



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

| | |
|---|---|
| Application No. | 10.2019.84 |
| Address | 79 Smith Street, Summer Hill |
| Proposal | Alterations and additions to an existing dwelling including rear extension, new pool and secondary dwelling over garage |
| Date of Lodgement | 7 June 2019 |
| Applicant | Nick Hibberd Architect |
| Owner | Ms A Tourta & Mr T Aligounarias |
| Number of Submissions | 10 (9 objections, 1 letter of support) |
| Value of works | \$716,000 |
| Reason for determination at Planning Panel | Number of submissions Heritage item |
| Main Issues | Heritage Neighbouring visual and acoustic privacy |
| Recommendation | Approved with Conditions |
| Attachment A | Recommended conditions of consent |
| Attachment B | Plans of proposed development |
| Attachment C | Schedule of Conservation Works and Statement of Heritage Significance |



LOCALITY MAP

| | | | | |
|---------------|--|------------|--|-----|
| Subject Site | | Objectors | | ↑ N |
| Notified Area | | Supporters | | |

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling including rear extension, new pool and studio over garage at 79 Smith Street, Summer Hill. The application was notified to surrounding properties and 10 submissions were received, 1 being a letter of support.

The main issues that have arisen from the application include:

- Heritage; and
- Neighbouring visual and acoustic privacy.

The non-compliances can either be addressed by way of condition or considered acceptable for the reasons discussed in this report and therefore the application is recommended for approval.

2. Proposal

The proposal involves alterations and additions to a heritage listed semi-detached terrace including:

- Demolition of rear service wing and garden shed;
- Construction of a two (2) storey rear pavilion addition with pitched gabled roof,
- Construction of a two (2) storey garage/secondary dwelling structure with first floor rooftop terrace and adjoining 'study' at the rear;
- A ground level 'bridging' element between the two structures;
- Restoration and repair works to the original terrace;
- Internal changes;
- In-ground pool; and
- Landscaping.

3. Site Description

The site is rectangular in shape with an area of approximately 385.5sqm. It has a primary street frontage to Smith Street and has vehicle access from the rear via a shared right-of-way.

Currently the site is occupied by a single storey semi-detached dwelling terrace which forms part of a group of six (6). To the west the site is adjoined by another terrace in the group. To the east the site is neighboured by a multi-building residential complex (No. 67-75 Smith Street). The complex comprises of three buildings; a group of 4 x two (2) storey plus attic level attached terraces fronting Smith Street, 2 x two (2) storey plus attic level residential flat buildings, a one (1) storey residence, and a shared basement carpark. To the north the site is neighboured by a two (2) storey plus attic level residential flat building (No. 91-91A Smith Street) which is accessed via an access handle at the western edge of the subject group of terraces.

This part of Smith Street is largely characterised by one (1) and two (2) storey attached and demi-detached dwelling houses, commercial buildings and shop top housing. The surrounding area (most notably adjoining sites to the east and rear) includes a number of multi-storey residential flat buildings.

The site is identified as containing a local heritage item known as 'Terrace houses' (I622) which includes Nos. 79 – 89 Smith Street. The site is not located within a heritage conservation area.



Figure 1: Site viewed from Smith Street.



Figure 2: Looking towards the rear of the subject dwelling from the rear yard.



Figure 3: Looking north towards the rear boundary from the rear yard. The neighbouring residential flat building at No. 91-91A Smith Street can be seen in the background.



Figure 4: Looking north-east from the subject site towards the neighbouring residential complex at No. 67-75 Smith 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

Nil.

Surrounding properties

| Application | Proposal | Decision & Date |
|---------------------------------|---|---------------------------------------|
| 10.2019.8 – 87 Smith Street | Alterations and additions to an existing dwelling house including rear two storey addition and garage. | Approved – 10 September 2019 |
| 10.2019.99 – 89 Smith Street | Alterations and additions to an existing dwelling house including rear two storey addition and garage. | Under assessment – lodged 2 July 2019 |
| 10.2012.51 – 67-75 Smith Street | Demolition of existing industrial buildings, alterations and additions to the existing heritage item, construction of 28 dwellings within 4 new residential buildings and a new underground car park for 41 cars. | Court approved – 12 March 2014 |

4(b) Application history

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

| Date | Discussion / Letter / Additional Information |
|-------------------|---|
| 23 August 2019 | A letter was sent to the applicant raising a number of concerns with the proposal including (but not limited to) the unsympathetic built form of the two-storey rear addition in relation to the heritage item, the rear secondary dwelling structure, overshadowing, visual privacy, landscaping, flooding, insufficient restoration/repair works to heritage façade, and flooding. |
| 20 September 2019 | The applicant provided amended drawings and additional information which adequately addressed most (but not all) of issues raised by Council. The most notable changes in the revised scheme include: <ul style="list-style-type: none"> - Revised and simplified built form of rear addition including pitched gabled roof; - Reduced scale of rear secondary dwelling structure; - Increased landscaping; - Additional repair and restoration works to the principal dwellings façade; and - Design changes to address flooding. |

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Affordable Rental Housing) 2008*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP ARH)*

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP ARH) provides guidance for design and assessment of secondary dwellings. Clause 22 of Division 2 of the SEPP ARH provides controls of which are addressed below:

- (2) *A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.*

Comment: The proposal would result in one principal dwelling and one secondary dwelling in accordance with this part of the SEPP ARH.

- (3) *A consent authority must not consent to development to which this Division applies unless:*
- (a) *the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under*

- another environmental planning instrument, and*
- (b) *the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.*

Comment: The proposed total maximum floor area does not exceed the FSR development standard for the site of 0.7:1, and the proposed secondary dwelling has a floor area of 38.5sqm, both in accordance with this part of the SEPP ARH.

- (4) *A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:*

- (a) *site area*

if:

- (i) *the secondary dwelling is located within, or is attached to, the principal dwelling, or*
- (ii) *the site area is at least 450 square metres,*

- (b) *parking*

if no additional parking is to be provided on the site.

Comment: It is noted that these provisions are not requirements, rather they specify what circumstances *cannot* be used to refuse an application. Regardless, the secondary dwelling is attached to the principal dwelling. The secondary dwelling is located on a site of 385.5sqm and does not generate any additional on-site car parking.

The proposal is consistent with the relevant requirements for secondary dwellings in this Clause of the SEPP ARH.

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

A BASIX Certificate was submitted with the application, however the certificate is out of date and as such the requirements of the SEPP have not been met.

It is a requirement that the BASIX Certificate be updated during the certification stage.

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

The application was assessed against the following relevant clauses of the *Ashfield Local Environmental Plan 2011*:

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 5.10 - Heritage Conservation
- Clause 6.2 - Flood Planning

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

The site is zoned R2 – Low density residential under the *ALEP 2011*. The *ALEP 2013* defines the development as:

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling

and;

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Semi-detached dwellings are permitted with consent in the zone.

Secondary dwellings are a form of 'residential accommodation' which are prohibited in the zone.

The applicant is seeking approval for the secondary dwelling through the State Environmental Planning Policy (Affordable Rental Housing) 2009 which permits secondary dwellings within the R2 – Low Density Residential zone subject to compliance with the requirements (as discussed elsewhere in this report).

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

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

| Standard | Proposal | non compliance | Complies |
|--|-------------------|----------------|----------|
| Height of Building Maximum permissible: 8.5m | 7.5m | N/A | Yes |
| Floor Space Ratio Maximum permissible: 0.7:1 (269.8sqm) | 0.63:1 (244.6sqm) | N/A | Yes |

Clause 5.10 Heritage conservation

The site is identified as containing a heritage item (I622) known as 'terrace houses' which includes Nos. 79 - 89 Smith Street.

The significance of the cottage is set out in the Heritage Inventory Sheet for the surviving six houses, with a Statement provided as follows:

"A run of six attached late Victorian houses is unusual in Ashfield. This terrace was built as seven cottages, one being demolished about 1952. They are a simple but pleasing row forming a significant element of the streetscape and possessing great aesthetic potential. They were owned by their builder-developer Samuel Benjamin for nearly half a century."

The proposal is accompanied by a heritage impact statement. This has been reviewed and is considered acceptable.

Given the extent of alterations that have already occurred to the rear wing, the replacement of this part of the heritage item is supported.

The proposal 'stands clear' of the principal roof form, ensuring that it presents as a 'pavilion addition' and retains the entirety of the rear slope.

The revised proposal will conserve the significance of the existing heritage item and subject

to the imposition of recommended conditions of consent will comply with the relevant objectives of this part of the plan.

See further discussion regarding heritage elsewhere in this report.

Clause 6.2 Flood planning

The rear portion of the subject site is flood affected. The proposal has adopted advice provided by Council's Engineers and the supplied Flood Assessment Report, most notably the rear portion of the dwelling and garage have a freeboard of at least 300mm.

Consistent with the objectives of this part of the plan, the proposal will minimise the flood risk to life and property associated with the use of land, is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, and will avoid significant adverse impacts on flood behaviour and the environment.

5(b) Development Control Plans

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

| IWCDCP2016 | | Compliance |
|--|--|---|
| Section 1 – Preliminary | | |
| B – Notification and Advertising | | Yes |
| Section 2 – General Guidelines | | |
| A – Miscellaneous | | |
| 1 - Site and Context Analysis | | Yes |
| 2 - Good Design | | Yes |
| 3 - Flood Hazard | | Yes – see discussion elsewhere in this report |
| 4 - Solar Access and Overshadowing | | Yes – see discussion below |
| 5 - Landscaping | | Yes – see discussion below |
| 8 - Parking | | Yes – see discussion below |
| 15 - Stormwater Management | | Yes – see discussion elsewhere in this report |
| C – Sustainability | | |
| 1 – Building Sustainability | | Yes (subject to revised BASIX Certificate) |
| 2 – Water Sensitive Urban Design | | Yes |
| 3 – Waste and Recycling Design & Management Standards | | Yes |
| E1 – Heritage items and Conservation Areas (excluding Haberfield) | | |
| 1 – General Controls | | Yes – see discussion below |
| 2 – Heritage Items | | Yes – see discussion below |
| 8 - Demolition | | Yes – see discussion below |
| 9 – Heritage Conservation Areas, Character Statements and Rankings | | Yes – see discussion below |

| IWCDCP2016 | | | | |
|--|----------------|--------------------------|---------------------------|-------------------|
| Section 2 Chapter F, Part 1: Residential – Low Density Zone | | | | |
| Control No. | Control | Standard | Proposed | Compliance |
| DS1.1 | Building | Building style and form, | The building style, form, | Yes |

| | | | | |
|-------|---------------------------|--|---|---|
| | style and form | proportion, façade composition of solid and void, materials, textures and colours are sympathetic with development prevailing in the street. | proportion and materials are consistent with existing building and prevailing character in the street. | |
| DS3.3 | Building height | Appears as no more than 2 storeys | The rear addition to the principal dwelling presents as 2 storeys. | Yes |
| DS3.4 | Wall height | Maximum external wall height of 6 metres measured from the existing ground level. | 4.5 metres. The structure is 'broken-up' into lower masonry section and an upper level light-weight section. | Yes |
| PC6 | Car parking | Garages and carports complement the scale, form and style of the primary dwelling and streetscape Garages and carports which are accessed off a rear lane are setback a minimum of 1 metre from the rear boundary | The proposed single car garage has a nil rear setback. Due to the topography of the area, the neighbouring site to the rear (No. 91-91A Smith Street) has a ground level approximately 2m higher than the rear portion of the subject site. A 1.8m high boundary fence is also located above. The ground floor portion of the garage/secondary dwelling structure has a height of 3.65m, and as such is set approximately 150mm below the height of the neighbouring fence. For this reason, the nil rear setback is considered acceptable in this instance. Furthermore, it is noted that the upper level of the garage/secondary dwelling structure is setback 1m from the rear boundary. | No (considered acceptable) |
| DS8.2 | Minimum landscaped area % | 301-400sqm. 28% of site area. | 22.5% (86.8sqm) | No (considered acceptable) - see discussion below |
| DS8.3 | Maximum site coverage | 301-400sqm. 60% of site area. | 56.4% (217.1sqm) | Yes |
| DS9.1 | Private open space | Principal private open space is: - directly accessible | The proposal includes a 15sqm 'court' directly adjoining the principal living | Yes |

| | | | | |
|---------|--------------------|---|---|---|
| | | <p>from and at the same level as ground floor living area</p> <ul style="list-style-type: none"> - has a minimum area of 20 m² - has a minimum dimension of 3.5 - has an appropriate level of solar access, natural ventilation and privacy | <p>area at the rear. This directly adjoins the rear yard (39sqm) which can function as an extension of the private open space. The proposed combined deck/rear yard will provide adequate private open space for the future residents of the site. The rear yard will receive good solar access between 9.00am and 12.00 midday and will have good natural ventilation and privacy.</p> | |
| DS 10.1 | Deep soil planting | All landscaped area is required to be capable of deep soil planting. | All landscaped area is required to be capable of deep soil planting. | Yes |
| 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. | As discussed above in this table, the rear garden is considered to have sufficient landscape area. | Yes |
| DS13.1 | Solar access | Sunlight to at least 50% (or 35m ² with minimum dimension 2.5m, whichever is the lesser) of private open space areas of adjoining properties is not to be reduced to less than three (3) hours between 9am and 3pm on 21 June. | <p>The subject site will achieve the required solar access to its own private open space as demonstrated by the supplied solar access diagrams.</p> <p>The proposal will result in a small reduction to solar access to neighbouring private open spaces – see discussion below.</p> | No (considered acceptable – see discussion below) |
| DS 13.2 | | Existing solar access is maintained to at least 40% of the glazed areas of any neighbouring north facing primary living area windows for a period of at least three hours between 9am and 3 pm on 21 June. | Given the north-south orientation of the subject subdivision, the proposal will not significantly affect the solar access to north-facing living room windows of the neighbouring properties. | Yes |
| DS 13.4 | | Requires sun shading devices such as eaves, overhangs or recessed balconies minimise the amount of direct sunlight striking facades. | The proposal includes awnings above all significant openings. | Yes |
| DS14.2 | Visual Privacy | Where they are provided, windows on side | Privacy concerns are raised with the openings and | Yes (subject to |

| | | | | |
|---------|--------------------------------------|--|---|---|
| | | <p>elevations are:</p> <ul style="list-style-type: none"> - located a sufficient distance away from windows on adjoining development - are positioned to not be in a direct line with windows on adjoining development - have a reduced size - include privacy devices such as fixed external screens, raised sill heights or opaque glazing | <p>rooftop terrace associated with the secondary dwelling.</p> | <p>conditions) – see discussion below</p> |
| DS 16.1 | Ecologically sustainable development | Development complies with the Building Sustainability Index (BASIX). | The proposal is capable of complying with the BASIX requirements. | Yes |
| DS19.1 | Stormwater Disposal | Stormwater from roofs is discharged by gravity to street gutter system | The supplied concept stormwater management plan is considered acceptable. | Yes |
| PC20 | Swimming pools | <p>Ground level areas around swimming pools shall not be raised as a result of sloping sites.</p> <p>Pool pumps shall be either of a type that do not exceed 5dBA above average ambient noise levels, or provided within an acoustic enclosure.</p> | <p>The pool does not change the existing nearby ground levels.</p> <p>A condition of consent to this effect has been recommended.</p> | Yes |

IWCDCP2016**Section 2 Chapter F: Secondary dwellings**

| Control No. | Control | Standard | Proposed | Compliance |
|----------------|------------|---|--|------------|
| DS1.1 | Site area | Building style and form, proportion, façade composition of solid and void, materials, textures and colours are sympathetic with development prevailing in the street. | The building style, form, proportion and materials are consistent with existing building and prevailing character in the street. | Yes |
| DS2.1 DS2.2 | Floor area | Maximum floor area of 60sqm. Total gross floor area in accordance with LEP. | The secondary dwelling has a floor area of 38.5sqm and the total gross floor area complies with the LEP. | Yes |

| | | | | |
|----------------------------------|-----------------|---|---|---|
| DS4.1 | Subdivision | No subdivision | Not proposed, however a condition of consent is recommended prohibiting subdivision of the secondary dwelling. | Yes |
| DS5.1 DS5.2 DS5.3 DS5.4 | Setbacks | Not located in front setback. Minimum 900mm side setback. Maintain a useable back garden. Minimum 1m rear setback, and contained within an attic space | The secondary dwelling is not located in the front setback and maintains a useable back garden. See further discussion regarding the setbacks below. | No (considered acceptable) – see discussion below |
| DS7.1 | Landscaped area | Does not reduce landscaped areas to less than the minimum required. | See discussion below. | Yes – see discussion below |

The following provides discussion of the relevant issues:

Heritage

The revised scheme is supported in principal by Council's Heritage Officer subject to the imposition of conditions of consent largely relating to the colour scheme and materials. In summary:

- The proposed attached box forms of the ground floor, east elevation, are to be painted in with the wall colour used for all the external walls;
- The metal cladding of the upper level "gabled boxes" is to employ corrugated 'Custom Orb' profile steel sheeting rather than modern standing seam sheeting; and
- The colour scheme is to be revised and must be based on further investigation of the buildings original colour palette and/or consideration of typical colours for its kind.

The proposal includes extensive restoration works to the front façade including reinstating the enclosed front verandah and bull-nose verandah roof. Council's Heritage Officer has recommended that the schedule of conservation works be revised to place greater emphasis on the need for the works to match exactly the detail being reconstructed or repaired/conserved to complete the presentation and fabric of the house, as opposed to 'with like' 'or similar'.

