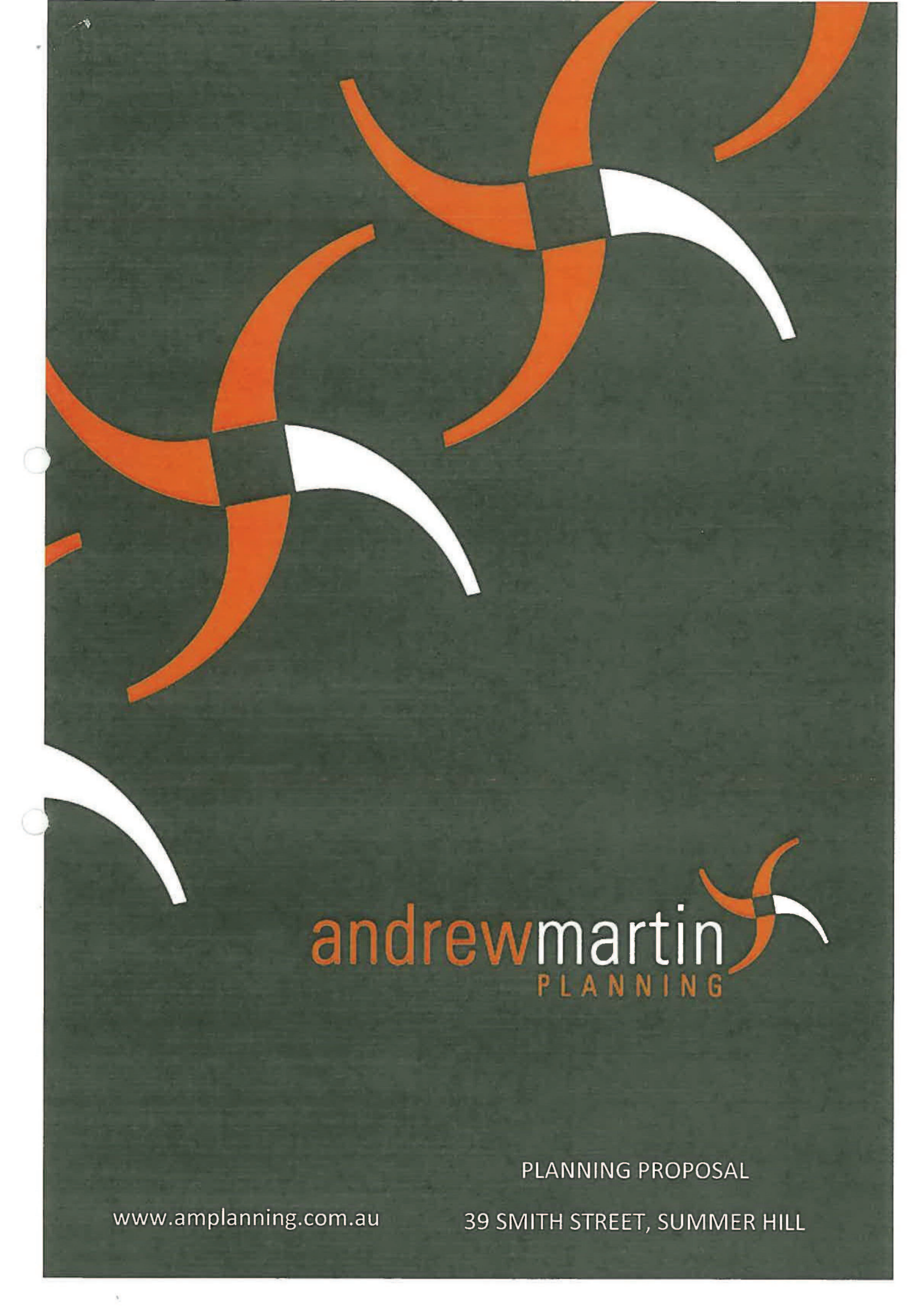




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PLANNING PROPOSAL

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39 SMITH STREET, SUMMER HILL

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Preface

A Planning Proposal is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Ashfield Local Environmental Plan (ALEP) 2013. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning and Environment (DP&E) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process. This report sets out the reasoning and justification and assesses the relevant matters for consideration namely the S117 Directions and other relevant provisions.

