

# Assessment report to Sydney Central City Planning Panel

Panel reference: 2019CCI037

## Modification application

<b>MOD number</b>	MOD-19-00122	<b>Date of lodgement</b>	8 April 2019
<b>Applicant</b>	MacroPlan		
<b>Owner</b>	Mayrin One Pty Ltd		
<b>Proposed development</b>	Section 4.55(2) modification to approved Stages 2 - 5 residential flat buildings under JRPP-14-01915, including minor increases to building height, changes to building articulation and internal reconfigurations		
<b>Street address</b>	822 Windsor Road, Rouse Hill		
<b>Notification period</b>	8 - 22 May 2019	<b>Number of submissions</b>	0

## Assessment

<b>Panel criteria</b> Section 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> <li>Section 4.55(2) modification application to approved JRPP-14-01915 (Panel ref: 2016SYW064)</li> </ul>
<b>Relevant section 4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (BASIX) 2004</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>Blacktown City Council Growth Centre Precincts Development Control Plan 2018</li> <li>Central City District Plan 2018</li> <li>Blacktown Local Strategic Planning Statement 2020</li> </ul>
<b>Report prepared by</b>	Bertha Gunawan
<b>Report date</b>	30 April 2020
<b>Recommendation</b>	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 previous external design plans
- 5 Modification plans and applicant's supporting information
- 6 Assessment against planning controls
- 7 Draft conditions of modified 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 MOD require Special Infrastructure Contributions conditions (section 7.24)? Not applicable

### Conditions

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

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## **1 Executive summary**

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- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- Proposed variation to the building and balcony setbacks to the perimeter roads to improve building articulation. These are only point encroachments in a 'saw-tooth' pattern and are sufficiently offset by point setbacks well behind the building line to make up for encroachments. On this basis these minor encroachments are acceptable.
  - Proposed increase of the overall building height necessitating variation to the SEPP (SRGC) 2006 height requirement, due to the need to increase the floor to floor height clearance by 400 mm above the height plane for the encroachment of the ceiling of the units on the top floor. The other encroachments above the height plane are only for architectural features and plant and equipment. These minor variations are also acceptable.
  - Proposed changes to the basement manoeuvring area to better cater for a waste collection truck. These changes are acceptable, but will necessitate additional conditions to be imposed.
  - Proposed shared access in the basement for car parking and waste services, which is acceptable but will necessitate the provision of basement stop/go signals at entry/exits to the basement to safely manage the movement of trucks and cars to and from the basement.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have not identified any issues of concern that cannot be dealt with by additional or modified conditions of consent.
- 1.3 The application is therefore assessed as satisfactory when evaluated against sections 4.15 and 4.55(2) 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**

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- 2.1 The subject site is located on the western side of Windsor Road, opposite the Fiddler and Rouse Hill Local Centre. Rouse Hill Regional Centre, Rouse Hill Metro Station and the T-way Line are approximately 500 m south-east of the site.
- 2.2 The location of the site is shown at attachment 1.

## **3 Site description**

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- 3.1 The site is legally described as Lot 205 DP 660230, being 822 Windsor Road, Rouse Hill.
- 3.2 The locality is undergoing rapid transition from rural residential into higher density residential development.
- 3.3 An aerial image of the site and surrounding area is at attachment 2.

## **4 Background**

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- 4.1 The subject site is zoned R3 Medium Density Residential. The zoning plan for the site is at attachment 3.
- 4.2 DA-14-01684 approved a 2 lot subdivision with associated bulk earthworks, road construction and drainage infrastructure on the site.



- 4.3 The Panel approved JRPP-14-01915 for the construction of 6 x residential flat buildings (RFBs), with the lot fronting Windsor Road comprising 2 x RFBs (Stages 1 and 6) and the lot to the west comprising 4 x RFBs (Stages 2 – 5).
- 4.4 The Panel later further approved MOD-16-00080 for the 2 RFBs under Stages 1 and 6 fronting Windsor Road, for increased floor to ceiling heights, external façade changes, internal layout reconfigurations and basement reconfigurations. This is much the same as what is proposed in this current modification application.
- 4.5 MOD-17-00313 was also approved under delegated authority to amend the approved development description and to modify and delete some conditions.
- 4.6 The current modification application relates to Stages 2 – 5 of the approved JRPP development, and is similar to the approved MOD-16-00080.

