

STATEMENT OF ENVIRONMENTAL EFFECTS



For a Residential Aged
Care Facility

13 Booralla Road, Edensor Park

Prepared for: Melaleuca Ventures Pty Ltd





STATEMENT OF ENVIRONMENTAL EFFECTS

DEVELOPMENT APPLICATION FOR A RESIDENTIAL AGED CARE FACILITY CONTAINING 279 BEDS, INCLUDING RELATED FACILITIES AND SUBDIVISION OF THE SITE INTO TWO LOTS AND THE PROVISION OF ROAD RESERVES FOR THE MISSING SECTION OF SWEETHAVEN ROAD AND FOR A CUL-DE-SAC AT THE END OF SCARCELLA PLACE

13 Booralla Road, Edensor Park

VOLUME 1

**Prepared for
Melaleuca Ventures Pty Ltd**

**By
BBC Consulting Planners**

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- Appendix 3: Phase 1 Preliminary Site Investigation prepared by SLR Consulting
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1. INTRODUCTION

1.1 Overview

This Statement of Environmental Effects (“SEE”) has been prepared on behalf of Melaleuca Ventures Pty Ltd (“the Applicant”) to accompany a Development Application (“DA”) lodged pursuant to Section 78A of the Environmental Planning and Assessment Act 1979 (“the Act”) for the demolition of the existing structures, services diversions, excavation, remediation (as detailed in the Stage 2 Detailed Site Investigation prepared by SLR Consulting), other preparatory site works as required, and construction and subsequent operation of a Residential Aged Care Facility (“RACF”) comprising 279 beds, related facilities, required car parking and landscaping, drainage and other associated works as well as the subdivision of the land into two lots and the provision of road reserves for the missing portion of Sweethaven Road and for a cul-de-sac at the end of Scarcella Place (“the proposal”) at 13 Booralla Road, Edensor Park (“the site”).

The Applicant proposes to enter into a Voluntary Planning Agreement (VPA) with Council whereby the Applicant will construct the missing portion of Sweethaven Road and the head of the cul-de-sac in Scarcella Place, and make the associated land dedications and in return Council is requested to offset the costs associated therewith from the required Section 94A contribution. A draft VPA is provided under separate cover. The draft VPA is consistent with the Applicants terms of offer in its letter dated 20 May 2016 which have been agreed to, in principle, by Council officers.

This SEE demonstrates that the proposal is reasonable and acceptable. It is a high quality proposal which will fulfil an important social purpose.

1.2 Introduction to Advantaged Care

Advantaged Care, which will operate the new Residential Aged Care Facility (“RACF”), is a specialty aged care provider owned by the Kresner family. After trying to find an appropriate home for one of their own family members in 1996 (and not being able to find one that met their expectations), coming from a construction and development background, the Kresner family decided to take positive and pro-active steps to increase the supply of high quality aged care, accommodation.

Advantaged Care has an interest in six aged care homes:-

- Minchinbury Manor – opened in 2004;
- Advantaged Care at Georges Manor – opened in 2008;
- Advantaged Care at Bondi Waters – opened in 2011;
- Advantaged Care at Barden Lodge – opened in 2012;
- Advantaged Care at Prestons Lodge – in construction; and
- Advantaged Care at Oakhurst Gardens – construction will commence early 2017.

Advantaged Care aims to be an industry leader and evidence of this can be found in their many awards:-

Minchinbury Manor has received the following:

- Winner of the Aged Care Association of Australia 2005 Proprietor of the Year
- Runner Up of the Aged Care Association of Australia 2005 Building Award
- Winner of a 2007 Western Sydney Industry Awards for Customer Service
- Runner up of another category in the 2007 Western Sydney Industry Awards

Advantaged Care at **Georges Manor** has received the following:

- Runner Up of the API NSW Branch 2009 Property Development Award
- Winner of the Urban Taskforce 2009 Retirement Living Award
- Winner of the NSW Urban Development Industry Australia 2009 Retirement Living Award
- Runner Up of the Aged Care Association of Australia 2009 Building Awards

Advantaged Care at **Bondi Waters** has received the following:

- Highly Commended API NSW Branch 2011 Property Development Award
- Winner of the Urban Taskforce 2011 Retirement Living Award
- Commendation NSW Urban Development Industry Australia 2011 Retirement Living Award
- Commendation of the Aged Care Association of Australia 2011 Building Awards

Advantaged Care at **Barden Lodge** has received the following:

- Winner of the Urban Taskforce 2013 Retirement Living Award
- Winner of the NSW Urban Development Industry Australia 2011 Seniors Living Award

These awards are cited here to demonstrate the intended quality of the proposal.

