





INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2021/1336
Address	37 Liverpool Road ASHFIELD NSW 2131
Proposal	Alterations and additions to an existing building to create a 7 room co-living housing development.
Date of Lodgement	24 December 2021
Applicant	Dean Applegate
Owner	Mr Dean T Applegate Mr Daniel V Monteverde
Number of Submissions	Initial: 0 Re-notification: 0
Value of works	\$144,556.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	Permissibility, variation to FSR development standard
Recommendation	Deferred Commencement
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing building to create a 7 room co-living housing development at 37 Liverpool Road ASHFIELD.

The application was notified to surrounding properties and no submissions were received in response to the initial notification or the re-notification of the proposal.

The main issues that have arisen from the application include:

- The proposed co-living use is prohibited within the SP2 – Infrastructure zone, permissibility is obtained through clause 5.10 (10) – Conservation Incentives of the ALEP 2013.
- The applicant seeks a variation to the floor space ratio development standard under Clause 4.4 of the *Ashfield Local Environmental Plan 2013* by 38% (63.3sqm).

The non-compliances are acceptable given merits of the case and therefore the application is recommended for approval.

2. Proposal

Alterations and additions to an existing dwelling to create a 7 room co-living housing development. The proposal seeks consent for the following works:

- Demolition of internal walls to create two new co-living rooms and communal living on the ground floor.
- Demolition of internal walls and enclosure of a first-floor landing to southern elevation to create 5 co-living rooms
- Demolition of an existing external staircase leading to a first floor
- Open the existing first floor balcony to revert it back to a balcony
- Alterations to the external façade of the existing dwelling including re-painting the existing walls, repair metal works, make good existing roof, install a new gutter and addition of a new skylight to the rear roof plane.

3. Site Description

The subject site is located on the northern side of Liverpool Road, between Gower Street and Tideswell Street. The site consists 1 allotment and is generally L – shaped with a total area of 261.3sqm.

The site has a frontage to Liverpool Road of 7.62 metres and a secondary frontage of approximate 0.9 metres to Gower Street. The site is affected by a road reserve/land acquisition at the frontage to Liverpool Road. This land acquisition results in roughly 42sqm of the site being zoned SP2 special infrastructure. The portion of land within the SP2 Infrastructure zone has been excluded from the site area for the purposes of numerical calculations and as such the site is considered to have a true site area of 218.63sqm.

The site currently supports a two-storey painted brick and tile dwelling house, which is identified as an item of local heritage significance (Item I88 under the ALEP 2013). The adjoining properties support two storey brick and tile dwelling houses, dual occupancies and boarding houses. The property is not located within a heritage conservation area.

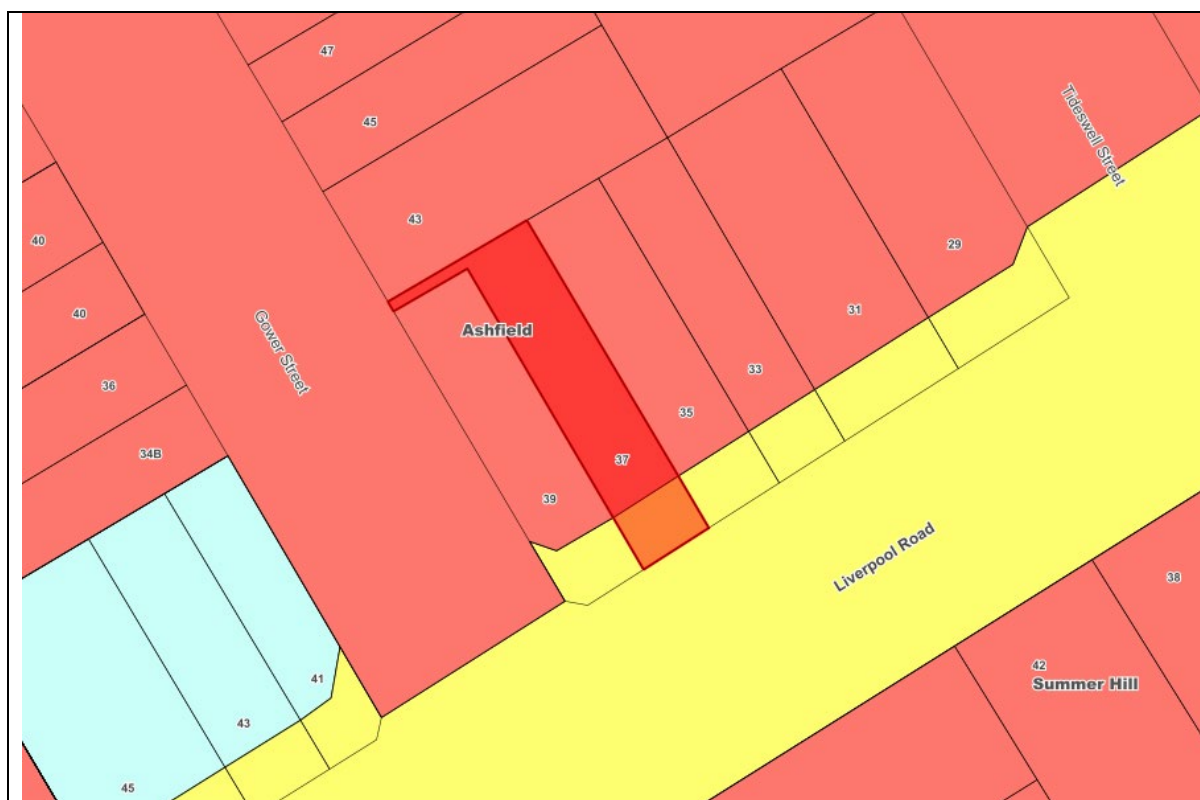


Figure 1 – Site Zoning – Subject site is located within the R3 Medium Density Residential Zone and SP2 Infrastructure Zone.

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
BA-1936/6022	No files available	1936
BA-1936/6108	No files available	1936
BA-1939/8840	Approved for erection of Duplex Flats	1939
BA-1970/7780	Approved for addition to existing dwelling listed as 'Study'	1970
BC 88/243/86567	- Application for BC referred to property as 'Two Storey House' (Flat Building). Notes by Council Officer confirms the property was 2 flats & BC issued	1988
DA/2020/0598	Use as boarding house	16/09/2020 – Withdrawn

Surrounding properties

Not applicable

4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter / Additional Information
8 March 2022	Council Officers wrote to the applicant and requested amended plans/additional information addressing the following; <ul style="list-style-type: none"> - Submission of a clause 4.6 objection to vary the development standard for Floor Space Ratio - Submission of amended plans addressing the controls of the Housing SEPP 2021, including provision of a communal living area which achieves minimum soar access, provision of co-living rooms meeting minimum size requirements, detailing that each room has access to bathroom and kitchen facilities and provision of bicycle parking spaces. - Submission of a Plan of Management for the development
20 April 2022	The applicant provided amended plans/additional information to satisfy the above concerns.

The below assessment has been based of the amended plans provided on the 29 April 2022.

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 (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

The application involves does not involve category 1 remediation under *SEPP (Resilience and Hazards) 2021*.

5(a)(ii) State Environmental Planning Policy (Housing) 2021

Chapter 3 Diverse housing, Part 3 Co-living housing

Clause	Standard	Proposed	Compliance
67 - Zone	Development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument.	The site is zoned R3 Medium Density Residential flat buildings are permitted with consent. However the site is also zoned SP2 – Infrastructure within this zone Co-living is prohibited.	No – refer to discussion under Section 5(a)(iii)
Clause	Non-discretionary development standards	Proposed	Compliance
68 (2)(a) - FSR	Where residential flat building is permitted in the zone, the maximum FSR, plus 10% = 0.77:1 or 168.3sqm	1.06:1 or 231.6sqm Variation = 38% or 63.3sqm	No – refer to discussion under Section 5(a)(iii)
68 (2)(b) – Communal Living Area	At least 30sqm of Communal Living Area, plus 2 sqm for each room over 6 = 32sqm with minimum dimensions of 3m	39.4sqm proposed	Yes
68 (2)(d) – COS	Minimum 20% of site area	30% of site area	Yes
68 (2)(e) – Parking	0.2 parking spaces for each private room = 1.4 parking spaces	No on-site parking proposed	No – Refer to discussion below
68 (2)(f) – Landscaping	Minimum landscaping requirement for multi dwelling housing under relevant instrument	No minimum landscaped area specified in planning controls	Yes
Clause	Standard	Proposed	Compliance
69 (1)(a) – Room sizes	Minimum 12sqm for single and 16sqm for double	Proposed rooms are compliant with the minimum requirements	Yes
69 (1)(b) – Room sizes	Minimum lot size is as prescribed for multi dwelling housing under relevant planning instruments	No minimum lot size prescribed	Yes

69 (1)(f) – Kitchens and Bathroom	Adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and	Adequate bathrooms and kitchens proposed	Yes
69 (1)(g) – Number of occupants	Each private room will be used by no more than 2 occupants	Each room will have no more than 2 occupants	Yes
69 (2)(a) – Setback	Minimum required under multi dwelling housing controls	Setbacks are compliant with the requirements of the DCP	Yes
69 (2)(b) – Solar Access	At least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area,	At least 3 hours solar access proposed for communal living area	Yes
69 (2)(d) – bicycle parking	1 space for each room	7 bicycle spaces proposed	Yes
69 (2)(f) – Design	The design will be compatible with the existing area	The proposal maintains the general form of the existing heritage item. The proposal seeks to retain and restore original heritage fabric and maintains the existing appearance of the heritage item. The proposal is in keeping and compatible with the existing area.	Yes

Clause 68 (2)(e) – Vehicular Parking

The current application results in a variation to the minimum requirements for parking with the SEPP outlining a requirement for 1.4 parking spaces. The current proposal does not provide any on-site parking and results in a variation to this requirement. As part of the current application Council officers have reviewed this variation and consider it to be acceptable given the merits of the case. The proposed variation is acceptable for the following reasons:

- The proposal seeks to undertake minor alterations and additions to a dwelling to create a co-living development. It is considered that any requirement to introduce parking to the site would require extensive alterations (likely complete demolition of the existing dwelling as the site is landlocked) to accommodate the required parking. This re-working is likely to result in a loss of original heritage fabric and result in adverse impacts to the heritage item.
- The proposal could only accommodate parking within the front setback of the site. The introduction of parking to the front setback would negatively impact the streetscape and be detrimental to the character of the area.

- The introduction of a parking space to the site would likely impact the operational efficiency of Liverpool Road a classified road.
- The site is located within an accessible area and has good access to public transport and walkable networks. The introduction of a vehicular parking space creates a continued demand for vehicular reliance.

The proposal is for co-living housing and as such is permissible subject to the consent authority being satisfied that the both the site and design are suitable in accordance with the SEPP and that the development meets the relevant development standards under Part 3 of the SEPP. As discussed above the proposal is considered to be a suitable design and in accordance with the requirements of the SEPP. The application is recommended for support.

5(a)(iii) State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Development with frontage to classified road

In considering Section 2.118(2) of *SEPP (Transport and Infrastructure) 2021*:

The site has a frontage to Liverpool Road and no vehicular access to the land is proposed by the development. As such the proposal is considered practical and safe. The design will not adversely impact the safety, efficiency, and ongoing operation of the classified road.

The impacts of traffic noise or vehicle emissions have been considered and the proposal will incorporate suitable measures, to ameliorate potential traffic noise or vehicle emissions.

5(a)(iv) Ashfield Local Environment Plan 2013 (ALEP 2013)

The application was assessed against the following relevant clauses of the *Ashfield Local Environmental Plan 2013*:

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Earthworks

existing use rights however, the proponent seeks to utilise the provisions of Clause 5.10(10) of ALEP 2013 to enable permissibility as existing use rights have not been established.

The proposal is a local heritage item under the ALEP 2013. As such the proposal can benefit from the provisions of clause 5.10 (10) – Conservation Incentives of the ALEP 2013. This clause allows the consent authority to grant consent to development for any purpose of a building that is a heritage item (including the land on which such a building is erected) *even though development for that purpose would otherwise not be allowed by this plan* if the consent authority is satisfied that:

- a. the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*

The proposal involves works to reinstate and restore the front façade of the heritage item, including re-introducing the front balcony with metal lace works and re-painting the existing brick walls. The proposal also returns internal configurations and floor plans to original configurations to the front portion of the dwelling.

