

28 Salisbury Road, Asquith

# Section 4.55 Planning Statement

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**28 SALISBURY ROAD, ASQUITH**

Proposed internal amendments to approved self  
storage facility

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Prepared under instructions from  
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## 1.0 INTRODUCTION

This submission has been prepared as supporting documentation for an application made pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify Development Application DA/1349/2021 for the demolition of existing structures and construction of a new 4 storey self-storage facility at 28 Salisbury Road, Asquith.

The application seeks to replace the high bay storage units on Level 1 with regular height storage units, and insert regular height storage units on Level 2 in the location of the previous void.

The modifications result in:

- No external change to the approved building;
- No change in car parking;
- No change in landscaping; and
- A modest increase in the overall gross floor area of 1,204.6 square metres.

The proposed modifications are detailed in this submission and amended architectural package prepared by Mijollo International Architects.

This Statement has been prepared pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979. The Statement provides an assessment of the amended proposal having regard to the relevant legislative context, social economic and environmental impacts, potential amenity impacts of the development on the surrounding locality.

The Statement details the proposed amendments against applicable environmental planning instruments and development control plans including:

- Hornsby Local Environmental Plan 2013
- Hornsby Development Control Plan 2013

Having regard to the applicable legislative framework, the proposed amendments to the approved development retain the same fundamental characteristics and the amended proposal is therefore substantially the same development. The amended development represents an improvement to the functionality of the approved development, remains consistent with the aims and objectives of the relevant environmental planning instruments and development control plan whilst remaining compatible with the character of the locality.

## 2.0 SITE DESCRIPTION AND LOCATION

### 2.1 Locality Description

The site is located in the suburb of Asquith which is located within the Hornsby local government area. Asquith is located 26 km north-west of the Sydney central business district. The subject site is located approximately 400 metres from Asquith train station.

The character of Asquith is varied with a predominantly low density residential character throughout the central and western part of the suburb and commercial uses focused around the train station. Part of the Ku-ring-gai Chase National Park occupies the eastern side of the suburb, whilst the south eastern area of Asquith is occupied by a vibrant industrial precinct, within which the subject site is located.

The location of the site is illustrated in Figure 1 below.

