



**STATEMENT OF ENVIRONMENTAL EFFECTS:**

**Section 4.55 (1A) Modification to consent for DA/2014/111/1**

**at**

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**14 Civic Avenue, Pendle Hill**

**May 2019**

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## **1 INTRODUCTION**

On 18 March 2015, Holroyd Council approved DA 2014/111/1 for the demolition of existing structures and construction of a part 4 and 6 storey mixed use development accommodation 66 residential units, 390sqm of commercial space. This development approval has since been modified to amend the basement plan as well as to resolve the deferred commencement conditions. The previous section 4.55 application was approved on the 27<sup>th</sup> of May 2016.

This Statement of Environmental Effects (SEE) supports the Section 4.55 application to modify the development consent to amend condition 15 to stage the Section 7.11 Development Contributions. Currently the entire contribution is to be paid prior to the first construction certificate for the project, this application seeks to require 50% to be paid prior to the third Construction Certificate being issued and 50% prior to the first occupation certificate being issued for the project. The proposed amendments are in line with the relevant S7.11 plan being the “Holroyd Section 94 Development Contributions Plan 2013”. Section 2.12 of the S7.11 plan relates to deferred and periodic payments, this section allows Council to stage contribution payments for sites within Business zones in specific areas which include Pendle Hill.

No other amendment is proposed as part of this application and the proposal complies with Council’s requirements and Section 4.15 of the Environmental Planning & Assessment Act 1979.

## **2 THE SITE**

### **2.1 Site Context, Detail & Analysis**

The subject site is known as 14 Civic Avenue, Pendle Hill formally known as Lot 100 DP 1027238 with a site area of approximately 4,200sqm. The site has a narrow frontage to Civic Avenue provided by an access handle along the western boundary of the lot. The site location and boundaries is shown in Figure 1. The site is bordered by the railway line to the north, commercial lots to the east, a completed residential development to the south and Civic Park to the west.

This Statement of Environmental Effects (SEE) supports the proposed modifications to the consent. This SEE concludes that the proposal satisfactorily complies for consideration in the modification to the consent under the EP&A Act 1979 Section 4.55 (1A)



Figure 1; Locality Map

### 3 SECTION 4.55 & EPA REGULATIONS

#### 3.1 Section 4.55

##### 3.1.1 S4.55 (1A) - Modification involving minimal environmental impact

The proposed modification is considered to fall within the category of Section 4.55 (1A) in being a change of minimal environmental impact. The proposed amendments only relate to the staging of Section 7.11 contributions and will have no environmental impact.

#### 3.2 EPA Regulation 115

This regulation requires an application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act must contain the following information;

##### 3.2.1 EPA Regs S115 (1) (a) – The name and address of the applicant

The applicant is NR Pendle Pty Ltd, Level 1 74 Macquarie Street, Parramatta.

##### 3.2.2 EPA Regs S115 (1) (b) – Description of the approved development

On the 18<sup>th</sup> of March 2015 Holroyd Council approved development application 2014/111/1 for the *“Demolition of existing structures and construction of a part 4 and 6 storey mixed use development accommodating 66 residential units; 390sqm of commercial pace (5 units) over basement parking accommodating 99 car parking spaces and associated strata subdivision thereof.”*

The consent was later amended through section 4.55 applications to amend the basement plans and

to comply with the deferred commencement conditions this resulted in a reduction to 95 parking spaces.

### **3.2.3 EPA Regs S115 (1) (c) – The Site**

The site is described as Lot 100 DP 1027238 known as 14 Civic Avenue, Pendle Hill.

### **3.2.4 EPA Regs S115 (1) (d) – Description of the proposed modification**

The proposed modification is to amend condition 15 to stage the development contributions. It is proposed that the construction certificate be split into three stages; 1. Demolition, 2. Basement works 3. The structure works and finishing's. The contributions are then proposed to be stage 50% prior to the third construction certificate and 50% prior to the first occupation certificate for the project. No other change to the development is proposed.

### **3.2.5 EPA Regs S115 (1) (e) – Intention of modification**

The modification is intended to allow flexibility in arranging payment of the development contributions through allowing demolition and basement works to begin immediately without reducing the overall development contribution amount for the site.

### **3.2.6 EPA Regs S115 (1) (f) – Impacts of modification**

The proposed modification will have no environmental impacts as it solely relates to the timing of the payment of development contributions.

### **3.2.7 EPA Regs S115 (1) (g) – Sameness of the Development**

The proposed amendments do not impact on the design of approved plans. As such it is considered to comply with the sameness requirements outlined in the regulations.

### **3.2.8 EPA Regs S115 (1) (h) – Applicant & Owner**

The applicant is the owner of the land.

### **3.2.9 EPA Regs S115 (1) (i) – Court Consent**

The application is made to the Cumberland Council.

