



City of  
Newcastle



## CITY OF NEWCASTLE

# PUBLIC VOICE COMMITTEE

Councillors,

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that a Public Voice Committee will be held on:

**DATE:** Tuesday 9 April 2019

**TIME:** 5.30pm

**VENUE:** Council Chambers  
2nd Floor  
City Hall  
290 King Street  
Newcastle NSW 2300

J Bath  
Chief Executive Officer

**City Administration Centre  
282 King Street  
NEWCASTLE NSW 2300**

2 April 2019

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**PUBLIC VOICE COMMITTEE**  
**09 April 2019**

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**PUBLIC VOICE SESSIONS**

**ITEM-1 PV 09/04/19 - DA2018/00707 - 17 BRIEN STREET THE JUNCTION - DEMOLITION OF DWELLING AND OUTBUILDING, ERECTION OF TWO STOREY DWELLING AND ASSOCIATED SWIMMING POOL**

**APPLICANT: SIMON MCCONACHY**  
**OWNER: SIMON & JODIE MCCONACHY**  
**REPORT BY: GOVERNANCE**  
**CONTACT: DIRECTOR GOVERNANCE/ MANAGER REGULATORY, PLANNING AND ASSESSMENT**

**PURPOSE**

An application has been received seeking consent for the demolition of an existing dwelling and outbuilding and the erection of a two storey dwelling and associated swimming pool.

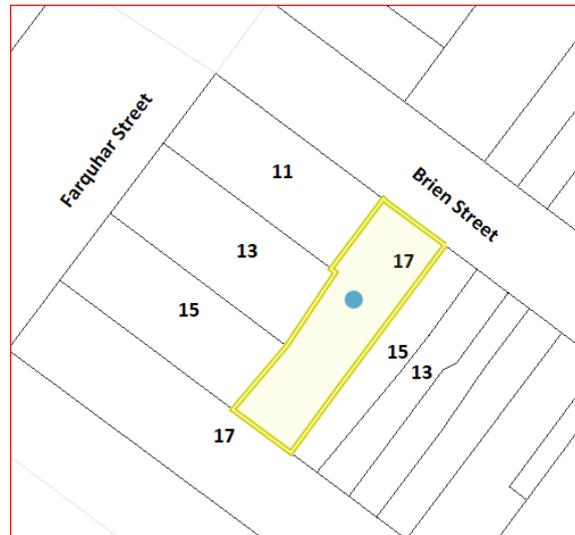
The application is to be referred to the Development Applications Committee for determination, due to it being called in by two Councillors.

A copy of the amended plans for the proposed development is attached at **Attachment A**.

The application was publicly notified in accordance with the Newcastle Development Control Plan 2012 (NDCP 2012). Two submissions have been received. A formal request for Public Voice was also received from a neighbour of the site.

The submissions raised concerns regarding:

- i) Overshadowing impacts.
- ii) Privacy impacts.
- iii) Building envelope / side / rear setbacks.
- iv) View loss.



**Subject Land: 17 Brien Street The Junction**

- v) Streetscape impact.
- vi) Impact on nearby heritage items.
- vii) Request for dilapidation report.
- viii) That the proposed development should be subject to the preparation of a detailed materials and finishes schedule for the boundary fencing.
- ix) Proposal has provided inadequate detail for consultation and is factually incorrect and misleading.

## 1.0 THE SITE

The subject site comprises Lot 201 DP 1239108. The lot is generally rectangular in shape, located on the south western side of Brien Street, with a road frontage of 9.06 metres, a maximum depth of 30.8 metres and a total area of 270.1 m<sup>2</sup>. The site slopes slightly towards Brien Street from the rear boundary and is surrounded by land containing residential development.

The site is currently occupied by a single storey dwelling and associated outbuildings. The Hunter Water sewer traverses the site from the south western rear boundary to the north western side boundary.

