








# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	10.2018.217.1
<b>Address</b>	27 Hercules Street, Ashfield (261-263 Liverpool Road)
<b>Proposal</b>	Change of use to a function centre
<b>Date of Lodgement</b>	18 December 2018
<b>Applicant</b>	Fragar Planning and Development
<b>Owner</b>	Ms E Hong
<b>Number of Submissions</b>	One petition containing 34 signatures
<b>Value of works</b>	\$50,000.00
<b>Reason for determination at Planning Panel</b>	Potential demolition work to heritage item, new licensed premises and a petition containing 34 signatures
<b>Main Issues</b>	Heritage, Building Code of Australia, Acoustic Privacy and Waste Management
<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 Heritage Significance
<b>Attachment D</b>	Draft conditions in the circumstance the application is approved



LOCALITY MAP

Subject Site		Head Petitioner		 N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council for the change of use to a function centre at 27 Hercules Street, Ashfield (also known as 261-263 Liverpool Road). The application was notified to surrounding properties and a petition containing 34 signatures was received.

The main issues that have arisen from the application include:

- The property is listed as a heritage item and the nature of the works and their impact on the interiors of the building cannot be interpreted sufficiently given no Heritage Impact Statement has been submitted;
- An accurate assessment of general areas of non-compliance with the Building Code of Australia cannot be undertaken given no Building Code of Australia Report has been submitted;
- An accurate assessment of the acoustic impact of the proposed use on the surrounding properties cannot be undertaken given no Acoustic Report has been submitted;
- No waste collection point has been provided and the Waste Management Plan submitted with the application has not provided sufficient capacity for the waste generated by the use; and
- Concern is raised that the subject tenancy does not have legal access to the toilets on the premises.

Given the above non-compliances the application is not supported and refusal is recommended.

## 2. Proposal

Approval is sought to change the use of the existing vacant first floor office premises to a function centre including a bar with a maximum patron capacity of 80 persons and internal demolition and fit-out works.

## 3. Site Description

The subject site is located on the northern corner of Liverpool Road and Hercules Street, Ashfield. The site is legally described as Lot 2 in Deposited Plan 450205.

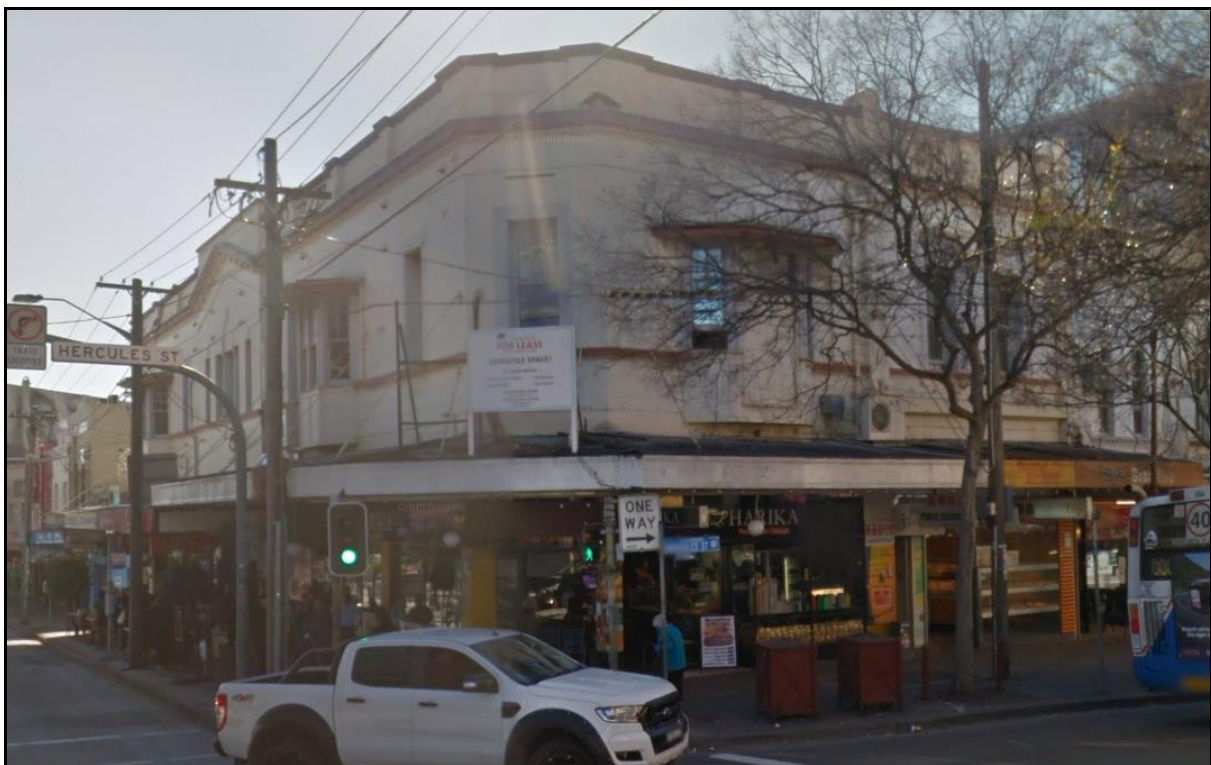
The site has a frontage to Hercules Street of approximately 5.6 metres and a secondary frontage of approximate 34.1 metres to Liverpool Road.

The site supports a two (2) storey commercial building containing seven (7) individual units. Access to the subject premises is obtained from the ground floor on Liverpool Road. All other commercial units within the building are wholly contained on the ground floor. The adjoining properties support single and two storey commercial buildings.

The subject site is listed as a heritage item, namely item No.208 "Shops, offices and dwelling".



*Image 1: Subject site as viewed from Liverpool Road*



*Image 2: Subject site as viewed from the corner of Hercules Street and Liverpool Road*

## 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

None relevant to the existing first floor office premises.

### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
18 December 2018	Application lodged with Council
2 February 2019	Site inspection undertaken
7 May 2019	Additional information request sent to application (detailed below)
11 June 2019	Applicant advised Council that requested information would not be submitted.

A request for additional information was sent to the applicant on 7 May 2019 which required the following be submitted:

- A Heritage Impact Statement;
- A Building Code of Australia Report;
- An Access Management Plan;
- An Acoustic Report;
- An amended Waste Management Plan which included an appropriate waste collection point and sufficient capacity and storage area for waste generated by a premises of this type; and
- Written evidence that the tenancy has legal access to the toilets on the premises.

Following consultation with the Applicant and Council's Building Surveyors it was determined that an Access Management Plan was not required. The Applicant advised Council on 11 June 2019 that the requested information would not be submitted.

## 5. Assessment

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

### 5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

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. CIWDCP 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 proposal does not involve access to soils or a sensitive land use and is not of a nature which would require remediation in accordance with *SEPP 55*.

**5(a)(ii) 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 existing premises does not have vehicular access from Liverpool Road and the proposed development involves a change of use and internal works only. It is considered that the proposed use and works will not compromise the effective and ongoing operation and function of Liverpool Road. The application is considered acceptable with regard to Clause 101 of the *SEPP Infrastructure 2007*.

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

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

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

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

- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 5.10 - Heritage Conservation

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

The site is zoned B4 – Mixed Use under the provisions of ALEP 2013. The proposed use is defined as Function Centre which is permissible with consent under the zoning provisions applying to the land.

The proposed land use is considered acceptable in principle having regard to the objectives of the B4 – Mixed Use zone.

(ii) Clause 4.3 – Height of Buildings

The site is located in an area where the maximum height of buildings is 23 metres as indicated on the Height of Building Map that accompanies ALEP 2013. No change to the existing building height is proposed as part of the development.

(iii) Clause 4.4 – Floor Space Ratio

The site is located in an area where maximum floor space ratio permitted is 3:1 as indicated on the Floor Space Ratio Map that accompanies ALEP 2013. No change to the existing gross floor area is proposed as part of the development.

(iv) Clause 5.10 – Heritage Conservation

The subject site is identified as being a heritage item under the provisions of ALEP 2013, namely item No.208 “Shops, offices and dwelling”. The application was referred to Council’s Heritage Officer who requested a Heritage Impact Statement be submitted in order to accurately determine the nature and extent of the works and their impact on the interiors of the building and any significant heritage building fabric. This has not been submitted.

Given no assessment can be made of the impact of the works on the heritage item, it is considered that the development has not been appropriately designed as to not impact upon the heritage significance of the building in accordance with Clause 5.10(4) of ALEP 2013.

Appropriate documentation regarding heritage management and impacts upon heritage significance have not been prepared and submitted as part of this development application and is therefore not considered acceptable having regard to Clause 5.10(5) of ALEP 2013.

