



INNER WEST COUNCIL

Planning Proposal

17 Marion Street, Leichhardt

November 2017

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Planning Proposal

17 Marion Street, Leichhardt

INTRODUCTION

This Planning Proposal explains the extent of and justification for proposed amendments to *Leichhardt Local Environmental Plan 2013* as it applies to Annesley House - 17 Marion Street, Leichhardt. It follows a request from the landowner Uniting to increase the floor space ratio to 2.4:1 and introduce a maximum permissible height of 5 storeys or RL 57.5. The proposed amendments would facilitate a seniors housing redevelopment with 15% affordable dwellings. The land affected by this Planning Proposal is shown below.



Figure 1 Land affected by this planning proposal (Source - Latitude)

The floor space ratio recommended in this Planning Proposal has been adjusted to 2:1 with a maximum building height control of RL 57.5 (5 storeys). There will be more detailed planning controls in an amendment to *Leichhardt Development Control Plan 2013* (LDCP 2013).

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

BACKGROUND

City Plan Services submitted the original Planning Proposal on Uniting's behalf in April 2017 (Appendix 1). The site has been a subject of significant negotiations between Uniting (formerly Uniting Care Ageing) and the Council since early 2013.

On 5 March 2015, the former Leichhardt Municipal Council and the Uniting Church in Australia Property Trust NSW signed a Memorandum of Understanding (MOU) (Appendix 5) with respect to the redevelopment of three sites in Leichhardt. This MOU included key principles and objectives, proposed built form controls and anticipated community benefits drawn up in consultation with local residents and endorsed by Council.

Table 1: Agreed MOU outcomes for 17 Marion Street, Leichhardt

Controls/ Outcomes	Community benefits
FSR 2:1 Height - 18 metres/ 5 storeys Use: approx. 108 aged care beds	Upgrade and increase existing aged care accommodation within the Leichhardt LGA to accord with current Commonwealth best practice

Both parties acknowledged that the MOU did not provide a detailed assessment of site specific opportunities or constraints and that future planning proposals would determine built form development controls to integrate the development with the precinct and minimise detrimental impacts.

This Planning Proposal has been prepared by Council after a thorough assessment of the original Planning Proposal and in response to Council resolution/s and the MOU to support redevelopment of the site for homes for seniors and people with a disability to age-in-place.

SITE DESCRIPTION

Site Location and Description

The site 17 Marion Street, Leichhardt is in the West Leichhardt Distinctive Neighbourhood and in the Inner West Council (IWC) area. The site is approximately 5km west of the Sydney Central Business District (CBD).



Figure 2: Aerial view of the site outlined in red. (Source - Six Maps)

The site is a 3,295 square metres rectangle made up of Lot 25 Sec 1 DP 328, Lot 24 Sec 1 DP 328, Lot A DP 377714, Lot B DP 377714, Lot 22 Sec 1 DP 328, Lot 21 Sec 1 DP 328.

The site has an east-west orientation with a prominent 76m long frontage along Marion Street. It is occupied by a large 4-storey facility known as the 'Uniting Annesley House', a former factory refurbished as an aged care facility for 86 residents. The site slopes from the highest point in the south east corner along Marion Street to the south west corner along Marion Street by approximately 3m.

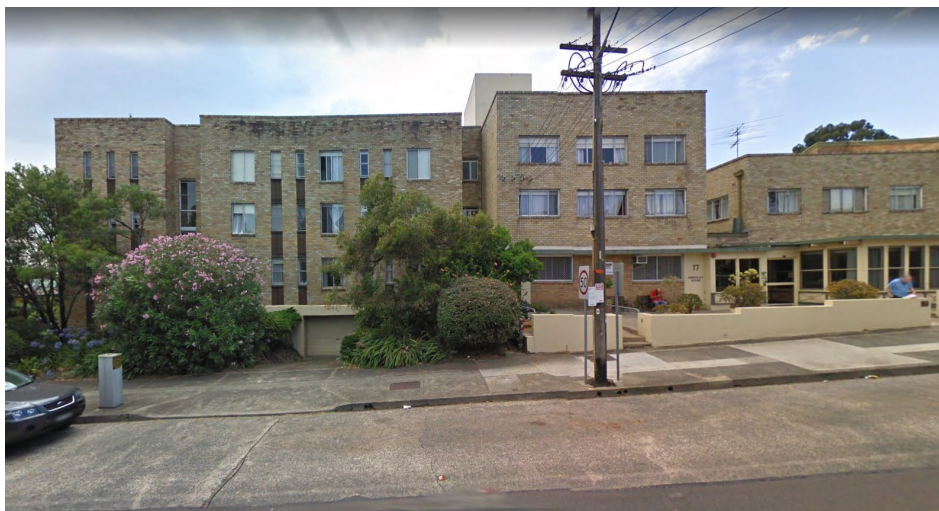


Figure 3: Existing building on 17 Marion Street, Leichhardt (Source - Google Maps)



Figure 4: View of Annesley House as viewed from Marion Street (Source - Google Maps)

This facility is used for residential aged care, including psychiatric and pastoral care with 86 beds and 50 staff. It is composed of three buildings joined via internal walkways and ranging from two (2) to three (3) storeys in height. The building appears to be four (4) storeys when viewed from the south western corner due to its sloping nature (Refer to Figure 4). The property is accessed via a driveway on the western boundary of the site with staff and visitor parking to the rear.

Adjacent and surrounding development

The site is close to the intersection of Leichhardt's main retail strip Norton Street and Marion Street, which connects to the Leichhardt Market Place, a shopping centre approximately 600m to the west.

The site adjoins residential properties to the north and west and a church to the east. Development fronting Marion Street to the west is a mixture of two and three storey dwellings, retail/ commercial

premises and a childcare centre. Whilst the majority of properties are detached dwellings, there are also multi-dwelling housing developments along Marion Street. To the north of the site, there are single storey dwellings which face Marlborough Street.

Key local landmarks are located to the east and include the All Souls Church, Leichhardt Town Hall and Leichhardt Public School, all located at the intersection of Marion Street and Norton Street.



Figure 5: Heritage buildings to the east of the site (Source - Google maps)



Figure 6: View along Marion Street (Source - Google Maps)



Figure 7: Single storey dwellings along Marlborough Street located to the North of the site (Source - Google maps)



Figure 8: Development along the western boundary of the site (Source - Google maps)

Current Planning Controls

The following *Leichhardt Local Environmental Plan 2013 (LLEP)* controls apply to the site:

Zone

'R1 General Residential'

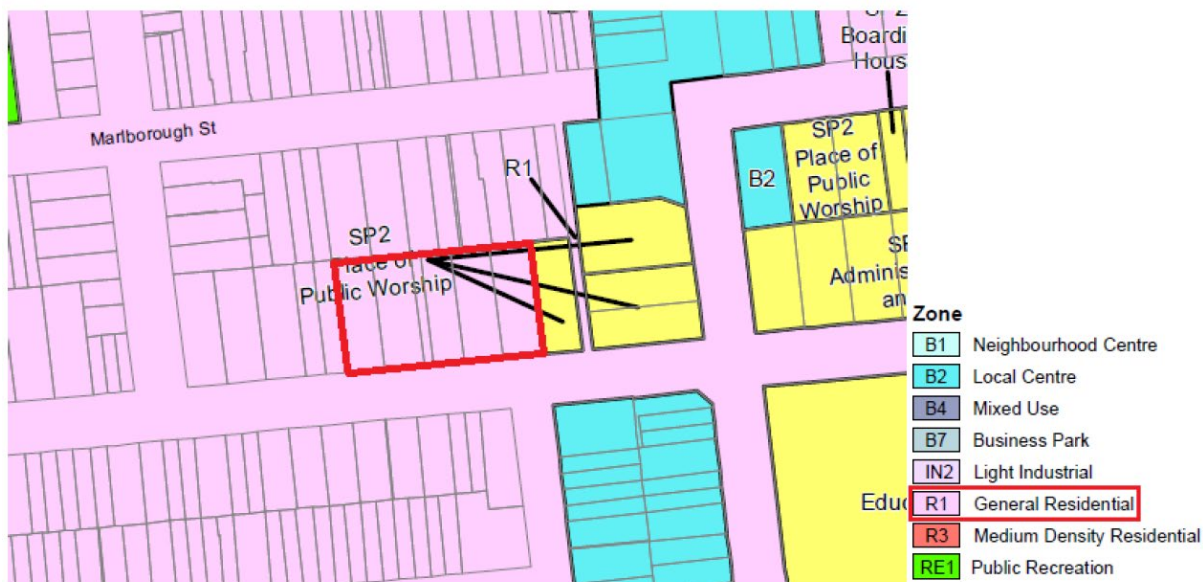


Figure 9: Extract of Land Zoning Map under LLEP. Subject site outlined in red.

FSR

The site has a maximum Floor Space Ratio (FSR) standard of 0.5:1 under the LLEP or maximum FSR of 1:1 for anything other than "residential accommodation".



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

Height

There is no maximum height standard.

Heritage

The site is in the 'Whaley Borough Estate Heritage Conservation Zone' close to several heritage items.

