



SECTION 4.55

STATEMENT OF ENVIRONMENTAL EFFECTS

MODIFICATION OF DA-1231/2022 INCLUDING MINOR AMENDMENTS TO GROSS FLOOR AREA, TENANCY LAYOUT, SITE SERVICING AND STRUCTURAL REQUIREMENTS, CAR PARKING AND VEHICULAR ACCESS, AND THE INTRODUCTION OF A DRAINED BASEMENT

1586-1606 CANTERBURY ROAD, PUNCHBOWL

CLIENT: CALA PROPERTY GROUP
REF: 21234
DATE: 23 JANUARY 2025

1 INTRODUCTION / PROPOSAL

This Statement of Environmental Effects is to accompany a modification application pursuant to Section 4.55(1A) of the Environmental Planning & Assessment Act, 1979.

By way of background, DA-1231/2022 was approved by the Sydney South Planning Panel on 10 October 2023 permitting the consolidation of five (5) allotments into an amalgamated lot, demolition of the existing buildings and the construction of a two (2) storey industrial development with associated parking, mezzanine offices, landscaping and signage.

The development was approved subject to conditions and construction works have not yet commenced. The development is integrated development as it involved dewatering for the basement construction and as such, requires an Activity Approval under the Water Management Act 2000.

The subject application includes the following modifications to the approved development:

- Increased floor area from 13,486m² to 13,667m² (an increase of 181m²) which has been achieved by altering the internal layout of the ground industrial tenancies, adding a fire stair and bathroom to the western corner of the building, and shifting the external wall fronting Canterbury Road between warehouses 02 and 03 and between 04 and 05 towards the street;
- A decrease in parking provision from 181 to 180 vehicles resulting from integration of structural requirements and building core (lift/stair) finalisation within the design, although the development remains compliant with the relevant parking controls, as detailed in this report;
- Relocation of bicycle parking (because of structural requirements) from a central position within the basement to the eastern end of the basement with the quantum of parking remaining as approved (25 bicycles);
- Sprinkler tank removal and services refinement following on from engineering advice and design development;
- Increase building setback to the southern boundary from 1m to 1.5m to achieve compliance with Sydney Water requirements;
- Substation and adjacent access points shown on the plans (western end of the Canterbury Road frontage);
- Slight adjustments to the main vehicular ramp width and gradient;
- The south facing windows for unit 11 removed (adjacent to the site boundary);
- Alter the basement from a tanked arrangement to a drained basement, as detailed in the attached report prepared by EI Australia dated 18 April 2024.

The proposal seeks to modify DA-1231/2022 in respect of the following conditions of development consent to allow for the proposed modifications:

- **Condition 1** – update the approved plans with the submitted plans and reference the submitted Dewatering Management Plan;
- **Condition, Dewatering, GT0120-00001** – this condition is to be deleted given that a drained basement is now proposed as detailed in the attached Dewatering Management Plan. It is however anticipated that WaterNSW will review all relevant conditions and alter as necessary in response to the Dewatering Management Plan and proposed drained basement.

The proposal is correctly identified as a modification application of minimal environmental impacts pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979.

The remaining sections of this Statement of Environmental Effects identifies the site, details the proposed modifications and undertakes a statutory assessment of the proposal pursuant to Section 4.55(1A) and (3) of the Environmental Planning and Assessment Act, 1979.

2 SUBJECT SITE

The subject site is located on the southern side of Canterbury Road and has a secondary frontage to Moxon Road to the east. It comprises multiple lots collectively known as No. 1586-1606 Canterbury Road, Punchbowl, and has legal description of Lot 10 in DP 874429, Lots 1 and 2 in DP 124894, Lots 1 and 2 in DP 124895, and Lot 1 in DP 586116. The site location is identified in Figure 1.



Figure 1: Site location

The subject site has a primary, curvilinear frontage to Canterbury Road which forms its northern boundary. Canterbury Road is a 4-lane, classified road and the subject development proposal is to be referred to Transport for NSW for comment.

As indicated in Figure 1, the subject site has an irregular shape. The northern and eastern boundaries are to the adjacent road frontages, as formerly identified, with part of the southern boundary located adjacent to an existing open, concrete stormwater channel and also partly adjacent to a bitumen area on the neighbouring lot.

