

**Report to the Sydney Eastern City Planning Panel on an application for a site compatibility certificate  
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

---

**LGA:** Inner West

**SITE:** 2B West Street, Lewisham (**Figure 1, 2 and 3**)

**LEGAL DESCRIPTION:** Lot 1 DP 1116995

**APPLICANT:** Mecone NSW Pty Ltd on behalf of Catholic Healthcare Limited

**SITE ANALYSIS:** The site of the SCC application (**Figure 1**) is currently occupied by 'Lewisham Aged Care' and comprises a complex of buildings, being:

- Ann Walsh Building: a vacant 3 storey building formerly used as an outpatient building of the Lewisham Hospital;
- Former Novitiate building: a 6 storey square building with a central courtyard used as an aged care facility with 46 standard rooms and 5 shared rooms with common bathroom facilities; and
- Aged care hostel: incorporates a series of 2 storey buildings providing age care accommodation for 40 residents.

The south western corner of the site is used as an informal at grade car parking area, which is understood to service the existing aged care facilities.

Bus service 413 stops outside the site on West Street, providing public transport access to Campsie town centre, Norton Street Leichhardt and the Sydney CBD. This service runs from Campsie to Martin Place every 10 to 30 minutes during AM and PM weekday peak and every 30 to 60 minutes on Saturday and Sundays.



**Figure 1** – Aerial photo of the Site (Source: Nearthmaps)



Figure 2 – Aerial photo of the surrounding area (Source: Nearmaps)

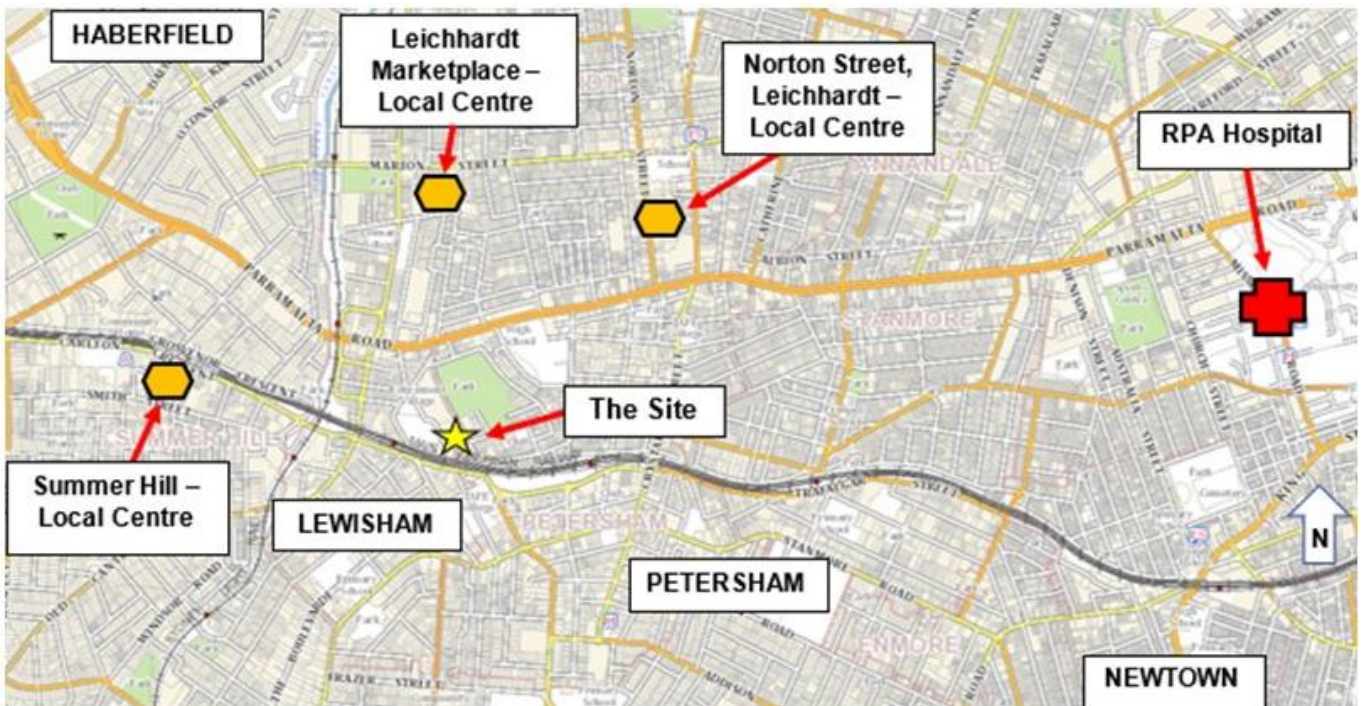
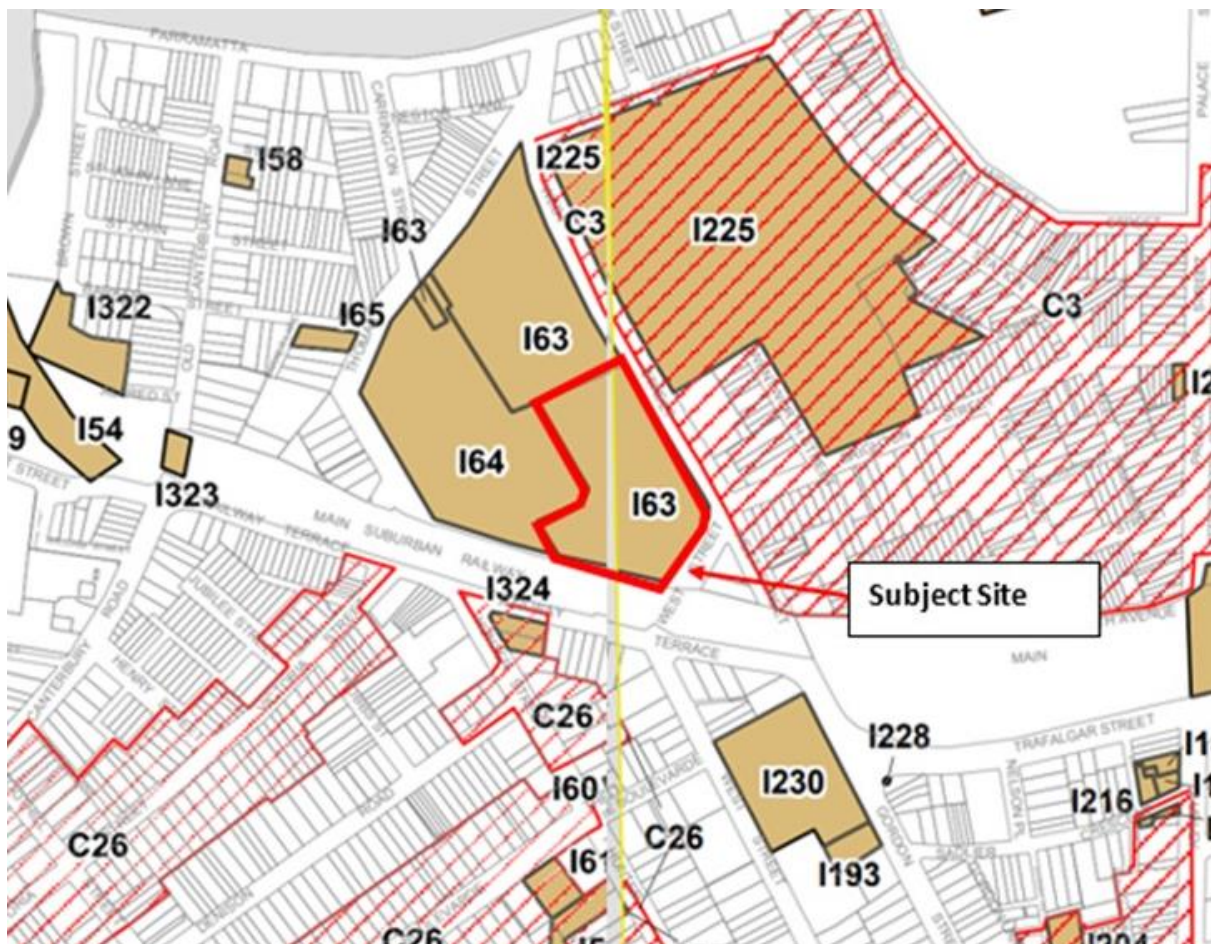


Figure 3 – Site context map (Source: Six Maps)

The site contains a locally listed heritage item (I63) with the former Lewisham Hospital, Convent, grounds and interiors identified in the environmental heritage schedule of Marrickville LEP 2011 as having significance.

The subject site is near a number of locally listed heritage items and a heritage conservation area (**Figure 4**). These items are identified under Schedule 5 of Marrickville LEP 2011 and are as follows:

- Former Lewisham Hospital, Convent and grounds, including interiors (Item 63), this includes the site subject to the SCC application;
- St Thomas’s Catholic Church, School and Presbytery, including interiors (Item 64);
- Petersham Park including park and stone boundary walls, pergolas and memorial gates (Item 225);
- Petersham Girls’ High School (former), including interiors (Item 230);
- Two-storey Federation Queen Anne style residence (Item 324);
- Petersham North Heritage Conservation Area (Item C3); and
- Lewisham Estate Heritage Conservation Area (Item C26).



**Figure 4 – Heritage Map** (Source: Marrickville LEP 2011)

**PROPOSAL:** The proposal accompanying this SCC application lodged in December 2018, is for the construction of a new seniors living development including a total of 135 Independent Living Units (ILU) and 144 Residential Aged Care Facility (RACF) beds at the site. The concept proposes the following works:

- Retention of the Ann Walsh building with alterations and additions to create accommodation for 10 ILUs and ancillary uses;
- Retention of the Novitiate Building with alterations and additions to create accommodation for 34 ILUs and ancillary uses;
- Demolition of the existing Aged Care Hostel on the southern part of the site and erection of a part-RACF and part-ILUs building which includes:
  - Overall a 9 to 12 storey building with a 5 storey podium along the southern portion of the site which includes the RACF beds. Above the podium are two tower elements which include an additional 7 storeys (Building 1 – total 12 storeys) and an additional 4 storeys (Building 2 – total 9 storeys) comprised of accommodation for 62 ILU's.
  - a 7 storey building (Building 3) along West Street, which includes accommodation for 29 ILUs. It is noted that the upper three levels are setback from the building edge; and
  - Two basement car parking levels and at grade parking (providing a total of 201 parking spaces).

The proposed plans are provided at **Figures 5** and **6**, over the page.

The major aspect of the re-development is proposed to be situated at the southern end of the site adjacent to the western rail line.

Architectural drawings by Jackson Teece and an Urban Design Assessment Report and Masterplan for the proposal by UrbanAC are provided at **Attachment A** of this report.

