

Item No: C0217 Item 3
Subject: PLANNING PROPOSAL - 168 NORTON STREET, LEICHHARDT
File Ref: 17/6032/11648.17

Prepared By: Kim Johnston - Planning Consultant, Leichhardt

Authorised By: Gill Dawson - Group Manager Strategic Planning

SUMMARY

A Planning Proposal was submitted to Inner West Council on 5 December 2016 by Uniting (formerly Uniting Care) seeking to amend *Leichhardt Local Environmental Plan 2013* as it applies to 168 Norton Street, Leichhardt to facilitate redevelopment of the site for the purpose of a mixed use, self-contained seniors housing development with affordable housing pursuant to the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP 2004).

While Council officers broadly support the objectives of the Planning Proposal, following further analysis, and in response to concerns raised by Council officers, the Planning Proposal will be required to be amended by the Proponent through imposition of conditions on the Gateway Determination with a revised urban design scheme required prior to exhibition. The changes required to the Planning Proposal will be included in the report to the Department, and are presented for endorsement and submission to the Minister for Planning for Gateway determination.

RECOMMENDATION

THAT:

1. The attached Planning Proposal be forwarded to the Minister for Planning for a Gateway determination in accordance with Section 56 of the *Environmental Planning & Assessment Act 1979*;
2. The Department of Planning and Environment be requested to delegate the plan making functions, in relation to the subject Planning Proposal, to Council;
3. Following receipt of a Gateway determination, and compliance with any conditions and following the required changes being made by the Proponent, the Planning Proposal and supporting documentation be placed on public exhibition for a minimum of 28 days and public authorities be consulted on the Planning Proposal in accordance with the Gateway determination; and
4. A report be presented to Council at the completion of the public exhibition period detailing submissions received and the outcome of consultation with public authorities.

BACKGROUND

A Planning Proposal was submitted by *City Plan Services* on Uniting's behalf on 5 December 2016 requesting an amendment to the *Leichhardt Local Environmental Plan 2013* (LEP 2013) as it applies to 168 Norton Street, Leichhardt (the site). Under the recent review of the Planning Proposal process by the State Government, Council has 90 days until 5 March 2017 to decide whether to support this Planning Proposal. The Planning Proposal and supporting documentation has been reviewed by Council Officers with a meeting held with the Proponent on 20 January 2017 to discuss some concerns with the proposal. There are a number of changes that are recommended to be made to the Planning Proposal to be undertaken by the

Proponent prior to exhibition including to the proposed amending clause to LEP 2013 as well as the proposed urban design scheme for the site.

The Planning Proposal prepared by the Proponent is generally supported by Council officers, subject to various changes to be undertaken to the Planning Proposal by the Proponent following the Gateway Determination. The changes are discussed in this report and relate to amendments to the building envelope controls including increasing some of the setbacks of the building envelope and other urban design issues including the provision of a larger deep soil zone, increased tree planting and additional communal open space.

FINANCIAL IMPLICATIONS

The proponent has paid fees for the assessment and preparation of a planning proposal for submission to Gateway. An additional fee is payable to progress the Planning Proposal subsequent to a Gateway determination. The proponent will also be responsible for meeting costs associated with revising documentation prior to exhibition as required by a Gateway determination and for the peer review of this material or additional studies should they be deemed necessary.

OTHER STAFF COMMENTS

Background to the Proposal

The site has been the subject of significant discussions and negotiations between the owners of the site, Uniting (formerly UnitingCare Ageing), and Council. In February 2013, representatives of Uniting met with representatives of Leichhardt Municipal Council, now Inner West Council, to discuss housing issues and potential planning options for a number of their Leichhardt properties. These properties included *Annesley House*, located at 15-17 Marion Street Leichhardt, Harold Hawkins Court, located at 168 Norton Street, Leichhardt (the site the subject of this Planning Proposal) and Lucan Care and Wesley Church at 1-3 and 5 Wetherill Street Leichhardt. The discussions continued, as outlined below, for all three properties, however, the current Planning Proposal is only for 168 Norton Street, Leichhardt.

Council resolved at its meeting on 23 April 2013 to commence negotiations with Uniting to establish a planning agreement applying to the site to assist in the provision of affordable and supported housing at those locations for people of all ages, key workers and people with disabilities. Further, that in order to maximise Council's support for the social benefit enabled through the dedication of these valuable land holdings, and in light of the clearly stated philanthropic intent of Uniting to assist in the capacity of Leichhardt's residents to 'age in place', that Council explore opportunities made available to projects on both sites through the granting of density bonuses.

On 20 August 2013, a report was presented to the Housing Advisory Committee outlining progress in relation to the Uniting Properties, which noted that Council staff had begun the process of preparing for the negotiations for establishing an agreement with Uniting and identifying the key outcomes Council would like to achieve in relation to the two sites, namely:

- Facilitating the redevelopment of both sites
- Ensuring that redevelopment is financially viable
- Achieving a significant housing outcome in terms of the provision of one or more of the following on each of the sites:
 - Modern Aged Housing
 - Affordable Housing for Key Workers
 - Supported Housing
- Activating the ground level Norton Street frontage
- Providing on-site parking suited to the likely future demand created by tenants
- Ensuring that urban design considerations inform the ultimate building envelope and development footprint and confirm an upper limit in terms of floor area

- Involving the local community and other key stakeholders throughout the process

In January 2014, the Mayor commenced community consultation on the proposal following correspondence from Uniting. This took the form of three community forums. The first Community Forum was held on 12 March 2014, attended by 62 people, where presentations were provided by Council and Uniting on housing issues and the proposal. The forum then discussed, in small groups, the issues with unanimous support for Council working with Uniting to address the housing Issues. Council considered the outcomes of this forum at its meeting on 27 May 2014, where it resolved to proceed to work with Uniting, the local community and other key stakeholders to confirm guiding principles and to develop plans for the future development of all three (3) Uniting properties with continued community consultation.

The second Community Forum was held on 14 July 2014, attended by 18 people, the purpose of which was to develop guiding principles for the sites. Presentations were made by Council and Allen Jack + Cottier (AJ&C), the urban design/Architectural consultants engaged by Council. AJ&C presented a set of draft guiding principles, which were based on Council reports, discussion with owners and initial research by the architects. The participants were then asked to rate each of the draft guiding principles, which were then used to inform the concept options that would be presented at the next forum. These guiding principles (in order) included:-

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

The third Community Forum was held on 31 July 2014, attended by 20 people, with presentations from Council and AJ&C. The purpose of this final forum was to present and review broad 'Concept Options' for the three sites. The options were prepared by AJ&C in response to the guiding principles developed in the second community forum. In relation to the site, the participants generally considered the building envelope to be positive given it would activate Norton Street, it was a significant improvement on the current development on the site and the envelope aligned the buildings with the street and allowed for good sight lines. The controls developed by AJ&C for the site resulting from the community forums are outlined in **Table 1** and **Figure 1**.

In summary, the community forums reflected a keen interest for the redevelopments to occur, which were clearly outlined in the top two voted principles, with the proposed concept options for all three sites generally being positively received. Participants agreed with the need for greater social housing within the Leichhardt area and supported the future developments particularly with regards to enabling greater access to sunlight, activation of street frontages and provision of community/public space.

Table 1 Site Controls from Community Forum

Control	Norton Street frontage	Carlisle Street frontage
Site Objectives	• Activate ground floor Norton Street streetscape • Street frontage height to align with existing	• Provide a residential development that

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	neighbours parapets • Ensure that the scale and modulation responds to the existing fine-grain context • Improve pedestrian access • Activate the rear lane by providing pedestrian access to the development • Ensure good amenity to the residential component of the development • Provide sufficient areas of private and communal open space for the residential component of the development	integrates with the surrounding context • Provides sufficient off street parking for building use • Encourage use of public transport, buses and light rail • Improve streetscape
Site Provisions	• Build to street alignment and continue strong street edge • Continue existing fine-grain pattern along Norton Street • 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 along active frontage of Norton Street • Provide street address and access from Norton Street to upper level residential • Vehicle access to basement parking from rear lane • Rear building setback to allow access to pedestrian entries, loading zones and parking • Minimise overshadowing to neighbours • Articulate the built form along the lane by providing entries, balconies and fenestration. This will also provide surveillance of the lane increasing safety and security.	• Provide 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 • Residential address off Carlisle Street • Share entry to basement parking with Norton Street development
Floor to Ceiling Heights	Commercial/retail street level – 3.6m	Commercial/retail street level – 3.6m
	Commercial/retail upper levels – 3.3m	Commercial/retail upper levels – 3.3m
	Residential – 2.7m	Residential – 2.7m
	Balcony balustrades – 1.1m (included within the building envelope)	Balcony balustrades – 1.1m (included within the building envelope)
Estimated FSR	3:1	3:1



Figure 1 Building Envelope Plan (AJ&C, September, 2014)

On 23 September 2014, Council considered a report summarising the details of the community forums conducted in July 2014 in relation to confirming the guiding principles and developing plans for the future development of the three sites. Council resolved to seek further clarification on the legal mechanisms for giving effect to the proposed planning changes and sought a briefing on the proposal.

Such a briefing to Councillors was held on 7 October 2014. Subsequently, a report to the Council meeting of 16 December 2014 was prepared seeking endorsement of the outcome of the community consultation and the proposed building envelopes for the site, including heights, setbacks and indicative FSRs. This report also sought authorisation for the Mayor and General Manager to execute a Memorandum of Understanding (MOU) which would outline the building envelopes and development controls for each site, protect the community benefit of 15% affordable housing and the activation of the Norton Street frontage.

This MOU, the purpose of which is to outline the key principles and objectives for cooperation and a future pathway for implementation of planning proposals for the sites, was subsequently signed by both Uniting and the Council on 5 March 2015. The outcomes/controls for the site outlined in Table 1 of the MOU are shown in **Table 2**.

Table 2 Site Controls as outlined in Table 1 of the MOU

Site	Indicative Proposal and Example Use	Indicative Anticipated Community Benefits
168 Norton Street, Harold Hawkins Court	FSR - 3:1	15% ratio of affordable housing or housing for those on lower income levels
	Height –5 storeys/ 18 metres	Activation of street frontage

		which may include non-residential uses such as retail.
	40 Independent Living Units	

While the Planning Proposal is generally consistent with these controls, such controls were not based on a detailed assessment of the site. Accordingly, the proponent has been advised to revisit the submitted urban design scheme and refine it to provide a satisfactory built form outcome that reduces adverse impacts on the amenity of adjoining properties. Such adverse impacts result primarily from overshadowing and overlooking into adjoining properties.

