

Item No: C0625(1) Item 14

Subject: PLANNING PROPOSAL FOR 75-85 CROWN STREET AND 116 PRINCES HIGHWAY, ST PETERS

Prepared By: Daniel East - Senior Manager Strategic Planning

Authorised By: Simone Plummer - Director Planning

RECOMMENDATION

1. That Council support the Planning Proposal for 75-85 Crown Street and 116 Princes Highway St Peters to amend the *Inner West Local Environmental Plan 2022*, proceeding to Gateway subject to the following:
 - a) Reduce the maximum Floor Space Ratio (FSR) to 4:1.
 - b) Include a site-specific local provision requiring at least 2% of new residential Gross Floor Area (GFA) be provided as affordable housing, managed by a registered community housing provider in perpetuity.
2. That Council forward the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*, requesting the following Gateway conditions:
 - a) Planning Proposal document be updated consistent with the reduced FSR and affordable housing requirement;
 - b) Urban Design Report be updated illustrating the built form outcome consistent with reduced FSR, including a reference scheme showing the corresponding GFA and number of dwellings;
 - c) Traffic Impact Assessment be updated and include a strategic-level Green Travel Plan demonstrating mechanisms for delivering effective mode shift;
 - d) Sustainability strategy be prepared to demonstrate a commitment to exceed minimum sustainability requirements established by standards such as NABERS, BASIX, or NatHERS; and
 - e) Site-specific amendment to Marrickville Development Control Plan 2011 be updated to be consistent with the updated Planning Proposal and other supporting documents.
3. That Council request the NSW Department of Planning, Housing and Infrastructure to authorise Council to be the Local Plan Making Authority (LPMA), and if Council is authorised as the LPMA, Council delegate the plan making functions to Director Planning to exercise the function in accordance with the LEP Making Guideline.
4. That following receipt of an affirmative Gateway Determination and compliance with its conditions, agree to place the updated Planning Proposal and supporting documentation on public exhibition for a minimum of 28 days and consult with public authorities in accordance with the Gateway Determination.
5. That following the conclusion of the exhibition period, the Planning Proposal be brought back to Council for consideration.

STRATEGIC OBJECTIVE

This report supports the following strategic directions contained within Council's Community Strategic Plan:

- 1: An ecologically sustainable Inner West
- 2: Liveable, connected neighbourhoods and transport
- 3: Creative communities and a strong economy
- 4: Healthy, resilient and caring communities

EXECUTIVE SUMMARY

The Planning Proposal for 75-85 Crown Street and 116 Princes Highway, St Peters (the site) seeks to amend the *Inner West Local Environmental Plan 2022* (IWLEP) to facilitate a 10 storey mixed use building through changes to floor space ratio and height of building controls. The proposed changes would result in approx. 65 - 80 new residential dwellings and 1,016 sqm of commercial/retail space.

This Planning Proposal and supporting technical studies (refer to Attachment 1) have been assessed in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act) and relevant guidelines. Subject to changes outlined in this report, the Planning Proposal has demonstrated strategic merit as it is consistent with State and Local Government aspirations relating to increasing housing supply in well located areas.

The proposal has sufficient strategic and site-specific merit to proceed to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination.

BACKGROUND

In November 2021, a Pre-Lodgement Proposal was submitted by Ethos Urban on behalf of the landowner, C & M Antoniou Pty Ltd (the proponent), and in March 2022 Council issued advice on the matters to be addressed in any future proposal for the site.

The Planning Proposal was lodged on the NSW Planning Portal by the proponent, and accepted by Council on 29 April 2024, which sought to amend the IWLEP as follows:

- increase the maximum Height of Building (HOB) from 9.5m and 14m RL 51m (35m AHD - equivalent to 10 storeys)
- increase the maximum Floor Space Ratio (FSR) from 0.85:1 and 1.75:1 to 5:1
- introduce a local provision allowing residential accommodation at ground floor, provided it is part of a mixed-use development and contains no more than 88 sqm of residential Gross Floor Area (GFA) at ground level.

The Planning Proposal is accompanied by a draft site-specific amendment to the Marrickville Development Control Plan (MDCP) 2011. The proposal also refers to an intention to provide to provide 10% of the proposed dwellings as affordable housing for a period of 10 years, however no letter of offer or supporting LEP provisions have been provided to confirm the delivery of affordable housing.

On 19 June 2024, the Planning Proposal was referred to the Inner West Architectural Excellence and Design Review Panel (AEDRP) for advice on the proposed built form and design controls in the IWLEP and MDCP. Minutes from the AEDRP meeting were issued on 4 July 2024.

The AEDRP raised a number of issues with the proposed built form and inconsistencies with the Apartment Design Guide (ADG). Following this advice, on 2 August 2024, Council officers wrote to the proponent requesting a number of site-specific matters be addressed, in addition

to the AEDRP comments (*refer to Attachment 2*).

On 5 December 2024, the proponent submitted a revised Planning Proposal, which is the subject of this report. The amended proposal retains a maximum HOB of RL 51m (35m), however proposes to further increase maximum FSR to 5:1, and the local provision to allow residential GFA at ground level up to 88 sqm.

On 25 March 2025, the revised Planning Proposal was reported to the Inner West Local Planning Panel (IWLPP) for advice and minutes from the IWLPP meeting were issued on 27 March 2025 (*refer to Attachment 3*).

