

Item No: C1216 Item 3**Subject:** 39 SMITH STREET SUMMER HILL - PLANNING PROPOSAL**File Ref:** 16/4718/129356.16**Prepared By:** Con Colot - Senior Strategic Planner & Projects, Ashfield**Authorised By:** Phil Sarin - Director, Planning and Environment**SUMMARY**

A Planning Proposal has been received on behalf of the site owner to remove 39 Smith Street, Summer Hill from Schedule 5 of the Ashfield LEP 2013 as a locally listed heritage item. The proposal has been put on preliminary public exhibition in accordance with the previous Council's policy and public submissions have been received and commented on in this report. This report recommends that Council refer the application to the Gateway Panel (State Government) seeking authorisation to process and determine the application to delete the property as a heritage item.

RECOMMENDATION

1. That Council resolve to progress a Planning Proposal to amend Ashfield Local Environmental Plan (LEP) 2013 to delete Heritage Item no 620, from Schedule 5 Environmental Heritage of the Ashfield LEP 2013.
2. That Council forward the Planning Proposal to the Department of Planning and Environment for Gateway Determination to allow the LEP plan amendment process to commence under Section 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
3. That Council resolve to request The Department of Planning and Environment to issue written authorization to Council's General Manager to exercise and implement delegations in accordance with Section 23 of the EP& A Act 1979 to facilitate the plan making process following the Gateway determination.
4. That following the Gateway Determination by the Department of Planning and Environment, the Planning Proposal be progressed by Council, be put on formal public exhibition, and procedures carried out as required under the EP& A Act 1979.
5. That people who made a submission as part of the preliminary community engagement process be advised of Council's decision.

1.0 Overview of Planning Proposal

The Planning Proposal is contained in **Attachment 1** and seeks to remove the property's heritage listing from the Ashfield LEP 2013. A Planning Proposal is a document that explains the intended effect of a proposed Local Environmental Plan (LEP) amendment and provides the justification for proceeding, in accordance with the Department Guidelines - "A Guide to preparing Planning Proposals".

The applicant's heritage report is contained in **Attachment 2**.

The proposal states that the existing property does not warrant heritage listing and does not meet the relevant listing criteria outlined in "Assessing Heritage Significance, NSW Heritage Manual" (refer to pages 26 - 29 of **Attachment 2** for the detailed assessment). This includes that there is no association with any significant event or person, and the building is not aesthetically architecturally significant, and has been so altered so as to not be able to demonstrate any particular historical period or technological achievement.

2.0 Site, existing zoning and heritage listing.

39 Smith Street, Summer Hill is currently zoned R3 - Medium Density Residential under the Ashfield LEP 2013 (see **Figure 1**). The site is listed as heritage item number 620 under in Schedule 5 – Environmental Heritage of the LEP.

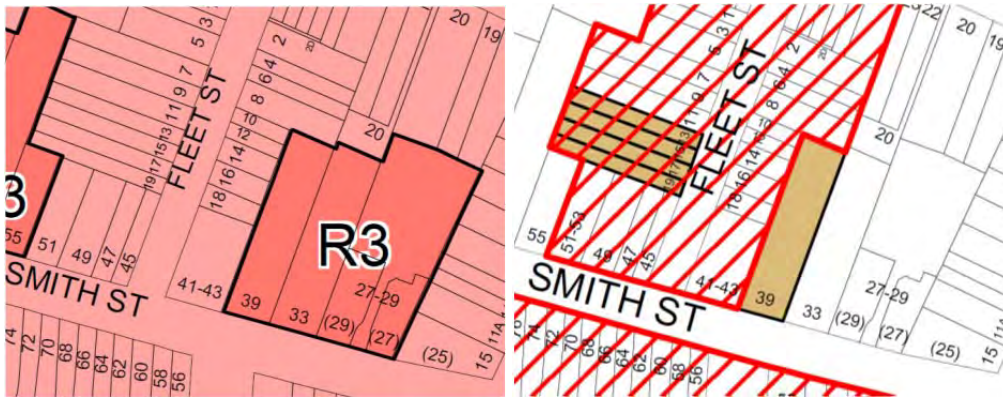


Figure 1 - Extract of Ashfield LEP 2013 Land Zoning Map showing 55-63 Smith Street, Summer Hill and existing R3 – Medium Density Residential zone, and showing the Heritage Conservation Map and 39 Smith Street Heritage item location.

Existing buildings on the site include:

- A house at the front of the property originally constructed in the late 1800s which had additions to the rear constructed in the late 1980s.

The house was listed as a heritage item in 2003 via LEP amendment No 92. The inventory sheet from the Ashfield Heritage Study Review for Areas Zoned 2b and 2c in 2001 is contained in **Attachment 3**.

- At the rear of the site is a factory building and car parking area (approved in 1965).



Figure 2 Aerial view - 39 Smith Street is within red boundary

No 33 Smith Street (adjacent site to the east) was the subject of a development application for part 2 and 3 storey apartments and is also zoned R3 - Medium Density Residential. This application was recently approved by the Inner West Planning Panel.

No 41-43 Smith Street (adjacent to the west – see photo below) is within the Fleet Street Heritage Conservation area and contains a house which has a 'neutral' ranking as it is from a construction period which is outside of the key period of significance for the area.



Figure 3 41 - 43 Smith Street – left side of picture, adjacent 39 Smith Street

The southern side of Smith Street opposite the site contains the Quarantine Ground Conservation Area.

4.0 Preliminary notification and public submissions

In accordance with Council's Notification Policy the proposal was put on preliminary exhibition between 9 August 2016 and 7 September 2016 in order to obtain public feedback to assist the Council in making a decision on whether or not to proceed further with the Planning Proposal.

Six submissions were received. To comply with guidelines issued by the Information and Privacy Commissioner, copies of actual submissions have not been included as attachments to this report, as this would reveal personal information of people who made submissions. The following table instead identifies each individual submission without stating the details of the person, and summarises the comments made.

Table 1

Submissions	Issues raised	Officer Response
Submission 1	Objects to removal of Heritage listing.	
	Removal of heritage listing would result in a loss of character of Smith Street.	It is correct that potential demolition of the existing house and redevelopment of the site will impact on this part of Smith Street. However, these are not grounds or rationale for heritage item listings.
	Removal of the heritage listing will affect the listing of the Fleet Street Conservation Area.	The Fleet Street Conservation Area listing will remain and is not affected this Planning Proposal.
	Removal of the listing would lead to redevelopment of the site which would lead to a loss of sunlight and privacy.	The site is currently zoned R3 - Medium Density Residential and an application could therefore be prepared and submitted to redevelop the site in accordance with this zoning based on current planning controls, which include relevant amenity considerations. Issues such as solar access and privacy would need to be addressed as part of any redevelopment of the site, regardless of whether or not the site had a heritage affectation.
Submission 2	Objects to removal of Heritage listing.	
	Removal of Heritage listing would result in loss of character of Smith Street.	Refer to previous comments.
	Removal of the heritage listing will affect the listing of the Fleet Street Conservation Area.	This is not the case - refer to previous comments.
	Removal of the listing would lead to redevelopment of the site which would lead to a loss of sunlight and privacy.	Refer to previous comments.
Submission 3	Objects to removal of Heritage listing.	

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	Removal of the listing would lead to redevelopment of the site which would lead to a loss of character in Smith Street	Refer to previous comments.
	Removal of the listing, and consequent demolition of the house, is contrary to the Ashfield LEP clause 1.2, 2(b) "aims to retain and enhance identity of Ashfield an early residential suburb with local service industries and retail centres", and this is in conflict with protecting the environment.	The first and primary consideration is whether the heritage listing in the Ashfield LEP 2013 is warranted, using Burra Charter and Heritage Manual provisions. Clause 1.2, (2) b of the Ashfield LEP 2013, does not override this consideration.

Submission 4	Supports removal of Heritage listing of 39 Smith Street.	
	Raises other matters that do not affect this Planning Proposal.	

