

JRPP No. 2014SYW065

Proposal: Removal of trees and the construction of a Seniors Living Housing Development comprising 27 units (16x2 bedroom and 11x1 bedroom) including car parking for eight (8) vehicles, associated landscaping and site consolidation into one (1) Lot

Location: Lot: 80 DP: 36377, Lot: 79 DP: 36377, Lot: 78 DP: 36377, Lot: 77 DP: 36377, Lot: 76 DP: 36377, Lot: 75 DP: 36377, No. 2 Nyora Avenue SMITHFIELD

Owner: NSW Land & Housing Corporation

Proponent: NSW Land & Housing Corporation

Capital Investment Value: \$6,066,000

File No: DA 283.1/2014

Author: Karl Berzins, Consultant Planner
Fairfield City Council

RECOMMENDATION

That the application proposing removal of trees and the construction of a Seniors Living Housing Development comprising 27 units (16x2 bedroom and 11x1 bedroom) including car parking for 6 Vehicles, associated landscaping and site consolidation into one (1) Lot be approved subject to conditions as outlined in Attachment D of this report.

SUPPORTING DOCUMENTS

AT A	Site and Architectural Plans	19 Pages
AT B	Statement of Environmental Effects	22 Pages
AT-C	Submissions	10 Pages
AT-D	Draft Conditions of Consent	12 Pages
AT-E	NSW Land & Housing Corporation – Response to Draft Conditions	5 Pages

EXECUTIVE SUMMARY

Pursuant to Schedule 4A of the Environmental Planning & Assessment Act 1979 the proposal has been referred to the JRPP because the proposed development falls within the category of private Infrastructure and community facilities over \$5 million.

As the applicant and the owner of the land is the NSW Land & Housing Corporation. Accordingly, the development is a Crown application.

The proposed works are as follows:

- The removal of 24 trees located on the site
- The construction of sixteen x 2 bedroom and eleven x 1 bedroom units
- The construction of eight (8) car parking spaces with access from two driveways off Nyora Avenue.
- Associated landscaping
- The provision of on-site detention tanks and
- The consolidation of the site into a single allotment

The seniors living housing development will be predominantly of two storey construction. Proposed unit 17 is the only single storey dwelling in the development.

Four of the proposed units will be able to be adapted to accommodate people confined to wheelchairs.

The dwellings are arranged randomly across the site. The dwellings will be constructed of a variety of materials including face brick, rendered brick, painted fibrous cement sheeting, metal cladding and custom orb roofing . The proposed colours are earth toned.

The site is irregularly shaped with a total site area of 4114m². The 6 lots fronting Nyora Avenue have a total street frontage of 93.06m. The corner lot (No. 2 Nyora Ave) also has street frontage to Marlborough Street of 26.74m. The site has been cleared of previous dwelling houses and is not contaminated.

The site is located the following distances from services and facilities:

- 400m from Fairfield Heights local shopping centre providing retail and medical services.
- 1.3km from Fairfield CBD regional level commercial centre.
- 80m from a bus stop on Marlborough Street serviced by bus route 808 providing access to Fairfield and Cabramatta centres.
- 1.6km from Fairfield railway station.

The subject land is located within an established residential area predominantly characterised by single storey detached dwelling houses. To the south of the site, two storey multi-unit dwellings and town houses have been developed. The site also adjoins Nyora Gardens, an aged care facility in the north western corner of the site.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP) applies to the subject site as it is zoned primarily for urban purposes, being situated within the R2 Low Density Residential zone under FLEP2013, and is not subject to any of the environmental constraints listed in Schedule 1 of the SEPP.

The proposed development achieves full compliance with the provisions of the SEPP and the proposed use is permissible with consent.

Furthermore, it is considered that the development has been conceived having regard to surrounding residential development. In doing so, it is considered that the development has provided appropriate separation from surrounding residential properties and the built form, bulk and scale, and height appropriately responds to neighbouring properties that the development is unlikely to result in any adverse impact upon neighbouring residential properties.

The assessment of the application has considered all relevant requirements of Section 79C of the Act and finds that there will be no significant adverse or unreasonable impacts associated with the development. The infill self care housing development has been designed and sited to have minimal impact on the environment and the amenity of adjoining residents. Conditions will be imposed to minimise construction impacts and ongoing use of the site for residential purposes.

In accordance with the Fairfield City-Wide Development Control Plan 2013, the proposed development was required to be notified for a period of 14 days from the 29 May 2013 until 12 June 2013. In response three (3) submissions have been received Residents' concerns are acknowledged however there are no issues that would warrant outright refusal of the application. Where appropriate, residents concerns have been addressed through the imposition of conditions of consent.

It is recommended that the application be approved subject to conditions.

