



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2019.142.1
Address	10/2-4 Lackey Street SUMMER HILL
Proposal	To construct a roof top pergola and associated fencing
Date of Lodgement	18 September 2019
Applicant	Mr B Inwood
Owner	Ms V J Fisher
Number of Submissions	One
Value of works	\$30,000
Reason for determination at Planning Panel	Proposed height variation exceeds officer delegation
Main Issues	<ul style="list-style-type: none"> • Variation to the height development standard by more than 10%; and • Heritage item
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	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 the construction of a roof top pergola and associated fencing at 10/2-4 Lackey Street, Summer Hill (also known as 58-60 Carlton Crescent). The application was notified to surrounding properties and one submission was received.

The main issues that have arisen from the application include:

- Variation to the height development standard by more than 10%; and
- Heritage Item.

The proposal generally complies with the aims and objectives of the Ashfield Local Environmental Plan 2013 (ALEP 2013) with the exception that the proposal exceeds the Height development standard by 2.5m or 25%. A written request under Clause 4.6 of ALEP 2013 has been submitted by the applicant for the variation which is considered well justified and worthy of support.

The development generally complies with the provisions of the Inner West Comprehensive Development Control Plan 2016. It is considered that the proposal will not result in any significant impacts on the streetscape or amenity of adjoining properties.

The potential impacts on the surrounding environment have been considered as part of the assessment process and are considered acceptable.

2. Proposal

Approval is sought to carry out alterations and additions to the existing dwelling including;

- Construction of an open pergola attached to the original caretakers residents (measuring 26sqm in area); and
- Construction of a fence separating common space and private space.

3. Site Description

The subject site is located on the eastern side of Lackey Street, between Carlton Crescent and Smith Street. The site consists of one allotment, which is rectangle in shape with a total area of 435 sqm, and is legally described as SP69481. The site has a frontage to Lackey Street of 13.7 metres and a secondary frontage of approximate 32 metres to Carlton Crescent.

The building was originally constructed in the 1940's and the physical exterior of the original building remains largely intact. The building currently contains residential apartments and ground floor commercial premises. The adjoining properties support three storey mixed use development on Carlton Crescent and two-storey shop top housing on Lackey Street.

The subject site is listed as a heritage item (I544) and the property is located within the Summer Hill Central Conservation Area. The subject site is located opposite several Heritage Items listed under MLEP 2011 including; Summer Hill Station (I476, I477) to the north, The Summer Hill Hotel (I542) and 1-5 Lackey Street (I543) to the west.

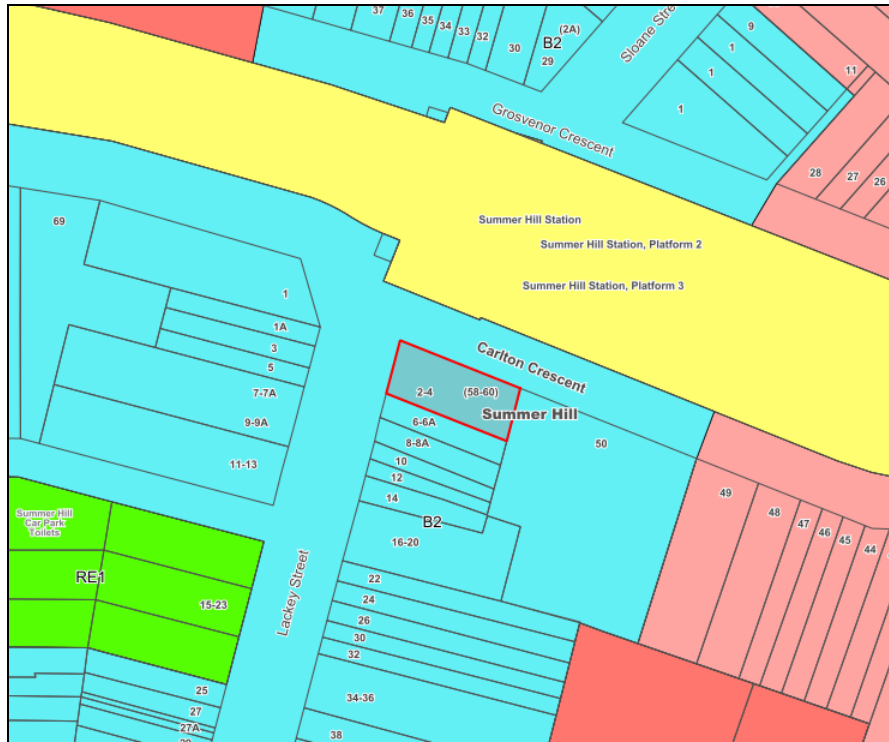


Image 1: Neighbourhood scale zone map



Image 2: Subject site

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
DA 2015/002	The removal of two internal walls to unit 5/2-4 Lackey Street	Approval – 14 January 2015
DA 2009/207	Use of premises (shop 4) as an art gallery and shop	Approval – 22 December 2009

4(b) Application history

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

Date	Discussion / Letter / Additional Information
18 September 2019	Application lodged with Council
4 November 2019	Request for additional information sent to applicant
28 November 2019 3 December 2019 9 December 2019 16 December 2019	Additional information submitted to Council

A request for additional information was sent to the applicant on 4 November 2019 which required the following:

- Strata subdivision plans;
- Approval of residential use;
- Heritage impact statement;
- Detailed sections;
- Stormwater drainage plan;
- Updated construction and site plan management; and
- Updated exceptions to development standards.

Additional information and amended plans were submitted to Council on 28 November 2019, 3 December 2019, 9 December 2019, and 16 December 2019 which generally satisfied the above requirements.

5. Assessment

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

5(a) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. CIWDPCP 2016 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

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

5(a)(ii) State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)

Rail Corridors (Clause 85 and 87)

SEPP Infrastructure 2007 provides guidelines for development immediately adjacent to rail corridors. In accordance with Clause 85, it is considered that the development is not likely to have an adverse effect of rail safety, involve the placing of a material finish on a structure, involve a crane or is located within 5 meters of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.

Clause 87 of the *SEPP Infrastructure 2007* relates to the impact of rail noise or vibration on non-rail development. It is considered that the development will not have an affect the LAeq levels within the residential accommodation.

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

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

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

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

- Clause 1.2 – Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 4.3 - Height of buildings
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation

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

The site is zoned B2 – Local Centres under the *ALEP 2013*. The *ALEP 2013* defines the development as alterations and additions to shop top housing, which is permissible with consent under the zoning provisions applying to the land.

The proposed land use is considered acceptable in principle having regard to the objectives of the B2 – Local Centres.

(ii) Clause 4.3 – Height of Buildings

The site is located in an area where the maximum height of buildings is 10 metres as indicated on the Height of Building Map that accompanies *ALEP 2013*. The development has a height of approximately 12.5 metres, which does not comply with the height development standard. The issue of height is discussed in more detail under Clause 4.6.

(iii) Clause 4.4 – Floor Space Ratio

The site is located in an area where maximum floor space ratio permitted is 1.5:1 as indicated on the Floor Space Ratio Map that accompanies *ALEP 2013*.

The development has a FSR of approximately 2.1:1, which does not comply with the FSR development standard. Whilst the building has a FSR of 2.1:1 (43% variation), no change to the existing gross floor area is proposed as part of the development.

(iv) Clause 5.10 – Heritage Conservation

The subject site is identified as being a heritage item under the provisions of *ALEP 2013*, namely item No.544 “Commercial Building” and is within the Summer Hill Central Conservation Area. The proposal is generally in accordance with the objectives and requirements of the DCP and LEP. However, some design details such as the structural capacity for the roof to take the weight of the concrete planters and fixings to the brickwork require further clarification. This has been addressed by way of recommended conditions.

(v) Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard/s:

- Clause 4.3 - Height of Buildings

The applicant seeks a variation to the Height of Buildings development standard under Clause 4.3 of the applicable local environmental plan by 25% (2.5 metres).

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of *ALEP 2013*.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of *ALEP 2013* justifying the proposed contravention of the development standard which is summarised as follows:

- There are buildings which exceed the Height of Buildings development standard in the near vicinity;
- The proposal will have negligible impacts on adjoining properties;
- The proposal will improve the quality of the use of the building by the occupants;

- The proposal is within the existing building height; and
- There is no change to the presentation of the front elevation from street level.

The applicant’s written rationale adequately demonstrates compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the B2 – Local Centres in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

- The development would encourage residential accommodation as part of mixed use development.

It is considered the development is in the public interest because it is consistent with the objectives of the Height of Buildings development standard, in accordance with Clause 4.6(4)(a)(ii) of *ALEP 2013* for the following reasons:

- The development achieves high quality built form for all buildings;
- The development maintains satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes;
- The development provides a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings; and
- The development maintains satisfactory solar access to existing buildings and public areas.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. Council may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued in February 2018 in accordance with Clause 4.6(4)(b) of the applicable local environmental plan.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of *ALEP 2013*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Height of buildings development standard and it is recommended the Clause 4.6 exception be granted.

5(c) Development Control Plans

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

CIWDCP2016	Compliance
Section 2 – General Guidelines	
A – Miscellaneous	
2 – Good Design	Yes
4 – Solar Access and Overshadowing	Yes
7 – Access and Mobility	Yes
11 – Fencing	Yes – see discussion
13 – Development Near Rail Corridors	Yes
15 – Stormwater Management	Yes

D – Precinct Guidelines	
8 – Summer Hill Town Centre	Yes
E1 – Heritage items and Conservation Areas (excluding Haberfield)	
1 – General Controls	Yes
2 – Heritage Items	Yes
3 – Heritage Conservation Areas (HCAs)	Yes
6 – Apartments and Residential Flat Buildings	Yes
9 – Heritage Conservation Areas, Character Statements and Rankings	Yes
F – Development Category Guidelines	
5 – Residential Flat Buildings	Yes – see discussion

The following provides discussion to the relevant parts of the DCP:

Chapter A “Miscellaneous” Part 11 – Fencing

The proposed fence is part 1.2m and part 2m exceeds the maximum fence height of 1.8m prescribed in DS1.2. The performance criteria (PC) for this part is –

Fencing is consistent with prevailing desirable fencing patterns in established neighbourhoods and achieves a balance between providing privacy and security and facilitating passive casual surveillance of the public domain

The fence is located on the roof between the private terrace and the communal open space for the residential flat building. As a result, it is not within an established neighbourhood fencing pattern and does not have an ‘strict’ interface with the private and public domain, as it is located within the site.

As indicated above, the fence is not visible from the public domain and does not affect the heritage significance of the Item it is located on or the broader HCA.

Given the above, the fence is considered reasonable having regard to the objectives of this Part.

Chapter F “Development Category Guidelines” - Part 5 – Residential Flat Building

CIWDPC 2016 – Chapter F: Development Category Guidelines				
Part 5 – Residential Flat Buildings				
Control No.	Control	Standard	Proposed	Compliance
PC5	Building height	Building height: <ul style="list-style-type: none"> Is consistent with the objectives of the relevant zone as identified in the LEP Is of a human scale Minimises adverse impacts on the amenity of adjoining properties Promotes the creation of an attractive and 	The development has a height of approximately 12.5m.	No – see discussion under section Clause 4.6

		<p>comfortable public domain</p> <ul style="list-style-type: none"> Accommodates a traditional building typology which provides good streetscape impacts 		
PC7	Setbacks – front	Front setbacks are consistent with that prevailing in the street	The proposed development is setback 15m from Lackey Street. Given the large setback the development will not be visible or have an impact on the prevailing pattern of development.	Yes
PC8	Setbacks – side and rear	<p>Side and rear setbacks:</p> <ul style="list-style-type: none"> Minimise adverse impacts on neighbouring properties Achieve compatibility in terms of urban character 	The proposed fence is setback 1.85m and the pergola 3.3m from Carlton Crescent.	Yes
PC14	Safety and security	<p>Development:</p> <ul style="list-style-type: none"> Provides personal and property security for residents and visitors and enhance perceptions of community safety Ensures that private and communal spaces are planned for security and able to be managed 	The proposed development provides delineation between the private and communal space, ensuring better management and security for all occupants.	Yes
PC16	Stormwater drainage	<p>Stormwater drainage:</p> <ul style="list-style-type: none"> Provides safety for the public in major storm events, and protect property from damage by flooding Ensures adequate stormwater detention and run-off controls are provided for site drainage Improves urban amenity through maintenance of natural drainage lines 	The proposal will connect to the existing stormwater drainage system.	Yes

		<ul style="list-style-type: none"> Protects and maintain existing infrastructure of the LGA 		
PC18	Fence and walls	Fences and walls respect existing character and provides a balance between personal privacy and activation of the street	The proposed fence is considered acceptable.	Yes

5(d) The Likely Impacts

Section 4.15(1)(b) of the Act requires Council to consider “the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”.