The proposal is also supported by an Arboriculture Report, Acoustic Report, Heritage Impact Statement, Traffic Impact Assessment and a Preliminary Stage 1 and Stage 2 Environmental Assessments (**Attachment A**).

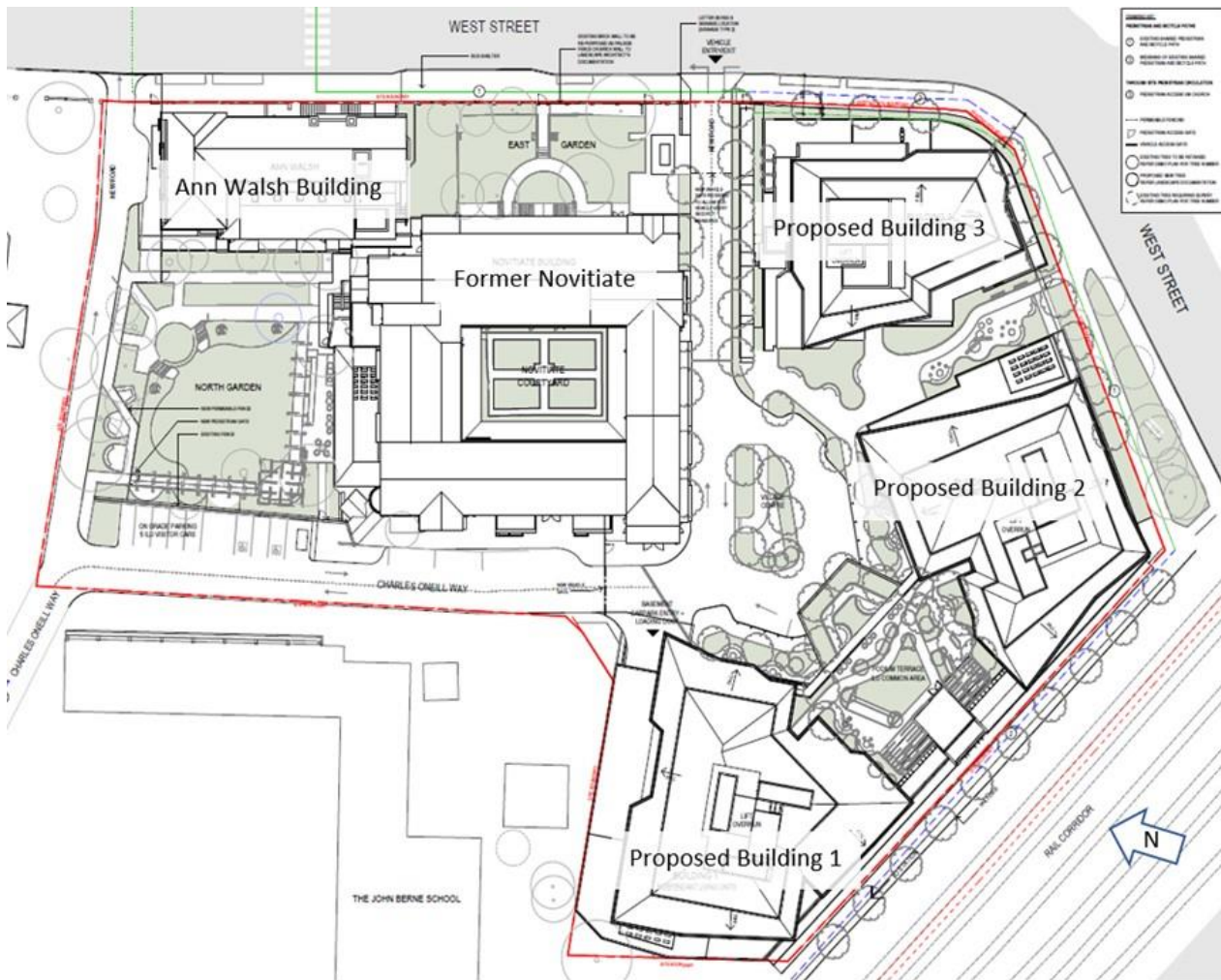


Figure 5 – Site Plan (Source: Architectural Plans by Jackson Teece)

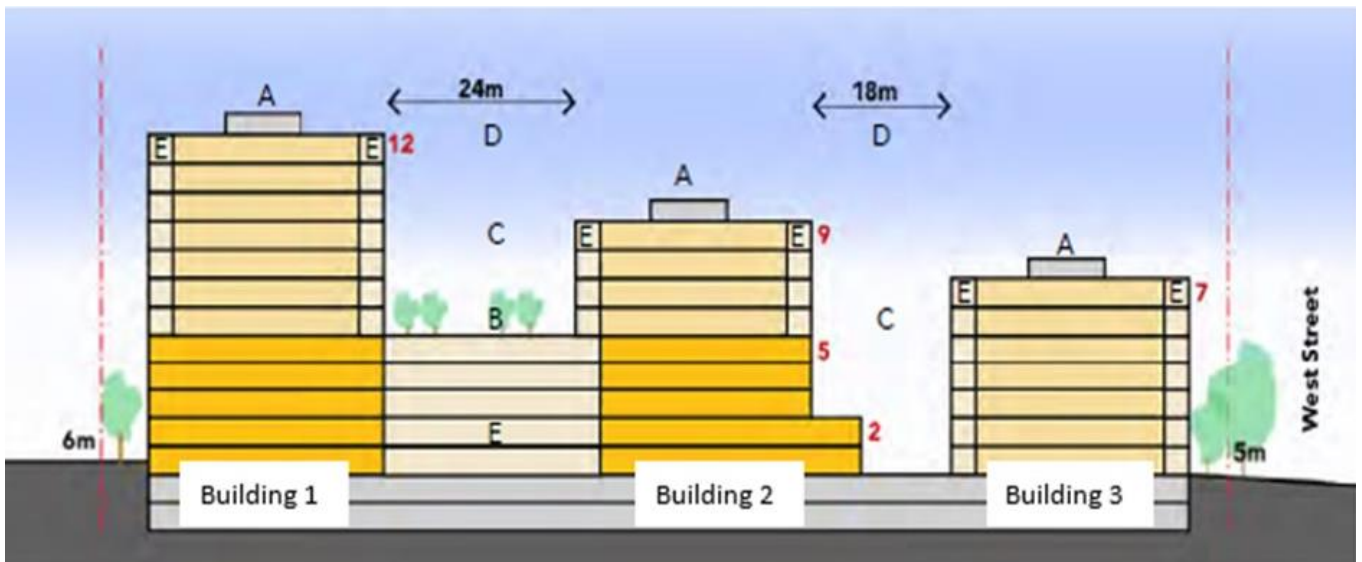


Figure 6 – East-West Cross Section of Buildings 1 to 3 from the south (Source: West Street Precinct Masterplan by UrbanAC)

### Concurrent development application

A development application reflecting the concept design accompanying the Site Compatibility Certificate (SCC) application has been lodged with Inner West Council in December 2018. This development application is known as DA201800505 (Panel Ref. 2019ECI001 DA). The application is currently under assessment and will be determined by the Eastern City Planning Panel due to the Capital Investment Value being greater than \$30 million.

The application was publicly exhibited from 7 January to 7 February 2019, with 66 submissions received. The issues raised in these submissions included heritage impacts, traffic congestion on West Street and Railway Parade, car parking impacts and inconsistency with local character.

Following completion of Council's preliminary assessment of the application, Council wrote to the applicant requesting amended plans and additional information to address several issues. These issues included concern that the height of Building 1, in the context of the surrounding development, is out of scale. Council recommended in its correspondence to the applicant that Building 1 be reduced from 12 to 9 storeys.

In September 2019, amended plans and additional information were submitted to Council by the applicant addressing issues raised by Council. The amendments responding to these issues included a reduction in the height of Building 1 from 12 to 9 Storeys.

As the previous SCC on the site expired in December 2018, this development application requires a new SCC to be determined favourably. This is required by Section 50(2A) of the Environmental Planning and Assessment Regulation 2000. It should be noted that under clause 24(3)(i) of the Seniors SEPP that the consent authority can grant consent to a development application that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate is issued.

### **PREVIOUSLY ISSUED SCC ON THE LAND**

A previous SCC has been issued over the subject site (SCC\_2016\_IWEST\_001\_00) (**Attachment D**). This certificate was issued on 9 December 2016 and expired in December 2018 due to clause 25(9) of the Seniors Housing SEPP. This SCC considered that the site was zoned "primarily for urban purposes" and permitted the development of '*in-fill self-care housing*'<sup>1</sup>. The development concept also included '*residential care facilities*'.

Inner West Council raised concerns with this previous SCC application. These concerns were overshadowing impacts, bulk and scale, building heights, heritage impacts, traffic and car parking issues.

---

<sup>1</sup> In the Seniors Housing SEPP, *in-fill self-care housing* is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.

The assessment of this previous SCC noted that the proposal was considered excessive in relation to both the site and the wider surrounding built environmental and should be reviewed to consider a reduction in height as part of the development application process with Council.

The final SCC issued in 2016 included the following condition:

*“The final layout and number of Independent Living Units and residential aged care bedrooms in the proposed seniors housing development will be subject to the consent authority being satisfied with the form, height, bulk, scale, setbacks, landscaping, access and parking arrangements, and shall be determined through assessment of the development application under Section 79C of the Environmental Planning and Assessment Act 1979.”*

No development application was lodged with Inner West Council in association with the previous SCC.

A comparison table of the concepts accompanying the SCC applications for the site is below:

<b>Issue</b>	<b>Previous SCC supporting concept scheme</b>	<b>Current SCC supporting concept scheme</b>
Range of maximum storeys	Building 1 – 14 Storeys Building 2 – 12 Storeys Building 3 – Part 5 to 6 Storeys Podium – Part 4 to 5 Storeys	Building 1 – 12 Storeys Building 2 – 9 Storeys Building 3 – 7 Storeys Podium – 5 Storeys
Indicative number of units/care beds	170 ILU 160 RACF beds	135 ILU 144 RACF beds
Car parking	Not specified	201 car parking spaces
Communal Open Space	Not specified	3,020m <sup>2</sup> (25% of site area)
Open Space and Landscaping	Not specified	4,373m <sup>2</sup> (36% of site area)

The concept of the proposed development submitted with the new SCC application provides for a reduced height, bulk and scale across the site in comparison to the previous application. This reduction is understood to be in response to comments received from Inner West Council as part of the pre-development application process.



**PERMISSIBILITY STATEMENT:**

The proposal is seeking to develop 135 Independent Living Units (ILUs) and 144 Residential Aged Care Facility beds. The site relates to land owned and operated by Catholic Healthcare and is zoned SP2 Infrastructure (Community Facilities) under *Marrickville Local Environmental Plan 2011 (Marrickville LEP 2011) (Figure 7)*. Seniors housing is not a permitted land use in the SP2 zone under Marrickville LEP 2011.

