





 DEVELOPMENT ASSESSMENT REPORT				
Application No.	DA/2021/0777			
Address	250 Liverpool Road ASHFIELD NSW 2131			
Proposal	Alterations and additions to existing commercial tenancies fronting Liverpool Road including the creation of a new commercial tenancy with the removal of an existing kiosk and enclosure of existing areas.			
Date of Lodgement	26 August 2021			
Applicant	Sanjay Halasagi c/- Mecone			
Owner	Owners of Strata Plan 97461			
Number of Submissions	Twenty Nine (29)			
Value of works	\$180,000.00			
Reason for determination at Planning Panel	Number of submissions			
Main Issues	Non-compliance with minimum parking rates.			
Recommendation	Approved with Conditions			
Attachment A	Recommended conditions of consent			
Attachment B	Plans of proposed development			
				
LOCALITY MAP				
Subject Site		Objectors		
Notified Area		Supporters		
Note: Most objections have been received from residents located within the subject site, above the proposed commercial premises.				

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to existing commercial tenancies fronting Liverpool Road including creation of a new commercial tenancy with the removal of an existing kiosk and enclosure of existing areas at 250 Liverpool Road Ashfield.

The application was notified to surrounding properties and 29 submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Non-compliance with parking requirements – 3 space deficiency

The non-compliances are acceptable and therefore the application is recommended for approval.

2. Proposal

The current application seeks consent for alterations and additions to existing commercial tenancies fronting Liverpool Road including creation of a new commercial tenancy, the removal of an existing kiosk and enclosure of existing areas.

In particular the following works are proposed:

- Replace the existing retail kiosk with an enclosed retail premises (Retail Tenancy 3).
- Reconfigure the external walls of Retail Tenancy 2 ('Chatime') to align with the enclosed Retail Tenancy 3.
- Construct and awning to Liverpool Road for Retail Tenancies 2 and 3 to match the building line over.
- Retained illuminated signage locations on the street facades of both retail tenancies.
- Amended existing strata plan SP97461 to reflect the new tenancy boundaries.

The current application seeks for the proposed tenancy 3 to be utilised as a retail premises, however the current application does not seek consent for the fit out and use of the tenancy 3 premises. The fit out and use of this premises is to be subject to a separate application under the *Environmental Planning and Assessment Act 1979*.

3. Site Description

The subject site is located on the southern side of Liverpool Road, between Holden Street and Knox Street. The site consists of one (1) irregularly shaped allotment and forms part of the land currently utilised by the Ashfield Mall. The site is legally described as 250 Liverpool Road Ashfield or Lot 100 DP 1222372, SP 97460 and SP 97461.

The site supports several structures varying in height and scale. Uses currently taking place within these structures includes, retail, commercial, business, office and residential. The adjoining properties support mixed use premises like that of the subject site.

