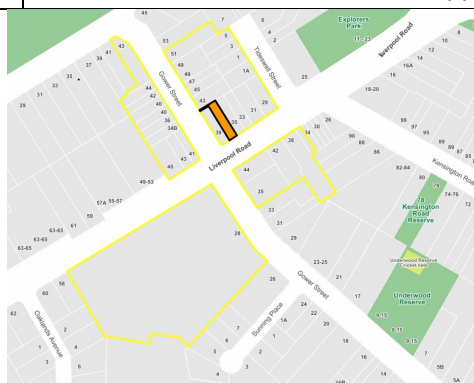




DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA/2022/1125
<b>Address</b>	37 Liverpool Road ASHFIELD
<b>Proposal</b>	Alterations and additions to existing building to create a 7 room co-living housing development
<b>Date of Lodgement</b>	21 December 2022
<b>Applicant</b>	Mr Dean T Applegate
<b>Owner</b>	Mr Dean T Applegate Mr Daniel V Monteverde
<b>Number of Submissions</b>	0
<b>Value of works</b>	\$144,556.00
<b>Reason for determination at Planning Panel</b>	Section 4.6 variation exceeds 10% (FSR) No agreement between Council's and applicant's heritage experts that the development is acceptable on heritage grounds
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Permissibility;</li> <li>• Impacts to Heritage Item;</li> <li>• Variation to FSR development standard under IWLEP 2022; and</li> <li>• Minimum lot size requirements for co-living housing under SEPP (Housing) 2021.</li> </ul>
<b>Recommendation</b>	Refusal
<b>Attachment A</b>	Reasons for refusal
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Statement of Environmental Effects (including Section 4.6 Exception to Development Standards)
<b>Attachment D</b>	Heritage Impact Statement
<b>Attachment E</b>	Conservation Management Plan
<b>Attachment F</b>	Plan of Management
<b>Attachment G</b>	Transport for NSW Response
<b>Attachment H</b>	Draft Conditions in the Event the Application is Approved



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 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 notification.

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 IWLEP 2022.
- The submitted Conservation Management Plan does not demonstrate all necessary conservation works that are required to be carried out in order for development consent to be granted.
- The applicant seeks a variation to the floor space ratio development standard under Section 4.4 of the Inner West Local Environmental Plan 2022 by 38% (63.3sqm).
- The site does not achieve the minimum lot size requirements for co-living housing under Section 69(1)(b)(ii) of SEPP (Housing) 2021.

The non-compliances are not supported by Council and therefore the application is recommended for refusal.

## 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 of 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 area 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 I254 under the IWLEP 2022). 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.

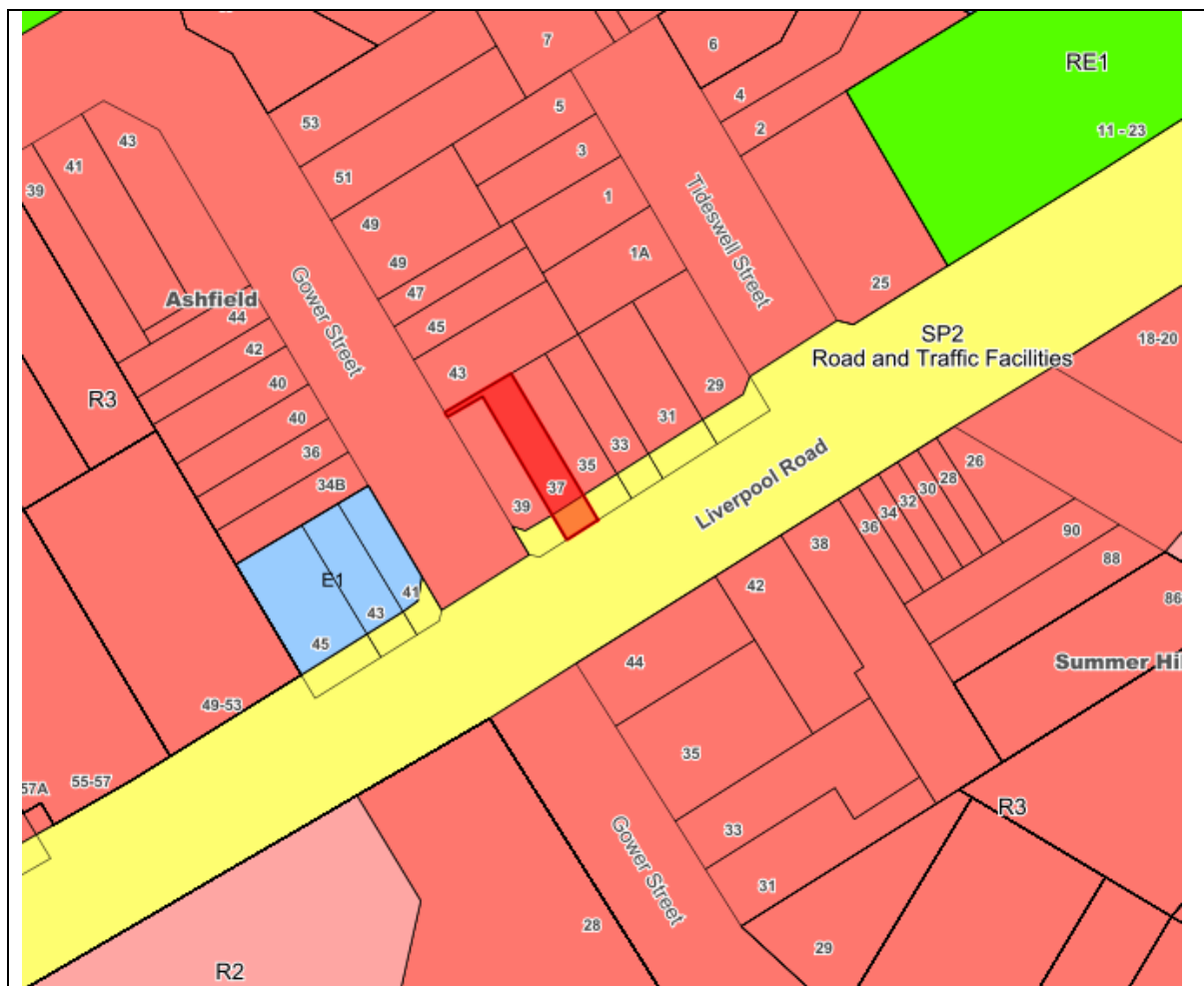


Figure 1: Land Zoning of 37 Liverpool Road, Ashfield

## 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
REV/2022/0032	S8.2 Review of Development Application DA/2021/1336.	31/10/2022 – Withdrawn
DA/2021/1336	Alterations and additions to an existing building to create a 7 room co-living housing development.	09/08/2022 – Refused (Local Planning Panel)
DA/2020/0598	Use as boarding house	16/09/2020 – Withdrawn
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
BA-1970/7780	Approved for addition to existing dwelling listed as ‘Study’	1970
BA-1939/8840	Approved for erection of Duplex Flats	1939
BA-1936/6108	No files available	1936
BA-1936/6022	No files available	1936

**Surrounding properties**

Not applicable

**4(b) Application history**

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

Date	Discussion / Letter / Additional Information
5 April 2023	<p>Council wrote to the applicant, recommending that the application be withdrawn due to the following concerns:</p> <ul style="list-style-type: none"> <li>- Permissibility concerns, given that co-living housing is a prohibited development within both the R3 &amp; SP2 zones under the <i>IWLEP 2022</i>;</li> <li>- Submission of an amended Conservation Management Plan (CMP) addressing comments from Council’s Heritage Officer, since the proposal is dependant on Section 5.10(10) under the <i>IWLEP 2022</i> for permissibility; and</li> <li>- The site not achieving the minimum lot size requirements for co-living housing under Section 69(1)(b)(ii) of SEPP (Housing) 2021.</li> </ul>
8 May 2023	<ul style="list-style-type: none"> <li>- Following no response from the applicant, Council contacted the applicant seeking confirmation on when a response will be provided to Council’s letter.</li> <li>- The applicant confirmed minimal work had been undertaken to date in addressing Council’s letter.</li> </ul>

	<ul style="list-style-type: none"><li>- Following discussions with the applicant, Council advised that the application will be reported to IWLPP based upon the current information provided and will be recommended for refusal.</li></ul>
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## 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 (EPA 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 (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 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 (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the application. However, the certificate is out of date/the commitments are not detailed on the architectural plans and as such the requirements of the SEPP have not been met.

5(a)(iii) 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 and SP2 – Infrastructure, where residential flat buildings and co-living housing are prohibited developments within both of the site’s zones. Shop top housing is permitted within the R3 zone under the <i>IWLEP 2022</i> .	No – refer to discussion under Section 5(a)(iv)
Clause	Non-discretionary development standards	Proposed	Compliance
68 (2)(a) – FSR	Where residential flat building (RFB) is permitted in the zone, the maximum FSR, plus 10%.  RFBs are not permitted within the R3 and SP2 zone. FSR under the <i>IWLEP 2022</i> = 0.7:1.	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
<b>Clause</b>	<b>Standard</b>	<b>Proposed</b>	<b>Compliance</b>
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) – Minimum lot size for co-living housing	Minimum lot size:  (i) for development on land in Zone R2 Low Density Residential—600m2, or  (ii) for development on other land—800m2,	The submitted survey plan has verified that the site has a total area of 261.3sqm, however the site is considered to have a true site area of 218.63sqm due to the exclusion of land that is zoned SP2.  Notwithstanding, the site falls significantly beneath the minimum lot size requirement of 800sqm that is required for co-living housing on land not affected by the R2 zoning.	No – Refer to discussion below
69 (1)(c) – Maximum number of private rooms	Maximum of 12 private rooms Will be in an accessible area	The site is within an accessible area, 7 private rooms are proposed.	Yes
69 (1)(f) – Kitchens and bathrooms	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 are 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 (1)(h) – bicycle parking	1 space for each room	7 bicycle spaces proposed	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)(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
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69 (1)(b) – Minimum lot size for co-living housing

As previously noted above, the site falls significantly below the minimum lot size requirement of 800sqm that is required for co-living housing on land not zoned R2 – Low Density Residential. Whilst it is acknowledged that the development strictly proposes alterations within an existing building footprint to accommodate co-living housing with no additions proposed, the minimum lot size requirement is not a development standard, but rather a pre-condition which needs to be satisfied to achieve for a co-living housing development to be considered on the site, thus being an essential consideration for determining the permissibility of the proposed development.

The prescribed minimum site area is a prohibition and not a development standard, the latter being defined to mean “the provisions of an environmental planning instrument or the regulations in relation to *the carrying out of development*, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development”: s1.4, Environmental Planning and Assessment Act 1979.

The minimum site area is a characteristic or attribute of the land which must be satisfied before any development is permissible, rather than the carrying out of the development. It is not a development standard amenable to the provisions of cl4.6 of the Inner West Local Environmental Plan 2022.

Given the above, the non-compliance is not supported and the application is therefore recommended for refusal.

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 significant 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 heritage item and the surrounding locality.
- 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.

Given the above, the variation to the car parking requirements above are acceptable on its merits.

#### *5(a)(iv) 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)(v) Inner West Local Environmental Plan 2022 (IWLEP 2022)*

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 – Aims of Plan
- Section 2.3 – Land Use Table and Zone Objectives
- Section 2.7 – Demolition requires development consent
- Section 4.3 – Height of buildings
- Section 4.4 – Floor space ratio
- Section 4.5 – Calculation of floor space ratio and site area
- Section 4.6 – Exceptions to development standards
- Section 5.3 – Development near zone boundaries
- Section 5.10 – Heritage conservation

- Section 6.1 – Acid sulfate soils
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater management

Section 2.3 Land Use Table and Zone Objectives

The site is zoned R3 – Medium Density Residential and SP2 – Infrastructure under the *IWLEP 2022*. The *IWLEP 2022* defines the development as:

**“co-living housing means a building or place that—**

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and*
- (b) provides occupants with a principal place of residence for at least 3 months, and*
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day, but does not include backpackers’ accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment”.*

*Co-living housing is a type of residential accommodation*

It is noted that the front portion of the site is zoned SP2 – Infrastructure. This extends to the front verandah and a portion of the front street facing rooms as per the aerial below;



Figure 2: Image showing land reservation and SP2 zoning at the front of the site

Co-living housing is prohibited within both the R3 – Medium Density Residential and SP2 – Infrastructure zones, as residential accommodation is prohibited within both zones and co-living housing is not specified as a land use that is permissible subject to development consent. As a result, Section 5.3 (*Development near zone boundaries*) cannot be relied upon for permissibility since the development is prohibited within both the R3 and SP2 zones.

Notwithstanding this, the site has long been used for residential purposes, with that portion of the building affected by the SP2 zoning used as part of the residence. Its continued use with an associated approval could be justified by means of existing use rights however in the absence of this, the proponent seeks to utilise the provisions of Section 5.10(10) of IWLEP 2022 to enable permissibility as existing use rights have not been established.

The proposal is a local heritage item under the IWLEP 2022. As such the proposal may benefit from the provisions of Section 5.10 (10) – Conservation Incentives of the IWLEP 2022, subject to satisfying the criteria of the provisions specified in that clause. This section 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.

It is noted that the building is in good condition and not in a dilapidated state. The maintenance /conservation of the item is not dependant on the approval of this application. Whilst it is agreed that some improvements to the building are proposed as part of this application, the conservation of the item is not dependant on this proposal.

The proposed works have been reviewed by Council's Heritage Officer who outlined that the proposed development has the capacity to facilitate further conservation of the heritage item and can assist to 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.

Given that the Conservation Management Plan has not provided all of the required information to satisfy this clause, consent cannot be granted in this instance to facilitate conservation of the heritage item.

- 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. The following deficiencies were identified with the submitted Conservation Management Plan:

- The architectural drawings have not been cross-referenced to the schedules of conservation works and the elements to be retained internally and externally have not

been entirely indicated on the architectural drawings. The architectural drawings should indicate the nature of the material e.g., cast iron, double hung timber windows.

- The reinstatement of missing elements, such as the doors to the infilled verandah on the first floor should be based on evidence of the original configuration and should include what survives of the fanlights.
- Intrusive fabric that is to be removed from the front façade such as the infilling is also to be indicated on the architectural drawings.
- The later fibrous plaster ceilings should also be retained throughout.
- With reference to the first point above, the works recommended in the Conservation Schedules to the front fence and garden levels are to be undertaken as part of these works.

As the submitted Conservation Management Plan does not contain the necessary information and the proposed development is not endorsed in conjunction with a heritage management document that has been approved by Council. As such, this clause has not been satisfied.

- 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 given the concerns identified under point b. above with regard to the submitted Conservation Management Plan, Council cannot be certain that the proposed development will include all necessary conservation works to the Heritage Item. As the proposal is recommended for refusal, the proposal does not satisfy this section.

- 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 insufficient details have been provided within the Conservation Management Plan, Council cannot confirm that the proposed development would not adversely affect the heritage significance of the heritage item, including its setting. As a result, the proposal does not satisfy this section.

- 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 are unlikely to affect the amenity of the surrounding area.

With consideration of the above, the proposal is not consistent with the objectives of the R3 and SP2 zone. As the proposal has not satisfied Section 5.10(10) of the *IWLEP 2022*, the proposal therefore remains a prohibited form of development which cannot rely on heritage incentive provisions. Consequently, the proposal does not satisfy Section 2.3 or 5.10(10) of the *IWLEP 2022*.

#### Section 4 Principal Development Standards

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

Standard	Proposal	Non compliance	Complies
<b>Height of Buildings</b> Maximum permissible: 12.5m	7.1m	N/A	Yes
<b>Floor Space Ratio</b> 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

#### Section 4.6 Exceptions to Development Standards

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

- Section 4.4 - Floor space ratio

The applicant seeks a variation to the floor space ratio development standard under Section 4.4 of the *Inner West Local Environmental Plan 2022* by 38% (63.3sqm).

Section 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 Section 4.6 of the *Inner West Local Environmental Plan 2022* below.

A written request has been submitted to Council within the Statement of Environmental Effects, in accordance with Section 4.6(4)(a)(i) of the *Inner West Local Environmental Plan 2022* 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 IWLEP 2022, being an area of the site of 42.68sqm and floor area of 28.3sqm.*
- *The proposal is wholly contained within the existing building footprint and 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 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, whilst being 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.

#### Section 5.10 Heritage Conservation

The site is listed as a local heritage item (Item I254), under Schedule 5 of the *IWLEP 2022*. 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.

The proposal was reviewed by Council Heritage Officer, who outlined that the Conservation Management Plan submitted with the application does not adequately describe the conservation works to be implemented or confirm the retention of existing significant fabric which is largely intact.

As noted previously the proposed development does not adequately satisfy the provisions of this Clause.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of the Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

IWCDCP2016	Compliance
<b>Section 1 – Preliminary</b>	
B – Notification and Advertising	Yes
<b>Section 2 – General Guidelines</b>	
<b>A – Miscellaneous</b>	
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>B – Public Domain</b>	
<b>C – Sustainability</b>	
1 – Building Sustainability	No – See discussion under SEPP (Building Sustainability Index: BASIX) 2004 above
2 – Water Sensitive Urban Design	Yes
3 – Waste and Recycling Design & Management Standards	Yes
<b>E1 – Heritage items and Conservation Areas (excluding Haberfield)</b>	
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 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 window servicing the communal living area has a northerly orientation, where the shadow diagrams have demonstrated that this window maintains more than 3 hours of unhindered solar access.

As a result, the solar access within the subject site and that protected to adjoining properties is considered to be acceptable.

#### Visual Privacy

In this instance due to the site's location, 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 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 neighbouring properties.

### 5(e) The Likely Impacts

The above assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality having regard to:

- Aims of the IWLEP 2022;
- Land use permissibility;
- Heritage conservation; and
- Building sustainability.

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

It is considered that the proposal will have an adverse impact on the adjoining properties and therefore it is considered that the site is unsuitable to accommodate the proposed development.

### 5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. No submissions were received in response to the initial notification.

### 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 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 drainage and outlined generally no objection to the amended proposal, subject to suitable conditions of consent. These conditions relate to security bonds, stormwater management and construction methods.

- Environmental Health – Council’s Environmental Health Team have undertaken a review of the development with regard to land contamination, acoustics and operation details provided by the applicant. Council’s Environmental Health Team have outlined no objection to the proposal, subject to suitable conditions of consent regarding acoustic compliance and compliance with relevant Australian Standards.
- Heritage – Council’s Heritage Officer has undertaken a review of the proposed development, in which advice was provided that the Conservation Management Plan was insufficient, with details of the information required outlined under Section 5(a)(ii) above.
- 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.
- Resource 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.

#### 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.

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area.

## 8. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in the SEPP (Housing) 2021 or the *Inner West Local Environmental Plan 2022*.

As the development is prohibited on the site, does not meet the requirements for Co-Living Housing under the SEPP and has not satisfactorily demonstrated conservation of the site's heritage item, the proposal is not considered to be in the public interest.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

## 9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Application No. DA/2022/1125 for alterations and additions to existing building to create a 7 room co-living housing development at 37 Liverpool Road, Ashfield for the following reasons outlined in Attachment A

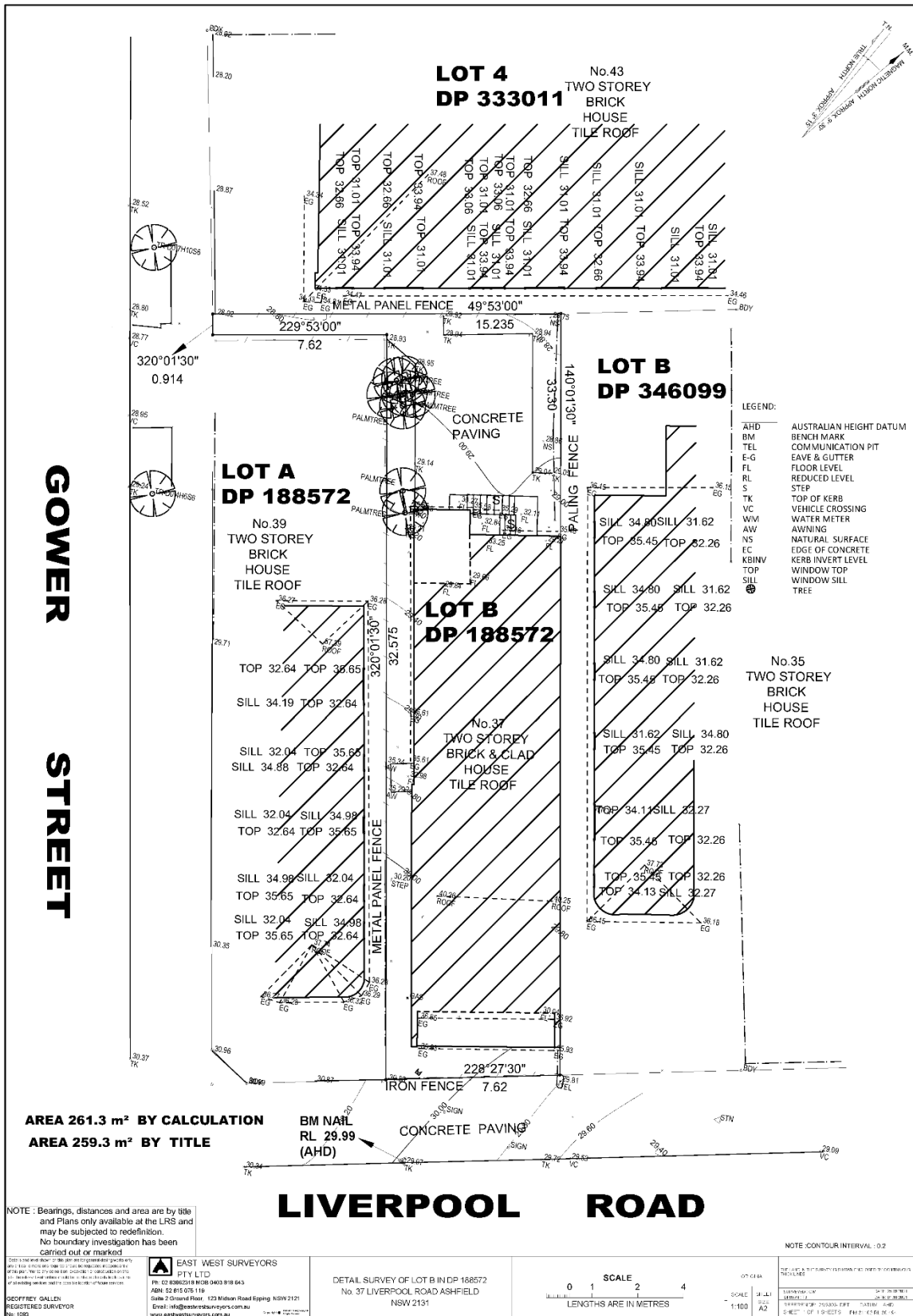
## Attachment A – Reasons for refusal

### REASONS FOR REFUSAL

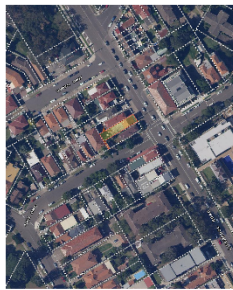
1. The proposed development is inconsistent with Chapter 3, Part 3, Clause 69(1)(b) of *State Environmental Planning Policy (Housing) 2021* in that the proposed development does not achieve the minimum lot size that is required for co-living housing on the site.
2. The proposed development is inconsistent with and has not demonstrated compliance with Inner West Local Environmental Plan 2022, pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
  - a. The proposal is inconsistent with Section 1.2(2)(b) - Aims of Plan, as the proposal does not conserve and maintain the natural, built and cultural heritage of Inner West.
  - b. The proposal is inconsistent with Clause 1.2(2)(h) - Aims of Plan, as the development does not prevent adverse social, economic and environmental impacts on the local character of Inner West.
  - c. The proposal is inconsistent with Clause 2.3(1)(d) - Zone Objectives and Land Use Table, as Co-living housing is not a permissible form of development within the R3: Medium Density Residential and SP2: Infrastructures zones.
  - d. The proposal is inconsistent with Clause 5.10(1)(a-b) - Objectives, as the development has not demonstrated how the proposal will conserve the environmental heritage of the Inner West, or the heritage significance of the heritage item, including the associated fabric and setting.
  - e. The proposal is inconsistent with Clause 5.10(10)(a-e) - Conservation Incentives, as the heritage management document submitted with the application has not demonstrated all necessary conservation works required to conserve the heritage item.
3. The proposed development is inconsistent with Clause 6(1)(a) of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* in that the proposal has not been accompanied by a valid BASIX Certificate.
4. The proposed development will result in adverse impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
5. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.

6. The proposal has not demonstrated it is in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

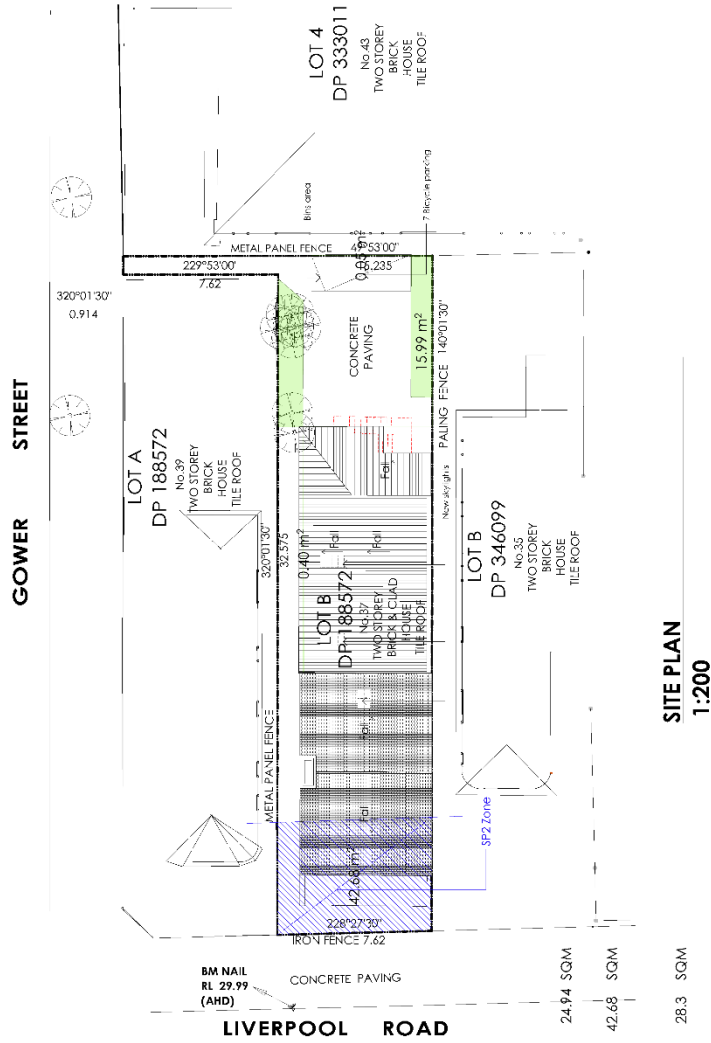
Attachment B – Plans of proposed development



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



**SITE LOCATION**



**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 ROOMS AREA WITHIN SP2 ZONE : 24.94 SQM

**2 GFA AREA CALCULATION**

**TOTAL SITE AREA:** 261.3 SQM  
 SITE AREA FOR R3 ZONE: 218.62 SQM  
 TOTAL EXISTING FLOOR AREA: 247.3 SQM  
 TOTAL PROPOSED FLOOR AREA : 231.3 SQM  
 PROPOSED FLOOR AREA WITHIN SP2 ZONE : 28.3 SQM  
 TOTAL PROPOSED FLOOR AREA WITHIN R3 ZONE 203 : 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**

1. THIS PLAN IS THE PROPERTY OF N.K. ARCHITECTS & ASSOCIATES PTY LTD. (N.K.A.) AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF N.K.A. ANY UNAUTHORIZED USE OF THIS PLAN IS PROHIBITED AND WILL BE AT THE USER'S SOLE RISK. N.K.A. ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS PLAN. THE USER AGREES TO INDEMNIFY AND HOLD N.K.A. HARMLESS FROM AND AGAINST ALL SUCH CLAIMS, DAMAGES AND LOSSES. THIS PLAN IS PROVIDED AS A SERVICE TO THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE USER AGREES TO INDEMNIFY AND HOLD N.K.A. HARMLESS FROM AND AGAINST ALL SUCH CLAIMS, DAMAGES AND LOSSES. THIS PLAN IS PROVIDED AS A SERVICE TO THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE USER AGREES TO INDEMNIFY AND HOLD N.K.A. HARMLESS FROM AND AGAINST ALL SUCH CLAIMS, DAMAGES AND LOSSES.