Submission 5	Supports removal of Heritage listing of 39 Smith Street.	
	Raises other matters that do not affect this Planning Proposal.	

Submission 6	Refers to 2010 Inventory sheet found on Council's website for 39 Smith Street and that it is not comprehensive.	The inventory sheet contains a basic level of information outlining the reasons for the initial listing.
	Raises objection to removal of listing, if surrounding properties are not given equivalent development standards that benefit the R3 – Medium Density Standards of 39 Smith Street.	This is not a justifiable reason for applying an R3 zone to adjacent R2 Low Density Residential Zones.

4.0 Council Heritage adviser's comments

Council's Heritage Adviser, Robert Moore, has advised that:

I refer to the meeting with Ms. Marilyn Lean now some weeks ago, in which argument and evidence in a heritage assessment and impact statement were presented in support of a request to take the property off Council's list of heritage items. I suggested that an inspection

of the property was necessary and on Tuesday 27 September Mr. Con Colot and I inspected the house.

It is evident that much change has occurred to the property over its lifetime. Internally all ceilings and cornices have been replaced and other details, such as chimney pieces, have no clear authenticity. Joinery has also been incrementally changed.

Having regard to its degree of intactness and low level of retained original detail, I agree that the listing of the property is no longer warranted. I could not, in all conviction, argue in Court that this house was of such history and qualities in its fabric that it should remain an item of environmental heritage for Ashfield. It does not compare with other important properties that have been given this recognition.

Accordingly, in my opinion, Council could agree to include the property in such forthcoming adjustments to the schedule as are programmed.

5.0 Conclusion on whether to proceed with Planning Proposal.

The Planning Proposal is in a preliminary part of the processing with the initial decision being a requirement to refer the proposal for gateway Determination.

The Planning Proposal document contains the required necessary documentation which addresses Section 55 of the EPA AC 1979 and the State Government Department of Planning guidelines. Strategically, it seeks to correct what it says was an inappropriate listing in the Ashfield LEP 2013 regarding 39 Smith Street, Summer Hill and so implicitly have the LEP have a more accurate alignment with Council's heritage strategy as expressed in the Ashfield Urban Strategy 2010. This will better align with Council's Housing Strategy.

Given the circumstances and current condition of the existing site and buildings, the arguments put forward in the applicant's Heritage Study (**Attachment 3**) including that the house does not currently meet the relevant heritage listing provisions, Council's Heritage Adviser's analysis of that document, site inspection and comments, it is agreed that the Planning Proposal should be progressed to the next procedural stage by Council. Further scrutiny of the application will be required through the referral processes as part of the formal public exhibition phase (see part 6 below).

6.0 Next steps

The Council is required to determine whether or not to proceed with the Planning Proposal. If Council resolves to proceed with the Planning Proposal the next steps are to follow the Department of Planning & Environment's LEP plan making process:

- Department of Planning and Environment undertakes an assessment and, if supportive of the proposal, will issue a Gateway Determination which will give Council the authority to continue the process and specify whether any additional studies are required.
- Council formally exhibits the Planning Proposal.
- Council considers submissions received and following community engagement decides whether or not to submit the LEP amendment to Minister/Department of Planning and Environment for gazettal if the plan making function is delegated to Council.
- The plan is then notified and comes into effect.

6.0 LEP (plan-making) delegation former Ashfield LGA

In November 2012 the Minister for NSW Planning & Infrastructure delegated certain powers to councils to make and determine LEP amendments. This enables councils to exercise the Minister's Plan making functions after the Gateway Determination stage.

The former Ashfield Council resolved to use the delegation on the proviso that the General Manager exercises the delegation with prior approval from Council whenever a Planning Proposal is processed. It is therefore recommended that Council resolve that the current General Manager be authorized to exercise the delegation for this particular proposal.

CONCLUSION

It is recommended Council endorse the Planning Proposal and forward the documentation to the Department and request the Minister to issue the relevant Gateway Determination to allow the process of preparing an LEP to commence with progression to formal community engagement.

It is also recommended that Council seek authority from the Gateway Panel to use the Council 'Authorisation' to process the Planning Proposal.

ATTACHMENTS

1. Planning Proposal
2. Heritage Impact Assessment
3. Inventory sheet



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Attachment 1

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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.

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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*'.



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- 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.

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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.

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- 2.6 A comprehensive photographic record of the site and surrounds is contained in the Heritage Impact Statement (submitted under separate cover).



Figure 1 – Aerial of No. 39 Smith Street, Summer Hill
(Source: sixmapsNSW)



Figure 2 – Front of the house from Smith Street
(Source: googlemaps)

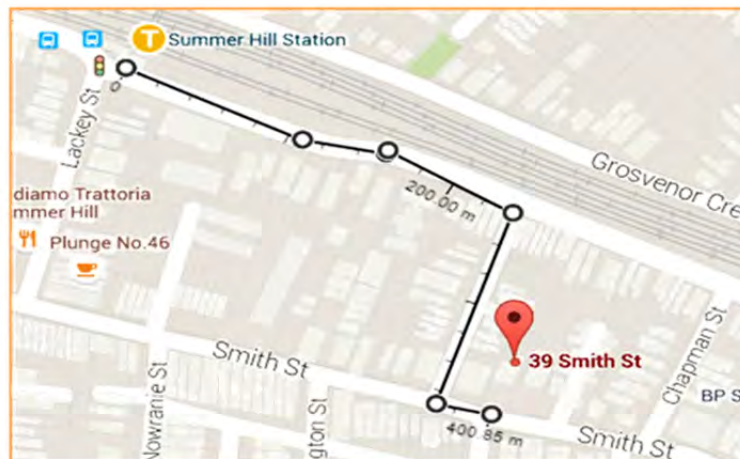
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andrewmartin
PLANNING



*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)*

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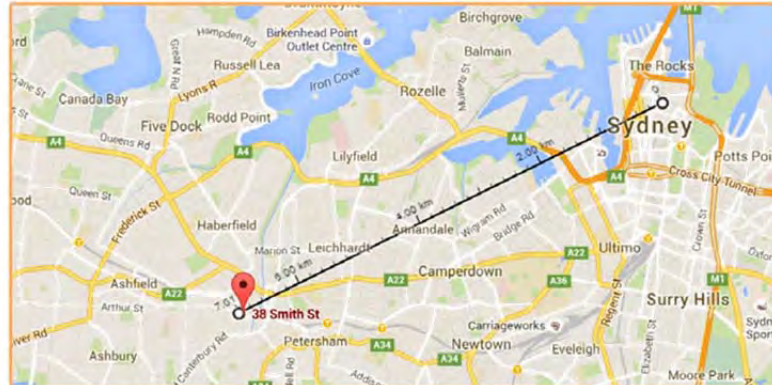


Figure 5: Looking east on Smith Street with subject site on the left
(Source: googlemaps)



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)

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*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)*

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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.”

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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

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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."

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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.

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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

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	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.

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



- 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.*



Planning Proposal, 39 Smith Street, Summer Hill
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(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.

Planning Proposal, 39 Smith Street, Summer Hill
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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:

- 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

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

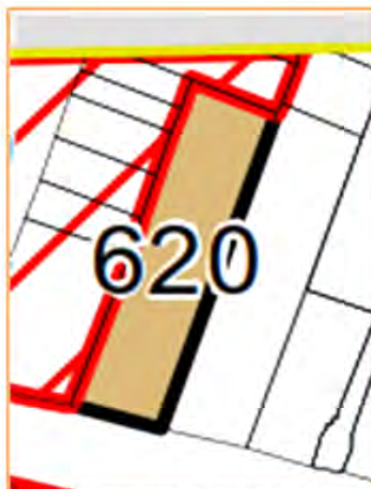


Figure 10: extract of ALEP HER Map_02

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

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

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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.

Planning Proposal, 39 Smith Street, Summer Hill
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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.

