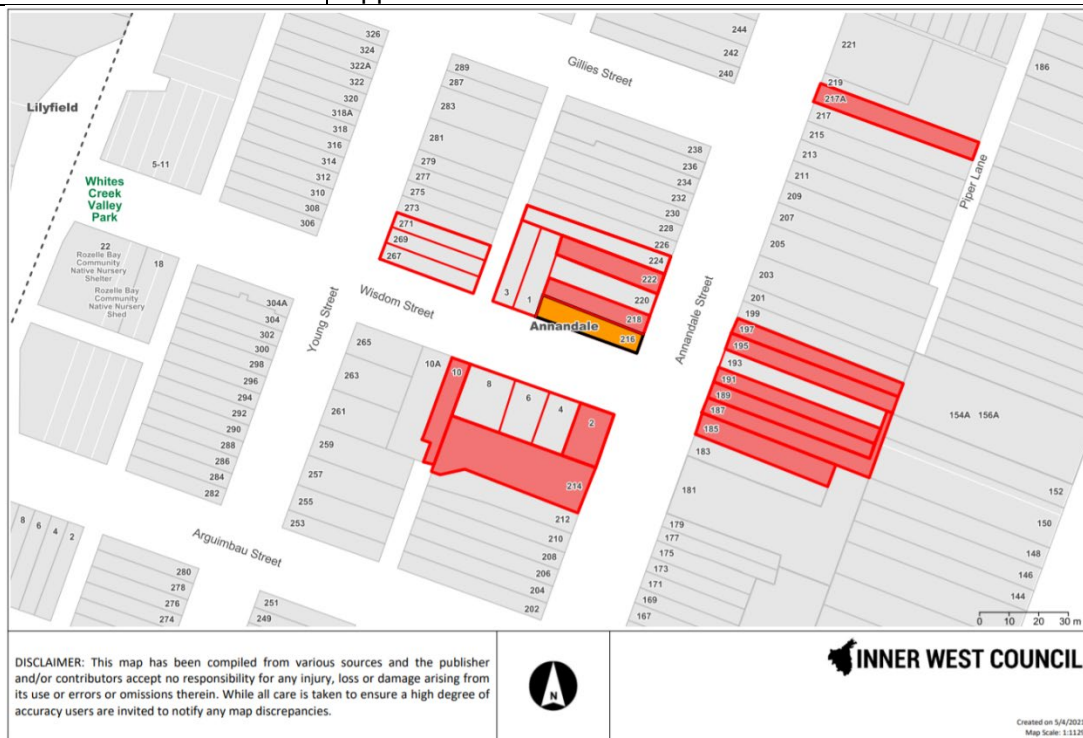


INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2021/0178
Address	216 Annandale Street ANNANDALE NSW 2038
Proposal	<ul style="list-style-type: none"> - Change of approved use from retail premises "shop" to commercial premises "business premises" (barber). - Modification of hours of operation. - Proposed signage. - Proposed internal fit out.
Date of Lodgement	16 March 2021
Applicant	RIBERA STUDIOS PTY LTD
Owner	Mr Jon R Bastin Mr Alan F Bright
Number of Submissions	Initial: 20
Value of works	\$40,000.00
Reason for determination at Planning Panel	Number of submissions
Main Issues	Hours of operation; noise, parking.
Recommendation	Approval with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Approved Floor Plans



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

Note: Due to scale of map, not all objectors could be shown.

1. Executive Summary

This report is an assessment of the application submitted to Council for change of use from an approved retail premises to a commercial premises (barber) at 216 Annandale Street, Annandale. Specifically, the proposal includes:

- Modification of hours of operation.
- Proposed signage.
- Proposed minor internal fit out.

The application was notified to surrounding properties and 20 submissions were received in response to the notification.

The main issues that have arisen from the application include:

- Proposed hours of operation
- Potential impacts on neighbouring residential amenity including noise

The application is considered generally acceptable subject to appropriate controls on operation and therefore the application is recommended for approval.

