

affordable housing or housing for those on lower income levels on this site. The affordable places will be provided and managed by Uniting pursuant to the Voluntary Planning Agreement (VPA), for which an offer has been made.

It is considered that the Planning Proposal is consistent with the Draft Affordable Housing Policy 2016 subject to the provision of a VPA as outlined in the letter of offer submitted with the Planning Proposal. Council's Affordable Housing Officer considers that the Planning Proposal is satisfactory subject to this VPA being prepared. This VPA should be finalised prior to community consultation on the Planning Proposal.

Heritage Assessment – Norton Street Corridor

This Heritage Assessment identified the site as being a 'potential development site', in which demolition is possible on the basis that the replacement building is in keeping with the character of the conservation area and the heritage items in close proximity. The Planning Proposal is generally consistent with this study in that it adopts the building envelope controls which were developed in Community Forums and reviewed by Council officers.

The Heritage Impact Statement prepared with the Planning Proposal considers that there will be no adverse impact on the heritage values of the area resulting from the Planning Proposal. Council's Heritage Officer has reviewed the Planning Proposal and considers that the proposed design should reflect the significance of the heritage conservation area. The urban design scheme of the site needs to be revisited prior to exhibition to ensure, among other things, that future development on the site is compatible with the heritage conservation area.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the applicable State Environmental Planning Policies (SEPPs) as shown in the table below.

Table 4 Assessment of the Planning Proposal against the relevant SEPPs

State Environmental Planning Policy (SEPP)	Comment
SEPP 55 – Remediation of Land	The Planning Proposal does not contradict or hinder the application of this SEPP. The Planning Proposal does not include land that has been historically used for any purpose in Table 1 to the Contaminated Land guidelines. The potential for land contamination is considered unlikely and can be further assessed at DA stage. The Planning Proposal is generally consistent with this SEPP.
SEPP 64 - Advertising and Signage	The Planning Proposal does not

	contradict or hinder the application of this SEPP. The Planning Proposal does not include any details regarding advertising and signage, however, this is likely to be incorporated into a future DA for the site, at which time this SEPP will be considered in detail. The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP 65 - Design Quality of Residential Apartment Development	The Planning Proposal does not contradict or hinder the application of this SEPP. The Urban Design Report provided with the Planning Proposal investigated the implications of the design quality principles in the SEPP and also included an indicative compliance against the provisions of the ADG, which has been considered. The ADG controls relate to amenity issues such as open space, solar access and ventilation, privacy and streetscape. There are some non-compliances of the Planning Proposal with these controls, and accordingly there are some aspects of the Planning Proposal which require amendment to ensure that any future proposal on the site is consistent with the provisions of the ADG. In particular, a greater amount of communal open space and deep soil zones is required as well as various changes to the building envelopes controls outlined in the Urban Design Report. Subsequently, the current Planning Proposal to be submitted to the Minister requests that a Gateway determination require the urban design scheme for the site be revised prior to exhibition to reflect the development concept envisaged under the current Planning Proposal. Furthermore, the future DA will need to demonstrate consistency with this SEPP.
SEPP 70 - Affordable Housing (Revised Schemes)	The Planning Proposal does not contradict or hinder the application of this SEPP. The future development can

	provide an appropriate mix and number of dwellings which could contribute to affordable housing in the locality.
SEPP (Affordable Rental Housing) 2009	The Planning Proposal does not contradict or hinder the application of this SEPP.
BASIX SEPP	The Planning Proposal does not contradict or hinder the application of this SEPP. A future development application for any BASIX Affected development must comply with its provisions.
SEPP (Exempt and complying Development) 2008	The Planning Proposal does not contain any proposed new uses or other provisions which would be contrary to the provisions of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	The Planning Proposal does not contradict or hinder the application of this SEPP. The future development on this site will be subject to this SEPP. The site satisfies the locational criteria in Clause 26 for location and access to services and proposes self-contained dwellings as defined by Clause 13 of the Seniors SEPP. This SEPP includes provisions that allow bonus FSR incentives if the proposal includes affordable housing. The future DA will need to assess the consistency of the development against the provisions of this SEPP. In general, the Planning Proposal is consistent with this Policy with the exception of some of the matters required to be considered under the design principles in Clauses 33, 34 and 35 of the Policy. A revised urban design scheme for the site in amendments to the Planning Proposal is required. These amendments should be provided prior to community consultation. The Planning Proposal is generally consistent with the provisions of the Seniors SEPP 2004 subject to the requested various amendments to the urban design controls outlined in this report.

SEPP (Infrastructure) 2007	The Planning Proposal does not contradict or hinder the application of this SEPP. Concurrence from the RMS may be required; however, this is unlikely given the small scale of the car parking proposed.
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Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal has been assessed against each of the Section 117 directions. Consistency with relevant directions are discussed in the table below.

Table 5 Assessment of the Planning Proposal against the relevant s117 Directions

Direction title	Requirement	Comments	Consistent
1. Employment And Resources			
1.1 Business and Industrial Zones	(4) A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.	The Planning Proposal achieves the objectives of this direction which include encouraging employment growth in suitable locations, protecting employment land in business and industrial zones, and supporting the viability of identified strategic centres. This is achieved via the activation of the Norton Street frontage with retail/commercial uses as well as providing a more efficient use of the site for housing which will stimulate the local economy.	Yes
1.2 Rural Zones	N/A	Not applicable	N/A
1.3 Mining, Petroleum production and Extractive Industries	N/A	Not applicable	N/A
1.4 Oyster Aquaculture	N/A	Not applicable	N/A
1.5 Rural Lands	N/A	Not applicable	N/A
2. Environment and Heritage			
2.1 Environment Protection Zones	N/A	Not applicable	N/A
2.2 Coastal	N/A	Not applicable	N/A

Protection			
2.3 Heritage Conservation	(4) A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The site is located in a heritage conservation zone and in close proximity to a local heritage item. The Planning Proposal is accompanied by a Heritage Impact Statement which concludes that the Planning Proposal will not adversely impact on the significance of the conservation zone or nearby heritage item. The future DA will be accompanied with a further HIS. The Planning Proposal is generally consistent with this direction, however, the urban design scheme for the site is to be revised to ensure, among other issues, that the integrity of the heritage conservation area is maintained.	Yes
2.4 Recreation Vehicle Areas	N/A	Not applicable	N/A
2.5 Application of E3 and E3 zones and Environmental Overlays in Far North Coast LEPs	N/A	Not applicable	N/A
3. Housing, Infrastructure and urban Development			
3.1 Residential Zones	(4) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing	The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that	Yes

	infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environment and resource lands. The Planning Proposal encourages a variety of housing types, including one and two bedroom units, which are for self-contained seniors housing with an affordable housing component. The Planning Proposal also utilises existing infrastructure by maximising the permitted density on the site by making more efficient use of existing resources. The Planning Proposal will generally minimise adverse impacts on adjoining development, however, further refinement of the urban design scheme for the site is required prior to community consultation to ensure such impacts on adjoining properties (particularly bulk and scale and overshadowing) are appropriately mitigated.	
3.2 Caravan Parks and Manufactured Home Estates	N/A	Not applicable	N/A
3.3 Home Occupations	N/A	Not applicable	N/A

