

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION OF DEVELOPMENT CONSENT DA 506-12-2003 (MOD 6)

MULTI UNIT HOUSING DEVELOPMENT

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

(FILE NO. S09/01755)

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;
- (2) To ensure the partial site development occurs in an orderly manner; and
- (3) To encourage ecologically sustainable development;



Michael Woodland
Director
Urban Assessments

Sydney, of 22 December, 2009

SCHEDULE 1**PART A—TABLE**

Application Number:	DA 506-12-2003 (MOD 6)
Application made by:	Meriton Apartments Pty Ltd Level 11, 528 Kent Street Sydney NSW 2000
On land comprising:	2-12 Avon Road & 3 and 5A Pymble Avenue, Pymble Lot 11, DP 546480; Lot 3, DP 537543; Lot 3, DP 314935; Lot C, DP 370199; Lot 1, DP 1006499; Lot 1, DP 660932; Lot 12, DP 546480; Lot 7, DP 5448.
Local Government Area	Ku-ring-gai Council
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Section 96 (1A) Application	Modify DA 506-12-2003 (as modified) in the following manner: To modify consent condition C5 Traffic and Pedestrian Management Plan to allow truck movements along the length of Avon Road as far as the short access section to 1A, 1 and 3 Avon Road. To modify Conditions B11 – Dilapidation Reports and F11 Dilapidation Reports –to reflect the changes to Condition C5. To add Condition B46 – Parking Restrictions, so that parking restrictions are enforced along the proposed new truck route amended in condition C5.
Development consent granted by:	Minister for Planning
On:	7 July 2005
Type of development:	Local Development, Integrated Development. State Environmental Planning Policy No. 53 – Metropolitan Residential Development,
S.119 public inquiry held:	No
As modified:	MOD 67-12-2008, approved under s96(1A) of the Act by the Executive Director, Strategic Sites and Urban Renewals, as delegate of the Minister for Planning on 22 December 2008. MOD 05-02-2009 (4) under s96(2) of the Act by the Director General, Department of Planning, as delegate of the Minister for Planning on 8 May 2009. MOD 506-12-2003 approved under s96(1A) of the Act by the Director, Urban Assessments, as delegate of the Minister for Planning on 9 September 2009.

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. DA 506-12-2003 (MOD 6)

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 506-12-2003 (as modified).

SCHEDULE 2

MODIFICATION OF DEVELOPMENT CONSENT DA 506-12-2003

The development consent is modified as follows:

a) Amend Condition B11 as follows;

“B11 Dilapidation Reports

A Dilapidation Report detailing the current structural condition of the existing and adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. In particular, the applicant shall submit to the Principal Certifying Authority (PCA) and Council a full dilapidation report on the visible and structural condition of the following road surfaces and including full road width, kerbs, and all intersections:

Avon Road: Pymble Ave to ~~vehicle entrance to Pymble Ladies College~~
southwestern boundary of 7 Avon Road, including the short section providing access to 1, 1A and 3 Avon Road.

Pymble Avenue: Avon Rd to Rand Avenue

Everton Street: Pymble Ave to Livingstone Ave

Livingstone Ave: Pacific Highway to Rand Avenue

The report must be completed by an appropriately qualified person.

Other Council roads in the area are not available for construction traffic apart from vehicles less than 3.0 tonne gross unless written approval is received from Council and a dilapidation report has been completed on the roads.

An appropriate dilapidation report shall be submitted to the satisfaction of the Principal Certifying Authority prior to any of the construction routes stated above being used for any stage of the approved development.

A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The report shall also be submitted to the satisfaction of the Principal Certifying Authority and should be compared with the earlier report to ascertain if any change has occurred.

