



## STATEMENT OF ENVIRONMENTAL EFFECTS FOR MODIFICATION OF DA-436/2024

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Section 4.55(2) application to modify residential flat building development approved under DA-436/2024

20-24 Parmal Avenue,  
Padstow

Prepared for: Laviss Pty Ltd

REF M260326

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# 1. Introduction

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We act on behalf of the Applicant for the approved residential flat building at Nos. 20-24 Parmal Avenue, Padstow (the 'site'). The application seeks to modify Development Application DA-436/2024, which approved "*demolition of existing structures, consolidation of three existing lots into one, and construction of a four 4 storey in-fill affordable housing residential flat building development comprising 35 apartments and basement car parking*". DA-436/2024 was approved by the Canterbury-Bankstown Local Planning Panel on 14 October 2024.

Pursuant to Section 4.55(2), this application seeks to modify a number of elements as approved under DA-436/2024, as discussed in Section 3 of this Statement. The intent of this application is to improve the layout, functionality and constructability of the development, whilst also satisfying relevant standards. The proposed modifications will have no impact to the intensity of land use, aesthetic quality and environmental impacts when compared to the approved development. That is, the proposed changes are predominantly located within the approved building envelope and will have no adverse impact to the public domain or amenity of surrounding properties. The proposal will result in an overall improvement to the functionality and constructability of the residential flat building. The proposed modifications are detailed in the Architectural Plans prepared by *Smith & Tzannes*.

- Access Report prepared by *Vista Access Architects*;
- BASIX Certificate prepared by *Sustainable Thermal Solutions*; and
- Design Verification Statement prepared by *Smith & Tzannes*.

The modified development will continue to comply with the relevant provisions of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), *Canterbury-Bankstown Local Environmental Plan 2023* (CBLEP 2023) and the *Canterbury-Bankstown Development Control Plan 2023* (CBDCP 2023). The modified proposal will remain consistent with the *Apartment Design Guide* (ADG) and will remain a suitable form of development within the site context as approved.

The modifications will not generate any additional or new environmental impacts or change the future amenity of the development and neighbouring properties beyond that which has been originally approved. When considering each change in isolation or cumulatively, the development is considered to be substantially the same and extent of environmental impact is considered to be minimal. Therefore the proposal can be made pursuant to Section 4.55(2), as discussed in this Statement.

The purpose of this Statement is to address the planning issues associated with the modification and to assess the likely impact of the development on the environment in accordance with the requirements of Section 4.15 and Section 4.55 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

This Statement is divided into five sections. The remaining sections include a locality and site analysis; a description of the proposal; an environmental planning assessment; and a conclusion.

## 2. Site Description

The subject site comprises of three (3) allotments and is known as Nos. 20-24 Parmal Avenue, Padstow, with a legal description as Lot 1 and 2 in DP 23952, and Lot 21 in DP 24323. In accordance with the approved development, the site has since been consolidated and is now legally described as Lot 100 in DP 1330399. An aerial image of the site is provided in **Figure 1**, with the site outlined in yellow.



**Figure 1** Aerial image of the subject site outlined in yellow (Source: Nearmap, August 2026)

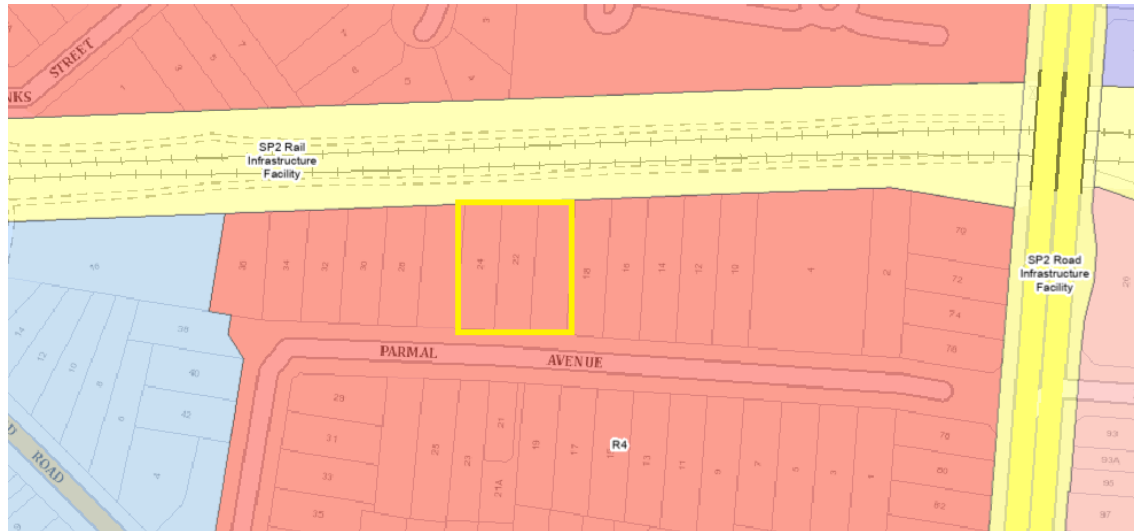
The site is a regular shaped allotment with an overall site area of 2,202.6m<sup>2</sup>. The site has a primary frontage towards Parmal Avenue of 43.61m, a total site depth of 52.78m along the eastern side boundary and 48.44m along the western side boundary, and a northern rear boundary length of 43.93m.

