

31 October 2022

The General Manager City of Ryde Council Locked Bag 2069 North Ryde NSW 1670

Attention: Town Planning,

Dear Sir/Madam,

## RE: SECTION 4.55(2) MODIFICATION TO DEVELOPMENT APPLICATION LDA2022/0033 25 RUTLEDGE STREET EASTWOOD

The proposal before City of Ryde Council seeks to modify the development consent issued under Development Application LDA2022/0033, under the provisions of Section 4.55(2) of the Environmental Planning and Assessment Act 1979. The development application to which modification is sought was for the "demolition of the existing dwelling and construction of a new two storey dual occupancy (attached) with associated landscaping and site works" at No. 25 Rutledge Street, Eastwood (subject site).

The abovementioned development application was approved on 17 June 2022.

This modification seeks several external changes to the dual occupancy. A detailed description of the modifications is provided in the 'proposed modifications' section on page 3 of this letter.

GAT & Associates has been retained by the project architects, AC Design Group, to prepare a Statement of Environmental Effects to accompany the Section 4.55(2) application for City of Ryde Council's consideration.

This submission is accompanied by the following documents:

- Arboricultural impact assessment prepared by Complete Arborcare dated 23.10.2022.
- Architectural plans prepared by AC Design Group dated 30.09.2022.
- BASIX Certificate prepared by Building Sustainability Assessments dated 20.09.2022.
- Landscape plans prepared by Studio IZ dated 04.10.2022.

#### **SUBJECT SITE**

The subject site is located on the northern side of Rutledge Street, on a block bounded by Rutledge Street to the south, Shaftsbury Road to the east, Rowe Street to the north and Tarrants Avenue to the west. The subject site is legally defined as Lot 14 in Deposited Plan 4826 and is commonly known as No. 25 Rutledge Street, Eastwood.

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The subject site is rectangular in shape with a frontage to Rutledge Street of 15.24m and a rear boundary of 15.24m. The subject site has a depth of 52.28m. The total site area is  $801m^2$  by calculation. Refer to Figure 1 – Site Location Map.



Figure 1 Site Location Map (Source: https://maps.six.nsw.gov.au/)

Located on the subject site at present is a two (2) storey rendered dwelling with a tiled roof, refer to Figure 2. Immediately to the north of the subject site at No. 294 Rowe Street is a singlestorey brick dwelling with a tiled roof. Adjoining the subject site to the west at No. 27 Rutledge Street is a two (2) storey brick dwelling with a tiled roof and rear swimming pool. Adjoining the subject site to the east at No. 17-23 Rutledge Street is a multi-dwelling development with four (4) detached single-storey dwellings with tiled roofs. Development on the opposite side of Rutledge Street is of older housing stock that consists of single-storey brick dwellings with tiled roofs.

Development in the locality is typically characterised by low-density residential built forms, and also examples of multi-dwelling housing developments.

Within proximity of the subject site are several areas of public green open space which have the capacity to facilitate an array of recreational opportunities for members of the community. Brush Farm Park is situated at an approximate distance of 600m west of the subject site with Braemer Park also located at an approximate distance of 500m north of the subject site. Lynn Park is situated within 500m of the subject site to the south-west.

Eastwood Public School is located at an approximate distance of 200m east of the subject site, with Eastwood shopping centre and a main commercial strip of Rowe Street located further east.

The subject site is well serviced by public transport with numerous bus stops located along Rutledge Street and the nearby Campbell Street which provide connections to nearby suburbs, amenities and to a broader public transport network.

The subject site is located within an R2 Low-Density Residential zone. The subject site has not been identified as a heritage item nor is it located within a heritage conservation area.



Figure 2 No. 25 Rutledge Street, Eastwood - Subject Site

## **PROPOSED MODIFICATIONS**

The proposed modifications are detailed below, including modifications to the approved built form and conditions of consent.