SITE DESCRIPTION AND LOCALITY

The development site comprises of 6 lots located on the southern side of Nyora Avenue as shown in Figure 1 below. The site is irregularly shaped with a total site area of 4114m². The 6 lots fronting Nyora Avenue have a total street frontage of 93.06m. The corner lot (No. 2 Nyora Ave) also has street frontage to Marlborough Street of 26.74m and splay of approximately 5.4m.

The site has an approximate cross fall of 4.75m from the north-western corner of the site to the south-eastern corner on Marlborough Street. The subject land is vacant, grassed and contains approximately 25 trees that are a mix of introduced and indigenous species.

All services are located within the road reserve on Nyora Avenue and the reticulated sewer mains are located internally throughout the development site.

There are no restrictions noted on the titles of the subject land.

The site had been previously used for residential purposes and contained 6 dwelling houses of fibro cement construction with tiled roofing and ancillary structures including car ports and sheds. These dwellings within the site were constructed during the early

1950's by the then Housing Commission of New South Wales to provide public housing accommodation. The previous dwellings have now been demolished under separate applications and do not form part of this development application. The site is not contaminated.

The site is located the following distances from services and facilities:

- 400m from Fairfield Heights local shopping centre providing retail and medical services.
- 1.3km from Fairfield CBD regional level commercial centre.
- 80m from a bus stop on Marlborough Street serviced by bus route 808 providing access to Fairfield and Cabramatta centres.
- 1.6km from Fairfield railway station.

The subject land is located within an established residential area predominantly characterised by single storey detached dwelling houses. To the south of the site, two storey multi-unit dwellings and town houses have been developed. The site also adjoins Nyora Gardens, an aged care facility in the north western corner of the site.

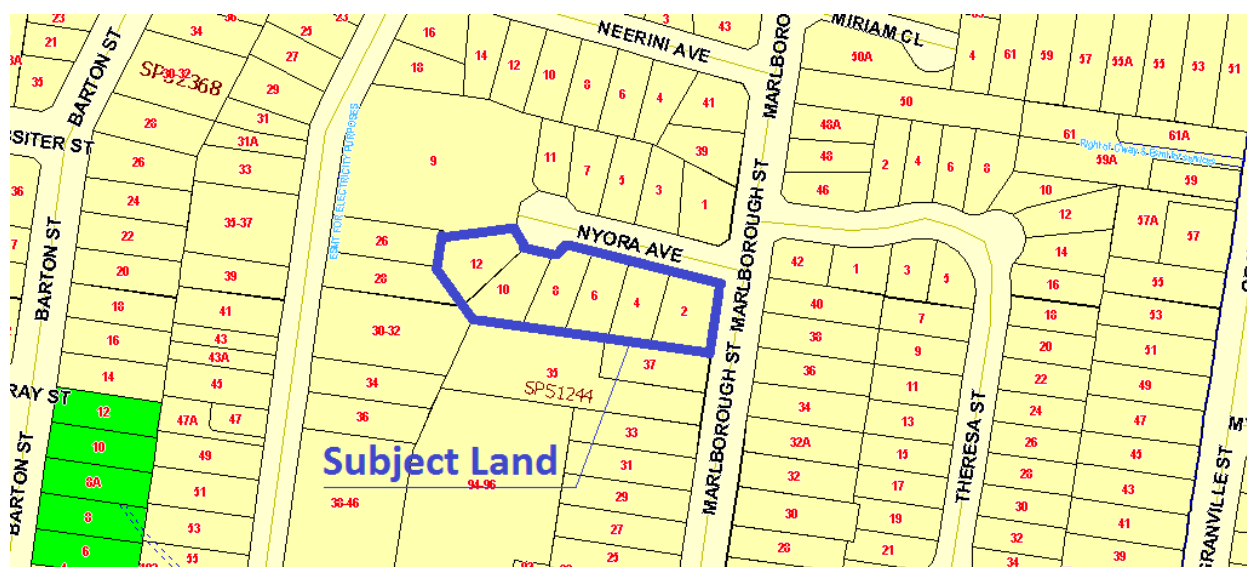




Figure 1 Site Location

PROPOSAL

The proposed works are as follows:

- The removal of 24 trees located on the site
- The construction of sixteen x 2 bedroom and eleven x 1 bedroom units
- The construction of eight (8) car parking spaces
- Associated landscaping
- The provision of on-site detention tanks and
- The consolidation of the site into a single allotment

The seniors living housing will be predominantly two storey in nature. Proposed unit 17 is the only single storey dwelling in the development.

Four of the proposed units will be able to be adapted to accommodate people confined to wheelchairs.

The dwellings are arranged randomly across the site. The dwellings will be constructed of a variety of materials including face brick, rendered brick, painted fibrous cement sheeting, metal cladding and custom orb roofing . The proposed colours are earth toned.

The architectural plans are shown in Attachment A.

STATUTORY REQUIREMENTS APPLICABLE TO THE SITE

1. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability; make efficient use of existing infrastructure and services; and be of good design.