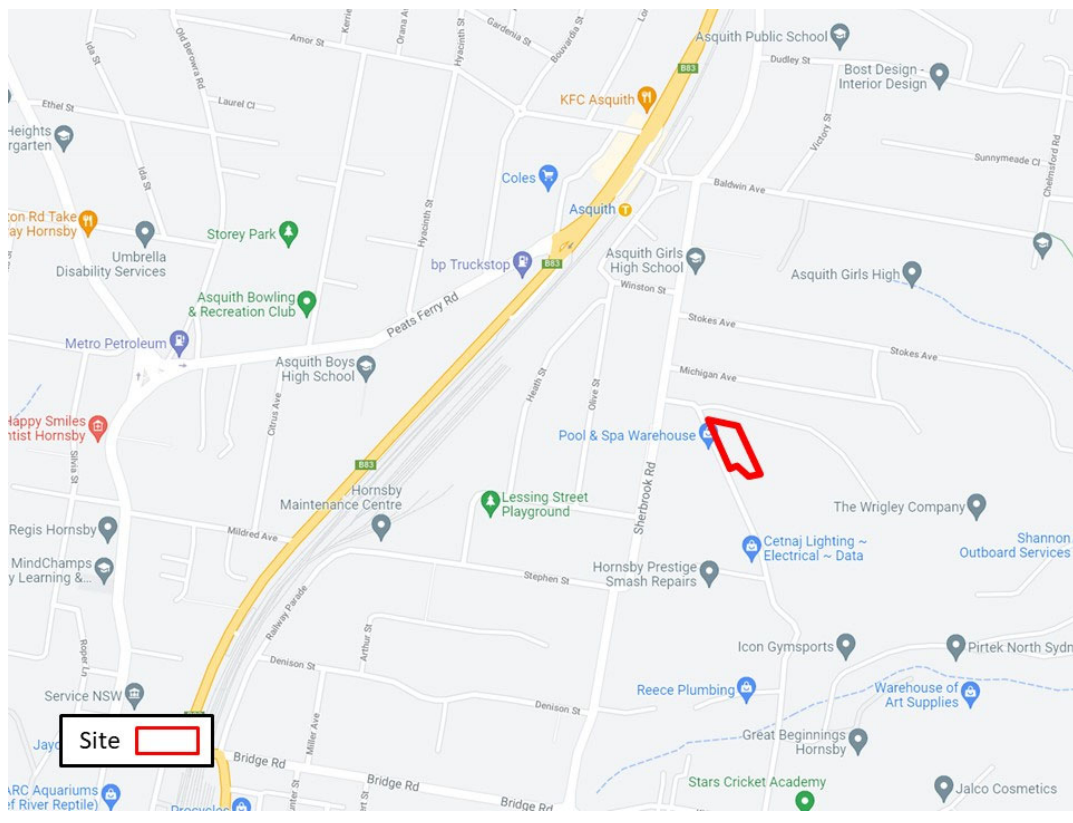


Figure 1:

Site Location: (Source: Google Maps)

### 2.2 Site Description

The site comprises one allotment and is legally described as Lot 101 in DP 771987 and is known as 28 Salisbury Road, Asquith. An aerial view of the site is included as Figure 2.

The site is irregular in shape and has an area of 6,677.8 square metres. The site has a frontage of 87.435 metres to Salisbury Road, a northern boundary of 63.31 metres and a western boundary of 120.28 metres. The southern boundary is split into three portions with a length of 23.27 metre for the eastern end, a 48 mere central section, and a 17.5 metre western end.

There is a fall down Salisbury Road from north to south and the subject site is approximately level with the road level at the northern end of the site, however, gradually rises relative to the road level as the site progresses south. The site has been previously benched and has a relatively level upper platform, and the level change to the street is managed either via previously constructed retaining walls, or a natural embankment which is occupied by dense vegetation. The platform on the site rises to be approximately 6 to 7 metres above the street level.

The site is currently used as a self storage facility as approved under DA335/1996. The site is currently improved by a large 12 metre tall warehouse which is aligned to the eastern boundary of the site and which extends south across the majority of the site. A smaller three storey office and warehouse component is also annexed to the western side of the main warehouse. The southern end of the site is occupied by a large hardstand car parking area which is accessed via a driveway through the warehouse. There is also a small hardstand area located at the north-eastern corner of the site. Access to the site is provided via a driveway at the northern end of the frontage of the site to Salisbury Road.

Vegetation on the site is predominantly contained on the embankment on the western side, with one other tree at the northern end of the eastern boundary.

The site is not identified as a heritage item pursuant to the Hornsby Local Environmental Plan 2013. The site is also not identified as being located within a heritage conservation area.



Figure 2:

Site (Source: Department of Lands, Six Maps)

### 2.3 Surrounding Development

To the east and north of the site is 30 Salisbury Road which is a particularly large site which contains a large warehouse and extensive hard stand storage. The site is elevated significantly above the subject site by an embankment. The site is also accessed via a driveway which travels past the northern boundary of the subject site.

Further to the north beyond the driveway which serves 30 Salisbury Road is a row of residential properties which have their street address to Michigan Avenue to the north.

Immediately adjacent to the south of the site is 24-26 Salisbury Road which has a similar configuration to the subject site, with a very long warehouse building that covers the majority of the site which is accessed via a driveway at the northern end of the site. This site and warehouse is separated visually from the subject site by dense vegetation at the northern end of the property.

Opposite the site to the west across Salisbury Road is 57 Salisbury Road which contains a 3 storey office and warehouse building which is occupied by the Pool and Spa Warehouse and child care centre.



