

# **F11 Nos. 149-163 and 165-171 Milton Street, Ashbury**

This chapter of the DCP applies to the land located at Nos. 149-163 and Nos. 165-171 Milton Street, Ashbury, known as Milton Street Precinct (Figure F11.1 Location Diagram). This chapter should be read in conjunction with Part B General Controls and Part C Residential Accommodation.

If there are any inconsistencies between the Objectives and Controls in this chapter and any other Objectives and Controls in this DCP, the Objective and Controls in this chapter will prevail, but only to the extent of that inconsistency.

SEPP 65 and the Apartment Design Guide apply to any Residential Development Application within this precinct. Where there is a discrepancy between the Apartment Design Guide and this site specific DCP the DCP will prevail (other than those matters noted within SEPP 65).

## **F11.1 Character Statement**

The Milton Street Precinct is located to the north of Ashbury bordered by Inner West Council to the north. The precinct is bounded by WH Wagener Oval to the west, Milton Street to the east and lower scale residential dwellings, predominantly single-dwellings, to the north and south. The heritage conservation area – Ashbury Heritage Conservation area, is immediately to the east and south of the precinct.

The land within this precinct is currently occupied by industrial and commercial development and surface carparking serving these uses. The site is an anomaly within an otherwise low scale residential area. The presentation of these industrial and commercial uses to both Milton St and WH Wagener Oval detracts from the predominant character of the area.

Revitalisation and redevelopment of the site is a key objective for the precinct. New development is to create a new residential character for the site that provides a lower scale and density to Milton St grading up to taller development towards the edge of the oval.

Redevelopment along Milton St is to sensitively respond to the residential lot subdivision pattern and scale of dwellings within the street reinterpreted into a contemporary terrace typology. Terraces are to be low scale with breaks between the terrace grouping offering view glimpses and pedestrian permeability into the site.

A new street from Milton St to the oval will provide vehicular, pedestrian and cycle access into and through the site whilst also offering a view corridor to the oval lined with trees and the front gardens of apartments.

The site edges shared with existing low scale residential lots on Milton St, Trevenar

St and Yabsley Ave are to achieve a transition in scale by lower height development and a significant landscaped setback to moderate amenity impacts to the existing dwellings and their rear garden areas.

The oval interface with the site is able to sustain taller development which will offer improved passive surveillance and residential activation to the oval edge. Any development along this part of the site is to ensure that it is not visible from Milton St, Trevenar St and Yabsley Ave over the existing houses along these streets.

Taller development also marks and defines the edges of the new street as the topography falls away towards the oval with development centrally within the site moderating between the taller oval edges and the low scale forms to Milton St.

The street and pathway network through the site will improve the permeability of the site and access across the site from Yabsley Ave to Milton St and the oval. A well-connected pedestrian network with high pedestrian amenity shall be provided within the precinct.

The landscape quality throughout the site and along the site edges to Milton St, adjacent residential lots and the oval will be high quality and will provide dense landscape buffers to property boundaries, street trees and landscaped front gardens to Milton St and the new street and landscaped mounding to the oval edges with large trees to reinforce the existing significant tree plantings around the oval perimeter. The retention of existing trees within the site and along the site edges is to be maximised through the location of built form, the new street, and positioning of basements.

The architectural character will enhance the precinct, using materials and proportions that are sympathetic to the Conservation area.

A sensitive relationship with the adjoining low scale houses will be provided to the precinct edges. Low to medium scale built form shall be designed to minimise privacy impacts to the adjacent low scale houses. The provision of landscaped buffers will improve the quality of the outlooks towards the site from these dwellings.

The new developments within the precinct shall assist the transformation of the industrial land into a high quality residential community integrated into the surrounding neighbourhood.

The indicative master plan for the site is shown in Figure F11.2.

