



City of  
Newcastle



## CITY OF NEWCASTLE

# PUBLIC VOICE COMMITTEE

Councillors,

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that a Public Voice Committee will be held on:

**DATE:** Tuesday 8 October 2019

**TIME:** 5.30pm

**VENUE:** Council Chambers  
2nd Floor  
City Hall  
290 King Street  
Newcastle NSW 2300

J Bath  
Chief Executive Officer

**City Administration Centre  
282 King Street  
NEWCASTLE NSW 2300**

Tuesday 1 October 2019

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**PUBLIC VOICE COMMITTEE**  
**08 October 2019**

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**PUBLIC VOICE SESSIONS**

**ITEM-1 PV 08/10/19 - DA2017/00789 - 9 BELFORD STREET, BROADMEADOW - ALTERATIONS TO BUILDING FOR CHANGE OF USE TO DWELLING, ERECTION OF FIVE THREE STOREY ATTACHED DWELLINGS, ASSOCIATED SITE WORKS AND ONE LOT INTO SIX LOT SUBDIVISION**

**APPLICANT: SNL Building Constructions P/L**  
**OWNER: STOCKTON STREET PTY LTD**  
**REPORT BY: GOVERNANCE**  
**CONTACT: DIRECTOR GOVERNANCE/ MANAGER REGULATORY, PLANNING AND ASSESSMENT**

**BACKGROUND**

An application has been received seeking consent for alterations to the former Hamilton Fire Station for a change of use to a dwelling, erection of five attached three-storey dwellings, tree removal and subdivision of the land into six lots



The original proposal sought approval for six attached three-storey dwellings (fronting Dixon Street) and was notified to neighbouring properties on 15 June 2017 in accordance with City of Newcastle’s (CN) public participation policy. A total of 59 submissions objecting to the proposal were received, including three Public Voice requests.

The proposal was amended by deleting a dwelling and the amended plans were re-notified. The amended proposal generated 93 submissions objecting to the proposal, including three Public Voice requests. The main categories of objection include:

- i. Overall design (height, bulk and scale)
- ii. Number of new dwellings
- iii. Heritage impacts
- iv. Amenity impacts to neighbouring properties
- v. Traffic / parking impacts
- vi. Safety issues

In response to concerns raised by CN officers, a contamination assessment was undertaken, which identified levels of PFAS contamination at the site. As a result, the site required remediation to render it suitable for residential use. The application has been amended to include remediation as part of the proposed scope of works and was re-notified to all previous submitters. Five further submissions were received in response to that process.

The application will be referred to the Development Applications Committee for determination, due to the number of public submissions received, in addition to the application being called in by two Councillors.

A copy of the amended plans for the proposed development is appended at **Attachment A**.

## 1.0 THE SITE

The subject site is located at 9 Belford Street Broadmeadow (Lot 1 DP 77912) and has an area of 911.8m<sup>2</sup>.

The site has road frontages to Belford Street (north), Samdon Street (west) and Dixon Street (south). The land slopes upward from Belford Street toward Dixon Street.

The site contains the former Hamilton Fire Station and is listed as a local heritage item. The site is not within a Heritage Conservation Area, however it is located in the vicinity of other local heritage items, including St. Peters Anglican Church and Hamilton Public School.

## 2.0 THE PROPOSAL

The proposal has been amended in response to concerns raised by CN officers and in public submissions.

The application currently seeks consent for:

- i. Alterations to the former Hamilton Fire Station and change of use to a dwelling
- ii. Erection of five attached, three-storey dwellings (accessed from Dixon Street)
- iii. Tree removal
- iv. Torrens Title subdivision of one lot into six lots

The proposed new dwellings have driveway entrances from Dixon Street. Existing vehicular access to the former fire station building is to be retained from Belford Street.

A copy of the submitted plans is appended at **Attachment A**. The various steps in the processing of the application to date are outlined in the Processing Chronology included at **Attachment B**.

### **3.0 PUBLIC NOTIFICATION**

The application was publicly notified in accordance with CN's public participation policy on three separate occasions.