The subject site (being Lot 1 DP 1116995) also directly adjoins land that is zoned R2 Low Density Residential, R4 High Density Residential, RE1 Public Recreation, SP2 Community Facilities, SP2 Educational Establishment, SP2 Infrastructure - Rail Infrastructure Facilities and R1 General Residential (Figure 7).

In accordance with clause 24 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)* the applicant is seeking a SCC on the basis that the site is on land zoned primarily for an urban purpose (cl 24(1)(a)(ii)).



**Figure 7 – Land Zoning Map Marrickville LEP 2011 (Source: NSW Planning Portal)**

## DOES THE SENIORS HOUSING SEPP APPLY TO THE SUBJECT SITE?

Subject to other considerations detailed later in this report, the Seniors Housing SEPP applies to land that is:

- zoned ‘primarily<sup>2</sup> for urban<sup>3</sup> purposes’ or land that ‘adjoins land zoned primarily for urban purposes’ (clause 4(1)), but only if:
- development for the purpose of any of the following is permitted on the land:
  - dwelling-houses,
  - residential flat buildings,
  - hospitals,
  - development of a kind identified in respect of land zoned as special uses, or
- the land is being used for the purposes of an existing registered club.

The Seniors Housing SEPP applies to this site as:

- the site adjoins land that is zoned primarily for urban purposes (discussed later in this report); and
- the site is zoned for special uses, being SP2 Infrastructure (Community Facilities).

### ***Is the subject site zoned ‘primarily for urban purposes’ or does it ‘adjoin land zoned primarily for urban purposes’?***

Consideration of whether the land is zoned for urban purposes is required as the application contemplates development of in-fill self-care housing which may only be undertaken on land zoned “primarily for urban purposes” (clause 13(2) of the Seniors Housing SEPP).

Clause 4(2) of the Seniors Housing SEPP identifies a non-exhaustive list of land not zoned primarily for urban purposes, including land that is within any of the following zones under another environmental planning instrument:

- principally for rural purposes,
- principally for urban investigation,
- a zone that is identified as principally for residential uses on large residential allotments (for example R5 Large Lot Residential or RU6 Transition zones per the Standard Instrument LEP).

This does not mean that all other land not listed in clause 4(2) of the Seniors Housing SEPP is land ‘zoned primarily for urban purposes’. It is therefore necessary to determine if the zoning for the subject site is land zoned primarily for urban purposes by reviewing the characteristics and objectives of the relevant SP2 Infrastructure (Community Facilities) zone of Marrickville LEP 2011, being:

- to provide for infrastructure and related uses.
- to prevent development that is not compatible with or that may detract from the provision of infrastructure.

---

<sup>2</sup> The word ‘primarily’ is taken to have its natural meaning, being chiefly or principally.

<sup>3</sup> The word ‘urban’ is taken to have its natural meaning which is pertaining to or constituting a town.

- to protect and provide for land used for community purposes.

The permitted uses of the SP2 Infrastructure (Community Facilities) zone in Marrickville LEP 2011 are limited to:

- home occupations;
- aquaculture;
- roads; and
- community facilities (including any development that is ordinarily incidental or ancillary to development for the purpose of community facilities).

With reference to these characteristics and uses, although they may be found within an urban context, the Department considers that they are not found principally or chiefly within an urban context as is required by clause 4(1). Therefore, the Department does not consider this land to be land zoned primarily for urban purposes.

Despite the subject site not being land zoned primarily for urban purposes, the Department is satisfied that the subject site complies with clause 4(1) of the Seniors Housing SEPP insofar as it adjoins land that is zoned R2 Low Density Residential, which the Department considers to be land zoned primarily for urban purposes (**Figure 7**).

The application proposes the development of 135 ILUs. This form of seniors housing is defined as “in-fill self-care housing”, which is required to be on land that is zoned primarily for urban purposes by clause 13(2) of the Seniors Housing SEPP:

*“In this Policy, **in-fill self-care housing** is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care”.*

While the Department considers the subject site to be on land that ‘adjoins land that is zoned primarily for urban purposes’, the Department does not consider the land to be zoned primarily for urban purposes. Accordingly, a SCC should not be issued for “in-fill self-care housing”. This does not preclude a SCC from being issued for another form of seniors housing, such as serviced self-care housing.

The applicant has been given the opportunity to respond to this matter and has provided their own legal advice (**Attachment C**), which argues that the site is zoned primarily for urban purposes and thus “in-fill self-care housing” is permitted. The Department has reviewed this advice and remains satisfied that the land is not zoned primarily for urban purposes. The Department considers that community facilities are not primarily urban in nature, as this use is permitted with consent in a variety of rural zones in other local environmental plans.

Furthermore, the definition of ‘community facilities’ under the MLEP 2011 excludes some uses which are considered primarily urban, being educational establishment, hospital, retail premises, place of public worship and residential accommodation.

Should the Panel be of the view that the subject land is zoned primarily for urban purposes, the Department is satisfied the site meets the further requirement of clause 4(5)(a) of the Senior Housing SEPP, which requires that the consent authority be satisfied that most of the land it adjoins is land zoned for an urban purpose. In this instance, most of the site (approximately 262 metres of the 485m perimeter) adjoins

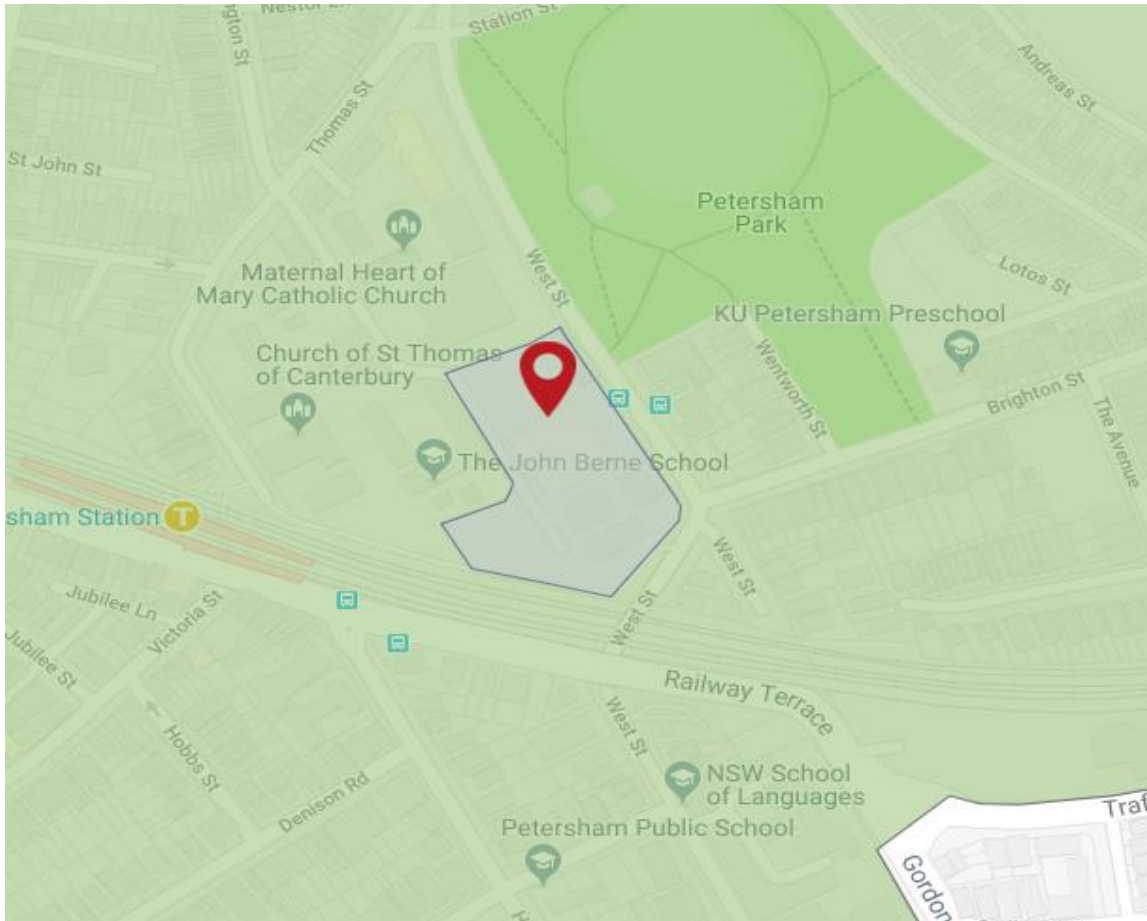
R2 Low Density Residential land. Under these circumstances, the requirement of the proposed SCC restricting the development of 'in-fill self-care housing' on the subject site could be deleted.

### **IS THE LAND EXCLUDED UNDER SCHEDULE 1 OF THE SENIORS HOUSING SEPP?**

Clause 4(6)(a) of the Seniors Housing SEPP provides that the SEPP does not apply to land described in Schedule 1 to the SEPP (environmentally sensitive land). This includes land shown as cross-hatched on the bush fire evacuation risk map (as defined by clause 3 of the Seniors Housing SEPP) and land that is identified in another environmental planning instrument by any of the following descriptions, or by like descriptions, or descriptions that incorporate any of the following words or expressions:

- (a) coastal protection,
- (b) conservation (but not land identified as a heritage conservation area in another environmental planning instrument),
- (c) critical habitat,
- (d) environment protection,
- (e) open space,
- (f) escarpment,
- (g) floodway,
- (h) high flooding hazard,
- (i) natural hazard,
- (j) (repealed),
- (k) scenic (but not land that is identified if:
  - (i) the land is within a residential zone in which development of two storeys or more in height is permitted,
  - (ii) an adjacent residential zone, also identified as scenic, permits development of two storeys or more in height);
- (l) water catchment, and
- (m) natural wetland.

Clause 6.4 of Marrickville LEP 2011 applies to the subject site as it is identified on the 'Natural Resources – Biodiversity Map' as 'biodiversity' (**Figure 8** over the page). The Department does not consider the identification of the subject site under clause 6.4 of the Marrickville LEP 2011 would preclude the application of the Seniors Housing SEPP by virtue of clause 4(6)(a) of the SEPP.



**Figure 8 – Terrestrial Biodiversity Map (Source: NSW Planning Portal)**

### **PROXIMITY OF SITE TO CURRENT SCCs**

Clause 25(2)(c) of the Seniors Housing SEPP provides that if the land (or any part of the land) is located within a one-kilometre radius of 2 or more other parcels of land over which:

- (a) there is a current SCC, or
- (b) an application for a SCC has been made but not yet determined

then the applicant is required to provide a cumulative impact study with their application.