Planning Proposal, 39 Smith Street, Summer Hill
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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'.

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Planning Proposal, 39 Smith Street, Summer Hill
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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

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Planning Proposal, 39 Smith Street, Summer Hill
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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.

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



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.

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

Section E – Mapping

The delisting of the site from the LEP provisions will require the amendment of the Ashfield LEP 2013 Heritage Map – Sheet HER_002. Figure 11 below is a copy of the relevant map, with insert showing the subject site. Removing the shading and heavy black outline and associated written text (i.e. 620) from Ashfield LEP 2013 Heritage Map - Sheet HER_002. Refer to Part 5 above.



Figure 11: extract of ALEP HER Map_02

Section F - Community Consultation

Community consultation will be undertaken by Council as part of its assessment of the planning.

The Gateway Determination will confirm and specify the community consultation that must be undertaken on the Planning Proposal.



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

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>



Andrew Martin MPA
Principal

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HERITAGE ASSESSMENT

39 Smith Street, Summer Hill



No. 39 Smith Street, Summer Hill

**Weir
Phillips**
Heritage

Level 19
100 William Street
Sydney NSW 2011
(02) 8076 5317

MAY 2016

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-
- 1.0 INTRODUCTION**
- 1.1 Preamble**
- This Heritage Assessment for No. 39 Smith Street, Summer Hill, New South Wales has been prepared at the request of the owner of the site.
- 1.2 Authorship**
- This assessment was prepared by Alice Fuller, B.App.Sc. (CCM), M.Herit.Cons.(Hons), Jenna Reed Burns, B.Ed., Dip. Hort. (Landscape), Anna Foroozani, B.A.(Arch), LLB, Dip.Arts and James Phillips, B.Sc.(Arch), B.Arch, M.Herit.Cons.(Hons), of Weir Phillips Heritage.
- 1.3 Limitations**
- A brief history only was provided for. Information provided by the client, the Ashfield Heritage Inventory and other readily available resources was relied upon. No archaeological assessment has been undertaken.
- 1.4 Methodology**
- Site visits was carried out in July 2015 and March 2016. Unless otherwise stated, the photographs contained in this assessment were taken on this occasion by the authors.
- 1.5 References**
- 1.5.1 General References**
- Coupe, Sheena and Robert, *Speed the Plough: Ashfield 1788-1988*, NSW, Ashfield Council, 1988.
 - 'The Great Land Sale', *The Sydney Morning Herald*, 21 September, 1878.
 - John Sands Ltd, *John Sands' Sydney and Suburban Directory*, NSW, John Sands Ltd, various years.
 - Pratten, Chris (ed.), *Summer Hill*, NSW, Ashfield and District Historical Society, 1999.
- 1.5.2 Listing Sheets**
- 'Creswell', No. 39 Smith Street, Summer Hill. *Ashfield Heritage Study Inventory Sheets 2010*. Ashfield Council website.
- 1.5.3 Historic Plans, Maps and Photographs**
- Metropolitan Water, Sewerage & Drainage Board Plan, *Ashfield Sheet 34*, September 1890. Ashfield Local Studies Collection.
 - Higginbotham & Robinson, *Plan of Ashfield and Summer Hill*, 1886. Ashfield Local Studies Collection.
 - NSW Department of Lands, *Parish of Petersham, County of Cumberland*, NSW, 1916. National Library of Australia.
 - Richardson & Wrench, (*Underwood Estate, Ashfield*), 1878. National Library of Australia.
- 1.5.4 Planning Documents**
- *Ashfield Local Environmental Plan 2013*.

1.6 Site Location

No. 39 Smith Street, Summer Hill, is located on the northern side of the street, between Fleet Street and Chapman Street. The site is identified as Lot 53, D.P. 499597. Refer to Figure 1.



Figure 1: Site Location.
NSW Lands Department, 2016.

As demonstrated by Figure 1, No. 39 Smith Street adjoins No. 8 Fleet Street on its northern boundary. There are six properties adjoining the subject site's western boundary, being Nos. 10-18 Fleet Street and No. 41-43 Smith Street. There is one property adjoining the subject site on its eastern boundary, being No. 33 Smith Street.

2.0 BRIEF OUTLINE OF THE HISTORICAL DEVELOPMENT OF THE SITE

2.1 Wangal and Cadigal Country

While an Aboriginal history is not provided for, it is acknowledged that present-day Ashfield is the traditional country of two bands of Dharug speaking people, the Wangal (Wongol or Wanegal) and the Cadigal (Kadigal).

2.2 The Site to 1880

The Colony of New South Wales was formerly established on 26 January, 1788 at Sydney Cove on the foreshore of Sydney Harbour. European association with the present-day Ashfield Municipality began in February 1788 when Captain John Hunter and Lieutenant William Bradley led an expedition into Long Cove (Iron Cove). A second township, Rosehill (later Parramatta), was established in November 1788. The following year, work began on a rough track, later Parramatta Road, to link the two settlements. European use of the area radiated outwards from Parramatta Road and, at a later date, from a second major road, the Great South Road (later Liverpool Road), work upon which started in 1813.

From January 1793, successive governors granted land outside the declared boundaries of the Township of Sydney in order to open up the land and augment the Colony's food supplies. Present day Ashfield lies well outside these boundaries. The first grant within the present-day municipality was a 100-acre grant, known as *Canterbury Farm* or *Canterbury Vale*, made to the Reverend Richard Johnson in 1793. Other early recipients of 100-acre grants in the area were Captain John Townsend (1794), Surveyor Augustus Alt (1794), Lieutenants John Piper and James Hunt Lucas (1794) and Captains Joseph Foveaux (1794) and William Paterson (1794). Smaller land grants, of between 14 and 30 acres, were made to emancipists and privates within the New South Wales Corps. By 1810, all the land within the present-day municipal boundaries had been granted. In all, there were 21 grants lying wholly or substantially within this area, with 3 others on its boundaries.

Without a land title search it is difficult to positively identify which of the early grants the subject property is located on. Parish maps indicate that the property could lie on one of two grants: the 100 acre grant made to Captain Joseph Foveaux in 1794 or a 30 acre grant made to the emancipist Henry Kable in January 1794.¹ Kable went on the consolidate an estate of 175 ½ acres through grant and purchase.

Kable was one of several men who consolidated substantial estates in the area. By the late 1820s, four men — Robert Campbell, Simeon Lord, Henry Kable and Joseph Underwood — had consolidated substantial estates in the present day municipal area. These four estates would determine land-use patterns into the second half of the nineteenth century. It is from Joseph Underwood's Estate, *Ashfield Park*, that the municipal area would acquire its lasting name.

2.3 James Underwood and the Underwood Estate

Joseph Underwood was not the only Underwood to own land in the area. His brother, James Underwood, pieced together a large estate in the 1820s. This land became known as the *Underwood Estate* and would remain in the hands of James Underwood (and later his heirs) until the early 1880s. The subject property became part of this estate sometime after 1820.

James Underwood had first arrived in New South Wales as a convict between 1788 and 1791. Underwood became a successful boat builder and later joined Simeon Lord and Henry Kable in a partnership in the lucrative sealing industry.

The foundations of present-day Ashfield were laid during the period in which James Underwood owned the Underwood Estate. The first major development occurred when a small section of Joseph Underwood's *Ashfield Park*, close by the junction of Parramatta and Liverpool Roads, was subdivided and offered for sale as the Village of Ashfield in 1838. Robert Campbell also began subdivision of his estate, in an area between Liverpool Road and Norton Street, around the same time (South Ashfield). The present-day Ashfield Town Centre evolved from these two villages.

When James Underwood died in 1844, he left a complex will that tied up his estate in prolonged litigation. The matter was settled by the introduction of a private member's bill into the NSW Legislative Assembly in 1873, opening the way for the subdivision of the estate.

