

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-448 - DA 318/2021/JP/B
PROPOSAL	Section 4.55(2) Modification to an Approved Residential Flat Building Comprising 33 Units under the Provision of the SEPP Affordable Rental Housing 2009
ADDRESS	Lot 11 DP 280013 1-28/40 Civic Way Rouse Hill
APPLICANT	Link Wentworth Housing Limited
OWNER	Link Wentworth Housing Limited
DA LODGEMENT DATE	22 May 2023
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Part 2.4 and Schedule 6 of SEPP Planning Systems 2021
CIV	\$12,572,764 (excluding GST)
CLAUSE 4.6 REQUESTS	NA
KEY SEPP/LEP	SEPP Housing 2021 SEPP No. 65 - Design Quality of Residential Apartment Development Local Environmental Plan 2019
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architectural Plans – Stanton Dahl Architects Statement of Environmental Effects – Creative Planning Solutions Amended Waste Management Plan – Dickens Solutions BCA Capability Statement - Concise Certification Fire Engineering Services – Holmes Australia CIV Estimate Report - MBM
SPECIAL INFRASTRUCTURE	NA

CONTRIBUTIONS (S7.24)	
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	Electronic Determination
PLAN VERSION	NA
PREPARED BY	Kristine McKenzie – Principal Coordinator
CONFLICT OF INTEREST DECLARATION	None Declared
DATE OF REPORT	22 September 2023

EXECUTIVE SUMMARY

Development Application 318/2018/JP was approved on 5 May 2021 by the Sydney Central City Planning Panel. The application was for an apartment development under the provisions of SEPP Affordable Rental Housing 2009. The building will contain 33 units and will be owned and operated by Link Wentworth (formerly Wentworth Community Housing). The site currently contains an existing affordable rental housing development in the form of an apartment building and the proposed building would form a second building on the site.

The Section 4.55(2) Modification lodged on 22 May 2023 relates to fire safety upgrades under Clause 94, modified works to delete the basement connection between the existing and approved buildings and changes to the bin storage area which will be located between the two buildings.

The key issues that need to be considered by the Panel in respect of the modification application are:

- The proposed modification seeks to delete Condition 7 which requires upgrade works to be undertaken to the existing building in accordance with Clause 94 of the Environmental Planning and Assessment Regulations (now Clause 64). Condition 7 was imposed in part to address the approved connection between the two buildings at basement level. The basement connection between the existing and approved building is proposed to be deleted as part of the current modification application.
- The proposal includes further variations to the common open space in regard to landscaped area, deep soil zone, area and solar access. The variations are supported on the basis that the further variations are minor and there are adequate open space areas within close proximity to the site.
- There are no changes proposed to the apartment layout and design or the built form of the approved development. The proposed at-grade changes are minor and will not adversely impact on streetscape.

The proposed modification to the plans is supported. The proposed deletion of Condition 7 as requested by the applicant is not supported however a revised condition has been discussed with the applicant and is detailed within the body of this report.

1. THE SITE AND LOCALITY

The site forms part of the Rouse Hill Regional Centre and is subject to an approved Masterplan which sets broad parameters for the development of the Regional Centre as a whole and is also subject to a Precinct Plan and supporting Design Guidelines which provide further detail regarding the development of the precinct. A site specific DCP for Rouse Hill Regional Centre is also in place.

2. THE PROPOSAL AND BACKGROUND

a. Background

The site forms part of the Rouse Hill Regional Centre and is subject to an approved Masterplan which sets broad parameters for the development of the Regional Centre as a whole and is also subject to a Precinct Plan and supporting Design Guidelines which provide further detail regarding the development of the precinct. A site specific DCP for Rouse Hill Regional Centre is also in place.

On 15 May 2014 Development Application 586/2014/JP was approved for a residential flat building to be used for affordable housing under SEPP Affordable Rental Housing by the then Joint Regional Planning Panel (JRPP). The development contained 28 apartments and has been constructed. The existing building has four levels over an under-croft basement containing 32 car parking spaces. Vehicle access to and from the basement is via a single driveway off Civic Way at the northern end of the building.

On 20 November 2014 Section 96(1A) Modification Application 586/2014/JP/A was lodged to delete Condition 24 in regard to Section 94 Contributions. In support the applicant provided a detailed review of the proposal having regard to public benefit, unreasonableness of the contribution and overall impact of exemption on funding. On 03 February 2015 Modification Application 586/2014/JP/A was refused by the Development Assessment Unit on the basis that the proposed development intensified the use of existing infrastructure in the area and added to the demand for public amenities and services. As such it was considered reasonable that Section 94 contributions be levied on the development.

Development Application 318/2018/JP was approved on 5 May 2021 by the Sydney Central City Planning Panel (SCCPP). The application was for an apartment development under the provisions of SEPP Affordable Rental Housing 2009. The building will contain 33 units and will be owned and operated by Link Wentworth (formerly Wentworth Community Housing).

A Section 4.55 (2) Modification Application 318/2018/JP/A was approved on 17 November 2022 by the SCCPP. The modification sought to amend Condition 7 which required upgrade works to be undertaken to the existing building in accordance with Clause 94 of the Environmental Planning and Assessment Regulations (now Clause 64). The applicant proposed to construct a separating fire wall in the basement and an additional fire egress from the basement to address fire safety. The basement link between the buildings has also been redesigned to facilitate the proposed fire egress arrangements. In addition, some at-grade works were proposed around the proposed fire stair. It may be noted that the modification to Condition 7 as requested by the applicant was not supported however a revised condition was approved.

The subject Modification Application was lodged on 22 May 2023.

Additional information was requested from the applicant on 24 May 2023 and 10 July 2023,

Additional information was received from the applicant on 31 May 2023, 26 July 2023 and 11 August 2023.

b. The Proposal

Development Application 318/2018/JP was approved on 5 May 2021 by the Sydney Central City Planning Panel. The application was for an apartment development containing 33 units. The site currently contains an existing affordable rental housing development in the form of an apartment building and the approved building will be joined at the basement level and will form one building.

Condition 7 of the original consent required Clause 94 upgrade works to be undertaken in accordance with the Environmental Planning and Assessment Regulations. This was on the basis that the approved building included a basement link between the existing and approved buildings.

The proposed modification application seeks to delete the approved basement connection link which was approved between the existing basement car parking and which contained a waste storage area and underground connection between the existing and approved buildings. In addition, the existing at-grade waste storage area will be expanded to cater for both the existing and approved building and landscape works on the ground level will be amended. In regard to the proposed modification, the applicant has requested that Condition 7 be deleted.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- State Environmental Planning Policy (Planning Systems) 2021;
Assessment Report: PPSSCC-448 - DA 318/2021/JP/B - 22 September 2023

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development; and
- Local Environmental Plan 2019.

