



Statement of Modification

SECTION 4.55 (1A) - MODIFICATION APPLICATION to DA Consent DA-596/2019

Address: 82 Bonds Road, Roselands, NSW 2196 / Lot 1 DP 210492

Council: Canterbury-Bankstown Council

Date: January 2026



ABN: 40 615 470 356

Phone: 0400 022 059

Email: info@LocalApprovals.com.au

Web: LocalApprovals.com.au

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1.0 INTRODUCTION

This Statement of modification has been prepared to accompany the **Section 4.55 (1A)** Modification application to Canterbury-Bankstown Council that seeks consent to modify the approved Plans for Development Application **DA-596/2019**, which proposed for the Demolition of existing structures and construction of a two storey attached dual occupancy and Torrens title subdivision, which became operational on 20 September 2019 and date of lapsing extended to 20 September 2026 due to the Covid 19 response via a temporary legislation change to the Environmental Planning and Assessment Act 1979.

The subject site for this S4.55 (1A) application is **No. 82 Bonds Road, Roselands, NSW 2196 / Lot 1 DP 210492**. Proposed modifications include changes to the front façade, southern side setback, addition of swimming pool, and removal of Condition 2b of the DA Determination in accordance with the findings in the submitted Traffic Impact Assessment.

This Statement addresses the merits of the proposal with particular reference to the matters for consideration under Section 4.15 and Section 4.55 (1A) of the *Environmental Planning and Assessment Act, 1979*.

2.0 THE SITE AND SURROUNDS

2.1 Legal Description

The subject site falls into Zone R3 - Medium Density Residential and is legally described as **Lot 1 DP 210492** with a lot area of 736sqm². The site has 20.115m wide street frontage to Bonds Road, a northern side boundary of 35.535m, a rear boundary of 18.895m and a southern side boundary of 42.435m.

2.2 Location

The subject site is located at **No. 82 Bonds Road, Roselands, NSW 2196** and falls within the jurisdiction of Canterbury-Bankstown Council local government area shown in Figures 1 and 2 below with its general context to Roselands and surrounds. Surrounding land uses are typically residential dwellings, some commercial buildings and industrial development to the west/southwest of the site.

