



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 16 July 2019

TIME: 5.30pm

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

J Bath
Chief Executive Officer

**City Administration Centre
282 King Street
NEWCASTLE NSW 2300**

9 July 2019

Please note:

Meetings of City of Newcastle (CN) are webcast. CN accepts no liability for any defamatory, discriminatory or offensive remarks or gestures made during the meeting. Opinions expressed or statements made by participants are the opinions or statements of those individuals and do not imply any form of endorsement by the CN. Confidential meetings will not be webcast.

The electronic transmission is protected by copyright and owned by CN. No part may be copied or recorded or made available to others without the prior written consent of CN. Council may be required to disclose recordings where we are compelled to do so by court order, warrant or subpoena or under any legislation. Only the official minutes constitute an official record of the meeting.

Authorised media representatives are permitted to record meetings provided written notice has been lodged. A person may be expelled from a meeting for recording without notice. Recordings may only be used for the purpose of accuracy of reporting and are not for broadcast, or to be shared publicly. No recordings of any private third party conversations or comments of anyone within the Chamber are permitted.

PUBLIC VOICE COMMITTEE
09 July 2019

CONTENTS

Item	Business	Page
	APOLOGIES/LEAVE OF ABSENCE	
	DECLARATIONS OF PECUNIARY / NON PECUNIARY INTEREST	
	PUBLIC VOICE SESSIONS	3
ITEM-1	PV 16/07/19 - DA2018/00609 - 147 BEAUMONT STREET, HAMILTON - DEMOLITION OF DWELLING AND OUTBUILDING, ERECTION OF THREE STOREY, 16 ROOM BOARDING HOUSE AND ASSOCIATED FENCING	3
ITEM-2	PV 16/07/19 - DA2017/01376 - 495-501 HUNTER STREET & 364 KING STREET NEWCASTLE - DEMOLITION OF BUILDINGS, ERECTION OF 15 STOREY MIXED USE DEVELOPMENT INCL. THREE COMMERCIAL/RETAIL TENANCIES & 87 RESIDENTIAL UNITS, ASSOC. CARPARKING & SITE WORK	8

PUBLIC VOICE SESSIONS

ITEM-1 **PV 16/07/19 - DA2018/00609 - 147 BEAUMONT STREET, HAMILTON - DEMOLITION OF DWELLING AND OUTBUILDING, ERECTION OF THREE STOREY, 16 ROOM BOARDING HOUSE AND ASSOCIATED FENCING**

APPLICANT: **OWARCO 2303 PTY LTD**
OWNER: **N E SAUL AND M E SAUL**
REPORT BY: **GOVERNANCE**
CONTACT: **DIRECTOR GOVERNANCE/ MANAGER REGULATORY, PLANNING AND ASSESSMENT**

BACKGROUND

An application has been received seeking consent for the demolition of a dwelling and outbuilding and erection of a three-storey, 16 room boarding house and associated fencing.

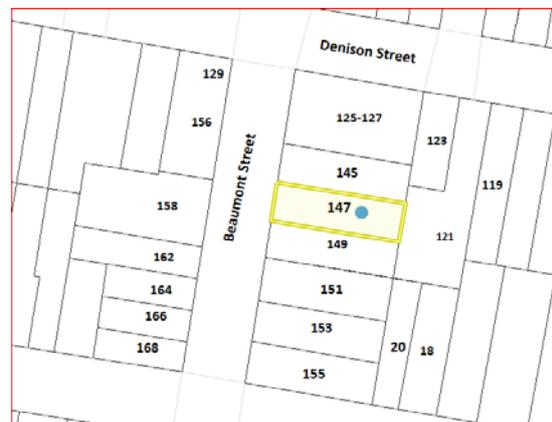
A copy of the submitted plans for the proposed development is attached at **Attachment A**.

The application is to be referred to the Development Applications Committee for determination, due to the number of submissions received being in excess of the staff delegation limit.

The application was publicly notified in accordance with the City of Newcastle's (CN) public participation policy and a total of 34 submissions were received in response, with 33 containing objections and one being in support of the proposal.

