

Proposed amendment to

**Comprehensive Inner West Development Control Plan (DCP) 2016,
for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield,
Hurlstone Park and Summer Hill),
which will:**

- **add an ancillary site specific section for 2-6 Cavill Avenue Ashfield, to Part D1- Ashfield Town Centre of the DCP 2016.**

Explanatory Note:

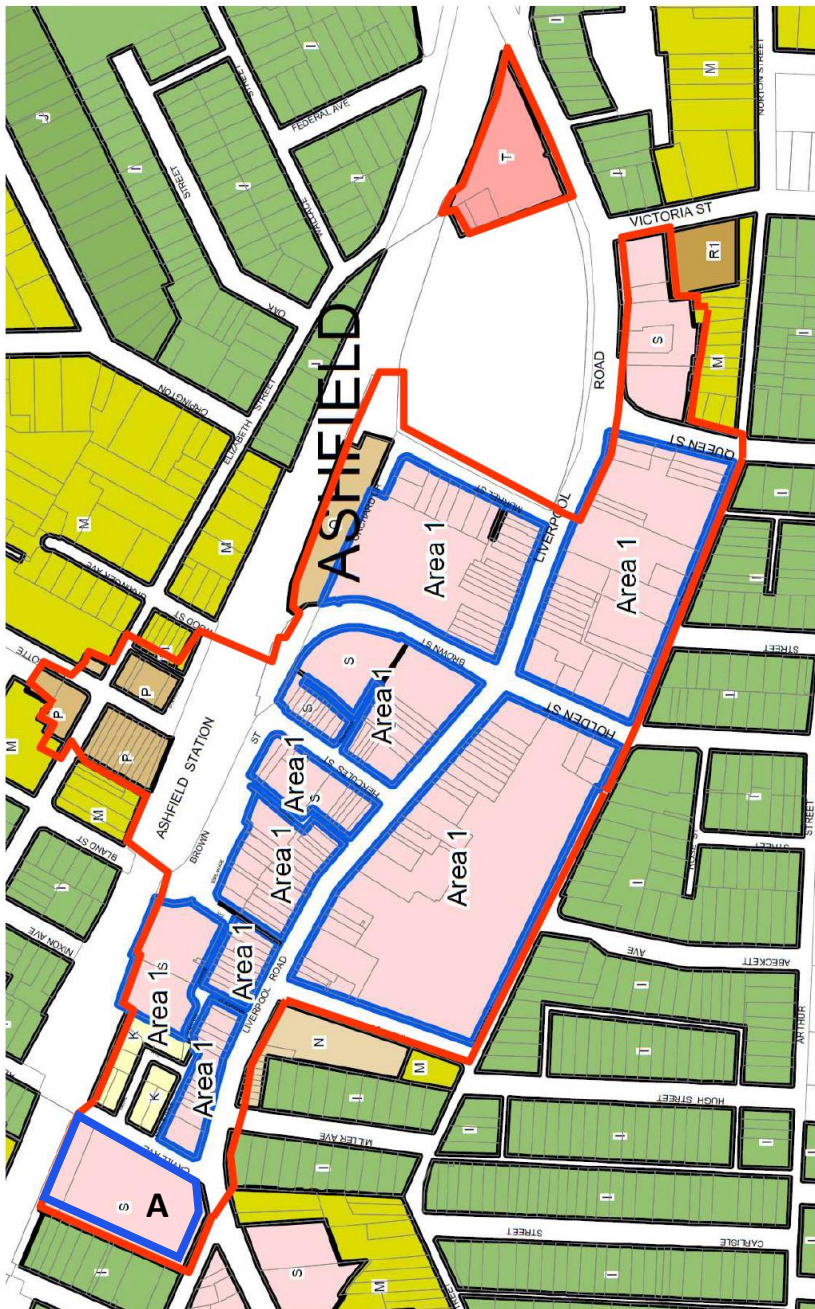
The following document contains amendments to the DCP 2016 which propose:

- amendments to sections of Part D1 in order to be consistent with the proposed Clauses PC 12 and PC 13
- and to add
- controls for Special Areas-2-6 Cavill Avenue for the area identified on Map 9 – in clauses PC 12 and PC13, and their Design Criteria clauses.





This follows from the Council resolution of 25 July 2017 which stated to:


“Develop a site specific Development Control Plan as outlined in the report once the Gateway approval is received and exhibit the Draft DCP concurrently with the Planning Proposal”.

Refer to the Council report of 25 July 2017 also on exhibition for more detail.



