



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 18 February 2020

**TIME:** 6.00pm

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

J Bath  
Chief Executive Officer

**City Administration Centre  
12 Stewart Avenue  
NEWCASTLE WEST NSW 2302**

Tuesday 11 February 2020

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**PUBLIC VOICE COMMITTEE**  
**18 February 2020**

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**PUBLIC VOICE SESSIONS**

**ITEM-1**                      **PV 18/02/20 - IMPLEMENTATION OF WICKHAM MASTER PLAN AND DRAFT LOCAL STRATEGIC PLANNING STATEMENT**

**REPORT BY:**                **GOVERNANCE**  
**CONTACT:**                **DIRECTOR GOVERNANCE / MANAGER REGULATORY ASSESSMENT AND PLANNING**

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**PURPOSE**

Ms Lynette Kilby, on behalf of Great Lifestyle of Wickham, will address Council at a public voice hearing regarding redevelopment of land within Wickham and matters to consider in the ongoing implementation of the Wickham Masterplan 2017, and the Newcastle Local Strategic Planning Statement.

**BACKGROUND**

Ms Kilby made an application on 20 December 2019, to address Council at Public Voice to discuss the Local Strategic Planning Statement currently being prepared and how this could drive possible updates to the Wickham Masterplan.

The application noted that Wickham Masterplan has been in place for two years and there are opportunities to improve the following:

- i)     The Local Strategic Plan should address infill development.
- ii)    Changes and buildings completed resulting from final and shifted Newcastle traffic routes.
- iii)   Internal pedestrian / cycle movements through Wickham.

**ITEM-2 PV 18/02/20 - DA2017/01376 - 495 HUNTER STREET, NEWCASTLE - DEMOLITION OF BUILDINGS, ERECTION OF MIXED USE DEVELOPMENT INCL. THREE COMMERCIAL/RETAIL TENANCIES & 87 RESIDENTIAL UNITS, ASSOC. CARPARKING & SITE WORKS**

**APPLICANT: MONTEATH AND POWYS  
 OWNER: INTERRELATE LIMITED  
 REPORT BY: GOVERNANCE  
 CONTACT: DIRECTOR GOVERNANCE/ MANAGER REGULATORY, PLANNING AND ASSESSMENT**

**BACKGROUND**

An application has been received seeking consent for the demolition of buildings and the erection of a mixed-use development, consisting of three retail / commercial tenancies and 87 residential apartments, associated car parking, landscaping and site works.

The application will be referred to the Development Applications Committee for determination, due to the construction value of the proposed development (ie. \$19,862,513) being in excess of the staff delegation limit of \$10M.

The original proposal has been amended several times, publicly notified and re-notified and was previously considered by the Public Voice Committee in July 2019.

During the Public Voice Committee meeting, concerns conveyed included the scale and density of the development, separation non-compliance and adverse amenity impacts on adjoining properties.

Further amendments to the proposal have been submitted in response to outstanding assessment concerns and Public Voice Committee meeting discussions.

Key changes in the latest amended plans include a reduction in building height (by one storey - Hunter Street tower) to comply with the 45m height limit, increased setbacks along the eastern side boundary (common boundary to Worth Place Apartments and Lauers Lane) and a reduction in setbacks along the western side boundary (common boundary to the approved Sky Residences development).



**Subject Land: 495-501 Hunter Street and 364 King Street Newcastle**

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

The original proposal was advertised and publicly notified in accordance with the City of Newcastle's (CN) public participation policy and total of 23 submissions (inclusive of eight late submissions) were received in response.

The proposal was subsequently amended and re-notified. The amended proposal generated 15 submissions (inclusive of four late submissions).

The latest amended plans were also re-notified. The amended proposal generated eight submissions.

The key issues arising from the submissions include:

- i) Building form and scale
- ii) Building height
- iii) Building setbacks and separation distances
- iv) Traffic, parking and access
- v) Visual and acoustic amenity
- vi) Anti-social behaviour
- vii) Consistent street wall heights
- viii) Solar access

## **1.0 THE SITE**

The subject site comprises four allotments including Lot 851 DP 578844, Lot 1 DP 67823, Lot 1 DP 87872, known as No.495-501 Hunter Street and Lot 1 DP 1010094, known as No.364 King Street. The property is irregular in shape, with frontages to Hunter Street (20m), King Street (19m) and Lauers Lane (off King Street). The site is located in the Civic precinct of the Newcastle City Centre, which is part of the Newcastle City Centre Heritage Conservation Area.

The site area is 1,821.11m<sup>2</sup>, with current uses primarily being small scale commercial premises, apart from Lot 851 (No.501 Hunter Street), which is vacant land. The site is bounded by forms of development that include newer tower blocks and older mid-level development, with mixed commercial / residential land uses.

The site is relatively flat, with a minor fall of approximately 1m from King Street towards Hunter Street.

