



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 15 February 2022

TIME: 6.00pm

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

J Bath
Chief Executive Officer

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

9 February 2022

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**PUBLIC VOICE COMMITTEE
15 February 2022**

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PUBLIC VOICE SESSIONS

ITEM-1 PV 15/02/22 - DA2021/00959 - 335 LAMBTON ROAD NEW LAMBTON - MULTI-DWELLING HOUSING - INCLUDES ONE INTO FOUR LOT SUBDIVISION AND DEMOLITION OF EXISTING STRUCTURES

APPLICANT: ELK DESIGNS NEWCASTLE PTY LTD
OWNER: L M JAY & G J JAY
REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER REGULATORY, PLANNING AND ASSESSMENT

PURPOSE

A development application (DA2021/00959) has been received seeking consent for the demolition of existing structures and construction of four, two storey dwellings and a one lot into four lot Torrens Title subdivision at 335 Lambton Road New Lambton.

The submitted application was assigned to Senior Development Officer, Gareth Simpson, for assessment.



Subject Land: 335 Lambton Road New Lambton

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

The development was publicly notified for a period of 14 days in accordance with City of Newcastle’s (CN) Community Participation Plan (CPP) and three submissions have been received in response.

The concerns raised by the objectors in respect to the proposed development include:

- i) Impact of asbestos removal on surrounding properties
- ii) Non-compliance with the Newcastle Development Control Plan 2012 (NDCP 2012) in respect of proposal scale and setbacks
- ii) Non-compliance with the NDCP 2012 in respect of laneway development

- iii) Laneway width not appropriate for development in respect to traffic and access.

Further details of the issues raised by the objectors is provided at **Section 4.0**.

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

1.0 THE SITE

The subject site is known as 335 Lambton Road New Lambton and has a legal description of property comprises SP 31978, Lot 1 SP 31978, Lot 2 SP 31978, Lot 3 SP 31978, Lot 4 SP 31978, Lot 5 SP 31978, Lot 6 SP 31978, 335 Lambton Road New Lambton. The site is regular in shape, with a total area of 941m².

The subject site has dual frontage to Lambton Road (22m) to the north-east and Lambton Lane (22m) to the rear south-east. The site is relatively level with a slight fall towards Lambton Road.

The site contains a single storey multi-dwelling development which has been subdivided by a Strata Title subdivision resulting in 6 individual units. The site also contains an ancillary shed and carport at the rear of the site with vehicle access to Lambton Lane. Limited vegetation consisting of three small trees and shrubs is located on the north-western and south-eastern boundaries of the site.

The site is bounded by lots containing existing dwellings to the north, west and south-east. The street is characterised by low a mixture of two and single storey dwelling houses.

The land is Zoned R2 Low Density Residential under the Newcastle Local Environmental Plan 2021 (NLEP 2012) and is in located in proximity to an area of land Zoned RE1 Public Recreation located to the west.

The site is identified as being within an area of flooding with no other significant constraints applicable.

2.0 THE PROPOSAL

The applicant seeks consent for the demolition of the existing buildings on site and erection of a multi-dwelling housing development and one into four lot Torrens Title subdivision. Details of the proposal are as follows:

- i) Demolition of existing buildings,
- ii) Removal of three existing trees and vegetation,
- iii) Earthworks and associated site works,
- iv) Erection of four two storey dwellings, and are presented as two separately attached forms consisting of the following:

- a) Two dwellings containing 3 bedrooms and two dwellings containing 4 bedrooms,
 - b) The front facing dwellings will have pedestrian and vehicular access to Lambton Road. The rear facing dwellings will have pedestrian and vehicular access to Lambton Lane and pedestrian access to Lambton Road.
 - c) Landscaping including provision of three compensatory trees.
- v) Torrens Title subdivision to create four lots (258.6 sqm, 208.2 sqm, 260.7 sqm, 208.2 sqm)

Amended architectural and stormwater plans were provided by the Applicant on 12 October 2021, in response to a request for further information issued by CN.