The proposed works have been reviewed by Council's Heritage Officer who outlined that the proposed development has the capacity to facilitate the conservation of the heritage item and can improve the items contribution to the streetscape, through the removal of non-original fabric. However, also noted that additional information would be required to ensure that conservation works are sensitively and appropriately undertaken to minimise impacts and loss of original heritage fabric. These measures are to be imposed via deferred commencement conditions in the recommendation.

- b. the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*

The applicant provided a Conservation Management Plan which has been reviewed by Council's Heritage Officer who outlined that the heritage management document does not adequately describe the conservation works to be implemented or confirm the retention of existing significant fabric. In light of this, a deferred commencement condition is recommended requiring the preparation of additional documentation to the satisfaction of Council's Heritage Department which incorporates the following:

- A detailed exterior and interior schedule of surviving significant fabric
- A detailed and specific schedule of conservation works
- An appropriate colour scheme for the heritage building

It is considered that subject to the imposition of the recommended deferred commencement conditions that an appropriate heritage management document may be approved by Council as part of a future operational consent.

- c. the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*

It is considered that subject to the imposition of the recommended deferred commencement conditions requiring the preparation of a revised Conservation Management Plan, that the proposed development will include all necessary conservation work to the Heritage Item.

- d. *the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*

As discussed previously, the proposed development has the capacity to facilitate the conservation of the heritage item and subject to deferred commencement conditions requiring further details regarding conservation works, will not adversely affect the heritage significance of the heritage item. The proposed works are expected to return the item to a more contributory state and the proposed use as a co-living development will not diminish or impact the significance of the item, but ensure its retention into the future.

- e. *the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

Refer to assessment below. The proposed works and use will not affect the amenity of the surrounding area subject to suitable conditions of consent which are included in the recommendation.

The following table provides an assessment of the application against the development standards:

Standard	Proposal	Non-compliance	Complies
Height of Building Maximum permissible: 12.5m	7.1m	N/A	Yes
Floor Space Ratio Maximum permissible: 0.77:1 or 168.3sqm (10% added from bonus provided under Housing SEPP 2021)	1.06:1 or 231.6sqm	38% variation or 63.3sqm	No – refer to discussion below

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard/s:

- Clause 4.4 - Floor space ratio

The applicant seeks a variation to the floor space ratio development standard under Clause 4.4 of the *Ashfield Local Environmental Plan 2013* by 38% (63.3sqm).

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed

against the objectives and provisions of Clause 4.6 of the *Ashfield Local Environmental Plan 2013* below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the *Ashfield Local Environmental Plan 2013* justifying the proposed contravention of the development standard which is summarised as follows:

- *The extent of non-compliance with the floor space ratio development standard is compounded by the front portion of the site and building fronting Liverpool Road falling within the SP2 Infrastructure zone under the ASHFIELD LEP 2013, being an area of the site of 42.68sqm and floor area of 28.3sqm.*
- *The proposal is wholly contained within the building footprint and existing building envelope, thereby maintaining the existing bulk and scale of the detached 2-storey terrace house. In fact, the removal of the enclosure of the first-floor balcony will reduce the existing floor space ratio of the building.*
- *The proposed development, as amended will provide co-housing accommodation for a maximum of eleven (11) boarders and improve communal facilities both internal and external, recognising the building has previously been used as a guest house for many years without adverse impacts on neighbouring properties.*
- *The existing building predates the imposition of the FSR development standard and cannot achieve compliance without requiring the demolition of the heritage-listed Victorian terrace house which would be an unreasonable impost on the owner of the site and contrary to good planning and heritage practice.*
- *The proposal, as amended will provide high quality self-contained co-housing accommodation for up to 11 boarders with room sizes and communal living areas compliant with the requirement under chapter 3 Part 3 of the SEPP Housing 2021.*

The applicant's written rationale adequately demonstrates compliance with the development standard is unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the R3 – Medium Density Residential Zone, in accordance with Clause 4.6(4)(a)(ii) of the *Ashfield Local Environmental Plan 2013* for the following reasons:

- **To provide for the housing needs of the community within a medium density residential environment.**

The proposal has been designed to provide 7 rooms accommodating 11 occupants. Each of these rooms have been designed to be self-contained and provide a space for single or double occupants to utilise for accommodation. The proposed rooms have been designed to provide an improved level of amenity and meet the day to day needs of residents. The proposed housing type increases housing availability and diversity within the locality assisting to meet the various needs of residents within a medium density residential environment.

- **To provide a variety of housing types within a medium density residential environment.**

The proposal provides a variety of room sizes to suit the various needs of residents. The development ensures a range of housing typologies within the locality, adds to the diversity in housing stock and assists to ensure that the needs of residents can be met.

- **To enable other land uses that provide facilities or services to meet the day to day needs of residents.**

The development caters towards a solely residential use and aims to provide housing for the locality. Other facilities and services to meet day to day needs of residents are provided in the vicinity within the locality and within the Ashfield Town Centre.

It is considered the development is in the public interest because it is consistent with the objectives of the floor space ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the *Ashfield Local Environmental Plan 2013* for the following reasons:

- ***To establish standards for development density and intensity of land use***

The proposed density fits in with the surrounding developments and streetscape. The proposal responds to the Medium Density Residential character of the locality.

- ***To provide consistency in the bulk and scale of new development with existing development,***

The proposed development is compatible with the streetscape along Liverpool Road. The proposed FSR is of a scale and density similar to that of adjoining developments to either side of the site.

- ***To minimise adverse environmental impacts on heritage conservation areas and heritage items***

The subject site is heritage listed under ALEP 2013. This heritage item is to be restored to return the item to a contributory state under the current proposal. The proposed works have the capacity to improve the streetscape appearance of the item and subject to a more detailed Conservation Management Plan being prepared to the satisfaction of Council's Heritage Specialist will not have any adverse environmental impacts on the Heritage Item.

- ***To protect the use or enjoyment of adjoining properties and the public domain***

The proposal results in a compliant rate of solar access for neighbouring sites and will not significantly impact amenity for neighbouring residents. The proposal is expected to revitalise existing areas of the locality and create a visually interesting/ renewed presentation to Liverpool Road, further encouraging pedestrian usage.

- ***To maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation***

As outlined above the proposal restores the dwelling thereby improving its streetscape appearance and provides a more visually interesting façade to the public domain. The FSR variation does not place the development at odds with other recently approved developments and the building is expected to align with other neighbouring developments as they emerge.

The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the *Ashfield Local Environmental Plan 2013*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the floor space ratio and it is recommended the Clause 4.6 exception be granted.

Clause 5.10 Heritage Conservation

The site is listed as a local heritage item (item 188), under Schedule 5 of the Ashfield LEP (2013). A review of the statement of significance has highlighted that this building is identified as a terrace building which demonstrates the style of building for people of middle income in the nineteenth century.

As discussed previously in this report, the proposal was reviewed by Council Heritage Officer who outlined that the proposed development has the capacity to facilitate the conservation of the heritage item and can improve the items contribution to the streetscape. However, also noted that the Conservation Management Plan submitted with the application heritage management document does not adequately describe the conservation works to be implemented or confirm the retention of existing significant fabric which is largely intact.

In light of the above, a deferred commencement condition is recommended requiring the preparation of additional documentation to the satisfaction of Council's heritage specialist which incorporates the following:

- A detailed exterior and interior schedule of surviving significant fabric
- A detailed and specific schedule of conservation works
- An appropriate colour scheme for the heritage building

It is considered that subject to the imposition of the recommended deferred commencement conditions that the proposed development will be acceptable and satisfy the provisions of this Clause.

5(b) Draft Environmental Planning Instruments

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

Draft Environmental Planning Instruments	Compliance
Draft State Environmental Planning Policy (Environment) 2018	Yes
Draft State Environmental Planning Policy (Remediation of Land) 2018	Yes

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 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 Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

IWCDCP2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes
4 - Solar Access and Overshadowing	Yes
5 - Landscaping	Yes
6 - Safety by Design	Yes
15 - Stormwater Management	Yes
B – Public Domain	

C – Sustainability	
1 – Building Sustainability	Yes
2 – Water Sensitive Urban Design	Yes
3 – Waste and Recycling Design & Management Standards	Yes
E1 – Heritage items and Conservation Areas (excluding Haberfield)	
1 – General Controls	Yes – refer to discussion under Section 5(a)(i) and 5(a)(ii)
2 – Heritage Items	Yes – refer to discussion under Section 5(a)(i) and 5(a)(ii)
8 - Demolition	Yes
9 – Heritage Conservation Areas, Character Statements and Rankings	Yes

The following provides discussion of the relevant issues:

Solar Access and Overshadowing

The revised plans have been assessed against the provisions for Solar Access and Overshadowing. The shadow impacts resultant from the proposed development application are compliant with the relevant controls. Shadow diagrams provided by the applicant sufficiently detail that the proposed overshadowing maintains a minimum of 2 hours between 9am and 3pm on 21 June for neighbouring properties. Due to the site orientation the proposed shadows cast by the development alter throughout the day and result in each of the neighbouring properties receiving at least the minimum rate of solar access required. The resultant solar access is considered to be acceptable and the application is recommended for support.

Visual Privacy

In this instance due to the site’s location within Ashfield, orientation of the development/units and proximity of existing development means that some privacy impacts are unavoidable. Nevertheless, the proposal has been appropriately designed to respond to its context and actively avoids potential privacy impacts through the utilisation of setbacks and window design.

The amended design has appropriately considered the potential re-development of neighbouring sites and actively sought to minimise or locate glazing and openings away from shared boundaries where possible. In this instance any further requirements to reduce the extent of proposed glazing (particularly on the first floor) is likely to reduce and impact occupant amenity and is therefore not recommended. Notwithstanding the majority of openings on side boundaries are existing thereby not creating new amenity impacts.

The proposal results in an acceptable level of visual privacy for occupants and neighbours and is recommended for support, subject to suitable conditions of consent

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 the Community Engagement Framework for a period of 21 days on two separate occasions to surrounding properties. No submissions were received in response to the initial notification or the re-notification of amended plans and documentation.

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.

- Development Engineering – Council’s Development Assessment Engineering Team has reviewed the proposed stormwater and outlined generally no objection to the amended proposal, subject to suitable conditions of consent. These conditions relate to security damage bonds, stormwater management and construction methods. Conditions provided by Council’s Development Engineering Team have been incorporated into the recommended conditions of consent.
- Environmental Health - Council’s Environmental Health Team have undertaken a review of the development with regards to SEPP 55 contamination, acoustics and operation detailed provided by the applicant. Council’s Environmental Health Team have outlined no objection to the proposal, subject to suitable conditions of consent regarding contamination management and remediation, acoustic compliance and compliance with relevant Australian Standards.

- Heritage - Council's Heritage Officer has undertaken a review of the proposed development and outlined no objection to the proposal, subject to suitable deferred commencement conditions requiring the preparation of a revised and detailed Conservation Management Plan to the satisfaction of Council's Heritage Department.
- Community Services – The proposal has been reviewed by Council's community Services Team who outlined no objection to the proposal.
- Building Certification - The proposal has been reviewed by Council's Building Certification Team who outlined no objection to the proposal, subject to conditions requiring BCA and Access compliance.
- Rescource Recovery Residential – The proposed waste collection and disposal methods have been reviewed and are acceptable, subject to suitable conditions of consent. No objection is raised to the proposed waste management scheme.
- Fire - The proposal has been reviewed by Council's Fire Safety Team who outlined no objection to the proposal.

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

- Transport for NSW - The proposal has been reviewed by Transport for NSW, who outlined no objection to the proposal subject to suitable conditions of consent. The recommended conditions have been included in the recommended conditions of consent.

