

STATEMENT OF ENVIRONMENTAL EFFECTS

Section 4.56 Application Boarding House Development
--

12 Mackenzie Street, Revesby

29 October 2025

Prepared by Chapman Planning

NOTE: The information and concepts in this document are the property of Chapman Planning Pty Ltd. Apart from any fair dealings for the purpose of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Chapman Planning Suite 8/88 Mountain Street, Ultimo.

Table of Contents

1.0 INTRODUCTION and BACKGROUND	3
2.0 SITE and CONTEXT	5
2.1 Locality Description.....	5
2.2 Site Description.....	6
3.0 PROPOSED MODIFICATIONS	9
4.1 Section 4.56 Environmental Planning and Assessment Act, 1979	12
4.2 State Environmental Planning Policy (Sustainable Buildings) 2022	13
4.3 State Environmental Planning Policy (Resilience and Hazards) 2021	14
4.5 State Environmental Planning Policy (Transport and Infrastructure) 2021	14
4.6 State Environmental Planning Policy (Housing) 2021	14
4.7 State Environmental Planning Policy (Affordable Rental Housing) 2009	14
4.8 Canterbury-Bankstown Local Environmental Plan 2023	14
4.8 Canterbury-Bankstown Development Control Plan 2023.....	16
6.0 ENVIRONMENTAL ASSESSMENT	16
6.1 Building Design and Streetscape.....	16
6.2 Solar Access and Overshadowing.....	17
6.3 Acoustic and Visual Privacy.....	17
6.4 Section 4.15 Considerations.....	17
7.0 CONCLUSION	18

1.0 INTRODUCTION and BACKGROUND

This statement has been prepared for *Mackenzie Architects International* as part of the supporting documentation for a Section 4.56 application for modifications to the approved plans associated with Development Consent – DA598/2017 for a boarding house development at 12 Mackenzie Street, Revesby.

Development Application DA598/2017 was granted development consent via a Section 34 conciliation agreement in Land and Environment Court proceedings LEC No. 2017/327909 on 19 July 2018. The approval was for:

“Demolition of the existing structures and construction of a 2-storey boarding house development containing 43 x boarding rooms including 1 x manager’s room and 1 x manager’s office.”

In accordance with COVID development application extension provisions, a 2-year extension is applied to the development consent. The development consent therefore was valid until 19 July 2025. The applicant has activated the consent within this time which is evidenced through the commencement of works seen at **Appendix 1**.

The original development application was approved as boarding housing pursuant to *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The savings provisions at *Schedule 7A – Savings and transitional provisions of State Environmental Planning Policy (Housing) 2021 (SEPP Housing 2021)* apply. It is noted that the development consent was issued prior to the commencement date of SEPP Housing 2021 and Schedule 7A(2)(d) states:

- (1) *This Policy does not apply to the following matters—*
(d) *a development consent granted on or before the commencement date,*

In this case SEPP Housing 2021 does not apply to the modification application.

This Section 4.56 application seeks modifications to the development consent plans detailed in Condition No. 2 of the development consent. The modifications include:

- Addition of individual laundry rooms in each boarding room,
- Conversion of the common laundry room into storage rooms,
- Accessible bathroom provided in the manager’s office and the addition of a small kitchenette,
- Removal of steps and leveling up of Building B to comply with access requirements,
- Rearrangement of the motorcycle parking,
- Relocation of the bin area, and
- Inclusion of hydrant booster assembly and fire-rated wall along Mackenzie Street to comply with relevant fire requirements.

Additionally, the application seeks to amend the wording of condition 14 associated with DA598/2017 by removing reference to the construction stages.

The modifications are detailed within the submitted schedule of amendments prepared by *Mackenzie Architects International*.

The proposed modifications do not alter the intent or effect of the development consent, rather they are designed to enhance resident amenity and self-containment within the development.

The modified development is described in detail at Section 3.0 of this Statement, with the provisions of Section 4.56 of the *Environmental Planning & Assessment Act 1979* including assessment of the modification against the 'substantially the same development' test is contained at Section 4.1 of this Statement.

