ITEM- 8  DA2018/01460.01 – 11 Rowan Lane Merewether
Modification to four storey dwelling and associated site works – Changes to floor level and roof pitch
Attachment A: Submitted Plans
Attachment B: Draft Schedule of Conditions
Attachment C: Processing Chronology

ITEM- 9  DA2019/00998 - 19 High Street The Hill
Dwelling house - alterations and additions
Attachment A: Submitted Plans
Attachment B: Draft Schedule of Conditions
Attachment C: Processing Chronology
ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

ITEM 8 DA2018/01460.01 – 11 ROWAN LANE MEREWETHER

Modification to four storey dwelling and associated site works – Changes to floor level and roof pitch

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

17 MARCH 2020

DAC 17/03/2020

DA2018/01460.01 - 11 ROWAN LANE MEREWETHER

Attachment A: Submitted Plans

DISTRIBUTED UNDER SEPARATE COVER
MILLENNIAL HOUSE
11 ROWAN LANE, MEREWETHER, NSW, 2291
LOT 121 | DP845921

Drawing List
DA 000  Cover Page
DA 001  Site Analysis & Locality Plan
DA 002  Site Works & Sediment Control Plan
DA 003  Stormwater Plan & Driveway Section
DA 004  BASIX Commitments
DA 100  Garage Floor Plan
DA 101  Mezzanine Floor Plan
DA 102  Ground Floor Plan
DA 103  First Floor Plan
DA 104  Roof Plan
DA 200  North Elevation
DA 201  East Elevation
DA 202  South Elevation
DA 203  West Elevation
DA 300  Section A-A
DA 301  Section B-B
DA 302  Section C-C
DA 400  Perspectives 01
DA 500  Shadow Diagram - 21st June 9am
DA 501  Shadow Diagram - 21st June 12pm
DA 502  Shadow Diagram - 21st June 3pm
DA 600  Window and Glazed Door Schedule - Sheet 1

MILLENNIAL HOUSE
PROJECT NO. 318-009
CLIENT  P. & D. BOWDEN
LOCATION  11 ROWAN LANE MEREWETHER NSW 2291
DRAWING  Cover Page
SCALE  1:100 A3
The information contained in the document is copyright and may not be used or reproduced for any other project or purpose without permission.

Verify all dimensions and levels on site and report any discrepancies prior to the commencement of work.

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Use figured dimensions only.

Do not scale from drawings.

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The completion of the issue details checked and authorised section below is confirmation of the status of the drawing.

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PROJECT NO. 318-009

MILLENNIAL HOUSE

CLIENT: P. & D. BOWDREN

LOCATION: 11 ROWAN LANE MEREWETHER NSW 2291

DRAWING: Site Analysis & Locality Plan

SCALE: @A3
OVERFLOW FROM RAINWATER TANK CONNECTED TO STREET STORMWATER SYSTEM

MINIMUM SIZE RAINWATER TANK AT LOWER LEVEL BEHIND GARAGE CAPTURED WATER TO SERVICE A MINIMUM OF ONE OUTDOOR TAP AS PER BASIX REQUIREMENTS

OVERLAND FLOW PATH FROM REAR NEIGHBOURING PROPERTIES

REFER TO LINDSEY DYLAN CIVIL ENGINEERING DETAIL
The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:

- at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply)

The applicant must construct the buildings and walls of the dwelling in accordance with the specifications listed in the table below.

### Artificial lighting

The applicant must ensure that the “primary type of artificial lighting” is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:

- at least 5 of the bedrooms / study; dedicated
- at least 2 of the living / dining rooms; dedicated
- the kitchen; dedicated
- all bathrooms/toilets; dedicated
- the laundry; dedicated
- all hallways; dedicated

### Energy Commitments

#### Hot water

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 5 stars.

#### Cooling system

The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: ceiling fans + 1-phase airconditioning; Energy rating: 5 Star

The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: ceiling fans + 1-phase airconditioning; Energy rating: 5 Star

The cooling system must provide for day/night zoning between living areas and bedrooms.

#### Heating system

The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 5 Star

The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 5 Star

The heating system must provide for day/night zoning between living areas and bedrooms.

