

CITY OF NEWCASTLE

Minutes of the Development Applications Committee Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 15 November 2016 at 6.55pm

PRESENT

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

IN ATTENDANCE

P Chrystal (Interim Chief Executive Officer), G Cousins (Director Corporate Services), F Cordingley (Director Infrastructure), A Baxter (Acting Director Planning and Regulatory), M Blackburn-Smith (Manager Development and Building), F Giordano (Manager Legal and Governance), K Sullivan (Council Services/Webcasting) and A Knowles (Council Services/Minutes).

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Osborne.

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

Carried

Note: Councillor Tierney was not present for the meeting.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Luke

Councillor Luke declared a significant non-pecuniary interest for Item 13 - DA2014/0296 - 18 Bond Street Newcastle as the objector is an employee of a financial institute that he has a large number of dealings with and he receives briefings from the objector. Cr Luke advises he will abstain from the chamber during the matter.

Councillor Osborne

Councillor Osborne declared a non-significant non-pecuniary interest for Item 13 - DA2014/0296 - 18 Bond Street Newcastle as he knows the applicants but will abstain himself from the chamber on the matter.

Councillor Rufo

Councillor Rufo declared a less than significant non-pecuniary interest for Item 12 - DA2016/00159 - 46 Kilgour Avenue Merewether as the possible new owner of the residence is known to him.

CONFIRMATION OF PREVIOUS MINUTES

Nil

DEVELOPMENT APPLICATIONS

ITEM-12 **DA 2016/00159 - 46 KILGOUR AVENUE MEREWETHER - TWO STOREY DWELLING, ASSOCIATED SWIMMING POOL AND SITE WORKS**

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

1. Council resolves not to vary the Section 88B Instrument due to the proposed developments impact on the Barrymore building at 44 Kilgour Ave.
2. Council considers that the severe view loss to Units 13 and 14 of 2A Ocean Street to be unacceptable under Section 3.02.09 (View Sharing) of Newcastle Development Control Plan [Section 79C (1) (a) (iii)].
3. The proposed development is not in the public interest.

Councillor Rufo gave notice of a foreshadowed motion to include parts A, B and C. Providing the overall height of the building (including chimneys/flues) is not to exceed RL 29.19m. Consideration be given to reducing the footprint in relation to the frontage where the current exceeds the envelope by approximately one metre; and the officers recommendation.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Dunn

Council take a five minute recess to obtain copies of Cr Doyle's, motion and Cr Rufo's foreshadowed motion.

Carried

Council reconvened at 7.11pm.

Councillor Rufo's gives notices to amend his foreshadowed motion to note include parts 2A, 2B and 2C.

- 2A The officers recommendation.
- 2B Providing the overall height of the building (including chimneys/flues) is not to exceed RL 29.19m.
- 2C Consideration be given to reducing the footprint in relation to the frontage where the current exceeds the envelope by approximately one metre; and the Officers Recommendation.

Lord Mayor Cr Nelmes requests Councillor Rufo's amended foreshadow motion be recorded.

Councillor Doyle was requested to restate her motion for clarification.

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

1. Council resolves not to vary the Section 88B Instrument due to the proposed developments impact on the Barrymore building at 44 Kilgour Ave.
2. Council considers that the severe view loss to Units 13 and 14 of 2A Ocean Street to be unacceptable under Section 3.02.09 (View Sharing) of Newcastle Development Control Plan [Section 79C (1) (a) (iii)].
3. The proposed development is not in the public interest and the application in its current form is therefore refused.

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

For the Motion: Lord Mayor Cr Nelmes, Councillors Clausen, Doyle, Osborne and Posniak.

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

Carried

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

**ITEM-13 DA 2014/0296 - 18 BOND STREET NEWCASTLE -
ERECTION OF THREE STOREY DWELLING**

Councillors Osborne and Luke retired from the chamber at 7.32pm for discussion on the item.