It is considered that the proposal will have no significant detrimental effect relating to the environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

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 CIWDCP 2016 for a period of 14 days to surrounding properties. One submission was received.

The submission raised the following concern which is discussed below:

Issue: Construction Method

Comment: Concern was raised by Sydney Trains whether the method of construction would involve a crane. An amended Construction Management Plan was submitted outlining that the materials and equipment for construction will be transported by hand to the rooftop.

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 - No objections subject to the imposition of conditions relating to supervision and sign off from a heritage architect, the structural integrity of the roof slab, and a schedule of

conservation works.

Engineering - No objections

7. Section 7.11 Contributions/7.12 Levy

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

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and CIWDPC 2016.

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

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

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Ashfield Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. 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. 10.2019.142.1 for the construction a roof top pergola and associated fencing at 10/ 2 – 4 Lackey Street, Summer Hill subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Conditions of Consent

Fees

1. Long Service Levy

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

2. Security Deposit

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

Security Deposit:	\$2,152.50
Inspection Fee:	\$230.65

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

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

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

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

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

General Conditions

3. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
0810-04	Third floor plan	20.5.18	Brad Inwood Architects
0810-09	East	20.5.18	Brad Inwood Architects
0810-18	Pergola details cross section	20.5.18	Brad Inwood Architects
0810-17	Pergola details long section	20.5.18	Brad Inwood Architects
0810-19	Section through the new fence	20.5.18	Brad Inwood Architects
0810-16	Colours and Materials	20.5.18	Brad Inwood Architects

As amended by the conditions of consent.

4. 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.

5. 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.

6. Works Outside the Property Boundary

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

Prior to any Demolition

7. Construction Fencing

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

Prior to Construction Certificate

8. 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.

9. 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.

10. Heritage Architect Supervision

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with the details of a suitably qualified and registered Heritage Architect who will be commissioned to assist and to provide advice throughout the design development, contract documentation and construction stages of the project.

The Heritage Architect is to be involved in the resolution of all matters where existing significant fabric and spaces are subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage architect is to be provided with full access to the site on a regular basis and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project. The Heritage Architect is to provide comment of the structural report and the detailed design of the new structure to ensure that the heritage impact is minimised and that the significant original or early fabric is retained.

11. Structural Integrity of Retained Building Elements

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report on the structural integrity of the roof slab and the wall of the caretakers residence where the new structure is proposed to be fixed prepared by a professional engineer (Structural Engineer) with heritage experience. The report recommendations must explain the capacity of the existing roof structure to take the weight of the concrete planters including wind loads and also explain how the pergola is to be fixed to the existing caretaker's residence without the need to bolt into historic brickwork. If the proposed method of fixing will damage the brickwork then the less invasive approach of additional posts will need to be investigated. The exact nature of the construction of the existing roof is to be confirmed not estimated.

12. Schedule of Conservation Works

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Schedule of Conservation Works to the rooftop of the local heritage item at No. 2-4 Lackey Street Summer Hill that has been prepared by a qualified and registered Heritage Architect in accordance with the Australia ICOMOS Burra Charter 2013 and the NSW Heritage Manual.

The schedule is to detail the conservation of all significant fabric, including but not limited to the following:

- a) All fixings are to be into the mortar joints (not drilled into the brickwork) or
- b) Refixing or replacement of vent pipes.
- c) Confirmation that the roof drainage is operational.
- d) Specification for repairs to historic mortar.

The proposed works are to be carried out in such a manner as to minimise demolition and alterations and new penetrations/fixings to the significant fabric of the existing heritage item.

During Demolition and Construction

13. 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.

14. Stormwater Drainage System

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

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

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

Prior to Occupation Certificate

15. Heritage Architect and Engineer Sign Off

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with a sign off from the Heritage Architect and the Engineer to certify that the required works have been undertaken in such a manner as to reduce heritage impact and are in accordance with the heritage requirements of the planning approvals,.

Advisory notes

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

- a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and

- b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

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

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

- ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

Noise

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

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the

Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Fire Safety Certificate

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Construction of Vehicular Crossing

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

Lead-based Paint

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

Asbestos Removal

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

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

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

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

Dial before you dig

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

Useful Contacts

BASIX Information 1300 650 908 weekdays 2:00pm - 5:00pm

www.basix.nsw.gov.au

Department of Fair Trading 13 32 20

www.fairtrading.nsw.gov.au

Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Prior to You Dig 1100

www.dialprior.toyoudig.com.au

Landcom

9841 8660

To purchase copies of Volume One of "Soils and Construction"

Long Service Payments Corporation 131441

www.lspc.nsw.gov.au

NSW Food Authority

1300 552 406

www.foodnotify.nsw.gov.au

NSW Government

www.nsw.gov.au/fibro

www.diySAFE.nsw.gov.au

Information on asbestos and safe work practices.

NSW Office of Environment and Heritage 131 555

www.environment.nsw.gov.au

Sydney Water

13 20 92

www.sydneywater.com.au

Waste Service - SITA Environmental Solutions 1300 651 116

www.wasteservice.nsw.gov.au

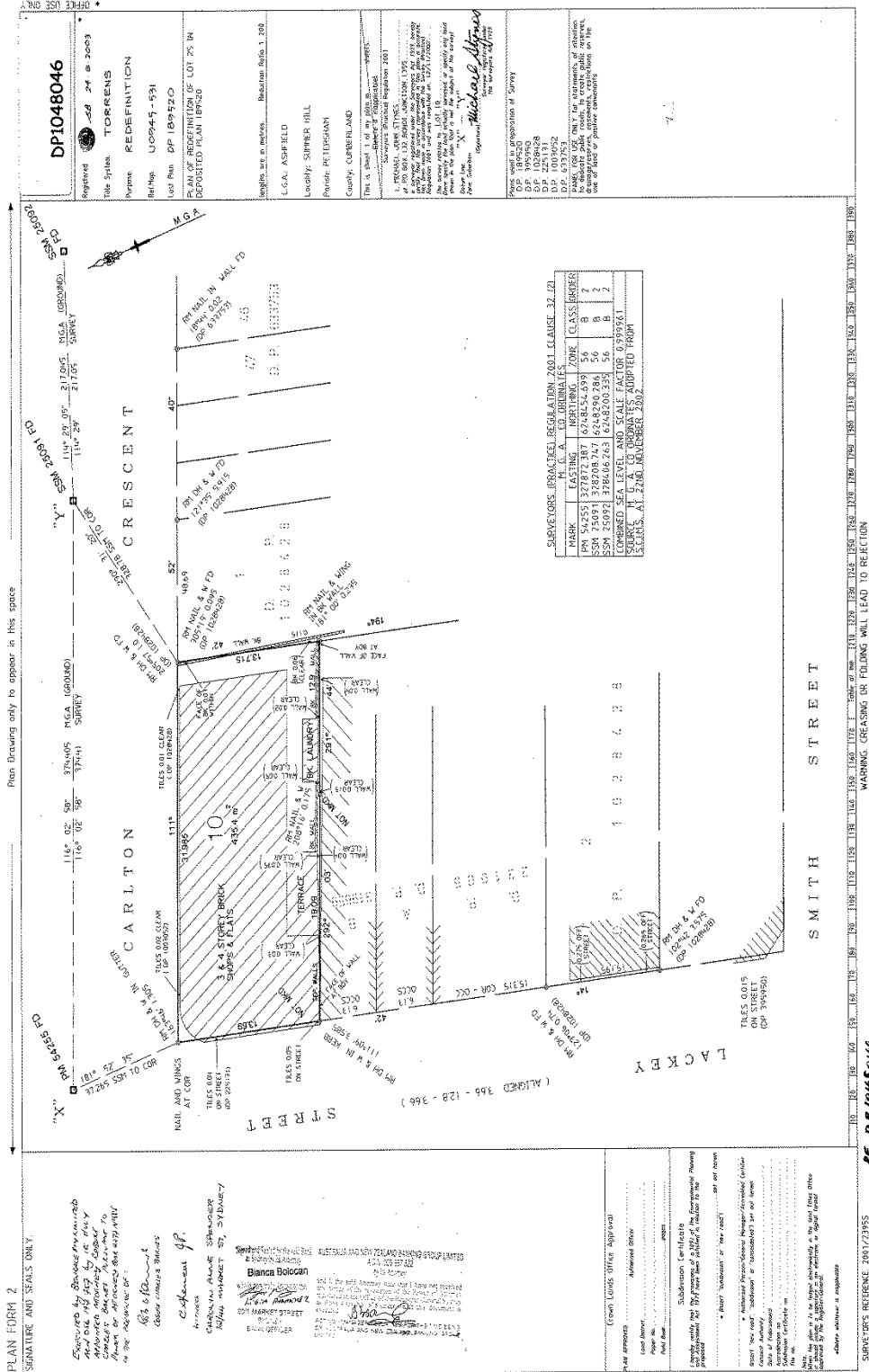
Water Efficiency Labelling and Standards (WELS) and www.waterrating.gov.au

WorkCover Authority of NSW 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Attachment B Plans of proposed development





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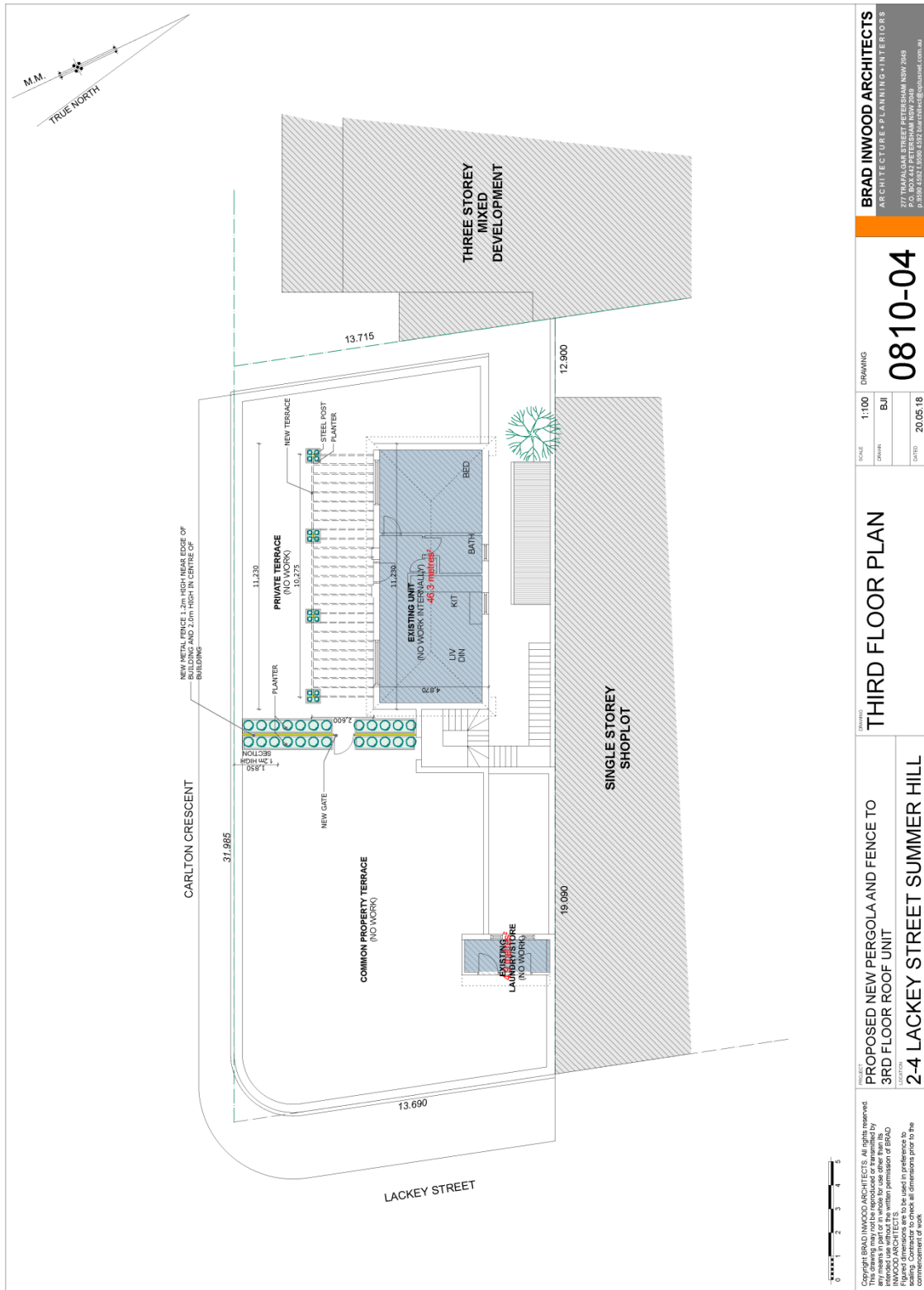
SCALE: 1:100
 DRAWN: BJI
 DATE: 20.05.18

