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





01. location plan n.t.s

PROJECT REFERENCE NO. 83 9 BEACH STREET, NEWCASTLE, N.S.W.

RESIDENTIAL DWELLING & ASSOC. LANDSCAPING FOR PENNY & OLIVER & MARY & TOM

drawings & documents

83dwg01 - site plan

83dwg02 - existing plans

83dwg03 - existing sections and elevations

83dwg04 - existing form perspectives

83dwg05 - proposed plan

83dwg06 - proposed sections and elevations

83dwg07 - proposed form perspectives

83dwg08 - proposed form perspectives 83ser01 - services

83cal01 - council and construction calculations 83img01 - finishes

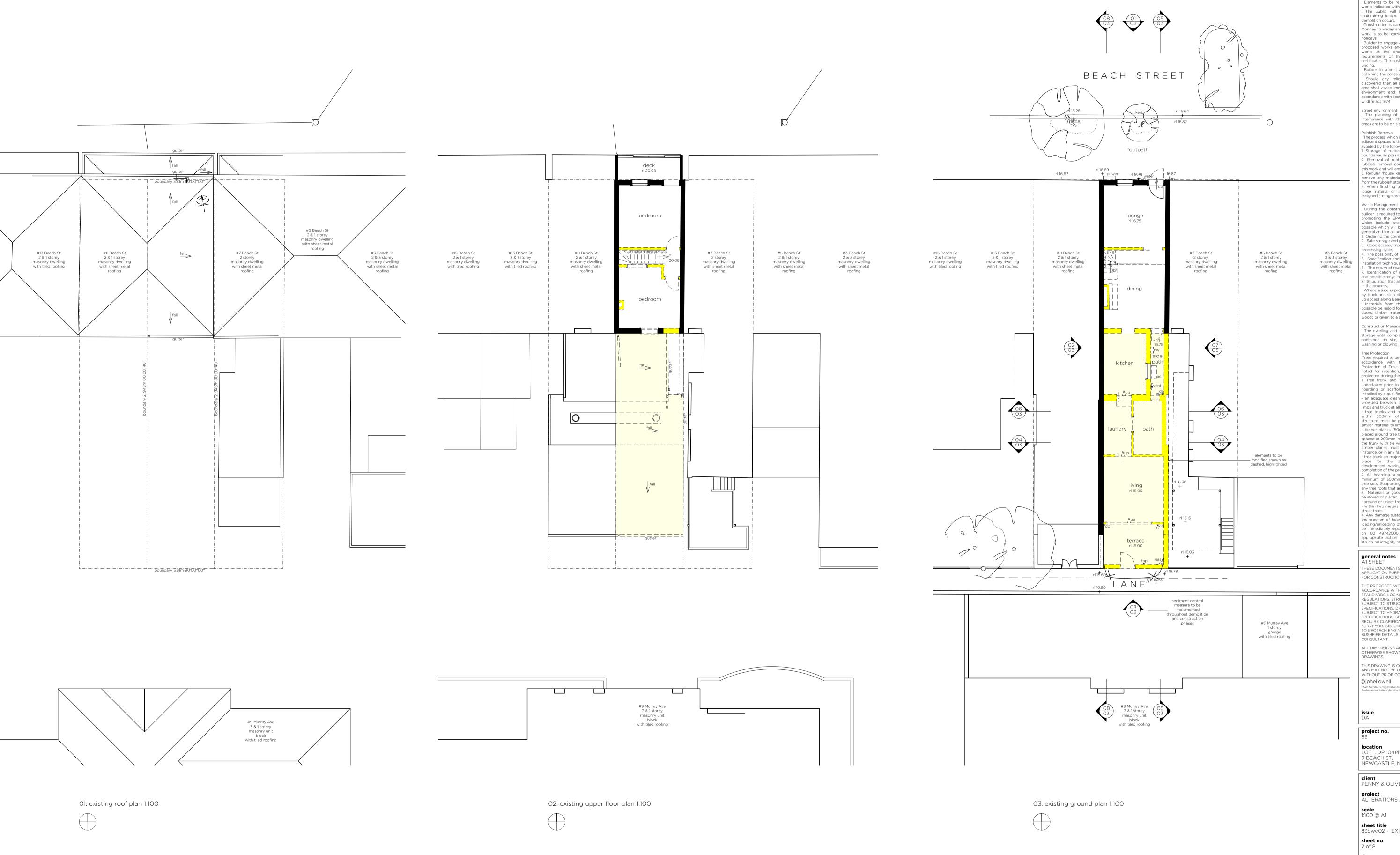
83sd01 - shadow diagrams 83np01 - notification plan 83np02 - notification elevations

basix statement of environmental effects waste management plan

local council/shire newcastle city council

local services sewer & water - hunter water electrical - ausgrid gas & petroleum - jemena communications - telstra

consultants surveyor - land development solutions heritage - amenity urban and natural environments



demolition notes

(refer 1:100 drawings exiting plans)
Preliminary Investigation 6
Run preliminary investigation of the site to;

Identify principal structural materials,
Identify and locate service supply mains such as water, electricity, gas and the extent of the reticulation of these services,

Identify the extent and location of other services such as sewerage and drainage, . Identify and locate underground services and their

entry points to and from the site,
Builder to utilise dial before dig service - DIAL 1100,
Remove existing trimmings, light fittings, power switch and gpo faces generally within scope of works,
Builder to retain and make good existing connection to the stormwater and sewerage system, . Builder to terminate services relevant to proposed works,

Elements to be removed as required for proposed works indicated with dotted lines generally,

The public will be excluded from the site by maintaining locked house-hold doors whilst internal demolities provide.

. Construction is carried out within 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday. No work is to be carried out on Sunday or on Public

| nolidays, | . Builder to engage a qualified surveyor to setout the proposed works and to also survey the completed works at the end of the project as per the requirements of the construction and occupation certificates. The cost is to be included in the builder's pricing,
Builder to submit a demolition plan as required for obtaining the construction certificate
Should any relics Aboriginal or otherwise be discovered then all excavations or disturbance to the area shall cease immediately and the NSW office of

environment and heritage, shall be informed in accordance with section 89A of the national parks and wildlife act 1974

The planning of the proposed work is to limit interference with the street. Storage and working areas are to be on site for the duration of the project

The process which is most likely to lead to littering of adjacent spaces is the removal of rubbish. This will be avoided by the following:

1. Storage of rubbish as far from the neighbouring boundaries as possible,
2. Removal of rubbish in skip bins. The proposed rubbish removal company would be experienced in this work and will ensure that all loads are covered, 3. Regular 'house keeping' of the skip area. This will remove any material which may have tracked away from the rubbish storage area,
4. When finishing trades are active on the site any loose material or litter will be retained within the assigned storage area and removed by skip bin

Waste Management . During the construction phase of the project, the builder is required to minimize the waste produced by promoting the EPA Waste Management hierarchy which include avoiding waste production where possible which will be promoted by early planning, in general and for all activities, particularly assists: Ordering the correct quantity of materials,
 Safe storage and protection of new materials,

5. Good access, improving the efficiency of the waste processing cycle,

The possibility of using prefabricated items, 5. Specification and use of high quality materials and The return of reusable packaging,

 Identification of major waste producing activities and possible recycling streams, 8. Stipulation that all subcontractors become involved in the process,
. Where waste is produced on site it will be removed by truck and skip bins from the streetside kerb, pick up access along Beach Street,
Materials from the demolished walls will where possible be resold for use (joinery), or reused (internal doors, timber materials to be cut and used as fire wood) or given to a second hand dealer

. The dwelling and rear yard will be utilized for site storage until completion. This allows materials to be contained on site, minimizing the risk of material washing or blowing into adjoining properties

.Trees required to be protected must be undertaken in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All trees noted for retention, including street trees must be protected during the construction works as follows;

1. Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified Arborist and must include;

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- tree trunk an major branch protection is to remain in

place for the duration of construction and development works, and must be removed at the completion of the project.

2. All hoarding support columns are to be place a minimum of 300mm from the edge of the existing tree sets. Supporting columns must not be placed on any tree roots that are exposed.

3. Materials or goods, including site sheds, must not be accepted to the content of the complete of the com be stored or placed;
- around or under tree canopy, or
- within two meters of tree trunks or branches of any
street trees.
4. Any damage sustained to street tree/s as a result of

the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Coordinator on 02 49742000, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.

