# STATEMENT OF ENVIRONMENTAL EFFECTS

Modification of Development Consent

DA-476/2022

Mixed Use Development

1570 - 1580 Canterbury Road and 17 Weyland Street, Punchbowl

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# Statement of Environmental Effects

## Modification of Development Consent DA-476/2022

## Mixed Use Development

## 1570 – 1580 Canterbury Road and 17 Weyland Street, Punchbowl

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# 1 INTRODUCTION

On 7th May 2025, The Land and Environment Court of NSW granted consent to Development Application DA-476/2022 proposing the demolition of the existing site structures and the construction of a mixed-use development across 3 towers comprising a total of 58 residential apartments and 2 ground floor commercial tenancies, with basement carparking for 88 vehicles accessed via a right of way over 17 Weyland Street Punchbowl.

We have been engaged to prepare a Statement of Environmental Effects (SoEE) in support of an application seeking the modification of the above consent pursuant to section 4.56 of the Act. Specifically, the application seeks to refine the architectural, stormwater and landscape detailing of the development based on detailed construction certificate design development to address Sydney Water requirements, BCA requirements, enhance buildability and provide superior residential amenity and waste management outcomes.

Having regard to the detail of the modifications we are satisfied that the previously approved streetscape, residential amenity and broader urban design outcomes are not compromised as consequence the modifications sought.

In addition to this Statement of Environmental Effects, the application is also accompanied by the following amended documents:

- Architectural plans, elevations and sections
- Design Verification Statement
- Landscape plans
- Traffic and Parking Impact Report
- Stormwater Management Plans
- BASIX Certificate

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Act. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The proposal maintains the massing of the approved development in relation to roof heights and setbacks with the approved residential density not altered as a consequence of the modifications sought.
- The minor increase in the height of the lift overruns is inconsequential in terms of adverse environmental impacts.
- The proposed development, as modified, will not compromise the residential amenity afforded to surrounding development through approval of the original scheme in terms of privacy, solar access and view sharing.

On the basis of the above analysis we regard the proposed application as being “essentially or materially” the same as the approved development such that the application is appropriately categorised as being “substantially the same” and is appropriately dealt with by way of Section 4.56 of the Act.

## 2 DESCRIPTION OF PROPOSED MODIFICATIONS

### 2.1 Detail of the Proposed Architectural Modifications

The development, as modified, is depicted clouded on the Revision A plans prepared by Texco Design. The modifications are summarised as follows.

1. Redefinition of site boundaries, and implementation of additional easement (aerial clearances) to the adjacent Sydney Water channel (1500mm setback required through all levels of the development, including within the basement)

   **Reason for modification:** The previous approved design encroached upon the Sydney Water Channel's no-pier zone, creating a risk of damage to the easement during construction. To resolve this and comply with Sydney Water's requirement, the building footprint has been retracted to establish the necessary 1500mm clearance (shown in Figure 1). Furthermore, given the major build-to-boundary interfaces with surrounding properties, the site boundaries are redefined with a detailed survey and ensure smooth construction without impacting neighbours.

*Figure 1: Sydney Water required clearances for the water channel*

2. Reduction of building mass around the new clearance requirements to the Sydney Water channel. (redefinition of the balconies of units AG05, A105, A205, A305, A402, A403, A501, and A502).

3. Redefinition of the ground level landscaping to reduce planter complexity (primarily between building blocks a and b) due to structural alignments and a large transfer and fold occurring in this area.

   **Reason for Modification:** In coordination with structural engineer and Sydney Water for redefinition of stormwater elements (see modification #4 and #5 below), by simplifying the planter footprint could improve the building structural performance and constructability.

4. Redefinition of the OSD tank outline to fit beneath the large raised planter to the direct south of building block a (adjacent to units AG02 and AG03)

   **Reason for Modification:** With the requested manhole and reinforcement for the sewer running across the middle of the site, the OSD tank and Rainwater tank have been relocated to avoid any encroachment with the Sydney Water asset. Details may refer to stormwater engineer's drawings.

