



ABN 94 066 134 236

ULTRA DESIGN & ENGINEERING (AUST.) Pty. Ltd

BUILDERS LICENCE NO. 65760C

SEC 4.55 Amended

STATEMENT OF ENVIROMENTAL EFFECTS

PROPOSED : *Alterations and Additions for an Approval of Demolition of an Existing House and Proposed of New Double Storey with a Basement Parking a Child Care Centre to add an Extra 8 kids.*

ADDRESS : *No, 16 Dudley Street,,
Punchbowl , NSW, 2196*

COUNCIL : **CANTERBURY BANKSTOWN CITY COUNCIL**

APPLICANT : **ULTRA DESIGN AND ENGINEERING**
(Aust.) PTY. LTD.

DATE : 16th - 03 - 2025

Building Designers, Consulting Structural ,Civil Engineers, Project Managers & Licenced Builders

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1. Introduction

This Planning Statement has been prepared by Ultra Design and Engineering. It is submitted to Canterbury Bankstown Council in support of a modification application made under Section 4.55 (formerly Section 96) of the Environmental Planning & Assessment Act 1979. This modification seeks consent for the alterations and additions to the approved development originally approved for the demolition of existing structures and subsequent construction of a two (2) storey childcare centre for sixty (60) children, four (4) employees, associated play areas and basement car parking (DA-586/2022).

The purpose of this report is to describe the proposed amendments, review the applicable planning regime relating to the proposal, assess the degree of compliance and examine the environmental effects of the development when measured against the relevant requirements of the Environmental Planning and Assessment Act, 1979-2021

A detailed description of the proposal is provided under Section 3. The statutory planning policy framework is identified at Section 4 and a statutory assessment against the relevant planning controls is provided at Section 5.

Further information on the proposed amendments are provided in Section 3 of this report. The application has been prepared after taking into account the following key issues:

- Legislative requirements relating to the modification of a consent;
- Compliance with environmental planning instruments;
- Likely impacts of the development as amended;
- Suitability of the site; and
- The public interest.

This report has been prepared in association with a series of architectural plans prepared by Ultra Design and Engineering. It is considered that the proposed modifications result in substantially the same development and do not result in adverse environmental impacts materially over and above that which were originally approved by Canterbury Bankstown Council on 9th- June-2023 and the Sec.4.55 Amended Plans which Approved 29th-April-2024.

2. Site Description

2.1 The Site

Located on the eastern side of The Punchbowl Road, the subject site is identified as No.16 Dudley Street, Punchbowl, NSW. The site presents a frontage width of around 15.24m and southern side boundary lengths of 50.14m while yielding an area of 758.8m². **Figure 1** below provides a clearer appreciation of the site within its context.

