

# STATEMENT OF ENVIRONMENTAL EFFECTS

**Address:** Nos. 754 - 774 Canterbury Road, Belmore

**Proposal:** Residential Flat Development (Modification)

**FEBRUARY 2023**

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24 February 2023

The Land and Environment Court of NSW  
Level 4, No. 225 Macquarie Street  
SYDNEY NSW 2000

ABN: 78 176 118 998

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## **STATEMENT OF ENVIRONMENTAL EFFECTS**

### **SECTION 4.55(8) MODIFICATION TO DA 255/2018 NOS. 754 – 774 CANTERBURY ROAD, BELMORE**

Dear Sir/Madam,

Application is hereby made for modification of the consent issued by the Land and Environment Court of New South Wales pursuant to Section 4.55(8) of the Environmental Planning and Assessment Act 1979 (EPAA).

This modification seeks approval for an amended basement layout and increase in basement floor to ceiling height to accommodate services, by reducing the lower basement RL. Upper level modifications include rationalisation and of core and services that has resulted from design development, and minor modification to the internal layout of units is also proposed. The proposed modification also seeks an increase to floor to floor levels to ensure services can be accommodated within the floor to floor heights, whilst still ensuring adequate floor to ceiling heights can be achieved.

The Statement of Environmental Effects has been prepared with reference to the following documentation:

- Architectural Plans (Revision 3) prepared by Tony Owen Partners
- Landscape Plan prepared by Canvas
- Stormwater Concept Plans prepared by C & S Engineering Services
- Waste Management Plan (Revision I) prepared by Elephants Foot
- Traffic Engineering cover letter prepared by Genesis Traffic

#### **Background**

Site: Nos 754 – 774 Canterbury Road, Belmore  
Lot 49 & 50 DP 1031432, Lot A & B DP 352069, Lot 7, 9 & 10 DP 16308, Lot 113A DP 307438 and Lot B DP 103679

Local Government Area: Canterbury Bankstown Council

Approved Development: Demolition of existing structures and construction of a 5 – 6 storey residential flat building with fifty nine (59) units, two basement levels of basement car parking for eight one (81) vehicles with landscaping and stormwater works

Reference: Development Application No. DA 255/2018  
Refusal issued 4 May 2020

Land and Environment Court No. 2020/148863  
Consent issued 25 May 2021

### Proposed Modification

Section 4.55(8) of the EPAA enables the Court to consider modifications to development consents granted by the Court:

*The provisions of this section extend, subject to the regulations, to enable the Court to modify a consent granted by it but, in the extension of those provisions, the functions imposed on a consent authority under subsection (1A)(c) or subsection (2)(b) and (c) are to be exercised by the relevant consent authority and not the Court.*

The proposed modification would otherwise need to satisfy Section 4.55(2) of the EPAA:

*(2) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, 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 the period prescribed by the regulations or provided by the development control plan, as the case may be.*

This modification proposes various amendments to the Land and Environment Court approved residential flat building. Modifications have been bubbled on the architectural plans and are detailed in the attached list of DA adjustments, prepared by the project architect.

The modifications have been reproduced from this list and included below:

#### **Basement:**

- 1a. Storage has been adjusted to facilitate a shared zone for relocated accessible parking.
- 1b. Fan room added for CC design development.
- 1c. Basement level adjusted by 300 mm.
- 1d. Reconfigured parking space due to change in structural column locations.
- 1e. Storage adjusted to match the enlargement of waste room above.
- 1f. Parking spaces adjusted to match the change in structural column positions.
- 1g. Wall was adjusted accommodate a car parking space.
- 1h. Section added indicating 2500 clearance for accessible parking complies.
- 1i. Carpark space adjusted to accommodate stairs adjustment and stairs adjusted to facilitate car park exhaust path.
- 1J. Wall adjusted to accommodate a parking space.
- 1K. Parking space adjusted due to structure.
- 1L. Bulk goods, stairs and passageway adjusted according to both mechanical and fire consultant. 1M. Garbage room was expanded for better operation.
- 1N. Stair and waste room rationalised for CC design and development.
- 1o. Bike spaces adjusted from 6 spaces to 9 spaces.
- 1p. Mechanical plant room added as per mechanical consultant requirement.
- 1q. New fire stair #4 added for fire egress requirement.

