

Minutes

Development Application Committee Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Wednesday, 26 April 2023 at 7.01pm.

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, K Wark, P Winney-Baartz and M Wood.

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services), L Duffy (Acting Executive Director Community and Creative Services), J Rigby (Executive Director City Infrastructure), M Bisson (Interim Executive Director Planning and Environment), B Harvey (Acting Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance), P Emmett (Development Assessment Section Manager), R Dudgeon (Executive Manager Project Management Office), N Kaiser (Interim Executive Manager Media Engagement Economy & Corporate Affairs), M Murray (Chief of Staff), K Sullivan (Councillor Services/Meetings Support), L Barnao (Councillor Services/Meetings Support), C Urquhart (AV/Information Technology Support), W Haddock (AV/Information Technology Support) and Daniel Silcock (AV/Information Technology Support).

2. ACKNOWLEDGEMENT OF COUNTRY

Read at previous Committee meeting on night.

3. PRAYER

Read at previous Committee meeting on night.

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

Nil apologies.

MOTION

Moved by Cr Barrie, seconded by Cr Mackenzie

The request to attend by audio visual link submitted on behalf of Councillor Richardson be received and granted.

Carried unanimously

5. DISCLOSURES OF INTEREST

Nil.

6. CONFIRMATION OF PREVIOUS MINUTES

6.1. MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 21 MARCH 2023

MOTION

Moved by Cr McCabe, seconded by Cr Barrie

The draft minutes be taken as read and confirmed.

Carried

7. DEVELOPMENT APPLICATIONS

7.1. 30 VILLA ROAD, WARATAH WEST - DA2022/01085 - DWELLING HOUSE - ALTERATIONS, ADDITIONS AND ANCILLARY DEVELOPMENT (CAR PORT, GARAGE AND RETAINING WALLS) INCLUDING DEMOLITION

MOTION

Moved by Cr McCabe, seconded by Cr Mackenzie

1. 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 zone in which the development is proposed to be carried out; and
2. That DA2022/01085 for alterations and additions to the existing dwelling house at 30 Villa Road, Waratah West be approved, and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**.

PROCEDURAL MOTION

Moved by Cr Adamczyk , seconded by Cr Wark

The item lay on the table notwithstanding the numerical non-compliance with the height of building but noting the non-compliance of the car port and garage and retaining wall that is being constructed underneath, and the inconsistencies stated within the planner's report regarding compliance/non-compliance of setbacks. The applicant has requested a variation for this non-compliance. Clarification is sought on this issue.

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

Against the Procedural Motion: Councillors Barrie, Church and Pull.

Carried

7.2. 38 POWER STREET ISLINGTON - DA2022/01239 - SEMI-DETACHED DWELLINGS - INCLUDING DEMOLITION OF EXISTING DWELLING AND BOUNDARY ADJUSTMENT

MOTION

Moved by Cr Mackenzie, seconded by Cr Barrie

1. 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 4.1 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 R3 Medium Density Residential Zone in which the development is proposed to be carried out; and
2. That DA2022/01239 for the construction of two semi-detached dwellings and two-into-two lot (boundary alteration) subdivision at 38 Power Street, Islington, be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**.

PROCEDURAL MOTION

Moved by Cr Adamczyk, seconded by Cr Duncan

The item lay on the table notwithstanding the boundary adjustment that seems reasonable to seek clarification on inconsistencies regarding proposed tree removal and vegetation management.

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

Against the Procedural Motion: Councillors Barrie, Church and Pull.

Carried

7.3. 26 SCOTT STREET, NEWCASTLE EAST - DA2022/00809 - DWELLING HOUSE ALTERATIONS AND ADDITIONS

MOTION

Moved by Cr Adamczyk, seconded by Cr Duncan

1. 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 4.4 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 zone in which the development is proposed to be carried out; and
2. That DA2022/00809 for dwelling house – alterations and additions at 26 Scott Street 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
3. That those persons who made submissions be advised of CN'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

7.4. 14 SCOTT STREET NEWCASTLE EAST - DA2022/01049 - DWELLING HOUSE - ALTERATIONS AND ADDITIONS

MOTION

Moved by Cr McCabe, seconded by Cr Barrie

1. 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 Zone in which the development is proposed to be carried out; and
2. 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 Zone in which the development is proposed to be carried out; and
3. That the development application for alterations and additions at 14 Scott St 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
4. That those persons who made submissions be advised of CN's determination.

