

Statement of Environmental Effects

S4.55 Modification of Development Application DA-242/2021


50 Adelaide Road, Padstow

Prepared by Paro Consulting

May 2025



Document status

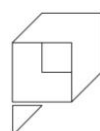
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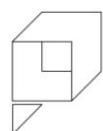
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1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by Paro Consulting to accompany a S4.55 Modification of Development Application (DA) to Canterbury-Bankstown Council (Council) for a site at 50 Adelaide Road, Padstow (the site).

The application proposes to modify to an approved development application DA-242/2021 for the “demolition of existing structures, construction of new two storey attached dual occupancy, swimming pool and associated Torrens title subdivision” (Original Proposal) at the site.

The proposal seeks reasonable internal and external design refinements to the approved development arising from the need to improve habitable areas, circulation and external façade design. The swimming pool is being removed.

The overall integrity of the approved design is to be preserved as part of the proposed modification.

The proposal also seeks to modify development consent DA-242/2021 with regards to the approved plans under Condition 2. Specifically, Condition 2 should be amended to reference the modified drawing set submitted under this DA.

This SEE has been prepared pursuant to Section 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and Clause 100 of the Environmental Planning and Assessment Regulation 2021 and Part 3 Division 1 of the Environmental Planning and Assessment Regulation 2021 (EP&AR 2021).

This SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and should be read in conjunction with information and documentation submitted in support of the application.

Specifically, the SEE includes the following information:

- Description of the site in its local context;
- Identification of the proposed modifications;
- Assessment of the proposed modifications against Council’s controls and policies;
- Assessment of all environmental impacts of the proposed modifications; and
- Demonstration that the proposed modifications meets the test of “substantially the same development” under Section 4.55 of the EP&A Act.

This submission demonstrates that the proposed development is substantially the same as the approved development, is consistent with relevant planning controls and will not result in any unreasonable environmental effects.



2. Background

2.1 Approval History

The follow results are available for recent development site on Council's DA tracker:

DA-593/2021	Development Application
DA-242/2021/A	Development Application
DA-242/2021	Development Application
DA-358/2012	Development Application
BA-214/1991	Old Building Application

2.2 Preliminary DA

No preliminary DA meeting has occurred in relation to the proposal.

2.3 Compliance Orders

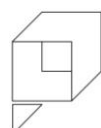
There are no compliance orders relating to the current proposal to the authors knowledge.

3. Site Analysis

3.1 Site Location and Description

The site is located at 50 Adelaide Road Padstow and is legally described as Lot 33 in Deposited Plan 30120 and located within the Canterbury-Bankstown Council Local Government Area. The site is irregular in shape with a frontage to Adelaide Road. The site has a total site area of 594.3m². The site is located on the western side of Adelaide Road with a with an Adelaide Road (eastern) boundary of approximately 40m, a northern side boundary of approximately 9.652m; a southern side boundary of approximately 22.635m and a rear boundary of 38.15. The site slopes from the south to the north.

The site is occupied by a single storey brick detached dwelling. Existing vehicular access is provided from the Adelaide Road frontage. Refer to Figure 1 below for an aerial image of the site.



