

CITY OF NEWCASTLE

Minutes of the Extraordinary Development Applications Committee Meeting held via video conferencing platform Zoom on Tuesday, 28 July 2020 at 8.51pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, K Elliott, B Luke, J Mackenzie, A Robinson, A Rufo (*retired 9.16pm*), E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property), F Leatham (Director People and Culture), B Smith (Director Strategy and Engagement), A Jones (Interim Director City Wide Services), E Kolatchew (Manager Legal), S Moore (Acting Chief Financial Officer), M Bisson (Manager Regulatory, Planning and Assessment), J Rigby (Manager Assets and Projects), L Duffy (Manager City Wide Services), E Horder (Councillor Services/Minutes) K Sullivan (Councillor Services/Meeting Support), A Knowles (Councillor Services/Meeting Support) and G Axelsson (Information Technology Support).

APOLOGIES

Nil.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Rufo

Councillor Rufo declared a non-pecuniary significant conflict of interest in DA2020/00136 - 76 Linwood Street, Wickham stating that he had a relationship with an objector who spoke at public voice on the development application and would remove himself from the meeting for discussion on the item.

Councillor Luke

Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 24 - Supplementary Report - DA DA2020/00136 - 76 Linwood Street, Wickham stating that he owned property in the Maryville area considered far enough away and not impacted by the development.

Councillor Clausen

Councillor Clausen declared a non-pecuniary less than significant conflict of interest in Item 23 - Development Application 2017/01376 - 495-501 Hunter Street and 364 King Street, Newcastle stating that he had been contacted by representatives of both the applicant and objectors who had identified during conversation as members of the same political party as he. Councillor Clausen stated that he had not met these people previously and would remain in the meeting for discussion on the item.

Councillor Clausen

Councillor Clausen declared a non-pecuniary less than significant conflict of interest in Item 24 - Development Application 2020/00136 - 76 Linwood Street, Wickham stating that he had been contacted by representatives of both the applicant and objectors who had identified during conversation as members of the same political party as he. Councillor Clausen stated that he hadn't met these people previously and would remain in the meeting for discussion on the item.

Councillor Clausen

Councillor Clausen declared a less than significant non-pecuniary interest in Item 24 - Development Application 2020/00136 - 76 Linwood Street, Wickham stating that his mother in law owned property in the vicinity of the Linwood Estate and he would remain in the meeting for discussion on the item.

Lord Mayor, Cr Nelmes

The Lord Mayor declared a non-pecuniary significant interest in Item 23 - Development Application 2017/01376 - 495-501 Hunter Street and 364 King Street, Newcastle stating that the partner of a friend was working on the development and having learnt this since the Public Voice session was held for this item, the Lord Mayor advised she would remove herself from the meeting for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

Nil.

DEVELOPMENT APPLICATIONS

ITEM-23 **EDAC 28/07/20 - DA2017/01376 - 495-501 HUNTER STREET & 364 KING STREET, NEWCASTLE - DEMOLITION OF BUILDINGS, ERECTION OF FIFTEEN STOREY MIXED USE DEVELOPMENT WITH THREE RETAIL/COMMERCIAL TENANCIES, 87 RESIDENTIAL UNITS, CAR PARKING AND SITE WORKS**

The Lord Mayor left the meeting for discussion on the item at 8.55pm.

The Deputy Lord Mayor, Councillor Clausen, took the Chair.

MOTION

Moved by Cr Church, seconded by Cr Elliott

Development Application 2017/01376 be refused on the following grounds:

1. Significant setback non – compliance.
2. Significant negative impact on solar access to 36 apartments in the neighbouring development known as Sky Residences including 10 units which will have no direct sunlight at all.

3. Significant negative amenity impacts on existing apartments in the neighbouring Worth Place Apartments including the blocking of sunlight, reduction in air movement and loss of privacy to balconies and living spaces.
4. Ongoing and unresolved concerns raised by the Urban Consultative Committee (UDCC), particularly around privacy and the western boundary setback.
5. Advice from the UDCC that the proposal is not considered to exhibit design excellence and remains problematic in a number of significant respects.
6. Concerns over errors in fact in the traffic report with up to 100 cars per day.

Councillor Mackenzie foreshadowed the Officer's recommendation as outlined in the business papers.

PROCEDURAL MOTION

Moved by Cr Elliott, seconded by Cr Church

The matter lay on the table for a site inspection.

For the Procedural Motion: Councillors Church, Elliott, Robinson and Rufo.

Against the Procedural Motion: Deputy Lord Mayor, Cr Clausen and Councillors Byrne, Duncan, Luke, Mackenzie, White and Winney-Baartz.

Defeated

The motion moved by Councillor Church and seconded by Councillor Elliott was put to the meeting.

For the Motion: Councillors Byrne, Church, Luke, Robinson and Rufo.

Against the Motion: Deputy Lord Mayor, Cr Clausen and Councillors Duncan, Mackenzie, White and Winney-Baartz.

Defeated

On the basis that the votes were tied, the Deputy Lord Mayor stated that he had exercised the Chair's casting vote and declared the motion defeated.

Councillor Mackenzie proceeded to speak on the foreshadowed motion.

Clarification was sought on the vote on Councillor Church's substantive motion and Councillors agreed to recommit the vote.

PROCEDURAL MOTION

Moved by Cr Luke, seconded by Deputy Lord Mayor, Cr Clausen

The vote on the substantive motion be recommitted.

For the Procedural Motion: Deputy Lord Mayor, Cr Clausen and Councillors Byrne, Church, Duncan, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

Against the Procedural Motion: Nil.

Carried

The motion moved by Councillor Church and seconded by Councillor Elliott was put to the meeting.

For the Motion: Councillors Byrne, Church, Elliott, Luke, Robinson and Rufo.

Against the Motion: Deputy Lord Mayor, Cr Clausen and Councillors Duncan, Mackenzie, White and Winney-Baartz.

Carried

The Lord Mayor returned to the meeting at the conclusion of the item at 9.16pm.

ITEM-24 EDAC 28/07/20 - SUPPLEMENTARY REPORT - 76 LINWOOD STREET WICKHAM

Councillor Rufo left the meeting at 9.16pm.

MOTION

Moved by Cr Church, seconded by Cr Elliott

- i) That the DAC note the objection under Clause 4.6 Exceptions to Development Standards of the NLEP 2012, against the development standard at Clause 4.4 Floor Space Ratio, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.3 and the objectives for development within the R2 Low Density Residential Zone in which the development is proposed to be carried out; and
- ii) That DA2020/00136 for dwelling house – alterations and additions at 76 Linwood Street, Wickham be approved, and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions **(Attachment B)**.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Church, Elliott, Mackenzie, Luke, Robinson and White.

Against the Motion:

Councillors Byrne, Clausen, Duncan and Winney-Baartz.

Carried

Councillor Rufo did not return to the meeting prior to close of the meeting.

The meeting concluded at 9.22pm.