

 DEVELOPMENT ASSESSMENT REPORT			
Application No.	DA/2021/1051		
Address	183 Liverpool Road ASHFIELD NSW 2131		
Proposal	Replace existing slate roof with Colourbond roof		
Date of Lodgement	26 October 2021		
Applicant	Corona Projects		
Owner	Mr Julian Law & Ms Yan Teng		
Number of Submissions	0		
Value of works	\$30,000.00		
Reason for determination at Planning Panel	Sensitive development – Development to local heritage item		
Main Issues	Impacts to heritage item and streetscape		
Recommendation	Refusal		
Attachment A	Reasons for refusal		
Attachment B	Plans of proposed development		
Attachment C	Statement of Heritage Significance		
Attachment D	Conditions of consent (if approved)		
			
LOCALITY MAP			
Subject Site		Objectors	 
Notified Area		Supporters	
Note: Due to scale of map, not all objectors could be shown.			

1. Executive Summary

This report is an assessment of the application submitted to Council for the replacement of an existing slate roof with a corrugated metal sheet (Colourbond) roof at 183 Liverpool Road ASHFIELD NSW 2131.

The application was notified to surrounding properties and no submissions were received in response to notification.

The main issues that have arisen from the application include:

- Non-compliance with clause 5.10 (4) & (5) – Heritage Conservation of the ALEP 2013, Part 2, Chapter E1 – Heritage Items of the ADCP 2016
- Impacts to heritage item

The non-compliances are not acceptable given the impacts to the heritage significance of the local heritage item and therefore the application is recommended for refusal.

2. Proposal

The proposal seeks consent to replace the existing slate roof with corrugated metal sheeting to a two-storey mixed-use building identified as a local heritage item (Item 197) as part of a group of listed buildings under the ALEP 2013.

3. Site Description

The subject site is located on the northern side of Liverpool Road, on the corner of Murrell Street and bounded by David Place to the rear. The site consists of one allotment and is generally rectangular shaped with a total area of 231sqm and is legally described as 183 Liverpool Road ASHFIELD NSW 2131.

The site has a frontage to Liverpool Road of 7.03 metres and a secondary frontage of approximate 33.49 metres to Murrell Street.

The site supports a two-storey mixed use development comprising of a commercial premises to the ground floor and residences to the ground and first floors. The adjoining properties support two-storey commercial and residential uses. An educational establishment, Ashfield Public School is located to the east.

The subject site is listed as a heritage item (Item 197) as part of a group, namely *Shops with dwellings above*, at 183, 187-191 Liverpool Road, Ashfield under the ALEP 2013.



Figure 1 - Zoning Map, subject site identified by red box

4. Background

4(a) Site history

The following table outlines the relevant development history of the subject site:

Subject Site

Application	Proposal	Decision Date	&
10.2010.175.1	Mixed Use - Internal alterations to provide two commercial tenancies on the ground floor and an independent residence on the first floor.	Approved 07/09/2010	-
6.1965.5351.1	New Shop Front	Approved 16/03/1965	-

4(b) Application history

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

Date	Discussion / Letter / Additional Information
26/11/2021	<p>Council Officers issued a letter to the applicant advising that the proposal could not be supported and requesting that the application be withdrawn.</p> <p>The letter recommended that the existing slate roof be retained and repaired or replaced and that such works could be considered under a Heritage Exemption application to Council.</p>

The application has not been withdrawn and as a result is reported for determination.

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*

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

5(a)(ii) *State Environmental Planning Policy (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 application seeks consent to replace an existing roof, and as such does not pose impact to ingress and egress to the site from the classified road. The application is considered acceptable with regard to Clause 101 of the *SEPP Infrastructure 2007*.

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

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

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 5.10 - Heritage Conservation

(i) Clause 1.2 – Aims of Plan

The proposal is inconsistent with the aims of the *ALEP 2013* as it does not conserve the environmental and cultural heritage of Ashfield.

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

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

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

Note—

Shop top housing is a type of residential accommodation

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

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

Standard	Proposal	Complies
Height of Building Maximum permissible: 23m	No change to existing height of 7.4m	Yes
Floor Space Ratio Maximum permissible: 3.0:1	No change	Yes

(iii) Clause 5.10 – Heritage Conservation

The application was reviewed by Council’s Heritage Advisor against the provisions of Clause 5.10 of the *ALEP 2013* who advised that the proposed development is non-compliant with the provisions of the clause.

