Hunter & Central Coast Regional Planning Panel

Date: 20 April 2022

Proposal: Section 4.55(2)

Modification

Application

MA2022/00070

Applicant: Barr Planning

Developer: SNL Building

Constructions





Site Context

- Address: 150-156 Lake Road, Elermore Vale
 - o Lot A, DP 350420
 - o Lot 1, DP 725264
 - o Partial Lots A & B, DP 394165
- Zoning: R2 Low Density
 Residential under Newcastle
 Local Environmental Plan
 (NLEP) 2012
- Site Area: approx. 38,795m²
- Staging: 5/6 stages complete from approved subdivision



Development Consent History

- DA 2015/0508 issued on 4 April 2016
 - Approved development: staged development for demolition of buildings, erection of ninety five (95) dwellings, associated site works and four lot into six lot subdivision.
- DA 2015/0508.01 amendment issued on 15 February 2017
 - Modified development: staged development for demolition of buildings, erection of 104 dwellings (38 two storey and 66 single storey), associated site works and four lot into six lot subdivision.
 - Consent Condition 5: Prior to release of the Construction certificate the applicant shall submit amended plans deleting Unit 9. The updated plans shall nominate an area as dedicated communal open space. Full details are to be included in documentation for a Construction Certificate application.

Proposal

- Section 4.55(2) Modification Application to amend DA 2015/0508:
 - Additional standalone single storey dwelling (Unit 9) to be provided in Stage 6
 of the approved multi-unit development
 - Modification of Consent Condition 2 Approved Documentation
 - o Deletion of Consent Condition 5

Proposal Location of proposed additional single THIS LAND IS SUBJECT TO DA2015/0508.1 WITH FINAL STAGES UNDER CONSTRUCTION CURRENTLY UNDER _____
CONSTRUCTION FINAL STAGE TO BE_ CONSTRUCTED PROPOSED UNIT 9 storey Unit 9 EXISTING STABLES EXISTING POOL AREA THIS LAND IS CURRENTLY UNDER ASSESSMENT DA2021/01336 LAKE ROAD 0 0 0 口 0 0 0 0 0 9 0 0 9 9 EXISTING CHILD CARE CENTRE

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OVERALL SITE PLAN SCALE 1: 1000 @ A3

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Assessment of Section 4.55(2)(a)

- Pursuant to 4.55(2) of the EP&A Act, consent authority may modify a 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 consent was originally granted.

Use:

Modified development remains multi-unit residential development

Impact:

 No material adverse impact associated with one (1) additional dwelling compared to original development

Appearance:

■ No material change in appearance of overall multi-unit residential development

Environmental Impacts

- Planning Panel previous concerns with proposed two storey Unit 9 dwelling:
 - Privacy impact to adjoining dwelling to the east
 - o Internal amenity concerns
 - o Diminishing of communal open space within development (lacking in top half of the site). Reduction in open space by approximately 280m²

Mitigation of Impacts

Privacy

 Reduced scale from double to single storey mitigates privacy to adjoining dwelling to the east

Internal amenity

- Solar access requirements satisfied
- o DCP specified minimum internal areas satisfied

Communal open space

- Existing open space located at proposed Unit 9 is isolated for other areas of open space and does not deliver high level of amenity for residents
- Development's remaining communal open space (2930m²) equates to 7.6% of site area. This complies with NDCP 2012, Part 3.03.04(B) communal open space requirement of 5% of site area
- Good access to communal open space is maintained throughout development. Dwellings in the east can access within approx. 150 metres