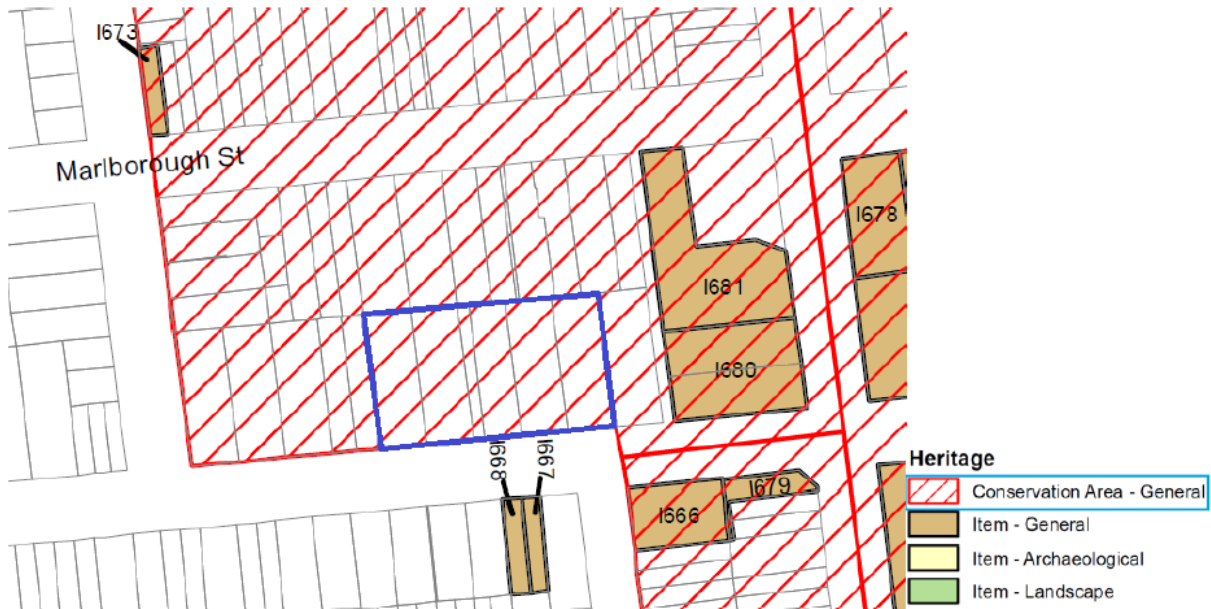


Figure 11: Extract of Heritage Map under LLEP. Subject site outlined in blue

Acid Sulfate Soils

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



Figure 12: Extract of Acid Sulfate Soils Map. Site outlined in red

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

Airport Noise

The site is in the ANEF Contour of 20 to 25 as indicated on the Sydney Airport 2033 ANEF Contour Map

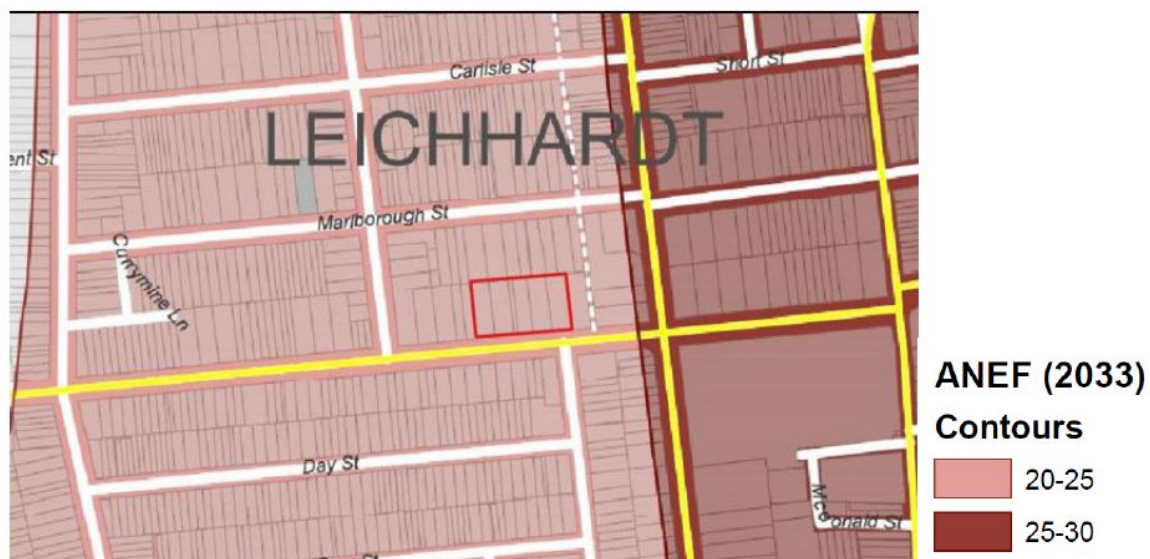


Figure 14: Extract of ANEF Forecast 2033 Contour Map. Site outlined in red.

Landscaped Area and Site Coverage

The LLEP requires that 'residential accommodation' on sites larger than 235sqm located in the R1 zone must have the following:

- Minimum of 20% of the site area as landscaping and
- No more than 60% of building coverage of the site.

PLANNING PROPOSAL

The original Uniting Planning Proposal for 17 Marion Street was lodged with Council in April 2017 (Appendix 1). It requested the following amendments to LLEP:

- Increasing the maximum floor space ratio from 0.5:1 to 2.4:1;
- Introducing a maximum height of building control as RL 57.5 (5 storeys);
- Allowing additional height of up to 3m for ancillary building elements for provision of communal open space on the roof; and
- Restricting the maximum development capacity to senior's housing.
- Stipulating that the maximum development capacity will only be available if it does not rely on the bonus floor space provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The proposed controls will facilitate a redevelopment that provides approximately 110 dwellings including a residential aged care facility and independent living units. The original proposal and supporting documentation included an indicative design under the proposed controls. In assessing the proposal, Inner West Council had concerns regarding the proposed density and its impact on the surrounding development and heritage buildings.

The preliminary assessment of the proponent's planning proposal was reported to Council in the July 2017 meeting (Appendix 2). It was noted that the proponent's built form was substantially higher than the built form established with former Leichhardt Council through community forums, development principles devised by Council's urban designers and in the Uniting Care/ Council Memorandum of Understanding (MOU).

Development of the site for seniors and aged care housing is consistent with the Council's desire to increase the availability and quality of seniors living accommodation in the Inner West. The increased height and density in the original Proposal would however have unacceptable impacts on the surrounding residential area, adjacent heritage properties and the heritage conservation area.

Inner West Council subsequently revised the Planning Proposal to include an FSR of 2:1 and building envelope controls which would respond to the site context with minimal adverse impacts on the adjoining properties. This Planning Proposal proposes the inclusion of a site-specific clause in LLEP 2013 to increase the FSR and introduce a maximum building height control. It also aims to ensure that any increase in permissible floorspace is only available if the development is for a senior's housing development and does not rely on the bonus floor space provisions contained under the Seniors SEPP 2004.

PUBLIC BENEFIT OFFER

In conjunction with this Planning Proposal request, the landowner (Uniting) has made an offer to enter into a planning agreement for the provision of public benefits.

The key term of the offer is provision of 15% affordable housing places or housing places for those on lower income levels.

This offer is considered to be consistent with Inner West Council's Affordable Housing Policy. Affordable Housing would 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 LDGP 2013; and

- Affordable Housing units are to be non-distinguishable from other units within the overall development.

This letter of offer will be considered by Council in the form of a Voluntary Planning Agreement (VPA) to ensure that Uniting would manage the affordable places in accordance with the relevant definition in Seniors SEPP 2004.

PART 1 - OBJECTIVES AND INTENDED OUTCOMES

This Planning Proposal is to amend the *Leichhardt Local Environmental Plan 2013* (LLEP 2013) to:

- facilitate the redevelopment of Annesley House at 17 Marion Street, Leichhardt to a seniors housing development with aged care facility;
- ensure that the new development responds appropriately to the surrounding built form, land uses and desired future character of the area; and
- facilitate the provision of affordable housing on the site to ensure a diverse community and housing for very low to moderate income residents of the area.

PART 2 - EXPLANATION OF PROVISIONS

2.1 *Leichhardt Local Environmental Plan 2013*

To achieve the intended outcomes, this Planning Proposal seeks to amend the *Leichhardt Local Environmental Plan 2013* with a new local provision that:

- confirms the objective of the proposed amendment as facilitating a seniors housing, residential aged care facility with minimal adverse impacts.
- includes requirements for:
 - a maximum floor space ratio of 2:1
 - a maximum building height of RL 57.5 and 5 storeys
 - 15% of the dwellings that comply with the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* definition of affordable place
- Restricts the maximum development capacity that is only for seniors housing and does not rely upon the bonus floor space provisions of the SEPP 2004.

The final clause to be inserted into Part 6 Additional Local Provisions would be subject to drafting and agreement by Parliamentary Counsel's Office but may be written as follows:

Part 6 Additional Local Provisions

6.17 Development on certain land in Leichhardt

- (1) This clause applies to land at 17 Marion Street, Leichhardt being Lot 25 Sec 1 DP 328, Lot 24 Sec 1 DP 328, Lot A DP 377714, Lot B DP 377714, Lot 22 Sec 1 DP 328, Lot 21 Sec 1 DP 328.
- (2) Despite clause 4.3, the maximum building height of the land to which this clause applies is 5 storeys/ RL 57.5.
- (3) Despite clause 4.4 and clause 4.4A, the maximum floor space ratio of the land to which this clause applies is 2:1.
- (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 residential care facility for seniors or people with a disability as per the definition contained under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*;
 - b. 15% of the dwellings for the accommodation of residents in the proposed development will be affordable places as per the definition contained under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
- (5) Subclause (2) and (3) do not apply to a development that relies upon the bonus floor space provisions contained under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The proposed outcomes also require an amendment to the LLEP 2013 Key Sites Map for 17 Marion Street, Leichhardt as shown in Part 4 of this Planning Proposal.

2.2 *Leichhardt Development Control Plan 2013*

Inner West Council has prepared a draft amendment to *Leichhardt Development Control Plan 2013* (LDCP 2013) (Appendix 11) which contains detailed site-specific planning controls for the subject site. These include provisions for the building envelope, bulk and massing, setbacks, street frontage heights in storeys, vehicular entrances and building articulation. The draft LDCP 2013 amendment will be publicly exhibited with the Planning Proposal.

