



**THE 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 16 May 2017

**TIME:** 5.30pm

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

Peter Chrystal  
Interim Chief Executive Officer

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

Tuesday 9 May 2017

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**PUBLIC VOICE COMMITTEE**  
**16 May 2017**

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**PUBLIC VOICE SESSIONS**

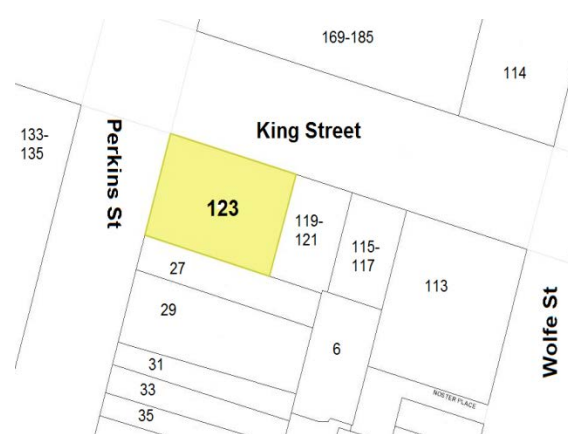
**ITEM-1**                    **PV 16/05/17 - DA 2015/10304 - 123 KING STREET  
NEWCASTLE - ALTERATIONS AND ADDITIONS TO BUILDING  
FOR ADAPTIVE RE-USE AS SIX STOREY MIXED USE  
DEVELOPMENT WITH THREE COMMERCIAL TENANCIES,  
PARKING AT GROUND LEVEL AND TWENTY FIVE  
RESIDENTIAL UNITS**

**APPLICANT:**            **ANCON DEVELOPMENT GROUP PTY LTD**  
**OWNER:**                **J E CARMODY & A COMMISSO**  
**NOTE BY:**              **PLANNING & REGULATORY GROUP**  
**CONTACT:**             **DIRECTOR PLANNING AND REGULATORY / MANAGER  
DEVELOPMENT AND BUILDING**

**PURPOSE**

The proposed development seeks consent for alterations and additions to the existing heritage building for adaptive re-use as a six-storey shop top housing development, which consists of three ground floor retail/business tenancies, 25 residential apartments and five parking spaces.

The development application was presented to the Development Applications Committee on 21 March 2017 for determination,



**Subject Land:**  
**123 King Street Newcastle**

due to non-compliance with development standards of Newcastle Local Environmental Plan 2012 for height of buildings and floor space ratio. In addition, the application sought a variation to the parking requirements of Newcastle DCP 2012. The Development Applications Committee deferred consideration of the application, as per the following procedural motion:

- *'That this item lay on the table until a briefing is provided (by Council staff) that includes the context of this development within its surrounding area and neighbouring residents are notified of an opportunity made available for Public Voice.'*

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

**1.0 THE SITE**

The site has a total area of 541m<sup>2</sup> and contains an existing three storey commercial building known as *'Ireland's Bond Store 1884'*, located on the corner of King and Perkins Streets, Newcastle.

The site is identified as a heritage item of local significance - *Ireland Bond Store* under Newcastle Local Environmental Plan 2012 and is located within the Hill Conservation Area. The site is also located in the vicinity of other heritage items of local significance, including the former *Primitive Methodist Manse* and former *Volunteer Fire Station* and the *David Jones building*.

The surrounding area features a variety of buildings and uses including:

- i. To the north - a five storey car parking station on King Street (former David Jones car park).
- ii. To the east (along King St) - two existing commercial buildings immediately adjoin this site. The next building further along King Street, on the corner of Wolfe Street, is the former YMCA building (six storeys), which has been converted into residential apartments above ground floor commercial tenancies.
- iii. To the south (on Perkins St) - a three-storey terrace house immediately adjacent to the site, with residential buildings of two to three stories stepping up the street.
- iv. To the west (corner Perkins & King Street) - a four storey commercial building is located on the corner, commercial buildings of two to four storeys located further along King Street.

**2.0 THE PROPOSAL**

The proposed development involves the adaptive reuse of the existing *'Ireland's Bond Store'* building. Three commercial tenancies are proposed for the ground floor, along with car parking and storage, and the upper storeys are to be used as residential apartments.

