






INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2019.148.1
Address	7/27 Hercules Street, Ashfield (261-263 Liverpool Road)
Proposal	Fit out and use of the first floor as a gym
Date of Lodgement	23 September 2019
Applicant	Michael Rodgers
Owner	Proprietor Of Company Title (shareholder interest: Ms E Hong)
Number of Submissions	2 submissions (including a petition from 4 shareholders)
Value of works	\$20,000
Reason for determination at Planning Panel	Potential Demolition work to heritage item
Main Issues	Owners consent, heritage, signage, structural capacity, and waste management.
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Plans of proposed development
Attachment C	Statement of Heritage Significance
Attachment D	Draft conditions in the circumstance the application is approved



LOCALITY MAP

Subject Site		Objectors		 N
Notified Area		Supporters		

Note: Objectors are from the subject site.

1. Executive Summary

This report is an assessment of the application submitted to Council for the change of use to a gym at Unit 7/27 Hercules Street, Ashfield (also known as 261-263 Liverpool Road). The application was notified to surrounding properties and two submissions received.

The main issues that have arisen from the application include:

- The application was lodged without correct Land Owners consent;
- Non-compliance with Clause 5.10 – Heritage – as the application is not accompanied by sufficient information including demonstrating structural capacity for the use;
- Non-compliance with Chapter A Part 10 – Signs and Advertising Structures - as the application is not accompanied by sufficient information;
- Non-compliance with Chapter C Part 3 - Waste and Recycling Design & Management Standards - as the application is not accompanied by sufficient information; and
- The proposal fails to demonstrate the site is suitable for the proposed development as the application lacks.

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 gym including;

- Internal fitout works including the removal of internal walls; painting and maintenance works and installation of two toilet / shower facilities;
- Extended hours of operation to 5.00am to 10.00pm;
- Construction of a under awning illuminated sign box; and
- Business identification signage including a under awning sign and window sign.

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: Neighbourhood scale zoning map



Image 2: Subject site as viewed from Liverpool Road

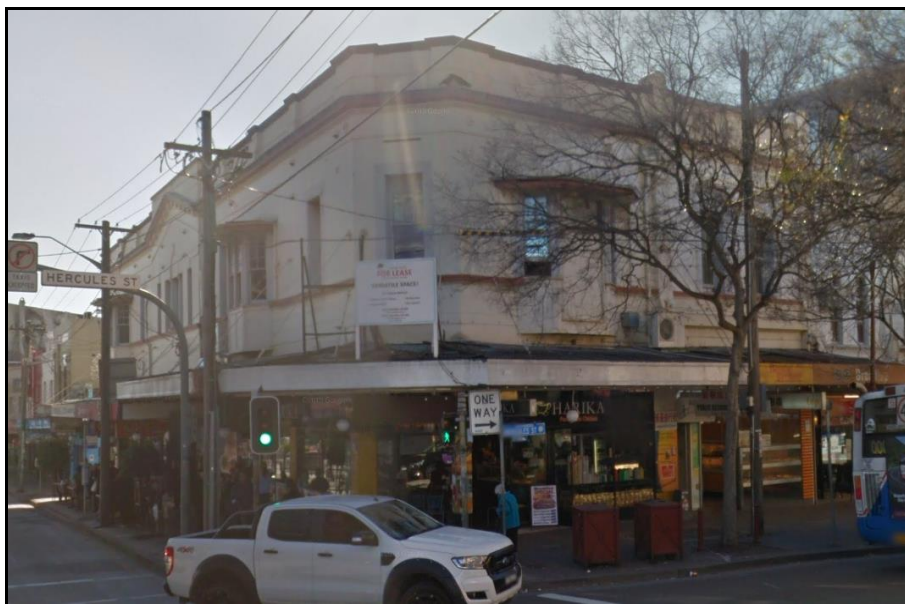


Image 3: Subject site as viewed from the corner of Hercules Street and Liverpool Road

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

Application	Proposal	Decision & Date
DA 2018.217	Change of use to a function centre	Refused 16 July 2019

4(b) Application history

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

Date	Discussion / Letter / Additional Information
23 September 2019	Application lodged with Council
29 October 2019	Site inspection undertaken
8 November 2019	Additional information request sent to application (detailed below)

A request for additional information was sent to the applicant on 8 November 2019 which required the following be submitted:

- Owners Consent;
- Heritage Impact Statement;
- Structural engineer report;
- Amended architectural plans showing the recommendations from the Access Management Plan and Acoustic Report, ramp gradient, existing and proposed air conditioning units, cross section detailing the raised floor, and waste storage facilities.

On 2 December 2019, the Applicant requested an extension of time until 31 January 2020. Council advised that no further extensions of time would be granted, and asked that the applicant withdraw the application. The applicant has not responded and the requested information has not been 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 No. 64 – Advertising and Signage*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Ashfield Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

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

SEPP 55 provides planning guidelines for remediation of contaminated land. *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. The proposal does not entail disturbance of the soil and it is considered that the development will not require remediation in accordance with *SEPP 55*.

5(a)(ii) State Environmental Planning Policy No. 64 - Advertising and Signage (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 application seeks consent for the erection of the following signage:

- 1 x illuminated under awning sign (and construction of a new lightbox) measuring approximately 1800mm (width) by 300mm (height) fronting Liverpool Road reading “Tribe Functional Training”
- 1 x window sign measuring approximately 1200mm (width) by 600mm (height) fronting Liverpool Road reading “Tribe Functional Training”

Pursuant to the definitions contained in Clause 4 of *SEPP 64*, the proposed sign would constitute a “*building identification sign*”.

The submitted architectural plans lack adequate details to determine the impacts from the proposed signage. There is insufficient information to determine the exact location of the awning sign box and its relationship to the site context, including the heritage-listed nature of the building.

As result, it is not considered that the proposal has demonstrated that the signs satisfy Part 1, Clause 3 – Aims and objectives and Schedule 1 Assessment Criteria of the Policy.

