



INNER WEST  
ARCHITECTURAL EXCELLENCE  
DESIGN REVIEW PANEL

MEETING MINUTES

Meeting Date: 5 April 2022

# INNER WEST

<b>Planning Proposal</b>	Parramatta Road Corridor Stage 1 Implementation (LEP Phase 2A) draft Development Control Plans
<b>Location</b>	Parts of Leichhardt, Taverners Hill and Kings Bay Precincts in the Parramatta Road Corridor
<b>Proposal</b>	Council-led Planning Proposal to amend Inner West Local Environmental Plan 2022 (IWLEP) and associated Development Control Plan amendments to implement <i>Parramatta Road Corridor Urban Transformation Strategy</i> for parts of Leichhardt, Taverners Hill and Kings Bay Precincts.
<b>Panel Members</b>	Peter Ireland (Chair) Diane Jones Dr Michael Zanardo
<b>Council staff</b>	Niall Macken – Team Leader Heritage and Urban Design Vishal Lakhia – Urban Design Advisor Daniel East – Manager Strategic Planning Jennifer Gavin – Executive Planner Gill Dawson- Consultant Strategic Planner Karen Kirk-Torresan – Senior Strategic Plan Sarah Gaun – Student Strategic Planner Olive Diaz – Intern Strategic Planner
<b>Declaration of interests</b>	Nil
<b>Meeting time</b>	1:00pm – Panel convened for preliminary discussions 2:00pm – Meeting starts 4:15pm – Meeting concludes

## Recommendations

### That the Inner West Architectural Excellence Design Review Panel (IW AEDRP) advise:

- 1) That Council has generally met the requirements of Clause 15(1)(a) of the Environmental Planning and Assessment Regulation, 2021 (EPA Regulations) by referring the draft Development Control Plan (DCP) amendments that support Parramatta Road Corridor Stage 1 Implementation (LEP2A) for parts of Leichhardt, Taverners Hill and Kings Bay Precincts prior to adoption by Council. However it *cannot be said that all of the requirements of 15(1) have been met as Council has yet to 'consider the comments made by the design review panel about the provisions' (15(1)(b)(i))(this has not yet occurred) and 'the matters specified in Parts 1 and 2 of the Apartment Design Guide' (15(1)(b)(ii) Need further consideration.*
- 2) The Panel welcomed the opportunity to review the material early in the process. The Panel has made comment in some instances from a "devils advocate" standpoint in order to offer a different perspective or interpretation of the Draft.
- 3) The Panel supports the majority of the draft DCP amendments, however, advises that the following matters would benefit from review and consideration prior to public exhibition:

#### General

- a) Incorporate notations or introduction/preamble with reference to the Apartment Design Guide (ADG) and other key source documents, as required.
- b) Review where the terms 'and' and 'or' are used to ensure clarity.
- c) Provide more clarity and certainty of outcome by constructing controls that nominate numeric measures (setback dimensions, areas, %'s) that if met, will be considered to meet the objectives. Non-specific 'performance' type controls as proposed in many instances are not supported as they are subjective/ambiguous and cannot be effectively interpreted for design or administered for assessment.
- d) A greater emphasis on 'context' is required throughout.
- e) Aspects which were relying on adoption of SEPP Design and Place can be resolved as this draft policy has been officially shelved.
- f) 'Incentive' floor space and height might be better formulated as 'Design excellence' floor space and height to reinforce and support better design outcomes (as per example).
- g) Correct typographic and grammatical mistakes throughout. Thorough editing is recommended.

#### Built form

- a) Floor to floor heights require review and an increase to ensure intended minimum new NCC and building performance outcomes are able to be met. A minimum of 3.2m floor-to-floor is recommended with greater required for terraces over habitable rooms and roof top levels.
- b) The lift overrun dimension shown in diagrams should also be reconsidered. A minimum of 4.6m above the last floor served is recommended.
- c) The interaction of SEPP 65 30(1)(c) and proposed ceilings heights should be given further consideration.
- d) 3.6m first floor commercial floor-to-floor heights do not meet ADG 4C-1 1. A minimum of 3.7m is required (3.3m plus 0.4m (see ADG 2C 1). More may now be required to meet revised NCC standards (see above).

