




 DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	DA/2021/0794
<b>Address</b>	108-112 Smith Street SUMMER HILL NSW 2130
<b>Proposal</b>	Demolition of existing structures on the site, retention of the main Smith Street façade and construction of 8 dwellings as shop top housing, with 2 commercial suites and associated parking and storage on the ground floor.
<b>Date of Lodgement</b>	01 September 2021
<b>Applicant</b>	PB Developments NSW PTY
<b>Owner</b>	Perrone Holdings Pty Ltd
<b>Number of Submissions</b>	Initial: 15
<b>Value of works</b>	\$2,608,084.00
<b>Reason for determination at Planning Panel</b>	SEPP 65 Number of submissions
<b>Main Issues</b>	Compliance with SEPP65 and ADG Solar Access Parking
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Statement of Heritage Significance
<b>Attachment D</b>	Architecture Excellence and Design Review Panel Report
	
<p><small>DISCLAIMER: This map has been compiled from various sources and the publisher and/or contributors accept no responsibility for any injury, loss or damage arising from its use or errors or omissions therein. While all care is taken to ensure a high degree of accuracy users are invited to notify any map discrepancies.</small></p> <p style="text-align: right;"><small>Created on 28/04/2022 Map Scale: 1:1250</small></p>	
LOCALITY MAP	
Subject Site 	Objectors 
Notified Area 	Supporters 
Note: Due to scale of map, not all objectors could be shown.	

## 1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of existing structures on the site, retention of the main Smith Street façade and construction of 8 dwellings as shop top housing, with 2 commercial suites and associated parking and storage on the ground floor at 108-112 Smith Street SUMMER HILL NSW 2130.

The application was notified to surrounding properties and 15 submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Compliance with SEPP65 and ADG
- Solar Access
- Parking

The non-compliances are acceptable given that the proposed development will have no significant adverse amenity impacts to the adjoining properties or impacts on the public domain, and therefore the application is recommended for approval.

## 2. Proposal

The proposal is for alterations and additions to an existing commercial building to create shop top housing, comprising two retail units and 8 residential dwellings, with associated facilities and parking.

### Ground floor/street level

- Retention of the existing street frontage and parapeted building along Smith Street.
- Two commercial suites with direct level access from Smith Street.
- Main entry to residential units with direct level access from Smith Street
- Garbage rooms for commercial and residential units and bulky waste storage room.
- Accessible toilet for commercial units
- Lift access to residential units
- Carparking for residents and commercial units accessed from the right of way at the rear of the site. Includes accessible parking space.
- Storage units for residents

### First floor

- Entry doors and main living area/kitchens to 8 residential units
  - 4 x two storey, two bedroom units at the rear
  - 4 x two storey one bedroom units at the front of the site, including one adaptable unit.
- Lift access
- Communal landscaping and terrace
- Stair egress

### Attic level

- Second level of residential units

### 3. Site Description

The subject site is located on the southern side of Smith Street, between Nowranie Street and Morris Street. The site consists of one allotment and is generally rectangular in shape with a total area of 578sqm and is legally described as Lot C DP 442739 or 108-112 Smith Street SUMMER HILL NSW 2130.

The site has a frontage to Smith Street of 16.895m. The site is affected by a 3.05m wide right of way easement known as 274995 located on DP920883. This currently provides vehicle access to the subject site from Nowranie Street. Three other properties also benefit from the easement, Lots A and B in DP 442739 (104 and 106 Smith Street) and Lot 1 DP920883 (114 Smith Street).

The site supports a single storey rendered brick façade, metal building with galvanised iron roof which is currently occupied by a vehicle repair shop. The adjoining properties support two storey brick buildings with ground floor shops and first floor residence.

The subject building is listed as a heritage item and the site is also located within a heritage conservation area.

There are no trees located on the site or within the immediate vicinity which would be affected by the proposal.

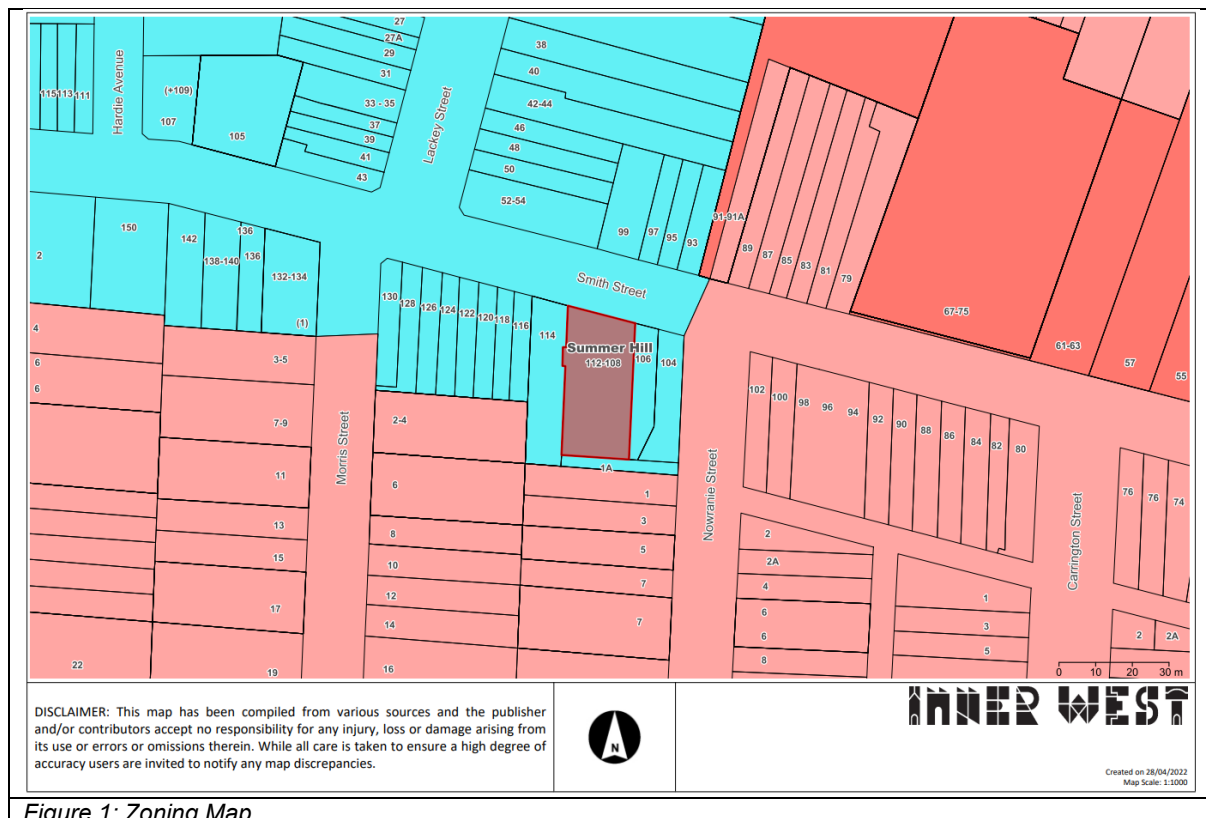


Figure 1: Zoning Map

## 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
PDA/2020/0161	PREDA - mixed use building	07/07/2020 – advice issued
0092020000002.1	PREDA - Retention of the existing facade with apartments set back behind facade on upper levels	10/03/2020 – advice issued
009.2018.00000061.001	PREDA - Retaining of the existing front facade of the existing building, construction of 2 shops, 2 studio apartments, 7 x one bedroom apartments & 5 x two bedroom apartments over basement parking	26/11/2018 – advice issued
009.2015.00000028.001	PREDA - mixed use development comprising of nine one bedroom units, three two bedroom units, retail space with parking and secure basement parking for twelve cars and two disabled parking	13/10/2015 – advice issued

#### Surrounding properties

N/A

### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
08/09/2021	Application Lodged
14/09/2021 - 05/10/2021	Application Notified
30/11/2021	Architectural Excellence & Design Review Panel Meeting
07/02/2022	Request for Information Letter issued raising the following concerns: <ul style="list-style-type: none"> <li>- Non-compliance with FSR</li> <li>- Clause 4.6</li> <li>- Built Form</li> <li>- Non-compliance with SEPP 65 and ADG</li> <li>- Solar Access and Overshadowing</li> <li>- Parking</li> <li>- Acoustic Report</li> <li>- Heritage</li> <li>- Party Wall</li> </ul>
14/02/2022	Meeting with applicant to discuss Request for Information
07/03/2022	Additional Information submitted to Council



## 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 (Resilience and Hazards) 2021*
- *State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

The following provides further discussion of the relevant issues:

#### 5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

##### Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and  
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and  
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is evidence of contamination on the site based on historic / current land use.

The following reports were submitted with the application:

- *Stage 1 Preliminary Site Investigation (EBG-02875.Stage1.PSI.03.21.REV1). March 2021*
- *Stage 2 Detailed Site Investigation (EBG-02902.Stage2.DSI.07.21) July 2021*
- *Remedial Action Plan (RAP) - (EBG-02912.RAP.08.21) in August 2021*

These reports conclude that: “It is the opinion of EBG that with respect to the investigations carried out within this report, and after remediation of the areas of environmental concern, the site shall be suitable for the proposed development”

On the basis of these reports the consent authority can be satisfied that the land will be suitable for the proposed use and that the land can be remediated. The proposal is therefore considered acceptable, subject to recommended conditions of consent.

*5(a)(ii) State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*

The development is subject to the requirements of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65). SEPP 65 prescribes nine design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

A statement from a qualified Architect was submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the Apartment Design Guide (ADG), how the objectives in Parts 3 and 4 have been achieved.

The development is acceptable having regard to the nine design quality principles.

*Apartment Design Guide*

The Apartment Design Guide (ADG) contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP certain requirements contained within IWCDP 2016 do not apply. In this regard the objectives, design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The following provides further discussion of the relevant issues:

Communal and Open Space

The ADG prescribes the following requirements for communal and open space:

- Communal open space has a minimum area equal to 25% of the site.
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

**Comment:** The site has a total area of 578sqm, and therefore requires 144.5sqm of communal open space. The proposed development does not include any areas of communal open space, however, each residential unit has access to a balcony greater than the minimum area requirements. The site also benefits from being in close proximity to public open spaces. Given the site is located within a business zone and in a dense urban area, the lack of communal open space is considered acceptable.

Deep Soil Zones

The ADG prescribes the following minimum requirements for deep soil zones:

Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)
Less than 650m <sup>2</sup>	-	7%
650m <sup>2</sup> - 1,500m <sup>2</sup>	3m	
Greater than 1,500m <sup>2</sup>	6m	
Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m	

**Comment:** The site has a total area of 578sqm, and therefore requires 40.46sqm of deep soil planting. The proposed development seeks to build boundary to boundary and provides no areas of deep soil planting on the site.

Given the location of the site within the Summer Hill Urban Village Precinct, the fall on the land and the need to provide rear lane vehicular access and services, the site is unable to provide deep soil planting in compliance with this part. Planting on structures is sought to offset the lack of landscaping at first floor and soften the appearance of the proposal at the upper levels. Furthermore, traditionally sites that have rear lane access within the B2 - Local zone are constructed boundary to boundary with limited to nil deep soil planting on site. While not providing deep soil planting the proposal achieves good residential amenity and acceptable stormwater management outcomes for the site.

Visual Privacy/Building Separation

The ADG prescribes the following minimum required separation distances from buildings to the side and rear boundaries:

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12 metres (4 storeys)	6 metres	3 metres

The ADG prescribes the following minimum required separation distances from buildings within the same site:

Up to four storeys/12 metres

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	12 metres
Habitable Rooms to Non-Habitable Rooms	9 metres
Non-Habitable Rooms to Non-Habitable Rooms	6 metres

**Comment:** The proposal does not achieve compliance with the numerical requirements under this Part of the ADG, particularly, with regards to building separation distance for buildings within the same site. The development includes two buildings, a northern building fronting Smith Street and a southern building fronting the rear laneway; separated by a communal courtyard / walkway. The minimum separation distance between the two buildings required by the ADG is 9m from a habitable room to a non-habitable room.

Council's Architectural Excellence Panel (AEP) raised concern that the 6m wide central courtyard space which is proposed may be too constrained to create an effective building separation between the northern and southern buildings. The central courtyard, with its proposed limited width may perform more like a circulation corridor, and there are potential visual and acoustic privacy concerns for residents within the southern building.

These concerns were raised with the applicant, and it was recommended that a more generous separation distance be provided that is consistent with the guidance offered by the NSW Apartment Design Guide (ADG).

Additional information was submitted to Council addressing the proposed variation to the building separation distances. The amended design ensures that only entry doors and non-habitable rooms in units 5 to 8 face the north facing openings and open spaces of units 1 to 4. Landscaping and private open space areas with screen planting have also been incorporated within the central courtyard to mitigate the reduced building separation and ensure adequate visual and acoustic privacy is achieved.

Overall, it is considered that the development has been appropriately designed and the variation to the building separation under this Part of the ADG is supported.

#### Solar and Daylight Access

The ADG prescribes the following requirements for solar and daylight access:

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.
- A maximum of 15% of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

**Comment:** The development complies with the above requirement.

#### Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

- At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the building. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.
- Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.

**Comment:** The development complies with the above requirement.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7 metres
Non-Habitable	2.4 metres
For 2 storey apartments	2.7 metres for main living area floor 2.4 metres for second floor, where its area does not exceed 50% of the apartment area
Attic Spaces	1.8 metres edge of room with a 30 degree minimum ceiling slope
If located in mixed used area	3.3 for ground and first floor to promote future flexibility of use

**Comment:** The ceiling heights of the residential dwellings comply with the above requirement. However, the ceiling height of the commercial premises at the ground floor are between 3m - 3.3m and achieve the minimum requirements under this Part. Given the existing building is a Heritage Item and the development seeks to retain the façade of the building, the reduced ceiling heights for a portion of the ground floor is considered acceptable. It is considered that the reduced ceiling heights would not compromise future flexibility of use of the site.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
1 Bedroom apartments	50m <sup>2</sup>
2 Bedroom apartments	70m <sup>2</sup>

**Note:** The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.

**Comment:** The development complies with the above requirement.

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
  - 3.6 metres for studio and 1 bedroom apartments.

- 4 metres for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

**Comment:** The development does not comply with the minimum width requirements prescribed above. 4 out of 8 of the proposed dwellings do not achieve the minimum 4m width required for a 2 bedroom apartment. The variation is considered acceptable in this instance given the dimensions of the lot and the design approach which ensures adequate amenity is achieved to living areas of the dwellings. The southern dwellings which have narrower widths, benefit from a northern aspect and dual private open space areas. It is therefore considered that the design approach does not hinder the useability or amenity to living rooms through the provision of narrower units.

Private Open Space and Balconies

The ADG prescribes the following sizes for primary balconies of apartments:

Dwelling Type	Minimum Area	Minimum Depth
1 Bedroom apartments	8m <sup>2</sup>	2 metres
2 Bedroom apartments	10m <sup>2</sup>	2 metres

Note: The minimum balcony depth to be counted as contributing to the balcony area is 1 metres.

The ADG also prescribes for apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3 metres.

**Comment:** The development complies with the above requirement.

Common Circulation and Spaces

The ADG prescribes the following requirements for common circulation and spaces:

- The maximum number of apartments off a circulation core on a single level is 8.
- For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.

**Comment:** The development complies with the above requirement.

Storage

The ADG prescribes the following storage requirements in addition to storage in kitchen, bathrooms and bedrooms:

Apartment Type	Minimum Internal Area
Studio apartments	4m <sup>3</sup>
1 Bedroom apartments	6m <sup>3</sup>
2 Bedroom apartments	8m <sup>3</sup>
3+ Bedroom apartments	10m <sup>3</sup>

Note: At least 50% of the required storage is to be located within the apartment.

**Comment:** The development complies with the above requirement.

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

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

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

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

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.5 - Additional permitted uses for land
- Clause 2.7 - Demolition
- 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 6.1 - Earthworks

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

The site is zoned B2 – Local Centre under the *ALEP 2013*. The *ALEP 2013* defines the development as:

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

The development is permitted with consent within the land use table. The development is consistent with the objectives of the B2 zone.

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

Standard	Proposal	Non - Compliance	Complies
<b>Height of Building</b> Maximum permissible: 10m	10m	N/A	Yes
<b>Floor Space Ratio</b> Maximum permissible: 1.5:1	1.43:1 or 824.52sqm	N/A	Yes

(i) Clause 5.10 - Heritage Conservation

The subject building is listed as a local heritage item (in conjunction with 114, 116 -122 and 124-128 Smith Street) under Schedule 5, Part 1 of the *ALEP 2013* and is located within the Tavistock Heritage Conservation Area. The Statement of Significance for the group of shops at 112-128 Smith Street is as follows:



*These three suites of shops and dwellings are notable for their architectural design and stylistic detailing, for their evocation of the turn of the century commerce in Sydney and for their very considerable streetscape importance.*

A Statement of Heritage Impact (SOHI) was submitted with the application and reviewed by Council's Heritage Officer who noted that the proposal is generally acceptable however that the facade treatment should be based on a more detailed investigation and historical research, a revised colour scheme would be required and that missing elements are to be re-instated to complete the parapet.

As such, the following conditions of consent are recommended:

#### **Design Change – Heritage**

*Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with the following:*

- a) *A revised colour scheme for the main façade, based on an investigation of the sequence of historic façade colours. The colour scheme and palette of materials is to conform to the Medium Solar absorptance range under BASIX. Dark greys and black are not to be employed.*

In light of the discussion above, the proposal is considered acceptable and retains the heritage significance of the Heritage Item. The proposal is therefore recommended for approval.

#### **5(b) Draft Environmental Planning Instruments**

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

<b>Draft Environmental Planning Instruments</b>	<b>Compliance</b>
Draft State Environmental Planning Policy (Environment) 2018	Yes
Draft State Environmental Planning Policy (Remediation of Land) 2018	Yes
Draft State Environmental Planning Policy (Environment) 2017	Yes

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

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

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

#### **5(d) Development Control Plans**

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

<b>IWCDCP2016</b>	<b>Compliance</b>
<b>Section 1 – Preliminary</b>	
B – Notification and Advertising	Yes
<b>Section 2 – General Guidelines</b>	
<b>A – Miscellaneous</b>	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes – Refer to discussion below
3 - Flood Hazard	N/A
4 - Solar Access and Overshadowing	Yes – Refer to discussion below
5 - Landscaping	Yes
6 - Safety by Design	Yes
7 - Access and Mobility	Yes
8 - Parking	Yes – refer to discussion below
9 - Subdivision	N/A
10 - Signs and Advertising Structures	N/A
11 - Fencing	N/A
12 - Telecommunication Facilities	N/A
13 - Development Near Rail Corridors	N/A
14 - Contaminated Land	Yes
15 - Stormwater Management	Yes
<b>B – Public Domain</b>	N/A
<b>C – Sustainability</b>	
1 – Building Sustainability	Yes
2 – Water Sensitive Urban Design	Yes
3 – Waste and Recycling Design & Management Standards	Yes
4 – Tree Preservation and Management	N/A
5 – GreenWay	N/A
6 – Tree Replacement and New Tree Planting	N/A
<b>D – Precinct Guidelines</b>	
8 – Summer Hill Urban Village	Yes – refer to discussion below
<b>E1 – Heritage items and Conservation Areas (excluding Haberfield)</b>	Yes – Refer to Section 5(a)(iv) and discussion below
1 – General Controls	Yes
2 – Heritage Items	Yes
3 – Heritage Conservation Areas (HCAs)	Yes
4 – Building Types and Building Elements within HCAs	Yes
5 – Retail and Commercial Buildings	Yes
6 – Apartments and Residential Flat Buildings	Yes
7 – Subdivision and lot consolidation affecting heritage items or in heritage conservation areas	N/A
8 - Demolition	Yes
9 – Heritage Conservation Areas, Character Statements and Rankings	Yes
<b>E2 – Haberfield Heritage Conservation Area</b>	N/A
<b>F – Development Category Guidelines</b>	
1 – Dwelling Houses and Dual Occupancy	N/A
2 – Secondary Dwellings	N/A
3 – Neighbourhood Shops and Shop Top Housing in R2 zones	N/A

4 – Multi Dwelling Housing	N/A
5 – Residential Flat Buildings	Yes – refer to Section 5(a)(ii)
6 – Boarding Houses and Student Accommodation	N/A
7 – Residential Care Facilities	N/A
8 – Child Care Centres	N/A
9 – Drive-in Take Away Food Premises	N/A
10 – Sex Industry Premises	N/A
11 – Car Showrooms	N/A

The following provides discussion of the relevant issues:

(i) Chapter A, Part 2 – Good Design and Chapter D, Part 8 – Summer Hill Urban Village

As discussed previously in this report, the ADG sets out objectives and design criteria to ensure that new developments are appropriately designed with regard to separation distances, setbacks, bulk and scale and architectural form. However, the objectives and controls under this Clause of the IWCDCP 2016 prevail with regard to enhancing the existing character and identity of the Summer Hill commercial precinct.

The application was referred to Council's Architectural Excellence and Design Review Panel (AEDRP) who raised concerns with the design of the development and additional information was subsequently submitted incorporating the following:

- The design of the ground floor entrance lobby has been amended to improve the spatial quality, amenity and accessibility of this area by relocating bin storage rooms.
- The Accessible Toilet provided on the ground floor has been centrally located for improved access.
- Apartment 5 has been designed to be accessible and a chair lift is provided internally.
- An accessible lift has been provided as part of the development.
- The upper level has been redesigned to read as an attic level rather than a full second floor by incorporating reduced dormers.
- Further consideration has been given to the overall proportions, materiality and detailing of the rear elevation and the side facades that are visible from the immediate public domain to ensure that development fits within the character of the area.

In light of the above, it is considered that the development complies with the two storey height limit, access requirements for people with disabilities and has been more appropriately designed to promote accessibility and integration with the Summer Hill commercial precinct.

As such, it is considered that the proposal is in accordance with the objectives and controls of this Clause and is recommended for approval.

(ii) Chapter A, Part 4 - Solar Access and Overshadowing

As discussed previously in this report, the ADG sets out objectives and design criteria to ensure that new dwellings receive adequate solar access to living rooms and private open space area; of which the proposal is compliant. However, the objectives and controls under this Clause of the IWCDCP 2016 prevail with regard to minimising solar overshadowing to neighbouring properties.

The relevant controls are as follows:

- *DS1.1 Whichever is the lesser, development: maintain existing levels of solar access to adjoining properties or, ensures living rooms and principal private open space of adjoining properties receive a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June*

The development will result in additional overshadowing to glazing and communal open space of the adjoining property to the west at No. 114 Smith Street. A minimum 2 hours of sunlight is maintained to the communal open space of this property between 10:00am and 1:00pm. Similarly, a minimum 2 hours of sunlight is maintained to windows at the first floor in the morning between 9:00am and 11:00am. However, it is noted that the development would reduce solar access to three openings at the ground floor and result in a non-compliance under this Clause.

The development will also result in additional overshadowing to glazing of the adjoining property to the east at No. 106 Smith Street. While, a minimum 2 hours of sunlight is maintained to one window at the first floor between 1:00pm and 3:00pm, the development would reduce solar access to two other openings at the first floor and result in a non-compliance under this Clause.

The proposed variations noted above are considered acceptable for the following reasons:

- The development has been designed to be of minimal height and scale. Reduced floor to ceiling heights have been incorporated and the upper level is contained within an attic form to minimise potential overshadowing impacts.
- The development incorporates a central courtyard between the two buildings which separates the bulk and scale and improves through site solar access to adjoining properties.
- The development complies with all development standards prescribed under the ALEP 2013.
- The windows affected on adjoining properties are located along side boundaries and are therefore more difficult to protect.

As such, it is considered that the proposal would not result in adverse and undue overshadowing impacts and has been designed in accordance with the objectives and controls of this Clause.

(iii) Chapter A, Part 8 - Parking and Traffic

The following table indicates the minimum required parking for the development under the requirements of this part:

Land Use	Car Parking Requirement	Advisory Notes
<b>Residential Flat Buildings in B1 - Neighbourhood Centre Zone, B2 - Local Centre Zone and B4 - Mixed Use Zone</b>	Minimum of 1 space for all dwellings Parking for visitors at the rate of 1 space for every 4 dwellings including serviced apartments plus 1 car wash bay.	Minimum floor to ceiling clearance height of 2.5m above car spaces provided for people with a disability is required.
<b>Commercial Premises including office premises, business premises, retail premises</b>	1 space per 40 m <sup>2</sup> gross floor area plus 1 space if resident manager or caretaker. Commercial developments with a gross floor area in excess of 200m <sup>2</sup> are to provide one suitably located and signposted courier parking space.	Refer also to Part A7- Access and Mobility. Minimum floor to ceiling clearance height of 2.5m above car spaces provided for people with a disability is required.

The proposal generates the following parking rates as prescribed in the above table:

- 8 Residential Parking Spaces
- 2 Residential Visitor Parking Spaces
- 2.85 (3) Commercial Parking Spaces
- 0.8 (1) Bicycle Parking Spaces
- 1 Car Wash Bay

The development achieves compliance with the minimum parking rates for residential and bicycle components, however, proposes 2 commercial spaces and no visitor parking spaces which results in a shortfall under this Clause.

The traffic parking assessment provided by the applicant indicates that the traffic generation of the proposal is minimal and that the shortfall of 1 commercial parking space, 2 visitor parking spaces and 1 car wash bay is considered acceptable for the following reasons:

- *The minor level of additional traffic associated with the subject development is not expected to result in any unreasonable impacts on the overall existing safety and efficiency of the surrounding road network.*
- *The laneway is expected to have a low volume of traffic and unlikely to have an impact on traffic flow.*
- *The proposed off-street bicycle parking quantum is above Council requirements which aims to promote alternate forms of transportation.*
- *The shortfall in parking is considered acceptable given the highly accessible location and limitations of the rear access handle.*
- *The allocated off-street parking spaces are considered adequate given the sites location and with consideration of the proximity to public transport. In addition to this, ample street parking is available to residents surrounding the property.*
- *The car parking demand assessment indicates parking demand as generated by the site will typically be adequately accommodated within the surrounding supply of available parking and the availability of alternative car parking in the locality of the land.*
- *The site access, parking and circulation arrangements have been designed appropriately for vehicular movements throughout the development.*

The traffic parking assessment submitted with the application and the amended proposal were referred to Council's Engineer who found the traffic generated by the development and the design of the parking facility and access acceptable, subject to conditions. While it is noted that several submissions were received raised concern with traffic generation, on-street and off-street parking and pedestrian safety, the proposal is considered acceptable for the following reasons:

- The shortfall in parking is considered acceptable given the location of the site and access to alternative forms of transport and the number of parking spaces are satisfactory with regard to accommodating the parking demand generated from the development.
- The shortfall in parking is minor and will not place unreasonable pressure on the current on-street parking network in the locality.
- The traffic generated by the development is not excessive and therefore will not result in adverse traffic impacts on the locality including the ongoing use of the rear lane or Nowranie Street.
- The additional car movements generated within the rear lane and onto Nowranie Street are not considered excessive to impact the safety of pedestrians.