## 5(b) Draft Environmental Planning Instruments

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

### *Draft Environment State Environmental Planning Policy (SEPP)*

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

### 5(c) 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
<b>Section 2 – General Guidelines</b>	
<b>A – Miscellaneous</b>	
7 - Access and Mobility	No
8 - Parking	Yes
<b>C – Sustainability</b>	
3 – Waste and Recycling Design & Management Standards	No
<b>D – Precinct Guidelines</b>	
1 – Ashfield Town Centre	Yes
E1 – Heritage items and Conservation Areas (excluding Haberfield)	
2 – Heritage Items	No
5 – Retail and Commercial Buildings	Yes

#### **Chapter A “Miscellaneous” Part 7 – Access and Mobility**

Concern was raised by Council’s Building Surveyors that an Access Management Plan would be required and given the size of the function centre, may require an Alternate Solution to be provided.

It is considered that proposed development is potentially capable of complying with the Building Code of Australia and relevant access standards, however a full assessment cannot be undertaken given no Building Code of Australia Report has been submitted.

#### **Chapter A “Miscellaneous” Part 8 – Parking**

The subject site is located within the Ashfield Town Centre Precinct. Section 2, Chapter A, Part 8, Development Standard 3.3 of CIWDCP 2016 does not require any additional parking in the Ashfield Town Centre for development that involves existing gross floor area or comprises a change of use of existing gross floor area only.

Given the proposed development involves the change of use only which does not alter the existing gross floor area, the development is considered acceptable having regard to Section 2, Chapter A, Part 8 of CIWDCP 2016.

#### **Chapter C “Sustainability” Part 3 – Waste and Recycling Design & Management Standards**

A Waste Management Plan was submitted with the application which provided no on-site bin storage or waste collection.

Given the proposed use includes a bar and has a maximum capacity of 80 persons it is considered that the use is subject to the waste requirements of a Hotel/Bar/Club in accordance with Guide 4 of Section 2, Chapter 3, Part 3 of CIWDCP 2016, including an appropriate waste collection point.

In accordance with Guide 4 of Section 2, Chapter 3, Part 3 of CIWDCP 2016, a Hotel/Bar/Club is required to provide a waste storage area with sufficient capacity for the storage of 90L of general waste and 80L of recycling per 100sqm per day.

Based on a gross floor area of 258.18sqm, the proposed use would require a waste storage area with capacity for 232L of general waste and 206L of recycling per day. It is considered that there is sufficient room within the premises for the waste storage area to be provided.

Given no amended Waste Management Plan with sufficient waste storage or appropriate waste collection point has been provided to Council, the proposed use is not considered acceptable having regard to Section 2, Chapter 3, Part 3 of CIWDCP 2016.

#### **Chapter D “Precinct Guidelines” Part 1 – Ashfield Town Centre**

Given the development involves internal building works and the change of use only, it is considered that the proposal will not alter compliance with Section 2, Chapter D, Part 1 of CIWDCP 2016.

#### **Chapter E1 “Heritage Items and Conservation Areas (excluding Haberfield) Part 2 – Heritage Items**

Section 2, Chapter E1, Part 2 of CIWDCP 2016 requires significant interior layouts and elements of heritage items to be retained and conserved. Given no Heritage Impact Study has been submitted, an accurate assessment of the proposed works on existing significant internal elements cannot be undertaken in accordance with Section 2, Chapter E1, Part 2.3 of CIWDCP 2016 and therefore development is not considered acceptable.

#### **Chapter E1 “Heritage Items and Conservation Areas (excluding Haberfield) Part 5 – Retail and Commercial Buildings**

Given the development involves internal building works and the change of use only, it is considered that the proposal will not alter compliance with Section 2, Chapter E1, Part 5 of CIWDCP 2016.

#### **5(d) The Likely Impacts**

These matters have been considered as part of the development application:

##### Hours of Operation

Monday – Wednesday	No Operation
Thursday – Sunday	10.00am – 11.00pm
Public Holidays	No Operation

##### Number of Staff

Five (5) staff members are proposed.

##### Loading/Unloading

No loading and unloading has been proposed as part of the development.

Concern has been raised that the proposed development may result in an excessive acoustic privacy impact on the surrounding properties as a result of the proposed hours of operation and capacity. No Acoustic Report was submitted with the application that clarifies the acoustic impact of the proposed use or recommends measures for acoustic mitigation (including sensitive treatment of the heritage building fabric) and as such the likely impacts of the development cannot be accurately assessed.



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

It is considered that the proposal will have an adverse impact on the adjoining properties and it has not been demonstrated that the site can sustain the proposal without detrimentally affecting the heritage significance of the listed building, therefore it is considered that the site is unsuitable to accommodate the proposed development.

### 5(f) Any submissions

The application was notified in accordance with Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill for a period of 21 days to surrounding properties. A petition containing 34 signature was received.

The submissions raised the following concerns which are discussed under the respective headings below:

Issue: Alcohol

Comment: It is expected that as a function centre containing a bar that alcohol would be served. Should the application be otherwise supported, no objection is raised to the sale or service of alcohol within a function centre subject to appropriate conditions regarding licensing, security and noise.

Issue: Toilet Use

Comment: Concern was raised that the subject premises did not have legal access to the toilets shown on the plans. Council requested that written evidence be provided that the premises had access to the toilets however no response was received.

Issue: Fire Safety

Comment: Concern was raised that the singular entry/exit would not satisfy the fire safety requirements for the scale of the proposed use. Given the application seeks consent for minor building works and the use of a singular premises within a multi strata tenancy, the premises would not be required to provide an alternative point of entry/exit. (I'm not actually sure that this is true – if it's a Class 9b building (Place of Public Entertainment, School, etc) I thought they would technically need to but might be able to claim a heritage exemption... but Kerry would know better than me)

Issue: Waste

Comment: Concern was raised regarding the waste collection for the premises. An amended Waste Management Plan which complied with Council's requirements was requested however no response was received.

### 5(g) 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 as sufficient information has not been provided to all Council to assess all potential impacts and operations of the proposal.

## 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.

- Heritage
- Building
- Waste

## 7. Section 7.11 Contributions/7.12 Levy

The carrying out of the proposed development would not result in an increased demand for public amenities and public services within the area and the cost of works is less than \$100,000.00. As such, no Section 7.11 Contribution/7.12 Levy is applicable.

## 8. Conclusion

The proposal does not satisfactorily demonstrate compliance with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and Inner West Comprehensive Development Control Plan (DCP) 2016.

The development would result in significant impacts on the amenity of the adjoining premises/properties and the heritage significance of a listed heritage item and 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

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 Development Application No. 10.2018.217.1 for the change of use to a function centre at 27 Hercules Street, Ashfield for the following reasons:

1. Incomplete and insufficient information was submitted with the application to enable a proper assessment of the impact of the works on the heritage item in accordance with Clause 5.10(4) of Ashfield Local Environmental Plan 2013 and Section 2, Chapter E1, Part 2 of the Comprehensive Inner West Development Control Plan 2016.
2. Appropriate documentation regarding heritage management and impacts upon heritage significance have not been submitted in accordance with Clause 5.10(5) of Ashfield Local Environmental Plan 2013.
3. Incomplete and insufficient information was submitted with the application to enable a proper assessment of areas of non-compliance and fire safety in accordance with the Building Code of Australia.
4. No waste storage area or appropriate waste collection point have been proposed as part of the application and therefore it does not comply with Section 2, Chapter 3, Part 3 of the Comprehensive Inner West Development Control Plan 2016.
5. Incomplete and insufficient information was submitted with the application relating to acoustic privacy to enable a proper assessment of the likely impacts of the development in accordance with Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.

6. 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 pursuant to Section 4.15(1)(c).
7. In view of the substantiated objections to the proposal, the development is not in the Public Interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

## Attachment A – Reasons for refusal

1. Incomplete and insufficient information was submitted with the application to enable a proper assessment of the impact of the works on the heritage item in accordance with Clause 5.10(4) of Ashfield Local Environmental Plan 2013 and Section 2, Chapter E1, Part 2 of the Comprehensive Inner West Development Control Plan 2016.
2. Appropriate documentation regarding heritage management and impacts upon heritage significance have not been submitted in accordance with Clause 5.10(5) of Ashfield Local Environmental Plan 2013.
3. Incomplete and insufficient information was submitted with the application to enable a proper assessment of areas of non-compliance and fire safety in accordance with the Building Code of Australia.
4. No waste storage area or appropriate waste collection point have been proposed as part of the application and therefore it does not comply with Section 2, Chapter 3, Part 3 of the Comprehensive Inner West Development Control Plan 2016.
5. Incomplete and insufficient information was submitted with the application relating to acoustic privacy to enable a proper assessment of the likely impacts of the development in accordance with Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
6. 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 pursuant to Section 4.15(1)(c).
7. In view of the substantiated objections to the proposal, the development is not in the Public Interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

