



**SYDNEY CENTRAL CITY PLANNING PANEL**

**COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	2018SWC077
<b>DA Number</b>	DA/376/2018
<b>LGA</b>	City of Parramatta
<b>Proposed Development</b>	Section 4.55(2) Modification to the approved construction of two 5 storey Residential Flat Buildings over basement car parking (DA/1165/2014 – Hornsby Shire Council). Modifications include alterations and additions to the approved plans resulting in 2 additional apartments, minor increase to the approved height and reduction in number of adaptable apartments from 27 to 9. The application is to be determined by the Sydney Central City Planning Panel.
<b>Street Address</b>	Nos.2 - 4 Crandon Road and Nos.35 - 39 Essex, EPPING NSW 2121 (Lots 1, 2, 3 & 6, DP 15049 and Lot 7, DP 655534)
<b>Applicant</b>	EQ Constructions
<b>Owner</b>	HIFU Enterprise Pty Ltd
<b>Date of DA lodgement</b>	14 November 2016
<b>Number of Submissions</b>	One submission
<b>Recommendation</b>	Approval, subject to conditions
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (at the time of lodgement), the development has a capital investment value of more than \$20 million.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"><li>• Environment Planning and Assessment Act 1979</li><li>• Environment Planning and Assessment Regulation 2000</li><li>• SEPP (Building Sustainability Index: BASIX) 2004</li><li>• SEPP (Infrastructure) 2007</li><li>• SEPP (State and Regional Development) 2011</li><li>• SEPP (Sydney Harbour Catchment) 2005</li><li>• SEPP No. 55 (Remediation)</li><li>• SEPP No. 65 (Design Quality of Residential Apartment Development) &amp; Apartment Design Guide</li><li>• Hornsby Local Environmental Plan 2013</li><li>• Hornsby Development Control Plan 2013</li><li>• Essex/ Pembroke Street, Epping Precinct</li></ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment 1 – Architectural Drawings Attachment 1- Draft Conditions
<b>Report prepared by</b>	Deepa Randhawa Senior Development Assessment Officer

**Summary of Section 4.55 and 4.15 matters****Yes**

Have all recommendations in relation to relevant Section 4.55 (2) and 4.15 matters been summarised in the Executive Summary of the assessment report?

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**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 summarized, in the Executive Summary of the assessment report? **Yes**

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**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? **N/A**

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (s7.24)? **No**

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**Conditions**

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

## **1. Executive Summary**

This proposal seeks to modify an approved construction of two, 5 storey Residential Flat Buildings over basement car parking that had been approved under DA/1165/2014.

Development Consent was granted for DA/1165/2014 (formerly Hornsby Shire Council) by the then Sydney West Joint Regional Planning Panel on 21 October 2015 for demolition of existing structures and construction of two, five storey residential flat buildings comprising 87 units with basement car parking at 2-4 Crandon Road and 35-39 Essex Street, Epping.

Development consent, DA/1165/2014 will lapse on 21 October 2020 if not physically commenced.

The application subject to the modifications sought, include alterations and additions to the approved plans resulting in 2 additional apartments, minor increase to the approved height and reduction in number of adaptable apartments from 27 to 9.

The proposal was made under State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development (SEPP 65) and is consistent with the original assessment with regard to compliance with relevant development controls. The proposal complies with the design quality principles outlined in SEPP 65 and is consistent with the prescriptive measures within the associated Apartment Design Guide.

The development as modified is substantially the same development for which consent was originally granted. The design changes proposed under this consent are generally minor and would not intensify the development.

The modified proposal has been publically exhibited in accordance with the Hornsby Development Control Plan 2013. One submission from a nearby property owner has been received. The issue raised in the submission primarily relate to building height and increase in number of storeys under the modified development. The matters raised in the submission have been reviewed and do not warrant refusal of the application.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues or concerns. The application is therefore satisfactory when evaluated against Section 4.15 and 4.55(2) of the Environmental Planning and Assessment Act 1979.