- An accessible parking space is provided and has been designed in accordance with Council's requirements and the Australian Standard.
- A monetary contribution is included as a condition of consent for the shortfall in commercial parking spaces as per the Ashfield Section 94 Contributions Plan.

### Right Of Way

Submissions were received from two adjoining properties (No. 114 Smith Street and No. 106 Smith Street) who rely on rear lane access via a right of way (ROW), raising concern regarding the impact of the development on the continued use of the Right of Way at the rear of the site.

With regard to No. 114 Smith Street, there is no evidence to suggest that the development would restrict access via the ROW to this adjoining property. The development is entirely contained within the property boundaries, the proposed parking access is appropriately located and offset from the adjoining parking access and therefore, the existing vehicle access from Nowranie Street to the roller shutter of No. 114 Smith Street would be maintained.

It is noted that vehicles currently park in the ROW, in front of the roller shutter and that deliveries are accepted from the rear laneway (refer to Image 1 below). While these current parking / delivery arrangements may be impacted, the ROW is an easement for vehicle access. Vehicles accessing No. 114 Smith Street are required to comply with the conditions of the easement and in this regard, it is considered that the development would not impede the adjoining sites on-going use of the ROW. Any current or ongoing access arrangement for deliveries and/or temporary parking within the ROW is a private matter which will need to be negotiated by the land owners of the respective sites.



*Image 1: Image of rear laneway and Right of Way benefiting the subject site and several adjoining properties*

With regard to No. 106 Smith Street, it is noted that there is currently a splay to the rear lane which enables vehicle access to the subject site and No. 106 Smith Street via the ROW. The current arrangement however relies on vehicles traversing over private land to manoeuvre into the respective sites i.e., vehicles entering 106 Smith Street rely on the portion of the splay located on southern corner of the subject site to access the rear of the property and vice versa.

Given the development proposes to remove the portion of the splay on the subject site by building to the rear and side boundaries, it is likely that current vehicle access arrangements to No. 106 Smith Street would be affected. It should be noted that the development is wholly contained within the subject property boundaries and access of No. 106 Smith Street to the ROW would be maintained as the development does not impede the ROW itself. Given that current vehicle access relies on an arrangement on private land, it is a civil matter and not a matter which can be considered as part of the assessment of the proposal. It is however understood that the landowners of No. 108-112 Smith Street and No. 106 Smith Street are in negotiations regarding the vehicle access arrangements, and this is considered satisfactory for determination of the application.

Overall, it is considered that the development would not adversely impact or impede the continued use of the existing ROW located at the rear of the site.

(iv) Chapter E1 – Heritage items and Conservation Areas (excluding Haberfield)

As discussed previously in this report, the proposal is generally acceptable subject to conditions of consent regarding the colours and materials of the main façade.

While the rear section of the building is to be demolished, the front facade is intended to be retained and altered to accommodate a central glazed entry and shopfronts. Based on the SOHI and Council's assessment of the proposal, it is considered that the proposed works will maintain the significance of the place, its contribution to the local streetscape and the surrounding conservation area and is an appropriate, adaptive reuse of the building that will allow its former use to remain readable.

The proposed infill development is low key and limited in height and is well scaled to the general pattern of development in the local streetscape. The development has been appropriately designed to be contained behind the front façade of the building, incorporating an attic style upper level, pitched roof forms and increased setbacks from Smith Street for the portion of the development visible from the streetscape. It is considered that the visual bulk and scale of the infill development is appropriate for the HCA and the design is sympathetic to the character of the streetscape and maintains the significance of the adjoining heritage items.

In light of the discussion above, the proposal is considered acceptable and retains the heritage significance of the Heritage Item and HCA. The proposal is therefore recommended for approval.

5(e) **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(f) **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(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

15 submissions were received in response to the notification.

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

- Compliance with the SEPP 65 and ADG – refer to Section 5(a)(ii)
- Privacy / Overlooking – refer to Section 5(a)(ii)
- Compliance with Floor Space Ratio – refer to Section 5(a)(iv)
- Impact on the Heritage Conservation Area – refer to Section 5(a)(iv) and 5(d)
- Impact on the character of the area / streetscape – refer to Section 5(a)(iv) and 5(d)
- Height, Bulk and Scale – refer to Section 5(a)(iv) and 5(d)
- Parking and Traffic – refer to Section 5(d)
- Right of Way – refer to Section 5(d)

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

Issue: Depreciation of Property Values  
Comment: This is not a matter for consideration under Section 4.15 of EP&A Act 1979, nor is there any evidence to suggest that the proposal would reduce property values of neighbouring development.

Issue: Disturbance/traffic/noise impacts to surrounding properties and streets during demolition and construction.  
Comment: Suitable conditions are imposed on the development consent to ensure a construction traffic management plan is adhered to and any potential construction impacts are appropriately managed.

Issue: Development not notified to all properties along Smith Street and Carrington Street.  
Comment: The development was appropriately notified in accordance with Council Community Engagement Framework.

Issue: Loss of district and outlook views from No. 6/6 Morris St Summer Hill  
Comment: The view loss provisions of the ALEP2013 rely on the planning principle *Tenacity Consulting v Warringah Council* and protect significant and/or landmark views rather than outlook or district views. While the proposal may result in some loss of outlook or district views, unfortunately, these are not protected under Council's controls.

Issue: Errors and omissions in documentation submitted with the application  
Comment: Noted, however, notwithstanding any errors contained within the document submitted, an assessment of the application has been undertaken by Council as detailed throughout this report.

Issue: The development does not provide loading/unloading facilities  
Comment: Noted, however, the IWCDCP 2016 does not prescribe specific loading/unloading requirements for the proposed land use. The development is considered satisfactory with regard to accessibility and parking facilities.

Issue: Removal of facilities within the neighbourhood  
Comment: The proposed development is permissible within the B2 zone and complies with the relevant provisions as discussed throughout this report. While the development may result in the loss of the current industrial use on the site, it is unreasonable for the application to be refused on this basis.

Issue: Garbage collection from Smith St and pedestrian conflict  
Comment: The development was reviewed by Council's Waste Department and found to be acceptable with regard to the location of the bin storage rooms and travel distances to pick up point on Smith Street. Given the number of garbage bins generated by the development and that garbage bins will be collected from storage rooms within the building, rather than left on the street, the development will not result in adverse impacts on the locality or pedestrian access.

Issue: Overshadowing impacts to No. 1 Nowranie St  
Comment: The application was supported by shadow diagram analysis which confirms that the development would not result in additional overshadowing to the private open space of No. 1 Nowranie St.

Issue: Overlooking impacts to No. 106 Smith Street and No. 1 Nowranie St  
Comment: The development complies with the provisions of SEPP65 and the ADG which prevail over Council's DCP when considering the impacts on neighbouring privacy.

The private open space of the southern units which face the rear lane are appropriately setback from the private open space of No. 1 Nowranie Street. Any sightlines would be facilitated through an oblique angle and given the height difference between the two properties; it is unlikely that the development would result in adverse overlooking opportunities to this adjoining property.

Furthermore, no windows are proposed to side boundaries, areas of private open space and living areas within the central courtyard are screened from side boundaries via privacy screens and blade walls and, all windows at the upper level are offset and appropriately setback from neighbouring windows of No. 106 and No. 114 Smith Street.

Overall, the proposal is considered acceptable and will not result in adverse privacy impacts to neighbouring properties.

Issue: Large Garage door and noise disruption  
Comment: The application was supported by an acoustic report which was reviewed by Council's Health Department and found to be satisfactory. The development will not result in adverse or undue acoustic noise impacts from the use and/or operation of the garage door or vehicle movements within the rear lane. Conditions of consent are included to ensure the recommendations made in the acoustic report are incorporated as part of the development.

#### 5(h) The Public Interest

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

The proposal is 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.

- Architectural Excellence Panel
- Development Engineering
- Environmental Health
- Waste Management
- Heritage

### 6(b) External

N/A

## 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 \$158,786.29 would be required for the development under Ashfield Section 94 Contributions Plan. This amount is inclusive of the contribution fees associated with the shortfall in car parking (1 commercial parking space) and also takes into consideration the contribution credit associated with the existing commercial building.

A condition requiring that contribution to be paid is included in the recommendation.

## 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. DA/2021/0794 for demolition of existing structures on the site, retention of the main Smith Street façade and construction of 8 dwellings as shop top housing, with 2 commercial suites and associated parking and storage on the ground floor at 108-112 Smith Street, Summer Hill subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS OF CONSENT

#### DOCUMENTS RELATED TO THE CONSENT

##### 1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA01(REV B), DA02(REV C), DA03(REV C), DA04(REV C), DA06(REV C), DA07(REV C), DA08(REV C), DA09(REV C), DA10(REV C), DA11(REV B), DA13(REV B), DA16(REV B)	Architectural Plans	March 2022	Palfreeman Sweeney Architects
DA05(REV B)	North Elevation	August 2021	Palfreeman Sweeney Architects
DA14(REV B)	Adaptable Unit Plan	August 2021	Palfreeman Sweeney Architects
TX15440.00	Traffic Assessment Report	26/01/2021	The Traffic Planner
TX15440.00	Stormwater Plans	April 2021	Triaxial Consulting
-	NOTICE OF CATEGORY 2 REMEDIATION OF SOIL	24/08/2021	EBG
Report ID : EBG-02912.RAP.08.21	REMEDIAL ACTION PLAN (RAP)	August 2021	EBG
Report ID : EBG-02875.Stage1.PSI.03.21	STAGE 1 PRELIMINARY (ENVIRONMENTAL) SITE	08/03/2020	EBG

	INVESTIGATION (PSI)		
Report ID : EBG-02902.Stage2.DSI.07.21	STAGE 2 DETAILED SITE INVESTIGATION (DSI)	July/August 2021	EBG
Certificate number: 1194305M	BASIX Certificate	17/05/2021	ESD Synergy Pty Ltd
2021/21-DC1 and DC2	Driveway Crossover Plan	02/03/2022	Law and Dawson
SYD2022-1024-R001B	Acoustic Report	14/03/2022	Acouras Consultancy

As amended by the conditions of consent.

**FEES**

**2. 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.

<b>Security Deposit:</b>	\$20,000.00
<b>Inspection Fee:</b>	\$241.50

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

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

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

restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

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

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

**3. Section 7.11 (Former Section 94) Contribution**

Prior to the issue of a Construction Certificate written evidence must be provided to the Certifying Authority that a monetary contribution of \$158,786.29 indexed in accordance with Ashfield Development Contributions Plan ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 29/04/2022.

**\*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	\$3,375.56
Local Public Transport Facilities	\$6,236.08
Local Public Car Parking	\$38,529.11
Local Open Space and Recreation	\$100,377.51
Local Community Facilities	\$5,285.36
Plan Preparation and Administration	\$4,982.68
<b>TOTAL</b>	<b>\$158,786.29</b>

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>

Payment methods:

The required contribution must be paid either *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions); cash (to a maximum of \$10,000)*. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

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

#### **4. Long Service Levy**

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

### **GENERAL CONDITIONS**

#### **5. Separation of Commercial and Residential Waste and Recycling**

The waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

#### **6. Design Change - Heritage**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with the following:

- a. A revised colour scheme for the main façade, based on an investigation of the sequence of historic façade colours. The colour scheme and palette of materials is to conform to the Medium Solar absorptance range under BASIX. Dark greys and black are not to be employed.

#### **7. Boundary Alignment Levels**

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



**8. Noise – Consultant's Recommendations**

All performance parameters, requirements, engineering assumptions and recommendations contained in Acoustic DA Assessment report prepared by Acouras Consultancy dated 14 March 2022 (ref: SYD2022-1024-R001B ) must be implemented.

**9. Contamination – Remedial Action Plan (No Site Auditor Engaged)**

The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, prepared by EBG Environmental Geoscience, reference EBG-02912.RAP.08.21 dated August 2021, the *Contaminated Land Management Act 1997* and the *State Environmental Planning Policy No 55*.

**10. Hazardous Materials Survey**

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW.

A copy of any SafeWork NSW approval documents is to be included as part of the documentation.

**11. Car Parking**

The development must provide and maintain within the site:

- a. 10 car parking spaces must be paved and line marked;
- b. 1 car parking space, for persons with a disability must be provided and marked as disabled car parking spaces; and,
- c. 4 Bicycle storage capacity within the site.

**12. Residential Flat Buildings – Hot Water Systems**

Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not visible from the street.

**13. Residential Flat Buildings – Air Conditioning Systems**

Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.

**14. Residential Flat Buildings – Adaptable Dwellings**

Prior to the issue of a Construction Certificate, the Certifying Authority, must be provided with plans that demonstrate 1 unit is an Adaptable unit.

No works are to occur to the premises that would prevent the Adaptable units from being adapted for persons with a disability.

**15. 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.

**16. 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.

**17. 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.

**18. Verification of Levels and Location**

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

**19. Works Outside the Property Boundary**

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

**PRIOR TO ANY DEMOLITION**

**20. Resource Recovery and Waste Management Plan - Demolition and Construction**

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

**21. 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.

**22. Construction Traffic Management Plan – Detailed**

Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

The following matters should be addressed in the CTMP (where applicable):

- a. Description of the demolition, excavation and construction works;
- b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;

- f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g. Proposed hours of construction related activities and vehicular movements to and from the site;
- h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i. Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j. Measures to maintain public safety and convenience;
- k. Any proposed road and/or footpath closures;
- l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q. On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

### 23. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of the adjoining properties at No. 106 Smith Street, Summer Hill, No. 114 Smith Street, Summer Hill and No. 1 Nowranie Street, Summer Hill 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.

**24. Advising Neighbours 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.

**25. 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****26. Bin Storage Area - Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the Inner West Comprehensive Development Control Plan (DCP) 2016 and must include doorways/entrance points of 1200mm.

**27. Bulky Waste Storage Area – Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the bulky waste storage area must meet the floor area requirements as per the Inner West Comprehensive Development Control Plan (DCP) 2016 and have minimum doorways of 1200mm wide to accommodate large items.

**28. Waste Transfer Route**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12.

**29. Each Residential Level is to have Access to a Disposal Point for All Waste Streams**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste generated by that floor over a 24 hour period.

**30. Commercial - Additional Storage Space**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that space has been allocated on site for the storage of reusable items such as crates and pallets and/or compaction equipment.

**31. 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. The design must generally be in accordance with the Stormwater Drainage Concept plan on Drawing Nos. C2.00 to C4.00 prepared by Triaxial Consulting and dated 4 May 2021, as amended to comply with the following;
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank, by gravity to the Sydney Water conduit. You are required to contact Sydney Water regarding approval of stormwater connection to its asset;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm event. Major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;
- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;

- f. The design plans must detail proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- g. No nuisance or concentration of flows to other properties;
- h. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- i. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for the stormwater outlet; and
- j. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

### **32. Public Domain Works – Prior to Construction Certificate**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The construction of heavy duty vehicular crossing from the Right of Way;
- b. If damaged, new paved footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determined by the Council Engineer; and
- c. Installation of a stormwater outlet to the Sydney Water conduit.

All works must be completed prior to the issue of an Occupation Certificate.

### **33. Noise General – Acoustic Report**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

### **34. Aircraft Noise – Acoustic Report (ANEF20-25 or Greater)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report that meets the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction. The recommendations of the report are to be indicated on the architectural plans and / or specifications.



**35. 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.

**36. 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.

**37. 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 13 20 92*

**38. Fibre-ready Facilities**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a. The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

**39. Concealment of Plumbing and Ductwork**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

**40. Future Food Use - Mechanical Ventilation Provision**

Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.

**DURING DEMOLITION AND CONSTRUCTION****41. Documentation of Demolition and Construction Waste**

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

**42. Contamination – New Evidence**

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

**43. Imported Fill Materials**

All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods:

- a. Imported fill be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or

- b. Sampling and analysis of the fill material be conducted in accordance with NSW Environment Protection Authority's Sampling Design Guidelines (September 1995).

#### 44. Construction Hours – Class 2-9

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

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

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

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

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

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

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

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

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

**45. 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.

**PRIOR TO OCCUPATION CERTIFICATE****46. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. Heavy duty concrete vehicle crossing at the vehicular access location
- b. If damaged, existing paved footpath across the frontage of the site must be reconstructed; and
- c. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

**47. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier 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.

**48. Parking Signoff – Minor Developments**

Prior to the issue of an Occupation Certificate, the Principal Certifier 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.

**49. Works as Executed – Site Stormwater Drainage System**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed and stormwater quality improvement devices installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plans must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

#### **50. Operation and Management Plan**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the stormwater quality improvement devices. The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, etc.

#### **51. Easements, Restrictions on the Use of Land and Positive Covenants**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the *Conveyancing Act 1919*, has been created on the title of the property detailing the following :

- a. Restrictions on the Use of Land related to stormwater quality improvement devices; and
- b. Positive Covenant related to stormwater quality improvement devices.

The wording in the Instrument must be in accordance with Councils Standard wording.

#### **52. Noise – Acoustic Report**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Noise Policy for Industry and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and

experienced acoustic consultant and any recommendations must be consistent with the approved plans.

#### **53. Noise From Road, Rail & Aircraft – Compliance**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant, confirming that the development complies with the requirements of the:

- a. *State Environmental Planning Policy (Infrastructure) 2007*;
- b. NSW Planning, Development near Rail Corridors and Busy Roads – Interim Guideline;
- c. Australian Standard 2021-2000: Acoustics - Aircraft noise intrusion - Building siting and construction;
- d. conditions of development consent; and
- e. Recommendations.

#### **54. Contamination – Disposal of Soil**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the *Protection of the Environmental Operations Act 1997*.

#### **55. Contamination – Validation (No Site Audit Statement Required)**

Prior to the issue of an Occupation Certificate, the Principal Certifier and Council must be provided with a Site Validation Report prepared by a suitably qualified environmental consultant with experience in land contamination.

The Validation report must be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines *Consultants Reporting on Contaminated Sites* and must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use.

#### **56. Smoke Alarms - Certification of upgrade to NCC requirements**

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

**ON-GOING****57. Documentation of Businesses Waste Services**

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

**58. Commercial Bins and Re-usable Item Storage**

All commercial bins and re-usable items such as milk crates, pallets must be stored on site.

**59. Bin Storage**

All bins are to be stored within the site. All bins are to be returned to the property within 12 hours of having been emptied.

**60. Operation and Management Plan**

The Operation and Management Plan for the stormwater quality improvement devices, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

**61. Vehicles Leaving the Site**

All vehicles must enter and exit the site in a forward direction.

**62. Loading/unloading on site**

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

**63. Noise General**

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

**64. Commercial Waste/Recycling Collection**

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption on the surrounding area,

Garbage and recycling must not be placed on the street for collection more than one (1) hour before the scheduled collection time. Garbage bins and containers are to be removed from the street within one (1) hour after collection.

**ADVISORY NOTES****Recycling / Garbage / Organics Service Information and Education**

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

**Notice to Council to deliver Residential Bins**

If 660L bins are required, Council should be notified three months prior to the occupation of the building to ensure timely delivery. 240L bins will require 3 week's notice.

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service.

**Permits**

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

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



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

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

#### **Easement and Covenant Process**

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site stormwater quality improvement devices (SQIDS):

- a. Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the SQIDS and full details of SQIDS.

- b. Engineer's Certificate

A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:

- a) SQIDS have been installed and commissioned.

- c. Restriction-As-To-User

A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the stormwater quality improvement devices (SQIDS). This is to ensure that works, which could affect the function of the SQIDS, must not be carried out without the prior consent in writing of the Council.

Such restrictions must not be released, varied or modified without the consent of the Council.

A typical document is available from Council's Development Assessment Engineer.

- d. A Maintenance Schedule.

#### **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.

#### **Mechanical Ventilation System Certification**

The mechanical ventilation systems are to be designed, constructed and operated in accordance with the following:

- a. Australian Standard AS 1668 Part 1 – 1998;
- b. Australian Standard AS 1668 Part 2 – 2012;
- c. Australian Standard 3666.1 – 2011;
- d. Australian Standard 3666.2 – 2011; and
- e. Australian Standard 3666.3 - 2011.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

#### **Storage of Hazardous and Dangerous Goods**

Dangerous and hazardous goods must be stored in accordance with NSW WorkCover requirements and AS1940-2004, The Storage and Handling of Flammable and Combustible Liquids.

#### **Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> 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 Class A 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 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

#### **Transport and Disposal of Hazardous and Dangerous Goods**

Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.

#### **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;
- or

- 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; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

#### **Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

#### **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 Statement for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Statement 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.

### 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 <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"

Long Service Corporation	Payments	131441	<a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority		1300 552 406	<a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government			<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555	<a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water		13 20 92	<a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - Environmental Solutions	SITA	1300 651 116	<a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)			<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW		13 10 50	<a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

**Street Numbering**

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.



**REASONS FOR REFUSAL**



108-112 Smith Street Summer Hill  
 Lot C DP 442739  
 Planning controls:  
 Ashfield LEP 2013  
 Ashfield DCP 2013

Site Area	578 m <sup>2</sup>
Zoning	B2 Local Centre
Height of Buildings	10 metres
Floor Space Ratio	Allowable = 1.3:1 or 867m <sup>2</sup> Proposed Floor Area = 835m <sup>2</sup> Proposed FSR = 1.44:1
Bike Parking	4 x bikes provided
Car Parking	<b>Required</b> 1 x space per dwelling (8) 1 x visitor per 4 dwellings (2) 1 x car wash bay 1 per 40m <sup>2</sup> commercial space (3) <b>Proposed</b> 1 x space per dwelling (8) (includes one accessible space) 1 x per commercial space (2)



**CONTENTS**

DA00	TITLE PAGE
DA01	SITE & ROOF PLAN
DA02	GROUND FLOOR PLAN
DA03	LEVEL 1 FLOOR PLAN
DA04	ATTIC LEVEL FLOOR PLAN
DA05	NORTH (SMITH ST) ELEVATION
DA06	WEST ELEVATION
DA07	EAST ELEVATION
DA08	SOUTH ELEVATION & SECTION
DA09	LONG SECTION
DA10	SECTIONS
DA11	EXTERNAL FINISHES AND COLOURS
DA12	SITE ANALYSIS
DA13	WASTE CONCEPT DIAGRAM
DA14	ADAPTABLE UNIT LAYOUT
DA15	SOLAR ACCESS
DA16	LANDSCAPE PLAN
DA17	LOCATION PLAN
DA18	LOCAL CONTEXT
DA19	GFA CALCULATION

**Legend**

- CO Colorbond roofing
- CW Cold water tap
- DP Downpipe
- F Fridge
- FBk Face brickwork
- FC Fibrous cement
- FL Finished floor level
- HW Hot water tap
- HWU Hot water unit = 6 star instant gas
- K Kitchen
- Ldry Laundry
- P Pantry
- PBd Painted boarding
- RL Reduced level
- RO Rainwater outlet
- SWP Stormwater pit
- W Window
- ☺ Ceiling fan

**Basix**

- Insulation
- Floors above carpark: R1.0
- Insulation total R1.2
- Cavity brickwork: Vapour barrier and 1.5 insulation total R1.98
- External clad walls: R2
- Insulation total R2.22
- Roof: R1.3 Anticon R1.36
- Energy
- 3.1Kw PV roof system

Accommodation Types	Floor Area	Bedrooms	Bathrooms	Car space
Apartment 1	72.7m <sup>2</sup>	2	1 + 1/2	1
Apartment 2	73.5m <sup>2</sup>	2	1 + 1/2	1
Apartment 3	73.5m <sup>2</sup>	2	1 + 1/2	1
Apartment 4	72.7m <sup>2</sup>	2	1 + 1/2	1
Apartment 5 (adaptable)	66m <sup>2</sup>	1	1 + 1/2	1
Apartment 6	62m <sup>2</sup>	1 + study	1	1
Apartment 7	56m <sup>2</sup>	1 + study	1	1
Apartment 8	55m <sup>2</sup>	1	1	1
Commercial 1	55m <sup>2</sup> *		1	1
Commercial 2	58m <sup>2</sup> *		1	1

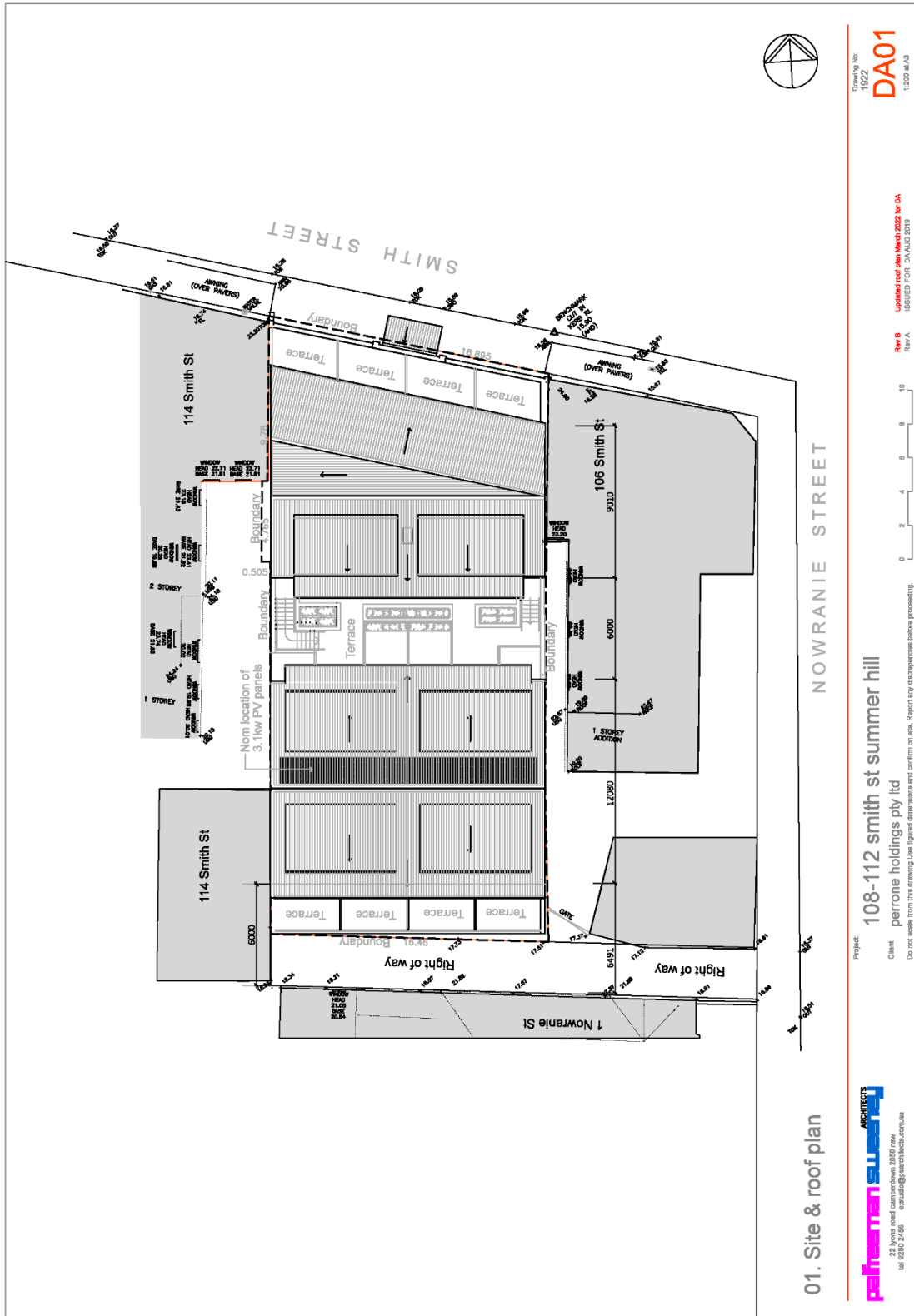
\* does not include the floor areas of the toilet.