The Site and Context

The site is located on the western side of Norton Street on the northern edge of the Leichhardt town centre, between Macauley Street to the north and Carlisle Street to the south. The site comprises an L-shaped lot wrapped around buildings facing Norton Street to the south of the site. Pioneers Memorial Park is located 200 metres to the north of the site, while the Town Hall is 240 metres to the south. **(Figure 2)**. There are also two (2) medical centres located in close proximity to the site including on Short Street and Allen Street within 150 metres of the site.

The site is located within a mixed use area comprising both residential and commercial development. The site is surrounded by low density residential to the north, south and west and to the east by multi-storey commercial development along Norton Street. A bus stop is located at the front of the site along Norton Street which provides connections to the eastern suburbs, Haberfield, Campsie and Canterbury.

The site is legally described as Lots 1 and 2 in DP 1119151, Lot 1 in DP 963000, Lot 5 DP 1112635 and Lots 3 and 4 Section 3 in DP 328 and is known as No 168 Norton Street, Leichhardt (the site). The site has an area of 1800.7m² and is referred to as Harold Hawkins Court.

The site has two (2) street frontages, with the main frontage being to Norton Street comprising approximately 34 metres along the eastern boundary, and a smaller frontage of 14.5 metres to Carlisle Street along the southern boundary. A narrow laneway exists along the western side boundary of the site, with a frontage to the site of 57 metres **(Figure 3)**. A narrow laneway/right of way, approximately 1.83 metres wide, exists along the eastern boundary of the portion of the site adjoining Carlisle Street to the rear of the properties facing Norton Street to the south (Nos 158-166).

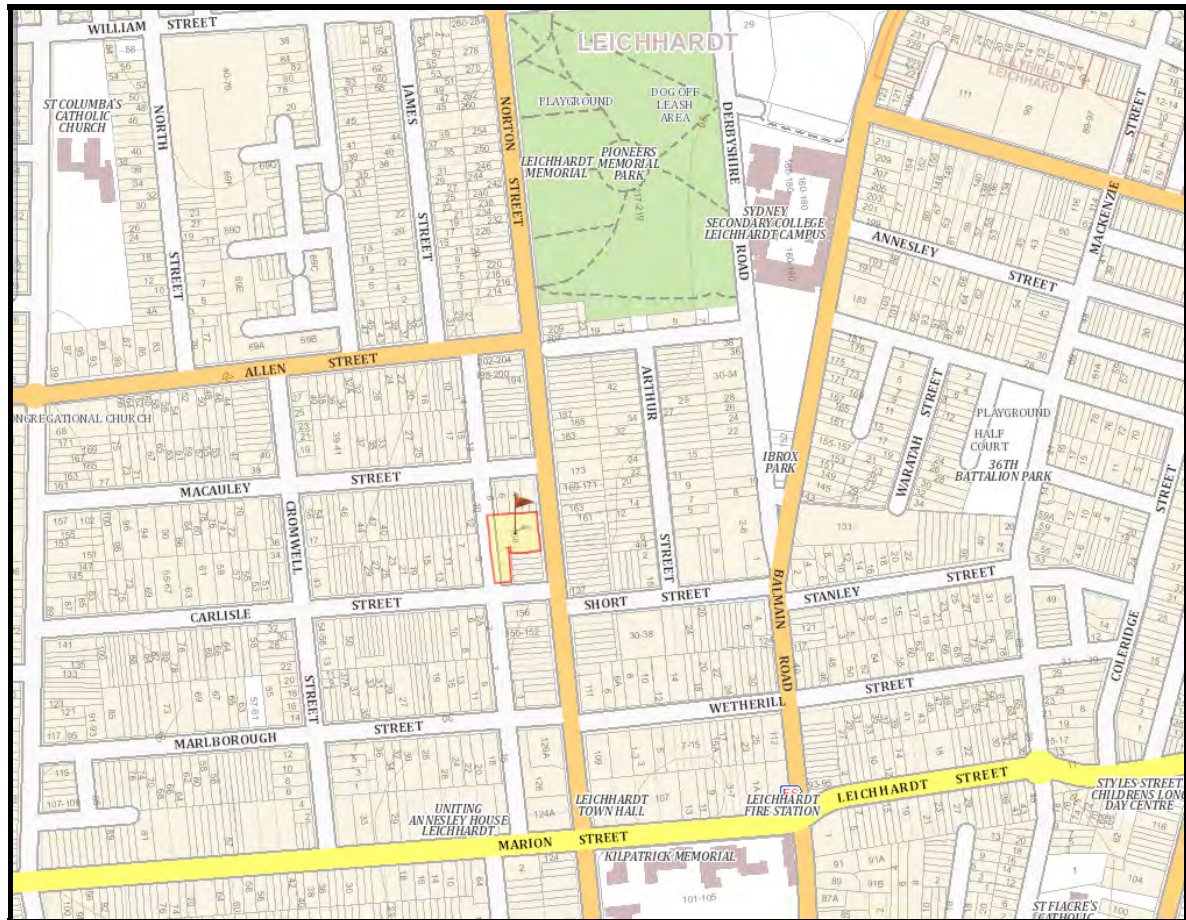


Figure 2 Site Locality Plan (Source: SIX maps)



Figure 3 Site Location (Source: SIX Maps)

There is an existing building on the site, Harold Hawkins Court (**Figures 4 and 5**), formerly the Marlboro Theatre which operated until around 1960. This existing building comprises a three

(3) and four (4) storey courtyard style brick building, on a nil front setback to Norton Street and a 6 metre setback to Carlisle Street. This building, previously used for an aged care facility for approximately 40 years containing accommodation for approximately 104 people and employing 50 staff, has been vacant since 2004 and is in poor condition.

The site slopes from the highest point in the south-east corner along the Norton Street frontage to the rear north-western corner adjoining the laneway of around 3 metres. The majority of the site comprises the building footprint, however, there are several trees located in the central courtyard on the site.

The adjoining development to the south comprises two (2) storey rendered buildings which consist of shop top housing developments with vehicle access, service areas and a solar collector to the rear (**Figures 6 and 7**), comprising Nos 158-166 Norton Street. The adjoining development to the north comprises a two storey commercial building currently used as a restaurant. The remaining adjoining development to the north comprises the rear yards of single dwelling houses addressing Macauley Street (**Figure 8**). Development to the west, on the opposite side of the laneway, comprises medium density villa style housing with some private open space and living room windows facing the site.

Development on the opposite side of Norton Street comprises two (2) storey commercial buildings while development on the opposite side of Carlisle Street also comprises two storey commercial buildings. Development further along Carlisle Street comprises single detached dwellings. The Royal Hotel, a local heritage item (**Figure 9**), is located on the opposite corner of Carlisle Street comprising a two storey building.



Figure 4 Existing Development on the site from Norton Street



Figure 5 Existing Development on the site from Carlisle Street



Figure 6 Adjoining development to the south (No 158-166 Norton Street)



Figure 7 Adjoining Development to the South (rear of No 158-166 Norton Street) - Carlisle Street elevations



Figure 8 Adjoining Development to the north addressing Macauley Street



Figure 9: Development to the south on the opposite side of Carlisle Street - Royal Hotel (local heritage item)

Current Planning Controls

The site is zoned B2 Local Centre under LEP 2013 (**Figure 10**), while the adjoining properties to the north and west are zoned R1 General Residential. The objectives of the zone pursuant to Clause 2.3 of LEP 2013 are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure that development is appropriately designed to minimise amenity impacts.*
- *To allow appropriate residential uses to support the vitality of local centres.*
- *To ensure that uses support the viability of local centres.*
- *To provide a mixture of compatible land uses.*
- *To reinforce and enhance the role, function and identity of local centres by encouraging appropriate development to ensure that surrounding development does not detract from the function of local centres.*

- To integrate suitable business, office, residential, retail and other development in accessible locations.

Uses permitted with consent in the B2 zone in item 3 of Clause 2.3 of LEP 2013 include, among others, commercial premises, community facilities, residential flat buildings, shop top housing and any other development not specified in item 2 (permitted without consent) or 4 (prohibited). Seniors housing is permissible in the zone since it is not a use which is prohibited or permissible without consent.

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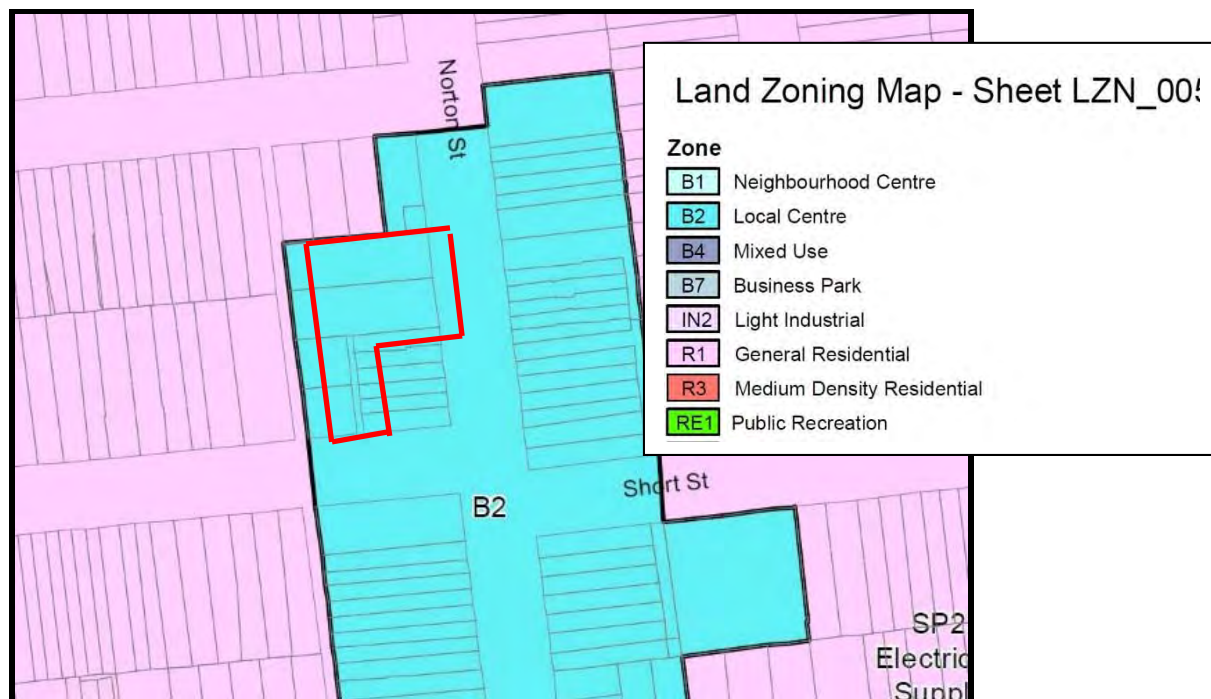


Figure 10 Extract from the Zoning Map (LLEP 2013) showing land affected by the Planning Proposal

The maximum FSR for the site is 1:1 pursuant to Clause 4.4(2) and the Floor Space Ratio Map (**Figure 11**). The site, however, is located within "Area 1" and therefore pursuant to Clause 4.4A(3) of LEP 2013, the maximum FSR for the site is 1.5:1 subject to the building having an active street frontage, the building comprising mixed use development, including residential accommodation, and the building being compatible with the desired future character of the area in relation to its bulk, form, uses and scale.

