# City of Newcastle

**Minutes of the Development Applications Committee Meeting held in the Council Chambers, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday 18 October 2022 at 7.53pm.**

**PRESENT**

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, K Wark, P Winney-Baartz and M Wood.

**IN ATTENDANCE**

J Bath (Chief Executive Officer), J Rigby (Executive Director City Infrastructure), D Clarke (Interim Executive Director Corporate Services), Lynn Duffy (Acting Executive Director Creative and Community Services), M Bisson (Interim Executive Director Planning and Environment), S Moore (Manager Finance, Property and Performance), E Kolatchew (Manager Legal and Governance), P Emmett (Development Assessment Section Manager), K Sullivan (Councillor Services/Meeting Support), R Garcia (Information Technology and AV Support) and W Haddock (Information Technology).

**REQUEST TO ATTEND VIA AUDIO VISUAL LINK**

**PROCEDURAL MOTION**

Moved by Cr Mackenzie, seconded by Cr Adamczyk

The request submitted by Councillor Richardson to attend via audio visual link be received and leave granted.

**Carried**

**APOLOGIES**

Nil.

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

Nil.

Confirmation of Previous minutes

### MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 20 SEPTEMBER 2022

**MOTION**

Moved by Cr Barrie seconded by Cr McCabe

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

**Carried**

**unanimously**

Development Applications

### ITEM-15 DAC 18/10/22 - 42 AND 44 ELDER STREET, LAMBTON - DA2022/00083 - STAGED DEVELOPMENT COMPRISING STAGE 1 DEMOLITION OF DWELLING HOUSE AND BOUNDARY ADJUSTMENT AND STAGE 2 DUAL OCCUPANCY AND 1 INTO SUBDIVISION

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

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 4.4 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 DA2022/00083 for a staged development comprising stage one demolition of dwelling house and ancillary structures and boundary adjustment, stage two erection of dual occupancy and one into two lot subdivision, at 42 & 44 Elder Street Lambton, 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, Wark, Winney-Baartz and Wood.

***Against the Motion:*** Nil.

**Carried**

### ITEM-16 DAC 18/10/22 - 93A RIDGE STREET MEREWETHER - DA2021/00884 - DWELLING HOUSE - INCLUDING DEMOLITION OF EXISTING STRUCTURES

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Clausen

A. The objection under clause 4.6 Exceptions to development standards of the Newcastle Local Environmental Plan 2012 (NLEP 2012), relating to Clause 4.4 (Floor Space Ratio) is noted. In this regard, it is considered that the objection adequately addresses the matters required to be demonstrated by subclause 4.6 (3) of NLEP 2012, is well founded and consistent with specific aims of the relevant clause and the overarching aims of the Plan. The proposed development will be in the public interest because it is consistent with the objectives of Clause 4.4 Floor space ratio, and the objectives of the R2 Low Density Residential zone; and

B. That DA2021/00884 for the demolition of the existing structures and erection of a dwelling house at 93A Ridge 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 persons who made submissions be advised of DAC's determination.

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

***Against the Motion:*** Nil.

**Carried**

### ITEM-17 DAC 18/10/22 - 61 TERALBA ROAD ADAMSTOWN - DA2021/01656 - DUAL OCCUPANCY - ERECTION OF DWELLING AND ONE INTO TWO LOT SUBDIVISION INCLUDING DEMOLITION OF DWELLING HOUSE

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Barrie

A. The objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental (NLEP) 2012, relating to Clause 4.1 Minimum Lot Size is noted. In this regard, it is considered the objection adequately addresses the matters required to be demonstrated by subclause 4.6(3) of the NLEP 2012, is well founded and consistent with the specific aims of the clause and the overarching aims of the plan. The proposed development will be in the public interest because it is consistent with the objectives of Clause 4.1 and the objectives for development within the R3 Medium Density Residential zone in which the development is proposed to be carried out.

B. That DA2021/01656 for dual occupancy comprised of demolition of existing dwelling, erection of two storey dwelling and one into two lot Torrens Title subdivision at 61 Teralba Road Adamstown, be approved and consent granted subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**.

C That those persons who made submissions be advised on the determination.

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

***Against the Motion:*** Nil.

**Carried**

### ITEM-18 DAC 18/10/22 - 142 DARBY STREET, COOKS HILL - SUPPLEMENTARY REPORT - DA2021/00962 - HOTEL - EXTENSION OF TRADING HOURS

**MOTION**

Moved by Cr Clausen, seconded by Cr Pull

A. That DA2021/00965 for an extension to the trading hours of the Delany Hotel be approved and consent be granted for a 12-month trial subject to the following amendments to the Draft Schedule of Conditions of consent as provided at **Attachment B** within the report.

i Condition 3 (hours of operation)

 Proposed hours of operation amended from 10am - 2am (following day) Wednesday to Saturday to 10am - 1am (following day) Friday to Saturday only (i.e. No change to existing hours Sunday to Thursday).

ii Condition 13 (shutting of doors and windows)

 Proposed condition to be amended to require security staff to monitor the doors and operable facades in the public bar to ensure they remain closed from 10pm.

iii Condition 14 (shutting of doors and operable facades in beer garden)

 Proposed condition to be amended to require security staff to monitor the doors and operable facades (including roof) in the beer garden area to ensure they remain closed from 10pm.

iv Condition 15 (shutting of windows to first floor function room)

 Proposed condition to be amended to require security staff to monitor the external windows to the first-floor function room to ensure they remain closed from 10pm.

B. The Plan of Management condition to be updated to reflect the amendments to the draft conditions of consent.

C. That those persons who made submissions be advised of City of Newcastle's (CN) determination.

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

***Against the Motion:*** Councillors Church, Mackenzie and Richardson.

**Carried**

**The meeting concluded at 8.43pm.**