

160 Hawkesbury Road, Westmead

S4.55 Planning Statement

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160 HAWKESBURY ROAD, WESTMEAD

Modifications to approved development for the
construction of two residential flat buildings
containing 555 apartments

August 2019

Prepared under instructions from
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1.0 INTRODUCTION

This submission has been prepared as supporting documentation for an application made pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify the consent for Development Application DA 968/2016 for tree removal and construction of two Residential Flat Buildings containing 556 apartments over 4 levels of basement car parking at 160 Hawkesbury Road, Westmead.

The application seeks approval for internal and external modifications to facilitate the following primary amendments:

- Reconfiguration of the layout and arrangement of apartments within the floorplate of the tower (Building B3) resulting in a change in mix and reduction in overall apartments from 556 to 555;
- Changes to the design of the façades of the tower; and
- Minor changes to three other apartments in Building B1 and B2.

The proposed modifications are detailed on amended architectural plans prepared by Turner Architects. The application is also accompanied by the following:

- SEPP 65 Design Verification Statement – Turner Architects
- Photomontages - Ivolve Studios
- BASIX Certificate – Windtech
- Accessibility Statement – Morris Goding Access Consultant

This Statement has been prepared pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. The Statement provides an assessment of the development proposal having regard to the relevant legislative context, social economic and environmental impacts, potential amenity impacts of the development on the surrounding locality and the measures proposed within the application to mitigate such impacts.

The Statement details the proposed development's compliance against applicable environmental planning instruments and development control plans including:

- State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Parramatta Local Environmental Plan 2011
- Parramatta Development Control Plan 2011

Having regard to the applicable legislative framework, the proposed amendments to the approved development are such that the development retains the same fundamental characteristics and is therefore substantially the same development. The amended development remains consistent with the aims and objectives of the relevant environmental planning instruments and development control plan whilst remaining compatible with the character of the locality.

2.0 SITE DESCRIPTION AND LOCATION

2.1 Locality Description

The site is located within the suburb of Westmead and is within the City of Parramatta Local Government Area.

The site is located within the Westmead Strategic Precinct pursuant to the Parramatta Development Control Plan 2011. The PDCP identifies that the Westmead Strategic Precinct has a primary function as a regionally significant health and education hub. Accordingly, Westmead serves a growing role as a mixed use location with a dynamic mix of employment, health, educational, recreation, retail and housing uses.

The site is located at the south edge of the Westmead Strategic Precinct and is located approximately 2 kilometres from the Parramatta CBD.

Westmead is identified as having a strong residential component to support its primary function as a health and education hub. The DCP indicates that future opportunities for residential, retail, business, hospital, education and community facility development should be integrated with public transport facilities to improve public transport accessibility and to provide a more permeable pedestrian and bicycle network.

The location of the site is illustrated in Figure 1 below.

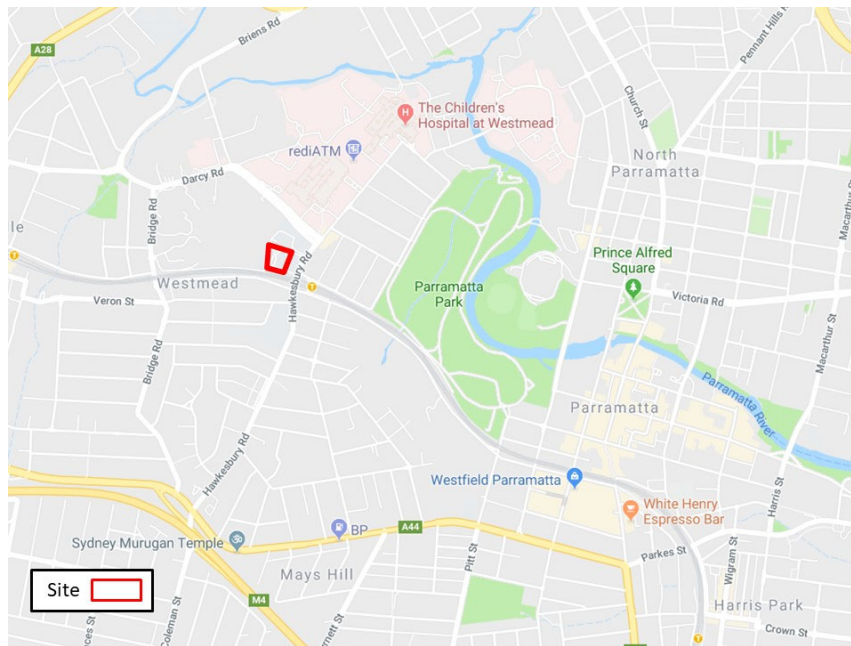


Figure 1:

