIOR TO SUBDIVISION**

#### **H1 Submission of Plans of Subdivision (Strata)**

For issue of the subdivision certificate, an application must be made to the certifying authority to obtain approval of the strata plan under section 37 of the *Strata Schemes (Freehold Development) Act 1973*. The proponent shall submit an original plan of subdivision plus 6 copies suitable for endorsement by the certifying authority.

All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

#### **H2 General Easement / R.O.W. Provision and Certification**

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to the consent authority or a PCA that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the certifying authority.

#### **H3 Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index), or telephone 13 20 92.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the accredited certifier or Council with the documentation to enable the issue of the strata certificate.

#### **H4 Parking**

Parking spaces shall not be enclosed without further approval. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.

Parking spaces shall be allocated to dwellings in the development in accordance with the approved development and this shall be reflected in any subsequent strata subdivision of the development. All common property visitor spaces shall be labelled as a "visitor space", and the wash bay labelled "wash- bay" on the final strata plan for the site.

#### **H5 Covenants**

- (a) A positive covenant shall be provided over the on-site storm water detention systems. The positive covenants and four copies shall be lodged with the Strata Certificate.
- (b) A positive covenant and drainage easement for overland flows is to be provided over the flow route from Loftus Street to Bonar Street along the northern boundary of the site in favour of Council. The positive covenants and four copies shall be lodged prior to the final staged Strata Certificate.

#### **H6      *Submission of Certification of As-Constructed Development***

Prior to the issue of the Strata Certificate, the proponent is to submit a survey report and surveyor's certificate to the Council or accredited certifier which confirms that

- (a) The floors, external walls and ceilings depicted in the proposed strata plan for the building correspond to those of the building as constructed;
- (b) The floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the construction certificate for the building; and
- (c) Any facilities required by the development approval for the building (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.

The Council or accredited certifier should also be satisfied that:

- (d) All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- (e) Any preconditions to the issue of the certificate required by a development consent or complying development certificate have been met.

#### **AND OF MODIFICATION TO MP09\_0148 (MOD 6)**