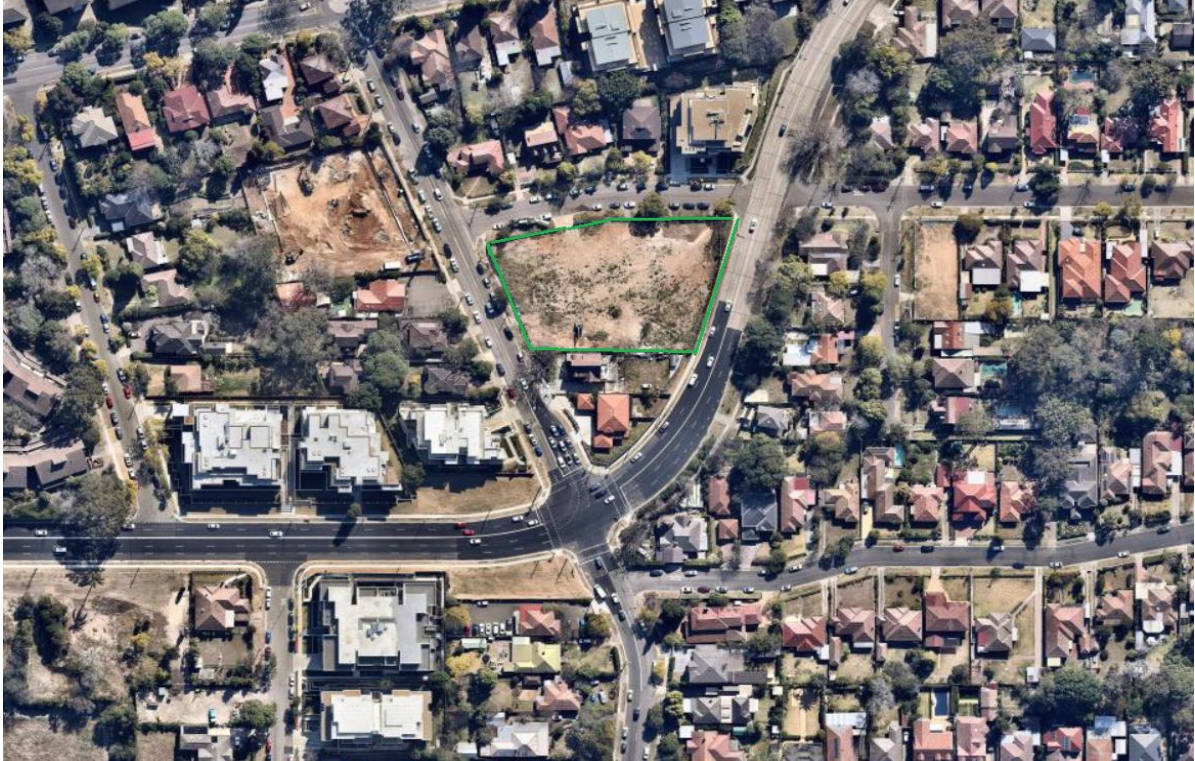
This report recommends that the Panel approve the modification application, subject to the recommended revised conditions.

## **2. Site description, location and context**

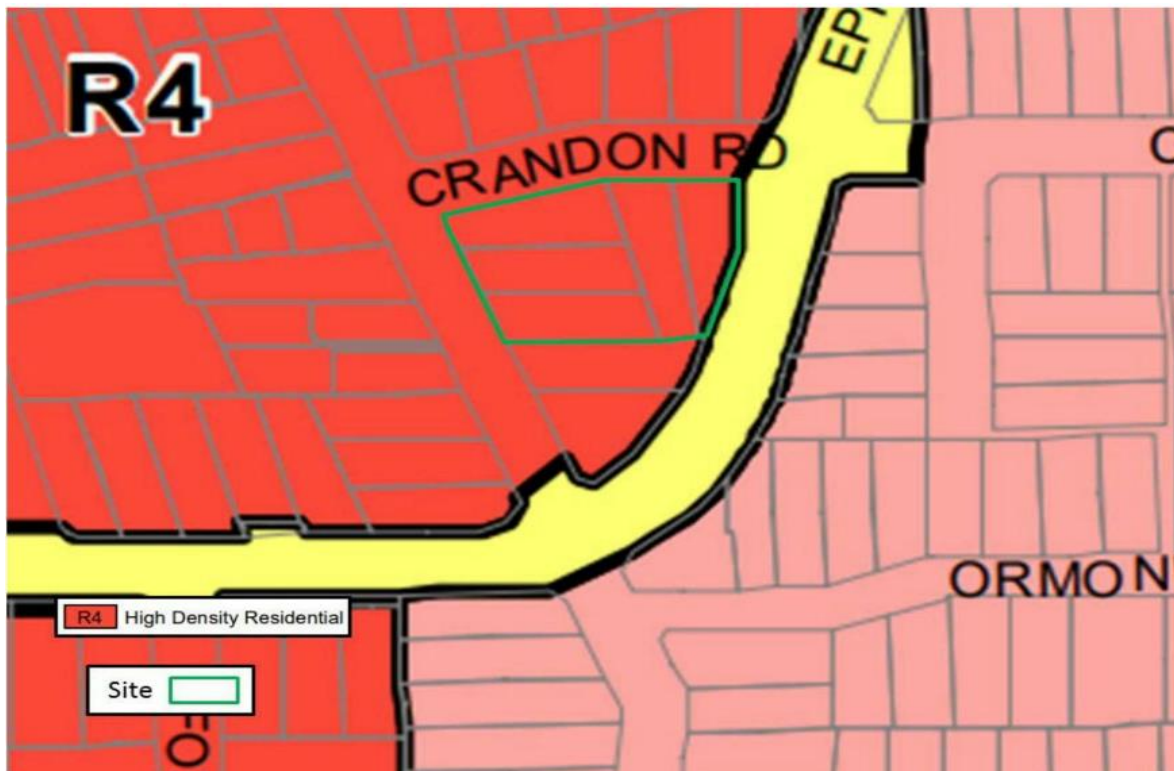
The site comprises of five allotments and is legally described as Lots 1-3 and 6 in DP 15049 and Lot 7 in DP 655534, and is known as No. 2-4 Crandon Road and 35-39 Essex Street, Epping. The site is located on the southern side of the Crandon Road, between Epping Road and Essex Street. The site is irregular in shape with frontages of 88.115 metres to Crandon Road to the north, 56.76 metres to Epping Road to the east and 45.875 metres to Essex Street to the west. The site has a southern boundary of 46.805 metres. The site has a total area of 4050m<sup>2</sup>.

