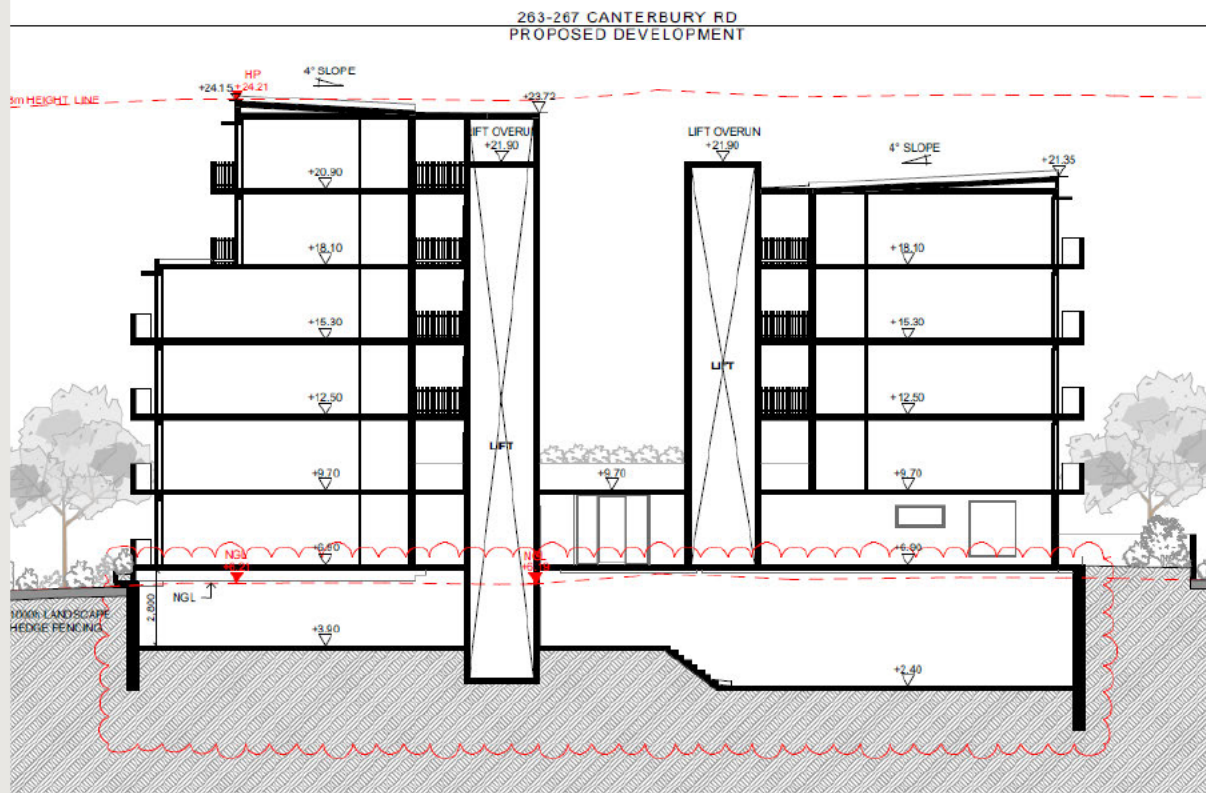


STATEMENT OF ENVIRONMENTAL EFFECTS



263-267 Canterbury Road, Canterbury NSW

Section 4.56 Modification to DA387/2018 for a boarding house

26 June 2026 | P2026-035_01

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We acknowledge that the land on which we live, learn and work as the traditional country of the Gadigal people of the Eora Nation. We acknowledge these traditional owners of this land and acknowledge their living cultures and the unique roles they have played in maintaining life, language, and culture in this region. We pay respect to their Elders past, present and emerging and all aboriginal people.

