

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 dated 14 September 2011, I approve the modification of the application referred to in Schedule 1, subject to the conditions in Schedule 2.

Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

Sydney

2012

SCHEDULE 1

Project Approval:

MP10_0057 granted by the Planning Assessment Commission on 2 May 2011

For the following:

Project Application for a residential development including:

- demolition and excavation;
- construction of 6 residential buildings of 4-6 storeys in height comprising 298 apartments;
- adaptive reuse of monastery building for communal facilities including pool and gymnasium;
- basement parking; and
- landscaping works

At:

132-138 Killeaton Street, St Ives (Lot 2 in DP 748682)

Modification

MP10_0057 MOD 7: modification includes:

- staged strata subdivision of Buildings A, B, C, D, E, F and the adapted Monastery building.

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

The above approval is modified as follows:

- a) Condition A1 is amended by insertion of the **bold** words / numbers and deletion of ~~struck out~~ words /numbers as follows:

A1. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 10_0057 and the Environmental Assessment and associated documentation dated August 2010, prepared by Meriton Apartments Pty Ltd, except where amended by the Preferred Project Report and associated documentation dated December 2010, prepared by Meriton Apartments Pty Ltd; as amended by MP 10_0057 MOD 1, the Section 75W Modification prepared by Meriton Apartments Pty Limited dated July 2011 (as amended by correspondence received 1 September 2011 and 23 September 2011); as amended by MP 10_0057 MOD 2, the Section 75W Modification prepared by Meriton Apartments Pty Limited dated 24 August 2011 (as amended by correspondence received 6 October 2011 and 10 November 2011); as amended by MP10_0057 MOD 4, the Section 75W Modification prepared by Meriton Apartments Pty Limited dated 28 September 2011 (as amended by correspondence received on 22 November 2011 and 9 January 2012); as amended by MP10_0057 MOD 5, the Section 75W Modification prepared by Meriton Apartments Pty Limited dated November 2011 (as amended by correspondence received on 22 December 2012 and 24 January 2012) the Farm Shed and Monastery Interpretive Strategy and Conservation Works report prepared by NBRSPartners dated October 2011; as amended by MP10_0057 MOD 6, the Section 75W Modification prepared by Meriton Apartments Pty Limited dated March 2012 (as amended by correspondence received on 30 April 2012); as amended by MP10_0057 MOD 8, the Section 75W Modification prepared by Meriton Apartments Pty Limited dated July 2012; **as amended by MP10_0057 MOD 7, the Section 75W Modification prepared by Meriton Apartments Pty Limited dated June 2012 (as amended by correspondence received on 15 August 2012 and 16 August 2012)**; and the following drawings:

Architectural Drawings				
Drawing No.	Revision	Name of Plan	Drawn By	Date
DA-00	C	Cover Sheets	Meriton Apartments Pty Ltd	07/07/2011
DA-01	E	Site Plan	Meriton Apartments Pty Ltd	23/12/2011
DA-02	C	Car Park Plans	Meriton Apartments Pty Ltd	07/07/2011
DA-03	C	Ground Floor Plan	Meriton Apartments Pty Ltd	07/07/2011
DA-04	C	Site Analysis – 1	Meriton Apartments Pty Ltd	07/07/2011
DA-05	B	Site Analysis – 2	Meriton Apartments Pty Ltd	03/12/2010
DA-06	B	Site Analysis – 3	Meriton Apartments Pty Ltd	03/12/2010
DA-10	E	Street Elevations	Meriton Apartments Pty Ltd	15/11/2011
DA-15	C	Car Park – Stage 1	Meriton Apartments Pty Ltd	07/08/2011

DA-16	C	Car Park – Stage 2	Meriton Ltd	Apartments	Pty	07/08/2011
DA-17	C	Carpark Level 2 – Stage 2	Meriton Ltd	Apartments	Pty	01.07.11
DA-18	C	Carpark Level 1 – Stage 2	Meriton Ltd	Apartments	Pty	01.07.11
DA-20	C	Stage 1 – Ground Floor Plan	Meriton Ltd	Apartments	Pty	01/07/2011
DA-21	D	Stage 1 – Level 1 Plan	Meriton Ltd	Apartments	Pty	12/09/2011
DA-22	C	Stage 1 – Level 2 Plan	Meriton Ltd	Apartments	Pty	07/04/2011
DA-23	D	Stage 1 – Level 3 Plan	Meriton Ltd	Apartments	Pty	12/09/2011
DA-24	F	Stage 1 – Level 4 Plan	Meriton Ltd	Apartments	Pty	27/04/2012
DA-25	D	Stage 1 – Level 5 Plan	Meriton Ltd	Apartments	Pty	23/12/2011
DA-26	E	Stage 1 – Roof Plan	Meriton Ltd	Apartments	Pty	23/12/2011
DA-27	D	Stage 2 – Ground Floor Plan	Meriton Ltd	Apartments	Pty	12/09/2011
DA-28	D	Stage 2 – Level 1 Plan	Meriton Ltd	Apartments	Pty	12/09/2011
DA-29	D	Stage 2 – Level 2 Plan	Meriton Ltd	Apartments	Pty	12/09/2011
DA-30	E	Stage 2 – Level 3 Plan	Meriton Ltd	Apartments	Pty	15/11/2011
DA-31	I	Stage 2 – Level 4 Plan	Meriton Ltd	Apartments	Pty	17/07/2012
DA-32	H	Stage 2 – Level 5 Plan	Meriton Ltd	Apartments	Pty	17/07/2012
DA-33	F	Stage 2 – Level Roof Plan	Meriton Ltd	Apartments	Pty	23/12/2011
DA-40	I	Block A Elevations	Meriton Ltd	Apartments	Pty	17/07/2012
DA-41	I	Block B Elevations	Meriton Ltd	Apartments	Pty	27/03/2012
DA-42	F	Block C Elevations	Meriton Ltd	Apartments	Pty	23/12/2011
DA-43	I	Block D Elevations	Meriton Ltd	Apartments	Pty	30/04/2012
DA-44	F	Block E Elevations	Meriton Ltd	Apartments	Pty	23/12/2011
DA-45	C	Block F Elevations	Meriton Ltd	Apartments	Pty	12/09/2011
DA-46	F	Site Section A-A	Meriton Ltd	Apartments	Pty	23/12/2011
DA-47	G	Site Section B-B	Meriton Ltd	Apartments	Pty	23/12/2011
DA-48	F	Site Section C-C	Meriton Ltd	Apartments	Pty	23/12/2010

