



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 21 April 2020

TIME: 6.00pm

VENUE: Audio Visual Link

J Bath
Chief Executive Officer

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

14 April 2020

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**PUBLIC VOICE COMMITTEE
21 April 2020**

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PUBLIC VOICE SESSIONS

ITEM-1 PV 21/04/20 - DA2019/01097 - 15 NORTHUMBERLAND STREET MARYVILLE

**APPLICANT: GRAHAME DICKSON
OWNER: GRAHAME DICKSON
REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE/ MANAGER REGULATORY,
PLANNING AND ASSESSMENT**

BACKGROUND

An application has been received seeking consent for multi dwelling housing comprising the demolition of the existing dwelling house, erection of three attached dwellings and two into three lot subdivision.

The application was publicly notified in accordance with City of Newcastle’s (CN) Public Participation Policy and 43 submissions were received. In response to the issues raised and to CN’s request for additional information, amended plans were lodged and the application was re-notified. 26 submissions were received in the second round of notification.



Subject Land: 15 Northumberland Street Maryville

The application is referred to the Development Applications Committee for determination, due to the number of submissions received and the significant community interest in the proposal.

The concerns raised by the objectors in respect of the proposed development include bulk and scale, density, car parking, stormwater, waste management, privacy, overshadowing, construction impacts and the public interest.

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

1.0 THE SITE

The subject site comprises Lots 33 and 34 in Deposited Plan 5062 and is known as 15 Northumberland Street, Maryville. The site is rectangular in shape and is located on the eastern side of Northumberland Street. The lot has a frontage of 20.116 metres, a maximum depth of approximately 30 metres and a total area of 606.97m². The site is sloping toward the rear boundary from the street, albeit with a fall of approximately 200mm. The site is identified as being flood prone.

The site contains minimal vegetation with existing improvements including a single storey weatherboard dwelling and a number of ancillary outbuilding structures of both an attached and detached nature. Vehicular access is currently from Northumberland Street via a 6m wide driveway crossing which also services a parking space benefitting the adjoining allotment to the north for which the subject site is burdened through easement. The subject parking space is to be retained throughout the extent of this development.

The site is surrounded by a mixture of older style dwelling houses of single and double storey form and contemporary housing developments. It is noted however that medium density housing developments are evident throughout the broader locality. The subject site is located approximately 1.3km North-West of the Newcastle Central Business District.

2.0 THE PROPOSAL

The applicant seeks consent for:

- 1) Demolition of existing dwelling and outbuildings
- 2) Erection of multi dwelling housing comprising three, two storey attached dwellings
- 3) Two into three lot torrens title subdivision

A copy of the submitted plans is included 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 concerns raised by the objectors in respect of the proposed development are summarised as follows:

a) Statutory and Policy Issues

- i) Density – overdevelopment of the site
- ii) Building height

b) Amenity Issues

- i) Overshadowing of adjoining properties
- ii) Loss of privacy and overlooking of neighbouring sites

c) Design and Aesthetic Issues

- i) **Bulk and scale** – scale and massing, combined overall length of building is unsympathetic with streetscape.
- ii) **Character-** not compatible with the residential context of the immediate neighbourhood, which largely consists of single dwelling houses. Box form appearance not sympathetic with surrounding built form.
- iii) **Subdivision** – the proposal does not consider the resultant street frontage widths post subdivision.
- iv) **Visual impact-** dominant carparking area.
- v) **Poor design-** bedrooms are of minimal size and living areas are inadequate. Middle townhouse receives minimal sunlight.

d) Traffic and Parking Issues:

- i) **Car Parking** – loss of on-street car parking and non-compliance with NDCP 2012 requirements for car parking.
- ii) **Traffic impacts-** associated with the construction phase and increased density of development.

e) Miscellaneous:

- i) **Construction impacts-** concern regarding the impacts on neighbours arising from the construction process.
- ii) **Public interest** – the proposal is not within the public interest as it would set a precedent of three dwellings on two blocks in Maryville.
- iii) **Land use-** the proposal appears designed to appeal to students, increasing the transient nature of the neighbourhood, causing increased community stresses.
- iv) **Stormwater Management-** roof water runoff and impervious area will increase pressure on existing street stormwater system.
- v) **Waste Management** – poor layout and ventilation to internal bin storage in addition to lack of maneuverability and lack of access.