2. Proposal

The proposal is to allow a change of use of a former corner shop, which was previously approved to reinstate as a new shop use, to operate as a barber, with appropriate internal fitout and signage.

To facilitate the change of use, the application also seeks to modify the approved hours of operation. The requested hours are Monday to Friday 8.00am to 8.00pm, Saturday 8.00am to 4pm, with no trading on Sundays.

Internal fitout including wash basins and the like is also proposed, as well as external business identification signage on the windows and walls/awning.

3. Site Description

The subject site is located on the north-western corner of Annandale Street and Wisdom Street, Annandale. The site consists of Lot 13 DP 1030554 and is generally rectangular with a total area of 186sqm.

The site has a frontage to Annandale Street of 5.75metres and a secondary frontage of approximately 33 metres to Wisdom Street. The building supports a cantilevered awning which extends partially over the footpath of both streets.

The site supports a traditional terrace style dwelling, with a slightly later addition being the corner shop, constructed at the front of the dwelling, and addressing the corner of the two streets. The dwelling operates independently behind the shop room, and has the benefit of an approval issued in November 2017 for alterations and additions to the house, and re-creation of the former self-contained shopfront. The adjoining properties support primarily single storey (as viewed from the street) single-fronted Nineteenth and early Twentieth century terrace dwellings.

The subject site is listed as a heritage item. The property is located within a conservation area and is within the LR1 Residential (General) zone under Leichhardt LEP 2013.

Subject Site

Application	Proposal	Decision & Date
D/2017/299	Alterations and additions to the rear of the existing house, new detached studio with green roof, conservation works including reinstating the former corner shop.	Approved as Deferred Commencement by Inner West Planning Panel 28/11/2017
Mod/2018/74	various internal and external changes as detailed in the application, including the redesign of the rear wing of existing house in response to deferred commencement conditions.	Approved 30/7/2018
MOD/2019/42	delete Condition 4A(b) pertaining to the height of the masonry fence directly adjacent to the open courtyard fronting Wisdom Steet, which was required to be reduced in height by 540mm.	Refused 6/8/2019
MOD/2019/43	seeking to correct Conditions 46 pertaining to hours of operation and Condition 49 pertaining to required awning audit.	Approved 27/3/2019

MOD/2019/43 addressed hours of operation of the shop, and is pertinent to the current application. Details of that proposal are reproduced below for the assistance of the Panel.

This modification was approved with the following condition:

46. *The premises to be open for business and used for the purpose approved within the following hours.*

Trial Period	Indoor Area
Monday to Friday	9.30am – 5.30pm
Saturday	9.30am – 4pm
Sunday	No trading

The above operating hours are for a trial period of 12 months from the date from the date of the commencement of the Commercial Lease. At the cessation of the trial period the hours of operation are to be as follows.

After Trial Period	Indoor Area
Monday to Friday	9.30am – 5.30pm
Saturday	9.30am – 1pm
Sunday	No Trading

All doors and windows must remain closed during set up and cleaning where possible. In the event that the operator wishes to seek consent for permanent late trading hours or a further trial period a Section 96 application is to be lodged and approved by the consent authority. The application should seek to modify this condition accordingly and be accompanied by supporting documentation.

It should be noted that the hours 1pm to 4pm Saturday were imposed as a 12-month trial period. It does not appear that the approved shop use has commenced operation, to date.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy No 55—Remediation of Land

The application is for a change of use only with no surface penetration, and does not involve a change to a more sensitive use.

5(a)(ii) State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64)

The following is an assessment of the proposed development under the relevant controls contained in *SEPP 64*.

SEPP 64 specifies aims, objectives, and assessment criteria for signage as addressed below. Schedule 1 of *SEPP 64* specifies assessment criteria for signage relating to character of the area, special areas, views and vistas, streetscape, setting or landscaping, site and building, illumination and safety. The proposed signage is considered satisfactory having regard to the assessment criteria contained in Schedule 1 of *SEPP 64*.

