

## 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 21 February 2017 at 7.57pm.**

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### **PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, D Compton, T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson, A Rufo, L Tierney and S Waterhouse.

### **IN ATTENDANCE**

F Cordingley (Acting Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), A Baxter (Acting Director Planning and Regulatory), F Giordano (Manager Legal and Governance), M Blackburn-Smith (Manager Development and Building), Ngaire Baker (Chief of Staff), A Knowles (Council Services/Minutes) and Jodie Redriff (Council Services/Webcast).

### **APOLOGIES**

#### **MOTION**

Moved by Cr Luke, seconded by Cr Waterhouse.

The apology submitted on behalf of Councillor Tierney be received.

**Carried**

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

The Lord Mayor called for declarations of pecuniary and non-pecuniary interests. There being none, the Lord Mayor moved for confirmation of the minutes.

### **CONFIRMATION OF PREVIOUS MINUTES**

#### **MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE MEETINGS - 6 AND 20 DECEMBER 2016**

#### **MOTION**

Moved by Cr Clausen, seconded by Cr Luke.

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

**Carried**

## DEVELOPMENT APPLICATIONS

**ITEM-1                      DAC 21/02/17 - DA2015/0330 - 58 BOLTON STREET  
NEWCASTLE - DEMOLITION OF BUILDINGS, ADAPTIVE  
RE-USE OF SCHOOL BUILDING INTO RESIDENCE AND  
GALLERY, MULTI STOREY RESIDENTIAL APARTMENT  
BUILDINGS AND SUBDIVISION TORRENS AND STRATA**

### **MOTION**

Moved by Cr Luke, seconded by Cr Dunn

- A. Council notes 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 Council considers the objection to be justified in the circumstances and consistent with the aims of the relevant LEP clause;
- B. The application for consent to demolish outbuildings, adaptive re-use of school building into residence and gallery, construction of three multi storey residential apartment buildings be approved and consent granted, subject to compliance with the conditions set out in the draft Schedule of Conditions (refer to **Attachment B**); and
- C. That those persons who made a submission be advised of Council's determination.

Councillor Compton sought clarification on whether the figure for Condition 4 requiring a s 94 contribution of \$400,337.75 is correct.

Councillor Compton asked whether the mover and seconder would accept the amendment to the Motion to reduce the s 94 contribution amount of \$400,337.75 to the correct amount of \$160,135.10.

Lord Mayor asked whether the mover and seconder would accept the amendment to the Motion.

Councillor Dunn accepted the amendment. Councillor Luke did not accept the amendment.

### **MOTION**

Moved by Cr Luke, seconded by Cr Clausen

- A. Council notes 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 Council considers the objection to be justified in the circumstances and consistent with the aims of the relevant LEP clause;

- B. The application for consent to demolish outbuildings, adaptive re-use of school building into residence and gallery, construction of three multi storey residential apartment buildings be approved and consent granted, subject to compliance with the conditions set out in the draft Schedule of Conditions (refer to **Attachment B**); and
- C. That those persons who made a submission be advised of Council's determination.

Councillor Compton gave notice of a foreshadowed amended motion to amend the s 94 amount noted in the documents be changed to reflect the correct figure.

**PROCEDURAL MOTION**

Moved by Cr Doyle, seconded by Cr Posniak

This item lay on the table until such time as Council receives a satisfactory explanation of what the s 94 contribution will be and how that contribution is arrived at. That the application be heard again at an extraordinary Development Applications Committee meeting at the end of next week's Ordinary Council meeting to expedite the application.

**For the Motion:** Councillors Clausen, Dunn, Doyle, Osborne, Posniak and Nelmes.

**Against the Motion:** Councillors Compton, Luke, Rufo, Robinson and Waterhouse.

**Carried**

**The meeting concluded at 8.21pm**