FIRST FLOOR PLAN
 DRAWING NO: 0810-02

PROJECT: PROPOSED NEW PERGOLA AND FENCE TO 3RD FLOOR ROOF UNIT
 LOCATION: 2-4 LACKEY STREET SUMMER HILL

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 The client agrees to indemnify and hold the architect harmless from all claims, damages, costs and expenses, including reasonable legal costs, incurred by the architect in connection with the preparation and execution of this contract, prior to the commencement of work.





NOTE: NO CHANGE TO THE EXISTING COLOURS AND MATERIALS TO THE BUILDING

Jasper

AWNING AND FENCE IN COLORBOND JASPER

PROPOSED NEW PERGOLA AND FENCE TO 3RD FLOOR ROOF UNIT

2-4 LACKEY STREET SUMMER HILL

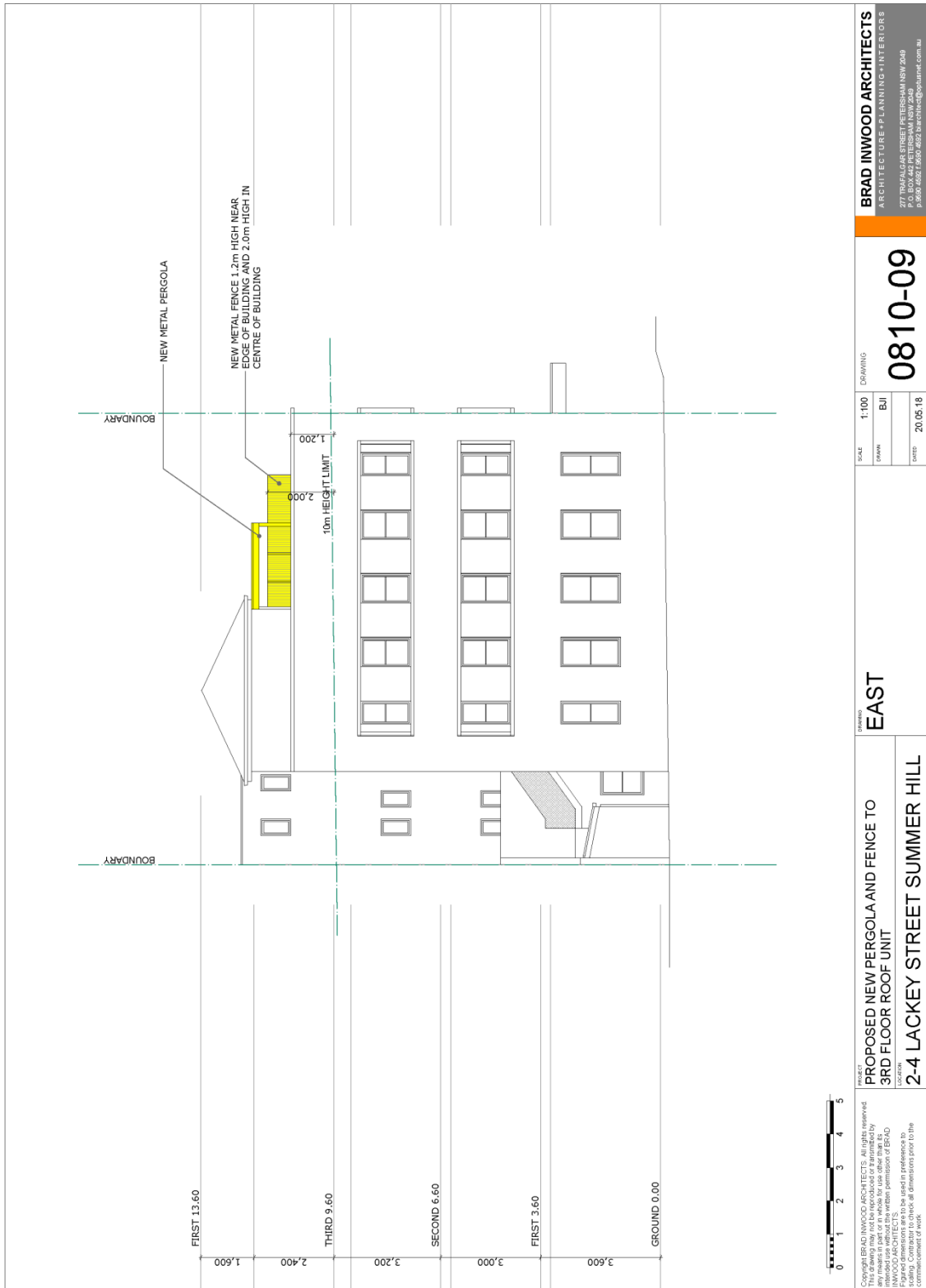
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P.O. BOX 400, BUSBY, NSW 2159
p:6151 6927 6801 f:6151 6927 b:brad@bradarchitects.com.au

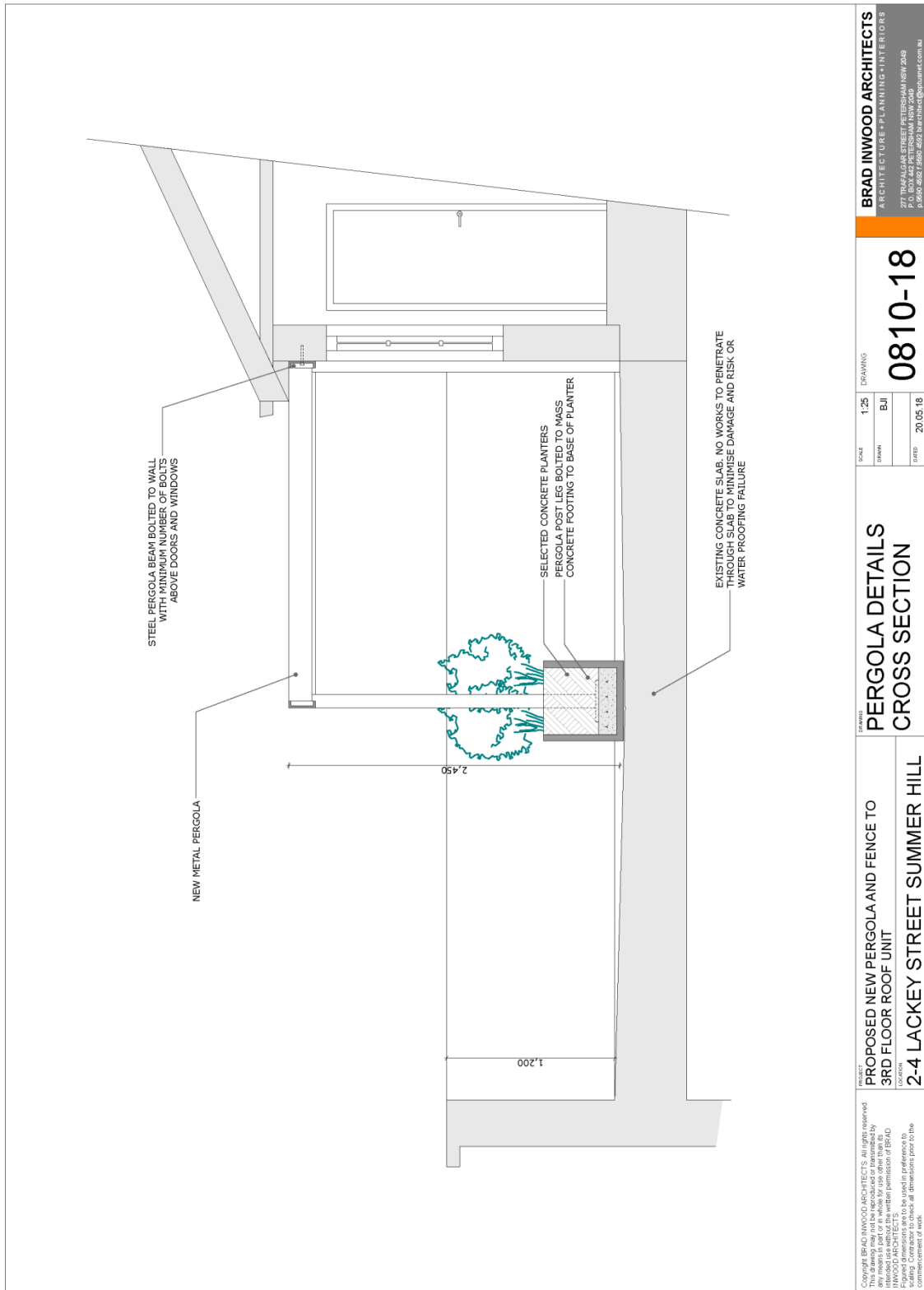
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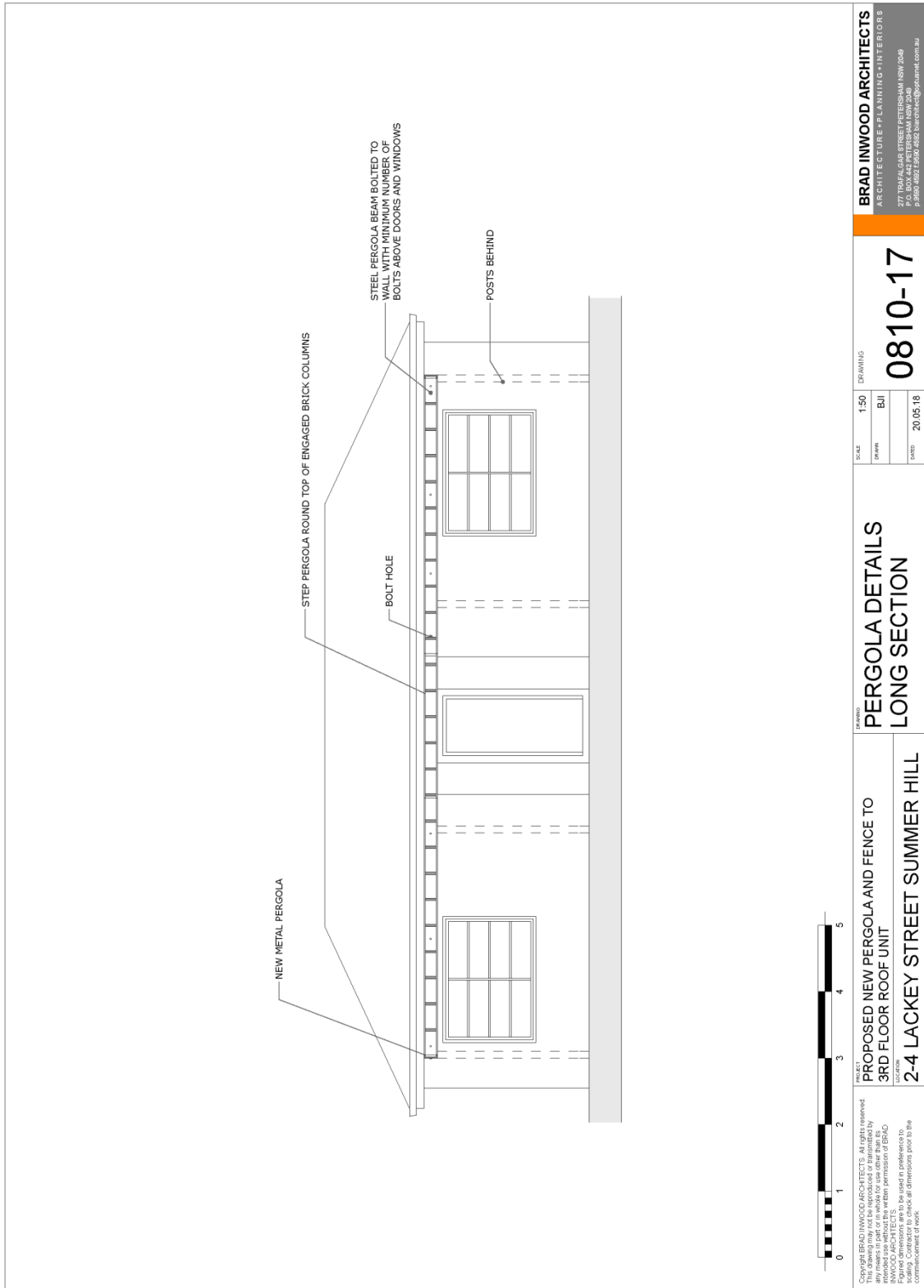
COLOUR AND MATERIALS

