



Application Pursuant to Clause 4.55(2) of  
The Environmental Planning and Assessment Act 1979

Amended Statement of Environmental Effects  
in support of the Modification of Consent No. DA-545/2024

62 Chelmsford Avenue, Belmore NSW 2192

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Title	Version	Prepared By	Checked by	Date
Statement of Environmental Effects	1	NV	/	May, 2025

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## 1 EXECUTIVE SUMMARY

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### 1.1 INTRODUCTION

This amended Statement of Environmental Effects (SEE) is to accompany the proposed modification to General Conditions – Approved plans to DA-545/2024 granted by Canterbury – Bankstown Council for design changes, at 62 Chelmsford Avenue, Belmore.

The statement addresses the relevant elements of Section 4.55(2) and Section 4.15 of the Environmental Planning and Assessment Act 1979, together with relevant State Environmental Planning Policies and Regional Environmental Plans, The Regulations and local plans and policies.

### 1.2 LEGISLATIVE REQUIREMENTS

The site is located in the Canterbury – Bankstown Local Government Area (LGA) within the R3 Medium Density Residential Zone. The following state and local legislative controls are relevant to the proposal:

- State Environmental Planning Policy – Sustainable Buildings 2022
- State Environmental Planning Policy Resilience and Hazards 2021
- State Environmental Planning Policy –Transport and Infrastructure 2021
- Canterbury - Bankstown Local Environmental Plan 2023

### 1.3 NON-LEGISLATIVE REQUIREMENTS

The following non-legislative control is applicable to the development:

- Canterbury – Bankstown Development Control Plan 2023

### 1.4 CONCLUSION

It is our professional opinion that the proposal is consistent with the relevant controls, their underlying objectives, together with the plans and policies at both local and state levels. The proposal offers a high-quality, flexible, contemporary, residential outcome. The proposal will provide for and contribute to the character of single storey dwellings in this residential precinct comprised of a varied and eclectic mix of types of dwellings.

We recommend the proposal for your approval, subject to standard conditions of consent.

## 2 SITE SUMMARY

### 2.1 SITE ATTRIBUTES

Address of Site:	62 Chelmsford Avenue, Belmore
Local Government:	Canterbury – Bankstown City Council
Local Environmental Plan:	Canterbury – Bankstown L.E.P. 2023
Development Control Plan:	Canterbury – Bankstown D.C.P. 2023
Zone:	R3 – Medium Density Residential
Brief Description / Purpose of Proposal:	4.55(2) Modification

### 2.2 SITE DESCRIPTION

The site is legally known as Lot A, DP 350140 and is commonly referred to as 62 Chelmsford Avenue, Belmore. The subject site is a corner lot with a frontage of 13.79m and an average site depth of 36.81m. These measurements equate to an overall site area of 506.4m<sup>2</sup>. The topography generally slopes by 1.88% from south down to north at the rear with no significant features.