The land slopes from the south-western corner down approximately 7 metres to the north-western corner. The site contains 5 dwelling houses set in landscaped surrounds. The site and surrounds is zoned R4- High Density Residential zone.

<b>Area</b>	<ul style="list-style-type: none"> <li>• 4050m<sup>2</sup></li> </ul>
<b>Zoning:</b>	<ul style="list-style-type: none"> <li>• R4 High Density Residential</li> </ul>
<b>Improvements:</b>	<ul style="list-style-type: none"> <li>• Residential properties (to be demolished)</li> </ul>
<b>Locality:</b>	<ul style="list-style-type: none"> <li>• Essex/ Pembroke Street, Epping Precinct.</li> </ul>
<b>Key Development Standards:</b>	<ul style="list-style-type: none"> <li>• Height – 17.5m –No FSR controls apply to this site</li> </ul>



**Figure 1.** Aerial view of locality (subject site outlined in green)



**Figure 2** Zoning Map – (subject site outlined in green)

### 3. The Proposal

Consent is sought to modify the approved development as follows:

- Reduction in the number of adaptable apartments from 27 (31 %) to 9 (10%)
- Conversion of the voids and upper level lofts of Units 3.1 and 3.2 into a single level apartment on Level 4 labelled 4.10,
- Consolidation of the lower levels of Unit 3.1 and 3.2 into a single unit on Level 3 labelled 3.1
- Conversion of the voids and upper level lofts of Units 3.3 and 3.4 into a single level apartment on Level 4 labelled Unit 4.11, and resulting conversion of Unit 3.3 from a 3 bedroom apartment into a 2 bedroom apartment and Unit 3.4 from a 1 bedroom apartment into a studio.
- Conversion of the voids and upper level lofts of Units 4.3 and 4.4 into a single level apartment on Level 5 labelled Unit 5.2, and resulting in conversion of Unit 4.3 from a 3 bedroom apartment into a 2 bedroom apartment and Unit 4.4 from a 1 bedroom apartment into a studio apartment.

The application seeks approval for the conversion of the voids area of 5 loft apartments into single storey apartments and results in a technical increase in the number of storeys of Building A from 5 to 6 and an increase in the number of apartments by 2, resulting in a total of 89 apartments of which would be 2 studio apartments.

Component	Approved	Amended Proposal
Gross Floor Area	5,945m <sup>2</sup>	6,123m <sup>2</sup>
Apartments	87	89
Apartment mix	0 x studio	2 x studio (2.2%)
1 Bedroom	43 x 1 bed (49.4%)	40 x 1 bed (44.9%)
2 Bedrooms	35 x 2 bed (40.2%)	37 x 2 bed (41.6%)
3 Bedrooms	9 x 3 bed (10.3%)	10 x 3 bed (11.2%)
Car parking	94	94
Solar access	61 of 87 = 70.11%	63 of 89= 70.7%
Cross ventilation	76 of 87= 87%	77 of 89 = 86.5%
Adaptable apartments	27 =31%	9 = 10%

### 4. Referrals

The following referrals were undertaken during the assessment process:

#### Internal

Authority	Comment
Development Engineer	No objections raised to the proposed modifications.
Traffic & Transport	No objections raised to the proposed modifications

Authority	Comment
Environmental Officer	No objections raised to the proposed modifications

#### External

Authority	Comment
Roads and Maritime Services	No objections raised to the proposed modifications

### 5. Statutory Controls

Section 4.15(1)(a) requires Council to consider "any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations.

#### 5.1 Environmental Planning and Assessment Act 1979 - Section 4.55(2)

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, Council may consider an application to amend development consent provided that, inter alia:

- a) it is satisfied that the development to which the consent as modified relates is substantially the same development, 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 the regulations, and*
- d) it has considered any submissions made conceding the proposed modification within the period prescribed by the regulations.*

With regard to Section 4.55(2)(a), the development as modified is substantially the same development for which consent was originally granted. The proposal as modified would retain the approved residential flat building development, comprising of two, five storey buildings containing a total of 89 units.