The proposal results in a variation to clause 5.10 (4) and 5.10 (5) of the *ALEP 2013*.

Variation to clause 5.10(4)

Clause 5.10(4) outlines that the consent authority must, before granting consent in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This clause was introduced to conserve the environmental heritage of Ashfield and to conserve heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

The subject site is listed as a heritage item (Item 197) as part of a group, namely *Shops with dwellings above*, at 183, 187-191 Liverpool Road, Ashfield under the *ALEP 2013*. A review of the statement of significance has highlighted that the building is significant for the following reasons:

A group of diverse but harmonious retail/residential buildings displaying good architectural design and detail and, by virtue of this and their scale, making an effective contribution to the traditional streetscape.

No, 183 has a strong historical association with a prominent early

family, and its present use as a chemist shop continues the function for which it was erected 110 years above.

The proposal seeks consent for the removal of the existing slate roof for replacement with corrugated metal sheeting (Colourbond) roofing. The proposal cannot be supported on heritage grounds as the roof is a significant original element and is highly visible in the streetscape.

The statement of significance highlights that the architectural design and detail of the building warrants its listing. The roofing material of the building is a prominent feature of its architectural design and character. Removal of the significant slate roof would diminish the heritage significance of the building, the *Shops with dwellings above* and its contribution to Liverpool Road.

In this instance the proposal does not conserve the significance of the heritage item and results in a development out of context with the fabric, settings and streetscape of the heritage item. For these reasons, the proposal results in a variation to clause 5.10(4) and is not supported and recommended for refusal.

Variation to clause 5.10(5)

Clause 5.10(5) of the *ALEP 2013* outlines that before granting consent to any development on land on which a heritage item is located, a heritage management document is to be prepared that assesses the extent to which the carrying out of the proposed development would affect the significance of the heritage item.

As part of the development application the applicant submitted a heritage impact statement, which was been reviewed by Council's Heritage Advisor. The review found the submitted heritage impact statement insufficient as it does not demonstrate a sufficient understanding on the resultant heritage impacts of the proposed development.

In particular, the heritage impact statement does not source the Ashfield Heritage Inventory or Statement of Significance for the heritage item and as such, has not demonstrated an understanding of the design and character of the heritage item or that key elements of the building, such as the roof form are to be retained.

It is considered that the proposal does not comply with the provisions of the *ALEP 2013*.

5(b) Draft Environmental Planning Instruments

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

- State Environmental Planning Policy No. 55—Remediation of Land

The amended provisions contained in the Draft LEP Amendment are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

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

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

The amended provisions contained in the Draft IWLEP 2020 retain the listing of the site as a local heritage item (I-03-197) namely, *Shops with dwellings above, including interiors*.

An assessment of the proposal against the Draft IWLEP 2020 found that the development is inconsistent with the aims of Clause 1.2 (2)(h) as it does not protect and conserve the environmental heritage and significant local character of the Inner West.

The proposal does not meet the provisions of Clause 5.10 (4) and (5) pertaining to heritage conservation. Accordingly, the development is not considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) Development Control Plans

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

IWCDCP2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
15 - Stormwater Management	Yes
E1 – Heritage items and Conservation Areas (excluding Haberfield)	
1 – General Controls	No – see discussion
2 – Heritage Items	No – see discussion

The following provides discussion of the relevant issues:

Heritage Items

The proposed development results in variation from objectives O1, O2, O3 and controls C1 and C4 of Chapter E1, Part 2 of the Inner West Comprehensive Development Control Plan 2016. The controls outline that development to heritage items must retain features that contribute to the significance of the item and fabric and parts that represent the key period of the item. The controls were introduced to ensure that development to heritage items is based on an understanding of the significance of the item, sympathetic to significant features of the item and to ensure that heritage items are retained, protected and conserved.

The proposed removal of the slate roof is contrary to the objectives and controls of the part, as the roof contributes to the heritage significance of the item. Further, the slate roof is significant as representative of the key period of the item and is considered to have been selected as material that was reflective of the status of the building.

The proposed replacement of the slate roof with corrugated sheet metal is not appropriate to the period of the building as the proposed material was not utilised on buildings in this location of such scale and character during the Victorian Era.

