

DATE OF DETERMINATION	02 February 2017
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Michael Leavey,
APOLOGIES	Cllr Brad Luke and Cllr Sharon Waterhouse
DECLARATIONS OF INTEREST	None

Public meeting held at Travelodge Newcastle on Thursday 2 February 2017, opening at 4.00 pm and closing at 4:40pm.

MATTER DETERMINED

2016HCC056 – Section 96(2) Modification Application to amend DA 2015/0508 – Newcastle City Council, Staged development for demolition of buildings, erection of 104 dwellings and associated site works and four lot into six lot subdivision. Lot A DP 350420, Lot 1 DP725264 and Lots A & B, DP 394165 known as 150-156 Lake Road, Elmore Vale.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at Item 6, the material listed at Item 7 and the matters observed at site inspections listed at Item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION

The Panel generally agreed with the environmental assessment and balance of considerations within the Council staff assessment report.

In particular, the Panel found the modifications were substantially the same development as approved and the modified development provided some improvements with the reduction of a level from several units along the eastern boundary. The density of the development was within the applicable development standard and could not be considered excessive overall, despite some localised concerns.



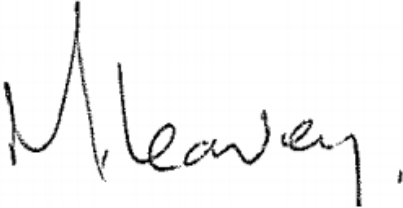
Notwithstanding this, the Panel did have concerns with the introduction of proposed two-level Unit 9, in terms of the privacy relationship with the adjoining dwelling to the east, internal amenity and diminution of communal open space within the development (which was lacking in the top half of the site). In terms of the communal open space to the lower northern portion of the site, the amended site planning to the west of the open space area reduced internal accessibility and thereby amenity. These specific concerns gave rise to amended conditions, not forming part of the staff recommendation.

There was also concern to ensure the materiality provided differentiation for place-making within the development and also promoted sustainable energy consumption, leading to a condition requiring details of materials.

CONDITIONS

The Modification application was approved subject to the conditions in the Council Assessment Report, with the following amendments:

1. A new condition requiring the deletion of proposed Unit 9 from the development and the footprint of that proposed dwelling to be wholly dedicated as a communal open space area, with details for passive recreational use to be provided in the application for a Construction Certificate.
2. A new condition requiring the pedestrian connection between Units 89 and 77 to be widened to at least 4m, with the dwellings to the north and south (between Units 72 and 94) able to be amended within the same footprint to achieve the outcome, with details for passive recreational use to be provided in the application for a Construction Certificate.
3. A new condition requiring a finished material schedule to be supplied in the application for a Construction Certificate. The schedule is to provide for some variation in the colour of materials across the development, and consider the use of lighter roofing colours to minimise heat generation within the development.
4. Draft condition numbering to be corrected to consecutive numbers, with new conditions associated with the Modification to be differentiated from original DA conditions.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Michael Leavey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016HCC056 – Section 96 (2) DA 2015/0508
2	PROPOSED DEVELOPMENT	Staged development for demolition of buildings, erection of 104 dwellings and associated site works and four lot into six lot subdivision.
3	STREET ADDRESS	Lot A DP 350420, Lot 1 DP725264 and Lots A & B, DP 394165 known as 150-156 Lake Road, Elmore Vale.
4	APPLICANT/OWNER	SNL Developments
5	TYPE OF REGIONAL DEVELOPMENT	Section 96 (2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ol style="list-style-type: none"> 1. SEPP (State and Regional Development) 2011 2. State Environmental Planning Policy (Infrastructure) 2007 3. State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 4. Newcastle Local Environmental Plan 2012 <p>Draft environmental planning instruments: Nil</p> <p>Development control plans:</p> <ul style="list-style-type: none"> • Newcastle Development Control Plan 2012 <p>Planning agreements: Nil</p> <p>Regulations:</p> <ul style="list-style-type: none"> • Environmental Planning and Assessment Act Regulation 2000 <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</p> <p>The suitability of the site for the development.</p> <p>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The public interest, including the principles of ecologically sustainable development.</p>
7	MATERIAL CONSIDERED BY THE PANEL	<p>Council Assessment Report;</p> <p>Appendix A – Development Plans and Landscape Plans</p> <p>Appendix B - Conditions of consent</p> <p>Appendix C –Referral from RMS and RFS</p> <p>Written submissions during public exhibition: Nil</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> • Support – Nil • Object – Nil • On behalf of the applicant – Mr. Wade Morris
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>02 February 2016 - Site Inspection</p> <p>02 February 2017 - – Final Briefing Meeting</p>

9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report.