There are no current SCCs or pending applications for SCCs for land within proximity of the site, and as such, a cumulative impact study is not required and has not been provided.

However, under clause 25(2D) of the Seniors Housing SEPP, the relevant panel may require an applicant to provide a cumulative impact study even if it has not been provided with the application if the relevant panel considers that it is necessary for it to be provided to determine whether the land concerned is suitable for more intensive development.

## CLAUSES 24(2) AND 25(5)

The panel must not issue a certificate unless the panel:

- (a) 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

On 11 December 2018, the application was sent to Inner West Council requesting comments. Council comments were received on 31 January 2019 (**Attachment B**).

Council did not raise any specific concerns regarding permissibility of the proposal or any potential environmental impacts from the development concept. In subsequent discussions with Council, they indicated that they did not object to the site being restricted to serviced self-care rather than the in-fill self-care housing.

Council did confirm that they have been in discussions with the applicant and that formal pre-lodgement advice was provided on 2 July 2018. Council has also provided its Architectural Excellence Panel's feedback to the applicant.

Council believes the Sydney Eastern City Planning Panel will be in a position to determine if the height and density for the proposed development are appropriate in the context of the assessment of the development application.

Council did state that it is not necessary to establish additional built form controls under the SCC as the site is already subject to adequate local urban design guidelines and development controls. These controls which Council referenced are included in the table below.

Instrument or Development Guide	Summary of Controls
SEPP (Housing for Seniors or people with a Disability) 2004	<ul style="list-style-type: none"><li>• Site related requirements</li><li>• Site Analysis</li><li>• Site size requirements</li><li>• Site frontage</li><li>• Height</li><li>• Density and scale</li><li>• Landscaped area</li><li>• Deep soil zones</li><li>• Solar access</li><li>• Private open space</li><li>• Parking</li></ul>

Instrument or Development Guide	Summary of Controls
Seniors Living Policy: Urban Design Guideline for Infill Development	<ul style="list-style-type: none"> <li>• Character assessment principle</li> <li>• Site planning and design principle</li> <li>• Built form principles</li> <li>• Streetscape principle</li> <li>• Trees, landscaping and deep soil zones principles</li> <li>• Residential amenity principles</li> <li>• Impacts on neighbours principles</li> </ul>
SEPP 65 and Apartment Design Guidelines	<ul style="list-style-type: none"> <li>• Design quality principles</li> <li>• Building separation</li> <li>• Deep soil zones</li> <li>• Ceiling heights</li> <li>• Internal circulation</li> <li>• Solar access</li> </ul>
Marrickville Local Environmental Plan 2011	<ul style="list-style-type: none"> <li>• Zone objectives</li> <li>• Heritage controls</li> </ul>
Marrickville Development Control Plan 2011	<ul style="list-style-type: none"> <li>• Urban design principles</li> <li>• Heritage impact controls</li> <li>• Alterations and additions controls</li> <li>• Building materials and details</li> <li>• Solar Access and Overshadowing</li> <li>• Landscape</li> <li>• Lewisham North (Precinct 1) Desired future character statement</li> </ul>

In regard to Council's comments concerning the Seniors Living Policy: Urban Design Guideline for Infill Development, this will not be mandated by clause 31 of the Seniors Housing SEPP if the Panel adopts the recommendation that the subject land is not zoned primarily for urban purposes and thus 'in-fill self-care housing' is prohibited on the subject land. Even if this design guideline does not apply, there are still sufficient planning controls in place to achieve a satisfactory outcome.

### **SUITABILITY FOR MORE INTENSIVE DEVELOPMENT USES**

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

The site forms part of the former Lewisham Hospital site. Several institutional buildings, of local heritage significance, remain from this use which have since been repurposed. On the land subject to the SCC application, buildings of this description are the Ann Walsh Building and the former Novitiate.

The proposal seeks to retain these heritage listed buildings and adapt them for the purposes of independent living units with ancillary spaces supporting the broader development. The proposal also includes retention of the surrounding gardens and landscaped areas associated with these buildings, which have heritage significance.

The proposed new buildings considered as part of this SCC application, comprise a 12 storey (Building 1), 9 storey (Building 2) towers with an integrated 5 storey podium and a standalone 7 storey (Building 3). These are located on the southern portion of the site, within the footprint of the current aged care hostel and at-grade car park. These structures have negligible heritage significance.

As discussed on page 27 of this report, the introduction of additional bulk to the southern portion of the site will also minimise overshadowing to heritage items, neighbouring dwellings and provide clear separation in bulk and scale to surrounding residential development. The location of Buildings 1 to 3 at the southern portion of the site is considered appropriate, as this will enable the retention of unobstructed key views and vistas to the high significance facades and gardens, identified in the Heritage Impact Statement.

Nevertheless, the Department considers that the final heights of the proposal should be further resolved as part of the development application assessment. As discussed on page 7 of this report, the proponent has already reduced the building heights to a maximum of 9 storeys as part of the concurrent development application being considered by Council.

In relation to traffic impacts, the application is accompanied by a Traffic Impact Assessment (**Attachment A7**) which supports the development concept. Vehicular access is proposed through two new driveway entrances off West Street and the existing access through Charles O'Neill Way. It is proposed to provide car parking compliant with Part 7 of the Seniors Housing SEPP. The traffic report considers these arrangements to be satisfactory, whilst the additional vehicular movements of the development can be accommodated on the existing local road network.

The site for the development is considered suitable for more intensive development given that it:

- has sufficient space to accommodate additional density on site that can be resolved as part of a development application assessment;
- is accessible to Norton Street Leichhardt as a key local centre, which provides a wide range of services and facilities;
- is readily accessible to services, facilities and public transport infrastructure;
- is 3.5km or a 10 minute drive to the Royal Prince Alfred Hospital; and
- the site has no constraints that could not be adequately addressed at the development application stage.

The development is considered suitable for the site given that it:

- retains the heritage buildings on the site;
- utilises the existing accessway and local road network to the site, with new driveways providing satisfactory traffic outcomes;
- the proposed new buildings are confined to parts of the site which have no heritage significance;



- the proposed new buildings do not impact on high significance vistas and views to the heritage items on site;
- will help meet the demand for increased seniors housing in the Inner West local government area, as identified in Sydney Region Plan and the Eastern City District Plan; and
- Council did not raise specific concern about the intensification of the use on the site for the purposes of seniors housing.

## **COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES**

The panel must not issue a SCC unless the panel is of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding land uses having regard to the following criteria (clauses 25(5)(b)) and 24(2)(b) of the Seniors Housing SEPP):

### **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))**

The key site attributes and constraints are listed below and discussed in the context of a proposed seniors housing development on the land.

#### Flooding

The subject site is not identified as being flood affected within the relevant flood mapping under the Marrickville LEP 2011.

#### Stormwater

The application is not supported by a stormwater drainage assessment.

Investigation and assessment into any site constraints caused by stormwater run off will be required during assessment of the development application. This detailed design work will be required to comply with relevant controls and guidelines by the consent authority.

#### Contamination

The application is supported by a Stage 1 Preliminary Site Investigation and a Stage 2 Detailed Site investigation. The Detailed Site Investigation concludes that potential contamination of the site could be present due to imported fill materials.

The Stage 2 Detailed Site Investigation report concludes the site can be made suitable for residential development. The report recommends further testing once nominated existing buildings on the site are demolished. Once final testing results under these structures are known, a Remediation Action Plan can be prepared to instruct how to remediate the site as necessary. The Department considers that this issue is capable of being appropriately addressed at the development application stage.

#### Geotechnical

The application does not include a technical assessment of the geotechnical characteristics of the site and the site is not located on land identified as having acid sulphate soils or any other geotechnical issues.

This matter can be further investigated and assessed as part of a development application.

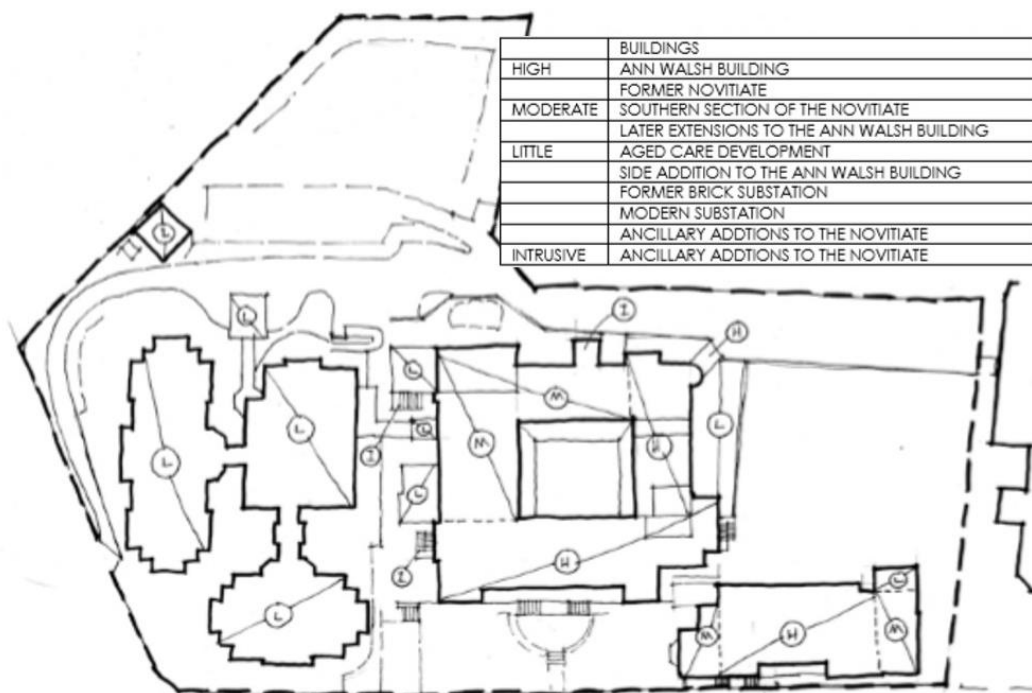
Acid sulphate soils

The subject site is not identified as being affected by acid sulfate soils within the relevant Marrickville LEP 2011 mapping.

Heritage

A Heritage Impact Statement was submitted as part of the SCC application which identified the buildings (**Figure 9**) and landscaping (**Figure 10**) that have heritage significance on the subject site. These are as follows:

- Ann Walsh Building (building of high significance);
- Former Novitiate (building of high significance);
- Cloister (building of high significance);
- Northern Garden (landscaping of high significance); and
- East Garden (landscaping of high significance).



