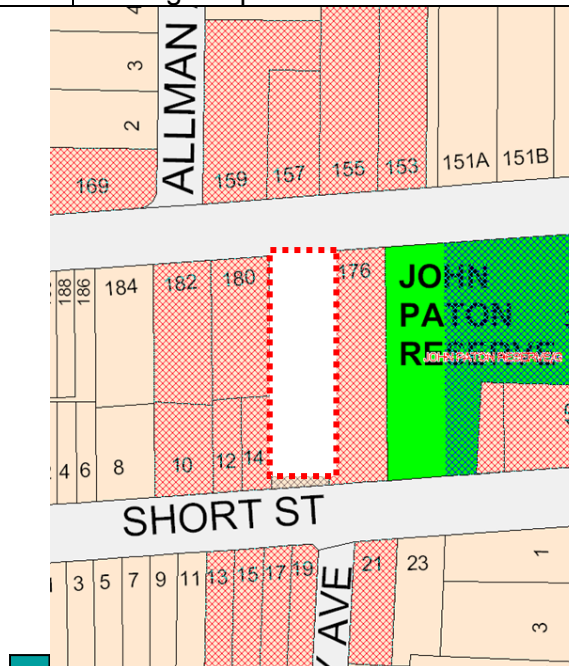









# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	10.2018.25.3
<b>Address</b>	178 Smith Street Summer Hill
<b>Proposal</b>	Amend an existing consent to include new hardstand car parking associated with a Torrens title subdivision of 178 Smith Street to create two lots, construction of new two storey dwelling to Short Street.
<b>Date of Lodgement</b>	22/08/2019
<b>Applicant</b>	Wil Nino
<b>Owner</b>	Maria Micaela, Nino Garcia, Wendy Nino, and Wilfred Nino
<b>Number of Submissions</b>	Nil
<b>Value of works</b>	\$480,250.00
<b>Reason for determination at Planning Panel</b>	A condition imposed by the Planning Panel is requested to be deleted
<b>Main Issues</b>	Impact on the streetscape and Heritage Items
<b>Recommendation</b>	Consent, subject to conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Heritage Impact Statement



LOCALITY MAP

<b>Subject Site</b>		<b>Objectors</b>		 N
<b>Notified Area</b>		<b>Supporters</b>		



Picture 1 Site Photo – Smith Street frontage



Picture 2 Site Photo – Short Street frontage

## 1. Executive Summary

This report concerns an application for the modification of a development consent approved by the Inner West Local Planning Panel for Torrens title subdivision of 178 Smith Street to create two lots and construction of a new two storey dwelling to Short Street.

The Development Application was approved by the Inner West Local Planning Panel on 14 August 2018 with a condition deleting two car parking spaces accessed from Smith Street.

The subject section 4.55(1A) application seeks to modify the development consent to allow for one car parking space from Smith Street. The proposal generally complies with aims, objectives and design parameters contained in Ashfield Local Environment Plan 2013 (ALEP 2013). The development generally complies with the provisions of the Inner West Comprehensive Development Control Plan 2016.

It is considered that, subject to conditions, the proposal will not result in any significant impacts on the streetscape, heritage items in the vicinity or amenity of adjoining properties.

## 2. Proposal

This application seeks the provision of a car parking space from Smith Street. The affected lot is lot 1 of the recent two lot subdivision. Lot 1 has a frontage of 15.24m to Smith Street an area of 600.1m<sup>2</sup>.

Lot 2 has a frontage to Short Street and is not affected by the proposal.

## 3. Site Description

A site visit was carried out on 28 August 2019.

The subject site is located on the southern side of Smith Street, bounded by Henson Street to the east, Louisa Street to the West and Short Street to the South. The site area is approximately 928.3 square metres. The site has been approved as a two lot subdivision with Lot 1 being the affected lot. An existing single storey brick and tile dwelling house is located on the site. The existing dwelling house is a local heritage item as are four other properties to the west.

Surrounding land uses are predominantly residential, with neighbouring dwellings consisting of single storey dwelling houses to the west and a two storey dwelling house to the east. The dwelling house at 180 Smith Street was approved as three flats. There is a two storey dwelling to the southwest in Short Street.

## 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
00.6.1963.4752	Internal conversion of dwelling into 3 flats	Approved – 31/10/1963
006.1978.460	Construction of a brick fence	Approved – 8/11/1978
10.2014.80	Alterations and additions to an existing dwelling to create a dual occupancy	Approved – 18/3/2014
10.2018.25.1	Subdivision into 2 lots, new dwelling house and car parking spaces	Approved -14/8/2018
10.2018.25.2	Change to stormwater plan	Approved - 4/7/2019

The previous application 10.2018.25.1 was approved by the Inner West Local Planning Panel and included a condition B(1) to delete the two proposed car parking spaces in front of the dwelling in Smith Street.

The applicant has subsequently submitted a plan showing a single car parking space off Smith Street which has been accepted by Council's Heritage Advisor.

**Surrounding properties**

Application	Proposal	Decision & Date
BA 1964/4902	Convert four illegal flats to three on 180 Smith Street	4/3/1964
DA 10.2010.19	Alterations and additions to dwelling house, new garage workshop and swimming pool on 176 Smith Street	15/3/2010

**4(b) Application history**

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

Date	Discussion / Letter/ Additional Information
14/10/2019	Amended Plans received to provide for only a single at grade car space closer to the dwelling house.

**5. Assessment**

The following is a summary of the assessment of the application in accordance with Section 79C 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 (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy No 55—Remediation of Land
- Ashfield Local Environmental Plan 2013; and
- Comprehensive Inner West Development Control Plan 2016.



The following provides further discussion of the relevant issues:

**5(a)(i) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX Certificate was submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements. Appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the development.

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

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

<b>Ashfield Local Environmental Plan 2013 Summary Compliance Table</b>				
<b>Clause No.</b>	<b>Clause</b>	<b>Standard</b>	<b>Proposed</b>	<b>Compliance</b>
2.2	Zoning	Zone R2 Low Density Residential	Torrens title subdivision and construction of a new dwelling and car parking space from Smith Street	Yes
5.10	Heritage Conservation	178 Smith Street is an item of local heritage significance being one of a row of 5 Heritage Items – Item No. 638 The site is not located within a Heritage Conservation Area.		
5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause 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 the area concerned.	The proposed car parking space has been appropriately designed to minimise the impact upon the existing dwelling.  A condition has been included to provide two driveway strips with a grass strip in the middle to match the driveways at 182 and 184 Smith Street	Yes
5.10(5)	Heritage assessment	The consent authority may, before granting consent to any development: (a) On land on which heritage item is located, or (b) On land that is within a heritage conservation area, or (c) On land that is within the vicinity of land referred to in paragraph (a) or (b),	Appropriate documentation regarding heritage management and impacts upon heritage significance have been prepared and submitted as part of this application.  This documentation has been reviewed by Council's Heritage Advisors who outlined no objection to the proposal, subject to suitable conditions of consent.	Yes

		Require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.		
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### 5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of the Comprehensive Inner West Development Control Plan (DCP) 2016:

DCP 2016 – Chapter F: Development Category Guidelines				
Control No.	Control	Standard	Proposed	Compliance
DS8.2	Minimum Landscaped area %	Lot 1: 501 – 600m <sup>2</sup> . 35% of the site area	152.7m <sup>2</sup> – 25.45%	No
DS8.3	Maximum site coverage	Lot 1: 501 – 600m <sup>2</sup> . 50% of the site area	294.5m <sup>2</sup> – 49%	Yes
DS6.1	Garages and carports	A minimum of one car parking is required per dwelling	Lot 1 incorporates a car hardstand space, while Lot 2 incorporates a single car garage.	Yes
DS6.4	Car space in front of dwelling house	A car space may be considered between the front boundary and the front building line of the dwelling house where <ul style="list-style-type: none"> <li>it has no roof ,</li> <li>it is not possible to locate elsewhere on the site ,</li> <li>the floor pavement area is sympathetic to the context</li> <li>and a sufficient amount of front landscaped garden is provided</li> </ul>	The car space is to be located between the front boundary and the front building line of the dwelling house. Refer to discussion	Yes
DS 11.1	Front gardens	Requires front garden to have an area and dimensions that provide sufficient soil area for ground cover, vegetation and trees.	Proposal retains sufficient space for the provision of a front garden the subject dwelling	Yes
DS 11.2	Front gardens	Requires hard paved areas to be minimised, and driveways	Hard surface areas have been	Yes subject to condition

		have a maximum width of 3 metres	minimised, where possible. A condition is also included to provide two driveway strips with a 900mm grass strip in the middle	
DS 12.1	Rear gardens	Requires rear gardens to have an area and dimension that provide sufficient soil area for ground cover, vegetation and trees.	Each site is to retain a rear garden with a sufficient dimension to facilitate a private open space and vegetation planting	Yes
DS19.1	Stormwater Disposal	Stormwater from roofs is discharged by gravity to street gutter system	Conditioned to engineering requirements	Yes

The following provides discussion of the relevant issues:

Landscaped Area Lot 1/ Hardstand Parking Space/ Setting of Heritage Item

The proposed lot 1 results in a landscaped area of 152.7m<sup>2</sup> or 25.45% of the site area of 600.1m<sup>2</sup> which is a 27.3% variation from clause DS8.2 of the Inner West Comprehensive Development Control Plan 2016. The landscaped area control was introduced to soften the visual impact of the built form, ensure development is sympathetic to the existing streetscape and provides adequate principle private open space and deep soil planting.

An assessment of the proposal has been undertaken and the proposed variation is considered to be directly linked to the subdivision and addition of a new hardstand parking space. The proposed subdivision has been appropriately designed to cater for the creation of new areas for private open space and deep soil landscaping.

A review of neighbouring sites and analysis of parking arrangements within the immediate vicinity of 178 Smith Street has highlighted a predominance of hardstand parking spaces within the front setback. Currently neighbouring sites at 180, 182 and 184 Smith Street all enjoy a hardstand parking space within the front setback or vehicular access from the Smith Street frontage. Analysis of these hardstand spaces highlights a predominance of single car driveways, single vehicular crossovers, a single hardstand parking spaces. The proposed single car hardstand and associated vehicular crossover is considered consistent with other properties in the vicinity.

To improve the streetscape amenity it is recommended as a design change condition that two driveway strips with a grass strip of 900mm in the middle are provided to the proposed driveway. This is consistent with part 2.2 in Chapter E1 of the DCP which seeks to '*retain significant settings, garden and landscape features and details*'.

Acceptance of a single vehicle hardstand parking space and the subsequent variation from the minimum landscaped area for the site, is not expected to result in a development that is out of character with the existing streetscape or impede upon the ability of the remaining landscaped area to soften the visual impact.

The development is considered to meet the objectives of clause DS8.2 of the Inner West Comprehensive Development Control Plan 2016 and the variation to the minimum landscaped area for Lot 1 is recommended to be supported subject to a condition for two driveway strips with a grass strip of 900mm in the middle. .

Chapter E1 Heritage Items and Conservation Areas :		
Part 1 General Controls	Officer Comments	Support
<b><i>Retain features of Heritage Items</i></b>	The proposed car parking space will require the removal of a 3 metre section of the front fence however the main features of the Heritage Item will be maintained	Yes
<b><i>New work is consistent with setbacks massing form and scale of Heritage Item</i></b>	The new car parking space does not impact the setbacks massing form and scale of the heritage item.	Yes
<b><i>Retain Fabric</i></b>	The car parking space does not affect the fabric of the dwelling house although will require the removal of a 3 metre section of the front fence for the driveway The main features of the heritage item will be maintained.	Yes
<b><i>Alterations and additions should be located away from the Heritage Item</i></b>	The car parking space is located away from the fabric of the dwelling house although will require the removal of a section of the front fence however the main features of the heritage item will be maintained.	Yes

Chapter E1 Part 1.8 Development in the vicinity of Heritage Items		
Part 1 General Controls/Objectives	Officer Comments	Support
<b><i>Objective 1 To ensure that adjacent development does not detrimentally impact upon the heritage significance of heritage items and heir settings.</i></b>	The property is one of a row of 5 heritage items located on the southern side of Smith Street. The proposed development includes a car parking space in front of the dwelling house similar to that of 180,182 and 184 Smith Street Summer Hill	Yes
<b><i>Objective 2 To ensure that new development is compatible with the heritage values of adjacent heritage items.</i></b>	The proposed development generally complies	Yes
<b><i>Controls: The design of new development adjacent to a heritage item should:</i></b>	The proposed development generally complies	Yes



<b><i>C1 Be designed to respond to the setting, setbacks, form, scale and style of nearby heritage items.</i></b>		
<b><i>C2 Maintain significant views to and from the heritage item.</i></b>	Views to and from the heritage item are generally maintained	Yes
<b><i>C3 Ensure adequate setbacks from the site of the heritage item to retain its visual setting.</i></b>	The proposed development generally complies.	Yes
<b><i>C4 Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.</i></b>	It is recommended that a condition be imposed to provide two driveway strips with a 900mm wide grass strip in the middle to ensure that a reasonable level of soft landscaping is maintained at the front of the property.	Yes
<b><i>C5 Use materials, finishes and colours selected to avoid strong contrast with the heritage item in order to retain the visual importance or significance of the heritage item.</i></b>	The paving material will be dry pressed bricks. The proposed external finishes and material generally comply.	Yes

#### **SECTION 4.15 and 4.55(1A) ASSESSMENT**

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 4.15 and 4.55(1A) of the Environmental Planning and Assessment Act.