1.3 Rationale for the Proposal

As noted in the (former) DIPNR publication “A Guide for Councils and Applicants – Housing for Seniors or People with a Disability” released in May 2004, our population is ageing, with a significant growth in the number of people aged 55 years and over. There is strong demand for developments that offer a range of services for seniors. A Planning Circular released by the Department of Planning in September 2007 states:-

“The population of New South Wales is ageing. There is significant growth in the numbers of people aged 55 years and over and this trend will continue. By 2016, 25% of the population of Sydney, and about 31% of people in the rest of NSW, will be aged 55 and over. By 2028 about one third of the State’s population (2.6 million) will be aged 55 and over—there will then be 1 million more seniors than in 2006.

For 25 years the State Policy, in different forms, has encouraged and facilitated the provision of housing designed for seniors or people with a disability and it will continue to do so."

According to the NSW Department of Family and Community Services (Ageing, Disability and Health Care), in 2011 there were estimated to be approximately 92,000 people with dementia in NSW. This is projected to increase to 341,000 people by 2050.

Access Economics was commissioned by Alzheimer's Australia to prepare a report entitled *"Keeping dementia front of mind: incidence and prevalence 2009-2050"* in August 2009. The report states:-

"The prevalence of dementia is projected to increase over four-fold from 245,400 people in 2009 to around 1.13 million people by 2050. There is some evidence to suggest that there are many more with cognitive impairment." and

"Incidence of dementia is estimated to increase from 69,600 new cases in 2009 to 385,200 new cases in 2050.

- *In 2009, 42,000 of the new cases are in capital cities and 28,000 in the balance of states.*

By 2050, 232,000 will be in capital cities and 153,000 will be in the balance of the states.

- *Of people with new cases of dementia in 2009, the majority speak English at home (61,000) compared to a CALD language (9,000). The number of people with new cases of dementia speaking English at home increases 5.8 times to 350,000 in 2050, with those speaking a CALD language at home increasing 4.0 times to around 35,000 by 2050."* and

"The year 2010 is significant as it marks the first of the baby-boomer generation turning 65 years of age. By 2020 there will be around 75,000 baby boomers with dementia.

With a higher retirement age of 67, it will also be the case that more people will be unable to remain in the workforce due to dementia onset, or due to the need to care for someone with the condition. Consequently, the already high productivity losses due to dementia are expected to grow, reflecting the increase in the pension age as well as population growth.

The baby boomer bulge in Australia's demographic profile means that the coming decade will see an acceleration of the impacts of ageing on dementia prevalence greater than previously seen in Australia's history. The rising prevalence of dementia will have dire consequences for our health care system and our quality of life, with the emphasis changing strikingly from cardiovascular disease and cancer to the neurodegenerative conditions, marking an important epidemiological transition."

According to *Fairfield City Council's "Strategy on Ageing 2013-2017"* there are 22,560 Fairfield City residents aged over 65 years, representing approximately 12% of the total population. Approximately 2,490 people are aged 85 years and over. However, the largest change in age structure between 2006 and 2011 was those aged 60 to 64 with an increase in this age bracket of 2,360 people. In fact, 43,800 people are aged 55 years or more in the

Fairfield LGA (approximately 23% of the total population). Therefore, Fairfield City, like the remainder of the Sydney metropolitan area, has an ageing population and is in real need of facilities to accommodate those in the community who are no longer able to live at home, and who require assistance and care on a 24/7 basis.