A1 SHEET

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ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE SHOWN, DO NOT SCALE FROM

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date 29.04.20

location

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

PENNY & OLIVER COAKES

ALTERATIONS AND ADDITIONS

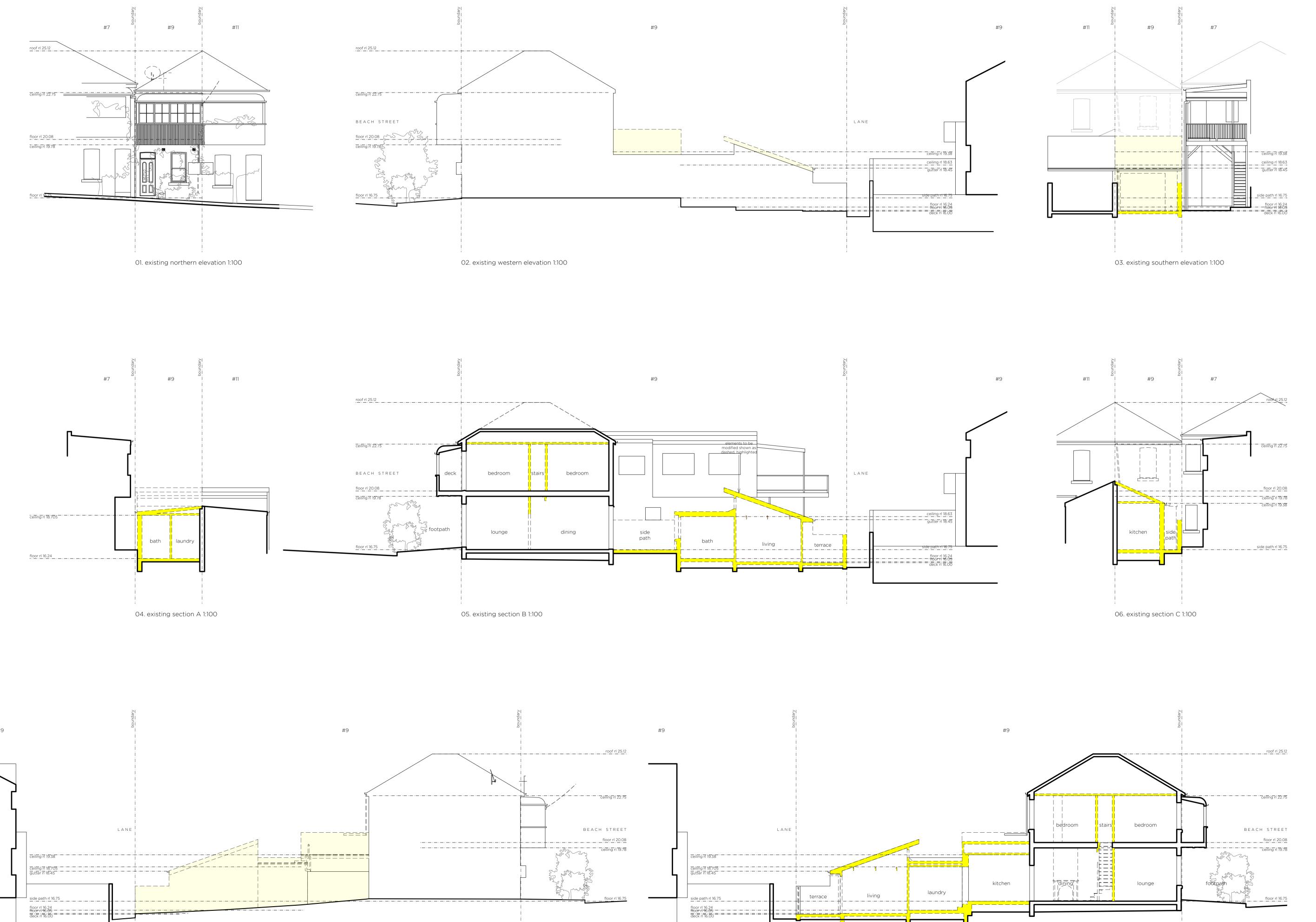
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sheet title 83dwg02 - EXISTING PLANS

sheet no. 2 of 8

APRIL 2020

j.p.hellowell



07. existing eastern elevation 1:100

08. existing section D 1:100

demolition notes

(refer 1:100 drawings exiting plans)
Preliminary Investigation
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general notes A1 SHEET

completion of the project.

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date 29.04.20

location LOT 1, DP 104145

NEWCASTLE, NSW, 2300

PENNY & OLIVER COAKES

ALTERATIONS AND ADDITIONS

1:100 @ A1

83dwg03 - EXISTING SECTIONS &

3 of 8 APRIL 2020

general notes A1 SHEET

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date 29.04.20

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

PENNY & OLIVER COAKES

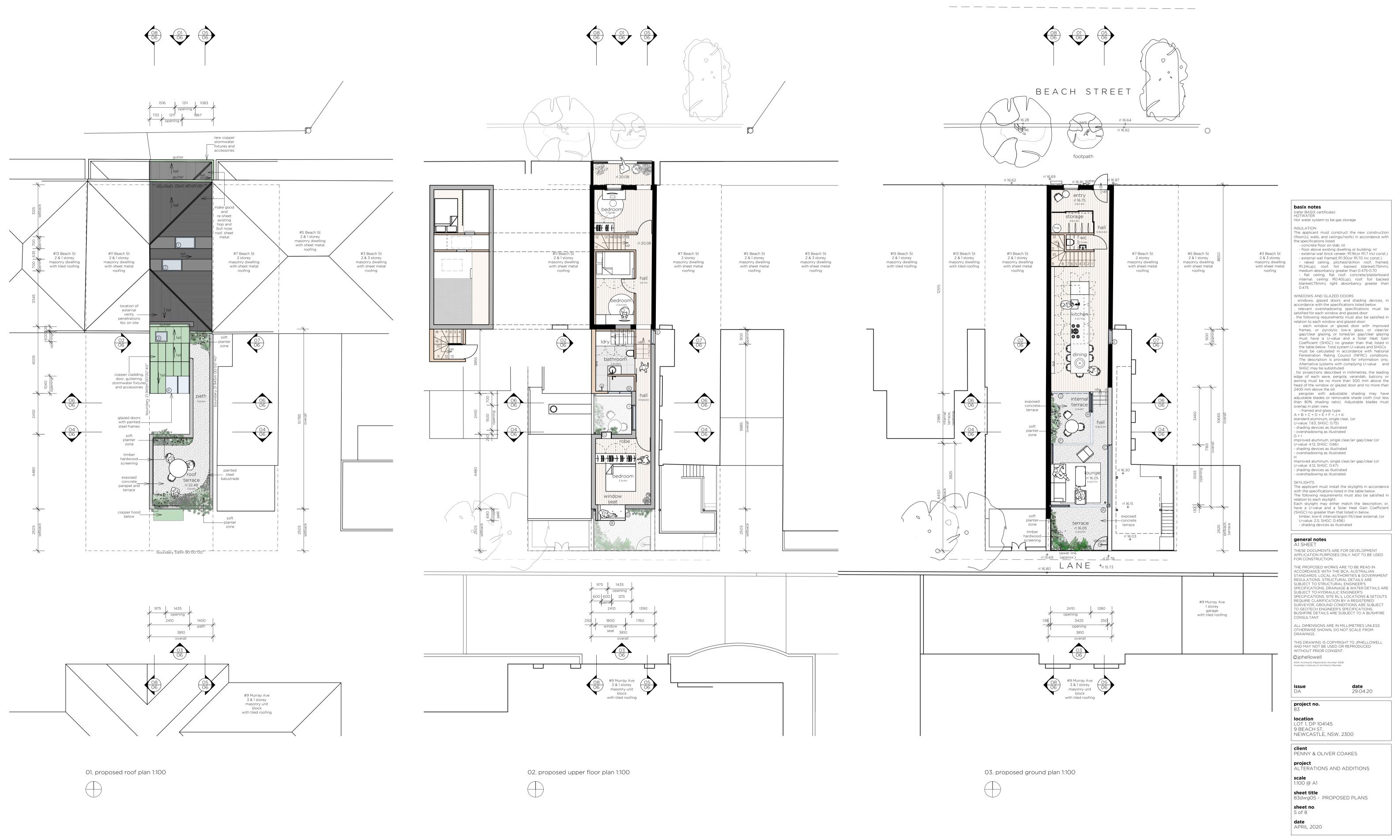
project
ALTERATIONS AND ADDITIONS

scale na @ A1

sheet title 83dwg04 - FORM PERSPECTIVES EXISTING sheet no. 4 of 8

date APRIL 2020

j.p.hellowell



j.p.hellowell



02. view under existing western vegetation



03. view over existing western vegetation



04. view of #7 Beach Street rear bulk



05. view south east



06. view south



07. view south west

general notes A1 SHEET

#1a BEACH ST UPPER DECK

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issue date DA information request 03.07.20

project no.

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

PENNY & OLIVER COAKES

ALTERATIONS AND ADDITIONS

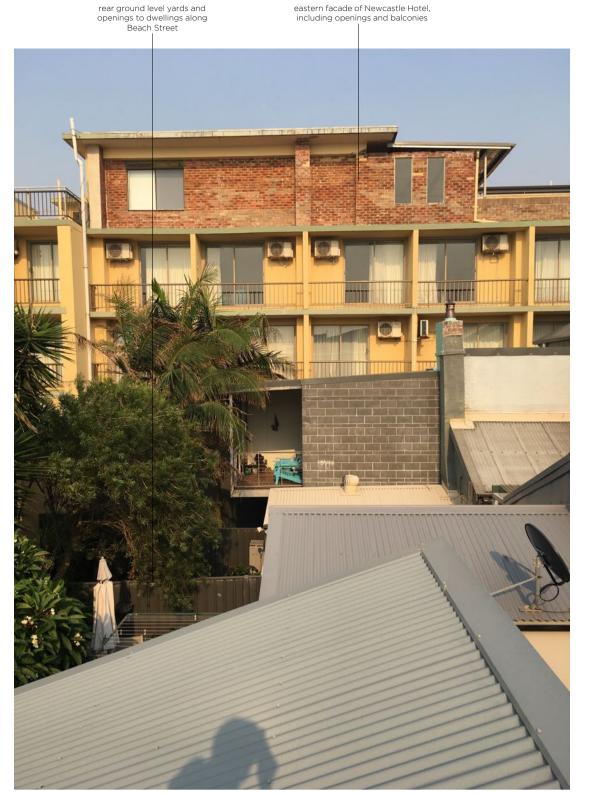
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sheet title

