

## CITY OF NEWCASTLE

### Minutes of the Development Applications Committee Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 16 August 2016 at 5.34pm.

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#### PRESENT

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

#### IN ATTENDANCE

F Cordingley (Interim Chief Executive Officer), K Liddell (Acting Director Infrastructure), M Blackburn-Smith (Manager Development and Building), F Giordano (Manager Legal and Governance), N Baker (Chief of Staff to the Lord Mayor), K Sullivan (Council Services/Minutes) and A Leach (Council Services/Meetings Management).

#### MESSAGE OF ACKNOWLEDGEMENT

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

#### PRAYER

The 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.

The Lord Mayor acknowledged the recent passing of Professor Trevor Waring and stated that she would provide a formal tribute at the August Council meeting.

#### APOLOGIES

##### MOTION

Moved by Cr Waterhouse, seconded by Cr Luke

The apologies submitted on behalf of Councillors Posniak, Robinson and Tierney be received and leave of absence granted.

**For the Motion:** Councillors Compton, Luke, Osborne, Rufo and Waterhouse.

**Against the Motion:** Lord Mayor, Cr Nelmes, Councillors Clausen, Crakanthorp, Doyle and Dunn.

The Lord Mayor exercised her casting vote and declared the motion defeated.

**Defeated**

## **MOTION**

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

Leave of absence be granted for Councillor Posniak and apologies from Councillors Robinson and Tierney.

The Lord Mayor exercised her casting vote and declared the motion carried.

**Carried**

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

### **Councillor Luke**

Councillor Luke declared a non pecuniary conflict of interest in Item 8 - Development Application 2015/10005 - 77 Maitland Road Mayfield, stating that a relative had recently purchased a property close to the site and would absent himself from the Chamber for discussion on the item as he did when the matter went before the Public Voice Committee.

### **Councillor Rufo**

Councillor Rufo declared a non pecuniary less than significant conflict of interest in Item 10 - DA 2015/1007 - 18 - 20 Florida Avenue, Lambton stating that he knew several people who lived in the street and would absent himself from the Chamber for discussion on the item.

### **Councillor Clausen**

Councillor Clausen declared a less than significant non pecuniary interest in Item 10 - DA 2015/1007 - 18 - 20 Florida Avenue, Lambton, stating that he was a member of several community groups whose members had contacted him about the development. He stated that as he was not an office bearer and did not have strong relationships with those people and would remain in the Chamber and vote on the item.

### **Councillor Osborne**

Councillor Osborne declared a less than significant non pecuniary conflict of interest in Item 9 - DA 2015/10011 - 4 Ulick Street, Merewether, stating that he worked at Port Stephens Council with the applicant's consultants and would absent himself from the Chamber for discussion on the item.

### **Councillor Compton**

Councillor Compton declared a significant non pecuniary interest in Item 9 - DA 2015/10011 - 4 Ulick Street, Merewether, stating that he was an employee of Port Stephens Council and the applicant's consultant was a senior manager employed by that Council. Councillor Compton stated that he would absent himself from the Chamber for discussion on the item.

## **Councillor Dunn**

Councillor Dunn declared a less than significant non pecuniary interest in Item 8 - Development Application 2015/10005 - 77 Maitland Road, stating that he had a client who had made submissions in relation to the development and would absent himself from the Chamber for discussion on the item.

## **CONFIRMATION OF PREVIOUS MINUTES**

### **MINUTES OF DEVELOPMENT APPLICATIONS COMMITTEE HELD 19 JULY 2016**

#### **MOTION**

Moved by Cr Osborne, seconded by Cr Doyle

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

**Carried**

## **DEVELOPMENT APPLICATIONS**

**ITEM-8                      DA2015/10005 - 77 MAITLAND ROAD, MAYFIELD -  
DEMOLITION OF DWELLINGS AND OUTBUILDINGS,  
SUBDIVISION OF LAND (29 INTO 5 LOTS),  
CONSTRUCTION OF A TWO STOREY RETAILS COMPLEX,  
ASSOCIATED CAR PARKING, SITE WORKS AND SIGNAGE**

Councillors Dunn and Luke left the Chamber for the determination of this item.

#### **MOTION**

Moved by Cr Osborne, seconded by Cr Doyle

The application be rejected on the basis of unreasonable impact in terms of traffic, parking and loss of on-street parking, unacceptable impact with regard to amenity and that it is not in the public interest.

#### **PROCEDURAL MOTION**

Moved by Cr Crakanthorp, seconded by Cr Clausen

The matter lay on the table until such time as the matter of parking can be brought back to Council as previously resolved by Council on 26 July 2016.

Councillor Clausen gave notice of a foreshadowed motion.

The procedural motion moved by Councillors Crakanthorp and Clausen was put to the meeting.

**For the Procedural Motion:**

Councillors Crakanthorp, Doyle and Osborne.