3.4 Integrating Land Use and Transport	(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	The objective of this direction is to improve access to housing, jobs and services by walking, cycling and public transport, increasing the choice of available transport and reducing dependence on cars, and reducing travel demand. The Planning Proposal is consistent with these objectives given it will allow greater housing opportunities in an accessible location close to public transport and services, thereby reducing travel demand and time.	Yes
3.5 Development Near Licensed Aerodromes	(4) In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must: (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome, (b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth, (c) for land affected by the OLS: (i) prepare appropriate development standards, such as height, and (ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome (d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act. (5) A planning proposal must not rezone land: (a) for residential purposes, nor	The objectives of this direction are to ensure the effective and safe operation of aerodromes, to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. The land is in the vicinity of Sydney Airport with the proposed maximum building height less than five (5) storeys being compliant with the OLS contour of 100 and 110 AHD for the site.	Yes

	increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or (b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or (c) for hotels, motels, offices or public buildings where the ANEF exceeds 30. (6) A planning proposal that rezones land: (a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or (c) for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior noise levels.	The site is located predominantly within a contour of 20 ANEF, and a residential development is a 'conditionally acceptable' use within the contour. An Aircraft Noise Intrusion Assessment has been undertaken which concluded that subject to recommendations; the Planning Proposal will satisfy AS2021. This issue will be considered in detail at DA stage.	
3.6 Shooting ranges	N/A	Not applicable	N/A
4. Hazard and Risk			
4.1 Acid Sulfate Soils	(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present. (5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or (b) such other provisions provided by the Director-General of the Department of Planning that are	The site is identified as being Class 5 acid sulfate soils. The future DA will be subject to the provisions of Clause 6.1 of the LEP 2013. While the Planning Proposal will facilitate an intensification of residential development, it will not permit additional uses beyond those currently permitted in the B2 zone. The Planning Proposal does not contradict or hinder application of the acid sulphate soils provisions in LEP 2013. This issue will be considered in more detail at	Yes

	consistent with the Acid Sulfate Soils Planning Guidelines. (6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act. (7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).	the DA stage.	
4.2 Mine Subsidence and Unstable Land	N/A	Not applicable	N/A
4.3 Flood Prone Land	The site is not located on flood prone land.	Not applicable	N/A
4.4 Planning for Bushfire Protection	The site is not located on bushfire prone land.	Not applicable	N/A
5. Regional Planning			
5.1 Implementation of Regional Strategies	N/A	Not applicable	N/A
5.2 Sydney Drinking Water Catchment	N/A	Not applicable	N/A
5.3 Farmland of State and Regional Significance on	N/A	Not applicable	N/A

the NSW Far North Coast			
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not applicable	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A	Not applicable	N/A
5.9 North West Rail Link Corridor Strategy	N/A	Not applicable	N/A
5.10 Implementation of Regional Plans	N/A	Not applicable	N/A
6. Local Plan Making			
6.1 Approval and Referral Requirements	(4) A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a	The Planning Proposal does not involve any concurrence, consultation or referral provisions.	Yes

	significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.		
6.2 Reserving Land for Public Purposes	(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). (5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must: (a) reserve the land in accordance with the request, and (b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and (c) identify the relevant acquiring authority for the land. (6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must: (a) include the requested provisions, or (b) take such other action as advised by the Director-General of the	The Planning Proposal does not involve any changes to land for public purposes.	Yes

	Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired. (7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.		
6.3 Site Specific Provisions	(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal. Consistency (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General)	The Planning Proposal involves an amendment to LEP 2013, however, does not involve adding another use to the land use table as seniors housing and commercial premises are both permissible under the current zoning for the site. While the Planning Proposal involves increasing the FSR development standard for the site, this development standard is already contained in LEP 2013 and has been varied on a site-specific basis previously (Terry Street Rozelle (CI 6.15) and Allen Street Leichhardt (CI 6.17)). It is therefore considered that the Planning Proposal is consistent with the approach of other site-specific clauses of LEP 2013 and is satisfactory.	Yes

	that the provisions of the planning proposal that are inconsistent are of minor significance.		
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	(4) Planning proposals shall be consistent with: (a) the NSW Government's A Plan for Growing Sydney published in December 2014.	The Planning Proposal will achieve the vision and desired outcomes of the Plan by increasing the supply of self-contained housing, specifically seniors and affordable housing, on the periphery of the global economic corridor and in close proximity to the CBD and public and active transport infrastructure while maintaining the amenity of the local area. Consistency of the Planning Proposal with this Plan is further discussed in Section B, Q3.	Yes

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal??

There is no known critical habitat, threatened species, populations or ecological communities or their habitats located on the subject site.

An *Arboricultural Impact Appraisal* (Arborists Report) was prepared by Naturally Trees dated 29 November 2016 which considered 10 trees, including seven (7) trees on the site and three (3) trees adjoining the site. This report described the on-site trees, which are located in the existing central courtyard, as a mix of ornamental, coniferous and indigenous trees. The trees located outside of the site include a street tree on Norton Street, a street tree on Carlisle Street and a tree located on the rear laneway.

Of the trees located adjoining the site, all these trees can be retained as they are outside the likely building footprint of the site, subject to protection measures outlined in the Arborists report. The trees located in the site are described as not worthy of retention, with three (3) of these on-site trees described as Class 4 weeds which should be removed.

Council's Landscape Officer concurs that the on-site trees can be removed, however, he considers replacement landscaping, as well as additional deep soil areas, should be provided on the site. The Planning Proposal will require various

amendments, including the provision of additional landscaping and deep soil areas, as outlined in this report, prior to exhibition.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Traffic and Parking

A Traffic Report has been prepared by Colston Budd Rogers & Kafes Pty Ltd dated October 2016 which analysed the Planning Proposal in terms of the likely car parking provision, vehicular access to the site and the potential impact on the surrounding road network. This report concluded that the proposal would provide sufficient car parking and vehicle access, with traffic generated being accommodated within the existing road network.

Council's Traffic Engineer has considered the proposal and raised various concerns regarding the car parking provision, which appeared to be inconsistent throughout the documentation, and about the lack of provision of ramps or vehicular driveway(s) to access the basement level (which may subsequently impact on car parking provision). There is also a lack of detailed information relating to traffic considerations such as surveys of comparable sites to determine the likely traffic generation and demand for car parking to be provided, including peak visitation hours and peak demand. The servicing requirements for the site and car parking for medical attendants, ambulance/emergency vehicles and staff were not adequately covered.

Potential traffic congestion on the rear laneway due to the potential traffic generation was not adequately addressed. There were various concerns raised regarding inaccuracies in the survey plan for the site, including conflicting information on the status and location of a right of way/laneway to the rear of the adjoining properties to the south of 158-166 Norton Street, which needs to be clarified. The position of driveways located opposite for the western adjacent residential properties may also require further consideration, in order to ensure that there are no conflicts with the traffic movement and the amenity of surrounding dwellings (particularly from car headlights on front rooms of these properties).