The concerns raised by the objectors in respect of the proposed development (as amended) are summarised as follows:

#### 1) Statutory and Policy Issues

- i. Density - excessive number of dwellings resulting in an overdevelopment of the site.
- ii. Building height - building height is not compatible with the residential context of the neighbourhood which largely consists of one-storey and two-storey dwellings.
- iii. Land zoning - the site is zoned R4 High Density Residential. This is an inappropriate classification for this site.

#### 2) Amenity Issues

- i. Overshadowing - additional overshadowing on Dixon Street.
- ii. Privacy - overlooking of properties located opposite in Dixon Street.
- iii. View loss - obstruction of views and loss of outlook to neighbouring properties.
- iv. Landscaping and open space - lack of open space and landscaping provided within the development; loss of trees and limited opportunity for compensatory planting.

#### 3) Design and Aesthetic Issues

- i. Bulk and scale - scale and massing is unsympathetic with the streetscape and existing heritage building.
- ii. Visual impact - visual dominance of western wall facing Samdon Street.
- iii. Heritage impacts - proposed development will have an adverse impact on the heritage value of the Fire Station building.

#### 4) Traffic and Infrastructure Issues

- i. Traffic - increased traffic movements; Dixon Street is a residential cul-de-sac with a primary school at one end.
- ii. Parking - increased pressure for on street parking; there is not enough parking for future residents with three bedrooms and only single garages provided for each dwelling.
- iii. Pedestrian safety - five additional driveways are proposed on a heavily trafficked footpath used by primary school children, parents with prams and people using wheelchairs.
- iv. Stormwater and sewerage - increased pressure on existing infrastructure.

5) Miscellaneous

- i. Construction impacts - concern regarding the impacts on neighbours arising from the construction process.
- ii. Property Values - the proposal will result in devaluation of surrounding properties.
- iii. Public interest - there is no public benefit afforded to the community.

**4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT**

The submitted application has been assigned to Senior Development Officer, William Toose, for assessment.

The site is located in the R4 High Density Residential zone within which the development is permissible with development consent as '*multi-dwelling housing*'.

The former Hamilton Fire Station is identified for its '*local*' heritage significance in Newcastle Local Environmental Plan 2012 (NLEP 2012). A Heritage Impact Statement submitted with the application concludes that the proposed development will have negligible impact on the heritage significance of the site and nearby listed items.

Two off-street parking spaces are provided per dwelling, which exceeds the numerical requirements of Newcastle Development Control Plan 2012 (NDCP 2012), and a further two on-street parking spaces have been retained between the three proposed driveways in Dixon Street.

The proposed development does not comply with the floor space ratio (FSR) development standard of 0.9:1 under NLEP 2012. The proposed development has an FSR of 0.98:1, which equates to an 8.5% variation to the FSR development standard.

The proposed development complies with the height of buildings development standard of 11m under NLEP 2012.

The site is contaminated as a result of its former use as a Fire Station. The application was referred to the NSW EPA, to seek guidance and comment to inform CN's assessment of the contamination of the site. The remediation strategy was amended in consequence with the advice received from NSW EPA and CN's Senior Environmental Protection Officer.

The above issues along with issues raised in submissions will be addressed in an assessment report to the Development Applications Committee.

**ATTACHMENTS**

**Item 1 - Attachment A: Submitted Plans - Under Separate Cover - 9 Belford Street Broadmeadow**

**Item 2 - Attachment B: Processing Chronology - 9 Belford Street Broadmeadow**

**Item 1 - Attachment A**

Submitted Plans - Under Separate Cover - 9 Belford Street Broadmeadow



**Item 1 - Attachment B**

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**PROCESSING CHRONOLOGY**

**DA2017/00789 - 9 Belford Street Broadmeadow**

10 July 2017 - Application lodged

15 June 2017 - Public Notification

26 September 2017 - Request for design amendments

24 November 2017 - Amended plans submitted

06 December 2017 - Public Notification (Amended Plans)

06 December 2018 - Contamination information submitted to Council

17 December 2018 - The proposal was amended to include remediation of the site and was renotified to all previous submitters and affected properties