83dwg05a - PRIVACY ASSESSMENT

5a of 8 JULY 2020

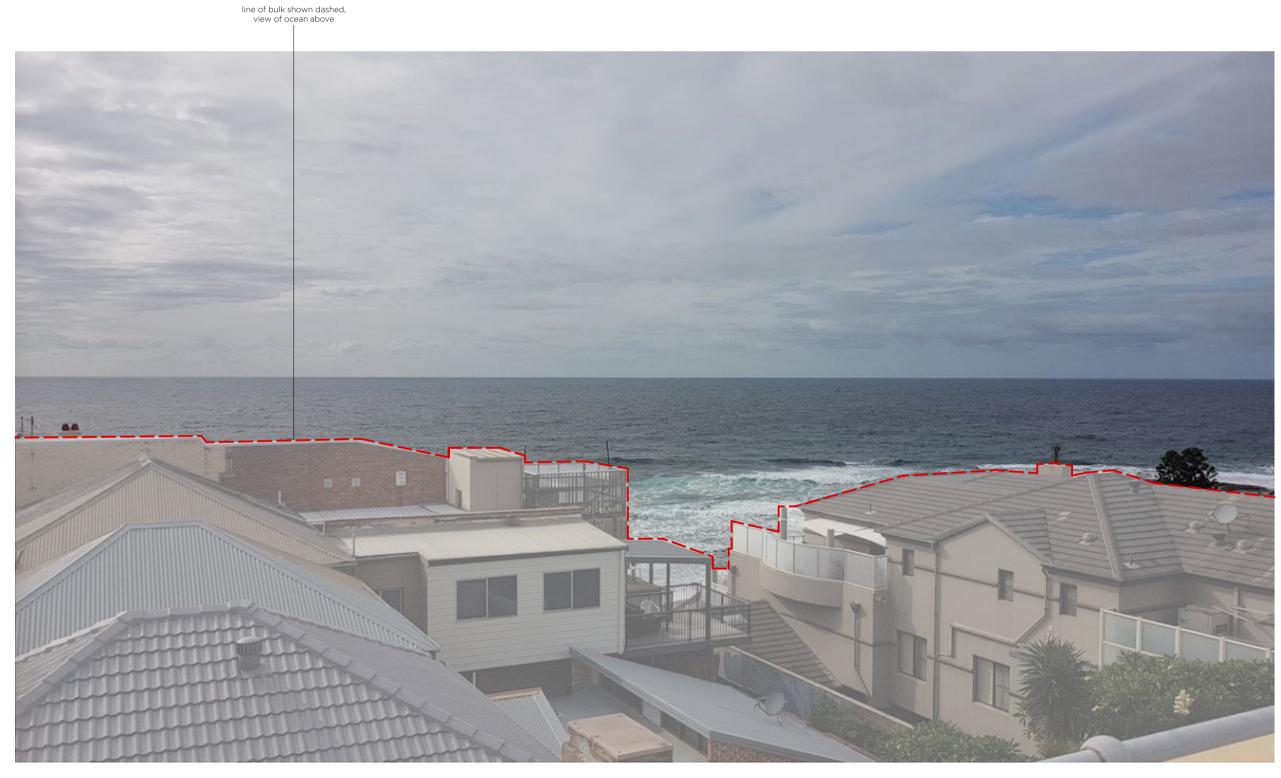
j.p.hellowell



01. view of the Newcastle Hotel and rear facades of dwellings along Beach Street



02. view of the Newcastle Hotel and rear facades of dwellings along Beach Street

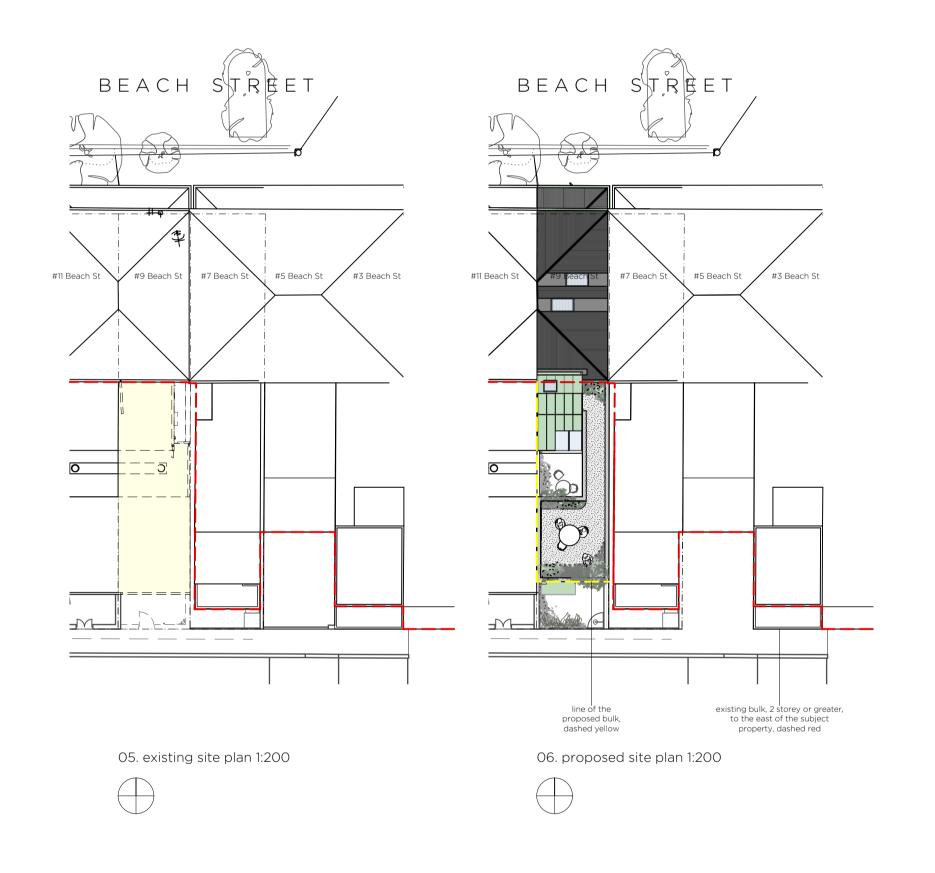


04. existing view from the Newcastle Hotel upper roof top terrace over the rear of dwellings along Beach Street to the ocean



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03. existing satellite image





general notes A1 SHEET

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

PENNY & OLIVER COAKES

project
ALTERATIONS AND ADDITIONS

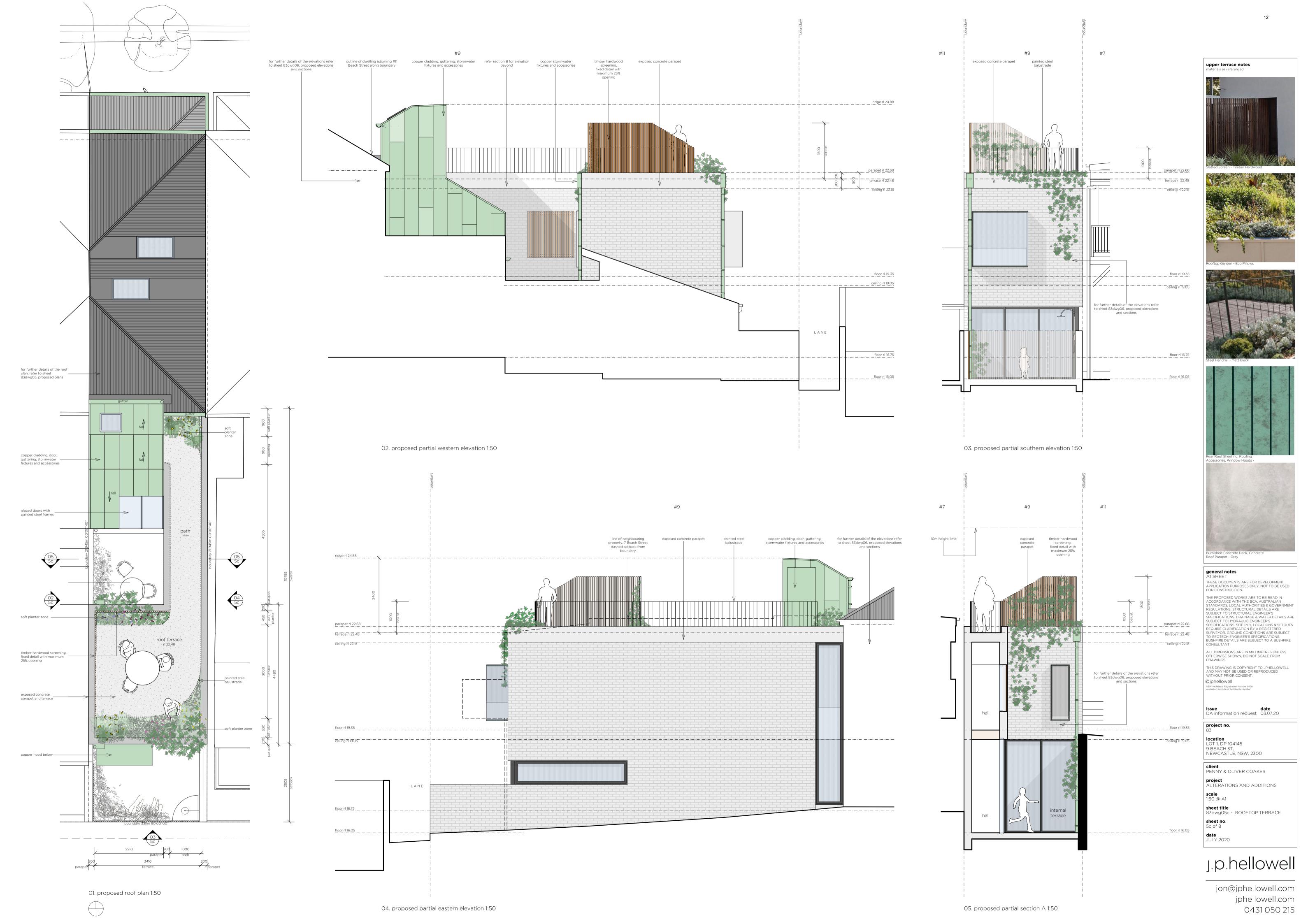
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sheet title 83dwg05b - VIEW SHARING ASSESSMENT sheet no.