Currently occupying the site are three (3) detached single storey dwellings with concentrated vegetation within the front and rear setbacks of the site. Vehicular and pedestrian access is from Parmal Avenue. The site is located within a predominantly residential area with the surrounding development comprising a mixture of detached single and double storey dwelling, semi-detached dwellings and multi-dwelling housing.

The site is located within the R4 High Density Residential zone and is within close proximity to E1 Local Centre zoned land to the west of the site, which consists of commercial land uses and comprises of specialty shops, and goods and services. To the south of the site is R3 Medium Density Residential zoned land, and further south and east is R2 Low Density Residential zoned land. Within proximity to the site is SP2 Educational Establishment zoned land identified as Padstow Park Public School, and RE1 Public Recreation zoned land identified as Clarke Reserve. The site is located

directly adjacent to SP2 Rail Infrastructure Facility (railway line) to the north and Padstow Railway Station to the west. Further east of the site is W1 Natural Waterways zoned land identified as Salt Pan Creek.

The subject site is located within an area undergoing transition from low to higher density, due to the permitted planning controls and density envisaged by the CBLEP and Chapter 2 of the Housing SEPP. A zoning map of the site is provided in **Figure 2**.



**Figure 2** Zoning Map with the subject site outlined in yellow (Source: DoP Spatial Viewer)

## 3. Details of Proposed Modification

### 3.1 BACKGROUND

Development Application DA-436/2024 was lodged with Council on 28 May 2024 seeking consent for the “*demolition of existing structures, consolidation of three existing lots into one, and construction of a four 4 storey in-fill affordable housing residential flat building development comprising 35 apartments and basement car parking*”. The application was approved by the Canterbury-Bankstown Local Planning Panel on 14 October 2024.

This current application seeks to modify DA-436/2024 and represents the first modification application.

### 3.2 PROPOSED MODIFICATIONS

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), this application seeks to modify the approved development through various design changes and revisions required for compliance with the Australian Standards in addition to improved functionality and constructability. The proposed modifications maintain a total of 35 units and 28 car parking spaces through the approved basement level parking.

These changes will improve efficiency in design and constructability, ensuring compliance with the relevant Australian Standards and requirements of specialist consultants.

The modifications proposed are detailed in the Architectural Plans prepared by *Smith & Tzannes*, and are described below:

- Remove the ventilation louvers above the units main doors. It is noted that the skylights on Level 3 are operable and therefore the louvers above the doors are not required for ventilation. The notation of these louvers above the main doors on the stamped plans is therefore an error, given operable skylights were provided to address this issue.
- Minor relocation of skylights for Units A12.01 and BL1.01 to comply with BCA codes and ensure greater than 3m separation.
- Proposal will remove the adaptable housing component and replace this with Liveable Housing units, ensuring compliance with the Liveable Housing Design, with 7 Silver Level units and 7 Gold Level units.
- Elevations rationalised to improve design and framed articulation.
- Introduction of mix pre-finished and painted façade materials to comply with Condition 2 of DA-436/2024.
- Replacement of screens on the balconies orientated to rear of the site with fixed vertical louvers from slab to slab.
- Removal of fold in roof which was provided due to louvers above door. The fold is no longer required due to the louvers not being necessary, and ultimately improves constructability.
- Minor amendments to the plans to accommodate the required building services spatial requirements, including the pump room size, service cupboards, risers, and other associated service zones.
- Remove concrete awning at the roof level so it does not cover the mechanical risers, including two lift overruns.
- Amendment to the Level 01 non-trafficable roof size and design. The roof has been extended to cover the stairs from the basement/pump room adjacent to the entry gates, which is a superior outcome in terms of design and functionality.
- The stairs on the right-hand side of the communal area have been replaced with a ramp. This is proposed to avoid the need for the lifts to stop on two opposite sides of the ground floor and improves building operation.

