


**ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL**

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Lucan Care / Wesley Church

1-5 Wetherill Street

|                  | EXISTING                                                                      | CURRENTLY<br>PROPOSED                                                                    |
|------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| FSR CONTROL..... | 0.5:1                                                                         | 2.0:1                                                                                    |
| BUILDING FSR     | 1.5:1                                                                         | 2.0:1                                                                                    |
| STOREYS.....     | 3 Storeys                                                                     | 5 Storeys                                                                                |
| HEIGHT.....      |                                                                               | 16 meters                                                                                |
| USE.....         | 20 student rooms.<br>Office building.<br>Community Hall.<br>Place of Worship. | 60 student rooms.<br>Office building.<br>Community Hall.<br>Place of Worship.<br>Retail. |

Community Benefit: Replace existing Hall and Place of Worship, replace and increase existing Student Accommodation with modern "best practice" Student Accommodation and ancillary retail. Any rezoning to be accompanied by a site specific VPA.

Draft MOU

A draft MOU has since been prepared – Refer Attachment 1. The Draft MOU - when executed, will facilitate Council pursuing "community benefits" from the proposed developments; "community benefits" in the form of activating the Norton Street frontage of Harold Hawkins Court site together with affordable housing for key workers, supported living, aged housing and student housing across the three sites.

**Attachments**

1.Draft MOU



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Item 3



UNITINGCARE  
& LEICHHARDT MUNICIPAL COUNCIL  
8 DECEMBER 2014

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Ordinary Council Meeting 16 December 2014

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**Item 3**
**1. Purpose**

This Memorandum of Understanding guides the working relationships of the Leichhardt Uniting Church which falls within the Sydney Presbytery, UnitingCare Ageing NSW/ACT and The Uniting Church Property in Australia Property Trust (NSW) (collectively referred to in this document as **UnitingCare**) and Leichhardt Municipal Council (**Council**) in relation to the public consultation and generation of planning proposals for three UnitingCare sites in Leichhardt, namely:

- 15-17 Marion Street (Annersley House), Lot B DP 377714, Lot 22 Sec 1 DP 328, Lot 21 Sec 1 DP 328, Lot 25 Sec 1 DP 328, Lot 24 Sec 1 DP 328, Lot A DP 377714
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- 1-5 Wetherill Street (Uniting Care/Leichhardt Uniting Church) Lot 11 Sec 4 DP 190, Pt Lot 12 Sec 4 DP 190, Lot 1 DP 907046,

together referred to as the **Sites**.

It outlines the key principles and objectives for cooperation and a future pathway for implementation.

**2. Parties**

The parties to this Memorandum of Understanding (**MoU**) are Leichhardt Municipal Council (**Council**) and UnitingCare Ageing NSW/ACT with The Uniting Church in Australia Property Trust (NSW) signing in its capacity as registered proprietor of each of the three Sites.

**2.1 Leichhardt Council's outcomes, expressed in the Leichhardt Council Strategic Plan 2020+, include "Community and Council will work together to promote and develop Leichhardt as a sustainable, liveable and connected community"**

In order to achieve these priorities Council is committed to continuing to work in partnership with other agencies to coordinate the efforts of all the organisations involved. By building on existing partnerships to create a common understanding of where the Leichhardt community is headed Council is committed to ensuring:

- better collaboration between organisations in the local area;
- issues such as sustainability, social inclusion, community regeneration and capacity building are addressed consistently and in a mutually agreed manner with relevant partner agencies;
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Council's adopted Affordable Housing Strategy dated 2011, reflects the community vision expressed in Leichhardt 2020+. In particular, it includes the following affordable housing goal:

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*"Leichhardt Municipal Council will seek to retain and facilitate a socio economic diverse and sustainable community through the retention, promotion and development of affordable housing within the municipality to create stronger and healthier balanced communities"*

The following actions in the Affordable Housing Strategy are pertinent:

**Action 3:** Encourage the provision of affordable, diverse and adaptable housing to meet existing and future housing need.

**Action 4:** Explore ways to assist not-for-profit providers to address housing affordability issues within the Municipality.

**Action 5:** Investigate mechanisms such as fee waiving or other planning concessions as part of a negotiated planning agreement in exchange for affordable housing and as potential provisions within the new comprehensive LEP to encourage affordable housing development.

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**4. Key principles to guide planning outcomes**

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- Facilitate the redevelopment of the Sites
- Ensure that the redevelopment is financially viable
- Seek to achieve a significant housing outcome in terms of the provision of one or more of the following on each of the Sites:
  - Modern aged care housing
  - Affordable housing for key/core workers
  - Supported housing
- Activate the ground level Norton Street frontage
- Provide on-site parking suited to the assessed likely future demand created by tenants
- Ensure that urban design considerations inform the ultimate building envelope and development footprint and confirm an upper limit in terms of floor area
- Involve the local community and other key stakeholders throughout the process
- Ensure that any benefits to the Community of any rezoning or proposal to change environmental planning instruments is preserved in the long term regardless of the owner of the Sites.

The parties acknowledge that there are many ways in which these principles could be implemented including by way of a Voluntary Planning Agreement under section 93F of the *Environmental Planning & Assessment Act 1979 (VPA)* and/or a Local Environmental Plan amendment that can only be triggered upon Council being satisfied as to the Community benefits and their long term provision.

**5. Indicative concepts for the Sites**

The parties acknowledge that there has been limited detailed assessment of the opportunities and constraints of the Sites. However, there has been some early community consultation and consideration of potential.

With respect to scoping and drafting a planning proposal for each of the Sites, the parties note the current arrangements in column 1 in table 1, will investigate potential opportunities and constraints for the indicative proposals in column 2 of table 1, and will consider and refine the indicative public benefits in column 3 of table 1.

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**Table 1: Summary of the Sites**

| Sites                                                        | 1                                                                   | 2                                                                            | 3                                                                                                                                                                  |
|--------------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                              | Current                                                             | Indicative proposal and example use                                          | Indicative Anticipated Community benefits                                                                                                                          |
| 15-17 Marion Street, Annersley House                         | FSR control 0.5:1                                                   | FSR control 2.0:1                                                            | Upgrade and increase existing aged care accommodation within the Leichhardt LGA to accord with current Commonwealth best practice.                                 |
|                                                              | FSR actual 1.5:1                                                    | FSR actual 2.0:1                                                             |                                                                                                                                                                    |
|                                                              | 3 storeys                                                           | 5 storeys/ 18 metres                                                         |                                                                                                                                                                    |
|                                                              | 86 aged care beds                                                   | ~108 aged care beds                                                          |                                                                                                                                                                    |
| 168 Norton Street, Harold Hawkins Court                      | FSR control 1.5:1                                                   | FSR control 3.0:1                                                            | 15% ratio of affordable housing or housing for those on lower income levels; activation of street frontage which may include non-residential uses such as retail.  |
|                                                              | FSR actual 1.7:1                                                    | FSR actual 3.0:1                                                             |                                                                                                                                                                    |
|                                                              | 3 storeys                                                           | 5 storeys/ 18 metres                                                         |                                                                                                                                                                    |
|                                                              | 104 beds                                                            | ~40 Independent Living Units                                                 |                                                                                                                                                                    |
| 1-5 Wetherill Street, Uniting Care/Leichhardt Uniting Church | FSR control 0.5:1                                                   | FSR control 2.0:1                                                            | Upgrade and increase student accommodation within the Leichhardt LGA, ancillary retail to activate public roads; maintaining a community hall and place of worship |
|                                                              | FSR actual 1.5:1                                                    | FSR actual 2.0:1                                                             |                                                                                                                                                                    |
|                                                              | 3 storeys                                                           | 5 storeys/ 16 metres                                                         |                                                                                                                                                                    |
|                                                              | 20 student rooms, office building, community hall, place of worship | ~60 student rooms, office building, community hall, place of worship, retail |                                                                                                                                                                    |

**6. Communication & Future Actions**

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- 6.1 The parties to the MoU agree to optimise opportunities for communication between the two organisations and with members of the local community.
- 6.2 The next steps will be for the parties to outline a proposed process for implementing the principles outlined in this MoU. This process will be facilitated by nominating an officer within each organisation responsible for project coordination and communication within their own agency, with the partner organisations.
- 6.3 It is anticipated that this MoU will guide the future drafting of individual planning proposals and a VPA for each of the Sites, which will be placed on public exhibition for community consultation and feedback. It is contemplated that the MoU will eventually be replaced by VPA's for the Sites.

**7. General**

This MoU will be implemented in a spirit of cooperation and joint commitment based on the understanding that it operates within the policy, capacity and resource constraints of each organisation and that each party plays complementary roles in planning and the development of vibrant, sustainable communities. It will be reviewed as required.

**8. No Fetter**

Nothing in this MoU shall be construed as requiring either party to do anything that would cause it to be in breach of any of its obligations at law and nothing shall be construed in this MoU as limiting or fettering in any way the exercise of any statutory discretion or duty by Council.

**9. Application of this MOU**

The parties intend that this MOU will be applicable between the Council and Uniting Care. In the event that any Site the subject of this MOU is transferred to any other entity the parties agree that this MOU may be of no further force and effect as regards that Site and that the parties will not move towards rezoning of the Site in question.

**10. Signature Page**

EXECUTED by the parties:

SIGNED SEALED AND DELIVERED

THE COMMON SEAL of The Uniting Church in Australia Property Trust (NSW) was hereunto affixed pursuant to a resolution of the Trust at a duly convened meeting in the presence of:

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Member:

Full name (print):

Member:

Full name (print):

For and on behalf of **UnitingCare Ageing** by:

[insert name]

[insert title/position]

(Signature)

(Date)

**SIGNED SEALED AND DELIVERED**for and on behalf of **Leichhardt Council** by:

Mayor

0000725-02-13-00000000-00-00-00



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General Manager

*(Signature)*

Leichhardt Council

*(Date)*

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**ITEM 3.2 FUTURE PLANNING OF UNITINGCARE PROPERTIES IN LEICHHARDT**

|                                        |                                                                                                   |
|----------------------------------------|---------------------------------------------------------------------------------------------------|
| <b>Division</b>                        | Environment and Community Management                                                              |
| <b>Author</b>                          | Director Environment and Community Management<br>Manager Legal Services                           |
| <b>Meeting date</b>                    | 16 <sup>th</sup> December 2014                                                                    |
| <b>Strategic Plan Key Service Area</b> | Community wellbeing<br>Accessibility<br>Place where we live and work<br>Business in the community |

**SUMMARY AND ORGANISATIONAL IMPLICATIONS**

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Purpose of Report</b> | To provide Councillors with additional information - pursuant to its resolution dated 23 September 2014, in relation to the 3 UnitingCare properties in Leichhardt.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Background</b>        | <p>On 27<sup>th</sup> May 2014, Council resolved:</p> <p>To schedule a Councillor briefing on the future planning of UnitingCare properties in Leichhardt in relation to:</p> <ul style="list-style-type: none"> <li>the legal status of putting the developments on exhibition</li> <li>the legal status of ensuring these properties are used in perpetuity for the purpose identified by Council being affordable, supported, housing for key workers or housing to age in place</li> <li>Clarification on height and number of stories</li> <li>Clarification on the impacts on neighbouring properties and on the traffic network and</li> <li>Clarification on the status of the Carlisle property within this proposed group development.</li> </ul> <p>Submit a report back to the October Ordinary Meeting.</p> |
| <b>Current Status</b>    | <p>Council needs to endorse the outcome of the community consultation before proceeding to the next stages of:</p> <ul style="list-style-type: none"> <li>Finalising the planning controls for the respective sites</li> <li>Considering development proposals for the sites.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |


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|                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Relationship to existing policy</b>      | The project is consistent with the objectives of Council's Strategic Plan and a series of Council resolutions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Financial and Resources Implications</b> | Council has previously resolved to identify opportunities to fund the further work at the upcoming quarterly budget review.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Recommendation</b>                       | <p>That:</p> <ol style="list-style-type: none"> <li>1. The report be received and noted</li> <li>2. The Mayor and General Manager be authorised to execute the Draft MOU on behalf of Council, subject to any minor administrative amendments that may be required</li> <li>3. The proposed building envelopes – comprising heights, setbacks and indicative FSR's be endorsed</li> <li>4. Based on the endorsed documentation, Council Officers: <ol style="list-style-type: none"> <li>a. Publicly exhibit the proposed development controls for the three sites, on the Council web site and via letters and emails</li> <li>b. Notify all stakeholders previously notified in the development of the proposed guidelines</li> <li>c. Include a public drop in session in the notification period</li> <li>d. Present the results of the community engagement to a future Council meeting</li> </ol> </li> <li>5. UnitingCare be advised in terms of recommendations 2, 3 and 4 above.</li> </ol> |
| <b>Notifications</b>                        | Nil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Attachments</b>                          | 1.Draft MOU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

**Purpose of Report**

To provide Councillors with additional information in relation to the future planning of the 3 UnitingCare properties in Leichhardt, including information in relation to:

- the legal status of putting the developments on exhibition
- the legal status of ensuring these properties are used in perpetuity for the purpose identified by Council being affordable, supported, housing for key workers or housing to age in place
- Clarification on height and number of stories
- Clarification on the impacts on neighbouring properties and on the traffic network and
- Clarification on the status of the Carlisle property within this proposed group development.

**Recommendation**

That:

1. The report be received and noted
2. The Mayor and General Manager be authorised to execute the Draft MOU on behalf of Council, subject to any minor administrative amendments that may be required
3. The proposed building envelopes – comprising heights, setbacks and indicative FSR's be endorsed
4. Based on the endorsed documentation, Council Officers:
  - a. Publicly exhibit the proposed development controls for the three sites, on the Council web site and via letters and emails
  - b. Notify all stakeholders previously notified in the development of the proposed guidelines
  - c. Include a public drop in session in the notification period
  - d. Present the results of the community engagement to a future Council meeting
5. UnitingCare be advised in terms of recommendations 2, 3 and 4 above.

**Background**

Council last considered this matter at its meeting on 23 September 2014 – Refer <http://www.leichhardt.nsw.gov.au/ArticleDocuments/2910/item2.05-sep2014-ord.pdf.aspx>.

In doing so Council considered attachments providing:

- A detailed summary of the Community Engagement process in relation to each of the Community Forums
- Draft Building Envelopes - for each of the sites, developed in response to both the Guiding Principles and the discussion/feedback provided during the course of the Community Engagement.



In response Council resolved:

That Council provide a Councillor briefing on the future planning of UnitingCare properties in Leichhardt and a report be brought back to the October Ordinary Meeting.

That the briefing include the legal status of putting the developments on exhibition:

- The legal status of ensuring these properties are used in perpetuity for the purpose identified by Council being affordable, supported, housing for key workers or housing to age in place
- Clarification on height and number of stories
- Clarification on the impacts on neighbouring properties and on the traffic network and
- Clarification on the status of the Carlisle property within this proposed group development - **Refer Resolution C300/14**

### **Report**

#### Councillor Briefing 7 October 2014

The Councillor provided the following information:

- Background to the project
  - Details of previous Council Resolutions in April and August 2013
  - Details of correspondence from UnitingCare dated 30 January 2014
  - Details of Community Consultation on 13 March 2014, 14 July 2014 and 31 July 2014
  - Details of draft Guiding Principles
  - Details of draft Building Envelopes
- Details of the planning approach to develop the draft building envelopes
  - Informed by community consultation and the draft Guiding Principles
  - Informed by matters such as compliance with SEPP 65
  - Including a preliminary assessment potential impacts and opportunities for further refinement
- Legal status of the draft building envelopes and any resulting development
  - Including the need for transparency
  - Including how we can ensure that the properties are used in perpetuity for the identified purposes

#### Meeting with Representatives of Uniting Care 22 November 2014

Council representatives have since met with UnitingCare Ageing, at which time it was agreed that:


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- 1 Ownership of the sites will remain with a not-for-profit organisation who provides community accommodation
- 2 In the event that UnitingCare don't retain ownership prior to any redevelopment commencing, the zoning controls will revert to the existing controls
- 3 Any rezoning could be accompanied by a site specific Voluntary Planning Agreement:
  - a. Protecting the "Community Benefit" in the event that the site is sold
  - b. Specifying the level of development on the site in terms of maximum height, parking, FSR and land
  - c. Requiring a minimum 4 Star Green Star rating for any new development
- 4 A draft M.O.U would be prepared specifying the details in 1-3 above.

Analysis of Draft Building Envelopes and Potential Resulting Development
**Annersley House**

17 Marion Street

|                  | EXISTING  | CURRENTLY PROPOSED           |
|------------------|-----------|------------------------------|
| FSR CONTROL..... | 0.5:1     | 2.0:1                        |
| BUILDING FSR     | 1.5:1     | 2.0:1                        |
| STOREYS.....     | 3 Storeys | 5 Storeys                    |
| HEIGHT.....      |           | 18 meters                    |
| USE.....         | 86 Beds   | Target of 108 Aged Care Beds |

Community Benefit: Replace and increase existing aged care accommodation with modern "best practice" aged care accommodation.  
Any rezoning to be accompanied by a site specific VPA.

**Harold Hawkins Court**

168 Norton Street

|                  | EXISTING  | CURRENTLY PROPOSED                                                                        |
|------------------|-----------|-------------------------------------------------------------------------------------------|
| FSR CONTROL..... | 1.5:1     | 3.0:1                                                                                     |
| BUILDING FSR     | 1.7:1     | 3.0:1                                                                                     |
| STOREYS.....     | 3 Storeys | 5 Storeys                                                                                 |
| HEIGHT.....      |           | 18 meters                                                                                 |
| USE.....         | 104 Beds  | Target of 40 Independent Living Units.<br>15% Affordable Housing.<br>Active Street Front. |

Community Benefit: Replace existing vacant building with modern "best practice" independent living accommodation, 15% affordable. Any rezoning to be accompanied by a site specific VPA.


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- Ensure that the redevelopment is financially viable
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  - Modern aged care housing
  - Affordable housing for key/core workers
  - Supported housing
- Activate the ground level Norton Street frontage
- Provide on-site parking suited to the assessed likely future demand created by tenants
- Ensure that urban design considerations inform the ultimate building envelope and development footprint and confirm an upper limit in terms of floor area
- Involve the local community and other key stakeholders throughout the process
- Ensure that any benefits to the Community of any rezoning or proposal to change environmental planning instruments is preserved in the long term regardless of the owner of the Sites.

The parties acknowledge that there are many ways in which these principles could be implemented including by way of a Voluntary Planning Agreement under section 93F of the *Environmental Planning & Assessment Act 1979 (VPA)* and/or a Local Environmental Plan amendment that can only be triggered upon Council being satisfied as to the Community benefits and their long term provision.

**5. Indicative concepts for the Sites**

The parties acknowledge that there has been limited detailed assessment of the opportunities and constraints of the Sites. However, there has been some early community consultation and consideration of potential.

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Uniting Care MOU Fifth Draft 8 December 2014

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**ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL**

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**Table 1: Summary of the Sites**

| Sites                                                        | 1                                                                   | 2                                                                            | 3                                                                                                                                                                  |
|--------------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                              | Current                                                             | Indicative proposal and example use                                          | Indicative Anticipated Community benefits                                                                                                                          |
| 15-17 Marion Street, Annersley House                         | FSR control 0.5:1                                                   | FSR control 2.0:1                                                            | Upgrade and increase existing aged care accommodation within the Leichhardt LGA to accord with current Commonwealth best practice.                                 |
|                                                              | FSR actual 1.5:1                                                    | FSR actual 2.0:1                                                             |                                                                                                                                                                    |
|                                                              | 3 storeys                                                           | 5 storeys/ 18 metres                                                         |                                                                                                                                                                    |
|                                                              | 86 aged care beds                                                   | ~108 aged care beds                                                          |                                                                                                                                                                    |
| 168 Norton Street, Harold Hawkins Court                      | FSR control 1.5:1                                                   | FSR control 3.0:1                                                            | 15% ratio of affordable housing or housing for those on lower income levels; activation of street frontage which may include non-residential uses such as retail.  |
|                                                              | FSR actual 1.7:1                                                    | FSR actual 3.0:1                                                             |                                                                                                                                                                    |
|                                                              | 3 storeys                                                           | 5 storeys/ 18 metres                                                         |                                                                                                                                                                    |
|                                                              | 104 beds                                                            | ~40 Independent Living Units                                                 |                                                                                                                                                                    |
| 1-5 Wetherill Street, Uniting Care/Leichhardt Uniting Church | FSR control 0.5:1                                                   | FSR control 2.0:1                                                            | Upgrade and increase student accommodation within the Leichhardt LGA, ancillary retail to activate public roads; maintaining a community hall and place of worship |
|                                                              | FSR actual 1.5:1                                                    | FSR actual 2.0:1                                                             |                                                                                                                                                                    |
|                                                              | 3 storeys                                                           | 5 storeys/ 16 metres                                                         |                                                                                                                                                                    |
|                                                              | 20 student rooms, office building, community hall, place of worship | ~60 student rooms, office building, community hall, place of worship, retail |                                                                                                                                                                    |

**6. Communication & Future Actions**

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**ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL**

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- 6.1 The parties to the MoU agree to optimise opportunities for communication between the two organisations and with members of the local community.
- 6.2 The next steps will be for the parties to outline a proposed process for implementing the principles outlined in this MoU. This process will be facilitated by nominating an officer within each organisation responsible for project coordination and communication within their own agency, with the partner organisations.
- 6.3 It is anticipated that this MoU will guide the future drafting of individual planning proposals and a VPA for each of the Sites, which will be placed on public exhibition for community consultation and feedback. It is contemplated that the MoU will eventually be replaced by VPA's for the Sites.

