



01 December 2021

The Chief Executive Officer
Strathfield Council
PO Box 120
STRATHFIELD NSW 2135

Dear Sir,

Re: Statement of Environmental Effects for a proposed Section 4.55(1A) modification application – 136 Parramatta Road, Homebush

1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Mecone NSW on behalf of 136 Parramatta Road Homebush Pty Ltd (the applicant) to support an application made to Strathfield Council to modify consent DA2019/057 pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The modification relates to the ground level pub in the approved mixed use development at 136 Parramatta Road, Homebush (previously 136 and 144 Parramatta Road Homebush).

The modification application seeks to extend pub trading hours to allow for trading up to 4am Monday to Saturday.

The purpose of this report is to describe the proposed modification, assess the modification against relevant planning provisions and consider the modification's potential environmental impacts. This report addresses the mandatory matters for consideration listed under section 4.15 of the EP&A Act.

This SEE is accompanied by and should be read in conjunction with the following documents:

- DA Acoustic Assessment by Acoustic Logic dated 23 November 2011
- Plan of Management by Design Collaborative dated November 2021
- Social Impact Statement by Design Collaborative dated November 2021.

2. BACKGROUND

On 7 November 2019 the Strathfield Local Planning Panel (SLPP) granted consent to DA2019/057 for:

Demolition of existing structures and construction of a mixed use development comprising a pub, serviced apartments and residential apartments above 3 levels of basement parking.

On 1 July 2021 the SLPP granted consent to DA2019/57/4 for change the use of the approved serviced apartments to residential apartments.

On 23 July 2021, Council granted approval to DA2021/24. For erection of 11 LED-illuminated business identification and wayfinding signs in support of the approved ground floor pub.

On 6 August 2021, DA 2019.57.5 was lodged with Council seeking minor internal and external changes to the approved development. This modification application is still under assessment.

3. THE SITE

The site is a corner site bounded by Parramatta Road to the north and by Loftus Lane to the south and east (**Figure 1**). It is located in the suburb of Homebush in the local government area of Strathfield, approximately 11km west of Sydney CBD.