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined below.

Summary of Applicable State Environmental Planning Policies

EPI	Matters for Consideration	Comply (Y/N)
Planning System SEPP	Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 2 and Clause 5(b) of Schedule 6.	Y
Resilience and Hazards SEPP	Clause 4.6 Contamination and remediation was considered in the original application and the proposal is satisfactory.	Y
Housing SEPP	Part 2, Division 1 Infill Affordable Housing.	N
Building Sustainability Index	BASIX was considered with the original DA and there are no changes proposed under the current modification to the design of the building.	Y
Design Quality of Residential Apartment Development	Clause 30(2) - Design Quality Principles - The proposal is consistent with to the design quality principles and the proposal is consistent with the ADG requirements.	Y
LEP 2019	<ul style="list-style-type: none"> • Clause 4.1 – Lot size. • Clause 4.3 – Height of Buildings • Clause 4.4 – Floor Space Ratio • Clause 6.3 - Servicing • Clause 7.2 – Earthworks 	NA NA NA Y Y

State Environmental Planning Policy Planning Systems 2021

State Environmental Planning Policy (Planning Systems) 2021 applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 2.19(1) of the SEPP, the original application was a regionally significant development as it satisfies the criteria in Clause 2 and Clause 5(b) of Schedule 6 of the SEPP as the proposal is for affordable housing with a CIV of more than \$5 million.

In addition to the above, the 'Instructions on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels – Applications to Modify Development Consents' states as follows:

A council is **not** to determine an application under section 4.55(2) of the Act to modify a development consent granted by a regional panel if the application:

- proposes amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or
- proposes amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or
- meets the criteria relating to conflict of interest, contentious development or departure from development standards set out in Schedule 1 to this instruction.

In regard to the above, as Condition 7 was amended by the Panel during the determination of the original DA and the modification application has been made under Section 4.55(2) of the Environmental Planning and Assessment Act, 1979, the application is required to be determined by a Regional Planning Panel.

State Environmental Planning Policy Resilience and Hazards 2021

The original application was reviewed under SEPP 55 and was considered satisfactory. No further assessment is required in respect to the current modification.

State Environmental Planning Policy Housing 2021

The proposed modifications to delete the basement link, provide an expanded at-grade waste area and the associated changes to landscape works have resulted in the following changes to the proposal's compliance with SEPP Housing 2021. In this regard it may be noted that the original Development Application was assessed under the provisions of SEPP Affordable Rental Housing 2009. SEPP Housing 2021 came into effect on 1 March 2022 and consolidates a number of previous SEPPs.

In regard to the proposed modification application, the following applies where applicable to the proposed amendments which principally relate to changes to landscape works.

Part 2, Division 1 Infill Affordable Housing:

Clause 17 Floor Space Ratio

The SEPP limits the floor space ratio (FSR) to a maximum of the permissible FSR for residential accommodation on the land plus an additional FSR dependent on whether at least 50% of the gross floor area will be used for affordable housing. In this instance the approved proposal is for all units, ie 100% of units, will be used for affordable housing. There is no FSR applicable to the site under LEP 2019. As such a merit based assessment is required. The approved FSR is 1.268:1 and the proposed FSR is 1.28 ie: an increase in GFA of 48m² due to the expanded waste storage area. The proposed FSR is considered satisfactory.

Clause 18: Non-discretionary development standards

Standards that cannot be used to refuse consent				
Criteria	Requirement	Approved	Proposed	Complies
Landscaped area	In the case of a development application made by a social housing provider - at least 35m ² of landscaped area per dwelling is provided.	Based on a total of 61 dwellings (28 x existing and 33 x proposed), a landscaped area of 2135m ² is required. The approved landscape area is	926.82m ²	No, however the proposed landscape area is due to the expanded at-grade waste area and is

Assessment Report: PPSSCC-448 - DA 318/2021/JP/B - 22 September 2023

		1072.56m ² (approved under 318/2021/JP/A).		considered satisfactory.
Deep soil zones	There is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and	The approved deep soil area is 451.92m ² which is 14.8% of the site (approved under 318/2021/JP/A).	405.54m ² which is 13.3% of the site.	No, however the proposed landscape area is due to the expanded at-grade waste area and is considered satisfactory.
	Each area forming part of the deep soil zone has a minimum dimension of 3 metres, and	Each area of the deep soil zone above has a minimum dimension of 3 metres.	The dimensions of deep soil zones are 3m or greater.	Yes
	If practicable, at least two-thirds of the deep soil zone is located at the rear of the site area.	The deep soil zone is located towards the rear and between the buildings.	No change to location of deep soil zone.	Yes

Assessment under the Apartment Design Guidelines and DCP Part D Section 6 – Rouse Hill Regional Centre

Provision	Clause	Design Criteria	Compliance
Apartment Design Guidelines			
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter. The site has an area of 3050m ² and as such a common open space area of 762.5m ² is required.	The previous modification had a common open space area of 500.41m ² . The proposed common open space area is 465.21m ² . Solar access is not provided 50% of the common open space area. Solar access is provided to the ground level of 0-33.45% and to the roof top of 0-34.6%.	No - see comments below.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of	The approved deep soil area is 451.92m ² which is 14.8% of the site (approved under 318/2021/JP/A). The	Yes

	650-1500m ² and 15% for sites greater than 1500m ² .	proposed deep soil zone is 405.54m ² which is 13.3% of the site.	
DCP Part D Section 6 – Rouse Hill Regional Centre			
Common Open Space	A minimum 10m ² of open space per dwelling (including courtyards, gardens and balconies) is to be provided, with minimum dimensions of 4 metres on ground level and podium levels, 3 metres for balcony and roof terraces.	Based on the provision of a total of 61 units, a common open space area of 610m ² is required. The previous modification had a common open space area of 500.41m ² . The proposed common open space area is 467.68m ² .	No - see comments below.

a. Landscape Area, Solar Access and Common Open Space

The ADG requires that 25% of the site be provided as common open space, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter. The site has an area of 3050m² and as such a common open space area of 762.5m² is required. A common open space area of 467.21m² is proposed.