5. Implementation of Sydney Water designs to divert the existing stormwater and sewer lines crossing through the development (at the basement 1 level).

   **Reason for Modification:** The proposed stormwater pipe was redefined as per Sydney Water's requirements. Details may refer to stormwater engineer's drawings.

6. Re-allocation of basement parking across both basement levels (retaining the total number of parking and storage spaces)

   **Reason for Modification:** Due to changes of bin rooms (see modification #13 below) and placements of structural elements after coordination with structural engineer, the parking and storages have been reconfigured to accommodate these changes.

7. Implementation of building services cupboards and structure throughout the development.

   **Reason for modification:** We are declaring building services and engineering considerations upfront, including minor addition of risers, services cupboards and structural columns, so that they may be reflected in the stamped approval.

8. Implementation of a car park supply air plenum to the north of building Block C, to derive fresh air from the ground level courtyard for the mechanical ventilation of the car park.

   **Reason for modification:** Air plenum was implemented strategically to improve air supply and exhaust. Thus, to achieve mechanical engineering requirements and building code compliance.

9. Resolution of glazed openings to account for constructability, services coordination, and operability for natural ventilation.

**Reason for modification:** All glazed doors and windows have been revised with suitable functionality for ventilation, and sizes were adjusted to accommodate necessary structural and mechanical elements. This ensures the building remains constructable and complies with relevant building codes.

10. Change of external finishes to enhance constructional clarity:
    A. **BDY**: permanent formwork wall systems to the shared boundaries, rendered and painted where exposed in a mid-to-light-grey)
    B. **CON**: rendered and painted cladding substrate to achieve an exposed concrete effect (utilising dulux concrete effect or similar)
    C. **CFC**: fibre cement cladding with expressed vertical grooves in lieu of aluminium panelling, code al previously
    D. **BAL**: render and dark colour paint to solid balustrades, in lieu of metal cladding, code mc previously

**Reason for modification:** Due to the nature of build to boundary for the proposed development, we have clarified the construction method of the external wall and cladding systems via updated finishes coding. This ensures a smooth construction process without interference to the surrounding neighbourhood.

11. Deletion of superimposed metal balustrades on the southern facade of building block a (outside of the bedrooms of units A103, A203, and A303)

**Reason for modification:** These metal balustrades become redundant when positioning on the outside face of the external wall, serving neither a functional purpose nor to the architectural articulation.

*Figure 2: Approved plan and elevation of the southern facade of Building block A*

12. Increase of lift overruns to all three building blocks to comply with the Kleeman lift model requirements. The required overhead is to be 3,950mm at the minimum (approved as 3,300mm)

**Reason for modification:** The approved lift overruns levels do not have sufficient headroom for the desired lift manufacturer's product requirements.

13. Implementation of the bin storage room spatial requirements as per DA conditions: 40-43.

**Reason for modification:**

- In DA conditions 40, there are spatial requirements and numbers of bins required for the communal bin collection room (temporary holding room);

| | |
|---|---|
| 40. | **Communal Bin Collection Room (temporary holding room)** |
| | The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the communal bin storage room that comply with the following requirements, as well as the requirements of Council's "Waste Management Guide for New Developments":<br><br>a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;<br>b. Floors must be finished so as to be non-slip with a smooth and even surface;<br>c. A designated room with a minimum 2.1m unobstructed room height.<br>d. Walls must be constructed of solid impervious material;<br>e. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;<br>f. Walls, ceiling and floors must be finished in a light colour;<br>g. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room; |

h. A self-closing door openable from within the room;
i. Must be constructed to prevent the entry of birds and vermin;
j. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;
k. Any doorways must be 2 meters wide and open outwards; and
l. Located on the ground floor;
m. Within 10 metres from the nominated kerbside collection point;
n. Be of sufficient size to accommodate all bins with additional room for manoeuvring (minimum aisle space of 1.0 metre and 15cm between bins);
o. Designed to fit the following bin allocations:

Residential

| Number | Bin Size | Bin Type |
|---|---|---|
| 8 | 1,100L | Garbage (Red) |
| 7 | 1,100L | Recycling (Yellow) |
| 4 | 240L | Garden (Green) |

Commercial

| Number | Bin Size | Bin Type |
|---|---|---|
| 2 | 1,100L | Garbage (Red) |
| 2 | 1,100L | Recycling (Yellow) |

Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

*Figure 3: DA condition 40*

We have enlarged the waste room on Ground Floor to have sufficient space to accommodate the required bins (as shown in Figure 4);

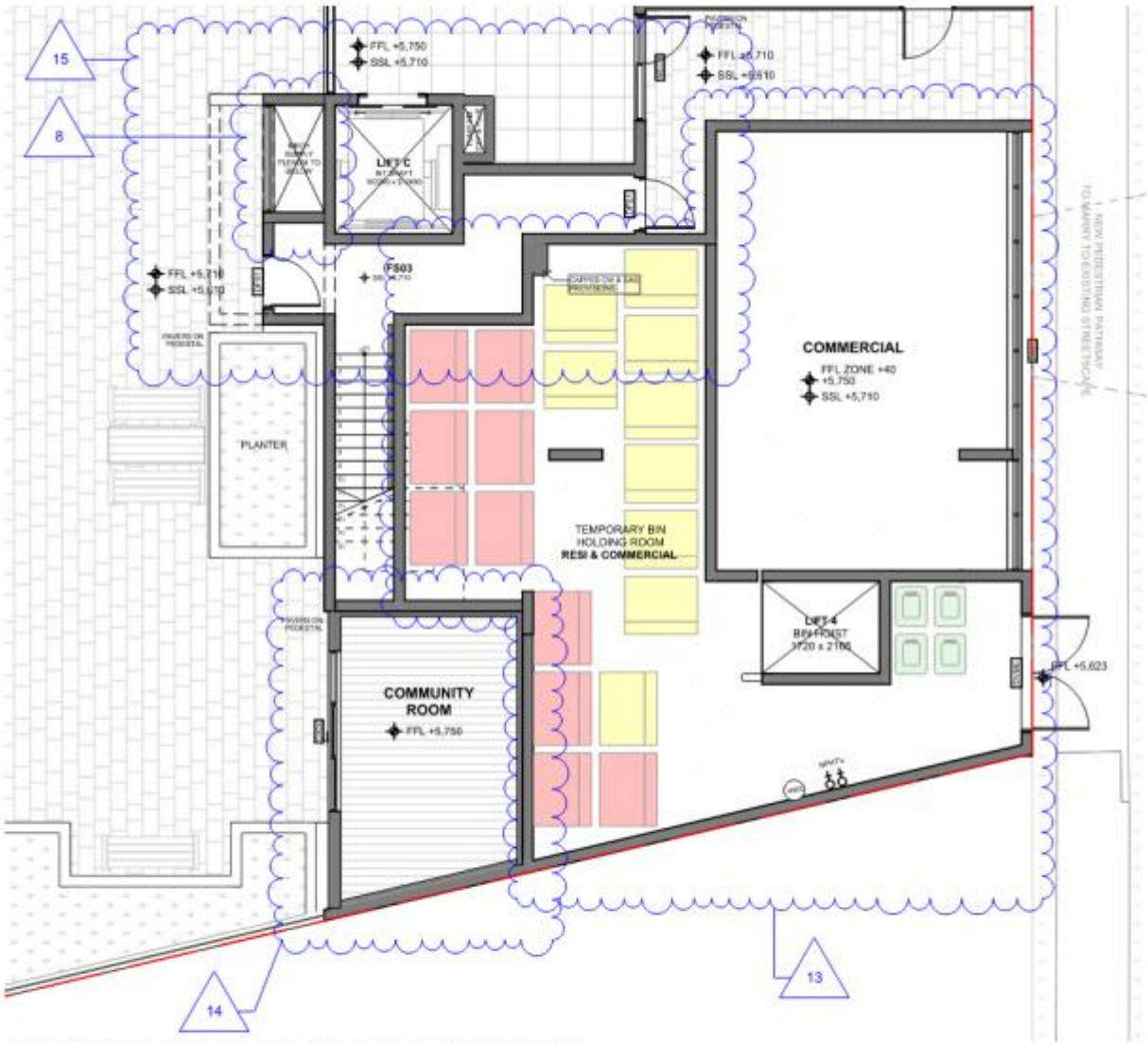


*Figure 4: Proposed Temporary Holding Room on Ground Floor*

- In the previous approval, there were no Garden (Green) bins in all residential bin rooms, we have reconfigured both the residential and commercial bin rooms in basement 1 to meet the requirements as per DA conditions 41 and 43 (see Figure 5 – 8 below);

41. **Residential Bin Holding Rooms**

The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the communal bin storage room that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":

a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;
b. Floors must be finished so as to be non-slip with a smooth and even surface;
c. A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height;
d. Must be compatible with the overall design of the development;
e. Walls must be constructed of solid impervious material;
f. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;
g. Walls, ceiling and floors must be finished in a light colour;
h. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;
i. A self-closing door openable from within the room;
j. Must be constructed to prevent the entry of birds and vermin;
k. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;
l. Any doorways must be 2 meters wide and open outwards; and
m. Designed to fit the following bin allocations:

Holding room A