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Table of Contents

1.0	INTRODUCTION	4
1.1	Purpose	4
1.2	Summary of Compliance	4
1.3	Material Relied Upon	5
2.0	THE SITE	5
2.1	Site Location	5
2.2	Site Surrounds	6
2.3	The Site	8
2.4	Existing Site Features	9
2.5	Previous Approvals	9
2.6	Commencement	9
3.0	THE PROPOSAL	9
3.1	Proposed Modification	9
3.2	Modified Development Data	10
4.0	CONSENT AUTHORITY	10
5.0	SECTION 4.56	10
6.0	ENVIRONMENTAL PLANNING ASSESSMENT	11
6.1	Section 4.15(1)(a)(i): Environmental Planning Instruments	11
6.1.1	State Environmental Planning Policy (Resilience and Hazards) 2021	11
6.1.3	State Environmental Planning Policy (Sustainable Buildings) 2023	13
6.1.4	State Environmental Planning Policy (Transport and Infrastructure) 2021	13
6.1.5	Canterbury-Bankstown Local Environmental Plan 2023	13
6.2	Section 4.15(1)(a)(ii) – Proposed Instruments	14
6.3	Section 4.15(1)(a)(iii) – Development Control Plans	14
6.3.1	Canterbury-Bankstown Development Control Plan 2023	14
6.4	Section 4.15(1)(a)(iia) Planning Agreements	15
6.5	Section 4.15(1)(a)(iv) The Regulations	15
6.6	Section 4.15(1)(b) Significant Likely Impacts of the Proposed Development	16
6.6.1	Privacy	16
6.6.2	Streetscape	16
6.6.3	Overshadowing	16
6.7	Section 4.15(1)(c) – Suitability of the Site for Development	16
6.8	Section 4.15(1)(d) – Submissions	16
6.9	Section 4.15(1)(e) – Public Interest	16
7.0	CONCLUSION	16

1.0 INTRODUCTION

1.1 Purpose

This Statement of Environmental Effects has been prepared to accompany an application under section 4.56 of the Environmental Planning and Assessment Act 1979 ("the Act") to modify development consent No. DA387/2018, which approved demolition of all existing structures and construction of a part five (5) part six (6) storey boarding house containing 43 boarding rooms and managers room with basement car parking containing 23 car spaces, 9 motorcycle spaces and 9 bicycle spaces at 263-267 Canterbury Road, Canterbury NSW.

This Statement has been prepared to support compliance with clauses 99 and 100 of the Environmental Planning and Assessment Regulation 2021 and includes an assessment of the following:

- (a) the expected impacts of the proposed modification,
- (b) how the modified development, if approved, would be substantially the same as the approved development.

1.2 Summary of Compliance

Performance against Council's general numerical controls is summarised as follows:

General Development Data				
Site Area	Zone	FSR	Height	Heritage
779.5m ²	R4 High Density Residential	1.6:1	18m	Not applicable

Summary Numerical Compliance Table				
Planning Document	Clause	Control	Proposed	Comp
CBLEP 2023	Zone	R4 High Density Residential	Boarding house (No change to that approved under DA387/2018)	Y
CBLEP 2023	Height of building	18m	No change to that approved under DA387/2018.	N/A
CBLEP 2023	Floor space ratio	1.6:1 (1,247.2m ²)	No change to that approved under DA387/2018.	N/A
SEPP Housing 2021	Non-discretionary development standard for parking	for development on land within an accessible area—0.2 parking spaces for each boarding room, The site is located approximately 450m walking distance from Canterbury Railway Station and is in an accessible area. Proposal approved under DA-387/2018 for 43 boarding rooms and 1 manager's room. Parking calculation: 0.2 * 43 = 8.6 car parking spaces Required parking: 9 car spaces	11 car parking spaces	Y
CBDP 2023	Off-street car parking	0.5 car spaces per boarding room; and 1 car space for each person employed in connection with the development and who is resident on the site.	See below.	-

Summary Numerical Compliance Table				
Planning Document	Clause	Control	Proposed	Comp
		Parking calculation for boarding room: $0.5 * 43 = 21.5$ car parking spaces Required: 22 car parking spaces Required for manager: 1	11 car parking spaces This requirement for 22 spaces is superseded by the non-discretionary standard for car parking in the <i>SEPP (Housing) 2021</i> .	N/A
CBDP 2023	Accessible off-street parking	Places of shared accommodation (BCA Classes 1b and 3 including boarding houses, hostels, motels and the like, where 10 or more car spaces are required) 1 accessible car space per 10 beds designed in accordance with the Australian Standard AS 2890.1	The non-discretionary standard for car parking in the <i>SEPP (Housing) 2021</i> requires 9 car parking spaces. The specified rate of accessible parking spaces in the DCP only applies when 10 or more car spaces are required. Nevertheless, 2 accessible car spaces are proposed out of the total 10.	Y
Legend: Y=Complies, N = Does not Comply, C = Condition of consent, N/A = Not applicable, A = Does not strictly comply but acceptable				

As can be seen above, the modifications would not alter the degree of compliance of the proposal with the applicable controls.

