

## 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 to Section 2 Chapter D:

#### Part 12 – 120C Old Canterbury Road

##### Explanatory Note:

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

- To add a Section 12 to the DCP to provide site specific guidelines to support the proposed Planning Proposal for amendments to the Ashfield Local Environmental Plan 2013 for the site at 120C Old Canterbury Road

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

*1/6 The Planning Proposal be amended to Council's satisfaction addressing the recommendations outlined in this report, including a Maximum Height of Building equating to 6 storeys relative to Old Canterbury Road and a reduced Maximum Floor Space Ratio.*

*2/6 Council authorises the Interim General Manager to be Council's delegate and use "the Authority" for the processing of the Planning Proposal as outlined in this report.*

*3/6 On satisfactory completion of Resolution 1 and 2, the Planning Proposal be referred pursuant to Section 56 of the Environmental Planning and Assessment Act 1979 (the Act) seeking a Gateway Determination and for Council to be the Relevant Planning Authority, and requesting the studies identified in the report be produced.*

*4/6 Council develop a site specific Draft Development Control Plan as outlined in this report and exhibit it concurrently with the Planning Proposal.*

*5/6 Upon receipt of the Gateway Determination the Planning Proposal and draft DCP be put on public exhibition pursuant to the Environmental Planning and Assessment Act 1979 (the Act).*

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

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# Part 12

120C Old Canterbury Road

## Application

This Guideline applies to development on land at 120C Old Canterbury Road, Summer Hill identified in **Map 1** in red outline.

## Using this Guideline

In using this Guideline reference should also be made to **Section 1—Preliminary** at the front of this DCP.

The Guideline is performance based. In this role, it is intended to provide both a level of certainty for applicants, Council and the community while also enabling consideration of high quality, innovative design. This is appropriate as given the complexity of the LGA urban environment, it is not possible or desirable in all instances for council to specify quantitative, pre-determined criteria that development must achieve. Rather, in such setting an appropriate design emerges from a well-considered site analysis that explores and responds to the characteristic of the site, adjoining properties, the streetscape and neighbourhood, as well as putting in place adequate measures to mitigate any potential negative impacts.

The Guideline comprises the Purpose, Performance Criteria and Design Solutions. Alternative Solutions to the Design Solution may also be proposed by an applicant.

The Purpose and Performance Criteria identify the performance outcomes that must be

achieved for council to consider granting development consent to a development application. Council will not approve a development application that cannot meet all parts of the Purpose or all Performance Criteria, where relevant.

Design Solutions provide a guide for achieving the Performance Criteria, and by association, the Purpose.

Through the development application process, an applicant may propose an Alternative Solution to the Design Solution. Council will consider the Alternative Solution against the Performance Criteria and Purpose. If sufficient justification exists, largely informed by a site analysis and argued against sound urban planning and design grounds, council may consider accepting an Alternative Solution to the Design Solution.

## Purpose

- To ensure new development is of a character which is of compatible scale with adjacent or nearby buildings and high architectural standard.
- To ensure that new development provides adequate amenity for adjacent occupants of residential flat buildings
- That adequate vehicular access is provided to the site.
- There is a sympathetic interface with the Greenway Corridor and surrounding area.