| Number | Bin Size | Bin Type |
|---|---|---|
| 4 | 1,100L | Garbage (Red) |
| 4 | 1,100L | Recycling (Yellow) |
| 1 | 240L | Garden (Green) |

Holding room B

| Number | Bin Size | Bin Type |
|---|---|---|
| 3 | 1,100L | Garbage (Red) |
| 2 | 1,100L | Recycling (Yellow) |
| 1 | 240L | Garden (Green) |

Holding room C

| Number | Bin Size | Bin Type |
|---|---|---|
| 1 | 1,100L | Garbage (Red) |
| 1 | 1,100L | Recycling (Yellow) |
| 1 | 240L | Garden (Green) |

Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

*Figure 5: DA condition 41*

43. **Commercial Bin Holding Rooms**

The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the communal bin storage room that comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":

a. Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;
b. Floors must be finished so as to be non-slip with a smooth and even surface;
c. A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height;
d. Must be compatible with the overall design of the development;
e. Walls must be constructed of solid impervious material;
f. Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;
g. Walls, ceiling and floors must be finished in a light colour;
h. An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;
i. A self-closing door openable from within the room;
j. Must be constructed to prevent the entry of birds and vermin;
k. Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;
l. Any doorways must be 2 meters wide and open outwards; and
m. Designed to fit the following bin allocations:

Holding room A

| Number | Bin Size | Bin Type |
|---|---|---|
| 1 | 1,100L | Garbage (Red) |
| 2 | 1,100L | Recycling (Yellow) |

Holding room C

| Number | Bin Size | Bin Type |
|---|---|---|
| 1 | 1,100L | Garbage (Red) |
| 1 | 1,100L | Recycling (Yellow) |

Condition reason: To ensure the orderly collection of waste from the site.