The proposal fails to conserve and protect the significance of the heritage item. The removal of significant fabric would be of detriment to the significant views and setting of the heritage item and cannot be supported.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in the following way:

Heritage Significance and Streetscape

As discussed within the assessment section of this report, the proposal is expected to have an adverse impact on the existing streetscape and settings/views of a local heritage item. The proposal is contrary to the desired future character of the locality and has failed to meet the controls and objectives of the LEP and DCP and is therefore recommended for refusal.

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

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

5(g) Any submissions

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

5(h) The Public Interest

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

The proposal is contrary to the public interest and is recommended for refusal.

6 Referrals

6(a) Internal

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

- Development Engineer – No objection to the proposal, subject to suitable conditions of consent.
- Heritage – The proposal is unsupportable due to heritage impacts. The application is recommended for refusal. See assessment section above for details.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

8. Conclusion

The proposal is inconsistent with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and *Inner West Comprehensive Development*

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

The development would result in adverse impacts to the streetscape 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

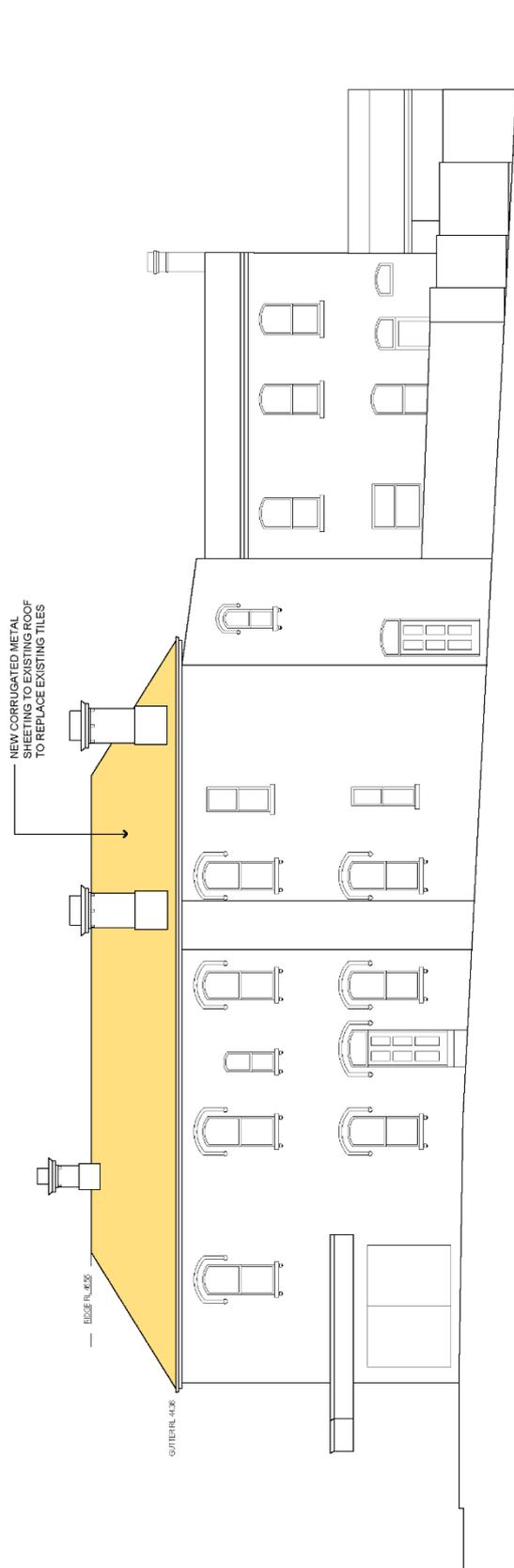
- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2021/1051 for the replacement of existing slate roof with Colourbond roof at 183 Liverpool Road ASHFIELD NSW 2131 for the reasons outlined in attachment A

