



2 August 2024

C&M Antoniou Pty Ltd
C/o Ethos Urban
Level 4, 180 George Street
SYDNEY NSW 2000

Re: Planning Proposal – 71-85 Crown Street and 116 Princes Highway, St Peters – Request for additional information

Attention: Ben Porges

Dear Ben,

Thank you for meeting with Council officers on 18 July 2024 to discuss the progress on the assessment of your Planning Proposal for 75-85 Crown Street and 116 Princes Highway, St Peters.

This letter outlines key matters for your consideration as a follow-up from our meeting to address the Architectural Excellence Design Review Panel (AEDRP) advice and internal referral comments. These matters should be addressed prior to Council officers reporting the Planning Proposal to Council for decision. These relate to amending the Planning Proposal and supporting draft Development Control Plan to address the following matters:

1. Urban Design
2. Affordable Housing
3. Creative Spaces and Public Art
4. Traffic and Access

Further details in relation to these matters is provided below.

1. Urban Design

The Urban Design Report should be revised to address matters raised in the AEDRP meeting minutes on 19 July 2024 (Attachment 1), including further consideration of:

- a. Building envelope, proposed density and height*

While it is agreed, in principle, that the site has merit for additional density and height, the proposal must demonstrate that it will not result in increased amenity impacts on the surrounding area and appropriately manage built form transitions to the neighbouring area. The proposal should also be

considered in the context of the future development on the adjacent sites i.e. it should not preclude redevelopment potential of the adjacent sites.

The proposed maximum FSR (Floor Space Ratio) should be determined by an urban design and architectural design process which meets or exceeds the targets set in the Apartment Design Guide (ADG), and calculated from a well-resolved reference design.

The proposed building layout and siting strategy should be updated to introduce height variations, setbacks, building articulations and modulations to create a visually interesting built form, particularly as the site transitions to the adjacent low-density areas. Additionally, some form of hierarchy between vertical and horizontal elements should be established using building articulation, appropriate building materials, textures and architectural treatments in order to avoid a uniform or monolithic expression.

Further, clarification is sought regarding building floorplate efficiencies used to calculate the FSR for both residential and commercial uses. The efficiencies should be validated against industry standard and practice such as 75% efficiency for residential floorplates. Clear yield diagrams and GFA breakdown should be provided to calculate the FSR.

The Planning Proposal and supporting documentation should better acknowledge the full development potential of the remainder of the block. The Urban Design Report should include allowable footprints of nearby properties, and this should be illustrated from different angles/sections, to appreciate the context of the block.

b. Building separation and setbacks

The proposed building separation and setbacks do not meet the minimum ADG requirements. Building separation and setbacks should also consider the potential building envelopes of the adjoining sites based on the maximum development potential permissible under the existing planning controls so as not to preclude their future development, including additional 3m setback to the adjoining RI General Residential zone. This would also impact the maximum FSR that can be achieved on the site.

The Urban Design Report, Planning Proposal and draft Development Control Plan (DCP) should be updated to demonstrate compliance with ADG building separation and visual privacy requirements.

c. Floor to floor heights

The Urban Design Report and maximum building height should be updated to adopt the current industry standard of a minimum 3.2m residential floor to floor height in line with the National Construction Code.

d. Landscaping

The proposal should be updated to demonstrate compliance with the minimum 7% deep soil zone provision, with a minimum dimension of 6m, as per Parts 4O Landscape design and 4P Planting on structures of the ADG, NSW Biodiversity in Place Framework and Council's Green Roof Policy and Guidelines. There would be benefits in consolidating the deep soil areas to maximise landscaping, canopy and amenity for the future residents. Planting of large street trees along the Campbell Street frontage should also be investigated.

e. Communal open space

The proposal should be updated to demonstrate compliance with ADG communal open space standards, including:

- minimum 25% of communal open space provision,
- minimum 50% of the usable communal open space receives a minimum 2-hour sunlight in mid-winter (demonstrated through solar access and shadow diagrams).