The proposed modifications to Building A, from five storeys to six storeys is considered a minor change to the approved design, given that the sixth floor is a result of the conversion of the approved voids and upper level lofts of level 5.

The revised layout results in two additional units with a marginal increase in the total gross area by 178m<sup>2</sup> from that originally approved 5,945m<sup>2</sup> to 6,123m<sup>2</sup> (4.3% increase).

The modified proposal will not alter the approved vehicular access from Crandon Street, however the modified proposal was referred to the Roads and Maritime Services (RMS) as and the modification will result in an increase the number of units on the site. Roads and Maritime Services has reviewed the modification application and raises no objections to the proposed modifications and recommended no change to the previous concurrence issued for the development.



In accordance with Section 4.55(2)(c) and (d), the modified proposal has been publically exhibited and one submission from a nearby property owner was received. The matter raised in the submission is addressed in the body of this report.

The originally development was determined by the JRPP (now SCCPP) due to the Capital Investment Value of the development. Regional panels are also responsible for determining applications to modify a consent for regionally significant development.

## **5.2 Environmental Planning and Assessment Act 1979 - Section 4.15**

This section assesses the proposed modifications in the context of the relevant planning instruments and plans.

The instruments applicable to this application comprise:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; and
- Hornsby Local Environmental Plan 2013.

Compliance with these instruments is addressed below.

## **5.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The modification application is accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. Nonetheless, the condition will be amended to reflect the new BASIX certificates and to ensure such commitments are fulfilled during the construction of the development.

## **5.4 State Environmental Planning Policy No. 55 – Remediation of land**

Clause 7 of this Policy requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use. The site is not identified in Council's records as being contaminated. The site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated.

These circumstances are sufficient to satisfy the requirements of clause 7 of this policy without the need for the preparation of a further Phase 1 preliminary investigation report.

## **5.5 State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land)**

The application has been assessed against the requirements of State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land) (SEPP 32), which requires Council to implement the aims and objectives of this Policy to the fullest extent practicable when considering development applications relating to redevelopment of urban land. The application complies with the objectives of the Policy as it would promote the social and economic welfare of the locality and would result in the orderly and economic use of under-utilised land within the Shire.

The matter was assessed in detail under DA/1165/2014. The proposed modifications would not alter the compliance of the development with SEPP 32.

#### **5.6 State Environmental Planning Policy (Infrastructure) 2007**

The matter was assessed in detail under DA/1165/2014. The proposed modifications would not alter the compliance of the development with ISEPP-2007.

#### **5.7 State Environmental Planning Policy No. 85 - Design Quality of Residential Flat Development**

The Policy provides for design principles to improve the design quality of residential flat development and for consistency in planning controls across the State.

A Design Verification Statement from a qualified designer is required to be submitted at lodgement of the development application. A "Design Verification Statement prepared by a registered architect (Simon Jenkins) stating that the proposed changes are consistent with the design principles of the original design.

#### **5.8 State Environmental Planning Policy No. 65 - Apartment Design Guide**

SEPP 65 requires consideration of the Apartment Design Guide, NSW Department of Planning and Environment 2015. The Guide includes development controls and best practice benchmarks for achieving the design principles of SEPP 65. The following table sets out the proposal's compliance with the Guide:

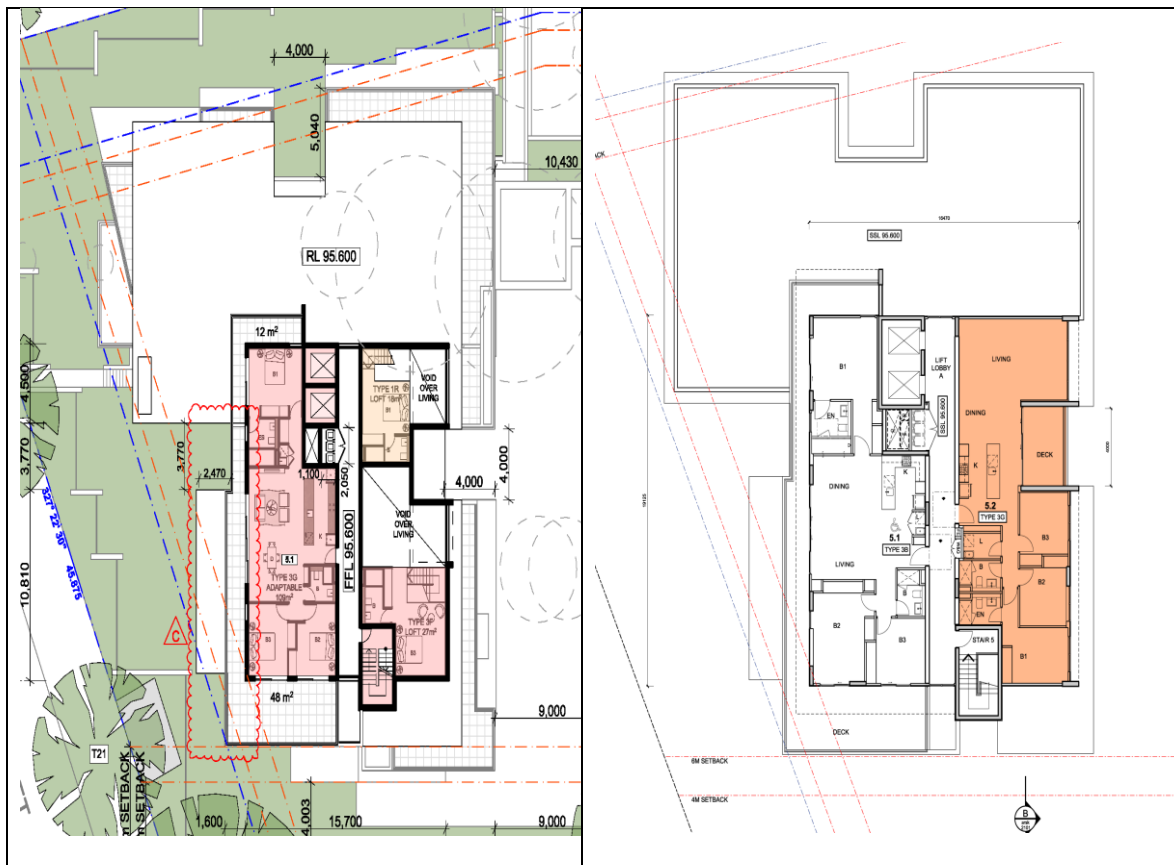
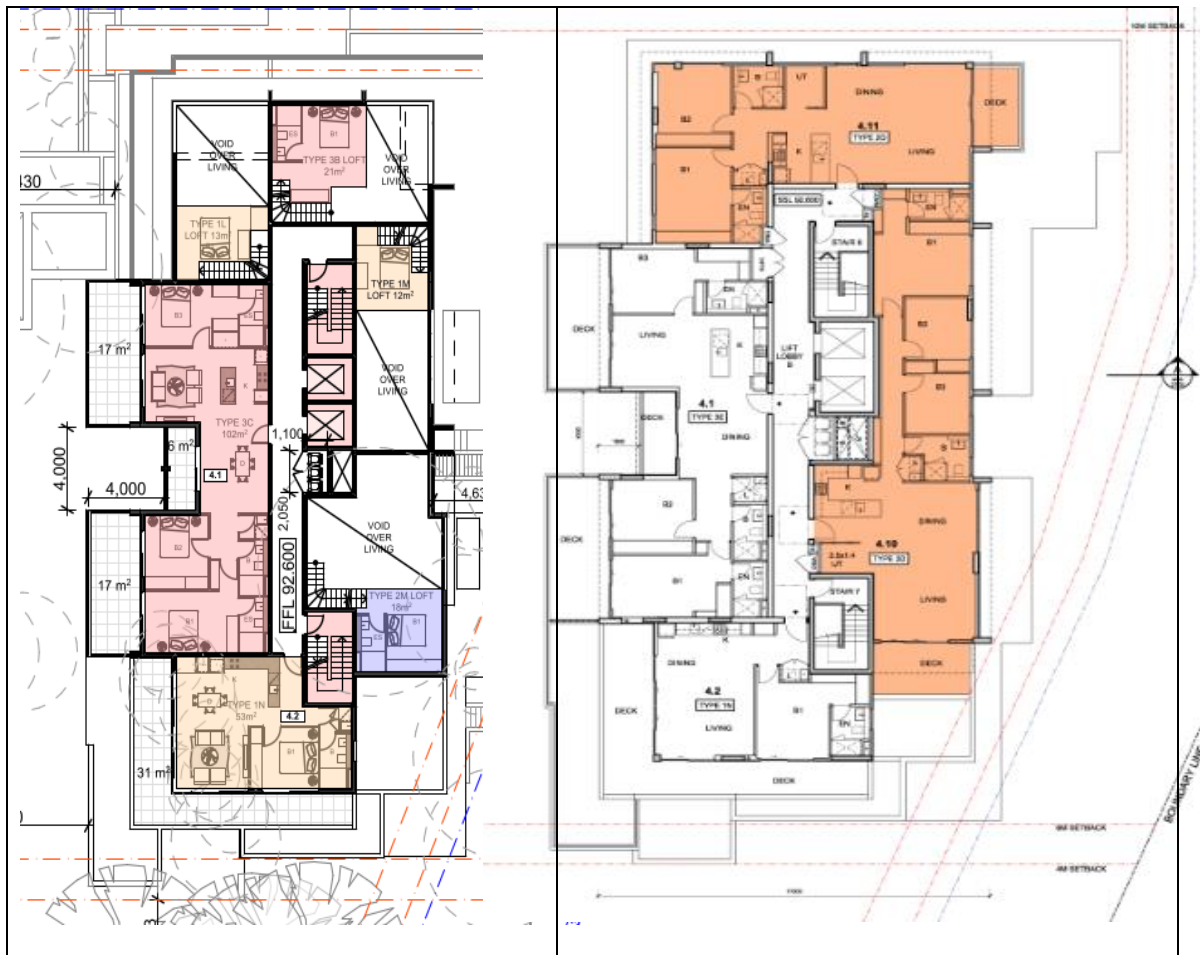
The SEPP requires consideration of the ADG which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved.