Signs and Advertising Structures

The application seeks consent for the erection of the following business identification signage (ie name and nature of business “Jo Jones Barber”):

- 2 x window sign measuring approximately 120mm high, vinyl lettering located in the middle pane of both street facing windows
- Handpainted lettering 120mm high painted on the fascia of the awning facing both streets and the corner apex
- Engraved signage plaque next to entry door, 250x250mm
- Attached backplate sign on front wall above awning measuring 150mm high, nominated on plans as “backlit 3D lettering with white backplate
- Freestanding 900mm x 600mm A-frame sign on footpath

SEPP 64 states as follows:

Granting of consent to signage

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

Schedule 1 requires consideration against the following:

- 1 *Character of the area*
- 2 *Special areas*

- 3 Views and vistas
- 4 Streetscape, setting or landscape
- 5 Site and building
- 6 Associated devices and logos with advertisements and advertising structures
- 7 Illumination
- 8 Safety

Under normal circumstances most of the signage proposed, with the exception of the above-awning sign, would be Exempt development, however as the site is a listed Heritage Item those exemptions do not apply and the entirety of the signage must be assessed against the requirements of the SEPP.

With the exception of the above-awning sign, which is contrary to the heritage and signage provisions of the DCP, the proposed signage is considered satisfactory having regard to the assessment criteria contained in Schedule 1 of SEPP 64.

5(a)(iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. It is considered that the carrying out of the proposed development is generally consistent with the relevant matters for consideration of the Plan and would not have an adverse effect on environmental heritage, the visual environment, the natural environment or open space and recreation facilities.

5(a)(iv) Leichhardt Local Environment Plan 2013 (LLEP 2013)

The application was assessed against the following relevant clauses of *the Leichhardt Local Environment Plan 2013*:

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.5 - Additional permitted uses for land
- Clause 5.4 - Controls relating to miscellaneous permissible uses
- Clause 5.10 - Heritage Conservation
- Clause 6.10 - Use of existing buildings in Zone R1

- (i) Clause 2.3 - Land Use Table and Zone Objectives

Permissibility: The site is zoned R1 under the *LLEP 2011*. The *LLEP 2013* defines the development as:

business premises means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

The objectives for the R1 Zone include an allowance for non-residential uses “to meet the day to day needs of residents”, provided this is consistent with the protection and enhancement “of the amenity of existing and future residents and the neighbourhood”.

R1 Zone Objectives: *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

There is no definition or test contained in the LEP as to what constitutes the day to day needs of residents, nor as to which residents are intended to be served by such a provision. Given that the zoning table of the R1 zone permits, with consent, such uses as child care centres, small restaurants and cafes and take away food premises it does not appear that such uses must necessarily *only* service the needs of the immediately local residential population. Most childcare centres and cafes would cater for a population which, to some extent, is outside the immediate proximity of the premises.

However, it is clear that the intention of the clause is to generally prevent those sorts of uses which would attract the greater part of their clientele from outside the suburb or LGA.

With regard to the application of the term “day to day” needs, this should not be interpreted to mean that the use must be one which local residents, as individuals, utilise each and every day, as very few, if any, non-residential uses would be able to meet such a test. A more logical interpretation is that the service must be one which, during the course of its operations over any given day or days, is accommodating locals as the major part of its clientele, rather than non-locals.

Given the small size of the proposed barber, it seems unlikely that the premises would operate in any major non-local economic “draw”. However, for the avoidance of doubt, Council staff propose that the hours of operation be curtailed so that persons visiting the site are largely constrained to do so during usual business hours, and this is likely to make travelling to the site from any distant location less viable.