20 February 2018 - Public Voice

10 January 2019 - Further contamination information submitted

16 January 2019 - Application referred to NSW EPA for comment

3 May 2019 - Comments received from NSW EPA

29 May 2019 - Amended Remediation Action Plan and addendum to Interim Site Audit Advice (following advice from NSW EPA)

20 June 2019 - Amended Remediation Action Plan submitted

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**ITEM-2 PV 08/10/19 - DA 2018/00693 - 90-92 BRUNKER ROAD, BROADMEADOW - DEMOLITION OF EXISTING DWELLINGS AND OUTBUILDINGS, ERECTION OF FOUR STOREY MIXED USE DEVELOPMENT AND 16 LOT STRATA SUBDIVISION**

**APPLICANT: LAURANGEL PTY LTD  
 OWNER: LAURANGEL PTY LTD  
 REPORT BY: GOVERNANCE  
 CONTACT: DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT**

**BACKGROUND**

An application has been received seeking consent for the demolition of two dwellings and outbuildings, erection of a four-storey mixed use development and a sixteen lot strata subdivision.

A copy of the submitted plans for the proposed development is attached at **Attachment A**.

The application will be referred to the Development Applications Committee for determination, due to the application being called in by two Councillors.



**Subject Land:** 90-92 Brunker Road Broadmeadow

The proposed development was publicly notified in accordance with City of Newcastle’s (CN’s) public participation policy and four submissions have been received in response. Three of the submissions object to the proposal and one is in support of the proposal.

The objectors’ concerns included:

- i) Character / Visual Appearance
- ii) Overdevelopment
- iii) Building Setbacks
- iv) Overshadowing Impacts
- v) Privacy Impacts
- vi) Acoustic Impacts
- vii) Parking
- viii) Traffic Impacts
- ix) Drainage Impacts

- x) Waste Management
- xi) Thermal Impacts

## 1.0 THE SITE

The subject property comprises of Lots A & B DP 368412, 90-92 Brunner Road Broadmeadow and is rectangular in shape with a combined area of 964m<sup>2</sup>. The site is located on the north-western side of Brunner Road, near the intersection with Melville Road.

The consolidated site has a frontage of 20.1m to Brunner Road and 20.08m to the unnamed lane at the rear.

The site is relatively flat, with a slight fall toward Brunner Road, and contains several small shrubs / trees. There is a single storey dwelling and associated outbuildings on each of the lots within the subject site.

Existing development on adjoining sites comprises of single storey dwellings. Opposite the subject site is a multi-dwelling housing site and Arthur Park, on the corner of Brunner Road and Melville Road.

The general form of development in the area consists of a broad mix of uses between single dwellings (single story and two-storey) and more recent mixed use apartment complexes similar to the current proposal. The newer mixed use apartments vary in size, typically being three to five storeys in height. There are also various commercial uses such as the building to the north-east, on the corner of Coolah Road and Brunner Road.

## 2.0 THE PROPOSAL

The applicant seeks consent for the demolition of dwellings and outbuildings, the erection of a four-storey mixed use development and a 16 lot strata subdivision. The ground floor consists of a commercial unit (50m<sup>2</sup>) at the Brunner Road frontage to be used as '*business premises*' and car parking, involving 16 resident spaces, 3 visitor spaces and one commercial parking space. The 16 dwellings consist of four x one-bedroom and 12 x two-bedroom apartments, each with balconies. The proposed design involves two apartment towers (ie. levels 1-3), with one built towards Brunner Road and the other towards the rear lane and with a landscaped podium being proposed between the two towers at level one.

A copy of the current amended plans is appended at **Attachment A**.

The various steps in the processing of the application to date are outlined in the Processing Chronology (refer to **Attachment B**).