## **Modifications**

The following modifications to the built form are sought:

# **Ground Floor Plan:**

- Deletion of the dividing wall outside of each garage.
- Raised the swimming pool, coping and decking of each dwelling by 500mm.
- Raised a portion of the levels along the side boundary setbacks, above the sewer line, by approximately 300mm as a result of Structural Engineering requirements.
- Installation of stairs up to the swimming pool/deck area from the rear yard.
- Alteration of windows GA07/GB07 and GA02/GB02 to increase width and area of glazing. Glazing will continue to be translucent.
- Planting of shrubs along the side of each elevated pool area to provide privacy screening.
- Modification of the front fence to include an openable gate for each dwelling.
- Removal of four (4) Western Red Cedars in the front yard.

## First Floor Plan:

• Addition of a rear-facing balcony accessed by new sliding doors from the master bedroom of each dwelling.

## **Roof Plan:**

• Raised the ridge level of the entry feature portico of each dwelling from RL 84.085 to RL 84.330.

## **General Comments to the Modifications**

The proposed modifications primarily relate to minor changes to increase the functionality of the proposed development in terms of liveability and ongoing maintenance.

Furthermore, the modification regarding the level changes along the side boundary is required due to the requirement of the footings of the development to be a minimum distance from the existing sewer line. The development as approved would result in a footing being above NGL, as a result the levels along the side boundary have been raised by approximately 300mm to ensure it is covered.

# Conditions of Consent to be Modified

- Condition 1 Approved Plans/Documents will need to be modified to reflect the Issue number and date as relevant to the submitted architectural plan, landscape plan, arborist report (including reference to correct address) and Basix Certificate of the Section 4.55(2) application.
- Condition 3 is to be modified to refer to the updated Basix Certificate details.
- Deletion of Condition 50, as the amended landscaping plan has deleted any reference to the shrub known as Murraya.
- Amendment to condition 58 to delete the reference to retaining the Western Red Cedars.
- Amendment to Condition 78 to include the Western Red Cedars.
- Given the nature of the proposed modifications and the existing approval for the subject site and continued use of privacy mitigation strategies, it is considered that there will have no significant impact on the adjoining properties and broader area.

## SECTION 4.55 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

It is considered that the development can be determined under Section 4.55(2) of the Environmental Planning & Assessment Act, 1979, which states as follows:

- (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 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) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, 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 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".

In order to have the ability to modify a development consent under Section 4.55 of the Environmental Planning and Assessment Act 1979 (formerly Section 96), Council must be satisfied that the development as modified would be substantially the same as the development for which the development consent was originally granted.

The planning merits of the modification are not relevant to the determination of the threshold question of whether the development to which the consent relates would be substantially the same development as the development for which consent was originally granted.

In this regard, Council must apply the *"substantially the same development test"* to any Section 4.55 Application lodged. Case law in **Vacik Pty Ltd v Penrith City Council** (Stein J, 10242 of 1991, 24 February 1992) stated this test in the following terms:

"... 'substantially' when used in the section means essentially or materially or having the same essence".

In relation to determining whether the proposed modified development is *"essentially or materially"* the same as the approved development. Justice Bignold in **Moto Projects No. 2 Pty Ltd v North Sydney Council** (1999) 106 LGERA 298 at 309, states:

"The relevant satisfaction required by s 96(2) (a) to be found to exist in order that the modification power be available involves an ultimate finding of fact based upon the primary facts found. I must be satisfied that the modified development is substantially the same as the originally approved development.

The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is "essentially or materially" the same as the (currently) approved development.

The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared...."

In light of the above, the Section 4.55 proposal is considered to be *"essentially or materially"* the same as the development that was initially approved by Council.

The overall built form of the approved building will remain generally the same, with the only external change to the approved development being the increase in area of the dining and siting room windows, amendments to the portico roof level, implementation of a rear-facing balcony and amendment of levels to the swimming pool, coping and decking. Minor amendments are proposed to site/landscaping works such as an amendment to the front fence to provide for a gate to each dwelling, and the removal of select trees.