The proposed RACF responds to this growing demand for high quality, high care housing in the Fairfield Local Government Area. The proposal will provide additional specialist high quality nursing care in a modern, safe, secure and welcoming environment so residents can age with care and dignity in a purpose-built, specialised building with appropriate support facilities.

1.4 Purpose of this Statement of Environmental Effects

The purpose of this SEE is to:-

- describe the site to which the DA relates;
- describe the character of the surrounding locality and in particular adjoining and adjacent development;
- define the statutory planning framework within which the DA is to be assessed and determined;
- describe the form of the proposed development;
- assess the proposed development in the light of all the relevant heads of consideration; and
- identify recommendations, safeguards and restrictions to ensure that environmental impacts are minimised.

1.5 Post lodgement letter from Council and meeting

The DA to which this SEE relates was lodged with Council on 1 March 2016. Council then wrote to the Applicant by letter dated 16 March 2016, requesting that the proposed Residential Aged Care Facility ("RACF") be redesigned so that all vehicular access was via Sweethaven Road. A meeting was held with Council officers on 21 April 2016 at which it was agreed that small vehicles could enter and exit the site via Sweethaven Road whilst service vehicles, ambulances and delivery vehicles could enter/exit the site via the new entrance off the new cul-de-sac head in Scarcella Place. Amended plans, detailing this access arrangement were then provided to Council.

1.6 Draft Voluntary Planning Agreement (VPA)

At the meeting with Council officers on 21 April 2016 the Applicant offered to enter into a VPA with Council whereby the Applicant would construct the missing portion of Sweethaven Road and the head of the cul-de-sac in Scarcella Place, and make the associated land dedications and in return Council would offset the costs associated therewith from the required Section 94A contribution. Council officers required the Applicant to submit a letter of offer to enter into the VPA. The Applicant submitted such a letter on 20 May 2016. The terms of offer from the Applicant were agreed to, in principle, by Council officers. As requested by



Council officers, a draft VPA is provided under separate cover. The VPA is consistent with the Applicants terms of offer in its letter dated 20 May 2016.

2. SITE ANALYSIS

2.1 Introduction

This site analysis has been informed by a detailed site survey, attendance at the site, and by the Site Analysis Plan prepared by IDG, Architects in accordance with Clause 30 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("the Seniors Housing SEPP").

The following description references the matters identified for consideration in Clause 30 of the Seniors Housing SEPP. Section 4 of this SEE describes how the design of the proposal has regard to the site analysis.

2.2 Location

The site is located within the suburb of Edensor Park with frontage to five roads, being Sweethaven Road; Booralla Road; Scarcella Place; Crestani Place; and Furci Avenue (see **Figures 1** and **2**).

2.3 Area and Frontages

The site has a total area of 1.577 ha with the following approximate frontages:-

- 88 metres to Sweethaven Road;
- 70.415 metres to Booralla Road;
- 8 metres to Crestani Place;
- 16 metres to Scarcella Place; and
- 24 metres to Furci Avenue

Sweethaven Road is in two sections: a northern component which is on the north-eastern side of the site and a southern component on the south-eastern side of the site.

2.4 Improvements

The site currently contains a two storey dwelling with associated outbuildings but is otherwise cleared (see **Figure 3A**).

2.5 Real Property Description and Ownership

The site comprises Lot 2 in DP 833184 and is known as 13 Booralla Road, Edensor Park.

The site is owned by Melaleuca Ventures Pty Ltd.

The deposited plan and certificate of title are provided in **Appendix 1**.

Survey plans are provided in **Appendix 2**.

2.6 Zoning

The site is zoned R2 Low Density Residential pursuant to the Fairfield Local Environmental Plan 2013 (see **Figure 4A**).

The following development is permissible with development consent in the R2 Low Density Residential zone:-

*“Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Hospitals; Hostels; Information and education facilities; Places of public worship; Public administration buildings; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; **Seniors housing**” (our emphasis)*

Any other development, not listed above, is prohibited in the R2 Low Density Residential zone.