## Performance Criteria and Design Solutions

### Performance Criteria

### Design Solution

*Explanatory notes will only appear in the draft DCP exhibition.*

*Amendments to DCP are shown in grey shading.*

<p>(Greenway)</p> <p><b>PC01</b> Ensure there is a sympathetic spatial relationship with the Inner West Council Greenway project. This shall include consideration of the following building elements and site layout:</p> <ul style="list-style-type: none"> <li>- Treatment of walls from lower basement to ground level</li> <li>- South west corner of building and transition from Old Canterbury Road, to the railway bridge to the Greenway corridor.</li> <li>- Ground level open space has capacity to form part of a pedestrian linkage from McGill Street to the Greenway</li> <li>- Surveillance from apartments of the adjacent GreenWay.</li> </ul> <p><i>Explanatory note.</i></p> <p><i>The “GreenWay” is an Inner West Council project for establishing a regional “north south” public corridor which include pathways and landscaping, from Cooks River to Iron Cove. This will include land along the open space part of the railway corridor land along the east side of the site.</i></p> <p><i>Green Walls means: A green wall is a wall partially or completely covered with greenery which is maintained by a growing medium such as a soil.</i></p>	<p>(Greenway)</p> <p><b>DS 1.1</b> Basement walls containing carparking areas shall be well composed and include defined wall fenestration or relief with appropriate proportions, and use of complimentary wall cladding materials, to achieve a high standard of design. The structure shall not be solely based on an exposed frame reflecting structural engineering and carpark ventilation requirements. Consideration shall be given to use of “green walls”.</p> <p><b>DS 1.2</b> A 2 metre wide deep soil area shall be provided along the northwest boundary as shown in <b>Area 1</b> on <b>Map 1</b> for provision of tree planting and the ability to establish “Green walls”. To enable this, a minimum 2m building setback from the north west boundary shall apply to all storeys below the ground level storey off Old Canterbury Road.</p> <p>Building setbacks to the north west boundary for ground level storeys off Old Canterbury Road and above, shall comply with Sydney Train requirements taking into account the operation of the adjacent light rail train, and take into account ground level planting areas.</p> <p><b>DS 1.3</b> The south west corner part of the building in <b>Area 2</b> on <b>Map 2</b> shall be architecturally modelled as a landmark which takes regard of the transition from the GreenWay setting to Old Canterbury Road setting. This shall include ground level treatments adjacent to Old Canterbury Road, and the modelling of the main body of the building. Consideration shall also be given to stairway connection from Old Canterbury Road to the Greenway shown in <b>Area 3</b> on <b>Map 1</b>.</p> <p><b>DS 1.4</b> Ground level open space, which shall have deep soil and be landscaped, shall be provided in <b>Area 4</b> on <b>Map 1</b> within the site, and provision made for a pedestrian pathway between the bridge location identified on <b>Map 1</b> and the Greenway Corridor.</p> <p>Public access and use of the pathway shall be provided for on the land title of the property, which is to come into effect in the event that:</p> <p>(i) there is a pedestrian link established between McGill Street and the Greenway Corridor, using the private laneway and bridge as part of the route for this, or</p> <p>(ii) Council notifies the site owner, including in the situation where there is a Voluntary Planning Agreement in place for public use of the land.</p> <p>Open space at <b>Area 4</b> and <b>Map 1</b> shall not contain any overhead building storeys.</p>
<p><b>PC02</b> (Public safety)</p>	<p>(Public safety)</p> <p><b>DS 2.1</b> Apartment layouts shall be arranged in a way that locates windows and balconies which provide surveillance of the Greenway.</p>



