

## CITY OF NEWCASTLE

**Minutes of the Development Applications Committee Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 20 October 2015 at 6.10pm.**

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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**

K Gouldthorp (General Manager), G Cousins (Director Corporate Services), F Cordingley (Director Infrastructure), F Giordano (Manager Council and Legal Services), M Blackburn-Smith (Manager Development and Building) and K Sullivan (Council Services/Minutes/Webcasting).

### **APOLOGIES**

#### **MOTION**

Moved by Cr Luke, seconded by Cr Posniak

The apology submitted on behalf of Councillor Crakanthorp 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.

#### **Councillor Posniak**

Councillor Posniak declared a non-pecuniary significant interest in relation to Item 7 - Section 96 Modification - DA 2014/0214 - 24 Ocean Street, Merewether - Alterations and Additions to Dwelling and Garage, Erection of Front Fence and Associated Retaining Walls. Councillor Posniak advised that the residents were personally known to her and she would retire from the Chamber for the determination of the item.

### **CONFIRMATION OF PREVIOUS MINUTES**

**MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 28 APRIL 2015**  
**MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 21 JULY 2015**

**MOTION**

Moved by Cr Luke, seconded by Cr Waterhouse

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

**Carried**

**DEVELOPMENT APPLICATIONS**

**ITEM 7 SECTION 96 MODIFICATION - DA 2014/0214 - 24 OCEAN ST,  
MEREWETHER - ALTERATIONS AND ADDITIONS TO  
DWELLING AND GARAGE, ERECTION OF FRONT FENCE  
AND ASSOCIATED RETAINING WALLS**

Councillor Posniak retired from the Chamber for discussion on this item.

**MOTION**

Moved by Cr Luke, seconded by Cr Waterhouse

- A The proposed development has been assessed, having regard to the relevant heads of consideration under Section 96 of the *Environmental Planning and Assessment Act 1979*, and is considered to be acceptable subject to compliance with appropriate conditions.

Council has considered the written request from the applicant seeking to justify the contravention of the development standard relating to building height, pursuant to Clause 4.3 of the Newcastle Local Environmental Plan 2012. It is considered the applicant has demonstrated that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and has provided sufficient planning grounds to justify the proposed variation to the principal development standard.

Suitable justification has also been provided from the applicant in respect of the proposed building envelope variations and the encroachments are considered to be acceptable.

Accordingly, it is recommended that the application be approved on the basis of the submitted plans, subject to the imposition of the nominated conditions of consent.

- B The application to modify the consent granted for alterations and additions to dwelling and garage, erection of front fence and associated retaining walls at 24 Ocean Street, Merewether be approved, subject to compliance with the conditions set out in the Draft Schedule of Conditions (**Attachment B**).

**For the Motion:** The Lord Mayor, Councillors Clausen, Compton, Doyle, Dunn, Luke, Osborne, Posniak, Robinson, Rufo, Tierney and Waterhouse

**Against the Motion:** Nil.

**Carried**

Councillor Posniak returned to meeting at the conclusion of Item 7 - Section 96 modification - DA 2014/0214 - 24 Ocean Street, Merewether - alterations and additions to dwelling and garage, erection of front fence and associated retaining walls.

**ITEM 8 DA 2015/0837 - 89 PARK AVENUE, KOTARA - ALTERATIONS AND ADDITIONS TO WESTFIELD KOTARA, INCLUDING ADDITIONAL RETAIL SPACE AND REDUCTION IN CAR PARKING**

**MOTION**

Moved by Cr Waterhouse, seconded by Cr Tierney

The application for alterations and additions to Westfield Kotara be approved subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to **Attachment B**).

**PROCEDURAL MOTION**

Moved by Cr Doyle, seconded by Cr Osborne

The item lay on the table until the residents group, chaired by Mr Terry Musgrave, has been notified and the matter to come back to Council in one month's time once consultation has occurred.

**For the Motion:** The Lord Mayor, Councillors Clausen, Compton, Dunn, Luke, Posniak, Robinson, Rufo, Tierney and Waterhouse.

**Against the Motion:** Councillors Doyle and Osborne.

**Defeated**

The motion moved by Councillors Waterhouse and Tierney was put to the meeting.

**For the Motion:**

The Lord Mayor, Councillors Compton, Dunn, Posniak, Robinson, Rufo, Tierney and Waterhouse.

**Against the Motion:**

Councillors Clausen, Luke, Doyle and Osborne.

**Carried**

**The meeting concluded at 6.30pm.**