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 that significant conflict of interest in
Item 24 - Supplementary Report - 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.