7. Section 7.11 Contributions

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$9,066.42 would be required for the development under Ashfield Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

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. The applicant has made a written request pursuant to Clause 4.6 of the *Ashfield Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Floor Space Ratio standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. 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/2021/1336 for Amended Plans: Alterations and additions to an existing building to create a 7 room co-living housing development at 37 Liverpool Road, Ashfield subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

The following is a Deferred Commencement condition imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This Consent will not operate and may not be acted upon until the Council is satisfied as to the following matter(s):

Revised documentation must be submitted to and approved by Council's Heritage Department, including the following:

- a. A detailed Conservation Management Plan (CMP) which adequately describes the conservation works to be implemented and confirms the retention of existing significant fabric. The CMP document is to incorporate the following:
 - i. A detailed exterior and interior (room by room, element by element) schedule of surviving significant fabric;
 - ii. A detailed and specific schedule of conservation works to be carried out to conserve significant fabric and spaces, and reinstate missing elements and details; and,
 - iii. A colour scheme appropriate for the heritage building.
- b. The fabric to be retained and the conservation works to be carried out, as identified in the updated CMP, should be incorporated into and cross referenced with revised architectural documentation. Annotated architectural drawings are to note each of the surviving decorative elements and joinery that are to be retained internally including architraves, skirtings, picture rails, hearths, chimney pieces and decorative fibrous plaster ceilings.

Note: The architectural documentation part of the work should be done by a registered heritage architect, who holds the necessary professional insurances and has experience to provide advice on the extent of repairs necessary. This architect must

be able to correctly identify the materials and have a knowledge of the type of repairs needed: solid plastering, repairs to cast iron balustrading.

Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

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
AR-1	Site Plan	12/04/2022	NC Architect
AR-5	Proposed Ground Floor Plan	12/04/2022	NC Architect
AR-6	Proposed First Floor Plan	12/04/2022	NC Architect
AR-7	West Elevation	12/04/2022	NC Architect
AR-8	East Elevation	12/04/2022	NC Architect
AR-9	South & North Elevations	12/04/2022	NC Architect
AR-10	Section 1-1	12/04/2022	NC Architect
KN572	Plan of Management	April 2022	KN Planning Pty LTD

As amended by the conditions of consent.

FEES

2. 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.

3. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$9,066.42 indexed in accordance with Ashfield Development Contributions Plan/ Developer Contributions Plan No.1 – Open Space and Recreation has been paid to the Council.

The above contribution is the contribution applicable as at 10 May 2022

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Community Infrastructure Type:	Contribution \$
Local Roads	\$1,018.84
Local Public Transport Facilities	\$3,040.78
Local Public Car Parking	-

Local Open Space and Recreation	-
Local Community Facilities	\$2,577.20
Plan Preparation and Administration	\$2,429.61
TOTAL	\$9,066.42

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment methods:

The required contribution must be paid either **by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000).** It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

*NB A 0.75% credit card transaction fee applies to all credit card transactions.

4. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$2254.00
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Inspection Fee:	\$241.50
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Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

GENERAL CONDITIONS

5. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

6. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

7. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

8. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

9. Air Conditioning Systems

Where rooms are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.

10. Hot Water Systems

Where rooms are provided with separate individual hot water systems, these must be located so they are not visible from the street.

11. Boarding House

The development must provide and maintain:

- a. A minimum of 1 Accessible boarding rooms; and
- b. All rooms within the boarding house must be connected to a centralised electricity, water and gas (if installed) service.

12. Hazardous Materials Survey

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW.

A copy of any SafeWork NSW approval documents is to be included as part of the documentation.

13. Stormwater Drainage System – Simple

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, down pipe, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works, the drainage system must be upgraded to discharge by gravity to the kerb and gutter of a public road.

14. Transport for NSW

Any new buildings or structures, together with any improvements integral to the future use of the site, are erected clear of the land reserved for road widening unlimited in height or depth.

PRIOR TO ANY DEMOLITION

15. Advising Neighbours Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

16. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

17. Hoardings

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

PRIOR TO CONSTRUCTION CERTIFICATE**18. Structural Certificate for retained elements of the building**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the

proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

19. 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

20. Fire Safety Upgrade

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report and plans detailing how the buildings, which are subject to the consent, will be brought into full or partial conformity with the Building Code of Australia. The report must include:

- a. A fire safety audit which shall cover Sections C, D and E of Building Code of Australia and to identify general areas of non-compliance against the deemed to satisfy fire safety provisions, and address the performance requirements of the BCA where relevant. The recommendations for the fire safety upgrade shall be indicated on amended plans;
- b. Review the current on site fire safety measures including their relevant standard of performance; and
- c. The report shall include an updated Fire safety schedule stipulating the existing and proposed essential fire safety measures, including their relevant standards of performance.

21. Dilapidation Report – Pre-Development – Minor

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

DURING DEMOLITION AND CONSTRUCTION**22. Construction Hours – Class 1 and 10**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

23. Contamination – New Evidence

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

24. Contamination – Retention of Ground Slab

This consent only permits the fit-out and use of the premises with the retention of the existing ground slab. Intrusive ground excavations and/or works that may compromise the integrity of the existing ground slab covering the site are not approved, and existing ground slabs and hardstand areas must be retained and maintained in their original form.

Should any ground slab or hardstand area be damaged or disturbed, an appropriately qualified Environmental Consultant must inspect the site immediately and determine whether any potential contaminants have been disturbed. If preventative works need to be undertaken, a written statement prepared by a qualified Environmental Consultant must be provided to Council detailing the outcome of this investigation and associated works.

PRIOR TO OCCUPATION CERTIFICATE**25. 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.

26. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

27. Heritage Conservation Works

Prior the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that all relevant heritage conservation works detailed within the heritage management document have been completed.

ON-GOING**28. Boarding House**

The use of the premises as a boarding house must comply at all times with the following:

- a. The use must comply at all times with the Plan of Management referred to in conditions above and as amended by the conditions in this Determination;
- b. A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;

- c. A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
- d. The Plan of Management must not be amended without the prior consent of Council and must be made available to Council officers and the Police upon request;
- e. All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
- f. The premises must be used exclusively as a boarding house containing a maximum total of 7 lodger's rooms, with not more than 11 adult lodgers residing in the premises at any one time;
- g. Not more than 2 lodgers must occupy each boarding room, except for rooms 5,6,7 which are single lodger rooms and can have only 1 lodger occupying;
- h. The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
- i. All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers; and
- j. Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times.

29. 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.

30. Plan of Management

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management must demonstrate compliance with operation and maintenance standards set out in the *Local Government (General) Regulation 2005* and is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

ADVISORY NOTES**Prescribed Conditions**

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

Notification of commencement of works

At least 7 days before any demolition work commences:

- a. The Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b. A written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

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.

Toilet Facilities

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

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.

Failure to comply with conditions

Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

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.

Dividing Fences Act

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

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.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

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 nuisance or damage other premises.

Fire Safety Certificate

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a. Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b. Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Statement for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Statement must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Boarding House – Registration with Fair Trading

Boarding houses with two or more residents who have additional needs or five or more residents who do not have additional needs are required to register with the Department of Fair Trading.

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Dial before you dig

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

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 Payments Corporation	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.
NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)		www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50	www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

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. Boarding House / Shared Accommodation - *Boarding Houses Act 2012* and the *Local Government (General) Regulation 2005*.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted

to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Permits

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 veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Street Numbering

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

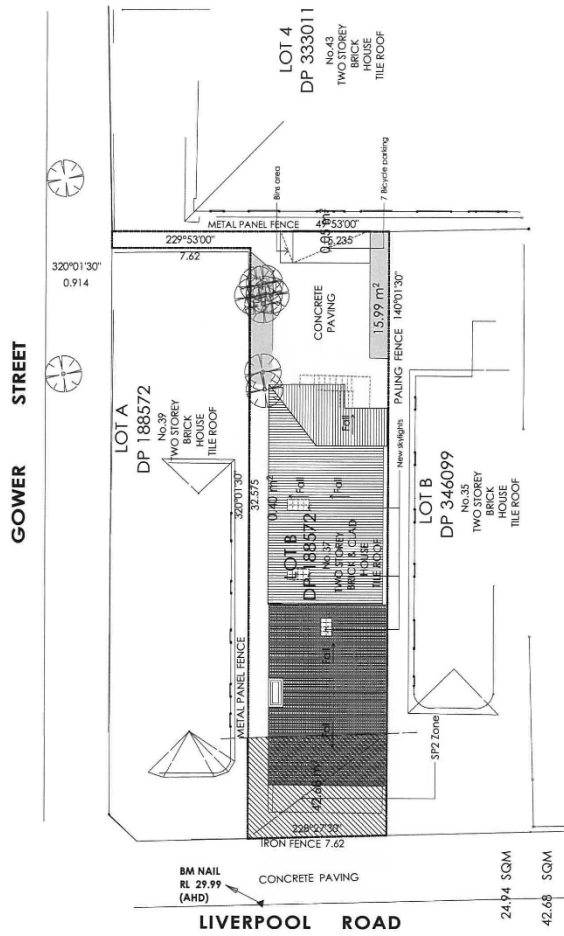
Attachment B – Plans of proposed development

ATTACHMENT 1

PROPOSED CO-LIVING HOUSE - 37 LIVERPOOL RD., ASHFIELD



SITE LOCATION



SITE PLAN
1:200

37 LIVERPOOL RD., ASHFIELD

1 ROOMS AREA CALCULATION
TOTAL ROOMS AREA 156.4 SQM
TOTAL ROOMS AREA FOR WITHIN R3 ZONE: 131.46 SQM
TOTAL ROOM AREA WITHIN SP2 ZONE

2 GFA AREA CALCULATION
SITE AREA: 261.3 SQM SP2 AREA: 42.68 SQM
TOTAL EXISTING FLOOR AREA: 218.62 SQM
TOTAL PROPOSED FLOOR AREA: 247.3 SQM
PROPOSED FLOOR AREA WITHIN SP2 ZONE: 231.3 SQM
TOTAL PROPOSED FLOOR AREA WITHIN R3 ZONE: 203 SQM
TOTAL FSR FOR R3 ZONE: 0.93 : 1

PROPOSED COMMUNAL LIVING AREA : 39.52 SQM
PROPOSED NUMBER OF ROOM : 7
PROPOSED NUMBER OF BICYCLE PARKING : 7
EXISTING LANDSCAPED AREA 15.99 SQM

PROJECT NOTES table with 2 columns: Note description and Reference.

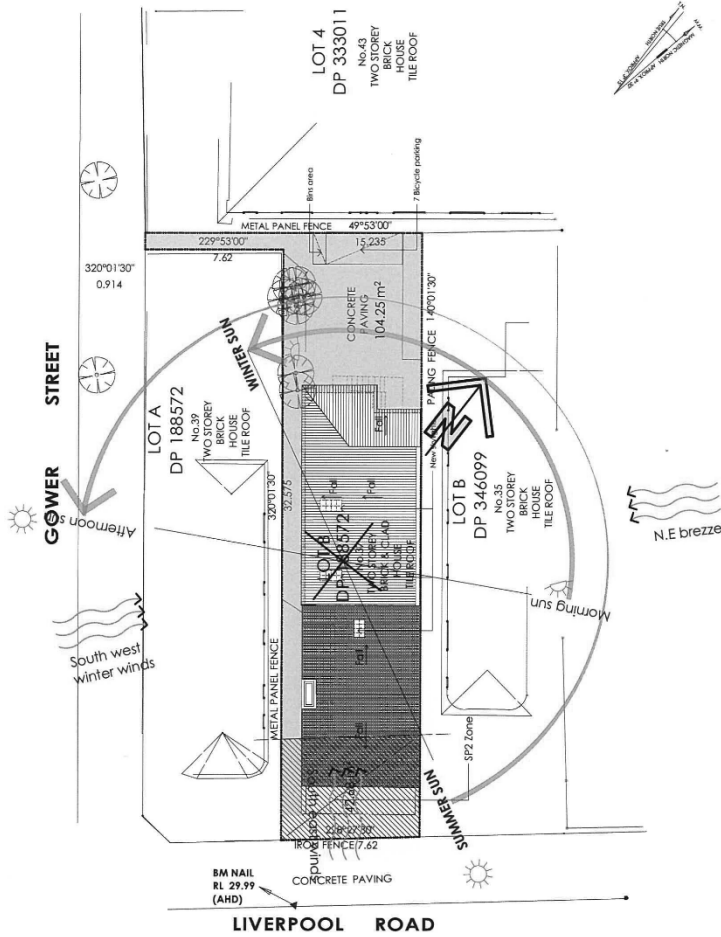
LEGEND table with 2 columns: Symbol/Pattern and Description.

