

CITY OF NEWCASTLE

Minutes of the Extraordinary Development Applications Committee Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle, on Tuesday 28 February 2017 at 8.37pm.

PRESENT

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

IN ATTENDANCE

F Cordingley (Acting Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), M Blackburn-Smith (Manager Building and Development), F Giordano (Manager Legal and Governance), A Glauser (Manager Finance), K Hyland (Manager Communications and Engagement), K Baartz (Communications Manager), B Johnson (Media Officer), N Bavinton (Smart City Co-ordinator), K Sullivan (Council Services/Minutes) and A Knowles (Council Services/Webcasting).

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Rufo

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Compton

Councillor Compton declared a non-pecuniary less than significant interest in the Development Applications process generally. He indicated that his company was a selective tenderer for architectural firms that operated in the Newcastle Local Government Area that could be selected to undertake building projects from time to time. He stated that he had not been engaged by any of the parties associated with DA 2015/0330 and therefore had not conflict of interest.

CONFIRMATION OF PREVIOUS MINUTES

Nil.

DEVELOPMENT APPLICATIONS

ITEM-1 DAC 28/02/17 - 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

In moving the recommendation, Councillor Luke stated he was moving the amended Condition of Consent 4 as circulated in a Memo to all Councillors - DA 2015/0330 - 58 Bolton Street, Newcastle dated 27 February 2017.

MOTION

Moved by Cr Luke, seconded by Cr Rufo

- 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 Condition 4 as amended below:
 - 4. *A total monetary contribution of \$160,135.10 is to be paid to Council, pursuant to Section 94A of the Environmental Planning and Assessment Act 1979, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.*

Note:

- a) *This condition is imposed in accordance with the provisions of The City of Newcastle S94A Development Contributions Plan 2009 (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle from 8.30am to 5.00pm, excluding public holidays.*
- b) *The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.*

- c) *The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment*

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

<i>Indexation quarter</i>	<i>Approx. release date</i>
<i>September</i>	<i>Late October</i>
<i>December</i>	<i>Late January</i>
<i>March</i>	<i>Late April</i>
<i>June</i>	<i>Late July</i>

Any party intending to act on this consent should contact Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

- C. That those persons who made a submission be advised of Council's determination.

Councillor Osborne gave notice of a foreshadowed motion to reject the development application.

For the Motion: Lord Mayor, Cr Nelmes, Councillors Clausen, Compton, Dunn, Luke, Robinson and Rufo.

Against the Motion: Councillors Doyle, Osborne and Posniak.

Carried

The meeting concluded at 8.52pm.