A copy of both reports is to be forwarded to the Director and the relevant council.”

b) Amend Condition C5 as follows;

“C5 Traffic & Pedestrian Management Plan

Prior to use of any of the construction routes stated below the applicant must submit, for review by Council Engineers, a Traffic Control Plan. The plan must be prepared by a qualified civil/traffic engineer in accordance with the documents SAA HB81.1 – 1996 – “Field Guide for Traffic Control at Works on Roads – Part 1” and RTA “Traffic Control at Work Sites (1998)” Manual. The following matters must be specifically addressed:

(1) A plan view of the entire site and frontage roadways indicating:

- (a) Dedicated construction site entrances and exits, controlled by certified traffic controller, to safely manage pedestrians and vehicles in the frontage roadway,*

- (b) Turning areas within the site for construction vehicles, allowing a forward egress for all construction vehicles on the site,
 - (c) The locations of proposed Work Zones in the frontage roadways,
 - (d) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (e) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - (f) The provision of an on-site parking for employees, tradesperson and construction vehicles.
- (2) The main stages of the development requiring specific traffic management measures are to be identified and specific traffic control measures identified for each.
- (3) Any likely traffic re-assigning measures required during construction must be specified. A detailed description and route map of the proposed route for vehicles spoil removal, material delivery and machine floatage must be provided. Light traffic roads and those subject to a load or height limit must be avoided at all times. Heavy vehicles shall be limited to the following Council roads:
- (a) Avon Road from Pymble Avenue to no further north west than the extent of the development site, **south west than the south western boundary of 5 Avon Road, including the short section of Avon Road providing access to 1a, 1 and 3 Avon Road, subject to (9) below.**
 - (b) Pymble Ave from the Pacific Highway to no further south west than Rand Avenue,
 - (c) Everton Road from Pymble Avenue to Livingstone Avenue
 - (d) Livingstone Ave from Rand Avenue to the Pacific Highway.

A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

- (4) Appropriate "Trucks Entering" signage at all relevant locations.
- (5) Schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the traffic management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- (6) Consideration must be given to minimising impacts to traffic and pedestrian movements during school peak periods. For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel's vehicles do not impact on the current commuter or commercial parking in the area.
- (7) No traffic lanes shall be closed in Avon Road, Pymble Avenue, Everton Road or Livingstone Avenue for any period during school term. Closure of traffic lanes in Avon Road, Pymble Avenue, Everton Road or Livingstone Avenue outside school terms will be subject to the normal Council approval process. As well as the application for lane closure including Traffic Management Plans, it must also include written confirmation from Pymble Ladies College that no major traffic generating activities will be occurring at the school during the period of proposed lane closure.
- (8) No vehicles associated with the development works are to be parked on Livingstone Avenue, including employee/worker cars.
- (9) **No construction vehicles are to travel north west along Avon Road past the vehicle entrance to Pymble Ladies College on school days outside the hours of 9.30am to 2.00pm.**
- (10) **The Traffic Control Plan prepared by PCK Traffic must be amended to provide a traffic controller at the location of the Works Zone at the Avon Road site entrance and to incorporate the approved hours in (9) above.**

The Traffic Control Plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the use of any of the construction routes stated above. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council. The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the use of any of the construction routes stated above."

c) Add New Condition B46;

B46 Parking restrictions

The applicant is to arrange for the following parking restrictions prior to commencing use of the alternative truck route:

- No Stopping restrictions either side of the short section of Avon Road which provides access to Nos. 1a, 1 and 3 Avon Road.*

The applicant is to pay all costs associated with the parking restrictions, including the notification of residents of 1a, 1 and 3 Avon Road and the preparation of a report by Council's Traffic section.

Upon completion of all development works, the parking signs are to be removed at the applicant's expense.

d) Amend Condition F11 as follows;

F11 Dilapidation Report

Prior to occupation, issue of any Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) and Council a full dilapidation report on the visible and structural condition of the following road surfaces and including full road width, kerbs, and all intersections:

Avon Road:	Pymble Ave	to	vehicle entrance to Pymble Ladies College <u>southwestern boundary of 7 Avon Road, including the short section providing access to 1, 1A and 3 Avon Road.</u>
Pymble Avenue:	Avon Rd	to	Rand Avenue
Everton Street:	Pymble Ave	to	Livingstone Ave
Livingstone Ave:	Pacific Highway	to	Rand Avenue

END OF MODIFICATIONS TO DA 506-12-2003