Two heritage items exist in the vicinity of the proposed development - "Brien St Terraces" (6 to 14 Brien St) and "Farquhar St Terraces" (3 to 9 Farquhar St).

## 2.0 THE PROPOSAL

The applicant seeks consent for demolition of dwelling and outbuilding, erection of two storey dwelling and associated swimming pool.

Minor amendments have been made to the proposal in response to the assessing officers and neighbours concerns in respect of on-site car parking and setbacks, privacy, and protection of trees within the neighbouring property. Additional information was also sought regarding encroachments of the building envelope, overshadowing and heritage items in the vicinity of the proposed development.

A copy of the amended plans is appended at **Attachment A**. The various steps in the processing of the application to date are outlined in the Processing Chronology appended at **Attachment B**.

## 3.0 PUBLIC NOTIFICATION

The original application was publicly notified for a period of 14 days days in accordance with City of Newcastle's (CN) Public Notification Policy. Two submissions were received. One public voice application was also received.

Amendments were made to the original application and they were also publicly notified. The notification period was extended to 21 days to allow for the holiday period as stated in the CN's Public Notification Policy.

Two further submissions have been received from the same concerned parties.

The concerns raised by the objectors in respect of the proposed development are summarised as follows:

**a) Statutory and Policy Issues:**

- i) The proposal is not consistent with the objectives of the R3 Medium Density Residential Zone, particularly;  
*To encourage increased population levels in locations that will support the commercial viability of centres provided that the associated new development:*
  - (i) *has regard to the desired future character of residential streets, and*
  - (ii) *does not significantly detract from the amenity of any existing nearby development.*

**b) Amenity Issues:**

- i) Overshadowing – the proposed development will result in a loss of solar access to the adjoining property.
- ii) Privacy – the proposed development will result in a loss of privacy to adjoining properties.
- iii) Encroachment of building envelope – the proposed development will result in an overbearing development towards adjoining properties and will result in a loss of solar access to the adjoining property.
- iv) View Sharing - the proposed development will result in a loss of views of the western part of the sky from the adjoining property.

**c) Design and Aesthetic Issues:**

- i) Streetscape – the proposed development will have an impact on the existing features and character of the streetscape.
- ii) Heritage value - the proposed development should be subject to the preparation of a heritage management document, given it is within the vicinity of heritage items and existing dwellings in Brien Street have unique historic character and heritage value.

**d) Miscellaneous:**

- i) Dilapidation report - the proposed development should be subject to the preparation of a dilapidation report prior to demolition commencing.

- ii) Boundary fencing - the proposed development should be subject to the preparation of a detailed materials and finishes schedule for the boundary fencing.
- iii) The development application has inadequate detail for consultation and is factually incorrect and misleading.

**ATTACHMENTS**

**Attachment A: Submitted Plans - Under Separate Cover - 17 Brien Street The Junction**

**Attachment B: Processing Chronology - 17 Brien Street The Junction**

**Attachment B**

THE CITY OF NEWCASTLE  
Briefing Note to Public Voice Committee Meeting on 9 April 2019

**PROCESSING CHRONOLOGY**  
**DA 2018/00707 – 17 Brien Street The Junction**

6 July 2018	Application lodged
11 July 2018	Public notification
24 September 2018	Site meeting held 15 Brien Street
12 October 2018	Request to applicant for additional information
15 October 2018	Response from applicant
6 November 2018	Request to applicant for additional information
19 November 2018	Response from applicant
23 November 2018	Request to applicant for additional information
11 December 2018	Response from applicant
2 January 2019	Public notification of amended proposal
11 February 2019	Application called in by two Councillors for determination by the Development Applications Committee
1 March 2019	Application scheduled for Public Voice Committee meeting

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**ITEM-2**                      **PV 09/04/19 - DA2018/01188 - 37 BOREAS ROAD  
HAMILTON NORTH - CHANGE OF USE OF SHOP TO  
DWELLING**