## **5 The proposal**

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- 5.1 The modification application was lodged by MacroPlan, the applicant.
- 5.2 The applicant proposes modifications to Stages 2 – 5 of the approved RFBs under JRPP-14-01915, including:
  - changes to the architectural façades
  - increase in building height due to increased floor to ceiling heights
  - reconfiguration of unit layouts, courtyards and balconies
  - reconfiguration of the basement car parking, including the waste collection area.
- 5.3 Other details about the proposal are at attachment 4. A copy of the amended development plans, their response to the balcony encroachments, a comparison table of the proposed changes and supporting plans are at attachment 5.
- 5.4 The applicant's justification on the proposed building height increase is discussed in attachment 6.

## **6 Assessment against planning controls**

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- 6.1 A full assessment of the modification application against relevant planning controls is provided at attachment 6.

## **7 Key issues**

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### **7.1 Building setbacks**

- 7.1.1 Historically, the roads fronting this development were only required to be 16 m wide. However, as a result of a Growth Centre DCP amendment initiated by Council, the local road widths in the R3 zone were widened to 18 m to better cater for the traffic generated by RFBs and accommodate parking on both sides of the road. Consequently, the subdivision creating this development site took an extra metre of the development site for the half road fronting this site. As the 'mother' DA for the RFB was already in progress and ready to be reported to the Panel at the time of the road widening change initiated by Council, this site, and other similar context developments was given a concession on the 6 m front building setback rule to only require 5 m, so that the road widening did not result in a total redesign of the proposal. The Panel at that time endorsed the 5 m building setback to all front boundaries to the perimeter local roads due to the unique circumstances.

7.1.2 In this modification application, building setbacks are proposed to be varied on boundaries as point encroachments only as follows:

- the northern elevation of Stages 2, 4 and 5 RFBs – proposed 0.7 m variation to approved 5 m setback to 4.3 m and variable
- the northern elevation of Stage 3 RFB – proposed 0.8 m variation to the approved 5 m setback to 4.2 m and variable
- the southern elevation of Stage 2 RFB – proposed 0.6 m variation to the approved 5 m setback to 4.4 m
- however, these point encroachments are suitably offset by recessed walls setback in a ‘saw-tooth pattern’ which exceed the 5 m setback ranging from 5.65 m to 6.5m (building setback offsets are shown in green below - see full size Setback Encroachment Calculation Plan at attachment 5).



7.1.3 Balconies and other articulation elements of these RFBs were setback at 4.5 m maximum to the perimeter roads (or 3.5 m after the road was required to be widened to 18 m). This modification application proposes balconies with point encroachments as follows:

- northern elevation: between 0.5 m to 1.3 m at an oblique angle resulting in setbacks ranging from 2.2 m – 3 m to the balconies at limited locations, but particularly to Stage 5 RFB (ie. a total variation of 6% to the northern facades of the 4 RFBs)
- southern elevation: 0.8 m variation resulting in a 2.7 m setback to the balconies of Stage 5 RFB (ie. a total variation of 1.7% to the southern façades of the 4 RFBs)
- once again, these encroachments are offset by recessed balconies behind the minimum 3.5 m building line, ranging from 4.6 m to 5.8 m (balcony setback offsets are shown as blue lines in the above diagram - see full size Setback Encroachment Calculation Plan at attachment 5).

7.1.4 The applicant provided the justification that the proposed setback encroachments to the buildings and balconies are mainly the result of internal reconfigurations to the apartment units for improved amenity, as well as increasing the balcony sizes to comply with the ADG (the initially approved buildings were assessed under the Residential Flat Design Code RFDC). Also, due to the proposed rhombus shaped lot, these encroachments have to be made to provide better articulation to the streetscape.



- 7.1.5 Our City Architect supports the proposal as it will improve the building articulation and will make these 4 RFBs more aesthetically pleasing at the streetscape than was originally approved. The proposed encroachments are also aligned with the approved buildings in Stages 1 and 6 (as viewed from Windsor Road) and which will not appear bulky when viewed from the ground level.
- 7.1.6 Additional overshadowing impacts as the result of these proposed modifications will be minor. Overlooking impacts to the adjoining northern and southern properties will also be minimal as the development boundaries are separated by local roads to their neighbours.
- 7.1.7 From a planning perspective, not only does the design provide greater interest but suitable offsets have been provided to make up for the variations. Based on the above reasons, the proposed building and balcony encroachments are acceptable.

## 7.2 Building height

- 7.2.1 This proposal seeks to increase the building height from 11.4 m to 13.6 m. The maximum building height under the SEPP (SRGC) 2006 is 12 m and therefore the proposed non-compliance is 1.6 m (13% variation).
- 7.2.2 The 1.6 m encroachment over the height plane is mainly to cater for plant and equipment, architectural feature columns that protrude above the height plane (shown below as a dashed blue line). There is also an element of roof parapet of 400 mm (highlighted below in yellow) that is also over the 12 m height plane. This will consist of a combination of ceiling space and roof slabs for the top units.



