

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION OF DEVELOPMENT CONSENT DA 126-05-2004 (MOD 8)

MULTI UNIT HOUSING DEVELOPMENT

**PURSUANT TO SECTION 96 (1A) OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979**

(FILE NO. S09/01638)

I, Michael Woodland, Director, Urban Assessments, as delegate of the Minister for Planning, under Instrument of Delegation dated 4 March 2009, pursuant to Section 96 (1A) of the *Environmental Planning & Assessment Act 1979*, and clause 122 (2) of the Environmental Planning and Assessment Regulation 2000, modify the development consent referred to in the attached Schedule 1 in the manner set out in the attached Schedule 2.

The reasons for the modification of this condition are:

- (1) To maintain the amenity of the local area; and
- (2) To ensure the partial site development occurs in an orderly manner.



Michael Woodland
Director
Urban Assessments

Sydney,

21 August 2009

SCHEDULE 1**PART A—TABLE**

Application Number:	DA 126-05-2004 (MOD 8)
Application made by:	Meriton Apartments Pty Ltd Level 11, 528 Kent Street Sydney NSW 2000
On land comprising:	Lot 1 DP924841, Lot 1 DP963395, Lot 2 DP963202, Lot F DP166390, Lots 1 to 5 DP11852, Lot 47 DP656332 at 4-14 Merriwa Street and 3-11 McIntyre Street, Gordon.
Local Government Area	Ku-ring-gai
For the carrying out of:	Development described in Condition B34, Schedule 2
Section 96 (1A) Application	Modify DA 126-05-2004 (as modified) in the following manner: Amend Condition B34 to decrease cash bond payment for repair of public infrastructure from \$640,000 to \$100,000.
Development consent granted by:	Director, Urban Assessments
On:	21 AUGUST 2009
Type of development:	Local Development State Environmental Planning Policy No. 53 – Metropolitan Residential Development
S.119 public inquiry held:	No
As modified:	MOD 48-3-2005, approved under section 96 (1A) of the Act by the Director, Urban Assessments, as delegate of the Minister for Infrastructure and Planning on 1 August 2005. MOD 126-05-2004 (4) approved under section 96 (1A) of the Act by the Director General, as delegate of the Minister for Planning on 29 April 2009. MOD 126-05-2004 (5) approved under section 96 (1A) of the Act by the Director, Urban Assessments, as delegate of the Minister for Planning on 26 June 2009. MOD 126-05-2004 (6) approved under section 96 (1A) of the Act by the Director General, as delegate of the Minister for Planning on 29 April 2009. Two previous modification applications - MOD 25-02-2005 and MOD 26-02-2005 – were withdrawn.

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. DA 126-05-2004 (MOD 8)

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*.

Appeals—Third Party

A third party right to appeal to this development consent is available under section 123, subject to section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director General.

PART C—DEFINITIONS

The definitions within this modification are consistent with the definitions in Schedule 1 of the consent to development application DA 126-05-2004 (as modified).

SCHEDULE 2

MODIFICATION OF DEVELOPMENT CONSENT DA 126-05-2004 (MOD 8)

The development consent is modified as follows:

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

b) Condition B34 is amended by the deletion of the struck out words and the insertion of the bold and underlined words as follows:

B34 Bond for repair of public infrastructure

Prior to the issue of a Construction Certificate for below ground works the applicant shall lodge a ~~\$640,000~~ **\$100,000** cash bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of all works relating to the proposed development or at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
- b. The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.

END OF MODIFICATIONS TO DA 126-05-2004 (MOD 8)