In addition to this statement the S.4.56 application is accompanied by the following:

- *Architectural Plans numbered A0001, A1001 – A1002, A2001-A2002, A2101 Issue A dated 8 October 2025 prepared by Mackenzie Architects International,*

In this statement, the proposal is assessed in accordance with the relevant planning controls, being:

- *State Environmental Planning Policy (Housing) 2021,*
- *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,*
- *Canterbury-Bankstown Development Control Plan 2023, and*
- *S4.56 Environmental Planning and Assessment Act 1979.*

2.0 SITE and CONTEXT

2.1 Locality Description

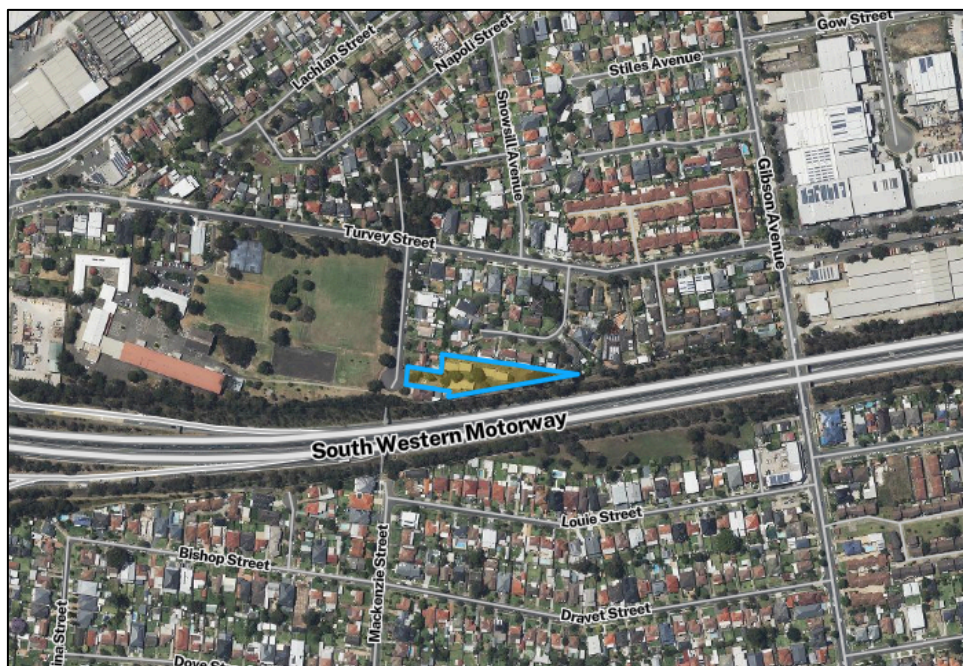
The subject site is located on the eastern side of Mackenzie Street, Revesby approximately 125m south of the intersection of Mackenzie Street and Turvey Street.

The site is located 350m from a bus stop located on Gibson Avenue. The subject site is also located within close proximity to Sir Joseph Banks High School located to the west of the site, the M5 Motorway located to the south of the site and Bankstown-Lidcombe Hospital located further north of the site.

The immediate locality is characterised by 1-2 storey dwelling houses.

The built form and character of the locality is shown in the photographs provided in this statement, and the proposed boarding house has been designed to align with the character of residential development planned for the locality.

The location of the subject site and land uses within the locality are shown in the following aerial photograph.



Source: NSW SDT Viewer

The following photographs shows the streetscape and development types in the immediate locality of the subject site.

Photograph 1 shows the streetscape of Mackenzie Street looking north.



Source: Chapman Planning

Photograph 2 shows the streetscape of Mackenzie Street looking south.



Source: Google Maps

2.2 Site Description

The real property description is Lot C in DP 418821 known as 12 Mackenzie Street, Revesby. The subject site is an irregular shaped allotment with a street frontage of 18.29m to Mackenzie Street and a site area of 3851m².

The subject site contains three existing single storey buildings and scattered trees and vegetation.

The subject site at Mackenzie Street adjoins a 2 storey residential dwelling to the north – 10 Mackenzie Street and single storey brick dwelling house to the south – 16 Mackenzie Street. The rear side northern boundary of the subject site adjoins single storey dwellings fronting Wolaroi Crescent and the rear side southern boundary adjoins the M5 Motorway.

The aerial photograph below shows the existing building on the subject site and the relationship to the adjoining properties.



Source: NSW SDT Viewer

Photograph 3 shows the subject site from Mackenzie Street looking east.



Source: Chapman Planning

Photograph 4 shows existing buildings located on the subject site.



