

Liza Cordoba, Principal Officer Land Release  
8am to 5.30pm Mondays to Thursdays, 8am to 5pm Fridays  
02 9970 1150

7 February 2012

(Your Ref: MP10\_0177 MOD 7)

Mr A Bright  
Acting Director, Metropolitan & Regional Projects South  
Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Bright

**RE: COUNCIL SUBMISSION TO MP10\_0177 MOD 7, APPLICATION FOR MODIFICATION OF MAJOR PROJECT APPROVAL UNDER SECTION 75W**

I refer to your letter of 12 January 2012 advising Council of the modification application (MP10\_0177 MOD 7). Thank you for extending Council's timeframe to 7 February 2012.

Council understands that the modification seeks to:

- *Amend the description of the development to include staged strata subdivision*
- *Obtain approval for the stage strata subdivision plans for stage 1 and*
- *Amend Condition A1 to insert the subdivision plans.*

By way of background, Condition A6(2) of the Project Approval requires a further DA for subdivision. This DA is currently being assessed by Council as an integrated DA for the subdivision of land (N0383/11) however, partially deals with matters required to be addressed under Condition A6(2) of the Project Approval MP10\_0177. Outstanding matters with this DA are substantially those matters now sought under the modification application MP10\_0177 MOD7.

Council is of the opinion that the PAC approval contemplated any future subdivision of the dwellings (either strata or community title) to be accommodated via a future DA to Council as required by Condition A6(2).

Notwithstanding, Council does not, in principle, object to modification application (MOD7) for the staged strata subdivision of buildings in Stage 1 subject to:

- The Department having determined that the staged strata subdivision are generally consistent with the Project Approval particularly the approved number of dwellings, and utility areas (including carparking spaces, storage areas, bicycle spaces etc), and
- MOD7 being determined before Council determines N0383/11.

It is prudent for this sequence of determinations occur accordingly as any future determination by the Council needs due reference to conditions in the Project Approval specifically relating to the staged strata subdivision. Alternatively, Meriton should be advised to:

1. withdraw the modification application MOD7, and
2. amend the DA lodged with Council by including the information for the staged subdivision of the dwellings in Stage 1 as part of the integrated DA (N0383/11), in accordance with Condition A6(2). The amended integrated DA will be re-exhibited in accordance with the EP&A Act.



In the event that the Planning Assessment Commission determines to approve the modification application MOD7, Council requests that Condition A6(2) of the Project Approval be amended to specifically delete any reference to the creation of "*individual lots for containing dwellings and any utility lots (garages, storage areas etc.)*", being a matter dealt with by the approval of MOD7.

Council also requests the following matters be addressed by inclusion of additional conditions:

- a) Each dwelling being provided with a car parking space(s) commensurate with the number of bedrooms contained in the dwelling and storage area within the single level basement in accordance with Condition B13 (as amended). The 46 visitor parking spaces, spaces for emergency and delivery vehicles and a space for car washing, and bicycles spaces are not allocated to individual dwellings through the subdivision and must be "Common Property" readily available for use.

*Any future strata subdivision of the subject site must respect the car parking and storage area allocation approved in accordance with Condition B13. Prior to the release of the approved linen plan of subdivision, the parking spaces (with the exception of the the 46 visitor parking spaces) and storage areas in the single level basement are to be allocated to each dwelling, to be shown as Part Lot rather than individual lots in the linen plan. The remainder of the basement parking level comprising 46 visitor parking spaces, spaces for emergency and delivery vehicles and area for car washing, bicycle spaces, garbage areas, vehicular ramps etc. to be shown as 'Common Property' and must not be individually allocated by the subdivision or any by-law or other mechanism.*

*Prior to the release of the approved linen plan of subdivision, a restrictive covenant is to be created to the effect that the residential and visitor parking spaces including spaces for emergency and delivery vehicles and car washing are not to be used in a manner inconsistent with the Project Approval (as amended). The covenant is to be created appurtenant to, at no cost to and to the satisfaction of Council and shall include a condition that the covenant cannot be varied, modified or released without the prior approval of Pittwater Council. The covenant is to be lodged with the Land and Property Information Office at the same time as the linen plan of subdivision is lodged. Any future strata subdivision of the site is to include a restriction on user burdening all utility car parking allotments in the strata plan and/or an appropriate restrictive covenant burdening all car parking part-lots in the strata scheme.*

- b) Any associated infrastructure (including roads, drainage and other civil engineering works within and external of the development site) and services required by MP10\_0177 being completed prior to the release of the approved linen plan of subdivision.

It is noted that the wording of conditions F2, F14, F15 and F16 can be duplicated for the above matters subject to minor modification and prefaced with the words "Prior to the release of the approved linen plan of subdivision".

The above matters are limited to specific issues.

The modification application introduces another element in the development, that of staged strata subdivision, and it is acknowledged that the Department would impose other conditions standard to the strata subdivision of a development including conditions that need to be complied with before an approved linen plan of subdivision is released.

You can contact me on (02) 9970 1133 if you wish to discuss any issues regarding this application.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'Steve Evans', with a stylized flourish extending from the end.

Steve Evans

**DIRECTOR, ENVIRONMENTAL PLANNING & COMMUNITY**