Part 1 Introduction

- 1.1. Andrew Martin Planning Pty Ltd has been engaged by Ms Marilyn Lean, the property owner (herein referred to as the 'proponent') to prepare a Planning Proposal, for the site known as Lot 53 DP 499597, 39 Smith Street, Summer Hill to be submitted to Ashfield Council (the "Council").
- 1.2. The primary and sole purpose to the planning proposal is to delist the property as a locally listed heritage item pursuant to Ashfield LEP 2013, Schedule 5, Part 1, Item No. 620.
- 1.3. A Heritage Impact Statement (HIS) has been prepared by a suitably qualified and experienced heritage consultant to assess the current property and its heritage significance having regard to the provisions of the ALEP, Ashfield Heritage Study (AHS).
- 1.4. Assessment of the property has been undertaken based upon the relevant criterion of the New South Wales Heritage Office, now Branch, namely, the Guidelines for Inclusion/Exclusion are as provided by *Assessing Heritage Significance, NSW Heritage Manual Update*.
- 1.5. Council's Heritage Study notes the site as '*now severely compromised*' and '*severely altered*'. This conclusion is supported by the proponent's HIS which concludes that the delisting of No. 39 Smith Street, Summer Hill would '*remove a site from Council's LEP that does not meet the threshold of significance nor holds the necessary elements required to support a claim for listing.*'
- 1.6. The proponent attended a formal meeting with Council's Senior Planning staff and Heritage Advisor, Mr Robert Moore. Whilst Council did not provide a guarantee of success it was agreed that the significance of the item was very much compromised and there was a case for delisting due to the reasoning provided in the HIS tendered prior to the meeting. The proponent has proceeded with the Planning Proposal given that there appeared to be no significant resistance to the delisting at the pre lodgement meeting. The HIS has been updated since that time to broaden its coverage and to ensure all the relevant matters have been covered, as requested by Council.
- 1.7. The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (*EP&A Act*) and the relevant Department of Planning Guidelines including '*A Guide to Preparing Planning Proposals*'.

- 1.8. The Planning Proposal report comprises nine Parts. Part 2 provides details of the subject site, Part 3 summaries the heritage assessment of the site, Part 4 contains info on Ashfield LEP and IDAP, Part 5 contains the Objectives or Intended Outcomes, Part 6 comprises the Explanation of the Provisions, Part 7 comprises the Justification, Part 8 is the Conclusion and Part 9 is a reference list of documents.

Part 2 Subject Site

- 2.1 This Planning Proposal relates to No. 39 Smith Street, Summer Hill, Local Government Area of Ashfield. The site is legally identified as Lot 53 DP 499597. It has a site area of 925sqm and is generally rectangular in shape with primary frontage to Smith Street. Vehicle access is available from Smith Street via a single crossover and driveway along the western boundary. Figure 1 is an aerial of the subject site.
- 2.2 There are two buildings on the site - a free standing single storey dwelling and a free standing metal clad factory. The dwelling, described below, is set closer to the front boundary, fronting Smith Street. There is a concrete surfaced driveway along the western boundary, running past the dwelling and widening in front of the factory to the rear.
- 2.3 The factory lies on the rear boundary, has a floor area of approximately 225sqm and extends the full width of the lot. The site is raised slightly above street level. There is a low face brick retaining wall comprising panels and piers across the front boundary. Timber paling fencing is located along part of the side boundaries. There is planting at the front of the site and along the eastern side of the dwelling and returning part way behind the dwelling. There is a small circular fountain in the front garden.
- 2.4 Adjoining the site is a single dwelling to the east (subject to current development application for medium density development), and low density single dwellings to the west and rear of the site.
- 2.5 The dwelling on the site has undergone substantial alterations and additions. The following changes are noted in the HIS:
- There is no significant fencing, landscape elements or planting on the site.
 - The front verandah has been refurbished with a concrete floor.
 - The original windows have been removed from the front elevation and the size of openings changed.
 - Openings have been altered and windows have been replaced along the side elevations.
 - The chimneys have been removed.
 - The rear skillion has been extended and retains little original fabric.
 - It is not clear if the barge boards are original or later replacements. They are uncharacteristically narrow for a Gothic Style dwelling of this date.
 - The interior has been extensively modified. There is little, if any, original fabric.
 - The factory is a Post World War II addition.

-

7



Figure 3 – view of factory at rear of site
(Source: Heritage Report, Weir Philips)

- 2.7 The subject site is located approximately 7 km south west of the Sydney CBD, approx. 1.5km east of the Ashfield Mall and a 470m flat walk to the Summer Hill Train Station. See Figures 4 & 5 below. The Smith Street area is located on the southern side of Railway corridor, south of Liverpool and Parramatta Roads, between Fleet Street and Chapman St, Summer Hill.