Attachment A – Reasons for refusal

REASONS FOR REFUSAL

1. The proposal is inconsistent with the aims of Clause 1.2(2) of the *Ashfield Local Environmental Plan 2013* as the proposal does not conserve the environmental and cultural heritage of Ashfield.
2. The proposal is inconsistent with the objectives and controls of Clause 5.10(1), Clause 5.10(4) and Clause 5.10(5) of the *Ashfield Local Environmental Plan 2013* as it does not conserve the heritage significance of the heritage item including associated fabric, settings, and views.
3. The proposal is contrary to the objectives and controls of Chapter E1 – Heritage Items and Conservation Areas (excluding Haberfield) of the *Comprehensive Inner West Development Control Plan 2016*, as follows:
 - a. Part 2 Heritage Items - O1, the proposed changes to the heritage item are not based on an understanding of the heritage significance of the item.
 - b. Part 2 Heritage Items - O2, the proposal does not seek to retain and conserve significant elements and features of the heritage item.
 - c. Part 2 Heritage Items – O3, the proposed development is unsympathetic to significant features of the heritage item.
 - d. Part 2 Heritage Items – C1, the proposal does not retain features that contribute to the significance of the item.
 - e. Part 2 Heritage Items - C4, the proposal seeks to remove significant fabric of the heritage item that represent key periods of the item.
 - f. Part 2 Heritage Items – C6, the proposed alterations and additions do not maintain the integrity of the building form so that the original building is retained and can be clearly discerned
4. Contrary to Section 4.15(1)(b)(c) of the *Environmental Planning and Assessment Act 1979*, the proposed development would have adverse environmental impacts on both the built environment, and social and economic impacts in the locality and is not considered suitable for the site.
5. Contrary to Section 4.15(1)(d)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not considered to be in the public interest

6. The proposal is inconsistent with the aims and provisions of Clause 1.2(2), Clause 5.10(1), Clause 5.10(4) and Clause 5.10(5) of the *Draft Inner West Local Environmental Plan 2020* as the proposal does not protect and conserve the environmental heritage and significant local character of the Inner West.



EAST ELEVATION

AMENDMENTS	<p>Corona Projects 155 JUNCTION ROAD, JUNCTION RD NSW 1555 PHONE: 02 9333 3667 EMAIL: info@coronaprojects.com</p>	DRAWING: EAST ELEVATION	PROJECT: NEW ROOF TILES	SHEET No: 03
		SCALE: 1:100 @ A3	ADDRESS: 183 LIVERPOOL ROAD PASPFIELD	DATE: OCT. 2021



Schedule of Materials, Colours and Finishes

Property Address: 183 Liverpool Road, Ashfield

Application: DA for roof replacement

Item	Material	Colour	Photo	Description
External walls	As per existing	As per existing		No change proposed. All as per existing.
Windows	As per existing			
Door	As per existing			

19 October 2021

Roof	Colourbond	Red terracotta	<p>Colourbond to replace the existing damaged tile roof covering</p> 
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19 October 2021

Attachment C- Statement of Heritage Significance



Development Application
HERITAGE IMPACT STATEMENT

Roof replacement

183 Liverpool Road, Ashfield

October 2021

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PROJECT DETAILS

Client: Mr Julian Law
 Subject land: 183 Liverpool Road, Ashfield
 Lot Description: Lot 5, DP956
 Proposed development: Replacement of roof

The report is prepared by Joseph Chan
 Bachelor of City Planning (Hons) (UNSW)

The report is reviewed by Mathew Fortunato
 Bachelor of Architecture and Environment (USYD)

I certify that the contents of the Heritage Impact Statement to the best of my knowledge, has been prepared as follows:

- In accordance with *Statements of Heritage Impact and Assessing Heritage Significance* published by the Heritage Branch of the NSW Office of Environment and Heritage
- In accordance with the principles contained in the most recent edition of The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance.
- To the best of my knowledge the information contained in this report is neither false nor misleading.

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1.0 INTRODUCTION

This Heritage Impact Statement has been prepared for Mr Julian Law to accompany a Development Application (DA) to Inner West Council for replacement of roof at 183 Liverpool Road, Ashfield.

More specifically, the proposed development comprises the replacement of an existing defected roof. The current slate roof will be demolished and replaced with new colourbond roof.

Works to the Heritage Item are being undertaken because the current slate roof is in poor condition that results in water leakage to the building. Water would leak into the unit on any rainy day and this has severely impacted the residents life. The property owner has attempted to patch the roof five times in the past, while all works were unsuccessful. Below image has shown the a portion of the damaged roof and the defects as highlighted by the builder.