- Amendments to layout of Unit G.03 to match units above, allowing the wet areas and service risers to align for a better design and construction outcome.
- Minor amendment to the width of the car parking entry crossing, along with other minor amendments to the ramp slopes, and the addition of an intercom in the middle of the driveway. This ensures compliance with relevant standards.
- Addition of 1.8m high blast wall adjacent to the substation to protect the neighbouring property, as required by Ausgrid.
- Additional storage for units A-L3.02 and A-L3.05, shown within the basement.
- Minor increase to height of lift overrun by 0.18m.

The proposal will also seek to amend the allocation of affordable housing to 16.85% (482m<sup>2</sup>) of the total gross floor area, as prescribed by the Housing SEPP. The approved development provided for greater than that required under the Housing SEPP, equating to 23%, which is proposed to be reduced to align with Section 16 Affordable housing requirements for additional floor space ratio. The development will allocate apartments:

**Level 1:**

- A-L1.01
- A-L1.02
- A-L1.03
- B-L1.01
- B-L1.02

**Level 2:**

- A-L2.01
- B-L2.01
- B-L2.02

Project data for the subject site is provided at **Table 1** with a comparison made to the approved development.

| Table 1 Project Data                 |                                              |                              |                                          |
|--------------------------------------|----------------------------------------------|------------------------------|------------------------------------------|
| Site Area                            | 2,202.6m <sup>2</sup>                        |                              |                                          |
|                                      | Control                                      | Approved<br>(DA-436/2024)    | Proposed                                 |
| Number of Apartments                 | N/A                                          | 35                           | 35                                       |
| FSR<br>CBLEP                         | 1:1<br>2,202.6m <sup>2</sup>                 | 1.3:1<br>2,859m <sup>2</sup> | No change – 1.3:1<br>2,859m <sup>2</sup> |
| FSR<br>30% Uplift<br>Housing SEPP    | 1:1 x 30%<br>1.3:1<br>2,863.38m <sup>2</sup> | 1.3:1<br>2,859m <sup>2</sup> | No change – 1.3:1<br>2,859m <sup>2</sup> |
| Height<br>CBLEP                      | 13m                                          | 14.4m                        | Minor increase to<br>14.58m              |
| Height<br>30% Uplift<br>Housing SEPP | 13m x 30%<br>16.9m                           | 14.4m                        | Minor increase to<br>14.58m              |



| Table 1 Project Data            |  |                             |                          |                                                                                                       |
|---------------------------------|--|-----------------------------|--------------------------|-------------------------------------------------------------------------------------------------------|
| Affordable Housing Contribution |  | 15%                         | 23%<br>660m <sup>2</sup> | 16.8%<br>482m <sup>2</sup><br>Reduction to align with the affordable requirements of the Housing SEPP |
| Parking                         |  | -                           | 39 basement spaces       | No change<br>39 basement spaces                                                                       |
| Communal Open space             |  | 20% (440.52m <sup>2</sup> ) | 28% (621m <sup>2</sup> ) | No change                                                                                             |
| Landscaped Area                 |  | 30% (660m <sup>2</sup> )    | 32% (704m <sup>2</sup> ) | No change – 704m <sup>2</sup> (32%)                                                                   |

### 3.3 CONDITIONS OF CONSENT TO BE MODIFIED

The subject modification application will necessitate changes to the following conditions of consent under DA-436/2024.

#### Condition 1 Approved Plans and Supporting Documents

It is requested that Condition 1 be amended to reflect the revised Architectural Plans prepared by *Smith & Tzannes*, submitted with this application.

#### Condition 2 Design Amendments

This condition is proposed to be deleted as the revised architectural plans provide a combination of self-finished and painted materials.