DISCUSSION

Site and Surrounding Context

The subject site is located at 75-85 Crown Street and 116 Princes Highway, St Peters and is legally described as Lot 24 DP 1249592, Lot 21 DP 1249588 and Lot 10 DP 1227918. A map of the site and legal descriptions is at *Figure 1*.



Figure 1: Map of subject site (red boundary) including legal description

The site has a total area of 1,931 sqm and adjoins Crown Street to the east, Campbell Street to the south, Princes Highway to the west, 90 Princes Highway to the north and 73 Crown Street to the north-east. It has road frontage widths of approximately 20.3m on Princes Highway, 62m on Campbell Street and 44.2m on Crown Street.

75 Crown Street (Lot 24 DP 1249592) currently contains one semi-detached dwelling. 116 Princes Highway (Lot 21 DP 1249588) contains the other semi-detached dwelling connected to 75 Crown Street and a warehouse/light industrial building. 85 Crown Street (Lot 10 DP 1227918) is occupied by a mechanic workshop.

Immediately to the north-east and east of the site along Crown Street are predominantly 2-storey semi-detached dwellings and terraces. Sydney Park is approximately 200m east of the site. Immediately to the north, south and west of the site, along Campbell Street and Princes

Highway, are a mix of 2-storey light industrial and employment uses. Further north of the site along Princes Highway are predominantly mixed-use developments of 4-7 storeys.

The topography varies from approximately 17.5m AHD on the south-eastern corner to 16m AHD in the north-eastern corner and north-west corner. The site is within 650m walking distance of St Peters railway station, while there are bus services within 200m that provide connection to the Sydney CBD, Mascot and the Airport. The site is approximately 2.7km north-west of Sydney Airport.

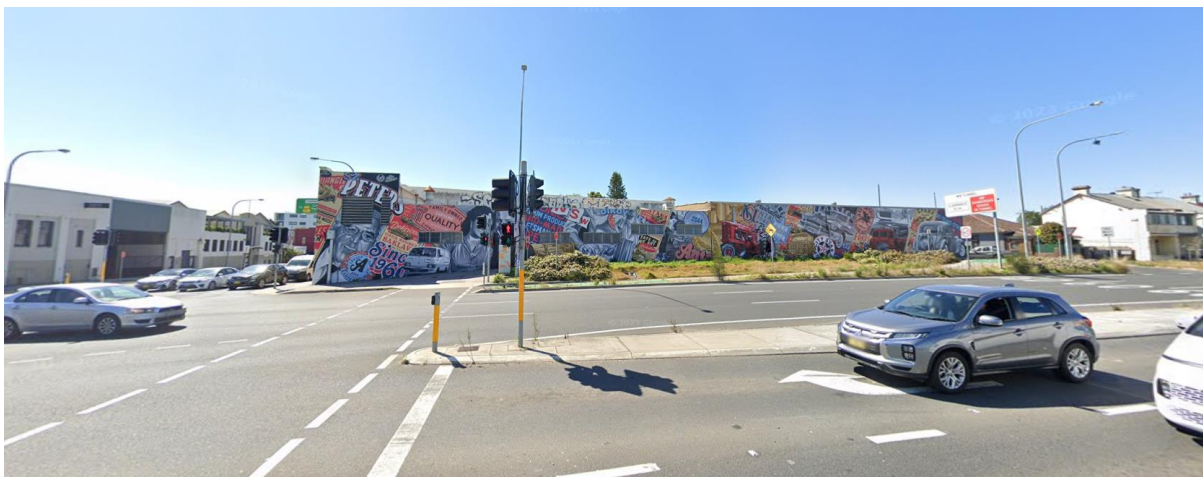




Figure 4: Site viewed from Campbell Street and Princes Highway



Figure 5: Site viewed from Campbell Street and Crown Street



Figure 6: Site viewed from Crown Street

Current Planning Controls

The existing IWLEP zoning and principal planning controls for the site are shown in Table 1 below.

Table 1: Current IWLEP zoning and planning controls for subject site

Control	116 Princes Highway	85 Crown Street	75 Crown Street
Land Zoning	MU1 Mixed Use	MU1 Mixed Use	R1 General Residential
Height of Buildings	14m	14m	9.5m
Floor Space Ratio	1.75:1	1.75:1	0.85:1
Additional Local Provisions	Nil		
Heritage	No heritage items or conservation areas		

IWLEP Land Zoning Map, Height of Buildings Map and Floor Space Ratio Map excerpts for the proposal site and surrounds are shown in *Figure 7, 8, and 9*, respectively:

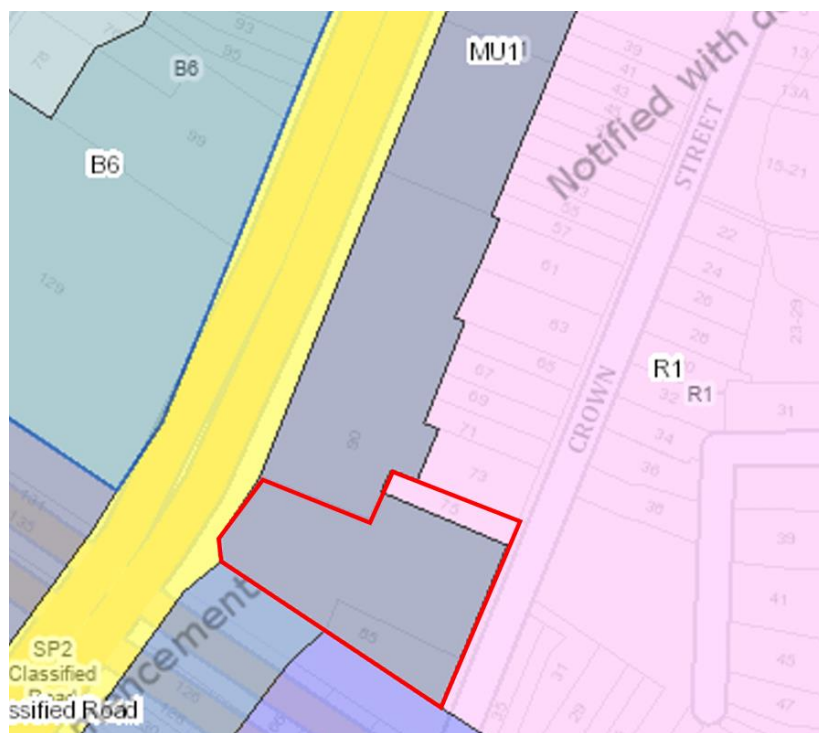


Figure 7: Current Land Zoning for Proposal Site (red boundary) and surrounds



Figure 8: Current Height of Buildings Map for Proposal Site (red boundary) and surrounds

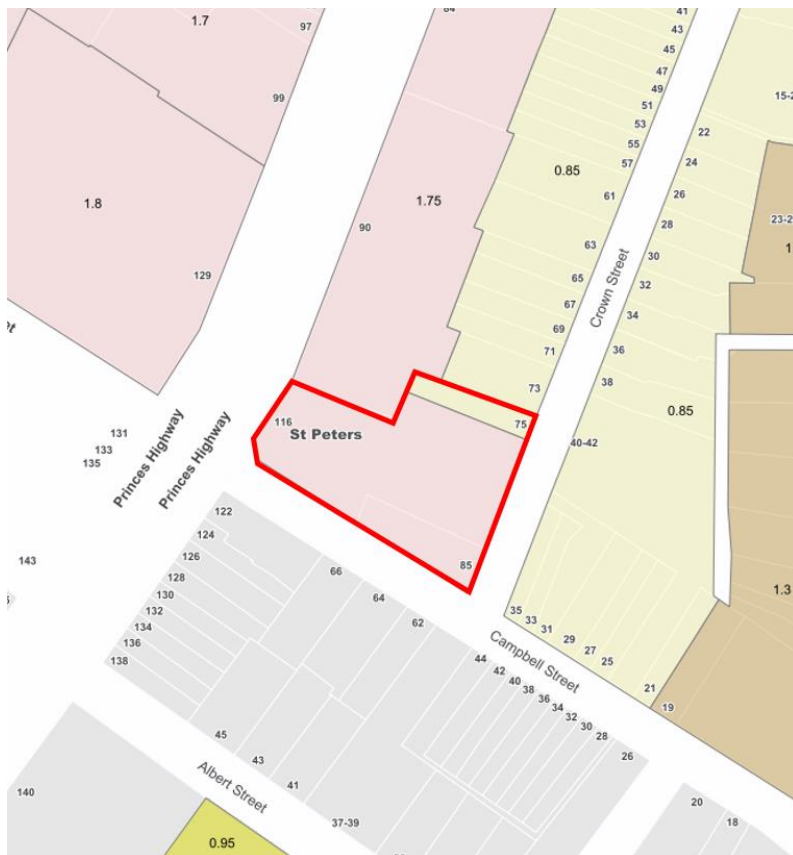


Figure 9: Current Floor Space Ratio Map for Proposal Site (red boundary) and surrounds

The site is located entirely within the Sydney Airport's Australian Noise Exposure Forecast (ANEF) 25-30 contour, while the Obstacle Limitation Surface (OLS) prescribed airspace occurs at 51m AHD across the site.

There are no mapped flood or contamination affectations on the site.

The Planning Proposal

The Planning Proposal seeks to amend the IWLEP as follows:

- Introduce a maximum HOB of RL 51 (35m);
- Introduce a maximum FSR of 5:1; and
- Include an Additional Local Provision allowing for residential accommodation on the ground floor of the MU1 Zone if it:
 - is part of mixed-use development; and
 - contains no more than 88 sqm residential Gross Floor Area at ground floor level.

The proposal is accompanied by a reference scheme (illustrated in Figure 10) which indicates the following:

- total GFA of 9,565 sqm;
- 1,016 sqm GFA of non-residential uses including light industrial, commercial and retail uses on the ground floor and lower level 1;
- A total of 82 dwellings (total 7,666 sqm GFA) with the following dwelling mix:
 - 8 studio units (10%);
 - 27 one-bedroom units (33%);
 - 28 two-bedroom units (34%); and
 - 19 three-bedroom units (23%);
- 177 sqm (9%) of deep soil area and 290 sqm (15%) of canopy coverage;
- 630 sqm (32.7%) of communal open space (including internal and external areas); and
- 65 car parking spaces (44 residential and 14 non-residential)