#### **SECTION 4.55 ASSESSMENT**

<b>S4.55(1A) clause</b>	<b>Provision</b>	<b>Performance</b>	<b>Compliance</b>
(a)	it is satisfied that the proposed modification is of minimal environmental impact, and	The proposed modification is of minimal environmental impact	Yes
(b)	it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The proposed modifications are minor in nature and the development as modified is substantially the same development as the development for which consent was originally granted.	Yes

(c)	it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	The proposed modification was notified in accordance with Council's notification policy.	Yes
(d)	it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	The proposed modification was notified in accordance with Council's notification policy and no submission were received.	Yes

The proposed modification is listed below, followed by the Officers' Comments:

1. Deletion of condition B(1) to allow for the provision of a single car parking space off Smith Street

Condition B(1) reads as follows:

## **B Design Changes**

### **(1) Amendments required to approved plans**

*To ensure the preservation of the conservation and heritage values of the existing house and the streetscape in Smith Street the parking access to the site from its frontage street, being Smith Street is not approved. The proposed two car hard stand parking space, driveway and vehicular crossover must be deleted. Amended plans detailing compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate*

#### Officer's Comment:

The plans have been amended recently, as requested by Council's Heritage Advisor, to move the car parking space closer to the dwelling house and at grade similar to that of 180 Smith Street. There is only one car parking space proposed from Smith Street instead of two as originally proposed.

Given that the car parking proposed is at grade, similar to that at 180 Smith Street and Council's Heritage Advisor is now satisfied with the modification, it is recommended for approval.

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

The assessment of the Application demonstrates that, subject to the recommended conditions, the proposal will not result in significant or unreasonable impacts in the locality.

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

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

#### 5(f) Any submissions

The application was notified in accordance with the Comprehensive Inner West Development Control Plan (DCP) 2016 for a period of fourteen (14) days to surrounding properties. No objections were received.

#### 5(g) The Public Interest

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

### 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.

Internal Referrals		
Officer	Comments	Support
Engineer	No objection subject to existing conditions	Yes
Heritage Advisor	No objection subject to condition that the car parking is at grade.	Yes

### 7. Section 7.12 Contributions

Unchanged

### 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016. The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

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

### 9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to the modification of Development Consent No. 2018.25.1 for the provision of a car parking space from Smith Street in conjunction with the Torrens title subdivision of 178 Smith Street to create two lots and construction of a new two storey dwelling to Short Street at 178 Smith Street Summer Hill subject to the conditions listed in Attachment A.

## Attachment A – Recommended conditions of consent

### CONDITIONS:

#### A General Conditions

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

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

No.	Issue	Title	Prepared by	Dated
DA04	A	Subdivision Plan	Archi Spectrum	12/2/2018
DA05	C	Proposed Site & Roof Plan	Archi Spectrum	19/7/2018
<b>DA06</b>	<b>C</b>	<b>Proposed Hardstand</b>	<b>Archi Spectrum</b>	<b>19/7/2018</b>
<b>DA07</b>	<b>B</b>	<b>Proposed — Ground Floor</b>	<b>Archi Spectrum</b>	<b>31/5/2018</b>
DA08	B	Proposed First Floor Plan	Archi Spectrum	31/5/2018
DA09	B	Proposed Roof Plan	Archi Spectrum	31/5/2018
DA10	B	North & South Elevations	Archi Spectrum	31/5/2018
DA11	B	East and West Elevations	Archi Spectrum	31/5/2018
DA12	B	Proposed Section	Archi Spectrum	31/5/2018
<b>DA23</b>	<b>C</b>	<b>Fence — Detail Elevation</b>	<b>Archi Spectrum</b>	<b>19/7/2018</b>
<b>DA06</b>	<b>g</b>	<b>Proposed Hardstand</b>	<b>Archi Spectrum</b>	<b>14/10/2019</b>
<b>DA23</b>	<b>d</b>	<b>Fence Detail Elevation</b>	<b>Archi Spectrum</b>	<b>2/5/2019</b>
17555 1 of 3	3	Stormwater Plan	CK Engineering Services	25/6/2019
17555 2 of 3	3	Stormwater Plan	CK Engineering Services	25/6/2019
17555 3 of 3	3	Stormwater Plan	CK Engineering Services	25/6/2019

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

(Amended by DA 10.2018.25.3)



**(2) Compliance with BCA**

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

**(3) Address of the new Lot 2 - Fronting Short Street**

The proposed Lot 2 created by this consent must have the following street address:

- 14A Short Street, Summer Hill

**B Design Changes****(1) Amendments required to approved plans**

The driveway shall consist of two driveway strips with a 900mm wide grass strip in the middle.

Amended plans detailing compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate

~~To ensure the preservation of the conservation and heritage values of the existing house and the streetscape in Smith Street the parking access to the site from its frontage street, being Smith Street is not approved. The proposed two car hard stand parking space, driveway and vehicular crossover must be deleted. Amended plans detailing compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate~~

(Amended by DA 10.2018.25.3)

**C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate****(4) Permits - General**

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

- 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.
- A concrete pump across the roadway/footpath
- Mobile crane or any standing plant
- Skip bins
- Scaffolding/Hoardings (fencing on public land)
- Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- Awning or street verandah over footpath

- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

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

**(5) Dilapidation – minor**

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

**(6) Alignment Levels**

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

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

**(7) Waste Management Plan**

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Waste Management Plan in accordance with the provisions of Inner West Council Comprehensive Development Control Plan 2016 - Planning For Less Waste and the Waste Planning Guide for Development Applications (Planning for Less Waste, prepared by the Regional Waste Boards), including:

- (a) Estimations of quantities and type of materials to be reused, recycled or left over for removal from site;
- (b) Identification on a plan of on site material storage areas during construction, waste storage, recycling and composting areas;
- (c) Details of construction materials and methods to be used to minimise the production of waste in the completion of the new building work.
- (d) How waste is to be treated on the site.
- (e) How any residual non-reusable and non-recyclable waste is to be disposed of and including details of the approved waste disposal outlets where disposal will take place.

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

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

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

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

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

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

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

Further information may be obtained from:

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

**(9) Security Deposit**

Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	\$7,860.00
Inspection fee (FOOTI)	\$225.00

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for Council to determine the condition of the adjacent

road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

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

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

#### **(10) Long service levy**

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

#### **(11) Section 7.12 Development Contributions**

In accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate to cater for the increased demand for community infrastructure resulting from the development:



<b>Community Type</b>	<b>Infrastructure</b>	<b>Contribution</b>
Local Roads		\$695.66
Local Public Facilities	Transport	\$1,007.91
Local Car Parking Facilities		\$0.00
Local Open Space and Recreation Facilities		\$16,223.62
Local Community Facilities		\$854.25
Plan Preparation and Administration		\$805.33
<b>TOTAL</b>		<b>\$19,586.77</b>

Being for the creation of one (1) new lot, with one (1) lot existing (two lots proposed, one lot existing).

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$C_C = \frac{\$C_P \times CPI_C}{CPI_P}$$

Where:

$\$C_C$  is the amount of the contribution for the current financial quarter

$\$C_P$  is the amount of the original contribution as set out in this development consent

$CPI_C$  is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

$CPI_P$  is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9392 5000. Payment may be made by cash, money order or bank cheque.

Council's Development Contributions Plan may be viewed at [www.ashfield.nsw.gov.au](http://www.ashfield.nsw.gov.au) or a copy may be inspected at Council's Administration Centre.

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

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

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

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

**(13) Energy efficiency**

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

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

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

**(15) Sydney Water - Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the “e-Developer” icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of an occupation or subdivision certificate.

**(16) Payment of bond/security deposit - engineering, sediment control, stormwater and covenants**

A bond of in the form of cash or bank guarantee shall be lodged prior to the release of the Subdivision Certificate. This bond covers:

- (a) road and stormwater drainage works in roadways and public areas.
- (b) connection to Council's stormwater drainage.
- (c) the installation and maintenance of sediment control measures for the duration of construction activities.
- (d) the final Work-As-Executed Plans complies with Council's Stormwater Management Code, all relevant Australian Standards and all DA Consent conditions.
- (e) the creation of the Positive Covenant - Restriction-As-To-User on the title.
- (f) all necessary Council inspections in regards to stormwater and roadworks are undertaken.
- (g) the release to Council of the approved Stormwater Construction Certificate plan.

**Bank Guarantees** are accepted in lieu of any Council security deposit/bond subject to the following:

- ♦ A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.
- ♦ Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.
- ♦ Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.
- ♦ At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

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

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

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

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

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

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

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

Further information may be obtained from:

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

#### **(18) Long service levy**

Compliance with Section 109F of the *Environmental Planning and Assessment Act 1979*; payment of the long service levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (or, where such a levy is payable by instalments, the first instalment of the levy). All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.2% X \$ = \$1,680.00

#### **(19) Public Liability Insurance**

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



**D     Conditions that must be complied with before work commences****(20)   Requirement for a Construction Certificate**

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

- (a)     detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i)     Council; or
  - (ii)    an accredited certifier; and
- (b)     a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c)     at least two days notice, in writing, has been given to Council of the intention to commence work.

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

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

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

**(21)   Inspections required by Principal Certifying Authority**

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

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

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

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

**(23)   Site Controls**

Sediment and erosion controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set

out in the Sydney Coastal Councils' *Stormwater Pollution Control Code for Local Government*.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall also include the protection of stormwater inlets or gutter systems within the immediate vicinity of the site.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

#### **(24) Tree preservation order - approvals required**

A Tree Preservation Order applies to the whole of the Inner West Council area. In this regard it will be necessary to make a separate application to Council prior to the removal or lopping of any trees. Contact Council's Customer Service Centre, telephone 9392 5000 to apply for a "Tree Preservation Order Permit" for Pruning or Removal of protected trees.

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

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

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

#### **(26) Boundary identification prior to construction**

The boundary shall be identified by survey prior to the pouring of any footings and concrete slabs.

#### **(27) Protection of public places - erection or demolition of building**

- If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or involves the enclosure of a public place; a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- Any such hoarding, fence or awning is to be erected prior to works commencing and only with Council approval in accordance with Workcover requirements. The temporary structures are to be removed when the work has been completed.

**(28) Site fencing/security**

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

**(29) Demolition work plan**

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

**(30) Asbestos sheeting removal - EPA/Workcover Authority**

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

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

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

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

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

**(32) Garbage skips on Council land - Council approval**

Bulk refuse bins or garbage skips shall not be placed on grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's Customer Service on telephone 9392 5000.

**(33) Sydney Water approval**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre 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. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: [www.sydneywater.com.au](http://www.sydneywater.com.au), see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

**(34) Slabs/footings – standards**

To ensure compliance with the provision of Section B of the *Building Code of Australia*, all reinforced concrete to footings and slabs shall comply with all relevant provisions of AS 2870.1-1996 "Residential Slabs and Footings Construction" or, alternatively structural engineers details of all structural elements shall be submitted to the Principal Certifying Authority with the Construction Certificate.

**(35) Structural engineer's details**

To ensure compliance with the provision of Section B of the *Building Code of Australia* structural engineer's details of all structural elements shall be submitted to the Principal Certifying Authority prior to commencement of work, including:

- (i) pier and beam footings;
- (ii) reinforced concrete slabs;
- (iii) stairs, including patio steps;
- (iv) retaining walls
- (v) all structural timber including floors, walls and roof; and
- (vi) all structural steel.

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

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

**(37) Timber Details**

Details of timber beam sizes, floor joists layouts and packing details are to be submitted to the Principal Certifying Authority for consideration prior to commencement of work.

**(38) Timber – National Timber Framing Code**

All timber used in construction shall comply with the *National Timber Framing Code AS 1684 – 1992* details are to be submitted to the Principal Certifying Authority for consideration prior to commencement of work.