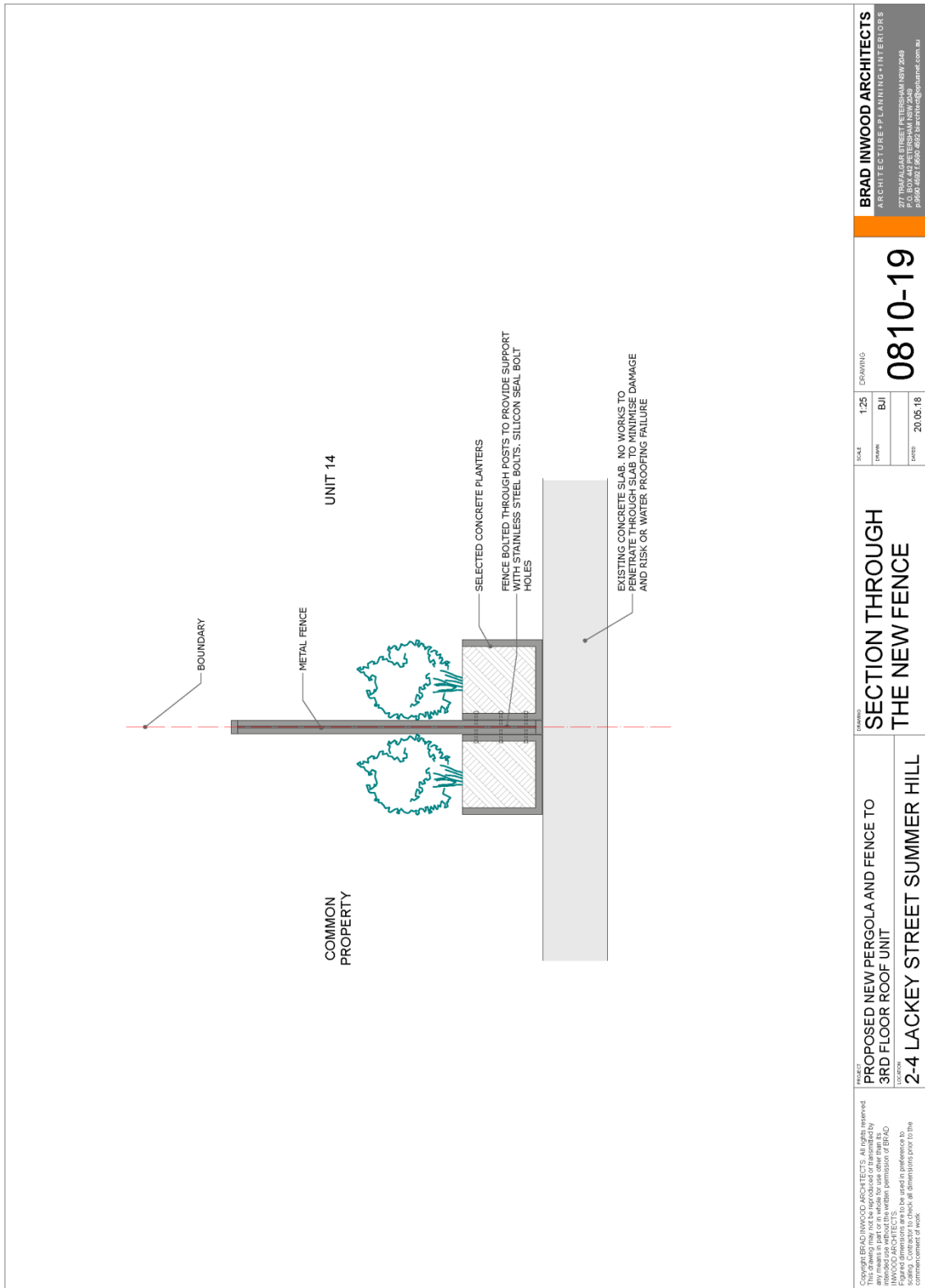
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	LOCATION 2-4 LACKEY STREET SUMMER HILL	DATE 20.05.18	DRAWN B/I
SUBJECT PERGOLA DETAILS CROSS SECTION		DRAWING NO. 0810-18	
ARCHITECT BRAD INWOOD ARCHITECTS ARCHITECTURE + PLANNING + INTERIORS 277 TRAFALGAR STREET, PETERSHAM NSW 2049 PH: 02 9550 4652 FAX: 02 9550 4653 EMAIL: hi@brad-inwood.com.au			





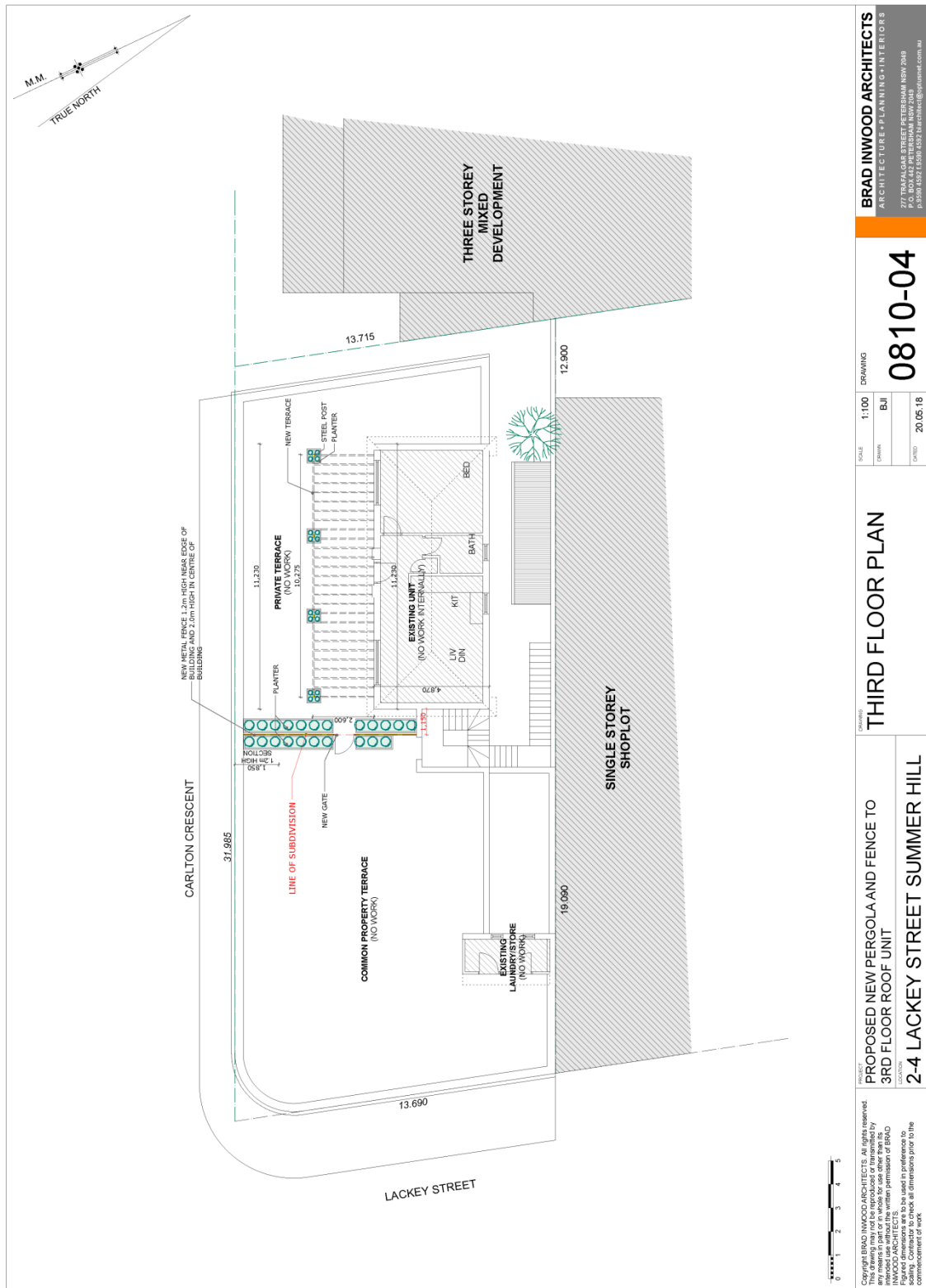
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 DRAWN BJI
 DATE 20.05.18
0810-19

SECTION THROUGH THE NEW FENCE

PROJECT
 PROPOSED NEW PERGOLA AND FENCE TO 3RD FLOOR ROOF UNIT
 2-4 LACKEY STREET SUMMER HILL

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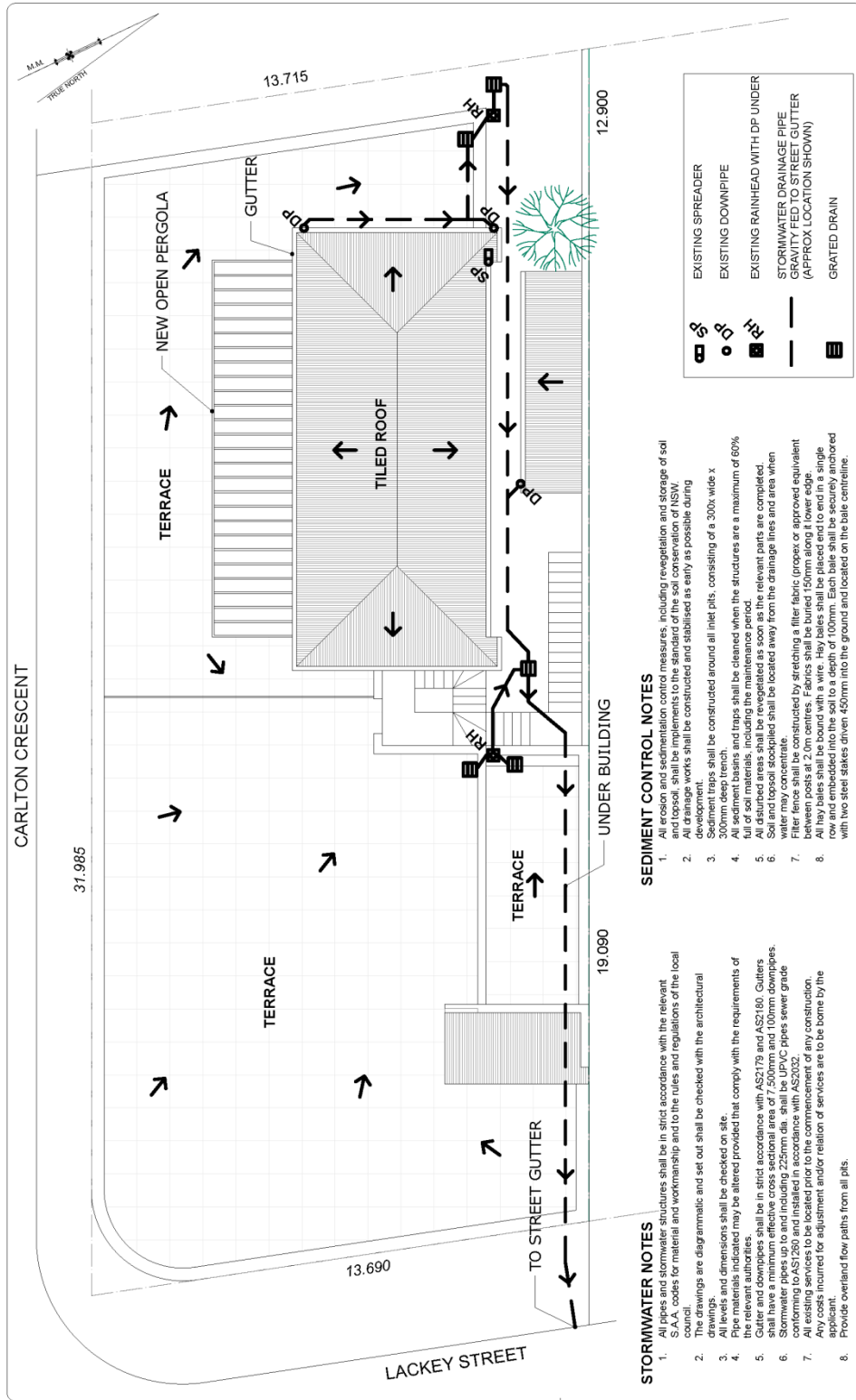
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 D: 02 9427 1088 EMAIL: brad@brad-inwood.com.au

