



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 Meeting will be held on:

DATE: Tuesday 19 October 2021

TIME: 6.00pm

VENUE: Audio visual platform Zoom

J Bath
Chief Executive Officer

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

Tuesday 12 October 2021

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**PUBLIC VOICE COMMITTEE
19 October 2021**

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PUBLIC VOICE SESSIONS

ITEM-1 **PV 19/10/21 - ERECTION OF BASKETBALL COURTS ON NATIONAL PARK**
SUBJECT: **2010 PUBLIC VOICE MEETING STANDARD**

REPORT BY: **CITY WIDE SERVICES**
CONTACT: **DIRECTOR CITY WIDE SERVICES / MANAGER PARKS AND RECREATION**

PURPOSE

Friends of National Park are listed to address Council at a Public Voice session on 19 October 2021 regarding the current construction of four new basketball courts at National Park. This report provides an update on the status of the Plan of Management for National Park and associated categorisation of land where construction is occurring.

BACKGROUND

In 2019 local residents formed Friends of National Park to focus on the lack of accessible open green space for residents living and working around National Park.

In August 2021 Friends of National Park contacted City of Newcastle (CN) expressing concern regarding the construction of four new basketball courts adjacent to the existing two basketball courts, located at the former tennis court site at National Park.

An application was then made from CN for Friends of National Park to address Council at a Public Voice session to discuss the construction of the four new basketball courts at National Park and concern that work had commenced prior to the finalisation of the updated National Park Plan of Management (PoM).

The current National Park PoM 2012 (**see Attachment A**) which applies to the site, includes categorisation of various areas within the park and guidance on what activities are permissible. The former tennis court area is categorised in the current PoM as 'sportsground with the core objective of land categorised as 'sportsground' being provided for active recreational facilities such as basketball courts.

In addition, the PoM includes a Management Action stating: *If management of the tennis courts is no longer viable/economic during the life of this Plan, Council may investigate and implement alternative uses.*

Consistent with the PoM the four new basketball courts at National Park provide modern recreation and sportsground facilities for the entire community to enjoy and have been positively received by the community in response to the popularity of the two existing basketball courts. CN is also including sheltered seating, a water filling station and a further grassed area to compliment this work.

The benefits of enhanced open and accessible spaces for the community are significant to local residents and families during a time when access to open space is more important than ever due to Covid and wellbeing.

CN has also recently rehabilitated the former Life Without Barriers area in the north-west corner of the park, converting it into an open parkland for passive recreation and making way for an additional 9750m² of greenspace which was previously not accessible to the public.

The review of the National Park PoM has commenced including Phase 1 community engagement. Multiple aspects of the National Park PoM require further consideration and investigation as part of the review, including the north-western corner and future of Wal Young House, the impact of works on No's. 5 and 6 Sportsgrounds associated with the works at No. 1 Sportsground, stormwater and drainage issues, parking, cycling and amenity matters.

The updated National Park PoM is planned for public exhibition in 2022.

ATTACHMENT

Attachment A: [National Park Plan of Management 2012](#)

ITEM-2 PV 19/10/21 - 42 GEORGETOWN ROAD, GEORGETOWN - DA2021/00197 - SERVICE STATION AND ANCILLARY FOOD AND DRINK PREMISES INCLUDING DEMOLITION OF EXISTING STRUCTURE

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

PURPOSE

An application (DA2021/00197) has been received seeking consent for demolition of existing structures and the construction of a service station and ancillary food and drink premises.

The site is known as 42 Georgetown Road, Georgetown and is occupied by an existing brick and metal roof building with extensive hard stand area. The existing building has a history of retail use, having previously been occupied by a fruit and vegetable store and butchers. The building is currently vacant. It is understood that prior to the 1980's the site was occupied by a service station.



Subject Land: 42 Georgetown Road, Georgetown

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

The application was publicly notified on two occasions in accordance with the City of Newcastle's (CN) Community Participation Plan. In response, five submissions were received in round one and 11 submissions were received during round two.