***E      Conditions that must be complied with during construction or demolition***

**(39) Plans to be available on site**

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

**(40) Locate structures within boundaries**

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

**(41) Storage of building materials**

Building materials and spoil are to be located wholly on site and not placed in a position that may result in materials being washed onto the roadway or into the stormwater system.

**(42) Roof water, surface and subsoil drainage**

Roofwater, surface and subsoil drainage shall be piped to the street gutter or to an easement – absorption pits are not acceptable and are not approved.

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

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (a) stating that unauthorised entry to the work site is prohibited; and
  - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

**(44) Waste Management Plan – compliance**

- (a) All requirements of the approved Waste Management Plan must be implemented during the demolition and/or excavation and construction period of the development. Adequate measures need to be in place to ensure the ongoing waste management of the site.
- (b) Keep receipts of where waste will be taken to be treated or disposed.

The receipts must be presented to the Principal Certifying Authority prior to issue of the occupation certificate.

**(45) Construction hours**

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

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

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

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

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

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

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

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

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

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

**(46) Demolition/excavation/construction - noise - Protection of the Environment Operations Act 1997**

Noise arising from demolition/excavation/construction works shall be controlled in accordance with the requirements of *Protection of the Environment Operations Act 1997* and guidelines currently contained in the *NSW EPA Environmental Noise Control Manual*.

**(47) Demolition requirements/standards**

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

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.

- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

**(48) Materials and colour schemes**

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

**(49) Road and footpath – safety and access requirements**

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

Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across this footpath must be maintained in good order at all times during the work. Any damage caused must be made good by Council at Council's restoration rates, at the applicant's or builder's expense.

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

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

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

**(51) Redundant vehicle crossings – removal and replacement**

All redundant vehicular crossings shall be removed and replaced with concrete footpath, sandstone kerb and concrete gutter at no cost to Council at the applicant's expense.



**(52) Vehicle access driveways**

A vehicular access driveway shall be constructed

- i) for each dwelling;
- ii) with a limit of one driveway per dwelling

and in accordance with Council's standard drawing and specifications. Driveways shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve.

**(53) Road opening permit – Council controlled lands**

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

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

**(54) Surface run-off**

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

**(55) Balustrade design requirements**

Balustrades shall be constructed in accordance with the following requirements:

- (i) The height is not less than 865mm above the nosings of the stair treads or the floor of a ramp.
- (ii) The height is not less than:
  - (a) 1m above the floor of any access path, balcony, landing or the like; or
  - (b) 865mm above the floor of a landing to a stair or ramp where the balustrade is provided along the inside edge of the landing and does not exceed a length of 500mm.
  - (c) Any opening does not permit a 125mm sphere to pass through it and for stairs the space is tested above the nosings.

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

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

approved outlets.

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

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

#### **(57) Safety Glazing - BCA**

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

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

#### **(58) Fire Detection/Alarm System installation and certification**

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

- (a) any storey containing bedrooms -

between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms

- (b) any storey not containing bedrooms.

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

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

#### **(59) Smoke detector location**

Smoke detectors are to be installed in the locations marked in red ink on the approved Council stamped and dated plans as acceptable to the principal certifying authority.

#### **(60) Site vehicles - mud/debris**

You are to ensure that ALL vehicles leaving the site are free of mud and debris.

Loads are to be fully covered and vehicles/wheels washed down to ensure that no nuisance occurs.

**(61) Vehicle crossing - Council Approval**

An appropriate application is to be made to Council for the construction of a suitable vehicular crossing by Council at the owner's cost.

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

Spoil and building materials shall not be placed or stored within any public roadway or footpath.

**F Conditions that must be complied with prior to the issue of the Subdivision certificate**

**(63) Drainage Easement**

The proposed easement for the drainage from the new allotment to Smith Street shall be shown on the Certificate and Plan, together with the relevant rights of the upstream owner. In addition, a written statement shall be provided, signed by the Registered Surveyor, that the as-built pipeline is totally within the proposed easement.

**G Conditions that must be complied with before the building is occupied**

**(64) Compliance with submitted ridge height**

A survey report to be submitted upon completion of the works and prior to occupation verifying compliance with the approved ridge height details.

**(65) Occupation of New Dwelling to Short Street**

No occupation certificate is to be issued prior to the registration and completion of the approved subdivision. The proposed new dwelling addressing Short Street is not to be occupied in any form until such a time that the subdivision of the site is completed and registered with the relevant authorities.

**(66) Approval to use/occupy building**

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

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

**(67) Street Number**

A street number appropriately designed to complement the character of the area must be displayed in a position clearly visible from the street, in numbers having a height of not less than 75 mm. The number must be in place before the premises can be occupied.

**(68) Public Domain works**

All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

**(69) Light duty vehicle crossing**

Light duty concrete vehicle crossings, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" must be constructed at the vehicular access locations in both streets before the issue of the Occupation Certificate and at no cost to Council.

**(70) Redundant Vehicle Crossing**

All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.

**(71) Subdivision certificate to be obtained from Council**

A subdivision certificate, being a certificate that authorises the registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919* is to be obtained from Council in accordance with Section 6.3(1)D of the *Environmental Planning and Assessment Act 1979*.

**(72) Plan of subdivision - Council signature**

A final plan of subdivision, prepared by a registered surveyor, and six (6) paper copies, are to be submitted to Council for signature, prior to registration at the Land Titles Office.

**H Conditions that are ongoing requirements of development consents****(73) Single dwelling use only**

The new dwelling shall be used as a single domicile only and shall not be adapted or occupied in two or more parts as a residential flat building.

**(74) Temporary buildings-removal**

- (1) A temporary building must be demolished or removed on or before its removal date.
- (2) A temporary building must not be used:

- (a) for residential purposes, or
  - (b) for the storage of dangerous goods within the meaning of the *Dangerous Goods Act 1975*, or
  - (c) at any time after its removal date.
- (3) In this clause, **removal date**, in relation to a temporary building, means:
- (a) the day occurring 5 years after the date of issue of the relevant development consent or complying development certificate, or
  - (b) if an earlier date is specified in that regard in the relevant development consent or complying development certificate, that earlier date.

## **I Advisory Notes**

### **(1) Works and requirements of other authorities**

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

### **(2) Modifications to your consent - prior approval required**

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

consent to confirm whether a Section 96 modification is required.

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

New VC - advisory

NS 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 Vehicle Crossing and Public Domain Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

**(3) Occupational health and safety**

All site works must comply with the occupational health and safety requirements of the NSW Work Cover Authority.

**(4) Tree preservation**

Where tree removal or work has not been approved by this Development Consent, the developer is notified that a general Tree Preservation Order applies to all trees (with the exception of certain species) in the Inner West Council area with a height greater than five (5) metres. This order prohibits the ringbarking, cutting down, topping, lopping\*, pruning, transplanting, injuring or wilful destruction of such trees except with the prior approval of the Council. Written consent from Council for such tree works must be in the form of a "Tree Preservation Order Permit for Pruning or Removal of Protected Trees" to be obtained from Council.

\* Lopping may be carried out without consent only to maintain a minimum clearance of 500mm from power lines, pruning to remove dead wood/branches and minor pruning of branches overhanging buildings to a height of 2 metres only with the agreement of the owner of the tree. Contact Council's Customer Service Centre - telephone 9392 5000, for details of the Tree Preservation Order.

**(5) Relocation of stormwater drainage**

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

**(6) Other approvals**

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an Application for Approval under Section 68 of the *Local Government Act 1993* for any proposed activity under that Act, including any erection of a hoarding. All such applications must comply with the *Building Code of Australia*.
- an Application for Approval under Section 68 of the *Local Government Act 1993* for a Place of Public Entertainment if proposed. Further building work may also

be required for this use in order to comply with the *Building Code of Australia*. If there is any doubt as to what constitutes “Public Entertainment” do not hesitate to contact Council’s Fire Officer.

- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.

**Note:** An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

- An Application for a Subdivision Certificate under Section 109(C)(1)(d) of the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- An Application for Strata Title Subdivision under the *Strata Schemes (Freehold Development) Act 1973*, if strata title subdivision of the development is proposed.
- A development application for demolition approval under the *Environmental Planning and Assessment Act 1979* if consent for demolition is not granted by this consent.

#### **(7) Bulk bins on footpath and roadway**

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

#### **Reason for the imposition of conditions**

Unrestricted consent would be likely to cause injury:

- a) to the amenity of the neighbourhood
- b) to the heritage significance of the area
- c) to the heritage significance of the property
- d) to the amenity of the neighbourhood due to the emission of noise
- e) to the amenity of the neighbourhood due to the creation of a traffic hazard

and further, would not be in the public interest.

#### **Compliance with Building Code of Australia**

- (1) All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187 or 188.

#### **NOTES**

- (i) This approval does not relieve an applicant of the obligation to obtain any

other approval required under Section 68 of the Local Government Act, 1993 and Ordinances or Section 4.12 of the Environmental Planning & Assessment Act, 1979 or any other Act or Regulation.

- (ii) Further approval(s) – see above, may be required in addition to this development consent. Plans and specifications submitted for building works must comply with the Building Code of Australia, any relevant condition of development consent and/or other code or requirement of Council at the time of approval.

Ask Council if you are unsure of what procedures you need to follow.

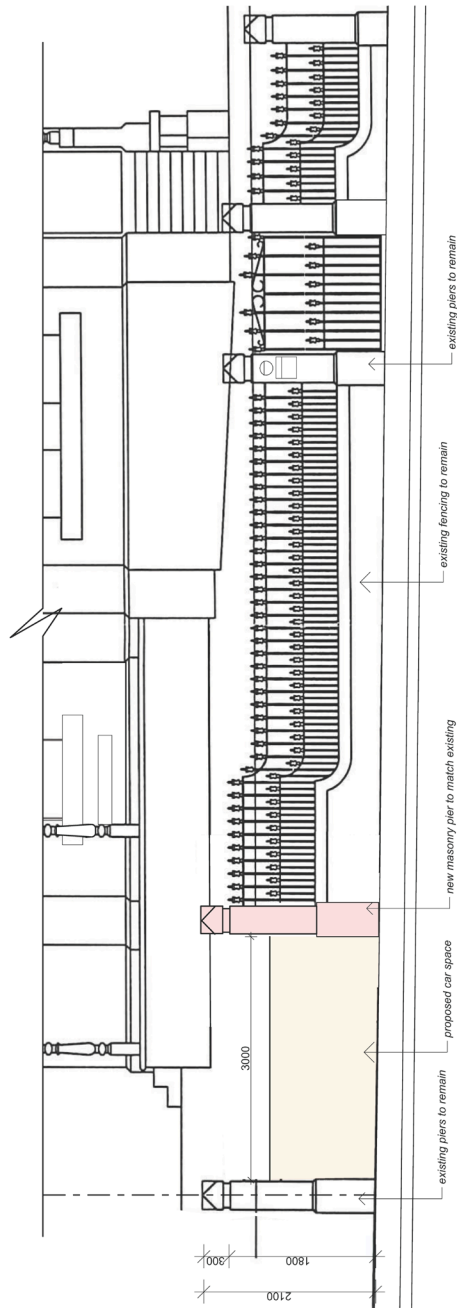
### **SECTIONS 8.2, 8.7 AND 4.53 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

You are advised that:

- Under the provisions of Section 8.2 of the Environmental Planning and Assessment Act, 1979, an applicant may request Council to review a determination of the applicant's development application, other than an application for designated development. Any request for a review must be made within six (6) months of the date on which the applicant received notice, given in accordance with the regulations, of the determination of the application and be accompanied by the fee prescribed in Section 257 of the Regulations.
- If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.
- Under the provisions of Section 4.53 of the Environmental Planning and Assessment Act, 1979, unless the development, which is the subject of this consent, is commenced within five (5) years from the date of determination, the consent will lapse.



