STATEMENT OF ENVIRONMENTAL EFFECTS

Accompanying a development application for

Removal of trees and the construction of a seniors living housing development comprising 27 units (16 x 2 bedroom and 11 x 1 bedroom), including car parking for 6 vehicles, associated landscaping and site consolidation into one lot

at

LOTS 75, 76, 77, 78, 79 & 80 DP 36377
2-12 Nyora Avenue Smithfield

May 2014

CONTENTS

1. INTRODUCTION 3
1.1 Background 3
1.2 Purpose of the Statement of Environmental Effects 3
2.1 Site locality 4
2.2 Site characteristics 5
2.3 Pedestrian, vehicular access and available utilities 5
2.4 Present and previous use of the site 5
2.5 Existing development on the site 5
2.6 Surrounding and adjoining development 5
3.0 DETAILS OF PROPOSAL 6
3.1 Proposed Works 6
4.0 ENVIRONMENTAL EFFECTS 7
4.1 Section 79C – Matters for Consideration 7
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 7
Seniors Living Policy: Urban Design Guidelines for Infill Development 15
Local Planning Controls 16
Fairfield Local Environmental Plan 2013 16
Fairfield City Wide Development Control Plan 2013 (FDCP2013) 16
Compliance with FDCP2013 16
5.0 OTHER CONSIDERATIONS 20
5.1 Visual Impacts / Impacts on the built environment 20
5.2 Overshadowing Impacts 20
5.3 Privacy 20
5.4 Acoustic Impact 20
5.5 Erosion Control Measures 20
5.6 Social Impacts 20
5.7 Economic Impacts 20
5.8 Impacts on the natural environment 21
5.9 Natural Hazards 21
5.9.1 Acid Sulphate Soils 21
5.9.2 Flooding 21
6 CONCLUSION 22

1. INTRODUCTION

1.1 Background

This Statement of Environmental Effects (SEE) has been prepared on behalf of the Land and Housing Corporation (L&HC) the Applicant and owner of 2-12 Nyora Avenue, Smithfield. The SEE accompanies a Crown Development Application (DA) for the construction of 27 seniors living housing units under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The development proposes the construction of 27 housing units (16 x 2 bedroom and 11 x 1 bedroom) including 4 adaptable units (Units 1, 8, 19 & 24) and car parking for 6 vehicles. The existing 6 lots are also proposed to be consolidated into one single lot. The proposal will necessitate the removal of 24 trees including one street tree within the Council road reserve.

The Land & Housing Corporation lodged a previous Development Application on the site under Division 1 of ARH SEPP in August 2012. This application was withdrawn from Council as a result of amendments to the ARH SEPP requiring construction on the project to commence by 20 May 2013 and due to a court case concerning equivalent zoning and the ARH SEPP in the Fairfield LGA.

The current Development application is being lodged under the Seniors SEPP on land that is zoned ‘primarily for urban purposes’ and hence neither of these issues continue to apply.

1.2 Purpose of the Statement of Environmental Effects

The purpose of this SEE is to: -

- describe the site to which the DA relates;
- describe the characteristics of the surrounding locality;
- describe the proposal;
- define the statutory planning framework to which the DA is to be assessed and determined; and
- assess the proposal in the light of all relevant heads of consideration.

2. EXISTING ENVIRONMENT

2.1 Site locality

The site is located at 2-12 Nyora Avenue, Smithfield and is zoned R2 Low Density Residential under the Fairfield Local Environmental Plan 2013. The site comprises of 6 lots all with street frontage to Nyora Avenue. The corner lot (2 Nyora Ave) also has street frontage to Marlborough Street (refer to ***Figures 1 & 2)***.

Figure 1: Site locality map outlined in red
Source: http://maps.google.com.au/

Figure 2: Aerial photo of subject site outlined in red (structures since demolished)
Source: http://maps.google.com.au/

The legal property description of the subject land is Lots 75, 76, 77, 78, 79 & 80 in Deposited Plan 36377, and it is known as No 2-12 Nyora Avenue, Smithfield. The registered owner of the land is the New South Wales Land and Housing Corporation. There are no restrictions noted on the titles of the subject land.