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 informed discussions between the former Leichhardt Council and Proponent about provision of additional seniors housing with affordable places on three local Uniting owned sites. Following these discussions, Council resolved at its meeting in March 2015 to enter into a Memorandum of Understanding (MOU) with Uniting which endorsed indicative future controls for this site.

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

Recent demographic information released by the Greater Sydney Commission in support of the Revised *Draft Eastern City District Plan* (formerly *Draft Central District Plan*) states that "the greatest proportional growth is forecast in the 85+ age group, which is expected to increase by 102% from 2016 to 2036. The trend towards a significantly older population profile by 2036 is also evident by looking at the total growth in numbers of people over 65, which will account for around 28% of the District's total population growth".

The proponent's Social Impact Statement at Appendix 10 also reflects this changing demographic profile.

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

Current planning controls in the LLEP 2013 limit the FSR of the site to 0.5:1 and the LDCP 2013 limits the building wall height to 3.6 metres. Additional FSR can be sought through Clause 4.6 of the LLEP 2013 which allows a variation of a development standard in certain circumstances. The proposed FSR is too substantial a departure (quadrupling the permissible floorspace) from the existing FSR for a Clause 4.6 variation. The Planning Proposal process provides a transparent method of facilitating changes and allows for an opportunity for community engagement in the process.

A number of options for amending LLEP 2013 that could be considered to facilitate the redevelopment were considered including:

- **Option 1:** Amend the Height of Buildings and FSR maps as they relate to clauses 4.3(2) and 4.4(2) of LLEP 2013.

Comment: This option would facilitate the redevelopment of the built form on the site to an FSR of 2:1 and a height of approximately five (5) storeys, but would not provide the certainty that the development would be used for seniors housing/ aged care facility with 15% of this additional housing would be provided as affordable places.

- **Option 2:** Amend the FSR and Height of Buildings Maps as they relate to clauses 4.3(2) and 4.4(2) of LLEP 2013 to identify the site as a particular area (e.g. Area 2) and introduce additional sub-clauses under Clause 4.3 and 4.4 of the LLEP 2013 that allow the desired development outcomes. Any clause under this provision would provide the additional FSR and Height incentive providing the development consists of aged care facility and excludes any development that relies on the FSR bonus provision of SEPP (Housing for Seniors and People with a Disability) 2004.

Comment: This option would allow the desired development outcome of an FSR of 2:1 and maximum height of approximately five (5) storeys, the requirement for residential aged care facility and affordable housing. It would, however, involve a specific map for the site and it is more appropriate to have the controls in Part - 6 of the LLEP with other specified development outcomes for aged care facilities.

- **Option 3:** As the site does not have a height standard under the LLEP 2013, another option would be to only amend the FSR control, and include other building envelope controls in the Development Control Plan.

Comment: Given the legislative status of a Development Control Plan, this option would provide less certainty about the development outcome as with Option-1 of a residential aged care facility.

- **Option 4:** Introduce a site-specific provision under Part 6 of the LLEP 2013 including a maximum height of buildings and FSR development standard, a requirement for residential aged care facility, specific objectives for the redevelopment of the site, a minimum percentage of affordable housing and a maximum development capacity that is only available if the proposed development does not rely on the FSR bonus of the SEPP (Housing for Seniors and People with a Disability) 2004.

Comment: This option would facilitate the redevelopment of the site to provide a residential aged care facility with affordable places. This is a clearer approach to ensuring that the development uplift is linked to a provision of a residential aged care facility and affordable housing by a genuine Community Housing Provider. This also allows for all the relevant planning controls and objectives to be contained in a single clause in the LLEP 2013 instead of making changes to several clauses. This option also allows for redevelopment of the site in accordance with the planning controls agreed to in the Community Forums. The site would also be identified in the Key Sites map.

Accordingly, the Planning Proposal is the best, most efficient and most time effective approach of achieving the intended outcome.

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

A Plan for Growing Sydney was released in December 2014 and outlines the State government's vision for Sydney over the next 20 years. It identifies key challenges facing Sydney including a population increase of 1.6 million by 2034, 689,000 new jobs and a requirement for 664,000 new homes. The Plan provides policy directions for Sydney's productivity, environmental management, liveability and the location of housing, employment, infrastructure and open space.

Consistency with the relevant provisions of Plan is outlined in the table below:

Table 2: 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 seniors facility on the site and will provide additional job opportunities. The Planning Proposal is consistent with this Direction.
Direction 1.10 : Plan for education and health services to meet Sydney's growing needs	The proposal will result in an improved residential aged care facility with an increased number of seniors living accommodation spaces. This will contribute to the supply of these facilities which are in short supply given the ageing population in Australia. 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	This Planning Proposal provides an opportunity for the redevelopment of aged care housing, in keeping with the objective of the strategy to increase housing supply to meet the dwelling targets by 2031. The Planning Proposal is consistent with this Direction.
Direction 2.2: Accelerate urban renewal across Sydney - providing homes closer to jobs	The site is close to the Norton Street local centre and is highly accessible to other centres by existing and proposed public transport services. The site is well positioned to accommodate an urban renewal development which will provide an improved living choice for the ageing population and staff employment opportunities. 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. The Planning Proposal is consistent with this Direction.
Direction 2.3 : Improve housing choice to suit different needs and lifestyles	The proposed development will provide improved aged, disabled or affordable housing choice. 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 will revitalise the site, improve the amenity and presentation of the streetscape by providing a high quality built form with increased surveillance and visual connections with the public domain. 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	The Planning Proposal will have no adverse impacts on the natural environment. A small

and biodiversity	number of trees are to be removed to allow the reconfigured built form. These trees will be replaced with new trees. 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 proposed development. The Planning Proposal is consistent with this Direction.
Direction 4.3 : Manage the impacts of development on the environment	The proposed redevelopment will be subject to the provisions of the building envelope controls in the LDCP and 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	<p>Within this priority, the Plan identifies the following action:</p> <p><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></p> <p>The Planning Proposal will increase residential capacity in the area, by providing opportunities to age in place for seniors and people with a disability. The Planning Proposal will increase the capacity of the site to provide seniors housing, as well as additional jobs, in a centrally located, accessible location. The Planning Proposal is consistent with this Direction.</p>

The Planning Proposal is consistent with *A Plan for Growing Sydney*.

DRAFT GREATER SYDNEY REGIONAL PLAN

The Greater Sydney Commission released the Draft Greater Sydney Regional Plan in October 2017. It sets out a vision, objectives, strategies and actions for the Region.

The draft Plan is based on a vision where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places. The needs of a growing population will be met by transforming Greater Sydney into a metropolis of three cities - the Western Parkland City, the Central River City and the Eastern Harbour City.

The Plan aims to:

- Enhance the natural and built environment;
- Create more liveable neighbourhoods and well connected, resilient communities;
- Better connect people to education, housing and job opportunities;
- Leverage substantial infrastructure investment and provide the right transport connections across the city and within neighbourhoods;
- Elevate Greater Sydney from a top 20 to a top 10 global city.

Consistency with the directions and objectives of the Plan is outlined below:

Objective	Response
Direction 1: A city supported by infrastructure	
Objective 4: Infrastructure use is optimised.	The Planning Proposal will maximise the use of existing infrastructure by increasing the capacity of the site to provide seniors housing, as well as additional jobs, in a centrally located, accessible location.
Direction 3: A city for people	
Objective 6: Services and infrastructure meets communities' changing needs.	The Planning Proposal responds to the community's changing needs by providing social infrastructure with an improved residential aged care facility in a very accessible location.
Objective 7: Communities are healthy, resilient and socially connected.	The Planning Proposal facilitates delivery of inclusive places by co-locating the residential aged care facility with the Norton Street strategic centre as a walkable place with an active street life and a human scale.
Direction 4: Housing the city	
Objective 10: Greater housing supply	This Planning Proposal provides an opportunity for the redevelopment of aged care housing, in keeping with the objective of the strategy to increase housing supply to meet dwelling targets by 2036.
Objective 11: Housing is more diverse and affordable.	The proposed development will offer diversity as it provides housing choice for aged and disabled people and those in these groups who are also key workers.
Direction 5: A city of great places	
Objective 12: Great places that bring people together.	The Planning Proposal will use a place-based and collaborative approach to integrate the aged-care facility with the surrounding environment.
Objective 13: Environmental heritage is conserved and enhanced.	The subject site is not a heritage item. It is, however, located in a heritage conservation area and close to several heritage items. The Planning Proposal is accompanied by a Heritage Impact Statement (Appendix 6) which concludes that the Planning Proposal will not have an

	adverse impact on the significance of the conservation area or nearby heritage items.
Direction 8: A city in its landscape	
Objective 30: Urban tree canopy cover is increased.	<p>The proposed development will necessitate the removal of seven (7) high category trees and five (5) low category trees.</p> <p>It is recommended that in the context of the loss of trees, a comprehensive new landscaping plan would be prepared at the DA stage to include replacement trees.</p>
Implementation	
Objective 39: A collaborative approach to city planning.	Council will work closely with the NSW Department of Planning and Environment to deliver this Planning Proposal. Community consultation will be undertaken in accordance with the requirements of the Gateway Determination to ensure a consistent, transparent and fair decision making process.
Objective 40: Plans refined by monitoring and reporting.	This Planning Proposal will contribute towards Council's housing targets and affordable rental housing targets.

DRAFT EASTERN CITY DISTRICT PLAN

The revised draft Eastern City District Plan replaced the draft Central District Plan released in November 2016. This Plan sets out planning priorities and actions for the development of the Eastern City District.