# Attachment B – Plans of proposed development



Fence Elevation (Smith Street)  
Scale 1: 50

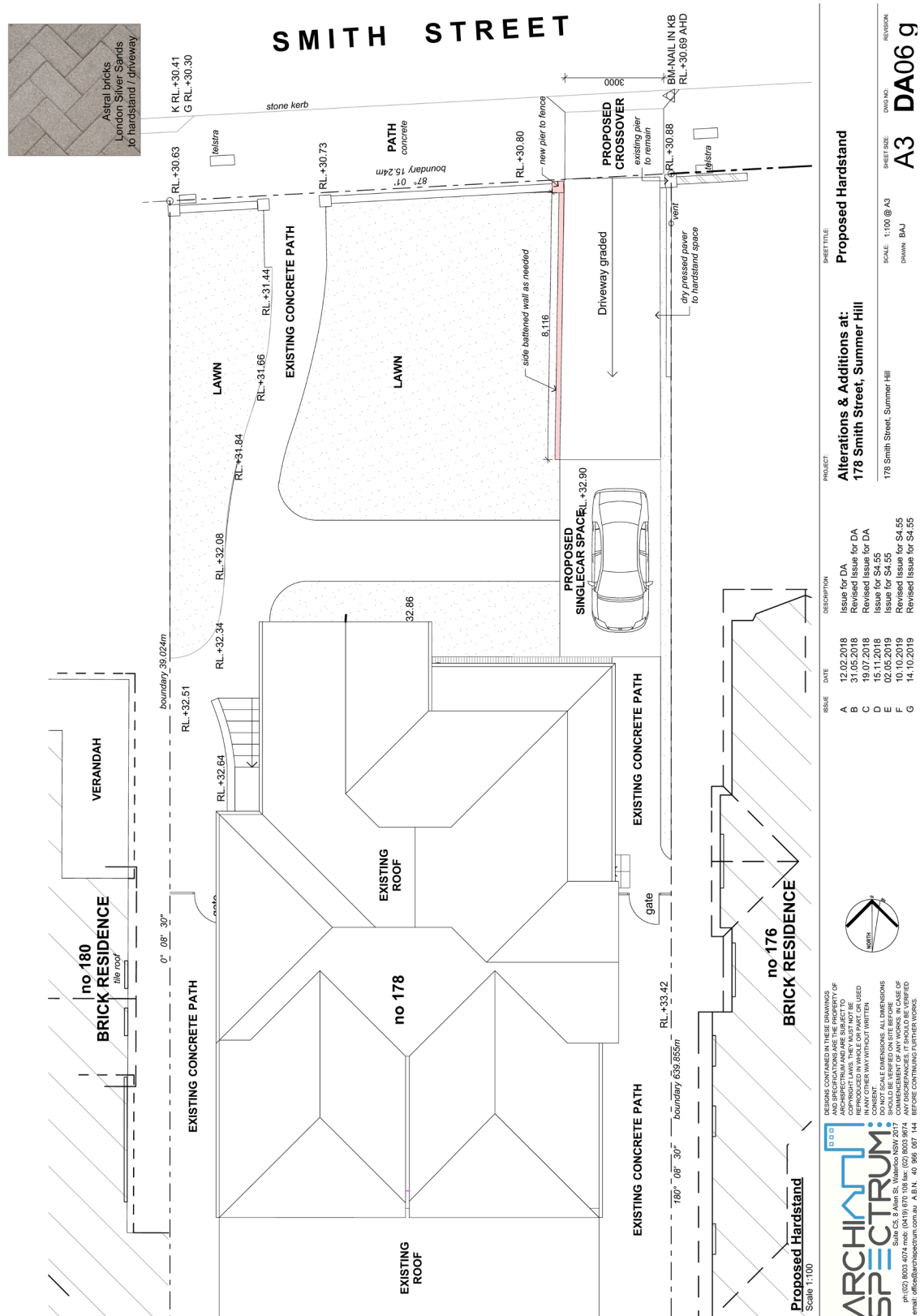
Existing Pier  
to be matched  
NTS

DESIGNS CONTAINED IN THESE DRAWINGS ARE THE PROPERTY OF ARCHISPECTRUM. THEY MUST NOT BE REPRODUCED OR USED IN ANY OTHER WAY WITHOUT WRITTEN PERMISSION FROM ARCHISPECTRUM. ALL DIMENSIONS SHOULD BE VERIFIED ON SITE BEFORE CONSTRUCTION. ANY DISCREPANCIES, IT SHOULD BE VERIFIED BEFORE CONTINUING FURTHER WORKS.

ARCHISPECTRUM  
SUNSHINE, 8 ALLEN ST, SYDNEY NSW 2017  
ph (02) 8003 4074 mob (0419) 670 108 fax (02) 8003 8674  
email office@archispectrum.com.au A.B.N. 40 366 687 144

ISSUE	DATE	DESCRIPTION	PROJECT	SHEET TITLE
A	12.02.2018	Issue for DA	Alterations & Additions at: 178 Smith Street, Summer Hill	Fence Detail Elevation
B	31.05.2018	Revised Issue for DA		
C	19.07.2018	Revised Issue for DA		
D	02.05.2019	Issue for S4-55	178 Smith Street, Summer Hill	

SCALE: 1:50 @ A3  
DRAWN: BAJ  
SHEET SIZE: A3  
DRAWN: DA23 d  
REVISION:



## Attachment C – Heritage Impact Statement

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director	Stephan Davies, B Arts Dip. Ed., T*CP, Dip. Cons. Studies
Senior Heritage Consultant	Alexandria Barnier, B Des (Architecture), Grad Cert Herit Cons, M.ICOMOS
Heritage Consultant	Bernice Phillips, B Arts, M Museum & Heritage Studies
Job Code	SH1240
Report Number	2018 02 15:

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## EXECUTIVE SUMMARY

Urbis has been engaged by Nino Urban Planning & Development to prepare the following Heritage Impact Statement. The subject site is 178 Smith Street Summer Hill and is a part of a group listing under Item 638 in Schedule 5 of the Ashfield Local Environmental Plan 2013. The listing includes 176, 178, 180, 182 and 184 Smith Street as a "Group of Five Houses"; none of which are located within a conservation area.

The significance of the subject site has been assessed in Section 5 of this report. This assessment has concluded that the heritage significance of the site is vested in its late Victorian features and the primary setback on the north end of the property; the Smith Street side.

There is an existing approved DA (DA 80/2014) that proposes to subdivide the length of the subject site; through the heritage dwelling. The approval is valid until the 26<sup>th</sup> May 2020. The DA outlines that the approved works include;

*Alterations and additions to an existing building to create two semi-detached dwellings, construction of a double garage for each dwelling fronting Short Street, part reconstruction of existing front fence and Torrens Title subdivision into two lots.*

The proposed works for which approval is sought under this DA and that are assessed in this report are described as;

*The proposed works the subdivision of existing site into two lots and construction of a two storey dwelling facing Short Street, construction of a double space car park facing Smith Street and associated landscaping to both lots.*

This report has assessed the proposed development as an alternative for the works approved in DA 80/2014. Key points that have been summarised below from the assessment of the proposed works in Section 6 of this report.

- The proposed subdivision is supported as:
  - The subdivision of the lot will not impact the original subdivision as viewed from the primary setback and elevation on Smith Street.
  - The original subdivision pattern at the rear of the dwellings does not contribute to the significance of the listed group as the subdivision pattern is not intact. The significance of the heritage item is vested in the dwellings' evocation of the late Victorian period. No contributory features would be impacted.
- The heritage dwelling and primary setback will be retained in their entirety. Minimal alterations are proposed to the fence to fulfil parking requirements and are acceptable from a heritage view point as:
  - The parking would be hardstand only; no structure is proposed over. Therefore, there will be no loss of visibility towards the heritage listed dwelling.
  - The proposed alterations to the fence will be in keeping with the group of houses also listed under item 638.
  - The amount of fabric to be removed is minor in the context of the entire fence. An understanding of the character of the fence and its contribution to the setting of the heritage dwellings would therefore not be impacted.
- The primary setback is from Smith Street and there is no significant development proposed within the primary setback of the heritage item. The consistent primary setback of the group (From Smith Street) will therefore remain intact.
- The proposed lot will be subdivided off the existing and a new dwelling constructed in the existing setback from Short Street. The proposed dwelling will be viewed in a different context to the heritage dwelling given the orientation of the dwellings to their respective streets. Therefore, despite their proximity, the new fabric will not be visually dominant the significant views or features of the heritage item.

- The scale of the proposed dwelling is not out of keeping with Short Street which is characterised by different typologies including a two storey residential flat building located at 14 Short Street. Further the proposed development is within the maximum height of buildings as identified in the LEP (8.5m).
- The heritage dwelling would block any views towards the new fabric from Smith Street given the elevation of the existing dwelling in relation to the street. The presentation of the historic, Smith Street, streetscape would therefore remain intact.

In summary it is considered that the proposed subdivision and dwelling are a significantly better heritage outcome than that generated by the existing approved works which would include significant works to the single dwelling to create two. The works proposed under this DA are therefore supported from a heritage perspective.

# 1. INTRODUCTION

## 1.1. BACKGROUND

Urbis has been engaged by Nino Urban Planning and Development to prepare the following Heritage Impact Statement.

The subject site, 178 Smith Street Summer Hill is a part of a group listing under Item 638 in the Ashfield Local Environmental Plan 2013. The listing includes 176, 178, 180, 182 and 184 Smith Street as a "Group of Five Houses".

Therefore, this report is required to assess the potential impact to the heritage listed site, 178 Smith Street Summer Hill.

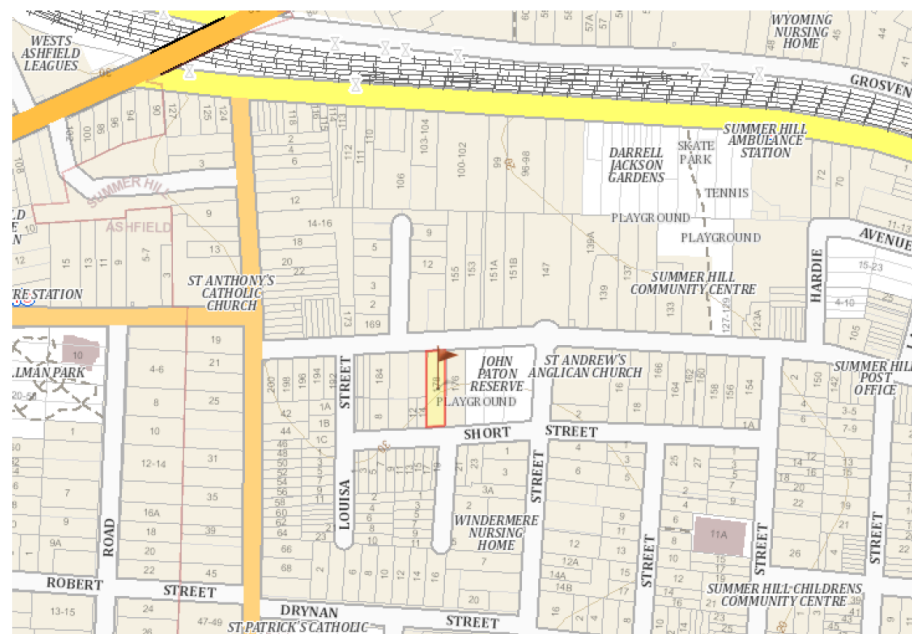
There is an existing approved DA (DA 80/2014) that proposes to subdivide the length of the subject site; through the heritage dwelling. The approval is valid until the 26<sup>th</sup> May 2020. The DA outlines that the approved works include;

*Alterations and additions to an existing building to create two semi-detached dwellings, construction of a double garage for each dwelling fronting Short Street, part reconstruction of existing front fence and Torrens Title subdivision into two lots.*

## 1.2. SITE LOCATION

The subject site is located at 178 Smith Street, Summer Hill, NSW, 2130 (Figure 1). The subject site is located on the west end of Smith Street, between Louisa Street and Henson Street. It is a general rectangular shaped site and is legally identified as Deposited Plan 249, Lot 14. The subject site is located north west Summer Hill, close to the boundary with Ashfield.

Figure 1 – Locality diagram showing the location of the subject property in red.



Source: Six Maps 2017



### 1.3. METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Branch guideline 'Assessing Heritage Significance' (2001). The philosophy and process adopted is that guided by the *Australia ICOMOS Burra Charter* 1999 (revised 2013).

Site constraints and opportunities have been considered with reference to relevant controls and provisions contained within the Ashfield Local Environmental Plan 2013 and the Ashfield Development Control Plan 2016.

### 1.4. AUTHOR IDENTIFICATION

The following report has been prepared by Bernice Phillips (Heritage Consultant). Alexandria Barnier (Senior Heritage Consultant) has reviewed and endorsed its content.

Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

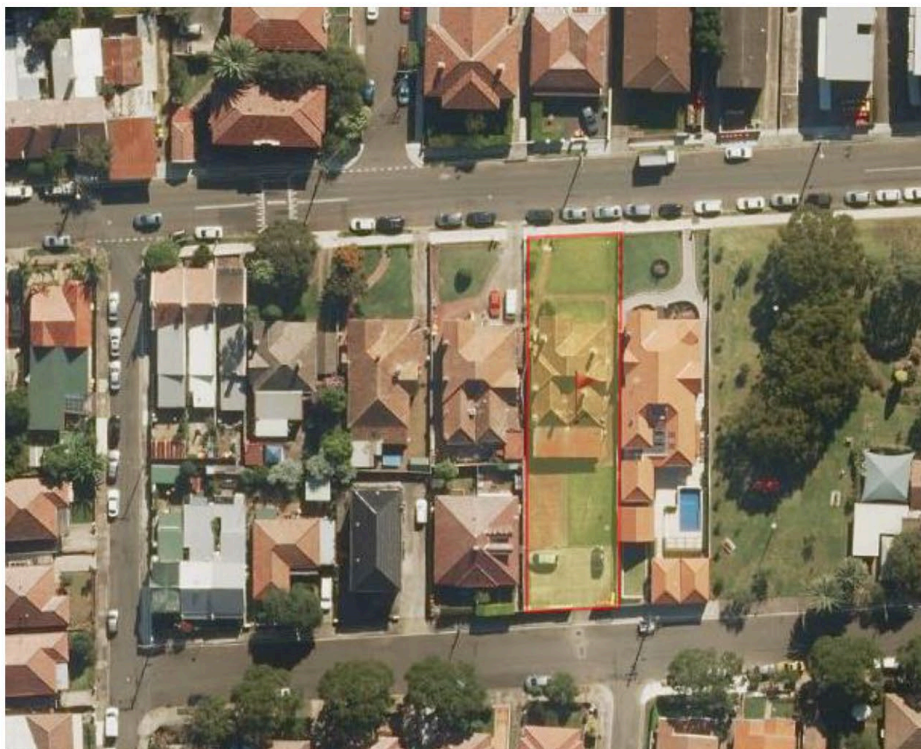
## 2. SITE DESCRIPTION

The subject site is located on the south side of Smith Street, between Louisa Street and Henson Street. The boundaries cover the full block between Smith Street and Short Street. There is currently one dwelling located on the subject site, legally identified as Deposited Plan 249, Lot 14.

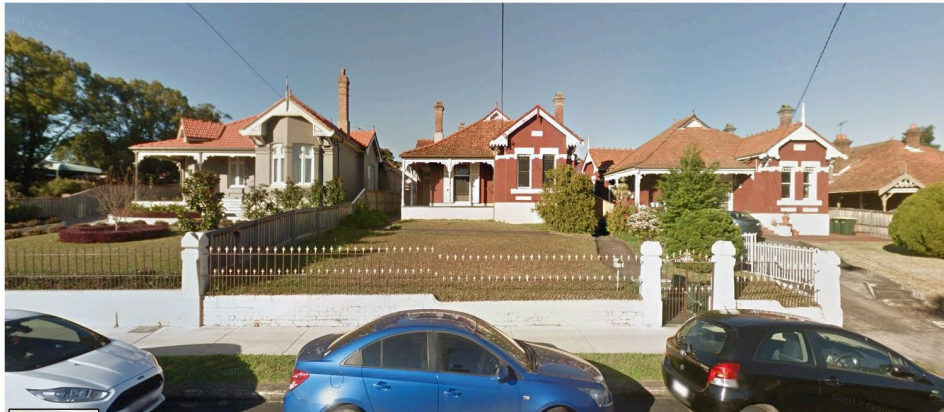
Three of the properties that are listed under Item 638 have, in previous years been subdivided. Included in these is number 180, 182 and 184 Smith Street. This can be seen in the aerial image below (Figure 2). These subdivisions include two single dwellings and one two story apartment block. 176 Smith Street has not been subdivided but has a number of structures to the rear of the site including a double garage. All four properties have driveways from Smith Street to allow for parking at the front of their properties. This can also be seen on the aerial image below.

Due to the elevation of the site, none of these rear structures can be seen from street level on Smith Street and therefore do not diminish the aesthetic value of the five properties.

Figure 2 – Aerial view of the Subject Site



Source: Six Maps



Picture 1 – Street view of subject dwelling

Source: Google Earth July 2017



Picture 2 – The rear of the subject site (from Short Street)

Source: Google Earth December 2016

The dwelling that occupies the subject site is single storey and has previously been used as a boarding house. It is now occupied by a single owner. The main entrance way can be accessed from Smith Street and is located on the west side of the dwelling under a small portico. The rear of the property and parking can be accessed via Short Street.

It is a traditional late Victorian style dwelling and includes rendered, brick base course, face brick walls with stucco decoration, terracotta trim, timber joinery and decorations. The dwelling has non original windows front and an altered front door. The subject site is almost identical to number 180 Smith Street. The following description of all five houses listed under Item 638 has been sourced from the Ashfield Local Listing Report;

*A pleasant group of five similar houses set well back from their front boundaries on the high side of the street, thereby gaining considerable character. They are single-story buildings with hopped roofs mostly of Marseilles pattern tiles. Most have projecting gables or gablets making them asymmetrical. The gablet of No.*



176 is diagonally placed. All have timber veranda structures and decoration, some of scroll-work. There are panels or decorative areas of stucco. Nos 176-180 have crenelated roof ridges and ridge terminals. Fences are of stone or stucco with iron palisading.<sup>1</sup>

The interior has been renovated recently including the replacement of the original led light glass on the north façade of the dwelling. There are original features within the interior of the dwelling that includes a fireplace in the front bedroom and the trimming and cornices on the ceiling.

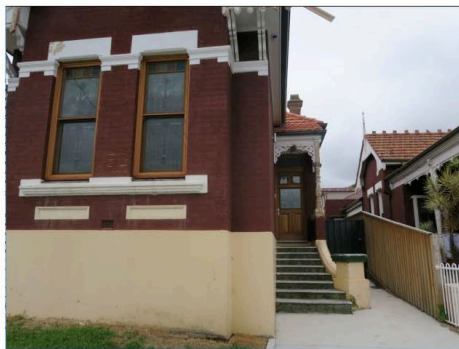
Figure 3 – The subject dwelling – Exterior and notable interiors



Picture 3 – North facade of the subject dwelling



Picture 4 – Exterior of the subject dwelling (east side)



Picture 5 – Part of the north façade of the subject dwelling (main entrance)

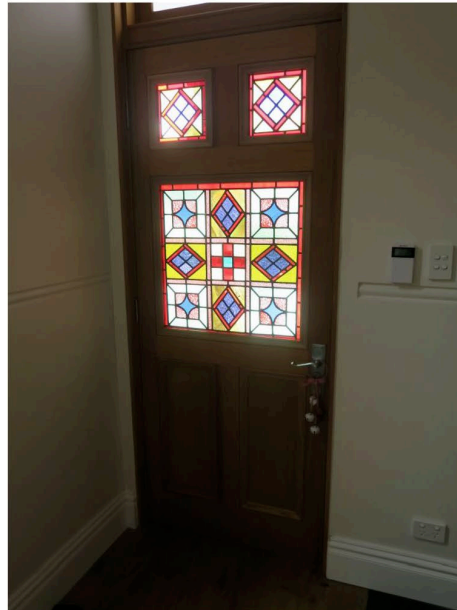


Picture 6 – Main entrance (from front door)

<sup>1</sup> Ashfield Council, *Ashfield Heritage Study; Group of Five Houses*, (1991-1992), p.2.



Picture 7 – Entrance Foyer (looking back toward front door)

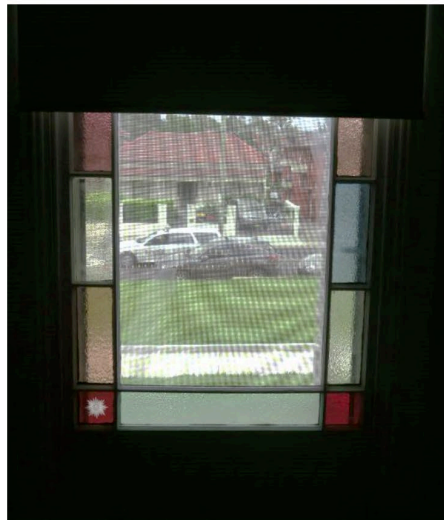


Picture 8 – Later front door lead glass

Figure 4 – Details from the front bedroom



Picture 9 – Original fireplace with marble and decorated tiles



Picture 10 – Restored led glass facing Smith Street



Picture 11 – Original cornice in the centre of the ceiling



Picture 12 – Original detailing

Figure 5 – Views of the subject site and other dwellings listed under Item 638, “Group of Five Houses.



Picture 13 – 176 Smith Street from street level



Picture 14 – Subject site from street level



Picture 15 – 180 Smith Street from street level



Picture 16 – 182 Smith Street from street level



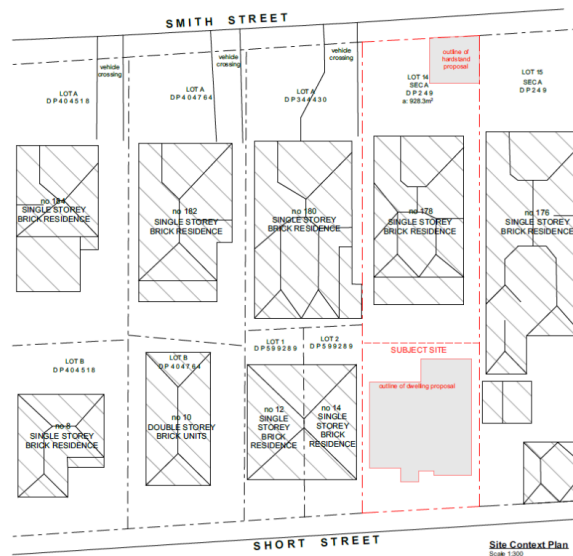
Picture 17 – 184 Smith Street from street level

### 3. THE PROPOSAL

The proposed works the subdivision of existing site into two lots and construction of a two-storey dwelling facing Short Street, construction of a double space car park facing Smith Street and associated landscaping to both lots.

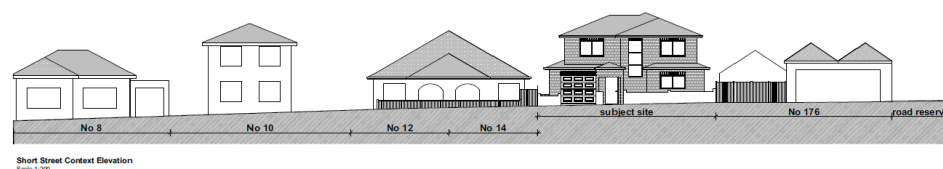
Below at Figure 6 are the plans for the proposed dwelling. The alterations to the heritage listed property can be seen at Figure 7.

Figure 6 – Proposed drawings for the proposed dwelling and alterations to existing heritage listed property.



Picture 18 – Site Context Plan that represents the previous subdivisions and the size of the proposed dwelling

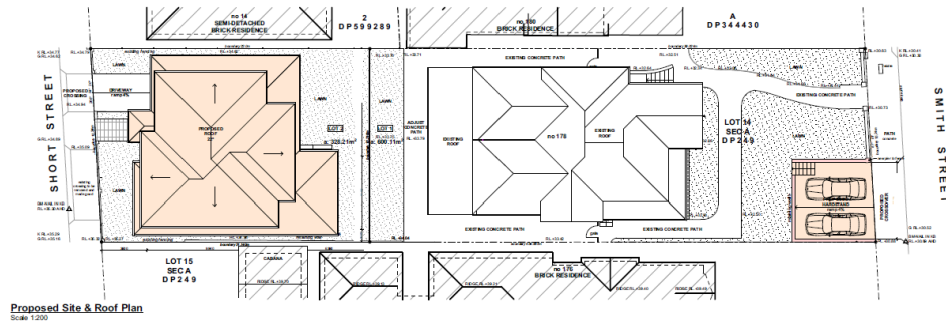
Source: Archispectrum, Drawing No. DA02 a, 9/2/2018



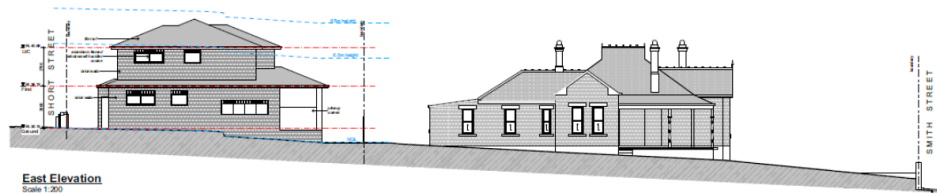
Picture 19 – Short Street Context Elevation

Source: Archispectrum, Drawing No. DA21 a, 9/2/2018

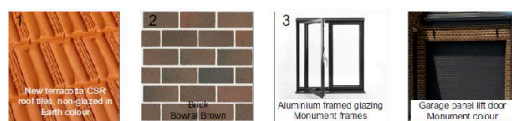




Picture 20 – Proposed site & Roof Plan for the proposed dwelling  
Source: Archispectrum, Drawing No. DA05 a, 9/2/2018