In addition, the following solar access is provided:

Time (June 22)	Ground Level Common Open Space		Roof Top Common Open Space		Total Common Open Space 465.21m ²		Complies
9am	4.67m ²	1.27%	16.79m ²	16.98%	21.46m ²	4.61%	No
10am	63.29m ²	17.28%	23.84m ²	24.11%	87.13m ²	18.73%	No
11am	122.53m ²	33.45%	34.23m ²	34.61%	156.76m ²	33.7%	No
12 noon	78.04m ²	21.3%	31.27m ²	31.62%	109.31m ²	23.5%	No
1pm	32.42m ²	8.85%	20.94m ²	21.17%	53.36m ²	11.47%	No
2pm	6.9m ²	1.88%	8.38m ²	8.47%	15.28m ²	3.28%	No
3pm	0m ²	0%	0m ²	0%	0m ²	0%	No

The DCP requires that a minimum 10m² of open space per dwelling (including courtyards, gardens and balconies) is to be provided, with minimum dimensions of 4 metres on ground level and podium levels, 3 metres for balcony and roof terraces. Based on the provision of a total of 61 units, a common open space area of 610m² is required.

The proposal provides a ground level area of 366.31m² and a roof top area of 98.9m², being a combined common open space area of 467.68m².

The applicant has submitted the following as justification:

Communal and Public Open Space:

The design criteria for Part 3D-1 of the ADG prescribes that:

- Communal open space has a minimum area equal to 25% of the site with a minimum dimension of 3m.
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

The current approval provides two (2) communal open spaces having a total area of 500.41m² (16.4%), which includes the ground floor landscaped communal open space (401.51m²) and the rooftop communal open space of (98.90m²), with views of the precinct to the east, west and south. The communal open spaces, including the rooftop, will be accessible to residents of both the existing and proposed building.

The proposal seeks to reduce the communal open space at the ground floor to 368.78m², which would reduce the total communal open space to 467.68m² (15.3%).

Despite the non-compliance and minor reduction in the size of the existing communal open space, the proposed development will maintain the intended introduction of two valuable communal open spaces which allow for genuine passive recreation opportunities for residents including seating areas, BBQ facilities, gathering areas and a well-designed landscaped setting, whilst offering privacy from the public domain.

The new rooftop communal open space will additionally provide a new alternative area for passive recreation for existing and future residents that is not currently provided. The rooftop communal open space has been designed to optimise views of the RHRC to the east, west and south, which include views to the natural vegetation/riparian corridor within Tribunal No. 3, rather than north facing towards the rooftop of the RHTC.

With regards to sunlight access, the ground floor communal open space is inevitably overshadowed by the shopping centre built with a nil setback to the northern site boundary, and this space will therefore not achieve the minimum 2 hours of sunlight between 9 am and 3 pm during mid-winter. This is consistent with the existing communal open space arrangement on site which is also largely overshadowed. Southern-oriented sleeve buildings along White Hart Drive are unlikely to ever be able to achieve compliance with this requirement, as communal open space areas are typically located on the northern side of the site, adjoining the shopping centre.

The proposal has been designed to maximise solar access to both to the communal open spaces by:

- Provision of the main circular gathering spaces and BBQ area within the portion of the ground floor communal open space which receives a relatively high provision of solar access.
- Maximising the provision of dual orientated apartments and limiting the number of apartments with a single southern aspect to comply with the recommended minimum solar access to the living areas and private open spaces of apartments during the mid-winter.
- Dividing the communal open space into two areas, with a ground floor communal open space provided with a shaded landscape setting, which will be particularly attractive on summer days, and a rooftop communal open space, which is less constrained by overshadowing from existing buildings, and will provide solar access opportunities throughout the year, including during midwinter and at each equinox.

In consideration of the above, the proposed variations to the communal open spaces as a result of the natural constraints of the site are considered acceptable. The proposed communal

open spaces will provide improved fit for purpose spaces that are functional to the needs of existing and future residents.

Clause 3.1.17(b) of The Hills Development Control Plan Part D Section 6 states that a minimum of 10m² of open space per dwelling unit (including courtyards, gardens and balconies) is to be provided. The completed development, inclusive of both the existing and proposed building, would accommodate 61 apartments, meaning that compliance with this control would require 610m² of common open space. The controls also state that the minimum dimensions are to be 4m at ground and podium levels and 3 metres for balcony and roof terraces.

The proposal provides two (2) communal open spaces having a total area of 465.21m², including a ground floor landscaped communal open space at the rear of the site (366.31m²) and a rooftop communal open space (93.90m²) with panoramic views of the precinct to the east, west and south. The communal open spaces, including the rooftop, will be accessible to residents of both the existing and proposed building. The provided communal open space falls below the required 610m² of common open space, but meets the dimensional requirements of the control.

It is noted that the existing communal open space provided for the existing Wentworth building is largely unused by existing residents due to its limited functionality, comprising of turf landscaping with minimal privacy or opportunities for seating and passive recreation; see image below.



Despite the non-compliance and minor reduction in the size of the existing communal open space, the proposed development will provide substantially improved communal open spaces which allow for genuine passive recreation opportunities for residents including seating areas, meal preparation facilities, gathering areas and a well-designed landscaped setting, offering privacy from the public domain. The proposed communal open space has been carefully designed to be user specific following consultation/engagement with residents of the existing Wentworth building, so as to identify desired facilities and infrastructure for the

communal open space areas. The new rooftop communal open space will additionally provide a new alternative area for passive recreation for existing and future residents not currently provided. The rooftop communal open space has been designed to optimise panoramic views of the Rouse Hill Regional Centre to the east, west and south, which include views to the natural vegetation/riparian corridor within Tribunal No. 3, rather than north facing towards the rooftop of the RHTC.

In consideration of the above, the proposed variations to the communal open spaces as a result of the natural constraints of the site are considered acceptable. The proposed communal open spaces will provide improved fit for purpose spaces that are functional to the needs of existing and future residents. Also refer to the discussion of Part 3D of the Apartment Design Guide, provided within the submitted Statement of Environmental Effects.

Comment:

The development is opposite the open space area along Tributary 3 and in close proximity to Council's Iron Bark Ridge Park and Caddies Creek recreation area. As such there is adequate area available for open space activities. In addition, the proposal provides adequate private open space for residents in either the form of balconies and courtyards. There is adequate area on site for landscape planting and the proposal will achieve an attractive streetscape outcome.

It may also be noted that the original DA also sought a variation to solar access requirements for common open spaces with the ground level common open space achieving a maximum area of 133.87m² or 32.54% solar access at 11am and roof top common open space achieving a maximum of 37.07m² or 39.81%.

The proposed solar access is considered reasonable given the Town Centre location and that access to off-site open space is available to future residents.

