



Statement of Environmental Effects

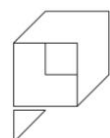
Modification Application to DA-591/2024

58 and 60 Belemba Avenue, Roselands

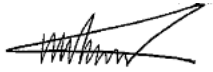


Prepared by Paro Consulting

March 2026



Document status

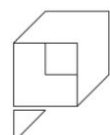
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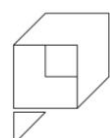
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1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by Paro Consulting in support of a section S4.56 modification application submitted to Canterbury-Bankstown Council. The application proposes to modify to an approved development application No DA-591/2024 for the *‘demolition of existing on-site structures and the construction of a multi-dwelling housing development comprising seven dwellings, each with ground-level access including 3 x two-storey dwellings and 4 x single-storey dwellings plus attic design, along with two parking spaces per dwelling, one visitor parking space, a central driveway, waste storage area, landscaping, and associated site works’* in relation to the land identified as Lots 60 and 61 in Deposited Plan 13324, known as 58 and 60 Belemba Avenue, Roselands (the Site).

The proposed modification seeks consent to amend Condition 29(h) as it relates to the detailed landscape design, in order to ensure consistency with the approved architectural plans and site layout. Condition 29(h) requires the submission of an amended landscape plan incorporating one 75-litre (minimum) major canopy tree within both the front and rear setback of each dwelling. However, it is evident that the condition was imposed without full alignment to the final approved architectural drawings, which were subject to multiple revisions throughout the Court appeal process. As a result, the condition does not appropriately reflect the approved site layout of the development. In this regard, strict compliance with the locational requirement for canopy trees within both the front and rear setbacks of each dwelling is not feasible in all instances, having regard to the approved built form, setbacks, and site constraints. Notwithstanding, the proposed modification does not seek to reduce the quantum of landscaping or canopy provision. Rather, it seeks to provide a more flexible landscaping outcome that maintains the intent of the condition by delivering the same number of canopy trees (being two per dwelling), while allowing their placement to respond appropriately to the approved site layout and available deep soil zones. As a result, the stormwater management plan for the site has also been updated to accommodate the proposed tree planting locations.

No other changes to the approved development are sought as part of the modification application.

The proposal also seeks to modify development consent DA-591/2024, including the following conditions:

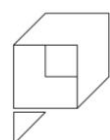
- Approved Plans and Supporting Documentation – Condition 1
- Landscaping Plan – Condition 29
- Stormwater Drainage – Conditions 18 and 19.

This SEE has been prepared pursuant to Section 4.15 and 4.56 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. Site Analysis

2.1 Site Location and Description

The site is located at 58 and 60 Belemba Avenue, Roselands legally described as Lot 60 on Deposited Plan (DP) 13324 and Lot 61 on Deposited Plan (DP) 13324 and located within the Canterbury Bankstown Local Government Area. Refer to **Figure 1** below for an aerial image of the site.



Figure 1. Aerial image of subject site (identified in blue) Source: Nearmap Council SOFAC

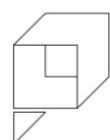
The site is an irregular shape allotment with a combined frontage of approximately 23.775m (Lot 60 and 61 both have a splayed frontage of 11.88m) to Belemba Avenue and is located at the eastern corner of Belemba Avenue. The site has a total area of 1939.7m², as per the site survey. The site has gentle slope from the west to east of the site.

The site is occupied by two (2) single storey detached dwellings with associated structures. Vehicular access is provided to Lot 60 (58 Belemba) and Lot 61 (No 60 Belemba) via existing driveways. Pedestrians enter the site via a pedestrian access gate from the primary frontages. An existing easement for drainage is located at the rear of the property boundary of Lot 61 (No 60 Belemba). Minimal trees and landscaping are present throughout the site. Two (2) street trees are present within the road reserve of Belemba Avenue directly adjacent to the site.

2.2 Locality and Surrounding Development

The site is zoned R3 Medium Density Residential, pursuant to the Canterbury-Bankstown Local Environmental Plan 2023. The immediate vicinity of the site is zoned R3 Medium Density Residential and is predominantly characterised by single and two storey residential dwellings.

The adjoining properties to the south of the site (62-64 Belemba Avenue), consist of three (3) townhouses and four (4) villas, which reflect both single and double storey structures. The adjoining properties to the east (rear) of the site consist of single and double storey dwellings facing Dreadnought Street. Immediately to the north, a public pedestrian access pathway is located adjacent to the northern side boundary of 58 Belemba.