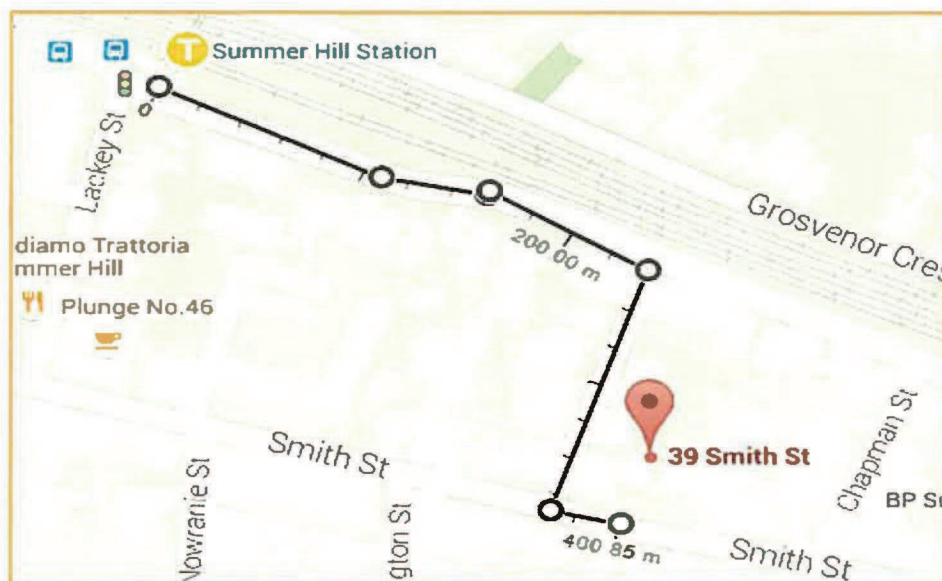


Figure 4: General location of subject site
(Source: googlemaps)

Planning Proposal, 39 Smith Street, Summer Hill
Amend ALEP 2013 – Schedule 5 – Delist Heritage Item

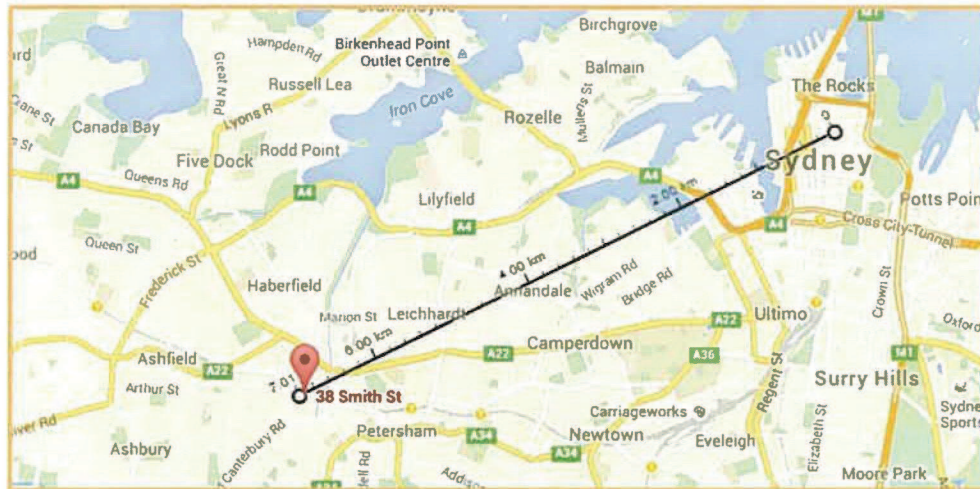


Figure 5: Looking east on Smith Street with subject site on the left
(Source: googlemaps)



Figure 6: Looking east on Smith Street with subject site on the left
(Source: googlemaps)



Figure 7: Properties on Smith Street that are zoned for medium density development
(Source: googlemaps)



**Figure 8: Looking east along Smith Street from intersection with Carrington Street
(commercial/industrial uses on both corners)
(Source: googlemaps)**



**Figure 9: Summer Hill Train Station – approx 400m from the site
(Source: googlemaps)**

Part 3 Heritage Assessment of Subject Site

- 3.1 A Heritage Impact Statement has been prepared by Weir Phillips Heritage, dated March 2016 and is submitted as part of this planning proposal (under separate cover).
- 3.2 Assessment of the property has been undertaken based upon the relevant criterion of the New South Wales Heritage Office, now Branch, namely, the “*Guidelines for Inclusion/Exclusion*” are as provided by Assessing Heritage Significance, NSW Heritage Manual Update. A summary of heritage consultant’s assessment of each criterion is provided below. Refer to Section 5 -Significance of No. 39 Smith Street of the HIS for the full assessment.

Criterion (a): An item is important in the course, or pattern, of New South Wales’ cultural or natural history (or the cultural or natural history of the local area)

“...it has been ‘severely compromised’ by alteration to the extent that it is no longer a good example of Late Victorian period development in the area. The factory on the rear of the site does not form part of an important local historical pattern.”