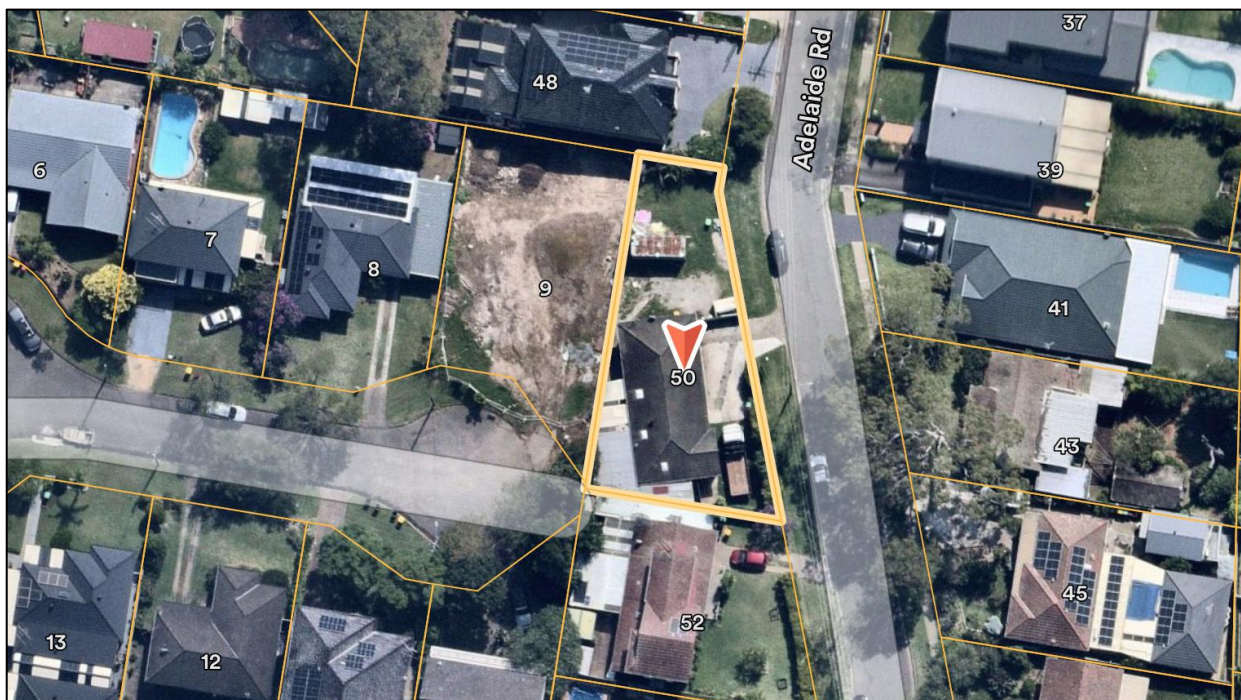


Figure 1. Aerial photograph of the site (source: NearMaps)



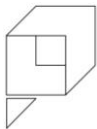
Figure 2. Development site as viewed from Adelaide Road looking directly towards the site from the street (Source: Google Maps, 2024)

The immediate surrounding context comprises of dwelling house or dual occupancy development. More recent development includes a contemporary two-storey dual occupancy housing. Refer to the Figures below which illustrate development within the vicinity:





Figure 3. Contemporary development surrounding the development site. (Source: Google Maps, 2024)



4. The Proposed Modification

4.1 The Modified Proposal

The Section 4.55(1A) modification application seeks to modify an approved development application DA-242/2021 for the “demolition of existing structures, construction of new two storey attached dual occupancy, swimming pool and associated Torrens title subdivision” (Original Proposal) at the site.

The proposal seeks reasonable internal and external design refinements to the approved development arising from the need to improve habitable areas, circulation and external façade design. The swimming pool is being removed.

The overall integrity of the approved design is to be preserved as part of the proposed modification.

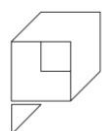
The proposal also seeks to modify development consent DA-242/2021 with regards to the approved plans under Condition 2. Specifically, Condition 2 should be amended to reference the modified drawing set submitted under this DA.

The proposed modifications to each condition are detailed in the section **4.2** below.

4.2 Modification to DA Conditions

Proposed Modification

The modification proposes to modify Condition 2 to include the amended plans prepared by EYA Building Designs included with the Modification DA.