It is acknowledged that the site is well serviced by public transport, including buses along Norton Street and proximity to light rail services.

It is requested that a Gateway determination require an amended Traffic Impact Assessment to be prepared as well as a revised concept basement plan, which would be peer reviewed by Council prior to exhibition.

Heritage

A *Heritage Impact Statement* has been prepared by City Plan Heritage dated July 2016 which assessed the potential impacts of the planning proposal on the heritage significance of the heritage conservation area (HCA) and the nearby heritage item (I168) comprising the Royal Hotel on the corner of Norton and Carlisle Streets.

The Heritage Impact assessment stated that the proposed new building envelopes will allow for a larger scale development, which takes into consideration the heritage context with the gradual increase in setbacks providing articulation. This was considered to reduce the bulk of any future development, preventing the development from being imposing while respecting the scale and form of the traditional commercial streetscape of Norton Street and the surrounding residential streetscapes.

This report concluded that the Planning Proposal will have no adverse impact on the significance of the heritage items located in proximity or the HCA and that the proposal demonstrates compliance with the existing controls regarding heritage conservation subject to appropriate conditions in relation to archival recording of the existing building prior to demolition and a heritage interpretation be included in a future DA for the site.

Council's Heritage Officer reviewed the Planning Proposal and while the proposal is generally supported, there were several concerns raised in relation to the appropriateness of the proposed built form outlined in the urban design report in the context of the HCA. These concerns were predominately related to the setbacks of upper levels, the requirement for the individual shop forms along Norton Street to mimic the rhythm of the street and not appear as a single combined development. The external materials and colours to be used should respect the heritage values of the area.

It is requested that a Gateway determination require an amended Heritage Impact Assessment to be prepared as well as a revised urban design report.

Urban Design and Built Form

The Proponent's Planning Proposal seeks to amend the FSR to 3:1 and introduce a maximum height control applying to the site of RL 59.4, however, the capacity of the site to accommodate this proposed additional floor space and height, while achieving compliance with the ADG, has not been adequately demonstrated yet.

An analysis of the Planning Proposal against the provisions of the Seniors SEPP 2004, SEPP 65 and the ADG indicates that the bulk of proposed development should be reduced by providing additional setbacks to upper levels, a larger deep soil zone to increase the urban amenity of the site and a reduction in the adverse impacts on the amenity of adjoining properties. In particular, there is currently significant potential overshadowing to the adjoining properties to the south and potential privacy impacts for adjoining properties to the north and west of the site.

The concept plans submitted with the Proponent's Planning Proposal illustrates a building form with varying heights and setbacks, with a maximum height of five (5) storeys to a maximum RL 59.4 (refer **Figure 5** and **Figure 6** below). The urban design report states that this five (5) storey form is considered appropriate for the site in terms of building alignment, proportion and setbacks. However, the scale of the intended development should be further considered prior to exhibition and reflected in a maximum height of buildings control being specified for the site which considers potential amenity impacts on adjoining properties as well as ensures an

appropriate built form outcome when viewed from the street and other areas of the public domain. This requirement for this revised design concept should be reflected in a Gateway determination condition.



Figure 5 Perspective sketch – Norton Street



Figure 6 Perspective sketch - Carlisle Street

The ADG notes that adequate building separation and setbacks ensure useability of communal and private open space, provision of deep soil area, solar and daylight access, privacy, outlook and natural ventilation. While it may be possible to satisfy a

number of the aforementioned objectives through innovative design, reduced setbacks as currently proposed, are likely to adversely impact on the privacy, solar access and amenity of adjoining properties. This is particularly the case for setbacks to upper levels, which should be increased for the Planning Proposal to ensure the objectives and controls of the ADG are achieved on this site.

In relation to height along the Norton Street frontage, it has been noted that the submitted Urban Design Report incorrectly indicates that the height of the existing building on the site as four (4) storeys. The existing building in this location comprises three (3) storeys with an extended parapet. The proposed setback of 3 metres for the upper levels along Norton Street is considered insufficient to minimise the impact of the overall proposed height to Norton Street and surrounding heritage conservation area.

The proposed building envisaged in the Planning Proposal would not read as a two storey form as suggested, but rather a five storey building given this minimal 3 metre setback. The upper levels along this frontage would require a greater setback to reduce the impact on the streetscape. Similarly, heights along the Carlisle Street frontage may also need to be reduced and/or upper levels set further back given the site is immediately adjacent to single residential dwellings in a heritage conservation area and any building above such a height is likely to have significant adverse impacts on the area.

While it is acknowledged that the current urban design scheme has been proposed generally accords with AJ+C controls endorsed by Council at the community forums and in the MOU, a thorough analysis of the proposed built form and envelope controls in the proponent's Planning Proposal raises serious concerns regarding the likely poor amenity of the proposed development and potential impacts to the adjoining properties. Furthermore, the draft controls resulting from the community forums and drafted by AJ&C (2014) were not subject to detailed assessment as acknowledged in Clause 5 of the MOU.

Thus it is envisaged that the urban design scheme will need to be reconsidered to comply with SEPP 65 and ADG prior to exhibition through imposition of conditions on the Gateway Determination.

It is also considered that the proposed areas of communal open space are insufficient and should be augmented. This communal open space, which could potentially be provided as a roof top terrace located adjoining the Norton Street frontage, requires an adequately sized area in accordance with the ADG and which receives adequate sunlight.

It is requested that a Gateway determination require an amended urban design scheme be prepared.

Privacy and Overlooking

The Planning Proposal envisages a much larger building on the site than currently exists. This could have potential privacy impacts for the northern and western properties. Sight line diagrams (both to and from) should be provided to demonstrate

that the 6 metre setback to the northern boundary is sufficient for the upper levels. Similarly, greater setbacks may be required along the western (laneway) boundary to ensure privacy is maintained for the residential dwellings located on the western side of the laneway opposite the site. It is requested that a Gateway determination require an amended urban design scheme for the site to consider these issues be provided prior to exhibition.

Overshadowing

The potential overshadowing impacts of the Planning Proposal are outlined in the Urban Design Report (page 27). This analysis indicates that the adjoining properties to the south, comprising Nos 158-166 Norton Street, will be overshadowed in the morning and afternoon in midwinter. While the shadowing is less in the morning, the built form currently proposed in the Planning Proposal is likely to result in significant overshadowing such that these adjoining properties are unlikely to receive adequate sunlight in accordance with the requirements of DCP 2013.

Increased setbacks to the upper levels of the proposal from the adjoining developments to the south facing Norton Street are likely to be required to reduce the potential overshadowing impacts. It is requested that a Gateway determination require an amended urban design scheme be prepared, particularly in relation to overshadowing, prior to exhibition.