Source: Chapman Planning

3.0 PROPOSED MODIFICATIONS

This Section 4.56 application is submitted to seek modifications to the development consent plans detailed in Condition No. 2 of the development consent including design requirements for construction.

The modifications proposed are described in detail below, with this application to be read in conjunction with the architectural plans and schedule of modifications prepared by *Mackenzie Architects International*:

Site Plan

- Rearrangement of the motorcycle parking and bin area
- Minor amendment to the internal layout of common room kitchen
- Minor amendment to roof shape of Building C
- Addition of hydrant booster assembly and fire-rated wall along Mackenzie Street to comply with relevant fire requirements

Ground Floor Plan

- Update to unit areas.
- Laundry facilities added to each boarding room.
- Amendment to layout to accommodate laundry facilities.
- Accessible bathroom provided within the manager's office and the addition of a small kitchenette.
- Conversion of the common laundry room into a storage room.
- Amendment to pathway from Building B to the communal room, parking and bin area to comply with relevant access requirements

First Floor Plan

- Update to unit areas.
- Laundry facilities added to each boarding room.
- Amendment to layout to accommodate laundry facilities.

Elevations and Sections

- Minor updates to reflect changes to floor plans as set out above.

Numerical changes

The proposal does not seek to modify the number of rooms, parking spaces, or setbacks of the approved development on the site. The proposed modifications change the area of the units to accommodate the addition of laundry facilities within each boarding room. The proposed unit sizes areas are listed below:

ROOM NUMBER	APPROVED (m ²)	PROPOSED AREA (m ²)
Managers Office	22.4	20.7
Managers Room	23	19.4

Room 03	23	18.6
Room 04	23	19.7
Room 05	23	19.4
Room 06	23	23
Room 07	23	23.6
Room 08	23	18.6
Room 09	23	18.6
Room 10	23	18
Room 11	23.1	18
Room 12	23.1	18
Room 13	23.1	18
Room 14	23.1	18
Room 15	23.1	18
Room 16	23.1	18
Room 17	23.1	18.9
Room 18	23.1	18.6
Room 19	23.1	18.6
Room 20	23	18.6
Room 21	23	18.6
Room 22	23	18.6
Room 23	23	18.6
Room 24	23	18.6
Room 25	23	18.6
Room 26	23	18.8
Room 27	23	18.5
Room 28	23	18.6
Room 29	23	18.5
Room 30	23	18.6
Room 31	23.2	18.6
Room 32	23.2	18.6

Room 33	23.4	18.6
Room 34	23.6	18.5
Room 35	23.1	18
Room 36	23.1	18.1
Room 37	23.1	18.2
Room 38	23.1	18
Room 39	23.1	18
Room 40	23.1	18
Room 41	23.1	18
Room 42	23.1	18.1
Room 43	23.1	18

Conditions of Consent

The proposed modifications to the approved plans also require amendment to the below conditions of consent to reflect the reconfigured development:

- Condition 2 is proposed to be modified to reflect the modified plans and documentation submitted with this application.

In addition to the above, it is proposed that the wording of Condition 14 be amended to remove reference to the specified construction stages. This amendment would allow multiple buildings to be constructed concurrently, facilitating a more efficient delivery of the overall development. The proposed change will not compromise the purpose of the condition, as all works will continue to comply fully with the approved tree protection measures.

The proposed wording amendment to Condition 14 is seen below and struck through in red:

“Construction of buildings is to be undertaken in stages to permit access to the site and appropriate Tree Protection measures to be imposed/complied with. Construction shall be undertaken in the following order:

- a) Demolition
- b) Landscaping to the rear of the site (within the Tree protection area for trees 20-27).
- ~~c) Construction of building D~~
- ~~d) Construction of building G~~
- ~~e) Construction of building E~~
- ~~f) Construction of building B~~
- ~~g) Construction of building A and carpark.~~

h) *Landscaping*

Construction of these stages is also to comply with specific Tree protection measures required for each stage of the development and as detailed under Tree Management Plan requirements approved pursuant to the conditions of this consent”.

4.0 PLANNING CONTROLS

4.1 Section 4.56 Environmental Planning and Assessment Act, 1979

S.4.56 of the *Environmental Planning and Assessment Act, 1979* (the Act) allows the consent authority (Canterbury-Bankstown Council) to modify a development consent granted by the Court. Clause 4.56 states:

4.56 Modification by consent authorities of consents granted by the Court

(1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development 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

(b) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, and

(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

(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, 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.

