Roy Wong - KILLEATON ST STRATA DEVELOPMENT CONTRACT

From:	"Walter Gordon" <walterg@meriton.com.au>
To:	"Roy Wong" <roy.wong@planning.nsw.gov.au>
Date:	8/16/2012 11:23 AM
Subject:	KILLEATON ST STRATA DEVELOPMENT CONTRACT
CC:	<ben.lusher@planning.nsw.gov.au>
Attachments:	St Ives - Killeaton Street : Queries from the Department of Planning re: the Strata Development Contract

10th August 2012

The Manager
Meriton Apartments Pty Ltd

Attn: Walter Gordon

Dear Sir,

RE: St Ives - Killeaton Street : Queries from the Department of Planning re: the Strata Development Contract

As discussed earlier today find below my responses to the Department's queries relating to the Strata Development Contract (SDC).

For clarity purposes I have colored the Department's queries in blue, and my responses are noted below their respective queries in black color.

2. Development Contract
A number of issues have been identified with regard to the Development Contract and are listed as follows:

    a. Sheet 1 of the Development Contract indicates that the strata scheme is to be developed in up to four stages, however the subject modification proposes to stage the strata subdivision of the development in two.

That part of the SDC is talking about the overall possible staging of the development as a whole as the first paragraph of the LPI pro-forma is discussing '... *details of a strata scheme*, ...'

Meriton has instructed us that buildings D,E,F & the monastery building will be completed together and will be the first stage strata plan.

This first stage strata plan will create a development lot (being lot 141) which will contain all aspects of buildings A,B & C.

As it is not known precisely in what order or what the timing sequence will be for the completion of buildings A,B & C the SDC has been structured to allow for the option (if needed) for buildings A,B, & C to be in their own separate strata plan (if needed).

Please be aware that my reference to 'own separate strata plan' above is based purely on the fact that the LPI allocates a separate strata plan number to subsequent strata plans in a staged strata development, whilst the overall development is contained in a single strata scheme being the Strata Plan number allocated by the LPI to the first stage strata plan.

    b. In "Item 4 - Description of Development Lot or Lots", reference is made to "Lot 141 (and possible future development lot/s". It is our belief that this reference is inappropriate as the proposal only

makes reference to a single development lot being Lot 141.

The structure of section 4 of the SDC is consistent with numerous other registered SDC's and has the full and complete concurrence of the LPI. If needed I can provide some examples of these registered 'flexible format' SDC's.

Additionally to this the structure of section 4 of the SDC is consistent with a number of SDC's which have been approved previously by the Department.

    c. In "Item 7 - Authorised Proposals", please clarify what is meant by the reference "and possible future stages".

The structure of the heading of section 7 of the SDC is consistent with numerous other registered SDC's and has the full and complete concurrence of the LPI.

The reference to '*..and possible future stages)* ' is a disclosure statement required by the LPI.

As the SDC is inherently a disclosure document it informs purchasers in the scheme that the development lot for the first strata plan (Lot 141) <u>may</u> have possible future stages – see my response to 2a) above.

    d. In "Item 7(i) - Description of Development", please clarify what is meant by the reference "with the creation of up to two additional development lots as necessary".

As it is not known precisely in what order or what the timing sequence will be for the completion of buildings A,B & C the SDC has been structured to allow for the option (if needed) for buildings A,B, & C to be in their own separate strata plan (if needed).

In the hypothetical scenario that building A is completed in advance of buildings B & C then the second strata plan in the scheme will be a subdivision of Lot 141 creating the strata lots in building A as well as another development lot (call it development lot 'X') that contains buildings B & C.

In the extension of this hypothetical scenario if building B is then completed in advance of building C then the third strata plan in the scheme will be a subdivision of development lot 'X' creating the strata lots in building B as well as another development lot (call it development lot 'Y') that contains buildings C.

In the further extension of this hypothetical scenario building 'C' when completed would be a subdivision of development lot 'Y' creating the strata lots in building C.

Hence the disclosure of '*…up to two additional development lots…'*.

Please note that is example is purely hypothetical.

The key words here are the use '*…. <u>as necessary</u>'.* The additionally disclosed '*….up to two additional development lots*' may not be required at all, but it gives Meriton the flexibility if needed.

If you have any further queries regarding this do not hesitate to contact me.

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