The SEPP provides objectives, requirements and controls for residential accommodation for seniors or people with a disability. It provides the legislative framework that seeks to permit housing for seniors or people with a disability within land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes where development for the purposes of dwelling houses, residential flat buildings, hospitals, etc are permitted on the land.

The SEPP applies to the subject site as it is zoned primarily for urban purposes, being situated within the R2 Low Density Residential zone under FLEP2013, and is not subject to any of the environmental constraints listed in Schedule 1 of the SEPP.

Accordingly, the provisions of the SEPP are applicable to the proposed development.

The application has been submitted as self-care housing, as defined in the SEPP as follows:

In –fill self-care housing is defined as:

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.

The Statement of Environmental Effects submitted in support of the application has provided an analysis of compliance with the provisions of the SEPP. The below table provides a summary of assessment against the relevant sections of the SEPP.

Criteria	Comment	Compliance
Chapter 1 – Preliminary		
2 Aims of Policy		
1(a) This Policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability	The proposal is for the erection of an in-fill self care housing facility that will provide 27 self contained units. As such, it will increase the supply and diversity of residences that will contribute to the needs of seniors living in the area.	Yes

(b) Make efficient use of existing infrastructure and services;	It is considered that the applicant has demonstrated that the proposal would make an efficient utilization of existing infrastructure and services in the area.	Yes
(c) Be of good design	The proposal is considered to be a well conceived scheme that appropriately responds to the character of the area and neighbouring properties.	Yes
2(a) These aims will be achieved by setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy.	Proposed in-fill self care housing facility has been prepared having regard to the provisions of the SEPP.	Yes
(b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form,	The proposal is considered to have been designed taking into consideration of the design principles of the SEPP.	Yes
4 Land to which Policy applies		
<p>1 This Policy applies to land within NSW that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:</p> <p>(a) Development for the purpose of any of the following is permitted on land:</p> <ul style="list-style-type: none"> (i) Dwelling-houses, (ii) Residential flat buildings, (iii) Hospitals, (iv) Development of a kind identified in respect of land 	The subject site is zoned R2 Low Density Residential zone under FLEP2013. The land is zoned for urban purposes.	Yes

<p>zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or</p> <p>(b) The land is being used for the purposes of an existing registered club.</p>		
13 Self contained dwellings		
<p>(1)General term: “self-contained dwelling” In this Policy, a <i>self-contained dwelling</i> is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.</p> <p>(2)Example: “in-fill self-care housing” In this Policy, <i>in-fill self-care housing</i> 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</p>	<p>The proposal is for the purposes of an infill self care housing that has been designed having regard to the requirements of the SEPP.</p>	<p>Yes</p>

care, nursing care.		
<p>(3) Example: “serviced self-care housing”</p> <p>In this Policy, <i>served self-care housing</i> is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.</p>		
Chapter 3 Development for Seniors Housing		
14. Objective of Chapter		
The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.	The proposal provides housing for seniors who are independent.	Yes
15 What Chapter Does		
(a) This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy: development on land zoned primarily for urban purposes for the purpose of any form of seniors housing.	The proposal is for the erection of an infill self care housing and the site is zoned primarily for urban purposes.	Yes
16 Development consent required		
Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that	This application seeks approval from Council for the erection of an infill self care housing, pursuant to SEPP (Housing for Seniors or People with a Disability).	Yes

development without consent.		
18 Restrictions on occupation of seniors housing allowed under this Chapter		
<p>Development allowed by this Chapter may be carried out for the accommodation of seniors or people who have a disability, people who live within the same household with seniors or people who have a disability, staff employed to assist in the administration of and provision of services to housing provided under this Policy.</p> <p>(2) A consent authority must not consent to a development application made pursuant to this Chapter unless:</p> <p>(a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and</p> <p>(b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the <u>Conveyancing Act 1919</u>, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).</p> <p>(3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.</p>	<p>The proposal is for the erection of an infill self care housing facility to house seniors as defined by the SEPP.</p> <p>Condition to be imposed on any consent issued that restricts usage of dwellings.</p>	Yes

22 Fire sprinkler systems in residential care facilities for seniors		
Development for the purpose of the installation of a fire sprinkler system in a residential care facility for seniors may be carried out with development consent.	Noted, condition to be imposed on consent	
Part 2 Site-related requirements		
26 Location and access to facilities		
1(a) Residents will have access to shops, bank service providers and other retail and commercial services that residents may reasonably require.	Refer to Section 2(b) below.	Yes
(b) Residents will have access to community services and recreation facilities.	The applicant has demonstrated that the site is well serviced by public transport and is within close proximity to community and recreational facilities for the residents.	Yes
(c) Residents will have access to the practice of a general medical practitioner.	The applicant has advised that residents will rely on the bus services that operates along Marlborough Street, the bus stops are located directly in front of the subject land and approximately 100 metres to the north on the opposite side of Marlborough Street.	Yes
2(a) Facilities and services are located at a distance of not more than 400m from the site and accessible via a footpath with average gradient of no more than 1:14.	Refer to Section 2(b) below.	Yes
(i) A gradient of no more than 1:12 for slopes for a maximum 15m at a time.	Refer to Section 2(b) below.	Yes
(ii) A gradient of no more than 1:10 for a maximum length of 5 metres at a time.	Refer to Section 2(b) below.	Yes
(iii) A gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.	Refer to Section 2(b) below.	Yes

