

## CITY OF NEWCASTLE

**Minutes of the Development Applications Committee Meeting held in the Council Chambers, City Administration Centre, Level 1, 12 Stewart Avenue, Newcastle West on Tuesday 20 April 2021 at 7.18pm.**

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### **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), M Murray (Chief of Staff), K Sullivan (Councillor Services/Minutes), A Knowles (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

### **REQUEST TO ATTEND BY AUDIO VISUAL LINK / APOLOGIES**

#### **MOTION**

Moved by Cr Luke, seconded by Cr Rufo

The request submitted by Councillor Elliott to attend by audio visual means be received and leave granted.

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

**Carried  
unanimously**

### **DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

Nil.

### **CONFIRMATION OF PREVIOUS MINUTES**

#### **MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 16 MARCH 2021**

#### **MOTION**

Moved by Cr Mackenzie, seconded by Cr Winney-Baartz

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

**Carried  
unanimously**

## DEVELOPMENT APPLICATIONS

**ITEM-5                      DAC 20/04/21 - 54 REGENT STREET, NEW LAMBTON - DA2020/00158 - INFRASTRUCTURE - INSTALLATION OF A TELECOMMUNICATIONS FACILITY (MONOPOLE AND ANCILLARY EQUIPMENT 26.3M)**

### **MOTION**

Moved by Cr Clausen, seconded by Lord Mayor, Cr Nelmes

The development application be refused for the following reasons:

- 1 The development fails to comply with the maximum height of building development standard and objectives contained within clause 4.3 of the Newcastle Local Environmental Plan 2012, and the clause 4.6 variation request is not supported as it is not well founded as the proposed variation is not justified in the circumstances (s.4.15(1)(a) of the *Environmental Planning & Assessment Act 1979*).
- 2 The development is not acceptable as it is likely to result in adverse scenic and visual impacts on the character of the locality (s.4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*).
- 3 The development is not satisfactory as the proposed location for the structure has not been adequately justified through due consideration of alternative sites and considering public concerns raised (s.4.15(1)(c) of *Environmental Planning and Assessment Act 1979*).
- 4 The development is not in the public interest having regard to the extent and content of public objection to the proposal (s. 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*).
- 5 The development application does not comply with Clause 115(3) of the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) as the site is unsuitable and the visual impact is unacceptable (s.4.15(1)(a) of the *Environmental Planning & Assessment Act 1979*).

Councillor Mackenzie foreshadowed a substantive motion that being the recommendation as outlined in the business papers.

**For the Motion:**                      Lord Mayor, Cr Nelmes and Councillors Byrne, Church, Clausen, Duncan, Elliott, Rufo, White and Winney-Bartz.

**Against the Motion:**                      Councillors Luke, Mackenzie and Robinson.

**Carried**

The foreshadowed motion from Councillor Mackenzie lapsed.

**ITEM-6**

**DAC 20/04/21 - 13 & 15 STEEL STREET, NEWCASTLE WEST - DA2020/00766 - CHANGE OF USE, INCLUDING ALTERATIONS TO THE EXISTING BUILDING AND INTERNAL FITOUT**

**MOTION**

Moved by Cr Robinson, seconded by Cr Byrne

- A. That DA2020/00766 for pub – change of use, including alterations to the existing building and internal fitout at 13 and 15 Steel Street, Newcastle West be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment D**; and
- B. That those persons who made submissions be advised of CN's determination.

Councillor Clausen proposed condition 39 be amended to read as follows:

39 *The premise is to operate at all times in accordance with the Plan of Management ('POM') (Version 13.0) dated April 2021, and additional requirements as follows:*

- a *The POM identifies the following trial mitigation measures under Section 10, including:*
- i 'Trial guard' to be positioned on the King Street Hotel corner,*
  - ii 'Trial courtesy bus' to operate between 2am-3:30am, and*
  - iii 'Trial Uber/Parent pick up area on King Street.*

*The above mitigation measures are to be trialled for an initial period of twelve months from commencement of use. Following completion of the twelve-month trial, data from the trial is to be provided to the City of Newcastle and shared with invited members of the Community Consultative Committee (the committee established by the premises under Section 10.3 of the POM). The results of the trial may be shared publicly by the premises, City of Newcastle and/or the Committee.*

*The applicant will receive written notification from City of Newcastle following completion of the trial, and receipt of associated data, to confirm if the trial mitigation measures are to be retained in perpetuity.*

*Note: Should the applicant seek for any of the trial mitigation measures to be removed from the POM the submission of a s.4.55 modification application will be required.*

- b *A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of NSW Police, City of Newcastle Officer, Liquor and Gaming NSW Inspector, or any other person authorised by the Independent Liquor and Gaming Authority.*

- c Any proposed variation to the Plan of Management will require consultation with the NSW Police and City of Newcastle. Any amendment to the Plan of Management requires the approval of City of Newcastle, through the submission of a s.4.55 modification application.

Section 18 'Future Amendments to this Plan' of the POM is to be updated to reflect these additional requirements.

The mover and seconder accepted Councillor Clausen's amendment to the motion.

The motion moved by Councillor Robinson and seconded by Councillor Byrne, as amended, was put to the meeting.

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

**Against the Motion:** Councillors Church and Elliott.

**Carried**

**ITEM-7                    DAC 20/04/21 - 79 UNIVERSITY DRIVE, WARATAH WEST - DA2020/00903 - RESIDENTIAL ACCOMMODATION - MULTI DWELLING HOUSING (76 DWELLINGS) - CONSTRUCTED IN THREE STAGES**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Robinson

- A. That the Development Applications Committee 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
- B. That DA2020/00903 at 79 University Drive Waratah West 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 CN's determination.

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

**Against the Motion:** Nil.

**Carried**

**ITEM-8**

**DAC 20/04/21 - 61 GIPPS STREET, CARRINGTON -  
DA2020/01248 - DWELLING HOUSE - ALTERATIONS AND  
ADDITIONS INCLUDING DEMOLITION**

**MOTION**

Moved by Cr Mackenzie, seconded by Cr Church

- 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 4.4 Floor Space Ratio (FSR), 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 R2 Low Density Residential zone in which the development is proposed to be carried out; and
- B. That DA2020/01248 for alterations and additions including demolition to a dwelling at 61 Gipps Street, Carrington 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:**

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

**Against the Motion:**

Nil.

**Carried**

**The meeting concluded at 7.58pm.**