

**Report to the Secretary on an application for a Site Compatibility Certificate
State Environmental Planning Policy (Housing for Seniors or People with a Disability)
2004**

SITE: Lot 1 DP1116995, No. 2B West Street, Lewisham.

The Site Compatibility Certificate (SCC) application applies to land at 2B West Street, Lewisham. The site covers an area of approximately 12,000 sqm and is bounded by West Street to the east and south-east, and a cycleway and railway line to the south-west. The west of the site is bounded by the John Berne School, and to the north it is bounded by the St Vincent de Paul Society building. The site has, respectively, 125m and 60m eastern and south-eastern frontages along West Street.

Outside of its immediate 'precinct', to the east and south, the site's wider surroundings consist of predominantly low density (one and two storey) residential development, and Petersham Park is located to the north of the site, across West Street (see Figure 1 below).



Figure 1: Site location (source: Google Maps) Site outline is approximate.

The site is currently being used by Lewisham Aged Care (owned by Catholic Health Care), incorporating the 3 storey unoccupied Ann Walsh Building; the 5 storey

former Novitiate Building aged care facility; and a 2 storey aged care hostel. Adjoining and surrounding land is zoned R1 General Residential, with some pockets zoned R4 High Density Residential; SP2 Infrastructure (Community Facilities) and SP2 Infrastructure (Educational Establishments) (see Figure 2 below).

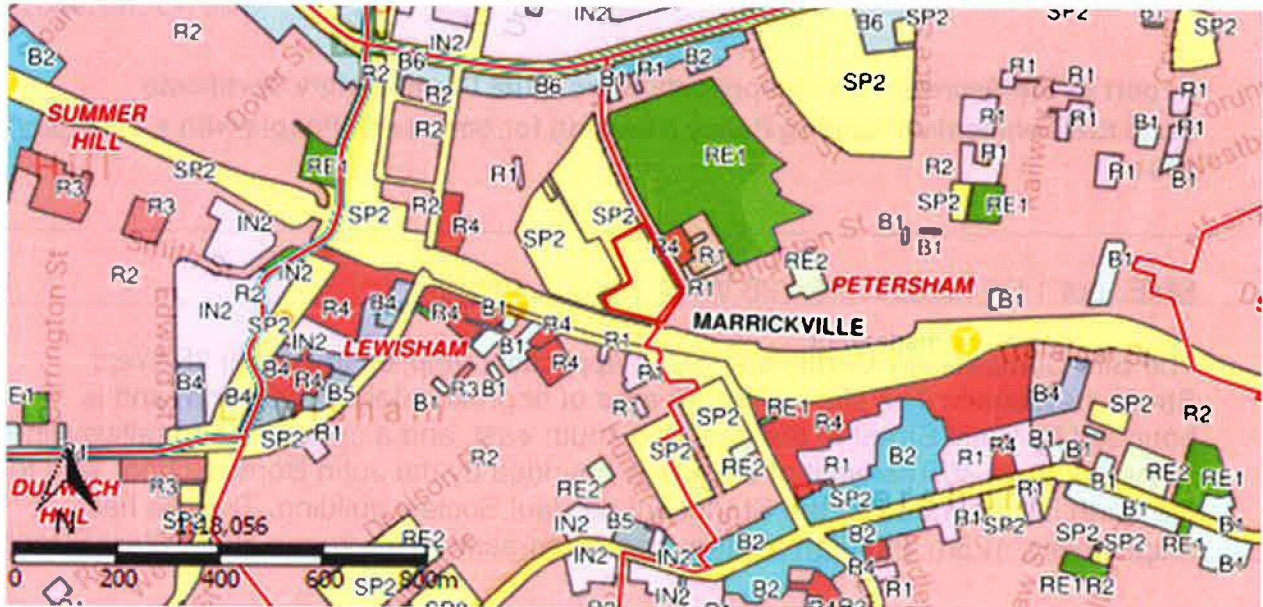


Figure 2: Wider land zoning context (source: NSW Planning Portal). Site outline is approximate.

The existing Novitiate Building and the Ann Walsh Building within the site are locally Heritage Listed (in Schedule 5 of the Marrickville LEP), as is the former Lewisham Hospital to the north of the site. St Thomas' Catholic School and Presbytery to the west are also locally listed.