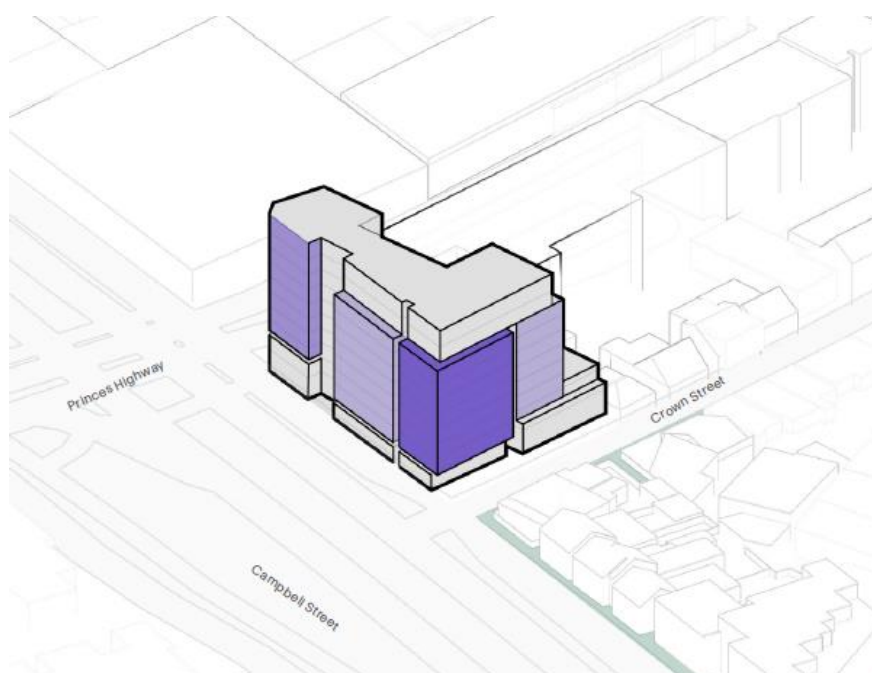


Figure 10: Proposed building form from south-west view (Source: Studio.SC)

Planning Proposal Assessment Summary

A summary of the matters for consideration is provided in *Table 2*. A detailed assessment is provided in the Planning Proposal Assessment Checklist (*refer to Attachment 4*).

Table 2: Summary of Matters for Consideration

Matters for consideration	Council Response
Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?	The PP is not the result of the Inner West LSPS, but generally supports it and particularly <i>Planning Priority 6: Plan for high quality, accessible and sustainable housing growth in appropriate locations integrated with infrastructure provision and with respect for place, local character and heritage significance</i> . The PP provides new housing capacity in close proximity to St Peters train station, Newtown-Enmore Town Centre and significant open space at Sydney Park.
Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The PP is, in principle, an appropriate pathway to deliver more housing to meet the Inner West's housing targets, subject to a full examination of strategic and site-specific merits. The site's location presents as a gateway opportunity and it is recognised that it could accommodate further uplift than what the current IWLEP controls allow through the PP process.
Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	The PP is partially consistent with the Greater Sydney Region Plan and Eastern City District Plan, but is partly inconsistent on matters relating to the PP's transition to surrounding neighbourhoods and its urban tree canopy provision. It is also inconsistent with District Plan Direction 4 Housing the city, including aspects relating to affordable housing provision.
Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?	The PP is generally consistent with Inner West's LSPS, Local Housing Strategy, Community Strategic Plan, Employment and Retail Lands Strategy (EARLS) and Integrated Transport Strategy. There are inconsistencies relating to building design, urban tree canopy and affordable housing. The PP is also inconsistent with Inner West's Affordable Housing Policy.
Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?	As discussed previously.
Q6. Is the planning proposal consistent with applicable SEPPs?	<p>The PP is generally consistent with the relevant SEPPs, other than Chapter 4 of SEPP (Housing) 2021. The PP does not demonstrate a capacity to meet requirements of Parts 2C, 3D and 3E of the ADG unless its proposed FSR/GFA are reduced to allow suitable transitions and deep soil planting.</p> <p>Chapter 2 Affordable housing of the SEPP also applies to the site. Under Division 1 In-fill affordable housing, the site is eligible for an additional 30% of FSR on top of the maximum allowable FSR under IWLEP, provided that this component is used as affordable housing for a 15-year period. Under the Proposal, the total potential FSR</p>

	<p>allowed on the site under this Division would be 6.5:1.</p> <p>The proponent was requested to undertake a built form analysis to demonstrate a final built form outcome if the additional incentives in the Housing SEPP were utilised. This analysis has not yet been undertaken by the proponent and the proponent has expressed the bonus is unlikely to be utilised given that the site is restricted in terms of its potential height by the OLS 51m. However, there is no certainty regarding this outcome as the Housing SEPP prevails and a future DA can rely on these Housing SEPP incentives which may have a substantial built form amenity impact on the adjoining area.</p> <p>Finally, the site is excluded from NSW Government's Low and Mid Rise Housing reforms (Housing SEPP) which came into effect in February 2025 due to the site being in ANEF 25-30 contour.</p>
Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	<p>The PP is generally consistent with all relevant Ministerial Directions.</p> <p>The total building height is below the Sydney Airport Obstacle Limitation Surface (OLS) prescribed airspace of 51m AHD, so that the proposal is consistent with Direction 5.3 – Development Near Regulated Airports and Defence Airfields.</p> <p>The site is also within the ANEF 25-30 contour and proposes to reduce increased residential densities. This itself does not result in any inconsistency with Direction 5.3, which requires any PP that increases residential density within ANEF 20+ contours to include a provision to ensure that development meets Australian Standards in relation to aircraft noise exposure. Clause 6.8 of IWLEP already contains this requirement across Inner West LGA. Further, the Acoustic Report prepared in support of the PP, considers aircraft noise and recommends that the site can be made suitable for increased residential density. Further detailed assessment will be undertaken at the Development Application stage.</p>
Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	<p>The subject site does not contain any critical habitat or threatened species, populations or ecological communities, or their habitats.</p>
Q9. Are there any other likely environmental effects of the planning proposal and how they proposed to be managed?	<p>The subject site is located in the vicinity of a ventilation facility for WestConnex motorway and an air quality impact assessment has been prepared in response. TfNSW have been also consulted regarding managing any excavation impacts of the future development associated with the presence of M4-M5 tunnel under the site.</p> <p>The Planning Proposal also include studies addressing</p>