2.7 Subsurface Conditions

The site's geology and soils have also been assessed by SLR Consulting Pty Ltd. Their report states:-

“Reference to the Soil Conservation Service of NSW Penrith 1:100,000 Soil Landscape Series Sheet 9030 indicates that the site is located within the close vicinity of three landscape groups of soils:

- *Luddenham group of soils (lu);*
- *Blacktown group of soils (bt); and*
- *South Creek group of soils (sc).*

The Luddenham group landscape typically comprises of undulating to rolling low hills on Wianamatta Group of shales, often associated with Minchinbury Sandstone. Local relief 50-80m, slopes 5-20%, narrow ridges, hillcrest and valleys. The Blacktown group landscape typically comprises of gently undulating rises on Wianamatta Group shales and Hawkesbury shale. Local relief to 30m, slopes are usually”.

2.8 Topography

The site slopes from east to west and from north to south with a falls of approximately:-

- 4.5 metres between Sweethaven Road and Furci Avenue;
- 4 metres between Natchez Park and Crestani Place; and
- 3.6 metres between the northern and southern parts of the site.

2.9 Vehicular Access

The site is capable of being accessed from each of the five different road frontages.

2.10 Heritage Features

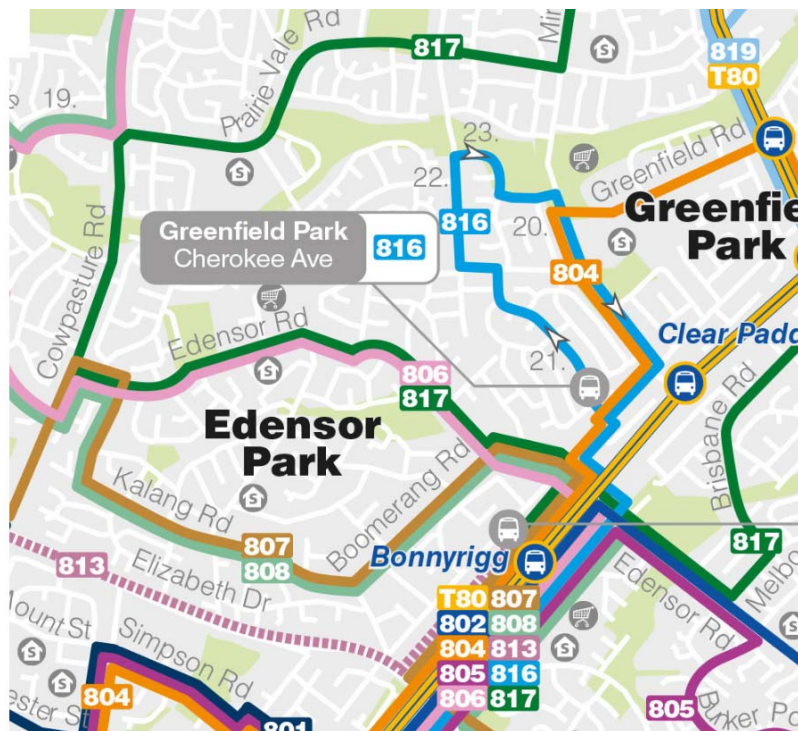
There are no heritage items or features on or adjoining the site.

2.11 Direction and Distance to Local Facilities

The nearest bus stops are located on either side of Edensor Road, to the south west of the site. These bus stops are located approximately 180 metres (at the closest point) to the south-west of the site.

Transit Systems operate two services which pick-up from and drop-off at these bus stops being:-

- 806 – Parramatta to Liverpool - via Merrylands, Greystanes, Wetherill Park, Prairiewood, Abbotsbury, Edensor Park, Bonnyrigg and Reservoir Road (Mt Pritchard); and
- 817 - Fairfield to Cabramatta - via Polding St (Fairfield Heights), Prariewood, Edensor Park, Bonnyrigg, St Johns Park, Canley Vale Rd (Canley Heights).



Extract of network map from:- <http://www.transitsystems.com.au/sydney/network-route-maps/network-map>

The proposed RACF will accommodate only high care and dementia patients who will have little if no reliance on public transport.

2.12 Relevant Site History

The Stage 1 Preliminary Site Investigation (**Appendix 3**) includes an analysis of aerial photographs of the site from 1930 onwards. The following (overleaf) is a summary of the observations made in the investigation.