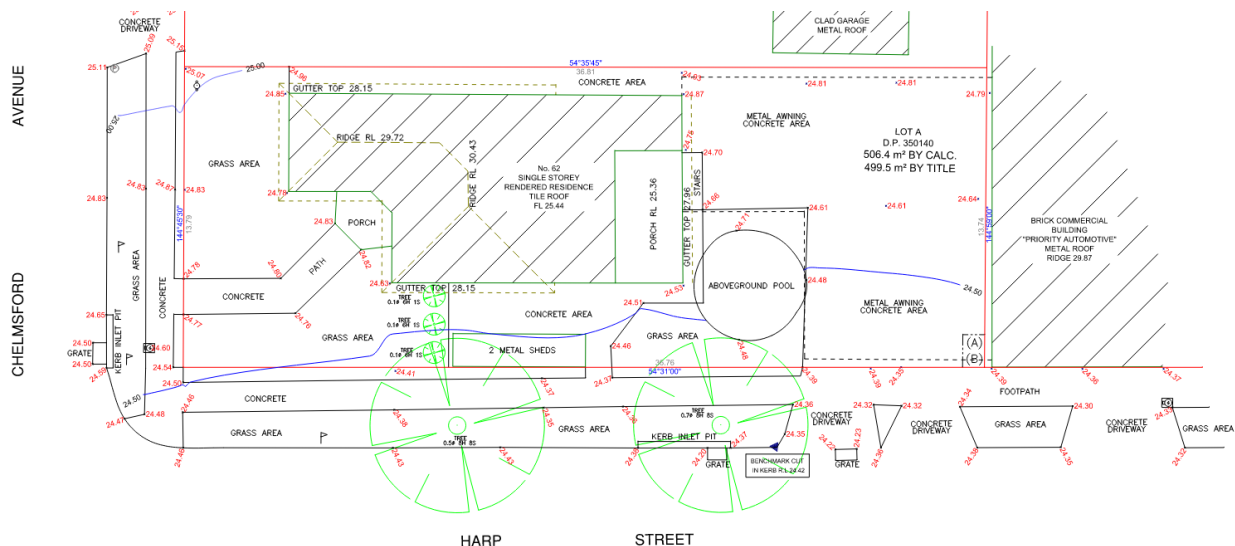




Figure 2: Aerial View

Source: Metro Map

### 2.2.1 Site Surrounds

Reviewing the surrounds, the locality is characterized by low residential density dwellings with associated landscaping and parking. The sites are all of similar allotments sizes and contain either a single or two storey dwelling house.

## 3 RELEVANT SITE HISTORY

The subject allotment has been subject to the following works and applications:

- CC-213/2025 - Alterations and additions to existing single storey dwelling (Approved 06/05/2025);
- DA-545/2024 - Alterations and additions to existing single storey dwelling (Approved 17/07/2024).

## 4 PROPOSED MODIFICATION(S)

The applicant seeks approval for the proposed modification to General Conditions – Approved plans to DA-545/2024 which entail the following:

- Removal of windows and proposed new windows;
- Master bedroom layout changes;
- Laundry/bath at the alfresco and in-ground swimming pool layout changes;
- Roof design changed over the porch and entrance;
- Design changes of the south-west and south-east elevations.

## 5 HEADS OF CONSIDERATION AND EVALUATION

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### 5.1 CONSIDERATIONS UNDER SECTION 4.55(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 the consent was originally granted and before that consent as originally granted was modified (if at all), and

#### Response

The land use does not change or alter in any way, thus the “essence” of the approval is retained to an appropriate level to be considered pursuant to 4.55(2) provisions.

- (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

#### Response

This has been addressed at a Strategic level.

- (c) it has notified the application in accordance with:
  - (i) the regulations, if the regulations so require, or

#### Response

Council is to undertake the notification of the modification in accordance with the Regulations.

- (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

#### Response

Council is to undertake the notification of the modification in accordance with the relevant Development Control Plan.

- (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.

#### Response

No submissions were received at the time of the preparation of the revised statement.

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.

## 5.2 CONSIDERATIONS UNDER SECTION 4.15

### 5.2.1 Environmental Planning Instruments

#### State Environmental Planning Policy (Sustainable Buildings 2022)

A revised BASIX certificate has been provided and accompanies the proposed modifications.

#### Canterbury - Bankstown Local Environmental Plan 2023

##### PART 1 - PRELIMINARY

The proposal remains subject to the provisions of Canterbury-Bankstown Local Environmental Plan 2023. The proposals response to the relevant aims of the plan have not altered from the assessment as approved. No further investigation is required in this regard.

##### PART 2 – PERMITTED OR PROHIBITED DEVELOPMENT

The modification does not alter the land use as approved. The land use remains permissible with consent.

##### Relevant Objectives of zone

The proposal remains subject to the objectives of the R3 Medium Density Residential Zone. The proposals response to the relevant objectives of the zone have not altered from the assessment as approved.

##### PART 4 – PRINCIPAL DEVELOPMENT STANDARDS (LEP)

PART 4 - BUILT FORM CONTROLS (LEP)				
Control	Required	Approved	Proposed Modification	Complies
Minimum Site Area	460m <sup>2</sup>	506.4m <sup>2</sup>	506.4m <sup>2</sup>	YES
Building Height	Max. 8.5m	6.855m	6.855m	YES
Floor Space Ratio	0.55:1 or 278.52m <sup>2</sup>	0.29:1 or 148.93m <sup>2</sup>	0.29:1 or 148.93m <sup>2</sup>	YES

### 5.2.2 Proposed (Draft) Environmental Planning Instruments

There are no Draft Environmental Planning Instruments being formulated at strategic level or on exhibition at the time of preparing this report. Therefore, there are no draft controls relating to the proposal.

No further investigation is required in this regard.

