ANKA Site Amendment to Leichhardt Development Control Plan (DCP) 2000 - 118-124 Terry Street, Rozelle D2. Purpose

The purpose of this DCP is to set out the desired future character, local area character, principles and development controls for this site within Rozelle. Council will assess future development applications against these principles and controls.

The DCP promotes high quality urban design outcomes for the development site within the context of environmental, social and economic sustainability.

D2.1 Land To Which The DCP Applies

This Amendment to DCP 2000 applies to the land shown in **Figure 1**, know as 118-124 Terry Street Rozelle being Lot 3 Sec D DP 119, Lot 2 DP 234045 and Lot 1 DP 540118 (herein referred to as the 'site').

The site has an area of 14,180sqm and is within a block bound by Victoria Road, Terry Street and Wellington Street Rozelle.

The site is subject of a site specific amendment to Leichhardt Local Environmental Plan (LEP) 2000 (Amendment No.XX), which will change the zoning to Residential with some non-residential uses permitted.

D2.2 Relationship To Existing LEPs And DCPs

This amendement to Leichhardt Development Control Plan 2000 will:

- 1. Remove the site from the section A10.5.5 being the surburb profile for the Rozelle Commercial Neighbourhood; and
- 2. provide controls to govern the redevelopment of the site in conjunction with the site specific controls in Leichhardt Local Environmental Plan 2000.

This section of the DCP contains objectives and controls for a predominantly residential development of the site integrated with a small retail / commercial and light industrial element. These will supplement the existing controls in DCP 2000 and the following DCPs:

- Development Control Plan 32 Design for Equitable Access
- Development Control Plan 35 Exempt and Complying Development
- Development Control Plan 36 Notifications
- Development Control Plan 38 Avoid, Reuse, Recycle
- Development Control Plan 42 Contaminated Land Management
- Development Control Plan 48 Approvals Policy Managing Activities on Footpaths and Verges.

This DCP Amendment has been prepared in accordance with the provisions of Section 74 of the Environmental Planning and Assessment Act 1979.

D2.3 Future variations to the DCP

Council may grant consent to a proposal that does not comply with all the relevant controls providing the principles of the controls are achieved. Each application will be considered on its merits. Consent may be refused despite compliance with set standards. Justification for variations to the DCP must be made in writing, accompanied by documentation as stipulated by Council and must clearly demonstrate the grounds for varying the requirements of the DCP (i.e. how the proposed development meets the relevant principles of the DCP) and achieves a good outcome.

D2.4 Background

Council commissioned Allan Jack & Cottier to undertake an Urban Study of the Rozelle Industrial Area which includes this site. The results of this study and the community consultation on the study have been reported to Council on 24th November 2009.

Subsequently, the owner of the site has lodged a Planning Proposal for the site.

D2.5 Aims And Objectives

To provide objectives and controls to govern the redevelopment of the site so as to ensure that the development is compatible with the area, meets the desire future character and needs of the community. In particular these objectives and controls aim to achieve:

- (a) a design of the development that:
 - is of high architectural and urban design merit
 - is respectful of the scale of the adjoining and nearby existing industrial and residential development with articulated height and massing providing a high quality transition to the existing streetscape
 - does not exceed 6 storeys from street level
- (b) the external impacts of the development are well mannered and minimises overshadowing of Crystal Street properties
- (c) the development minimises the use of private motor vehicles and the traffic generated by the development does not have an unacceptable impact on traffic on Terry Street, Wellington Street, Merton Street, Nelson Street and Victoria Road, Rozelle
- (d) the non-residential uses serve the needs of people who live and work in the surrounding neighbourhood and does not adversely impact on the high street
- (e) the development provides and facilitates pedestrian and cycle access through the site to Merton Street and Margaret Street
- (f) the development incorporates leading environmental sustainable design principles
- (g) the development includes the necessary design and acoustic measures to ensure the existing industrial uses do not adversely impact on the amenity of future residents
- (h) the retail and commercial uses do not adversely impact on the high street but rather complement and meet the needs of the community
- (i) the industrial uses of Crystal Street are enhanced by new industrial uses

(j) the new development is well shielded from the nearby non residential uses to ensure the viability of those uses into the future.