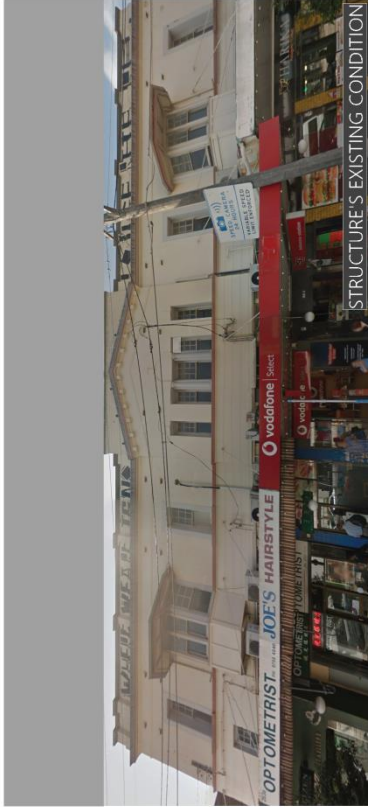
Attachment B – Plans of proposed development

REV	DETAILS	DATE
C	DATE FOR REVIEW	1A
B	CONCEPT FOR REVIEW	1A
A	CONCEPT FOR REVIEW	1A



PROJECT NO: 1301 007838  
 1/14/2019  
 www.councilapprovaldesign.com.au  
 ABN 89 104 442 337  
 Nominated Architect: Christopher Calhoun 8079

Client: Jabeek Group  
 Project: Proposed Function Centre on existing commercial space  
 263 Liverpool Road, Ashfield, NSW 2131  
 Drawing Name: COVER SHEET  
 Drawing Number: SK-000  
 Scale: NTS @ A2  
 Date: 14/04/2019  
 Author: JCC  
 Checker: JCC  
 Designer: JCC  
 Approver: JCC  
 Title: COVER SHEET  
 Scale: NTS @ A2



Floor Space	
first floor area	19.92 m <sup>2</sup>
second floor area	256.18 m <sup>2</sup>
gross floor area of property	276.1 m <sup>2</sup>

**drawingregister**

DWG No.	DESCRIPTION
SK-000	COVER SHEET
SK-001	EXISTING FLOOR PLANS
SK-002	EXISTING SECTIONS (1)
SK-003	EXISTING SECTIONS (2)
SK-004	DEMOLITION FLOOR PLAN
SK-005	PROPOSED FLOOR PLANS
SK-006	PROPOSED SECTIONS (1)
SK-007	PROPOSED SECTIONS (2)
SK-008	FIRE SCHEDULE AND SERVICES
SK-009	3D IMAGES

# 263

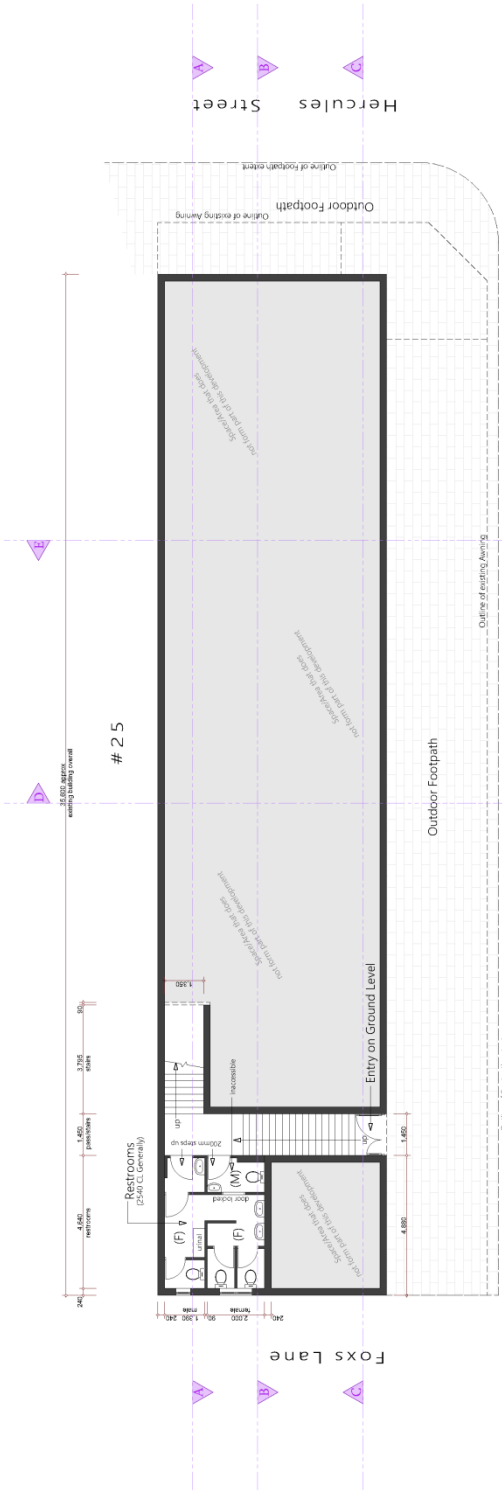
## liverpool road

### ashfield nsw

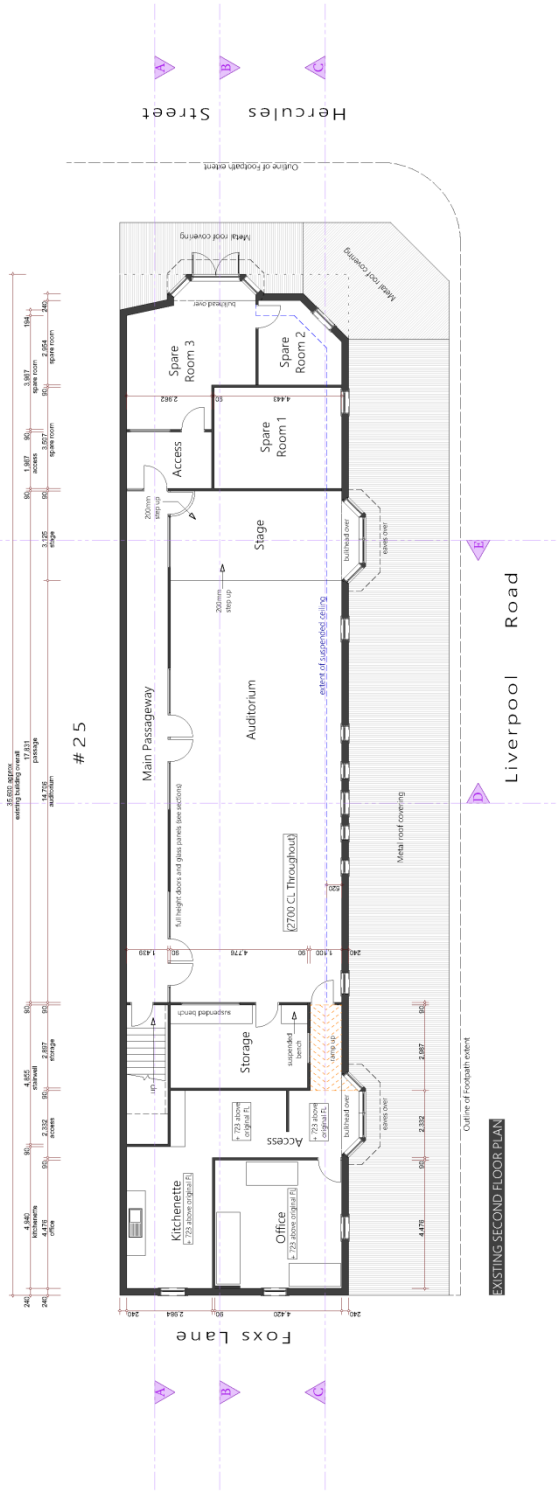
proposed function centre on existing commercial space

drawing SK-000	title coversheet	scale NTS
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REV	DETAILS	INT	DATE
C	DATE PLACED FOR REVIEW	JA	10/07/18
A	CONCEPT FOR REVIEW	JA	10/07/18
B	CONCEPT FOR REVIEW	JA	10/07/18