16 Dudley St

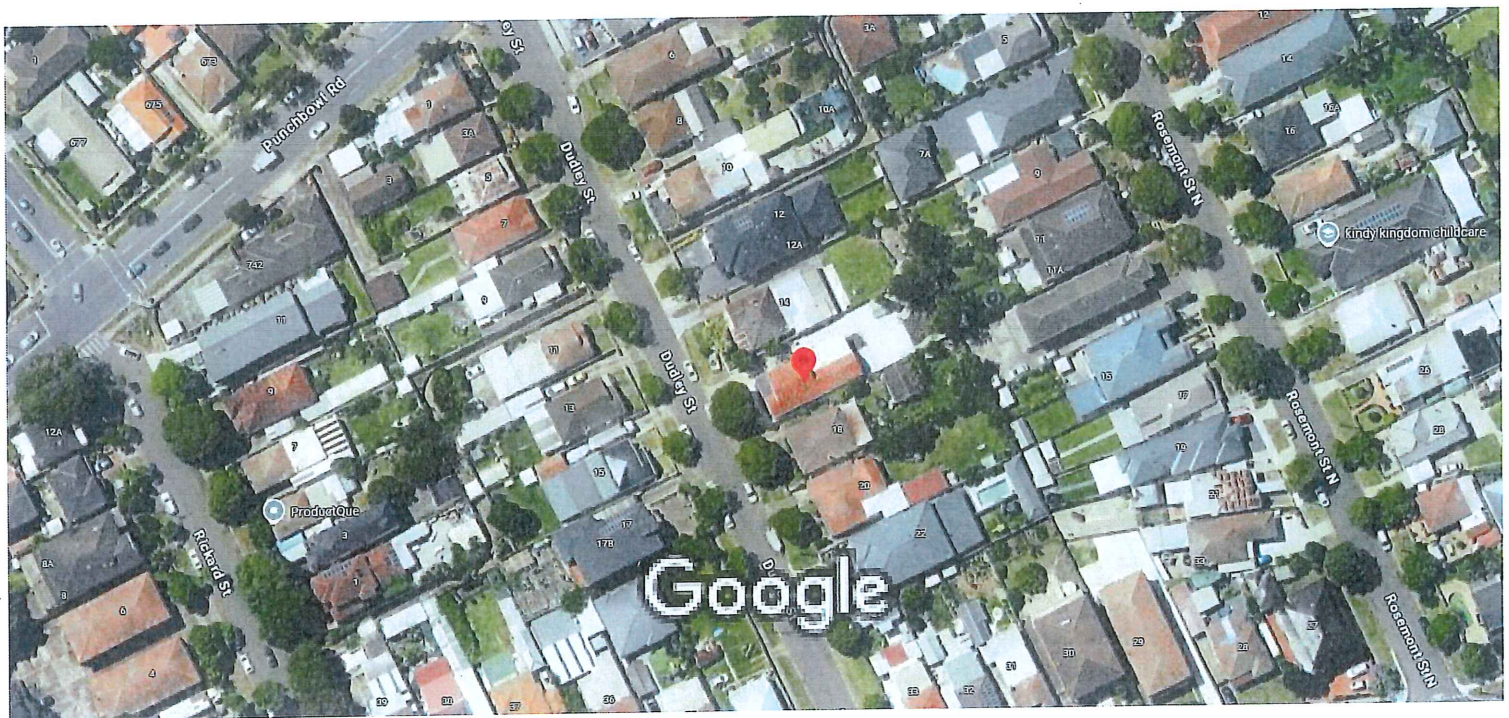


Figure 1: Site Aerial
Source: Six Maps

2.2 Surrounding Context

The immediate site context is notably varied whereby a diverse range of development typologies are identified. These include but are not specifically limited to detached dwellings, dual occupancies and multi dwelling housing.

3. Proposed Modifications

3.1 Planning History and Consent to be modified

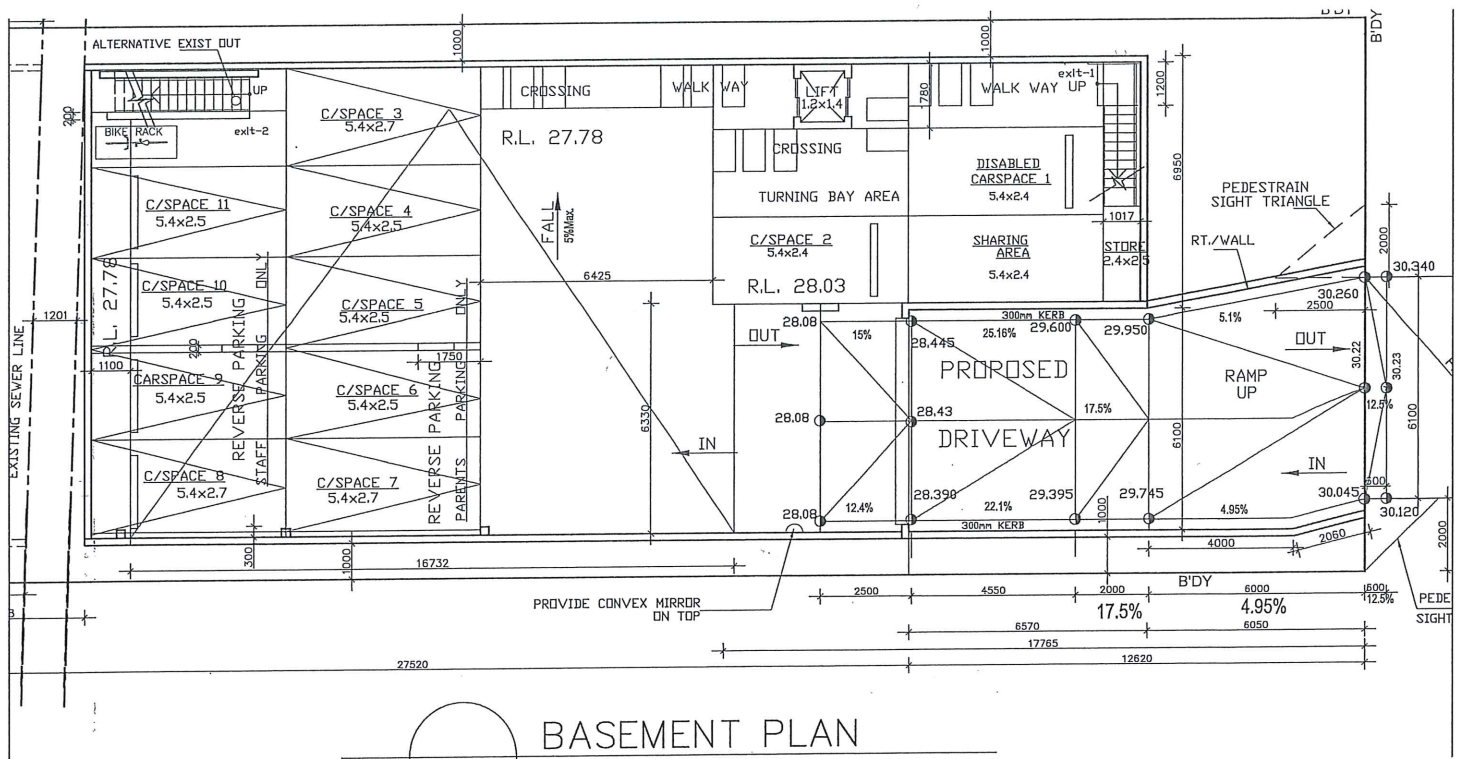
Development Application DA-586/2022/ – 16 Dudley Street, Punchbowl, NSW – involving the demolition of existing structures and subsequent construction of a two (2) storey childcare centre for sixty (60) children, Four (4) employees, associated play areas and basement car parking.