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

3.0 PUBLIC NOTIFICATION

In accordance with CN's Community Participation Plan (CPP), the application was publicly notified for a period of 14 days from 28 July 2021 to 11 August 2021. During the notification period three submissions were received.

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

a) Health and Safety

- i) Safety - Concern with removal of asbestos from existing buildings on site

b) Traffic and Access

- i) Access - Lambton Lane is a Type B laneway and has been incorrectly labelled as a Type C laneway in the development proposal

c) Building Design

- i) Building design - Concern that the proposal is not compliant with CN's NDCP 2012 in respect of scale of development and building setbacks.
- ii) Building setback - The building setback to Lambton Lane is not in accordance with CN controls
- iii) Access - Pedestrian access arrangements to the dwellings facing Lambton Lane are not in accordance with CN controls.

The amended plans received 12 October 2021, have been publicly displayed on CN's DA tracker. However, further public notification was not required in accordance with CN's CPP as the amended plans did not amend the proposed built form.

4.0 DEVELOPMENT OFFICER PLANNING COMMENTS

Permissibility

The site is located in the R2 Low Density Residential Zone under the NLEP 2012, and the proposed development is permissible with development consent as a 'multi-dwelling housing'.

Building height and FSR

A maximum building height of 8.5metres applies to the site under the NLEP 2012. The proposed development has a maximum building height of 8.38m.

The maximum floor space ratio (FSR) for the site under NLEP 2012 is 562m² or 0.6:1. The development exceeds the maximum FSR, having a total gross floor area of 611 sqm, which results in an 8.7% or 49m² variation to the FSR development standard. The applicant has submitted a Clause 4.6 request in support of the variation.

Building Setbacks

Front setback is required to be 2.72m and proposed to be 3.9m. The applicant has justified the front setback in respect to the performance criteria and consistency with the streetscape.

The side setback is required to be 900mm from each boundary up to a height of 4.5m, then at an angle of 4:1 up to the maximum permitted height under Newcastle Local Environmental Plan 2012 and proposed to be at a minimum 900mm from the site boundary and within the 4:1 angle above 4.5m. The development achieves the acceptable solution for side setback as set out in NDCP 2012 Section 3.0301 C.

NDCP 2012 Section 7.11.02 (5) provides that residential accommodation facing a laneway should achieve a minimum 3m setback from the boundary to the laneway. The development provides for a 4m setback to the laneway boundary and therefore achieves the acceptable solution for this control.

The development also achieves the 5.5m setback requirements for car parking structures for all dwellings.

Lambton Lane - Type C laneway

Within the submissions received for this development, reference is made to Lambton Road being approx. 3.2m wide and therefore a type B laneway whilst the applicant has identified the laneway as being over 6m in wide and a Type C laneway. The difference between each laneway type is that Type B laneways are appropriate for light vehicles only whilst Type C laneways are appropriate for vehicles and pedestrians.

NDCP 2012 Section 7.11.01 defines laneway types by road reserve width. CN Standard Drawing A1000 – Road Allocation defines road reserve as being from boundary to boundary and inclusive of both roadway and verge/footpath.

Given this, the road reserve width of Lambton Lane is 6.2m, making the laneway a Type C laneway. The development has been designed to achieve the required setback standards for a type C laneway.

Pedestrian Access Arrangements - Rear Dwellings

The dwellings facing Lambton Lane both contain front doors and windows facing the laneway resulting in natural surveillance in accordance with NDCP 2012 Section 7.11.02 6.

Asbestos removal during construction

The removal and disposal of asbestos material from site is required to be undertaken in a safe and secure manner. Should this development be approved, a condition of consent will require asbestos to be safely removed and disposed in accordance with the relevant Australian Standard.

The above issues, and matters raised in the received submissions, will be addressed in a comprehensive planning assessment report to be submitted to the Development Applications Committee for consideration and determination.

ATTACHMENTS

Item 1 - Attachment A: Submitted Plans - 335 Lambton Road, New Lambton

Item 1 Attachment A distributed under separate cover