The *Underwood Estate* was released for sale at a fortuitous time. During the period between James Underwood's death and the *Underwood Estate Act*, Ashfield had made considerable progress. Ashfield Station was one of five stations on the Sydney to Parramatta Junction railway line when it opened in 1855. The improved access into the area had led to the construction of a number of substantial villas, typically occupied by those whose interests required their frequent presence in Sydney but who

¹ NSW Department of Lands, *Parish of Petersham, County of Cumberland*, NSW, 1916. National Library of Australia.

sought a country lifestyle. These villas were, however, the exception rather than the rule.

Ashfield of the 1860s was predominately the domain of market gardeners, horticulturalists and tradespeople; large areas remained heavily wooded. Development was never even across the area. The greater part remained primarily agricultural in its pursuits or, in the case of the vast Ramsay Estate (present-day Haberfield) virgin bush. As described by the *New South Wales Gazetteer* in 1866:

‘Ashfield....is an agricultural district, the greater portion consisting of good arable land, well suited for market gardening, which branch of industry is extensively carried out in the neighbourhood....at no distant day (it) is destined to become a place of consideration importance.’²

As the population grew, services improved. The first Post Office opened in 1856, followed in 1862 by a school and the appointment of a constable. Churches were consecrated and businesses opened. By 1871, sufficient progress had been made for the area to be incorporated as a Borough.

2.4 Subdivision of the Underwood Estate

When the first eight parts of the *Underwood Estate* were released for sale in the late 1870s, it was lavishly praised in advertisements in the contemporary press. One advertisement, for example, described the estate as being ‘in the neighbourhood of the City’; as lying ‘situated on a natural and beautiful elevation’; as possessing ‘delightful scenery, diversified and extensive’; as being in close proximity to the railway; and as an ‘unrivalled spot’ for suburban residences.³

The estate was frequently described as being located within ‘Summer Hill’, thought to be a corruption of ‘Sunning Hill’, the name of Nicholas Bayly’s grant on the opposite side of Parramatta Road (now the suburb of Haberfield). For unknown reasons, the name had gradually come to be associated with the area covered by the *Underwood Estate* during the mid-nineteenth century.⁴ The name was adopted for present-day Summer Hill Station when it opened as Summer Hill Platform in September 1879.

The area of the *Underwood Estate* to the south of the Summer Hill Platform was offered for sale in 1878-1880. Figure 2 provides a detail from a contemporary real estate plan. The proximity of the site to the Summer Hill Platform was duly noted in advertising.

² Cited in Sheena and Robert Coupe, *Speed the Plough: Ashfield 1788-1988*, The Council of the Municipality of Ashfield, 1988, p.69.

³ ‘The Great Land Sale’, *The Sydney Morning Herald*, 21 September, 1878.

⁴ Sheena and Robert Coupe, *op.cit.*, 1988, p.35.

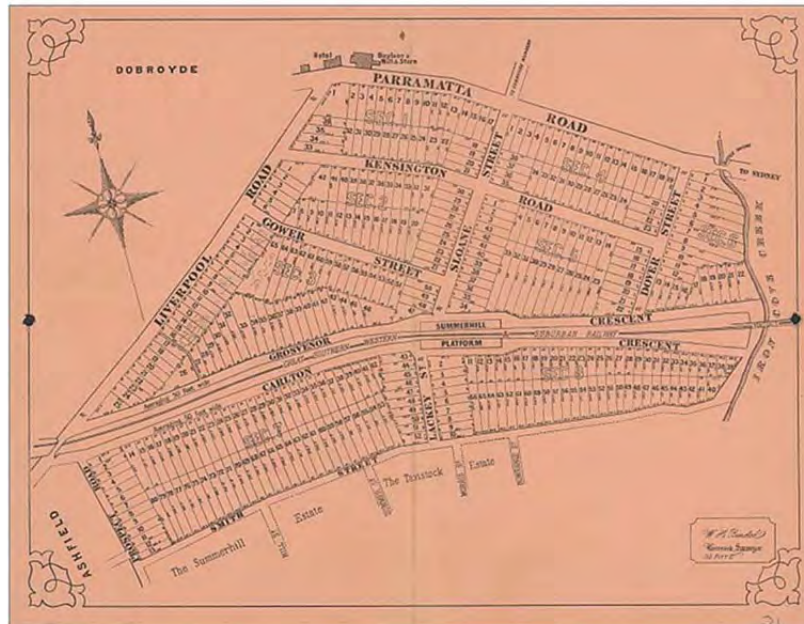


Figure 2: Richardson & Wrench, (Underwood Estate, Ashfield), 1878.
National Library of Australia.

2.5 Smith Street and the Subject Property

The Ashfield rate records reveal that there were no dwellings on the northern side of Smith Street in 1879, one year after the land was offered for sale. By 1880, however, Robert Connor was rated as the owner-occupier of a six room dwelling on the subject site. In this year, the property was transferred to J.D. Laing, a draftsman, who lived there until 1884-5. Laing then rented it to a succession of tenants, the first being William C. Crowley.⁵

The first available subdivision plan, published in the sales brochure in 1878 (see Figure 2 above), does not show either Fleet or Chapman Streets running north-south between Smith Street and Carlton Crescent. They had, however, been constructed by 1884-5, when they are noted by *John Sands' Sydney and Suburban Directory*.

A map with handwritten annotations, published in 1883 by Higinbotham & Robinson, shows only two buildings on the northern side of Smith Street between Fleet and Chapman Streets (see Figure 3). No. 39 Smith Street is likely to be the building closest to the corner of Fleet Street. Directly opposite the site, on the southern side of Smith Street, is a Sheep Quarantine Ground, which occupies the block between Nowranie, Wellesley and Edward Streets.

Development along Smith Street proceeded apace. A Water Board plan dated 25 September, 1890, a detail of which is provided by Figure 4, shows seven blocks on the northern side of Smith Street between Fleet and Chapman Streets. All have dwellings upon them. The footprint of the extant dwelling at No. 39 Smith Street is clearly shown. The building is marked as built of brick (B), with two small weatherboard (W) wings at the rear. There are no outbuildings to the rear.

⁵ 'Creswell', No. 39 Smith Street, Summer Hill *Ashfield Heritage Study Inventory Sheets* 2010. Ashfield Council.



Figure 3: Higinbotham & Robinson, *Plan of Ashfield and Summer Hill*, 1886. Ashfield Local Studies Collection.



Figure 4: Metropolitan Water, Sewerage & Drainage Board Plan, *Ashfield Sheet 34*, September 1890. Ashfield Local Studies Collection.

When street numbers were first allocated to Smith Street by *Sands' Directories* in 1896, the numbers of the properties on the northern side of Smith Street between Chapman and Fleet Streets ran from Nos. 92 to 82. It appears that what is now No. 39 Smith Street was originally No. 86 Smith Street. A periodic search of the *Sands' Directories* between that year (1896) and 1916, when the numbers changed to the present day numbers, shows a succession of occupants at No. 39 Smith Street, including E.H.O.

Smith in 1896-97; William Curry in 1900; H.B. Hughes in 1905; Edward Ord in 1908; Henry R. Green in 1915; and Robert Cook in 1930. Several of the years inspected do not list a No. 39 Smith Street, which suggests that the property was vacant or that the occupant was not home when the data was compiled. As set out below, none of these occupants owned the property.

The inventory sheet for the property, part of the *Ashfield Heritage Study*, records the names of the owners as revealed by Council's rates books. By 1897 the owner was an agent called Russell Jones. Twelve months later, the house became the property of the 'Horton's Estate'. In 1908 it was owned by Alfred Ashmore Malcolm. A name for the property, 'Creswell', is recorded. The property changed hands again in 1911 (purchased by Henry Green), 1914 (William Joseph Quinn), 1918 (F.M. Ward), 1920 (Emily Gulson) 1926 (Alfred Julian Tuddenham) and 1928 (William Longworth Morgan).⁶ None of these people appear to have been of more than ordinary significance. In 1946 it was sold to owner-occupier Frank Sydney Betteridge (?-1980), a bicycle frame manufacturer. Betteridge appears to come from a long line of local bicycle enthusiasts. A search of historic newspaper articles reveals a T.H. Betteridge from Summer Hill placing second in both the one-mile and three mile open bicycle handicap races at the Sydney Bicycle Club's championship race meeting in August 1888.⁷ The property was sold to Flow Control Pty Ltd in 1964.