## **2.0 THE PROPOSAL**

The applicant seeks consent for an amended proposal which includes the demolition of buildings and the erection of a 14-storey mixed used building, comprising:

- a) Three retail / commercial premises at ground level Building H – one x 177m<sup>2</sup> and Building K - one x 42m<sup>2</sup> and one x 63m<sup>2</sup>;

- b) Three levels of car parking, including ground floor accessible parking and loading bay, providing a total of residential apartment parking - 99 car parking spaces inclusive of one accessible space (previously 102 car spaces), six motorbike spaces and bicycle parking;
- c) 87 residential units (levels 1 – 14) including 10 x one-bedroom units, 51 x two-bedroom units and 26 x three-bedroom units; and
- d) Landscaping works.

The plans were amended during the assessment process in response to assessment matters inclusive of issues raised by CN's Urban Design Consultative Group (UDCG) and in response to discussions at the Public Voice Committee meeting held on 16 July 2019.

Previous amendments made during the process have included the addition of awnings to the King Street facade, additional lift and communal open space to the King Street building, revised landscaping and removal of the through-site link connecting Hunter and King Streets via Lauer Lane.

The latest amended proposal has further refined the proposal and has seen a reduction in the overall maximum height of the building, to comply with the 45 metre height limit for the site (removal of one storey – 2.48m exceedance), increase in setbacks along the eastern side (common boundary with Worth Place Apartments and Lauers Lane) and a reduction in side setbacks along the western side (common boundary with approved Sky Residences).

The Waste Management Plan proposes the use of a private contractor for residential and retail / commercial waste. A waste room is located on the ground level, with bins being transferred to the street for collection.

The latest amended proposal / plans were considered by CN's UDCG in November 2019.

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

The various steps in the processing of the application to date are outlined in the Processing Chronology appended at **Attachment B**.

### **3.0 PUBLIC NOTIFICATION**

The original proposal was advertised and notified in accordance with CN's Public Participation Policy. A total of 23 submissions were received objecting to the proposal (including eight received after the closing of the exhibition period).

During the assessment of the application, the proposal was amended and then re-notified. A total of 15 submissions were received, including four submissions received after the closing of the exhibition period.

The latest amended plans were re-notified. The amended proposal generated eight submissions objecting to the proposal.

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

**a) Statutory and Policy Issues**

- i) Height of building – Non-compliance with the height of buildings development standard of the Newcastle Local Environmental Plan 2012 (NLEP 2012)
- ii) Objectives of the zone – scale / character of development
- iii) Non-compliance with Newcastle Development Control Plan 2012 (NDCP 2012)

**b) Amenity Issues**

- iv) Acoustic
- v) Amenity / views
- vi) Building setbacks
- vii) Solar access
- viii) Visual impact
- ix) Wind
- x) Security / safety

**c) Design and Aesthetic Issues**

- i) Building setbacks
- ii) Building height
- iii) Hunter Street façade
- iv) Heritage

**d) Traffic and Parking Issues**

- i) Traffic and vehicular access – width of Lauers Lane
- ii) Parking

**e) Miscellaneous**

- i) Economic and property values
- ii) Authority of Joint Regional Planning Panel (JRPP)

**4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT**

The submitted application has been assigned to Senior Development Officer Amanda Gale for assessment.

The proposed mixed-use development is a permissible land use within the B4 Mixed Use zone.

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



- a) The amended proposal now appears to comply with the height of buildings development standard of 45m under NLEP 2012 (ie. Hunter Street tower component).

The previous request for variation to a development standard lodged in relation to both aspects of non-compliance, with height of building and building separation, is no longer relevant as the amended proposal complies with the height limit and, given that the proposed height is now below 45m, the building separation clause under the provisions of NLEP 2012 for buildings over 45m is no longer relevant.

- b) In relation to traffic, access and parking the proposal is generally consistent with relevant requirements. Upgrading of Lauers Lane would be a recommended requirement, as part of the proposed development, if consent is to be granted.
- c) Concerns raised in relation to amenity, design and aesthetics have resulted in changes to the development proposal during the assessment process.

The latest amended proposal / plans were considered by CN's UDCG in November 2019. While some design issues have been resolved during the process of amendments, a number of issues remain, with respect to built form, landscape, amenity and aesthetics. Issues relating to inadequate and unacceptable separation distances between the Hunter Street tower and the neighbouring property, No.509 Hunter Street, and the King Street tower and potential future development to the east, on the opposite side of Lauers Lane, remain.

On the basis of these remaining concerns and issues, UDCG have advised that they cannot support the application.

- d) A submission raised the need for the application to be determined by the JRPP. The application was accompanied by a Capital Investment Value Report, with an estimated value of less than \$20 million. CN's Development Applications Committee is the delegated authority for determining the application.

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

**ATTACHMENTS**

**Item 2 Attachment A: Submitted Plans - 495-501 Hunter Street and 364 King Street Newcastle**

**Item 2 Attachment B: Processing Chronology - 495-501 Hunter Street and 364 King Street Newcastle**

**Attachments A & B - Distributed Under Separate Cover**