Figure 1 – Location of defects on the existing slate roof (Corona Projects 2021)

The purpose of this report is to analyse the heritage impact of the proposed developments on the development site, identified as a Heritage Item. Specifically, the *Shops with dwellings above* (I197). Heritage Item I197 consists of four properties located at 183 and 187-191 Liverpool Road, Ashfield. The proposal is only applicable to the subject property at No 183.

The subject property currently stands a two-storey mixed use building, consists of a ground floor commercial shop and first floor residential unit. The building contains an awning front Liverpool Road. All properties under heritage item I197 are identified to be shop-top housing developments. The ground floor commercial shop can be accessed from Liverpool Road and the first floor residential unit can be accessed from Murrell Street. The building contains a light colour cladded façade and a dark

colour roof. Five chimneys are identified from Murrell Street, where three are located on the main roof and two are located at the rear wing addition. The site contains windows and doors coloured in green.



Figure 2 – Heritage Map (NSW Planning Portal)

This Statement provides an overview of the proposed development, and addresses the relevant heritage controls, including the NSW Assessing Heritage Significance Guidelines, Ashfield Local Environmental Plan 2013 (LEP 2013) and Inner West Comprehensive Development Control Plan 2016 (DCP 2016).

The Statement does not contain an archaeological assessment.

This Statement only addresses the impacts of the proposal on the potential heritage value of the site, neighbouring heritage items, and the surrounding neighbourhood. Statutory planning considerations, including but limited to, land use permissibility, building height, floor space ratio, site coverage, overshadowing and view privacy, landscaping, stormwater, and other non-heritage related matters are not taken into consideration in this statement.

2.0 THE SITE AND ITS CONTEXT

2.1 Site Analysis

The site is located at 183 Liverpool Road, Ashfield and is legally described Lot 5 in Deposited Plan 956. The site is located on the northern side of Liverpool Road, between Brown Street and Murrell Street.

The site is rectangular with a total area of 231 square metres by survey, with a 7.03 metre street frontage to Liverpool Road. The western side boundary measures 33.505 metres and the eastern side boundary measures 33.49 metres. The rear boundary measures 6.79 metres. The site falls from south to the north by approximately 1 metre.

The site currently contains a two storey rendered dwelling with tile and metal roof. Ground floor of the building contains one business/commercial premise. The rear of the site is not landscaped. Vehicular access is available from Murrell Street.

The land is zoned B4 Mixed Use under the provisions of Ashfield Local Environmental Plan 2013 (LEP). The site is identified as a local heritage item *Shops with dwellings above* (I197), but is not located within a heritage conservation area. The site is also located within the vicinity of local heritage item *Church and Hall* (I195) and *Club* (I196) on the opposite side of Liverpool Road.

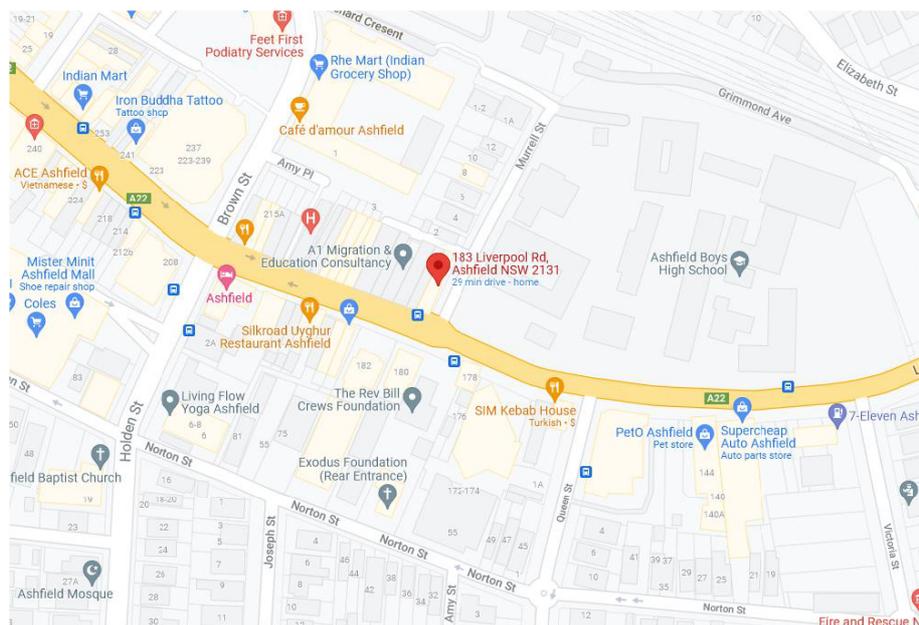


Figure 3 – Site locality map (Google Maps)