#### Ventilation

The applicant must install the following exhaust systems in the development:

- At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: interlocked to light
- Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off
- Laundry: individual fan, ducted to façade or roof; Operation control: interlocked to light

#### Artificial lighting

The applicant must show on the plans accompanying the development application for the proposed development, all matters which the assessor has endorsed on the BASIX certificate, including the Cooling and Heating loads shown on the front page of this certificate.

The accuracy of content and dimensions and levels on site and report any discrepancies prior to the commencement of work.
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North Elevation

SCALE 1:100 @ A3

MILLENIAL
HOUSE

PROJECT NO. 318-009
CLIENT
P. & D. BOWDEN
LOCATION
11 ROWAN LANE MEREWETHER NSW 2291
DRAWING
North Elevation
SCALE
1:100 @ A3

DA 200
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Legend

- PERMISSIBLE BUILDING ENVELOPE
- PERMISSIBLE BUILDING ENVELOPE

MILLENNIAL HOUSE

PROJECT NO. 318-009
CLIENT P. & D. BOWDEN
LOCATION 11 ROWAN LANE MEREWETHER NSW 2291
DRAWING Section C-C
SCALE 1:1000@A3

DA 302
<table>
<thead>
<tr>
<th>Issue</th>
<th>Description</th>
<th>Issued By</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Revised for DA</td>
<td>Harry</td>
<td>2/10/2019</td>
</tr>
<tr>
<td>02</td>
<td>Revised for DA Approval</td>
<td>Katie</td>
<td>3/10/2019</td>
</tr>
<tr>
<td>03</td>
<td>S 96 Application</td>
<td>Katie</td>
<td>15/01/2020</td>
</tr>
</tbody>
</table>

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A three level house. The house on site plan:

- Location: 11 Rowan Lane Merewether NSW 2291
- Contact: +61 2 4969 3631
- Email: enquiries@sdarch.com.au
- Website: www.sdarch.com.au

The drawings are for Millennial House Project and are to be used for the DA Application and DA Approval.

PROJECT NO. 318-009
CLIENT: P. & D. BOWDEN
LOCATION: 11 ROWAN LANE MEREWETHER NSW 2291
DRAWING: Shadow Diagram - 21st June 12pm
SCALE: 1:100 @ A3
The information contained in the 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 Construction" and authorised for issue.
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---

**Project No:** 318-009  
**Client:** P. & D. Bowden  
**Location:** 11 Rowan Lane Merewether NSW 2291  
**Drawing:** Window and Glazed Door Schedule  
**Scale:** 1:50@A3

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DEVELOPMENT APPLICATIONS COMMITTEE MEETING
17 MARCH 2020

DAC 17/03/2020

DA2018/01460.01 - 11 ROWAN LANE MEREWETHER

Attachment B: Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER
**DRAFT SCHEDULE OF CONDITIONS**

**Application No:** DA2018/01460.01  
**Land:** Lot 121 DP 845921  
**Property Address:** 11 Rowan Lane Merewether NSW 2291  
**Proposed Development:** Four storey dwelling and associated site works  

**Modified application No:** DA2018/01460.01

**SCHEDULE 1**

**APPROVED DOCUMENTATION**

1. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

<table>
<thead>
<tr>
<th>Plan No / Supporting Document</th>
<th>Reference / Version</th>
<th>Prepared by</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Analysis &amp; Locality Plan</td>
<td>SDA Architecture, Project No: 318-009, DWG DA001, Issue 12.03.</td>
<td>SDA Architecture</td>
<td>15.01.2020</td>
</tr>
<tr>
<td>Site Works and Sediment Control Plan</td>
<td>SDA Architecture, Project No: 318-009, DWG DA002, Issue 12.03.</td>
<td>SDA Architecture</td>
<td>15.01.2020</td>
</tr>
<tr>
<td>Stormwater Plan and Driveway Section</td>
<td>SDA Architecture, Project No: 318-009, DWG DA003, Issue 12.04.</td>
<td>SDA Architecture</td>
<td>31.01.2020</td>
</tr>
<tr>
<td>Garage Floor Plan</td>
<td>SDA Architecture, Project No: 318-009, DWG DA100, Issue 12.04.</td>
<td>SDA Architecture</td>
<td>15.01.2020</td>
</tr>
<tr>
<td>Ground Floor Plan</td>
<td>SDA Architecture, Project No: 318-009, DWG DA102, Issue 12.04.</td>
<td>SDA Architecture</td>
<td>15.01.2020</td>
</tr>
<tr>
<td>First Floor Plan</td>
<td>SDA Architecture, Project No: 318-009, DWG DA103, Issue 12.04.</td>
<td>SDA Architecture</td>
<td>15.01.2020</td>
</tr>
</tbody>
</table>
In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

2. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 ‘Stormwater’ of Newcastle Development Control Plan 2012. The site discharge pipe being connected to the existing Council stormwater pipe in Rowan Lane. Full details are to be included in documentation for a Construction Certificate application.