<p>(b) In the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development.</p>	<p>The site is located within the Sydney Statistical Division and the site has access to a regular bus services. The applicant has advised that residents will rely on bus services that operate along Marlborough Street. Bus No. 808 which operates on weekdays and on weekends would take residents to appropriate services and facilities in the Fairfield CBD, including the services of a general medical practitioner.</p>	<p>Yes</p>
<p>(i) A public transport service is located at a distance of not more than 400m from the site of the proposed development and the distance is accessible by means of a suitable access pathway.</p>	<p>The bus stops are located directly in front of the subject land and approximately 100 metres to the north on the opposite side of Marlborough Street. The gradient of route to the bus stops is relatively flat to slightly sloping and satisfies the gradient requirements of the SEPP as demonstrated by the bus stop pedestrian route survey submitted with the application.</p>	<p>Yes</p>
<p>(ii) A public transport service that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services.</p>	<p>The site is regularly serviced by public transport that will provide residents access to services and facilities within 400m of where they are taken.</p>	<p>Yes</p>
<p>iii) A public transport is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1))</p>	<p>The applicant has demonstrated compliance with this requirement.</p>	<p>Yes</p>

complies with subclause (3).		
28 Water and Sewer		
<p>Water & Sewer</p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p> <p>(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.</p>	Water and sewer is available in the area and the site.	Yes
29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply.		
Consent authority to consider certain site compatibility criteria for development applications to	The proposed development is considered to be compatible with the surrounding land uses having regard to the following	Yes

which clause 24 does not apply.	<p>criteria:</p> <ul style="list-style-type: none"> • the proposed development is located in an established urban area and there are no known natural environmental considerations affecting the subject land (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development is for residential purposes • there are services and infrastructure that 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 of the Seniors SEPP) <p>The impact of the bulk, scale, built form and character of the proposed development is considered to be compatible with the existing uses, approved uses and the likely future character of land in the vicinity of the development.</p>	
Part 3 Design requirements		
30 Site analysis	The required site analysis plan prepared in accordance with Clause 30 has been submitted with the application	Yes
31 Design of in-fill self –care housing		
In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any	An assessment with respect to compliance with the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> is provided within the applicant's Statement of Environmental Effects (page 15). This	Yes

other matters that are required to be, or may be, taken into consideration) the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	assessment is accurate and the proposal complies with these guidelines.	
32 Design of residential development		
A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.	It is considered that the design principles outlined in Division 2 of the SEPP has been considered by the applicant, as discussed in the body of this report.	Yes
Division 2 Design Principles		
33 Neighbourhood amenity and streetscape		
The proposed development should: (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and	The proposal incorporates low scale 1 & 2-storey residential development with an FSR of 0.5:1, which will be compatible with the existing and future density of residential development in the surrounding area	Yes
(b) Retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and	Not applicable. The site is not identified as a heritage item, is not within a heritage conservation area, nor is located in close proximity to a heritage item.	Yes
(c)(i) Maintain reasonable neighbourhood amenity and appropriate residential character by providing	The building setbacks comply with Fairfield DCP requirements and will not result in any unreasonable overshadowing of	Yes

building setbacks to reduce bulk and overshadowing.	neighbouring properties.	
(ii) Using building form and siting that relates to the site's land form.	It is considered that the proposal appropriately relates to the site's land form.	Yes
(iii) Adopting building heights at the street frontage that are compatible in scale with adjacent development.	The street front buildings will be 2-storey with the bulk of the development broken up through the placement of driveways in the middle of the site and side setbacks being provided in accordance with the DCP	Yes
(iv) Considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours.	N/A	N/A
(d) Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line.	The proposal is consistent with the setbacks of dwelling houses on the immediately adjoining properties	Yes
(e) Embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.	Council's Landscape Officer is satisfied with the proposed landscape plan.	Yes
(f) retain, wherever reasonable, major existing trees, and	A number of trees are to be retained on the site as part of the proposal including street trees. The removal of 24 trees on the site is proposed as part of this application. Refer to the submitted arborist report for further information. Trees to be removed will be offset by new landscaping, as per the proposed landscape plan.	Yes
(g) be designed so that no building is constructed in a riparian zone.	No part of the site is affected by a riparian corridor.	Yes
34 Visual and Acoustic		
(a) The proposed development should consider the visual and acoustic privacy of	The proposed development has been designed to maintain visual and acoustic privacy to adjoining	Yes