State Environmental Planning Policy Building Sustainability Index: BASIX 2004

The original application was reviewed under SEPP BASIX and was considered satisfactory. No further assessment is required in respect to the current modification.

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

The original application was reviewed under SEPP 65 and was considered satisfactory. No further assessment is required in respect to the current modification.

Local Environmental Plan 2019

The land is zoned MU1 Mixed Use (formerly B4 Mixed Use) under Local Environmental Plan 2019.

The objectives of the zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage leisure and entertainment facilities in the major centres that generate activity throughout the day and evening.*
- *To provide for high density housing that is integrated with civic spaces.*

The original proposal was satisfactory in regard to the objectives of the zone and the proposed modifications do not impact on the objectives.

Assessment Report: PPSSCC-448 - DA 318/2021/JP/B - 22 September 2023

The proposal is considered to be generally consistent with the LEP.

3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the Environmental Planning and Assessment Act 1979 that are relevant to the proposal.

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The proposal has been assessed against the following provisions of DCP 2012;

Part D Section 6 – Rouse Hill Regional Centre

Part C Section 1 – Parking

Part C Section 3 – Landscaping

The proposed development achieves compliance with the relevant requirements of the above DCPs except for common open space which is addressed above in conjunction with the requirements of the ADG and SEPP housing 2021.

3.4 Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

These provisions have been considered and addressed in the draft conditions (where necessary).

3.6 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.7 Section 4.15(1)(c) - Suitability of the site

The site has been zoned for a mixed use development outcome. The proposed development is consistent with the Masterplan, Precinct Plan and previous approvals relating to the site. The proposal is a suitable development for the site consistent with the zone objectives.

The proposal will provide for an affordable housing form, responds to the site characteristics and is considered to be a suitable development for the proposed lot.

3.8 Section 4.15(1)(d) - Public Submissions

There were no public submissions received to the proposal.

3.9 Section 4.15(1)(e) - Public interest

The development provides a modified layout for garbage storage and the proposed modifications do not change the approved type of development. the proposal will provide additional affordable housing in the area. On balance the proposal is consistent to the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to Endeavour Energy as detailed below.

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements - NA			
Referral/Consultation Agencies			
Endeavour Energy	Clause 2.48 Determination of development applications of State Environmental Planning Policy (Transport and Infrastructure) 2021	The proposal includes works adjacent to a substation. No further conditions are required to be imposed.	Y
Integrated Development (S 4.46 of the EP&A Act) - NA			

4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined below.

Officer	Comments	Resolved
Fire Safety	Council's Principal Co-ordinator Fire Safety has reviewed the submitted plans and information and raised no objections subject to conditions.	Y
Waste	Council's Resource Recovery Project Officer has reviewed the submitted plans and information and raised no objections subject to conditions.	Y

Fire Safety

As building works are proposed to the existing bin storage area which is built over the external wall of the existing basement, Section 64 of the EP & A Regulation still has context to the existing building. As there are inadequate measures to assist occupants egressing the building and inadequate measures to restrict fire spread, conditions can still be imposed for some level of upgrade to the existing building. It would be onerous for Council to require a suppressions system to be installed where only minor building works are being undertaken. Works to the existing hydrant system/service penetrations would still be recommended to remain in the consent, and as such Condition 7 cannot be deleted, but is recommended to be modified.

Waste Management

In respect the waste management, the current arrangement is that garbage bins are collected from White Hart Drive and recycling bins are moved to the Town Centre loading dock opposite for collection. As part of the current application, the waste collection arrangements will be rationalised to allow all collection from White Hart Drive, with the waste truck driver moving the bins in and out of the garbage bay. In addition, the new bin area will also make provision for bins for food organics garden organics. Condition 57 relating to procurement of a mechanical bin mover and Condition 68 relating to bin presentation for waste collection in the Town Centre loading dock are also recommended to be deleted given that collection will be from White Hart Drive.

4.3 Community Consultation

The proposal was notified in accordance with Council's DCP from 13 May 2023 to 13 June 2023. No submissions were received.

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following an assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in the report have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at Attachment A.

6. RECOMMENDATION

That Modification Application 318/2021/JP/B be approved pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Modified Conditions of Consent
- Attachment B: Locality Plan
- Attachment C: Aerial Photograph

Assessment Report: PPSSCC-448 - DA 318/2021/JP/B - 22 September 2023

Page 14

- Attachment D: Approved Basement Plan
- Attachment E: Proposed Basement Plan
- Attachment F: Approved Site Plan
- Attachment G: Proposed Site Plan
- Attachment H: Proposed Garbage Room Perspective and Elevation

ATTACHMENT A – DRAFT MODIFIED CONDITIONS OF CONSENT

The Section 4.55 application for modification of Development Consent 318/2021/JP be approved as follows:

1. Condition 1 be deleted and replaced with:

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, as amended under 318/2021/JP/A, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS – 318/2021/JP

DRAWING NO.	DESCRIPTION	DATE
DA00	Cover Sheet & Location Plan	4/12/20 Rev. B
DA01	Site & Block Analysis Plan	03/12/20 Rev. B
DA02	Building Envelope and Massing Diagrams	03/12/20 Rev. B
DA03	Demolition Plan	03/12/20 Rev. B
DA04	Site & External Works Plan	03/12/20 Rev. B
DA05	Development Data	03/12/20 Rev. B
DA06	Basement Floor Plan	03/12/20 Rev. B
DA07	Level 1 Floor Plan	03/12/20 Rev. B
DA08	Level 2 Floor Plan	03/12/20 Rev. B
DA09	Level 3 Floor Plan	03/12/20 Rev. B
DA10	Level 4 Floor Plan	03/12/20 Rev. B
DA11	Level 5 Floor Plan	03/12/20 Rev. B
DA12	Level 6 Floor Plan	03/12/20 Rev. B
DA13	Level 7 Floor Plan	03/12/20 Rev. B
DA14	Roof Plan	03/12/20 Rev. B
DA15	Elevations (Sheet 1)	03/12/20 Rev. B
DA16	Elevations (Sheet 2)	03/12/20 Rev. B
DA17	Elevations (Sheet 3)	03/12/20 Rev. B
DA18	Elevations (Sheet 4)	03/12/20 Rev. B
DA19	Sections (Sheet 1)	03/12/20 Rev. B
DA20	Sections (Sheet 2)	03/12/20 Rev. B
DA21	Shadow Diagrams (Sheet 1)	03/12/20 Rev. B
DA22	Shadow Diagrams (Sheet 2)	03/12/20 Rev. B
DA23	Shadow Diagrams (Sheet 3)	03/12/20 Rev. B