3. Working drawings and specifications of the proposed building and a proposal to remove the risk of pothole mine subsidence in the Victoria Tunnel Seam as per the requirements of the conditional approval issued by Subsidence Advisory NSW on 30 November 2018 are to be submitted to the Board for approval prior to an application for a Construction Certificate and any requirements of the Board are to be included in the documentation.
for a Construction Certificate application.

4. A residential vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
   
a) Constructed to abut the existing road pavement.

b) The driveway crossing, within the road reserve, shall be a maximum of 3 metres wide.

c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.

d) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.

e) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

Works in the road reserve are not approved until consent under Section 138 of the Roads Act 1993 (NSW) has been granted by Council. An application under Section 138 must be lodged and consent obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.

5. The detailed design of the proposed development shall consider the geotechnical conditions of the site and have regard to the recommendations of the submitted geotechnical report to achieve a “Low Risk” level in accordance with the Australian Geomechanics Society publication Practice Note Guidelines for Landslide Risk Management, 2007. Full details are to be included in documentation for a Construction Certificate application.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

6. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

a) Be a standard flushing toilet connected to a public sewer, or

b) Have an on-site effluent disposal system approved under the Local Government Act 1993 (NSW), or

c) Be a temporary chemical closet approved under the Local Government Act 1993 (NSW).

7. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:

a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and

b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
c) stating that unauthorised entry to the work site is prohibited, and

d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

8. All building work must be carried out in accordance with the provisions of the National Construction Code.

9. In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.

10. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

11. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.

12. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifying Authority at the stages of construction indicated:

   a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.

   b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.

   c) When the roof has been completed, confirming that the building does not exceed the approved levels.

13. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:

   - Monday to Friday, 7:00 am to 6:00 pm and
   - Saturday, 8:00 am to 1:00 pm.

   No noise from construction/demolition work is to be generated on Sundays or public holidays.

14. Council’s ‘Prevent Pollution’ sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.

   The sign can be obtained by presenting your development application receipt at Council’s Customer Enquiry Counter, Wallsend Library or the Master Builders Association Newcastle.

15. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the ‘Blue Book’) published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an
established vegetative cover.

16. Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.

17. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the Surveying and Spatial Information Act 2002 (NSW).

18. The following waste management measures are to be implemented during construction:
   a) waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
   b) the waste container is to be, at minimum, constructed with a ‘star’ picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
   c) appropriate provision is to be made to prevent wind blown rubbish leaving the site and
   d) footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

   Note: Fines may be issued for pollution/littering offences under the Protection of the Environment Operations Act 1997 (NSW)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE, A SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE

19. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.

20. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council’s satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.

21. All works within the road reserve required by this consent are to be completed prior to the issue of an Occupation Certificate.

22. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.

23. The premises are to be identified by the provision of house numbers on the building exterior and mailbox such that they are clearly visible from the road frontage.
The minimum numeral height shall be 75mm.

24. Prior to the issue of an Occupation Certificate, written confirmation is to be provided from a Geotechnical engineer that the as-constructed development has been completed in accordance with the recommendations of the submitted geotechnical report to achieve a “Low Risk” level in accordance with the Australian Geomechanics Society publication *Practice Note Guidelines for Landslide Risk Management*, 2007.

**ADVISORY MATTERS**

- Retaining walls not clearly noted on the approved plans or outside of the parameters of ‘exempt development’ as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.

- An application is to be submitted to Council for the removal or pruning of any trees located more than three metres from the dwelling, wall measured from the centre of the trunk to the footings of the dwelling, excluding carports and pergolas.

- It is recommended that, prior to commencement of work, the free national community service ‘Dial before you Dig’ be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.