**7. General**

This MoU will be implemented in a spirit of cooperation and joint commitment based on the understanding that it operates within the policy, capacity and resource constraints of each organisation and that each party plays complementary roles in planning and the development of vibrant, sustainable communities. It will be reviewed as required.

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Nothing in this MoU shall be construed as requiring either party to do anything that would cause it to be in breach of any of its obligations at law and nothing shall be construed in this MoU as limiting or fettering in any way the exercise of any statutory discretion or duty by Council.

**9. Application of this MOU**

The parties intend that this MOU will be applicable between the Council and Uniting Care. In the event that any Site the subject of this MOU is transferred to any other entity the parties agree that this MOU may be of no further force and effect as regards that Site and that the parties will not move towards rezoning of the Site in question.

**10. Signature Page**

EXECUTED by the parties:

**SIGNED SEALED AND DELIVERED**

THE COMMON SEAL of The Uniting Church in Australia Property Trust (NSW) was hereunto affixed pursuant to a resolution of the Trust at a duly convened meeting in the presence of:

Uniting Care MOU Fifth Draft 8 December 2014

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**ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL**

Page 254

Member:

Full name (print):

Member:

Full name (print):

For and on behalf of **UnitingCare Ageing** by:

[insert name]

[insert title/position]

(Signature)

(Date)

**SIGNED SEALED AND DELIVERED**for and on behalf of **Leichhardt Council** by:

Mayor

0000725-00000000-00000000-00000000-00000000



ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

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General Manager

*(Signature)*

Leichhardt Council

*(Date)*

Uniting Care MOU Fifth Draft 8 December 2014

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Ordinary Council Meeting 16 December 2014

ITEM 3.2

**Item 3**

**Attachment 2**

ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

Item 3

 The Uniting Church in Australia Property Trust (NSW)   
UNITINGCARE  
& LEICHHARDT MUNICIPAL COUNCIL  
MARCH 2015

Attachment 2

## ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

### 1. Purpose

This Memorandum of Understanding guides the working relationships of the Leichhardt Uniting Church which falls within the Sydney Presbytery, UnitingCare Ageing and The Uniting Church in Australia Property Trust (NSW) (collectively referred to in this document as **UnitingCare**) and Leichhardt Municipal Council (**Council**) in relation to the public consultation and generation of planning proposals for three UnitingCare sites in Leichhardt, namely:

- 15-17 Marion Street (Annersley House), Lot B DP 377714, Lot 22 Sec 1 DP 328, Lot 21 Sec 1 DP 328, Lot 25 Sec 1 DP 328, Lot 24 Sec 1 DP 328, Lot A DP 377714
- 168 Norton Street (Harold Hawkins Court), Pt Lot 1 Sec 3 DP 328, Pt Lot 2 Sec 3 DP 328, Lot 3 Sec 3 DP 328, Lot 4 Sec 3 DP 328, Pt Lot 5 Sec 3 DP 328, Lot 1 DP 963000 and
- 1-5 Wetherill Street (Uniting Care/Leichhardt Uniting Church) Lot 11 Sec 4 DP 190, Pt Lot 12 Sec 4 DP 190, Lot 1 DP 907046,

together referred to as the **Sites**.

It outlines the key principles and objectives for cooperation and a future pathway for implementation.

### 2. Parties

The parties to this Memorandum of Understanding (**MoU**) are Leichhardt Municipal Council (**Council**) and UnitingCare Ageing with The Uniting Church in Australia Property Trust (NSW) signing in its capacity as registered proprietor of each of the three Sites.

#### 2.1 Leichhardt Council's outcomes, expressed in the Leichhardt Council Strategic Plan 2020+, include *"Community and Council will work together to promote and develop Leichhardt as a sustainable, liveable and connected community"*.

In order to achieve these priorities Council is committed to continuing to work in partnership with other agencies to coordinate the efforts of all the organisations involved. By building on existing partnerships to create a common understanding of where the Leichhardt community is headed Council is committed to ensuring:

- better collaboration between organisations in the local area;
- issues such as sustainability, social inclusion, community regeneration and capacity building are addressed consistently and in a mutually agreed manner with relevant partner agencies;
- the greater involvement by the wider community in the planning of strategic, whole of community responses in Leichhardt.

Council's adopted Affordable Housing Strategy dated 2011, reflects the community vision expressed in Leichhardt 2020+. In particular, it includes the following affordable housing goal:

## ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

*"Leichhardt Municipal Council will seek to retain and facilitate a socio economic diverse and sustainable community through the retention, promotion and development of affordable housing within the municipality to create stronger and healthier balanced communities"*

The following actions in the Affordable Housing Strategy are pertinent:

**Action 3:** Encourage the provision of affordable, diverse and adaptable housing to meet existing and future housing need.

**Action 4:** Explore ways to assist not-for-profit providers to address housing affordability issues within the Municipality.

**Action 5:** Investigate mechanisms such as fee waiving or other planning concessions as part of a negotiated planning agreement in exchange for affordable housing and as potential provisions within the new comprehensive LEP to encourage affordable housing development.

- 2.2 UnitingCare** is committed to providing the full spectrum of care and support for the vulnerable and the disadvantaged. This includes the provision of low cost and affordable housing, in line with the ministry of The Uniting Church in Australia and with government.

As a service group of UnitingCare NSW.ACT, UnitingCare Ageing is responsible for the Uniting Church's ministry for older people, particularly those who are disadvantaged, vulnerable and isolated. UnitingCare Ageing operates more than 200 services including 2,700 housing units and is the single largest provider of aged care services in NSW and ACT.

The stated mission of UnitingCare Ageing is *"To enable well-being, we care for people in our living and working communities. As a ministry of the Uniting Church we are committed to finding better ways to affirm life for all people, especially those who are older and vulnerable."*

UnitingCare Ageing includes an Independent Living Division which focuses on affordable housing and housing for seniors. UnitingCare Ageing (through the Uniting Church in Australia Property Trust (NSW)) is a registered community housing provider and is currently developing and/or managing over 150 NRAS incentives across the State and ACT. Further, UnitingCare is committed to managing those dwellings as affordable rental dwellings beyond the 10 year NRAS incentive period providing an ongoing community benefit.

In addition to provision of housing, UnitingCare Ageing offers care and support in a range of accommodation settings including residential care, retirement independent living units, affordable housing, home care, day centres, wellness centres and respite care, amongst others. The organisation continually strives to develop services, innovative approaches, knowledge and respond to community expectations to provide the best possible care for its clients.

- 2.3 The Leichhardt Uniting Church** is seeking to expand its services to the community including the provision of more affordable accommodation for key user groups such as students and "key workers".

## ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

Further, it seeks to maintain a strong position within the Community providing spiritual support, worship opportunities and to further the activities and mission of The Uniting Church in Australia.

### 3. Commencement and Operation

This MoU will come into effect when signed by both parties and will remain in operation until the Parties decide to proceed to a rezoning supported by a VPA, or the Parties decide not to continue with the MOU.

### 4. Key principles to guide planning outcomes

The parties agree to the following principles in working with the local community with respect to scoping and drafting the planning proposals for the Sites:

- Facilitate the redevelopment of the Sites
- Ensure that the redevelopment is financially viable
- Seek to achieve a significant housing outcome in terms of the provision of one or more of the following on each of the Sites:
  - Modern aged care housing
  - Affordable housing for key/core workers
  - Supported housing
- Activate the ground level Norton Street frontage
- Provide on-site parking suited to the assessed likely future demand created by users and residents
- Ensure that urban design considerations inform the ultimate building envelope and development footprint and confirm an upper limit in terms of floor area
- Involve the local community and other key stakeholders throughout the process
- Ensure that any benefits to the Community of any rezoning or proposal to change environmental planning instruments is preserved in the long term regardless of the owner of the Sites.

The parties acknowledge that there are many ways in which these principles could be implemented including by way of a Voluntary Planning Agreement under section 93F of the *Environmental Planning & Assessment Act 1979 (VPA)* and/or a Local Environmental Plan amendment that can only be triggered upon Council being satisfied as to the Community benefits and their long term provision.

### 5. Indicative concepts for the Sites

The parties acknowledge that there has been limited detailed assessment of the opportunities and constraints of the Sites. However, there has been some early community consultation and consideration of potential.

With respect to scoping and drafting a planning proposal for each of the Sites, the parties note the current arrangements in column 1 in table 1, will investigate potential opportunities and constraints for the indicative proposals in column 2 of table 1, and will consider and refine the indicative public benefits in column 3 of table 1.

**ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL**
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| Sites                                                        | 1                                                                   | 2                                                                            | 3                                                                                                                                                                  |
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**ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL****6. Communication & Future Actions**

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# ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

## 10. Signature Page

EXECUTED by the parties:

SIGNED SEALED AND DELIVERED

THE COMMON SEAL of The Uniting Church in Australia Property Trust (NSW) was hereunto affixed pursuant to a resolution of the Trust at a duly convened meeting in the presence of:

THE COMMON SEAL of THE UNITING CHURCH in AUSTRALIA PROPERTY TRUST (N.S.W.) was hereunto affixed on the 5<sup>th</sup> day of March 2015 pursuant to a resolution of the Trust at a duly convened meeting



Member:  Member: 

Full name (print): John Kitchener

Full name (print): Andrew Williams

For and on behalf of UnitingCare Ageing by:

[insert name] CHRIS GROSSER

[insert title/position] ACTIVE EXECUTIVE DIRECTOR

(Signature)

(Date) 5 MARCH 2015

**ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL****SIGNED SEALED AND DELIVERED**for and on behalf of **Leichhardt Council** by:

Mayor

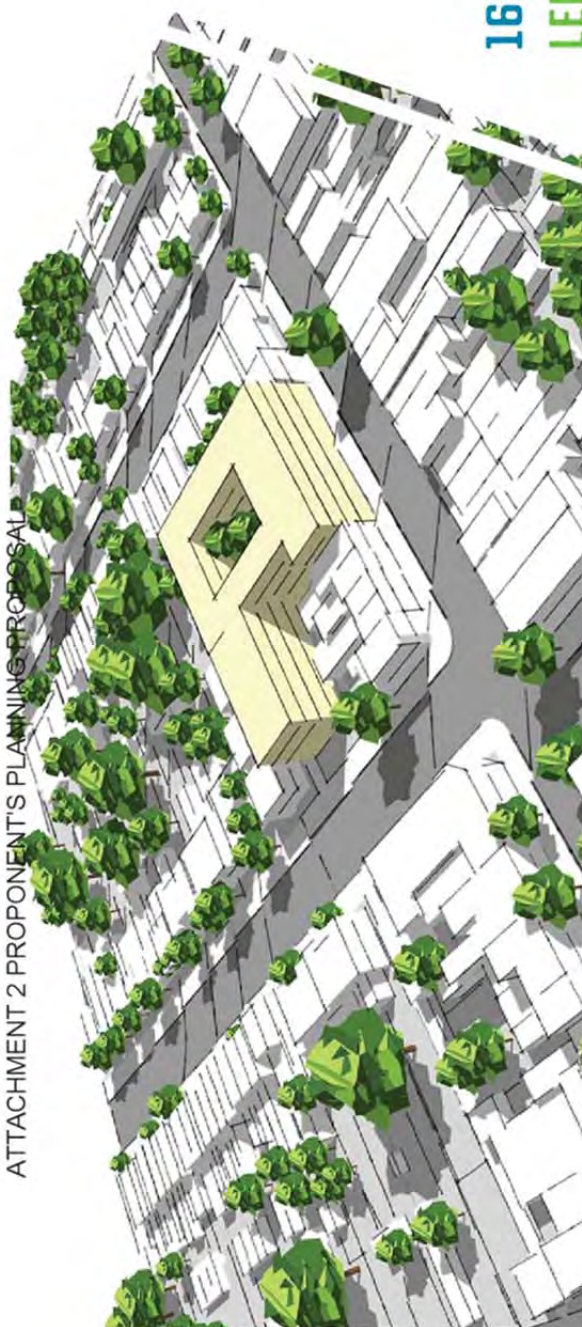
General Manager

Leichhardt Council

*(Signature)**(Date)*



ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL



**168 NORTON STREET  
LEICHHARDT**

Urban Design Report

24 November 2016

Prepared for Uniting Care Australia  
by Studio GL

## ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

### Document Information:

|              |                                                    |
|--------------|----------------------------------------------------|
| Job title    | 168 Norton Street Leichhardt - Urban Design Report |
| Client       | Unleash Care Australia                             |
| Job number   | 1626                                               |
| Report title | Urban Design Report                                |
| File name    | 1626_NortonStUrbanDesignReport.mxd                 |

| Revision      | Date       | Prepared by | Approved by |
|---------------|------------|-------------|-------------|
| Draft         | 21/09/2016 | BB GT DG    | DG          |
| Final draft   | 17/10/2016 | BB DG       | DG          |
| Final         | 28/10/2016 | BB GT DG    | DG          |
| Revised Final | 03/11/2016 | GT DG       | DG          |
| Revised Final | 24/11/2016 | BB DG       | DG          |

NOTE: The location and height of existing built form and trees has been approximated from high resolution aerial photography (nearmap.com) site visits and Google Streetview. The capsule boundaries are based on Council's LEP mapping. The information in this document has been provided for context purposes and is indicative only. This document takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

**GL**  
Olanis  
Studio GL Pty Ltd  
PO Box 832  
Brookway NSW 2007

Contact: Dana Griffin  
Email: info@studio-gl.com.au

## 01 INTRODUCTION

The subject site  
Background  
Purpose of this report  
Report structure

## 02 CONTEXT ANALYSIS

Site location  
Transport and accessibility  
Landscape and topography  
Heritage  
Land uses  
Zoning and FSR controls  
Local character  
Immediate site context

## 03 URBAN DESIGN PRINCIPLES

Introduction  
1. SEPP Design Principles  
2. Apartment Design Guide  
3. Principles for site specific controls

## 04 PROPOSED ENVELOPES

Site specific controls (AJ-C)  
Proposed building envelope  
Current built form  
Overshadowing impact  
Artist impressions

## 04 CONCLUSION

Recommendation  
Recommended Development Control Diagrams



**Item 3**

**Attachment 2**

## ATTACHMENT 2 PROPOSER'S PLANNING PROPOSAL

### 01 INTRODUCTION

#### THE SUBJECT SITE

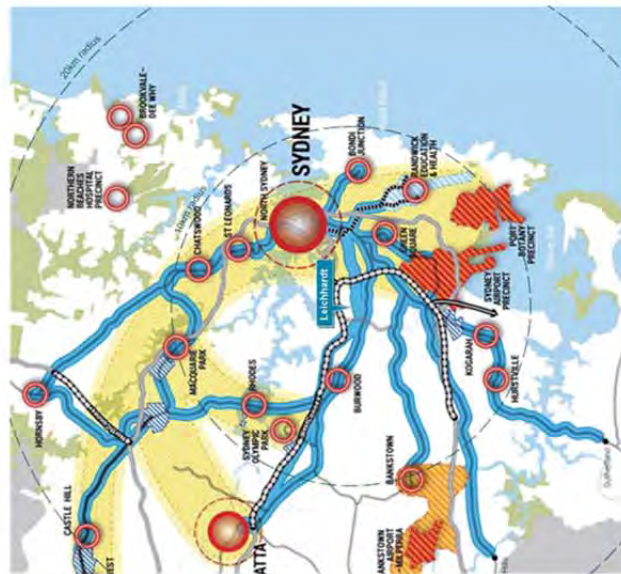


Figure 1 Metropolitan context diagram  
(Source: A Plan For Growing Sydney, 2014)

The site is located in the inner west suburb of Leichhardt, approximately 6km to the west of Sydney's CBD. It lies within the newly created Inner West Local Government Area (LGA). The nearest major arterial roads are the City West Link, 900m to the north, and Parramatta Road, 800m to the south.

The site is owned by the Uniting Church Australia and known as 168 Norton Street and 'Harold Hawkins Court ILU'. It has a L-shape with two street frontages, one to Norton Street and one to Carlisle Street. The current built form is a four storey courtyard building.

To the west, north and south, the site is surrounded by single and multi-family residential development. To the east lies the Norton Street commercial precinct.

Due to its size, location, use, visual prominence and scale of the current and potential built form, future development of this site will have an impact on the local character and the look and feel of this part of Leichhardt.

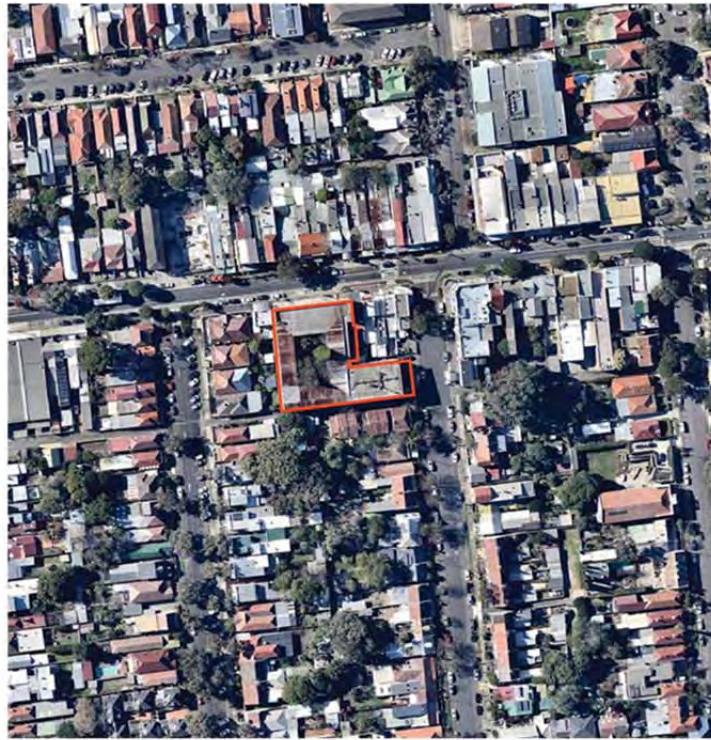


Figure 2 Aerial photo showing the site in its context (source: nearmap.com)



## ATTACHMENT 2 PROPOSER'S PLANNING PROPOSAL

### 01 INTRODUCTION

#### BACKGROUND

The site is located within the Inner West Council but was previously part of the Leichhardt Council LGA. In 2012, AJ+C prepared a report for Leichhardt Council which outlined proposed site specific planning controls in the form of recommended building envelopes and guiding design principles.

The proposed changes to the height and FSR outlined in the report for this site have the in principle support of the previous Council (via a signed MoU).

#### Reference documents

The following references were reviewed to prepare this report:

|                                                                   |
|-------------------------------------------------------------------|
| Leichhardt Local Environmental Plan (LEP) 2013                    |
| Leichhardt Development Control Plan (DCP) 2013                    |
| UnitingCare Ageing Leichhardt Sites report prepared by AJ+C, 2012 |
| Survey plan drawing by Project Surveyors, September 2016          |

#### PURPOSE OF THIS REPORT

This urban design report has been provided to support a Planning Proposal that seeks to alter the primary planning controls including permissible building height and FSR in order to facilitate redevelopment to accommodate an independent living facility.

The new planning controls would encourage the demolition of the current structures on the site and their replacement with a five storey building with one level of basement parking.

This report considers the built form massing outlined in the UnitingCare Ageing Leichhardt Sites report prepared by AJ+C (2012) and identifies if this massing provides an appropriate urban design response given the local context and relevant planning controls.

#### REPORT STRUCTURE

The report is structured in five parts.

Chapter 1 provides the background to the project and purpose of this study.

Chapter 2 outlines a contextual analysis that considers the site's location with respect to the wider context including transport and accessibility, landscape and topography, heritage, land use and local character.

Chapter 3 provides guiding urban design principles to inform future development.

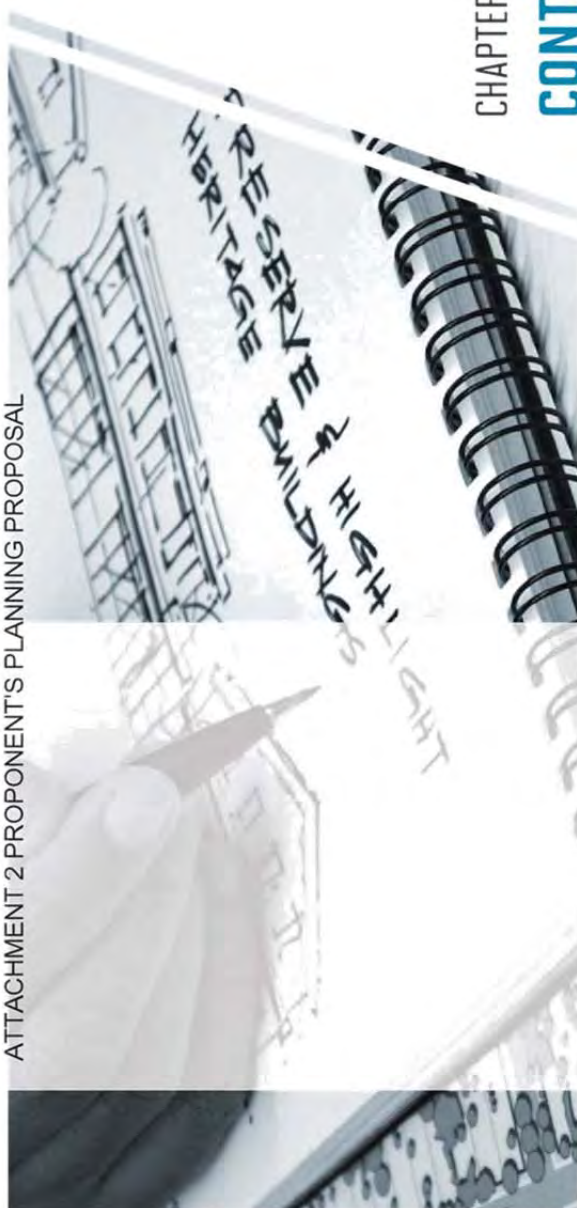
Chapter 4 includes the proposed built form controls developed by AJ+C and tests their impact, and Chapter 5 outlines the recommendations.