Site Location:
(Source:
Google Maps)

The site is identified as being within Special Area: 158-164 Hawkesbury Road and part of 2A Darcy Road, Westmead in section 4.3.4.1 of the Parramatta Development Control Plan 2011 (PDCP). The Desired Future Character of the locality is described in the DCP as follows:

The site known as the University of Western Sydney (UWS) Westmead, comprises 158-164 Hawkesbury Road and part of 2A Darcy Road, Westmead. It is a four-hectare site located immediately north-west of Westmead Railway Station and within the Westmead Precinct, two kilometres west of the Parramatta CBD.

The future mixed use character of the site will complement the medical and research facilities of the precinct. The land uses anticipated for the

site include retail; commercial (i.e. medical support services, specialist rooms; medical professional associations etc); residential (i.e. serviced apartments, seniors living, key workers accommodation and residential flat buildings); open space and civic functions (i.e. plaza); and community facilities such as child care centres.

Future built form will be designed to appropriately respond to the existing siting, scale, form and character of buildings of heritage significance, as well as provide appropriate heights and setbacks to street frontages to improve the quality of the public realm within the site.

Height will be distributed across the site having regard for orientation, overshadowing, the scale of retained heritage buildings and views/vistas to Parramatta Park to the east. Built form fronting Hawkesbury and Darcy Roads will locate active uses on the ground floor to increase the vibrancy of the Westmead Precinct as a whole.

The built form will include taller, slender "statement" buildings located along the railway line to enable a strong visual relationship between the precinct and the CBD. Taller buildings are to be located within the south western corner of the site and should reduce visual bulk, provide architectural modulation, reduce overshadowing and encourage dual aspect apartments for enhanced access to sunlight and breeze.

The building form to the north and east will be lower in height to optimise solar access to private and public open space and would allow view corridors to the heritage buildings.

The strategic location of this site in relation to Westmead Station and adjacent to the T-Way lends itself to the creation of a transit oriented development which allows for greater intensity of uses to optimise the advantage of available transport infrastructure and minimise the reliance on vehicles.

2.2 Site Description

The site is legally described as Lot 5 in DP 1227281 and is commonly known as 160 Hawkesbury Road, Westmead. The overall site is defined by Hawkesbury Road, Darcy Road and the adjacent educational establishment Parramatta Marist High School to the west and the railway line to the south. The overall site has a total area of 36,720 square metres.

The site is irregular in shape, falls gently toward the west and has a total area of 9,389 square metres. The site is accessed via Maple Tree Road which connects to both Darcy Road and Hawkesbury Road. An aerial image of the site is shown at Figure 2.

The site is visually isolated from the surrounding established street network including Darcy Road, Hawkesbury Road and Alexandra Avenue (located on the opposite side of the railway line). The site's isolation is a result of the siting of St Vincent's Building to the east of the site and the width and dense landscaping that surrounds the railway line to the south.



Figure 2:

Aerial view of
the site
(Source: Six
Maps,
Department of
Lands 2019)

3.0 BACKGROUND

3.1 Development Application DA 968/2016

On 2 August 2017, development consent was granted to DA/968/2016 at 160 Hawkesbury Road, Westmead for tree removal and construction of two Residential Flat Buildings containing 556 apartments over 4 levels of basement car parking. Building A comprises a part 4, part 9 storey building and Building B comprises a part 8, part 15 and part 24 storey building.

4.0 PROPOSED MODIFICATIONS

4.1 Detailed Description of Changes to Building

Building B1

- A balcony is proposed to the roof over apartment B18.02 at Level 8.
- Reconfiguration to ground floor terraces.