Criterion (b): An item has strong or special association with the life or works of a person, or group of persons, of importance in New South Wales’ cultural or natural history (or the cultural or natural history of the local area)

“None of the research carried out for this statement suggests that any of these owners/tenants were of more than ordinary importance to the local or wider area. In any event, the dwelling has been substantially altered 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.”

Criterion (c): An item is important in demonstrating aesthetic characteristics and/or a high degree of technical achievement in New South Wales (or the local area)

“As noted by the heritage inventory, it has been ‘severely compromised’ through alteration. There is no physical evidence of the original pattern of windows on the front elevation and no significant surviving internal detailing. The factory on the site is not significant under this criterion. It is a Post World War II structure of no particular architectural or technical merit.”

Criterion (d): An item has strong or special association with a particular community or cultural group in New South Wales (or the local area) for social, cultural or spiritual reasons

"There is no evidence to suggest that the dwelling or factory at No. 39 Smith Street are important to the community's sense of place or is associated with an identifiable group."

Criterion (e): An item has potential to yield information that will contribute to an understanding of New South Wales' cultural or natural history (or the cultural or natural history of the local area)

"No. 39 Smith Street does not meet the threshold for listing under this criterion. It is not an important benchmark or reference point. The dwelling is too altered to provide new or further information about the Victorian Gothic Style and does not provide evidence of cultures not provided by other examples in the local area."

Criterion (f): An item possesses uncommon, rare or endangered aspects of New South Wales' cultural or natural history (of the cultural or natural history of the local area)

"No. 39 Smith Street is not significant under this criterion. There are other examples of this style and type of dwelling in Ashfield and surrounding Council areas. The factory is not an uncommon or rare building type."

Criterion (g): An item is important in demonstrating the principal characteristics of a class of New South Wales (or a class of the local areas):

- Cultural or natural places; or
- Cultural or natural environments

3.3 The Heritage Impact Statement therefore concludes:

"No. 39 Smith Street does not meet the threshold for listing under this criterion. The dwelling is a poor example of the Victorian Gothic Style that has undergone extensive alteration. It is not outstanding because of its size or integrity and lies within a mixed setting."

"This assessment of No. 39 Smith Street, Summer Hill has established that the dwelling on the site was erected in 1880 and has had numerous owners and occupiers, none of whom was of more than ordinary significance to the local area. The factory to the rear was probably erected in the late 1940s or 1950s and is not known to be associated with an important person or organisation. As a result of substantial alteration, the architectural style of the subject site has assumed an entirely different appearance, significantly diminishing

the character and integrity of the site. The dwelling has undergone substantial alteration and addition over time to the extent that Council's own heritage inventory describes it as 'now severely compromised' and 'severely altered.' The factory to the rear is a Post World War II structure of no particular architectural merit. This assessment has indicated that no part of the site means the threshold for listing as a local heritage item on the Ashfield LEP 2013 when it is assessed under the criteria provided by the NSW Heritage Division. The removal of No. 39 Smith Street would remove a site that does not meet the threshold of significance nor holds the necessary elements required to support a claim for listing. No. 39 Smith Street, Summer Hill should be removed from Schedule 5 Part 1 of the Ashfield LEP 2013."

Part 4 Ashfield LEP 2013 and Ashfield Interim Development Assessment Policy 2013

The subject site is zoned R3 Medium Density Residential pursuant to Ashfield LEP 2013. By way of summary, the primary LEP provisions which apply to any development of the site include, but are not limited to the following:

4.1 Clause 1.2 Aims of Plan

(1) This Plan aims to make local environmental planning provisions for land in Ashfield in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

(2) The particular aims of this Plan are as follows:

(a) to promote the orderly and economic development of Ashfield in a manner that is consistent with the need to protect the environment,

(b) to retain and enhance the identity of Ashfield as an early residential suburb with local service industries and retail centres,

(c) to identify and conserve the environmental and cultural heritage of Ashfield,

(d) to provide increased housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities,

(e) to strengthen the viability and vitality of the Ashfield town centre as a primary centre for investment, employment, cultural and civic activity, and to encourage a majority of future housing opportunities to be located within and around the centre,

(f) to protect the urban character of the Haberfield, Croydon and Summer Hill urban village centres while providing opportunities for small-scale, infill development that enhances the amenity and vitality of the centres,

(g) to encourage the revitalisation of the Parramatta Road corridor in a manner that generates new local employment opportunities, improves the quality and amenity of the streetscape, and does not adversely affect adjacent residential areas,

(h) to ensure that development has proper regard to environmental constraints and minimises any adverse impacts on biodiversity, water resources, riparian land and natural landforms,

(i) to require that new development incorporates the principles of ecologically sustainable development. (our emphasis).