Landscaping and Deep Soil Zones

The Planning Proposal provides limited deep soil planting opportunities with only 83sq.m. for landscaping and deep soil zone. Additional deep soil areas are required, potentially located along the laneway on the western site boundary, which would also assist with minimising overlooking of the residential properties on the western side boundary of the site. Opportunities for tree planting and an increased deep soil zone on the site will improve residential amenity. It is requested that a Gateway determination require an urban design scheme with amended deep soil zone be provided prior to exhibition.

Aircraft Noise

The potential impacts from aircraft noise have been considered in the Aircraft Noise Intrusion Assessment. Council's Health Officer considered issues relating to acoustics, including aircraft noise and plant and equipment. The acoustic report was considered to satisfactorily assess the potential impact of aircraft noise intrusion on the residential units with the majority of the development located within ANEF20-25 contours with a portion fronting Norton Street located within ANEF25-30 contours. The report recommended specific building treatments such as glazing and roof/wall construction and the requirement for air conditioning units to achieve interior acoustic amenity, which can be imposed as conditions for any future DA lodged for the site. While it was noted that the Acoustic report did not assess potential noise from plant and equipment, it is considered that noise from such equipment can be adequately assessed at DA stage.

Contamination

Council records do not identify the site as potentially contaminated. In relation to hazardous materials (asbestos & lead), while a hazardous materials survey has not been submitted, it is considered that a hazardous materials survey/audit can be carried out prior to the commencement of any demolition/building works which can be adequately assessed at DA stage.

Affordable Housing

The Planning Proposal is consistent with Council's draft Affordable Housing Policy (adopted 6 December 2016).

A VPA will be required to ensure Uniting manages the affordable places in accordance with the definition under Seniors SEPP 2004.

Affordable housing should be provided in accordance with the following principles:

- ☐ Affordable housing units to be integrated throughout the development;
- ☐ Standard/quality to match other units;
- ☐ Mix of bedrooms, car parking and number of adaptable units to comply with the DCP;
- ☐ Affordable housing units are to be non-distinguishable from the other units within the overall development.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will result in positive social and economic effects as self-contained seniors housing with an affordable component is proposed as well as increased activation of the street frontage which will assist in stimulating the local economy. The Planning Proposal is likely to result in a housing yield of approximately 40 to 44 independent living units, which are considered to be self-contained dwellings under the Seniors SEPP 2004, comprising a mix of one and two bedroom units, providing additional housing opportunities in a well serviced location.

The Planning Proposal will have a positive economic effect by stimulating redevelopment and encouraging future retail and commercial floor space and residential development to improve the economy of the surrounding area. The site is currently vacant and in a dilapidated state, with the Planning Proposal allowing the redevelopment of the site in a consolidated and efficient manner.

The proposed activation of the site along Norton Street, in contrast to the current lack of any activation along this frontage, will improve the functionality of the site with the town centre and significantly improve the presentation to the streetscape. This activation will also improve casual surveillance opportunities afforded from the site, particularly along the rear/western laneway, which will improve safety in the general area.

The provision of modern self-contained seniors housing will be a social benefit to the community, which is currently experiencing an ageing population that is faced with a lack of desirable accommodation in the area that supports residents to 'age-in-place'.

The proposed development of the site will support the current and future social character of the locality, as well as revitalising the local economy. The proximity of the site to public transport, services and infrastructure makes the site an ideal location for self-contained seniors housing. Accordingly, it is considered that the Planning Proposal will have a positive effect on the local economy and community.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The site is located in an area well serviced by necessary services and infrastructure including public transport, telecommunications, electricity, water and sewer. The additional demand created under the Planning Proposal will be minimal, thereby ensuring the efficient use of, but not overburdening, existing services and infrastructure.

Consultation with relevant authorities during public exhibition of the Planning Proposal will confirm the capacity of existing utilities to service the site. The increased demand on stormwater created by the future development of the site will be assessed as part of a future development application.

Q11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant state and Commonwealth public authorities will be undertaken in accordance with a Gateway determination.

PART 4 – Mapping

The Planning Proposal seeks to amend the *Key Sites Map* of the *Leichhardt Local Environmental Plan 2013* by adding the site to this map. The amending clause to LEP 2013 in Part 6 Additional Local Provisions will refer to this *Key Sites Map* for the site.

It is anticipated that the Key Sites map will be prepared by Council Officers and will be included in the Planning Proposal to Minister for Gateway Determination.

PART 5 – Community Consultation

Public consultation will be undertaken in accordance with the requirements of the Gateway determination, the Department of Planning's 'A guide to preparing local environmental plans' and Council's Community Engagement Framework.

It is expected that the Planning Proposal will be exhibited for a period of not less than 28 days and that this will include notification of the public exhibition:

- ☐ on the Inner West Council website;
- ☐ in relevant local newspapers; and
- ☐ in writing to the owners and occupiers of adjoining and nearby properties.

The exhibition material will be made available on the Inner West Council website, in the Leichhardt Customer Service Centre at 7-15 Wetherill Street, Leichhardt and on the Department of Planning and Environment's website.

PART 6 – Project Timeline

The table below outlines an anticipated timeline for completion of the Planning Proposal if approved for public exhibition at Gateway.

Milestone	Timeframe
Planning Proposal submitted to Department of Planning and Environment seeking Gateway determination	March 2017
Anticipated commencement date (date of Gateway determination)	April 2017
Anticipated timeframe for the completion of required technical information and peer review by Council	June 2017
Public exhibition and public authority consultation	July/August 2017
Timeframe for consideration of submissions	August/September 2017
Timeframe for the consideration of a proposal post exhibition (including reporting to Council)	October 2017
Drafting of instrument and finalisation of mapping	November 2017
Date of submission to the Department to finalise the LEP	December 2017
Anticipated date RPA will make the plan (if delegated)	January 2018
Anticipated date RPA will forward to the Department for notification	January 2018

ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

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Planning Proposal

168 Norton Street, Leichhardt NSW

Submitted to Inner West Council
On Behalf of Uniting

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December 2016 | 16-052

ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

Report Revision History

Revision	Date Issued	Prepared by	Reviewed by	Verified by
01 Draft	26/10/16	Michael Watson <i>Senior Project Planner</i>	Juliet Grant <i>Executive Director</i>	Juliet Grant <i>Executive Director</i>
Final	04/11/16	Michael Watson <i>Senior Project Planner</i>	Juliet Grant <i>Executive Director</i>	
Revised Final	02/12/16	Michael Watson <i>Senior Project Planner</i>	Juliet Grant <i>Executive Director</i>	

This document is preliminary unless approved by a Director of City Plan Strategy & Development

CERTIFICATION

This report has been authorised by City Plan Strategy & Development, with input from a number of other expert consultants, on behalf of Uniting. The accuracy of the information contained herein is to the best of our knowledge not false or misleading. The comments have been based upon information and facts that were correct at the time of writing this report.