It is not clear when the extant factory building on the rear of the site was erected. It is not present in a 1943 aerial photograph of the area, refer to Figure 5. There are two small outbuildings shown by this photograph: a small shed close to the western boundary and a smaller shed to the east. Stylistically, the factory building is likely to have been constructed in the 1950s-1960s, with later alterations.



Figure 5: Aerial photograph over the site outlined in red, 1943.
NSW Lands Department, 2016.

According to the current owner, who now operates an ice cream manufacturing business and retail outlet in the factory on the site, subsequent past uses include a swimsuit manufacturing business and a wood-turning factory.

⁶ 'Creswell', No. 39 Smith Street, Summer Hill *Ashfield Heritage Study Inventory Sheets* 2010. Ashfield Council.

⁷ Results published in *The Sydney Morning Herald*, 13 August, 1888.

3.0 SITE ASSESSMENT

3.1 The Site

For the following, refer to Figure 6, an aerial photograph over No. 39 Smith Street.

The site is identified as Lot 53 D.P. 499597. The total site area is 925sqm. The factory to rear occupies approximately 225sqm of this area.

There are two buildings on the site: a free standing single storey dwelling and a free standing single storey factory. The dwelling, described below, is set back from the 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. The factory lies on the rear boundary 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. There is timber paling fencing along part of the side boundaries. There is planting in the front, along the eastern side of the dwelling and returning part way behind the dwelling. There is a small circular fountain in the front garden.

Refer to the photographs in the following section.



Figure 6: Aerial photograph over the site.
NSW Lands Department, 2016.

3.2 The Dwelling

3.2.1 Exterior

The dwelling on the site is a free standing, single storey, masonry building with a roof clad in corrugated metal sheet. There are no chimneys.

The **principal building form** is the southern elevation, addressing Smith Street. It is rendered and lined to resemble Ashlar block work. This elevation has a gabled bay projecting forward on the western side. This gable has narrow decorative timber barge boards. There is an opening beneath the gable fitted with a pair of timber framed double hung windows, with a single pane to each sash. These windows have a timber sill and flat, narrow concrete hood. The remainder of the front elevation lies under a verandah. The verandah has a bull-nosed corrugated metal roof that is set below the gutter line of the principal roof. The verandah roof is supported by cast iron columns. There is a cast iron frieze and corner brackets. Concrete steps lead up onto the verandah floor, which is finished in concrete. The openings in the front wall are asymmetrical. There is timber panel front door with top light and a large opening set with a pair of timber framed double hung windows with a single pane to each sash.

The eastern and western elevations are constructed of painted colonial bonded brickwork. Windows are timber framed windows of varying sizes and styles.

There is a timber framed and weatherboard clad extension to the rear with a skillion roof. The extension has timber framed windows of various sizes and styles.

The front garden is above street level and has a simple fountain and brick front fence.

Figures 7 to 14 illustrate the site and the exterior of the dwelling. Refer also to the front cover of this report.



Figure 7:
No. 39 Smith
Street Summer
Hill from the
street.



Figure 8:
View of the front
garden and
fountain on the
subject site.



Figure 9:
Rear elevation.



Figure 10: The eastern side of the dwelling, looking north along the principal building form.



Figure 11: Eastern side of the dwelling, looking south, showing the rear skillion.

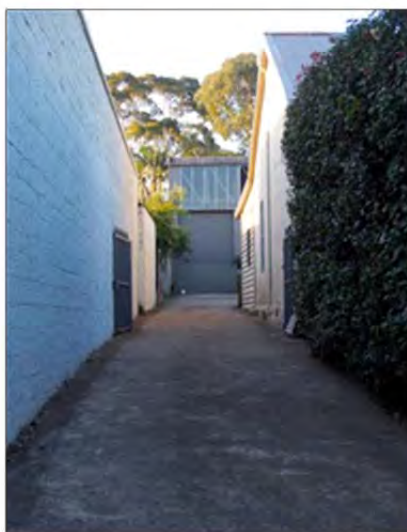


Figure 12: Driveway along the western boundary of the site, showing the degree of visibility of the factory from the public domain.



Figure 13: Western elevation of the dwelling, looking south.

3.2.2 Interior

The main rooms within the principal building form – the hallway, formal lounge room and second bedroom (images of the main bedroom were not possible at the time of inspection) – are characterised as follows:

Hallway: The main entranceway has a four panelled door with glazed top panels and a painted solid brass centre knob. The hallway has plaster walls, floor boards, half splayed skirting boards and a four panelled timber door on the eastern wall with architraves and a defined picture rail. At the end of the hallway is four-panelled timber door which features two acid-etched glass panels. There is a four panelled timber door on the western wall leading into the main bedroom.

Formal Lounge: The room is characterised by plaster walls with a square set plaster ceiling and a ceiling rose. There are half splayed skirting boards. There is a fireplace with a modern timber mantle on the eastern wall and an arched cast iron insert and firegrate. There is a four-panelled timber door on the western wall which features two acid-etched glass panels. There is a wide opening on the eastern section of the northern wall leading into the dining room. There is a double sash window on the southern wall.

Formal Dining Room: The dining room has two single sash windows on the eastern wall and has floorboards. There is a fire place with a modern painted timber mantle on the northern wall. There is a four-panelled timber door on the southern wall which features two acid-etched glass panels. There is a four-panelled timber door on the northern wall which features two acid-etched glass panels.

Second Bedroom : The second bedroom is located on the western wall adjacent to the main bedroom. The room has floor boards, half splayed skirting boards, plaster walls and a plaster ceiling. There is a singled sash window on the western wall. There is a modern built-in wardrobe installed on the southern wall.

Kitchen: The kitchen walls and ceiling are lined with fibro. There are floorboards and a louvered window on the eastern wall. There is a four-panelled timber door on the southern wall which features two acid-etched glass panels. There is an opening on the western side of the northern wall leading into the rear foyer. There are double paned timber French doors on the western wall leading into the office.

Rear Foyer: The foyer has a slate tiled floor with fibro walls and a fibro ceiling. The ceiling has a gradual fall toward the northern wall. There are two small rectangular windows on the western wall with metal grilles.

Office: The office is located adjacent to the second bedroom on the western section of the house. The southern and eastern wall is face brick. The eastern wall entrance has a brick segmental arch above double timber paned French doors. On the northern wall there is a four panelled door with side lights and a top pivot fanlight with leadlight.

Bathroom: The bathroom has fibro walls and a fibro ceiling. There is a shower, toilet and basin which are modern.

Laundry: The laundry has fibro walls and a fibro ceiling. There are modern tiles on the floor and walls.

External Bathroom: The external bathroom has fibro walls and a fibro ceiling. There is a toilet and basin which are modern.

Internally, the dwelling has been substantially altered; original features have been modified and/or replaced. Refer to Figures 13 to 27 below.



Figure 13: Looking north into front hallway.



Figure 14: View east into lounge room.

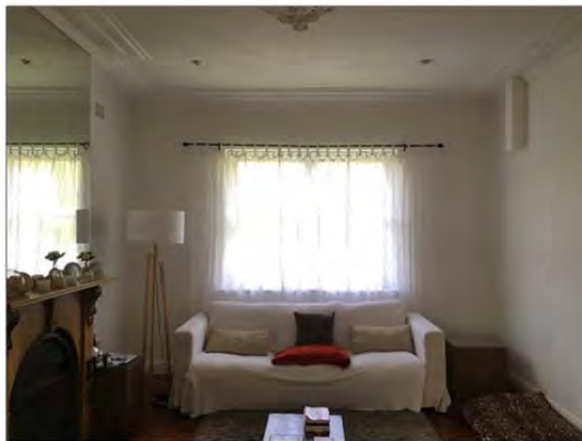


Figure 15:
Looking south
into the living
room.