**Figure 9** – Heritage Built Form Significance Diagram (Source: Heritage Impact Statement)



**Figure 10** – Heritage Landscaping Significance Diagram (Source: *Heritage Impact Statement*)

A detailed heritage assessment, potentially including the preparation of a Conservation Management Plan, would need to accompany any future development application. This would need to demonstrate an acceptable outcome is achieved through the criteria specified in Clause 5.10 of the Marrickville LEP 2011, the design principles found in the Seniors Housing SEPP and any other relevant planning instruments. This report should also consider impacts on heritage items in the locality and not just on the subject site.

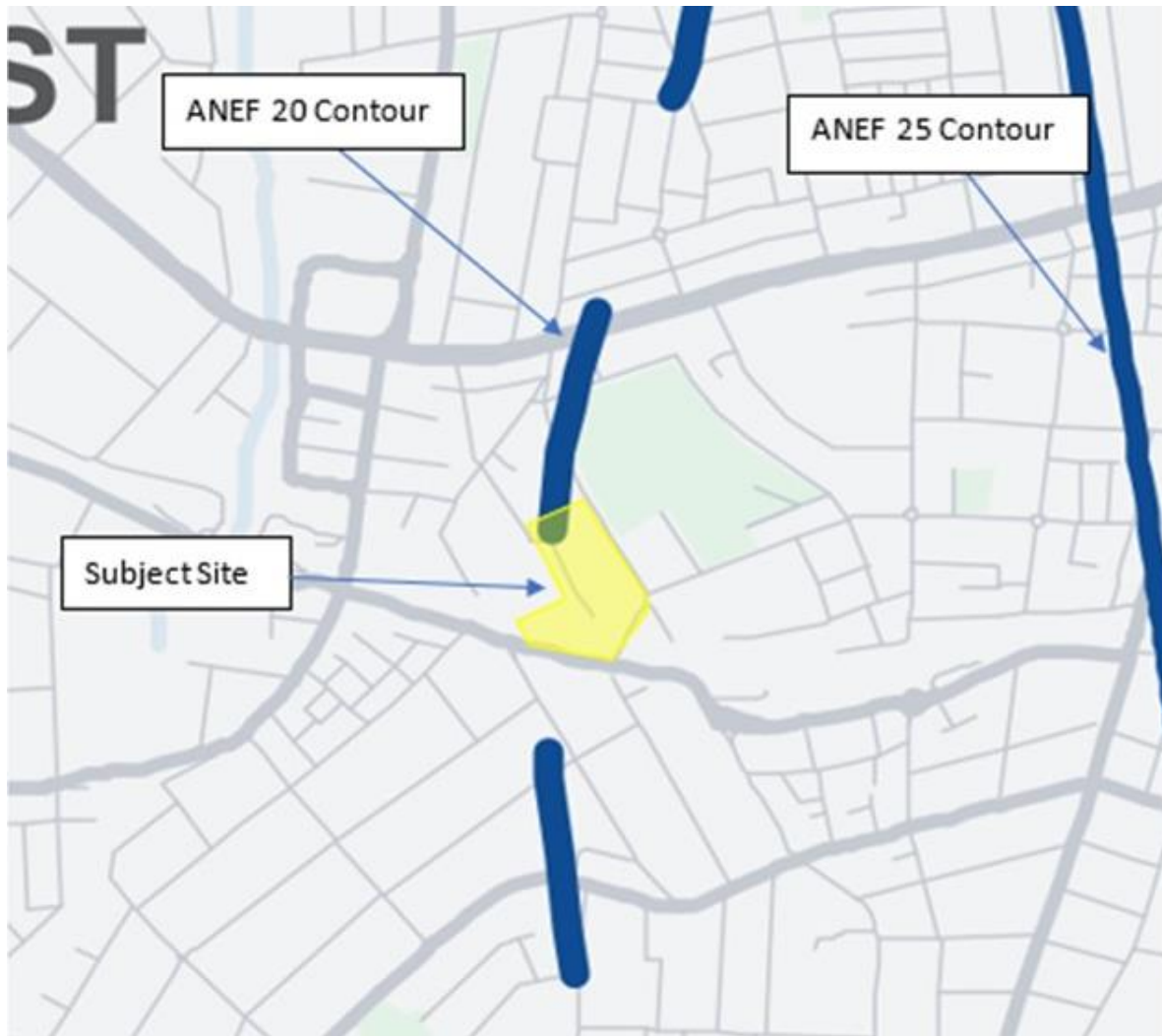
#### Obstacle Limitation Surface (OLS)

The subject site is located within OLS contours RL 60 AHD and RL 70 AHD to Sydney Airport. The maximum building height (the lift over run) of the proposal is RL 70.400 AHD, which protrudes into the RL 70 AHD contour of the OLS mapping. The maximum building height into the OLS contour RL 60 AHD appears to be less than to RL60 AHD maximum height permitted in this contour.

Any potential intrusions into the OLS are considered to be minor and can be resolved as part of a development application through Clause 6.6 – Airspace operations in the Marrickville LEP 2011.

## ANEF Contours

The application includes an Acoustic Assessment prepared by Acoustic Logic. This report assesses the acoustic impacts on the proposal as being located within the ANEF 20-25 contour to Sydney Airport (**Figure 11**).



**Figure 11** – ANEF Contours (Source: Sydney Airport ANEF 2039)

The development of nursing homes/hospitals within these contours is conditionally acceptable. Conditionally acceptable refers to various suitable acoustic treatment options for a subject development to achieve the acceptable internal noise levels. The treatments recommended by the acoustic report include double glazed windows, acoustic seals and masonry construction. The acoustics report also recommends the installation of mechanical ventilation per AS2021:2015. This will facilitate the closing of windows during peak aircraft movements. The report concludes that these recommendations will satisfactorily address the internal noise requirements. For the purposes of the SCC application, these measures are considered satisfactory.

The final acoustic treatments for the development can be addressed in detail as part the development application process.

## Acoustic Impacts of the Rail Corridor

The site is adjacent to a rail corridor, as such the future development of the site will be subject to acoustic impacts from rail movements. Specifically, the rail acoustic impact controls under clause 87 of the *State Environmental Planning Policy (Infrastructure) 2007* must be considered by the consent authority before granting development consent. The Acoustic Assessment prepared by Acoustic Logic has considered the acoustic impacts on the development from the rail corridor.

The report concludes that despite the acoustic impacts, suitable internal noise levels can be achieved with an appropriately designed building shell. This includes recommendations for double glazed windows, acoustic seals and masonry construction.

The acoustic treatment and noise impacts on the development can be adequately addressed at the development application stage.

## Terrestrial Biodiversity

The subject site is identified for the purposes of clause 6.4 'terrestrial biodiversity' of the Marrickville LEP 2011. The Department has formed the view that this does not preclude the application of the Seniors Housing SEPP on the subject land under clause 4(6)(a) of the SEPP (Schedule 1 of the SEPP).

As part of a development application the consent authority is nonetheless required to consider the development proposal will satisfactorily avoid, minimise or manage adverse environmental impacts.

### **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 subject site has been occupied by various uses associated with the Catholic Church since the 1860's. As previously discussed, the site is currently used as an aged care facility. The Former Novitiate building is used as an aged care facility with an aged care hostel on the southern extremity of the site.

The development concept submitted with the application seeks to intensify the current use of the site for seniors housing and does not propose to introduce any new uses to the site.

The site is not subject to any plans or strategies which identify future uses for the land. Though the site is located within the Lewisham North (Precinct 1) Desired Future Character Statement of the Marrickville DCP 2011, the character statement does not identify future desired uses for the land. The statement only identifies the site containing several former institutional buildings of heritage significance.

The subject site is near the Taverner's Hill Precinct of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) (**Figure 12**, over the page). This land near the subject site is identified as Character Area 3 in the Planning and Design Guideline. PRCUTS identifies this area as being suitable for residential development which retains the existing leafy street character of the area.

Therefore, it is considered that the proposed development will not impact on the likely future uses of the land, seeking only to intensify the existing use of the subject site.



Figure 12 – Taverners Hill Structure Plan (Source: Parramatta Road Corridor Strategy)

**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))**

The site is near established services and infrastructure, particularly to retail, community and medical services, public transport and other existing infrastructure.

Location and access to facilities

There are no significant retail and shopping facilities within 400 metres of the site.

The closest group of services is located along New Canterbury Road at Petersham to the south. This group of shops is located approximately 550m from the site via road and provides a range of services including medical facilities, cafes and a bank.

The subject land is located in proximity to Leichhardt Market Town (900m) and includes a number of established services including shops (eateries, restaurants, cafes, Woolworths and Aldi supermarkets), commercial and government services, banks and medical facilities.

The subject land is located in proximity to Norton Street Leichhardt (1.4km) which also includes retail, commercial and medical services. Royal Prince Alfred Hospital is located approximately 3.5km (5 to 10-minute drive) east of the site.

Public Transport

The proponent has not prepared an access report to address the requirements of Clause 26 of the Seniors Housing SEPP. Nonetheless, bus service 413 meets the requirements of this clause. Bus stops for this service are located within 400 metres of the site and satisfies the access criteria within clause 26(2) of the Seniors Housing SEPP. This includes an adequate frequency of bus services with links to facilities and services at Campsie, Norton Street Leichhardt and the Sydney CBD (**Figure 13** and **Figure 14** over the page).

Based on site inspection and review of site survey data, the gradient of the footpaths to and from the bus stops serviced by Bus service 413 appear to comply with the functional gradient requirements of the Seniors Housing SEPP.

There are also several bus services that run along Parramatta Road to the Sydney CBD via local centres, with bus stops that are within 400m walking distance from the subject site. However, site inspections indicate that access to these bus stops may not comply with the functional gradient requirements of clause 26 of the Seniors Housing SEPP.

The site is also located within 400m of Lewisham Station, however this station is not currently considered accessible for the purposes of the Seniors Housing SEPP (clause 38) because it has not been upgraded under the Transport Access Program.

The Traffic Report submitted as part of the application recommends raising the pedestrian crossing of West Street to increase pedestrian safety. This matter can be reviewed and satisfied as part of a development application.