	<p>contamination and noise matters.</p> <p>The proposed built form at FSR 5:1 would have detrimental amenity impacts on the adjoining properties and their future redevelopment potential. The proposal also does not sufficiently contribute towards tree planting and urban tree canopy cover to manage the urban heat island effect in this Inner West location. Consequently, it is recommended that the FSR be reduced to increase transitions, setback and deep soil/ tree planting opportunities on the site. This is discussed further in Section 4.</p>
Q10. Has the planning proposal adequately addressed any social and economic effects?	<p>The Planning Proposal does not include appropriate affordable housing contributions. The proposal will continue to provide employment opportunities on the ground floor and retains its existing mixed-use zoning in this location.</p> <p>Generally, no adverse social or economic impacts are identified. The site is located in an existing urban area with good access to a range of social infrastructure. Further consultation can occur with relevant Stage agencies as required by the Gateway Determination.</p>
Q11. Is there adequate public infrastructure for the planning proposal?	<p>The Planning Proposal is not expected to significantly increase demand for public infrastructure. Further consultation will be undertaken with the public authorities at the consultation stage to determine any significant impact on public infrastructure.</p>
Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	<p>As requested at pre-lodgement stage, the proponent consulted with Transport for NSW (TfNSW) regarding the M4-M5 tunnel beneath the site. In their correspondence with the proponent, Transport for NSW outlined parameters for any future development application but did not raise any conflicts with TfNSW.</p>

Site-Specific Matters

The Planning Proposal generally has strategic merit to provide much-needed infill housing in this location close to public transport and open space. It is generally aligned with Minister's Statement of Expectations for Housing Australia and meets the strategic merit test for uplifting the site for additional residential uses. However, there are a number of site-specific issues which remain unresolved before the Planning Proposal can be supported. These primarily relate to inappropriate built form response, amenity impacts on the adjacent area, lack of affordable housing, lack of deep soil planting and traffic impacts as discussed in detail in the below section.

The Planning Proposal and associated documentation was referred to the AEDRP who also raised various concerns regarding the built form and inconsistencies with the ADG. The proponent was given an opportunity to revise the design scheme in response to Council officer's and the AEDRP's concerns. However, the revised built form/ planning proposal did not reduce the proposed FSR which could have ameliorated some of the design concerns and amenity impacts.

The below issues still remain unresolved in the current design scheme.

Inconsistencies with the Apartment Design Guide

Transition to surrounding areas

In considering this proposal, Council should be satisfied that the proposed IWLEP amendments can facilitate an appropriate built form transition to the neighbouring R1-zoned areas, particularly to the east opposite the site on Crown Street. Part 2C of the ADG states that secondary height controls should be considered to transition built form, for example “a step down in building height at the boundary between two height zones”.

The reference design scheme does not provide appropriate transitions to the low-density dwellings on Crown Street. The current PP creates a wall outlook along Campbell Street, between Princes Highway and the lower-density neighbourhood to the east, with no height variations (see images below). Council’s urban design officer has undertaken a peer review of the Proposal and reference scheme and identified inconsistencies with the ADG, including Part 2C.



Figure 11: Proponent scheme – from Princes Highway frontage



Figure 12: Proponent scheme – from Campbell Street frontage

It is recommended that the Planning Proposal be amended to provide appropriate transitions which will deliver an urban form that is more attuned to the surrounding neighbourhood and streetscape.

Council officers have tested an alternative scheme to provide appropriate ground floor and upper level setbacks to the surrounding properties as discussed further in this report. The increased setbacks result in decreased floorspace with a maximum FSR of 4:1 which could be permitted on this site.

Deep soil provision

The reference scheme identifies a total of approx. 177 sqm / 9% of total site area as deep soil zone (DSZ) located in three different areas. The ADG requires min. 7% Deep Soil Zone and recommends up to 15% deep soil planting for sites larger than 1500sqm.

The proposed deep soil zone areas in the reference design scheme do not meet the ADG criteria regarding minimum 6m dimension of deep soil planting for a site area >1,500 sqm, identified in ADG Part 3E.