SCALE: 1:100
 DRAWN: BJI
 DATE: 20.06.18

THIRD FLOOR PLAN
 0810-04

PROPOSED NEW PERGOLA AND FENCE TO 3RD FLOOR ROOF UNIT
 2-4 LACKY STREET SUMMER HILL

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STORMWATER NOTES

1. All pipes and stormwater structures shall be in strict accordance with the relevant S.A.A. codes for material and workmanship and to the rules and regulations of the local council.
2. The drawings are diagrammatic and set out shall be checked with the architectural council.
3. All levels and dimensions shall be checked on site.
4. Pipe materials indicated may be altered provided that comply with the requirements of the relevant authorities.
5. Gutter and downpipes shall be in strict accordance with AS2179 and AS2180. Gutters shall have a minimum effective cross sectional area of 750mm² and 100mm downpipes.
6. All pipes shall be installed in accordance with the relevant authorities and shall conform to AS1260 and installed in accordance with AS2032.
7. All existing services to be located prior to the commencement of any construction.
8. Any costs incurred for adjustment and/or relation of services are to be borne by the applicant.

SEDIMENT CONTROL NOTES

1. All erosion and sedimentation control measures, including revegetation and storage of soil and topsoil, shall be implemented to the standard of the soil conservation of NSW.
2. All drainage works shall be constructed and stabilised as early as possible during development.
3. Sediment traps shall be constructed around all inlet pits, consisting of a 300x wide x 300mm deep trench.
4. All sediment basins and traps shall be cleaned when the structures are a maximum of 60% full of soil materials, including the maintenance period.
5. All disturbed areas shall be revegetated as soon as the relevant parts are completed.
6. Soil and topsoil stockpiled shall be located away from the drainage lines and area when Filtration fences shall be constructed by stretching a filter fabric (proper or approved equivalent) between posts at 2.0m centres. Fabric shall be buried 150mm along its lower edge.
7. All hay bales shall be bound with a wire. Hay bales shall be placed end to end in a single row and embedded into the soil to a depth of 100mm. Each bale shall be securely anchored with two steel stakes driven 450mm into the ground and located on the bale centreline.

	EXISTING SPREADER
	EXISTING DOWNPIPE
	EXISTING RAINHEAD WITH DP UNDER
	STORMWATER DRAINAGE PIPE
	GRAVITY FED TO STREET GUTTER (APPROX LOCATION SHOWN)
	GRATED DRAIN

<p>CW Consultants 1/195 Regent Street Redfern NSW 2016 PH 02 753 669 E jeffrey@cwconsultants.com.au ABN 11 134 917 918</p>	<p>Project NEW PERGOLA UNIT 10/2-4 LACKEY STREET SUMMER HILL</p>	<p>Design Jeffrey Ho B.Eng (Hons) UNSW</p>	<p>Title EXISTING DRAINAGE PLAN</p>
	<p>Scale 1:100</p>	<p>Job 16-313</p>	<p>Drawn JH</p>

Attachment C Clause 4.6 Exception to Development Standards

Variation to Standard

Height Control

Unit 10/2-4 Lackey Street

Summer Hill

Inner West Council

BRAD INWOOD Architects

277 TRAFALGAR ST P.O. BOX 442 PETERSHAM NSW 2049

p.9590 4592 f.9590 4592 m.0403 874 071

biarchitect@optusnet.com.au



1. Development standard in question

Permissible height 10m
As per the Ashfield LEP 2013

Proposed maximum height 12.5m

2. What is the underlying purpose of the standard?

4.3 Height of buildings

(1) The objectives of this clause are as follows:

(a) to achieve high-quality built form for all buildings,

(b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,

(c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,

(d) to maintain satisfactory solar access to existing buildings and public areas.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) If a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit set by subclause (2) must not include any area that forms part of the gross.



SIMILAR HEIGHTS

The proposed height is similar to heights of some other buildings in the near vicinity, especially those at intersections of Lackey Street and Carlton Crescent.

The Summer Hill Hotel to the west of the site would be more than 10m in height and also does not comply with the height controls.

The tower to the NE corner of the 3x heritage listed shops across the road at 1,3 and 5 Lackey Street also would be in excess of the 10m height control.

Therefore even though the proposed works do not comply with the height controls, they do comply with the objectives of the height controls by ensuring buildings have a similar or consistent height in the near vicinity.

NEGLIGIBLE IMPACT ON ADJOINING PROPERTIES

The proposed works have no impact on the adjoining properties.

Due to the site and the works being set within the centre of the roof, and surrounded by a parapet wall on all sides, there is no overshadowing to the adjoining properties. This is mainly due to the shadows from the new pergola being inhibited by the parapet walling around the roof terrace.

There are also no shadows cast to any park, street, laneway or open spaces surrounding the site.

There is no loss of views or privacy concerns from the proposed works, as the roof terrace is existing, and any overlooking or privacy concerns already exist to the allotment.



Therefore even though the proposed works do not comply with the height controls, they do comply with objectives of the height control to ensure any proposed development has negligible impact to the adjoining properties and surrounding environment.

HIGH QUALITY BUILT FORM

The proposed works do not result in a loss of the quality of the built form to the site, but in fact will improve the quality of the site. By providing a protected and covered outdoor terrace that can be used by the occupants, there will be a marked increase in the quality of the use of the building by the occupants.

Therefore even though the proposed works do not comply with the height controls, they do comply with objectives of the height control by ensuring high quality built forms to the site.

ALL WORKS UNDER EXISTING BUILDING HEIGHT

All new works are set under the existing building height; therefore, the height of the building is not increased from the proposed new pergola.

All new works are also set within the existing built form and do not increase the perceived mass of the existing building.

Therefore even though the proposed works do not comply with the height controls, they do not result in an increase in the height of the existing building.



NO CHANGE TO THE PRESENTATION OF THE FRONT ELEVATION

Even though the proposed works are over the height limit as per the Ashfield LEP, they will not be visible when the building is observed from both sides of Lackey Street and Carlton Cres. This is due to the proposed works being setback from the elevations of the building and the angle of the LINE OF SIGHT, when the building is viewed from these locations not providing any visibility to the new works.

Therefore even though the proposed works do not comply with the height controls, they do not result in the building presenting to the street as having an increase in height.

We have no hesitation in recommending that Council should consider giving consent to this development. If you have any queries or require any additional information, then please don't hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Brad Inwood', with a long horizontal line extending to the right.

Brad Inwood
B(Arch) UNSW B(Urp)UNE
AIA Chartered Architect 7108

Attachment D Statement of Heritage Significance



Heritage Impact Statement

Development Application

**Alterations and Additions
(New Pergola and Fence to the 3rd Floor/Roof Terrace)
To Unit 10 on Lot 14
To Existing Mixed Use Building**

to

**2-4 Lackey Street, Summer Hill
Subdivision of Lot 10, DP 189520 to SP69481**

For Susan Want

28/05/2018

Prepared By
Brad Inwood Architects
277 Trafalgar Street, Petersham NSW 2049
107 Hartley Valley Road, Vale of Clwydd NSW 2790
p. 0403 874 071



1.0 INTRODUCTION

- 1.1 Preamble
- 1.2 Limitations
- 1.3 Methodology
- 1.4 Heritage Listing
- 1.5 Inspection
- 1.6 Documentary Evidence
- 1.7 Site Location

2.0 HISTORICAL DEVELOPMENT OF THE SITE

- 2.1 Land of the Wangal People
- 2.2 Brief Outline of the History of the Area

3.0 SITE ASSESSMENT

- 3.1 The Surrounding Area
- 3.2 The Site
- 3.3 The Building
- 3.4 The Streetscape and Context
- 3.5 The Adjoining Buildings
- 3.6 Planting
- 3.7 Summer Hill Central Conservation Area – DCP 2013

4.0 ASSESSMENT OF SIGNIFICANCE

- 4.1 Listing
- 4.2 NSW Heritage Office Criteria – 2-4 Lackey Street, Summer Hill

5.0 HERITAGE IMPACT STATEMENT

- 5.1 The Works and Reason for Its Implementation
- 5.2 Impact of Work - Ashfield DCP 2013

6.0 CONCLUSION

7.0 ADDENDUM TO HERITAGE IMPACT STATEMENT



1.0 INTRODUCTION

1.1 Preamble

This heritage report has been prepared to assess the proposed works to 2-4 Lackey Street, Summer Hill, namely;

- Alterations and additions to existing building including new metal framed pergola to the 3rd floor/roof terrace unit.
- New fence between roof terraces or the residential unit and the adjoining common property.

This Heritage Impact Statement was written by Brad Inwood of Brad Inwood Architects B(arch)USW hons, B(URP) UNE.

1.2 Limitations

No historical Archaeological work has been carried out on the site.

A land titles search and a detailed history were not provided.

1.3 Methodology

This statement was prepared with reference to the NSW Heritage Office's *NSW Heritage Manual* update *Statements of Heritage Impact* (2002) and with reference to the documents listed in Section 1.6.



1.4 Heritage Listing

2-4 Lackey Street, Summer Hill;

- Is listed as a heritage item in the *Ashfield Local Environmental Plan 2013*, referred to below as the *Ashfield LEP 2013 as Item No 544, as a commercial building*.
- Is located within the Summer Hill Central Conservation zone, (CA09) as defined in the *Ashfield LEP 2013*.
- Is adjacent to a heritage item at 1 Lackey Street, Summer Hill in the Ashfield Local Environmental Plan 2013, as Item No 542, as a hotel.
- Is adjacent to a heritage item at 1, 3 and 5 Lackey Street, Summer Hill in the Ashfield Local Environmental Plan 2013, as Item No 542, as a shop, dwelling, office.
- Is adjacent to heritage items at Summer Hill Railway Station, in the Ashfield Local Environmental Plan 2013, as Item No 476, as 2x station buildings, and 477, as a railway station booking office.

1.5 Inspection

Brad Inwood of Brad Inwood Architects inspected the surrounds on Monday 21st of May 2018.

All photographic records in this report, unless noted otherwise were taken at the time of this inspection.