The Eastern City District covers the Bayside, Burwood, City of Sydney, Canada Bay, Inner West, Randwick, Waverley and Woollahra local government areas. The plan will manage growth over the next 20 years in the context of economic, social and environmental matters to help achieve the 40-year vision for Greater Sydney. It guides the implementation of the draft Greater Sydney Regional Plan at a district level and bridges regional and local planning.

The Plan establishes priorities and associated actions under productivity; liveability and sustainability themes to deliver this vision.

Consistency with the Planning Priorities and Actions of this Plan is assessed below:

Priority	Response
Direction 1: A city supported by infrastructure	
E1: A city supported by infrastructure.	The Planning Proposal will maximise the use of existing infrastructure by increasing the capacity of the site to provide seniors housing, as well as additional jobs, in a centrally located, accessible location.
Direction 3: A city for people	

E3: Providing services and social infrastructure to meet people's changing needs.	The Planning Proposal responds to the community's changing needs by providing social infrastructure with an improved residential aged care facility in a very accessible location.
E4: Fostering healthy, creativity, culturally rich and socially connected communities.	The Planning Proposal facilitates delivery of inclusive places by co-locating the residential aged care facility with the Norton Street strategic centre as a walkable place with an active street life and a human scale.
Direction 4: Housing the city	
E5: Providing housing supply, choice and affordability with access to jobs and services.	This Planning Proposal provides an opportunity for the redevelopment of aged care housing, in keeping with the objective of the strategy to increase housing supply to meet the dwelling targets by 2036.
Direction 5: A city of great places	
E6: Creating and renewing great places and local centres, and respecting the District's heritage.	The Planning Proposal will integrate the aged-care facility with the surrounding environment and ensure that the proposed development has minimal adverse impacts on the values of the heritage conservation area and surrounding heritage items.
Direction 8: A city in its landscape	
E15: Protecting and enhancing bushland and biodiversity.	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. Further consideration of additional landscaping opportunities on the site will be undertaken at DA stage.
E17: Increasing urban tree canopy cover and delivering Green Grid connections.	<p>The proposed development will necessitate the removal of seven (7) high category trees and five (5) low category trees.</p> <p>It is recommended that in the context of the loss of trees, a comprehensive new landscaping plan would be prepared at the DA stage to include replacement trees.</p>
Direction 9: An efficient city	
E19: Reducing carbon emissions and managing energy, water and waste efficiently.	The proposed redevelopment will be subject to the provisions of the building envelope controls in the LDCP and BASIX SEPP to ensure it is energy efficient.

STRATEGIC MERIT TEST

'A guide to preparing planning proposals' established Assessment Criteria to be considered in justification of a planning proposal, which is considered below:

Consistency of the Planning Proposal against the criteria is outlined in the table below.

Table 3: Consistency with the Assessment criteria

Criteria	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.	As outlined above, the Planning Proposal is consistent with the <i>Draft Greater Sydney Regional Plan</i> and <i>Revised Draft Eastern City District Plan</i> as it will allow greater housing choice for seniors housing and provide affordable housing. 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 revitalising the area by providing additional housing, employment opportunities and improved built form.
Consistent with relevant local council strategy that has been endorsed by the Department	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 that have not been recognised by existing planning controls	This Planning Proposal responds to the changing demographics in the Inner West as there is an increasing demand for seniors housing due to the ageing population as well as for affordable housing given the housing affordability concerns in Sydney. This Planning Proposal provides an opportunity to redevelop the site to provide improved and enhanced residential aged care facility and affordable housing.
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. Further consideration of additional landscaping opportunities on the site will be undertaken at Development Application (DA) stage.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal	This Planning Proposal does not propose any change to the existing use. The site is in a residential zone and is currently used as a residential aged care facility. The building envelope controls as proposed in

	the supporting draft LDCP will ensure that the proposed built form has minimal adverse impacts on the adjoining properties.
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 these assessment criteria.

PARRAMATTA ROAD URBAN TRANSFORMATION STRATEGY (PRUTS)

In November 2016 Urban Growth NSW released the 'Parramatta Road Urban Transformation Strategy' (PRUTS). The purpose of the PRUTS is to provide a strategy for the revitalisation of Parramatta Road, including land in close proximity to Parramatta Road that sets the long term vision for its transformation. The study precinct encapsulates an approximate 20km stretch along Parramatta Road, and includes a portion of Norton Street that extends up to Marion Street as shown in Figure 15: Structure Plan for Leichhardt under the PRUTS.

The site is adjacent to the PRUTS and its redevelopment will improve the built form to reflect the desired future character for this area.

This site provides an opportunity to improve the built form and create a better design outcome that reflects the desired future character of the surrounding area. The site will also contribute to the PRUTS with opportunities for additional and diverse housing types, jobs and affordable housing.

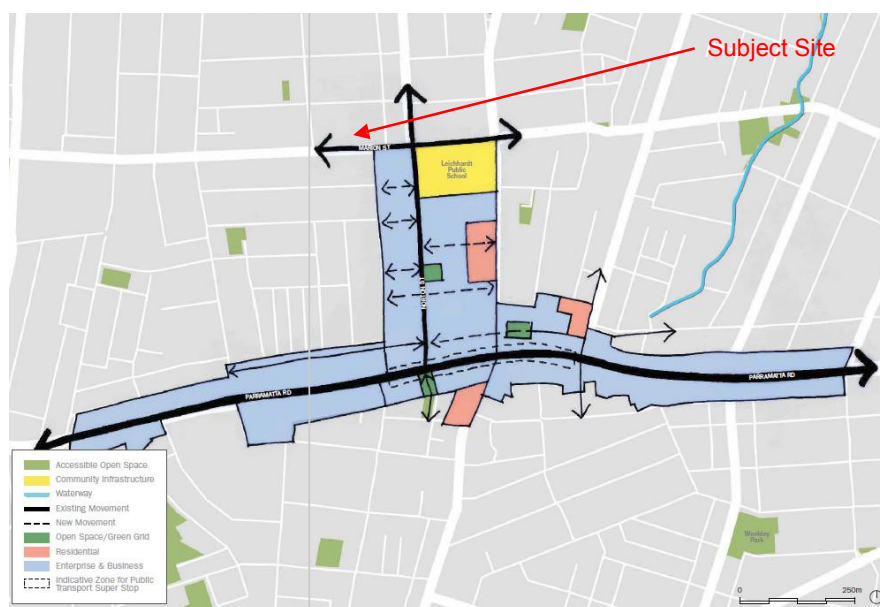


Figure 15: Structure Plan for Leichhardt under the PRUTS

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

A number of local strategies and plans relevant to the Planning Proposal are considered below:

The Leichhardt 2025+ Strategic Plan was developed to help the former Leichhardt Council and community achieve their development goal of a “sustainable, connected and liveable community” over a ten year period. The table below outlines the relevant goals:

Table 4: Consistency with Leichhardt 2025+ Community Strategic Plan

Key service area	Goal	Comment
Social		
Community well being	A Leichhardt community that is equitable, cohesive, connected, caring, diverse, healthy, safe, culturally active, creative and innovative, and has a strong sense of belonging and place.	The Planning Proposal will allow for the provision of additional housing/ aged care facility for seniors and affordable places. The site is well located for community, recreational, retail and transport services to enhance the wellbeing of residents.
Accessibility	Easy access for people, services, information and facilities that promotes the amenity, health and safety of the community and that reduces private car dependency for all travel.	The site is close to public transport and other services, allowing easy access for seniors to services and facilities that would promote their amenity, health and safety.
Environment		
Place where we live and work	A liveable place – socially, environmentally and economically.	The Planning Proposal will allow the future redevelopment of the site for a new residential aged care facility for seniors and people with a disability while limiting adverse impacts on adjoining properties. The Planning Proposal will provide a social and economic benefit through the provision of affordable and aged care housing.
A sustainable environment	A sustainable environment created by inspiring, leading and guiding our social, environmental and economic activities.	The Planning Proposal will facilitate a redevelopment with better environmental performance than the existing building.

LEICHHARDT COMMUNITY AND CULTURAL PLAN 2011 - 2021

Leichhardt Community and Cultural Plan 2011 - 2021

The Leichhardt Community and Cultural plan is 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, outcomes and strategies outlined in the main Plan and identifies implementation of responsibilities and resources.

The Planning Proposal is consistent with the Plan in that it will provide additional aged care beds and housing opportunities for seniors, as well as affordable places. This will assist the older population to age-in-place in a well-serviced location. The Planning Proposal will help improve the quality of life and wellbeing of future occupants and promote a socially diverse, mixed community.

LEICHHARDT INTEGRATED TRANSPORT PLAN

Leichhardt's Integrated Transport Plan is a 10 Year Strategic Plan and a 4 Year Service Delivery Plan which aim to connect people to each other and connect people to place by fostering environmental improvements and improving safety for all of the community. 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 consistent with these objectives as it will provide additional housing opportunities close to bus stops and encourage the use of public transport. The proposed development will provide adequate on-site car parking for visitors. The range of local services will help reduce car dependency and promote use of sustainable modes of transport.

INNER WEST COUNCIL AFFORDABLE HOUSING POLICY 2016

The Inner West Council Affordable Housing Policy was adopted at the Council Meeting in March 2017. Inner West Council believes that affordable housing is a basic need and an essential element of an inclusive and sustainable city.

Due to the failure of the market to provide affordable housing for very low and low income households, and for many moderate income households, this Policy focuses on strong interventions through the planning system and the direct creation of affordable housing on public land through development and management partnerships as these are virtually the only way to create affordable housing in most areas of Inner West Council area. 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 meets the requirements of the Affordable Housing Policy with provision of 15% of the units as affordable seniors 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 of the population.