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Appendix	Document	Prepared by
1.	Survey Plans	Project Surveyors
2.	Urban Design Report (2014)	Alan Jack and Cottier
3.	Council Meetings	Former Leichhardt Council
4.	Memorandum of Understanding	-
5.	Urban Design Report (2016)	Studio GL
6.	Aircraft Noise Intrusion Assessment	SLR Consulting Australia Pty Ltd
7.	Heritage Impact Assessment	City Plan Heritage
8.	Traffic Report	Colston Budd Rogers & Kafes
9.	Draft Planning Agreement	Uniting
10.	Draft DCP Amendment	CPSD
11.	Arboricultural Impact Appraisal	Naturally Trees
12.	Concept Architectural Floor Plans ADG Compliance Table	Young and Metcalf
13.	Concept Sketch	GL Studio

ATTACHMENT 2 PROPONENT'S PLANNING PROPOSAL

Section A - Overview

1. Executive Summary

This Planning Proposal (PP) is being submitted to the Inner West Council (IWC) on behalf of Uniting.

This PP explains the intended effect of, and justification for, the proposed amendment to Leichhardt Local Environmental Plan 2013. The amendment is a site specific LEP for **No. 168 Norton St, Leichhardt** (the site). It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and the relevant Department of Planning Guidelines including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

This PP seeks to amend the existing floor space ratio (FSR) and introduce a maximum building height control for the site to allow redevelopment of the former (now vacant) Harold Hawkins Court to create a seniors housing development and demonstrate best practice. Uniting have been working with the former Leichhardt Council since 2013 regarding the redevelopment of various sites within Leichhardt to provide much needed housing for the aged and more vulnerable members of the community. Comprehensive community consultation has been undertaken which assisted in establishing the desired future building envelope controls for the site. After various Council and public meetings, on 16 December 2015 the former Leichhardt Council resolved to support the indicative development controls to ultimately guide the future development on this site. Council and the applicant entered into a Memorandum of Understanding (MOU) in March 2015 that endorsed the intended development outcome on the site. This PP seeks to formalise the process that has previously been undertaken and agreed under the MOU, and seeks the following controls:

- FSR: 3:1;
- Height: RL 59.4 (5 storeys);
- Use: Seniors Independent Living Units (ILUs), 15% affordable housing, and activation of Norton Street.

The proposed future building will provide a tangible public benefit by replacing the old existing disused/vacant building with "best practice" independent living accommodation for senior members of the community in line with Uniting's philosophy of social justice and compassion. Uniting is a registered community housing provider and as such, this proposal is a genuine investment in community development and not a speculative venture.

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2. Background

Uniting (formerly 'UnitingCare Ageing') provides lifestyle, health and care services to 14,000 older people across NSW and ACT. Uniting currently operates over 75 sites within the Inner West and Metropolitan Sydney more broadly. Uniting and Leichhardt Council commenced discussions regarding the redevelopment of three (3) under-utilised sites in 2013, being:

- 15-17 Marion Street Leichhardt also known as 'Annesley House';
- 1-5 Wetherill Street, Leichhardt also known as Lucan Care and Wesley House; and
- 18 Norton Street, Leichhardt also known as 'Harold Hawkins Court'.

At its meeting on 23 April 2013, Council resolved to commence negotiations with Uniting to establish a planning pathway for the above properties to assist the provision of affordable and supported housing. After performing a background review and establishing a best practise methodology, community consultation was initiated in March 2014 to involve the community in the decision making process.

Various public consultation meetings were held to allow the community to be actively involved and contribute to the development of building envelopes for the site. As a result of this consultation process, a set of 'Guiding Principles' for how development should proceed was established. The principles are identified in the following table:

TABLE 1: PLANNING PRINCIPLES FOR THE TWO LEICHHARDT SITES

Rating	Principles
Highest rating	1. Achieve significant housing outcomes 2. Facilitate development
Mid rating	3. Ensure development is financially viable 4. Continue to provide and improve services to local residents – able to live longer in own home 5. Activate Norton Street 6. Ensure urban design informs the building envelope
Lower rating	7. Provide local employment 8. Provide on-site parking suited to use 9. Involve local community and stakeholders throughout the development process 10. Design principles

Council engaged Alan Jack and Cottier Architects (AJ+C) to assist with establishing the desired building envelopes for the sites, and forming the basis for the controls to guide the building envelopes with regard to the abovementioned 'guiding principles' (Refer to **Appendix 3**). The recommended building envelope controls were considered by Council in September and October 2014. Subsequently, a Draft 'Memorandum of Understanding' (MOU) was prepared for the sites and was presented to Council on 16 December 2014.

At this meeting the Council resolved the following:

"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 exhibited*
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*

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- b. Notify all stakeholders previously notified in the development of the proposed guidelines*
- c. Include a public drop in session and a public meeting in the notification period*
- d. expand the notification area to the Leichhardt Ward*
- e. 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."*

On the 5th of March 2015, the Council and Uniting signed the MOU, which includes the following controls/outcomes for 168 Norton Street (also refer to **Appendix 4**):

TABLE 2: AGREED MOU OUTCOMES FOR 168 NORTON STREET

Controls/Outcomes	Community Benefits
• FSR: 3:1 • Height: 18 metres / 5 storeys • Use: ~ 40 independent living units	• 15% ratio of affordable housing or housing for those on lower income levels • Activation of street (Norton) frontage which may include non-residential uses such as retail

During the preparation of this PP various discussions have been undertaken with Council's strategic planning staff, including Gillian Dawson and Roger Rankin. A meeting between Uniting and Council's Director of Planning was held on 19 October 2016.

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3. The Site

3.1 Location and Description

The subject site, 168 Norton Street, Leichhardt (also known as 'Harold Hawkins Court'), is located within the suburb of Leichhardt and is in the Local Government Area of the Inner West Council (IWC). The site is located approximately 5km west from the Central Business District (CBD) of Sydney and is in the 'Norton Street-Centro' neighbourhood.

The site has an area of 1,800.7m² and currently consists of the following allotments as shown in **Table 3**.

TABLE 3. SITE DETAILS

Legal Description	Area (m ²)
Lot 1 DP 1119151	218.1
Lot 2 DP 1119151	218.1
Lot 1 DP 963000	131.5
Lot 3 Section 3 DP 328	616.4
Lot 4 Section 3 DP 328	616.6
Total	1,800.7

The location of the site is shown below in **Figures 1 and 2**.

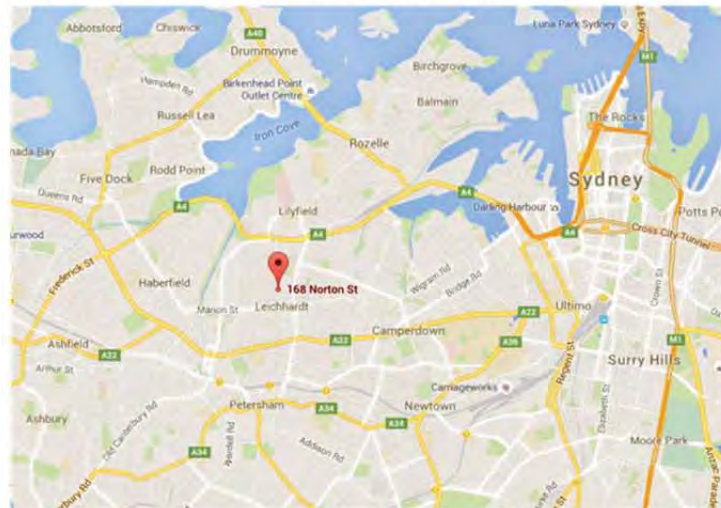


Figure 1: Aerial view of the subject site (Source: Google Maps)

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Figure 2: Aerial view of the site. The site is outlined in red. (Source: SIX Maps)

The site has frontage to both Norton Street (eastern boundary) and Carlisle Street (portion of southern boundary), as well as a narrow laneway located adjacent to the western boundary. The site has an irregular 'L' shape which wraps around behind other buildings fronting Norton Street.