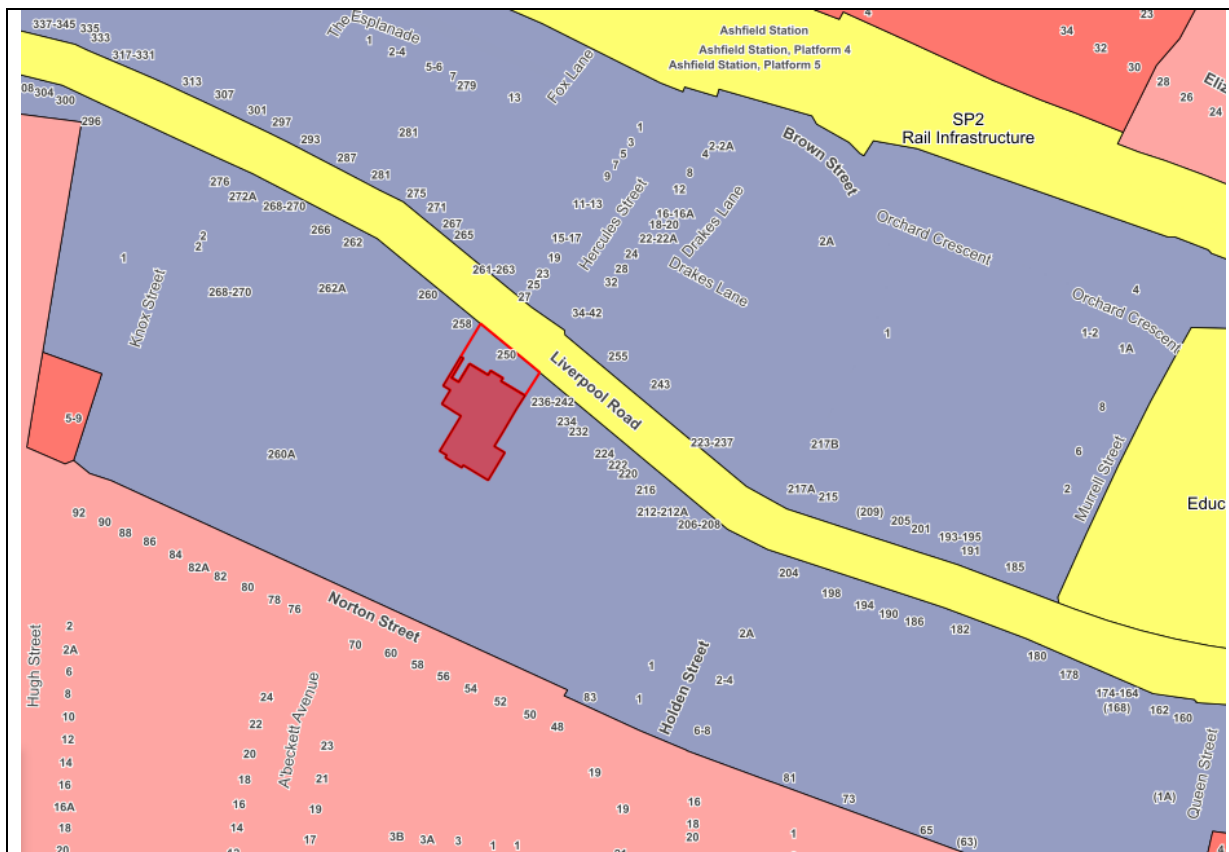


Figure 1: Zoning Map – Subject site identified by red box

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
10.2013/114/1	On 25 September 2014 the Joint Regional Planning Panel approved Development Application No. 10.2013.114.1 which sought consent for alterations additions to Ashfield Mall including 6464sqm of retail area, 67 serviced apartments, 101 dwellings, 100 place childcare centre and car parking.	Approved – JRPP
10.2012.114.2	On 25 January 2016, a section 4.55(2) Modification was approved through Regional Planning Panel to to modify the design of approved buildings C and D and various conditions of consent.	Approved – JRPP
10.2013.114.3	On 8 March 2016, a section 4.55(1A) Modification was approved to amend the façade design, roof design and profile of the pavilion structure towards Liverpool Road and rewording/clarification of certain	Approved

	conditions of consent.	
10.2013.114.4	On 29 August 2016, a Section 4.55(1A) Modification was approved to reconfigure level 4 office/store, amend roof to core in Building D, add 2 windows to level 4 service area.	Approved
10.2013.114.5	On 25 August 2016, a Section 4.55(1A) Modification was approved.	Approved
10.2013.114.6	On 11 April 2017, a Section 4.55(1A) Modification was approved to modify the design on ground level and first level of Building D (identified as level 3 & Level 3.5 on the plans) include: Relocation of the island Kiosk to the north and reconfiguration of the two retail tenancies. Relocation of the alfresco dining area. Provision of a dedicated residential entry, clearly visible from Liverpool Road. Relocation of selected storage cages from Level 3.5 to Level 3.	Approved
10.2013.114.7	On 24 May 2018, a Section 4.55 Modification was approved through Sydney Eastern Planning Panel to modifications to retail, childcare, serviced apartments, car parking and variation to staging.	Approved
10.2013.114.8	On 16 August 2018, a Section 4.55 Modification was approved for recalculation to the additional retail gross floor area in accordance with the GFA definition contained in Ashfield LEP 2013 as opposed to the previous Ashfield LEP 1985.	Approved
10.2013.114.9	On 24 September 2018, a Section 4.55 Modification was approved for Mixed Use Development.	Approved
PDA/2021/0172	Pre-DA, Shop 2 and 3, 250 Liverpool Road, Ashfield Retail Plan of Subdivision	Advice Issued

4(b) Application history

Not applicable

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 (EP&A Act 1979)*.

Owners Consent

Following public notification, Council has received numerous objections from residents of the subject site, who outlined concerns that the applicant has not obtained the proper owner's consent for the requested works. In accordance with the requirements of the EP&A Regulations 2000, Division 1, Clause 49(4A) the consent of an owner or other person under this clause is not required to be in writing for development applications. Instead, the applicant has made a declaration through the NSW Planning Portal as part of the DA lodgement, that they have obtained the relevant landowner's consent to submit the application. By making this declaration the applicant has also agreed to the provisions of

10.6 of the *EP&A Act 1979*, which makes it an offence to provide false or misleading information in relation to a development application.

In accordance with the above provisions the applicant has declared that the relevant landowner's consent has been obtained. As such Council must assess the current application on the basis that landowner's consent has been obtained and is unable to request written owners' consent to be submitted. Any disagreement regarding landowners' consent is considered to be a civil matter outside the discretion of Council.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. AIDAP 2016 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that "the site is, or can be made, suitable for the proposed use" prior to the granting of consent.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with *SEPP 55*.

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

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

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

Signs and Advertising Structures

The application seeks consent for the erection of the following signage:

- 1 x fascia sign measuring approximately 3.9m (width) by 0.5m (height) fronting Liverpool Road

The proposed signage is considered satisfactory having regard to the assessment criteria contained in Schedule 1 of *SEPP 64*.

5(a)(iii) State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)

Development with frontage to classified road (Clause 101)

The site has a frontage to Liverpool Road, a classified road. Under Clause 101 (2) of *SEPP Infrastructure 2007*, the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development. The current proposal does not propose any new access to Liverpool Road. The proposal will not impact the efficacy and operation of Liverpool Road. The application is considered acceptable with regard to Clause 101 of the *SEPP Infrastructure 2007*.

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

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

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area

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

The site is zoned B4 – Mixed Use under the *ALEP 2013*. The *ALEP 2013* defines the development as:

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

The development is permitted with consent within the land use table. The development is consistent with the objectives of the B4 – Mixed Use zone.

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 23 m	Proposal does not alter the existing buildings height	N/A	Existing
Floor Space Ratio Maximum permissible: 3:1 or 48,404m ²	1.97:1 or 45,971m ²	N/A	Yes

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

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

Under the Draft IWLEP 2020 the subject sites zoning changes from the current B4 – Mixed Use zone to B2 – Local Centre. Under the B2 Zone Commercial premises remain permissible. The draft IWLEP 2020 is not considered to be imminent or certain at this time and as such has no weight to the assessment of the current proposal.