Figure 16:
Lounge room
fireplace located
on the eastern
wall

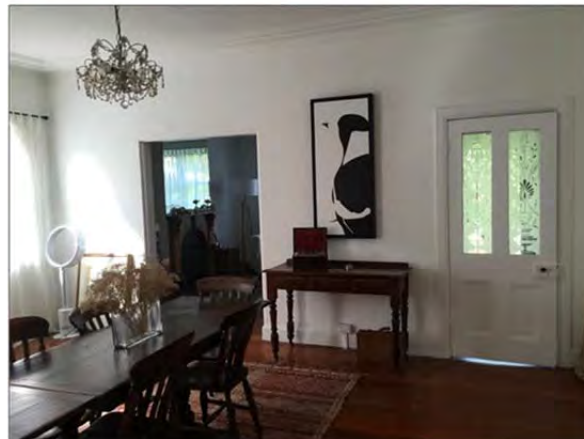


Figure 17: View
south from the
dining room.



Figure 18:
Dinning room
fireplace located
on the northern
wall.



Figure 19: Sash window on the eastern wall of the dining room.

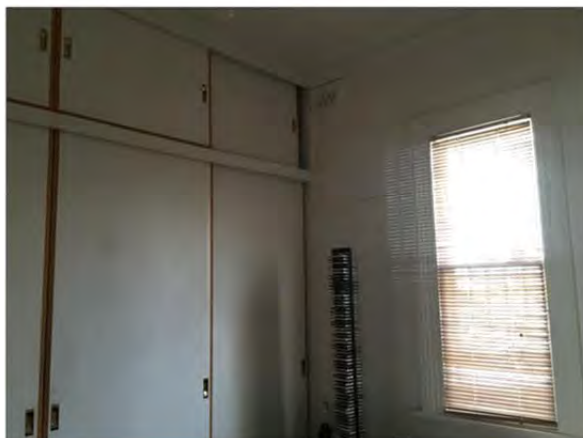


Figure 20: Second bedroom with built-in wardrobe on the southern wall.

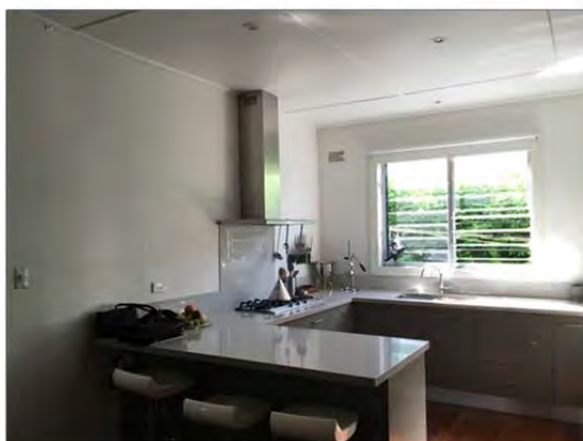


Figure 21: View of the kitchen from the kitchen

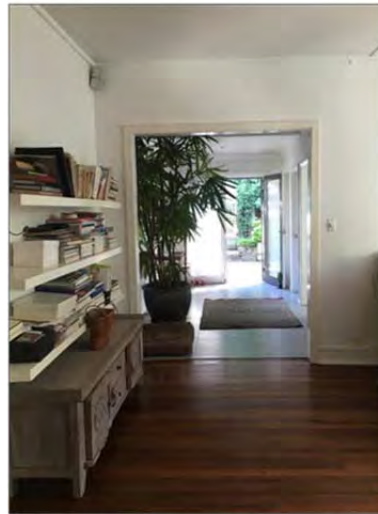


Figure 22: View north into the rear of the house from the kitchen.

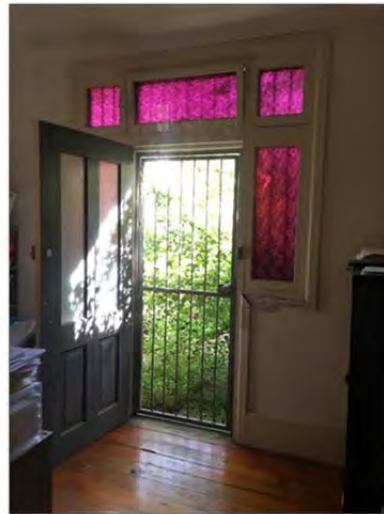


Figure 23: View north-west into the office.

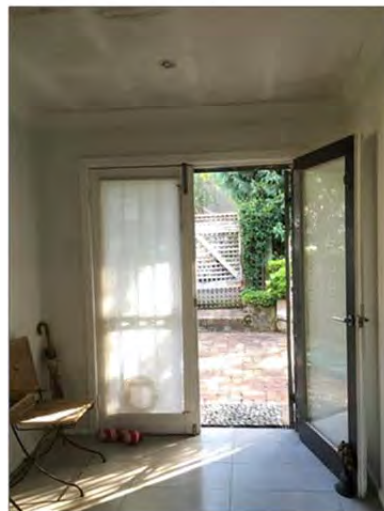


Figure 24: View north into rear courtyard from foyer.

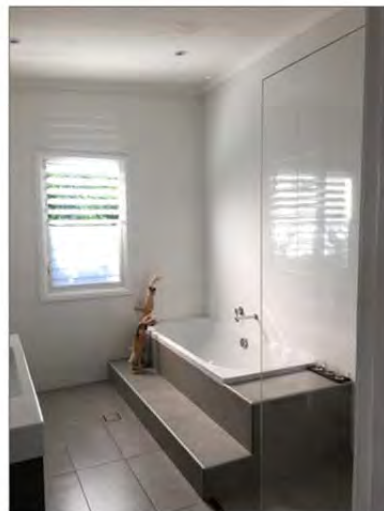


Figure 25: View east into bathroom.



Figure 26: View north-east into laundry.



Figure 27: Fibro lining and external bathroom fit out.

3.2.3 The Factory

The factory on the rear part of the site is free standing. It is single storey. The side and rear wall are constructed in painted brickwork. The southern elevation is clad in profiled asbestos sheeting with high clerestory windows that are fixed or fitted with louvers. There is a double garage door on the western side of this elevation. To the east of this door, masonry stairs with a pipe rail balustrade lead up to a timber door with glazed panel. There are also three differently sized timber framed windows in this elevation.

The skillion roof falls to the north.

Internally, the factory is characterised by concrete floors and painted brick or light weight partition walls. The metal truss roof system is exposed. The factory is currently utilised to manufacture ice-cream.

Figures 28 to 30 illustrate the southern elevation and interior. The other elevations lie on the boundaries and can not be photographed from the site or the public domain.



Figure 28: Southern elevation.



Figure 29: Details of the southern elevation.



Figure 30: Details of the southern elevation.

3.3 The Surrounding Area

For the following, refer to Figure 31, an aerial photograph over the site and the surrounding area. The arrow points to the site.



Figure 31 : Aerial photograph over the site and the surrounding area.
NSW Lands Department 2015.

Smith Street runs from Carlton Crescent west to Prospect Road. Changes in angle preclude vistas along the whole street. The street carries traffic in both directions. There are concrete footpaths and narrow nature strips along both sides of the street. There is irregular street planting. There are no street trees outside the site and its immediate neighbours.

The eastern end of Smith Street, where the subject site is located, is predominantly residential. Dwellings are one and two storey and of mixed architectural styles and periods. There are several recent developments, including a townhouse complex at Nos. 27-29 Smith Street, built beside and behind retained Victorian period dwellings. This development lies to the east of the subject site and separated from it by No. 35-37 Smith Street, a much altered single storey dwelling. To the west of the site lies Nos. 41-43 Smith Street, an imposing c.1970s-1980s concrete pre-formed concrete duplex on the corner with Fleet Street.

