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 15 August 2017  
**TIME:** 5.30pm  
**VENUE:** Council Chambers  
2nd Floor  
City Hall  
290 King Street  
Newcastle NSW 2300

Jeremy Bath  
Interim Chief Executive Officer  
City Administration Centre  
282 King Street  
NEWCASTLE NSW 2300

Tuesday 8 August 2017

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At the Ordinary Council Meeting held on 25 July 2017, Council considered a report on the outcomes of the public exhibition of a planning proposal seeking to amend Newcastle Local Environmental Plan 2012 with respect to land bounded by Mosbri Crescent and Kitchener Parade, The Hill (formerly comprising the NBN television studios).

Council resolved:

"The item lay on the table until such time that there is an opportunity for a Public Voice session to be held with both the objectors and applicant."

Council staff wrote to those who made submissions and the applicant advising them of the opportunity to address Councillors at this public voice session.

Council will receive a supplementary report to consider the LEP amendment at the Ordinary Council Meeting to be held on 22 August 2017.

A planning proposal has been prepared by Council staff for land bounded by Mosbri Crescent and Kitchener Parade, The Hill to enable the land to be redeveloped for medium density housing. The NBN television studios occupied the majority of the site (at 11 to 17 Mosbri Crescent).

The Planning Proposal recommends the land be rezoned from R2 Low Density Residential to R3 Medium Density Residential, and the height of buildings (HOB) map and the floor space ratio (FSR) map also be amended to allow increased height and FSR.

Council received a briefing on the Planning Proposal on 15 November 2016 and resolved, at the Ordinary Council Meeting held on 22 November 2016 to endorse the Planning Proposal for public exhibition and seek Gateway determination from the Minister for Planning and the Environment.
Council also resolved to exhibit a new draft DCP Section. The draft Section 6.14 - 11 Mosbri Crescent, The Hill seeks to guide future medium density development in accordance with the urban design study (previously reviewed by Council's Urban Design Consultative Group) for 11 to 17 Mosbri Crescent (NBN television studios site).

The Planning Proposal received Gateway determination from the Department of Planning and Environment on 22 December 2016. This resulted in consultation being undertaken with public authorities and the planning proposal and accompanying DCP being publicly exhibited for 28 days from 22 May 2017.

No objections were raised to the Planning Proposal by the public authorities.

Council received eight written submissions during the public exhibition. Council also received one additional submission 11 days after the close of exhibition, which was too late to report but did not raise any new matters.

The main matters raised by the submissions include:

i) Inconsistency with local character / heritage of The Hill.

ii) Excessive height and scale for the area.

iii) Potential increase in traffic along local streets.

iv) Impacts on on-street parking.

v) Lack of capacity of local school to cater for additional students.

vi) Anomalies identified within the documentation supporting the exhibited Planning Proposal and draft Section 6.14 - 11 Mosbri Crescent, The Hill (of DCP); in particular the Urban Design Study prepared by SJB Architects.

Responses to the issues raised and updated documentation were reported to the Ordinary Council Meeting held on 25 July 2017.

Council resolved to lay the item on the table in order for objectors and the applicant to address Council within a Public Voice session.
ITEM-2 PV 15/08/17 - DA2017/00558 - 37 DARLING STREET CARRINGTON - ERECTION OF TWENTY FOUR TWO STOREY INDUSTRIAL UNITS, ASSOCIATED SITE WORKS AND SITE CONSOLIDATION

APPLICANT: DE WITT CONSULTING
OWNER: CARRINGTON COMMERCIAL AND STORAGE
NOTE BY: PLANNING & REGULATORY GROUP
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER DEVELOPMENT AND BUILDING

PURPOSE

An application has been received seeking consent for the erection of 24 two-storey industrial units, associated site works and site consolidation at 37 Darling Street Carrington.

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

The proposed development was notified to neighbouring properties for 14 days in accordance with Council's Public Notification policy and 22 submissions and one Public Voice application were received in response. An additional five late submissions have also been received.