- e) Additional clarity should be provided around floor-to-floor height controls and allowance for topography.
- f) Guidance and controls should be provided when measuring building separation across narrow lanes. Measurement to the centreline of the lane is recommended.
- g) Verify flood affected locations will not result in ramped entries visible to the public domain and explore potential for internal level changes to accommodate flooding and accessibility (review other examples). Provide controls that will mitigate against 1:14 ramped entries being expressed and visible to the public domain.
- h) Review objectives and controls related to amenity with regard to comfortable and enjoyable environments, specifically to:
  - i) Address all forms of noise – road, air and rail, based on the location and orientation, and potential for other impacts such as electrolysis (emission from electrified rail) on building materials and strengthen the guidance and controls on materials, construction methods and building element design and overall building arrangement to protect from noise.
  - ii) Ensure natural ventilation to all habitable rooms in noise-affected environments through guidance and controls to meet ADG Objective 4B-1. Note that primary windows to atriums and light wells are not favoured by the ADG.
- i) Reference to architectural features and articulation in built form should be expanded and clarified. Architectural features are subjective, and articulation may assist in reducing ‘apparent’ building bulk by defining building elements of differing scales, proportions and materials in a design hierarchy that is related to, and draws from, its context.
- j) Verify some of the specified setbacks to provide clarity and certainty. For example:
  - i) Some variable setbacks nominated (expressed as a range) may result in undesirable inconsistent street walls.
  - ii) Where a setback to a parapet is expected, provide a measure.
  - iii) Where side setbacks in residential locations with residential flat buildings are intended, provide guidance on blank wall/non-habitable windows versus habitable windows and required building separation from the boundary in line with ADG 3F-1 1.
- k) Consider additional controls to achieve intended fine grain for commercial that reflects the location, specifically Parramatta Road and Norton Street, Leichhardt.
- l) Requirements to retain ‘existing openings’ in Heritage facades can be detrimental/prohibitive of residential uses indicated in diagrams.
- m) Reference is made to reflectivity but not to colour; controls required to prevent undesirable outcomes such as use of dark glass.
- n) There will likely be a tension between LEP maximum floor space ratios and maximum building heights that will put significant pressure on yield versus residential amenity. We recommend that residential building layouts be tested in further detail (beyond envelope studies) to understand this relationship and appreciate if potential amenity issues are created.
- o) Also need clarity about fill of envelopes. ADG will look after the residential envelopes – but maximum fill to be specified for other uses to encourage articulation and contextual fit? Testing appears to use 75% but ADG 2D recommends 70%. ADG Figure 2D.1 is also a useful rule-of-thumb.

#### Ground floor commercial uses

- a) Consider the use of a minimum % of site area or FSR rather than % of ground floor GFA as this will assist in delivery of ground floor employment uses rather than small commercial unit(s) with remainder of ground floor used for residential, driveways, parking, servicing or other purposes.

- b) It is noted that a minimum amount of non-residential use is anticipated by previous urban design testing. If this non-residential GFA is not achieved, this puts great pressure on the achievement of residential GFA and the achievement of adequate residential amenity.
- c) Residential entries in a mixed-use setting would benefit from suitable dimensions, specifically at the street entry and be supported by other controls to ensure they are sufficient and provide good internal visibility, safety and space to accommodate parcel deliveries and storage of deliveries. Minimum dimensions for common circulation spaces within the residential component of buildings is also recommended (1.8m minimum).

#### Landscape and tree canopy

- a) Clarify that where low-level vegetation heights are described trees are excluded from these controls.
- b) Tree canopy –
  - i) Clarify these are requirements to meet LEP requirements
  - ii) Include deep soil requirements (% of site area and minimum dimensions) to support and achieve desired canopy area on site in all instances.
  - iii) Suggest reviewing Greener Neighbourhood Guide (December 2021) for additional controls and definitions to assist achievement of tree canopy such as stating a required number of trees of a certain size related to site area.
- c) Guidance and controls should be provided on acceptability of podium and rooftop communal open space (particularly regarding lift overrun) as these spaces will be necessary in many circumstances.

#### Active frontages

- a) Controls would benefit from strengthening movement/relationships between public domain and commercial uses. Consider the concept of 'physical' as well as 'visual' permeability as a definition to describe what can be considered 'active'.
- b) In some locations stating up to 70% of frontage is glazed without other supplementary controls may result in extensive areas without activation.

#### Access and parking

- a) Review controls related to basement parking not protruding at any point as locations with rear lane access may facilitate other options. Consider a max measure plus% above existing ground level. This should align with ADG 3J-4 3 and the SILEP definitions of 'basement' and 'storey'.
- b) Controls driven by constraints for basement parking are not supported given that Council is proposing maximum (rather than minimum) car parking rates (ie that car parking is no longer a requirement).
- c) Consider inclusion of maximum width for driveway crossovers in residential locations to preserve character and provide streetscape amenity.
- d) Consider expanding bike riders and bicycle needs to all micro forms of movement such as scooters and other mobility aids. Consider EV charging per allocated unit parking bay.

#### Lot amalgamation

- a) Inclusion of preferred lot amalgamation patterns:
  - i) Should be removed as they may not be realistic to achieve.
  - ii) Assumption in controls that amalgamation for larger residential floorplates is inherently superior is not supported.

- iii) A minimum lot size and frontage may be sufficient and test possible width related to minimum lot size.
- iv) Where used, ensure the proposed resulting lots meet the minimum lot size (See comments)
- b) Review language that has an economic inference when a different meaning is intended such as 'unviable'.