**APPLICANT:**                **JODIE LEE MORRIS**  
**OWNER:**                    **J L MORRIS**  
**REPORT BY:**                **GOVERNANCE**  
**CONTACT:**                 **DIRECTOR GOVERNANCE/ MANAGER REGULATORY,  
PLANNING AND ASSESSMENT**

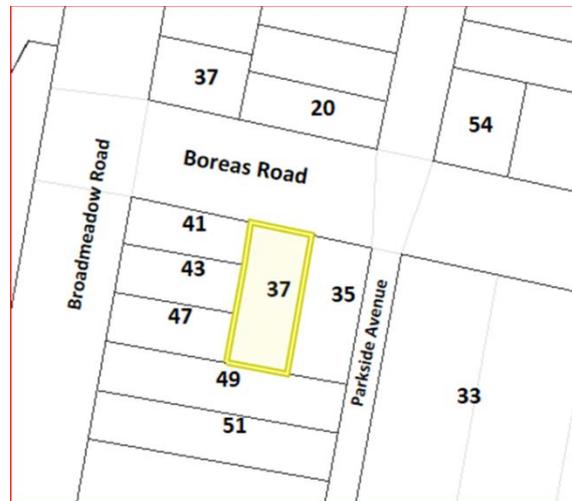
**PURPOSE**

An application has been received seeking consent for a Dwelling - change of use from a shop.

A copy of the Statement of Environmental Effects and submitted plans for the proposed development is attached at **Attachment A**.

The proposal was not publicly notified, in accordance with the provisions of Newcastle Development Control Plan 2012 (NDCP 2012).

The site is zoned IN2 Light Industrial under Newcastle Local Environmental Plan 2012 (NLEP 2012).



**Subject Land:** 37 Boreas Road Hamilton North

A dwelling is not permissible within the IN2 Light Industrial zone. The applicant advised there is no existing use rights on the land for a dwelling as a business operated on the site under development consent DA1996/0137 as a shop from 1996 to 2015 and during this time the land did not have a residential use.

Assessment advice provided to the applicant prior to the lodgement of the development application and during the assessment of the development application, concluded that the proposal for a change of use was unlikely to be supported for a dwelling (refer to **Attachment B**).

The application was subsequently ‘called in’ for Determination by Councilor Rufo and Councilor Elliott.

In addition, Councillor Rufo, on behalf of the applicant, requested clarification as to the rating category applicable to the subject property. As the site is zoned IN2 Light Industrial and a dwelling is not permissible on the land or currently approved on the land, the land rates applicable to the site is required to be categorised as business. The Councillor memo is attached (**Attachment C**).

## 1.0 THE SITE

The subject site comprises of a building which appears to be a residential dwelling and a garage which is located at the rear of the lot and is known as 37 Boreas Road Hamilton North. The lot has direct access to Boreas Road and is located on the eastern side of Broadmeadow Road, Hamilton North.

The property on the eastern side of the subject site contains a residential dwelling and a laneway. Hamilton North Bowling Club and Smith Park are located further to the east of the site. The properties to the west present to Broadmeadow Road and contain a mix of industrial/commercial uses (industrial workwear; take-away food shop).

The buildings on Broadmeadow Road appear to be in a state of disrepair and may be suitable for redevelopment.



The land and surrounding area is zoned IN2 Light Industrial under NLEP 2012.

The land to the north including the road reserve is zoned R2 Low Density Residential. Residential dwellings are prohibited within the IN2 light industrial zone although there are examples of dwellings located within industrial zones throughout our Local Government Area, approved and constructed under a different planning instrument. Many existing dwellings which are located in industrial zones often rely on existing use right provisions for continued use.



The application will be forwarded to the Development Assessment Committee for determination due to 'call up' by Councillors Rufo and Elliott.

