

CITY OF NEWCASTLE

Minutes of the Development Applications Committee Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street Newcastle on Tuesday 19 June 2018 at 5.32pm.

PRESENT

Deputy Lord Mayor (Councillor D Clausen), Councillors M Byrne, J Church, B Luke, J Mackenzie, A Robinson and A Rufo.

IN ATTENDANCE

J Bath (Chief Executive Officer), A Jones (Interim Director Corporate Services), K Liddell (Director Infrastructure), J Gaynor (Interim Director Planning and Regulatory), E Kolatchew (Interim Manager Legal and Governance), M Murray (Policy Officer, Lord Mayor's Office), C Field (Executive Officer to the Lord Mayor), G Douglass (Interim Manager Development and Building), A Leach (Council Services/Minutes) and J Redriff (Council Services/Webcasting).

PRAYER

The Deputy 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.

MESSAGE OF ACKNOWLEDGEMENT

The Deputy Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

APOLOGIES

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

The apologies submitted on behalf of the Lord Mayor, Councillor Nelmes, Councillors Duncan, Dunn, White and Winney-Baartz be received and leave of absence granted.

**Carried
unanimously**

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Rufo

Councillor Rufo declared a non-pecuniary significant interest in Item 11 DA2017/01610 - 115 Everton Street Hamilton and stated he had family members who lived in close proximity to the proposed development and indicated he would leave the Chamber when the item was discussed.

Councillor Luke

Councillor Luke declared a non-pecuniary significant interest in Item 8 DA2017/01388 - 109 Maitland Road and stated a relative lived reasonably close to

the site in question and he indicated he would leave the Chamber when the item was discussed.

Councillor Mackenzie

Councillor Mackenzie declared a non-pecuniary less than significant interest in Item 11 DA2017/01610 - 115 Everton Street Hamilton and stated he would leave the Chamber when the item was discussed.

Councillor Church

Councillor Church declared a less than significant non-pecuniary interest in Item 13 DA2017/01545 - 16 Memorial Drive, The Hill and stated he owned a property around the corner and he would remain in the Chamber and vote on the matter.

Councillor Elliott

Councillor Elliott declared a less than significant non-pecuniary interest in Item 8 DA2017/01388 - 109 Maitland Road and 51 Dora Street Mayfield and stated that she had close friends who used to own 51 Dora Street and sold it to MacDonald's Restaurants. Councillor Elliott stated that as the conflict was non-pecuniary she would remain in the Chamber for the item.

PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Elliott

Item 11 - DA2017/01610 - 115 Everton Street Hamilton be moved to the end of the items of business due to absence of a quorum.

Carried

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 15 MAY 2018

MOTION

Moved by Cr Church, seconded by Cr Mackenzie

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

Carried

ITEM-9

**DAC 19/06/18 - DA2018/00048 - 430 HUNTER STREET
NEWCASTLE AND 20A AND 20B WRIGHT LANE
NEWCASTLE - THREE LOTS INTO SEVEN LOT
SUBDIVISION AND ASSOCIATED ROAD WIDENING**

Councillor Luke returned to the Chamber for this item.

Council adjourned for 5 minutes at 5.48pm in order to allow Councillors time to read the memo relating to Item 9 circulated to Councillors on 19 June 2018. Council reconvened at 5.53pm.

MOTION

Moved by Cr Clausen, seconded by Cr Byrne

- A. That Development Application DA2017/00299 for subdivision of three lots into seven lots and associated road widening to Civic Lane, at 430 Hunter Street, 20A Wright Lane and 20B Wright Lane Newcastle, be approved and consent granted, subject to conditions of consent being resolved with the applicant (the Crown), generally as set out in the draft schedule of conditions (refer to **Attachment B**);
- B. That those persons who made submissions be advised of Council's determination; and
- C. The submission of a development application for the University of Newcastle Honeysuckle City Campus Development, with proposed building envelopes that are set back 6 metres from the current northern boundary of Civic Lane, is noted.

AMENDMENT

Moved by Cr Church, seconded by Cr Elliott

That an additional condition of consent be added:

A *'restriction as to user'* is to be placed on proposed lots 2 and 3, to restrict any building from being erected within 5 metres of the proposed southern boundary of those lots. The *'restriction as to user'* is to be set out in a Section 88B instrument that is to be submitted to Council with the relevant Subdivision Certificate application and be registered with the subdivision. Newcastle City Council is to be nominated in the required Section 88B instrument as the authority that is empowered to release, vary or modify the *'restriction as to user'*.