Above: Views of the 3D massing model showing the site and current built form in its context



ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL



## CHAPTER 2 CONTEXT ANALYSIS

Attachment 2

Item 3

# ATTACHMENT 2 PROPOSER'S PLANNING PROPOSAL

## 02 CONTEXT ANALYSIS

### SITE LOCATION



The subject site (168 Norton Street, Leichhardt) is also known as Harold Hawkins Court, with a total land area of approximately 2,000m<sup>2</sup> and an L-shaped form.

Located on the western side of Norton Street, Leichhardt's main shopping street, the site has a prominent frontage of approximately 34m to Norton Street. A secondary frontage exists to Carlisle Street to the south, which is approximately 14.5m wide.

The site is currently occupied by a large 4-storey building, a former aged care facility with 104 beds which has been vacant since a few years.

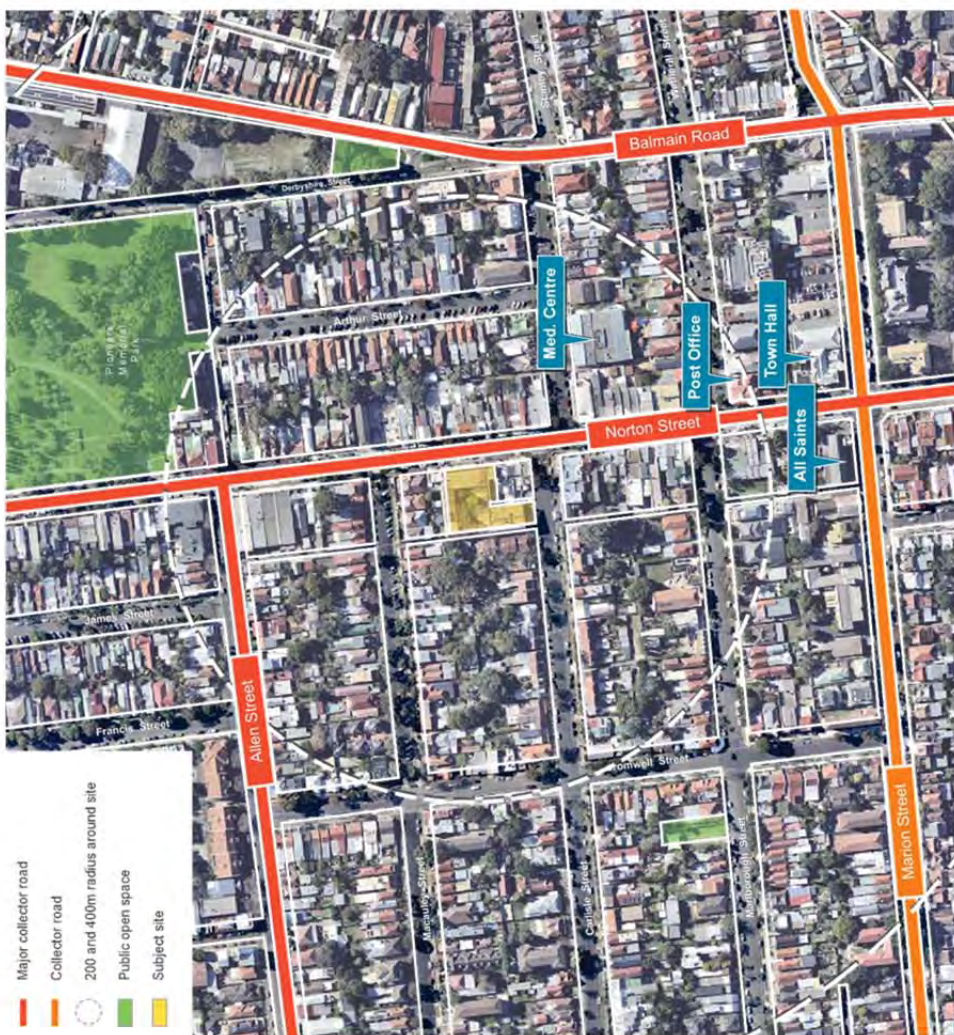


Figure 3 Local context aerial diagram

## ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

### 02 CONTEXT ANALYSIS

#### TRANSPORT AND ACCESSIBILITY

The subject site has good access to public transport via a number of bus routes that operate along Norton Street and Marion Street (250m to the south), connecting Leichhardt to the Sydney CBD and surrounding suburbs. One bus stop is located directly in front of the site. In addition to public buses, the Leichhardt Local Link community bus stop is 250m south of the site along Marion Street.

The closest pedestrian crossing is located 20m to the south on Norton Street at the intersection with Carlisle Street. Another formal crossing point lies 150m to the north at the intersection with Allen Street. Further south along Norton Street at the intersection with Marion Street is a signalised 4-way intersection.

The area also offers various east-west and north-south on-road bike routes which connect Leichhardt to its wider context, including shared off-road paths along Canal Road and Whites Creek.



Figure 4 Transport and accessibility diagram

ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL  
**02** CONTEXT ANALYSIS

**LANDSCAPE AND TOPOGRAPHY**

The site is located north-west of a local high point which occurs close to the intersection of Marion Street and Norton Street. Like many other inner suburbs of Sydney, it is on this highpoint where significant historic and civic buildings of the neighbourhood are located, including the Post Office, Town Hall and Leichhardt Public School.

From the Marion Street/ Norton Street intersection, the land falls to the north-west towards a local low point along Francis Street. The subject site has a fall of approximately 3 metres from the south-east to the north-west.

Pioneers Memorial Park is a significant public open space 200m north of the site. A smaller open space (playground) is located at Marlborough Street approximately 250m to the south-west.



Figure 5 Landscape and topography diagram (contour information source: Google Elevation API, iQuery, CONREC)

## ATTACHMENT 2 PROPOSER'S PLANNING PROPOSAL

### 02 CONTEXT ANALYSIS

#### HERITAGE

The site lies within the Whaleyborough Estate Heritage Conservation Area and is in close proximity to the Royal Hotel (Item No.1 in the adjacent diagram) which was built in 1886. The hotel occupies a prominent corner at Norton Street and Carlisle Street and lies on a terminating vista along Short Street. Another heritage listed hotel, the Leichhardt Hotel (No.2), is approximately 200m east of the site.

Pioneers Memorial Park to the north, created in 1942, is heritage listed and the site of the former Balmain Cemetery which operated from 1868 until 1912.

Other significant heritage items in the area include the All Souls Church and Rectory (No.4 and 5), the former Leichhardt Post Office (No.10) and Leichhardt Town Hall (No.9). The town hall dates back to 1888, the clock tower was added in 1897 to mark Queen Victoria's diamond jubilee.

Future development on the subject site needs to sensitively consider the impact on the nearby heritage items and its location within a heritage conservation area.



ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

**02** CONTEXT ANALYSIS

**LAND USES**

The site is located on Norton Street which offers a wide variety of community, commercial and retail facilities within close proximity including banks, shopping, groceries, medical facilities, chemist, library, community centre, pubs, restaurants, cafés and individual retail outlets.

This section of Norton Street is on land that slopes gently to the north. There are two medical centres within 200m of the site, a large medical centre located to the south east on Short Street and a second medical centre located to the north on the corner of Norton Street and Allen Street.

Norton Plaza, a large neighbourhood shopping centre with 50 specialty stores and a Coles supermarket and the Palace Norton Street Cinema are located to the south of Marion Street within a 15-20 minute walk of the site.



Figure 7 Land uses diagram

## ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

### 02 CONTEXT ANALYSIS

#### ZONING AND FSR CONTROLS

The subject site is zoned 'B2 Local Centre' in the Leichhardt Local Environmental Plan (LEP) 2013.

This zone provides for a range of retail, business, entertainment and community uses to serve the needs of people who live, work and visit the neighbourhood. It seeks to encourage employment opportunities in accessible locations and also allows for residential accommodation while maintaining active retail, business or other non-residential uses at the street level.

The maximum floor space ratio that currently applies to the site is 1:1 however the current building on the site has a ratio substantially higher than this.

Adjacent properties to the north and south along Norton Street are also zoned B2. Land parcels to the north and west are zoned 'R1 General Residential' which allows for a variety of housing types and densities and other land uses that provide facilities or services to meet the day to day needs of residents. The maximum FSR for adjoining land zoned R1 is 0.5:1.



Figure 8 Land zoning diagram

ATTACHMENT 2 PROPOSER'S PLANNING PROPOSAL

02 CONTEXT ANALYSIS

LOCAL CHARACTER



▶ Norton Street, Leichhardt's main street, has continuous awnings, level topography, pedestrian crossings and blister treatments which create a pedestrian friendly environment. The site (to the left of the image) has a prominent frontage to Norton St.



▶ On the eastern side of Norton Street, stepped footpath dining areas encourage businesses to provide outdoor tables and chairs, adding to the neighbourhood's visible activity and vibrancy.



▶ The view up Carlisle Street towards Norton Street terminates in attached 2-storey buildings with active ground floor uses. The heritage listed Royal Hotel (to the right of the image) is located on the southern side of Carlisle Street and Norton Street.

Photo source: Google Streetview



▶ The Royal Hotel, built in 1886, is located at the corner Norton Street and Carlisle Street. Its prominent location and high visibility make it an important landmark which positively contributes to the local character.



▶ Another nearby notable building is the Leichhardt Post Office, opened in 1889 and located on the corner of Norton Street and Wetherill Street. Designed in the 'Victorian Italianate' style it features a slender tower element as a visual marker.



▶ Opposite the subject site are 2-storey attached buildings with a strong vertical and horizontal articulation. The variety of architectural expression, colours and materials add interest to the streetscape.

## ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

### 02 CONTEXT ANALYSIS

#### LOCAL CHARACTER



Existing 2-storey built form directly adjacent and to the north of the site along Norton Street, is attached with narrow frontages. This creates a varied and articulated 'fine grain' pattern with active ground floor uses that address the footpath.



The current built form on the site along Norton Streets is a 4 storey structure with a brick facade and continuous awning. There is little horizontal or vertical articulation to break the bulk and scale of this building.



Maccauley Street has a residential character with predominantly detached single storey houses. The existing building on the site is visible from the street and the rear of these properties.



The site is an L-shape and has a second prominent street frontage of approximately 14.5 metres to Carlisle Street, close to the intersection with Norton Street. The current 4-storey built form steps back by approximately 5 metres from the street.



The current built form on the site has a blank facade to the rear of residential properties fronting Maccauley Street. The large blank wall ensures there are no overlooking or privacy issues to neighbouring private open spaces (rear gardens).



The third frontage of the site is along a north-south laneway that connects Carlisle Street to Maccauley Street. Recent 2-storey residential attached dwellings (left side of image) address this lane and provide some level of safety and surveillance.

Photo source: Google StreetView



## ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

### 02 CONTEXT ANALYSIS

#### IMMEDIATE SITE CONTEXT

The site has three frontages to the public domain. The most prominent is the approximately 34 metre long interface with Norton Street. The southern boundary addresses Carlisle Street (approx. 14.5m) and the western boundary (approx. 57m) fronts onto a narrow north-south laneway.

The regular street pattern and block structure of the area allows for easy wayfinding and creates efficient parcels for development. In some locations, streets discontinue and views terminate in built form across the street.

Both Norton Street and Carlisle Street have a 20m wide road reserve and cater for 2-way traffic. Norton Street receives good solar access due to its north-south alignment.

The 2-storey Royal Hotel at the corner of Carlisle Street and Norton Street, opposite the subject site, is heritage listed and a local landmark.



Figure 9 Immediate site context diagram

ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

**02** CONTEXT ANALYSIS

IMMEDIATE SITE CONTEXT

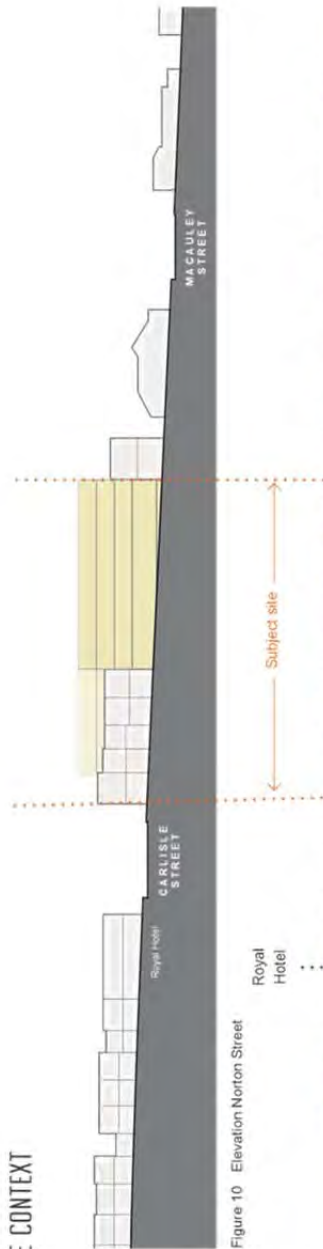


Figure 11 Conceptual 3D context model, looking west



ATTACHMENT 2 PROPOSAL'S PLANNING PROPOSAL

## CHAPTER 3

# URBAN DESIGN PRINCIPLES



## ATTACHMENT 2 PROPOSER'S PLANNING PROPOSAL

### 03 URBAN DESIGN PRINCIPLES

#### INTRODUCTION

The preceding section analysed the key characteristics and features of the local area. This chapter identifies design principles that will influence the built form and key elements of the design that will allow the final built form on this site to contribute positively to the character of the local area.

These principles have been influenced by three sources:

1. The State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
2. The NSW Apartment Design Guide 2015; and
3. Good practice urban design principles developed by Studio GL that are relevant to site specific planning controls.

#### 1. SEPP DESIGN PRINCIPLES

The State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 identifies design principles for Neighbourhood amenity and streetscape (Chapter 3, Part 3, Division 2).

These state that the proposed development should:

- a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area;
- b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan;
- c) maintain reasonable neighbourhood amenity and appropriate residential character by:

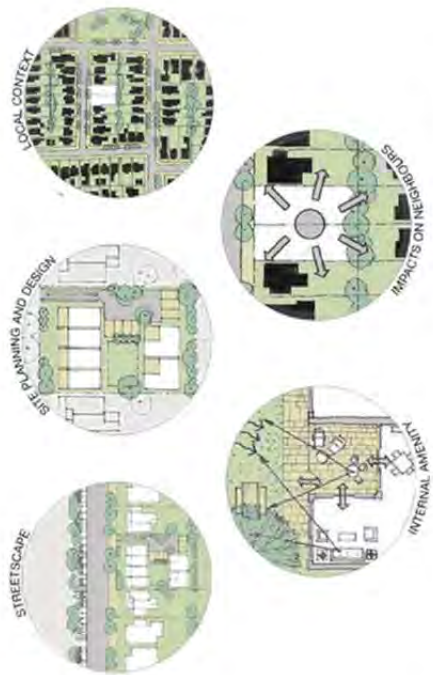


Figure 12 Five interrelated issues each concerned with a different scale and level of detail  
(Source: Seniors Living Policy, urban design guidelines for infill development, UDAS 2004)

- i) providing building setbacks to reduce bulk and overshadowing;
- ii) using building form and siting that relates to the site's land form;
- iii) adopting building heights at the street frontage that are compatible in scale with adjacent development;
- iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours;
- d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line;
- e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape;
- f) retain, wherever reasonable, major existing trees; and
- g) be designed so that no building is constructed in a riparian zone.

## ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

### 03 URBAN DESIGN PRINCIPLES

#### 2. APARTMENT DESIGN GUIDE

The Apartment Design Guide (ADG) identifies that primary development controls are the key planning tool used to manage the scale of development so that it relates to the context and desired future character of an area and manages impacts on surrounding development.

The ADG notes that primary controls should be developed taking into account sunlight and daylight access, orientation and overshadowing, natural ventilation, visual and acoustic privacy, ceiling heights, communal open space, deep soil zones, public domain interface, noise and pollution.

The controls must be carefully tested to ensure they are co-ordinated and that the desired built form outcome is achievable. They should ensure the desired density and massing can be accommodated within the building height and setback controls.

Key considerations when testing development controls and establishing a three-dimensional building envelope include the retention of trees, minimum setbacks, deep soil zones and basements, building separation and depth, and building performance and orientation.

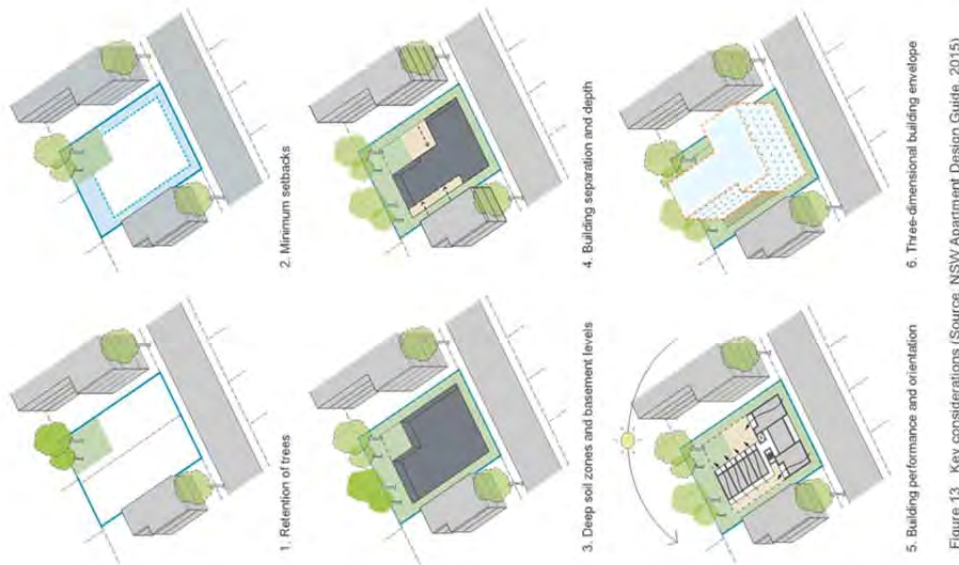


Figure 13 Key considerations (Source: NSW Apartment Design Guide, 2015)

## ATTACHMENT 2 PROponent's PLANNING PROPOSAL

### 03 URBAN DESIGN PRINCIPLES

#### 3. PRINCIPLES FOR SITE SPECIFIC CONTROLS

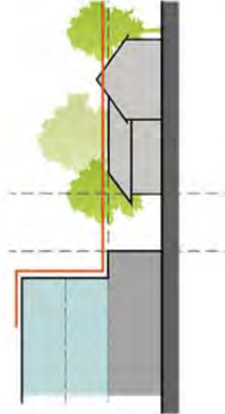
##### Solar Access

Tall development can have an impact on the solar access of surrounding properties, streets and public spaces. The setback controls are designed to shape the development to ensure adequate sun access along Carlisle Street.



##### Heritage Integration

Heritage items contribute to the local character and the "look and feel" of a place. Setbacks, height controls and articulation are needed to encourage development that is sympathetic to these key features of the existing urban fabric.



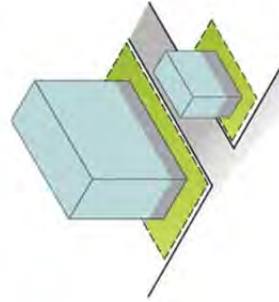
##### Interfaces

Development on the subject site is of a larger scale than that of the surrounding area. Setback controls encourage the taller buildings step down along the street to create more balanced and consistent streetscape proportion along Carlisle Street.



##### Lot Sizes

There is an underlying assumption within planning controls that every site has the same development capacity. However larger sites often have greater flexibility with regards to the design of the built form and can more easily accommodate an increase in scale (i.e. height, FSR) as there is more flexibility around where to locate the bulk of the development and minimise impacts on the surrounding area.

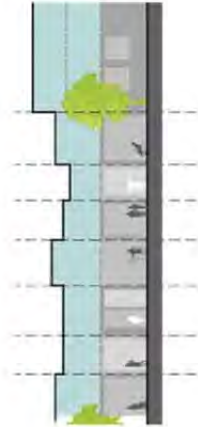


ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL  
**03** URBAN DESIGN PRINCIPLES

3. PRINCIPLES FOR SITE SPECIFIC CONTROLS

**Lot Width**

One of the characteristics of this area is the narrow lot frontages which generate a complex streetscape rhythm and encourage vertical streetscape proportions.