**LEGEND**

Existing wall to remain  
 New Brick walls  
 New Brick veneer walls  
 Existing concrete walls  
 Existing metal panel fence  
 New metal panel fence  
 New 200mm x 200mm R3 zone  
 New 200mm x 200mm SP2 zone

**ARCHITECT**

N.K. ARCHITECTS & ASSOCIATES PTY LTD  
 1/10-12/14 WEST STREET, SYDNEY NSW 2000  
 PHONE: 02 9550 2000  
 FAX: 02 9550 2001  
 WWW.NK.AE.COM.AU

**PROJECT:**

PROPOSED CO-LIVING HOUSE  
 37 LIVERPOOL RD., ASHFIELD  
 MR DEAN APPEGATE

**DATE:**

12/04/2022  
 PRELIMINARY  
 DATE

**SCALE:**

1:200  
 SCALE

**DATE:**

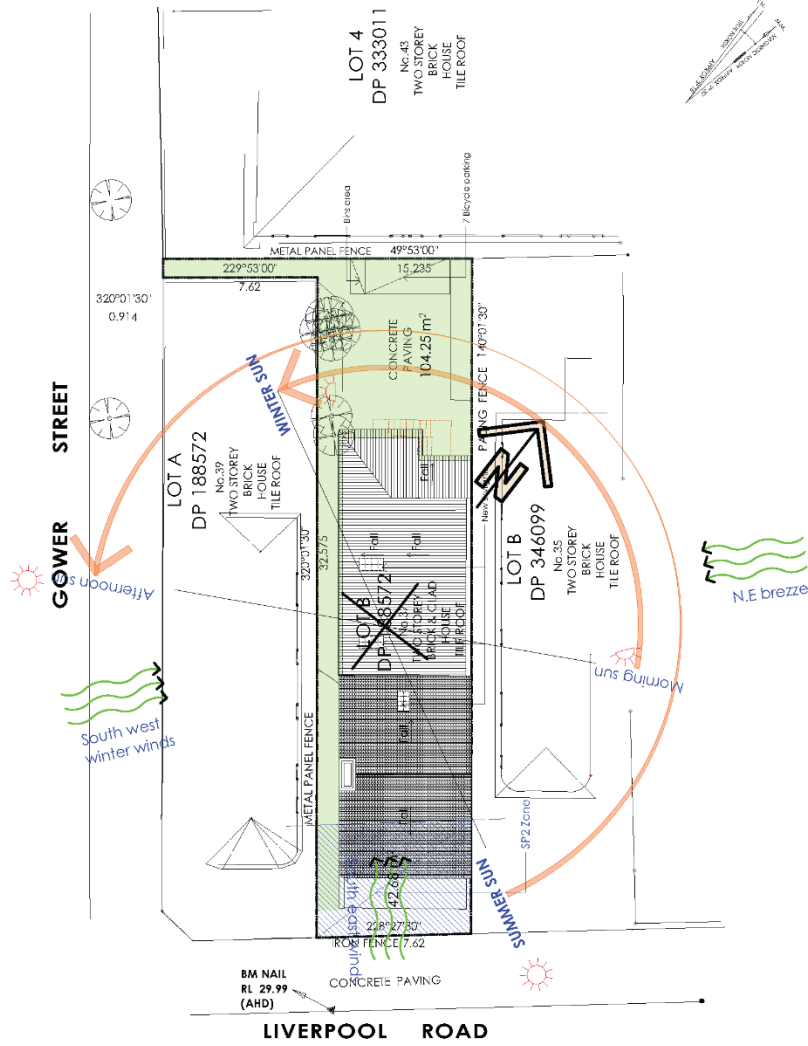
12/04/2022  
 DATE

**SCALE:**

1:200  
 SCALE

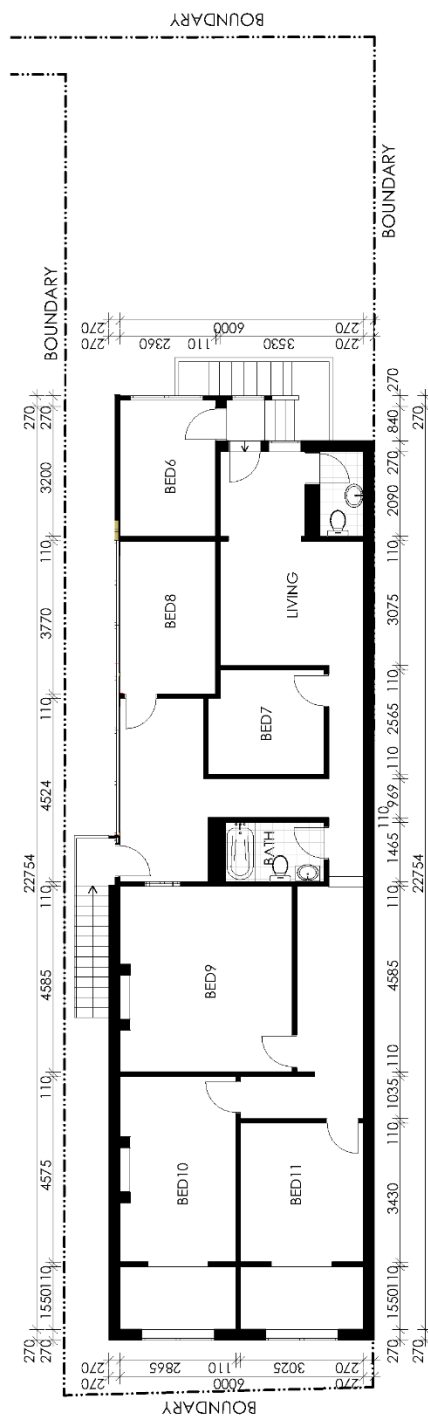
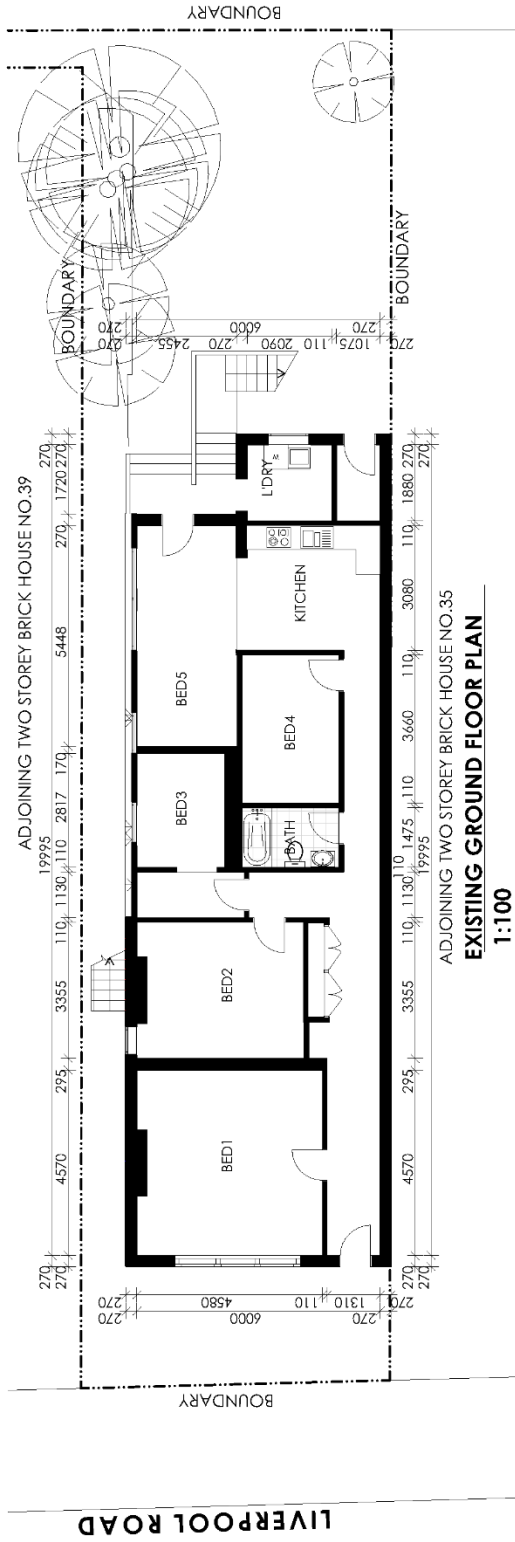






SITE ANALYSIS  
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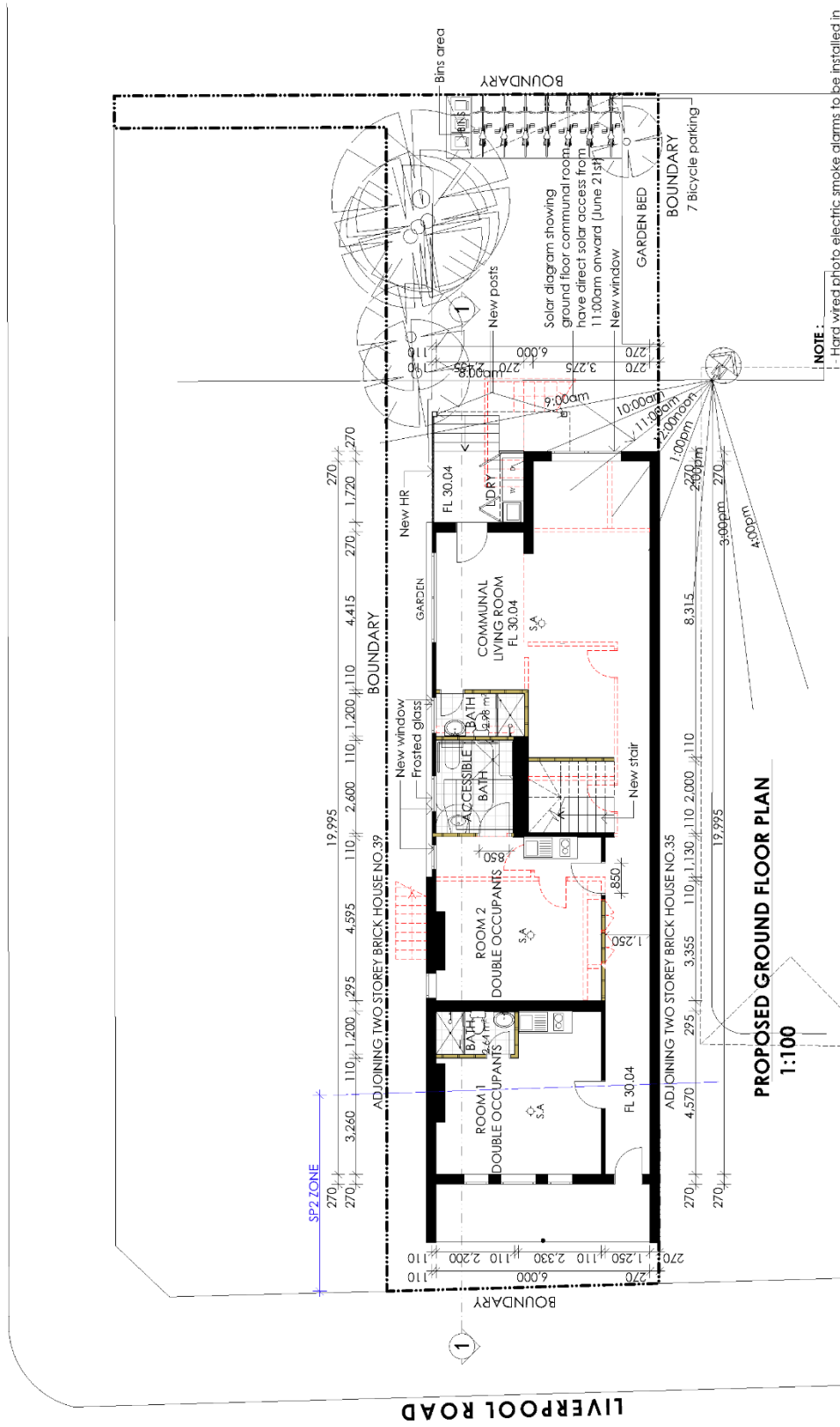
<p><b>PROJECT:</b> PROPOSED CO-LIVING HOUSE</p> <p><b>AT:</b> 37 LIVERPOOL RD., ASHFIELD</p> <p><b>FOR:</b> MR DEAN APPELGAATE</p> <p>DRAWING NAME: -SITE ANALYSIS</p>		<p>Scale: 1:200</p> <p>Date: 12/04/2022</p> <p>@ A3 Drawing number: AR-3</p> <p>Page: 3 of 13</p> <p><b>DEVELOPMENT APPLICATION</b></p> <p>12/04/2022</p>
<p><b>ARCHITECT</b></p> <p>71 JOHN ST. CROFTON, NSW</p> <p>PHONE: 021 8004 1266</p> <p>WWW.AR3.AR3</p>		<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DRAWN BY: N</p>
<p><b>LEGEND</b></p> <p>EXISTING WALLS TO REMAIN</p> <p>NEW BRICK WALL</p> <p>NEW BRICK VENEER WALL</p> <p>NEW BRICK AND WALL</p> <p>EXISTING FENCE (CONCRETE)</p> <p>EXISTING FENCE (METAL PANEL)</p>		<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DRAWN BY: N</p>
<p><b>PROJECT NOTES</b></p> <p>1. CONSULT WITH LOCAL AUTHORITIES FOR ALL PERMITS AND APPROVALS.</p> <p>2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>3. ALL WALLS TO BE CONSTRUCTED TO A MINIMUM OF 200mm THICKNESS.</p> <p>4. ALL ROOFS TO BE CONSTRUCTED TO A MINIMUM OF 12% FALL TO THE EAVES.</p> <p>5. ALL FENCES TO BE CONSTRUCTED TO A MINIMUM OF 1.8m HEIGHT.</p> <p>6. ALL CONCRETE TO BE FINISHED TO A MINIMUM OF 20mm TOLERANCE.</p> <p>7. ALL METALS TO BE GALVANNEAL STEEL.</p> <p>8. ALL GLASS TO BE TINTED TO MATCH SURROUNDING ENVIRONMENT.</p> <p>9. ALL LIGHTING TO BE ENERGY EFFICIENT.</p> <p>10. ALL PLANTING TO BE SUITABLE TO THE LOCAL CLIMATE.</p> <p>11. ALL MATERIALS TO BE OF HIGH QUALITY AND DURABLE.</p> <p>12. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.</p> <p>13. ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE LOCAL PLANNING PANEL.</p> <p>14. ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE LOCAL COUNCIL.</p> <p>15. ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE LOCAL COMMUNITY.</p>		<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DRAWN BY: N</p>



EXISTING FIRST FLOOR PLAN  
1:100

<p><b>PROJECT NOTES</b></p> <p>1. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METRES.</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><b>LEGEND</b></p> <p>Existing walls to remain</p> <p>New brick walls</p> <p>New plaster and walls</p> <p>New floor and walls</p> <p>Existing floor construction</p>	<p><b>PROJECT:</b> PROPOSED CO-LIVING HOUSE</p> <p><b>AT:</b> 37 LIVERPOOL RD., ASHFIELD</p> <p><b>FOR:</b> MR DEAN APPELGAETE</p> <p>DRAWING NAME: EXISTING FLOOR PLAN</p>	<p>Scale: 1:100 @ A3 Drawing number: AR-4</p> <p>Date: 12/04/2022</p> <p>Page: 4 of 13</p> <p><b>DEVELOPMENT APPLICATION</b></p> <p>12/04/2022</p>
<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DRAWN BY: N.</p>	<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DRAWN BY: N.</p>	<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DRAWN BY: N.</p>	<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DRAWN BY: N.</p>

Document: SP101-3772749  
Version: 1, Version Date: 14/05/2023



**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

**PROJECT:** PROPOSED CO-LIVING HOUSE

**NO.:** 37 LIVERPOOL RD., ASHFIELD

**FOR:** MR DEAN APPLEGATE

DATE: 12/04/2022

SCALE: 1:100

DATE: 12/04/2022

12/04/2022

12/04/2022

**ARCHITECT**

ARCHITECTURAL DESIGN

74 JOHN ST. CROFTON, NSW

PHONE: 02 8000 1266

WWW: WWW.ARCHITECT.COM.AU

NSW A&P: 7653

**PROPOSED FLOOR PLAN**

DATE: 12/04/2022

ISSUE:

DRAWN BY: N.

**PROJECT NOTES**

1. CONSULT ARCHITECT FOR ALL DIMENSIONS & FINISHES UNLESS OTHERWISE SPECIFIED.

2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

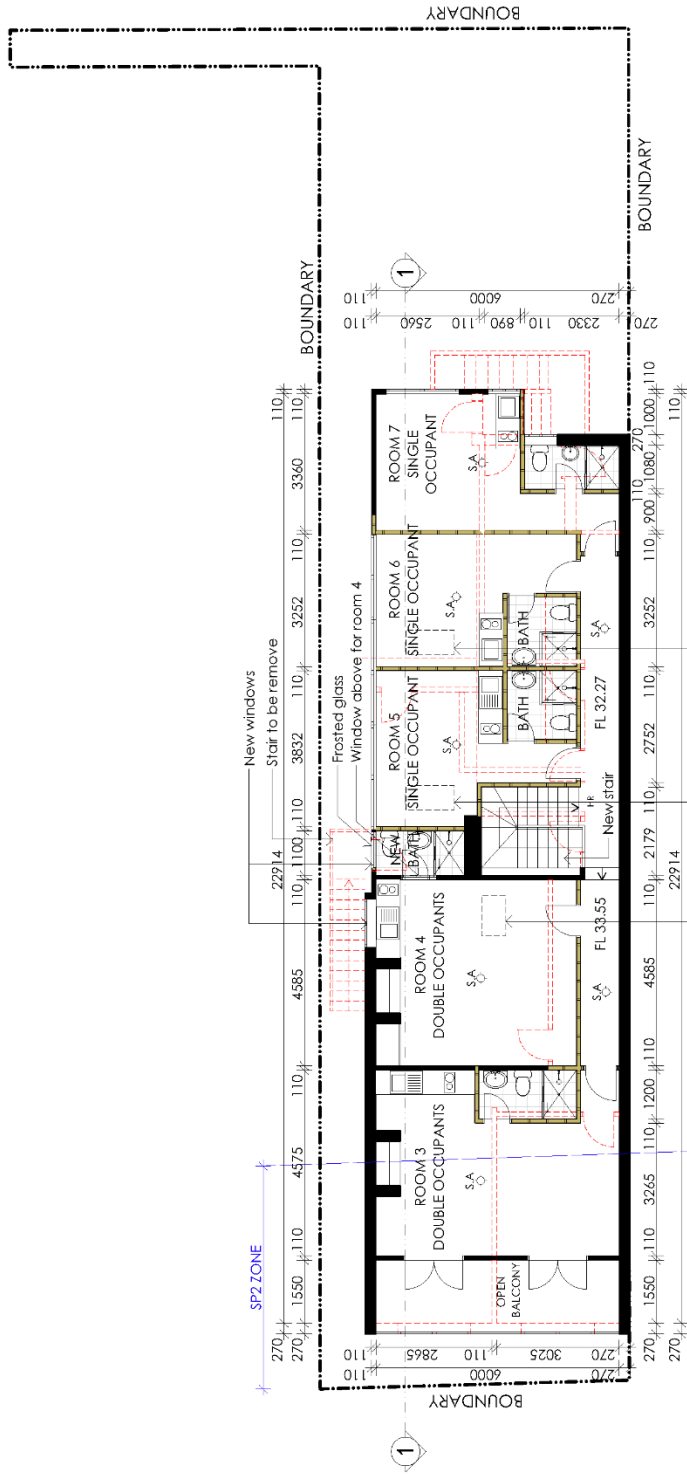
6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

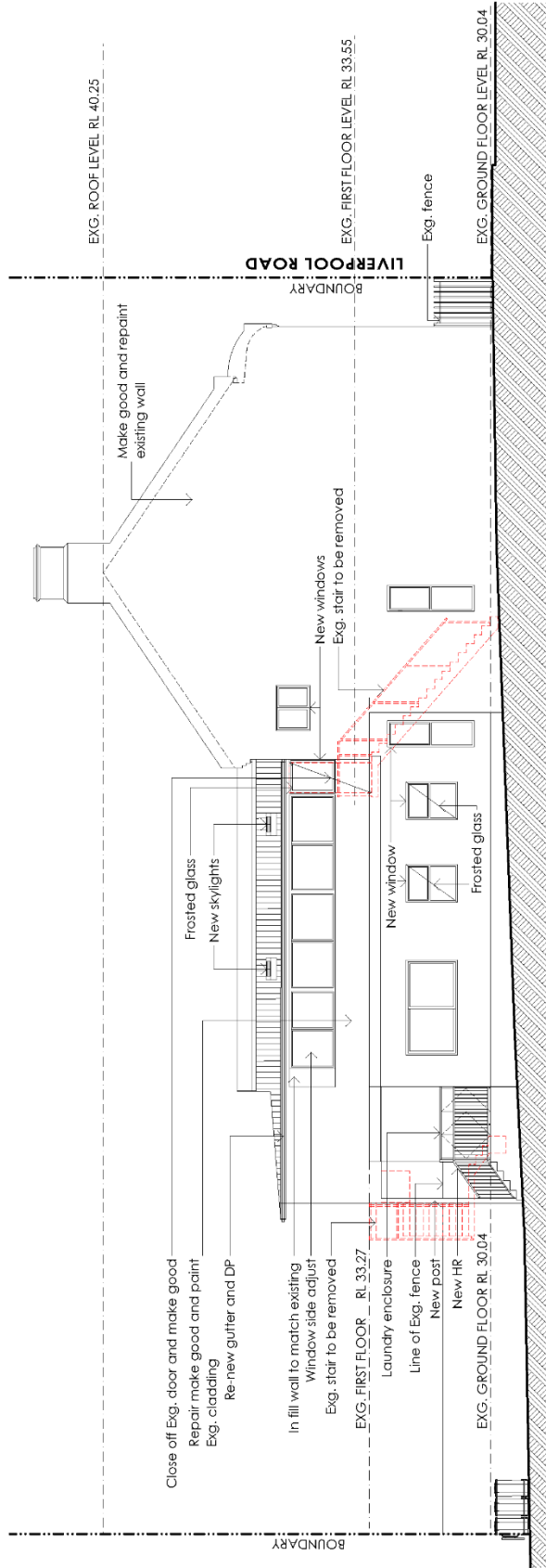


**NOTE :**  
 - Hard wired photo electric smoke alarms to be installed in accordance with NCC part 3.7.5 and AS 3786  
 - All glazing to comply with AS standards 1288-2006  
 - Shower screens shall be glazed with A or B grade safety glazing material in accordance with AS 1288-2006, table 4.5

S.A SMOKE ALARM SYSTEM  
 SAA

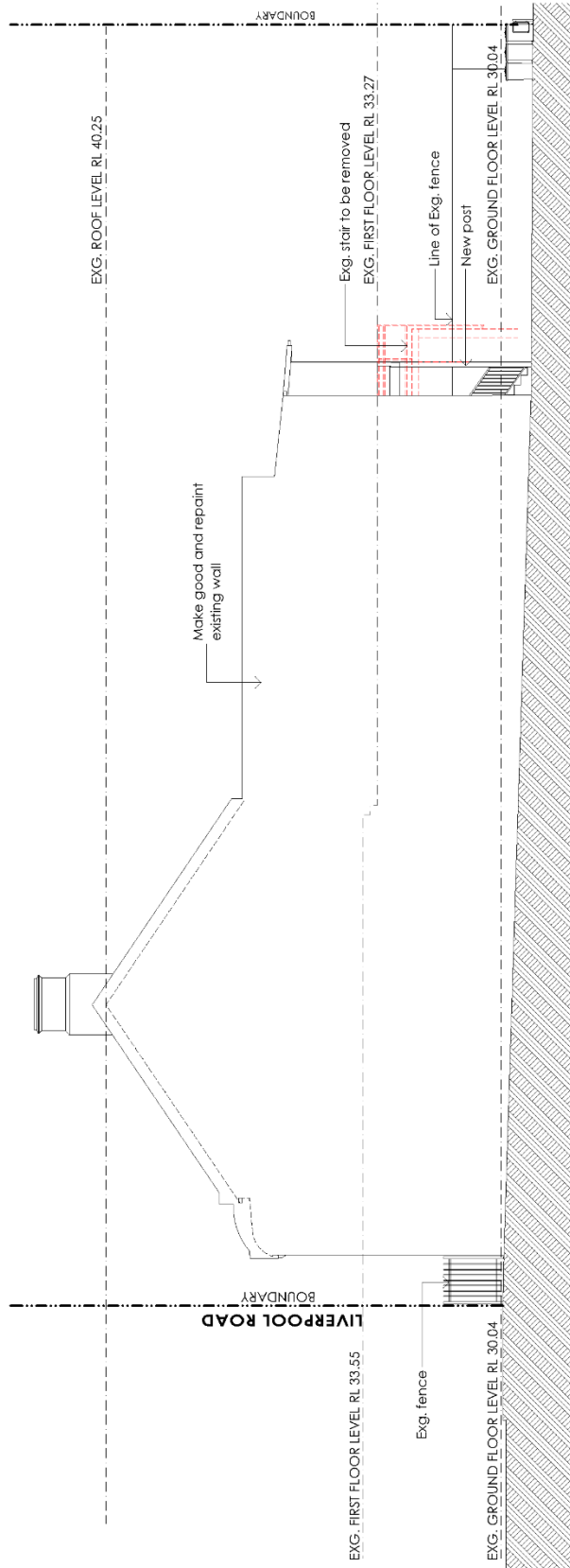
<p><b>PROJECT: PROPOSED CO-LIVING HOUSE</b></p> <p><b>AT: 37 LIVERPOOL RD., ASHFIELD</b></p> <p><b>FOR: MR DEAN APPEAL</b></p> <p>DRAWING NAME: PROPOSED FLOOR PLAN</p>		<p>Scale: 1:100 @ AS Drawing number: AR-6</p> <p>Date: 12/04/2022</p> <p>Page: 6 of 13</p>
<p><b>ARCHITECT</b></p> <p>71 JOHN ST. CROFTON, NSW</p> <p>PHONE: 021 8004 1266</p> <p>WWW.ARE.7653</p>		<p><b>DEVELOPMENT APPLICATION</b></p> <p>12/04/2022</p> <p>PRELIMINARY</p> <p>DATE</p>
<p><b>LEGEND</b></p> <p>EXISTING WALLS TO REMAIN</p> <p>NEW BRICK WALLS</p> <p>NEW BRICK VENEER WALLS</p> <p>NEW FLOORED AND WALLS</p> <p>EXISTING FLOOR CONSTRUCTION</p>		<p>1:100</p> <p>DATE</p> <p>ISSUE</p> <p>DRAWN BY</p>
<p><b>PROJECT NOTES</b></p> <p>1. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METRES AND DECIMAL PARTS ARE TO THE NEAREST MILLIMETER.</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>		

Document: SP101-3772748  
 Version: 1, Version Date: 14/05/2023



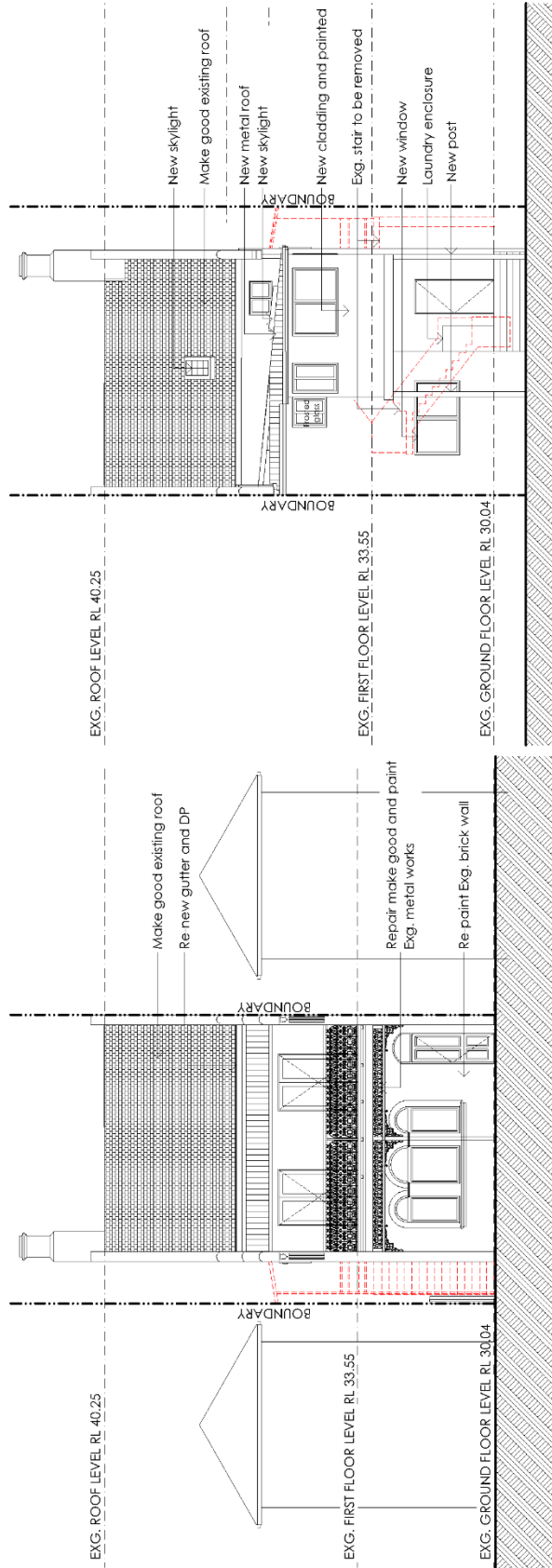
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<p><b>PROJECT:</b> PROPOSED CO-LIVING HOUSE</p> <p><b>AT:</b> 37 LIVERPOOL RD., ASHFIELD</p> <p><b>FOR:</b> MR DEAN APPELGAETE</p> <p>DRAWING NAME: ELEVATION</p>		<p>Scale: 1:100 @ A3 Drawing number: AR-7</p> <p>Date: 12/04/2022 Page: 7 of 13</p> <p><b>DEVELOPMENT APPLICATION</b></p> <p>12/04/2022</p>	
<p><b>ARCHITECT:</b> NK ARCHITECTURAL DESIGN</p> <p>71 JOHN ST. CROFTON, NSW</p> <p>PHONE: 021 8004 1266</p> <p>WWW.NKARCH.COM</p> <p>NSW A&amp;P: 7653</p>		<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DRAWN BY: N</p>	
<p><b>PROJECT NOTES:</b></p> <p>1. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METRES.</p> <p>2. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>3. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>4. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>5. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>6. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>7. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>8. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>9. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>10. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.</p>		<p><b>LEGEND:</b></p> <p>Existing walls to remain</p> <p>New brick walls</p> <p>New brick veneer walls</p> <p>New plaster and walls</p> <p>Existing plaster and walls</p> <p>Existing plaster and walls</p> <p>Existing plaster and walls</p>	
<p>Document ID: 3772749</p> <p>Version: 1, Version Date: 14/05/2023</p>			



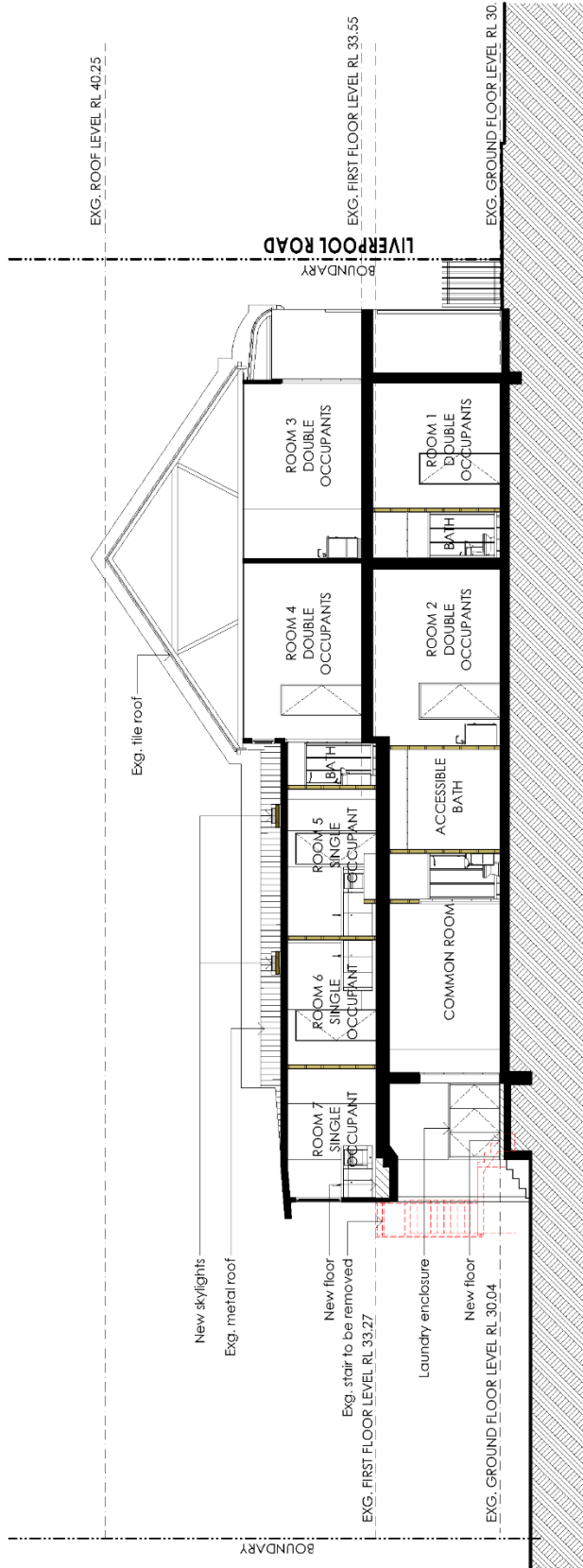
EAST ELEVATION  
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<p><b>PROJECT:</b> PROPOSED CO-LIVING HOUSE</p> <p><b>AT:</b> 37 LIVERPOOL RD., ASHFIELD</p> <p><b>FOR:</b> MR DEAN APPELGAATE</p> <p>DRAWING NAME: ELEVATION</p>	<p><b>ARCHITECT</b></p> <p><b>NK ARCHITECTURAL DESIGN</b></p> <p>71 JOHN ST, CORDON, VIC 3091</p> <p>PHONE: 031 8304 1266</p> <p>WWW.NKARCH.COM.AU</p> <p><b>NK ARCH 7833</b></p>	<p><b>LEGEND</b></p> <p>Existing walls to remain</p> <p>New brick walls</p> <p>New brick veneer walls</p> <p>New plaster and walls</p> <p>Existing fabric construction</p>	<p><b>PROJECT NOTES</b></p> <p>1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>2. ALL WORK IS TO BE ACCORDING TO THE RELEVANT STANDARDS AND CODES OF PRACTICE.</p> <p>3. ALL MATERIALS TO BE USED MUST BE APPROVED BY THE ARCHITECT.</p> <p>4. ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.</p> <p>5. ALL WORK IS TO BE COMPLETED TO THE SATISFACTION OF THE ARCHITECT.</p> <p>6. ALL WORK IS TO BE COMPLETED TO THE SATISFACTION OF THE ARCHITECT.</p>	<p><b>DATE:</b> 12/04/2022</p> <p><b>ISSUE:</b> PRELIMINARY</p> <p><b>DRAWN BY:</b> N</p>	<p><b>Scale:</b> 1:100</p> <p><b>Date:</b> 12/04/2022</p> <p><b>Page:</b> 8 of 13</p> <p><b>Scale:</b> @ A3 Drawing number AR-R</p> <p><b>Project:</b> PROPOSED CO-LIVING HOUSE</p> <p><b>At:</b> 37 LIVERPOOL RD., ASHFIELD</p> <p><b>For:</b> MR DEAN APPELGAATE</p> <p><b>Drawing Name:</b> ELEVATION</p>
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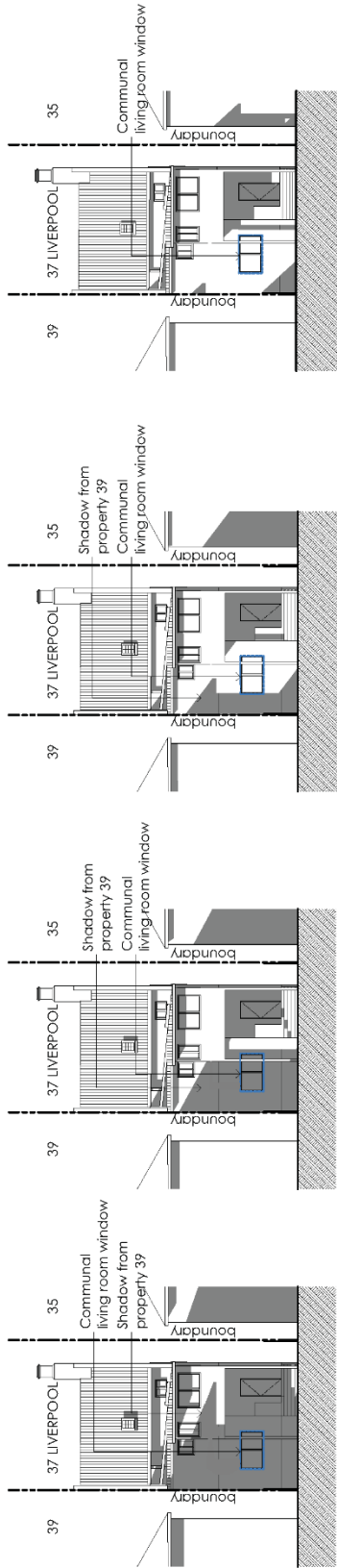
<b>PROJECT: PROPOSED CO-LIVING HOUSE</b> <b>AT: 37 LIVERPOOL RD., ASHFIELD</b> <b>FOR: MR DEAN APPELGAATE</b> DRAWING NAME: ELEVATIONS		Scale: 1:100 @ A3 Drawing number: AR-9 Date: 12/04/2022 Page: 9 of 13 DEVELOPMENT APPLICATION ID: 2022-022	
<b>ARCHITECT</b> NC ARCHITECTURAL DESIGN 71 JOHN ST. SYDNEY, NSW PHONE: 021 8000 1206 WWW.NCARCHITECT.COM.AU NSW A&P: 7653			
<b>LEGEND</b> (---) Existing walls to remain (---) New brick walls (---) New brick veneer walls (---) New fibrous cement walls (---) Existing fibre cement wall (---) Existing brickwork to be removed (---) Existing brickwork to remain (---) Existing brickwork to be removed & replaced with new brickwork (---) Existing brickwork to be removed & replaced with new fibre cement wall (---) Existing brickwork to be removed & replaced with new fibrous cement wall (---) Existing brickwork to be removed & replaced with new metal cladding (---) Existing brickwork to be removed & replaced with new metal cladding & painted			
<b>PROJECT NOTES</b> 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL REQUIREMENTS AND THE NSW DEVELOPMENT CONTROL ACT 1995. 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE NSW BUILDING REGULATIONS 2018. 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE NSW COMPANION GUIDE TO THE BUILDING REGULATIONS 2018. 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE NSW COMPANION GUIDE TO THE BUILDING REGULATIONS 2018. 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE NSW COMPANION GUIDE TO THE BUILDING REGULATIONS 2018.		DATE: 12/04/2022 ISSUE: PRELIMINARY DRAWN BY: N DATE: 12/04/2022 ISSUE: PRELIMINARY	





