

Section 4.55 (1A) MODIFICATION STATEMENT (DA-3452-26)

1. INTRODUCTION

This Statement of Modification is prepared on behalf of Henry Huang (the Applicant) to support a Section 4.55(1A) application seeking development consent for modifications to approved DA-345/2026 that will result in substantially the same development located at 85 Eighth Avenue, Campsie.

DA-345/2026 was approved by Canterbury-Bankstown Council (the 'Council') on 30 June 2026 for "*Demolition of existing structures and construction of a 2-storey detached dual occupancy with outbuildings (cabanas), in-ground swimming pools, and Torrens title subdivision*".

The modification relates to external design changes only and relates to construction of a new cabana for each of the approved dual occupancy dwelling.

2. THE SITE AND LOCALITY

The subject site at 85 Eighth Avenue, Campsie and is located within the Canterbury-Bankstown Council Local Government Area (LGA) (Refer to **Figure 1**)

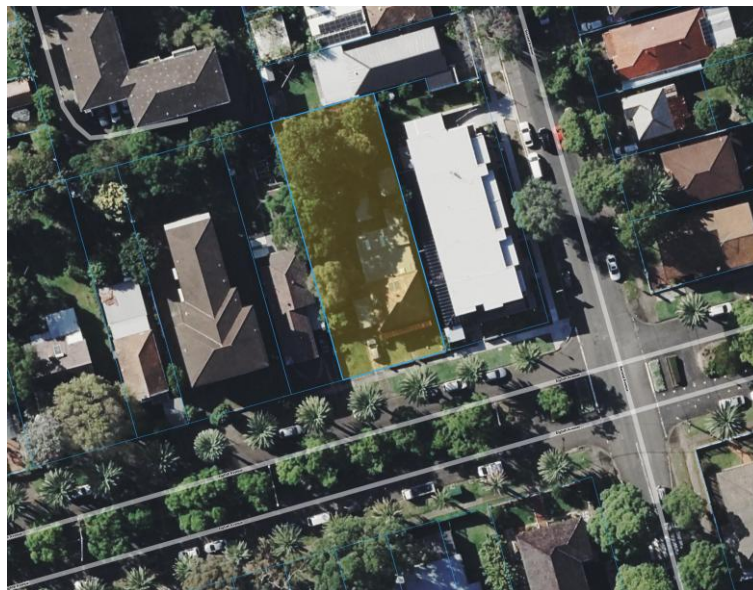


Figure 1 - Site location (SDT Explorer, accessed August 2026)

Residential development in the immediate surrounding is not defined by a single architectural style, but ranges from single-storey dwelling houses to multi-storey townhouses and residential flat buildings.

3. APPROVAL HISTORY

DA-345/2026 was approved by Council on 30 June 2026 for "Demolition of existing structures and construction of a 2-storey detached dual occupancy with outbuildings (cabanas), in-ground swimming pools, and Torrens title subdivision".

However, despite the inclusion of cabanas in the wording of the consent title. The proposed cabanas were removed because of Council's assessment and was deleted. Refer to the stamped Site Plan shown in **Figure 2**.

The modification is proposed to amend this recent consent and to include the previously deleted cabanas.