1.3 Material Relied Upon

This Statement of Environmental Effects is based upon the following material:

- Architectural Plans by Ghazi Al Ali Architect,
- Site Survey by East Coast Positioning, and
- Applicable planning legislation.

2.0 THE SITE

2.1 Site Location

The site is located at 263-267 Canterbury Road, Canterbury NSW.

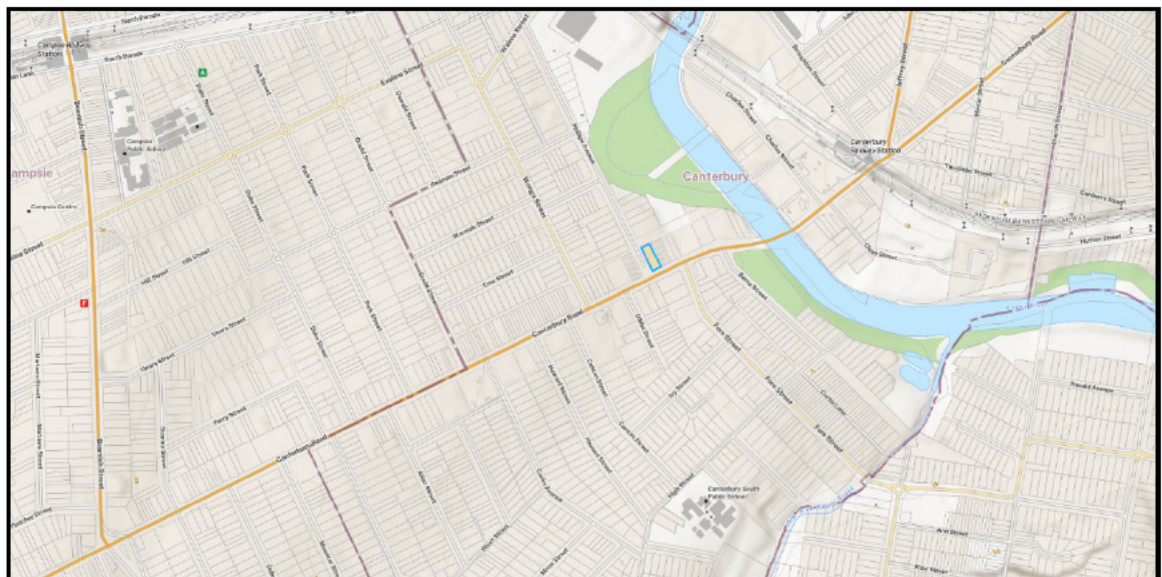


Figure 1: Site location (Source: SDT Explorer).

2.2 Site Surrounds

The site is located within a high-density residential area on Canterbury Road, in proximity to low-density residential dwellings and commercial land uses. It is located within approximately 450m walking distance from Canterbury Railway Station.



Figure 2: Site surrounds (Source: SDT Explorer).



Figure 3: The site, as viewed from Canterbury Road (Source: Google).



Figure 4: Canterbury Road looking east, with the site on the left (Source: Google).



Figure 5: Canterbury Road looking west, with the site on the right (Source: Google).

2.3 The Site

The site is located at 263-267 Canterbury Road, Canterbury. It is rectangular in shape and has road access on three sides, with a primary frontage to Canterbury Road, secondary frontage to Phillips Avenue (cul-de-sac) and rear frontage to Clunes Lane.