This includes:

- Fronting Campbell Street - approx. 4m & 2m
- Crown Street & Campbell Street intersection – approx. 7m (cantilevered by approx. 2m)
- Crown Street – approx. 2m

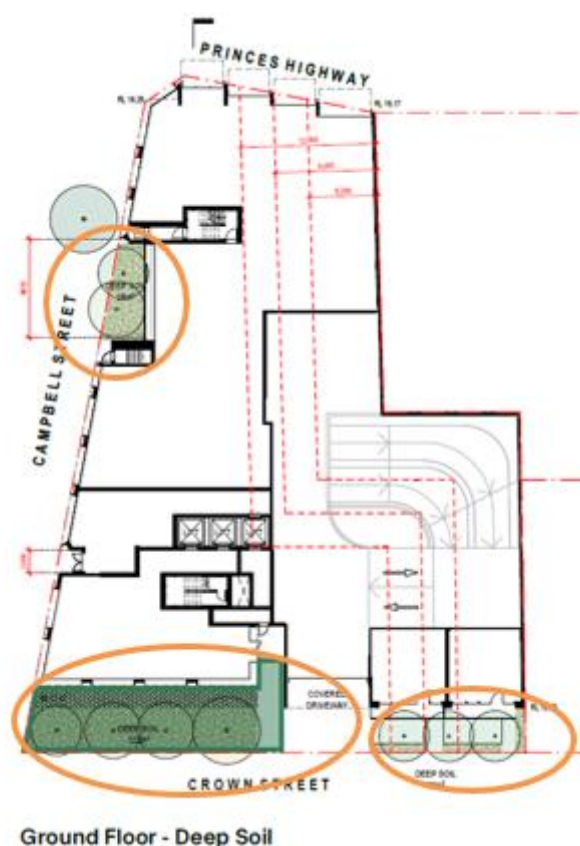


Figure 13: Proponent's proposed ground floor – deep soil plan

Council's alternative scheme recommends the following to meet the ADG requirement:

- Provide additional ground and upper-level setbacks to the massing at the corner of Crown Street and Campbell Street to allow a minimum 6m wide DSZ and is open to sky / not cantilevered, promoting tree growth.
- Provide additional setback to the massing fronting the DSZ at Campbell Street to meet the minimum 6m dimension.

It is recommended that the Planning Proposal be amended to increase the deep soil provision in consolidated location to meet ADG's requirements for DSZ provision and enhance urban tree canopy cover.

Communal open space

The revised Planning Proposal package identifies a total of 630 sqm (33% of the site area) of communal space comprising 317 sqm (16.4%) of outdoor space and 313 sqm (16.2%) of indoor space. Part 3D of the ADG requires a minimum 25% of site area to be provided as communal open space. The ADG also identifies communal open space as open space that provides outdoor recreation opportunities for residents, connection to the natural environment and valuable 'breathing space' between apartment buildings. Objective 3D-1 of the ADG identifies "an adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping".

Although indoor communal floor space provides additional amenity for the residents, it should not count towards the overall communal open space component, per the ADG. In this instance, the provision of 16.4% of the site area as communal open space falls short of the ADG requirements.

The reference design scheme should be revised to meet the ADG minimum compliance requirements of communal open space (25%).

Inner West Local Planning Panel Advice

In accordance with Division 2.5 (2.19) of the EP&A Act 1979, the Planning Proposal was referred to the IWLPP on 25 March 2025. The IWLPP recommended the Planning Proposal be conditionally supported. *Table 3* below summarises the IWLPP concerns and Council officer responses. The IWLPP Meeting Minutes are provided in *Attachment 4*.

Table 3: IWLPP Advice and Council Responses

IWLPP Advice	Council Response
<p>1. In relation to the strategic merit of the Planning Proposal:</p> <p>a. There is strategic merit to the extent that the site is suitable for higher residential density which has the potential to increase housing supply.</p> <p>b. This potential is not unique to the subject site as numerous nearby sites have similar ability to accommodate more housing. There is no evidence that the potential of this site to increase housing supply will be realised in the short-term.</p> <p>c. The Panel is concerned that the Planning Proposal is premature</p>	<p>The Panel's concerns regarding the prematurity of the proposal are noted; however the site is well located and well serviced to provide new housing opportunities.</p> <p>Council has undertaken a comprehensive review to update the IWLEP through <i>Our Fairer Future Plan</i>.</p> <p>St Peters suburb has been identified for very limited housing opportunities due to the suburb predominantly industrial affected by high aircraft noise exposure and other constraints such as flooding and</p>

<p>because the potential of St Peters for future housing opportunities has not been adequately evaluated.</p> <p>d. There is also concern that it may be difficult to achieve the objectives of the Mixed-use Zone with the requested height and density, acknowledging that there are strategic objectives to retain employment uses in this zone</p>	<p>contamination.</p> <p>Given that this Planning Proposal is proponent-initiated and has demonstrated strategic merit, Council officers are of the view that this should proceed to Gateway subject to demonstrating sufficient site specific merit through reduction in FSR and provision of affordable housing.</p> <p>The reduction in FSR would also assist with providing appropriate transitions and setbacks to the surrounding sites, safeguarding them for their future development.</p> <p>Regarding 1d, Council officers are satisfied that the current zoning of the site (MU1) is appropriate to allow the proposed mix of commercial / employment uses on the ground floor and residential above.</p>
<p>2. In relation to the site-specific merit of the Planning Proposal:</p> <p>a. There is an apparent lack of site-specific merit due to constraints on developing the site to the requested density. The principal constraints are:</p> <ul style="list-style-type: none"> i. the height of buildings is restricted by the Sydney Airport flightpaths. ii. the extent of basement excavation is restricted by the motorway tunnel below the site. iii. to the north and east restrictions on building heights and setbacks are necessary due to the continuing presence of lower density housing. iv. vehicular access is limited to Crown Street <p>b. The location of the site at a major road intersection generates potential amenity issues which could have negative impacts on future occupants. Traffic and aircraft noise are a significant issue at present. Access to natural ventilation is also compromised because of the noise conditions. An increase in residential dwellings would increase the number of occupants exposed to these adverse conditions.</p> <p>c. Despite these significant</p>	<p>The site constraints are acknowledged and this report recommends the Planning Proposal be amended to reduce the proposed FSR to 4:1, in consideration of those constraints. It also recommends that the proponent be required to update its evidence base and draft site-specific DCP to reflect this reduced control and to address the constraints of the site, potential impact on adjoining lower density zone, and the amenity of future residents.</p> <p>Notwithstanding, these site constraints can be overcome through the above documentation and at a future development application stage and do not preclude the Planning Proposal, subject to changes, from proceeding to the Gateway Determination stage.</p>

