

Modification of Minister's Approval

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

As delegate of the Minister for Planning and under delegation executed on 14 September 2011, the Planning Assessment Commission approves the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.

MEMBER OF THE COMMISSION

Sydney

2014

SCHEDULE 1

Application No.: MP 11_0046

Proponent: Karimbla Construction Services (NSW) Pty Ltd

Approval Authority: Minister for Planning

Land: 61 Mobbs Lane, Epping, Sydney

Project: 'Stage 3' Residential Development, comprising:

- construction of five residential flat buildings known as Buildings 11, 12, 13/14, 15/16 and Building 17 comprised of 324 apartments; with a total GFA of 30,455.72m²; and
- construction of associated basement car parking and landscaping containing 427 car parking spaces (374 for Buildings 11 to 16 and 53 for Building 17).

Modification MP11_0046 MOD 2: modification includes:

- strata subdivision of Building 13; and
- stage the strata subdivision of Buildings 11, 12, 14, 15 and 16.

SCHEDULE 2

PART A – TERMS OF APPROVAL

1. In Schedule 2 Part A, Condition A1 – Development Description, is modified by the insertion of **bold** and **underlined** words/numbers and deletion of ~~struck-out~~ words as follows:

A1. Development Description

Project Application approval is granted only to the development as described below:

- construction of five residential flat buildings known as Buildings 11, 12, 13/14, 15/16 and Building 17, ranging in height between 3 and 6 storeys;
- 324 residential units;
- 435 car parking spaces (inclusive of 8 on-street visitor parking spaces);
- resident facilities including a spa, pool and sauna within the basement car park servicing Buildings 11 to 16; ~~and~~
- associated landscaping;
- **strata subdivision of Building 13; and**
- **staged strata subdivision of Buildings 11, 12, 14, 15, and 16 located within development Lot 37.**

2. In Schedule 2 Part A, Condition A2 – Development in Accordance with Plans and Documentation, is modified by the insertion of **bold** and **underlined** words/numbers as follows:

A2. Development in Accordance with Plans and Documentation

The development shall be undertaken in accordance with MP 11_0046 and the Environmental Assessment Report 61 Mobbs Lane Epping, Concept Plan Modification, prepared by Meriton Property Services Pty Ltd, except where amended by the Preferred Project Report, 61 Mobbs Lane Epping – Stage 3 dated March 26, 2013, prepared by Meriton Property Services Pty Ltd the following architectural and landscape drawings, **the plans submitted to satisfy conditions A3 and A4 on 4 November 2013, the Section 75W modification request (MOD 2) submitted to the Department of Planning on 7 April 2014** and the conditions of this approval.

Architectural Drawings prepared by Meriton Apartments Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
<u>A000-COV</u>	<u>C</u>	<u>Cover Page</u>	<u>28.10.13</u>
A0003	D	Site Plan	21.03.13
A0031	B	Site Elevations	21.03.13
A0070	B	Shadow Diagrams Winter	21.03.13
A0071	B	Shadow Diagrams Summer	21.03.13
<u>A0072</u>	<u>B</u>	<u>Comparison to Previous Concept</u>	<u>21.10.13</u>
<u>A0076</u>	<u>B</u>	<u>Site Sections (Colour)</u>	<u>21.10.13</u>
A2000	B	Building 11 – Title Sheet	21.03.13
<u>A2003-11-GR</u>	<u>4</u>	<u>Building 11 – Ground 0 – Arch 100</u>	<u>21.06.13</u>
A2002-11-L1	B	Building 11 – Level 1 – Arch 100	21.03.13
A2003-11-L2	B	Building 11 – Level 2 – Arch 100	21.03.13
A2004-11-L3	B	Building 11 – Level 3 – Arch 100	21.03.13
A2005-11-L4	B	Building 11 – Level 4 – Arch 100	21.03.13
A2006-11-L5	B	Building 11 – Level 5 – Arch 100	21.03.13
<u>A2009-11-L6</u>	<u>3</u>	<u>Building 11 – Level 6 (Plant) – Arch 100</u>	<u>21.06.13</u>
A2015-11-SC	B	Building 11 – Sections	21.03.13
A2021-11-EL	B	Building 11 – N&S Elev	21.03.13
A2022-11-EL	B	Building 11 – E&W Elev	21.03.13
A2030-11-AD	B	Building 11 – Adaptables	21.03.13
A2040-11-GFA	B	Building 11 – GFA	21.03.13