2.2 Site characteristics

The development site comprises of 6 lots located on the southern side of Nyora Avenue. 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 crossfall of 4.75m from the north-western corner of the site to the south-eastern corner on Marlborough Street. Site stormwater is proposed to be collected by on-site detention tanks and then conveyed to Council's drainage assets in Marlborough Street.

The site contains a mixture of exotic, non-local native and locally-indigenous tree species as well as several street trees along the street frontage of Nyora Avenue (refer to the submitted survey plan).

2.3 Pedestrian, vehicular access and available utilities

Pedestrian and vehicular access to the site is currently available via individual driveways and a concrete pedestrian footpath located on the southern side of Nyora Avenue and the western side of Marlborough Street. The site facilities include reticulated water, overhead electricity, overhead telecommunication facilities and reticulated gas services all of which are available to the subject site.

All services are located within the road reserve on Nyora Avenue and the reticulated sewer mains are located internally throughout the development site. Refer to the submitted survey plan for the location of available services.

2.4 Present and previous use of the site

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.

2.5 Existing development on the site

The site was occupied by six detached dwelling houses of fibro cement construction with tiled roofing and ancillary structures including car ports and sheds, however these have now been demolished.

2.6 Surrounding and adjoining development

The site 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 aged care facility to the north west corner of the site.

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.

3.0 DETAILS OF PROPOSAL

3.1 Proposed Works

The proposed works are as follows:

- The removal of 24 trees located on the site (that are all assessed as insignificant or worthy of retention, refer to the attached arborist report for further information)
- The construction of sixteen x 2 bedroom and eleven x 1 bedroom units
- The construction of six car parking spaces
- Associated landscaping and site improvement works and
- The consolidation of the site into a single allotment

Overall, the site will be enhanced as currently vacant land in Smithfield will be replaced with modern, well-designed housing, accessible to local facilities. The development will satisfy an increasing demand for one and two bedroom affordable housing units within the Fairfield Local Government Area.

The proposed development is permissible with Council's consent.

The Land & Housing Corporation will certify the building works as complying with the Building Code of Australia under Section 109R of the Environmental Planning and Assessment Act.

4.0 ENVIRONMENTAL EFFECTS

4.1 Section 79C – Matters for Consideration

The following provides an assessment of the proposal against the provisions of Section 79C of the Environmental Planning and Assessment Act (as amended).

(a) the provisions of:

(i) any environmental planning instrument, and

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

Overview

Fairfield Local Environmental Plan 2013 is the principal planning instrument used to control the use and development of land within the local government area of Fairfield, within which the subject site is situated. Pursuant to Clause 2(2) of the Seniors SEPP, local environmental planning instruments are set aside where they would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in the SEPP. However, this is subject, among other considerations, to the following:

- that the development occurs on land which is zoned 'primarily for urban purposes', or on land which adjoins land zoned 'primarily for urban purposes' where development is permitted for dwelling-houses; and,
- that the land is not subject to any of the environmental constraints listed in Schedule 1 (Environmentally sensitive land) of the SEPP.

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.

An assessment of the proposed development in terms of the relevant provisions of the Seniors SEPP is provided below.

Location and access to facilities [Clause 26]

The proposed development is considered to be acceptable in terms of Clause 26 of the Seniors SEPP, which relates to the accessibility of the site to services and facilities such as shops, banks and other retail and commercial services, community services and recreation facilities, and the practice of a general medical practitioner, which are accessible from the site by bus transport services.

The site is not within 400m walking distance of the facilities and services listed in Clause 26(1) of the SEPP and therefore access to public transport services must be considered.

There are bus stops located in Marlborough Street within 400m walking distance of the site. These bus stops service route no. 808 which operates on weekdays and on weekends that would take residents to appropriate services and facilities in the Fairfield CBD, including the services of a general medical practitioner.

There are no shopping facilities of significant scale located within 400m of the site, however some small-scale local shops are situated on the corner of Marlborough Street and Brenan Street.

The site gradient is relatively flat to slightly sloping and therefore considered to be appropriate for seniors housing.

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 this application.