Project: 108-112 smith st summer hill  
 Client: perrene holdings Pty Ltd  
 Do not scale from the drawing. Use figured dimensions and confirm on site. Report any discrepancies before proceeding.

Drawing No: 1822  
**DA00**  
 ISSUED FOR: DA MARCH 2022 Revised GFA and apartment sizes  
 ISSUED FOR: DA MAY 2021  
 Rev B  
 Rev A









01. Level One Plan

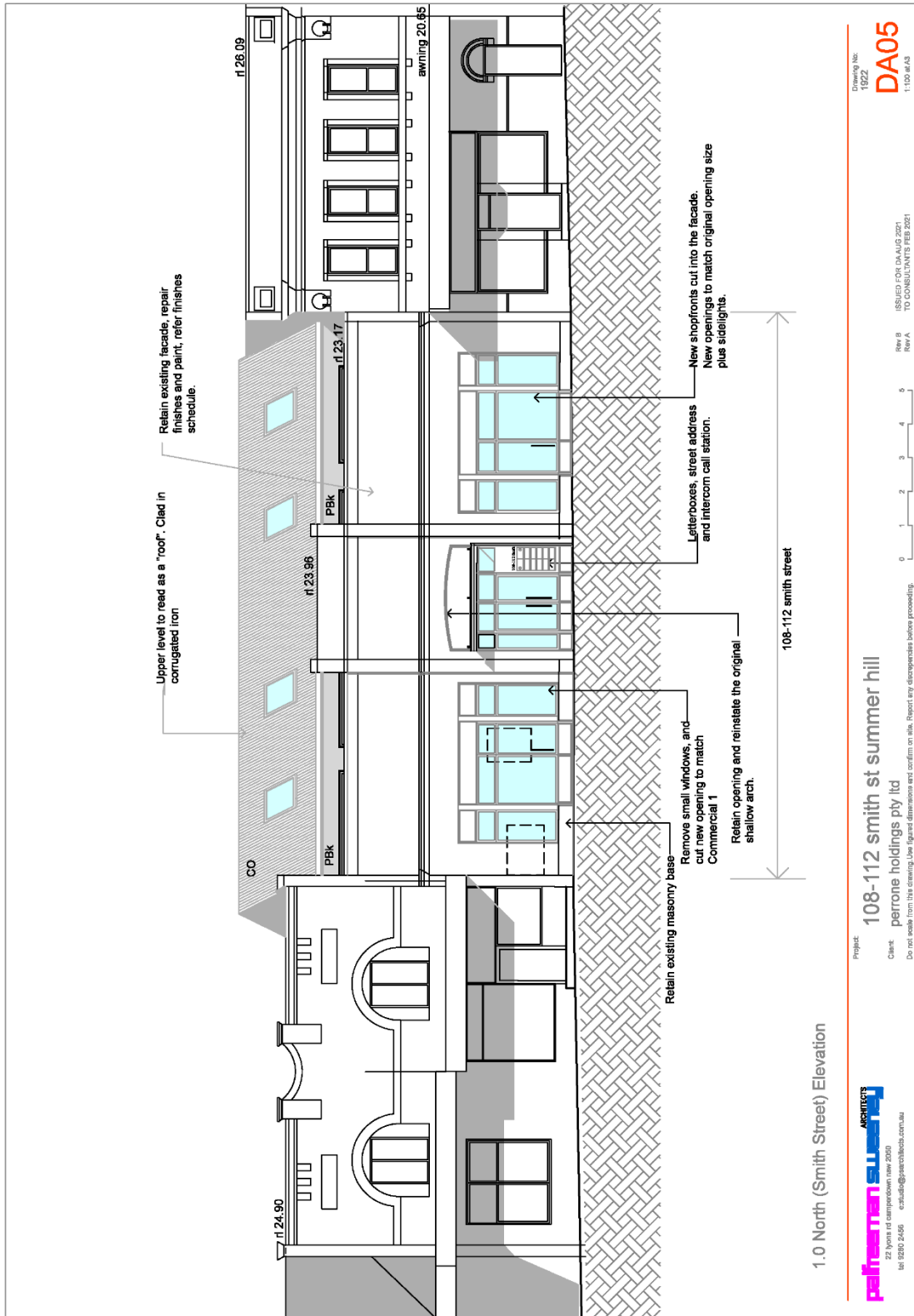
Project: 108-112 smith st summer hill  
 Client: perrone holdings Pty Ltd  
 Do not scale from this drawing. Use figured dimensions and confirm on site. Report any discrepancies before proceeding.

Architect: **permaton** ARCHITECTS  
 11/23/2021, 4/23/2021, 6/23/2021, 8/23/2021, 10/23/2021, 12/23/2021  
 Tel: 02 9230 2000, Fax: 02 9230 2001, Email: info@permaton.com.au

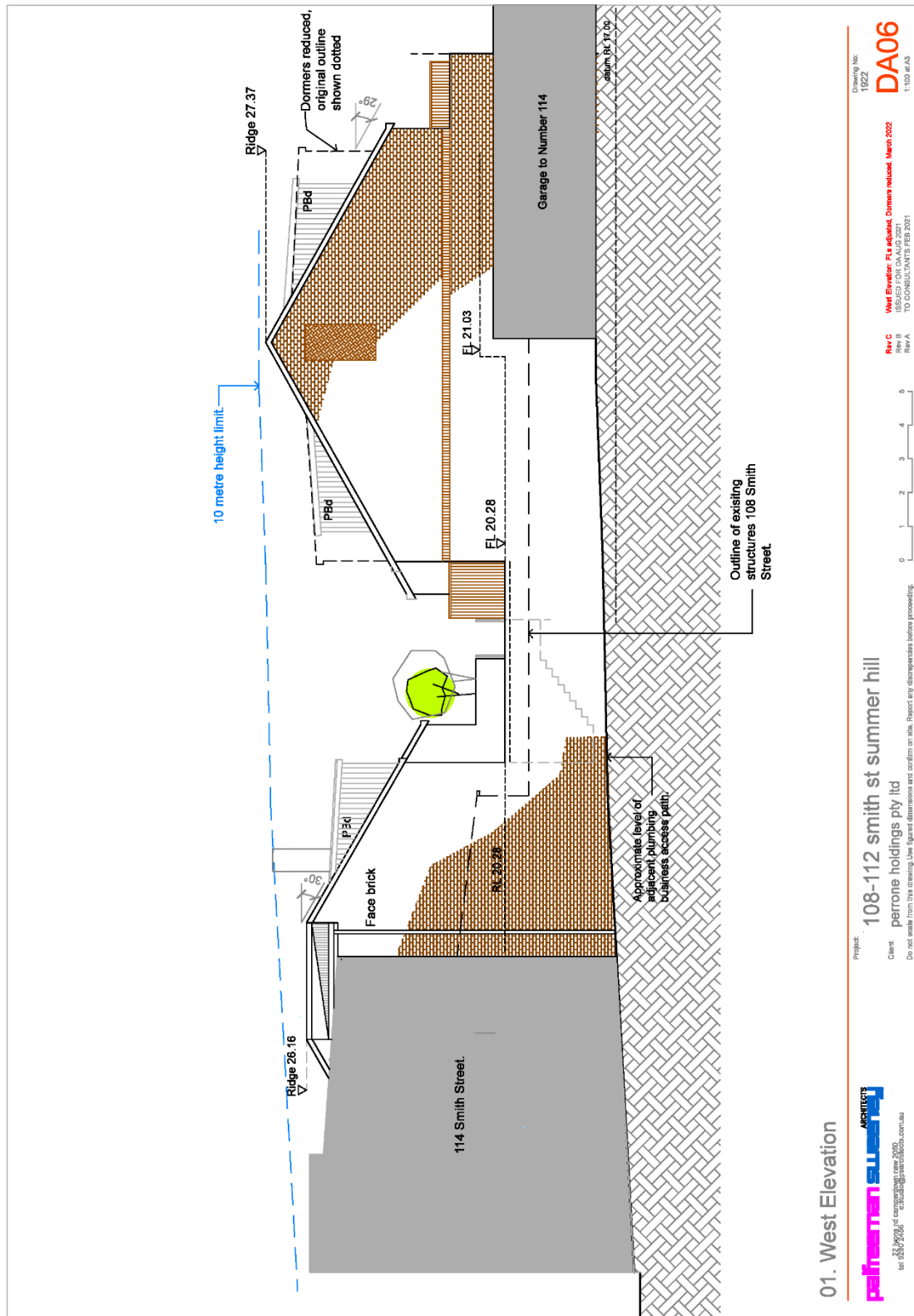
Drawing No: 1922  
**DA03**  
 1:100 at A3

Rev C: R1: amended and re-submitted for DA03  
 Rev B: ACC: outside of the new. See walls to Unit 1 and 4 amended  
 Rev A: ISSUED FOR DA03 28 AUG 2021  
 TO CONSULTANTS FEB 2021









01. West Elevation



Project: 108-112 Smith St Summer Hill  
 Client: Perrone Holdings Pty Ltd  
 Do not scale from this drawing. Use figured dimensions and confirm on site. Report any discrepancies before proceeding.

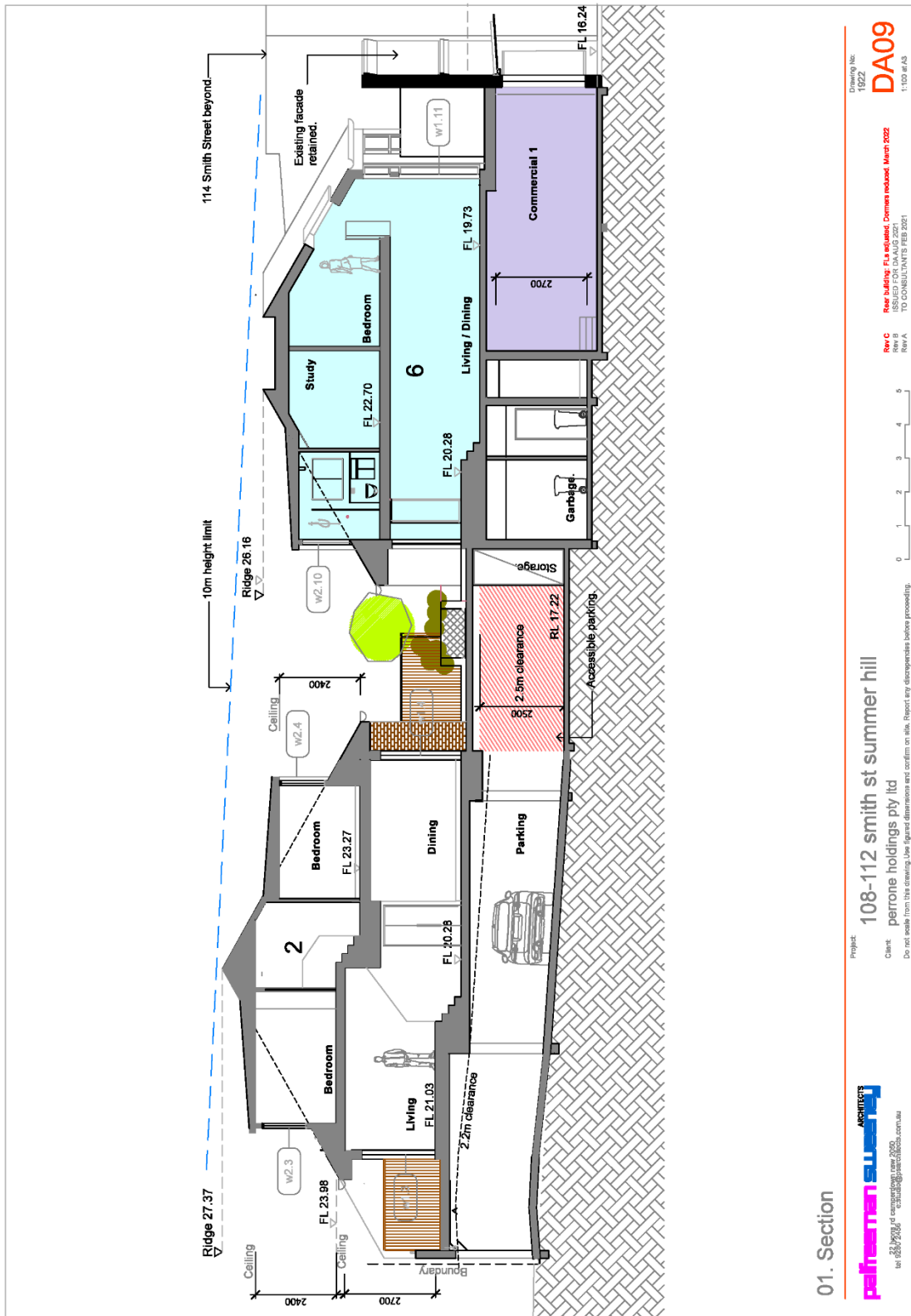


Rev A  
 Rev B  
 Rev C  
 Rev D  
 Rev E  
 Rev F  
 Rev G  
 Rev H  
 Rev I  
 Rev J  
 Rev K  
 Rev L  
 Rev M  
 Rev N  
 Rev O  
 Rev P  
 Rev Q  
 Rev R  
 Rev S  
 Rev T  
 Rev U  
 Rev V  
 Rev W  
 Rev X  
 Rev Y  
 Rev Z

DA06  
 1:100 at A3









01 Section Looking South

02 Section Looking North

**palmetto architecture**  
 1st Floor, 100/102 Campbell Street, New South Wales  
 Tel: 02 9237 2929 | info@palmettoarch.com.au

Project: **108-112 smith st summer hill**  
 Client: **perrone holdings Pty Ltd**  
 Do not scale from this drawing. Use figured dimensions and confirm on site. Report any discrepancies before proceeding.

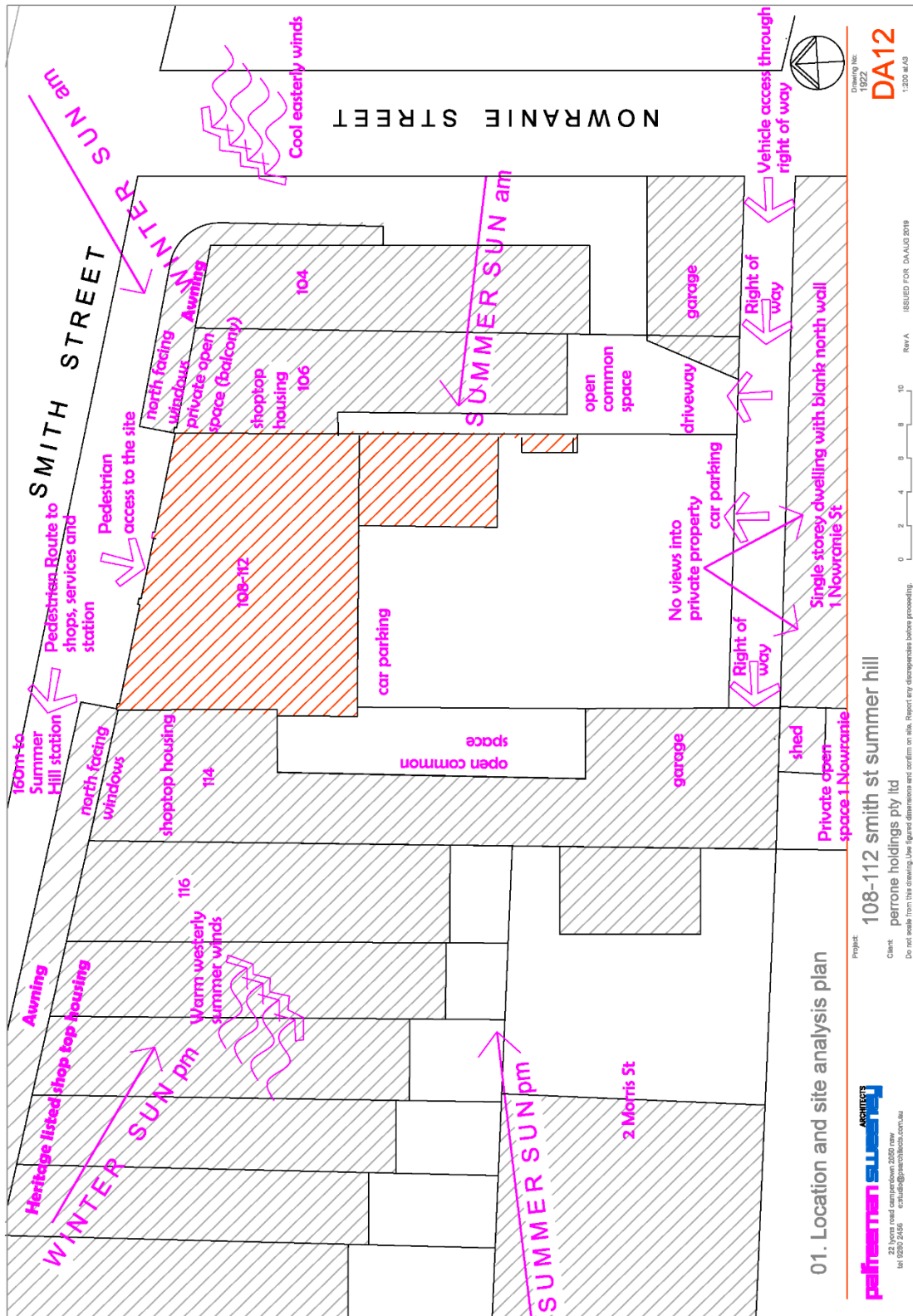
Drawing No: 1922  
**DA10**  
 1:100 at A3

Rev C ISSUED FOR DA MAR 2022  
 Rev B ISSUED FOR DA AUG 2021  
 Rev A TO CONSULTANTS FEB 2021

Rev C ISSUED FOR DA MAR 2022  
 Rev B ISSUED FOR DA AUG 2021  
 Rev A TO CONSULTANTS FEB 2021

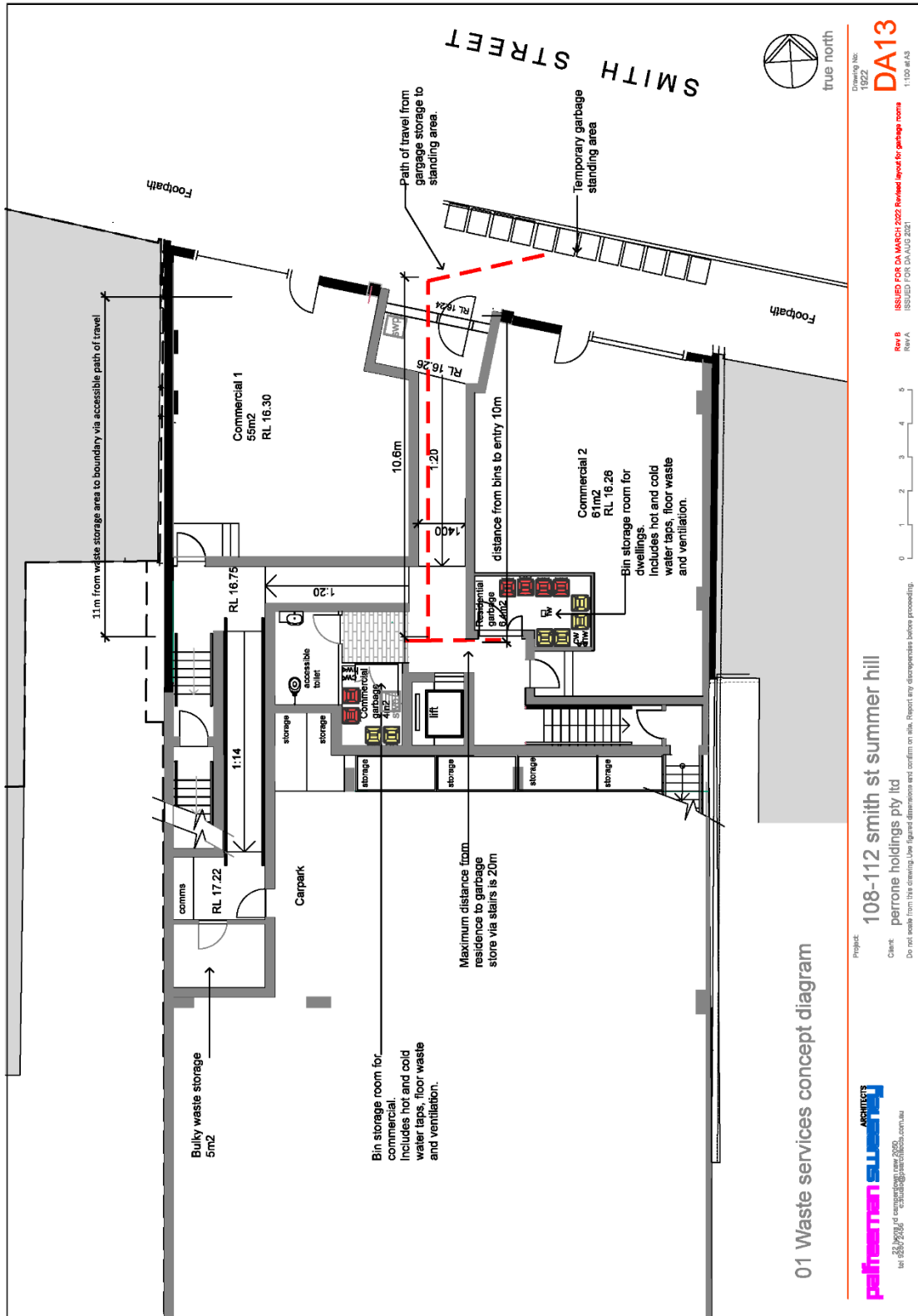






01. Location and site analysis plan

project: 108-112 smith st summer hill  
 Client: perrone holdings Pty Ltd  
 Do not scale from this drawing. Use figured dimensions and confirm on site. Report any discrepancies before proceeding.  
 Drawing No: 1922  
**DA12**  
 1:200 at A3  
 22 Iviers Road Camperdown 2050 NSW  
 Tel: (02) 9239 2466  
 info@perrone.com.au  
 perrone architecture  
 Rev A ISSUED FOR DA AUG 2018



Drawing No: 1922  
**DA13**  
 1:100 at A3

Rev A  
 Rev B  
 Rev C  
 Rev D  
 Rev E  
 Rev F  
 Rev G  
 Rev H  
 Rev I  
 Rev J  
 Rev K  
 Rev L  
 Rev M  
 Rev N  
 Rev O  
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 Rev R  
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 Rev U  
 Rev V  
 Rev W  
 Rev X  
 Rev Y  
 Rev Z