## 3.0 BACKGROUND

### 3.1 Development Application DA/1349/2021

On 28 July 2022, development consent was granted to D/1349/2021 for demolition of the existing buildings on the site and the construction of a four storey self-storage facility.



Figure 3:

CGI of approved development



## 4.0 PROPOSED MODIFICATIONS

### 4.1 Description of Proposed Modification

The application seeks to replace the high bay storage units on Level 1 with regular height storage units, and insert regular height storage units on Level 2 in the location of the previous void.

There is no change to the approved Level 1 floor plan, however, the Level 2 floorplan is amended to reflect the inserted regular height storage units.

The modifications result in:

- No external change to the approved building;
- No change in car parking;
- No change in landscaping; and
- A modest increase in the overall gross floor area of 1,204.6 square metres.

### 4.2 Basis for Proposed Modifications

During the assessment of the original development application, the proposal was amended to provide double height storage units on Level 1.

However, since this amendment, the future operator has confirmed that there is no market demand for self storage units with this height as it is not usable space due to the disproportionate height to the small footprint of storage units. Logistically, there is insufficient room to efficiently make use of the height within the storage unit. Accordingly, it is proposed to insert self storage units on Level 2 above the Level 1 units to achieve conventional proportions for the self storage units on Level 1 and make use of the redundant volume on Level 2.

### 4.3 Numerical Overview

| Element           | Approved   | Proposed Amendments  | Change |
|-------------------|--|--|--------|
| Site Area         | 6,677.8 square metres total  | 6,677.8 square metres total  | No     |
| Gross Floor Area  | 7,334.4 square metres  | 8,539 square metres  | Yes    |
| Floor Space Ratio | 1.099:1  | 1.278:1  | Yes    |
| Height            | 14.5 metres maximum  | 14.5 metres maximum  | No     |
| Storeys           | 4 storeys  | 4 storeys  | No     |
| Setbacks          | <ul style="list-style-type: none"> <li>• Front – 21.945 metres</li> <li>• North – 8.44 metres</li> <li>• East – 6.9 metres</li> <li>• South – 20.665 metres</li> </ul> | <ul style="list-style-type: none"> <li>• Front – 21.945 metres</li> <li>• North – 8.44 metres</li> <li>• East – 6.9 metres</li> <li>• South – 20.665 metres</li> </ul> | No     |
| Car Parking       | 4 visitor spaces<br>8 staff and vehicle storage spaces   | 4 visitor spaces<br>8 staff and vehicle storage spaces   | No     |

| Element        | Approved | Proposed Amendments | Change |
|----------------|----------|---------------------|--------|
| Bicycle spaces | 5        | 5                   | No     |

## 5.0 STATUTORY PLANNING FRAMEWORK

### 5.1 Consent Authority

The approved development D/1349/2021 was not Regional Development as defined under Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

Furthermore, the approved development was not of a kind which required determination by the Local Planning Panel under Ministerial Direction for Local Planning Panels, in particular noting that the development was not contentious, a category of sensitive development, and did not depart from a development standard by more than 10%.

Accordingly, the development was approved by the Manager of Assessments under delegated authority granted by the Council.

Whilst the proposed amendment does result in a variation to the FSR development standard in Clause 4.4 of the Hornsby Local Environmental Plan 2013 by more than 10%, as the Local Planning Panel was not the consent authority for development the proposed modification is not required to be reported to the Local Planning Panel and can be determined in the same manner as the original development consent.

### 5.2 Environmental Planning and Assessment Act 1979

Section 4.55(2) of the Environmental Planning and Assessment Act 1979 empowers Council to modify a development consent, as follows:

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 the 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 5) 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 any period prescribed by the regulations or provided by the development control plan, as the case may be.

The amended proposal retains the fundamental components of the approved layout and spatial characteristics of the development. Conceptually, the proposal remains a 4 storey self storage facility and the amended proposal also retains an identical envelope to the approved development, with external change whatsoever. The amended proposal would appear exactly the same as the approved development.