3.2 Proposed Modifications

The application seeks approval for modifications to the approved development. A breakdown of the changes sought is provided below while a summary of the key controls is provided at **Table 1**. The proposed modifications are as follows:

Basement Area

- The provision of an additional two (2) parking spaces;
 - Internal basement reconfiguration; and
 - No Increase in the overall size of the basement and external configuration, necessitated by the increase in the number of parking spaces and reconfigure the Lift and Disable parking.
- Ground Floor level is the reconfiguration of Lift and Disable Toilet and the External Access from the rear Terrace to the deep Soil.



- First Floor level is the reconfiguration of the internal layout and to Extend the Outdoor Play Area around 1.2m towards the rear.

Figure 2: Basement Plan
Source: Ultra Design and Engineering

Ground Floor Plan

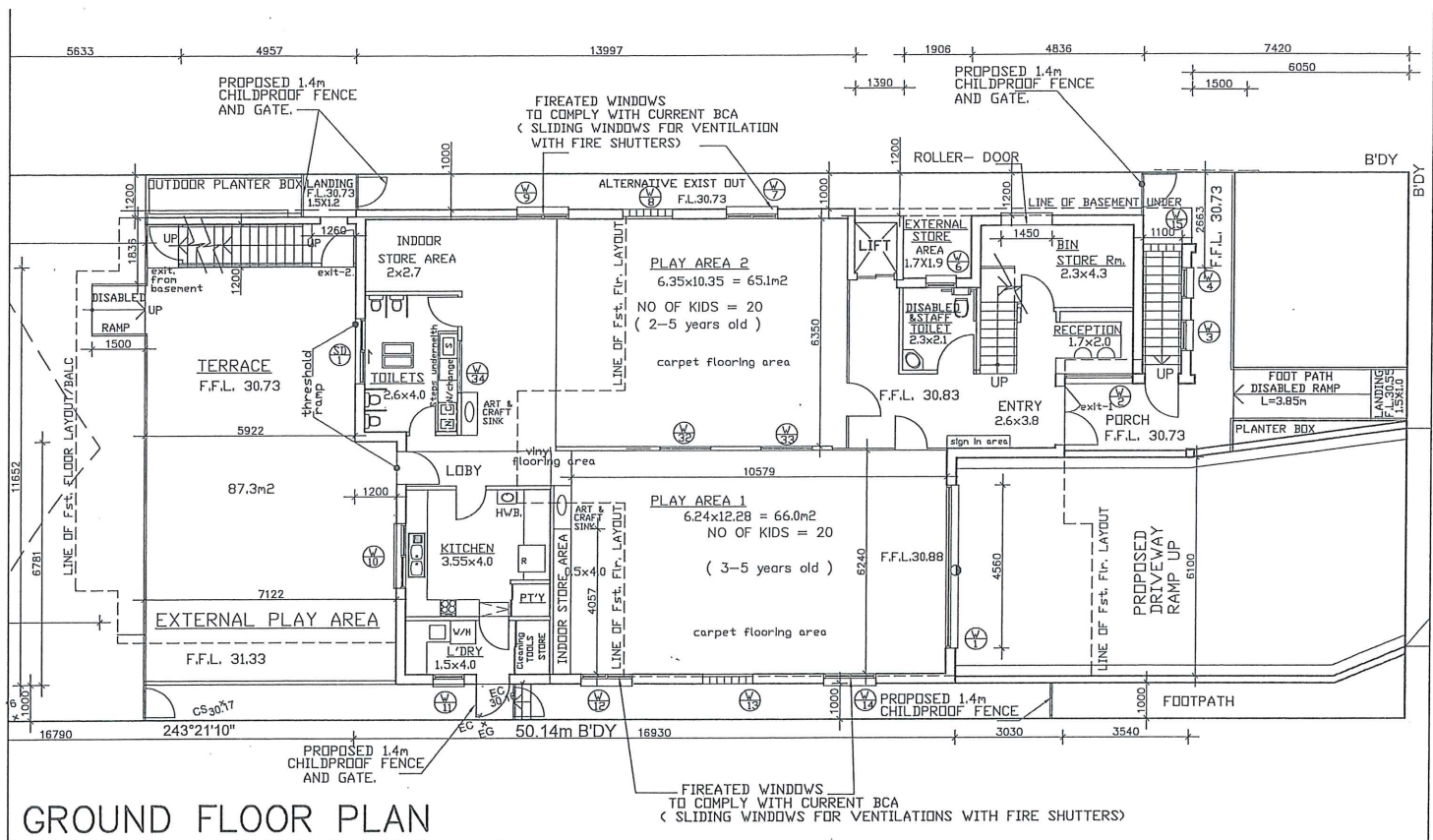


Figure 2: Ground Floor Plan
Source: Ultra Design and Engineering

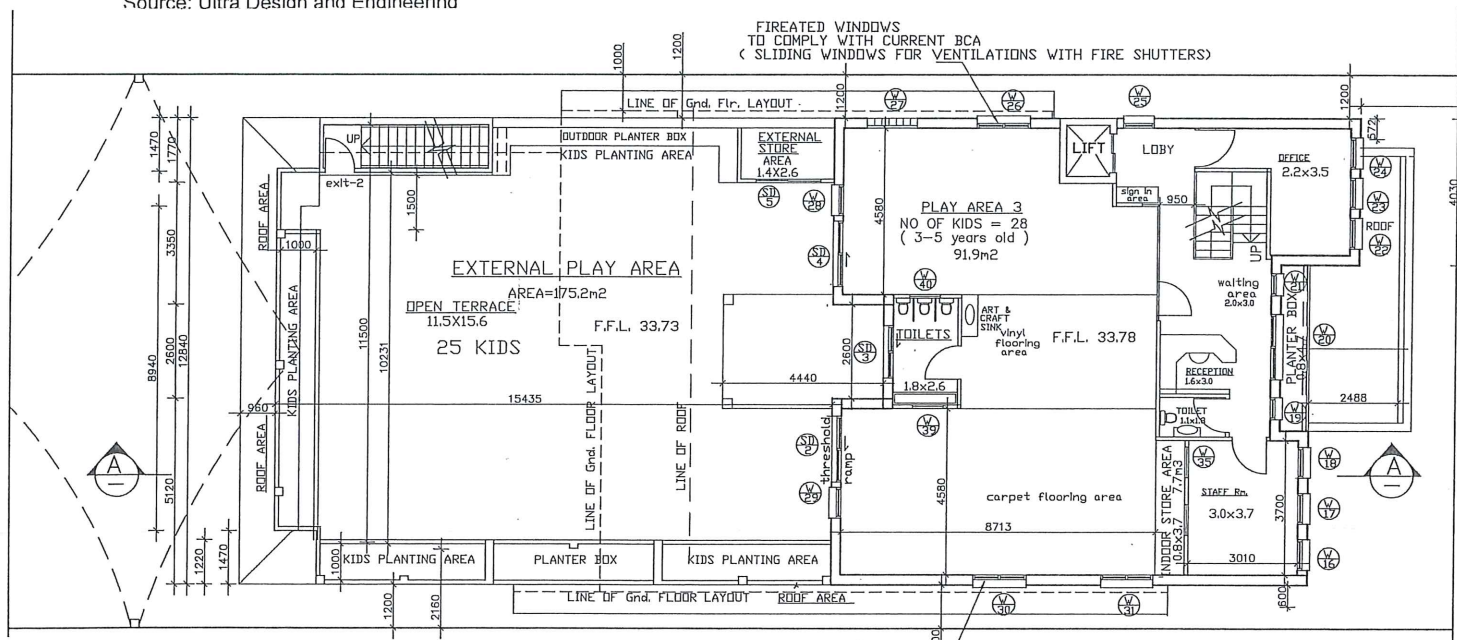


Figure 3: First Floor Plan
Source: Ultra Design and Engineering

A key compliance table summary is provided as Table 1 below.

