

## CITY OF NEWCASTLE

**Minutes of the Extraordinary Development Applications Committee Meeting that reconvened from the adjourned meeting from 13 and 19 December 2016 in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 20 December 2016 at 8.05pm**

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### **PRESENT**

The Lord Mayor (Councillor N Nelmes), Councillors D Clausen, T Doyle, J Dunn, M Osborne, S Posniak 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), M Blackburn-Smith (Manager Development & Building Services), F Giordano (Manager Legal and Governance), B Johnson (Media Officer), A Leach (Council Services/Minutes) and A Knowles (Council Services/Webcasting).

### **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 Osborne, seconded by Cr Rufo

The apologies submitted on behalf of Councillors Tierney and Waterhouse be received and leaves of absence granted.

**Carried**

### **DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS**

Nil.

### **CONFIRMATION OF PREVIOUS MINUTES**

Nil.

## DEVELOPMENT APPLICATIONS

### ITEM-17      DA 2016/00820 - 14 AND 16 UNION STREET TIGHES HILL - ERECTION OF TWO ATTACHED TWO STOREY DWELLINGS ASSOCIATED SITE WORKS AND ONE LOT INTO TWO LOT SUBDIVISION

#### MOTION

Moved by Cr Clausen, seconded by Cr Posniak

- A. That the application for the construction of two attached two storey dwellings, associated site works and one into two lot subdivision be approved and consent granted by way of deferred commencement subject to compliance with the conditions set out in the Draft Schedule of amended Conditions (refer to **Attachment A**) with amended Condition 4 and 14 as set out below; and
- B. That those persons who made submissions be advised of the Council determination.

#### **Amended condition 4:**

4. The design of the development is to incorporate the following amendments:
- a) The finished floor level of the garage is to be no higher than RL 6.890;
  - b) The ground floor ceiling is to be no higher than RL 9.375;
  - c) The first floor ceiling height is to be no higher than RL 12.125;
  - d) All windows in the southern façade are to have a floor to sill height of a minimum 1500mm;
  - e) Privacy screens with a minimum height of 1700mm are to be erected for the full width of the southern and northern sides of both first floor balconies;
  - f) A privacy screen with a minimum height of 1700mm and width of 3000mm is to be erected adjoining the ground floor dining room to Unit 2. The screen is to be an extension of, and in line with the southern facade;
  - g) The garage door openings are to be a minimum clear 4800mm width; and
  - h) A 1800mm solid timber lapped and capped fence with a 300mm high batten addition (total fence height 2100mm) is to be erected along the southern common boundary between proposed Lot 3 (in the subdivision of 37 & 38, DP 32507) and Lot 39, DP32507. The horizontal railing for the fence is to be positioned on the northern side of the fence.

Full details are to be included in documentation for a Construction Certificate application. The fence is to be erected prior to commencement of works on-site, and items a) - f) are to be completed prior to the issuing of an Occupation Certificate.

#### **Amended condition 14:**

14. The landscaping plan shall include three *Acmena Smithii* ('Firescreen' Lilly Pilly) trees with a minimum mature height of between 3 and 5 metres positioned along the southern boundary of the property adjacent to dining, kitchen and living areas to Unit 2. The 3 trees are to be a vigorous specimen with a straight trunk, gradually tapering and continuous, crown excurrent, symmetrical, with roots established but not pot bound in a 45 litre volume container and having been propagated to the standards of 'Natspec Guide to Specifying Trees' by Ross Clarke 2003 and are to be maintained in perpetuity. Full details are to be included in documentation for a Construction Certificate application.

**For the Motion:**

Lord Mayor, Cr Nelmes and Councillors Clausen, Doyle, Dunn, Posniak and Rufo

**Against the Motion:**

Councillor Osborne.

**Carried**

**ITEM-18      DA 2015/0540 - 18 NERIGAI CLOSE ELERMORE VALE - ERECTION OF TWENTY FIVE ATTACHED TWO STOREY DWELLINGS, ASSOCIATED WORKS AND TWENTY SIX LOT STRATA SUBDIVISION**

**MOTION**

Moved by Cr Posniak, seconded by Cr Clausen

1. That the application for the erection of 25 two-storey dwellings, strata subdivision, tree removal and associated site works at 18 Nerigai Close, Elermore Vale be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to **Attachment B**) with the amended Condition 41 as set out below; and
2. That those persons who made submissions be advised of the Council determination.

**Condition 41**

- (a) Any landscaping within the proposed development is to be designed and positioned in such a manner as to ensure that the designated floodways, on overland flowpaths, are not obstructed. Full details are to be included in documentation for a Construction Certificate application.
- (b) The developer is to establish and maintain a 10m wide wildlife corridor abutting the full length of the northern and eastern boundaries of the site and the riparian zone (excluding the road connection). The developer is also to:
  - I. Implement as on-going noxious weeds eradication program to remove all non-native evasive vegetation from the wildlife corridor;
  - II. Fence the wildlife corridor zone prior to any construction works commencing. The fencing is to remain in place for the full duration of the construction period, and is not to be removed until the occupation Certificate has been issued;
  - III. Ensure no encroachment within the wildlife corridor zone by constructional activity during the building works; and
  - IV. Submit an amended landscaping to Council prior to the issuing of the Construction Certificate detailing the rehabilitation of the wildlife corridor encompassing a stratification of locally endemic native plant species.

Councillor Osborne gave notice of a foreshadowed motion that the application be refused due to its impact on neighbours and local neighbourhood, not in public interest and effectively severs the wildlife corridor.

**MOTION**

Moved by Lord Mayor, Cr Nelmes, seconded by Cr Clausen

The item lay on table in order for Council officers to look at options to reduce the bulk and scale and address the issue around the size of the wildlife corridor and ensure there is an appropriate outcome.

**For the Motion:**

Lord Mayor, Cr Nelmes and Councillors Clausen, Doyle, Dunn, Osborne, Posniak and Rufo.

**Against the Motion:**

Councillor Dunn.

**Carried**

**The meeting concluded at 8.30pm.**