Desired Future Character Statement

The site currently lies within the Rozelle Commercial Neighbourhood (section A10.5.5 of DCP 2000) and next to the Iron Cove Distinctive Neighbourhood (section A10.5.4 of DCP 2000).

The rezoning of the site to Residential will result in a new character that will need to be compatible with these adjoining neighbourhoods.

The new character of the site should:

- respond to the topography of the site, the character of existing streets, adjacent residential and industrial uses; maintain the character of the area by ensuring new development is complementary in terms of its architectural style, built form and materials
- improve the streetscape amenity by improved design and layout of buildings as well as increased attention to site usage, signage and ancillary uses
- promote a mix and variety of uses and building styles that enhance and contribute to the character and identity of the neighbourhood, whilst protecting local townscape
- improve pedestrian and cycle accessibility, safety and facilities to take full advantage of low cost/public transport services in the area
- protect and enhance the residential amenity of dwellings in and adjoining the neighbourhood
- encourage appropriate lighting and signage consistent with the charcacter of the area
- encourage sympathetic colour schemes, corporate identity and signage for commercial buildings that define the character of the area, yet retain the individual identity of each property.

These Desired Future Character requirements will create a new Local Area Character for the site.

D2.6 Public Domain

D2.6.1 Integration with existing road network *Objectives*

- a. To ensure that the public domain components of the development contribute to an activated, human scale street environment
- b. To ensure that intersection design, streetscape elements and landscaping support the pedestrian, cyclist and vehicular movement system in and adjacent to the development
- c. To provide for the construction and integration of a new public road, incorporating a four way intersection with Terry Street and Margaret Street and which establishes the potential for a physical link to Merton Street
- d. To ensure that where modifications to road layout and alignment are implemented that all areas of land within the road reserve are dedicated to Council

- e. To ensure that Terry Street, the new road and intersection can accommodate a safe environment for all road users, including pedestrian, bicycle and vehicular traffic on both sides of the road
- f. To make provision for a 'shared' or 'slow' zone to be designed and constructed in the new street.

Controls

New road

- The design, layout and alignment of the new road is generally to be in accordance with Figure 2: Terry Street/Margaret Street intersection design and Figure 3: Public Domain, subject to detailed design development in consultation with Council
- ii. The final design of the new road is to be considered at the Development Application stage
- iii. The design of the new road must comply with the requirements of Austroads, all relevant Australian Standards and Council's Roadworks Specifications
- iv. The new road is to incorporate the following elements as a minimum requirement:
 - Total width of road reserve = 16.0 metres
 - Generally consisting of:
 - o 900mm out from property boundary, both sides, to be set aside for services, street lights, etc
 - o 1800mm footpath, both sides
 - o 2300mm from face of kerb for parallel parking, both sides
 - o 3000mm lane width x 2

except where varied in accordance with Council approved plans, sections and specifications for the provision of a 'shared' or 'slow' zone.

- v. The new road is to be constructed in accordance with Council requirements
- vi. All land within the new road reserve is to be dedicated to Council in accordance with the requirements of any applicable Development Consent granted
- vii. Approval must be granted by Council's Manager Assets for any turning area to be provided at the Merton Street end of the new street
- viii. The design of the setback to the new street frontage must be in accordance with Council approved sections and plans.

Intersection of Terry Street, Margaret Street and the new road

- ix. The design and construction of the new intersection and road is generally to be in accordance with Figure 2: Terry Street/Margaret Street intersection design and Figure 3: Public Domain, subject to detailed design development in consultation with Council
- x. Council approval of design details, including dimensions, alignment, landscaping, materials, threshold treatments and parking will be required prior to construction of the intersection
- xi. All land within the modified road reserve is to be dedicated to Council.

Terry Street

- xii. Land required to accommodate minor modifications to Terry Street near the intersection of Wulumay Close, as identified in **Figure 4: Terry Street road alignment**, is to be dedicated to Council
- xiii. The design of the 3m setback to Terry Street building frontage must be in accordance with Council approved sections and plans.

D2.6.2 Through site links

Objectives

a. To facilitate pedestrian access through the site to link the new road and Crystal Street

Controls

i. A pedestrian path providing unobstructed public access is to be provided between the new street and Crystal Street as shown on **Figure 5**: **Neighbourhood centre integration**, **Active Frontages and vehicle access**.