Element	Approved Under DA DA-956/2018	Proposed/Approved Modifications	Net Difference
Height	No Change	No Change	Complies with the LEP
Gross Floor Area	370m ²	370m ²	Complies
Car parking spaces	9	Eleven (11)	Two (2) additional spaces

Table 1: Key Compliance Control

4. Section 4.55 Assessment

4.1 Section 4.55 of the EP&A Act 2021 – Other Modifications

Section 4.55 (2) of the Environmental Planning and Assessment Act 2021 (the Act) addresses modifications and provides that Council may modify a 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.*

Subsections (1) and (1A) do not apply to such a modification.

- (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 subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*
- (4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*
- (5) *(Repealed)*

In response to the above criteria it is noted that:

- The development proposes the same land use as approved under delegation by Canterbury Bankstown Council under DA-586/2022 and the Amendment ;
- The general form of the development remains the same in so far as it comprises a Childcare Centre Development;
- The Section 4.55(2) modification allows for amendments to the built form to be considered where such amendments do not have a determinative impact on the acceptability of the proposal;
- The proposed modifications would not result in adverse visual and or amenity impacts, as demonstrated at Section 5 below;
- The consent, if modified as proposed, would result in substantially the same development as that which is presently approved; and,
- Notification of this application is a matter for Council. Should Council notify the application and receive any submissions we request the opportunity to provide a response to any issues raised, prior to the application being determined.

Further detail is provided having regard to the requirements of 4.55 (2) (a) below:

a) 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,

Pearlman C.J. in *Schroders Australian Property Management Ltd v Shoalhaven City Council and Anor* (1999) NSWLEC 251 held “*substantially the same development*” to mean “*essentially or materially or having the same essence*”. We note that the development, as modified would essentially and materially have the same essence being a ‘**Centre Based Childcare Facility**’.

In addition, it is noted that during the proceedings of *Tipalea Watson Pty Ltd v Ku-ring-gai Council* (NSWLEC 253) 2003 “*substantially the same development*” had the meaning of “*essential characteristics*” of the approved development. In addition, during the Court proceedings of *Moto Projects (No. 2) Pty Ltd v North Sydney Council* (1999) 106 LGERA 298, Bignold, J held that: -

“The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the (current) approved development.”

The proposed amendments will ‘**not**’ result in any of the following: -

- Significant change to the nature or intensity of the use;
- Significant change to the relationship to adjoining properties;
- Adverse impact on neighbours from the changes (overshadowing; visual and acoustic privacy; traffic generation, etc);
- Significant change to streetscape; and
- Change to the scale or character of the development.

In our opinion, therefore, the proposed modifications do not change the essential features of the approved development and do not substantially alter the approved built form or use of the site. Overall, the built form as approved under DA-586/2022 and the Amendments while marginally increasing, will remain not inconsistent with the original approval. Other matters such as the setbacks, general layout and access

Are not greatly inconsistent with the original approval nor with what would be deemed an inappropriate design response for the land.

Quantitative impact

The proposed modifications result in a building with a gross floor area of 370m². The extent of No additional gross floor area provided to the development has been sited in a manner that will not reasonably exacerbate the extent of perceivable building mass across the elevations. The additional *External Outdoor Storage* of GFA does not alter the development's ability in remaining compliant with the prescribed LEP FSR standard while the range in setbacks provided along the critical building peripheries, will further reduce the extent of perceivable building volume as interpreted from both the public domain and neighboring properties. The proposed modifications seek to retain building exteriors that will continue to provide a strong degree of built form modulation and visual articulation to the façades, therefore remaining contextually compatible with the defining context.

In terms of building height, the modification seeks to marginally *No increase* the overall height of the building is still the same No increase directly relates to the extension of the first floor plate toward the rear where there is a diminutive drop off in land level. Importantly, the Non additional floor space and no extra building height is strategically sited so as to not give rise to any perceivable increase to the volume of the development as it presents to either neighboring development or public domain. Importantly, the additional First Floor Outdoor Play Area to the rear of 1.2m, height and setbacks do not adversely compromise on the degree or quality of solar access capable of being provided to adjoining properties who will continue to receive the requisite 3 hours solar access in mid winter.

Accordingly, it is considered that the modification results in substantially the same development as approved under DA-586/2022 and the Amendments..

b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) 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,

We understand that there are no conditions imposed on the consent by a relevant Minister, public authority or approval body and hence consultation is not required.

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.

Should Council notify the application and receive any submissions, we request the opportunity to provide a response to any issues raised, prior to the application being determined.

4.2 Matters for Consideration

Section 4.53(3) of the Act requires that in determining an application for modification of a consent, Council must take into consideration such of the matters referred to in Section 4.15 (1) of the Act as are of relevance to the development the subject of the application.