Directly opposite the site, on the corner of Spencer Street, lies a two storey Interwar period residential flat building and a row comprising pairs of single storey Federation period semi-detached dwellings demonstrating varying degrees of alteration and addition.

Figures 32 and 37 illustrate the immediate setting of the site within Smith Street.



Figure 32:
The view east along
Smith Street past the
subject property,
marked by the arrow.



Figure 33:
Nos. 41-43 Smith
Street, adjoining the
site to the west.



Figure 34:
Nos. 33-35 Smith
Street, adjoining the
site to the east.
Google Maps.



Figure 35:
Nos. 25 Smith Street,
adjoining the site to
the east.
Google Maps.

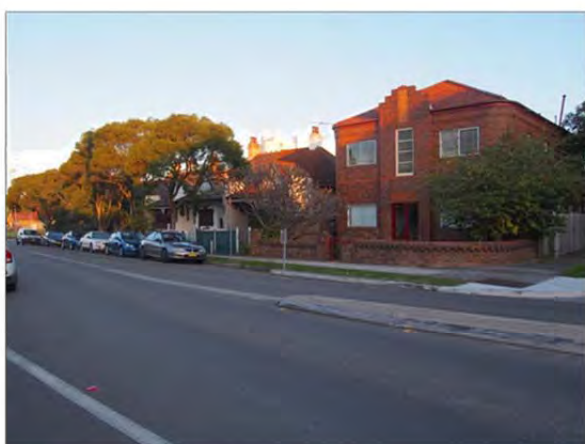


Figure 36: 52
Smith Street,
opposite the site.
The residential flat
building on the right
hand side lies on the
corner of Spencer
Street.

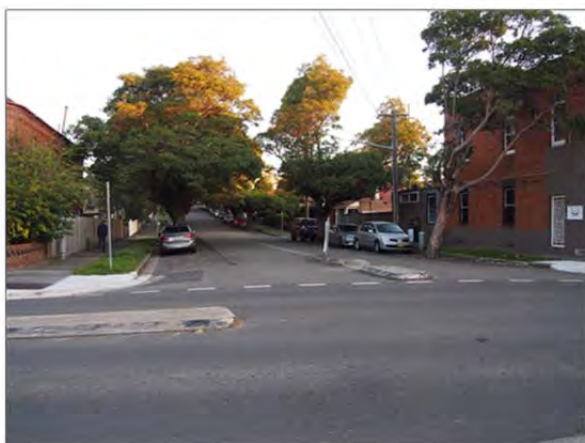


Figure 37:
The intersection of
Spencer and Smith
Streets, opposite the
site.

4.0 ASSESSMENT OF SIGNIFICANCE

4.1 Summary of Heritage Listings

4.1.1 The Site

No. 39 Smith Street:

- Is not listed on the State Heritage Register under the auspices of the *NSW Heritage Act 1977*.
- Is not located within a Conservation Area defined by Schedule 5 Part 2 of the *Ashfield LEP 2013*.
- Is listed as a heritage item by Schedule 5 Part 1 of the *Ashfield LEP 2013*.

The *Ashfield Heritage Study* provides the following statement of significance for this item:

'Now severely compromised, this house was once a characteristic Rustic Gothic building. Historically it is notable for the large number of owners and tenants it has had.'⁸

4.1.2 Heritage Items in the Vicinity of the Site

For the following, 'in the vicinity', has been determined by physical proximity to the site and existing/potential view corridors.

There are no heritage items listed by the State Heritage Register under the auspices of the *NSW Heritage Act 1977* in the vicinity of the site.

Figure 38 provides a detail from the Ashfield Heritage Plan. Heritage items, listed by Schedule 5 Part 1 of the *Ashfield LEP 2013*, are coloured brown and numbered. Conservation Areas, listed by Schedule 5 Part 2 of this plan, are hatched in red. No. 39 Smith Street is marked '620.'

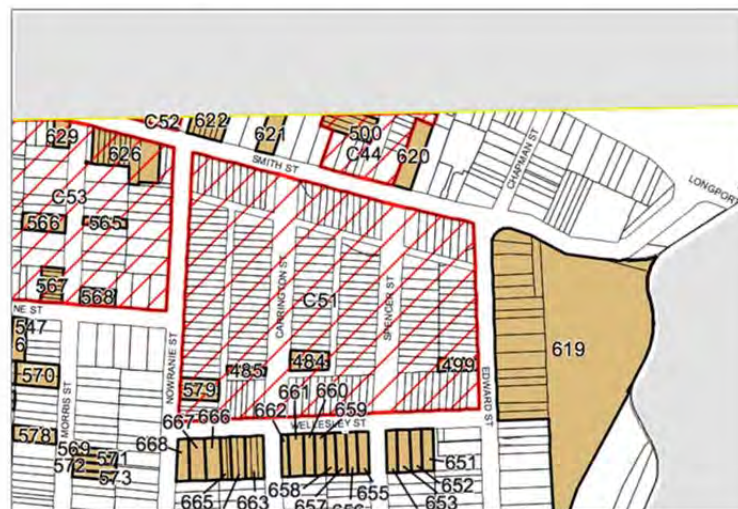


Figure 38: Detail of the Ashfield Heritage Plan.
Ashfield LEP 2013.

⁸ 'Creswell', No. 39 Smith Street, Summer Hill *Ashfield Heritage Study Inventory Sheets 2010*. Ashfield Council.

The **Fleet Street Conservation Area** (C44) comprising 37 properties, lies to the west and north of the site. This area is characterised by a mix of architectural styles on narrow building sites. The Statement of Significance provided by the Ashfield Heritage Inventory refers to the areas associations with James Bartlett, one of Ashfield's influential citizens and developers and the building up of the subdivision which 'produced a compactness and visual diversity that deserves greater respect, appreciation and protection, because it represents an important strand of Ashfield's growth.'

The **Quarantine Ground Conservation Area** (C51) directly opposite the subject site was subdivided into 183 x 20 foot wide allotments and sold in 1885. While the subdivision was intended for terrace house development, the area has a mix of housing styles, with many freestanding examples. There are rear service lanes, originally for the collection of night soil, with some original outhouses remaining. Council notes that there is a high degree of intactness to most of the houses in the area.

4.2 View Corridors

The principal view corridors towards the site are obtained from directly outside of it on Smith Street. The views are of the much-altered dwelling and are partially screened by vegetation. There is only a 'slot' view towards the factory to the rear down the driveway. Views towards the site on approach along Smith Street from the west are restricted until close by the site by the massing, scale and shallower setback of the immediately adjoining property. Vegetation partially screens views of the minor views towards the south eastern corner of the dwelling on approach from the east. The dwelling is visible in views from the northern end of Spencer Road.

4.3 Integrity

The dwelling on the site has undergone substantial alterations and additions. The following is noted:

- 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.

4.4 Comparative Analysis

Council's own assessment of the dwelling at No. 39 Smith Street is that the building is 'severely compromised' and 'severely altered.'⁹ The Victorian Gothic Style, sometimes combined with another style, notably the Italianate Style, is not rare within the Ashfield Council area. Comparable examples in Summer Hill are provided by a group of five dwellings Nos. 192-200 Smith Street. While all of the dwellings have undergone alteration and addition, they provide far better examples of Victorian

⁹ Creswell', No. 39 Smith Street, Summer Hill *Ashfield Heritage Study Inventory Sheets* 2010. Ashfield Council.

Gothic Style dwellings than No. 39 Smith Street. Where altered, the group as a whole provide interpretative information that enables a higher level of understanding of the Victorian Gothic Style than No. 39 Smith Street.