The Petersham North Heritage Conservation Area is located across West Street, to the east, and the Lewisham Estate Heritage Conservation Area is located to the south of the adjacent rail corridor.

APPLICANT: Mecone on behalf of Catholic Healthcare Limited.

PROPOSAL: To develop the site for seniors housing comprising:

- alterations, additions and associated conservation works to the 3-storey Ann Walsh building to create accommodation for independent living units (ILUs) and ancillary uses;
- alterations, additions and associated conservation works to the 5 storey Novitiate Building to create accommodation for ILUs and ancillary uses;
- demolition of the existing 2-storey aged care hostel at the southern part of the site, and erection of a part residential aged care facility (RACF) and ILU building up to 14 storeys which includes:
 - o a 5 storey podium along the southern portion of the site to accommodate 160 RACF beds. Above the podium would be two building elements to include a 9 storey building (Building 1) and a 7 storey building (Building 2), to include provision of 170 ILUs; and
 - o basement car parking, accessible via a new access fronting along West Street;
- an internal vehicular access and circulation 'drive';

- vehicular access/egress points from/to West Street; and
- associated gardens and landscaping.

In total, the proposal would create 170 ILUs and 160 RACF bedrooms.

A concept plan indicating the proposed built form and site layout is attached at Tab 1.

Local Government Area: Inner West Council (formerly Marrickville).

PERMISSIBILITY STATEMENT

The site is zoned SP2 Infrastructure (Community Facilities) under *the Marrickville Local Environmental Plan 2011* (Marrickville LEP 2011). Residential accommodation, which includes seniors housing, is prohibited in this zone.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP) applies to land that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, where it satisfies the additional requirements in clause 4 of the SEPP.

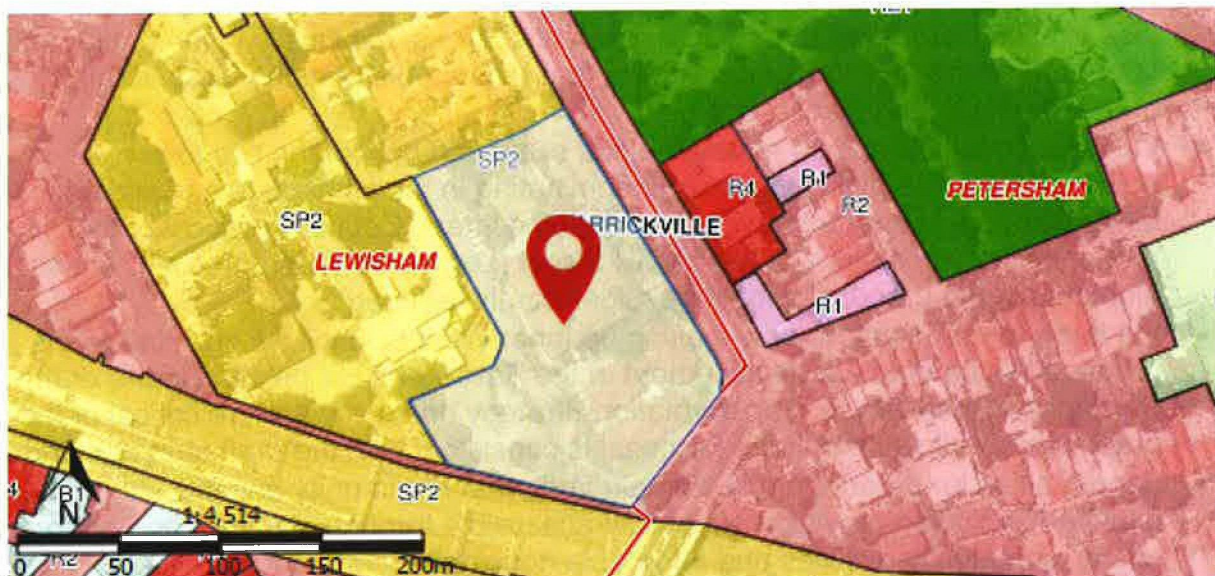


Figure 3: Site Zoning and immediate context. (source: NSW Planning Portal).

