

Planning Proposal for land at 39 Smith Street, Summer Hill

Proposal Title : **Planning Proposal for land at 39 Smith Street, Summer Hill**

Proposal Summary : **The planning proposal seeks to amend Schedule 5 Environmental Heritage of the Ashfield Local Environmental Plan 2013 by removing item 620 at 39 Smith Street, Summer Hill from the register and amend the heritage map.**

PP Number : **PP_2017_IWEST_005_00** Dop File No : **17/02337**

Proposal Details

Date Planning Proposal Received : **23-Feb-2017** LGA covered : **Inner West**

Region : **Metro(CBD)** RPA : **Inner West Council**

State Electorate : **MARRICKVILLE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **39 Smith Street**

Suburb : **Summer Hill** City : **Sydney** Postcode : **2130**

Land Parcel : **Lot 53 DP499597**

DoP Planning Officer Contact Details

Contact Name : **Douglas Cunningham**

Contact Number : **0292746357**

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RPA Contact Details

Contact Name : **Con Colot**

Contact Number : **0291761977**

Contact Email : **Con.Colot@innerwest.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Martin Cooper**

Contact Number : **0292746582**

Contact Email : **martin.cooper@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of

Conduct has been
complied with :

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : No

If Yes, comment : The Department of Planning and Environment is not aware of any meetings or
communications with registered lobbyists concerning this proposal.

Supporting notes

Internal Supporting
Notes :

The Planning Proposal seeks to remove 39 Smith Street, Summer Hill as a locally listed
heritage item (Item 620) and amend the heritage map for the Ashfield Local Environmental
Plan 2013.

The applicant has prepared a Heritage Impact Statement to support the delisting. The
Statement notes that the site no longer meets the threshold for listing as a local heritage
item and doesn't hold the necessary elements required to support a claim for listing.

Council's Heritage Inventory Sheet notes the heritage listed house as being 'severely
altered' and 'severely compromised'.

No other amendments to existing development standards are sort as part of this planning
proposal.

The planning proposal is supported as it removes a site from Schedule 5 Environmental
Heritage of the Ashfield Local Environmental Plan 2013, which is considered to no longer
meet the threshold of significance nor hold the necessary elements required to support a
claim for listing.

External Supporting
Notes :

Inner West Council has prepared a planning proposal to amend Ashfield Local
Environmental Plan 2013 to remove 39 Smith Street, Summer Hill as a locally listed
heritage item (Item 620) from Schedule 5 Environmental heritage and the heritage map.
The planning proposal is supported by a Heritage Impact Assessment.

Council is seeking delegation to carry out the Minister's plan-making functions under
section 59 of the Environmental Planning and Assessment Act 1979 (the EP&A Act).
Delegation is considered appropriate as the matter is of local significance.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objective of this proposal is to amend Schedule 5 of the Ashfield LEP 2013 in order to
remove 39 Smith street as a local heritage item.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal seeks to amend "Schedule 5 – Environmental Heritage" by:**
• deleting Item 620 from Part 1 Heritage items; and
• amending the heritage map to remove item 620.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **2.3 Heritage Conservation**

* May need the Director General's agreement **3.1 Residential Zones**

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered : **A PLAN FOR GROWING SYDNEY**
It is considered that Goal 2 A city of housing choice, with homes that meet our needs and lifestyles is relevant to this proposal as the proposal relates to existing residential land. The proposal states consistency with this direction as the delisting will allow a broader consideration of the sites potential long term use as the sites potential has been restricted by its heritage listing.

It is considered that the proposal is consistent with this direction as it allows for the continuation of residential use on site, whilst also supporting the sites future development for residential purposes.

Goal 3 - A great place to live with communities that are strong, healthy and well connected is also considered relevant. The objective of this goal is to identify, protect and manage areas with heritage significance. The proposal is considered to be consistent with this goal as it has identified an item that is considered to no longer have heritage significance and seeks to delist the site from the Ashfield Local Environmental Plan (ALEP) 2013.

DRAFT CENTRAL DISTRICT PLAN

The proposal does not include an assessment against the draft Central District Plan, however the following priorities are considered relevant to the proposal:

- **Livability Priority 1 - Improve housing choice; and**
- **Livability Priority 4 - Foster cohesive communities in the Central District.**

The following actions are considered relevant to the proposal:

- **Livability Action 2 - Identify the opportunities to create the capacity to deliver 20-year strategic housing supply targets;**
- **Livability Action 3 - Councils to increase housing capacity across the District; and**
- **Livability Action 13 - Conserve and enhance environmental heritage including Aboriginal, European and natural.**

The proposal is considered consistent with these priorities and actions as it will:

- **allows for a broader consideration of its potential long term use of the site to provide additional housing; and**
- **removes heritage listing for an item that no longer holds any environmental heritage significance.**

Should the proposal proceed to Gateway, it will be conditioned to update the proposal to include an assessment of the proposal against the relevant priorities of the draft Central District Plan.