#### Remaining Conditions

It is requested that all conditions within the Determination which refer to the previous project architects be removed and replaced with the new project architects, such as Condition 107. Condition 107 is also to be revised in accordance with the new affordable apartment allocation.





## 4. Statutory and Policy Compliance

### 4.1 SECTION 4.55

Section 4.55 of the EP&A Act contains provisions relating to the modification of a development consent. Sub-clause (2) relates to 'Other modifications' and states the following:

*(2) **Other modifications** 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 development to which the consent as modified relates is the same or substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

*(b) (Repealed)*

*(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 the period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (1A) do not apply to such a modification.*

The proposed modification to the development is the subject of a Section 4.55(2) application. The proposal is limited to various design changes and revisions required for compliance with the Australian Standards. The proposed changes are considered to improve the design, functionality and constructability of the proposal. The proposed modifications will not dramatically alter the built form, will not change the approved residential use of the site or increase the intensity of the residential flat building development. The proposed modification will remain substantially the same as the development for which consent was originally granted under DA-436/2024. That is, although the proposal will result in modifications, the development as a whole will be substantially the same in essence and character, in accordance with *Scrap Realty v Botany Bay City Council [2008] NSWLEC 333*.

The judgment in *Canterbury-Bankstown Council v Realize Architecture Pty Ltd [2024] NSWLEC 31* ('Realize') where Preston CJ states:

*26. ..But the comparison required by s 4.55(2)(a) remains a holistic one of the two developments being compared – the modified development and the originally approved development. The opinion of satisfaction that s 4.55(2)(a) requires is that the two developments being compared are substantially the same development, not that either the quantitative features or the qualitative features of the two developments are substantially the same.*

The extent of changes to the proposed development do not rise to the level of not substantially the same development when comparing the development holistically. In reaching this conclusion we have considered the list of modifications and a comparison of the numerical controls which provide an analysis of the approved development and the proposed



modification. Importantly, to the casual observer, there would be no substantial change to the application of the approved development, either quantitatively or qualitatively.

Importantly, “*Realize*” makes it clear that even if the proposed modifications are considered to be quantitatively or qualitatively significant in their own way, they are still capable of being substantially the same as the originally approved development when comparing the developments holistically and taking a balanced approach to the consideration of the facts.

A comparison between the development, as modified, and the development the subject of the original consent can conclude that whilst there is a minor difference in the visual appearance of the development, and the overall scale and contemporary architectural character of the originally approved development will be maintained. Furthermore, the proposed modifications complement the characteristics of the approved development to ensure that the extent of the modifications will be “*essentially or materially having the same essence*” as the approved development (*Vacik endorsed in Michael Standley at 440 and Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280; (1999) 106 LGERA 298 at [30]*).

The proposed modifications will not be substantially different when compared to the approved development when viewed from Parmal Avenue and neighbouring properties. The character of the development will appear as essentially the same from the streetscape, with the proposed modifications resulting in the delivery of a contemporary building as originally considered and approved. The changes are concentrated within the approved footprint of the development and are delivered in a sensitive manner.

As a result, when viewed from the public domain the most significant visual change to the approved development will be changes to roof top services, replacement of screens with fixed louvres for units to the rear of the site, and amendments to the building façade (including materials). The proposed modifications will not alter the essence of the approved development as a residential flat building as it fronts Parmal Avenue. Therefore, this modification does not tip the balance to the development not being substantially the same as the approved development.

As detailed, the proposed modifications do not alter the approved use of the land as a residential flat building. Whilst the intensity of use, of itself, is not sufficient to conclude the development is substantially the same, it is a relevant consideration which adds to the above analysis. With consideration to the tests identified in *Tipalea Watson Pty Limited v Kurringai Council*, the proposal as modified:

- (a) Will not change the nature or the intensity of the residential flat building use;
- (b) Will not change the relationship to surrounding developments as the modifications will maintain the character of the original approval;
- (c) The development is consistent with the original approval as a whole, and the bulk and scale which establishes the streetscape character is unchanged per the original approval;
- (d) Will not adversely affect the amenity of neighbouring properties or the public domain (in terms of privacy, overshadowing and views);
- (e) Provides a development which is entirely compatible with the future character of development in the streetscape and surrounding locality; and
- (f) Not significantly change the scale or character of the development or the locality as the building is entirely compatible with the scale of surrounding properties.