General Site Data					
Street Address	Lot No.	Section	Deposited Plan	Dimensions	Total Site Area (by survey)
263-267 Canterbury Road, Canterbury	18		703437	North: 17.08m East: 45.72m West: 45.72m South: 17.02m	779.5m ²
TOTAL					779.5m ²



Figure 6: Aerial photo of the site (Source: SDT Explorer).

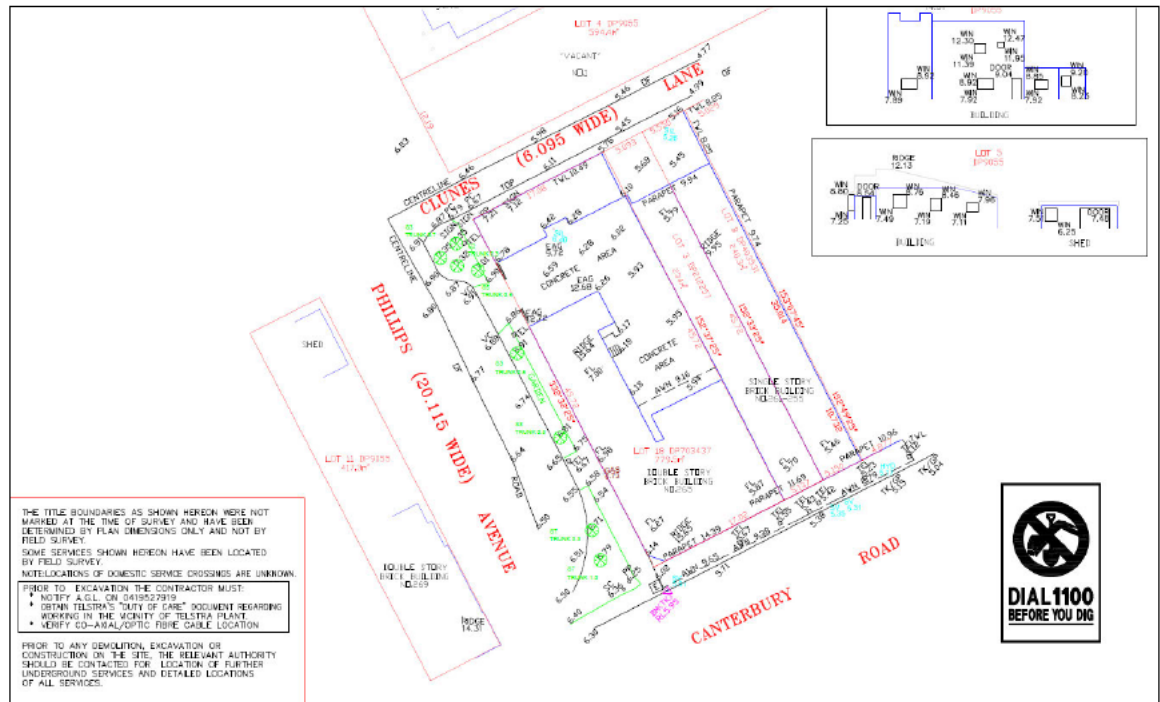


Figure 7: Survey of the site (Source: Eastcoast Positioning).

2.4 Existing Site Features

The site is currently vacant, with the former partial two-storey and partial one-storey building demolished recently.

2.5 Previous Approvals

The site benefits from the following relevant approvals:

Summary of Previous Consent		
DA No.	Description	Determination
DA-387/2018	Demolition of all existing structures and construction of a part five (5) part six (6) storey boarding house containing 43 boarding rooms and managers room with basement car parking	Approved by the Land and Environment Court: 20.08.2020

2.6 Commencement

Demolition of existing structures was undertaken prior to 12.08.2025 (ref. Record of Site Inspection, Canterbury Bankstown Council, dated 12.08.2025).

Consequently the consent has been activated prior to the lapse date and remains active.

3.0 THE PROPOSAL

3.1 Proposed Modification

The proposal involves modifications to DA-387/2018 granted 20 August 2020 as follows:

Development Summary			
Item	Details	Details of Modification	Reason
Conditions of Consent	Condition 2	Modify to reflect the modified drawing numbers	Clarity and certainty of consent.
Basement	Deletion	Delete approved Basement 02, consisting of 12 car spaces, 6 motorbike spaces and 4 bicycle parking spaces.	To reduce cost.