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 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)(iv) 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)(v) Ashfield Local Environment Plan 2013 (ALEP 2013)

The application was assessed against the following relevant clauses of the *ALEP 2013*:

- Clause 1.2 – Aims of Plan
- 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

(iv) Clause 1.2 – Aims of Plan

The application has not provided sufficient information to demonstrate that the proposal will satisfy the following aims of the plan –

- (a) To promote the orderly and economic development of Ashfield in a manner that is consistent with the need to protect the environment; and
- (c) To identify and conserve the environmental and cultural heritage of Ashfield.

(v) 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 a recreation facility (indoor) 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.

(vi) 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.

(vii) Clause 4.4 – Floor Space Ratio

The site is located in an area where maximum floor space ratio permitted in 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.

(viii) 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”.

In accordance with Clause 5.10(5)(a) a heritage management document was requested 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. The document has not been submitted, and is required to consider of the effect of the proposed development on the heritage significance of the item in accordance with Clause 5.10(4).

As a result, the proposal has not demonstrated that it will satisfy the objectives of this Clause and. Its full heritage impacts cannot be properly appraised

5(b) Development Control Plans

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

CIWDCP2016	Compliance
Section 2 – General Guidelines	
A – Miscellaneous	
7 – Access and Mobility	Yes
8 – Parking	Yes
10 – Signs and Advertising Structures	No – see discussion
C – Sustainability	

3 – Waste and Recycling Design & Management Standards	No – see discussion
D – Precinct Guidelines	
1 – Ashfield Town Centre	Yes
E1 – Heritage items and Conservation Areas (excluding Haberfield)	
2 – Heritage Items	No – see discussion
5 – Retail and Commercial Buildings	No – see discussion

The following provides discussion of the relevant DCP parts:

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 this Part.

Chapter A “Miscellaneous” Part 10 – Signs and Advertising Structures

The application seeks consent for the erection of two business identification signs and the construction of an under awning lightbox.

As discussed under *SEPP 64*, the architectural plans submitted lack adequate details to determine the impacts from the proposed signage. The application does not provide a signage plan that shows existing building features or existing signage therefore is inconsistent with DS1.3 of this part.

Given the above, the application is not considered to demonstrate it satisfies the purpose of this Part, which includes

- *does not lead to visual clutter through the proliferation of signs;*
- *does not dominate a building or its architectural features, and enhances any architectural details of a building;*
- *is proportional to the size of the building or space to which it is attached; and*
- *is compatible with the character of the area in which it is proposed.*

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

A Waste Management Plan was not submitted with the application. The Plan of Management references use of an existing garbage area at the rear of the building. However, the plans do not include the location of on-site bin storage or waste collection to demonstrate it complies with the controls in Part 3 of CIWDCP 2016.

Given the above, the application is not considered to demonstrate it satisfies the purpose of this Part, which includes –

- *Streamlining the development application process by requiring applicants to show site layouts and floorplans that demonstrate that waste collection can be accommodated*

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 & Part 5 – Retail and Commercial Buildings

Section 2, Chapter E1, Parts 2 & 5 of CIWDCP 2016 require significant interior layouts and elements of heritage items to be retained and conserved. As discussed under Clause 5.10, a Heritage Management document has not been submitted to undertake a full assessment of the potential heritage impacts.

Furthermore, it was requested for Performance Solutions to be formulated and incorporated into the plans to assess any impacts such solutions may have to the significance of the heritage item. Amended plans were not submitted.

As a result, the proposed development has not demonstrated that it satisfies the objectives of these parts.

5(c) Environmental Planning and Assessment Regulation 2000

An assessment has been made of the matters set out in Schedule 1 of the Regulations. Council records indicate this property is registered under a company title and therefore any application must be signed by all shareholders or the Board of Directors. The application is incomplete as it fails to provide correct land owners consent and cannot be supported.

Although not ordinarily a matter dealt with a DA-stage, the Regulations contemplate Fire Safety and BCA matters (such as equitable access) which, if not considered in the DA design, are most likely to have implications for the heritage building fabric. As discussed above, the application is deficient in this regard and the applicant has failed to address these issues following Council’s request.

5(d) The Likely Impacts

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

Hours of Operation

Monday – Sunday 5.00am – 10.00pm

Number of Staff

Five (5) staff members are proposed.

Loading/Unloading

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

Acoustic Privacy

An Acoustic Report was submitted with the application that clarifies the acoustic impact of the proposed use and recommends measures for acoustic mitigation (including sensitive

treatment of the heritage building fabric). This report makes the following conclusions (in summary):

- Floor finish to include a 15mm thick underlay;
- Noise management controls; and
- Further noise monitoring to be carried out should there be a noise complaint.

On the basis of the above, the submitted acoustic assessment demonstrates that the proposed uses are acceptable with regard to the likely noise generation for nearby properties. The recommendations from the report were requested to be incorporated into the plans, however amended plans have not been submitted.

It is noted that the acoustic report only provides noise monitoring from 5.00am to 9.00pm, and the proposed hours of operation are 5.00am till 10.00pm. In the case that consent is granted, the operating hours should be restricted to 5.00am to 9.00pm to ensure the amenity of nearby residential properties is not adversely impacted.

Structural Capacity

Concern has been raised regarding the capacity of the existing floor structure to sustain the weight of the proposed gym equipment. The current condition of the floor structure is unknown and the nature of the construction (timber or steel or other) is not indicated on the architectural drawings provided. A structural engineers report was requested however, no response has been received.

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

It is considered that the proposal could be suitable for the site; however the lack of information has not demonstrated its suitability. 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 CIWDPC 2016 for a period of 14 days to surrounding properties. A total of two submissions including a petition with four shareholders were received.

The following issues raised in submissions are discussed in Section 5:

- Owners consent
- Structural capacity
- Acoustic privacy
- Rubbish collection

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

Issue: Toilet Use

Comment: Concern was raised that the subject premises would be utilising the existing shared toilets. Two toilets are proposed as part of the application and are intended for patron use.

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.

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 demonstrate 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
- Health

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 the relevant planning controls and that it is in the public interest.

