ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

DAC 20/10/2020 – DA2020/00443 – 9 BEACH STREET NEWCASTLE EAST – DWELLING HOUSE - ALTERATIONS AND ADDITIONS

PAGE 3 ITEM-37 Attachment A: Submitted Plans

PAGE 21 ITEM-37 Attachment B: Draft Schedule of Conditions

PAGE 30 ITEM-37 Attachment C: Processing Chronology
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DAC 20/10/2020 – DA2020/00443 – 9 BEACH STREET NEWCASTLE EAST – DWELLING HOUSE - ALTERATIONS AND ADDITIONS

ITEM-37 Attachment A: Submitted Plans
The front façade features a modern design with a series of skillion roof forms and walls to the boundary that have been built for the new bathroom, laundry, and living rooms— all south of the dwelling's original structures. The rear of the dwelling has maintained the single-storey structure with gable roof (shared with #11) and a kitchen wing, but the rear toilet external to the dwelling has been demolished. The original structure's fabric is visible with painted rendered walls, sheet metal roofing, and a series of skillion roof forms.

Structural changes are highlighted through material fabric changes—face brick external walls, new roofing with associated plumbing, and new window and door systems to these rear elements. The front façade has various trimmings added over time— the front door security screen, balcony enclosed with vertical cladding to balustrade height, and timber windows to the roof structure. In addition to the material trimmings, service additions include the mains electrical board mounted to the front façade, street light to the left of the entry door, and antenna's to the upper roof.
masonry dwelling
with sheet metal
2 & 1 storey
roofing

02. view under existing western vegetation
03. view over existing western vegetation
04. view of #7 Beach Street rear bulk

boundary 21.945m 00'00''40''

01a. proposed roof plan 1:100

01b. proposed rear elevation elevation 1:100
boundary 3.81m 90'00''00''
gutter
fall
gutter
fall
gutter
fall
gutter

01c. proposed partial roof plan 1:50

2 x shade sail structures (fixed)
with associated supports
with tiled roofing
#9 Murray Ave
3 & 1 storey
block

views from terrace towards western
structure and
over #11 roof
vegetation

#11 #9 #7
existing vegetation to the west of the subject property. No
impact to the vegetation, preventing views down from the
western properties along Beach Street to remain private
proposed upper roof terrace, enabling the rear yards of

Views from the proposed roof
terrace will carry over the top of
terrace rl 22.48
3.4x4m
ceiling rl 22.18
ceiling rl 19.05
floor rl 16.05

Views from terrace
west and north
views from terrace over
#7 roof structure
filtered through
landscaping

Subject property:
Circuit of proposed and existing
viewing ovals

APPROXIMATELY
10m RADIUS

subject property
#9 Beach St

APPROXIMATELY 6.8m RADIUS

view from
#1a Beach St

APPROXIMATELY 7.2m RADIUS

#1a BEACH ST
UPPER DECK

subject property
#3 Beach St

APPROXIMATELY 6.7m RADIUS

view from
#1a Beach St

subject property
#3 Beach St

APPROXIMATELY 10m RADIUS

view from
#3 Beach St

subject property
#9 Beach St

APPROXIMATELY 12m RADIUS

view from
#3 Beach St

subject property
#9 Beach St

APPROXIMATELY 13.2m RADIUS

view from
#3 Beach St

#1a BEACH ST
UPPER DECK

subject property
#7 Beach St

APPROXIMATELY 6.5m RADIUS

view from
#1a Beach St

subject property
#7 Beach St

APPROXIMATELY 8.3m RADIUS

view from
#1a Beach St

subject property
#7 Beach St

APPROXIMATELY 4.5m RADIUS

view from
#1a Beach St

subject property
#7 Beach St

APPROXIMATELY 2.5m RADIUS

view from
#1a Beach St

subject property
#7 Beach St

APPROXIMATELY 0.5m RADIUS

view from
#1a Beach St

subject property
#3 Beach St

APPROXIMATELY 2.0m RADIUS

view from
#1a Beach St

subject property
#3 Beach St

APPROXIMATELY 0.3m RADIUS

view from
#1a Beach St

83dwg05a - PRIVACY ASSESSMENT
sheet title
1:100, 50 @ A1
ALTERATIONS AND ADDITIONS
project
PENNY & OLIVER COAKES
client
NEWCASTLE, NSW, 2300
location
83
project no.
DA information request 03.07.20
issue
Australian Institute of Architects Member
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all dimensions are in millimetres unless
consultant
bushfire details are subject to a bushfire
requirements. structural details are
standards, local authorities & government
regulations. structural details are
in accordance with the BCA, Australian
the proposed works are to be read in
for construction.
these documents are for development
A1 SHEET
general notes
01. view of the Newcastle Hotel and near facades of dwellings along Beach Street
02. view of the Newcastle Hotel and near facades of dwellings along Beach Street
03. existing site plan 1:200
04. existing view from the Newcastle Hotel upper roof terrace over the rear of dwellings along Beach Street to the ocean
05. existing view from the Newcastle Hotel upper roof terrace over the rear of dwellings along Beach Street to the ocean
06. proposed site plan 1:200
07. proposed view from the Newcastle Hotel upper roof terrace over the rear of dwellings along Beach Street to the ocean
03. Associated Application