f. Solar access and natural ventilation

The proposal should be revised to address the solar access and natural ventilation requirements within Parts 4A Solar and daylight access and 4B Natural ventilation of the ADG. Further, shadow diagrams should consider the potential future building envelopes of the adjacent lots as permissible under the existing controls.

g. Sustainability

Given the scale of development and Council's commitment to Climate Change, the proposal should adopt sustainability commitments or rating tools that exceed minimum requirements established by the ADG, BASIX, NABERS or NatHERS.

h. GIS/3D modelling

Following the above matters and AEDRP advice being meaningfully addressed, it is required that all the 3D modelling files in Rhino (or equivalent 3D modelling software) and proposed LEP maps in GIS format be submitted for assessment.

2. Affordable Housing

Inner West Affordable Housing Policy seeks to achieve an affordable housing target of 15% of new residential floor space to be dedicated to very low, low and moderate income households. Where the 15% affordable housing target is not feasible, the land value uplift associated with the proposal should be calculated on a case-by-case basis in accordance with Council's *Voluntary Planning Agreements Policy* as will the proportion of the value uplift allocated to affordable housing.

The Planning Proposal includes references to providing 10% of proposed dwellings as affordable housing – which equates to 15% of new residential floor space – to be clarified in further discussion with Council. However, this percentage was calculated using the difference between maximum permissible residential floor space and proposed residential floor space. The calculation should instead be based on the difference between existing residential floor space and proposed new residential floor space. The proposal is also not accompanied with an affordable housing contribution scheme or planning agreement to provide certainty regarding the delivery of affordable housing.

The Planning Proposal must be revised to include the affordable housing offer and adequately address the following priorities and actions in State and local government strategic planning framework relating to affordable housing:

- Greater Sydney Region Plan Objective 11: *Housing is more diverse and affordable*
- The Six Cities Region Plan Direction 3: *Housing supply, diversity and affordability*
- Eastern City District Plan Priority 5: *Providing housing supply, choice, and affordability with access to jobs, services and public transport*
- Inner West Housing Strategy: Deliver affordable housing
- Inner West Affordable Housing Policy

Further, the Planning Proposal should clarify whether it seeks to utilise the incentives provisions for affordable housing in the *State Environmental Planning Policy (Housing) 2021*. The proposal should either be excluded from the application of these incentives; or the Urban Design Report should be revised to demonstrate the likely built form (i.e. maximum development capacity) utilising the bonus FSR and height controls so that the built form impacts can be assessed.

The affordable housing offer should be accompanied with development feasibility testing to confirm how the affordable housing percentage has been arrived at.

As per Council's Affordable Housing Policy, a development may provide affordable housing on-site, in another location within the Inner West Council LGA, or pay an equivalent monetary contribution to allow housing units to be built or purchased elsewhere in the Inner West LGA. Council prefers that contributions are provided in the form of dwellings within the development to which the contribution applies and that these be provided as affordable housing in perpetuity.

3. Creative Spaces and Public Art

The site is in a key gateway location and was the recipient of the prominent *The Spirit of St Peters* artwork, along the Campbell Avenue façade. The artwork was a collaboration between Westconnex (Public Art Strategy) and Council (Perfect Match Program). This artwork was transformative for the site's prominence and visibility.

Council has also supported the protection of industrial and employment lands for creative uses, which need suitable premises such as flexible, larger spaces. The accompanying draft Development Control Plan should be updated to better account for both public art provision and provision of flexible employment floorspace for a variety of uses including creative uses.