SECTION 1-1  
1:100

<p><b>PROJECT:</b> PROPOSED CO-LIVING HOUSE</p> <p><b>AT:</b> 37 LIVERPOOL RD., ASHFIELD</p> <p><b>FOR:</b> MR DEAN APPELGADE</p> <p>DRAWING NAME: SECTION</p>		<p>Scale: 1:100 @ A3 Drawing number: AR-10</p> <p>Date: 12/04/2022</p> <p>Page: 10 of 13</p> <p><b>DEVELOPMENT APPLICATION</b></p> <p>12/04/2022</p>
<p><b>ARCHITECT:</b> NK ARCHITECT</p> <p>71 JOHN ST. CROFTON, NSW                  PHONE: 021 8004 1266                  WWW.NK.AU</p>		<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DRAWN BY: N</p>
<p><b>LEGEND</b></p> <p>EXISTING WALLS TO REMAIN</p> <p>NEW BRICK WALLS</p> <p>NEW BRICK VENEER WALLS</p> <p>NEW FLOORS AND WALLS</p> <p>EXISTING FLOOR CONSTRUCTION</p>		<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DRAWN BY: N</p>
<p><b>PROJECT NOTES</b></p> <p>1. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METRES AND TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>2. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING REGULATIONS 2018.</p> <p>3. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING REGULATIONS 2018.</p> <p>4. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING REGULATIONS 2018.</p> <p>5. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING REGULATIONS 2018.</p> <p>6. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING REGULATIONS 2018.</p> <p>7. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING REGULATIONS 2018.</p> <p>8. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING REGULATIONS 2018.</p> <p>9. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING REGULATIONS 2018.</p> <p>10. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING REGULATIONS 2018.</p>		



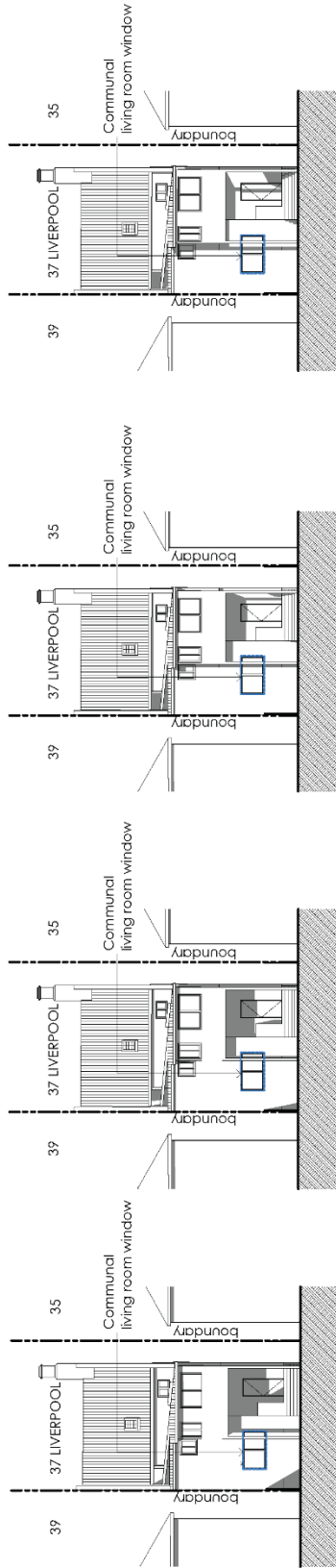
9:00 am MID\_WINTER  
SOLAR ACCESS DIAGRAM

10:00 am MID\_WINTER  
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11:00 am MID\_WINTER  
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12:00 noon MID\_WINTER  
SOLAR ACCESS DIAGRAM

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



1:00 pm MID\_WINTER  
SOLAR ACCESS DIAGRAM

2:00 pm MID\_WINTER  
SOLAR ACCESS DIAGRAM

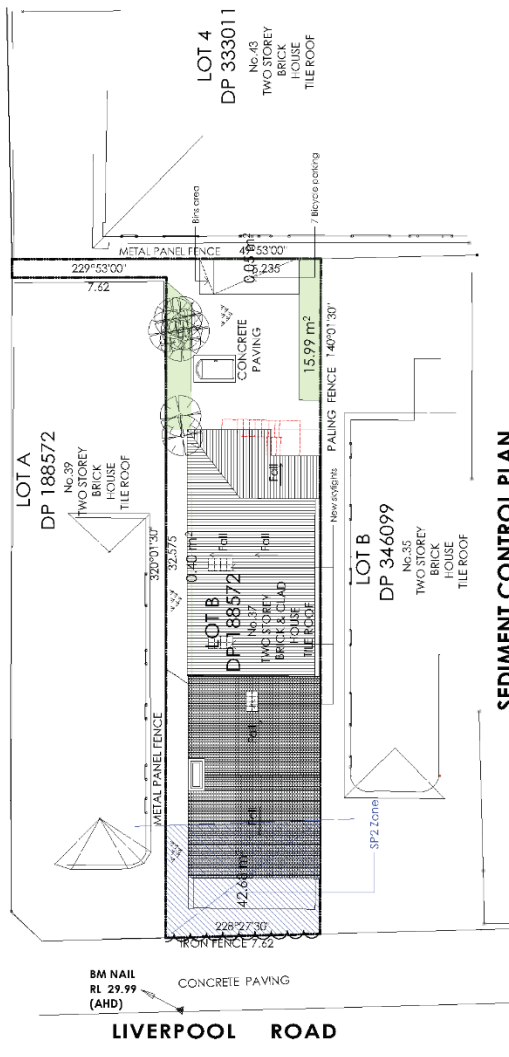
3:00 pm MID\_WINTER  
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4:00 pm MID\_WINTER  
SOLAR ACCESS DIAGRAM

<p><b>PROJECT NOTES</b></p> <p>1. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METERS.</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><b>LEGEND</b></p> <p>Existing walls to remain</p> <p>New brick walls</p> <p>New brick veneer walls</p> <p>New timber clad walls</p> <p>Existing floor construction</p>	
<p>PROJECT: PROPOSED CO-LIVING HOUSE</p> <p>AT: 37 LIVERPOOL RD., ASHFIELD</p> <p>FOR: MR DEAN APPEGATE</p> <p>DRAWING NAME: SHADOW ELEVATION</p>		<p>ARCHITECT: NK ARCHITECT</p> <p>ARCHITECTURAL DESIGN</p> <p>71 JOHN ST. CROFTON, NSW</p> <p>PHONE: 031 8004 1266</p> <p>WWW.NKARCHITECT.COM.AU</p> <p>NSW ABR: 7853</p>	
<p>Scale: 1:200 @ A3 Drawing number: AR-1</p> <p>Date: 12/04/2022</p> <p>Page: 11 of 13</p> <p>DEVELOPMENT APPLICATION</p> <p>12/04/2022</p> <p>DATE</p> <p>ISSUE</p> <p>DRAWN BY: N</p>		<p>12/04/2022</p> <p>DATE</p> <p>ISSUE</p> <p>DRAWN BY: N</p>	

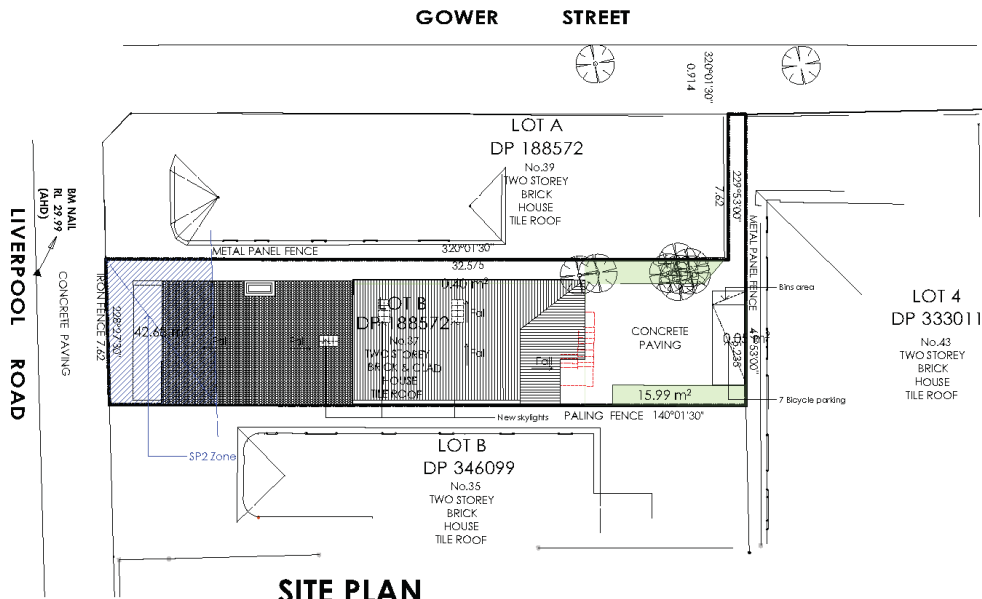
Document ID: 3772748  
Version: 1, Version Date: 14/05/2023

<p><b>SOIL CONSERVATION NOTES</b></p> <p>A. PRIOR TO ANY CLEARING OR DEMOLITION OF THE PROPOSED SITE, THE SOIL MUST BE INVESTIGATED AND A SOIL CONSERVATION PLAN MUST BE SUBMITTED TO THE LOCAL PLANNING PANEL FOR APPROVAL.</p> <p>B. PROTECTIVE MEASURES MUST BE INSTALLED TO PREVENT SOIL EROSION AND TO MAINTAIN THE SOIL'S PRODUCTIVE CAPABILITY AND STRUCTURE.</p> <p>C. PROTECTIVE MEASURES MUST BE INSTALLED TO PREVENT SOIL EROSION AND TO MAINTAIN THE SOIL'S PRODUCTIVE CAPABILITY AND STRUCTURE.</p> <p>D. PROTECTIVE MEASURES MUST BE INSTALLED TO PREVENT SOIL EROSION AND TO MAINTAIN THE SOIL'S PRODUCTIVE CAPABILITY AND STRUCTURE.</p> <p>E. PROTECTIVE MEASURES MUST BE INSTALLED TO PREVENT SOIL EROSION AND TO MAINTAIN THE SOIL'S PRODUCTIVE CAPABILITY AND STRUCTURE.</p> <p>F. PROTECTIVE MEASURES MUST BE INSTALLED TO PREVENT SOIL EROSION AND TO MAINTAIN THE SOIL'S PRODUCTIVE CAPABILITY AND STRUCTURE.</p>	<p><b>LEGEND</b></p> <p>UNDISTURBED VEGETATION</p> <p>STOCKPILE</p> <p>BARRETTED FENCE</p> <p>CHEQUERED FABRIC</p> <p>FABRIC FILLED WITH GRAVEL</p> <p>STRAW BALE SEDIMENT FEELE</p>	<p><b>LEGEND</b></p> <p>UNDISTURBED VEGETATION</p> <p>STOCKPILE</p> <p>BARRETTED FENCE</p> <p>CHEQUERED FABRIC</p> <p>FABRIC FILLED WITH GRAVEL</p> <p>STRAW BALE SEDIMENT FEELE</p>	<p><b>NOTES</b></p> <p>1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DAILY BY SITE MANAGER.</p> <p>2. MANAGE DISTURBED AREA.</p> <p>3. ALL STOCKPILES TO BE CLEAR FROM DIPS, GUTTERS AND FOOTPATH.</p> <p>4. DRAINAGE IS TO BE CONNECTED TO STORMWATER SYSTEM AS SOON AS POSSIBLE.</p> <p>5. SLOPES AND FOOTPATHS TO BE SLOTTED DAILY.</p> <p>6. ALL SEDIMENT FENCE TO BE FILLED WITH FABRIC FILLED WITH GRAVEL.</p> <p>7. YOU DO NOT COMEY YOU MAY BELIEVE TO A SODI FINE WITH GRAVEL.</p>	<p><b>LEGEND</b></p> <p>UNDISTURBED VEGETATION</p> <p>STOCKPILE</p> <p>BARRETTED FENCE</p> <p>CHEQUERED FABRIC</p> <p>FABRIC FILLED WITH GRAVEL</p> <p>STRAW BALE SEDIMENT FEELE</p>	<p><b>LEGEND</b></p> <p>UNDISTURBED VEGETATION</p> <p>STOCKPILE</p> <p>BARRETTED FENCE</p> <p>CHEQUERED FABRIC</p> <p>FABRIC FILLED WITH GRAVEL</p> <p>STRAW BALE SEDIMENT FEELE</p>	<p><b>LEGEND</b></p> <p>UNDISTURBED VEGETATION</p> <p>STOCKPILE</p> <p>BARRETTED FENCE</p> <p>CHEQUERED FABRIC</p> <p>FABRIC FILLED WITH GRAVEL</p> <p>STRAW BALE SEDIMENT FEELE</p>
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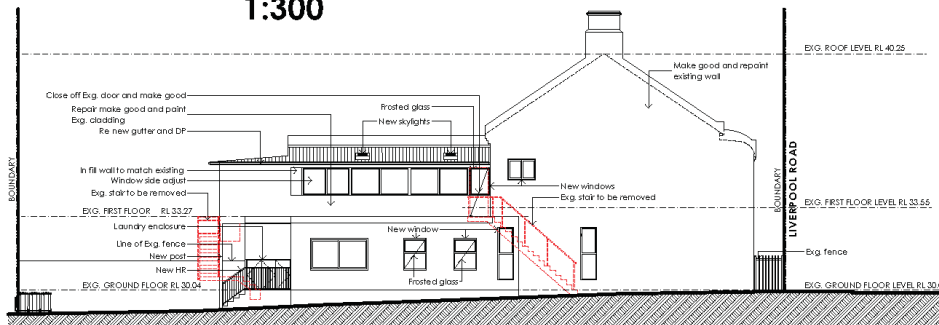


**SEDIMENT CONTROL PLAN**  
1:200

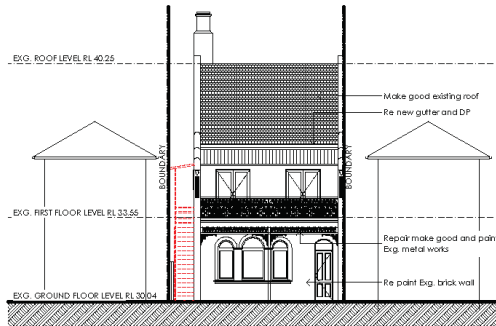
<p><b>PROJECT NOTES</b></p> <p>1. DEVELOPER TO OBTAIN ALL NECESSARY APPROVALS FROM THE LOCAL PLANNING PANEL AND OTHER RELEVANT AUTHORITIES.</p> <p>2. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.</p> <p>3. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS.</p> <p>4. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS.</p> <p>5. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS.</p>	<p><b>LEGEND</b></p> <p>Existing walls to remain</p> <p>New brick walls</p> <p>New brick veneer walls</p> <p>New brick and walls</p> <p>Existing fabric construction</p> <p>Existing fabric construction</p> <p>Existing fabric construction</p>	<p><b>ARCHITECT</b></p> <p>NC ARCHITECTURAL DESIGN</p> <p>7 FALCON ST. CANTONMENT NSW</p> <p>PHONE: 021 8004 1066</p> <p>FAX: 021 8004 1066</p> <p>NW 488 7853</p>	<p><b>PROJECT: PROPOSED CO-LIVING HOUSE</b></p> <p><b>NO. 37 LIVERPOOL RD., ASHFIELD</b></p> <p><b>FOR: MR DEAN APPELLAGE</b></p> <p>SCALE: 1:200</p> <p>DATE: 12/04/2022</p> <p>DATE: 12/04/2022</p> <p>DATE: 12/04/2022</p>	<p><b>PROJECT: PROPOSED CO-LIVING HOUSE</b></p> <p><b>NO. 37 LIVERPOOL RD., ASHFIELD</b></p> <p><b>FOR: MR DEAN APPELLAGE</b></p> <p>SCALE: 1:200</p> <p>DATE: 12/04/2022</p> <p>DATE: 12/04/2022</p> <p>DATE: 12/04/2022</p>	<p><b>PROJECT: PROPOSED CO-LIVING HOUSE</b></p> <p><b>NO. 37 LIVERPOOL RD., ASHFIELD</b></p> <p><b>FOR: MR DEAN APPELLAGE</b></p> <p>SCALE: 1:200</p> <p>DATE: 12/04/2022</p> <p>DATE: 12/04/2022</p> <p>DATE: 12/04/2022</p>	<p><b>PROJECT: PROPOSED CO-LIVING HOUSE</b></p> <p><b>NO. 37 LIVERPOOL RD., ASHFIELD</b></p> <p><b>FOR: MR DEAN APPELLAGE</b></p> <p>SCALE: 1:200</p> <p>DATE: 12/04/2022</p> <p>DATE: 12/04/2022</p> <p>DATE: 12/04/2022</p>
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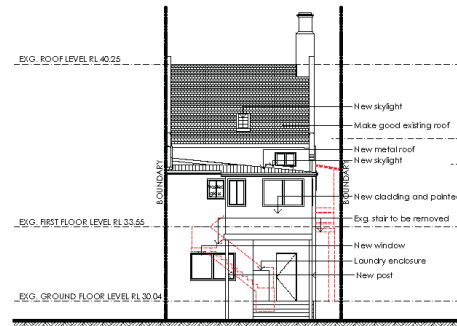
**SITE PLAN**  
1:300



**WEST ELEVATION**  
1:250



**SOUTH ELEVATION**  
1:250



**NORTH ELEVATION**  
1:250

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

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CONSERVATION SCHEDULE OF WORKS  
No. 37 LIVERPOOL ROAD ASHFIELD  
EXTERIOR WORKS & EXTERIOR COLOUR SCHEME

Prepared by

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THE EXTERIOR CONSERVATION WORKS

Building element	Works	Notes
<b>1.0 Ground Floor Front Verandah</b>	<p><b>General notes:</b> Repair and restore original building fabric where condition permits.</p> <p>Where building fabric is damaged reconstruct to the original detail and material based on evidence.</p> <p>Where there is no evidence base the replacement building element and fabric on similar types of Victorian terraces houses in the Ashfield area.</p>	
1.1 Ground Floor Verandah Floor Reconstruction	<p>Remove existing non original paving. New finished verandah floor level (including tessellated tiles to be level with the base of the cast iron column. Adjust soil levels for the finished verandah floor Construct brick dwarf retaining wall and compacted. The verandah edge in slate or cast painted concrete is to be a bullnose profile. Selected tessellated tiles similar to tessellated patterns found on Victorian terrace houses in the Ashfield locality. Reconstruct verandah floor with slate bullnose edge. Finish to verandah floor to be tessellated tiles. is a traditional black and white pattern with honed granite trim on edges. Retain bullnose edge profile</p>	<p>Refer to Figures 1,2, 3, 4 and 6. showing the existing verandah.</p> <p>Refer to Figures B &amp; C for restoration models.</p>
1.2 Verandah Columns [Ground Floor]	<p>Inspect existing column. Retain original cast iron columns. Repair/reconstruct as required as required using specialist tradespersons.</p> <p>Any replacement elements or columns are to be cast iron to match the design of the original Victorian columns.</p>	<p>Refer to Figure 1,2, 3 and 6 showing the existing verandah.</p>
1.3 Verandah valence [Ground Floor]	<p>Restore/reconstruct the existing verandah valence with a pattern to suit the Victorian terrace house. Remove paint and rust. Apply metal primer and subsequent oil based paint suitable for exterior metal paint to manufacturers specification.</p> <p>Reconstruct missing element on the ground floor verandah freize in cast iron match the intact freize on the eastern side.</p>	<p>Refer to Figure 1,2, 3 and 6 showing the existing verandah.</p> <p>Reconstruct freize on the ground floor verandah to match the intact freize on the eastern side.</p>

Building element	Works	Notes
1.4 Verandah frieze	Reconstruct missing sections of verandah cast metal frieze based on remaining sections. Replacement elements to be cast iron and installed by specialist tradespersons.	Refer to photograph 2.
1.6 Timber detailing on the face of the timber verandah beam.	Reinstate the moulded timber detailing to the fascia of the verandah beam based on the evidence provided in photographs in Figure B	Refer to photograph 2 for the existing verandah. Refer to Figure B
<b>1.7 First Floor Front Verandah</b>	<b>General notes:</b> Repair restore original verandah elements. Replace damaged elements as set out in the conservation recommendations.	
1.8 First floor verandah columns	Inspect existing column. Retain original cast iron columns. Repair/reconstruct as required as required using specialist tradespersons. Any replacement elements or columns are to be cast iron to match the design of the original Victorian columns.	Refer to Figure 1,2, 3 and 6 showing the existing verandah.

Building element	Works	Notes
1.9 First floor verandah balustrade	<p>Reconstruct existing open balcony by removing later infill above the cast iron balustrade. the removal of the infill should retain the existing central cast iron column and the first floor verandah frieze, if sections exist.</p> <p>Restore existing iron work as required. Any new reconstruction work is to be similar to the original pattern and to suit the style of the building and is to be in cast iron. A list of suitable manufacturers and suppliers is Annexed.</p> <p>If a replacement panel is not available at a restoration/salvage centre a new panel is to be cast [in cast iron] to match the existing pattern A list of suitable manufacturers and suppliers is at Annexure C.</p> <p>Works for the reconstruction of the open verandah will require BCA compliance for the height of verandah balustrades.</p> <p>Provide the extra height to comply with the BCA height of 1000 mm by installing a cast iron metal flat on cast iron pins.</p> <p>Paint: Apply metal primer and subsequent oil based/ferrous paint for external metal to manufacturers specification and the colour in Heritage Colour Scheme provided for the building.</p>	Refer to Figure 5 and Figure 8.
1.10 Verandah floor	Examine existing flooring and the supporting timber structure. Repair where practical or replace as necessary with similar size hardwood boards laid in the same direction direct	Refer to Figure 9.
1.11 Verandah frieze	Reconstruct the top frieze with timber framing and appropriate cast iron infill panels to match the detailing on No. 152.	Refer to Figure 3.
1.12 French doors	Reconstruct two pairs of French doors based on evidence based on No. 19 Joseph Street Ashfield.	Refer to Figure A.



Building element	Works	Notes
2.0 Front garden area.	Remove existing non original pavers. Lower ground level to allow a step down sufficient to clear the reconstructed verandah edge.	Refer to Figure 8.
2.1 Front fence	<p>Remove the existing aluminium front fence. and the concrete base.</p> <p>Reconstruct a masonry plinth with a semi circular top section to the height of base courses to Remove the existing aluminium front fence. and the concrete base.</p> <p>The reconstructed spear head fence is to be cast iron with a simple spearhead two level fence as shown in Figure C.</p>	<p>Refer to Figure 8 for the existing photograph of the front fence.</p> <p>Refer to Figures A &amp; C for the example of the style of the cast palisade fence and base for reconstruction at No. 37 Liverpool Road.</p>
Front gate	<p>Remove the existing aluminium front gate.</p> <p>A new gate should be a cast iron palisade fence to match the proposed case</p>	Refer to Figures A & C
<b>3.0 Front (Southern) Facade</b>	<p>Generally repair and prepare façade for painting to paint manufacturer’s specifications.</p> <p>Remove any drummy render. Re-render in a part lime based render and reinstate the ashlar scribed pattern matching the dimensions of the ashlar pattern No. 152 Victoria Street.</p> <p>Repaint the façade, and external elevations in an approved colour scheme.</p>	

Building element	Works	Notes
3.1 Front windows	<p>Remove security grill bars from front windows and make good.</p> <p>Repair window joinery as necessary matching existing profile, detailing and material. Paint to manufacturers specification in selected colour nominated in the colour schedule prepared for the building.</p> <p>Repair sash cords using traditional rope and pulleys.</p> <p>Reinstate security grilles as required.</p>	Refer to photographs 9 & 6.
3.2 Surface mounted services	Generally rationalise and tidy the existing surface mounted services, and paint into the wall colour.	Refer to Figures 7 & 9.
4.0 Front door	Remove existing non original hardware, prepare and paint. Repair/restore timber work as required. Paint selected colour nominated on the colours and finishes schedule. Reinstate Victorian style hardware sourced from restoration suppliers.	Refer to Figure 9.
4.1 Timber door surround	Timber door surround. Remove existing hardware and paint. Repair/restore timber work as required. Paint selected colour nominated on the colours and finishes schedule.	Refer to Figure 9.
4.3 Timber semi circular high light window surround above front door.	Repair/restore timber work as required. Any reconstruction of the glazed surround will be based on local Victorian era precedents. Paint selected colour nominated on the colours and finishes schedule.	Refer to Figure 9.

Building element	Works	Notes
<b>5.0 The Front Fence and Garden</b>		
5.1 Front Fence	Remove the existing non original aluminium fence and concrete base. Reinststate a traditional in cast iron palisade fence on a masonry base. Reinststate the traditional two level cast iron palisade fence as shown photograph XX which is the proposed model for the front fence reconstruction at No. 37 Liverpool Road Ashfield.	Refer to Figure 5. for existing fence.  Refer to the photograph showing the front fence at No. 19 Joseph Street Ashfield in Figure A.
5.2 Front Garden	Remove existing non original paving concrete slab and reinststate a lower soil level. Install a traditional front path and garden area with deep soil planting.	Refer to Figure C.
6.0 Roof Main roof	The existing roof is a red tiled roof. When the to be refurbished in tradition profile corrugated metal corrugated metal finished with the selected colour. Flashings to be traditional flashing type, and angled stepped flashing.	Refer to Figure 6.
6.1 Verandah Roof	Retain existing corrugated bull nose profiled roof.	Refer to Figure 6.
6.2 Flashings	Chimney flashing is to be installed into the mortar joint.	
6.3 Gutters	Gutters are to be tradition ogee profile and to be a compatible metal with other roof and rainwater goods.	
6.4 Downpipes	New downpipes are to be circular metal downpipes (a compatible metal with other roof and rainwater goods), painted to match the wall colour.	
7.0 Chimneys	The existing chimneys are to be retained. The chimneys should be checked for: <ul style="list-style-type: none"> <li>• alignment (lean)</li> <li>• deterioration of brickwork near the top</li> <li>• obstructions</li> <li>• loose mortar or crumbling or missing brickwork</li> </ul>	Refer to Figure 6.
7.1 Repairs to chimneys	Repairs to chimneys are to match the original detailing.	Refer to Figure 6.

INTERIOR WORKS

Room/Space	Elements that are original	Conservation Works	Notes
Ground floor			
<b>Room 1.</b>	Three part timber framed windows (street facing wall)	<p>Repair window joinery as necessary matching existing profile, detailing and material. Paint to manufacturers specification in selected colour nominated in the colour schedule prepared for the building.</p> <p>Repair sash cords using traditional rope and pulleys.</p> <p>Reinstate security grilles as required.</p>	Refer to Figure 13.
	Chimney Breast	Retain the existing chimney breast and its original building fabric.	Refer to Figure 15.
	Picture rail	Retain existing picture rail. Repair as necessary . Splice in the match timber profiled sections as required. Paint to paint manufacturers specifications.	Refer to Figure 15.



Figure 1. The front of No. 37 Liverpool Road.



Figure 2. View of the front setback. The small front garden area has been paved and raised to the verandah level. A tall aluminium palisade fence enclosed the front setback. It replaces an original fence which was typically an iron palisade fence.



Figure 3. View of the front of the house.

The small front garden area has been paved and raised to the verandah level. A tall aluminium palisade fence enclosed the front setback. It replaces an original fence which was typically an iron palisade fence.

Two metal framed sliding windows have been inserted in the infill.



Figure 4. View of the front facade showing the recessed arch in the verandah end walls, the group of arched topped windows with Italianate moulded detail and cast iron wall vents in the upper section of the wall.



Figure 5. View of the front door which is a later reproduction door similar tot a victorian design..The arched hi-light window has been covered.





Figure 6. View of the front elevation of the house.

Building element	Works	Notes
Southern Facade		There is no original building fabric and no restoration works proposed.