*Figure 6: DA condition 43*

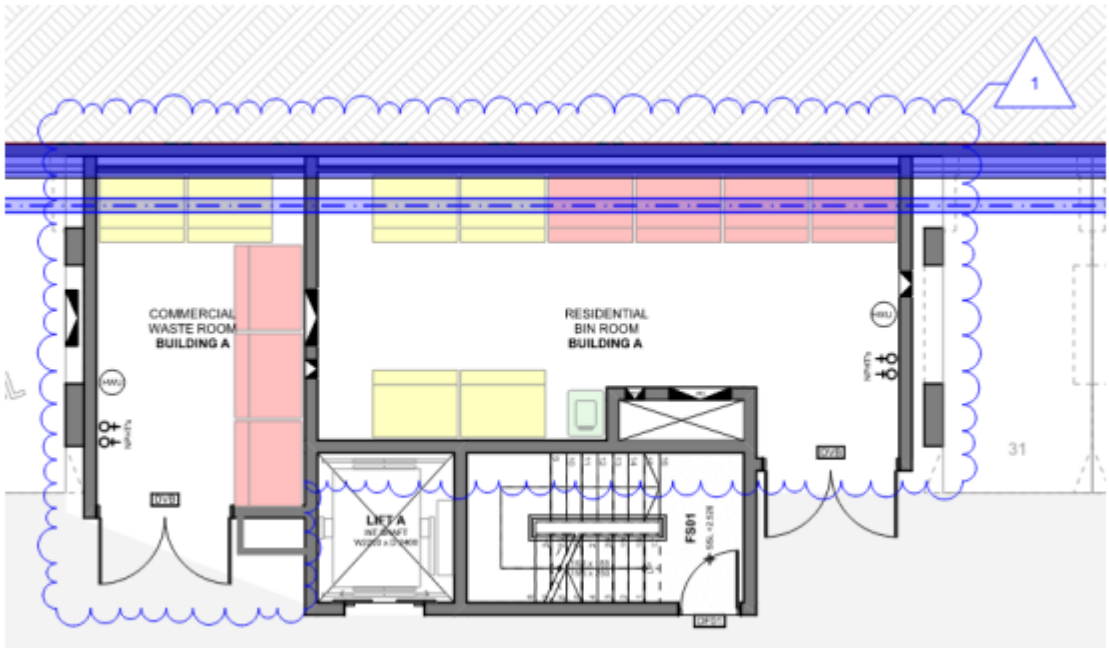


*Figure 7: Residential and Commercial Bin Room for Building A*

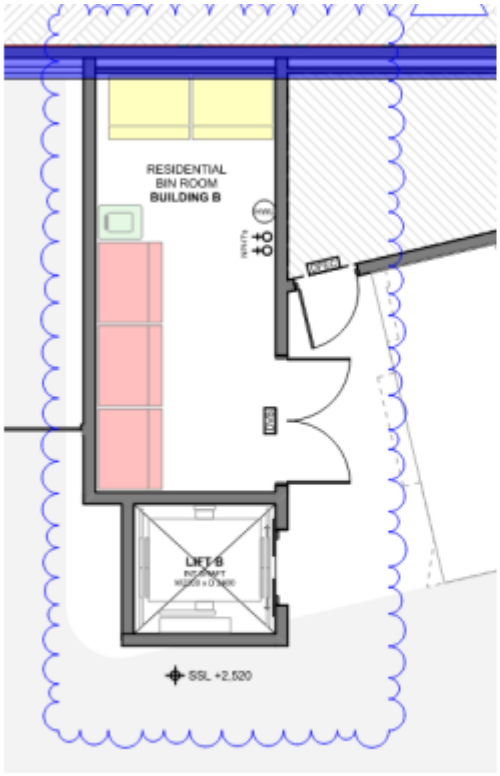


*Figure 8: Residential Bin Room for Building B*

- There was no residential nor commercial bin room for Building C in the previous approval. We have added the required bin rooms for Building C in Basement 1 as per DA conditions 41 and 43 to accommodate the adaquate bins (see Figure 9-10) ;