There is an existing building located on the land which is known as Harold Hawkins Court, which has historically been used for an aged care facility for approximately 40 years containing approximately 104 people and employing 50 staff. The building has been vacant since 2004 (excluding a temporary lease for student accommodation) and is in poor condition and has been subject to vandalism.

There are no significant trees located on the site. Seven (7) trees are located within the internal courtyard, ranging in height from 6 - 14 metres. Full details of these trees are included in the Arborist report attached at Appendix 11.

The photos below in **Figures 3 to 5** provide an illustrative overview of the existing buildings on the subject site and its relationship with the surrounding area.



Figure 3: View of Harold Hawkins Court as viewed from Norton Street (Source: CPSD)

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Figure 4: View of the building from Carlisle Street (Source: CPSD/Google Maps)



Figure 5: View of the building from the rear laneway looking north (left) and south (right) (Source: CPSD)

3.2 Adjacent and surrounding development

The surrounding area comprises a mixture of two (2) and three (3) storey development, and is summarised below:

- Development to the south of the site fronting Norton Street predominantly consists of commercial uses built to the boundary;
- Development further north of the site fronting Norton Street is a mixture of commercial and residential premises;
- Development to the east and west of Norton Street includes predominantly detached single and two (2) storey dwellings;
- A narrow laneway adjoins the site on the western (rear) boundary, which provides vehicular access to various residential properties, as well as the subject site;
- A public park (Pioneers Memorial Park) is located approximately 200m north of the site;
- Four (4) residential properties adjoin the site to the north which have frontage to Macauley Street, and there is a two storey retail premise adjoining the site on the north eastern boundary that fronts Norton Street;
- The Leichhardt Dental and Medical Centre is approximately 100m to the south east from the site;

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- An IGA supermarket is approximately 100m south of the site;



Figure 6: Development to the north of the site along Norton Street (Source: Google Maps)



Figure 7: Existing development fronting Norton St to the south of the site (Google Maps)



Figure 8: Existing development in Carlisle Street (Google Maps)



Figure 9: Public park to the south of the site (left) and Medical Centre located on Short St (right) (Source: Google Maps)

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3.3 Local Planning Controls

The current *Leichhardt Local Environmental Plan 2013* (LLEP) has the following relevant controls applicable to the site:

Zone

The site is zoned 'B2 Local Centre' under the LLEP.



Figure 10: Extract of Land Zoning Map under LLEP. Subject site outlined in red

Floor Space Ratio

The site is identified as having a maximum Floor Space Ratio (FSR) standard of 1:1 under the LLEP. The site is located in 'Area 1' on the FSR map, as such, pursuant to Clause 4.4A of the LLEP the site has a maximum FSR of 1.5:1 subject to the building having an active street frontage for mixed use proposals that include residential accommodation.

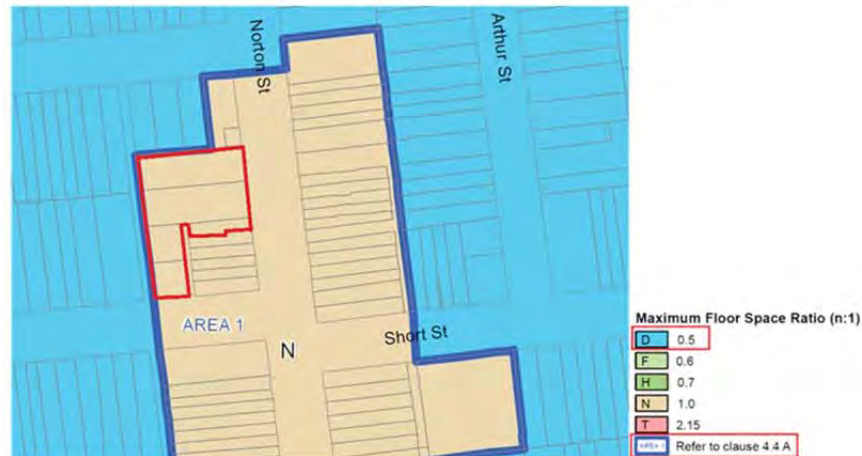


Figure 11: Extract of FSR Map under LLEP. Subject site outlined in red

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Height

The LLEP does not contain a maximum height standard for the site.

Heritage

The site does not contain any heritage items, however, is located in the 'Whaley Borough Estate Heritage Conservation Zone'. There is a heritage item known as the Royal Hotel Including Interiors (Item: 1682) located directly opposite the southern boundary at the corner of Norton and Carlisle Street.

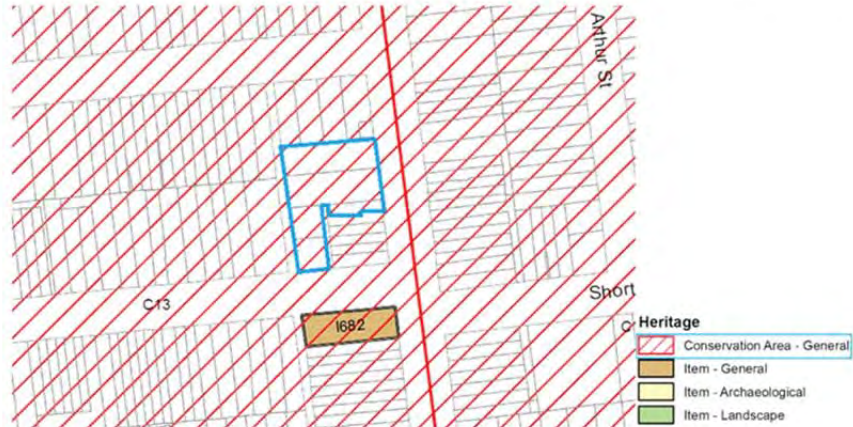


Figure 12: Extract of Heritage Map under LLEP. Subject site outlined in blue

Acid Sulfate Soils

The site has a "Class 5" classification' under the LLEP.



Figure 13: Extract of Acid Sulfate Soils Map. Site outlined in red

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Airport Operation Limitation Surface (OLS)

The site is located between the OLS of 100 AHD and 110 AHD on the Sydney (Kingsford Smith) Airport OLS Map.



Figure 14: Extract of Sydney Airport OLS Map. Site indicated by Green Star.