As such, the characteristics of the development when taking into consideration the quantitative and qualitative aspects are essentially considered the same. The reasons for this include:

- □ The proposal maintains the original purpose of the application, demolition of existing structures, and construction of a two (2) storey dual occupancy.
- □ The proposed modification does not alter the approved gross floor area of the approved application.
- □ The overall site coverage, private open space, landscaped areas and setbacks are unmodified from the approved application.
- □ Adequate privacy mitigation strategies have been retained to limit privacy impacts on adjoining properties.
- **□** There are no changes to vehicle access or the number of car parking spaces.
- □ The proposed balconies do not alter the approved bulk and scale of the development as viewed from the public domain.
- □ The materials and finishes of the proposed balconies are consistent with the approved material and finishes palette for the subject site.
- □ The approved development and proposed modifications will continue to ensure a positive and sympathetic integration within the subject site and broader locality.

In consideration of the above, it is concluded that the proposal is substantially the same development that was approved by Council initially, and as such satisfies the *'substantially the same development test'* under Section 4.55 of the EP&A Act.

It is therefore considered that the proposal is consistent with Clause 4.55(2) of the Environmental Planning & Assessment Act 1979.

As per section 4.55(4), an assessment of the proposal against the key provisions of the applicable legislation follows.

# CONSIDERATIONS OF THE PROVISIONS OF SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

(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)* any environmental planning instrument

## STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

An amended BASIX Certificate is required as a result of external window changes. An amended BASIX Certificate has been prepared by Building Sustainability Assessments and is issued under separate cover, reflecting the modifications to the original certificate and continued compliance with the required Water, Thermal and Energy provisions under BASIX.

## STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 encapsulates the provisions of the former State Environmental Planning Policy No. 55 – Remediation of Land, which the approved development was assessed under.

Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 relates to the remediation of land. Clause 4.6 of Chapter 4 states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and, if it is contaminated, the consent authority is satisfied that the land is suitable for the purpose. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

The history of the subject site indicates residential land use, noting as well that the premises are located within an established residential neighbourhood. Additionally, the approval demonstrates that the consent authority is satisfied the land is not contaminated.

In accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, Council is able to conclude that no further assessment of contamination is necessary, and the residential use of the site is suitable.

# STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

#### Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to the clearing of vegetation in non-rural areas. This policy encapsulates the provisions of the former State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, which the approved development was assessed under.

The original application sought the removal of six (6) trees, within the subject site and within the Council's nature strip in front of the subject site. An arboricultural impact assessment was prepared by Complete Arborcare and submitted with the original application. This report concluded that these six (6) were of low retention value or were impacted by the proposed works and were requested to be removed.

In Council's assessment report it was noted that Council's landscape officer required the Western Red Cedars located on the eastern portion of the front yard to be retained as they were not impacted by the proposed works. This is reflected under Condition 58.

An amended arboricultural impact assessment has been prepared by Complete Arborcare and has confirmed the Western Red Cedars are of low retention value and add no long-term value to the site.

The retention of the Western Red Cedars adds no long-term value to the subject site. These trees will need to be removed as part of the road widening of Rutledge Street. The trees do not separate any living areas or highly used open space areas, and as such, no loss of privacy will result from their removal. The Western Red Cedars will be replaced by more manageable shrubs that provide internal landscaping amenity to the subject site. The removal of these trees is compensated with the planting of four (4) trees within the subject site that range from 6m to 20m in height and will add greater canopy cover in place of the Western Red Cedars.

It is not considered that the removal of the Western Red Cedars will result in adverse impacts on the landscape quality of the locality but provide a more manageable landscape setting within the subject site.

# Chapter 10 Sydney Harbour Catchment

Chapter 10 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to the protection of the Sydney Harbour Catchment and applies to the subject site.

The proposal will be consistent with the approved stormwater disposal system.

All waste produced as part of the development will be managed during all stages of construction and throughout the life of the building.

## **RYDE LOCAL ENVIRONMENTAL PLAN 2014**

#### Zoning

The subject site is zoned R2 Low-Density Residential and SP2 Infrastructure - Classified Road under the Ryde Local Environmental Plan 2014. Refer to Figure 3.