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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

7.5. 35 ADDISON STREET BERESFIELD - DA2022/01100 - DEMOLITION OF STRUCTURES AND ERECTION OF NEW FROZEN FOOD STORAGE BUILDING

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

1. That the Development Applications Committee (DAC) notes under Schedule 3, Clause 48 Alterations and Additions to Existing or Approved Development of the *Environmental Planning and Assessment Regulations 2021*, that the proposed development does not significantly increase the environmental impacts of the existing development and that the current proposal does not constitute designated development; and
2. That DA2022/01100 for the demolition of existing structures and alterations and additions to an existing livestock processing industry - construction of frozen food storage building at 35 Addison Street Beresfield be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
3. That those persons who made submissions be advised of CN'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

7.6. 111 DAWSON STREET COOKS HILL - DA2022/00936 - DWELLING HOUSE - ALTERATIONS AND ADDITIONS INCLUDING DEMOLITION

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Baartz

1. That DA2022/00936 for alterations and additions at 111 Dawson Street, Cooks Hill be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B** and additional conditions as follows:

- a) The Schedule of Materials is to be amended to delete the use of the Red and Terrain Colorbond and seam zinc, which are to be located on the first-floor addition in proximity of bedroom three.
- b) An alternate colour is to be selected which is more subdued and lighter in tone that reflects the existing northern elevation. Details of the materials and finishes are to be submitted to Councils Heritage Planner for approval prior to the issue of the Construction Certificate.
- c) Noting correspondence from the Hunter Region National Trust re the colour of what is called Bedroom 3, and that a lighter colour would be acceptable given the visibility of this component from the street.

2. That those persons who made submissions be advised of CN's determination.

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

Against the Motion: Councillor Mackenzie

Carried

7.7. 182 HUNTER STREET NEWCASTLE - DA2021/01505 - MIXED-USE DEVELOPMENT (COMMERCIAL AND SHOP TOP HOUSING) - INVOLVING ALTERATIONS AND ADDITIONS TO LOCALLY LISTED HERITAGE BUILDING

MOTION

Moved by Cr Church, seconded by Cr Barrie

1. 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 B4 Mixed Use Zone in which the development is proposed to be carried out; and
2. 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 B4 Mixed Use Zone in which the development is proposed to be carried out; and
3. That DA2021/01505 for alterations and additions to a heritage listed building to facilitate a mixed use development (commercial and shop top housing) at 182 Hunter Street Newcastle be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and

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4. That those persons who made submissions be advised of CN's determination.

PROCEDURAL MOTION

Moved by Cr McCabe, seconded by Cr Wark

The item lay on the table and that Councillors be briefed on the development application noting in particular height exceedances, external design, heritage, carparking and adaptive reuse.

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

Against the Procedural Motion: Councillors Church and Pull.

Carried

7.8. 4 TIGHE STREET NEWCASTLE WEST - RE2023/00001 - COMMERCIAL CAR PARK AND RETAIL PREMISES

MOTION

Moved by Cr Barrie, seconded by Cr Winney-Baartz

1. 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 B3 Commercial Core zone in which the development is proposed to be carried out; and
2. That RE2023/00001 for demolition of the existing building and erection of a seven-storey car park and retail premises at 4 Tighe Street, Newcastle West be approved, and a deferred commencement consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**.

PROCEDURAL MOTION

Moved by Cr McCabe, seconded by Cr Adamczyk

The matter lay on the table pending a decision from the NSW Government regarding the light rail corridor preservation.

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

Against the Procedural Motion: Councillors Church, Pull and Wark.

Carried

The meeting concluded at 7.11pm.