5(d) Development Control Plans

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

IWCDCP2016	Compliance
Section 2 – General Guidelines	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes
3 - Flood Hazard	Yes
4 - Solar Access and Overshadowing	Yes
6 - Safety by Design	Yes
7 - Access and Mobility	Yes
8 - Parking	No – see discussion
10 - Signs and Advertising Structures	Yes
D – Precinct Guidelines	
Ashfield Town Centre	Yes

The following provides discussion of the relevant issues:

Good Design

The current application has been assessed against the Good Design Controls contained within the DCP. This review has confirmed that the proposal will result in a positive improvement to the streetscape and overall character of the Ashfield Town Centre. The current application seeks to in-fill and alter a space which is currently underutilised and inconsistent with the existing streetscape. The proposed infill provides a built form which aligns with the remainder of the existing buildings façade, provides opportunities for new/additional retail tenancies, and removes a current locality which is non-compliant with CPTED. The proposal provides additional opportunities for passive surveillance to the neighbouring courtyard and removes existing areas which are uninviting and not being utilised for outdoor seating as envisioned under the original development application.

Subject to conditions of consent the revised design meets the objectives and controls for good design as outlined within the DCP, providing an overall design/expression which is in-keeping with the locality and provides improve streetscape/vitality, ensuring the on-going strengthening of the Ashfield Town Centre as a residential and economic hub. The proposal is acceptable and recommended for approval.

Carparking

The IWCDCP2016 outlines the following requirements for parking within commercial premises:

1 space per 40m² gross floor area.

The current proposal provides an additional 100sqm of retail floor space and as such results in a requirement for an additional 3 on-site vehicular parking spaces. The current application

is for alterations and additions to an existing building and as such there is no opportunities on-site for the provision of additional parking.

The subject site is located within the middle of the Ashfield Town Centre, within proximity to the Ashfield Train Station, various bus stops, public parking and forms part of the land which used for the Ashfield Mall. As a result of its location and various alternate transport options, a parking shortfall is open for consideration in this instance.

It is considered that the proposed tenancy is likely to be utilised by patrons living within the Town Centre, visiting the town centre by train or attending the Ashfield Mall. Given the highly accessible nature of the site, these patrons are unlikely to have a high dependency on private vehicles and are instead likely to utilise public transport or walk. In the event patrons do visit via a private vehicle then sufficient/extensive on-site parking is available within the Ashfield Mall.

With regards to deliveries to the proposed retail tenancy the applicant has outlined the following:

Existing arrangements are to be retained under the proposal. This includes an existing loading zone which is located adjacent to the development along Liverpool Road in front of the Ashfield Library. Waste collection will continue to occur from within the existing rear car park which is accessible via the existing walkway at the rear of the proposed retail tenancies.

This arrangement has been assessed by Council and is considered to be acceptable.

Given the sites location the proposed variation of 3 on-site parking spaces is unlikely to create significant changes to the existing parking demands for the locality, as such the variation is acceptable and recommended for support.

Use of Premises

The current application seeks for the proposed tenancy 3 to be utilised as a retail premises, however the current application does not seek consent for the fit out and use of the tenancy 3 premises. The fit out and use of this premises is to be subject to a separate application under the *Environmental Planning and Assessment Act 1979*. This separate application is to cover considerations such as hours of operation, acoustic impacts, mechanical ventilation (if required) and any other environmental considerations.

5(e) The Likely Impacts

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

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

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

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. 29 submissions were received in response to the notification.

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

- Owners Consent has not been obtained – see Section 5
- Negative impact on streetscape and building façade – see Section 5(d)

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: Impact to property prices

Comment: There is no evidence that the proposal will adversely impact property prices. The development is permissible in the zone and consideration in terms of a use is consistent with the objectives of the zone.

Issue: Inability to access key services for maintenance and repairs

Comment: Access for maintenance and repairs will be sufficiently maintained through relevant strata legislation and must be made available in the event emergency works are required to be undertaken.

Issue: Location of exhaust fans

Comment: The current proposal does not seek consent for new mechanical exhaust or to change the location of existing mechanical exhaust. The installation of new mechanical exhaust is to be covered by a future application for fit out and use. Regardless a condition requiring any mechanical exhaust to comply with the relevant Australian Standards has been recommended for the consent.

Issue: Acoustic Impacts

Comment: The current proposal does not seek consent for fit out, use or hours of operation. The application instead seeks consent for the creation of a retail tenancy. Matters which may give rise to acoustic impacts such as use and hours of operation are to be assessed under a separate development application, to be submitted once a tenant/use is known. Regardless the site is located within the heart of the Ashfield Town Centre a locality where commercial and retail uses are expected and encouraged.

Issue: Change to ventilation of basement carpark

Comment: The current proposal does not alter the existing ventilation for the basement carpark. Existing on-site conditions are to be maintained.

Issue: Fire hydrant treatment/ Fire Safety

Comment: Appropriate conditions regarding compliance with fire safety requirements and BCA are recommended for the consent. With regards to the existing hydrant booster located in front of the site, Council is unable to require its enclosure or removal as there is no nexus between the current works and this structure. A review of the previous consent for the building has highlighted condition

A(9) which requires boosters to be enclosed. The matter has been referred to Council's compliance team for review and actioning if necessary.

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Development Engineering
- Environmental Health
- Resource Recovery

7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$1,800.00 would be required for the development under Ashfield Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

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

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

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2021/0777 for Alterations and additions to existing commercial tenancies fronting Liverpool Road including creation of new commercial tenancy with the removal of an existing kiosk and enclosure of existing areas. at 250 Liverpool Road ASHFIELD NSW 2131 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
SK1002 Issue 2	Site Plan	12/08/2021	Cotteeparker
SK2001 Issue 03	Floor Plan - Ground Floor Proposed	12/08/2021	Cotteeparker
SK3001 Issue 02	Elevations	12/08/2021	Cotteeparker
SK3002 Issue 02	Elevations	12/08/2021	Cotteeparker

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.

Security Deposit:	\$2254.00
Inspection Fee:	\$241.50

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 7.12 (formerly section 94A) Development Contribution Payments

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Ashfield Section 94A Development Contributions Plan 2009*.