The submissions raised concerns including parking, traffic, noise, pollution and streetscape impacts.

1.0 THE SITE

Formally known as 37 Darling Street Carrington, the subject site comprises of 13 small allotments, but the current application is to utilise only part of the property, including the three most southern lots (Lot 1, 37 and 38 Sec 49 DP758233). There is currently no application lodged for the balance of the allotments.

The subject site itself is relatively flat and regular in shape with a total area of 3,397m². It enjoys direct access from three road frontages, being Darling Street to the east (67.295m frontage), Hargrave Street to the south (50.48m frontage) and Scott Street to the west (67.33 frontage).
A large industrial shed previously occupied the site, but this was demolished with approval by a Private Certifier earlier this year (reference CD2017/00153).

Previous development consents on this site include:

i. DA 2010/1393 - Installation of spray painting booth in Factory;
ii. DA 2003/2663 - Proposed Paint Storage Building within existing factory; and
iii. DA 1992/0347 - Erection of addition to existing industrial building to accommodate grit blast chamber and installation of spray painting booths.

To the north, east and south of the site, the land is occupied by industrial uses. Land to the west and south-west of the site is zoned residential and is occupied by predominantly older style single detached dwellings.

2.0 THE PROPOSAL

The proposed development includes the erection of 24 x two-storey industrial units, associated site works and site consolidation.

The current application does not include specific uses for the proposed industrial units, but advises that:

"the units are suitable for a range of future uses including light industry, storage and associated administration space. Future development applications will be required for specific uses within each building."

The application proposes a gross floor area of 3,248.72m$^2$, with the proposed units ranging in size from 86.76m$^2$ to 210.77m$^2$ (inclusive of proposed mezzanines). Four units have direct access to Darling Street, with the remaining units having access to Hargrave Street, either through a direct driveway access or communal car parking areas (three driveways).

The proposal includes 25 car parking spaces. A car parking area (20 spaces) is located along the Scott Street frontage, with a second car parking area (5 spaces) located on the corner of Hargrave Street and Darling Street.

A copy of the submitted plans is included at Attachment A.

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

3.0 PUBLIC NOTIFICATION

The submitted application was publicly notified for a period of 14 days in accordance with Council's Public Notification Policy. Following the public notification of the application, 22 submissions and one Public Voice application were received, with an additional five late submissions. It is noted that an additional seven letters from the same households were also received.
The concerns raised in the submissions are summarised as follows:

a) **Statutory and Policy Issues:**
   i) Accuracy and completeness of application.
   ii) Breach of local planning controls in that it does not minimise any adverse effects of industry on other land uses.

b) **Amenity Issues:**
   i) Noise and disturbance.
   ii) Pollution.
   iii) Impact of location of driveway and car parking spaces on the amenity of residents on Scott Street and Hargrave Street.
   iv) Vehicular access should be from Darling Street, with a wall to Scott Street to mitigate noise impacts.
   v) Vibration.
   vi) Potential hours of operation.
   vii) Light Impacts.

c) **Design and Aesthetic Issues:**
   i) Building appearance and streetscape design to Hargrave Street and Scott Street.

d) **Traffic and Parking Issues:**
   i) Insufficient parking within the site.
   ii) Traffic impact of proposed access to Hargrave Street and Scott Street.

e) **Miscellaneous**
   i) Clarify whether demolition is part of application, nothing has commenced to date.
   ii) No detail is provided as to the nature of the industrial activity or hours of operation.
   iii) Difficult to assess this proposal in isolation, as no details have been provided for the remainder of the block.
   iv) Approval will result in 24 separate owners for local residents to contact, if there are any disturbances, noise, pollution or other problems on the site.