Site compatibility criteria [Clause 29]

The proposed development is considered to be compatible with the surrounding land uses having regard to the following criteria:

- 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)

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.

Site analysis [Clause 30]

In accordance with Clause 30 of the SEPP, a site analysis was undertaken prior to the design of the proposed development. The information about the site and its surrounds identified on the Site Analysis Plan has been taken into account in the design of the development in conjunction with the submitted survey and architectural plans.

Design principles [Clauses 33-39]

It is considered that adequate regard has been given to the design principles contained within Part 3, Division 2 of the SEPP (Clauses 33-39). This is demonstrated in the assessment below.

<u>Neighbourhood amenity and streetscape [Clause 33]</u>

It is considered that the proposed development will create an attractive residential environment sympathetic with the existing and future residential development in the surrounding area, as it has been designed to address the following design principles for neighbourhood amenity and streetscape set out in Clause 33 of the Seniors SEPP:

- 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
  comment: 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

- 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
  comment: there are no heritage conservation areas or local heritage items in the vicinity of or on the subject site

- maintain reasonable neighbourhood amenity and appropriate residential character by:

- providing building setbacks to reduce bulk and overshadowing

comment: building setbacks comply with Fairfield DCP requirements

- using building form and siting that relates to the site's land form
  comment: minor cut and fill is proposed to address the access requirements of the Seniors SEPP

- adopting building heights at the street frontage that are compatible in scale with adjacent development
  comment: 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

- considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours
  comment: no buildings are proposed to be located on boundaries

- 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
  comment: the building line has been established and is consistent with the setbacks of dwelling houses on the immediately adjoining properties

- embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape
  comment: refer to the submitted landscape concept plan, the proposed landscaping will substantially enhance the appearance of the site

- retain, wherever reasonable, major existing trees
  comment: 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.

- be designed so that no building is constructed in a riparian zone
  comment: not applicable, as the site is not located within or adjacent to a riparian zone

It is therefore considered that the proposed development would be unlikely to have a detrimental visual impact upon the streetscape and will make a positive contribution to the streetscape, neighbourhood character and amenity of surrounding residential environment.

<u>Visual and acoustic privacy [Clause 34]</u>

The proposed development has been designed to maintain visual and acoustic privacy to adjoining properties and within the development. The layout and design of proposed buildings and the provision of landscaping will ensure that privacy within the development and onto adjoining properties is maintained. 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.

<u>Solar access and design for climate [Clause 35]</u>

The design and siting of the proposed development will provide adequate daylight access to the proposed dwelling living areas and open spaces and the private open spaces of adjoining properties. 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.

Stormwater [Clause 36]

Impervious surfaces have been minimised where possible to reduce the impact from stormwater. Site stormwater will be drained as shown on the submitted stormwater drainage plans and incorporates on-site detention (refer to the submitted stormwater drainage plans). Stormwater will ultimately discharge to an existing kerb inlet pit located in Marlborough Street.

Crime prevention [Clause 37]

Fencing will be constructed along all site boundaries, and along boundaries of proposed dwelling private open space areas to provide an appropriate level of safety and security for residents.

The design of the proposed development will allow for general surveillance of all common areas from dwellings.

Peep-holes will also be required to be provided in the front doors of dwellings to enable residents to view approaches to their dwelling without having to open the door

Accessibility [Clause 38]

The proposed development allows for obvious and safe pedestrian links from the site that provide access to transport services / local facilities and will provide an attractive and safe environment for pedestrians and motorists with convenient access to car parking areas for residents and visitors.

Waste management [Clause 39]

Waste and recycling facilities will be provided in accordance with Council's requirements. The proposed development provides dwellings with shared waste and recycling areas on the site.

Development standards [Clauses 40, 41 and Schedule 3]

The Seniors SEPP contains general development standards relating to minimum site size, site frontage and building height (Clause 40), which must be complied with for all developments, and development standards specifically for self-contained dwellings (Clause 41 & Schedule 3), which must also be complied with. Compliance with Clause 40 of the SEPP is demonstrated in the table below.