ARCHITECT information table including firm name and contact details.

PROJECT information table including project name and address.

Scale and Date information table.

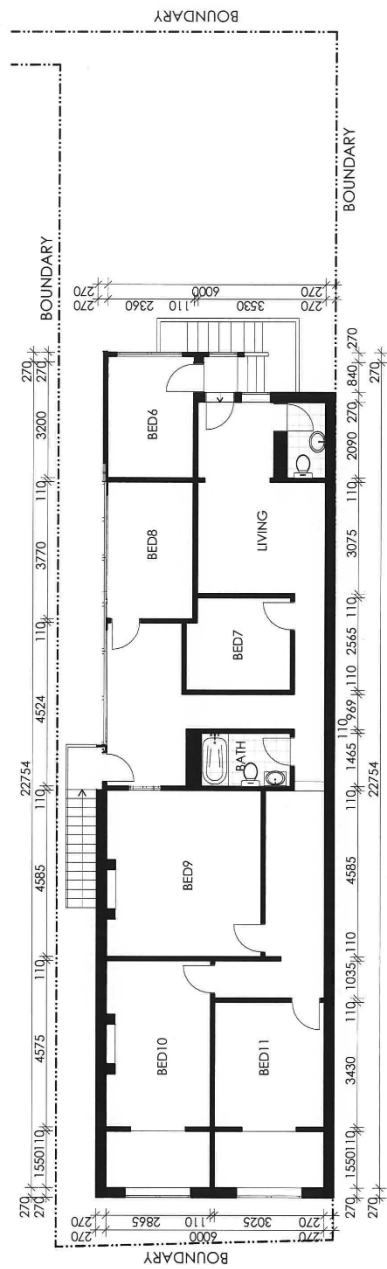
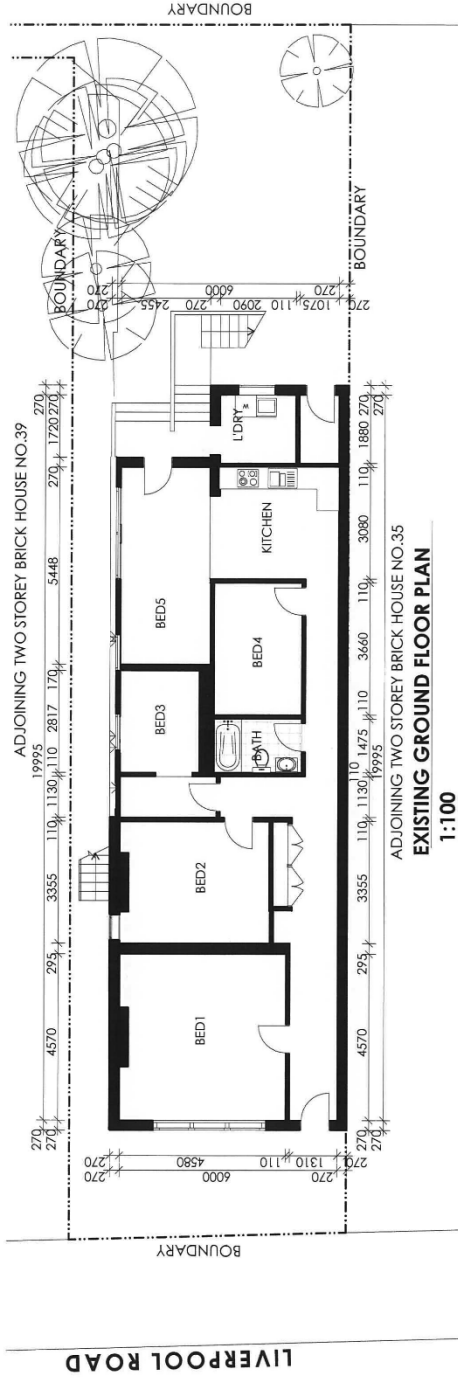
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Version: 1, Version Date: 10/05/2022



SITE ANALYSIS
1:200

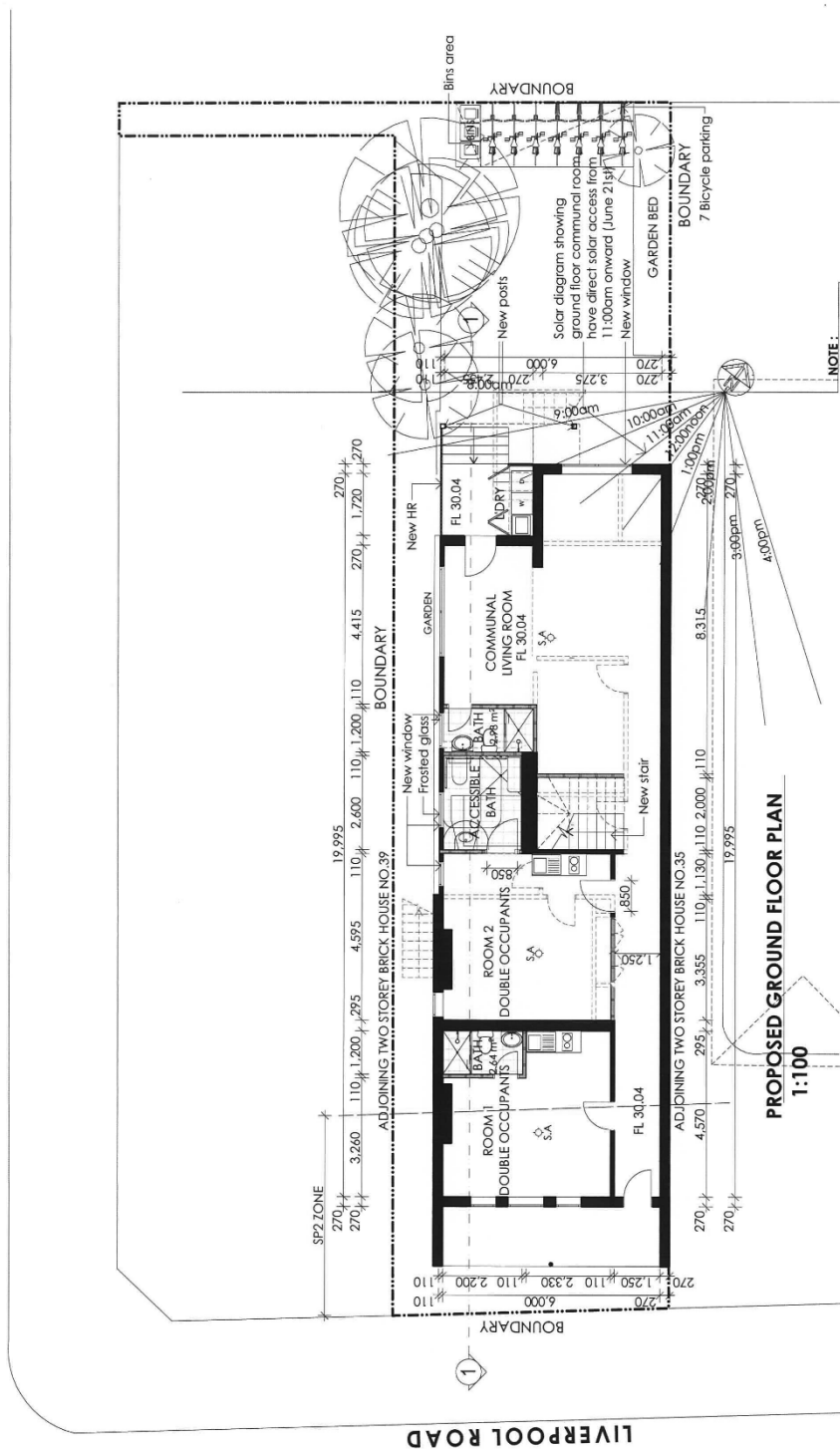
<p>PROJECT: PROPOSED CO-LIVING HOUSE</p> <p>AT: 37 LIVERPOOL RD., ASHFIELD</p> <p>FOR: MR DEAN APPELGAATE</p> <p>DATE: 12/01/2022</p>		<p>SCHEM: 1/31</p> <p>DATE: 12/01/2022</p> <p>PAGES: 3 of 13</p> <p>DEVELOPMENT APPLICATION</p>	
<p>ARCHITECT: ARCHITECTURAL DESIGN</p> <p>74 DONNET STREET, WESTMANSFIELD, VIC 3083</p> <p>MOBILE: 0438 82 84 88</p> <p>NTW ABR: 7813</p>		<p>DATE: 12/01/2022</p> <p>DATE: 12/01/2022</p> <p>DATE: 12/01/2022</p> <p>DATE: 12/01/2022</p>	
<p>PROJECT NOTES:</p> <p>1. All dimensions are in meters unless otherwise stated.</p> <p>2. All bearings are in degrees, minutes and seconds (DMS).</p> <p>3. All areas are in square meters (m²).</p> <p>4. All elevations are in meters above sea level (MASL).</p> <p>5. All heights are in meters above ground level (MAGL).</p> <p>6. All levels are in meters above ground level (MAGL).</p> <p>7. All levels are in meters above ground level (MAGL).</p> <p>8. All levels are in meters above ground level (MAGL).</p> <p>9. All levels are in meters above ground level (MAGL).</p> <p>10. All levels are in meters above ground level (MAGL).</p>		<p>LEGEND:</p> <p>--- Existing boundary</p> <p>--- Proposed boundary</p> <p>--- Proposed building footprint</p> <p>--- Proposed roof sheeting</p> <p>--- Proposed roof pitch</p> <p>--- Proposed roof height</p> <p>--- Proposed roof area</p> <p>--- Proposed roof volume</p> <p>--- Proposed roof weight</p> <p>--- Proposed roof load</p> <p>--- Proposed roof stress</p> <p>--- Proposed roof deflection</p> <p>--- Proposed roof vibration</p> <p>--- Proposed roof noise</p> <p>--- Proposed roof air</p> <p>--- Proposed roof water</p> <p>--- Proposed roof electricity</p> <p>--- Proposed roof gas</p> <p>--- Proposed roof plumbing</p> <p>--- Proposed roof heating</p> <p>--- Proposed roof cooling</p> <p>--- Proposed roof ventilation</p> <p>--- Proposed roof insulation</p> <p>--- Proposed roof waterproofing</p> <p>--- Proposed roof cladding</p> <p>--- Proposed roof finishing</p> <p>--- Proposed roof landscaping</p> <p>--- Proposed roof drainage</p> <p>--- Proposed roof parking</p> <p>--- Proposed roof storage</p> <p>--- Proposed roof utility</p> <p>--- Proposed roof access</p> <p>--- Proposed roof egress</p> <p>--- Proposed roof exit</p> <p>--- Proposed roof entrance</p> <p>--- Proposed roof ramp</p> <p>--- Proposed roof stairs</p> <p>--- Proposed roof lift</p> <p>--- Proposed roof hoist</p> <p>--- Proposed roof crane</p> <p>--- Proposed roof hoist</p> <p>--- Proposed roof crane</p> <p>--- Proposed roof crane</p> <p>--- Proposed roof crane</p>	

Document Set ID: 36293506
Version: 1, Version Date: 10/05/2022



EXISTING FIRST FLOOR PLAN
1:100

PROJECT: PROPOSED CO-LIVING HOUSE AT: 37 LIVERPOOL RD, ASHFIELD FOR: MR DEAN ALLEGATE DATE: 12/04/2022 SCALE: 1:100		ARCHITECT: INC ARCHITECT ARCHITECTURAL DESIGN 74 ARCHIT. CROFTON HWY MCCOMB ST MCCOMB ST NEW AFB 7853		DATE: 12/04/2022 PRELIMINARY: N ISSUE: N DRAWN BY: [Blank] DRAWN BY: [Blank]		Scale: 1:100 Date: 12/04/2022 Pages: 4 OF 13 Scale: 1:100					
LEGEND: [Symbol] Building walls to remain [Symbol] New brick work [Symbol] New external wall [Symbol] New external wall with [Symbol] Existing to be demolished				PROJECT NOTES: 1. THIS PLAN IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A CONTRACT. THE CONTRACT IS THE ARCHITECTURAL CONTRACT AND THE BUILDING REGULATIONS. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE ARCHITECTURAL CONTRACT. 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE ARCHITECTURAL CONTRACT. 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE ARCHITECTURAL CONTRACT. 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE ARCHITECTURAL CONTRACT. 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE ARCHITECTURAL CONTRACT. 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE ARCHITECTURAL CONTRACT. 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE ARCHITECTURAL CONTRACT. 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE ARCHITECTURAL CONTRACT. 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE ARCHITECTURAL CONTRACT. 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE ARCHITECTURAL CONTRACT.				DEVELOPMENT APPLICATION 12/04/2022		SCALE: 1:100	