Pursuant to Clause 5.10 of LEP 2013, the site is located within the Whaleyborough Estate Heritage Conservation Area (C13). The site is also in close proximity to a local heritage item, the Royal Hotel including interiors (Item No I682), located at 156 Norton Street Leichhardt, on the corner of Norton and Carlisle Streets to the south of the site (**Figure 12**).

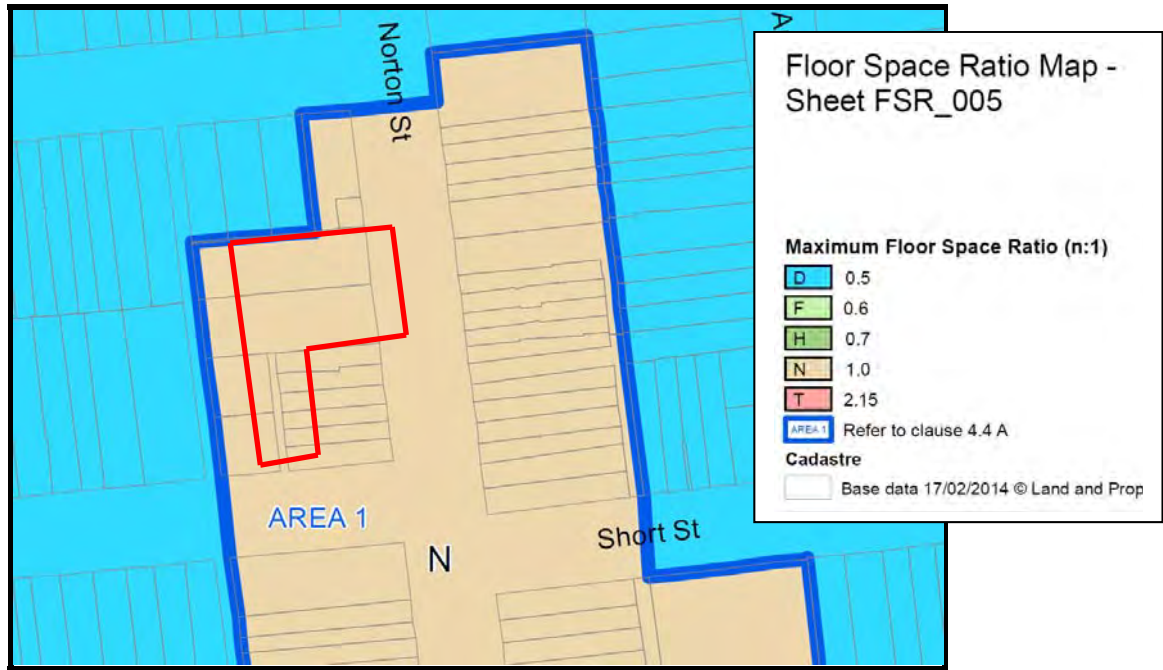


Figure 11 Extract from the Floor Space Ratio Map (LLEP 2013) showing land affected by the Planning Proposal

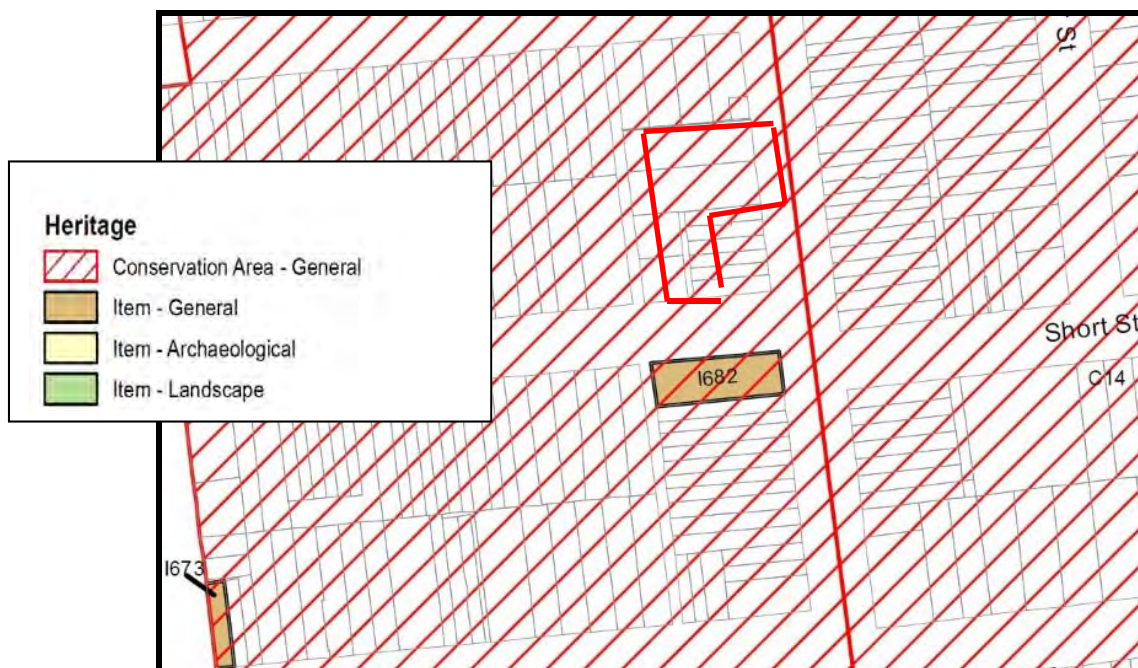


Figure 12 Extract from the Heritage Map (LLEP 2013) showing land affected by the Planning Proposal

The site is affected by Class 5 acid sulphate soils pursuant to Clause 6.1 of LEP 2013. However, is not affected by flooding (Clause 6.3 of LEP 2013). The earthworks and stormwater controls pursuant to Clauses 6.2 and 6.4 of LEP 2013 are also relevant for any future development on the site.

The site is located within the area affected by the obstacle limitation surface (Clause 6.7 of LEP 2013), limiting development on the site to below 110m AHD. The site is also affected by aircraft noise (Clause 6.8 of LEP 2013), with the majority of the site being located within the 20-25 ANEF contour and a small portion along the front of the site being located in the 25-30 ANEF contour.

The site is affected by Clause 6.11A of LEP 2013, the objective of which is to promote residential accommodation as part of mixed use developments in business zones to support the vitality of neighbourhood and local centres. Development consent must only be granted to development for the purpose of residential accommodation on the site if the building comprises mixed use development, including residential accommodation, will have an active street frontage and the building will be compatible with the desired future character of the area in relation to its bulk, form, uses and scale.

Similarly, Clause 6.13 of LEP 2013 also applies to the site which aims to ensure the provision of a mix of dwelling types in residential flat buildings and mixed use developments that includes shop top housing. This clause requires that at least 25% of the total number of dwellings includes self-contained studio dwellings or one-bedroom dwellings, or both, and no more than 30% of the total number of dwellings will include dwellings with at least 3 bedrooms.

The *Leichhardt Development Control Plan 2013* (DCP 2013) effectively controls height for the site with the provisions for the Leichhardt Commercial Distinctive Neighbourhood (Part C2.2.3.5(C13) imposing a maximum building wall height of 3.6 metres. The site is located within the Norton Street – Centro Sub Area (Part C2.2.3.5(c) of DCP 2013) of the Leichhardt neighbourhood, which does not include any site-specific numerical controls for height or scale. Other controls relevant to the site under DCP 2013 would be considered at DA stage.

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) and the associated *Apartment Design Guide* (ADG) as well as *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP 2004) are also relevant to the Planning Proposal. These planning controls are considered further in Attachment 1.

Site Constraints

As outlined above, the site is affected by heritage, aircraft noise and height restrictions relating to the obstacle limitation surface for Sydney airport. These issues are considered by the relevant Council Officers in the attached Planning Proposal.

Request to amend the planning controls

A Planning Proposal, prepared by City Plan Services, on behalf of Uniting, was lodged with Council on 5 December, 2016. The proposal sought to amend LEP 2013 as it applies to 168 Norton Street, Leichhardt to facilitate redevelopment of the site for the purpose of a self-contained seniors housing and mixed use development with affordable places by:

- increasing the maximum floor space ratio for the site from 1.5:1 to 3:1;
- introducing a maximum height of buildings to RL 59.4;
- requiring the increased development capacity of the site to be only available for a seniors housing development with 15% of dwellings to be 'affordable places' under the Seniors SEPP 2004; and
- provision of an active street frontage to Norton Street.