D. REAR PERSPECTIVE OF EXISTING SCALE

The subject site (lot 1 / DP#104145) is a rectangular site. It has an approximately 3.861m wide boundary to the north/south and 21.945m side boundary to the east/west. The site is situated amongst residential dwellings with a minor fall to the rear of the site.

E. REAR PERSPECTIVE OF PROPOSED SCALE

The minor excess of F.S.R. relates to its context and the public interest associated with its zoning, further described below.

F. REAR Perspective View of Existing Bulk

The variation allows for the sustained domestic use of the land in an appropriate manner. Further, the proposal will not result in any unreasonable impact on amenity or any significant adverse environmental impacts as a result of the variations, which have been arrived at after a design excellence process that involved testing and amending the design to achieve the most appropriate massing of development for the site.

10. Objectives of the development standard

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for the housing needs of the community within a medium density residential environment.
- Density - floor space ratio has no provisions for a performance based control. As noted in the Newcastle City Council's development control plan, Density - floor space ratio has no provisions for a performance based control.
- The limiting area of the site, along with the zoning creates an unreasonable gross floor area for the intention of the structure.
- The minor excess of F.S.R. relates to its context and the public interest associated with its zoning, further described below.
- The variation allows for the sustained domestic use of the land in an appropriate manner. Further, the proposal will not result in any unreasonable impact on amenity or any significant adverse environmental impacts as a result of the variations, which have been arrived at after a design excellence process that involved testing and amending the design to achieve the most appropriate massing of development for the site.

11. Proposed numeric value of the development standard within the development application


13. Justification for the Contravention

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

15. Is the development standard a performance based control? Give details.

16. Strict compliance with the development standard

(l) In deciding whether to grant concurrence, the Secretary must consider:

(b) the concurrence of the Secretary has been obtained.

demonstrated by subclause (3), and

(i) the applicant’s written request has adequately addressed the matters required to be

of the case, and

(j) the Secretary must consider any other matters required to be taken into consideration by the Secretary before granting concurrence.

18. Public Interest

The variation allows for the sustained domestic use of the land in an appropriate manner. Further, the proposal will not result in any unreasonable impact on amenity or any significant adverse environmental impacts as a result of the variations, which have been arrived at after a design excellence process that involved testing and amending the design to achieve the most appropriate massing of development for the site.
The proposal has been designed to relate to the boundary wall construction is being retained as compliance with the numerical controls surrounding context rather than strict increases the useable space is a logical extension of the zones, by doing so will maintain similar positions to the existing externally are situated within addition, the proposed living dwelling with adequate solar neighbour properties.

The description is provided for information only. Fenestration Rating Council (NFRC) conditions. The applicant must construct the new construction permits, a hot water system to be gas storage (refer BASIX certificate). Alternative systems with complying U-value and SHGC must be calculated in accordance with National Basix Assessment Methodology. Each skylight may either match the description, or, - overshadowing as illustrated.

-improved aluminum, single clear/air gap/clear (or A + B + C + D + E + F + J + K - framed and glass type;

-standard aluminum, single clear, (or - each window or glazed door with improved

-gap/clear glazing, or toned/air gap/clear glazing

-U-value: 4.12, SHGC: 0.47)

-U-value: 7.63, SHGC: 0.75)

- AWNING MUST BE NO MORE THAN 500 MM ABOVE THE SILL.

2400 mm above the sill.

AWNING MUST BE NO MORE THAN 500 MM ABOVE THE SILL.

Each skylight may either match the description, or,

-improved aluminum, single clear/air gap/clear (or

-U-value: 4.12, SHGC: 0.66)

-improved aluminum, single clear/air gap/clear (or

-U-value: 7.63, SHGC: 0.75)

-overlap in plan view
ALTERATIONS AND ADDITIONS
SCALE 1:200 @ A1

Sheet no. 1 of 1

Sheet title 83sd01 - SHADOW DIAGRAMS

Project no. 83
Location LOT 1, DP 104145
9 BEACH ST, NEWCASTLE, NSW, 2300
Client PENNY & OLIVER COAKES
Date APRIL 2020