**Against the Procedural Motion:** Lord Mayor, Cr Nelmes, Councillors Clausen, Compton, Rufo and Waterhouse

**Defeated**

The motion moved by Councillors Osborne and Doyle was put to the meeting.

**For the Motion:** Councillors Crakanthorp, Doyle and Osborne.

**Against the Motion:** Lord Mayor, Cr Nelmes, Councillors Clausen, Compton, Rufo and Waterhouse.

**Defeated**

## **MOTION**

Moved by Cr Clausen, seconded by Cr Rufo

The application for the demolition of existing dwellings, re-subdivision of the land into 5 allotments and the construction of a two - storey retail complex comprising a supermarket with specialty retail and associated parking for 249 cars be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to Attachment B) and Condition 78 being amended to provide for the dilapidation report being prepared prior to the commencement of construction works.

**For the Motion:** Lord Mayor, Cr Nelmes, Councillors Clausen, Compton, Rufo and Waterhouse.

**Against the Motion:** Councillors Crakanthorp, Doyle and Osborne

**Carried**

Councillors Dunn and Luke returned to the Chamber at the conclusion of this item.

**ITEM-9**                    **DA 2015/10011 - 4 ULICK STREET, MEREWETHER - DEMOLITION OF DWELLING, OUTBUILDINGS, SWIMMING POOL, ERECTION OF SIX TWO STOREY ATTACHED DWELLINGS, ASSOCIATED RETAINING WALLS, SITE WORKS AND TWO LOT INTO TWO LOT SUBDIVISION (BOUNDARY ADJUSTMENT**

Councillors Compton and Osborne left the Chamber for the determination of this item.

## **MOTION**

Moved by Cr Doyle, seconded by Cr Crakanthorp

The application be rejected on the grounds that it as it does not comply with the aims of the LEP, Clause 1.2, no. 2(a) and (b) and in respect to DCP, Part 7, point 02 - *Open Space and Visual Amenity* - and within that category the general controls, in particular, objectives 7.02, nos. 4 and 5.

The motion was put to the meeting.

**For the Motion:** Councillors Clausen, Doyle, Dunn and Crakanthorp.

**Against the Motion:** Lord Mayor, Cr Nelmes, Councillors Luke, Rufo and Waterhouse.

The Lord Mayor exercised her casting vote and declared the motion defeated.

**Defeated**

## **MOTION**

Moved by Cr Luke, seconded by Cr Waterhouse

The application for demolition of dwelling, outbuildings & swimming pool, erection of six two-storey attached dwellings, associated retaining walls, site works and two lot into two lot subdivision (boundary adjustment) be approved and consent granted, subject to compliance with the conditions set out in the draft Schedule of Conditions (refer to **Attachment B**).

**For the Motion:** The Lord Mayor, Cr Nelmes, Councillors Luke, Rufo and Waterhouse.

**Against the Motion:** Councillors Clausen, Doyle, Dunn and Crakanthorp.

The Lord Mayor exercised the casting vote and declared the motion carried.

**Carried**

Councillors Compton and Osborne returned to the Chamber at the conclusion of this item.

**ITEM-10                    DA 2015/1007 - 18 AND 20 FLORIDA AVENUE DEMOLITION OF DWELLING AND ERECTION OF EIGHT TWO-STOREY ATTACHED DWELLINGS, ASSOCIATED RETAINING WALLS, SITE WORKS, TWO LOT INTO TWO LOT SUBDIVISION (BOUNDARY ADJUSTMENT) AND EIGHT LOT STRAT SUBDIVISION.**

Councillor Rufo left the Chamber for the determination of this item.

## **MOTION**

Moved by Cr Clausen, seconded by Cr Crakanthorp

The application be rejected due to significant traffic impacts on Florida Avenue and detriment to the local community.

Councillor Osborne gave notice of a foreshadowed motion.

**For the Motion:** Councillors Clausen and Crakanthorp.

**Against the Motion:** The Lord Mayor, Cr Nelmes, Councillors Compton, Doyle, Dunn, Luke, Osborne and Waterhouse.  
**Defeated**

**MOTION**

Moved by Cr Osborne, seconded by Cr Luke

The application for alterations to dwelling, demolition of dwelling located on lot 12, erection of eight attached two storey dwellings retaining walls, associated landscaping and two lot into two lot subdivision and eight lot strata subdivision at 18 and 20 Florida Avenue, Lambton be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to **Attachment C**).

**For the Motion:** The Lord Mayor, Cr Nelmes, Councillors Compton, Doyle, Dunn, Luke, Osborne and Waterhouse.

**Against the Motion:** Councillors Clausen and Crakanthorp.  
**Carried**

Councillor Rufo returned to the Chamber at the conclusion of this item.

**The meeting concluded at 7.09pm.**