A condition is therefore recommended imposing the following hours of operation:

Monday, Tuesday, Wednesday & Friday 8:00am to 6:00pm
Thursday 8:00am to 8:00pm
Saturday 8.30am to 4:00pm
Sundays Nil
Good Friday Nil
Christmas Day Nil
Other public holidays 10:00am to 4:00pm

It is not proposed that these hours be imposed as a trial period. The trial period for Saturday afternoons was imposed with the previous consent due to concerns that the definition of “shop” permitted a broad range of goods to potentially be sold, and this meant that the exact nature of the use could not be anticipated. Eg a dress shop would likely have a lesser impact than a convenience store.

The current proposal, however, is much more precise in its details and Council is satisfied that the barber would be a modest operation with negligible impacts, subject to appropriate conditions.

Subject to appropriate conditions on hours of operation Council staff are satisfied that the use of the premises as a barber shop would satisfy the relevant objectives of the LR1 zone.

The non-residential use of existing buildings in the R1 Zone may be allowed pursuant to CI 6.10, which states the following:

6.10 Use of existing buildings in Zone R1

- (1) The objective of this clause is to provide for the adaptive reuse of existing buildings for purposes other than residential accommodation.
- (2) This clause applies to land in Zone R1 General Residential.

(3) Development consent must not be granted to development for the purposes of business premises, office premises, restaurants or cafes, shops or take away food and drink premises on land to which this clause applies unless—

- (a) the development is a building that was constructed (wholly or partly) for a purpose other than residential accommodation and was erected before the commencement of this Plan, and
- (b) the consent authority is satisfied that—
 - (i) the development will not adversely affect the amenity of the surrounding area, and
 - (ii) the development will retain the form and fabric of any architectural features of the existing building, and
 - (iii) the building is suitable for adaptive reuse, and
 - (iv) any modification of the footprint and facade of the building will be minimal, and
 - (v) the gross floor area of any part of the building used for the purpose of a restaurant or cafe or take away food and drink premises will be less than 80 square metres.

Subject to being satisfied that the use meets the day to day needs of residents and amenity of the surrounding area will not be adversely affected it is therefore open to the consent authority to permit the change of use to a barber shop (as a sub-type of “business premises”).

5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The amended provisions contained in the Draft IWLEP 2020 are not especially relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

The following provides discussion of the relevant issues:

LDCP2013	Compliance
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N.A
B3.1 Social Impact Assessment	N.A
B3.2 Events and Activities in the Public Domain (Special Events)	N.A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N.A
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	N.A – only applies to construction
C1.6 Subdivision	N.A
C1.7 Site Facilities	Yes
C1.8 Contamination	N.A

C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	No – previously addressed as part of 2017 consent for shop.
C1.11 Parking	Yes - the change of use does not alter the parking demand generated by the site, being one space, which was assessed and approved under the 2017 consent.
C1.12 Landscaping	N.A
C1.13 Open Space Design Within the Public Domain	N.A
C1.14 Tree Management	N.A
C1.15 Signs and Outdoor Advertising	Yes - subject to conditions
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Yes - no change
C1.17 Minor Architectural Details	N.A
C1.18 Laneways	N.A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N.A
C1.20 Foreshore Land	N.A
C1.21 Green Roofs and Green Living Walls	N.A
Part C: Place – Section 2 Urban Character	
Annandale Street Distinctive Neighbourhood	Yes – The statement in the DCP contains common requirements to protect the physical qualities of the Conservation Area, and these are not compromised by the proposal. Critically, however, the Statement also includes a specific provision C9 – Promote the continued use of existing “corner shops”. The proposal is consistent with that provision.
Part C: Place – Section 3 – Residential Provisions	
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	N.A
C4.2 Site Layout and Building Design	N.A
C4.3 Ecologically Sustainable Development	N.A
C4.4 Elevation and Materials	N.A
C4.5 Interface Amenity	Yes subject to conditions
C4.6 Shopfronts	Yes subject to conditions

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

5(f) The suitability of the site for the development

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(g) Any submissions

The application was notified in accordance with Council's Community Engagement Plan for a period of 14 days to surrounding properties.

20 submissions were received in response to the initial notification.