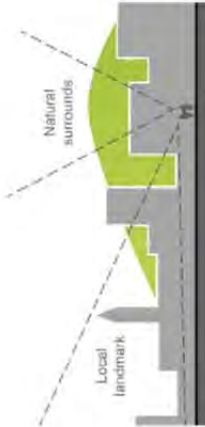
**Street Character**

Many factors establish street character including front setbacks, street wall heights and building details. Front setbacks can allow street trees or landscaping while street wall heights define the spatial enclosure of the street.



**Views & Vistas**

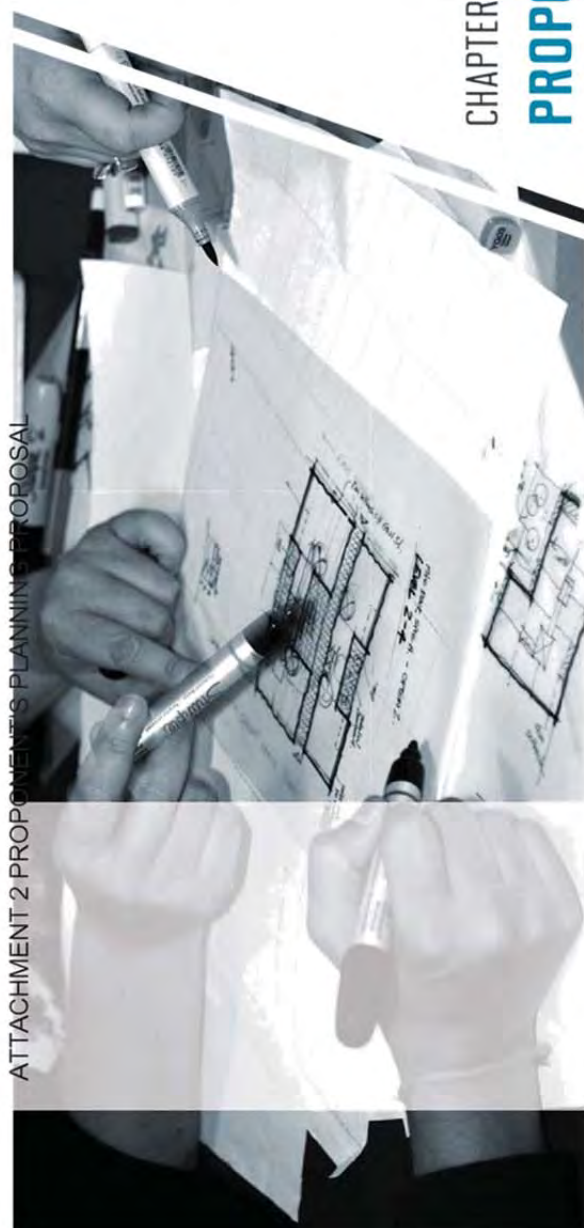
Preserving significant views is critical to placemaking and for celebrating the unique character of Leichhardt. Development controls for this site propose a setbacks to protect views along Norton Street and Carlisle Street.



**Bulk and Scale**

To integrate a large development successfully into the wider context it often needs to be designed so that the bulk and scale are visually reduced. This can be achieved by vertical articulation that breaks the facade into smaller elements, by changes in material or colour and through horizontal articulation and a recessed roof form.





ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

## CHAPTER 4 PROPOSED ENVELOPES

## ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

### 04 PROPOSED ENVELOPES

#### SITE SPECIFIC CONTROLS

##### UNITINGCARE AGEING LEICHARDT SITES REPORT, BY A.J+C, 2012

The site specific controls prepared by A.J+C for Leichhardt Council comment on the site's current built form, noting that the building's "large bulk is out of scale within its context of fine-grain main street shops."

#### Context integration and setbacks

A number of recommendations relate to how future built form will need to integrate with this lower scale context. Along Norton Street the following provisions apply:

- Street frontage height to align with existing neighbours parapets
- Ensure that the scale and modulation responds to the existing fine-grain context
- Build to street alignment and continue strong street edge
- Minimise overshadowing to neighbours

The Carlisle St frontage is required to:

- Provide a residential development that integrates with the surrounding context
- Provide a landscaped front setback with deep soil planting

- Respect adjacent 2 storey residential on Carlisle Street by stepping down built form from 4 storeys to 3 storeys to Carlisle Street and laneway

Interface to the western laneway:

- Rear building setback to allow access to pedestrian entries, loading zones and parking
- Articulate the built form along the lane by providing entries, balconies and fenestration (to improve surveillance)

#### Addressing the public domain

The interface to Norton Street is illustrated in more detail and the following objectives and provisions apply:

- Ensure clear interface between retail and public domain by use of fenestration
- Step down building entries to retail/commercial tenancies to follow the fall of street to ensure level pedestrian access
- Continue street awnings

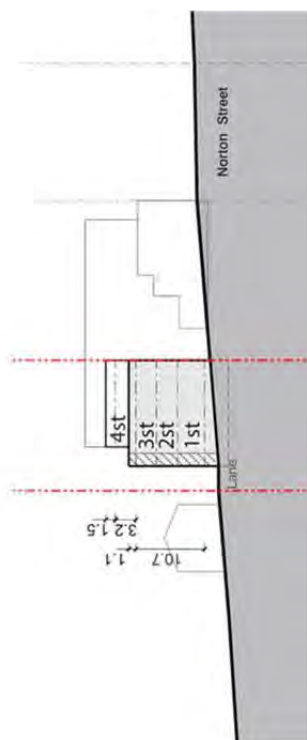


Figure 14 Street Elevation A - Carlisle Street

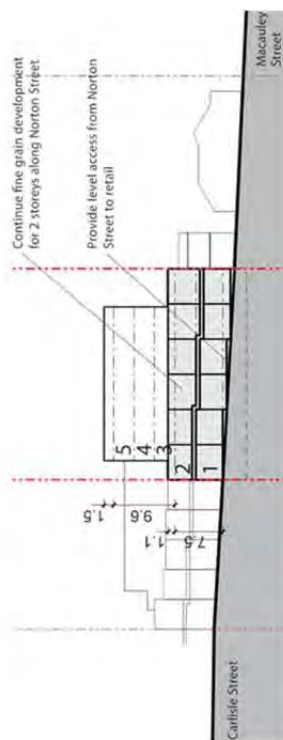


Figure 15 Street Elevation B - Norton Street

Source of diagrams: UnitingCare Ageing Leichhardt Sites Report, Site Specific Controls, prepared by A.J+C, 2012

ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

**04** PROPOSED ENVELOPES

SITE SPECIFIC CONTROLS  
UNITECARE AGEING LEICHHARDT SITES REPORT, BY AJ+C, 2012



Figure 16 Building envelope plan

- 5st Building envelope (height in storeys)
- Landscape zone
- Site boundary
- Balcony articulation zone
- Vehicular entry
- Pedestrian entry
- Awning
- Build to street edge

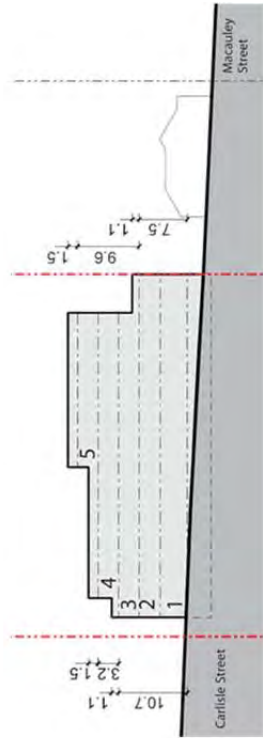


Figure 17 Section C

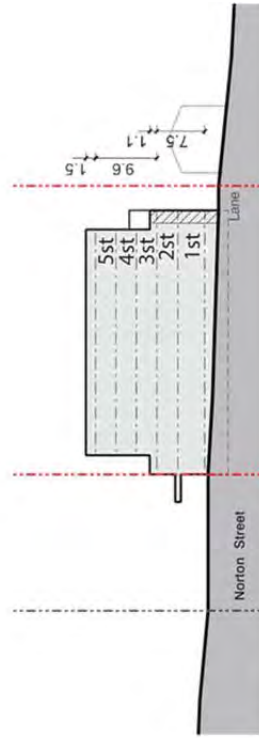


Figure 18 Section D

Source of diagrams: UnitingCare Ageing Leichhardt Sites Report,  
Site Specific Controls, prepared by AJ+C, 2012



ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

**04** PROPOSED ENVELOPES

PROPOSED BUILDING ENVELOPE

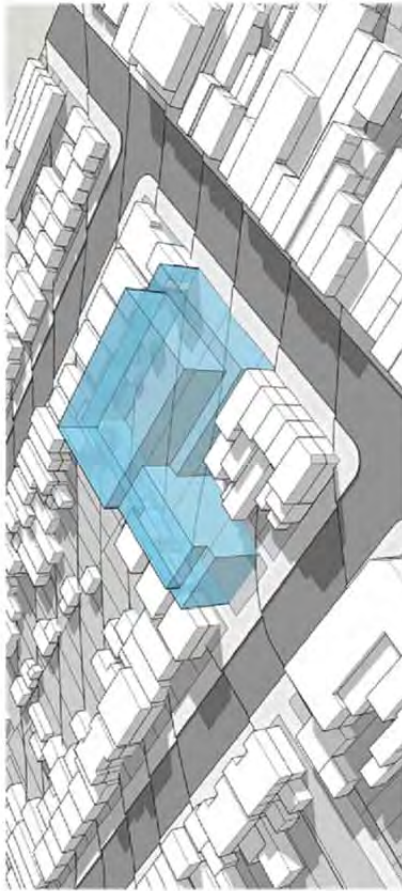


Figure 19 Proposed building envelope - model view, looking north-west

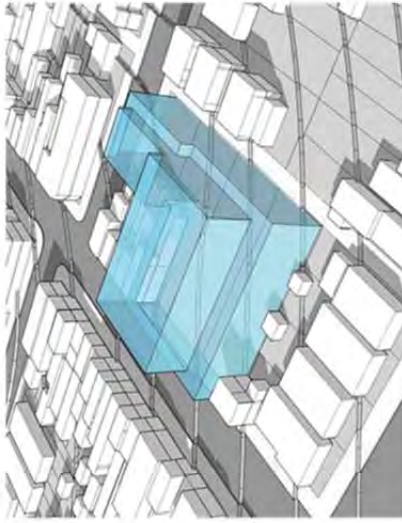


Figure 20 Proposed building envelope - model view, looking south-east

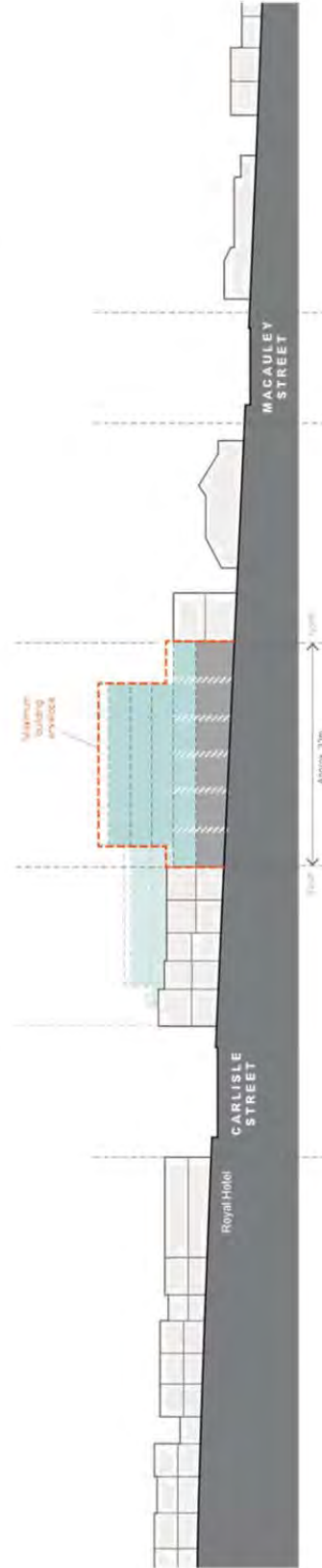


Figure 21 Streetscape elevation of Norton Street (proposed building envelope)

ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

**04** PROPOSED ENVELOPES

**CURRENT BUILT FORM**

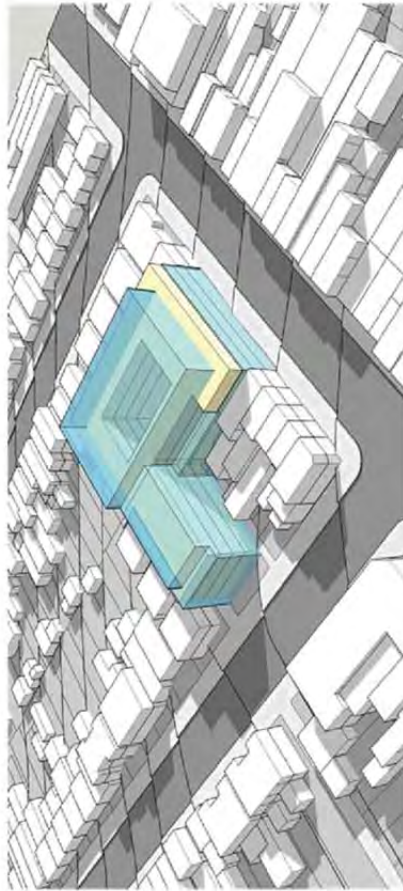


Figure 22 Current built form - model view, looking north-west

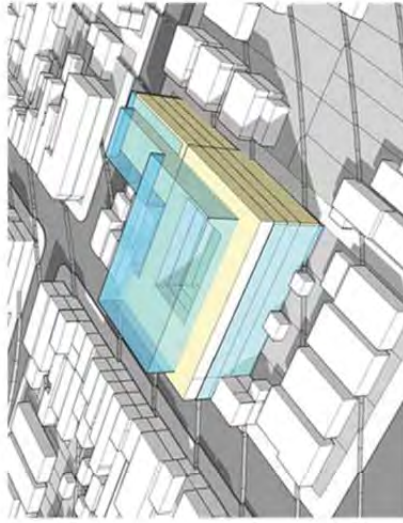


Figure 23 Current built form - model view, looking south-east

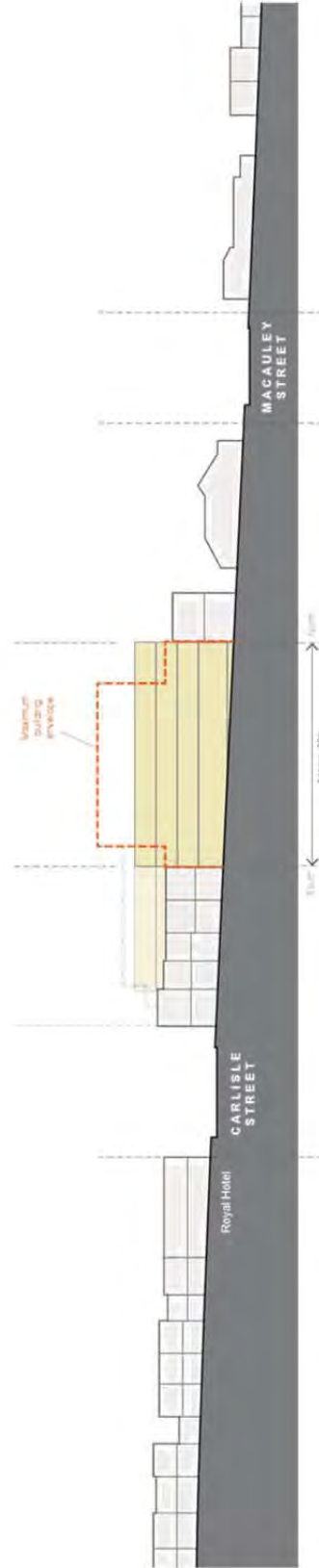


Figure 24 Streetscape elevation of Norton Street (current built form)

ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

04 PROPOSED ENVELOPES

OVERSHADOWING IMPACT  
21 JUNE [MID-WINTER]

Solar access is a key consideration when testing future built form and scale, with the aim to minimise the impact on the surrounds. Overshadowing in winter months is greatest due to the low solar altitude angles, while in summer, days are longest and the sun reaches its highest altitude.

The modelling on the following pages show the overshadowing impact in mid-winter (21 June) of the existing built form and the proposed maximum building envelope on the surrounding area, including public domain and private properties.

Existing built form



Figure 25 - Shadows 9am - Existing built form



Figure 26 - Shadows 12pm - Existing built form



Figure 27 - Shadows 3pm - Existing built form

Proposed maximum building envelope



Figure 28 - Shadows 9am - Proposed envelope

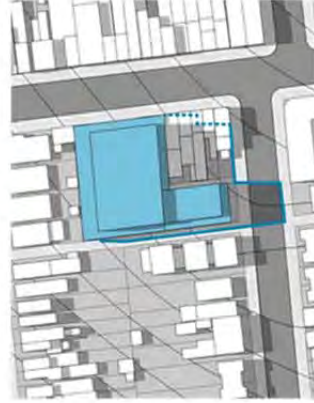


Figure 29 - Shadows 12pm - Proposed envelope



Figure 30 - Shadows 3pm - Proposed envelope

ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

**04** PROPOSED ENVELOPES

ARTIST IMPRESSION  
INDICATIVE BUILT FORM WITHIN ENVELOPE



Figure 31 Artist impression of potential development viewed from Norton Street



Figure 32 Existing development along Norton Street

ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

**04** PROPOSED ENVELOPES

ARTIST IMPRESSION

INDICATIVE BUILT FORM WITHIN ENVELOPE



Figure 33 Artist impression of potential development viewed from Carlisle Street



Figure 34 Existing development along Carlisle Street

ATTACHMENT 2 PROPOSAL'S PLANNING PROPOSAL

Commercial uses

Berry St. near the theatre is a lovely area

disrupted  
Car park  
Collection.

CHAPTER  
CONC

## ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

### 05 CONCLUSION

#### RECOMMENDATION

The site is very well located with good access to a wide variety of local facilities and regular public transport, making it an ideal location to provide accommodation for seniors. The current development on the site is vacant which, together with a design that does not activate Norton Street, creates a poor interface along surrounding streets and against adjoining sites.

The AJ+C Report identifies a building envelope that was informed by nine guiding principles that were developed by the community during a series of community forums. The building envelope controls are described in plan, section and/or elevation and are accompanied by objectives and provisions.

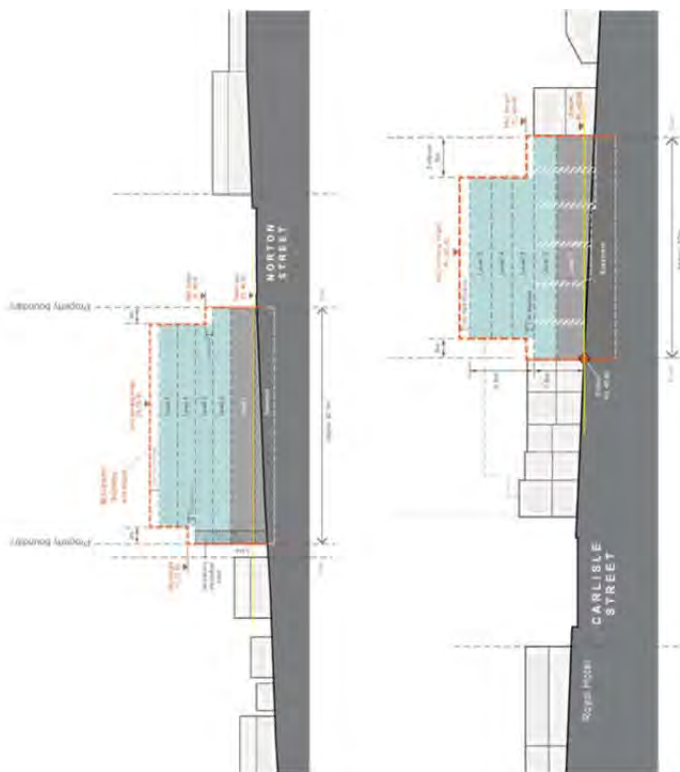
The aim of the controls is to guide a high quality built form that is appropriate to its context, provides good amenity to the site and its surroundings and improves the streetscape and public domain.

This report considers that the building envelope controls, objectives and provisions identified in the AJ+C Report are appropriate for this site as these controls:

- Respond to the current and future character of the area with development that respects the local character and enhances local residential amenity;
- Will facilitate redevelopment and will provide the opportunity to create a more attractive setting for key heritage buildings in the centre.
- Allow a sufficient scale of development in order to encourage redevelopment and provide much needed additional housing for seniors in the local area.

Detailed development control diagrams are included on the following pages. They substantially reflect the recommendations in the AJ+C Report have been prepared to clarify the building envelopes.

It is recommended that these diagrams, together with the written objectives and provisions from the AJ+C report, are included in a site specific DCP that will guide future development of this site.



ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

**04** PROPOSED ENVELOPES

RECOMMENDED DEVELOPMENT CONTROL DIAGRAMS

PLAN VIEW

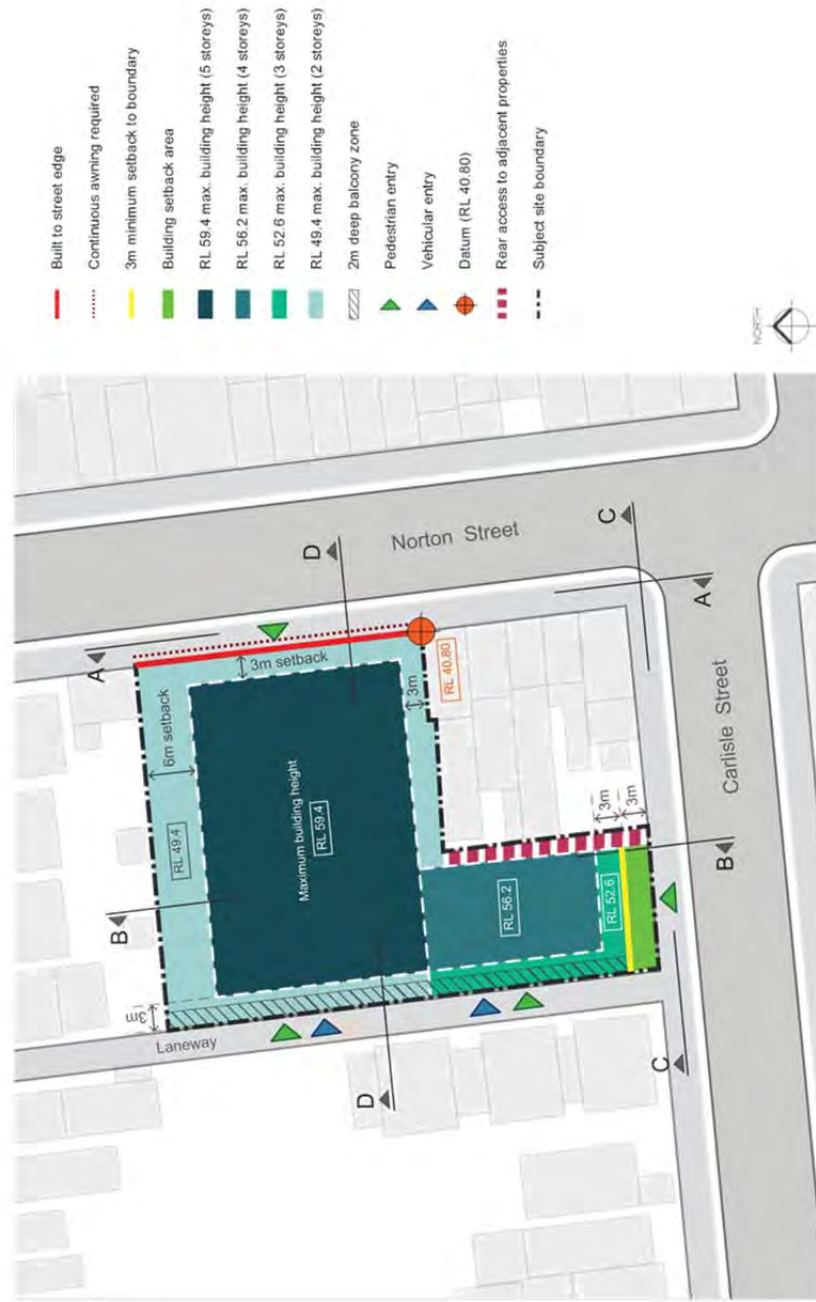


Figure 35 Recommended development controls - plan diagram

ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL  
**04** PROPOSED ENVELOPES

RECOMMENDED DEVELOPMENT CONTROL DIAGRAMS

SECTION A

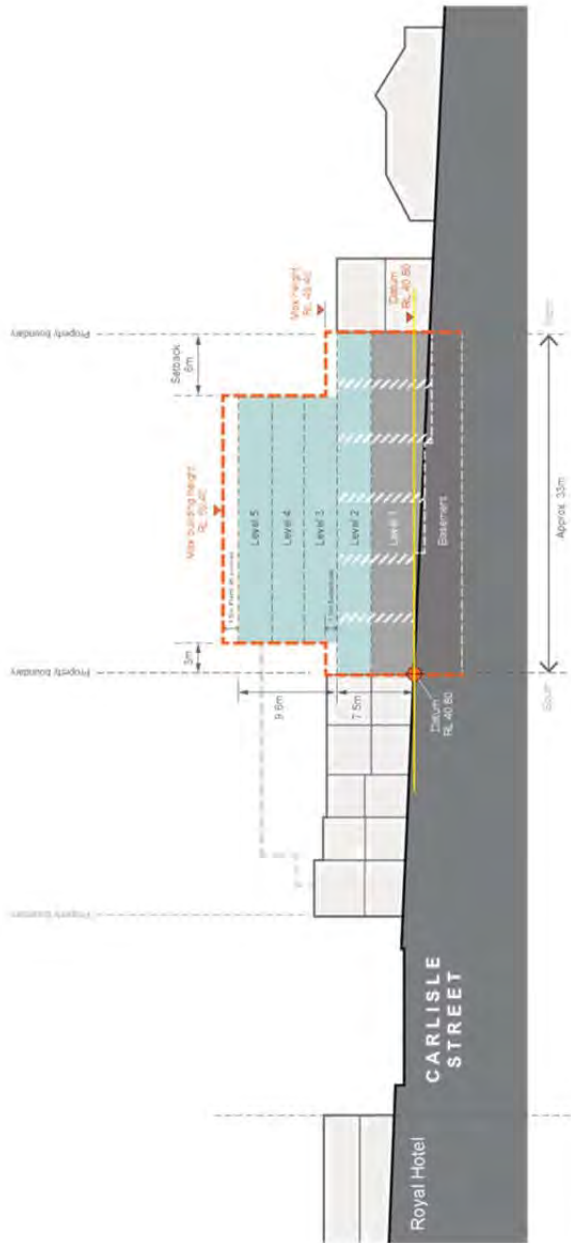


Figure 36 Recommended building envelope controls - Section A (Norton St elevation)

ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

**04** PROPOSED ENVELOPES

RECOMMENDED DEVELOPMENT CONTROL DIAGRAMS

**SECTION B**

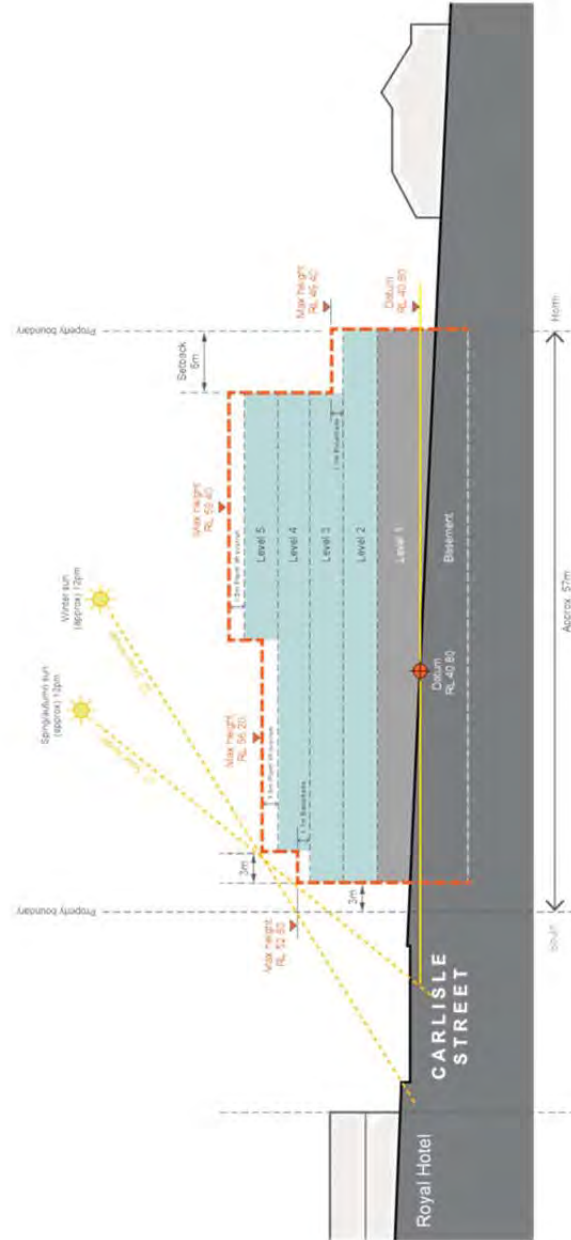


Figure 37 Recommended building envelope controls - Section B

## 04 PROPOSED ENVELOPES

## RECOMMENDED DEVELOPMENT CONTROL DIAGRAMS

## SECTION C

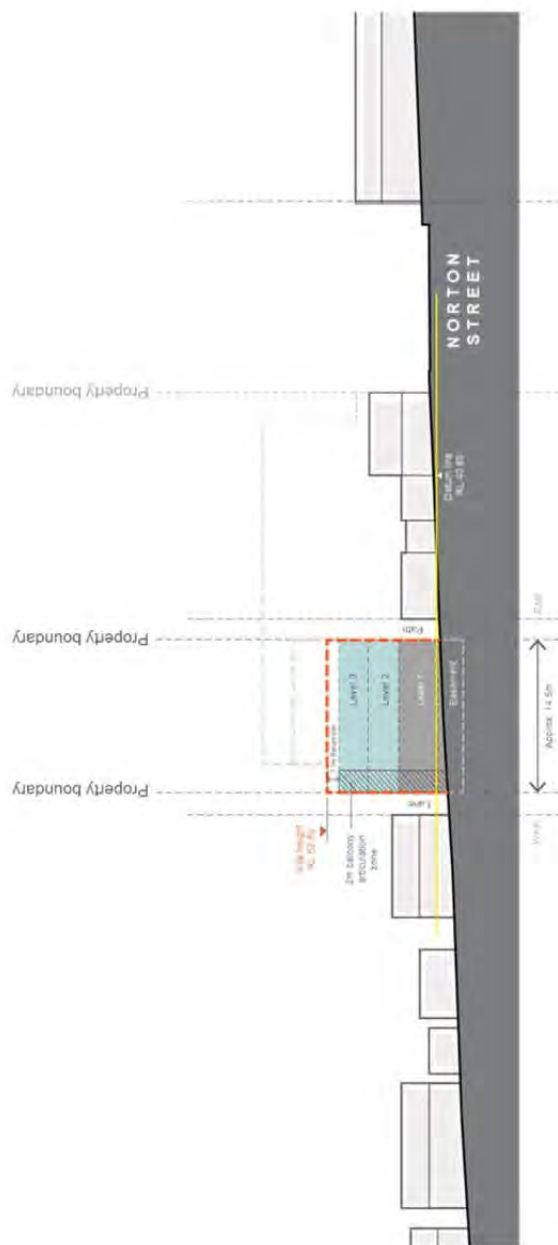


Figure 38: Recommended building envelope controls - Section C (Carlisle St elevation)

ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

**04** PROPOSED ENVELOPES

RECOMMENDED DEVELOPMENT CONTROL DIAGRAMS

**SECTION D**

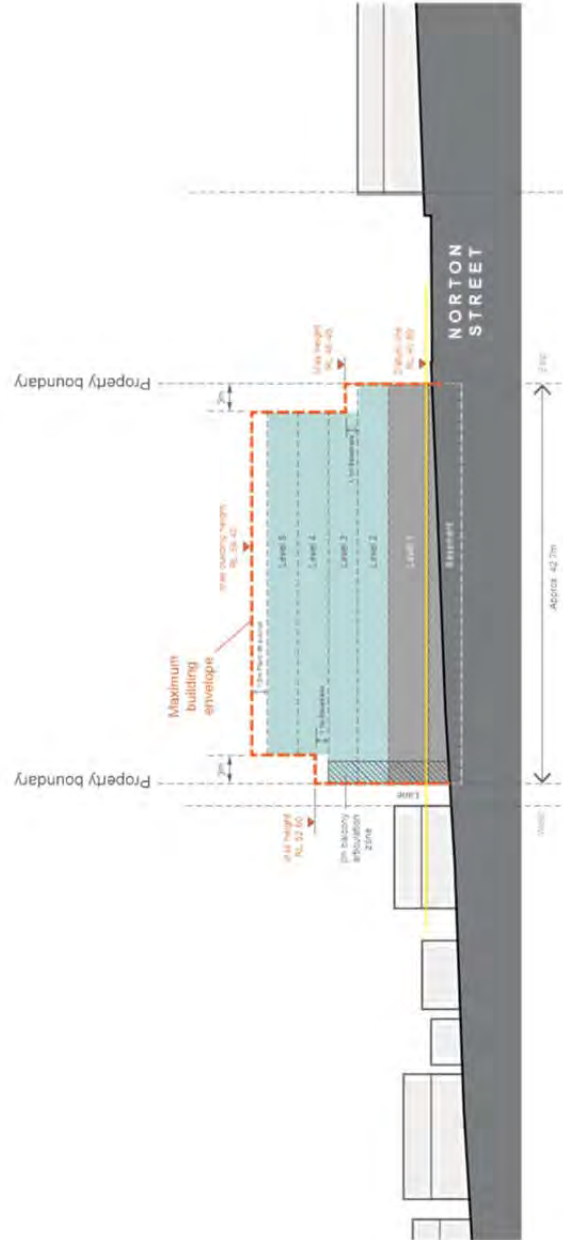


Figure 39 Recommended building envelope controls - Section D

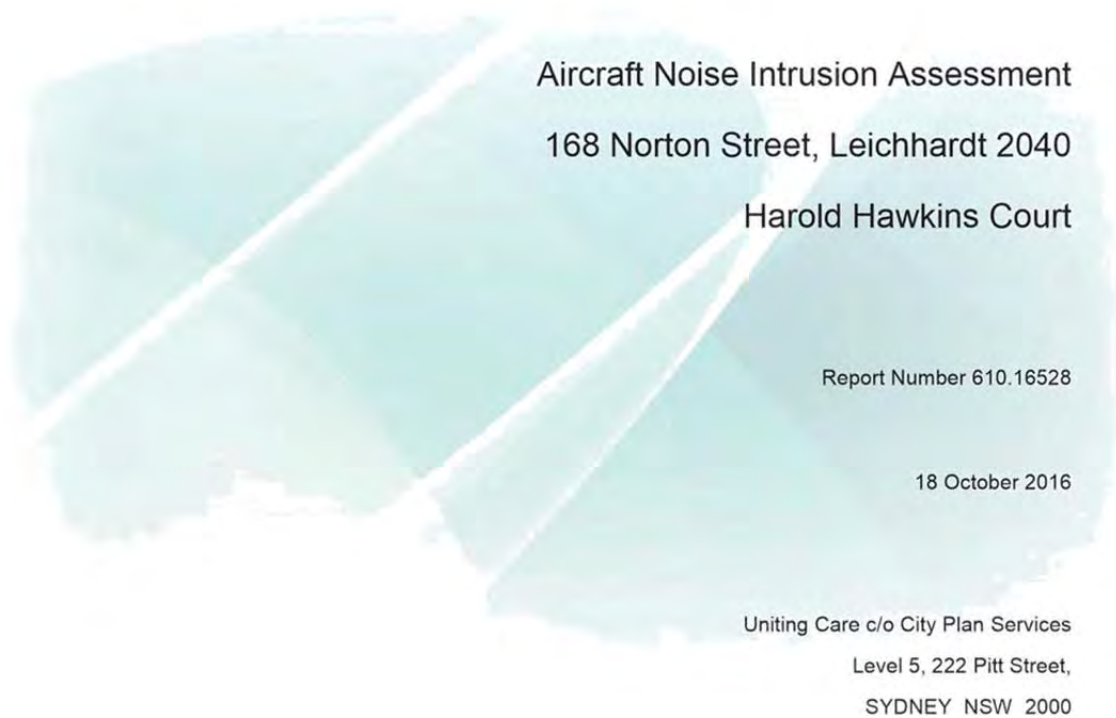


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ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL



**Item 3**



Version: v1.0

**Attachment 2**

**ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL**

Uniting Care c/o City Plan Services  
Aircraft Noise Intrusion Assessment  
168 Norton Street, Leichhardt 2040  
Harold Hawkins Court

Report Number 610.16528  
18 October 2016  
v1.0  
Page 2

**Aircraft Noise Intrusion Assessment**

168 Norton Street, Leichhardt 2040

Harold Hawkins Court

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This report has been prepared by SLR Consulting Australia Pty Ltd with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with the Client. Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of Uniting Care c/o City Plan Services. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR.

SLR disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.

**DOCUMENT CONTROL**

| Reference | Status | Date            | Prepared       | Checked      | Authorised   |
|-----------|--------|-----------------|----------------|--------------|--------------|
| 610.16528 | V1.0   | 18 October 2016 | Dominic Kersch | Mark Russell | Mark Russell |
| 610.16528 | V0.1   | 14 October 2016 | Dominic Kersch | Mark Russell |              |

SLR Consulting Australia Pty Ltd

**ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL**

Uniting Care c/o City Plan Services  
Aircraft Noise Intrusion Assessment  
168 Norton Street, Leichhardt 2040  
Harold Hawkins Court

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## ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

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### 1 INTRODUCTION

SLR Consulting Australia Pty Ltd (SLR) has been engaged by Uniting Care c/o City Plan Services to undertake an Aircraft Noise Intrusion Assessment at 168 Norton Street, Leichhardt (the site), where a 5-storey seniors housing redevelopment is proposed. The purpose of this noise assessment is to satisfy the requirements of clause 6.8 in Leichhardt LEP 2013 so that the site can be rezoned, and following approval be assessed for subsequent DA approval.

This aircraft noise assessment includes noise level predictions from aircraft traffic arriving and departing to and from Sydney Airport in accordance with the procedures and criteria prescribed in *AS 2021:2015 Aircraft Noise Intrusion – Building Siting and Construction* which supersedes *AS 2021:2000* (that which the Leichhardt LEP 2013 refers to), and subsequently establishes in-principle acoustic design recommendations.

A glossary of the acoustical terminology used throughout this report is contained within **Appendix A**.

### 2 SITE DESCRIPTION

The site currently operates as a 4-storey nursing home under the same name – Harold Hawkins Court. The proposed Harold Hawkins Court seniors housing redevelopment site encloses commercial developments on the intersection of Norton Street and Carlisle Street, Leichhardt. The project site comprises a basement carpark and 46 apartments spread over 5 floors. The ground floor (Floor 1) is also intended for commercial use.

The project site lies north of the Main North-South runway at Sydney Airport as shown in **Figure 1**.

**Figure 1 Project Site Location**



Images courtesy of Nearmap

SLR Consulting Australia Pty Ltd

**ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL**

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**3 ASSESSMENT CRITERIA**
**3.1 Leichhardt LEP 2013 Clause 6.8**
**Development in areas subject to aircraft noise**

1. The objectives of this clause are as follows:
  - a) to prevent certain noise sensitive developments from being located near the Sydney (Kingsford Smith) Airport and its flight paths.
  - b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings.
  - c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.
2. This clause applies to development that:
  - a) is on land that:
    - i) is near the Sydney (Kingsford Smith) Airport, and
    - ii) is in the ANEF contour of 20 or greater, and
  - b) the consent authority considers it likely to be adversely affected by aircraft noise.
3. Before determining a development application for development to which this clause applies, the consent authority:
  - a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
  - b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021-2000, and
  - c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021-2000.

**3.2 AS 2021:2015 Aircraft Noise Intrusion Procedure**

AS 2021:2015 ranks sites as "unacceptable", "conditionally acceptable" or "acceptable" developments based on the site location relative to the ANEF (Australian Noise Exposure Forecast) contours. Sites located between the ANEF 20 and ANEF 25 contours are classified acceptable conditional on the residence being designed to control noise from aircraft to indoors. Residential sites located within the ANEF 25 contour are classified "unacceptable", however relevant planning authority may determine a development necessary within existing built-up areas.

For conditionally acceptable sites, it is then required that the aircraft noise level at the site be determined. The aircraft noise level can be found using tables of aircraft noise data provided in the Standard, and taking into consideration the distance of the site from the closest end of the nearest runway (DS), the distance from the furthest end of the nearest runway (DT) and the distance to a projection of the flight path on the ground (DL).

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The aircraft noise reduction (ANR), that is the level of sound attenuation provided by the building envelope, is determined for the site based on the identified external aircraft noise level and the indoor design noise levels (given later in this report). Procedures for determining the necessary acoustic rating, expressed as a Weighted Sound Reduction Index ( $R_w$ ), of individual building elements are also included in the Standard. Calculations take into consideration room size, the area of each façade element, the orientation of the façade with respect to noise from the runway and room use.

The project site is shown in **Figure 2**.