**Figure 13** – 413 bus service map (Source: Transport for NSW)



**Figure 14** – walking distances to and from the bus stops (Source: Nearmaps)

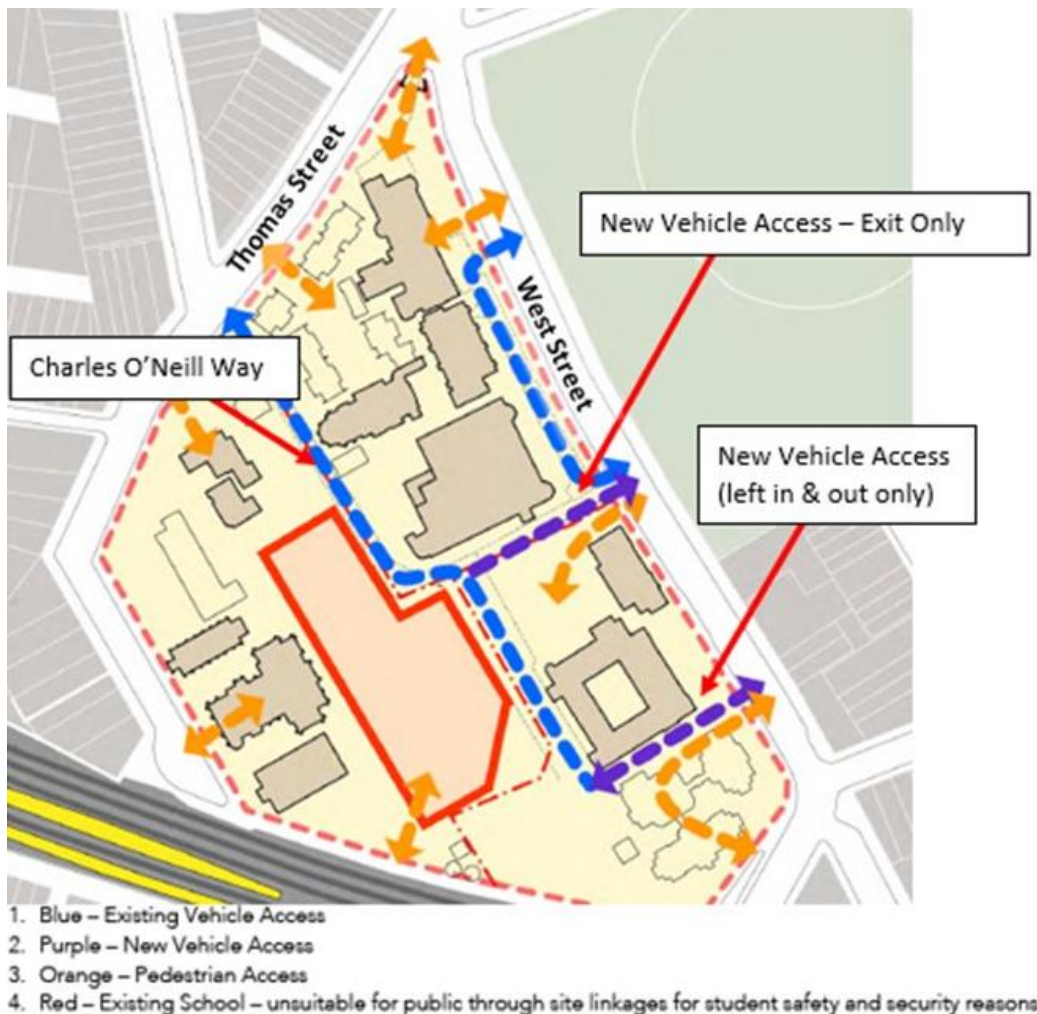


### Traffic & Car Parking

The application includes a Traffic Impact Assessment prepared by GTA consultants. The traffic report concludes that 201 car parking spaces are required which are proposed to be accommodated in two levels of basement parking. This rate has been calculated from the minimum rates found in Part 7 of the Seniors Housing SEPP. Parking requirements can be confirmed at the development application stage.

The report details traffic counts and potential impacts on surrounding streets. It concludes that the concept proposal in its current form is not expected to result in any adverse parking or traffic implications on the surrounding road network. The development is expected to generate 45 trips per hour during weekday peak, which the report states is a minor increase on existing movements. The report also concludes the proposed access points will not have an adverse impact on existing bus services along West Street.

The subject site will obtain its vehicular access from Thomas Street through Charles O'Neill Way. Access to West Street will be obtained from two new 6m wide access roads, being a new left in left out only access road south of the Novitiate Building and an exit only access road north of the Ann Walsh Building (**Figure 15**). The existing two-way access is maintained to Thomas Street through Charles O'Neill Way.



**Figure 15** – Access Diagram (Source: West Street Precinct Masterplan by UrbanAC)

Council did not raise any concern about the potential driveway locations on West Street, however it was a concern as part of the previous SCC application. Specifically, the proposed driveway entrance near the sweeping bend approaching the rail bridge. The Traffic Report discusses this matter in detail, with a left in-left out arrangement intended to reduce potential traffic conflicts and a stopping sight distance of 50m being provided, which exceeds the 35m minimum in AS2890.1. The traffic report suggests a traffic medium may also further assist with traffic safety. This matter can be considered in detail at the development application stage.

Finally, the development concept will not displace any car parking of existing uses on the former Lewisham Hospital site.

For the purpose of the SCC, the parking and traffic arrangements are satisfactory and are capable of being further addressed as part of a development application.

#### Infrastructure

The application does not provide any indication of the capacity of existing water and sewer services to accommodate the development and Council did not raise any concerns in its comments about infrastructure provision.

Given the site's location in an existing urban area any augmentation to water, sewer, stormwater, electricity, gas and telecommunications capacity can be addressed at the development application and post approvals stages with the relevant infrastructure service providers.

#### **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 subject site is currently zoned SP2 Infrastructure (Community Facilities). The subject site is currently used for seniors housing and associated ancillary uses. The SCC and associated development concept will not result in the loss of any public open space. The site is also not identified in any strategic documents for any specific community or public open space uses.

Surrounding RE1 land in vicinity of the site comprises:

- Petersham Park to the north-east of the site which is used for both active and passive recreation; and
- Fanny Durack Aquatic Centre to the east of the site.

Surrounding SP2 land in vicinity of the site comprises:

- St Vincent de Paull Society Headquarters for Australasia to the north;
- St Thomas Becket Church;
- The John Berne School; and
- Eileen O'Connor Catholic College.

Council did not raise concerns about the intensification of the current use and impacts that may have on open space or special uses land near the subject site.

The proposal will also seek to provide 3,020m<sup>2</sup> of communal open spaces on the site for the senior residents and visitors. This equates to 25% of the site area which is consistent with the ADG. It is not clear how much existing open space is currently on the site.

In this regard the proposal is considered to have no detrimental impacts on the provision of land for public open space or special uses given the availability of recreational areas/facilities onsite and within the vicinity. The proposal will retain the existing seniors housing use on the site and is not seeking to introduce new uses.

**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))**

Bulk and Scale

The development concept supporting the SCC application seeks to introduce additional bulk and scale onto the southern portion of the site through Buildings 1, 2 and 3. The location of the additional bulk and scale on this part of the site utilises existing buffers to reduce possible bulk and scale impacts on surrounding low scale residential development and heritage items (**Figure 17**). These existing buffers are:

- West Street to the east;
- existing institutional development to the north and west; and
- the rail corridor and Railway Terrace to the south.



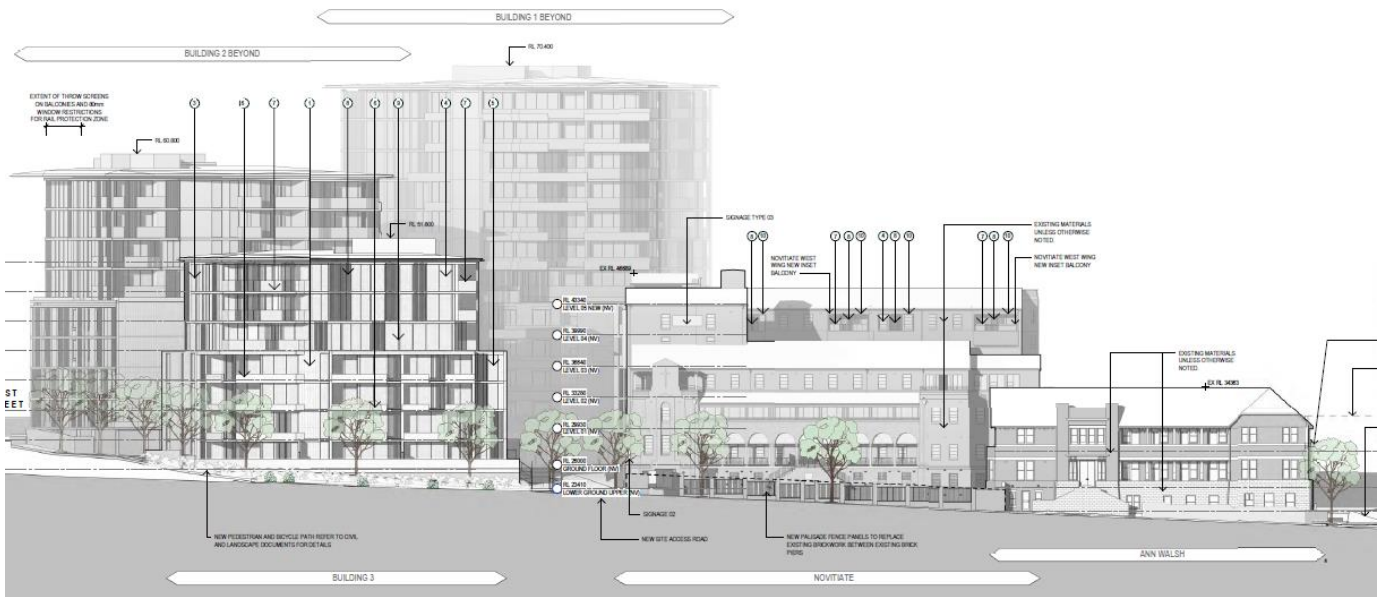
**Figure 17** – Existing building layout plan of the site and surrounding area (Source: *Architectural Plans by Jackson Teece*)

These buffers and the associated physical separation to surrounding residential development significantly reduces possible bulk and scale impacts. The nearest low scale residential development is on the eastern side of West Street and is 28m from Building 2 (9 Storeys). The Apartment Design Guide requires 24m (greater than 9 Storeys or 25m) with an additional 3m for the transition from high to lower density development. Building 1 (12 storeys) is approximately 55m from the closest residential built form, which is on the southern side of the rail corridor and Railway Terrace.

Similarly, the location of the new built form behind the Ann Walsh and the former Novitiate buildings obstructs the new buildings bulk and scale behind these existing structures. This significantly reduces bulk and scale impact upon the surrounding locality (**Figure 18**). Similarly, the existing buildings on the former Lewisham Hospital site have a bulk and scale beyond that of surrounding low scale development, providing a transition in bulk and scale to lower scale residential development (**Figure 19**).



**Figure 18** – Montage of development concept viewed from West Street looking south  
(Source: *Architectural Plans by Jackson Teece*)



**Figure 19** – Eastern elevation (West Street elevation) of the development concept (Source: *Architectural Plans by Jackson Teece*)

Though the Department is satisfied that additional bulk and scale can be achieved on the site that is in keeping with the proposed buildings locations, it is recognised that the extent of height in the concept (up to 12 storeys) when viewed from the south and south-east is out of context with the lower scale built form of the area (Figures 20 and 21).