The following issues raised in submissions have been discussed in this report:

Hours of Operation – the proposed hours would adversely affect the quiet neighbourhood nature of the area and are inconsistent with other businesses in the area;

Comment: Agreed. A condition of consent proposes to restrict the hours of operation to omit later evening operations,

Nature of Premises – there are already multiple hairdressers within walking distance and residents needs are more than covered;

Comment: The provision of other similar services in the general locale does not necessarily obviate the claims of the applicant to operate this site.

Traffic and Parking – this application would have a major impact on traffic and parking for residents especially given the proposed hours of operation;

Comment: Parking demand for the premises does not differ from that generated by the approved shop, based on the DCP provisions.

Potential to change from Barber to another business premise – there is a significant risk that if the proposed barber premise does not work out it could then be converted into an alternative business premise that would have even greater negative impacts on the local community;

Comment: Any such proposal would be subject to the application of the relevant planning controls. It should be noted that the premises has an existing active consent to operate as a shop. Certain provisions operate to permit changes of use under the Exempt and Complying Development Code, which are irrespective of any approval of the barber. Conversion to some other non-residential use is a prospect for the site, regardless of the current application.

We strongly object to the application from SHOP to Commercial Business premises. If the application is approved to commercial it will leave the door open for Permitted With Consent. As per Part 2 Land Use Table Zone R1 to Zone B1 B & B breakfast, Boarding house, Restaurant or Cafe.Take Away etc

Comment: Given that these uses are already permissible with consent in this Zone, this application does not alter that possibility.

External Seating – this would impact the quiet peaceful nature of the street

Comment: A condition is recommended to delete the external seating arrangement.

Invalid approval as 'shop' The present application relies on an erroneous statement in the previous DA D/2017/299 that sought 'reinstatement of the former shop' as a shop. That document relies upon Leichhardt Council's Heritage Inventory sheet when it states on page 59 that 216 Annandale Street is "a good example of a late Victorian former shop and residence constructed during the 1870s to 90s." That heritage statement is fundamentally flawed, and cannot be relied upon for planning purposes. The house, along with five adjoining houses, was "built over the period 1906 to 1910" and was built originally as a residential dwelling with a front yard and no front room, evidenced as "the front wall to the dwelling [back wall of the 'shop/room'] is double brick" (John Oultram Heritage Report, 2017, p16). The Heritage Report found that "the shop ... is a later addition." The first firm indication of use as a shop was in 1925. The Heritage report states that construction of the front room onto the established house "removed the charming detail to the front that can be seen on the other houses in the group".

Comment: Noted. Council has for some years identified 1943 as the year before which buildings and places are generally deemed to have heritage significance and be worthy of protections in that regard. The building falls within that era of construction usually protected by Council's heritage controls. The insertion of later built elements than the original house is evidence of the layering of built and social environments common to the development of the inner suburbs of Sydney in the early part of the Twentieth century.

Change to use Under R1 zoning, the use of the dwelling as a "Business Premise" could be permissible only if it enables land uses "that provide facilities or services to meet the day to day needs of residents." Haircuts are perhaps a bi-monthly personal activity at best, and as such are definitely not a resident's "day to day" activity. The operation of the premise as a barber/hairdresser would not fulfil any "day to day need of residents", and therefore is not a permissible use under the R1 zoning.

Comment: See earlier discussion of this matter under 5 a) iii) of this report

Social Impacts At present the environs of North Annandale, where Annandale Street is located, is away from the busy business areas and roads of Booth and Johnson Streets and is one of highly valued 'quiet enjoyment', that residents have fought long and hard to preserve. The application's declaration of wanting to "enliven an otherwise dormant corner" (p 8) provides for some alarm as to the nature of their intended use of the site. Further, the applicants' stating the site is "directly on an area designated as a 'square/neighbourhood social meeting place/public art' on a draft Council plan", may provide a window to their thinking of future useage of the site. The development does not comply with C.9 of the Annandale Street Distinctive neighbourhood plan, as the room/shop being a later 1925 construction to the original Edwardian residential dwelling. The room then operated as a shop for at most 45 years. For the following 46 years at least, there has been no presence in the neighbourhood of a 'shop' on this corner, as the house was used entirely as a private residence. For these social impact reasons, the application for business use should be declined.