The planning proposal is consistent with the aims of the ALEP. As highlighted throughout this report the site is no longer categorised as a worthy example of the area's local heritage and should not be promoted as such through the LEP Schedule 5 listing. The delisting of the site is appropriate and should the long term redevelopment of the site be considered, then its medium density residential zoning will provide for permissible in-fill development that is anticipated by Council in the zone and for the immediate area. The sites proximity to public transport makes the site suitable for Transport Orientated Development (TOD) which itself satisfies the aims of the local plan.

Any future application that is lodged for the site will be tested against the aims of ALEP and will be assessed under S79C of the *EP&A Act 1979*. The delisting itself does not offend any of the relevant aims, detailed below.

Relevant Aim	Comment
<i>(2) The particular aims of this Plan are as follows:</i> <i>(a) to promote the orderly and economic development of Ashfield in a manner that is consistent with the need to protect the environment,</i>	Delisting does not create any significant additional risk to the environment. The orderly and economic use of the land is achieved by the delisting. Any future development will be tested under a separate assessment to ensure the aims under cl. 1.2 of ALEP are achieved.
<i>(b) to retain and enhance the identity of Ashfield as an early residential suburb with local service industries and retail centres</i>	The delisting will not affect the identity of Summer Hill. Whilst the dwelling is representative of single storey residential forms it is not at a level worthy of retention in its own right. Other items in the local area will continue to provide the historical inspiration for the locality. This part of summer hill is earmarked for future infill development. Council's strategic planning decision then provides some benefit to other more sensitive residential areas in terms of protection.
<i>(c) to identify and conserve the environmental and cultural heritage of Ashfield</i>	The HIS concludes that the delisting of the dwelling will not erode the value of the area and its cultural heritage.
<i>(d) to provide increased housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities</i>	Delisting facilitates the achievement of this objective which is a strategic initiative by the Council to achieve the housing demands in the future. Where warranted worthy items can be preserved and are deemed to outweigh the benefit of infill development. However in this scenario the weighting given to the building has been unnecessarily

	elevated.
<i>(f) to protect the urban character of the Haberfield, Croydon and Summer Hill urban village centres while providing opportunities for small-scale, infill development that enhances the amenity and vitality of the centres</i>	The urban character of this particular precinct is eclectic and includes multi unit buildings. The vitality and amenity of the area is not unduly affected by the proposed delisting. Any future development will be subject to a plethora of local controls, design considerations and amenity tests.
<i>(h) to ensure that development has proper regard to environmental constraints and minimises any adverse impacts on biodiversity, water resources, riparian land and natural landforms</i>	The delisting will not expose any property or person to unacceptable adverse impacts.

4.2 Clause 1.7 Maps

(1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:

- (a) approved by the Minister when the map is adopted, and
- (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.

(1AA) A reference to the Minister in subclause (1) is taken to be a reference to the Greater Sydney Commission in the case of any map that applies to a local government area in the Greater Sydney Region (within the meaning of the Greater Sydney Commission Act 2015) and that is adopted by a local environmental plan on or after 27 January 2016.

(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.

(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

(4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

This planning proposal results in the need to amend the relevant Heritage Map (002) by removing the reference to the subject site (ie brown shading and text). Refer to Part 5 and Part 6 below for details.

4.3 Land Use Table

Zone R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Seniors housing; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Dual occupancies (detached); Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies.

The planning proposal does change or modify the application of the landuse table as it applies to the current or any future development of the site.

- 4.4 The following ALEP 2013 development standards apply to the site.
- Clause 4.1 Lot sizes: Site located in Area 1. No minimum lot size.
 - Clause 4.1A Exceptions to minimum subdivision lot size for certain residential development: applies to Area 1 depending upon type of development (by be down to 200sqm for multiple dwellings).
 - Clause 4.3 Height of buildings: "J" = 9m.
 - Clause 4.4 Floor space ratio: "H" = 0.7:1.
 - Clause 5.10 Heritage Conservation = Heritage Impact Assessment required for heritage items, sites within a Heritage Conservation Area or in the vicinity of heritage item or HCA. The site is located adjoining and opposite a HCA. The former flour mill site and others on Fleet Street are in proximity to the site.

Other clauses of the LEP will apply to the site, depending upon the details of any future landuse proposal that requires development consent. It is noted that certain development within the Ashfield LGA may be exempt or complying development pursuant to the provisions of the SEPP (Exempt and Complying Codes) 2008 and Part 3 Exempt and Complying Development of ALEP 2013.

4.5 **Ashfield Interim Development Assessment Policy 2013 (IDAP 2013)**

The AIDAP 2013 contains the following objectives for the preservation and conservation of Ashfield's identified heritage items and areas of heritage significance.