D2.6.3 Active frontages

Objectives

- a. To ensure that uses and frontages of buildings adjacent to the intersection of the new street and Terry Street contribute to the activation of the public domain and facilitate and support a vibrant neighbourhood centre, which serves the local community
- b. To ensure that the non-residential character of Crystal Street is maintained
- c. To ensure that design of residential frontages maximises surveillance of the public domain and reinforces the activation of the street environment
- d. To ensure that façade articulation and elements within the building setback areas facilitate an active street environment.

Controls

Neighbourhood Centre

- i. The ground floor of buildings in locations as indicated in **Figure 5** are to accommodate active uses including shops, cafes and restaurants and appropriate commercial uses and access to buildings
- ii. Informal/outdoor eating areas associated with food and drink premises may be provided within the public domain and will be subject the controls contained within Development Control Plan No. 48 I Approvals Policy Managing Activities on Footpaths and Verges.

Live/Work development

- iii. Active light industrial/commercial floor space is to be located fronting Crystal Street at ground floor level (refer to **Figure 5**)
- iv. Live/work units are to be designed to provide active light industrial/commercial floor space at ground level with the residential component located above and must be accessible via an internal stairway
- v. Any dwelling in the live/work development must be on the same title as the corresponding ground floor active employment use and must not be an individual lot in a strata plan or community title scheme.

Residential – General

- vi. Direct pedestrian access from the street to ground floor apartments should be provided where possible
- vii. The design of the building setback area to the new street building frontage must be in accordance with Council approved sections and plans
- viii. Building frontages are, wherever possible, to incorporate balconies, direct street access, windows, terraces and other built form elements to maximise opportunities for visual surveillance of the street environment and physical access from the buildings to the street environment directly adjacent.

Residential – Terry Street south of the new road

- ix. Direct pedestrian access from the street to ground floor apartments should be provided where possible
- x. Landscaped terraces should be incorporated into the building setback area along Terry Street, where appropriate, to provide a link between the building frontage and the street where there is a change in level
- xi. Low walls which establish informal seating along the street frontage are to be incorporated in various locations.

D2.6.4 Views

Objectives

a. To protect views from the public domain, across and over the site consistent with the planning controls in this Development Control Plan.

Controls

- i. A view analysis is to accompany any development application and is to identify any private views currently obtained from neighbouring residential properties
- ii. In the event that such views are compromised by the proposal the Development Application is to be accompanied by an analysis and justification having regard to *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140.

D2.6.5 Awnings

Objectives

a To ensure that awnings or weather protection structures serve to enhance public use and amenity of non-residential ground floor buildings and the streetscape.

Controls

- i. Buildings with non-residential ground floor uses along Terry Street and the new street are to incorporate an awning or weather protection structure at first floor level
- ii. The setback from the kerb of any awning or weather protection structure is to be a minimum of 300mm and may be up to 600mm
- iii. Awnings and weather protection structures are to be complementary to the building and streetscape in terms of materials, detailing and form
- iv. Awnings and weather protection structures will not be permitted at the entry to the buildings where the ground floor use is residential if they encroach upon the public domain.

D2.6.6 Street Trees

Objectives

a. To ensure that street tree planting is consistent with Councils street tree policy.

- Street tree planting along Terry Street is to be Lophostemon confertus (Brush Box) 100 litre container stock
- ii. All planting in the public domain, including the new street is to be in accordance with council approved landscape plans and specifications.

D2.7 Built form and design

D2.7.1 Building height

Objectives

- a. To ensure that height of the buildings in the development responds to the scale, character and form of existing streetscapes
- b. To ensure that new buildings are modulated in height so that there is no additional overshadowing on adjacent properties.

Controls

- i. Except as defined for the purposes of calculating Floor Space Ratio in D2.7.2, ground level is determined by *Leichhardt Local Environmental Plan 2000*
- ii. The maximum height of buildings and number of storeys is to be determined from ground level and is to be in accordance with Amendment XX to Leichhardt Local Environmental Plan 2000
- iii. The number of storeys permissible is to be in accordance with **Figure 6: Heights** and must not result in additional overshadowing of adjacent properties, Crystal Street properties and Wellington Street properties as per **Figure 7: Shadow Diagrams 21**st **June**
- iv. Structures including roof elements, lift overruns and landscape elements may be provided on podium areas or rooftops above the specified number of storeys, subject to consideration of potential impacts on the streetscape, the amenity of the adjoining properties and the overall character of the area.