1.6 Documentary Evidence

The following references were consulted for the preparation of this statement:

Planning Documents

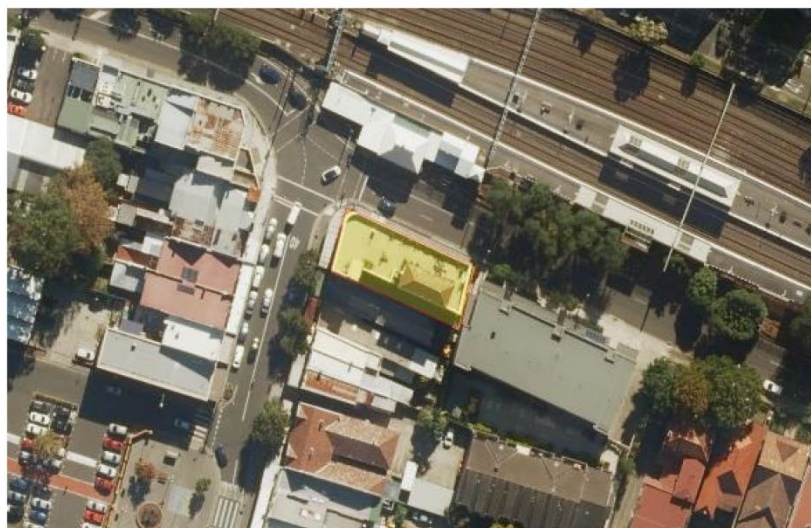
Ashfield Environmental Plan, 2013 (as amended).

Ashfield Development Control Plan, 2013 (as amended).

Heritage Guideline Documents

NSW Heritage Office - Heritage Manual - Statements of Heritage Impact.

1.7 Site Location



Aerial View of Site SIX Maps



2.0 HISTORICAL DEVELOPMENT OF THE SITE

2.1 Pre-European History

Before the First Fleet arrived at Port Jackson in 1788, what is now known as Summer Hill was part of a larger area where people of the Wangal and Cadigal nations lived. There is research to show in the greater Sydney region 8000 - 10000 Aboriginal people were resident, fluctuating on seasons and during tribal conflicts. What is now called the Hawthorne Canal (originally Long Cove Creek) appears to have been the boundary between the Cadigal and Wangal Aboriginal nations.

Iron Cove and the mangrove-lined estuaries of the Long Cove and Iron Cove Creeks would have provided a good source of fish and molluscs, the most common food of the coastal tribes in the Sydney Basin.

In the early days of the colony, the land between Iron Cove and the Cooks River was known as the Kangaroo Ground. This suggests that the land was open terrain favoured by kangaroos, that they were common in the area and may have formed a significant part of the Aboriginal diet.

2.2 Brief Outline of the History of the Area

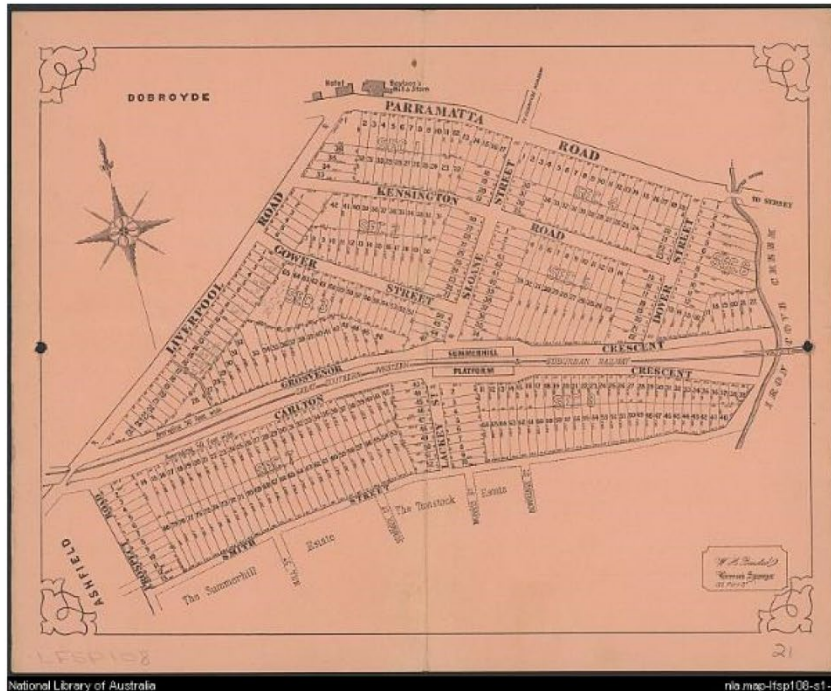
The first land grant in this area was for a farm in 1794, to former convict and jailor Henry Kable. The land in the eastern corner of Summer Hill was an additional grant of 30 acres (12 ha) made to Henry Kable in 1804. This eastern corner would subsequently become part of the estate of James Underwood.

The earliest known use of the name "Summer Hill" was in 1876, for a land subdivision adjacent to the present-day St Andrew's Anglican Church. The name Summer Hill is thought to be a name chosen by the land sub-divider, presumably based on an attachment for England.

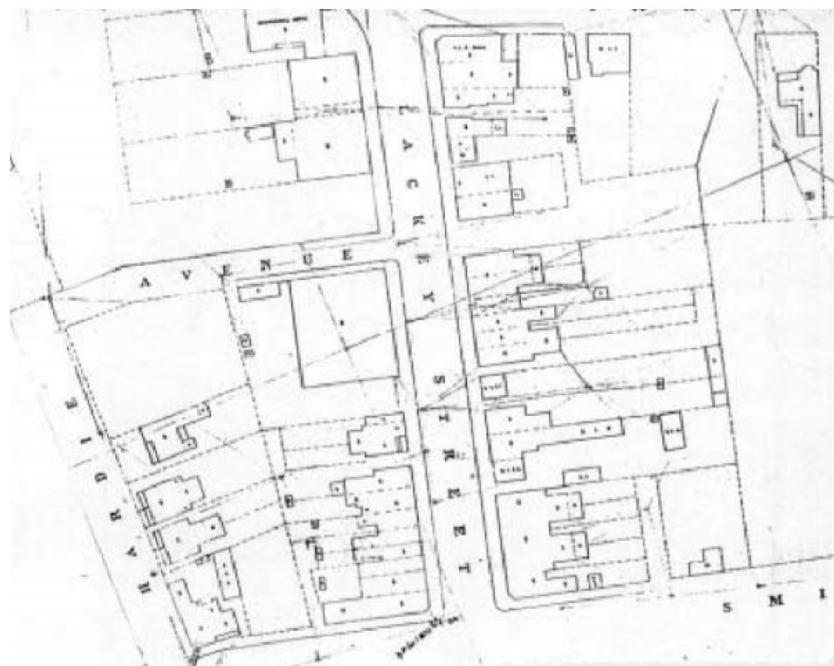
Summer Hill's largest mansion, *Carleton* (now the Grosvenor Hospital's main building), was built in the early 1880s on Liverpool Road for Charles Carleton Skarrat. The suburb boomed with the opening of the railway station in 1879, and was followed by subdivision



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



Subdivision plan - 1878



Sydney Water plan - 1890

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Lackey Street, Summer Hill – circa 1890's



3.0 SITE ASSESSMENT

3.1 The Surrounding Area

The site is located on the SE corner of the intersection of Carlton Crescent and Lackey Street, Summer Hill.

Across Carlton Crescent to the north is Summer Hill Railway Station.

Lackey Street, to the south contains a small shopping precinct.

3.2 The Site

2-4 Lackey Street is irregularly proportioned, with a frontage of 31.985m along Carlton Cres and 13.690m along Lackey Street.

The site is technically known as Lot 10 in DP 189520, with Strata SP 69481.

The site falls from Carlton Crescent to the southern side of the site by 700mm. There is negligible cross fall.

This corner site was originally the location of one of the earliest commercial premises in Summer Hill. A picture in the Town and Country Journal shows a single-storey building with a posted verandah here. Then from the mid-1880s to the early 1900s the Australian Joint Stock Bank occupied the site.

Early 20th- century photographs show that substantial two-storey Victorian Free Classical building addressing both Carlton Crescent and Lackey Street and occupied by the auctioneers Turner, Tate & Co and the Carlton Hall. That building was demolished in the late 1930s.

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2-4 Lackey Street to the left of the image 1884



Turner, Tate & Co – originally to the site prior to the current building



3.3 The Building

To the site is a 4x storey mixed used development containing 10x residential flats and 4 commercial premises to the ground level.

The building presents to the street as a 3x storey building, with the roof terrace (with an extra unit which original a caretakers residence) set back to the southern end of the building.

The current building most likely was built in the 1940's and was the subject of a building application made by the owner-builders James Brothers, and approved on 18 April 1939, for shops and flats estimated to cost £6,000. It is assumed that the works did not start or were restricted during the onset of WW2.

The designer was Corry B Wilson, who graduated from Sydney Technical College in Architecture at the end of 1939 and was registered as an architect in 1944.

The building is built in Inter War Funtionalist Style, with highly expressive curved corner to Lackey Street and Carlton Crescent.

To the ground floor, the wall lining is black tiles with coloured tiles to the entry to the units, which is located to the centre of the façade along Carlton Crescent. This is also pressed aluminium cladding above the shopfront glass windows.

A shop awning runs around both street frontages.

The walling above the ground floor is generally two coloured (yellow and red) face brickwork with rendered bands around the windows, which is expressed in a horizontal direction exhibiting a Moderne style.

Walling to the rear is common brickwork.

Round windows to the NE corner take attribution from the P&O Ocean-liner style.



Each unit originally had terrace either facing Carlton Crescent or Lackey Street, but these have been enclosed over the years, most likely in the 1980's with powder coated aluminium windows.

The roof to the terrace is concrete with the roof terrace unit being terracotta tiles. Most to the roof terrace is obscured by the 1.2m high parapet wall surrounding the building.

The internal layout consists of a central staircase and hallway accessible off Carlton Crescent. The staircase serves all floors with 4x units per floor. The staircase and hallway flooring is terrazzo flooring, with wrought iron handrails around the staircase.

A service stair, common in residential flat building prior to 1950, with bread boxes etc all accessible from these stairs. This service staircase also provides natural light to the main staircase.

Access to the roof terrace unit (ex. Caretakers residence) is accessible from the service stairs.

Laundry facilities are located in a separate building to the rear ground floor or to the roof terrace level.



Western elevation



Northern elevation



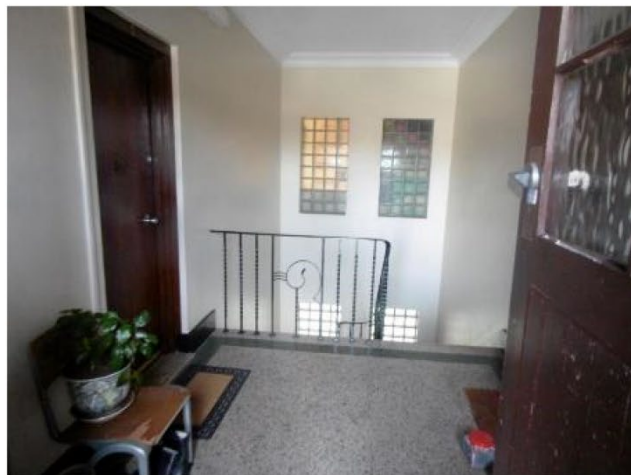
Roof terrace unit (ex. Caretakers residence)