4.3 Comparison of Approved and Proposed Plans

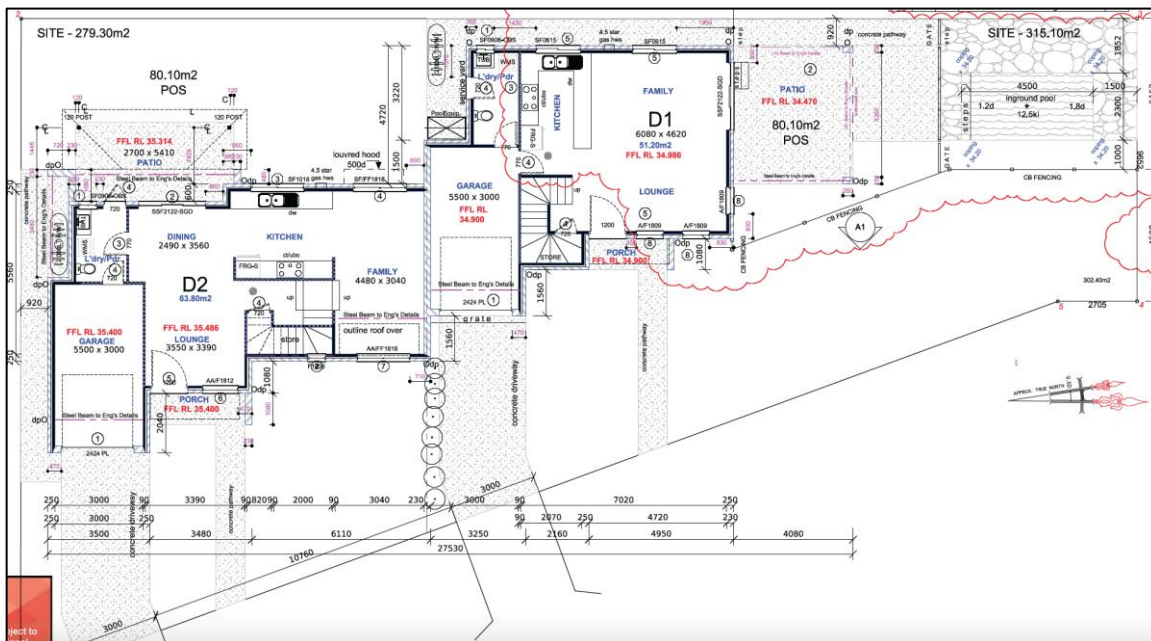


Figure 4. Approved ground floor plan

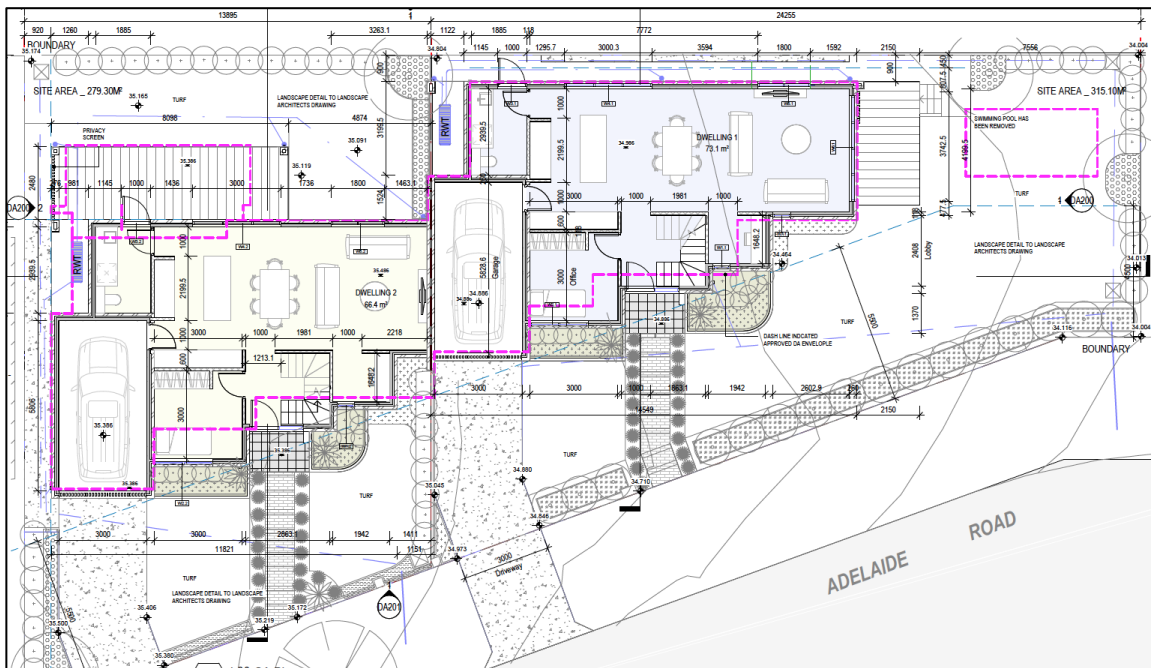
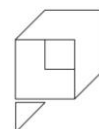