Table 1 Minimum site size, site frontage and building height standards [Clause 40]

Development Standard	Required	Proposed	Complies
Site size (cl 40(2))	At least 1,000m^2	4114m^2	Yes, although not applicable to Land & Housing Corp (cl 40(5)(a))
Site frontage (cl 40(3))	At least 20m	Min 26.74mm	Yes, although not applicable to Land & Housing Corp (cl 40(5)(a))

Compliance with the development standards for accessibility set out in Clause 41 and Schedule 3 is demonstrated in the table below. It should be noted that pursuant to Clause 41(2), The Land and Housing Corporation is exempt from the siting standards for wheelchair access and access to common area / facilities set out below in relation to a dwelling or part of a dwelling that is located above the ground floor in a multi-storey building.

Table 2 Accessibility and useability standards [Clause 41 & Schedule 3]

Development Standard (Sch 3)	Required	Proposed	Complies
Siting Standards: (cl 2) Wheelchair access 'Non-sloping' sites i.e. with gradients entirely <1:10	100% of ground floor dwellings to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to an adjoining public road	100% of ground floor dwellings will be wheelchair accessible	Yes
'Sloping' sites i.e. with gradients entirely or partially >1:10	% of ground floor dwellings, equal to % of site with gradient <1:10 or minimum 50% (whichever is greater), to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to driveway or public road that is accessible to all residents	Not applicable, as the site does not have a gradient of more than 1 in 10.	NA
Common areas	All common areas and facilities to have wheelchair accessibility as per AS 1428.1	Complies	Yes
Security: (cl 3) Pathway lighting	Pathway lighting to be designed and located to avoid glare for pedestrians and adjacent dwellings and to provide minimum 20 lux at ground level	Complies	Yes
Letterboxes: (cl 4)	To be lockable, located in central location adjacent to street entry or in one or more central locations on a hard standing area and have wheelchair access and circulation by a continuous path of travel (as per AS 1428.1)	Complies	Yes
Private car accommodation: (cl 5) Disabled car parking	Car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890 and at least 5% of the total number of car parking spaces (or at least 1 space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8m	Six disabled car parking spaces are provided, which meet the requirements of AS2890, whereby the spaces are at least 5400mm x 2400mm in area, with an additional shared area of the same size containing a bollard being provided between two disabled spaces.	Yes
Garages	Must have power-operated door or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date	Not applicable, as the proposal does not incorporate garages	Yes
Accessible entry (every entry, whether front entry or not): (cl 6)	Must comply with clauses 4.3.1 and 4.3.2 of AS 4299	Complies	Yes
Garbage: (cl 21)	To be provided in accessible location	Shared garbage / recycling bin enclosures will be provided adjacent to the driveways and/or pathways. Residents will be responsible for placing all bins on the kerbside for collection by Council waste contractors on collection days	Yes

Compliance with the specific development standards for useability set out in Schedule 3 of the Seniors SEPP, ie the standards for internal design and fittings, is outlined in the table below. 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. Specifically, pursuant to Clause 18, the Land and Housing Corporation is exempt from the requirement to provide lift access for dwellings above the ground level in multi-storey buildings. The following standards therefore only apply to ground floor dwellings in seniors housing developments undertaken by the Land & Housing Corporation.

Table 3 Internal design and fittings standards [Schedule 3]

Development Standard	Required	Proposed	Complies
Interior: general (cl 7)	Internal doorways must have a minimum clear opening that complies with AS 1428.1	Complies	Yes
	Internal corridors must have a minimum unobstructed width of 1,000 millimetres	Complies	Yes
	Circulation space at approaches to internal doorways must comply with AS 1428.1	Complies	Yes
Bedroom: (cl 8)	At least one bedroom within each dwelling must have:		
	(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:	Complies	Yes
	(i) in the case of a dwelling in a hostel-a single - size bed,	Not applicable	NA
	(ii) in the case of a self - contained dwelling - a queen-size bed, and	Complies	Yes
	(b) a clear area for the bed of at least:	Complies	Yes
	(i) 1,200 millimetres wide at the foot of the bed, and	Complies	Yes
	(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and	Complies	Yes
	(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and	Complies	Yes
	(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and	Complies	Yes
	(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and	Complies	Yes
	(f) wiring to allow a potential illumination level of at least 300 lux	Complies	Yes
Bathroom: (cl 9)	At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1: (a) a slip-resistant floor surface, (b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that	Complies	Yes