Airport Noise

The majority of the site is located between an ANEF Contour of 20 and 25, and a minor portion of the site is located within an ANEF contour between 25 and 30, as indicated on the Sydney Airport 2033 ANEF Contour Map.



Figure 15: Extract of ANEF Forecast 2033 Contour Map. Site outlined in blue (Source: IWC)

3.4 Consultation with Leichhardt Council

As outlined in **Section 2**, there has been extensive consultation with Council and the local community in regard to the future built form for the site.

A detailed chronology of consultation is provided in the report to Council dated 23 September 2014 and 16 December 2014 (see **Appendix 3**).

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Section B - Planning Proposal

4. Part 1 - Objectives or Intended Outcomes

The intended outcome of the PP is to enable re-development of the site to achieve State and local Government housing objectives and deliver public benefits with minimal environmental and economic impacts.

The objectives of the PP therefore are:

- To provide social benefits through the provision of seniors housing and affordable housing in a location that is close to necessary services and public transport;
- To encourage the mixture of different and compatible land uses such as residential and non-residential uses, in a strategic and appropriate location within Leichhardt;
- To provide an opportunity to improve the presentation of the site to the public domain, and enhance the streetscape in doing so;
- To satisfy State government objectives in *A Plan for Growing Sydney*, the draft Central District Plan as well as relevant Section 117 directions;
- To capitalise on opportunities within the site to provide an economic and orderly use for the land as a mixed use development which provides seniors housing that will reasonably contribute to district housing targets without adverse impacts to the amenity and environment of the local area;
- To formalise the controls that have previously been agreed to with Council and the community; and
- To ensure the future development and use of land is appropriate minimising environmental risks and potential impacts on adjoining land uses.

Intended Development Outcome

The purpose of the PP is to facilitate the redevelopment of the site for future 'seniors housing' in the form of self-contained dwellings/independent living units (ILU's). The development will also include commercial premises fronting Norton Street to activate this frontage, and a ground floor 'community centre' for the use of the residents.

Young and Metcalf have prepared indicative concept floor plans to assist in understanding the potential yield for the future development of the site, which are provided at **Appendix 12**. The potential yield of the indicative development is shown in **Table 4** below:

TABLE 4. POTENTIAL YIELD (SOURCE: YOUNG AND METCALF)

Element	Provision
Total Units/ILUs	44 (15% affordable)
Site Area	1,800m ²
GFA	5,395m ² , including: ▪ 413m² of retail GFA ▪ 189m² GFA for a Community Centre

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FSR	3:1
Height and R.L.	Five (5) Storeys R.L. 59.4 AHD
Parking	One (1) level of basement parking comprising 43 spaces as follows: ▪ Residential Spaces: 40 spaces (includes 10 accessible) ▪ Commercial: 3 spaces
Deep Soil	83m ² (4.4% of site area)

The below artist impressions give an understanding of the anticipated built form that will exist of the site.



Figure 16: Artist impressions of the potential future built form. View from Norton St looking north west (left) and view looking north east along Carlisle St (right) (Source: GL Studio)

It is important to understand the concept architectural plans are indicative only, and are subject to change at DA stage. These have been provided to give an understanding of the potential future development on the site.

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5. Part 2 - Explanation of the provisions

This PP seeks the following modifications to the provisions of the *Leichhardt Local Environmental Plan 2013*:

- Allow a floor space ratio of 3:1 for development that is for 'seniors housing' including 15% affordable housing. This proposed FSR is consistent with the controls previously established by AJ+C and endorsed by Council for the site;
- Introduce a maximum building height up to RL 59.4 for the site. This proposed height is consistent with the building envelopes previously established by AJ+C and endorsed by Council for the site. This height will allow a five (5) storey building on the site that has a suitable relationship to Norton Street and allows for lift over-runs and required servicing elements on the roof; and
- It is intended that the increased development capacity of the site be only available for seniors housing development.

It is proposed to implement these amendments via the inclusion of an 'Additional local provision' in Part 6. Example wording has been provided below.

Part 6 Additional local provisions

6.17 Development on certain land in Leichhardt

(1) This clause applies to land at 168 Norton Street, being Lot 1 DP 1119151, Lot 2 DP 1119151, Lot 1 DP 963000, Lot 3 Section 3 DP 328, and Lot 4 Section 3 DP 328.

(2) Despite Clause 4.3, the maximum building height of the land to which this clause applies is RL 59.4.

(3) Despite Clause 4.4 and Clause 4.4A, the maximum floor space ratio of the land to which this clause applies is 3:1.

(4) Development consent must not be granted under subclause (2) and (3) unless the consent authority is satisfied that:

- (a) the development of the land includes seniors housing; and
- (b) the building will have an active street frontage to Norton Street;
- (c) 15% of the dwellings for the accommodation of residents in the proposed development will be affordable places per the definition contained under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(6) In this clause, a building has an **active street frontage** if all floor space on the ground floor of the building facing the street is used for a purpose other than residential accommodation (with the exception of areas for access or service purposes)

The proposed controls would enhance the viability of redevelopment and trigger redevelopment of a modern purpose built mixed use facility, incorporating best practice seniors housing and street activation via the introduction of ground floor commercial uses.

A Draft site specific Development Control Plan has been prepared for the subject site to ensure the anticipated and desired built form that was established through previous Council and community consultation is delivered (**Appendix 10**).

A development application for the redevelopment of the site will be lodged following amendment of the LLEP.

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6. Part 3 - Justification

6.1 Need for a Planning Proposal

6.1.1 Is the PP a result of any strategic study or report?

The PP arises following ongoing discussions between the former Leichhardt Council and Uniting. As part of this process Allen Jack and Cottier Architects (AJ+C) prepared a report (**Appendix 2**) outlining recommended controls for the redevelopment of this site, based on the outcomes of these previous meetings and public consultation process. Council at its meeting in March 2015 resolved to enter into an MOU with the applicant which endorsed the future controls for this site based on the AJ+C report.

Demographic Change

Council's desire to increase the availability and quality of seniors living accommodation reflects the growing and ageing demographic profile of the Inner West area.

Recent demographic information released by the Greater Sydney Commission in support of the Draft Central District Plan States that *"between 2011-2031 the population aged 65 and over is projected to be the fastest growing age group with an additional 70,450 people expected in this age group in the Central District by 2031"*. Coupled with this, lone person households are the largest proportion of household types in the former Leichhardt LGA (at 32%) and this is forecast to continue[†].

Urban Design

To ensure the proposed new urban form can be appropriately accommodated in the existing street and urban context of Norton Street, an Urban Design Report has been prepared by Studio GL (**Appendix 5**). This report reviews the building envelopes that the AJ+C report originally prepared and identify if this massing provides an appropriate urban design response given the local context and relevant and current planning controls. This report confirms the suitability of the building envelope controls previously established by AJ+C.

6.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A PP is the best way of achieving the objectives to trigger redevelopment of the site for seniors housing, as the scale of change sought is outside the scope of clause 4.6. A PP provides a transparent method of facilitating change and allows the community an opportunity to engage in the process.