While acknowledging the difficulties concealing the proposed addition given the prominence of its eastern elevation from Smith Street, it is considered that the revised design adequately defers to the original terrace. The revised two-storey rear addition has a massing, form and scale are considered compatible with the heritage item. It adopts a pitched gabled roof form, is longitudinally placed on the site, a masonry base, and a 'light-weight' upper level.

The addition is significantly setback from the original intact areas of the heritage item (being the front terrace) and presents as a 'pavilion addition' with a small single storey bridging element.

The first floor has a nil setback to the western (side) boundary. It was considered desirable to maintain a 850mm first floor setback to this boundary to ensure consistency with the recent approval at No. 87 and that the existing paired breezeway and original pattern of development of the subject terrace group is discernible. However it is noted that there is a sewer access point within the western side setback, significantly constraining how far the development can extend into the rear setback while providing a suitable floor plate.

The proposed first floor rear setback is 23.3m which is significantly greater than that approved at No. 87 (16.2m).

Furthermore, given the subject site bookends the group and is readily visible from Smith Street, it was considered that there would be greater benefit in setting back the first floor from the eastern (side) boundary to reduce its prominence from the public domain. Consideration was also given to reducing the amenity impacts on the neighbouring residential development at No. 67-75. The proposal has a significant first floor setback of 1.8m-2.4m from the eastern (side) boundary.

The proposal has a varying ground floor rear setback of between 18.6m and 23.3m. The minimum rear setback is less than that approved at No. 87 but is located at the eastern-most edge of the site and provides a suitable transition between the neighbouring large development at No. 67-75 Smith Street which extends significantly deeper in the block. The western-most portion of the site has an increased setback of 23.3m, providing a suitable transition to the lower-scale developments of the subject terrace group.

No objections are raised to the nil ground floor side setbacks as these are consistent with the existing dwelling and the recently approved building at No. 87.

Subject to the imposition of recommended conditions of consent, the proposal is consistent with the objectives of Part E1 of the plan.

Secondary dwelling

The secondary dwelling occupies the first floor of the proposed combined garage/secondary dwelling structure. The top floor presents as a 1.2m high wall and a 1.2m high pitched gabled roof form. The secondary dwelling is partly confined within a raked ceiling of the pitched roof. The first floor has been treated in roof-like materials.

Although the structure is two-storeys in height, the density of the immediate surrounding context has been taken into consideration. Of note, the structure is directly adjacent to the ~9.1m high residential flat building at No. 91-91A Smith Street (which due to the topography, extends approximately 5.1m above the ridge of the proposed secondary dwelling), as well as the ~9.7m high residential flat building at No. 67-75 Smith Street.

The structure has a maximum height of 6m and although the 'laneway development' controls in Part 1 Chapter F of the DCP do not strictly apply to the subject proposal, it is noted that a maximum height of 6m is prescribed for single storey plus habitable attic space laneway structures.

As discussed elsewhere in this report, it is a recommended condition of consent that the associated rooftop terrace be deleted, which will reduce the visual bulk and impact of the structure.

Subject to the imposition of recommended conditions of consent, the proposed structure complies with the relevant performance criteria in that it is no greater than the height of the

principal dwelling, is not incompatible with the existing density of the surrounding context, and will not detract from the low rise streetscape

The secondary dwelling, which is located on the first floor, has a 900mm setback from the rear boundary in accordance with DS5.4 of the DCP.

It is noted that the secondary dwelling has a 760mm setback to the eastern (side) boundary and a varying setback of 300mm-570mm to the western (side) boundary.

No compelling justification has been provided as to why the proposal cannot comply with the prescribed 900mm side setback. Given this side of the structure adjoins the communal open space of No. 67-75, it is considered that there is not contextual justification for a reduced upper floor setback. It is a recommended condition of consent that the secondary dwelling be setback at least 900mm from the eastern (side) boundary.

No objections are raised with the reduced setback to the western (side) boundary as it adjoins a shared right-of-way.

Although the required landscaped area is not achieved (as discussed elsewhere), the secondary dwelling is wholly located above the ground floor garage structure which is associated with the principal dwelling. It is also noted that the location of the proposed garage/secondary dwelling structure is on the existing hardstand car space area/associated vehicle and pedestrian paving and as such the structure itself will not reduce existing landscaped areas.

Privacy

The revised proposal includes three (3) first floor windows on the principal dwelling facing the eastern (side) boundary. These windows are set behind a 1.1m high parapet. The windows are setback between 1.9m-2.2m from the common boundary.

The windows have been located so as not to be adjacent to any neighbouring windows.

The parapet wall, setbacks and location of the windows will adequately reduce opportunities for overlooking of the neighbouring property, most notably the open space of Unit 1 of Building A at No. 67-75 Smith Street (see Figure 5 below which was provided by the applicant). It is a recommended condition of consent that the rooftop area between the windows and parapet be non-trafficable.



Figure 5: Proposed views from first floor east-facing windows (supplied by applicant).

Any views towards the north and south facing windows/balconies of the buildings at No. 67-75 will not create significant privacy issues given the oblique angles and substantial separation. It is also noted that the east-facing windows relate to bedroom and a bathroom, which are generally areas of low-activity (as opposed to a living room or kitchen).

The first floor rear window has a 500mm deep hood/screen on both sides, adequately limiting opportunities for overlooking of neighbouring properties.

The proposed secondary dwelling includes a first floor rooftop terrace adjoining the 'studio living' area and accessed from the southern elevation. Council raised concerns with this terrace in regards to both its impact on neighbouring visual/acoustic privacy as well as the unnecessary additional visual bulk the structure and associated privacy screening creates to the garage/secondary dwelling structure.

The screening has a height of up to 4m from the existing ground level. Given the rear of the site is already approximately 2m higher than the front of the site, the prominence and visual impact of the terrace are exacerbated when viewed from the public domain and neighbouring properties.

The size of the terrace could facilitate a large number of people, creating significant acoustic impacts for the neighbouring properties. Generally first floor rear balconies face the rear of the site (not the front), are ~1m deep to limit the number of people able to access it, and relate to bedrooms. None of these characteristics apply to the proposed terrace.

It is noted that the neighbouring balcony of Unit 5 Building B at No. 67-75 Smith Street has a first floor side balcony. The circumstances leading to the approval of this balcony are unknown as it was assessed by the former Ashfield Council and approved by the Land and Environment Court. Nevertheless this does not justify the adverse neighbouring amenity impacts of the proposed rooftop terrace.

Furthermore it has not been demonstrated that there will be no overlooking into neighbouring open spaces or openings.

For the reasons discussed above, the proposed rooftop terrace is not supported and is not to be deleted. The terrace is to be replaced with a flat or low-pitched roof commiserate with the design, materials and finishes of the proposal. The masonry base is to be extended to wrap around the entirety of the southern elevation. The operable glass doors are to be replaced with windows with a minimum sill height of 1600mm above the FFL of the secondary dwelling so as to avoid opportunities for overlooking.

Privacy concerns are also raised over the west-facing first floor window of the secondary dwelling given its proximity to the neighbouring rear yards of No. 91-91A (~1.4m) as well as potential overlooking of the rear yards of the subject terrace group. Given these are both oblique views and the window faces the shared right-of-way, a hood (similar to that proposed for the first floor rear window of the principal dwelling) is considered sufficient to maintain adequate neighbouring privacy. The hood must extend to the western boundary (which given the angle of the boundary will be longer on its northern edge). A condition of consent to this effect is recommended.

It is noted that this window will provide good passive surveillance to the right-of-way.

The balance of the proposed windows are confined to the ground floor and will not raise any significant neighbouring privacy issues.

Solar access

As discussed, given the north-south orientation of the subject subdivision and location of neighbouring windows, the development will not significantly affect any neighbouring north-facing principal living area windows.

The supplied shadow diagrams have demonstrated that the proposal will result in additional overshadowing predominately to the neighbouring property to the east (No. 67-75) in the afternoon hours, particularly the ground level open space areas of Unit 1 of Building A and Unit 5 of Building B, and the first floor private open space of Unit 9 in Building B. Unit 1 of Building A (as labelled on the Construction Certificate plans) has the configuration of a single dwelling and as such the solar access provisions in Part 1 Chapter F are most relevant.

It is noted that DS9.1 of Part 1 Chapter F of the DCP defines 'principal private open space' as follows:

"...directly accessible from and at the same level as ground floor living area..."

Therefore, the principal private open space of Unit 1 of Building A is taken to be the paved terrace/courtyard area directly adjoining the living area (see Figure 6 below).

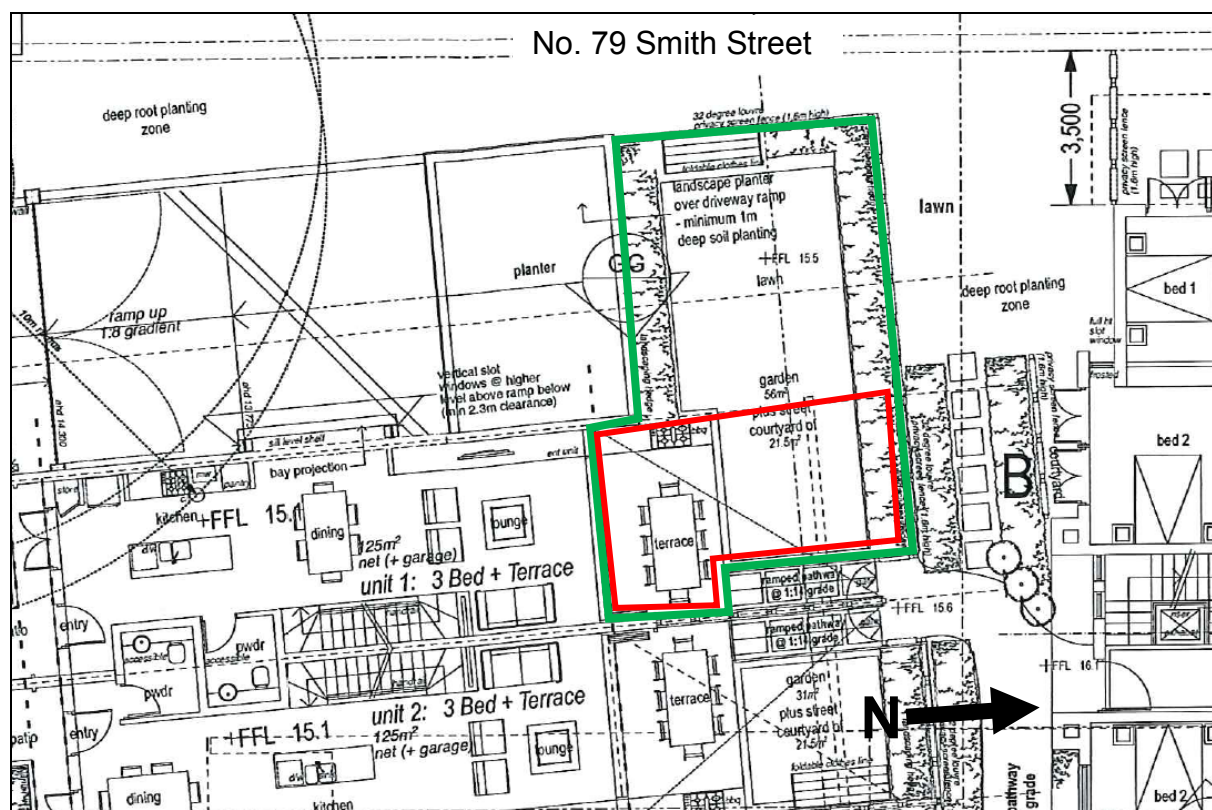


Figure 6: Private open space of Unit 1 Building A. Green line denotes open space, red line denotes 'principal private open space' in accordance with the definition in the DCP.

The solar access diagrams show that the private open space will only receive a marginal (~2.8sqm) loss of solar access at 3pm during the winter solstice. The diagrams also demonstrate that during the equinox this area will not be impacted at all by the proposal in relation to solar access.

The private open space is largely overshadowed by existing buildings on the site. Given the amount of 'self-shadowing', relatively small loss of solar access and that the shadows cast

are by a proposal that complies with the Height of Building and Floor Space Ratio development standards, the solar impacts on Unit 1 are not considered unreasonable.

Unit 5 of Building B (as labelled on the Construction Certificate plans) has the configuration of a residential flat building and as such the residential flat buildings in Part 4 Chapter A apply. DS1.3 of Part 4 Chapter A of the DCP defines 'private open space' as follows:

'Private Open Space referred to in Clause DS 1.1 is to be an area which is adjacent living areas.'

Therefore, the private open space of Unit 5 Building A is taken to be courtyard/terrace area (see Figure 7 below).

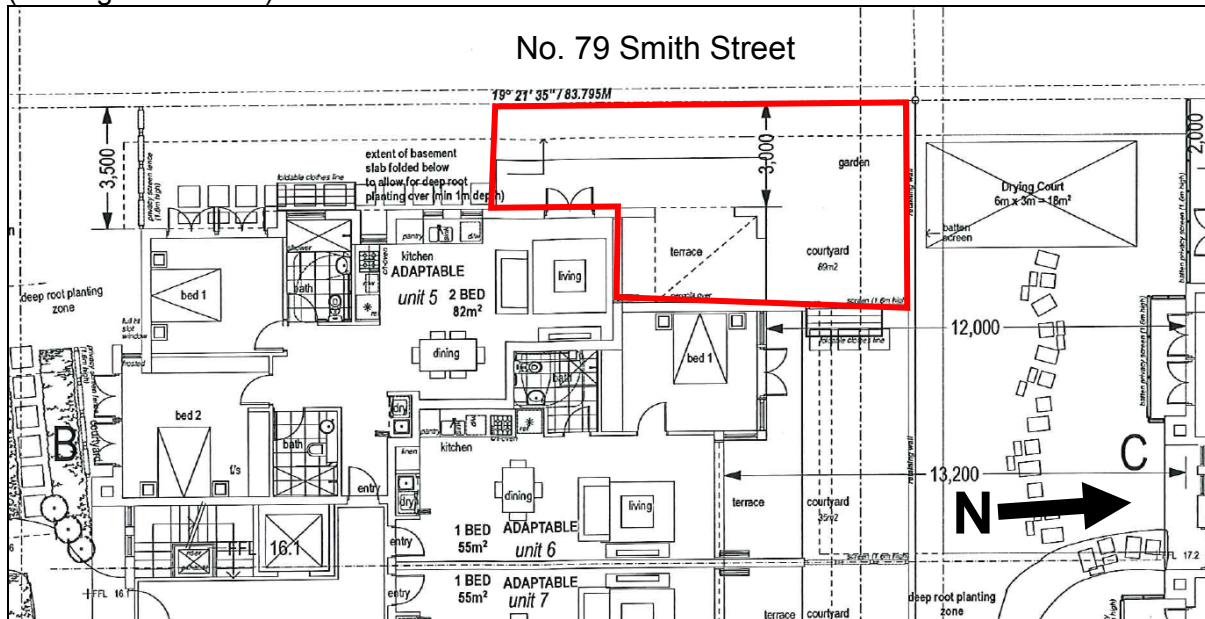


Figure 7: Private open space of Unit 5 Building B. Red line denotes private open space.

The supplied shadow diagrams demonstrate that there will be some loss of solar access to this area between 12.00 midday – 3.00pm during the winter solstice. Given the private open space is located within the side setback it is considered unreasonable to expect to maintain the current level of solar access received from the underdeveloped nature of the subject site.

The private open space is substantially overshadowed by existing structures on the site and neighbouring sites. Given the amount of 'self-shadowing', relatively small loss of solar access and that the shadows cast are by a proposal that complies with the Height of Building and Floor Space Ratio development standards, the solar impacts on Unit 1 are not considered unreasonable.

Nonetheless, the walkway attaching the principal dwelling to the secondary dwelling is considered excessive in height. As such, it is a recommended condition of consent that the walkway follow the fall of the land and maintain a consistent clearance so as to reduce its prominence, access to daylight and possibly overshadowing on the neighbouring property (No. 67-75).

The private open space of Unit 9 of Building B (as labelled on the Construction Certificate plans) is taken to the first floor deck (see Figure 8 below).

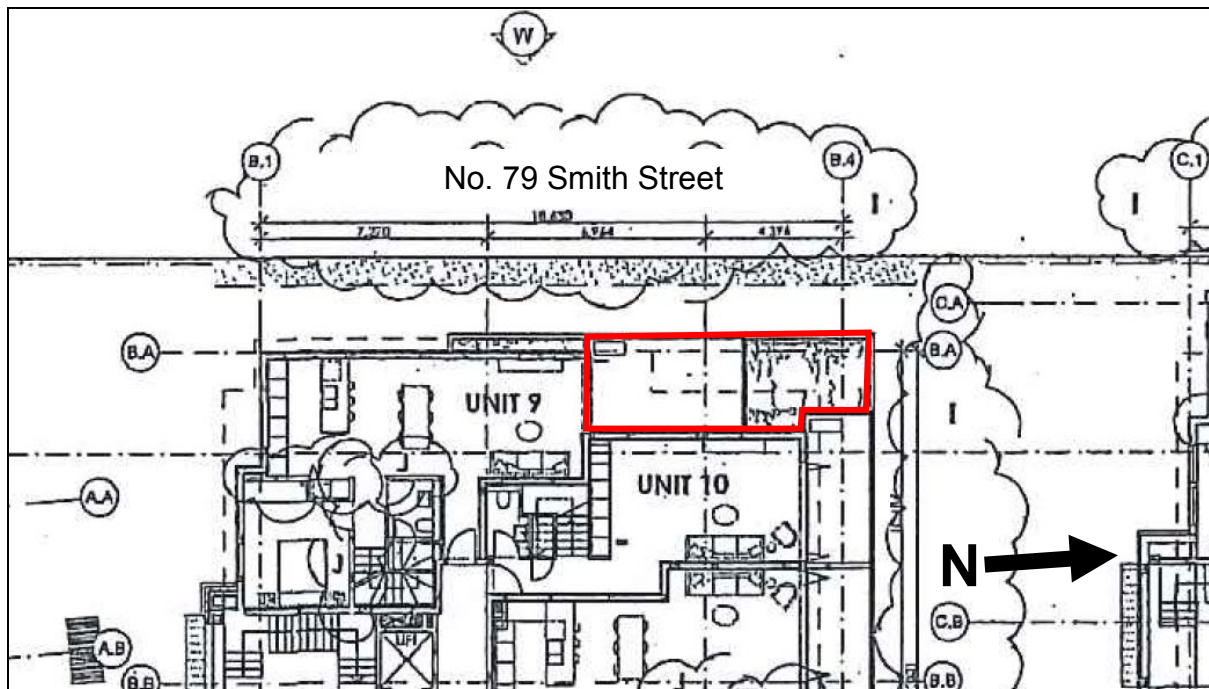


Figure 8: Private open space of Unit 9 Building B. Red line denotes private open space.