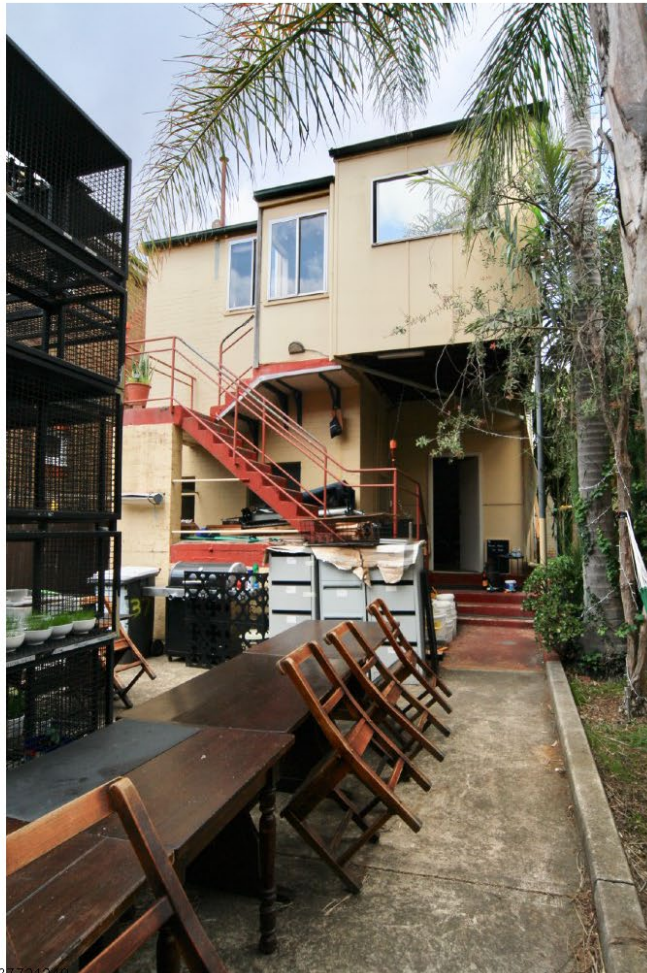


Figure 7. View of the southern facade.

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Building element	Works	Notes
Eastern Elevation		
Brick wall	<p>Generally repair and prepare façade for painting to paint manufacturer’s specifications.</p> <p>Repoint the brickwork as required with lime based mortar.</p> <p>Repaint the façade in an approved colour scheme.</p>	



Figure 8. Brick elevation on the eastern facade.

Building element	Works	Notes
Western Elevation		
Brick wall	<p>Generally repair and prepare façade for painting to paint manufacturer's specifications.</p> <p>Repoint the brickwork as required with lime based mortar.</p> <p>Repaint the façade in an approved colour scheme.</p>	



Figure 9. Brick elevation on the western facade.



Figure 10 Mid century facade on the western facade.

RESTORATION MODELS

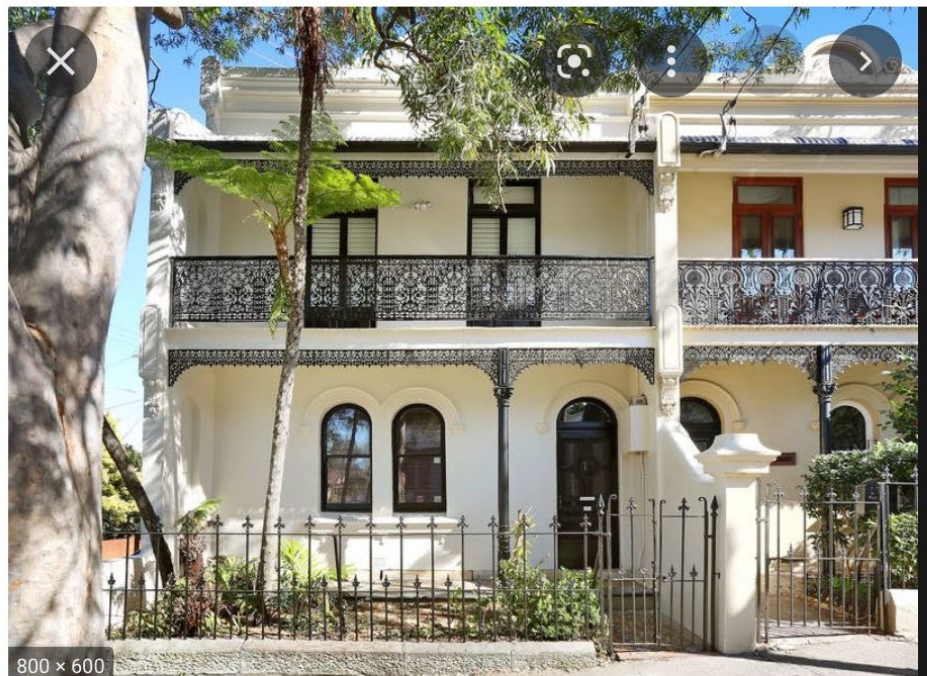


Figure A. Two level cast iron palisade fence and base and gate at No. 19 Joseph Street proposed as a model for the reconstruction of the fence at No. 37 Liverpool Road Ashfield.






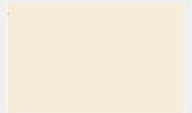

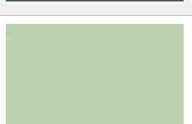
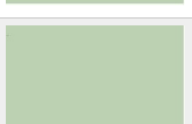
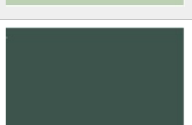

Figure B This photograph shows the model for the timber dentil frieze and timber moulding on the fascia to the verandah beam. It also shows the cast iron first floor frieze. It shows the tiled ground floor verandah with the slate edge.





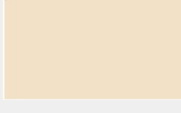





Figure C. This photograph shows the two level front cast iron spear headed front fence on the masonry base, and cast iron gate. It shows the tessellated tiled path and verandah.



EXTERIOR COLOUR SCHEME

Building Element		Colour		All colours referenced are AS2700 Australian Standard Colours
1	Exterior Walls	Y53 Sandstone		
2	Ground floor facade - Raised mouldings around windows, window sills, recessed panels in engaged floor	Y55 Deep Stone		
3	Raised mouldings on engaged columns	Y53 Sandstone		
4	Window frames	Y35 Off White		
5	Front facades-Window sashes sidelights and fanlights	C67 Zuchini		Equivalent to Brunswick Green
6	Doors	C67 Zuchini		Equivalent to Brunswick Green
7	soffit of verandah roof	G47 Crystal green		
8	Beams verandah roof and floor	G47 Crystal green		
9	Cast iron verandah columns	C67 Zuchini		
10	Cast iron column capitals	C67 Zuchini		
11				

Building Element		Colour		All colours referenced are AS2700 Australian Standard Colours
12	Cast iron verandah valence	C67 Zucchini		
12	Cast iron verandah balustrade first floor	C67 Zucchini		
13	Dentils and verandah floor beam	X32 Magnolia		
14	Raised mouldings to party walls	Y55 Deep Stone		
15	Fascias and barge boards	X32 Magnolia		
16	Iron palisade fence	C67 Zucchini		
17	Verandah retaining walls	Y53 Sandstone		
18	Recessed arches on the internal face of the party walls ground and first floor.	Y55 Deep Stone		

Tradesmen and Suppliers

**CAST IRON**

The most important thing for the restoration/reconstruction of the existing iron work is that replacements are done in cast iron and not aluminium. It is easy to tell the difference.

The following businesses do traditional cast iron work.

Fidax Foundry Pty Ltd  
4 Carolyn Street  
SILVERWATER NSW 2128  
PH: 9748 3299  
FX: 9748 1769

Richmond Ironworks  
3 Paget Street  
RICHMOND NSW 2753  
PH: 02 4578 2640

Manufacture and supply hand-forged wrought iron and high quality cast iron lace, panels, and columns. Also operate as Murringo Ironworks, Boorowa Rd, Murringo, 2586

The Wagga Iron Foundry [ironfoundry.com.au](http://ironfoundry.com.au)

The Wagga Iron Foundry - "As a jobbing foundry, one -off replica's are no problem. Or choose from our extensive range of lacework, fire parts, giftware, house ware etc. we also specialise in low volume commercial and Industrial castings."

I have recommended The Wagga Iron Foundry before. They also have a catalogue.<http://ironfoundry.com.au/catalogue/>

**TIMBER MOULDINGS**

For skirting, architraves, panelling, dado and chair rails etc - Stock mouldings (on their website) and mouldings to order in a range of different timbers.

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Annandale Timber and Moulding Co. Pty Ltd.

<http://www.annandaletimber.com.au/>

#### PLASTER

Baileys Interiors Decorative Plaster

They have an appropriate cornice or the Victorian terrace house at No. 37 Liverpool Road named "Paddington."

#### VERANDAH AND FRONT PATH TILES

Tessellated tile supplier

Old English Tiles - 130 Pyrmont Bridge Rd, Annandale NSW 2038 (02) 9519 4333

#### REFERENCES

The Maintenance Series - NSW Heritage Office

- Series 1.2: Documenting Maintenance and Repair
- Series 1.3: Temporary Access
- Series 3.1: Metalwork
- Series 5.2: Timber Repairs
- Series 7.2: Paint Finishes
- U.S. Department of the Interior National Park Services Cultural Resources-Heritage Preservation Services
- Ashurst, John & Nicola. Practical Building Conservation Vols 1-5.

**Attachment C- Statement of Environmental Effects (including  
Section 4.6 Exception to Development Standards)**

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**STATEMENT OF ENVIRONMENTAL EFFECTS**

**DEVELOPMENT APPLICATION FOR CHANGE OF USE AND  
ALTERATIONS TO A FREESTANDING 2-STOREY TERRACE FOR  
CO-LIVING HOUSING ACCOMMODATION**

**37 LIVERPOOL ROAD  
ASHFIELD**

**Prepared by  
KN Planning Pty Limited**

**December 2022**

Ref: KN603

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*Appendix 1: Photographs of the site and surrounding development*

*Appendix 2: Letter from Transport for NSW*

*Appendix 3 Existing Building layout prepared by NK Architect*

*Appendix 4: Demolition Plans prepared by NK Architect*

*Appendix 5: Architectural drawings of alterations and additions to Co-Living Housing premises prepared by NK Architect*

*Appendix 6: Shadow diagrams prepared by NK Architect*

*Appendix 7: Plan of Management*

*Appendix 8: Waste Management Plan*

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## 1. INTRODUCTION

This report has been prepared to accompany a development application for alterations and additions to a 2-storey freestanding terrace house for co-living housing development at 37 Liverpool Road Ashfield.

Plans, elevations and sections of the proposed development have been prepared by NK Architect for the applicant Dean Applegate and owners Dean Applegate and Daniel Monteverde.

This report should be read in conjunction with the Conservation Internal and External Works Reports prepared by Ruth Daniell, Heritage Architect lodged with the application under separate cover.

The purpose of this report is to present a Statement of Environmental Effects in support of the development application and to that end the report:-

- describes the site and context;
- sets out the planning controls applying to the site;
- sets out details of the proposed development;
- assesses the key planning considerations associated with the proposed development; and
- presents a summary assessment of the development application in terms of the Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

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Statement of Environmental Effects- Co-Living Housing 3

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## 2. SITE AND CONTEXT

### 2.1 Site Details

The site is in Ashfield on the north-western side of Liverpool Road, approximately 10 metres north-east of its intersection with Gower Street (*Figure 2.1*). The site also has pedestrian access to Gower Street at the rear of 39 Liverpool Road.

The site, known as 37 Liverpool Road, is Lot B in DP 188572. The site is irregular in shape with frontage to Liverpool Road of 7.62 metres, rear boundary to 43 Gower Street of 15.235 metres and side boundaries of 33.30 metres (north-east) and 32.575 metres (south-west) to 39 Liverpool Road, as detailed on the Survey Plan at *Figure 2.2*. The allotment also has frontage to Gower Street of 0.914 metres, presumably a former night soil access to the subject site.

The site has an area of 261.3 square metres.

The site falls from Liverpool Road to the rear by in the order of 1 metre.

There are a number of palm trees located in the rear yard.

### 2.2 Context

The site falls within the residential suburb of Ashfield, north of Liverpool Road.

The site is occupied by a freestanding 2-storey terrace house which has been used variously as a residential building, guest house and boarding house post the second world war.

The surrounding development comprises:-

- to the north-east:** a 2-storey residential flat building, comprising 4 units (35 Liverpool Road);
- to the south-east:** a 2-storey commercial building (44 Liverpool Road);
- to the south-west:** a 2-storey residential flat building, comprising 4 units (39 Liverpool Road);
- to the north-west:** a 2-storey residential flat building, comprising 4 units (43 Gower Street).

Liverpool Road is a two lane each way State Road with a No Stopping kerbside restriction along the frontage of the subject site.

Photographs of the site and surrounding development are at **Appendix 1**.

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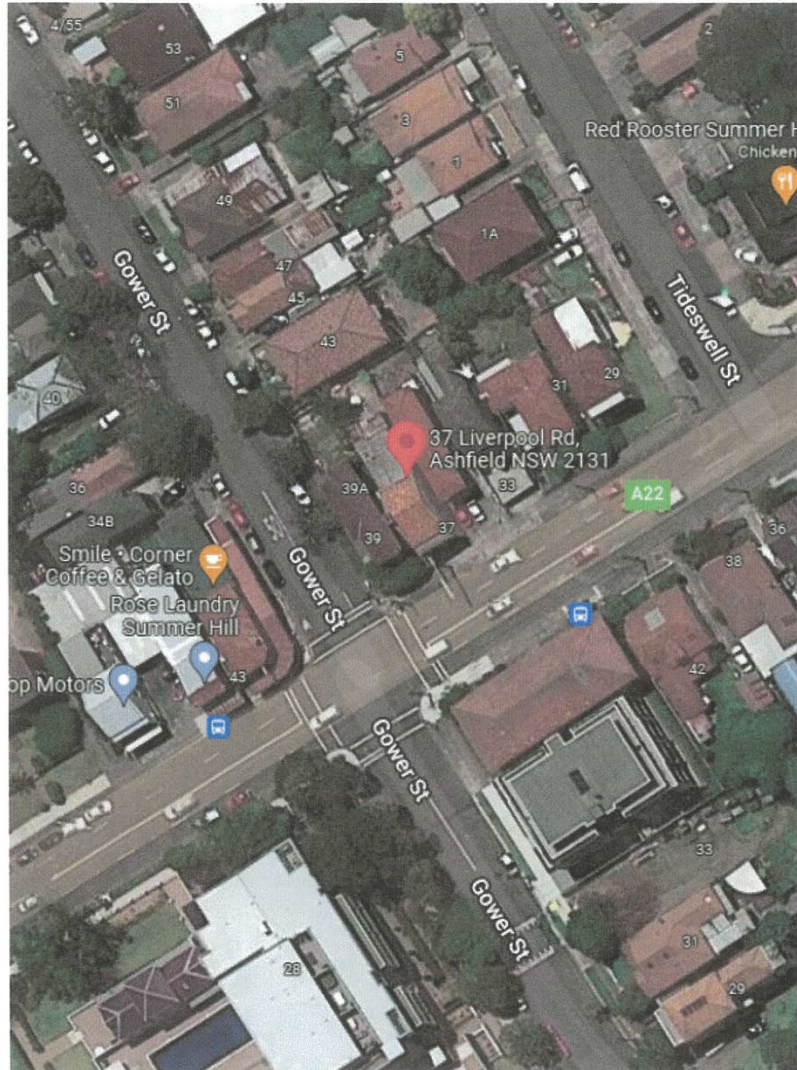
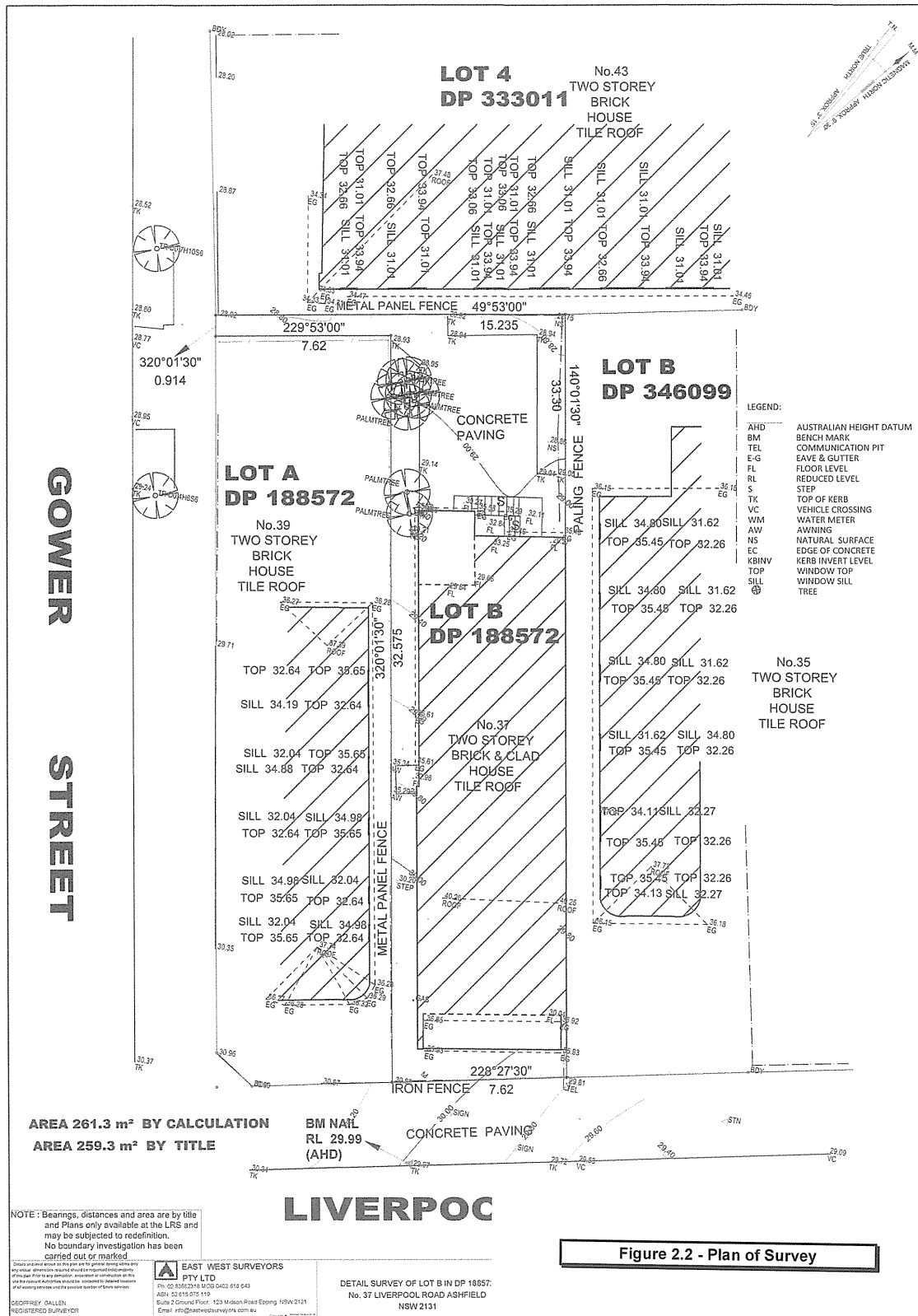


Figure 2.1 - Aerial Photograph

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### 3. PLANNING FRAMEWORK

The site is subject to two land use zones with the frontage to Liverpool Road zoned SP2 Infrastructure and the major portion of the site zoned R3 Medium Density Residential under the Inner West LEP 2022 (IWLEP) (Figure 3.1).

The objectives and permissible uses in the R3 zone 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.
- To encourage residential development that results in appropriate amenity for a medium density residential area.

##### **2 Permitted without consent**

Home occupations

##### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

##### **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

The objectives and permissible uses in the SP2 zone are:

#### **Zone SP2 Infrastructure**

##### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

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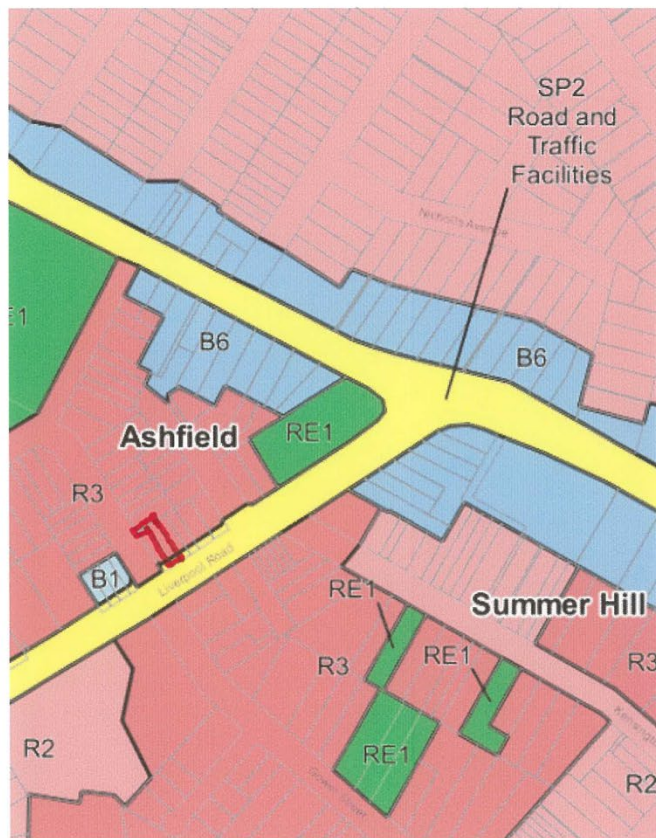


Figure 3.1 - Extract from Zoning Map  
IWLEP 2022

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- To protect and provide for land used for community purposes.
- To provide for public, community and social infrastructure.

## 2 Permitted without consent

Nil

## 3 Permitted with consent

Aquaculture; Environmental protection works; Recreation areas; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

## 4 Prohibited

Any development not specified in item 2 or 3

"Co-living Housing" is permissible with consent in the R3 zone.

In respect to the SP2 zoned land, Transport for NSW, by letter dated 20 September 2022, states:

" In this regard, reinstating the front balcony and restoring the façade would be a 'minor' addition and thus allowable within the above parameters. Therefore, TfNSW raises no objections to the development". A copy of the letter is at **Appendix 2**.

The site is subject to a 12.5 metre building height control under Clause 4.3 of the IWLEP (Figure 3.2).

The site is subject to a floor space ratio control of 0.7:1 under Clause 4.4 of the IWLEP (Figure 3.3). However, clause 68(2)(a) of SEPP (Housing) 2021 provides for an additional 10% of the maximum permissible floor space for co-living housing purposes, thereby the applicable maximum floor space ratio for the site zoned R3 is 0.77:1.

The existing building on the site has a gross floor area of 247.3m<sup>2</sup> and a floor space ratio of 0.946:1. The area of the existing building within the R3 zone has a gross floor area of 208.5m<sup>2</sup> and a floor space ratio of 0.953:1. The existing building and proposed development do not comply with the FSR development standard despite the proposal reducing the gross floor area of the premises by 16m<sup>2</sup> and the floor space ratio reducing to 0.88:1 (whole site) and 0.928:1 (R3 zone).

Accordingly, a clause 4.6 submission has been prepared to address the contravention of the standard and is at Section 5.2 of this report.

Clause 5.3 – Development near zone boundaries is relevant to the proposed development, namely:

### 5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 25m.

(3) This clause does not apply to—

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Figure 3.2 - Extract from Building Heights Map IWLEP 2022

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Figure 3.3 - Extract from FSR Map IWLEP 2022



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(a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or

(b) land within the coastal zone, or

(c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) This clause does not prescribe a development standard that may be varied under this Plan.

The site is listed as a heritage item under Schedule 5 of the IWLEP (Item 254) (Figure 3.4), therefore the provisions under Clause 5.10 are relevant.

The provisions under SEPP (Housing) 2021 (Part 3 – Co-living housing) apply to this development application.

The provisions in the Inner West Comprehensive DCP 2016 also apply to the site.

An assessment of the proposal against the relevant planning controls embodied in the abovementioned planning instruments is addressed in Section 5.1 of this report.

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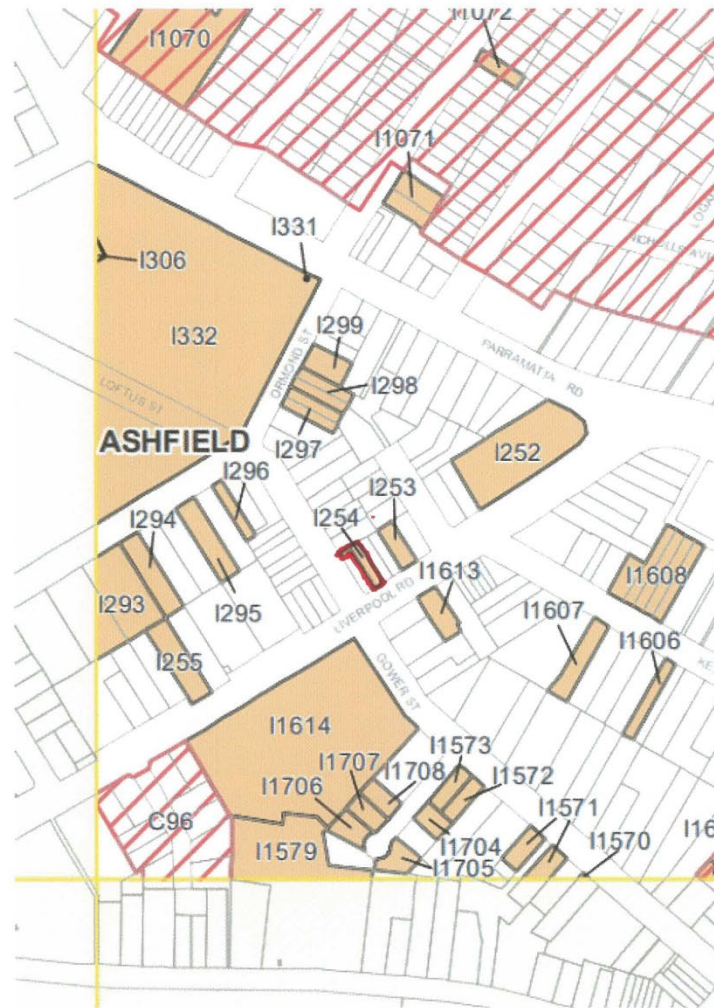


Figure 3.4 – Extract from Heritage Map IWLEP2022

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#### 4. PROPOSED DEVELOPMENT

The development application seeks consent for the use of the premises at 37 Liverpool Road Ashfield for the purpose of Co-living housing in accordance with the provisions embodied in Part 3 of SEPP (Housing) 2021. The proposal includes alterations and additions to an existing freestanding 2-storey terrace house to provide seven (7) rooms (4 double rooms and 3 single rooms) and communal living areas on the ground floor level.

The existing layout of the premises is detailed in Drawing No. AR-4 prepared by NK Architect at **Appendix 3**.

The proposed development involves demolition works (external and internal) to the premises, including removal of first floor enclosed balcony and external staircases (2), as detailed in Drawing No's AR-5 and AR-6 prepared by NK Architect at **Appendix 4**.

The proposed alterations and additions comprise the following works:

##### **On the ground floor level:**

Entry, entry hallway, Room 1 (double) with ensuite and kitchenette, Room 2 (double) with accessible bathroom and kitchenette, stairs to first floor and communal living room with bathroom facilities. Communal laundry facilities are located under a covered verandah, off the communal living room.

Seven (7) bicycle racks are provided in the outdoor communal area.

##### **On the first-floor level:**

Room 3 (double) with ensuite and kitchenette, Room 4 (double) with ensuite and kitchenette, stairs to ground floor, Room 5 (single occupancy) with ensuite and kitchenette, Room 6 (single occupancy) with ensuite and kitchenette and Room 7 (single occupancy) with ensuite and kitchenette. Room 3 has access to the first-floor balcony.

Plans, elevations and sections of the proposed development prepared by NK Architect are at **Appendix 5**.

The proposed room sizes, excluding floor area for kitchen and bathroom facilities are as follows:

Room 1 – 16.87m<sup>2</sup>  
Room 2 – 20.01m<sup>2</sup>  
Room 3 – 21.58m<sup>2</sup>  
Room 4 – 20.52m<sup>2</sup>  
Room 5 – 12.03m<sup>2</sup>  
Room 6 – 12.01m<sup>2</sup>  
Room 7 – 13.84m<sup>2</sup>  
Communal living room – 39.52m<sup>2</sup>

The gross floor areas for the building, existing and proposed, are detailed as follows:

Site Area – 261.3m<sup>2</sup>  
SP2 zoned land – 42.68m<sup>2</sup>  
R3 zoned land – 218.62m<sup>2</sup>  
Existing GFA whole site – 247.3m<sup>2</sup>  
Existing GFA R3 zoned land – 208.5m<sup>2</sup> (FSR 0.946:1)  
Existing GFA SP2 zoned land – 38.8m<sup>2</sup>

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Proposed GFA whole site – 231.3m<sup>2</sup> (0.88:1)  
Proposed GFA R3 zoned land – 203m<sup>2</sup> (FSR 0.928:1)  
Proposed GFA SP2 zoned land – 28.3m<sup>2</sup>

Hourly shadow diagrams for mid-winter prepared by NK Architect are at **Appendix 6**.

A Plan of Management for the Co-living housing development is at **Appendix 7**.

A Waste Management Plan is at **Appendix 8**.

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## 5. KEY PLANNING CONSIDERATIONS

### 5.1 Compliance Assessment

#### *Inner West LEP 2022*

The site falls within two (2) zones under the Inner West LEP 2022 (IWLEP), namely:

- SP2 Infrastructure zone – for frontage to Liverpool Road and to a depth of approximately 5.4 metres;
- R3 Medium Density Residential zone for the remainder of the site.

*Co-living housing* development is permissible with consent in the R3 zone.

In respect to the SP2 zoned land, Transport for NSW, by letter dated 20 September 2022, states:

*" In this regard, reinstating the front balcony and restoring the façade would be a 'minor' addition and thus allowable within the above parameters. **Therefore, TfNSW raises no objections to the development**".* A copy of the letter is at **Appendix 2**.

The existing building achieves a height of 10.2 metres thereby complying with the 12.5 metre building height development standard applying to the site under clause 4.3 of the IWLEP.

Clause 4.4 of the IWLEP provides for a maximum floor space ratio of 0.7:1 on that part of the site zoned R3.

Clause 68(2)(a) of SEPP (Housing) 2021 provides for an additional 10% of the maximum permissible floor space for co-living housing purposes, thereby the applicable maximum floor space ratio for the site zoned R3 is 0.77:1 which represents a total of 168.3m<sup>2</sup> of floor area.

The existing building on the site has a gross floor area of 247.3m<sup>2</sup> and a floor space ratio of 0.946:1. The area of the existing building within the R3 zone has a gross floor area of 208.5m<sup>2</sup> and a floor space ratio of 0.953:1. The existing building and proposed development do not comply with the FSR development standard despite the proposal reducing the gross floor area of the premises by 16m<sup>2</sup> and the floor space ratio reducing to 0.88:1 (whole site) and 0.928:1 (R3 zone).

A clause 4.6 submission justifying the existing and proposed developments contravention of the 0.77:1 development standard is at Section 5.2 of this report.

Clause 5.3 – Development near zone boundaries is relevant as it enables the use of the building within the SP2 zone to reflect a permissible use within the adjoining R3 zone which *"would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses of the adjoining zone"* as set out in the objective in clause 5.3(1). Given that Transport for NSW has advised in writing that it has no objection to the proposed development it is considered that the proposal satisfies the requirements under clause 5.3(4) of the IWLEP.

Clause 5.10 of the IWLEP is relevant as the site is listed in Schedule 5 as a heritage item (Item 254). Ruth Daniell, Heritage Architect, has prepared two (2) reports addressing relevant heritage considerations for the proposed development, namely:

*Conservation Schedule of Works – Exterior Works and Exterior Colour Scheme*, dated October 2022; and

*Conservation Schedule of Works – Interior Conservation Works*, dated October 2022.