<p>shortcomings, the Panel considers that there is the opportunity for these to be addressed by refining the contents of the Planning Proposal.</p> <p>The site is also located at a major road intersection which generates potential amenity issues that could negatively impact the future residents. Noise from traffic and aircraft would also impact natural ventilation.</p>	
<p>3. In relation to building height:</p> <ol style="list-style-type: none"> The proposed building height is the maximum permitted below the flight path restriction for Sydney Airport. If this is an appropriate maximum height there is no apparent need to apply a further statutory restriction on height for this site. The studies that have been conducted identified the need for varied heights across the site to take account of potential adverse impacts on adjoining land. As building separation requirements of the Apartment Design Guide (ADG) need to be satisfied, there must be differing heights across the site. It is not possible for the Panel to determine the most appropriate location for these changes in height. The locations for the height transitions must be determined by further study and these can be incorporated in a development control plan. Prescribing a single maximum height development standard over the entire site may very well give rise to a significant mismatch between maximum height and maximum FSR. It could be prejudicial to prescribe a maximum height prior to Council completing its strategic assessment of heights, and it could predetermine an inappropriate development standard for building height in this vicinity. There is no benefit in prescribing a height which already cannot be exceeded. Further, the potential for a lower height to be applied when the strategic studies are complete may encourage the immediate development of this site. The Panel recommends that the LEP building height map not allocate a 	<p>With regard to 3a, it should be clarified that the Sydney Airport OLS is not an absolute constraint on development and can be exceeded in consultation with the relevant Federal Government authorities. However, removal of the HOB control for the site would create uncertainty in the Planning Proposal assessment process and for the community.</p> <p>Council officers recommend that the Planning Proposal be amended to include a maximum FSR of 4:1. Council's expert design advice finds that this FSR would align with the proposed HOB of RL 51m (35m) and not result in any mismatch.</p> <p>This report recommends the Planning Proposal, and the supporting Urban Design Report and draft site-specific DCP be updated. The latter should guide the design of buildings on the site to ensure an appropriate interfacing and transition to the neighbouring lower-rise residential areas to the north-east and east, including setbacks and building separation required in accordance with the ADG.</p> <p>It is common practice to apply a single HOB control to a development site of this size and characteristics. Officers consider that it can function adequately alongside suitable site-specific DCP provisions.</p> <p>Further, if required, this can be revisited post-exhibition after consultation with the community and relevant government authorities.</p>

maximum building height, for this site, at this time.	
<p>4. In relation to floor space ratio:</p> <p>a. The applicant advised the Panel that the submitted request for a FSR of 5:1 is no longer being pursued, and that the recommendation of the Council Officers for a FSR of 4:1 is accepted.</p> <p>b. The Panel is not convinced that a FSR of 4:1 will produce a good design outcome, and therefore a lower FSR could be more appropriate. The potential to achieve this FSR needs to be tested by further urban design/architectural analysis by Council officers. Through this analysis it should be verified that all of the provisions of the ADG can be achieved, especially after taking account of the requirements to:</p> <p>i. ensure at least the ground floor is used for commercial premises or health services in accordance with the definition of shop top housing;</p> <p>ii. satisfy the objectives of the Mixed-use to promote employment uses, provide active street frontages, and minimise conflict with development in adjoining zones;</p> <p>iii. provide a minimum of 135 sq. metres of deep soil with a minimum dimension of 6 metres, and preferably 290 sq. metres, in accordance with Part 3E;</p> <p>iv. increase the boundary setback by an additional 3 metres along the eastern boundaries where there is a change in zone between the subject site and the lower density residential zone to the east and north, as specified in Parts 2F and 3F. This requirement applies because the boundary of the subject site delineates the change in zone.</p> <p>c. Further consideration needs to be given to the potential FSR for the land in the Mixed-use Zone further to</p>	<p>A thorough level of design testing has been undertaken by Council's urban designer internally. This testing has indicated that a maximum FSR of 4:1 can produce an ADG-compliant development outcome on the site.</p> <p>Further urban design analysis should be undertaken by the proponent post-Gateway Determination, to reflect the recommended changes. This analysis should also address the Panel's concerns.</p> <p>This work is recommended to be undertaken post-Gateway Determination, as it enables the proposal to progress to DPHI for review while giving it a level of support. Delaying the Planning Proposal to request the proponent provide this information upfront would delay the assessment further and not provide added certainty to the proponent regarding the level of support.</p> <p>It is therefore recommended that the Planning Proposal proceed to Gateway assessment stage, with the reduced FSR of 4:1, and the proponent be required to submit revised supporting documentation following issuing of a Gateway Determination, to demonstrate how the revised proposal would achieve ADG compliance and can appropriately resolve the Panel's concerns.</p>