All approved works and proposed modifications occur within the R2 zone, with the exception of driveway access and general landscaping.

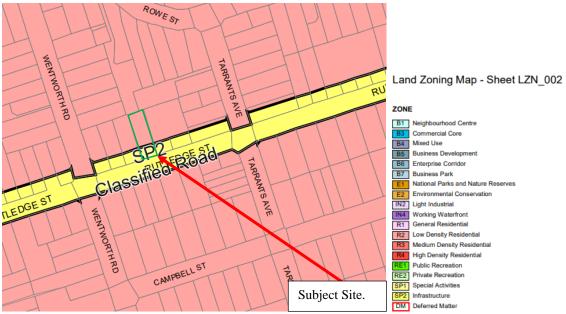


Figure 3 Land Zoning Map (Source: Ryde Local Environmental Plan 2014)

The objectives of the R2 zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a variety of housing types.

The development as modified, will continue to satisfy the objectives of the zone consistent with the original approval by providing a dual occupancy development which contributes to the established low-density residential area.

No other land uses are proposed. The proposal does not inhibit the capacity for other land uses in the area that would meet the day to day needs of residents, and does not negate future acquisition of the SP2 zoned lands.

## Clause 4.3 Height of Buildings

The maximum building height as approved under the original application is not altered by this application. The development continues to comply with the maximum height of buildings development standard.

## Clause 4.4 Floor Space Ratio

The maximum floor space ratio as approved under the original application is not altered by this application. The development continues to comply with the maximum floor space ratio development standard.

## Clause 6.2 Earthworks

The extent of excavation and fill approved as part of the original application will be altered. The maximum excavation proposed will be reduced, as the swimming pool is to be raised by 500mm above natural ground level (NGL).

The proposed earthworks continue to be internal to the site and well set back from the site's boundaries. As such, the earthworks will not adversely impact neighbouring sites.

(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

# **DRAFT ENVIRONMENT SEPP**

The Explanation of Intended Effects for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018.

This consolidated SEPP seeks to simplify the planning rules for a number of waterways, water catchments, urban bushlands and Willandra Lakes World Heritage Property.

The explanation of intended effects as it relates to the Sydney Harbour Regional Environmental Plan (now Chapter 10 in State Environmental Planning Policy (Biodiversity and Conservation) 2021), states that the relevant provisions will be transferred to the incoming consolidated SEPP and will retain the relevant provisions.

Therefore, the applicable provisions have been discussed through this letter with the development considered appropriate in this regard. Hence the proposed development has considered the relevant Draft planning instrument.

# **DRAFT REMEDIATION OF LAND SEPP 2018**

The NSW State Government is currently in the process of a broader review program in the aim of ensuring all State Environmental Planning Policies are relevant and up to date. The Draft State Environmental Planning Policy's Explanation of Intended Effects was on public exhibition between 31 January 2018 and 13 April 2018.

As such Chapter 4 of SEPP (Resilience and Hazards), 2022 will need to be updated to respond to changes in Federal and State legislation and policy, this is to reflect new land remediation practices.

The material of Clause 7 of SEPP 55 (now Chapter 4 in State Environmental Planning Policy (Resilience and Hazards) 2021) will be introduced within the new SEPP along with the list of activities which may lead or have led to potential contamination which are currently contained within the 'Managing Land Contamination: Planning Guidelines.'

As detailed through this letter the subject site has a history of residential use, the council can be comfortable that the subject site is suitable for the proposed works.

(iii) any development control plan, and

# **RYDE DEVELOPMENT CONTROL PLAN 2014**

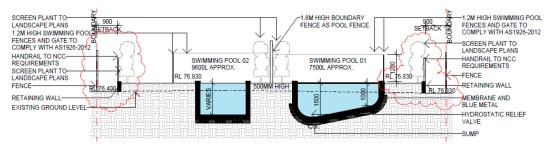
The relevant controls to the modified aspects of this application are discussed below.