As noted in *Wolgan Action Group Incorporated v Lithgow City Council*, an increase in environmental impacts is not a consideration as to whether or not a modification proposal is substantially the same. Nonetheless, in our view, the impact of the proposed modifications will be minimal when set against the backdrop of the approved building envelope, especially in terms of design, solar access, privacy and views.

Whilst the quantitative and qualitative assessment are instructive for the purposes of comparing a modification application and the original development consent, they are not mandatory. In accordance with “*Realize*”, a holistic and balanced approach must be taken to the substantially the same test. Having consideration to the judgement in *Moto Projects (No. 2) Pty Limited v North Sydney Council [1999] NSWLEC 280; (1999) 106 LGERA 298*, which outlines principles for determining whether a s4.55 application is ‘substantially the same’ as an originally issued development

consent and to remove any jurisdictional hurdles, an assessment of the qualitative and quantitative matters will be considered below.

In terms of a quantitative assessment, the development as modified will be substantially the same to that which has been granted approval. The proposal will largely maintain the approved component, modifying portions of the design, floor configuration and addition of necessary services. No changes are proposed to the approved floor space, setbacks, finished floor levels, building footprint and total landscaped area. The minor change in building height relates to the lift overrun. The reduction in affordable housing will comply with that prescribed by Section 16 of Housing SEPP. When considered holistically, the quantitative changes do not tip the balance to the development being not substantially the same.

Qualitatively, the development will not change the essence of the approved development since the built form will remain substantially unchanged. The proposed modification includes minor design changes to the building elevations, revised unit layouts, revised car parking entry width and addition of required building services. The essence of the development is entirely consistent with that originally approved. There will be no significant change to the streetscape appearance of the development, which will continue to match the existing character of development as viewed from surrounding properties and the public domain. The bulk and scale and overall appearance as viewed from Parmal Avenue will not change. This ensures that the proposed modifications will be within the ambit of Section 4.55(2).

Whilst the quantitative and qualitative assessment, comparison of material and essential features and consideration of environmental impacts are instructive for the purposes of comparing a modification application to the approved development, they are not mandatory. In accordance with both *Realize Architecture (1)* and *(2)*, a holistic and balanced approach must be taken to the substantially the same test.

In this regard, and as discussed throughout this Section of the Statement, when taking a finely balanced approach to the consideration of substantially the same development, we provide greater weight to the qualitative assessment which demonstrates that the appearance, density and impacts of the approved alterations and additions to the existing residential development will not be significantly altered by the proposed modifications. The proposal will not give rise to any environmental or amenity impacts. On the basis of the foregoing, in both qualitative and quantitative terms, the modified development is substantially the same as the originally approved development.

For the reasons explained above, the modifications proposed by this application are considered to result in minimal environmental impact and a development that is substantially the same as the development for which consent was originally granted. The proposed development will not have any significant or adverse environmental impacts on the site or the locality, and the application is appropriately categorised as a S4.55(2) application.

## 4.2 SECTION 4.15 ASSESSMENT

Section 4.55 requires consideration of Section 4.15(1)(a) of the EP&A Act, 1979. The majority of the applicable Environmental Planning Instruments (EPIs) were considered in the original development application assessment in Council's assessment report makes no changes to the matters of compliance with all environmental planning instruments and the DCP. The proposed modifications do not seek to vary the assessment or conclusions from the original assessment. In this regard, the assessment for the following EPI's will not be reconsidered in this application:

- *State Environmental Planning Policy (Sustainable Buildings) 2022;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;* and
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021.*

The conclusions of the original development application assessment reports remain valid and applicable to the subject modification application.

#### 4.2.1 State Environmental Planning Policy (Housing) 2021

*State Environmental Planning Policy (Housing) 2021* commenced on 26 November 2021 and aims to incentivise the supply and ensure the effective delivery of new affordable and diverse housing. In accordance with the approved development, Chapter 2 Affordable Housing, Division 1 In-fill affordable housing and Chapter 4 Design of residential apartment development applied. The subject modifications do not alter the assessment and conclusions made under Chapter 2 and 4.

Specifically, and with regards to Chapter 2:

- The building height of the development will not exceed the 16.9m maximum as permitted, despite the minor increase to the lift overrun;
- The amount of landscaped area is unchanged;
- The development will not alter the amount of car parking provided.