The objectors' concerns include:

- i) Bulk and scale
- ii) Visual privacy
- iii) Overshadowing
- iv) Character
- v) Car parking
- vi) Traffic generation
- vii) Suitability of the development
- viii) Over development of the site
- ix) Communal rooms
- x) Impact on heritage items



Subject Land: 147 Beaumont Street Hamilton

- xi) Lot width
- xii) Setbacks
- xiii) Solar access
- xiv) Crime Prevention Through Environmental Design

1.0 THE SITE

The subject site comprises Lot 1 DP 164986, being rectangular in shape and located on the eastern side of Beaumont Street. The lot has a frontage of 12.47m, a maximum depth of 40.74m and an area of 499.5m². The site is relatively flat, with a minor slope towards Beaumont Street.

The property is occupied by a single-storey masonry dwelling house and associated outbuildings. The site is bounded by a mixture of commercial and residential uses. The general built form of the surrounding area predominantly consists of dwelling houses, car parking, residential flat buildings, commercial buildings and food and drink premises.

2.0 THE PROPOSAL

The applicant seeks consent for the demolition of the dwelling and outbuilding and erection of a three-storey, 16 room boarding house and associated fencing.

The plans were amended in response to issues raised by submissions and CN officers in regard to privacy, shadow impacts and the carport. This included the removal of the carport structure and additional privacy screens being added to the development.

A copy of the amended submitted 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 publicly notified in accordance with CN's public participation policy. A total of 34 submissions were received in response, with 33 containing objections and one being in support of the proposal.

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

a) Statutory and Policy Issues

- i) Frontage requirement of the Newcastle Development Control Plan 2012 (NDCP 2012)
- ii) NDCP 2012 building envelope and front setback requirements

b) Amenity Issues

- i) Visual privacy impacts
- ii) Over shadowing
- iii) The suitability of a boarding house in the R3 Medium Density Residential zone

c) Design and Aesthetic Issues

- i) Character
- ii) Bulk and Scale
- iii) Proximity to a heritage item
- iv) Over development of the site
- v) Communal room

d) Traffic and Parking Issues

- i) Car parking
- ii) Traffic generation

e) Miscellaneous

- i) Upgrade of sewer services
- ii) No live-in manager
- iii) Crime Prevention Through Environmental Design assessment

4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT

The submitted application has been assigned to Development Officer Holly Hutchens for assessment.

The proposed Boarding House is a permissible land use within the R3 Medium Density Housing zone.

The proposal complies with State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP), prescribed standards listed, including floor space ratio, building height, landscaped area, solar access, private open space, car parking, accommodation room size, kitchen and bathroom facilities and provision of a communal living room.

Under the NDCP 2012, Section 3.03 Residential Development, the proposal does not comply with the prescribed frontage width, which is 2.53m less than the required 15m. The second floor of the proposed building encroaches on the northern side setback of the NDCP 2012 building envelope.

The development proposes to utilise CN's waste management services with kerbside collection to the street. The bins will be stored to the rear of the site in the carpark.

The above issues along with issues raised by submissions will be addressed in an assessment report to the Development Applications Committee.

ATTACHMENTS

Attachment A: Submitted Plans - Under Separate Cover - 47 Beaumont Street Hamilton

Attachment B: Processing Chronology - 47 Beaumont Street Hamilton

Attachment A - Submitted Plans - Under Separate Cover - 147 Beaumont Street Hamilton

Attachment B

THE CITY OF NEWCASTLE
Briefing Note to Public Voice Committee Meeting on 16 July 2019



PROCESSING CHRONOLOGY

DA2018/00609 – 147 Beaumont Street Hamilton

15 June 2018	Application Lodged
21 June 2018	Public notification
15 August 2018	Request for additional Information
October 2018 and January 2019	Advice from applicant regarding status of the application
21 February 2019	Additional information received
March-April 2019	Additional information requested
9 April 2019	Additional information received
18 April 2019	Additional information requested
10 May 2019	Additional information received
16 July 2019	Application scheduled for Public Voice Committee

ITEM-2 **PV 16/07/19 - DA2017/01376 - 495-501 HUNTER STREET & 364 KING STREET NEWCASTLE - DEMOLITION OF BUILDINGS, ERECTION OF 15 STOREY MIXED USE DEVELOPMENT INCL. THREE COMMERCIAL/RETAIL TENANCIES & 87 RESIDENTIAL UNITS, ASSOC. CARPARKING & SITE WORK**

APPLICANT: **MONTEATH AND POWYS**
OWNER: **INTERRELATE LIMITED**
REPORT BY: **GOVERNANCE**
CONTACT: **DIRECTOR GOVERNANCE/ MANAGER REGULATORY, PLANNING AND ASSESSMENT**

BACKGROUND

An application has been received seeking consent for the demolition of buildings and construction of a mixed-use development, consisting of three retail / commercial tenancies and 87 residential apartments, associated carparking, landscaping and site works.