Figure 5 – Modified ground floor plan



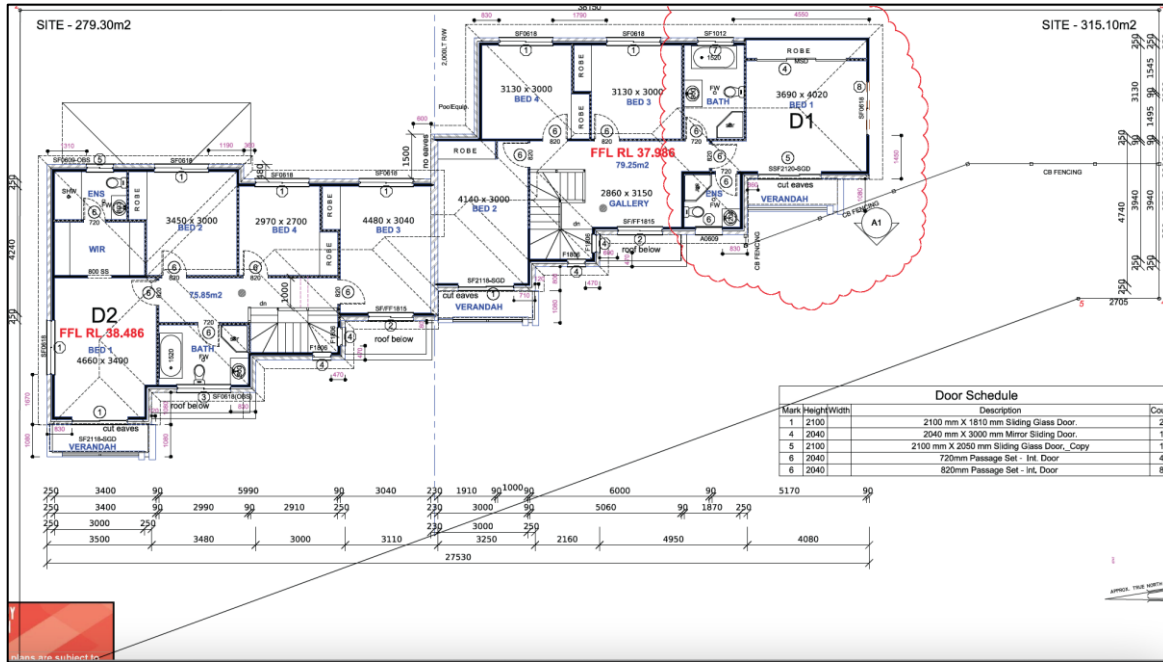


Figure 6. Approved first floor plan

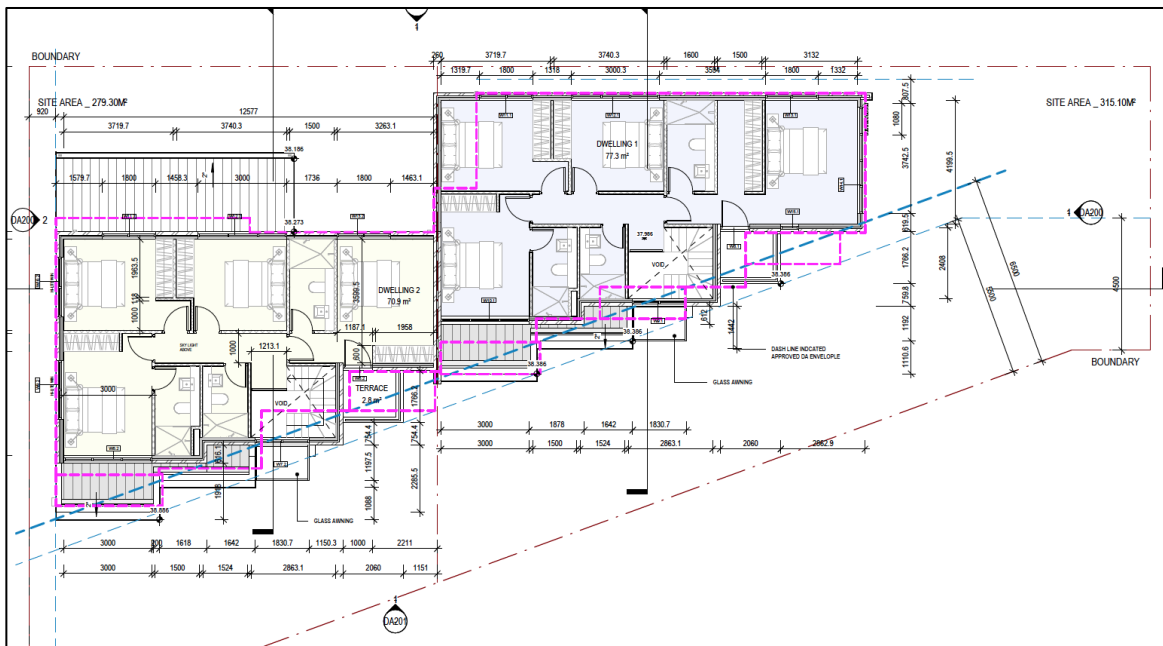


Figure 7. Modified first floor plan



5. Planning Assessment

5.1 Section 4.55 of EP&A Act 1979 – Assessment

Section 4.55(1A) of the EP&A Act 1979 prescribes how a consent authority may modify a consent where the modifications are of minimal environmental impact:

“(1) 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—

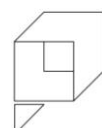
- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent 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.*

Subsections (1), (2) and (5) 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.*
- (6) Deemed refusals*

The regulations may make provision for or with respect to the following—

- (a) the period after which a consent authority, that has not determined an application under this section, is taken to have determined the application by refusing consent,*
- (b) the effect of any such deemed determination on the power of a consent authority to determine any such application,*
- (c) the effect of a subsequent determination on the power of a consent authority on any appeal sought under this Act.”*



Substantially the same development

The proposed modified development is substantially the same development as the development for which the consent was originally granted. The development type (dual occupancy) and subdivision (Torrens Title) remain exactly the same. The appearance of the building will remain generally the same as the approved development with the two-storey scale and general location of new works being retained. The proposed modifications only involve minor changes from a quantitative and qualitative perspective when compared to the original consent granted under the original DA. The modifications relate to compliance with conditions of consent and will not materially alter the overall development, nor change the approved use on site.

