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ITEM-32  Attachment A: Submitted Plans
ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER


ITEM-32 Attachment B: Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER
Application No: DA2020/00044
Land: Lot 9 SP 99314
Property Address: 304/464 King Street, Newcastle West NSW 2302
Proposed Development: Serviced apartment - change of use

SCHEDULE 1

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

1. The proposed ‘serviced apartment’ is to be operated in accordance with the definition contained in Newcastle Local Environmental Plan 2012, being:

   *serviced apartment* means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents.

2. The use of the ‘serviced apartment’ must comply with the following operational requirements:
   a. Maximum number of occupants – two people.
   b. Minimum length of stay – two nights.
   c. Check in/check out times – 10:00am to 6:00pm. Guests arriving outside these times will be required to make arrangements to collect keys from the manager off-site.

3. Prior to the commencement of the use of the premises as a ‘serviced apartment’ a Plan of Management is to be prepared and submitted to City of Newcastle. The Plan of Management is to detail the operational requirements outlined within these conditions of consent and address the following matters:
   a. Incorporate a contact telephone number for the operator of the serviced apartment available 24 hours per day and 7 days per week. The contact number must also be available to adjoining neighbours to contact the operator should any of these conditions of consent not be complied with.
   b. Implementation of a bonding system in case of damage or disturbance.

4. A sign must be displayed in a prominent position in the serviced apartment along with the Plan of Management provided to guest stating the maximum number of persons that can occupy the premises at any one time.

5. The use of the premises for the purposes of a ‘serviced apartment’ must be operated in accordance with the Plan of Management required to be submitted under these conditions, including without limitation, no visitors exceeding the maximum occupancy are permitted to remain on site overnight.

6. A register shall be kept by the owners of the property to record the occupancies and each respective period of stay in accordance with the conditions of this consent. The
register shall be made available within 24 hours of a request, when requested by an authorities officer of the City of Newcastle.

7. Existing on-site parking shall be maintained, available and used by guests at all times during the uses of the premises as a 'serviced apartment'.

8. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the Protection of the Environment Operations Act 1997 (NSW).

Should Council consider offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

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.
- 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.
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ITEM-32 Attachment C: Processing Chronology
## PROCESSING CHRONOLOGY

**DA2020/00044 - 304/464 KING STREET, NEWCASTLE**

<table>
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<tr>
<th>Date</th>
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<tr>
<td>31 January 2020</td>
<td>Application lodged</td>
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<tr>
<td>30 January – 17 February 2020</td>
<td>Public notification</td>
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<td>21 July 2020</td>
<td>Public Voice</td>
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