



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 17 March 2020

**TIME:** 6.00pm

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

J Bath  
Chief Executive Officer

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

10 March 2020

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**PUBLIC VOICE COMMITTEE  
17 March 2020**

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**PUBLIC VOICE SESSIONS**

**ITEM-1**                    **PV 17/03/20 - DA2019/01146 - 106 GOSFORD ROAD, ADAMSTOWN - MULTI DWELLING HOUSING - DEMOLITION OF DWELLINGS AND OUTBUILDINGS ERECTION 12 ATTACHED UNITS AND 12 LOT STRATA SUBDIVISION**

**APPLICANT:**            **MACQUARIE EDGE P/L**  
**OWNER:**                **GAP INVESTMENTS (AUST) PTY LTD**  
**REPORT BY:**           **GOVERNANCE**  
**CONTACT:**            **DIRECTOR GOVERNANCE/ MANAGER REGULATORY, PLANNING AND ASSESSMENT**

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**BACKGROUND**

An application has been received seeking consent to demolish the existing dwellings, construction of 12 townhouses (consisting of three x two storey and nine x three storey dwellings, tree removal and strata subdivision.

This site has a current development approval (DA2017/00456) for eight two-storey townhouses, tree removal and strata subdivision. The application was approved on 8 September 2017.

The application was publicly notified in accordance with City of Newcastle’s (CN) Public Participation Policy, with 15 submissions being received.

The application is referred to the Development Applications Committee for determination, due to the application being called in by Councillor Andrea Rufo, Councillor Kath Elliott and Councillor Jason Dunn.

The concerns raised by the objectors in respect of the proposed development include building height, density, visual impact, privacy, and tree loss.

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



**Subject Land:** 106 and 108 Gosford Road Adamstown

## THE SITE

The development site comprises 106 and 108 Gosford Road, Adamstown with a combined total area of 1,678.3m<sup>2</sup>. The street frontage to Gosford Road is 31.5m. The site has a slope from the western corner to the eastern corner of approximately 2.3m. The site is not identified as being affected by flooding and is not located in a Mine Subsidence area.

### 2.0 THE PROPOSAL

The applicant seeks consent for:

- i) Demolition of the existing dwellings and garages
- ii) Construction of 12 townhouses (three x two storey and nine x three storey dwellings)
- iii) Tree removal
- iv) 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

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

#### a) Statutory and Policy Issues

- i) Density – excessive number of dwellings resulting in overdevelopment of the site.
- ii) Building height – excessive and inappropriate building height for the area.
- iii) Zoning objectives – proposal does not meet objectives of the R3 Medium Density Residential.

#### b) Amenity Issues

- i) Overshadowing of adjoining properties.
- ii) Loss of privacy and overlooking of neighbouring sites.
- iii) Loss of outlook to neighbouring properties.

- iv) Lack of open space and landscaping provided within the development.
- v) Loss of trees and limited opportunity for compensatory planting.

**c) Design and Aesthetic Issues**

- i) Bulk and scale - scale and massing, combined overall length of building is unsympathetic with the streetscape.
- ii) Visual impact - visual dominance of development.
- iii) Character - not compatible with the residential context of the neighbourhood, which largely consists of one-storey and two-storey dwellings.
- iv) Streetscape - impact on surrounding streetscapes.
- v) Setbacks – minimal setback from side and rear boundaries.

**d) Traffic and Parking Issues**

- i) Excess parking – each dwelling has a double garage, in excess of the Newcastle Development Control Plan 2012 (NDCP 2012) rate of one parking space per dwelling.

**e) Miscellaneous**

- i) Construction impacts - concern regarding the impacts on neighbours arising from the construction process.
- ii) Property Values - the proposal will result in devaluation of surrounding properties.
- iii) Public interest - there is no public benefit afforded to the community.
- iv) Isolated lot – the proposed development will result in 110 Gosford Road being an isolated lot and therefore unable to be developed to its potential.

**4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT**

The submitted application has been assigned to Principal Development Officer, William Toose for assessment.

The site is located in the R3 Medium Density Residential zone under the Newcastle Local Environmental Plan 2012 (NLEP 2012) and the proposed development is permissible with development consent as '*multi-dwelling housing*'.

The site is identified as being within a 'Substantial Growth Precinct' in accordance with the NDCP 2012 precinct maps.

The Floor Space Ratio (FSR) Map provides for a maximum FSR of 1.5:1. The proposed development has a total of 1,575m<sup>2</sup> of combined floor space. The proposal results in a FSR of 0.93:1 (based on a site area of 1678m<sup>2</sup>), which is under the maximum FSR for the site.

The proposed development complies with the height of buildings development standard of 10m under the NLEP 2012, with a maximum height of 9.3m.

Two off-street parking spaces are provided per dwelling, which exceeds the numerical requirements of the NDCP 2012. This has been included in the FSR calculation.

The required landscaped area under the NDCP 2012 is 25% of the site area. The proposed development provides 312.3m<sup>2</sup> of landscaping, which equates to 18.6% of the total site area and represents a shortfall of 6.4%, or 107.2m<sup>2</sup>. The applicant has proposed 4 street trees to be planted.