Although there will be some loss of solar access to this area between 1.00pm – 3.00pm during the winter solstice, the supplied shadow diagrams demonstrate that this private open space will receive ample sunlight between 9am – 12.00 midday during the winter solstice in accordance with the DCP.

Solar access to the neighbouring property at No. 91-91A Smith Street will not be impacted as this property is wholly to the north of the subject site.

Landscaped area

The proposal requires 28% (107.9sqm) of site area to be landscaped. The proposal includes 22.5% (86.8sqm) of site area as landscaped.

It is noted that 8.4% (32.5sqm) of the site is currently landscaped area which is confined to the front yard and narrow perimeter garden beds along the side boundary and at the rear.

The proposed landscaped area is in excess of that provided in the recent proposals for other terraces in the subject group at No. 87 (64sqm) and No. 89 (68sqm). It is noted that these sites have smaller site areas and only require 25% of the site to be landscaped.

The proposed landscaped area is considered acceptable in this instance given the significant increase in existing landscaped area proposed (54.3sqm), that it is compatible with the landscaped area of other terraces in the subject group, and will provide adequate open space suitable for activities and recreation as well as deep soil planting, in accordance with PC8 of Part 1 Chapter F of the DCP.

Stormwater and flooding

Concerns were initially raised by Council's Engineers that the proposal would obstruct the existing overland flow path that traverses the site from the west (81 Smith Street) to Smith Street frontage via the eastern side setback.

Subsequently the applicant provided a Flood Management Report and revised design in which all rear additions that extend beyond the existing dwelling footprint were cantilevered over the existing ground surface levels with minimum 450mm clearance between the underside of the slab and the ground surface below.

Council's Engineers raised no objection to the revised proposal subject to the imposition of conditions of consent.

5(d) The Likely Impacts

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

5(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 Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill for a period of 26 days to surrounding properties. A total of 9 objections and 1 letter of support were received.

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

- Neighbouring visual privacy impacts – see Section 5(b)
- Excessive visual bulk – see Section 5(b)
- Neighbouring solar impacts – see Section 5(b)
- Excessive building height – see Section 5(a)(iii) and 5(b)
- Non-compliances with relevant sections of the DCP – see Section 5(b)
- Disturbances from pool equipment – see Section 5(b)

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

Issue: Overdevelopment

Comment: As discussed the proposal complies with the relevant Floor Space ratio development standard. Subject to the imposition of conditions of consent, the proposal is not considered to be overdevelopment.

Issue: Additional load on shared right-of-way.

Comment: The proposal does not increase the existing number of car spaces on the site.

Issue: Concerns over damage to neighbouring structures during construction.

Comment: It is a recommended condition of consent that a dilapidation report be prepared before any demolition or works begin.

Issue: Concerns that the rear 'studio' will be used as a self-contained dwelling.

Comment: The proposal seeks consent for a 'secondary dwelling' which by definition is self-contained, and as discussed elsewhere in this report is a permissible land use.

Issue: Concerns with noise impacts from roof mounted air-conditioning unit associated with the secondary dwelling.

Comment This concern was raised with the applicant and the air-conditioning unit has been deleted.

Issue: Perceived loss of property value.

Comment: This is not a planning consideration for the assessment of this development application.

Issue: Loss of view from Unit 19 Building C of No. 67-75 Smith Street.

Comment: The following photos were provided by the objector:



Figure 9: View from common gardens.



Figure 10: View from bedroom of Unit 19.



Figure 11: View from second bedroom of Unit 19 Building C. Looking south-west.

In accordance with the planning principal created by the Land and Environment Court known as the 'Tenacity Principal', the following four step assessment for assessing view loss must be considered;

1. *Assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Response: The views are partial 'district' views of rooftops and tree tops. The views are not considered 'iconic' and do not include a water view.

2. *From what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

Response: The views are obtained from both the ground level open space and first floor bedrooms. The views are obtained from over a side boundary which is

considered more difficult to protect than a view over a front or rear boundary. The views appear to mainly be obtained standing.

3. *The extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

Response: The views are primarily from bedrooms, not living rooms or kitchens. The quantitative loss of the view, particularly from the bedrooms, would be negligible to minor.

4. *The reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Response: As stated, the proposal is significantly below the prescribed 8.5m Height of Building development standard and subject to conditions is considered appropriate in regards to bulk and setbacks. A wholly compliant scheme would have a minimal change to the views affected.

Given the above, the view loss as a result of this development is not considered unreasonable.

Issue: Loss of view/outlook from Unit 9 Building B of 67-75 Smith Street.
Comment: The following photos have been provided by the objector:



Figure 11: View from balcony of Unit 9 Building B. Looking south-west.



Figure 12: View from balcony of Unit 9 Building B. Looking west.

In accordance with the planning principal created by the Land and Environment Court known as the 'Tenacity Principal' (as outlined above), the following four step assessment for of the view is made;

1. The view is a partial 'district' views of rooftops and tree tops. The view is not considered 'iconic' and does not include a water view.
2. The view is primarily obtained from first floor balcony. The view is obtained from over a side boundary which is considered more difficult to protect than a view over a front or rear boundary. The view appears to be obtained sitting and standing.
3. The view is primarily from the balcony. The quantitative loss of the view would be negligible to minor.
4. As stated, the proposal is significantly below the prescribed 8.5m Height of building development standard and subject to conditions is considered appropriate in regards to bulk and setbacks. A wholly compliant scheme would have a minimal change to the views affected.

Given the above, the view loss as a result of this development is not considered unreasonable.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

Heritage

As discussed, no objections subject to the imposition of recommended conditions of consent.

Engineering

As discussed, no objections subject to the imposition of recommended conditions of consent.

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

Sydney Water

- A sewerage pipe runs under the site which is the property of Sydney Water. No objection to the proposal was raised by Sydney Water subject to the imposition of the recommended condition of consent.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$9,091.34 would be required for the development under Ashfield Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

The contribution is based on the creation of one secondary dwelling (residential accommodation less than 60sqm GFA).

8. Conclusion

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

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

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. 10.2019.84 for alterations and additions to an existing dwelling including rear extension, new pool and secondary dwelling over garage at 79 Smith Street, Summer Hill subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Conditions of Consent

Fees

1. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$9,091.34 indexed in accordance with Ashfield Development Contributions Plan has been paid to the Council.

The above contribution is the contribution applicable as at 4 November 2019.

***NB** Contribution rates under Ashfield Development Contributions Plan are indexed quarterly (for the method of indexation refer to Section 2.6 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

| Community Infrastructure Type: | Contribution \$ |
|-------------------------------------|-----------------|
| Local Roads | 354.87 |
| Local Public Transport Facilities | 466.12 |
| Local Public Car Parking | 0.00 |
| Local Open Space and Recreation | 7,502.85 |
| Local Community Facilities | 395.06 |
| Plan Preparation and Administration | 372.44 |
| TOTAL | 9,091.34 |

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*.

*NB A 0.75% credit card transaction fee applies to all credit card transactions.

2. Long Service Levy

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

3. Security Deposit - Custom

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

| | |
|-------------------|------------|
| Security Deposit: | \$8,056.50 |
| Inspection Fee: | \$230.65 |

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

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

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

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

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

General Conditions

4. Documents related to the consent

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

| Plan, Revision and Issue No. | Plan Name | Date Issued | Prepared by |
|------------------------------|--------------------------------|-------------------|---|
| 05 'D' | Site Plan | 20 September 2019 | Nick Hibberd Architects |
| 10 'E' | Proposed Ground Floor Plan | 20 September 2019 | Nick Hibberd Architects |
| 11 'E' | Proposed Upper Floor Plans | 20 September 2019 | Nick Hibberd Architects |
| 20 'E' | Sections Sheet 1 | 20 September 2019 | Nick Hibberd Architects |
| 21 'E' | Sections Sheet 2 | 20 September 2019 | Nick Hibberd Architects |
| 22 'E' | Sections Sheet 3 | 20 September 2019 | Nick Hibberd Architects |
| 23 'D' | Sections Sheet 4 | 20 September 2019 | Nick Hibberd Architects |
| 25 'C' | Finishes Schedule | 20 September 2019 | Nick Hibberd Architects |
| 40 'D' | Stormwater Plan | 20 September 2019 | Nick Hibberd Architects |
| 12 'D' | Landscape Plan | 9 May 2019 | Nick Hibberd Architects |
| - | Schedule of Conservation Works | 23 September 2019 | Cracknell & Lonergan Architects Pty Ltd |
| 1003515S | BASIX Certificate | 9 May 2019 | - |

As amended by the conditions of consent.

5. Design Change

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

- a) The proposed rooftop 'studio terrace' associated with the secondary dwelling is not supported and is not to be deleted. The terrace is to be replaced with a flat or low-pitched

roof commiserate with the design, materials and finishes of the development. The masonry base of the associated structure is to be extended to wrap around the entirety of the southern elevation. The operable glass doors are to be replaced with windows with a minimum sill height of 1600mm above the FFL of the secondary dwelling so as to avoid opportunities for overlooking;

- b) The secondary dwelling must be amended to have a 900mm setback to the eastern (side) boundary at first floor;
- c) The first floor western-facing window of the secondary dwelling must include a hood similar to that proposed for the first floor rear-facing window of the principal dwelling to reduce opportunities for overlooking. The hood must extend to the western boundary (which given the angle of the boundary will be longer on its northern edge);
- d) The awning above the walkway which connects the principal dwelling and garage must be reduced in height to follow the fall of the land and maintain a consistent clearance so as to reduce its prominence;
- e) The proposed attached box forms of the ground floor, east elevation, are to be painted in with the wall colour used for all the external walls ;
- f) The metal cladding of the upper level "gabled boxes" is to employ corrugated 'Custom Orb' profile steel sheeting rather than modern standing seam sheeting ;
- g) The landscape plan referred to in Condition 4 must be updated to reflect the approved architectural drawings.

6. Finishes and Colours

Prior to the issue of a Construction Certificate, the following must be submitted to the satisfaction of Council:

- a) The colour scheme within the 'Schedule of Conservation Works' must be revised and submitted to the satisfaction of Council. The revised colour scheme must be based on further investigation of the buildings original colour palette and/or consideration of typical colours for its kind.

7. Conservation Works

The works outlined in the document 'Schedule of Conservation Works', dated 23 September 2019, prepared by Cracknell & Lonergan Architects Pty Ltd form part of this consent and must be implemented (subject to any changes made by conditions in this consent).

8. Waste Management Plan

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

9. Erosion and Sediment Control

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

10. Standard Street Tree Protection

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

11. Boundary Alignment Levels

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

12. Works Outside the Property Boundary

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

13. Stormwater Drainage System

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

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

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the

drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensuring no concentration of flows or nuisance to other properties.

14. Noise Levels and Enclosure of Pool/spa Pumping Units

Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008.

Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

Prior to any Demolition

15. Dilapidation Report

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

16. Advising Neighbors Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

17. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

18. Hoardings

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.

Prior to Construction Certificate

19. Party Walls

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

20. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

21. Sydney Water – Tap In

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

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

22. Parking Facilities - Domestic

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a) The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
- b) A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
- c) The garage/carport/parking space must have minimum clear internal dimensions of 5400 x 2400 mm (length x width). The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004.
- d) The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004.
- e) The external form and height of the approved structures must not be altered from the approved plans.

23. Dilapidation Report – Pre-Development – Minor

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

24. Flood Affected Site

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably experienced Civil Engineer that the works comply with the following specific requirements::

- a) The plans are prepared in accordance with the recommendations in the Flood Management Report prepared by NB Consulting Engineers and dated 20 September 2019.
- b) The existing surface levels of the lawn and paved areas along the overland flow paths are maintained.
- c) The underside of the floor slabs are open with at least 450mm clearance from the finished ground levels. The habitable floor levels are set in accordance with the Flood Management Report dated 20 September 2019 and prepared by NB Consulting Engineers.
- d) The boundary fences across the overland flow path are designed open above the 100 year ARI (Average Recurrence interval) flood levels.

25. Stormwater Drainage System – Minor Developments (OSD is not required)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a) All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- b) Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm. The major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm.
- c) Charged or pump-out stormwater drainage systems are not permitted including for roof drainage.
- d) To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a

system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.

- e) The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes.
- f) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- g) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- h) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.
- i) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

26. Council Stormwater Pipe - Physical Location

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended site plans to accurately show the location of the Council's stormwater pipe. The stormwater pipe must be located by the use of test pits and must be inspected by a suitably qualified Civil Engineer. The location of Council's stormwater pipe must be pegged out across the site, and the actual location and depth of the pipe must be used in the design of the footings of the proposed building.

27. Works adjacent to Council's Stormwater Pipeline

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans prepared by a suitably qualified Civil Engineer that demonstrate any footings or excavation to be located or undertaken adjacent to Council's stormwater pipeline address the following requirements:

- a) All footings and excavation must be located outside of the easement boundaries.
- b) All footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline.
- c) All footings adjacent to Council's stormwater pipe must be taken to a depth 500mm below a line of influence measured at 450 from a point 1m from the invert of the

stormwater pipe in the direction of the footing unless the footings are to be placed on competent bedrock.

- d) If permanent excavation is proposed beneath the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil must be provided.

During Demolition and Construction

28. Construction Hours – Class 1 and 10

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

29. Survey Prior to Footings

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

30. Protection of Council Stormwater Drainage Infrastructure

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to take measures to protect any in-ground Council stormwater drainage pipeline and associated pits that are detected.

If the Council pipeline or any evidence of disturbed soil is uncovered during construction, all work shall cease within two (2) metres of the pipeline and the Principal Certifying Authority and Council [via Customer Service] shall be contacted within 24 hours for instruction. The applicant shall carefully expose the infrastructure for inspection by the Principal Certifying Authority and the Council.

The structural design shall be amended and provided to Council's Coordinator Development Engineering prior to any further works in the vicinity of the pipeline.

If no response has been provided by Council within 7 days, the applicant is at liberty to take steps to install a pier and beam footing system over the infrastructure in accordance with a professional structural engineer's detail, as follows:

- a) ensures that no loads are imposed upon the infrastructure by any building over;
- b) a minimum of 750mm clearance shall be provided from the ascertained outside face of the stormwater infrastructure to the inside face of the pier; and
- c) All piers must be designed to extend to bedrock or minimum 1000mm below the ascertained invert of the pipeline, whichever is higher.

Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed by and at no cost to Council.

Prior to Occupation Certificate

31. No Encroachments

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

32. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that any damaged stone kerb has been replaced.

33. Parking Signoff – Minor Developments

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

34. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey and structural condition inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time

35. Flood Risk Management Plan - Certification

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with Certification by a suitably experienced Civil Engineer that all aspects of the flood risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.

On-going

36. Flood Risk Management Plan

The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

37. Non-trafficable Roof

The rooftop area between the first floor east-facing windows and the parapet wall is to be non-trafficable.

38. No Subdivision

The secondary dwelling must not be subdivided from the principal dwelling.

39. Secondary Dwelling

The secondary dwelling must be used in conjunction with the principal dwelling.

Advisory notes

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

- a) the Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and

- b) a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

- a) in the case of work for which a principal contractor is required to be appointed:

- i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

Noise

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

Amenity Impacts General

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

Construction of Vehicular Crossing

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

Lead-based Paint

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

Dial before you dig

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

Permits

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in

accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:

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

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

Public Domain and Vehicular Crossings

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum

cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Chartered/Registered Engineer

An engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng).

Useful Contacts

| | |
|----------------------------|--|
| BASIX Information | 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au |
| Department of Fair Trading | 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance. |
| Dial Prior to You Dig | 1100 www.dialprior toyoudig.com.au |
| Landcom | 9841 8660 To purchase copies of Volume One of "Soils and Construction" |

| | | | |
|---|----------|--------------|--|
| Long Service Corporation | Payments | 131441 | www.lspc.nsw.gov.au |
| NSW Food Authority | | 1300 552 406 | www.foodnotify.nsw.gov.au |
| NSW Government | | | www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work practices. |
| NSW Office of Environment and Heritage | | 131 555 | www.environment.nsw.gov.au |
| Sydney Water | | 13 20 92 | www.sydneywater.com.au |
| Waste Service - Environmental Solutions | SITA | 1300 651 116 | www.wasteservice.nsw.gov.au |
| Water Efficiency Labelling and Standards (WELS) | | | www.waterrating.gov.au |
| WorkCover Authority of NSW | | 13 10 50 | |

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Conditions of Consent

Fees

1. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$9,091.34 indexed in accordance with Ashfield Development Contributions Plan has been paid to the Council.