1. existing site plan 9am 1:200
2. existing site plan 12pm 1:200
3. existing site plan 15pm 1:200
4. existing #9 Murray Ave North Facade 9am 1:200
5. existing #9 Murray Ave North Facade 12pm 1:200
6. existing #9 Murray Ave North Facade 15pm 1:200
7. proposed site plan 9am 1:200
8. proposed site plan 12pm 1:200
9. proposed site plan 15pm 1:200
10. proposed #9 Murray Ave North Facade 9am 1:200
11. proposed #9 Murray Ave North Facade 12pm 1:200
12. proposed #9 Murray Ave North Facade 15pm 1:200

General notes
A1 SHEET
THESE DOCUMENTS ARE FOR DEVELOPMENT APPLICATION PURPOSES ONLY, NOT TO BE USED FOR CONSTRUCTION. THE PROPOSED WORKS ARE TO BE READ IN ACCORDANCE WITH THE BCA, AUSTRALIAN STANDARDS, LOCAL AUTHORITIES & GOVERNMENT REGULATIONS. STRUCTURAL DETAILS ARE SUBJECT TO STRUCTURAL ENGINEER'S SPECIFICATIONS. DRAINAGE & WATER DETAILS ARE SUBJECT TO HYDRAULIC ENGINEER'S SPECIFICATIONS. SITE RL's, LOCATIONS & SETOUTS REQUIRE CLARIFICATION BY A REGISTERED SURVEYOR. GROUND CONDITIONS ARE SUBJECT TO GEOTECH ENGINEER'S SPECIFICATIONS. BUSHFIRE DETAILS ARE SUBJECT TO A BUSHFIRE CONSULTANT.
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j.p.hellowell
NSW Architects Registration Number 9428
Australian Institute of Architects Member

ADDITIONAL SHADOWS CAST BY PROPOSED STRUCTURE FROM SUBJECT PROPERTY

Shadow diagram notes
THE REAR DEVELOPMENT #9 MURRAY AVENUE HAS NOT BEEN SURVEYED - SETOUT, HEIGHTS, OPENING LOCATIONS ARE APPROXIMATE ONLY
Steel Handrail - Matt Black
Rear Roof Sheeting, Roofing Accessories, Window Hoods - Copper

ALTERATIONS AND ADDITIONS

project

scale

na @ A1

sheet no

1 of 1

sheet title

83img01 - FINISHES

project no.

83

location

LOT 1, DP 104145
9 BEACH ST,
NEWCASTLE, NSW, 2300

client

PENNY & OLIVER COAKES

date

APRIL 2020

general notes

A1 SHEET

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c jphellowell

NSW Architects Registration Number 9428
Australian Institute of Architects Member

date

APRIL 2020

Entry Door Highlight - Dulux, Cloudform Steel Door & Window Detail - Matt Black
Painted Brickwork - Dulux, Casper Grey
Painted Facade, Walls and Roof trims - Dulux, Casper Grey

Burnished Concrete Deck, Concrete Roof Parapet - Grey
Slatted Timber Screen - Spotted Gum
Front Roof Sheeting - Lysaght custom orb, with Colorbond Stainless, Windspray

01. finishes external

issue date

DA 29.04.20

19


ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

DAC 20/10/2020 – DA2020/00443 – 9 BEACH STREET NEWCASTLE EAST – DWELLING HOUSE - ALTERATIONS AND ADDITIONS

ITEM-37 Attachment B: Draft Schedule of Conditions
DISTRIBUTED UNDER SEPARATE COVER
DRAFT SCHEDULE OF CONDITIONS

Application No: DA2020/00443
Land: Lot 1 DP 104145
Property Address: 9 Beach Street Newcastle East 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>Proposed Plans</td>
<td>83dwg05</td>
<td>J P Hellowell Design</td>
<td>29/04/2020</td>
</tr>
<tr>
<td>Rooftop terrace</td>
<td>83dwg05c</td>
<td>J P Hellowell Design</td>
<td>03/07/2020</td>
</tr>
<tr>
<td>Sections &amp; Elevations</td>
<td>83dwg06</td>
<td>J P Hellowell Design</td>
<td>29/04/2020</td>
</tr>
<tr>
<td>Statement of Environmental Effects</td>
<td>Issue 01 – DA</td>
<td>J P Hellowell Design</td>
<td>–</td>
</tr>
<tr>
<td>Heritage Impact Statement</td>
<td>–</td>
<td>Amenity</td>
<td>17/04/2020</td>
</tr>
<tr>
<td>BASIX Report</td>
<td>A372545</td>
<td>J P Hellowell Design</td>
<td>27/04/2020</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 COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

2. 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 the City of Newcastle and to the demolisher prior to commencement of work.

3. Demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:

   a) Demolition works are to be conducted in accordance with the submitted
Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan is to 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 required class of Asbestos Licence, issued by SafeWork 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 City of Newcastle officers upon request;

d) Seven working days' notice in writing is to be given to the City of Newcastle and the owners/occupiers of neighbouring premises prior to the commencement of any demolition work. 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 is also to include City of Newcastle's contact telephone number (4974 2000) and the SafeWork NSW telephone number (4921 2900); 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.