LEGEND

	10	Maximum 3 storeys
	17	Maximum 4 storeys
	22	Maximum 6 storeys
	23	Maximum 6 storeys

 Sites with 7m height bonus
(2 storeys) pursuant to
clause 4.3A of the
Ashfield LEP 2013

A – Refer to “Controls for special areas”
2 – 6 Cavill Avenue, clause DS 12 – 7

Map 2 – Number of Storeys



Performance Criteria	Design Solution
	<p>buildings, where the additions do not exceed 10 percent of the existing floor space;</p> <p>Or</p> <ul style="list-style-type: none"> any work that Council considers a minor alteration and in the circumstances should not provide a development setback.
	<p>DS3.4 Developments required to provide a development setback must lodge a land subdivision concept plan and residue lot layout plan showing:</p> <ul style="list-style-type: none"> position of the new lots to be created; <p>And</p> <ul style="list-style-type: none"> the residue lot which will be dedicated to Council for the purpose of a public verge /footpath area, and the position of future in-ground services, in order to ensure that structures, works or excavations are properly located so that they do not restrict trees for deep soil areas.
	<p>DS3.5 Communal Open Space:</p> <ul style="list-style-type: none"> must be provided for development to which SEPP 65 applies; <p>And</p> <ul style="list-style-type: none"> complies with the Communal Open Space requirements of the Apartment Design Guide.
	<p>DS3.6 Communal Open Space may be located in the following positions:</p> <ul style="list-style-type: none"> on the roof of the residential flat building; <p>Or</p> <ul style="list-style-type: none"> at ground level where it abuts or will abut a major civic public open space identified in this Part or Public Domain Strategy and is designed to integrate with that space. <p>For 2-6 Cavill Avenue Ashfield- Refer to Controls For Special and Clause PC 13 and its Design Criteria.</p> <p>Note: Landscaping of all types of buildings, including provision of roof gardens where practical is strongly encouraged. A landscape concept plan should be prepared and submitted with the development application. This should indicate the landscape principles to be used. Depending on the type of development and site circumstances, Council may apply conditions of consent requiring a more detailed landscaping plan/landscape maintenance plan to be submitted for approval after a development is approved (refer to Council's development application form for more information). All landscaping will need to be completed prior to occupancy of the building.</p>



Performance Criteria	Design Solution
	<p>sites within business zones, or in a dense urban area, they should:</p> <ul style="list-style-type: none"> provide communal spaces elsewhere such as a landscaped roof top terrace or a common room; provide larger balconies or increased private open space for apartments; <p>And</p> <ul style="list-style-type: none"> demonstrate good proximity to public open space and facilities and/or provide contributions to public open space.
	<p>DS3.8 Development along the Esplanade and Markham Place areas which provides a development setback identified on Map 6 and provides a residue lot may provide a smaller communal landscape area than stipulated above. The area of the residue lot may be deducted from the amount of area required for communal open space.</p>
	<p>DS3.9 Planter boxes, such as those provided on roof top communal open space, shall:</p> <ul style="list-style-type: none"> provide soil depth, soil volume and soil area appropriate to the size of the plants to be established, in accordance with the Apartment Design Guide; provide appropriate soil conditions and irrigation methods; <p>And</p> <ul style="list-style-type: none"> provide adequate drainage. <p>Note: <i>The above information shall be shown adequately on any submitted Landscape Drawings, and be coordinated with the architectural documentation to take into account the structure of a building including slab thicknesses and beam locations.</i></p>
	<p>DS3.10 Refer to Controls for special areas – 2 – 6 Cavill Avenue, at clauses PC12 and PC 13 and locations for the tree retention and “green” landscaping setting.</p>



