

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 and on video conferencing platform Zoom on Tuesday 16 February 2021 at 8.31pm.

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), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property), A Jones (Director City Wide Services), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), J Vescio (Executive Officer), A Knowles (Councillor Services/Minutes), E Horder (Councillor Services/Meeting Support), K Sullivan (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

APOLOGIES

MOTION

Moved by Cr Byrne, seconded by Cr Winney-Baartz

The apology submitted on behalf of Councillor Dunn be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Winney-Baartz

Councillor Winney-Baartz declared a non-pecuniary, significant conflict in Item 1 – 150 Darby Street, Cooks Hill – DA2018/01251.01, stating that the proponent was a close family friend, and managed the conflict by leaving the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 1 DECEMBER 2020

MINUTES - EXTRAORDINARY DEVELOPMENT APPLICATIONS COMMITTEE 8 DECEMBER 2020

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

The draft minutes as circulated be taken as read and confirmed subject to the minutes of the Development Applications Committee 1 December 2020 being amended to record Councillor Luke's name as voting against the motion for Item 43 – DA2018/00773 – 73-79 Railway Lane, Wickham.

Carried

DEVELOPMENT APPLICATIONS

**ITEM-1 DAC 16/02/21 - 150 DARBY ST, COOKS HILL -
DA2018/01251.01 - REVIEW OF DETERMINATION - MIXED
USE DEVELOPMENT - COMMERCIAL PREMISES AND
SHOP TOP HOUSING**

Councillor Winney-Baartz left the meeting for discussion on the item.

MOTION

Moved by Cr Robinson, seconded by Cr Church

- 1 That Council approve DA2018/01251.01 for demolition of the existing building and construction of a mixed-use development comprising a commercial space on the ground floor and shop top housing, including associated car parking at 150 Darby Street Cooks Hill, subject to the imposition of conditions at **Attachment B.**

For the Motion: Councillors Elliott, Church, Luke, Robinson and Rufo.

Against the Motion: Lord Mayor, Cr Nelmes and Councillors Byrne, Clausen,
Duncan, Mackenzie and White.

Defeated

MOTION

Moved by Cr White, seconded by Cr Mackenzie

That DA2018/01251.01 for demolition of the existing building and construction of a mixed-use development comprising a commercial space on the ground floor and shop top housing, including associated car parking at 150 Darby Street Cooks Hill be refused on the grounds of unreasonable impact on the built environment in the locality of the site, in terms of the character and visual appearance and that the application is contrary to the public interest with respect to heritage and the Newcastle LEP 2012.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Byrne, Clausen,
Duncan, Mackenzie and White.

Against the Motion: Councillors Elliott, Church, Luke, Robinson and Rufo.

Carried

Councillor Winney-Baartz returned to the meeting at the conclusion of the item.

ITEM-2

**DAC 16/02/21 - 11 ARGYLE STREET, NEWCASTLE -
DA2020/00189 - MIXED-USE - STAGED DEVELOPMENT FOR
ALTERATIONS AND ADDITIONS AND PART CHANGE OF
USE**

MOTION

Moved by Cr Clausen, 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 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
- 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 4.3 and the objectives for development within the B4 Mixed-Use zone in which the development is proposed to be carried out; and
- C. That DA2020/00189 at 11 Argyle 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
- D. That those persons who made submissions be advised of CN's determination.

For the Motion:

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

Against the Motion:

Nil.

Carried

The meeting concluded at 8.50pm.