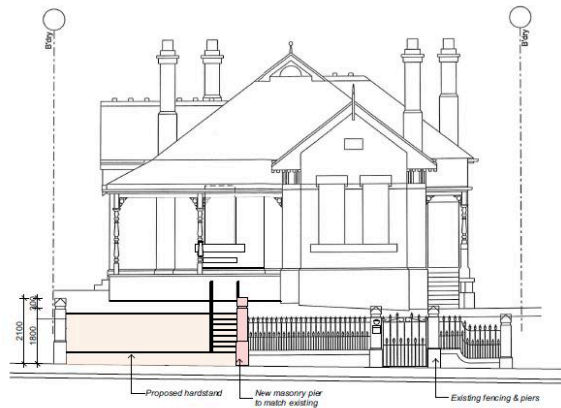


Picture 21 – East Elevation and height of the proposed dwelling in relation to the heritage dwelling  
Source: Archispectrum, Drawing No. DA26 a, 9/2/2018



Picture 22 - External Finishes Schedule for proposed dwelling  
Source: Archispectrum, Drawing No. DA20 a, 9/2/2018

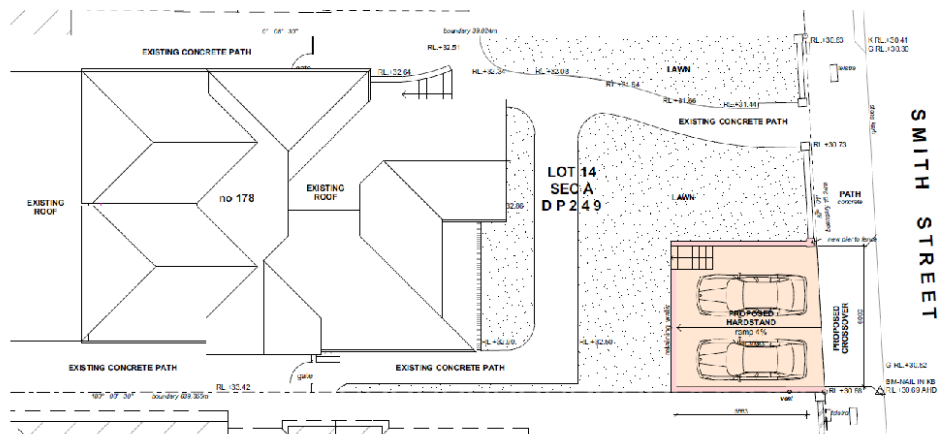
Figure 7 – Proposed alterations for the fence and landscape of the heritage dwelling



**Fence Elevation (Smith Street)**  
Scale 1:100

Picture 23 – Fence Elevation

Source: Archispectrum, Drawing No. DA27 a, 9/2/2018



Picture 24 – Proposed Hardstand

Source: Archispectrum, Drawing No. DA06 a, 9/2/2018

## 4. HISTORICAL OVERVIEW

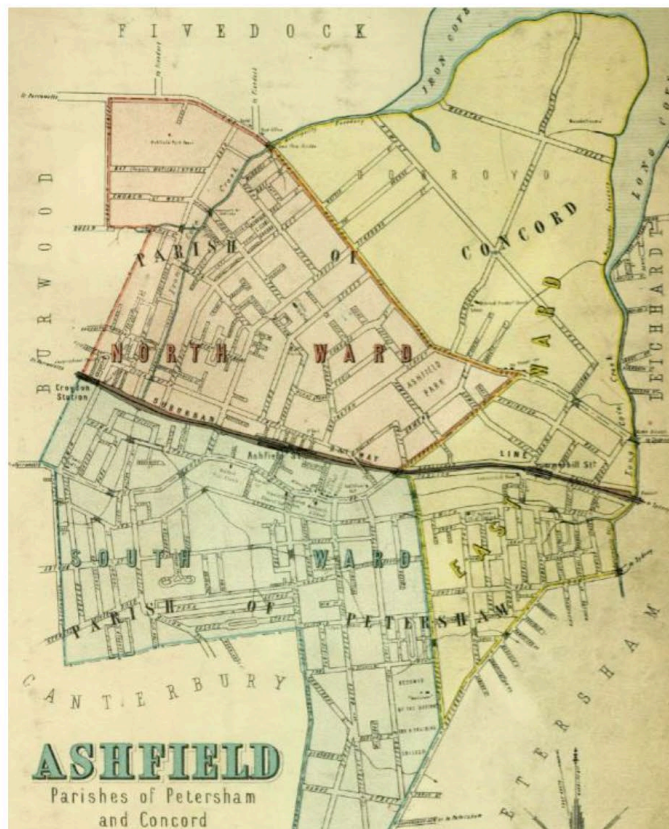
### 4.1. AREA HISTORY

The following has been sourced from the Inner West Council:

*Prior to the arrival of the First Fleet in Port Jackson in 1788, the area of land we now know as Summer Hill, and surrounding areas, was the home of the Wangal and Cadigal Aboriginal peoples. What is now called the Hawthorne Canal (and was originally the Long Cove Creek) appears to have marked the boundary between the Cadigal and Wangal aboriginal group lands. Today there is a small park in Summer Hill, called Cadigal Reserve, located at 1-4 Grosvenor Crescent. A bronze plaque placed by Ashfield Council names the reserve after the Cadigal (Eora) group of Koori people. Iron Cove and the mangrove-lined estuaries of the Long Cove and Iron Cove Creeks would have provided a good source of fish and molluscs, the most common food of the coastal tribes in the Sydney basin.<sup>2</sup>*

The first non-Indigenous property owner in the area was Henry Kable, who was granted, a large area of farmland that spread across Petersham Hill. By 1807 he owned at least four farms of about 170 acres.

Figure 8 – Hinginbotham & Robinson Parish Map of Ashfield, 1886-1888.



Source: City of Sydney Archives

<sup>2</sup> Ashfield Council, "History", Summer Hill, (2013), Accessed 15/12/2017, [http://www.ashfield.nsw.gov.au/page/summer\\_hill.html](http://www.ashfield.nsw.gov.au/page/summer_hill.html).

The earliest known use of the name "Summer Hill" was in 1876 for a land subdivision adjacent to the present-day St Andrews church.

The suburb developed rapidly after the original Train Station was opened on the 15<sup>th</sup> September 1879. Soon after this more of the land began to be subdivided and the Station was updated in the late nineteenth century to allow for the increased suburban development and the expansion of the railways. In addition to the train service there was also, from 1915 a tram service ran from Hurlstone Park to Summer Hill Train Station. This service ran down Prospect Road and onto Smith Street past the subject site. This tramline was replaced by buses in 1933.

Between 1880 and 1910, the area became an upper-class suburb and was a popular choice for city-types who worked in banking and insurance. Subdivision of gardens for housing continued in the 1920s and 1930s, and socioeconomically the suburb changed as some of the wealthier inhabitants moved to the North Shore. Demolition of most of the surviving mansions occurred in the 1970s to allow erection of home units, especially within walking distance of the railway station.

Figure 9 – Historic image of Summer Hill from the early twentieth century.



Picture 25 – Lackey St. Summer Hill, c. 1914. Before the tram tracks had been laid.

Source: State Library NSW; Image 151 98



Picture 26 – Lackey St. Summer Hill c. 1920. Tram tracks can now be seen going down the centre of the street.

Source: State Library NSW, Mitchell Library; Box 102 No. 924



Picture 27 – Post Office on Smith Street, Summer Hill c. 1920.

Source: State Library NSW, Mitchell; Box 102



Picture 28 – Summer Hill Train Station

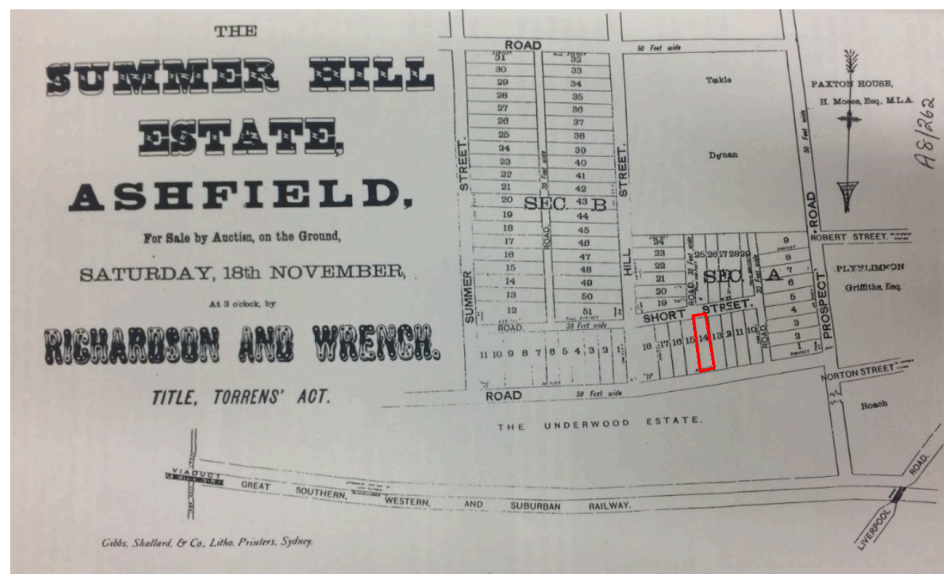
Source: National Museum Australia;

## 4.2. SITE HISTORY

The area that Summer Hill now covers was originally part of a larger area known to early settlers as Kangaroo (or Kangaroo) Ground. This area was then divided into a number of crown grants awarded to various colonial figures. The 100-acre land where the subject site now stands was included in a crown grant awarded to Joseph Foveaux in 1794.

The site laid empty until the land was subdivided in 1876. This is the earliest reference to the area as Summer Hill when the subdivision was advertised. The subdivision can be seen below in Figure 10. Based on a Titles and Sands Directory search the subject dwelling and the other four dwellings listed under item 638, were built approximately twenty years after the subdivision had taken place. The first mention of an occupant on the site was in 1897. The house was then identified as "Me Mel" and was occupied by H.M Younger who was listed as a Dentist. This was also after the train station had opened in 1879.

Figure 10 – Summer Hill Estate Subdivision, 1876 – Subject site is indicated in red.



Source: Pratten, *Summer Hill: An Introduction*, p.17

The area surrounding the subject site has been built up over time with the further subdivision of land and various apartment blocks being constructed in the 1980s. Some of these changes can be seen in the aerial view from 1943 of the five listed properties and the development map below in Figure 12 from 1957. The land on which the subject dwelling occupies has remained the original allotment from the Summer Hill Estate subdivision in 1876.

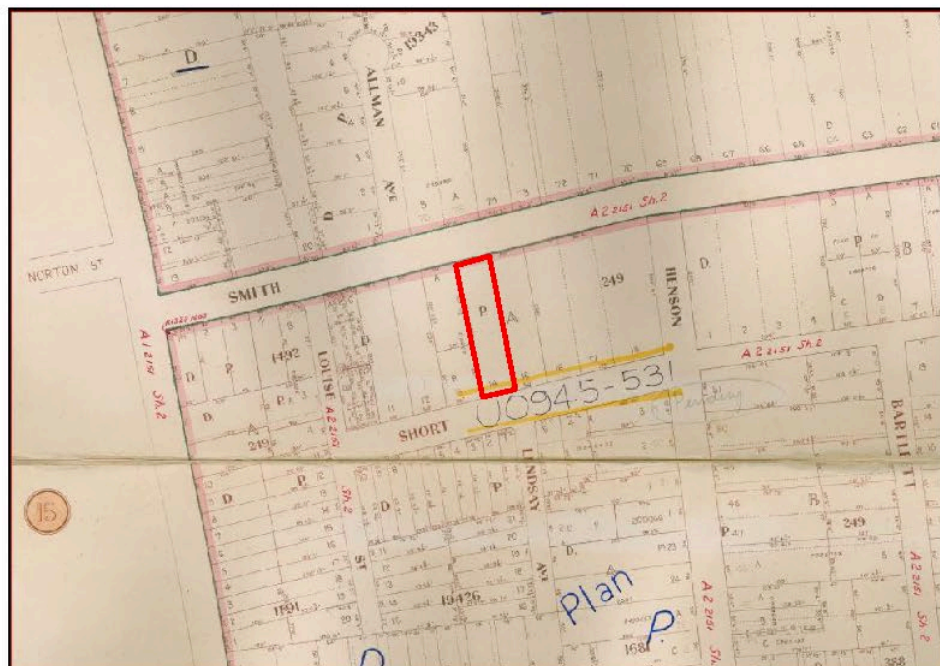


Figure 11 – 1943 Aerial view of subject site



Source: Six Maps

Figure 12 – Ashfield (East Ward) 13 Development Map from 1957, Subject site is indicated in red.



Source: Ashfield LTO Map; Land Registry Services; Sheet 13

### 4.3. PROPERTY OWNERS

The following results from a Sands Directory search shows the tenants of the subject property.

