

Item No: C0717 Item 15**Subject:** AMENDMENTS TO INNER WEST DCP 2016**File Ref:** 17/4718/73823.17**Prepared By:** Con Colot - Senior Strategic Planner & Projects**Authorised By:** Simon Manoski - Group Manager Strategic Planning**SUMMARY**

This report recommends amendments to the “Inner West DCP 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill”. Amendments are required to insert a new DCP Part for the “Ashfield East” area in the Ashfield Town Centre that was rezoned by Ashfield LEP 2013 (Amendment No 3) in November 2016. Minor additions and corrections are required to particular parts of the DCP 2016. Council’s support is sought for the exhibition of these amendments in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act).

RECOMMENDATION**THAT:**

- 1 Council support the amendments to the “Comprehensive Inner West DCP 2016 Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill” as indicated in this report and found in Attachment 1 for public exhibition.**
- 2 Council place the Draft amendments and supporting documents on public exhibition in accordance with the requirements of the Act and Environmental Planning and Assessment Regulation 2000 (the Regulation).**
- 3 The Interim General Manager be authorised to make any minor amendments to the Draft DCP content as required for its exhibition that do not result in any significant policy changes.**
- 4 A post exhibition report be submitted for Council’s consideration.**

DISCUSSION

The “Comprehensive Inner West DCP 2016 Ashbury Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill “ (Inner West DCP 2016) came into effect on 10 January 2017. It is necessary to make amendments to the Inner West DCP 2016, to insert a new Part for the “Ashfield East” area that was that was rezoned by Ashfield LEP 2013 (Amendment No 3) and for minor additions and corrections, as explained below.

MINOR AMENDMENTS TO INNER WEST DCP 2016Section 1 Preliminary – Part B Notification and Advertising.

This part of the Inner West DCP 2016 makes several references to “Major Development Applications” and “Minor Development Applications”. The following definitions, which were previously contained in Ashfield DCP 2007, were omitted from the Inner West DCP 2016, and should be re-inserted in “Part B”.

Major Development Application: *A major development application is defined as any of the following:*

- a) the erection of new multi-unit residential development (i.e. townhouses, residential flat buildings, dual-occupancies).*

- b) *a home industry, hospital, place of public worship, public building, boarding house, child-care centre, professional consulting room, open space or educational establishment within a Residential R2 or R3 zone.*
- c) *total demolition of a heritage listed item, or a building, work, relic, tree or place within a heritage conservation area.*
- d) *partial demolition of a heritage listed item, or a building, work, relic or place within a heritage conservation area where such work involves the removal of more than 50% of the original fabric of the item, building, work relic or place or the removal of any portion of the original fabric (except where re-tuckpointing or pointing of the original masonry is involved) of the front façade of the item, building, work or relic.*
- e) *total demolition of a non-heritage listed building other than outbuildings or where approval for a new replacement building has already been given.*
- f) *the use of a building or land referred to in the LEP 2013 (ie where an application is made to carry out prohibited use on the basis that an incentive is needed for heritage conservation).*
- g) *other development which, in the opinion of Council, may have a major impact on the surrounding amenity, heritage conservation or character, particularly major new commercial or public buildings.*
- h) *subdivision not involving minor boundary adjustments (refer Clause 11(d)).*

Minor Development Application: *a development application which does not meet the criteria applicable to a 'major' application.*

Chapter A – Adding reference to the Stormwater Management Policy

It is necessary to reference Stormwater Management Guidelines in a DCP. For example, the “Codes - State Environmental Planning Policy” for “Complying Development” and its part “3A.32 Drainage” requires compliance with a Council DCP for stormwater disposal (which is in addition to allowing as complying development direct connection to street drainage systems using pipework, charge lines or onsite detention). This has been requested by the former Ashfield Council’s Stormwater Engineer and will be an interim measure until a new Inner West Stormwater Management Code can be prepared and implemented in 2018.