### 2.6.2 Topography and Excavation

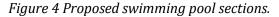
c. Areas outside the dwelling footprint may be excavated and/or filled so long as:

i. the maximum height of retaining walls is no greater than 900 mm;
ii. the depth of excavation is not more than 900 mm;
iii. the height of fill is not more than 500 mm;
iv. the excavated and filled areas do not have an adverse impact on the streetscape;
v. the filled areas do not have an adverse impact on the privacy of neighbours;
vi. the area between the adjacent side wall of the house and the side boundary is not filled; and
vii. the filled areas are not adjacent to side or rear boundaries

The proposed modifications seek to increase the coping of the swimming pool to a maximum of 500mm above natural ground level and to provide a maximum of 500mm of fill around the swimming pool area to provide a more level interface between the swimming pool areas and the internal areas of both dwellings. Refer to Figure 4 and Drawing CC08 "pool plans".



02 POOL SEC01



As per control (C.iii.) of section 2.6.2 of the DCP, the proposed pool area does not exceed the maximum fill of 500mm that is permitted outside the dwelling footprint.

Further, as per control (C.v.) of the DCP, as the fill areas could result in visual privacy impacts to neighbouring sites, the area is proposed with sufficient mitigation in the form of screen plantings along the side boundaries of the elevated area. These plantings known commonly as 'Lilly Pilly' are hedge-type plantings that are evergreen in nature and can grow up to 1.5m in height. As such, it is considered that any adverse privacy impacts to adjoining properties are properly mitigated.

Additionally, a 1.8m pool fence ensures internal privacy between the two approved dwellings.

As per control (C.vi.), the swimming pool fill areas are setback by 900mm of the side boundary to allow the natural ground level to be maintained within the side boundary setback area of the dwelling. A fill area of approximately 300mm is located within 900mm of the boundary, however, this is due to structural requirements and the location of a sewer line below the approved development. This is a minimal increase to a low use area, and will not result in adverse privacy impacts.

It is considered that the proposed outdoor fill areas that result in an elevated swimming pool and deck areas are consistent with Council controls.

### 2.12 Swimming Pools and Spas.

f. The finished coping level of the pool must not be higher than 500 mm above the adjacent existing ground level. This maximum height can only be achieved where it will not result in an unreasonably adverse impact on the privacy of neighbours.

The proposed swimming pool levels have been amended to be 500mm above NGL. This is depicted in Figure 4. The pool areas have been elevated to provide a level interface between the indoor living areas and these outdoor pool areas.

The 1.8m high boundary dividing fence between both dwellings of the dual occupancy ensures that privacy between each dwelling is protected.

Concerning No. 294 Rowe Street to the north, a minimum 8m setback will be provided between the elevated pool area and the rear boundary fence. Furthermore, existing and proposed landscaping will provide year-round natural screening that will limit any overlooking potential from the pool area to No. 294 Rowe Street.

With due consideration of No. 17-23 Rutledge Street and No. 27 Rutledge Street, adequate privacy mitigation will be provided in the form of hedge-type plantings (commonly known as Lilly Pilly's) that will provide natural screening up to 1.5m in height along the edge of the elevated pool areas. These plantings will mitigate any overlooking potential over these side boundaries and protect the visual privacy of these properties.

It is considered that the elevated pool areas are consistent with Council controls and has no adverse privacy impacts between the two approved dwellings nor neighbouring developments.

#### 2.13 Landscaping

a. Major existing trees are to be retained in a viable condition whenever practicable, through the appropriate siting of buildings, accessways and parking areas and through appropriate landscape treatment. Refer to Part 9.6 Tree Preservation in this DCP.

The Council's assessment report of LDA2022/0033 confirmed that the proposal is retaining a number of existing trees within the subject site and within adjoining properties, which range from 6m to 9m in height.

Seven (7) trees are proposed to be removed from the subject site and Council's front nature strip. An arboricultural impact assessment has been prepared which identifies these trees are either being heavily impacted by the proposed works or being of low retention value. Council approved the removal of trees 9, 10, 12, and 13, and requested replacement blueberry ash trees to be planted in the front nature strip to offset the loss of trees. This requirement can continue to be conditioned under Condition 81.