## **F11.2 General Objectives**

### **Objectives**

- O1 To achieve design excellence in any new development.
- O2 To achieve a high-quality development outcome that is responsive to the natural and built form context around the site.
- O3 To improve connectivity for pedestrians and cyclists through the site to Milton St, Yabsley Ave, WH Wagner Oval and Whitfield Ave.

- O4 To enhance the existing Milton St streetscape and provide a new street that enhances the landscape character of the area.
- O5 To achieve a high quality landscape response to the site, Milton St and the Oval edges.
- O6 To minimise the visibility of any taller development within the precinct from surrounding streets and achieve a transition in scale of development from Milton St and the rear boundaries of existing residential lots edging the site to the oval edge, responding to the topography of the site.
- O7 To locate the tallest development on the site along the new street to ensure the topography minimises its impact and visibility.
- O8 To achieve a high standard of residential amenity to adjacent development and new development within the precinct.
- O9 To minimise the visual impact to Ashbury Heritage Conservation Area.

### **F11.3 Siting the Development**

#### **Objectives**

- O1 To create a site layout and built form that is appropriate to and enhances the character of the Milton St and WH Wagner Oval area.
- O2 To maximize the opportunities for high quality landscape within the site and to all site edges including Milton St and the oval.
- O3 To improve the permeability and connectivity of the precinct.
- O4 To create a site layout and built form which will provide high residential amenity within the precinct and minimise the impacts on adjoining properties.
- O5 To maximise the opportunity for deep soil within the site and along its edges.
- O6 To provide view corridors and links through the site that offer view glimpses to the Oval whilst also providing breaks in the building form to minimise bulk.
- O7 To ensure areas of open space are consolidated and provide landscape and visual relief between building forms and along site edges.

#### **Controls**

- C1 Locate building form within the development in accordance with the building footprints and envelopes shown in Figure F11.5 Minimum Setbacks and Building Separation and Figure F11.3 Number of Storeys.

- C2 Any variation from the building footprints and heights shown in these figures must demonstrate that it achieves a higher quality outcome in terms of:
- scale transition across the site,
  - response to the conservation character and scale of Milton St
  - amenity to adjacent residential lots, the oval and dwellings within the site itself,
  - visibility to and visual impact from the conservation area,
  - visual and physical permeability through and into the site and
  - consolidated landscape areas throughout the site.

## **F11.4 Building Height and Density**

### **Objectives**

- O1 To achieve an appropriate distribution of built form and height transition across the site to respond to existing character and context within the maximum building height provisions in the Canterbury Local Environment Plan 2012 (Clause 4.3).
- O2 To provide an appropriate scale and massing sensitive to the Ashbury Heritage Conservation Area and Milton Street.
- O3 To minimize the visual impact of development to adjoining sensitive residential uses.
- O4 To ensure that any taller development within the precinct is not visible over the existing housing when viewed from the surrounding streets and public domain areas.
- O5 To consider the visibility of the precinct and future development from key vantage points around WH Wagener Oval.
- O6 To locate taller development in locations of high quality amenity and outlook over the oval.
- O7 To reinforce the sense of enclosure to the oval by providing taller built form along its edge
- O8 To ensure the greatest height is only located along the western end of the new street within the site.
- O9 To ensure the greatest density is located within the core of the site and not the site edges.

## **Height**

### **Controls**

- C1 The detailed distribution of height within the maximum height allowed within the precinct is to be in accordance with the height in metres in the following table and the maximum height in storeys designated in Figure F11.3 Number of Storeys.