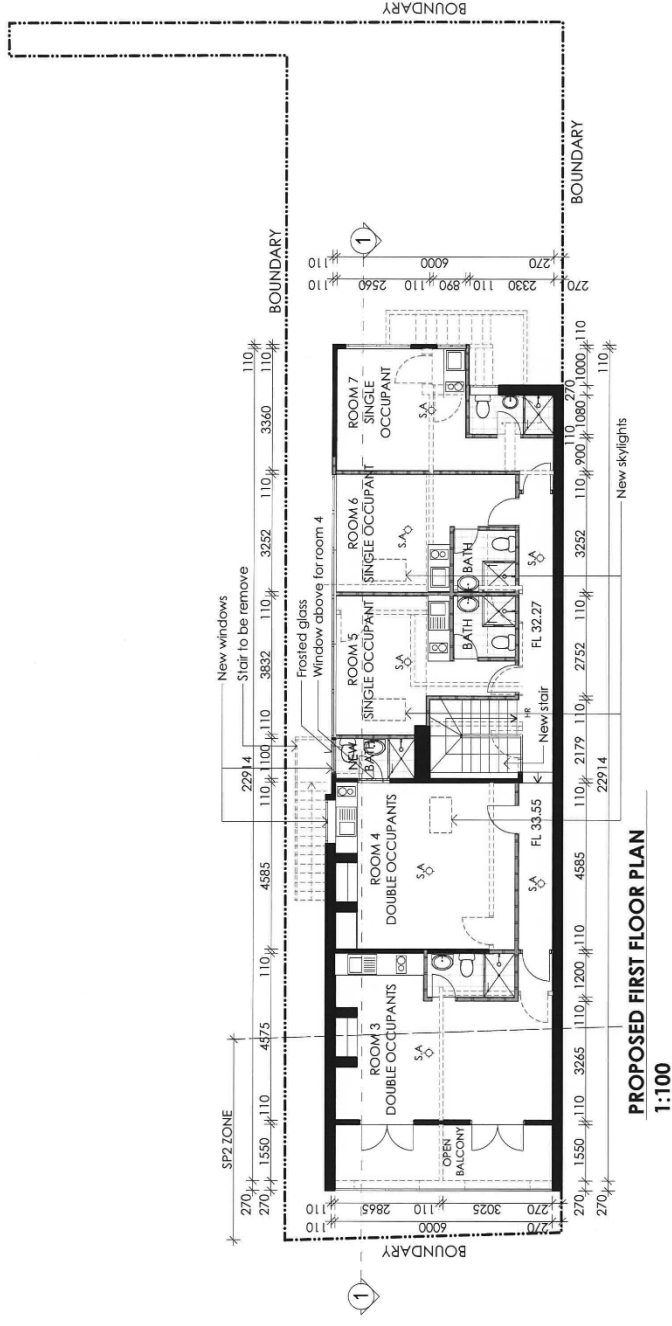
NOTE:

- Hard wired photo electric smoke alarms to be installed in accordance with NCC part 3.7.5 and AS 3786
- All glazing to comply with AS standards 1288-2006
- Shower screens shall be glazed with A or B grade safety glazing material in accordance with AS 1288-2006, table 4.5

SAA SMOKE ALARM SYSTEM

<p>PROJECT: PROPOSED CO-LIVING HOUSE</p> <p>ARCHITECT: INC ARCHITECTURAL DESIGN</p> <p>74 CORLETT CROFTON HWY MACE GOLF RES EAS NEW AHS 7853</p>		<p>Scale: 1:100</p> <p>Date: 12/04/2022</p> <p>AS 5 5 of 13</p>
<p>FOR: MR DEAN APPLEGATE</p> <p>DEVELOPMENT APPLICATION</p>		<p>12/04/2022</p> <p>PRELIMINARY</p> <p>N</p> <p>DATE</p> <p>ISSUE</p> <p>DRAWN BY</p>
<p>LEGEND</p> <p>RELATIONS (L) (R) (S) (T) (U) (V) (W) (X) (Y) (Z) (AA) (BB) (CC) (DD) (EE) (FF) (GG) (HH) (II) (JJ) (KK) (LL) (MM) (NN) (OO) (PP) (QQ) (RR) (SS) (TT) (UU) (VV) (WW) (XX) (YY) (ZZ) (AAA) (BBB) (CCC) (DDD) (EEE) (FFF) (GGG) (HHH) (III) (JJJ) (KKK) (LLL) (MMM) (NNN) (OOO) (PPP) (QQQ) (RRR) (SSS) (TTT) (UUU) (VVV) (WWW) (XXX) (YYY) (ZZZ) (AAA) (BBB) (CCC) (DDD) (EEE) (FFF) (GGG) (HHH) (III) (JJJ) (KKK) (LLL) (MMM) (NNN) (OOO) (PPP) (QQQ) (RRR) (SSS) (TTT) (UUU) (VVV) (WWW) (XXX) (YYY) (ZZZ)</p>		

Document Set ID: 36293506
Version: 1, Version Date: 10/05/2022



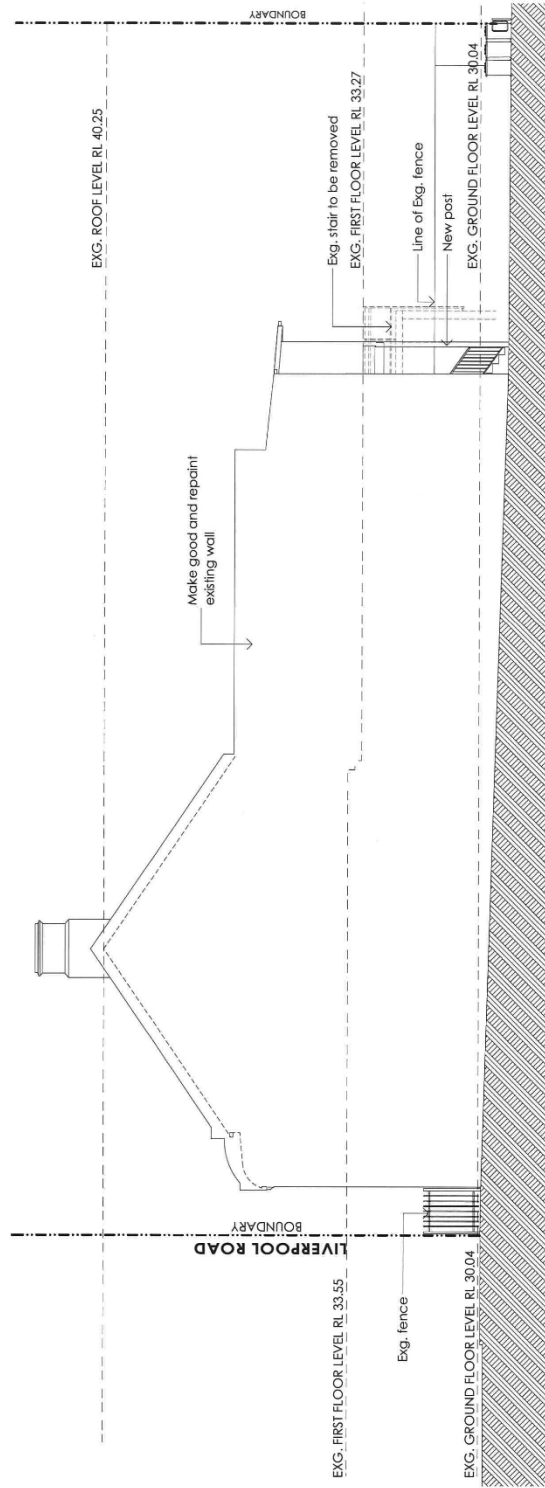
NOTE :

- Hard wired photo electric smoke alarms to be installed in accordance with NCC part 3.7.5 and AS 3786
- All glazing to comply with AS standards 1288-2006
- Shower screens shall be glazed with A or B grade safety glazing material in accordance with AS 1288-2006, table 4.5

S.A SMOKE ALARM SYSTEM

<p>PROJECT NOTES</p> <p>* FOR ALL DIMENSIONS, UNLESS SPECIFICALLY REFERENCED TO DATE, REFER TO THE ARCHITECTURAL DRAWINGS FOR THE LATEST REVISIONS. ALL DIMENSIONS SHALL BE TAKEN FROM THE FINISHED FLOOR LEVEL UNLESS OTHERWISE SPECIFIED. DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>* DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>* DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>* DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>* DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.</p>	<p>LEGEND</p> <p>RELATIVE LEVEL (FL) 500 FINISHED FLOOR LEVEL</p> <p>RELATIVE LEVEL (FL) 100 FINISHED FLOOR LEVEL</p> <p>RELATIVE LEVEL (FL) 0 FINISHED FLOOR LEVEL</p> <p>RELATIVE LEVEL (FL) -100 FINISHED FLOOR LEVEL</p> <p>RELATIVE LEVEL (FL) -200 FINISHED FLOOR LEVEL</p> <p>RELATIVE LEVEL (FL) -300 FINISHED FLOOR LEVEL</p> <p>RELATIVE LEVEL (FL) -400 FINISHED FLOOR LEVEL</p>	<p>ARCHITECT</p> <p>INC ARCHITECTURAL DESIGN</p> <p>74 ADAM STREET, GEORGETOWN NSW</p> <p>PO BOX 1000, GEORGETOWN NSW</p> <p>NTW AB 7813</p>	<p>PROJECT: PROPOSED CO-LIVING HOUSE</p> <p>AT: 37 LIVERPOOL RD., ASHFIELD</p> <p>FOR: MR DEAN APPLEGATE</p> <p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p>
<p>© Copyright of the drawing is vested in the ARCHITECT</p>			

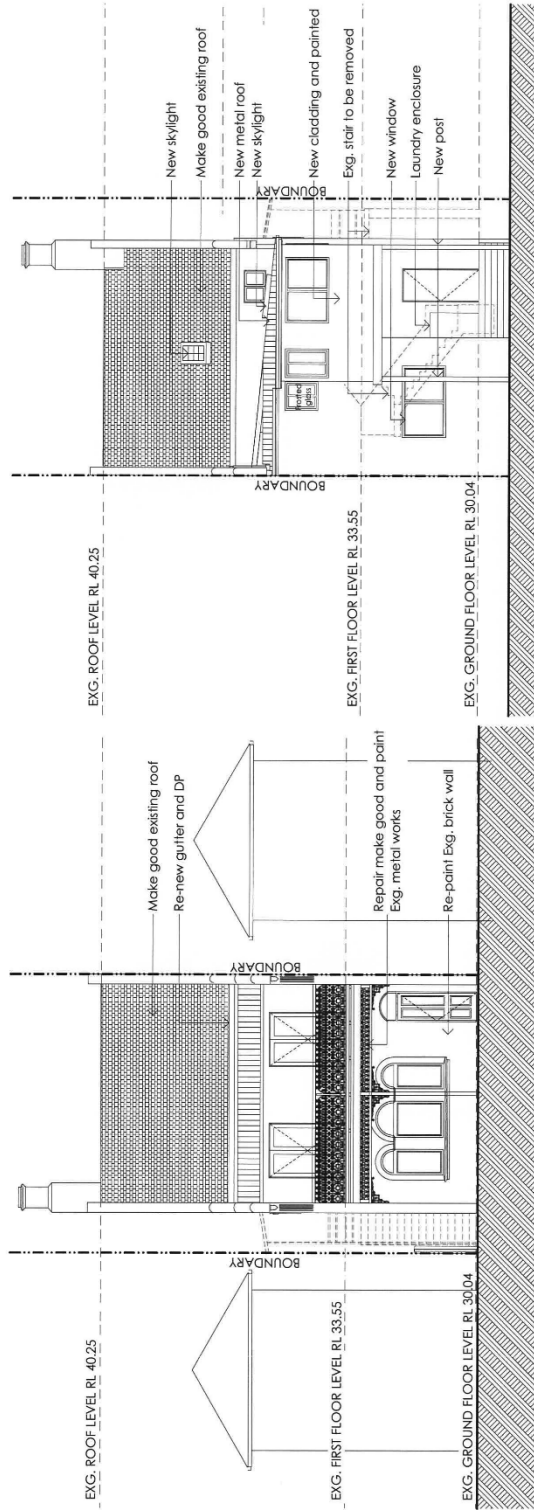
Document Set ID: 36293506
Version: 1, Version Date: 10/05/2022



