

PUBLIC VOICE COMMITTEE MEETING

09 April 2019

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

REPORTS BY COUNCIL OFFICERS

Attachment A - Plans

DA2018/00707 – 17 Brien Street The Junction

**Demolition of dwelling and outbuilding erection of
two storey dwelling and associated swimming pool**

DISTRIBUTED UNDER SEPARATE COVER

BRIEN STREET RESIDENCE

17 Brien Street, The Junction, 2291

- A00 Coveragepage
- A01 Site Plan
- A02 Existing/Demolition Plan
- A03 Ground Floor Plan
- A04 First Floor Plan
- A05 Roof Plan
- A06 Elevations
- A07 Elevations
- A08 Sections
- A09 Notification Plan



Location Plan
SCALE @ A3



BASIX COMMITMENTS

Lighting

The applicant must ensure that the 'primary type of artificial lighting' is fluorescent or LED lighting in rooms listed in the BASIX Certificate.

Plumbing Fixtures

The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.

Insulation

The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the BASIX Certificate.

Alternative Water

The applicant must install a rainwater tank of atleast 4000 litres on the site.
The applicant must configure the rainwater tank to collect rain runoff from at least 40 square metres of the roof area.
The applicant must connect the rainwater tank to:
all toilets in the development
the cold water tap that supplies each clothes washer in the development
atleast one outdoor tap in the development

Windows and Glazed Doors

The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the BASIX Certificate.
Relevant overshadowing specifications must be satisfied for each window and glazed door.

Swimming Pool

The swimming pool most not have a volume greater than 10 kilolitres.
The swimming pool must have a pool cover.
The applicant must install the following heating system for the swimming pool (or alternatively no heating system): solar only
The applicant must install a timer for the swimming pool pump.

Hot Water System

The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 6 stars.

Cooling System

The applicant must install the following cooling system in at least 1 living area: ceiling fans + 1 phase air conditioning; Energy rating: EER 3.0-3.5
The applicant must install the following cooling system in atlas 1 bedroom; ceiling fans + 1 phase air conditioning; Energy rating: EER 3.0-3.5

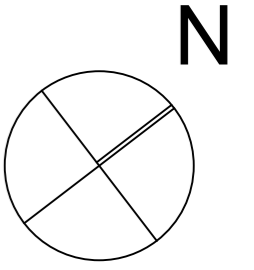
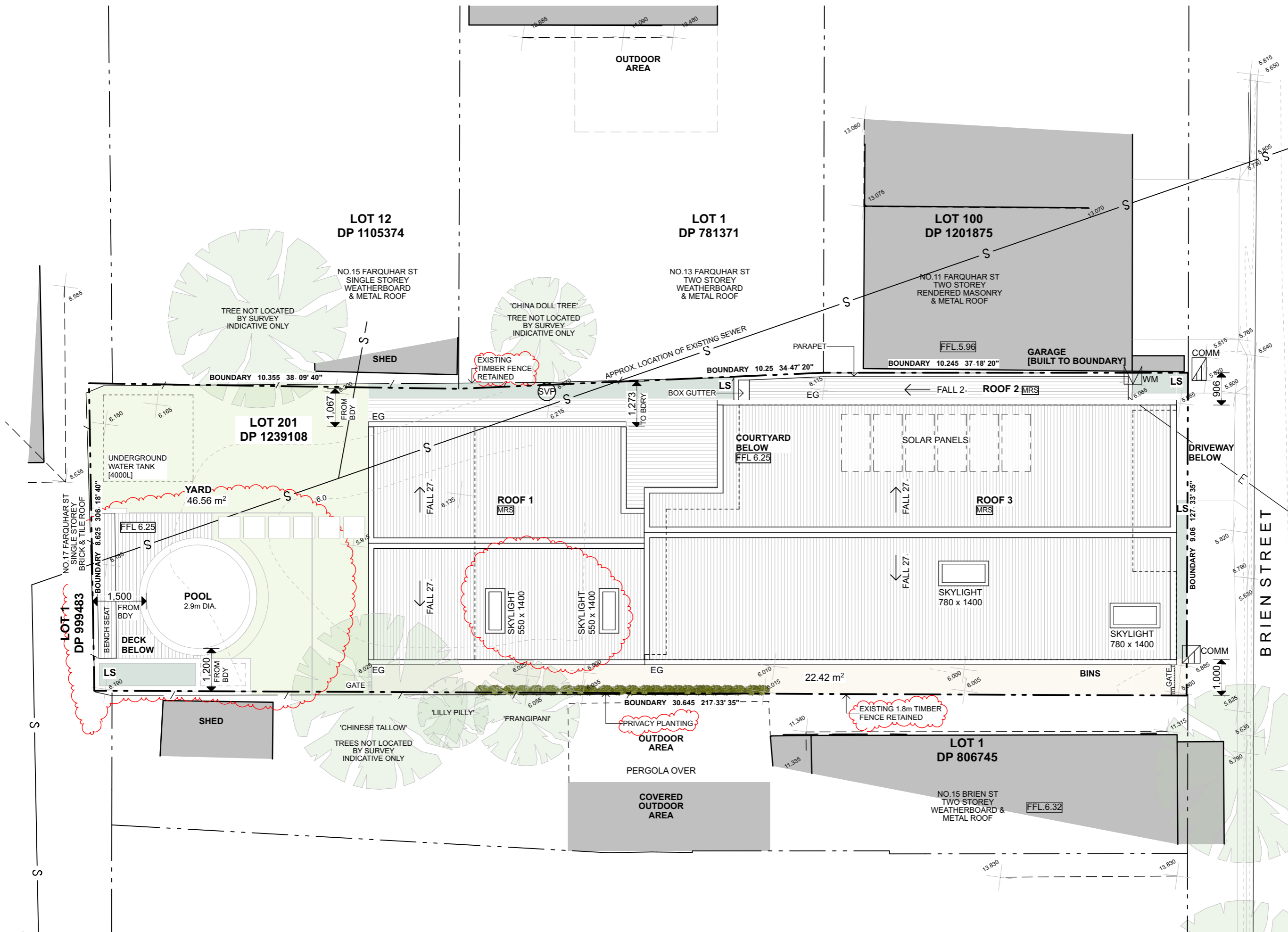
Heating System

The applicant must install the following heating system in at least 1 living area: 1 phase air conditioning; Energy rating: EER 3.0-3.5
The applicant must install the following heating system in atlas 1 bedroom; 1 phase air conditioning; Energy rating: EER < 2.5

Notes
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- Legend**
- AH AWNING HUNG
 - CJ CONTROL JOINT
 - DP DOWNPIPE
 - DW DISHWASHER
 - EG EAVES GUTTER
 - EX EXISTING
 - FC FIBRE CEMENT
 - FG FIXED GLASS
 - GRS GRASS
 - GRV GRAVEL
 - LC LAUNDRY CHUTE
 - LS LANDSCAPING
 - LWC LIGHT WEIGHT CLADDING
 - MRS METAL ROOF SHEETING
 - MW MICROWAVE
 - OG OPAQUE GLASS
 - PAV PAVING
 - PC POLISHED CONCRETE
 - TD TIMBER DECKING
 - TF TIMBER FLOOR
 - WM WASHING MACHINE

Certificate no.: 0003442870
 Assessor Name: Andrew Loontjens
 Accreditation no.: VICSDAV/17/1827
 Certificate date: 10 December 2018
 Average star rating: 5.1
NATIONWIDE HOUSE
 17 Brien Street
 THE JUNCTION, NSW
 2291
 www.nathouse.com.au
 www.nathouse.gov.au



Issue	Description	Date
C	RE-ISSUE FOR DA	26/11/18
B	ISSUE FOR DA	28/05/18
A	FOR REVIEW	06/03/18

Project
 Brien Street Residence

Location
 17 Brien Street
 The Junction, NSW, 2291

Client
 Jodie & Simon McConachy

Drawing
 Site Plan

Scale
 1:100 @ A3

File Name
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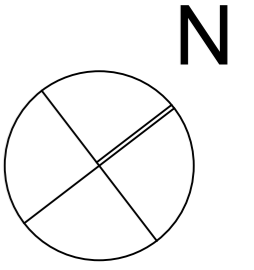
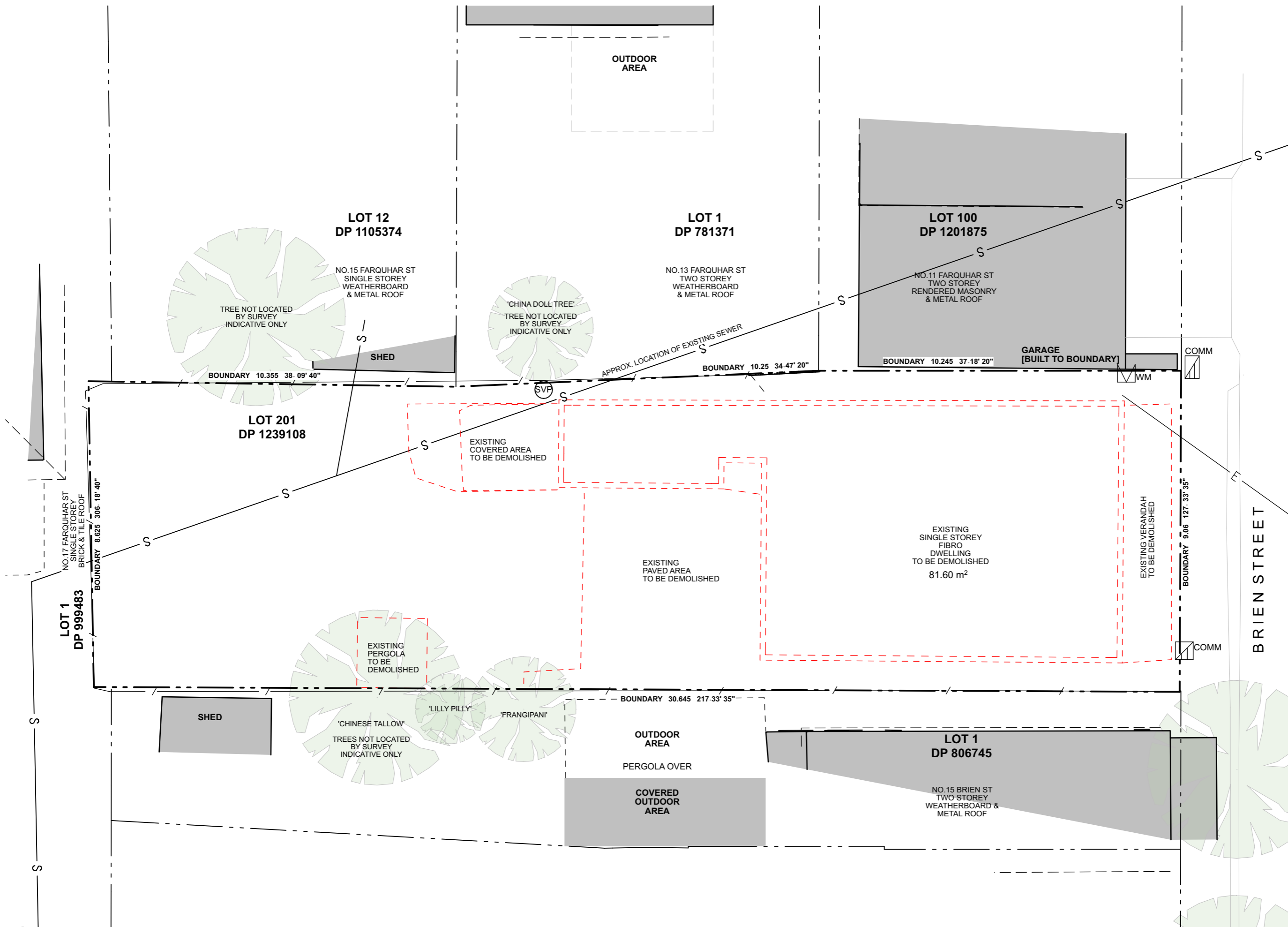