Quantitatively, the proposed amendments to the approved development are not such that they significantly change the development with no change to height, parking, landscaped area, or number of storeys and a relatively modest change to the gross floor area. The proposed amendments are improvements to the functionality of the building and do not radically transform the proposal.

The proposal is therefore considered to be “essentially or materially” the same as the approved development in that the modification does not materially alter any fundamental elements of the original application such as the use or scale of the development on the site.

On this basis the proposal is appropriately categorised as being “substantially the same” as required by Section 4.55(2) of the EP&A Act.

### 5.3 Environmental Planning Instruments

In accordance with Section 4.55(3) of the Environmental Planning and Assessment Act 1979 in determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

The provisions contained within the applicable environmental planning instruments and development control plan which are relevant to the proposed modification are addressed below.

#### 5.3.1 Hornsby Local Environmental Plan 2013

##### Zoning and Permissibility

The site is located within the IN1 General Industrial zone pursuant to the Hornsby Local Environmental Plan 2013 (HLEP). An extract of the Land Zoning Map is included as Figure 4.

Self storage units are permissible with consent in the IN1 General Industrial zone. The proposed amendments do not alter the approved use and the amended development remains permissible with consent.

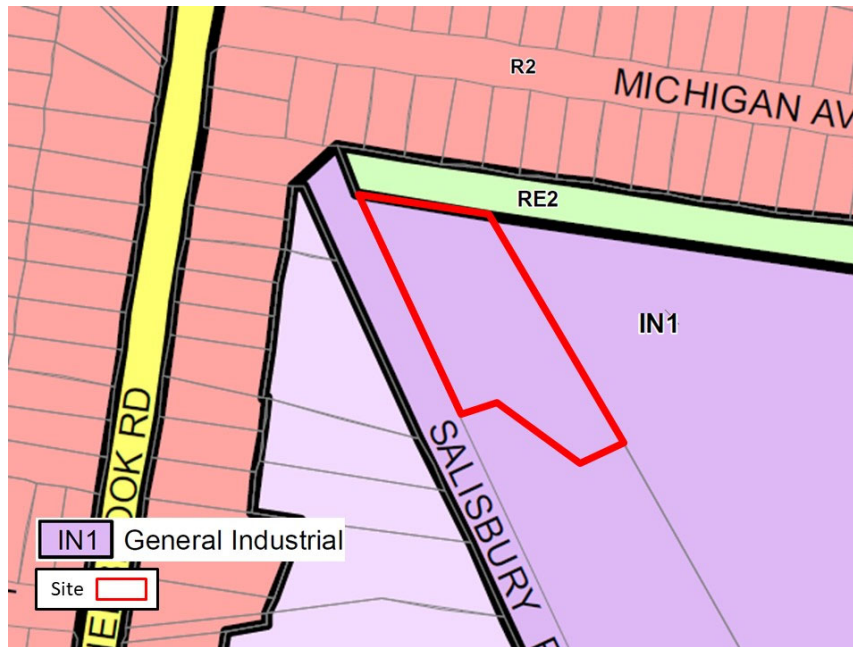


Figure 4:

Extract from the HLEP Land Zoning Map

#### Height

In accordance with clause 4.3 'Height of Buildings' of the HLEP the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'.

The maximum height shown for the site is 14.5 metres above ground level as shown in Figure 5.

The approved development had a maximum height of 14.5 metres and the amended proposal does not result in any change to this approved height and remains compliant with the maximum 14.5 metre height control.