Section 4.15(1) identifies the matters to be considered by Council when assessing a development application, being:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
 - (v) (Repealed) that apply to the land to which the development application relates,*
- (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,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

These issues are considered in Section 5 below on page 12

Section 4.15 Assessment

5.1 Statutory and Policy Controls

The statutory and policy controls relevant to the proposed development include:

- State Environmental Planning Policy No. 55 - Remediation of Land;
- State Environmental Planning Policy (BASIX) 2004;
- State Environmental Planning Policy (Traffic and Infra Structure)
- State Environmental Planning Policy (Vegetation in Non-Rural Areas);
- Bankstown Local Environmental Plan 2023; and
- Bankstown Development Control Plan 2023.

An assessment of the proposal against the relevant provisions of the above statutory and policy controls is provided in the following sections.

5.2 State Environmental Planning Policy No.55 – Remediation of Land

The requirement at Clause 7 of SEPP 55 for the consent authority to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development, was considered as part of the assessment of the original application. The originally submitted PSI prepared by EI Australia contained the following conclusions:

- *The site and surrounding properties are not reported as being subject to regulation in relation to environmental impacts, as documented in the EPA public registers;*
- *A search of Council records relating to previous development applications, complaints and other information pertaining to previous activities at site did not identify any records for the site; and*
- *The site walkover inspection identified potential asbestos containing materials at the main property, shed, garage and outhouse. Further to this general waste was located in the overgrown vegetation found in the western portion of the site.*

The recommendations forming part of the original consent are suitably transferred over to the modified proposal. Accordingly, it is considered that the development application satisfactorily addresses SEPP 55.

5.3 State Environmental Planning Policy (Traffic and Infra Structure) 2021 March 2022

Transport and Infra-Structure SEPP21 indicates that a consent authority must not grant consent to development for the purpose of a centre-based child care facility except with the concurrence of the regulatory authority for the purposes of that clause, if the floor area of the building and required outdoor space for the building do not satisfy regulations 107 and 108 respectively of the *Education and Care Services National Regulations*.

Regulation 107 prescribes that an education and care service premises is to have at least 3.25m² of

unencumbered indoor space for each child being educated and cared for by a service, equating to 221m² of unencumbered indoor space for the sixty-eight (68) children proposed in this case. The proposed development achieves this standard by providing 223.2m² (or 3.25m² per child) of unencumbered indoor space.

Regulation 108 prescribes that an education and care service premises is to have at least 7m² of unencumbered outdoor space for each child being educated and cared for by a service, equating to 476m² of unencumbered outdoor space for the sixty-eight (68) children proposed in this case. The proposed development achieves this standard by providing 476.9m² (or 7m² per child) of unencumbered outdoor space.

Given the above, the concurrence of the relevant regulatory authority is not required in this case.

Clause 23 of the Transport and Infrastructure 2021 SEPP 21 prescribes that a consent authority must take into consideration any applicable provisions of the *Child Care Planning Guideline* in relation to a proposed development, before determining a development application for development for the purpose of a centre-based child care facility. This guideline was published on 1 September 2017 originally and establishes an assessment framework to deliver consistent planning outcomes and design quality for centre-based child care facilities in New South Wales.

The proposed development (as modified) continues to satisfy the relevant provisions of the State Environmental Planning Policy (Transport and Infrastructure 2021 and Child Care Planning Guidelines).

5.4 State Environmental Planning Policy (Vegetation in Non Rural Areas)

The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.

The Vegetation SEPP applies to clearing of:

1. Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the *Local Land Services Amendment Act 2016*; and
2. Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).

The Vegetation SEPP repeals clause 5.9 and 5.9AA of the *Standard Instrument - Principal Local Environmental Plan* with regulation of the clearing of vegetation (including native vegetation) below the BOS threshold through any applicable DCP.

The proposed modifications do not result in the removal of any additional trees and or vegetation. In this regard, the modifications will have no bearing on the ability for the provisions of this SEPP to remain satisfied.

5.5 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The subject site is located within land identified as being affected by *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment* (GMREP 2), being a deemed SEPP under Clause 120, Schedule 6 of the *Environmental Planning and Assessment Act 1979*. The GMREP 2 contains a series of general and specific planning principles which are to be taken into consideration in the determination of development applications. An assessment of the proposal has determined that the development (as modified) will remain consistent with the aims and objectives of the Plan, as well as the planning principles set out in Clause 8 of the GMREP 2.

5.6 Canterbury - Bankstown Local Environmental Plan 2023

The Canterbury Bankstown Local Environmental Plan 2023 (BLEP 2023) applies to the subject site which is identified as being within Zone R3 - Medium Density Residential. The proposed development is best characterized as '**Centre Based Childcare Facility**' which is permissible with consent in Zone R3.