Site Plan
 SCALE 1:100 @ A3

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Certificate no.: 0303442670
 Assessor Name: Andrew Lorrman
 Accreditation no.: VIC.BDAV17/1827
 Certificate date: 10 December 2018
 Drawing Address: 17 Brien Street
 THE JUNCTION, NSW
 2291
 www.nathans.gov.au
 www.nathans.gov.au



B	RE-ISSUE FOR DA	26/11/18
A	ISSUE FOR DA	28/05/18
Issue	Description	Date

Project
 Brien Street Residence

Location
 17 Brien Street
 The Junction, NSW, 2291

Client
 Jodie & Simon McConachy

Drawing
 Existing/Demolition Plan

Scale
 1:100 @ A3

File Name
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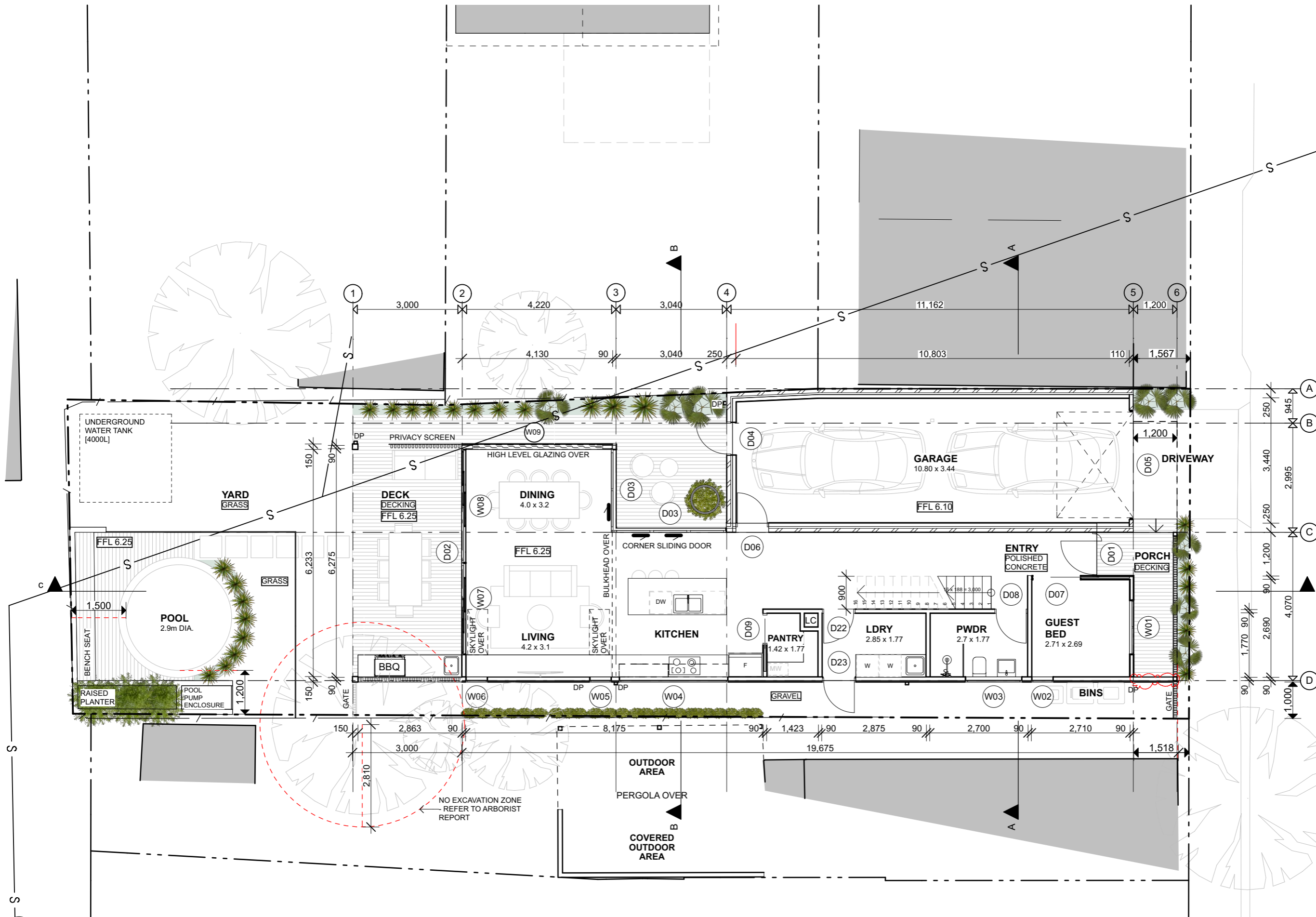


Existing/Demolition Plan
 SCALE 1:100 @ A3

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Certificate no.: 0003442870
 Assessor Name: Andrew Lorrman
 Accreditation no.: VIC/BDV/17/1827
 Certificate date: 10 December 2018
 Dwelling Address: 17 Brien Street, THE JUNCTION, NSW 2291
 www.nathers.gov.au



Issue	Description	Date
E	RE-ISSUE FOR DA	26/11/18
D	ISSUE FOR DA	28/05/18
C	ISSUE TO BASIX	09/04/18
B	FOR REVIEW	22/03/18
A	FOR REVIEW	06/03/18

Project
 Brien Street Residence

Location
 17 Brien Street
 The Junction, NSW, 2291

Client
 Jodie & Simon McConachy

Drawing
 Ground Floor Plan

Scale
 1:100 @ A3

File Name
 I:\Users\bronnymeyer\Documents\Brien\Architecture\Projects\Brien Street\Brien Street Residence_C.pln

Ground Floor
 SCALE 1:100 @ A3

BN DESIGN

Drawing Number
A03

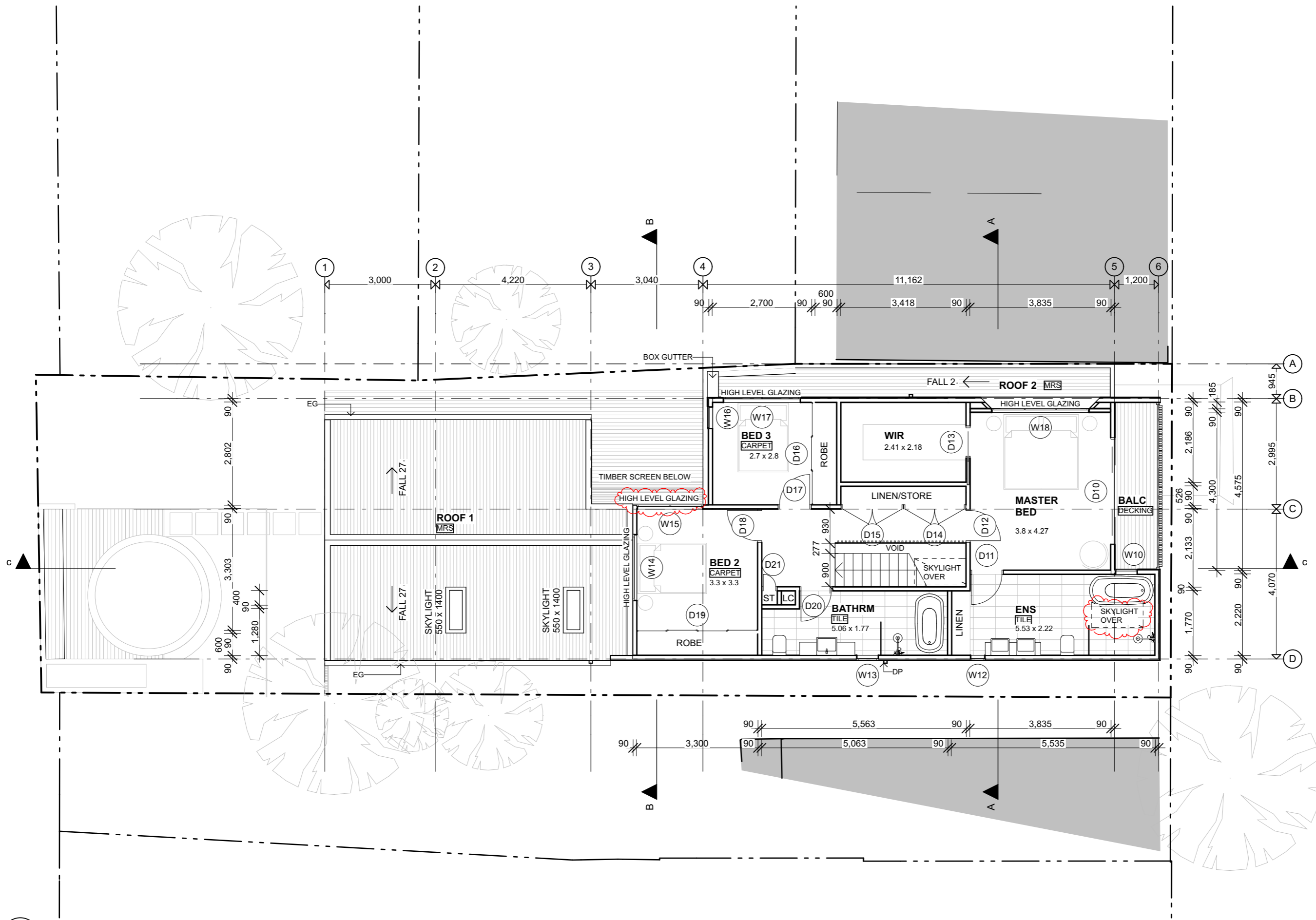
Issue
E

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Certificate no.: 0003442870
 Assessor Name: Andrew Lortman
 Accreditation no.: VIC-BDAV/171/1827
 Certificate date: 10 December 2018
 Dwelling Address:
 17 Brien Street
 THE JUNCTION, NSW
 2291
 www.nathert.gov.au





