



Making Luxury Apartments Affordable

25 August 2009

Mr Andrew Smith
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2001

Dear Mr Smith,

Statement of Environmental Effects

**Section 96(1A) application to modify consent Condition C5 of DA No.506-12-2003
2-12 Avon Rd and 3 & 5A Pymble Ave, Pymble**

Pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979, consent is sought from the Department of Planning to amend consent condition C5 of Determination Notice DA No.506-12-2003, as detailed below.

INTRODUCTION

The subject site is located at the south western side of the intersection of Avon Road and Pymble Avenue, Pymble. The site consists of 8 allotments being Lot 1 in DP 660932, Lot 1 in DP 1006499, Lot C in DP 370199, Lot 3 in DP 314935, Lots 11 & 12 in DP 546480, Lot 3 in DP 537543 and Lot 7 in DP 5448.

The total site area is 9,153.04sqm. It has a crossfall of approximately 18 metres towards the southwest. Construction works are currently taking place on the subject site with respect to the approved development as discussed below.

BACKGROUND

With relation to the subject site, the following approvals have been issued:

- 7 July 2005: The Minister for Planning granted development consent (DA 506-12-2003) subject to conditions, to the following development on the subject site:
 - (1) 1-4 basement levels providing a total 202 car spaces (including 21 visitor and 20 disabled spaces), bicycle and motorcycle parking, separate residential storage enclosures, garbage storage facilities and plant rooms;
 - (2) 103 dwelling units (5 x 1 bedroom, 55 x 2 bedroom, 43 x 3 bedroom) in four buildings;
 - (3) Landscaping comprising landscaped deck and garden and landscaped perimeter zones to all buildings;
 - (4) Recreational facilities including a lap pool and gymnasium;
 - (5) Demolition of the existing dwellings at 2, 4, 8, 10 and 12 Avon Road and 5A Pymble Avenue;
 - (6) Tree removal;

- (7) *The construction of the western end of New Street, with a temporary connection partly along the existing battleaxe driveway to No 5A Pymble Avenue between No 3 and 5 Pymble Avenue;*
 - (8) *Land subdivision of the site to form 3 separate lots;*
 - (9) *Strata title subdivision of the completed development to form two strata schemes.*
- 22 December 2008: Section 96(1a) approval was granted to amend the existing development consent to allow for the demolition of the existing dwelling at No.3 Pymble Ave and to reword consent condition B9 relating to site remediation.
 - 8 May 2009: Section 96(2) approval was granted permitting various amendments including an increase in the number of apartments and additional basement car parking spaces. The approved development is described as follows:
 - (1) *1-4 basement levels providing a total 214 car spaces (including 25 visitor spaces), disabled parking, bicycle and motorcycle parking, separate residential storage enclosures, garbage storage facilities and plant rooms;*
 - (2) *143 dwelling units (20 x 1 bedroom, 116 x 2 bedroom, 7 x 3 bedroom) in four buildings;*
 - (3) *Landscaping comprising landscaped deck and garden and landscaped perimeter zones to all buildings;*
 - (4) *Private gymnasium;*
 - (5) *Demolition of the existing dwellings at 2, 4, 8, 10 and 12 Avon Road and, 3 & 5A Pymble Avenue;*
 - (6) *Tree removal;*
 - (7) *The construction of the western end of New Street, with a temporary connection partly along the existing battleaxe driveway to No 5A Pymble Avenue between No 3 and 5 Pymble Avenue;*
 - (8) *Consolidation of all allotments to create one allotment;*
 - (9) *Strata title subdivision of the completed development.*

PROPOSED AMENDMENTS

This S.96(1a) application proposes to amend consent condition C5(3)(a) (proposed amendments shown struck through and in bold):

- (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~~ **the northwestern end of Avon Road, as shown on the plan prepared by PCK Traffic, Revision A, dated 17 August 2009,***
 - (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.*

REASONS FOR MODIFICATION

The current condition restricts heavy vehicles from Avon Road to no further than the extent of the site. This is unworkable because large trucks are unable to enter the site due to the steep topography of the site. Trucks can only deliver materials to the site at the works zone on Avon Road and then make a reversing manoeuvre around onto Pymble Avenue and then proceed forward through the roundabout. This creates significant traffic safety and congestion issues.

It is proposed to amend the condition to make reference to an alternative solution, prepared by PCK Traffic consultants. A copy of the plan prepared by PCK Traffic is attached to this letter.

APPLICABILITY OF SECTION 96(1A)

The application of Section 96(1A) is considered to be warranted in this case for the following reasons:

- The nature of the approved development, being erection of a residential development, is unchanged, and
- The appearance of the building, functionality and relationship to adjoining properties will remain unchanged.

For the above reasons, the development as modified is considered to be substantially the same development as originally granted development consent.

CONSIDERATION

The proposed amendment has been assessed having regard to the relevant matters for consideration under Section 79(C) of the Environmental Planning and Assessment Act 1979. The matters are assessed under the following sections.

Environmental Planning Instruments

The proposed amendment to conditions of consent does not affect the compliance of the development with the relevant planning instruments. The amendments seek to amend conditions to facilitate the orderly and economic development of the site.

Impact of the Development

Suitability of the site

It is considered that the proposed modifications do not change the original assessment as to the site's suitability for this development.

Public Interest

The site is to be developed in an orderly and economic manner; this application seeks to achieve this.

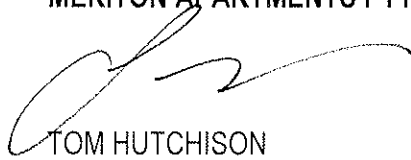
CONCLUSION

The proposal is considered to satisfy the relevant heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

Amendments to conditions will allow for site works to progress in an orderly and timely manner.

Yours sincerely

MERITON APARTMENTS PTY LIMITED

A handwritten signature in black ink, appearing to read 'Tom Hutchison', with a long horizontal flourish extending to the right.

TOM HUTCHISON

Senior Town Planner