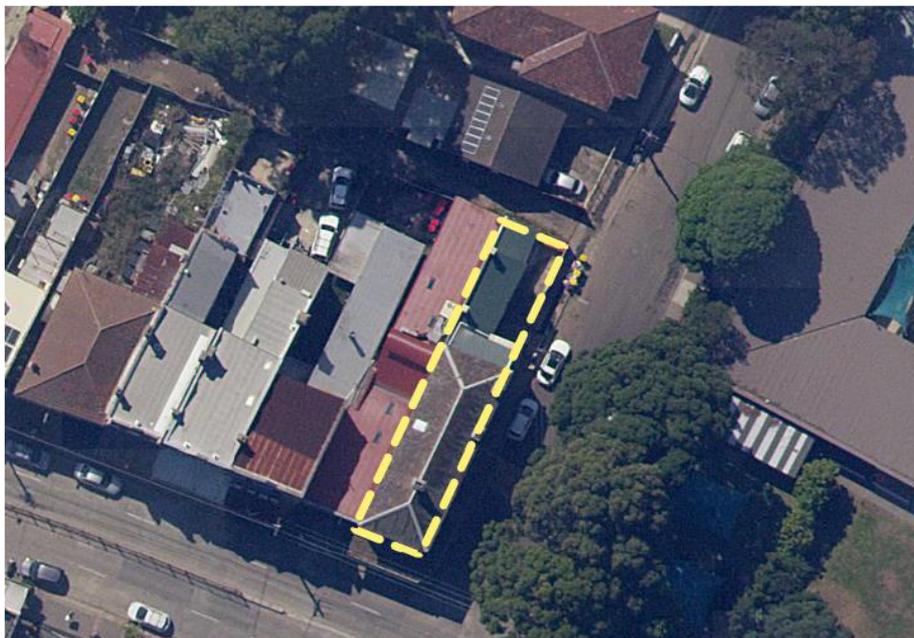


Figure 4 – Aerial map (SIX Maps)



Figure 5 – Subject site as viewed from Liverpool Road (Real Estate 2021)



Figure 6 – Outlook of all buildings identified under heritage item I197 *Shops with dwellings above* (Google Maps February 2021)

2.2 Photographs

The following photographs provide a visual survey of the site and setting, including detail on the structural and safety concerns currently present on site.



Figure 7 – Subject site as viewed from Murrell Street (Corona Projects 2021)



Figure 8 – Subject roof as viewed from Liverpool Road (Corona Projects 2021)

3.0 PROPOSED DEVELOPMENT

The Development Application proposes the replacement of an existing slate roof with colourbond roof. More specifically, the existing slate roof has been found with multiple defects, resulting in various water leakage. The situation gets worse during stormy season.

The proposed new roof will replace the existing roof with the same size and height. Colourbond roof is proposed due to its durability and lower cost. No other changes are proposed as part of the application.

The proposal has been designed to relate to its site and to the streetscape in relation to appearance, envelope, setbacks, bulk and scale. The contemporary design utilises high quality materials and detailing to present an unobtrusive visual outcome for the Heritage item and locality.

Please refer to plans prepared by Corona Projects.

4.0 HERITAGE STATUS

4.1 Listings

The site is identified to be within the *Shops with dwellings above*. Table 1 provides this in more detail.

Table 1: Applicable heritage listings and statutory requirements

Name	Heritage listing	Heritage significance	Policy requirements
Shops with dwellings above (I197)	Ashfield Local Environmental Plan 2013 (LEP 2013)	Local	Schedule 5 Environmental Heritage, LEP 2013 (statutory); DCP 2016

4.2 Statement of Significance

No information regarding the reason for listing, or heritage study was found to be associated with the above heritage item and conservation area on the Office of Environment and Heritage website. The Ashfield Local Environmental Plan 2013 indicates there is heritage significance for the building at 183 Liverpool Road, Ashfield, but no statement of significance for either was found within the ALEP 2013 or IWCDCP 2013 either. Despite this, the subject site and other properties listed under the same heritage item are considered significant for the following reasons;

4.3 Assessment of Significance – Shops with dwellings above

No Statement of Significance was found. The building is estimated to be built in early 19th century. The building is associated with the development of Ashfield town centre and provides a place of residence alongside the ground floor commercial use.