D2.7.2 Building bulk

Objectives

a. To provide buildings which have a bulk and scale which reflect their context and include setbacks and modulation to reduce visual bulk.

Controls

- i. A 1.5:1 Floor Space Ratio limit applies to the subject land in accordance with Amendment XX to *Leichhardt Local Environmental Plan 2000*
- ii. Floor space ratio is to be calculated in accordance with the provisions and definitions as contained in *Leichhardt Local Environmental Plan 2000*
- iii. Modulation of building bulk is to be in accordance with other provisions, including height, setback and active frontage controls as contained in this Development Control Plan.

D2.7.3 Setbacks and articulation

Objectives

- a. To ensure that buildings are modulated and articulated to respond to streetscape, visual bulk and amenity issues.
- b. To ensure that the fourth storey of Building C fronting Terry Street south of the new road is to be setback so that it is not visible from the east side of Terry Street.

- i. Setbacks are to be provided in accordance with the details in **Figure 8: Setbacks**
- ii. The four storey component of Building C is to be setback 8m from the property boundary along the Terry Street frontage, south of the new road.
- iii. In instances where there is a conflict between setbacks and the approved shadow line as indicated in **Figure 8: Setbacks** the approved shadow line will apply

iv. Additional articulation of building forms and elements may be permitted to encroach within the nominated building setback subject to Council consideration of detailed elevations and sections.

D2.7.4 Building separation

Objectives

a. To ensure that buildings have adequate separation to minimise visual bulk and to ensure adequate amenity within the site.

Controls

i. Separation between buildings should be provided as required by the *Residential Flat Design Code* (RFDC) which forms part of *State Environmental Planning Policy No 65* – *Design Quality of Residential Flat Buildings (SEPP 65).*

D2.7.5 Building materials and finishes

Objectives

a. To ensure that buildings have a high quality appearance and have regard to the character of the surrounding area.

Controls

- a. Building and landscape materials are to be fit for purpose and reflect the Desired Future Character Statement, be appropriate for climatic conditions and be of high specification to ensure long term quality and sustainability of the development
- b. Materials to be used may include:
 - Heavy materials for the base structure: concrete, masonry, render.
 - Lightweight materials for the top of the building to allow flexibility in roof form: steel, aluminium and other metallic materials.
 - Screening elements: to provide enhanced privacy to the occupants of the development as well as to adjoining residential properties.

D2.7.6 Design of building elements

Objectives

a. To ensure that fronts, backs and tops of buildings have a high quality appearance and have regard to the character of the surrounding area.

Controls

- i. Buildings are to be designed in accordance with the Desired Future Character Statement
- ii. The design of building elements should provide an appropriate interface between the older, more traditional areas on the slopes leading up to the Darling Street shopping strip and the contemporary residential developments leading down to the shores of Iron Cove to the north and west
- iii. The design of the buildings should be of contemporary design, be fit for purpose for those visiting, working, or residing within the development and nearby
- iv. Buildings and landscape elements, including balconies, entries, rooflines and screening are to contribute to the character of the streetscape, enhance opportunities for visual supervision of the public domain, reduce overlooking, enhance residential amenity and make a positive contribution to place identity.

D2.7.6 Disability access

Objectives

a. To ensure that access to the development and its surrounds is maximised for people of all abilities and needs.

Controls

i. The provisions of *Development Control Plan 32 – Design for Equitable Access apply.*

D2.7.7 Signage

Objectives

a. To allow the neighbourhood centre and light industrial space to provide appropriate signage whilst ensuring that such signage does not result in visual clutter and is compatible with its context.

Controls

- i. All signage is to be located on those parts of the building used for non-residential purposes
- ii. Signage must be for non-residential purposes and be in accordance with controls contained in section A9.0 Advertising and Signage of Development Control Plan 2000

D2.8 Residential Amenity

D2.8.1 Solar access

Objectives

a. To optimise solar access to habitable rooms and private open space of new housing to improve amenity and energy efficiency.

Controls

i. All development is to be constructed in accordance with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65).