Based on the above, we consider the modification to be substantially the same development.

Minimal Environmental Impact

The modification is best suited to a section 4.55(1A), as the proposed modification is of minimal environmental impact. It does not result in significant changes to the approved building envelope or height of buildings and will not significantly alter the overall character of the development. The proposed modification seeks to refine the design and proposes reasonable internal and external amendments to achieve an acceptable planning outcome for the development and achieve the intent of consent conditions and in response to further design development proposes reasonable amendments to achieve an acceptable planning outcome for the development.

Notification

The proposed modification may be exhibited in accordance with Council's notification policy.

5.2 Environmental Planning and Assessment Act 1979

5.2.1 Section 1.3 – Objects

The Environmental Planning and Assessment Act, 1979 (the Act) is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are as follows:

- “(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different*



levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment”.

For the reasons set out below, it is considered that the proposal satisfies the above stated objectives of the Act:

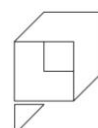
- The proposal would result in the orderly and economic use and development of land as the proposal will result in the orderly and economic use and development of land as the proposal is of an appropriate bulk and scale that responds well to its context.
- The proposal would also be consistent with the objectives of the zone, relevant EPIs and development standards.
- There will be no unreasonable adverse impacts on the environment or neighbouring properties as a result of the new dual occupancy and subdivision.

5.2.2 Section 4.15 of EP&A Act 1979

Section 4.15(1) of the Act as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the Act are addressed in the Table below.

Table 1. EP&A Act 1979 - Section 4.15 (1) Assessment

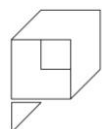
Clause	Assessment
<p>(1) Matters for consideration—general <i>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—</i></p> <p><i>(a) the provisions of:</i></p>	
<i>i) any environmental planning instrument</i>	An assessment has been provided against relevant SEPPs and the Canterbury-Bankstown LEP 2023 in part 5.3 of the SEE.
<i>(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</i>	Not applicable as no draft environmental planning instruments are applicable to the assessment of this proposal.
<i>iii) any development control plan, and</i>	The proposal has been considered against the provisions of the Canterbury-Bankstown DCP 2023 in part 5.4 of the SEE.
<i>(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</i>	The DA is not subject to a planning agreement.



Clause	Assessment
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	This report considers the environmental consequences of the development as required under Part 3 Division 1 of the Environmental Planning & Assessment Regulation 2021. There are no prescribed matters, which hinder the development. The proposal is in accordance with the relevant State Environmental Planning Policies.
<i>v) (repealed)</i>	Not applicable.
<i>(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,</i>	As discussed in the other sections of this report, the proposal will not result in any significantly adverse environmental impacts, will have a suitable streetscape presentation, and protect the landscape setting of the site. The proposal will not result in any adverse social or economic impacts on the locality.
<i>(c) the suitability of the site for the development,</i>	The land is appropriately zoned to permit the construction of two dwellings with Torrens Title subdivision and the development meets the objectives of the Canterbury-Bankstown LEP 2023.
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	It is envisaged that any submissions made in relation to the proposal will be appropriately assessed by Council.
<i>(e) the public interest.</i>	The public interest would be served by approval of this development. The proposal as modified includes positive economic, social and environmental impacts by creating construction jobs and better meeting the needs of the residents. It is considered that the development is consistent with Council's policies and does not result in any unreasonable impacts. Under the circumstances of the case, it is considered that the development is acceptable and should be supported.

5.3 Provisions of Any Environmental Planning Instrument

An assessment is provided in the section of the SEE against the relevant state and local environmental planning instruments, which apply to the site in considered within Section 4.15 (1) of the EPA Act 1979.



5.3.1 SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

Chapter 2 – Coastal Management of the SEPP (Resilience and Hazards) 2021 (former SEPP (Coastal Management) 2018) gives effect to the objectives of the Coastal Management Act 2016 from a land use planning perspective, by specifying how development proposals are to be assessed if they fall within the Coastal Zone.

The subject site is located wholly outside of Coastal Environment Area (Section 2.10) and the Coastal Use Area (Section 2.11).

On the basis, no further consideration is required under Chapter 2 of the Resilience and Hazards SEPP 2021.