The above contribution is the contribution applicable as at 4 November 2019.

***NB** Contribution rates under Ashfield Development Contributions Plan are indexed quarterly (for the method of indexation refer to Section 2.6 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

| Community Infrastructure Type: | Contribution \$ |
|-------------------------------------|-----------------|
| Local Roads | 354.87 |
| Local Public Transport Facilities | 466.12 |
| Local Public Car Parking | 0.00 |
| Local Open Space and Recreation | 7,502.85 |
| Local Community Facilities | 395.06 |
| Plan Preparation and Administration | 372.44 |
| TOTAL | 9,091.34 |

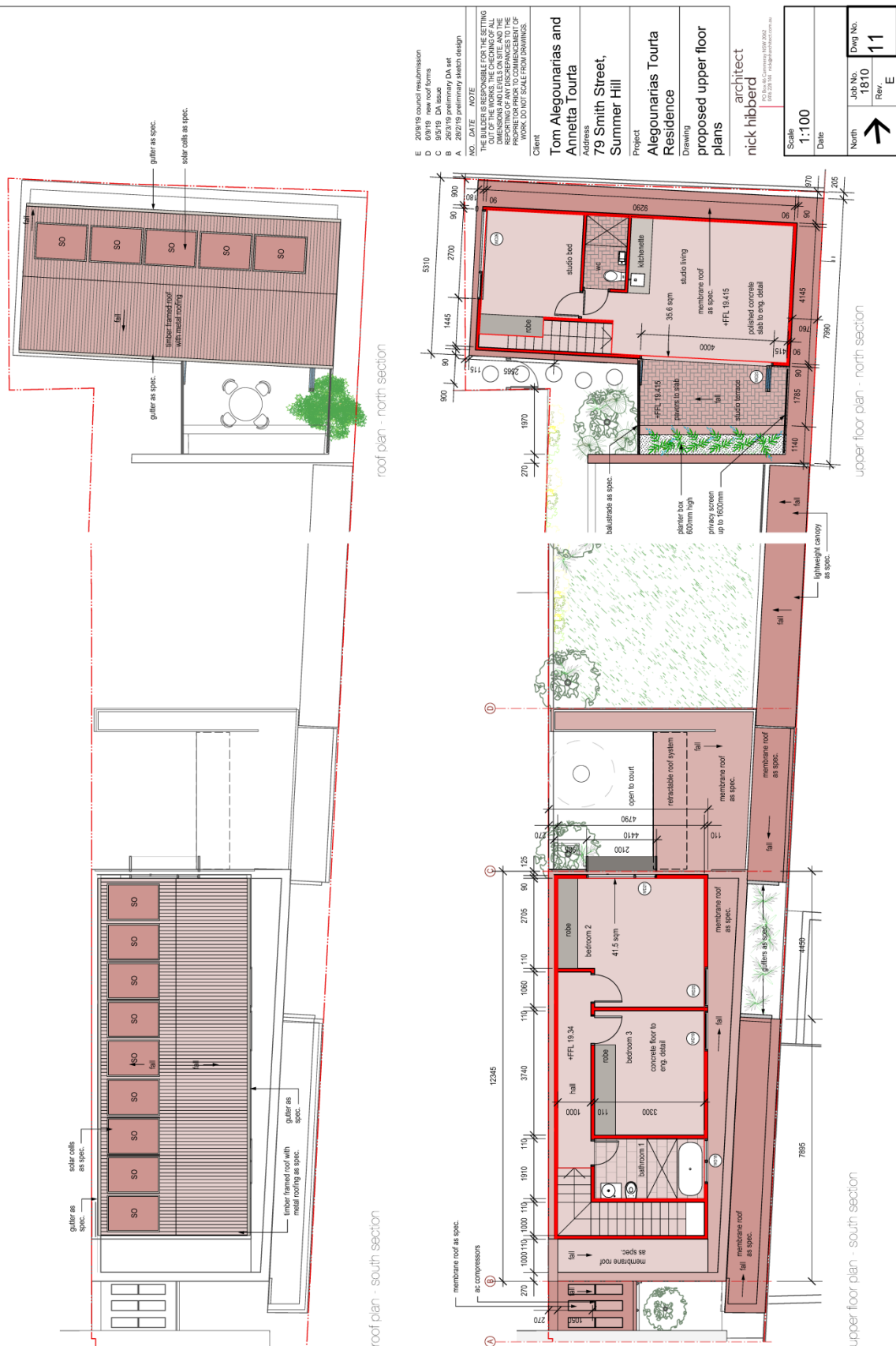
A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

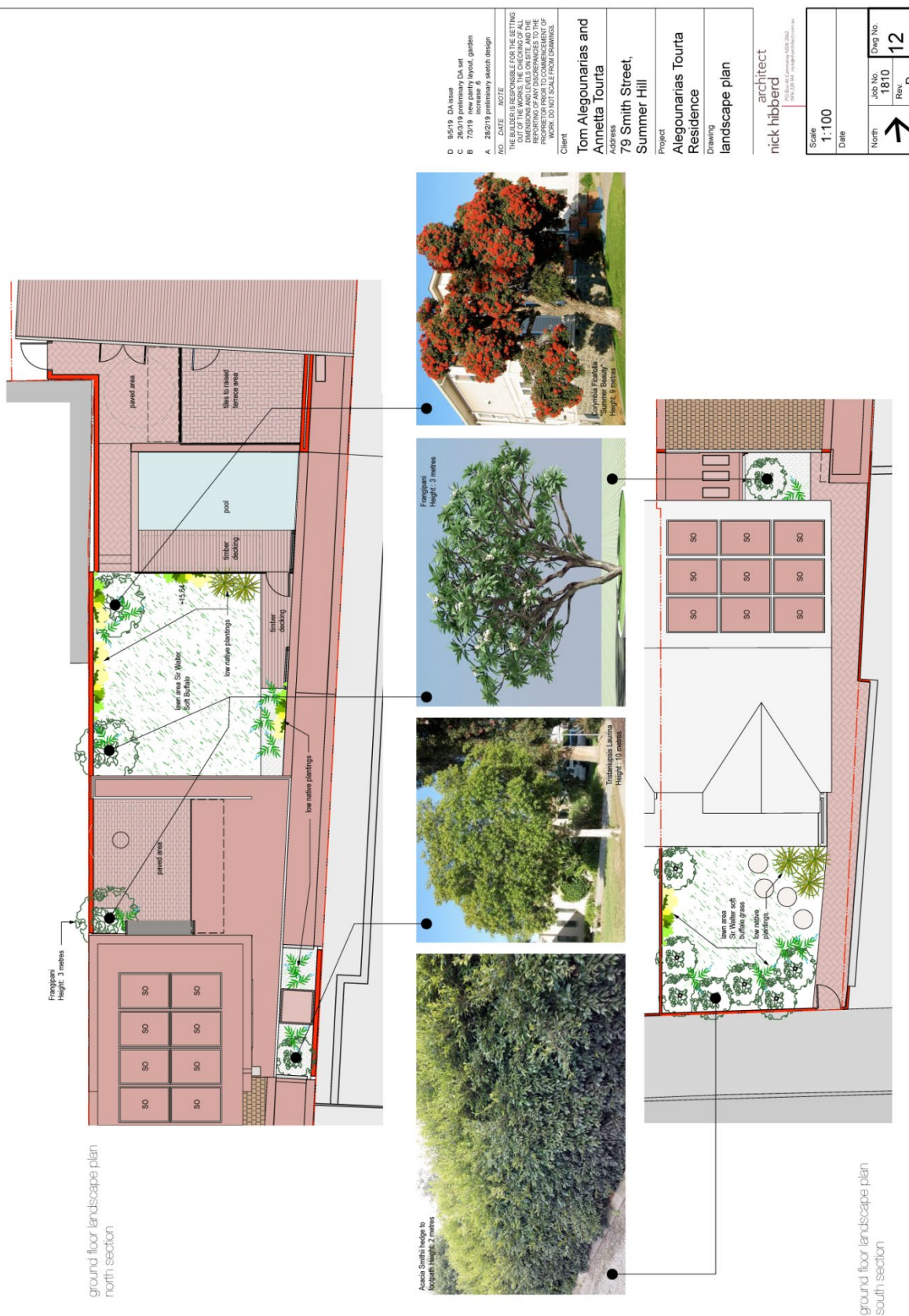
<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

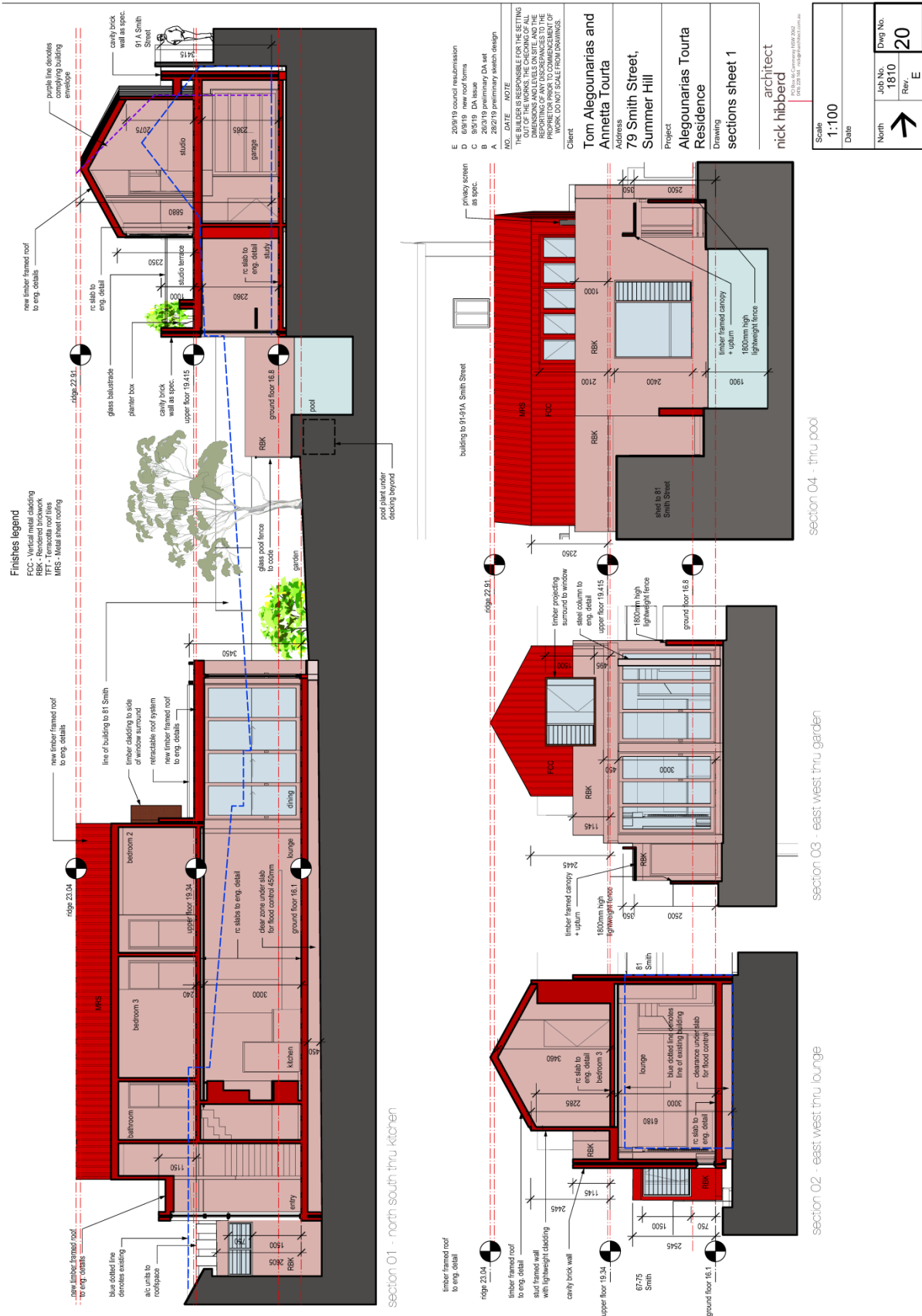
The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*.

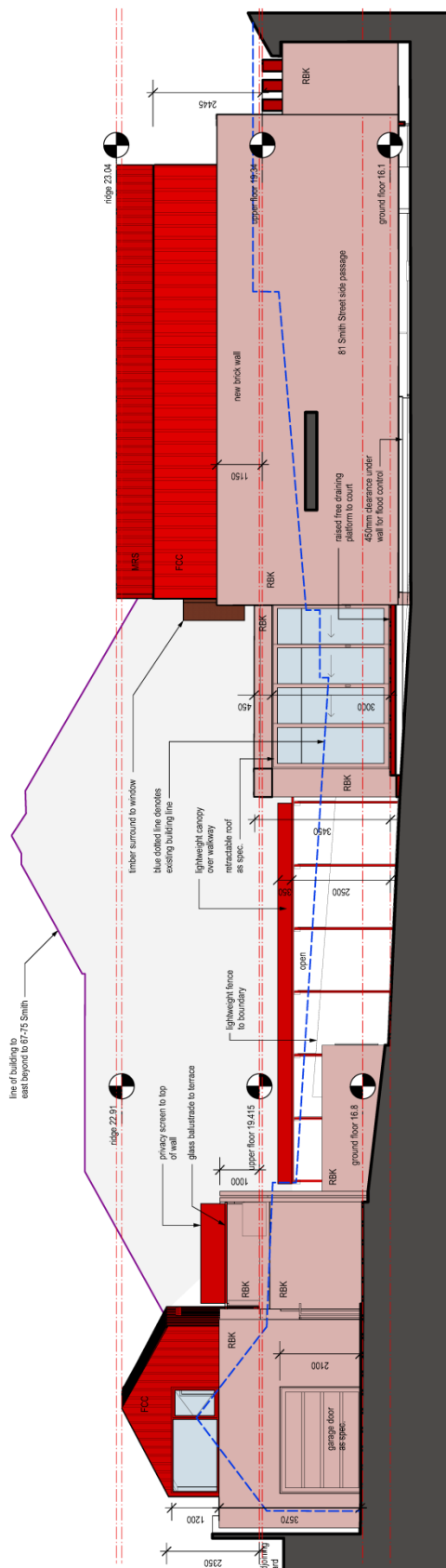
Attachment B – Plans of proposed development











section 05 - west elevation

Finishes legend

FCC - Vertical metal cladding
RBK - Rendered brickwork
TFT - Terracotta roof tiles
MRS - Metal sheet roofing

| | |
|---|-----------------------------------|
| E | 20/9/19 council resubmission |
| D | 6/9/19 new roof forms |
| C | 9/5/19 DA issue |
| B | 26/3/19 preliminary DA set |
| A | 28/2/19 preliminary sketch design |
| | NO. DATE NOTE |

THE BUILDER IS RESPONSIBLE FOR THE SETTING OUT OF THE WORKS, THE CHECKING OF ALL DIMENSIONS AND LEVELS ON SITE, AND THE REPORTING OF ANY DISCREPANCIES TO THE PROPRIETOR PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE FROM DRAWINGS.