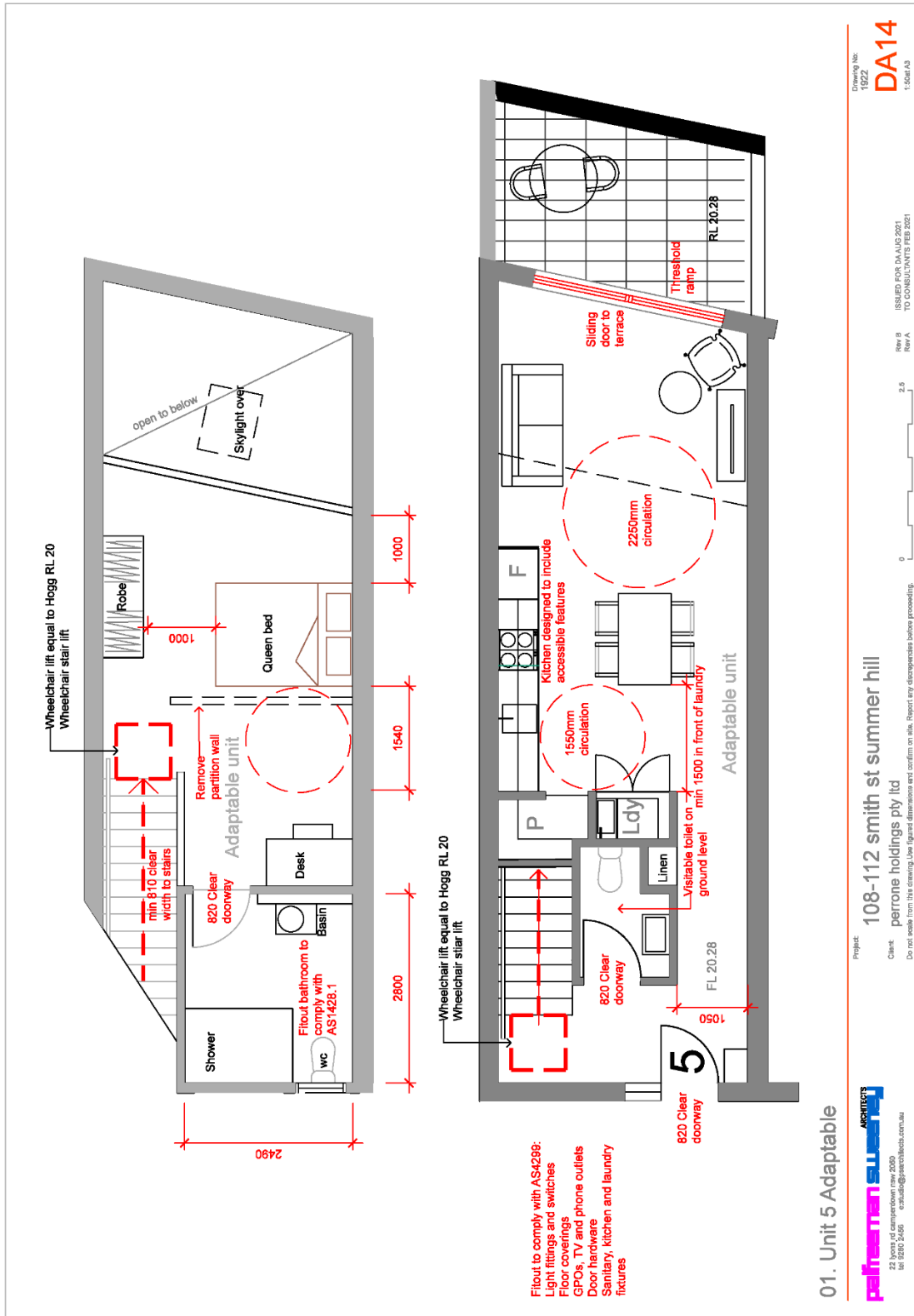
ISSUED FOR DA MARCH 2022 Revised layout for garbage rooms  
 ISSUED FOR DA AUG 2021

108-112 smith st summer hill  
 perrone holdings Pty Ltd

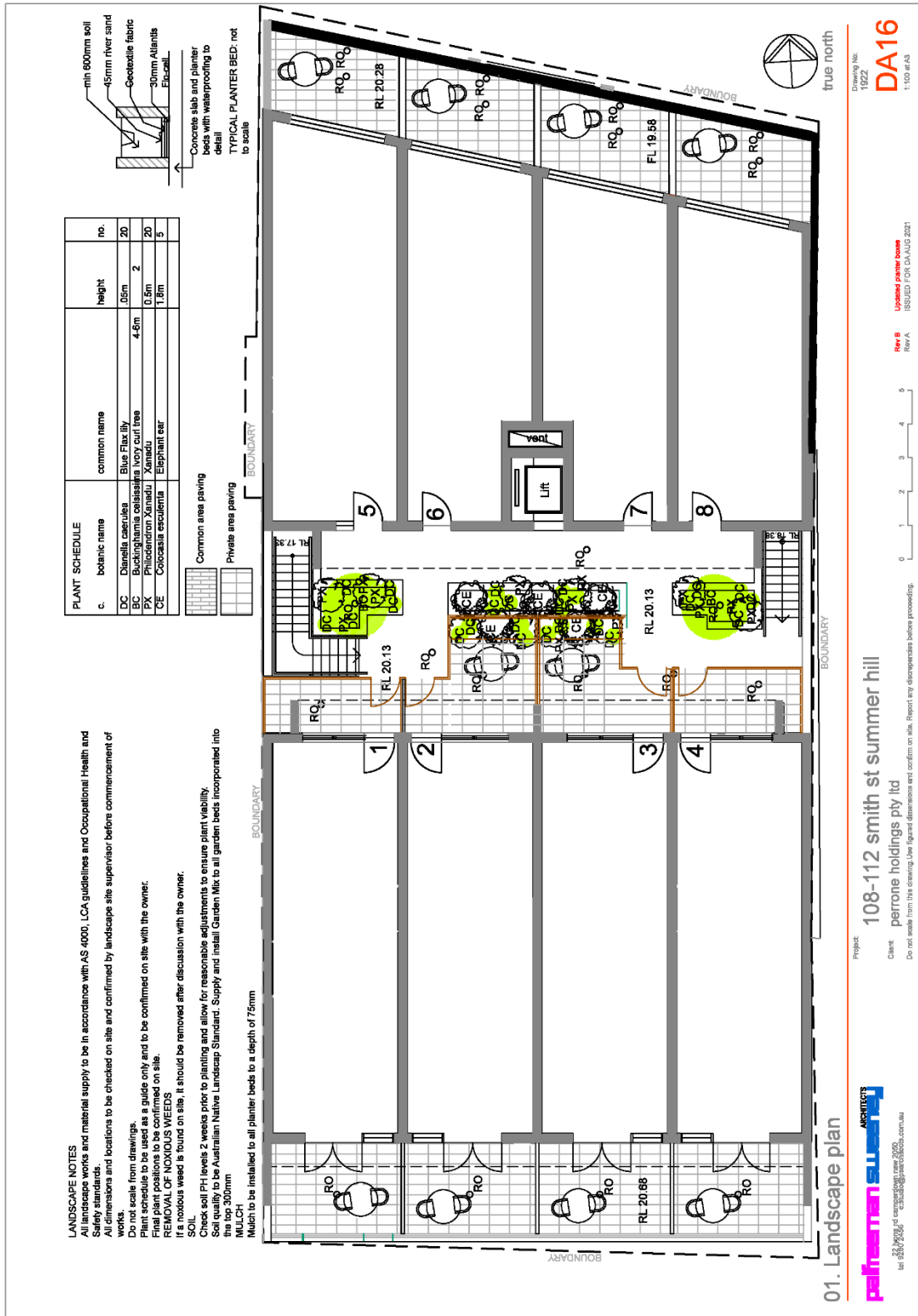
Project: 108-112 smith st summer hill  
 Client: perrone holdings Pty Ltd  
 Do not scale from this drawing. Use figured dimensions and confirm on site. Report any discrepancies before proceeding.





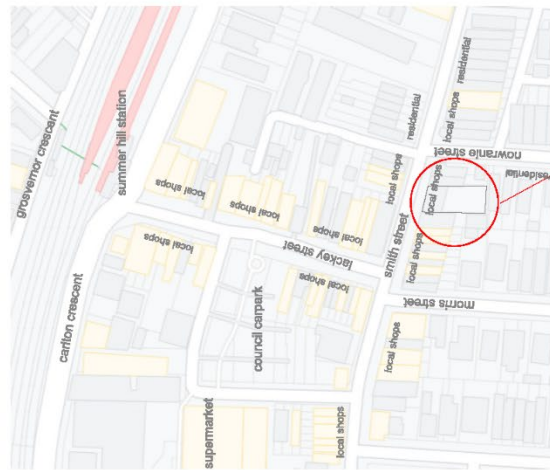








02. Aerial photograph



01. Site location plan



Drawing No:  
1922

**DA17**  
1:200 @ A3

**RWA** ISSUED FOR DA MARCH 2022



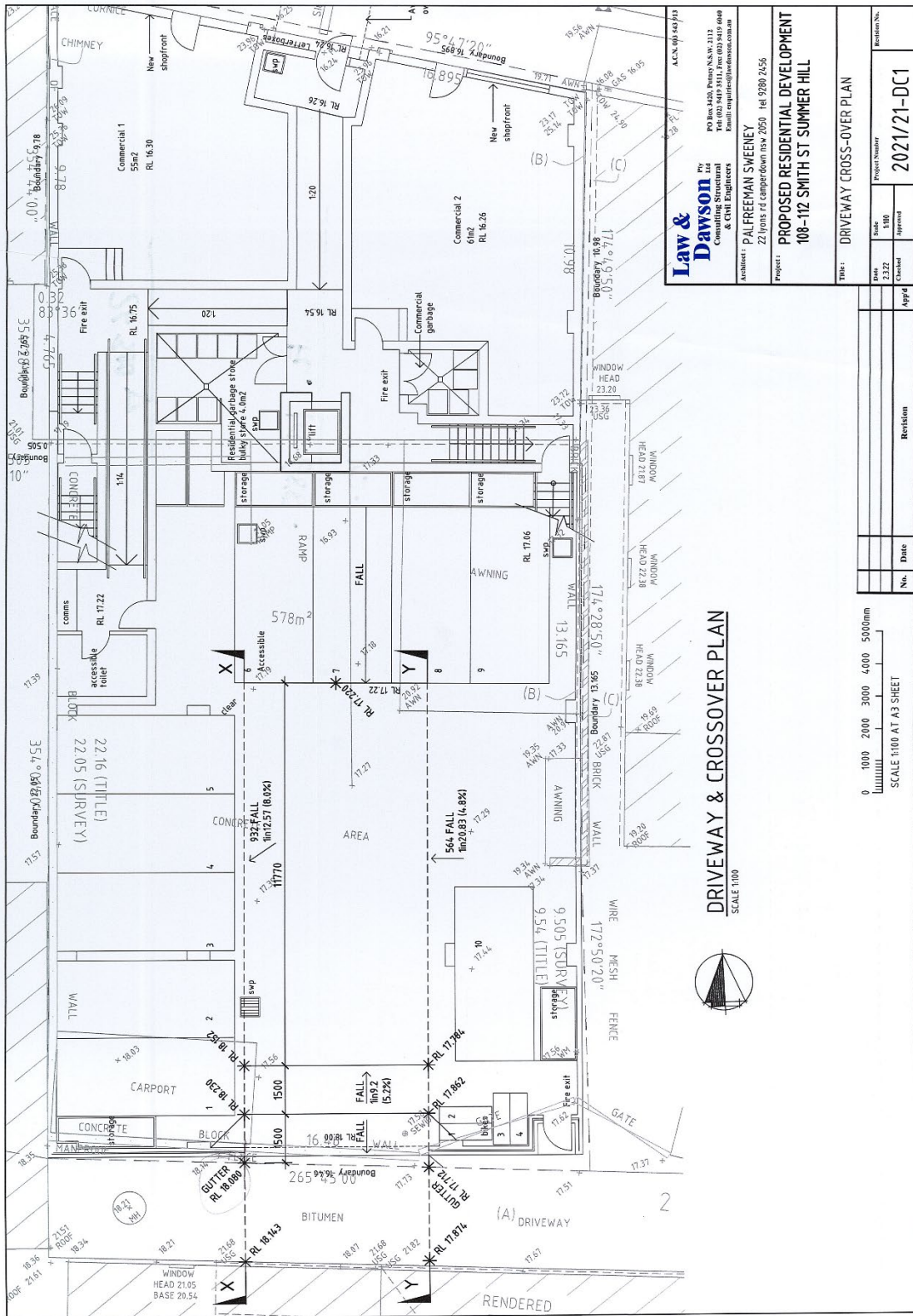
Project: **108-112 smith st summer hill**  
Client: **peronne holdings Pty Ltd**  
Do not scale from this drawing. Use figured dimensions and confirm on site. Report any discrepancies before proceeding.

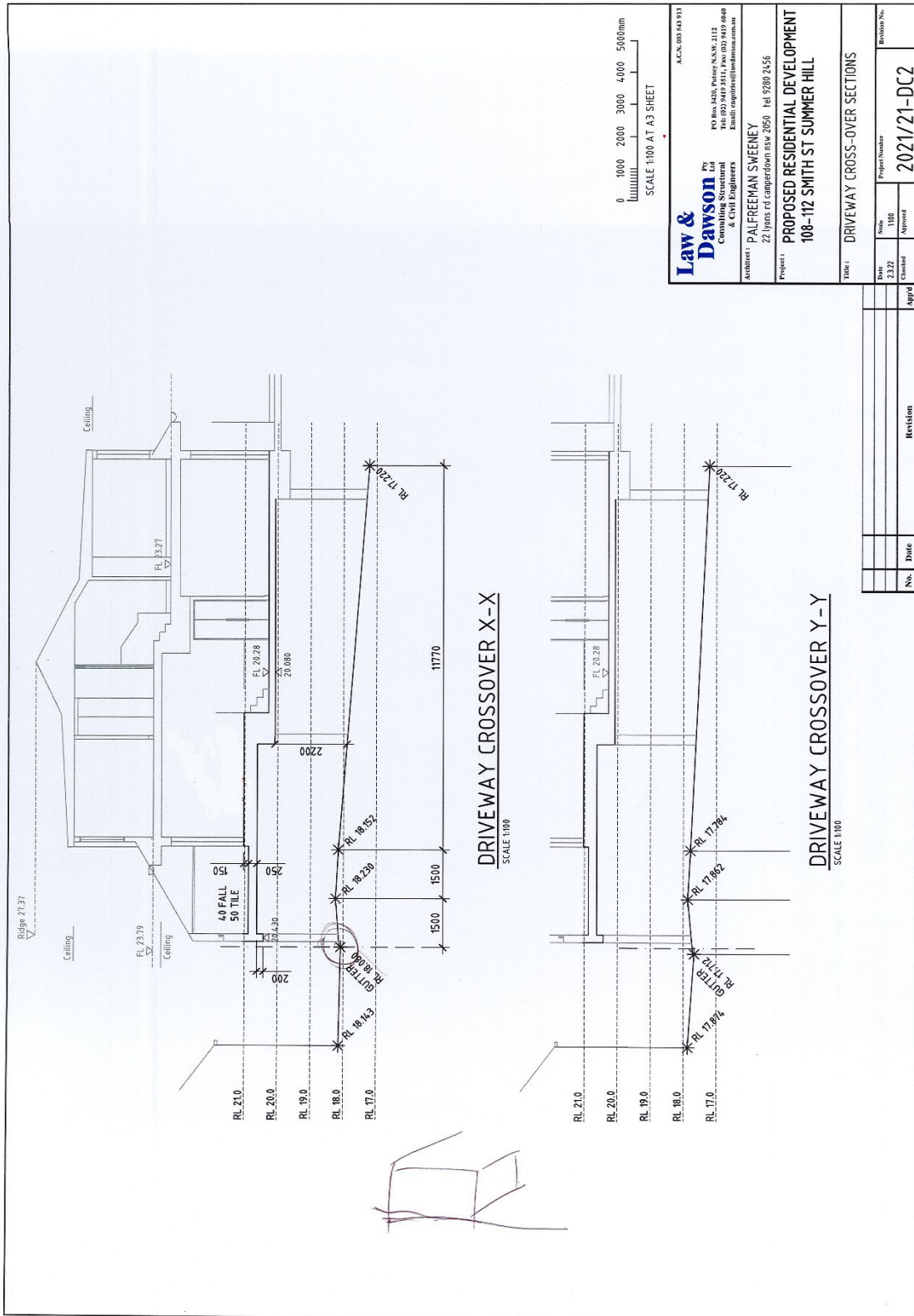
**palmerman architects**  
22 lyons road comprehensive 2000 new  
M 0200 2445 e.sullivan@palmerman.com.au















1.0 Existing shadows cast on June 21 at 9:00 am 2.0 Proposed shadows cast on June 21 at 9:00 am

Drawing no: 1922

SH01



1200 © AS

Proposed Shadows

Rev B March 2022

108 - 112 Smith St. Summer Hill LOT A & B DP442739

Perrone Holdings pty ltd

Project

Client

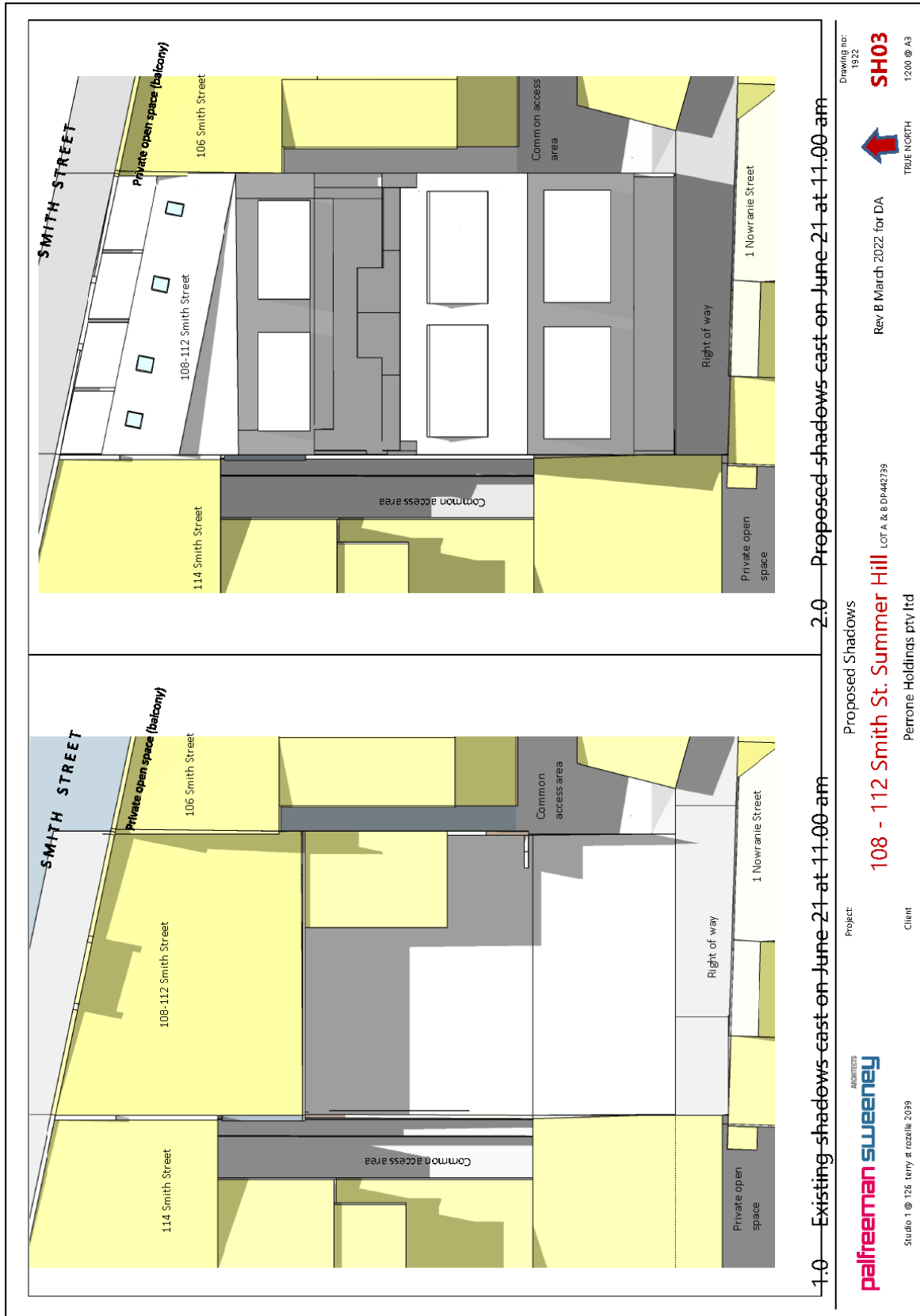


Studio 1 @ 126 terry s. rozelle 2039



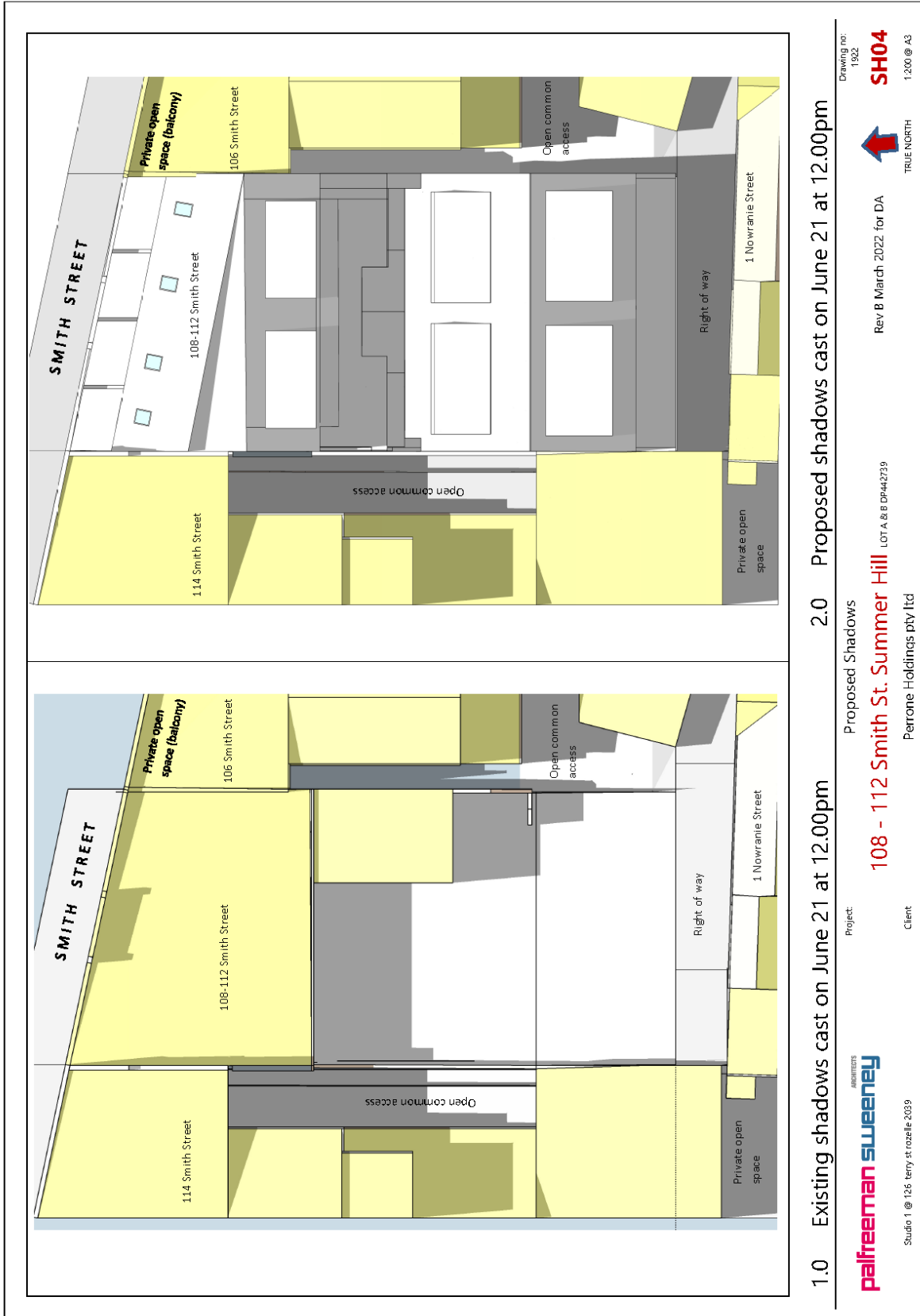
1.0 Existing shadows cast on June 21 at 10.00 am      2.0 Proposed shadows cast on June 21 at 10.00 am

Project: **paldfreeman swweeney** ARCHITECTS  
 Studio 1 @ 126 terry st rozelle 2039  
 Client: **108 - 112 Smith St. Summer Hill** LOT A & B D9442739  
 Perrone Holdings Pty Ltd  
 Rev B March 2022 for DA  
 Drawing no: 1932 **SH02**  
 1:200 @ A3  
 TRUE NORTH



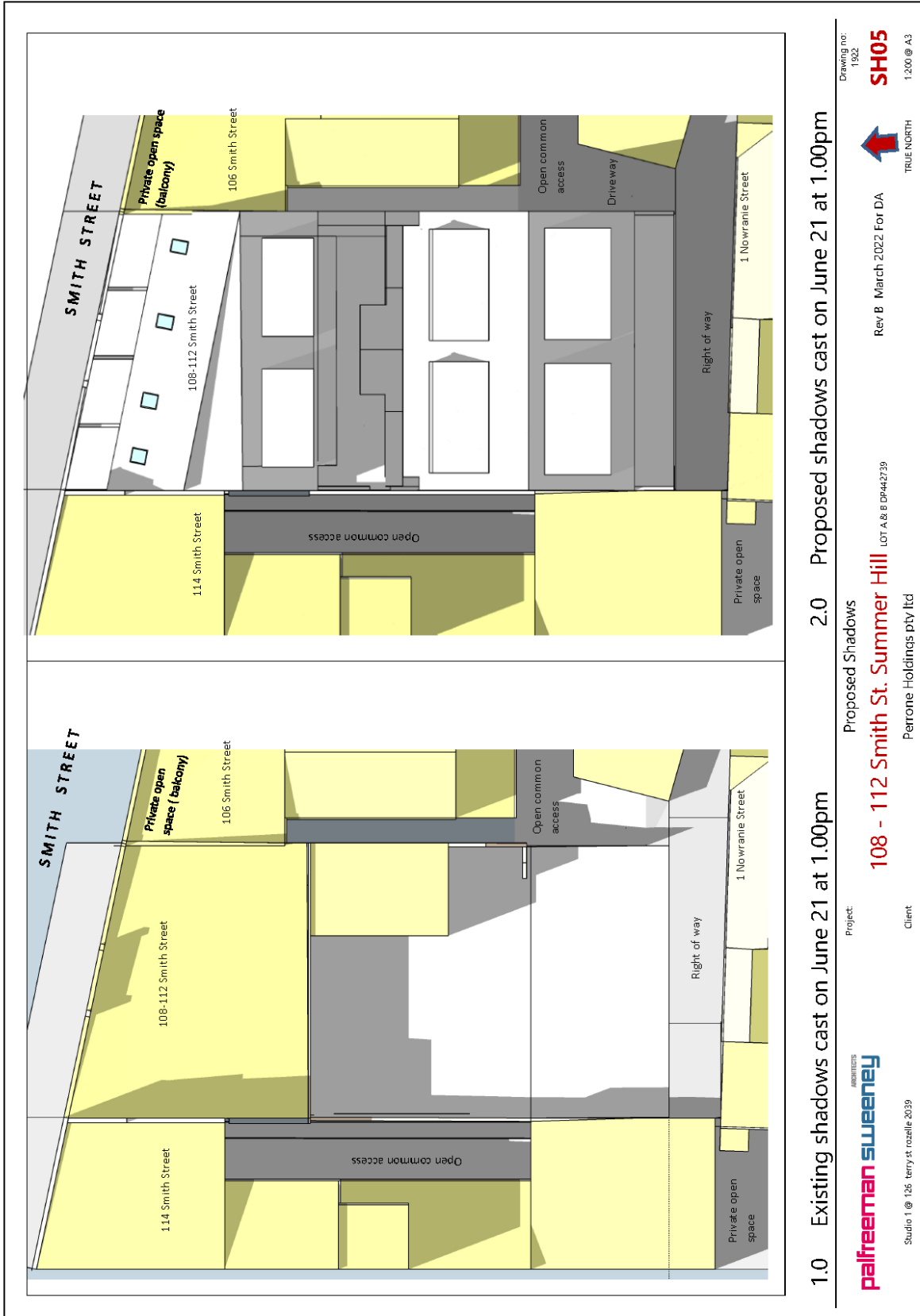
1.0 Existing shadows cast on June 21 at 11:00 am 2.0 Proposed shadows cast on June 21 at 11:00 am