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

- i) Impact to local village character,
- ii) Adverse impact to adjoining properties,
- iii) Acoustic impacts,

- iv) Traffic and safety,
- v) Suitability of proposed use,
- vi) Oversupply of service stations in the locality,
- vii) Environmental impacts, including air quality and odour,
- viii) Impact to local public transport, proximity of existing bus stop.
- ix) Inconsistent with sustainable city,
- x) Antisocial behavior
- xi) Operating hours and use of delivery bikes,
- xii) Vegetation removal, and
- xiii) Illuminated signage.

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

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

1.0 THE SITE

The subject property comprises Lot 1, DP 121068, 44 Georgetown Road, Georgetown and is an irregular corner site and has an area of approximately 1,636m². The site has frontages to Georgetown Road (52m) and Turner Street (24m). The site is relatively level with approximately one metre fall, from west to east towards Turner Street.

The existing brick and metal building on site is currently vacant, having previously been utilised for retail premises, most recently being a fruit and vegetable store and butchers. The existing premises is covered by an awning. The site is largely covered by buildings and hardstand. Limited vegetation exists on the eastern and southern boundaries.

The site has separate driveways onto both Georgetown Road and Turner Street. There is existing line-marking indicating provision for 13 on-site car parking spaces.

The subject site is identified on CN records to be potentially contaminated as one of the previous uses was a service station including vehicle repair. The site is mapped as containing Acid Sulfate Soils (class 5). The site is not identified as flood prone or bushfire prone land. The site is not identified as a heritage item, is not located within

a heritage conservation area, and is not located within proximity to any other listed heritage items.

The site is located upon land zoned 'B2 Local Centre' and directly adjoins land zoned 'R2 Low Density Residential'. There is a mix of residential development located to the south and east of the site. Commercial and retail development is located to the north and west of the site.

To the south the site adjoins a single storey dwelling. Land to the east of the site is currently vacant, however has consent, dated 02 November 2015, for three storey mixed use development including commercial, retail and shop top housing including twenty-two units.

2.0 THE PROPOSAL

The applicant seeks consent for the demolition of existing structures and the construction of a service station and ancillary food and drink premises. Details of the proposal are as follows:

- i) Demolition of existing structures,
- ii) Removal of existing trees and vegetation,
- iii) Construction of service station and takeaway food and drink premises,
- v) Construction of fuel canopy and infrastructure including underground storage tanks,
- v) Installation of signage, including freestanding pylon sign for business identification and display of fuel pricing,
- vi) Construction of car park with 13 spaces (including one accessible space), and;
- vii) Landscaping and associated site works including stormwater infrastructure.

The proposed hours of operation of the development are as follows:

- i) Service station – 5am to midnight – Monday to Sunday, and
- ii) Take-away food and drink premises – 7am to midnight – Monday to Sunday,

Deliveries are proposed to occur as follows:

- i) Fuel tanker deliveries – 7am to 10pm – Monday to Sunday, and
- ii) General deliveries – 5 am to midnight – Monday to Sunday.

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 appended 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 between 25 February 2021 and 11 March 2021. During the notification period five submissions were received.

The application was placed on public exhibition on a second occasion for a period of 28 days between 4 August and 1 September 2021, in accordance with the advertising requirements contained within *State Environmental Planning Policy - Hazardous and Offense Development*. In response to the second round of notification, 11 submissions were received.

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

a) Statutory and Policy Issues

- i) Impact to local character – The proposed development is not consistent with the village character of Georgetown.
- ii) Site suitability – The site is not suitable for the proposed use.
- iii) Signage – Proposed signage is not in keeping with existing areas and is illuminated.

b) Amenity Issues

- i) Hours of operation – the extended hours of operation will impact upon the amenity of the area.
- ii) Noise – The site is within proximity of the site to residential premises, proposed operation including 5am to midnight operation will result in adverse noise impacts.
- ii) Anti-social behavior – Take-away food and drink premises will result in anti-social behavior, such as litter, property damage, and loitering.
- iv) Light spill – Illuminated signage will result in unacceptable light spill.

c) Traffic and safety Issues

- i) Traffic - Increased traffic movements will impact Georgetown Road and Turner Street a narrow street.