Note:

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount*:

\$1,800.00

***Indexing of the Section 7.12 contribution payment:**

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

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.**

4. Long Service Levy

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

GENERAL CONDITIONS

5. Boundary Alignment Levels

Alignment levels for the site at all pedestrian locations must match the existing back of footpath levels at the boundary.

6. Stormwater Drainage System – Simple

Stormwater runoff from proposed new or altered areas may be discharged to the existing site drainage system.

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 or to the Council pipe.

7. 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.

8. 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.

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. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

11. Works Outside the Property Boundary

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

12. Use of Retail Premises

This development application does not provide consent for any fit out/use of retail spaces or hours of operation for retail spaces. An application for first use is to a separate development application under the *Environmental Planning and Assessment Act 1979*.

PRIOR TO ANY DEMOLITION

13. 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.

14. 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.

15. 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**16. 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.

17. Public Domain Works – Prior to Construction Certificate

If the footpath is damaged/alterd during construction, prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The public domain along all frontages of the site inclusive of footpath paving, must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme;

All works must be completed prior to the issue of an Occupation Certificate.

18. Enclosure of Fire Hydrant

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS 2419.1 2005.

19. 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.

20. Sydney Water – Tap In

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

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

DURING DEMOLITION AND CONSTRUCTION**21. Documentation of Demolition and Construction Waste**

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

22. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

23. Survey Prior to Footings

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

PRIOR TO OCCUPATION CERTIFICATE**24. Public Domain Works**

If required, prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. Any damaged footpath across the frontage of the site must be reconstructed; and
- b. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

25. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

26. Protect Sandstone Kerb

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

27. 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**28. Bin and Re-usable Item Storage**

All bins and re-usable item storage such as milk crates are to be stored within the site.

29. Documentation of Businesses Waste Services

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

ADVISORY NOTES**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 clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services

including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.

- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Amenity Impacts General

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

Fire Safety Certificate

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

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

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

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50 www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

Street Numbering

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

Attachment B – Plans of proposed development

ASHFIELD MALL TENANCIES

DEVELOPMENT APPLICATION
 ALTERATIONS & ADDITIONS
 250 LIVERPOOL RD., ASHFIELD
 SP97460 & SP 97461



DRAWING SCHEDULE		
DRAWING NUMBER	DRAWING NAME	REVISION
0000	TITLE SHEETS	
0001	TITLE SHEET	02
0200 3D DRAWINGS & RENDERERS		
0201	LIVERPOOL ROAD VIEWS	03
0202	COUNCIL COURTYARD VIEWS	03
1000 SITE PLANS		
1001	LOCATION PLAN	02
1002	SITE PLAN	02
1200 EXISTING PLANS		
1200	EXISTING FLOOR PLAN - GROUND FLOOR	03
2000 FLOOR PLANS		
2001	FLOOR PLAN - GROUND FLOOR PROPOSED	03
3000 ELEVATIONS		
3001	ELEVATIONS	02
3002	ELEVATIONS	02

COTTEPARKER 
 STONEY
 T 61 2396 1100
 F 61 2396 1100
 M 08 92 72 94 100
 COTTEPARKER.COM.AU

03 REVISIONS: DATE: 08/07/2015
 01 ISSUED FOR CONSTRUCTION: 08/07/2015
 02 ISSUED FOR CONSTRUCTION: 08/07/2015
 03 ISSUED FOR CONSTRUCTION: 08/07/2015

DATE: 08/07/2015
 TIME: 08:00 AM
 JOB NO: 6486
 DRAWING CODE: SK0001
 SHEET NO: 02

ISSUED FOR CONSTRUCTION: 08/07/2015
 PROJECT: ASHFIELD MALL TENANCIES
 CLIENT: S. HALASZ
 TITLE: TITLE SHEET



1 LIVERPOOL ROAD VIEW EXISTING



2 LIVERPOOL ROAD VIEW PROPOSED

COTTEPARKER
 SYDNEY
 T 61 2 9006 6130
 F 61 2 9006 6131
 GPO BOX 9711 SYDNEY NSW 1585
 WWW.COTTEPARKER.COM.AU

DO NOT SCALE DRAWING
 FOR INFORMATION ONLY
 NOT FOR CONSTRUCTION

ISSUE NO. 01
 ISSUE DATE: 15/08/2017
 ISSUE FOR: COMMENTS
 ISSUE NO. 02
 ISSUE DATE: 15/08/2017
 ISSUE FOR: COMMENTS
 ISSUE NO. 03
 ISSUE DATE: 15/08/2017
 ISSUE FOR: COMMENTS

PROJECT NO. 15010
 PROJECT NAME: ASHFIELD MALL TENANCIES
 PROJECT ADDRESS: 250 LIVERPOOL RD, ASHFIELD
 CLIENT: S. PALASACI
 DRAWING NO. SK0201
 ISSUE NO. 03