5b of 8

date
JULY 2020

j.p.hellowell



- an appropriate degree of flexibility in applying certain development standards to particular development

Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

02. Recently Approved Examples of F.S.R. Variation

as been prepared having regard to recent approved clause 4.6 for projects within the immediate context. Refer to image A FSR variation in local context. Recent approvals with similar over runs have included;

DA2018/00851 DA2012/0647 10 Alfred St Newcastle East

30% Variation

DA2016/01478 4 Beach Street Newcastle East 11 Beach Street Newcastle East recently approved fsr overruns DA2017/00019



A. FSR VARIATION IN LOCAL CONTEXT

03. Associated Application

This application is in support of the Development Application Number DA2020/0044. It is to be read in conjunction with the submitted reports, drawings and documents including; J P HELLOWELL - ph 0431050215

83dwq01-08 existing/proposed plans, elevations and sections, perspectives 83ser01 - services plan

AMENITY URBAN & NATURAL ENVIRONMENTS Pty Ltd - ph 0418681265 83cal01 - council calculations 83sd01 - shadow diagrams 83img01 - external finishes

LAND DEVELOPMENT SOLUTIONS - ph 02 4963 5521 83np01-02 - notification plan and elevations . Waste Management Plan . Building Sustainability Index (BASIX) Certificate

4608DET - detailed site survey

04. Site Details

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 property adjoins #11 with a shared common wall. It abuts #7, though has a separate wall. The site is situated amongst residential dwellings with a minor fall to the rear of the site, which eventually drops away to lower levels beyond to the coastal edges. The site sits on the southern side of Beach Street and has a total area of 83.61 square meters. The current building footprint, covers approximately 110% of the site with the remainder consisting of landscaped outdoor areas, and service zones. The street is a quiet entry line for pedestrians and cars accessing dwellings along Beach Street. There is a rear lane, which can be access by pedestrian only, which allows access to the rear of each of the dwellings along the associated stretch of Beach Street. Refer to image B satellite image of existing context.

From the street the dwelling reflects that of a two storey rendered brickwork terrace with painted timber cladded structure to its street overhanging deck. The main hip roof is clad with sheet metal as well as the street deck's bull nose roof. The openings from the street consist of timber and aluminum window/door framed glazing. Alterations have been made to the dwelling and ancillary structures since it's initial construction, which are concentrated to the rear. These include a new kitchen, bathroom, laundry and lounge. The modifications are reflected externally through the material and form details varying from the original dwelling. The front upper floor deck has, over time, been enclosed which is consistent with it's neighboring dwellings decks.

Its plan is configured with all the general use zones, kitchen, dining, bathroom, laundry and lounge on the ground level. Upstairs contains two bedrooms. The ground level lounge, dining and kitchen along with the upper floor bedrooms occupy what could be considered the retained original structure of the dwelling - the host. As mentioned above the laundry, bathroom and living rooms along with terrace and services zones are reconfigured spaces. #11 Beach has had the same modifications made to it during the relative recent upgrades - mirroring the changes made to #9 as it shares the boundary walls

Entry onto the property is from Beach Street and the rear lane. The main pedestrian access is via an entry door on the ground floor northern facade immediately off the Beach Street pathway. Alternatively there is a second entry, via the rear lane, which can be accessed from Murray Avenue to the south of Beach Street. There is no vehicular access onto the site.

The southern rear terrace contains the property's private zone, accentuated by the existing boundary walls and surrounding development. The outlook is to within the property and also elements of the adjoining properties that overlook the private space of #9 - in particular, #7 and #3 Beach Street as well as the northern facade of #9 Murray Avenue and

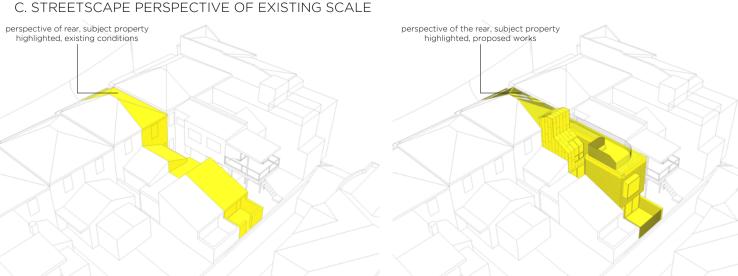


B. SATELLITE IMAGE OF EXISTING CONTEXT

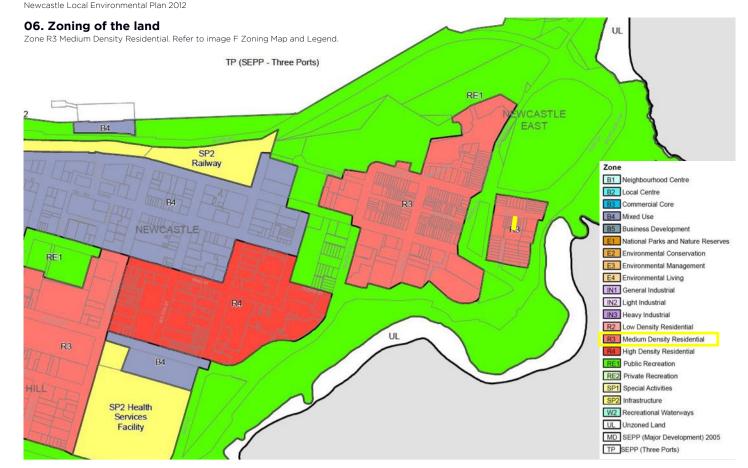


C. STREETSCAPE PERSPECTIVE OF EXISTING SCALE

D. REAR PERSPECTIVE OF EXISTING SCALE



05. Environmental planning instrument that applies to the land



F. ZONING MAP & LEGEND

07. Objectives of the zone

- To provide for the housing needs of the community within a medium density residential environment.
 To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents
- . the scale and height of proposed buildings is compatible with the character of the locality, and
 . there will be no significant adverse impact on the amenity of any existing nearby development.

 To encourage increased population levels in locations that will support the commercial viability of centres provided that the associated new development:
- . has regard to the desired future character of residential streets, and . does not significantly detract from the amenity of any existing nearby development.

08. Development standard being varied

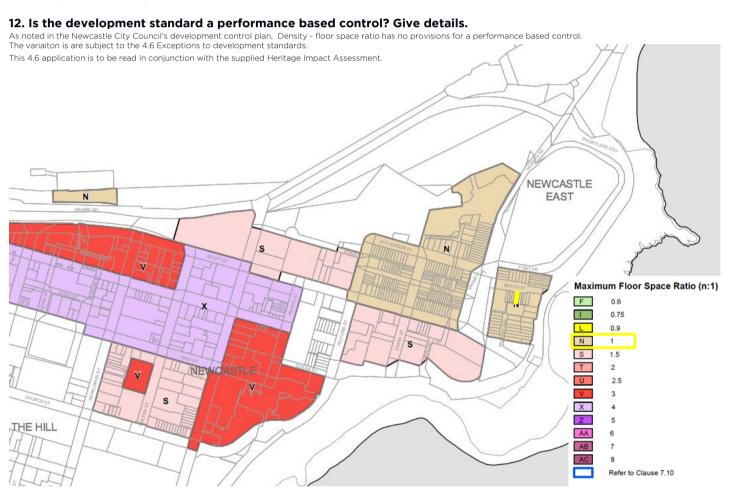
09. Clause the development standard is listed under in the environmental planning instrument

10. Objectives of the development standard

- To provide an appropriate density of development consistent with the established centres hierarchy,
- To to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.

11. Numerical value of the development standard in the environmental planning instrument

Refer to image G FSR Map and Legend.



G. FSR MAP

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

Refer to image H Floor Space Ration Calculations.