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

5. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent is to, at that person's own expense:

a) Protect and support the adjoining premises from possible damage from the excavation, and

b) Where necessary, underpin the adjoining premises to prevent any such damage.

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the requirements not applying.

6. A Registered Surveyor’s certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifier before construction is commenced.

7. A survey certificate prepared by a Registered Surveyor is to be submitted to the Principal Certifier upon completion of the floor slab formwork, before concrete is poured, to verify that the siting of the building in relation to adjacent boundaries is in accordance with the development consent.

8. 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.
9. 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.

10. Where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated, at no cost to the City of Newcastle, by a Surveyor registered under the Surveying and Spatial Information Act 2002.

11. 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 Certifier 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.

12. All building work is to be carried out in accordance with the provisions of the National Construction Code.

13. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.

14. All building materials, plant and equipment is to be placed on the site of the development, 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 City of Newcastle reserves, including the road reserve, is not permitted.

15. A separate application is to be lodged and consent obtained from the City of Newcastle for all works within the road reserve, pursuant to Section 138 of the Roads Act 1993, prior to the commencement of works.

16. 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.

17. City of Newcastle’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 the City of Newcastle, for the duration of demolition and construction work.
The sign can be obtained by presenting your development application receipt at City of Newcastle’s Customer Enquiry Centre, Wallsend Library or the Master Builders Association Newcastle.

18. 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.

19. All public trees that are required to be retained are to be protected in accordance with the City of Newcastle Urban Forest Technical Manual, Part B Public Trees.

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

20. 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 secure 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

21. 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 the City of Newcastle with Occupation Certificate documentation.

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. 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.
24. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to City of Newcastle’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.

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

26. All privacy screening and terrace balustrade elements depicted on the approved plans are to be installed to the development prior to the issue of an Occupation Certificate.

ADVISORY MATTERS

• An application is to be submitted to the City of Newcastle 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 from any adjoining owner under the provisions of the Dividing Fences Act 1991.

• Development applications are not assessed against the provisions of the National Construction Code. An application to modify the application under the Environmental Planning and Assessment Act 1979 will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.

• If archaeological deposits or relics not considered in the supporting documents for this consent are discovered, work must cease in the affected area(s) and the Heritage Council of NSW notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: The Heritage Council of NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.au. A ‘relic’ is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the Heritage Act 1977 (NSW) for a person to disturb or excavate any land on which the person has discovered a relic except in accordance with a gazetted exemption or an excavation permit issued by the Heritage Council of 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, are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to such a 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 the City of Newcastle and any other relevant authorities. City of Newcastle 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 Part 6 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 the City of
Newcastle is to be notified of the appointment; and

c) The City of Newcastle 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 a building, an Occupation Certificate is to be obtained
from the Principal Certifier appointed for the proposed development. An application for
an Occupation Certificate is to contain the information set out in Clause 149 of the
Environmental Planning and Assessment Regulation 2000.

• It is an offence under the provisions of the Protection of the Environment Operations
Act 1997 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 (ie ‘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, which may be subject to a penalty
infringement notice (ie ‘on-the-spot fine’) or prosecution.

END OF CONDITIONS
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 4.6 of the Newcastle Local Environmental Plan 2012. The proposed 40% variation is considered acceptable in the particular circumstances of this case as the variation will not significantly overshadow the neighbouring properties, obstruct significant view corridors and result in negative privacy issues. It has been suitably demonstrated that the proposed development will not adversely affect the heritage significance of the Newcastle East Heritage Conservation Area nor adjoining heritage items, and that the proposed floor space ratio is consistent with adjoining development. It has been suitably demonstrated the proposed building bulk and scale makes a positive contribution to this area.
- The proposed development has acceptable heritage impacts and well-considered site planning.
- 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.
ITEM-37  Attachment C: Processing Chronology
**PROCESSING CHRONOLOGY**

**DA2020/00443 – 9 Beach Street Newcastle East**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 April 2020</td>
<td>Application lodged</td>
</tr>
<tr>
<td>11 May 2020</td>
<td>Public notification.</td>
</tr>
<tr>
<td>13 May 2020</td>
<td>Preliminary request for additional information</td>
</tr>
<tr>
<td>11 June 2020</td>
<td>Additional information received</td>
</tr>
<tr>
<td>25 June 2020</td>
<td>Request for additional information</td>
</tr>
<tr>
<td>3 July 2020</td>
<td>Additional information received</td>
</tr>
<tr>
<td>22 July 2020</td>
<td>Additional information received</td>
</tr>
<tr>
<td>24 August 2020</td>
<td>Email from adjoining neighbour, confirming concerns raised in submission have been satisfied.</td>
</tr>
</tbody>
</table>