<p>(Health)</p> <p><b>PC03</b> Any eutrophication resulting from water ponding within the channel, or on the site resulting from flooding, is to be managed so as to minimise any health hazard from odours and impacts on residents on the site and on adjacent residential properties.</p>	<p>(Health)</p> <p><b>DS 3.1</b> Any ground level undercroft area shall be designed and use materials to enable quick water absorption or dispersal so as to minimise any ponding and putrefaction and resulting odours. Consideration shall be given to perimeter plantings along the Canal, and to ensuring there is adequate cross ventilation to the underside of any structure. Relevant documents demonstrating the above has been address shall be provided from a suitable qualified environmental scientist at Development Application stage.</p>
<p>(Traffic impact).</p> <p><b>PC04</b> Orderly vehicular access into and out of the site is to provided for. Where access to the site is to be provided via the private Right of Way laneway from McGill Street located within 120 C Old Canterbury Road, the design of the internal site and carparking layout shall ensure that :</p> <ul style="list-style-type: none"> <li>- Minimal disruption is caused to the operation of laneway and ensures ease of the laneway, which is also used by residents and visitors at 120 B Old Canterbury Road and 14 McGill Street.</li> <li>- An orderly use of the intersection of the laneway and McGill Street</li> <li>- Allowance for emergency vehicle access use from the laneway onto the site at 120 C Old Canterbury Road.</li> </ul> <p><i>Explanatory Note:</i></p> <p><i>The private laneway is part of the property at 120 B Old Canterbury Road. It is used for vehicular access to carparking at 14 McGill Street and 120 B Old Canterbury Road which contain apartment buildings. It is essentially a "dead end" which also provides a connection to 120 C Old Canterbury Road at lower ground level. Normally in these situations there is a cul de sac provided to accommodate evident needs for end of lane car turning movements, and this needs to be addressed.</i></p>	<p>(Traffic impact).</p> <p><b>DS 4.1</b> Where use of the private laneway shown in <b>Area 1 Map 2</b> is proposed for vehicular access to the site, at development application stage a detailed on site carparking plan layout shall be provided which complies with the relevant Australian standards, and also provides for <b>Area 2 Map 2</b> :</p> <ul style="list-style-type: none"> <li>- Vehicular car turning circle area for entry in and out of the site.</li> <li>- A driveway route provided at the entry area within the site that allows for a forward movement for vehicles entering and wanting to exit the site or laneway.</li> <li>- A driveway turning circle area, or mechanical turning bay subject to Council approval, able to accommodate emergency vehicles and large vehicles and garbage trucks.</li> <li>- An internal car queuing bay length long enough to accommodate cars waiting to access the carparking area, so as to not cause any queuing of vehicles on the laneway at 120 B Old Canterbury Road,</li> <li>- Consideration shall be given an electronic system which advises users of the carpark of the state of the use of the laneway by the other sites, in order to optimise vehicular movements out of the site.</li> </ul> <p><b>DS 4.2</b> Details confirming the ability to use the vehicular laneway at 120 B Canterbury Road shown on <b>Area 1</b> on <b>Map 2</b> as a right of way shall be provided at Development Application stage including the following:</p> <ul style="list-style-type: none"> <li>- legal easements</li> <li>- approval of the site owner of 120 B Old Canterbury Road if required</li> <li>- confirmation from a structural engineer that the laneway is able to take the weight of heavy vehicles such as garbage trucks and emergency vehicles</li> </ul>