3.2 Modified Development Data

The modified proposal is summarised below:

	Proposed Modification
Use	Boarding house (no change)
Storeys	No change to that approved under DA-387/2018, except for the proposed deletion of Basement 02.
GFA	No change to that approved under DA-387/2018.
Height of Building	No change to that approved under DA-387/2018.
Landscaped Area	No change to that approved under DA-387/2018.
Communal Room	No change to that approved under DA-387/2018.
Communal Open Space	No change to that approved under DA-387/2018.
Setbacks	No change to that approved under DA-387/2018.
Boarding Rooms	No change to that approved under DA-387/2018.
Car Parking Spaces	11 (including 2 disabled)
Motorbike Parking Spaces	3
Bicycle Parking Spaces	5

4.0 CONSENT AUTHORITY

Under sections 4.5 and 4.8 of the Act, the City of Canterbury Bankstown Council is the consent authority for the application.

5.0 SECTION 4.56

MODIFICATION BY CONSENT AUTHORITIES OF CONSENTS GRANTED BY THE COURT

Under Section 4.56 of the Environmental Planning and Assessment Act, 1979, 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—

s4.56(1) clause	Provision	Performance	Compliance
(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	The proposed amendments would not alter the substance of the approved development in that: - the approved use would remain unchanged, - the approved footprint would remain the same, - the approved building height would remain the same, - the approved bulk and scale would remain the same, and - the approved appearance would remain the same.	Y
(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	The onus is on the consent authority to suitably notify the application.	N/A

s4.56(1) clause	Provision	Performance	Compliance
	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	The onus is on the consent authority to suitably notify each person who made a submission.	N/A
(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 onus is on the consent authority to consider any submissions.	N/A

Given the above, the proposed modification can be considered to both result in substantially the same development and be of minimal environmental impact.

6.0 ENVIRONMENTAL PLANNING ASSESSMENT

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

Under Section 4.15(1), the consent authority must take into consideration the provisions of:

- 1) Section 4.15(1)(a)(i) Environmental Planning Instruments;
- 2) Section 4.15(1)(a)(ii) Proposed instruments;
- 3) Section 4.15(1)(a)(iii) Development Control Plans;
- 4) Section 4.15(1)(a)(iiia) Planning Agreements;
- 5) Section 4.15(1)(a)(iv) The Regulations;
- 6) Section 4.15(1)(b) Significant likely impacts of the development;
- 7) Section 4.15(1)(c) Suitability of site for the development;
- 8) Section 4.15(1)(d) Submissions; and
- 9) Section 4.15(1)(e) The public interest.

6.1 Section 4.15(1)(a)(i): Environmental Planning Instruments

In determining a development application, a consent authority is to take into consideration any relevant environmental planning instruments.

The relevant environmental planning instruments applicable to this proposal include:

- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2023
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Canterbury-Bankstown Environmental Plan 2023

6.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The proposal has been assessed for compliance under DA-387/2018.

6.1.2 State Environmental Planning Policy (Housing) 2021

The proposal is a boarding house under the provisions of the *State Environmental Planning Policy (Housing) 2021*. The following table summarises the compliance of the proposal with the policy.

