

CITY OF NEWCASTLE

Minutes of the Development Applications Committee Meeting held via video conferencing platform Zoom on Tuesday 18 August 2020 at 6.03pm.

PRESENT

The Deputy Lord Mayor (Councillor D Clausen), Councillors M Byrne, J Church, C Duncan, J Dunn, 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), K Liddell (Director Infrastructure and Property), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), S Moore (Acting Chief Financial Officer), A Knowles (Councillor Services/Minutes), E Horder (Councillor Services/Meeting Support), S Ray (Information Technology Support) and G Axelsson (Information Technology Support).

MESSAGE OF ACKNOWLEDGEMENT

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

PRAYER

The Deputy 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.

APOLOGIES

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Duncan

The apology submitted on behalf of the Lord Mayor, Councillor Nelmes be received and leave of absence granted, and that Council expresses its sincere condolences to the Lord Mayor and her parents, Mr Scobie and Mrs Scobie for the loss of their sister and daughter.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Luke

Councillor Luke declared a less than significant non-pecuniary interest in Item 26 - DA2019/01097 – 15 Northumberland Street, Maryville as he owned a commercial property in Maryville however had no impact as it was not located near the development.

This is page 1 of the Minutes of the Development Applications Committee held via video conferencing platform Zoom on Tuesday, 18 August 2020 at 6.03pm.

Councillor Rufo

Councillor Rufo declared a non-pecuniary significant conflict of interest in Notice of Motion - Item 17 – DA2017/01376 – 495 – 501 Hunter Street and 364 King Street Newcastle as he had a friendship with an objector who presented at Public Voice to the DA who generously donated to a charity he sat on the board of which raises money for Breast Cancer research. Councillor Rufo stated he would manage the conflict by removing himself from the meeting during discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES – DEVELOPMENT APPLICATIONS COMMITTEE 21 JULY 2020
MINUTES – EXTRAORDINARY DEVELOPMENT APPLICATIONS COMMITTEE
28 JULY 2020

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

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

Carried

PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Mackenzie

Recommit the Minutes of the Development Applications Committee meeting dated 21 July 2020 and the Extraordinary Development Applications Committee meeting dated 28 July 2020.

Carried

MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

The draft minutes as circulated be taken as read and confirmed as an accurate record.

In speaking to the draft minutes, Councillor Rufo requested Council note his declaration made at the Extraordinary Development Applications Committee dated 28 July 2020 for Item 24 – DA2020/00136 – 76 Linwood Street, Wickham, for point of clarification was intended for Item 23 - DA2017/01376 – 495 – 501 Hunter Street and 364 King Street Newcastle.

Carried

DEVELOPMENT APPLICATIONS

ITEM-25 DAC 18/08/20 - DA2018/00797 - 31-35 HUDSON STREET, HAMILTON - DEMOLITION OF STRUCTURES AND ERECTION OF FIVE STOREY MIXED USE DEVELOPMENT - INCLUDING RESIDENTIAL FLAT BUILDING AND COMMERCIAL PREMISES

MOTION

Moved by Cr Mackenzie, seconded by Cr Robinson

- 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 B4 Mixed Use zone in which the development is proposed to be carried out; and
- B. That DA2018/00797 for the demolition of existing buildings, erection of a five-storey mixed use development comprising two commercial tenancies, forty residential apartments, associated carparking and remediation at 31-35 Hudson Street, Hamilton 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: Deputy Lord Mayor, Cr Clausen and Councillors Byrne, Church, Duncan, Dunn, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

Against the Motion: Nil.

**Carried
unanimously**

ITEM-26 DAC 18/08/20 - DA2019/01097 - 15 NORTHUMBERLAND STREET, MARYVILLE - MULTI-UNIT - DEMOLITION OF DWELLING ERECTION OF THREE ATTACHED DWELLINGS AND TWO INTO THREE LOT SUBDIVISION

MOTION

Moved by Cr Robinson, seconded by Cr White

- A. That DA2019/01097 for multi dwelling housing comprising three attached dwelling houses, two into three lot subdivision and demolition of existing dwelling house at 15 Northumberland Street Maryville be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and

This is page 3 of the Minutes of the Development Applications Committee held via video conferencing platform Zoom on Tuesday, 18 August 2020 at 6.03pm.

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

For the Motion: Deputy Lord Mayor, Cr Clausen and Councillors Byrne, Church, Duncan, Dunn, Elliott, Luke, Robinson, White and Winney-Baartz.

Against the Motion: Councillors Mackenzie and Rufo.