<b>Number of Storeys terrace typology</b>	<b>Maximum Height in metres</b>
1 storey	3.9m
2 storeys	6.2m plus roof form
Roof form	8.5m to top of ridge
2 storey transition to residential lots at side boundaries	6.2m plus 1m allowance for the balustrade to any 3 <sup>rd</sup> floor balconies setback above
3 storeys including allowance for plant, lift overrun and roof form	11m
4 storeys including allowance for plant, lift overrun and roof form	14m
5 storeys including allowance for plant, lift overrun and roof form	18m
6 storeys including allowance for plant, lift overrun and roof form	21m

- C2 The floor to floor height of all apartments is to be a minimum of 3.1m.
- C3 Floor to floor heights less than C2 to try to achieve an additional storey within the maximum height will not be supported.
- C4 The additional height allowance between the top storey and the maximum height is to be used to achieve an interesting roof form and building silhouette appropriate to its context on the site and to accommodate lift overruns and plant only. The expression of party walls to development along Milton St to respond to the 'grain' of the traditional lot widths is encouraged.
- C3 The street wall heights to Milton St are to comply with Figure F11.6 Upper Level Setbacks. Building form above this street wall height is to be either incorporated within an attic roof form or setback a minimum of 3m from the line of the building below.
- C4 The maximum perceived height of development should be 2 storeys when viewed by a standing person with an average eye level of 1.5m (refer to Figure F11.4 Scale Relationship to R2 Zone) from:
- the centre of an adjoining residential rear open space area on i.e. boundaries of the site shared with the rear or side boundaries of adjoining lots),
  - the eastern footpath of Milton St as seen over the roofs of existing houses (other than when directly opposite the new street within the site where taller development may be perceived),

- C5 Taller development along the edge of WH Wagner Oval is not to be visible above the canopy line of the tallest existing mature tree on the eastern edge of the oval.

## **Density**

### **Controls**

- C1 The maximum floor space ratio may not be achievable if adverse visual, acoustic or privacy amenity impacts occur to neighbouring dwellings or dwellings within the development.
- C2 The majority of the new dwellings are to be located within the centre of the precinct to the western end of the new street and along the centre part of the oval boundary to minimize privacy, scale and acoustic impacts to adjoining residential dwellings.

## **F11.5 Front, Side and Rear Setbacks**

### **Front Setbacks**

#### **Objective**

- O1 To provide front building setbacks that are consistent with the setbacks to the Ashbury Conservation area and Milton St.
- O2 To facilitate semi private courtyard front gardens within the front setbacks along Milton Street.
- O3 To retain existing trees along Milton St to maintain the landscape character of the site.
- O4 To provide deep soil in the front setback to create a landscape setting including large canopy trees within the front garden setbacks to enhance the current landscape character of Milton St.
- O5 To encourage informal interaction between residents in the area.
- O6 To provide passive surveillance to Milton St.
- O7 To provide a public/private transition from the street to the dwellings along the street.

### **Side and Rear Setbacks**

#### **Objectives**

- O1 To minimize bulk and scale adjacent to neighbouring residential dwellings
- O2 To provide a quality outlook and reasonable visual and acoustic privacy for existing dwellings on land adjoining the precinct.

- O3 To provide sufficient setback to accommodate generous landscape buffers as well as private open space to new dwellings along all the precinct side and rear boundaries.
- O4 To enhance the landscape character of the site and allow for larger canopy trees within the rear and side setbacks.
- O5 To maximize the opportunity to retain existing trees along the oval edge and site edges.
- O6 To mitigate the impact of bulk to WH Wagener Oval and public domain areas.
- O7 To provide for consolidated areas of deep soil along all precinct boundaries.
- O8 To reinforce landscape and fauna corridors within the rear gardens of adjoining lots.

#### **Controls**

- C1 Provide building setbacks in accordance with Figure F11.5 Minimum Setbacks and Building Separation.

#### **Front Setbacks**

##### **Controls**

- C1 The minimum front setback to Milton Street is to be 4m.
- C2 The front setback area is to be free from any projections or encroachments from any part of new buildings.
- C3 Existing mature trees are to be retained wherever possible and entries to new development is to be designed to maximize retention.

#### **Side and Rear Setbacks**

##### **Controls**

- C1 Provide side and rear setbacks in accordance with Figure F11.5 Minimum Setbacks and Building Separation.