Drawing no: 1922  
**SH03**  
 Rev B March 2022 for DA  
 TRUE NORTH  
 1200 © A3  
 Project: Proposed Shadows  
**108 - 112 Smith St. Summer Hill** LOT A & B DP44279  
 Perrone Holdings Pty Ltd  
 Studio 1 @ 126 Terry St Rozelle 2039  
**palfreeman sweeney** ARCHITECTS  
 Rev B March 2022 for DA



1.0 Existing shadows cast on June 21 at 12:00pm 2.0 Proposed shadows cast on June 21 at 12:00pm

Drawing no: 1932  
**SH04**  
 TRUE NORTH  
 1:200 @ A3  
 Project: Proposed Shadows  
**108 - 112 Smith St. Summer Hill** LOT A & B DP442739  
 Rev B March 2022 for DA  
 Client: Perrone Holdings pty ltd  
 Studio 1 @ 126 terry st rozelle 2039  
**palffreeman siweeney** ARCHITECTS



1.0 Existing shadows cast on June 21 at 1.00pm      2.0 Proposed shadows cast on June 21 at 1.00pm

Drawing no: 1902  
**SH05**  
 1:200 @ A3  
 TRUE NORTH  
 Rev B March 2022 For DA  
 Project: **108 - 112 Smith St. Summer Hill** LOT A & B 09442739  
 Client: Perrone Holdings pty ltd  
 Studio 1 @ 125 terry st rozelle 2039  
**palfreeman sweeney** ARCHITECTS  
 Proposed Shadows



1.0 Existing shadows cast on June 21 at 2.00pm 2.0 Proposed shadows cast on June 21 at 2.00pm

Drawing no: 1932  
**SH06**  
 1:200 @ A3  
 TRUE NORTH  
 Rev B March 2022 For DA  
 Project: **108 - 112 Smith St. Summer Hill** LOT A & B 09442739  
 Client: Perrone Holdings Pty Ltd  
 Proposed Shadows  
 Studio 1 @ 126 terry st roselle 2039  
**palffreeman sweeney** ARCHITECTS



1.0 Existing shadows cast on June 21 at 3.00pm 2.0 Proposed shadows cast on June 21 at 3.00pm

Drawing no: 1932

SH07



1:200 @ A3

REV B MARCH 2022 FOR DA

LOT A & B 09442739

108 - 112 Smith St. Summer Hill

Perrone Holdings Pty Ltd

Proposed Shadows

Project:

Client:

paldfreeman sweeney ARCHITECTS

Studio 1 @ 126 terry st roxelle 2039

1.0 Existing shadows cast on East elevation 114 smith street 21<sup>st</sup> June at 9am

2.0 Proposed shadows cast on East elevation 114 smith street 21<sup>st</sup> June at 9.00

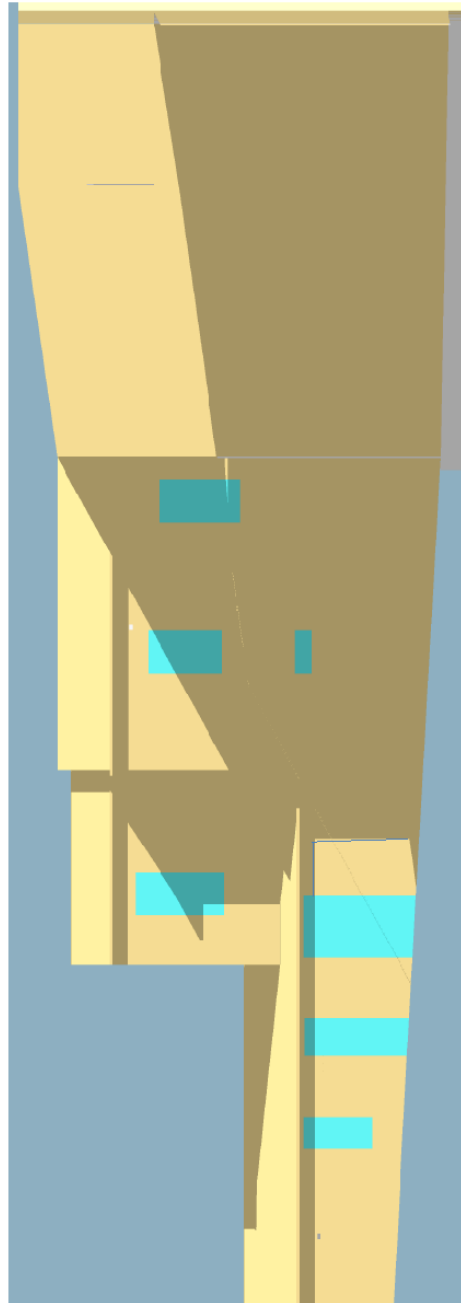
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REV B MARCH 2022 FOR DA

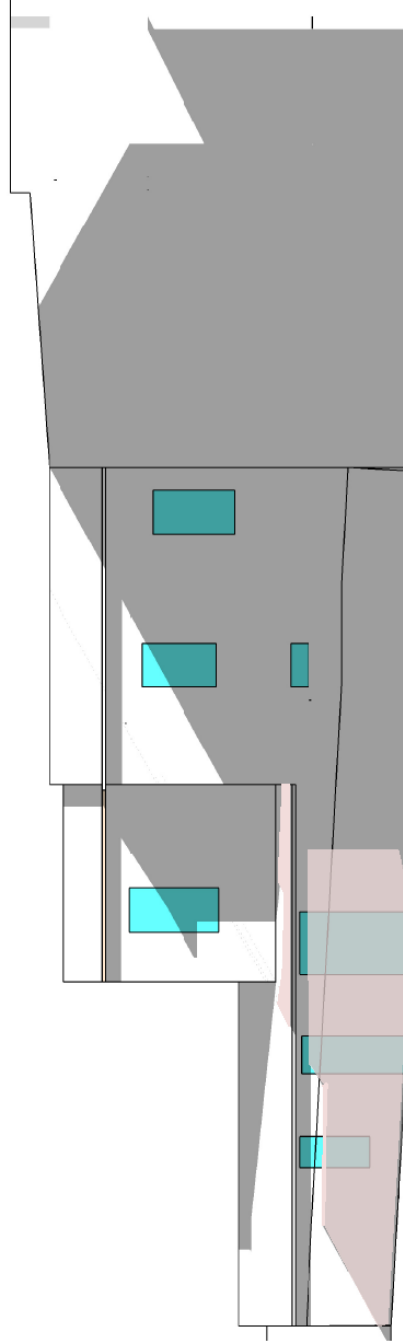
Project: Proposed Shadows  
**108 - 112 Smith St. Summer Hill** LOT A & B DP944239  
Client: Perrone Holdings pty ltd

Studio 1 @ 126 terry st nuzelle 2039  
**pal**freeman **sweeney** architects





1.0 Existing shadows cast on East elevation 114 smith street 21<sup>st</sup> June at 10.00

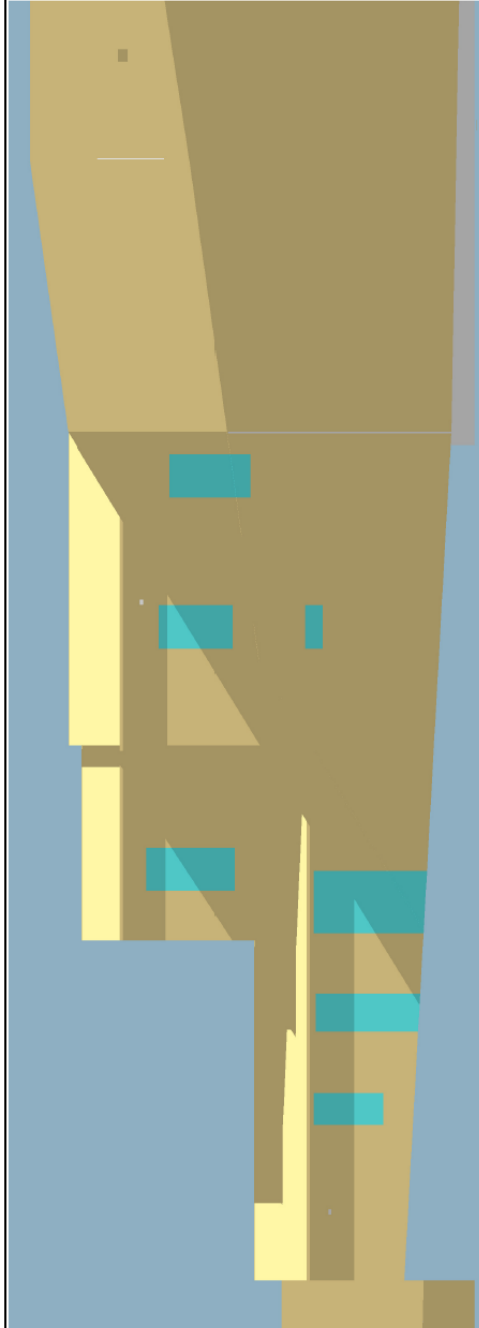


2.0 Proposed shadows cast on East elevation 114 smith street 21<sup>st</sup> June at 10.00

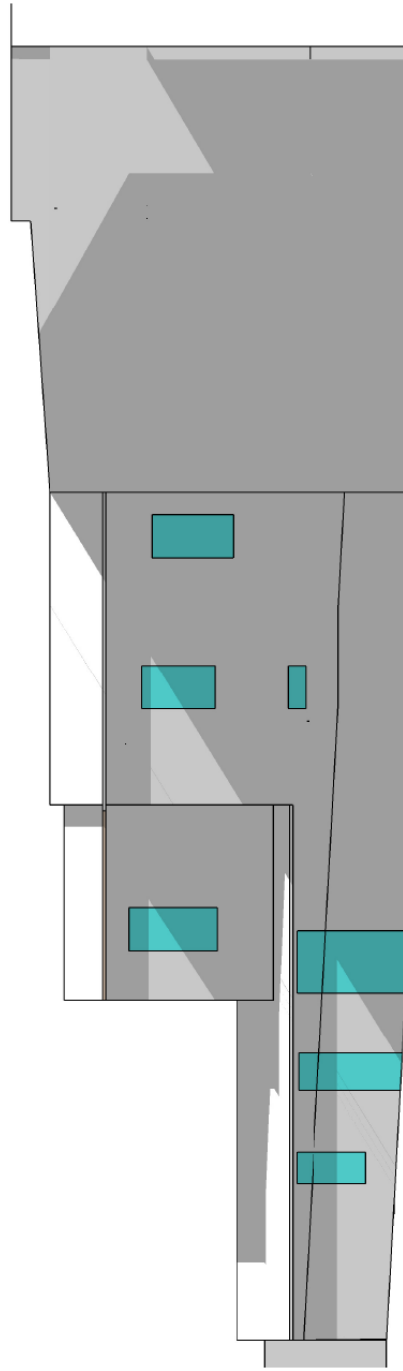
Drawing no: 1922  
**SH09**  
1:100 @ A3

Project: Proposed Shadows  
108 - 112 Smith St. **Summer Hill** LOT A & B.DM44279  
REV B MARCH 2022 FOR DA  
Perrone Holdings pty ltd

Studio 1 @ 126 terry at roazle 2039  
**pal**freeman **sweeney** ARCHITECTS  
Client



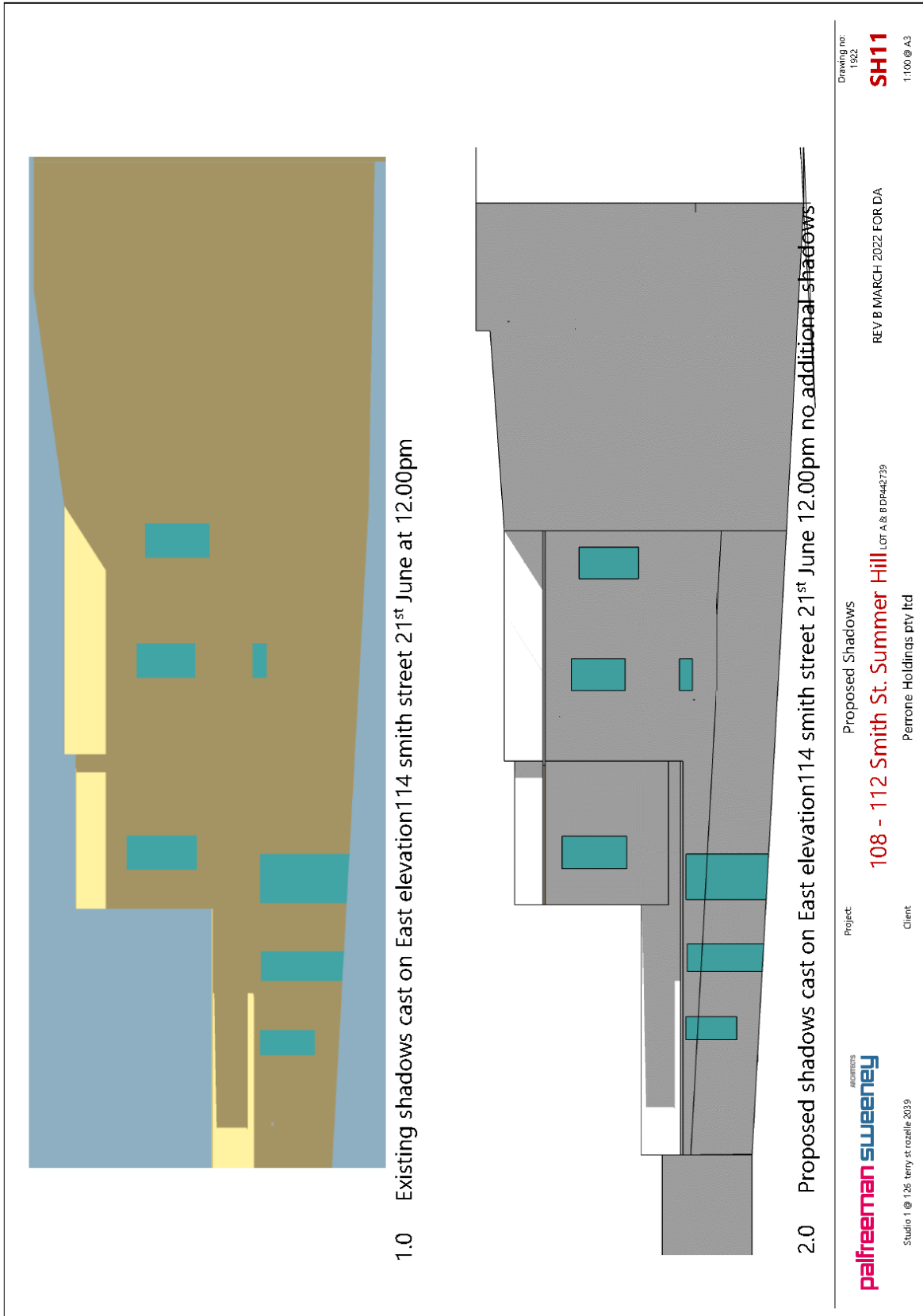
1.0 Existing shadows cast on East elevation 114 smith street 21<sup>st</sup>



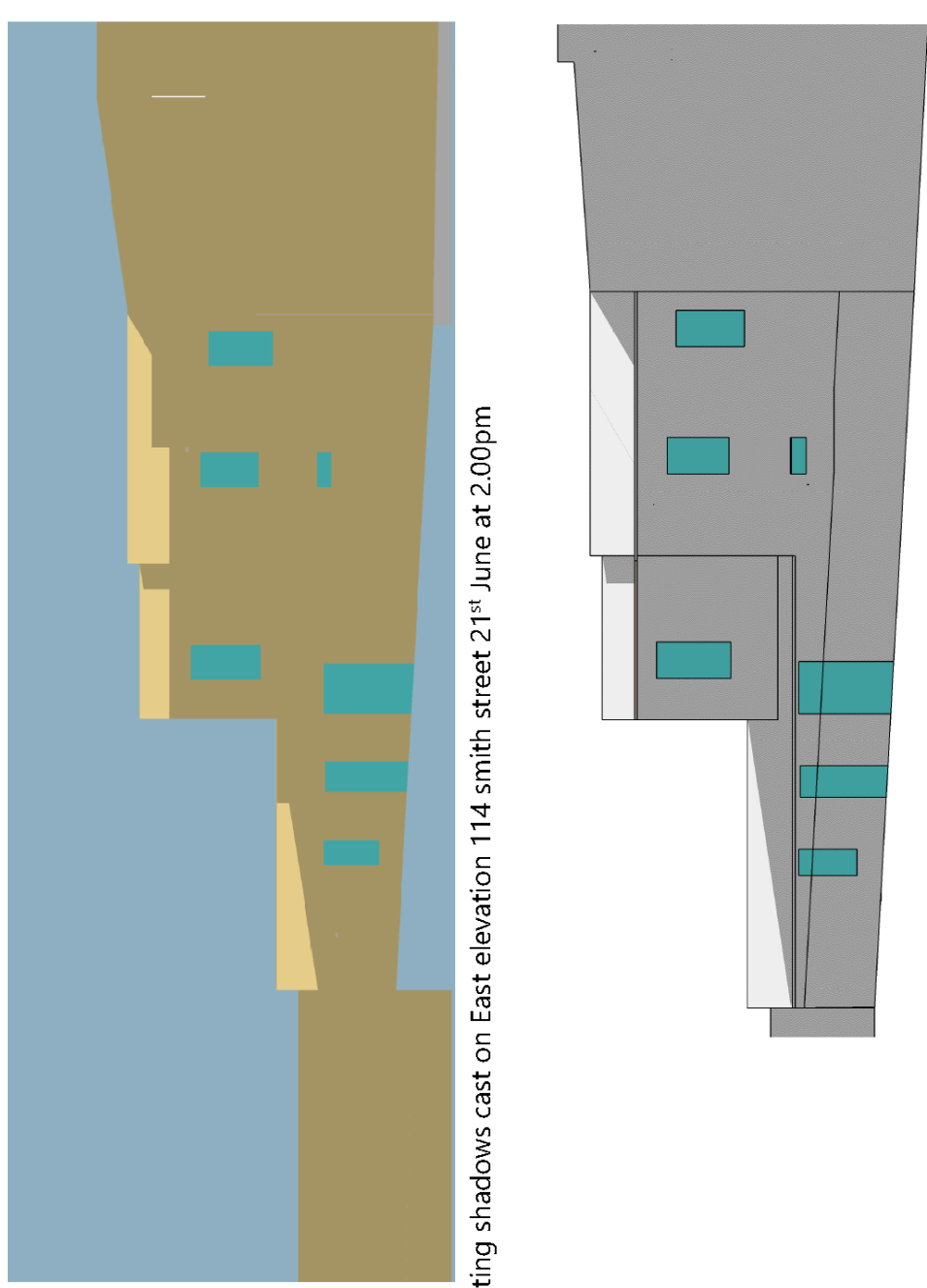
2.0 Proposed shadows cast on East elevation 114 smith street 21<sup>st</sup> June 11.00am no additional shadows

Project: **108 - 112 Smith St. Summer Hill** LOTA & DP442739 **Proposed Shadows** REV B MARCH 2022 FOR DA **SH010** Drawing no: 1922

Client: **Perrone Holdings pty Ltd** Studio 1 @ 126 terry st rozele 2039 **palfreeman sweeney** ARCHITECTS 1:100 @ A3







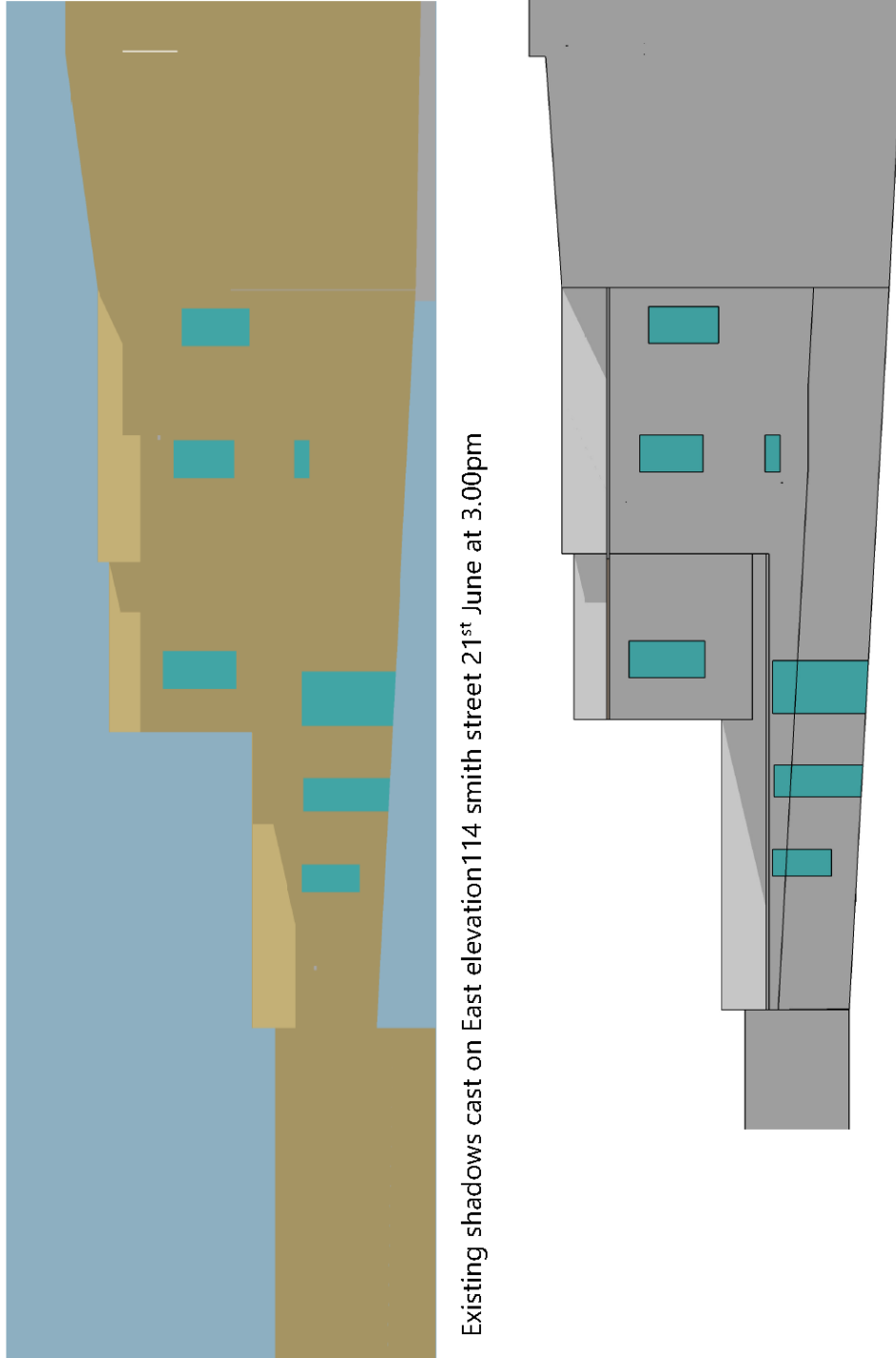
1.0 Existing shadows cast on East elevation 114 smith street 21<sup>st</sup> June at 2.00pm

2.0 Proposed shadows cast on East elevation 114 smith street 21<sup>st</sup> June 2.00pm No additional shadows

Project: **Proposed Shadows**  
108 - 112 Smith St. **Summer Hill** LOT A & EDP442739  
Client: Perrone Holdings pty ltd

Drawing no: 1932  
**SH13**  
1:100 @ A3

Studio 1 @ 126 terry st roazelle 2039  
**palfreeman sweeney** ARCHITECTS



1.0 Existing shadows cast on East elevation 114 smith street 21<sup>st</sup> June at 3.00pm

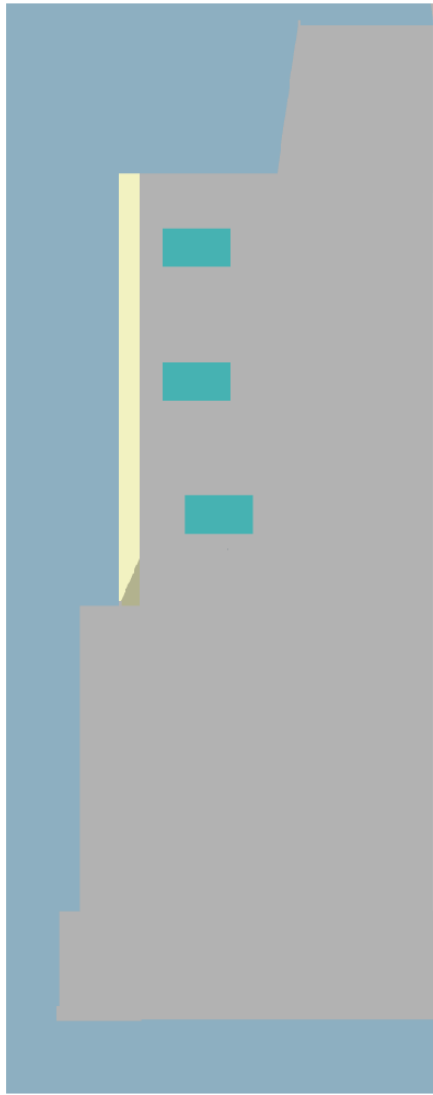
2.0 Proposed shadows cast on East elevation 114 smith street 21<sup>st</sup> June 3.00pm No additional shadows