4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT

The submitted application has been assigned to Development Officer, Ethan Whiteman for assessment.

A pre lodgement meeting was not undertaken prior to submission of the development application.

The site is located in the R2 Low Density Residential zone under the Newcastle Local Environmental Plan 2012 (NLEP 2012) and the proposed development is permissible with Council's consent as '*multi dwelling housing*'.

The Floor Space Ratio (FSR) map provides for a maximum FSR of 0.6:1. The proposed development has a gross floor area of 363.88m², resulting in a FSR of 0.59:1 (based on a site area of 606.97m²).

The proposed development complies with the height of buildings development standard afforded to the site of 8.5m under NLEP 2012, with a maximum building height of 7.2m.

The overshadowing analysis provided indicates neighbouring properties receive solar access to main living areas and private open space for a minimum two hours at the winter solstice (June 21) and existing overshadowing would not be reduced by more than 20%.

Submitted plans indicate the proposed development is compliant with Section 3.03.03 (H) of NDCP 2012 having regard to visual privacy.

The subject site has a frontage of 20.116m and is situated within the R2 zone which requires a minimum 18m frontage width to facilitate the establishment of multiple dwelling housing.

The aggregate garage door width of 7.2m over a distance of 20.17m equates to 36% of the front facade. The application seeks a variation to the numerical control prescribed under 3.03.02 (G) through compatibility with the applicable performance criteria.

The proposed development includes overall bedroom sizes compliant with the minimum requirement under section 3.03.03 (D) of NDCP 2012. The minimum dimensions of the bedrooms however are not compliant with the acceptable solutions of this section of the DCP and the application seeks a variation through compatibility with the applicable performance criteria.

Revised plans displaying garage setbacks to the front boundary of 5.5m allowing for further provision of off-street car parking, taking the total provision of on-site parking to six. Proposal complies with carparking requirements.

Two additional dwellings is not expected to significantly increase traffic flow through the surrounding locality.

Revised plans which demonstrate improved access to garbage bin storage space and sufficient street frontage for bin collection has been submitted.

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 - 15
Northumberland Street Maryville

Item 1 Attachment B: Processing Chronology - Under Separate Cover - 15
Northumberland Street Maryville

Attachments A to B - Distributed under separate cover

ITEM-2 PV 21/04/20 - DA2019/01000 - 142 DARBY STREET, COOKS HILL - PUB - ALTERATIONS AND ADDITIONS

APPLICANT: DEL HOLDINGS PROPERTY PTY LIMITED
THE NEW WINDSOR HOTEL PTY LIMITED
OWNER: DEL HOLDINGS PROPERTY PTY LIMITED &
THE NEW WINDSOR HOTEL PTY LIMITED
REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE/ MANAGER REGULATORY,
PLANNING AND ASSESSMENT

BACKGROUND

An application has been received seeking consent for alterations and additions to an existing pub, including partial demolition and reconstruction of the ground floor facade and awning. The pub is known as the Delaney Hotel.

A total of nine development consents have been issued on the site since 1982 which include a mixture of alterations and additions to the building and changes to operating hours.



Subject Land: 142 Darby Street Cooks Hill

The premises currently operates under the approved hours granted under DA2008/0644 issued by City of Newcastle on 29 August 2008.

The application was publicly notified in accordance with Section 8.00 of City of Newcastle's Development Control Plan 2012, with seven submissions being received.

The application is referred to the Development Applications Committee for determination, due to the application being called in by Councillor Mackenzie and Councillor Duncan.

The concerns raised by the objectors in respect of the proposed development include heritage and acoustic impacts.

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

1.0 THE SITE

The subject site comprises Lots 20 in deposited plan 103822, Lot 13 in DP1009613 and Lot 15 in DP1009613 and is known as 134-142 Darby Street, Cooks Hill. The lot is regularly shaped and is located at the corner of Council and Darby Streets toward the northern end of the Cooks Hill commercial precinct. The lot has a frontage of approximately 50m to Council Street and 39m to Darby Street and has predominantly flat and level topography.

The allotment consists of three buildings, the original two storey hotel building constructed in 1925, a newer two storey building to the south of the original and a single storey building used as a bottle shop to the rear. Entrance to the Delany Hotel is facilitated from Darby Street and Council Street in addition to a rear entry western entry door.