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Statement of Environmental Effects- Co-Living Housing 10

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Both reports have been lodged with the development application under separate cover and are considered to satisfy the requirements under clause 5.10.

**SEPP (Housing) 2021**

Clause 68(2) sets out the non-discretionary standards for co-living housing, namely:

(2)(c) – requires a minimum communal living area of 32m<sup>2</sup> (for 7 rooms) with a minimum dimension of 3 metres; the proposed development provides 39.52m<sup>2</sup> with a minimum dimension of 6 metres – complies.

(2)(d)(i) – requires 20% of site area (43.72m<sup>2</sup>) for communal open space with a minimum dimension of 3 metres; the proposed development provides 73.82m<sup>2</sup> communal open space excluding the area for bike storage and waste collection and land with a minimum dimension of 3 metres -complies.

2(e)(i) – 0.2 parking spaces per room; proposal has 7 rooms thereby 2 car spaces required. No off-street carparking is possible on the site and to achieve compliance would require the demolition of the listed heritage item and the concurrence of the Transport for NSW for access off Liverpool Road, a State Road. Council has established precedents in not requiring off-street parking for co-living housing where it is located on public transport (bus) routes such as Liverpool Road and Parramatta Road.

2(f) – requires 35% of site area for landscaped area with a minimum width of 2 metres which represents 76.5m<sup>2</sup>; the existing and proposed development achieves a landscaped area of 73.82m<sup>2</sup> with a minimum dimension of 2 metres, which is considered reasonable given that there is no change proposed to the existing building footprint.

Clause 69(1) and (2) set out the standards for co-living housing, namely:

(1)(a) – minimum room sizes comply – 3 single occupancy rooms and 4 double rooms.

(1)(b) – existing portion of allotment zoned R3 is 218.62m<sup>2</sup> – does not comply with 800m<sup>2</sup> required in R3 zone; discretion sought as existing premises have longstanding use as guest house and residential building.

(1)(c),(d) and (e) – not applicable to application.

(1)(f) – each room has ensuite and kitchenette facilities; communal laundry and bathroom facilities provided on ground floor level – complies.

(1)(g) – satisfied as detailed in Plan of Management at **Appendix 7**.

(1)(h) – seven (7) bike storage racks provided – complies. Access to the site for motorcycles not possible.

(2)(a) – existing building does not satisfy the setback requirements for multi-dwelling housing in the R3 zone.

(2)(b) – not applicable.

(2)(c) – communal living area receives more than 3 hours of direct solar access in mid-winter as evidenced by shadow diagrams at **Appendix 6**.

(2)(f) - removal of enclosed first floor balcony and proposed conservation works detailed in reports by Ruth Daniell will enhance the heritage and streetscape values of the listed heritage item – complies.

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Statement of Environmental Effects- Co-Living Housing 11

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### **Inner West Comprehensive DCP 2016**

The controls and guidelines in Part 6 Boarding Houses and Student Accommodation under Chapter F of the Inner West DCP 2016 apply to boarding houses under the SEPP (Housing) 2021 not to co-living housing. However, the Plan of management at Appendix 7 satisfies the requirements under PC6.

The proposed use of the existing freestanding terrace house for co-living housing complies with the relevant planning instruments as detailed above.

### **5.2 Clause 4.6 submission – Floor space ratio**

This written request under Clause 4.6 of the Inner West LEP 2022 (IWLEP) has been prepared to address the non-compliance with the 0.77:1 floor space ratio development standard under Clause 4.4 of the IWLEP and clause 68(2)(a) of SEPP(Housing)2021.

### **Clause 4.6 of Inner West LEP 2022**

Clause 4.6 of the Inner West LEP 2022 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.*

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- (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.
- 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,
  - (ca) clause 6.27(4),
  - (cb) clause 6.28,
  - (cc) clause 6.29,
  - (cd) clause 6.31"

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**

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 seeks consent for the use of the existing premises for co-living 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 includes one (1) accessible room on the ground floor (Room 2).

The proposed development is wholly contained within the existing building footprint and envelope and will reduce existing gross floor area of the building and FSR through the removal of the enclosure of the first-floor balcony.

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.

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The existing building on the site has a gross floor area of 247.3m<sup>2</sup> and an FSR of 0.946:1; the portion of the site zoned R3 has a GFA of 208.5m<sup>2</sup> and an FSR of 0.953:1. Thus the existing building contravenes the 0.77:1 permissible under the SEPP.

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 Inner West LEP 2022, being an area of the site of 42.68m<sup>2</sup> and floor area of 38.8m<sup>2</sup>.

With the exclusion of the SP2 zoned land, the following are the details of the site and proposed co-living housing, namely:

Site area within R3 zone:	218.62m <sup>2</sup>
Existing floor area in R3 zone:	208.5m <sup>2</sup>
Existing floor space ratio in R3 zone:	0.953:1
Proposed floor area in R3 zone:	203m <sup>2</sup>
Proposed floor space ratio in R3 zone:	0.928:1

The Calculations Plan is at Drawing AR-2 at **Appendix 5**.

Accordingly, as the existing and proposed building on the site 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 Inner West LEP 2022 are:-

#### **4.4 Floor space ratio**

- (1) *The objectives of this clause are as follows—*
  - (a) *to establish a maximum floor space ratio to enable appropriate development density,*
  - (b) *to ensure development density reflects its locality,*
  - (c) *to provide an appropriate transition between development of different densities,*

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(d) to minimise adverse impacts on local amenity,

(e) to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.

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

Objective 1(b) is satisfied as the proposal co-living housing use is wholly contained within the existing building footprint and existing building envelope, thereby maintaining the existing bulk and scale of the freestanding 2-storey terrace house which is consistent with the 2-storey residential flat buildings adjoining the subject site to the north, south and west.

Objective 1(c) is satisfied as the existing and proposed building is not proximate to a zone of a lower residential density and is consistent in height, bulk and scale of adjoining buildings in the R3 zone.

Objective 1(d) is satisfied as the proposed development will not introduce any adverse amenity impacts in terms of overshadowing as there is no change to the existing building footprint and envelope. In terms of overlooking the removal of the existing external stairs to the first floor at the side boundary to No.39 and at the rear of the building will improve the amenity of the residential flat building at 39 Liverpool Road.

Objective 1(e) is satisfied as the existing palm trees in the rear yard will be retained and the general enjoyment of the property will be enhanced by the removal of the enclosure of the first-floor balcony and the proposed external conservation works to the building consistent with its listing as a heritage item under the IWLEP.

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 IWLEP 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 freestanding Victorian terrace house which would be an unreasonable impost on the owner of the site and contrary to good planning and heritage practice.
- The proposed use of the existing building for co-living housing and the associated conservation works and internal alterations will result in a reduction in the gross floor area of the premises by 16m<sup>2</sup> (247.3m<sup>2</sup> to 231.3m<sup>2</sup>) and floor space ratio from 0.946:1 to 0.88:1. The reduction in floor area and FSR for the whole of the building is relevant as the perception of bulk and scale relates to the view of the whole of the building not part of the building.
- As the proposed co-living housing use is located wholly within the existing building footprint and envelope the non-complying elements of FSR do not introduce any new amenity issues related to bulk and scale. The removal of the enclosed balcony will improve heritage values and the removal of external staircases will improve the amenity for the residential flat building at 39 Liverpool Road.

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- The removal of the structures enclosing the first-floor front balcony and proposed conservation works 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 will provide high quality self-contained co-living housing accommodation for up to 11 boarders with room sizes and communal living areas compliant with the requirements under SEPP (Housing) 2021.
- The Transport for NSW have indicated in writing that it has no objection to the proposed development in the context of the SP2 zoning.

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 IWLEP, 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 freestanding Victorian terrace house already exceeds the floor space ratio standard applying to the site and the proposal does not propose any additional floor area to the premises. Rather, the proposal reduces the gross floor area and floor space ratio of the whole building including that part within the R3 zone thereby reducing the extent of non-compliance with the development standard. The opening up the first-floor balcony and proposed external and internal conservation works will improve the heritage values of the heritage-listed building under the IWLEP.

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 IWLEP and thereby is consistent with the objectives of the floor space ratio standard.

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

**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.

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- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage residential development that results in appropriate amenity for a medium density residential area.*

The proposal is consistent with the relevant objectives of the R3 zone through:-

- providing self-contained co-living 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-living housing accommodation to satisfy the demand for high quality self-contained semi-transient lodgings for persons within the Ashfield locality;
- improving the heritage values of the freestanding Victorian terrace house through the removal of the enclosed first-floor balcony and undertaking external and internal conservation works; and
- improving the amenity environment for the residential flat building at 39 Liverpool Road through the removal of external stairs as part of the proposal.

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 proposed development 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 Inner West LEP 2022.

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

**5.3 Impact on Adjoining Properties**

The subject site is adjoined by three 2-storey residential flat buildings, namely:

35 Liverpool Road  
39 Liverpool Road  
43 Gower Street

As detailed in *Figure 5.1*.

**35 Liverpool Road** – a 2-storey residential flat building located to the north-east of subject site. The proposed use of the existing building for co-living housing will not introduce any adverse amenity impacts in terms of overshadowing and overlooking.

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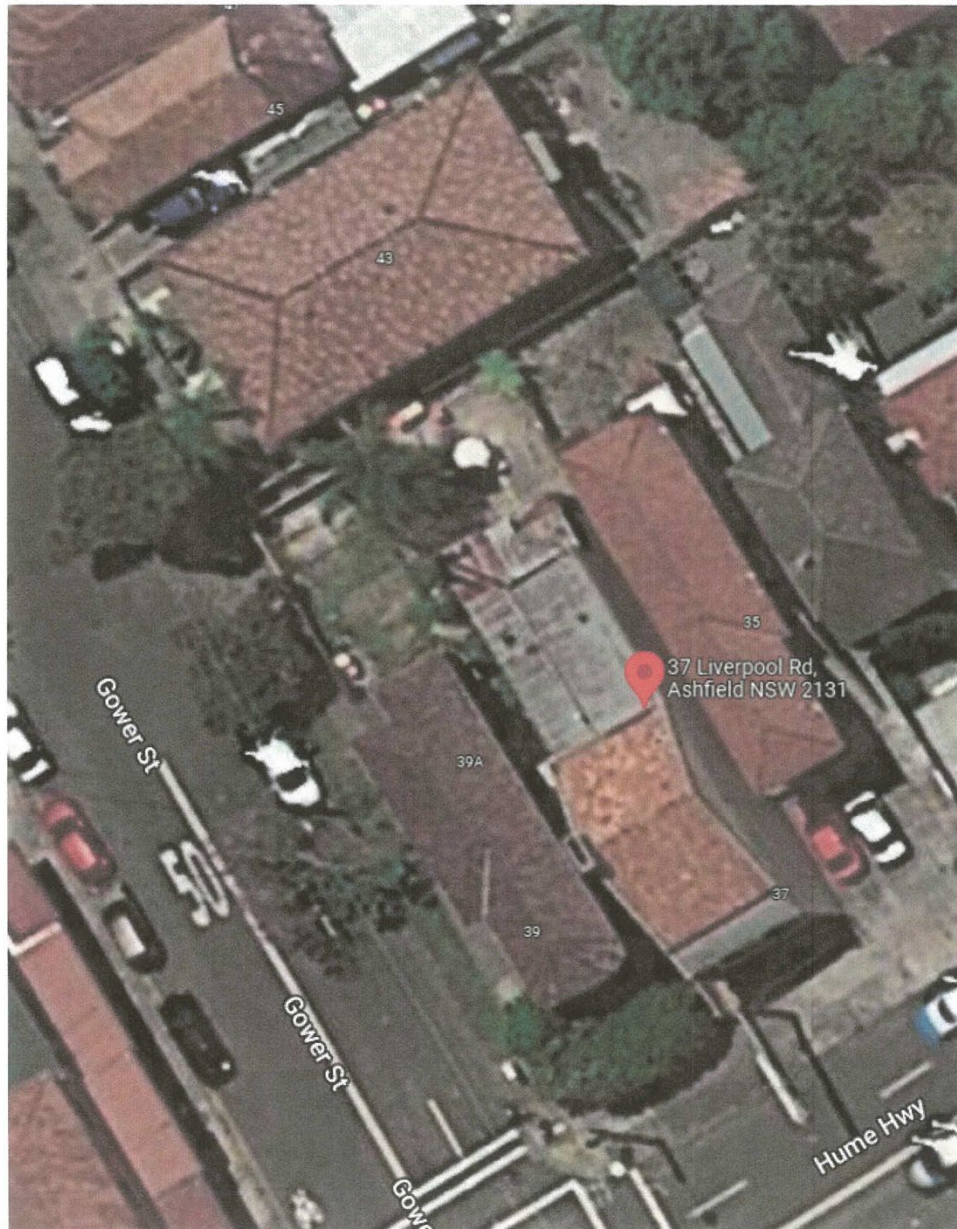


Figure 5.1 - Aerial Photograph showing adjoining properties

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**39 Liverpool Road** – a 2-storey inter-war period residential flat building located south-west of subject site will have no change in amenity in terms of overshadowing and will have an improvement in terms of privacy through the removal of the existing external stairs.

**43 Gower Street** – a 2-storey inter-war period residential flat building located north-west of the subject site will not be impacted in terms of amenity considerations by the proposed use given the existing physical separation of the buildings (over 10 metres).

The proposed development will not introduce any adverse amenity impacts on the adjoining properties.

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## 6. SECTION 4.15(1) EVALUATION

Section 4.15(1) of the Environmental Planning & Assessment Act 1979 specifies the matters which a consent authority must consider when determining a development application. The following is a summary assessment of the proposed development against the Matters for Consideration in Section 4.15(1) of the Act.

**(a)(i) The provisions of any environmental planning instrument.**

The site is zoned SP2 Infrastructure and R3 Medium Density Residential under the Inner West LEP 2022. The proposal satisfies the relevant provisions in the LEP, as detailed in Section 5.1 of this report except for the 0.77:1 floor space ratio standard under clause 4.4 of the LEP. Accordingly, a clause 4.6 submission has been prepared justifying the non-compliance and is considered well founded.

The provisions relating to Co-living housing under SEPP(Housing)2021 also apply and are addressed in Section 5.1 of this report.

**(a)(ii) The provisions of any draft environmental planning instrument.**

There are none.

**(a)(iii) Any development control plan.**

The proposal satisfies the relevant provisions under Inner West Comprehensive DCP 2016, as detailed in Section 5.1 of this report.

**(a)(iia) Any Planning Agreement or Draft Planning Agreement**

There are none.

**(a)(iv) Any matters prescribed by regulations.**

There are none.

**(a)(v) Any Coastal Zone Management Plan**

Not applicable.

**(b) Likely impacts of that development.**

The proposed use of the existing freestanding Victorian terrace house for co-living housing and associated conservation works and internal alterations will not have any adverse impacts on the amenity of adjoining residential properties, as detailed in Section 5.3 of this report.

**(c) The suitability of the site for development.**

The location and envelope of the existing premises is ideal for the purpose of co-living housing with its proximity to public transport and facilities. The provision of affordable high-quality self-contained accommodation in Ashfield will be a positive contribution to the accommodation needs in the locality and the proposed conservation works to the premises will also make a contribution to the heritage and streetscape values in Ashfield. The proposal will not introduce any adverse amenity impacts on the public domain or adjoining residences.

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**(d) Submissions.**

None at this stage.

**(e) Public interest.**

The proposed co-living housing development and associated conservation works will provide much needed affordable accommodation in Ashfield. The conservation works associated with the proposed use will provide a positive contribution to the streetscape of Liverpool Road and the character of the locality consistent with the objectives of the R3 zone.

In this context approval of the proposed development is in the public interest.

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## 7. SUMMARY AND CONCLUSIONS

The proposed development seeks consent for the use of the existing freestanding 2-storey terrace house at 37 Liverpool Road Ashfield for co-living housing accommodation under the provisions of the SEPP (Housing) 2021.

The proposal satisfies the relevant planning controls applying to the site under the Inner West LEP 2022 and SEPP (Housing) 2021, except for the existing building contravening the floor space ratio standard under clause 4.4 of the LEP. The proposal reduces the extent of non-compliance. A clause 4.6 submission has been prepared and is well founded.

The proposed conservation works and internal alterations to the building associated with the proposed use will not have any adverse amenity impacts on the adjoining residential properties and will make a positive contribution to the heritage values of the locality.

For these reasons and for the reasons detailed in this report, the proposed development is strongly supported for approval by Council.

**Kerry Nash**  
**Director**  
**KN Planning Pty Limited**  
**14 December 2022**

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# *Appendix 1*



Photograph 1: Subject site, 37 Liverpool Road Ashfield



Photograph 2: Subject site, pedestrian access off Gower Street



Photograph 3: Subject site, stairs to first floor to be removed.



Photograph 4: 35 Liverpool Road, north-east of subject site



Photograph 5: 39 Liverpool Road, south-west of subject site



Photograph 6: 39 Liverpool Road, Gower Street frontage



Photograph 7: 43 Gower Street, north-west of subject site



Photograph 8: 44 Liverpool Street, opposite subject site

# *Appendix 2*

Transport for NSW

20 September 2022

TfNSW Reference: SYD22/00031/02  
Council Reference: D/2021/1336 (CNR-33976)

Mr Peter Gainsford  
General Manager  
Inner West Council  
PO Box 14  
Petersham NSW 2049

Attention: Ryan Lennox



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**ALTERATIONS AND ADDITIONS TO EXISTING BOARDING HOUSE TO FACILITATE CO-LIVING  
37 LIVERPOOL ROAD, ASHFIELD**

Dear Mr Gainsford,

Reference is made to the proponent's referral (**Attachment A**) dated 2 September 2022, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) in accordance with clause 118 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

TfNSW has reviewed the submission and notes the proponent have had issues with complying with Council conditions pertaining to prohibition of structures in the SP2 zone. TfNSW notes the works proposed are being carried out are internally and within the existing footprint of the existing terrace located on the site, there are no new extensions or additions in terms of build form. In terms of internal upgrades (kitchens, bathrooms, and general reconfiguration) are all clear of the boundary.

In addition, the only items that would fall under the SP2 zoning would be reinstating the front balcony and restoring the façade.

As such, TfNSW advises that on the area of land that is affected by a road proposal, the agency does not support the construction of any new buildings or substantial structures. However, TfNSW policy is that it would not object to normal maintenance and repairs, nor to minor alterations and additions within the property boundary.

In this regard, reinstating the front balcony and restoring the façade would be a 'minor' addition and thus allowable within the above parameters. Therefore, TfNSW and raises no objections to the development.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Hans Pilly Mootanah, Land Use Planner, on telephone 8849 2076 or by email at [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)

Yours sincerely,

A handwritten signature in black ink that reads "BEPegg".

**Brendan Pegg**  
Senior Manager Land Use Eastern  
Planning and Programs, Greater Sydney Division

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27-31 Argyle Street Parramatta NSW 2150  
PO Box 973 Parramatta CBD NSW 2124

OFFICIAL

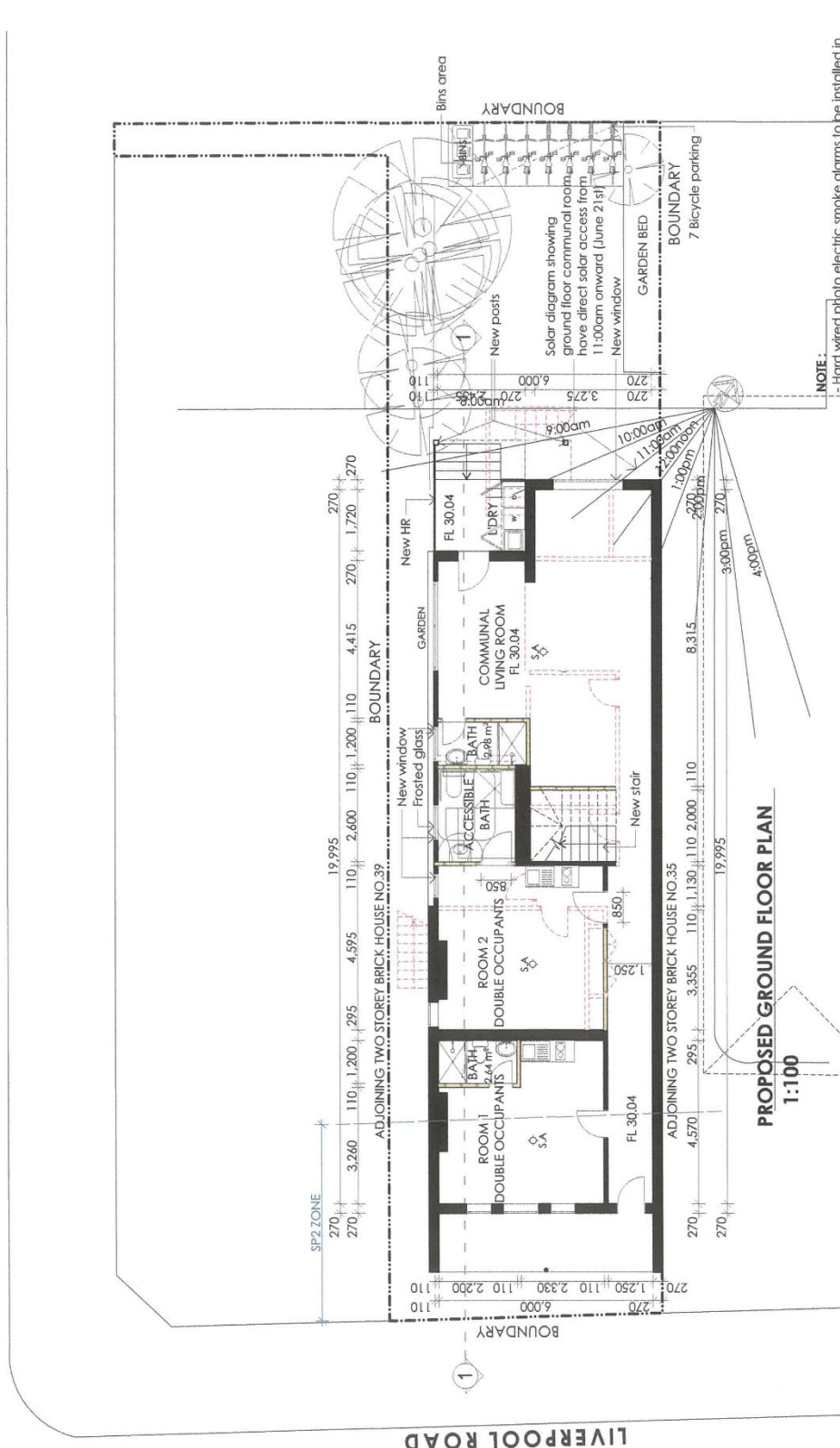
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# *Appendix 3*



# *Appendix 4*



PROPOSED GROUND FLOOR PLAN  
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

S.A. SMOKE ALARM SYSTEM S.A.A.

PROJECT: PROPOSED CO-LIVING HOUSE  
 AT: 37 LIVERPOOL RD., ASHFIELD  
 FOR: MR DEAN APPELGADE  
 DRAWING NO: 1204/2022  
 DATE: 12/04/2022  
 SCALE: 1:100 @ A3 Drawing number AR-5  
 PAGES: 5 of 13  
 DEVELOPMENT APPLICATION  
 For Date:

**PROJECT NOTES**

1. ALL DIMENSIONS UNLESS OTHERWISE STATED ARE IN METRES TO FACE UNLESS OTHERWISE STATED.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.  
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.  
 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.  
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 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.  
 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.  
 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.  
 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.  
 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.

**LEGEND**

Existing walls to remain  
 New brick walls  
 New brick veneer walls  
 New brick veneer walls  
 Existing to be demolished  
 New metal window, PTG  
 New metal window, PTG

**ARCHITECT**  
 ARCHITECTURAL DESIGN  
 71 JOHN ST. CROFTON NSW  
 NSW 1585  
 PHONE: 02 9339 8888  
 FAX: 02 9339 8888  
 NSW A.B.N. 7853

**DATE** 12/04/2022  
**ISSUE** PRELIMINARY  
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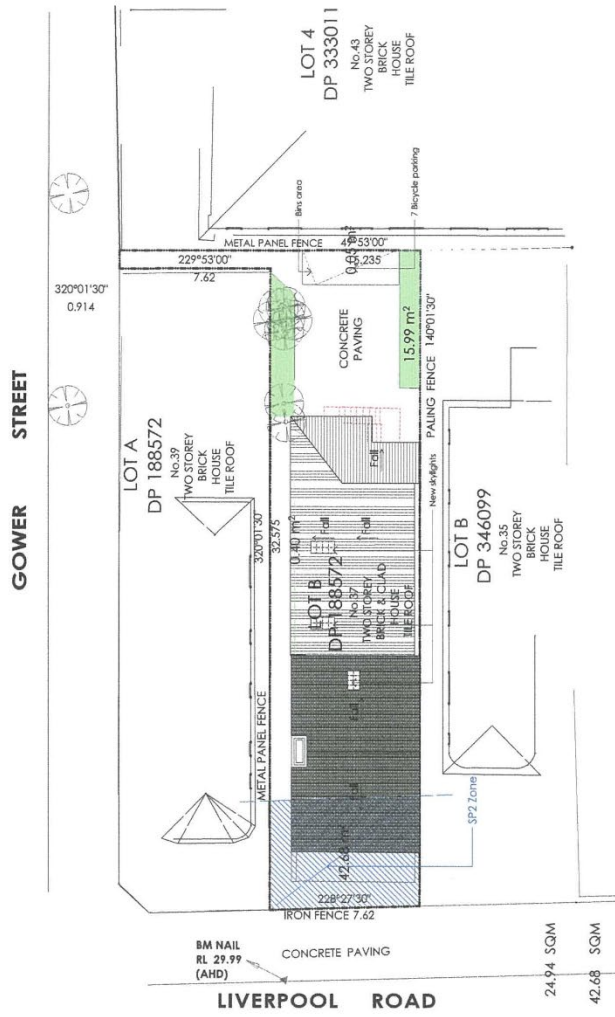


# *Appendix 5*

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



**SITE LOCATION**



**SITE PLAN  
1:200**

**37 LIVERPOOL RD. ASHFIELD**

<b>1 ROOMS AREA CALCULATION</b>	
TOTAL ROOMS AREA	156.4 SQM
TOTAL ROOMS AREA FOR WITHIN R3 ZONE:	131.46 SQM
TOTAL ROOM AREA WITHIN SP2 ZONE	
<b>2 GFA AREA CALCULATION</b>	
TOTAL SITE AREA:	261.3 SQM
TOTAL EXISTING FLOOR AREA:	218.62 SQM
TOTAL PROPOSED FLOOR AREA:	247.3 SQM
TOTAL 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
<b>PROPOSED COMMUNAL LIVING AREA :</b>	39.52 SQM
<b>PROPOSED NUMBER OF ROOM :</b>	7
<b>PROPOSED NUMBER OF BICYCLE PARKING :</b>	7
<b>EXISTING LANDSCAPED AREA</b>	15.99 SQM

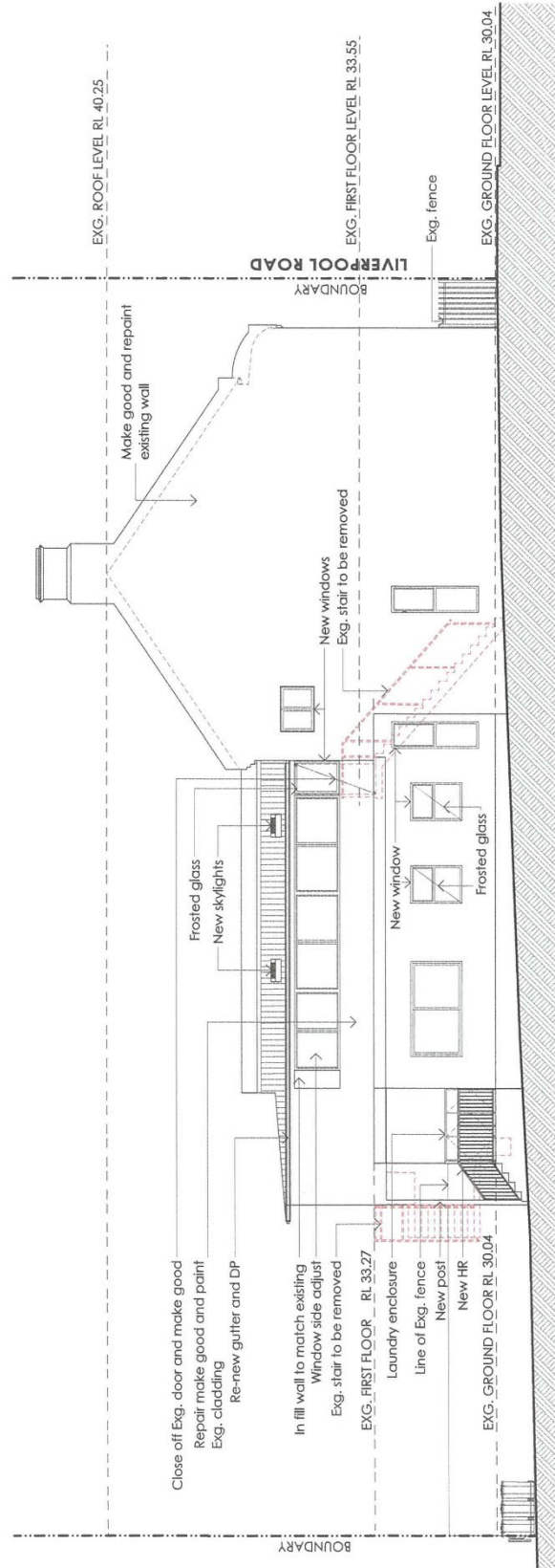
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<p><b>PROJECT: PROPOSED CO-LIVING HOUSE</b></p> <p><b>AT: 37 LIVERPOOL RD., ASHFIELD</b></p> <p><b>FOR: MR DEAN APPLEGATE</b></p> <p>FORMER NAME: SITE PLAN &amp; ROOF PLAN</p>		<p>Scale: 1:1,200 @ A3 Drawing number AB-1</p> <p>Date: 12/04/2022</p> <p>Pages: 1 of 13</p>
<p><b>ARCHITECT</b></p> <p><b>NC ARCHITECTURAL DESIGN</b></p> <p>74 JOHN ST. CHERRYBROOK NSW</p> <p>MOBILE: 0400 303 348</p> <p>NSW AFB: 7853</p>		<p><b>DEVELOPMENT APPLICATION</b></p> <p>12/04/2022 PRELIMINARY N</p> <p>DATE ISSUE DRAWN BY</p>
<p><b>LEGEND</b></p> <p>RELATIVE LEVELS: AS PER THE PROPOSED DEVELOPMENT</p> <p>ALL: AS PER THE PROPOSED DEVELOPMENT</p> <p>EXISTING: AS PER THE PROPOSED DEVELOPMENT</p> <p>NEW: AS PER THE PROPOSED DEVELOPMENT</p> <p>PROPOSED: AS PER THE PROPOSED DEVELOPMENT</p> <p>EXISTING: AS PER THE PROPOSED DEVELOPMENT</p> <p>NEW: AS PER THE PROPOSED DEVELOPMENT</p> <p>PROPOSED: AS PER THE PROPOSED DEVELOPMENT</p> <p>EXISTING: AS PER THE PROPOSED DEVELOPMENT</p> <p>NEW: AS PER THE PROPOSED DEVELOPMENT</p> <p>PROPOSED: AS PER THE PROPOSED DEVELOPMENT</p> <p>EXISTING: AS PER THE PROPOSED DEVELOPMENT</p> <p>NEW: AS PER THE PROPOSED DEVELOPMENT</p> <p>PROPOSED: AS PER THE PROPOSED DEVELOPMENT</p> <p>EXISTING: AS PER THE PROPOSED DEVELOPMENT</p> <p>NEW: AS PER THE PROPOSED DEVELOPMENT</p>		
<p><b>PROJECT NOTES</b></p> <p>1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL REGULATIONS AND THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS.</p> <p>2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL REGULATIONS AND THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS.</p> <p>3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL REGULATIONS AND THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS.</p> <p>4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL REGULATIONS AND THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS.</p> <p>5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL REGULATIONS AND THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS.</p> <p>6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL REGULATIONS AND THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS.</p> <p>7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL REGULATIONS AND THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS.</p> <p>8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL REGULATIONS AND THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS.</p> <p>9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL REGULATIONS AND THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS.</p> <p>10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL REGULATIONS AND THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS.</p>		