The owner of the site, Uniting, is a Community Housing Provider and is committed to providing the full spectrum of care and support for vulnerable and the disadvantage. Uniting has offered to enter into a Voluntary Planning Agreement (VPA) with the Inner West Council to provide this 15% affordable housing for those on lower income levels on the site. The affordable places will be provided and managed by Uniting in perpetuity.

The Planning Proposal is consistent with the Affordable Housing Policy subject to the finalisation of VPA as outlined in the letter of offer submitted with the Planning Proposal.

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

The consistency of the planning proposal with applicable State Environmental Planning Policies (SEPPs) is outlined in the table below.

Table 5: Consistency with State Environmental Planning Policies (SEPPs)

SEPP	Consistency	Comment
SEPP No 1 - Development Standards	N/A	Not applicable
SEPP 14 - Coastal Wetlands	N/A	Not applicable
SEPP 19 - Caravan Parks	N/A	Not applicable
SEPP 26 - Littoral Rainforests	N/A	Not applicable
SEPP 29 - Western Sydney Recreation Area	N/A	Not applicable
SEPP 30 - Intensive Agriculture	N/A	Not applicable
SEPP 33 - Hazardous and Offensive Development	N/A	Not applicable
SEPP 36 - Manufactured Homes Estates	N/A	Not applicable
SEPP 44 - Koala Habitat Protection	N/A	Not applicable
SEPP 47 - Moore Park Showground	N/A	Not applicable
SEPP 50 - Canal Estate Development	N/A	Not applicable
SEPP 52 - Farms Dams, Drought Relief and Other Works	N/A	Not applicable
SEPP 55 - Remediation of Land	Yes	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 62 - Sustainable Aquaculture	N/A	Not applicable
SEPP 64 - Advertising and Signage	Yes	<p>If there is to be relevant signage on the proposed building, this and the SEPP can be considered at the DA stage.</p> <p>The Planning Proposal does not contain provisions that contradict or hinder application of this SEPP.</p>
SEPP 65 - Design Quality of Residential Apartment Development	Yes	<p>In principle, SEPP 65 does not apply to aged care developments.</p> <p>The Planning Proposal does however support development that will achieve some consistency with the SEPP. The urban design report provided with the Planning Proposal investigated the implications for realising design quality principles in the SEPP and demonstrated an appropriate built form that can be accommodated on the site.</p> <p>Any future development that includes part residential accommodation will need to demonstrate a suitable level of consistency with this SEPP.</p>
SEPP 70 - Affordable Housing (Revised Schemes)	Yes	The future development would contribute to affordable housing in the local area. The Planning Proposal does not contain provisions that contradict or hinder application of this SEPP.
SEPP 71 - Coastal Protection	N/A	Not applicable
SEPP (Affordable Rental Housing) 2009	Yes	The Planning Proposal will contribute to affordable housing in the local area. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
SEPP (Building Sustainability Index - BASIX) 2004	Yes	The Planning Proposal will not contain provisions that will contradict or hinder the application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes	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	Yes	The future development on this site will be subject to this SEPP.

		<p>The site satisfies the locational criteria in Clause 26 for location and access to services. The Planning Proposal is for a residential care facility as defined by Clause 11 of the Seniors SEPP.</p> <p>This SEPP includes provisions that allow bonus FSR incentives if the proposal includes affordable housing but this Planning Proposal does not rely upon these provisions.</p> <p>The Planning Proposal is generally consistent with the provisions of the Seniors SEPP 2004. The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>
SEPP (Infrastructure) 2007	Yes	The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable
SEPP (Kurnell Peninsula) 1989	N/A	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	Not applicable
SEPP (Miscellaneous Consent Provisions) 2007	N/A	Not applicable
SEPP (Penrith Lakes Scheme) 1989	N/A	Not applicable
SEPP (State and Regional Development) 2011	Yes	The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (State Significant Precincts) 2005	Yes	The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Sydney Drinking Water Catchment) 2011	Yes	The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable
SEPP (Three Ports) 2013	N/A	Not applicable
SEPP (Urban Renewal) 2010	N/A	Not applicable
SEPP (Western Sydney Employment Area) 2010	N/A	Not applicable

Sydney (Western Sydney Parklands) 2009	N/A	Not applicable
Sydney REP No 26 - City West	N/A	Not applicable
SEPP (Educational and Child Care Establishments) 2017	N/A	Not applicable
SEPP (Vegetation in Non-Rural Areas)	Yes	<p>There are no known critical habitat, threatened species, populations or ecological communities or their habitats on the subject site.</p> <p>An <i>Arboricultural Impact Appraisal</i> (Arborists Report), prepared by Naturally Trees dated 29 November 2016, has been submitted with the Planning Proposal (Appendix 9). The study concludes that the proposed development will necessitate the removal of seven (7) high category trees and five (5) low category trees.</p> <p>It is proposed that in the context of the loss of trees, a comprehensive new landscaping plan would be prepared at the DA stage to include replacement trees.</p> <p>The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p>

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

This Planning Proposal has been assessed against each Section 117 Direction. Consistency with these Directions is shown in the table below.

Table 6: Consistency with Section 117 Directions

Direction		Consistency	Comment
Employment and Resources			
1.1	Business and Industrial Zones	N/A	Not applicable
1.2	Rural zones	N/A	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	N/A	Not applicable
1.4	Oyster Aquaculture	N/A	Not applicable
1.5	Rural Lands	N/A	Not applicable
Environment and Heritage			

2.1	Environment Protection Zones	N/A	Not applicable
2.2	Coastal Protection	N/A	Not applicable
2.3	Heritage Conservation	Yes	Consistent - Refer to the discussion below

Direction:

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.*

Comment:

The objective of this direction is to conserve items, objects and places of environmental heritage significance and indigenous heritage significance. The subject site of this Planning Proposal is located in a heritage conservation area and close to heritage items.

The Planning Proposal is accompanied by a Heritage Impact Statement (Appendix 6) which concludes that the Planning Proposal will not have an adverse impact on the significance of the conservation area or nearby heritage items. Any future DA for the site will be accompanied by a further Heritage Impact Statement.

The Planning Proposal is generally consistent with this direction and will provide an appropriate infill development in the conservation area and beside heritage items.

2.4	Recreation Vehicle Areas	N/A	Not applicable
2.5	Application of E2 and E3 zones and Environmental Overlays in Far North Coast LEPs	N/A	Not applicable

Housing Infrastructure and Urban Development

3.1	Residential Zones	Yes	Consistent - Refer to the discussion below
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Direction:

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 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.

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.*

Comment:

The Planning Proposal specifically responds to the changing demographics of the growing population by providing additional seniors housing on the site, which is well-serviced and located close to amenities and public transport. The Planning Proposal also makes efficient use of the existing infrastructure and services by increasing the maximum permissible density on the site. The Planning Proposal demonstrates an appropriate built form which will ensure that there are minimal adverse impacts on the surrounding development.

3.2	Caravan Parks and Manufactured Home Estates	N/A	Not applicable
3.3	Home Occupations	N/A	Not applicable
3.4	Integrating Land Use and Transport	Yes	Consistent - Refer to the discussion below

Direction:

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).*

Comment:

The Planning Proposal is consistent with these objectives given it will facilitate greater housing choice close to public transport and services, thereby reducing the travel demand and time.

3.5	Development Near Licensed Aerodromes	Yes	Consistent - Refer to the discussion below
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Direction:

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.

- A planning proposal must not rezone land:*

a) for residential purposes, nor 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.

- 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.

Comment:

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.

The site is located between ANEF 20 and ANEF 25 contours and seniors development is an 'conditionally acceptable' use within the contour. An Aircraft Noise Intrusion Assessment undertaken by SLR Consulting (Appendix 7) demonstrates that the development satisfies AS2021. The future DA will confirm this.

3.6	Shooting Ranges	N/A	Not applicable
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Hazard and Risk

4.1	Acid Sulfate Soils	Yes	Consistent - Refer to the discussion below
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Direction:

- 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.*

- 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 consistent with the Acid Sulfate Soils Planning Guidelines.

- 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.

- 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).

Comment:

The site has Class 5 acid sulfate soils. The future DA will apply the relevant provisions of Clause 6.1 of the LLEP 2013. While the Planning Proposal will facilitate an intensification of residential development, it does not propose uses not permitted in the R1 zone.

The Planning Proposal does not contradict or hinder the application of acid sulfate soils provisions in LLEP 2013.

4.2	Mine Subsidence and Unstable Land	N/A	Not applicable
4.3	Flood Prone Land	N/A	The site is not located on flood prone land.
4.4	Planning for Bushfire Protection	N/A	The site is not located on bushfire prone land.

Regional Planning

5.1	Implementation of Regional Strategies	N/A	Not applicable
5.2	Sydney Drinking Water Catchments	N/A	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, north Coast	N/A	Not applicable
5.8	Second Sydney Airport: Badgerys Creek	N/A	Not applicable
5.9	North West Rail Link Corridor Strategy	N/A	Not applicable
5.10	Implementation of Regional Plans	N/A	Not applicable

Local Plan Making

6.1	Approval and Referral Requirements	Yes	The Planning Proposal does not involve any concurrence, consultation or referral provisions. The Planning Proposal will be consistent with this Ministerial Direction.
6.2	Reserving Land for Public	Yes	The Planning Proposal does not involve any changes to land for public purposes. The

	Purposes		Planning Proposal will be consistent with this Ministerial Direction.
6.3	Site Specific Provisions	Yes	Consistent - Refer to the discussion below.

Direction:

- *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.*
- *A planning proposal must not contain or refer to drawings that show details of the development proposal.*
- *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).*

Comment:

The Planning Proposal involves an amendment to LLEP 2013, however, it does not add another use to the land use table as seniors housing is already permissible.