3. Traffic and Access

The following matters are raised in relation to the proposed vehicular access, parking and servicing arrangements for this Planning Proposal:

- Traffic report should be updated to include SIDRA analysis for Princes Highway and Barwon Park Road to assess the existing and proposed delay and queue length for the left and right turns out of Barwon Park Road. The assessment should determine whether any further measures are required to improve safety at the intersection;
- Swept path analysis should provide the road width (kerb to kerb) and any on-street car parking which may interfere with proposed turning manoeuvres;
- Sight triangles analysis should be undertaken at the entry/exit of the car parking area to ensure safe pedestrian and crossing of the driveway area and vehicle entry and exit;
- The design of the vehicular access and car parking facilities must comply with AS/NZS 2890.1: 2004, AS/NZS 2890.6: 2009 and AS/NZS 2890.2: 2018;
- To allow vehicle drivers adequate visibility to pedestrians on the footpath the driveway and ramps must be designed so that the maximum grade does not exceed 1 in 20 (5%) within 6m of the property boundary as required by Clause 3.3(a) of AS2890.1-2004 and Control C9 of Marrickville DCP 2011 Part 2.10 Parking Management;
- The vehicular access must be designed to provide clear sight lines (triangles) to pedestrians in accordance with the requirements of Clause 3.2.4(b) of AS/NZS 2890.1-2004;
- Turntables are generally not supported due to problems with reliability and maintenance. The loading dock must be redesigned such that all vehicular movements to and from the site are in a forward direction without the use of a turntable. It shall also be designed to fully accommodate Council's Waste Vehicle for on-site collection;
- Splay corners shall be provided at the intersection to improve sight distance and to improve the amenity of pedestrians at the intersections. The minimum splays shall be 3m x 3m;
- Reduced car parking provisions should be considered in the draft DCP given the site's location in close proximity to public and active transport. The draft DCP should also incentivise active transport by including appropriate provisions for end of trip facilities and bike parking.
- Section 3.4 Access, Movement and Parking of the accompanying draft site-specific DCP should be updated to clarify that waste vehicles must enter and leave the site in a forward direction without the use of a turntable.

The above matters are required to be addressed as soon as possible through amendments to the Planning Proposal, draft DCP and supporting studies. Detailed responses are required to address the matters raised in the AEDRP advice.

Given that additional time is required to address these matters, it is recommended that Part 6 – Timeline of the Planning Proposal be updated.

Further, it is requested that a response be provided to Council in writing on receipt of this letter confirming the intention to address these matters with an indicative timeline for submitting the revised Planning Proposal package to Council for assessment. This response must be provided within 2 weeks of receipt of this letter i.e. **16 August 2024**.

Council will advise of the next steps for assessment once the revised Planning Proposal package has been received.

Should you have any enquiries, please contact Nigel Riley, Senior Strategic Planner on 9335 2187 or nigel.riley@innerwest.nsw.gov.au.

Sincerely,

A handwritten signature in black ink, appearing to read 'D East', written in a cursive style.

Daniel East
Senior Manager Strategic Planning



Architectural Excellence & Design Review Panel Meeting Minutes & Recommendations

Site Address:	75-85 Crown Street & 116 Princes Highway St Peters
Proposal:	Planning Proposal
Application No.:	PPAP/2024/0001
Meeting Date:	19 June 2024
Previous Meeting Date:	-
Panel Members:	Matthew Pullinger (chair) Peter Ireland Jocelyn Jackson
Apologies:	-
Council staff:	Vishal Lakhia Nigel Riley Gunika Singh Daniel East Hadi Nurhadi Laura Chen Jyn Kim Sinclair Croft
Guests:	-
Declarations of Interest:	Matthew Pullinger disclosed a pre-existing professional relationship with the Applicant's representative
Applicant or applicant's representatives to address the panel:	Edward Salib (Scott Carver) – Architect for the project Paul Apostoles – Applicant's representative

Background:

1. The Architectural Excellence & Design Review Panel discussed the proposal with Council's strategic planning section and the applicant through an online conference. The Panel has been requested to review a preliminary architectural strategy (as a reference scheme illustrating one potential outcome of a planning proposal) which presents a mixed use proposal with residential apartments seeking the award of a floor space ratio of 4.9:1 within a 25m height.
2. Given the proposed residential apartment use, the Panel acknowledges that the future detailed design of any proposal will be subject to Chapter 4 – State Environmental Planning Policy (SEPP) Housing 2021 - Design of residential apartment development - and the NSW Apartment Design Guide (ADG) will also apply to any detailed proposal.
3. Consistent with s 15 of the Environmental Planning and Assessment Regulation 2021, the Panel's understands its advice is sought ahead of the preparation of a potential site-specific Development Control Plan for the site. At this point, a Planning Proposal is advancing through the Council's strategic planning process.
4. The Panel's advice is sought in two main regards – the overall built form outcome and the suitability of a future draft Development Control Plan. In this review, the Panel's primary focus is on the built form outcome, with discussions and recommendations made in response to the applicant's design material and associated proposed maximum floor space ratio and height controls.

Discussion & Recommendations:

Principle 1 – Context and Neighbourhood Character

- 1.
2. While the Panel is broadly satisfied that additional development capacity is appropriate on this site - particularly given the recent re-construction of Campbell Street - the final form and scale of future development should be illustrated in the context of the remainder of the block shown developed to the LEP height and FSR controls - effectively presenting the subject site's future context.
3. The Panel suggests that the form and scale of development on the subject site should 'make sense' of the remainder of the block in a future renewal scenario. The notion that the subject site might serve as a southern 'punctuation' of the block and a local marker on the corner of Campbell Street and Princes Highway is persuasive.

Principle 2 – Built Form and Scale

4. The Panel queries how the 30% FSR bonus available under affordable housing provisions might interact with a Planning Proposal and any future potential award of FSR. In supporting an increase of development capacity on the subject site, the Panel is concerned that the implications and impacts of an additional 30% FSR (if this is available) are fully analysed and assessed during the Planning Proposal process.
5. The Panel understands (and supports) the intention to treat the Obstacle Limitation Surface (OLS) as a site constraint, establishing the maximum building height limit as an absolute RL.
6. In considering the award of an appropriate FSR, Council should satisfy itself whether the FSR control anticipates the potential 30% additional FSR bonus or excludes it. The Panel's preference is that the assessment of impacts of bulk, scale, privacy, cross viewing and overshadowing of the proposal determine the site's maximum development capacity.
7. The Planning Proposal should demonstrate that these impacts have been fully accounted for as part of the current evaluation process. The Panel discussed during the Council officers' briefing whether it was desirable to investigate the feasibility of a provision within the Planning Proposal to establish the maximum development capacity of the site inclusive of the possible 30% bonus for affordable housing.

8. The Panel appreciates that the applicant has presented a detailed reference scheme for the purposes of illustrating a potential outcome of the Planning proposal. The Panel recommends that a guiding principle for any future development uplift is that the subsequent detailed design solution is capable of meeting or exceeding each of the critical targets set out in the NSW Apartment Design Guide (ADG) including Parts 1 to 4. The proposed award of FSR should be determined by an urban design and architectural design process, and calculated from an well-resolved reference design.
9. The Panel supports the applicant's vision for mixed residential and light industrial uses and encourages the split in uses be resolved as part of the Planning Proposal and determined through the reference design in order to maintain light industrial uses existing at the subject site today.
10. The Panel expressed some reservations about the detailed siting of the proposed nine-storey built form when viewed from the public domain, particularly from King Street. The Panel recommends the proposal introduce some meaningful building height differential to create visual interest within the built form. Additionally, some form of hierarchy between vertical and horizontal elements should be established using building articulation, appropriate building materials, textures and architectural treatments in order to avoid a uniform or monolithic expression.
11. The applicant should ensure that adequate floor-to-floor heights for the residential component are provided within the proposal to ensure consistency with the minimum 2.7m floor-to-ceiling heights within the ADG and also compliance with the relevant provisions for waterproofing and insulation within the NSW Design & Building Practitioners Act 2020 and the relevant NCC provisions.
12. The Panel is concerned that only 2 lifts are offered for 87 dwellings, the commercial spaces and four basement levels. The mixed use proposal should provide a separate vertical circulation for the non-residential and light industrial components. Additionally, entry lobbies and foyer spaces for the residential component should be segregated (from non-residential uses) considering amenity of the residents. Further, the applicant should further refine the reference design to achieve a realistic design solution (for example incorporating the required number of fire stairs and lifts) given these elements have implications on the resultant gross floor area calculations and are used to guide the FSR control.

