



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 June 2021

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 June 2021

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**PUBLIC VOICE COMMITTEE
15 June 2021**

CONTENTS

Item	Business	Page
	APOLOGIES/LEAVE OF ABSENCE	
	ORDERS OF THE DAY	
	DECLARATIONS OF PECUNIARY / NON-PECUNIARY INTEREST	
	PUBLIC VOICE SESSIONS	3
ITEM-1	PV 15/06/21 - 57A HENRY STREET, TIGHES HILL - DA2020/01328 - MULTI DWELLING HOUSING - DEMOLITION OF EXISTING STRUCTURES, ERECTION OF THREE TWO STOREY DWELLINGS AND ONE INTO THREE LOT SUBDIVISION	3
ITEM-2	PV 15/06/21 - 40 KING STREET, ADAMSTOWN - DA2020/01525 - RECREATION FACILITY (OUTDOOR) - ANCILLARY STRUCTURE (SHED)	8

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PUBLIC VOICE SESSIONS

ITEM-1 PV 15/06/21 - 57A HENRY STREET, TIGHES HILL - DA2020/01328 - MULTI DWELLING HOUSING - DEMOLITION OF EXISTING STRUCTURES, ERECTION OF THREE TWO STOREY DWELLINGS AND ONE INTO THREE LOT SUBDIVISION

APPLICANT: LINEFRONT PTY LTD
OWNER: LINEFRONT PTY LTD
REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE/ MANAGER REGULATORY, PLANNING AND ASSESSMENT

PURPOSE

An application has been received seeking consent for the demolition of an existing dwelling house, erection of multi dwelling housing consisting of three dwellings and one into three lot Torrens Title subdivision at 57A Henry Street, Tighes Hill.

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

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



Subject Land: 57A Henry Street Tighes Hill

The application was publicly notified in accordance with City of Newcastle’s (CN) Community Participation Plan (CPP).

The application received a total of 17 submissions as a result of two rounds of notification. The concerns raised by the objectors in respect of the proposed development include character, overshadowing, parking and traffic, bulk and scale, privacy, landscaping, vegetation removal and lot size. A detailed summary of the key issues raised by objectors is provided at Section 3.0 of this report.

1.0 THE SITE

The subject site comprises of a single allotment located at 57A Henry Street, Tighes Hill and is legally described as Lot 6 Section D DP61. The lot is a regular shaped allotment located on the southern side of Henry Street. The lot has a frontage of 18.23m, a maximum depth of 32.9m and a total area of 602m². The site slopes toward Henry Street from the rear boundary.

The property contains a single storey brick veneer dwelling and two trees. The site is bounded by lots containing existing dwelling houses to the south, east and west and across the road to the north. The street is characterised by single-storey workers cottages and several other dwelling styles that are two-storeys in height.

The site is located within the R2 Low Density Residential Zone under the Newcastle Local Environmental Plan 2012 (NLEP 2012) and has a maximum permitted building height of 8.5m, floor space ratio of 0.6:1 and has a minimum lot size of 400m² (exceptions to minimum lot size permitted under Clause 4.1A allows a minimum 200m² lot size). The site is also classified as Class 5 Acid Sulfate Land under the NLEP 2012.

The site is located within the coastal use and environment zones under State Environmental Planning Policy (Coastal Management) 2018 and is also located within a proclaimed mine subsidence district under the *Coal Mine Subsidence Compensation Act 2017*.

2.0 THE PROPOSAL

The proposed development includes the demolition of the existing dwelling, erection of a multi dwelling housing development and one into three lot Torrens Title subdivision. The proposal includes the following components:

- i) Demolition of existing dwelling
- ii) Removal of two trees and site earthworks to prepare slabs and retaining walls
- iii) Erection of three dwellings (two attached and one detached) with each dwelling:
 - a) being two-storey
 - b) containing open plan living, alfresco and single garages on ground floors
 - c) containing three bedrooms and two bathrooms on the upper first floors
- iv) Site landscaping and new driveways in the front setback
- v) Torrens Title subdivision to create three x 200m² (approximately) lots.