<p>(Flooding)</p> <p><b>PC 05</b> An external evacuation pathway route shall be provided from areas affected by flooding from a 1 in 100 year event to higher levels external to the site at Old Canterbury Road.</p> <p>Due to the site being flood prone, ensure that relevant building components are above the freeboard flood level, and there is safe use of the buildings including for residential levels and for lower level carparks storeys, so as to not be affected by flooding.</p>	<p>(Flooding )</p> <p><b>DS 5.1</b> Provide a pedestrian pathway from areas affected by flooding, including from lower ground level open space, bridge over canal area at the entry to the carpark, any basement carparking areas, which takes people to the footpath at Old Canterbury Road.</p>
<p>(Waste)</p> <p><b>PC06</b> Provision made for storage and collection of waste as required in Part C3 –Waste Recycling Design and Management Standards of the Inner West DCP 2016, taking into consideration the following :</p> <ul style="list-style-type: none"> <li>- The site relies for vehicular access from a constricted right of way laneway, with Council policy being that trucks will not use access through privately owned sites unless there is indemnity provided to Council's satisfaction, and provision is made for a garage truck turning circle and headroom, and so a consequent need for up to a 18 .5 metre turning circle within the site.</li> <li>- Old Canterbury Road along the front of the site is not permitted to have garbage trucks parked on the road for pick up of bins.</li> </ul> <p>Waste storage areas and collection areas are not to adversely affect the amenity of residents on the sites and on adjacent sites, and the quality of the public domain/public open spaces.</p>	<p><b>DS 5.2</b> A flood study shall be provided for Council approval and address the following :</p> <ul style="list-style-type: none"> <li>- Floor levels of buildings shall be as follows:  Flood protection provided to residential properties is to be the 1 in 100 year flood level plus 500mm freeboard, and  All residential floors set 6.45 m above the 100 year ARI flood level of RL 11.8 and 4.25 m above the PMF flood level of RL 14.0, and  Lowest basement carparking floor level is at a minimum RL 12.5.</li> <li>- The area below the underside of the lowest basement carpark floor slab shall be a predominantly open area to permit flood water to flow, except for the parts required for structural support of the building structure.</li> </ul>
	<p>(Waste)</p> <p><b>DS 6.1</b> Waste storage areas are not to be visible from the street, not compromise any “activation” at ground level at Old Canterbury Road, and not be located where there are likely to be visible from adjacent apartments at 120 B Old Canterbury Road or have odours affecting those places.</p> <p>Consideration shall be given to the provision of a waste storage area at basement levels.</p>
	<p><b>DS 6.2</b> Details shall be provided at Development Application stage for the transfer of bins from waste storage areas to collection points, and consideration given to the use of dedicated lifts for the transport of bins between levels if required.</p>
	<p><b>DS 6.3</b> Waste collection is to occur by vehicles using the private laneway off McGill Street with the requirements of DS 4.2 being met.</p>
	<p><b>DS 6.4</b> Where it can be demonstrated that waste collection is not feasible off the private laneway identified in DS 6.3, and is necessary off Old Canterbury Road, the following shall be provided for <b>Area 3</b> on <b>Map 2</b> :</p> <ul style="list-style-type: none"> <li>(i) A vehicular standing area for waste collection is provided within the site, unless approval is obtained from the Roads and Maritime Services for vehicles to stand on Old Canterbury Road, and  the vehicular standing area within the site is located within an open space area that ensures safe use of public footpath areas along the road by the public, and</li> </ul>



