

Minutes of the Development Applications Committee Meeting held in the Council Chambers, 2nd Floor, City Hall, 290 King Street, Newcastle on 21 March 2017 at 5.38pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, D Compton (arrived 5.49pm), T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson and A Rufo.

IN ATTENDANCE

P Chrystal (Interim Chief Executive Officer), G Cousins (Director Corporate Services), F Cordingley (Director Infrastructure), A Baxter (Acting Director Planning and Regulatory), F Giordano (Manager Legal and Governance), G Douglass (Acting Manager Development and Building Services), K Liddell (Manager Infrastructure Planning), A Knowles (Council Services/Minutes) and J Redriff (Council Services/Webcast).

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.

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Osborne.

The apology submitted on behalf of 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.

Lord Mayor Cr Nuatali Nelmes

The Lord Mayor declared a non-pecuniary significant interest in respect of Item 2 DA2015/0820 - 30 Fleet Street New Lambton as close family members live adjacent to the property. The Lord Mayor advised that she would leave the Chamber and ask the Deputy Lord Mayor to chair the meeting in her absence.

Councillor Luke

Councillor Luke declared a non-pecuniary significant conflict in respect of Item 2 DA 2015/0820 - 30 Fleet Street New Lambton. He stated that a staff member lived close to the development and that he would manage the conflict by leaving the Chamber for the debate.

Councillor Rufo

Councillor Rufo declared a non-pecuniary substantial conflict of interest in respect of Item 2 DA 2015/0820 - 30 Fleet Street New Lambton. A work colleague lives in a neighbouring lot where the DA is planned to be built on and he would manage the conflict by removing himself from the Chamber.

Councillor Robinson

Councillor Robinson declared a non-pecuniary less than significant interest in respect of Item 2 DA 2015/0820 - 30 Fleet Street New Lambton. Councillor Robinson stated that Councillor Rufo had brought to his attention that it was mentioned at the Public Voice Committee Meeting that the same developer was doing works in Regent Street. Councillor Robinson was asked to demolish a house in Regent Street and advised that he instead picked up the house in Regent Street with intention to relocate. Councillor Robinson advised there was no reason for him to leave the Chamber for discussions on the item.

Councillor Clausen

Councillor Clausen declared a less than significant non-pecuniary interest in respect of Item 2 DA 2015/0820 - 30 Fleet Street New Lambton. He declared that he received a non-significant donation during his election campaign from a resident that lives in close proximity to the property. The amount was below the limit set out within the Code of Conduct and would not be leaving the Chamber.

CONFIRMATION OF PREVIOUS MINUTES

**MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE MEETING 21
FEBRUARY 2017**

**MINUTES - EXTRAORDINARY DEVELOPMENT APPLICATIONS
COMMITTEE MEETING 28 FEBRUARY 2017**

MOTION

Moved by Cr Osborne, seconded by Cr Dunn

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

Carried

DEVELOPMENT APPLICATIONS

At this stage of the meeting the Lord Mayor, Cr Nelmes and Councillors Luke and Rufo left the Chamber.

The Deputy Lord Mayor, Councillor Dunn, assumed the Chair.

ITEM-2

DAC 21/03/17 - DA2015/0820 - 30 FLEET STREET NEW LAMBTON - DEMOLITION OF DWELLINGS ERECTION OF 9 X 2 STOREY UNITS SITE WORKS BOUNDARY ADJUSTMENT 2 AND 7 LOT STRATA SUBDIVISIONS

MOTION

Moved by Cr Doyle, seconded by Cr Clausen

Council refuses DA2015/0820 30 Fleet St Lambton on the grounds that the proposed development is not in the public interest. The proposed development does not comply with Council's DCP in the following areas:

Section 4.05

Social Impact

The development will adversely affect the neighbour's enjoyment of their living spaces.

Section 7.01 Building Design Criteria

Streetscape

The development is unsympathetic to the surrounding character and streetscape,

Privacy

The development will encroach on the privacy of neighbouring residences.

Councillor Compton arrived at 5.49pm.

The Deputy Lord Mayor asked for comment on issues raised by Councillor Doyle within her motion.

In the context for a potential Land and Environment Court challenge to Council's decision, the Interim Chief Executive Officer advised Council that it would be wise to be specific about the reasons for any proposed refusal.

Councillor Doyle tabled an amendment to her motion by the insertion of additional wording.

The mover and seconder to the amended motion accept a further amendment by Councillor Osborne to include the likely impacts of the development on the neighbours would be too great as evidenced by the submissions made in accordance within the Act.

MOTION

Moved by Cr Doyle, seconded by Cr Clausen

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Social Impact

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Section 7.01 Building Design Criteria

Streetscape

The development is unsympathetic to the surrounding character and streetscape,

Privacy

The development will encroach on the privacy of neighbouring residences.

Section 7.08 Waste Management

Waste management is insufficiently addressed and inequitable.

Section 7.03 and Section 7.04 Traffic, Parking and Access and Movement Networks

Parking is insufficient given the exigencies of storage and waste storage that are planned to occupy the area included in parking.

Density

Council notes that the development is, on the extremity of the 400-600 metre pedestrian catchment as outlined in Council's Local Planning Strategy and does not exhibit the best qualities of urbanism implied in that strategy.

Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979 - (the Act)

The likely impacts of the development on the neighbours will be too great as evidenced by the submissions made in accordance within the Act.

The amended motion was put to the meeting:

For the Motion:

The Deputy Lord Mayor, Cr Dunn, Councillors Posniak, Clausen, Doyle and Osborne.

Against the Motion:

Councillor Compton and Robinson.

Carried

The Lord Mayor, Cr Nelmes and Councillors Luke and Rufo returned to the Chamber at the conclusion of this item.

The Deputy Lord Mayor stepped down and the Lord Mayor resumed the Chair.

ITEM-3

**DAC 21/03/17 - DA2015/10304 - 123 KING STREET
NEWCASTLE - ALTERATIONS AND ADDITIONS TO
BUILDING FOR ADAPTIVE RE-USE AS 6 STOREY MIXED
USE DEVELOPMENT WITH 3 COMMERCIAL TENANCIES
PARKING AT GROUND LEVEL AND 25 RESIDENTIAL
UNITS**

MOTION

Moved by Cr Luke, seconded by Cr Compton

- 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 development standard at clause 4.3 Height of Buildings, and Council considers the objection to be justified in the circumstances and is consistent with the aims of the relevant LEP clause;
- B. 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 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 LEP clause; and
- C. THAT the application at 123 King Street, Newcastle be approved and consent granted, 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

That this item lay on the table until a briefing is provided (by Council staff) that includes the context of this development within its surrounding area and neighbouring residents are notified of an opportunity made available for Public Voice.

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

Against the Motion: Councillors Compton, Luke, Rufo and Robinson.

Carried

Meeting closed at 6.12pm.