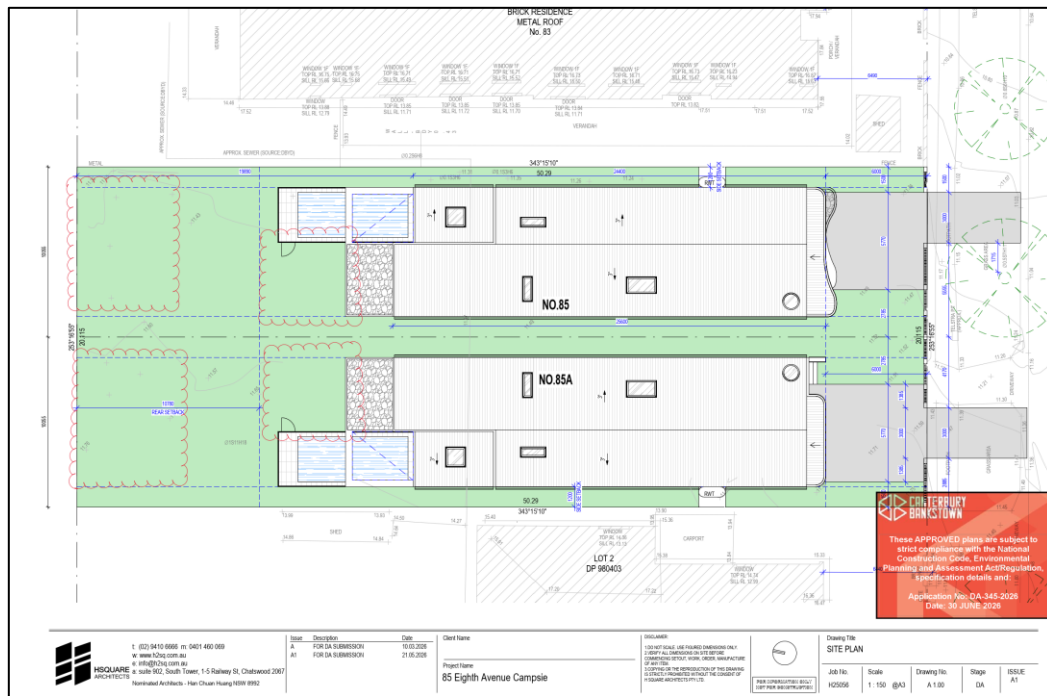


Figure 2 - Stamped Site Plan (A1.00)

4. PROPOSED MODIFICATIONS

The modification relates to external design changes only and relates to construction of a new cabana for each of the approved dual occupancy dwelling (refer to **Figures 3-5**).