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 application was initially publicly notified for a period of 14 days in accordance with CN's CPP between 23 November to 7 December 2020. During this time, 17 submissions were received. The application was subsequently renotified for a further 14 days between 13 to 27 April 2021 after amended plans were received. As a result, six submissions were received from previous objectors.

The concerns raised by the objectors in both rounds of notification are summarised as follows:

a) Statutory and Policy Issues

- i) Zone objectives –bulk and scale and density

b) Amenity Issues

- i) Overshadowing of adjoining premises, reducing solar access to windows, private open space and solar panels
- ii) Privacy overlook adjoining backyards and private open space

c) Design and Aesthetic Issues

- i) Setbacks to the building envelope control
- ii) Character –not sympathetic
- iii) Not provide sufficient landscaped area
- iv) Tree removal

d) Traffic and Parking Issues

- i) Will result in the loss of on-street parking spaces and increased parking demand of the dwellings
- ii) Not provide sufficient parking
- iii) Increased traffic

e) Miscellaneous

- i) Determined at the Development Application Committee due to its impact
- ii) Determined until the Tighes Hill Local Character Study is completed by CN

4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT

The submitted application has been assigned to Development Officer, Calan Cockburn, for assessment.

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 'multi-dwelling housing'.

The Floor Space Ratio (FSR) Map provides for a maximum FSR of 0.6:1. The proposal complies with a FSR of 0.59:1 (based on a site area of 602m²). The Height of Buildings Map has a maximum height limit for the subject site of 8.5m. The proposed development has a maximum height of 8.4m and complies with this development standard. The proposed subdivision complies with the minimum lot size of 200m² under Clause 4.1A of the NLEP 2012.

Amended shadow diagrams indicate that overshadowing during winter is minimised, and solar access to rear yards and solar panels is maintained. Reasonable solar access to adjoining windows appears to be also maintained.

Visual privacy, variation to building envelope and proposed façade and street frontage proposed are consistent with planning controls in the NLEP 2012 and the Newcastle Development Control Plan 2012 (NDCP 2012). The site is not located in a Heritage Conservation Area.

The amended plans indicate that a landscaped area of 196m² can be achieved, which exceeds the NDCP 2012 requirements.

An Arborist Report has been submitted which confirms the two trees proposed to be removed have a low retention value. Additional tree plantings are proposed by the applicant as part of the landscape plan. The Arborist Report also identifies that the trees on adjoining properties can be maintained and protected as part of the development.

Each dwelling is provided with one parking space and room for the parking of another vehicle on each driveway for visitors. The existing road network is unlikely to be detrimentally impacted on by the traffic generation of two additional dwellings.

An assessment of the local character in Tighes Hill is referenced in the Newcastle Local Strategic Planning Statement. Engagement for the Tighes Hill Pilot Character Study has only recently been undertaken. The findings of the study have not yet been formulated nor has the study or any changes to local planning controls been adopted by CN.

ATTACHMENTS

Item 1 Attachment A: Submitted Plans - 57A Henry Street, Tighes Hill

Item 1 Attachment B: Processing Chronology - 57A Henry Street, Tighes Hill

Item 1 - Attachments A-B - distributed under separate cover

ITEM-2 **PV 15/06/21 - 40 KING STREET, ADAMSTOWN - DA2020/01525 - RECREATION FACILITY (OUTDOOR) - ANCILLARY STRUCTURE (SHED)**

APPLICANT: **DE WITT CONSULTING**
OWNER: **MEREWETHER GOLF CLUB LTD**
REPORT BY: **GOVERNANCE**
CONTACT: **DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT**

PURPOSE

An application has been received seeking consent for the construction of an ancillary structure (maintenance shed) associated with the existing Merewether Golf Club, including carparking, hardstand areas, site works and landscaping.

The site is known as the Merewether Golf Club at 40 King Street, Adamstown.

The existing maintenance shed is proposed for demolition, as part of a separate application (DA2021/00071) currently being assessed for mixed-use development – seniors living and new golf clubhouse, course upgrade and associated facilities (to be determined by the Hunter and Central Coast Regional Panel).



Subject Land: 40 King Street, Adamstown

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

The application was originally publicly notified in accordance with the City of Newcastle’s (CN) Community Participation Plan (CPP). In response, 34 submissions (one late) were received.