Building B2

- Reconfiguration to ground floor terraces.

Building B3 (tower)

- The proposed amendment involves the reconfiguration of the layout and arrangement of apartments within the floorplate of the building B3 to relocate a greater proportion of the 1 bedroom apartments lower in the tower and conversely a greater proportion of 2 bedroom apartments higher in the tower.
- This amendment retains the same lift core, firestair and corridor location and is predominantly within the same floorplate for the tower the exception of some minor changes.
- The amendment does not alter the overall approved Gross Floor Area or height, and results in a reduction in overall apartments from 556 to 555. There is only a minor change to the overall mix of apartments.
- The amendment to the arrangement of apartments within the floorplate results in some changes to the tower facades as a result relocation of balconies and fenestration. However, the overall aesthetic and architectural expression of the tower remains predominantly the same.

The proposed amendments are detailed on the architectural plans prepared by Turner Architects.

4.2 Amendment to Conditions

The proposed amendments seek consent for changes to the following conditions:

- Amend the description of the approval to reduce the number of overall apartments from 556 to 555
- Condition No. 1 – amended to reflect updated architectural plans

4.3 Numerical Overview

The elements of the approved development which are proposed to be amended are detailed in the below table with a comparison between the approved development and subject Section 4.55 proposal:

Element	Approved	Proposed Amendment	Change?
Site Area	9,389 square metres	9,389 square metres	No
Gross Floor Area	42,470 square metres	42,470 square metres	No
Floor Space Ratio	4.52:1	4.52:1	No
Height	Building A1: 39.6 metres Building A2: 13.5 metres Building B1: 51.6 metres	Building A1: 39.6 metres Building A2: 13.5 metres Building B1: 51.6 metres	No

Element	Approved	Proposed Amendment	Change?
	Building B2: 30.4 metres Building B3: 81.3 metres	Building B2: 30.4 metres Building B3: 81.3 metres	
Levels	4 to 24 storeys	4 to 24 storeys	No
Apartments	556	555	Yes
Mix	Studio – 23 (4.1%) 1 bed – 313 (56.3%) 2 bed – 185 (33.3%) 3 bed – 35 (6.3%)	Studio – 17 (3%) 1 bed – 320 (57.6%) 2 bed – 179 (32.4%) 3 bed – 39 (7%)	Yes
Car parking	547 residential spaces 107 residential visitor spaces	547 residential spaces 107 residential visitor spaces	No
Bicycle Parking	278 spaces	278 spaces	No
Common Open Space	4,727 square metres (equivalent of 50.3% of site area)	4,727 square metres (equivalent of 50.3% of site area)	No
Deep Soil Area	808.95 square metres (equivalent of 8.62% of site area)	808.95 square metres (equivalent of 8.62% of site area)	No
Solar Access for apartments	Building A: 71% (84 of 118) Building B: 70% (306 of 437)	Building A: 71% (84 of 118) Building B: 70% (306 of 437)	No
Cross Ventilation for apartments	Building A: 85.6% (101 of 118) Building B: 77.7% (188 of 242)	Building A: 85.6% (101 of 118) Building B: 76% (190 of 250)	Yes

5.0 STATUTORY PLANNING FRAMEWORK

5.1 Environmental Planning & Assessment Act 1979

Section 4.55(2) of the Environmental Planning and Assessment Act 1979 empowers Council to modify a development consent, as follows:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), 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:

(i) the regulations, if the regulations so require, or

(ii) 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

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

The amended proposal retains the fundamental components of the approved layout and spatial characteristics of the development.

Conceptually, the proposal remains the construction of two Residential Flat Buildings over 4 levels of basement car parking with Building A comprising a part 4, part 9 storey building and Building B comprising a part 8, part 15 and part 24 storey building.

The amended proposal also retains an almost identical envelope to the approved development. To the casual observer, the amended proposal would appear generally the same as the approved development.