The submitted overshadowing analysis indicates that neighboring properties will continue to receive solar access to living room windows and private open space, in excess of the minimum requirements of NDCP 2012.

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

## **ATTACHMENTS**

**Item 1 Attachment A:** Submitted Plans - 106 Gosford Road Adamstown - Under Separate Cover

**Item 1 Attachment B:** Processing Chronology - 106 Gosford Road Adamstown - Under Separate Cover

**Attachments A to B - Distributed under separate cover**

**ITEM-2 PV 17/03/20 - DA2019/01255 - 25 LLEWELLYN STREET, MEREWETHER - VETERINARY HOSPITAL - CHANGE OF USE FROM A COMMERCIAL PREMISE**

**APPLICANT:** PERCEPTION PLANNING  
**OWNER:** A.T.O.S. PTY LTD  
**REPORT BY:** GOVERNANCE  
**CONTACT:** DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT

**BACKGROUND**

An application has been received seeking consent for a Veterinary Hospital - change of use from a commercial premise, with signage at 25 Llewellyn Street, Merewether. The proposal also includes a cat boarding business in association with the veterinary hospital.

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

The application has been called into Council for determination by Councillor Kath Elliott and Councillor John Church.



**Subject Land:** 25 Llewellyn Street Merewether

The application was notified in accordance with City of Newcastle’s (CN) Public Notification Policy and eight submissions were received in response. The objectors are concerned that the proposed use is not appropriate in a building containing residential units. Other concerns relate to disease, noise, waste management, use of common property, traffic and parking issues.

**1.0 THE SITE**

The site is located at 25 Llewellyn Street, Merewether. The existing building comprises a mixed-use development, with ground floor commercial premise, basement car parking and 37 residential units above. The ground floor premise is currently occupied by a large childcare centre at the rear of the site and a small pharmacist fronting Llewellyn Street.

The site is located within the commercial precinct of Merewether which has a range of commercial uses including a supermarket, cafes and take-away restaurants, childcare centre, medical centres, pharmacy, news agency and post office located along Llewellyn Street. The area around Merewether Street consists mainly of single



and double storey dwellings with ancillary structures. Adjoining the site to the western (rear) boundary is the Merewether Bowling Club. Merewether Fire Station is located on the northern side of Llewellyn Street.

A number of new mixed-use developments have been approved in the area or have been recently constructed.

## **2.0 THE PROPOSAL**

The applicant seeks consent for a Veterinary Hospital - change of use from commercial and fit out to the existing vacant commercial building on the ground floor. The proposal also includes the following:

- a) Waiting and reception room
- b) Two consult rooms
- c) One radiography / imaging room
- d) One treatment and recovery room
- e) One surgery and one surgery preparation room
- f) One isolation room
- g) Pharmacy, clinical pathology, staff, office and storage rooms
- h) Laundry and WC; and grooming, cat boarding (4 to 8 cats) and dog run rooms
- i) Business identification signs.

A copy of the 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 for a period of 14 days in accordance with CN's Public Notification Policy and eight submissions have been received.

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

### **a) Statutory and Policy Issues**

- i) The site is not suitable for a veterinary hospital given the residents above.

### **b) Amenity Issues**

- i) Noise from barking dogs and meowing cats
- ii) Disease
- iii) Waste Disposal
- iv) Use of the common area

**c) Traffic and Parking Issues**

- i) Concerns about potential traffic and parking issues.

**4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT**

The submitted application has been assigned to Senior Development Officer David Paine for assessment.

Key issues raised by the objectors during the notification process and issues identified during the initial assessment of the current proposal relate to:

**a) Not the right location**

The site is located on the ground floor of a shop top housing development. The residents have indicated that the proposed use – veterinary hospital is not suitable for a building containing residential units.

The site is located in an area which is zoned for mixed use development. The proposed use is permissible within the zone subject to CN approval.

**b) Noise**

A number of residents are concerned about dogs barking and cats meowing.

The application was supported by an acoustic report. The report was reviewed by CN's Environmental officer and will form part of the overall assessment of the application.

**c) Disease**

A number of residents are concerned about the potential spread of disease associated with the use of the veterinary hospitals.

The applicant has provided the following response: *'Veterinary hospitals adhere to strict hygiene and waste guidelines are per their state Veterinary Surgeons Boards. Hospitals are regularly audited, and the current hospital has been compliant for the past 40 + years and will continue to be in the new location'*.

**d) Odour**

Concerns were raised about the volume and odour in relation to general waste, including medical waste and deceased animals.

The applicant has provided a detailed waste management plan and indicated that waste services will be collected by a private contractor. The existing business has been operating in the area for almost 40 years and is aware of the potential issues with waste management.

**e) Use of Common Property**

Concerns were raised about veterinary clients and their pets using the common area. The concerns related to personal safety through dog attacks and potential risk to health from disease. The applicant has responded by indicating that the vast majority of clients will utilise the main entry point on Llewellyn Street. The applicant has indicated that the use of the common property will be limited. They did indicate that all dogs are required to be on a lead and small animals are either crated or carried into the hospital.