Development Standard	Required	Proposed	Complies
	comply with AS 1428.1, (c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future: (i) a grab rail, (ii) portable shower head, (iii) folding seat, (d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, (e) a double general power outlet beside the mirror The requirement under item (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility		
Toilet: (cl 10)	A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299	Complies	Yes
Surface finishes: (cl 11)	Balconies and external paved areas must have slip-resistant surfaces	Complies	Yes
Door hardware: (cl 12)	Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299	Complies	Yes
Ancillary items: (cl 13)	Switches and power points must be provided in accordance with AS 4299	To comply	Yes
Living room and dining room: (cl 15)	A living room in a self -contained dwelling must have: (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and (b) a telephone adjacent to a general power outlet. A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux	 Complies Complies Complies	 Yes Yes Yes
Kitchen: (cl 16)	A kitchen in a self -contained dwelling must have: (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and (b) a width at door approaches complying with clause 7 of this Schedule, and (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299: (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a), (ii) a tap set (see clause	 Complies Complies Complies Complies	 Yes Yes Yes Yes

Development Standard	Required	Proposed	Complies
	4.5.6),		
	(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,	Complies	Yes
	(iv) an oven (see clause 4.5.8), and	Complies	Yes
	(d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and	Complies	Yes
	(e) general power outlets:		
	(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and	Complies	Yes
	(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed	Complies	Yes
Access to kitchen, main bedroom, bathroom and toilet: (cl 17)	In a multi-storey self -contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level	Not applicable	NA
Laundry: (cl 19)	A self-contained dwelling must have a laundry that has:		
	(a) a width at door approaches that complies with clause 7 of this Schedule, and	Complies	Yes
	(b) provision for the installation of an automatic washing machine and a clothes dryer, and	Complies	Yes
	(c) a clear space in front of appliances of at least 1,300 millimetres, and	Complies	Yes
	(d) a slip-resistant floor surface, and	Complies	Yes
	(e) an accessible path of travel to any clothes line provided in relation to the dwelling	Complies	Yes
Storage for linen: (cl 20)	A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299	Complies	Yes

Standards for self-contained dwellings that cannot be used to refuse development consent [Clause 50]

The following table outlines the standards that cannot be used by councils to refuse development consent for self-contained dwellings as set out in Clause 50 of the Seniors SEPP.

Table 4 Standards that cannot be used for refusal for self-contained dwellings

Development Standard	Required	Proposed	Complies
Building Height: (cl 50(a))	8m or less	Maximum height approximately 7m	Yes

Development Standard	Required	Proposed	Complies
Density and Scale: (cl 50(b))	Floor Space Ratio 0.5:1 or less	0.5:1	Yes
Landscaped Area: (cl 50(c))	Minimum 35m^2 per dwelling (27 x 35m^2 = 945m^2)	2102m^2 or 60m^2 per dwelling	Yes
Deep Soil Zone: (cl 50(d))	Minimum 15% of area of site (15% x 4114m^2 = 617.1m^2) Minimum two thirds to be preferably located at rear of site Minimum dimension 3m	831.2m^2 or 20% of site. Two thirds of deep soil zones located at rear, however no strict rear given the site is a corner lot. Complies	Yes Complies with intent Yes
Solar Access: (cl 50(e))	70% of living areas & main private open space to receive minimum 3 hrs sunshine between 9 am and 3 pm at mid-winter	Living rooms & private open space areas of 22 of 27 units will receive min 3hrs sun in mid-winter.	Yes
Private Open Space: (cl (50(f))	Ground level: Minimum 15m^2 per dwelling One area minimum 3m x 3m, accessible from living area	 Min 15m^2 per dwelling Complies	 Yes Yes
	Upper level/s: 1 bedroom: Minimum 6m^2 Minimum dimension 2m	Min. 9m^2 & dimension 2.0m	Yes
Car parking: (cl 50(h))	Minimum 1 car parking space for each 5 dwellings (Land & Housing Corp concession – 4 car parking space required).	6 car parking spaces for 27 dwellings.	Yes

Seniors Living Policy: Urban Design Guidelines for Infill Development

Clause 31 of the Seniors SEPP requires that, in determining a Development Application for the purpose of infill self-care housing, the consent authority is to take into account the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004. Table 5 details compliance with the policy below.