EAST ELEVATION
1:100

<p>PROJECT: PROPOSED CO-LIVING HOUSE AT: 37 LIVERPOOL RD., ASHFIELD FOR: MR DEAN APPEALGATE</p>		<p>Scale: 1:100 Date: 12/04/2022 Page: 8 of 13</p>
<p>ARCHITECT: INC ARCHITECT ARCHITECTURAL DESIGN 74 ARCHIT. CROWN HWY JACK GOLF RD BAY NSW 488 7883</p>		<p>Scale: 1:100 Date: 12/04/2022 Page: 8 of 13</p>
<p>DATE: 12/04/2022 ISSUE: PRELIMINARY DATE: 12/04/2022 ISSUE: PRELIMINARY DATE: 12/04/2022 ISSUE: PRELIMINARY DATE: 12/04/2022 ISSUE: PRELIMINARY</p>		<p>Scale: 1:100 Date: 12/04/2022 Page: 8 of 13</p>

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 Version: 1, Version Date: 10/05/2022

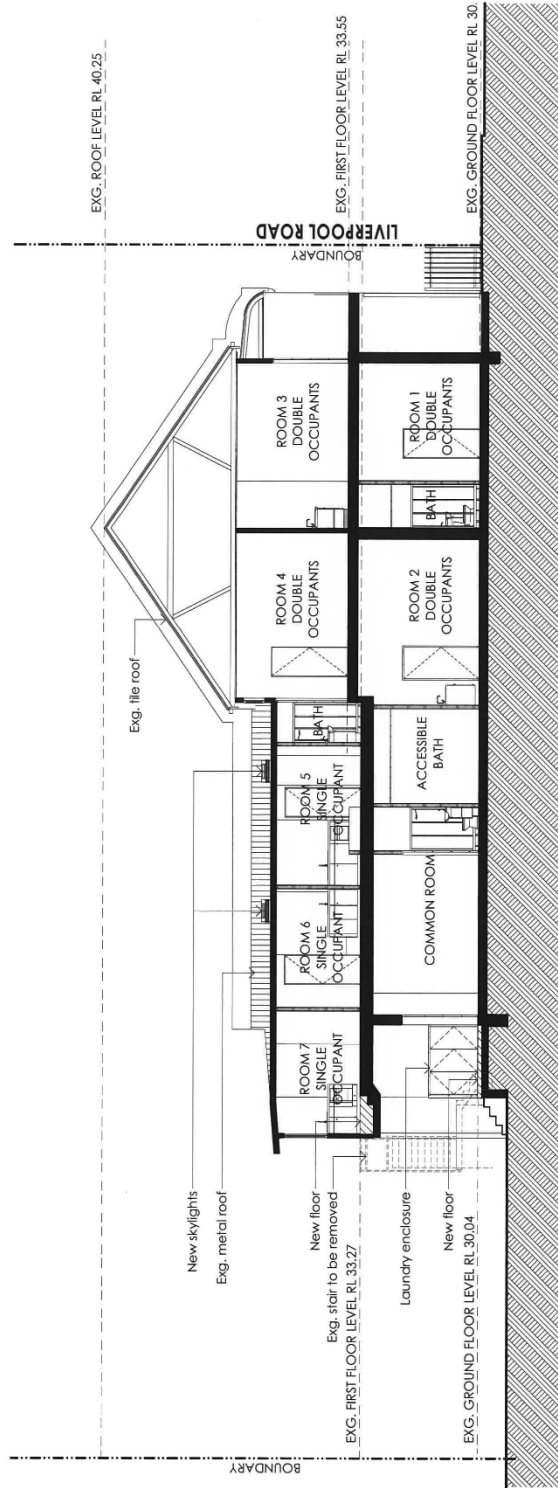


NORTH ELEVATION
1:100

SOUTH ELEVATION
1:100 (LIVERPOOL ROAD)

<p>PROJECT: PROPOSED CO-LIVING HOUSE AT: 37 LIVERPOOL RD, ASHFIELD FOR: MR DEAN APPELGADE DRAWN FOR: ELEVATIONS</p>		<p>Scale: 1:50 Date: 12/04/2022 Drawing number: AB-9 Pages: 9 of 13</p>
<p>ARCHITECT ARCHITECTURAL DESIGN 74 ADDRESS CREATION WAY MORE: 0456 82 848 NSW ABR 7843</p>		<p>DATE: 12/04/2022 PRELIMINARY DRAWN BY: N</p>
<p>PROJECT NOTES</p> <p>1. CONSULTATION HAS BEEN MADE WITH THE LOCAL PLANNING PANEL AND THE LOCAL PLANNING PANEL HAS APPROVED THE PROPOSED DEVELOPMENT. THE LOCAL PLANNING PANEL HAS APPROVED THE PROPOSED DEVELOPMENT ON THE CONDITION THAT THE DEVELOPER SHALL PROVIDE THE FOLLOWING INFORMATION TO THE LOCAL PLANNING PANEL:</p> <p>2. CONSULTATION HAS BEEN MADE WITH THE LOCAL PLANNING PANEL AND THE LOCAL PLANNING PANEL HAS APPROVED THE PROPOSED DEVELOPMENT. THE LOCAL PLANNING PANEL HAS APPROVED THE PROPOSED DEVELOPMENT ON THE CONDITION THAT THE DEVELOPER SHALL PROVIDE THE FOLLOWING INFORMATION TO THE LOCAL PLANNING PANEL:</p>		<p>LEGEND</p> <p>ALL: REFERENCE LEVEL CL: CLADDING EX: EXISTING F: FINISH G: GROUND H: HATCH I: IRON L: LIME M: METAL N: NEW P: PLASTER R: ROOF S: SKYLIGHT T: TERRACE W: WINDOW</p>

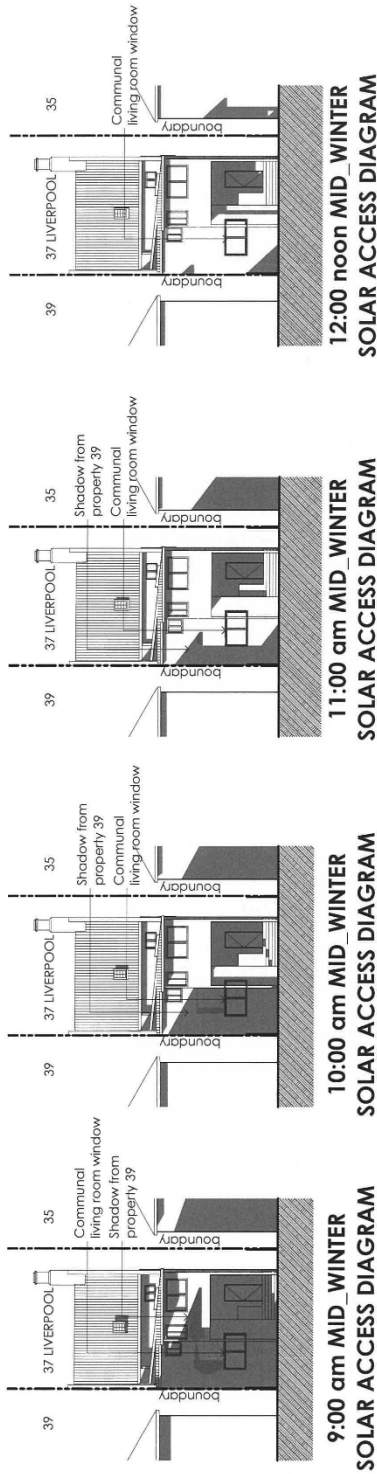
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 Version: 1, Version Date: 10/05/2022



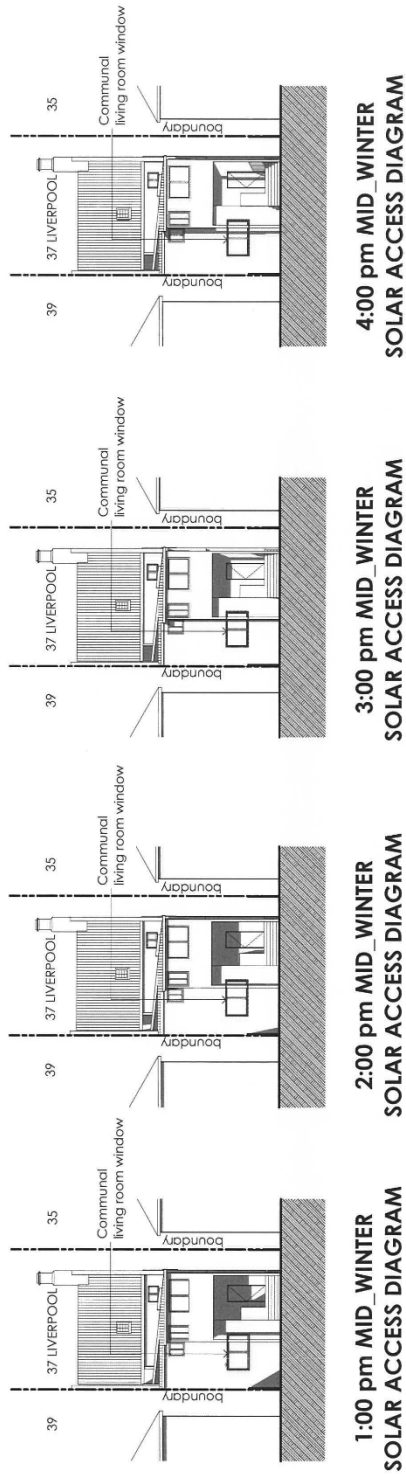
SECTION 1-1
1:100

<p>PROJECT NOTE</p> <p>1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>2. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2012.</p> <p>3. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2012.</p> <p>4. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2012.</p> <p>5. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2012.</p>		<p>Scale: 1/8" = 1'-0"</p> <p>Date: 12/04/2022</p> <p>Pages: 10 of 13</p> <p>DEVELOPMENT APPLICATION</p>	
<p>ARCHITECT</p> <p>IN ARCHITECTURAL DESIGN</p> <p>74 FISHBONE CROFTON RD WY</p> <p>WYOMING NSW 2282</p> <p>NSW A/R 7853</p>		<p>PROJECT: PROPOSED CO-LIVING HOUSE</p> <p>AT: 37 LIVERPOOL RD., ASHFIELD</p> <p>FDR: MM DEAN APPELLATE</p> <p>SUBMITTAL SECTION</p>	
<p>LEGEND</p> <p>--- Existing walls to remain</p> <p>--- New brick with</p> <p>--- New brick block wall</p> <p>--- Existing to be demolished</p>		<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DRAWN BY: N</p>	

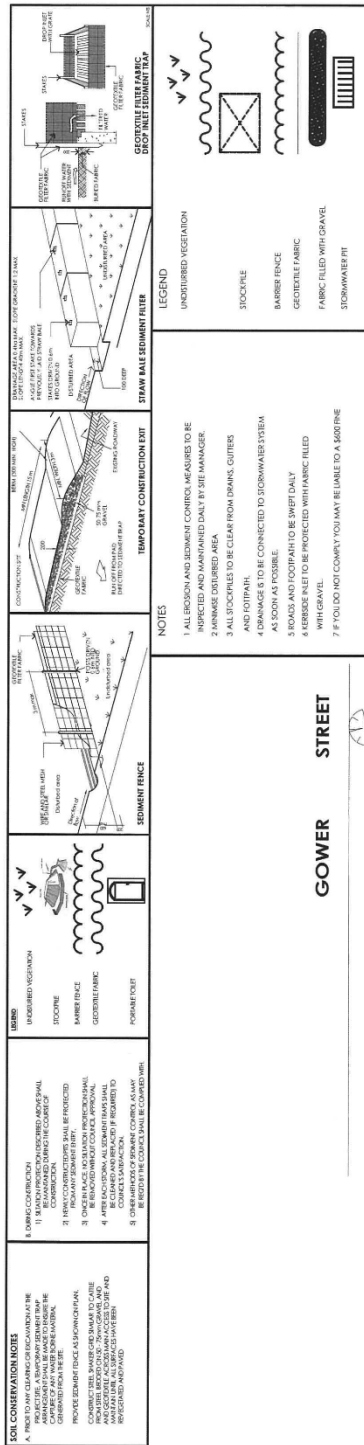
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Version: 1, Version Date: 10/05/2022