neighbours in the vicinity and residents by appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping.	properties and within the development. The layout and design of proposed buildings and the provision of landscaping will ensure that reduction in adjoining resident's amenity is minimised. Design solutions include appropriate building setbacks and heights, dwelling layouts, placement and sizes of window openings, fencing heights and location and landscaping. The proposed dwellings have been designed in accordance with the requirements of the Building Code of Australia for sound and impact transmission so that acceptable noise levels between dwellings are achieved.	
(b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	It is considered that acceptable noise levels will be provided to each of the bedrooms of the proposal, having regard to the siting and position of the proposal.	Yes, considered satisfactory
35 Solar Access and Design for climate		
(a) The proposed development should ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space.	Northern orientation of proposed internal living areas and open space areas has been incorporated where possible in the development to maximise solar access. Landscaping will assist in microclimate management. Twenty two of the 27 proposed dwellings will receive a minimum of three hours sunlight between 9am and 3pm on June 21 to their living area and private open space. This is considered satisfactory.	Yes, considered satisfactory
(b) Involve site planning, dwelling design and landscaping that reduces energy use and makes the	It is considered that the proposal appropriately responds to the orientation of the site and provides for a reasonably	Yes

best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	efficient building.	
36 Stormwater		
(a) The proposed development should control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and include, where practical, on-site stormwater detention or re-use for second quality water uses.	Council's Development Engineers are satisfied that the proposal has been designed to comply with Council's Stormwater Drainage Policy.	Yes
37 Crime prevention		
(a) The proposed development should provide personal property security for residents and visitors and encourage crime prevention by site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street.	It is considered that the proposal incorporates appropriate casual surveillance and security measures for the residents, and visitors.	Yes
(b) Where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked.	As the purpose of the facility is to accommodate self contained dwelling for seniors and each dwelling has its own lockable entry.	Yes
(c) Providing dwellings designed to allow residents to see who approaches their dwellings without the need	As the proposal is for a self care housing facility, designed for senior residents, all units have access from the ground floor and	Yes

to open the front door.	can see who approaches.	
38 Accessibility		
(a) The proposed development should have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities.	The proposal incorporates a safe pedestrian link from the site that provides access to a regular bus service directly outside the property and across the road.	Yes
(b) Provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	It is considered that the proposal provides a safe environment for pedestrians and motorists on site with convenient access and parking for residents and visitors.	Yes
39 Waste management		
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The proposed development provides dwellings with shared waste and recycling areas on the site. Garbage bins are proposed to be stored within five separate garbage bays located near the street frontage. Bins will be screened from view and are located away from the windows of habitable rooms. Clear pathways are available between the storage bays and the street. This aspect can be covered as a condition of consent.	Yes

Schedule 3 of the Seniors Living SEPP contains specific development standards for useability of self contained dwellings. The applicant has demonstrated compliance with these development standards in Table 2 (page 10) of their Statement of Environmental Effects. It should be noted that pursuant to Clause 41(2), the Land & Housing Corporation is exempt from those development standards in relation to a dwelling or part of a dwelling that is located above the ground floor in a multi-storey building, these being Clauses 7 to 13 & 15 to 20 of Schedule 3. Specifically, and pursuant to Clause 18 of Schedule 3, the Land and Housing Corporation is exempt from the requirement to provide lift access for dwellings above the ground level in multi-storey buildings.

Clause 50 of the Seniors Living SEPP also lists standards that cannot be used to refuse development consent for self-contained dwellings. The following table provides an assessment of the proposal against these standards.

Standard	Proposal	Comment
building height: if all proposed buildings are 8	Maximum height approximately 7m	Complies

metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),		
density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	The proposal has a F S R of 0.5:1.	Complies
landscaped area: if: (i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or (ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,	Sub clause (i) applies and the proposal provides 60m ² of landscaping per dwelling	Complies
Deep soil zones: if, in relation to that part of the site that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,	Minimum 15% of area of site is (15% x 4114m ² = 617.1m ² . The proposal provides approximately 831m ² of deep soil land. The requirement to provide two thirds of deep soil zones at the rear of the site is not relevant as the site is a corner allotment with no defined rear. For the purposes of the above calculations, the proposal has deep soil zones that exceed the minimum dimension of 3metres,	Complies
solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and	Living rooms & private open space areas of 22 of 27 units will receive min 3hrs sun in mid-winter. This equates to 81% of the units.	Complies

3pm in mid-winter, private open space for in-fill self-care housing: if: (i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and (ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,	The proposal complies with the development standards	Complies
parking: if at least the following is provided: (i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or (ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.	Subclause (ii) applies: Minimum 1 car parking space for each 5 dwellings (Land & Housing Corp concession). Therefore six (6) car parking spaces required. The applicant has provided eight (8) spaces.	Complies

As demonstrated in the above compliance tables, the proposed development achieves full compliance with the provisions of SEPP (Housing for Seniors or People with a Disability) 2004.