The application is supported by a detailed table demonstrating consistency with the design criteria in the ADG particularly for the new and amended apartments, which are 3.1, 3.3, 3.4, 4.3, 4.4, 4.10, 4.11 and 5.2.

The amendments are: -

- New apartment No. 4.10 due to the conversion of the voids and upper level lofts of Units 3.1 and 3.2;
- Consolidation of the lower levels of Unit 3.1 and 3.2 into a one apartment labelled 3.1;
- New apartment No. 4.11 due to the conversion of the voids and upper level lofts of Units 3.3 and 3.4;
- Conversion of apartment No. 3.3 from a 3 bedroom apartment into a 2 bedroom apartment and apartment 3.4 from a 1 bedroom apartment into a studio;
- New apartment No.5.2 due to conversion of the voids and upper level lofts of Units 4.3 and 4.4, and
- Conversion of Unit 4.3 from a 3 bedroom apartment into a 2 bedroom apartment and Unit 4.4 from a 1 bedroom apartment into a studio apartment.





The assessment below considers the proposal against key matters:

### Building Separation

The site is a corner site facing three street frontages, the separation distances apply to the southern boundary and between the two buildings (Building A & B) on the subject site. The proposed amendments do not alter the approved building separations along the southern boundary and the separation distances between Building A and Building B, except for the proposed east facing balcony to the new apartment 5.2 at level 6 of the development, which will have no implications onto the separation distance between the two buildings as there are apartments on Level 6 of Building B.

### Gross Floor Area (GFA) Increase

No Floor Space Ratio control applies to the site under the Hornsby Local Environmental Plan 2013. The proposed modifications would result in the increase in the gross floor area by 178m<sup>2</sup> from that originally approved 5,945m<sup>2</sup> to 6,123m<sup>2</sup> (4.3% increase).

The minor increase in the gross floor area is as a result of the reconfiguration of the internal apartment layouts and the conversion of the void areas within the approved building footprint.

The proposed floor space will not result in any adverse impacts on the surrounding environment beyond those accepted in concurrence with the assessment of the original application. The modification is considered to be acceptable.

### Private Open Space and Balconies

The approved allocation of private open spaces/ balconies has not been altered due to the revised apartment floor layouts. The revised layout results in three new apartments provided with compliant balconies. The two apartments that have been consolidated into one single level apartment along with all other apartments remain compliant with the relevant controls with the balcony sizes for the amended apartments being generously over-provision of the minimum requirement.

ADG Control	Requirement	Proposed Modification	Compliance
4E Private Open Space	Studio (4m <sup>2</sup> )	Unit 3.4 = >4m <sup>2</sup>	Yes
		Unit 4.4 = 4m <sup>2</sup>	
	2 Bed (10m <sup>2</sup> /2m)	Unit 3.3 = >10m <sup>2</sup> /2m	Yes
		Unit 4.3 = 10m <sup>2</sup> /2m	
		Unit 4.11- =10m <sup>2</sup> /2m	
	3 Bed (12m <sup>2</sup> /2.4m)	Unit 3.1 = 12m <sup>2</sup> /2.4m	Yes
		Unit 4.10 = 12m <sup>2</sup> /2.4m	
		Unit 5.2 = 12m <sup>2</sup> /2m	Yes

## Solar Access

The additional apartment (No.5.2) included along the internal east facing elevation of Building A will receive more than the stipulated 2 hours of solar access during mid-winters. The new apartments No. 4.10 and 4.11 shall also receive more than the stipulated 2 hours of solar access during mid-winters.

The original approval comprised of 70.11% units receiving more than 2 hours of sunlight and the modification remains compliant with 70.7% (units) receiving a minimum of 2 hours of sunlight during winters. All of the reconfigured apartments including the three additional units, will receive suitable levels of natural light as no single-aspect south facing apartments are proposed.

## Change to Unit Mix/Layout

The proposed modifications include changes to the size and number of units as shown in the table below.