1 COUNCIL COURTYARD VIEW EXISTING



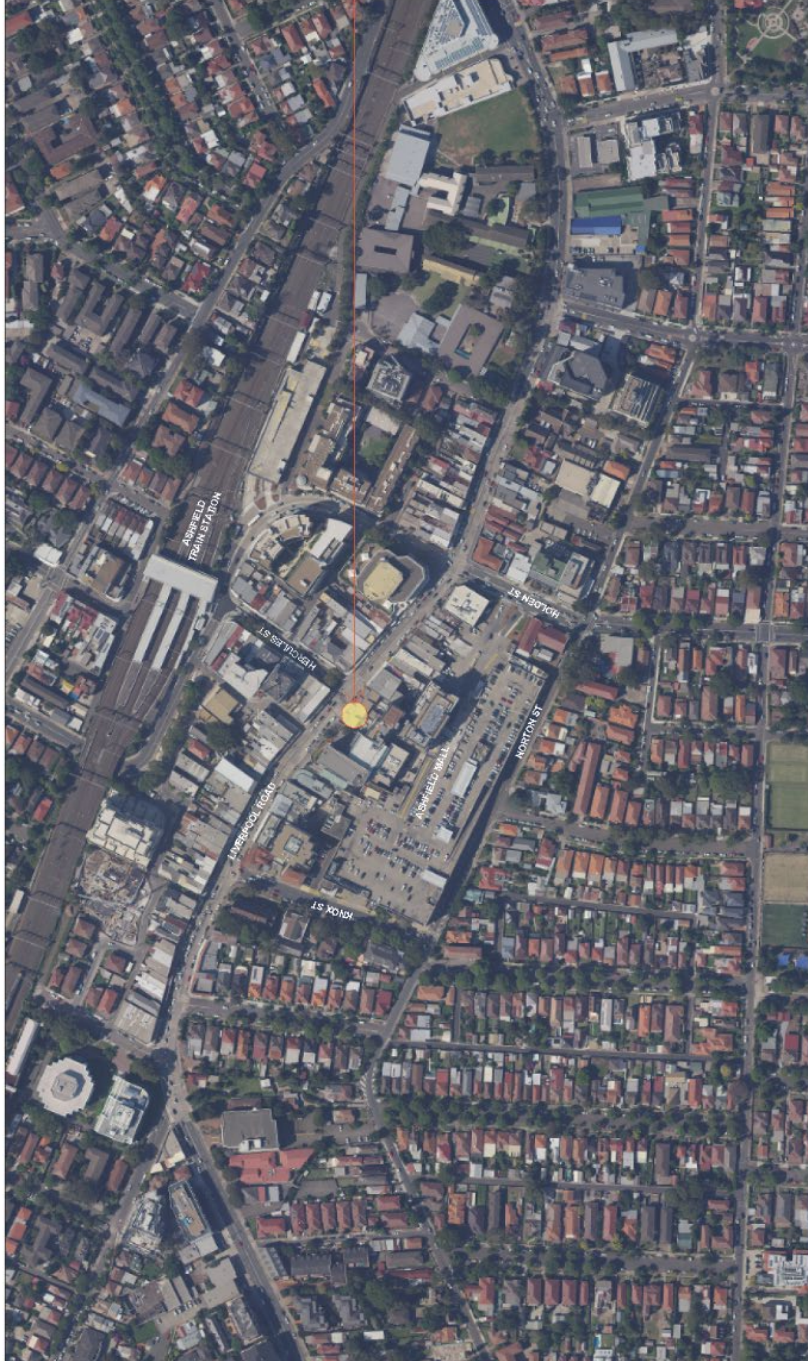
2 COUNCIL COURTYARD VIEW PROPOSED

COTTEEPARKER
 SYDNEY
 T +61 2 9668 1153
 GPO BOX 97100 SYDNEY NSW 1587
 COTTEEPARKER.COM.AU

ISSUE PURPOSE SK
 DATE D C A
 JOBS No 6486
 DWG No SK0202
 ISSUE 03

ASHFIELD MALL TENANCIES
 252 LIVERPOOL RD, ASHFIELD
 CLIENT: S-ALASAG
 COUNCIL COURTYARD VIEWS

SUBJECT SITE
290 LIVERPOOL RD
ASHFIELD
SF97460 & SF 97461



1 LOCATION PLAN

COTTEPARKER Φ

27 DUNN ST
SYDNEY NSW 1585
COTTEPARKER ARCHITECTS PTY LTD
ABN 116 041 965
COTTEPARKER@COTTEPARKER.COM.AU

PROJECT: 290 LIVERPOOL RD, ASHFIELD
DRAWING: LOCATION PLAN
DATE: 15/08/2022

02	ISSUE FOR CONSENT	DATE	IN	NT
01	ISSUE FOR CONSENT	DATE	IN	NT
TRADE PURPOSE				
SITE: D. C. A.				
SK				
		JOB NO	6486	
		DWG NO	SK1001	02
LOCATION PLAN				
ASHFIED MALL TENANCIES 290 LIVERPOOL RD, ASHFIELD CLIENT: S. HALLIGAN				