Table 5 Compliance Table – Seniors Living Policy: Urban Design Guidelines for Infill Development

	Criteria	Response	Complies
Impacts on Streetscape			
Front Setback	Where there is a consistent front building alignment, new development should not encroach on the front setback.	The development occupies the entire southern frontage of Nyora Avenue. Secondary setback to be consistent with the character of corner lots in Marlborough Street.	N/A
Driveways / Basement Car Parks	Entries should not exceed 25% of the site frontage.	Driveway coverage does not exceed 25% of the site frontage	Yes
Impacts on Neighbours			
Side setback	Where side setback is 1.2 metres, a maximum 50% of the development should be built to this alignment.	All side setbacks exceed 1.2m	Yes
Wall Length	Maximum 8 metres length where wall is unrelieved along narrow or rear setbacks.	Complies	Yes
Solar Access	Living rooms or neighbouring dwellings should receive a minimum 3 hours direct sunlight between 9.00am-3.00pm in mid-winter.	Neighbouring development will maintain a minimum of 3 hours direct sunlight between 9am and 3pm to living areas and private open space at mid winter.	Yes
Internal site amenity			
Private Open Space	Ground floor: Minimum 15sqm per dwelling, with one area at least 3m x 3m Dwellings above ground floor:	 All ground floor units comply. All first floor units comply.	 Yes

	Criteria	Response	Complies
	Minimum 6sqm per one-bedroom dwelling and 10sqm per two or more bedroom dwelling, with minimum dimension 2m.		
Privacy	Separation of 1.2 metres should be achieved between habitable rooms and driveways or car parks of other dwellings. This may be reduced if adequate screening is provided.	The driveway only services tenants within the development and there is a separation by way of footpaths or landscaping between the driveways and habitable rooms.	Yes

State Environmental Planning Policy (State and Regional Development) 2011

This SEPP provides procedures for regional development to be determined by a Joint Regional Planning Panel. The proposed development is regional development as it meets the criteria of Schedule 4A of the *Environmental Planning and Assessment Act 1979*, being "crown development with a capital investment value of more than $5 million. The consent authority for the proposed development is therefore the Sydney West Joint Regional Planning Panel.

Local Planning Controls

Fairfield Local Environmental Plan 2013

The subject site is zoned R2 Low Density Residential under the Fairfield LEP 2013.

The objectives of the R2 Low Density Residential Zone are:
- *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 being a residential development that is located within an area containing a range of residential building types. Seniors housing will meet the needs of local residents who require smaller and more accessible accommodation.

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 justifying the proposed tree removal. The removal of existing tress will be compensated through new landscape plantings.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent Authority (unless the Director-General has notified the consent authority that the making of the draft Instrument has been deferred indefinitely or has not been approved), and

There are no Draft Environmental Planning Instruments applicable to the development proposal.

(iii) any development control plan, and

Fairfield City Wide Development Control Plan 2013 (FDCP2013)

Fairfield City Wide Development Control Plan 2013 (FDCP2013) supports the FLEP 2013 by providing development controls to guide development in Fairfield City.

Compliance with FDCP2013

The Seniors SEPP contains the main controls applicable to the development proposal, however an assessment of the provisions of Council's DCP for multi-dwelling housing (townhouses and villas) is included below.