The site has an overall area of 13,120m² and has a topographical fall towards the stormwater channel to the south, falling by approximately 1 metre across its width.

The subject site and adjoining properties are flood prone and a Flood Report prepared by SGC Consulting Engineers was submitted with the approved development application.

The majority of the site's frontage to Canterbury Road is affected by road widening with the site mapped in Canterbury LEP 2012 as being subject to land acquisition. This portion of the site is zoned SP2 Infrastructure.

As indicated in Figure 2, the site comprises a mixture of hardstand storage areas, parking, industrial related buildings and a number of small outbuildings scattered around the site. The site is accessed from Moxon Road and Canterbury Road with a number of street trees lining each street frontage, although more prominently on Moxon Road.



Figure 2: Aerial view of the site

3 SECTION 4.55 – MODIFICATION OF CONSENTS

3.1 Section 4.55(1A) – Other Modifications

The proposed modification application is most appropriately described as a modification under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 as it involves a modification of minimal environmental impacts.

In particular, the proposal will maintain the use of the approved site use, general building layout and envelope, and will maintain the orientation and intensity of the buildings as viewed from the public domain and nearby properties. The proposal will result in an increase in GFA at the site, although the change is largely internal to the approved form/footprint and will not be externally perceptible to the casual observer.

Whilst the proposal seeks to undertake several amendments, this does not result in a development form that is substantially different to the approved form. The proposal will maintain the essence of the approved building and its future use, and will allow for the approved development to progress in terms of compliance with the requirements of Sydney Water and as a drained basement structure via the Water Management Act, 2000.

The modified form will also not create any new impact on the amenity of a nearby property.

Accordingly, the proposed modifications result will have minimal environmental impacts and is appropriately categorised as a modification pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979.

3.2 Section 4.55(3) – Applicable Planning Controls

Section 4.55(3) requires that:

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development. The proposal will not undermine any fundamental reasons for the granting of development consent. An assessment of the proposal pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 is provided below.

3.2.1 Assessment Against Relevant Planning Policy 4.15(1)(a)

SEPP (Sustainable Buildings) 2022

SEPP (Sustainable Buildings) 2022 applies identified types of Residential and Non-Residential Buildings in NSW. Chapter 3 applies to Non-Residential Buildings with a development cost of \$5M or more in value. The proposal relates to modifications of development prior to the commencement of the SEPP and as such, it is not applicable.

SEPP (Resilience and Hazards) 2021

Chapter 4 of the SEPP applies to the State of NSW and aims to undertake remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment. Clause 4.6 stipulates that a consent authority must not consent to the carrying out of development on land unless it has considered whether land is contaminated. Approved as part of the subject development was a Remediation Action Plan

and relevant conditions, which will remain unchanged by the proposal. The site will therefore be made suitable for the proposed use.

State Environmental Planning Policy (Transport & Infrastructure) 2021

Division 17 Roads and Traffic, Subdivision 2, Clause 2.119 relates to Development with frontage to a classified road and subclause (2) states that:

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and**
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

In response to the above, the approved and proposed vehicular access to the site will remain unaltered by the proposal

Canterbury-Bankstown Local Environmental Plan 2023

Under the LEP the subject site is predominantly located within the *B5 – Business Development*, within which *Warehousing or Distribution Centres* are a permissible land use, with development consent. The building is also designed to cater for *Specialised Retail Premises*, subject to separate development consent, which is a permissible use in the zone. These matters have not been altered as a result of the proposed modifications.

The northern edge of the site is zoned SP2 Infrastructure, with the same area identified on the LEP maps for land acquisition. The approved development includes dedication of the required portion of land fronting Canterbury Road for road widening

The objectives of the B5 Zone are as follows:

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- To promote a high standard of urban design and local amenity.*

The approved development remains consistent with these objectives with no material change to the extent to which these objectives have been attained.

A review of relevant LEP maps indicates that the site does not contain a heritage item and is not located in a conservation area. The site is however mapped as flood prone and as being affected by Class 3 Acid Sulfate Soils. These matters were addressed in the approved development and do not need to be revisited as a result of the proposed amendments.