1 SITE PLAN 1:200

COTTEEPARKER Φ
 SYDNEY
 T 013 3466 1133
 10/111 MARKET STREET SYDNEY NSW 1590
 COTTEEPARKER.COM.AU

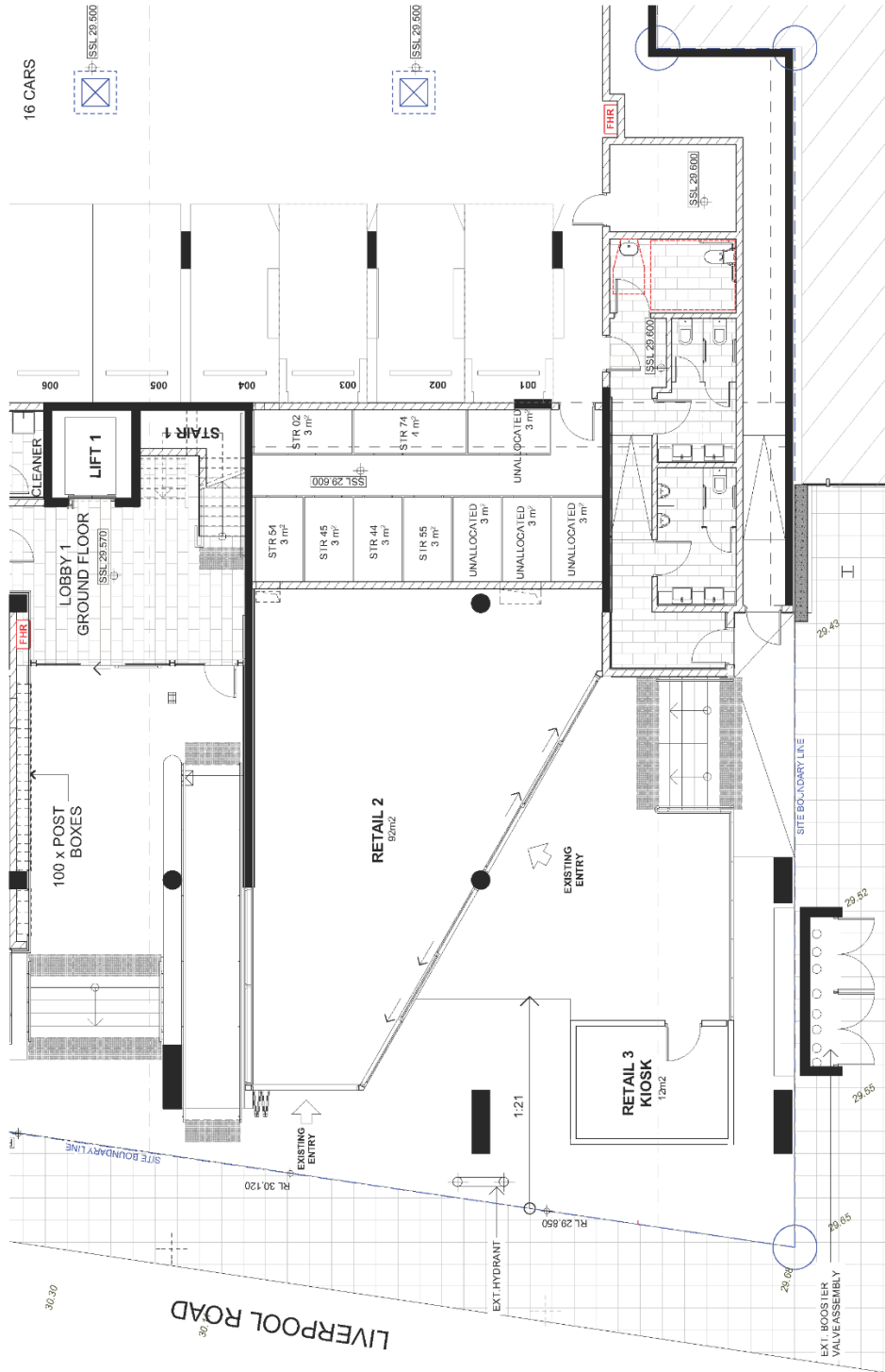
ASHFIELD MAIL TENANCIES
 250 LIVERPOOL ROAD, ASHFIELD
 CLIENT: S. JAVAKSCHI

JOB No 6486 DWG No SK1002 02

ISSUE PURPOSE SK DATE D. C. A ISSUE TITLE SITE PLAN

0 ISSUED FOR INFORMATION 02/02/21 NI
 01 ISSUED FOR PERMIT SUBMITTAL 02/02/21 NI

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1 EXISTING FLOOR PLAN - GROUND FLOOR 1:100

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 SYDNEY
 T: 61 2 9486 1133
 C/O: 181 PARRAMATTA ROAD, SYDNEY NSW 1585
 COTTEPARKER.COM.AU