The SEPP applies to the subject site as, in accordance with clause 4, the land is zoned 'primarily for urban purposes' and the identified "special uses" zone under the Marrickville LEP 2011 permits development of a kind identified as special uses. The proposed development for the purposes of seniors housing is permissible because it falls within "the purpose of any form of seniors housing" (clause 15 of the SEPP).

CLAUSES 24(2) AND 25(5) OF STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

The Secretary must not issue a certificate unless the Secretary:

- has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received

- from the General Manager of the council within 21 days after the application for the certificate was made; and
- (b) is of the opinion that:
- (i) the site of the proposed development is suitable for more intensive development; and
 - (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

COMMENTS FROM COUNCIL

Inner West Council provided comments on the proposal on 6 July 2016 (Tab 2) which are summarised as follows:

Urban Design and Planning:

- The site has no height of building or floor space ratio development standards due to the large property area and generally restricted and multifunctional uses of the broader Catholic Church-owned precinct, making setting controls impractical;
- the proposed use for higher density seniors housing is appropriate, but it is noted that neither Lewisham nor Petersham stations are accessible stations;
- taller buildings are appropriate, but Council is concerned that overshadowing and loss of solar access will extend into residential areas, especially in the earlier and later parts of the day. Council suggests that reasonable certainty around this matter needs to be established;
- the substantial (12 and 14 storey) height, scale and bulk of the two tower buildings would be highly visible and dominating in the immediate and wider local landscape, out of character with the existing context. Council is critical of the proponent's comparisons to the McGill Street (Lewisham West) precinct. These elements of the proposal should be "significantly reduced";
- the three former councils now making up Inner West Council, all objected to the proposed scale of future development of the Taverner's Hill precinct in the draft Parramatta Road Urban Transformation Strategy and are therefore critical of the proponent's indication that the proposal is consistent with the draft strategy; and
- opportunities for broader public domain and other community benefits should be explored, including provision of publicly-accessible through-site links and open space, community facilities and affordable housing.

Heritage:

- Proposals for both the locally listed Ann Walsh Building and the Novitiate Building could be supported, subject to satisfactory heritage management documents.

Relationship to new buildings:

- Council has no objection to the demolition of the low scale aged care buildings, and the tallest elements of the proposed buildings will be reasonably distant from the buildings to be retained and altered. However, less striking designs would be more appropriate, and this issue could be dealt with in detail at the DA stage.

Archaeology:

- The provisions of the Heritage Act would apply if any archaeological deposits were encountered.

Traffic and parking:

- The preliminary Site Transport Assessment is inadequate to justify the proposed vehicle access arrangements;
- the proposed southernmost driveway access off West Street should not be used for exiting vehicles in any circumstances;
- intensification of uses, such as those proposed, should be subject to analysis of the cumulative impact of all co-located uses (within the broader St Vincent de Paul campus);
- there should be more analysis of the actual demand for staff, resident and visitor parking, loading facilities and bus drop off and pick up based on examples from contemporary aged care facilities. ILU residents are not necessarily infirm, and therefore car ownership needs to be considered.

Vegetation and Biodiversity:

- Overall, the Preliminary Arboricultural Report is satisfactory, but it is unclear as to which trees are proposed to be removed. More information should be provided at the DA stage.

The applicants have provided a response to all of the above Council comments, including a photo montage from three locations. The response is attached at Tab 3, and the photo montage is at Figure 5 below.

In summary, the applicants' response to Council's comments is as follows:

- additional shadow diagrams have been provided for the hours of 9.00am to 3.00pm (at the Winter solstice) inclusive, which indicate that overshadowing will mainly affect the rail corridor, with some overshadowing extending into residential areas to the south of the corridor. The applicant states that a detailed survey will be carried out to confirm the extent of overshadowing at the development application stage;
- the positioning of proposed new buildings at the south of the site, generally adjacent to the rail corridor; and various external building 'design strategies' have been incorporated to reduce the impact of the bulk and scale of the proposed buildings;
- the applicants have confirmed a willingness to contribute to the broader public domain and community benefits following discussion with Council at the development application stage;
- in relation to heritage concerns, the applicants have stated that a Heritage Management Document or Schedule of Works will be provided at the development application stage;
- the applicants' traffic consultants (GTA) have provided a review of the traffic and transport-related impacts, indicating that sight lines and vehicular access points are suitable and safe. However, further detailed consideration of cumulative effects of development and reliance on on-street parking will be addressed at the development application stage;
- Council's concerns relating to vegetation and biodiversity will be addressed at the development application stage.