### 3.0 PUBLIC NOTIFICATION

The original application was publicly notified in accordance with CN's public participation policy. Four submissions were received in response, with three of the submissions objecting to the proposal and one being in support. The concerns raised by the objectors in respect of the proposed development are summarised as follows:

- i) **Character / visual appearance** – The proposal is inconsistent with the existing character of the area. The large proposal at four storeys will have a significant visual impact.
- ii) **Overdevelopment** – The proposal is considered to be an overdevelopment of the site and will result in likely 32 residents plus a commercial tenancy, generating infrastructure and traffic impacts. The height and number of dwellings proposed should be reduced.
- iii) **Building setbacks** – The proposal does not meet the setbacks under the Newcastle Development Control Plan 2012 (NDCP 2012) – Section 6.08.
- iv) **Overshadowing impacts** – Concern that the proposal will result in unreasonable overshadowing impacts. The neighbouring dwelling and associated open space will each not receive two hours of solar access between 9am and 3pm on 21 June.
- v) **Privacy impacts** – The position of the walkway within the development will result in unreasonable privacy impacts.
- vi) **Acoustic impacts** – The relative position of the proposal to the neighbouring dwellings will result in unacceptable acoustic impacts from residents entering / exiting, use of intercom speakers and reflective traffic / rail noise.
- vii) **Parking** – Concern that the proposal does not have sufficient parking and will result in overflow on-street parking, which is already overcrowded. The existing dwellings at 94, 96 and 98 Brunner Road, adjacent the site, already do not have any off-street parking.
- viii) **Traffic impacts** – The proposal will further exacerbate traffic impacts in the area, especially in terms of the existing lane which is already increasingly busy. The laneway needs to be repaired and / or upgraded.
- ix) **Drainage Impacts** – The development will result in increased drainage impacts on neighbouring properties.
- x) **Waste management** – Concern that waste collection for the site will cause problems.

- xi) **Thermal impacts** – The proposal will have an unreasonable impact as breezes to neighbouring properties will be restricted by the large scale of the proposal. Additionally, the large walls of the proposal will result in thermal mass heat loads unreasonably impacting the neighbouring properties.
- xii) **Construction process** – Concern is raised how the proposed development will be constructed, having zero side setbacks, without impacting and damaging neighbouring properties, plus posing a safety concern for residents.

#### 4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT

The submitted application has been assigned to Senior Development Officer, Damian Jaeger, for assessment.

The following comments are provided regarding key issues raised in submissions:

- i) The proposal has been assessed by CN's Urban Design Consultative Group and is considered to be acceptable. The proposed design is reflective of the adopted planning controls applicable under the Newcastle Local Environmental Plan 2012 (NLEP 2012) and Section 6.08 of the NDCP 2012 (ie. '*Renewal Corridor controls*').
- ii) The proposal complies with the floor space ratio development standard of 1.5:1, being proposed to be 1.19:1.
- iii) Impact of proposal on the neighbouring property is predominately the same to that which would occur if a large two storey house was proposed, due to the relative size of each site (ie. 94 Bruncker Road being relatively narrow).
- iv) Opaque screens and additional landscaping on the podium level, addresses privacy impacts.
- v) The proposal complies with the parking rate required under the NDCP 2012. The proposal is considered to be acceptable in terms of traffic impacts.
- vi) A Waste Management Plan which has been provided involves general and recycling waste being collected directly from the site.

**ATTACHMENTS**

**Item 1 - Attachment A: Submitted plans – Under Separate Cover - 90-92  
Brunker Road Broadmeadow**

**Item 2 - Attachment B: Processing Chronology – 90-92 Brunker Road  
Broadmeadow**

**Item 1 - Attachment A**

Submitted Plans - Under Separate Cover - 90-92 Brunker Road Broadmeadow

**Item 2 - Attachment B**

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**PROCESSING CHRONOLOGY**

**DA2018/00693 - 90-92 Brunner Road Broadmeadow**

- 3 July 2018 - Application lodged
  - 11 July 2018 - Public notification
  - 7 December 2018 - Additional information requested
  - 20 June 2019 - Further information received
-