Comment :Noted. The shop has an approval as such. The application is entitled to be pursued.

Private use of public area Since 2017, and despite a council consent condition barring such use, the owners have used the public footpath space as their own, with the presence of potted plants and tables and chairs and indicating their lack of respect for neighbours and for the public ownership of the footpath. The 2017 approval states condition of consent 50, that "No goods or furniture are to be displayed or placed outside the boundaries of the site". Of note, the new application while stating no objects will be placed on the footpath area, contradicts that by showing a signboard positioned in the middle of the public footpath (External

Elevations). The application also shows customer seating provided on the public footpath and this is shown on the drawing titled 'Perspective'. For the reason of misuse of public land, the application for business use should be declined.

Comment: A condition is recommended in this regard. If matters pertaining to non-compliance of ongoing conditions are brought to the attention of Council appropriate action will be taken.

5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above. Appropriate conditions have been recommended where necessary.

6(b) External

Not applicable

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013*

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2021/0178 for - Change of approved use from retail premises "shop" to a barber at 216 Annandale Street ANNANDALE NSW 2038 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DrawingA02 Rev A	Floor Plan	08/03/21	Alphaplus
Drawing A 03 Rev A	External elevations	08/03/21	Alphaplus

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a. The flush wall sign proposed to sit within a recess above the awning in the chamfered corner of the building is to be deleted from the proposal.

FEES

3. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

PRIOR TO ANY DEMOLITION**4. Recording of Significant or Contributory Buildings**

Prior to any demolition on the site or the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that Council has received a full archival record of the building and landscape elements to be altered.

The archival record is to be completed by a heritage consultant listed on the Consultants Directory by the NSW Office of Environment & Heritage (Heritage Branch) or by a suitably qualified consultant who must demonstrate a working knowledge of archival principles.

Photographic archival records must be taken of the building, landscape or item in accordance with the guidelines 'Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch and available online at:<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf>

The photographic archival recording is to be submitted in digital format only. It is to include the following:

- a. Development Application number.
- b. Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
- c. Floorplans of the internal layout and directional details of photographs taken.
- d. Coloured photographs of:
 - i. Each elevation;
 - ii. Each structure and landscape feature;
 - iii. Internal images of each room and significant architectural detailing; and
 - iv. Views to the subject property from each street and laneway or public space.

The report must include written confirmation, issued with the authority of both the applicant and the photographer that the Inner West Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital

catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images. The report must be submitted on a USB in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: title, image subject/description and date photograph taken.

PRIOR TO CONSTRUCTION CERTIFICATE

5. Light Spill

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that any lighting of the premises complies with Australian Standard AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting.

6. Additional Hand Wash Basins

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided an additional hand washbasin with amended scale plans confirming the position of all sinks and hand wash basins within the premises.

7. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

DURING DEMOLITION AND CONSTRUCTION

8. Construction Hours – Class 2-9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and

- c. at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

PRIOR TO OCCUPATION CERTIFICATE

9. Smoke Alarms - Certification of upgrade to NCC requirements

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

ON-GOING

10. No Approval for Skin Penetration Procedures

The premises are not to be used for providing 'skin penetration' procedures as defined by the *Public Health Act 2010* and *Public Health Regulation 2012*.

11. Commercial Waste/Recycling Collection

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption on the surrounding area,

Garbage and recycling must not be placed on the street for collection more than one (1) hour before the scheduled collection time. Garbage bins and containers are to be removed from the street within one (1) hour after collection.