As a result, the application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

9. Recommendation

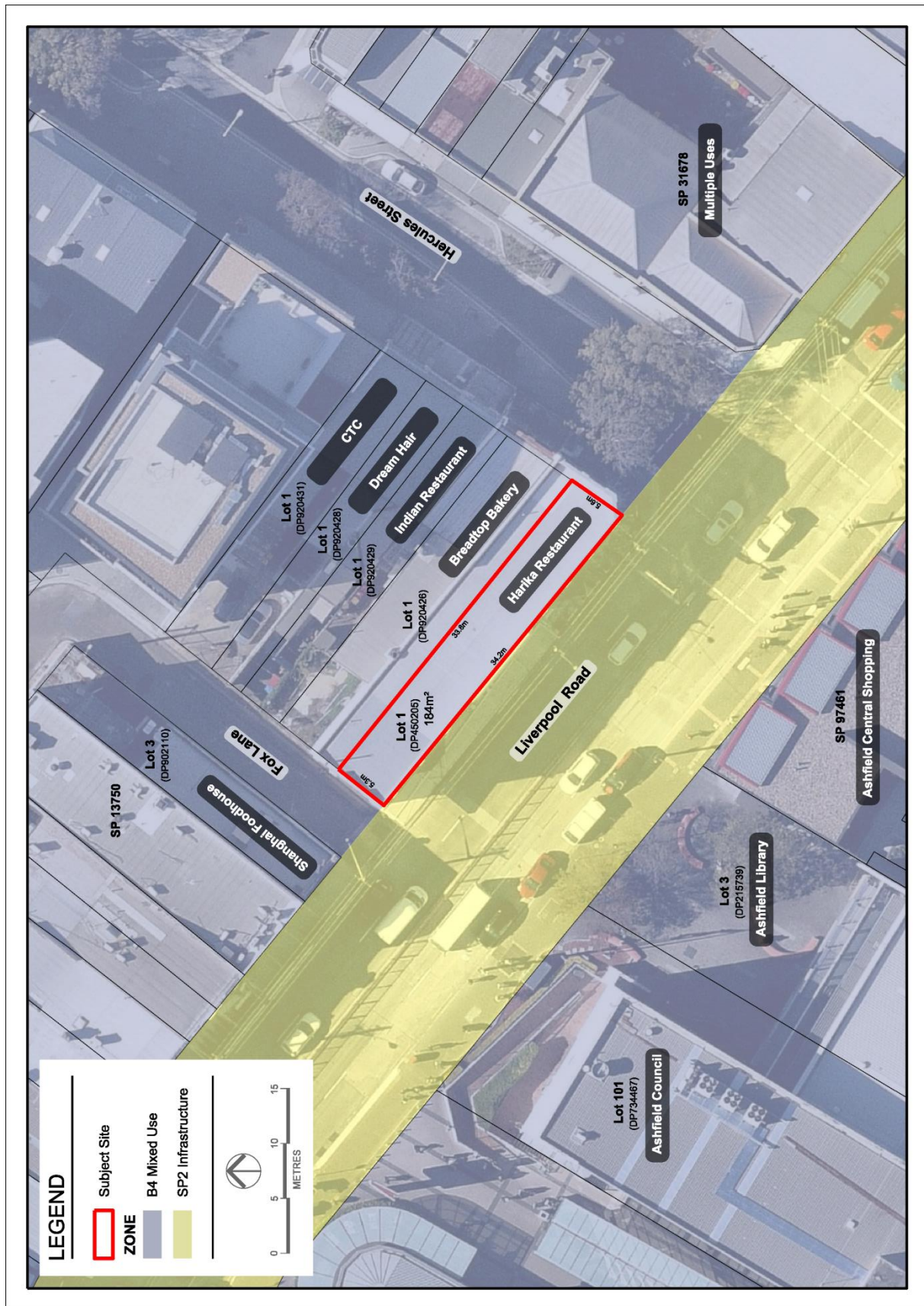
That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. 10.2019.148.1 for the change of use to a gym at 27 Hercules Street, Ashfield for the following reasons.