**Figure 2 Australian Noise Exposure Forecast (ANEF) 2033**

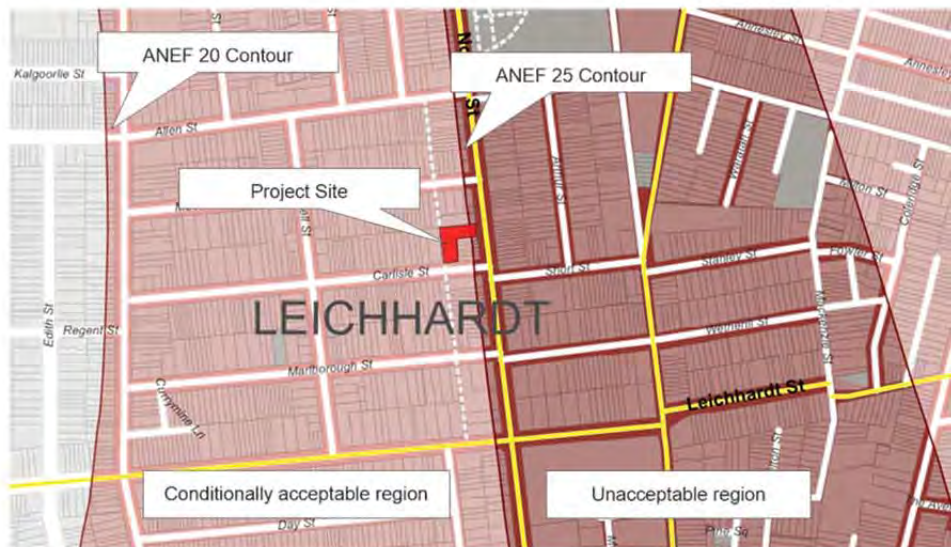


Image courtesy of Leichhardt Municipal Council

From Figure 2 it can be seen that the development site is within the ANEF 20 contour, north of the flight path of aircraft using the main north south runway. As the majority of site is located inside the ANEF 20 contour, the site is acceptable for residential development provided that an assessment of aircraft noise is made in accordance with the Standard.

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**3.3 Maximum Internal Noise Levels due to Aircraft Noise Intrusion**

Recommended indoor design sound levels (effective maximum levels) for various areas of occupancy are provided in Table 3.3 of AS 2021:2015. The appropriate sound levels for this development are presented in Table 1.

**Table 1 Indoor Design Sound Levels**

| Occupancy Type               | Area of Occupancy                        | Indoor Design Sound Level <sup>1</sup> |
|------------------------------|------------------------------------------|----------------------------------------|
| Nursing home<br>/ Home units | Sleeping areas, wards, consulting rooms  | 50 dBA                                 |
|                              | Other habitable spaces                   | 55 dBA                                 |
|                              | Bathrooms, toilets, laundries, wet rooms | 60 dBA                                 |
| Commercial <sup>2</sup>      | Private Offices, conference rooms        | 55 dBA                                 |

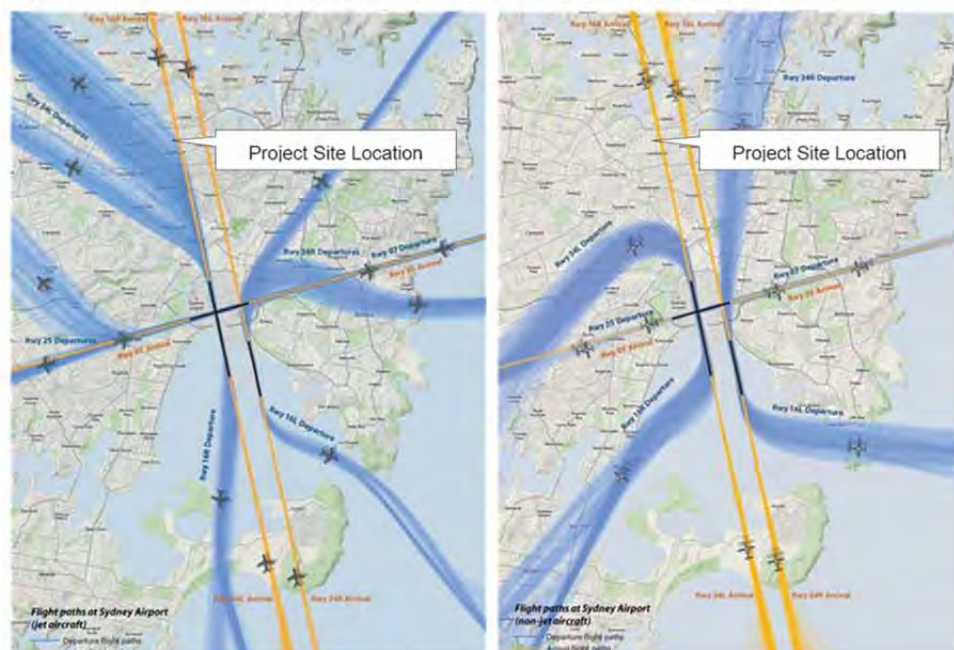
Note 1: The indoor design sound levels are hypothesised values based on Australian experience. A design level is the maximum level (dBA 'slow' speed rectification) from an aircraft flyover which, when heard inside a building by the average listener, will be judged as not intrusive or annoying by that listener while carrying out a specified activity.

Note 2: The commercial Indoor Design Sound Level is a worst-case requirement for private offices and consulting rooms only. Higher indoor design sound levels may apply for open offices, shops, supermarkets and showrooms - see Table 3.3 of AS 2021:2015.

**4 EXISTING AIRCRAFT ACOUSTICAL ENVIRONMENT**

The project site lies approximately 5,600 m, 6,800 m and 8,400 m north of the Main North-South, East-West and Parallel North-South runways at Sydney Airport respectively. Arrival and departure jet aircraft and non-jet aircraft flight paths to and from Sydney Airport are shown in Figure 3.

**Figure 3 Flight Path Maps of Sydney Airport (Jet Aircraft and Non-jet Aircraft respectively)**



Images courtesy of Sydney Airport Master Plan 2033

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Reference to the flight path maps above indicates that the project site is mostly affected by 16R Arrivals and 34L Departures on the Main North-South runway. For both of these flight paths, calculations as stipulated in AS 2021:2015 have been performed to predict the noise emissions from aircraft flyovers. Land height corrections at 30 m have been applied to account for the difference in elevation between the project site and Sydney Airport.

In accordance with the methods provided in AS 2021-2015, distance coordinates for the site relative to the two Sydney Airport flight paths have been determined. Results are presented in **Table 2** below.

**Table 2 Distance Coordinates for 168 Norton Street, Leichhardt**

| Runway                                                | Distance coordinate (inc. Elevation Adjustment) |         |         |
|-------------------------------------------------------|-------------------------------------------------|---------|---------|
|                                                       | DS                                              | DL      | DT      |
| Main North -South runway<br>16L Arrival flight path   | 250 m                                           | 5,130 m | 9,390 m |
| Main North -South runway<br>34R Departure flight path | 1,600 m                                         | 4,910 m | 8,250 m |

The calculations revealed that the loudest charted aircraft with considerations to the distance coordinates above, a Boeing 747-400, was predicted to contribute maximum noise levels of **81 dBA** and **68 dBA** ('Slow' speed rectification) to the project site from the 16R arrival and 34L departure flight paths respectively. For conservativeness in this assessment, maximum noise levels are herein assumed to be those predicted for from a Boeing 747-400 (**81 dBA**).

The aircraft noise level is an average maximum level and it should be recognized that a percentage of aircraft movements may produce noise that exceeds the derived level. Higher noise levels are possible from curved flight paths and variations in altitude resulting in aircraft directly over the site.

## 5 ATTENDED AIRCRAFT NOISE MEASUREMENTS

To further quantify predictions undertaken in accordance with the standard, short-term attended noise measurements were conducted on Tuesday 2 August 2016 at the location shown in **Figure 1**.

Instrumentation for the survey comprised one Brüel & Kjær 2260 sound level meter (Serial No. 2115053), fitted with a microphone windshield. Calibration of the sound level meter was checked prior to and following measurements. Drift in calibration did not exceed  $\pm 0.5$  dB. All equipment carried appropriate and current NATA (or manufacturer) calibration certificates. Measurements were conducted in accordance with AS 1055.1-1997: "Acoustics - Description and measurement of environmental noise - General procedures".

The maximum measured aircraft noise level of **79 dBA** ('Slow' speed rectification) was attributed to an Airbus A330-301 on the 16R arrival flight path.

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### 5.1 Aircraft Noise Reduction

The indoor design sound levels in **Table 1** have been used to derive the aircraft noise reduction (ANR), in dBA, to be incorporated in the building's envelope. **Table 3** presents the required ANR for this development.

**Table 3 Aircraft Noise Reduction**

| Occupancy Type               | Area of Occupancy                        | Aircraft Noise Reduction |
|------------------------------|------------------------------------------|--------------------------|
| Nursing Home<br>/ Home units | Sleeping areas, wards, consulting rooms  | 31 dBA                   |
|                              | Other habitable spaces                   | 26 dBA                   |
|                              | Bathrooms, toilets, laundries, wet rooms | 21 dBA                   |
| Commercial <sup>1</sup>      | Private offices, conference rooms        | 26 dBA                   |

Note 1: The commercial ANR is a worst-case requirement for private offices and consulting rooms only. Higher indoor design sound levels may apply for open offices, shops, supermarkets and showrooms - see Table 3.3 of AS 2021:2015.

### 5.2 Alternative Ventilation Requirements

The internal design sound levels and the ANR derived from the above levels assume that the windows and external entry doors are closed. As it is necessary for the windows and doors to remain closed to comply with AS 2021:2015, ventilation approved by Leichhardt Municipal Council and in accordance with relevant regulations such as the Building Code of Australia will need to be installed.

When specified, the ventilation system will require review from an acoustic consultant such that the design does not adversely affect the amenity of nearby sensitive receivers or compromise the acoustic integrity of the building envelope construction recommended in this report.

### 5.3 Noise Insulation Requirements

The calculation procedure in AS 2021:2015 establishes the required noise insulation performance of each building envelope component so that the internal noise level is achieved whilst an equal contribution of aircraft noise energy is distributed across each component. Thus, building envelope components with a greater surface area must offer greater noise insulation performance.

As the project is seeking the site to be re-zoned, detailed design of the façade envelope has not been undertaken. Preliminary designs indicating site arrangements have been used for the purposes of this acoustic assessment. All recommendations made within this report will need to be verified following completion of the detailed design layouts.

Typical noise reduction of each component of the building is presented as a Weighted Sound Reduction Index (Rw) rating in decibels shown in **Table 4** and **Table 5**. These Rw values are only intended as a preliminary indication of the acoustic performance requirements of the main components of the building envelope.

A range of Rw values for each building element has been provided in **Table 4** and **Table 5**. The range represents the highest and typical Rw for a given element and is dependent on the size and orientation of the particular area of occupancy for each façade. These are intended to be used as a guide as to the acoustical requirements which will need to be considered for a given facade during DA design.

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**Table 4 Acoustic Rating (Rw) for External Building Components – Levels 1-4 with rooms above**

|                      | Area of Occupancy                        | Wall  | Glazing | External Door | Roof / Ceiling |
|----------------------|------------------------------------------|-------|---------|---------------|----------------|
| <b>North Facades</b> |                                          |       |         |               |                |
| Nursing Home         | Sleeping areas, wards, consulting rooms  | 43-52 | 37-41   | n/a           | n/a            |
|                      | Other habitable spaces                   | 35    | 30-31   | n/a           | n/a            |
|                      | Bathrooms, toilets, laundries, wet rooms | 44    | n/a     | n/a           | n/a            |
| Commercial           | Private Offices, conference rooms        | 39-40 | 26-29   | n/a           | n/a            |
| <b>East Facades</b>  |                                          |       |         |               |                |
| Nursing Home         | Sleeping areas, wards, consulting rooms  | 43-51 | 39-41   | n/a           | n/a            |
|                      | Other habitable spaces                   | 35-44 | 29-31   | 23-24         | n/a            |
|                      | Bathrooms, toilets, laundries, wet rooms | 44    | n/a     | n/a           | n/a            |
| Commercial           | Private Offices, conference rooms        | 35-40 | 28-31   | n/a           | n/a            |
| <b>South Facades</b> |                                          |       |         |               |                |
| Nursing Home         | Sleeping areas, wards, consulting rooms  | 47-50 | 37-40   | n/a           | n/a            |
|                      | Other habitable spaces                   | 39-43 | 30-35   | 23-24         | n/a            |
|                      | Bathrooms, toilets, laundries, wet rooms | 44    | n/a     | n/a           | n/a            |
| <b>West Facades</b>  |                                          |       |         |               |                |
| Nursing Home         | Sleeping areas, wards, consulting rooms  | 44-47 | 34-36   | n/a           | n/a            |
|                      | Other habitable spaces                   | 39-44 | 31-35   | 27            | n/a            |
|                      | Bathrooms, toilets, laundries, wet rooms | n/a   | n/a     | n/a           | n/a            |

**Table 5 Acoustic Rating (Rw) for External Building Components – Levels 4-5 without rooms above**

|                      | Area of Occupancy                        | Wall  | Glazing | External Door | Roof / Ceiling |
|----------------------|------------------------------------------|-------|---------|---------------|----------------|
| <b>North Facades</b> |                                          |       |         |               |                |
| Nursing Home         | Sleeping areas, wards, consulting rooms  | 51-54 | 39-41   | n/a           | 45             |
|                      | Other habitable spaces                   | 41-45 | 32-34   | n/a           | 37-39          |
|                      | Bathrooms, toilets, laundries, wet rooms | n/a   | n/a     | n/a           | n/a            |
| <b>East Facades</b>  |                                          |       |         |               |                |
| Nursing Home         | Sleeping areas, wards, consulting rooms  | 50-55 | 39-40   | n/a           | 45             |
|                      | Other habitable spaces                   | 44-45 | 34      | n/a           | 38-39          |
|                      | Bathrooms, toilets, laundries, wet rooms | 49    | n/a     | n/a           | 34             |
| <b>South Facades</b> |                                          |       |         |               |                |
| Nursing Home         | Sleeping areas, wards, consulting rooms  | 48-55 | 39-40   | n/a           | 45             |
|                      | Other habitable spaces                   | 43-44 | 33-34   | n/a           | 37-38          |
|                      | Bathrooms, toilets, laundries, wet rooms | 40    | n/a     | n/a           | 32             |
| <b>West Facades</b>  |                                          |       |         |               |                |
| Nursing Home         | Sleeping areas, wards, consulting rooms  | 48-49 | 37      | n/a           | 45             |
|                      | Other habitable spaces                   | 43    | 32-33   | n/a           | 37             |
|                      | Bathrooms, toilets, laundries, wet rooms | n/a   | n/a     | n/a           | n/a            |

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**6 SUMMARY**

An assessment of aircraft noise at 168 Norton Street, Leichhardt for the Harold Hawkins Court redevelopment site has been carried out in accordance with *AS 2021:2015* for the purpose of evaluating the site for re-zoning purposes. The maximum level of aircraft noise predicted at the proposed residence is **81 dBA**. Preliminary façade *R<sub>w</sub>* values based on concept site layouts have been provided in **Table 4** and **Table 5**. It is essential that the Acoustic Ratings (*R<sub>w</sub>*) presented in this report are reviewed during detailed design of the project.

Based upon the findings of this assessment, the development as proposed appears satisfactory in terms of its general planning arrangement.

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### Appendix A

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#### Acoustic Terminology

### 1 Sound Level or Noise Level

The terms 'sound' and 'noise' are almost interchangeable, except that in common usage 'noise' is often used to refer to unwanted sound.

Sound (or noise) consists of minute fluctuations in atmospheric pressure capable of evoking the sense of hearing. The human ear responds to changes in sound pressure over a very wide range. The loudest sound pressure to which the human ear responds is ten million times greater than the softest. The decibel (abbreviated as dB) scale reduces this ratio to a more manageable size by the use of logarithms.

The symbols SPL, L or LP are commonly used to represent Sound Pressure Level. The symbol LA represents A-weighted Sound Pressure Level. The standard reference unit for Sound Pressure Levels expressed in decibels is  $2 \times 10^{-5}$  Pa.

### 2 'A' Weighted Sound Pressure Level

The overall level of a sound is usually expressed in terms of dBA, which is measured using a sound level meter with an 'A-weighting' filter. This is an electronic filter having a frequency response corresponding approximately to that of human hearing.

People's hearing is most sensitive to sounds at mid frequencies (500 Hz to 4000 Hz), and less sensitive at lower and higher frequencies. Thus, the level of a sound in dBA is a good measure of the loudness of that sound. Different sources having the same dBA level generally sound about equally loud.

A change of 1 dBA or 2 dBA in the level of a sound is difficult for most people to detect, whilst a 3 dBA to 5 dBA change corresponds to a small but noticeable change in loudness. A 10 dBA change corresponds to an approximate doubling or halving in loudness. The table below lists examples of typical noise levels

| Sound Pressure Level (dBA) | Typical Source                             | Subjective Evaluation |
|----------------------------|--------------------------------------------|-----------------------|
| 130                        | Threshold of pain                          | Intolerable           |
| 120                        | Heavy rock concert                         | Extremely noisy       |
| 110                        | Grinding on steel                          |                       |
| 100                        | Loud car horn at 3 m                       | Very noisy            |
| 90                         | Construction site with pneumatic hammering |                       |
| 80                         | Kerbside of busy street                    | Loud                  |
| 70                         | Loud radio or television                   |                       |
| 60                         | Department store                           | Moderate to quiet     |
| 50                         | General Office                             |                       |
| 40                         | Inside private office                      | Quiet to very quiet   |
| 30                         | Inside bedroom                             |                       |
| 20                         | Recording studio                           | Almost silent         |

Other weightings (eg B, C and D) are less commonly used than A-weighting. Sound Levels measured without any weighting are referred to as 'linear', and the units are expressed as dB(lin) or dB.

### 3 Sound Power Level

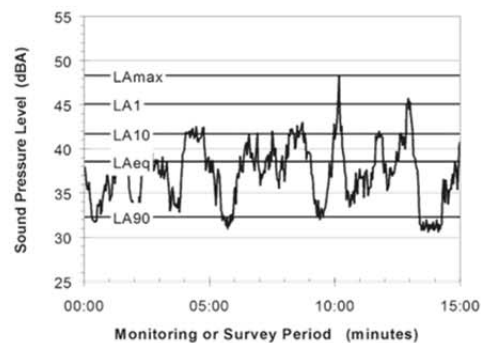
The Sound Power of a source is the rate at which it emits acoustic energy. As with Sound Pressure Levels, Sound Power Levels are expressed in decibel units (dB or dBA), but may be identified by the symbols SWL or LW, or by the reference unit  $10^{-12}$  W.

The relationship between Sound Power and Sound Pressure may be likened to an electric radiator, which is characterised by a power rating, but has an effect on the surrounding environment that can be measured in terms of a different parameter, temperature.

### 4 Statistical Noise Levels

Sounds that vary in level over time, such as road traffic noise and most community noise, are commonly described in terms of the statistical exceedance levels LAN, where LAN is the A-weighted sound pressure level exceeded for N% of a given measurement period. For example, the LA1 is the noise level exceeded for 1% of the time, LA10 the noise exceeded for 10% of the time, and so on.

The following figure presents a hypothetical 15 minute noise survey, illustrating various common statistical indices of interest.



Of particular relevance, are:

- LA1 The noise level exceeded for 1% of the 15 minute interval.
- LA10 The noise level exceeded for 10% of the 15 minute interval. This is commonly referred to as the average maximum noise level.
- LA90 The noise level exceeded for 90% of the sample period. This noise level is described as the average minimum background sound level (in the absence of the source under consideration), or simply the background level.
- LAeq The A-weighted equivalent noise level (basically the average noise level). It is defined as the steady sound level that contains the same amount of acoustical energy as the corresponding time-varying sound.

When dealing with numerous days of statistical noise data, it is sometimes necessary to define the typical noise levels at a given monitoring location for a particular time of day. A standardised method is available for determining these representative levels.

This method produces a level representing the 'repeatable minimum' LA90 noise level over the daytime and night-time measurement periods, as required by the EPA. In addition the method produces mean or 'average' levels representative of the other descriptors (LAeq, LA10, etc).

### 5 Tonality

Tonal noise contains one or more prominent tones (ie distinct frequency components), and is normally regarded as more offensive than 'broad band' noise.

### 6 Impulsiveness

An impulsive noise is characterised by one or more short sharp peaks in the time domain, such as occurs during hammering.

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### Appendix A

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#### Acoustic Terminology

### 7 Frequency Analysis

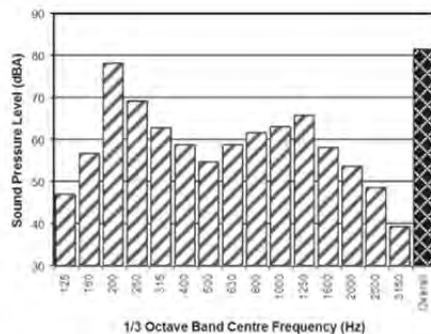
Frequency analysis is the process used to examine the tones (or frequency components) which make up the overall noise or vibration signal. This analysis was traditionally carried out using analogue electronic filters, but is now normally carried out using Fast Fourier Transform (FFT) analysers.

The units for frequency are Hertz (Hz), which represent the number of cycles per second.

Frequency analysis can be in:

- Octave bands (where the centre frequency and width of each band is double the previous band)
- 1/3 octave bands (3 bands in each octave band)
- Narrow band (where the spectrum is divided into 400 or more bands of equal width)

The following figure shows a 1/3 octave band frequency analysis where the noise is dominated by the 200 Hz band. Note that the indicated level of each individual band is less than the overall level, which is the logarithmic sum of the bands.