**Figure 20** – View analysis from Railway Terrace looking north east (Source: *West Street Precinct Masterplan by UrbanAC*)



**Figure 21** – Montage of development concept viewed from Longport Street (*Source: Architectural Plans by Jackson Teece*)

As part of the assessment of the concurrent development application, Council recommended that Building 1 be reduced from 12 to 9 storeys. The applicant has since submitted amended plans reducing the height of Building 1 to 9 storeys.

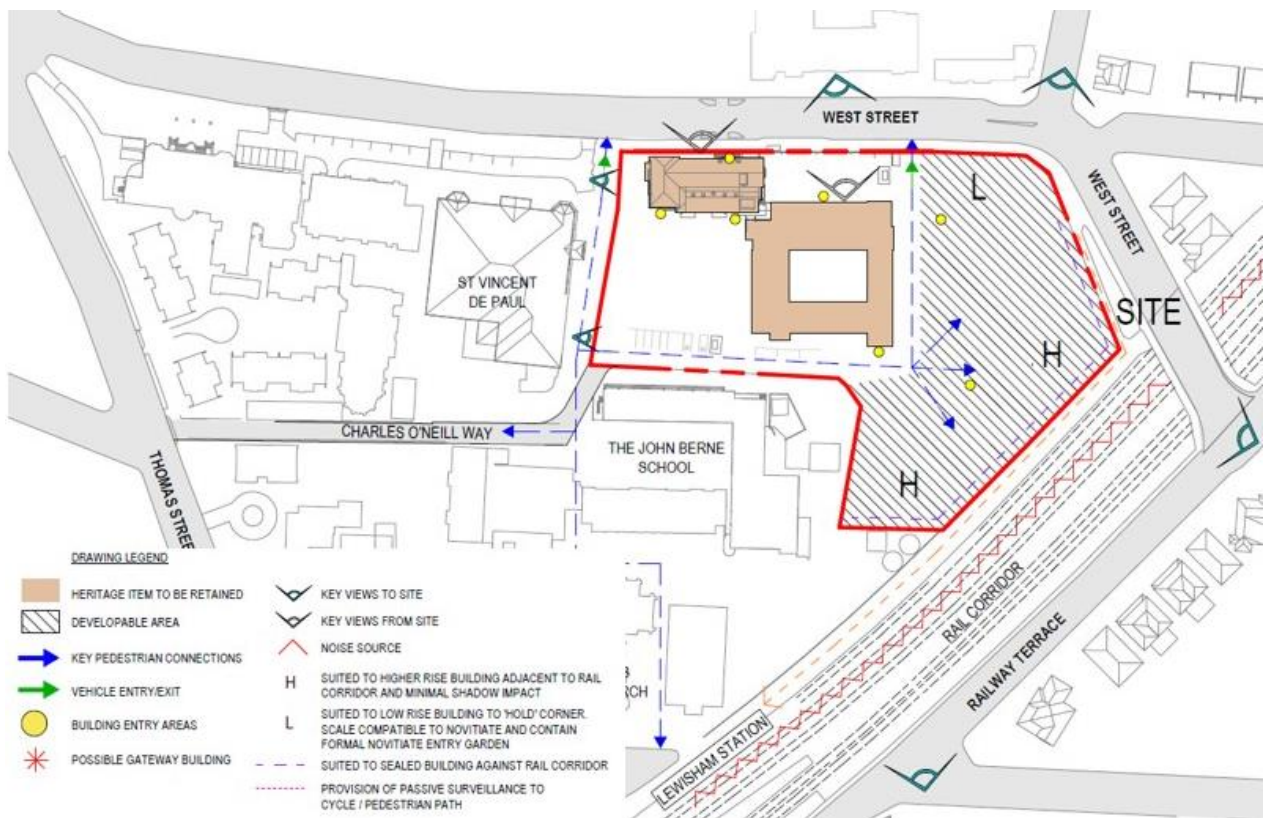
Therefore, the Department supports the discussions occurring between the proponent and Council as part of the development application assessment to address this matter. This is considered the most appropriate mechanism to ensure the final height and scale of the proposal is satisfactorily achieved. Resolution of this matter should not preclude the issuing of this SCC.

## Views to Heritage Items

The Heritage Impact Assessment accompanying the application identifies the key views to and from the heritage items on the site (**Figure 16**). These key views are to the West Street facades of both the Ann Walsh Building and former Novitiate Building from West Street and Petersham Park. There are no other key views to the heritage items, as:

- there are no significant built form or landscape features sited such they could be viewed from other directions; and
- the Ann Walsh Building and former Novitiate Building are obscured by the topography of the land, the rail corridor and the West Street Bridge;

The location of Buildings 1, 2 and 3 on the southern portion of the site, behind the Ann Walsh and the former Novitiate buildings, ensures that these views remain unobstructed. This will facilitate compatibility of the proposed new buildings with these existing heritage items.



**Figure 16** – Key views diagram (Source: Architectural Plans by Jackson Teece)

## Overshadowing

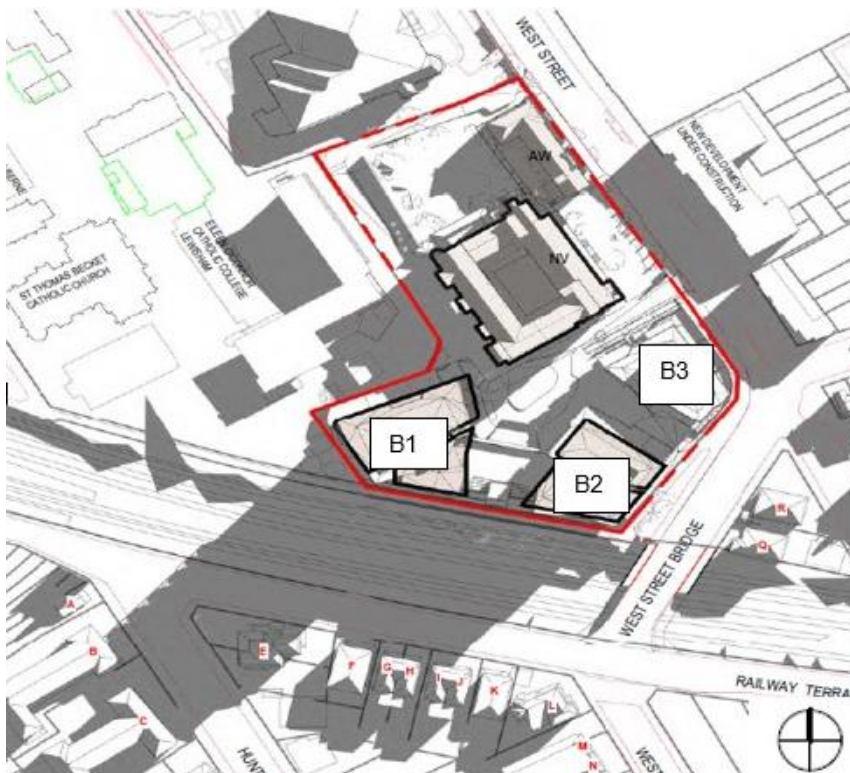
The Jackson Teece Architectural Plans supporting the SCC application include hourly shadow diagrams at 21 June.

The design principles in Division 2 of Part 3 of the Seniors Housing SEPP state that development should provide adequate daylight to the main living areas and substantial areas of private open space of neighbouring dwellings (clause 35 of the Seniors Housing SEPP). Furthermore, the Marrickville Development Control Plan 2011 requires a minimum of 2 hours of direct solar access to principal living areas and principal areas of private open space of residential accommodation between 9:00am and 3:00pm on 21 June (clause 2.7.3).

The development concept satisfies these requirements (**Figures 22 to 26**). This is attributed to the development being located on the southern portion of the site, which results in:

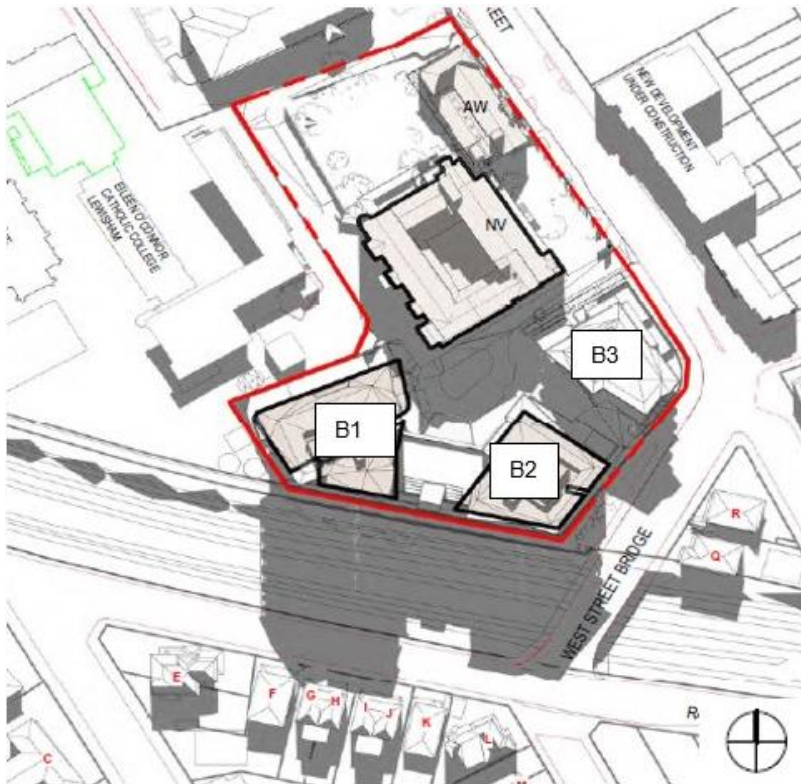
- the majority of overshadowing falling over West Street, the rail corridor and Railway Terrace resulting in minor overshadowing of existing dwellings; and
- no additional overshadowing of heritage buildings and heritage landscapes on the site.

Consequently, the shadowing impacts from the development concept supporting the SCC application are considered compatible with surrounding land uses.