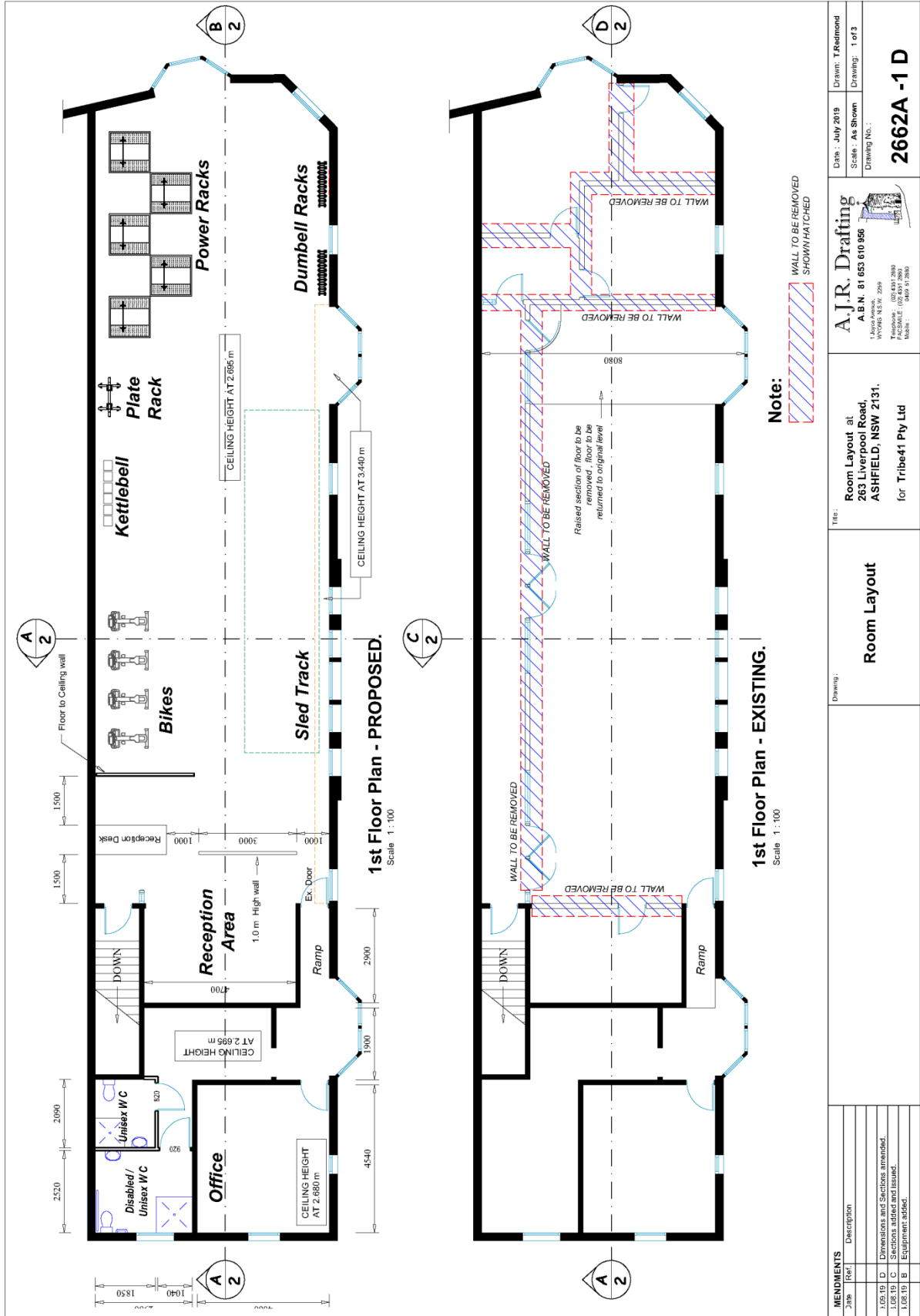
Attachment A - Reasons for refusal

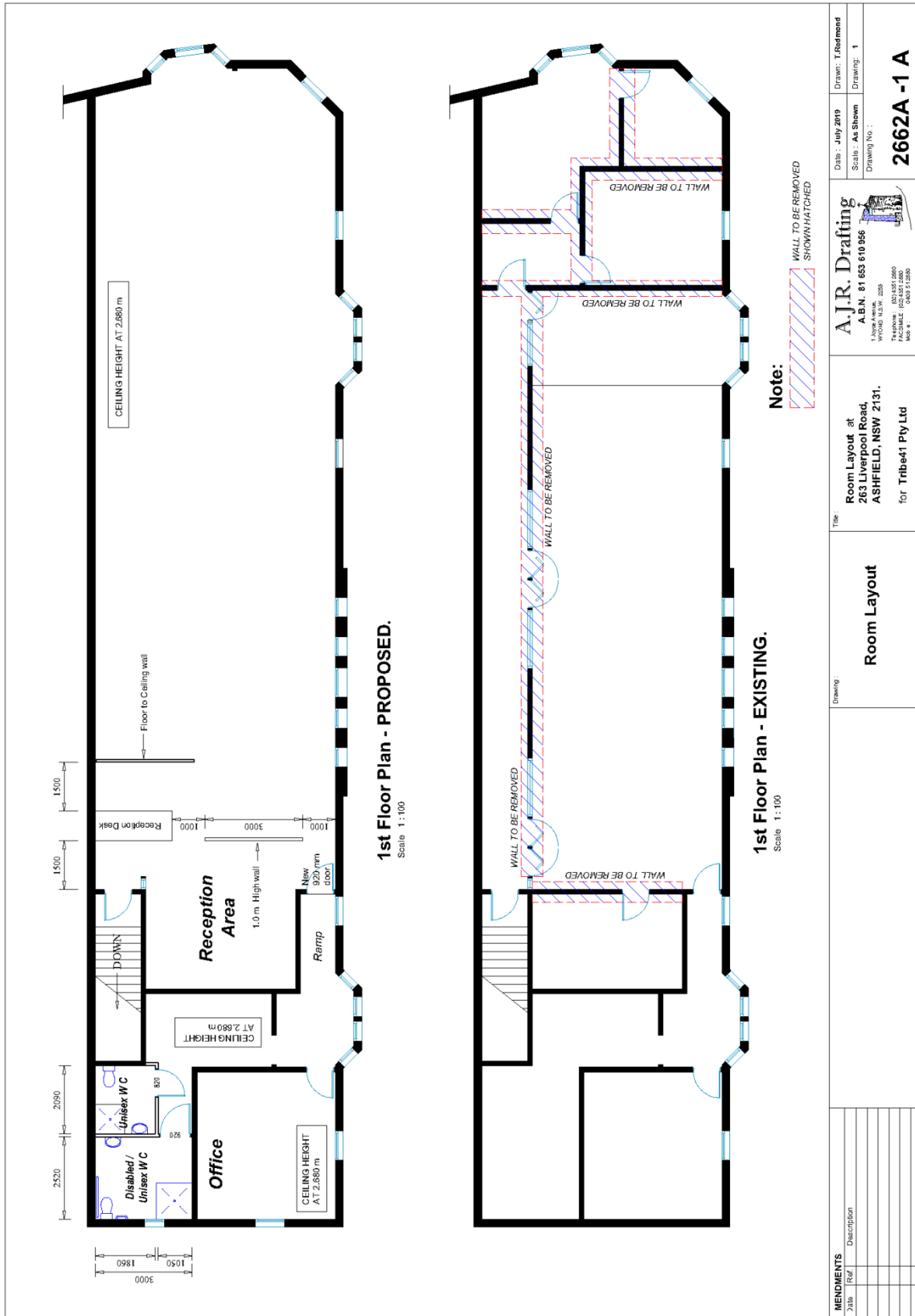
That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. 10.2019.148.1 for the change of use to a gym at 7/27 Hercules Street, Ashfield for the following reasons.

