



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 14 June 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**

7 June 2022

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**PUBLIC VOICE COMMITTEE**  
**14 June 2022**

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**PUBLIC VOICE SESSIONS**

**ITEM-1 PV 14/06/22 - 29 BRUCE STREET, COOKS HILL - DA2021/00281 - NEW RESIDENTIAL BUILDING**

**APPLICANT: PERCEPTION PLANNING  
OWNER: G BUNDER  
REPORT BY: GOVERNANCE  
CONTACT: DIRECTOR GOVERNANCE AND CHIEF FINANCIAL OFFICER / MANAGER REGULATORY, PLANNING AND ASSESSMENT**

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**PURPOSE**

A Development Application (DA2021/00281) has been received seeking consent for a dwelling house.

The subject site is described as 29 Bruce Street, Cooks Hill which comprises two historic allotments – Lot 1 contains a contributory attached dwelling terrace and Lot 2 is a vacant site.

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



**Subject Land: 29 Bruce Street, Cooks Hill**

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

The original application was notified in accordance with City of Newcastle’s (CN) Community Participation Policy (CPP), with 46 submissions (including two submissions of support) being received. Following the submission of amended plans, a second notification was completed and 25 submissions (including six submissions that emanated from three households) were received objecting to the proposed development, with one submission being resolved during assessment of the application.

The concerns raised by the objectors include heritage (incorporating amenity, character, scale, bulk, mass, form, setbacks; materials, finishes + details; streetscape, street activation and carport considerations), private open space, privacy, overshadowing, views, carparking, breezes, tree removal, impact on Hunter Water Corporation assets, garbage storage, air conditioning impacts, maintenance of boundary wall, and preservation of existing adjoining vegetation.

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

### **1.0 THE SUBJECT SITE**

The site consists of a single rectangular allotment known as Lot 2 DP 799875 with a frontage of 4.265m to Bruce Street, Cooks Hill. The subject site has a total area of approximately 88.5m<sup>2</sup>. The subject allotment is vacant, with a slight slope of approximately 570mm towards the rear southern boundary. The site is located in the Cooks Hill Heritage Conservation Area, is affected by flooding and is within a mine subsidence district.

Existing development on adjoining sites includes predominantly one and two-storey residential development. The general form of development in the immediate area consists of low and medium-density residential development.

### **2.0 THE PROPOSAL**

The application proposes an infill dwelling to a vacant allotment in the Cooks Hill Heritage Conservation Area. The proposed development incorporates three bedrooms (with ensuites), a screened carport for one onsite vehicle, and an open kitchen, dining and living area. The scale, and form of the development presents as an attached terrace to the streetscape (with cues taken from the existing contributory terraces at No. 27 + No. 29 Bruce Street), which is proposed to be differentiated by contemporary yet sympathetic materials, details and finishes. The proposed development is extended over three floor levels, with a bulk and massing that incorporates a series of stepped-down skillion metal sheet roofs towards the rear boundary, and fire separating walls to the north-east and south-west boundaries.

### **3.0 PUBLIC NOTIFICATION**

The original application was notified in accordance with CN's CPP, with 46 submissions (including two submissions of support) being received. Following submission of amended plans, a second notification was completed, and 24 unresolved submissions were received in response, with six submissions emanating from three households and one submission being resolved during assessment of the application.

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

**a) Statutory and Policy Issues:**

- i) Infill dwelling in a heritage conservation area

**b) Amenity Issues:**

- i) Amenity
- ii) Private open space

- iii) Privacy impacts
- iv) Overshadowing
- v) View sharing
- vi) Loss of breezes
- vii) Tree removal
- viii) Air conditioning impacts

**c) Design and Aesthetic Issues:**

- i) Bulk and scale
- ii) Character
- iii) Setbacks

**d) Traffic and Parking Issues:**

- i) Parking and vehicular access

**e) Miscellaneous:**

- i) Impact on Hunter Water Corporation assets
- ii) Garbage storage
- iii) Maintenance of boundary wall
- iv) Preservation of existing adjoining vegetation

Additional plan amendments were also required following the second round of notification to address remaining outstanding planning issues. The current amended plans do not result in a greater environmental impact and an opinion was formed by assessing officers that the development as amended differs only in minor respects from the previously notified development. As such, the current amended plans were not further publicly notified.

#### **4.0 DEVELOPMENT OFFICER PLANNING COMMENTS**

##### **Permissibility**

The site is located in the R3 Medium Density Residential zone under the Newcastle Local Environmental Plan 2012 (NLEP2012) and the development is permissible with consent as a 'dwelling house'. Although the site area of approximately 88.5m<sup>2</sup> is less than the area nominated in Clause 4.1 (Minimum subdivision lot size) of the NLEP2012, an assessment has been confirmed this historically subdivided allotment has dwelling entitlement and Clause 4.1 does not apply in this instance.

Being located in the Cooks Hill Heritage Conservation Area, there are no applicable height of buildings and floor space ratio principal development standards that apply to the development. The development is subject however to Clause 5.10 (Heritage Conservation) of the NLEP2012 that requires CN to consider the effect a proposed development has on the heritage significance of the heritage conservation area concerned.

### **Heritage**

Heritage was the most consistent and significant matter raised by objectors through the public notification of the application. As an infill dwelling in the Cooks Hill Heritage Conservation Area, the proposed development is subject to Section 6.02.07 of the Newcastle Development Control Plan 2012 (NDCP2012) and the associated technical manual (Heritage), which requires development to demonstrate compliance with building envelope, character, scale, form, setbacks, materials and details; and vehicular accommodation provisions.

In consultation with CN's heritage officer, requests for additional information were issued to the applicant on 27 May 2021 and 16 December 2021 to resolve heritage matters relating to the proposed development's scale, street frontage, materials and details, and retention of contributory vegetation. CN's heritage officer completed three referrals throughout the assessment of the application and had numerous discussions with the Architect, with the final current amended plans being supported from a heritage perspective (subject to relevant conditions of consent being included in any development consent to be issued).

### **Amenity issues**

Given an infill dwelling is proposed to a currently vacant and constrained urban allotment, the development is likely to result in some amenity impacts with respect to privacy, solar access, view sharing and loss of breezes.

The relevant provisions of Section 3.02 (Single Dwellings and Ancillary Development) apply in such circumstances, and the reasonableness of a proposal can be assessed against the relevant Performance Criteria and Acceptable Solutions of Section 3.02.07 (Privacy), Section 3.02.08 (Solar Access) and Section 3.02.09 (View Sharing).

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:** Amended Plans – 29 Bruce Street Cooks Hill
- Item 1 Attachment B:** Processing Chronology – 29 Bruce Street Cooks Hill

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