12. Noise General

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

13. Hours of Operation

- a. The hours of operation of the premises must not exceed the following:

Day	Hours
Monday Tuesday Wednesday Friday	8.00am to 6.00pm
Thursday	8.00am to 8.00pm
Saturday	8.30am to 4.00pm
Sunday	nil
Christmas Day and Good Friday	Nil permitted
Other public holidays	10:00am to 4:00pm

ADVISORY NOTES**Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display 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 visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Health Premises Registration – Generic

The premises are required to be registered with Council's Environment Health Team in accordance with the following relevant legislation:

- a. *Food Shop - Food Act 2003;*
- b. *Hairdressing Salon / Barber - Public Health Act 2010 and the Local Government (General) Regulation 2005;*
- c. *Skin Penetration - Public Health Regulation 2012;*
- d. *Cooling Tower / Warm Water System - Public Health Act 2010 and Public Health Regulation 2012; and*
- e. *Boarding House / Shared Accommodation - Boarding Houses Act 2012 and the Local Government (General) Regulation 2005.*

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent;
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Permits from Council under Other Acts

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration, noise or odour nuisance or damage other premises.

Useful Contacts

BASIX Information 1300 650 908 weekdays 2:00pm - 5:00pm
www.basix.nsw.gov.au

Department of Fair Trading 13 32 20
www.fairtrading.nsw.gov.au
 Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Prior to You Dig 1100
www.dialprior toyoudig.com.au

Landcom 9841 8660
 To purchase copies of Volume One of "Soils and Construction"

Long Service Corporation Payments 131441
www.lspc.nsw.gov.au

NSW Food Authority 1300 552 406
www.foodnotify.nsw.gov.au

NSW Government
www.nsw.gov.au/fibro
www.diysafe.nsw.gov.au
 Information on asbestos and safe work practices.



Attachment B – Plans of proposed development

Rev	Description	Issued	Date
A	Issued for DA	DM	08.03.21

NOTE: THE SHOWN 'BARBER' ARTWORK IS TO DEMONSTRATE SIGN LOCATIONS AND SCALE BUSINESS OPERATIONS. ALL OPERATIONS PLACE ONCE FULLY DEVELOPED.

ALL EXTERNAL FINISHES TO REMAIN AS EXISTING. ONLY NEW ADDITION IS SIGNAGE

HANDPAINTED LETTERING TO EXTERNAL AWNING BEAMS. LETTERING 120mm HIGH

BACKLIT 3D LETTERING SIGNAGE WITH WHITE BACKPLATE. LETTERING 150mm HIGH

VINYL LETTERING TO MIDDLE PANE OF BOTH EXTERNAL WINDOWS.