Table 7 FDCP 2013 Compliance Table

Clause	Provision / Development Standard	Required	Provided	Complies
6A.2.3.1	Front setback controls	Minimum front setback 6m	Minimum front setback 6.5m	Yes
6A.2.3.2	Side and rear setback controls	Side and rear walls not built to the boundary should be at least 900mm from the boundary	All side/rear walls at least 1.2m from the boundary	Yes
6A.2.2.3	Corner lot setback controls	The secondary building setback shall be a minimum of 3m, when measured from the lot boundary	Minimum secondary setback 6.5m	Yes
6A.3.2	Driveways	For sites along local roads with a frontage of 28 metres or greater, no more than 12 metres In total width of driveway surface will be supported.	Maximum driveway width approximately 9m	Yes
6A.4.3	Front boundary fencing	Fencing in front of the building line shall be a maximum height of 1.5 metres above ground level (existing) and be of masonry and decorative panel construction.	Proposed front fencing to be no greater than 1.2m in height. To be constructed of panels with masonry retaining walls underneath where appropriate.	Yes
6A.4.3	Side, rear and corner lot fencing	Fencing behind the building line shall be a maximum height of 1.8m above ground level (existing)	Proposed side and rear fences will be 1.8m high 'Colorbond'.	Yes
6A.5.3	Privacy	Townhouse/villa should be designed so that the number of windows directly overlooking adjacent dwellings is kept to a minimum.	Window overlooking is kept to a minimum through the general placement of windows of upper storey units at the front of the site and orientation of part of ground level private open space areas underneath balconies.	Yes
6A.5.3	Privacy	Where upper storey windows result in unreasonable or unavoidable privacy issues, Council is likely to require: - A sill height no less than 1.5m from floor level - Frosted glazing - Screening - The use of some other method to minimise privacy	Raised sill heights are employed on some upper storey windows, however additional measures may be conditioned by Council if required.	Yes
6A.5.4	Safety and Security	All areas in a development should be clearly recognisable as private, common or public space. Responsibility for supervision and maintenance of these areas should be understood at the design stage and explained in the application.	Housing NSW tenants will be responsible for the maintenance of ground level courtyards and upper storey balconies, which are considered to be private areas. Other areas including driveways, parking areas, footpaths and adjoining landscaping are common areas and will be maintained by Housing NSW.	Yes
6A.5.4	Safety and Security	Surveillance from dwellings is important for the safety of residents and passing pedestrians. Accordingly, a dwelling with a street frontage should have a clear view of the footpath.	All dwellings directly facing the street have a clear view of the footpath.	Yes
6A.6.1	Stormwater detention	OSD is required for townhouse/villa development in cases which Council considers likely to produce excessive stormwater runoff.	OSD is provided as part of this development via an underground tank beneath the proposed driveway.	Yes
6A.6.4	Cut and fill	The height of floor level above the natural ground levels shall	The proposed development generally complies with this	No

		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.	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.	
6A.7.6	Waste and dry recycling collection	a) Council will provide garbage container(s) to each dwelling. Development plans must show that for each dwelling, in private areas, provision has been made for: -General bin -Dry recycling bin -Space for a third bin. b) The area identified for garbage and recycle bins storage should be located away from the windows of habitable rooms and be stored in a substantially shaded area or within an enclosure. c) Garbage and recycle bins must not be visible from common or public areas except when out for collection. d) A clear path from the dwelling's garbage and recycle bins storage area, either through a side passage or through a garage, to the collection point on the street must be provided.	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.	Yes

As demonstrated in the table above, the proposed development generally complies with the development controls for multi-unit housing of the FDCP2013 to the extent relevant and where they are not overridden by the Seniors SEPP, with the exception of the following instance:

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. 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.

(iv) 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

No planning agreement is proposed by the applicant.

(v) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

None applicable.

(vi) **any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*)**,

The subject site is not known to be affected by a coastal zone management plan within the meaning of the Coastal Protection Act 1979.

that apply to the land to which the development application relates.

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

The proposed development will not create significant environmental impacts on the natural and built environments. The proposed works will comprise a modern, well designed development, on a currently unutilised site.

The social effect of the development on the wider community will be beneficial in providing housing for those with a demonstrated housing need. The Land and Housing Corporation already owns the site and its redevelopment is considered to be wise management of public assets. Economic benefits will occur as a result of the employment of local tradespeople in the construction of the development.

(c) The suitability of the site for the development,

The proposed development is permissible under relevant planning controls; it is compatible with surrounding land uses and satisfies Council's objectives for the zone and locality.

The subject site is also zoned specifically for residential purposes and is therefore consistent with Council's broad objectives for the area.