Client

Client
Tom Alegounarias and
Annetta Tourta

Address

Address
79 Smith Street,
Summer Hill

Project

Project
Alegounarias Tourist
Residence

Drawing

sections sheet 2

... architect

nick hibberd
PO Box 46 Cammeray NSW 2002
015 228 144 nick@nickhibberd.com.au

Scale

Scale
1:100

Date

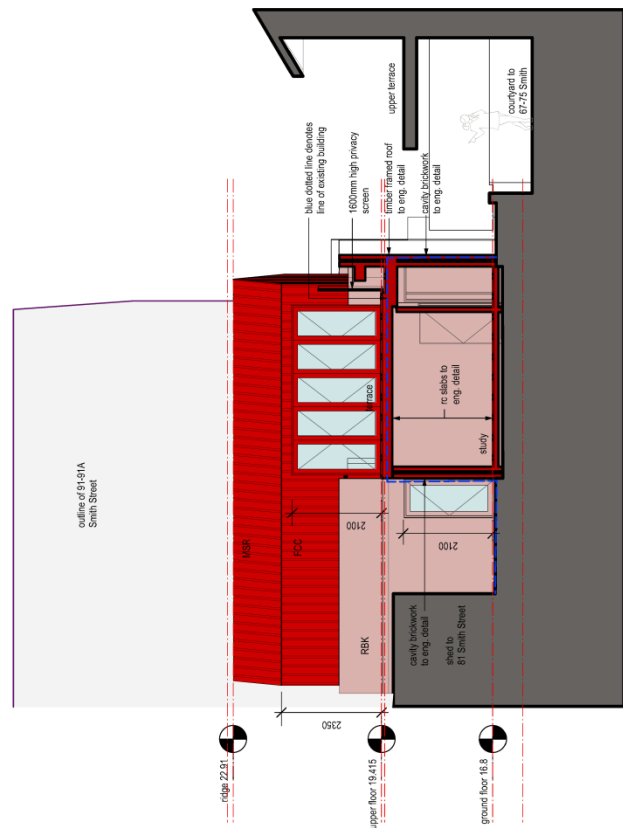
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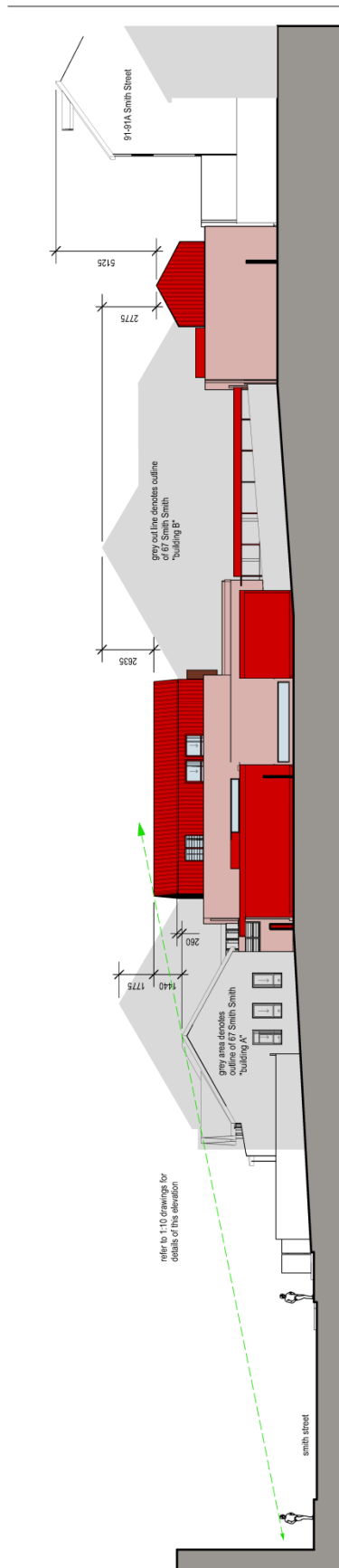
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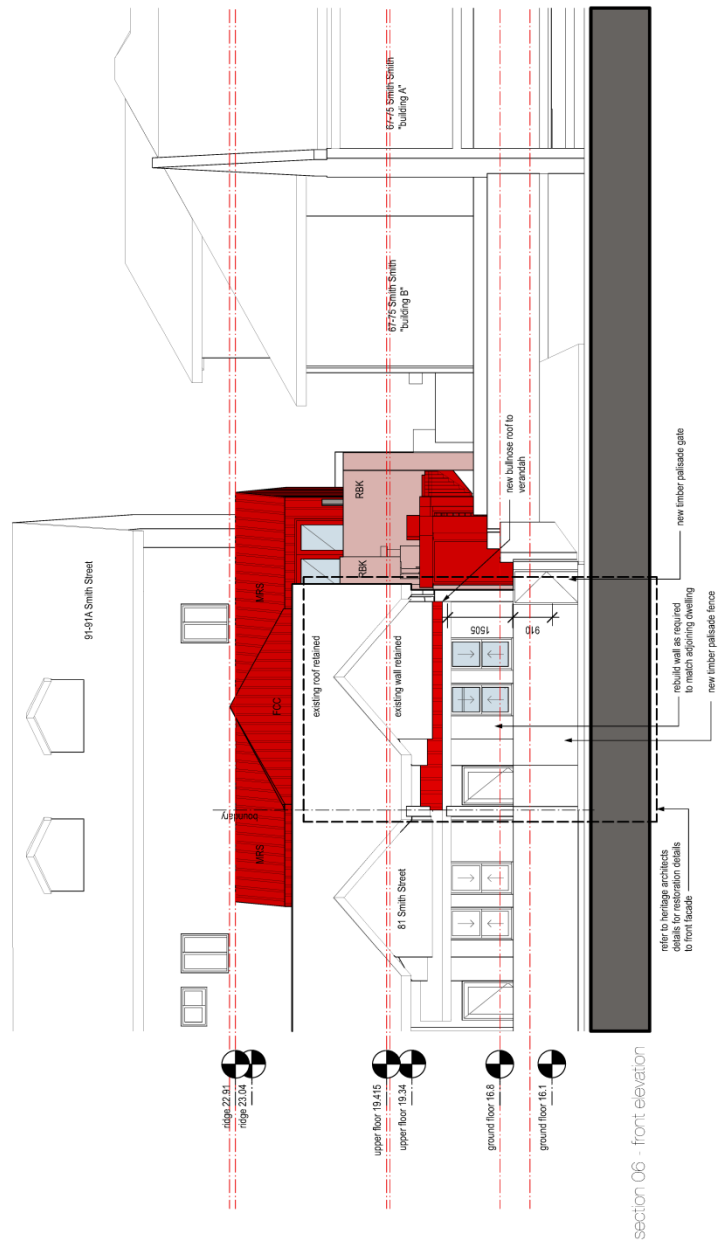
7



section 7 - thru study



section 08 - eastern elevation



section 06 - front elevation

Finishes legend
 FCC - Vertical metal cladding
 RBK - Rendered brickwork
 TFT - Terracotta roof tiles
 MRS - Metal sheet roofing

architect
nick hibberd

PO Box 46 Cammeray NSW 2062
0416 228 146 nick@nhaarchitect.com.au

Scale
1:100, 1:200

| | | |
|--|-----------------|---------------|
| North  | Job No. 1810 | Dwg No. 23 |
| | Rev. D | |

D 20/9/19 council resubmission
C 9/5/19 DA issue
B 26/3/19 preliminary DA set
A 28/2/19 preliminary sketch design

| NO. | DATE | NOTE |
|-----|------|---|
| | | THE BUILDER IS RESPONSIBLE FOR THE SETTING OUT OF THE WORKS, THE CHECKING OF ALL DIMENSIONS AND LEVELS ON SITE, AND THE REPORTING OF ANY DISCREPANCIES TO THE PROPRIETOR PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE FROM DRAWINGS. |

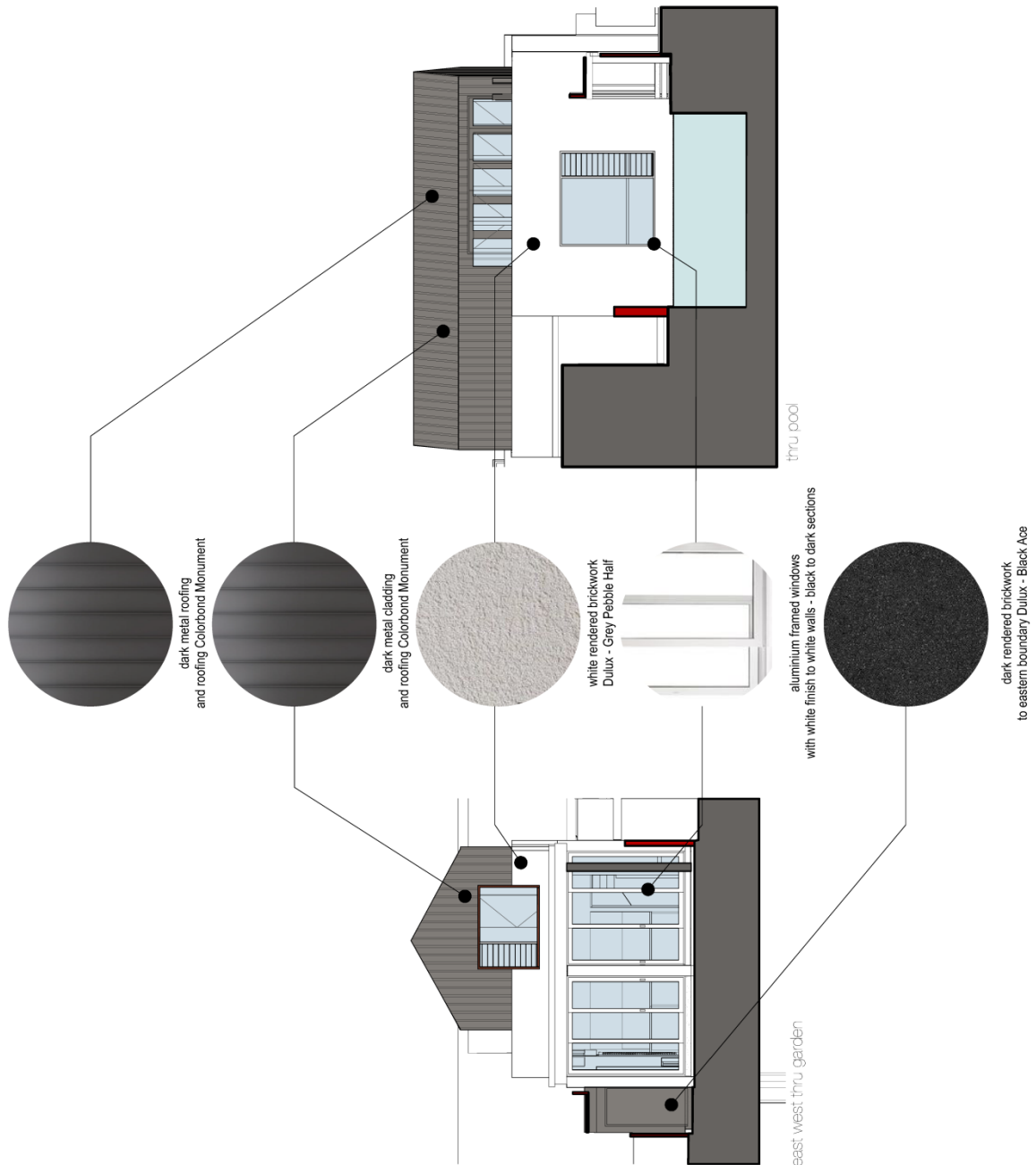
Client

Tom Alegounarias and
Annetta Tourta

Address
79 Smith Street,

| | |
|---------|-------------------------------|
| Project | Alegounarias Tourta Residence |
| Drawing | sections sheet 4 |

| | | |
|-----|-----------------------------------|------|
| D | 20/9/19 council resubmission | |
| C | 9/5/19 DA issue | |
| B | 26/3/19 preliminary DA set | |
| A | 28/2/19 preliminary sketch design | |
| NO. | DATE | NOTE |



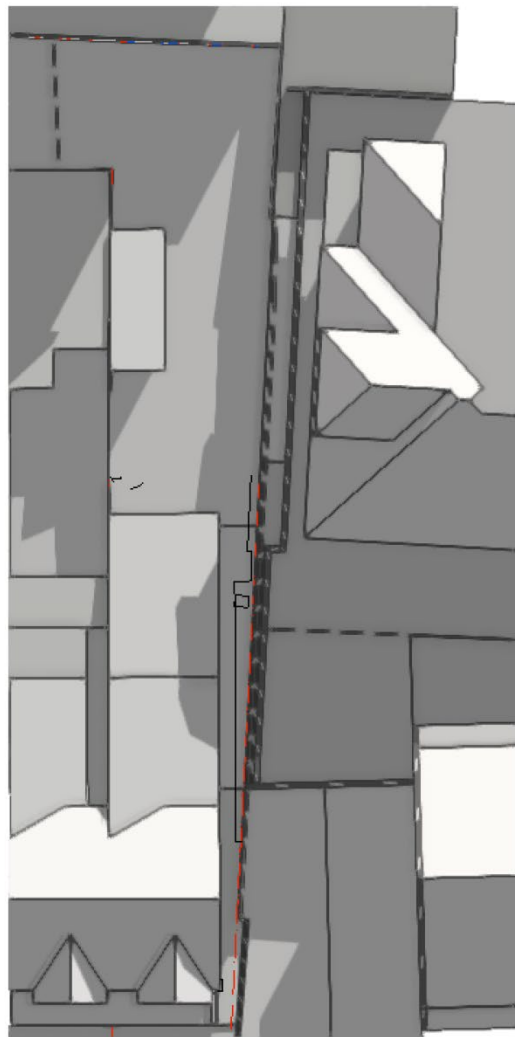
C 20/19/19 council resubmission
B 20/19/19 DA issue
A 20/19/19 preliminary sketch design

NO. DATE NOTE
1 10/10/19 AVAILABLE FOR THE SETTING
2 10/10/19 THE CHECKING OF ALL
3 10/10/19 DIMENSIONS AND LEVELS ON SITE AND THE
4 10/10/19 REVISIONS TO THE DESIGN AND THE
5 10/10/19 PROPER FOR PRIOR TO COMMENCEMENT OF
6 10/10/19 WORK. DO NOT SCALE FROM DRAWINGS.

Client
Tom Alegounarias and
Annetta Tourta
Address
79 Smith Street,
Summer Hill
Project
Alegounarias Tourta
Residence
Drawing
finishes schedule

architect
nick hiberd

| | | | | |
|----------------|------|------------|-----------------|---------------|
| Scale 1:100 | Date | North → | Job No. 1810 | Dwg No. 25 |
| | | | Rev. C | |



existing

green hatched area denotes additional
shading cast by proposed works



proposed



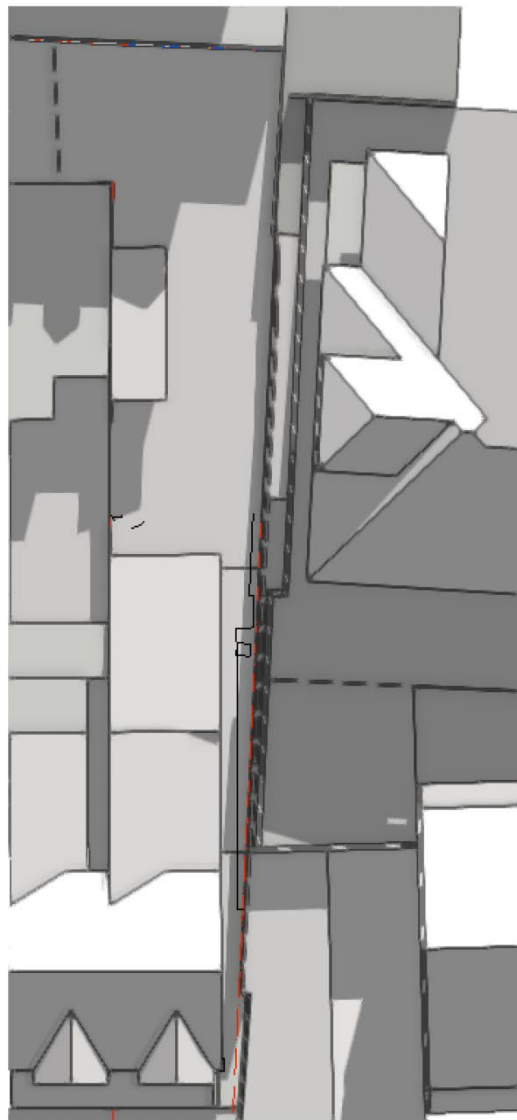
9:00 AM
Sydney
June 22
Azimuth: 42° 34' [42° 0' east]
Altitude: 18° 54'
Solar Time: 9:03 AM

B 95519 Date
A 2023/19 preliminary sketch design
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OUT OF THE WORKS. THE CHECKING OF ALL
DIMENSIONS AND THE CHECKING OF THE
PROPORTION OF ANY DIMENSIONS TO THE
PROPORTION PRIOR TO COMMENCEMENT OF
WORK. DO NOT SCALE FROM DRAWINGS.

Client
Tom Alegounarias and
Annetta Tourta
Address
79 Smith Street,
Summer Hill
Project
Alegounarias Tourta
Residence
Drawing
9am shadows

architect
nick hibberd
n.hibberd@icloud.com
02 9551 1911

| | |
|---------|-------|
| Scale | 1:200 |
| Date | |
| North | ↑ |
| Job No. | 1810 |
| Rev. | 50 |
| | B |



existing



proposed



10:00 AM
Sydney
June 22
Azimuth: 29° 59' (29° 0' east)
Altitude: 26° 17'
Solar Time: 10:03 AM

| B | 9/5/19 | DA issue |
|--|-------------------------------------|---------------------------|
| A | 28/2/19 | preliminary sketch design |
| NO. | DATE | NOTE |
| THE BUILDER IS RESPONSIBLE FOR THE SETTING OUT AND CONSTRUCTION OF THE BUILDING AND THE DIMENSIONS AND LEVELS ON SITE, AND THE RESPONSIBILITY FOR THE PROVISION OF THE PROPOSED WORKS TO COMMENCEMENT OF WORK. DO NOT SCALE FROM DRAWINGS. | | |
| Client | Tom Alegounarias and Annetta Tourta | |
| Address | 79 Smith Street, Summer Hill | |
| Project | Alegounarias Tourta Residence | |
| Drawing | 10am shadows | |

architect
nick hiberberd

| | |
|---------|-------|
| Scale | 1:200 |
| Date | |
| North | → |
| Job No. | 1810 |
| Rev. | B |
| Dwg No. | 51 |



existing

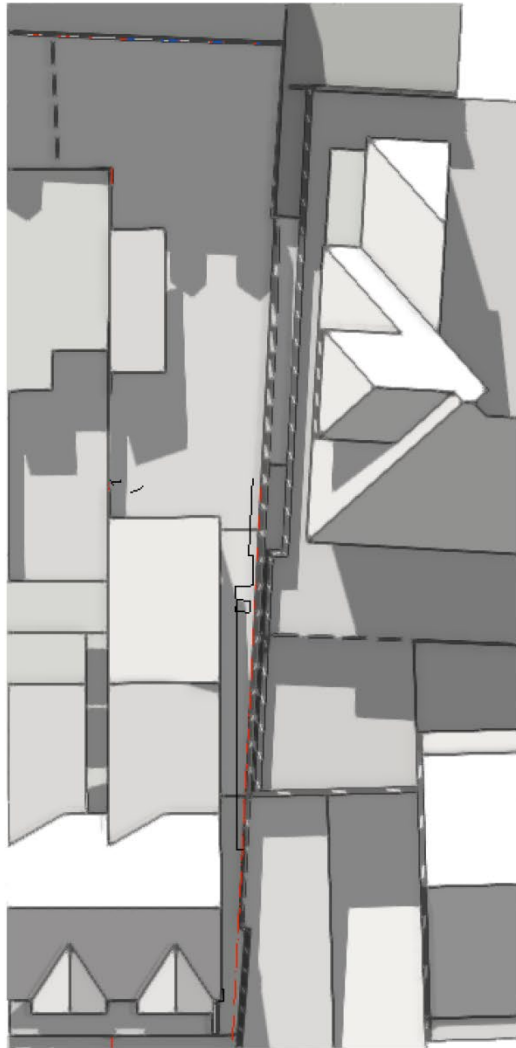


proposed



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Sydney
June 22
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Altitude: 31° 6'
Solar Time: 11:03 AM

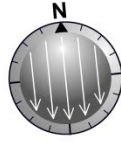
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| B. 9/5/19 DA Issue | | A. 20/7/19 preliminary sketch design | |
| NO. | DATE | NOTE | |
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| Client | | | |
| Tom Alegounarias and Annetta Tourta | | | |
| Address | | | |
| 79 Smith Street, Summer Hill | | | |
| Project | | | |
| Alegounarias Tourta Residence | | | |
| Drawing | | | |
| 11am shadows | | | |
| architect nick hiberberd | | | |
| P.O. Box 44, Cammeray NSW 1585 (02) 938 5844 - nhiber@berberd.com.au | | | |
| Scale | | NTS | |
| Date | | | |
| North | → | Job No. | Dwg No. |
| | | 1810 | 52 |
| | | Rev | B |



existing



proposed



12:00 PM
 Sydney
 June 22
 Azimuth: 359° 10' 0" west
 Altitude: 32° 40'
 Solar Time: 12:03 PM

B 9/5/19 DA issue
 A 28/2/19 preliminary sketch design
 NO. DATE NOTE

THE BUILDER IS RESPONSIBLE FOR THE SETTING
 OUT OF THE BUILDING AND THE SETTING
 OUT OF THE BUILDING AND THE SETTING
 REPORTING OF ANY DISCREPANCIES TO THE
 ARCHITECT AND THE SETTING OUT OF
 WORK. DO NOT SCALE FROM DRAWINGS.