The application will be referred to the Development Applications Committee for determination, due to the construction value of the proposed development (ie. \$19,862,513) being in excess of the staff delegation limit of \$10M.

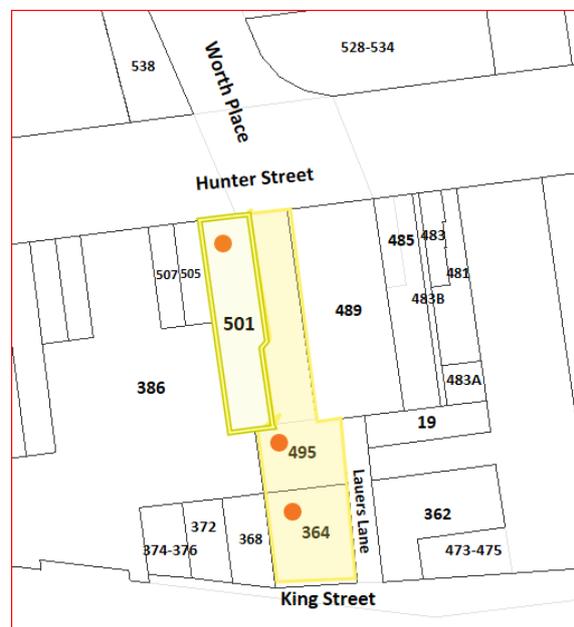
A copy of the submitted plans for the proposed development is attached at **Attachment A**.

The original proposal was advertised and publicly notified in accordance with the City of Newcastle's (CN) public participation policy and total of 23 submissions (inclusive of eight late submissions) objecting to the proposal were received.

The proposal was subsequently amended and re-notified. The amended proposal generated 13 submissions (inclusive of two late submissions) objecting to the proposal.

The key issues arising from the submissions include:

- i) Building form and scale



Subject Land: 495-501 Hunter Street & 364 King Street Newcastle

- ii) Building height
- iii) Building setbacks and separation distances
- iv) Traffic, parking and access
- v) Visual and acoustic amenity
- vi) Anti-social behavior
- vii) Consistent street wall heights
- viii) Solar access

1.0 THE SITE

The subject site comprises four allotments including Lot 851 DP 578844, Lot 1 DP 67823, Lot 1 DP 87872, known as No.495-501 Hunter Street and Lot 1 DP 1010094, known as No.364 King Street. The property is irregular in shape, with frontages to Hunter Street (20m), King Street (19m) and Lauers Lane (off King Street). The site is located in the Civic precinct of the Newcastle City Centre, which is part of the Newcastle City Centre Heritage Conservation Area.

The site area is 1,821.11m², with current uses primarily being small scale commercial premises, apart from Lot 851 (No.501 Hunter Street), which is vacant land. The site is bounded by forms of development that include newer tower blocks and older mid-level development, with mixed commercial / residential land uses.

The site is relatively flat, with a minor fall of approximately 1m from King Street towards Hunter Street.

2.0 THE PROPOSAL

The applicant seeks consent for the demolition of buildings, erection of a 15-storey mixed used building, comprising:

- a) Three commercial premises at ground level (one x 42m², one x 63m² and one x 177m²);
- b) Three levels of car parking, including ground floor accessible parking and loading bay, providing a total of 101 car parking spaces and 6 motorbike spaces;
- c) 87 residential units (levels 1 – 14) including 10 x one-bedroom units, 51 x two-bedroom units and 26 x three-bedroom units; and
- d) Landscaping works.

The plans were amended in response to issues raised by CN's Urban Design Consultative Group. The amendments included the addition of awnings to King St facade, additional lift and communal open space to the King St building, revised landscaping and removal of the through site link connecting Hunter and King St via Lauer Lane.

The Waste Management Plan proposes the use of a private contractor for residential and retail / commercial waste. A waste room is located on the ground level, with bins being transferred to the street for collection.