A2050-11-CV	B	Building 11 – Cross Ventilation	21.03.13
A0004	B	Sections Key Plan	21.03.13
A0006	B	Parking	21.03.13
A0007	B	Typical Level	21.03.13
A0010-P-P2	B	Site – Parking Level 2 – Arch 250	21.03.13
A3000	B	Building 12 – Title Sheet	21.03.13
<u>A3003-12-GR</u>	<u>7</u>	<u>Building 12 – Ground</u>	<u>05.07.13</u>
<u>A3004-12-L1</u>	<u>5</u>	<u>Building 12 – Level 1</u>	<u>20.06.13</u>
<u>A3005-12-L2</u>	<u>5</u>	<u>Building 12 – Level 2</u>	<u>20.06.13</u>
<u>A3006-12-L3</u>	<u>5</u>	<u>Building 12 – Level 3</u>	<u>20.06.13</u>
<u>A3007-12-L4</u>	<u>5</u>	<u>Building 12 – Level 4</u>	<u>20.06.13</u>
<u>A3008-12-L5</u>	<u>5</u>	<u>Building 12 – Level 5</u>	<u>20.06.13</u>
<u>A3009-12-L6</u>	<u>5</u>	<u>Building 12 – Level 6 (Plant)</u>	<u>20.06.13</u>
A3015-12-SC	B	Building 12 – Sections	21.03.13
<u>A3021-12-EL</u>	<u>4</u>	<u>Building 12 – Elevations – North & South</u>	<u>18.06.13</u>
<u>A3022-12-EL</u>	<u>4</u>	<u>Building 12 – Elevations – East & West</u>	<u>18.06.13</u>
A3030-12-AD	B	Building 12 – Adaptable Plans	21.03.13
A3040-12-GFA	B	Building 12 – GFA	21.03.13
A3050-12-CV	B	Building 12 – Cross Ventilation	21.03.13
A4000-13-14	B	Building 13 & 14 – Title Sheet	21.03.13
A4001-13-14-LG	B	Building 13 & 14 – Lower Ground	21.03.13
<u>A4002-13-14-GR</u>	<u>4</u>	<u>Building 13 & 14 – Ground</u>	<u>04.06.13</u>
<u>A4003-13-14-L1</u>	<u>3</u>	<u>Building 13 & 14 – Level 1</u>	<u>14.05.13</u>
<u>A4004-13-14-L2</u>	<u>3</u>	<u>Building 13 & 14 – Level 2</u>	<u>14.05.13</u>
A4005-13-14-L3	B	Building 13 & 14 – Level 3	21.03.13
A4006-13-14-L4	B	Building 13 & 14 – Level 4	21.03.13
A4007-13-14-L5	B	Building 13 & 14 – Level 5	21.03.13
<u>A4008-13-14-L6</u>	<u>4</u>	<u>Building 13 & 14 – Level 6 (Plant)</u>	<u>18.06.13</u>
A4015-13-14-SC	B	Building 13 & 14 – Sections	21.03.13
A4021-13-14-EL	B	Building 13 & 14 – Elevations – North & South	21.03.13
<u>A4022-13-14-EL</u>	<u>3</u>	<u>Building 13 & 14 – Elevations – East & West</u>	<u>14.05.13</u>
A4030-13-14-EL	B	Building 13 & 14 – Adaptable Plans	21.03.13
A4040-13-14-GFA	B	Building 13 & 14 – GFA	21.03.13
A4050-13-14-CV	B	Building 13 & 14 – Cross Ventilation	21.03.13
A5000	B	Building 15 & 16 – Title Sheet	21.03.13
A5001-15-16-LG	B	Building 15 & 16 – Lower Ground	21.03.13
<u>A5002-15-16-GR</u>	<u>3</u>	<u>Building 15 & 16 – Ground</u>	<u>04.06.13</u>
A5003-15-16-L1	B	Building 15 & 16 – Level 1	21.03.13
A5004-15-16-L2	B	Building 15 & 16 – Level 2	21.03.13
A5005-15-16-L3	B	Building 15 & 16 – Level 3	21.03.13
A5006-15-16-L4	B	Building 15 & 16 – Level 4	21.03.13
A5007-15-16-L5	B	Building 15 & 16 – Level 5	21.03.13
<u>A5008-15-16-L6</u>	<u>2</u>	<u>Building 15 & 16 – Level 6 (Plant)</u>	<u>23.04.13</u>
A5015-15-16-SC	B	Building 15 & 16 – Sections 1	21.03.13
A5016-15-16-SC	B	Building 15 & 16 – Sections 2	21.03.13
<u>A5021-15-16-EL</u>	<u>2</u>	<u>Building 15 & 16 – Elevations North</u>	<u>23.04.13</u>
A5022-15-16-EL	B	Building 15 & 16 – Elevations South	21.03.13
A5023-15-16-EL	B	Building 15 & 16 – Elevations East & West	21.03.13
A5030-15-16-AD	B	Building 15 & 16 – Adaptable Plans	21.03.13
A5040-15-16-GFA	B	Building 15 & 16 – GFA	21.03.13
A5050-15-16-CV	B	Building 15 & 16 – Cross Ventilation	21.03.13

