

8 October 2012.

Mr Cameron Sargent  
NSW Department of Planning and Infrastructure  
23-33 Bridge Street  
SYDNEY NSW 2000



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Dear Mr Sargent

**SECTION 75W APPLICATION (MP10\_0158)**  
**OCCUPATION TIMING OF BUILDING 7 AND 8, 61 MOBBS LANE, EPPING**

Condition E2 of MP10\_0158 (Buildings 7 and 8) states that works in Mobbs Lane are to be completed prior to **any** occupation of Buildings 7 and 8, yet the Statement of Commitments for the Early Works Major Project Application (MP 08\_0258) states that the road improvements are to be completed prior to the **Final** Occupation Certificate of all buildings in Stage 1.

We have been operating under the Statement of Commitments for Occupation listed in the Early Works approval for all buildings which takes into account the complex nature and length of time it takes for public roads to be widened and rebuilt. This Condition also recognises the further approvals required to carry out this works including Section 138 Road Approval and utility service approvals from Endeavour Energy, Telstra etc. The Statement of Commitments reads as follows:

*"The road improvement works east of the proposed western site entrance (opposite the Brickworks site) are to be fully constructed prior to the release of the **Final** Occupation Certificate for the first stage of residential development (i.e. Stage 1 Residential; and all remaining road improvement works (including the western site access intersection) are to be fully constructed prior to the release of the **Final** Occupation Certificate for the final stage of residential development".*

However, Condition E2 of the Buildings 7 and 8 (MP10\_0158) approval contradicts the timing of occupation contained in the Statement of Commitments. The exact wording of Condition E2 is as follows:

*"Road works to Mobbs Lane approved by MP08\_0258, including the right turn bay into Road 1, the bus bay, pedestrian refuge and footpaths, shall all be fully operational prior to the release of any Occupation Certification relating to this application".* In this instance, "this application" refers to Buildings 7 and 8.

Unfortunately there has also been considerable delays in receiving approval to do works to Mobbs Lane under Section 138 of the Roads Act. By way of timeframes, the scope of the works was re-defined by Council over the last year. In this regard, Meriton submitted construction drawings to Council on 5 July 2011 seeking approval to carry out roadworks along Mobbs Lane pursuant to Section 138 of the Roads Act.

It was not until 26 October 2011 that Council responded, requesting significant departures from the roadworks drawings.

The Section 138 Road Approval was eventually granted by Council on the 22 August 2012. The Approval generates the need for extensive civil and landscape works extending to Terry's Creek and into the existing Mobbs Lane Reserve. Since then we have been liaising with utility service companies to finalise the designs and issue Tenders for various works. The works will only be completed by May 2013 if all goes to plan.

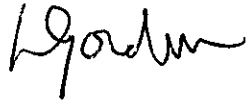
To ensure there is consistency between approvals and to remove issues for the Certifying Authority, Condition E2 of MP10\_158 for Buildings 7 and 8 must be identical to the Occupation timing in the Early Works Statement of Commitments.

Buildings 7 and 8 will be completed for occupation within the next 4 weeks and they cannot be left vacant for over eight months, particularly when people have sold their own homes or left rental accommodation to move into their new units. There are serious financial and legal implications of a delayed settlement to all parties.

Meriton has been keeping to the Statement of Commitments within the Early Works approval for the whole of Stage 1, and delays to the road reconstruction have gone beyond our control. To overcome this we request that Condition E2 of MP 10\_0158 be replaced with the Statement of Commitment wording.

Should you require any further information, please do not hesitate to contact me in the first instance.

Yours faithfully  
**MERITON GROUP**



WALTER GORDON  
**MANAGER PLANNING AND DEVELOPMENT**