The Department has particular concerns in relation to the overall height and scale of the proposal, which are discussed in more detail in the following sections of this

report, and which have been raised with the applicants. The Department notes and agrees with Council that these issues need to be suitably addressed at the development application stage, and considers that this can be done.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The Secretary must not issue a certificate unless she is of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)).

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

The site is considered suitable for more intensive development for the following reasons:

- the subject site is within an urban area;
- public transport is available from West Street, well within 400m of the site;
- the site is located approximately 500m from a centre (New Canterbury Road/Gordon Street, Petersham), which offers a range of services to meet the needs of the local community; and within 500m of the Parramatta Road bus corridor which allows access to commercial areas on Parramatta Road and other locations such as Leichhardt Market Place;
- infrastructure for services can be facilitated on the site; and
- there are no major environmental or heritage constraints which mean the site is unsuitable for more intensive development.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

The Secretary must not issue a certificate unless she is of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 25(5)(b)):

1. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))

Vegetation and biodiversity

Despite the developed nature of the site, there are numerous trees and other vegetation within the site, as shown by the proponent's aerial photo (Tab 1A). While the Preliminary Arboricultural Report recommends numerous trees to be considered for removal or retention, the application does not specify those trees that are intended to be removed or retained. However, the masterplan and concept plans do indicate the inclusion of vegetation and landscaped gardens.

As raised in Council's submission, detailed tree replacement and landscaping plans, including details of the proposal's impact upon the Bandicoot Protection Area and Wildlife Corridor, should be required in any future development application.

Furthermore, the site is subject to clause 6.4 (Terrestrial biodiversity) of the LEP, which seeks to protect flora, fauna, and ecology.

Contamination

The application includes a Preliminary Site (Contamination) Investigation report which notes that the site was previously used as a cemetery, convent and aged care facility and it is likely that asbestos, polycyclic aromatic hydrocarbons (PAH) and heavy metals in particular contaminate the site. The report concludes that if further investigations and remedial works are undertaken, the site could be made suitable for the proposed development.

Flooding

The site is not identified as a 'flood planning area' on the applicable Marrickville LEP Flood Planning Maps.

Existing and approved uses of land in the area

The site is generally surrounded by residential, community and recreational uses, including some medium-high density residential developments. In this context, it is considered that a seniors living development of the nature proposed is generally compatible with its surrounding environment and land uses. However, if necessary, revised building heights and designs can be required by a condition attached to the Certificate, or at the development application stage (see discussion under point 2 below).

2. The impact that the proposed development is likely to have on the uses that, in the opinion of the Secretary, are likely to be the future uses of that land (clause 25(5)(b)(ii))

The site is already used for community and aged care facilities. However, the intensity of the use would increase significantly given the scale of the development and the proposed numbers of ILUs and RACF facilities.

The site is relatively isolated from any direct interface with other residential properties, given its location within an already relatively intensively developed precinct bounded by a railway line and main roads, and the proposal would use currently under-utilised space co-located with other community facilities within the immediate area. Further, the railway and roads corridor to the south provide a 'buffer' to residential development to the south-east of the site. In these circumstances, it is considered unlikely that there would be adverse impacts upon the permissible land uses within the surrounding zones.

Notwithstanding, Council raises concern about overshadowing and the visual dominance of the proposed development. These issues are discussed at point 5 below.

3. The services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly retail, community, medical, and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision (clause 25(5)(b)(iii))

Infrastructure

The proposal states that there are no known constraints on local services and utility infrastructure in the area, and that essential utilities are available from surrounding local areas. It is likely that the increase in demand for utilities provision will be met by the augmentation of existing infrastructure, which can be dealt with through consultation and negotiation with utility providers at the development application stage.