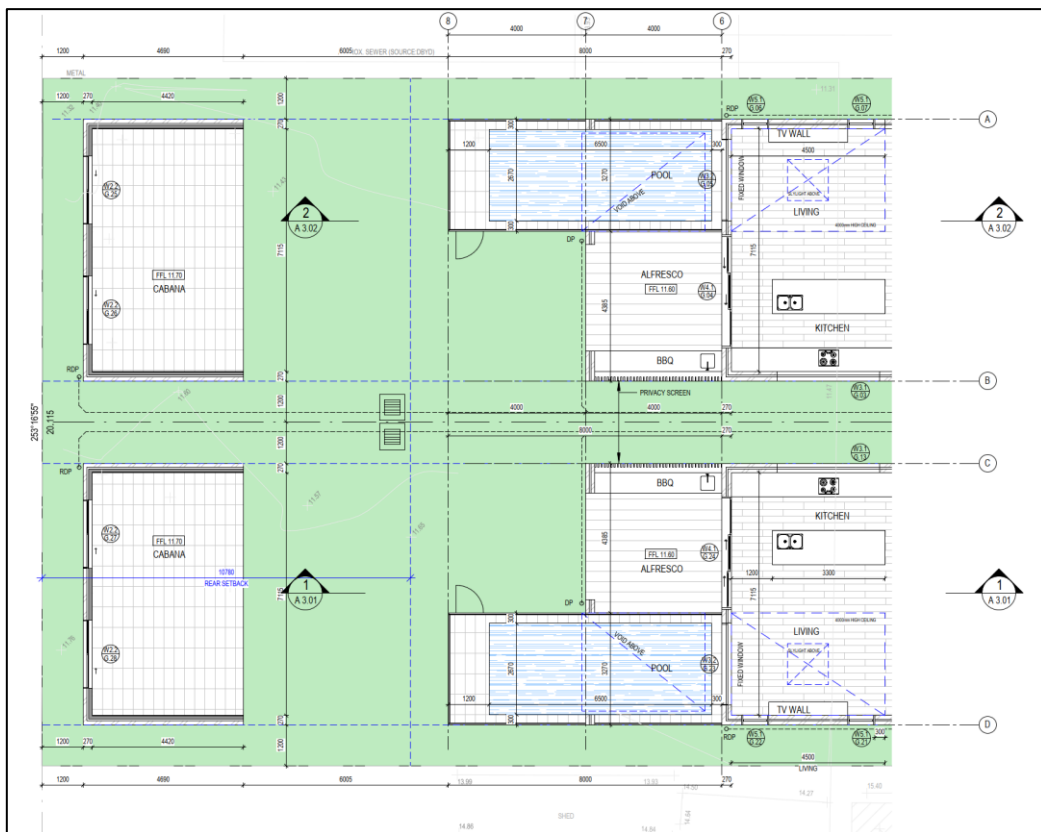


Figure 3 - Rear Floor Plan (A1.02)

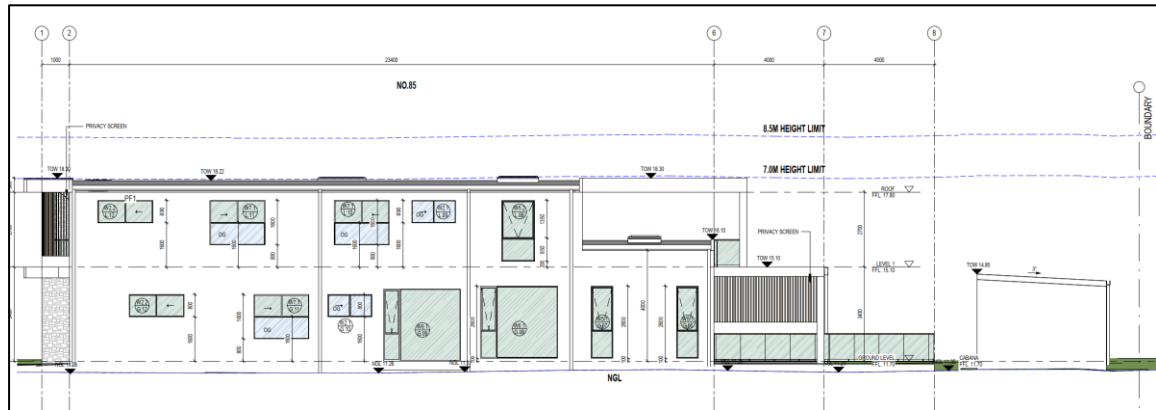


Figure 4 - Proposed East Elevation (A2.04)