### 8 Vibration

Vibration may be defined as cyclic or transient motion. This motion can be measured in terms of its displacement, velocity or acceleration. Most assessments of human response to vibration or the risk of damage to buildings use measurements of vibration velocity. These may be expressed in terms of 'peak' velocity or 'rms' velocity.

The former is the maximum instantaneous velocity, without any averaging, and is sometimes referred to as 'peak particle velocity', or PPV. The latter incorporates 'root mean squared' averaging over some defined time period.

Vibration measurements may be carried out in a single axis or alternatively as triaxial measurements. Where triaxial measurements are used, the axes are commonly designated vertical, longitudinal (aligned toward the source) and transverse.

The common units for velocity are millimetres per second (mm/s). As with noise, decibel units can also be used, in which case the reference level should always be stated. A vibration level  $V$ , expressed in mm/s can be converted to decibels by the formula  $20 \log (V/V_0)$ , where  $V_0$  is the reference level ( $10^{-5}$  m/s). Care is required in this regard, as other reference levels may be used by some organizations.

### 9 Human Perception of Vibration

People are able to 'feel' vibration at levels lower than those required to cause even superficial damage to the most susceptible classes of building (even though they may not be disturbed by the motion). An individual's perception of motion or response to vibration depends very strongly on previous experience and expectations, and on other connotations associated with the perceived source of the vibration. For example, the vibration that a person responds to as 'normal' in a car, bus or train is considerably higher than what is perceived as 'normal' in a shop, office or dwelling.

### 10 Over-Pressure

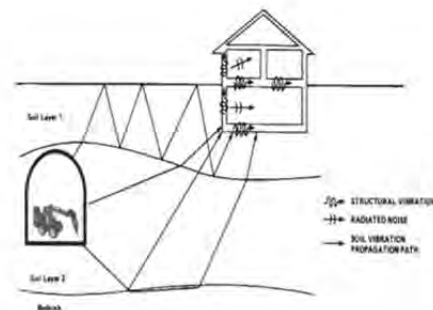
The term 'over-pressure' is used to describe the air pressure pulse emitted during blasting or similar events. The peak level of an event is normally measured using a microphone in the same manner as linear noise (ie unweighted), at frequencies both in and below the audible range.

### 11 Ground-borne Noise, Structure-borne Noise and Regenerated Noise

Noise that propagates through a structure as vibration and is radiated by vibrating wall and floor surfaces is termed 'structure-borne noise', 'ground-borne noise' or 'regenerated noise'. This noise originates as vibration and propagates between the source and receiver through the ground and/or building structural elements, rather than through the air.

Typical sources of ground-borne or structure-borne noise include tunnelling works, underground railways, excavation plant (eg rockbreakers), and building services plant (eg fans, compressors and generators).

The following figure presents the various paths by which vibration and ground-borne noise may be transmitted between a source and receiver for construction activities occurring within a tunnel.



The term 'regenerated noise' is also used in other instances where energy is converted to noise away from the primary source. One example would be a fan blowing air through a discharge grill. The fan is the energy source and primary noise source. Additional noise may be created by the aerodynamic effect of the discharge grill in the airstream. This secondary noise is referred to as regenerated noise.

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CITY PLAN SERVICES



## Heritage Impact Statement UnitingCare Planning Proposal

168 Norton Street, Leichhardt

Submitted to UnitingCare

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## ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

### 1. Introduction

#### 1.1 Background

City Plan Heritage (CPH) has been engaged by UnitingCare to prepare the following Heritage Impact Statement (HIS) to accompany a Planning Proposal submission to Inner West Council for a change in the building envelope of 168 Norton Street, Leichhardt.

168 Norton Street is not identified as a heritage item but is located within the Whaleyborough Heritage Conservation Area (HCA) (C13) as identified under Schedule 5 of the Leichhardt Local Environment Plan (LEP) 2013. The site is also located within proximity to the Wetherill Estate HCA (C14) and heritage item "Royal Hotel, including interiors" located at 156 Norton Street (item no. I682).

In accordance with relevant controls regarding heritage on the Leichhardt LEP 2013 and the Leichhardt Development Control Plan (DCP) 2013, this HIS assesses the heritage significance of the subject site and the likely impacts of the proposed rezoning on the established heritage significance of the heritage conservation area and heritage items located in close proximity.

It is understood that extensive consultation has occurred between Uniting Care and Inner West Council regarding the potential future development of the site and the Marion and Wetherill Streets sites. Public consultation sessions were held by Council along with the preparation of draft building envelopes prepared by AJC in consultation with Council. Subsequently, a paper was submitted at a Council meeting in mid-2015, endorsing the draft building envelopes and inviting Uniting Care to prepare Planning Proposals for the three sites. A Memorandum of Understanding (MoU) was also produced, detailing the potential outcomes for each site and the benefits that could be created for the public.

#### 1.2 Site Location

The subject site is located on the western side of Norton Street with some access available from Carlisle Street. The site has a frontage to Norton Street, towards which the principal elevation of the existing building is oriented. For a more detailed description of the site and its context, see Section 2- Site Context and Description.



Figure 1: Aerial view of the subject site, outlined in red. (Source: SIX Maps 2016)

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### 1.3 Methodology

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Manual 'Statements of Heritage Impacts' and 'Assessing Heritage Significance' guidelines. The philosophy and process adopted is that guided by the Australia ICOMOS Burra Charter 2013. The subject proposal has been assessed in relation to the relevant controls and provisions contained within the Leichhardt LEP 2012 and the Leichhardt DCP 2012.

### 1.4 Author Identification

The following report has been prepared by Brittany Freeland (Heritage Consultant) and reviewed by Amanda Reynolds (Senior Heritage Consultant). Kerime Danis (Director - Heritage) has also reviewed and endorsed its content.

### 1.5 Limitations

- CPH were not involved in the design process;
- A detailed archaeological assessment including an assessment of Aboriginal cultural heritage values does not form part of the scope of this HIS.

## 2. Site Context and Description

### 2.1 Site Context

The subject site is located in the inner western suburb of Leichhardt, which is located approximately 7km southwest of the Sydney Central Business District (CBD). It is a mixed residential and commercial suburb located within the local government area of the Inner West Council.

The subject site is located within a rectangular shaped block bound to the north by Macauley Street, Carlisle Street to the south, Norton Street to the east and Cromwell Street to the west. A rear lane runs along the rear of the subject site, extending from Allen Street to Marion Street. Norton Street is the main commercial strip within Leichhardt and is also considered the heart of the suburb.

As detailed in Section 1.1, the subject site is not listed as a heritage item but is located within the Whaleyborough Estate HCA and is also in close proximity to a number of heritage items as identified under the Leichhardt LEP 2012.

The Whaleyborough Estate HCA is described in the Leichhardt DCP 2012 as follows:<sup>1</sup>

*The Whaleyborough Conservation Area lies to the west of Norton Street between Marion, Elswick and Allen Streets. Land slopes gently downhill to the west of the Norton Street ridge.*

*A spacious low-rise residential area with wide streets and nature strips and the sense of garden space at the back of each building. A mixture of free-standing houses and terraces.*

*A mixture of single-storey and two-storey development.*

*Parapeted two storey commercial buildings and pubs along Norton Street.*

*A considerable collection of ecclesiastical buildings.*

<sup>1</sup> Leichhardt Development Control Plan 2012, Conservation Area 3 - Whaleyborough Estate, <http://www.leichhardt.nsw.gov.au/Planning--Development/Planning-Controls--DCPs--LEPs--VPAs-/Heritage/Conservation-Area-3-Whaleyborough-Estate>

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*A range in the age of the buildings dating from 1880s–1930s. Most buildings belong to the nineteenth century.*

*Brick is by far the most dominant building material, and is used in a variety of surfaces — as plastered brick through the 1880s, as face brick with plaster decoration during the early 1900s and as dark blue face brick into the 1930s.*

*Unglazed terracotta tiles form the predominant roof cladding. There are also some slate roofs and the occasional iron roof.*

*Suspended awnings along Norton Street.*

*Sandstone kerbs and gutters remain for considerable sections of all streets.*

*There are some original iron palisade fences.*

*Crepe myrtle plantings in Carlisle Street.*

The following images provide an overview of the site's context.



Figure 2: Cadastral map showing the location of the subject site, outlined in red. (Source: SIX Maps 2016)

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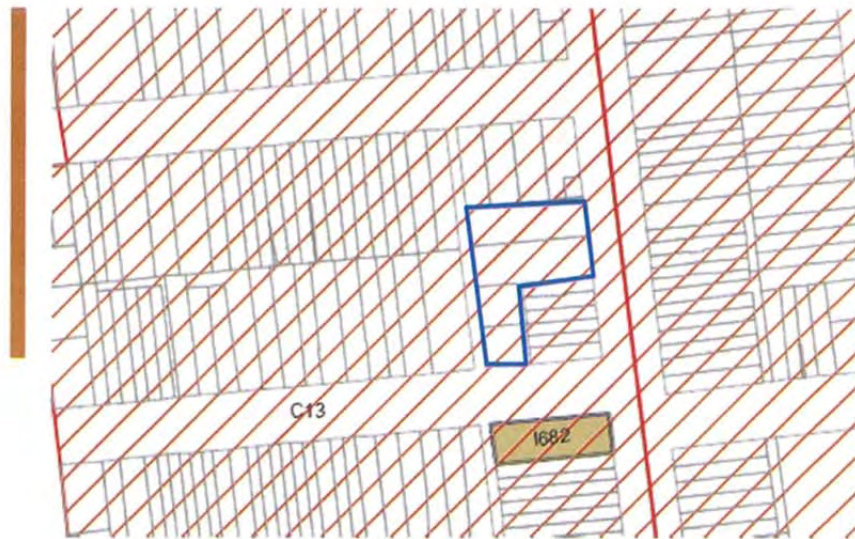


Figure 3: Leichhardt LEP 2012 Heritage Map 005 showing the location of the subject site, outlined in blue. (Source: Leichhardt LEP 2012, Heritage Map 005)



Figure 4: Views looking north and south along Norton Street. The subject site can be seen in both images.



Figure 5: Victorian commercial terraces directly abutting the subject site to the south and properties located directly north of the subject site.

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Figure 6: Views looking east and west along Carlisle Street with Leichhardt LEP 2012 heritage item no. 1682 outlined in red.



Figure 7: View looking east along Macauley Street towards Norton Street and view of a contributory house typically seen in the HCA, located in Macauley Street.

### 2.2 Site Description

The subject site is occupied by a four storey former theatre that was converted to an aged care facility resulting in extensive modifications and alterations, internally and externally. The building is in a P-shape with the primary frontage located along Norton Street and secondary frontages to Carlisle Street and a rear lane, which extends behind the adjacent Norton Street shops. The northern and southern boundaries of the site adjoin neighbouring properties. The building occupies the entire lot (2,024 sqm) and includes rear lane access along the western boundary. The building is known as Harold Hawkins Court.

The real property description for the site is Lot 4, Section 3 of Deposited Plan 328.

The Norton Street façade of the building has been heavily modified and above the awning includes a rendered and brick façade with a series of rectilinear windows. This heavily geometric façade is in contrast to the original theatre façade (Figure 24) which included arched windows and a triangular parapet, all of which has been removed. A number of windows were added at the time of remodelling. The façade below the awning, at ground floor level, includes a series of windows and entrances that have been painted over with a decorative geometric graffiti mural in greens, blues, pinks and yellows. The ground floor of the original theatre building is only accessible from two entrances on Norton Street.

The façade visible from Carlisle Street and the rear lane show the 1960s extension of the building which has been constructed from red brick and includes sections of cream brick detailing, particularly above and below the vertical windows located on the Carlisle Street façade. The veranda walkways have all been enclosed either through the use of wire fencing or a combination of windows and weatherboards.

Internally, each of the three floors of the building have a number of accommodation rooms and associated facilities that wrap around a central open courtyard area. There is also a

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basement level which includes a laundry and ironing room. The main kitchen is located on the ground floor towards the Norton Street entrance.

The building has been unoccupied for a number of years and as such, is in poor condition.

The following images (Figures 8 to Figure 18) provide an overview of the building's current physical condition.



Figure 8: Views of the Norton Street façade from the eastern side of Norton Street.



Figure 9: View of the southern Carlisle Street façade and detailed view of the graffiti on the Norton Street façade below the awning.



Figure 10: View looking north along the rear laneway and internal view of a ground floor staircase.

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Figure 11: Internal views of the ground floor kitchen area.



Figure 12: Ground floor views of the internal courtyard area.



Figure 13: Views of accommodation rooms located on the ground floor and their associated amenities.



Figure 14: View of a ground floor communal area and first floor internal veranda walkway.

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Figure 15: Internal views of a corridor and a room on the first floor.



Figure 16: View of the second floor veranda walkway and an accommodation room.



Figure 17: Internal views of the basement area and laundry room.



Figure 18: Internal view of the Carlisle Street extension stairwell and external view of the subject building from the corner of Macauley Street and the rear lane.

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### 3. History

#### 3.1 Indigenous Occupation

The land that is now known as Leichhardt was originally occupied by the Cadigal and Wangal people of the Eora Nation.

*The 'Eora people' was the name given to the coastal Aboriginal people around Sydney. The word Eora simply means 'here' or 'from this place'. Local Aboriginal people used the word to describe to the British where they came from and so the word was then used to define the Aboriginal people themselves. The name Eora is proudly used today by the descendants of those very same people. Central Sydney is therefore often referred to as 'Eora Country'.<sup>2</sup>*

#### 3.2 Brief History of Leichhardt

Between the years of 1794 and 1821 a number of land grants varying in size between 16 to 270 acres, were issued within the area known today as the suburb of Leichhardt. Brothers Captain John Piper and Ensign Hugh Piper in particular were issued with a number of grants and established the two largest estates in the area. The estates were respectively named "Piperston" and "Macquarie Gift", referencing their good fortune in acquiring the grants, thanks to Governor Macquarie. In 1812 Hugh Piper returned to England and subsequently handed over power of attorney for his 270 acre grant to his brother John.

John Piper experienced financial difficulty and was forced to sell the majority of his "Piperston" estate to four purchasers; James Foster, Abraham Hearn, Prosper de Mestre and David Ramsey.

The origin of the name 'Leichhardt' derives from the renaming of John Piper's original "Piperston" estate by merchant Walter Beams when the only remaining portion of Piper's land was purchased in 1842. 'Leichhardt' was named in honour of Walter Beam's close friend and renowned Prussian naturalist Ludwig Leichhardt.<sup>4</sup>

After acquiring a portion of John Piper's estate, James Forster began construction of "Elswick House" in 1832. After experiencing financial difficulty, Forster was unable to complete construction of "Elswick House" and sold the estate to his employer, James Norton. At the time the estate included a number of structures including a coach house, convict barracks, kitchen, servant's quarters and stables surrounding the main two storey stone house.

Norton was a well-known man in the colony, having set up a successful legal practice in Sydney as well as being an early colonial politician. Norton died in 1862 and is noted as having lived in the house up until his death. The Norton Estate was subdivided between 1867 and 1874, including the original mansion "Elswick House" which was acquired by James Norton's son, James Norton Junior. Subdivision of the estate also resulted in the creation of Elswick and Norton Streets, along with Allen and Marion Streets which were named after his son and second wife.

Leichhardt's incorporation as a council saw an upsurge of development in the 1870s. The installation of tramways on Norton Street in 1887 contributed to the commercial strip continue to develop. Many of the properties from this era are still visible today.<sup>5</sup>

<sup>2</sup> Anita Heiss and Melodie- Jane Gibson, *Barani, Sydney's Aboriginal History*, accessed July 2014 from <<http://www.sydneybarani.com.au/sites/aboriginal-people-and-place/>>

<sup>3</sup> The following brief history of Leichhardt has been compiled from various sources including Pollen, Frances, *The Book of Sydney Suburbs*, Angus and Robertson, 1996, the State Heritage inventory form for Leichhardt Methodist Church, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1940730>, and the Leichhardt Municipal Council website, <http://www.leichhardt.nsw.gov.au/Library/Local-History/Our-Suburbs/Leichhardt>

<sup>4</sup> Ibid, P 20

<sup>5</sup> Ibid, P 49

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Figure 19: Undated Parish map showing Hugh Piper and John Piper's original land grants. (Source: HLRV, map no. 140729)

### 3.3 History of the Whaleyborough HCA

The following history of the Whaleyborough Estate Conservation Area has been extracted from the Leichhardt DCP 2012:<sup>6</sup>

*This area was once part of James Norton's Elswick Estate which stretched from Parramatta Road to William Street, and from Flood Street (part) to part of Balmain/Derbyshire Roads. Its subdivision by Norton's family in 1867 into four large sections accessed by surveyor-standard one chain (66ft) wide roads at Elswick, Norton and Allen Streets, and at Short Street for access to Balmain Road, established the layout of modern Leichhardt.*

*This conservation area was Section 2 (42 acres) of that Elswick Estate subdivision. In 1878 it was purchased by William Whaley Billyard who marked out eight sections of building allotments divided by four streets each one chain wide, with rear lane access for the allotments facing Norton Street. The 213 generous building allotments were 50ft-wide with depths of about 142ft, and were probably designed to attract a more affluent market than the more tightly subdivided Excelsior Estate to the south of Marion Street.*

*A number of free-standing double-fronted single-storey houses were built, mostly as one dwelling, sometimes as two semis across the 50ft wide allotments. However, the greater demand for cheaper housing saw many of these generous allotments accommodating two and sometimes three terrace houses. The most elevated part of the estate, near the Marion/Norton Streets intersection, was chosen for civic and church buildings — the Blacket-designed All Souls Church, the Primitive Methodist Chapel (1883) in Cromwell Street and the police station (1885) in Marlborough Street. Other church groups also chose sites in the*

<sup>6</sup> Leichhardt DCP 2012, Conservation Area 3 - Whaleyborough Estate, <https://www.leichhardt.nsw.gov.au/Planning-Development/Planning-Controls-DCPs-LEPs-VPAs-Heritage/Conservation-Area-3-Whaleyborough-Estate>

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*Whaleborough Estate — the Salvation Army Hall (1916) in Carlisle Street the Leichhardt Masonic Lodge (1924) in Marlborough Street and the Congregational Church (1911) on Elswick Street.*

*The allotments with back lanes facing Norton Street were taken up for commercial premises with attached dwellings.*

*The PWD detail survey of inner Sydney of 1888 showed 216 brick, 24 weatherboard and a few stone buildings. Most of these remain today, and more were built during the following decade such as the single-storey single-fronted terraces in Carlisle Street. An examination of the remaining buildings suggest that the area was probably fully built upon by the end of the 1930s.*

### 3.4 History of the Subject Site

Based on the Sands Directories, the subject site operated as a theatre from 1912 to 1960. The theatre had various names including the Alabama Picture Show, Garrick Picture Show and Marlboro Theatre (the misspelling of the name of the theatre as "Marlborough" in the Sands Directory is most likely because of the theatre's proximity to Marlborough Street).

The following table lists the various occupants located at 168 Norton Street between the years of 1890 and 1933. Apart from 1908, the subject site was continuously occupied by various individuals and their businesses. The Marlboro Theatre first appears in the directory in 1921, however, it should be noted that the theatre officially opened in June of 1920 (perhaps after the Sands Directory of 1920 was produced).<sup>7</sup>

| Year | Occupant Identified in Sands Directory |
|------|----------------------------------------|
| 1890 | Mrs York, dressmaker                   |
| 1893 | Mrs York, dressmaker                   |
| 1894 | J Hamilton, contractor                 |
| 1895 | Thomas Hextell                         |
| 1896 | Mrs C W Bucknall                       |
| 1897 | Mrs C W Bucknall                       |
| 1898 | Mrs C W Bucknall                       |
| 1899 | Mrs C W Bucknall                       |
| 1900 | Mrs C W Bucknall                       |
| 1901 | Darius Wilson                          |
| 1902 | Mrs Ann Nathan                         |
| 1903 | Mrs Ann Nathan                         |
| 1904 | Mrs Ann Nathan                         |
| 1905 | Mrs Ann Nathan                         |
| 1906 | Mrs Ann Nathan                         |
| 1907 | Edward Main                            |
| 1908 | No listing                             |
| 1909 | Warren Solomon                         |
| 1910 | Warren Solomon                         |

<sup>7</sup> Cinema Treasures Website, "Marlboro Theatre", <http://cinematreasures.org/treasures/39519>

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|      |                                                                                                                                                                                            |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1911 | Mrs Annie "Alva" Wilson                                                                                                                                                                    |
| 1912 | Michael Mulqueeney<br>Alabama Picture Show<br>Samuel Patterson, builder, "Alva"                                                                                                            |
| 1913 | Hubert Sidel, carpenter<br>Garrick Picture Show<br>Samuel Patterson, builder, "Alva"                                                                                                       |
| 1914 | Mrs F Krieger, confectioner<br>William Krieger<br>Garrick Picture Show<br>Samuel Patterson, builder, "Alva"                                                                                |
| 1915 | Mrs Poole, confectioner<br>Garrick Picture Show<br>Samuel Patterson, builder, "Alva"                                                                                                       |
| 1916 | (the 1916 listing identifies the subject site as 166 instead of 168)<br>Thomas E Farr, bootmaker<br>Garrick Theatre<br>Samuel Patterson, builder, "Alva"<br>Mrs N Cannon, College of Music |
| 1917 | Frank Storum, confectioner<br>Garrick Picture Show<br>Mrs Nellie McDonnell, College of Music                                                                                               |
| 1918 | Frank Storum, confectioner<br>Garrick Picture Show<br>Mrs Nellie McDonnell, College of Music                                                                                               |
| 1919 | Mrs Mabel Storum<br>Garrick Picture Show<br>William Draper<br>Mrs Nellie McDonnell, College of Music                                                                                       |
| 1920 | Mrs Mabel Storum<br>Garrick Picture Show<br>William Draper<br>Mrs Nellie McDonnell, College of Music                                                                                       |
| 1921 | Henry Myers<br>Marlborough Theatre                                                                                                                                                         |
| 1922 | Henry Myers<br>Marlborough Theatre                                                                                                                                                         |
| 1923 | U Lamaro<br>Marlborough Theatre                                                                                                                                                            |
| 1924 | Mrs C Jones<br>Marlborough Theatre                                                                                                                                                         |
| 1925 | Mrs C Jones<br>Marlborough Theatre                                                                                                                                                         |

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|           |                                                     |
|-----------|-----------------------------------------------------|
| 1926      | Mrs C Jones<br>Marlborough Theatre                  |
| 1927      | Wilson and Marsh, restaurant<br>Marlborough Theatre |
| 1928      | Wilson and Marsh, restaurant<br>Marlborough Theatre |
| 1929      | Wilson and Marsh, restaurant<br>Marlborough Theatre |
| 1930      | Wilson and Marsh, restaurant<br>Marlborough Theatre |
| 1931      | Wilson and Marsh, restaurant<br>Marlborough Theatre |
| 1932-1933 | FJ McCarthy<br>Marlborough Theatre                  |

Limited historical information has been found to date in regards to the history of the site when it was the Alabama Picture Show (1912) and the Garrick Picture Show (1913- 1920), however, when the site began operating as the Marlboro Theatre, the theatre ran typical suburban double bills (two films for the price of one).<sup>8</sup> The theatre was located within a prime location, situated on busy Norton Street, and experienced popularity for a number of years before closing in July 1960, forty years after first opening.