#### **Street Address and Landscaped Setting**

##### **Controls**

- C1 Each ground level dwelling to Milton St is to be provided with its own direct access from Milton St.
- C2 Provide articulation to building frontages through expression of party walls, deep eaves, projecting bays, setbacks to the second floor to provide balconies (if attic forms are not used) or canopies over entries.

- C3 Paved areas within the front setback are to be associated with either the front door or living areas and are to be a maximum of 2.4m in depth within the front setback zone.
- C4 A level difference of a maximum of 800mm is encouraged to differentiate private open space from the landscaped setback area.
- C5 Provide front fencing to the street boundary that is complimentary to the height and design of the predominant fencing type in Milton St (maximum height to be 1.1m).
- C6 A minimum of 1 canopy tree is to be provided in the front garden setback of each dwelling to Milton St.
- C7 Within the required side and rear setbacks a heavily planted landscape buffer is to be provided with a minimum width of 3m.
- C8 Deep soil is to be provided as required in Figure F11.7 Deep Soil Zone & Communal Open Space to all side and rear boundaries for a minimum width of between 3m and 6m.
- C9 Groupings of large canopy trees are to be provided within all side and rear setbacks. Deep soil is to be provided where these trees are located.

## **F11.6 Upper level Setbacks**

### **Objective**

- O1 To mitigate the scale of buildings adjacent to Milton St and side boundaries adjacent to low scale residential lots.
- O2 To minimise the visibility of higher built form when viewed from adjoining residential properties and surrounding public domain and conservation area.
- O3 To reduce amenity impacts to adjoining properties and the public domain.
- O4 To provide definition to the top of higher building forms.

### **Controls**

- C1 The minimum upper level setbacks are to be in accordance with Figure F11.6 Upper level Setbacks.
- C2 The final setback to upper storeys for built form adjacent to side boundaries is to be determined by the line of sight when viewed by a standing person with an average eye level of 1.5m from the centre of neighbouring backyards on an adjoining residential property - Figure F11.4 Scale Relationship to R2 Zone.
- C3 Upper level setbacks must be free of any projections or encroachments from any part of building.

- C4 All plant rooms and lift overruns are to be positioned to minimize their visibility to the surrounding public domain.

## **F11.7 Building Separation**

### **Objectives**

- O1 To ensure that development has appropriate spacing between buildings to balance the scale of the building.
- O2 To allow for high quality amenity for residents, adjoining properties and public domain areas.
- O3 To provide generous spaces between buildings to create an appropriate opportunity for a landscape setting, view corridors between building forms, sky exposure and communal open space where appropriate.
- O4 To moderate building length for taller building forms.
- O5 To provide building groupings to Milton St that are reasonable relative to the conservation area character.

### **Controls**

- C1 Provide minimum separation distances between building forms in accordance with Figure F11.5 Minimum Setbacks and Building Separation.
- C2 Where the minimum separation distance is less than the separation required by the Apartment Design Guide (ADG) for habitable rooms or balconies the building is to be designed to ensure the room uses are appropriate to the separation to ensure compliance with the ADG.
- C3 Areas of deep soil are to be provided below the large courtyard areas to ensure a high quality outlook for future residents.
- C4 The minimum separation distances between the narrow ends of building forms are to be clear of projections other than window bays to bedrooms or secondary windows to living rooms. The maximum projection of such elements is to be 1.5m within the separation distance.

## **F11.8 View Corridors**

### **Objectives**

- O1 To protect and enhance opportunities for vistas to WH Wagener Oval and its mature tree canopy from Milton Street.
- O2 To provide opportunities for longer distance vistas from the communal area courtyards between the buildings within the precinct to the Oval.