No. 63 Morris Street, Summer Hill is a locally listed item and provides an aesthetically rare example of a Victorian Italianate dwelling with elements of the Rustic Gothic style. The item is a single-storey asymmetrical dwelling with a hipped gable roof. Other features include decorative traceried bargeboards with centre pendants and a projecting gable wing which is half-hipped. The gabled bay has a pair of label moulded round arched windows with a low pitched gable which has significant bargeboarding. The skillion roofed verandah has paired cast iron columns with fringe decoration. This item provides a higher level of understanding of the Victorian Gothic Style than No. 39 Smith Street refer to Figure 39.

The locally listed item, No. 68 Prospect Street, Summer Hill is a single-storeyed house and remains one of three identical houses on Prospect Road. The architectural style is Victorian Italianate, with features including, decorative fret-sawn bargeboards with Rustic Gothic elements. The roof is hipped and there is a gable wing projecting streetwards on one side with a faceted window bay. There is a faceted slate roof and segmental-arched windows. Additionally, this item has a corrugated metal hipped skillion roof, cast iron posts, fringed friezes and brackets as well as a floor tessellated tiles edged with slate. This item provides a higher level of understanding of the Victorian Gothic Style than No. 39 Smith Street, refer to Figure 40.

Another example of a locally listed site within the locality of Summer Hill is 74 and 76 Moonbie Street. This is a single-storeyed mirror image brick pair, exemplifying the features of the Italianate and Rustic Gothic style. These items contain the stylistic features of this architectural steep roof and gables with decorated bargeboards, triple arched gable windows and barley-twist iron mullion facings, label moulds and sill mouldings. This item provides a higher level of understanding of the Victorian Gothic Style than No. 39 Smith Street refer to Figure 41.



Figure 39: No. 63
Morris Street,
Summer Hill. Locally
listed item.
Google Maps, 2016.



**Figure 40: 68
Prospect Road,
Summer Hill. Locally
listed item. Google
Maps, 2016.**



**Figure 41: 76
Moonbie Street,
Summer Hill. Locally
listed sites.
Google Maps, 2016.**

It is noted that No. 27 Smith Street (Figure 42) further to the east of the subject site is not listed. This dwelling is in many respects a better preserved example of the Victorian Gothic Style in that it retains its original decorative barge boards, windows to the front elevation and chimney.



**Figure 42: No. 27
Smith Street,
Summer Hill.
Google Maps, 2016.**

5.0 THE SIGNIFICANCE OF NO. 39 SMITH STREET

No. 39 Smith Street, Summer Hill is assessed for significance under the following criterion of the New South Wales Heritage Office, now Branch. The Guidelines for Inclusion / Exclusion are as provided by *Assessing Heritage Significance, NSW Heritage Manual Update*.

5.1 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)

Guidelines for Inclusion	Guidelines for Exclusion
shows evidence of a significant human activity	has incidental or unsubstantiated connections with historically important activities or processes
is associated with a significant activity or historical phase	provides evidence of activities or processes that are of dubious historical importance
maintains or shows continuity of a historical process or activity	has been altered so that it can no longer provide evidence of a particular association

No. 39 Smith Street forms part of the pattern of development in the Summer Hill section of the *Underwood Estate*, Ashfield. As recognised on the *Ashfield Heritage Inventory*, however, 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.

The site **does not meet** the threshold for listing under this criterion.

5.2 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)

Guidelines for Inclusion	Guidelines for Exclusion
shows evidence of a significant human occupation	has incidental or unsubstantiated connections with historically important people or events
is associated with a significant event, person, or group of persons	provides evidence of people or events that are of dubious historical importance
maintains or shows continuity of a historical process or activity	has been altered so that it can no longer provide evidence of a particular association

The Ashfield Heritage Inventory states that the site is 'notable for the large numbers of owners and tenants it has had.' 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.

The factory on the rear of the site is not known to be associated with a person or company of more than ordinary significance.

The site does not meet the threshold for listing under this criterion.

5.3 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)

Guidelines for Inclusion	Guidelines for Exclusion
shows or is associated with, creative or technical innovation or achievement	is not a major work by an important designer or artist
is the inspiration for creative or technical innovation or achievement	has lost its design or technical integrity
is aesthetically distinctive or has landmark qualities	its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded
exemplifies a particular taste, style or technology	has only a loose association with a creative or technical achievement

The dwelling at No. 39 Smith Street does not meet the threshold for listing under this criterion. 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.

The site **does not meet** the threshold for listing under this criterion.

5.4 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

Guidelines for Inclusion	Guidelines for Exclusion
is important for its association with an identifiable group	is only important to the community for amenity reasons
is important to a community's sense of place	is retained only in preference to a proposed alternative

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.

The site **does not meet** the threshold for listing under this criterion.

5.5 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)

Guidelines for Inclusion	Guidelines for Exclusion
has the potential to yield new or further substantial scientific and/or archaeological information	has little archaeological or research potential

Guidelines for Inclusion	Guidelines for Exclusion
is an important benchmark or reference site or type	only contains information that is readily available from other resources of archaeological sites
provides evidence of past human cultures that is unavailable elsewhere	the knowledge gained would be irrelevant to research on science, human history of culture

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.

The site **does not meet** the threshold for listing under this criterion.

5.6 Criterion (f)

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

Guidelines for Inclusion	Guidelines for Exclusion
provides evidence of a defunct custom, way of life or process	is not rare
demonstrate a process, custom or other human activity that is in danger of being lost	is numerous but under threat
shown unusually accurate evidence of a significant human activity	
is the only example of its type	
demonstrate designs or techniques of exceptional interest	
shown rare evidence of a significant human activity important to a community	

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.

The site **does not meet** the threshold for listing under this criterion.

5.7 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

Guidelines for Inclusion	Guidelines for Exclusion
is a fine example of its type	is a poor example of its type
has the potential characteristics of an	does not include or has lost the

Guidelines for Inclusion	Guidelines for Exclusion
important class or group of items	range of characteristics of a type
has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique of activity	does not represent well the characteristics that make up a significant variation of type
is a significant variation to a class of items	
is part of a group which collectively illustrates a representative type	
is outstanding because of its setting, condition or size	
is outstanding because of its integrity or the esteem in which it is held	

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.

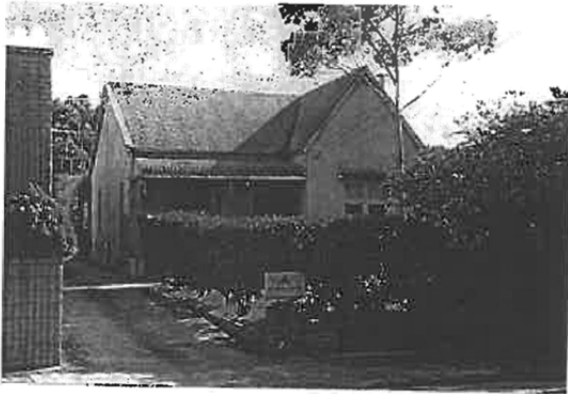
6.0 CONCLUSION

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 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.

No. 39 Smith Street, Summer Hill **should be removed** from Schedule 5 Part 1 of the *Ashfield LEP 2013*.

Ashfield Heritage Study Review of Areas Zoned 2b & 2c

Name of Item Cottage Other Names		Reference No 40	
Address 039 Smith Street Locality Summer Hill Postcode 2130		Land Title Lot 53 Sec 8 DP 378	
Item Type Building Group Name		Zoning 2b	
Evaluation of Significance	Rare ☐	Associative ☐	Representative ☒
Historic	☐	☐	☒
Aesthetic	☐	☐	☒
Social	☐	☐	☐
Scientific	☐	☐	☐
Other	☐	☐	☐
Statement of Significance This is a small cottage which demonstrates the historical development of its locality. It belongs to the earlier phase of building development in the district. Some loss of architectural detail has been experienced by this dwelling but it can be remedied with appropriate heritage advice.		Owner Private	
		Condition ☐ Intact ☒ Minor alteration ☐ Sympathetic alteration ☐ Unsympathetic alteration	
Photograph 			
Photo roll 2000-3		Negative 3	Survey Date 13/1/2000
		Surveyed by: TK	

Current Use