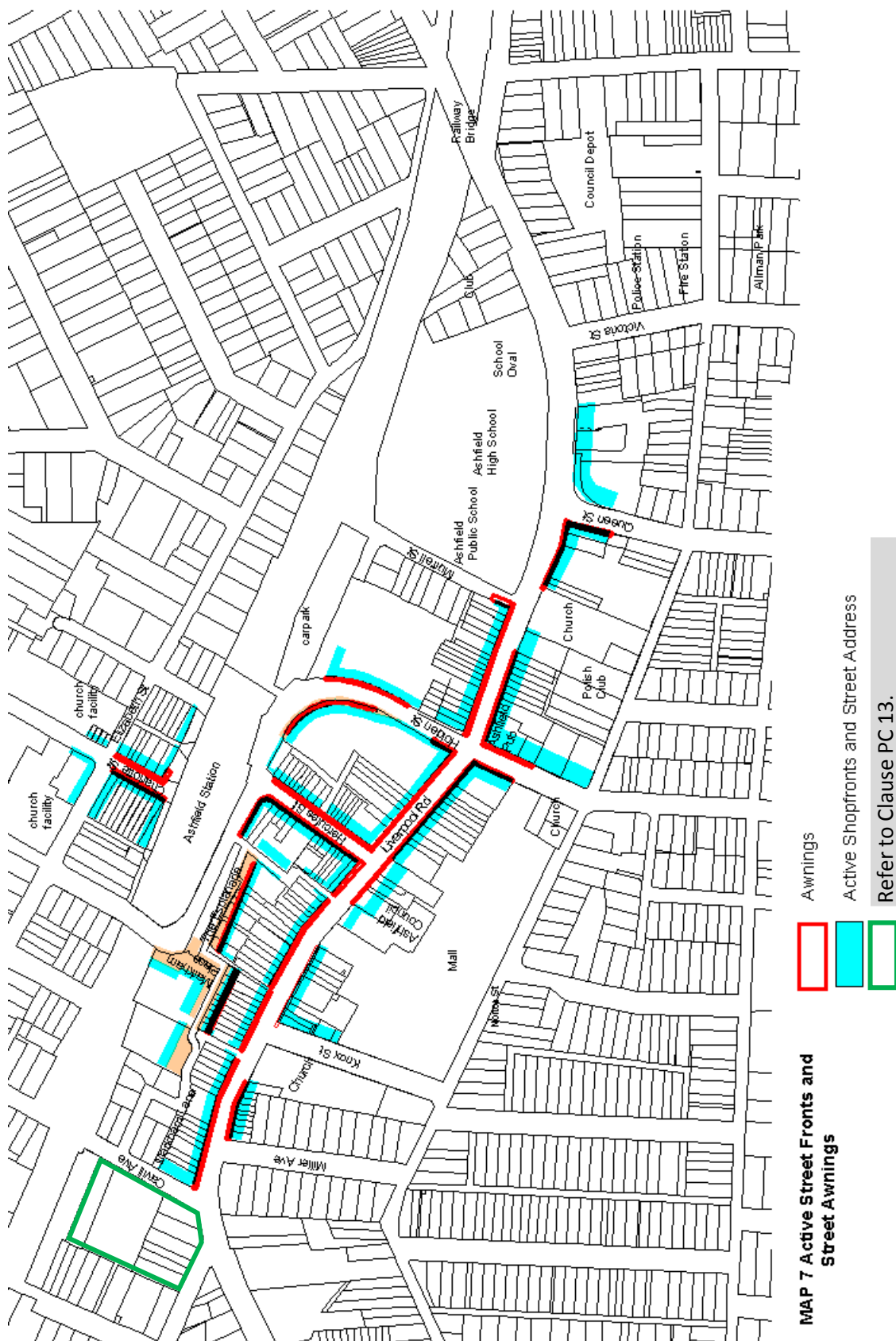


Map 4 – Development Setback Zone

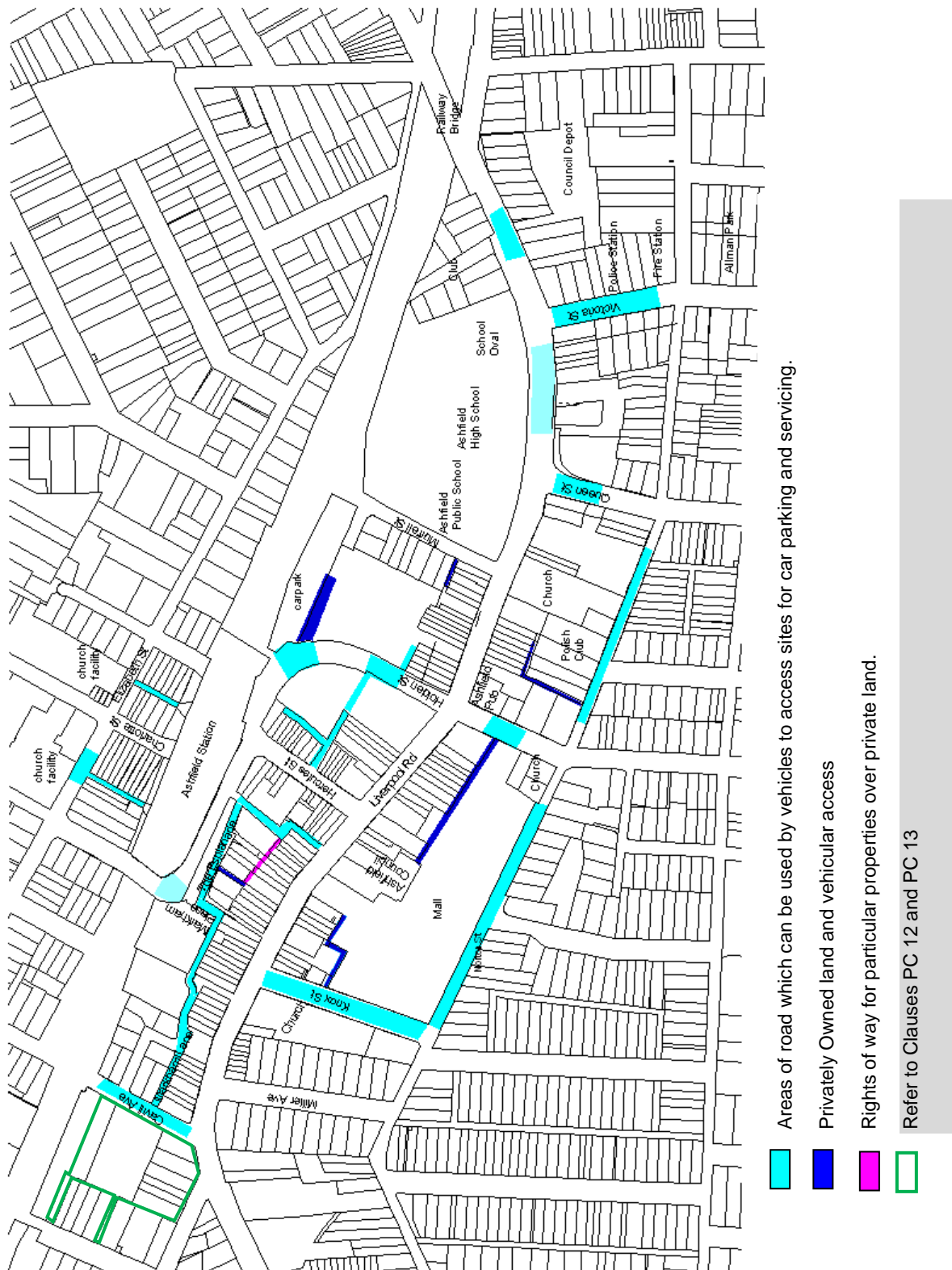


Performance Criteria		Design Solution
Pedestrian Amenity & Safety		
PC4.1 Amenity: <ul style="list-style-type: none"> • promotes pedestrian activity and safety in the public domain • maximises active street fronts in Ashfield Town Centre and define areas where active streets are required or are desirable • ensures buildings are to address the street where active street frontages are required • ensures the provision of awnings along the commercial core street frontages and other retail areas. 		DS4.1 Active frontage uses are defined as one of a combination of the following at street level: <ul style="list-style-type: none"> • entrance to shops and commercial premises; • shop front; • clear glazed entries to commercial and residential lobbies; • café or restaurant if directly accessed from the street; • active office uses, such as reception areas, if visible from the street; <p>And</p> <ul style="list-style-type: none"> • public building or community facilities if directly accessed from the street.
		DS4.2 Active street frontages are required in the areas shown on Map 7 . Refer to Clause PC 13 for 2 – 6 Cavill Avenue
		DS4.3 Sites required to have active street frontages shall have shopfronts which are predominantly glazed, in order to ensure that adequate visibility of the street occurs, with the minimum amount of glazed area being as follows: <ul style="list-style-type: none"> • Shopfronts shall have as part of their ground level façade, a glazed area which is a minimum of 80 percent of the width of the shopfront, measured vertically from ground level to a minimum of 2.1 metres above ground level. <p>And</p> <ul style="list-style-type: none"> • The glazed area shall be transparent, so as to enable visibility of the street from the interior of the building.
		DS4.4 Any on grade (ground level) car parks are to be set back behind an active street frontage, and designed in accordance with the controls set out in Part – A8 Parking, DS4.1 .
		DS4.5 A street address is required on ground level of all areas identified in Map 5 . Street address includes the following: <ul style="list-style-type: none"> • entries, lobbies, and habitable rooms with clear glazing overlooking the street; <p>But</p> <ul style="list-style-type: none"> • excludes car parking areas.
		DS4.6 Awnings along street frontages are to be provided for all new developments as indicated in Map 5 . <p>Awnings are to be designed to be in accordance with the following:</p> <ul style="list-style-type: none"> • constructed out of metal framing and steel