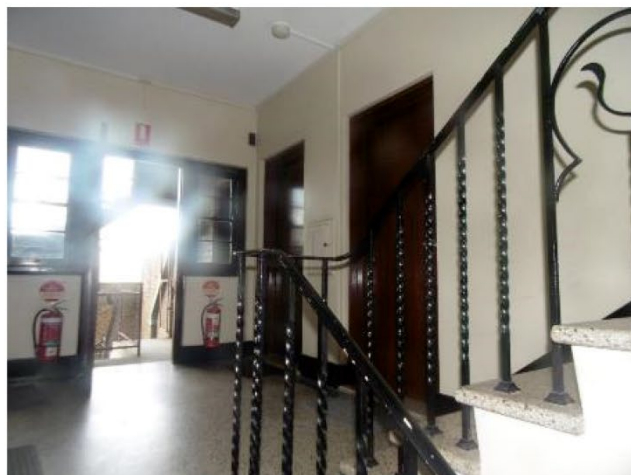
Rear walling



Rear service stairs



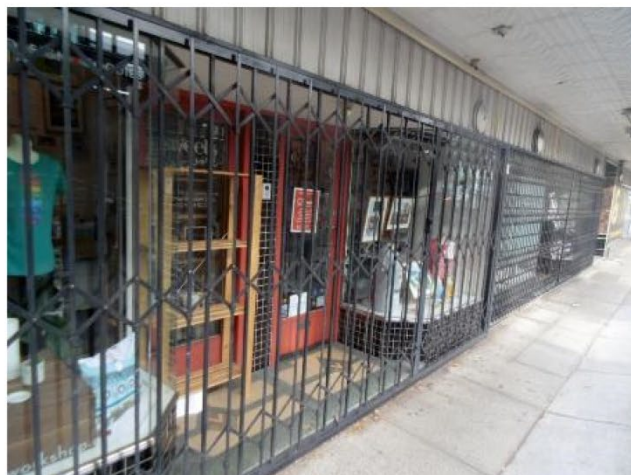
Typical internal hallway



Typical internal hallway looking to service stairs



Entry doors and tiles



Shops along Carlton Crescent



View of the site from northern side of the railway



3.4 The Streetscape and Context

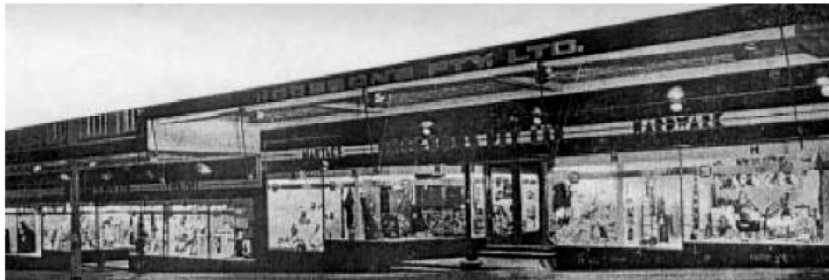
The streetscape is a mix of building styles and types due to the nature development and redevelopment of the commercial shops in the vicinity.

Although buildings started to be built in the area around 1880, most existing structures were built around the 1900's and 1910's, when the area became part of the Sydney Suburban development.

Some infill development has also occurred since then, generally around the 1940's.

The current plaza along Lackey Street originally was Hodgson's grocery, drapery and ironmongery emporium, by far the biggest in Summer Hill. The business began when Hodgson bought Woodhill & Murray's, moved into a new building on this site, five bays wide, before the end of the 19th century.

The business continued to grow and in 1908 the building was seven bays wide. The store was refurbished, and its facade modernised as an Art Deco composition, in the Inter-War years, when it was interesting enough to be featured in the architectural magazine *Decoration & Glass*.¹⁰ Later the business was taken over by Waltons, and eventually discontinued. The building was demolished in the late 1970s.

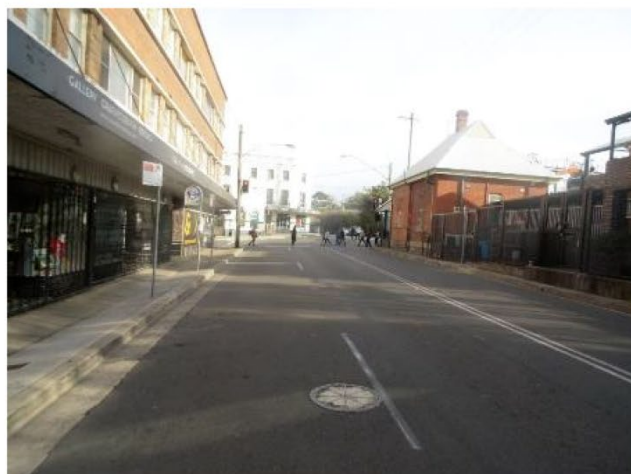


Hodgson's Emporium

The streetscape has a high degree of established planting, including exotic and native trees, most of which would have been planted in the last 20 years with the suburbs gentrification and street improvements.



Carlton Crescent looking east



Carlton Crescent looking east



Lackey Street looking south

3.5 The Adjoining Buildings

1 Lackey Street, Summer Hill, Summer Hill Hotel

1 Lackey Street, Summer Hill is listed in the Ashfield Local Environmental Plan 2013, as Item No 542, as a hotel.

First built by Martin Connor and Thomas Bartlett this corner pub was held for a short period by Henry Wakeham, after which the McQuillan family occupied it until 1914. It was three-storeyed from the beginning, with elegant cantilevered balconies. The building was extensively altered in 1925 and again in 1938, when it took on its present Georgian Revival look.

The building is rendered masonry, with timber windows and a flat metal roof. Some wrought iron fenestration is also evident above the shop awning to the roof of the ground floor.



1 Lackey Street, Summer Hill Hotel

1,3 and 5 Lackey Street, Summer Hill, Shops, Residence and Office

1, 3 and 5 Lackey Street, Summer Hill are listed in the Ashfield Local Environmental Plan 2013, as Item No 542, as a shop, house, office.

Richard Stanton, the well-known real estate agent, purchased this vacant site in 1888. The building, with its impressive pedimented facade, was designed by architects Ellis & Slatyer in 1889. The street front has been altered, mainly by the removal of the mansard-roofed spire at the north end and the faceted central oriel. The footpath awning originally had cast iron columns.

The building is of rendered masonry walling with Italianate detailed parapet. The roof is of metal.



1, 3 and 5 Lackey Street, Summer Hill

Summer Hill Railway Station Booking Office and Railway Platform Buildings

Summer Hill Railway Station booking office and railway platform buildings are listed in the Ashfield Local Environmental Plan 2013, as Item No 476, as 2x station buildings, and 477, as a railway station booking office.

Summer Hill Railway Station has local significance as the existing station arrangement dating from the 1891 quadruplication of the line has the ability to demonstrate the expansion of the railways in the late 19th century to accommodate increased suburban development, and for its collection of late 19th and early 20th century railway structures that collectively demonstrate a former era of travel. Designed under the direction of Commissioner Edward Eddy, the extant platform building although altered, demonstrates the first use of island platforms in NSW and is only one of four extant examples of 1891 platform buildings, known as the 'Standard Eddy' type. The 1913 booking office along Carlton Crescent, although altered, is a good example of a Federation style railway building that contributes to the streetscape of the local area.

**PLATFORM BUILDING (1892)**

External: The 'Standard Eddy' building is a weatherboard building with toilets and a room that currently serves as a store. It has a Colorbond hipped roof behind a wide timber fascia. The windows have timber frames, flushed timber sills and single, fixed panes which are divided into six parts and are fitted with opaque glass. The door openings have timber frames, recently upgraded concrete slab thresholds, timber panel doors with six paned fanlights and aluminium kick plates.

Internal: The toilets have been refurbished and have new glazed ceramic wall tiles and patterned ceramic floor tiles.

BOOKING OFFICE (1913)

External: The existing booking office and Station Manager's office was originally the parcels and baggage office. The building form has been altered in various stages but it retains some of its original 1913 fabric. It is an oblong building with Flemish brick bond and a gabled hip roof made of Colorbond steel. While viewing from Carlton Crescent the building seems to be divided into two parts as the east end of the building steps back slightly. However a single roof covers both the parts. The west end of the building has an original sandstone cornice which has been removed at the east end of the building. The building has retained its original chimney. Window openings feature flat brick arches and carved sandstone brick sills with timber framed double hung windows, which have six paned top sashes and single pane bottom sashes. The windows are currently fitted with metal framed wire meshes. There are two ticket windows to the west face of the booking office which are small fixed clear glass windows fitted with aluminium roller shutters on the outside. One of the windows has an early timber frame and timber sill and is fitted the single glass and an inner metal roller shutter. The other window has an aluminium frame and sill. The doors to the east and west ends of the building are timber flushed panelled doors with timber frames. The door to the east end of the building also has a fly screen door attached to the outer side.

**6 Lackey Street, Summer Hill – Commercial Premises**

6 Lackey Street is located to the south of the proposed works.

This building is a single storey masonry walled building with a metal roof. There is a shop facing Lackey Street with a side hallway to another commercial premises to the rear of the allotment.

This building most likely was constructed around 1940.

50 Carlton Crescent, Summer Hill – Mixed Use Development

50 Carlton Crescent, Summer Hill is located to the east of the proposed works.

This building is a three storey face and rendered residential flat building with ground floor shops. There is also basement carparking under.

This building most likely was constructed around 2000.

3.6 Planting

There is a recently planted Lilly Pilly to the rear of the site.

3.7 Summer Hill Central Conservation Area – DCP 2013



Summer Hill Central Conservation Area

From the Summer Hill Central Conservation Area from Ashfield Council;

Townscape character and its implications

- The overall character of the CA is diversely urban, dominated by commercial-retail uses. Its two sections north and south of the railway line, are in fact unified by the station structures.
- The streetscapes are essentially traditional and animated by interesting architecture, with continuity of pleasingly-modelled, hard-edged facades and attractive detailing. An exception is Hardie Avenue, whose streetscape has aesthetic shortcomings.
- The townscape is almost entirely traditional in style and pleasantly human in scale.



- No traditional posted footpath awnings and almost no traditional shopfronts survive.

Statement of significance

The significance of this area arises from—

- the intense interest of its history;
- its distinctive combination of retail, commercial, light industrial and occasional residential uses;
- the dominance of buildings from the period c 1880 to 1930;
- its ability to demonstrate the compatibility and appropriateness of modest townscape scale and form;
- the pleasing diversity and harmony of its traditional architecture, especially the continuity and modelling of street facades;
- its potential to re-erect and restore missing streetscape elements such as posted verandahs.

Recommendations

The designation of this place as a Conservation Area carries two implications—

(a) that the area is significant as a heritage area

(b) that the CA exhibits the potential for restoration, so that virtually all its component parts can reach towards making a maximum contribution to the defined townscape and streetscape character of the area.

In pursuance of implication, the following recommendations are offered.

- i. That this Conservation Area should be adopted by Ashfield Council, and its contents disseminated as appropriate to all who have an interest in its protection and enhancement;
- ii. That an appropriate Local Environmental Plan and a consequent Development Control Plan should be advanced so as to protect the stated significance and streetscape values, to encourage maintenance and restoration of buildings



and elements that contribute to the character of the area and, where new structures are required, to ensure that they too contribute positively and sympathetically to that character.

- iii. That the continuation of land-use diversity, architectural variety and other aesthetic values should be encouraged, in furtherance of the objective of protecting and enhancing the heritage merit of the Summer Hill Centre
- iv. That an urban design study be initiated for Hardie Avenue, with a view to encouraging an improved streetscape and a more positive aesthetic relationship with the car park.
- v. That an urban design study be initiated for the Summer Hill Plaza, with a view to improving its civic status and aesthetic value.



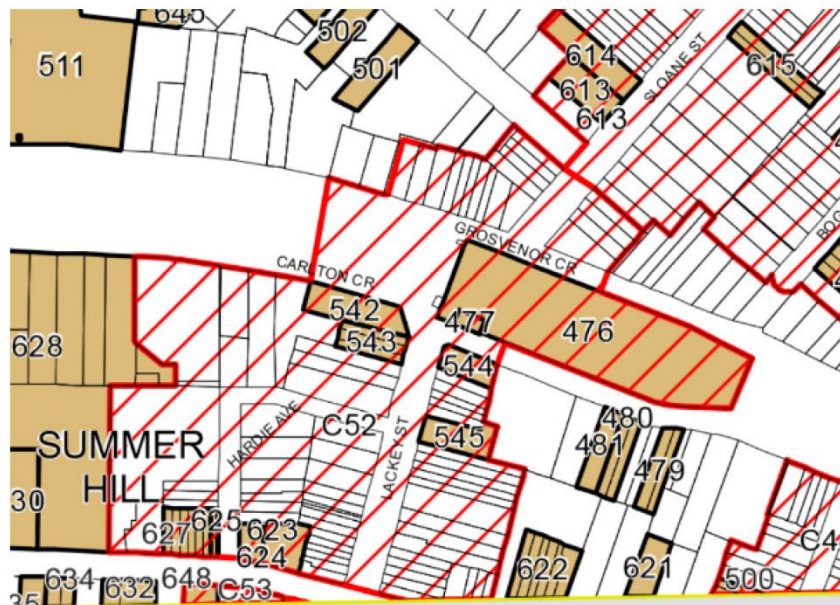
4.0 ASSESSMENT OF SIGNIFICANCE

4.1 Heritage Listing

2-4 Lackey Street, Summer Hill;

- Is listed as a heritage item in the *Ashfield Local Environmental Plan 2013*, referred to below as the *Ashfield LEP 2013 as Item No 544, as a commercial building*.
- Is located within the Summer Hill Central Conservation zone, (CA09) as defined in the *Ashfield LEP 2013*.
- Is adjacent to a heritage item at 1 Lackey Street, Summer Hill in the Ashfield Local Environmental Plan 2013, as Item No 542, as a hotel.
- Is adjacent to a heritage item at 1, 3 and 5 Lackey Street, Summer Hill in the Ashfield Local Environmental Plan 2013, as Item No 542, as a shop, dwelling, office.
- Is adjacent to heritage items at Summer Hill Railway Station, in the Ashfield Local Environmental Plan 2013, as Item No 476, as 2x station buildings, and 477, as a railway station booking office.