1. The application fails to provide land owners consent in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*.
2. The application has not demonstrated it satisfies the following Clauses of *State Environmental Planning Policy No. 64 - Advertising & Signage*:
 - a. Part 1, Clause 3 – Aims, objectives etc; and
 - b. Schedule 1 Assessment Criteria
3. The application has not demonstrated that it satisfies the following Clauses of *Ashfield Local Environmental Plan 2013*:
 - a. Clause 1.2 – Aims of Plan (a) and (c)
 - b. Clause 5.10(1) – Heritage Conservation – Objectives
 - c. Clause 5.10(5) – Heritage Conservation – Heritage Assessment
4. The application has not demonstrated that it satisfies the following parts of the Comprehensive Inner West Development Control Plan 2016:
 - a. Section 2, Chapter A, Part 10, – Signs and Advertising Structures
 - b. Section 2, Chapter C, Part 3 – Waste and Recycling Design & Management
 - c. Section 2, Chapter E1, Part 2 – Heritage Items
 - d. Section 2, Chapter E1, Part 5 – Retail and Commercial Buildings
5. The application has failed to adequately demonstrate that the site is suitable for the development in relation to section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.

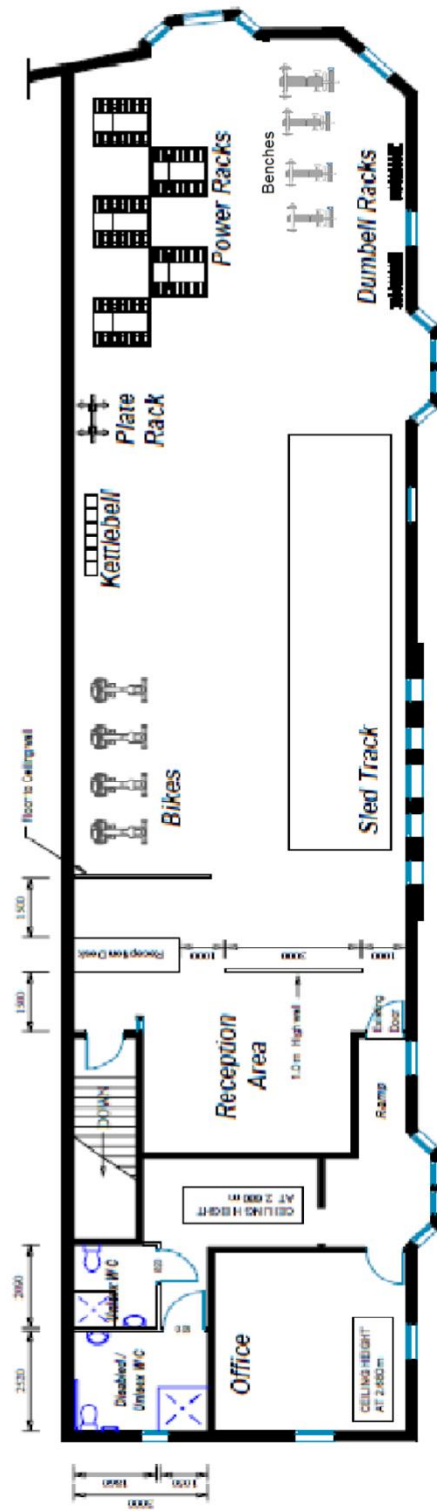
Attachment B - Plans of Proposed Development



