

## CITY OF NEWCASTLE

### Minutes of the Development Applications Committee Meeting held via video conferencing platform Zoom on Tuesday 21 July 2020 at 7.40pm.

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#### PRESENT

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

#### IN ATTENDANCE

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

#### APOLOGIES

##### MOTION

Moved by Cr Mackenzie, seconded by Cr Duncan

The apologies submitted on behalf of Lord Mayor, Councillor Nelmes be received and leave of absence granted.

**Carried**

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

##### **Deputy Lord Mayor, Councillor Clausen**

Deputy Lord Mayor, Councillor Clausen declared a less than significant interest in Item 22 – DA2020/00136 – 76 Linwood Street Wickham as his mother in-law owned property in the Linwood Estate and remained in the meeting for discussion on the item.

##### **Councillor Rufo**

Councillor Rufo declared a non-pecuniary significant conflict of interest in Item 22 – DA2020/00136 – 76 Linwood Street Wickham as he had a relationship with one of the objectors who had addressed the Public Voice Committee on the item and managed the conflict by removing himself from the meeting during discussion on the item.

##### **Councillor Luke**

Councillor Luke declared a less than significant non-pecuniary interest in Item 22 – DA2020/00136 – 76 Linwood Street Wickham as he owned a building in the area and remained for the discussion on the item.

## CONFIRMATION OF PREVIOUS MINUTES

### MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE MEETING 16 JUNE 2020

#### MOTION

Moved by Cr Mackenzie, seconded by Cr Byrne

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

**Carried**

## DEVELOPMENT APPLICATIONS

### ITEM-21                      DAC 21/07/20 - DA2018/00037 - 291 KING STREET NEWCASTLE - CAR PARKING, SERVICED APARTMENTS, CHILDCARE CENTRE AND COMMERCIAL PREMISES

#### MOTION

Moved by Cr Church, seconded by Cr Robinson

- A. That the Development Applications Committee, as the consent authority, note the objection under clause 4.6 Exceptions to Development Standards of the NLEP 2012, against the development standard at clause 4.4 FSR, and considers the objection to be justified in the circumstances and to be consistent within the B4 Mixed Use zone; and
- B. That DA2018/00037 for alterations and additions to an existing car parking station, including three additional levels (one level of car parking and two levels of commercial space), sixty serviced apartments and a childcare centre at 291 King Street, Newcastle 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 CN's determination.

#### AMENDMENT

Moved by Deputy Lord Mayor, Cr Clausen

Include as part of the motion the development consent for Development Application No.2016/01106 is to be surrendered. A Notice of Surrender of Development is to be submitted within 28 days of the date of this consent.

The mover and seconder of the motion accepted Councillor Clausen's amendment into the motion.

The motion moved by Councillor Church and seconded by Councillor Robinson, as amended, was put to the meeting.

**For the Motion:**

Deputy Lord Mayor, Councillor Clausen and Councillors Byrne, Church, Duncan, Dunn, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

**Against the Motion:**

Nil.

**Carried  
unanimously**

**ITEM-22**

**DAC 21/07/20 - DA2020/00136 - 76 LINWOOD STREET, WICKHAM - DWELLING HOUSE AND ALTERATIONS AND ADDITIONS**

Councillor Rufo left the meeting for discussion on the item at 7.49pm.

**MOTION**

Moved by Cr Robinson

That DA2020/00136 for dwelling house – alterations and additions at 76 Linwood Street Wickham be **refused** for the following reasons:

- 1) The development does not adequately address the matters required to be demonstrated by Clause 4.6(3) of the NLEP 2012. [Section 4.15(1) Environmental Planning and Assessment Act 1979].
- 2) The development is not consistent with the objectives of the FSR development standard (Clause 4.4 of the NLEP 2012). [Section 4.15(1) Environmental Planning and Assessment Act 1979].
- 3) The development will not be in the public interest because it is not consistent with the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out. [Section 4.15(1) Environmental Planning and Assessment Act 1979].
- 4) The development will have substantial impacts on neighbouring properties in terms of bulk, scale, and overshadowing. [Section 4.15(1)(b) Environmental Planning and Assessment Act 1979].

Councillor Church gave notice of an alternative motion.

As there was no seconder, the motion moved by Councillor Robinson lapsed.

**MOTION**

Moved by Cr Church, seconded by Cr Mackenzie

That Council approve DA2020/00136 for dwelling house – alterations and additions at 76 Linwood Street Wickham as per the applicants 13 reasons outlined in the report as follows:

- 1) Under Council's LEP the land is zoned R2 Low Density Residential and the proposed development is a permissible use of the land;
- 2) The Applicant seeks an increase in FSR. The increase will not increase the building footprint;
- 3) It is our understanding that Council have received no objections to the proposed development from neighbouring properties;
- 4) As the proposed development is to occur within an existing building it is unreasonable to comply with current FSR requirements;
- 5) The additional area is to be used to accommodate the needs of the existing family and is not proposed to be used to increase the resident density of the dwelling;
- 6) Currently the dwelling accommodates parents and children. Grandparents visit to assist in the care of children as the mother has a brain tumour. The additional space will relieve the stress that the family is currently experiencing by trying to accommodate these people in the existing building;
- 7) Original plans presented to Don Maloney, Duty Planner, Newcastle City Council, included a bigger addition to the building. Mr Maloney suggested a decrease in the proposed development would be more acceptable to Council. The Applicant complied with Mr Maloney's advice;
- 8) The existing appropriately approved dwelling would have been in excess of Council's FSR when constructed. It is unreasonable for Council to now suggest that there is already an overdevelopment of the site;
- 9) The proposed development will not create a negative impact upon drainage or flooding of the local area as there is no increase in non-pervious areas;
- 10) The proposed development is of an appropriate height for its location and has been located and designed so as to not have an adverse visual impact;
- 11) The proposed building design will not create a negative impact on the streetscape;
- 12) The proposed development will provide a positive environmental impact; and
- 13) The variation is not considered to have any adverse amenity outcomes to existing and future uses of surrounding land.

Deputy Lord Mayor, Councillor Clausen, sought advice from the Manager Regulatory Planning and Assessment as there were no conditions of consent before the Council and suggested that the item lay on the table.

**PROCEDURAL MOTION**

Moved by Cr Luke, seconded by Cr Duncan

That Council lay the item on the table until the Extraordinary Development Applications Committee meeting on 28 July 2020 to allow for the drafted conditions of consent to be provided to Councillors.

**For the Motion:** Deputy Lord Mayor, Councillor Clausen and Councillors Byrne, Church, Duncan, Dunn, Elliott, Luke, Mackenzie, Rufo, White and Winney-Baartz.

**Against the Motion:** Councillor Robinson.

**Carried**

Councillor Rufo did not return to the meeting at the conclusion of the item.

**The meeting concluded at 7.52pm.**