## 2.0 HISTORY

A development application (DA1996/0137) was approved on 24 May 1996 for the use of the premises to change from *'a residence to shop'*. While the existing building appears to have retained most of the original features of a dwelling the applicant has acknowledged that the above consent was acted on and the site operated as a shop until 2015. The applicant advised the entire building was used in accordance with DA1996/0137 (shop) during this time and no element retained for residential.

Hence, no continuation of the former residential use was maintained and therefore *'the building has no existing use rights as a dwelling.'*

The applicant purchased the property on 10 November 2017. Prior to purchasing the property, the applicant was advised by CN the land was zoned IN2 Light Industrial, a dwelling is prohibited and no existing use right provisions for a residential use is applicable to the land.

A Pre-DA meeting was held on 11 January 2018 for a change of use to café and residential dwelling. The letter is attached to this report as well as correspondence to applicant regarding current development application (Dwelling – change of use from a shop) (**Attachment B**).

## 3.0 THE PROPOSAL

The applicant is seeking consent for a change of use from a shop to a dwelling.

The proposal seeks to utilise the provisions of Clause 5.3 Development near zone boundaries under NLEP 2012.

The clause states that:

5.3 *'Development near zone boundaries*

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

The key issue associated with this proposal is whether it is appropriate to rely on Clause 5.3 of the NLEP 2012 to address the above permissibility issue.

The development application would need to demonstrate, to City of Newcastle's satisfaction, that approval of the application would '*enable a more logical and appropriate development of the site*' and:

- (i) *the development is not inconsistent with the objectives for development in both zones, and*
- (ii) *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 objectives of IN2 Light Industrial and R2 Low Density Residential zone is attached as **Attachment D**.

The various steps in the processing of the application to date are outlined in the Processing Chronology at **Attachment E**.

#### **4.0 PUBLIC NOTIFICATION**

The application was not publicly notified.

#### **ATTACHMENTS**

- Attachment A: Statement of Environmental Effects and Submitted Plans – 37 Boreas Road Hamilton North - Distributed under separate cover**
- Attachment B: Correspondence to Applicant (dated 29 January 2019) & Pre-Development Letter (dated 1 February 2018) - 37 Boreas Road Hamilton North**
- Attachment C: Councillor Memo – Categorisation of land for rating – 37 Boreas Road Hamilton North**
- Attachment D: IN2 Light Industrial and R2 Low Density Residential Zone - 37 Boreas Road Hamilton North**
- Attachment E: Processing Chronology - 37 Boreas Road Hamilton North**

Attachment B

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**From:** David Paine  
**Sent:** Tuesday, 29 January 2019 9:09 AM  
**To:** 'Paul McLean'  
**Subject:** DA2018/01188  
**Importance:** High

Good Morning Paul,

Reference is made to the abovementioned development application lodged with Council. The following advice is provided for your attention.

The subject site is located in an IN2 Light Industrial zone in which zone a dwelling house is prohibited. It is understood that a development application (DA1996/0137) was previously approved for the use of the premises to change from 'a residence to shop'. While the existing building appears to have retained most of the original features of the dwelling, the above consent was acted on and therefore 'the building has no existing use rights as a dwelling.'

The Pre-DA letter for the change of use from 'shop to dwelling house and café' from Newcastle Council dated 1 February 2018 stated that 'While the northern property boundary of the site is also the boundary between the IN2 affecting the site and the R2 Low Density Residential and therefore clause 5.3 could be considered, given the circumstances of this case it will be difficult to demonstrate the applicability of clause 5.3(1) and compliance with the requirements of clause 5.3(4), particularly given that the principal purpose of the development is a prohibited land use in the IN2 zone'.

The objectives of the IN2 Light Industrial zone include:

- 'To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses'.

To use Clause 5.3, Council has to be satisfied that the development is not inconsistent with the objectives for development in both zones, and the development is desirable due to compatible land use planning, infrastructure capacity or other planning principles. In Council's opinion, the proposed development fails the first test as it is inconsistent with the objectives of IN2 light industrial zone especially a key objectives "to support and protect industrial land for industrial uses".