- Any necessary alterations to public utility installations are to be at the developer/demolisher’s expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.

- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the *Dividing Fences Act 1991* (NSW).

- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).

- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (‘on-the-spot fine’) or prosecution.

- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice (‘on-the-spot fine’) or prosecution.

**END OF CONDITIONS**
SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- Council has considered and accepted the variation to Clause 4.3 height of building development standard under the *Newcastle Local Environmental Plan 2012* (NLEP). The variation to building height is considered acceptable in the particular circumstances of this case.
- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- No objections were received and no negative neighbours impacts are anticipated.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

- Confirm and clarify the terms of Council’s determination;
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

17 MARCH 2020

DAC 17/03/2020

DA2018/01460.01 - 11 ROWAN LANE MEREWETHER

Attachment C: Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER
PROCESSING CHRONOLOGY

DA2018/01460.01 – 11 Rowan Lane Merewether

07 November 2019  -  Amended development application lodged with CN
19 November 2019  -  Public Exhibition (14 days)
15 January 2020   -  CN request for additional information
31 January 2020   -  Requested additional information received
17 March 2020     -  Application scheduled to proceed to Development Applications Committee meeting
ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

ITEM 9  DA2019/00998 - 19 HIGH STREET THE HILL

Dwelling house - alterations and additions

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DEVELOPMENT APPLICATIONS COMMITTEE MEETING
17 MARCH 2020

DAC 17/03/2020

DA2019/00998 - 19 HIGH STREET THE HILL

Attachment A: Submitted Plans

DISTRIBUTED UNDER SEPARATE COVER
MK House
19 High Steet, The Hill, NSW, 2300
LOT 1 / DP741412

Drawing List
DA 000  Cover Page
DA 001  Site Analysis
DA 002  Site Section
DA 003  Site Plan
DA 004  Demolition Plan Ground Floor
DA 005  Demolition Plan First Floor
DA 006  Demolition Plan Roof Level
DA 100  Ground Floor Plan
DA 101  First Floor Plan
DA 102  Roof Plan
DA 200  Elevations 01
DA 201  Elevations 02
DA 300  Section 01
DA 301  Section 02
DA 400  Perspectives 01
DA 401  Perspectives 02
DA 402  Privacy Plan
DA 403  View Sharing - 21 High Street
DA 404  View Sharing 19-23 High Street

Legend

Notes

BASIX COMMITMENTS

Lighting
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.

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, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.

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.
The following requirements must also be satisfied in relation to each window and glazed door:
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the BASIX Certificate. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.

For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the BASIX Certificate.
Legend

- Sun: Sunset Directions
- Sun: Sunrise Directions
- EX. POOL: Existing Pool
- FIRST & SECOND FLOOR POS: First and Second Floor Positions
- EXISTING WINDOW: Existing Window
- EXISTING ROOF: Existing Roof
- COASTAL VIEWS: Coastal Views
- POTENTIAL PRIVACY ISSUE: Potential Privacy Issue
- 180° HARBOUR VIEWS: 180° Harbour Views
- 2 STOREY BRICK UNITS: 2 Storey Brick Units
- 1 STOREY W/B DWELLING: 1 Storey W/B Dwelling
- 19 High Steet, The Hill, NSW, 2300

Notes

- STREET FRONTAGE
- REAR PERSPECTIVE
- HARBOUR VIEWS
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**Legend:***

- **BG**: BOX GUTTER
- **DP**: DOWNPIPE
- **ESL**: EXISTING SKYLIGHT

**Drawings Title:**

Demolition Plan Roof

**Scale:** 1:100

**Project: MK House**

**Location:**

19 High St, The Hill, NSW, 2300

**Drawings Title:** Demolition Plan Roof Level

**Issued:** 117-042

**Drawing No.:** DA 006

**Issue No.:** 09

**Scale:** 1:100

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South Elevation
1:100

West Elevation
1:100

Legend:
- BAL: BALUSTRADE
- COL: COLUMN
- DP: DOWNPIPE
- FGL: FIXED GLASS
- MRS: METAL ROOF SHEETING
- OGB: OBSCURE GLASS BALUSTRADE