IDAP Section 1 Preliminary

Objectives

- (a) keep the qualities and fabric which contribute to the heritage significance and identity of the Ashfield local government area.*
- (b) To allow necessary change, but only where it will not remove or detract from those special qualities.*
- (c) To ensure that necessary change, such as alterations and extensions to individual heritage items will respect the heritage significance of those items and their contribution to the heritage and identity of Ashfield.*
- (d) To ensure that necessary change, such as alterations and extensions to buildings and other features in Conservation Areas will respect the contribution of those buildings and features to the heritage significance of their particular Conservation Area and will have no ill effect on the heritage significance of the Area as a whole.*
- (e) To ensure that in those Conservation Areas where new buildings can be constructed, they are carefully designed to fit in with the heritage significance and character of the particular Conservation Area.*

(f) To encourage the removal and reversal of recent inappropriate alterations which detract from the integrity and heritage significance of the particular heritage item or Conservation Area.

The assessment of the dwelling and its curtilage by qualified and experienced experts demonstrates that the site no longer achieves these objectives, as follows:

- the quality and fabric of the dwelling that previously contributed to its heritage significance have been ‘severely compromised’;
- the changes made to the dwelling have significantly removed the special qualities that contribute to its heritage significance;
- the alterations and extensions to the heritage item have significantly altered the dwelling in a manner that has severely compromised it as a representative single storey residential form. It is no longer considered worthy of retention in its own right.

Council’s support for the Planning Proposal is not inconsistent with the stated objectives in relation to heritage matters under the AIDAP.

Part 5 Objectives/Intended Outcomes

5.1 The Planning Proposal seeks to:

Remove No. 39 Smith Street, Summer Hill as a locally listed heritage item pursuant to Schedule 5, Part 1, Item 620 Ashfield Local Environmental Plan 2013 (ALEP) 2013 and to amend Ashfield LEP 2013 Heritage Map - Sheet HER_002 by removing the delineation of No. 39 Smith Street, Summer Hill as a General Item (light brown shading) and associated text (ie 620).

5.2 There is no intended change or modification to any other planning standard, provision or control as it relates to the existing site or the ongoing use or development of the site in the future.

Part 6 Explanation of the Provisions

6.1 Ashfield Local Environmental Plan 2013 is to be amended by:

1. Deleting Item 620 from Schedule 5 Environmental Heritage, Part 1 Heritage items. The item currently reads:

Suburb	Item name	Address	Property description	Significance	Item no.
Summer Hill	House	39 Smith Street	Lot 53 DP 499597	Local	620

2. Removing the shading and heavy black outline and associated written text (ie 620) from Ashfield LEP 2013 Heritage Map - Sheet HER_002.

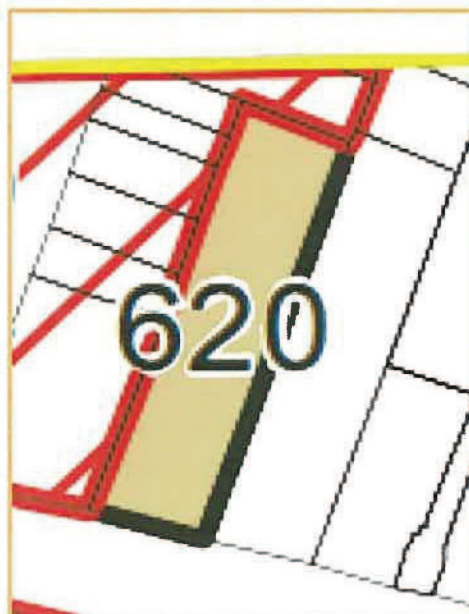


Figure 10: extract of ALEP HER Map_02

Part 7 Justification

Section A - Need for the Planning Proposal

1. Is the planning proposal part of any strategic study or report?

No.

The proponent has engaged a suitably qualified and experienced heritage consultant to undertake a preliminary heritage investigation and a Town Planning Consultant to prepare a Planning Proposal for Council's consideration. A copy of the Heritage Impact Statement, prepared by Weir Phillips, dated March 2016 is submitted as part of this proposal, under separate cover. 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'.

The findings of the Heritage Impact Statement, prepared by Weir Phillips Heritage, dated March 2016, are that:

"no part of the site meets the threshold for listing as a local heritage item on the Ashfield LEP 2013 when it is assessed under the criteria provided by the NSW Heritage Division. The removal of No. 39 Smith Street would remove a site that does not meet the threshold of significance nor holds the necessary elements required to support a claim for listing"

On this basis there is no requirement or need to undertake a strategic planning study and delisting can occur in isolation. There are no strategic matters to consider and the issues are confined to the site itself.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes.

