

Dated: 3rd September 2025

Modification to DA/2023/350

S4.55(1A)

**Amendment to Approved Car wash
206 High Street, Maitland
Lot 1 DP230063**



**THIS STATEMENT OF ENVIRONMENTAL EFFECTS (SEE) HAS BEEN PREPARED IN
ACCORDANCE WITH
MAITLAND CITY COUNCIL GUIDELINES**

Executive Summary

A Development Application was lodged and approved by Council for Demolition, Site remediation, a Commercial Premises and signage, on the 6th February 2024.

On the 20th of June 2025, a Construction Certificate has been granted. It has since commenced construction with expected completion at the end of December 2025. During the construction process, a tenant has been selected, and there requirements do not align with the current approval.

As such, further approvals are required, to meet the tenant specifications.

Vacuum bays, additional signage and a dog wash is proposed as a part of this application.

The changes will involve minimal environmental impact and result in substantially the same development as that approved. This modification application is therefore lodged as a S4.55(1A) under the Environmental Planning and Assessment Act 1979.

1.0 Introduction

1.1 Site Details

The site is located at 206 High Street, Maitland, Lot 1, DP 230063. The site contains an existing single storey brick building. This building was used as a service station however, it was most recently utilized by Hertz. There are existing access points to high street. The site is zoned B4 Mixed Use.

- Property area:810m²

Figure 1: Site Location and Zoning Map Extract (source: eplanning)



2.0 Existing Approval – DA/2023/350

Development consent was granted at the site on the 6th of February 2024.

Demolition, Site Remediation and Commercial Premises (Car Wash with Associated Landscaping, Car Parks) and Signage

Since construction works have begun, a tenant has been accepted and needs further approvals to facilitate what is required to operate.

3.0 Proposed Modification

The modifications to the approved development are as follows:

- Vacuum bays
- Dog wash
- Additional signage.

For acoustic purposes the vacuum bay requires a barrier, which has been demonstrated on the architectural plans.

This will modify the following conditions of DA/2023/350.

- **Condition 8-** The approved development shall not include the following components,
 - a) Vacuum Bays
 - b) Blower Cycle within the automatic washbay

Vacuum bays are proposed as a part of this modification. An acoustic report accompanies this to reinforce the adequacy of the development regarding noise impact to surrounding neighbours.

4.0 Environmental Planning Instruments

4.1 Environmental Planning & Assessment Act 1979

Section 4.55 - Modification of consents- generally

(1A) Modifications involving minimal environmental impact - A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- a) *it is satisfied that the proposed modification is of minimal environmental impact,*

Comment

The environmental impact resulting from the proposed modification will be negligible.

- b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)*

Comment

'substantially the same development' means essentially or materially or having the same essence' as defined by *Pearlman C.J. in Schrodgers Australian Property Management Ltd v Shoalhaven City Council and Anor (1999) NSWLEC 251*. Accordingly, it is the substance of the amended proposal relative to the substance of the development as originally approved.

The nature of the development will not change under this modification, the development remains for commercial purposes. The general bulk and scale of the development will also not change, nor will materials or finishes.

- 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.*

Comment

The modification is minor in nature and it is not considered that re-notification is necessary due to no change in environmental impacts (on site or off site).

4.2 Environmental planning and assessment regulation 2021

Clause 100- Content of modification application

(1) A modification application must contain the following information—

...

(e) whether the modification is intended to—

(i) merely correct a minor error, misdescription or miscalculation, or

(ii) have another effect specified in the modification application,

Comment - The modification is intended to have some other desired effect as detailed in Section 3.

(f) a description of the expected impacts of the modification

Comment

There are minimal impacts, if any, expected as a result of this modification. Details are included in Section 7.

(g) an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved

Comment

The development as approved will remain substantially unchanged, only minor changes are proposed under this modification.

5.0 State Environmental Planning Policies

The relevant SEPP's have been previously addressed under the original DA consent.
There are no SEPP controls that require revisiting as part of this modification application.

6.0 Maitland Local Environmental Plan 2011

The modifications proposed do not impact on the previous assessment against the MLEP controls.

7.0 Maitland Development Control Plan 2011

The modifications proposed do not impact the previous assessment against the MDCP.

8.0 CONCLUSION

This application seeks to modify the previous consent under the provisions of Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. The proposal, as amended, remains permissible under the Maitland LEP 2011, and is generally compliant with the objectives and controls of the Maitland DCP 2011.

The development as modified will remain substantially the same as originally approved. The modification will be of minimal environmental impact, as detailed in this SEE.

Council's timely consideration of the current modification application is respectfully requested.

Enclosures

- Amended Architectural Plans
- Acoustic report
- Hunter Water Plan Stamping