- 7.2.3 The proposed modifications do not change the number of storeys of the approved buildings and will not be discernible from the public domain. As shown on the elevation plans, the overall height of Stages 2 – 5 (at 13.6 m) will attain similar heights to Stages 1 and 6 (at 12.9 m) and which will not be discernible from Windsor Road and surrounding development.
- 7.2.4 Additional overlooking and overshadowing impacts are negligible and unlikely to be detrimental to the southern adjoining properties of the same development zone, being R3 Medium Density Residential.
- 7.2.5 The applicant provided written justification to exceed the proposed building height for the following reasons:
- the approved floor to floor height of 2.85 m did not allow for adequate headroom. 250 mm additional increase to each floor including the floor slab is proposed, providing a floor to floor height of 3.1 m
  - the finished road level is higher than what was expected in the initial approval, resulting in the need to increase the ceiling height of the basement level by 990 mm to allow sufficient headroom for waste vehicle access

- level adjustments are required to the ground floors of Stages 2 – 5 RFBs to provide continuous access between the buildings and to the communal open spaces in between them within the 3 m ground level difference over the span of 52 m (the length of site)
- the proposed real building height exceeds only 400 mm beyond the 12 m limit. The proposed 1.6 m height exceedance is primarily limited to architectural features and lift overruns
- Stages 1 and 6 residential flat buildings on Windsor Road were approved with modification to the overall building height to achieve 12.9 m. The approved non-compliant height was also the result of increasing the floor to floor level height and basement reconfigurations. The proposed non-compliance in this application is therefore for similar reasons as with the Stages 1 and 6 buildings.

7.2.6 The proposed building height variation is therefore acceptable in this case.

### **7.3 Internal waste collection in the basement level**

7.3.1 Waste collection points in the basement area are proposed to be reconfigured, which results in changes to manoeuvring areas.

7.3.2 Our Waste Officer has no objection but recommends additional conditions be imposed in the consent, to ensure that waste collection can be carefully managed in conjunction with the use of shared access by the residents and visitors.

7.3.3 Additional waste conditions are included in the modified conditions.

### **7.4 Shared vehicle access with residential parking for waste services**

7.4.1 Stop and go signals are proposed to the driveway access on the south-eastern side of the basement to the development.

7.4.2 Our Traffic Officer accepts this arrangement, subject to the submission of a detailed car park management plan.

7.4.3 This requirement for a car parking management plan, to respond to the basement access signals, is included in the modified conditions.

## **8 Issues raised by the public**

8.1 The modification application was notified to property owners and occupiers in the locality between 8 and 22 May 2019. A sign was also fixed on the site.

8.2 We received no submissions.

## **9 External referrals**

9.1 The modification application did not necessitate any external referrals.

## **10 Internal referrals**

10.1 The modification application was referred to the following internal sections of Council for comment:

Section	Comments
Waste Officer	Satisfactory subject to conditions
City Architect	Satisfactory. The proposed building and balcony encroachments are isolated and will be visually indiscernible. The proposed



Section	Comments
	architectural blade columns above the balconies are cosmetic features only, attributing to better aesthetic design.
Building Officer	Satisfactory
Traffic	Satisfactory subject to conditions

## 11 Conclusion

- 11.1 The proposed modifications have been assessed against all relevant matters and are considered satisfactory. It is considered that the likely impacts of the modifications have been satisfactorily addressed and that the proposal is in the public interest.

## 12 Recommendation

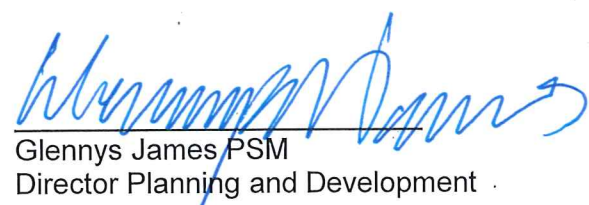
- 1 Approve modification application MOD-19-00122 subject to the conditions listed in attachment 7, for the following reasons:
  - a. The modifications improve the original design, resulting in better compliance with the Apartment Design Guide and therefore improving future residential amenity.
  - b. The proposed building height increase is not intended to create additional floor space and will not be discernible from the public domain.
  - c. The modified proposal will not have any greater impacts on neighbours and the surrounding area than the originally approved development.
  - d. The proposed development is substantially the same as that originally approved.
- 2 Council officers notify the applicant of the Panel's decision.



Bertha Gunawan  
Assistant Coordinator Planning Assessment



Judith Portelli  
Manager Development Assessment



Glennys James PSM  
Director Planning and Development