Drawing no: 1932  
**SH14**  
1:100 @ A3

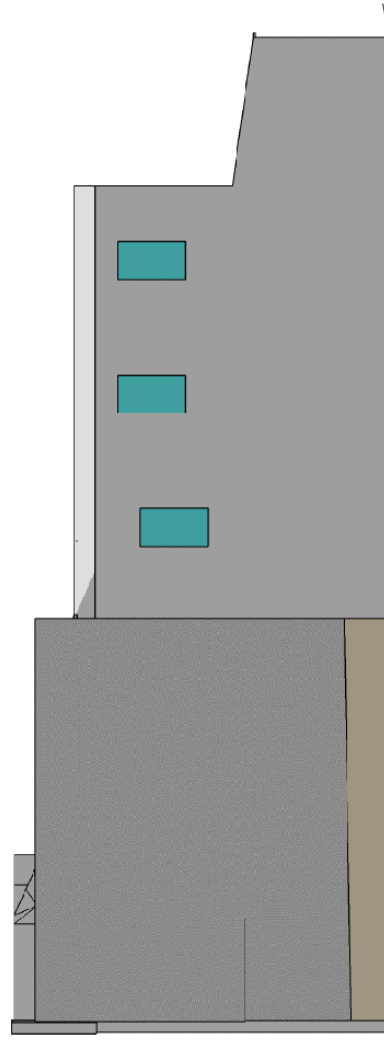
Project: Proposed Shadows  
108 - 112 Smith St. Summer Hill LOT A & B DM4279  
REV 8 MARCH 2022 FOR DA

Client: Perrone Holdings Pty Ltd

Studio 1 @ 126 terry st rozelle 2039  
**pal**freeman **si**weeney ARCHITECTS



1.0 Existing shadows cast on West elevation 106 Smith Street 21<sup>st</sup> June at 9:00 am



2.0 Proposed shadows cast on West elevation 106 Smith Street 21<sup>st</sup> June at 9:00 am No additional shadows

Drawing no: 1922  
**SH15**  
1:100 @ A3

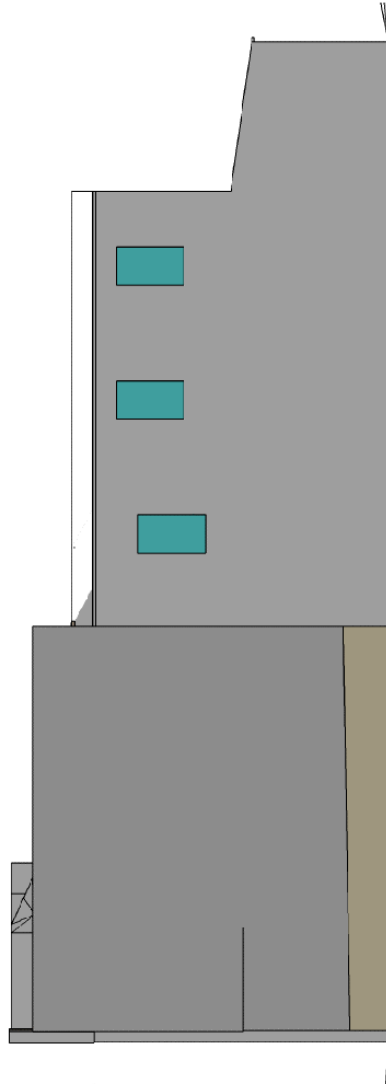
Project: Proposed Shadows  
108 - 112 Smith St. **Summer Hill** LOT A & B.DM44279  
REV B MARCH 2022 FOR DA

Client: Perrone Holdings Pty Ltd

Studio 1 @ 126 terry at roazle 2039  
**palfreeman sweeney** ARCHITECTS



1.0 Existing shadows cast on West elevation 106 Smith Street 21<sup>st</sup> June at 10.00 am



2.0 Proposed shadows cast on West elevation 106 Smith Street 21<sup>st</sup> June at 10.00 am No additional shadows

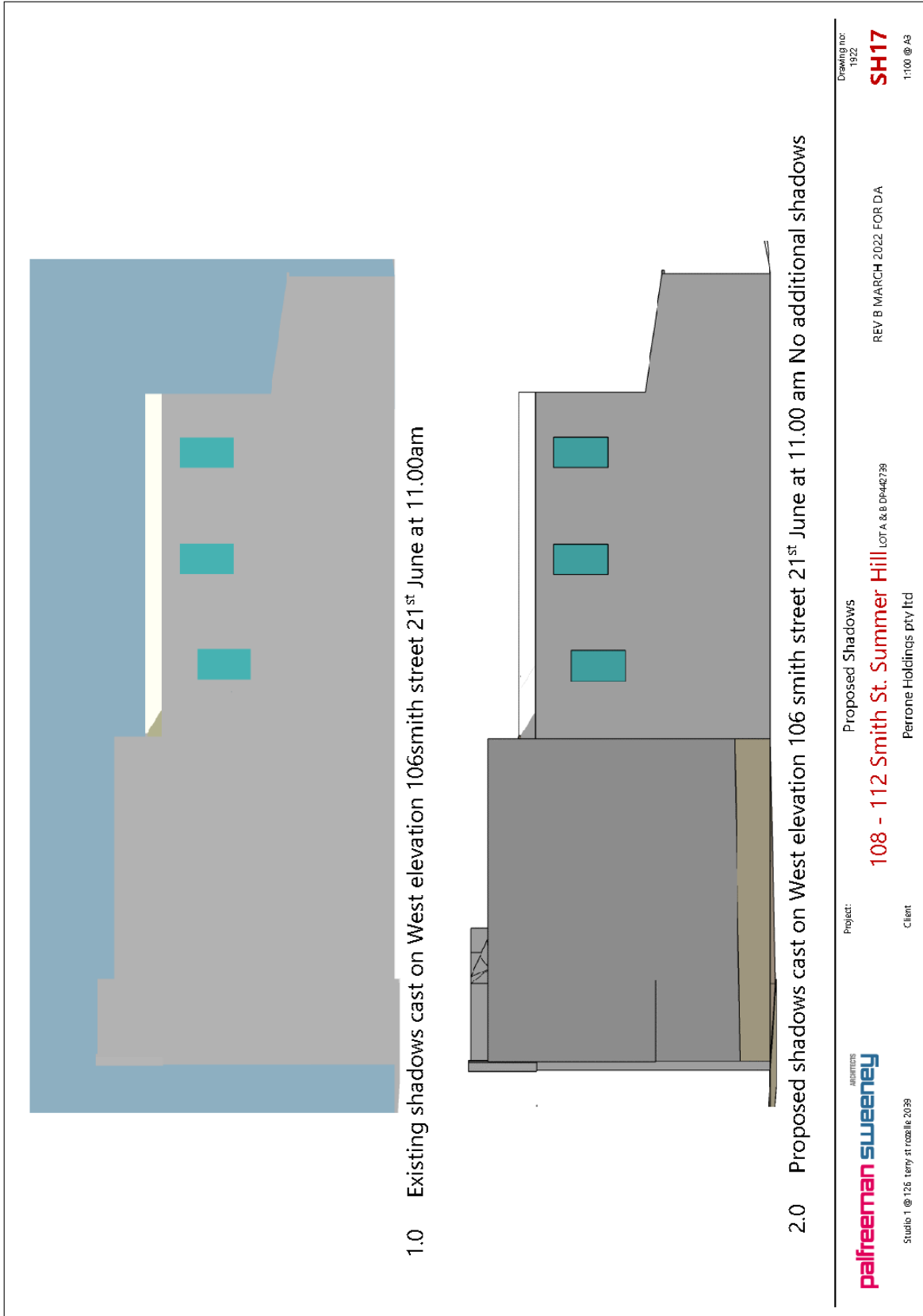
Drawing no: 1922  
**SH16**  
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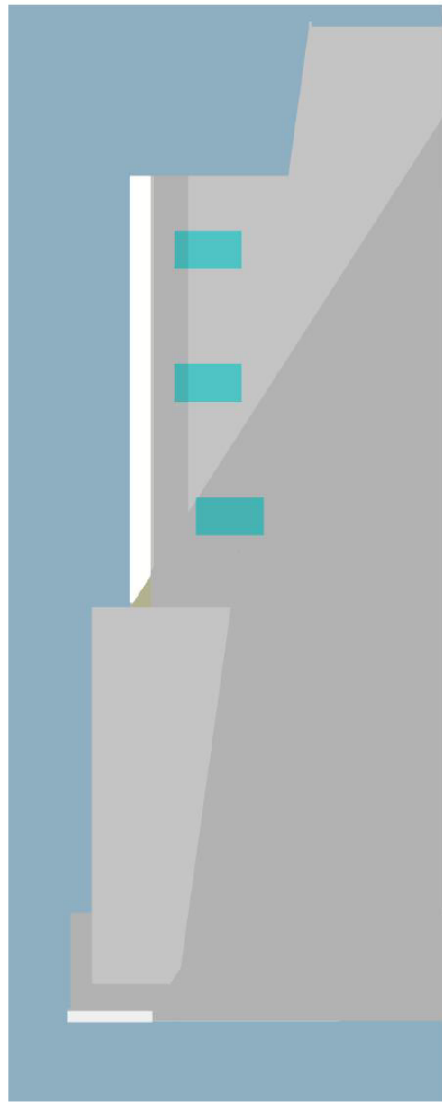
Project: **Proposed Shadows**  
**108 - 112 Smith St. Summer Hill** LOT A & B.DM44279  
REV B MARCH 2022 FOR DA

Client: Perrone Holdings Pty Ltd

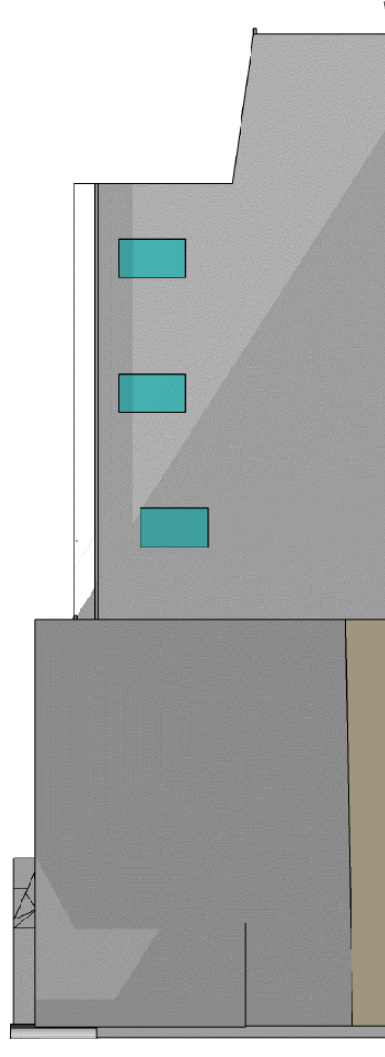
Studio 1 @ 726 Terry at Rozelle 2039  
**palfreeman sweeney** ARCHITECTS







1.0 Existing shadows cast on West elevation 106 Smith Street 21<sup>st</sup> June at 12:00 pm



2.0 Proposed shadows cast on West elevation 106 Smith Street 21<sup>st</sup> June at 12:00 pm No additional shadows

Drawing no: 1922  
**SH18**  
1:100 @ A3

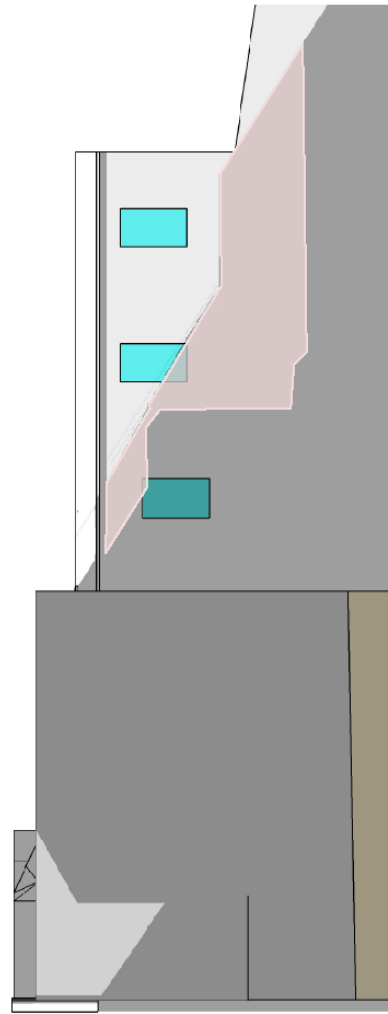
Project: Proposed Shadows  
108 - 112 Smith St. Summer Hill LOT A & B DP44279  
REV B MARCH 2022 FOR DA

Client: Perrone Holdings Pty Ltd

Studio 1 @ 126 terry st rooseville 2039  
**pal**freeman **sweeney** ARCHITECTS



1.0 Existing shadows cast on West elevation 106 Smith Street 21<sup>st</sup> June at 1.00 pm



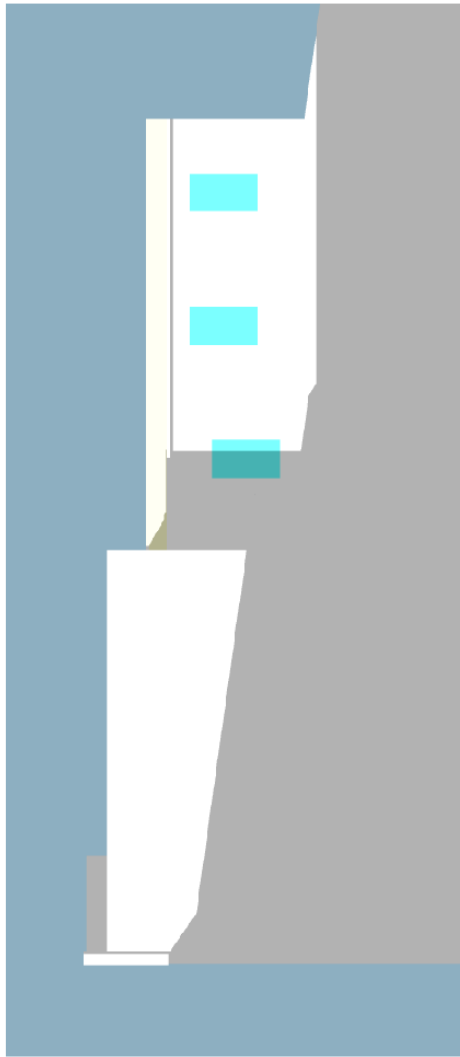
2.0 Proposed shadows cast on West elevation 106 Smith Street 21<sup>st</sup> June at 1.00 pm

Drawing no: 1922  
**SH19**  
1:100 @ A3

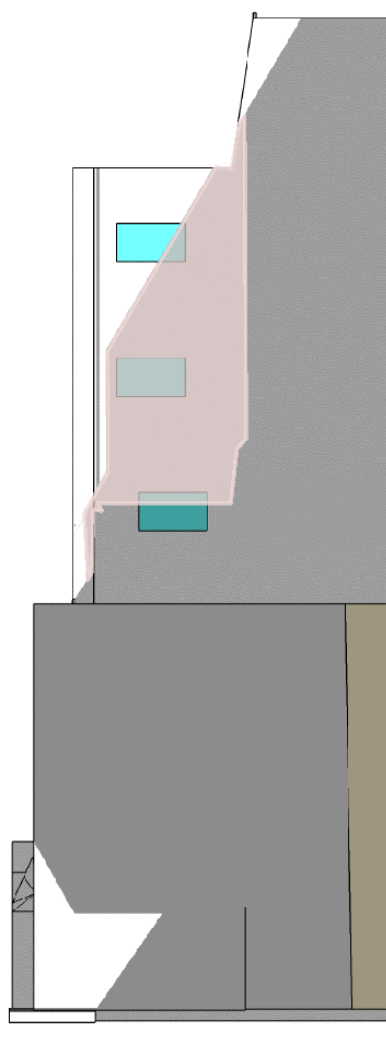
Project: Proposed Shadows  
108 - 112 Smith St. Summer Hill LOT A & B.DM44279  
REV B MARCH 2022 FOR DA

Client: Perrone Holdings Pty Ltd

Studio 1 @ 126 terry st rooseville 2039  
**pal**freeman **sweeney** ARCHITECTS



1.0 Existing shadows cast on 106 Smith Street 21<sup>st</sup> June at 2.00 pm



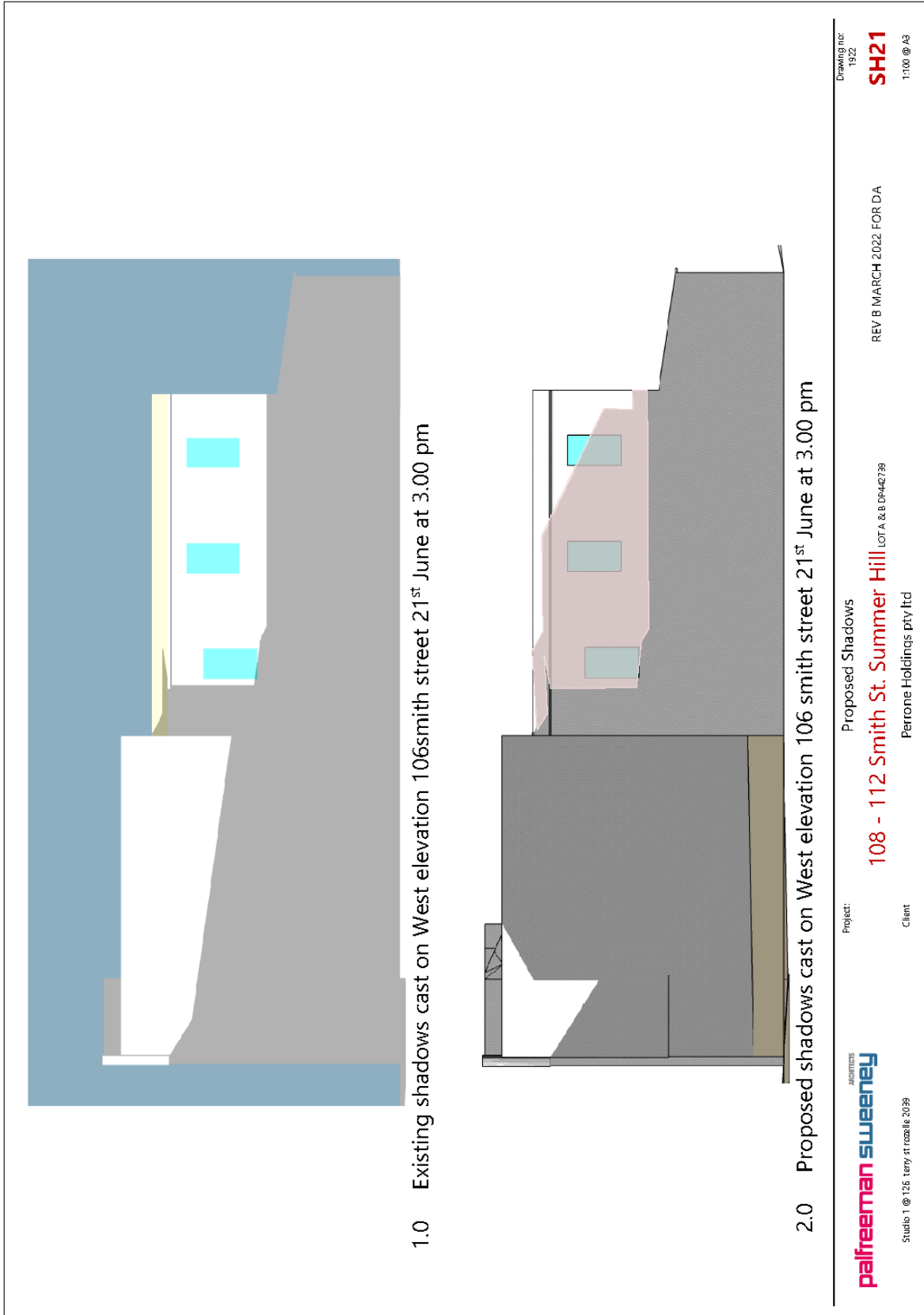
2.0 Proposed shadows cast on 106 Smith Street 21<sup>st</sup> June at 2.00 pm

Drawing no: 1922  
**SH20**  
1:100 @ A3

Project: Proposed Shadows  
108 - 112 Smith St. Summer Hill LOT A & B.DM44279  
Client: Perrone Holdings Pty Ltd

REV B MARCH 2022 FOR DA

STUDIO 1 @ 126 terry st rooseville 2039  
**palfreeman sweeney** ARCHITECTS



## Attachment C- Statement of Heritage Significance

**PROPOSED DEVELOPMENT**

**AT**

**108-112 SMITH STREET,  
SUMMER HILL, NSW**

**HERITAGE IMPACT STATEMENT**



Prepared by:

John Oultram Heritage & Design  
Level 2, 386 New South Head Road,  
Double Bay, NSW 2028

T: (02) 9327 2748  
E: [heritagedesign@bigpond.com](mailto:heritagedesign@bigpond.com)

Prepared for:

Palfreeman Sweeney Architects

May 2021

© John Oultram Heritage & Design

**1.0 INTRODUCTION**

**1.1 THE BRIEF**

The following report has been prepared to accompany a development application for alterations and additions to the existing warehouse at 108-112 Smith Street, Summer Hill, NSW and its conversion to apartments. The report has been prepared on behalf of Palfreeman Sweeney Architects.

**1.2 THE STUDY AREA**

The study area is Lot C in DP 442739 in the Municipality of Ashfield, Parish of Petersham and County of Cumberland (Figure 1.1).

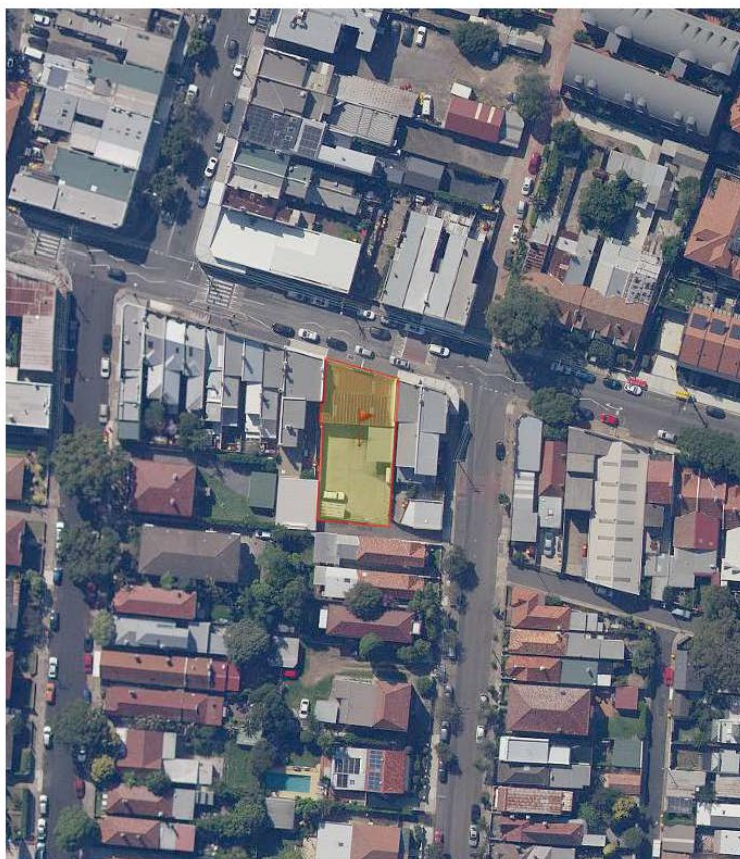


Figure 1.1 The Study Area shaded

Source: SIX Maps

### 1.3 LIMITATIONS AND TERMS

The report only addresses the European significance of the place. The terms *fabric, conservation, maintenance, preservation, restoration, reconstruction, adaptation, compatible use and cultural significance* used in this report are as defined in the Australia ICOMOS *Burra Charter*.

### 1.4 METHODOLOGY

This report was prepared in accordance with the *NSW Heritage Manual* "Statements of Heritage Impact" and "Assessing Heritage Significance Guidelines" and the Inner West Council guidelines for the preparation of heritage impact statements. The philosophy adopted is that guided by the Australia ICOMOS *Burra Charter* 2013.

### 1.5 AUTHORS AND ACKNOWLEDGMENTS

This report, including all diagrams and photographs, was prepared by John Oultram of John Oultram Heritage & Design, unless otherwise noted. Historical research was prepared by Nicholas Jackson. John Oultram Heritage & Design was established in 1998 and is on the NSW Heritage Office list of heritage consultants.



## 2.0 HISTORICAL DEVELOPMENT

### 2.1 CAMPBELL'S CANTERBURY ESTATE

Smith Street, as with most of Summer Hill south of the railway line, is located within the former Canterbury Estate, which comprised an area of 1,242 acres bounded on the south by Cooks River and on the north by Liverpool Road. The estate was formed by merchant Robert Campbell between 1803 and the 1820s by the purchase of a number of land grants inclusive of the 100 acres made to Joseph Foveaux in October 1794 where Smith Street is.

The Campbell family continued to be associated with the Canterbury Estate until the 1860s, but the size of the land holding over this time gradually diminished through land sales. The first of these occurred at the onset of the financially depressed 1840s on the river at Canterbury; some sixty acres were conveyed in 1840 to the promoters of the sugar works, and in the following year Campbell released additional land as the Village of Canterbury subdivision. Also in 1841 Campbell released land along Liverpool Road as the Village of South Ashfield.<sup>1</sup>

Following the death of Robert Campbell in 1846 the Canterbury Estate was divided between his daughter Miss Sophia Ives Campbell, and son-in-law, Arthur Frederick Jeffreys, husband of Sarah Campbell. Smith Street is located within Sophia's portion. Miss Campbell (1812-1891) did not live at Canterbury, however, she did arrange for the construction of the church and school of St Paul's Church of England (Anglican) in 1860.

Miss Campbell subdivided her portion of the estate in the mid 1860s.<sup>2</sup> The subdivision was a response to the completion of the railway between Sydney and Granville and the opening of a station at Ashfield in September 1855. The railway provided mobility and the rise in the number of people residing in the area in the 1860s brought about the incorporation of municipal government (Ashfield) in 1871.