(d) any submissions made in accordance with this Act or the regulations,

Consideration will be given to any submissions made as a result of Council's consultation and notification processes.

(e) the public interest.

No adverse impacts relating to the public interest are expected to arise from the proposal. The proposed development aims to provide modern, well-designed housing for persons on low incomes and satisfy an increasing demand for affordable housing within the local area. The proposed works are also regarded to be an improvement to the residential development that previously existed on the site.

5.0 OTHER CONSIDERATIONS

5.1 Visual Impacts / Impacts on the built environment

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. New tree plantings at the street frontage and along the boundaries of the site will add to the long term visual amenity and scenic quality of the surrounds.

5.2 Overshadowing Impacts

The submitted shadow diagrams demonstrate that the proposed development will not result in any unacceptable overshadowing onto neighbouring development. Neighbouring development will maintain a minimum of 3 hours direct sunlight between 9am and 3pm to living areas and private open space at mid winter.

5.3 Privacy

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.

Within the development site, the building layout ensures that there is no significant opportunity for overlooking between units or into adjoining dwellings.

5.4 Acoustic Impact

Usual noise levels associated with building work will be generated within normal working hours during construction, which should have minimal adverse effects. 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.

5.5 Erosion Control Measures

The submitted Erosion and Sediment Control Plan demonstrates that appropriate measures will be implemented during construction to mitigate against soil erosion and sedimentation.

5.6 Social Impacts

The proposed development will provide a positive social impact to the area by:

- assisting the Land and Housing Corporation in meeting its demand for social housing in the Fairfield LGA and surrounding area; and
- assisting the Land and Housing Corporation in improving the amenity of housing for its tenants, by providing new, more appropriate housing aligning with demand for social housing;
- improving the environmental sustainability of housing on the site, particularly through improved energy and water efficiency; and
- provide more accessible housing on the site.

5.7 Economic Impacts

The proposed development is likely to contribute to a range of economic benefits in the Fairfield LGA and surrounding area through:

- more efficient use of land resources, existing infrastructure and existing services

- the local sourcing of construction materials;
- the local sourcing of tradesmen and other construction related professionals;
- the on-going consumption from new/additional households on the site;
- the reduced maintenance costs of newer housing; and
- savings associated with improved energy and water efficiency.

5.8 Impacts on the natural environment

There are 24 trees on the site that will be removed to accommodate the proposed development. Based on the recommendation of the Arboricultural Impact Assessment Report, the removal of trees is considered to be acceptable 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 trees will be retained where appropriate (refer to the submitted Landscape Plan).

5.9 Natural Hazards

As indicated by the section 149 planning certificates obtained for the site, the site is not affected by landslip, bushfire, tidal inundation, subsidence, acid sulphate soils, or any other hazard risks.

5.9.1 Acid Sulphate Soils

As indicated by the section 149 planning certificates, the lots are not affected by Acid Sulphate Soils.

5.9.2 Flooding

As indicated by the section 149 planning certificates obtained for the sites, the land is affected by flood related development controls in Fairfield City Wide DCP however they apply to all land within the LGA. Generally the controls would apply when the land is in a floodplain or affected by overland flooding. The 149 planning certificate advised that the site is not affected by mainstream or overland flooding, however this will be subject to future studies and reviews. In this regard, the site is not considered to be flood affected and redevelopment of the site is not subject to flood related development controls.

6 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 6 vehicles, associated landscaping and consolidation of the site into a single lot.

As demonstrated in this statement, the proposed development complies with the relevant objectives and development standards prescribed within the Seniors SEPP. The proposal generally complies with the Fairfield LEP 2013 and Fairfield City Wide DCP 2013 where relevant, and variations are proposed where there is an inconsistency with a development standard, and the design principles and better practices set out in the *Seniors Living Policy: Urban design guidelines for infill development.*

The proposal is both reasonable and appropriate when assessed under the relevant heads of consideration listed in Section 79C(1) of the EP&A Act 1979 and is considered worthy of approval by the consent authority. Accordingly, it is requested that the application be considered for approval as submitted to allow this important social housing project to proceed.