Issue	Description	Date
E	RE-ISSUE FOR DA	26/11/18
D	ISSUE FOR DA	28/05/18
C	ISSUE TO BASIX	09/04/18
B	FOR REVIEW	22/03/18
A	FOR REVIEW	06/03/18

Project
Brien Street Residence

Location
 17 Brien Street
 The Junction, NSW, 2291

Client
 Jodie & Simon McConachy

Drawing
First Floor Plan

Scale
 1:100 @ A3

File Name
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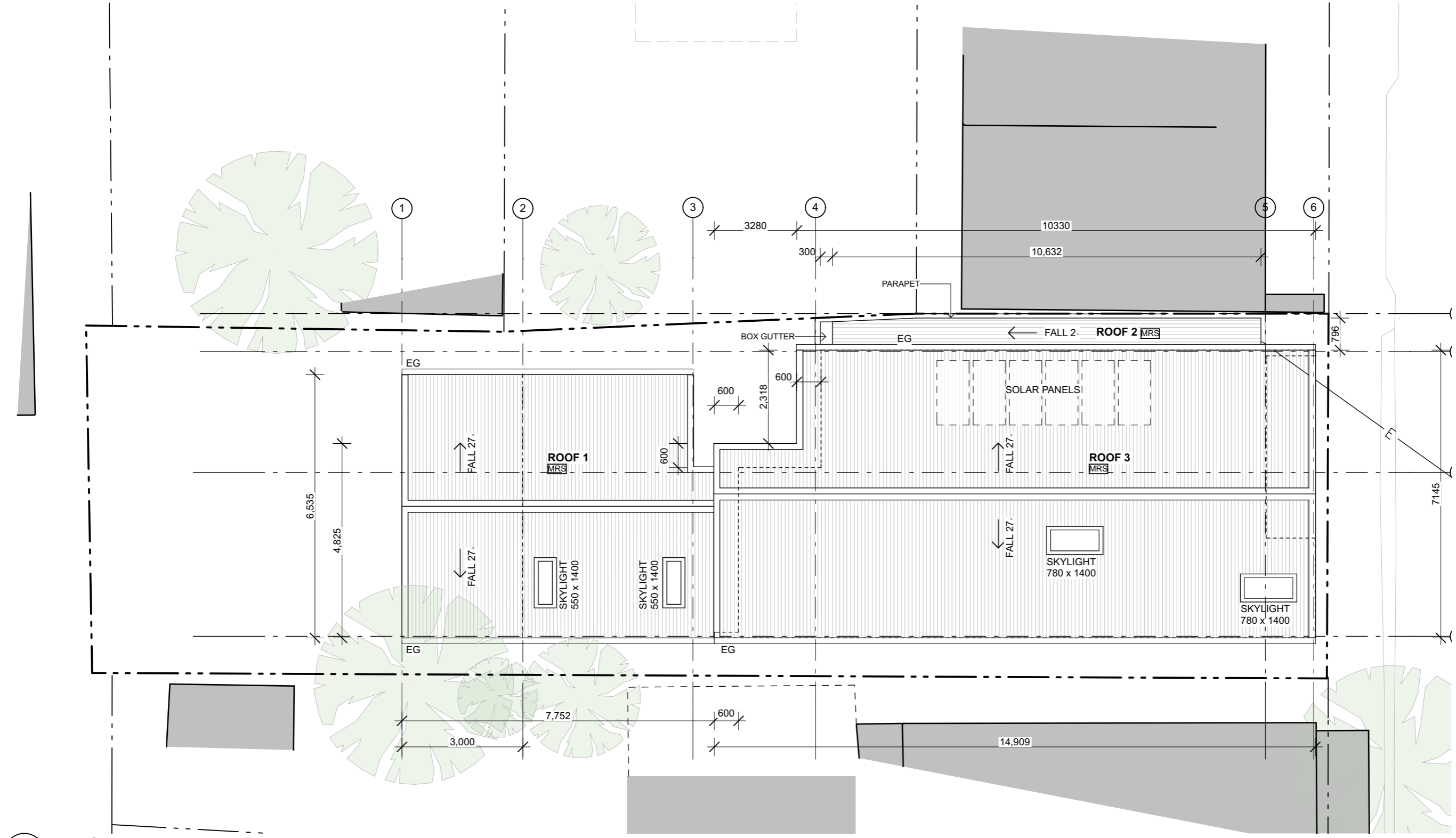


First Floor
 SCALE 1:100 @ A3

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Certificate no.: 0003442870
 Assessor Name: Andrew Lorrman
 Accreditation no.: VIC6DAV171827
 Certificate date: 10 December 2018
 Average star rating: 5.1
NATIONWIDE HOUSE
 www.nationwidehouse.com.au
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Roof Plan
 SCALE 1:100 @ A3

Issue	Description	Date
D	RE-ISSUE FOR DA	26/11/18
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B	ISSUE TO BASIX	09/04/18
A	FOR REVIEW	24/02/15

Project
 Brien Street Residence

Location
 17 Brien Street
 The Junction, NSW, 2291

Client
 Jodie & Simon McConachy

Drawing
 Roof Plan

Scale
 1:100 @ A3

Drawn
 BD

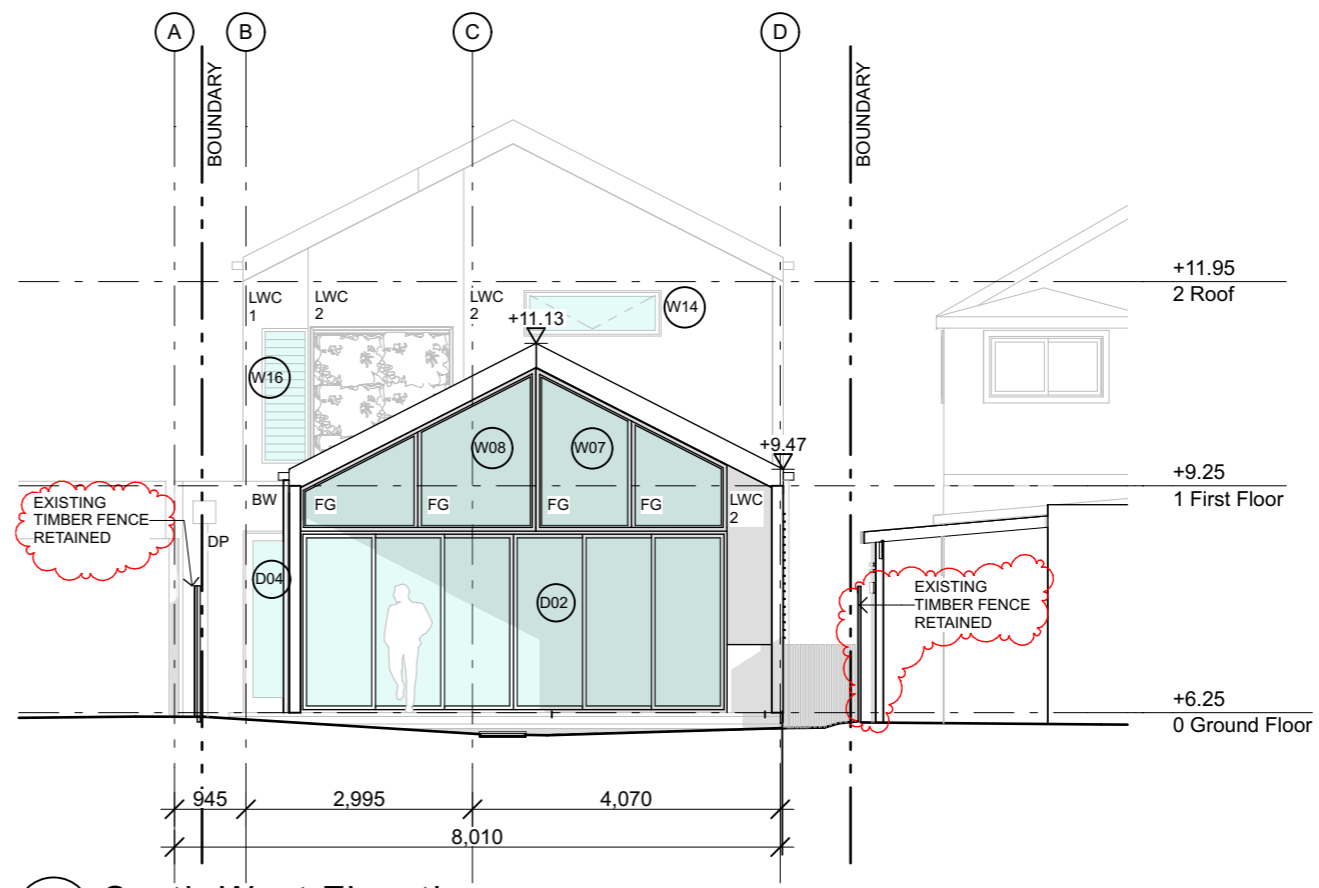
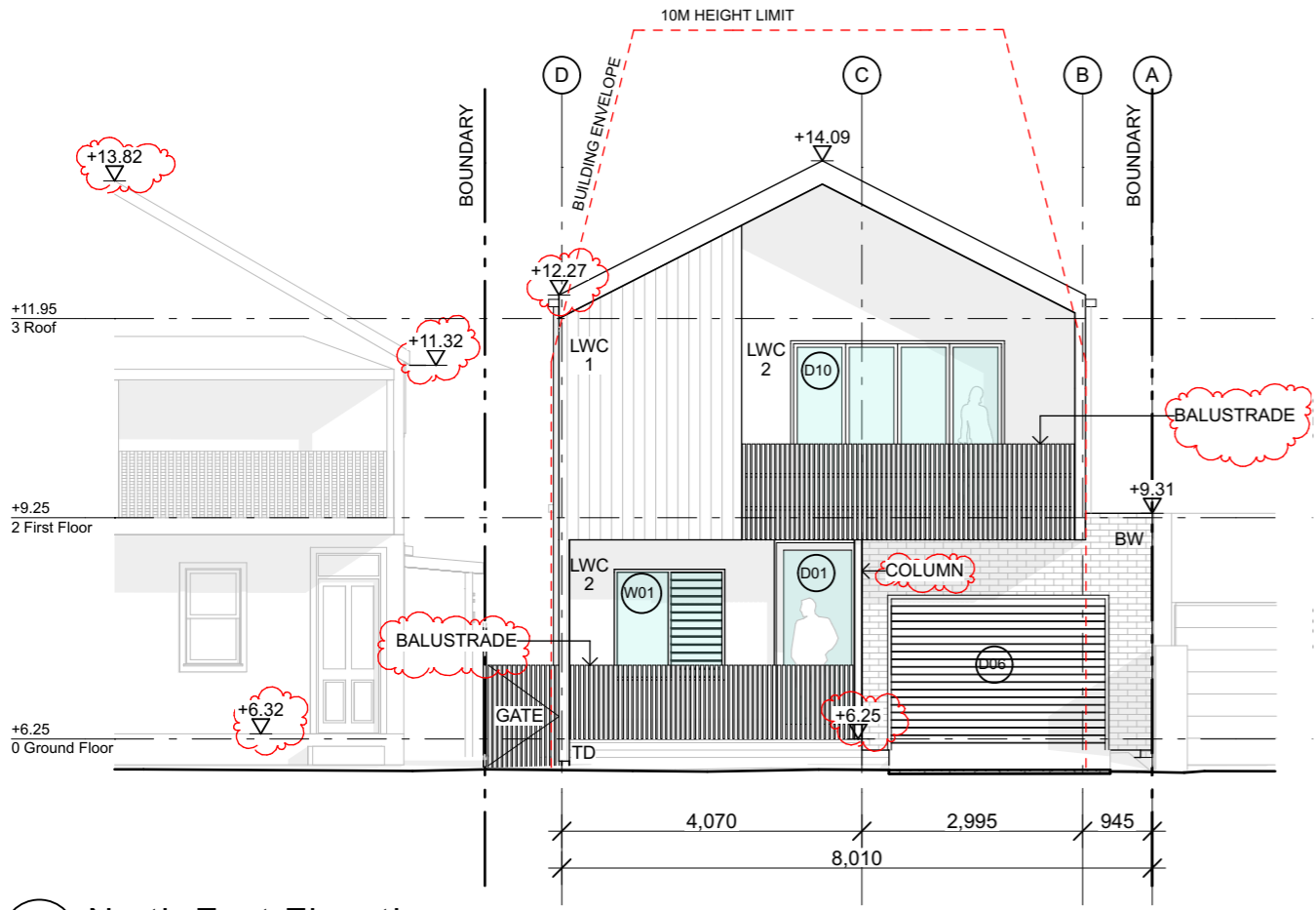
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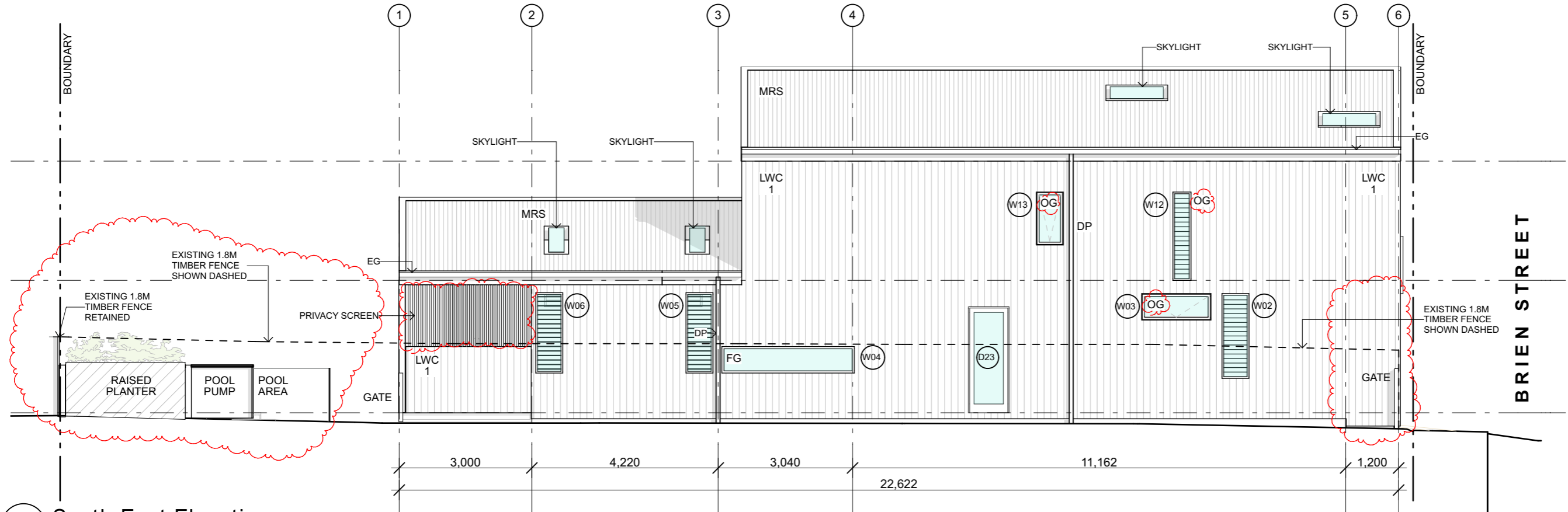
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Certificate no.: 000342870
 Assessor Name: Andrew Lortman
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NATIONWIDE HOUSE
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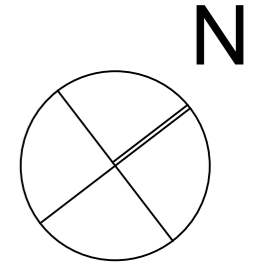