DA-50	B	Typical Units	Meriton Ltd	Apartments	Pty	03/12/2010
DA-51	B	Adaptable Units	Meriton Ltd	Apartments	Pty	03/12/2010
DA-60	C	GFA Block A	Meriton Ltd	Apartments	Pty	07/04/2011
DA-61	C	GFA Block B	Meriton Ltd	Apartments	Pty	07/04/2011
DA-62	C	GFA Block C	Meriton Ltd	Apartments	Pty	07/04/2011
DA-63	C	GFA Block D	Meriton Ltd	Apartments	Pty	07/04/2011
DA-64	C	GFA Block E	Meriton Ltd	Apartments	Pty	07/04/2011
DA-65	C	GFA Block F	Meriton Ltd	Apartments	Pty	07/04/2011
DA-66	B	GFA Monastery	Meriton Ltd	Apartments	Pty	26/10/2011
A-00	F	Location Plan	Meriton Ltd	Apartments	Pty	09/11/2011
A-150	A	Monastery – Floor Plans	Meriton Ltd	Apartments	Pty	24/01/2012
A-151	-	Monastery – Elevations & Section	Meriton Ltd	Apartments	Pty	11/03/2011
A-152	-	Stable Plans & Elevations	Meriton Ltd	Apartments	Pty	11/03/2011
A162-P1	H	Parking Level 1	Meriton Ltd	Apartments	Pty	19/12/2011

Landscape Plans

Drawing No.	Revision	Name of Plan	Drawn By	Date
LA 01	D	Landscape Precedents	Oculus	22/12/2010
LA04	F	Landscape Plan	Oculus	17/12/2010
LA 05	D	Sections	Oculus	23/12/2010

Other

Drawing No.	Revision	Name of Plan	Drawn By	Date
D-2010-GRD	B	Ground Floor – Stage 1 Drainage Plan – Sheet 01	Meriton Ltd	03/12/2010
D-2011-GRD	B	Ground Floor – Stage 2 Drainage Plan – Sheet 02	Meriton Ltd	03/12/2010

Strata Plans

Drawing No.	Reference	Name of Plan	Drawn By	Date
<u>Sheets 1-4</u>	-	<u>Strata Plan Administration Sheet</u>	<u>Wayne Allen Diver-Tuck</u> <u>JBW Surveyors Pty Ltd</u>	<u>2 September 2011</u>
<u>Sheets 1-48</u>	-	<u>Strata Plans</u>	<u>Wayne Allen Diver-Tuck</u> <u>JBW Surveyors Pty Ltd</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 in the BCA; and
- otherwise provided by the conditions of this approval.

b) Condition A7 to be added by the insertion of the **bold** words / numbers as follows:

A7 Staged Strata Subdivision

- 1. Staged strata subdivision approval is given in relation to the whole of the land to which this project approval applies in accordance with the draft Strata Development Contract prepared for land identified as Lot 100 in Deposited Plan No. 1164957.**
 - 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.**
- c) Part H and Conditions H1 – H6 to be added by inserting the bold words / numbers as follows:

PART H – PRIOR TO STRATA SUBDIVISION

H1 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.

H2 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.

H3 Strata Subdivision of Car Parking and Storage Areas

- The strata subdivision of the subject site must respect the allocation of car parking and storage areas in accordance with Condition B1A. All parking 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.**
- Common areas in the basement carpark comprising visitor parking spaces, car washing spaces, bicycle spaces, garbage areas, 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.

H4 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.

H5 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.

H6 Strata Plan

The creation of suitable binding legal mechanisms through the registration of the Strata Plan which cannot be removed or varied without the approval of Ku-ring-gai Council the terms of which ensure the ongoing maintenance of any facilities or activities required to be carried out over the life of the development by this Approval including the maintenance of the water management facilities, roads and parking areas, continual maintenance of landscape vegetation, the gymnasium and swimming pool, and any other proposed common facilities.