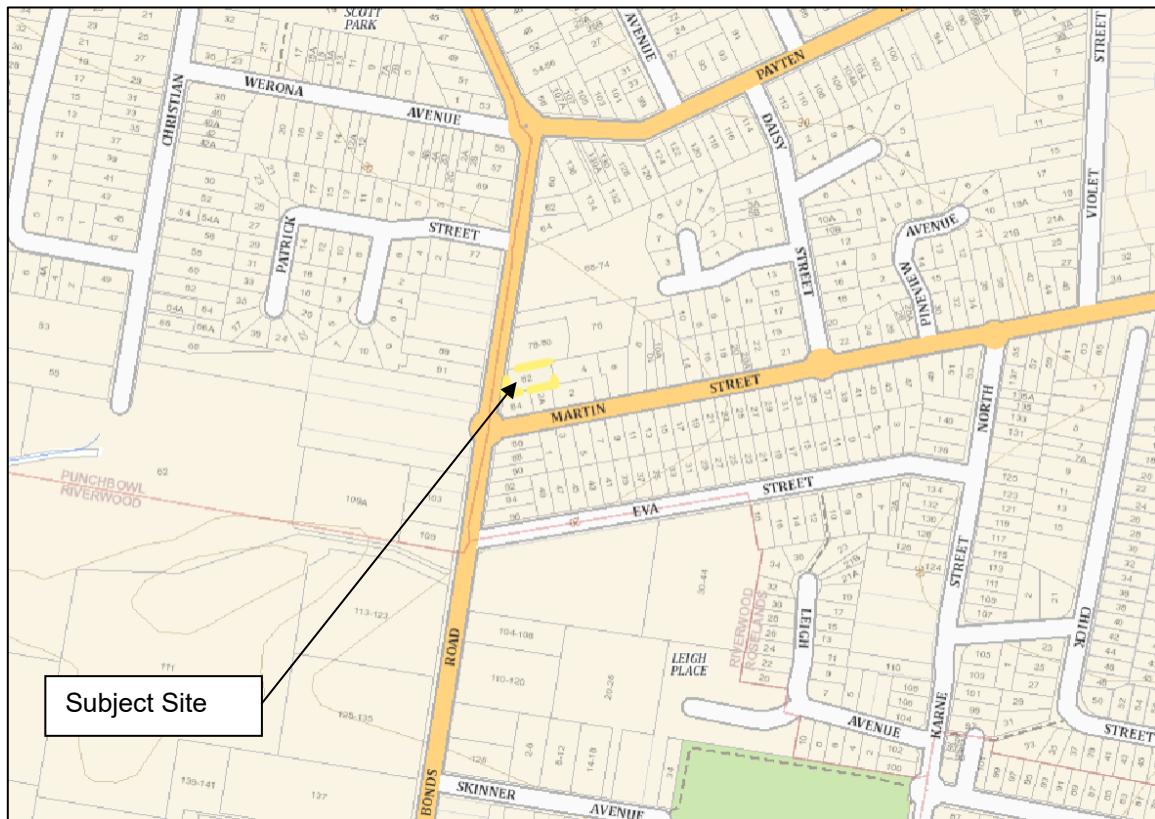


FIGURE 1: Map illustrating the location of subject site
(Source: NSW Planning Portal)

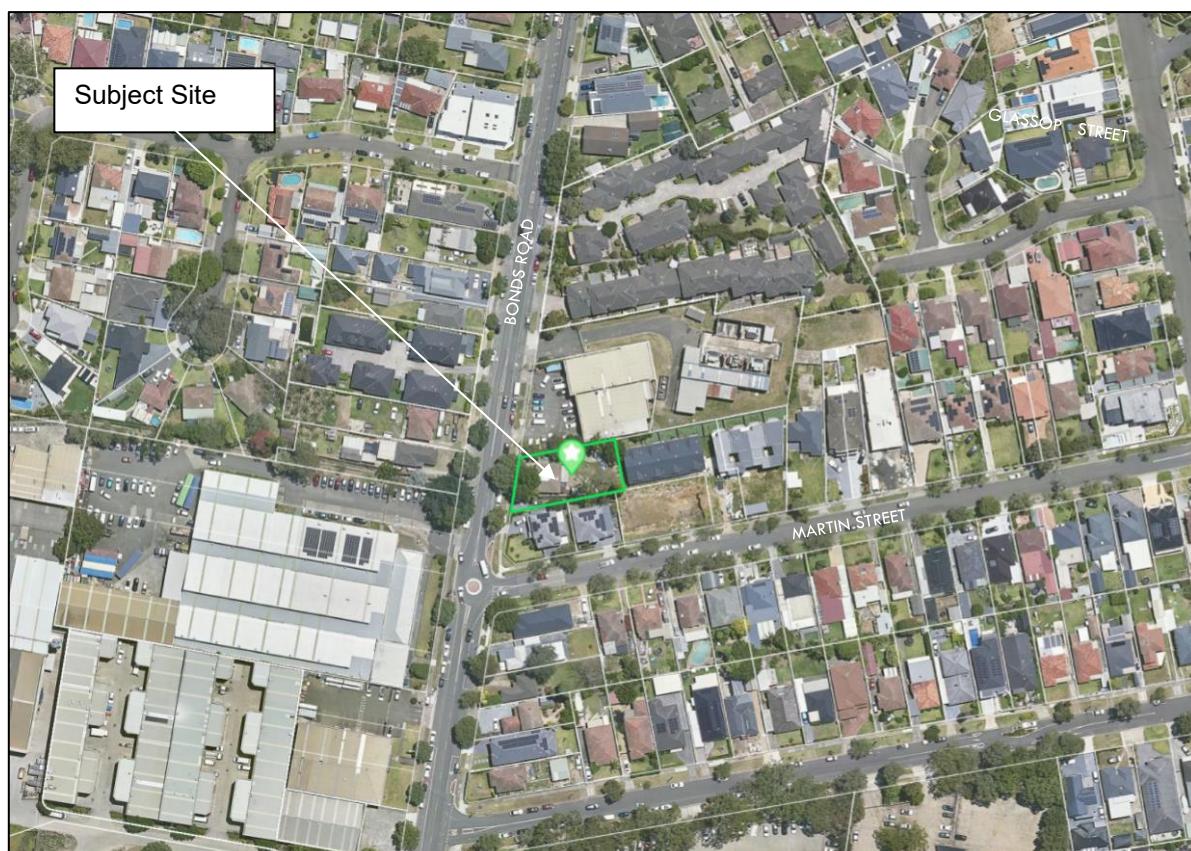


FIGURE 2: An aerial map illustrating the site and surrounds.
(Source: Stash Property App)

