



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 20 October 2020

TIME: 6.00pm

VENUE: Council Chambers
1st Floor
City Administration Centre
12 Stewart Avenue
Newcastle West NSW 2302

K Liddell
Acting Chief Executive Officer

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

13 October 2020

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The location of all meetings will be determined by the CEO in consultation with the Lord Mayor, having regard to any applicable Public Health Orders regarding COVID-19, and will be either via video conferencing platform or at an appropriate CN facility in accordance with the requirements of the Local Government Act 1993.

**PUBLIC VOICE COMMITTEE
20 October 2020**

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PUBLIC VOICE SESSIONS

ITEM-1 PV 20/10/20 - DA2019/01334 - 5 ERINA PLACE, NORTH LAMBTON - DUAL OCCUPANCY - TWO X THREE-BEDROOM DETACHED DWELLINGS AND TWO LOT STRATA SUBDIVISION

**APPLICANT: PETER JAMES SHEPHERD
OWNER: S E IRWIN
REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT**

PURPOSE

An application has been received seeking consent to erect a dual occupancy (two x three-bedroom detached dwellings) and two lot strata subdivision.

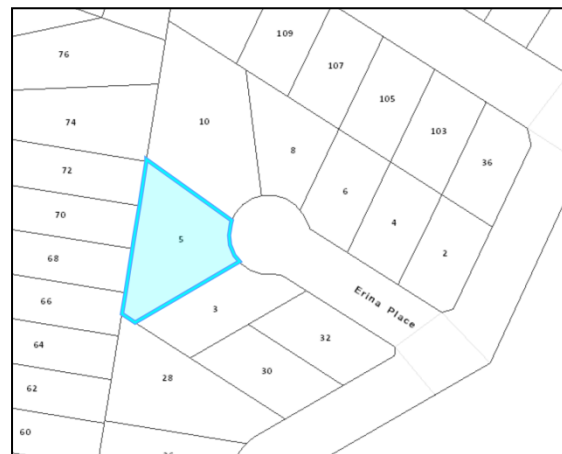
The application is referred to the Development Applications Committee for determination, due to the application being called in by Councillor Clausen and Councillor Winney-Baartz.

The application was originally lodged for three x three-bedroom attached dwellings with three lot strata subdivision.

The application was publicly notified in accordance with the City of Newcastle’s (CN) Community Participation Plan. 12 submissions were received in response to this notification. Following assessment of the application, the proposed development was modified to two x three-bedroom detached dwellings with strata subdivision. The application was re-notified with five submissions being received.

The concerns raised by the objectors in respect of the amended development include:

- i) Loss of views
- ii) Inconsistent with streetscape and character of the area
- iii) Excessive bulk and scale of dwellings
- iv) Building height



Subject Land: 5 Erina Place, North Lambton

- v) Loss of solar access
- vi) Privacy impacts
- vii) Loss of trees
- viii) Lack of landscaping and trees
- ix) Location of swimming pools on side boundaries
- x) Reduction in property values

An assessment of the key issues raised by the objectors is provided at section 4.0.

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

1.0 THE SITE

The subject site is known as 5 Erina Place, North Lambton and has a legal description of Lot 12, in Deposited Plan 223109. The lot is an irregular triangular shaped lot with an area of 993m² and a frontage of approximately 13m. The site is within an established residential area with single dwellings adjacent to the site.

2.0 THE PROPOSAL

The application as amended seeks consent to erect a dual occupancy (consisting of two x three-bedroom detached dwellings) and two lot 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

In accordance with CN's Community Participation Plan, both the original and amended proposal were publicly notified for a period of 14 days. With respect to the amended and current proposal five submissions were received. One Public Voice application was also received.

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

a) Statutory and Policy Issues

- i) Building height – excessive and inappropriate building height for the area.

b) Amenity Issues

- i) Solar access – loss of solar access to adjacent properties.
- ii) Privacy – loss of privacy to adjacent properties.

- iii) View loss – view loss over Acacia Avenue dog park and to the City.
- iv) Location of swimming pools – amenity impacts from location of swimming pools on side boundaries.

c) Design and Aesthetic Issues

- i) Streetscape and character – proposed development is not consistent with the existing character of the area regarding design and setbacks.
- ii) Excessive bulk and scale – proposed development has an excessive building footprint which adversely impacts the amenity of adjoining properties.
- iii) Loss of trees – the proposed development results in a number of existing trees being removed.
- v) Landscaping and trees – the proposed development does not provide for adequate landscaping or replacement trees.

d) Miscellaneous

- i) Property values – the development will result in devaluation of surrounding properties.

It is noted that the driveway and stormwater plans were amended after the notification period. These plans did not require renotification as they were modified to reflect the amended plans.

4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT

The submitted application has been assigned to Development Officer, Leesa Heron for assessment.

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 development consent as a dual occupancy and strata subdivision.

The site is identified as being within the 'Limited Growth Precinct' in accordance with the Newcastle Development Control Plan 2012 (NDCP 2012) precinct maps.

The Floor Space Ratio (FSR) map provides for a maximum FSR of 0.6:1. The amended proposal complies with an FSR of 0.47:1.

The Height of Buildings map provides for a maximum height of 8.5m. The proposed development complies, with a maximum height of 6.5m. The site slopes from the rear to the front of the site, and the proposed development responds to the natural contours by presenting as double storey with a maximum height of 6.5m to the front of the site, and single storey to the rear of the site with an approximate height of 3.4m.

The front setback at 4.55m meets the development control of 4.5m. The setback also complies with the average of dwellings 40m either side.

The proposed development has been amended to reduce the overall number of dwellings from three to two. The proposed development complies with the nominated building envelope with the amended proposal also providing greater setbacks from side boundaries (in particular to the southern boundary).

The submitted shadow diagrams illustrate that neighbouring properties will continue to receive solar access to living room windows, private open space areas, and solar panels, in excess of the minimum requirements of the NDCP 2012.

The development has been designed so there are no direct views between living areas and areas of private open space of the subject and adjoining dwellings. Screening is proposed from the deck and pool area for proposed Unit 2.

Double garages provide for two off-street parking spaces per dwelling, along with stacked parking in front of each garage. The parking provided is in excess of the numerical requirements of the NDCP 2012.

The required landscaped area under the NDCP 2012 is 30% of the site area, as well as 15% for deep soil planting. The amended proposal provides in excess of these minimum requirements with 36% of the site as landscaped area with 20% deep soil planting. An arborist report has been provided in support for the removal of onsite trees. Supplementary onsite tree planting is proposed for the development.

The above issues, and matters raised in the received submissions, will be addressed in an assessment report to the Development Applications Committee.

ATTACHMENTS

Item 1 Attachment A: Submitted Plans - 5 Erina Place, North Lambton

Item 1 Attachment B: Processing Chronology - 5 Erina Place, North Lambton

Item 1 Attachments A - B - distributed under separate cover