A two-storey addition, with a low-profile articulated curved roof, in association with a communal rooftop area and garden is also proposed to be used for residential apartments. Building services are proposed to be upgraded as required.

Details of the proposed works are as follows:

Level	Components
Ground Floor	<ul style="list-style-type: none"> <li>• Three retail/business premises (a total of 180.47m<sup>2</sup> in area)</li> <li>• Foyer and resident's entrance area</li> <li>• Mail area</li> <li>• Accessible unisex toilet</li> </ul>

	<ul style="list-style-type: none"> <li>• Five on-site car parking spaces and overhead unit lockers</li> <li>• Twenty bicycle racks</li> <li>• Waste storage area</li> <li>• Lift and fire stairs</li> </ul>
Level 1	<ul style="list-style-type: none"> <li>• Four x one-bedroom units</li> <li>• One x two-bedroom unit</li> <li>• One x two-bedroom unit + study (second level on level 2)</li> <li>• Private courtyard (49m<sup>2</sup>) for one unit</li> </ul>
Level 2	<ul style="list-style-type: none"> <li>• Six x one-bedroom units</li> </ul>
Level 3	<ul style="list-style-type: none"> <li>• Six x one-bedroom units</li> <li>• One x two-bedroom unit + study (second level on level 4)</li> </ul>
Level 4	<ul style="list-style-type: none"> <li>• One x one-bedroom unit</li> <li>• Three x two-bedroom units</li> </ul>
Level 5	<ul style="list-style-type: none"> <li>• One x two-bedroom unit + private courtyard (22m<sup>2</sup>)</li> <li>• One x two-bedroom unit + study + private courtyard (20m<sup>2</sup>)</li> <li>• Communal outdoor area (45.5m<sup>2</sup>)</li> <li>• Communal indoor area (20m<sup>2</sup>)</li> <li>• Garden area (160m<sup>2</sup>)</li> </ul>

The proposal has been the subject of incremental minor design changes and refinements during the assessment period in response to concerns raised by Council officers and the Urban Design Consultative Group. These amendments included changes to the roof structure, reduction in the size of the residential units and increased boundary setbacks for the upper two floors of the building.

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

### 3.0 PUBLIC NOTIFICATION

The application was originally publicly notified in accordance with Council's Public Notification policy from 15 December 2015 - 14 January 2016. This public exhibition period extended beyond the normal 14 day period, due to the end of year / Christmas holiday period. No submissions were received.

The application has been subsequently re-notified to neighbouring residents advising of their opportunity to address Council's Public Voice Committee in respect of the application. A total of five submissions were received in response, which included two Public Voice requests.

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

#### 1) Statutory and Policy Issues

- i. FSR - The development exceeds the maximum permitted Floor Space Ratio of the Newcastle LEP 2012 by 120%.

- ii. Height - The development exceeds the maximum permitted building height of the Newcastle LEP by 45%.
- iii. Precedent - If approved the development will set a planning precedent for future development in Newcastle's inner city.

**2) Amenity Issues:**

- i. Views - The proposed extension will impede views to and from many existing residences on The Hill.

**3) Design and Aesthetic Issues**

- i. Heritage impacts - Negative impact on the heritage character of the building. The additional floors will devalue the heritage significance of the building without contributing to the precinct.
- ii. Character - Unsympathetic flat-roofed addition to a heritage building. Most of the buildings in this area have high pitched roofs and the development is not in keeping with the character of the area.
- iii. Heritage Impact Statement - The Heritage Impact Statement cannot be considered an independent assessment as it is prepared by the architects themselves.
- iv. Height, bulk and scale - The height and bulk of the proposed development is inappropriate for the site. Development should be confined to the existing building envelope.

**4) Traffic and Infrastructure Issues**

- i. Under supply of on-site parking - The required number of car spaces for this proposal according to the DCP is at least 20 (depending on the proposed use of the commercial lots), whereas this development currently allows for only 5 spaces.
- ii. Increased pressure on on-street parking - Parking in the city is currently a problem.