DA24	Shadow Diagrams (Sheet 4)	03/12/20 Rev. B
DA25	ADG Diagrams (Sheet 1)	03/12/20 Rev. B
DA26	ADG Diagrams (Sheet 2)	03/12/20 Rev. B
DA27	ADG Diagrams (Sheet 3)	03/12/20 Rev. B
DA27	Common Open Space Diagrams	03/12/20 Rev. B
DA29	Materials and Finishes	03/12/20 Rev. B
L01	Landscape Plan – Ground Floor	03.12.20 Rev. 4
L02	Landscape Plan – Rooftop & Details	03.12.20 Rev. 4
B04728-1	Survey Plan Sheet 1 of 2	19/06/20
B04728-2	Survey Plan Sheet 2 of 2	19/06/20
---	Street/Unit Numbering Plans (for unit numbering purposes only)	---

REFERENCED PLANS AND DOCUMENTS – 318/2021/JP/A

DRAWING NO.	DESCRIPTION	DATE
DA04	Site & External Works Plan	12/08/22 Rev. E
DA05	Development Data	12/08/22 Rev. E
DA06	Basement Floor Plan	05/04/22 Rev. C
DA26	ADG Diagrams (Sheet 2)	12/08/22 Rev. E

REFERENCED PLANS AND DOCUMENTS – 318/2021/JP/B

DRAWING NO.	DESCRIPTION	DATE
DA04	Site & External Works	14/07/23 Rev. G
DA05	Development Data	14/07/23 Rev. G
DA06	Basement Floor Plan	27/04/23 Rev. F
DA19	Sections (Sheet 1)	14/07/23 Rev. D
DA26	ADG Diagrams (Sheet 2)	14/07/23 Rev. G
DA27	ADG Diagrams (Sheet 3)	14/07/23 Rev. D
DA27	Common Open Space Diagrams	06/09/23 Rev. E
DA28	Common Open Space Diagrams	06/09/23 Rev. B

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Condition 7 be deleted and replaced with:

7. Clause 94 Upgrading

Under clause 94 of the Environmental Planning & Assessment Regulation, the following fire safety/Building Code of Australia (BCA) works are to be undertaken with the construction certificate works and are to be completed prior to the issue of the occupation certificate:

- i. The existing hydrants system is to be upgraded to ensure system performance, appropriate to EP1.3 of the BCA:

- a. The existing booster system is to be provided with a thrust block and anchor in order to provide adequate reaction to forces imposed on the system
 - b. The existing block plan is to be upgraded to reflect modifications to the system incorporated for the new units.
 - c. A structural engineer is to review the existing masonry hydrant booster radiant heat barrier and determine the structural capacity of the wall.
 - d. The hydrant pipework supports in the existing carpark are to be provided with an adequate fire resistance level to prevent early collapse when exposed to fire.
- ii. The service penetrations in the existing switch room in the carpark are to be protected appropriate to CP8 of the BCA.
3. Condition 20 be deleted and replaced with:

Construction of Waste Storage Area

The waste storage area must be designed and constructed in accordance with the following requirements. The area must provide minimum storage facility for a total of 14 x 1100 litre bins (7 x 1100 litre garbage and 7 x 1100 litre recycle bins) and 4 x 240 litre bins (food organics garden organics).

- The waste storage area must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins as specified above.
- The layout of the waste storage area must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the waste storage area must be constructed of brickwork.
- The floor of the waste storage area must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage area must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred).
- The waste storage area must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door must be separate to the waste servicing door.
- All doors of the waste storage area, when fully opened, must be flush with the outside wall and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage area must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste storage area must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage area, it is not to conflict with the space designated for the placement of bins.

- The waste storage area must be provided with internal lighting such as automatic sensor lights.
- The waste storage area must have appropriate signage (Council approved designs) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation
- Finishes and colours of the waste storage area are to complement the design of the development.

Example Bin Measurements (mm)

240L: 735 (d) 580 (w) 1080 (h) 1100L: 1245 (d) 1370 (w) 1470 (h)

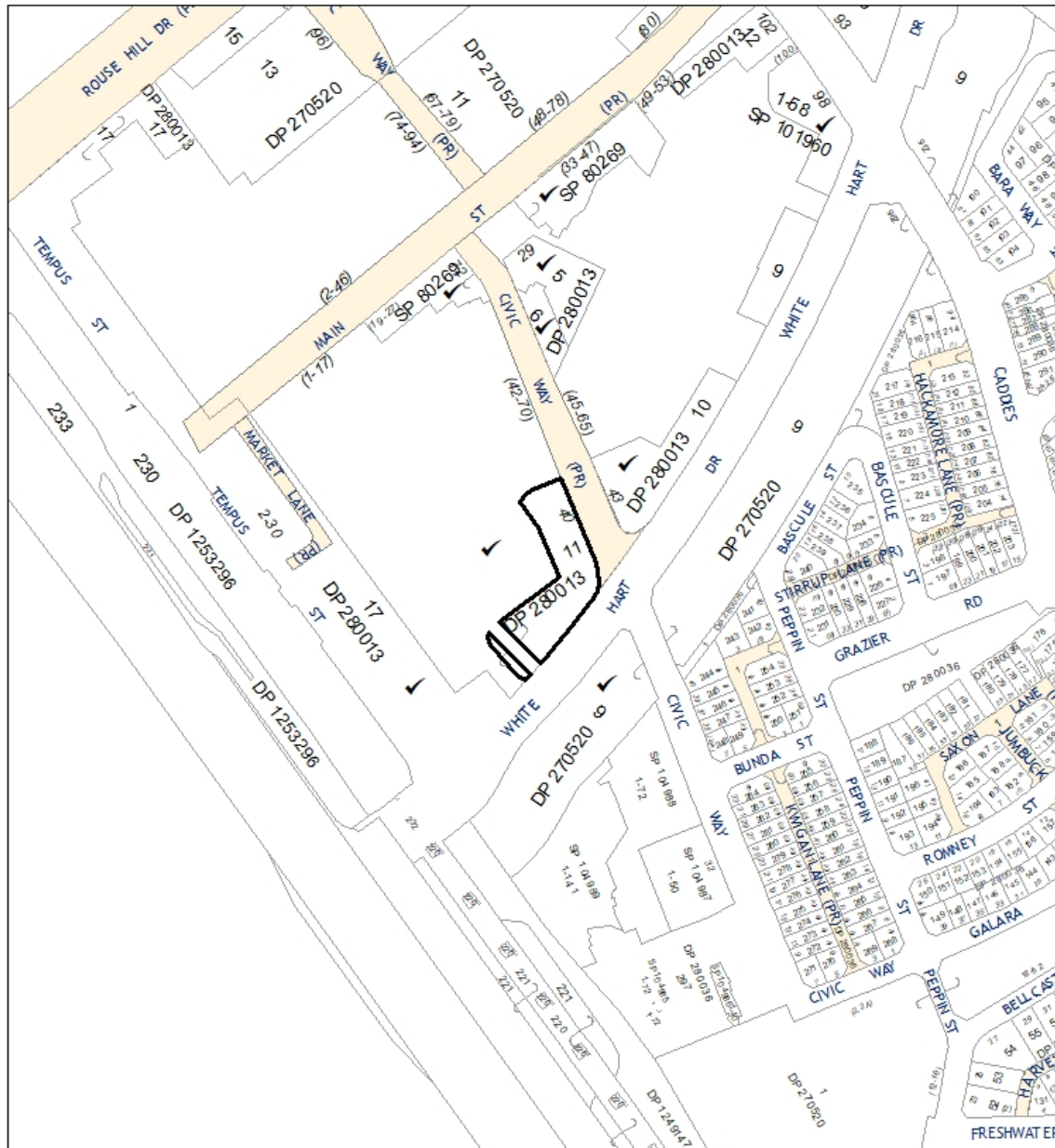
4. Addition of Condition 65a as follows:

65a. Bin Collection Times

Bin collection is to be undertaken outside of peak times to ensure that there is no impact on traffic flow along White Hart Drive.

5. Conditions 57 and 68 be deleted.

ATTACHMENT B – LOCALITY PLAN



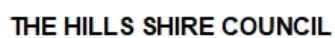
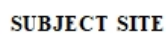
- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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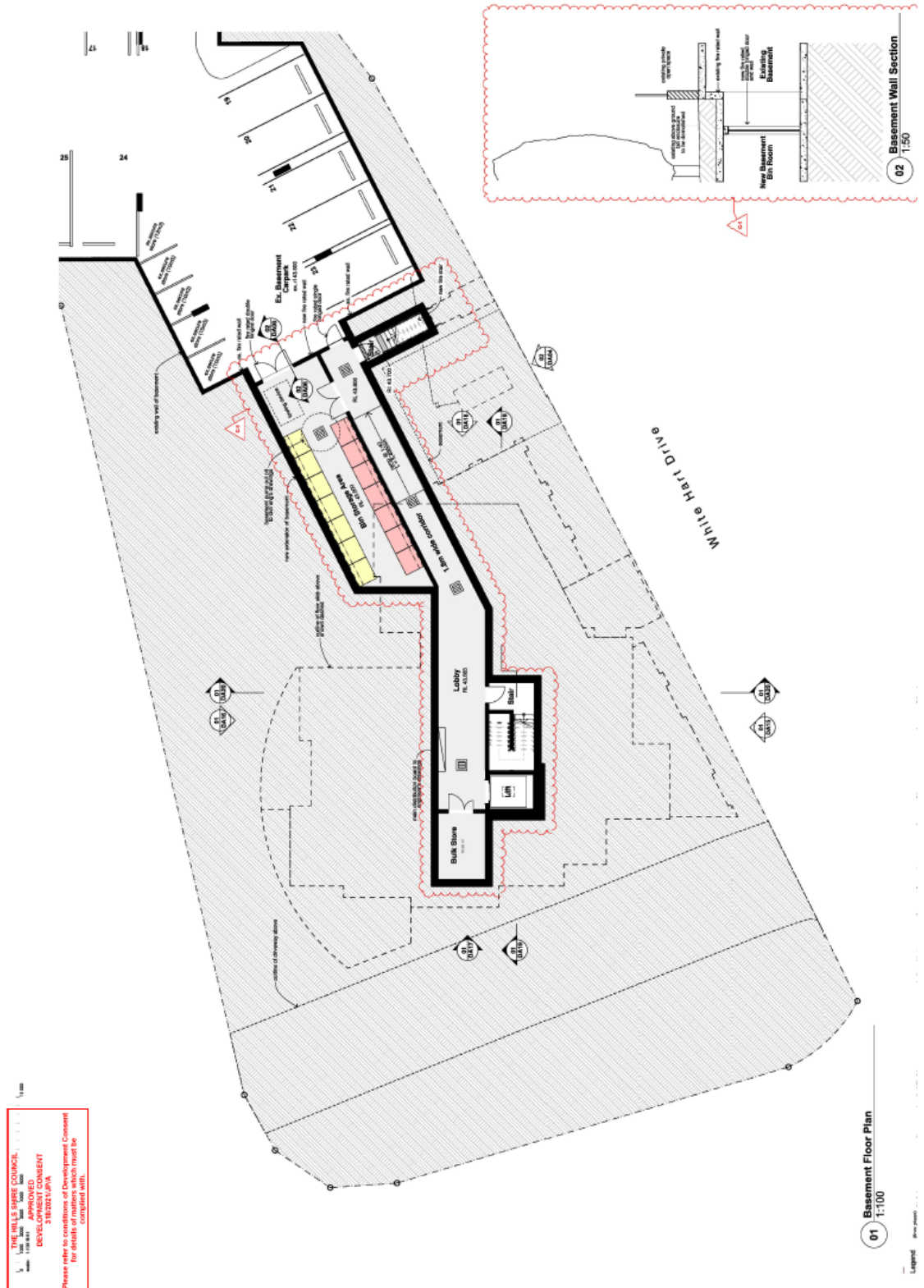
ATTACHMENT C – AERIAL PHOTOGRAPH