EXISTING FIRST FLOOR PLAN



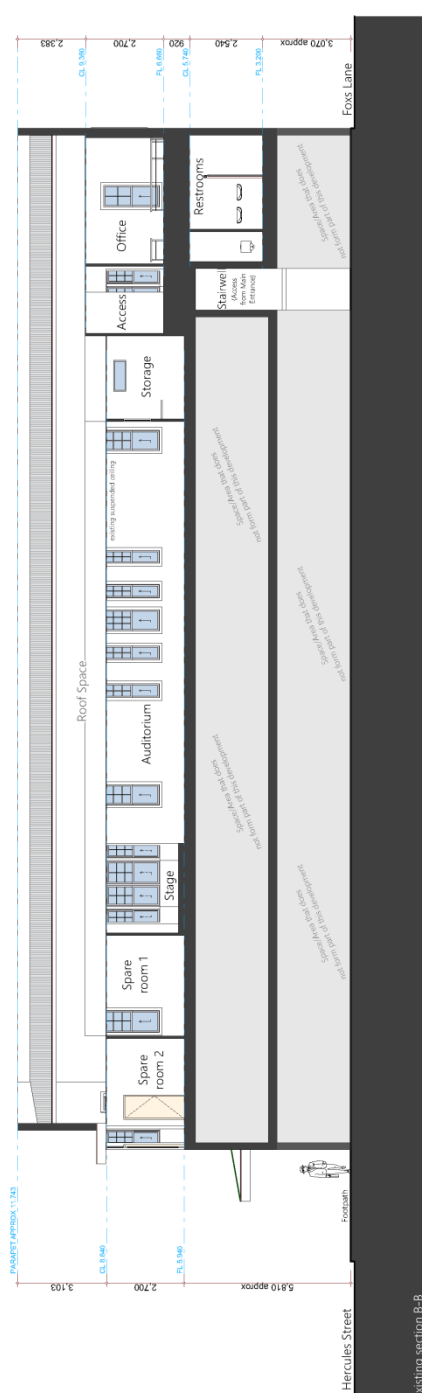
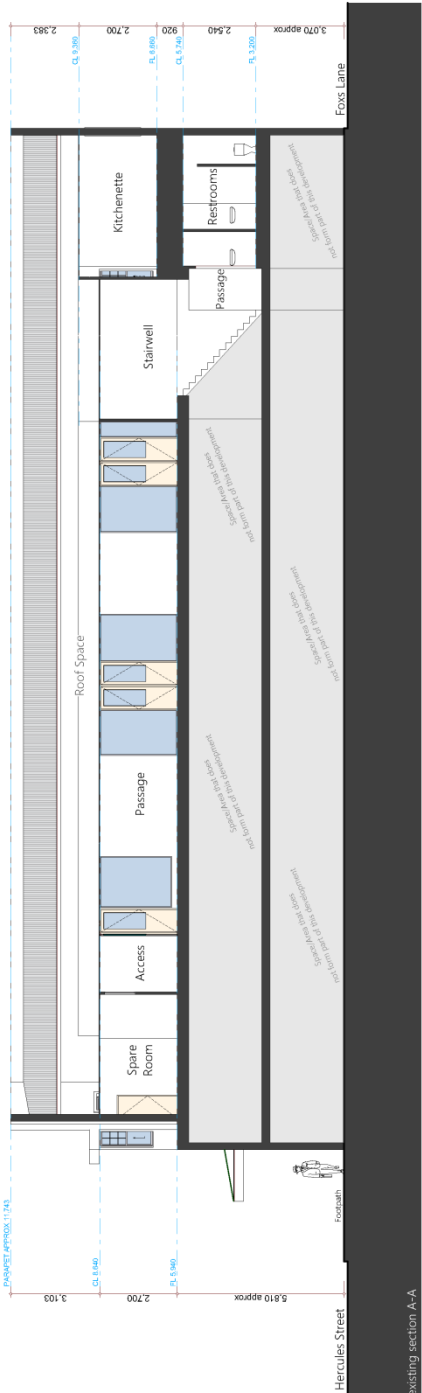
EXISTING SECOND FLOOR PLAN



THE ARCHITECTURE & INTERIORS  
 PT 1300 008138  
 PT 1300 008139  
 www.councilapproval.com.au  
 ABN 89 594 442 337

Client: Normanton Architects, 6079  
 Ph: 08 9393 2000  
 Project: Proposed Function Centre on existing commercial space  
 261 Liverpool Road, Ashcroft, NSW 2171  
 Drawing No: 1000-0001-000-0000  
 Drawing Title: EXISTING FLOOR PLANS  
 Drawing Date: 11/00 @ A2  
 Drawing No: SK\_001  
 Drawing By: [Signature]  
 Drawing Date: 11/00 @ A2  
 Drawing No: C

REV	DETAILS	INT	DATE
C	ON PLAN	JA	10/07/18
A	CONCEPT FOR REVIEW	JA	10/07/18



**DESIGNER**  
1300 008338  
PO Box 94  
www.councilapprovaldesign.com.au  
ABN 69 54 442 337

**CLIENT**  
Norman Architects Group Pty Ltd  
9/1100 008338  
PO Box 94  
www.councilapprovaldesign.com.au  
ABN 69 54 442 337

**PROPOSAL**  
Proposed Function Centre on existing commercial space  
261 Liverpool Road, ACTON, NSW 2101  
The design is intended to be used as a guide only. It is not intended to be used for construction. It is not intended to be used for any other purpose. The design is not intended to be used for any other purpose.

**DRAWING**  
Drawing name: EXISTING SECTIONS (1)  
Drawing number: 1100 @ A2  
Revision: C

REV	DETAILS	INT	DATE
C	DATE FOR CONCEPT FOR REVIEW	1A	10/09/19
A		1A	10/09/19
		1A	10/09/19



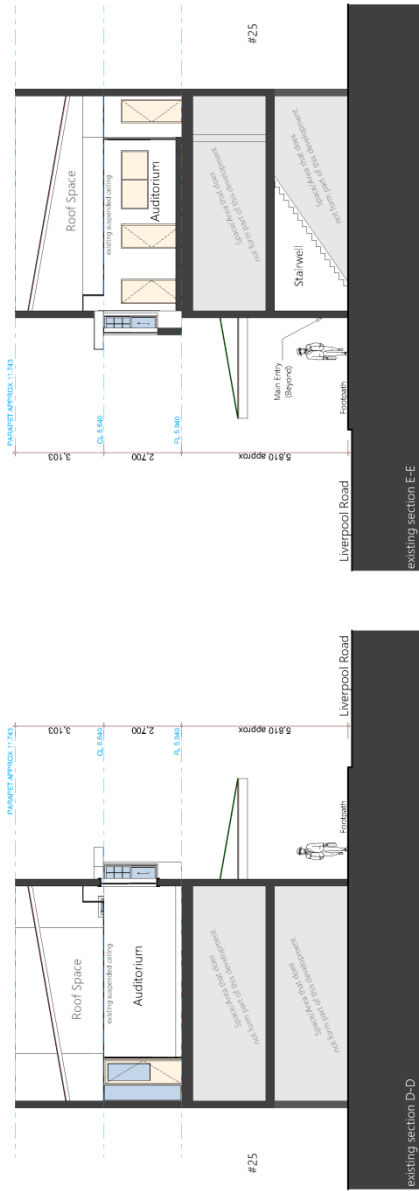
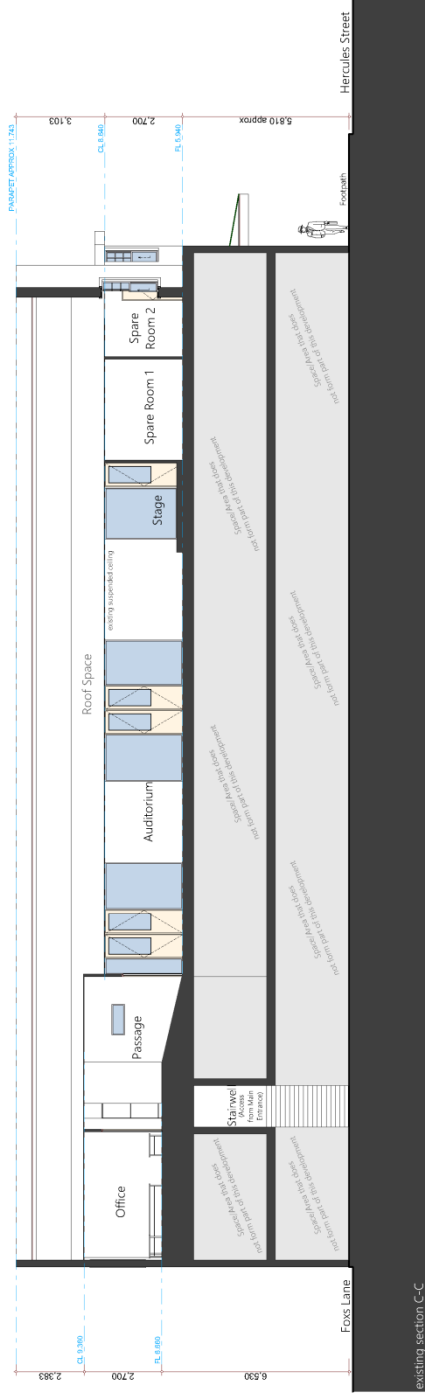
GUY HENRIE ARCHITECTS  
 PT 1300 088338  
 or by email: g.henrie@guyheneie.com.au  
 or www.guyhenrie.com.au  
 ABN 69 594 442 237  
 11/01/19

Client:  
 Public Grouping

Project:  
 Proposed Function Centre on existing Commercial space  
 261 Liverpool Road, Ashfield, NSW 2171  
 Client:  
 The Council of the Inner West Local Government  
 Commencing any work or making any plans, drawings or documents for this project  
 is subject to the approval of the Council of the Inner West Local Government.