<u>A6000</u>	<u>4</u>	<u>Building 17 – Title Sheet</u>	<u>04.09.13</u>	
<u>A6001-17-P1</u>	<u>5</u>	<u>Building 17 – Parking – Arch</u>	<u>04.09.13</u>	
<u>A6002-17-GR</u>	<u>5</u>	<u>Building 17 – Ground – Arch</u>	<u>04.09.13</u>	
<u>A6003-17-L1</u>	<u>5</u>	<u>Building 17 – Level 1 – Arch</u>	<u>04.09.13</u>	
<u>A6004-17-L2</u>	<u>5</u>	<u>Building 17 – Level 2 – Arch</u>	<u>04.09.13</u>	
<u>A6005-17-L3</u>	<u>5</u>	<u>Building 17 – Level 3 – Arch</u>	<u>04.09.13</u>	
<u>A6006-17-L4</u>	<u>5</u>	<u>Building 17 – Level 4 – Arch</u>	<u>04.09.13</u>	
<u>A6015-17-SC</u>	<u>5</u>	<u>Building 17 – Sections</u>	<u>04.09.13</u>	
<u>A6021-17-EL</u>	<u>5</u>	<u>Building 17 – Elevations – South & East</u>	<u>04.09.13</u>	
<u>A6022-17-EL</u>	<u>5</u>	<u>Building 17 – Elevations – North & West</u>	<u>04.09.13</u>	
<u>A6030-14-AD</u>	<u>4</u>	<u>Building 17 – Adaptable Plans</u>	<u>04.09.13</u>	
A6040-17-GFA	B	Building 17 – GFA	21.03.13	
A6050-17-CV	B	Building 17 – Cross Ventilation	21.03.13	
A0011-P-P1	B	Site – Parking Level 1 – Arch 250	21.03.13	
A0012-P-GD	B	Site – Ground & Podium – Arch 250	21.03.13	
A0020	D	Site Sections – 1	21.03.13	
A0021	B	Site Sections – 2	21.03.13	
A0030	C	Site Elevations – 1	21.03.13	
<u>SK004</u>	<u>C</u>	<u>Site – Heights of builds</u>	<u>21.10.13</u>	
<u>SK005</u>	<u>C</u>	<u>Site – Zoning</u>	<u>21.10.13</u>	
<u>Strata Plans for Building 13</u>				
<u>Drawing No.</u>	<u>Reference</u>	<u>Name of Plan</u>	<u>Drawn by</u>	<u>Date</u>
<u>Strata Plan Sheet 1 of 18</u>	<u>124792-EPP-STG3-DA</u>	<u>Location Plan</u>	<u>Wayne Allen Diver- Tuck</u>	<u>:</u>
<u>Strata Plan Sheet 2 of 18</u>	<u>124792-EPP-STG3-DA</u>	<u>Lower Ground Level Building 13\ Parking Level 2</u>	<u>Wayne Allen Diver-Tuck</u>	<u>:</u>
<u>Strata Plan Sheet 3 of 18</u>	<u>124792-EPP-STG3-DA</u>	<u>Lower Ground Level \ Parking Level 2</u>	<u>Wayne Allen Diver –Tuck</u>	<u>:</u>
<u>Strata Plan Sheet 4 of 18</u>	<u>124792-EPP-STG3-DA</u>	<u>Parking Level 2</u>	<u>Wayne Allen Diver –Tuck</u>	<u>:</u>
<u>Strata Plan Sheet 5 of 18</u>	<u>124792-EPP-STG3-DA</u>	<u>Building 13 – Ground Level</u>	<u>Wayne Allen Diver –Tuck</u>	<u>:</u>
<u>Strata Plan Sheet 6 of 18</u>	<u>124792-EPP-STG3-DA</u>	<u>Building 13 – Level 1</u>	<u>Wayne Allen Diver –Tuck</u>	<u>:</u>
<u>Strata Plan Sheet 7 of 18</u>	<u>124792-EPP-STG3-DA</u>	<u>Building 13 – Level 2</u>	<u>Wayne Allen Diver –Tuck</u>	<u>:</u>
<u>Strata Plan Sheet 8 of 18</u>	<u>124792-EPP-STG3-DA</u>	<u>Building 13 – Level 3</u>	<u>Wayne Allen Diver –Tuck</u>	<u>:</u>
<u>Strata Plan Sheet 9 of 18</u>	<u>124792-EPP-STG3-DA</u>	<u>Building 13 – Level 4</u>	<u>Wayne Allen Diver –Tuck</u>	<u>:</u>
<u>Strata Plan Sheet 10 of 18</u>	<u>124792-EPP-STG3-DA</u>	<u>Building 13 – Level 5</u>	<u>Wayne Allen Diver –Tuck</u>	<u>:</u>
<u>Strata Plan Sheet 11 of 18</u>	<u>124792-EPP-STG3-DA</u>	<u>Development Lot Lower Ground Level \ Parking Level 2</u>	<u>Wayne Allen Diver –Tuck</u>	<u>:</u>
<u>Strata Plan Sheet 12 of 18</u>	<u>124792-EPP-STG3-DA</u>	<u>Development Lot Ground</u>	<u>Wayne Allen Diver –Tuck</u>	<u>:</u>