Table 1 – Property Tenants – Sands Directory

Date	Tenant
1897-1907	H.M. Younger, Dentist, "Me Mel"
1908-1914	Thomas Gray, "Me Mel" (No. 21)
1915	Maurice Ferranti, "Me Mel" (No. 21)
1916 (?)	Thomas F. Moulden, "Me Mel" (No Number)
1917-1919	Frederick W. Gravely (House called, "Me Mel" at 178)
1920-33	Alfred E. Smith (178 Only)

Figure 13 – Various changes to Sands Listings

St. Andrew's Church of England—  
Rev. John Vaughan  
*Henson street*  
21 Caro Edgar R, surgeon  
Younger H. M., dentist, "Me Mel"  
Hittman Edward, "Lansdowne"  
15 Melton William  
13 Rex Mrs. F.  
11 Smith M.  
*Louisa street*  
9 Fredericks Mrs. Florence A.  
7 Pitt Sydney, carpenter

Picture 29 – Listing in 1899

Source: Sands Directory

St. Andrew's Church of England  
*Henson street*  
Shaw Fredk., J.P., "Headingley"  
Moulden Thomas F., "Me Mel"  
180 Hittman James E., "Lansdowne"  
182 Hayward G. M., "Tiverton"  
Donnison Robert, "Akaraa"  
186 Watson Joseph H.

Picture 31 – Listing in 1916; no number

Source: Sands Directory

St. Andrew's Church of England—  
Rev. John Vaughan  
*Henson street*  
23 Caro Edgar R, surgeon  
21 Younger H. M., dentist, "Me Mel"  
19 Hittman Edward, "Lansdowne"  
17 Hayward George Mark

Picture 30 – Listing in 1915; Street number change

Source: Sands Directory

*Henson street*  
176 Shaw Fredk., J.P., "Headingley"  
178 Gravely Frederick W., "Me Mel"  
180 Hittman James E., "Lansdowne"  
182 Hayward George M., "Tiverton"  
184 Donnison Robert, "Akaraa"  
186 Mackay William  
188 Hull Edmund  
190 Allen Mrs. Johan  
*Louisa street*

Picture 32 – Listing in 1917; became 178 Smith Street

Source: Sands Directory

### 4.4. DATE OF CONSTRUCTION

Alfred Colin is believed to have been the builder for the dwellings at, 176, 178 and 180 Smith Street. Based on the subject site was built in 1896 and was sold to Florence Broughton on 22<sup>nd</sup> June 1896. The house was known as "Me Mel" from the time of its construction.

## 5. HERITAGE SIGNIFICANCE

### 5.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise a place's heritage values – why it is important, why a statutory listing was made to protect these values.

### 5.2. SIGNIFICANCE ASSESSMENT

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. There are two levels of heritage significance used in NSW: state and local.

The following assessment of heritage significance has been prepared in accordance with the 'Assessing Heritage Significance' (2001) guides.

Table 2 – Assessment of heritage significance

Criteria	Significance Assessment
<b>A – Historical Significance</b>  <i>An item is important in the course or pattern of the local area's cultural or natural history.</i>	<p>The subject site has local historical significance as it represents the late Victorian suburban development of the Summer Hill area. As a group, the five houses listed under item 638 strongly contribute to an understanding of the pattern of development in Smith Street.</p>
<u>Guidelines for Inclusion</u> <ul style="list-style-type: none"> <li>shows evidence of a significant human activity <input type="checkbox"/></li> <li>is associated with a significant activity or historical phase <input checked="" type="checkbox"/></li> <li>maintains or shows the continuity of a historical process or activity <input type="checkbox"/></li> </ul>	<u>Guidelines for Exclusion</u> <ul style="list-style-type: none"> <li>has incidental or unsubstantiated connections with historically important activities or processes <input type="checkbox"/></li> <li>provides evidence of activities or processes that are of dubious historical importance <input type="checkbox"/></li> <li>has been so altered that it can no longer provide evidence of a particular association <input type="checkbox"/></li> </ul>
<b>B – Associative Significance</b>  <i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i>	<p>The subject site does not have any known historically significant associations.</p>



Criteria	Significance Assessment
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>shows evidence of a significant human occupation <input type="checkbox"/></li> <li>is associated with a significant event, person, or group of persons <input type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>has incidental or unsubstantiated connections with historically important people or events <input type="checkbox"/></li> <li>provides evidence of people or events that are of dubious historical importance <input type="checkbox"/></li> <li>has been so altered that it can no longer provide evidence of a particular association <input type="checkbox"/></li> </ul>
<p><b>C – Aesthetic Significance</b></p> <p><i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i></p>	<p>The dwelling is a relatively intact example of a late Victorian residence. The dwelling is asymmetrical. The external façade has features including brick ensemble of varied roof shapes, a prominent gable with flying gable, wooden valance and painted brick façade. It is a good example of early suburban houses that were developed at the beginning of the 20th century in the area.</p> <p>As a group, the five houses listed under Item 638 contribute to the aesthetic value of the area.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>shows or is associated with, creative or technical innovation or achievement <input type="checkbox"/></li> <li>is the inspiration for a creative or technical innovation or achievement <input type="checkbox"/></li> <li>is aesthetically distinctive <input checked="" type="checkbox"/></li> <li>has landmark qualities <input type="checkbox"/></li> <li>exemplifies a particular taste, style or technology <input checked="" type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>is not a major work by an important designer or artist <input type="checkbox"/></li> <li>has lost its design or technical integrity <input type="checkbox"/></li> <li>its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded <input type="checkbox"/></li> <li>has only a loose association with a creative or technical achievement <input type="checkbox"/></li> </ul>
<p><b>D – Social Significance</b></p> <p><i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i></p>	<p>There is no evidence that the item has strong or special associations with a particular community or cultural group.</p>
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>is important for its associations with an identifiable group <input type="checkbox"/></li> <li>is important to a community's sense of place <input type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>is only important to the community for amenity reasons <input checked="" type="checkbox"/></li> <li>is retained only in preference to a proposed alternative <input type="checkbox"/></li> </ul>

Criteria	Significance Assessment
<b>E – Research Potential</b> <i>An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.</i>	<p>The subject dwelling appears to use standard construction practices of the period in which it was built. It is not believed to have research potential.</p> <p>It is beyond the scope of this report to assess archaeological potential.</p>
<u>Guidelines for Inclusion</u> <ul style="list-style-type: none"> <li>has the potential to yield new or further substantial scientific and/or archaeological information <input type="checkbox"/></li> <li>is an important benchmark or reference site or type <input type="checkbox"/></li> <li>provides evidence of past human cultures that is unavailable elsewhere <input type="checkbox"/></li> </ul>	<u>Guidelines for Exclusion</u> <ul style="list-style-type: none"> <li>the knowledge gained would be irrelevant to research on science, human history or culture <input type="checkbox"/></li> <li>has little archaeological or research potential <input checked="" type="checkbox"/></li> <li>only contains information that is readily available from other resources or archaeological sites <input type="checkbox"/></li> </ul>
<b>F – Rarity</b> <i>An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.</i>	<p>Late Victorian dwellings are not rare in the context of Summer Hill or Sydney generally.</p>
<u>Guidelines for Inclusion</u> <ul style="list-style-type: none"> <li>provides evidence of a defunct custom, way of life or process <input type="checkbox"/></li> <li>demonstrates a process, custom or other human activity that is in danger of being lost <input type="checkbox"/></li> <li>shows unusually accurate evidence of a significant human activity <input type="checkbox"/></li> <li>is the only example of its type <input type="checkbox"/></li> <li>demonstrates designs or techniques of exceptional interest <input type="checkbox"/></li> <li>shows rare evidence of a significant human activity important to a community <input type="checkbox"/></li> </ul>	<u>Guidelines for Exclusion</u> <ul style="list-style-type: none"> <li>is not rare <input checked="" type="checkbox"/></li> <li>is numerous but under threat <input type="checkbox"/></li> </ul>
<b>G – Representative</b> <i>An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's):</i> <ul style="list-style-type: none"> <li>cultural or natural places; or</li> <li>cultural or natural environments.</li> </ul>	<p>The five properties under Item 638 are representative late Victorian residences and contribute to the narrative of the shifting cultural and social history of the area.</p>

Criteria	Significance Assessment
<p><u>Guidelines for Inclusion</u></p> <ul style="list-style-type: none"> <li>• is a fine example of its type <input type="checkbox"/></li> <li>• has the principal characteristics of an important class or group of items <input type="checkbox"/></li> <li>• has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity <input type="checkbox"/></li> <li>• is a significant variation to a class of items <input type="checkbox"/></li> <li>• is part of a group which collectively illustrates a representative type <input checked="" type="checkbox"/></li> <li>• is outstanding because of its setting, condition or size <input type="checkbox"/></li> <li>• is outstanding because of its integrity or the esteem in which it is held <input type="checkbox"/></li> </ul>	<p><u>Guidelines for Exclusion</u></p> <ul style="list-style-type: none"> <li>• is a poor example of its type <input type="checkbox"/></li> <li>• does not include or has lost the range of characteristics of a type <input type="checkbox"/></li> <li>• does not represent well the characteristics that make up a significant variation of a type <input type="checkbox"/></li> </ul>

### 5.3. STATEMENT OF SIGNIFICANCE

The following Statement of Significance was sourced from the Ashfield Heritage Study of the five properties that are included in Item 638.

*A group of five distinctive Federation period houses made important by their siting, similarity, design quality and intactness.<sup>3</sup>*

The significance of the five properties, including the subject site lies in their intact, late Victorian features. The significance of the single subject dwelling lies within its late Victorian features. The houses strongly contribute to an understanding of the pattern of development in Smith Street.

<sup>3</sup> Ashfield Council, Ashfield Heritage Study; Group of Five Houses, (1991-1992), p.1.

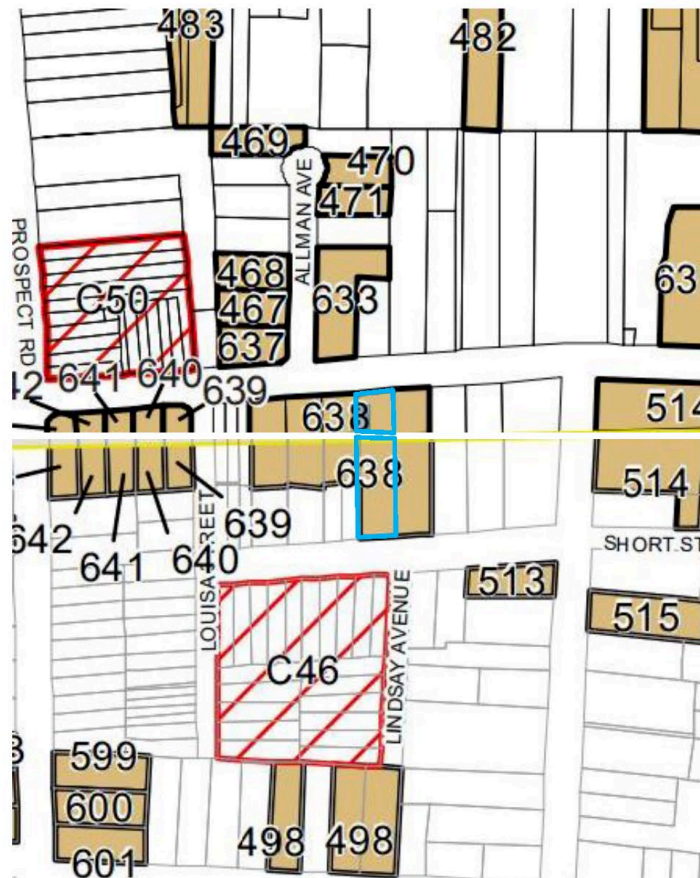
## 6. IMPACT ASSESSMENT

### 6.1. HERITAGE LISTING

The subject property is heritage listed under the Ashfield Local Environmental Plan 2013, as shown on the heritage map below. The subject site is a part of Item 638, "Group of Five Houses."

The proposed development will be adjacent to a conservation area (C46) which can be seen below in the Heritage Maps.

Figure 14 – Heritage Maps – Subject Site is indicated in Blue



Source: Ashfield LEP 2013 Map 01 and 02

## 6.2. STATUTORY CONTROLS

### 6.2.1. Local Environmental Plan

The proposed works are addressed in the table below in relation to the relevant clauses in the LEP.