Chapter 4 – Remediation of Land (Remediation of Land)

Chapter 4 – Remediation of Land of the SEPP (Resilience and Hazards) 2021 (former SEPP No. 55 - Remediation of Land) provides planning guidelines for remediation of contaminated land. The Canterbury-Bankstown DCP provides controls and guidelines for remediation works. Chapter 4 – Remediation of Land of the SEPP requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The proposal includes minor site disturbance to accommodate the construction of new footings for the new works, however, these are similar to what was approved under the original proposal. As required Under Clause 4.6(a) of Chapter 4 – Remediation of Land, consideration has been given as to whether the land is contaminated. The site appears to have included a continued historical residential use.

In the absence of any information indicating the potential contamination of the site and the absence of any significant excavation, further consideration of this issue is not warranted in this instance.

5.3.2 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the original development application. That BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. Measures detailed in the BASIX Certificate will be incorporated into the Construction Certificate drawings and implemented.

5.3.3 SEPP (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 Vegetation in non-rural areas of the SEPP (Biodiversity and Conservation) 2021 aims are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

Part 2.3 of Chapter 2 of the SEPP defers the assessment criteria for the removal of vegetation to the applicable Council DCP in this case being Part B, Section 16 Tree & Vegetation Management of the Canterbury-Bankstown DCP 2023.

The Canterbury-Bankstown DCP 2023 requires consent for removal of declared (prescribed) trees and vegetation.

The proposal as modified does not involve the removal of any vegetation that was otherwise proposed for retention under the original proposal.

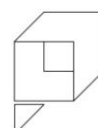


5.4 Canterbury-Bankstown LEP 2023

The Canterbury-Bankstown Local Environmental Plan 2023 (Canterbury-Bankstown LEP 2023) is the primary planning instrument applicable to the subject site. The following table provides applicable clauses from the Canterbury-Bankstown LEP.

Table 2. Canterbury-Bankstown LEP 2023 – Compliance Table

Clause	Assessment	Comply
Part 1 Preliminary		
1.2 Aims of the plan	The proposal as modified does not contravene the aims of the plan.	Yes
Part 2 Permitted or prohibited development		
R2 Low Density Residential The site is zoned R2 Low Density Residential, and dual occupancies are permitted with consent within the land use zone.	The use of the site for dual occupancy purposes is permitted with consent in the land use zone.	Yes
Land Use Zoning Objectives The objectives of the R2 Low Density Residential zone are: <ul style="list-style-type: none"> • To provide for the housing needs of the community within a low 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 uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area. • To ensure suitable landscaping in the low density residential environment. • To minimise and manage traffic and parking impacts. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To promote a high standard of urban design 	The proposal as modified is of a height and scale that achieves the desired future character of the neighbourhood, meets the needs of the future residents and is consistent with the zone objectives.	Yes



Clause	Assessment	Comply
and local amenity.		
2.7 Demolition requires development consent	The proposal involves demolition works which are permissible with consent. In any event it is expected that the consent authority would impose relevant standard DA conditions, as applicable, on any consent to manage impacts which may arise during demolition.	Yes
Part 4 Principal Development Standards		
4.1 Minimum Lot Size	There is no change the approved lot sizes.	N/A
4.3 Height of Buildings – 9m	The works as modified will not exceed 9m in height.	Yes
4.4 Floor space ratio – 0.5:1	The modified proposal has an FSR of 0.49:1.	Yes
4.6 Exceptions to development standards	Clause 4.6 variation requests are not required for modification applications.	N/A
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	The site is not located within any heritage conservation area, and no heritage item is identified on site.	N/A
Part 6 Additional local provisions		
6.1 Acid Sulfate Soils – Class 5	The subject site is affected by Class 5 Acid Sulfate Soils. Earthworks found suitable for approval under the original proposal are being proposed in a similar manner under this modification.	Yes



5.5 Canterbury-Bankstown DCP 2023

The Canterbury-Bankstown Development Control Plan 2023 (Canterbury-Bankstown DCP 2023) is the primary DCP applicable to the proposal and site. The table below identifies the key relevant provisions which apply to the proposal under the Canterbury-Bankstown DCP.