An amendment is proposed to be make reference in “Section 2- Chapter A – Miscellaneous” to the “Ashfield – Stormwater Management Policy” as currently found in the Interim Development Assessment Policy 2013. This has been a longstanding code/policy used by Council’s engineers for the former Ashfield Council area.

Chapter E 1 – Heritage Conservation Area

There is typographical error for the semi-detached house at 12 Oak Street, Ashfield (contained within the Federal Fyle Conservation Area) which is shown as having a Ranking of “1” in the Character Statements. As confirmed by Council’s Heritage adviser, the ranking for 12 Oak Street should be a “2” since this reflects a substantial side and rear addition, including an upper level storey, on the existing semi- detached building. The “2” ranking was also found in Ashfield DCP 2007 (now rescinded). The ranking in the proposed DCP amendment has been changed to “2”.

SECTION 2, CHAPTER A - PROPOSED NEW PART D - 2 ASHFIELD EAST

The “Ashfield East” area is shown on the map below within the red outline. Amendments to the Land Use Zoning, Maximum Building Height and Maximum Floor Space Ratio maps were gazetted on 11 November 2016 (Ashfield LEP 2013 Amendment No 3). It was not possible at that time to add content for “Ashfield East” into the Inner West DCP 2016 which was adopted on 6 December 2016 by Council, as these amendments had yet to be publicly exhibited.

