

**ITEM-15**                      **DAC 27/07/21 – SUPPLEMENTARY REPORT - 50 HONEYSUCKLE DRIVE NEWCASTLE & 726 HUNTER STREET NEWCASTLE WEST - DA2021/00225 - SUBDIVISION - 2 INTO 11 LOTS**

**REPORT BY:**                      **GOVERNANCE**  
**CONTACT:**                      **DIRECTOR GOVERNANCE / MANAGER REGULATORY PLANNING AND ASSESSMENT**

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## **PURPOSE**

The subject development application was considered at the Development Applications Committee (DAC) meeting held on 20 July 2021.

An alternative motion was put forward by Councillor Luke and Councillor Winney-Baartz for the application to lay on the table, for Council staff to continue working with the applicant, Hunter and Central Coast Development Corporation to resolve conditions of consent for the development to provide a future public access through the subject site, from the southern boundary through to Honeysuckle Drive.

The application was supported unanimously by Councillors to lay on the table and report to an Extraordinary Development Applications Committee (EDAC) meeting on 27 July 2021 for consideration.

An additional condition of consent is recommended to be imposed on the development to provide public access through the subject site, to address the key issue raised.

This supplementary report is to support the previously prepared DAC report at **Attachment A** in respect to this matter and includes relevant points of clarification including an additional condition of consent to be imposed on the development.

## **RECOMMENDATION**

- 1 That DA2021/00225 for a two into 11 lot subdivision at 50 Honeysuckle Drive Newcastle, and 726 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**.

## **KEY ISSUES**

- 2 The key issue raised in the report of 20 July 2021 include:
  - i. Public Access – The proposed subdivision is to ensure the provision of future public access through Lot 2 of the subject site is provided.
- 3 To address the issue raised, an additional condition, with consent by the applicant, is included on the consent as follows:

*'A Positive Covenant is to be created over Lot 2 to establish a future public access easement from the southern boundary through to Honeysuckle Drive approximately mid-lot. The Positive Covenant is to be in favour of Council and shall be noted on the approved plan of subdivision, prior to the release of the subdivision certificate'.*

- 4 While the development outcomes of Lot 2 are unknown, the most appropriate location for a public access easement is uncertain. Therefore, the easement will need to come in the form of a positive covenant under the subject DA. The positive covenant ensures that an easement can be nominated when a future Development Application is received that involves Lot 2.
- 5 Should Council support the proposed development, the above condition has been included at within the Draft Schedule of Conditions (Attachment B).

## BACKGROUND

- 6 Refer to the previous report which went to the DAC Meeting held on 20 July 2021 (Attachment A).

## OPTIONS

### Option 1

- 7 The recommendation as at Paragraph 1. This is the recommended option.

### Option 2

- 8 In accordance with Section 4.33 (1)(a) & (b) of the *Environmental Planning and Assessment Act, 1979*,

*'(1) A consent authority (other than the Minister) **must not –***

*(a) refuse its consent to a Crown development application, except with the approval of the Minister, or*

*(b) impose a condition on it consent to a Crown development, except with the approval of the applicant or the Minister'.*

Refusal is not the recommended option.

## REFERENCES

## ATTACHMENTS

- Item 13 Attachment A:** Item 13 – DAC 20/07/2021 – DA2021/00225 - two into 11 lot subdivision at 50 Honeysuckle Drive, Newcastle and 726 Hunter Street, Newcastle West.
- Item 13 Attachment B:** Schedule of conditions of consent should recommendation 1 be adopted – DA2021/00225 - 50 Honeysuckle Drive, Newcastle and 726 Hunter Street, Newcastle West.