

# Minutes

## Extraordinary Development Application Committee Meeting

Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue,  
Newcastle West, Tuesday, 25 July 2023 at 6:00pm

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### 1. ATTENDANCE

The Lord Mayor (Councillor N Nelmes), Councillors 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), J Rigby (Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), L Duffy (Acting Executive Director Creative and Community Services), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance and Deputy CFO), R Dudgeon (Executive Manager Project Management Office), N Kaiser (Interim Executive Manager Media Engagement Economy and Corporate Affairs), D Manderson (Executive Manager Civil Construction and Maintenance), M Murray (Chief of Staff), M Kikken, (Executive Manager Environment and Sustainability), K Anderson (Senior Environmental Strategist), M Meehan (Senior Media Adviser), A Ryan (City Significant and Strategic Planning Manager), L Barnao (Council Liaison Officer), A Knowles (Councillor Services/Minutes/Meeting Support), W Haddock (AV/Information Technology Support) and B Smith (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 Richardson, seconded by Cr Mackenzie

The requests submitted by Councillor Adamczyk and Councillor Clausen to attend by audio visual link be received and granted.

**Carried**

Nil apologies.

Councillors Adamczyk and Clausen were not present during the meeting.

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## 5. DISCLOSURES OF INTEREST

Nil.

## 6. CONFIRMATION OF PREVIOUS MINUTES

### 6.1. MINUTES - EXTRAORDINARY DEVELOPMENT APPLICATIONS COMMITTEE MEETING 27 JUNE 2023

#### MOTION

Moved by Cr Mackenzie, seconded by Cr Barrie

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

**Carried  
unanimously**

## 7. DEVELOPMENT APPLICATIONS

### 7.1. 21 PARNELL PLACE NEWCASTLE EAST – DA2022/00705 – MIXED USE - ALTERATIONS AND ADDITIONS TO EXISTING HOTEL OR MOTEL ACCOMMODATION (NEWCASTLE BEACH HOTEL), ANCILLARY FOOD AND DRINK PREMISES AND COMMERCIAL USE (ANCILLARY HOTEL SPA)

A memo from the Executive Director Planning and Environment was issued to address questions and comments raised by Councillors and submitters in relation to Item 7.1 – DA2022/00705.

#### PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

Council have a five minute recess to read the memo distributed to Councillors.

**Carried**

Council adjourned at 6.12pm.

#### PROCEDURAL MOTION

Moved by Cr Duncan, seconded by Cr Wood

Council recess be extended.

**Carried**

Council reconvened at 6.29pm

In moving the motion, Councillor Pull indicated he was moving the updated recommendation outlined in the memo to Councillors.

#### MOTION

Moved by Cr Pull, seconded by Cr Richardson

- A. That the Development Applications Committee (DAC) note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local

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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, 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 DA2022/00705 for mixed use - alterations and additions to existing hotel or motel accommodation (Newcastle Beach Hotel), with ancillary food and drink premises and commercial use (ancillary hotel spa) and dual occupancy (attached 2 x dwellings) at 21 Parnell Place Newcastle East be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B** as amended by **Attachment A** of the Council memo dated 25 July 2023; and
- D. That those persons who made submissions be advised of CN's determination.

#### **PROCEDURAL MOTION**

Moved by Cr Wood, seconded by Cr McCabe

Council allow a recess to enable officers to update the Conditions of Consent.

**Carried**

Council moved into recess at 7.09pm and reconvened at 7.15pm.

Council Officers proposed an additional condition to the Draft Conditions of Consent at Attachment B, as follows:

#### Condition 3

The retained elements of the existing building are to be upgraded to the extent necessary to achieve full compliance with the National Construction Code, Volume One (BCA Class 2 to Class 9 Buildings). Full details are to be included in documentation for a Construction Certificate application.

Note: Detailed plans are to be provided demonstrating compliance with the Premise Standard, and at a minimum access to accessible areas such as accessible toilets are to be through automatic doors. In addition, suitable provision of accessible accommodation and associated amenities are to be provided within the hotel.

The mover and seconder of the motion accepted the additional condition into the motion.

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The motion moved by Councillor Pull and seconded by Councillor Richardson, as amended, was put to the meeting.

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

**Against the Motion:** Nil.

**Carried**

**The meeting concluded at 7.29pm.**