A meeting was held with the Proponent on 20 January 2017, at which time various concerns were raised with the Planning Proposal including:

- Concerns with the building envelope controls including setbacks to the proposed development, particularly the upper levels, along various frontages and boundaries;
- The lack of detail regarding the proposed maximum height(s) and the location of the various maximum heights within the site. In addition, the need to express the maximum height in storeys, rather than an RL;

- Urban design issues associated with the development such as the need to provide additional deep soil areas, an increase in replacement tree planting and the provision of additional communal open space;
- The need to ensure the proposed built form is compatible with the heritage conservation area within which the site is located;
- A Voluntary Planning Agreement (VPA) to be progressed as part of the Planning Proposal to ensure the affordable places will be managed by Uniting as a community housing provider.
- Further/revised information required regarding the ownership of the pedestrian lane located at the rear of the properties at Nos 158-166 Norton Street;
- A revised basement parking plan which more thoroughly considers potential car parking provision, basement entry requirements and traffic generation for the site as well as potential upgrade works which may be required to the laneway along the western boundary;
- The requirement to specify more accurately the type of seniors housing to be provided on the site, which is to comprise self-contained seniors housing; and
- The requirement to delete the definition of 'active street frontage' from the amending clause given it is already defined in LEP 2013.

Following consideration of the proposal against the ADG and in response to concerns raised by Council officers, various changes are required to be made to the Urban Design Scheme as presented in the Planning Proposal. Given these concerns, it is considered that the proposal to increase the maximum height applying to the site is not supported in its current form. To substantiate the proposed FSR of 3:1 and inform a height of building control, it will be requested that a Gateway Determination require the planning proposal to be revised prior to exhibition.

The proponent has been advised to revisit the submitted urban design scheme and refine it to provide a satisfactory built form outcome that reduces adverse impacts on the amenity of adjoining properties. Depending upon the requirements of the Gateway, the urban design concept for the site will need to be amended prior to public exhibition.

Planning Proposal

The Planning Proposal, included as Attachment 1, has been prepared by Council Officers following consideration and assessment of the Proponent's requested amendments to LEP 2013.

The intent of the Planning Proposal is to facilitate redevelopment of the site for the purpose of a self-contained seniors housing and mixed use development incorporating 15% of the units to be affordable places under the Seniors SEPP 2004, and an activated street frontage containing retail premises along Norton Street.

This redevelopment will take advantage of the orientation and topography of the site to provide additional seniors and affordable housing in close proximity to public transport and services. This location will facilitate access to services and transport, required by seniors and housing for people with a disability, under the Seniors SEPP 2004.

The Planning Proposal seeks to amend LEP 2013 as follows:

- Include an "Additional Local Provisions" Clause in Part 6 of the LEP which allows the following:-
 - Increase the maximum Floor Space Ratio (FSR) from 1.5:1 to 3:1;
 - Only allow the increased FSR and height for a 'seniors housing' development with a minimum of 15% of the dwellings to be 'affordable places' under the definitions contained in *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

- Require an active street frontage along Norton Street.
- Update the Key Sites map to include the site and the application of the new “Additional Local Provisions” Clause in Part 6 of the LEP.

The Planning Proposal also seeks to introduce new site-specific building envelope controls applying to the site into DCP 2013, which seeks to generally give effect to the building envelope controls developed at the community forums and the above changes to LEP 2013.

Following a thorough consideration and assessment of the Planning Proposal, Council Officers are generally supportive of the Planning Proposal subject to a number of amendments to the building envelope controls for the site. These proposed amendments include further refinement to the setbacks, deep soil zone and communal open space and a revised basement parking level and accompanying revised Traffic report to address various parking and traffic concerns. Various amendments are also required to the proposed amending clause to ensure the future use of the site is carried out for self-contained seniors housing with affordable places.

While the proponent's Planning Proposal requested the maximum building height be expressed as RL 59.4, it is considered that the maximum height limit should be further considered following the revising of the urban design scheme prior to detailing the maximum height for the site. The maximum building height is likely to be a combination of RL and number of storeys to reflect the variations in the slope of the site and its various frontages.

While the provision relating to the inclusion of an active street frontage along Norton Street is supported, the definition of active street frontage is not required as it is provided in Clause 4.4A(5) and 6.11A(4) of LEP 2013.

Strategic alignment

The Planning Proposal is consistent with the relevant objectives and actions of *A Plan for Growing Sydney*, the Draft Central District Plan and the former Leichhardt Council's strategic plans, specifically the Community Strategic Plan Leichhardt 2025+, Leichhardt Community and Cultural Plan 2011-2021 and the Integrated Transport Plan. The Planning Proposal is also generally consistent with the applicable State Environmental Planning Policies (SEPPs) and Ministerial Directions (s.117 directions), with some inconsistencies with SEPP 65, the ADG and Seniors SEPP 2004.

The proponent has been advised to revisit the submitted urban design scheme and refine it to propose a better built form outcome that reduces adverse impacts on the amenity of adjoining properties.

While Part 3 of the Planning Proposal demonstrates that the amendments have strategic merit, more detailed consideration is required to ascertain if the bulk of development that would be facilitated under the proposed amendment to the FSR is appropriate for the site. This results from various inconsistencies of the Planning Proposal with several aspects of SEPP 65, the ADG and the Seniors SEPP 2004, which are discussed in Attachment 1.

Accordingly, amendments to the anticipated built form massing and compliance with SEPP 65, the ADG and the design principles of Part 3 of the Seniors SEPP 2004 should be required prior to exhibition through imposition of conditions on a Gateway determination.

The Proponent's Planning Proposal was accompanied by supporting documentation, including concept architectural plans and sketch as well as ADG compliance tables, an Urban Design Report, Traffic Impact Assessment, Heritage Impact Assessment, survey plans, an Aircraft Noise Intrusion Assessment, an Arboricultural Impact Assessment, a Draft DCP Amendment and a letter of offer to enter into a Voluntary Planning Agreement for the provision of the affordable places. The Planning Proposal to be submitted to the Minister, prepared by Council officers, requests that a Gateway determination require some of this material to be updated prior to exhibition to reflect the development concept envisaged under the current Planning Proposal.

PUBLIC CONSULTATION

The Planning Proposal has been the subject of significant discussion and consultation between the Proponent, community and the Council. During these discussions, significant public consultation has been undertaken as outlined in the background section of this report. A series of Community Consultation Forums were held by Council in March 2014 and July 2014 to discuss the potential redevelopment of the site at which time the building envelope controls and guiding principles were developed.

Should the Planning Proposal receive a Gateway determination allowing it to proceed, public authority consultation and public exhibition of the Planning Proposal would then commence. Contingent on the conditions of a Gateway determination, it is anticipated that the Planning Proposal would be exhibited for at least 28 days with notification:

- on the Inner West Council website;
- in the *Inner West Courier*; and
- in writing to the owners and occupiers of adjoining and nearby properties.

Exhibition material would 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. The outcomes of the public authority consultation and public exhibition would then be reported to Council.

CONCLUSION

It is recommended that Council approve the Planning proposal at Attachment 1 for submission to the Minister for Planning for Gateway Determination subject to the required changes to the Planning Proposal being undertaken by the Proponent prior to exhibition in accordance with any conditions.

ATTACHMENTS

1. Planning Proposal - 168 Norton Street Leichhardt
2. Proponent's Planning Proposal and Supporting Documentation
3. Uniting Care Voluntary Planning Agreement - Letter of Offer

Attachment 1**Planning Proposal****Draft amendment to Leichhardt Local Environmental Plan 2013****168 Norton Street, Leichhardt (Lot 1 DP 1119151, Lot 2 DP 1119151, Lot 1 DP 963000, Lot 5 DP 1112635, Lot 3 Section 3 DP 328, and Lot 4 Section 3 DP 328)**

This Planning Proposal has been prepared by the Inner West Council (Council) to explain the intent of and justification for an amendment to *Leichhardt Local Environmental Plan 2013* (LEP 2013) as it applies to 168 Norton Street, Leichhardt.

The Planning Proposal has been prepared following a request by the proponent to amend the floor space ratio and permit a maximum height to RL 59.4 to facilitate a self-contained seniors housing and mixed use development on the site with 15% of the dwelling to be affordable places. The proponent's Planning Proposal is provided at Attachment 2.

Specifically, the Planning Proposal seeks to increase the maximum permitted floor space ratio (FSR) for the site and facilitate the provision of self-contained seniors housing on the site with an affordable housing component. This aims to assist seniors and people with a disability to age-in-place in accordance with the values of Uniting as a Community Housing Provider. An activated street frontage along Norton Street is also required by the Planning Proposal which will provide for a mixed use development with an active street frontage in accordance with the current LEP 2013 controls.

The proposed amendments will enable redevelopment of the site to provide a diversity of housing types and sizes, a re-activation of the Norton Street frontage through retail uses at ground level and an improved and more efficient urban form and streetscape appearance.

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and guidelines published by the Department of Planning and Environment including 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

BACKGROUND**Site Description**

The Planning Proposal relates to 168 Norton Street, Leichhardt, legally described as Lots 1 and 2 in DP 1119151, Lot 1 in DP 963000, Lot 5 DP 1112635 and Lots 3 and 4 Section 3 in DP 328 (refer **Figure 1** below). The site has an area of 1800.7m² and comprises an L-shaped site that is wrapped around buildings facing Norton Street to the south of the site.

The site has two (2) street frontages, with the main frontage being to Norton Street comprising approximately 34 metres along the eastern boundary, and a smaller frontage of 14.5 metres to Carlisle Street along the southern boundary. A narrow

laneway exists along the western side boundary of the site, with a frontage to the site of 57 metres. A narrow laneway/right of way, approximately 1.83 metres wide, exists along the eastern boundary of the portion of the site adjoining Carlisle Street to the rear of the properties facing Norton Street to the south.

The site, referred to as Harold Hawkins Court, is located on the western side of Norton Street on the northern edge of the Leichhardt town centre, between Macauley Street to the north and Carlisle Street to the south. The site is approximately 200 metres from Pioneers Memorial Park to the north, with the Town Hall being located 240 metres to the south. There are also two (2) medical centres located in close proximity to the site on Short Street and Allen Street within 150 metres of the site.



Figure 1 Site Location (Source: SIX Maps)

There is an existing building on the site, Harold Hawkins Court, formerly the Marlboro Theatre which operated until around 1960. This existing building comprises a three (3) and four (4) storey courtyard style brick building, on a nil front setback to Norton Street and a 6 metre setback to Carlisle Street. This building was previously used as an aged care facility for approximately 40 years with accommodation for approximately 104 people and employing 50 staff. It has been vacant since 2004 and is in poor condition.