### **Controls**

- C1 View corridor and breaks between building forms are to be in the locations shown in Figure F11.8 Links, View Corridors and Vehicle Entry Points.
- C2 The minimum width of a view corridor is to be in accordance with Figure F11.5 Minimum Setbacks and Building Separation.
- C3 Landscape within view corridors should frame views and should not block eye line level views to the oval.
- C4 Street trees with higher canopies are to be provided along the length of the new street to frame views towards the oval.

## **F11.9 Building Depth**

### **Objectives**

- O1 To limit the depth of buildings to ensure a high level of amenity and sufficient space and separation to adjacent buildings and neighbouring lots.
- O2 To mitigate bulk and scale to WH Wagener Oval and the adjacent heritage conservation area.
- O3 To provide view corridors through the site and pedestrian permeability.
- O4 To maximize opportunities for cross ventilation and high levels of solar access.

### **Controls**

- C1 The maximum building length is 40m.
- C2 Indentations or recesses must be provided every 20m to provide articulation and mitigate building length. The depth of indentations is to be a minimum of 3m.
- C3 The maximum overall building depth is 18m from glass line to glass line for buildings within the precinct and along the new street and the edge of the oval.
- C4 Building depth to the Milton St frontage and to the northern side boundary adjacent to residential lots is to be a maximum of 15m including balconies.

## **F11.10 Deep Soil Zones**

### **Objectives**

- O1 To allow for mature trees.

- O2 To provide a pleasant outlook and contribute to the amenity of the precinct.
- O3 To soften the scale of buildings.
- O4 To maximise the environmental benefits to the precinct.
- O5 To minimise stormwater runoff and facilitate rainwater infiltration.

#### **Controls**

- C1 A minimum of 15% of the site area is to be provided as deep soil zone.
- C2 The locations of deep soil areas shall be in accordance with the Figure 11.7 Deep Soil Zone & Communal Open Space.
- C3 The minimum width of 3-6m of deep soil is to be provided to all boundaries in accordance with Figure 11.7 Deep Soil Zone & Communal Open Space.
- C4 A minimum 3m of deep soil is to be provided to the boundary with WH Wagener Oval.
- C5 Deep soil is to be provided to the site edges, the verges of the New Street and within the communal open spaces to support substantial tree planning.

### **F11.11 Communal Open Space**

#### **Objectives**

- O1 To ensure residents are provided with a reasonable level of outdoor amenity.
- O2 To provide high quality open space for residents.

#### **Controls**

- C1 Communal open spaces is to be provided in accordance with Figure 11.7 Deep Soil Zone & Communal Open Space.

### **F11.12 Vehicular and Pedestrian Entries**

#### **Objectives**

- O1 To improve permeability to and within of the precinct.
- O2 To enhance pedestrian safety and activity at street level.
- O3 To limit the impacts of vehicular access and encourage pedestrian movements within the precinct.

### **Controls**

- C1 The number of basement entries shall be minimised.
- C2 Vehicular access shall be provided generally in the locations shown in Figure F11.8 Links, View Corridors and Vehicle Entry Points.
- C3 No vehicular entry points apart from the New Street are to be provided from Milton Street.
- C4 Basement ramps must be within the built form. Exposed basement ramps are not permitted.
- C5 A well-designed pedestrian movement network is to be provided in accordance with Figure F11.8 Links, View Corridors and Vehicle Entry Points.

## **F11.13 New Street**

### **Objectives**

- O1 To deliver a well-designed new road in accordance with relevant standards.
- O2 To provide a human scale streetscape along the New Road.
- O3 To provide a pedestrian friendly environment along New Road.
- O4 To provide a public link from Milton Street to WH Wagner Oval.

### **Controls**

- C1 The location of the New Road shall be generally in accordance with Figure F11.9 New Road.
- C2 The minimum width of the road is 12m. It shall be allocated equally on both side of the common boundary.
- C3 The road section must be in accordance with Figure 11.10 New Road Section (A-A Section).
- C4 A 1.5m footpath together with a 1.5m verge for tree planting must be provided to either side of the New Road in accordance with Figure 11.10 New Road Section (A-A Section).