This objective is based on directions specified in the Local Planning Strategy and Newcastle Employment Lands Strategy. Within these Strategies, the site is identified as being within the 'Central Precinct' and the LPS notes:

*"Over the longer term (to 2031) employment lands within the Central Precinct are likely to play an important role as locations for urban support uses such as car repairs and trades as the population of the LGA continues to grow and the availability of land in the Inner Precinct becomes tighter pushing these smaller uses towards the Central Precinct. It is therefore important to maintain a surplus of land in this Precinct as a price moderator and to ensure a range of choices for prospective businesses within the area".*

In addition, the Greater Newcastle Metropolitan Plan 2018 requires all Greater Newcastle councils to align local plans to "ensure an adequate supply of employment land, including industrial zoned land, to cater for demand of urban services in accessible locations" (Action 7.1)

It is noted that most of the surrounding sites contain existing industrial uses (including industrial workwear and take-away food shop) and, given the age of the buildings, there is potential for site consolidation and redevelopment. The site would also suit small businesses undertaking light industrial uses that do not require a large floorplate.

The application for a change of use using clause 5.3 of the Local Environmental Plan is therefore not supported by Council as it has not demonstrated that the proposed use (dwelling) is consistent with the objectives of the IN2 industrial zone. It is recommended that the application be withdrawn within 21 days or otherwise the application will be determined by way of refusal.

Just give me a call if you want to discuss the application.

**David Paine | Senior Development Officer**

City of Newcastle | Governance

Regulatory, Planning and Assessment | Development Assessment

T: +61249742747 | E: [dpaine@ncc.nsw.gov.au](mailto:dpaine@ncc.nsw.gov.au)

 Newcastle - a smart, liveable, sustainable global city.  
Cooperation | Respect | Excellence | Wellbeing

**PRE-DEVELOPMENT APPLICATION**

1 February 2018

Mr Paul McLean  
Resolve Urban Planning  
92 High Street  
MORPETH NSW 2321



PO Box 489, Newcastle  
NSW 2300 Australia  
Phone: 4974 2000  
Fax: 4974 2222  
Email: mail@ncc.nsw.gov.au  
www.newcastle.nsw.gov.au

Dear Mr McLean

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<b>Pre-Development Application No:</b>	PR2017/00140
<b>Land:</b>	Lot B DP 432274
<b>Property Address:</b>	37 Boreas Road Hamilton North
<b>Proposed Development:</b>	Change of Use - Shop to dwelling house and café

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**A. Introduction**

Reference is made to the abovementioned property and our Pre-DA meeting held on 11 January 2018 and the additional information provided to Council on 18 January 2018.

The comments and views expressed in this letter are based on the plans and information submitted for preliminary assessment and any information gathered at the above meeting.

**B. Key Issues**

In response to the key issue stated on the application form and discussed at the meeting, the following advice is provided:

**1. Clause 5.3 - Development near zone boundaries**

Under the provisions of the NLEP the subject site is located in IN2 Light Industrial zone, in which zone a take away food and drink premises is permitted with consent, but a dwelling house is prohibited. It is understood that a development application (DA1996/0137) was approved for the use of the premises to change from *'a residence to shop'*.

While the existing building appears to have retained most of the original features of the dwelling (based on the submitted photographs of the building); your email of 11 December 2017 acknowledges that the above consent was acted on and therefore *'the building has no existing use rights as a dwelling.'*

The key issues raised in your application is whether it is possible to rely on clause 5.3 of the Newcastle Local Environmental Plan 2012 (NLEP) to address the above permissibility issue and *'Council's likely ability to support a Development Application for the use of the existing building as a dwelling house.'*

While the northern property boundary of the site is also the boundary between the IN2 affecting the site and the R2 Low Density Residential and therefore clause 5.3 could be considered, given the circumstances of this case it will be difficult to demonstrate the applicability of clause 5.3(1) and compliance with the requirements of clause 5.3(4), particularly given that the principal purpose of the development is a prohibited land use in the IN2 zone.