The site slopes from the highest point in the south-east corner along the Norton Street frontage to the rear north-western corner adjoining the laneway of around 3 metres. The building footprint covers most of the site, except for a central courtyard with several trees.

The site is located within a mixed use area comprising both residential and commercial development. The site has low density residential areas to the north, south and west and main street commercial development to the east along Norton Street. Two bus stops are located at the front of the site on Norton Street which provides connections to the eastern suburbs, Rozelle, Haberfield, Campsie and Canterbury.

The adjoining development to the south comprises two (2) storey rendered buildings which consist of shop top housing developments with vehicle access, service areas and a solar collector to the rear, comprising Nos 158-166 Norton Street. The adjoining development to the north comprises a two storey commercial building currently used as a restaurant. The remaining adjoining development to the north comprises the rear yards of single dwelling houses addressing Macauley Street. Development to the west, on the opposite side of the laneway, comprises medium density villa style housing with some private open space and living room windows facing the subject site.

Development on the opposite side of Norton Street comprises two (2) storey commercial buildings while development on the opposite side of Carlisle Street also comprises two storey commercial buildings. Development further along Carlisle Street comprises single detached dwellings. The Royal Hotel, a local heritage item, is located on the opposite corner of Carlisle Street comprising a two storey building.

Current Planning Controls

The site is zoned B2 Local Centre under LEP 2013 (**Figure 2**), while the adjoining properties to the north and west are zoned R1 General Residential. The objectives of the zone pursuant to Clause 2.3 of LEP 2013 are:

- ☐ *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- ☐ *To encourage employment opportunities in accessible locations.*
- ☐ *To maximise public transport patronage and encourage walking and cycling.*
- ☐ *To ensure that development is appropriately designed to minimise amenity impacts.*
- ☐ *To allow appropriate residential uses to support the vitality of local centres.*
- ☐ *To ensure that uses support the viability of local centres.*
- ☐ *To provide a mixture of compatible land uses.*
- ☐ *To reinforce and enhance the role, function and identity of local centres by encouraging appropriate development to ensure that surrounding development does not detract from the function of local centres.*
- ☐ *To integrate suitable business, office, residential, retail and other development in accessible locations.*

Uses permitted with consent in the B2 zone in item 3 of Clause 2.3 of LEP 2013 include commercial premises, community facilities, residential flat buildings, shop top housing and any other development not specified in item 2 (permitted without consent) or 4 (prohibited). Seniors housing is permissible in the zone since it is not a use which is prohibited or permissible without consent.

The maximum FSR for the site is 1:5 pursuant to Clause 4.4A(3) of LEP 2013 as the site is located within "Area 1", subject to the building having an active street frontage, the building comprising mixed use development, including residential accommodation, and the building is compatible with the desired future character of the area in relation to its bulk, form, uses and scale (**Figure 3**).

Pursuant to Clause 5.10 of LEP 2013, the site is located within the *Whaleyborough Estate Heritage Conservation Area* (C13). The site is also in close proximity to a local heritage item, the Royal Hotel including interiors (Item No I682), located at 156 Norton Street Leichhardt, on the corner of Norton and Carlisle Streets to the south of the site (**Figure 4**).

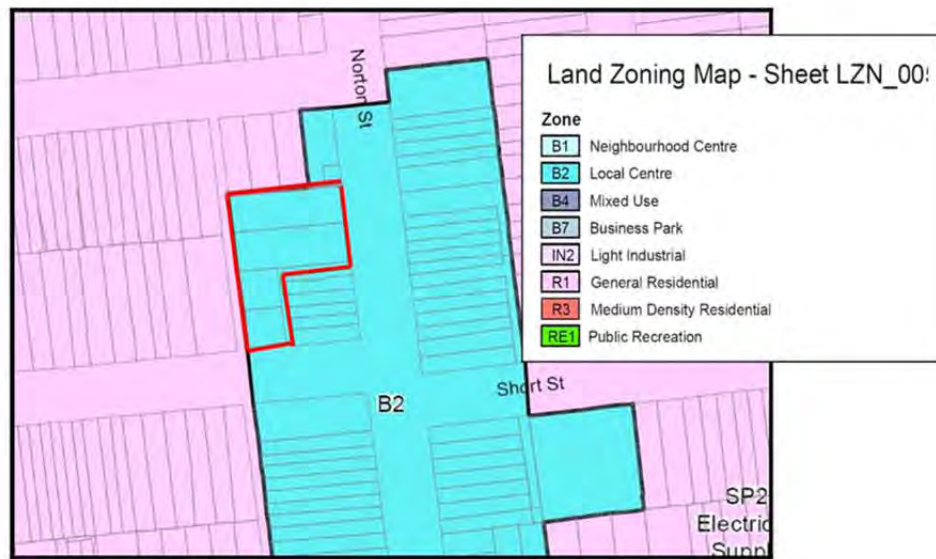


Figure 2 Extract from the Zoning Map (LEP 2013) showing land affected by the Planning Proposal

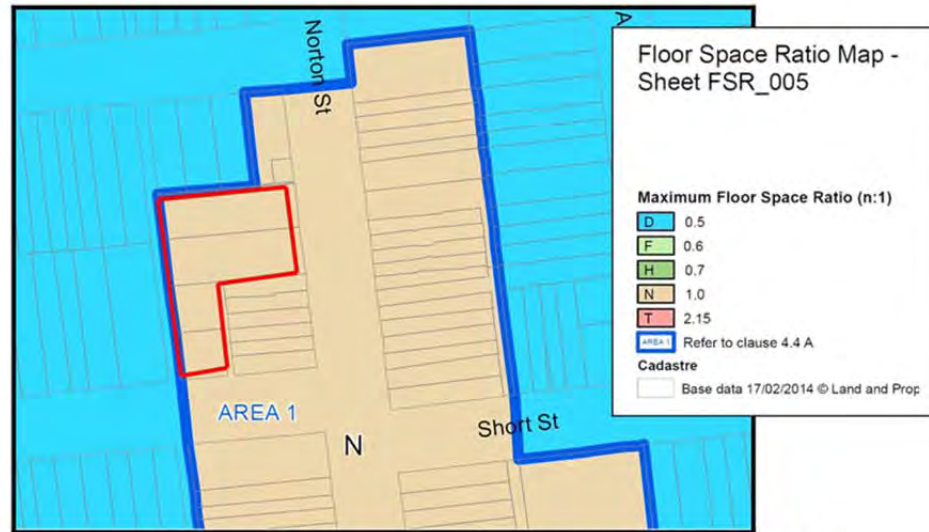


Figure 3 Extract from the Floor Space Ratio Map (LLEP 2013) showing land affected by the Planning Proposal

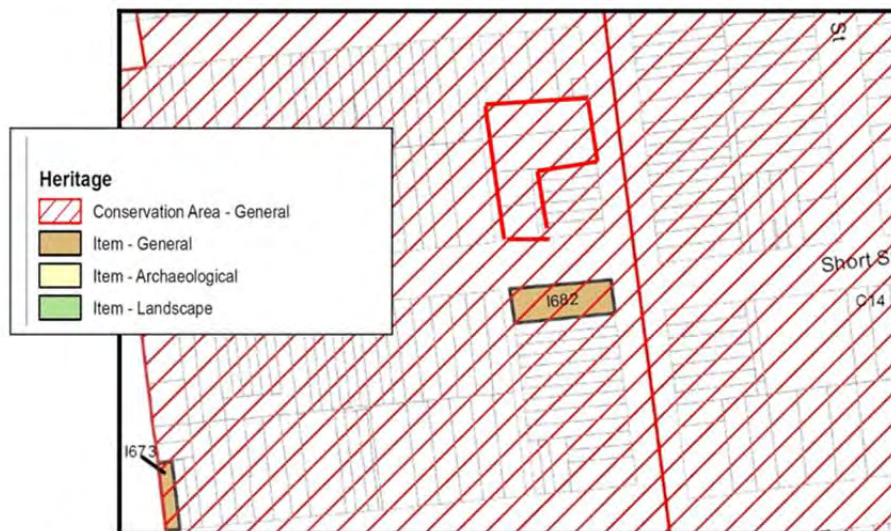


Figure 4 Extract from the Heritage Map (LLEP 2013) showing land affected by the Planning Proposal

The site is affected by Class 5 acid sulphate soils pursuant to Clause 6.1 of LEP 2013. It is not affected by flooding (Clause 6.3 of LEP 2013). The earthworks and stormwater controls pursuant to Clauses 6.2 and 6.4 of LEP 2013 are also relevant for any future development on the site.

The site is located within the area affected by the obstacle limitation surface (Clause 6.7 of LEP 2013), limiting development on the site to below 110m AHD. The site is

also affected by aircraft noise (Clause 6.8 of LEP 2013), with the majority of the site being located within the 20-25 ANEF contour and a small portion along the front of the site being located in the 25-30 ANEF contour.

The site is affected by Clause 6.11A of LEP 2013, the objective of which is to promote residential accommodation as part of mixed use developments in business zones to support the vitality of neighbourhood and local centres. Development consent must only be granted to development for the purpose of residential accommodation on the site if the building comprises mixed use development, including residential accommodation, will have an active street frontage and the building will be compatible with the desired future character of the area in relation to its bulk, form, uses and scale.

Similarly, Clause 6.13 of LEP 2013 also applies to the site which aims to ensure the provision of a mix of dwelling types in residential flat buildings and mixed use developments that includes shop top housing. This clause requires that at least 25% of the total number of dwellings includes self-contained studio dwellings or one-bedroom dwellings, or both, and no more than 30% of the total number of dwellings will include dwellings with at least 3 bedrooms.

The *Leichhardt Development Control Plan 2013* (DCP 2013) effectively controls height with the provisions for the Leichhardt Commercial Distinctive Neighbourhood (Part C2.2.3.5(C13) imposing a maximum building wall height of 3.6 metres. The site is located within the Norton Street – Centro Sub Area (Part C2.2.3.5(c) of DCP 2013) of the Leichhardt neighbourhood, which does not include any site-specific numerical controls for height or scale. Other controls relevant to the site under DCP 2013 would be considered at DA stage.

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) and the associated *Apartment Design Guide* (ADG) as well as *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* are also relevant to the Planning Proposal.