Location and access to facilities

The site is located more than 400m from numerous day to day retail, commercial and medical services and consequently does not strictly meet the requirement of clause 26(2)(a). However, such services and facilities are available at the Petersham and Leichhardt centres and along Parramatta Road, all of which are accessible from the bus stop on West Street, in front of the site, with access to a much wider area available from Lewisham Station, which is within approximately 400m of the site. The proponent confirms that footpath gradients have been analysed and comply with the requirements of the SEPP.

In these circumstances, it is considered that the proposal complies with the requirements for access to public transport and services/facilities (clause 26(2)(b)).

4. In the case of applications in relation to land that is zoned open space or special uses – the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development (clause 25(5)(b)(iv))

The site is zoned SP2 Infrastructure (Community Facilities), but does not include any public open space. The proposal seeks to maintain and intensify the current type of use on the site. As such the proposal will not result in the loss of either public open space or special uses in the vicinity.

It is considered that an incoming population will increase demand for public open space. The proposal indicates provision for private open space and garden areas within the site, for the use of residents and visitors to the proposed development

Outside the site, Petersham Park provides significant public open space on the opposite side of West Street. Existing nearby residents (and future residents of the proposed development), will still have access to a variety of public open spaces and recreational facilities including Petersham Park, the Fanny Durack Aquatic Centre and Petersham Bowling Club.

In response to Council concerns, the proponent has confirmed a willingness to “contribute to the broader public domain and community benefits”. These details can be finalised with Council as part of the development application process.

5. Without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development (clause 25(5)(b)(v))

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Bulk and scale

The proposal includes significant new development, particularly a 5 storey podium along the southern portion of the site, with two building elements of 9 storeys (Building 1) and 7 storeys (Building 2) above the podium.

Council has expressed concern in relation to the bulk, scale and visual impact of the proposed development. In response, the proponent states that various design strategies have been used to reduce the appearance of bulk and scale. It is noted that architectural design solutions have been applied to reduce the visual impact of the development, including separated building forms, the use of 'foreground and background' buildings, articulated facades and upper floor setbacks (Tab 3).

It is considered that the site is of sufficient size to accommodate additional new buildings, and the presence of relatively large existing buildings on and around the site, such as the 6-storey Novitiate Building, would mean that new buildings of a similar scale and taller than those ordinarily provided for by the SEPP, would not necessarily appear out of keeping or have a significant impact in the local landscape. Furthermore, the presence of Petersham Park opposite the site, and the rail corridor behind, mean that there is a degree of 'isolation' and space around and about the site/precinct such that a significant development would not necessarily have an unacceptable impact upon nearby land uses.

Notwithstanding, the height and scale of the proposed 12 and 14 storey buildings is considered excessive in relation to the surrounding low to medium density environment and should be reviewed as part of any future development application. There is also potential for the proposed 5/6 storey 'Building 3', located adjacent to the busy West Street intersection at the site's south-eastern corner, to be prominent in the streetscape and to restrict view lines in this location. Consideration should be given to the provision of sufficient setbacks to reduce the bulk and scale, and to provide for enhanced view lines, at the West Street frontage.

Draft Parramatta Road Urban Transformation Strategy

The site is in the vicinity of the southern part of the Taverner's Hill precinct identified in the publicly displayed draft Strategy for increased development density and height. The draft Strategy indicates a maximum height of 42m (12 storeys) on land to the west of (but not adjoining) the site, immediately adjacent to Lewisham Station. The John Berne School, Eileen O'Connor College and St Thomas Beckett Catholic Church are all located between the site and the edge of the Taverner's Hill Precinct

It should be noted that Urban Growth NSW has advised the Department that the draft Strategy has been reviewed in light of concerns relating to its indicated development density and building heights in the precinct, and that the draft development parameters have since been revised downwards.

An extract from the publicly displayed draft strategy is at Figure 4.