**ATTACHMENTS**

**Attachment A:** Submitted Plans - 37 Darling Street Carrington - Under Separate Cover

**Attachment B:** Processing Chronology - 37 Darling Street Carrington

**Attachment A - Submitted plans - Under Separate Cover**
## Attachment B

**PROCESSING CHRONOLOGY**  
**DA 2017/00558 - 37 DARLING STREET CARRINGTON**

<table>
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<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>18 May 2017</td>
<td>DA 2017/00558 submitted and registered</td>
</tr>
<tr>
<td>19 May 2017</td>
<td>Application referred to internal and external stakeholders for review and comment</td>
</tr>
<tr>
<td>24 May 2017</td>
<td>Public exhibition period commences</td>
</tr>
<tr>
<td>08 June 2017</td>
<td>Public exhibition period closes</td>
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<tr>
<td>10 July 2017</td>
<td>Application called-in by two Councillors</td>
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ITEM-3 PV 15/08/17 - DA2017/00299 - 150 SCOTT STREET NEWCASTLE - ADAPTIVE REUSE OF SIGNAL BOX FOR COMMERCIAL USE AND ASSOCIATED BUILDING AND LANDSCAPING WORKS, INCLUDING THE CREATION OF A PLAZA ASSOCIATED WITH THE SIGNAL BOX TO BE USED FOR MARKETS

APPLICANT: URBAN GROWTH NSW
OWNER: RAIL CORPORATION NEW SOUTH WALES
REPORT BY: PLANNING & REGULATORY GROUP
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER DEVELOPMENT AND BUILDING

PURPOSE

An application has been received seeking consent for adaptive reuse of a Signal Box for commercial use and associated building and landscaping works, including the creation of a plaza associated with the Signal Box to be used as a recreation area and for markets.

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

The proposed development was advertised and notified to neighbouring properties for 30 days in accordance with relevant legislation and Council's Public Notification policy. One submission was received in response. An additional late submission has also been received.

The submissions included the following issues, relating to:

a) Ownership of the land
b) The relationship between the development application and a separate rezoning proposal for the land
c) The potential consequences for the proposed development if the zoning of the land remains unchanged
d) Realignment of a property boundary
e) Removal of a 'heritage fence'
f) Request for the retention of part of the fence adjoining the southern boundary of the site
g) Relocation of heritage fittings from the Signal Box
1.0 THE SITE

The site is comprised of Part Lot 3 and Part Lot 4, DP 1226551, known as 150 Scott Street Newcastle. The site is part of the former railway corridor, extending from a lot boundary located to the west of the platform of the former Newcastle Railway Station to a point that is near the western side of the former Signal Box (generally aligned with Market Street).

The former Signal Box is part of a listing on the State Heritage Register, as follows:

i. Newcastle Railway Station Additional Group (SHR01212)

The site is located in the Newcastle City Centre Heritage Conservation Area under the Newcastle Local Environmental Plan 2012 (NLEP 2012) and is in proximity to:

i. Newcastle Railway Station - listed on the State Heritage Register (SHR00236) and listed as an item of State Heritage significance in NLEP 2012 (ref: I455)

The site has been partly remediated/turfed and is partly subject to a separate approval (ref: DA2016/01081) for ‘temporary use of land for public events and activities’. The separate approval includes land that extends further west of the subject site, to the alignment of Wolfe Street.

Based on the site area as defined on the site plan submitted with the application, the structures contained within the site are the former Signal Box and, to the west of the Signal Box, a vacant small storage building and a building containing toilet facilities. The site does not contain any significant vegetation.

2.0 THE PROPOSAL

The application seeks approval on the basis of the heritage incentive provisions of NLEP 2012.