3. Background

3.1 Planning History

Development Application No. 591/2024 for the “*demolition of existing on-site structures and the construction of a multi-dwelling housing development comprising seven dwellings, each with ground-level access including 3 x two-storey dwellings and 4 x single-storey dwellings plus attic design, along with two parking spaces per dwelling, one visitor parking space, a central driveway, waste storage area, landscaping, and associated site works*” was approved on 2 December 2015 via a Land and Environment Court Section 34 conciliation agreement (*Capital*

The subject modification application seeks amendments to **DA-591/2024**.

3.2 Preliminary DA

No preliminary discussion or formal Pre-DA have occurred in relation to the proposed modifications.

4. Proposed Modification

4.1 Overview

The Section 4.56 proposed modification seeks consent to amend Condition 29(h) of DA-591/2024 as it relates to the detailed landscape design, in order to ensure consistency with the approved architectural plans and site layout.

Condition 29(h) requires the submission of an amended landscape plan incorporating one 75-litre (minimum) major canopy tree within both the front and rear setback of each dwelling. However, it is evident that the condition was imposed without full alignment to the final approved architectural drawings, which were subject to multiple revisions throughout the Court appeal process. As a result, the condition does not appropriately reflect the approved site layout of the development. In this regard, strict compliance with the locational requirement for canopy trees within both the front and rear setbacks of each dwelling is not feasible in all instances, having regard to the approved built form, setbacks, and site constraints. Notwithstanding, the proposed modification does not seek to reduce the quantum of landscaping or canopy provision. Rather, it seeks to provide a more flexible landscaping outcome that maintains the intent of the condition by delivering the same number of canopy trees (being two per dwelling), while allowing their placement to respond appropriately to the approved site layout and available deep soil zones. As a result, the stormwater management plan for the site has also been updated to accommodate the proposed tree planting locations.

No other changes to the approved development proposal are sought as part of the modification application.

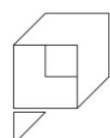
Refer to the landscape plans (**Rev ‘B’** dated 26.02.2026) prepared by Zenith Landscape Designs and Stormwater Plans (Rev ‘B’ dated 03.03.2026) prepared by LMW Design Group included with the Modification DA for further details.

4.2 Modification to DA Conditions

4.2.1 Approved Plans and Supporting Documentation – Condition 1

Proposed Modification

The modification proposes to modify Condition 1 to include the landscape plans (**Rev ‘B’** dated 26.02.2026) prepared by Zenith Landscape Designs and Stormwater Plans (Rev ‘B’ dated 03.03.2026) prepared by LMW Design Group submitted in support of the proposed modification application, to be listed under the ‘Approved Plans’.



4.2.2 Landscaping Plan – Condition 29

Proposed Modification

Condition 29(h) reads:

29. Landscaping Plan

A detailed landscape plan prepared by a qualified landscape architect or qualified landscape designer must be approved by the certifier before the issue of a construction certificate. The landscape plan must be prepared in accordance with Council's DCP 2023 and must include the following features, notations and specifications:

...

h. One 75ltr (minimum) major canopy tree shall be planted within the front and rear setback to each dwelling.

Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy

The modification seeks to modify the wording and/or delete Condition 29(h) to allow for the proposed tree planting to be undertaken in accordance with the submitted landscape plans (Rev 'B' dated 26.02.2026) prepared by Zenith Landscape Designs.

4.2.3 Stormwater Drainage – Conditions 18 and 19

Proposed Modification

The modification proposes to modify Conditions 18 and 19 to include the updated Stormwater Plans (Rev 'B' dated 03.03.2026) prepared by LMW Design Group submitted in support of the proposed modification application.

5. Environmental Planning Assessment

5.1 Section 4.56 of EP&A Act 1979 – Assessment

Section 4.56 of the EP&A Act 1979 prescribes how a consent authority may modify a consent granted by the Court:

“4.56 Modification by consent authorities of consents granted by the Court(cf previous s 96AA)

(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—

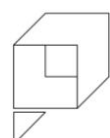
(a) it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

(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 a modification of a consent under this section, the consent authority must take the following into consideration—

(a) the matters referred to in section 4.15(1), but only so far as the matters are of relevance to the application,

(b) the reasons given by the consent authority for the grant of the consent sought to be modified, but only so far as the reasons are of relevance to the application.

(1AA) Section 4.15(1C) extends to an application for a modification under this section of a consent for targeted assessment development.

Note—

Section 4.15(1C) provides that a consent authority, in determining a development application for targeted assessment development, must take into consideration only the matters referred to in section 4.15(1)(a) and (d) as are of relevance to the development.

(1B) To avoid doubt, a consent authority is not prevented from modifying a consent under this section merely because the modification only modifies a condition of consent and would not result in a change to the development the subject of the consent.

(1C) 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.

(2) After determining an application for modification of a consent under this section, the consent authority must send a notice of its determination to each person who made a submission in respect of the application for modification.

(3) 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.