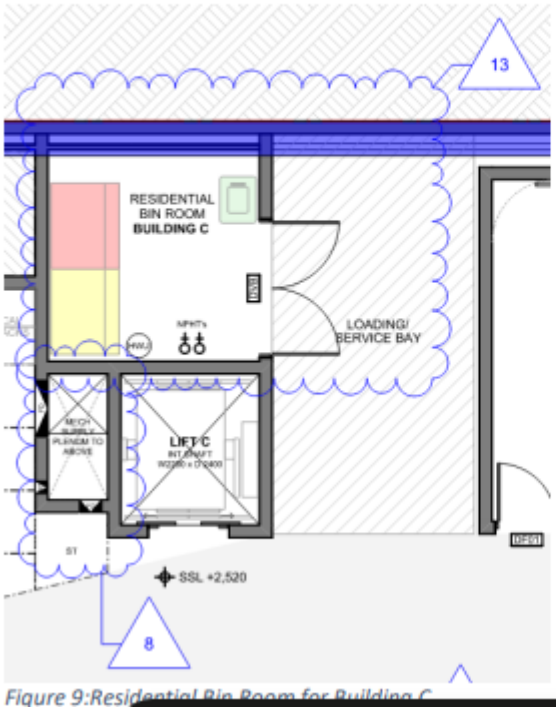


*Figure 9:Residential Bin Room for Building C*

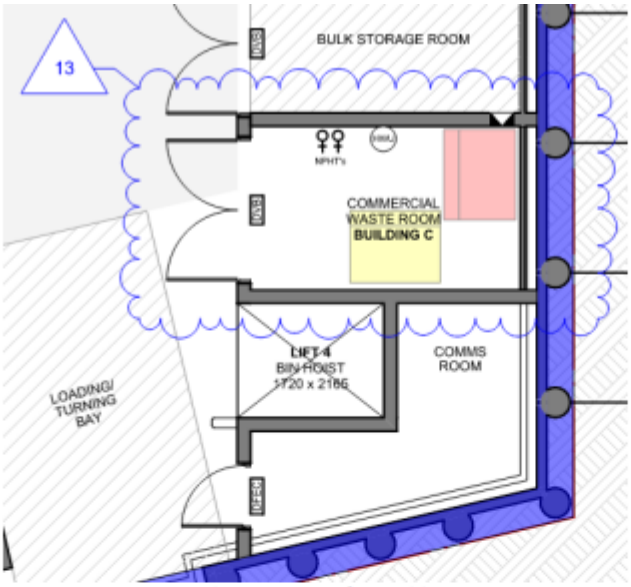


*Figure 10: Commercial waste room for Building C*

14. Minor reduction of the commercial tenancy and the communal room in building block C as a direct consequence of the expansion of the waste storage requirements of da conditions 41-43 (see modification #13 above)

**Reason for Modification:** To retain the approved building bulk mass for Building C, we have adjusted the size of the commercial tenancy and the communal room to suit (shown in Figure 4).

15. Change of fire egress paths to the ground level exits for building blocks B, C, and towards the southern basement fire staircase to improve compliance with the NCC and avoid difficulties with the fire brigade.

**Reason for Modification:** By reconfigure the fire exits (FS02 and FS03) on Ground Floor both for building B and C, we allow the fire egress discharge to an open area, which could improve compliance with the building code and have better fire exit resolution. (see Figure 11).

The proposed modifications include the modification of Conditions 1 and 28 to reference the modified plans and documentation.

## 3 STATUTORY PLANNING FRAMEWORK

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15(1) of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

### 3.1 Environmental Planning and Assessment Act 1979

Section 4.56 of the Act provides that:

*(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.*

*(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.*

In answering the above threshold question as to whether the proposal represents "substantially the same" development the proposal must be compared to the development for which consent was originally granted, and the applicable planning controls.

In order for Council to be satisfied that the proposal is "substantially the same" there must be a finding that the modified development is "essentially" or "materially" the same as the (currently) approved development - Moto Projects (no. 2) Pty Ltd v North Sydney Council [1999] 106 LGERA 298 per Bignold J.

The above reference by Bignold J to "essentially" and "materially" the same is taken from Stein J in Vacik Pty Ltd v Penrith City Council (unreported), Land and Environment Court NSW, 24 February 1992, where his honour said in reference to Section 102 of the Environmental Planning and Assessment Act (the predecessor to Section 96):

*"Substantially when used in the Section means essentially or materially or having the same essence."*

What the abovementioned authorities confirms is that in undertaking the comparative analysis the enquiry must focus on qualitative elements (numerical aspects such as heights, setbacks etc) and the general context in which the development was approved (including relationships to neighbouring properties and aspects of development that were of importance to the consent authority when granting the original approval).

