

CITY OF NEWCASTLE

Minutes of the Development Applications Committee Meeting held in the Council Chambers, 290 King Street, 2nd Floor City Hall on Tuesday 3 December 2019 at 7.06pm.

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 and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), F Leatham (Director People and Culture), A Jones (Interim Director City Wide Services), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), J Rigby (Manager Assets and Projects), M Murray (Chief of Staff, Lord Mayor's Office), A Knowles (Council Services/Minutes) and K Sullivan (Council Services/Webcasting).

APOLOGIES

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Lord Mayor, Councillor Nelmes

The Lord Mayor, Councillor Nelmes, declared a significant non-pecuniary interest in Item 23 – DA2019/00588 - 6 Bavin Road, Broadmeadow stating that she had previously, for the last four years been a Director on the Westpac Rescue Helicopter Service. The Lord Mayor left the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE MEETING 19 NOVEMBER 2019

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

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

Carried

This is page 1 of the Minutes of the Development Applications Committee held in the Council Chambers, City Hall, Newcastle on Tuesday, 03 December 2019 at 7.09pm.

DEVELOPMENT APPLICATIONS

ITEM-18 **DAC 03/12/19- DA2018/01191 - 144 MARYLAND DRIVE, MARYLAND - ALTERATIONS/ADDITIONS TO MARYLAND SHOPPING CENTRE AND NEW TAVERN**

MOTION

Moved by Cr Byrne, seconded by Cr Robinson

- A. That DA2018/01191 for alterations and additions to Maryland shopping centre and a new tavern at 144 Maryland Drive Maryland be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
- B. That those persons who made submissions be advised of CN's determination.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Byrne, Church, Clausen, Duncan, Elliott, Luke, Mackenzie, Robinson, Rufo and Winney-Baartz.

Against the Motion: Nil.

Carried

ITEM-19 **DAC 03/12/19 - DA2017/00789 - 9 BELFORD STREET, BROADMEADOW - ALTERATIONS TO BUILDING FOR CHANGE OF USE TO DWELLING, ERECTION OF FIVE X THREE-STOREY ATTACHED DWELLINGS, ASSOCIATED SITE WORKS AND ONE LOT INTO SIX LOT SUBDIVISION**

MOTION

Moved by Cr Robinson, seconded by Cr Mackenzie

- A. That the Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of 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 R4 High Density Residential zone in which the development is proposed to be carried out; and
- B. That DA2017/00789 for alterations to the former Hamilton Fire Station for a change of use to a dwelling, erection of five attached three-storey dwellings, tree removal and subdivision at 9 Belford Street, Broadmeadow 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 Council's determination.

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For the Motion:

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

Against the Motion:

Councillor Elliott.

Carried

ITEM-20 DAC 03/12/19 - DA2018/01248 - 64 BRUNKER ROAD BROADMEADOW - RETAIL PREMISES (NEIGHBOURHOOD SUPERMARKET), FOUR SIGNS AND MINOR BUILDING ALTERATIONS

MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

- A. That DA2018/10248 for a retail premises (neighbourhood supermarket), four signs, minor building alterations and reconfiguration of the existing car park at 64 Bruncker Road, Broadmeadow be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
- B. That those persons who made submissions be advised of Council's determination.

For the Motion:

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

Against the Motion:

Nil.

Carried

ITEM-21 DAC 03/12/19 - DA2019/00339 - 48/56 HUNTER STREET, NEWCASTLE - ALTERATIONS AND ADDITIONS TO A HERITAGE LISTED BUILDING, INCLUDING AN ADDITIONAL STOREY FOR USE AS A SINGLE RESIDENTIAL DWELLING

MOTION

Moved by Cr Duncan, seconded by Cr Mackenzie

- A. That the Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of 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 Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of 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
- C. That DA2019/00339 for alterations and additions to a heritage listed building, including an additional storey for use as a single residential dwelling at 48-56 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**.
- D. That those persons who made submissions be advised of CN's determination.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Byrne, Church, Duncan, Elliott, Luke, Mackenzie, Robinson, Rufo and Winney-Baartz.

Against the Motion: Councillor Clausen.

Carried

ITEM-22 DAC 03/12/19 - DA2015/0876.02 - 29 LAMAN STREET, COOKS HILL - MODIFICATION - CHANGES TO FLOOR PLAN LAYOUT, WINDOWS AND ELEVATIONS

MOTION

Moved by Cr Luke, seconded by Cr Duncan

- A. That DA2015/0876.02 to modify the development for works that have been completed at 29 Laman Street, Cooks Hill be approved, and a modified consent be granted, subject to compliance with the conditions set out in the Schedule of Conditions at **Attachment B**; and
- B. That those persons who made submissions be advised of Council's determination.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Byrne, Church, Clausen, Duncan, Elliott, Luke, Mackenzie, Robinson, Rufo and Winney-Baartz.

Against the Motion: Nil.

Carried

**ITEM-23 DAC 03/12/19 - DA2019/00588 - 6 BAVIN ROAD
BROADMEADOW - RECREATION FACILITY (INDOOR),
CARPARKING AND AMENITIES BUILDING**

The Lord Mayor, Councillor Nelmes left the Chamber for discussion on the item.

The Deputy Lord Mayor, Councillor Clausen assumed the Chair.

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Rufo

- A. That DA2019/00588 for a recreational facility (indoor), car parking and amenities at 6 Bavin Road Broadmeadow be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
- B. That those persons who made submissions be advised of Council's determination.

The Director Governance advised Council that at approximately 5.15pm Tuesday 3 December 2019, the Land and Environment Court in Sydney granted an injunction until 10 December 2019, restraining Council from determining the Development Application.

PROCEDURAL MOTION

Moved by Cr Luke, seconded by Cr Mackenzie

To lay the matter on the table to an Extraordinary Development Applications Meeting, Tuesday 10 December 2019, after the Ordinary Council meeting.

For the Procedural Motion:

Deputy Lord Mayor, Councillor Clausen and Councillors Byrne, Church, Duncan, Elliott, Luke, Mackenzie, Robinson, Rufo and Winney-Baartz.

Against the Procedural Motion: Nil.

Carried

The Lord Mayor, Councillor Nelmes returned to the Chamber at the conclusion of the item and resumed the Chair.

ITEM-24

DAC 03/12/19 - DA2018/01301 - 59 DARBY STREET COOKS HILL - DEMOLITION OF STRUCTURE, ERECTION OF 6 STOREY MIXED USE DEVELOPMENT INCLUDING COMMERCIAL, SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

- A) That DA2019/01301 for demolition of the buildings on the site, erection of a six-storey mixed use development, including commercial premises, serviced apartments and residential apartments at 59 Darby Street Cooks Hill be refused for the reasons in **Attachment B**.
- B) That those persons who made submissions be advised of Council's determination.

For the Motion:

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

Against the Motion:

Nil.

Carried

The meeting concluded at 7.49pm