		<u>(Bldg 13) \</u> <u>Parking Level 1</u>		
<u>Strata Plan</u> <u>Sheet 13 of 18</u>	<u>124792-EPP-</u> <u>STG3-DA</u>	<u>Development</u> <u>Lot Level 1</u> <u>(Bldg 13)</u>	<u>Wayne Allen</u> <u>Diver –Tuck</u>	=
<u>Strata Plan</u> <u>Sheet 14 of 18</u>	<u>124792-EPP-</u> <u>STG3-DA</u>	<u>Development</u> <u>Lot Level 2</u> <u>(Bldg 13)</u>	<u>Wayne Allen</u> <u>Diver –Tuck</u>	=
<u>Strata Plan</u> <u>Sheet 15 of 18</u>	<u>124792-EPP-</u> <u>STG3-DA</u>	<u>Development</u> <u>Lot Level 3</u> <u>(Bldg 13)</u>	<u>Wayne Allen</u> <u>Diver –Tuck</u>	=
<u>Strata Plan</u> <u>Sheet 16 of 18</u>	<u>124792-EPP-</u> <u>STG3-DA</u>	<u>Development</u> <u>Lot Level 4</u> <u>(Bldg 13)</u>	<u>Wayne Allen</u> <u>Diver –Tuck</u>	=
<u>Strata Plan</u> <u>Sheet 17 of 18</u>	<u>124792-EPP-</u> <u>STG3-DA</u>	<u>Development</u> <u>Lot Level 5</u> <u>(Bldg 13)</u>	<u>Wayne Allen</u> <u>Diver –Tuck</u>	=
<u>Strata Plan</u> <u>Sheet 18 of 18</u>	<u>124792-EPP-</u> <u>STG3-DA</u>	<u>Development</u> <u>Lot Above</u> <u>Level 5</u> <u>(Bldg 13)</u>	<u>Wayne Allen</u> <u>Diver –Tuck</u>	=

