

Assessment report to Sydney Central City Planning Panel

Panel reference: 2018CCI024 DA

Modification application

DA number	MOD-18-00467 to SPP-16-4463	Date of lodgement	7 September 2018
Applicant	Sutherland & Associates Planning Pty Ltd		
Owner	Denvell Pty Ltd		
Proposed development	Modify the approved part 4 and part 5 storey residential flat building including the reconfiguration of the basement levels, building servicing and apartment layouts; convert some apartments from single storey to 2 storey apartments; relocate communal open space to Building A; add roof terraces; delete the neighbourhood shop and amend the landscape design plans		
Street address	Lot 211 DP 208203, 41 Terry Road, Rouse Hill		
Notification period	5 to 19 December 2018	Number of submissions	None

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	Major modification lodged under section 4.55(2) for a Development Application previously approved by the Panel
Relevant section 4.15(1)(a) matters	- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy No. 55 – Remediation of Land - State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - Central City District Plan 2018 - Blacktown City Council Growth Centre Precincts Development Control Plan 2016
Report prepared by	Holly Palmer
Report date	15 January 2019
Recommendation	Approve, subject to the conditions listed in attachment 7.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and submission material
- 5 Development Application plans
- 6 Assessment against planning controls
- 7 Draft conditions of consent

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the Assessment report? Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the Assessment report? Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? Yes

Conditions

Have draft conditions been provided to the applicant for comment? Yes

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1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are that the:
- modifications are proposed in response to market feedback
 - the Modification Application is consistent with the development as approved by the Panel.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is therefore satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the application subject to the recommended conditions listed in attachment 7.

2 Location

- 2.1 The site is located within the Area 20 Precinct of the North West Growth Area, as identified by the Growth Centres SEPP. It is in the suburb of Rouse Hill.
- 2.2 The location of the site is shown at attachment 1.
- 2.3 The land immediately to the north, east and south of the site is zoned R3 Medium Density Residential, with a building height limit of 12 m.
- 2.4 The land to the west on the opposite side of Terry Road is zoned R2 Low Density Residential with a building height limit of 8.5 m where the construction of 50 x 2 storey dwellings is currently underway.
- 2.5 Rouse Hill Town Centre is located about 1 km to the south-east and the under construction Sydney Metro Northwest Station is around 750 m to the south-west.

3 Site description

- 3.1 The land is Lot 211 DP 208203 and has a total area of 2.128 hectares.
- 3.2 The site is an irregular rectangular shape with a road frontage to Terry Road to the west. It currently contains a dwelling, associated structures and a dam.
- 3.3 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 4.1 On 21 October 2011, the site was rezoned to R3 Medium Density Residential under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The zoning plan for the site and surrounds is at attachment 3. The site was previously zoned 1(a) General Rural under Blacktown Local Environmental Plan 1988.
- 4.2 On 22 February 2018, development consent was issued on the subject site under SPP-16-04463, for the demolition of existing structures, removal of a dam and all trees, and construction of part 4 and part 5 storey residential flat buildings comprising:
- 332 apartments
 - 471 basement car parking spaces
 - 1 neighbourhood shop
 - subdivision

- new public roads
- stormwater drainage works
- landscaping.

5 The proposal

- 5.1 The Modification Application has been lodged by Sutherland & Associates Planning Pty Ltd on 7 September 2018.
- 5.2 The Applicant proposes to modify the approved development as follows:
- extension of the basement level and provision for additional resident storage areas
 - reconfiguration of cores, stairs and adjoining lobbies
 - removal of lift from Building C
 - removal of lift from Building F
 - conversion of 104 single storey apartments on levels 2 and 3 into 2 storey apartments. This relates to part of Building A and Buildings B, D, E, G and H
 - amendments to the external façades to suit the new 2 storey apartments
 - reconfiguration of some apartment layouts
 - addition of roof terraces for all rooftop apartments
 - relocation of rooftop communal open space from Building D to Building A
 - deletion of the neighbourhood shop and conversion of this space into an apartment
 - amendments to the landscape design plans.
- 5.3 Other details about the proposal are at attachment 4 and a copy of the modified development plans is at attachment 5.

6 Assessment against planning controls

- 6.1 A full assessment of the Modification Application against relevant planning controls is provided at attachment 6, including:
- Environmental Planning and Assessment Act 1979
 - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River
 - State Environmental Planning Policy (State and Regional Development) 2011
 - State Environmental Planning Policy (Infrastructure) 2007
 - State Environmental Planning Policy No. 55 – Remediation of Land
 - State Environmental Planning Policy No. 65 – Design of Quality Residential Apartment Development
 - State Environmental Planning Policy (Sydney Region Growth Centres) 2006
 - Central City District Plan 2018
 - Blacktown City Council Growth Centre Precincts Development Control Plan 2016.

7 Key issues

7.1 The modifications are proposed in response to market feedback

- 7.1.1 The Applicant advises that, since approval of the DA in February 2018, market feedback indicates a reduced demand for single storey apartments and significantly stronger demand for 2 storey apartments. In response, it proposes to amend the approval to convert 104 single storey apartments at Levels 2 and 3 into 2 storey apartments. The proposal is responsive to anticipated market demand for a mix of dwelling types and layouts, which is supported.
- 7.1.2 The Applicant also seeks to delete the neighbourhood shop because it has been unsuccessful in securing a tenant. Although future residents of this development and surrounding properties will no longer have the benefit of a local café or convenience store, the Applicant is not required to provide this additional land use. Despite the loss of this neighbourhood shop, the proposed modified development satisfies the objectives of the residential zoning and is in keeping with the desired future character of this locality.

7.2 The Modification Application is consistent with the development as approved

- 7.2.1 The proposed modifications result in departures from the development controls for height of buildings, cross ventilation, the level of ground level apartments and front setback for the top level of the development. However, the departures from these controls were considered in the assessment of the parent application SPP-16-04463, and the variations to the controls were supported at that time. This Modification Application maintains the departures from the controls, which are satisfactory in this instance.

8 Issues raised by the public

- 8.1 The proposed modified development was notified to property owners and occupiers in the locality between 5 and 19 December 2018.
- 8.2 No submissions were received.

9 External referrals

- 9.1 The Modification Application was referred to the following external authorities for comment:

Authority	Comments
RMS	Acceptable provided the proposed dwelling density and road layout design is consistent with the Area 20 Precinct. Council should be satisfied that the dwelling density can be accommodated within the local road network. The proposal has been assessed by our Access and Traffic Management Services Section and no objection is raised.

10 Internal referrals

- 10.1 The Modification Application was referred to the following internal sections of Council for comment:

Section	Comments
Access and Traffic Management Services	Acceptable
City Architect	Acceptable. Our City Architect has commented that there does not appear to be any significant change to the external elevations

Section	Comments
	of the building or the overall massing. The changes are internal only and will have negligible impact on the public realm over and above what had previously been approved.
Waste	Acceptable
Building	Acceptable

11 Conclusion

- 11.1 The proposed development has been assessed against all relevant matters and is considered to be substantially the same development as approved previously by the Panel. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest.

12 Recommendation

- 1 Approve the Modification Application subject to the conditions listed in attachment 7.
- 2 Council officers notify the applicant of the Panel's decision.



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