The objectives of the R3 Zone are as follows:

- To provide for the housing needs of the community within a Medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.
- To allow for the development of Medium density housing that has regard to local amenity.
- To require landscape as a key characteristic in the Medium density residential environment.

The proposed modifications will not adversely compromise on the ability for the development (**as modified**) to remain consistent with the objectives for the zone.

CBLEP Minimum lot sizes and special provisions for certain dwellings

Clause 25 of *State Environmental Planning Policy (Transport and Infrastructure 2021)* allows a Child Care Centre to be located on a site of any size and have any length of street frontage or any allotment depth. This now prevails over CBLEP2023.

Notwithstanding this, it is noted that the subject site has a width of 15.24 metres at the front building line.

Clause 4.3 Height of Buildings

The proposed modifications result in the overall height No increase to the building ,compliant with the prescribed 9m standard.

Clause 4.4 Floor Space Ratio

The proposal as modified is set not to exceed the originally approved gross floor area, remaining complaint with the prescribed standard.

The extent of First Floor Area increase is located in a manner that will not amount to any adverse or ill coordinated increase to the visual scale and or volume of the development which will remain consistent with that originally approved.

Clause 6.8 Special Provisions applying to Centre-Based Child Care Facilities

Dudley Street is not a classified road. Furthermore, and it is not a cul-de-sac road and does not have a carriageway that is less than 10 metres between kerbs. The proposal will have no bearing on the ability for the provisions of this clause to continue to be satisfied.

5.7 Canterbury Bankstown Development Control Plan 2023

Parking

CBDCP 2023 supplements CBLEP 2023 by providing additional objectives and development controls to enhance the function and appearance of off-street parking.

In terms of numbers, the DCP sets a rate of 1 space per 4 children. In this regard, Eleven (11) spaces are required and provided for by way of the proposed development as modified.

Child Care Centres

CBDCP 2023 supplements CBLEP 2023 by providing additional objectives and development controls to enhance the function and appearance of child care centres. The development controls include storey limits, setbacks, building design, acoustic privacy, landscaping, traffic management, access and parking.

It is noted, however, that Clause 26 'Centre-based child care facility— development control plans' of *State Environmental Planning Policy (Transport and Infrastructure 2021)* stipulates that a provision of a development control plan that specifies a requirement, standard or control in relation to operational or management plans or arrangements, demonstrated need or demand for child care services, proximity of facility to other early education and care facilities, and any matter relating to Parts 2, 3 and 4 of the *Child Care Planning Guideline*, do not apply to development for the purpose of a centre-based child care facility.

This application is accompanied by a revised Traffic Report which demonstrates that the development (as modified), will not have any adverse impact on the road network capacity or street intersection service. The presenting form of the development while marginally increasing, still retains a two (2) storey scale and setbacks that are compliant with the DCP provisions.

The Acoustic Report has been prepared on the basis of the provision of an additional Eight (8) children to the centre. The report concludes that subject to the recommendations of this report being adhered to, the development will continue to satisfy the related noise transfer provisions related to this form of development.

The extent of deep soil provided across the development continues to facilitate for an appropriate degree of planting and constitutes as part of the unencumbered outdoor play area. The extent of vegetation in the area is low in height enabling access and observation across this aspect of the development in a manner that readily responds to the DCP requirements.

The design and orientation of the child care centre as modified continues to maximizes northern, eastern and western solar access. The detailed solar access assessment prepared by Ultra Design and

Engineering also confirms that proposal will continue to satisfy the controls for solar access to the living areas and private open space of surrounding residential properties.

The scale of the proposed child centre (as modified) will continue to complement the existing and future residential character of the surrounding area noting that the design and architectural treatment of the development remains appropriate, therefore enabling for its continual integration with the existing streetscape character. The development as modified retains a defined front building entry orientated to Edgar Street facilitating centre wayfinding.

Importantly, the modifications proposed will have no detrimental impact on the location and orientation of proposed play spaces nor will the safety and security of the centre be in any way adversely compromised.

The proposal demonstrates a high degree of numeric compliance with the relevant BDCP 2023 provisions applicable to this form of development.

6. The Provisions of any Environmental Planning Instruments

6.1. The Environment SEPP

The planning provisions for waterways, catchments, world heritage and urban bushland are currently contained in seven State Environmental Planning Policies (SEPPs), the Standard Instrument – Principal Local Environmental Plan (Standard Instrument), and in Ministerial Directions for plan making issued under the Environmental Planning and Assessment Act 2021.

An Explanation of Intended Effect for the SEPP (Environment) was publicly notified between 31 October 2017 to 31 January 2018. The SEPP (Environment) will integrate provisions from seven existing SEPPs relating to catchments, waterways, urban bushland and world heritage, and to reduce the complexity and streamline the planning system.