#### Norton Street Opportunity Site

- a) This location is extremely important to intended outcomes at an LGA-scale and would benefit from a design competition and/or a Stage 1 Development Application that includes a site specific DCP across the entire opportunity site
- b) Diagrams in the current situation are not beneficial given the complexity of site and may lead to outcomes that satisfy neither community or development
- c) Width of plaza stated however no depth or overall area.
- d) Building height in storeys shown are incorrect given fall in land.
- e) Lightwell building types to Norton Street are not supported.
- f) Consideration should be given to requiring land dedication rather than 'easements' to achieve major public domain initiatives.

#### Other matters

- a) Strata clause should encourage mixed use living and home-based businesses.
- b) Controls requiring the delivery of affordable housing should ensure these are equivalent or better amenity than market dwellings (to prevent, for example, all of the small south-facing units on to Parramatta Road being designated 'affordable').
- c) Controls relating to alternative types of residential accommodation, particularly seniors housing, co-living and boarding houses not captured by SEPP 65 should be included, particularly with regard to overall built form and desired future character.
- d) Controls required for shielding of heat pumps and condenser units on balconies from the public domain and other habitable areas. Could provide guidance on location and arrangement of condenser units (eg roof top with screen/integrated by floor in own room/basement where natural ventilation available).
- e) Controls for waste collection areas, especially given trends to up to six waste streams.
- f) Controls should relate to private land that is the subject of the development application. Controls relating to public land should be reevaluated for inclusion.
- g) Any requirements for through-site links should require these links to be 'open to the sky'. Further design consideration be given to the proposed controls in specific locations, for example:
  - i) Treatment of corner lots in Leichhardt Parramatta Road South (for instance interaction with new park at Petersham Street)
  - ii)
  - iii) Reducing setbacks to Crystal Street frontage
  - iv) Heights in Renwick Lane (there is 3 storey precedent here).

These highlights should be included in the other matters section Diagrams

- a) Reconsider use of diagrams as they may result in unintended outcomes and possible conflicts rather than encourage high quality outcomes. Diagrams should not suggest recommended designs but show relevant controls only.
- b) Remove 'indicative' layouts as they only relate to specific amalgamations and have the potential to create inconsistencies with the controls/confusion of the controls in application.
- c) Some diagrams do not have consistent dimensions in plans and sections.

Some diagrams include setbacks/dimensions that are not in the control (eg building 'tails').

d) Different built form envelopes are possible/more desirable, and diagrams have the potential to create confusion of the controls in application.

- 4) That following public exhibition and prior to adoption by Council, the revised draft DCP amendments be presented to the IW AEDRP. This will include an overview of key changes made based on the Panel's advice contained in these Minutes and outcomes of the public exhibition.

### **Background**

The Panel were briefed by the Project Team on 22 March 2022. The Briefing aimed to provide context for this strategic council-led project and outline the objectives, evidence base and outcomes of Planning Proposal.

The Panel were provided with a suite of documents relating to the Planning Proposal and the supporting amendments to the existing Ashfield, Leichhardt and Marrickville DCPs.

The draft DCP amendments include:

- Part G of Leichhardt DCP – a new Section 13 for part of Taverners Hill Precinct (west Leichhardt) and new Section 14 for part of Leichhardt Precinct (north of Parramatta Road).
- Part 9 of Marrickville DCP – a new Section 49 for part of Taverners Hill Precinct (Lewisham) and new Section 50 for part of Leichhardt Precinct (south of Parramatta Road).
- Part D of Inner West Comprehensive (Ashfield) DCP – a new Section 14 for Kings Bay Precinct.

The Panel notes:

- These Sections of the relevant DCPs are applicable only when development seeks to apply the Incentive FSR and Incentive HOB clauses as detailed in the Planning Proposal.
- The draft DCP amendments will be reported concurrently with the Planning Proposal to Council in May 2022.
- Public exhibition the draft DCP amendments will occur at the same time as the Planning Proposal once the Department of Planning and Environment issues Gateway Determination.

### **Conclusion**

Council has referred the draft DCP amendments to the IW AEDRP in accordance with the EPA Regulations, Clause 15 – Approval of development control plans for residential apartment development as this development type is proposed as part of the broader precinct wide Planning Proposal.

Clause 15 requires the Council to seek advice from a design review panel prior to adoption by of the DCP. Council officers have initiated this process and it is acknowledged procedures associated with amendments to LEPs rely on submission to the Minister of Planning for consideration and Gateway Determination prior to public exhibition and subsequent adoption of amendments by the Council.

The IW AEDRP supports the preparation of draft DCP amendments to achieve intended outcomes of the Planning Proposal and has provided initial advice to ensure those outcomes are realised.