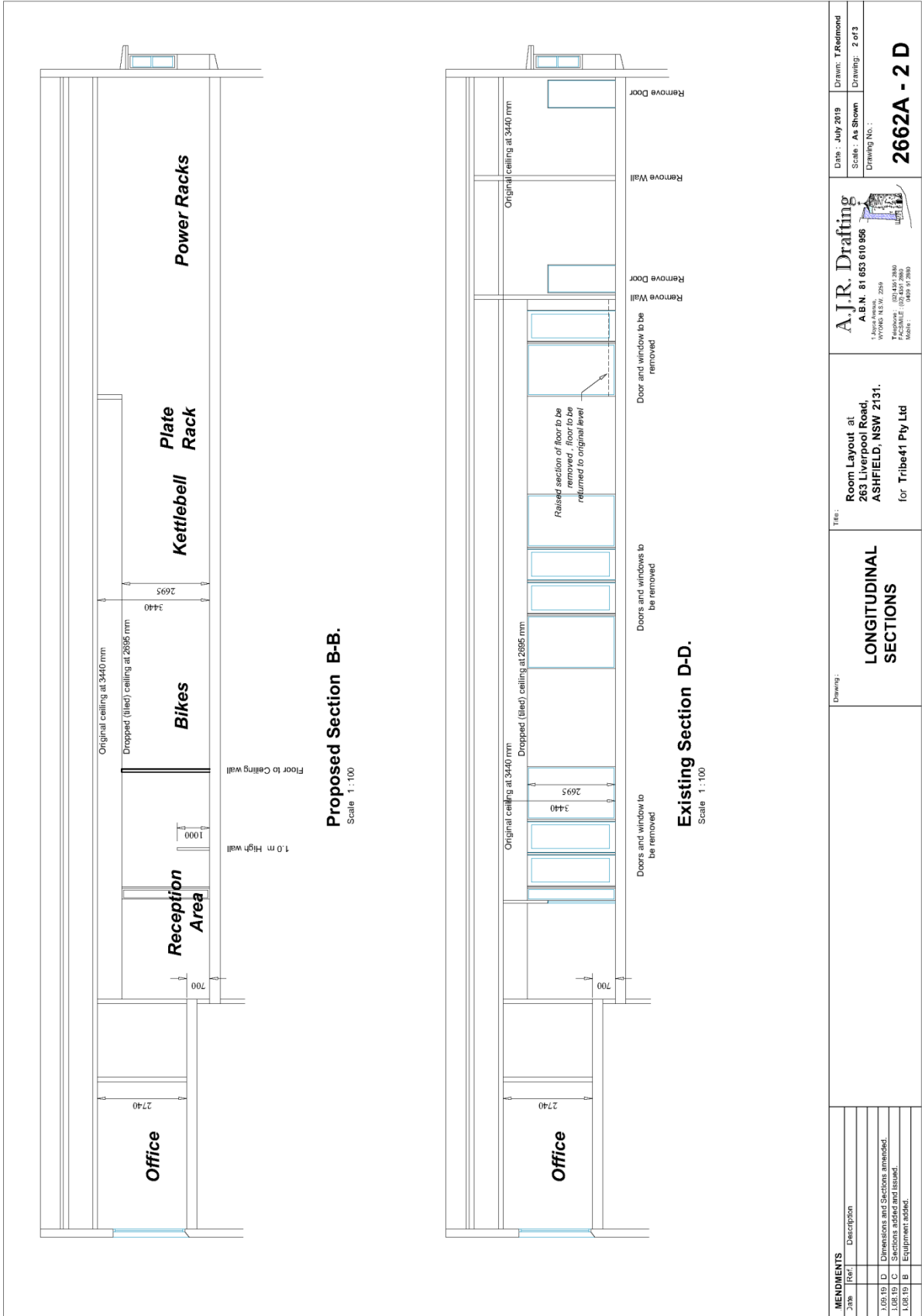


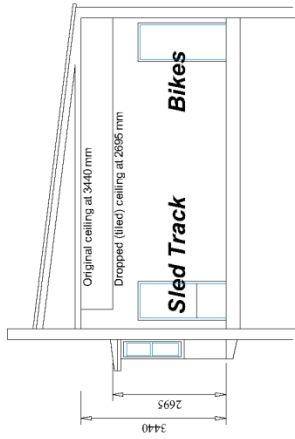


EQUIPMENT LAYOUT FOR ASHFIELD

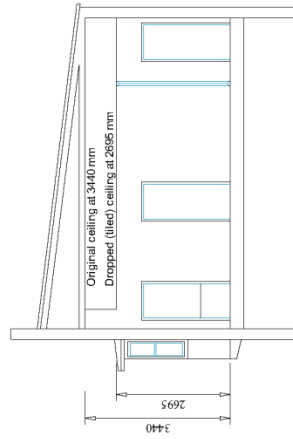


1st Floor Plan - PROPOSED.