The proposed modifications meet the requirements of S.4.56 of the Act, as follows;

- **S4.56(1)(a):** The modifications apply to an approved boarding house development, with the original consent under DA598/2017 being for:

“demolition of the existing structures and construction of

a 2-storey boarding house development containing 45 x boarding rooms including 1 x manager's room."

The proposed modifications to the site plan, ground floor plan, first floor plan and other minor modifications are consistent with the originally approved development description noting no change is proposed to the number of dwellings or use of the approved built form.

The modified development generally retains the external built form of the approved building when viewed from the public domain, noting the modifications do not result in significant changes to the streetscape appearance of the development in terms of scale.

The modifications apply to the same land use as approved being for an *boarding houses development* with no change to the number of units within the building. As such the development is considered substantially the same as the original approval in a quantitative sense with respect to its overall density.

Based on the above assessment, the proposal in both qualitative and quantitative terms is essentially the same as the approved development being for a boarding house development on the site. The modifications incorporate design changes in response to updated planning controls and objectives in SEPP – Housing whilst the changes proposed are substantially the same development as originally approved. Minor modifications to the Site Plan along Mackenzie Street ensure compliance with FireNSW and NCC requirements.

The modifications will not result in unreasonable additional amenity impacts in terms of overshadowing, visual and acoustic privacy, or bulk and scale compared to the original approval.

- **S4.56(1)(b-d):** The application will be notified in accordance with Council's notification policy, and any submissions will be considered in the assessment of the application.

This Statement addresses the relevant matters prescribed in Section 4.15 of the Act in accordance with Section 4.56(1A), which states:

"(1A) 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."

4.2 State Environmental Planning Policy (Sustainable Buildings) 2022

A BASIX certificate supports the amendments to the approved plans confirming the seniors housing development complies with the State Government's water and energy reduction targets.

4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of this SEPP requires the consent authority to consider whether land is contaminated, and if contaminated it is satisfied that the land is suitable for the proposed purpose.

The originally approved development is suitable for residential development with respect to potential contamination. In this instance the consent authority – Canterbury-Bankstown Council can be satisfied that the provisions of the SEPP have been satisfied, and the land is suitable for the purpose.

4.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.120 – Impact of road noise or vibration on non-road development of SEPP – Transport and Infrastructure requires the consent authority to take into consideration any guidelines and consent should not be granted unless appropriate measures ensure that the LAeq levels do not exceed 35 dB(A) at any time elsewhere in the building.

The originally approved development was accompanied by an acoustic report which addressed the relevant provisions of SEPP – Transport and Infrastructure. The proposed modifications are minor in nature and further assessment of Clause 2.120 is not warranted. Accordingly, Council can be satisfied that Clause 2.120 has been addressed.

4.6 State Environmental Planning Policy (Housing) 2021

The approved development application DA598/2017 is for a boarding housing development made pursuant to *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

The development consent was issued on 19 July 2018 before the commencement of SEPP Housing 2021. In accordance with the savings provisions contained in Schedule 7A Savings and transitional provisions of SEPP Housing 2021, SEPP (Housing) 2021 does not apply to the modification application.