Furthermore, it is considered that the development has been conceived having regard to surrounding residential development. In doing so, it is considered that the development has provided appropriate separation from surrounding residential properties and the built form, bulk and scale, and height appropriately responds to neighbouring properties that the development is unlikely to result in any adverse impact upon neighbouring residential properties.

FAIRFIELD LOCAL ENVIRONMENTAL PLAN (LEP) 2013

The subject site is zoned R2 Low Density Residential Zone pursuant to the Fairfield Local Environmental Plan 2013. The proposed development is considered to constitute 'seniors housing' as defined in Fairfield LEP 2013. Seniors housing is a permissible development within the R2 Low Density Zone.

Notwithstanding the above the proposal is also permissible because the SEPP overrides the LEP in the circumstances of this case.

The Objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

It is considered that the proposed works are consistent with the above objectives. Seniors housing will meet the needs of local residents who require smaller and more accessible accommodation.

Fairfield LEP 2013 contains a number of development standards that are applicable to the site.

Clause 4.3 – Height of Building

The subject site is identified as having a 9 metre height restriction. The proposed development is proposed to be two storeys and approximately 7metres in height and therefore complies with this control.

Clause 4.5 – Floor space ratio

The subject site is identified on the FSR Map as having an FSR of 0.45:1

The proposal has a FSR of 0.5:1 which complies with Clause 50 of the SEPP. The SEPP overrides the LEP in the circumstances of this case.

Clause 5.9 Preservation of trees or vegetation

This clause provides that the removal of certain trees requires the consent of Council. The removal of 24 trees is sought through this application. An arborist report has been submitted with the DA documentation justifying the proposed tree removal. The removal of existing trees is supported in the circumstances of this case as the proposed landscaping will be satisfactory compensation for their removal. A condition has also been imposed requiring additional plantings in Council's road reserve bordering the site.

PUBLIC NOTIFICATION

In accordance with the Fairfield City-Wide Development Control Plan 2013, the proposed development was required to be notified for a period of 14 days from the 29 May 2014 until 12 June 2014. In response three (3) submissions have been received and these are attached as Attachment C. The following table provides a summary of the grounds of objection together with comments.

Issue	No. of times raised	Comment
Inadequate car parking for residents and visitors and insufficient off street parking. Residents and visitors will park in the adjoining streets thereby potentially causing a conflict with nearby residents.	2	Pursuant to clause 50 of the SEPP, the applicant (NSW Land & Housing Corporation) must provide as a minimum 1 car parking space for each 5 dwellings. The proposal is for 27 dwellings and the applicant must provide 6 car parking spaces. The applicant has provided 8 car parking spaces. The applicant has complied with the development standard in the SEPP and Council cannot refuse the application on the basis of a shortfall in parking.
There is not enough street parking in the locality especially on religious days when the nearby church and retirement village are celebrating certain religious festivals or the like.	1	The alleged shortfall in on-street parking provision on certain days of the year does not carry significant weight to refuse the application.
The proposal will adversely affect vehicular access to	1	This objection cannot be supported as it is based on the

the existing nursing home situated at the head of the Nyora Avenue cul de sac.		premise that there is not enough car parking provided on-site for residents and visitors. The applicant has provided the required car parking on site in accordance with the development standards in the SEPP.
An additional four (4) car parking spaces could be provided on site as follows; Eastern Parking Area – Two additional car spaces could be accommodated to the rear of Block B to the west of the two (2) accessible spaces proposed. Western Parking Area – Two additional car spaces could be accommodated at the western end of the bay parking adjacent to Block C.	1	Agreed in part. An additional two car parking spaces can be provided in the western most car park by the deletion of some landscaping. Given that Nyora Avenue is a cul de sac with limited parking the opportunity to provide additional on-site parking is supported This can be imposed as a condition of development consent.
Overdevelopment of the site	2	The proposal complies with all the development standards and numerous other development controls in the SEPP that regulate the density, height and bulk of the development. There are no grounds of refusal that can be substantiated in this regard.
The land should be turned into a park for the benefit of residents in the locality.	1	The land is owned by the NSW Land & Housing Corporation and they are exercising their rights to develop the land in accordance with state government legislation.
Loss of privacy due to overlooking.	1	The objector is located on the opposite side of Marlborough Street. The separation distance between the proposed balconies facing Marlborough Street and the complainant's front bedroom is approximately 30 metres. The balconies are similar to other