A copy of the amended submitted 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 original proposal was advertised and notified in accordance with CN's Public Notification Policy. A total of 23 submissions were received objecting to the proposal (including eight received after the closing of the exhibition period).

During the assessment of the application, the proposal was amended and then re-notified. A total of 13 submissions were received during the re-notification period (including two received after the closing of the exhibition period).

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

a) Statutory and Policy Issues

- i) Height of building – Non-compliance with the height of buildings development standard of the Newcastle Local Environmental Plan 2012 (NLEP 2012)
- ii) Objectives of the zone – scale / character of development
- iii) Non-compliance with Development Control Plan (NDCP 2012) requirements

b) Amenity Issues

- i) Acoustic
- ii) Amenity / views
- iii) Building setbacks
- iv) Solar access
- v) Visual impact

- vi) Wind
- vii) Security / safety

c) Design and Aesthetic Issues

- i) Building setbacks
- ii) Building height
- iii) Hunter Street façade
- iv) Heritage

d) Traffic and Parking Issues

- i) Traffic and vehicular access – width of Lauers Lane
- ii) Parking

e) Miscellaneous

- i) Economic and property values
- ii) Authority of Joint Regional Planning Panel (JRPP)

4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT

The submitted application has been assigned to Senior Development Officer Amanda Gale for assessment.

The proposed mixed-use development is a permissible land use within the B4 Mixed Use zone.

The proposal does not comply with the height of buildings development standard of 45m (proposed 47.48m, equating to a 2.48m or 5.51% variation) under NLEP 2012. The proposal does not comply with required building separation distances within the Newcastle City Centre, namely the 24m setback for buildings above 45m (proposed setback / separation above 45m is 12.157m). A variation to development standards request has been lodged in relation to these two aspects.

In relation to traffic, access and parking the proposal is generally consistent with relevant requirements. Upgrading of Lauers Lane will be a requirement as part of the proposed development, if the application is recommended for approval.

Concerns raised in relation to amenity, design and aesthetics have resulted in changes to the development proposal. UDCG advised in February 2019 that even though the majority of design issues have been resolved, a number of issues remain including the separation distance across Lauers Lane, cohesion of the Hunter St frontage with adjacent frontages, widening and screening of the lightwell on the northeast corner of the King St block, view impacts from the height exceedance and landscaping.

A submission raised the need for the application to be determined by the JRPP. The application was accompanied by a Capital Investment Value Report, with an estimated value of less than \$20 million. CN's Development Applications Committee is the delegated authority for determining the application.

The above issues, along with issues raised in submissions will be addressed in an assessment report to the Development Applications Committee.

ATTACHMENTS

Attachment A: Submitted Plans - Under Separate Cover - 495-501 Hunter Street & 364 King Street Newcastle

Attachment B: Processing Chronology - 495-501 Hunter Street & 364 King Street Newcastle

Attachment A - Submitted Plans - Under Separate Cover - 495-501 Hunter Street & 364 King Street Newcastle

Attachment B

THE CITY OF NEWCASTLE
Briefing Note to Public Voice Committee Meeting on 16 July 2019



PROCESSING CHRONOLOGY

DA2017/01376 – 495-501 Hunter Street and 364 King Street Newcastle

- 2 November 2017 - Development application lodged
 - 3 November 2017 - Referral to NSW Roads & Maritime Service (RMS)
 - 11 November 2017 - Public notification
 - 18 December 2017 - Advice received from Subsidence Advisory NSW
 - 21 February 2018 - Advice from Urban Design Consultative Group Meeting
 - 17 April 2018 - Advice received from RMS
 - 30 April 2018 – Request for additional information
 - May and June 2018 - Advice from Urban Design Consultative Group Meeting
 - 26 June 2018 - Amended plans submitted
 - June and November 2018 - Request for additional information
 - 15 January 2019 - Amended plans submitted
 - 24 January 2019 - Request for additional information
 - 7 February 2019 - Referral to Ausgrid
 - 12 February 2019 - Public notification of amended plans
 - 20 February 2019 - Advice from Urban Design Consultative Group Meeting
 - 28 February 2019 - Additional information submitted
 - 6 March 2019 - Advice received from Ausgrid
 - March-April 2019 - Additional information submitted
 - 16 July 2019 - Application scheduled for Public Voice Committee
-