The proposed SEPP (Environment) will:

- *Encourage the proper management, development and conservation of natural resources and the protection of the environment, in line with the objectives of the Act*
- *Enable growth that maintains and enhances the health and integrity of our natural and cultural heritage for the benefit and enjoyment of the present community and for future generations*
- *Streamline development assessment by identifying and considering environmental values and constraints at the earliest possible stage in the development decision making process, using evidenced based planning methods*
- *Promote ecologically sustainable development that supports a balanced approach to the use of land and natural resources, and provides for long term environmental, economic and social wellbeing*
- *Adopt a risk-based approach to minimise cumulative negative impacts of development on both the immediate site and on a surrounding area or region*
- *The proposed SEPP fits within a range of plans and strategies including A Plan for Growing Sydney, draft District Plans, Regional Plans, local environmental plans, Ministerial Directions, and development control plans*

Having regard to the information of the Explanation of Intended Effect of the SEPP (Environment), it is considered that the proposed modifications are consistent with the draft planning instrument being, the proposed SEPP (Environment).

6.2. Remediation of Land SEPP

The Draft Remediation of Land SEPP was on public exhibition until 31 March 2018 and is a review of SEPP No 55 – Remediation of Land which along with the *Managing Contaminated Land Planning Guidelines* has been in place for almost 20 years. Both documents needed to be updated to respond to changes in federal and state legislation and policy, and to reflect new land remediation practices.

The new SEPP aims for the better management of remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works and will:

- *provide a state-wide planning framework for the remediation of land*
- *require consent authorities to consider the potential for land to be contaminated when determining development applications*
- *clearly list the remediation works that require development consent*
- *introduce certification and operational requirements for remediation works that can be undertaken without development consent*

Given that it has already been established that the site has not been identified as contaminated, the proposed modifications will in no way conflict with the provisions of this Draft SEPP.

7. Environmental Planning and Assessment Regulations 2021

7.1. Clause 98 – Compliance with the BCA

Pursuant to the prescribed conditions under Clause 98 of the Regulation, any building work *"must be carried out in accordance with the requirements of the Building Code of Australia"*. In this regard, the proposed modifications will have no adverse bearing on the ability for the works associated with this development (**as modified**) to be carried out in accordance with the relevant provisions of the BCA.

8 The Likely Impacts of the Development

8.1. Built Form

The outward appearance of the modified built form resembles a massing arrangement that is visually coherent with that currently approved. Furthermore, no unreasonable amenity and or visual impacts will result to neighboring developments or the public domain given the appropriately applied fenestration and functional façade arrangements which remain commensurate with that of the approved building.

8.2. Servicing/Waste

The proposed modifications do not alter the approved waste storage arrangements provided to the development.

8.3. Accessibility

Compliance with the revised access requirements for the proposal will be demonstrated with the construction certificate documentation.

9. The Suitability of the Site for the Development

The proposed development (as modified) responds to the applicable development standards and controls contained in *State Environmental Planning Policy (Transport and Infrastructure 2021)*, the *Child Care Planning Guideline*, BLEP 2023 and BDCP 2023. The proposed development (as modified) results in an appropriate built form for the site, which is consistent with the existing and desired future character of the area, and the assessment of the application has not identified any unreasonable or adverse impacts on the surrounding residential properties or the broader locality.

10. The Public Interest

The proposed modifications will in no way preclude the ability for the development to remain commensurate with the established and emerging character of the area. Given that there are no unreasonable impacts that will result from the proposed modifications, the extent of benefit provided for by the modifications will outweigh any disadvantage and as such, the proposed development will have an overall public benefit.

11. Conclusion

This application seeks approval for a Section 4.55 modification to the approved '**Centre based childcare facility**' development at No.16 Dudley Street, Punchbowl, NSW, 2196 ("**the site**").

A comprehensive assessment of the proposed modifications has been made against all of the applicable environmental planning provisions. The development has been found to be compliant in relation to all relevant planning controls in terms of standards, underlying objectives and merit. Arising from that assessment the amended proposal is considered to be:

- Substantially the same development as that which was originally approved;
- A suitable and desirable use for the site which meets the relevant heads of consideration under Section 4.15 of the Act;
- In accordance with the aims, objectives and provisions of the planning instruments and controls; and,
- An appropriate and acceptable development that will not generate any unreasonable environmental impacts over and above that which was originally approved by way of DA DA-586/2022 and 586/2022A

We are satisfied that this proposal has properly responded to all relevant matters for consideration within the Environmental Planning and Assessment Act, and the accompanying Regulation.

Accordingly, it is considered that the proposed modifications are worthy of Council support.

SAM SAKR

Building-Designer-Consultant /Asso.B.App.SC