While the Planning Proposal involves increasing the FSR and maximum building height development standard for the site, this development standard has been previously varied on a site- specific basis in the LLEP 2013 (For example: Terry Street Rozelle (CI 6.15) and Allen Street Leichhardt (CI 6.17)).

Indicative building envelope plans have been prepared for the Planning Proposal which will be incorporated as site-specific controls in the Leichhardt Development Control Plan 2013 (Appendix 11). This Planning Proposal does not contradict or hinder the application of this direction.

Metropolitan Planning

7.1	Implementation of a Plan for Growing Sydney	Yes	Consistent - This Planning Proposal is consistent with <i>A Plan for Growing Sydney</i> . Refer to Section B, Q3.
7.2	Implementation of Greater Macarthur Land Release Investigation	N/A	Not applicable
7.3	Parramatta Road Corridor Urban Transformation Strategy	N/A	Not applicable
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure	N/A	Not applicable

	Implementation Plan		
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	Not applicable

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

An *Arboricultural Impact Appraisal* (Arborists Report), prepared by Naturally Trees dated 29 November 2016, has been submitted with the Planning Proposal (Appendix 9). The study concludes that the proposed development will necessitate the removal of seven (7) high category trees and five (5) low category trees.

It is proposed that in the context of the loss of trees, a comprehensive new landscaping plan would be prepared at the DA stage to include replacement trees. The site-specific amendment of Leichhardt Development Control Plan 2013 (Section - 9.7.5) has specific controls for deep soil and tree planting.

The following requirements have been drawn up by the Council's Landscape Officer following the review of the arborist report and would be considered at the DA stage along with the assessment of the detailed landscape plan:

- Reasonable sized trees (6m) to be provided in the front setback of 3m to Marion Street with gardens;
- Larger scale street trees to Marion Street to match the existing height of street trees;
- Larger scale trees along the northern boundary to provide a soft transition between the proposed built form and surrounding low scale dwellings;
- Small to medium scale trees and gardens along the eastern boundary of the site.

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

In preparing this Planning Proposal, a number of environmental considerations arising from the proposed changes to the planning controls have been assessed.

The proposed scheme has been prepared by City Plan Services and Studio GL and is informed by meetings and discussions with Council officers. The urban design study, provided at Appendix 4, illustrates the proposed built form for an FSR of 2:1 and a maximum height of 5 storeys.

This Planning Proposal will facilitate the building envelope within which the proposed scheme will be developed. The proposed scheme's detailed controls for building setbacks, separation and heights will become a site-specific amendment to LDCP 2013.

Figure 16 show visualisations of the proposed scheme.



Figure 16 Indicative built from within envelope

The recommended proposed scheme (Refer to Figures below) responds to the conditions of the site, its topography and the surrounding context as follows:

- a minimum setback of 3m to Marion Street with a wall height of three storeys and 3m and 6m setbacks to the upper levels;
- a minimum setback of 6m to the eastern boundary with a wall height of three storeys and a setback of 6m to the fourth and fifth storey;
- a minimum setback of 6m to the northern site boundary with a wall height of three storeys and additional setback of 6m to the fourth and fifth storey;
- a minimum setback of 6m to the western site boundary. Maximum building wall height along western boundary to be three storeys with additional setback of 6m to the upper storeys;
- provision of deep soil planting and communal open space along the rear of the site providing adequate separation from the adjoining low rise dwellings; and
- vehicular movement will be limited to the west of the site to access a basement carpark and allow vehicle circulation, parking and on-site servicing.

PLAN VIEW

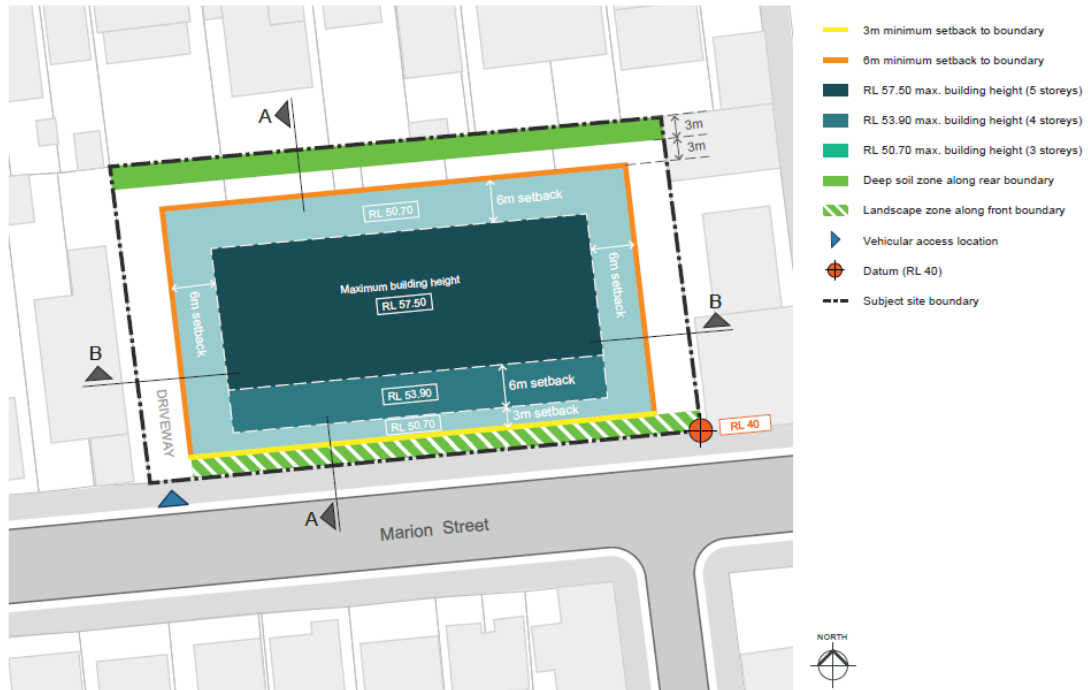


Figure 17: Recommended built form controls (Plan)

SECTION A

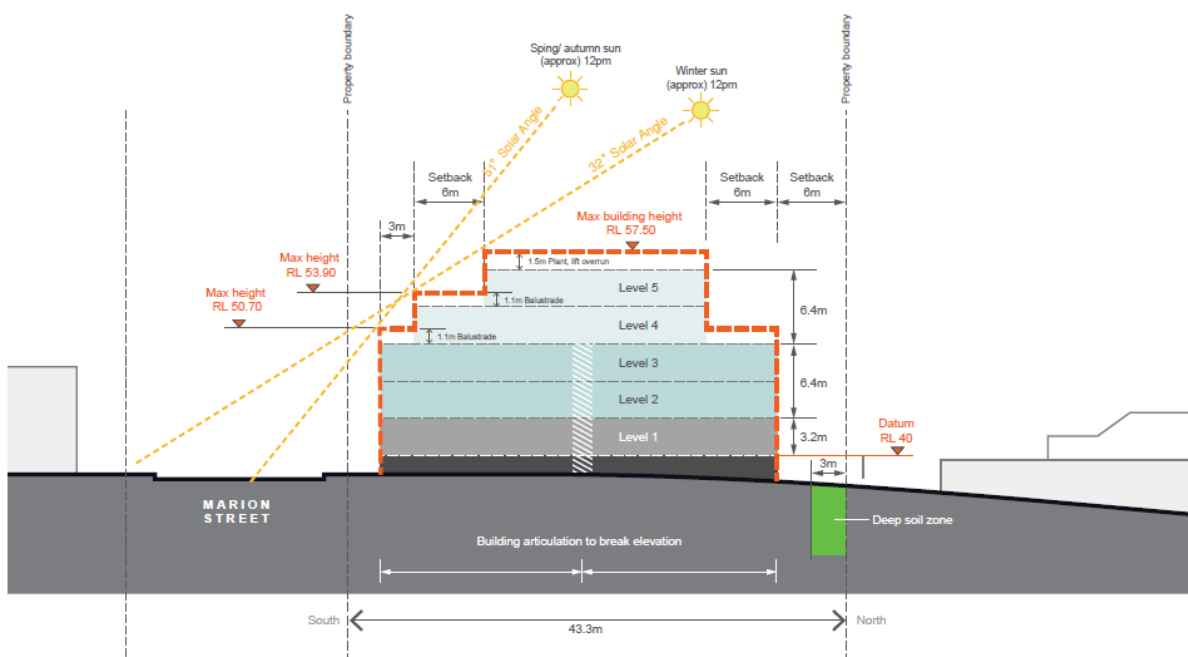


Figure 18: Recommended built form controls - Section A (north - south)

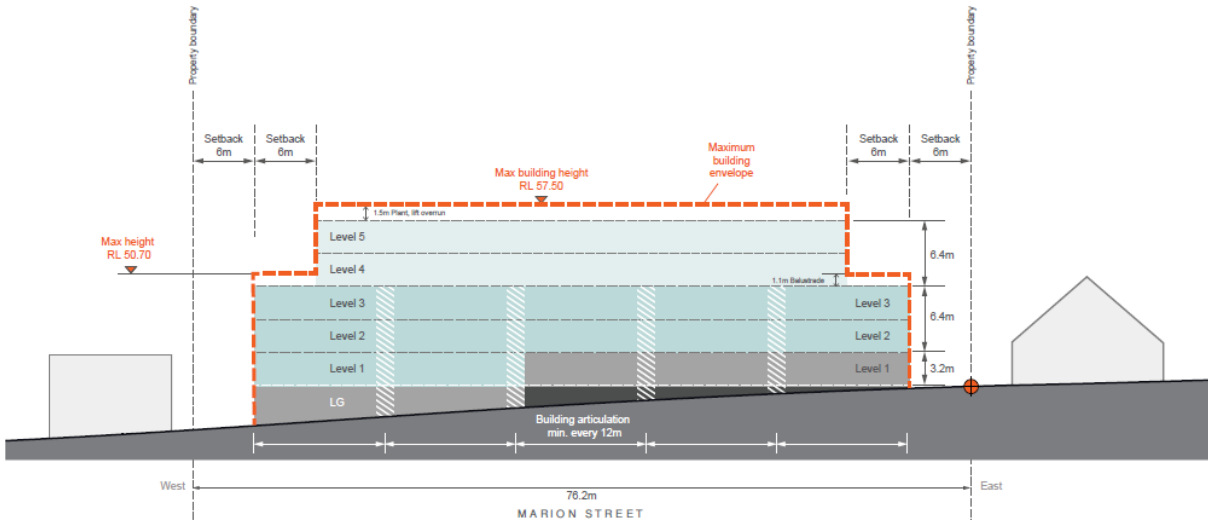


Figure 19: Recommended built from controls - Section B (east - west)

Overall, the building configuration will ensure the proposed development integrates well with the surrounding area and provide an appropriate transition between the existing low rise developments to the north, east and west.