Request to amend the planning controls

A Planning Proposal, prepared by City Plan Services, on behalf of Uniting, was lodged with Council on 5 December, 2016. The proposal sought to amend LEP 2013 as it applies to 168 Norton Street, Leichhardt to facilitate redevelopment of the site for the purpose of self-contained seniors housing and mixed use development with affordable places by:

- ☐ increasing the maximum floor space ratio for the site from 1.5:1 to 3:1;
- ☐ introducing a maximum height of buildings to RL 59.4;
- ☐ requiring the increased development capacity of the site to be only available for a seniors housing development with 15% of dwellings to be 'affordable places' under the Seniors SEPP 2004; and
- ☐ provision of an active street frontage to Norton Street.

A meeting was held with the Proponent on 20 January 2017, at which time various concerns were raised with the Planning Proposal including:

- ☐ Concerns with the building envelope controls including setbacks to the proposed development, particularly the upper levels, along various frontages and boundaries;
- ☐ The lack of detail regarding the proposed maximum height(s) and the location of the various maximum heights within the site. In addition, the need to express the maximum height in storeys, rather than an RL;
- ☐ Urban design issues associated with the development such as the need to provide additional deep soil areas, an increase in replacement tree planting and the provision of additional communal open space;
- ☐ The need to ensure the proposed built form is compatible with the heritage conservation area within which the site is located;
- ☐ The requirement for a Voluntary Planning Agreement (VPA) to be progressed separately from the Planning Proposal to ensure the affordable places are managed by Uniting as a community housing provider. The VPA offer has been made and will be negotiated with Uniting with the intention of exhibiting the VPA at the same times as the Planning Proposal. Section 94 contributions will be considered as part of the prospective VPA discussions.
- ☐ Further/revised information is required regarding the ownership of the pedestrian lane located at the rear of the properties at Nos 158-166 Norton Street;
- ☐ A revised basement parking plan which more thoroughly considers potential car parking provision, basement entry requirements and traffic generation for the site as well as potential upgrade works which may be required to the laneway along the western boundary;
- ☐ The requirement to specify more accurately the type of seniors housing to be provided on the site; and
- ☐ The requirement to delete the definition of 'active street frontage' from the amending clause given it is already defined in LEP 2013. The definition of active street frontage is not required in the proposed amending clause as it is provided in Clause 4.4A(5) and 6.11A(4) of LEP 2013.

Following a thorough assessment of the proponent's Planning Proposal, Council Officers are generally supportive of the Planning Proposal subject to revision of the urban design scheme and building envelope controls for the site, including refinement to the setbacks, deep soil zone and communal open space, revised basement parking level and provision of an updated traffic report to address parking and traffic concerns.

While the proponent's Planning Proposal requested the maximum building height be expressed as RL 59.4, it is considered that the maximum height limit imposed should be informed by a revised urban design scheme for the site. The maximum building height should be expressed in storeys so that it is consistent with other clauses of LEP 2013, including for 141 and 159 Allen Street Leichhardt (Clause 6.17). A combination of both storeys and RLs is likely to provide the optimal solution.

It is considered that the submitted Uniting proposal to increase the maximum height applying to the site is not supported in its current form as it provides no limitations on where such height should be. To substantiate the proposed FSR of 3:1 and inform a

height of building control, it is requested that a Gateway Determination require the planning proposal to be updated prior to exhibition.

Following consideration of the proposal against the ADG and in response to concerns raised by Council officers, various changes are required to be made to the Urban Design Scheme as presented in the proponent's Planning Proposal as well as changes to the proposed amending clause to LEP 2013 as suggested above.

The proponent has been advised to revisit the submitted urban design scheme and refine it to provide a satisfactory built form outcome that reduces adverse impacts on the amenity of adjoining properties. The urban design concept for the site should be amended prior to public exhibition.

PLANNING PROPOSAL

The Planning Proposal below has been prepared by Council Officers following assessment of the Proponent's requested amendments to LEP 2013.

The Planning Proposal seeks to amend LEP 2013 as follows:

- ☐ Include an "Additional Local Provisions" Clause in Part 6 of the LEP which allows the following:-
 - ☐ Increase the maximum Floor Space Ratio (FSR) from 1.5:1 to 3:1;
 - ☐ Only allow the increased FSR for a 'seniors housing' development with a minimum of 15% of the dwellings to be 'affordable places' under the definitions contained in *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
 - ☐ Require an active street frontage along Norton Street.
- ☐ Update the Key Sites map to include the site and the application of the new "Additional Local Provisions" Clause in Part 6 of the LEP.

The Planning Proposal also seeks to introduce new site-specific building envelope controls applying to the site into DCP 2013, which will give effect to the building envelope controls developed at earlier community forums and the above changes to LEP 2013.

Part 3 of the Planning Proposal demonstrates that the amendments have strategic merit, however, more detailed consideration is required to ascertain if the bulk of development that would be facilitated under the proposed amendment to the FSR is appropriate for the site. There are concerns with the consistency of the Planning Proposal with several aspects of SEPP 65 and the Seniors SEPP 2004, which are discussed in below.

Accordingly, amendments to the anticipated built form massing and compliance with SEPP 65, the ADG and the design principles of Part 3 of the Seniors SEPP 2004 should be required prior to exhibition through imposition of conditions on a Gateway determination. Furthermore, the proposed changes to the DCP 2013 are also required as part of the revision of the urban design scheme for the site.

The proponent's Planning Proposal was accompanied by supporting documentation, including concept architectural plans and sketch as well as ADG compliance tables, an Urban Design Report, Traffic Impact Assessment, Heritage Impact Assessment, survey plans, an Aircraft Noise Intrusion Assessment, an Arboricultural Impact Assessment, a Draft DCP Amendment and a letter of offer to enter into a Voluntary Planning Agreement for the provision of the affordable places. It is requested that a Gateway determination require this material to be updated and augmented prior to exhibition to reflect the development concept envisaged in this Council Planning Proposal.

Uniting have provided a VPA letter of Offer (Attachment 3). This VPA should be progressed in response to the letter of offer to ensure the affordable places are provided and managed by Uniting as a community housing provider. It is envisaged that the VPA will be exhibited for community consultation at the same time as the Planning Proposal.

PART 1 – Objectives and Intended Outcomes

The objective of this Planning Proposal is to amend the *Leichhardt Local Environmental Plan 2013* (LEP 2013) as it applies to 168 Norton Street, Leichhardt to facilitate the redevelopment of the site for the purposes of a seniors housing and mixed use development with affordable places pursuant to the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP 2004) with an active street frontage.

PART 2 – Explanation of Provisions

To achieve the intended outcome, the Planning Proposal seeks to amend LEP 2013 as follows:

- ☐ Include a new sub clause in Part 6 - Additional Local Provisions of the LEP as follows:
 - 6.18 *Development on certain land at 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 5 DP 1112635, Lot 3 Section 3 DP 328, and Lot 4 Section 3 DP 328.*
 - (2) *Despite Clause 4.4 and Clause 4.4A, the maximum floor space ratio of the land to which this clause applies is 3:1.*
 - (3) *Development consent must not be granted under subclause (2) 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 as per the definition contained under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.*
- ☐ Include a new Key Sites Map to identify the site coloured orange and labelled "4 168 Norton Street, Leichhardt" in accordance with the proposed Key Sites Map identified at Part 4 (Page 43).

PART 3 – Justification

Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is partly the result of previous community consultation and urban design studies undertaken by the Council. These took place to inform discussions between the former Leichhardt Council and Proponent regarding the development of a number of sites owned by Uniting in the local area to facilitate additional seniors housing with affordable places. Following these discussions, which included the drafting of guiding principles and building envelope controls by Council's consultants, Allen Jack and Cottier Architects (AJ+C), Council at its meeting in March 2015 resolved to enter into a Memorandum of understanding (MOU) with the applicant which endorsed the future controls for this site based on the AJ+C report.

Council's desire to increase the availability and quality of seniors living accommodation provides the strategic background to this Planning Proposal. It is underpinned by the growing and ageing demographic profile of the Inner West area.

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 prepared by *Studio GL* for Uniting reviewed the building envelopes by AJ+C report which considers that the building envelope controls provides an appropriate urban design response given the local context.

Development of this site offers a good opportunity to deliver additional dwellings for self-contained seniors housing, with 15% as affordable places, with access to services and public transport. Revision of the urban design scheme of the site currently proposed under this Planning Proposal is required.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Under LEP 2013, the site has a maximum permitted FSR of 1.5:1 and a maximum wall height of 3.6 metres under DCP 2013 which would only enable development on a substantially smaller scale than the Proponent's Planning Proposal. While Clause 4.6 of LEP 2013 allows variation of a development standard, such a substantial departure (to permit double the floorspace) would be inappropriate. A Planning Proposal provides a transparent method of facilitating changes and allows for community engagement in the process.

There are a number of options for amending LEP 2013 that could be considered to facilitate the redevelopment, including:

1. Amend the Height of Buildings and FSR map pursuant to Clauses 4.3(2), Clauses 4.4(2) and 4.4A(3) respectively of LEP 2013.

Comment: This option would facilitate the redevelopment of the built form on the site to an FSR of 3:1 and a height of approximately five (5) storeys. However it would not provide the required certainty that the development would be used for self-contained seniors housing or require that 15% of this additional housing would be provided as affordable places on the site. This would also require that both clauses relating to FSR (CI 4.4 and 4.4A) and the provision of a new map to the Height of Buildings map be added since only one (1) map currently exists for this Clause are updated, which is considered to be cumbersome.

2. Amend the FSR and Height of Buildings Maps pursuant to Clauses 4.3(2), Clauses 4.4(2) and 4.4A(3) respectively of LEP 2013 and insert a new 'area' map for both clauses affecting the site to provide the required increased FSR and height controls.

Comment: This option would identify the site as a particular area on the maps (e.g. 'Area 2'), and subsequently introduce additional subclauses under Clauses 4.3(2), Clauses 4.4(2) and 4.4A(2) of LEP 2013. This would allow the desired development outcome of a 3:1 FSR and maximum height limit of approximately five (5) storeys, the requirement for seniors housing and affordable housing. This option is similar to the first option, only involving a specific map applying to the site instead of a general amendment to the other development standard mapping.