Table 3. Canterbury-Bankstown DCP 2023 – DCP Table

Control		Comment	Comply
CHAPTER 3 – GENERAL REQUIREMENTS			
3.2 – PARKING			
3.2.2 - OFF-STREET PARKING RATES			
2.1	Development must use the <i>Off-Street Parking Schedule</i> to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site. 1 car space per 2 or less bedrooms; or 2 car spaces per 3 or more bedrooms	Each dwelling has more than 3 bedrooms so 2 car spaces are required. Each dwelling has a single garage space and a hardstand parking space.	Yes
3.2.3 DESIGN AND LAYOUT			
1	Development must not locate entries to car parking or delivery areas: (a) close to intersections and signalised junctions; (b) on crests or curves; (c) where adequate sight distance is not available; (d) opposite parking entries of other buildings that generate a large amount of traffic (unless separated by a raised median island); (e) where right turning traffic entering may obstruct through traffic; (f) where vehicles entering might interfere with operations of bus stops, taxi ranks, loading zones or pedestrian crossings; or (g) where there are obstructions which may prevent drivers from having a clear view	The proposed new driveways and vehicle crossings will not conflict with this criteria. Adelaide Road is a local road where an additional driveway associated with low density development will not have any noticeable impact on traffic movements or frequency.	Yes



Control		Comment	Comply
	of pedestrians and vehicles.		
8	The location of driveways to properties should allow the shortest, most direct access over the nature strip from the road.	The location of the new driveways allows the shortest, most direct access over the nature strip from the road.	Yes
11	For one-way residential development, a driveway must have at least 3m clear width.	The new driveways are at least 3m wide, with minimal bend.	Yes
3.3 – WASTE MANAGEMENT			
3.3.2 – RESIDENTIAL DEVELOPMENT			
3.2	Each dwelling is to have: (a) A waste storage cupboard in the kitchen capable of holding two days waste and recycling and be sufficient to enable separation of recyclable materials. (b) A suitable space in the kitchen for a caddy to collect food waste.	The required spaces are available in the proposed kitchen.	Yes
3.3	Development must provide an adequate sized bin storage area behind the front building line to accommodate all allocated bins.	Bin storage is available on site.	Yes
3.5	The location of the bin storage area should ensure this area: (a) is screened or cannot be viewed from the public domain; and (b) is away from windows of habitable rooms to reduce adverse amenity impacts associated with noise, odour and traffic.		Yes
3.6	The location of the bin storage area is to be convenient to use for the dwelling occupants and caretakers, through reducing the bin travel distance from the bin storage area to the nominated kerbside collection point. The	The bins only need to cross the Adelaide Road setback to reach the kerb for collection. This area will not be obstructed.	Yes



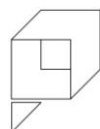
Control		Comment	Comply
	bin-carting route from the bin storage area to the collection point must not pass through any internal areas of the building/dwelling and must avoid stairs or slopes.		
3.7	Where possible, development may consider providing each dwelling with a suitable space for composting and worm farming, located within the backyard, private courtyard or open space. Composting facilities should locate on an unpaved area, with a minimum size of 1m ² per dwelling.	The rear garden and side setbacks have adequate space to accommodate worm farming and compost facilities if the residents choose to use such.	Yes
3.7 – LANDSCAPE			
3.7.2 – LANDSCAPE DESIGN			
2.1	New landscaping is to complement the existing street landscaping and improve the quality of the streetscape.	The proposed landscaping is consistent with the existing site and neighbouring properties. Generous deep soil area is being retained within the front, rear and side setbacks, ensuring that the site can continue to contribute to the landscaped setting of Adelaide Road as viewed from the public domain.	Yes
2.2	Development, including alterations and additions, is to minimise earthworks (cut and fill) in order to conserve site soil. Where excavation is necessary, the reuse of excavated soil on site is encouraged.	The development does not require significant excavation.	Yes
2.6	Development must consider the retention of existing trees in the building design.	No new trees are proposed for removal under this modification.	N/A
2.7	Development must plant at least one canopy tree for every 12m of front and rear boundary width and: (a) Canopy trees are to be of a minimum 75 litre pot size. (b) Use deciduous trees in small open spaces, such as	No new trees are proposed for removal under this modification.	N/A



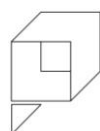
Control		Comment	Comply
	<p>courtyards, to improve solar access and control of microclimate.</p> <p>(c) Place evergreen trees well away from the building to allow the winter sun access.</p> <p>(d) Select trees that do not inhibit airflow.</p> <p>(e) Provide shade to large hard paved areas using tree species that are tolerant of compacted/deoxygenated soils.</p>		
CHAPTER 5 – RESIDENTIAL ACCOMODATION			
5.1 – FORMER BANKSTOWN LGA			
Section 4 – Dual occupancies			
4.2	The storey limit for dual occupancies is two storeys.	The dwellings remain two storeys.	Yes
4.3	<p>The siting of dual occupancies, and landscape works must be compatible with the existing slope and contours of the site and any adjoining sites. Council does not allow any development that involves elevated platforms on columns; or excessive or unnecessary terracing, rock excavation, retaining walls or reclamation.</p>	The siting of the dwellings is almost identical to the original proposal.	Yes
4.7	<p>The minimum setback for a building wall to the primary street frontage is:</p> <p>(a) 5.5m for the first storey (i.e. the ground floor); and</p> <p>(b) 6.5m for the second storey.</p>	The proposal does not sit closer to the street than the original development. In some places the setback has actually been increased.	Yes
4.9	<p>The minimum setback for a building wall to the side boundary of the site is 0.9m.</p> <p>Council may increase the minimum setback to reduce any impact on the amenity of an adjoining dwelling or to avoid the drip line of a</p>	No change to the approved northern and southern side boundaries is proposed.	N/A