The application was re-notified following lodgement of amended plans and additional information. In response, 21 submissions (including eight late submissions) were received as of 3 June 2021.

The concerns raised by the objectors in respect of the proposed development include bulk and scale, visual and acoustic privacy, loss of residential amenity,

traffic, parking, access, health and safety risks (fire hazard and storage of dangerous goods) and anti-social behavior – crime, theft and vandalism. Further details of the issues raised by the objectors is provided at section 4.0.

Key amendments to the proposal relate to increased setback along the northern side boundary of 1.5m, relocation of the Tee Off area for 8th Hole to the southern side of the shed (originally behind the shed) and increased landscaping within these areas of the information submitted included an amended acoustic report, a traffic assessment report, turning circles and additional stormwater management information.

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

1.0 THE SITE

The subject site comprises two allotments including Lot 6 DP 231541 and Lot 4 DP 1223244, known as 40 King Street Adamstown. The property is irregular in shape and is part of a larger parcel of land that comprises a private recreation reserve, known as the Merewether Golf Club and golf course. The property has frontage to June Street to the north, with access via an unformalised driveway in this location.

The area of the site for the location of the ancillary maintenance shed, is approximately 5,500m² and is currently used as part of the golf course land and located at the northeastern end of the broader site.

The site has varied topography due to golf course construction, with general slope from the southeast toward the northwest, with a partially level area within the central portion of the site, reflective of general shaping, cut and fill works across this area of the site. The site contains mostly managed lawn / greens, with mature trees noted in pockets at the site boundaries and is located within an established residential area on the eastern edge of Adamstown.

The broader site is bounded by the suburbs of Merewether to the east and Merewether Heights to the south. The Pacific Highway is also located just south of the site. Bullecourt Barracks, an Australian Army Reserve Training base, adjoins the site to the west. Residential development, parks and a primary school are located north of the site.

The broader site is identified as affected by mines subsidence, bushfire, contamination and acid sulfate soils (Class 5 and in proximity to adjoining Class 4). The broader site shares the western boundary with Bullecourt Barracks – Australian Army Reserve Training Base (state listed heritage item), however, the proposed location for the maintenance shed is at the northeastern end of the broader site, with street access / frontage to June Street.

2.0 THE PROPOSAL

The applicant seeks consent for the construction of an ancillary structure (maintenance shed) to be used in conjunction with the operations of the existing Merewether Golf Club golf course grounds. The existing maintenance shed will be demolished as part of a separate development application currently under assessment for seniors living and new/upgrade of golf clubhouse and facilities.

The proposal facilitates the ongoing maintenance of the golf course and its associated environment. The building will be used by the greenkeepers to store materials and equipment and carry out maintenance and administrative activities. All major repairs and servicing will be carried out off-site by others.

The existing greens staff (eight in total) operate a minimum of six days per week – Monday to Saturday – to keep up with the demand of the golf course. The proposed hours of operation are Monday to Saturday, 5:00am to 2:00pm daily and no work on Sundays.

The proposed works consist of:

- i) Site earthworks to accommodate the building design and surrounding hardstand areas set within the landscape with cut of up to 3m proposed at the western extent of the building footprint (finished reduced level (RL) 23.5).
- ii) A single-storey building 28m x 16m with internal area of 448m².
- iii) Concrete floor slab, galvanised steel frame and colorbond metal wall sheeting.
- iv) Concrete hardstand area surrounding the building for vehicle and pedestrian access, a refueling station with awning over to provide all weather use, landscape supply storage area, loading / unloading zone and parking for staff.
- v) 8th hole tee off area (originally immediately east behind the shed with RL28.5) now relocated to the southern side of shed (finished RL26.260).
- vi) Tree removal (eight trees) and compensatory planting (nine trees – advanced).
- vii) Associated site works, vehicular access works off June Street and landscaping works.

3.0 PUBLIC NOTIFICATION

The application was originally publicly notified for a period of 25 days between 4 January and 29 January 2021, with the notification period extended (initially until 25 January to allow for the holiday period and then until 29 January following a request for extension) in accordance with CN's Community Participation Plan (CPP). During the original notification period, 34 submissions of objection were received (one submission was late).