There are a range of alternate means of amending the LLEP that could be considered to facilitate the concept development, including:

- **Option 1:** Amend the FSR and Height of Buildings maps under the LLEP. Whilst this would allow the required development outcome, this is not proposed as this option would not give Council certainty that the future development on the site will be for seniors housing.
- **Option 2:** As the site does not currently have a height standard under the LLEP, another option could involve amending the FSR control only, and amend the DCP with the remaining building envelope controls. However, this does not give certainty to the development outcome on the site given the status of the legislative hierarchy of a DCP. As with Option 1, this does not provide certainty that the future redevelopment will be for seniors housing.
- **Option 3:** Similar to above, the FSR and Height of Buildings Maps could also be amended so that they identify the site as a particular area on the maps (e.g. 'Area 1'),

[†] Central District Demographic and Economic Characteristics; February 2016. Department of Planning and Environment

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and subsequently introduce an additional subclause under Clause 4.3 and 4.4 of the LLEP that allows the desired development outcome. Any clause under this provision would provide the additional FSR and height incentives providing the development consists of seniors housing and an active street frontage to Norton Street. This option is similar to the proposed amendment, however, it is considered more appropriate to have the FSR control specified under Part 6 of the LLEP.

- **Option 4:** Introduce a new provision under Schedule 1 Additional Permitted Uses under the LLEP to include the development controls as required. This could be amended in a way that would be specific to the site and Lots, or, make an amendment to the 'Key Sites Map' which has been relied upon for other sites. This would provide the same result as the referred option, however, as the use is permissible on the land it is not considered the most appropriate method.
- **Option 5:** The preferred option is the introduction of a site-specific provision under Part 6 of the LLEP. This will facilitate the development of a viable project, encouraging seniors development in Leichhardt and activation of Norton Street.

The transparency of this approach (i.e. only providing development uplift if linked to seniors and affordable housing) reflects the values of Uniting as a Community Housing provider with a certainty that this is not a speculative proposal. This has been conceived with the community's interests as a priority.

6.2 Relationship to Strategic Planning Framework

- 6.2.1** Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

A Plan for Growing Sydney

'A Plan for Growing Sydney' was released in December 2014 and is the NSW Government's 20-year plan for the Sydney Metropolitan Area. It provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

Consistency with 'A Plan for Growing Sydney' (APfGS) is outlined in the below table.

TABLE 5: CONSISTENCY WITH A PLAN FOR GROWING SYDNEY

Direction	Response
GOAL 1: A competitive economy with world-class services and transport	
Direction 1.6: Expand the Global Economic Corridor	The subject site is located on the edge of the 'global economic corridor'. The proposed development will allow for a mixed-use development on the site, which will increase the job opportunities within Leichhardt and the immediate area.
GOAL 2: A city of housing choice, with homes that meet our needs and lifestyles	
Direction 2.1 Accelerate housing supply across Sydney	The proposed development is capable of providing an increase in the supply and housing choice in a high demand area of Sydney for seniors living. Affordable housing may also be dedicated to Council or a community housing provider. It is proposed, subject to further discussions with Council that up to 15% of the total residential housing is to be dedicated for affordable rental housing.

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Direction 2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs	The site is located in the Norton Street local centre of Leichhardt. The site's existing building is ageing and is well positioned to accommodate an urban renewal development. The location is highly accessible to other centres via existing and proposed public transport opportunities. The proposed development will also provide employment generating land uses to increase job supply in the area, as well as providing much needed activation of Norton Street.
Direction 2.3 Improve housing choice to suit different needs and lifestyles	The proposed development is capable of providing housing choice which will respond to the needs of the local community, and provide a mix of dwelling types to provide ageing in place and affordable housing. It will also consist of adaptable and accessible housing.
GOAL 3: A great place to live with communities that are strong, healthy and well connected	
Direction 3.1 Revitalise Existing Suburbs	The existing building/s on the subject site presently consist of older vacant and disused buildings, which do not provide active streets. This PP will improve the amenity and presentation of the streetscape by providing a high quality built which will activate Norton Street through ground floor retail/commercial uses. It is envisaged that this PP will create the opportunity for a feasible redevelopment of the site, ultimately revitalising this site.
Central Subregion The subregion will continue to play a dominant role in the economic, social and cultural life of Sydney	
Priorities for Central Subregion Accelerate housing supply, choice and affordability and build great places to live.	The PP seeks to increase both the dwelling and employment capacity within the Leichhardt LGA, by providing jobs closer to homes and housing in close proximity to existing infrastructure and services. It presents a significant opportunity to increase and maximise the potential of the site offering seniors and affordable housing, as well as retail uses, in a centrally located and accessible location.

The PP is considered consistent with APfGS.

Draft Central District Plan

A Plan for Growing Sydney splits the Greater Metropolitan of Sydney into six district, and the subject site is located in the 'Central'. The Draft Central District Plan has recently been placed on public exhibition. This Draft District Plans build on *A Plan for Growing Sydney*, and provides the basis for the strategic planning of each district moving forward into the future.

Of relevance, the draft plan has established a five (5) year housing target for the Central District. Specifically, the plan nominates a housing target of an additional 5,900 dwellings

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within this time for the Inner West. By 2036, this is anticipated to increase to 41,550 which is to include approximately 14,600 persons aged 65+.

In this regard, the future development will contribute to the housing supply required to meet the projected demand, specifically for contributing to the housing for the ageing population.

In addition, the PP will facilitate additional affordable places within the Inner West LGA, consistent with the desired outcomes for this district.

The proposed PP is therefore considered to be consistent with the Draft Central District Plan.

Strategic Merit Test

The Department of Planning and Environment have released new assessment criteria for assessing PPs, in order to justify and determine if the PP has strategic planning merit. This PP is assessed against these criteria under **Table 5** below:

TABLE 6 STRATEGIC AND SITE SPECIFIC MERIT ASSESSMENT

Does the proposal have strategic merit? Is it:	
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment;	The draft Central District Plan is yet to be released. There are no corridor/precinct plans applying to the subject site.
Consistent with the relevant local council strategy that has been endorsed by the Department; or	There are no local council strategies, that we are aware of, that have been endorsed by DP&E.
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends what have not been recognised by existing planning controls.	There is significant infrastructure investment occurring within the vicinity of the subject site, including the construction of the Westconnex. This PP responds to the changing demographics in the Inner West. LLEP was gazetted prior to the release of <i>A Plan for Growing Sydney</i> and the recent revised population projections which show increasing proportions of people over the age of 65. At June 2015, 16% of the NSW residents (1.2 million people) were aged 65 years and over. Between 2010 and 2015, the number of people in NSW aged 65 years and over grew by 18%, demonstrating the continuing trend of an ageing population NSW. The draft Central district plan is currently under preparation. The draft district plan is expected to outline the need for significant increases in housing supply and diversity.
Does the proposal have site-specific merit, having regard to the following:	
The natural environment (including known significant values, resources or hazards),	The PP is located within an existing urban environment and is not subject to environmental constraints.