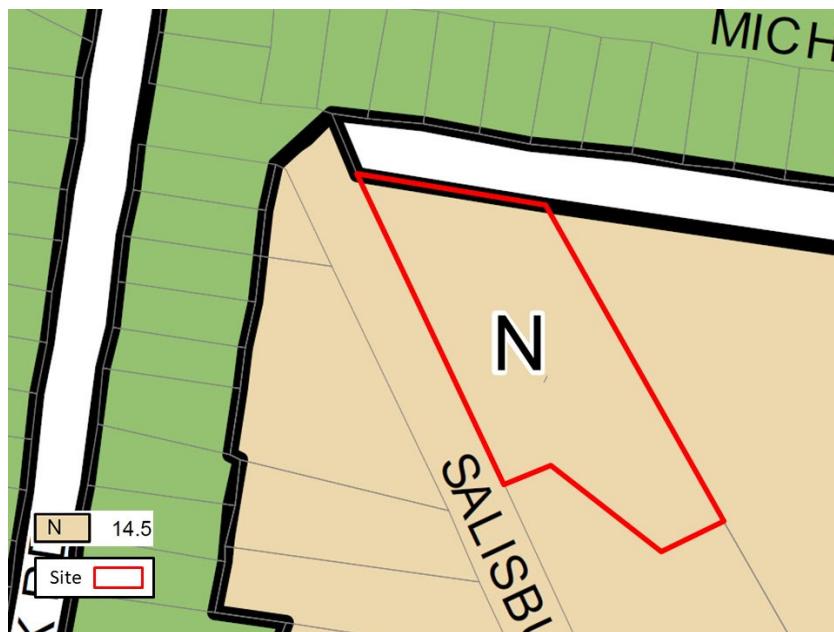


Figure 5:

Extract from the HLEP Height of Buildings Map

### Floor Space Ratio

Clause 4.4 of the HLEP provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The Floor Space Ratio Map shows a floor space ratio of 1:1 applying to the site. An extract of the Floor Space Ratio Map is included as Figure 6.

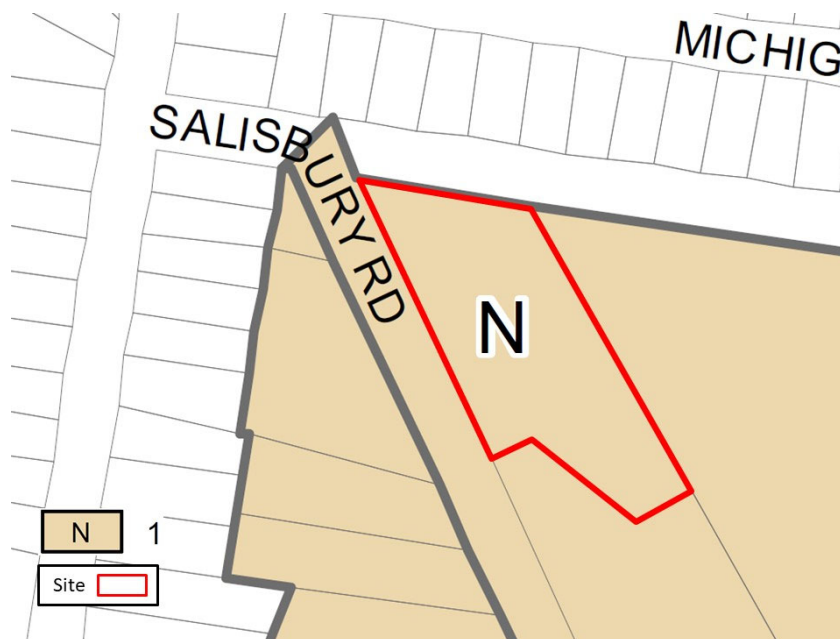


Figure 6:

Extract from the  
HLEP FSR Map

A comparison of the approved Gross Floor Area and Floor Space Ratio for the site is shown in the table below:

| Element           | Approved                    | Proposed Amendments         |
|-------------------|-----------------------------|-----------------------------|
| Site Area         | 6,677.8 square metres total | 6,677.8 square metres total |
| Gross Floor Area  | 7,334.4 square metres       | 8,539 square metres         |
| Floor Space Ratio | 1.099:1                     | 1.278:1                     |

The increase in Gross Floor Area for the development as a consequence of the proposed amendments is 1,204.6 square metres, or an increase of 16.4% of the previously approved floor area.