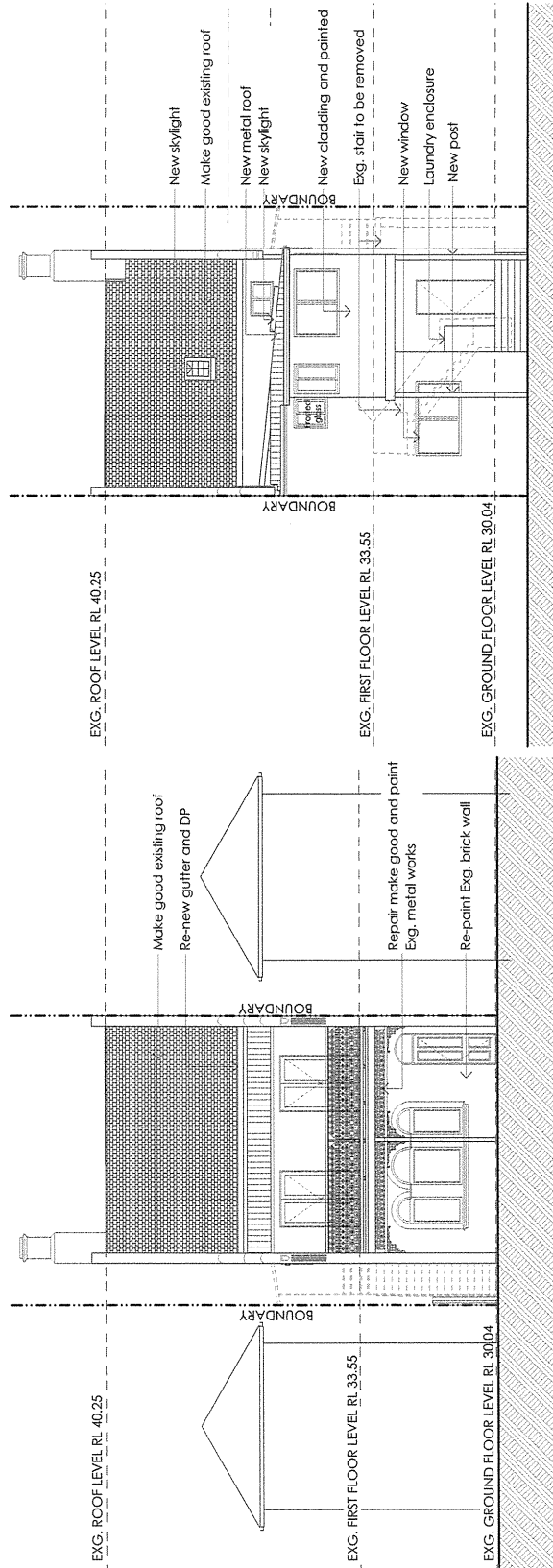




Document Set ID: 37721251  
Version: 1, Version Date: 14/05/2023

<p><b>PROJECT: PROPOSED CO-LIVING HOUSE</b>  <b>AT: 37 LIVERPOOL RD., ASHFIELD</b>  <b>FOR: MR DEAN APPLAGATE</b></p>		<p>Scale: 1:100 @ A3 Drawing number: AR-7                  Date: 12/04/2022 Pages: 7 of 13                  DEVELOPMENT APPLICATION                  For Date: 12/04/2022</p>
<p><b>ARCHITECT</b>                  ARCHITECTURAL DESIGN                  71 JOHN ST. CHADDON, NSW                  MOBILE: 0400 307 868                  NSW AIB: 783</p>		<p>DATE: 12/04/2022 ISSUE: PRELIMINARY                  DRAWN BY: N                  CHECKED BY: N</p>
<p><b>PROJECT NOTES</b></p> <p>1. TO BE SCALE DRAWING, UNLESS INDICATED OTHERWISE.                  2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.                  3. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.                  4. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.                  5. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.                  6. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.                  7. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.                  8. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.                  9. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.                  10. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.</p>		
<p><b>LEGEND</b></p> <p>Existing work to remain                  New brick wall                  New brick veneer wall                  New HR                  New post                  Existing to be demolished                  To be demolished</p>		





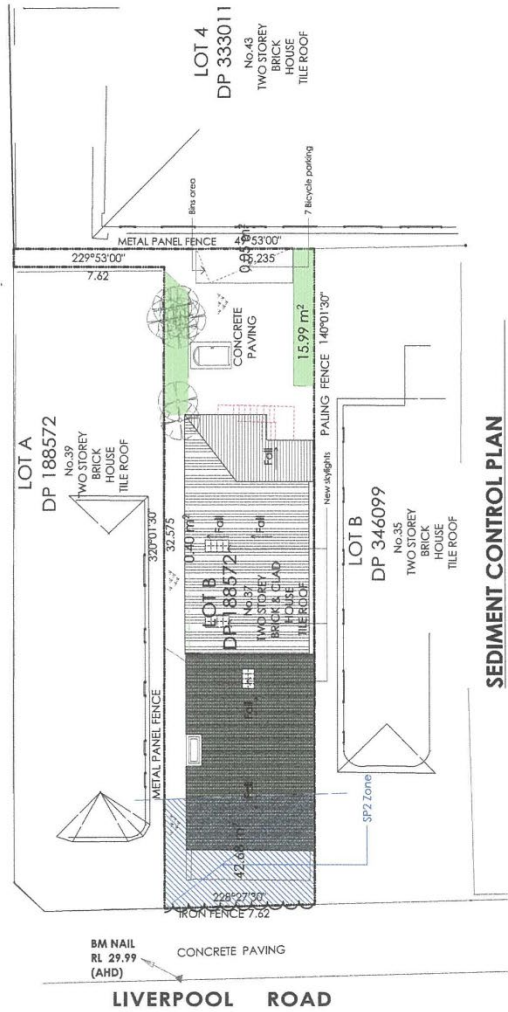
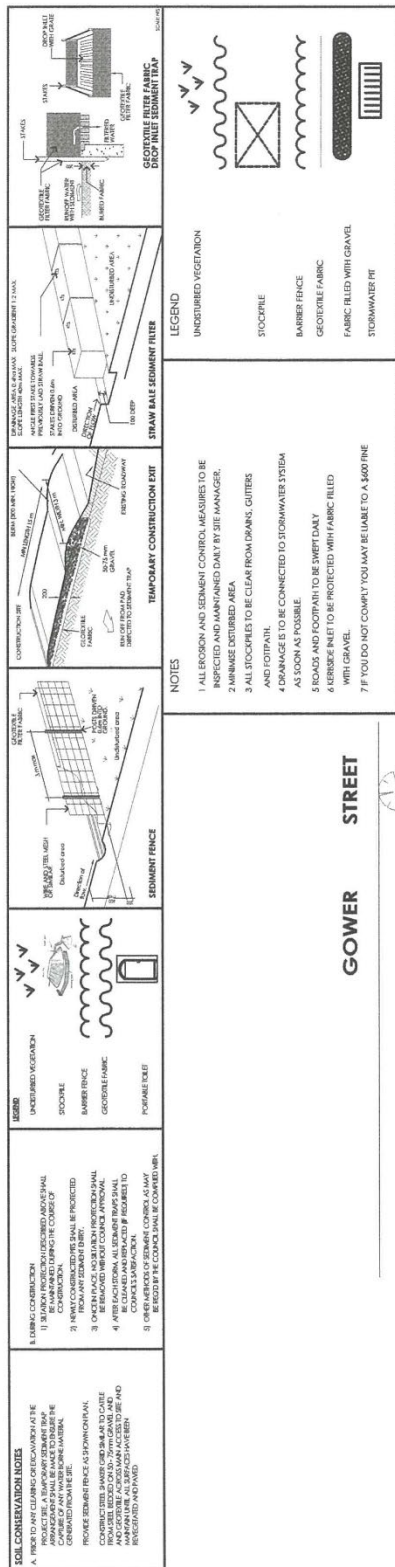
**NORTH ELEVATION**  
1:100

**SOUTH ELEVATION**  
1:100 (LIVERPOOL ROAD)

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Version: 1, Version Date: 14/05/2023

<p><b>PROJECT NOTES</b></p> <p>1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016.</p> <p>2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NSW DEVELOPMENT CONTROL REGULATIONS 2008 AND THE NSW DEVELOPMENT ACT 1993.</p> <p>3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NSW LOCAL GOVERNMENT ACT 1995 AND THE NSW LOCAL GOVERNMENT REGULATIONS 2009.</p> <p>4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NSW ENVIRONMENTAL PLANNING AND CONTROL ACT 1979 AND THE NSW ENVIRONMENTAL PLANNING AND CONTROL REGULATIONS 2008.</p> <p>5. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NSW PLANNING AND DEVELOPMENT ACT 2015 AND THE NSW PLANNING AND DEVELOPMENT REGULATIONS 2016.</p> <p>6. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NSW PLANNING AND DEVELOPMENT ACT 2015 AND THE NSW PLANNING AND DEVELOPMENT REGULATIONS 2016.</p> <p>7. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NSW PLANNING AND DEVELOPMENT ACT 2015 AND THE NSW PLANNING AND DEVELOPMENT REGULATIONS 2016.</p> <p>8. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NSW PLANNING AND DEVELOPMENT ACT 2015 AND THE NSW PLANNING AND DEVELOPMENT REGULATIONS 2016.</p> <p>9. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NSW PLANNING AND DEVELOPMENT ACT 2015 AND THE NSW PLANNING AND DEVELOPMENT REGULATIONS 2016.</p> <p>10. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NSW PLANNING AND DEVELOPMENT ACT 2015 AND THE NSW PLANNING AND DEVELOPMENT REGULATIONS 2016.</p>		<p><b>LEGEND</b></p> <p>--- Existing wall, to remain</p> <p>--- New brick wall</p> <p>--- New brick veneer wall</p> <p>--- Existing to be demolished</p>		<p><b>ARCHITECT</b></p> <p><b>NC ARCHITECT</b></p> <p>ARCHITECTURAL DESIGN</p> <p>74 JOHN ST. CHERRYBROOK, NSW</p> <p>MOBILE: 0800 807 1206</p> <p>NSW ABR: 7453</p>		<p><b>PROJECT: PROPOSED CO-LIVING HOUSE</b></p> <p><b>AT: 37 LIVERPOOL RD, ASHFIELD</b></p> <p><b>FOR: MR DEAN APPELGAATE</b></p> <p>ELEVATIONS</p>		<p>Scale: 1:100</p> <p>Drawn: 12/04/2022</p> <p>Pages: 9 of 13</p> <p>Drawn: 12/04/2022</p> <p>Pages: 9 of 13</p> <p>Scale: 1:100</p> <p>Drawn: 12/04/2022</p> <p>Pages: 9 of 13</p>	
<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p>		<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p>		<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p>		<p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p> <p>DATE: 12/04/2022</p> <p>ISSUE: PRELIMINARY</p>			

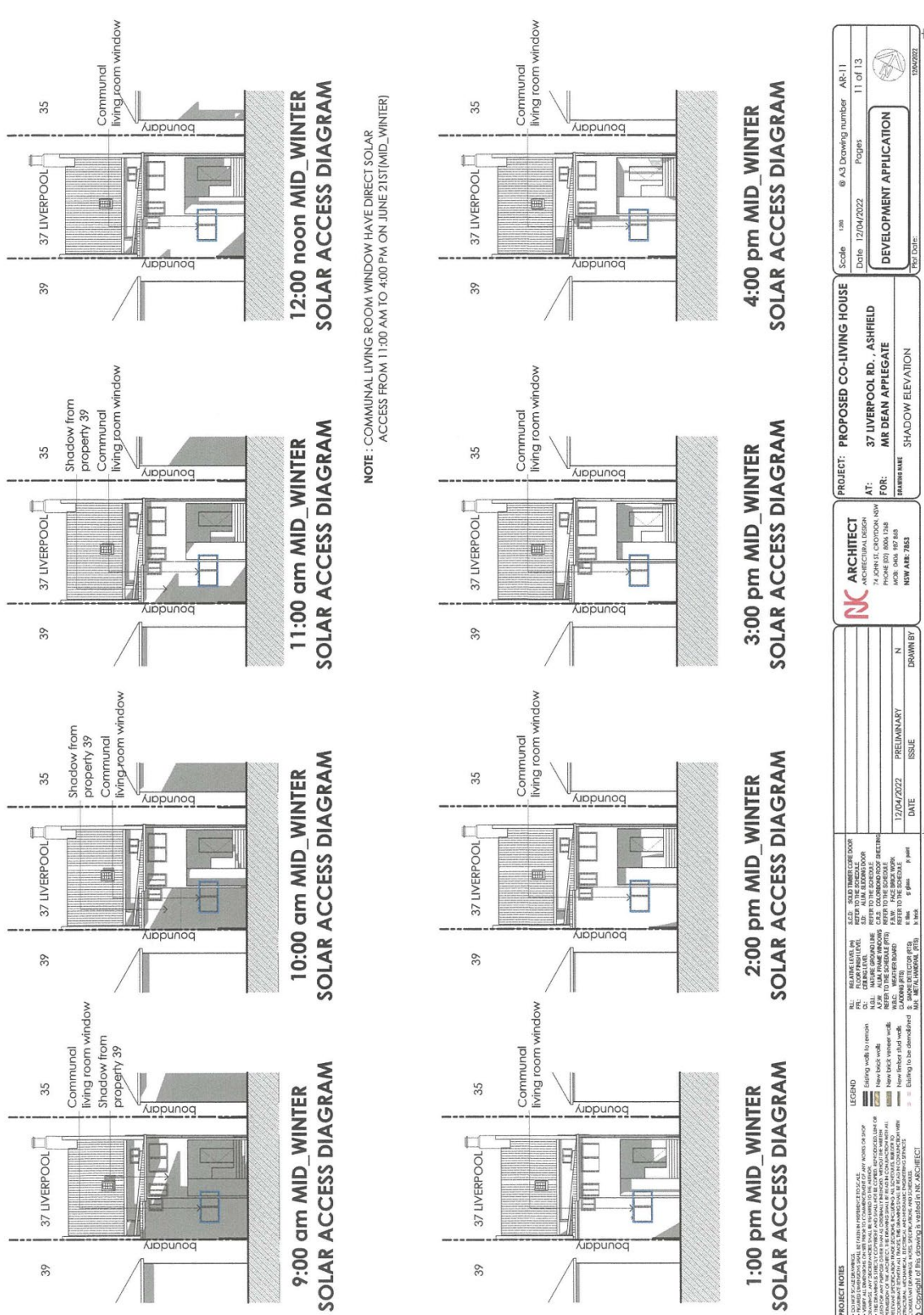




<p><b>PROJECT NOTES</b></p> <p>1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2012.</p> <p>2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2012.</p> <p>3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2012.</p> <p>4. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2012.</p> <p>5. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2012.</p>	
<p><b>LEGEND</b></p> <p>UNDISTURBED VEGETATION</p> <p>STOCKPILE</p> <p>BARBER FENCE</p> <p>GEOTEXTILE FABRIC</p> <p>FABRIC FILLED WITH GRAVEL</p> <p>STORMWATER PIT</p>	
<p><b>NOTES</b></p> <ol style="list-style-type: none"> <li>ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSTALLED AND MAINTAINED DAILY BY SITE MANAGER.</li> <li>MANAGE NOTIFIED AREA.</li> <li>ALL STOCKPILES TO BE CLEAR FROM DRAINS, GUTTERS AND DRAINAGE.</li> <li>DRAINAGE IS TO BE CONNECTED TO STORMWATER SYSTEM AS SOON AS POSSIBLE.</li> <li>ROADS AND FOOTPATHS TO BE SWEEPED DAILY.</li> <li>EROSION NETS TO BE PROTECTED WITH FABRIC FILLED WITH GRAVEL.</li> <li>IF YOU DO NOT COMPLY YOU MAY BE LIABLE TO A FINE.</li> </ol>	
<p><b>ARCHITECT</b> NC ARCHITECT ARCHITECTURAL DESIGN 74 JOHN ST. CROFTON NSW PH: 02 9390 1111 FAX: 02 9390 1112 WWW.NCARCHITECT.COM.AU NSW ABR: 7853</p>	
<p><b>PROJECT:</b> PROPOSED CO-LIVING HOUSE <b>AT:</b> 37 LIVERPOOL RD, ASHFIELD <b>FOR:</b> MR DEAN APPELGAETE <b>SEWER NAME:</b> SEDIMENT CONTROL PLAN</p>	
<p><b>Scale:</b> 1:200 <b>Date:</b> 12/04/2022 <b>Pages:</b> 12 of 13</p>	
<p><b>DATE:</b> 12/04/2022 <b>ISSUE:</b> PRELIMINARY <b>DATE:</b> 12/04/2022 <b>ISSUE:</b> PRELIMINARY</p>	
<p><b>Scale:</b> 1:200 <b>Date:</b> 12/04/2022 <b>Pages:</b> 12 of 13</p>	

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# *Appendix 6*



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**PROJECT NOTES**

1. TO BE USED FOR PERMITS AND AS A REFERENCE TO FACILITIES. ALL INFORMATION IS TO BE USED AS A GUIDE ONLY. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE APPROPRIATE AUTHORITIES. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE APPROPRIATE AUTHORITIES.

**LEGEND**

- Existing walls to remain
- New brick walls
- New brick veneer walls
- Existing windows
- New windows
- Existing doors
- New doors
- Existing floors
- New floors
- Existing roofs
- New roofs
- Existing landscaping
- New landscaping
- Existing site works
- New site works

**PROJECT INFORMATION**

PROJECT: PROPOSED CO-LIVING HOUSE  
AT: 37 LIVERPOOL RD., ASHFIELD  
FOR: MR DEAN APPELGATE  
SHED NAME: SHADOW ELEVATION

ARCHITECT: NK ARCHITECT ARCHITECTURAL DESIGN  
71 JOHN ST. CROFTON NSW  
PH: 02 9339 1111  
MOB: 0408 197 765  
NSW AIB: 7853

Scale: 1:200 @ A3 Drawing number: AR-11  
Date: 12/04/2022 Pages: 11 of 13  
DEVELOPMENT APPLICATION  
For Date: 12/04/2022

DATE: 12/04/2022 ISSUE: PRELIMINARY DRAWN BY: N



# *Appendix 7*

KN PLANNING PTY LIMITED

**CO-LIVING HOUSING ACCOMMODATION**

**PLAN OF MANAGEMENT**

**37 Liverpool Road  
Ashfield**

**Prepared by  
KN Planning Pty Limited**

**December 2022**

Ref: KN603

ABN 77 100 317 315  
Mr Kerry Nash  
Dr Adrienne Keane

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WAREEMBA NSW 2046  
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Tel: 02 8753 0755  
Mob: 0417 435571

Document Set ID: 37721251  
Version: 1, Version Date: 14/05/2023

2.

**Plan of Management for Co-Living Housing Accommodation**  
**December 2022**  
**37 Liverpool Road**  
**Ashfield**

---

The proposed co-living housing development is located at 37 Liverpool Road Ashfield.

The site is within the residential precinct of Ashfield, within 350 metres of Summer Hill Shopping Centre and Railway Station. The site is 120 metres from Ashfield Park.

The development provides co-living housing accommodation comprising seven (7) rooms (3 single occupancy rooms and 4 double rooms) providing a maximum capacity of 11 adult persons on the premises. All rooms have ensuite and kitchenette facilities and communal living room and communal laundry are located on the ground floor adjacent to the communal outdoor area.

The property will be managed by a Managing Agent, Laing & Simmons.

The occupancy of the co-housing development will be as follows:

Single Occupancy Rooms – Rooms 5, 6 and 7;

Double Rooms – 1, 2 (accessible), 3 and 4.

Seven (7) bicycle spaces are provided accessed from Gower Street.

**1. NOISE MANAGEMENT PLAN**

**1.1 Site Supervision**

The Managing Agent will ensure the co-housing development is being appropriately monitored and details of his contact details will be provided to all occupants. The Resident Manager appointed by the Owner will be responsible for the management of the co-living housing development.

**1.2 Restrictions to Background Music**

Background music only will be played no louder than 70dB(A). No amplified music is permitted in the communal outdoor area nor is music to be audible beyond individual rooms and the communal room.

**1.3 Details about Visitor Times**

Lodgers may entertain friends in their rooms. Visitors must obey the rules and leave the premises by 10:00pm.

Upon arrival, lodgers are issued with an information sheet. This document will provide general information about the premises as well as a note that there are residential properties in the vicinity and that lodgers need to take the neighbours' interests into account when leaving and entering. Signs are to be placed in the outdoor communal

## 3.

area reminding lodgers to be mindful of neighbouring properties and to keep noise to a reasonable level.

**2. SAFETY AND SECURITY**

The following points detail the key areas of safety and security for the development.

**2.1 Access to Premises**

Security controlled access to the co-living housing property is via Liverpool Road and Gower Street. Arrangements for access to the premises will be through the Managing Agent.

**2.2 Access to Entrance**

Check in time for new lodgers is between 9:00am and 5:00pm, Monday to Saturday through the Managing Agent. Only authorised lodgers with a key/swipe card can access the premises.

**2.3 Lodgers' Safety and Security Information**

Each room will be supplied with an information folder containing the Managing Agent contact details and contact number, emergency contact numbers for essential services such as fire, ambulance, police and utilities such as gas, electricity plumbing and lighting. Each room will be provided with details of Fire Evacuation procedures.

**3. STAFF**

Contract cleaning and maintenance staff will service the co-living housing development on a weekly basis or as required in terms of building maintenance issues.

**4. HOUSE RULES**

Lodgers are encouraged to respect other lodgers and to keep the noise at a reasonable level.

Use of the outdoor communal living area at ground floor level by lodgers is to cease between the hours of 10:00pm to 7:00am, 7 days a week (8.00am on Sundays and Public Holidays). No loud parties or loud music are to occur in the outdoor communal area at any time.

The maximum number of persons in the outdoor communal area at any one time is eleven (11).

Windows and doors to the Indoor Communal Living Room are not to be open prior to 7.00am (8.00am Sunday and Public Holidays) or after 10.00pm on any day.

The use of the communal laundry facilities is not permitted between the hours of 10.00pm and 7.00am, 7 days a week.

House rules such as those to do with behaviour, activities and noise, visitor policy, use of alcohol and/or drugs shall be prominently displayed within each room and communal areas.

Smoking will not be permitted indoors.

## 4.

**4.1 Drugs**

The Managing Agent's policy is that the use, sale or possession of illegal drugs or any suspicion of such acts being performed in or about the premises or any person found using drugs shall be immediately reported to the police.

**4.2 Lodger Behaviour**

Any lodger failing to observe the rules and any cases of serious misconduct will be dealt with by the Managing Agent who may require a lodger to leave the premises.

Examples of serious misconduct include, but are not limited to, drug or alcohol abuse, sexual, racial or religious harassment, theft or violence. Lodgers are instructed to call the police if a lodger is performing illegal acts on the property.

**4.3 Visitor Policy**

Lodgers staying at the premises may entertain friends in their rooms. Visitors must obey the rules and leave the premises by 10:00pm.

Any lodger inviting visitors to the premises must accept full responsibility for them and their behaviour. In the event of any serious misconduct by the visitor of a lodger, the lodger may also be asked to leave the premises and be asked to pay for damages, if required.

**5. ACCOMMODATION REGISTER**

The Managing Agent will ensure all lodgers will be registered in a Register providing details of the length of stay and the maximum number of all lodgers in each room.

All lodgers in the accommodation are to sign a licence agreeing to comply with the Plan of Management for the boarding house.

No room will be occupied by more than 1 adult lodger for the single occupancy rooms and 2 adult lodgers for the double rooms

The minimum length of stay for lodgers shall be three (3) months with the same room being let out to the same lodger for no less than three (3) months, and no maximum length of stay.

**6. ENVIRONMENTAL PROCEDURES**

This property will be designed to be energy efficient. Ways of reducing energy consumption and natural ventilation sufficient for their thermal comfort will be implemented.

5.

## **7. WASTE POLICY**

### **7.1 Minimisation**

Behind each room door there will be a sign encouraging lodgers to recycle. The bins in the waste bin area will be separated for:-

- Paper, cardboard, aluminium cans, glass and plastic bottles;
- General waste.

### **7.2 Management**

Garbage from the rooms will be collected by the contract cleaners and appropriately disposed of in their respective bins which then will be collected by the contracted waste management firm or Council via Gower Street.

**7.3** Waste bins will be retrieved promptly by the Managing Agent or delegate after collection.

## **8. FIRE SAFETY**

### **8.1 Evacuation Plan**

Building layout indicating, position of lodgers relative to the rest of the building, fire exits, firefighting equipment and emergency evacuation procedures shall be displayed in all rooms and communal rooms.

### **8.2 Furnishings and Fittings**

The premises will be checked regularly to ensure that fire safety and essentials fire safety measures in the building, including furnishing and fittings, are maintained and that all required exits and egress paths are clear and free of obstructions.

### **8.3 Public Liability**

The owners will maintain a public liability cover of \$10 million.

## **9. ONGOING MAINTENANCE**

### **9.1 Emergency Systems**

Emergency systems are maintained by a suitably qualified organisation as part of a maintenance contract. All equipment is tested and checked in accordance with the relevant Australian Standards. Any faults are documented and rectified immediately.

These checks take place weekly, monthly and bi-annually depending on the required frequency.

### **9.2 House Cleaning and Vermin Control**

House cleaning contractors will be responsible for the ongoing cleaning and room maintenance of the premises.

Lodgers are required to report to the Managing Agent any maintenance issues or defective items that they become aware of.

6.

Communal areas and the laundry facilities shall be appropriately constructed, maintained and controlled against vermin. These areas shall be regularly inspected by an authorised pest control company.

**10. ANNUAL CERTIFICATION**

Annual certification of Fire Safety Equipment and preparation of Form 15a is carried out by a fire consultant. Annual certification required for any of the equipment is overseen by the owners.

**11. OCCUPATIONAL HEALTH AND SAFETY REQUIREMENTS**

The Managing Agent must be aware of his responsibilities under such legislation as the OHS Act 2000, OHS Regulation 2001, and the Innkeepers Act.

The WorkCover website lists the OHS Act and Regulations and other helpful information – visit [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) for boarding houses NSW.

The following safety guidelines will be observed in the premises and contractors must abide by them:-

- All hazards (e.g. broken chairs, loose carpets, missing lights) should be removed, repaired or replaced in consultation with the Resident Manager;
- No item of plant or machinery may be operated unless the guards provided are correctly in place, secured and operating effectively and staff member has been trained;
- Dangerous chemicals are to be handled properly and labelled (MSDS);
- Work areas are to be kept clean and tidy;
- Materials or products are not to be stacked higher than what is considered to be safe;
- Rubbish bins must be used to dispose of all rubbish; and
- All no smoking rules are to be observed.

**12. STORING OF CHEMICALS**

All chemicals and other substances stored for use in workplaces will meet the requirements of certain Acts and Regulations. Chemicals or substances that are labeled Hazardous Goods will have a Materials Safety Data Sheet on site.

**13. LODGER IDENTIFICATION**

The Managing Agent requires photo ID (typically either passport or driver licence). Where the person is an Australian citizen and does not hold a driver's licence then alternative ID which may not hold a photo can be accepted.

7.

**14. PROCESS FOR COMMUNITY CONSULTATION AND DEALING WITH NOISE COMPLAINTS FROM RESIDENTS**

The Managing Agent will be available during business hours 9am to 5pm, Monday to Saturday, to deal with any complaints as to the operation and management of the premises. There will be a register for all complaints. The register will contain:-

- Complaint date and time
- Name of person/police/council making the complaint
- Contact details
- Nature of the complaint
- Action taken (by whom and when)
- Outcome and/or further action required

All complaints shall be dealt with by the Managing Agent and Owner within 24 hours of notification.

The Complaints Register is to be made available to Council or Police upon request.



# *Appendix 8*

**WASTE MANAGEMENT PLAN**

**April 2022**

Waste Management Plan

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2.0 The Site..... 1

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    4.1 Construction Vehicle Movements ..... 2

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5.0 Litter & Loose Material ..... 3

    5.1 Finishing Trades ..... 3

    5.2 Rubbish Removal ..... 3

6.0 Waste Management ..... 3

    6.1 Construction Phase ..... 3

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Waste Management Plan

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## 1.0 Introduction

The following describes the waste management plan that will be implemented for the proposed works at

The following Acts and Regulations apply to the development including:

- Protection of the Environment Operations Act 1997;
- Waste Avoidance and Resource Recovery Act 2001; and
- National Waste Minimisation and Recycling Strategy.

## 2.0 The Site

The site, the subject of this application is known as 37 Liverpool Road Ashfield.

The site is occupied by an existing 2-storey detached terrace house with pedestrian access to Gower Street from the rear yard.

## 3.0 Site Management

The following considerations will apply.

### 3.1 Preliminary Investigation

- Identify principal structural materials;
- Identify and locate service supply mains such as water, electricity, gas and the extent of the reticulation of these services;
- Identify the extent and location of other services such as sewerage and drainage; and
- Identify and locate underground services and their entry points to and from the site.

### 3.2 Work Plan

- Develop an overall procedure based on the foregoing investigations; and
- Prepare a detailed work plan.

### 3.3 Execution

- Secure the site work area to exclude public entry;
- Establish an entry and exit gate; and
- Fully inform all site personnel of the plan of works.

#### 4.0 On Site Vehicle Movements

##### 4.1 Construction Vehicle Movements

It is anticipated that, on average, 2 vehicle movements per day will be required for the construction period. Given the low volume of trucks and the times of operation, the impact of additional traffic is small compared to the current traffic volumes on the local roads within the area.

Traffic control will also be in place for any works carried out within the public way. Signage to inform motorists and pedestrians will be placed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

##### 4.2 Street Environment

Any deliveries to the site will be via the street entry and materials will be stored within the work area, conversely waste will also be stored within the site, the building process will have no impact on the adjacent or road environment.

## 5.0 Litter & Loose Material

The work area within the site will be secured and any accumulated litter will be regularly removed from the areas adjacent to the work site.

### 5.1 Finishing Trades

When the finishing trades are active on the site any loose material or litter will be retained within the site.

### 5.2 Rubbish Removal

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

- Storage of rubbish well away from the site boundary;
- Removal of rubbish by small tipper truck. Our proposed rubbish removal company is experienced in this work and will ensure that all loads are covered.
- Regular "house keeping" of the site and removal of any material which may have "tracked" away from the work area.

## 6.0 Waste Management

During the construction phase of the project waste will be minimised by promoting the EPA Waste Management hierarchy which includes:

- Avoid waste production when possible;
- Re-use materials where possible; and
- Dispose of waste if the above can not be achieved.

The hierarchy will be promoted by:

- Early planning;
- Identification of major waste producing activities and possible recycling streams;
- Stipulation that all subcontractors become involved in the process; and
- Education and continued focus during the project.

Substantial cost savings will be achieved if waste materials are sorted onsite. The practice of sorting waste materials onsite will result in similar sorts of waste being transported to waste transfer stations providing cost savings and will conform to the Waste Minimisation Act.