14. Percentage variation (between the proposal and the environmental planning instrument)?



A. existing FSR calculation 1:200



B. proposed FSR calculation 1:200



15. Justification for the Contravention

Section (3), (4) and (5) of Clause 4.6 and seeks to justify the contravention from development standard clause 4.4. (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances

demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

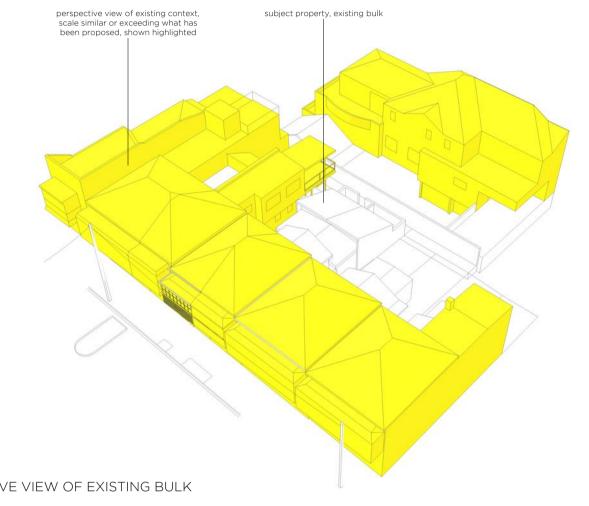
(b) the concurrence of the Secretary has been obtained. (5) In deciding whether to grant concurrence, the Secretary must consider:
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

16. Strict compliance with the development standard

It is our interpretation, given the established built context along with the zoning, medium density, that this numerical control os relatively low. We could assume that the 1:1 control has been prescribed to ensure that the associated development control provisions are achieved. For example, streetscape appearance, landscape and outdoor areas, privacy, solar access, view sharing, car parking. These related controls have all been addressed, and satisfied - refer to the Statement of Environmental Effect, and Heritage Impact Statement for

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

Recently approved FSR over runs have been documented by NCC, refer to image 02 for descriptions and mapping.



I. PERSPECTIVE VIEW OF EXISTING BULK

18. Public Interest

n this assessment, the proposed development will be in the public interest as it is consistent with the objectives of the Newcastle City Centre and the objectives of the R3 Zoning in NLEP 2012. The intent of the Newcastle East zone is to allow for the housing needs of the community within a medium density residential environment. The proposal is of a scale and height compatible with the character of the locality. The proposal's density aligns with the objectives of the zone which allows for a variety of housing types to meet the day to day needs of residents. In addition the increase in density allows increased population which relates to the owners of #9 and enables them to occupy and support the commercial viability of

There will be no significant adverse impact on the amenity of any existing nearby development. In turn there has been only one objection received during the notification period -

which has been addressed during the assessment period. In addition it has;
- regard to the desired future character of residential streets as the proposed additions are to the rear of the property, Refer to image J Front Perspective of Retained Streetscape

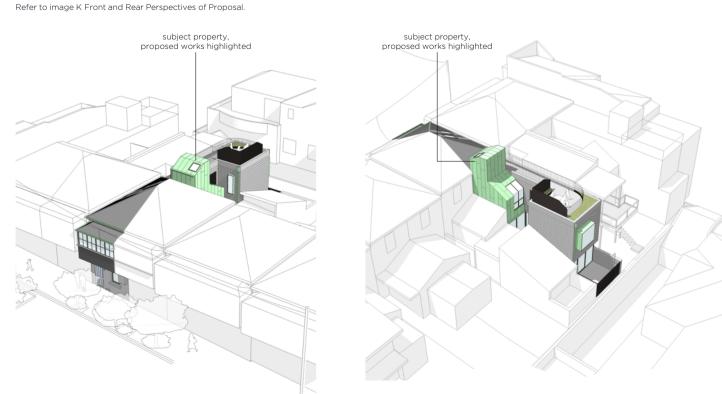


J. FRONT PERSPECTIVE OF RETAINED STREET CHARACTER

19. Conclusion

This Clause 4.6 Variation to Development Standard submission has been prepared in response to numerical non-compliance with the development standard for Clause 4.4 - Floor Space Ratio as taken from Newcastle City Council's LEP 2012. The extent of non-compliance is considered acceptable in the context of the site given the existing bulk surrounding As demonstrated within this submission, the overall massing, scale, bulk and height of the proposed development is consistent with the desired future character envisioned by

Council for the Newcastle East Precinct - medium density. 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.



APPLICATION PURPOSES ONLY, NOT TO BE USED FOR CONSTRUCTION.

ACCORDANCE WITH THE BCA, AUSTRALIAN STANDARDS, LOCAL AUTHORITIES & GOVERNME REGULATIONS. STRUCTURAL DETAILS ARE SUBJECT TO STRUCTURAL ENGINEER'S SURVEYOR. GROUND CONDITIONS ARE SUBJECT

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15.07.20 council meeting

project no. location

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

PENNY & OLIVER COAKES

ALTERATIONS AND ADDITIONS

misc @ A1 83dwg05d - 4.6 VARIATION DOCUMENT

5d of 8 JULY 2020

j.p.hellowell

jon@jphellowell.com jphellowell.com 0431 050 215

E. REAR PERSPECTIVE OF PROPOSED SCALE

H. FLOOR SPACE RATIO CALCULATIONS

K. FRONT AND REAR PERSPECTIVES OF PROPOSAL

(b) that there are sufficient environmental planning grounds to justify contravening the development

standard.

(4) Development consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that:(i) the applicant's written request has adequately addressed the matters required to be

(b) the public benefit of maintaining the development standard, and (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

As mentioned above, compliance with a development standard might be shown as unreasonable or unnecessary if the objectives of the standard are achieved notwithstanding For the proposal, strict compliance is unreasonable due to; The limiting area of the site, along with the zoning creates an unreasonable gross floor area for the intention of the structure.

The site was established in the 19th century as a working class accommodation. It does not suit the needs of a contemporary family accommodation of today. Strict compliance

would make the site unsustainable for the use as it is intended for.

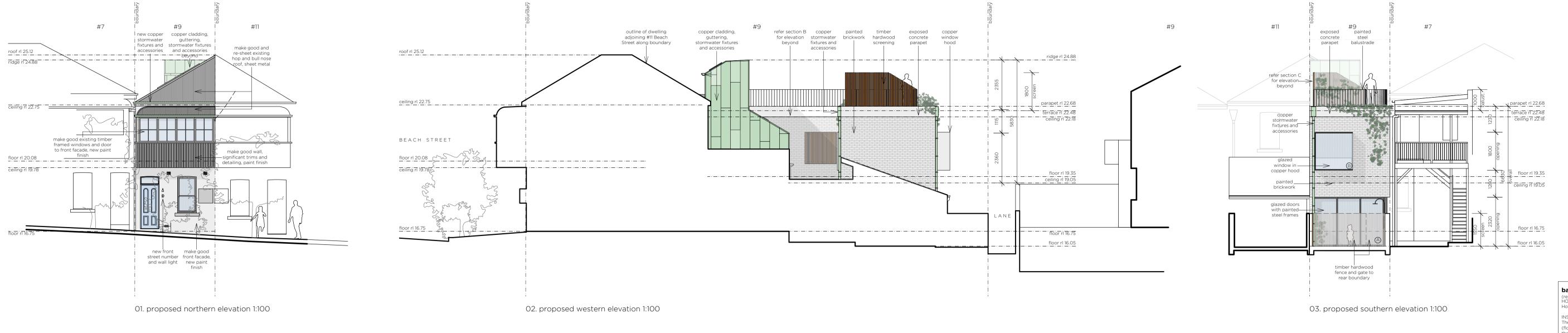
Strict compliance would compromise the objectives of: providing an appropriate density of development consistent with the established Newcastle East hierarchy, - ensuring building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established Newcastle East hierarchy.

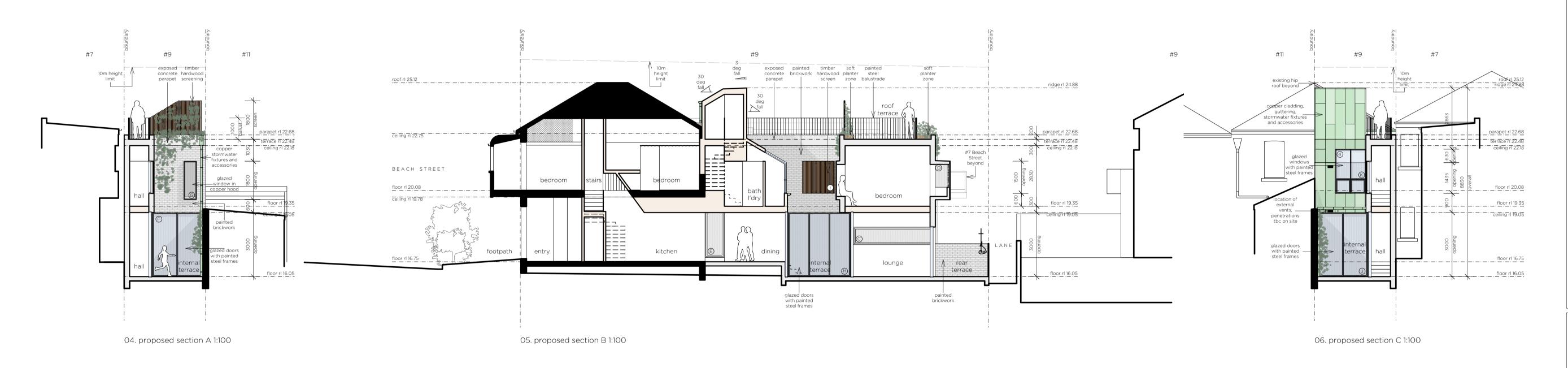
17. Environmental planning grounds to justify contravening the development standard Newcastle East has many examples of its existing dwellings exceeding the prescribed FSR with no adverse impact to the context and its environment, amenity to which the zone