4.7 State Environmental Planning Policy (Affordable Rental Housing) 2009

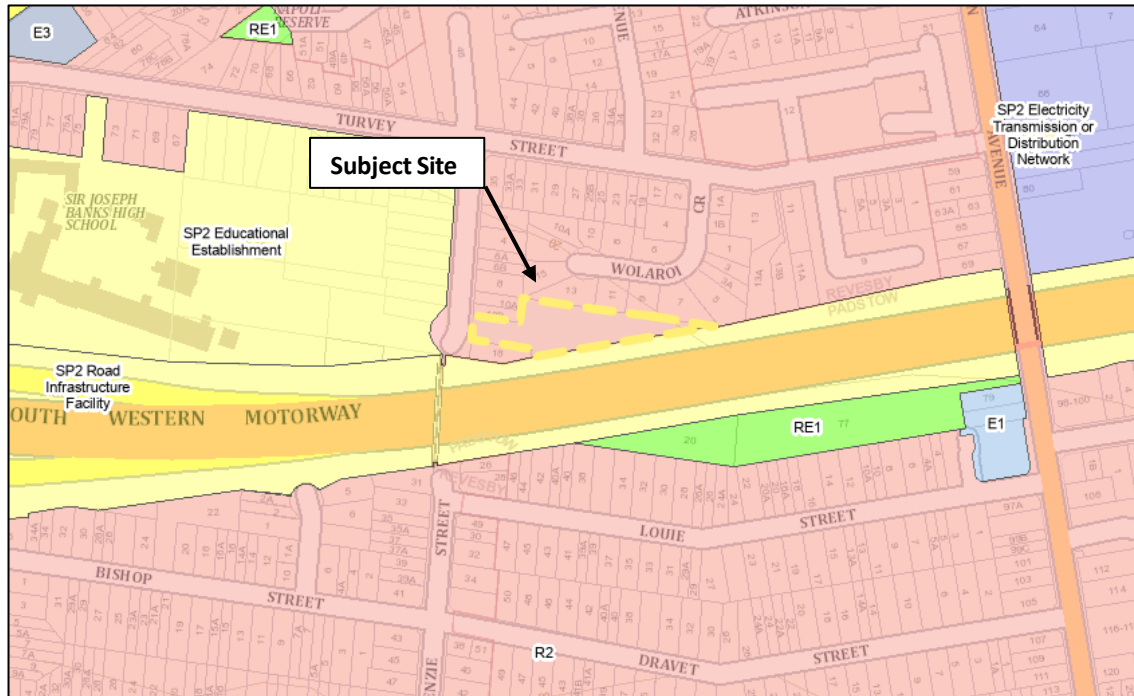
SEPP – Affordable Rental Housing 2009 has been repealed and is not a relevant consideration to the modification application. Notwithstanding, the proposed minor modifications do not change the approved building footprint and envelope or number of car parking and motorcycle parking spaces that triggers assessment under *Section 29 – Standards that cannot be used to refuse consent* or *Section 30 – Standards for boarding houses*.

4.8 Canterbury-Bankstown Local Environmental Plan 2023

The Canterbury-Bankstown Local Environmental Plan 2023 applies to the subject site and this development proposal. The subject site is zoned R2 – Low Density Residential and *boarding houses* is not a permissible land use within this zone. It is noted the initial application under DA598/2017 was made under SEPP (Affordable Rental Housing) 2009 noting boarding houses are permissible pursuant to clause 28

of the SEPP. The modification application does not alter the use of the approved development.

The following plan extract depicts the zoning of the subject site.



Source: Canterbury-Bankstown LEP 2023

The objectives of the R2 – Low Density Residential are specified as:

- *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 and local amenity.*

The approved boarding house development under DA598/2017 demonstrated consistency with the zone objectives of the R2 Low Density Residential zoning of the land.

The development as modified does not proposed significant changes to the approved development with respect to number of rooms provided or the external bulk and scale or built form of the development and as such continues to achieve the objectives of the zone as originally assessed.

Further the modified development does not alter the room orientations, solar access, or residential amenity of the approved boarding houses.

Clause 4.1B Minimum Lot Sizes and Special provisions for Certain Dwellings contains minimum lots size controls for boarding house developments. The proposal makes no changes to the lot size or width at the front of the building line and as such this clause has been addressed under the approved consent.

Clause 4.3 Height of Buildings contains the maximum height standard for the subject site. The application was approved under SEPP – Affordable Rental Housing 2009 and the proposed modifications make no change to the height of the approved boarding house.

Clause 4.4 Floor Space Ratio of the LEP applies to the site noting a maximum FSR of 0.5:1. The was approved under SEPP – Affordable Rental Housing 2009 and the proposed modifications make no change to the FSR of the approved boarding house.

4.8 Canterbury-Bankstown Development Control Plan 2023

The Canterbury-Bankstown DCP contains development controls which apply to development within the LGA, and the following refers to the relevant provisions.

Chapter 3 – General Requirements – 3.2 Parking

The proposed modifications present no change tom the approved number of rooms or car parking spaces.

The proposed modifications rearrangement the motorcycle parking layout. The number of spaces remains consistent with that which was approved under the original consent.

Chapter 5 – Residential accommodation

Section 9 – Boarding houses and co-living housing in residential zones applies to the modification application. The proposed modifications present no change to the approved development that triggers assessment of the controls listed in Section 9 of the DCP.

