

Environmental Impact Statement:

Section 4.55(1A) to Modify Development Consent 2021/ 0199 for Demolition Works and construction of a community centre with associated parking and landscaping

The Section 4.55(1A) application seeks to modify Conditions to the Development Approval to allow for issue of a Partial Occupation Certificate.

The Community Centre build is well progressed and nearing completion. Shortly after commencement of works, additional environmental testing (required by the Development Approval Condition 25 Further Site Investigations), confirmed the presence of friable asbestos in the soil. This required strict adherence to environmental controls and NSW Safe Work protocols. As part of the remediation works, a cap and contain approach has been adopted, with a marker layer at 300mm below ground and a Long Term Environmental Management Plan applicable to the entire site.

This has resulted with the Clauses in the Development Approval 2021/0199 relating to landscape design not being able to be achieved. We refer to the following Clauses:

Clause 46: Landscape Completion

Landscaping is to be implemented in accordance with the approved Amended Landscape Plans.

Prior to the issue of an Occupation Certificate details from a landscape architect shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of the consent:

Clause 52: Certification of Landscape Plan

Landscaping is to be implemented in accordance with the approved landscape plans (Aspect Studios 20 April 2021) and these conditions of consent:

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Clause 53: Replacement of Canopy Trees

At least 63 locally native canopy trees are to be planted on site to replace the protected trees approved for removal in accordance with the Landscape Plan (Aspect Studio 20 April 2021).

Tree plantings are to be retained for the life of the development and/or their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these Conditions of Consent by a qualified landscape architect and details submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

It is requested that the above clauses be deleted or modified to allow issue of a Partial Occupation Certificate by the Principal Certifying Authority by amending the words to 'issue of an Occupation Certificate' rather than 'any Occupation Certificate'.

This will allow the occupation and use of the centre while the landscape design is reviewed in the context of the Long Term Environmental Management Plan. In the short term, an additional layer of top soil and bark chip mulch will be installed to landscaped areas and all tree planting deleted, with a view to the design being reviewed and approved, subject to a second Modification application under 4.55 (2). Mass planting will continue to car parking and perimeter gardens as per original plans.

Section 4.55(1A) of the Act allows for Modifications where a minimal environmental impact may occur but where the development to which the consent applies is substantially the same development as the development for which the consent was originally granted, which we believe is the case.