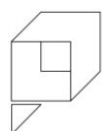
Control		Comment	Comply
	tree on an adjoining site		
4.12	Dual occupancies must provide a minimum 80m ² of private open space per dwelling behind the front building line. This may be in the form of a single area or a sum of areas per dwelling provided the minimum width of each area is 5m throughout.	No change to the size and location of private open space is proposed.	Yes
4.13	At least one living area of each dwelling must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Council may allow light wells and skylights to supplement this access to sunlight provided these building elements are not the primary source of sunlight to the living areas.	As the overall scale of the proposal is similar to the original proposal, no noticeable change to solar access compared to what is approved is expected.	Yes
4.14	At least one living area of a dwelling on an adjoining site must receive a minimum three hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling.	As the overall scale of the proposal is similar to the original proposal, no noticeable change to solar access compared to what is approved is expected.	Yes
4.15	A minimum 50% of the private open space required for each dwelling and a minimum 50% of the private open space of a dwelling on an adjoining site must receive at least three hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met for a dwelling on an adjoining site, the development must not result with additional overshadowing on the	As the overall scale of the proposal is similar to the original proposal, no noticeable change to solar access compared to what is approved is expected.	Yes



Control		Comment	Comply
	affected private open space.		
4.16	Development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on the site and neighbouring sites.	As the overall scale of the proposal is similar to the original proposal, no noticeable change to solar access compared to what is approved is expected.	Yes
4.17	Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must: (a) offset the windows between dwellings to minimise overlooking; or (b) provide the window with a minimum sill height of 1.5m above floor level; or (c) ensure the window cannot open and has obscure glazing to a minimum height of 1.5m above floor level; or (d) use another form of screening to the satisfaction of Council.	No new trees are proposed for removal under this modification.	N/A
4.18	Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where: (a) the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or (b) the window has a minimum sill height of 1.5m above floor level; or (c) the window has translucent glazing to a minimum height of 1.5m above floor level; or (d) the window is designed to prevent overlooking of more than 50% of the private	New windows are offset from neighbouring windows and private open space. Some have very high window sills to prevent views out, but allow sunlight and ventilation in.	Yes



Control		Comment	Comply
	open space of a lower-level or adjoining dwelling.		
4.23	The maximum roof pitch for dual occupancies is 35 degrees.	The roof pitch does not exceed 35 degrees.	Yes
4.28	<p>Development must locate the car parking spaces behind the front building line with at least one covered car parking space for weather protection. Despite this clause, Council may allow one car parking space per dwelling to locate forward of the front building line provided:</p> <p>(a) the car parking space forward of the front building line is uncovered and located in a stacked arrangement on the driveway in front of the covered car parking space; and</p> <p>(b) the covered car parking space is setback a minimum 6 metres from the primary and secondary street frontages.</p>	<p>The proposed parking complies with this control.</p> <p>One covered garage space is proposed per dwelling, with a second uncovered open hardstand space in the driveway in front.</p>	Yes
4.31	Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the dual occupancy.	No new trees or significant landscaping are proposed for removal under this modification.	N/A



6. Conclusion

This SEE supports a modification application to amend the approved development application No DA-242/2021 for a new dual occupancy with subdivision at 50 Adelaide Road, Padstow.

The Section 4.55(1A) modification application seeks internal and external design refinements to the approved development arising from the need to improve internal circulation and the quality of habitable areas. The overall integrity of the approved design is to be preserved as part of the proposed modification.

This SEE has undertaken an environmental assessment of the modified proposal and has concluded that it is an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15 and 4.55 of the Environmental Planning and Assessment Act, 1979.

In summary, the modified proposal is considered to:

- Be substantially the same development and has minimal environmental impact;
- Be an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the EP&A Act 1979;
- Provide a built form consistent with and appropriate to the desired future character of the site and streetscape;
- Provide a high quality of amenity for the prospective residents;
- Generate no significant adverse impacts on the natural environment, neighbouring properties or views from the public domain.

The benefits provided by the modified proposed development outweigh any potential impacts and is it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.