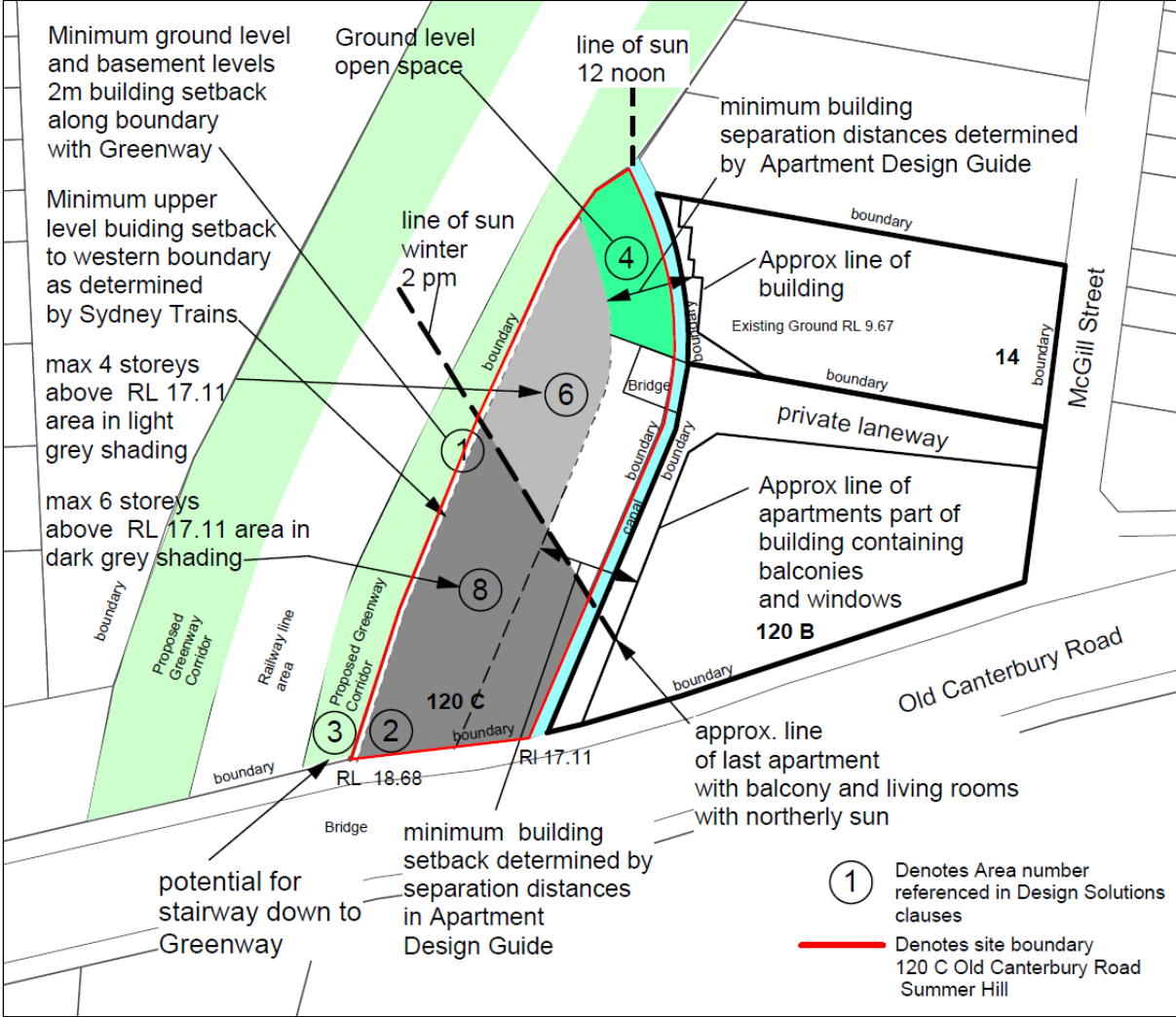
	<p>the surrounding open space area designed and using materials and landscaping in way that is visually attractive ,complements the surrounding area, and is adequately screened from any nearby apartments.</p> <p>(ii) The requirements of DS 6.1 are met</p> <p>(iii) Bins are temporarily placed for collection, and promptly returned to storage areas by a caretaker with details for this provided at Development Application stage</p> <p>(iv) Adequate separation provided to nearby shopfront, lift lobbies or apartments.</p>
<p>(Amenity of neighbouring residents)</p> <p><b>PC07</b> Amenity of residents at 120 B Old Canterbury Road and 14 McGill Street shall be maximised and new development shall ensure there is adequate winter solar access building separation distances and also privacy devices provided.</p>	<p>(Amenity of neighbouring residents)</p> <p><b>DS 7.1</b> The northerly part of the site in <b>Area 6 on Map 1</b> shall have lower building height identified within a building envelope determined by providing a minimum of 2 hours winter solar access to apartments at 120 C Old Canterbury Road and 14 McGill Street with :</p> <ul style="list-style-type: none"> <li>- they're being a maximum of 4 storeys in <b>Area 6 on Map 1</b> relative to the Old Canterbury Road level, and</li> <li>- the top of the maximum envelope including any parapet which affects shadowing.</li> </ul> <p><b>DS 7.2</b> Minimum separation distances shall be achieved between buildings as required by the "Apartment Design Guide" as indicated in <b>Map 1</b>, and in addition:</p> <p>(i) apartments directly facing 120 B Old Canterbury Road shall have an apartment layout with windows located in positions, or use of window screening devices ,which prevent any direct viewing of the adjacent apartments.</p> <p>(ii) continuous planter boxes or structure provided along the eastern boundary with the canal adequate enough in width and depth to contain soil and tall screening trees.</p> <p>(iii) sideways views to the north and the GreenWay corridor maintained for apartments at 120 B Old Canterbury Road.</p>
<p>(Amenity of residents within the development)</p> <p><b>PC 08</b> Communal Open Space shall be provided for residents of the development to the amount specified in the Apartment Design Guide.</p>	<p>(Amenity of residents within the development)</p> <p><b>DS 8.1</b> Communal Open Space shall be provided as specified in the Apartment Design Guide equating to a minimum of 25 percent of the site as follows :</p> <ul style="list-style-type: none"> <li>- use shall be made of the northern roof top part of the building containing lower storeys indicated in <b>Area 6 on Map 1</b> for communal open space.</li> <li>- use shall be made of ground level parts of the site identified in <b>Area 4 on Map 1</b> for communal open space.</li> </ul>