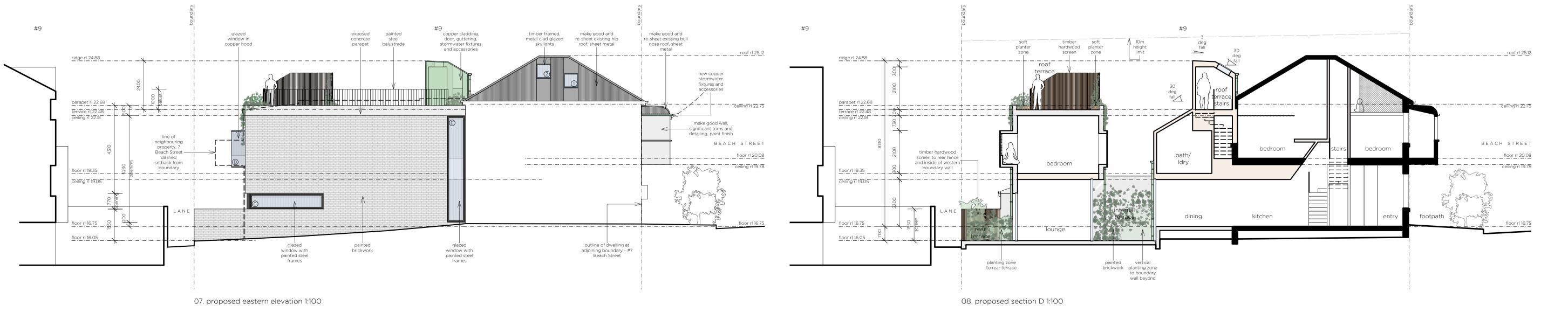
- Specifically, dwellings along Beach Street which are contributing items, have developed their properties in a scale matching or if not greater in gross floor areas. In detail the developments include #1, 3, 5, 7 and 19. Refer to image I Perspective View of Existing Bulk.

- All dwellings along Beach Street exceed the prescribed built form envelope – as prescribed by NCC and derived by height and setback controls. While not specifically gross floor, the bulk does establish a alternative rhythm and density to which the proposed works seeks to relate.

general notes THESE DOCUMENTS ARE FOR DEVELOPMENT







basix notes
(refer BASIX certificate)

(refer BASIX certificate) HOTWATER Hot water system to be gas storage

NSULATION
The applicant must construct the new construct

The applicant must construct the new construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed
- concrete floor on slab; nil
- floor above existing dwelling or building; nil
- external wall brick veneer; R1.16(or R1.7 incl const.)
- external wall framed; R1.30(or R1.70 inc const.)
- raked ceiling, pitched/skillion roof; framed; R1.24(up), roof; foil backed blanket(75mm), medium absorbancy greater than 0.475-0.70

- flat ceiling, flat roof: concrete/plasterboard internal; ceiling: RO.4O(up), roof: foil backed blanket(75mm), light absorbancy greater than 0.475

WINDOWS AND GLAZED DOORS
. windows, glazed doors and shading devices, in accordance with the specifications listed below 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 with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs

gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. 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 in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than

head of the window or glazed door and no more than 2400 mm above the sill.

pergolas with adjustable shading may have adjustable blades or removable shade cloth (not less than 80% shading ratio). Adjustable blades must overlap in plan view

framed and glass type;

- framed and glass type;
A + B + C + D + E + F + J + K
standard aluminum, single clear, (or
U-value: 7.63, SHGC: 0.75)
- shading devices as illustrated
- overshadowing as illustrated

improved aluminum, single clear/air gap/clear (or U-value: 4.12, SHGC: 0.66) - shading devices as illustrated - overshadowing as illustrated H

improved aluminum, single clear/air gap/clear (or U-value: 4.12, SHGC: 0.47) - shading devices as illustrated - overshadowing as illustrated

SKYLIGHTS
The applicant must install the skylights in accordance with the specifications listed in the table below.
The following requirements must also be satisfied in relation to each skylight:
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in below.
timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)
- shading devices as illustrated

general notes A1 SHEET

CONSULTANT

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BUSHFIRE DETAILS ARE SUBJECT TO A BUSHFIRE

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NSW Architects Registration Number 9428

Australian Institute of Architects Member

date 29.04.20

project no.

location

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

PENNY & OLIVER COAKES

project ALTERATIONS AND ADDITIONS

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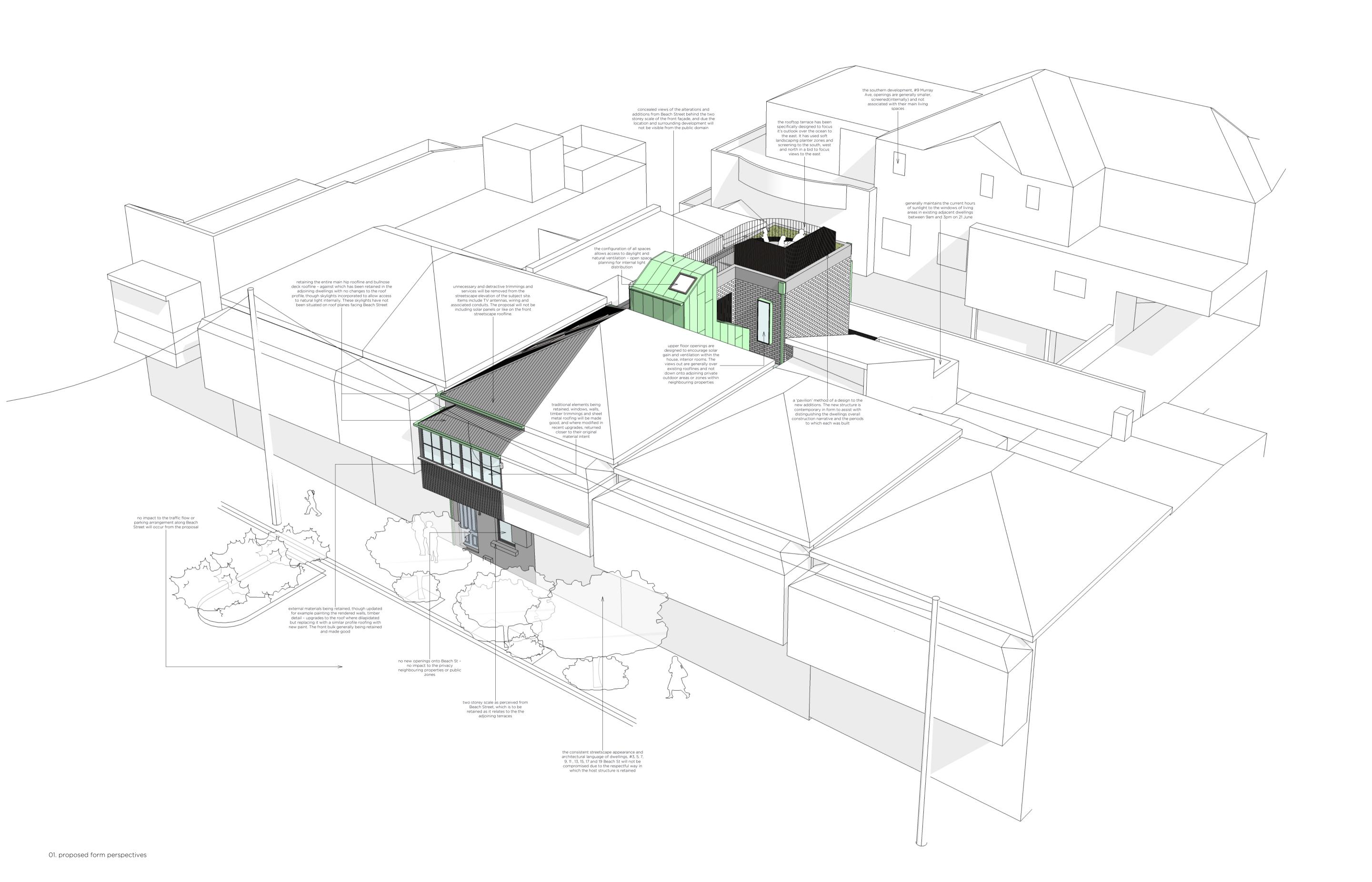
sheet title
83dwg06 - PROPOSED SECTION

sheet title 83dwg06 - PROPOSED SECTIONS & ELEVATIONS sheet no.

6 of 8

date
APRIL 2020

j.p.hellowell



basix notes

Hot water system to be gas storage

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- flat ceiling, flat roof; concrete/plasterboard internal; ceiling: R0.40(up), roof; foil backed blanket(75mm), light absorbancy greater than 0.475

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general notes A1 SHEET

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date 29.04.20

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location

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PENNY & OLIVER COAKES

ALTERATIONS AND ADDITIONS

na @ A1 sheet title

83dwg07 - FORM PERSPECTIVES PROPOSED EXTERNAL 7 of 8

date APRIL 2020

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basix notes

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date 29.04.20

location

project no.