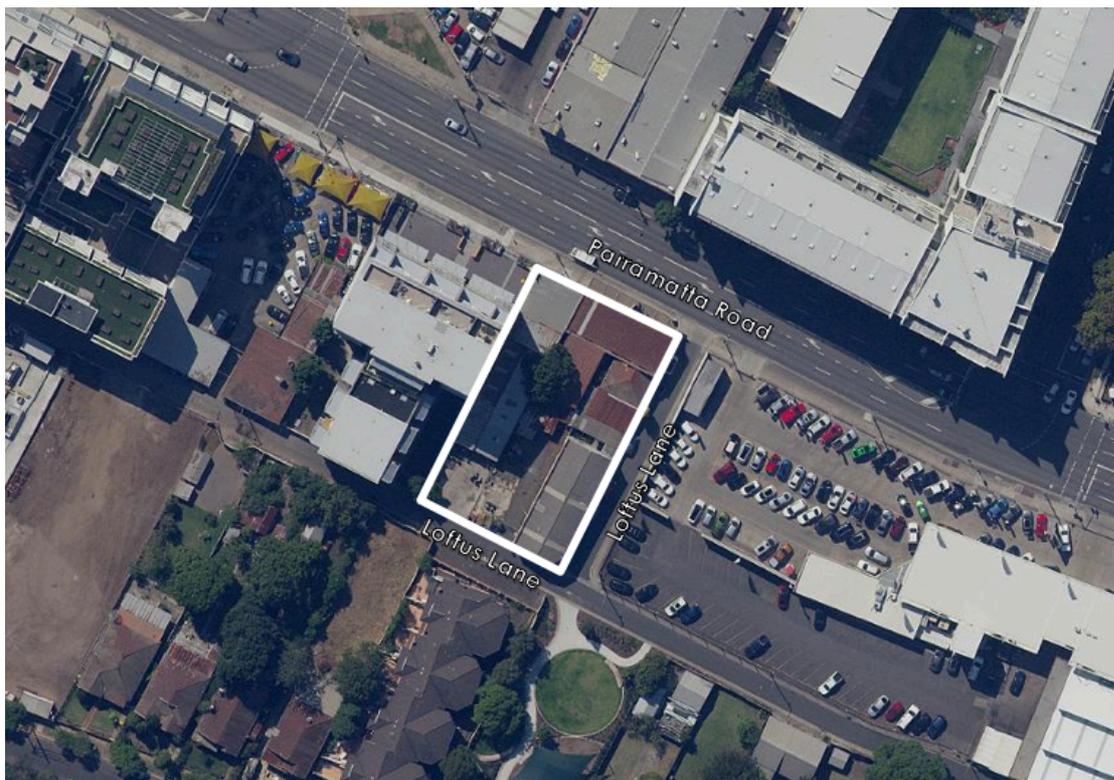


Figure 1. Site aerial image
Source: SIX Maps

A summary description of the site is provided in the table below.

Table 1 – Site Description	
Item	Details
Address	136 Parramatta Road, Homebush
Legal description	Lot 8 DP1262238
Site area	1,516sqm
Access	Vehicular access to the site is via two crossovers off the rear laneway. Pedestrian access is via Parramatta Road or the rear laneway.

Adjoining development	Adjoining development to the east comprises a 6-storey shop top housing development. The site is adjoined by roads on the other three boundaries.
Surrounding context	<p>The locality surrounding the site is generally characterised by a mix of sales yards and showrooms, mixed use developments along Parramatta Road and walk-up flats. The Parramatta Road corridor is undergoing a transition towards more shop top housing.</p> <p>Lower density detached dwellings with large rear setbacks are generally located to the south of Loftus Lane.</p> <p>The site is located approximately 13.6km from the Sydney CBD, 2km from the Homebush Sports and Events Precinct of Sydney Olympic Park, 530m from North Strathfield Centre and 1.34km from Strathfield Town Centre. Sydney's Flemington Markets are 800m to the west of the site, and Homebush Rail Station is 200m to the east.</p>

4. PROPOSED MODIFICATION

It is proposed to extend the pub's trading hours to allow for trading up 4am Monday to Saturday. No change is proposed for Sunday hours.

This will be achieved by modifying **Condition 32** as follows (deleted text in ~~strike through~~, and new text in **bold**):

The maximum trading hours of the pub component of the development shall be as follows:

- ~~10am to 12am (midnight) 4am, seven days a week~~ **10am to 4am (the next day) Monday to Saturday and Sunday 10am to 12am (midnight)**

The use of the front courtyard for patrons is restricted after 10pm.

The modification is proposed to support the economic success of the pub and increase late night retail choice for the local community. The site is located in the B4 Mixed Use zone along a busy corridor. It is considered that the proposed extended hours will meet the community's expectations for late night trading in the area.

5. SECTION 4.55(1A)

The proposed modification is being made under Section 4.55(1A) of the EP&A Act, which states that a consent authority may modify an application if:

(a) *it is satisfied that the proposed modification is of minimal environmental impact, and*

(b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

(c) *it has notified the application in accordance with—*

(i) *the regulations, if the regulations so require, or*

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Regarding (a), the impacts of the extended hours have been assessed from noise, social impact and management perspectives (see section 7 of this SEE), and the impacts have been found to be minimal, subject to implementation of appropriate mitigation measures.

Importantly, the proposal will continue to comply with NSW EPA and NSW Liquor and Gaming noise emissions requirements (subject to implementation of mitigation measures) as per the approved DA.

Regarding (b), the originally approved development is for “a mixed use development comprising a pub, serviced apartments and residential apartments above 3 levels of basement parking”. The proposed modification simply seeks changes to the operating hours of the approved pub. No changes are sought to land use or built form. It is clear that the development will remain substantially the same as that approved.

Regarding (c) and (d), these will be addressed following lodgement.

6. ENVIRONMENTAL PLANNING INSTRUMENTS AND PLANS

6.1 Strathfield Local Environmental Plan 2012

The proposed extended hours raise no issues regarding consistency with the LEP.

6.2 State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

The proposed extend hours raise no issues regarding consistency with SEPP 65.

6.3 Development Control Plan No 20 Parramatta Road Corridor

The proposed extended hours raise no issues regarding consistency with the DCP No 20.

6.4 Draft Parramatta Road Corridor Development Control Plan

The proposal raises no issues regarding consistency with the draft Parramatta Road Corridor DCP.

7. ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

7.1 Noise impacts

A DA Acoustic Assessment – Extending Operating Hours has been prepared by Acoustic Logic to support the proposed modification.

The assessment addresses noise impacts associated with the additional operating hours in the context of the NSW EPA Noise Policy for Industry and the requirements of Liquor and Gaming NSW.

Acoustic Logic sets out the noise emission criteria for the project in Section 5 of its assessment. Section 6 of the assessment provides a list of management controls that must be implemented to achieve compliance with the noise emission criteria. The additional recommendations to support the proposed extended trading hours (i.e., the recommendations not already provided in the acoustic assessment for the original DA) include:

- Parramatta Road outdoor dining area:
 - Late night operation (12am to 4am):
 - To be limited to 4 people.
 - All people to be located in the area covered by the awning.
- Sports bar:
 - Operating time limited to 4am.
- Garden/airlock:
 - Operating time limited to 4am.

Acoustic Logic concludes that, provided its recommended acoustic treatments and management controls are adopted, noise emissions will comply with EPA and Office of Liquor and Gaming acoustic requirements.

7.2 Social impacts

A Social Impact Assessment (SIA) has been prepared to support the proposed modification. Key findings from the statement include:

- The proposed hours of operation are considered appropriate for the size of the development and surrounding development. The subject site is located along the busy Parramatta Road with close proximity to the Strathfield and Flemington Train Station.
- The application adequately meets the community's expectations through the provision of diverse late night facilities.
- The extension of trading hours will provide refuge for patrons during late night hours between trains or late night buses. In this respect, it is anticipated that the late night operation of the pub will not give rise to adverse social impacts in the community.

The SIA concludes that, upon consideration of the various community characteristics and combined with a detailed analysis of the application against the relevant social impact criteria, the application will not give rise to social impact (as defined by the Planning Institute of Australia). Appropriate mitigation such as limiting the patron capacity and provision of security guards during peak trading hours will further re-enforce the resilience of the community to social impact and alcohol-related harm.

The SIA recommends the inclusion of the following management measures in the pub's plan of management:

- A clause restricting the pub's maximum patron capacity after 10pm to 280 persons as per Condition 130 of DA2019/057.
- A clause requiring the duty manager to arrange (without charge) a taxi service for those patrons who request it.

These provisions are included in the updated Plan of Management submitted with this modification application.

7.3 Economic impacts

It is expected that the proposed extended trading hours will result in positive economic impacts by supporting a local business and expanding late night retail choice for the local community.

7.4 Operational management

An updated Plan of Management (POM) has been prepared by Design Collaborative to support the proposed modification. The updated POM reflects the proposed extended hours and the recommendations made in the Social Impact Assessment by Design Collaborative and the DA Acoustic Assessment by Acoustic Logic.

8. SECTION 4.15 SUMMARY ASSESSMENT

The table below provides a summary assessment against the matters for consideration under Section 4.15 of the EP&A Act.

Table 2 – Section 4.15 Summary Assessment		
Clause	Clause	Assessment
(1)	Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
(a)(i)	The provision of: Any environmental planning instrument, and	The proposed modification will maintain the approved development's consistency with the LEP. In fact, the maximum building height will decrease.
(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	NA
(iii)	Any development control plan, and	The proposed modification will result in no inconsistencies with relevant DCPs.

Table 2 – Section 4.15 Summary Assessment

Clause	Clause	Assessment
(iii a)	Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F, and	NA
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	NA
(v)	Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	NA
(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The proposed modification will result in no unacceptable adverse impacts on the built or natural environments.
(c)	The suitability of the site for the development,	The proposed modification will not affect the site's suitability for the development.
(d)	Any submissions made in accordance with this Act or the regulations,	NA
(e)	The public interest.	The proposed modification is in the public interest in that it meets the community's expectations for late night trading in the area.

9. CONCLUSION

This SEE has considered the modification against the relevant provisions of Sections 4.15 and 4.55 of the EP&A Act. In summary, the modification:

- Will result in substantially the same development.
- Will result in no more than minimal environmental impact.
- Is consistent with relevant planning controls.
- Is in the public interest.

In light of the above, we recommend that Council grant consent to the proposed modification.

If you would like to discuss these matters further, please do not hesitate to contact me at (02) 8073 4677 or acoburn@mecone.com.au.

Yours sincerely,



Adam Coburn
Director