While this option would provide the additional FSR and height incentives providing the development consists of seniors housing and an active street frontage to Norton Street, it is considered more appropriate to have the FSR and height controls specified under Part 6 of the LEP 2013 along with the other specified development outcomes for self-contained seniors housing with affordable places and active street frontages as a separate clause. This reduces the amendments to mapping and the number of specific clauses elsewhere in LEP 2013.

3. Introduce a new provision under Clause 2.5 and Schedule 1 Additional Permitted Uses of LEP 2013 to include the development controls as required.

Comment: This option would identify the site on the 'Additional Permitted Uses' Map pursuant to Clause 2.5 of LEP 2013 and would be listed as a specific site in Schedule 1 of LEP 2013 being denoted by a letter on that map and schedule. This option is only considered valid if the proposed land use was currently prohibited on the site under the current zoning and where a rezoning was not proposed. Seniors housing is currently permissible on the site under the current zoning and therefore it is considered that this option is not the most appropriate method to facilitate the redevelopment of the site. This option also does not allow for the uplift in FSR and height which is currently sought.

4. Introduce a site-specific provision under Part 6 of LEP 2013 including the maximum height of buildings and FSR development standard, requirement for self-contained seniors housing, specific objectives for redevelopment of the site, a minimum percentage of affordable housing and an active street frontage along Norton Street.

Comment: This option would facilitate the development of a viable project, encouraging a self-contained seniors development with affordable places in Leichhardt and activation of Norton Street. The transparency of this approach, by only providing development uplift if linked to seniors and affordable housing, reflects the values of the applicant as a genuine Community Housing provider. This also allows for all of the planning controls and objectives for the comprehensive redevelopment of the site for self-contained seniors housing with affordable places on the site to be contained within a single clause of LEP 2013 instead of making changes to numerous clauses and mapping. This

option allows for redevelopment of the site in accordance with the planning controls agreed to in the Community Forums and is an efficient way of achieving the intended outcomes of the Planning Proposal.

The site would also be added to the key sites map to ensure the site is appropriately identified.

Since the intended outcome of the Planning Proposal is to allow a redevelopment of the site for self-contained seniors housing, which is permissible in the zone, a rezoning of the site is not required to achieve the intended outcome.

The current planning controls applying to the site, an FSR of 1.5:1 and a maximum wall height (under DCP 2013) of 3.6 meters are not sufficient to allow a comprehensive and viable redevelopment of the site, which would yield significant advantages for the supply of modern self-contained seniors and affordable housing in the local area. As outlined above, the extent of variation to the development standards is outside the scope of Clause 4.6 of LEP 2013.

Accordingly, the development controls under LEP 2013 need to be amended to allow for the redevelopment of the site to achieve the desired outcomes of seniors and affordable housing. Incorporating a local provision covering the site under Part 6 is the most efficient way, in terms of amendments required to clauses and mapping, to achieve the intended outcome of the Planning Proposal.

Accordingly, the Planning Proposal is the best, most efficient and most time effective approach of achieving the intended outcome. It is noted, however, that the maximum height to RL 59.4 is not supported as a revised urban design scheme for the site is required prior to public exhibition of the Proposal.

Section B – Relationship to strategic planning framework

Q3. 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

In December 2014, '*A Plan for growing Sydney*' was released, which is the NSW Government's overarching strategic plan for the Sydney Metropolitan area to 2031. The Plan identifies key challenges facing Sydney including a population increase of 1.6 million by 2034, the need for 689,000 new jobs and 664,000 new homes by 2031. The Plan identifies the Government's vision for Sydney which is for a strong global city, a great place to live.

To achieve this vision, the Government has set down goals that Sydney will be:

- ☐ a competitive economy with world-class services and transport;
- ☐ a city of housing choice with homes that meet our needs and lifestyles;
- ☐ a great place to live with communities that are strong, healthy and well connected; and
- ☐ a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

To achieve these goals, the Plan sets out directions and actions as well as priorities for each subregion. The relevant directions with respect to this Planning Proposal are outlined below, which the Planning Proposal is considered to be consistent with.

Table 1 Consideration of Goals of 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 site is located on the edge of the 'global economic corridor'. The Planning Proposal will allow a redevelopment of the site for a mixed-use and seniors housing development on the site, which will increase job opportunities within Leichhardt and the immediate area. The Planning Proposal is consistent with this Direction.
Goal 2: A city of housing choice, with homes that meet our needs and lifestyles	
Direction 2.1: Accelerate housing supply across Sydney	Increasing housing supply and choice is identified as a high priority for meeting Sydney's future housing need and reducing pressure on house prices. The target of 664,000 new dwellings in Sydney by 2031 has been set by the Government with Action 2.1.1 stating that the area's most suitable for significant urban renewal are those connected to employment, well-served by public transport and in and around strategic centres. The Planning Proposal will allow for the redevelopment of the site to provide additional housing opportunities in close proximity to services and public transport including buses and light rail. This proposed additional housing will be for seniors with some affordable places which will ensure different households can be accommodated within the site. While the Planning Proposal does not specify the exact composition of future

	housing on the site, such diversity has been shown on concept plans to consist of one and two bedroom units with 15% to be affordable places under the Seniors SEPP. The Planning Proposal is consistent with this Direction.
Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs	The Planning Proposal will allow for urban renewal on the site by removing a dilapidated and unused structure and transform it into a mixed use, seniors housing development capable of providing accommodation for around 40 separate households. The location is accessible to services and public transport and will provide some employment in both the residential accommodation as well as the commercial uses along Norton Street. Action 2.2.1 acknowledges that a significant proportion of Sydney's future housing supply is to come from small-scale, Council-led urban infill development around public transport and local centres, which is achieved by this Planning Proposal. The Planning Proposal is consistent with this Direction.
Direction 2.3: Improve housing choice to suit different needs and lifestyles	The Planning Proposal provides housing choice for seniors and people with a disability that allows people to stay in their home as they age. Housing affordability is also addressed in the Planning Proposal. The Planning Proposal is consistent with this Direction.
Goal 3: A great place to live with communities that are strong, healthy and well connected	
Direction 3.1: Revitalise existing suburbs	The Planning Proposal involves revitalising a site for urban renewal which is already serviced with infrastructure and access to public transport and services. The Planning Proposal will improve the streetscape of the site and will allow for the activation of the Norton Street frontage for retail and community uses. The Planning Proposal is consistent with this Direction.
Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources	
Direction 4.1: Protect our natural environment and biodiversity	The Planning Proposal will not adversely impact on the natural environment as the site is already used for urban purposes

	and only a small number of trees are proposed to be removed. Further tree planting and deep soil zones are required to be provided in the requested amendments to the Planning Proposal. The Planning Proposal is consistent with this Direction.
Direction 4.2: Build Sydney's resilience to natural hazards	The site is not affected by any natural hazards which cannot be accommodated by the proposal. The Planning Proposal is consistent with this Direction.
Direction 4.3: Manage the impacts of development on the environment	The Planning Proposal will allow for a future redevelopment of the site generally in accordance with the building envelope controls developed at the Community Forums and will be subject to the provisions of the BASIX SEPP to ensure it is energy efficient. The Planning Proposal is consistent with this Direction.
Central Subregion Priorities for Central Subregion	
Accelerate housing supply, choice and affordability and build great places to live	The Plan includes priorities for the Central Subregion, in which the Inner West Council is located, including accelerating housing supply. Within this priority, the Plan identifies the following action: <i>"Work with Councils to identify suitable locations for housing intensification and urban renewal, including employment agglomerations, particularly around Priority Precincts, established and new centres, and along key public transport corridors including the Airport; Inner West and South Line; the Eastern Suburbs and Illawarra Line; the Bankstown Line; Inner West Light Rail; CBD and South East Light Rail; and Sydney Rapid Transit".</i> The Planning Proposal will allow an increase in housing supply in a local centre close to public transport and services, which will allow for seniors housing with some affordable places which is consistent with this action. Urban renewal will be undertaken within an established area with access to services. The Planning Proposal is consistent with this Direction.

The Planning Proposal is consistent with *A Plan for growing Sydney*

Draft Central District Plan (November 2016)

The *Draft Central District Plan* (draft District Plan) was released by the Greater Sydney Commission in November 2016 and sets out priorities and actions for Greater Sydney's Central District. This draft District Plan, which is also accompanied by a draft amendment to *A Plan for Growing Sydney*, identifies a five-year housing target that is based on both the District's dwelling need and the opportunity to deliver supply. The plan nominates a five-year housing target of an additional 5,900 dwellings in the Inner West local government area.

This Draft District Plan translates and tailors metropolitan planning priorities for each District by giving effect to the four goals of *A Plan for Growing Sydney*, by describing proposed priorities and actions for the District in terms of:

- ☐ A productive city (Goal 1)
- ☐ A liveable city (Goals 2 and 3)
- ☐ A sustainable city (Goals 3 and 4).

The draft District Plan identifies outcomes and priorities in terms of productivity, liveability and sustainability priorities. The outcomes and actions with Council's as partners relevant to the Planning Proposal include the following:-

Productivity Actions

- ☐ Develop better understanding of the value and operation of employment and urban services land with the outcome to be provided in an increase in total jobs (P5).

Liveability Actions

- ☐ Identify the opportunities to create the capacity to deliver 20-year strategic housing supply targets with the outcome to be provided being the creation of housing capacity targets (L1);
- ☐ Councils to increase housing capacity across the District with the outcome to be provided being the creation of housing capacity and increase in diversity of housing choice (L3);
- ☐ Encourage housing diversity with the outcome to be provided being an increase in diversity of housing choice (L4);
- ☐ Support Council's to achieve additional affordable housing with the outcome to be provided being an increase in affordable housing (L6);
- ☐ Provide guidance on Affordable Rental Housing Targets with the outcome to be provided being an increase in affordable rental housing (L7 and L8);

The Planning Proposal is consistent with these actions of the Draft District Plan given it will allow the redevelopment of the site for additional housing opportunities which includes seniors housing and affordable housing. The Planning Proposal will

also allow activation of the Norton Street frontage and provide jobs closer to home in the retail/commercial area along the ground floor of the future development of the site. The Planning Proposal will assist in achieving the housing and employment targets of the Draft Central District Plan. The Planning Proposal is consistent with the Draft Central District Plan.