3.0 PROPOSED DA CONSENT MODIFICATIONS

The proposed **Section 4.55(1A)** modification to **DA-596/2019**, involves changes as indicated in the submitted S4.55 architectural plans prepared by Boris Grgurevic & Associates P/L and references the Traffic Impact Assessment, Version A-Final, prepared by AMH Traffic P/L and dated 05/01/2026.

The following are the proposed modifications:

- 1. Alterations to the southern side boundary of Dwelling 2 and associated internal modification to the floor plan – this is to satisfy Sydney Water requirements and Condition 2a of the DA Determination;**
- 2. Removal of Condition 2b of the DA Determination, referencing the submitted Traffic Impact Assessment which determined the approved driveway design to be compliant;**
- 3. Modifications to the façade and associated internal modifications to the floor plan;**

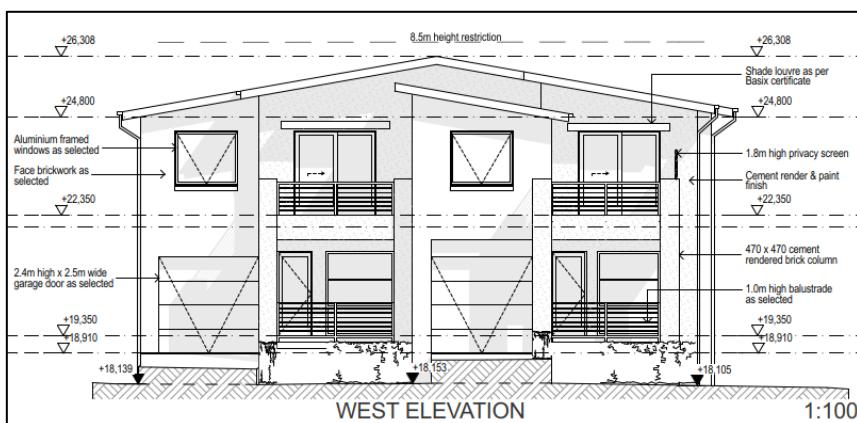


FIGURE 3: Original Façade Design

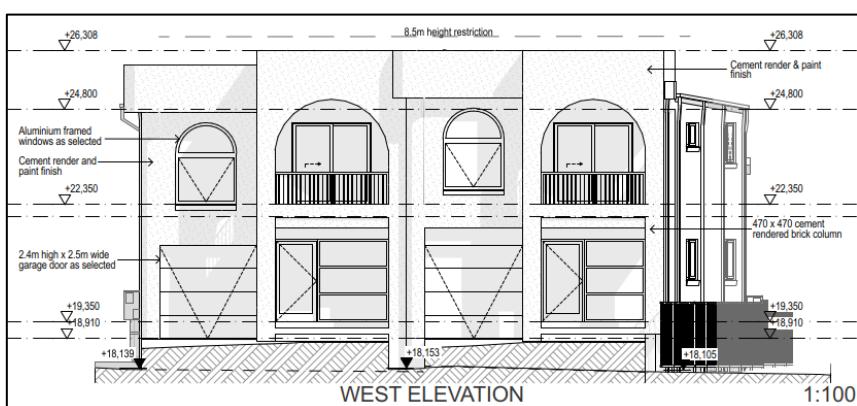


FIGURE 4: Modified Façade Design

- 4. Swimming Pools added to each dwelling.**

All other conditions are to remain unaltered.

Pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, Council may consider an application to amend a development consent provided that, inter alia:

Clause 4.55 Modification of Consents	
(1A) Modifications involving minimal environmental impact	
Provision:	Comment:
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	<p>The approval under DA-596/2019 includes the following scope of works:</p> <ul style="list-style-type: none">a) demolition of existing structures,b) construction of a two storey attached dual occupancy, andc) Torrens title subdivision <p>The proposed changes for this S4.55 application will not alter the above scope of works, thereby ensuring that, with the proposed modifications, the outcome will still substantially be the same as the original DA approval.</p>
(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	<p>This Application is for the assessment of Canterbury Bankstown Council, whose approval is being sought for.</p>
(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	<p>Subject development was originally approved based on Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012. Notification to proceed as required.</p>
(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.	<p>For consideration by Canterbury-Bankstown Council.</p>

Notwithstanding the proposed modifications, the approved dwelling will be **substantially the same as the approved development**.

4.0 SECTION 4.15 EVALUATION EP&A ACT, 1979

4.1. Section 4.15(1)(a) of the EP&A Act, 1979

(i) Section 4.15(1)(a)(i) - The provisions of any Environmental Planning Instrument

Canterbury Local Environmental Plan 2012 (CLEP)

The subject site is identified to be located within the jurisdiction of Canterbury-Bankstown Council LGA. The DA was initially approved under the Canterbury LEP 2012 planning instrument, which applies in this instance. An assessment is made against the relevant sections of the CLEP.

Canterbury Local Environmental Plan 2012		
Reference to Part of LEP	Development Standard	Complies
2.1 Land use zoning	<ul style="list-style-type: none">Site is zoned R3 - Medium Density Residential	✓
4.3 Height of Building	<ul style="list-style-type: none">Maximum Building Height of 8.5m	Not relevant The proposal for this S4.55(1A) will not alter the originally approved maximum building height.
4.4 Floor Space Ratio	<ul style="list-style-type: none">Maximum FSR of 0.5:1	Not relevant The proposal for this S4.55(1A) will not alter the originally approved FSR.

ii) Section 4.15(1)(a)(ii) - The provisions of any publicly exhibited Draft Environmental Planning Instruments

At the time of writing this Statement, there were no known Draft Environmental Planning Instruments applicable to the land.

(iii) Section 4.15(1)(a)(iii) - The provisions of any Development Control Plan

Canterbury Development Control Plan 2012 (CDCP)

The subject site is identified to be located within Canterbury Bankstown Council LGA. The original DA was previously assessed based on the provisions of Canterbury Development Control Plan 2012 (CDCP).

The proposed modifications are indicated above, and detailed in the submitted architectural plans prepared by Boris Grgurevic & Associates P/L which are deemed to comply with the CDCP requirements.

Proposed amendments are **deemed minor** and will not adversely impact on the site and the adjoining properties. See comments below on the relevant CDCP sections:

Canterbury Development Control Plan 2012		
Chapter C2 Dual Occupancies and Semi-detached Dwellings		
Reference to Part of DCP	Development Standard	Comments
C2.2.3 Private Open Space	<p>C2 Dual occupancy and semi-detached dwellings with a frontage of 7.5m or greater must provide a minimum of 50m² of private open space.</p> <p>C3 Dual occupancy and semi-detached dwellings must provide one area of private open space with a minimum dimension in any direction of 4m.</p> <p>C4 Dual occupancy and semi-detached dwellings must provide one area at least 2.5m x 2.5m suitable for outdoor dining facilities.</p>	<p>Complies</p> <p>The dwellings will have access to the following private open spaces with the proposed modifications:</p> <p>Dwelling 1 – 79.40sqm Dwelling 2 – 119.80sqm</p>
C2.3.1 Floor Space Ratio	<p>Floor space ratio (FSR) is a measure that assists in controlling the mass, bulk and scale of a development. FSR functions in conjunction with building height, site coverage and setback controls to define the three dimensional space within which a development may occur. This is referred to as the building envelope.</p> <p>FSR is expressed as a ratio of the permissible gross floor area to the site area, as defined under LEP.</p>	<p>Not relevant</p> <p>The FSR is to remain unchanged with the proposed modifications.</p>