PROCEDURAL MOTION

Moved by Cr Church, seconded by Cr Mackenzie

The item lay on the table until advice is sought on the additional condition of consent.

For the Motion: Deputy Lord Mayor, Cr Clausen and Councillors Byrne, Church, Elliott, Mackenzie, Robinson and Rufo

Against the Motion: Councillor Luke.

Carried

**ITEM-10 DAC 19/06/18 - DA2017/00758 - 139 SCOTT STREET
NEWCASTLE - ALTERATIONS AND ADDITIONS TO MIXED
USE BUILDING TO INCLUDE ONE SERVICED APARTMENT
AND TWO RESIDENTIAL UNITS AND INCLUDES THREE
ADDITIONAL LEVELS**

MOTION

Moved by Cr Mackenzie, seconded by Cr Church

- A. That the Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of Newcastle Local Environmental Plan 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 Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of Newcastle Local Environmental Plan 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 the application for alterations and additions to a three-storey mixed commercial/residential building, including the addition of four storeys, for the building to be used for one serviced apartment and two residential units, be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to **Attachment B**); and
- D. That those persons who made submissions be advised of Council's determination.

For the Motion: Deputy Lord Mayor, Cr Clausen and Councillors Byrne, Church, Elliott, Luke, Mackenzie, Robinson and Rufo.

Against the Motion: Nil.

**Carried
unanimously**

ITEM-12 **DAC 19/06/18 - DA2017/01464 - 4/47 NEWCOMEN STREET
NEWCASTLE - ALTERATIONS AND ADDITIONS TO ROOF
TOP STRUCTURE**

MOTION

Moved by Cr Elliott, seconded by Cr Church

- A. That the Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of Newcastle Local Environmental Plan 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 R4 High Density Residential zone in which the development is proposed to be carried out; and
- B. That DA2017/01464 for alterations and additions to the roof top structure at 4/47 Newcomen Street Newcastle 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: Deputy Lord Mayor, Cr Clausen and Councillors Byrne,
Church, Elliott, Luke, Mackenzie, Robinson and Rufo.

Against the Motion: Nil.

**Carried
unanimously**

ITEM-13 **DAC 19/06/18 - DA2017/01545 - 16 MEMORIAL DRIVE THE
HILL - ALTERATIONS AND ADDITIONS TO RESIDENTIAL
FLAT BUILDING**

MOTION

Moved by Cr Elliott, seconded by Cr Mackenzie

- A. That the Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of Newcastle Local Environmental Plan 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 Residential zone in which the development is proposed to be carried out; and
- B. That DA2017/01314 for alterations and additions to the existing residential flat building at 16 Memorial Drive The Hill 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:

Deputy Lord Mayor, Cr Clausen and Councillors Byrne, Church, Elliott, Luke, Mackenzie, Robinson and Rufo.

Against the Motion:

Nil.

**Carried
unanimously**

**ITEM-14 DAC 19/06/18 - DA2017/01314 - 1/3 SCENIC DRIVE
MEREWETHER - ADDITIONS AND ALTERATIONS TO AN
ATTACHED DUAL OCCUPANCY**

MOTION

Moved by Cr Elliott, seconded by Cr Byrne

- A. That the Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of Newcastle Local Environmental Plan 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 Residential zone in which the development is proposed to be carried out; and
- B. That the Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of Newcastle Local Environmental Plan 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 R2 Low Density Residential zone in which the development is proposed to be carried out; and
- C. That DA2017/01314 for alterations and additions to a dwelling in a dual occupancy (attached) building at 1/3 Scenic Drive Merewether 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 Council's determination.

For the Motion:

Deputy Lord Mayor, Cr Clausen and Councillors Byrne, Church, Elliott, Luke, Mackenzie, Robinson and Rufo.

Against the Motion:

Nil.

**Carried
unanimously**

ITEM-11

**DAC 19/06/18 - DA2017/01610 - 115 EVERTON STREET
HAMILTON - DEMOLITION OF DWELLING AND
OUTBUILDING ERECTION OF TWO ATTACHED
DWELLINGS AND ONE LOT INTO TWO LOT SUBDIVISION**

Councillors Rufo and Mackenzie left the Chamber for this item.

Councillor Clausen declared the meeting be adjourned to follow the Ordinary Council meeting Tuesday 26 June 2018 due to lack of a quorum.

The meeting adjourned at 6.13pm.