Quantitatively, the proposed amendments to the approved development are not such that they radically transform the proposal with no change to the gross floor area, height, setbacks, common open space, or deep soil. There is a reduction of only 1 apartment and minimal change to the previously approved apartment mix. There is no change to the solar access performance and negligible change to the natural cross ventilation performance which remains well in excess of the minimum requirement. Finally, there is minimal change to the approved architectural expression of the building.

The proposed amendments do not result in any change to the fundamental characteristics of the development which will retain the essential character and elements of the approved development such that the amended proposal could not reasonably be considered a substantially different development.

As the proposed amendment does not alter the overarching fundamental characteristics of the original approval, the proposal is appropriately categorised as being “substantially the same” as required by Section 4.55(2) of the EP&A Act.

5.2 Environmental Planning and Assessment Regulation 2000

Clause 115 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) sets out the information which must be provided with an application for a modification of a development consent under section 96(2) of the Act.

In accordance with Clause 115(3) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) if an application for the modification of a development consent under section 96(2) of the Act relates to a residential apartment development for which the development was required to be accompanied by a design verification from a qualified designer under clause 50(1A), the application must be accompanied by a design verification from a qualified designer. In accordance with clause 115(3A) the statement must:

- (a) verify that he or she designed, or directed the design of, the modification of the development and, if applicable, the development for which the development consent was granted, and
- (b) provide an explanation of how:
 - (i) the design quality principles are addressed in the development, and
 - (ii) in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development, and
- (c) verify that the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.

The required design verification statement accompanies the Section 4.55 application.

Clauses 115(6) and 115(7) of the EP&A Regulation relate to the requirements for a BASIX certificate for modifications to a development consent under section 4.55(2) of the Act and require an update BASIX Certificate. An amended BASIX Certificate accompanies this application.

5.3 Environmental Planning Instruments

In accordance with Section 4.55(3) of the Environmental Planning and Assessment Act 1979 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 4.15(1) as are of relevance to the development the subject of the application.

The provisions of relevant environmental planning instruments and development control plans are relevant matters for consideration under Section 4.15(1) and are addressed below.

5.3.1 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The proposed amendments are essentially contained within the previously approved building envelope and the modifications do not raise any further issues for consideration in relation to the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

5.3.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

SEPP 65 applies to development for the purpose of a new residential flat building, shop top housing or mixed use development, the substantial redevelopment/refurbishment of one of these buildings or the conversion of an existing building into one of these types of buildings provided the building is at least 3 or more storeys and the building contains at least 4 or more dwellings. The development meets the definition of a residential flat building. As such the provisions of SEPP 65 are applicable to the proposed development.

SEPP 65 aims to improve the design quality of residential flat developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes. In order to satisfy these aims and improve the design quality of residential apartment buildings in the State, the plan sets design principles in relation to context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction, and aesthetics.

SEPP 65 requires any development application for residential flat development to be assessed against the 9 principles contained in Schedule 1 of the SEPP and the matters contained in the Apartment Design Guide (ADG).

The proposed modifications including the reconfiguration of apartments within the development remain consistent with the principles within Schedule 1 of the SEPP and the matters contained in the ADG as discussed below:

- The internal and external areas of all revised apartments either meet or exceed the minimum design guidance within the ADG;
- The proposed amendments result in a no change to the percentage of apartments within Building B which receive 2 hours solar access between 9am and 3pm which remains at 70%.
- The proposed amendments result in a very minor change to the percentage of apartments within Building B which receive cross-flow ventilation from 77.7% to 76%, which remains well in excess of the minimum 60% requirement.
- The proposed amendments do not result in any other changes to the proposal with respect to floor to ceiling heights, building separation, common open space or deep soil, or visual privacy.

The proposed amendments retain the same envelope as the approved scheme and therefore do not generate the need for any further consideration of separation distances.

Whilst the proposed amended development results in some change to the approved mix, this is minor and it is also noted that the overall number of apartments has been reduced.

The proposed amendments do not result in any significant change to the aesthetics of the development and the relationship of the development to its context remains largely unaffected by the amended proposal.

The amended proposal remains satisfactory with respect of the 9 design principles in the SEPP and the matters contained in the ADG.

5.3.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the development and aims to encourage sustainable residential development.