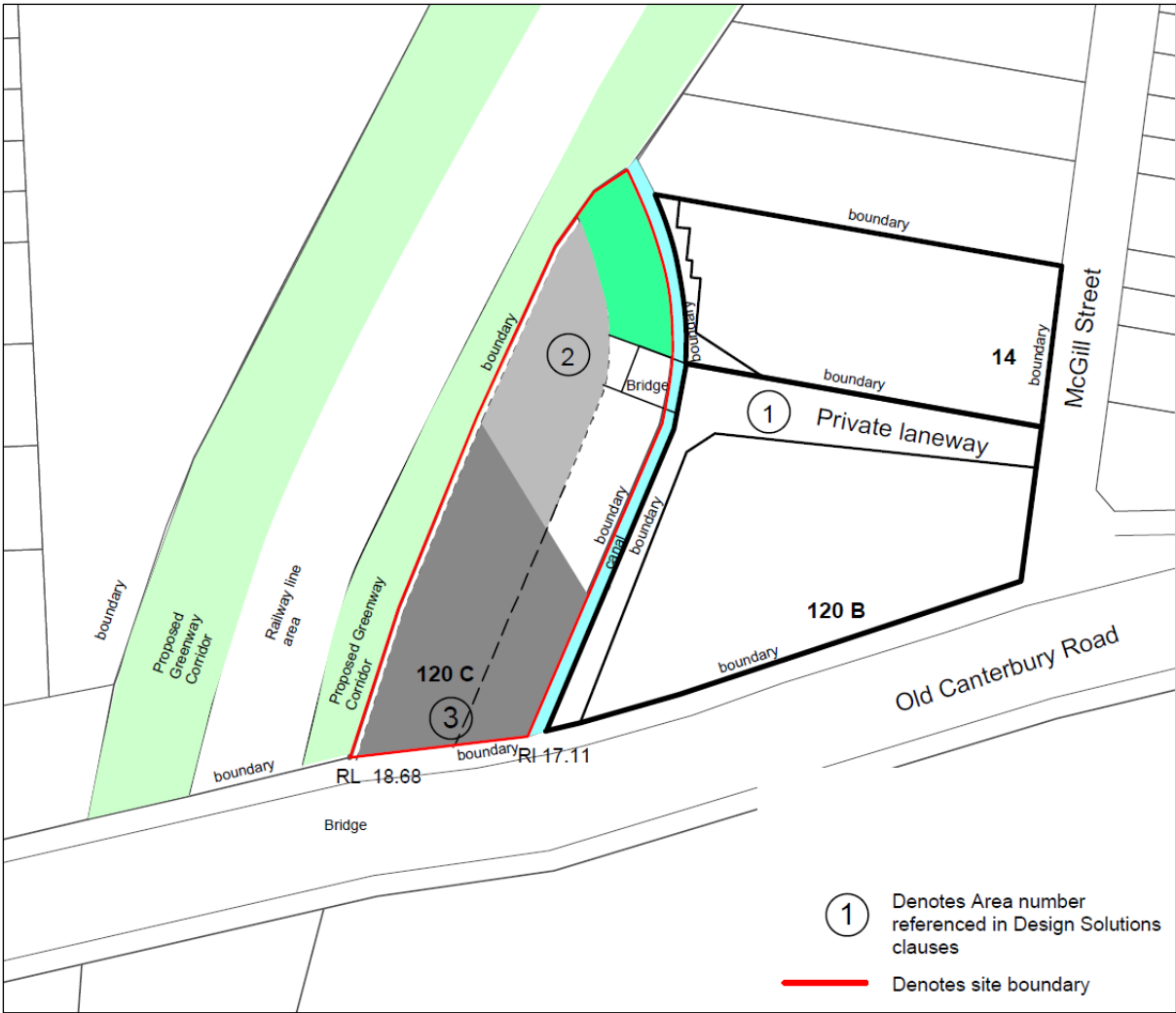


<p>(Childcare Centre Impacts)</p> <p><b>PC 09</b> The amenity of the users of the Childcare Centre at 120 B Old Canterbury Road shall be protected.</p>	<p>(Childcare)</p> <p><b>DS 9.1</b> Privacy screening devices shall be provided along the eastern boundary of the site as indicated in DS 7.2 – (ii).</p> <p><b>DS 9.2</b> Part of the open space of the north western corner of the Childcare Centre, being a minimum area of 40 sqm, shall be identified for receiving a minimum of 2 hours winter solar access during June, July and August. The proposed building envelopes shall demonstrate that this is able to be achieved.</p>
<p>(Building composition and scale)</p> <p><b>PC10</b> Building composition shall be of a high design standard and respond to</p> <ul style="list-style-type: none"> <li>- being in a prominent corner gateway location</li> <li>- being adjacent the GreenWay corridor and the desired future “green setting” in that corridor</li> <li>- have a similar scale and number of storey as the building at 14 McGill Street.</li> </ul> <p><i>Explanatory Note: The maximum number of storeys is determined by the height of the building at RL 38.0 as found in the proposed Ashfield LEP Height maps, and this has been determined so as to be a similar scale to the 6 storey building scale established at 120 C Old Canterbury Road, relative to the roadway at RL 17.11 to RL 18.68.</i></p>	<p>(Building composition and scale)</p> <p><b>DS 10.1</b> Architectural composition shall enhance the proposal’s setting and relationship to the Greenway corridor, and provide readily identifiable architectural cues for that.