**5) Miscellaneous**

- i. Notification - Inadequate community notification. The application was exhibited from 15 December 2015 - 14 January 2016 with only eight notices sent to nearby properties.
- ii. Public interest - There is no public benefit afforded to the community.

**ATTACHMENTS**

**Attachment A:** Submitted plans - 123 King Street Newcastle

**Attachment B:** Processing Chronology - 123 King Street Newcastle

**Attachment A - Submitted Plans - Under separate cover**



**Attachment B**

**PROCESSING CHRONOLOGY**

**DA 2015/10304 - 123 King Street, Newcastle**

- 30 November 2015 - Application lodged with Council
  - 15 December 2015 - - Public Notification (no submissions received)
  - 14 January 2016
  - 30 March 2016 - Further information requested
  - 07 September 2016 - Additional information submitted
  - 16 November 2016 - Application presented to Council's Urban Design Consultative Group
  - 13 December 2016 - Amended Plans submitted in response to Urban Design Consultative Group's recommendations
  - 21 March 2017 - Application reported to Development Applications Committee (DAC) for determination - DAC resolved that the item lay on the table
  - 28 March 2017 - 12 - Notification sent to neighbouring properties advising of their opportunity to address Council's Public Voice Committee
  - April 2017
-

**ITEM-2**                    **PV 16/05/17 - DA2016/01283 - 65, 71-73 & 75 BRUNKER ROAD BROADMEADOW - DEMOLITION OF BUILDINGS, ERECTION OF FOUR STOREY MULTI - UNIT DEVELOPMENT WITH 38 RESIDENTIAL UNITS, 42 GROUND FLOOR PARKING BAYS AND ASSOCIATED SITE WORKS.**

**APPLICANT:**            **GWH BUILD PTY. LTD.**  
**OWNER:**                **S.DURRANCE, A TYRELL, A MAMIC, G MAMIC**  
**NOTE BY:**              **PLANNING & REGULATORY GROUP**  
**CONTACT:**             **DIRECTOR PLANNING AND REGULATORY / MANAGER DEVELOPMENT AND BUILDING**

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## PURPOSE

The proposed development seeks consent for the construction of a four-storey multi-unit development consisting of 38 dwellings, 42 parking spaces and associated site works.

The application was notified in accordance with Council's Public Notification Policy for a period of 14 days, on two occasions, to adjoining property owners. By the conclusion of the initial notification period three submissions had been received (including a petition with 27 signatures).

By the conclusion of the most recent notification period, one submission had been received. Three public voice applications were received during the second notification period.

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

### 1.0 THE SITE

The subject site consists of three lots:

1. 65 Brunker Road (Lot 1815, DP755247)
2. 71-73 Brunker Road (Lot 1816, DP755247)
3. 75 Brunker Road (Lot 1817, DP755247)



**Subject Land:** 65,71-73, 75 Brunker Road Broadmeadow

The site is located on the southern side of the intersection of Bruncker and Awaba Roads at Broadmeadow. Comprising a total land area of 2042m<sup>2</sup>, the site enjoys a 60.5m frontage to Bruncker Road and 34.1m frontage to Awaba Road.

The site currently contains the following:

- i. 65 Bruncker Road - consists of a two-storey building at the corner encompassing a shop on the ground floor, currently occupied by *'Fridge and Freeze Door Seals'* and an accountants office at first floor *'Ingram Cole and Land'*.
- ii. To the rear of the property (adjoining Awaba Road) is a garage and workshop related to the use of the remainder of the site, which is used for smash repairs. The workshop consists of a single-storey industrial building with a skillion roof, backing onto dwelling houses at 62 and 64 Gosford Road. There is a dropped-kerb crossover extending along most of the length of the Awaba Road frontage and this area is used for on-pavement car parking.
- iii. 71 – 73 Bruncker Road (used in connection with 75 Bruncker Road) - consists of a single-storey workshop (with internal mezzanine), occupied by *'Mamic Smash Repairs'*. The building has a skillion roof and backs onto residential properties at 64 - 68 Gosford Road.
- iv. 75 Bruncker Road - consists of an open yard used for car storage connected with *'Mamic Smash Repairs'*. There is a single-storey weatherboard dwelling near the north-west corner, with its own small front and rear yard. The applicant has stated that this dwelling is used as storage and for occasional accommodation of staff.