The building is identified to be a mixed-use building, with ground floor being used as a commercial premise and first floor used as a residential unit. The building has been preserved in good condition, as the chimneys, contributory shopfront, façade, windows and doors, development pattern, setbacks and the wing addition have been well preserved throughout the years.

5.0 ASSESSMENT OF HERITAGE IMPACT

5.1 NSW Assessing Heritage Significance Manual

In accordance with the NSW Office of Environment and Heritage guidelines, an assessment based on several criteria has been undertaken.

Shop with dwellings above (I197)

Criterion	Comment
a Historical significance	The dwelling was built in approx. early 19 th century and is a prime architectural example of a shop-top housing in Ashfield.
b Associational significance	No known person or celebrity were found to have association with the building.
c Aesthetic significance	The dwelling is a prime architectural example of a shop-top housing in Ashfield. Its exceptionally intact built form, shopfront and other contributory features are rare to be found in Ashfield.

d	Social significance	The dwelling is identified to be of social significance as it provides a place of residence and a place for business activity.
e	Cultural significance	The dwelling is not considered to be of substantial cultural significance, save for its extent of intactness which displays how earlier residents lived.
f	Rarity	Whilst similar shop-top housings are located throughout Ashfield and Inner West LGA, the quality of preservation and intactness of this building provide it with rarity.
g	Representativeness	The building is a representative of shop-top housing in the Ashfield locality.

5.2 NSW Heritage Office – Statements of Heritage Impact Guideline

The impact of the proposed works has been assessed in respect to the is discussed with reference to criteria raised by the NSW Heritage Office publication, Statements of Heritage Impact (2002), in respect to ‘Re-roofing/re-cladding’.

5.2.1 Re-roofing

• Have previous (including original) roofing/cladding materials been investigated (through archival and physical research)?

The current roof uses tile roof.

• Is a previous material being reinstated?

The owner has made several attempts to repair the tile roof over the past few years but were all unsuccessful. The current roof was constructed with lower quality materials and have been used for an extended period of time, thus there is a need to reinstate the roof covering materials to protect the house from rainwater and water leakage.

• Will the re-cladding effect the conservation of the fabric of the heritage item?

No recladding is proposed. The proposed re-roofing seeks to replace the currently defected tile covering with colourbond. The proposal is beneficial to the heritage item as it will prevent further water damage to the building.

• Are all details in keeping with the heritage significance of the item (e.g. guttering, cladding profiles)?

The proposal will retain all significant contributory features of the heritage item, including but not limited to: shopfront, façade, windows and doors, development pattern, setback, massing, chimneys and all significant internal elements.

• Has the advice of a heritage consultant or skilled tradesperson (e.g. slate roofer) been sought?

A qualified heritage roofer has been consulted for the proposal. The construction works will be carried out by a qualified and experienced builder who specialises in heritage building roof replacement.

5.3 Ashfield Local Environmental Plan 2013

The table below provides an assessment of the proposal against the objectives of Clause 5.10 Heritage conservation of the LEP 2013.

Objective		Comment
a	To conserve the environmental heritage of Ashfield.	The environmental heritage of Ashfield is conserved by the proposal as the heritage item which is becoming structural unstable will be supported and its visual appearance will remain unchanged.
b	To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	
c	To conserve archaeological sites	Not applicable to this development
d	To conserve aboriginal objects and Aboriginal places of heritage significance	Not applicable to this development

5.4 Inner West Comprehensive Development Control Plan 2016

The table below provides an assessment of the proposal against the controls under the DCP 2016.