The site is bounded by a Council owned car park to the west which has access from both Council and Darby Streets, to the south by an established commercial premise, to the east by Darby Street and to the north by Council Street.

The site is located within the Cooks Hill Heritage Conservation Area and is partially flood prone (limited to far north-western corner).

2.0 THE PROPOSAL

The applicant seeks consent to undertake alterations and additions to the existing pub.

The proposed works consist of:

- i) Partial demolition and reconstruction of the ground floor facade and awning to Council and Darby Street.
- ii) Installation of glass louvres and retractable awning on Darby Street frontage.
- iii) Construction of a new entrance on Council Street and the carpark frontage.
- iv) Installation of new voids through to the second storey roof, to create compliance with the *Smoke Free Environment Act 2001*.
- v) Construction of an acoustic wall at the carpark frontage.
- vi) Removal of the ATM at the corner of Council and Darby Street.
- vii) Removal and installation of signage.
- viii) Other associated minor works such as painting.

It is noted the applicant does not seek consent for any operational changes to the premises. The trading hours and capacity remain unchanged as per existing development consents.

A copy of the submitted plans is included 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 publicly notified for a period of 14 days in accordance with Council's Public Notification Policy. Seven submissions have been received. There has also been one public voice application received during notification.

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

a) Statutory and Policy Issues:

- i) Heritage Conservation - Adverse heritage impact of alterations to existing facade.

b) Amenity Issues:

- i) Acoustic impacts arising from new bi-fold windows and entrance to Council street facade.
- ii) Acoustic impact arising from roof-top air conditioning unit.

c) Design and Aesthetic Issues:

- i) Alterations are inconsistent with design, materials and type of hotels of this area.

4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT

The submitted application has been assigned to Development Officer, Ethan Whiteman for assessment.

An acoustic report was submitted which considered patron use of different areas as well as entertainment noise, prepared in accordance with NSW Environmental Protection Authority (EPA)- *Noise Policy for Industry 2017* and NSW Liquor and Gaming Criteria. The assessment concluded that the venue could operate without breaching appropriate noise assessment criteria, if the expert recommendations in section 6 of the Acoustic Assessment are implemented.

The proposed development does not include alteration to the existing roof top air conditioning unit. The venue appears to be operating for a number of years in a reasonable manner consistent with this application.

The subject site is located within the Cooks Hill Heritage Conservation Area and the Delany Hotel is identified as a 'contributory 2' building. The applicant has submitted a Heritage Impact Statement which was subsequently amended. The heritage impact statement summarises:

Hotel Delany makes a strong contribution to the aesthetic character, historical value and amenity of Darby Street and the surrounding Conservation Area. The proposed external alterations to the hotel constitute minor impacts which are acceptable from a heritage perspective. The historical character of the Conservation Area, the quality of its streetscapes and diverse range of historic residential and commercial building, will be retained.

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 - Under Separate Cover - 142 Darby Street Cooks Hill

Item 2 Attachment B: Processing Chronology - Under Separate Cover - 142 Darby Street Cooks Hill

Attachments A to B - Distributed under separate cover

ITEM-3 PV 21/04/20 - DA2019/00852 - 6 KING STREET, STOCKTON

APPLICANT: KUBUSH BORZESTOWSKI
OWNER: MACKENZIE HOLDINGS (NSW) PTY LTD
REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE/ MANAGER REGULATORY,
 PLANNING AND ASSESSMENT

BACKGROUND

An application has been received seeking consent for multi dwelling housing and subdivision. This involves the demolition of the existing outbuilding, alterations and additions to the existing dwelling on the site and construction of two attached two storey dwellings and strata subdivision.



Subject Land: 6 King Street Stockton

The site has a current permit for tree removal of the existing large tree located in rear yard.

The application was publicly notified in accordance with City of Newcastle’s (CN) Public Participation Policy, with two submissions being received.

The application is referred to the Development Applications Committee for determination, due to the application being called in by Councillor White and Councillor MacKenzie.

The concerns raised by the objectors in respect of the proposed development are building height, density, overdevelopment, inconsistent with zoning of the land, visual impact, privacy, overshadowing and tree loss.