Whilst the proposed amendment increases the approved FSR from 1.099:1 to 1.278:1, the proposed further variation to the 1:1 FSR control is considered reasonable in this instance for the following reasons:

- The proposed amendment is as a consequence of the future operator confirming that there is no market demand for double height self storage units as there is insufficient room to efficiently make use of the height within the storage unit. Accordingly, it is necessary to reduce the height and insert self storage units on Level 2 above the Level 1 units to achieve conventional proportions for the self storage units on Level 1 and make use of the redundant volume on Level 2.

- The increase in the FSR does not result in any change whatsoever to the overall approved building envelope or bulk and scale of the development, and will not result in any external change to the building. Therefore, there is no material impact associated with the proposed amendment which would warrant refusal of the proposed modification.
- The proposed amendment only actually increases the overall Gross Floor Area of the approved development by 16.4% which is very minor and does not represent any meaningful change to the approved density of the overall development.
- The increased density of storage area on the site as a result of the proposed FSR variation does not give rise to any unreasonable impacts on the adjoining properties or the locality generally. Self storage is a very low traffic generating use and therefore the density proposed does not result in any adverse traffic impacts, noting that the proposed entire development with the increased floor space will only generate a total of 11-21 vehicles per hour during the morning peak period and 13-22 vehicles per hour during the evening peak period. The proposal seeks a total FSR variation of 27.8% which on a pro-rata basis only results in an additional 3-6 vehicles per hour during the morning peak period and 4-6 vehicles per hour during the evening peak period. This is a particularly small traffic generation and will not result in any perceptible impact to the local road network.
- Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the amended development offensive, jarring or unsympathetic to its location and the amended development will remain compatible with its context, notwithstanding the minor increase in Gross Floor Area.

The proposed amendment does not alter the conclusions of Council's previous assessment of the approved development in relation FSR variation, which are summarised as follows:

- The proposal is compliant with the 14.5 metre height control
- The proposed setbacks which are well in excess of the HDCP requirements.
- The building sits within the footprint established by the existing buildings on the site.
- The density proposed does not result in any adverse traffic impacts.
- The development is consistent with the bulk and scale of development as anticipated for this form of development.
- Strict compliance with the floor space ratio control would not result in any external change.
- The proposed volume of the building on site is modest having regard to the potential building which could be accommodated on the site, and has a reduced building footprint when compared with the existing buildings on the site.
- The proposed FSR variation is a consequence of the specific building typology being for self storage where it is possible to provide greater internal floor area within the same volume of building which could occur for a conventional warehouse development.

#### Remaining Provisions

The subject proposal is only for minor internal design amendments to the approved development and does not require any further consideration against the remaining provisions of the HLEP beyond those which were considered in the assessment of the original development application.



#### 5.4 Hornsby Development Control Plan

The amended proposal does not result in any significant difference in relation to compliance with the provisions of the Hornsby Development Control Plan 2013. The following table addresses the provisions of the DCP which are relevant to the proposed amendments:

##### 5.4.1 Part 1 General

| Element                | Control  | Proposed   |
|------------------------|--|--|
| 1C.2 Built Environment |  |  |
| Transport and Parking  | <ul style="list-style-type: none"> <li>Direct vehicular access to main roads should be avoided where alternative access is available via side roads or service lanes.</li> <li>For development (other than single dwelling houses on existing lots), vehicle access and parking should be designed to allow vehicles to enter and exit the site in a forward direction.</li> <li>Design and dimensions of car parks, loading areas and driveways should comply with AS2890.1 and AS2890.2.</li> <li>Planning and design layout of parking areas for people with disabilities should be in accordance with AS2890.6 and AS1428.1.</li> <li>The Hornsby Development Control Plan 2013 (DCP) does not provide car parking rates for self storage facilities, noting that the DCP permits the utilisation of a parking study for 'other uses' not identified within the DCP.</li> <li>Bicycle parking to be provided for industrial developments (over 2,000m<sup>2</sup> GFA) at a rate of one (1) bicycle space per 1,000m<sup>2</sup> GFA.</li> </ul> | <ul style="list-style-type: none"> <li>The originally lodged development application was accompanied by a Traffic Impact Assessment prepared by Traffix which examined traffic impact based a GFA of 8,539 square metres, as proposed under this modification application. The Traffix report confirmed that: <ul style="list-style-type: none"> <li>This density of development on the site does not result in any meaningful impact to the performance of the local road network.</li> <li>The approved provision of 12 car parking spaces is sufficient to meet the demand generated by the proposed floor space based on the Self-Storage Facility Traffic and Parking Study (SSFTPS) undertaken by Aurecon for determining an appropriate amount of car parking for self storage facilities.</li> </ul> </li> </ul> |

## 5.4.2 Part 5 Industrial

| Element               | Control   | Proposed  |
|-----------------------|---|---|
| 5.1.1 Scale           |   |   |
| Desired Outcome       | Development that contributes to the desired future character of the area  | There is no proposed external change to the approved development, which will continue to represent a high quality contemporary industrial aesthetic which will significantly enhance the contribution of the site to Salisbury Road and the broader area. |
| Prescriptive Measures | Floor Space Ratio 1:1   | The amended proposal involves a modest variation to the FSR control. Refer to the discussion under the HLEP assessment.   |
|                       | Height: 3 storeys   | The amended proposal makes no change to the approved height and number of storeys.  |
| 5.1.2 Setbacks        |   |   |
| Desired Outcome       | <p>a. Setbacks that complement the streetscape and allow for landscaping that reduces the visual mass of buildings.</p> <p>b. Setbacks that allow for the retention of significant landscape features and respect site constraints.</p>                         | The amended proposal makes no change to the approved setbacks, which exceed the minimum required setbacks.  |
| Prescriptive Measures | <p>Front: 5m</p> <p>Side: 0m</p> <p>Rear: 0m</p>  |   |
| 5.1.3 Landscaping     |   |   |
| Desired Outcome       | <p>a. Landscaping that softens the visual impact of buildings.</p> <p>b. Landscaping that retains existing landscape features.</p>  | The amended proposal makes no change to the approved landscaped outcome.  |
| Prescriptive Measures | <p>a. Landscaping should be included in building setback areas to complement the appearance of the building.</p> <p>b. A minimum of 50% of the required setback area to all public roads should be landscaped area. This landscaping is to extend along the</p> |   |

| Element                                | Control  | Proposed  |
|--|--|---|
|  | <p>full length of each street frontage (other than a vehicle entry/exitdriveway).</p> <p>In the Asquith and Mt Kuring-gai Industrial areas, fencing should not be provided in front of the building line.</p>  |   |
| 5.1.4 Open Space                       |  |   |
| Desired Outcome                        | a. Development that provides adequate communal open space on-site for employees.   | The amended proposal requires no change to the approved common open space area which meets the DCP requirements and is located within a landscaped setting which will enjoy shade in summer, and afternoon sub in winter.               |
| Prescriptive Measures (Storeys)        | <p>a. An outdoor eating and sitting area should be provided on-site at a rate of 1m<sup>2</sup> per employee, with a minimum total area of 10m<sup>2</sup> and a minimum dimension of 2 metres.</p> <p>b. On-site communal areas should incorporate green space where possible.</p> <p>c. Communal seating and lunch gathering areas should be shaded in summer and have protected sunny areas in winter.</p> <p>d. Where an outdoor space cannot be accommodated on-site, an internal eating/sitting area is to be provided</p> |   |
| 5.1.6 Vehicle Access and Parking       |  |   |
| Desired Outcome                        | <p>a. Development that provides sufficient and convenient parking for residents and visitors with vehicular access that is simple, safe and direct.</p> <p>b. Developments that incorporate on-site service areas that provide for a range of industrial uses.</p>   | The amended proposal makes no change to the approved vehicle access, parking configuration and loading arrangements. It is noted that the approved provision of 12 car parking spaces remains sufficient for the increased floor space. |
| Prescriptive Measures (Vehicle Access) | a. Direct vehicular access to main roads should be avoided where alternative access is available via service lanes or local roads.   |   |
| Prescriptive Measures (Parking)        | c. Parking should be provided to the rear of buildings or below ground level.  |   |