State Environmental Planning Policy (Housing) 2021 Summary Compliance Table			
Clause No.	Standard	Proposed	Complies
Chapter 3	Affordable Housing		
Division 2	Boarding houses		
23	Boarding houses permitted with consent		
23(1)	Development for the purposes of boarding houses may be carried out with consent on land on which development for the purposes of boarding houses is permitted with consent under another environmental planning instrument.	Boarding houses are permitted with consent under the <i>Canterbury-Bankstown Local Environmental Plan 2023</i> .	Y
23(2)	Development for the purposes of a boarding house must not be carried out on land in Zone R2 Low Density Residential or an equivalent land use zone unless—	The site is zoned R4 High Density Residential.	N/A
23(2)(a)	for land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City—the land is within an accessible area, or	The site is zoned R4 High Density Residential.	N/A
23(2)(a)	otherwise—all or part of the boarding house is within 800m walking distance of land in Zone E1 Local Centre, Zone MU1 Mixed Use, Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use, or an equivalent land use zone.	The site is zoned R4 High Density Residential.	N/A
24	Non-discretionary development standards—the Act, s 4.15		
24(1)	The object of this section is to identify development standards for particular matters relating to development for the purposes of boarding houses that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.		
24(2)	The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—	See below.	-
24(2)(i)	if a relevant planning instrument does not specify a requirement for a lower number of parking spaces—at least the following number of parking spaces—	See below.	-
24(2)(i)(i)	for development on land within an accessible area—0.2 parking spaces for each boarding room, The site is located approximately 450m walking distance from Canterbury Railway Station and is in an accessible area. Proposal approved under DA-387/2018 for 43 boarding rooms and 1 manager's room.	11 car parking spaces	Y

State Environmental Planning Policy (Housing) 2021 Summary Compliance Table			
Clause No.	Standard	Proposed	Complies
	Parking calculation: $0.2 \times 43 = 8.6$ car parking spaces Required parking: 9 car spaces		
24(2)(i)(ii)	otherwise—0.5 parking spaces for each boarding room,	Not applicable	N/A
Legend: Y=Complies, N = Does not Comply, C = Condition of consent, N/A = Not applicable, A = Does not strictly comply but acceptable			

As demonstrated in the above table, the modified proposed would fully comply with the provisions of the SEPP (Housing) 2021.

6.1.3 State Environmental Planning Policy (Sustainable Buildings) 2023

The proposal is development which is subject to this policy.

The proposal has been assessed for compliance under DA-387/2018 and the proposed removal of Basement 02 would not change the proposal's sustainability performance.

6.1.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal is located on a site with frontage to a classified road and as such is subject to the provisions of the SEPP.

No change is proposed to the approved access into the site under DA-387/2018.

6.1.5 Canterbury-Bankstown Local Environmental Plan 2023

The proposed development is subject to the provisions of the Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP 2023).

6.1.5.1 Zoning

Clause 2.2: Zoning of land to which this clause applies: The site is zoned R4 High Density Residential under the CBLEP 2023.

6.1.5.2 Zone Objectives and land use table:

Clause 2.3: Zone objectives and land use table specifies the following objectives for the zone:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To allow for increased residential density in accessible locations to maximise public transport patronage and encourage walking and cycling.
- To promote a high standard of urban design and local amenity

6.1.5.3 Land use table

Clause 2.3: Zone objectives and land use table specifies the following land uses permitted in the zone:

*Attached dwellings; Bed and breakfast accommodation; **Boarding houses**; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Home businesses; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Serviced apartments; Shop top housing*

The proposal is defined as a *boarding house* and as such is permissible in the zone.

6.1.5.4 Heritage

The site is not listed as a heritage item nor is it located in a heritage conservation area or in the immediate vicinity of either.

6.1.5.5 Compliance Table

The following table summarises the relevant clauses of CBLEP 2023 and the performance of the proposal against them.

Canterbury-Bankstown Local Environmental Plan 2023 Compliance Table				
Clause	Clause	Standard	Proposed	Compliance
Part 2	Permitted or Prohibited Development			
2.2	Zoning of the land to which Plan applies	Zone R4 High Density Residential	Boarding house (No change)	Y
Part 3	Exempt and complying development			
Not applicable				
Part 4	Principal Development Standards			
4.3	Height	18m	No change to that approved under DA387/2018.	N/A
4.4	Floor space ratio	1.6:1 (1,247.2m ²)	No change to that approved under DA387/2018.	N/A
Legend: Y=Complies, N = Does not Comply, C = Condition of consent, N/A = Not applicable, A = Does not strictly comply but acceptable				

As can be seen above, the modifications would not alter the degree of compliance of the proposal with the applicable controls.

6.1.5.6 Summary:

Given the above, the proposed modification is considered to be consistent with the objectives and specific provisions of the applicable environmental planning instruments.

6.2 Section 4.15(1)(a)(ii) – Proposed Instruments

In determining a development application, a consent authority is to take into consideration any relevant 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).