An amended BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

5.3.4 Parramatta Local Environmental Plan 2011

Zoning and Permissibility

The site is located within the B4 Mixed Use zone pursuant to the Parramatta Local Environmental Plan 2011 (PLEP). The proposed amendments retain the essential elements of the approved development and accordingly the amended proposal will remain permissible and consistent with the objectives of the zones which apply to the site.

Height

In accordance with clause 4.3 'Height of Buildings' the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'. The proposed amendment does not involve any change to the approved height.

Floor Space Ratio

Clause 4.4(2) of the PLEP provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. There are two floor space ratio controls on the subject site being 4.0:1 in area 'X1' and 1.5:1 in area 'S1'

However, the allowable gross floor area for Lot 5 (the subject site) under the approved Stage 1 Concept Plan was 42,470 square metres and the approved development has a gross floor area of 42,470 square metres and a floor space ratio of 4.52:1. The proposed amendments do not alter the approved gross floor area or FSR.

Remaining Provisions

The proposed modifications to the approved development do not require any further consideration against the remaining provisions of the PLEP beyond those which were considered in the assessment of the original development application.

5.4 Parramatta Development Control Plan 2011

The following section outlines the proposed development's compliance with the relevant provisions of Part 3 the Parramatta Development Control Plan 2011 (PDCP).

Section	Comment
3.2 Building Elements	
3.2.2 Building Facades and Articulation	<p>The proposed distribution of built form and massing of the buildings across the site has already been approved. The composition of the amended proposal retains a high level of articulation which continues to reduce the apparent mass and scale of the buildings and provide a high level of visual interest and modulation to the skyline.</p> <p>The amendment proposal retains a variety of building elements and continues to utilise a visually engaging architectural language with a selection of appropriate materials and finishes as detailed in the architectural package. The amended built form and composition will continue to provide a positive contribution to the Westmead precinct.</p>
3.3 Environmental Amenity	
3.3.2 Private and Communal Open Space	The DCP requirements for private and communal open space are superseded by the Apartment Design Guide requirements. The proposed amendment result in no change to the approved common open space provision and the private open space areas for the reconfigured apartments comply with the Apartment Design Guide requirements of a minimum of 6 square metres for a studio, 8 square metres for a 1 bedroom apartment, 10 square metres for a 2 bedroom apartment and 12 square metres for a 3 bedroom apartment.
3.3.3 Visual and Acoustic Privacy	There are no changes to the approved separation distances within the development which remain generally consistent with those suggested in the Apartment Design Guide and the DCP.
3.3.5 Solar Access and Cross Ventilation	<p>The DCP requires that dwellings within the development site and adjoining properties are to receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm on 21 June. However, Clause 6A of SEPP 65 provides that a DCP cannot be inconsistent with the Apartment Design Guide in relation to the required solar access. The Apartment Design Guide only requires a minimum of 2 hours solar access rather than the 3 hours suggested by the DCP.</p> <p>The revised configuration of apartments in Building B ensure that this building still achieves 70% of apartment receiving at least 2 hours of solar access.</p>
3.4 Social Amenity	
3.4.2 Access for People with Disabilities	Access throughout the amended development continues to satisfy the requirements of the Disability Discrimination Act, 1992, the relevant Australian Standards and the Building Code of Australia. Refer to the Accessibility Report prepared by Morris Goding & Associates which accompanies the application for further detail in this regard.
3.4.5 Housing Diversity and Choice	<p>The PDCP provides the following mix as a guide:</p> <ul style="list-style-type: none"> • 1 bedroom 10% - 20% • 2 bedroom 60% - 75% • 3 bedroom 10% - 20% <p>PDCP indicates that the required apartment mix may also be refined having</p>