		balconies on two storey dwelling houses facing the street in the locality. No specific condition is required in this regard.
The development will block access to afternoon sunlight.	1	The shadow diagrams show that the proposal will not impact the development between the hours of 9.00am to 3.00pm.
How can seniors and people with a disability live in two storey buildings.	1	The NSW Land & Housing Corporation is providing housing for a sector of society that struggles to find accommodation in the open market. It is more cost effective for the NSW Land & Housing Corporation to provide two storey housing to meet the ever growing demand for such housing. Not all of the NSW Land & Housing Corporation's clients require ground floor housing.
There is no guarantee that the development will be occupied by seniors or people with a disability.	1	A condition of development consent will be imposed restricting the use of the dwellings to either seniors or people with a disability as defined by the SEPP.
Most if not all of the trees will be removed included a gum tree that has been out the front for over 100 years.	1	Council's Landscape Officer is satisfied with the proposed landscape plan. A number of trees are to be retained on the site as part of the proposal including street trees. The removal of 24 trees on the site is proposed as part of this application. Trees to be removed will be offset by new landscaping, as per the proposed landscape plan. Additional street trees will also be required as a condition of development consent. The old gum tree on the front corner of the site will be retained.

The submissions do not raise any issues that warrant refusal of the application. Additional car parking for two car spaces can be provided on site and this can be enforced as a condition of development consent.

REFERRALS

Building Control Branch

Council's Building Control Branch raised no objection to the proposal subject to standard conditions.

Development Engineering Branch

Council's Development Engineering Branch have reviewed two sets of drainage plans provided by the applicant, with the latest plans being deficient as follows:

1. The amended plans do not sufficiently show that all overflows of the piped system are able to be directed into the OSD tank by surface flow routes and there will be considerable bypass in the event of the piped system failing. In this regard, a catchment plan showing which areas will bypass by overland flow path routes shall be provided and if required, calculations modified to account for bypass areas.

Comment:

This aspect can be covered by a condition of consent requiring a slight redesign of internal levels so that in the event of a pipe blockage during a significant stormwater event the overland flow can be directed away from buildings and to the drainage easement or adjoining street drainage system.

2. Unit 1 has a floor level lower than the top water level in Tank No. 1 and the adjacent drainage swale. In this regard, it is considered that the finished floor level in Unit 1 shall be raised to be a minimum of 300mm freeboard above the level of the spillway in Tank 1 or the top water level in the swale, whichever is higher.

Comment:

This applicant's architect has advised that the floor level of Unit 1 needs to be raised by 1.3 metres and that amendments to floor layout, access and elevations are required so that revised Unit 1 is compatible to the adjoining Unit 2. The increase in height of Unit 1 by 1.3 metres will result in the building having a total height of 7.8 metres above natural ground level which is below the 8 metre high development standard in the SEPP. This issue can be covered as a condition of development consent.

3. The landscaping plans still show considerable landscaping located within the swale along the southern boundary. Landscaping within the swale shall be limited to turf only to retain its capacity and for future maintenance purposes. In this regard, a note shall be shown on the stormwater plans to this effect, and all other submitted plans shall be consistent with this requirement.

Comment:

This aspect can be covered as a condition of development consent.

SECTION 79C CONSIDERATIONS

The proposed development has been assessed and considered having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979 and no issues have arisen that would warrant the application being refused on planning grounds. The following is a brief assessment of the proposal with regard to Section 79C.

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) Any environmental planning instrument

The subject site is zoned R2 Low Density Residential Zone pursuant to the Fairfield Local Environmental Plan 2013. The proposed development is considered to constitute 'seniors housing' as defined in Fairfield LEP 2013. Seniors housing is a permissible development within the R2 Low Density Zone.

As the land is zoned for urban purposes, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies to the subject land and development for the purposes of self care housing is permissible with development consent. As demonstrated in the above compliance tables, the proposed development achieves full compliance with the provisions of SEPP (Housing for Seniors or People with a Disability) 2004.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There is currently no draft environmental planning instrument of relevance that affects this site.

(iii) any development control plan

The proposed development complies with state government's "Urban design guidelines for infill development" which is a de facto DCP for infill housing development for Seniors

or People with a Disability. The proposal conforms with these guidelines as demonstrated in this report.

There are no matters in the Fairfield Citywide DCP that are not covered by the SEPP or the “Urban design guidelines for infill development” that warrant further examination apart from the issue of cut and fill.

The DCP provides that the height of floor level above the natural ground levels shall be limited to 600mm except where it is required to be raised to achieve a suitable freeboard above the flood level or the 100 year ARI water level of an on - site detention basin. This 600mm height includes the fill, bedding and the slab thickness. Any variation from this floor height shall not cause adverse amenity impacts to the adjoining properties and shall be justified to the Council.

The proposed development generally complies with this requirement, although approximately 700mm of fill is proposed in one location. This has been necessary as the proposed development is for seniors and persons with a disability and it has been necessary to provide accessible units and accessible paths of travel. It is considered that there will be no adverse impacts associated with amenity as a result of this fill, as the area in question substantially overlooks the driveway and parking area and does not directly adjoin another property.

- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

Not applicable

- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

There are no matters prescribed by the Regulations that apply to this development.