The applicant has summarised the proposal as follows:

Change of Use

a) Change of use of the Signal Box to a ‘commercial premises’ with the specific uses limited to those uses which would normally be permissible (with or without consent) in Zone RE1 (Public Recreation)

b) Occasional ongoing use of new plaza associated with the Signal Box for markets

Building works to Signal Box

a) Internal works and basic fit-out

b) Minor external works

Ancillary landscaping and public domain works
a) Site landscaping within the curtilage of the Signal box including:
   i. Adjustment to levels in the vicinity of the toilet building
   ii. Construction of new pedestrian footpaths connecting Scott Street to Wharf Road and through the DA site to connect into future open space areas within and adjoining the site
   iii. Provision of paving around the Signal Box to provide a plaza
   iv. Installation of infrastructure i.e. water fountain, seating, lighting
   v. Tree planting

Associated works external to the site
   a) Relocation of associated pedestrian crossing along Wharf Road from its existing alignment with Wolfe Street to a proposed alignment with Market Street

The proposed hours of operation or trading of the proposed markets or commercial use of the site are proposed to be not more than from 7:00am to 10:00pm each day.

A copy of the submitted site plan and architectural plans for the Signal Box are included at Attachment A.

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

3.0 PUBLIC NOTIFICATION

The submitted application was advertised and publicly notified for a period of 30 days in accordance with relevant legislation and Council's Public Notification Policy. One submission was received during the public notification period and an additional late submission was received outside of the public notification period.

The submissions included the following comments and issues:

a) 'I understand that the applicant is Railcorp, but I also understand that Hunter Development Corporation now owns the land. If this is the case the Application may have to be resubmitted under the correct name.'
b) 'This land is the subject of a rezoning proposal which should be resolved before any DA is approved.'
c) 'The land is currently still zoned SP2 (railway) and if by chance the rezoning is not changed to RE1 the improvements which are part of this DA may have to be removed'
d) 'This DA requires realignment of the property boundary which should also be deferred until rezoning is resolved.'
e) 'This DA also involves the removal of a heritage fence, part of which is the AA Company fence.'
f) Request for the retention of part of the fence adjoining the southern boundary of the site.
g) Concern about the relocation of heritage fittings from the Signal Box.
Given the application is categorised as 'nominated integrated development', due to the need for separate approval to be obtained under the Heritage Act 1977, both submissions were forwarded to NSW Office of Environment and Heritage for their consideration.

**ATTACHMENTS**

**Attachment A:** Submitted plans - 150 Scott Street Newcastle - Under Separate Cover

**Attachment B:** Processing Chronology - 150 Scott Street Newcastle

**Attachment A - Submitted Plans - Under Separate Cover**
### PROCESSING CHRONOLOGY
**DA 2017/00299 - 150 Scott Street Newcastle**

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<td>24 March 2017</td>
<td>DA lodged</td>
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<tr>
<td>31 March 2017</td>
<td>Request for additional information</td>
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<td>3 May 2017</td>
<td>Amended application submitted</td>
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<td>5 May 2017</td>
<td>Referral of application to NSW Office of Environment and Heritage</td>
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<td>8 May to 7 June 2017</td>
<td>Public exhibition period</td>
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<tr>
<td>14 July 2017</td>
<td>Application called-in by two Councillors</td>
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PUBLIC VOICE COMMITTEE MEETING
15 August 2017

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

REPORTS BY COUNCIL OFFICERS

Attachment A - Plans DA2017/00558 - 37 Darling Street Carrington
Erection of twenty four two storey industrial units associated site works and site consolidation

DISTRIBUTED UNDER SEPARATE COVER
SEDIMENTATION AND EROSION CONTROL PLAN

SEEDS FOR CONSTRUCTION UNLESS ENDORSED BELOW

DO NOT SCALE DRAWING

Sedimentation and erosion control measures shall be installed at the following locations:

- **Scott Street**

- Be sure to install sediment control measures at the above locations to prevent soil erosion and sedimentation.

- All work shall be performed in accordance with the guidelines provided in this plan.

- **NOT FOR CONSTRUCTION**
ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

REPORTS BY COUNCIL OFFICERS

Attachment A - Plans  DA2017/00299 - 150 Scott Street Newcastle

Adaptive reuse of signal box for commercial use and associated building and landscaping works, including the creation of a plaza associated with the signal box to be used for markets