ADG Control	Requirement	Proposed Modification	Compliance
<b>4D: Apartment size &amp; layout</b>	Studio – Min 35m <sup>2</sup>	Unit 3.4 = 41m <sup>2</sup>	Yes
		Unit 4.4 = 35m <sup>2</sup>	Yes
	2B – Min 75m <sup>2</sup> (2 baths)	Unit 3.3 = 88m <sup>2</sup>	
		Unit 4.3 = 75m <sup>2</sup>	
		Unit 4.11 = 83m <sup>2</sup>	
	3B – Min 95m <sup>2</sup> (2 baths)	Unit 3.1 = 100m <sup>2</sup>	
		Unit 4.10 = 100m <sup>2</sup>	
		Unit 5.2 = 101m <sup>2</sup>	
	Min. internal areas: Master Bed - 10m <sup>2</sup> Other Bed - 9m <sup>2</sup>	All apartments including the new and modified layout are compliant with the internal areas for bedrooms and living/ dining room areas.	Yes
	Min. 3m dimension for bedrooms (excl. wardrobe space).		
	Min. width living/dining: 1B – 3.6m 2B – 4m 3B – 4m	All apartments including the new and modified layout are compliant with the minimum glass area requirement.	Yes
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of t		

## **5.9 Hornsby Local Environmental Plan 2013**

### **5.9.1 Zoning and Permissibility**

The subject land is zoned R4 High Density Residential under the Hornsby Local Environmental Plan 2013 (HELP 2013). The objectives of the R4 High Density Residential zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The modified development is a residential flat building development which consists of 89 apartments, permissible in the R4 High Density zone with Council's consent. The modified development is consistent with the objectives of the zone.

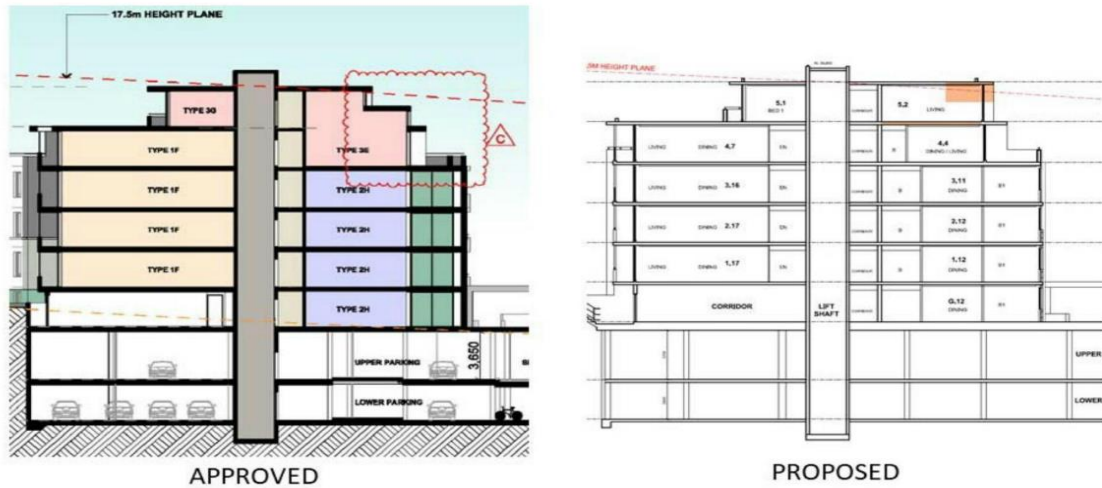
### **5.9.2 Height of Buildings**

Clause 4.3 of the HLEP 2013 provides the maximum height limit shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 17.5m.

In the original approval, the development standard was subject to variation pursuant to Clause 4.6 of HLEP 2013, to permit non-compliance with the maximum building height in respect to the building height. The approved non-compliant height was of 18.3m to the roof of Building A, 18.82m to the lift overrun of Building A and 18.2m to the lift overrun for Building B. The maximum approved variation to the height was to the lift overrun of Building A by 1.32m equating to 7.5% variation.

The proposed modification includes a small extension of the roof form of Building A to accommodate a part of Apartment 5.2, with a maximum height of 18.45m, which exceeds the 17.5m height control in this section by 0.95 metres, which exceeds the overall approved roofline by 150mm for Building A.

The new apartments in Building B, i.e. 4.10 and 4.11 are as a result of conversion of the voids and upper level lofts of apartments 3.1, 3.2 3.3 and 3.4 and the additional floor space is within the approved built form (voids and upper lofts) which will not increase the overall approved roofline.