The proposed scheme demonstrates that the heights and densities proposed by this Planning Proposal can result in an appropriate development which would satisfy the key objectives and provisions of LLEP 2013, LDCP 2013 and SEPP (Seniors and People with a Disability) 2004.

The likely environmental effects of the proposed scheme are discussed below:

URBAN DESIGN AND BUILT FORM

The Planning Proposal was accompanied by an Urban Design Report, prepared by Studio GL, which generally accords with the building envelope controls prepared by AJ&C for Leichhardt Municipal Council, in 2014. These were endorsed at community forums and in the related MOU between Uniting and the former Leichhardt Municipal Council. These were broad brush and not subject to detailed assessment as acknowledged in clause 5 of the MOU

Council's detailed analysis of the initial proposed built form controls raised concerns regarding potential adverse impacts on adjoining residential properties. In particular, there were concerns regarding overshadowing and visual privacy impacts. There were also concerns that the additional bulk and height would have an adverse impact on the value of the heritage conservation area and adjacent locally listed heritage items.

Consequently, the Planning Proposal and proposed LDCP controls were revised to reduce the FSR to 2:1 and a maximum height of 5 storeys with additional setbacks to the upper levels. This will ensure that the potential impacts from the increased density and building height can be managed more effectively. It is envisaged that the development would be carried out generally in accordance with the proposed scheme as described in the site-specific amendment to LDCP 2013 unless it can be demonstrated that reduced setbacks and increased building height would not result in adverse impacts on adjoining properties.

The proposed built form as suggested in the proposed LDCP amendment and urban design scheme will generally comply with the design quality requirements of *Urban Design guidelines for infill*

development (UDAS 2004) and *State Environmental Planning Policy 65 - Design quality of residential apartments (SEPP 65)*.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65) aims to improve the design quality of residential flat development. Development applications must consider Design Quality Principles and the Apartment Design Guide (ADG).

Deep soil zones

The proposed development will provide 6m setback to the northern boundary and 3m setback to Marion Street. These areas will provide deep soil zones which will support healthy plant and tree growth. Additional opportunities to provide deep soil planting/ landscaped areas would be investigated at the DA stage. In general, the planning proposal will accord with the landscaped area requirements of the LLEP 2013 (clause 4.3A).

Visual Privacy

This Planning Proposal facilitates a much larger building on the site than that which currently exists. As a consequence, there are concerns regarding the potential privacy impacts on the adjacent properties located on the western and northern site boundary. Sight line diagrams (both to and from) would be desirable at the DA stage to demonstrate the proposed setbacks are sufficient for the upper levels.

Overshadowing

The proposed building envelope would increase overshadowing impacts on properties on the southern side of Marion Street. There are particular concerns regarding the overshadowing of the private open space of the childcare centre at No. 2 Marion Street. It is envisaged that hourly shadow diagrams will be provided at the DA stage to ensure that all the surrounding properties continue to receive adequate sunlight in accordance with the LDCP controls.

HERITAGE

The site is located in the Whaleyborough Heritage Conservation Area and close to the Excelsior Subdivision Heritage Conservation Area (HCA) (Figure 20). Generally, this means little change can be expected other than modest additions and discrete alterations.

It is acknowledged however that buildings which do not contribute to the heritage significance of the Area may be replaced with sympathetically designed infill.

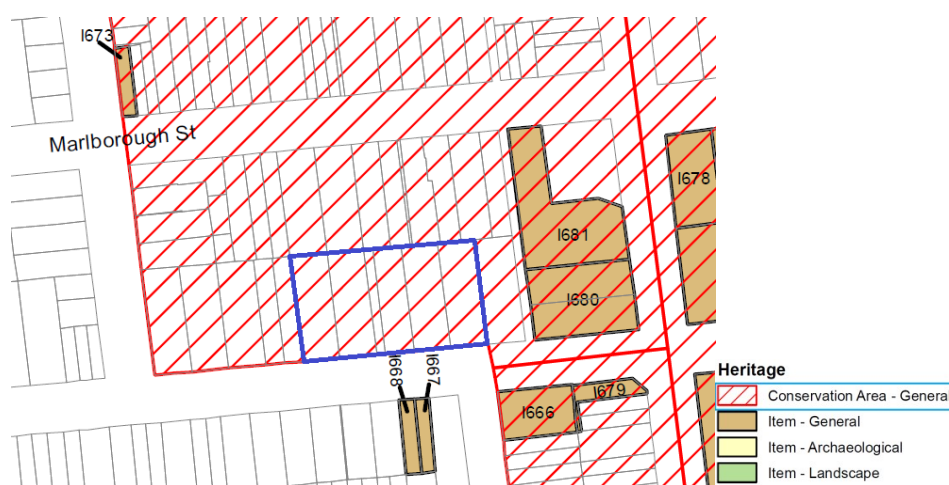


Figure 20 - An excerpt from the Council's LEP maps showing the location of the site in relation to the heritage conservation area and the adjacent heritage listed items.

The site is also close to several heritage items in the Norton / Marion Street Leichhardt Civic Precinct. Measures must be taken to ensure that there are no negative impacts on these items and

if proposed building elements, bulk, scale and design have detrimental impacts, these must be mitigated.

The subject property is located within the Leichhardt Development Control Plan West Leichhardt Distinctive Neighbourhood and any amendment to the LDCP must not conflict with relevant objectives and standards.

The Planning Proposal is accompanied by a Heritage Impact Statement (HIS) prepared by City Plan Heritage (Appendix 6) which assesses the potential impacts of the Planning Proposal on the heritage significance of the HCA and the nearby heritage items.

The report concluded that the Planning Proposal will have no adverse impacts on the significance of the heritage items located in close proximity to the site or the HCA and that the proposal demonstrates compliance with the existing controls regarding heritage conservation. This is subject to appropriate conditions been imposed in the future development consent for the site in relation to archival recording of the existing building prior to demolition and provision of heritage interpretation of the existing building as a former corset factory and aged care facility.

Council's Heritage Officer reviewed the Planning Proposal and raised some concerns regarding the appropriateness of the proposed built form in the context of the HCA. It is envisaged that a detailed analysis of the built form controls would be undertaken at the DA stage to ensure that the new building integrates successfully with the heritage conservation area and adjacent heritage items.

TRAFFIC AND TRANSPORT

A Traffic report has been prepared by Colston Budd Rogers & Kafes Pty Ltd dated October 2016 (Appendix 8) which analyses the impacts of 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, and that the traffic effects of the additional floor space being sought in the planning proposal would not result in any adverse impacts on the surrounding road network.

The report was reviewed by Council officers and while the proposal is generally supported, there are several concerns regarding the lack of detailed information such as surveys of comparable sites to determine the likely traffic generation and demand for car parking including peak visiting hours. The report does not adequately cover servicing requirements for the site and car parking for medical attendants, ambulance/emergency vehicles and staff.

It is envisaged that an amended traffic impact assessment would be submitted at the DA stage which would consider the above issues in detail and the site specific LDCP submitted with the Planning Proposal is consistent with the parking and traffic sections of the current LDCP 2013.

CONTAMINATION

Council records do not identify the site as potentially contaminated. In relation to hazardous materials (asbestos and 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 for assessment at DA stage.

FLOODING

The site is not identified as a flood prone lot. No issues are raised in this instance.

AIRCRAFT NOISE

The site is located between ANEF 20 and ANEF 25 contours and seniors development is an 'conditionally acceptable' use within the contour. An Aircraft Noise Intrusion Assessment undertaken by SLR Consulting provides various findings and recommendations that will ensure the development satisfies AS2021. The future DA will take these recommendations into consideration.

FLORA AND FAUNA

The subject site has a number of mature trees. An Arboricultural Impact Appraisal is provided at Appendix 9. The future redevelopment of the site will result in a loss of seven (7) trees. The Arboricultural Report concludes that the removal of the trees is acceptable, providing that a comprehensive landscaping plan is prepared to replace 'significant' trees that would be lost. The report also outlines various recommendations to ensure that the other existing trees on the site are not damaged during the redevelopment.

The detailed landscape plan will be considered at the DA stage.

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

This Planning Proposal has assessed the potential social and economic impacts of introducing additional seniors housing in the area. These are discussed below:

SOCIAL IMPACTS

Access to services and facilities

The site is close to Norton Street local centre, which has community, recreational, medical and retail/commercial facilities. Norton Plaza supermarket is 250m from the site.

The site is close to bus services that operate along Marion Street and Norton Street. These services connect the site with surrounding suburbs and the city and offer an alternative to travel by car.