North East Elevation
 SCALE 1:100 @ A3

South West Elevation
 SCALE 1:100 @ A3



South East Elevation
 SCALE 1:100 @ A3



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Project
 Brien Street Residence

Location
 17 Brien Street
 The Junction, NSW, 2291

Client
 Jodie & Simon McConachy

Drawing
 Elevations

Scale
 1:100 @ A3

File Name
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Legend

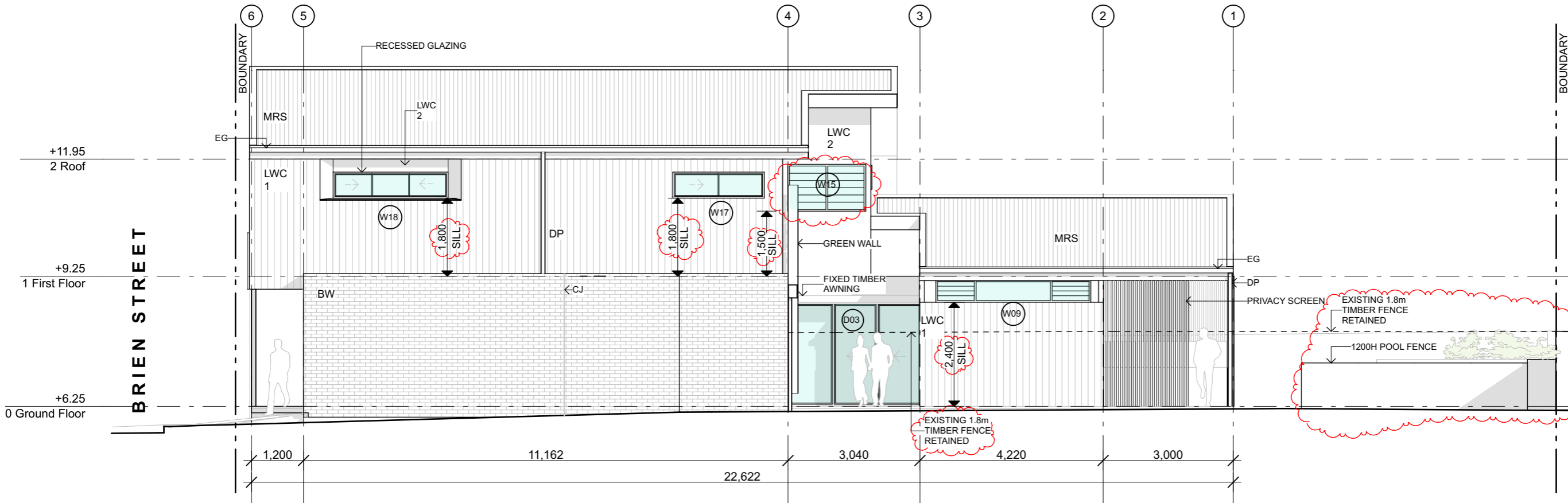
AH	AWNING HUNG
CJ	CONTROL JOINT
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TF	TIMBER FLOOR
WM	WASHING MACHINE

Certificate no.: 000342870
 Assessor Name: Andrew Lorriman
 Accreditation no.: VIC/BDV/17/1827
 Certificate date: 10 December 2018
 Dwelling Address: 17 Brien Street
 THE JUNCTION, NSW
 2291
 www.nathers.gov.au

5.1
 Average star rating
NATIONWIDE HOUSE ENERGY RATING SCHEME
 www.nathers.gov.au



	WALLS (LWC 1)	WALLS (LWC 2)	WALLS (BW)	ROOF SHEETING (MRS)	PAVING (PAV)	DECKING (TD)	PLANTER/BENCH SEATING (MASONRY/TIMBER)	GRAVEL (GRV)	GLAZING (POWDERCOATED ALUMINIUM FRAMES. GLAZING TO BASIX REQUIREMENTS)	SCREENS & BALUSTRADES (POWDERCOATED ALUMINIUM.)
MATERIAL/ FINISH	SHOU SUGI BAN TIMBER CLADDING	FIBRE CEMENT PAINT FINISH	FACE BRICKWORK	METAL ROOF SHEETING, COLORBOND 'MONUMENT'	STONE OR CONCRETE LARGE FORMAT PAVERS	TIMBER DECKING, SCREW FIXED BLACKBUTT/SILVER ASH (OR SIMILAR)	MASONRY/ TIMBER	DECORATIVE STONE GRAVEL	POWDERCOATED ALUMINIUM FRAMES. GLAZING TO BASIX REQUIREMENTS	POWDERCOATED ALUMINIUM.
IMAGE										



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Issue Description		Date

Project
Brien Street Residence

Location
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Client
 Jodie & Simon McConachy