SECTION 117 DIRECTIONS

2.3 HERITAGE CONSERVATION

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The planning proposal states consistency with this direction as item has been assessed by Council as being 'severely compromised' and 'severely altered'. The applicant's heritage impact assessment notes that no part of the site meets the threshold for listing as a local heritage item on the ALEP 2013 when it is assessed under the criteria provided by the NSW Heritage Division.

It is considered that the proposal is consistent with this Direction as the site does not meet the threshold of significance, hence does not result in the removal of an item considered to be of environmental heritage significance.

3.1 RESIDENTIAL ZONES

The objectives of this direction are to encourage a variety and choice of housing choice whilst minimising the impact of residential development on the environment and resource lands.

The subject site is zoned R3 Medium Density Residential. The planning proposal does not seek to amend the zoning or range of permissible uses on the site. The proposal is therefore considered consistent with this direction.

HERITAGE

As part of the planning proposal submission, a Heritage Impact Statement, dated March 2016 has been undertaken by Weir Phillips Heritage. Assessment of the property was undertaken against the relevant criterion outlined in the Office of Environment and Heritage's "Guidelines for Inclusion/Exclusion".

In summary, this assessment found:

- the site has been 'severely compromised' by alterations, to the extent that it is no longer a good example of Late Victorian period development in the area;
- the dwelling and the factory on the rear of the site is not known to be associated with a person or company of more than ordinary significance;
- there is no physical evidence of the original pattern of windows on the front elevation and no significant surviving internal detailing;
- there is no evidence to suggest that the dwelling or factory are important to the community's sense of place or is associated with an identifiable group;
- the dwelling and factory are not considered to be an important benchmark or reference point; and
- there are other examples of this style and type of dwelling in Ashfield and surrounding Council areas.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The mapping provided is considered adequate for the assessment of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed?

Comment : It is proposed the community consultation period be a minimum of 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Yes, the proposal is considered adequate and sufficient detail has been provided**

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation to Principal LEP : **Ashfield LEP 2013 was published on 23 December 2013.**

Assessment Criteria

Need for planning proposal : **The proponent has engaged a heritage consultant to undertake a preliminary heritage investigation. The consultant's heritage assessment links directly to the findings of Council's own Heritage Inventory Sheet which notes the house as 'severely altered' and 'severely compromised. Heritage Impact Statement notes that the site does not meet the threshold of significance nor holds the necessary elements required to support a claim for listing. By removing the heritage listing for the site, it allows for a broader consideration of the potential long term use of the site to provide additional housing.**

Consistency with strategic planning framework : **This planning proposal is generally consistent with A Plan for Growing Sydney and the Draft Central District Plan. The planning proposal is largely administrative and does not propose any changes to the strategic direction of the Ashfield Local Environmental Plan 2013.**

Environmental social economic impacts : **It is agreed that there are no known critical habitats or threatened species, populations or ecological communities or their habitats which will be affected by the proposal.**

It is considered that there will be no adverse environmental, social and economic effects as a consequence of the planning proposal.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) **Office of Environment and Heritage**

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Page.pdf	Proposal Covering Letter	Yes
Heritage Impact Assessment.pdf	Proposal	Yes
Report to Council Dec 16.pdf	Proposal	Yes
Information checklist.pdf	Proposal	Yes
Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.3 Heritage Conservation**

3.1 Residential Zones

7.1 Implementation of A Plan for Growing Sydney

Additional Information : **It is recommended that the planning proposal proceeds subject to the following conditions:**

1. Prior to community consultation, the planning proposal is to be updated to:

- a. include a plain English explanation of the intent of the planning proposal;**
- b. amend the planning proposal to include a discussion regarding how the proposal is consistent with the draft Central District Plan; and**
- c. include Heritage Maps which clearly show both the existing and proposed controls for the site and surrounding areas.**

Note: Maps should be prepared to the standards identified in 'Standard Technical Requirements for LEP Maps' (Department of Planning and Environment 2015).

2. The planning proposal must be made publicly available for a minimum of 28 days.

3. Consultation is required with the Office of Environment and Heritage

4. A public hearing is not required under 56(2)(e).

5. The timeframe for completing the LEP is to be 9 months.

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Supporting Reasons : The planning proposal is supported as it removes an item of local heritage significance from ALEP 2013 Schedule 5 Environmental Heritage, which is considered to no longer meet the threshold of significance nor hold the necessary elements required to support a claim for listing.

The proposal is supported by a heritage impact statement, which states that the site no longer meets the relevant criterion used to determine if a site has heritage significance, as outlined in New South Wales Heritage Branch's "Guidelines for Inclusion/Exclusion".

Signature:



Printed Name:

MARTIN COOPER

Date:

10/03/2017

