

## CITY OF NEWCASTLE

**Minutes of the Development Applications Committee Meeting held via Video conferencing platform Zoom Tuesday 19 May 2020 at 6.31pm.**

---

### **PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn (*retired 7.09pm*), K Elliott, B Luke, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

### **IN ATTENDANCE**

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), E Kolatchew (Planning Coordinator), H Sexton (Acting Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Acting Chief Financial Officer), G Mahood (Manager Property and Facilities), N Wells (Property Services Manager), A Knowles (Council Services/Minutes), K Sullivan (Council Services/Meeting Support) and S Ray (Information Technology Support).

### **APOLOGIES**

Nil.

### **DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

#### **Councillor Winney-Baartz**

Councillor Winney-Baartz declared a significant non-pecuniary interest in Item 14 - DA2019/01255 - 25 Llewellyn Street, Merewether stating she would manage the conflict by leaving the meeting.

#### **Councillor Dunn**

Councillor Dunn declared a non-pecuniary interest in Item 15 - DA2019/01000 - 134 - 142 Darby Street Cooks Hill as he had a client who owned properties within the vicinity and stated he would leave the meeting for discussion on the item.

#### **Cr Church**

Councillor Church declared a less than significant, no-pecuniary interest in Item 16 - DA2019/01146 - 106 Gosford Road, Adamstown as he owned property in Broadmeadow and stated he would remain in the meeting for discussion on the item.

### **CONFIRMATION OF PREVIOUS MINUTES**

#### **MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 28 APRIL 2020**

#### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Byrne

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

**Carried  
unanimously**

## DEVELOPMENT APPLICATIONS

**ITEM-11                    DAC 19/05/20 - DA2019/01176 - 16 CURRY STREET,  
MEREWETHER - DWELLING HOUSE - ALTERATIONS AND  
ADDITIONS**

### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

- A. That the Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of 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 R2 Low Density Residential zone in which the development is proposed to be carried out; and
- B. That DA2019/01176 for alterations and additions to a dwelling at 16 Curry Street Merewether 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 Byrne, Clausen, Church, Duncan, Dunn, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

**Against the Motion:**            Nil.

**Carried**

**ITEM-12                    DAC 19/05/20 - DA2019/00852 - 6 KING ST STOCKTON -  
MULTI DWELLING HOUSING AND STRATA SUBDIVISION**

### **MOTION**

Moved by Cr Clausen, seconded by Cr Byrne

- A. That DA2019/00852 for multi dwelling housing and subdivision, at 6 King Street, Stockton 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 Byrne, Clausen, Church, Duncan, Dunn, Elliott, Luke, Robinson, Rufo, White and Winney-Baartz.

**Against the Motion:**            Councillor Mackenzie.

**Carried**

**ITEM-13                    DAC 19/05/20 - DA2019/01163 - 43 GREENLEAF ROAD  
KOORAGANG - INDUSTRIAL - ERECTION AND OPERATION  
OF WAREHOUSE AND DISTRIBUTION CENTRE**

**MOTION**

Moved by Cr Luke, seconded by Cr Byrne

A. That DA2019/01163, for erection and operation of a warehouse and distribution centre at 43 Greenleaf Road Kooragang 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 Byrne, Clausen, Church, Duncan, Dunn, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

**Against the Motion:**            Nil.

**Carried**

**ITEM-14                    DAC 19/05/20 - DA2019/01255 - 25 LLEWELLYN STREET,  
MEREWETHER - VETERINARY HOSPITAL**

Councillor Winney-Baartz was removed to the waiting room facility within Video conferencing platform Zoom at 6.48pm for discussion on the item.

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

A. That DA2019/01255 for Veterinary Hospital – change of use from a commercial premise at 25 Llewellyn 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

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

**AMENDMENT**

Moved by Cr Rufo, seconded by Cr Elliott

An additional condition that the six (6) vehicle spaces that have been allocated with the development application be for use of staff only.

Councillor Church foreshadowed a substantive motion.

The mover and seconder of the motion accepted Councillor Rufo's amendment into the motion.



**For the Motion:**

Lord Mayor, Cr Nelmes and Councillors Clausen, Church, Duncan, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

**Against the Motion:**

Councillor Byrne.

**Carried**

Councillor Dunn did not return to the meeting at the conclusion of the item within Video conferencing platform Zoom and it was noted he had retired from the meeting.

