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 19 April 2016

**TIME:** 5.30pm

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

Frank Cordingley
General Manager

City Administration Centre
282 King Street
NEWCASTLE NSW 2300

8 April 2016

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## CONTENTS

<table>
<thead>
<tr>
<th>Item</th>
<th>Business</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>APOLOGIES/LEAVE OF ABSENCE</td>
<td></td>
</tr>
<tr>
<td></td>
<td>DECLARATIONS OF PECUNIARY / NON PECUNIARY INTEREST</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PUBLIC VOICE SESSIONS</td>
<td>5</td>
</tr>
<tr>
<td>ITEM-1</td>
<td>PVC - DA 2015-0876 - 29-31 LAMAN ST COOKS HILL - ERECTION OF THREE STOREY SERVICED APARTMENT BUILDING (PLUS BASEMENT PARKING) AND STRATA SUBDIVISION</td>
<td>5</td>
</tr>
</tbody>
</table>
PUBLIC VOICE SESSIONS

ITEM-1  PVC - DA 2015-0876 - 29-31 LAMAN ST COOKS HILL - ERECTION OF THREE STOREY SERVICED APARTMENT BUILDING (PLUS BASEMENT PARKING) AND STRATA SUBDIVISION

APPLICANT: OCEANIA CLARKE PTY LTD
OWNER: LGST PTY LIMITED
NOTE BY: PLANNING AND REGULATORY GROUP
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER DEVELOPMENT AND BUILDING
TELEPHONE: 4974 2709 / 4974 2793

PURPOSE

An application has been received seeking consent for the construction of a three storey serviced apartment development (plus basement level) and 11 lot strata subdivision.

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

The original proposal was notified to neighbouring properties for 14 days in accordance with the provisions of Newcastle DCP 2012 and sixty-four (64) public submissions were received objecting to the proposal including three (3) Public Voice requests and one (1) submission for mediation.

Subject Land: 29-31 Laman Street, Cooks Hill.
Generally, objectors raised concerns with regard to the overall design (bulk and scale), suitability of the site for the intended use, amenity impacts to neighbouring properties, traffic / parking impacts and social impacts.

The proposal was since amended to the current scheme and this was re-notified to surrounding properties. Council received thirty-four (34) submissions in response. The main categories of objections include:

Lack of compliance with Statutory and Policy requirements; Amenity issues; Design and Aesthetics; Traffic and Infrastructure; Social and Community Issues.

The application will now be referred to Council's Development Application Committee for determination under their delegations due to a total number of objections received, being thirty-four (34).

1.0 THE SITE

The site, which consists of two properties, is located on the south side of Laman Street and is triangular in shape with a steep fall of approximately 4 metres from its Laman Street frontage to its rear aspect of Glover's Lane.

The site faces north and is at the very edge of Newcastle's Civic / Cultural Precinct with its Council Administration Buildings, Art Gallery, Library, Conservatorium of Music, two major churches and University House (formerly Nesca House). Civic Park lies at the centre of the precinct and provides one of the most significant formal landscape features of the city.

To the west, Laman Street contains large one and two storey terrace house lots with steep pitched roofs. To the south Glover's Lane provides rear access to properties facing Dawson Street and front access to some residential housing on its western side.

The land constraints that affect the property include - mine subsidence, flood prone land (on fringe of Glover's Lane), acid sulfate soils (class 4). The property is within the Heritage Conservation Area and is located (opposite) 'local' listed heritage items - portion of Laman Street across to Church & Civic Park and the Church across Laman Street.

2.0 BACKGROUND

The original application for the site (DA2014/326) proposed a four - five storey (including basement parking) boarding house development comprising 26 rooms, with a large common room facing Golvers Lane. This application was withdrawn in May 2015.
3.0 THE PROPOSAL

The subject application seeks consent for the construction and strata subdivision of a three storey (plus basement level accessed from Glovers Lane) serviced apartment building for 11 apartments including:

Basement / ground level parking for 13 vehicles (relative to Glovers Lane levels), including a parking space for persons with a disability; bicycle storage; allocated and general storage spaces; garbage storage room; stairs and lift access. Vehicular and secondary pedestrian access to the basement level will be via Glover’s Lane.

i) Ground floor level (relative to Laman Street levels) accommodating the primary pedestrian access to the building from Laman Street and four serviced apartments (3 x 2 bedroom and 1 x 1 bedroom).

ii) First floor level accommodating four serviced apartments (4 x 2 bedroom).

iii) Second floor level accommodating three serviced apartments (1 x 3 bedroom and 2 x 2 bedroom).

The proposal was amended during the assessment process in response to issues raised in previous UDCG meetings, as discussed:

i) The basement level of the building has been setback from the western boundary and adjoining dwelling; this area will provide deep soil for tree planting and screening with no apartment access to this area.

ii) The roof level has been modified to include a mansard style roof setback behind the parapet wall; this has the effect of reducing the visible height and overshadowing to adjoining properties.

iii) The steel tower element at the eastern end of the building has been removed and a curved building form reintroduced.

iv) The entry at ground level has been modified to include an arched entry reflecting the adjoining arched screening in the adjacent residence.

v) Basement level wall to Glovers Lane finished in contrasting brick.

vi) Internal foyer area and entry corridor increased in width to accommodate seating.

vii) Green walls and planters on Laman Street increased in depth to provide appropriate levels of planting.

viii) The rooftop parapet has been setback by 1m from the Glovers Lane edge thereby reducing overshadowing.
CITY OF NEWCASTLE

Public Voice Committee Meeting 19 April 2016

ix) The south-east and west elevations have adopted the same face brick materials used on the Laman Street elevation resulting in a more aesthetically cohesive building. The colour of the external masonry walls is changed to a lighter brick to contrast with the darker roof material.