**Figure 5- Building height- Building A- approved and proposed**

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**Figure 6- Building height- Building A – approved height shown in dotted line**



**Figure 7- Building height- Building A and B – approved height shown in dotted line**



**Figure 8- Building height- Building A -approved height shown in dotted line**

The applicant has submitted a written justification to vary the height standard and maintains that the variation can be supported for the following reasons:

- *Given that the height non-compliance relates to the central part of the site, it would not be readily perceptible from the public domain.*

- *The development is specifically designed to reduce the visual bulk of the upper level when viewed from the public domain with the upper level recessed.*
- *The general form and skyline modulation of the approved development will not be substantially altered by the proposed changes, with the development broken into two components (Buildings A and B) with the built form stepping down in line with the cross fall of the site.*
- *There are no unreasonable impacts in terms of overshadowing, views, visual and acoustic privacy to adjacent sites resulting from the proposed variation to the height control which would warrant strict compliance.*
- *The non-compliance with the height control ultimately improves the overall residential amenity within the site and will achieve a better outcome than a complying development.*
- Strict compliance of the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.
- Having regard to the planning principle established in the matter of Project Venture Development v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location and the proposed development will be compatible with its context.

The proposed modification to the height relates to a small extension of the roof form of Building A to accommodate part Apartment 5.2, which seeks to increase the approved height by 150mm. and the overall roof exceeds the height control by 0.95 metres, with a maximum height of 18.45m, which equates to a 5.42% variation to the height standard.

The proposed increase in building height is relatively minor and would not alter the approved bulk and scale, visual quality, streetscape or residential amenity. Accordingly, the non-compliance with the maximum building height is acceptable.

### **Hornsby Development Control Plan 2013**

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Hornsby Development Control Plan 2013 (HDCP), The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

<b>Control</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Height</b>			
Building A	17.5m (5 Storeys)	Roof line - 18.3m	No
	17.5m (5 Storeys)	Lift overrun – 18.82 (5 storeys)	
		Roofline – 18.45m (6 storeys)	No
<b>Adaptable units</b>	10%- 9 apartments	9 apartments	Yes
<b>Housing Diversity and Choice</b>	1B – 10% (min) 2B – 10% (min) 3B – 10% (min)	40 x 1 bed (44.9%) 37 x 2 bed (41.6%) 10 x 3 bed (11.2%)	Yes



<b>Parking</b>	0.5 x 2 - studio = 1 0.75 x 40 -1 bed = 30 1 x 37 -2 bed = 37 1.5 x 10-3 bed = 15 visitor spaces = 9 Total 92	94 spaces	Yes
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As detailed in the above table, the proposed development does not comply with height requirements within the HDCP. The non-compliance is acceptable as discussed in this report under the Local Environmental Plan 2013.

## 6. Planning Agreements

The subject application is not subject to a planning agreement.

## 7. Regulations

The proposed modifications would not impact on the relevant regulations, compliance with which is conditioned in the original consent.

## 8. Likely impacts of the development

The likely impacts of the development have been considered in this report.

## 9. Site suitability

The site was determined to be suitable for the proposed use and buildings as part of the original consent. The proposed modifications are not considered to affect the original decision.

## 10. Submissions

The application was notified in accordance with Hornsby DCP requirements for a 14-day period between 20 June and 4th July 2018. In response, one submission was received.

The submission objected to the development on the grounds that:

- The additional storey to Building A will increase the height to more than 5 stories and the additional height is not compatible with the character of the area.

The proposed modification would increase the overall approved height of Building A by 150mm and no increase to the approved height of Building B. Whilst technically the proposed development result in a part 6 storey development due to apartment 5.2, however it is noted that this is within the approved void and upper floor areas with a minor extension to the approved roof line.

The proposed apartment 5.2 and the additional height faces the internal elevation and will not be imperceptible from the adjoining public domain and residential area.

The proposed increase in building height is relatively minor and would not alter the approved bulk and scale, visual quality, streetscape or residential amenity. Accordingly, the non-compliance with the maximum building height is acceptable.

## **11. Public interest**

Subject to implementation of revised conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

## **12. Disclosure of Political Donations and Gifts**

No disclosures of any political donations or gifts have been declared by the applicant or any organisation /persons that have made submissions in respect to the proposed development.

## **13. Conclusion**

The application has been assessed relative to Sections 4.15 and 4.55(1A) of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls and the Sydney Central City Planning Panel reasons for decision. On balance the modifications are considered to be satisfactory and approval is recommended.

## **14. Recommendation**

- A. That the Sydney West Central Planning Panel as the consent authority, grant consent to DA/376/2018, (previously DA/1165/2014 under Hornsby Shire Council) for construction of two 5 storey Residential Flat Buildings over basement car parking. Modifications include alterations and additions to the approved plans resulting in 2 additional apartments, minor increase to the approved height and reduction in number of adaptable apartments from 27 to 9 at 2 - 4 Crandon Road and 35 - 39 Essex, EPPING NSW 2121 as shown on the plans submitted with the modification of determination, for a period of five (5) years from the date on the original Notice of Determination subject to conditions contained within Attachment 2 of the Assessment Report; and
- B. That those who made a submission be advised of the Panel's decision.