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

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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.

This is page 3 of the Minutes of the Development Applications Committee via Video conferencing platform Zoom on Tuesday, 19 May 2020 at 6.31pm.
The motion moved by Councillor Mackenzie and seconded by Councillor Clausen, as amended, was put to the meeting.

**For the Motion:**  Lord Mayor, Cr Nelmes and Councillors Byrne, Clausen and Dunn.

**Against the Motion:**  Councillors Church, Duncan, Elliott, Luke, Mackenzie, Robinson, Rufo and White.  

**Defeated**

**MOTION**

Moved by Cr Church, seconded by Cr Elliott

That the development application is not approved on the basis that it is incompatible with the B1 zoning, it does not take into consideration the amenity of residents, the issues of overnight boarding and pet grooming.

**For the Motion:**  Councillors Church, Duncan, Elliott, Luke, Mackenzie, Robinson, Rufo and White.

**Against the Motion:**  Lord Mayor, Cr Nelmes and Councillors Byrne and Clausen.  

**Carried**

Councillor Clausen gave notice to recommit Item 14 – DA2019/01255 – 25 Llewellyn Street, Merewether.

Councillor Winney-Baartz was returned to the meeting from the waiting room facility in Video conferencing platform Zoom at 7.09pm.

**ITEM-15**

**DAC 19/05/20 - DA2019/01000 - 134 - 142 DARBY STREET COOKS HILL - PUB - ALTERATIONS AND ADDITIONS**

Councillor Dunn left the meeting within the Video conferencing platform Zoom at 7.09pm for discussion on Item 15 – DA2019/01000 – 134-142 Darby Street Cooks Hill.

**MOTION**

Moved by Cr Luke, seconded by Cr Church

A. That DA2019/01000 for alterations and additions to an existing pub including partial demolition and reconstruction of the ground floor facade and awning 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 the determination.
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.
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 recommite 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.