

14 April 2010

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 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 the lobby of Building A and reconfigure Unit 1130 approved under DA No.506-12-2003.

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.*
- 29 January 2010: Section 96(1A) approval was granted for reconfiguration of the lobby to Block B and reconfiguration of Unit 820.

PROPOSED AMENDMENTS

This S.96(1A) application proposes to amend the lobby of Building A and internally reconfigure Unit 1130.

The existing approved office in the lobby of Building A is to be replaced with two storage rooms and a services cabinet. The approved reception desk will not be constructed.

The internal amendments to Unit 1130 involve dividing Bedroom 2 to create a new study area at the request of a purchaser.

The proposed amendments will necessitate amendment to the following conditions:

A2 Development In Accordance With Plans

Condition A2 is to be amended to include the attached plans showing the proposed modifications.

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 amendments do not affect the compliance of the development with the relevant planning instruments. The amendments seek to internally reconfigure the lobby and provide improved unit accommodation to meet the needs of a purchaser.

Impact of the Development

The proposed amendments are internal. The internal amendments will have no adverse impact. The amended unit layout will have no adverse impact.

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

TOM HUTCHISON
Senior Town Planner