LOT 1, DP 104145

9 BEACH ST, NEWCASTLE, NSW, 2300

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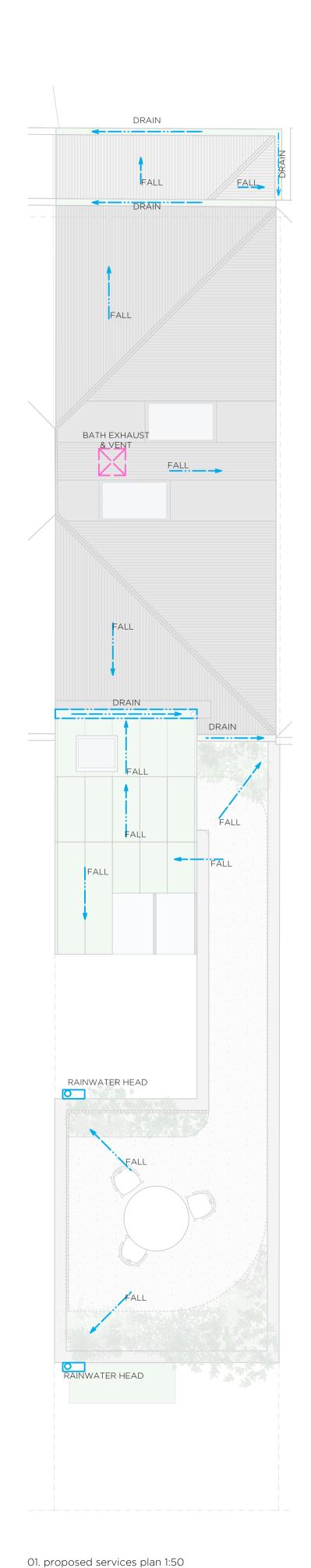
ALTERATIONS AND ADDITIONS

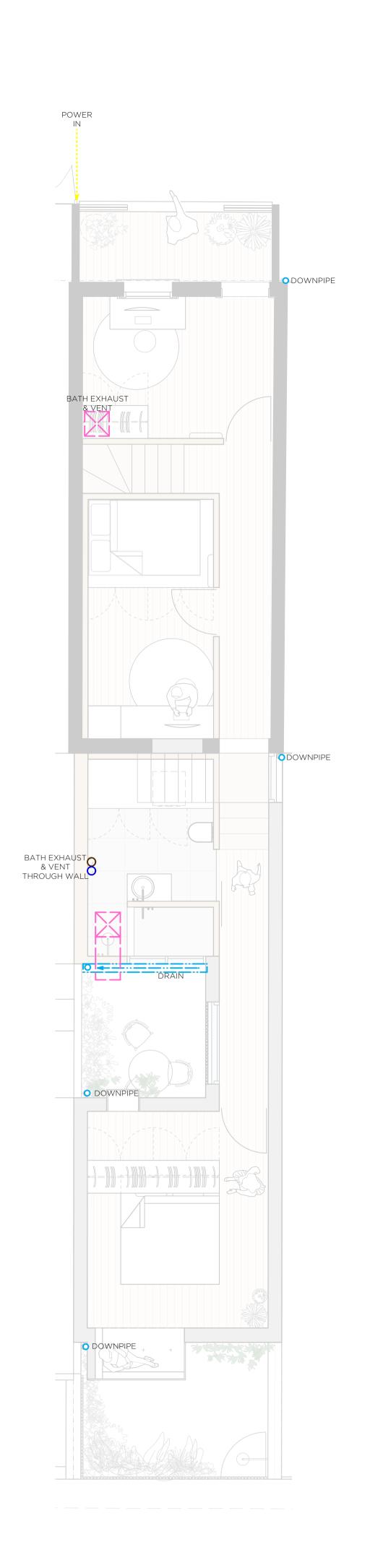
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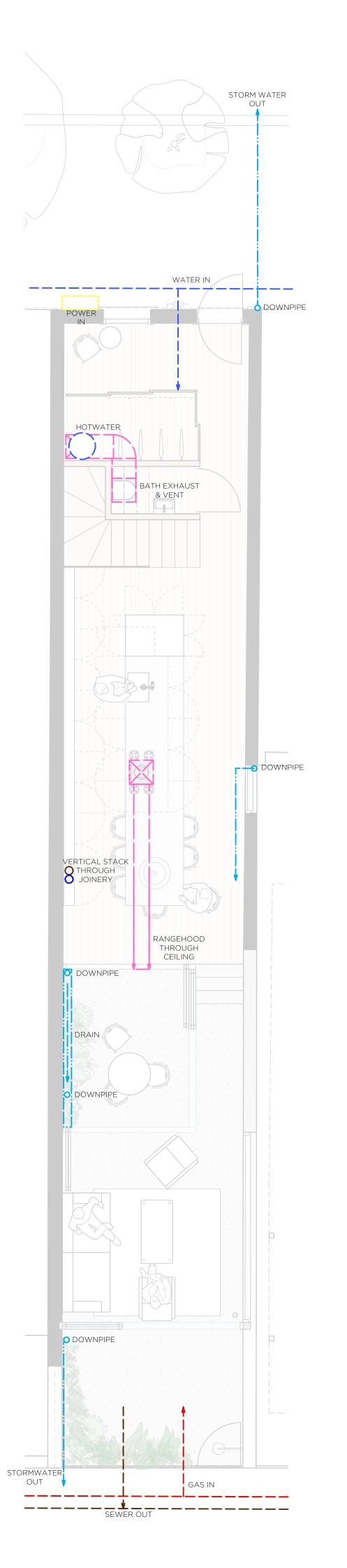
83dwg08 - FORM PERSPECTIVES PROPOSED EXTERNAL 8 of 8

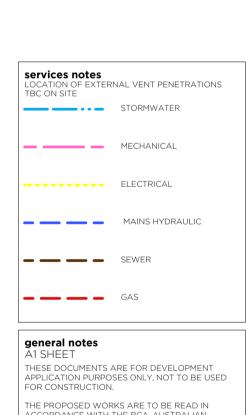
date APRIL 2020

j.p.hellowell









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e date 29.04.20

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

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client
PENNY & OLIVER COAKES
project

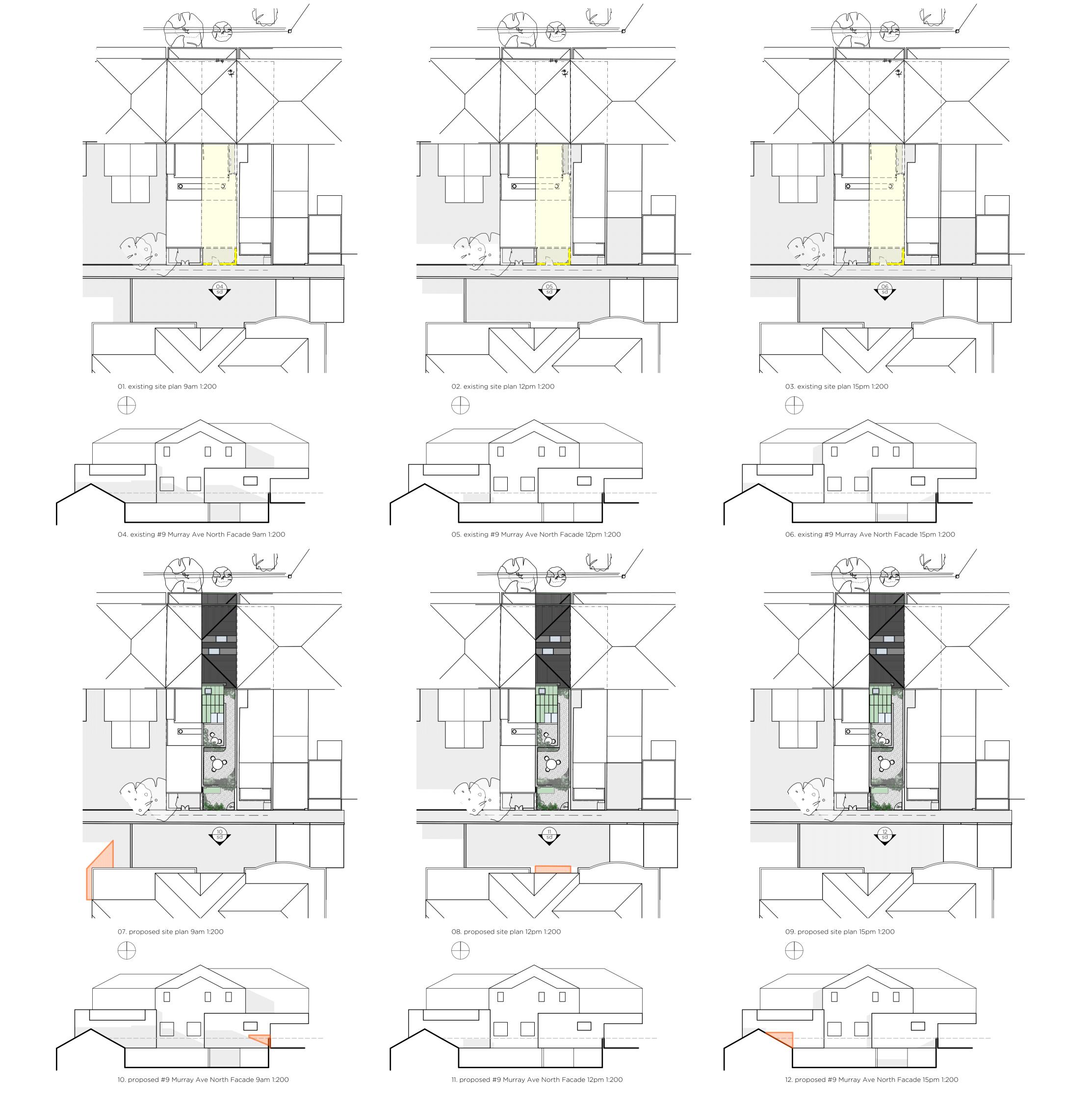
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ALTERATIONS AND ADDITIONS