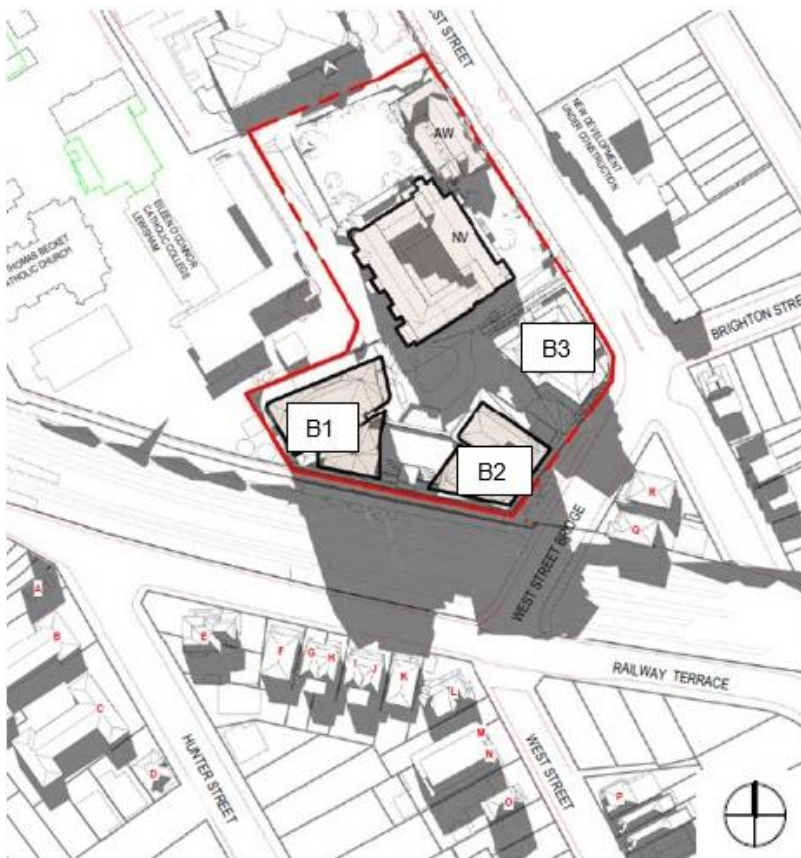


**Figure 22** – Shadow Diagram at 9am on 21 June (Source: Jackson Teece Architectural Plans)

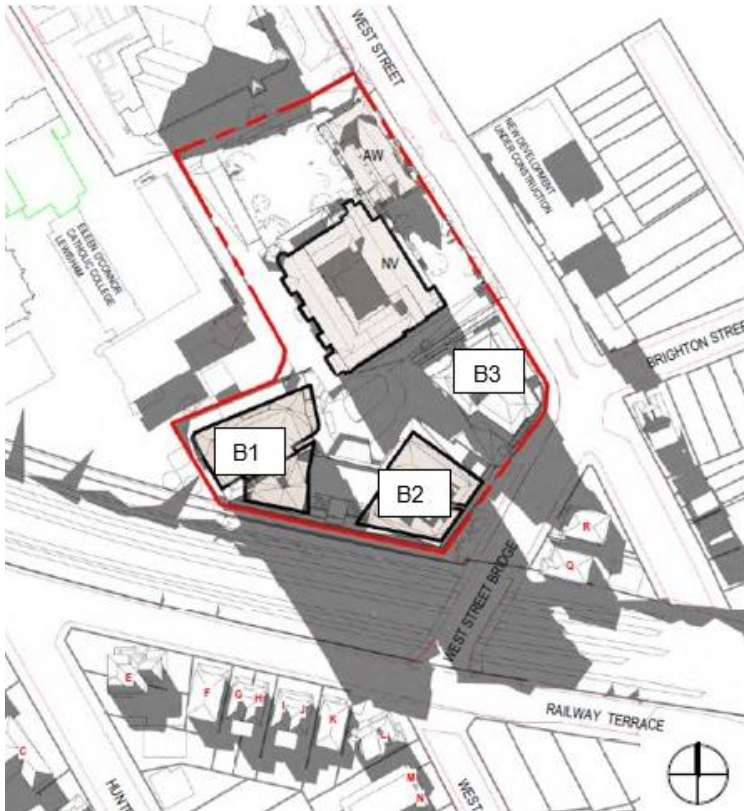




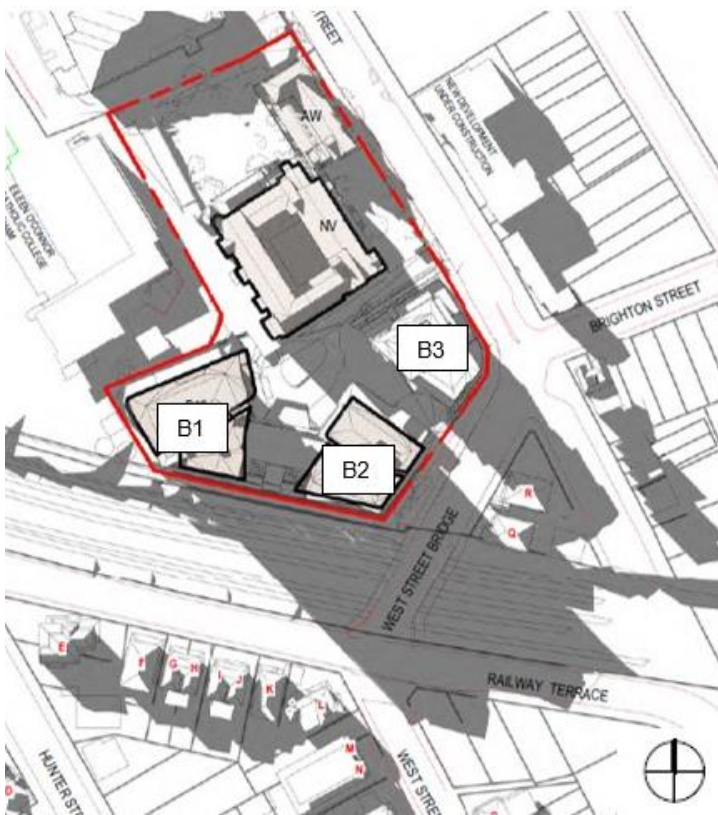
**Figure 23** – Shadow Diagram at 12pm on 21 June (Source: Jackson Teece Architectural Plans)



**Figure 24** – Shadow Diagram at 1pm on 21 June (Source: Jackson Teece Architectural Plans)



**Figure 25** – Shadow Diagram at 2pm on 21 June (Source: Jackson Teece Architectural Plans)



**Figure 26** – Shadow Diagram at 3pm on 21 June (Source: Jackson Teece Architectural Plans)

## Character

The rail corridor and Railway Terrace to the south of the site together form a substantial 50m-wide buffer between the interface of the new built form and existing residential development beyond. This means that the compatibility of the development's interface with surrounding character primarily relates to the land near the site on the north, east and west sides and along West Street.

The site subject to the SCC application forms part of the former Lewisham Hospital. Many of the former institutional buildings of the hospital, ranging from 2 to 6 storeys remain and have been repurposed since the hospital closed in 1987. Since the hospital's closure, this has included the addition of new buildings to facilitate new land uses. Examples of this on the broader hospital site include the 4 storey Australasian Headquarters of St Vincent de Paul (**Figure 27**) and the 2-3 storey John Berne School. This mix of repurposed former hospital buildings with accompanying new form is the predominate character near the site to the north and west. Therefore, the introduction of new built form onto the southern portion of the site will not be out of keeping with this character.

The character near the subject site to the east and fronting West Street is a mix of both high and low scale development and is predominately residential. This includes existing lower density terrace and detached dwelling houses and residential flat building (RFB) development (**Figure 28**). The existing Ann Walsh and former Novitiate buildings along with the proposed Buildings 2 and 3 have interface with this frontage. Though new built form is introduced through Buildings 2 and 3 on this frontage, new built form has already been introduced along West Street. This includes immediately adjoining the site at 1-15 West Street (5 storey RFB) and to the north at the St Vincent de Paul Headquarters. It is therefore considered that the introduction of new built form is compatible with the surrounding character to the east of the site and fronting West Street.



**Figure 27** – Street view of St Vincent de Paul Headquarters from West Street looking south  
(Source: Street view)



**Figure 28** – Street view of new residential flat building from West Street looking south  
(Source: Street view)

**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* was repealed on 25 August 2017 and therefore does not apply to the land.

**7. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vii))**

A cumulative impact study has not been submitted, in accordance with State Environment Planning Policy (Housing for Seniors or People with a Disability) Amendment 2018. This is considered unnecessary in this instance as per Clause 25(2A) which generally requires a cumulative impact study to be provided if the land is located within one kilometre of 2 or more other parcels of land in respect of each which either:

- (a) there is a current site compatibility certificate, or
- (b) an application for a site compatibility certificate has been made but not yet determined.

There are no SCC applications within the vicinity of this site that meet the criteria of Clause 25.

However, the Panel may still require an applicant to provide a cumulative impact study even if it has not been provided with the application, if the relevant Panel considers that it is necessary for it to be provided to determine whether the land concerned is suitable for more intensive development.

## CONCLUSION

The Department considers that a SCC should be issued on the basis that:

- the proposed use will provide additional housing choice and opportunity for the seniors population in the Inner West local government area;
- the site is suitable for more intensive use for the purposes of seniors housing, having regard to the criteria set out in clause 25(5)(b) of the Seniors Housing SEPP and more detailed design considerations being undertaken as part of any future development application;
- the proposal will provide seniors housing in close proximity to existing public transport, which will help to provide good access to health, retail, banking and other facilities in the area;
- the proposal will satisfactorily intensify the existing use of the site for seniors housing and will seek to facilitate housing diversity that will not only benefit the future senior residents but also the local community; and
- matters regarding traffic and access, and building bulk, scale, setbacks and the proposed configuration of the seniors housing can be additionally addressed and assessed at the development application stage.

It is recommended that the Panel consider the following conditional requirements in Schedule 2 of the SCC:

1. The final development form, layout, height and number of seniors housing units shall be determined by the consent authority through the assessment of the development application under section 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. This SCC does not permit 'in-fill self-care housing' as the subject land is not zoned primarily for urban purposes (clause 17(1) of the Seniors Housing SEPP). The proposed 'residential care facilities' are permitted.

## ATTACHMENTS

Attachment A – SCC Package

- Attachment A1 - SCC Application Form
- Attachment A2 - SCC Planning Report
- Attachment A3 - Architectural Plans
- Attachment A4 - Masterplan of the Subject Site
- Attachment A5 - Urban Design Assessment
- Attachment A6 - Heritage Impact Statement
- Attachment A7 - Traffic Impact Assessment
- Attachment A8 - Preliminary Site Investigation
- Attachment A9 - Detailed Site Investigation
- Attachment A10 - Acoustic Assessment
- Attachment A11 - Arboricultural Impact Assessment

Attachment B – Council comments

Attachment C – Applicant's Legal Advice

Attachment D – SCC issued 9 December 2016

Attachment E – Site Map

Attachment F – Locality Map

Attachment G – Current Zoning Map

Attachment H – SCC

Attachment I – Determination Letter to Council

Attachment J – Determination Letter to Applicant

Contact officer: Laura Locke  
Acting Director, Eastern and South Districts  
Contact: 8275 1307