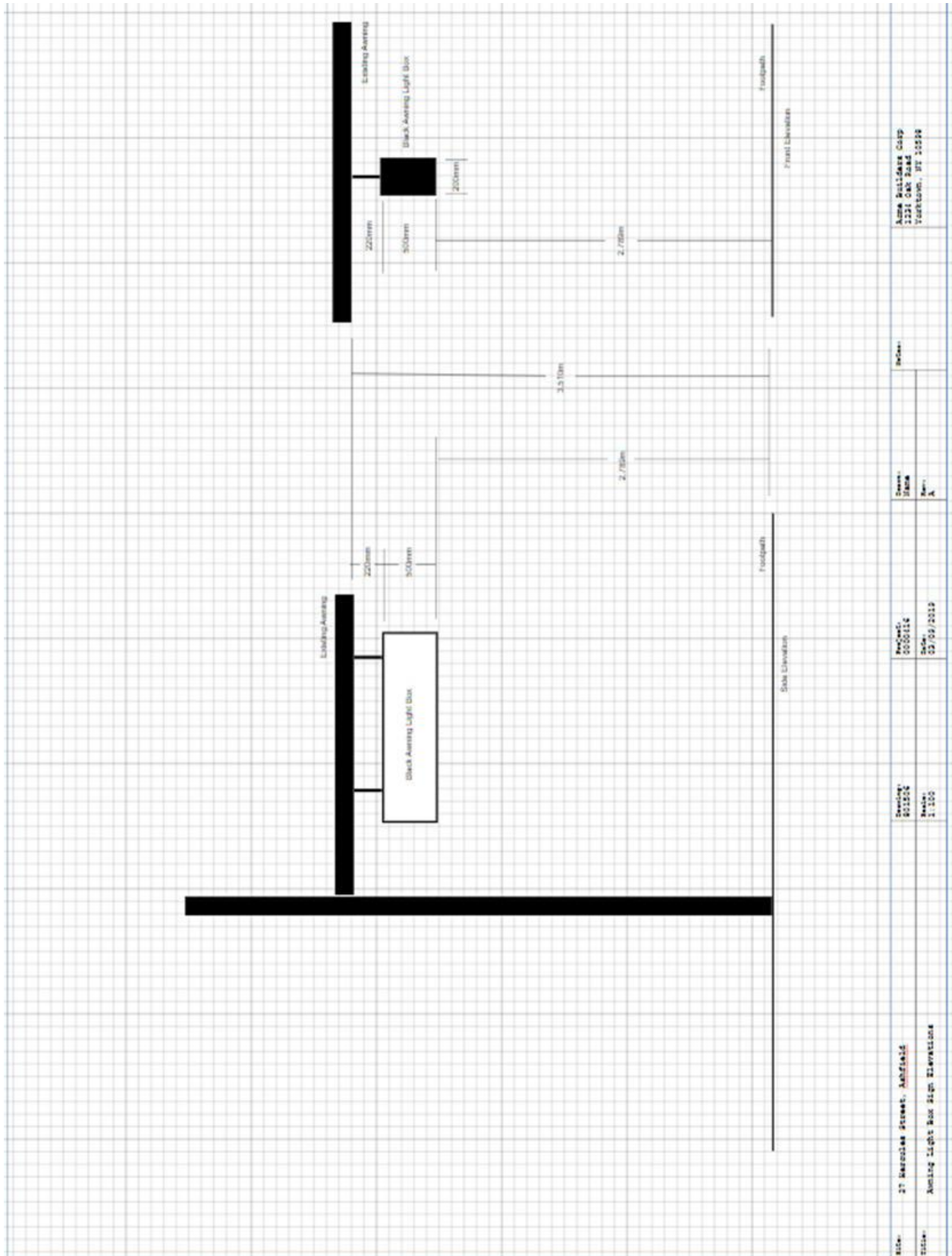


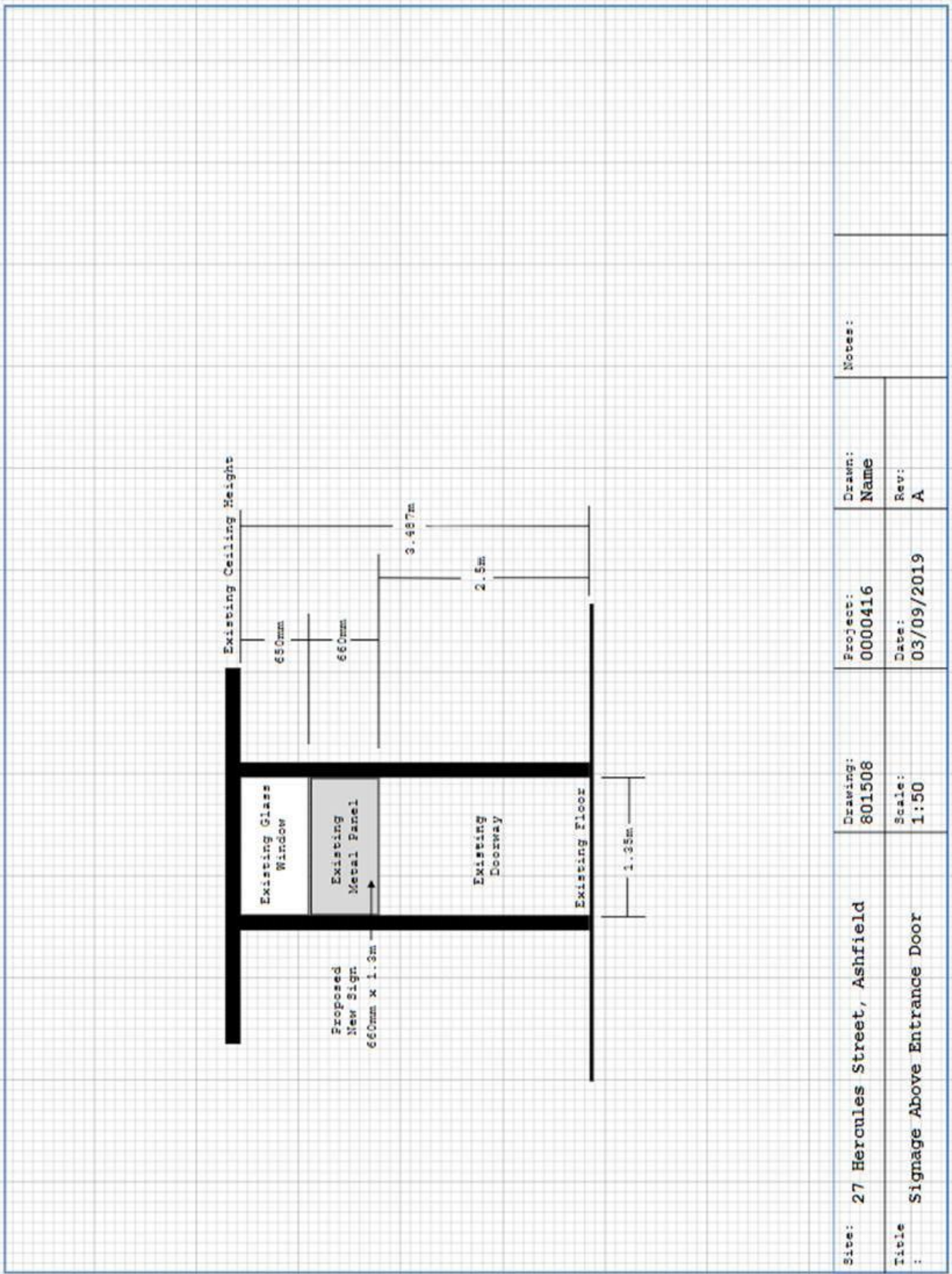
Proposed Section A-A.
Scale 1 : 100



Existing Section C-C.
Scale 1 : 100

MENDMENTS	Drawing	Title	Date	Drawn	Drawing No.																																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Tab</th> <th>Floor</th> <th>Description</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Tab	Floor	Description																															<p style="text-align: center;">CROSS SECTIONS</p>	<p style="text-align: center;">Room Layout at 263 Liverpool Road, ASHFIELD, NSW 2131. for Tribe41 Pty Ltd</p>	<p style="text-align: center;">A.J.R. Drafting A.B.N. 81 653 610 986 1/100 WILSON ST WYONG N.S.W. 2259 Telephone: (02) 4321 2830 Facsimile: (02) 4331 2860 Mobile: 0409 912583</p>	<p style="text-align: center;">Dns - July 2019 Scale - As Shown Drawing No.:</p>	<p style="text-align: center;">Drawn: T.Redmond Drawing: 3 of 3</p>
Tab	Floor	Description																																				
2662A - 3 D																																						





Site:	27 Hercules Street, Ashfield	Drawing:	801508	Project:	0000416	Drawn:	Name	Notes:
Title:	Signage Above Entrance Door	Scale:	1:50	Date:	03/09/2019	Rev:	A	