### 6.1 Construction Phase

The following waste management implementation plan provides a control mechanism for the implementation of the waste management plan for the construction phase of the project as described by Table 1

Waste Management Plan

Waste Management Implementation Plan

Control	Timing	Methodology	Responsibility	Monitoring and Reporting	Performance Measure
<b>Waste Disposal</b>					
Project waste types to be identified	Prior to works	In accordance with the waste management plan	Construction Manager	To be reviewed in EH & S Plan	Identify waste generation and management plan
All off site waste to be disposed of to an appropriate disposal point as required by the relevant legislation	At all times	Waste contractor to address and follow legislative requirements	Construction Manager	To be monitored through waste docket records and reported in accordance with the waste management plan	Pre-arranged list of waste destinations and no waste to unlicensed facilities
Only licenced waste contractors to dispose of construction waste from site	At all times	Waste contractor to address and follow legislative requirements	Construction Manager	To be monitored through waste docket records and reported in accordance with the waste management plan	All waste to be transported to appropriate waste facilities
Waste reporting should include quantity of waste streams generated and recycled	Monthly	Waste management plan	Site Manager	Regional EH & S monitoring and reporting	Monthly EH&S managers review
<b>Recycling and Minimisation</b>					
Any material imported onto the site to consist of clean material only	As required	Identification of material	Construction Manager/Site Manager	Monitor materials onsite	Review materials prior to bringing to site
<b>Site Office</b>					
Site amenities shall be provided on site as required	Prior to works commencing	Co-ordinated waste management plan	Construction Manager/Site Manager	Monthly reports from waste management contractor.	All waste disposed of appropriately

Table 1 Waste Management Implementation Plan - Construction Phase

The construction phase of the project will include the storage onsite of waste which will employ a bin system for general and recycled waste, training and corrective actions to address non-conformances and the development of corrective actions in relation to those non-conformances.

**Bin system**

The waste management system to be adopted on site will be through the use of separate bins for recyclable materials, and non-recyclable waste materials. Materials collected for recycling may include:

- Amenities waste;
- Office generated waste; and
- Construction generated waste.

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Waste Management Plan

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The waste contractor will remove and dispose of site generated waste. As the construction progresses the bins shall revert to mixed waste which will be sorted off site. Wheelie bins will be used for fit-out trades for the movement of small amounts of waste within each building structure.

**Wash out areas**

Washout processes and facilities for paint and/or finishing trades are to be minimised and utilisation of SES guidelines for disposal of paint and associated wastes are to be implemented.

The maintenance of these facilities will be the contractor's responsibility to comply with all appropriate Environmental Legislation and local authority guidelines.

**Packaging**

All suppliers of building materials will be encouraged to nominate packaging minimisation and reuse initiatives, which have been implemented, as part of product supply to the project. Bulk handling and reusable transport containers will be encouraged.

**Training**

Communication and education material on the waste management system will be part of the site induction program and form part of each relevant contractor's scope of works and risk assessments. The responsibility to ensure that waste materials are stored in nominated bins will be the responsibility of all site personnel.

**Corrective Actions**

Non-conformances are to be recorded by way of a Defects Notification process. The contractor with the site manager shall review and analyse the cause of detected non-conformance and develop a corrective action to prevent recurrence. Details of the non-conformance including any immediate corrective actions undertaken are to be recorded, reviewed and accepted by the site manager.

It will be the responsibility of the site manager to immediately initiate corrective actions, if required. The non-conformance and corrective action must include details of the action proposed and an appropriate completion date.



## Attachment D – Heritage Impact Statement

HERITAGE IMPACT STATEMENT  
37 LIVERPOOL ROAD ASHFIELD



Prepared by

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DECEMBER 2021

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37 LIVERPOOL ROAD ASHFIELD

HERITAGE IMPACT STATEMENT

**1.0 INTRODUCTION**

This Heritage Impact Statement accompanies a Development Application for alterations and additions for a Boarding house use at No. 37 Liverpool Street Ashfield.

**1.1 Heritage Status**

The building is a Local Heritage Item under the Ashfield LEP 2013, Heritage Item No. 188 "Terrace (House)."

**1.2 Requirement for the Report**

Inner West Council requires a Heritage Impact Statement submitted with a Development Application for works to a Heritage Item.

**1.3 Authorship**

This report was prepared by Ruth Daniell. Ruth Daniell has extensive experience in cultural heritage management, including the preparation of heritage assessments and archival recordings. Ruth has worked for the NSW Heritage Office and Local Government in heritage positions. Ruth was the project co-ordinator and author of the private domain section of the Paddington DCP for Woollahra Council, and headed the consultant team, which prepared the Imperial Avenue DCP for Waverley Council. Ruth has written academic papers and a book chapter on architectural styles and prepared heritage impact statements. Ruth Daniell has a Bachelor of Laws degree.

**1.4 Methodology**

This report uses the methodology outlined in the NSW Heritage Manual and the Australia ICOMOS Burra Charter:

**1.5 Location**

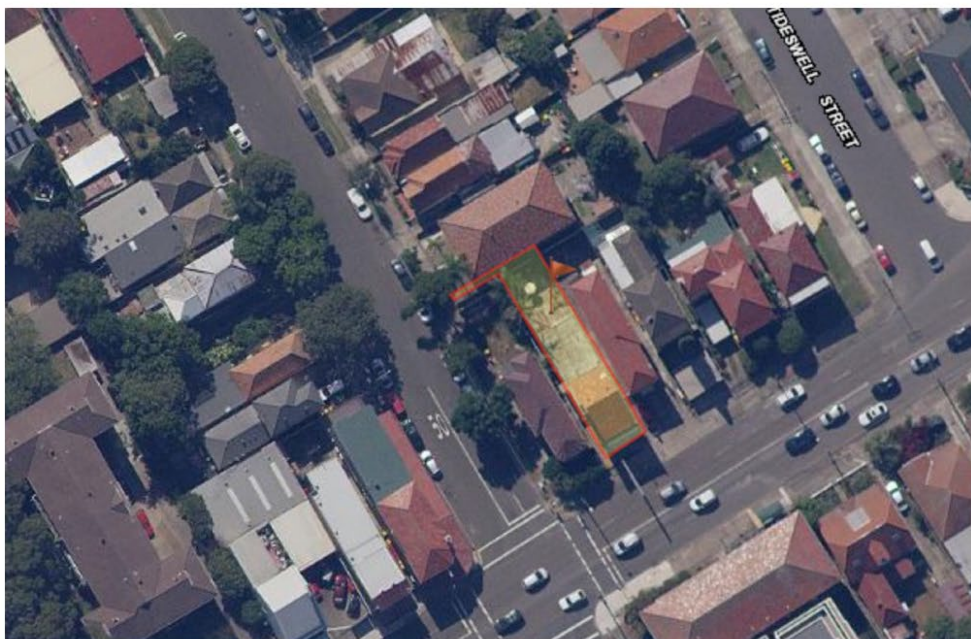
The building is located at No. 37 Liverpool Street Ashfield. The Real Property Description is Lot B in DP 188572. The site is rectangular with a pedestrian right of way providing access to Gower Street.

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HERITAGE IMPACT STATEMENT



Location Plan. Source: Six Maps



Aerial photograph. Source: Six Maps

37 LIVERPOOL ROAD ASHFIELD

HERITAGE IMPACT STATEMENT



*View of the front of No. 37 Liverpool Street in the context of surrounding buildings, viewed from Liverpool Road.*

**Recent Property History**

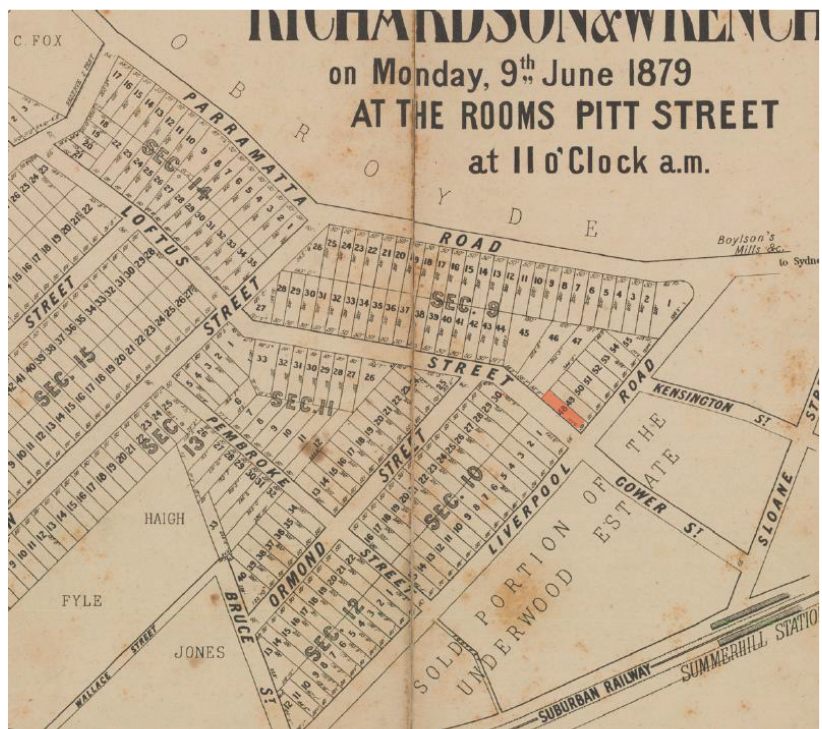
The SEE sets out the background of the property and its use as a boarding house on page 8. The use of the property as a boarding house occurred:

- The property was purchased in 2013 as an 11 room low budget accommodation
- 2013 - 2020 room were rented managed by Raine and Home, Burwood in previous ownership
- The current owners settled the property in July 2021
- Subsequent to this Council issued a Stop Order to revert back to a dwelling house.
- Nevertheless the council acknowledges the boarding house use by accepting and issuing annual fire certification fees for a boarding house use.

**2.0 DOCUMENTARY AND PHYSICAL EVIDENCE**

**2.1 History**

The subject site forms part of a 100-acre grant given to Thomas Rowdon, John Jones, Francis McKewen and John Butcher. The grant was acquired first by Henry Kable in 1820, and then part of it by James Underwood. It was subdivided and offered for residential development in 1879. The subject site lies on Lot 48 of Section 9 from this sale.<sup>1</sup>



Detail showing Richardson & Wrench subdivision plan for the 'Village of Ashfield' (1879). State Library of New South Wales.

<sup>1</sup> Heritage Impact Statement 37 Liverpool Road Ashfield prepared by Weir Phillips, June 2020

## 2.2 History of the Building

The Heritage Impact Statement for 37 Liverpool Road Ashfield prepared by Weir Phillips, June 2020 states:

*The subject site was purchased by John Fitzgerald in 1881. Fitzgerald is described in the title certificate as a fishmonger, otherwise research has not ascertained anything about him. The allotment was, nevertheless, transferred to Amelia Walkley in 1883 and then John Lush in 1885. A mortgage was taken out in 1887 to the Australian Mutual Provident Society, which was used to erect the subject dwelling.*

*The dwelling first appears in the 1888 Sands' Directories without an address or, as was often the case in these early days, a house name. At this time, although the subdivision had been referred to as the 'Village of Ashfield', this part of Liverpool Road was considered part of Summer Hill instead.*

*It was not until 1896 that street numbering was introduced to this part of Summer Hill and that the dwelling was assigned the address No. 270 Liverpool Road.*

*The dwelling was first occupied by John Irish, showing it was tenanted and not owner occupied. Irish lived there until 1914 when Peter McAuley is instead recorded. Research has determined little about either individual. The only clear reference made about Irish was in 1912 when his son, Arthur, married. The dwelling was named 'Colchester', although it never appears in the Sands' Directories as such.*

*The following table is a list of occupants (including tenants and owner-occupiers) from 1888 to 1932-33 when the final edition of Sands' Directories was published. It sets out the year and the occupant*

*1888-1914 John Irish, saddlers' ironmonger  
1915 Peter McAuley  
1916 Sydney Saunders  
1917-1918 E. Sandell  
1919-1920 Martin Wendt  
1921-1923 Thomas Cleary  
1924-1933 Charles Wise*

*The last two tenants were also the owner. Cleary had purchased it in late 1920 before it was transferred to Charles Wise. An advertisement described the dwelling:  
"Well-furnished house, 3 double bedrooms, din. room, kitchen, gas stove."*

*In 1936, the land was subdivided and the adjacent allotment to the west was used to construct what is now No. 39 Liverpool Road. A footway to the north was preserved for the use of No. 37 Liverpool Road. Wise lived at the dwelling until his death in 1939, when he was remembered in an obituary:*

*There was genuine regret expressed on all sides when the news became known here of the sudden passing, at a comparatively early age, of Mr. Charles Wise, of Summer Hill. The late Mr. Wise, who was a native of Suntop, and had spent the years of his early manhood in this district, was greatly liked and highly respected by all who knew*

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HERITAGE IMPACT STATEMENT

*him. To his parents, Mr. and Mrs. O. Wise, of 'Glenroy', and other members of his family here much sympathy is extended in their loss.*

*The late Mr. Wise married Miss Amy O'Brien, of 'Glenmore', Suntop. The subject property was passed to his widow Amy who sold it to Jack Hollis in 1911. Later known owners prior to computerisation of records include Chiong Liu (1951-1988) and George Yip (1988-?).*

*No historic photographs of the dwelling have been located.*

### 2.3 Description of the Building

The existing building is a two storey Victorian terrace house, with an existing boarding house use. The principal building form is constructed from rendered brick and has a gabled roof clad in terracotta tiles and a single rendered brick chimney. The front elevation has an enclosed balcony with concave metal roof on the first-floor, cast iron lace balustrade and two metal-framed windows. The ground-floor has a tiled verandah with cast iron posts set behind a metal palisade fence. The entry is via a timber door with top light. There are three windows with moulded surrounds to its left.

#### Alterations to the House

The physical fabric of the house indicates that as built the original Victorian terrace house is principally the two rooms on the ground and first floor levels with a corridor on the eastern side. The house originally had an open verandah on the first floor front facade.

The house originally had a rear wing and a breezeway on the western side. The house had an internal staircase located in the rear wing.

#### Later alterations and additions

##### Front facade and street front zone (southern facade)

- The addition of a non original metal front fence and gate
- Addition of non original brick paving to the street front zone and verandah
- Elimination of the original difference in level between the front garden and front verandah
- Sheet infill to the first floor verandah (behind the first floor cast iron balustrade) and the installation of sliding aluminium windows.
- The facade retains original detail except as stated above.

##### Western facade

- Later brick paving in the setback on the western facade
- Later external concrete stairs and metal handrail to first floor level



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HERITAGE IMPACT STATEMENT



View of the front facade showing the later front fence showing the later additions including the addition of a non original metal front fence and gate, Addition of non original brick paving to the street front zone and verandah, the elimination of the original verandah step down.

- Addition to the western side of the rear wing, which has light weight cladding and aluminium framed sliding windows



Left. The photograph shows the western facade, with the later brick paving and the later external concrete stairs and metal handrail.

Right. View of the first floor landing where the rear wing was extended in an addition to the property, which has light weight cladding and aluminium framed sliding windows.

**Eastern elevation**

The side brick wall of the principal building form and the rear wing are intact

**Northern facade**

- Addition to the eastern side of the original rear wing
- Addition to the rear of the original building line
- Later additions are clad in fibre cement board and have aluminium framed windows
- External concrete staircase with metal balustrade

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**Roof**

The roof cladding has been replaced with terracotta tiles. It would likely have been corrugated metal or slate.

**Previous Alterations to the Ground Floor Interior**

Principal building form

- Non original front door
- All original ceilings and cornices have been replaced with Inter War ceilings in the principal building form
- All original doors have been replaced with modern flush panel doors
- All skirtings have been replaced
- wall vents have been replaced
- Ground floor mantels, fireplace inserts, hearth removed
- First floor mantels, fireplace inserts, hearth exists
- Later floor coverings
- Interwar picture rails

Surviving original building fabric

- Chimney breast
- Double hung windows

**The First Floor Alterations**

10

Document Set ID: 37721250  
Version: 1, Version Date: 14/05/2023

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HERITAGE IMPACT STATEMENT

The alterations to the terrace house are shown on the following plans and in the site photographs in following section.

- The first-floor front balcony has been enclosed. The door openings to access the balcony have been removed.

The alterations to the ground floor to the first floor are similar to the ground floor with the exception of:

- Mantles and tiled hearths in the principal building form are retained
- Small sections of the original skirtings are retained



Later alterations and additions

37 LIVERPOOL ROAD ASHFIELD

HERITAGE IMPACT STATEMENT

Photographs



1. View of the house from Liverpool Road.
2. View of the house from Liverpool Road, showing the adjoining buildings.



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3.View of the front facade showing the later front fence. showing the later additions including the addition of a non original metal front fence and gate, Addition of non original brick paving to the street front zone and verandah, the elimination of the original verandah step down.



4.View of the eastern facade, showing the original wall of the principal building form and the rear wing.



5. The photograph shows the western facade, with the later brick paving and the later external concrete stairs and metal handrail.



6. View of the first floor landing where the rear wing was extended in an addition to the property, which has light weight cladding and aluminium framed sliding windows.

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7 & 8. View of the rear of the house showing the additions including:

- Addition to the rear of the original building line
- Later additions are clad in fibre cement board and have aluminium framed windows
- External concrete staircase with metal balustrade to the original rear wing on the western and northern sides.

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HERITAGE IMPACT STATEMENT



9.View looking west from the rear garden of No. 37.



10.View of the rear garden.



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HERITAGE IMPACT STATEMENT



11. View of the ground floor front verandah.



12. View of the front door which is a later reproduction door:



13. View from the front door looking along the ground floor corridor:



14. View from the ground floor corridor in the rear wing looking towards the front door:

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HERITAGE IMPACT STATEMENT



15. View of the ground floor front room. The interiors of the ground floor have been extensively altered and contain very little of the original building fabric. In this room the double hung window and architrave appears to be the only original building fabric.



16. This photograph shows that Inter War decorative ceilings and cornices replaced the original Victorian ceilings and cornices.



17. This photograph shows the front room in the main section of the house and the Inter War ceiling and cornice that replaced the original Victorian ceilings and cornices. Wall vents are later. The mantel and fireplace have been removed.



18. View of the second ground floor room.



19. View of the second ground floor room showing the blocked up door.



20. View of the front room on the ground floor noting the original ground floor windows.

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21 & 22. View of the ground floor rooms added to the western side of the original rear wing. The western wall of the rear wing and part of the joinery exists as shown in the first photo.

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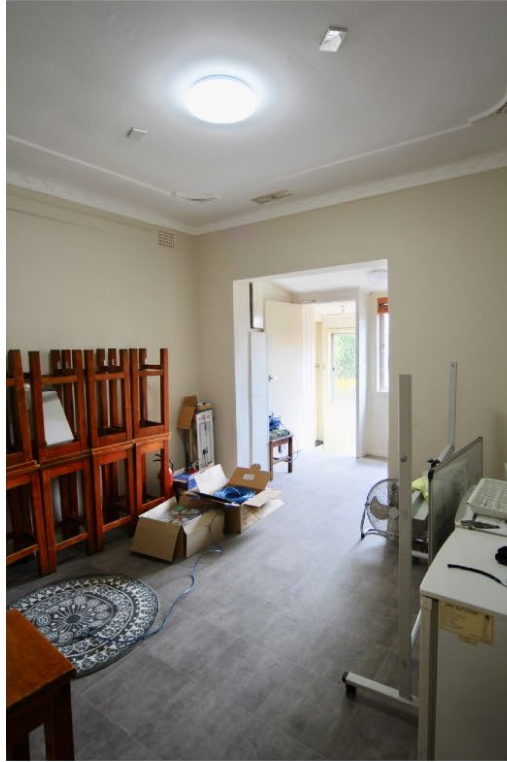


23. View of the ground floor kitchen.



24. View of the ground floor laundry.





26. View of the first floor living room at the rear of the house.



27. View of the subdivided first floor bedroom.



28. View of one of the western rooms on the first floor in the later addition.



29. View of one of the western rooms on the first floor in the later addition looking toward the door accessing the stairs.



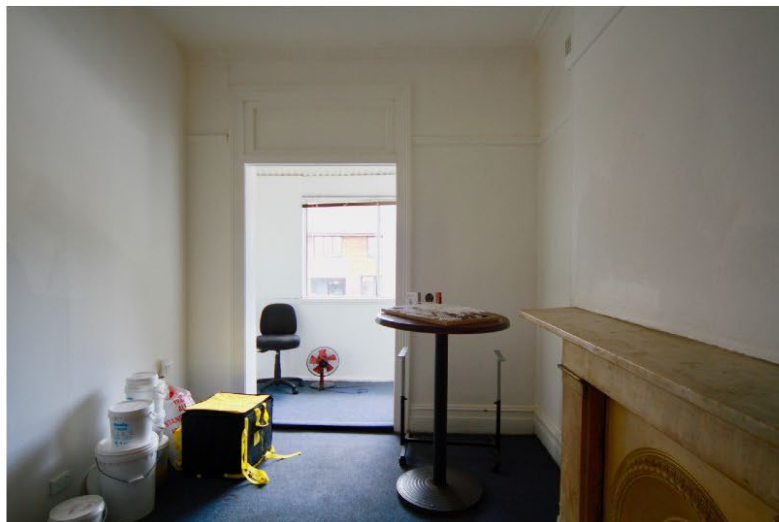
30. View of the bathroom on the first floor:



31. View of the corridor on the first floor:



32. View of the second first floor room showing that the mantle and tiled threshold exist.



33. View of the front first floor room showing that the mantle and tiled threshold exist. Section of original skirting exist in this room.



34. View of the front room, which has been subdivided.



35. View of the infilled front verandah.

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HERITAGE IMPACT STATEMENT



36. View from the front room looking down the first floor corridor.



37. View of the bedroom in the later western addition on the first floor.

### 3.0 ASSESSMENT OF HERITAGE SIGNIFICANCE

#### 3.1 Statement of Significance

No. 37 Liverpool Road has historic significance as an example of a Victorian terrace constructed c. 1887-88, which is part of the key period of Victorian Development in Ashfield. The exterior retains more representative Victorian fabric as the interior has undergone extensive alteration.

### 4.0 THE PROPOSED WORKS

The proposed works seek the formalisation of the boarding house use.

The proposal consolidates the 11 rooms into 9 rooms.

The proposal is described in the SEE as "a mixture of older style boarding house use with shared bathroom and kitchen facilities, and "new generation" boarding house uses with 7 of the 9 rooms having private kitchenette and bathroom facilities."

The SEE sets out the boarding house use in planning terms on page 9 and the strategic planning framework on page 10-17.

In detail the proposed works are:

#### Exterior Works

- Removal of the side stair
- Removal of the rear stair

#### The Interior Works

##### Ground Floor

##### Bedroom 1 - Principal building form

- The insertion of a bathroom with light weight wall construction
- New kitchenette

##### Bedroom 2 - Principal building form

- Removal of later walls that reduced the original size of the room
- New accessible bathroom within the original room volume

##### New Stair

New internal stair

##### Rear Section of the ground floor

- Reconfiguration of rooms in the rear wing and the later rear addition
- Removal of the wall between the store and laundry and new fitout

##### First Floor

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HERITAGE IMPACT STATEMENT

**Principal building form**

- Insertion of a bathroom in the rear (second) room

**Rear Section of the first floor**

- Reconfiguration of the rear into three boarding house rooms, bathrooms and kitchens

**Restoration reconstruction works**

- Repair the external western wall as required, and repaint to paint manufacturers specification.
- Repair existing tiled roof as required
- New gutters (ogee profile) and circular downpipes
- Repair existing iron work and fixings as required on the front facade
- Thoroughly prepare the facade iron work and paint to manufacturers specification
- Repair masonry on the front facade and paint to manufacturers specifications
- Repair original timber joinery as required and where it exists

**5.0 HERITAGE IMPACT STATEMENTS**

Development to No. 37 Liverpool Road is subject to the:

- Ashfield LEP 2013 - Section 5.10 - Heritage Provisions for Heritage Items
- Inner West Consolidated Development Control Plan 2016.

Both the statutory and guideline controls require the assessment of impact on the heritage item.

As the works are interior works apart from the removal of later and intrusive stairs the proposed works have no potential impact on the heritage items in the vicinity. There will be no impact on the legal lot Curtilage of the Heritage Items, views and vistas to and from Heritage items in the vicinity, and there will be no disruptive visual contrasts posed by the proposed works.



## 6.0 SUMMARY

The building at No. 37 Liverpool Road Ashfield is a Local Heritage Item under the Ashfield LEP 2013 - Heritage Item No. 188 "Terrace (House)."

Inner West Council requires a Heritage Impact Statement submitted with a Development Application for works to a Heritage Item.

The proposed works seek the formalisation the boarding house use. The proposal consolidates the 11 room into 9 rooms.

The proposal is described in the SEE as "a mixture of older style boarding house use with shared bathroom and kitchen facilities, and "new generation" boarding house uses with 7 of the 9 rooms having private kitchenette and bathroom facilities."

The building at No. 37 Liverpool Road Ashfield is a Local Heritage Item under the Ashfield LEP 2013 - Heritage Item No. 188 "Terrace (House)."

The works are interior works apart from the removal of later and intrusive stairs the proposed works have no potential impact on the heritage items in the vicinity. There will be not impact on the legal lot Curtilage of the Heritage Items, views and vistas to and from Heritage items in the Vicinity, and there will be no disruptive visual contrasts posed by the proposed works

The building fabric analysis indicates that the external elements that are the later structures on the western and northern sides. These structures will be removed, which will be a positive initiative.

The building fabric analysis in this report indicates the extent of internal changes made to the building. The facade, and external walls of the principal building form retain a high percentage of original building fabric. The interior building fabric indicated as original in the principal building form will be retained. The insertion of bathrooms and kitchenettes will be reversible.

The works to the rear wing occur in an area where later alterations and additions have occurred previously. Fabric of lower significance exists in this area and can be altered with little loss of heritage significance.

## 7.0 RECOMMENDATION

For the reasons set out in this report, it is the recommendation of this report that the proposed works be approved.

## Attachment E – Conservation Management Plan

### CONSERVATION SCHEDULE OF WORKS

No. 37 LIVERPOOL ROAD ASHFIELD

INTERIOR CONSERVATION WORKS

Prepared by

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37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

CONSERVATION SCHEDULE OF WORKS 37 LIVERPOOL ROAD ASHFIELD

INTERIOR WORKS

<b>General Conservation Works for Conservation of Original Building Fabric</b>		
Doors	New doors are to be Victorian 4 panel doors.	
Architraves	Reinstate architraves original and proposed architraves have been removed. Architraves to be of a selected timber with the profile based on evidence within the building.	
Skirtings	New skirtings are to be timber with profile and height to be similar to the original skirtings	
Walls	Remove drummy and damaged plaster. Repair or replace as necessary. Re-plaster use traditional plaster mixes with skilled plasterers.	
Floors	The floors should be inspected for rot and damage. Where repairs can be undertaken using similar original timbers salvaged on site they repaired. Where poor condition and damage is extensive the flooring should be replaced with boards run in the same direction, with timber and dimensions to be appropriate to the house,	
Fireplaces Mantle, hearth and cast iron insert	<p>Cleaning of marble should be by a professional stone mason using non abrasive methods.</p> <p>Restore iron fireplace insert and paint to selected dark colour.</p> <p>Retain tiles for the hearth. Patch rather than replace.</p>	

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Room/Space	Elements that are original	Conservation Works	Notes
Ground floor			
<b>Room 1.</b>	Three part timber framed windows (street facing wall)	<p>Repair window joinery as necessary matching existing profile, detailing and material. Paint to manufacturers specification in selected colour nominated in the colour schedule prepared for the building.</p> <p>Repair sash cords using traditional rope and pulleys.</p> <p>Reinstate security grilles as required.</p>	Refer to Figure 13.
	Chimney Breast	Retain the existing chimney breast and its original building fabric.	Refer to Figure 15.
	Picture rail	Retain existing picture rail. Repair as necessary . Splice in the match timber profiled sections as required. Paint to paint manufacturers specifications.	Refer to Figure 15.



37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Room No. 1					
Element	N	S	E	W	Notes
Front windows and architrave		X			
Chimney Breast				X	
Ceiling					Inter War ceiling fibrous plaster
Cornice					Inter War fibrous plaster
Door & architrave					Late 20th century
Picture rail					Inter War
Skirting					Late 20th century
Floor					Covered
Wall vents					Mid 20th century

Key: The wall orientation is denoted by N S E W

X denotes original building fabric from the construction date of the house that should be conserved and is addressed in the schedule of conservation works.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

ROOM 1 PHOTOGRAPHS



Figure 7. View of the ground floor front room, eastern wall. The interiors of the ground floor have been extensively altered and contain very little of the original building fabric. In this room the double hung window and architrave appears to be the only original building fabric.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

ROOM 1 PHOTOGRAPHS



Figure 8. This photograph shows that Inter War decorative ceilings and cornices replaced the original Victorian ceilings and cornices.



Figure 9. This photograph shows the western wall of the front room in the principal building form of the house and the Inter War ceiling and cornice that replaced the original Victorian ceilings and cornices. Wall vents are later. The mantel and fireplace have been



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CONSERVATION WORKS



Figure 10. Front windows in Room 1.

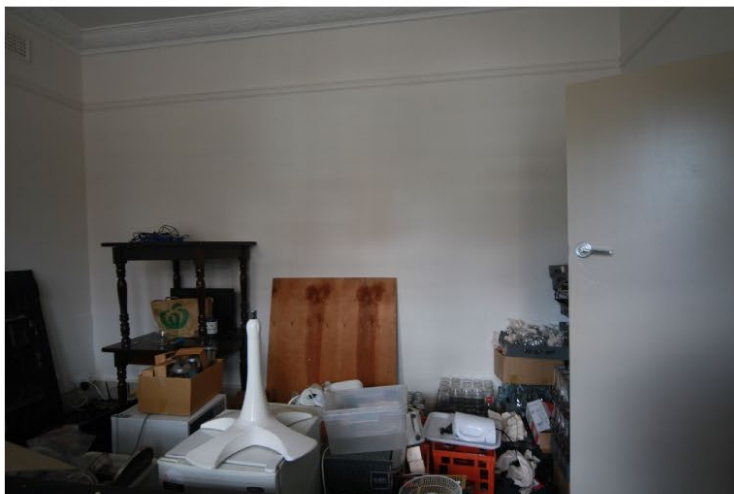


Figure 11. Northern wall of Room 1.

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CONSERVATION WORKS

Room No. 2					
Element	N	S	E	W	Notes
Side windows and architrave				X	
Chimney Breast				X	
Ceiling					Inter War ceiling fibrous plaster
Cornice					Inter War fibrous plaster
Door & architrave					Late 20th century
Picture rail					Inter War
Skirting					Late 20th century
Floor					Covered
Wall vents					Mid 20th century

Key: The wall orientation is denoted by N S E W

X denotes original building fabric from the construction date of the house that should be conserved and is addressed in the schedule of conservation works.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS



Figure 12 the western wall of Room 2 showing the original chimney breast, double hung window and architrave.

Figure 13. View of the southern wall Room 2.



Key: The wall orientation is denoted by N S E W

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS



Figure 14. View of the northern wall room 2.



Figure 15. View of the eastern wall room 2.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Room/Space	Elements that are original	Conservation Works	Notes
Ground floor			
<b>Room 2.</b>	Double hung timber framed windows (western wall).	<p>Repair window joinery as necessary matching existing profile, detailing and material. Paint to manufacturers specification in selected colour nominated in the colour schedule prepared for the building.</p> <p>Repair sash cords using traditional rope and pulleys.</p> <p>Reinstate security grilles as required.</p>	Refer to Figure 12.
	Architraves to window. (western wall).	Retain architrave. Repair as necessary. Paint timber joinery to manufacturers specification.	Refer to Figure 12.
	Chimney Breast	Retain the existing chimney breast and its original building fabric.	Refer to Figure 12.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Space No.3					
Element	N	S	E	W	Notes
Side windows and architrave					Mid 20th century
Ceiling					Mid 20th century, sheet and battens.
Cornice					Mid 20th century Timber cove.
Door & architrave					Late 20th century
Skirting					Mid 20th century, timber quad
Floor					Covered
Walls					Mid 20th century, sheet and battened.

There is no building fabric dating from the original construction of the terrace house for conservation works.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS



Figure 16. The western wall of space 3.

Key: The wall orientation is denoted by N S E W

X denotes original building fabric from the construction date of the house that should be conserved and is addressed in the schedule of conservation works.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Space No. 7					
Element	N	S	E	W	Notes
Side windows and architrave					Mid 20th century
Ceiling					Plasterboard
Cornice					Plasterboard cove.
Door & architrave					Missing
Skirting					Mid 20th century, timber quad
Floor					Covered
Walls				X	Eastern wall, rendered brick and was originally an external wall and is proposed for removal.
					Western wall Mid 20th century, sheet and battened.
External door to rear yard and architraves					Mid 20th century

There is no building fabric dating from the original construction of the terrace house for conservation works.