Table 3 – Local Environmental Plan

Clause	Discussion
<p><b>(2) Requirement for consent</b></p> <p>Development consent is required for any of the following:</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area</p>	<p>The subject property is heritage listed under the Ashfield Local Environmental Plan 2013, as shown on the heritage map below. The subject site is a part of Item 638, "Group of Five Houses." Therefore, this report is required to assess the heritage impact of the works on the heritage item.</p>
<p><b>(5) Heritage assessment</b></p> <p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned</p>	<p>This report has been prepared in response to this provision. Refer to the detailed assessment in the table below.</p>

### 6.2.2. Development Control Plan

The proposed works are addressed in the table below in relation to the relevant provisions in the DCP.

Table 4 – Development Control Plan

Provision	Discussion
C1 Retain features (including landscape features) that contribute to the significance of the item.	<p>The significance of the heritage item is linked to the Victorian features of the dwelling and the primary setback on the Smith Street side of the property. There are no works proposed to the heritage dwelling.</p> <p>The proposed works does include the removal of part of the front fence to allow for two car spaces. This work is needed to fulfil parking requirements due to the subdivision of the rear of the site. This is considered to be acceptable from a heritage perspective as the front fence is not consistent across the group. Rather only three share the same detailing. Further, all other houses have parking off the street. As such the works would not be out of keeping with previous alterations made to the row.</p> <p>There are no original features at the rear of the property that will be lost due to the proposed works.</p>
C2 Remove unsympathetic elements and reconstruct significant elements where possible or appropriate.	<p>No unsympathetic elements or missing elements have been identified. Reconstruction works are therefore not considered necessary.</p>
C3 New work is to be consistent with the setback, massing, form and scale of the heritage item.	<p>There is no established setback to Short Street that the proposed development need respond to. The existing subject dwelling is the only one in the group that retains its existing setback from the street, all others are occupied by later development.</p> <p>The primary setback is from Smith Street and there is no significant development proposed within the primary setback of the heritage item. The consistent setback of the group will therefore remain intact.</p> <p>The proposed dwelling is sympathetic to the form of the heritage item as a modest residential development with complimentary hipped roof forms.</p> <p>The scale of the proposed dwelling is not out of keeping with Short Street which is characterised by different typologies including a two-storey residential flat building located at 14 Short Street. Further the proposed development is within the maximum height of buildings as identified in the LEP (8.5m).</p> <p>The proposed new dwelling would be separated from Smith Street by the Heritage Item which would block any views towards the new fabric given the elevation of the dwelling in relation to the street. The presentation of the historic, Smith Street, streetscape would therefore remain intact.</p>

Provision	Discussion
C4 Retain significant fabric, features or parts of the heritage item that represent key periods of the item.	<p>The heritage dwelling and primary setback will be retained in their entirety. Minimal alterations are proposed to the fence to fulfil parking requirements and are acceptable from a heritage view point as:</p> <ul style="list-style-type: none"> <li>• The parking would be hardstand only; no structure is proposed over. Therefore, there will be no loss of visibility towards the heritage listed dwelling.</li> <li>• The proposed alterations to the fence will be in keeping with the group of houses also listed under item 638.</li> <li>• The amount of fabric to be removed is minor in the context of the entire fence. An understanding of the character of the fence and its contribution to the setting of the heritage dwellings would therefore not be impacted.</li> </ul> <p>The proposed dwelling at the rear of the Heritage property is set back from the heritage dwelling and will not physically impact the significant fabric or features of the heritage dwelling.</p>
C5 Alterations and additions are to be generally located away from original and intact areas of the heritage item	<p>The proposed dwelling will be appropriately setback from the existing dwelling such that there will be no physical impact on the fabric of the existing dwelling or to the significant views from Smith Street.</p> <p>The proposed lot will be subdivided off the existing and a new dwelling constructed in the existing setback from Smith Street. The proposed dwelling will be viewed in a different context to the heritage dwelling given the orientation of the dwellings to their respective streets. Therefore, despite their proximity, the new fabric will not be visually dominant the significant views or features of the heritage item.</p>
C6 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.	<p>No change to significant fabric, including form or details.</p> <p>There is no proposed development to the front of the existing dwelling viewed from Smith Street. The proposed development will only be viewed from Short Street.</p> <p>The significant view of the heritage items as a group is from Smith Street. The northern elevation of the subject dwelling highlights the key characteristics of the late Victorian period. In contrast, the views of the dwelling from Short Street currently are dominated by contemporary fabric. Therefore, obstructions of the views of the southern façade of the proposed dwelling will not diminish an ability to appreciate the character of the group overall.</p> <p>The only alteration to the primary setback is the proposed car spaces. This is required to fulfil parking requirements for the heritage dwelling. The work will be minimal and will not interfere with the elevated view of the heritage dwelling as discussed above in this table.</p>

Provision	Discussion
C1 Minimise change to significant internal room configurations, layouts and finishes of heritage items.	There are no proposed changes to the heritage dwelling including the internal configurations, layouts or finishes.
<b>7.1 Subdivision</b>  C1 Subdivision (including strata) or lot consolidation is not to occur where subdivision patterns are evident and contribute to the significance of the heritage item or heritage conservation area	<p>The original subdivision is not relevant to the significance of the group of properties listed under item 638 as the subdivision pattern is not intact. The significance of the heritage item is vested in the dwellings' evocation of the late Victorian period. No contributory features would be impacted.</p> <p>The subdivision of the lot will not impact the original subdivision as viewed from the primary setback and elevation on Smith Street.</p>
C2 Applications for subdivision or lot consolidation are to demonstrate that: <ul style="list-style-type: none"> <li>a) the setting of the heritage item or contributory building on the site, or contributory buildings within the vicinity, are not compromised; and</li> <li>b) the relationship between the heritage item or contributory building and associated features such as landscaping, trees, fences, and outbuildings are retained.</li> </ul>	<p>A) The setting of the heritage dwelling will not be compromised by the proposed dwelling. This is due to elevation of the north façade that will retain the significant aspects of the property.</p> <p>The proposed alterations to the primary setting is a requirement from the Inner West Council regarding residential parking. The alterations are considered minor and acceptable for the reasons discussed above in this table.</p> <p>B) There is no original fabric or features in the southern portion of the site that are of significance.</p>



### 6.3. HERITAGE DIVISION GUIDELINES

The proposed works are addressed in relation to relevant questions posed in the Heritage Division's 'Statement of Heritage Impact' guidelines.

Table 5 – Heritage Division Guidelines

Question	Discussion
The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:	<ul style="list-style-type: none"> <li>All proposed works are setback from the heritage dwelling so as not to affect the heritage significance of the property. This includes the proposed dwelling that will not interfere with the heritage dwelling and the proposed parking spaces on the northern side of the property.</li> <li>The scale and form of the proposed dwelling is consistent with the heritage item. Taking into account the significant view of the heritage dwelling from Smith Street and the original fabric of the dwelling.</li> </ul>
<p>The following aspects of the proposal could detrimentally impact on heritage significance.</p> <p>The reasons are explained as well as the measures to be taken to minimise impacts:</p>	<ul style="list-style-type: none"> <li>The proposed alterations to the primary setback from the Smith Street side of the property will include the partial removal of the fence. This work is proposed to allow for off street parking for the residence of the heritage dwelling. The proposed works have been allocated to a small portion of the area away from the heritage dwelling. Therefore, the work will not impact on physical fabric or the visual of the heritage dwelling from the primary vantage point on Smith Street.</li> </ul>
The following sympathetic solutions have been considered and discounted for the following reasons:	N/A

Question	Discussion
<p><b>New development adjacent to a heritage item</b></p> <p>How does the new development affect views to, and from, the heritage item?</p> <p>What has been done to minimise negative effects?</p> <p>How is the impact of the new development on the heritage significance of the item or area to be minimised?</p> <p>Why is the new development required to be adjacent to a heritage item?</p> <p>How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?</p> <p>Is the development sited on any known, or potentially significant archaeological deposits?</p> <p>If so, have alternative sites been considered? Why were they rejected?</p> <p>Is the new development sympathetic to the heritage item?</p> <p>In what way (e.g. form, siting, proportions, design)?</p> <p>Will the additions visually dominate the heritage item?</p> <p>How has this been minimised?</p> <p>Will the public, and users of the item, still be able to view and appreciate its significance?</p>	<ul style="list-style-type: none"> <li>• The new development will not affect views to and from the northern façade of the dwelling as the proposed works to the northern side of the property are minor and set back away from the heritage dwelling.</li> <li>• The proposed dwelling is at the rear of the property and will not be visible from Smith Street.</li> <li>• The views from the southern façade of the heritage property will be compromised, however the majority of original fabric at the rear of the property have been replaced by contemporary fabric and there is no significant view from the heritage dwelling to the southern side of the property.</li> <li>• The proposed development is adjacent to the heritage item as it is considered a better outcome than the currently approved plans which require alterations to the existing dwelling to create two.</li> <li>• The proposed development will be adjacent to a conservation area (C46). The vantage point of the conservation area will not be dominated or affected by the proposed development due to the adjacent location and the overall design of the proposed dwelling.</li> <li>• It is beyond the scope of this assessment to assess archaeological potential.</li> <li>• The proposed dwelling is sympathetic to the heritage item in its scale, design and use. The design includes multilayered hipped roof that is consistent with the late Victorian form of the heritage dwelling. The property has also been scaled to minimise its visual impact.</li> <li>• None of the proposed works will visually dominate the heritage dwelling from the primary vantage point; Smith Street. This has been ensured through the appropriate scale of the proposed dwelling and the position of the proposed alterations to the fence at the front of the heritage dwelling.</li> <li>• The public and users of the heritage item will still be able to view and appreciate the significant form and features of the heritage dwelling. Due to the minimal impact that the proposed works will have on these features.</li> <li>• The public and users of the conservation area will also be able to view and appreciate the significant form and features of the properties that are within the conservation boundary.</li> </ul>

Question	Discussion
<p><b>Subdivision</b></p> <p>How is the proposed curtilage allowed around the heritage item appropriate?</p> <p>Could future development that results from this subdivision compromise the significance of the heritage item? How has this been minimised?</p> <p>Could future development that results from this subdivision affect views to, and from, the heritage item?</p> <p>How are negative impacts to be minimised?</p>	<ul style="list-style-type: none"> <li>• The subdivision of the lot will not impact the original subdivision as viewed from the primary setback and elevation on Smith Street.</li> <li>• The original subdivision pattern at the rear of the dwellings does not contribute to the significance of the listed group as the subdivision pattern is not intact. The significance of the heritage item is vested in the dwellings' evocation of the late Victorian period. No contributory features would be impacted.</li> <li>• The proposal for subdivision includes a proposed development. This proposed development has taken into account the heritage dwelling and within its design and form will have no impact on the heritage item.</li> </ul>
<p><b>New landscape works (including car parking and fences)</b></p> <p>How has the impact of the new work on the heritage significance of the existing landscape been minimised?</p> <p>Has evidence (archival and physical) of previous landscape work been investigated? Are previous works being reinstated?</p> <p>Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented?</p> <p>Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered?</p> <p>How does the work impact on views to, and from, adjacent heritage items?</p>	<ul style="list-style-type: none"> <li>• The proposed work on the existing landscape has been set back from the heritage dwelling and has been designed to ensure there is no heritage impact. The work will only allow for the space for two cars and will only require the partial removal of the fence. There is no structure proposed, hardstand only. No views will be interrupted.</li> <li>• There is no evidence of archival or physical significant gardens or landscapes on the property.</li> <li>• It is beyond the scope of this assessment to assess archaeological potential.</li> <li>• The views to and from adjacent heritage items will not be impacted by the proposed works.</li> </ul>

## 7. CONCLUSION AND RECOMMENDATIONS

The subject property is a part of a locally listed heritage item. This item includes a group of houses that were constructed at a similar time and have retained their prominence at their Smith Street location. The significance of the subject property has been assessed in Section 5 of this report. This assessment has found that the significance is vested in the late Victorian features of the heritage dwelling.

The proposed works that are outlined in Section 3 of this report have been assessed alongside the significance assessment of the property in Section 5. It is concluded that the proposed development and the subdivision of the property will not have any detrimental impacts on the significance of the heritage item. The subject proposal does not alter the significant fabric or features of the heritage dwelling and retains the original lot boundaries as apparent from Smith Street despite being subdivided at the rear.

This report finds that the proposed development is in keeping with the streetscape in terms of both its mixed character and its scale. Therefore, the proposed development will not be a dominate feature on Short Street and will not impact on the presentation of the heritage item to Smith Street.

This report concludes that, on heritage grounds, the subject proposal is an improvement on the existing approved DA (DA 80/2014) as it retains the significant features and the internal integrity of the heritage listed dwelling whilst also allowing for further development of the site. The proposed are therefore supported from a heritage perspective.

## 8. BIBLIOGRAPHY AND REFERENCES

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*[Note: Some government departments have changed their names over time and the above publications state the name at the time of publication.]*

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