| Element   | Control  | Proposed   |
|---|--|--|
|   | <p>d. Parking may be considered in front setback areas where site constraints warrant. A maximum of 50% of the required front setback area should be used for carparking and driveway areas.</p> <p>e. Car parking should be screened from the street by landscaping.</p>  |  |
| <p>Prescriptive Measures (Service vehicles)</p> | <p>f. Each industrial unit/ premises should have access to a loading and unloading area on-site.</p> <p>g. Where a development consists of multiple industrial units, at least 1 communal loading area that is capable of accommodating an articulated vehicle should be provided on-site.</p> <p>h. Loading areas should have minimum dimensions of 3 metres x 7 metres and have turning areas that comply with AS 2890.2, applicable to the size of vehicle that may service the site.</p>   |  |
| <p>5.1.8 Design Details</p>                     |  |  |
| <p>Desired Outcome</p>                          | <p>a. Development that contributes positively to the streetscape</p>   | <p>The proposed amendments result in no change to the approved external appearance of the building and the architectural expression of the building.</p> |
| <p>Prescriptive Measures (General)</p>          | <p>a. Facades should adopt a contemporary appearance, relating to the function of the building.</p> <p>b. The main entry to the building should be easily identifiable from the street and directly accessible from the front of the building or the driveway in the case of a multi-unit complex.</p> <p>c. Corner buildings should be designed to address both streets.</p> <p>d. Architectural features should be included in the design of new buildings to provide for a more visually interesting precinct. These may include:</p> <ul style="list-style-type: none"> <li>• elements which punctuate the skyline,</li> </ul> | <p>The proposed amendments result in no change to the approved external appearance of the building and the architectural expression of the building.</p> |

| Element | Control   | Proposed |
|---------|---|----------|
|         | <ul style="list-style-type: none"> <li>• distinctive parapets or roof forms,</li> <li>• visually interesting facades,</li> <li>• architectural emphasis in the built form, and</li> <li>• a variety of window patterns.</li> </ul> <p>e. Other features that are encouraged include balustrades, pergolas, expressed structure and downpipes, glazed skylights, sun shading devices and distinctive entries.</p> <p>f. Roof fixtures and lift overruns or service plants should be incorporated into the design of the roof to minimise visual intrusiveness and support an integrated building design.</p> |          |

## 6.0 CONCLUSION

This application seeks to amend Development Application DA/1349/2021 for the demolition of existing structures and construction of a new 4 storey self-storage facility at 28 Salisbury Road, Asquith.

The application seeks to replace the high bay storage units on Level 1 with regular height storage units, and insert regular height storage units on Level 2 in the location of the previous void.

The amended proposal retains the fundamental components of the approved layout and spatial characteristics of the development. The amended proposal also achieves an improved outcome in relation to the functionality of the development.

As detailed in this submission the proposed modifications may be made by the consent authority in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979 as the proposed amendments are substantially the same development as originally approved and will not result in any adverse impacts on the amenity of the locality.

The proposed amendments remain consistent with the aims and objectives of the relevant environmental planning instruments and development control plan and will not result in any adverse impacts on the amenity of the locality. Accordingly, the proposed amendments are considered acceptable as they represent a necessary modification to the development to improve the functionality of the approved development and therefore warrant approval.