Control	Comment	Compliance	
Chapter E1 Heritage items and conservation areas (except Haberfield)			
Part 2 Heritage Items			
2.2 External Form			
1	Retain features (including landscape features) that contribute to the significance of the item.	The proposal retains the existing built form, wing addition, chimneys, windows and doors pattern, contributory front façade and the use of the building. The proposed roof replacement will have no impact to any of the contributory features.	Yes
3	New work is to be consistent with the setback, massing, form and scale of the heritage item.	The proposal is consistent with the setback, massing and scale of the heritage item. The roof replacement will have no impact to the presentation of the heritage building as it uses the same colour retains the current building height.	Yes
4	Retain significant fabric, features or parts of the heritage item that represent key periods of the item.	All significant contributory features will not be impacted.	Yes
5	Alterations and additions are to be generally located away from original and intact areas of the heritage item.	All significant contributory features will not be impacted.	Yes

Control		Comment	Compliance
6	Maintain the integrity of the building form (including the roof form and profile) so that the original building is retained and can be clearly discerned, particularly when viewed from the public domain.	All significant contributory features will not be impacted. The roof replacement will have no impact to the presentation of the heritage building as it uses the same colour retains the current building height.	Yes
2.3 Interior Elements of the Heritage Items			
5	Retain internal original or significant features including joinery, door sets, fireplaces, flooring, decorative plasterwork, ceilings, etc..	The proposed roof replacement will not impact the internal features.	Yes
5.1 Retail and Commercial Buildings			
1	Significant architectural elevations and significant finishes and details are to be retained, recovered and conserved.	The significant contributory features will be properly documented prior to commencement of works. They will not be impacted by the proposal.	Yes
5	Except for the purposes of restoration or reconstruction, the removal or alteration of original or significant shopfronts and elements is not permitted.	No removal or alteration of original shopfront and elements are proposed.	Yes

6.0 CONSERVATION MANAGEMENT TECHNIQUES

The significance of the Heritage Item *Shops with dwellings above* is high. As such, the following conservation policies and management techniques, necessary to maintain the significance of the subject site at 183 Liverpool Road, Ashfield, should be followed:

1. Archival Recording

The current house be photographically archivally recorded in accordance with the Heritage Division guidelines for digital capture and the record lodged with a suitable archive (Ashfield Local History Library).

2. Reinstatement

It is of the builders responsibility that the existing façade, windows, doors, chimneys, built form and all other significant internal elements will not be impacted or will be retained using appropriate measures.

7.0 CONCLUSION

The subject site at 183 Liverpool Road, Ashfield is a two-storey mixed use building, comprising a ground floor commercial shop and first floor residential unit. The building on site is considered a Heritage Item *Shops with dwellings above*.

The proposed roof replacement is sympathetic to the heritage item and locality, and is consistent with the character of the area as the streetscape view is entirely retained. The proposed replacement of roof is designed with appropriate scale, colour, detailing and finishes to maintain the integrity of the nearby heritage items. The proposed alteration is carefully crafted to complement the buildings under the same heritage item at 187-191 Liverpool Street, Ashfield and contribute to their amenity and visual appearance. The proposal will seamlessly integrate into the existing building and provides a cohesive planning outcome. It will not bring any detrimental impact to the Heritage significance of the site or wider locality, and therefore the development is considered to be acceptable at 183 Liverpool Road, Ashfield.

Attachment D – Conditions of consent (if approved)

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
00	Site Analysis Plan	Oct 2021	Corona Projects
01	Roof Plan	Oct 2021	Corona Projects
02	Elevations	Oct 2021	Corona Projects
03	East Elevation	Oct 2021	Corona Projects
04	West Elevation	Oct 2021	Corona Projects
-	Schedule of Finishes	Oct 2021	Corona Projects

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

- a. the Colourbond steel roof is to be of colour Jasper, Wallaby or Windspray.

FEES

3. Security Deposit - Custom

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

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

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date. The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out. Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the

environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

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

4. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed

rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

GENERAL CONDITIONS

5. Stormwater Drainage System – Simple

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

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

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

6. Waste Management Plan

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

7. 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 all 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. Dilapidation Report – Pre-Development – Minor

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

DURING DEMOLITION AND CONSTRUCTION

12. Construction Hours – Class 1 and 10

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

ADVISORY NOTES

Permits

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

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

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

Insurances

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

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and*

- Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
 - f. Development Application for demolition if demolition is not approved by this consent; or
 - g. Development Application for subdivision if consent for subdivision is not granted by this consent.

National Construction Code (Building Code of Australia)

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

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.

Permits from Council under Other Acts

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

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

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

Noise

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

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.

Useful Contacts

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