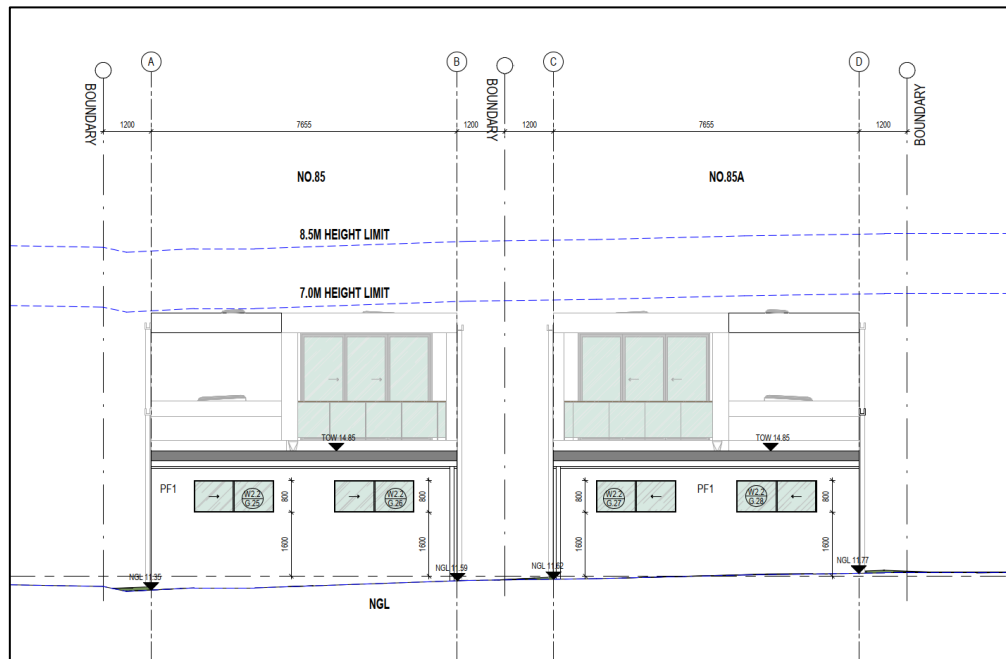


Figure 5 - Proposed North Elevation (A2.07)

5. MODIFICATION TO CONDITIONS

The following conditions are proposed to be amended to reflect the revised architectural drawing reference (change in **red**):

Condition 1 – Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise

Approved Plans

Plan Number	Revision	Plan Title	Drawn By	Date
A0.03	A1	Plan – Demolition	HSQUARE Architects	21.05.2026
A0.04	A1	Plan – Subdivision	HSQUARE Architects	21.05.2026
A1.00	A1 B	Site Plan	HSQUARE Architects	21.05.2026 29.06.2026
A1.01	A1	Plan – Ground Level	HSQUARE Architects	21.05.2026
A1.0X	B	Plan – GR Rear Cabana	HSQUARE Architects	29.06.2026
A1.02	A1	Plan – Level 1	HSQUARE Architects	21.05.2026
A1.03	A1	Plan – Roof	HSQUARE Architects	21.05.2026
A2.00	A1	Elevation – South	HSQUARE Architects	21.05.2026
A2.01	A1	Elevation – North	HSQUARE Architects	21.05.2026
A2.02	A1 B	Elevation – West – No. 85A	HSQUARE Architects	21.05.2026 29.06.2026
A2.03	A1 B	Elevation – East – No. 85A	HSQUARE Architects	21.05.2026 29.06.2026
A2.04	A1 B	Elevation – East – No. 85	HSQUARE Architects	21.05.2026 29.06.2026
A2.05	A1	Elevation – West – No. 85	HSQUARE Architects	21.05.2026
A2.06	B	Elevation – South – Cabana	HSQUARE Architects	29.06.2026
A2.07	B	Elevation – North – Cabana	HSQUARE Architects	29.06.2026
A2.08	A1	Elevation – Fence	HSQUARE Architects	21.05.2026
A3.00	A1	Cross Section	HSQUARE Architects	21.05.2026
A3.01	A1	Long Section 1	HSQUARE Architects	21.05.2026
A3.02	A1	Long Section 2	HSQUARE Architects	21.05.2026
A5.00	A1	Schedules of Materials & Finishes	HSQUARE Architects	21.05.2026

6. PLANNING ASSESSMENT

An assessment against the relevant clauses and provisions of Canterbury Bankstown Local Environmental Plan (LEP) 2012 and Canterbury-Bankstown Development Control Plan (DCP) 2023 are assessed in **Tables 1 and 2** below.

Table 1 - Summary of consistency with CBLEP 2013

Clause	Standard	Proposal	Comment
Clause 2.3 Zone objectives and land use table	Zone R4 – High Density Residential	“Dual occupancies (attached)” is prohibited in the current zone. However, the land use is permitted by way of Schedule 1 Additional permitted uses under Section 27 – Use of land in Zone R4 in Area 2.	
Schedule 1 27 Use of land in Zone R4 in Area 2		The proposed use relates to a ‘cabana’ which is an ancillary use to the approved Dual Occupancy use.	
Clause 4.3 Height of buildings	8.5	Complies Proposed maximum height of building of the cabana is 3.2m	
Clause 4.4 Floor Space Ratio	0.75:1	N/A The proposed cabana is not designed as a fully enclosed area and does not contribute to additional GFA..	
Clause 5.10 – Heritage Conservation	The subject site is not listed as a heritage item or located in the immediate vicinity of any heritage-listed items.		
Clause 5.21 – Flood Planning	The subject site is not identified in flood prone land and therefore no flood controls are applicable.		

