

Minutes

Development Application Committee Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 05 December 2023 at 6:04pm.

1. ATTENDANCE

The Deputy Lord Mayor (Councillor D Clausen), Councillors E Adamczyk, J Barrie, J Church, 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), C Thomson (Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), E Kolatchew (Executive Manager Legal and Governance), R Dudgeon (Executive Manager Project Management Office), B Harvey (Enterprise Risk Manager), P Emmett (City Wide development Assessment Manager), A Ryan (City Significant and Strategic Planning Manager), M Murray (Chief of Staff), L Barnao (Councillor Services/Meeting Support), J Knight (Councillor Services/Minutes/Meetings Support), A Paule-Font (AV Support) and R Williams (Information Technology Support).

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. 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.

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

MOTION

Moved by Cr Richardson, seconded by Cr Barrie

The request submitted by Cr Duncan to attend by audio visual link be received and leave granted.

Carried

MOTION

Moved by Cr Richardson, seconded by Cr Winney-Baartz

The apology submitted on behalf of Lord Mayor Councillor Nelmes be received and leave of absence granted.

Carried unanimously

5. DISCLOSURES OF INTEREST

Councillor Barrie

Councillor Barrie declared a non-pecuniary interest in Item 7.1 - 28 Denison Street Newcastle West - Concept Development Application - Co Living Housing Comprising 51 Rooms and Community Artist Space - DA2023/00119, stating that her son bordered onto the property and would manage the interest by leaving the Chamber for discussion on the item.

Councillor Barrie

Councillor Barrie declared a significant, pecuniary interest in Item 7.2 - 2/29 and 3/31 Honeysuckle Drive Newcastle - Food and Drink premises - change of use including fit out and signage - DA2023/00243, stating that her employer had a building in the development block and would manage the interest by leaving the Chamber for discussion on the item.

Councillor Wood

Councillor Wood declared a non-significant, non-pecuniary interest in Item 7.3 - 775 Hunter Street Newcastle West - Commercial Premises - Including Demolition of Existing Structures, Ground Floor Commercial/Retail Tenancy, Secure Ground Floor End of Trip Facilities and 6 Level Commercial/Office Premises- DA2022/00923, stating that she had a meeting in October 2023 with the Manager of the Holiday Inn Express, which was owned by one of the main objectors to the application, to discuss accessible tourism. No further contact was made with the Manager of the Holiday Inn Express. Councillor Wood stated she would manage the interest by remaining in the Chamber for discussion on the item.

6. CONFIRMATION OF PREVIOUS MINUTES

6.1. MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 21 NOVEMBER 2023

MOTION

Moved by Cr Barrie, seconded by Cr Adamczyk

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

Carried

7. DEVELOPMENT APPLICATIONS

Councillor Barrie left the Chamber for discussion of Items 7.1 - 28 Denison Street, Newcastle West and 7.2 - 2/29 and 3/31 Honeysuckle Drive Newcastle.

A memo in relation to Items 7.1 - 28 Denison Street, Newcastle West and 7.2 - 2/29 and 3/31 Honeysuckle Drive Newcastle was circulated to Councillors at the beginning of the meeting.

7.1. 28 DENISON STREET NEWCASTLE WEST - CONCEPT DEVELOPMENT APPLICATION - CO LIVING HOUSING COMPRISING 51 ROOMS AND COMMUNITY ARTIST SPACE - DA2023/00119

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 Newcastle Local Environmental Plan 2012 (NLEP 2012), against the FSR development standard at Clause 7.10A and bonus at cl.68(2)(ii) SEPP (Housing) 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
- B. That the DAC note the objection under Clause 4.6 Exceptions to Development Standards of the NLEP 2012, against the minimum lot size development standard at under clause 69(1)(b)(ii) SEPP (Housing), and considers the objection to be justified in the circumstances and to be consistent with the objectives for development within the MU1 Mixed Use zone in which the development is proposed to be carried out; and
- C. That concept proposal DA2023/00119 for the erection of a 12-storey co-living development comprising 51 co-living rooms and community artist space at 28 Denison Street, Newcastle West 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 Adamczyk, Church, Duncan, Mackenzie, McCabe, Pull, Richardson, Wark, Winney-Baartz and Wood.

Against the Motion: Nil.

Carried unanimously

PROCEDURAL MOTION

Moved by Cr McCabe, seconded by Cr Adamczyk.

That Council have a brief recess to read the memo distributed by Council Officers.

Carried

7.2. 2/29 AND 3/31 HONEYSUCKLE DRIVE NEWCASTLE - FOOD AND DRINK PREMISES - CHANGE OF USE INCLUDING FIT OUT AND SIGNAGE - DA2023/00243

The Chief Executive Officer, Jeremy Bath, left the Chamber for discussion of the item.

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

- A. That DA2023/00243 for Food and Drink Premises - Change of use and fit-out including signage at 2/29 - 3/31 Honeysuckle Drive Newcastle 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 Adamczyk, Duncan, Mackenzie, McCabe, Pull, Richardson, Winney-Baartz and Wood.

Against the Motion: Councillors Church and Wark.

Carried

Councillor Barrie and the Chief Executive Officer returned to the Chamber at the conclusion of Item 7.2.

7.3. 775 HUNTER STREET NEWCASTLE WEST - COMMERCIAL PREMISES - INCLUDING DEMOLITION OF EXISTING STRUCTURES, GROUND FLOOR COMMERCIAL/RETAIL TENANCY, SECURE GROUND FLOOR END OF TRIP FACILITIES AND 6 LEVEL COMMERCIAL/OFFICE PREMISES- DA2022/00923

MOTION

Moved by Cr Adamczyk, seconded by Cr McCabe

- A. That the Development Applications Committee (DAC) note the objection under Clause 4.6 Exceptions to Development Standards of the NLEP 2012, against the development standard at Clause 7.10A 'Floor Space Ratio for certain other development' in the Newcastle City Centre, and considers the objection to be justified in the circumstances and to be consistent with the assumed objectives of Clause 7.10A, together with the objectives for development within the B3 Commercial Core zone in which the development is proposed to be carried out; and
- B. That DA2022/00923 for Commercial premises. including demolition of existing structures, ground floor commercial/retail tenancy, secure ground floor end of trip facilities and six (6) level commercial/office premises at Part Lot 121 DP 526578 known as 775 Hunter Street, Newcastle West 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.

PROCEDURAL MOTION

Moved by Cr Barrie, seconded by Cr Pull

This item lay on the table until the objectors have been able to appear at a Public Voice Committee meeting.

For the Procedural Motion: Councillors Barrie, Church, Mackenzie, Pull and Wark.

Against the Procedural Motion: Deputy Lord Mayor, Cr Clausen and Councillors Adamczyk, Duncan, McCabe, Richardson, Winney-Baartz and Wood.

Defeated

The motion moved by Councillor Adamczyk and seconded by Councillor McCabe was put to the meeting.

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

Against the Motion: Councillors Barrie, Church and Wark.

Carried

The meeting concluded at 7.28pm.