

Minutes

Development Application Committee Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 21 March 2023 at 6:04pm.

1. ATTENDANCE

The Lord Mayor (Councillor N Nelmes), Councillors E Adamczyk, J Barrie, D Clausen, C Duncan, J Mackenzie, C McCabe, C Pull (*arrived 6.07pm*), D Richardson, K Wark and P Winney-Baartz.

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services), L Duffy (Acting Director Community and Creative Services), J Rigby (Executive Director City Infrastructure), M Bisson (Interim Executive Director Planning and Environment), A Jones (Interim Executive Director & Manager Waste Services), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance), M Murray (Chief of Staff), P Emmett (Development Assessment Section Manager), L Barnao (Councillor Services/Meetings Support), A Ryan (Development Coordinator), A Knowles (Councillor Services/Meetings Support), R Garcia (Information Technology Support) and A Paule-Font (Information Technology Support).

2. ACKNOWLEDGEMENT OF COUNTRY

The Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

3. 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.

4. APOLOGIES / LEAVE OF ABSENCE / REQUEST TO ATTEND BY AUDIO VISUAL LINK

MOTION

Moved by Cr Adamczyk, seconded by Cr Barrie

The request to attend by audio visual link submitted on behalf of Councillor Richardson and the apology submitted on behalf of Councillor Wood be received and leave of absence granted.

Carried unanimously

5. DISCLOSURES OF INTEREST

Councillor Church

Councillor Church declared a significant, non-pecuniary interest in Item 7.1 - DA2022/00858 - 94 Rodgers Street, Carrington and Item 7.3 - DA2022/00502 - 67 Gipps Street, Carrington stating that he had a close family member who owned property in the vicinity and would manage the interest by leaving the Chamber.

6. CONFIRMATION OF MINUTES

6.1. MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 21 FEBRUARY 2023

MOTION

Moved by Cr Adamczyk , seconded by Cr McCabe

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

Carried

7. DEVELOPMENT APPLICATIONS

7.1. 94 RODGERS STREET CARRINGTON - DA2022/00858 - DWELLING HOUSE – ALTERATIONS AND ADDITIONS

Councillor Church left the Chamber for discussion on the item.

MOTION

Moved by Cr McCabe, seconded by Cr Mackenzie

1. That the Development Applications Committee (DAC) note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (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 4.4 and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out; and
2. That DA2022/00585 for dwelling house alterations and additions at 94 Rodgers Street Carrington be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Clausen, Duncan, Mackenzie, McCabe, Pull, Wark and Winney-Bartz.

Against the Motion: Nil.

Carried unanimously

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Councillor Church returned to the Chamber at the conclusion of the item.

7.2. SUPPLEMENTARY REPORT - 37 STEVENSON PLACE, NEWCASTLE EAST - DA2022/00611 - DWELLING HOUSE - ALTERATIONS AND ADDITIONS

MOTION

Moved by Cr Wark, seconded by Cr McCabe

1. That the DAC note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (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 4.4 and the objectives for development within the R3 Medium Density Residential zone in which the development is proposed to be carried out; and
2. That DA2022/00611 for alterations and additions at 37 Stevenson Place Newcastle East be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment C**; and
3. That those persons who made submissions be advised of CN's determination.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Church, Clausen, Duncan, McCabe, Pull, Wark and Winney-Baartz.

Against the Motion: Councillor Mackenzie.

Carried

7.3. 67 GIPPS STREET, CARRINGTON - DA2022/00502 - DWELLING HOUSE ALTERATIONS INCLUDING ADDITIONS

Councillor Church left the Chamber for discussion on the item.

MOTION

Moved by Cr McCabe, seconded by Cr Mackenzie

1. That the Development Applications Committee (DAC) note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (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 4.4 and the objectives for development within the R2 Low Density zone in which the development is proposed to be carried out; and
2. That DA2022/00502 for dwelling house – alterations and additions including demolition at 67 Gipps Street Carrington be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**.