**f) Traffic and Parking**

Concerns were raised about potential traffic and parking issues. The application was supported by a Traffic and Parking Assessment report.

The above issues will be addressed in an assessment report to the Development Applications Committee.

**ATTACHMENTS**

**Item 2 Attachment A: Submitted Plans - 25 Llewellyn Street Merewether - Under Separate Cover**

**Item 2 Attachment B: Processing Chronology - 25 Llewellyn Street Merewether - Under Separate Cover**

**Attachments A to B - Distributed under separate cover**

**ITEM-3 PV 17/03/20 - DA2019/00603 - 26 SMITH STREET, HAMILTON SOUTH - DWELLING HOUSE - ALTERATIONS AND ADDITIONS TO DWELLING AND ANCILLARY STRUCTURE**

**APPLICANT:** L WILKINSON & M J WILKINSON  
**OWNER:** L WILKINSON & M J WILKINSON  
**NOTE BY:** GOVERNANCE  
**CONTACT:** DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT

**BACKGROUND**

An application has been received seeking consent for alterations and additions to dwelling and ancillary structure at 26 Smith Street Hamilton South.

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

The application will be referred to the Development Applications Committee for determination, due to the number of public submissions received. A total of 40 submissions were received objecting to the proposal and 5 submissions were received in support of the proposal.

The objectors' concerns include:

- i) Impact of the development on the heritage significance of the heritage conservation area
- ii) Amenity impacts
- iii) Streetscape setting and appearance
- iv) Privacy impacts
- v) Overshadowing
- vi) Loss of landscaping
- vii) Bulk and scale
- viii) Character
- ix) Overdevelopment of the site
- x) Materials and details
- xi) Setback of the swimming Pool
- xii) Unauthorised works to the existing dwelling



**Subject Land:** 26 Smith Street, Hamilton South

## 1.0 THE SITE

The subject property comprises Lot 24 DP 37567 and is a rectangular allotment located with primary frontage of 14.324m to Smith Street and a secondary frontage of 36.982m to Jenner Parade. The allotment has a total area of 528.6m<sup>2</sup>. The site has a minor fall to the rear (south-west) and is occupied by a residential dwelling.

Development in the vicinity of the subject property predominantly consists of low density residential single storey and 2 storey dwellings. The subject allotment is located in the Hamilton South Heritage Conservation Area.

## 2.0 THE PROPOSAL

The applicant seeks consent for alterations and additions to dwelling house and ancillary structure (garage).

A copy of the amended plans is appended at **Attachment A**. The various steps in the processing of the application to date are outlined in the Processing Chronology (refer to **Attachment B**).

## 3.0 PUBLIC NOTIFICATION

The original application was publicly notified in accordance with City of Newcastle's (CN) Public Participation Policy. 22 submissions by way of objection were received in response.

The amended application was publicly notified in accordance with CN's Public Participation Policy. 40 submissions of objection and 5 submissions of support were received in response. The concerns raised by the objectors in respect of the proposed development are summarised as follows:

- a) **Statutory and Policy Issues**
  - i. Impact of the development on the heritage significance of the heritage conservation area.
  
- b) **Amenity Issues**
  - i) Amenity impacts
  - ii) Streetscape setting and appearance
  - iii) Privacy impacts
  - iv) Overshadowing
  - v) Loss of landscaping
  
- c) **Design and Aesthetic Issues**
  - i) Bulk and scale
  - ii) Character
  - iii) Overdevelopment of the site
  - iv) Materials and details
  - v) Setback of the swimming pool

**d) Miscellaneous**

- i) Unauthorised works to the existing dwelling.

**4.0 DEVELOPMENT OFFICER PLANNING ASSESSMENT**

The submitted application was assigned to Principal Development Officer, David Lamb, for assessment.

In respect to the original design the assessing officer raised concerns in terms of heritage, form, bulk, scale and streetscape impacts and requested that the proposal be redesigned accordingly.

In response to the assessing officers request, the applicant submitted additional information which has amended the proposal as follows:

1. The bulk and scale of the additions has been reviewed with respect to both the Smith Street and Jenner Parade streetscapes. The reduced levels of the contributory building, including ridge and eaves levels, have been used as reference in the amended development, and the additions have been reduced in scale along the Jenner Parade frontage.
2. The massing, materiality and detailing of the two-storey element has been simplified and differentiated from the existing contributory building.
3. The link to the additions has been reduced in scale to distinguish the existing contributory building from new works.
4. The fenestration of the additions has been amended to relate to the principles of development in a heritage conservation area.
5. Fences and the vehicular crossover have been amended in accordance with CN's relevant heritage conservation provisions (Section 6.02 of the Newcastle Development Control Plan 2012).
6. Horizontal sunshade devices have been included to the south elevation of the two-storey element to offset the verticality of the cladding and relieve the scale and form of the additions.

**ATTACHMENTS**

**Item 3 Attachment A:** Submitted Plans - 26 Smith Street Hamilton South - Under Separate Cover

**Item 3 Attachment B:** Processing Chronology - 26 Smith Street Hamilton South - Under Separate Cover

**Attachments A to B - Distributed under separate cover**