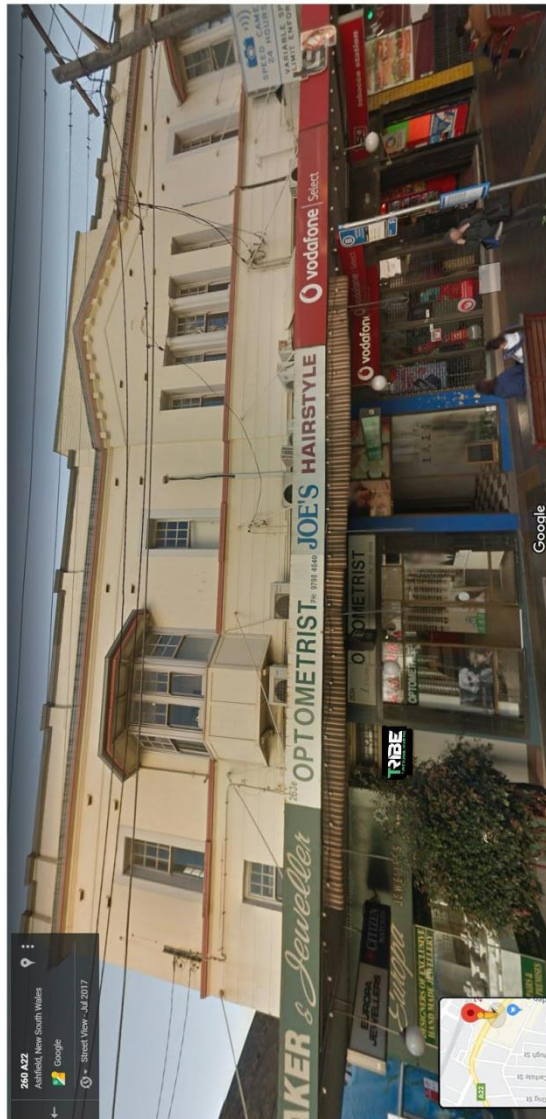
Above Door Sign

- Size: To match the existing opening (Approx: 1200mm x 600mm)
- Material: Acrylic sheet with vinyl surface
- Power Supply: N/A
- Fixing Type: Direct fixing to existing structure above the door



Awning Light Box

- Size: 1800x300x150mm
- Material: Welded aluminium frame with acrylic inserts
- Power Supply: 240 volts
- Fixing Type: Directly fixed to existing awning
- Light: LED tubes



Attachment C - Statement of Heritage Significance

261-263 LIVERPOOL ROAD and 27 HERCULES STREET: **Shops and other occupancies**

Brief description

A two-storey complex of eclectic design including Georgian Revival and Arts-&-Crafts detailing. Above the suspended awning the Liverpool Road facade is symmetrical, with a centre motif of grouped windows under a low-pitched pediment and raised parapet; this is flanked by plain and oriel windows. This pleasing arrangement continues around the splayed corner into Hercules Street. One shopfront includes what appears to be original Monel Metal window framing.

Outline history

There was a house and shop on this corner as early as 1889. It was a two-storey Free Classical building owned by James Fox and occupied by H H Hodgens, grocer and draper, for many years. In 1923 a building application was lodged by R A Gale to enlarge the property to include six lock-up shops and a billiard saloon, to the design of Sydney architects Morrow & DePutron. The shops were increased to eight and the property was sold to the Georgiades family. It became known as *Gale's Buildings* and was acquired by Washington H Soul, Pattinson & Co in 1926 and occupied by that firm from 1929. The corner business was a fruiterer. The billiard saloon had gone by 1961.

Reason for listing

This property has an interesting history and excellent townscape value. It is also a good example of the work of a well-known Inter-War architectural practice. *Criteria (a), (b), (c).*

Other relevant documentation

Rate Books, south ward, 1889-1906; Valuer-General's records, 1908-61; BA No 1820 of 1923; all in Ashfield Council Archives. *Sands Directories.*



Attachment D - Draft conditions in the circumstance the application is approved

Conditions of Consent

Fees

1. 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.

2. Security Deposit

Prior to the commencement of demolition works or 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:	\$2,152.50
Inspection Fee:	\$230.65

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

General Conditions

3. 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
2662A-1 D	Room layout	1 September 2019	A.J.R Drafting

266a-2 D	Longitudinal Sections	1 September 2019	A.J.R Drafting
2662A-3 D	Cross Sections	1 August 2019	A.J.R Drafting
		1 August 2019	A.J.R Drafting

As amended by the conditions of consent.

4. Design Change

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

1. The floor layout is to be amended to retain evidence of the original first floor layout in the Reception Area. This is to include surviving evidence of wall and ceiling finishes. Specialist heritage advice is to be sought to identify the original fabric in this area and the design is to be reworked to include these surviving elements.
2. The ramped area to the bay window is to be reworked to create a level floor and adequate sill height within the bay.
3. All joinery is to be repaired and made operable. The bay window detail is to be reinstated to Hercules Street.
4. No air conditioning units are to be attached to the main façade, or the façade that returns to Hercules Street.
5. The construction of the awning and signage is to be deleted

5. Waste Management Plan

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

6. Erosion and Sediment Control

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

7. Standard Street Tree Protection

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

8. Works Outside the Property Boundary

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

Prior to any Demolition

9. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of the adjoining property to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

10. 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**11. Schedule of Conservation Works**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Schedule of Conservation Works with detailed documentation of the conservation works to the joinery including bay windows (detail is to be reinstated and made operable) that is to be prepared by a qualified Heritage Architect in accordance with the Australia ICOMOS Burra Charter 2013.

The schedule is to detail the conservation of all significant fabric, including but not limited to the following: [list elements such as fireplaces, stonework, brickwork, door and window joinery, glazing, hardware, pavements, tiling, roof plumbing, roofing and painting]. The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.

12. Party Walls

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.

13. 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.

14. 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 132092.

During Demolition and Construction**15. Construction Hours – Class 2-9**

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

- a) 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);

- b) 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

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

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

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

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

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

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

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

16. Stormwater Drainage System

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

Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, 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 and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

Prior to Occupation Certificate

17. 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.

18. Section 73 Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

On-going**19. Hours of Operation**

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

Day	Hours
Monday – Sunday	5.00am – 9.00pm

Advisory notes**Prescribed Conditions**

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant

legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Construction of Vehicular Crossing

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

Lead-based Paint

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

Asbestos Removal

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

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

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 Corporation	Payments	131441	www.lspc.nsw.gov.au
NSW Food Authority		1300 552 406	www.foodnotify.nsw.gov.au
NSW Government			www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555	www.environment.nsw.gov.au
Sydney Water		13 20 92	www.sydnewwater.com.au
Waste Service - Environmental Solutions	SITA	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.