Map 5 – Active Street Frontage and Awning



Map 6 – Development Servicing & Access



Performance Criteria		Design Solution
Commercial Development		
PC8	<p>Commercial developments:</p> <ul style="list-style-type: none"> provides minimum amounts of commercial (non-residential) areas at ground level in order to provide for employment floor space, create lively streets and public spaces, encourage a variety of mixed-use developments, a diversity and range of shopping and recreational activities for workers, residents and visitors. requires attractive ground level shopfront facades in order to benefit the town centre's streetscape and character. ensures that mixed development and commercial development achieve good urban design outcomes by minimizing the impacts of utilitarian components of development such as car park entries, service areas, waste collection, air conditioning and electronic devices. encourages the painting of facades using Council's painting guides. provides adequately sized ground floor ceiling heights to establish flexible and functional commercial ground floor layouts. proposed signage visually complements (not challenge) the architectural composition of buildings and should enhance the Ashfield Town Centre 	<p>DS8.1 Where mixed development occurs the majority of the ground floor area of buildings should comprise business use, in order to promote employment and active street frontages. Residual areas for service functions such as driveway ramps, waste storage, plant rooms, shall be kept to a minimum, this can be done by demonstrating compliance with the Development Servicing requirements of this DCP. For 2 – 6 Cavill Avenue Ashfield refer to Clause PC 13.</p>
		<p>DS8.2 Car parking required pursuant to Part A8 – Parking of this DCP shall be placed below ground, for substantial developments in order to maximise ground level commercial space, and to maximize potential for active street frontages</p>
		<p>DS8.3 Service Areas for commercial development shall be provided in accordance with the Development Servicing requirements of this DCP. Refer also to Part A8 – Parking.</p>
		<p>DS8.4 Minimum ceiling height for ground floor commercial uses is 3.3 metres. The minimum ceiling height is to increase to 4 metres if the Commercial use is a Café/Restaurant. The Development Application is to demonstrate that allowance has been made for above ceiling mechanical requirements any structural beams and slabs.</p>
		<p>DS8.5 Refer to Part A10 – Signs and Advertising Structures of this DCP and Schedule 2 of Ashfield LEP 2013. Signage is also controlled by State Environment Planning Policy No. 64. SEPP 64 includes requirements for making signage compatible with the desired future character of an area, and therefore meets the requirements of the Context requirements within this Chapter</p>
		<p>DS8.6 The minimum amount of glazed area shall be as stipulated in the Pedestrian Amenity and Safety section of this Part.</p>
		<p>DS8.7 Shopfronts shall not have any “roll-a-door” type grille or opaque security shutters, except in the following circumstances:</p> <ul style="list-style-type: none"> only security shutters which are predominantly transparent are permitted.
		<p>DS8.8 Ground level shopfront composition shall be arranged in a way which complements the building style of the façade and enhances the streetscape.</p>
		<p>DS8.9 Awnings shall be provided in the locations stipulated on Map 5</p>
		<p>DS8.10 Air-conditioning units and satellite dishes elements shall be designed and located as follows:</p> <ul style="list-style-type: none"> must not be located on front façade and



Explanatory Note: This part contains additional controls for Part D 3- Ashfield Town Centre in order to address the unique characteristics of this site, and will follow PC 11 at the end of that part. Explanatory notes will only appear in the draft DCP exhibition.