Drawn by: g.henrie  
 Checked by: g.henrie  
 Project No: 1700 @ A2  
 Date: 11/09/19

Scale:  
 Drawing Number:  
 1:100 @ A2  
 Revision:  
 C



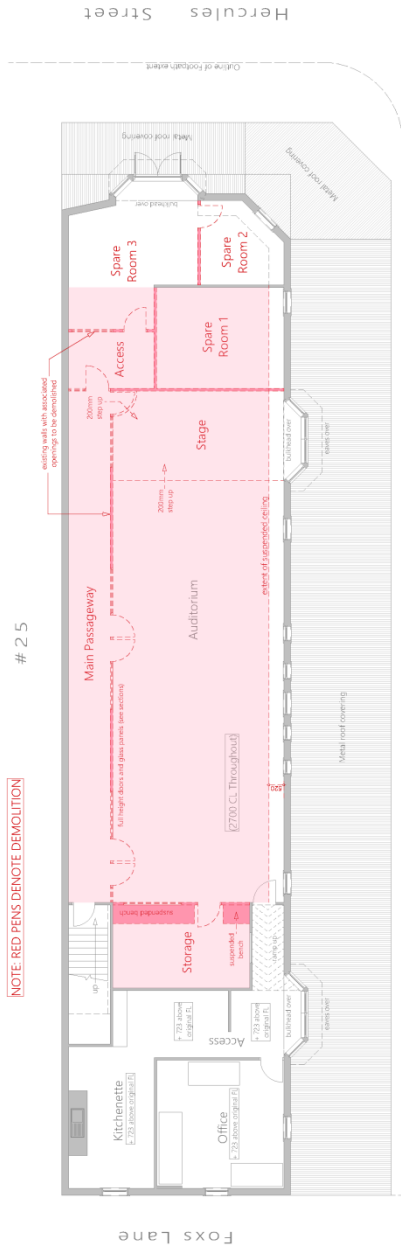


REV	DESCRIPTION	DATE
C	DATE FOR CONCEPT FOR REVIEW	10/07/18
A	DATE FOR CONCEPT FOR REVIEW	10/07/18
A	DATE FOR CONCEPT FOR REVIEW	10/07/18
A	DATE FOR CONCEPT FOR REVIEW	10/07/18

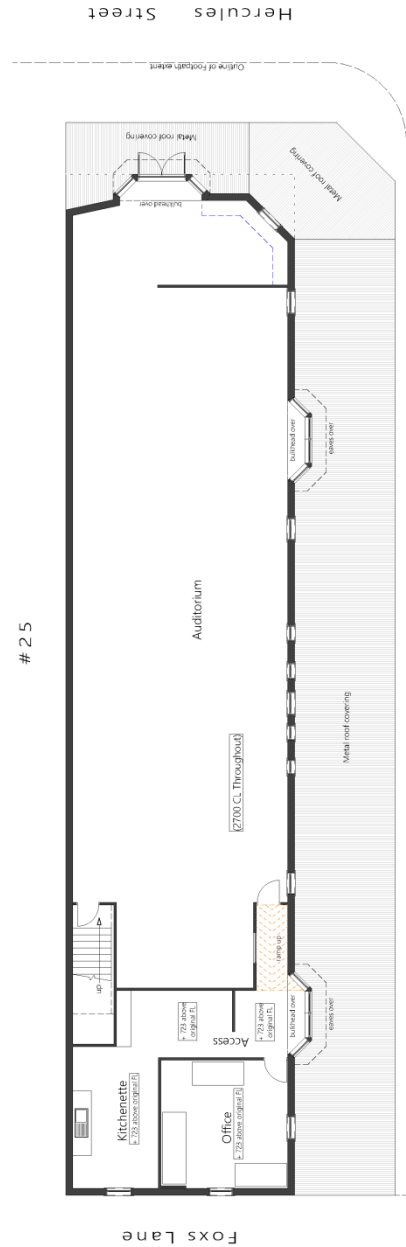


10/07/18  
10/07/18  
10/07/18  
10/07/18

Client: Phyllis Garing  
Proposed Function: Commercial space  
281 Liverpool Road, Ashcroft, NSW 2171  
Drawn by: JAC  
Checked by: JAC  
Scale: 1:100 @ A2  
Revision: C

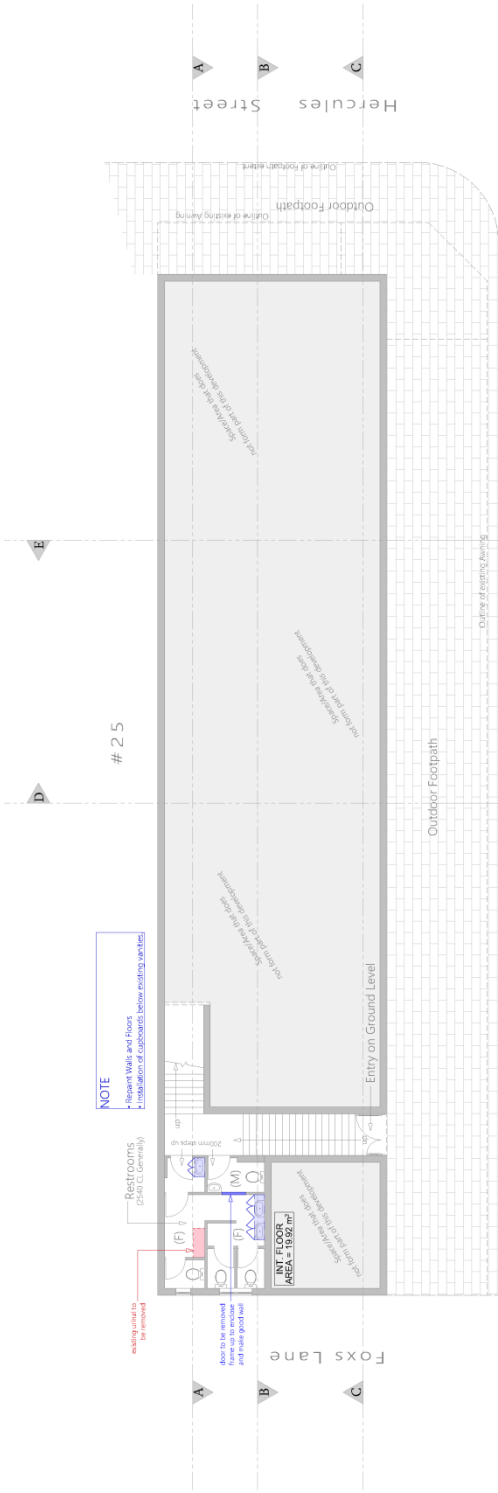


NOTE: RED SHADING DENOTE SUSPENDED CEILING TO BE REMOVED

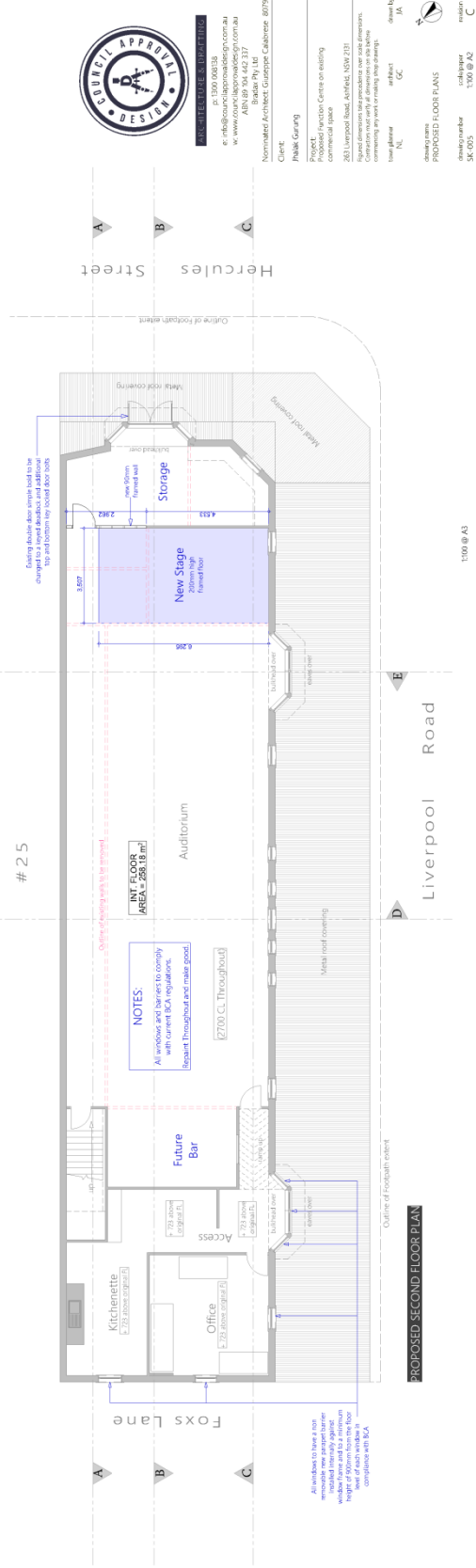


POST-DEMOLITION FLOOR PLAN

REV	DESCRIPTION	DATE
C	DATE OF PROJECT COMPLETION	10/07/18
B	DATE OF REVIEW	10/07/18
A	DATE OF REVIEW	10/07/18
REV	DESCRIPTION	DATE