37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS



Figure 17. View of Space 7 looking towards the southern wall.



Figure 18. View of Space 7 looking towards the northern wall.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Room No. 5					
Element	N	S	E	W	Notes
Ceiling					Inter War ceiling fibrous plaster
Cornice					Inter War fibrous plaster
Door & architrave					Western wall missing Eastern wall late 20th century
Skirting					Late 20th century
Floor					Covered
Wall vents					Mid 20th century
Walls					Rendered brick, proposed for removal.

There is no building fabric dating from the original construction of the terrace house for conservation works.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Room No.6					
Element	N	S	E	W	Notes
Ceiling					Inter War ceiling fibrous plaster
Cornice					Inter War fibrous plaster
Door & architrave					Western wall missing Eastern wall late 20th century
Skirting					Late 20th century
Floor					Covered
Wall vents					Mid 20th century
Walls					Western wall, rendered brick, proposed for removal. Eastern wall double brick external wall. See external conservation works.

There is no internal building fabric dating from the original construction of the terrace house for conservation works.

Key: The wall orientation is denoted by N S E W

X denotes original building fabric from the construction date of the house that should be conserved and is addressed in the schedule of conservation works.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS



Figure 19. showing the eastern wall of Room No. 6.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Room No. 8					
Element	N	S	E	W	Notes
Ceiling					Batten and board
Cornice					Quad
Door & architrave					Late 20th century
Skirting					None
Floor					Covered
Wall vents					Mid 20th century
Walls					Western wall, rendered brick, proposed for removal. Eastern wall double brick external wall. See external conservation works.

There is no internal building fabric dating from the original construction of the terrace house for conservation works.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS



Figure 20 looking towards the eastern wall in Room 8.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Room No. 4					
Element	N	S	E	W	Notes
Ceiling					Inter War ceiling fibrous plaster
Cornice					Inter War fibrous plaster
Doors & architrave					Late 20th century
Skirting					Quad late 20th century
Floor					Covered
Wall vents					Mid 20th century
Walls					Western wall, rendered brick to be retained Eastern wall double brick external wall. See external conservation works.

There is no internal building fabric dating from the original construction of the terrace house for conservation works.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

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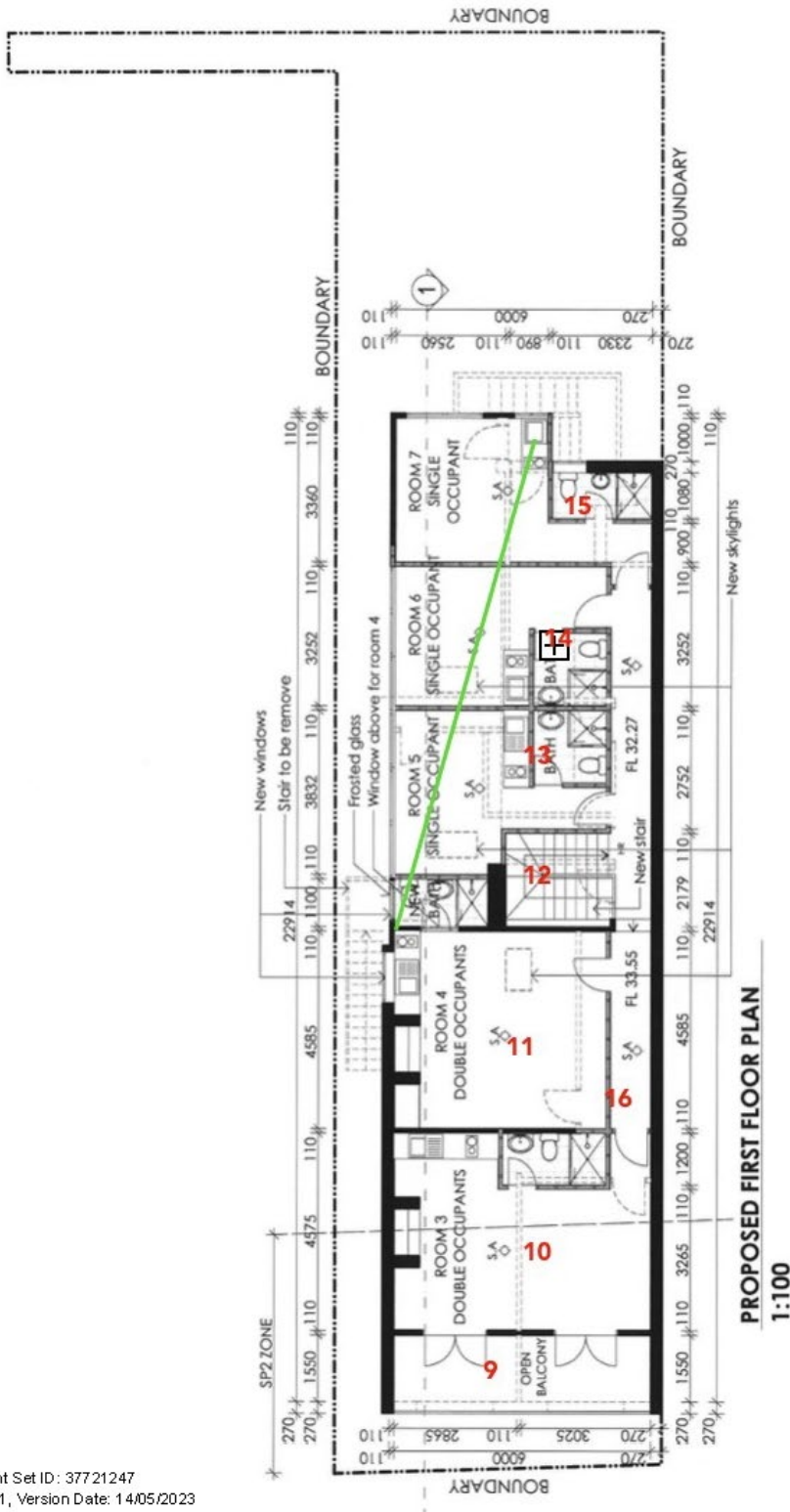
Figure 21. Looking towards the northern end of Space 4.

Figure 22. Looking towards the southern end of Space 4.



37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS



**NOTE:**  
- Hard wired photo electric smoke alarms to be installed with A.P.C. unit 37 E and 40 E

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37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Room No. 9					
Element	N	S	E	W	Notes
Ceiling					Corrugated iron
Cornice					None
Doors & architrave					Missing
Skirting					Quad late 20th century on southern wall
Floor					Covered
Walls					Southern wall board and batten infill Eastern and western wall double brick external wall. See external conservation works.

There is no internal building fabric dating from the original construction of the terrace house for conservation works. The removal of the verandah infill on the southern wall and conservation works are addressed in the external works.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS



Figure 23 View of the western end of room 9.



Figure 24 View of the western end of room 9.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Room No. 10					
Element	N	S	E	W	Notes
French doors					Missing
Mantle. Cast iron Fire insert				X	
Chimney Breast				X	Retain
Ceiling					Inter War ceiling fibrous plaster
Cornice					Inter War fibrous plaster
Door & architrave					Late 20th century
Picture rail					Inter War
Skirting				X	Victorian skirting and part
					Late 20th century
Floor					Covered
Wall vents					Mid 20th century

Key: The wall orientation is denoted by N S E W

X denotes original building fabric from the construction date of the house that should be conserved and is addressed in the schedule of conservation works.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS



Figure 25. View of the western wall of Room 10

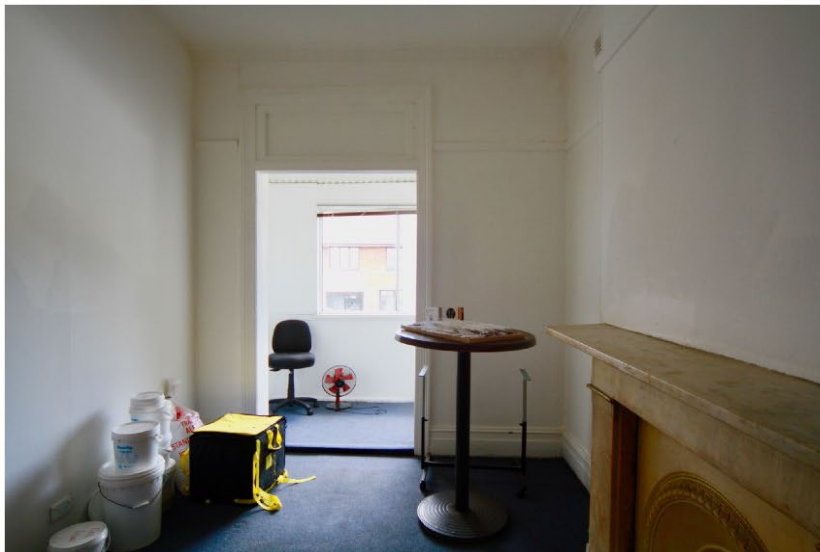


Figure 26. View of the southern wall of Room 10

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS



**Conservation Works**

Refer to General Conservation Works for Conservation of Original Building Fabric

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Room No. 11					
Element	N	S	E	W	Notes
Mantle.				X	
Chimney Breast				X	Retain
Ceiling					Inter War ceiling fibrous plaster
Cornice					Inter War fibrous plaster
Door & architrave					Late 20th century
Picture rail					Inter War
Skirting				X	Victorian skirting in part
					Late 20th century in part
Floor					Covered
Wall vents					Mid 20th century
Window and architrave					InterWar, partly covered
Walls					Brick

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS



Figure 27. The western wall of room 11.

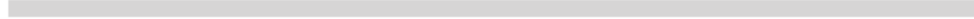


Figure 28. The northern wall of room 11.



37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS



**Conservation Works**

Refer to General Conservation Works for Conservation of Original Building Fabric

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Space Nos.12. 13.&14					
Element	N	S	E	W	Notes
Ceiling					Inter War fibrous plaster
Cornice					Inter War fibrous plaster
Door & architrave					Late 20th century
Skirting					Mid 20th century, timber quad
Floor					Covered
Walls					Brick with plaster

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

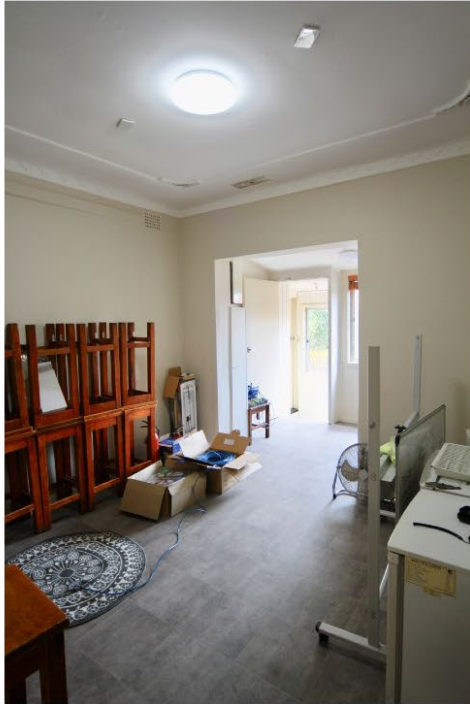


Figure 29. Space 14.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS



Figure 30 Space 13.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Space No.15					
Element	N	S	E	W	Notes
Side windows and architrave					Mid 20th century
Ceiling					Mid 20th century, sheet and battens.
Cornice					Mid 20th century Timber cove.
Door & architrave					Late 20th century
Skirting					Mid 20th century, timber quad
Floor					Covered
Walls					Mid 20th century, sheet and battened.

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Room No.16					
Element	N	S	E	W	Notes
Ceiling					Inter War ceiling fibrous plaster
Cornice					Inter War fibrous plaster
Doors					Late 20th century
Architrave		X		X	
Skirting		X	X	X	Victorian timber
Floor					Covered
Wall vents					Mid 20th century
Walls					Western wall, rendered brick to be retained Eastern wall double brick external wall. See external conservation works.
Picture rail					Inter War timber picture rail

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS



Figure 31. Space 16



Figure 32. Space 16

37 LIVERPOOL ROAD ASHFIELD

CONSERVATION WORKS

Tradesmen and Suppliers

#### CAST IRON

The most important thing for the restoration/reconstruction of the existing iron work is that replacements are done in cast iron and not aluminium. It is easy to tell the difference.

The following businesses do traditional cast iron work.

Fidax Foundry Pty Ltd  
4 Carolyn Street  
SILVERWATER NSW 2128  
PH: 9748 3299  
FX: 9748 1769

Richmond Ironworks  
3 Paget Street  
RICHMOND NSW 2753  
PH: 02 4578 2640

Manufacture and supply hand-forged wrought iron and high quality cast iron lace, panels, and columns.  
Also operate as Murringo Ironworks, Boorowa Rd, Murringo, 2586

The Wagga Iron Foundry [ironfoundry.com.au](http://ironfoundry.com.au)

The Wagga Iron Foundry - "As a jobbing foundry, one-off replica's are no problem. Or choose from our extensive range of lacework, fire parts, giftware, house ware etc. we also specialise in low volume commercial and Industrial castings."

I have recommended The Wagga Iron Foundry before. They also have a catalogue.<http://ironfoundry.com.au/catalogue/>

#### TIMBER MOULDINGS

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**37 LIVERPOOL ROAD ASHFIELD****CONSERVATION WORKS**

For skirting, architraves, panelling, dado and chair rails etc - Stock mouldings (on their website) and mouldings to order in a range of different timbers.

Annandale Timber and Moulding Co. Pty Ltd.

<http://www.annandaletimber.com.au/>

**PLASTER**

Baileys Interiors Decorative Plaster

They have an appropriate cornice or the Victorian terrace house at No. 37 Liverpool Road named "Paddington."

**VERANDAH AND FRONT PATH TILES**

Tessellated tile supplier

Old English Tiles - 130 Pyrmont Bridge Rd, Annandale NSW 2038 (02) 9519 4333

**REFERENCES**

The Maintenance Series - NSW Heritage Office

- Series 1.2: Documenting Maintenance and Repair
- Series 1.3: Temporary Access
- Series 3.1: Metalwork
- Series 5.2: Timber Repairs
- Series 7.2: Paint Finishes
- U.S. Department of the Interior National Park Services Cultural Resources-Heritage Preservation Services
- Ashurst, John & Nicola. Practical Building Conservation Vols 1-5.

**Attachment F – Plan of Management**

ATTACHMENT 3

**CO-HOUSING ACCOMMODATION**

**PLAN OF MANAGEMENT**

**37 Liverpool Road  
Ashfield**

**Prepared by  
KN Planning Pty Limited**

**April 2022**

Ref: KN572

2.

**Plan of Management for Co-housing Accommodation****April 2022****37 Liverpool Road  
Ashfield**

---

The proposed co-housing development is located at 37 Liverpool Road Ashfield.

The site is within the residential precinct of Ashfield, within 350 metres of Summer Hill Shopping Centre and Railway Station. The site is 120 metres from Ashfield Park.

The development provides co-housing accommodation comprising seven (7) rooms (3 single occupancy rooms and 4 double rooms) providing a maximum capacity of 11 adult persons on the premises. All rooms have en-suite and kitchenette facilities and communal living room and communal laundry are located on the ground floor adjacent to the communal outdoor area.

The property will be managed by a Managing Agent, Laing & Simmons.

The occupancy of the co-housing development will be as follows:

Single Occupancy Rooms – Rooms 5, 6 and 7;

Double Rooms – 1, 2 (accessible), 3 and 4.

Seven (7) bicycle spaces are provided accessed from Gower Street.

**1. NOISE MANAGEMENT PLAN****1.1 Site Supervision**

The Managing Agent will ensure the co-housing development is being appropriately monitored and details of his contact details will be provided to all occupants. The Resident Manager appointed by the Owner will be responsible for the management of the co-housing development.

**1.2 Restrictions to Background Music**

Background music only will be played no louder than 70dB(A). No amplified music is permitted in the communal outdoor area nor is music to be audible beyond individual rooms and the communal room.

**1.3 Details about Visitor Times**

Lodgers may entertain friends in their rooms. Visitors must obey the rules and leave the premises by 10:00pm.

Upon arrival, lodgers are issued with an information sheet. This document will provide general information about the premises as well as a note that there are residential properties in the vicinity and that lodgers need to take the neighbours' interests into account when leaving and entering. Signs are to be placed in the outdoor communal

## 3.

area reminding lodgers to be mindful of neighbouring properties and to keep noise to a reasonable level.

**2. SAFETY AND SECURITY**

The following points detail the key areas of safety and security for the development.

**2.1 Access to Premises**

Security controlled access to the co-housing property is via Liverpool Road and Gower Street. Arrangements for access to the premises will be through the Managing Agent.

**2.2 Access to Entrance**

Check in time for new boarders is between 9:00am and 5:00pm, Monday to Saturday through the Managing Agent. Only authorised lodgers with a key/swipe card can access the premises.

**2.3 Lodgers' Safety and Security Information**

Each room will be supplied with an information folder containing the Managing Agent contact details and contact number, emergency contact numbers for essential services such as fire, ambulance, police and utilities such as gas, electricity plumbing and lighting. Each room will be provided with details of Fire Evacuation procedures.

**3. STAFF**

Contract cleaning and maintenance staff will service the co-housing development on a weekly basis or as required in terms of building maintenance issues.

**4. HOUSE RULES**

Lodgers are encouraged to respect other lodgers and to keep the noise at a reasonable level.

Use of the outdoor communal living area at ground floor level by lodgers is to cease between the hours of 10:00pm to 7:00am, 7 days a week (8.00am on Sundays and Public Holidays). No loud parties or loud music are to occur in the outdoor communal area at any time.

The maximum number of persons in the outdoor communal area at any one time is eleven (11).

Windows and doors to the Indoor Communal Room are not to be open prior to 7.00am (8.00am Sunday and Public Holidays) or after 10.00pm on any day.

The use of the communal laundry facilities is not permitted between the hours of 10.00pm and 7.00am, 7 days a week.

House rules such as those to do with behaviour, activities and noise, visitor policy, use of alcohol and/or drugs shall be prominently displayed within each room and communal areas.

Smoking will not be permitted indoors.

## 4.

**4.1 Drugs**

The Managing Agent's policy is that the use, sale or possession of illegal drugs or any suspicion of such acts being performed in or about the premises or any person found using drugs shall be immediately reported to the police.

**4.2 Lodger Behaviour**

Any lodger failing to observe the rules and any cases of serious misconduct will be dealt with by the Managing Agent who may require a lodger to leave the premises.

Examples of serious misconduct include, but are not limited to, drug or alcohol abuse, sexual, racial or religious harassment, theft or violence. Lodgers are instructed to call the police if a lodger is performing illegal acts on the property.

**4.3 Visitor Policy**

Lodgers staying at the premises may entertain friends in their rooms. Visitors must obey the rules and leave the premises by 10:00pm.

Any lodger inviting visitors to the premises must accept full responsibility for them and their behaviour. In the event of any serious misconduct by the visitor of a lodger, the lodger may also be asked to leave the premises and be asked to pay for damages, if required.

**5. ACCOMMODATION REGISTER**

The Managing Agent will ensure all lodgers will be registered in a Register providing details of the length of stay and the maximum number of all lodgers in each room.

All lodgers in the accommodation are to sign a licence agreeing to comply with the Plan of Management for the boarding house.

No room will be occupied by more than 1 adult lodger for the single occupancy rooms and 2 adult lodgers for the double rooms

The minimum length of stay for lodgers shall be three (3) months with the same room being let out to the same lodger for no less than three (3) months, and no maximum length of stay.

**6. ENVIRONMENTAL PROCEDURES**

This property will be designed to be energy efficient. Ways of reducing energy consumption and natural ventilation sufficient for their thermal comfort will be implemented.

**7. WASTE POLICY****7.1 Minimisation**

Behind each room door there will be a sign encouraging lodgers to recycle. The bins in the waste bin area will be separated for:-

- Paper, cardboard, aluminium cans, glass and plastic bottles;

5.

- General waste.

#### **7.2 Management**

Garbage from the rooms will be collected by the contract cleaners and appropriately disposed in their respective bins which then will be collected by the contracted waste management firm or Council via Gower Street.

- 7.3** Waste bins will be retrieved promptly by the Managing Agent or delegate after collection.

### **8. FIRE SAFETY**

#### **8.1 Evacuation Plan**

Building layout indicating, position of lodgers relative to the rest of the building, fire exits, firefighting equipment and emergency evacuation procedures shall be displayed in all rooms and communal rooms.

#### **8.2 Furnishings and Fittings**

The premises will be checked regularly to ensure that fire safety and essentials fire safety measures in the building, including furnishing and fittings, are maintained and that all required exits and egress paths are clear and free of obstructions.

#### **8.3 Public Liability**

The owners will maintain a public liability cover of \$10 million.

### **9. ONGOING MAINTENANCE**

#### **9.1 Emergency Systems**

Emergency systems are maintained by a suitably qualified organisation as part of a maintenance contract. All equipment is tested and checked in accordance with the relevant Australian Standards. Any faults are documented and rectified immediately.

These checks take place, weekly, monthly and bi-annually depending on the required frequency.

#### **9.2 House Cleaning and Vermin Control**

House cleaning contractors will be responsible for the ongoing cleaning and room maintenance of the premises.

Lodgers are required to report to the Managing Agent any maintenance issues or defective items that they become aware of.

Communal areas and the laundry facilities shall be appropriately constructed, maintained and controlled against vermin. These areas shall be regularly inspected by an authorised pest control company.

6.

**10. ANNUAL CERTIFICATION**

Annual certification of Fire Safety Equipment and preparation of the Form 15a is carried out by a fire consultant. Annual certification required of any of the equipment is overseen by the owners.

**11. OCCUPATIONAL HEALTH AND SAFETY REQUIREMENTS**

The Managing Agent must be aware of his responsibilities under such legislation as the OHS Act 2000, OHS Regulation 2001, and the Innkeepers Act.

The WorkCover website lists the OHS Act and Regulations and other helpful information – visit [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) for boarding houses NSW.

The following safety guidelines will be observed in the premises and contractors must abide by them:-

- All hazards (e.g. broken chairs, loose carpets, missing lights) should be removed, repaired or replaced in consultation with the Resident Manager;
- No item of plant or machinery may be operated unless the guards provided are correctly in place, secured and operating effectively and staff member has been trained;
- Dangerous chemicals are to be handled properly and labelled (MSDS);
- Work areas are to be kept clean and tidy;
- Materials or products are not to be stacked higher than what is considered to be safe;
- Rubbish bins must be used to dispose of all rubbish; and
- All no smoking rules are to be observed.

**12. STORING OF CHEMICALS**

All chemicals and other substances stored for use in workplaces will meet the requirements of certain Acts and Regulations. Chemicals or substances that are labeled Hazardous Goods will have a Materials Safety Data Sheet on site.

**13. LODGER IDENTIFICATION**

The Managing Agent requires photo ID (typically either passport or driver licence). Where the person is an Australian citizen and does not hold a driver's licence then alternative ID which may not hold a photo can be accepted.

**14. PROCESS FOR COMMUNITY CONSULTATION AND DEALING WITH NOISE COMPLAINTS FROM RESIDENTS**

The Managing Agent will be available during business hours 9am to 5pm, Monday to Saturday, to deal with any complaints as to the operation and management of the premises. There will be a register for all complaints. The register will contain:-

- Complaint date and time
- Name of person/police/council making the complaint

7.

- Contact details
- Nature of the complaint
- Action taken (by whom and when)
- Outcome and/or further action required

All complaints shall be dealt with by the Managing Agent and Owner within 24 hours of notification.

The Complaints Register is to be made available to Council or Police upon request.



## Attachment G – Transport for NSW Response

Transport



23 February 2023

TfNSW Reference: SYD23/00043  
Council Reference: DA/2022/1125 (CNR-33976)

Mr Peter Gainsford  
General Manager  
Inner West Council  
PO Box 14  
Petersham NSW 2049

Attention: Ryan Lennox

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**ALTERATIONS AND ADDITIONS TO EXISTING BOARDING HOUSE TO FACILITATE CO-LIVING  
37 LIVERPOOL ROAD, ASHFIELD**

Dear Mr Gainsford,

Reference is made to Council's referral dated 16 January 2023, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) in accordance with clause 2.118 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. TfNSW advises that:

- The subject property is affected by a Road Widening Order under section 25 of the *Roads Act, 1993* as published in Government Gazette No. 9 of 18 January 1957; Folio 124 as shown by pink colour on the below Aerial – "X" (**Attachment A**) and DP447780.

TfNSW advises that on the area of land that is affected by a road proposal, the agency does not support the construction of any new buildings or substantial structures. However, TfNSW policy is that it would not object to normal maintenance and repairs, nor to minor alterations and additions within the property boundary.

After review of the current submission, and the additional information provided by the developer dated 14 February 2023 (**Attachment B**), TfNSW notes the proponent have had issues with complying with Council conditions pertaining to prohibition of structures in the SP2 zone. TfNSW notes the works proposed are being carried out are internally and within the existing footprint of the existing terrace located on the site, there are no new extensions or additions in terms of build form. In terms of internal upgrades (kitchens, bathrooms, and general reconfiguration) are all clear of the boundary.

In addition, the only items that would fall under the SP2 zoning would be reinstating the front balcony and restoring the façade.

As such, TfNSW advises that on the area of land that is affected by a road proposal, the agency does not support the construction of any new buildings or substantial structures. However, TfNSW policy is that it would not object to normal maintenance and repairs, nor to minor alterations and additions within the property boundary.

In this regard, reinstating the front balcony and restoring the façade would be a 'minor' addition and thus allowable within the above parameters. Therefore, TfNSW and raises no objections to the development.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Hans Pilly Mootanah, Land Use Planner, on telephone 8849 2076 or by email at [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink that reads "BEPegg".

**Brendan Pegg**  
Senior Manager Land Use Assessment Eastern  
Planning and Programs, Greater Sydney Division

---

OFFICIAL

27-31 Argyle Street Parramatta NSW 2150  
PO Box 973 Parramatta CBD NSW 2124

W [transport.nsw.gov.au](http://transport.nsw.gov.au)

Attachment A



Attachment B

27-31 Argyle Street Parramatta NSW 2150  
PO Box 973 Parramatta CBD NSW 2124

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Document Set ID: 37721246  
Version: 1, Version Date: 14/05/2023

37 Liverpool Road Ashfield NSW 2131 - Transport NSW Referral Response - Message (HTML)

File Message Help Acrobat Tell me what you want to do

Share to Teams Find

37 Liverpool Road Ashfield NSW 2131 - Transport NSW Referral Response

DA Dean Applegate <dean@lscbd.com.au>  
 To: Brendan Pegg  
 Cc: Hans Pilly mootanah  
 Tue 14/02/2023 6:46 PM

You forwarded this message on 15/02/2023 9:12 AM.

TfNSW Response - 37 Liverpool Road, Ashfield.pdf  
 328 KB

37 Liverpool Rd, Ashfield - Final Plans NK Architect.pdf  
 3 MB

20220907 - TfNSW Response - SYD22\_00031\_02 - 37 Liverpool Road, Ashfield.pdf ..

Hi Brendan,

Hope you are well.

I am writing as the owner of 37 Liverpool Road, Ashfield. I currently have DA/2022/1125 in review with Inner West Council.

After reviewing the recent referral notice dated 8<sup>th</sup> February 2023 (TfNSW Reference: SYD23/00043), I am writing to request that this is reviewed and amended in line with the previous referral notice (TfNSW Reference: SYD22/00031/02) dated 20<sup>th</sup> September 2022. I have also attached the architectural plans with additional detail as requested.

There has been no alteration between this current DA/2022/1125 and the previous DA/2021/1336 which is referred to in the Transport NSW Referral dated September 2022. The only reason this DA has been re-lodged is due to time constraints, the first DA was rejected and due to time that elapsed in gathering additional information/referrals meant that we were in a precarious position whereby the decision was unable to be reviewed in the required timeframe. Essentially we had to rescind and re-lodge the DA which has also incurred additional costs as part of the process with Inner West Council.

I'm sure you can appreciate my frustration and disappointment around the situation and inconsistencies.

I appreciate your assistance in this matter.

Thanks,

**Dean Applegate**  
 Director

**Laing + Simmons** | CBD · Surry Hills

T 02 9267 8000  
 F 02 9267 8001  
 M 0450 316 197  
 E [dean.applegate@lsre.com.au](mailto:dean.applegate@lsre.com.au)

Shop 2/37-43 King Street, Sydney NSW 2000  
[www.lsre.com.au/cbd-surry-hills](http://www.lsre.com.au/cbd-surry-hills)

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27-31 Argyle Street Parramatta NSW 2150  
 PO Box 973 Parramatta CBD NSW 2124

W transport.nsw.gov.au

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Document Set ID: 37721246  
 Version: 1, Version Date: 14/05/2023

## Attachment H – Draft Conditions in the Event the Application is Approved

### CONDITIONS OF CONSENT

#### DOCUMENTS RELATED TO THE CONSENT

##### 1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
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. 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.

<b>Security Deposit:</b>	\$2,800.00
<b>Inspection Fee:</b>	\$350.00

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.

**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 12 May 2023

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
<b>TOTAL</b>	<b>\$9,066.42</b>

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.

#### **GENERAL CONDITIONS**

##### **4. 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.

#### **5. 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.

#### **6. 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.

#### **7. 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.

#### **8. Works Outside the Property Boundary**

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

#### **9. 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.

#### **10. Boarding House**

The development must provide and maintain:

- a. A minimum of One (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.

#### **11. 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.

#### **12. 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.

#### **13. 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.

#### **14. 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.

### **PRIOR TO ANY DEMOLITION**

#### **15. Resource Recovery and Waste Management Plan - Demolition and Construction**

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

#### **16. 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.

#### **17. 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.

#### **18. 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.

### **PRIOR TO CONSTRUCTION CERTIFICATE**

#### **19. Bin Storage Area - Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the Inner West Comprehensive Development Control Plan (DCP) 2016 and must allow for the transfer of bins from storage to collection point.

#### **20. Waste Transfer Route**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is slip-proof, of a hard surface, free of obstructions and at no point has a gradient exceeding 1:12.

**21. Each Residential Level is to have Access to a Disposal Point for All Waste Streams**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste generated by that floor over a 24 hour period.

**22. 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.

**23. 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.

**24. 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*

**25. Noise General – Acoustic Report**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

**DURING DEMOLITION AND CONSTRUCTION****26. 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.

**27. 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.

**28. Imported Fill Materials**

All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods:

- a. Imported fill be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b. Sampling and analysis of the fill material be conducted in accordance with NSW Environment Protection Authority's Sampling Design Guidelines (September 1995).

**29. Documentation of Demolition and Construction Waste**

All waste docketts from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

**30. 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.

**PRIOR TO OCCUPATION CERTIFICATE****31. Noise – Acoustic Report**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of *the Protection of the Environment Operations Act 1997* and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

**32. 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.

**33. 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.

**34. Smoke Alarms - Certification of upgrade to NCC requirements**

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

**ON-GOING****35. 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.

**36. Plan of Management - Operation**

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management 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.

**37. Bin Storage**

All bins are to be stored within the site. Bins are to be returned to the property within 12 hours of having been emptied.

**38. 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.

### **ADVISORY NOTES**

#### **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*.

#### **Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> 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.

#### **Notice to Council to deliver Residential Bins**

Council should be notified of bin requirements three weeks prior to the occupation of the building to ensure timely delivery.

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service.

### Recycling / Garbage / Organics Service Information and Education

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

### 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.

### 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.

### Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

**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.

**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.

**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.

#### 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.

**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 <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100

			<a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom		9841 8660	To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments	131441	<a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority		1300 552 406	<a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government			<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diySAFE.nsw.gov.au">www.diySAFE.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555	<a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water		13 20 92	<a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - Environmental Solutions	SITA	1300 651 116	<a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)			<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW		13 10 50	<a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

**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.

**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.