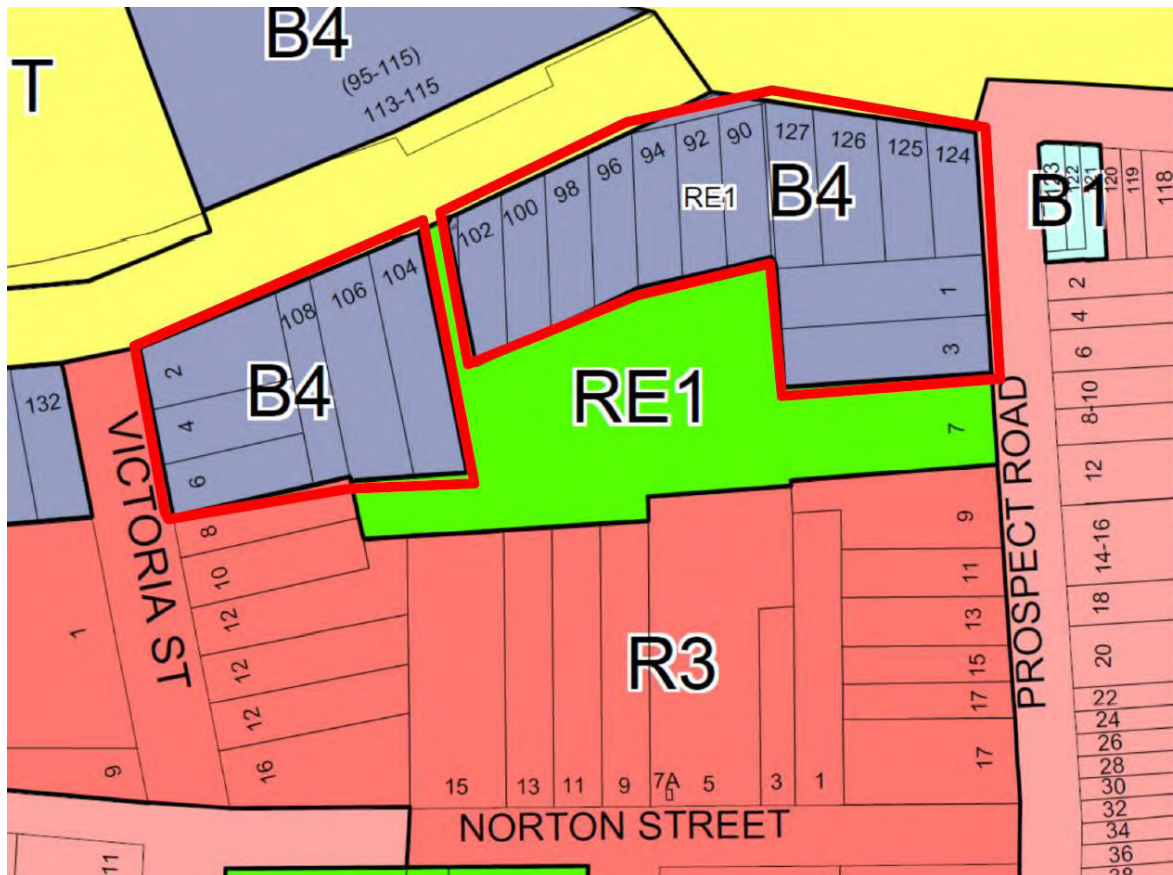


Figure 1 – Extract Ashfield LEP 2013 – Zoning Map. “Ashfield East” area is within the red boundary.

At the time of the exhibition of the draft “Ashfield East” LEP amendment (Planning Proposal), concurrently exhibited was a working draft version DCP for “Ashfield East”. Both the former Ashfield Council and the community supported its content. This has been used as the basis for the current proposed DCP Part D -2 Ashfield East. Draft Part D -2 is contained in **Attachment 1**, and it is necessary to have this in place to provide controls for the “Ashfield East” area. It has been laid out to follow the structure of Inner West DCP 2016, which is divided into columns for “Performance Criteria” and corresponding “Design Solutions”. It identifies various key or unique parameters, including:

- ensuring that the front presentation along Liverpool Road has deep soil planting areas for establishment of tall trees and responding to the Ashfield Council Public Domain Plan 2014
- there is a consistent building setback along Liverpool Road, with the front building setback accommodating space for large tree planting and their canopies, and having a “green” foreground setting
- apartment internal room layout design will be in a form that mitigates noise impacts from Liverpool road – for “healthy living”
- adequately sized communal open space areas are provided and which receive adequate winter solar access by having lowered buildings heights in key location
- provides maximum number of storeys which complies with the maximum height restrictions of the Ashfield LEP 2013
- incorporates the Road and Maritime Services requirements (submitted with the previous Planning Proposal) which limits the extent of vehicular access to the development sites from Liverpool Road

Draft Part D2-Ashfield East, contained in **Attachment 1** should be placed on exhibition for inclusion into the Inner West DCP 2016.

FINANCIAL IMPLICATIONS

There are no financial implications.

OTHER STAFF COMMENTS

The former Ashfield Council's Stormwater Engineer provided the following advice:

"Council has sort and obtained grant funding to undertake a "Floodplain Risk Management Study & Plan" for both the Hawthorne & Dobroyd Catchments, as part of the Consultants brief to undertake these works was to review the existing flood planning instruments including the review of Council's "Stormwater Management Code. As a result of the amalgamations of the three former Inner West Council's into the Inner West Council this particular part of the contract to review the "Stormwater Management Code" was delayed and rescheduled for the end of the contract (approximately May 2018), with the intent that this new Stormwater Management Code will then encompass the needs of all three of the old Council's so that it can be used as one singular document throughout the new LGA".

PUBLIC CONSULTATION

Pursuant to clause 18 of the Regulation 2000 the following must be carried out :

- The DCP placed on public exhibition for 28 days, together with a copy of the Ashfield Local Environmental Plan 2013
- An advertisement placed in the local newspaper
- Paper copies of DCP at Ashfield Customer Service plus supporting documents.

In addition to the above, Council's *Have Your Say* Web page will include a dedicated links to the DCP amendment documents and an overview. After completion of the exhibition, a further report to Council outlining the outcome of the submissions period and response to submissions will be provided for Council's consideration.

CONCLUSION

The proposed amendments should be made to the Inner West DCP 2016 as outlined in this report and be put on public exhibition to comply with procedures under the Regulation.

ATTACHMENTS

1. Draft Part D-2 Ashfield East Guidelines