</p> <p>Upper levels of the buildings adjacent Old Canterbury Road are to be setback to reduce the scale and impact of the building, having a similar setback to that provided for at 120 B Old Canterbury Road.</p> <p><b>DS 10.2</b> Maximum number of habitable storeys as measured relative to Old Canterbury Road which varies between RL 17.11 to RL 18.68, is 6 storeys for <b>Area 8 on Map 1</b>, within a maximum Building Height RL of 38.0 as identified in the Ashfield LEP 2013. Additional storeys may be contained below the ground floor storey to cater for carparking and non- residential uses and take account of the following:</p> <ul style="list-style-type: none"> <li>- freeboard levels affected by flooding for the lower basement storeys.</li> <li>- the impact of the underside of any bottom floor slab on flooding volumes.</li> </ul> <p>Any rooftop structure extrusions above the maximum building height in the Ashfield LEP such as lift motor rooms or plant rooms, will be required to seek a Clause 4.6 variation under the Ashfield LEP 2013 and meet its criterion. In assessing this Council will take the following into consideration:</p> <ul style="list-style-type: none"> <li>- <i>Architectural roof top features are used to enhance the composition of the building.</i></li> <li>- <i>Modelling occurs to the top storey of the building and includes treatments to differentiate and enhance the top of the building from the main part of the building and also other architectural modelling aesthetic benefits are provided.</i></li> <li>- <i>The building composition enhances the setting as indicated in DS 10.1.</i></li> </ul>





Map 1 – Building Heights, site layout and setbacks.



Map 2 – Vehicular Access and Site Servicing