MOTION

Moved by Cr Posniak, seconded by Cr Clausen

- a) THAT The application for Erection of three storey dwelling at 18 Bond 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
- b) THAT those persons who made submissions be advised of Council's determination.

For the motion: Lord Mayor Cr Nelmes, Councillors Clausen, Dunn, Robinson, Rufo and Waterhouse.

Against the motion: Councillor Doyle.

Carried

Councillors Osborne and Luke returned to the chamber at the conclusion of this item.

ITEM-14 **DA2015/10390 - 77 JUBILEE ROAD ELERMORE VALE -
DEMOLITION OF DWELLING AND OUTBUILDINGS
ERECTION OF FIVE TWO STOREY DWELLINGS
ASSOCIATED RETAINING WALLS AND FENCING**

MOTION

Moved by Cr Clausen, seconded by Cr Posniak

- a) THAT the application for the demolition of the existing dwelling and outbuildings, erection of five, two storey dwellings, strata title subdivision 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 the Council determination.

For the motion: Lord Mayor Cr Nelmes, Councillor Clausen, Doyle, Dunn, Luke, Robinson, Rufo and Waterhouse.

Against the motion: Nil.

Carried

ITEM-15 **DA2016/00351 - 5-11 WICKHAM STREET WICKHAM -
DEMOLITION OF BUILDINGS, ERECTION OF EIGHT
STOREY MIXED USE DEVELOPMENT INCLUDING 40
RESIDENTIAL APARTMENTS, TWO GROUND FLOOR
COMMERCIAL UNITS, TWO FLOORS OF PARKING, 42
BAYS AND ASSOCIATED SITE WORKS**

MOTION

Moved by Cr Osborne, seconded by Cr Rufo.

- i) THAT Council note and support the clause 4.6 variation to clause 4.3 (Height of buildings) of the Newcastle Local Environmental Plan 2012; and
- ii) THAT the application for the demolition of buildings, erection of eight-storey mixed use development including 40 residential apartments, two ground floor commercial units, two levels of parking and associated site works be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to **Attachment B**); and
- iii) THAT those persons who made submissions be advised of Council determination.

For the motion: Lord Mayor Cr Nelmes, Councillors Clausen, Doyle, Dunn, Luke, Posniak, Robinson, Rufo and Waterhouse.

Against the motion: Nil

Carried

ITEM-16

DA2015/0734.01 - 6 WADE STREET AND 116-120
NORTHCOTT DRIVE ADAMSTOWN HEIGHTS -
PROPOSED BOUNDARY ADJUSTMENT AS MODIFICATION
TO APPROVED DEVELOPMENT INVOLVING DEMOLITION
OF DWELLINGS AND OUTBUILDINGS, ERECTION OF 12
ATTACHED TWO-STOREY DWELLINGS,

MOTION

Moved by Cr Doyle, seconded by Cr Osborne

Council resolves that the Section 96 application will, if granted, result in a development that is substantially different from the development approved by the Land and Environment Court, particularly with respect to the changes in boundaries and available private landscaping for Units 8 to 12 and will have a negative impact on neighbouring properties and therefore rejects the application.

Councillor Luke gave notice of a foreshadowed motion being the officer's recommendation.

For the motion: Councillors Doyle and Osborne.

Against the motion: Lord Mayor Cr Nelmes, Councillors Clausen, Dunn, Luke, Posniak, Robinson, Rufo and Waterhouse.

Defeated

MOTION

Moved by Cr Luke, seconded by Cr Rufo

Officers report as provided.

- A. THAT the S96 application seeking consent to a boundary adjustment modifying the layout of the approved development and associated subdivision be approved on the basis of the submitted plans, subject to the nominated conditions of consent (refer to **Attachment B**); and
- B. THAT those persons who made submissions be advised of Council's determination.

For the motion: Lord Mayor Cr Nelmes, Councillors Clausen, Dunn, Luke, Posniak, Robinson, Rufo and Waterhouse.

Against the motion: Councillors Doyle and Osborne.

Carried

The meeting concluded at 7.59pm