#### **Ground Floor Changes**

- 2a. OSD tank added underground as per consultants advise.
- 2b. Service cupboard added upon CC design development.
- 2c. Existing passageway was amended to a ramp to accommodate the access for adaptable units.
- 2d. Ramp grades were altered as advised by traffic consultant.

#### **Level 1:**

- 3a. Service meter i.e., fire hydrant/booster added for CC design and development.
- 3b. Service cupboard added for CC design development.
- 3c. Relocated Laundry due to column re-configuration.
- 3d. Sprinkler alarm valve room added as per FER requirement.
- 3e. Fire stairs service rationalised for CC design development.
- 3f. Riser location rationalised resulting on adjusted layout.
- 3g. Gas meter added for CC design development.
- 3h. Walkway added with a door for BCA fire escape requirement.
- 3i. Relocated laundry due to structure adjustment.

#### **Level 2 – Level 4:**

- 4a. Service cupboard added for CC design development.
- 4b. Residential RLs has been increased to achieve a floor-to-floor height of 3.050m (approved DA floor-to-floor height = 3.00m). This increase of floor height is to provide extra space to fully accommodate all services while maintaining the minimum ceiling clearance in habitable spaces as required by ADG requirements. It is noted the overall building height has not changed and the building does not exceed controls.
- 4c. Relocated laundry due to structural adjustment.
- 4d. Riser location rationalised resulting in an adjusted layout.
- 4e. Fire stairs and service rationalised for CC design development resulting in a larger unit with an extra bathroom.

### **Level 5:**

- 5a. *Layout rationalised due to structure alignment.*
- 5b. *Laundry relocated for layout optimisation.*
- 5c. *Unit is mirrored to adjust with structure.*
- 5d. *Laundry relocated due to structure alignment.*
- 5e. *Layout rationalised due to structure alignment.*
- 5f. *Riser rationalised resulting in the repositioning of the bathroom. A study area is also then facilitated in a desirable location.*
- 5g. *Sky light added for cross ventilation.*

Modifications to basement levels include those required for services coordination including modification to fan rooms, layout of car parking spaces, storage arrangements, waste management coordination and to increase to quantum of bicycle parking. It is further noted an additional fire stair has been added to the design to ensure consistency with fire engineering requirements.

Ground floor modifications include the relocation of OSD tanks underground, and modification to pedestrian entry ramps for consistency with accessibility requirements, and basement ramps for traffic engineering requirements. Multiple minor modifications have also been made throughout the design development to ensure structural alignment.

Modifications to the floor to floor levels of units have been made, increasing the floor to floor height from 3,000mm to 3,100mm to ensure services can be accommodated and adequate floor to ceiling heights retained.

The rationalisation of the services to the south eastern lobby has resulted in a second bathroom for some 2 bedroom units. It is noted there have also been minor modifications to the total area and layout of units and balconies. Colours and materials have also been amended, noting they continue to be consistent with the approved design intent.

### **Impact of Proposed Modifications**

#### *Unit Modifications*

It is noted that minor modifications are proposed to the internal layout of some units, and the rationalisation of the fire stair has resulted in an additional bathroom to some 2 bedroom units. Despite this, all units continue to comply with the minimum internal areas prescribed by Objective 4D of the Apartment Design Guide.

#### *Building Height*

The floor to floor heights are proposed to increase from 3,000mm to 3,100mm in order to ensure necessary services can be accommodated whilst continuing to ensure the development complies with both building legislation changes, and with the Design Criteria Established by Objective 4C-1 of the Apartment Design Guide (ADG).

The increased floor to floor heights result in the development exceeding the maximum building height development standard as prescribed by Clause 4.3 of the Canterbury Local Environmental Plan 2012 by 300mm in the south western corner.