## **F11.14 Basement Parking**

### **Objectives**

- O1 To ensure all resident parking is within basements.
- O2 To encourage limited or street parking for visitors along New Street.

- O3 To minimise the excavation of the land.
- O4 To ensure basement parking allows for adequate deep soil area.

**Controls**

- C1 Basement car parking is to be generally located below natural ground level. Any protrusion above natural ground level is not to exceed 1m.
- C2 Basement walls visible above natural ground level must be appropriately finished and appear as an integrated part of the building or landscaping.
- C3 Basements are to be located directly below building footprint.

### **F11.15 Excavation**

**Objectives**

- O1 To respond appropriately to the fine grain character of the heritage conservation area.
- O2 To minimise ground disturbance across the site.

**Controls**

- C1 Units more than 1m below natural ground level are not permitted.

### **F11.16 Design Excellence**

A competitive design process is required to ensure a high quality outcome.

**Objectives**

- O1 To achieve a design excellence for new development within the precinct.
- O2 To ensure that the developments within the precinct contribute to the architectural and urban design quality of the locality and the Ashbury Heritage Conservation Area.

**Controls**

- C1 A limited design competition is required for buildings within the precinct.
- C2 The landowner, or an appointed agent of the landowner, is to be nominated as the 'proponent' for the purpose of the design competition process.
- C3 The proponent is responsible for the running and the costs associated with the competition process throughout the entire process.
- C4 A minimum of 3 architects are to be engaged for the competition.

- C5 The competition is to be held in accordance with the Australian Institute of Architects Guidelines for Architectural Design Competitions.

### **F11.16.1 The Competition Brief**

#### **Controls**

- C1 A design competition brief is to be provided by the proponent.
- C2 The design competition brief is to be approved and endorsed by Canterbury Bankstown Council.
- C3 The design competition brief shall provide a comprehensive range of information about the precinct, context, the objectives and controls in this site specific DCP in addition to the program requirement of the proponent.

### **F11.16.2 Design Excellence Review**

#### **Controls**

- C1 A Design Excellence Jury of no less than three and not more than five members is to be established.
- C2 All the selected Jury members shall meet the conditions and requirements identified in the NSW Government Architect's Director General's Design Excellence Guidelines.
- C3 The review of design excellence involves the following procedures:
- a. administrative tasks shall be provided by the proponent: confirmation of meeting dates, distribution of documents and booking of meeting venues,
  - b. design submissions should be distributed to Jury members at least 14 days prior to a scheduled review meeting,
  - c. review meetings should provide for a 30-minute presentation by each design practice followed by questions from Jury members,
  - d. discussion and decisions by the Jury should occur during closed sessions that follow presentations,
  - e. reports should be drafted by the Jury for distribution to the proponent and Council within 14 days after each review meeting,
  - f. requests for reconsideration or clarification of the Jury's report may be submitted by the proponent or Council within 14 days after receipt of the Jury's report.

### **F11.16.3 Assessment and Determination**

#### **Controls**

- C1 The outcome of the competition does not constitute a Development Application approval.
- C2 The selected design proposal must undergo the Canterbury Bankstown Council DA process.
- C3 Canterbury Bankstown Council reserves the right to create an independent panel to review any modifications to the selected scheme. The proponent shall cover the cost of creating an independent panel.