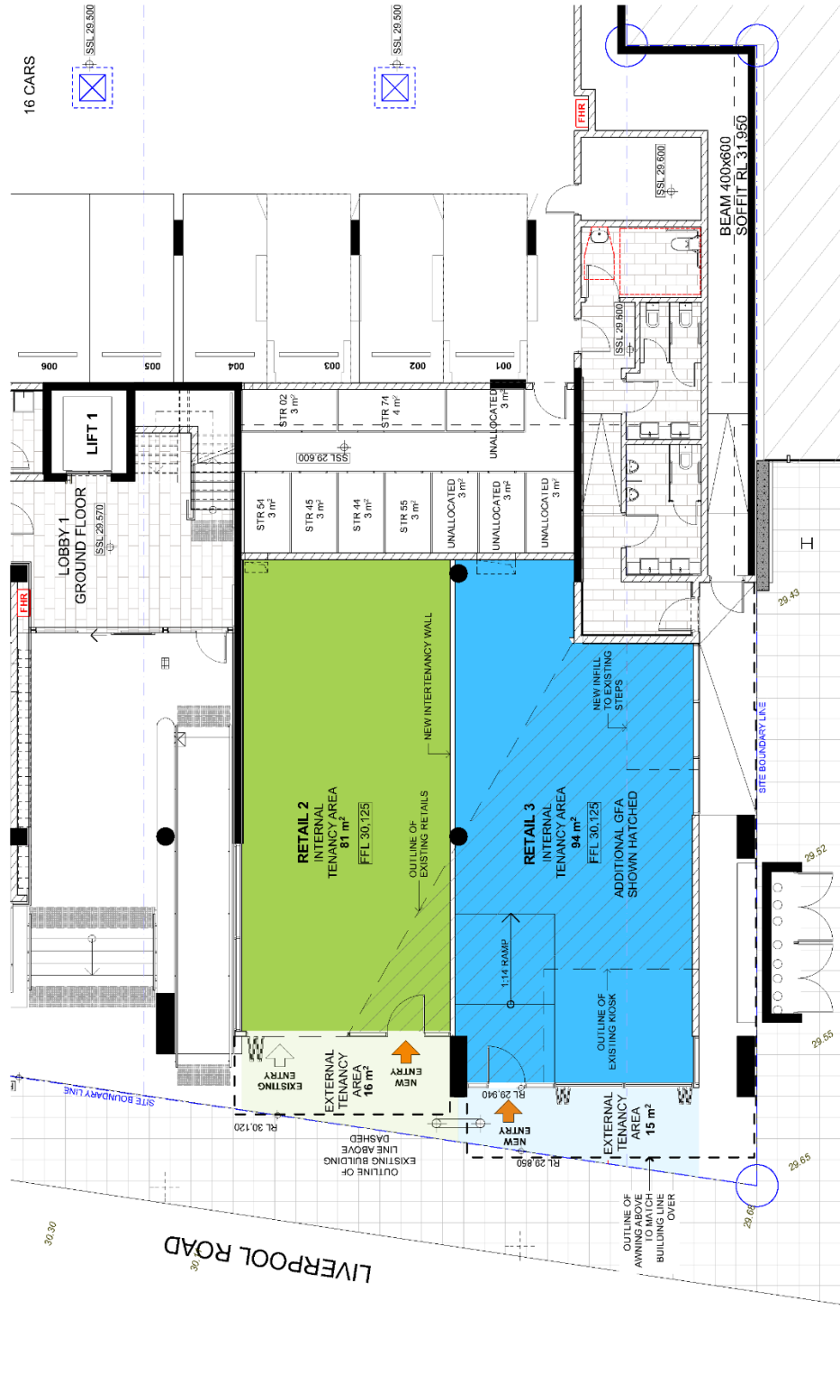
ISSUED FOR INFORMATION
 DATE: 11/09/2018
 DRAWING NO: SK/1200
 ISSUE: 03

ASHFIELD MALL TENANCIES
 230 LIVERPOOL ROAD, SYDNEY NSW 1585
 CLIENT: S. HALL & CO

ISSUED FOR INFORMATION
 DATE: 11/09/2018
 DRAWING NO: SK/1200
 ISSUE: 03

BLUE PURPOSE: SK

DATE: 11/09/2018
 DRAWING NO: SK/1200
 ISSUE: 03



1 FLOOR PLAN - GROUND FLOOR PROPOSED
1:100

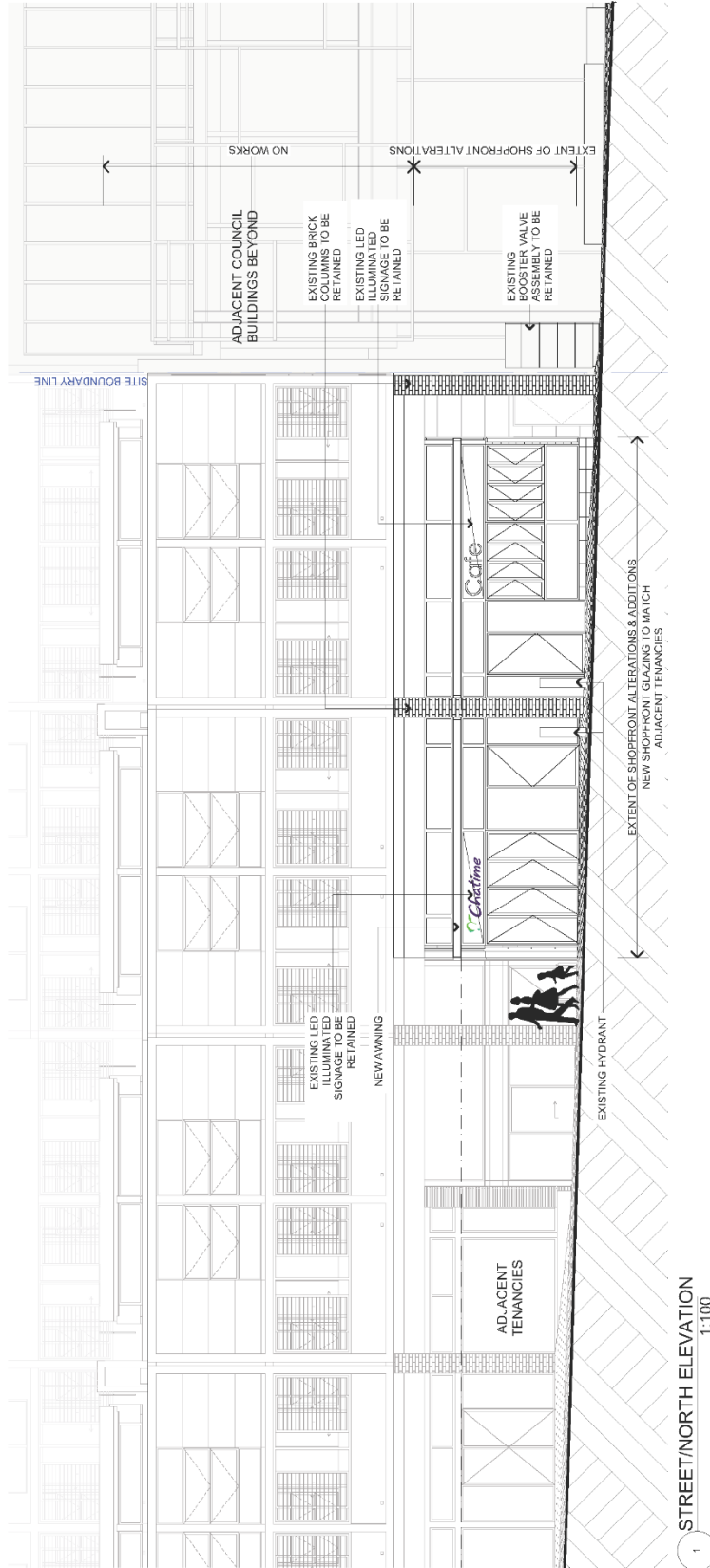
COTTEEPARKER
SYDNEY
1/19/2009-73a
1/19/2009-73a
DRAWN BY: JESSICA WILSON
CHECKED BY: JESSICA WILSON
COTTEEPARKER.COM.AU