D2.8.2 Cross ventilation

Objectives

a. To ensure that dwellings have good access to fresh air and that energy efficiency is maximised.

Controls

- i. All development is to comply with the provisions contained in B2.4 of Leichhardt Development Control Plan 2000
- ii. 60% of residential units should be naturally cross ventilated in accordance with the Residential Flat Design Code (RFDC) which forms part of State Environmental Planning Policy No 65 Design Quality of Residential Flat Buildings (SEPP 65).

D2.8.3 Open Space

Objectives

a. To ensure that areas of open space are allocated for the communal use of residents of the site for relaxation and recreation.

- i. Open space is to be provided in accordance with Figure 9: Open Space Plan
- ii. A minimum of 2000sqm of communal open space should be provided in accordance with **Figure 9** or as approved by Council
- iii. A minimum of 2,690sqm of open space is to be provided between the northern building (Building A) which fronts Terry Street and the building which fronts the northern side of the new road (Building B), or as approved by Council

- iv. Roof tops may be used as communal open space where there is minimal potential for visual and acoustic privacy impacts
- v. The area on the southern side of the new street that is not intended to accommodate built form should be utilised for communal open space that is publicly accessible, or for the purpose of a shared or slow zone.

D2.8.5 Visual Privacy

Objectives

a. To protect the visual privacy of adjoining dwellings by minimising direct overlooking of principle living areas and private open space.

Controls

- i. All development is to comply with the provisions contained in B3.3 of *Leichhardt Development Control Plan 2000*
- ii. All buildings are to be designed to have no living rooms or balconies where the primary orientation is to the boundary with Wellington Street dwellings
- iii. Any habitable rooms with windows facing the Wellington Street boundary which are capable of overlooking should be either 'highlight' windows or have fixed louvres which restrict overlooking of the adjoining properties (see **Figure 11: Privacy Protection: Wellington Street**)
- iv. A 6m building setback plus associated deep soil planting is to be provided to the eastern boundary of Building B (as identified in **Figure 11**) to allow for the provision of significant tree planting.

D2.8.6 Deep Soil Landscape Area

Objectives

a. To ensure that a suitable area of the site is used for open space including deep soil landscaping which will add to the amenity of the site and the public domain.

Controls

- i. A minimum of 2,000sqm of deep soil landscaping (ie with no structure below) is to be provided in accordance with **Figure 10: Deep Soil Area Landscape Plan**
- ii. Private open space for each apartment is to be provided in accordance with Part B3.2 of the *Leichhardt Development Control Plan 2000*.

D2.9 Parking and access

D2.9.1 Parking rates

Objectives

a. To provide an appropriate balance between encouraging use of public transport and increasing the demand for on-street parking in the area.

- i. Car parking is to be provided at the following rates to a maximum of 250 spaces:
 - Non-residential uses
 - o 1 space/65sqm GFA
 - Residential uses:
 - o Studio/1 bedroom units 1 space
 - o 2 bedroom units 1 space
 - 3+ bedroom units 1.5 spaces.
 - o Visitor spaces − 1 space/10 units
- ii. All bicycle parking is to comply with the provisions contained in A8.0 of *Leichhardt Development Control Plan 2000*.

D2.9.2 Vehicular access

Objectives

- a. To ensure that building vehicular access and egress points are best located to reduce potential for conflict, particularly in the areas where active non-residential frontages are proposed
- b. To ensure that non-residential areas have adequate loading/unloading facilities.

Controls

- i. Vehicular access is to be generally in accordance with the locations shown on Figure
 5: Neighbourhood Centre, Integration, Active frontages and vehicle access
- ii. All building vehicular access and egress points are subject to final Council approval.

D2.9.3 Car park entry design

Objectives

a. To minimise the impacts of vehicular entry on the streetscape where possible.

Controls

- i. Vehicular entries are to be designed to minimise the visibility of garage doors on the street. This should be achieved through providing parking below ground level and setting doors back from the street boundary and building edge
- ii. Where service vehicles require access at or above ground level, other methods are to be employed to reduce the visual impact of parking access.

D2.10 Environmental performance

D2.10.1 Sustainability rating

Objectives

a. To ensure that a high level of sustainability is achieved by requiring a higher standard to be achieved than would typically apply to such development.

