

**DA no. :** MOD-15-02689

**Proposal:** Modifications to JRPP-14-1593

**Location:** 828 Windsor Road, Rouse Hill

| <b>Compliance with Section 96(2) of the Environmental Planning and Assessment Act 1979</b>   |   |                 |
|--|---|-----------------|
| <b>Head of Consideration 96(2)</b>   | <b>Comment</b>  | <b>Complies</b> |
| (a) <i>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</i>   | The development as modified is substantially the same development as that approved.<br>The essence and character of the development as modified is the same as the development for which consent was originally granted for the following reasons: <ul style="list-style-type: none"> <li>▪ the classification of the development as a Residential Flat Building has not changed</li> <li>▪ the building footprint has not been modified</li> <li>▪ in the overall context of the development is substantially the same.</li> </ul> | Yes             |
| (b) <i>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</i> | Consultation with the Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent is not required as the modifications require concurrence under an Environmental Planning Instrument.   | N/A             |
| (c) <i>it has notified the application in accordance with:</i><br>(i) <i>the regulations, if the regulations so require, or</i><br>(ii) <i>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</i>   | The proposed Section 96 Application was notified in accordance with the provisions of the regulations. No submissions were received in response.  | Yes             |
| (d) <i>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.</i>  | No submissions were received for the proposed development.  | Yes             |
| (3) <i>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 79C (1) as are of relevance to the development the subject of the application.</i>  | In determining an application pursuant to Section 96(2) the consent authority must take into such of the matters referred to in Section 79C (1) that are of relevance to the development. A detailed assessment of the proposal against the matters for consideration under Section 79C(1) is undertaken below.   | Yes             |



| Heads of Consideration 79C  | Comment  | Complies |
|---|--|----------|
| <p>a. the provisions of :</p> <p>(i) any environmental planning instrument (EPI)</p> <p>(ii) any development control plan (DCP)</p> <p>(iii) the regulations</p>              | <p>The provisions of the relevant EPI's relating to the proposed development are summarised under Section 6 of this report. The proposal is considered to be consistent with the relevant SEPP's including, Growth Centres SEPP, SEPP (Infrastructure) 2007 and SEPP No. 65. The variation to building height under the Growth Centres SEPP was previously considered as part of the original approval.</p> <p>The Growth Centres DCP 2010 applies to the site. The modifications do not result in any new variations to the development controls.</p>   | Yes      |
| <p>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</p> | <p>It is considered that the likely impacts of the development, including traffic, noise, parking and access, bulk and scale, overshadowing, privacy, stormwater, waste management and the like, have been satisfactorily addressed.</p> <p>It is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.</p>   | Yes      |
| <p>c. the suitability of the site for the development</p>   | <p>The subject site is zoned R3 Medium Density Residential with a 12 m building height limit pursuant to the Growth Centres SEPP. Residential flat buildings are permissible on the site with development consent.</p> <p>The site has an area and configuration suited to the form of development proposed. The design solution is based on sound site analysis and responds positively to the different types of land uses adjoining the site. The site's close proximity to the Schofields train station and Area 20 local centre, services, facilities and a major arterial road network also makes this a suitable site for higher residential densities.</p> <p>Whilst the existing area is currently large lot rural residential living, the site and surrounding area has been identified under the Area 20 rezoning for R3 Medium Density Residential.</p> <p>The site is therefore considered suitable for the proposed development.</p> | Yes      |
| <p>d. any submissions made in accordance with this Act, or the regulations</p>  | <p>No submissions have been received.</p>  | Yes      |
| <p>e. the public interest</p>   | <p>It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides high quality housing stock and provides for a wider range of housing diversity within the Blacktown City area.</p>  | Yes      |