ASHFIELD MALL TENANCIES
250 LIVERPOOL RD, ASHFIELD
CLIENT: S.I.A. ASAGH
TITLE: FLOOR PLAN - GROUND FLOOR PROPOSED
JOB NO: 6486
DRAWING ISSUE: 03

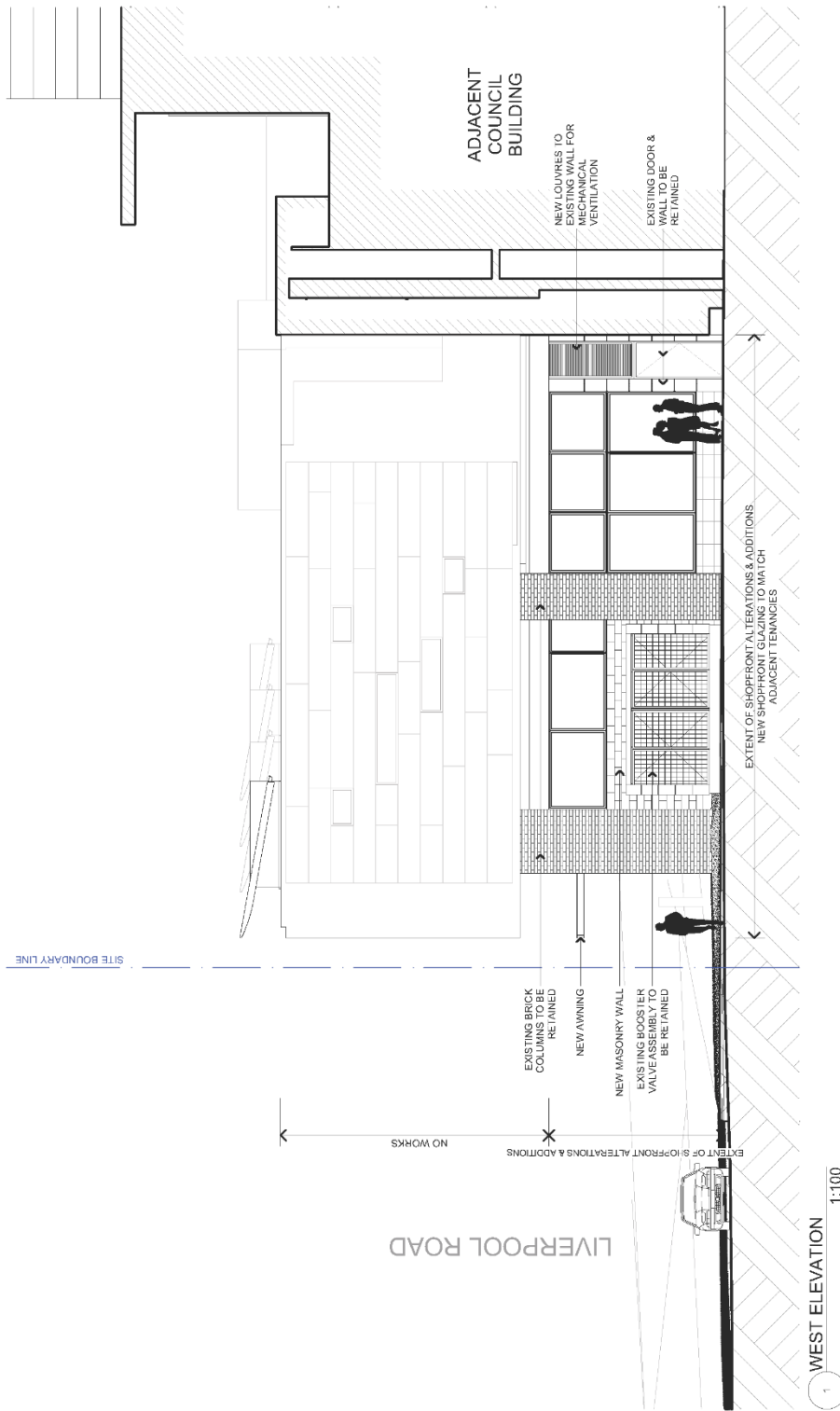
DATE: 03/01/2011
PURPOSE: SK
ISSUE: SK

NO.	REVISION	DATE	BY	CHKD.
01	ISSUED FOR PERMIT	03/01/11	JW	NT
02	ISSUED FOR COMMENT	03/01/11	JW	NT
03	ISSUED FOR COMMENT	03/01/11	JW	NT
04	ISSUED FOR COMMENT	03/01/11	JW	NT

DATE: 03/01/2011
PURPOSE: SK
ISSUE: SK



COTTEEPARKER ARCHITECTURE PARTNERS 107/108 WILSON AVENUE SYDNEY NSW 1585		03 ISSUED FOR COMMENT 01 SELECTED FOR COMMENT	SPR2021 TN 06/02/2021 TN	NT NT	ASHFIELD MALL TENANCIES 255 LIVRPOOL RD, ASHFIED CLIENT: S-HALASAGH	
COTTEEPARKER SYDNEY T 61 2 9865 1134 M 61 2 9865 1134 WWW.COTTEEPARKER.COM.AU		1:100 @ A3	DATE	D	C	A
ISSUE PURPOSE SK		JOB NO 6486		ELEVATIONS		02
COTTEEPARKER.COM.AU		DWG NO SK3001		ISSUE		



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 SYDNEY
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 A: 61 2 9439 5533
 WWW.COTTEPARKER.COM.AU

ASHFIELD MALL TENANCIES
 250 LIVERPOOL RD, ASHFIELD
 CLIENT: S. HAJASAGHI
 TITLE: ELEVATIONS

JOB NO: 6486
 DATE: D. C. A.
 ISSUE: FINAL DESIGN DRAWING
 DRAWING NO: SK3002
 ISSUE: 02

TABLE PURPOSE: SK