- ii) Safety – Increased traffic movements will conflict with existing bus network and cause pedestrian safety concerns.
- iii) Operation – Impact of deliveries for fuel tanker (including on surrounding street networks) and deliveries for take-away food and drink premises.

d) Miscellaneous

- i) Health issues – Air pollution including odour impacts to residential developments.
- ii) Development promotes unhealthy food choices.
- iii) Environmental and sustainability – Proposed use does not promote environmental sustainability and green energy.
- iv) Economic viability and oversupply of service stations - Abundance of service stations in the area.

4.0 DEVELOPMENT OFFICER PLANNING COMMENTS

The submitted application has been assigned to Senior Development Officer, Ian Clark for assessment. The following planning assessment comments are provided for information.

Permissibility and site suitability

The site is located in the B2 Mixed Use zone under Newcastle Local Environmental Plan 2012 (NLEP 2012) and the proposed development is permissible with development consent as 'services station'. The 'food and drink premises' is permissible as 'commercial premises' are permissible in the B2 zone. 'Commercial premises' include 'retail premises' and 'food and drink premises' (including 'take-away food and drink premises') are a type of 'retail premises'.

The objectives of the B2 Local Centre zone include, to provide a range of businesses, entertaining and community uses that serve the needs of people who live in, work in and visit the local area. The provision of employment opportunities, maximising public transport patronage, and encouraging walking and cycling are also objectives of the zone, relevant to the proposal.

The Department of Planning and Environment (DPIE) recently exhibited the 'Employment Zones Reform' between 20 May 2021 and 30 June 2021, which proposes (amongst other things) the replacement of both the B1 Neighbourhood Centre and B2 Local Centre zones with a new E1 Local Centre zone. Service stations are currently permissible in both the B1 and B2 zones and will remain permissible in the E1 Local Centre zone.

Site contamination

The subject site is identified on CN records to be potentially contaminated as one of the previous uses was a service station including vehicle repair which is a known contaminating land use. A Remediation Action Plan (RAP), prepared by Hunter Civilab, has been submitted with the development application.

Noise Impact

The application has been submitted with a Noise Impact Assessment (NIA), prepared by Reverb Acoustics, which considers noise sources such as mechanical plant (refrigeration, air conditioning, exhaust, compressors), deliveries (including unloading, truck movements) and customer vehicles entering and leaving the premises and maneuvering on site. Other noise sources such as garbage collection and general site noise are also considered within the NIA.

The NIA identifies that the cumulative noise impact during peak periods at the nearest residence west of the site, with no noise control measures within the site, are predicted to exceed the criteria by up to 3B(A) during the day, with higher exceedances during the evening.

The NIA proposes several noise control modifications to achieve compliance with relevant noise criteria, including acoustic barriers for roof-top exhaust and air-conditioning plant, acoustic fencing to west and south site boundaries, and solid fencing for the service yard. Restriction on the hours of operation (consistent with the proposal), and education.

Social impacts and crime risk

An Amended Crime Risk Assessment has been submitted with the application, which outlines potential crime activities that may be associated with the development include steal from motor vehicle, motor vehicle theft, shoplifting/stealing, antisocial behaviour and littering.

The Amended Crime Risk Assessment identifies strategies to mitigate these potential impacts, including the use of security surveillance system, directional signage and use of lighting. Limitation of service to drive-through only during late-night trade and provision of adequate waste bins are also identified mitigation measures.

The application was referred to the NSW Police for comment. No comments to date have been received in response.

Traffic and Parking Impacts

The proposal included a Traffic Impact Assessment (TIA) prepared by Seca Solution. The TIA considered access, circulation, traffic generation, impact on road safety, impact of generated traffic, related to the proposed development.

The TIA identifies that the site layout allows for safe and appropriate access. Parking on site exceeds the Newcastle Development Control Plan 2012 provisions. Further,

the TIA provides that the development proposal results in minor impact to the capacity of the local road network and is consistent with the RTA Guide to Traffic Generating Developments and Austroads Guide to Traffic Management.

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 2 Attachment A: Submitted Plans – 42 Georgetown Road, Georgetown

Item 2 Attachment B: Processing Chronology – 42 Georgetown Road, Georgetown

Item 2 Attachments A-B - Distributed under separate cover