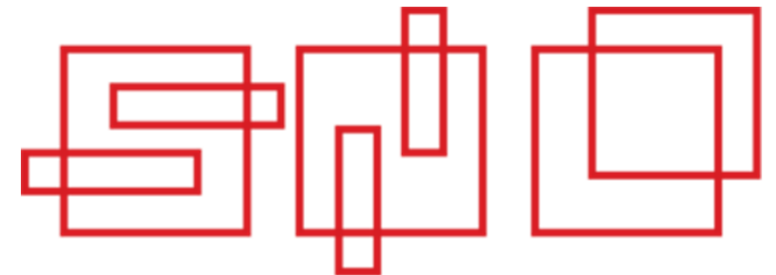


Hunter & Central Coast Regional Planning Panel

Date: 20 April 2022
Proposal: Section 4.55(2)
Modification
Application
MA2022/00070
Applicant: Barr Planning
Developer: SNL Building
Constructions



PLANNING
THE FUTURE



snl building constructions

Site Context

- Address: 150-156 Lake Road, Elmore Vale
 - Lot A, DP 350420
 - Lot 1, DP 725264
 - 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

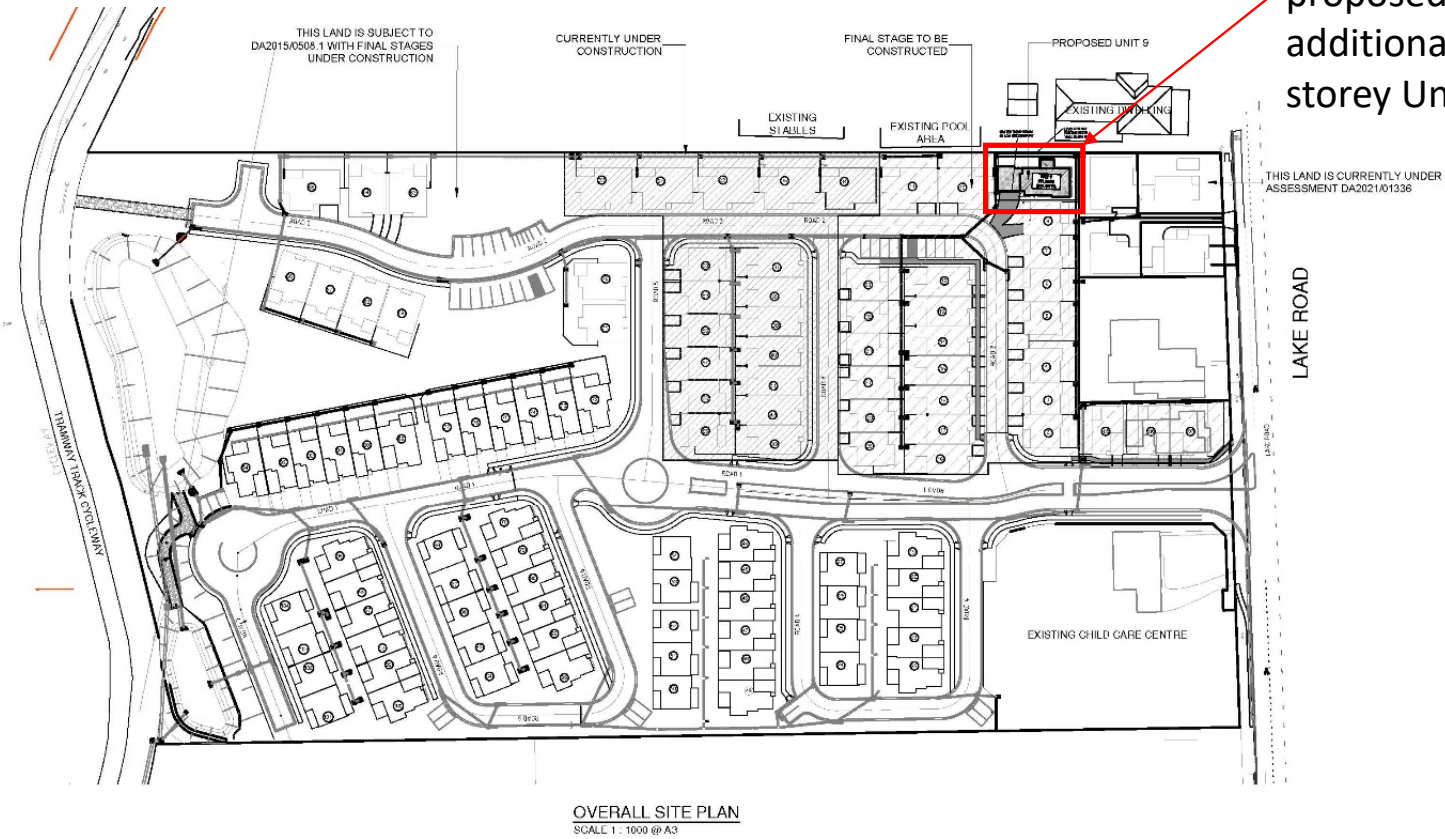
- DA 2015/0508 issued on 4 April 2016
 - Approved development: staged development for demolition of buildings, erection of ninety five (95) dwellings, associated site works and four lot into six lot subdivision.
- DA 2015/0508.01 amendment issued on 15 February 2017
 - Modified development: staged development 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
 - Deletion of Consent Condition 5

Proposal

Location of
proposed
additional single
storey Unit 9

[illegible]

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
 - Internal amenity concerns
 - 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
 - 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