Assessment Criteria

'A guide to preparing planning proposals' establishes Assessment Criteria to be considered in the justification of a Planning Proposal, which is considered below.

Table 2 Consideration of the Planning Proposal against the Assessment Criteria of 'A guide to preparing planning proposals'

Criteria	Assessment
(a) 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;	As outlined above, the Planning Proposal is consistent with the Draft Central District Plan as it will allow greater housing choice for seniors housing, provide affordable housing and will assist the area in meeting its housing targets under the Plan. There are no corridor or precinct plans affecting the site. The Proposal is not within the land affected by the Parramatta Road Urban Transformation Strategy (PRUTS), however, it will assist in meeting the aims of this Strategy which include revitalising the area, particularly along Norton Street, with a vibrant mixed use precinct.
☐ Consistent with the relevant local council strategy that has been endorsed by the Department; or	Council has not prepared a local strategy that includes the site, however, the Planning Proposal is consistent with the Leichhardt 2025+ Strategic Plan.
☐ 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.	The Planning Proposal responds to changing demographic trends in that there is a need for self-contained seniors housing due to the ageing of the population as well as for affordable housing given the housing affordability concerns in Sydney. The site is in a dilapidated state and cannot be used for seniors housing in its current condition.
(b) Does the proposal have site-specific merit, having regard to the following:	
☐ The natural environment (including known significant values, resources or hazards),	The Planning Proposal is located within existing urban land and does not have any significant environmental values or hazard constraints which have not been considered in this assessment by the

	relevant Council Officers. Further consideration of additional landscaping opportunities on the site will be undertaken at DA stage.
☐ The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	The Planning Proposal has considered the potential impacts on the built environment and adjoining properties in its Urban Design Report. The Planning Proposal urban design report needs to be revised to ensure it is consistent with the ADG and Seniors SEPP 2004, and reduces potential adverse impacts on adjoining properties while providing additional seniors housing opportunities in the area.
☐ The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	There are existing services to the site for the Planning Proposal, which will be augmented by the applicant, where required, at DA stage. It is not anticipated that the density increases will create substantial additional demand for infrastructure and services at the site.

Accordingly, it is considered that the Planning Proposal has strategic merit as well as site-specific merit in accordance with this assessment criteria subject to the requested amendments to the urban design scheme for the site under the Planning Proposal.

Q4. Is the planning proposal consistent with the council's local strategy or other local strategy plan?

There a number of local strategies and plans (including those adopted by the former Leichhardt Council) that are relevant to the Planning Proposal, which are considered below:

Leichhardt 2025+ Community Strategic Plan

The Leichhardt 2025+ Strategic Plan was developed to guide and direct the former Leichhardt Council and the community in achieving their development goal of a "sustainable, connected and liveable community". Leichhardt 2025+ identifies the community's main priorities for the future and guides delivery of Council services over a ten year period. The following table outlines the relevant goals of this Plan for the current Planning Proposal.

Table 3 Consideration of Leichhardt 2025+ Strategic Plan

Key service area	Goal	Comment
Social		
Community Well-being	A Leichhardt community that is equitable, cohesive,	The Planning Proposal will allow for the provision of

	connected, caring, diverse, healthy, safe, culturally active, creative and innovative, and has a strong sense of belonging and place.	additional housing for seniors and affordable places that will accommodate a variety of unit types to cater for the ageing population. The site is well located for community, recreational, retail and transport services allowing for a greater amount of wellbeing for future residents.
Accessibility	Easy access for people, services and facilities that promotes the amenity and safety of the community.	The proposal will allow for equitable access throughout the building, to be designed for seniors housing. The close proximity of the site to services and the level entry into the building will ensure accessibility is provided for all.
Environment		
Place where we live and work	A liveable place – socially, environmentally and economically.	The Planning Proposal has generally been designed within the building envelopes developed in the Community Forums. It seeks to redevelop the site while limiting adverse impacts on adjoining properties. There are, however, several concerns with the urban design scheme for the site, which requires revisiting prior to post Gateway community consultation. The Planning Proposal involves housing for seniors and affordable places which allows for a socially liveable place. The Planning Proposal also allows for activation of Norton Street which will provide a boost to the local economy.
A sustainable environment	A sustainable environment	The Planning Proposal

	created by inspiring, leading and guiding our social, environmental and economic activities.	seeks to implement the building envelope controls which were developed at Community Forums.
Economic		
Business in the Community	Thriving businesses and a vibrant community working together to optimise economic potential.	The Planning Proposal will involve the activation of the Norton Street frontage which will revitalise the site and increase economic potential of the area.

The Planning Proposal is considered to be consistent with Leichhardt 2025+ Strategic Plan.

Leichhardt Community and Cultural Plan 2011-2021

The Leichhardt Community and Cultural plan comprises an integrated 10 year strategic service plan, supported by a 4 year service delivery plan, that addresses the social and cultural aspirations and challenges of the Leichhardt Local Government Area. The Plan seeks to achieve the following shared strategic objectives:

1. Connecting people to each other.
2. Connecting people to place.
3. Developing community strengths and capabilities.
4. Enlivening the arts and cultural life.
5. Promoting health and wellbeing.

The four-year service plan outlines actions, activities and programs to meet the strategic objectives, outcome and strategies outlined in the Plan and identifies the responsibilities and resources required to implement the plan.

The Planning Proposal is consistent with this Plan in that it will provide additional self-contained housing opportunities for seniors, as well as affordable places, which will assist an older population to age-in-place in a well serviced location. The Planning Proposal will also allow a good level of accessibility to the site, will assist in revitalising Norton Street in this location and will allow lasting connections to places by allowing people to age-in-place.

Integrated Transport Plan

Leichhardt's Integrated Transport Plan comprises of the 10 Year Strategic Plan and the 4 Year Service Delivery Plan which aims to connect people to each other and connect people to place by fostering environmental improvements and improve safety for all of the community. To achieve this, the Integrated Transport Plan identifies nine objectives for accessibility, environmental improvement, equity, access and accessibility, social inclusion, cultural engagement and community wellbeing, which include:

1. Improve accessibility within and through the local government area.
2. Create a legible, direct and safe pedestrian and cycling environment.
3. Encourage public transport use
4. Provide appropriate levels of parking.
5. Provide a safe and efficient road network for all road users.
6. Facilitate integration of land use, transport and community and cultural activities.
7. Provide convenience for users of Leichhardt.
8. Promote health and wellbeing.
9. Improve environmental conditions.

The Planning Proposal is considered to be consistent with these objectives because:

- ☐ The site is located next to two bus stops which allow connections throughout the region and encourages the use of public transport;
- ☐ Development on the site will provide adequate car parking within the basement level accessed via the rear laneway;
- ☐ The proposal will not adversely affect the local road network; and
- ☐ The proposal allows for the integration of housing with availability of transport services.

The Planning Proposal is consistent with Leichhardt's Integrated Transport Plan.

Leichhardt Economic and Employment Development Plan

The *Leichhardt Employment and Economic Development Plan* provides a strategic framework to help realise the community's vision of a sustainable, liveable and connected community. It is comprised of a 10 Year Strategic Plan which sets out broad strategies and initiatives and a 4-year Service Delivery Plan that contains the actions, activities, projects and services that will work to deliver the strategic objectives.

The strategies of the Plan include:

- ☐ *Strategy 1 – Make Place Matter: A strong sense of space and identity that creates centres and corridors that can encourage shoppers, workers and visitors to enjoy and stay longer.*
- ☐ *Strategy 2 – Meet People's Needs: LGA has an extensive range of quality businesses that are convenient for people to use and access.*
- ☐ *Strategy 3 – Embrace the New Economy: The LGA as a place that shares and supports innovation and creativity.*
- ☐ *Strategy 4 – Protect and Leverage Economic Assets: The LGA's economic assets are strategically managed for current and future generations.*
- ☐ *Strategy 5 – Make Business and Employment Easier: living and working in the LGA is easier than in competing areas.*
- ☐ *Strategy 6 – Communicate and Connect with Partners: A culture of cooperation and respect exists between businesses, chambers of commerce*

and Council where each take responsibility for their own role in implementing economic development.

- *Strategy 7 – Tell the World: the LGA attracts more shoppers, visitors and businesses.*

The Planning Proposal is consistent with these strategies in that the proposal will provide additional self-contained seniors housing opportunities in close proximity to transport and services and will allow for activation of the Norton Street frontage which will stimulate the economy in the area. Good amenity and pleasant surroundings with access to a range of outdoor and indoor recreation/leisure facilities is provided as well as a purpose-built seniors housing to assist in meeting the identified need for aged care accommodation within the Inner West.

Draft Inner West Council's Affordable Housing Policy 2016

At its meeting on 6 December 2016, Council resolved to put the *Draft Inner West Council Affordable Housing Policy 2016* on public exhibition to seek community comment. Council's research shows that the Inner West has experienced some of the most rapid real increases in housing prices (rental and purchase) over the past decade, with accelerating trends in recent years. This is leading to serious impacts on the social and economic fabric of the local community, including a large, disproportionate and growing number of local people in housing stress who are sacrificing basic necessities to pay for their housing costs and a considerable displacement of historical populations through ongoing gentrification and non-replacement of affordable and lower cost housing. There is also an unmet need for affordable housing among workers in the emergency and community services sector as well as among more vulnerable groups such as aged pensioners and people with a disability.

The Affordable Housing Policy states that the Council is committed to protecting and increasing the supply of housing stock that can be affordably rented or purchased by very low, low, and moderate income households, including target groups identified as having particular housing needs in the Inner West Council area. These include asset poor older people, including long-term residents of the LGA and people with special housing or access needs, people with a disability and frail aged people. The Affordable Housing Policy states that Council will seek to enter into affordable housing development and management partnerships with a relevant Community Housing Provider.

The Planning Proposal involves providing 15% of the future self-contained seniors housing as affordable places, consistent with this policy, which seeks to require any residential developments with 10 or more units to provide approximately 15% of the units as affordable housing. These affordable places will be available to persons who satisfy the criteria under the Seniors SEPP 2004. This is considered to be a very vulnerable group and therefore Council supports these affordable places being dedicated to this group in the population.

Uniting is a Community Housing Provider and is committed to providing the full spectrum of care and support for the vulnerable and the disadvantaged, having entered into an MOU with the former Leichhardt Council to deliver a 15% ratio of