Except for:

- any modifications which are ‘Exempt and Complying Development’ as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated within the BCA
- otherwise provided by the conditions of this approval.

3. In Schedule 2 Part A, a new Condition A15 is added by the insertion of **bold** and **underlined** words/numbers as follows:

A15. Staged Strata Subdivision

- 1. Staged strata subdivision approval is given in relation to the whole of the land to which this project approval applies except Building 17 in accordance with the Draft Strata Development Contract.**
- 2. Notwithstanding the Draft Strata Plan, the proponent may carry out staged strata subdivision for the buildings approved by this project approval in a manner consistent with the Draft Strata Plan by preparing and lodging for registration:**
 - (a) a strata plan which includes any or all of those buildings; and**
 - (b) a strata plan(s) of subdivision for any of the buildings not initially included in that strata plan, to be determined by the proponent.**

4. Part G and conditions G1 to G6 – are to be added by the insertion of **bold** and **underlined** words/numbers as follows:

PART G – PRIOR TO ISSUE OF A STRATA SUBDIVISION CERTIFICATE

G1 Submission of Strata Certificate

A strata certificate for any building shall not be issued until Lot 12 (within the approved community title subdivision under MP 08 0258) is registered with Land and Property Information.

G2 Submission of Plans of Subdivision (Strata)

For issue of the strata 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, which are to be common property within the relevant stage, must be included on the final plans of strata subdivision.

G3 General Easement / R.O.W Provision and Certification

Prior to issue of the Strata Certificate, a registered surveyor is to provide details to the Certifying Authority that the buildings contained within the strata plan stand within the parcel boundaries or if standing on land other than a public place have the benefit of an appropriate easement to enable the registration of the strata plan.

G4 Strata Subdivision of Car Parking and Storage Areas

- (a) The strata subdivision and any subsequent strata subdivision of the subject site must respect the car parking and storage area allocation approved in accordance with Condition B1. All parking spaces and storage areas which are to be part of a strata lot are to be shown as part of the strata lot number that corresponds to the unit that the parking space or storage area has been allocated to, and not as separate individual strata lots.**
- (b) Common areas in the basement car park comprising visitor parking spaces, garbage areas, loading bays, vehicular ramps etc. are to be shown as 'Common Property' within the relevant stage and must not be individually allocated by the subdivision or any by-law or other mechanism. The car parking spaces are to be clearly marked and used only for their approved use.**

G5 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 Certifying Authority which confirms that:

- (a) the floors, external walls and ceilings depicted in the proposed strata plan for the buildings correspond to those of the building as constructed;**
- (b) the floors, external walls and ceiling of the building as constructed generally correspond to those depicted in the building plans that accompanied the construction certificate for the buildings; and**

- (c) any facilities required by the development approval for the building (such as parking spaces, balconies and courtyards/open space) have been provided in accordance with those requirements.

The Council or accredited certifier should also be satisfied that:

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

G6 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 website or telephone 13 2092.

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.

END OF MODIFICATIONS TO MP 11_0046