ENGRAVED SIGNAGE PLAQUE TO ENTRANCE 250x425mm

900x600 A-FRAME SIGN TO BE DISPLAYED ON SIDEWALK



SOUTH ELEVATION
SCALE 1:50

EAST ELEVATION
SCALE 1:50

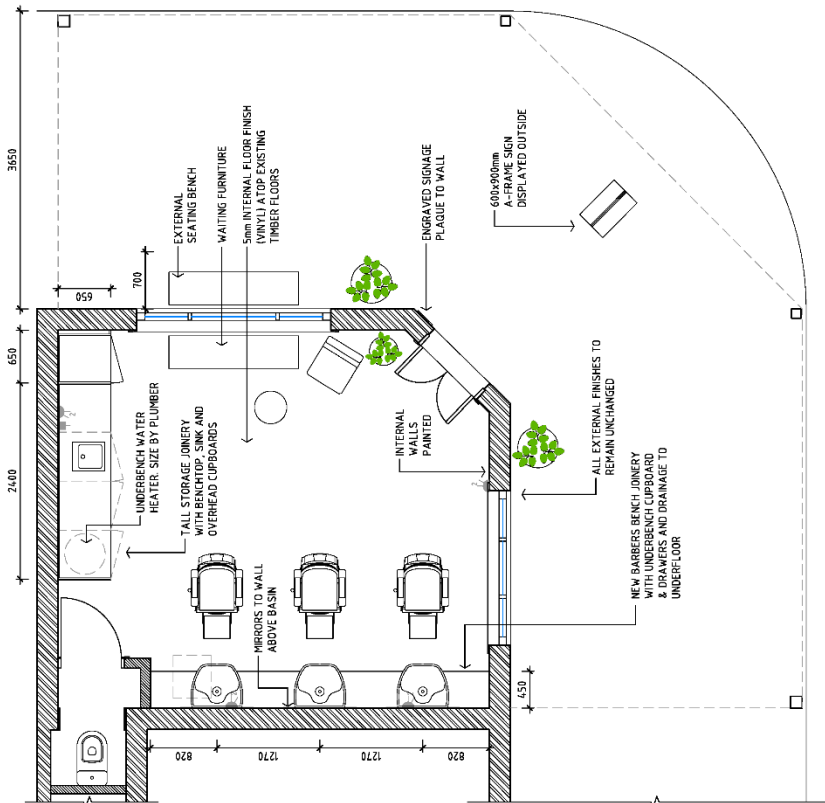
FOR DEVELOPMENT APPROVAL
NOT FOR CONSTRUCTION

		Drawing No. A 03 Scale 1:50 @ A3 Designed DM Drawn DM		Revision No. A Date 08.03.21 Checked DM Project No. J01	
PROJECT 		J01 BARBERSHOP Project Address 216 ANNANDALE ST ANNANDALE 2088		DRAWING	
ARCHITECT MARK WATKINS M 0433 887 287 E clark@alphaplus.com.au Registration No. 2071 (N. NSW) A.C.N. 61 924 194 942		CLIENT JOE RIBERA J 040 855 684 E j.ribera@alphaplus.com		EXTERNAL ELEVATIONS	

NOTES:
 ALL EXTERNAL FINISHES TO REMAIN AS EXISTING. ONLY NEW ADDITION IS SIGNAGE.
 ALL OPERATIONS PLACE ONCE FULLY DEVELOPED.
 ALL EXTERNAL FINISHES TO REMAIN AS EXISTING. ONLY NEW ADDITION IS SIGNAGE.
 ALL OPERATIONS PLACE ONCE FULLY DEVELOPED.

Document Set ID: 34681806
 Version: 1, Version Date: 16/03/2021

Rev.	Description	Initial	Date
A	Issued for DA	DM	08/03/21



FLOOR PLAN
SCALE 1:50



PERSPECTIVE
NTS

ALL DIMENSIONS ARE TO UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

- Structural requirements indicated by a red line must be approved prior to start.
- All dimensions are nominal. All work must be checked on the job by the contractor.
- All work must be completed in accordance with the approved plans.
- All work must be completed in accordance with the approved plans.
- All work must be completed in accordance with the approved plans.

FOR DEVELOPMENT APPROVAL
NOT FOR CONSTRUCTION

<p>alphaplus</p> <p>David Malkin M 0433 887 067 d.malkin@alphaplus.com.au Registration No. 21642 (NSW) / 21642 (VIC) / 21642 (QLD) / 21642 (WA) / 21642 (SA) / 21642 (NT) / 21642 (ACT) / 21642 (TAS) / 21642 (NT) / 21642 (ACT) / 21642 (TAS)</p>	<p>ARCHITECT</p> <p>JOE RIBERA J. Ribera@alphaplus.com</p>	<p>CLIENT</p> <p>JOE RIBERA J. Ribera@alphaplus.com</p>	<p>PROJECT</p> <p>JROI BARBERSHOP Project Address 21642 (NSW) / 21642 (VIC) / 21642 (QLD) / 21642 (WA) / 21642 (SA) / 21642 (NT) / 21642 (ACT) / 21642 (TAS)</p>	<p>DRAWING</p> <p>FLOOR PLAN</p>	<p>Revision No. A.02 Scale 1:50 @ A3 Drawn by DM Checked by DM</p> <p>Revision No. A Date 08/03/21 Project No. JROI</p>
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