<p>PC12 Ensure major new development maintains the existing desirable spatial character of the site and the contribution that it makes to the public domain, and takes into consideration particular Council policies, including those matters listed below.</p> <ul style="list-style-type: none"> The site forms a key western part of the Ashfield Town Centre and is in prominent position with a high degree of visual exposure. It is also a unique site in the town centre, being very site large of a size not found in other parts of the town centre. It has a different existing building and landscape typology to that found in the town centre. There are two existing 5- 6 storey commercial buildings which are good examples of modernist design for that period, which are in a large landscaped garden setting which include several tall trees along the Cavill Avenue front garden area. This green setting makes a strong contribution to the public domain. The southern part of the site is within the western gateway area affected by Council's Ashfield Public Domain Strategy 2014 - which seeks to have various improvements along the Liverpool Road verge area and surrounds. There are pedestrian links through the north part of the site between the Bill Peters Reserve (park) at The Avenue, through to Cavill Avenue, which parts of that route framed by trees. This includes the internal laneway off The Avenue which has significant tall trees on its north side and along part of the south side with wide tree canopy cover. Traffic entry and exit is both off Thomas Street and Cavill Avenue. Waste Collection is contained within the site using an internal perimeter roadway. Existing buildings on the site are in positions that do not overshadow adjacent residential properties in The Avenue Street after 11 am, and have no winter overshadowing impacts on nearby residential areas in Miller Avenue Heritage Conservation Area to the south. <p><i>Explanatory Note: State Environmental Planning Policy no 65, under the "Context Principle" requires compliance with the "desirable elements of an area's existing or future character". This part identifies those elements. SEPP 65 references the Apartment Design Guide which has guidelines for the design of a Residential Flat Building which a Development Control Plan</i></p>	<p>DS12.1 <i>(maintain garden setting)</i></p> <p>Major new development shall ensure that the following are provided:</p> <p>A garden setting is provided along the site frontage along Cavill Avenue, Liverpool Road and Thomas Street, with building setbacks, basement setbacks, and provision of deep soil zones in the locations indicated in Map 9 in Areas A and B.</p> <p>Protection and maintenance of existing major trees along Cavill Avenue, Liverpool Road in Area A on Map 9 within the front gardens of the site, and preserving their deep soil areas within the specified building setback. An Arborist Report shall be submitted at Development Application stage showing that any basement or structural walls shall be located in positions that do not adversely impact the root system and health of those trees. Additional trees are to be planted between the trees being retained to enhance the green setting.</p> <p><i>(privacy)</i></p> <p>Screening trees to provide privacy are to be planted along the boundary with properties in The Avenue Street within a 3m wide deep soil zone in area C on Map 9.</p> <p>Provision of trees along the northern boundary in area D on Map 9 planted within a 3m wide deep soil zone, in order to continue to provide privacy for the apartments at 8 Cavill Avenue, Ashfield.</p> <p><i>(tree protection in laneway)</i></p> <p>Protection of existing trees in the laneway garden part in Area F on Map 9. An Arborist Report shall be submitted at Development Application showing how this will be achieved, and in addition specify in detail what measures shall be used at construction stage to ensure protection of those trees.</p> <p>DS12.2 <i>(scale)</i></p> <p>Major new development shall ensure that buildings located on the westerly parts of the site adjacent properties off The Avenue shall not exceed the height of the existing commercial buildings, within area E indicated on Map 9. This is in order to ensure there are no resulting additional visual and privacy and solar access impacts to those adjacent sites, or additional visual impacts to nearby affected properties.</p> <p>DS12.3 <i>(pedestrian links)</i></p> <p>Pedestrian pathway links between Thomas Streets and Cavill Avenue shall be provided. Major new development shall apply a public easement on the land title to enable this.</p> <p>DS12.4 <i>(public domain plan)</i></p> <p>Pubic verge/footpath areas shall be designed to enhance the western entry into the town centre taking</p>
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must not conflict with, and so are not repeated here.		into consideration the concepts in the Ashfield Town Centre Public Domain Plan 2014. This shall include consideration of new footpath pavements and street lighting, and having a wider footpath along Liverpool Road and Thomas street to better accommodate pedestrian movements. Council's Ashfield Street Strategy shall also be adhered to, including appropriate street tree species. Pre-lodgement stage application consultation should occur with Council to coordinate this matter.
	DS12.5	<i>(vehicle access)</i> Vehicle entry and exit shall be off The Avenue utilising the existing properties which service and are related to the site at 2-6 Cavill Avenue, and off Cavill Avenue.
	DS12.6	<i>(waste management and site layout)</i> Major new development shall provide an internal roadway system designed and constructed to allow for waste collection by trucks within the site, and not on public street and verge areas. Waste collection such as resident's bins shall not be from a public place such as a footpath or public street. Any waste storage areas shall not be visible from a public street. The above shall be documented at adequate detail at Development Application stage and demonstrated to accommodate and service the site needs, so as to ensure there are no future adverse affects on the public domain due to a lack of adequate upfront design resolution. An easement will be created to allow Council trucks to enter the site to collect waste and an indemnity provided to Council to enable this. <i>Explanatory Note: Council's rating system requires payment the collection of waste for flats by Council, with no allowance or credit given for independent company collections. There provision must be allowed for Council waste collection within the site. Refer to Part C -3 of the DCP for more detail.</i>
	DS12.7	<i>(number of storeys)</i> Maximum number storeys shall be 9 levels for the part of the site zoned B4- Mixed Use, subject to compliance with clause DS 12.2 which require having varying building heights on the site to address particular issues and site conditions. <i>Explanatory Note: 9 storeys under a maximum Building Height of 30 m (using the 7m bonus provision) achievable in the Ashfield LEP 2013 is technically determined on the basis that allowance must be made for: sloping natural ground levels and varying height planes across the site, a ground level storey including non- residential uses must have a high floor to ceiling height, the number of residential storeys, and a roof zone together with various functional installations.</i> <i>Any proposal for having a building on the site higher than 9 storeys will need to demonstrate that this meets the requirements of Clause 4.6 – Exceptions to Development Standards- of the Ashfield LEP 2013, and produces a better outcome relative to the performance criteria of this part of the DCP.</i>



		<i>Maximum number of storeys for R3 zoned land is found in Part F of the DCP depending on development types, it is unlikely that it will be possible to have any development in the laneways.</i>
	DS12.8	<p><i>(varying building heights)</i></p> <p>Maximum building heights on the site shall ensure there is a variety of building scale/heights that sympathetically responds to adjacent and nearby building scales and townscape built form characteristics, complies with clause DS12.2 and DS 12.11, provides adequate levels of solar access to communal open space areas, and building heights achieve minimum building setback distances for properties off The Avenue and 8 Cavill Avenue as stipulated in the Apartment Design Guide.</p>
	DS12.9	<p><i>(standard of composition)</i></p> <p>Major new development, including contemporary design, shall have adequate architectural modelling that ensures there are no monolithic building outcomes, and the building design meets the standards of architectural composition specified in clauses PC 1 and DS1.1 of this DCP part (Ashfield Town Centre) and as defined in Part G of the DCP – “high standard of architectural composition”. This shall include there is expression and differentiation of the bottom levels of the building from the main body of the building and provision of a “human scale”, compliance with DS 12.10, articulation of the top of the building, and an adequate relationship established with the townscape of the town centre and gateway position of the site. Varying building cladding and finishes are to be used which shall enhance the appearance of the building.</p> <p>Interior open space areas and their surrounding building facades shall provide a sense of place for residents, with building facades being well composed and not have a repetitive mechanical appearance, have adequate tree canopy cover including regular planting of trees in adequately sized planter boxes or deep soil areas, well composed footways and public spaces, and locations provided for seating areas.</p>
	DS12.10	<p><i>(9th storey)</i></p> <p>Major Development shall have any uppermost 9th storey with a building setback for a minimum of 5m around its perimeter, except where :</p> <ul style="list-style-type: none"> the uppermost storey is predominantly used for communal open space and this accommodates elements such functional and ancillary structures including stairway access enclosure, pergolas, roof gardens or planter boxes, and lift motor rooms, and: the structures are arranged as architectural features which enhance the composition of the built form as viewed from the public domain. <p><i>Explanatory Note. The LEP amendment seeks to remove Clause 4.3 (2A) of the Ashfield LEP for this site only, given the unique characteristics of the large site, and that clause was designed for small or restricted sites. This clause restricts use of the uppermost level to</i></p>