- i. The environmental performance and any development of the site must consider the following matters:
 - **Energy:** demand reduction, use efficiency, and generation
 - Water: reduction in potable water use, water reuse and use of other water sources
 - Management: sustainable development principles throughout the life of the project
 - Indoor Air Quality: enhanced building performance and wellbeing of occupants
 - **Transport:** reduction in demand for private car usage and encouraging alternative forms transportation
 - Building Materials: reduction resource consumption through material selection, reuse and management practices
 - Land use and Ecology: reduction in the impact on the ecosystem
 - **Emissions:** mitigating point source pollution from buildings & building services to the atmosphere, watercourse, and local ecosystems
 - Innovation: pursuing innovation that fosters the industry's transition to a more sustainable building
 - as specified by the Green Star Rating System.

D2.10.2 Active Transport

Objectives

a. To encourage use of active transport including public transport, cycling and walking.

Controls

i. A Travel Access Guide will be required to be available to residents and non-residential tenants of the development and approved by Council prior to occupation.

D2.10.3 Drainage and Water Management *Objectives*

a. To integrate water sensitive urban design into the development to reduce peak stormwater flows downstream, minimise transport of pollutants into waterways and maximise water recycling.

Controls

- i. Piped Water Drainage System: must be designed to Council's satisfaction and when installed must cater for the full length of the new road
- ii. Future development: the design of the drainage system will be required to accommodate extension of the drainage system from Wellington Street and uphill lands when the road is extended
- iii. Any development of the site must also consider the following matters:
 - Water: reduction in potable water use, water reuse and use of other water sources
 - Land use and Ecology: reduction in the impact on the ecosystem
 - **Emissions:** mitigating point source pollution from buildings & building services to the atmosphere, watercourse, and local ecosystems
 - **Innovation:** pursuing innovation that fosters the industry's transition to a more sustainable building

as specified by the Green Star Rating System.

D2.11 Waste and recyclable materials storage and disposal

D2.11.1 Waste and recyclable materials temporary storage and disposal facilities

Objectives

- a. To ensure that adequate on-site provision is made for the temporary storage and disposal of waste and recyclable materials
- b. To ensure that opportunities to maximise source separation and recovery of recyclables are integrated into the development
- c. To minimise risk to health and safety associated with handling and disposal of waste and recycled material and the potential for adverse environmental impacts associated with waste management.

- i. Facilities required for the management, temporary storage, loading and unloading of waste and recyclable materials are to be provided wholly within the development
- ii. Waste management and storage areas are to be located, designed and constructed to ensure integration into the streetscape on Terry Street and the new street
- iii. A completed Site Waste Minimisation and Management Plan (SWMMP) must accompany any development application.