PROPOSED FIRST FLOOR PLAN



PROPOSED SECOND FLOOR PLAN



Client: Phyllis Gearing  
 Proposed Function Centre on existing commercial space  
 261 Liverpool Road, Ashfield, NSW 2131  
 Project No: 18/000038  
 www.councilapproval.com.au  
 ABN 89 934 442 337  
 Norman Architects Group Pty Ltd  
 8/79

Drawn by: JAC  
 Checked by: JAC  
 Approved by: JAC  
 Date: 10/07/18  
 Scale: 1:100 @ A2  
 Drawing No: SK 005  
 Revision: C

REV.	DATE	BY	CHKD.
C	10/06/19	JA	JA
B	10/06/19	JA	JA
A	10/06/19	JA	JA
REV.	DETAILS	INT.	DATE

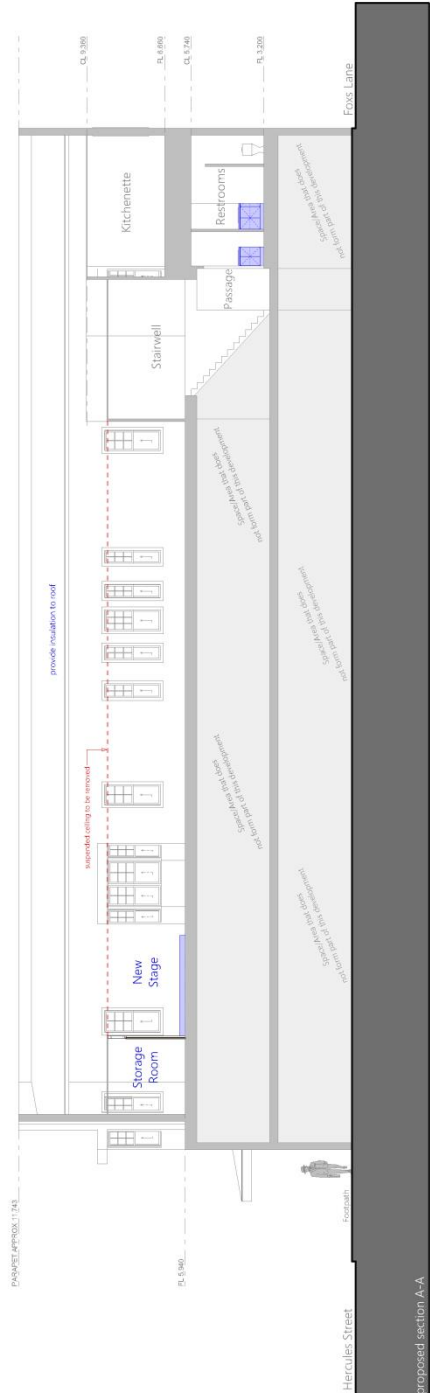


ARCHITECTURE & INTERIORS  
 281 Liverpool Road, Ashfield, NSW 2111  
 Phone: 1500 008138  
 Email: info@courtyardinteriors.com.au  
 Website: www.courtyardinteriors.com.au  
 ABN 69 591 442 337

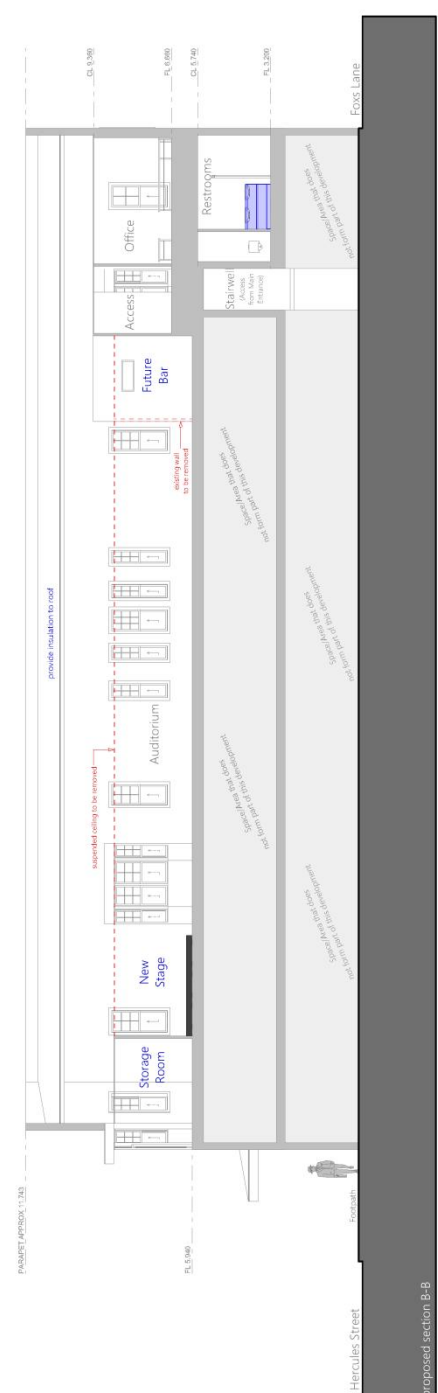
Nominated Architect: Gordon Calkover, 6079

Client:  
 Public Group  
 Proposed Function Centre on existing commercial space  
 281 Liverpool Road, Ashfield, NSW 2111  
 Construction of a new building, including conversion of existing commercial premises into an auditorium, bar, office, and kitchenette.

Drawn by name: ARCHITECT  
 PROPOSED SECTION(T)  
 Drawing number: 1100 @ A2  
 revision: C



Note:  
 - Repair, throughout and make good



REV	DESCRIPTION	DATE
C	DATE FOR CONCEPT FOR REVIEW	10/09/18
B	DATE FOR CONCEPT FOR REVIEW	10/09/18
A	DATE FOR CONCEPT FOR REVIEW	10/09/18
REV	DATE	



proposed section C-C



Note  
Please fill through and make good



10/11/18  
 10/11/18  
 10/11/18  
 10/11/18

Client: Phyllis Garing

Proposed Function Centre on existing commercial space

281 Liverpool Road, Ashfield, NSW 2171

www.councilapprovaldesign.com.au

ABN 89 594 442 337

10/11/18  
10/11/18  
10/11/18  
10/11/18

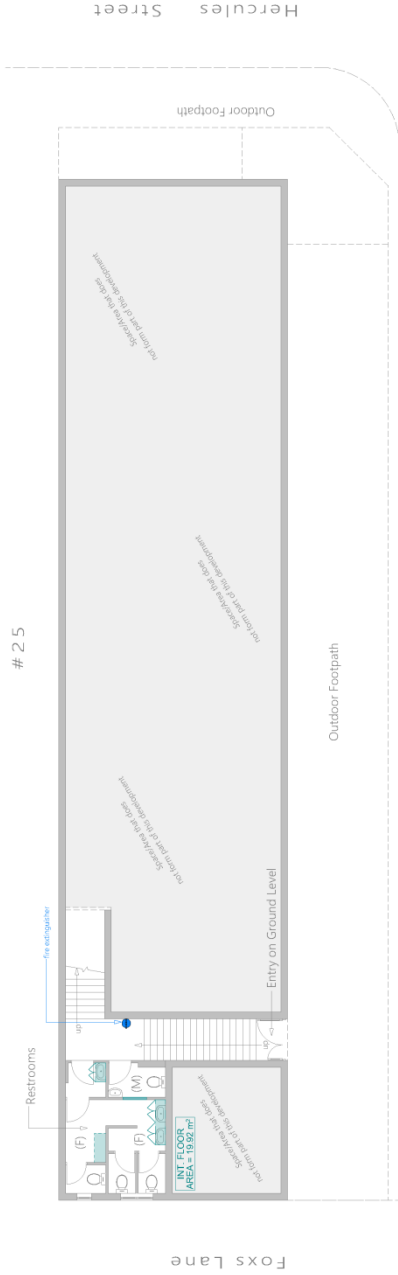
Drawn by: J. G. G.

Checked by: J. G. G.

