

3 January 2023

Section 4.55(1A) Modification Statement Of Environmental Effects

Att: Canterbury-Bankstown Council

Approved Development: Demolition of existing structures and construction of a two-storey attached dual occupancy with Torrens title subdivision

Address: No.28 Seidel Avenue, Picnic Point NSW 2213 (Lot 10, DP 238122)

Council's Reference: DA-388/2021

This Section 4.55(1a) modification application seeks to amend the following items:

- Removal of the rear tree

This document and attached architectural drawings should be read in conjunction with the existing development application approved by Canterbury-Bankstown Council.

Due to the nature of the proposed modification, it is required by council to assess the proposed changes against the relevant clauses in order to grant consent 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.*

To effectively determine that the proposed modifications are 'substantially the same' and thus is of minimal environmental impact, this section 4.55 modification application will entail the consideration of quantitative and qualitative elements of the development as per case *Moto Projects (No 2) Pty Ltd v North Sydney Council 1999*.

The case determines principles that ensure the development will be achieved using the best conceivable design whilst fulfilling the "substantially the same" test. The principles are as follows:

- 1. Consider the numerical differences in all key aspects of the development;*
- 2. Consider non-numerical factors (e.g. in visual impact, traffic impacts or changed land uses);*
- 3. Consider any changes relating to a material and essential feature of the approved development.*

The proposed changes will be assessed against the aforementioned principles.

- **Removal of the rear tree**

The rear tree was initially approved to be retained as part of the DA approval. A service protection report has been undertaken by a qualified professional which has identified that the tree is now causing issues for the drainage easement and the sewer line. Without removing the tree, we will not be able to access the existing stormwater pit in No.26A Seidel Avenue.

The tree will also cause issue for the plumber connecting the approved dual occupancy to the existing Sydney Water asset as seen in Figure 1 below. Furthermore, this will cause future issues for No.4A Taloma Street adjoining the northern boundary of the subject site.

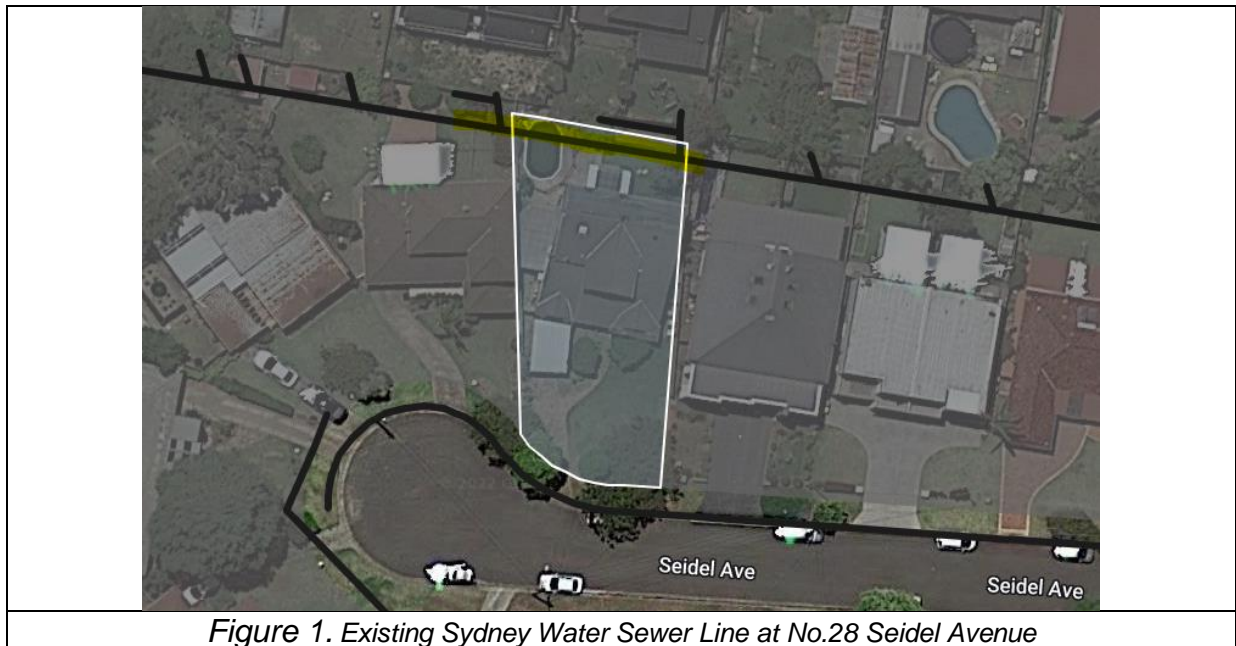


Figure 1. Existing Sydney Water Sewer Line at No.28 Seidel Avenue

It should be noted that the abovementioned modifications do not affect the overall bulk and scale of the development. The FSR, building height, setbacks, landscape area all remain as previously approved by council. the modifications as described are only minor in nature and are mainly located at the front of the dwelling.

If you require additional information or clarification, please do not hesitate to contact the undersigned on 0460 888 777 or via email at planning@es.com.au

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