- (b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

Traffic Impacts

The proposal being twenty seven dwellings for seniors and people with a disability is not a high traffic generating development. Vehicular access to the site is via two driveways to Nyora Avenue, a cul de sac. There is ample queuing distance in Nyora Avenue for safe ingress to Marlborough Street. The traffic generated by the proposal can be easily accommodated in Marlborough Street which provides direct access to collector roads

The applicant has provided eight car parking spaces on site which is two more than required by the SEPP. An additional two car parking spaces can be provided by a minor reorganisation of the car parking layout. This can be covered by condition of development consent. The maximisation of on-site parking will ameliorate some of the resident's concerns about on street car parking.

Noise Impacts

Standard conditions of consent will be imposed to ensure that potential construction noise complies with the NSW Industrial Noise Policy. No major plant or equipment is to be installed during construction. The potential for noise impacts upon occupation of the development is considered to be compatible with continued residential use of the land.

Water Pollution

The applicant has provided an onsite stormwater collection system that links to the street drainage system in Marlborough Street. Council engineers are satisfied that the disposal of stormwater from the site meets Council requirements.

All construction impacts relating to water pollution can be addressed by conditions of development consent.

Impact on Biodiversity.

The subject land is not identified as a "Sensitive Area" on Fairfield City Council's Natural Resource Biodiversity Map. The original vegetation would have been Turpentine Ironbark Forest but this was cleared over 50 years ago when the site was developed for housing purposes.

There are 24 trees on the site that will be removed to accommodate the proposed development. The findings of the Arboricultural Impact Assessment Report lodged with the development application documentation are supported. These findings recommend the removal of the majority trees on the site as they are not considered to be significant or worthy of retention.

The potential for impacts on the natural environment is considered to be negligible as more appropriate tree planting will be provided as part of site landscaping works to compensate for the loss of these trees and some trees will be retained where appropriate.

Amenity

It is considered that the proposed development is unlikely to result in any adverse visual privacy and overshadowing impacts of any adjoining residential properties, having regard to the siting of the buildings and the spatial separation between the dwellings and surrounding residential properties.

The proposed development will make a positive contribution to the residential streetscape through the construction of new modern contemporary dwellings that respond to the site context and neighbourhood character.

A high level of internal and external privacy is maintained by the proposed development through a range of measures including careful and considered site landscaping, utilisation of a range of fencing heights and materials, adequate setbacks, careful placement of windows and screening to balconies and windows where they have potential to overlook neighbouring development.

Social and Economic Impacts

The proposal will provide a positive social impact by providing high quality housing to seniors or people with a disability who are in the lower socio-economic bracket of society.

The proposal will have positive economic benefits. The two primary benefits will be the creation of jobs during the construction phase and the increased population will shop locally thereby increasing economic activity in the locality.

(c) the suitability of the site for the development

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

(d) any submissions made

Submissions made to the development by way of objection have been previously, addressed in the assessment of this application and do not raise issues of such magnitude as would warrant the refusal of this development proposal.

(e) the public interest

Having regard to this assessment the proposed development is considered to be in the public interest and warrants approval.

SECTION 94 AND SECTION 94A

The proposed development has an estimated construction cost of \$6,066,000. In accordance with Fairfield City Councils adopted s94A contribution plan this requires payment of a development contribution of \$60,660.00. The NSW Land & Housing

Corporation is not exempt from the provisions of Council's s94A contribution plan. A condition of development consent has been imposed which specifies this amount is payable.

CONCLUSION

The proposal seeks consent for the removal of trees, and the construction of a seniors living housing development comprising 27 units, car parking for 8 vehicles, associated landscaping and consolidation of the site into a single lot.

The proposed development achieves full compliance with the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 and the proposed use is permissible with consent.

Furthermore, it is considered that the development has been conceived having regard to surrounding residential development. In doing so, it is considered that the development has provided appropriate separation from surrounding residential properties and the built form, bulk and scale, and height appropriately responds to neighbouring properties that the development is unlikely to result in any adverse impact upon neighbouring residential properties.

This assessment of the application has considered all relevant requirements of Section 79C of the Act and finds that there will be no significant adverse or unreasonable impacts associated with the development. The infill self care housing development has been designed and sited to have minimal impact on the environment and the amenity of adjoining residents. Conditions will be imposed to minimise construction impacts and ongoing use of the site for residential purposes.

Residents' concerns are acknowledged however there are no issues that would warrant outright refusal of the application. Where warranted, residents concerns can be addressed through conditions of consent.

Accordingly, it is recommended that the application be approved subject to conditions outlined in Attachment D of this report.

RECOMMENDATION

That development application No. 283.1/2014 for removal of trees and the construction of a Seniors Living Housing Development comprising 27 units (16x2 bedroom and 11x1 bedroom) including car parking for eight (8) vehicles, associated landscaping and site consolidation into one (1) Lot at Nos.2-12 Nyora Avenue, Smithfield be approved subject to conditions as outlined in Attachment D of this report.