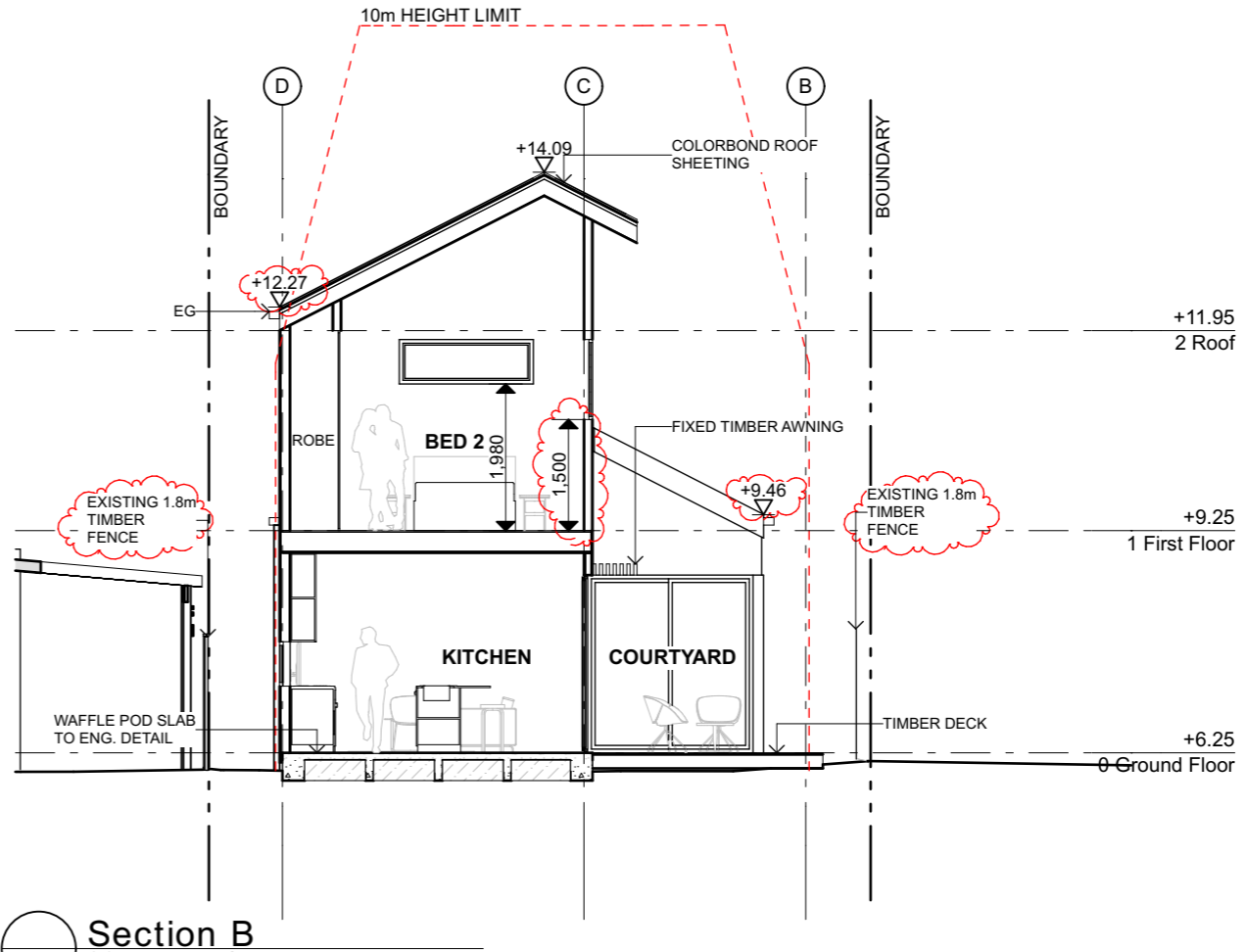
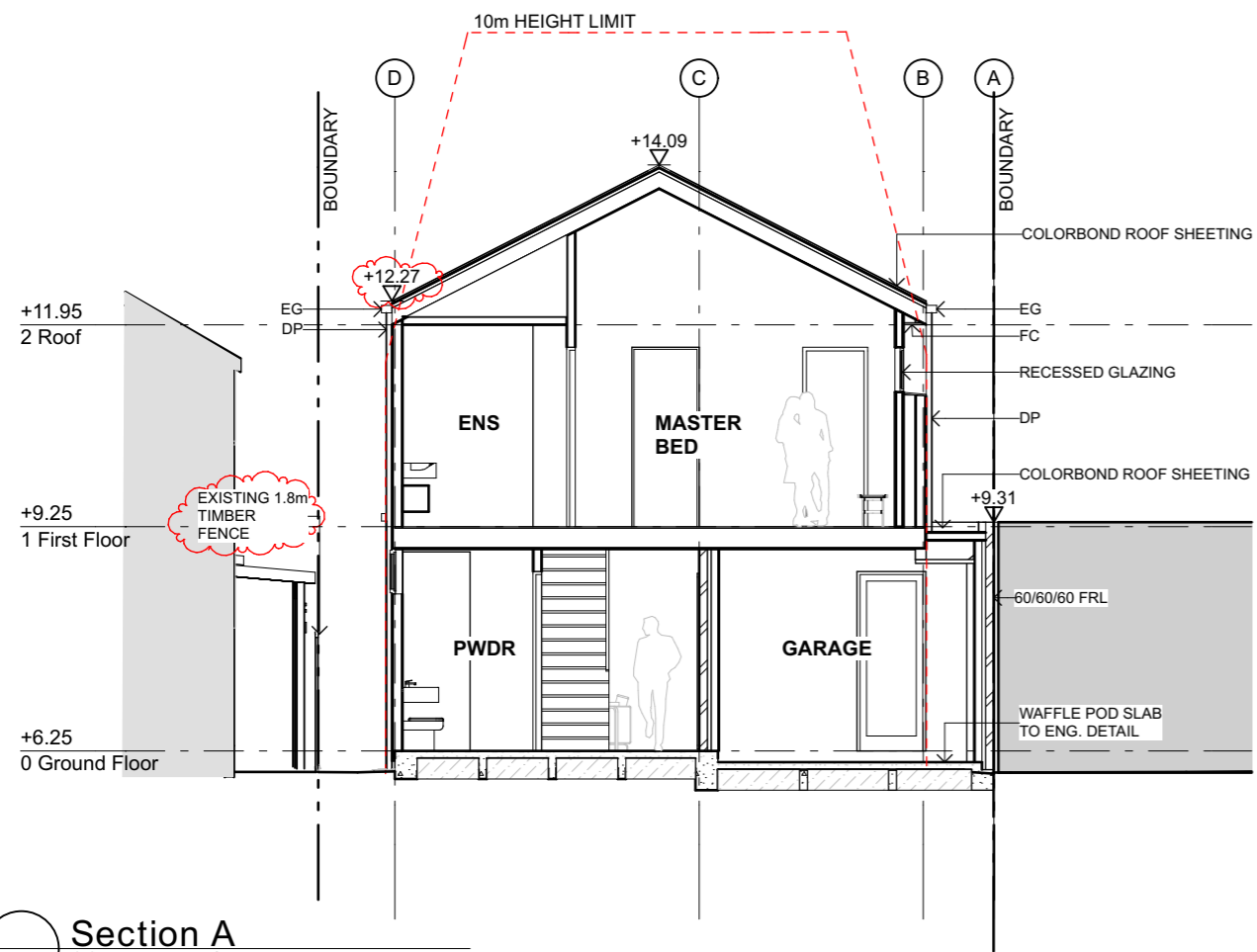
Drawing
Elevations

Scale
 1:100 @ A3

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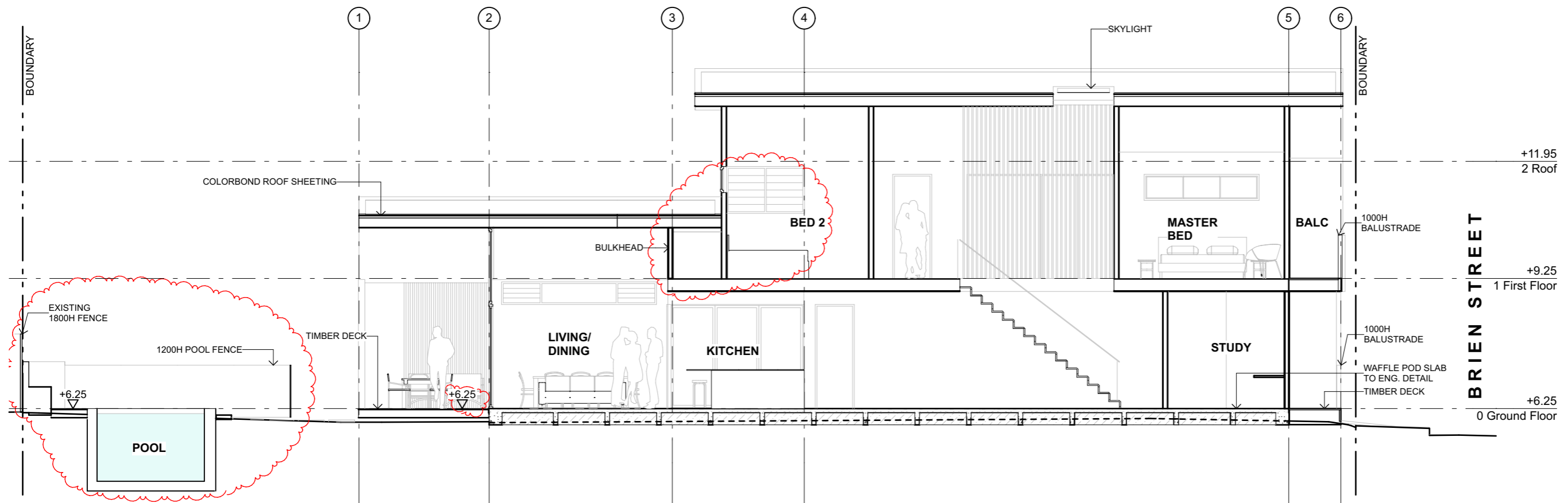


North West Elevation
 SCALE 1:100 @ A3



Section A
SCALE 1:100 @ A3

Section B
SCALE 1:100 @ A3



Section C
SCALE 1:100 @ A3

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NATIONWIDE HOUSE ENERGY RATING SCHEME
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Issue	Description	Date
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Project
Brien Street Residence

Location
17 Brien Street
The Junction, NSW, 2291

Client
Jodie & Simon McConachy

Drawings
Sections

Scale
1:100 @ A3

File Name
I:\Users\bronnynmyer\Documents\Brien\Architecture\Projects\Brien Street\Brien Street Residence_C.pln

Brien Street

BN DESIGN

Drawing Number
A08

Issue
D

LEGEND

- CONTOURS – EXISTING
- CONTOURS – PROPOSED
- PROPOSED STORMWATER
- PROPOSED RAINWATER TANK
- PROPOSED DIRECTION OF FALL
- PROPOSED SWALE
- EXISTING STORMWATER
- S — EXISTING SEWER
- W — EXISTING WATER
- E — EXISTING ELECTRICITY
- T — EXISTING TELECOM
- G — EXISTING GAS

GENERAL NOTES

- THESE PLANS ARE CONCEPTUAL AND SHOULD NOT BE USED FOR CONSTRUCTION. FURTHER DETAILED DESIGN WORK MAY BE REQUIRED TO UPDATE THE PLANS FOR CONSTRUCTION.
- STORMWATER MANAGEMENT PLAN IS TO BE READ IN CONJUNCTION WITH ARCHITECTURAL PLANS.