	<p>The maximum permissible FSR for any development is prescribed in the LEP(refer to Clause 4.4 of CLEP 2012).</p>	
C2.3.3 Setbacks	<p><u>Front, Side and Rear Setbacks</u></p> <p><u>Front Setback</u></p> <ul style="list-style-type: none"> • Minimum setback of 5.5m from the front boundary. • Maximum 2m recess for the main entrance from the front building line. • Where the existing front setback is less than 5.5m, further encroachments by alterations and additions are not acceptable. <p><u>Side Setbacks</u></p> <ul style="list-style-type: none"> • Minimum setback of 900mm from side boundaries. • First floor alterations and additions may be in line with the existing ground level walls. • For semi-detached dwellings, provide an unroofed light well, with minimum dimensions of 1m x 3m, by setting back part of the external side wall a minimum of 2m from the side boundary. • For semi-detached dwellings, where a ground level addition to an existing dwelling is proposed, the external walls of the addition may be built to the same alignment as the common wall. <p><u>Exceptions and Other Requirements</u></p> <p>C4 Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the setback area to screen the pool from neighbours.</p> <p>C5 Swimming pools must not be located within any front setback.</p>	<p>No change</p> <p>The front setback of 9.0m is to remain as per original approval.</p> <p>The proposed change to the southern side setback of Dwelling 2 is to remove the angular corners on the original approval and replace it with a continuous wall that tapers off towards the front to achieve Sydney Water compliance requirement which will subsequently satisfy Condition 2a of the DA Determination. Note that the min. side setback of Dwelling 2 is to remain as per original approval of 2.25m.</p> <p>Complies</p> <p>The proposed swimming pools will be located at the rear of the dwellings and will have a min. rear boundary of 1.25m.</p>

<p>C2.4 Building Design</p> <p>C2.4.1 General Design</p>	<p><u>Contemporary Built Form</u></p> <p>C1 Contemporary architectural designs may be acceptable if:</p> <ul style="list-style-type: none"> (a) A heritage listing does not apply to the existing dwelling or to its immediate neighbours. (b) The proposed addition is not visually prominent from the street or from a public space. (c) Extensive remodelling of existing facades is proposed in accordance with controls of this DCP. <p>C2 New building forms and design features shall not mimic traditional features, but should reflect these in a contemporary design.</p> <p>C3 Access to upper storeys must not be via external stairs.</p> <p>C4 All dwellings must contain one kitchen and laundry facility.</p> <p>C5 Retain and extend prominent elements of the existing roof (such as gables, hips or longitudinal ridges that run parallel to a street boundary).</p> <p>C6 Contemporary roof forms may be acceptable on additions at ground floor level if concealed substantially behind the existing dwelling, and not visible from the street or other public space.</p> <p><u>Building Entries</u></p> <p>C7 Entries to residential buildings must be clearly identifiable.</p> <p>C8 A minimum of one habitable room must be oriented towards the street to promote positive social interaction and community safety.</p> <p>C9 Sight lines to the street from habitable rooms or entrances must not be obscured by ancillary structures.</p>	<p>Complies</p> <p>The modified façade will not be visually prominent as viewed from the street and will have contemporary architectural details that are in accordance with this development control.</p> <p>Proposed façade will have contemporary design features.</p> <p>None proposed</p> <p>No change proposed</p> <p>No change proposed to original approved roof form.</p> <p>No change proposed to the original building entries.</p>
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<u>Façade Treatment</u>	<p>The proposed modifications to the façade will use non-reflective cement render and paint finishes with a coordinated colour palette that will present as a harmonious assortment of detail and treatment.</p> <p>The front balconies and fenestrations will have adequate sun shading devices which are incorporated into the architectural design.</p> <p>The façade will not include vast expanses of unarticulated sections.</p>					
<p>C15 Use non-reflective materials, do not randomly mix light and dark coloured bricks, and treat publicly accessible wall surfaces with anti-graffiti coating.</p> <p>C16 Façade design should reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows.</p> <p>C17 Facades visible from the street should be designed as a series of articulating panels or elements.</p> <p>C18 The width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows.</p> <p>C19 The width of articulating panels shall be in accordance with the numerical requirements below:</p> <table border="1" data-bbox="477 1057 1049 1102"><thead><tr><th>Facade</th><th>Street Elevation</th><th>Side Elevation</th></tr></thead><tbody><tr><td>Width of articulating panels</td><td>4m to 6m</td><td>10m to 15m</td></tr></tbody></table> <p>Table C2.3: Width of articulating panels</p> <p>C20 Avoid long flat walls along street frontages - stagger the wall alignment with a step (not a fin wall or other protruding feature) of at least 0.5m for residential buildings.</p> <p>C21 Vary the height of modules so they are not read as a continuous line on any one street between 2 - 4 storeys, step-back to the middle component and again at the top.</p> <p>C22 Incorporate contrasting elements in the facade - use a harmonious range of high quality materials, finishes and detailing.</p> <p>C23 Screen prominent corners with awnings, balconies, terraces or verandas that project at least 1 m from the general wall alignment.</p>	Facade	Street Elevation	Side Elevation	Width of articulating panels	4m to 6m	10m to 15m
Facade	Street Elevation	Side Elevation				
Width of articulating panels	4m to 6m	10m to 15m				