Table 2 - Summary of consistency with CBDP 2023 (Former Canterbury LGA)

Provision	Standard	Comment
2.14 Outbuildings and swimming pools		
C1	Council allows a maximum of one outbuilding on a site	Complies A single cabana is proposed for each approved dwelling.
C2	The outbuilding must be established in conjunction with the principal dwelling on the same site and must ensure that: (a) it is separate from the principal dwelling and any secondary dwelling on the same site, b) it is not used as a separate dwelling, c) and it does not contain cooking facilities, toilet and shower, and d)it does not function or can be adapted to function for industrial purposes.	Complies The proposed cabana is not used as a separate dwelling.
C3	The maximum site cover of the outbuilding is (b) 45m ² where the site is 300m ² to 600m ² in area For the purposes of this clause, site cover means the site area covered by the outbuilding and any attached roof, awning, balcony, deck, patio, pergola, terrace, verandah, carport, garage and the like	Complies The proposed cabana is under 45m ²
C4	The outbuilding must not result in the principal dwelling on the site having less than the required landscaped area and private open space.	Complies The proposal remains consistent with Section 3.2 of the CBDP 2023.
C5	The storey limit for the outbuilding is single storey. An attic	Complies

	or basement is not permitted in the outbuilding	The proposed cabana is single storey
C6	The maximum building height for the outbuilding is 4.5m above ground level (existing)	Complies
C7	The outbuilding must locate behind the front building line.	The proposed cabana is 3.2m in height Complies
C8	The minimum setback to the side and rear boundaries of the site is: (c) or 0.9m for walls with windows.	Complies The proposed setback of the wall of cabana is 1.2m from rear and side boundary
C9	The minimum setback to a dwelling, building, roof, awning, balcony, deck, patio, pergola, terrace, verandah, carport, garage and the like on the same site is 1.8m.	Complies
C10	The maximum roof pitch for the outbuilding is 25 degrees.	Complies
C11	Council does not allow the outbuilding to have roof-top balconies and the like	N/A
C12	Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size of the outbuilding.	N/A The proposal does not affect any significant trees on the site and adjoining sites

Overshadowing

Demonstrated by the submitted shadow diagrams (21 June at 2:00 pm, 3:00 pm and 4:00 pm), the additional shadow cast by the cabana is largely confined to a small rear portion of the adjoining allotment to the east and begins after 2pm (Refer to **Figure 5**).

The primary private open space and habitable areas of the neighbouring dwelling continue to receive adequate solar access throughout the day and retains a minimum 3 hours of sunlight to 50% of the principal private open space between 8am and 4pm on 21 June. Any incremental shadow generated by the cabana is negligible when compared with the existing shadow cast by the approved dwelling and boundary fencing.

The proposal therefore does not result in adverse shadowing impacts on the adjoining property.