When one undertakes the above analysis in respect of the subject application it is clear that the approved development remains, in its modified state, a mixed use building which will continue to spatially relate to its surrounds and adjoining development in substantially the same fashion as originally approved. The previously approved privacy, solar access, view sharing and general amenity outcomes afforded by the original application are generally maintained with internal amenity streetscape outcome and design quality also maintained.

We also note that the previously approved heritage conservation outcomes are not compromised as a consequence of the modifications sought.

The Court in the authority of Stavrides v Canada Bay City Council [2007] NSWLEC 248 established general principles which should be considered in determining whether a modified proposal was "substantially the same" as that originally. A number of those general principles are relevant to the subject application, namely:

- The proposal maintains the massing of the approved development in relation to roof heights and setbacks with the approved residential density not altered as a consequence of the modifications sought.
- The minor increase in the height of the lift overruns is inconsequential in terms of adverse environmental impacts.
- The proposed development, as modified, will not compromise the residential amenity afforded to surrounding development through approval of the original scheme in terms of privacy, solar access and view sharing.

We also note that the modifications do not compromise any of the fundamental considerations which lead to approval of the previous applications in relation to streetscape, design quality and residential amenity outcomes.

On the basis of the above analysis, we regard the proposed application as being "essentially or materially" the same as the approved development such that the application is appropriately categorised as being "substantially the same" and is appropriately dealt with by way of Section 4.56 of the Act.

## 3.2 Canterbury-Bankstown Local Environmental Plan 2023

### 3.2.1 Height of Buildings

Pursuant to the Height of Buildings Map, the site has a maximum building height limit of 18m.

The objectives of this control are as follows:

*(a) to establish the height of development consistent with the character, amenity and landform of the area in which the development will be located,*

*(b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of 2 storeys in Zone R2,*

*(c) to provide appropriate height transitions between development, particularly at zone boundaries,*

*(d) to minimise overshadowing to existing buildings and open space,*

*(e) to minimise the visual impact of development on heritage items and heritage conservation areas,*

*(f) to support building design that contributes positively to the streetscape and visual amenity of an area.*

The subject modified proposal maintains the previously approved roof/ parapet heights however the lift overruns do increase in height by 600mm. All lift overruns will exceed the height standard.

Although the clause 4.6 CBMLEP variation provisions do not apply to an application involving the modification of a consent we had undertaken an analysis as to the acceptability of the additional building height having regards to the objectives of the standard as follows.

- The proposal maintains the massing and setbacks of the approved development with the approved residential density not altered as a consequence of the modifications sought.

- The resultant height, bulk, scale of the building remain entirely consistent with the built form characteristics established by adjoining development and development generally within the sites visual catchment.

- It has been determined that the location of the lift overruns will ensure that they will not be visually prominent as viewed from outside and will not give rise to any adverse residential amenity impacts in terms of view loss, overshadowing, privacy or visual bulk.

- Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the increased lift overrun heights offensive, jarring or unsympathetic in a streetscape context nor having regard to the built form characteristics of development within the sites visual catchment. Accordingly it can be reasonably concluded that the proposal, as modified, remains compatible with its surroundings when viewed from the harbour, foreshore areas, public domain and surrounding properties.

- There will be no adverse heritage conservation impacts.

- Approval of the increased lift overrun height will provide for the orderly and economic use and development of the land.

- Having regard to the matter of Veloshin v Randwick City Council [2007] NSWLEC 428 this is not a case where the difference between compliance and non-compliance is the difference between good and bad design.

Consistent with the first test in Wehbe as the proposal, as modified, satisfies the objectives of the standard strict compliance is unreasonable and unnecessary under the circumstances.

