

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 15 August 2017 at 7.45pm.

PRESENT

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

IN ATTENDANCE

J Bath (Interim Chief Executive Officer), A Glauser (Interim Director Corporate Services), K Liddell (Interim Director Infrastructure), M Blackburn-Smith (Manager Development and Building), E Kolatchew (Interim Manager Legal and Governance), J Gaynor (Manager Strategic Planning), B Johnson (Communications), A Knowles and K Sullivan (Council Services/Minutes/Webcasting)

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Robinson

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

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

The Lord Mayor called for declarations of pecuniary and non-pecuniary interests.

Councillor Luke

Councillor Luke declared a significant non-pecuniary conflict of interest in Item 11 - DA2017/00185 - 85 Carrington Street Mayfield as he had a relative that lived close to this area and stated that he would remove himself from the Chamber for discussion on the item.

Councillor Dunn

Councillor Dunn declared a non-pecuniary possibly significant conflict of interest in Item 13 - DA2016/01478 - 4 Beach Street Newcastle East as he was acquainted with an owner of an adjoining neighboring property and stated that he would remove himself from the Chamber for discussion on the item.

Councillor Clausen

Councillor Clausen declared a less than significant non-pecuniary interest for Item 11 - DA2017/00185 - 85 Carrington Street Mayfield as one of the people supporting an objector at the public voice on the matter is a member of an organisation that Councillor Clausen is also a member of. The declaration was less than significant due to the nature of the organisation.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 18 JULY 2017

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

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

Carried

DEVELOPMENT APPLICATIONS

Councillor Luke left the Chamber at 7.46pm.

**ITEM-11 DAC 15/08/17 - DA2017/00185 - 84 CARRINGTON STREET
MAYFIELD - ALTERATIONS TO EXISTING DWELLING,
ERECTION OF TWO ATTACHED TWO STOREY
DWELLINGS, CARPORT AND ASSOCIATED SITE WORKS**

MOTION

Moved by Cr Osborne, seconded by Cr Posniak

- A. That the application at 84 Carrington Street, Mayfield be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to **Attachment B**); and
- B. That those persons who made submissions be advised of Council's determination.

For the Motion: Lord Mayor Councillor Nelmes, Councillors Clausen, Doyle, Dunn, Osborne, Posniak, Robinson and Rufo.

Against the Motion: Nil

Carried

Councillor Luke returned to the Chamber at the conclusion of the item.

**ITEM-12 DAC 15/08/17 - DA2017/00005 - 62 FLEMING STREET
WICKHAM - DEMOLITION OF OUTBUILDING AND
ERECTION OF THREE STOREY DWELLING**

MOTION

Moved by Cr Clausen, seconded by Cr Osborne

- A. That Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of Newcastle Local Environmental Plan 2012 (LEP), against the development standards at Clause 4.4 Floor Space

Ratio, and considers the objection to be justified in the circumstances and to be consistent with the aims of the relevant NLEP 2012 clause; and

- B. That DA2017/00005 for demolition and construction of a dwelling at 62 Fleming Street Wickham 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 the Council's determination.

For the Motion: Lord Mayor Councillor Nelmes, Councillors Clausen, Doyle, Dunn, Osborne, Posniak, Robinson and Rufo.

Against the Motion: Nil

Carried

**ITEM-13 DAC 15/08/17 - DA2016/01478 - 4 BEACH STREET
NEWCASTLE EAST - DEMOLITION OF DWELLING,
ERECTION OF THREE STOREY DWELLING AND
ASSOCIATED SITE WORKS**

Councillor Dunn left the Chamber at 7.54pm

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Reject the application on the grounds of 'Inconsistency with the objectives of the R3 Medium Density Residential zone'.

The proposed development is inconsistent with the zone objectives, demonstrated by the following points:

1. The proposal is not compatible with the character of the locality;
2. There will be significant adverse impact on the amenity of adjoining and surrounding development with respect to character of the Newcastle East Heritage Conservation Area, view-sharing, bulk and scale, privacy, visual amenity and overshadowing.

Councillor Robinson foreshadowed the motion contained in the Officers report.

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

For the Motion: Councillors Doyle and Osborne.

Against the Motion: Lord Mayor Councillor Nelmes, Councillors Clausen, Luke, Posniak, Robinson and Rufo.

Defeated

MOTION

Moved by Cr Robinson, seconded by Cr Rufo

- A. That Council, as the consent authority, note the objection under clause 4.6 Exceptions to Development Standards of Newcastle Local Environmental Plan 2012, against the Principal Development Standard at Clause 4.4 Floor space Ratio, and Council considers the objection to be justified in the circumstances and is consistent with the aims of the relevant Clause of NLEP 2012; and
- B. That DA2016/01478 to demolish the existing dwelling, erect a three-storey dwelling and associated site works at 4 Beach Street Newcastle be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions appended at **Attachment B**; and
- C. That those persons who made submissions be advised of Council's determination.

For the Motion: Lord Mayor Councillor Nelmes, Councillors Clausen, Luke, Posniak, Robinson and Rufo.

Against the Motion: Councillors Doyle and Osborne.

Carried

**ITEM-14 DAC 15/08/17 - DA2016/01341 - 20 DENISON STREET
NEWCASTLE WEST - DEMOLITION OF BUILDING,
ERECTION OF 15 STOREY MIXED USE DEVELOPMENT
WITH 3 RETAIL/COMMERCIAL TENANCIES, 58
RESIDENTIAL UNITS, 109 PARKING BAYS, ASSOCIATED
SITE WORKS AND SIGNAGE**

MOTION

Moved by Cr Osborne, seconded by Cr Rufo

- A. That the application to demolish the existing building and construct a mixed use development, consisting of commercial/retail premises, 58 residential apartments and associated site works be approved, subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to **Attachment B**); and
- B. That those persons who made submissions be advised of Council's determination.

For the Motion: Lord Mayor Councillor Nelmes, Councillors Clausen, Doyle, Luke, Osborne, Posniak, Robinson and Rufo.

Against the Motion: Nil.

Carried

Councillor Dunn was absent from the vote and did not return to the Chamber until the meeting's conclusion.

The meeting concluded at 8.10pm