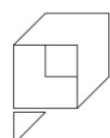
(4) (Repealed)”

Substantially the same development

The proposed modification is substantially the same development as the development for which the consent was originally granted. The appearance of the multi-dwelling housing development will remain substantially the same as the approved development with no external changes proposed apart from modified landscape scheme. The modified development, is substantially the same development as that originally approved. The proposed changes are only minor from a quantitative and qualitative perspective and are relevant to the original approval. The minor modifications do not change the use or built form of the approved scheme and do not impose adverse environmental impacts.

The modifications 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.



Notification

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

5.2 Section 4.15 – Evaluation

Section 4.15 of the Environmental Planning Assessment Act 1979 (EP&A Act 1979) as amended specifies the matters which a consent authority must consider when determining a modification application. The relevant matters for consideration are addressed in the Table below.

Table 1. Section 4.15 of EP&A Act 1979 Assessment

Clause	Assessment
<i>1) Matters for consideration—general 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: (a) the provisions of:</i>	
<i>i) any environmental planning instrument</i>	An assessment has been provided against relevant State Environmental Planning Policies (SEPP) and the Canterbury-Bankstown Development Control Plan 2023.
<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 relevant DCP
<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>	Not applicable.
<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 significant likely impacts of that development, including environmental impacts on</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



<i>both the natural and built environments, and social and economic impacts in the locality,</i>	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 development and the development meets the objectives of the zone and the CBLEP 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. 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 Environmental Planning Instruments (EPIs)

This section of the SEE provides an assessment of the modified proposal 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 State Environmental Planning Policies (SEPP)

The proposed modification does not alter the approved development's existing compliance with any relevant SEPPs, particularly those under which it was originally assessed, including SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management, Chapter 4 – Remediation of Land, SEPP (Sustainable Buildings) 2022 and SEPP (Biodiversity and Conservation) 2021. The proposed development as modified remains consistent with the relevant SEPPs.

5.3.2 Canterbury-Bankstown Local Environmental Plan 2023

The *Canterbury-Bankstown Local Environmental Plan 2023* (CBLEP 2023) is the primary planning instrument applicable to the subject site. The modified proposal has been considered against the provisions of the CBLEP 2023.

The relevant provisions of the LEP have been taken into consideration in the assessment of the modified proposal.

The proposed modification will remain consistent with the objectives of the R3 Medium Density Residential, continuing the site's approved use, and will not alter the height, floor space ratio, minimum lot size, flood risk, earthworks or stormwater management considerations.

The proposed development as modified remains consistent with the CBLEP 2023.

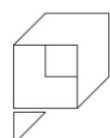
5.3.3 Canterbury-Bankstown Development Control Plan 2023

The Canterbury-Bankstown Development Control Plan 2023 (CBDP 2023) is the primary DCP applicable to the proposal and site.

The works are minor and do not alter the built form of the approved development.

The proposal remains consistent with all the relevant DCP provisions and does not result in any change in existing compliance or otherwise as determined in the original development against the CBDP 2023.

the proposed modification does not seek to reduce the quantum of landscaping or tree canopy provision. Rather, it seeks to provide a more flexible landscaping outcome that maintains the intent of the condition 29(h) by delivering the same number of canopy trees (being two per dwelling), while allowing their placement to respond appropriately to the approved site layout and available deep soil zones.



5.4 Financial contributions

The proposed modifications do not alter the financial contribution payable.

5.5 Environmental Impacts

There is considered to be no additional environmental impacts compared to that of the approved development.

5.6 Site Suitability

The site is considered to remain suitable for the proposal.

5.7 Public Interest

The modified development remains in the public interest.

6. Conclusion

This SEE supports a modification application to amend the approved development application No DA-591/2024 for a multi-dwelling housing development at the site.

The Section 4.56 modification application seeks minor amendment to Condition 29(h) of DA-591/2024 as it relates to the detailed landscape design, to ensure consistency with the approved architectural plans and site layout. The proposed modification does not seek to reduce the quantum of landscaping or canopy provision. Rather, it seeks to provide a more flexible landscaping outcome that maintains the intent of the condition by delivering the same number of canopy trees (being two per dwelling), while allowing their placement to respond appropriately to the approved site layout and available deep soil zones. . As a result, the stormwater management plan for the site has also been updated to accommodate the proposed tree planting locations.

Having assessed the proposal against the relevant matters outlined in Section 4.15 and Section 4.56 of the Environmental Planning and Assessment Act 1979, this SEE concludes that the proposal is substantially the same development and has minimal environmental impact.

The proposed modifications, as demonstrated within this SEE, are deemed consistent with the approved development and compliant with the relevant legislation. Therefore, they are strongly recommended for approval by the consent authority.