Section	Comment
	<p>regard to the location of the development in relation to public transport, public facilities, employment areas, schools, universities and retail centres as well as population trends.</p> <p>The development was approved with the following mix:</p> <ul style="list-style-type: none"> • Studio/1 bed – 336 (60.4%) • 2 bed – 185 (33.3%) • 3 bed – 35 (6.3%) <p>Council supported the variation to the DCP mix in this instance on the basis that a market analysis of existing housing supply in Westmead reveals a significant under supply of 1 bedroom apartments. The amended proposal results in the following mix:</p> <ul style="list-style-type: none"> • Studio/1 bed – 337 (60.6%) • 2 bed – 179 (32.4%) • 3 bed – 39 (7%) <p>The combined mix of studios and 1 bedroom apartments is virtual unchanged in comparison to the approved mix, whilst there has been a minor increase in the percentage of 3 bedroom apartments and corresponding minor reduction in the percentage of 2 bedroom apartments. There is no meaningful change to the approved mix and the amendment proposal is considered to still provide an appropriate mix for this location which will assist in boosting the current under supply of 1 bedroom apartments in the area.</p> <p>The DCP requires that where the total number of apartments within a development exceeds 20, that 10% of apartments be adaptable housing and comply with AS 4299. The amended proposal continues to provide 10% adaptable apartments which is consistent with the PDCP requirement. The compliance of the proposed development with this requirement is detailed in the Accessibility Report prepared by Morris Goding & Associates which accompanies the application.</p>

The following section outlines the proposed development's compliance with the relevant provisions of Part 4.3.4.1 the Parramatta Development Control Plan 2011 (PDCP).

Section	Comment
Building Form & Massing	
Design	<p>The amended proposal remains consistent with the Design Principles relating to 'Design' outlined within the DCP as follows:</p> <ul style="list-style-type: none"> • The architecture of the amended proposal is predominantly unchanged and continues to exhibit a high level of modulation and visual interest. • The distribution of built form and massing of the buildings across the site remains essentially identical to the approved development. • The amended proposal retains activated frontages with the majority of the ground level apartments provided with either direct street access or direct access to the common landscaped podium.

Section	Comment
	<ul style="list-style-type: none"> The amended proposal continues to appropriately define the adjacent street corridors, street corners and open spaces on the site. The amended proposal does not result in any change in relation to shadow impact, which remains acceptable. The proposal has adequate regard to the slope of the land. The amended proposal will continue to present an attractive contemporary architectural expression.
Traffic & Transport	
Car Parking	<p>The maximum applicable car parking rate for residential flat buildings is:</p> <ul style="list-style-type: none"> Studio apartments – a maximum of 0.6 spaces per apartment, 1, 2 and 3 bedrooms - a maximum of 1 space per apartment plus 1 parking space to be provided for every 5 dwellings for visitors. <p>Based on these car parking rates, a maximum of 548 residential car parking spaces and 111 visitor car parking spaces would be permitted for the amended proposal.</p> <p>Condition No. 34 of the development consent restricts car parking to 547 residential spaces and 107 visitor spaces, and the proposal does not seek any change to this car parking provision which remains compliant.</p>

6.0 CONCLUSION

This application seeks to amend Development Application DA 968/2016 for tree removal and construction of two Residential Flat Buildings containing 556 apartments over 4 levels of basement car parking at 160 Hawkesbury Road, Westmead.

The application seeks approval for internal and external modifications to facilitate the following amendments:

- Reconfiguration of the layout and arrangement of apartments within the floorplate of the tower (Building B3) resulting in a change in mix and reduction in overall apartments from 556 to 555;
- Changes to the design of the façades of the tower; and
- Minor changes to three other apartments in Building B1 and B2.

The amended proposal retains the fundamental components of the approved layout and spatial characteristics of the development. The amended proposal also retains an essentially identical envelope to the approved development.

As detailed in this submission the proposed modifications may be made by the consent authority in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979 as the proposed amendments do not radically transform the proposal or alter the overarching fundamental characteristics of the original approval, and so the amended proposal is appropriately categorised as being “substantially the same” as the approved development.

The proposed amendments remain consistent with the aims and objectives of the relevant environmental planning instruments and development control plan and will not result in any adverse impacts on the amenity of the locality. Accordingly, the proposed amendments are considered acceptable and therefore warrant approval.

APPENDIX 1

AMENDED ARCHITECTURAL PACKAGE

1

Turner Architects

APPENDIX 2

SEPP 65 DESIGN VERIFICATION STATEMENT

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PHOTOMONTAGES

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AMENDED BASIX CERTIFICATE

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