As noted, the proposed modification will seek to reduce the number of apartments allocated to affordable housing, however, will comply with *Section 16 Affordable housing requirements for additional floor space ratio of Division 1 In-fill affordable housing*. Specifically, the proposal attains a maximum GFA of 2,859m<sup>2</sup> and FSR of 1.3:1 (as approved), which is a 30% increase over the base standard of 1:1. Based on Section 16(2), an affordable housing percentage of 15% is required, in which the modified development will comply, providing for 16.8% of the total GFA as affordable housing for a period of 15-years.

In terms of the Apartment Design Guide and Chapter 4, the proposal will continue to provide for appropriate separation distances, deep soil area and communal open space. The amended layouts will also meet the minimum area and dimensions as prescribed by the ADG.

Accordingly, the proposal is considered acceptable with regards to Chapter 2 and 4 of the Housing SEPP.

#### 4.2.2 Canterbury-Bankstown Local Environmental Plan 2023

The *Canterbury-Bankstown Local Environmental Plan 2013* ('CBLEP 2023') applies to the subject site. Under the CBLEP 2023, the subject site is zoned R4 High Density Residential. The proposed development is defined as a residential flat building, which is a permissible form of development with consent in the R4 zone.

The objectives of the R4 zone are as follows:

- *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.*

The modified residential flat building will continue to meet the objectives of the zone through the provision of providing a high quality built form which offers a variety of dwelling types to meet the needs of the community within a high density residential environment. The proposal provides for residential accommodation within proximity to services and facilities that meet the day to day needs of residents. The modified built form will present to the public domain as a contemporary development, per the original approval, with substantial articulation and vegetation. The proposal remains consistent with the objectives of the zone.



The extent of change is appropriately dispersed and will not materially change the character of the development as a whole. Importantly and despite the modifications, the character of the approved development will be maintained, and the proposal will preserve the siting, location and design of the residential building.

In terms of building height and floor space, this continues to comply with the development standards including bonuses afforded by the Housing SEPP. The proposal will not alter the extent of earthworks, stormwater and building design ensuring it will continue to satisfy the relevant requirements of the CBLEP as originally approved. As such, the proposed modifications are considered acceptable.

#### **4.2.3 Canterbury-Bankstown Development Control Plan 2023**

The original application was assessed and approved under the *Canterbury-Bankstown Development Control Plan 2023* (CBDPC 2023). The modifications to the approved development do not significantly alter the assessment and conclusions from the original development application assessment report which are still valid. Accordingly, the proposed modifications are considered acceptable with regards to the CBDPC 2023 and does not result in any significant changes. The following is noted:

- The storey height is unchanged;
- The front, side and rear setbacks are unchanged;
- The basement footprint is unchanged;
- Landscaped area is unchanged.

It is noted that the proposed development will remove adaptable apartments and provide for 7 (20%) Silver Standard and 7 (20%) Gold Standard liveable dwellings in accordance with the Liveable Housing Design Guidelines. This directly satisfies the requirements in Section 9 Liveable Housing of the CBDPC.

### **4.3 IMPACT OF PROPOSED MODIFICATION**

#### **4.3.1 Natural Environment**

The proposal does not give rise to any significant additional environmental impacts beyond that considered and approved as part of the original application. The proposal will maintain compliance with the approved conditions of consent that are imposed to minimise all environmental impacts during construction and upon completion of the development.

#### **4.3.2 Built Environment**

In terms of the relationship of the proposal to the adjoining properties, the proposed modifications to the approved development will not have an adverse impact on the amenity of adjoining properties and will be entirely compatible with the built form of adjoining and nearby properties. The proposed alterations will not significantly impact on the streetscape or character of the area and will not increase the intensity of development at the site as the built form is largely the same as approved. Specifically, the proposed changes will continue to provide for a high quality contemporary development as originally approved.

In terms of amenity impacts, including overshadowing, privacy and views, the impact created by the proposed modifications are considered to be acceptable and consistent with the approved development. The changes will not result in any adverse privacy and overshadowing impacts to the surrounding properties. When considering views, there are no significant outlooks enjoyed across the subject site and any loss of views would be the result of the approved building envelope.

#### **4.3.3 External Appearance & Design**

In terms of the relationship of the modified development to the adjoining properties, the proposal will not have an adverse impact on the streetscape character and will be entirely consistent with that originally approved.