With the arrival of CinemaScope in the 1950s, the Marlboro Theatre was adapted to include a wide screen which was considered the widest screen in the area at the time.<sup>9</sup> CinemaScope was a 20th Century Fox invention released on 16 September 1953 and was used up until 1967.<sup>10</sup> The technique involved adding a cylindrical lens over a regular camera which would project a wide picture onto the screen.<sup>11</sup>

The Marlboro Theatre only had one screen, but had the capacity to seat 2,200 people.<sup>12</sup> An internal image of the theatre can be seen in Figure 23. The Marlboro Theatre was known for screening action pictures.<sup>13</sup>

Following its closure in July 1960, the theatre was gutted internally, had its external decoration removed and was converted into a nursing home. The Harold Hawkins Court was officially opened in August 1964 by Dame Pattie Menzies and, at the time, was considered a state of the art facility, catering for 120 people. The name of the building, Harold Hawkins Court, pays homage to Reverend Harold Hawkins who was Reverend of the Uniting Care Church for a number of years. The site was placed on the market in 2012 and was later acquired by Uniting Care in April 2013.

The subject site was also part of the Wall2Wall Mural Competition held in 2015 by Leichhardt Municipal Council. Harold Hawkins Court was identified in the competition as Site 3 and entrants were required to design a mural for the façade under the awning on Norton Street.<sup>14</sup> The purpose of this competition was to promote the regeneration of Norton Street. The final product can be seen in Figure 27.

The following images provide an overview of the historical development of 168 Norton Street.

<sup>8</sup> Cinema Treasures Website, "Marlboro Theatre", <http://cinematreasures.org/theaters/39519>

<sup>9</sup> Ibid

<sup>10</sup> National Film and Sound Archive, "Cinemascope", <http://www.nfsa.gov.au/preservation/glossary/cinemascope>

<sup>11</sup> Ibid

<sup>12</sup> Cinema Treasures Website, "Marlboro Theatre", <http://cinematreasures.org/theaters/39519>

<sup>13</sup> Ibid

<sup>14</sup> Wall2Wall Mural Competition 2015 PDF information about the three subject sites, Leichhardt Municipal Council, <http://www.leichhardt.nsw.gov.au/ArticleDocuments/1408/WALL2WALLLocations2015.pdf.aspx>

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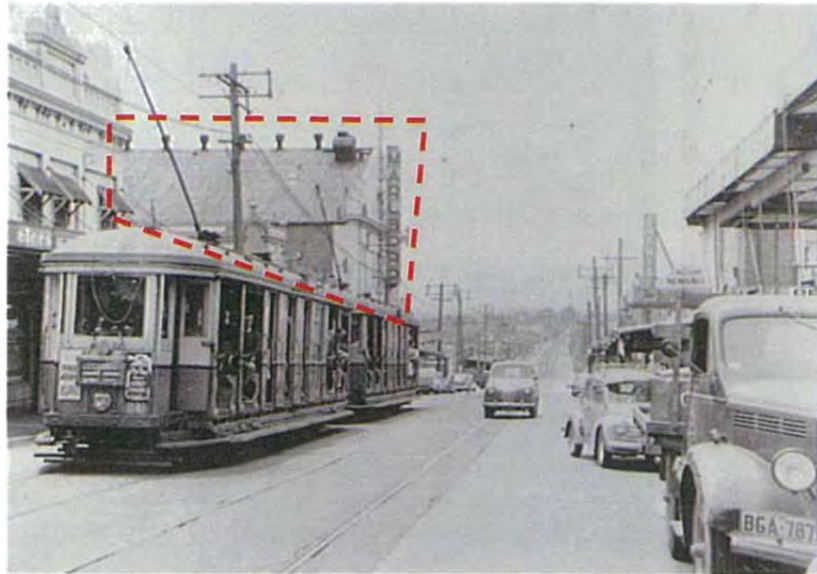


Figure 20: Photograph from c.1952 taken by Leon Manny of the tramways of Leichardt. The Marlboro Theatre appears in the background towards the left. (Source: Tramway Museum via Leichardt Municipal Library)

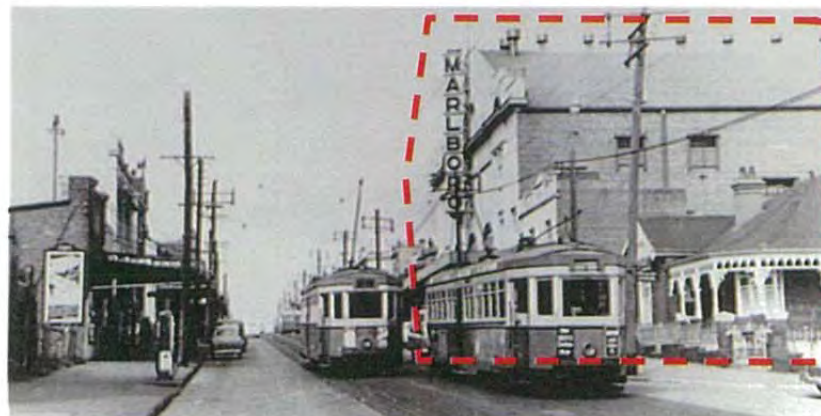


Figure 21: Photograph from c.1952 taken by Leon Manny of the tramways of Leichardt. The Marlboro Theatre appears in the background towards the right. (Source: Tramway Museum via Leichardt Municipal Library)

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Figure 22: Photograph showing the interior of the Marlboro Theatre before conversion into an aged care facility. (Source: Cinema Treasures Website, <http://cinematreasures.org/theaters/39519/photos/114291>)

### Went To Sleep In Theatre, Was Locked In

**SYDNEY.**—Rushing to the Marlboro Theatre at Leichhardt to investigate a report that there was a robber on the premises, police found that a well-known local resident had been locked in.

They released Arthur Solway, who lives only 50 yards from the theatre.

"I went to the show last night, but I must have dozed off," said Solway today.

"Next thing I knew was when I woke up. It took me five minutes to work out I was in the front stalls.

"I felt my way to the foyer, but I couldn't find a door I could open—they are padlocked from the outside.

"I was starting to get a bit worried when the police arrived.

"It was 2 a.m. when I got to bed, but I have not been able to go to sleep since."

Figure 23: Newspaper article about a man falling asleep and getting locked inside the Marlboro Theatre. (Source: Newcastle Sun, 29 January 1949, p.1)

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Figure 24: Undated photograph showing the exterior of the Mariboro Theatre before conversion into an aged care facility. (Source: Cinema Treasures Website, <http://cinematreasures.org/theaters/39519/photos/114291>)

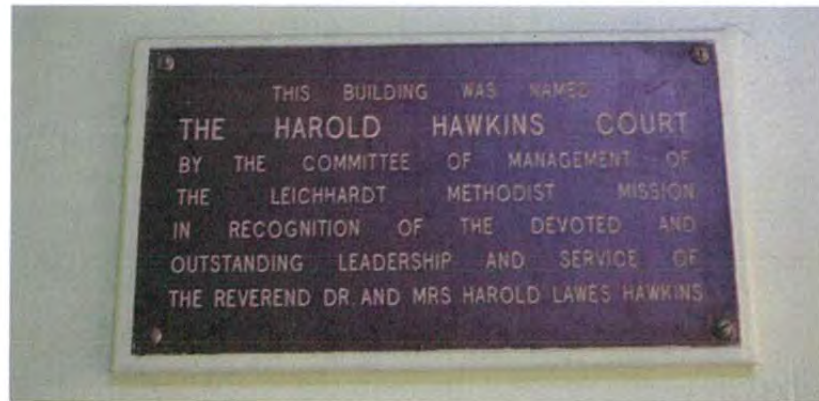


Figure 25: Plaque located internally commemorating the opening of the Harold Hawkins Court.

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Figure 26: 1943 aerial view showing the subject site, outlined in red. The Marlboro Theatre is clearly visible in this image as a dominating element within the Norton Street streetscape. The Carlisle Street extension is not present, however, two terrace houses can be seen there in this image. (Source: SIX Maps 2016)



Figure 27: Photograph from October 2015 showing the mural painted under the awning of the Harold Hawkins Court as part of the Wall2Wall mural competition run by Leichhardt Municipal Council. (Source: The INFP Blog, "Urban Revitalisation" post from 31 October 2015, <https://theinfp.com/2015/10/>)

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As indicated in the Sands Directories, various other small businesses were identified as operating at 168 Norton Street as well as the theatre. In particular, between the years of 1916 and 1920 a College of Music operated from the subject site under the supervision of Mrs Nellie McDonnell. A Mrs N Cannon is identified in association with the school in 1916, however, this Sands Directory entry is most likely incorrect as historical research has indicated that Mrs Nellie McDonnell had been running the College for a number of years prior to its relocation to Norton Street. A newspaper article from 26 December 1907 indicates that the College was previously located at 3339 Parramatta Road in Leichhardt (Figure 29).

Mrs Nellie McDonnell's school is frequently mentioned in various newspaper articles between 1907 and 1933. These articles are predominately concerned with reporting on the various concerts held by her school, achievements of her students, along with fundraisers held by the school in aid of St Fiacre Church.<sup>16</sup> As such, while the school moved from 168 Norton Street to another location after 1920, it appears the school continued to operate well into the 1930s.

The Glebe Society has identified the full name of Nellie McDonnell's school as the Oberon College of Music, however, this appears to be the only reference to the school being named as such.<sup>17</sup>

Between the years of 1912 and 1916, local builder, John Patterson, is identified as residing at 168 Norton Street. Patterson was a prolific land owner in the Leichhardt area, having acquired various allotments including a property along Francis Street (1904) which he sold to Heine and Son, a light industrial firm, in August 1914.<sup>18</sup> Patterson was also responsible for the construction of various buildings during the early 20th century. According to the AIF Project run by the University of New South Wales, Patterson was enlisted on 6 September 1915 and served as a Private in the 1st Battalion, 12th Reinforcement, returning to Australia on 27 September 1917 (Figure 30).<sup>19</sup>

The following newspaper articles provide some insight into Nellie McDonnell's College and John Patterson.

<sup>16</sup> The Catholic Press, 6 November 1919, p. 17 and The Sydney Morning Herald, 13 March 1920, p. 15

<sup>17</sup> The Glebe Society Inc., "Who Lived in Your Street: Una Irene and Edna Marjory Moncrieff". <http://www.glebesociety.org.au/wp-content/uploads/2014/01/Who-Lived-in-Your-Street-Una-Irene-and-Edna-Marjory-Moncrieff.pdf>

<sup>18</sup> Leichhardt Historical Journal, "Further Purchases in the 1867 Elswick Estate Subdivision," no.16, p.39

<sup>19</sup> The AIF Project, "Samuel Patterson", University of New South Wales, <https://www.aif.adfa.edu.au/showPerson?pid=235641>

# ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

## **MISS NELLIE McDONNELL'S PUPILS' SUCCESSES.**

Miss Nellie McDonnell, of 339 Parramatta-road, Leichhardt, has had a record year, having passed 51 pupils through the practical and theoretical examinations at the various colleges. Miss Gertie Carney gained the highest marks in the Licentiate Degree for the yearly examinations, in connection with the London College of Music, and was awarded the medal. At the examinations of the London College of Music held recently, 13 pupils presented themselves on December 13 for pianoforte-playing, and all passed successfully, with high marks. Miss Hilda Hadley passed the Teacher's Diploma with 92 marks. This is the highest practical diploma of the college, which entitles this young lady to wear the teacher's hood, and append the letters T.D.L.C.M. after her name. Miss Hadley is only 17 years of age, about the youngest in the State to obtain this diploma. Miss Josephine Herlihy passed the Associate's Diploma. Three other Associates passed, namely: Rene Bestard, A.L.C.M., 89 marks; Blanche Moody, A.L.C.M., 85; and Miss Anderson, A.L.C.M., 85. In the senior grade Kathleen O'Connor, Gracie O'Farrell, Kathleen Osborne and Amy Carruthers passed the intermediate grade. Dorothy Williams and Edwin Liller; and in the primary grade Rita Ellis and Doris Millwood. At the Sydney College of Music examinations in November, four pupils passed the junior grade with honours, viz.: Queenie Machan, 99 marks; Gracie O'Farrell, 90; Amy Carruthers, 90; and Doris Greatorex, 90. In December last 14 passed practical, including 4 Licentiates and two Associates, and 2 in theory.

Figure 28: Newspaper article reporting on the success of Nellie McDonnell's pupils. The article also indicates the College was previously located at 339 Parramatta Road before moving to 168 Norton Street. (Source: The Catholic Press, 26 December 1907, p.4)

**ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL**
**MISS NELLIE McDONNELL'S PUPILS' CONCERT.**

On the 6th inst., in the Leichhardt Town Hall, the pupils of Miss Nellie McDonnell gave their annual concert, assisted by Misses Hilda Lane, Edith Williams, and the Leichhardt Amateur Orchestra. This concert was remarkable for a fine exhibition of musical knowledge and execution. The pupils, by their manner of playing, showed that they had intelligently taken advantage of capable and artistic teaching. The audience, which taxed the capacity of the Town Hall to its utmost, showed its appreciation of the various items by much applause. The concert opened with the "Soldiers' Chorus" from "Faust," sung by the students. Piano-forte solos were rendered in artistic style by Misses Nellie McDonnell, Hilda Hadley, T.D.L.C.M., Gerlie Corcoran, L.L.C.M., Stella Gillard, L.L.C.M., Josie Herlihy, A.L.C.M., Molly Geelan, A.L.C.M., Beatrice Woods, A.L.C.M., Hilda Searle, A.L.C.M., Blanche Moody, A.L.C.M., Rene Bestard, A.L.C.M., Ruby Cheal, A.L.C.M., Ruby Gladdie, Evy Agnew, Dorothy Groatorex, and Nellie Newby. The piano trios (performed on two pianos) were "Il Baen" (Ardill), Misses Dorothy Hawkins, Dorothy Williams, Hazel O'Connor, Amy Carruthers, Nellie McGovern, and Master Eddie Lillie; "Flambeau March" (S. Clark), Misses Kathleen O'Connor, Gracie O'Farrell, Kathleen Osborn,

Florrie Harradine, Molly Bierne, and N. McDonnell. Piano duets, Galop (Blake), Miss Mary and Master Edie Hannan; "La Chateleine," Misses Violet Heckenberg, Mattie Pearce, and Masters Harold and Leslie Ritchie. Violin items were rendered by Misses Annie Riddle, A.L.C.M., and Molly Smith, A.L.C.M. A feature in the programme was a piano trio (march from "Norma"), by six performers on two pianos, with full orchestral accompaniment. The concert was closed with the singing by the pupils of "Auld Lang Syne."

Figure 29: Newspaper article providing information about a concert performed by Nellie McDonnell's students. (Source: The Catholic Press, 16 April 1908, p.19)

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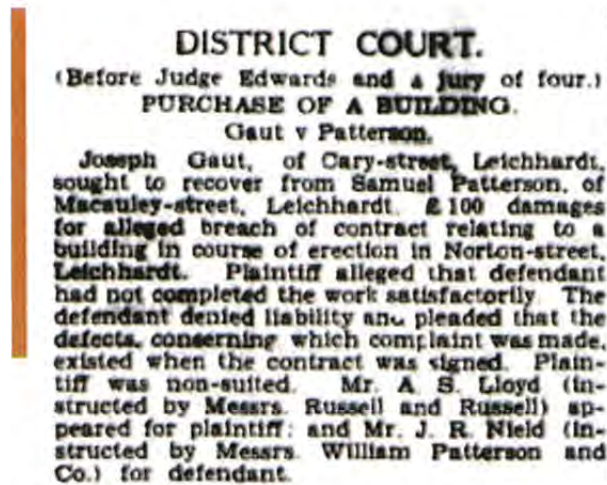


Figure 30: Newspaper article detailing a court case held over a dispute between Joseph Gaut and Samuel Patterson. (Source: Sydney Morning Herald, 16 June 1931, p.5)

#### 4. Assessment of Significance

##### 4.1 Assessment of Criteria

The following assessment of significance has been prepared in accordance with the 'Assessing Heritage Significance' guidelines from the NSW Heritage Manual.

**a) an item is important in the course, or pattern, of the local area's cultural or natural history**

The subject site is located among a group of buildings that are illustrative of the commercial development of Norton Street between the late 19th and early 20th centuries in response to the suburban growth of Leichhardt. As a large theatre site it demonstrates the increasing importance of Norton Street to the growing suburb.

**b) an item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history**

The subject site is associated with local businesses such as Mrs Nellie McDonnell's College of Music, local builder John Patterson, however, these associations are considered secondary and do not specifically relate to the existing building. Likewise, while the building is called "Harold Hawkins Court", the subject site does not have any strong or special associations with the Uniting minister after whom it was named.

**c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area**

While the subject building is a typical example of a 1960s aged care facility and does not have any architectural characteristics of note. The site has been substantially altered and therefore there are no features remaining of the original Marlboro Theatre. The building is considered to negatively impact on the streetscape of Norton Street and the Whaleyborough Estate HCA.

**d) an item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons**

The subject site is associated with the local Leichhardt community as the former site of the Marlboro Theatre and Mrs Nellie McDonnell's College of Music. However, no

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physical evidence remains of the college and the building does not readily appear as a former theatre. The site has a strong association with Uniting Care as the former site of an aged care facility run by the organisation.

**e) an item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history**

The subject site has some potential to yield information that will contribute to an understanding of the local area's cultural or natural history.

**f) an item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history**

The subject site does not feature any known uncommon, rare or endangered aspects of the area's cultural or natural history.

**g) an item is important in demonstrating the principal characteristics of a class of the local area's**

- **cultural or natural places; or**
- cultural or natural environments**

The subject site is indicative of the commercial growth of Norton Street during the late 19th and early 20th centuries and the subsequent need during the 1960s for aged care facilities within the area. The building has been significantly altered internally and externally which has reduced the integrity of the building.

### 4.2 Statement of Significance

The existing building located at 168 Norton Street is located within a group of commercial buildings built during the late 19th and early 20th centuries. The subject site is indicative of the suburban growth of Leichhardt and the subsequent commercial development of Norton Street. The site is also indicative of the growing need during the 1960s for aged care facilities in the area.

The building has been substantially modified internally and externally and is uncharacteristic within existing aesthetics of the Norton Street streetscape and the Whaleyborough HCA.

The subject site is not considered of sufficient significance to warrant individual listing as a heritage item in the Leichhardt LEP 2012.

### 4.3 Statement of Significance for the Whaleyborough Estate HCA

The following Statement of Significance has been extracted from the Leichhardt DCP 2012:<sup>18</sup>

*One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is significant for its surviving development from the 1880s and 1890s, which gives it its particular identity. All allotments appear to have been taken up and built upon probably by the late 1930s.*

*Through its wide roads, its important mixture of cottages, terraces and shops, mostly dating from the 1880s–1890s, and the form and materials of its construction this area provides an interesting built example of late nineteenth century economics where pressures for denser and cheaper accommodation have overlaid the original spacious suburban intentions.*

<sup>18</sup> Leichhardt DCP 2012, Conservation Area 3 - Whaleyborough Estate, <https://www.leichhardt.nsw.gov.au/Planning--Development/Planning-Controls--DCPs--LEPs--VPAs-/Heritage/Conservation-Area-3-Whaleyborough-Estate>

Attachment 2