#### 3.2.2 Stormwater Management and Water Sensitive Urban Design

This modification application is supported by detailed Stormwater Management Plans, which demonstrate that the proposal, as modified, has been designed to minimise the impacts of urban stormwater at the site and on adjoining properties, native bushland and receiving water, consistent with the provisions of clause 6.34 of CBLEP 2023.

### 3.3 Canterbury-Bankstown Development Control Plan

Having regard to the relatively minor nature of the modifications sought and the applicable DCP provisions we confirm:

- The height bulk and scale of the development and its relationship to surrounding properties is not altered.
- Although the basement car parking arrangement is reconfigured the proposal continues to provide appropriately for off-street car parking and servicing.
- The amended stormwater management plans ensure the appropriate disposal of stormwater.
- The amended waste management arrangement will provide for the appropriate management of waste.
- The overall design quality of the development is not compromised as consequence of the modifications sought.
- The previously approved streetscape and residential amenity outcomes are not compromised.
- The amended landscape plans ensure that the previously approved landscape regime is not compromised.
- The developments performance in terms of accessibility are not altered.

The proposal remains consistent with the applicable DCP provisions.

### 3.4 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

As the original application was assessed and considered pursuant to this state planning policy it remains relevant to an assessment of the modifications sought. The application is accompanied by the required Design Verification Statement prepared by the project architect demonstrating that the overall design quality of the development is not compromised.

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

This SEPP applies to the residential component of the development and aims to encourage sustainable residential development.

A BASIX Assessment accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

### 3.6 Matters for Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

#### 3.6.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application.

#### 3.6.2 The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

*Context and Setting*

*i. What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

These matters have been discussed in the body of this report.

*ii. What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be acceptable with regard to the applicable legislation.

*Access, transport and traffic:*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

The previously approved quantum of off-street parking spaces is maintained.

*Public Domain*

The proposed development will have no adverse impact on the public domain.

*Utilities*

This matter has been discussed in detail in the body of this report.

*Flora and Fauna*

The amended landscape plans ensure that the previously approved landscape regime is not compromised.

*Waste Collection*

The amended waste management arrangement will provide for the appropriate management of waste.

*Natural hazards*

N/A

*Economic Impact in the locality*

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed development.

*Site Design and Internal Design*

*i) Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the desired future character and built form controls of the DCP.

*ii) How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development can comply with the provisions of the Building Code of Australia.

*Construction*

*i) What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

### 3.6.3 The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

The development responds to the topography of the site, is of adequate area, and has no special physical or engineering constraints is suitable for the proposed development

### 3.6.4 Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

### 3.6.5 The public interest

It is considered that the development is sensitive both to the natural and built environments and is consistent with the applicable statutory planning regime. Approval of the furcation is would not be antipathetic to the public interest.

## 4 CONCLUSION

We have been engaged to prepare an SoEE in support of an application seeking the modification of the above consent pursuant to section 4.56 of the Act. Specifically, the application seeks to refine the architectural, stormwater and landscape detailing of the development based on detailed construction certificate design development to address Sydney Water requirements, BCA requirements, enhance buildability and provide superior residential amenity and waste management outcomes.

Having regard to the detail of the modifications we are satisfied that the previously approved streetscape, residential amenity and broader urban design outcomes are not compromised as consequence the modifications sought.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Act. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The proposal maintains the massing of the approved development in relation to roof heights and setbacks with the approved residential density not altered as a consequence of the modifications sought.
- The minor increase in the height of the lift overruns is inconsequential in terms of adverse environmental impacts.
- The proposed development, as modified, will not compromise the residential amenity afforded to surrounding development through approval of the original scheme in terms of privacy, solar access and view sharing.

On the basis of the above analysis we regard the proposed application as being “essentially or materially” the same as the approved development such that the application is appropriately categorised as being “substantially the same” and is appropriately dealt with by way of Section 4.56 of the Act.

**BOSTON BLYTH FLEMING PTY LIMITED**

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