## **4 PROPOSED DEVELOPMENT**

This section 4.55 application seeks to amend condition 15 from the development consent of DA 2014/111/1. This condition sets out the amount and timing of the payment of the S7.11 contributions for the development. The condition as is states;

*“Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 94 of the Environmental Planning and Assessment Act 1979 and Holroyd Section 94 Development Contributions Plan 2013, for a total of 66 dwellings (12 x 1 bed, 45 x 2 bed & 9 x 3 bed) and 390m<sup>2</sup> commercial space is to be paid to Council. At the time of this development consent, the current rate of the contribution is \$865,668.63. The amount of the contribution will be determined at the time of payment in accordance with the relevant s94 Contributions Plan in force at that time.”*



There are two proposed changes to Condition 15 these are to first set out the staging of the construction certificates for the project and then to set out the payment timeframes for the project.

Regarding the construction certificate staging it is proposed that the below is included within the amended version of condition 15;

#### Construction Certificate Stage 1: Demolition Works

- Demolition of existing structures
- Site preparation works

#### Construction Certificate Stage 2: Basement Works

- Shoring, Piling, Bulk Excavation
- Construction of Slab on Ground, Construction

#### Construction Certificate Stage 3: Building Works

- Construction of Blocks A & B
- Landscaping works, stormwater works, kerb and gutter works
- Construction of carriageway
- Public Domain works

The development contributions would then be split with 50% to be paid prior to release of the third Construction Certificate and the remaining 50% to be paid prior to the first Occupation Certificate.

This is in accordance with the Holroyd S94 Plan 2013 which applies to the site. Section 2.12 of the plan allows for Periodic payments of development contributions to be made to Council. The S94 plan specifically mentions that *“where a periodic payment is accepted, 50% of the required development contribution will be required to be paid prior to the issue of a construction certificate, and the remaining 50% to be paid prior to the issue of any occupation certificate or as otherwise determined by Council”*.

This application seeks to utilise the above provisions in a way in which Council will be assured development contributions will be paid while also allowing the developer to undertake demolition and preliminary construction works.

There will be no impacts from the proposal as contributions will still be provided for the project and there are no proposed changes to the design consent in any other way.

## **5 COMPLIANCE WITH APPLICABLE LEP & DCP CONTROLS**

### **5.1 Holroyd LEP 2013**

#### **5.1.1 Zoning**

The site is zoned B2 – Local Centre under the Holroyd LEP 2013.

The proposed amendment does not impact upon the zoning.

### **5.1.2 Minimum subdivision lot size**

No Subdivision is proposed.

### **5.1.3 Height of Buildings**

No change to the approved height is proposed.

### **5.1.4 Floor Space Ratio**

No change to the approved FSR is proposed of this proposal.

## **5.2 Holroyd DCP 2013**

### **5.2.1 Part A – General Controls**

#### Subdivision

No subdivision is proposed.

#### Roads and Access

No amendment to the approved vehicle access is proposed.

#### Car Parking

No amendment to the approved car parking is proposed.

#### Tree and Landscape Works

There are no proposed amendments to the approved landscape plan.

#### Biodiversity, Soil Management, Stormwater Management and Flood Prone Land.

The proposal does not impact upon chapters 5, 6, 7 or 8 of the DCP.

#### External Noise and Vibration

The proposal does not impact upon Chapter 9 of the DCP.

#### Safety and Security

The proposed does not impact upon the safety and security arrangements for the site.

#### Waste Management and Services

The proposal does not impact upon the approved waste management practices or services provisions for the site.

### **5.2.2 Part C – Commercial, Shop Top Housing and Mixed Use Development Controls**

#### Building Envelope

There are no proposed changes to the building envelope as part of this proposal.

#### Movement

There are no proposed changes to the pedestrian or vehicle access to the development.

#### Design and Building Amenity

The proposal does not amend the building design.

#### Environmental and General

The proposed amendments do not require a wind assessment.

This application does not seek approval for any public art, signage or changes to any hours of operation.

#### Large Store/Mall Development

There is no proposed Large Store or Mall Development as part of this application.

#### Residential Mix for business zoned land

There are no proposed amendments to the unit mix as part of this application.

#### Operation Management and Environmental Health

The proposal does not seek an intensification in commercial use and there are no premises proposed that require environmental health assessment.

#### Amusement Machines and Centre

No amusement machines or centres are proposed as part of this application.

#### Business, Commercial and ancillary uses on Residential zoned land

The site is zoned B2 therefore Chapter 11 does not apply to this application.

#### Health Consulting Rooms

There are no proposed Health Consulting Rooms as part of this application.

### **5.2.3 Part L – Town Centre Controls (Section 2)**

As the proposal does not change the design of the approved building proposal will not impact upon the controls within the site specific DCP.

## **6 CONCLUSION**

This Statement of Environmental Effects has addressed the relevant matters for consideration with respect to the proposed amendment to development application 2014/111/1 under the EP&A Act 1979. This application is under section 4.55 (1A) to amend the DA Consent to stage the development contributions for the site in accordance with the relevant S7.11 plan. The proposal seeks 50% of the development contributions to be paid prior to the third construction certificate which will relate to all above ground works for the site. The remaining 50% is proposed to be paid prior to the first Occupation Certificate being issued for the site. The proposal does not amend the approved built form and there are no environmental impacts as a result of the proposed amendments. It is therefore concluded that the application should be recommended for approval.