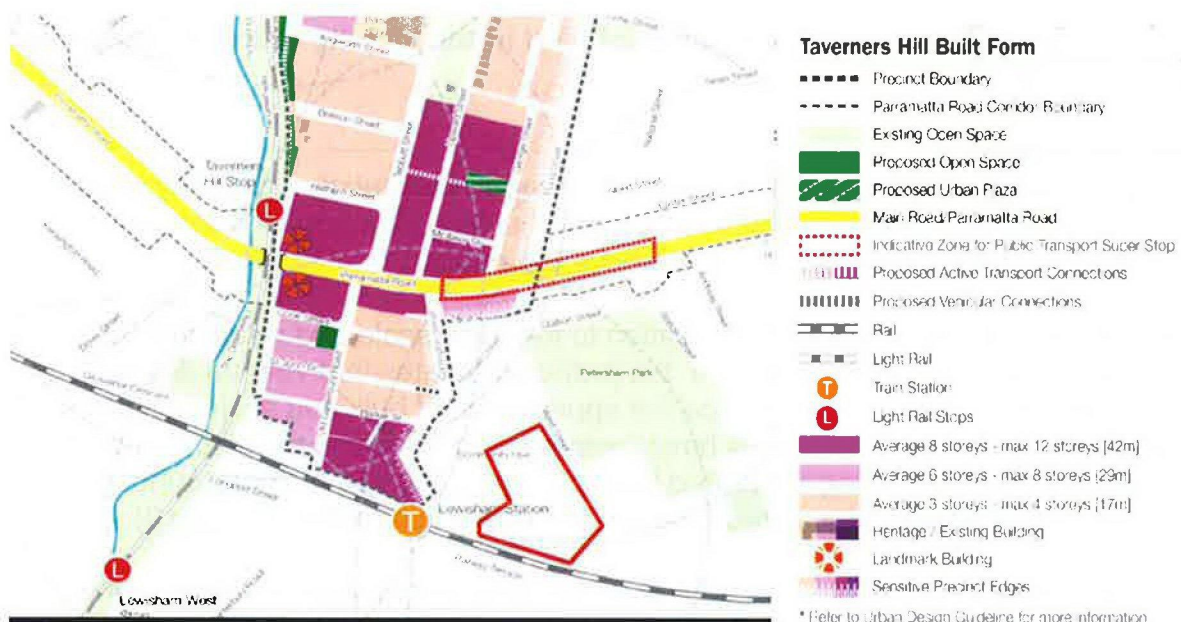


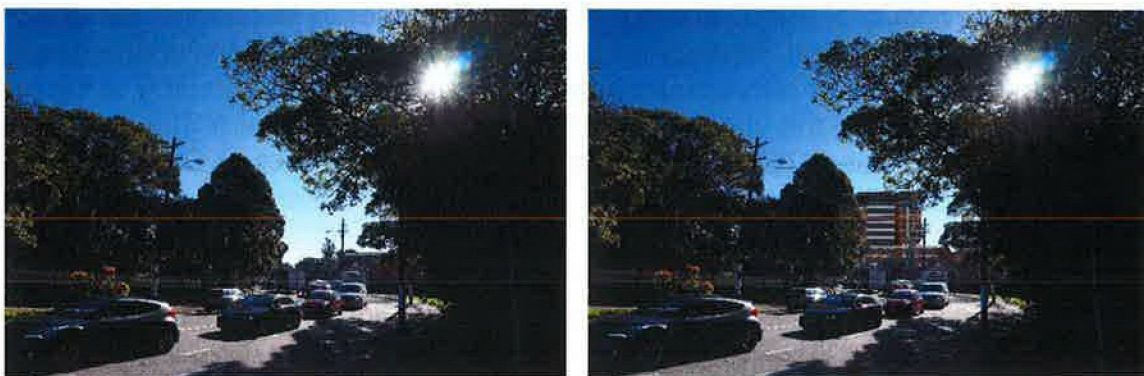
Figure 4: Extract from the draft Parramatta Road Urban Transformation Strategy (Source: Urban Growth NSW). Site outline is approximate.

The photomontages provided by the proponent indicate that the development, *in the absence of development facilitated by the draft (or final) Strategy*, would be visually dominant (see Figure 5 below).