Scale: 1:100 @ A2

Revision: C

REV	DETAILS	INT	DATE
C	DRY PLACE	JA	10/07/18
B	CONCEPT FOR REVIEW	JA	10/07/18
A		JA	10/07/18



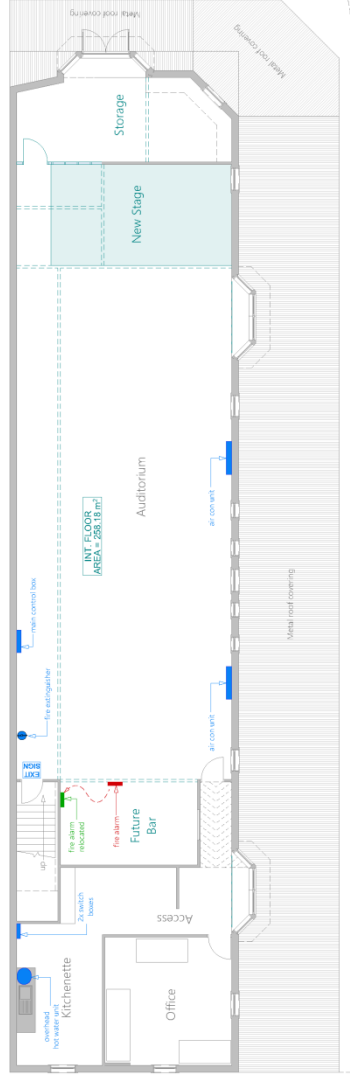
FIRE SCHEDULE AND SERVICES – FIRST FLOOR



Liverpool Road

Note: proposed works for related services to be confirmed.

# 25



FIRE SCHEDULE AND SERVICES – FIRST FLOOR

Liverpool Road



**ARCHITECTURE & INTERIORS**  
 1/130 008138  
 281 Liverpool Road, Ashfield, NSW 2171  
 www.councilapprovals.com.au  
 ABN 69 014 442 337

Client: **Public Group**  
 Nominatee Architect: **Curricio Colbourne**, 8079

Project: **Proposed Function Centre on existing commercial space**

281 Liverpool Road, Ashfield, NSW 2171  
 The information contained in this document is for the use of the person(s) named above. It is not to be used for any other purpose. The information is provided on the basis that it is correct and that it does not constitute an offer or any other financial product or service. It is not to be used for any other purpose.

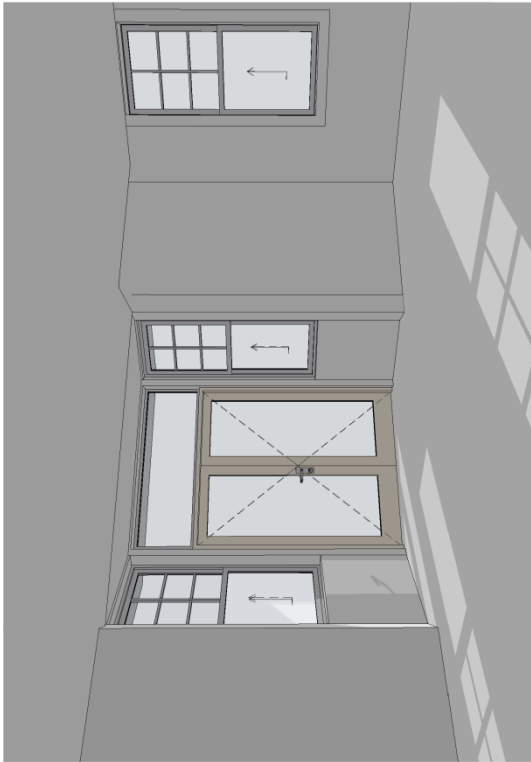
Drawn by: **AK**  
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REV.	DETAILS	INT.	DATE
C	3D IMAGES	JA	10/07/18
B	CONCEPT FOR REVIEW	JA	10/07/18
A		JA	10/07/18



13/15/18  
 13/15/18  
 13/15/18

Client: Normanair Architects, Suite 10/105, Calverley, 8079

Project: Public Gallery

Proposed Function: Centre on existing commercial space

281 Liverpool Road, Ashurst, NSW 2111

Drawn by: NLS

3D IMAGES

Ready to print: NLS @ A2

Revision: C

## Attachment C – Statement of Heritage Significance

## Shops, offices and dwellings

## Item details

<b>Name of item:</b>	Shops, offices and dwellings
<b>Type of item:</b>	Built
<b>Group/Collection:</b>	Retail and Wholesale
<b>Category:</b>	Shop
<b>Primary address:</b>	261-263 Liverpool Road, Ashfield, NSW 2131
<b>Local govt. area:</b>	Ashfield

## All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
261-263 Liverpool Road	Ashfield	Ashfield			Primary Address
27 Hercules Street	Ashfield	Ashfield			Alternate Address

## Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Ashfield LEP 2013	208	23 Dec 13		
Heritage study					

## References, internet links &amp; images

None

## Data source

The information for this entry comes from the following source:

**Name:** Local Government**Database number:** 1020723

## Attachment D – Conditions in the circumstance the application is approved

### A General Conditions

#### (1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out on drawing numbers

No.	Issue	Title	Prepared by	Date Received
SK-004	C	Demolition Floor Plan	Council Approval Design	18/02/2018
SK-005	C	Proposed Floor Plans	Council Approval Design	18/02/2018
SK-006	C	Proposed Sections (1)	Council Approval Design	18/02/2018
SK-007	C	Proposed Section (2)	Council Approval Design	18/02/2018

and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

#### (2) Compliance with BCA

All works are to comply with the Building Code of Australia and relevant Australian Standard requirements.

### B Design Changes

#### (3) Amended plans to be submitted

Nil

### C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate

#### (4) Waste Management Plan

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Waste Management Plan in accordance with the provisions of Inner West Comprehensive Development Control Plan - Planning For Less Waste and the Waste Planning Guide for Development Applications (Planning for Less Waste, prepared by the Regional Waste Boards), including:

- (a) Estimations of quantities and type of materials to be reused, recycled or left over for removal from site;
- (b) Identification on a plan of on site material storage areas during construction, waste storage, recycling and composting areas;
- (c) Details of construction materials and methods to be used to minimise the production of waste in the completion of the new building work.
- (d) How waste is to be treated on the site.



- (e) How any residual non-reusable and non-recyclable waste is to be disposed of and including details of the approved waste disposal outlets where disposal will take place.

**(5) Erosion & sedimentation control-management plan**

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "*Pollution Control Manual for Urban Stormwater*", as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the *Protection of the Environment Operations Act 1997* or other subsequent Acts.

Where sedimentation control basins are provided discharge shall be to the requirements of the Environmental Protection Authority.

Applicants are further advised to refer to the following publications for additional information:

- (a) "*Sedimentation and Erosion Control*" - Department of Conservation and Land Management.
- (b) "*Soil and Water Management for Urban Development*" - Department of Housing.

The plan must be submitted with the application for a construction certificate.

Further information may be obtained from:

Environment Protection Officer  
Environment Protection Authority  
Inner Sydney Region  
Locked Bag 1502  
BANKSTOWN NSW 2200

**(6) Permits – General**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands,

the person acting on this consent shall 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

- 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.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

**(7) Dilapidation – minor**

The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.

**(8) Alignment Levels**

Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary

Note: This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the above alignment levels. Failure to comply with this condition will result in vehicular access being denied.

**(9) Security Deposit**

Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be 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 (FOOT)	\$2,200.00
Inspection fee (FOOTI)	\$225.00

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 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 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.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

#### **(10) Public Liability Insurance**

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall 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.

#### **(11) Long service levy**

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building of \$25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

#### **(12) Services and infrastructure adjustment/relocation**

The applicant shall meet the full cost for Telstra, Sydney Water, Energy Australia, AGL Electricity/AGL Retail Energy or alternative service/energy providers to adjust/relocate their services/infrastructure as required. The applicant shall make the necessary arrangements with the relevant service authority or relevant retail energy company.

(For information on the location of services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the utility authorities/retail energy company confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate.

#### **(13) Energy Efficiency**

The development must be designed and constructed to maximise energy efficiency, including wall and ceiling insulation and energy efficient appliances/hot water/cooling systems. Contact the Sustainable Energy Development Authority, telephone 9291 5260 for general design and construction information relating to energy efficiency. Documentation detailing the energy efficiency features of the development is to be shown on the plans to be provided with the Construction Certificate

**(14) Footpath/laneway – photographs to be submitted**

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway, footpath and/or laneway at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard.

**(15) Footpath, kerb and gutter protection**

The applicant shall take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath shall be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense.

**(16) Erosion, dust, topsoil and sediment control**

Temporary measures shall be provided during construction eg. bunding, shade cloth to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing such measures shall be submitted and approved by Council/certifier prior to the release of the Construction Certificate.

**(17) Payment of any Additional Fees**

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

**D Conditions that must be complied with before work commences****(18) Notice of Commencement – Notification of Works**

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given Notification in Writing to Council no later than two days before the building work commences.

**(19) Requirement for a Construction Certificate**

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i) Council; or
  - (ii) an accredited certifier; and

- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

**WARNING:** Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

### **(20) Inspections required by Principal Certifying Authority**

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

### **(21) Building location - check survey certificate**

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the: -

- (i) location of the building with respect to the boundaries of the site;
- (ii) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);
- (iii) site coverage of the buildings on the site.