Client

Tom Alegounarias and
 Annetta Tourta

Address
 79 Smith Street,
 Summer Hill

Project
 Alegounarias Tourta
 Residence

Drawing
 12pm shadows

architect
 nick hiberd

12/10/2014 10:42:00 AM
 12/10/2014 10:42:00 AM

| | |
|---------|-------|
| Scale | 1:200 |
| Date | |
| North | → |
| Job No. | 1810 |
| Dwg No. | 53 |
| Rev. | B |



existing



proposed



1:00 PM
 Sydney
 June 22
 Azimuth: 343° 9' (16° 0' west)
 Altitude: 30° 45'
 Solar Time: 1:03 PM

green hatched area denotes additional shadow cast by proposed works

C 28/01/19 council submission
 B 04/01/19 DA issue
 A 28/2/19 preliminary sketch design

NO. DATE NOTE
 THE BUILDER IS RESPONSIBLE FOR THE SETTING OUT OF THE WORKS. THE ORDERING OF ALL WORKS MUST BE IN ACCORDANCE WITH THE REPORTING OF ANY DISCREPANCIES TO THE ARCHITECT. ANY WORKS NOT SHOWN ON THE DRAWINGS DO NOT SCALE FROM DRAWINGS.

Client

Tom Alegounarias and
 Annetta Tourta

Address
 79 Smith Street,
 Summer Hill

Project

Alegounarias Tourta
 Residence

Drawing

1pm shadows

architect
 nick hibberd

Scale 1:200
 Date
 North
 Job No. 1810
 Rev. C
 Draw No. 54



existing



proposed



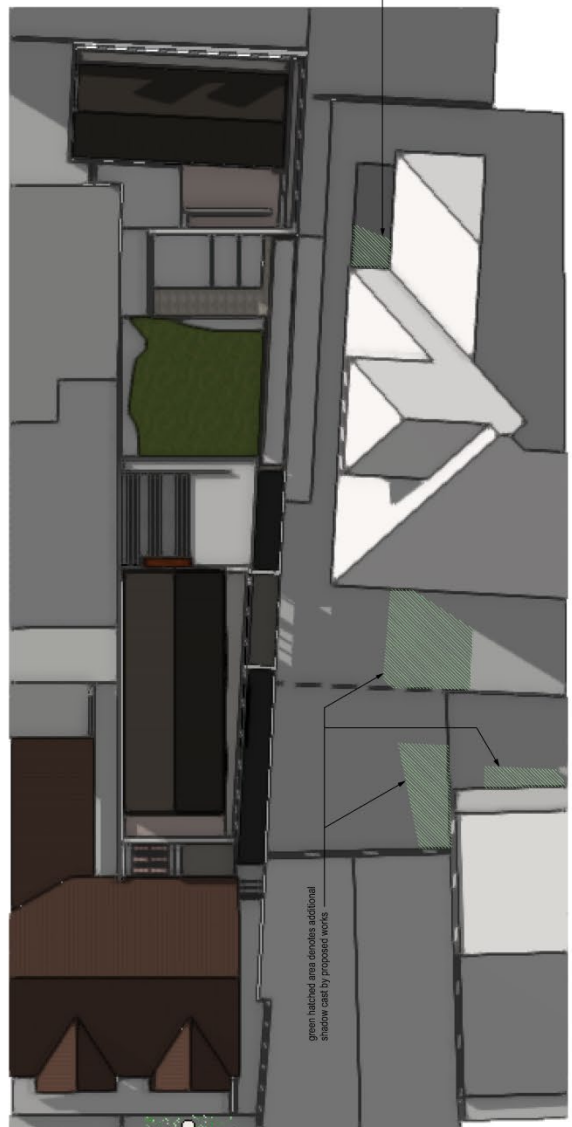
2:00 PM
 Sydney
 June 22
 Azimuth: 328° 38' [31° 0' west]
 Altitude: 25° 39'
 Solar Time: 2:03 PM

C 2019/19 council resubmission
 A 2019/19 council resubmission
 A 2019/19 preliminary sketch design
 NO. DATE NOTE
 THE BUILDER IS RESPONSIBLE FOR THE SETTING
 OUT OF THE WORKS, THE CHECKING OF ALL
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 ARCHITECT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE
 WORK. DO NOT SCALE FROM DRAWINGS.
 Client
 Tom Alegounarias and
 Annetta Tourta
 Address
 79 Smith Street,
 Summer Hill
 Project
 Alegounarias Tourta
 Residence
 Drawing
 2pm shadows
 architect
 nick hiberd
 010 020 100 100@nickhiberd.com.au

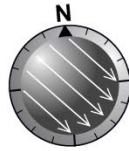
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| Job No. | 1810 |
| Rev. | C |
| Dwg No. | 55 |



existing



proposed



3:00 PM
Sydney
June 22
Azimuth: 316° 16' [43° 0' west]
Altitude: 18° 2'
Solar Time: 3:03 PM

green hatched area denotes additional shadow cast by proposed works

| C | 20/9/19 council resubmission | |
|--|-----------------------------------|---------|
| B | 9/5/19 DA issue | |
| A | 28/2/19 preliminary sketch design | |
| NO. | DATE | NOTE |
| THE BUILDER IS RESPONSIBLE FOR THE SETTING OUT OF THE WORKS. THE CHECKING OF ALL DIMENSIONS AND LOCATIONS OF THE WORKS IS THE RESPONSIBILITY OF THE BUILDER. THE PROPRIETOR PRIOR TO COMMENCEMENT OF WORK, DO NOT SCALE FROM DRAWINGS. | | |
| Client | | |
| Tom Alegounarias and Annetta Tourta | | |
| Address | | |
| 79 Smith Street, Summer Hill | | |
| Project | | |
| Alegounarias Tourta Residence | | |
| Drawing | | |
| 3pm shadows | | |
| architect nick hiberd | | |
| PO Box 666 Cammeray NSW 1582 (02) 955 1514 - n.hiberd@nickhiberd.com.au | | |
| Scale | 1:200 | |
| Date | | |
| North | ➔ | |
| Job No. | 1810 | Dwg No. |
| Rev. | C | 56 |

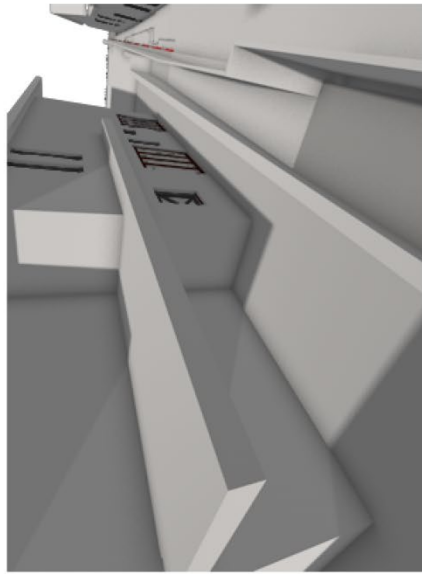


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proposed 30m equinox

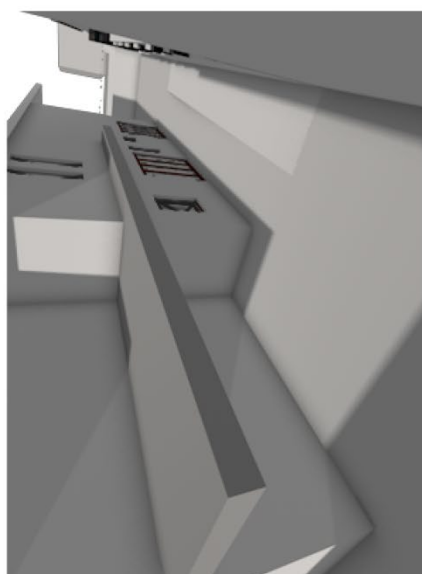
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| Client | | | | | | | |
| Tom Alegounarias and Annetta Tourta | | | | | | | |
| Address | | | | | | | |
| 79 Smith Street, Summer Hill | | | | | | | |
| Project | | | | | | | |
| Alegounarias Tourta Residence | | | | | | | |
| Drawing | | | | | | | |
| Equinox shadows | | | | | | | |
| architect | | | | | | | |
| nick hibberd | | | | | | | |
| P.O. Box 46, Cammeray NSW 2052 02 921 2211 04 9438 4400 n.hibberd@nickhibberd.com.au | | | | | | | |
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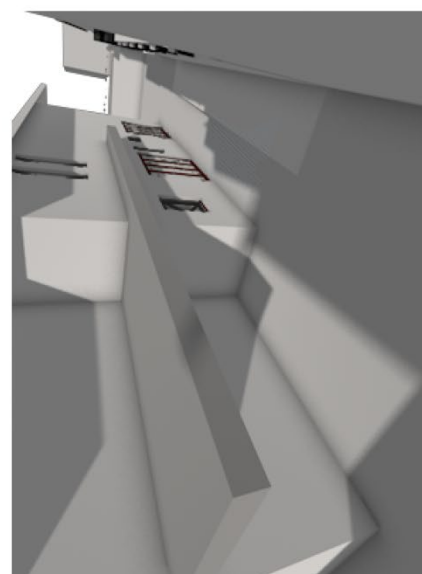
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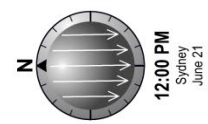
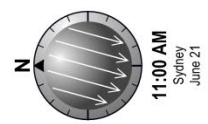
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| WORKING TO THE 2019/19 COUNCIL DRAWINGS. | | |
| Client | | |
| Tom Alegounarias and Annetta Tourta | | |
| Address | | |
| 79 Smith Street, Summer Hill | | |
| Project | | |
| Alegounarias Tourta Residence | | |
| Drawing | | |
| 3D shadows sheet 2 | | |

| | |
|--------------|--|
| architect | |
| nick hibberd | |
| Scale | |
| NTS | |
| Date | |
| North | |
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| 1810 | |
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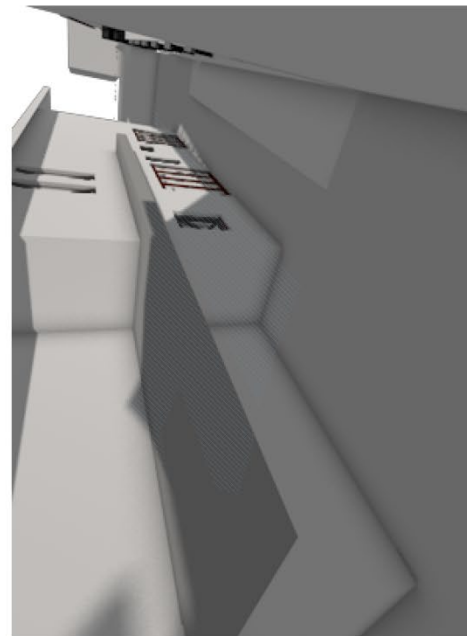
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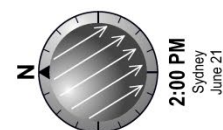
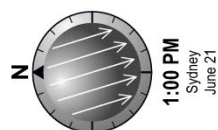
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proposed



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C 20/19/19 council resubmission
B 1/5/19 DA issue
A 2/2/19 preliminary sketch design

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Client

Tom Alegounarias and
Annetta Tourta

Address
79 Smith Street,
Summer Hill

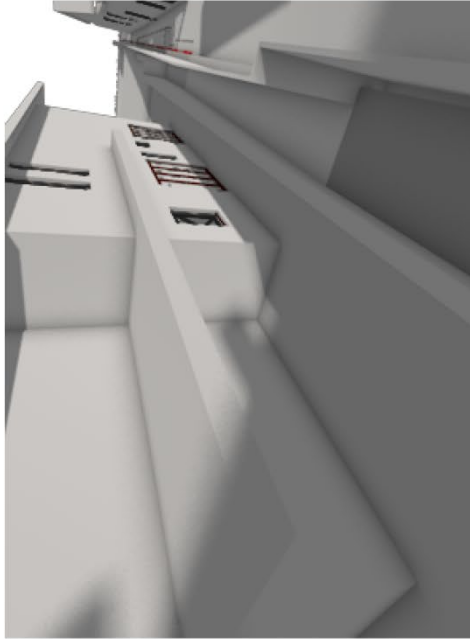
Project
Alegounarias Tourta
Residence

Drawing
3D shadows sheet 3

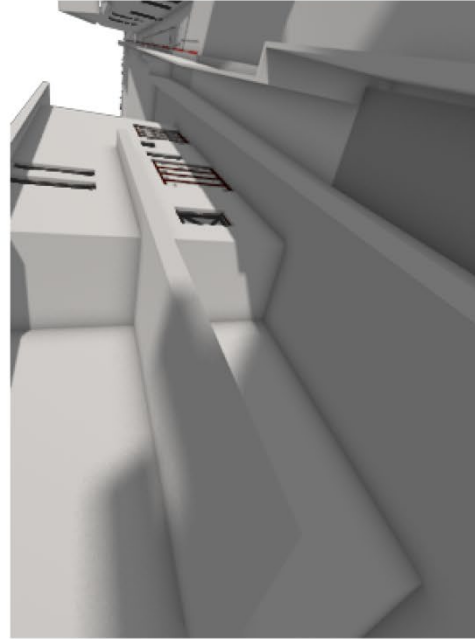
architect
nick hiberd

NSW Registered Architect
No. 123456789

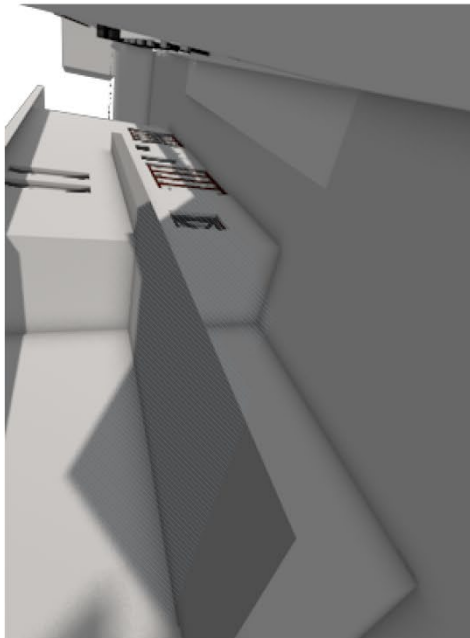
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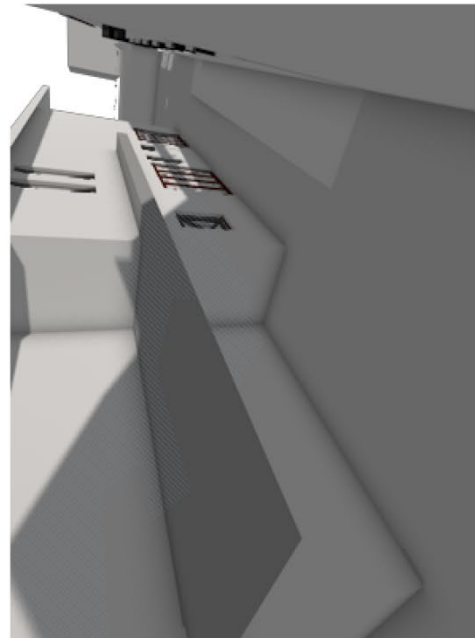
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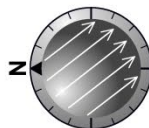
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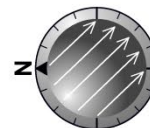
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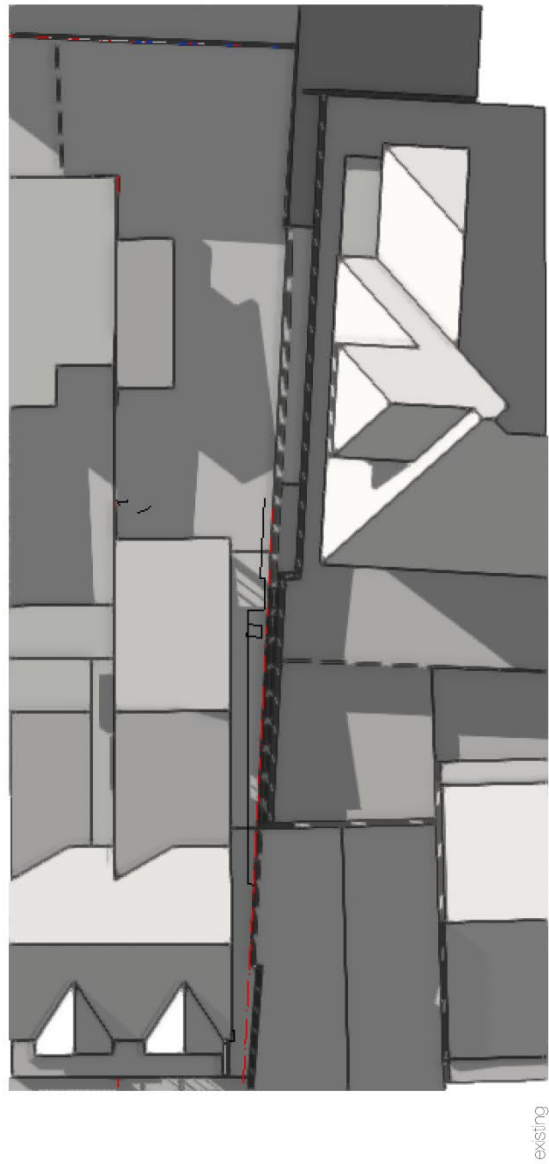
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| A. 28/2/19 preliminary sketch design | |
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| Client | Tom Alegounarias and Annetta Tourta |
| Address | 79 Smith Street, Summer Hill |
| Project | Alegounarias Tourta Residence |
| Drawing | 3D shadows sheet 4 |
| Scale | NTS |
| Date | |
| North | ↑ |
| Job No. | 1810 |
| Rev. | C |
| Dwg No. | 63 |

architect
nick hiberd
12/14-16, Commerce NSW 2002
(02) 9291 1810 - n.hiberd@nickhiberddesign.com.au