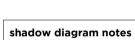
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sheet title 83ser01 - SERVICES

sheet no. 1 of 1 date APRIL 2020

j.p.hellowell





ADDITIONAL SHADOWS CAST BY PROPOSED STRUCTURE FROM SUBJECT PROPERTY

THE REAR DEVELOPMENT #9 MURRAY AVENUE HAS NOT BEEN SURVEYED - SETOUT, HEIGHTS, OPENING LOCATIONS ARE APPROXIMATE ONLY

general notes A1 SHEET

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location LOT 1, DP 104145 9 BEACH ST,

NEWCASTLE, NSW, 2300

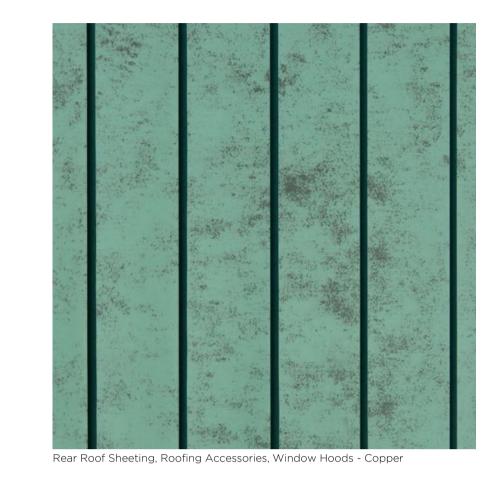
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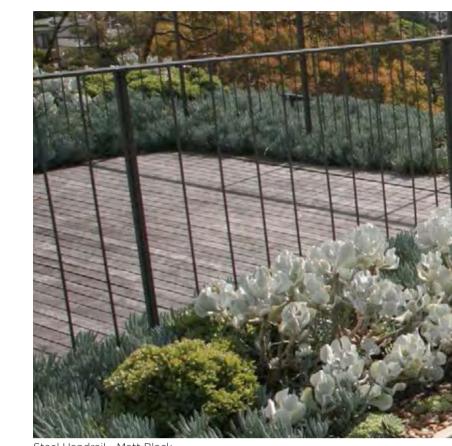
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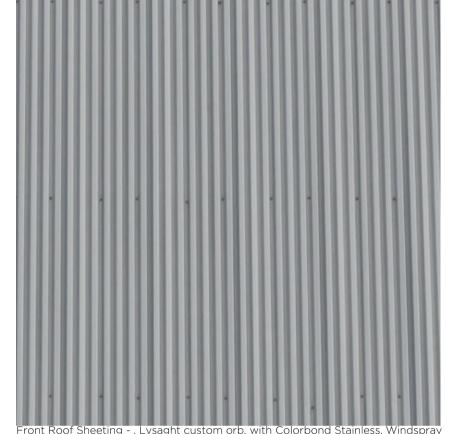
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sheet title 83sd01 - SHADOW DIAGRAMS

sheet no. 1 of 1 date APRIL 2020

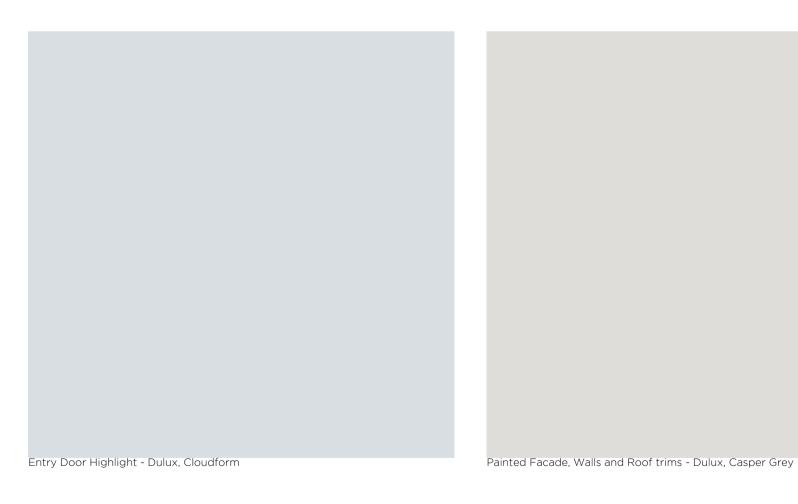


















01. finishes external

general notes
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date 29.04.20

project no. 83

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

client PENNY & OLIVER COAKES

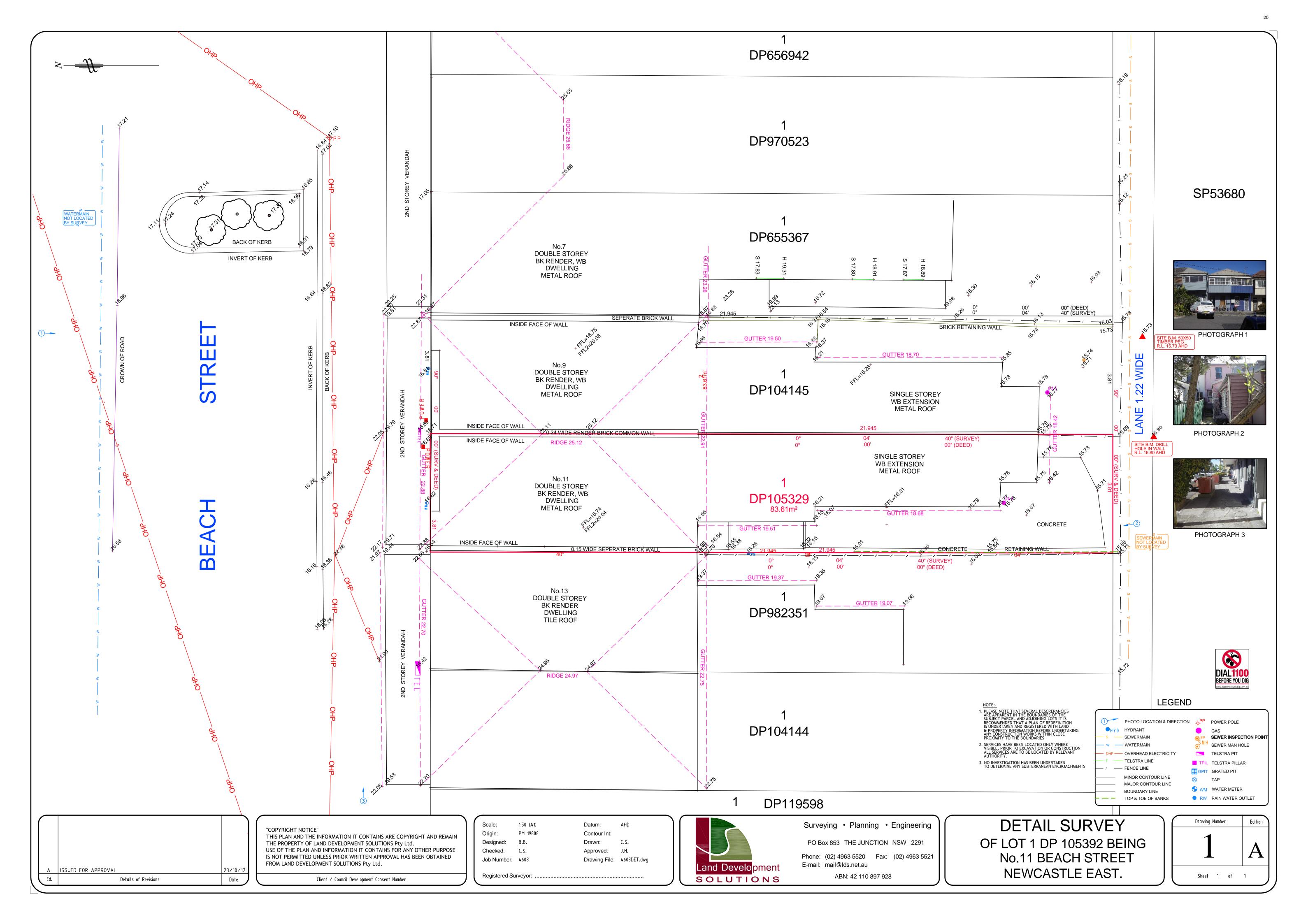
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sheet no.

date APRIL 2020

j.p.hellowell



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

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.

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Proposed Plans	83dwg05	J P Hellowell Design	29/04/2020
Rooftop terrace	83dwg05c	J P Hellowell Design	03/07/2020
Sections & Elevations	83dwg06	J P Hellowell Design	29/04/2020
Statement of Environmental Effects	Issue 01 – DA	J P Hellowell Design	_
Heritage Impact Statement	_	Amenity	17/04/2020
BASIX Report	A372545	J P Hellowell Design	27/04/2020

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;
- 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 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

- 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

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 4.6 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.

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

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

ITEM-37 Attachment C: Processing Chronology

THE CITY OF NEWCASTLE Report to Development Applications Committee Meeting on 20 October 2020



PROCESSING CHRONOLOGY

DA2020/00443 – 9 Beach Street Newcastle East

30 April 2020	-	Application lodged
11 May 2020	-	Public notification.
13 May 2020	-	Preliminary request for additional information
11 June 2020	-	Additional information received
25 June 2020	-	Request for additional information
3 July 2020	-	Additional information received
22 July 2020	-	Additional information received
24 August 2020	-	Email from adjoining neighbour, confirming concerns raised in submission have been satisfied.