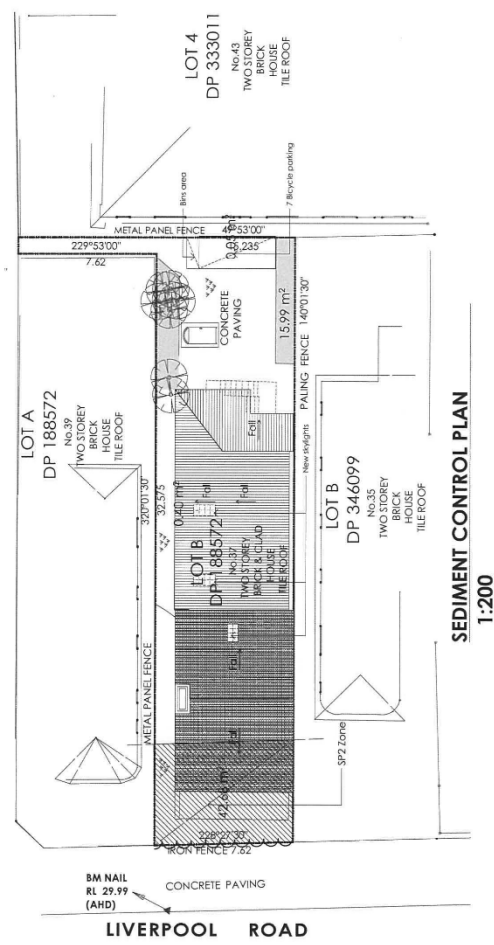
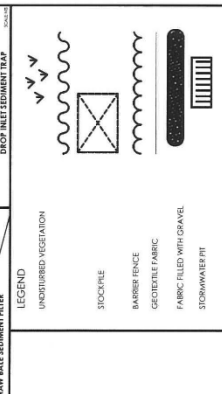
NOTE: COMMUNAL LIVING ROOM WINDOW HAVE DIRECT SOLAR ACCESS FROM 11:00 AM TO 4:00 PM ON JUNE 21ST(MID_WINTER)



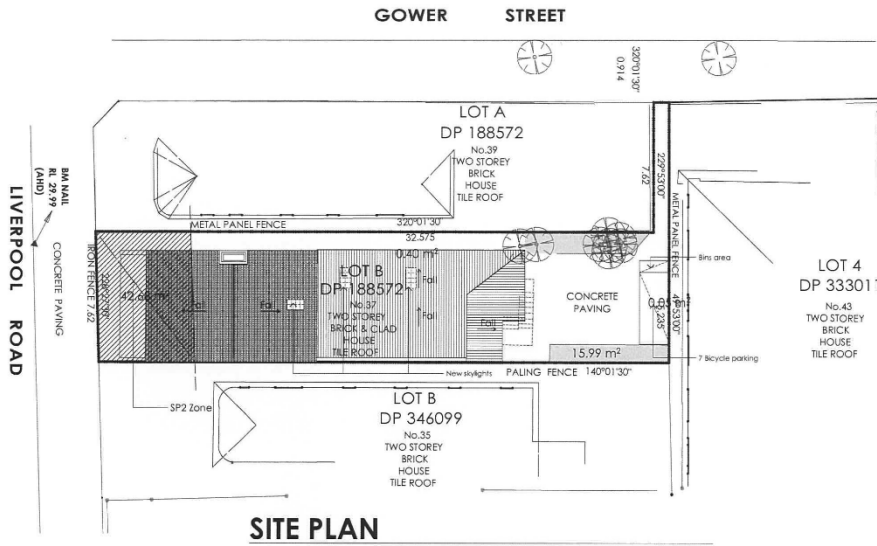
<p>PROJECT NOTE</p> <p>1. ALL DIMENSIONS UNLESS SPECIFICALLY STATED TO THE CONTRARY ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p>	<p>LEGEND</p> <p>--- Existing walls to remain</p> <p>--- New brick work</p> <p>--- New render block work</p> <p>--- Existing to be demolished</p> <p>--- New to be demolished</p>	<p>ARCHITECT</p> <p>NC ARCHITECTURAL DESIGN</p> <p>74 ACHIEVE CREATION NSW</p> <p>12/04/2022</p> <p>12/04/2022</p> <p>12/04/2022</p> <p>12/04/2022</p>	<p>PROJECT: PROPOSED CO-LIVING HOUSE</p> <p>AT: 37 LIVERPOOL RD., ASHFIELD</p> <p>FOR: MR DEAN APPEGATE</p> <p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DRAWN BY: N</p> <p>DATE: 12/04/2022</p> <p>ISSUE: ISSUE</p>	<p>Scale: 1/8" = 1'-0"</p> <p>Date: 12/04/2022</p> <p>Pages: 11 of 13</p> <p>Scale: 1/8" = 1'-0"</p> <p>Date: 12/04/2022</p> <p>Pages: 11 of 13</p>



- NOTES**
- 1 ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DAILY BY SITE MANAGER.
 - 2 ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE MAINTAINED AT ALL TIMES.
 - 3 ALL SLOPES TO BE CLEAN FROM DRAINS, GUTTERS AND GULLIES.
 - 4 DAMAGE IS TO BE CONNECTED TO STORMWATER SYSTEM AS SOON AS POSSIBLE.
 - 5 ROADS AND FOOTPATHS TO BE SWEEP DAILY.
 - 6 EROSION INLET TO BE PROTECTED WITH FABRIC FILLED WITH GRAVEL.
 - 7 IF YOU DO NOT COMPLY YOU MAY BE LIABLE TO A \$400 FINE.

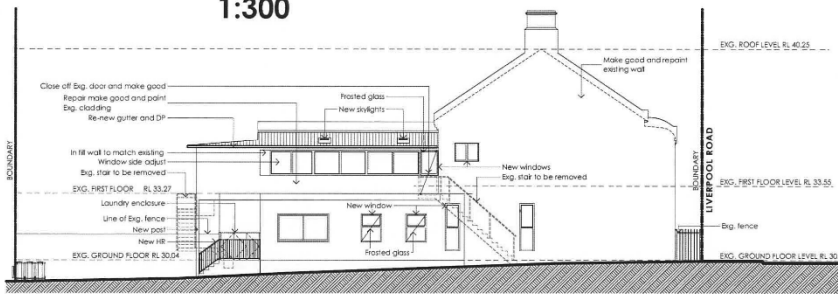


<p>PROJECT: PROPOSED CO-LIVING HOUSE</p> <p>AT: 37 LIVERPOOL RD, ASHFIELD</p> <p>FOR: MR DEAN APPEGATE</p> <p>SHAWHANAM - SEDIMENT CONTROL PLAN</p>		<p>Scale: 1:500</p> <p>Date: 12/04/2022</p> <p># A3 Drawing number: AR-12</p> <p>Pages: 12 of 13</p> <p>DEVELOPMENT APPLICATION</p> <p>1202 (2018)</p>
<p>ARCHITECT</p> <p>ARCHITECTURAL DESIGN</p> <p>74 ADRIAN STREET, SYDNEY NSW</p> <p>PHONE: 002 925 82 82</p> <p>NEW ARR: 7833</p>		<p>DATE</p> <p>12/04/2022</p> <p>ISSUE</p> <p>PRELIMINARY</p> <p>DATE</p> <p>12/04/2022</p> <p>ISSUE</p> <p>PRELIMINARY</p>
<p>LEGEND</p> <p>ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL PLAN (DCP) AND THE NATIONAL FIRE BRANCH'S (NFB) STANDARDS.</p> <p>ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL PLAN (DCP) AND THE NATIONAL FIRE BRANCH'S (NFB) STANDARDS.</p> <p>ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL PLAN (DCP) AND THE NATIONAL FIRE BRANCH'S (NFB) STANDARDS.</p>		<p>LEGEND</p> <p>ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL PLAN (DCP) AND THE NATIONAL FIRE BRANCH'S (NFB) STANDARDS.</p> <p>ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL PLAN (DCP) AND THE NATIONAL FIRE BRANCH'S (NFB) STANDARDS.</p> <p>ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL PLAN (DCP) AND THE NATIONAL FIRE BRANCH'S (NFB) STANDARDS.</p>



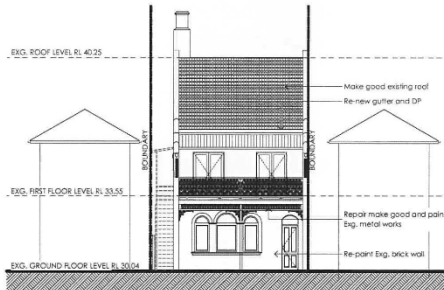
SITE PLAN

1:300



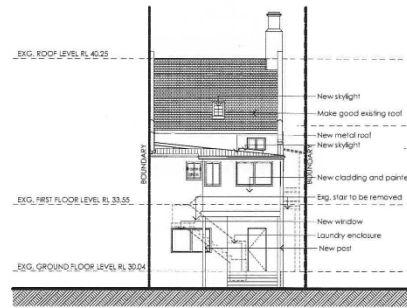
WEST ELEVATION

1:250



SOUTH ELEVATION

1:250



NORTH ELEVATION

1:250

<p>ISSUE</p>	<p>NC ARCHITECT ARCHITECTURAL DESIGN 74 JOHN ST. CROYDON, NSW PHONE (02) 8006 1268 MOB: 0406 987 868 NSW ARB: 7853</p>	<p>PROJECT: PROPOSED CO-LIVING HOUSE</p>	<p>Scale NTS @ A4 Drawing number AR-13</p>
		<p>AT: 37 LIVERPOOL RD., ASHFIELD</p>	<p>Date 13/04/2022 Pages 13 of 13</p>
		<p>FOR: MR DEAN APPLIGATE</p>	<p>DEVELOPMENT APPLICATION</p>
		<p>DRAWING NAME: NOTIFICATION PLAN</p>	<p>Plot Date: 13/04/2022</p>

Attachment C- Clause 4.6 Exception to Development Standards

KN PLANNING PTY LIMITED

Attachment 2

Clause 4.6 Submission – Floor Space Ratio

This written request under Clause 4.6 of the Ashfield LEP 2013 (ALEP) has been prepared to address the non-compliance with the 0.7:1 floor space ratio development standard under Clause 4.4 of the ALEP.

Clause 4.6 of Ashfield LEP 2013

Clause 4.6 of the Ashfield LEP 2013 provides for exceptions to development standards embodied in the planning instrument in the following terms:-

4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows:-*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *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.*
- (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 of the case, and*
 - (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 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 Director-General has been obtained.*
- (5) *In deciding whether to grant concurrent, the Director-General must consider:*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if –*
 - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

KN PLANNING PTY LIMITED

Note. When this plan was made it did not include land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Rural Small Holdings, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.

- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
- (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) *clause 5.4,*
 - (caa) *clause 5.5."*

The written request under Clause 4.6 has been prepared in accordance with the recent judgements in the Land and Environment Court, including *Initial Action Pty Limited v. Woollahra Council* [2018] NSWLEC118; *Randwick City Council v. Micaul Holdings Pty Ltd* [2016] NSWLEC7; *Wehbe v. Pittwater Council* [2007] NSWLEC827; *Baron Corporation Pty Ltd v. Council of the City of Sydney* [2019] NSWLEC61 and the Court of Appeal decision on *RebelMH Neutral Pty Limited v. North Sydney Council* [2019] NSWCA 130.

The proposal, as amended

The proposed development seeks consent for a co-housing development on land at 37 Liverpool Road Ashfield. The site comprises a stand-alone detached 2-storey terrace house.