**ITEM-16                    DAC 19/05/20 - DA2019/01146 - 106 GOSFORD ROAD, ADAMSTOWN - MULTI DWELLING HOUSING - DEMOLITION OF EXISTING DWELLINGS, ERECTION OF TWELVE DWELLINGS AND STRATA SUBDIVISION**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Duncan

- A. That DA2019/01146 for multi dwelling housing comprising the demolition of existing dwellings, erection of 12 townhouses, tree removal and strata subdivision at 106 - 108 Gosford Road, Adamstown 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.

Councillor Church foreshadowed a substantive motion with reasons for refusal of the development application.

**MOTION**

*Moved by Cr Church, seconded by Cr Elliott*

*That the development application is not approved on the basis of overdevelopment of the site, a loss of privacy and sunlight for neighbours, the development is not 100 percent compliant and approval does not take on board the negative social impacts that have been expressed to Councillors by residents.*

Councillor Duncan foreshadowed a substantive motion with reasons for refusal of the development application.

## **MOTION**

Moved by Cr Duncan

- A That DA2019/01146 for multi dwelling housing be refused for the following reasons:
- i) *The proposed development is not consistent with the objectives of the R3 zone of the Newcastle LEP 2012 in that the development will detract from the amenity of any existing nearby development and does not have regard to the desired future character. [Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979].*
  - ii) *The proposed development is not consistent with the provisions of Newcastle DCP 2012 with respect to setbacks and landscaping. [Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979].*
  - ii) *Submissions received in response to public notification of the development application have raised issues of a nature and extent that establish that the proposed development will have unreasonable impacts in terms of character, bulk, scale and amenity impacts. [Section 4.15(1)(d) Environmental Planning and Assessment Act 1979].*
  - iv) *The development is not in the public interest [Section 4.15(1)(e) Environmental Planning and Assessment Act 1979].*
- B That those persons who made submissions be advised of CN's determination.

## **PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr White

That Council lay this item on the table to allow for renotification of the amended plans to occur.

**For the Motion:** Lord Mayor, Councillor Nelmes, Councillors Byrne, Clausen, Duncan, Elliott, Mackenzie, Rufo, White and Winney-Baartz.

**Against the Motion:** Councillors Church, Luke and Robinson.

**Carried**

The Lord Mayor noted that the two foreshadowed substantive motions moved by Councillors Church and Duncan had lapsed.

**ITEM-14**

**DAC 19/05/20 - DA2019/01255 - 25 LLEWELLYN STREET,  
MEREWETHER - VETERINARY HOSPITAL**

Councillor Winney-Baartz was moved to the waiting room facility within Video conferencing platform Zoom for discussion on the item at 7.40pm.

**PROCEDURAL MOTION**

Moved by Cr Clausen, seconded by Cr Mackenzie

Council recommit Item 14 – DA2019/01255 – 25 Llewellyn Street, Merewether for debate as for reasons per Clause 58 of the Code of Meeting Practice.

**For the Motion:** Lord Mayor, Councillor Nelmes and Councillors Byrne, Clausen, Duncan, Elliott, Mackenzie, Rufo and White.

**Against the Motion:** Councillors Church, Luke and Robinson.

**Carried**

**MOTION**

Moved by Cr Clausen, seconded by Cr White

- A. That DA2019/01255 for Veterinary Hospital – change of use from a commercial premise at 25 Llewellyn Street Merewether be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; with the following amendments:
- i) An additional condition that the six (6) vehicle spaces that have been allocated with the development application be for use of staff only.
  - ii) Replace Clause 17 with: “No animals are to be commercially boarded overnight (i.e. dogs and cats are to be temporary patients of the surgery only).”
- B. That those persons who made submissions be advised of CN's determination.

Councillor Elliott gave notice of a foreshadowed motion to lay the item on the table.

Councillor Church foreshadowed a substantive motion for refusal of the development application which was seconded by Councillor Luke.

**PROCEDURAL MOTION**

Moved by Cr Elliott, seconded by Cr Church

That the motion lay on the table in order to consult properly with the applicant and residents.

**For the Motion:** Lord Mayor, Cr Nelmes and Councillors Byrne, Clausen, Church, Duncan, Elliott, Robinson, Rufo, Mackenzie and White.

**Against the Motion:** Councillor Luke.

**Carried**

Councillor Winney-Baartz was returned to the meeting from the waiting room facility in Video conferencing platform Zoom for conclusion of the meeting.

**The meeting concluded at 7.52pm.**