Notwithstanding this, if you wish to pursue this matter it will be necessary for the Statement of Environmental Effects of any development application to demonstrate, to Council's satisfaction, that approval of the application would *'enable a more logical and appropriate development of the site'* and:

- (i) the development is not inconsistent with the objectives for development in both zones, and
- (ii) 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.

If Council is satisfied the above considerations are addressed in the positive, then the proposed development will be a permissible use in the IN2 zone. It would then be a merits assessment by Council as to whether consent should be granted.

## **B. Other Issues**

In addition to the key issue discussed above, the following matters are considered to warrant further detail, consideration or amendment prior to the submission of a development application:

### **1. Food**

The proposal includes a small café which is defined as a take away food and drink premises. These premises are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

The proposed take away food and drink premises would need to comply with the Australian Standard AS4674-2004 -Design, construction and fit out of food premises.

### **2. Parking**

The proposed take away food and drink premises' would generate a demand for on-site car parking. Section 7.03 Traffic, Parking and Access of the Newcastle Development Control Plan 2012 require parking at a rate of 12 spaces per 100m<sup>2</sup> of GFA Given that there is limited opportunity to provide on-site car parking this will be an issue. Where a variation to Council's parking requirements is proposed, the onus is on the applicant to justify the variation. Refer to Part B of section 7.03.2 for further information.

### **3. Amenity**

The development application would need to demonstrate that any proposed take away café could operate in a manner that does not have unreasonable impacts (i.e. operating hours, noise and traffic) on the amenity of the residential properties in the immediate locality of the site.

### **C. Determining Authority**

Any proposed development application will be determined by a Council Development Officer or Council's Development Applications Committee (consisting of the elected councillors).

The Committee will only determine the application if one or more of the following criteria apply:

- have 25 or more submissions of objections.
- have a cost of works greater than \$10 million.
- conflict with Council's adopted objectives and policies (except in relation to minor departures where strict compliance would be unreasonable or unnecessary) and the application is being recommended for approval.
- have two requests in writing, from councillors requesting the application be determined by the committee.

### **D. Conclusion**

A preliminary assessment of your proposal has identified a number of specific matters that are considered to warrant further detail, consideration or amendments prior to the submission of a development application.

You are advised that:

- the views expressed may vary once detailed plans and information are submitted and assessed in the development application process, or as a result of issues contained in submissions by interested parties;
- amending one aspect of the proposal can result in changes which can create, different set of impacts from the original plans; and
- the comments do not bind Council Officers, the elected Council members, or other bodies beyond Council, in any way whatsoever.

For further enquiries please contact me on 4974 2747 or by email at [dpaine@ncc.nsw.gov.au](mailto:dpaine@ncc.nsw.gov.au).

Yours faithfully

**David Paine**  
**SENIOR DEVELOPMENT OFFICER**

Attachment C

# Internal Memo



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**TO:** All Councillors  
**CC:** Chief Executive Officer  
**FROM:** Director Governance  
**DATE:** 15 February 2019  
**SUBJECT:** Ward 2 – 37 Boreas Road, Hamilton North – categorisation of land for rating

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I refer to a request from Cr Rufo on 7 February 2019 (RV2019/01648) on behalf of a constituent regarding clarification as to the rating category applicable to the property at 37 Boreas Road, Hamilton North.

The land is currently categorised as business for rating purposes. The owner has previously requested the land be categorised as residential.

Section 516 of the Local Government Act (the Act) determines the necessary conditions for the categorisation of land as residential for rating purposes. This provision requires the land to have a dominant use of residential accommodation. The residential use requirement must be one which is permitted on the site in terms of the prevailing planning legislation requirements affecting the land. In this case, the subject property is located within an IN2 Light Industrial zone.