DRAINAGE NOTES

- DRAINAGE SPECIFICATIONS U.N.O OR APPROVED BY CERTIFIER:

- PIT TYPE: POLY PRODUCT (DOMESTIC, YARD PIT)
- PIT LID: GRATED CLASS A (TYPICALLY)
- PIT SIZE: 450mm x 450mm

BDAV Assessor #17/1827	10 th December 2018	Reference: 119/2018	
Evergreen Energy Consultants			
Email address: enquiries@evergreene.com.au	Ph: (02) 4975 5350		
Important Note for Development Applicants:			
The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate. If they vary from drawings or other specifications this Specification shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the whole project. If alternate specifications are detailed, the location and extent of the alternate specification must be detailed below and / or clearly indicated on referenced documentation.			
Once the development is approved by the consent authority, these specifications will become a condition of consent and must be included in the built works. If you do not want to include these requirements, the proposed construction varies to those detailed or need further information, please contact Evergreen Energy Consultants.			
This assessment has assumed that the BCA provisions for building sealing will be complied with at construction.			
Thermal Performance Specifications			
External Wall Construction	Insulation	Colour (Solar Absorbance)	Detail
Weatherboard Cavity	Anti-glare foil with bulk no gap R2.5	Dark	
Brick Veneer	Anti-glare foil with bulk no gap R2.5	Medium	
Fibro Cavity	Anti-glare foil with bulk no gap R2.5	Light	
Internal Wall Construction	Insulation		Detail
Cavity wall, direct fix plasterboard, single gap	None		
Brick Veneer	Bulk insulation, no air gap R2.5		Between garage and living spaces
Ceiling Construction	Insulation		Detail
Plasterboard with Timber	Bulk insulation R5.0		External & garage ceilings
Timber above Plasterboard	None		Internal ceilings
Roof Construction	Insulation	Colour (Solar Absorbance)	Detail
Colorbond	Bulk, reflective side down, no air gap above R1.3	Dark	2° & 27° pitch
Floor Construction	Insulation		Covering
Suspended Timber	Bulk + Foil insulation, Foil in contact with floor R3.0		Carpet & Tiles
Waffle Pod 375mm	None		Carpet & Bare
Windows	Glass and frame type	U Value	SHGC Area m2
TND-024-04 A Aluminium framed	638CP Fixed Window Single Glazed	4.12	0.46
GJA-050-12 A Aluminium framed	6EcAEG Louvre Window Single Glazed	4.47	0.30
TND-002-08 A Aluminium framed	638CP Awning Window Single Glazed	4.93	0.41
TND-001-08 A Aluminium framed	638CP Sliding Window Single Glazed	4.59	0.44
GJA-068-14 A Aluminium framed	6mmDLE Ctr-12-6mmCsr Sliding Door Double Glazed	2.46	0.27
TND-032-06 A Aluminium framed	6126EA Fixed Window Double Glazed	2.90	0.57
U and SHGC values are according to NFRC. Alternate products may be used if the U value is lower and the SHGC is less than 5% higher or lower than the above figures.			
Fixed shading – Eaves	Width includes guttering, offset is distance above windows		
As drawn	Nominal only, refer to plan for detail		
Fixed shading – Other	Verandah to certain units only		
Shaded areas and shade devices as drawn, adjoining buildings and boundary fences			
For construction in NSW the BCA Vol 1 or 2 must be complied with. In particular the following:			
- Thermal construction in accordance with Vol 1 Section J1.2(c) or Vol 2 Part 3.12.1.1			
- Thermal breaks in accordance with Section J1.3(a) & 1.5(c) or Part 3.12.1.2(c) & 3.12.1.4(b)			
- Compensating for loss of ceiling insulation in accordance with Section J1.3(c) or Part 3.12.1.2(e)			
- Floor insulation in accordance with Section J1.6(a) & (b) or Part 3.12.1.5(a)(i) or (c) & (d)			
- Building sealing in accordance with Section J3 or Part 3.12.3.1 to 3.12.3.6			

4000L Underground water tank as per NCC DCP & BASIX Requirements. All downpipes to be directed to tank with overflows directed to street drainage in the kerb as shown. Downpipe location/Configuration as per Architects details.

450 x 450
grated
inlet SW
Pit

450 x 450
grated
inlet SW
Pit

Connect to kerb invert at street (RL5.633) with RHS Gal 150x50 @ minimum 0.5% grade from boundary pit

Overflows conveyed to boundary pit via 100mm PVC Piping

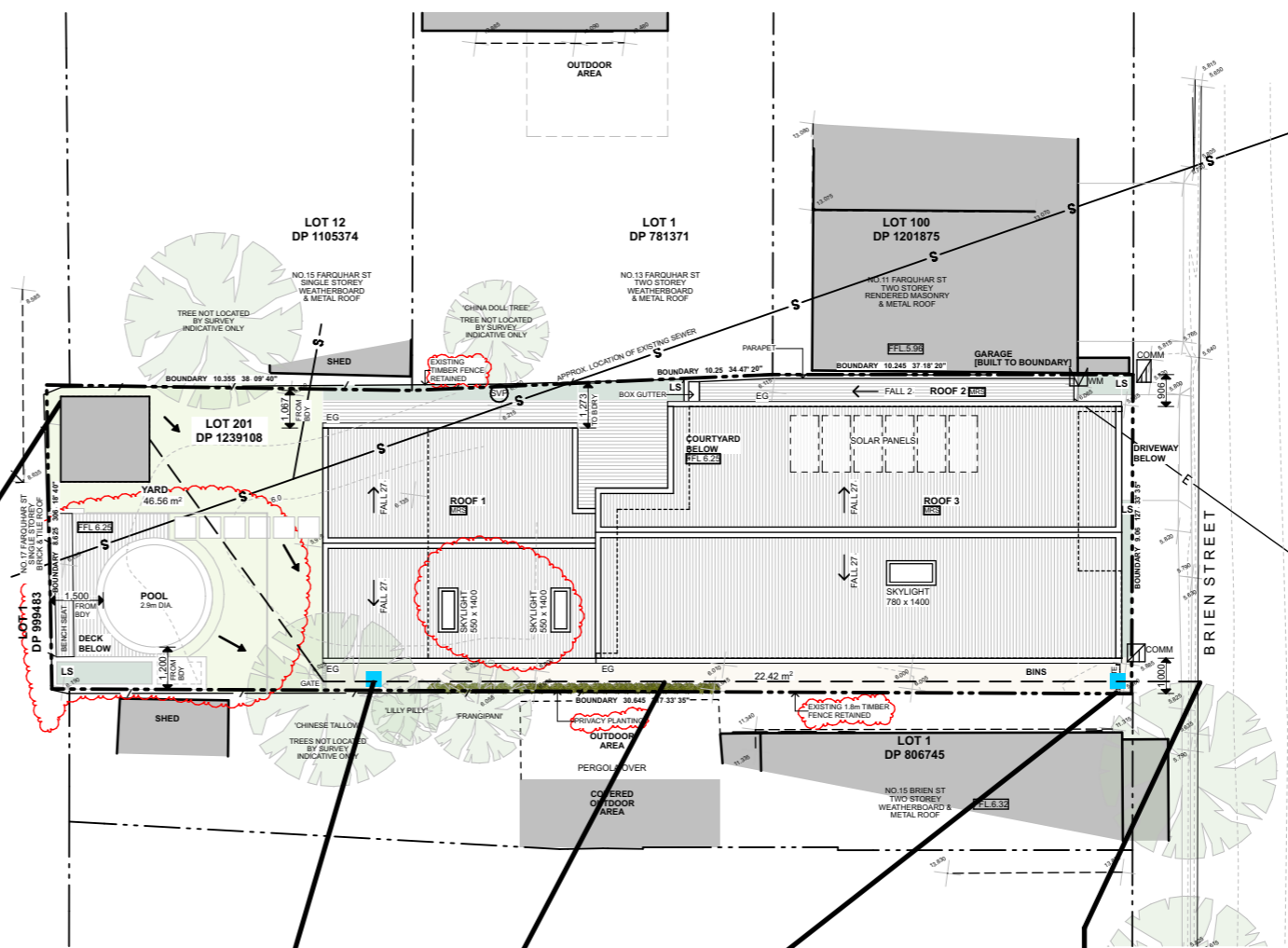
17 Brien Street, The Junction			
SUMMARY OF BASIX COMMITMENTS			
This is a summary of the BASIX Commitments as detailed in the BASIX Certificate. Refer to the CURRENT BASIX Certificate for Complete details.			
WATER COMMITMENTS			
Fixtures			
Alternative Water - Rainwater Tank Size 4,000(L) Tank/Unit Connected To:			
All Toilets	One Outdoor Tap	Laundry W/M Cold Tap	
Fixtures			
3 Star Shower Heads	3 Star Toilet	3 Star Kitchen Taps	3 Star Basin Taps
THERMAL COMFORT COMMITMENTS – Refer to TPA Specification on plans			
ENERGY COMMITMENTS			
Hot Water	Gas instantaneous – 4 star		
Cooling System	Living	Ceiling fans + 1 phase air-conditioning EER 2.5 – 3.0 (zoned)	
	Bedrooms	Ceiling fans + 1 phase air-conditioning EER 2.5 – 3.0 (zoned)	
Heating System	Living	1 phase air-conditioning EER 2.5 – 3.0 (zoned)	
	Bedrooms	1 phase air-conditioning EER 2.5 – 3.0 (zoned)	
Ventilation	Bathrooms	Fan ducted to roof/facade	Manual on/off
	Kitchen	Fan ducted to roof/facade	Manual on/off
	Laundry	Fan ducted to roof/facade	Manual on/off
Natural Lighting	Window/Skylight in Kitchen	As Drawn	
	Window/Skylight in Bathrooms/Toilets	As Drawn	
Artificial Lighting (Primarily lit by fluoro or LED)	Number of bedrooms	4	Dedicated
	Number of Living/Dining rooms	2	Dedicated
	Kitchen	Yes	Dedicated
	All Bathrooms/Toilets	Yes	Dedicated
	Laundry	Yes	Dedicated
	All Hallways	Yes	Dedicated
OTHER COMMITMENTS			
Outdoor clothes line	Yes		
Stove/Oven	Induction cooktop, electric oven		
Other	Photovoltaic system to generate 0.5 peak kW of electricity		