--- Precinct boundary  
— Cadastre

Figure F11.1 Location Diagram



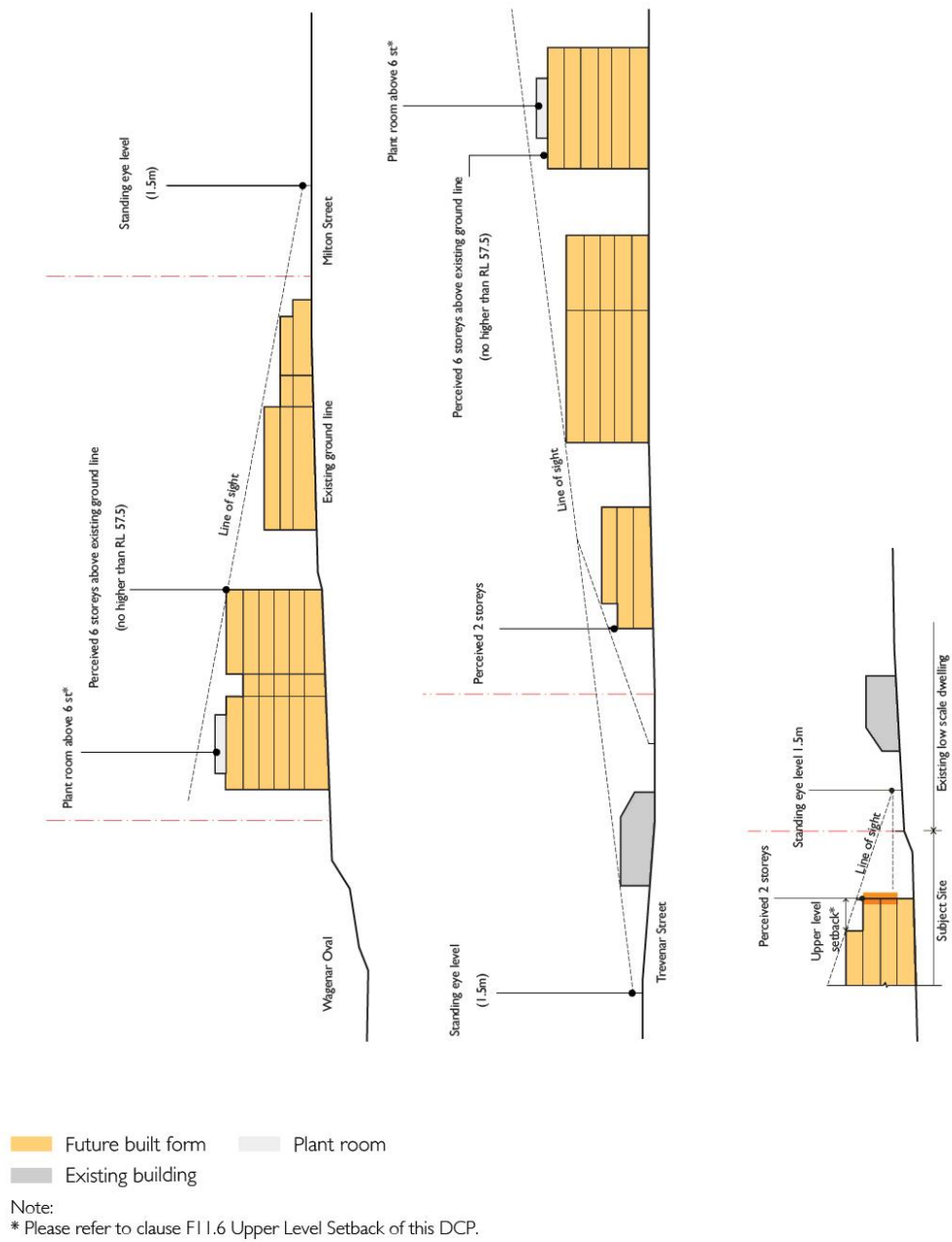
- |  |   |   |
|--|---|---|
| <span style="color: red;">- - -</span> Site boundary   | <span style="background-color: #90EE90; border: 1px solid black;"> </span> Deep soil zone                       | <span style="background-color: #A9A9A9; border: 1px solid black;"> </span> Pedestrian links |
| <span style="background-color: #FFDAB9; border: 1px solid black;"> </span> Proposed building                         | <span style="background-color: #90EE90; border: 1px solid black; border-style: dashed;"> </span> Private garden | <span style="color: black;">▶</span> Vehicular access                                       |
| <span style="background-color: #90EE90; border: 1px solid black; border-style: dashed;"> </span> Communal open space | <span style="background-color: #D3D3D3; border: 1px solid black;"> </span> Proposed new road                    | <span style="color: green;">●</span> Trees  |

Note:  
 Numbers refer to the maximum number of storeys.  
 Plant room to be out of line of sight, view from Milton Street and Trevenar Street.