### 2.2 SUMMER HILL SUBDIVISIONS

Miss Campbell's subdivisions continued in the 1870s and included the Summer Hill Estate release of 1876 that took-in the area between Smith Street and Junction Street bounded by Prospect Street and Moonbie Street. This was the first recorded instance of the name Summer Hill.<sup>3</sup> The railway station at Summer Hill was opened in 1879, and the public school at Summer Hill in 1883.

By 1880 James Bartlett had acquired about four acres at Summer Hill bounded by Moonbie, Lorne, and Smith (then called Urana)-streets. This area had been subdivided (in Deposited Plan 269), and Bartlett re-subdivided in Deposited Plan 476 (the Tavistock Estate). Bartlett (1831-1904) was a local builder and resided at Prospect Hall (demolished) in Seaview Street.<sup>4</sup> He was a prolific land speculator in the Ashfield/Summer Hill.<sup>5</sup>

<sup>1</sup> Pratten, Chris (ed.), *Summer Hill, Ashfield & District Historical Society, 1999* (Pratten 1999)

<sup>2</sup> Advertising *Sydney Morning Herald, 22/9/1866*, p.11

<sup>3</sup> Pratten 1999

<sup>4</sup> Pratten 1999, p. 25

<sup>5</sup> Pratten 1999, p. 57



Figure 2.1 Detail from Higinbotham & Robinson's commercial 'Map of the Municipality of Ashfield' published in 1883. Marked up to show the Tavistock Estate

Source: State Library of NSW (Z/M6 811.1829/1883/1)

2.3 Nos. 108-112 SMITH STREET

The allotment of Nos. 108-112 Smith Street was formed in 1898 by re-subdivision of Tavistock Estate Lots 12 to 13 in Section B. The whole of these allotments and Lot 11 to the south were conveyed by Bartlett to hotelkeeper William James Wilshire in 1882.<sup>6</sup> Today these allotments comprise Nos. 104 to 112 Smith Street.

<sup>6</sup> Torrens Title Dealing 58:605



Figure 2.2 The allotments purchased in 1882 and subdivided into the 1890s to form Nos. 104-106 and Nos. 108-112 Smith Street with shared right of passage

Source: NSW Land Registry Services (CT 590-115)

Wilshire perhaps considered the site as good for future hotel development, but the first development seems to have occurred after 1889 when the allotments were conveyed to produce merchant Frederick Thomber,<sup>7</sup> with Thomber & Co being listed in *Sands's Directory* at this address from the 1889 edition. By a survey dated 1890, the site of Nos. 108 to 112 Smith Street had been developed, and the site of Nos. 104-106 Smith Street was vacant ground and probably a storage yard.

<sup>7</sup> Torrens Title Dealing 150319

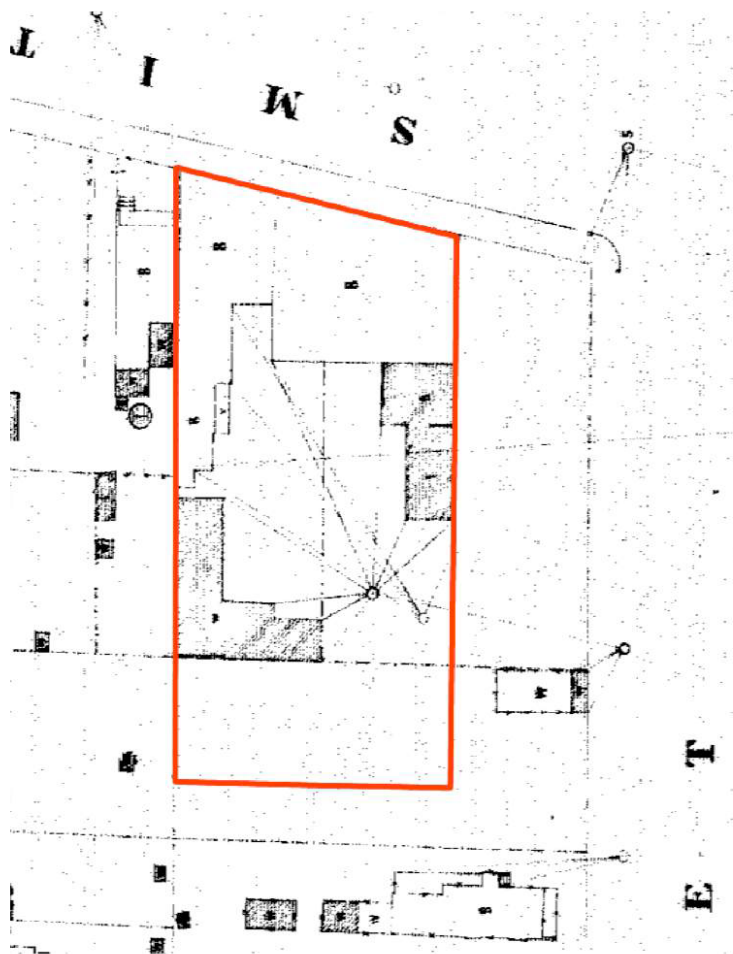


Figure 2.3 Ashfield Sheet No. 31 of the Public Works Department's series of detailed surveys of metropolitan Sydney, dated 1890. Marked up to demarcate by the red line the existing land title. The hatched line work demarcated new development undertaken after 1890.

Source: Former Ashfield Library



Figure 2.4 A sketch survey of the allotment of Nos. 108-112 Smith Street formed in 1898

Source: NSW Land Registry Services (CT 1242-207)

By 1895 Thomber's premises was tenanted by produce agents James Traynor and Thomas Ward,<sup>8</sup> and the pair purchased the freehold in 1898.<sup>9</sup> Traynor and Ward expanded their operation in 1901 with the purchase of the neighbouring corner site of Nos. 104-106 Smith Street.<sup>10</sup> Ward left the partnership in 1902, and Traynor sold Nos. 104-106 Smith Street and 108-112 Smith Street to produce merchant Thomas Moon in 1909.<sup>11</sup>

<sup>8</sup> Sands' Directory

<sup>9</sup> Torrens Title Dealing 274995

<sup>10</sup> Torrens Title Dealing 324025

<sup>11</sup> Torrens Title Dealing 525654

In 1912 the property, and Nos.104-106 Smith Street, were purchased by hotelkeeper Butterworth Wood (1853-1921),<sup>12</sup> and members of the Wood family continued to own the freehold until 1971 (the Woods sold Nos.104-106 Smith Street in 1955).<sup>13</sup>

The consistent use of Nos. 108 to 112 Smith Street by produce merchants continued until about 1912, and it was revived periodically in later years. The early historical uses (sampled) are tabulated below, and this also notes the change in street numbering.

Year	No street address	
1895	Traynor and Co, produce store	
	<b>65 Smith Street</b>	
1900	Traynor and Co, produce store	
	<b>65 Smith Street</b>	<b>63 Smith Street</b>
1905	Traynor and Co, produce store	Daniel Glover, painter, oil and colour store
1910	Thomas Moon, produce merchant	Daniel Glover, painter, oil and colour store
1915	Henry Gazeley, boot repairer	James Booth, junior
	<b>108 Smith Street</b>	<b>110-112 Smith Street</b>
1920	Henry Gazeley, boot repairer	Sullivan & Co.
1925	Henry Gazeley, boot repairer	G Hewson, produce merchant
1930	Henry Gazeley, boot repairer	HD Trinder, plumber and gasfitter
1932	R Johnson, boot repairer	HD Trinder, plumber and gasfitter
	<b>108-110 Smith Street</b>	
1937	Henry William Berghofer, produce merchant	
	<b>110 Smith Street</b>	
1940	Bell Service Station	
1948	Ralph J Henderson	

<sup>12</sup> Torrens Title Dealing 683466

<sup>13</sup> Torrens Title Dealing G993187

The use of the premises for repair and servicing of motor vehicles had commenced by 1940 when No. 110 Smith Street was being leased by the Bell Service Station.<sup>14</sup> By 1948 this same use was being undertaken by Ralph J Henderson.<sup>15</sup> In 1971 the freehold was purchased by Silverstone Motors Pty Ltd from the Wood family.<sup>16</sup>

By the surveys dated 1890 and 1898 it would seem (subject to physical assessment) the internal structure of Nos. 108-112 Smith Street dates from the late 1880s. When the street frontage was remodelled has not been determined by review of the Ashfield Building Registers for the period from 1931 to 1942 and from 1945 to 1950. This style of architecture was prevalent in the 1930s; it being symbolic of modernity and promoting emerging aspects of modern life such as the motor vehicle and aircraft.

Probably the change was made after 1937 when leased by produce merchant Berghofer,<sup>17</sup> and before 1940 when leased by the Bell Service Station. As stated a building application for around this period has not been found,<sup>18</sup> but the centre raised parapet was visible in aerial photography dated 1943.



Figure 2.5 Detail from aerial photography dated 1943

Source: NSW Spatial Services

<sup>14</sup> Wise's NSW Post-Office Directory, 1940

<sup>15</sup> Wise's NSW Post-Office Directory, 1948

<sup>16</sup> Torrens Title Dealing M19 6682

<sup>17</sup> Torrens Title Dealing C509909

<sup>18</sup> Entries for the period May 1938 to October 1938 not seen by the author





Figure 2.7 Detail from aerial photography dated 1955

Source: NSW Spatial Services



### 3.0 PHYSICAL DESCRIPTION

An inspection of the property was carried out by Robin Hedditch in April 2021 to ascertain its layout, condition and intactness from original construction. The current plan is shown in Figure 3.1.

108-112 Smith Street is a single storey car repair workshop set to the south side of the street. The building is partly intact to its early form and detail but has been altered internally and the mezzanine removed.

#### 3.1 EXTERNAL

The building is in rendered masonry with a high parapet to the street and a pitched, corrugated metal roof. The facade is divided into three with engaged piers with a cornice/string course and string courses at the parapet. The parapet has a raised pediment to the central bay over a wide opening. There is evidence of a second opening to the western bay and there are two aluminium windows to the eastern bay.

To the rear the facade is in alsonite and fibro. There is an open lean to the east with a skillion metal roof on steel posts. There is a large yard at the rear with a chain link fence to the right of way.

#### 3.2 INTERNAL

The interior is largely open plan with offices and services areas to the front and side in fibro with timber panels internally. There are two, timber stairs to the former mezzanine.

The floor is in concrete. Walls are in brick with fibro to the rear wall on steel structure. The roof is in corrugated metal on an open timber structure.

The workshop has the usual collection of car hoists and service equipment.

#### 3.3 ENVIRONS

Smith Street is a largely commercial street lined with single and two storey buildings from the late Victorian period onwards with some Edwardian, Inter War and later infill buildings. To the east is a pair of two storey, Edwardian shops in roughcast render and face brick with ground floor shop fronts, a suspended awning and a parapet to the street. To the west is a row of two storey, Edwardian Classical Revival shop/residences.

Figures 3.2 – 3.8

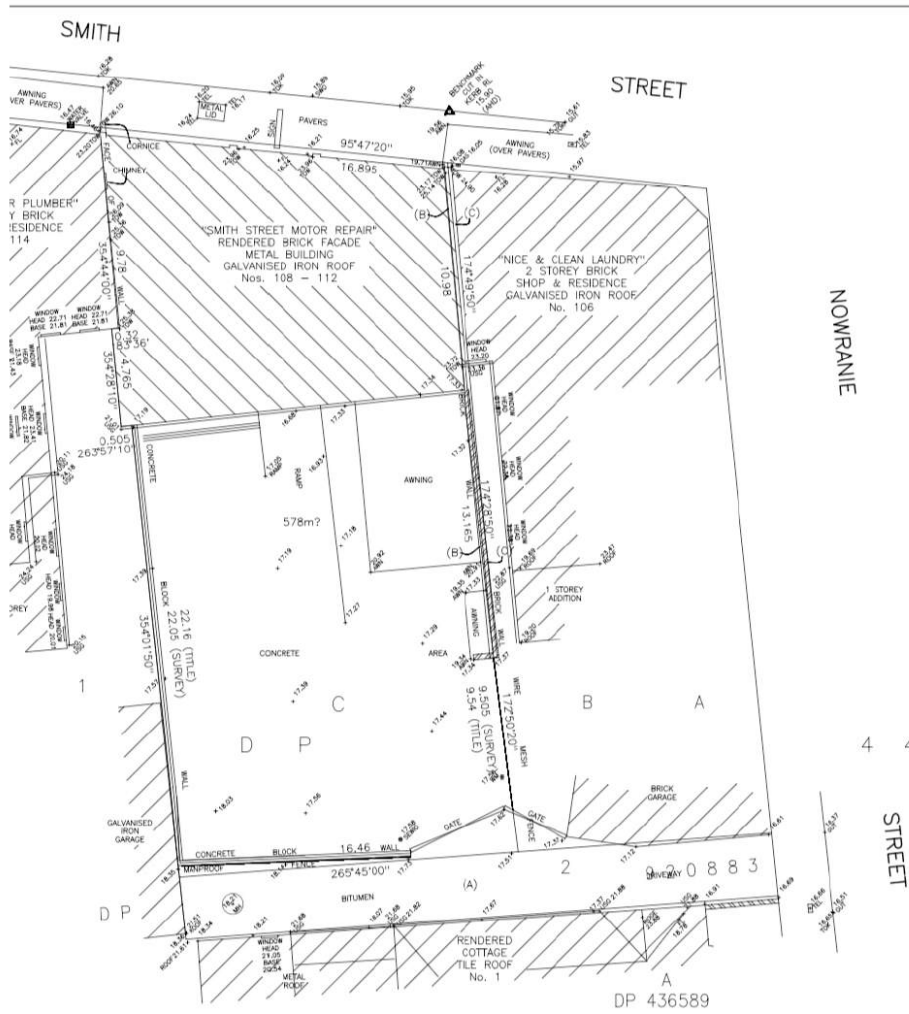


Figure 3.1 108-112 Smith Street, Summer Hill

Survey plan

Source: Architect

108-112 SMITH STREET, SUMMER HILL

HERITAGE IMPACT STATEMENT



Figure 3.2 108-112 Smith Street, Summer Hill  
Front elevation



Figure 3.3 108-112 Smith Street, Summer Hill  
Workshop



Figure 3.4 108-112 Smith Street, Summer Hill  
Rear elevation



Figure 3.5 108-112 Smith Street, Summer Hill  
Rear lean-to

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14

108-112 SMITH STREET, SUMMER HILL

HERITAGE IMPACT STATEMENT



Figure 3.6 108-112 Smith Street, Summer Hill  
Rear wall



Figure 3.7 108-112 Smith Street, Summer Hill  
Offices and mezzanine



Figure 3.8 108-112 Smith Street, Summer Hill  
Stairs to mezzanine

**4.0 HERITAGE LISTINGS & CONTROLS**

**4.1 NATIONAL TRUST**

The property is not classified on the Register of the National Trust of Australia (NSW).

**4.2 HERITAGE NSW OF THE NSW DEPARTMENT OF PREMIER AND CABINET**

**4.2.1 State Heritage Register**

Under the Heritage Act 1977 (as amended) the NSW Heritage Council, administered by Heritage NSW of the NSW Department of Premier and Cabinet, maintains the State Heritage Register (SHR), a register of items and places that are considered to have heritage significance at a state level. The subject property is not listed on the Register.

**4.2.2 State Heritage Inventory**

Heritage NSW also compiles the State Heritage Inventory (SHI), a collated database of all places listed on statutory heritage lists, including Local Environmental Plans. 112 Smith Street is listed on the Inventory (not 108-110) (SHI 1020256) as part of row of commercial/residential buildings at 112 to 138 Smith Street<sup>19</sup>.

**4.3 LOCAL AUTHORITY**

The local authority for the area is Ashfield Municipal Council. The property is listed as a heritage item (in conjunction with 114, 116 -122 and 124-128 Smith Street) in Schedule 5 Part 1 of the *Ashfield Local Environmental Plan 2013* (as amended) (LEP).

REF	ADDRESS	ITEM	RANKING
626	112, 114, 116-122 and 124-128 Smith Street	Shops – group of three with dwellings above	Local

The property is within the Tavistock Estate Heritage Conservation Area (C53) and in the vicinity of heritage items at:

REF	ADDRESS	ITEM	RANKING
622	79-89 Smith Street	Terrace houses	Local
629	132-134 Smith Street	Flat and shops	Local
623	105 Smith Street	Flats	Local
624	107-109 Smith Street	Shop (former) with dwelling above	Local

The property is also in the vicinity the Summer Hill Central Heritage Conservation Area (C52).

The heritage provisions of the LEP relating to the development of a heritage item, in the vicinity of a heritage item, in a conservation area and in the vicinity of a conservation area would apply.

Development would also be the subject of the heritage provisions of the *Ashfield Development Control Plan 2017* (DCP) that contains objectives and controls for development of heritage items and in conservation areas.

<sup>19</sup> The description in the listing sheet makes no reference to the subject building

108-112 SMITH STREET, SUMMER HILL

HERITAGE IMPACT STATEMENT



Figure 4.1 Ashfield Local Environmental Plan 2013 Heritage Maps HER\_001 & 002

Source: Inner West Council



**5.0 ASSESSMENT OF SIGNIFICANCE**

**5.1 HISTORIC SIGNIFICANCE**

**5.1.1 Historical Development**

Criterion (a)	<i>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)</i>
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The site has an interesting history that has seen various phases of development.

The site was part of the Tavistock Estate that had been subdivided in 1878 by Sophia Ives Campbell, the daughter of Robert Campbell, who had amassed a large estate, known as the Canterbury Estate, in the area from the early grants. The impetus for the subdivisions was the opening of the railway station at Summer Hill in 1879. The allotment of 108-112 Smith Street was formed by a re-subdivision of the Tavistock Estate.

The site was first developed around 1889 by produce merchant Frederick Thornber who purchased the site and the adjoining allotment to the east in the same year. The buildings fronted the street with a courtyard at the rear that was later developed for a range of buildings (see Figure 2.3). Thornber leased the sites to produce merchants James Traynor and Thomas Ward in 1895 and the pair purchased the site in 1898. They also purchased the adjoining site at 104-106 Smith Street.

The whole site was purchased by hotelkeeper Butterworth Wood in 1912 and the property remained in the Wood family till the 1970s. The use of the place varied over later year with produce merchants, boot repairers, a painter and a plumber.

Use as a vehicle repair workshop commenced in 1940 when the subject property was leased by the Bell Service Station. In 1971 the freehold was purchased by Silverstone Motors Pty Limited. It is likely that the current facade dates the early 1940s when the building was converted a car repair workshop. The interior may, in part, be earlier.

The place signals the early development of the commercial centre along Smith Street and the light industrial uses that were more common in commercial strips in previous times.

Does not meet the criterion.

**5.1.2 Historical Associations**

Criterion (b)	<i>An item has strong or special associations with the life or 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)</i>
---------------	--

The place is most closely associated with Frederick Thornber (1846-1927, the proprietor of Thornber and Son, produce merchants. Little biographical was available though he came to Australia in 1874 and lived in Sydney before moving to Toowoomba. He was an ardent Baptist<sup>20</sup>.

<sup>20</sup> In Memoriam. Late Mt Frederick Thornber, Toowoomba Chronicle and Darling Downs Gazette, 1 November 1927, p. 12

The place is also associated with Butterworth Wood and the Wood family who owned the premise from 1912 to 1971 and who may have been responsible for the later façade (though this was likely down by the leaseholder). Wood is noted as operating the Union Broom Factory at Summer Hill<sup>21</sup>.

Neither could be considered a person of note.

Does not meet the criterion

5.2 AESTHETIC SIGNIFICANCE

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 an example of a single storey, late Victorian workshop and former warehouse with a simple, WW II frontage in a modest, classical manner. The interior is of the crudest construction and has no features of note.

The building has been altered over time and the mezzanine removed. The front façade has been altered with openings blocked and windows added.

The building is rather anomalous in the street and plays little role in the conservation area.

Does not meet the criterion.

5.3 SOCIAL

Criterion (d)	The item has strong or special association with a particular community or cultural group in NSW (or the local area) for social or spiritual reasons
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The house has no special associations for any particular group.

5.4 TECHNICAL/SCIENTIFIC

Criterion (e)	An item has the 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)
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There were previous buildings on part of the site (Figure 2.3) that have been demolished. It would seem unlikely that they were structures of any substance and underground remains are unlikely. The place has low archaeological potential.

5.5 RARITY

Criterion (f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)
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Motor repair workshops are quite common even in commercial precincts as there is always a demand for their services for the local and wider community.

Note rare. Does not meet the criterion.

<sup>21</sup> Government Gazette of NSW, 7 August 1907, p. 4538



5.6 REPRESENTATIVENESS

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 a class of the local area's: Cultural or natural places; or Cultural or natural environments]

The place is a modest example of its type and has lost some of its original characteristics. It does not represent well the characteristics that make up the type.

Does not meet the criterion.

5.6.1 Intactness

It is not clear when much of the current structure was built and the extent of the current building does not coincide with the early structure (see Figure 5.1)

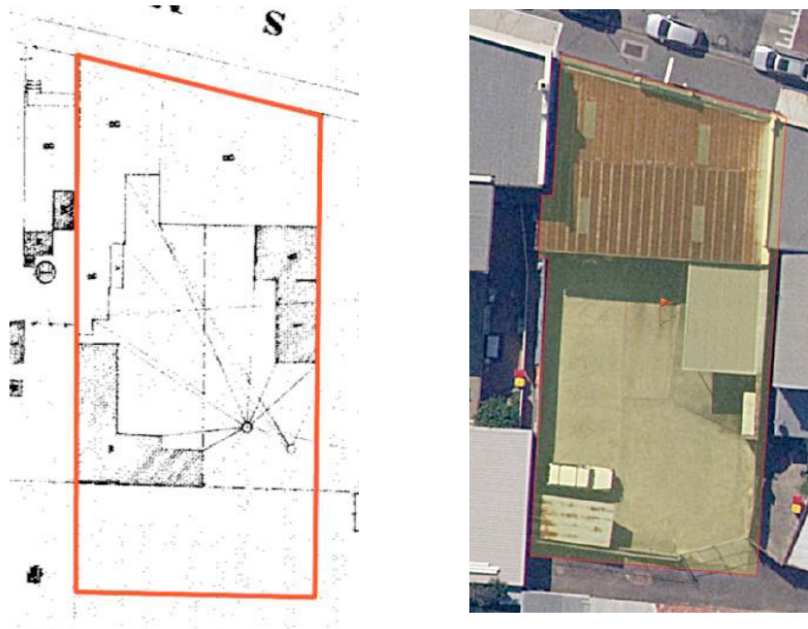


Figure 5.1 Comparison of 1890 plan with today

The whole of the current structure may date from the early 1940s though some sections may relate to earlier buildings.

5.7 ASSESSMENT OF SIGNIFICANCE

Based on the above we consider that the property would not meet any of the Heritage Division criteria for identification as a place of local significance but could only be considered a contributory element in the conservation area.

## 6.0 THE CURRENT PROPOSALS

### 6.1 CURRENT PROPOSALS

The current owners would like to redevelop the property for residential use. The proposals are shown on Drawings Nos. 1922 DA00 to DA13 (inclusive) dated May 2021 and prepared by Palfreeman Sweeney Architects.

The proposals include:

- Demolition of the main structure
- Retention of the front façade
- New and reinstated openings to the front façade
- New awning to the front entrance
- Infill of the mezzanine openings (internal)
- Retail units to the ground floor
- Car parking to the rear yard
- Eight duplex apartments above

The apartments are in two sections separated by a central courtyard with planters. Access to the car park is from the right of way at the rear,

The front elevation will be altered to provide a central, glazed entry and shop front windows to the east in the existing opening (currently blocked) with sidelights. The windows to the west will be removed and replaced with a shopfront to a similar detail.

The awning is flat metal sheet set at door head height.

## 7.0 IMPACT OF THE PROPOSED DEVELOPMENT

### 7.1 GENERALLY

108-112 Smith Street is a modest example of a WWII car repair workshop with few features of note. It has a simple but nicely detailed front facade that is quite pronounced in the local streetscape due to its form and Classical detail. The remainder of the building is quite utilitarian and has no features of note.

The property is in the commercial heart of Summer Hill and is close to transport and services and is ideal for conversion to apartments in the form proposed.

The proposals are sensibly concentrated at the rear and retain the form and detail to the front elevation with limited changes to signal the new uses.

### 7.2 HERITAGE STATUS

The building is listed (in part 112 Smith Street) as a heritage item though the reasoning for this is not clear. The listing sheet for the heritage items (SHI 1020256) refers to 112-128 Smith Street and does not contain a description of the subject site and appears to describe buildings on the opposite side of the road on the north side of the street.

*There are seven occupancies in this two-storeyed brick and stucco building, the main facade of which is marked by piers which originally rose slightly above the parapet and were terminated by urns, most of which are now missing. The Smith Street parapet, with a narrow entablature, conceals a skillion roof or roofs sloping to the north and which is expressed as a stepped parapet along Hardie Avenue. The Smith Street elevation is symmetrical, with a central bay whose parapet is in the form of a broken-crown pediment bearing the name of the building. This feature, in a narrower form, appears also above the splay of the Hardie Avenue corner (No 111) where the street entrance to that shop is also located. Originally the facade first-floor openings, including that at the corner, were all arched, those in the middle bay of the three flanking the central bay being wider than the others. These arches survive in Nos 111 to 117. The windows themselves were timber box-framed with double-hung sashes; some of these have been replaced. The upper walling was originally roughcast render above the arch springing line and smooth render elsewhere, with modelled label moulds around the extrados of the arches. Some of this has been altered. The footpath awning is metal framed and both bracketted and suspended by rods from the upper facade.*

*All the shopfronts have been replaced, though it is possible that the one at No 123 indicates the original general arrangement. The present ground-floor occupancies are as follow:*

*No 111, unoccupied and being refurbished at the time of this inspection.  
No 113, tailor-alterations. No 115, mens hairdresser.  
No 117, empty and for sale at the time of this inspection.  
No 119, gift shop.  
No 121, bridal boutique.  
No 123, hairdresser.*

The photograph in the listing sheet shows the properties from 114 Smith Street westwards. However, the subject property is identified in the LEP Heritage Maps (see Figure 4.1).



Figure 7.1 Photograph from SHI listing sheet 1020256. The subject building is out of shot to the left

Based on the above we consider that the subject building would not meet the Heritage Manual criteria for identification as a place of local significance.