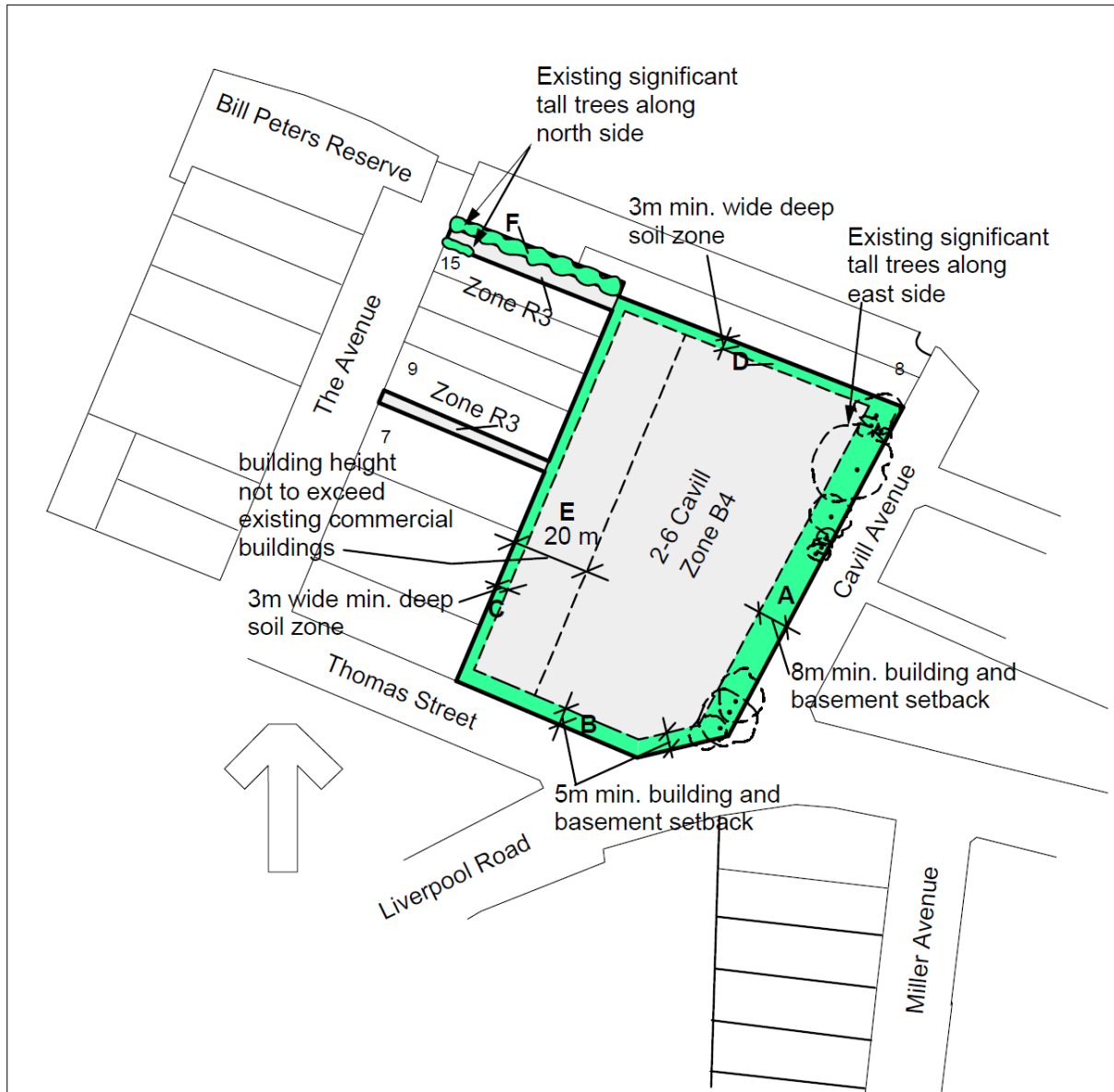


		<p><i>non-habitable uses, including for the purpose of providing roof top areas for communal open space, which are not able to be provided at ground level on smaller sites in the town centre. Removal of the clause means that development may choose to have 9 levels, noting that the maximum scale is 8 storeys elsewhere in the town centre, and as put forward by the applicants the last storey would be modelled to differentiate itself by being setback and also containing private open space for each dwelling such as balconies. This will enable architectural scale cues with other 8 storey buildings in the town centre.</i></p>
	<p>DS12.11</p> <p><i>(solar access nearby properties)</i></p> <p>Major development shall ensure there is no new additional winter overshadowing of residential properties in The Avenue, and no winter overshadowing of residential properties in Miller Avenue.</p>	
<p>PC13</p> <p>Under the Ashfield LEP 2013 there are several major development options for the site. Each of these must ensure that the positive characteristics of the site are maintained as identified in PC 12. In addition, each of these will need to address certain considerations for: activation of ground levels for surveillance and public safety, appropriate amounts of business and employment generating floorspace, and provision of communal open space areas and their locations. The major development options include:</p> <ul style="list-style-type: none"> • Development Type 1- Retention or additions to the existing buildings, for land uses permissible in the B4 zone such as stand alone residential flat buildings or mixed use developments. • Development Type 2 - Demolition and construction of new buildings characteristic of a town centre typology such as mixed use developments which seeks to maximise the potential Floor Space Ratio of 3.0: 1 (proposed) at 23 m, and 7m height bonus provisions which generate additional FSR, of the Ashfield LEP 2013. Such as having a large site building coverage for commercial or retail uses, with residential flat buildings above a podium, as has occurs in other parts of the town centre, and provision of podium level and roof top communal open space and gardens. • Development Type 3 - Demolition of existing buildings and having a predominantly residential flat buildings use, maximising the 9 storeys permissible on the site, and provision of ground level communal open space given the large site area and exclusion of Clause 4.3 (2A) of the Ashfield LEP 2013 which requires non habitable roof top uses for providing roof top communal open space and gardens, and various functional building elements. This will likely not exceed the maximum 3.0:1 (proposed) FSR in the Ashfield LEP 2013. <p>The above three types are also referred to as "Major Development" in the Design Solutions column.