### 5.2.3 Development Control Plans

#### Canterbury-Bankstown Development Control Plan 2023

The following table shows the proposals response to the relevant numerical standards:

DEVELOPMENT CONTROL TABLE (DCP)				
Control	Required	Proposed	Proposed Modification	Complies
Primary Front setback	Min. 6m	4.675m (existing)	4.675m (existing)	YES
Secondary Street setback	Min. 2m	2.015m	2.015m	YES
Side Setbacks	Min. 1m	1.055m	1.055m	YES
Rear Setbacks	Min. 6m	8.995m	8.995m	YES
Storeys	Max two storeys (2)	One storey (1)	One storey (1)	YES
Building Height (Dwelling House)	Max. 8.5m	6.855m	6.855m	YES
External Wall Height	Max. 7m	3.72m	3.72m	YES
Site Coverage	Max. 50% (253.2m <sup>2</sup> )	41.60% (210.69m <sup>2</sup> )	41.60% (210.69m <sup>2</sup> )	YES
Landscaping (Deep soil)	Min. 20% (101.28m <sup>2</sup> )	20.38% (103.24m <sup>2</sup> )	20.59% (104.26m <sup>2</sup> )	YES
Impervious Area	Max. 75% (379.8m <sup>2</sup> )	28% (144.4m <sup>2</sup> )	28% (144.4m <sup>2</sup> )	YES
Parking	2 car spaces	2 car spaces	2 car spaces	YES

## 6 ADDITIONAL CONSIDERATIONS

### Visual Privacy

A review of the plans indicates that the habitable room windows on the side boundaries on ground floor are successful in providing appropriate offsets to adjoining windows on adjoining developments.

### Acoustic Privacy

The proposal does not include a change of use or intensification of the existing permissible use being a dwelling. Any resultant noise from the site as a result of the proposal will be commensurate with that of the existing dwelling and a residential use. No further investigation is required in this regard.

### Bulk and Scale

A review of the revised plans indicates that the changed design does not have an unreasonable impact upon the approved bulk and scale of the existing development. The dwelling remains consistent with the desired character of the locality and there are no significant changes resulting from this modification. The building envelope is determined by compliance with controls such as setback, landscaped area and height. In regard to the controls and standards, the proposal meets these requirements.

### Solar Access

The proposed modification will not result in any additional solar access or overshadowing impact.



## 6.1 PLANNING AGREEMENTS

There are currently no Draft Planning Agreements or Planning Agreements applicable to the development. No further investigation is required in this regard.

## 6.2 THE REGULATIONS

### 6.2.1 Clause 36 and 91

Were Council to require additional information, consideration must be given to the number of days taken in this assessment in light of this Clause within the Regulation. No additional information has been requested at the time of writing of the statement.

## 6.3 SITE SUITABILITY

### 6.3.1 Environmental

The assessment of the proposal has shown that any environmental impacts resulting from the works will be negligible. Regard is shown for the natural environment in terms of on-site management of stormwater and drainage, with appropriate measures incorporated into the overall design that operate in concert with the extensive areas of landscaping provided by the site layout.

The built environment will be enhanced by the upgraded site allowing for the more economical use of the available resource, without impacting or dominating the area in terms of built form. The proposal satisfies the requirements of both the natural and built environments.

### 6.3.2 Social

The proposal is consistent with the existing environment within the appropriate R3 Medium Density Residential Zone. This allows a more diverse population cross section to “settle and stay” within the Canterbury-Bankstown LGA. The increased choice of housing in this area provided by the proposal increases the longevity of the site whilst allowing residents an upgraded modern alternative.

The dwelling will continue to utilise local services available to the occupants of dwellings in terms of housing. The proposal adds to the available housing stock within the area and provides opportunities for more varied dwelling choice. The proposal will allow the occupants to “age in place” and remain in occupation. The proposal is consistent with the social requirements in these regards.

### 6.3.3 Economic

The provision of appropriately serviced housing opportunities within this appropriately zoned locality, contributes to the easing of housing affordability pressure on potential homeowners whilst showing regard for the requirements of this R3 Zone.

## 6.4 SUBMISSIONS

There are no submissions relating to the proposal from the community or the consent authorities at this stage of the proposal process. No further investigation is required in this regard.

## 6.5 THE PUBLIC INTEREST

The dwelling remains consistent with other dwellings in the street and remains consistent with the streetscape character and built form as existing. The proposal is clearly within the public interest.

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.

## 7 CONCLUSIONS AND RECOMMENDATIONS

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The project, located within suburban Belmore, offers a high-quality, flexible, contemporary, residential outcome which provides for and contributes to the housing diversity in this residential precinct comprised of a varied and eclectic mix of types of dwellings.

The proposal has demonstrated a consistency with the underlying objectives of the controls and general compliance with the numerical standards contained within both State and Local policies and plans. The modification shows regard for Section 4.15 and 4.55 of the Act and shows regard for all heads of consideration including site suitability, economic, social and environmental impacts and the public interest.