**Figure F11.2 Indicative Master Plan**



**Figure F11.3 Number of Storeys**



**Figure F11.4 Scale Relationship to R2 Zone**





Figure F11.6 Upper Level Setbacks



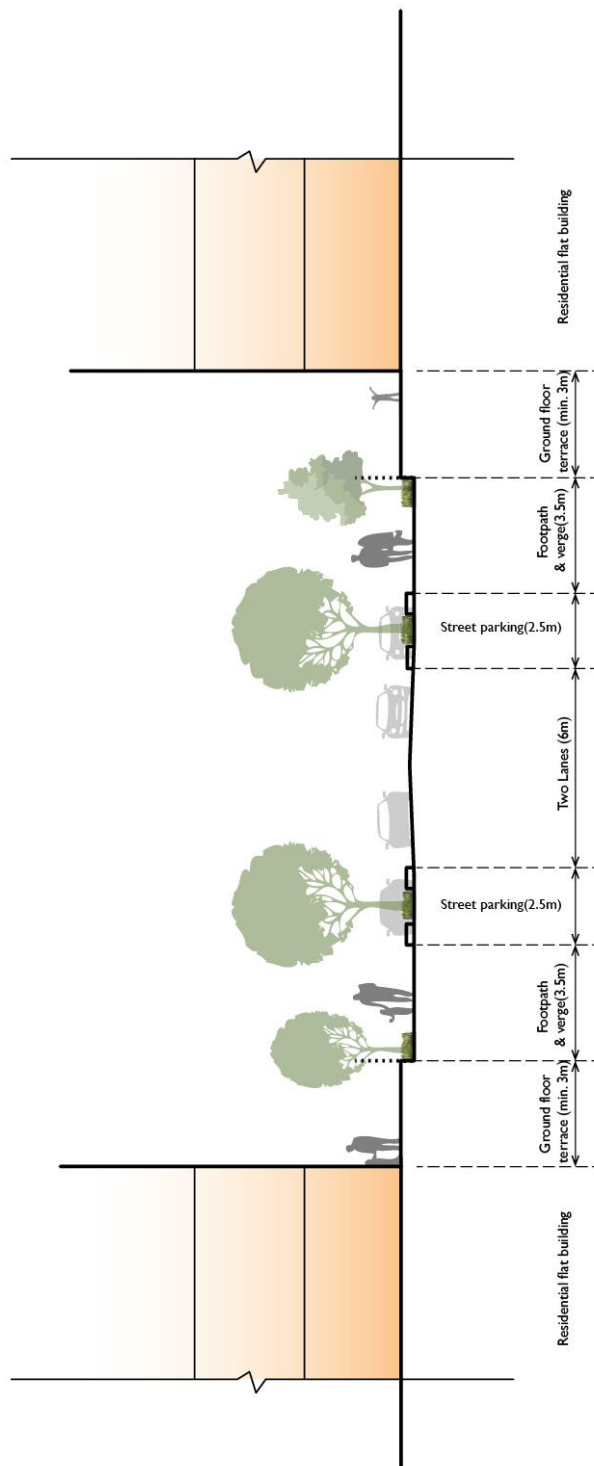
**Figure F11.7 Deep Soil Zone & Communal Open Space**



**Figure F11.8 Links, View Corridors and Vehicular Entry Points**



Figure F11.9 New Road



**Figure F11.10 New Road Section (A-A Section)**