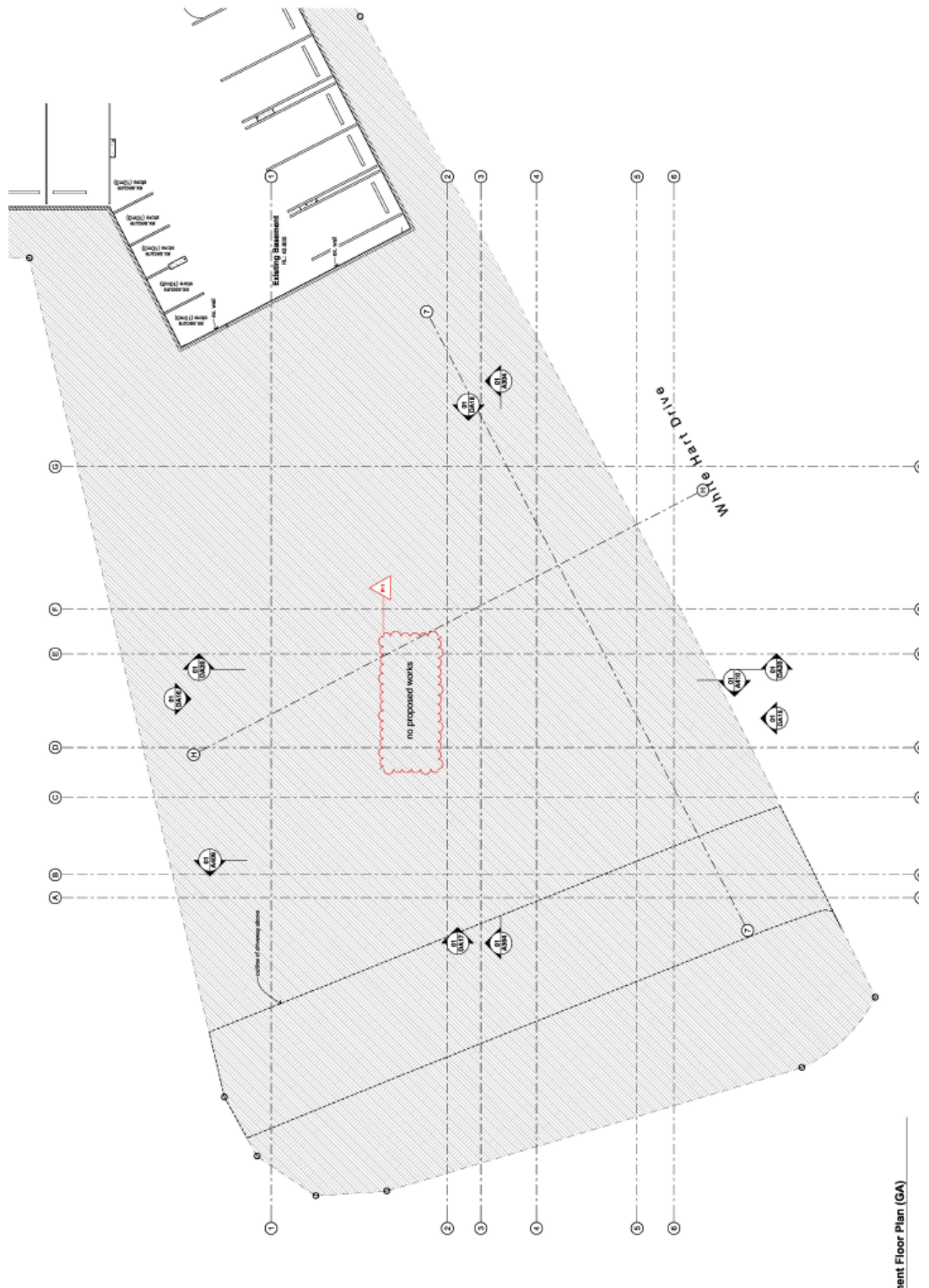
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ATTACHMENT D: APPROVED BASEMENT PLAN



ATTACHMENT E: PROPOSED BASEMENT PLAN



ROUSE HILL TOWN CENTRE
D.P. 270520

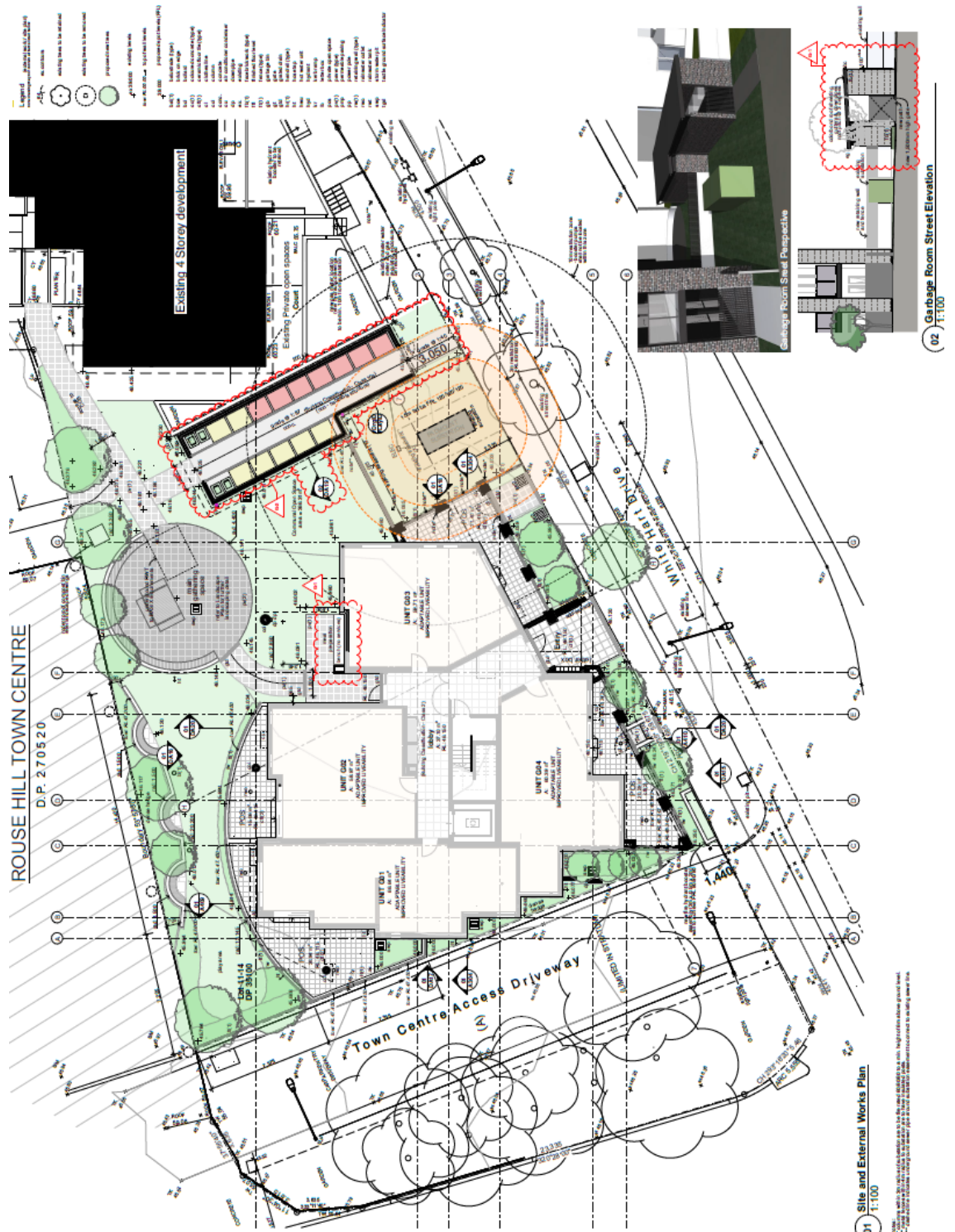
Legend:

- WALLS
- WINDOWS
- DOORS
- LANDSCAPING
- PLANTING
- PAVING
- ROADS
- STAIRS
- ELEVATIONS
- LEVELS
- UTILITIES
- STRUCTURE
- FINISHES
- CLIMATE
- VEGETATION
- WATER
- WIND
- SUN
- NOISE
- SMELL
- VISION
- ACCESS
- SAFETY
- COMFORT
- HEALTH
- WELL-BEING
- QUALITY OF LIFE
- ENVIRONMENTAL IMPACT
- SOCIAL IMPACT
- ECONOMIC IMPACT
- CULTURAL IMPACT
- HERITAGE IMPACT
- SCAPE IMPACT
- LANDSCAPE IMPACT
- BIODIVERSITY IMPACT
- WATER RESOURCES IMPACT
- CLIMATE CHANGE IMPACT
- DISASTERS IMPACT
- RESILIENCE IMPACT
- ADAPTATION IMPACT
- MITIGATION IMPACT
- GOVERNANCE IMPACT
- LEGAL IMPACT
- FINANCIAL IMPACT
- MARKETING IMPACT
- OPERATIONAL IMPACT
- MAINTENANCE IMPACT
- DEVELOPMENT IMPACT
- CONSTRUCTION IMPACT
- POST-CONSTRUCTION IMPACT
- LONG-TERM IMPACT
- SHORT-TERM IMPACT
- IMMEDIATE IMPACT
- INDIRECT IMPACT
- SECONDARY IMPACT
- TERTIARY IMPACT
- QUATERNARY IMPACT
- QUINTERNARY IMPACT
- SIXTH IMPACT
- SEVENTH IMPACT
- EIGHTH IMPACT
- NINTH IMPACT
- TENTH IMPACT
- ELEVENTH IMPACT
- TWELFTH IMPACT
- THIRTEENTH IMPACT
- FOURTEENTH IMPACT
- FIFTEENTH IMPACT
- SIXTEENTH IMPACT
- SEVENTEENTH IMPACT
- EIGHTEENTH IMPACT
- NINETEENTH IMPACT
- TWENTIETH IMPACT

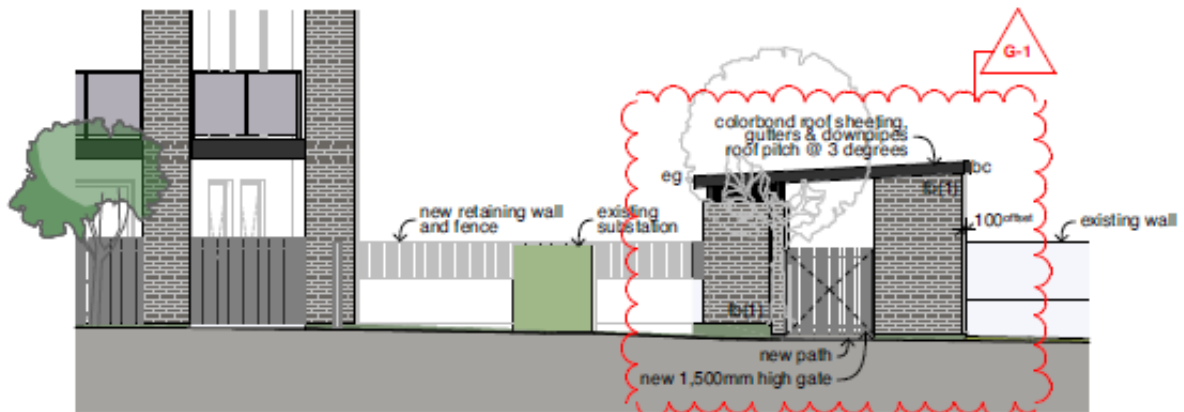
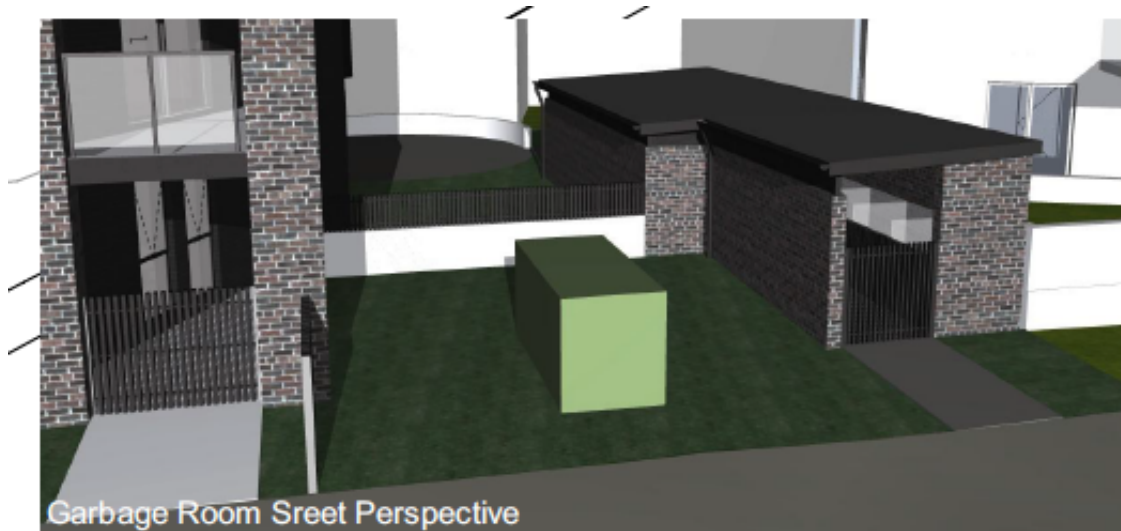
Basement Fire Stair Case Perspective

01 Site and External Works Plan
1:100

ATTACHMENT G: PROPOSED SITE PLAN



ATTACHMENT H: PROPOSED GARBAGE ROOM PERSPECTIVE AND ELEVATION



02

Garbage Room Street Elevation

1:100