With the exception of a small palm tree located within the rear yard and a medium sized tree located with the front yard of this property, the development site is devoid of vegetation.

The site slopes from north-east to south-west. To the south-east, the site backs onto residential properties at 62 - 70 Gosford Road. There is drop in ground levels from the site of 0.2 - 1.3m to 62 - 64 Gosford Road, along the common boundary, and a similar drop in levels from the site of 0.5 - 1.3m to 64 - 68 Gosford Road.

## **2.0 THE PROPOSAL**

The applicant seeks consent for the construction of a four-storey multi-unit development of 38 residential units, 42 ground floor parking spaces and associated site works.

The proposal has been amended in response to advice from the Urban Design Consultative Group and in response to concerns raised by Council officers.

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 appended at **Attachment B**

### **3.0 PUBLIC NOTIFICATION**

The application was originally publicly notified for a period of 14 days in accordance with Council's Public Notification Policy. Three public submissions were received objecting to the proposal. Two of these submissions consisted of petitions with a total of 27 signatures.

The amended application was re-notified for a period of 14 days, with one submission being received in response, along with three Public Voice requests.

In addition, one submission was received after the notification period in support of the application.

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

#### **1) Statutory and Policy Issues**

- i. Scale, Bulk and Density - The development has an overpowering impact upon the residential properties in Gosford Road. As one development footprint, it does not respond to the rhythm of buildings in Bruncker Road. Density is inappropriate for the area.
- ii. Land zoning - The development does not respect the residential character of adjoining streets.

#### **2) Amenity Issues**

- i. Overshadowing - Overshadowing of properties (and loss of light) to residential properties in Gosford Road.
- ii. Privacy - Overlooking of residential properties in Gosford Road.
- iii. View loss - Obstruction of views and loss of outlook to neighbouring residential properties in Gosford Road.
- iv. Noise - Increased noise and disturbance to residential properties in Gosford Road.
- v. Social impact - Potential for increased crime though rear garden access to residential properties in Gosford Road. High fencing in Bruncker Road limits interaction with the public.

**3) Design and Aesthetic Issues**

- i. Building appearance - Building has monolithic design and little or no modulation. The roof form is inappropriate. There is no attempt to break down massing of the corners.
- ii. Building separation - There is a lack of separation to residential properties in Gosford Road.
- iii. Open space - Minimal landscaping provision and what is provided does not contribute to the streetscape.
- iv. Setbacks to south-east and south-west boundaries - There are building envelope encroachments to the adjacent properties.

**4) Traffic and Infrastructure Issues**

- i. Traffic - Development will massively increase noise and traffic at the site.

**5) Miscellaneous**

- i. Re-development in Gosford Road - Development compromises the re-development of the adjacent R3 zone which will not be able to meet solar access requirements.

**ATTACHMENTS**

**Attachment A:** Submitted Plans - 65, 71-73 & 75 Brunner Road Broadmeadow

**Attachment B:** Processing Chronology - 65, 71-73 & 75 Brunner Road Broadmeadow

**Attachment A - Submitted Plans -Under separate cover**

**Attachment B**

**PROCESSING CHRONOLOGY**

**DA 2016/01283 - 65, 71-73 & 75 Bruncker Road Broadmeadow**

- 11 November 2016 - Application lodged
  - 17 November - 02 - Public Notification
  - December 2016
  - 02 December 2016 - Further information requested
  - 09 December 2016 - Additional information submitted
  - 12 December 2016 - Additional information submitted
  - 12 December 2016 - Urban Design Consultative Group Meeting
  - 21 December 2016 - Additional information submitted
  - 10 January 2017 - Additional information submitted
  - 08 March 2017 - Further information requested
  - 10 March 2017 - Additional information submitted
  - 16 March - 03 April 2017 - Public Notification (Amended Plans)
  - 03 April 2017 - Three applications for Public Voice
  - 07 April 2017 - Further information requested
  - 19 April 2017 - Additional information submitted
  - 20 April 2017 - Further information requested
  - 21 April 2017 - Additional information submitted
-