The application was re-notified for a period of 14 days between 29 April and 13 May 2021 upon receipt of amended plans and additional information. As of 3 June 2021, 21 submissions were received (including eight late submissions).

The concerns raised by the objectors in respect of the proposed development include permissibility, notification period, need for a separate application, location of the shed, visual and acoustic privacy, traffic, parking, health, safety, odour, anti-social behavior, security, hours of operation, bulk and scale, amount of hardstand areas and inaccuracies of plans.

The submitted application has been assigned to Senior Development Officer (Planning), Amanda Gale, for assessment. The following comments are provided for information.

The site is located in the RE2 Private Recreation Zone under the Newcastle Local Environmental Plan 2012 (NLEP 2012). A recreation facility (outdoor) is a permissible use within the zone and includes a golf course. The proposal facilitates the ongoing maintenance of the golf course and its associated environment, staffed by existing golf club employees and does not offer any commercial service to the public. The proposed maintenance shed is considered an ancillary structure to be operated in conjunction with the existing Merewether Golf course facilities and is permissible with consent.

The floor space ratio (FSR) map within NLEP 2012 does not provide the site with a maximum FSR standard. The area of the site the location for the ancillary maintenance shed, is approximately 5,500m² and is currently used as part of the golf course land and located at the north-eastern end of the broader site.

The proposed maintenance shed is a single-storey building 28m x 16m with internal area of 448m². Based on the proposed floor area and immediate site area, the proposal has an FSR of 0.081:1.

The height of buildings map within NLEP 2012 does not provide the site with a maximum building height standard. The surrounding R2 Low Density Residential zone, both north and east of the subject area of the site has an identified maximum building height of 8.5m. The proposal has a maximum height of 5.080m (finished floor level to ridge) with low 5-degree roof pitch and 4.250m (finished floor level to gutter line).

The site is not identified as a heritage item and is not mapped as being within a heritage conservation area. The broader site shares the western boundary with Bullecourt Barracks – Australian Army Reserve Training Base (state listed heritage item). However, the proposed location for the maintenance shed is at the north-eastern end of the broader site and is not in proximity to the listed item.

The applicant submitted amended plans which result in a building design that in part sits below the natural topography. Detailed landscape plans have been provided which propose natural screening and compensatory planting within this location of

the golf course site. The amended plans have relocated the Tee Off area for the 8th Hole (from behind the shed) to the southern side of the shed.

Consideration has been given to such matters as storage of goods under the provisions of State Environmental Planning Policy 33 (SEPP 33) – Hazardous and Offensive Development and based on information submitted, the proposal is not considered to trigger the threshold quantities for the various classes of dangerous goods, therefore SEPP 33 does not apply to this proposal and preparation of a Preliminary Hazard Analysis is not required.

Contamination has been considered and the entire Golf Course area was the subject of a previous Preliminary Site Investigation, which recommended further assessment to assess the presence of contamination and any remediation requirements. The Contamination Assessment Report included analysis of soil samples and no exceedances of the assessment criteria were identified.

The application includes a Noise Impact Assessment (NIA) which has been reviewed by CN staff, and consideration has been given to the noise impact upon current and future residential receivers. The applicant has also submitted an amended Acoustic Report dated 22 April 2021 (to be read in conjunction with the Reverb Acoustics report, dated November 2020) which outlines that the noise impacts from the proposal are satisfactory.

CN's Newcastle Development Control Plan 2012 (NDCP 2012) requires a detention tank on site and relevant hydrological and hydraulic modelling to be undertaken. The proposal needs to demonstrate that the requirements of NDCP 2012 regarding stormwater quantity and quality are being achieved, with appropriate site discharge control mechanisms (reuse and retention).

A Traffic Impact Assessment dated 22 April 2021 has been submitted by the applicant. The proposal makes provision for a 7m wide access driveway from June Street. On-site carparking for staff in proximity to the maintenance shed location is proposed with minimum of six spaces required in accordance with NDCP 2012.

ATTACHMENTS

Item 2 Attachment A: Submitted Plans – 40 King Street, Adamstown

Item 2 Attachment B: Processing Chronology – 40 King Street, Adamstown

Item 2 Attachments A-B distributed under separate cover