Housing diversity and affordable housing

The Planning Proposal seeks to increase the maximum residential density to contribute to the continued provision of seniors housing. The Planning Proposal is likely to result in an increase of number of aged care beds/ seniors housing under the SEPP 2004, which will provide additional housing opportunities in a well-serviced location.

Uniting's Social Impact Statement (SIS) is provided at Appendix 10. The SIS indicates that there is currently an over-supply of residential aged care beds in the catchment area but a potential under-supply by 2031. The SIS states that in Leichhardt the population of individuals aged 70 years or over currently numbers 4,544. The 70+ years population is expected to grow by approximately 190 people annually for the next 10 years reaching 6,450 people over the age of 70 by the year 2027.

Uniting's internal supply and demand assessment has calculated the following:

Residential Aged Care (beds)	
NOW	Oversupply by 140 beds
2027	Undersupply by 190 beeds
Independent Living Units (ILUs)	
NOW	Undersupply by 121 ILUs
2026	Undersupply by 123 - 395 ILUs

In summary, the SIS identifies the following:

Social Impact	Analysis
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Accommodation and Housing	Housing needs identified in area providing accommodation for particular social group
Cultural and Community values	Allows community to have a cross section of social groups contributing to diversity of a community, celebrating inclusion and equity
Interaction between new development and existing community	Current development is residential aged care providing a service to the local community. Future proposal which continues seniors living use will continue this provision
Needs of Target Social Groups	This development meets the need of the older people with disability and low income groups.
Population change (size and characteristics)	Meets needs of growing population

In this respect, the Planning Proposal provides the opportunity to facilitate a future development that will provide a combination of aged care beds and independent living units to meet the likely demand from the ageing population in Leichhardt. The provision of seniors housing will be a social benefit to the community, which is experiencing growth of its population and a lack of desirable accommodation in the area that supports residents to 'age - in - place'.

The SIS also identifies an increasing demand for affordable accommodation in the area, which the Planning Proposal will help meet through the provision of 15% affordable units. This is consistent with the Council's Affordable Housing Policy and State Government objectives in relation to provision of affordable housing in appropriate locations. The proposal facilitates the provision of affordable housing on the site, by way of a planning agreement with the proponent.

ECONOMIC IMPACTS

Increasing the amount of seniors housing on the site is likely to slightly increase the number of jobs in the facility to support the additional bed spaces in the residential aged care facility. This will also compliment and support the local economy.

In addition, the proposed scheme provides affordable housing for key workers such as those with disabilities on low incomes, which brings its own socio-economic benefits to the area.

Section D - State and Commonwealth interests

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

The area has several bus services that provide connections to surrounding suburbs and the CBD. There is a bus stop immediately adjacent to the site on Marion Street. The site is in the Norton Street retail precinct, with a variety of community services, recreational opportunities, medical practices and shops.

The proposed development will significantly improve the building's presentation to the public domain and enhance the streetscape. Additional demand on infrastructure will be minimal, primarily making efficient use of existing services and infrastructure without overburdening existing infrastructure.

Consultation with relevant authorities during public exhibition of the Planning Proposal will confirm the capacity of existing utilities to service the site. Increased demand on stormwater infrastructure 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?

The Gateway determination will identify public authorities to be consulted as part of the Planning Proposal process and their comments will be considered as part of the public exhibition process.

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.

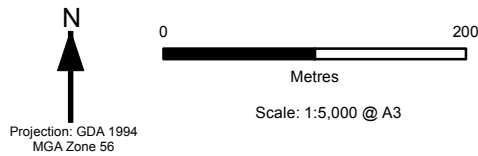
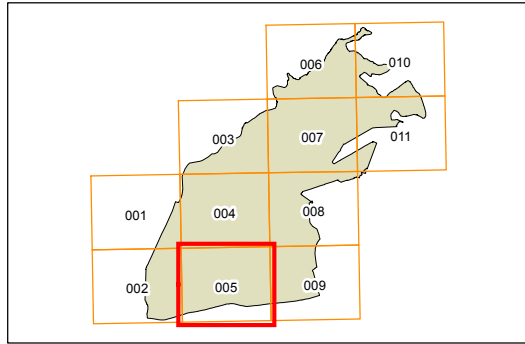


Key Sites

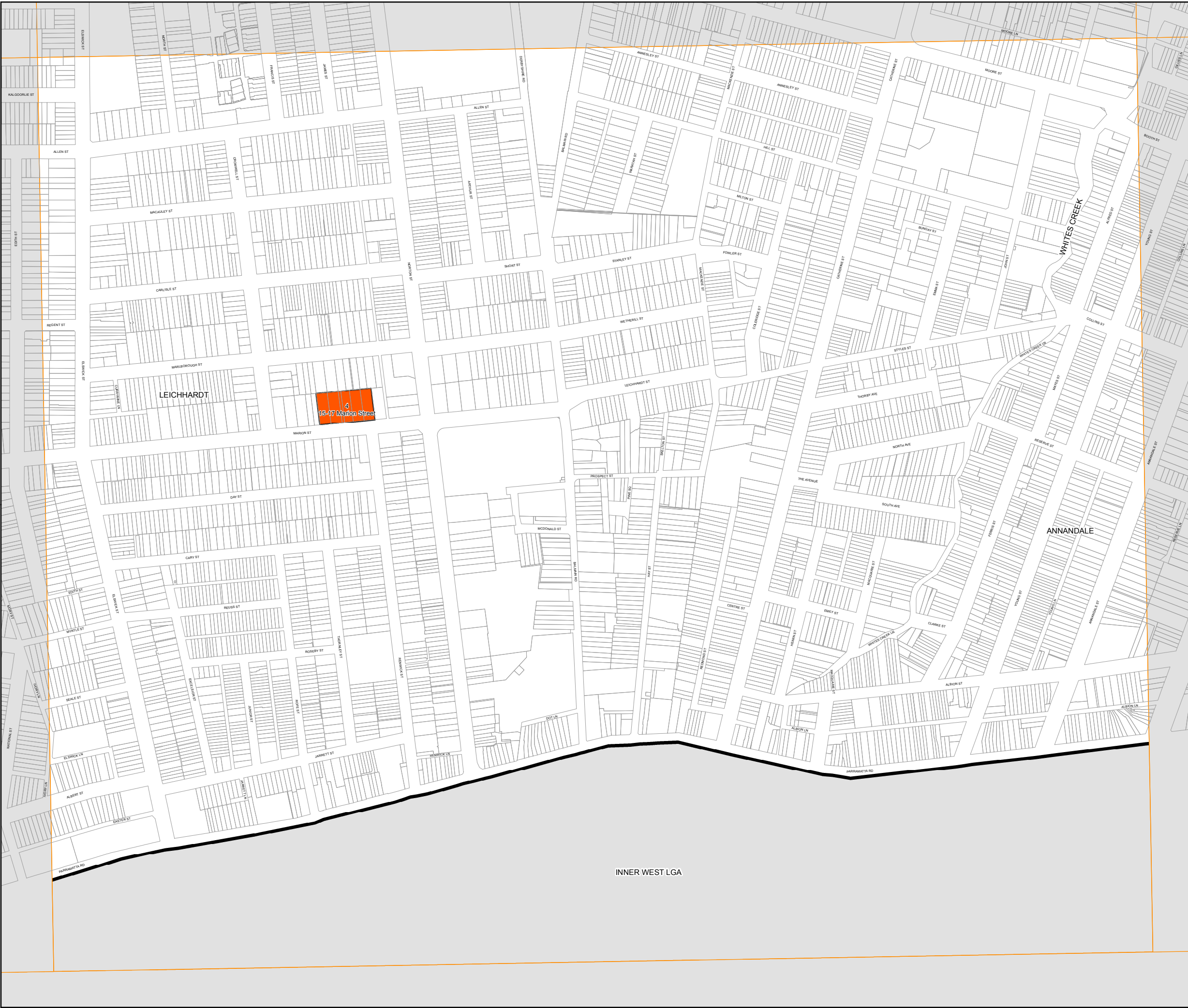
Key Sites

Cadaastre

Base data 7/09/2017 © Land and Property Information (LPI)



Map identification number: 4800_COM_KYS_005_005_20170913



PART 5 - COMMUNITY CONSULTATION

Public consultation will be undertaken in accordance with the requirements of the Gateway Determination.

It is proposed that, at a minimum, this will involve the notification of the public exhibition of the Planning Proposal:

- on the Inner West Council Your Say website;
- in the Inner West Courier; and
- in writing to the owners and occupiers of the subject property, adjoining and nearby properties.

It is expected that the Planning Proposal will be publicly exhibited for a period of not less than 28 days in accordance with section 5.5.2 of '*A guide to preparing local environmental -plans.*' The exhibition will coincide with the exhibition of an accompanying draft amendment to [Name of the Development Control Plan] and draft Planning Agreement.

Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the Gateway Determination conditions.

PART 6 - PROJECT TIMELINE

The following project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to *Leichhardt Local Environmental Plan 2013* will be completed by July 2018.

Table 7: Anticipated timeframes

Stage	Anticipated timeframe
Submit Planning Proposal to the Depart of Planning and Environment seeking a Gateway Determination	November 2017
Receive Gateway Determination	December 2017
Public exhibition and public authority consultation of Planning Proposal, draft DCP and draft Planning Agreement	December 2017/ January 2018
Review of submissions during public exhibition and public authority consultation	February/ March 2018
Post exhibition report to Council meeting	April 2018
Drafting of instrument and finalisation of mapping	May 2018
Submission to the Department to finalise the LEP	June 2018
Amendment to Leichhardt Local Environmental Plan 2013 legally drafted and made	July 2018