2:30 PM
Sydney
June 22
Azimuth: 322° 11' [37° 0' west]
Altitude: 22° 6'
Solar Time: 2:33 PM

green hatched area denotes additional shadow cast by proposed works

| C 20/9/19 council resubmission | | |
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| B 9/5/19 DA issue | | |
| A 28/2/19 preliminary sketch design | | |
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| Client | | |
| Tom Alegounarias and Annetta Tourta | | |
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| Drawing | | |
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nick hibberd

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Attachment C – Statement of Heritage Significance

Schedule of Conservation Works

**79 Smith Street
Summer Hill**

**Proposal:
Alterations & Additions**



DA ISS.

Prepared on 23 September 2019
Prepared for Nick Hibberd Architect

| | | |
|------------|---|-----------|
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1.0 Introduction

Prepared On:

18 September 2019

Project Address:

Summer Hill

Summer Hill

Prepared For:

Nick Hibberd Architect

Prepared By:

Cracknell & Lonergan
Architects Pty Ltd

SCW Set up by :PV

SCW Response: PV

Draft Reviewed By: PL

This Schedule of Conservation Works prepared by Cracknell and Lonergan Architects is in response to Inner west Council requesting a Schedule of Conservation Works in relation to unsympathetic later alterations made to the house on site.

The subject site is at No. 79 Smith Street Summer Hill, or known formally as Lot 7, DP108397 and is one of a group of 6 terraces(79- 89 Smith Street) which are locally listed, as per the Heritage Schedule of Ashfield LEP. The existing terrace is late Victorian and comprises three bedrooms and one bathroom.

The alterations made to the dwelling have resulted in an unsightly front addition to the house and overall, is disparate with the neighbouring group of terraces. This report seeks to implement repairs and maintenance works to: remove the unsightly additions to the front of house and reconstruct significant elements consistent with the known earlier state of the building and restore other evident defective elements on site.

The report has been authored by Peter Lonergan, Registered Architect and Director, Cracknell and Lonergan Architects Pty Ltd. He has been assisted by other staff at the office: Ms Julie Cracknell (Practice Director) and Ms Paula Valsamis.

The proposed development application, comprises alterations and additions to the existing house prepared by architect Nick Hibberd which include restoring the front portion of the house and additions proposed to the rear of the house.

This report includes photographic documentation of the heritage listed terrace and describes the works required to conserve the significant fabric proposed to be retained as part of the development. This document should be read in conjunction with the development application drawings, prepared by Hibberd Architects which details proposed materiality, quality and nature of the design proposal for Summer Hill.



Peter Lonergan
Director
Cracknell Lonergan Architects Pty Limited
NSW Architects Registration No. 5983

2.0 Setting and Context

2.1 Setting and Context

The subject site is at No. 79 Smith Street, Summer Hill, or known formally as Lot 7, DP108397. The existing structure is a three bedroom, one bathroom, one storey terrace, situated at one end of a terrace group of 6 dwellings. The site is situated within the Inner West Council, specifically the former Ashfield Council. Whilst the site is not situated within a Heritage Conservation Area, the subject site is part of a combined local listing for the row of terrace houses as per the Heritage Schedule of the Ashfield LEP.

2.2 Locality

The terrace group and subject site just sit outside of the boundary of the Summer Hill Central HCA, but the buildings were still implemented within the same time frame.

The area is of aesthetic significance for its varied mix of predominantly retail buildings dating from 1878 to the 1940s, illustrating architectural styles including Victorian Italianate, Victorian Filigree, Federation Free Classical and Inter-war Functionalist, unified by building alignments to the street frontage and awnings over the street, and predominantly 2 storey building heights.

Today, the locality remains a highly mixed area, with a diverse range of heritage buildings, period structures as well as contemporary infill development of various typologies and varying densities.



Real Estate Imagery of the Facade of the Existing Building

2.0 Setting and Context



NSW Six Maps Imagery - Aerial Map of Site Location



NSW Six Maps Contour and Lot Identification Map

2.0 Setting and Context

2.3 Subject Site Condition

The subject site is a part of six attached cottages occupying narrow sites, built on the gentle slope of Smith Street. They are constructed of brick and stucco, with ridges parallel to the street. Owing to the sloping topography of the site, the ridges of the terraces are at varying heights running from 89- 89. Typically, each house has a projecting street-facing gable bay in which are two double-hung windows with moulded sills.

The house demonstrates style indicators such as textured wall finish, projecting party fin walls, stucco finish to walls, incised design in render to the party wall, precast urn detail on end of fin wall and curved profile verandah roof. The unsympathetic aluminium framed sliding window infill, built in the 1950s, at the front of the house, is intrusive and covers the recurring terraces' featured box gabled bay with double hung windows and moulded sill. The projecting gabled bay roof is terracotta tiled and the terraces' main roofs are stepped with ridge parallel to street, due to the topographical fall in the street. The main roofs are terracotta tiles (possibly replacing slates) and the front gable bays have crested ridges, timber finials and simple barge-boards. The verandahs feature a bull nose profile with corrugated iron roof. Flooring to the verandahs are tessellated tiled with marble edge and the recessed entry door includes an arched portal and transom light.

The small garden in front of the terrace has a picket fence which contrasts with the other terraces' fences as they are wrought iron.

Overall, whilst the character of the heritage item is representative of the typical single storey late-Victorian terrace house, it is evident that years of neglect, unsympathetic alterations and inevitable aging has adversely affected the heritage significance and the streetscape condition of the terraces.

The following Proposal comprises a Schedule of Conservation Works which aims at describing the works required to conserve the significant fabric that has been altered due to unsightly additions. The Schedule includes a photographic detailed record of the terrace and cross referenced to drawings by the architect.

Source 'Style Indicators' : Identifying Australian Architecture - Styles and terms from 1788 to the Present. Richard Apperly, Robert Irving and Peter Reynolds

Australian House styles- Maisy Stapleton and Ian Stapleton (The Flannel Flower Press Pty Ltd) 1997

2.0 Setting and Context

2.4 Building Identification

The key heritage elements of the Terrace houses- Group of Six Joined Houses are described as follows in the Office of Environment & Heritage Listing - Physical Description.

Statement of significance:

A run of six attached late Victorian houses is unusual in Ashfield. This terrace was built as seven cottages, one being demolished about 1952. They are a simple but pleasing row forming a significant element of the streetscape and possessing great aesthetic potential. They were owned by their builder-developer Samuel Benjamin for nearly half a century.

Physical description:

This is a single-storey terrace of six attached cottages occupying narrow sites, built on the gentle slope of Smith Street. They are constructed of brick and stucco, with ridges parallel to the street. Had they been on level ground these ridges would have been at the same height, in fact there are three slight steps in both ridge and floor levels. No party walls are visible above the roofs. Each house has a projecting street-facing gable bay in which are two double-hung windows with moulded sills. Beside the bay there is a verandah with a bullnose corrugated iron roof and a recessed entrance having an arch portal and a front door with transom light. The verandahs have tessellated tile floors with marble edges. The projecting firewalls separating the occupancies have parapets above the verandah roof and arched recesses below. The chimneys are stuccoed, with mounded and corniced tops. The main roofs are terra cotta tiles (possibly replacing slates) and the front gable bays have crested ridges, timber finials and simple bargeboards. Front gardens are simple and basic, and fences are all different.

Source: <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?>



Local Heritage Item - No. 622

The subject site is part of a series of Victorian terraces which make up heritage item No. 622. The subject site is in the vicinity of neighbouring heritage conservation areas, but is not itself situated within a heritage conservation area.

Heritage Map, Ashfield LEP, Subject site highlighted

2.0 Setting and Context

View of No.79
Photo Cracknell & Lonergan



View of No.89 in foreground and looking south
Photo Cracknell & Lonergan



No. 79 Smith Street - side view
Photo Cracknell & Lonergan



3.0 Proposal

3.1 Proposal - Schedule of Conservation Works.

Previous alterations made to the dwelling have resulted in an unsightly front addition to the house and overall, the front elevation is disparate with the neighbouring group of terraces. The proposed Schedule of Conservation Works seeks to implement repairs and maintenance works to: remove the unsightly additions to the front of house and reconstruct significant elements consistent with the known earlier state of the building and restore other evident defective elements on site.

The terrace has additions at rear and are not visible from Smith Street and the heritage item retains its original Victorian terrace heritage significance and its setting.

The following Proposal comprises a Schedule of Conservation Works which aims at describing the works required to conserve the significant fabric. The Schedule includes a photographic detailed record of the terrace and are referenced to the architectural drawings.

A site study of the original terrace was conducted on the 11th September 2019 by Cracknell & Lonergan Architects, with the client present.

No. 79 Plan
Real Estate imagery



3.0 Proposal

3.4 Schedule of Conservation Works

3.2 Terminology

The terminology used in this report, where referring to the conservation processes and practices follows the definitions recommended and identified within The Burra Charter. Article 1 of the Burra Charter provides the following definitions:

Place –Means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

Cultural Significance –Means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.

Fabric –Means all the physical material of the place including components, fixtures, contents, and objects.

Conservation –Means all the processes of looking after a place so to retain its cultural significance.

Maintenance –Means the continuous protective care of the fabric and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction.

Preservation –Means maintaining the fabric of a place in its existing state and retarding deterioration.

Restoration –Means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

Reconstruction –Means returning the place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.

Adaptation –Means modifying a place to suit the existing use or a proposed use.

Use –Means the function of a place, as well as the activities and practices that may occur at the place.

Compatible Use –Means a use which respects the cultural significance of a place. Such a use involves no, or minimal impact on the cultural significance.

Setting –Means the area around a place, which may include the visual catchment.

Related Catchment –Means a place that contributes to the cultural significance of another place.

3.3 Grades of Significance

The components of the place can be ranked in accordance with their relative significance as a tool to planning. The NSW Heritage Office publication 'Assessing Heritage Significance' (2002) identifies the following grades of significance as:

Different components of a place may make a different relative contribution to its heritage value. Loss of integrity or condition may diminish significance. In some cases it may be useful to specify the relative contribution of an item or its components. While it is useful to refer to the following table when assessing this aspect of significance it may need to be modified to suit its application to each specific item.

Grading: EXCEPTIONAL

Justification: Rare or outstanding element directly contributing to an item's local or State significance

Status: Fulfils criteria for local or State listing

Grading: HIGH

Justification: High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.

Status: Fulfils criteria for local or State listing.

Grading: MODERATE

Justification: Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.

Status: Fulfils criteria for local or State listing.

Grading: LITTLE

Justification: Alterations detract from significance. Difficult to interpret

Status: Does not fulfil criteria for local or State listing

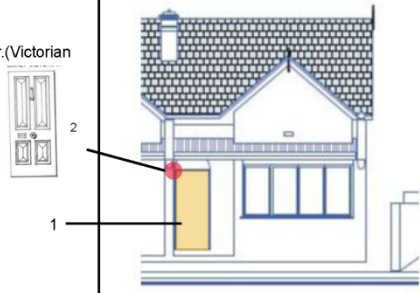


Grading: INTRUSIVE

Justification: Damaging to the item's heritage significance

Status: Does not fulfil criteria for local or State listing




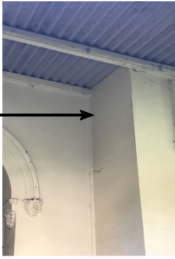
3.0 Proposal

3.4 Schedule of Conservation Works

| No | Integrity and | Contribution to Significance | Image |
|---|---|--|---|
| Element | Condition | Recommended Works. | |
| External Smith Street Elevation - facade | | | |
| 1 Entry door | Recent. Glass and timber framed | Little contribution Replace with solid panelled door.(Victorian door design) and hardware. Paint : Dulux: Pale stone |  |
| 2 Electric Fuse Board | Original & Recent. Exposed | Moderate Contribution Upgrade and provide cover to boards |  |
| 3 Entry Arch | Original Textured finish and cracked | High Contribution Retain. Repair surface. Sand/finish and apply filler. Repaint Dulux Stoneware Stucco feature to be in Dulux Stoneware full |  |


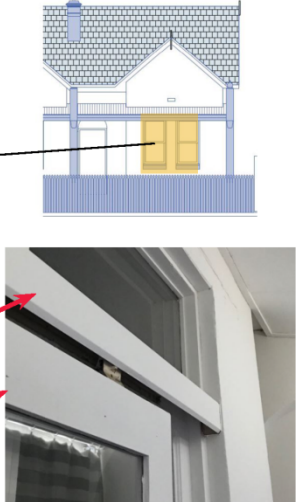
3.0 Proposal

3.4 Schedule of Conservation Works

| No | Integrity and | Contribution to Significance | Image |
|------------------------------------|---|---|---|
| Element | Condition | Recommended Works. | |
| 4 Verandah Infill | Recent Aluminium framed windows and plasterboard infill to verandah. | Intrusive Remove front wall and side nib wall enclosing the verandah area. Make good to existing wall and refinish stucco to wall. Dulux Pale Stone Repaint. Verandah roof to be replaced Lysaght Custom Blue Orb- and Colour powder coated Brunswick Green. |   Remove nib wall →  Detail of former wall nib return As evident in No. 89 →  |

3.0 Proposal

3.4 Schedule of Conservation Works

| No | Integrity and | Contribution to Significance | Image |
|--|---|---|---|
| Element | Condition | Recommended Works. | |
| 5 External wall finish 5a Ceilings to entry vestibule | Early Stucco finish Chipped in some sections- otherwise fairly good condition Check on site Original Fairly good condition | High Contribution Retain. Patch repair and make good. Clean walls, removing drummy plaster and clean with warm water and soft bristled brush. Remove build up dirt and residue New render to walls to match existing render in finish and materials Restored all stucco finish - including rendered brickwork in Dulux Pale Stone - quarter. Stucco features to be in Dulux Stoneware Retain. Clean ceilings and using gentle/ non abrasive techniques. Repaint Dulux Pale Stone quarter |  |
| External Facade - Windows | | | |
| 6 Windows | Recent structure Original double hung windows demolished to front of property The opening in wall has makeshift sliding doors | Intrusive Remove timber frame, glass pane and sliding doors Make good to wall Repaint: Stucco arches over sash windows Dulux: beige Royal Quarter - full Window ledges and inside wall indentations Dulux Stoneware - full |  |





3.0 Proposal

3.4 Schedule of Conservation Works

| No | Integrity and | Contribution to Significance | Image |
|-------------|---------------|--|---|
| Element | Condition | Recommended Works. | |
| 6 continued | | <p>Photo of wall opening- internal view</p> <p>Replace double hung timber framed sash windows. To match original, similar to No. 89</p> <p>Install lintel- ensure structurally sound</p> <p>Reconstruct wall to underside of windows</p> <p>Make good and render</p> <p>Repair surface Repaint to match internal face</p> <p>Reconstruct arches over sash windows similar to No. 89</p> <p>Paint: Dulux Beige Royal Quarter - full</p> <p>Reconstruct window sill moulding, similar to No. 89</p> <p>Paint: Window ledges and inside vertical wall indentations Dulux Stoneware- full</p> <p>Reconstruct base course detail</p> <p>Paint Dulux Pales Stone quarter</p> |     |