Figure 5: Photomontage (source: Mecone)



Existing and proposed views from Station Street (source: Mecone)



Existing and proposed views from Gordon Street (source: Mecone)



Existing and proposed views from Longport Street (source Mecone)

The draft Strategy provides strategic justification for building above existing prevailing density and building heights within the Taverner's Hill Precinct. However, the site is not within this precinct, and is therefore not identified for such intensification. The draft Strategy would facilitate a potentially significant built form as a western backdrop to the subject site, reducing the proposal's visual impact from the east, but it is considered inappropriate to develop above the height parameters proposed by the draft (or final) Strategy. As discussed earlier in this report, the soon to be finalised Strategy has been revised to reduce the development potential of the Taverner's Hill Precinct following significant local objection to the level of proposed density and height indicated in the *draft* version of the Strategy.

Any development on the site should provide a transition between the potential development of the Taverner's Hill Precinct, the heritage buildings on the site and the prevailing surrounding residential development (generally 1-2 storeys). In order to achieve an appropriate transition, a reduction in the height of the tallest elements of the proposal (Buildings 1 and 2) should be considered so that they would be seen as 'subordinate' to the potential development in the Taverner's Hill precinct and less dominating in the local landscape.

The final scheme should be subject to the consent authority carrying out a detailed assessment of the proposal's design and height, and its impact on solar access and overshadowing, and the amenity of nearby residential properties to the south-east of the site in particular, as part of the development application process.

It is noted that:

- in response to Council's concerns about overshadowing, the proponent has provided additional hourly shadow diagrams which indicate that at June 21 between 9 am and 3pm, the proposal's overshadowing impact will be acceptable (Tab 4);
- further traffic and transport-related information provided by the proponent to address Council's concerns, states that the southernmost access is to be a secondary access and would be left in/left out only, and indicates that it would be in accordance with Australian Standards. The consent authority should consult Roads and Maritime Services to seek confirmation that the proposed access arrangements are acceptable at development application stage; and
- detailed design matters, including Council's suggested consideration of less "striking" designs, can be appropriately addressed at the development application stage.

Built form and character

The surrounding area comprises predominantly low-rise (1-2 storey) residential development, but the proposal is located within a 'precinct' that accommodates both the site's existing and significant buildings (the Novitiate Building in particular) and those of the adjoining sites occupied by the John Berne School, St Vincent de Paul Society and St Thomas Beckett Catholic Church.

The proposed building design is modern, and it is noted that on the West Street precinct frontage, the St Vincent de Paul Society building is a modern and largely glazed building, and so the construction of modern designed buildings would not necessarily be out of character.

However, there is scope to review the scheme's detailed design at the development application stage, to better address the conditions of the site and its surroundings.

6. If the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003* – the impact that the proposed development is likely to have on the conservation and management of native vegetation (clause 25(5)(b)(vi))

The *Native Vegetation Act 2003* is not applicable to land within the Inner West local government area (formerly Ashfield, Leichhardt and Marrickville LGAs).

OTHER RELEVANT MATTERS

Strategic Planning Context

A Plan for Growing Sydney

The following Directions and Priorities of *A Plan for Growing Sydney* are considered relevant:

- Direction 2.1: Accelerate housing supply across Sydney;
- Direction 2.3: Improve housing choice to suit different needs and lifestyles;
- Priority for the Central Subregion: Accelerate housing supply, choice and affordability and build great places to live.

The development proposal is consistent with *A Plan for Growing Sydney* as it:

- increases housing supply in close proximity to (public) transport corridors, providing access to services and facilities; and
- improves housing choice and affordability.

CONCLUSION

Approval of a Site Compatibility Certificate, subject to conditions, is recommended for the following reasons:

- the site is suitable for more intensive use, for the provision of independent living units and residential aged care facility bedrooms designed for the accommodation of seniors, having regard to the criteria set out in clause 25(5)(b) of the SEPP;
- it will provide a well located seniors housing development in the Inner West LGA, as it is located in close proximity to existing public transport networks,

which provide access to health, retail, banking and other facilities and services;

- Council's main concerns regarding height, bulk and scale of the proposed development can be suitably addressed at the development application stage; and
- the concerns reflected in this report are highlighted in the Department's letters to the proponent and Council.

Endorsed by:



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 23-11-2016

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