

Minutes

Development Application Committee Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 21 November 2023 at 6:03pm.

1. ATTENDANCE

The Lord Mayor (Councillor N Nelmes), Councillors E Adamczyk, J Barrie, J Church, D Clausen, C Duncan, J Mackenzie, C McCabe, C Pull, D Richardson, K Wark, P Winney-Baartz and M Wood.

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services and CFO), A Jones (Executive Director Creative and Community Services), C Thomson (Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance), P Emmett (City Wide Development Assessment Manager), R Dudgeon (Executive Manager Project Management Office), A Ryan (City Significant and Strategic Planning Manager), K Sullivan (Councillor Services/Minutes/Meetings Support), J Knight (Councillor Services/Meetings Support), A Poule-Font (AV/Information Technology Support) and R Williams (Information Technology Support)

2. ACKNOWLEDGEMENT OF COUNTRY

The Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

3. PRAYER

The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

4. APOLOGIES / LEAVE OF ABSENCE / REQUEST TO ATTEND BY AUDIO VISUAL LINK

MOTION

Moved by Cr Barrie, seconded by Cr Richardson

The request submitted by Councillor Clausen to attend by audio visual link be received and leave granted.

**Carried
unanimously**

Nil apologies.

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5. DISCLOSURES OF INTEREST

Councillor Winney-Baartz

Councillor Winney-Baartz declared a significant, non-pecuniary interest in Item 7.4 - 61 Grinsell Street, Kotara - Sec 4.55(1a) Modification to DA2021/00662 - Dwelling House including secondary dwelling, ancillary structures (pool and retaining walls) and demolition of existing structures - changes to design - MA2022/00336, stating that she was a close friend of the owner of the property and would leave the Chamber for discussion on the item.

Councillor McCabe

Councillor McCabe declared a non-significant, non-pecuniary interest in Item 7.4 - 61 Grinsell Street, Kotara - Sec 4.55(1a) Modification to DA2021/00662 - Dwelling House including secondary dwelling, ancillary structures (pool and retaining walls) and demolition of existing structures - changes to design - MA2022/00336, stating that she knew James Ryan who provided legal advice for the residents at 63 Grinsell Street, Kotara and would manage the conflict by remaining in the Chamber for discussion on the item.

Councillor Mackenzie

Councillor Mackenzie declared a non-significant, non-pecuniary interest in Item 7.4 - 61 Grinsell Street, Kotara - Sec 4.55(1a) Modification to DA2021/00662 - Dwelling House including secondary dwelling, ancillary structures (pool and retaining walls) and demolition of existing structures - changes to design - MA2022/00336, stating that the same as Councillor McCabe, he knew James Ryan who had been engaged by one of the opponents to the proposal for legal advice.

6. CONFIRMATION OF PREVIOUS MINUTES

6.1. MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 17 OCTOBER 2023

MOTION

Moved by Cr McCabe, seconded by Cr Barrie

The draft minutes as circulated be taken as read and confirmed.

**Carried
unanimously**

7. DEVELOPMENT APPLICATIONS

7.1. 44 YOUNG STREET CARRINGTON - DWELLING HOUSE - ALTERATIONS AND ADDITIONS - DA2023/00450

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

- A. That the Development Applications Committee (DAC) note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (NLEP 2012), against the development standard at Clause 4.4 Floor Space Ratio, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.4 and the objectives for development within the R2 Low Density zone in which the development is proposed to be carried out; and
- B. That DA2023/00450 for Dwelling house - alterations and additions at 44 Young Street Carrington be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Church, Clausen, Duncan, Mackenzie, McCabe, Pull, Richardson, Wark, Winney-Baartz and Wood.

Against the Motion: Nil.

Carried

7.2. 134 KING STREET NEWCASTLE - PARTIAL DEMOLITION AND REFURBISHMENT OF AN EXISTING COMMERCIAL BUILDING, INCLUDING TWO ADDITIONAL LEVELS - DA2023/00082

MOTION

Moved by Cr Mackenzie, seconded by Cr Adamczyk

- A That the DAC note the objection under Clause 4.6 Exceptions to Development Standards of the NLEP 2012, against the development standard at Clause 4.3 Height of buildings, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.3 and the objectives for development within the MU1 Mixed Use zone in which the development is proposed to be carried out; and
- B That the DAC note the objection under Clause 4.6 Exceptions to Development Standards of the NLEP 2012, against the development standard at Clause 4.4 Floor Space Ratio, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.4 and the objectives for development within the MU1 Mixed Use zone in which the development is proposed to be carried out; and
- C That DA2023/00082 for alteration and additions, including two additional floors of commercial floor space to the existing building at 134 King Street, Newcastle be approved, and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Church, Clausen, Duncan, Mackenzie, McCabe, Pull, Richardson, Wark, Winney-Baartz and Wood.

Against the Motion: Nil.

Carried

7.3. 52 HICKSON STREET MEREWETHER - DWELLING HOUSE - ALTERATIONS, ADDITIONS AND ANCILLARY STRUCTURE (SOLAR ENERGY SYSTEM) - DA2023/00569

MOTION

Moved by Cr McCabe, seconded by Cr Winney-Baartz

- A. That the DAC note the objection under Clause 4.6 Exceptions to Development Standards of the NLEP 2012, against the development standard at Clause 4.4 Floor Space Ratio, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.4 and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out; and
- B. That DA2023/00569 for alterations and additions at 52 Hickson Street, Merewether, be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
- C. That those persons who made submissions be advised of CN's determination.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Church, Clausen, Duncan, Mackenzie, McCabe, Pull, Richardson, Wark, Winney-Baartz and Wood.

Against the Motion: Nil.

Carried

7.4. 61 GRINSELL STREET KOTARA - SEC 4.55(1A) MODIFICATION TO DA2021/00662 - DWELLING HOUSE INCLUDING SECONDARY DWELLING, ANCILLARY STRUCTURES (POOL AND RETAINING WALLS) AND DEMOLITION OF EXISTING STRUCTURES - CHANGES TO DESIGN - MA2022/00336

Councillor Winney-Baartz left the Chamber for discussion on the item.

MOTION

Moved by Cr Barrie, seconded by Cr McCabe

- A. That MA2022/00336 for Section 4.55(1A) modification to DA2021/00662 – Dwelling house – including secondary dwelling, ancillary structures (pool and retaining walls) and demolition of existing structures at 61 Grinsell Street Kotara

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be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and

B. That those persons who made submissions be advised of CN's determination.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Clausen, Duncan, McCabe, Pull, Richardson and Wood.

Against the Motion: Councillors Church, Mackenzie and Wark.

Carried

Councillor Winney-Baartz did not return to the Chamber prior to the meeting being closed.

The meeting concluded at 6.39pm.