### **(22) Sanitary facilities - demolition/construction sites**

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

### **(23) Site fencing/security**

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

**(24) Support for neighbouring buildings and notice to adjoining owners**

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - (a) must preserve and protect the building from damage, and
  - (b) if necessary, must underpin and support the building in an approved manner, and
  - (c) must 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.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

## Notes:

- (i) Details of underpinning works, prepared and certified by a practicing structural engineer shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works.
- (ii) allotment of land includes a public road and any other public place.

**(25) Demolition work plan**

Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

**(26) Asbestos sheeting removal - EPA/SafeWork NSW**

Asbestos removal is to be carried prior to principal works commencing in accordance with Environmental Protection Authority and SafeWork NSW requirements. Proper procedures shall be employed in the handling and removal of asbestos and products containing asbestos so as to minimise the risk to personnel and the escape of asbestos particles in the atmosphere. Work is only to be carried out with the prior consent of the SafeWork NSW.

Note: There are substantial penalties for non-compliance with the above requirements.

**(27) Asbestos and/or lead removal certification**

The existing structures/land on the site potentially contain asbestos and/or lead. Following removal of any asbestos/lead located on site a clearance must be provided to the Principal Certifying Authority certifying that no such asbestos/lead remains on site from a suitably qualified person.

A copy of the clearance Certificate must be forwarded to Council before any other demolition work is commenced.

**(28) Structural engineer's certificate - superimposed loads**

A practicing structural engineer's certificate to be submitted to the Principal Certifying Authority with the Construction Certificate application certifying that the existing dwelling is structurally capable of supporting the superimposed loads of the addition prior to commencement of any building work.

**(29) Roof trusses - structural engineer certification**

Details of roof trusses to be submitted to the Principal Certifying Authority and approval obtained prior to erection - for this purpose structural engineer certified truss plans will suffice and computation data is not required.

**(30) Structural Engineering Details**

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

**E Conditions that must be complied with during construction or demolition****(31) Plans to be available on site**

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

**(32) Locate structures within boundaries**

The proposed structure(s) to be erected must stand wholly within the boundaries of the allotment.

**(33) Spoil and building materials on road and footpath**

All building materials shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

**(34) Signs to be erected on building and demolition sites**

(1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

(a) stating that unauthorised entry to the work site is prohibited; and

(b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and

(c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.

(2) Any-sign shall be maintained and not removed until work has been finished.

**(35) Demolition/excavation/construction - hours of work**

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

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

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

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

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

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

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

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

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

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.

**(36) Demolition requirements/standards**

Demolition is to be carried out in accordance with the following:

- (a) Australian Standard 2601 and any requirements of the SafeWork NSW.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the SafeWork NSW.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:



- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with SafeWork Requirements (in particular the SafeWork standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

### **(37) Materials and colour schemes**

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder.

### **(38) Footpath, kerb and gutter protection**

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense.

### **(39) Road opening permit – Council controlled lands**

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Engineering Services for details.

This road opening permit covers the direct costs involved in the repair/replacement of works where the public or Council controlled lands are specifically damaged/saw cut etc for the construction of services, stormwater pipes, kerb works, bitumen works, footpath works etc. It is *separate* from a Damage Deposit as listed elsewhere in these Conditions of Consent.

**(40) Surface run-off**

Allowance shall be made for surface run-off from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

**(41) Termite treatment**

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 'Protection of Buildings from Subterranean Termites'.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
- the date of installation;
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

**(42) Waterproofing materials/installation – BCA/Australian Standards**

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

**(43) Safety Glazing - BCA**

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

**(44) Fire Detection/Alarm System installation and certification**

Smoke alarms must be installed in accordance with Clause 3.7.2.3 of the Building Code of Australia (BCA) and AS 3786 on or near the ceiling in -

- (a) any storey containing bedrooms -
  - between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms
- (b) any storey not containing bedrooms.

Smoke alarms must be connected to the consumer mains power and have a stand-by power supply.

The licensed Electrical Contractor shall on completion of the installation of the smoke alarm system, submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786:1993.

**F Conditions that must be complied with prior to installation of services**

Nil.

**G Conditions that must be complied with before the building is occupied****(45) Approval to use/occupy building**

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

**(46) Trade waste/disposal**

Arrangements for the proper storage and disposal of any trade waste to be made prior to the occupation of the premises.

**H Conditions that are ongoing requirements of development consents****(47) Approved use**

The premises shall not be used for any purpose other than a function centre

**(48) Retain amenity**

The use is to be conducted at all times without interference to the amenity of the area.

**(49) Hours of operation**

The hours of operation are limited to the following:

Monday to Wednesday	No Operation
Thursday to Sunday	10.00am – 10.00pm

Service is to cease 30 minutes before ceasing of trading hours

For a period of 12 months from the date of the approved Occupation Certificate the following trial hours of operation are permitted:

Monday to Wednesday No Operation  
Thursday to Sunday 10.00am – 11.00pm

A modification application to Council is required to continue the extended operating hours beyond the end of the trial period and must be lodged with Council at least two months before the expiry of the trial period. If the modification application is not lodged before the expiry of the trial period the trial operating hours must cease at the conclusion of the trial period. If the modification application is lodged at least two months before the expiry of the trial period, the application will be permitted to continue trading within the trial hours until the modification application has been determined by the Council (or the Land & Environment Court on appeal provided that such appeal is lodged within 30 days of the Council determination).

**(50) Trade waste containers**

Any trade waste containers are to be screened from view from a public place and are not to obstruct or interfere with the use of the loading and parking facilities.

**(51) Incineration of waste prohibited**

The burning of waste of any kind is prohibited under the *Protection of the Environment Operations Act 1997*. All waste materials shall be stored in suitable containers, located in a suitably constructed screened area/room. All waste material arising from the premises shall be removed regularly, or as frequently as directed by the Principal Certifying Authority.

**(52) Protection of the Environment Operations Act 1997 - offensive noise/vibration prohibited**

The use and occupation of the premises including all plant and equipment installed thereon, shall not give rise to any offensive noise or vibration from the premises within the meaning of the *Protection of the Environment Operations Act 1997*.

**(53) Public address systems - prior consent required**

A public address system or sound amplifying equipment shall not be installed in or upon the premises so as to cause or permit the emission of sound onto any public place unless the prior consent of Council has been obtained.

**(54) Deliveries on site**

All deliveries to and/or from the site are to be conducted from vehicles standing wholly within the site and under no circumstances from delivery vehicles standing kerbside in adjacent streets. Permitted hours for deliveries are as follows:

Thursday to Sunday 10.00am – 10.00pm

**(55) Loading/unloading on site**

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

**(56) Waste source separation and storage areas**

A waste source separation area must be located wholly within the site, screened and measures taken to minimise noise and odour impacts on the amenity of nearby premises in accordance with the Comprehensive Inner West Development Control Plan 2016. There must be an area where bins can be washed within the site. The wash area is to be within a bundled area to drain to the sewer system or an unpaved earth surface in accordance with the Comprehensive Inner West Development Control Plan 2016.

**(57) Commercial waste and recycling capacity**

Provisions for collection service for a capacity of 1624L waste/week and 1442L recycling/week is required.

**(58) Collection point**

A collection point must be indicated. It is recommended that the collection point be located where collection vehicles can stand safely, at a level gradient and not to obstruct or endanger the passage of pedestrians and other vehicles.

The collection vehicles must be able to enter and depart the collection point in a forward direction.

**(59) Current contracts**

The business must have written evidence of a valid and current contract/s (held on site) for waste and recycling collection for disposal or processing in accordance with the Comprehensive Inner West Development Control Plan 2016.

**(60) Number of Staff**

The maximum number of staff on the site is not to exceed five (5) at any time.

**(61) Number of Patrons**

The maximum number of patrons on the site is not to exceed 80 at any time.

***I* Advisory Notes****(62) Modifications to your consent - prior approval required**

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

**Warning:** There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

**(63) Signs –approval required**

A separate Development Consent or Complying Development Certificate must be obtained prior to the erection of any advertising sign.

**(64) Bulk bins on footpath and roadway**

Approval is required from Council prior to the placement of any bulk bins on Council's footpath and/or roadway.

**(65) Compliance with the Disability Discrimination Act - liability**

This decision does not ensure compliance with the Disability Discrimination Act. The owner, lessee, operator and/or manager of the premises is advised that under the *Disability Discrimination Act 1992*, it is illegal to discriminate against a person with a disability by means of restricting access to or within the building. If access is restricted the owner, lessee, operator and/or manager of the premises may be liable for prosecution and/or a successful appeal to the Human Rights and Equal Opportunities Commission. You should therefore investigate your liability under that Act. Australian Standard 1428 - Design for Access and Mobility, Parts 2, 3 and 4 may assist in determining compliance with the *Disability Discrimination Act 1992*.