</p> <p><i>Explanatory Note: The EPA Act explicitly states that a DCP cannot be more restrictive than an</i></p>	<p>DS13.1</p> <p><i>(activation)</i></p> <p>Development Type 2 (such as new mixed use) shall ensure there are active frontages, as defined by clause DS4.1 of this part of the DCP (Ashfield Town Centre) such as shopfronts or similar, along Thomas Street, Liverpool Road and Cavill Avenue. This shall include having ground level entry lift lobbies for any upper level residential flat building, to address those streets.</p> <p>Development Type 3 (majority residential flat buildings) shall provide an adequate amount of ground level shopfronts or similar, in combination with provision of ground level residential lift lobbies, for activation and surveillance of the public domain along Thomas Street, Liverpool Road and Cavill Avenue.</p>	
	<p>DS13.2</p> <p><i>(communal open space)</i></p> <p>Development Type 1 (existing buildings and additions) and Type 2 (new mixed use) shall ensure there is provision of communal open space that comply with the minimum areas stipulated in the Apartment Design Guide for the residential flat building component, including use of podium levels and roof top locations as required. Such locations shall have high amounts of tree canopy cover.</p>	
	<p>DS13.3</p> <p><i>(Type 3- communal open space locations and amount)</i></p> <p>Development Type 3 (predominantly residential flat buildings) shall provide at a ground level location communal open space and deep soil areas that comply with the minimum areas stipulated in the Apartment Design Guide, (25 to 30 percent of site area for COS). Such locations shall have high amounts of tree canopy cover.</p> <p>Open space areas within the site shall have a landscape design which is holistic, provides a sense of place for residents, has a compositional relationship and connectivity with the front garden areas along the Cavill Avenue frontage of the site and pedestrian links through the site.</p>	
	<p>DS13.4</p> <p><i>(variations- amount of commercial or similar floorspace)</i></p> <p>Clause DS8.1 of the this part of the DCP (Ashfield Town Centre) requires a particular minimum provision of ground level commercial /business floor space expressed as percentage of site area, for provision of employment floor space and the general needs of the town centre. This control is devised for small site types.</p>	



LEP, and limit land uses to particular development types. A DCP is also required to comprehensively address all development scenarios.

Given the large site type, these requirements may be varied for Development Type 1, Type 2, Type 3, provided an economic analysis is submitted that demonstrates there will not be any adverse impacts on businesses in the town centre should there be a lower provision of commercial or retail or business floor space to that stipulated in Clause Ds 8.1.



Map 9

