

## CITY OF NEWCASTLE

### Minutes of the Development Applications Committee Meeting held via Audio visual platform Zoom on Tuesday 20 July 2021 at 6.01pm.

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#### PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, 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), F Leatham (Director People and Culture), J Rigby (Acting Director Infrastructure and Property), A Jones (Director City Wide Services), K Hyland (Acting Director Strategy and Engagement), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), J Vescio (Executive Officer), K Sullivan (Councillor Services/Minutes), A Knowles (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

#### MESSAGE OF ACKNOWLEDGEMENT

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

#### 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.

#### ATTENDANCE VIA AUDIO VISUAL MEANS

##### PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Mackenzie

That Council:

- 1 Notes the current Public Health Orders applicable to all of NSW, including the requirement to limit numbers in attendance on Council premises, have been extended to midnight, Friday 30 July 2021;
- 2 Notes tonight's Development Applications Committee meeting of 20 July 2021 is livestreamed on Council's website, providing for access to members of the public;
- 3 Notes the unprecedented public health risks facing the community and, in the interests of public health and safety, permits all Councillors to attend the Development Applications Committee meeting of 20 July 2021 by audio visual means.

**Carried  
unanimously**

## **APOLOGIES**

Nil

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

### **Councillor White**

Councillor White declared a non-significant non-pecuniary interest in Item 11 - 110 Elizabeth Street, Tighes Hill - DA2020/00011 - Commercial - Erection of Food and Drink Premises, Hardware and Building Supplies, Vehicle Sales or Hire Premises and Associated Site Works stating that she had an immediate family member working in a building adjacent to the development. Councillor White stated the family member had no interest in the business and was an employee that did not control any of the decisions being made and would remain in the meeting for discussion on the item.

### **Councillor Clausen**

Councillor Clausen declared a non-pecuniary significant interest in Item 13 - 50 Honeysuckle Drive, Newcastle and 726 Hunter Street, Newcastle West - DA2021/00225 - Subdivision - 2 Into 11 Lots stating that one of the two property owners was his employer, and he would manage the conflict by leaving the meeting for discussion on the item.

### **Councillor Mackenzie**

In respect to Item 11 - 110 Elizabeth Street, Tighes Hill - Da2020/00011 - Commercial - Erection of Food and Drink Premises, Hardware and Building Supplies, Vehicle Sales or Hire Premises and Associated Site Works, Councillor Mackenzie stated that he lived in the broader vicinity of the proposal but did not have a pecuniary or non-significant interest and would remain in the meeting for discussion on the item.

### **Councillor Robinson**

In respect to Item 13 - 50 Honeysuckle Drive, Newcastle and 726 Hunter Street, Newcastle West - DA2021/00225 - Subdivision - 2 Into 11 Lots, Councillor Robinson stated that he lived and owned a couple of units in the street and remained in the meeting.

## **CONFIRMATION OF PREVIOUS MINUTES**

### **MINUTES DEVELOPMENT APPLICATIONS COMMITTEE MEETING 15 JUNE 2021**

#### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

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

**Carried**

unanimously

## DEVELOPMENT APPLICATIONS

**ITEM-11**                    **DAC 20/07/21 - 110 ELIZABETH STREET, TIGHES HILL - DA2020/00011 - COMMERCIAL - ERECTION OF FOOD AND DRINK PREMISES, HARDWARE AND BUILDING SUPPLIES, VEHICLE SALES OR HIRE PREMISES AND ASSOCIATED SITE WORKS**

### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Duncan

- A. That the erection of two *takeaway food and drink premises*, two *hardware and building supplies* buildings and two *vehicle sale or hire premises* at 110 Elizabeth Street Tighes Hill 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, Church, Clausen, Duncan, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

**Against the Motion:**            Nil.

**Carried**

**ITEM-12**                    **DAC 20/07/21 - 7 FORT DRIVE, NEWCASTLE EAST - DA2020/01382 - DWELLING HOUSE - ALTERATIONS AND ADDITIONS INCLUDING DEMOLITION**

### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Robinson

- 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 R3 Medium Density Residential 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 (FSR), 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 R3 Medium Density Residential zone in which the development is proposed to be carried out; and

- C. That DA2020/01382 at 7 Fort Drive Newcastle East 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 Byrne, Church, Clausen, Duncan, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

**Against the Motion:** Nil.

**Carried  
unanimously**

**ITEM-13                    DAC 20/07/21 - 50 HONEYSUCKLE DRIVE NEWCASTLE &  
726 HUNTER STREET NEWCASTLE WEST - DA2021/00225  
- SUBDIVISION - 2 INTO 11 LOTS**

Councillor Clausen left the meeting for discussion on the item.

**MOTION**

Moved by Cr Elliott, seconded by Cr Rufo

- 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 4.1 Minimum Subdivision Lot Size, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.1 and the objectives for development within the B3 Commercial Core, B4 Mixed Use and RE1 Public Recreation zones in which the development is proposed to be carried out: and
- B. That DA2021/00225 for a two into eleven lot subdivision at 50 Honeysuckle Drive Newcastle be approved and consent granted, subject to conditions of consent as set out in the Draft Schedule of Conditions at **Attachment B**.

A memo dated 20 July 2021 was circulated to Councillors in respect of *Item 13 - 50 Honeysuckle Drive, Newcastle & 726 Hunter Street, Newcastle West*. The memo recommended the item be laid on the table due to issues having to be resolved regarding access.

Councillors Luke and Winney-Baartz moved and seconded a procedural motion for the reasons outlined in the memo.

## **PROCEDURAL MOTION**

Moved by Cr Luke, seconded by Cr Winney-Baartz

Item 13 be laid on the table due to issues to be resolved regarding providing access through proposed lot 2 from the Light Rail to Honeysuckle Drive and to be reported to Council next Tuesday 27 July 2021 at an Extraordinary Development Applications Committee meeting.

### **For the Motion:**

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

### **Against the Motion:**

Nil.

**Carried  
unanimously**

Councillor Clausen returned to the meeting at the conclusion of the item.

## **ITEM-14                    DAC 20/07/21 - 198 LENAGHANS DRIVE BLACK HILL - DA2020/01497 - STAGES 1A AND 1B - 1 LOT INTO 62 LOT SUBDIVISION**

### **MOTION**

Moved by Cr Luke, seconded by Cr Mackenzie

- A. That DA2020/01497 for a 3-lot subdivision of the site and a subsequent one lot into 62 lots (in two sub-stages) industrial subdivision 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.

## **PROCEDURAL MOTION**

Moved by Cr Elliott, seconded by Cr Winney-Baartz

Council adjourn for a five minute recess.

Council adjourned at 6.25pm and reconvened at 6.32pm.

The motion moved by Councillor Luke and seconded by Councillor Mackenzie was put to the meeting.

**For the Motion:**

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

**Against the Motion:**

Nil.

**Carried**

**The meeting concluded at 6.35pm.**