3.0 Proposal

3.4 Schedule of Conservation Works

| No | Integrity and | Contribution to Significance | Image |
|--------------------------------|--|---|---|
| Element | Condition | Recommended Works. | |
| External Verandah Floor | | | |
| 7 Floor | <p>Original Tesselated tiled floor and marble edging Fairly good condition</p> <p>Floor to infill verandah Internal floor to verandah infill is engineered timber flooring and intrusive</p> | <p>High Contribution Retain. Lift tiles and edging where sunken or damaged. The substrate to be re-laid in damaged sections. Replace missing tiles and damaged marble edge with like, to match for consistency and level. Patch and repair slate tiles and re-mortar joints.</p> <p>Cleaning generally to external concrete path and tessellated tiled floor. Remove debris and ensure tiled and marble surfaces are clear of debris. Remove weeds. Wash down surface tiled and marble edge and concrete with warm water. Maintain the jointing in future to keep floor in good order.</p> <p>Marble edge— Front path can be replaced with tiles if desired (plain or plain with border)</p> <p>Intrusive Remove flooring and replace with tessellated tiles and marble edge, with like Remove garden bed at front and ground level to match existing</p> <p>Timber floor finish Internally - remove</p> |     |

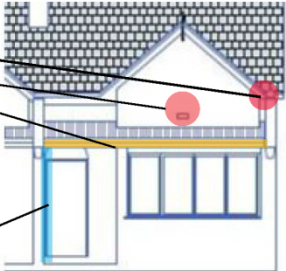


3.0 Proposal

3.4 Schedule of Conservation Works

| No | Integrity and | Contribution to Significance | Image |
|-------------------------------|--|--|---|
| Element | Condition | Recommended Works. | |
| External Verandah Roof | | | |
| 8 Roof | Recent In fair condition though unsympathetic Added when verandah was enclosed | <p>Little contribution Bull nose profile roof missing Current roof is corrugated iron and flat</p> <p>Replace with bull nose profile to match neighbouring roof Roof: Lysaght Custom Blue Orb- Dulux powder coated Brunswick green Replace all structural elements and allow underside of roof and plates to be exposed</p> <p>Underside of roof to match neighbouring verandah roof - exposed to underside General - Roof Restore original terracotta roof tiles where required</p> |     |

3.0 Proposal

3.4 Schedule of Conservation Works

| No | Integrity and | Contribution to Significance | Image |
|--------------------------------|---|---|---|
| Element | Condition | Recommended Works. | |
| External Roof elements | | | |
| 9 Fascia | Original In good condition, though covered with sheeting | High contribution. Retain Inspect fascia board on site Patch and repair in situ. Make good to fascia Repaint Dulux Pale Stone - quarter |    |
| 10 Downpipes and gutter | Recent roof elements Downpipe worn and rusted Gutter worn | Moderate Contribution Replace downpipes and gutter to metal. Colorbond Wallaby | |
| 11 Barge board | Original / Early Damaged in some sections Good condition | High Contribution Retain Patch and repair in situ To match existing barge board in colour, finish and material. Dulux Stoneware -full | |
| 12 Gabled end | Original Worn and paint peeling | High Contribution Retain. Sand back, patch and repair Repaint Dulux :Pale Stone -quarter | |
| 13 Gable vent | Original Blocked | Retain Clean and remove build up residue. Repaint Dulux :Pale Stone -quarter | |





3.0 Proposal

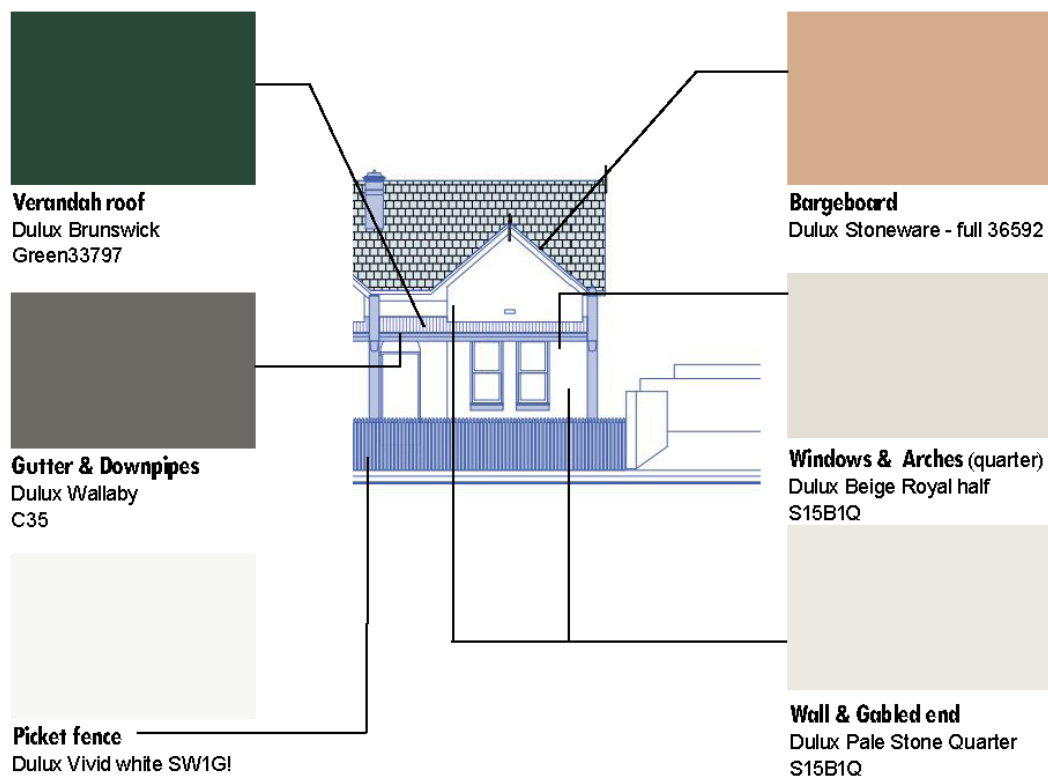
3.4 Schedule of Conservation Works

| No | Integrity and | Contribution to Significance | Image |
|---|--|--|-------|
| Element | Condition | Recommended Works. | |
| External Fin walls | | | |
| 12 Fin walls | Original Masonry, rendered and painted Surfaces worn, chipped, peeling and rusted. | High contribution Retain Repair surface and sand/ finish to even surface. Repair cracks and repaint Repaint Dulux :Pale Stone -quarter | |
| 13 Fin wall Urn | Original Fin wall Urn Weathered | High contribution Retain Check on site and ensure structural stable Repair surface and sand/ finish to even surface | |
| 14 Console bracket to fin wall | Original. Both in good condition | High Contribution Retain Clean console using gentle/ non abrasive techniques. Remove build up dirt and residue | |
| 15 Timber bracket | Original. Both in good condition | High Contribution Retain Clean brackets using gentle/ non abrasive techniques. Remove build up dirt and residue | |

3.0 Proposal

3.4 Schedule of Conservation Works

| No | Integrity and | Contribution to Significance | Image |
|--------------------------------------|---|--|--|
| Element | Condition | Recommended Works. | |
| Picket fence- front and sides | | | |
| 16 Fencing | <p>Early</p> <p>Timber picket fence to front and sides</p> <p>Poor condition, worn and not stable</p> | <p>High Contribution</p> <p>Replace with like and including new gate</p> <p>Picket fence profile : Tulip</p> <p>Colour: Dulux Vivid White</p> <p>and corner posts- Colour Dulux Bracken Fern</p>   |   |
| 17 Front garden | <p>Recent</p> <p>Overgrown and unsightly</p> | <p>Moderate Contribution</p> <p>Cut back and weed</p> <p>Remove build up dirt and residue to path</p> <p>Cleaning generally to external concrete path</p> <p>Remove debris and ensure surfaces are clear of debris. Remove weeds.</p> <p>Wash down surface and concrete with warm water. Maintain the jointing in future to keep floor in good order.</p> <p>Paths: Front path can be replaced with tiles if desired (plain or plain with border)</p> | |

3.0 Proposal**3.5 Schedule of Conservation Works The Colour Palette**

4.0 Recommendations

There are no further recommendations to be made in this report.

5.0 Statement of Conservation Works

In considering the proposed Schedule of Conservation Works to the house at 79 Smith Street Summer Hill, it is noted that the Works are necessary to remove the unsightly additions to the front of house and conserve the significant fabric of the building.

The subject site is at No. 79 Smith Street, Summer Hill, or known formally as Lot 7, DP108397. The existing structure is a three bedroom, one bathroom, one storey terrace, situated at one end of a terrace group of 6 dwellings. The site is situated within the Inner West Council, specifically the former Ashfield Council. Whilst the site is not situated within a Heritage Conservation Area, the subject site is part of a combined local listing for the row of terrace houses, Item 622, as per the Heritage Schedule of the Ashfield LEP.

Proposed restoration and conservation works to the house ensures that the interpretation of the terrace house can be maintained as part of the 6 dwellings, which serve as a vital contribution to and successfully conserves the environmental heritage of the Ashfield LGA.

In light of this conclusion, this report recommends that the proposed Schedule of Conservation Works should not be restricted on the grounds of heritage.

6.0 Appendix A: Select Bibliography of Sources

The following list provides details to some of the resources used in the investigation into the Aboriginal and the history of the locality.

- Colonial history of Sydney, as well as specific details regarding the development of the area.
- Apperly, R, Irving, R, Reynolds, P. 1989, A Pictorial Guide to Identifying Australian Architecture – Styles and Terms from 1788 to the Present.
- Attenbrow, V. 2002, 'The People and their country: numbers, names and languages' in Sydney's
- Aboriginal Past: Investigating the archaeological and historical records
- Attenbrow, V. 2003, Sydney's Aboriginal Past, University of New South Wales Press, Kensington NSW.
- The Burra Charter The Australia ICOMOS Charter for Places of Cultural Significance
- MacMillan 1975 , Restoring Old Australian Houses and Buildings, architectural guide, The MacMillan Company of Australia.
- The Dictionary of Sydney
- The Australian Dictionary of Biography

7.0 Appendix B: NSW Office of Environment and Heritage Inventory

Office of Heritage & Environment NSW Listing Terrace Houses - 79-89 Smith Street, Summer Hill

3/15/2019

Terrace houses | NSW Environment & Heritage



[Home](#) > [Topics](#) > [Heritage places and items](#) > [Search for heritage](#)

Terrace houses

Item details

Name of item:

Terrace houses

Other name/s:

Group of Six Joined Houses

Type of item:

Built

Group/Collection:

Residential buildings (private)

Category:

Terrace

Primary address:

79-89 Smith Street, Summer Hill, NSW 2130

Local govt. area:

Ashfield

All addresses

| Street Address | Suburb/town | LGA | Parish | County | Type |
|--------------------|-------------|----------|--------|--------|-----------------|
| 79-89 Smith Street | Summer Hill | Ashfield | | | Primary Address |

Statement of significance:

A run of six attached late Victorian houses is unusual in Ashfield. This terrace was built as seven cottages, one being demolished about 1952. They are a simple but pleasing row forming a significant element of the streetscape and possessing great aesthetic potential. They were owned by their builder-developer Samuel Benjamin for nearly half a century.

Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the [OEHS copyright and disclaimer](#).

Description

Physical description:

This is a single-storey terrace of six attached cottages occupying narrow sites, built on the gentle slope of Smith Street. They are constructed of brick and stucco, with ridges parallel to the street. Had they been on level ground these ridges would have been at the same height; in fact there are three slight steps in both ridge and floor levels. No party walls are visible above the roofs. Each house has a projecting street-facing gable bay in which are two double-hung windows with moulded sills. Beside the bay there is a verandah with a bullnose corrugated iron roof and a recessed entrance having an arch portal and a front door with transom light. The verandahs have tessellated tile floors with marble edges. The projecting firewalls separating the occupancies have parapets above the verandah roof and arched recesses below. The chimneys are stuccoed, with moulded and conical tops. The main roofs are terra cotta tiles (possibly replacing slates) and the front gable bays have crested ridges, timber finials and simple bargeboards. Front gardens are simple and basic, and fences are all different.

Modifications and dates:

Some verandah roof and floor alterations. Some fence alterations.

<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1020253>

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7.0 Appendix B: NSW Office of Environment and Heritage Inventory

Office of Heritage & Environment NSW Listing Terrace Houses - 79-89 Smith Street, Summer Hill

3/15/2019

Terrace houses | NSW Environment & Heritage

Further information:

(1) Richardson & Wrench, subdivision plan No A8/330, 1878, annotated, in Ashfield Council Archives; Higinbotham & Robertson map of Ashfield, 1883; H E C Robinson map, east ward, undated but about 1912; Rate books, east ward, 1897, No 115; 1898, Nos 114-120. (2) Valuer-General's records, east ward, 1946, Nos 1659-1666, in Ashfield Council Archives; Sands Directories. (3) Valuer-General's records, east ward, 1952, Nos 1663-1669.

Current use:

Group of six joined houses, 79-89 Smith Street, Summer Hill

History

Historical notes:

The land on which these houses stand was formerly Lots 64, 65 and 66 of Section 8 of the Underwood Estate, first put up for sale by Richardson & Wrench in September 1878. The name of J Edgley appears on an early copy of the subdivision plan, but it is not known whether he was the first purchaser. By 1897, however, Mrs H J Griggs was the owner of these lots, which were described as "fenced land". Griggs sold them to Samuel Benjamin in that year, and the three were re-subdivided into seven narrow and foreshortened lots facing Smith Street. A right-of-way to their west led to a single block comprising the rear section of the original three lots. Benjamin, described as the builder, erected seven terrace houses, one on each of these seven lots, in 1898.(1) Samuel Benjamin owned all the cottages until 1946, when they were all bought from Benjamin's estate by Gordon Brown, electroplater, of 43 Smith Street (on the corner of Fleet Street). He paid £3,500 for them. All were occupied by a succession of different tenants, mostly short-term. The longest tenancy appears to have been that of Edwin McCann, cab proprietor, who occupied No 91 from 1901 to 1919.(2) Gordon Brown continued ownership until 1952, when he began to sell the individual houses except Nos 79 and 89, which he retained. No 91 was sold to John Patton, manufacturer, of that address, and, as that is the last entry for No 91 in the Valuer-General's records, it is assumed that the cottage on that site was demolished at about that time.(3)

Listings

| Heritage Listing | Listing Title | Listing Number | Gazette Date | Gazette Number | Gazette Page |
|--------------------------|-------------------|----------------|--------------|----------------|--------------|
| Local Environmental Plan | Ashfield LEP 2013 | 622 | 23 Dec 13 | | |
| Heritage study | | | | | |

Study details

| Title | Year | Number | Author | Inspected by | Guidelines used |
|--------------------------------|------|---------|------------|--------------|-----------------|
| Ashfield Heritage Study Review | 2001 | 3 19 03 | Bob Irving | | Y e s |

References, internet links & images

None

Note: internet links may be to web pages, documents or images.

Data source

<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1020253>

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7.0 Appendix B: NSW Office of Environment and Heritage Inventory

Office of Heritage & Environment NSW Listing

Terrace Houses - 79-89 Smith Street, Summer Hill

| | |
|---|---|
| 3/15/2019 | Terrace houses NSW Environment & Heritage |
| The information for this entry comes from the following source: | |
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| 3/3 | |

8.0 Appendix C: Curriculum Vitae of Peter Lonergan

Peter Lonergan

Director, Cracknell & Lonergan Architects Pty Ltd

Introduction

Peter J. Lonergan is the director of practice and nominated architect (NSW Registration No. 5983) of Cracknell & Lonergan Architects (CLA) Pty Ltd, a private practice established with Julie Cracknell in 1984. Together, Peter and Julie have accumulated over thirty years of experience in the fields of architecture, interior design, heritage conservation, exhibition design and expert consultancy in town planning. As director of practice, Peter has not only been involved in the design of multiple works, but also served as a heritage consultant and consultant in the fields of SEPP65, SEPPARH, Clause 4.6, and various other planning advisory bodies. Today, Peter continues to serve as director of architectural design at CLA, overseeing a diverse range of projects throughout the Sydney Metropolitan Area, with a combined contract value exceeding AUD\$50 Million.

Formal Qualifications

BArchitecture University of New South Wales (UNSW) BScArchitecture (Hons) UNSW

MBEnv (Building Conservation) UNSW

Certificate Sustainable Design University of Sydney (USYD)

Architecture – Key Examples

Miller Street, Cammeray, Residential Flat Building

Premier Street, Neutral bay, Residential Flat Building

Lavoni Street, Mosman, Residential Development

Restoration of Jarjum College, Redfern, Sydney, for the Jesuit Fathers, St. Aloysius College

The Pemulwuy Project. Redevelopment of “The Block”, Redfern, Sydney, for the Aboriginal Housing Corporation

Heritage Conservation – Key Examples

Heritage Consultant & Supervision, Mechanics School of Arts (The Arthouse Hotel), Pitt Street, Sydney

Heritage Consultant & Supervision, Masonic Temple, North Sydney

Heritage Supervision and Heritage Architect, St. Clements Church, Marrickville

Heritage Consultant & Conservation Management Plan, Redfern's Cottage, Minto

Heritage Consultant, Rosebank College, Five Dock

Public Art and Exhibition Design – Key Examples

Yininmadyemi - Thou didst let fall (by artist Tony Albert), Hyde Park, Sydney, Australia

Always was, Always will Be (by artist Reko Rennie), Oxford Street, Sydney, Australia

Murri Totem Poles (by artist Reko Rennie), La Trobe University, Melbourne, Australia

Papunya Tula, Central Termini, Rome, for the Art Gallery of NSW, Sydney, Australia

Gabriel Pizzi, Australian Embassy, Paris, France

Musee du quai Branly at the Australian Embassy in Paris, for the Australia Council for the Arts, Paris, France

Design and project management of Indigenous Art Commission at Musee du quai Branly (2500m2 of permanent public art in the current Presidential Project (with Ateliers Jean Nouvel), Paris, France