Notes:
- BAL: BALUSTRADE
- COL: COLUMN
- DP: DOWNPIPE
- FGL: FIXED GLASS
- MRS: METAL ROOF SHEETING
- OGB: OBSCURE GLASS BALUSTRADE

Project:
- MK House

Client:
- MARK KENTWELL

Location:
- 39 High Street, The Hill, NSW, 2300

Drawings Title:
- Elevations 02

Issue No.:
- 117-042

Drawing No.:
- DA 205

Scale:
- 1:100 @ A3

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Privacy Plan

Legend

ISSUE DESCRIPTION BY DATE

1 2 3 4 5

For DA RFI For DA RFI For DA RFI For DA RFI For DA RFI

Harry Harry Harry Harry Dylan


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Image montage showing limited existing views, resulting in no additional impact from proposed additions.
Existing Shadow Diagram - June 21 - 9am

Existing Shadow Diagram - June 21 - 12pm
Existing Shadow Diagram - June 21 - 3pm
NOTES:

- No boundary survey has been undertaken.
- Bearings and dimensions are from title only and are subject to confirmation by boundary survey.

Services shown are indicative only. Positions are based on surface indicators located during field survey. Confirmation of the exact position should be made to the relevant authorities prior to any excavation work. Other services may exist which are not shown.

Levels are based on Australian Height Datum (AHD). PM 19791, RL 60.547

Contour interval 0.2m.

NOTE:
Boundary dimensions have been taken from Unregistered Plan Ref: 41517-DP. Deed dimensions as shown in DP741412 must be adopted until plan has been registered at NSW Land Registry Service.
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

17 MARCH 2020

DAC 17/03/2020

DA2019/00998 - 19 HIGH STREET THE HILL

Attachment B: Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER
DRAFT SCHEDULE OF CONDITIONS

Application No: DA2019/00998

Land: Lot 1 DP 741412

Property Address: 19 High Street The Hill NSW 2300

Proposed Development: Dwelling house – Alterations and additions

SCHEDULE 1

APPROVED DOCUMENTATION

1. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

<table>
<thead>
<tr>
<th>Plan No / Supporting Document</th>
<th>Reference / Version</th>
<th>Prepared by</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan</td>
<td>117-042 DA 003 Issue 11</td>
<td>SDA</td>
<td>04/07/2019</td>
</tr>
<tr>
<td>Ground Floor Plan</td>
<td>117-042 DA 100 Issue 09</td>
<td>SDA</td>
<td>04/07/2019</td>
</tr>
<tr>
<td>First Floor Plan</td>
<td>117-042 DA 101 Issue 09</td>
<td>SDA</td>
<td>04/07/2019</td>
</tr>
<tr>
<td>Roof Plan</td>
<td>117-042 DA 102 Issue 11</td>
<td>SDA</td>
<td>04/07/2019</td>
</tr>
<tr>
<td>Elevation Plans</td>
<td>117-042 DA 200 + DA 201 Issue 11</td>
<td>SDA</td>
<td>04/07/2019</td>
</tr>
<tr>
<td>Section Plans</td>
<td>117-042 DA 300 + DA 301 Issue 11</td>
<td>SDA</td>
<td>04/07/2019</td>
</tr>
<tr>
<td>Statement of Environmental Effects</td>
<td>18072</td>
<td>Resolve Urban Planning</td>
<td>September 2019</td>
</tr>
<tr>
<td>Statement of Heritage Impact</td>
<td>18-53</td>
<td>Carste Studio</td>
<td>19/11/2018</td>
</tr>
<tr>
<td>BASIX Report</td>
<td>A324403_02</td>
<td>James Clarence</td>
<td>05/09/2019</td>
</tr>
</tbody>
</table>

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.
CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. Working drawings and specifications of the proposed building are to be submitted to the NSW Mine Subsidence Board for approval prior to an application for a Construction Certificate and any requirements of the Board are to be included in the documentation for a Construction Certificate application.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

3. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council and the demolisher prior to commencement of work.

4. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
   a) Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development
   b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
   c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request
   d) Seven working days’ notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council’s contact telephone number (49742000) and the Workcover Authority of NSW telephone number (49212900) and
   e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.

5. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

6. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

7. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
8. Stormwater is to be conveyed to the existing property stormwater drains by way of a sealed pipe system. The existing drains are to be checked for adequacy and cleared of any obstructions.

9. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
   a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and
   b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
   c) stating that unauthorised entry to the work site is prohibited, and
   d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

10. All building work must be carried out in accordance with the provisions of the National Construction Code.

11. In the case of residential building work for which the Home Building Act 1989 (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.

12. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves including the road reserve is not permitted.

13. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW), before the commencement of works.

14. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
   - Monday to Friday, 7:00 am to 6:00 pm and
   - Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

15. Council’s ‘Prevent Pollution’ sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.

The sign can be obtained by presenting your development application receipt at Council’s Customer Enquiry Counter, Wallsend Library or the Master Builders Association Newcastle.
16. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the ‘Blue Book’) published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

17. All public trees that are required to be retained must be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual 'Section 8.0 Protection Measures'.

The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

18. The following waste management measures are to be implemented during construction:

a) waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste.

b) the waste container is to be, at minimum, constructed with a ‘star’ picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets.

c) appropriate provision is to be made to prevent wind blown rubbish leaving the site.

d) footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the Protection of the Environment Operations Act 1997 (NSW).

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE, A SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE

19. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.

20. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.

21. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council’s satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.
22. All works within the road reserve required by this consent are to be completed prior to the issue of a Occupation Certificate.

23. Prior to the issue of an Occupation Certificate, the building shall be upgraded to comply with Performance Criteria P2.3.2 (Automatic warning for occupants) of the Building Code of Australia.

ADVISORY MATTERS

- An application is to be submitted to Council for the removal or pruning of any trees located more than three metres from the dwelling, wall measured from the centre of the trunk to the footings of the dwelling, excluding carports and pergolas.

- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the Dividing Fences Act 1991 (NSW).

- Retaining walls not clearly noted on the approved plans or outside of the parameters of ‘exempt development’ as specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.

- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.

- Any necessary alterations to public utility installations are to be at the developer/demolisher’s expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.

- Prior to commencing any building works, the following provisions of Division 6.2 of the Environmental Planning and Assessment Act 1979 are to be complied with:
  
  a) A Construction Certificate is to be obtained; and

  b) A Principal Certifier is to be appointed for the building works and Council is to be notified of the appointment; and

  c) Council is to be given at least two days notice of the date intended for commencement of building works.

- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the Environmental Planning and Assessment Regulation 2000 (NSW).

- It is an offence under the provisions of the Protection of the Environment Operations Act 1997 (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (‘on-the-spot fine’) or prosecution.
• Failure to comply with the conditions of consent constitutes a breach of the Environmental Planning and Assessment Act 1979 (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.

END OF CONDITIONS
SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS
The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being: Newcastle Local Environmental Plan 2012 (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- Council has considered and accepted the proposed development standard variation made under Clause 4.3 (Height of Buildings) of the Newcastle Local Environmental Plan 2012. The proposed 6.2% variation is considered acceptable in the particular circumstances of this case as the variation will not significantly overshadow neighbouring properties, obstruct significant view corridors and detrimentally impact prevailing breezes.
- Council has considered and accepted the proposed development standard variation made under Clause 4.4 (Floor Space Ratio) of the Newcastle Local Environmental Plan 2012. The proposed 25% variation is considered acceptable in the particular circumstances of this case as the bulk and scale of the existing development will remain unchanged when the development is viewed from the streetscape, and the proposed works will not result in any detrimental impact to adjoining residences with respect to overshadowing, privacy or loss of prevailing breezes.
- The proposed development has acceptable heritage impacts and well-considered site planning.
- The proposed development has satisfactorily resolved privacy, overshadowing and view sharing issues.
- Any issues raised in submission have been taken into account in the assessment report and where appropriate conditions of consent have been included in the determination.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED
The following conditions are applied to:

- Confirm and clarify the terms of Council's determination;
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.
DAC 17/03/2020

DA2019/00998 - 19 HIGH STREET THE HILL

Attachment C: Processing Chronology
PROCESSING CHRONOLOGY

DA 2019/00998 – 19 High Street The Hill

13 September 2019 - Application lodged

19 September – 3 October 2019 - Public notification. One submission received in response.

24 September 2019 - Preliminary request for additional information

25 September 2019 - Additional information received

17 March 2020 - Application scheduled to proceed to DAC