BRAD INWOOD ARCHITECTS
ARCHITECTURE+PLANNING+INTERIORS



Site in Heritage Conservation Zone
Ashfield LEP 2013



4.2 NSW Heritage Office Criteria – 2-4 Lackey Street, Summer Hill

2-4 Lackey Street, Summer Hill is assessed for significance according to the criteria of the New South Wales Heritage Office.

Few of the aspects of significance discussed below are exclusive: a characteristic may, for example, have both historical and aesthetic significance.

4.2.1 Criterion (a) - an item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

2-4 Lackey Street, Summer Hill is of local significance for the Summer Hill shopping precinct as the start/end of the shopping district and interaction between the shopping district and the railway station.

4.2.2 Criterion (b) - an item has strong or special association with the life works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

The building has no strong or special association with the life works of a person or a group of persons of importance in NSW's cultural or natural history, although it was designed by Architect Corry Barraclough Wilson.

Born on 15 April 1916, Corry Wilson was the eldest child of shopkeeper Albert Corry Wilson (1885-1949) and his wife Marjory Jane. The couple appears to have met when Marjory, a music teacher, took on Albert as a student for an examination held in Brisbane in 1907 by the Trinity College of Music. Engaged in 1912, they married in Brisbane in May 1915, but appear to have settled in Cheltenham, NSW, just before (or just after) their son Corry was born.

He attended Parramatta High School and later enrolled at Sydney University, where he completed his matriculation in March 1934 and was duly admitted to the architectural course. According to another source, he completed his studies at the Sydney Technical College in 1939. His earliest known architectural commission, completed that same year, was a three-storey block of shops and flats in the inner Sydney suburb of Summer Hill,



designed in the popular Streamlined Moderne style. In what would have been a notable achievement for any recent graduate, this early project was published in the building column of the *Sydney Morning Herald*.

In the late 1930s, Wilson otherwise kept busy as secretary/treasurer of the Parramatta High School Ex-Student's Association, a position that he held until he resigned to join the RAAF. Enlisting on 3 March 1941, he was briefly attached to the 5th Elementary Flying Training School at Narromine before being discharged in July with the rank of Leading Aircraftman. That same month, he married Miss Flora May Lambert (1921-85), a fellow member (and former assistant secretary) of the Parramatta High School Ex-Students' Association. Their reception was held at Romano's Roadhouse, which had been the regular venue for many of the association's events. The first of the couple's seven children, son Corry John, was born in 1942. He was registered as an architect in NSW in 1944, and, two years later, admitted as an associate of the RAIA.

By the late 1940s, Wilson had formally commenced his own architectural practice in Parramatta, with an office at 20a Phillip Street. In 1951, he established a branch office at Armidale, in CWA House at 105 Beardy Street. The following year, he advertised that he was present at the Armidale office on the first Friday and Saturday of each month, or other times by appointment. Remaining highly active in Parramatta, he was a member of the local Lions Club as well as the Parramatta Business & Professional Men's Club (for whom, in the capacity of Honorary Architect, he prepared plans for the renovation of the club premises). While it has not been confirmed how long the branch office at Armidale continued to operate, Wilson is known to have practised in Parramatta, from the same address in Phillip Street, until well into the 1960s. Little, however, is currently known of his work during this later period.

From the 1940s, Corry and Flora Wilson resided in Baulkham Hills, where he built a sprawling ranch-style house in Seven Hills Road, with four bedrooms and two living rooms, to accommodate their large family. Flora died in April 1985 and Wilson later married for a second time, to Olive "Molly" Wakefield. She similarly predeceased him, in 2008. Wilson himself died the following year, on 27 May 2009, aged 94 years. His seven children survived him.

**Select List of Projects**

- 1939 Block of shops/flats for James Brothers, 2-4 Lackey Street, Summer Hill
- 1948 Residence, Middle Cove
Two adjacent residences, Earlwood
Shop and residence, Bardwell Park
- 1952 Alterations to pharmacy for Ryde United Friendly Societies Pharmacy Ltd, Ryde
Residence, Wentworthville
- 1953 Alterations and additions to bakery, Lidcombe
Renovations to Nectar Café, Armidale
Residence, Bilpin via Kurrajong Heights
Repairs to shop premises, Granville
Remodelling of block of flats, Ocean Beach, Manly
Dental laboratory, Parramatta
Surgery for Dr L G Elias, Ermington
- 1954 Administration building for Wyong District Agricultural Association, Wyong
Baby Health Centre for Shire of Baulkham Hills, Castle Hill
Residence, Granville
Residence, Merrilands
- 1955 Retail store for Armidale District Co-operative Society Ltd, Beardy Street, Armidale
Residence, Newport
- 1956 Maternity centre, Warranilla Private Hospital, Prospect Street, Harris Park, Parramatta
Renovation of premises for Parramatta Business & Professional Men's Club, Parramatta
- 1963 Alterations to the Oxley Club, Stuart Street, Bourke
- 1969 Coonamble Bowling Clubhouse, Coonamble



4.2.3 Criterion (c) - an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

The building is excellent example of Inter War Funtionalist Style, with highly expressive curved corner to Lackey Street and Carlton Crescent.

The building is also an excellent early example off Moderne architecture and mixed use development of commercial and residential flat buildings above.

Therefore, the building has a significant criterion with respect to the cultural and natural history of area.

4.2.4 Criterion (d) - an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

The building is not significant under the criterion.

No social, cultural or spiritual group in NSW is associated with the building.

4.2.5 Criterion (e) - an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

The building does not yield or contribute to a further understanding of the cultural and history of NSW.

The building does not have significant criterion with respect to a further understanding of the NSW cultural and natural history.

4.2.6 Criterion (f) - an item possesses uncommon, rare or endangered aspects of New South Wales' cultural or natural history (of the cultural or natural history of the local area).



The building is excellent example of Inter War Funtionalist Style, which is not a common building type in the Ashfield and Sydney area in general.

Therefore, the building has a significant criterion with respect to this uncommon and rear architectural style.

4.2.7 Criterion (g) - an item is important in demonstrating the principal characteristics of a class of NSW's:

- **cultural or natural places; or**
- **cultural or natural environments; or**
- **cultural or natural places; or**
- **cultural or natural environments.**

The building does not demonstrate the principle characteristics of a class of NSW's cultural or natural places or environment.

Therefore, the building does not have significant criterion with respect to a being a class of NSW's cultural or natural environmental.



5.0 HERITAGE IMPACT STATEMENT

5.1 The Works and Reason for Its Implementation

The following works are proposed to the site;

- Alterations and additions to existing building including new metal framed pergola to the 3rd floor/roof terrace unit
- New fence between roof terraces or the residential unit and the adjoining common property

The purpose of the works is to allow the current roof terrace unit have a private outdoor space which can be used by occupants. The fence is also to allow of privacy between the existing private outdoor space to the unit and the common outdoor space adjacent

5.2 Impact of Work

1. The proposed works generally maintain the main the facade of the existing building. The new pergola and fence are to be set back from the elevations of the building. Thus, when the building is viewed from either side of Lackey Street and Carlton Crescent, and with consideration of lines of sight and the setback of the works, the pergola and fence would not be visible from the streetscape.
2. There is no change to the front or side setbacks from the proposed works.
3. Form, Materials and Colours – As per the material and colour samples submitted, the materials and colour palate take reference from the historical character of the building and also from the adjoining buildings in the conservation zone. The pergola will be painted to harmonise with the existing building palette, while the new fence will be vertical slats of metal or timber, supported by fibreglass/concrete planter boxes for strength and to maintain the integrity of the roof waterproof membrane. All colours and materials will be in keeping with the traditional colours and materials suitable to the historical character of the building.



The fence is also setback from the northern elevation so as to not be visible along the facade on Carlton Crescent.

4. There is no topographical changes from the proposed works.
5. The works do not alter the existing building fabric, with the new pergola and fence only being attached to the existing brick walling and parapet walling. There is no disturbance to the existing built form and fabric.
6. There is also negligible landscaping to the site and the proposed works do not alter the landscaping and planting to the site at the time of construction, and also to the streetscape. In future, the planter boxes that form part of the fence foundation can be used for planting.
7. The proposed development will not undermine or cause physical damage to the existing building or surrounding buildings.
8. The proposed works will not affect the existing/established bulk, scale, height and massing of the site and its surrounds.
9. No chimneys are to be removed as part of the works.
10. The new works are of a lower height than the existing tiled roof to the roof terrace unit. There is no increase to the height of the building from the proposed works.
11. No view corridors to and from any heritage items or parts of the Summer Hill conservation area to be affected from the proposed works.
12. The public will still be able to fully appreciate the site and its historical character when viewed from Carlton Crescent and Lackey Street.
13. There is no increase in shadows to the adjoining buildings from the proposed works.



14. The proposed development is not sited on any known or potentially significant archaeological deposits.

15. This report forms a record of the history and fabric of the existing building at this change point.



6.0 CONCLUSION

This Heritage Impact Statement has provided a basic assessment of the heritage significance 2-4 Lackey Street, Summer Hill and has assessed the heritage impact of the proposed works, namely;

- Alterations and additions to existing building including new metal framed pergola to the 3rd floor/roof terrace unit.
- New fence between roof terraces or the residential unit and the adjoining common property.

The proposed works will have no significant impact on the Conservation Area as determined by Inner West (ex. Inner West) Council.

The proposed works do not result in any adverse effects to the adjoining heritage items namely 1,3, 5 Lackey Street, Summer Hill Railway Station and the Summer Hill Hotel.

The proposal will have no effect on the streetscape along Carlton Crescent of Lackey Street or the adjoining buildings.

Yours sincerely

A handwritten signature in black ink, appearing to be "Brad Inwood", written over a horizontal line.

Brad Inwood
B.Arch. (UNSW)hons. B.URP(UNE) Chartered Architect AIA



7.0 ADDENDUM TO HERITAGE IMPACT STATEMENT

An additional assessment of impact needs to occur in relation to the impact of the proposed fixings of the fence and pergola. The original configuration of the caretaker's flat needs to be determined and the significance of the fabric. This additional assessment of impact needs to be undertaken by a Heritage Specialist or Heritage Architect.

The proposed fixings to the pergola will involve several masonry anchor-bolts into the existing brickwork. It is anticipated that only 6x bolts will be required.

The bolts are to be drilled only into the centre of the brick, without damaging to the sides of a brick or to numerous bricks per bolt connection.

If, in the instance where the pergola in the future is removed, any bolt holes can be repaired with brick coloured grout.

The capital to the engaged column detailing to either side of the front door is not be affected from the proposed works, with the new pergola to be formed/shaped around the engaged column. The brickwork to the capital to the column in not be damaged/alterd or removed from the proposed pergola.

There will be no damage to the flooring or paving of the building from the proposed pergola, with the posts for the pergola sitting in planter boxes only.

We have undertaken a GIPA request to assess the internal configuration of the unit, although preliminary analysis would suggest that the internal configuration has not been altered since the residence's construction. This will be confirmed after assessment of the original building plans, which we anticipate will arrive shortly.