

Minutes

Development Application Committee Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 19 September 2023 at 6:02pm.

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, P Winney-Baartz and M Wood.

D Clarke (Acting Chief Executive Officer), S Mitchell (Acting 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), A Ryan (City Significant Strategic Planning), A Lopez (Chief Information Officer), K Sullivan (Councillor Services/Minutes/Meetings Support), A Poule-Font (AV/Information Technology Support), R Williams (Information Technology Support) and K Bevan (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 Mackenzie

The apology submitted on behalf of Councillor Wark be received and leave of absence granted.

Nil requests for audio visual link.

5. DISCLOSURES OF INTEREST

Councillor Adamczyk

Councillor Adamczyk declared a non-pecuniary significant conflict of interest in Item 7.1 - 805 Hunter Street Newcastle West - DA2022/00846 - Mixed Use - Commercial Premises and Shop-Top Housing, Includes Demolition, stating that she had a close friend who was involved with the Developer and would manage the conflict by leaving the Chamber for discussion on the item.

Councillor Clausen

Councillor Clausen declared a less than significant non-pecuniary interest in Item 7.3 - 25 Mounter Street, Mayfield East - DA2023/00142 - Dwelling House - Change of Use and Alterations and Additions, Includes Demolition, stating that he was part owner of a property in the general vicinity leased at below market rent to a community housing provider. As the property was not directly connected to the development application or there was any foreseeable benefit, he would manage the conflict by remaining the Chamber for discussion of the item.

6. CONFIRMATION OF PREVIOUS MINUTES

6.1. MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 15 AUGUST 2023

MOTION

Moved by Cr Duncan, seconded by Cr Barrie

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

**Carried
unanimously**

7. DEVELOPMENT APPLICATIONS

7.1. 805 HUNTER STREET NEWCASTLE WEST – DA2022/00846 - MIXED USE - COMMERCIAL PREMISES AND SHOP-TOP HOUSING, INCLUDES DEMOLITION

Councillor Adamczyk left the Chamber for discussion on the item.

MOTION

Moved by Cr McCabe, seconded by Barrie

- A. That the Development Applications Committee as the consent authority 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 4.3 '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 Development Applications Committee as the consent authority note the objection under Clause 4.6 Exceptions to development standards of the NLEP 2012, against the development standard at Clause 7.4 'Building separation', and considers the objection to be justified in the circumstances and to be consistent with the intent of Clause 7.4 and the objectives for development within the MU1 Mixed Use zone in which the development is proposed to be carried out; and
- C. That DA2022/00846 for the demolition of existing buildings and erection of a mixed-use development, comprising retail / commercial on ground floor, podium level car parking and a residential flat building (shop top housing) located above at 8 Denison Street, 799 Hunter Street and 805 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
- D. That those persons who made submissions be advised of CN's determination.

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

Against the Motion: Nil

Carried

Councillor Adamczyk returned to the Chamber at the conclusion of the item.

7.2. 5/21 BOLTON STREET, NEWCASTLE - DA2023/00185 - ALTERATIONS AND ADDITIONS TO OFFICE PREMISES INCLUDING DEMOLITION

MOTION

Moved by Cr McCabe, seconded by Cr Barrie

- 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 4.4 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
- B. That DA2023/00185 for alterations and additions to office premises including demolition at 21 Bolton 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, Winney-Baartz and Wood.

Against the Motion: Nil.

**Carried
unanimously**

7.3. 25 MOUNTER STREET MAYFIELD EAST - DWELLING HOUSE - CHANGE OF USE AND ALTERATIONS AND ADDITIONS, INCLUDES DEMOLITION - DA2023/00142

MOTION

Moved by Cr Mackenzie, 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 DA2023/00142 for dwelling house - change of use and alterations and additions, including demolition at 25 Mounter Street Mayfield East 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, Winney-Baartz and Wood.

Against the Motion: Nil.

**Carried
unanimously**

7.4. 15 HELEN STREET, MEREWETHER - DA2022/00789 - DUAL OCCUPANCY - INCLUDING ONE INTO TWO LOT SUBDIVISION, ANCILLARY DEVELOPMENT (POOL) AND DEMOLITION OF EXISTING ANCILLARY DEVELOPMENT (GARAGE)

MOTION

Moved by Cr Barrie, 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 4.3 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 DA2022/00789 for Dual Occupancy including one into two lot subdivision, swimming pool and demolition of garage at 15 Helen 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 who made submissions be advised of Council's determination.

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

Against the Motion: Nil.

**Carried
unanimously**

The meeting concluded at 6.19pm.