5.1
Average star rating

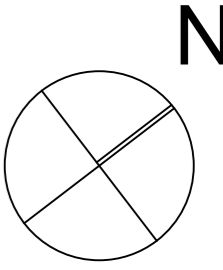
NATIONWIDE ENERGY RATING

Certificate no.: 0003442870
 Assessor Name: Andrew Lorrinan
 Accreditation no.: VIC/BDAV/17/1827
 Certificate date: 10 December 2018
 Dwelling Address: 17 Brien Street THE JUNCTION, NSW 2291

www.nathers.gov.au

- Notes
- The information contained in this document is copyright and may not be used or reproduced for any other project or purpose. Verify all dimensions and levels on site and report any discrepancies prior to the commencement of work. Drawings are to be read in conjunction with all contract documents. Use figured dimensions only. Do not scale from drawings. The accuracy of content and format for copies of drawings issued electronically cannot be guaranteed. The completion of the issue details checked and authorised section below is confirmation of the status of the drawing. The drawing shall not be used for construction unless endorsed "For use during construction" and authorised for issue.
- Legend**
- AH AWNING HUNG
 - CJ CONTROL JOINT
 - DP DOWNPIPE
 - DW DISHWASHER
 - EG EAVES GUTTER
 - EK EXISTING
 - FC FIBRE CEMENT
 - FG FIXED GLASS
 - GRS GRAVEL
 - GRV GRASS
 - LC LAUNDRY CHUTE
 - LS LANDSCAPING
 - LWC LIGHT WEIGHT CLADDING
 - MRS METAL ROOF SHEETING
 - MW MICROWAVE
 - OG OPAQUE GLASS
 - PAV PAVING
 - PC POLISHED CONCRETE
 - TD TIMBER DECKING
 - TF TIMBER FLOOR
 - WM WASHING MACHINE



B	RE-ISSUE FOR DA	26/11/18
A	ISSUE FOR DA	28/05/18
Issue	Description	Date
Project Brien Street Residence		
Location 17 Brien Street The Junction, NSW, 2291		
Client Jodie & Simon McConachy		
Drawing Stormwater Management Plan		
Scale	1:200 @ A3	Drawn BD
File Name U:\Users\bronnynmyer\Documents\Brien\Architecture\Projects\Brien Street\Brien Street Residence_C.pln		



PUBLIC VOICE COMMITTEE MEETING

9 April 2019

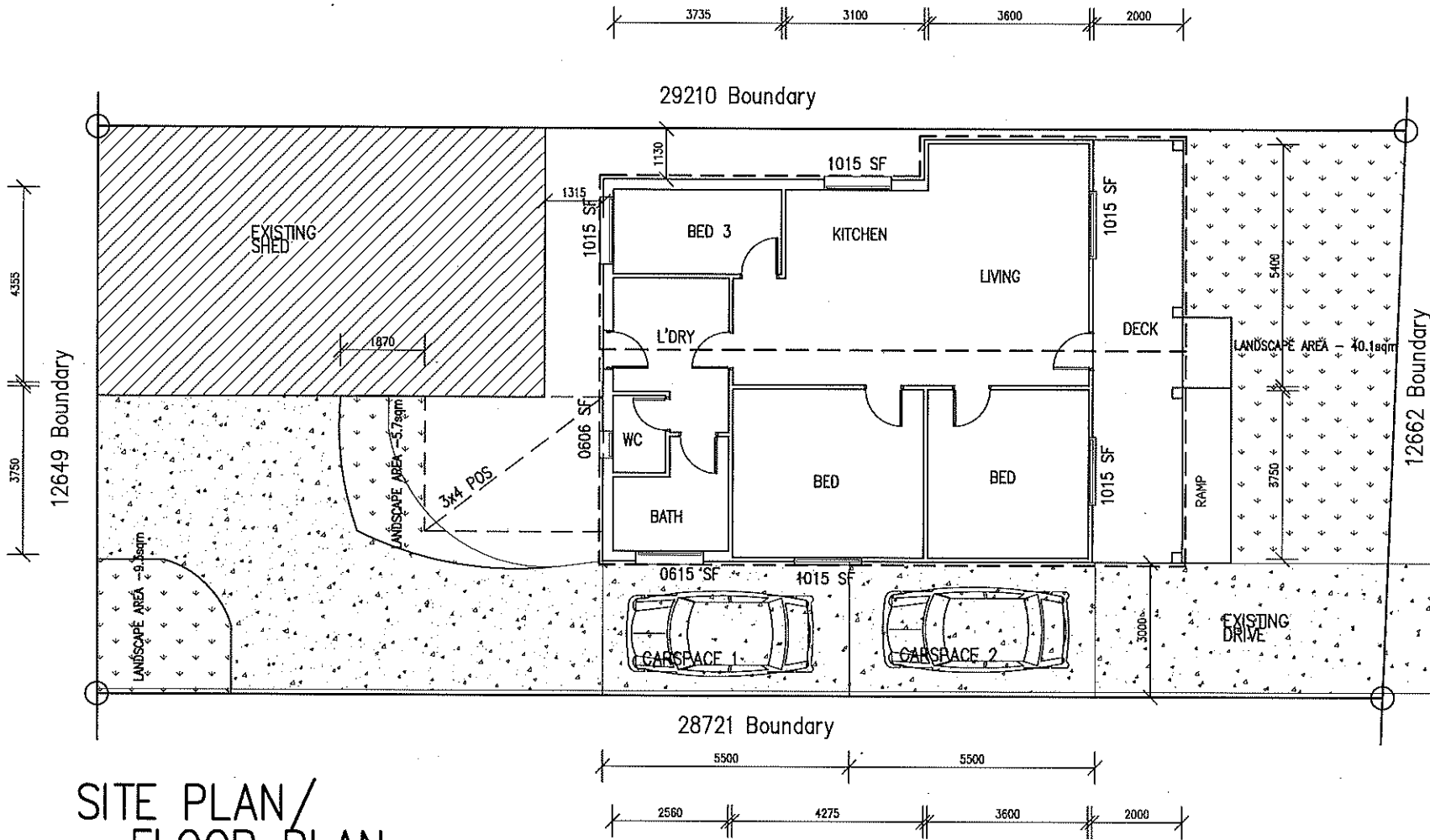
ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

REPORTS BY COUNCIL OFFICERS

**Attachment A - Plans &
Planning Report**

**DA2018/1188 - 37 Boreas Road Hamilton North
Change of use of shop to dwelling**

DISTRIBUTED UNDER SEPARATE COVER



BOREAS STREET

SITE PLAN/ FLOOR PLAN

SITE AREA - 366.4sqm
 LANDSCAPE AREA - 55.1sqm - (15.03%)



AMEND 10.09.18

ADDRESS

LOT B , Dp432274 , 37 BOREAS RD
 HAMILTON NORTH

project
 proposed
 CHANGE OF USE

drawing
 SITE PLAN
 FLOOR PLAN

all dimensions to be clarified on site

scale 1:200, 1:100	date AUG'18	drawn jdc
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© copyright	drawing no. 10F1	project 1819
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Our ref: 17073

11th October 2018

Newcastle Council
PO Box 489
Newcastle NSW 2300

ATTENTION: DEVELOPMENT ASSESSMENT OFFICER

**DEVELOPMENT APPLICATION REPORT
USE OF BUILDING AS DWELLING HOUSE
37 BOREAS ROAD HAMILTON NORTH**

On behalf of the applicant, Jodie Morris, I hereby provide this Development Application Report in support of the use of an existing building, located at 37 Boreas Road Hamilton North, as a Dwelling House.

This application is made in accordance with Clause 5.3 of the Newcastle Local Environmental Plan, outlined below.

Subject Site

The subject site is described as Lot B DP432274 and is located at 37 Boreas Road Hamilton North, refer to **Figure 1**.

Figure 1 Subject Site



The site contains existing structure that has the appearance of a dwelling house, and ancillary shed at the rear.

Figure 2 Subject Site as Viewed from Boreas Road



Development within the sites immediate context consists predominately of residential dwellings, refer to **Figure 3 to 5**.

Figure 3 Existing Development to the East



Figure 4 Existing Development to the North



Figure 5 Existing Development to the West (as viewed from Broadmeadow Road)



The Proposal

The proposal seeks to utilise an existing building as a Dwelling House.

The subject building was approved as a shop under DA1996/0137 - Conversion of Residence to Shop and Erection of New Shed.

This use was ceased in June 2015 and given it relied on existing use rights it is considered to be abandoned.

The proposal therefore seeks to utilise the building as a Dwelling House, noting that this was the formerly approved use within the subject site.

The use requires no significant works, with the internal layout of the building not needing to be changed to accommodate the proposal.

Response to Planning Instruments

An assessment of the proposal has been undertaken in accordance with Section 4.15 of the Environmental Planning and Assessment Act (1979).

Environmental Planning Instruments

State EPI's

State Environmental Planning Policy BASIX

A BASIX Certificate supports this application.

Local EPI's

Newcastle Local Environmental Plan 2012

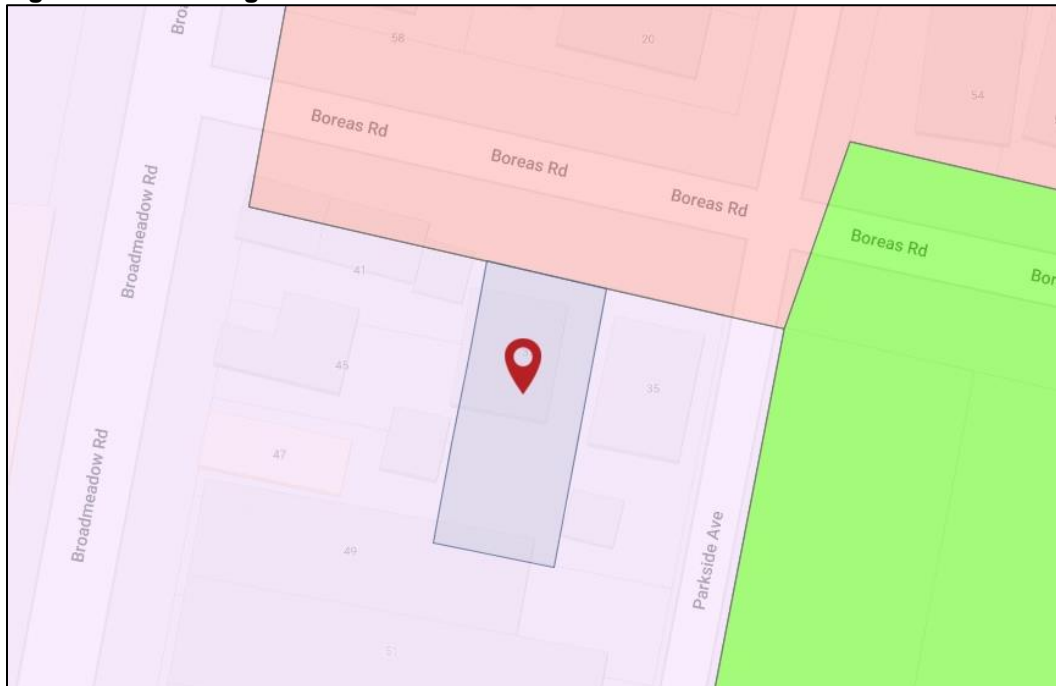
Land Use Table

The site is zoned IN2 Light Industrial. The use is not permissible within this zone, with a detailed response therefore provided under Clause 5.3.

5.3 Development near zone boundaries

In accordance with Figure 6 the subject site adjoins the zoning boundary for R2 Low Density Residential.