A copy of the submitted amended 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 fourteen (14) days in accordance with Council's Public Notification Policy. A total of sixty-four (64) public submissions were received objecting to the proposal including three (3) Public Voice requests and one (1) submission for Mediation.

The applicant formerly and respectively declined the request for mediation as they were of the opinion that they had responded to public comments following private consultation meetings held by the applicant prior to lodgement of the current application.

The proposal has been subsequently amended in response to concerns raised by Council's Urban Design Consultative Group (UDCG), Council officers and in response to the previous public submissions.

The amended application was publicly re-notified and a total of thirty-four (34) submissions were received in response. No additional Public Voice or Mediation requests had been made.

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

1) Statutory and Policy Issues:

i) **Height** - No prescribed height control for the site under LEP however the proposal does not comply with the objectives of Newcastle LEP in respect to height of the building. Building height is not compatible with residential context of the neighbourhood which largely consists of one-two storey dwellings.

ii) **Density** - No prescribed FSR control for the site however the proposal does not comply with the objectives of the LEP in respect to building density. Building mass is not compatible with residential context of the area which largely consists of stand-alone, attached or semi-detached housing on narrow sites.

iii) **Setbacks to boundaries** - No setback to the north and south-east boundaries with minimal setback to the west boundary.
iv) **Open space** - minimal open space and landscaping at ground level resulting in open space being provided by upper floor balconies. These balconies are poorly orientated resulting in poor access to sunlight and overlooking of neighbouring properties.

v) **Building design and appearance** - Overdevelopment of an important and sensitive site in Cooks Hill. The proposed development does not comply with the DCP as it does not "ensure the design of new development responds to and contributes to its context".

2) **Amenity Issues:**

i) **Overshadowing** - height, bulk, scale and minimal setbacks would result in overshadowing to neighbouring properties (in particular those properties along Glovers Lane).

ii) **Solar access** - poor solar access is provided to a number of serviced apartments with their living areas and balconies facing south / south-east.

iii) **Privacy** - several properties in Glovers Lane will be overlooked due to the south-east orientation of a number of apartments. Providing screening to these decks will also result in the further loss of available sunlight to apartments.

iv) **View loss** - The proposal will block views from neighbouring properties.

v) **Landscaping** - Lack of setbacks to the side and rear boundaries results in minimal landscaping for the site.

3) **Design and Aesthetic Issues:**

i) **Height, Bulk and scale** - building height, bulk and scale together with a lack of landscaping and loss of amenity to neighbouring sites results in a development that is unsuitable for the site and not compatible in respect to the context and character of Cooks Hill Conservation Area.

ii) **Heritage impacts** - building does not respect the heritage significance and character of the Cooks Hill Conservation Area and impact on existing historic sandstone wall. Concern regarding heritage assessment and no Heritage Architect as part of the Urban Design Consultative Group.

iii) **Landscaping** - Shortfall in landscaping proposed for the site. A number of trees are to be removed resulting in a loss of residential amenity and loss of habitat for local fauna.
4) Traffic and Infrastructure Issues:
   
   i) **Traffic** - Increased traffic movements in Glovers Lane being a narrow lane which services a small number of vehicles.
   
   ii) **Parking** - Not enough parking has been provided for the development. Overflow parking will increase demand for on-street parking in the area.
   
   iii) **Storm water and sewerage** Increased demands on local infrastructure.
   
   iv) **Garbage and servicing** Rubbish collection will result in increased use of Glovers Lane or increased demands on surrounding streets.
   
   v) **Demolition and Construction** - Construction traffic and noise / vibration
   
   Social and Community Issues:
   
   vi) **Noise** - likelihood of increased noise and activity given the increased density for the site and proximity to neighbouring residential sites.
   
   v) **Social impact** - safety and security. Potential for anti-social behaviour.

**ATTACHMENTS**

**Attachment A:** Copy of submitted plans – 29-31 Laman Street, Newcastle - DA2013/0876

**Attachment B:** Processing Chronology - 29-31 Laman Street, Newcastle - DA2013/0876
PROCESSING CHRONOLOGY
DA2015/0876 - 29 - 31 LAMAN STREET, COOKS HILL

17 August 2015 - Application lodged at Council.
19 August 2015 - 4 September 2015 - Application notified to public.
03 September 2015 - Application for PV (Linda Evans)
04 September 2015 - Application for PV (Glen Burgess)
04 September 2015 - Application for PV (Michele Knight)
07 September 2015 - Application for mediation (Rhonda Aitken)
21 October 2015 - Application presented to Urban Design Consultative Group.
24 November 2015 - Amended plans received.
16 December 2016 - Amended plans presented to Urban Design Consultative Group.
07 January 2016 - Amended plans received
29 February - 14 March 2016 - Amended application re-notified to public.