City of Newcastle's (CN) Local Environmental Plan prohibits a dwelling house within an IN2 zone. Additionally, the applicant has indicated the site does not enjoy existing use rights for residential purposes. This is being investigated by CN officers. As such, the land cannot be categorised as residential for rating purposes at this time.

The current rating categorisation of the land as business is determined by the effect of Section 518 of the Act. This provision requires all land that cannot be categorised as farmland, residential or mining to be categorised as business. In this instance the subject land does not fulfil the criteria of the farmland, residential or mining categories and by default must be categorised as business.

The owner has submitted a Development Application (DA2018/01188) to change the use of the property to dwelling. The DA has been called in by Councillors Rufo and Elliott and will be considered by the Development Applications Committee in the near future.

Note that any future determination by CN to permit residential use, and that use subsequently commencing, would allow the residential rating category to apply from the date of that determination.

A copy of the correspondence sent to the constituent is attached.

Should you require any further information please contact me on 4974 2876.

**David Clarke**  
**DIRECTOR GOVERNANCE**

Governance.AJones/MCherry  
Reference: RV2019/01648  
Phone: 4974 2310



15 February 2019

Ms Jodie Morris  
37 Boreas Road  
HAMILTON NSW 2292  
[morrisjodie@gmail.com](mailto:morrisjodie@gmail.com)

Dear Ms Morris

**37 BOREAS ROAD, HAMILTON – CATEGORISATION OF LAND FOR RATING**

I refer to your request sent to Cr Rufo on 4 February 2019 regarding clarification as to the rating category applicable to the property at 37 Boreas Road, Hamilton North.

The land is currently categorised as business for rating purposes and you have previously requested the land be categorised as residential.

Section 516 of the Local Government Act (the Act) determines the necessary conditions for the categorisation of land as residential for rating purposes. This provision requires the land to have a dominant use of residential accommodation. The residential use requirement must be one which is permitted on the site in terms of the prevailing planning legislation requirements affecting the land. In this case, the subject property is located within an IN2 Light Industrial zone.

City of Newcastle's (CN) Local Environmental Plan prohibits a dwelling house within an IN2 zone. Additionally, you have indicated the site also does not enjoy existing use rights for residential purposes. This is being investigated by CN officers. As such, the land at this time cannot be categorised as residential for rating purposes at this time.

The current rating categorisation of the land as business is determined by the effect of Section 518 of the Act. This provision requires all land that cannot be categorised as farmland, residential or mining to be categorised as business. In this instance the subject land does not fulfil the criteria of the farmland, residential or mining categories and by default must be categorised as business.

Note that any future determination by CN to permit residential use, and that use subsequently commencing, would allow the residential rating category to apply from the date of that determination.

Should you require any further information please contact Michael Cherry, Manager Debt Management and Rates on 4974 2310.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Alissa Jones', written over a light blue horizontal line.

Alissa Jones  
CHIEF FINANCIAL OFFICER

**Attachment D**

**Attachment D**

**Newcastle Local Environmental Plan 2012**

**Land Use Table**

**Zone IN2 Light Industrial**

**1 Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

**Zone R2 Low Density Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community within a low-density residential environment.
  - To enable other land uses that provide facilities or services to meet 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.
-

**Attachment E**

THE CITY OF NEWCASTLE  
Briefing Note to Public Voice Committee Meeting on 9 April 2019

**ATTACHMENT E - PROCESSING CHRONOLOGY**

**DA 2018 - 01188 – 37 Boreas Road Hamilton North**

- |                  |   |  |
|------------------|---|--|
| 11 January 2018  | - | Pre-Development meeting with Council.  |
| 18 October 2018  |   | Development application lodged with Council  |
| 29 January 2019  | - | Applicant advised of issues raised after technical assessment of the application.          |
| 05 February 2019 | - | The application was 'called in' for Determination by Councilor Rufo and Councilor Elliott. |
| 11 March 2019    |   | Requested additional information regarding existing use rights                             |