Principle 3 – Density

13. The Panel offers in principle support for the proposed density subject to the recommendations of this report being meaningfully addressed.
14. The Panel expects the applicant should quantify and confirm the nature of public benefits offered as part of the Planning Proposal process given the extent of floor space ratio, building height and density increase proposed.

Principle 4 – Sustainability

15. The Panel expects the proposal will meet or exceed the minimum solar access and natural cross ventilation targets within Parts 4A Solar and daylight access and 4B Natural ventilation of the ADG.
16. Revised documentation should include suns-eye views at hourly interval between 9am to 3pm in mid-winter, confirming that both living rooms and balconies achieve at least 2 hours of direct sunlight for at least 70% apartments.
17. The applicant should demonstrate that the number of south-facing apartments receiving no sunlight between 9am and 3pm at mid-winter do not exceed the maximum 15% target within Objective 4A-1 of the ADG.
18. Use of ceiling fans within all habitable areas of the apartments as a low energy alternative is strongly encouraged by the Panel.

19. Provision of appropriately sized rainwater tank should be considered for water harvesting and re-use within the development.
20. The applicant should nominate an appropriately sized and integrated rooftop photovoltaic system and confirm location in the revised 2D and 3D architectural drawings.
21. Additionally, the Panel encourages the applicant to adopt sustainability commitments or rating tools that exceed minimum requirements established by the ADG, BASIX, NABERS or NatHERS.

Principle 5 – Landscape

22. Detailed landscape architecture drawings were not provided to the Panel as part of the Planning Proposal documentation. The Panel recommends the involvement of a suitably qualified landscape architect for successful integration of landscape design with architectural design as part of future stages.
23. The landscape design should demonstrate compliance with Parts 4O Landscape design and 4P Planting on structures of the ADG, and Council's Green Roof Policy and Guidelines.
24. The applicant should confirm that ADG deep soil targets will be met. The Panel strongly encourages the achievement of deep soil and replacement planting targets. The reference design should reflect such targets and the Panel appreciates there may be different benefits in where deep soil is located and whether it is distributed or consolidated. Alternatively, a compelling urban design justification should be provided if the target within Part 3E Deep soil zones of the ADG is not achieved.
25. The applicant should establish minimum targets for tree canopy cover across the subject site.

Principle 6 – Amenity

26. The applicant should investigate and incorporate suitable design measures for noise attenuation along the Princes Highway frontage whilst also achieving appropriate outlook and opportunities for natural cross ventilation.

Principle 7 – Safety

No discussion - the proposal is capable of achieving this principle.

Principle 8 – Housing Diversity and Social Interaction

No discussion - however the Panel supports measures to increase the availability and quantum of affordable housing in strategically valuable locations across the Inner West. The Panel also encourages that affordable housing include a diverse range of apartment types to cater for a variety of different household sizes.

Principle 9 – Aesthetics

27. Refer to discussion and recommendations offered above in Principle 2 Built Form and Scale of this report and subject to future detailed design.

Conclusion:

Recognising its independent, expert and advisory role, the Panel offers in principle support to the Planning Proposal, subject to suggestions and recommendations set out in this report being meaningfully addressed. The Panel requests that the proposal return for further review once any amendments have been incorporated as part of the ongoing Planning Proposal assessment.