The building legislation changes include (but are not limited to) a minimum slab thickness of 200mm for wet area grading and sprinkler system requirements. The floor to floor heights are required to

be increased to accommodate both these legislative changes and to simultaneously ensure consistency with Objective 4C-1 of the ADG which requires a minimum floor to ceiling height of 2.7 metres for habitable rooms, and 2.4 metres for non-habitable rooms.

Achieving the desired ceiling heights as prescribed by the ADG is directly linked to achieving sufficient natural ventilation and daylight access to habitable rooms. It is further noted the floor to floor height of the basement level has increased from 2,950mm to 3,250mm. This is to be achieved by reducing the RL of the basement.

Furthermore, when viewed from Chapel Lane (southern elevation) the development will continue to be generally contained within the 18 metre maximum height limit, and will continue to appear as a part 5 / part 6 storey residential development when viewed from Chapel Lane that is generally contained within the 18 metre maximum height limit (see approved elevation and proposed elevation below):



FIGURES 1 & 2

Approved and proposed south elevations

Despite the increased floor to floor heights resulting in a minor breach (1.7%) to the maximum building height development standard, it is suggested a better outcome is achieved as the development will comply with updated building legislation, and continue to ensure adequate solar and ventilation is provided to future occupants of the development.

### Floor Space Ratio

The FSR of the proposed modification is 1.6:1, which complies with the maximum prescribed FSR. It is noted minor modification to the FSR has occurred (see Drawing No. DA21) as a result of the introduction of services throughout the design development, finalisation of construction

methodology including wall thickness, and minor modification to corridors through rationalisation of plant, fire servicing and waste management arrangements.

There is no change proposed to the external envelope of the development, and the proposed modification will not result in any additional bulk when viewed from the street. The approved unit composition remains unaltered at 59 units, comprising 15 x 1 bedroom units, 42 x 2 bedroom units and 2 x 3 bedroom units. The proposed modification will not impact upon the desired future character of the area, nor environmental impacts to adjoining properties or the public domain.

### *Waste Management*

Waste storage and management areas are proposed to be modified as part of this application. Accordingly, the updated Architectural Plans have been reviewed by Elephants Foot Recycling Solutions and an updated Waste Management Plan has been prepared demonstrating the proposed modification continues to comply with all necessary waste management requirements.

### *Traffic*

The updated architectural plans illustrate minor modification to the basement layout to accommodate the necessary services coordination, such as the fan room and plant room. Accordingly, the traffic engineer has reviewed the proposed modification and provided a cover letter confirming that the development, as proposed to be modified, continues to comply with all necessary traffic and parking requirements. The letter concludes as follows:

*Subject to the above resolution, the assessment found that the proposed amendments shown on the assessed plans will:*

- *continue to comply with the approved development car parking requirement/criteria;*
- *not generate more traffic movements than that which is approved;*
- *satisfy the AS2890.1:2004 and AS2890.2:2018 design principles in relation to car parking geometry and circulation arrangements.*

*I trust that the above is sufficient for Council's assessment. Otherwise, please do not hesitate to contact me to discuss this further.*

### **Threshold Test**

The proposal remains substantially the same development as that approved in Development Application No. 255/2018, being for Demolition of existing structures and construction of a 5 – 6 storey residential flat building with fifty nine (59) units, two basement levels of basement car parking for eight one (81) vehicles with landscaping and stormwater works.

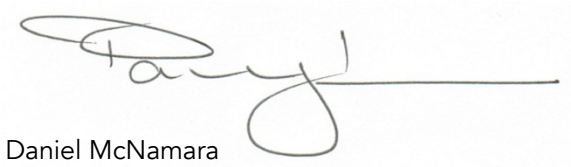
### **Conclusion**

The proposed modifications have minimal environmental impact

The development to which the consent as modified relates is otherwise substantially the same development as that for which the consent was originally granted.



Yours sincerely

A handwritten signature in black ink, appearing to read 'Daniel', followed by a long horizontal line.

Daniel McNamara  
**Director**