Figure 6 Site Zoning



Clause 5.3 is responded to hereunder.

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

The subject site is adjoined by residential dwellings in all directions, except to the south of the site.

It would appear to be logical for a (partial) residential use of the land to be permitted, given its consistency with those adjoining uses, both with the residential land to the north and existing residential uses also located in the IN2 Zone.

Further, a residential use of the site is entirely consistent with the objectives of the R2 Zone:

To provide for the housing needs of the community within a low density residential environment

The dwelling will provide a form of low density housing consistent with the dwellings immediately adjoining the site.

To enable other land uses that provide facilities or services to meet the day to day needs of residents

The intended use will have no impact on any future use of the site that provides for the day to day needs of residents.

To accommodate a diversity of housing forms that respects the amenity, heritage and character of surrounding development and the quality of the environment.

The form of the building will not be altered by this application, with the existing building considered to be entirely consistent with existing dwellings adjoining the site within the IN2 and R2 Zones.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.

The entire building to be used as a dwelling house is within 20m of the zone boundary.

(3) This clause does not apply to:

(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or

(ab) Zone E4 Environmental Living, or

(b) land within the coastal zone, or

(c) land proposed to be developed for the purpose of sex services or restricted premises.

The site is not included in any of these zones, and does not seek a use as sex services or restricted premises.

(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

(a) the development is not inconsistent with the objectives for development in both zones, and

The proposed use is entirely consistent with the objectives of the R2 Zone.

The IN2 Zone objectives are responded to as follows:

To provide a wide range of light industrial, warehouse and related land uses.

Given the existing residential land uses within the sites immediate context, and the size of the allotment, it is considered unlikely that the site could be reasonably or feasibly used for light industry or warehouse development.

Further, analysis of the permissible land uses in the IN2 Zone indicates that the site has limited future development potential.

Use	Comment
Aquaculture	The site is considered to be of insufficient area to facilitate an Aquaculture development
Boat building and repair facilities	The site area would likely be restrictive to this use, given the likely turning areas required to manoeuvre boats for repair
Boat launching ramps	N/A
Car parks	The site location, and area, would preclude feasible redevelopment for the purpose of a car park. Such a use would also likely have significant impact on the amenity of adjoining dwellings
Centre-based child care facilities	The site area would again be a limiting factor to the feasible use for a Child Care Centre, particularly when considering parking requirements for such a use.
Community facilities	The site, and existing buildings, would have some potential for use as a community facility.
Crematoria	Whilst technically the site could support a Crematoria, it is likely that the relative small area would limit the ability to provide reasonable buffers to existing residential dwellings, making such a development difficult.
Depots	It is unlikely that the site could be used as a depot, due to the sites limited area (constraining the extent of machinery able to be stored onsite) and limited frontage (restricting the ability for heavy vehicles to safely enter and leave the site).
Flood mitigation works	N/A
Freight transport facilities	Refer to comment for Depot
Garden centres	Whilst technically the site could be used as a garden centre, it is again constrained in respect of site area and adjoining land uses to providing a feasible Garden Centre, giving due consideration for parking requirements and possible amenity impacts (noise and odours associated with such a use).
General industries	See above comment for light industries
Hardware and building supplies	Similar constraints apply to this use as a Garden Centre
Helipads	Given site context this is clearly an unlikely use.

Heliports	As per Helipad
Industrial retail outlets	N/A, use needs to be ancillary to an existing industry
Industrial training facilities	See above comment for light industries
Jetties	N/A
Kiosks	A possible use, could be ancillary to a dwelling.
Landscaping material supplies	Similar constraints apply to this use as a Garden Centre
Mortuaries	Refer to comment for Crematoria
Neighbourhood shops	A possible use that may be ancillary to a dwelling
Passenger transport facilities	Site is of insufficient area to allow for any bus movements
Places of public worship	The site is of insufficient size to provide the parking requirements for such a use
Plant nurseries	Similar constraints apply to this use as a Garden Centre
Recreation areas	The site area, and the proximity to other recreational area, would preclude this form of development
Recreation facilities (indoor)	The parking requirements for this use would preclude redevelopment for this purpose
Recreation facilities (major)	As per above comment for recreational facilities
Respite day care centres	Refer to comments provide for Child Care Centres
Restricted premises	The site is located within 20m of dwellings in a residential zone, and therefore does not comply with the DCP requirement of a 150m buffer zone
Roads	N/A
Service stations	The site is provided with insufficient frontage and area to allow for a service station
Sex services premises	See comment in respect of restricted premises
Signage	Applicable only for possible future uses
Storage premises	The site area would impact on the ability to provide a feasible storage premises
Take away food and drink premises	Potential use of the site, could be provided in combination with a dwelling
Timber yards	The site is of insufficient area to provide for a timber yard and associated buffer areas to sensitive receivers adjoining
Transport depots	Refer to comments provided for a depot
Truck depots	Refer to comments provided for a depot
Vehicle body repair workshops	The site could possibly support a small vehicle body repair workshop, however adjoining sensitive receivers may impose significant constraint to a feasible development.
Vehicle repair stations	Refer to above comment
Vehicle sales or hire premises	The site is considered to be too small in area, and isolated from an Arterial Road (and associated passing traffic) to provide for a feasible Vehicle sales premises.
Warehouse or distribution centres	The site is of insufficient area to provide for heavy vehicle movements, likely to preclude use as a warehouse.

Wholesale supplies	Site area considered to be insufficient to provide for the display of goods and sufficient parking for this type of use.
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Accordingly the proposed residential use is not inconsistent with this objective, where the existing site conditions preclude use of the site for the great majority of permissible uses, whilst a residential use would still facilitate ancillary land uses (i.e take away food and drink premise).

To encourage employment opportunities and to support the viability of centres.

The sites constraints, detailed elsewhere, preclude a large number of permissible employment generating activities.

A residential use of the site would not impact on development within the immediate context from continuing to be used for employment generating activities, and is therefore not deemed to be inconsistent with this objective.

The proposal will have no impact on the viability of centres elsewhere in the LGA.

To minimise any adverse effect of industry on other land uses.

The proposed residential use is consistent with this objective, where a buffer to industrial land uses is provided from the shed at the rear of the allotment.

The use of the structure as a dwelling is not deemed to impact on continued industrial land uses in the context.

To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

A residential use could be provided, in combination with a use that will provide for the day to day needs of workers.

The use is therefore not inconsistent with this objective.

To support and protect industrial land for industrial uses.

As per the above comments, the site conditions (and adjoining land uses) result in the parcel not being suitable for industrial uses.

The dwelling house would have no significant impact on industrial uses in adjoining lots, and the Broadmeadow/Hamilton North Light Industrial precinct more generally. It is therefore not inconsistent with this objective.

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

The proposal has been considered in relation to other permissible uses of the site, and existing development within the context.

It has been determined that there is very limited potential to utilise the site in accordance with the permissible land uses of the IN2 Zone. A land use consistent with the objectives and provisions of the R2 Zone is considered to be the most appropriate use of the site, facilitating the use of a structure that has the form and function of a dwelling house.

(5) This clause does not prescribe a development standard that may be varied under this Plan.

Noted.

The proposal addresses Clause 5.3 of the LEP, and Council is able to approve the proposed use as a Dwelling House.

Development Control Plans

Newcastle Development Control Plan

Table 1 Response to Relevant Sections of Newcastle DCP

Section	Compliant	Comment
3.02.01 Density Floor Space Ratio	Yes	Proposal complies with 0.6:1 floor Space Ratio, having a density of 0.37:1
3.02.02 Height of Buildings	Yes	The proposed use will not alter the building, retaining a height well below 8.5m.
3.02.03 Street Frontage Appearance	Yes	The proposed car parking is sited behind the façade of the building, which presents to the street as a dwelling house in keeping with the site context.
3.02.04 Side/rear setbacks	Refer to comment	The proposed use seeks no changes to the form of the existing building. Whilst the setbacks provided to the structure does not strictly comply with the DCP, the intended use will have no impact on the amenity provided to adjoining allotments (relative to these setbacks).
3.02.05 Landscaped Area	Yes	The proposal includes minor changes to the hardstand areas of the site to ensure over 15% of the site is landscaped, compliant with the DCP.
3.02.06 Private Open Space	Yes	An area of 12m ² is provided as open space to the rear of the existing building.
3.02.07 Privacy	Yes	No new windows proposed as part of the use of the building, no privacy impacts are therefore expected for the proposal.
3.02.08 Solar access	Yes	The proposed development will not create any additional overshadowing to neighbouring allotments, given the structures remain unchanged as part of this application.
3.02.09 View sharing	Yes	The proposed use seeks no change to the form of the buildings, retaining its single storey form which has no impact on the view provided from adjoining dwellings.
3.02.10 Car parking and vehicle access	Yes	The driveway detail will not change with this proposal. Car parking provided behind the building line and will therefore not dominate the streetscape.
5.01 Soil Management	Yes	Erosion and sediment control measures to be implemented in accordance with Conditions of Consent (no significant works).
7.03 Traffic, Parking and Access	Yes	Two parking spaces provided onsite, compliant with the DCP.

7.05 Energy Efficiency	Yes	This application is supported by a BASIX Certificate.
7.06 Stormwater	Yes	The proposal will not significantly alter the existing stormwater management measures onsite, utilising the existing connection to the street drainage system.
7.07 Water efficiency	Yes	Refer to accompanying BASIX Certificate.
7.08 Waste Management	Yes	No changes proposed to existing waste management details.

Likely Impact of the Development

The response to the relevant planning instruments, demonstrate how the proposal has properly considered and responded to any likely impact of the development on the site and its context.

Suitability of the Site for the Development

The suitability of the site for the development has been demonstrated by the response to the requirements of the relevant planning instruments and guidelines.

Submissions made in respect of Application

The application may be notified to adjoining property owners.

Given the proposal is entirely consistent with existing uses within adjoining lots in the IN2 Zone, and the residential land uses in the immediate R2 Zone, no significant objection is anticipated.

Response to any submissions received will be provided at the assessing officers discretion.

The Public Interest

The development is deemed to be in the public interest by providing an opportunity to utilise an existing structure in a manner consistent with the site context. Alternative uses of the site are extremely limited, and thus the use is considered to be the most efficient use of the site.

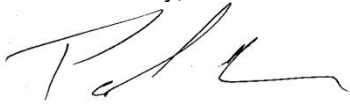
Conclusion

This report demonstrates how the residential use of the site responds to all relevant planning instruments, and specifically Clause 5.3 of the LEP.

Council support for the application is therefore anticipated.

Should you have any enquiries in respect of this application please do not hesitate to contact the writer on 0401 348 204 or email paul@resolveurbanplanning.com.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Paul McLean', written in a cursive style.

Paul McLean
Resolve Urban Planning
B. Nat Res (Hons.) & B. Urb & Reg Planning (UNE)