<p>the north along the Princes Highway. It is important that the FSR for the subject site does not prejudice or predetermine the FSR that will be applied to that land under some future housing strategy.</p>	
<p>5. In relation to affordable housing:</p> <ol style="list-style-type: none"> The Panel notes the offer of the applicant to provide 10% of apartments as affordable housing for a period of ten (10) years. The Panel appreciates that this is not consistent with Council's adopted Policy which requires the provision of 15% affordable housing in perpetuity. A Planning Proposal provides the opportunity for public benefit through the provision of affordable housing which should be utilised in this instance. The Panel does not support the Council Officer's recommendation for the provision of 2% of new residential gross floor area as affordable housing. Given the proponent's offer, the Panel recommends that at least 10% of new residential gross floor area on the site be provided as affordable housing in perpetuity. 	<p>Following receipt of the IWLPP's advice, the proponent submitted an economic feasibility report which confirms that redevelopment of the site would not be viable with an affordable housing contribution greater than 2% (refer to Attachment 5).</p> <p>The outcomes of this feasibility analysis are also generally consistent with the feasibility analysis undertaken recently by Council officers for other projects.</p> <p>The Panel has recommended that the FSR of the site be reduced and that the affordable housing contributions be increased which would render this project unfeasible and unlikely to proceed to construction.</p> <p>In line with the recommendations of this report, Council officers recommend proceeding with a site-specific IWLEP 2022 provision requiring a minimum 2% affordable housing contribution.</p>
<p>6. Subject to the matters above, the Panel recommends that Council forward the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure for Gateway assessment subject to the following amendments:</p> <ol style="list-style-type: none"> The maximum FSR as determined from the urban design analysis/architectural analysis required in 4.b. above, up to a maximum of 4:1. The maximum building height not be specified. Incorporation of an additional site-specific local provision requiring at least 10% of new residential Gross Floor Area (GFA) on the site be provided as affordable housing, managed by a tier one registered community housing provider in perpetuity. 	<p>For reasons outlined above, Council officers recommend that:</p> <ul style="list-style-type: none"> a maximum FSR of 4:1 should proceed on this site, and a site-specific local provision be included requiring that 2% of new residential FSR be provided as affordable housing in perpetuity. <p>Council's urban design advice has found that a maximum FSR of 4:1 can reasonably achieve an ADG-compliant development scheme. It is therefore recommended that the Planning Proposal be amended to include this revised FSR control.</p> <p>Council officers also recommend that the proposed HOB control proceed as written for reasons outlined above.</p> <p>Finally, it is recommended requiring at least 2% of new residential Gross Floor Area (GFA) be provided as affordable housing, managed by a registered community housing provider in perpetuity. The specifics of this clause, including whether it can be</p>

	limited to apply only to tier one providers, can be discussed with Parliamentary Counsel at final drafting, should this proposal proceed to that stage.
<p>7. The Panel recommends that Council request a Gateway Determination from the Minister for the amended Planning Proposal which, if supported, contain Gateway conditions that the following information be provided or updated prior to community consultation:</p> <ul style="list-style-type: none"> a. Planning Proposal documents including references to reduced FSR, GFA, and number of dwellings, and at least 10% affordable housing; b. Urban design report reflecting the output from the analysis at 4b above illustrating the built form outcome with the amended FSR, heights and applicable setbacks; c. Traffic Impact Assessment and strategic-level green travel plan outlining mechanisms for delivering effective mode shift on the site; d. Updated draft site-specific amendment to Marrickville Development Control Plan 2011 and draft Inner West Development Control Plan 2025; and e. A sustainability strategy to demonstrate a commitment to exceed minimum sustainability requirements established by standards such as NABERS, BASIX, or NatHERS. 	<p>Council officers note the Panel's advice, but recommend proceeding with the Planning Proposal with the amendments proposed as outlined above. The proposal has strategic merit and, subject to changes discussed in this report, can also demonstrate sufficient site-specific merit, while also contributing to new housing and jobs in the Inner West in a well-served location.</p> <p>It is agreed that a future Gateway Determination for this proposal should include conditions requiring updated Planning Proposal, Urban Design Report and draft site-specific DCP, but reflecting Council's recommended LEP amendments.</p> <p>It is also agreed that a Gateway condition be sought requiring a Sustainability Strategy be prepared to demonstrate commitment to exceeding these sustainability standards. The relevant provisions can then be adopted in the draft DCP.</p>

Conclusion

Subject to recommended amendments as detailed in this report, the Planning Proposal is considered to have sufficient strategic and site-specific merit. It is recommended that the proposal, as amended, be submitted to DPHI for Gateway assessment and that the Gateway Determination impose conditions to revise the proposal package prior to beginning statutory public exhibition.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the implementation of the proposed recommendations outlined in the report.

Attachments 1-5 have been published separately in the Attachments Document on Council's Website <https://www.innerwest.nsw.gov.au/about/the-council/council-meetings/current-council-meetings>

ATTACHMENTS

1. [🔗](#) Planning Proposal for 75-85 Crown Street and 116 Princes Highway, St Peters - **Published Separately on Council's website**
2. [🔗](#) Council Letter to proponent including Council and AEDRP feedback - **Published Separately on Council's website**
3. [🔗](#) Inner West Local Planning Panel Minutes - **Published Separately on Council's website**
4. [🔗](#) Council Assessment Checklist - **Published Separately on Council's website**
5. [🔗](#) Proponent Feasibility Report on Affordable Housing Provision - **Published Separately on Council's website**