6.0 ENVIRONMENTAL ASSESSMENT

6.1 Building Design and Streetscape

The proposed modifications to the approved development do not present any significant changes to the built form, scale or streetscape appearance of the approved development. The proposed replacement of the stair on Building B with a ramp will be indiscernible from the streetscape and does not compromise the overall design quality of the development itself.

Based on the above assessment, the proposed development as modified, is consistent with the approved design and streetscape presentation under DA598/2017.

6.2 Solar Access and Overshadowing

The proposed amendments present no change to the solar access to the boarding house development. The proposed modifications do not change the approved built form – building envelope and the modifications will not change the shadows cast of the approved development.

6.3 Acoustic and Visual Privacy

The proposed modifications do not change the approved window openings or open space areas of the approved development and in this case the proposed modification will not change the visual or acoustic privacy impacts compared to the approved development.

6.4 Section 4.15 Considerations

SEPP (Housing) 2021, SEPP (Transport and Infrastructure) 2021, SEPP (Sustainable Buildings) 2022, SEPP (Hazards and Resilience) 2021, Canterbury-Bankstown LEP 2023 and DCP 2023 have been addressed in previous sections of this report pursuant to S.4.15(1)(a) of the EP&A Act 1979.

With regard to remaining matters for consideration, it is considered that the preceding analysis covers the range of environmental impacts that may be associated with the proposed modifications. The following comments are made pursuant to S.4.15 (1)(b) and (c) which cover respectively:

(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; and

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

- The modifications apply to an approved boarding house development with no change to the approved number of rooms, building footprint or building envelope, carparking or motorcycle spaces.
- The modifications retain approved building separation from the site boundaries, and as such the external built form is substantially the same as that originally approved.
- The proposed modifications relate to the approved development on the site and do not affect the permissibility of the approved development or the suitability of the site for the development.
- The modifications will not result in additional overshadowing and does not contribute to any significant visual impact beyond that of the originally approved building.
- The assessment of the modified proposal with relation to the SEPP – Housing 2021 confirms the modifications and resultant development meet the objectives of the SEPP – Housing.

7.0 CONCLUSION

In conclusion it is considered that the modifications to the development consent plans are acceptable under the considerations of S.4.56 of the *EP&A Act 1979*. The following conclusions are made:

- *The modifications are substantially the same development for the approved boarding houses development and do not result in significant change to building siting, external built form and scale, or character of the development as originally approved.*
- *The application meets the provisions of Section 4.56 of the Act noting the modifications meet the test of substantially the same development and will not result in significant adverse amenity impacts to surrounding properties.*
- *The proposed modifications present no change to the approved FSR, number of rooms, communal open space, car parking or motorcycle spaces and the modification in room size to accommodate internal laundry meets the control at Clause 29 of SEPP – Affordable Rental Housing 2009.*
- *The proposed modifications result in a change to the net room area as a result of the inclusion of laundry rooms within each boarding room. The GFA of the approved development is not amended and the modification in room size to accommodate internal laundry meets the control at Clause 29 of SEPP – Affordable Rental Housing 2009.*
- *The proposed modifications including the addition of a hydrant booster assembly and fire-rated wall have been added along Mackenzie Street to comply with relevant Fire NSW, NCC and BCA requirements.*
- *The proposal does not modify the orientation of the approved units, or private open space areas and as such does not alter the impacts of the development with respect to the original visual privacy assessment.*
- *The proposed modifications do not alter the approved building separation and will not generate significant additional impacts with regard to overshadowing, acoustic privacy or solar access.*
- *The proposed amendment of Condition 14 will allow for multiple buildings to be constructed concurrently, facilitating a more efficient delivery of the overall development. It is noted that the proposed amendments to this condition will not compromise the purpose of the condition, as all works will continue to comply fully with the approved tree protection measures.*
- *The proposed modifications will not result in amenity impacts to the adjoining properties and retain internal amenity to the development consistent with the approved development.*

For reasons outlined in this Statement of Environmental Effects, it is our opinion that the Section 4.56 application for modifications the development consent plans

for the development approved under Development Application No. DA598/2017 at 12 Mackenzie Street, Revesby should be granted development consent.

[Chapman Planning Pty Ltd](#)

Member of the Planning Institute of Australia