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

1.0 THE SITE

The subject site comprises 6 King Street, Stockton with a total area of 620.5m². The site has a primary frontage to King Street (14.2m wide) and rear access via an unnamed laneway (12.5m wide). The site is relatively flat with a slight fall towards

King Street. The site is not identified as flood prone and is not located in a Mine Subsidence area.

2.0 THE PROPOSAL

The applicant seeks consent for:

- a) Demolition of the existing outbuildings
- b) Construction of two attached dwellings
- c) Alterations and additions to existing dwelling
- d) Strata subdivision

A copy of the submitted plans is included 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 concerns raised by the objectors in respect of the proposed development are summarised as follows:

a) Statutory and Policy Issues:

- i) Density – excessive number of dwellings resulting in overdevelopment of the site.
- ii) Zoning objectives – proposal does not meet objectives of the R2 Medium Density Residential zone.

b) Amenity Issues:

- i) Overshadowing of adjoining properties.
- ii) Loss of Privacy and overlooking of neighbouring.
- iii) Loss of outlook to neighbouring properties.
- iv) Lack of open space and landscaping provided within the development.
- v) Loss of trees and limited opportunity for compensatory planting.
- vi) Acoustic impact on neighbouring properties.

c) Design and Aesthetic Issues:

- i) Bulk and scale - scale and massing is unsympathetic within existing context.
- ii) Visual impact - visual dominance of development.
- iii) Character - not compatible with the residential context of the neighbourhood, which largely consists of one-storey and two-storey dwellings.

- iv) Streetscape - impact on laneway and surrounding streetscapes.
- v) Setbacks – minimal setback from side boundaries.
- vi) Frontage widths – inadequate width of lot frontages.

d) Traffic and Parking Issues:

- i) Laneway classification and use – laneway is not suitable for proposed use and intensification.

e) Miscellaneous:

- i) Construction - 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 site is located in the R2 Low Density Residential zone under LEP 2012 and the proposed development is permissible with development consent as '*multi-dwelling housing*'.

The site is identified as being within a 'Moderate Growth Precinct' in accordance with NDCP 2012 precinct maps.

The Floor Space Ratio Map provides for a maximum FSR of 0.75:1. The existing and proposed dwellings total 347.5m² of combined floor space. The proposal results in an FSR of 0.56:1 (based on a site area of 620.5m²), which is under the maximum FSR for the site.

The proposed development complies with the height of buildings development standard of 8.5m under NLEP 2012.

The laneway is classified as 'Type C' in accordance with NDCP 2012 and driveway access and street frontage is permissible. According to the Newcastle Development Control Plan 7.11, laneways greater than 6m wide are classified as 'Type C'. From Council's OneMap system, the laneway measures to be approximately 6.3m wide, therefore, the laneway is classed as a Type C. The laneway currently cannot provide mail service due to being unnamed, stormwater infrastructure or safe pedestrian access due to inadequate lighting. Therefore, these requirements will need to be catered for by the King Street frontage. This has already been proposed on plans and can be supported. Setbacks have been provided in accordance with NDCP 2012 Section 7.11 for Type C laneways.

Two off-street parking spaces are provided per dwelling, which exceeds the numerical requirements of Newcastle Development Control Plan 2012 (NDCP 2012).

The application outlines compliant solar access is provided to adjoining properties.

The application outlines compliant visual privacy is provided to adjoining properties. The proposed upper floor balconies in the original scheme have been removed, with reduced size windows provided. The distance to adjoining privacy zones is more than 12m which is considered to be outside the privacy sensitive zone.

The proposed development does not meet minimum frontage width of 15m. The King Street frontage is 14.2m and the unnamed laneway frontage is 12.45m. A variation is sought and has demonstrated performance criteria can be met by providing good internal site amenity.

The proposed development does not meet side boundary setbacks for a length of 12.2m where the new garages are proposed. A variation of 900mm (nil setback) is sought and has demonstrated performance criteria can be met by providing sufficient landscaping to the site and maintains amenity and privacy of adjoining dwellings. There are also a number of examples in the local area where nil setbacks are provided for garages.

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

ATTACHMENTS

Item 3 Attachment A: Submitted Plans - Under Separate Cover - 6 King Street Stockton

Item 3 Attachment B: Processing Chronology - Under Separate Cover - 6 King Street Stockton

Attachments A to B - Distributed under separate cover