Figure 1 Site Location Plan

Terry Street, Rozelle

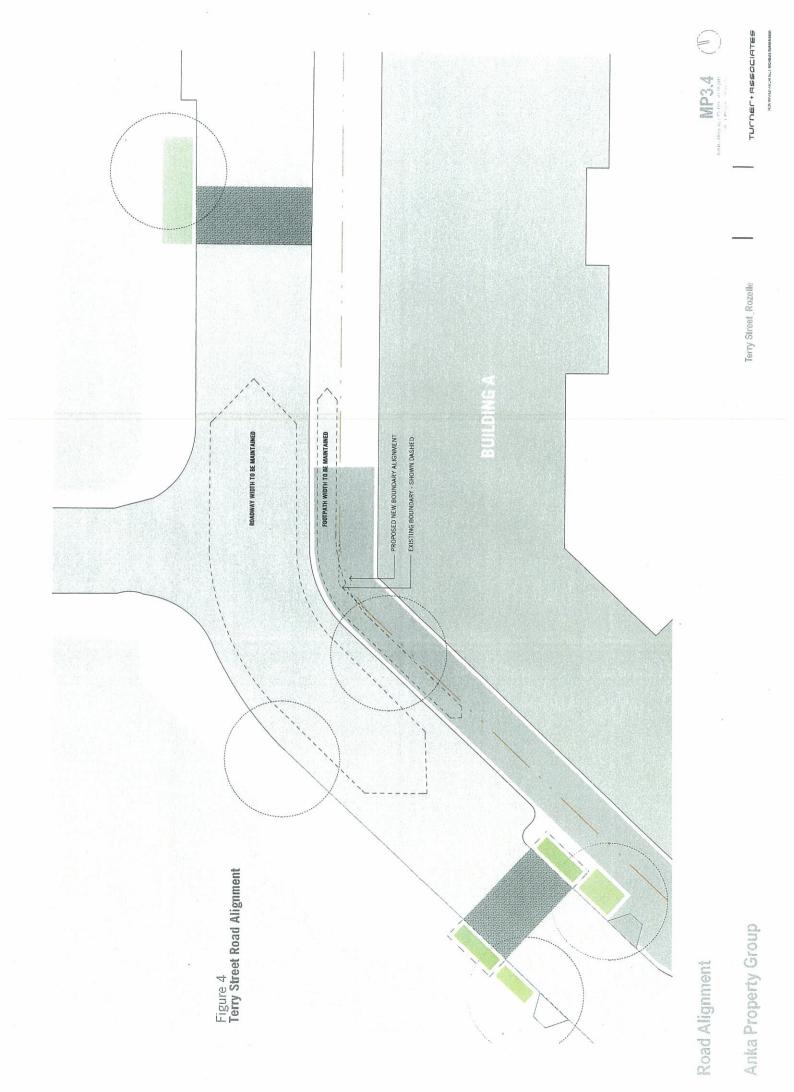
TURNER + ASSOCIATES

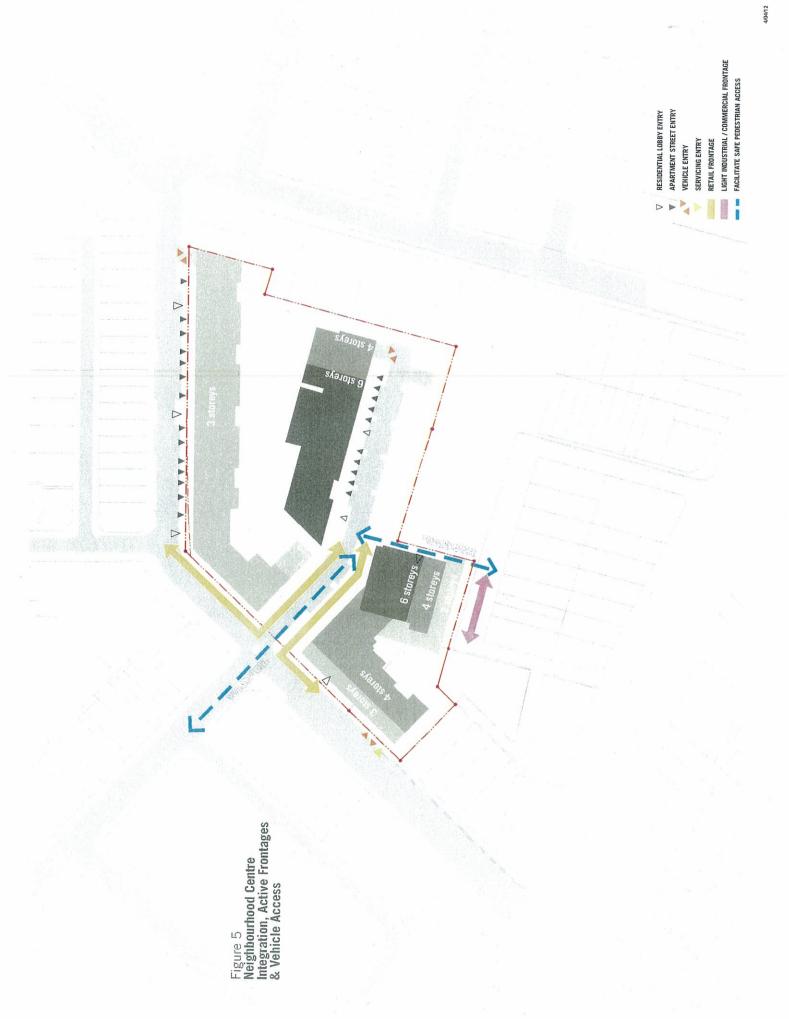
Any Property Group

intersection Layout - Margaret & Terry Sts

Public Domain







D)

6 storeys







Figure 7: Indicative Shadows as at 21 June