Carried

ITEM-27 DAC 18/08/20 - DA2020/00123 - 15 CLYDE STREET, STOCKTON - DWELLING HOUSE - ALTERATIONS AND ADDITIONS INCLUDING DEMOLITION OF OUTBUILDING

MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

- 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 R2 Low Density Residential zone in which the development is proposed to be carried out; and
- B. That DA2020/00123 for *Dwelling house – alterations and additions including demolition of outbuilding* at 15 Clyde Street, Stockton 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: Deputy Lord Mayor, Cr Clausen and Councillors Byrne, Church, Duncan, Dunn, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

Against the Motion: Nil.

**Carried
unanimously**

ITEM-28 DAC 18/08/20 - DA2018/00266.01 - 21-25 BRUNKER ROAD, ADAMSTOWN - MODIFICATION - MIXED USE COMMERCIAL AND SHOP TOP HOUSING - CHANGE OF USE TO SENIOR LIVING WITH INCREASED RESIDENTIAL UNITS AND CHANGE TO OVERALL BUILDING HEIGHT

MOTION

Moved by Cr Dunn, seconded by Cr Duncan

- A. That the DAC note the variation to the height of building development standard under the NLEP 2012 and consider the variation to be justified.
- B. That the DAC note the variation to the FSR development standard under the NLEP 2012 and consider the variation to be justified.
- C. That DA2018/0266.01 to modify the approved mixed-use development at 21 - 25 Brunner Road, Adamstown 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: Deputy Lord Mayor, Cr Clausen and Councillors Byrne, Church, Duncan, Dunn, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

Against the Motion: Nil.

**Carried
unanimously**

ITEM-29 DAC 18/08/20 - DA2019/01351 - 18 - 20 MEREWETHER STREET, MEREWETHER - ARTISAN FOOD AND DRINK PREMISES - ALTERATIONS AND ADDITIONS AND CHANGE OF USE

MOTION

Moved by Cr Mackenzie, seconded by Cr White

- A. That DA2019/01351 for an artisan food and drink industry including alterations and additions and change of use at 18-20 Merewether 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.

For the Motion: Deputy Lord Mayor, Cr Clausen and Councillors Byrne, Church, Duncan, Dunn, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

Against the Motion: Councillor Elliott.

Carried

ITEM-30

**DAC 18/08/20 - DA2019/01378 - 131 BEAUMONT STREET,
HAMILTON - SHOP TOP HOUSING - CHANGE OF USE
FROM SERVICED APARTMENT AND ALTERNATIONS AND
ADDITIONS**

MOTION

Moved by Cr Luke, seconded by Cr Elliott

- 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 B2 Local Centre 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 B2 Local Centre zone in which the development is proposed to be carried out; and
- C. That DA2019/01378 for change the use from a serviced apartment to shop top housing and associated additions including construction of outdoor living area at 131 Beaumont Street Hamilton 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:

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

Against the Motion:

Nil.

**Carried
unanimously**

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: Deputy Lord Mayor, Cr Clausen and Councillors Byrne, Church, Duncan, Dunn, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

Against the Motion: Nil.

**Carried
unanimously**

NOTICES OF MOTION

ITEM-17 NOM 18/08/20 - NOTICE OF MOTION TO RESCIND A COUNCIL RESOLUTION - ITEM 23 OF EXTRAORDINARY DEVELOPMENT APPLICATIONS COMMITTEE 28/07/20 - DA2017/01376 - 495 - 501 HUNTER STREET AND 364 KING STREET, NEWCASTLE

Councillor Rufo left the meeting for discussion on the item at 6.40pm.

MOTION

Moved by Deputy Lord Mayor, Cr Clausen, seconded by Cr Winney-Baartz

- 1 That the resolution of the Extraordinary Development Applications Committee (DAC) of 28 July 2020 with respect to DA2017/01376 be rescinded under Section L of the adopted Code of Meeting Practice.
- 2 That DA2017/01376 lay on the table and be referred to the Urban Design Consultative Group for further review, noting concerns raised by Councillors and the community. Council officers continue discussions with the applicant to seek to resolve outstanding areas of concern.

For the Motion: Deputy Lord Mayor, Cr Clausen and Councillors Byrne, Duncan, Dunn, Mackenzie, Rufo, White and Winney-Baartz.

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

Carried

Councillor Rufo did not return to the meeting at the conclusion of the item.

The meeting concluded at 6.57pm.

This is page 8 of the Minutes of the Development Applications Committee held via video conferencing platform Zoom on Tuesday, 18 August 2020 at 6.03pm.