As reflected in Condition 58, Council required the retention of the Western Red Cedars (trees 4-7) due to their distance from the proposed development. As outlined in this letter, the arboricultural impact assessment confirms that these trees are of low retention value and can be removed. The landscape significance of the trees are low, along with their useful

life expectancy, as such their removal will not adversely impact the landscape value of the locality. Suitable replacement trees have been proposed as part of this modification, in line with the recommendations of the arboricultural impact assessment, and as illustrated within the revised landscape plan.

## 2.14.2 Visual Privacy

a. Orientate the windows of the main internal living spaces such as living rooms, dining rooms, kitchens, family rooms and the like, generally to the front or to the rear of allotments.

The proposal has increased the amount of glazing to the approved dining rooms. These windows continue to be treated by translucent glazing to reduce privacy impacts to the adjoining properties. The purpose of the increased glazing in these areas is to improve natural light received by the primary living areas of each dwelling. Adequate mitigation measures have been adopted to avoid any privacy impacts for these windows.

b. Orientate terraces, balconies and outdoor living areas to either the front or the rear of allotments, and not to the side boundaries.

The modified proposal has provided a balcony to the rear of each dwelling, which is accessed from the master bedroom. These balconies are orientated to the rear yard of the allotment as per Council controls and are treated with privacy screening up to 1.8m above the finished floor level. It is considered that the placement of these balconies is consistent with Council controls and does not result in adverse privacy impacts, as they have been appropriately screened.

The remainder of the modification are consistent or do not have any impact on any DCP control, no further comment regarding this will be made.

(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

## Not applicable.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

There are no prescribed matters which affect the permissibility of this proposal.

- (v) (Repealed).
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The modifications will not have an adverse impact on the natural environment. While the modified proposal does propose earthwork, tree removal, and modified landscaping, these modifications are consistent with key controls of the Council's policies. Where trees are proposed to be removed, adequately replacements are proposed on the subject site, additionally, a more rational landscape layout is proposed with respect to surrounding areas.

With respect to the built environment, the proposed modifications do not add any adverse bulk and scale to the property. Where elevated areas are proposed such as the elevated swimming pool area and rear balconies, adequate privacy mitigation measures such as natural and built form screenings are proposed to limit adverse visual impacts to neighbouring sites.

In terms of social and economic impacts, the proposal will continue to benefit the current and future residents of the existing dwelling by improving internal and external space. The proposed development will be in keeping with the style and character of the locality and will complement the low density residential nature of proximate development.

# (c) the suitability of the site for development

The proposed modifications are in keeping with the approved development as issued under LDA2022/0033. The subject site was determined to be and will be, as modified, suitable for the proposal in that it meets the long-term objectives of the zone and the Ryde Local Environmental Plan 2014.

(d) any submissions made in accordance with this Act or the regulations

Not relevant at this time.

(e) the public interest

The public interest would be served by approval of this application, as it will in no way compromise the approved development which provides for the efficient use of land and development of residential land for residential purposes.

The modified design will enhance the internal and external amenity of the approved dual occupancy. The development remains compatible with the general character of the locality and will continue to provide residential accommodation within a well-established residential area close to amenities, services and facilities.

## CONCLUSION

This application seeks the modification of an approved development consent under LDA/2022/0033.

The proposed modifications are proposed to increase the functionality and amenity of the dwellings.

The modifications are substantially the same development as required under section 4.55(2) of the Act. Furthermore, an evaluation has determined that the proposal continues to be consistent under Section 4.15(1) of the Act.

Specifically, the proposal does not result in adverse natural or built environmental impacts, as discussed.

Pursuant to the provisions of Section 4.55(2) of the Environmental Planning Assessment Act, 1979, Council is requested to consider the proposed modifications to Development Application LDA/2022/0033.

Should you require any additional information please do not hesitate to contact me.

Kind regards,

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James Corry Town Planner GAT & Associates Plan 4238