### 7.3 DEMOLITIONS

The rear section of the building will be demolished. This is a quite utilitarian structure with no features of note and likely dates from the early 1940s. We consider that the extent of demolition is commensurate with the level of significance of the building. The current building is not at a scale that would allow adaptive reuse in the manner proposed.

### 7.4 EXCAVATION AND ARCHAEOLOGY

No underground parking is proposed though the site will be excavated for footings and services. There are previous buildings at the rear of the site that were likely lightweight structures and there is unlikely to be any underground remains.

### 7.5 USE

The property has been in commercial use since its construction and has been used as a car repair workshop since 1940. It is not uncommon to see less desirable uses relocate from busy, largely retail area or be converted to other uses. The proposal will maintain the street frontage signalling the former use and includes commercial uses to the ground floor at the front.

The change to residential use will be less apparent apart from the central, entry lobby and the street is lined with commercial buildings that have a residential use above. We consider that there are no heritage considerations that would preclude a change to apartments.

### 7.6 ALTERATIONS

The front facade will be retained and altered to accommodate the new uses. The current central entry will be glazed to allow for the apartment entry and the bays each side converted to shopfronts. To the west, the existing opening (that has been blocked) will be reinstated and glazed with sidelights each side. The new first floor crosses the upper section of the opening will be blanked off but in a manner that signals its former size.

The aluminium windows to the east will be removed and replaced with a similar shopfront opening to match that to the west maintaining the symmetrical detail to the façade.



Figure 7.2 Infilled opening to the west side of the building to be reinstated

There are also openings to the inner face of the upper parapet but these have been blocked and will remain so.

All other features of the facade will be retained.

*Recommendation: The inner face of the front wall remain as unpainted brickwork.*

There is a new awning to the main entry that is simply detailed as flat metal sheet and is a minor change to the robust facade that will signal the new entry point to the apartments.

#### 7.7 NEW APARTMENTS

The new apartments are set to the rear of the current facade and are in two sections with a central, landscaped court above the car parking, entry lobby and retail spaces. The new first floor level is set below the openings at the front but is disguised by the new infill panels to the openings at the front. Each section is in a pitched roof form and is two level with internal stairs with the upper level set in the roof form partly as a mezzanine.

The front apartments are set back from the retained facade and the rear access lane to form lightwells and balconies with dormers to the mezzanine levels to provide headroom. The dormers are to the inner faces of each section and to the rear lane and, to the front, there are skylights in the plane of the roof.

The new eave is set just above the parapet to the street and with a higher ridge. The pitched roof form is sympathetic to the robust, workshop detail of the building and, in perspective, the recessive plane of the roof will have a limited impact on the presentation of the facade to the street. The new roofs are set just above the parapet heights to the buildings each side.

The apartments are in brick with corrugated metal roofs that are both, well-used components in the area. The additions are very well considered in terms of bulk and scale and do not seek to overdevelop the site and, allied to the works to the front elevation, will retain the significance of the place and allow its former use to remain readable.

7.8 ASHFIELD LOCAL ENVIRONMENTAL PLAN 2013

7.8.1 Impact on the Heritage Item

The heritage status of the building is discussed above. We consider that the building would not reach the threshold for listing individually but is a contributory element in the local streetscape.

Based on the above we consider that the proposed works will maintain the limited significance of the place, its contribution to the local streetscape and the surrounding conservation area and is an appropriate, adaptive reuse of the building that will allow its former use to remain readable.

7.8.2 Impact upon Heritage Items In the Vicinity

The property is in the vicinity of a number of heritage items. The most immediate affect will be on the shops and dwellings to the west. These are robustly detailed buildings and the proposed works are low scale and set at the parapet height of the most immediate item at 114 Smith Street.



Figure 7.1 View to the heritage items to the west of the subject site. The visible side elevation to 114 Smith Street will remain so

The rear section of the development is not highly visible from the main streets and fronts a private accessway.

We consider that the proposal will have a limited and acceptable impact on the heritage items in the immediate vicinity. Other items are well separated from the subject site and the proposals are not at a scale that would impact on their setting.

### 7.8.3 Impact on the Tavistock Heritage Conservation Area

The house is within the Tavistock Heritage Conservation Area that is based on the Tavistock Estate that was subdivided in 1878. The estate has a good collection of houses from the Victorian period onwards and includes the period commercial buildings along Smith Street, some of which are listed as heritage items.

The DCP contains an assessment of the significance of the conservation area:

*The Tavistock Estate Heritage Conservation Area is of local heritage significance.*

*The area is of historical significance as an 1870s subdivision which has been subject to later re-subdivision, the development of which illustrates the long 1870s to 1930s period of development.*

*The area has historical association with local entrepreneur James Bartlett, responsible for the original 1870s subdivision plan.*

*The area is of aesthetic significance for its generally wide streets and its mix of detached and semi-detached housing of one and two storeys built in the Victorian, Federation and Inter-war periods in Victorian Filigree, Victorian Italianate, Federation Queen Anne and Inter-war California Bungalow styles. The area also has aesthetic significance for its collection of Inter-war Art Deco style residential flat buildings and one and two-storey retail buildings from the late Victorian to Federation period.*

DCP Section C.53 p. 373

The facade to the subject building is simple in form and detail and will be conserved with sympathetic changes that aim to retain the existing central opening, reinstate an earlier opening and repeat this detail to the eastern section of the facade.

The proposed development is low key and limited in height and is well scaled to the general pattern of development in the local streetscape. The design uses appropriate pitched roof forms that reflect the workshop nature of the current building while paying due regard to the scale of buildings adjoining.

We consider that the proposals are sympathetic to the presentation of the building to the street maintaining the contribution of the place to the conservation area.

### 7.8.4 Impact on the Conservation area in the Vicinity

The site is close to the Summer Hill Central Heritage Conservation area that has a similar character to the Tavistock Conservation Area particularly along the commercial section of Smith Street.

The DCP contains an assessment of the significance of the conservation area:

*The Summer Hill Central Heritage Conservation Area is of local heritage significance.*

*The Summer Hill Central area is of historical significance as an area of retail streetscapes developed in the period from 1878 through to the 1940s, in response to lobbying for and the actual opening of the Summer Hill Railway Station in 1879.*

*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.*

108 -112 SMITH STREET, SUMMER HILL

HERITAGE IMPACT STATEMENT

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DCP Section 53 p. 362

The impact of the proposal on this area will be similar and we consider that the proposed development is very well considered in terms of its impact on the local area.



7.9 ASHFIELD DEVELOPMENT ASSESSMENT POLICY 2017 (DCP)

Controls for development of heritage items and in conservation areas are contained in Chapter E1 of the DCP. The proposals are assessed against the relevant controls below:

	Objective/Controls	Comment
1.8	Development in the Vicinity of Heritage items	
	<i>The design of new development adjacent to a heritage item should:</i>	
C1	<i>Be designed to respond to the setting, setbacks, form, scale and style of nearby heritage items.</i>	Complies
C2	<i>Maintain significant views to and from the heritage item.</i>	The proposals will not impact on significant views and the side elevation to 114 Smith Street will remain visible
C3	<i>Ensure adequate setbacks from the site of the heritage item to retain its visual setting.</i>	The area has a tight knit grain with buildings built to front and side setbacks and the proposal follows this pattern
C4	<i>Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.</i>	N/A
C5	<i>Use materials, finishes and colours selected to avoid strong contrast with the heritage item in order to retain the visual importance or significance of the heritage item.</i>	The proposal uses appropriate materials and only the roof to the development will be visible from the front
	Part 2 Heritage Items	
2.1	General	
2.2	External form and setting	
C1	<i>Retain features (including landscape features) that contribute to the significance of the item.</i>	Complies
C2	<i>Remove unsympathetic elements and reconstruct significant elements where possible or appropriate.</i>	The aluminium windows will be replaced with a new opening based on the reinstated opening to the west
C3	<i>New work is to be consistent with the setback, massing, form and scale of the heritage item.</i>	The development follows the current nil setbacks to the side and front
C4	<i>Retain significant fabric, features or parts of the heritage item that represent key periods of the item.</i>	The primary façade will be conserved
C5	<i>Alterations and additions are to be generally located away from original and intact areas of the heritage item</i>	Complies
2.3	Interior Elements of Heritage Items	The building has no internal features of note
	Part 3 Conservation Areas	
3.3	Form Massing and Scale	
C1	<i>Alterations and additions should reflect the bulk, mass, scale, orientation and setbacks of surrounding heritage and contributory items as well as the immediate property.</i>	Complies - see Section 7.8 above
C2	<i>Alterations and additions should complement the predominant architectural scale and form of the area but are not required to imitate the existing style of buildings (Owners may wish to add to their building in matching style and this is appropriate, however, contemporary design approaches may also be acceptable - see C5).</i>	Complies. The design reflects the robust nature of the workshop

	<i>Objective/Controls</i>	<i>Comment</i>
C3	<i>Established or characteristic front setbacks or building alignments are to be retained.</i>	Complies
C4	<i>Alterations and additions should adopt the pattern of side setbacks of heritage and contributory items in the vicinity of the site.</i>	Complies
3.4	<i>Infill Development within a Heritage Conservation Area</i>	
C1	<i>New infill buildings in a heritage conservation area are not to be designed as a copy or replica of other buildings in the area, but are to complement the character of the heritage conservation area by sympathetically responding to the matters identified in (O1)(a) to (g) above.</i>	Complies
C2	<i>Infill development is not to include garages and car access to the front elevation to the principle street frontage of the development where these are not characteristic of the HCA.</i>	Car access is from the rear
C3	<i>Infill development in heritage conservation areas is to respond positively to the setting and special character of the area, as outlined in the relevant Area Character Statement.</i>	Complies
C4	<i>The bulk, height, scale and building envelope of infill development must be consistent with nearby contributory buildings and that of the heritage conservation area as a whole.</i>	Complies
C6	<i>Solid to void ratios of elevations (that is the shape and extent of windows and door openings in relation to the scale of walls) are to be consistent with nearby contributory items.</i>	The facade changes reflect the existing pattern of openings including reinstatement of the original opening to the west
C7	<i>Street facing balconies are generally not supported.</i>	The balconies are behind the retained parapet
	<i>Part 4 Particular Building Types</i>	
	<i>Part 5 Retail and Commercial Buildings</i>	
C1	<i>Significant architectural elevations and significant finishes and details are to be retained, recovered and conserved.</i>	Complies
C3	<i>Works for the adaptive re-use of a building must be consistent with the overall character of the building type, its architectural style and its context within the heritage conservation area or the heritage item group.</i>	Complies
C7	<i>Contemporary designs for shopfronts must relate to the building type, streetscape and precinct. New shopfront designs should use appropriate materials and should incorporate traditional features such as the sub-division of frontages and the configuration of windows with stall boards and doors.</i>	Complies
C10	<i>Awnings may be reinstated in the original location, where evidence of the original structure exists. It is noted that most traditional awnings will require design modification to achieve compliance with current codes. Where awnings are extant they should be retained.</i>	A small awning is proposed to the front entry

108 -112 SMITH STREET, SUMMER HILL

HERITAGE IMPACT STATEMENT

	Objective/Controls	Comment
C11	Upper storey and rear building additions may be permitted where they do not compromise the form, scale and appearance of the original building and its presentation to the street.	Complies. The additions are low set and setback from the principal facade
	Part 8 Demolition	
8.1	Demolition affecting heritage items or within heritage conservation areas	
C3	Where partial demolition to facilitate alterations and additions (or similar) is proposed include in the SOHL an assessment of the impact on heritage values of that work, including any alternative solutions that may have been considered.	See Section 7.3

7.9.1 Summer Hill Urban Village

The property is within the Summer Hill Urban Village and controls for development are contained in Part 8 of the DCP. The DCP notes:

*Building facades along Lackey and Smith Streets are major elements that contribute to the character and image of the Summer Hill Urban Village Centre. While it is inevitable that changes will be made to individual buildings during the course of time, it is desirable to ensure that such changes respect the built heritage and desired townscape.*

DCP Part 8 p. 179

The development is assessed against the relevant provisions below:

	Performance Criteria	Comment
PCI	To ensure the protection of heritage items and the significance of the heritage conservation area.	
	Design Solution	
DS1.1	Individual heritage items and sites with Conservation Areas with historic buildings are required to be retained and conserved under <b>Clause 5.10 of the Ashfield LEP 2013</b> .	The significant component of the item is retained
DS1.2	New architectural detail and fabric is to be of a form, scale and finish that respects any existing item and the conservation area.	Complies
DS1.5	Restoration and/or reconstruction of original (missing or deteriorated) elements and detailing is highly encouraged.	The blocked opening to the west of the primary faced will be reinstated
DS1.6	Compliance is achieved with <b>Part E1 – Heritage</b> of the DCP and the Heritage Conservation Area Character Statement	See above
PC2	Building Height	See SEE
PC3	Building Alignment	
	Design Solution	
DS3.1	The alignment of new developments or additions to existing structures should match that of adjoining buildings and/or the predominant street alignment.	Complies
DS3.2	Buildings fronting the street should be continuous and should not step back at street level or at any upper level at least to the height of their tallest immediate neighbour.	The setback is provided to maintain the prominence of the retained elevation

JOHN OULTRAM HERITAGE & DESIGN

30

	<i>Performance Criteria</i>	<i>Comment</i>
DS3.3	<i>Buildings should remain aligned with the street frontage. Corner buildings are to provide a splay. This is an important element in the heritage character of the precinct and in providing an "open" ground floor</i>	Complies
PC4	<i>Built Form</i>	
DS4.1	<i>The shape and form of new development is to respond to the <b>Statement of Significance</b> and the <b>Distinctive Qualities</b> for the Summer Hill Central Heritage Conservation Area.</i>	The form has been developed to limit height, maintain the prominence of the retained elevation and lessen the impact on the local streetscape
DS4.2	<i>The existing building envelope within the precinct is relatively simple and predominantly rectangular in character with roof, parapet, verandah, balcony, window and façade detailing used to create visual interest. New developments are to follow these established and historical forms.</i>	Complies
PC5	<i>Roofs</i>	
DS5.1	<i>Roof forms should generally be skillion, hipped or gabled.</i>	Complies
DS5.2	<i>New roofs are to be of the same material as buildings within the precinct, or in a material which is visually sympathetic. Appropriate materials include slate, terracotta tiles and corrugated steel. The more modern fabric and forms such as coloured cement or profiled extruded steel are inappropriate.</i>	Complies
DS5.4	<i>Where parapet walls exist such as in much of Smith and Lackey Streets, rear extensions or roof alterations are not to be visible from the street and must not disturb the line of the parapet.</i>	The new roof will be visible but is set back from the parapet and at the height of the adjoining buildings
PC6	<i>Parapets</i>	
DS6.2	<i>Existing original parapets are to be retained and any adjoining development to be sympathetic to these skyline features.</i>	Complies
PC8.1	<i>Building Facades</i>	
DS8.1	<i>In general, the existing facades of significant buildings are to be retained and conserved.</i>	Complies
DS8.9	<i>Wherever possible, façade elements such as windows, doors and balconies are to match the placement and proportions of similar elements on similar buildings within the precinct.</i>	The new openings reflect the existing, early openings
PC9	<i>Materials</i>	
DC9.1	<i>Building materials for new developments or alteration to existing buildings should relate to the existing palette of materials throughout the precinct.</i>	Complies
DS9.2	<i>In general, the study area contains extensive use of rendered surfaces and face brickwork. Where face brickwork is used, it should be of a uniform colour without mottle or wire cut faces and should be compatible with the toning of earlier face brickwork.</i>	Complies

108 -112 SMITH STREET, SUMMER HILL

HERITAGE IMPACT STATEMENT

	<i>Performance Criteria</i>	<i>Comment</i>
DS9.4	<i>Window and door joinery, where painted, may be in a traditional material such as timber or a new material such as extruded metal. Extruded metal frames should be of a size and configuration in keeping with the traditional context of the precinct.</i>	Complies
PC11	<i>Awnings</i>	
DS11.4	<i>Awnings should be incorporated in new infill development where they are fitted to adjoining buildings. Such awnings should match the height, width, form and materials of adjacent traditional awnings.</i>	A small awning is proposed at the entry point

We consider that the proposal meets the heritage objectives and controls of the DCP.

## 8.0 SUMMARY & RECOMMENDATIONS

### 8.1 SUMMARY

Overall the proposals are a very well considered approach to the adaptive reuse and development of a modest workshop that retain the most important aspects of the building with appropriate changes to the facades.

The additions are well scaled and appropriate in form and detail and retain the prominence of the retained facade

The proposals will have a very limited and acceptable impact on the heritage item and the heritage items in the vicinity and the surrounding conservation areas and are in line with the heritage objectives of the DCP.

In heritage terms, we consider that the proposals should be approved.



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9.0 APPENDIX -OWNERS 1889-1987 WITH PREAMBLE

Auto Folio C/442739 (Source: NSW Land Registry Services)

Year	Owner
1794	3rd October CROWN GRANT Parish of Petersham 100 acres Joseph Foveaux
	Prior titles not searched
1880	2nd January CERTIFICATE OF TITLE Vol. 478 Fol. 184 Various lots in Section B, Deposited Plan 269 2 acres 2 roods 37&1/4 perches 1 acres 0 rood 28&1/4 perches 1 rood 27&1/4 perches James Bartlett, Ashfield, landowner
1882	13th June Dealing 58605 Transfer of Lots 11 to 13, Section B William James Wilshire
1882	29th July CERTIFICATE OF TITLE Vol. 590 Fol. 115 Lots 11 to 13, Section B, Deposited Plan 476 1 rood 3/4 perches William James Wilshire, Sydney, hotelkeeper
1887	8th July Dealing 125670 Transfer by mortgagee William James Norman Oldenshaw, Sydney, merchant
1889	4th May Dealing 150319 Transfer Frederick Thornber, Sydney, produce merchant
1898	4th January Dealing 274995 Transfer of part by mortgagee James Traynor and Thomas Ward
1898	12th March CERTIFICATE OF TITLE Vol. 1242 Fols. 207 & 208 Part Lots 12 to 13, Section B, Deposited Plan 476 23 perches James Traynor, Summer Hill, produce merchant Thomas Ward, Summer Hill, produce merchant
1902	21st July CERTIFICATE OF TITLE Vol. 1414 Fol. 10 Part Lots 12 to 13, Section B, Deposited Plan 476 23 perches James Traynor, Summer Hill, produce merchant
1909	29th April Dealing 525634 Transfer Thomas Moon, Summer Hill, produce merchant
1912	10th October Dealing 683466 Transfer Butterworth Wood, Summer Hill, hotel keeper

108 -112 SMITH STREET, SUMMER HILL

HERITAGE IMPACT STATEMENT

Year	Owner
1925	26th February Dealing B184372 Transmission Barbara Wood, Summer Hill, widow Ellen Wood, Summer Hill, spinster Jessie Wood, Summer Hill, spinster
1937	3rd February Dealing C509909 Lease of Nos. 108/110 Smith Street Henry William Berghofer, Summer Hill, produce merchant
1971	26th February Dealing M196682 Transfer Silverstone Motors Pty Ltd
1972	10th August Dealing M854493 Transfer Peter Shaw & Associates Pty Ltd
1977	29th July Dealing Q305462 Transfer AFG Pty Ltd
1978	18th May Dealing Q647165 Lease of Nos. 108/110 Smith Street Ralph De Santis
1979	19th March Dealing Q647165 Lease Enfield Auto Electrical Automatics Pty Ltd
1980	13th November Dealing Q647165 Lease Allan Bert Innes, Punchbowl
1981	8th September Dealing S636404 Transfer Gwynvill Properties Pty Ltd
1984	29th October Dealing V392999 Lease of Nos. 108/110 Smith Street Allan Bert Innes and Lesley Gai Innes
1986	12th June Dealing W361862 Transfer Allan Bert Innes and Lesley Gai Innes
1987	26th August CERTIFICATE OF TITLE Vol. 15507 Fol. 14 issued Not searched
	Auto Folio C/442739 not searched



## Attachment D - Architecture Excellence and Design Review Panel Report



### Architectural Excellence & Design Review Panel Meeting Minutes & Recommendations

Site Address:	108-112 Smith Street Summer Hill
Proposal:	3 storey shop top housing proposal with 8 apartments
Application No.:	DA/2021/0794
Meeting Date:	30 November 2021
Previous Meeting Date:	25 February 2020 and 30 June 2020
Panel Members:	Jon Johannsen – chair, Diane Jones and Tony Caro
Apologies:	-
Council staff:	Vishal Lakhia Chirag Bhavan
Guests:	-
Declarations of Interest:	None
Applicant or applicant's representatives to address the panel:	Palfreeman Sweeney Architects – Architect for the project

#### Background:

1. The Architectural Excellence & Design Review Panel reviewed the architectural drawings and discussed the proposal with the applicant through an online conference.

#### Discussion & Recommendations:

##### Principle 1 – Context and Neighbourhood Character

*“Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*

*Responding to context involves identifying the desirable elements of an area’s existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.*

*Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.”*

1. The Panel notes that the architectural drawings did not include sufficient context analysis, particularly the wider precinct built form and open space analysis. Although there was reference to the context in the SEE, it did not seem to be adequately inform the design approach described by the submitted DA drawings.

# INNER WEST

## Principle 2 – Built Form and Scale

*“Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.”*

*Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.”*

1. The Panel considers that the 6m wide central courtyard space is too constrained to create an effective building separation between the northern and southern buildings. The central courtyard, with its proposed limited width would perform more like a circulation corridor, and there are potential visual and acoustic privacy concerns for residents within the southern building.
2. The Panel considers that the proposal should create a more generous separation distance that is consistent with the guidance offered by the NSW Apartment Design Guide (ADG). The Panel notes that a separation distance of 9m is required based on the guidance within ADG – parts 2F building separation and 3F visual privacy.
3. The Panel suggested that the following strategies could be considered by the applicant in order to achieve greater building separation:
  - a. Reduction of the overall depth of the southern building and reconfiguration of the internal layouts by reducing the total number of apartments from 4 to 3 apartments; and/or
  - b. Reducing the overall building depth by removing the dining areas within the southern building and relocating the southern building closer to the existing right-of-way, subject to resolution of any BCA issues relating to boundary setback.
4. In addition to the recommendation for an increased building separation distance, the Panel recommends that the internal configuration of the apartments within the southern building (on Level 1) should be reversed, so the living areas are relocated to the north and benefit from direct solar access at mid-winter.
5. Also refer to the recommendations included within *Principle 6 – Amenity*

## Principle 3 – Density

*“Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area’s existing or projected population.”*

*Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.”*

1. The Panel did not specifically discuss this principle, however, the discussion and recommendations offered within Principle 2 – Built Form and Scale, and Principle 6 – Amenity are required to be addressed.

## Principle 4 – Sustainability

*“Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.”*

1. The Panel noted that the proposal should be consistent with key targets established within the ADG for solar access and natural cross ventilation. For the latter to be achieved there must be clear indication of the size and operation for openable windows.
2. Revised architectural drawings should include sun eye views, to review direct solar access to both balconies and living areas, as required by the ADG Part 4A.
3. The Panel queried the applicant about effective natural cross ventilation achieved within the apartments. While the Panel appreciates provision of windows on opposite ends of the apartments (the courtyard-facing ends), it is the Panel’s view that these windows should be large and operable at both ends in order to foster breezes through the interior of the apartments.
4. The Panel encourages the applicant to consider commitment to further sustainability targets for water, energy and waste efficiency.

## INNER WEST

5. Provision of ceiling fans is strongly encouraged in all habitable areas. Floor-to-floor and floor-to-ceiling heights should be sufficient to enable the safe use of ceiling fans within the proposal.
6. Provision of a rainwater tank should be considered to allow water collection, storage and reuse within the subject site, particularly to water plants within the courtyard.

### Principle 5 – Landscape

*"Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood"*

*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management."*

The Panel does not consider the internal courtyard planters are of sufficient size or layout to provide much benefit to residents. A more considered landscape approach is recommended for any revised submission.

### Principle 6 – Amenity

*"Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being."*

*Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility."*

1. The Panel expects the proposal to be consistent with the minimum room width and sizes established within the Part 4D Apartment size and layout of the NSW ADG, and the residential amenity within the southern building appears to be challenging. The living rooms or combined living/dining rooms within the southern building should have a minimum width of 4m for 2-bedroom apartments.
2. In addition, the internal width of all 8 cross-over or cross-through apartments within the proposal should be at least 4m internally to avoid overly narrow apartment layouts, based on the guidance offered in Part 4D-3 of the ADG.
3. The Panel notes that the proposal lacks adequate internal and external storage which is an important component of apartment living. Appropriate volumes consistent with Part 4G-1 of the ADG should be provided within each apartment. At least 50% of the required storage should be located within the apartments.
4. Revised architectural drawings should confirm balcony areas for all apartments. The areas of primary balconies should be consistent with ADG requirements ie. minimum 8m<sup>2</sup> area for 1 bedroom apartments and 10m<sup>2</sup> area for 2 bedroom apartments.
5. The Panel expressed concern regarding spatial quality and amenity of the ground floor residential foyer. There are potential odour issues with the residential lobby and lift wedged between two bin storage areas. The Panel also notes a lack of an airlock for bin storage areas will further exacerbate the odour problems.
6. The Panel expressed concern that Apartment 5 is not truly adaptable as the accessible bathroom provided on the level above is disconnected from the primary living, dining and kitchen spaces. It is also the Panel's concern that none of the apartments appear to be 'visitable' (the entry doors should allow wheelchair access). Further, the applicant should ensure that an accessible lift is provided within the proposal.

### Principle 7 – Safety

*"Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety."*

*A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose."*



No discussion

### Principle 8 – Housing Diversity and Social Interaction

*“Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*

*Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.”*

No discussion

### Principle 9 – Aesthetics

*“Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.*

*The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.”*

1. The Panel notes that in its current configuration the dormers appear very large and prominent within the overall built form, and as a result the second-floor addition is almost like a full storey rather than an attic.
2. The rear elevation addressing the right-of-way and the side elevation visible from the adjacent street require further resolution to sit harmoniously with the character of the area. The applicant is encouraged to give further consideration to the overall proportions, materiality and detailing of the rear and the side facades that are visible from the immediate public domain.

### Non SEPP 65 Matters:

None

### Conclusion:

1. With consideration given to the recommendations made in this Report, the Architectural Excellence & Design Review Panel needs a second opportunity to review this proposal again as part of the Development Application stage.
2. At a second review, the Panel would consider whether the proposal is acceptable in terms of the built form, residential amenity, architectural expression and relationship with the surrounding context.