The proposed modifications will not increase the intensity of the development on the site as the built form is the same as originally approved. The design modifications to the elevations as orientated to Parmal Avenue and adjoining properties will be perceived as substantially the same, and to the casual observer there will be no adverse impact to the character of the approved built form. In terms of the changes to materiality, this will improve the character of the development and ensure longevity and reduced maintenance. Fronting Parmal Avenue, the change to the Level 1 awning will not result in any vast difference in character, however, will improve weather protection and amenity. With regard to the changes to screening at the rear façade, this will be consistent with that originally approved. Finally, the minor rooftop changes will be largely concealed and will not be visually jarring when viewed from the public domain.

Accordingly, the modifications to the approved development will have no new or additional impact on the built and natural environment.

#### **4.3.4 Amenity Impacts**

In terms of the relationship between the modified development and adjoining properties, the proposal will not have an adverse additional impact on amenity, as discussed below.

##### **4.3.4.1 Privacy**

In terms of aural or visual privacy, the proposed modification do not result in any additional adverse overlooking or loss of privacy of neighbouring properties beyond that which was originally approved. The proposed modifications ensure potential adverse amenity impacts to existing neighbouring properties are minimised and remain acceptable. Specifically, the proposed modifications will not introduce any new openings oriented to the side or rear boundaries, or alter the approved building footprint and therefore there will be no additional or new impacts. The modification to privacy screen and alteration of skylights do not introduce any privacy impacts.

As such, it is considered that both the aural and visual privacy of the neighbouring properties will be maintained.

##### **4.3.4.2 Views**

The subject site is not in a location having significant views or vistas. Accordingly, the proposed development will not result in any loss of significant public views currently enjoyed from the public domain or loss of any private views enjoyed from an adjacent property.

##### **4.3.4.3 Solar Access**

The proposed modifications to the built form will not result in any changes to the extent of overshadowing to the neighbouring properties. The proposal will result in a minor increase to the lift overrun which does not generate any adverse additional impact, and the proposal does not seek to increase the building footprint or decrease the setbacks to adjoining properties. The proposed changes will not result in any additional overshadowing cast to neighbouring properties or to the subject site. The minor changes to the roof top services will similarly not introduce any adverse overshadowing to the neighbouring properties beyond that approved.

Accordingly, there will be no significant impacts to the amenity of neighbouring properties when compared to the approved development.

### **4.4 ECONOMIC & SOCIAL IMPACTS**

Undertaking the works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects. Accordingly, it is considered that the proposed development is likely to have only positive economic impacts in the locality.



The proposed modifications will not have any significant impact on the social dynamic of the locality.

## 4.5 PUBLIC INTEREST

This modification application has been designed to better relate to the context of the site and has been specifically modified to improve the interface to the public domain, therefore responding to the desired future character of development in the area as anticipated by the R4 High Density Residential zoning and development standards.

The modified development will maintain a total of 35 apartments, 39 car parking spaces, considerable landscaping and a built form respective of the character of the locality, as originally approved. The modification will not have a demonstrable adverse impact on the amenity of neighbouring properties beyond what was originally approved. The amended application is consistent with the objectives and intent of relevant planning provisions, including the core development standards, unless identified and suitably justified within this Statement.

Accordingly, the proposed development is considered to be in the public interest.





## 5. Conclusion

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This Statement of Environmental Effects accompanies an application pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) which seeks to modify the approved development under DA-436/2024, which approved “*demolition of existing structures, consolidation of three existing lots into one, and construction of a four 4 storey in-fill affordable housing residential flat building development comprising 35 apartments and basement car parking*” at Nos. 20-24 Parmal Avenue, Padstow.

The proposed modifications will ensure that the development will have no new or different impact upon the public domain, adjoining properties and the amenity of future occupants and neighbours in comparison to the approved development.

The modifications are substantially the same as the approved development, and it is considered that the modifications will maintain a high level of amenity for the future occupants and will comply with the relevant Australia Standards. The development will maintain the essence of that originally approved and will continue to present to the public domain as a high quality and contemporary development.

The modifications are consistent with the objectives and/or controls of the Housing SEPP, CBLEP 2023, CBDCP 2023 and ADG, and will not introduce any adverse built or natural environmental impacts over and above the approved development.

Accordingly, for the reasons outlined in this Statement, we respectfully request that Council modify the development consent to incorporate the proposed changes detailed in this report and accompanying plans.