The site is subject to a height limit of 18m and the approved development included a variation which was related to a combination of site flooding and sudden changes in site topography. The proposed modifications do not seek any new height variation.

In light of the above, the proposal achieves an appropriate response to the provisions of CBLEP 2023 and to the site constraints.

Given the nature of the proposed modifications, there are no further LEP development standards that apply to the site and proposed modifications.

Canterbury Bankstown Control Plan 2023

The proposal does not include any change in the nature and intensity of the approved use or any significant building works and as such, the majority of the DCP provisions are of no relevance to the proposal. The proposal does seek to reduce parking provision on-site from 181 spaces to 180 spaces, although remains DCP compliant, as detailed below.

Table 2: Relevant Provisions of CDCP 2012		
Provision	Proposal	Complies
PART B1 – Transport and Parking		
<i>Car Parking</i>		
<ul style="list-style-type: none"> Warehouse/Distribution: 1 per 300m² GFA <u>Approved</u> = 5,365m² / 300 = 18 (17.88) <u>Proposed</u> = 5,389m² / 300 = 18 (17.96) Light Industry: 1 per 100m² GFA <u>Approved</u> = 4,213m² / 100 = 42 (42.13) <u>Proposed</u> = 4,200m² / 100 = 42 Showroom: 1 per 30m² <u>Approved</u> = 854m² / 30 = 29 (24.47) <u>Proposed</u> = 858m² / 30 = 29 (28.6) Mezzanine Office: 1 per 40m² <u>Approved</u> = 2,912m² / 40 = 73 (72.80) <u>Proposed</u> = 2,979m² / 40 = 75 (74.475) Café (restaurant <120m²): 1 per 40m² of GFA <u>Approved</u> = 81m² / 40 = 2 <u>Proposed</u> = 93m² / 40 = 3 (2.325) 	Approved – 181 parking spaces. Proposed – 180 parking spaces.	Yes Yes
<u>TOTAL:</u> <u>Approved</u> = 164 <u>Proposed</u> = 166		

Other than minor changes to the driveway ramp as identified on the plans, the proposal does not seek to modify access to or within the site, and does not seek to alter vehicular manoeuvring or turning within the site.

Impacts of the Development, Section 4.15(1)(b) of the EP&A Act, 1979

Natural Environmental Impacts

The proposal does not include and physical modifications to the building or works within the site that will give rise to any environmental impacts. The approved development will continue

to be an appropriate addition to the locality and will bring with it improvements to the local environment through removal of contaminated land, management of flood waters and new landscaping fronting the streets.

Built Environmental Impacts

The proposal maintains the dominant built form and will remain as approved when viewed from the public domain by the casual observer. The changes proposed are a result of design development that has occurred since approval of the development and in particular consideration and integration of the conditions of approval with respect to site flooding, groundwater and interface with the adjacent stormwater canal.

Having regard to the above, there are no anticipated impacts on the built environment as part of the proposed modifications.

Social and Economic Impacts

There will be neutral economic and social impacts associated with the modifications.

3.2.2 The Suitability of the Site – 4.15(1)(b)

The site remains suitable for the approved development.

The development is integrated development as it involves dewatering for the basement construction and as such, requires an Activity Approval under the Water Management Act 2000.

Submitted with the application is a Dewatering Management Plan prepared by EI Australia. The report provides the methodology to achieve a drained basement in lieu of a tanked basement structure. It is anticipated that the Dewatering Management Plan will be referred to WaterNSW for review and modification of the relevant consent conditions.

3.2.3 The Public Interest – 4.15(1)(e)

The modifications sought result in a development that is substantially the same as the originally approved development and result in minimal environmental impacts. The proposal maintains compliance with applicable planning controls and is in the public interest.

4 CONCLUSION

This Statement of Environmental Effects details the proposed modifications and identifies that they are suitably classified as modifications pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979.

This application has been submitted to include relatively minor modifications to enable the development to progress to construction.

The modifications will reduce the number of parking spaces at the site, although will remain compliant with the DCP.

The modifications proposed will maintain compliance with the applicable SEPP, LEP and DCP requirements at the site as well as having entirely appropriate impacts on the natural and built environment.

The proposal is demonstrated to have acceptable impacts and is therefore recommended for approval by Council.