



File no: MOD-23-00462 to JRPP-15-02107

29 December 2023

Narikki Kudinar-Kwee
The Trustee For Southern Han Rouse Hill Unit Trust
2 Rowe Street
EASTWOOD NSW 2122

Dear Mr Narikki

Property: Lot 119 DP 208203, 38 Cudgegong Road, ROUSE HILL

**Proposal: Modification to Notice of Determination No. JRPP-15-02107 under
Section 4.55 of the Environmental Planning and Assessment Act 1979**

Reference is made to the Section 4.55(2) application (MOD-23-00462) lodged with us on 29 August 2023 requesting a modification to Notice of Determination No. JRPP-15-02107, at the above property.

Please be advised that we have considered your request to modify the conditions of consent to reflect modifications as shown on the plans depicted in Condition 2.1.1 of the modified consent:

Addition of a second lift in Buildings A, B & C, addition of service shafts to Buildings A to D, internal layout changes to 24 units in Building A located on ground to Level 7, internal layout changes to 7 units over Levels 1-7 of Building C, increase in floor to floor height of Buildings A to D, minor encroachment of habitable floor space above the 26 m height control, 2.02 m² of additional Gross Floor Area of Building A, external circular columns added to balcony corners of Buildings A to D, modification to roof terraces building outline of Buildings A to D, new awning on Level 1 of Building D

We agree to modify Notice of Determination No. JRPP-15-02107 to address these items.

The development consent is modified in the following manner:

Condition 2.1.1 is deleted and replaced with the following condition:

2.1.1 The development shall be in accordance with the following drawings/details submitted to Council with the Development Application, **as amended in modification application MOD-23-00462**, except where amended by other conditions of this consent:

| | |
|--------------------------------------|-------------------|
| Drawing Reference: | Dated: |
| Plans prepared by Zhinar Architects: | |
| DA001 Site Analysis, Issue I | 07/07/2023 |

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Council Chambers - 62 Flushcombe Road - Blacktown NSW 2148

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All correspondence to: The Chief Executive Officer - PO Box 63 - Blacktown NSW 2148

| Drawing Reference: | Dated: |
|---|---------------|
| DA002 Site Plan Overall, Issue J | 27/09/2023 |
| DA003 Basement Plans, Issue L | 07/07/2023 |
| DA004 Ground Floor Plan Overall, Issue K | 27/09/2023 |
| DA005 Streetscape, Elevations & Section, Issue J | 17/11/2023 |
| DA006 Roof Top Terrace/Roof Plan, Issue G | 27/09/2023 |
| DA103 AB – Ground Floor Plan, Issue J | 27/09/2023 |
| DA104 AB – Floor Plan Level 1-7 Typical, Issue I | 27/09/2023 |
| DA201 CD – Ground Floor Plan, Issue J | 27/09/2023 |
| DA202 CD – Floor Plan Level 1-7 Typical, Issue I | 27/09/2023 |
| DA301 Elevations – Block A, Issue K | 17/11/2023 |
| DA302 Elevations – Block B, Issue K | 17/11/2023 |
| DA303 Elevations – Block C, Issue K | 17/11/2023 |
| DA304 Elevations – Block D, Issue K | 17/11/2023 |
| DA305 Driveway Ramp Section, Issue B | 24/04/2019 |
| DA305 Height Studies, Issue B | 27/09/2023 |
| DA309 Height Study Block A, Issue B | 27/09/2023 |
| DA310 Height Study Block B, Issue B | 27/09/2023 |
| DA311 Height Study Block C, Issue B | 27/09/2023 |
| DA312 Height Study Block D, Issue B | 27/09/2023 |
| DA404 Material Schedule, Issue H | 07/07/2023 |
| SP01 Construction Staging Diagram, Issue E | 24/04/2019 |
| Plan showing extent of zone for existing trees to be retained | 09/03/2018 |
| Landscape Plans prepared by Paul Scrivener Landscape Architect: | |
| Sheet 1: Master Plan, Issue E | 20/06/2017 |
| Sheet 2: Detail Plan – West, Issue E | 20/06/2017 |
| Sheet 3: Planting Plan – West, Issue E | 20/06/2017 |
| Sheet 4: Detail Plan - East, Issue E | 20/06/2017 |
| Sheet 5: Planting Plan – East, Issue E | 20/06/2017 |
| Sheet 6: Landscape Soil Calculations Plan, Issue E | 20/06/2017 |
| Sheet 7: Street Tree Masterplan, Issue E | 20/06/2017 |
| Overall Roof Site Plan, Issue C, Sheet No. 1 of 2 | 19/12/2019 |
| Roof Terrace Plan, Issue C, Sheet No. 2 of 2 | 19/12/2019 |

* Unless modified by any condition(s) of this consent.

The above modification has been made under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. In seeking this modification, we are satisfied that the development is substantially the same development as originally approved in JRPP-15-02107.

Please note that all other conditions of JRPP-15-02107 including those conditions modified by Mod-19-00166 and Mod-21-00598 remain unaltered and therefore must be complied with.

Rights of Appeal:

If you are dissatisfied with this decision, Section 8.9 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged within 28 days and determined within six (6) months of the date on which you received this notice.

Note: To enable the Section 8.2 review to be considered within the six (6) months time frame prescribed by under the *Environmental Planning and Assessment Act 1979*, it is advisable to lodge the application for review under Section 8.2 within 28 days to facilitate the statutory timeframes.

Section 8.2 does not apply to a determination of an application to modify a complying development certificate, a determination in respect of designated development, a determination in respect of integrated development, a determination made by the council under section 4.33 in respect of an application by the Crown, or a determination that is taken to have been made because the council has failed to determine an application.

Note. Section 8.5 applies to a review under this section.

If you would like to discuss this matter further, contact our Senior Town Planner, Luma Araim, on 9839 6000.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Middlemiss', with a stylized, cursive script.

Alan Middlemiss
Coordinator Planning Assessment