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For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Clausen, Duncan, Mackenzie, McCabe, Pull, Richardson, Wark and Winney-Baartz.

Against the Motion: Nil.

Carried

Councillor Church returned to the Chamber at the conclusion of the item.

7.4. 50 HOWE STREET, LAMBTON (LAMBTON POOL SITE) - DA2022/01099 - ONE INTO TWO LOT SUBDIVISION

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Clausen

1. That the Development Applications Committee (DAC) note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (NLEP 2012), against the development standard at Clause 4.1 Minimum subdivision lot size, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.1 and the objectives for development within the RE1 - Public Recreation zone in which the development is proposed to be carried out; and
2. That DA2022/01099 for one into two lot subdivision at 50 Howe Street Lambton be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
3. That those persons who made submissions be advised of CN's determination.

PROCEDURAL MOTION

Moved by Cr Pull, seconded by Cr Mackenzie

That Council lay the item on the table to allow for a Public Briefing.

For the Motion: Councillors Church, McCabe, Pull, McKenzie and Wark.

Against the Motion: Lord Mayor, Cr Nelmes, Councillors Adamczyk, Barrie, Clausen, Duncan, Richardson and Winney-Baartz.

Defeated

After the procedural motion was defeated, Councillors Clausen and Adamczyk moved a Part B that was accepted by the Lord Mayor into the motion.

Part B:

1. Reiterate and support Council's resolution of 25 October 2022, Item 35 – Newcastle needs a year round aquatic facility:

That Council:

- 1 Notes Council's continued investment of more than \$3million to upgrade local pools, while ensuring affordable entry fees for equity in access for residents, including:

Mayfield Pool

- Connecting pathways to new undercover picnic and accessible barbecue area
- Three grandstands with shade
- New playground
- Family change room
- Installation of new shade at deep end of the pool
- New lane ropes
- Installation of two umbrella shade shelters adjacent to learners pool
- Installation of brighter lighting in change rooms
- New pace clock

Stockton Pool

- Major works to reduce water use
- New boundary fencing on western side
- Rectification of roof in main pavilion
- Three new blanket rollers to store heat blankets
- Relining main lines to the pool
- Replace learners pool blanket

Lambton Pool

- Replace 120m long water slide
- Upgrade to water play area
- Repaint of facility
- New starting blocks and covers to protect the blocks for the 50m pool
- Safety works on stairway access platform to water slide
- Design investigations to more adequately heat the pools
- Painting of all changerooms and non-slip at entrances
- New lane ropes
- Installation of Cantilever shade structure at water slide

Beresfield Pool

- New starting blocks for the 50m pool
- Five new shade umbrellas
- New large pool inflatable
- Additional bench seating
- Additional permanent shade off changeroom pavilion

Wallsend Pool

- New shade above seating along pool deck
- New shade at starting block end
- Replacement of large shade structure in open space
- Removal of unsafe shade structure on western side
- Replacement of playground

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- Relocation and new pace clock on South end
 - Repair/maintenance of plumbing in amenities
 - General tidy up of gardens and open space, clean of scum lines
 - Relocation of ducks
 - External garden beds mulched
 - Linemarking of car park
 - New lane ropes
 - Scheduled pressure clean of pool pre-opening
- 2 Notes the Council’s commitment to providing a modern year-round public aquatic facility in Newcastle.
- 3 Notes that a year-round facility requires substantial investment. Elsewhere, the NSW Government has provided significant funding for pool upgrades or redevelopments. Projects that received funding from Governments include:
- City of Sydney: \$106 million
 - North Sydney: \$64 million
 - Parramatta: \$87 million
 - Eurobodalla: \$69 million
- 4 Notes that an aquatic facility is being considered in the Venues NSW Business Case for Hunter Park in Broadmeadow. Writes to Venues NSW seeking confirmation that land will be preserved within the Hunter Park precinct to enable a year-round aquatic facility.
- 5 Develops and promotes via all appropriate channels a public petition to the NSW Legislative Assembly calling on the NSW Government and Opposition to invest in a new year-round swimming facility in Newcastle
2. Notes funding commitments to pools elsewhere in NSW announced during this NSW election campaign:

Pool	Electorate	Funding	Commitment
Blacktown Pool	Liberal - Winston Hills	\$77,000,000	Liberals
Carnes Hill Aquatic Centre	Labor - Leppington	\$53,400,000	Liberals
Enfield Aquatic Centre	Labor - Strathfield	\$52,400,000	Liberals
Mt Druitt Pool	Labor - Mt Druitt	\$41,000,000	Liberals
Carss Park Pool	Labor - Kogarah	\$40,000,000	Labor (March 2022) Liberal (March 2023)

Pool	Electorate	Funding	Commitment
Hammondville Aquatic Facility	Liberal Holsworthy	- \$21,800,000	Liberal
Tamworth Regional Aquatic Facility	Nationals Tamworth	- \$15,000,000	Nationals
Moree Artesian Aquatic Centre	Nationals Northern Tablelands	- \$4,900,000	Nationals
Swansea Swim Centre	Labor - Swansea	\$900,000	Labor
Crookwell Aquatic Centre	Nationals Goulburn	- \$800,000	Nationals
TOTAL		\$310 million	

- Reiterates its call and multiple previous requests for State funding to deliver an upgrade to Lambton Pool.

The motion moved by Councillor Winney-Baartz and seconded by Councillor Clausen, as amended, was put to the meeting.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Clausen, Duncan, Richardson and Winney-Baartz.

Against the Motion: Councillor Church, Mackenzie, McCabe, Pull and Wark.

Carried

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

Item 7.2 be recommitted to confirm voting on the resolution.

Carried unanimously

7.2. SUPPLEMENTARY REPORT - 37 STEVENSON PLACE - DA2022/00611 - DWELLING HOUSE - ALTERATIONS AND ADDITIONS

MOTION

Moved by Cr Barrie, seconded by Cr Adamczyk

- That the DAC note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (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

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with the objectives of Clause 4.4 and the objectives for development within the R3 Medium Density Residential zone in which the development is proposed to be carried out; and

2. That DA2022/00611 for alterations and additions at 37 Stevenson Place Newcastle East be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment C**; and
3. That those persons who made submissions be advised of CN's determination.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Church, Clausen, Duncan, McCabe, Pull, Richardson, Wark and Winney-Baartz.

Against the Motion: Councillor Mackenzie.

Carried

PROCEDURAL MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

Item 7.1 be recommitted to confirm voting on the resolution.

Carried unanimously

7.1. 94 RODGERS STREET CARRINGTON - DA2022/00858 - DWELLING HOUSE – ALTERATIONS AND ADDITIONS

Councillor Church left the Chamber for discussion on the item.

MOTION

Moved by Cr Mackenzie, seconded by Cr McCabe

1. That the Development Applications Committee (DAC) note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (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 4.4 and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out; and
2. That DA2022/00585 for dwelling house alterations and additions at 94 Rodgers Street Carrington be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Clausen, Duncan, Mackenzie, McCabe, Pull, Richardson, Wark and Winney-Baartz.

Against the Motion: Nil.

Carried

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Councillor Church returned to the Chamber at the conclusion of the item.

7.5. 16 REAY STREET HAMILTON - DA2022/01196 - ONE INTO TWO LOT SUBDIVISION

MOTION

Moved by Cr McCabe, seconded by Cr Barrie

1. That the Development Applications Committee (DAC) note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (NLEP 2012), against the development standard at Clause 4.1 Minimum Subdivision Lot Size, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.1 and the objectives for development within the R3 zone in which the development is proposed to be carried out; and
2. That DA2022/01196 for one into two lot subdivision at 16 Reay Street Hamilton be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Church, Clausen, Duncan, Mackenzie, McCabe, Pull, Richardson, Wark and Winney-Baartz.

Against the Motion: Nil.

Carried unanimously

The meeting concluded at 6.40pm.