

**Statement of Environmental Effects for a  
S4.55(1A) Modification to a Consent -  
DA 532/2024**

**Construction of a Two Storey Dwelling  
Lot 8 DP 20218**

**at**

**4 Clifford Street**

**Panania**

**Planning Outcomes Pty Ltd  
November 2024  
0417 467 509**

## **1. Proposed Modification**

On 30 August 2024, Canterbury-Bankstown issued a Notice of Determination for construction of a two storey dwelling house (DA 532/2024) at 4 Clifford Street Panania (Lot 8 DP 20218).

This S4.55(1A) modification seeks to delete Condition 24 of the General Conditions as the Canterbury-Bankstown DCP no longer requires dwelling houses to be constructed to comply with the Silver Standard design elements of the Liveable Housing Design Guidelines (Liveable Housing Australia).

## **2. Clause 4.55 of The Environmental Planning and Assessment Act**

### **4.55 Modification of consents—generally** *(cf previous s 96)*

#### *(1A) Modifications involving minimal environmental impact*

*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 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.*

It is considered that the proposed modification satisfies the requirements of Clause 4.55(1A) for the following reasons:

- (a) There will be no environmental impact caused to adjoining properties or the public domain as a result of these changes.*

- (b) The modified proposal is the same as the approved development being the construction of a two storey dwelling. The proposed changes are considered to be minor in nature and the modified proposal is substantially the same development.
- (c) The modified application may be notified, if necessary, to satisfy Council's requirements.
- (d) Any submissions received as a result of any neighbour notification will be considered by the consent authority prior to the determination of the application.

### **3. Clause 100 of the Environmental Planning and Assessment Regulation 2021**

#### **100 Content of modification application**

- (1) *A modification application must contain the following information—*
  - (a) *the name and address of the applicant,*
  - (b) *a description of the development that will be carried out under the development consent,*
  - (c) *the address and folio identifier of the land on which the development will be carried out,*
  - (d) *a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved,*
  - (e) *whether the modification is intended to—*
    - (i) *merely correct a minor error, misdescription or miscalculation, or*
    - (ii) *have another effect specified in the modification application,*
  - (f) *a description of the expected impacts of the modification,*
  - (g) *an undertaking that the modified development will remain substantially the same as the development originally approved,*
  - (h) *for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information,*
  - (i) *if the applicant is not the owner of the land—a statement that the owner consents to the making of the modification application,*
  - (j) *whether the modification application is being made to—*
    - (i) *the Court under the Act, section 4.55, or*
    - (ii) *the consent authority under the Act, section 4.56.*

All the above matters are addressed in the S4.55(1A) application.

(2) *Subsection (1)(i) does not apply if the consent of the owner is not required under section 98.*

*(3) If a modification application under the Act, section 4.55(1A) or (2) relates to BASIX development, or BASIX optional development if the development application was accompanied by a BASIX certificate, the application must be accompanied by—*

- (a) the BASIX certificate, or*
- (b) a new BASIX certificate if the current BASIX certificate is no longer consistent with the development.*

A revised BASIX Certificate is not required.

#### **4. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment (Amendment) Act, 1979**

*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) the provisions of—*

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument, and*
- (iii) any development control plan, and*
- (iiia) any planning agreement, and*
- (iv) any matters prescribed by the regulations,*

*that apply to the land to which the development application relates,*

The proposed modification is considered to remain satisfactory with regard to the provisions of the *Canterbury-Bankstown LEP 2023* and the *Canterbury-Bankstown DCP*.

The *Canterbury-Bankstown Liveable Design Guidelines* for a dwelling house are:

*New dwellings are to provide:*

- capability for a safe and continuous path of travel from the street or car parking area into the dwelling;*
- internal doors with a clearance of 820mm and corridors with a clearance of 1000mm, that facilitate comfortable unimpeded movement between spaces;*
- a toilet at the ground floor level;*
- a bathroom that contains a hobless shower recess;*
- reinforced walls around the toilet, shower and bath to support safe installation of grabrails at a later date;*
- stairways that are designed with handrails and safe access.*

The amended plans have been designed to include a number of the above requirements.

***(b)the likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.***

- the proposed modification will not have any adverse impacts on the natural and built environments and will not cause any adverse amenity impacts to adjoining properties;
- the social and economic impacts of the proposed modification are considered minor due to the size of the changes.

***(c)the suitability of the site for the development***

- the site remains suitable for the proposed development and the site has no major environmental constraints to development.

***(d)any submissions made in accordance with this Act or the regulations***

- if the modified development application is subject to Council's Notification Policy, any submissions received as a result of neighbor notification will be considered by Council.

***(e)the public interest***

- the proposed modification is not contrary to the public interest as the development remains consistent with the objectives for development within the R2 Low Density Residential Zone.

## **5. Conclusion**

The proposed modification has been assessed in accordance with the Matters for Consideration Under Clause 4.15 of the *E P & A Act 1979* and Clause 4.55 (1A) of the *E P & A Act 1979* and has been found to be satisfactory. The proposed modification is therefore recommended for approval.