The Planning Proposal is the only means of removing the listing from Council's ALEP 2013 maps and Schedule 5. The Planning Proposal is the established procedure for implementing an amendment to the ALEP 2013.

3. Is there a net community benefit?

Where a locally listed heritage item is assessed as no longer reflecting the historical significance and culture of the area, there is no purpose to retention. A decision to retain the building as an item must have a clear planning purpose and community benefit and in this case it is clear that the dwelling and its curtilage achieves neither. The remaining listed items are a

true reflection of the area's heritage significance and it is improper in fact for substandard items to contaminate other more in tact worthy items. The unworthy items can be used and/or redeveloped to a more practical and functional landuse in the long term that will serve the local community in a positive manner and achieve the strategic planning outcomes.

Section B - Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional and sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The proposal is consistent with the Metropolitan Strategy and Central Subregion Plan.

A Plan for Growing Sydney includes a direction to 'promote Sydney's heritage, arts and culture'. It details how heritage buildings and sites contribute to a community's sense of place and identity, as well as help the community understand and learn about Sydney's past. Actions go on to state that '*the Government, is committed to identifying, protecting and managing areas with heritage significance*'.

Where a heritage item is no longer relevant to preserving an area's history and is noted by Council and a qualified heritage consultant to be 'severely altered and compromised' it is best that that item be removed from the LEP schedule. On this basis, it is considered that updating the heritage schedule is consistent with the general objective in the Sydney Metropolitan Strategy and removing an item that no longer provides a worthy contribution to the area's culture and values will have a positive benefit in the long term.

The Central Subregion includes the Ashfield area. One priority noted for this Subregion is to 'accelerate housing supply, choice and affordability and build great places to live.' Delisting the subject site will allow a broader consideration of its potential long term use. It is within an area that is reasonably close to shops and within good walking distance to public transport and major transport routes. The site's potential has been restricted by its heritage listing when assessment of its significance shows that it is no longer historically relevant. The Planning Proposal is therefore in keeping with the priorities of both the long term Metropolitan and Subregional strategies.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes.

The Ashfield 2023 (Our Place, Our Future) Community Strategic Plan recognises the challenge of balancing growth with maintaining Ashfield's diversity, culture and lifestyles, preserving its heritage and protecting the environment; while ensuring progress and innovation.

Appropriate justification has been provided by the proponent to support the delisting of the item. Council has recently applied an R3 Medium Density zoning designed to achieve the strategic goals identified in the State planning policies.

In relation to Summer Hill the Community Plan states:

*"The largely Victorian era **Summer Hill** has a rich diversity of character ranging from close packed terraces around the village centre to schools, shops, and its early industrial heritage expressed in the former flour mills site."*

The Smith Street area is an eclectic variety of developments which is trending towards redevelopment of many sites to cater for new and/or updated housing that is now considered close to the City and with good access to many services in the inner west region.

The plan notes that the local community wants to "celebrate our heritage". This implies that the heritage items to be celebrated are to be accurate and robust, whereas this site has been assessed as not meeting the threshold of significance or holding the necessary elements required to support a claim for listing. The Summer Hill area contains a number of good examples of Victorian Gothic Style residences which will serve to maintain and preserve the true history of the area. This site no longer serves that purpose and should therefore be removed from the listing and maps.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

There are no State Environmental Planning Policies which would contravene the Planning Proposal.

6. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Yes. Consistency with the list of Directions (under section 117(2) of the Environmental Planning and Assessment Act 1979 issued by the Minister for Planning) is assessed below.

Direction	Issue Date / Date Effective	Relevance to Planning Proposal
1. Employment and Resources	1 July 2009	
1.1 Business and Industrial Zones		Not relevant
1.2 Rural Zones		Not relevant
1.3 Mining, Petroleum Production and Extractive Industries		Not relevant
1.4 Oyster Aquaculture		Not relevant
1.5 Rural Lands		Not relevant
2. Environment and Heritage	1 July 2009	
2.1 Environment Protection Zones		Not relevant
2.2 Coastal Protection		Not relevant
2.3 Heritage Conservation		The Planning Proposal seeks removal of a locally listed heritage item as it has been assessed by Council as 'severely compromised' and 'severely altered'. This is confirmed by further assessment of a qualified heritage consultant that concludes that 'no part of the site meets the threshold for listing as a local heritage item on the Ashfield LEP 2013 when it is assessed under the criteria provided by the NSW Heritage Division'.