The proposed development, being DA/2021/1336, as amended by the drawings at **Attachment 1** of this submission, responds to Council's letter of 8 March 2022 and now proposes a co-housing accommodation with seven (7) self-contained rooms (comprising four (4) double rooms and three (3) single occupancy rooms) and associated internal and external communal living areas. The proposal, as amended, includes one (1) accessible room on the ground floor (Room 2).

The proposed development is wholly contained within the existing building footprint and envelope.

Clause 68(2)(a)(ii) of the SEPP (Housing) 2021 allows for additional 10% to the maximum permissible in the R3 zone (0.7:1) as residential flat buildings are permissible in the zone, resulting in a maximum FSR of 0.77:1.

It is noted that the existing building on the site does not comply with the 0.7:1 floor space ratio standard under the ALEP or the 0.77:1 under the SEPP achieving a gross floor area of 247.3m² and an FSR of 0.946:1.

The extent of non-compliance with the floor space ratio standard is compounded by the front portion of the site and building fronting Liverpool Road falling within the SP2 Infrastructure zone under the Ashfield LEP 2013, being an area of the site of 42.68m² and floor area of 28.3m².

With the exclusion of the SP2 zoned land, the following are the details of the site and boarding house, namely:

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Site area within R3 zone:	218.62m ²
Existing floor area in R3 zone:	219.0m ²
Existing floor space ratio in R3 zone:	0.98:1
Proposed floor area in R3 zone:	203.0m ²
Proposed floor space ratio in R3 zone:	0.928:1

The Calculations Plan is on Drawing AR-2 at **Attachment 1**.

Accordingly, as the amended development exceeds the 0.77:1 floor space ratio standard applying to the site, a clause 4.6 submission is required to support the development application, noting that the non-compliant floor area is wholly contained within the existing building on the site.

Sub-clause 3(a) of Clause 4.6

In the context of the provisions in sub-clause 3(a) of Clause 4.6, as to whether “*compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*” it is appropriate to consider the judgement of Preston, CJ in *Wehbe* in which he identified five common ways in which the applicant may demonstrate under Clause 4.6(3)(a) that compliance with a development standard is unreasonable and unnecessary, namely:-

- “(i) *The first way is to demonstrate whether the objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
- “(ii) *The second way is to establish that the underlying objective or purposes is not relevant to the development with a consequence that compliance is unnecessary.*
- “(iii) *The third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
- “(iv) *The fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*
- “(v) *A fifth way is to establish that the zoning of particular land was unreasonable or inappropriate so that “a development standard appropriate for that zoning would also be unreasonable or unnecessary” as it applied to that land” and that “compliance with the standard in that case would also be unreasonable or unnecessary.”*

In respect to the “first way”, the objectives of the floor space ratio development standard in Clause 4.4(1) of the Ashfield LEP 2013 are:-

4.4 Floor space ratio

(1) *The objectives of this clause are as follows—*

- (a) *to establish standards for development density and intensity of land use,*
- (b) *to provide consistency in the bulk and scale of new development with existing development,*
- (c) *to minimise adverse environmental impacts on heritage conservation areas and heritage items,*
- (d) *to protect the use or enjoyment of adjoining properties and the public domain,*
- (e) *to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation.*

Objective 1(a) is a generic housekeeping statement, recognising that the site falls within the R3 Medium Density Residential zone.

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Objective 1(b) is satisfied as the proposal, as amended, is wholly contained within the existing building footprint and existing building envelope, thereby maintain the existing bulk and scale of the detached 2-storey terrace house.

Objective 1(c) is satisfied as the proposal, as amended, removes the existing enclosure of the first-floor front balcony thereby enhancing the heritage values of the heritage-listed building under Schedule 5 of the Ashfield LEP 2013 (Item 88) by returning the presentation to the street consistent with that of a Victorian era terrace house.

Objective 1(d) is satisfied as the proposed development, as amended, will provide co-housing accommodation for a maximum of eleven (11) boarders and improved communal facilities both internal and external, recognising that the building has previously been used as a guest house for many years without adverse impacts on neighbouring properties.

Objective 1(e) is satisfied as the proposal, as amended, will improve the presentation of the Victorian terrace house to Liverpool Road frontage through the removal of the enclosure of the first floor balcony consistent with its listing as a heritage item under the ALEP, recognising that if the SP2 Infrastructure zone is implemented in the future for road widening purposes the streetscape of Liverpool Road would be destroyed through the loss of 3 heritage listed buildings – 31 Liverpool Road (Item 87); subject site (Item 88); and 61 Liverpool Road (Item 91).

In the circumstances it is considered that the proposal satisfies the “*first way*” in *Wehbe* and thereby satisfies the requirements under Clause 4.6(3)(a) of the SLEP in respect to the floor space ratio standard applying to the site.

The second to fifth ways in *Wehbe* are not relevant to the proposed development.

Sub-clause 3(b) of Clause 4.6

In respect to the requirement in sub-clause 3(b) of Clause 4.6 that “*there are sufficient environmental planning grounds to justify contravening the development standard*”, the following commentary is provided in support of the proposal relevant to the floor space ratio standard applying to the site, namely:

- The existing building predates the imposition of the FSR development standard and cannot achieve compliance without requiring the demolition of the heritage-listed Victorian terrace house which would be an unreasonable impost on the owner of the site and contrary to good planning and heritage practice. The floor area of the existing building, measured in accordance with the definition of *gross floor area* under the Standard Template, is 247.3m² resulting in an FSR of 0.95:1. If the SP2 zoned land is excluded from the calculations the existing building within the R3 zone has a gross floor area of 219m² and an FSR of 0.98:1. The proposed development, as amended, will have a gross floor area of 203m² and an FSR of 0.928:1. As the amended proposal, is located wholly within the existing footprint and envelope structure the non-complying elements of FSR do not introduce any new issues related to bulk and scale. In fact, the removal of the enclosure of the first-floor front balcony will reduce the existing floor space ratio of the building
- The removal of the structures enclosing the first-floor front balcony will provide a positive heritage outcome for the heritage-listed Victorian terrace house, particularly as the original cast iron lace balustrade is retained.
- The proposal, as amended, will provide high quality self-contained co-housing accommodation for up to 11 boarders with room sizes and communal living areas compliant with the requirements under Chapter 3, Part 3 of the SEPP (Housing) 2021.

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In the circumstances, it is considered that there are sufficient planning grounds to justify the non-compliance of the floor space ratio standard under Clause 4.6(3)(b) of the ALEP.

Sub-clause 4(a)(i) of Clause 4.6

It is considered that the written request for a variation to the floor space ratio standard has adequately addressed the matters required to be demonstrated under Clause 4.6(3)(a) and (b) as detailed below, namely:-

- In respect to Clause 4.6(3)(a), the written request addresses the “five ways” from *Wehbe* and demonstrates that the proposed development satisfies the objectives of the floor space ratio standard under Clause 4.4(1) of the ALEP, as required under the “first way” and that strict compliance with the standards would be unnecessary (as it is achieved anyway) and unreasonable (no purpose would be served).
- In respect to Clause 4.6(3)(b), the written request demonstrates that there are sufficient environmental planning grounds to justify the non-compliance, given that the existing Victorian terrace house already exceeds the floor space ratio standard applying to the site and the proposal, as amended, does not propose any additional floor area to the premises. Rather, the amended proposal reduces the existing floor space ratio for the site through opening up the first-floor balcony, thereby improving the heritage values of the heritage-listed building under the ALEP.

In the circumstances, it is considered that the written request has adequately addressed the matters required to be demonstrated under Clause 4.6(3).

Sub-clause 4(a)(ii) of Clause 4.6

As detailed in 3(a) above the proposed development, whilst non-compliant in respect to the floor space ratio standard, achieves the outcomes sought through the objectives in Clause 4.4(1) of the ALEP and thereby is consistent with the objectives of the floor space ratio standard.

In respect to the proposal, as amended, being consistent with the objectives of the R3 Medium Density Residential zone the following commentary is provided.

The objectives of the R3 Medium Density Residential zone under the Land Use Table to the Ashfield LEP 2013 are as follows:-

**Zone R3 Medium Density Residential
1 Objectives of 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 proposal is consistent with the relevant objectives of the R3 zone through:-

- providing self-contained co-housing accommodation for up to 11 lodgers close to public transport (bus and rail) and the shopping centres at Summer Hill and Ashfield;
- providing a variety of housing types, in this case co-housing accommodation to satisfy the demand for high quality self-contained semi-transient lodgings for persons within the Ashfield locality; and

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- improving the heritage values of the Victorian terrace house through the removal of the enclosed first-floor balcony as part of the amended proposal, leading also to a reduction in the gross floor area and FSR on the site.

In the circumstances, the proposal is consistent with the objectives of the R3 zone.

The proposed development, being consistent with the objectives of the floor space ratio standard and the R3 zone objectives, is therefore in the public interest for the purposes of Clause 4.6(4)(a).

Subclause 4(b) of Clause 4.6

Concurrence of the Director-General may be assumed: Planning Circular PS08-003.


Conclusion

It is considered that compliance with the floor space ratio standard would be unreasonable and unnecessary in the circumstances of the case given that the existing building does not comply with the standard and the amended proposal will reduce the extent of non-compliance and that there are sufficient environmental planning grounds for the contravention, and as the proposed development is consistent with the objectives of the floor space ratio standard, and the R3 zone objectives, the Council can be satisfied about the provisions in Clause 4.6(3)(a), (3)(b) and (4) of the Ashfield LEP 2013.

The submission under Clause 4.6 is considered substantiated and well-founded.

Attachment D – Statement of Heritage Significance

Ashfield Heritage Study Review of Areas Zoned 2b & 2c

Name of Item Terrace Other Names		Reference No 17																									
Address 037 Liverpool Road Locality Ashfield Postcode 2131		Land Title																									
Item Type Group Group Name Liverpool Road Group		Zoning 2b																									
<table border="1"> <thead> <tr> <th>Evaluation of Significance</th> <th>Rare</th> <th>Associative</th> <th>Representative</th> </tr> </thead> <tbody> <tr> <td>Historic</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Aesthetic</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Social</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Scientific</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Other</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>		Evaluation of Significance	Rare	Associative	Representative	Historic	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aesthetic	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Social	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Scientific	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Owner	
Evaluation of Significance	Rare	Associative	Representative																								
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Scientific	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																								
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																								
Statement of Significance This dwelling has had some minor alterations, but most of its original fabric is intact. It forms a group with No 35 Liverpool Road nearby. It demonstrates the style of building for people of middling income in the nineteenth century and is part of the range of evidence for the social mix of Ashfield in the late nineteenth century.		Condition <input type="checkbox"/> Intact <input checked="" type="checkbox"/> Minor alteration <input type="checkbox"/> Sympathetic alteration <input type="checkbox"/> Unsympathetic alteration																									
Photograph 																											
Photo roll 2000-2 Negative 13		Survey Date 1/6/2000 Surveyed by: TK																									

Current Use

Reference No

Document Set ID: 36293526
 Version: 1, Version Date: 10/05/2022

Ashfield Heritage Study Review of Areas Zoned 2b & 2c

Residential	17
Heritage Listing	
Themes: Local Subdivision & consolidation Sub themes: local	Themes: State Housing
History of the Item This site was transferred to John Irish, a saddler's ironmonger of Sydney late in 1886. He mortgaged the land in March 1887, probably to build this dwelling. He was first listed in the Sands Directory at this address in 1889.	
Physical Description Brick two storey terrace dwelling, in late Victorian Filigree style. Transverse gabled roof between fin walls now clad with Marseilles terra cotta tiles. Stuccoed facade. Incised scroll work on ends of fin walls plus moulded brackets. Original cast iron lace valance and brackets on front verandah, with cast iron posts supporting the balcony above. The balcony has been infilled with fibro but retains its original cast iron balustrade. Arched central window at front with narrow side windows divided from the central window by pilastered columns with decorative mouldings. now protected by grille work.	
Information Sources C T 814 f 237; Sands, Directories, 1884-90	

Additional Images	Reference No 17
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Document Set ID: 36293526
 Version: 1, Version Date: 10/05/2022

Ashfield Heritage Study Review of Areas Zoned 2b & 2c