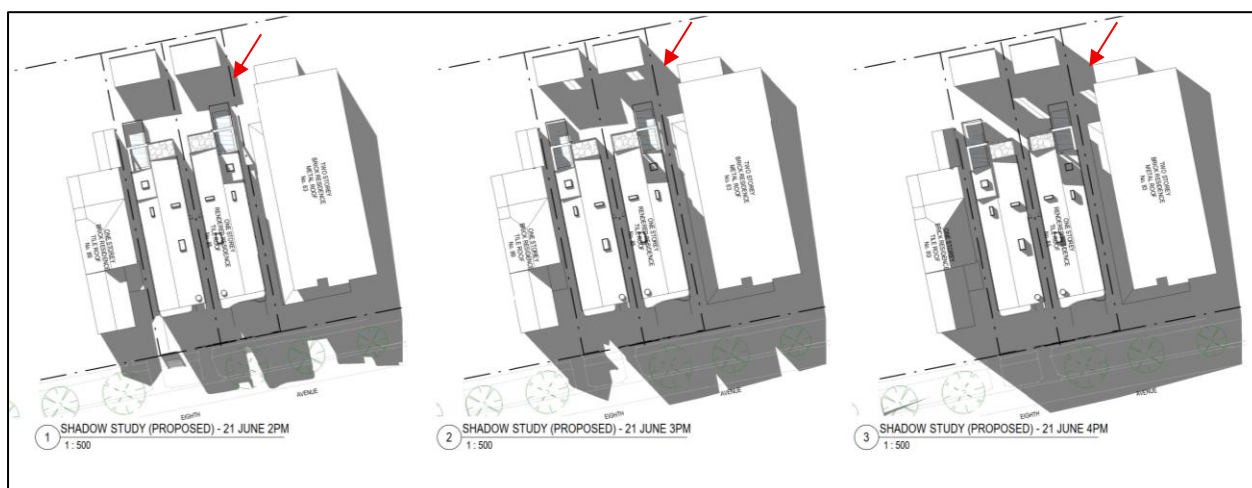


Figure 6 - Shadowing Plans (21 June 2pm,3pm and 4pm)

7. SECTION 4.55 (1A) ASSESSMENT

This application is made under Section 4.55(1A) of the EP&A Act as it is for a modification involving minor environmental impacts. Section 4.55(1A) states the following:

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 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

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

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

d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

The proposed modification is of minimal environmental impact as demonstrated in Section 6.

Canterbury-Bankstown DCP will specify required notification periods. However, Section 3.9 of the Canterbury-Bankstown Council Community Participation Plan states that “*if in the opinion of the relevant council officer, a modification application under section 4.55 or 4.67 of the EP&A Act will have no additional adverse impact on any adjoining or nearby properties, no notification will be required.*”

This Modification Report considers that the proposed modification is of minimal environmental impact and will therefore not require notification.

8. SECTION 4.15 of EP&A 1979

Clause	Standard	Comment
4.15 (1) Matters for consideration - general		
(a) (i)	any environmental planning instrument	Section 6 assesses the proposal against the relevant CLLEP 2012 controls and demonstrates consistency.
(a) (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	N/A
(a) (iii)	any development control plan	N/A
(a) (iv)	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	N/A
(b)	the significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Proposal does not introduce any significant likely impacts which is adverse to both natural and built environments or social and economic impacts.
(c)	the suitability of the site for the development,	There are no environmental constraints on the site that would impede the proposal or render it unsuitable for the site.
(d)	any submissions made in accordance with this Act or the regulations,	Submissions will be reviewed by the applicant and Council during the statutory exhibition process.
(e)	the public interest.	The proposal complements contemporary living needs, and is unlikely to result in adverse impact to the environment and is therefore considered to be in the public interest.

9. CONCLUSION

This Section 4.55 (1A) modification relates to minor external design changes relating to construction of a new cabana for each of the approved dual occupancy dwelling which provides ancillary open-sided, sheltered recreation space for occupants.

In summary, the proposed modification is considered appropriate as:

- The works is permissible within the Canterbury Bankstown LEP.
- The modification does not alter the approved maximum building height or FSR of the approved Development Application, and will not result in additional amenity of environmental impact and will not affect streetscape presentation.
- The proposed modification is “substantially the same” as the approved development.
- The proposed works is considered minor external changes to the approved design and is imperceptible from the public domain, and have a negligible impact on the level of compliance with the relevant environmental planning instruments and controls.

Therefore, the proposed modification is considered to be acceptable under the relevant considerations of Section 4.15 of the EP&A Act, and as such it is recommended that approval be granted to the proposal as modified