2.4 Recreation Vehicle Areas		Not relevant
3. Housing, Infrastructure	1 July 2009 (Except for new Direction 3.6 - effective 16 February 2011)	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.
3.1 Residential Zones		No change to the existing LEP provisions, zoning or development standards that apply to the subject site – which is zoned for medium density residential purposes.
3.2 Caravan Parks and Manufactured Home Estates		Not relevant
3.3 Home Occupations		Not relevant
3.4 Integrating Land Use and Transport		Not relevant
3.5 Development Near Licensed Aerodromes		Not relevant
3.6 Shooting Ranges		Not relevant
4. Hazard and Risk	1 July 2009	The property is identified as Class 5 on the Acid Sulfate Soils Map, representing the lowest probability of containing Acid Sulfate Soils.
4.1 Acid Sulfate Soils		Not relevant
4.2 Mine Subsidence and Unstable Land		Not relevant
4.3 Flood Prone Land		Not relevant
4.4 Planning for Bushfire Protection		Not relevant
5. Regional Planning	1 July 2009 (Except for new Direction 5.4 effective 29 Nov 2009 & Direction 5.2 effective 3 Mar 2011 & Direction 5.9 effective 30 Sep 2013)	Not relevant

5.1 Implementation of Regional Strategies		Not relevant
5.2 Sydney Drinking Water Catchments		Not relevant
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		Not relevant
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		Not relevant
5.5 (Revoked 18 June 2010)		Not relevant
5.6 (Revoked 10 July 42008)		Not relevant
5.7 (Revoked 10 July 2008)		Not relevant
5.8 Second Sydney Airport: Badgerys Creek		Not relevant
5.9 North west Rail Link Corridor Strategy		Not relevant
6. Local Plan Making	1 July 2009	
6.1 Approval and Referral Requirements		Not relevant
6.2 Reserving Land for Public Purposes		Not relevant
6.3 Site Specific Provisions		Not relevant
7. Metropolitan Planning	14 January 2015 (Except for Direction 7.2 effective 22 September 2015)	
7.1 Implementation of the Metropolitan Plan for Sydney 2036		Refer to comments in Section B above.

Section C – Environmental, Social and Economic Impact

- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No.

There is no known critical habitat or threatened species, populations or ecological communities, or their habitats affected by the Planning Proposal.

- 8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No.

There are no other likely environmental effects as a result of the Planning Proposal, such as flooding, landslip, bushfire hazard and the like.

- 9. How has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal is not expected to have any adverse social or economic effects on the area. As assessed the site no longer displays true or robust elements of local heritage and the comparable analysis describes better examples of heritage items across Summer Hill and Ashfield.

Section D - State and Commonwealth Interests

- 10. Is there adequate public infrastructure for the planning proposal?**

The Planning Proposal is not expected to generate demand for additional infrastructure or services.

- 11. What are the views of State and Commonwealth authorities consulted in accordance with the gateway determination?**

Council proposes that the NSW Office of Environment and Heritage be consulted (following a positive Gateway Determination) as the Planning Proposal relates to a heritage matter. It is noted that the Planning Proposal relates to a heritage item of local significance, as opposed to State significance which is the main responsibility of the NSW Office of Environment and Heritage.

The Gateway Determination will confirm and specify any consultation required with State and Commonwealth authorities on the Planning Proposal.

Part 8 Conclusion

No. 39 Smith Street, Summer Hill is listed as a local heritage item under Ashfield LEP 2013. Both Councils internal heritage advisor and proponents heritage consultant have assessed the historical significance of the site as it currently exists and both have found that the site is 'severely altered and compromised' in terms of representing a true and robust example of local heritage. The primary reason is due to the amount of alteration and change to the house and the site over time.

The proponent requests that the site be delisted from the ALEP 2013. The only mechanism available for this to occur is to prepare a planning proposal and application to Council for an amendment to ALEP 2013 to remove the site from Schedule 5 and from ALEP 2013 Heritage Map (002).

The planning report has been prepared pursuant to Section 55 of the EP&A Act 1979, and the relevant Department of Planning Guidelines including '*A Guide to Preparing Planning Proposals*'.

The proposal is submitted to Ashfield Council for consideration and approval pursuant to the Gateway Determination and Section 56 of the Environmental Planning and Assessment Act 1979. The amendment need only apply to the subject site (site as defined in section).

Part 9 Links to Supporting Material

- *Heritage Impact Statement for 39 Smith Street, Summerhill*
Prepared by Weirs Phillip Heritage, dated March 2016
- Ashfield 2023 Community Strategic Plan
http://www.ashfield.nsw.gov.au/page/community_plan2.html
- *A Plan for Growing Sydney*, December 2014, NSW Government
<http://www.planning.nsw.gov.au/Plans-for-Your-Area/Sydney/A-Plan-for-Growing-Sydney>
- *Priorities for the Central Subregion*
<http://www.planning.nsw.gov.au/Plans-for-Your-Area/Sydney/Sydney-Districts>



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