	<p><u>Windows</u></p> <p>C28 Large windows should be located at the corners of a building and may be designed as projecting bay-windows.</p> <p>C29 Large windows should be screened with blinds, louvres, awnings or pergolas.</p> <p>C30 Windows must be rectangular.</p> <p>C31 Square, circle and semi-circle windows are acceptable in moderation.</p> <p>C32 Vertical proportioned window openings can include multi-panel windows or multi-panel doors.</p> <p>C33 Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.</p> <p>C34 Dormer windows on buildings in the residential zone must comply with the following design requirements:</p>	<p>The modified front elevations windows will generally be consistent with the original front windows, except for the addition of a semi-circular glazing above one window per dwelling. This addition will be an accent that will create a coordinated and matching look with the front balcony enclosure.</p> <p>The proposed changes to the façade are deemed to be consistent with the street character and is envisaged as a positive aesthetic presentation to the locality.</p>
<p>C2.4.2 Roof Design and Features</p>	<p>Objectives</p> <p>O1 To ensure that roof design is compatible with the building style and does not visually dominate the building or other roofs in the locality.</p> <p>O2 To promote roof design that assists in regulating climate within the building.</p> <p>O3 To reduce the impact of large surfaces of roof when viewed from other buildings and public spaces.</p>	<p>Not relevant</p> <p>The proposed roof design will generally be similar and consistent with the original approved roof design.</p>

iiia) Section 4.15(1)(a)(iiia) - The provisions of any Planning Agreement entered into under Section 7.4

There are no known Planning Agreements entered into under Section 7.4 and no draft Planning Agreements are proposed to be entered into under Section 7.4 for this proposal.

4.2. Section 4.15(1)(c) of the EP&A Act, 1979

The suitability of the site for the development.

The subject land is currently zoned R2 - Low Density Residential and is considered suitable for the proposed development.

4.3. Section 4.15(1)(e) of the EP&A Act, 1979

The public interest.

The proposal will not negatively impact upon the environment, the character of the locality or upon the amenity of the adjoining properties and is therefore considered to be within the public interest.

5.0 CONCLUSION

The subject site for this S4.55 (1A) application is **No. 82 Bonds Road, Roselands, NSW 2196 / Lot 1 DP 210492**. The principal objective of this statement is to support the assessment of the proposed modifications to Development Consent **DA-596/2019**. The **proposed S4.55(1A) modifications**. The following are the proposed modifications:

- 1. Alterations to the southern side boundary of Dwelling 2** and associated internal modification to the floor plan – this is to satisfy Sydney Water requirements and Condition 2a of the DA Determination;
- 2. Removal of Condition 2b** of the DA Determination, referencing the submitted Traffic Impact Assessment which determined the approved driveway design to be compliant;
- 3. Modifications to the façade** and associated internal modifications to the floor plan;
- 4. Swimming Pools added** to each dwelling.

All other conditions are to remain unaltered.

The proposal, with the submission of supporting documents, demonstrates that the modifications will maintain the impact of the original DA Consent while ensuring consistency with the local character, positive aesthetic presentation and achievement of sustainability targets of the subject dwelling, notwithstanding the changes to the original DA Consent.

Approval of this application for modification of the Development Consent is thus recommended.