

Holly Palmer - Fwd: MP10_0177 MOD 7 - Warriewood Staged Strata Subdivision - Draft Conditions

From: Holly Palmer
To: Holly Palmer
Date: 3/15/2012 4:21 PM
Subject: Fwd: MP10_0177 MOD 7 - Warriewood Staged Strata Subdivision - Draft Conditions

>>> "Walter Gordon" <walterg@meriton.com.au> 3/5/2012 3:28 pm >>>

Ben,

Condition A6(2) as it currently reads mixes up strata and land subdivision requirements, even within the same paragraphs, and we are surprised that Council has not picked this. This is further explained below.

Condition A6(2)(a) is ambiguous as it does requires the creation of items that would be incorporated into a separate land subdivision and a separate strata subdivision plan. So there is a clear approval division between strata and land subdivision, it is necessary to separate into 2 conditions. This way there is a defined path for the certifier and registration at the Land and Property Information centre – this applies to all of condition A6(2). In condition (a), “individual lots for containing dwellings and any utility lots (garages, storage etc)” is required to be shown in the strata plans. However “areas to be dedicated to the public” are contained in a land subdivision. This is why and how condition (a) is sought to be amended. Council’s part deletion of (a) would still have land and strata title issues mixed up.

Conditions (c) and (d) relate to the residue lots in a strata plan and to make it clear for future approval processes, they have been moved to proposed conditions under Part G. All items in current condition (d) relate to easements, right of carriageways and the like that applies to private property and will be included in a future strata subdivision for approval by the certifier.

Condition (e) requires legally binding mechanisms that only relate to the future strata subdivision of the land. All these items listed in condition (e) would be incorporated into the relevant legal documents of the strata plan. Where Council becomes owner of the creek line corridor, their part of the buffer areas etc, then Council will have their own management plans, which will be separate from the strata (private land). Therefore condition (e) should be placed under the Strata conditions as condition G7.

SO there are no further amendments to subdivision conditions, proposed condition G6(b) and G7 should include the final wording “where relevant” as detailed below.

G6 Residue Lot

- (a) Creation of a Residue Lot being part of the land not included in A6.2(a) or A6.2(b).
- (b) Provision of binding legal mechanisms to ensure the ongoing maintenance of any facilities or activities in the Residue Lot required to be carried out over the life of the development by this Approval, including maintenance of water management facilities, pedestrian and cycle paths, Buffer Areas, Vegetation and Asset Protection Zones in the Residue Lot and to also provide for public access, **where relevant**.

- G7 The creation of suitable binding legal mechanisms to ensure the ongoing maintenance of any facilities or activities required to be carried out over the life of the development by this Approval includes **where relevant**, the maintenance of water management facilities, roads and parking areas, buffer areas, weed management, continual maintenance of

landscape vegetation, Asset Protection Zones, the gymnasium and swimming pool, and any other proposed common facilities.

Condition (b) which remains unchanged are matters directly relating to Land Subdivision and should be kept where is.

The primary purpose of reorganising the conditions is to separate the strata requirements from the land subdivision requirements that are currently intertwined. It is important to ensure that Meriton, Council, the Department of Planning and Infrastructure and Certifying Authority.

regards

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