There are no relevant proposed planning instruments applicable to the development.

6.3 Section 4.15(1)(a)(iii) – Development Control Plans

In determining a development application, a consent authority is to take into consideration any relevant development control plan.

Development control plans applicable to this proposal include:

- Canterbury-Bankstown Development Control Plan 2023

6.3.1 Canterbury-Bankstown Development Control Plan 2023

The proposed modified development is subject to the provisions of the *Canterbury-Bankstown Development Control Plan 2023* (CBDCP 2023).

Canterbury Bankstown Development Control Plan 2016 Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
Chapter 3	General Requirements			
3.2	Parking			
2.1	Off-street parking rates	Development must use the Off-Street Parking Schedule to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site.	See below.	-
		0.5 car spaces per boarding room; and 1 car space for each person employed in connection with the development and who is resident on the site.		
		Parking calculation for boarding room: 0.5 * 43 = 21.5 car parking spaces	11 car parking spaces	N/A
		Required: 22 car parking spaces	This requirement for 22 spaces is superseded by the non-discretionary standard for car parking in the <i>SEPP (Housing) 2021</i> .	
		Required for manager: 1		
2.8	Accessible off-street parking rates	Accessible parking is required to be designed and constructed in accordance with the following rates:	See below.	-
		Places of shared accommodation (BCA Classes 1b and 3 including boarding houses, hostels, motels and the like, where 10 or more car spaces are required) 1 accessible car space per 10 beds designed in accordance with the Australian Standard AS 2890.1	The non-discretionary standard for car parking in the <i>SEPP (Housing) 2021</i> requires 9 car parking spaces. The specified rate of accessible parking spaces in the DCP only applies when 10 or more car spaces are required. Nevertheless, 2 accessible car spaces are proposed out of the total 10.	Y
Legend: Y=Complies, N = Does not Comply, C = Condition of consent, N/A = Not applicable, A = Does not strictly comply but acceptable				

As can be seen above, the modified proposal continues to comply with the development controls applying to the site.

6.4 Section 4.15(1)(a)(iiia) Planning Agreements

In determining a development application, a consent authority is to take into consideration any relevant 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.

The site is not subject to any existing voluntary planning agreements.

6.5 Section 4.15(1)(a)(iv) The Regulations

In determining a development application, a consent authority is to take into consideration any relevant matters prescribed by the regulations.

The proposal would not impact upon the applicable BCA provisions.

6.6 Section 4.15(1)(b) Significant Likely Impacts of the Proposed Development

In determining a development application, a consent authority is to take into consideration any relevant significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Relevant impacts include:

6.6.1 Privacy

The proposed modification would not alter the privacy impacts of the approved proposal as the proposed removal of Basement 02 would not result in any change to the built form approved under DA-387/2018.

6.6.2 Streetscape

The modified proposal would not alter the approved streetscape appearance as no change is proposed to the built form approved under DA-387/2018.

6.6.3 Overshadowing

The proposed modification would not alter the approved overshadowing impacts over adjacent properties as no change is proposed to the built form approved under DA-387/2018.

6.7 Section 4.15(1)(c) – Suitability of the Site for Development

In determining a development application, a consent authority is to take into consideration the suitability of the site for the development.

The site is suitable for the proposed development:

- It is suitably zoned for the proposal.
- It would not result in unacceptable amenity impacts upon adjacent properties.
- It is consistent with the existing and desired future character of the locality.

6.8 Section 4.15(1)(d) – Submissions

Not applicable prior to public notification of application.

6.9 Section 4.15(1)(e) – Public Interest

In determining a development application, a consent authority is to take into consideration the public interest.

The proposed modified development is consistent with the objectives of the Environmental Planning and Assessment Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. Given this, the development is consistent with the public interest.

7.0 CONCLUSION

The modified proposal involves the removal of Basement 02. It would not vary the approved building height or floor space ratio and would not generate adverse planning impacts in terms of streetscape, amenity, privacy or the like.

Given this, the proposal is consistent with the applicable statutory planning instruments and matters for consideration under section 4.15 and 4.55 of the *Environmental Planning & Assessment Act 1979*.