Year	Description
1930 (black and white)	The quality of the photograph makes it difficult to determine the site location. However, the likely site location appears to be vacant with presence of trees. The land use of the possible site location appears to be open space / agricultural.
1951 (black and white)	The quality of the photograph makes it difficult to determine the site location. However, the likely site location appears to be vacant with presence of trees. The land use of the possible site location appears to be open space / agricultural.
1961 (black and white)	Significant change to the land use at the site. A residential dwelling is seen within the southwestern corner of the site. Visible cropping patterns are seen in the image indicating agricultural land use.
1970 (black and white)	No change to the land use or the number of buildings from 1961 image.
1982 (colour)	No change to the land use or the number of buildings from 1970 image.
1994 (colour)	Significant change to the identification of the site. A site fence is observed in the image separating the site from rest of the dwellings in the area. Trees seen in 1951 image have been removed and the area is cleared. Change in number of buildings on site. A residential dwelling is seen within the central southwestern portion of the site. Multiple sheds are also visible in the image to the east and south of the dwelling. The land use at the site appears to be residential and agricultural.
2005 (colour – Google Earth)	Slight change to the number of sheds from 1994 image. Two sheds seen within the eastern boundary of the site have been demolished and the area is vacant. No other change from 1994 image.
2015 (colour – Nearmap)	Slight change to the number of sheds from 2005 image. Sheds seen within the southern portion of the site have been demolished and the area is vacant. No other change from 2005 image.

3. SURROUNDING DEVELOPMENT

3.1 To the North

The site is located within an established low density residential area.

North of the site, at No's. 8 to 9 Quota Place, is a medium density (townhouse/villa) development. The other properties to the north being, No's. 7 and 10 Quota Place, contain single storey dwellings.

3.2 To the South

The properties on the southern side of Booralla Road contain two storey dwellings on relatively large lots (i.e. above 700m²).

The properties on the southern section of Sweethaven Road contain a mix of single and two storey dwellings.

3.3 To the East

To the east / north-east of the site, on the opposite side of the northern section of Sweethaven Road, are detached dwellings. The dwellings on the eastern side of the northern section of Sweethaven Road (opposite the site) are elevated above street level.

Natchez Park is located to the east of the site.

3.4 To the West

To the west of the site there are three local roads being Furci Avenue, Scarcella Place and Crestani Place.

Furci Avenue is a local road which connects Edensor Road with Duardo Street, to which the site has a frontage of approximately 24 metres.

To the north/north-west of the site, on No. 35 Furci Avenue, is a single storey dwelling.

To the west (and partly to the south) of the site, at No. 39 Furci Avenue, is a single storey dwelling. This dwelling is setback approximately 6 metres from the site (measured from the awning to the common boundary). This property's main frontage is to Furci Avenue, although vehicular access to the site is provided from Scarcella Place.

No. 2 Scarcella Place contains a single storey dwelling. This is the only property with a frontage to Scarcella Place.

The dwellings to the west of No. 2 Scarcella Place, No's. 41 and 43 Furci Avenue, both face towards Furci Avenue (although vehicular access is also provided to No. 41 from Furci Avenue).

There are seven dwellings which face onto Crestani Place. The property to the west of the site at No. 7 Crestani Place contains a two storey dwelling.

To the south-west is No's. 9-11 Booralla Road, with an area of approximately 2,650m² and which is currently vacant.

Beyond the vacant lot are two storey dwellings (7 Booralla Road and 10 Crestani Place).

4. THE PROPOSAL

4.1 Primary Objectives

The primary objectives of the proposal are:-

- to meet the growing needs for aged high care services in the Fairfield LGA through the provision of a new RACF; and
- to ensure that the new building in terms of its physical structure and its operation is compatible with the character of the site and its surroundings and has no significant impact on the amenity of the adjoining residential properties or the area generally.

4.2 Description

The proposal is for the demolition of existing structures, services diversions, excavation, remediation (as required in the Stage 2 Detailed Site Investigation prepared by SLR Consulting), other preparatory site works as required, and the erection of a part two-storey, part three-storey RACF comprising two distinct sections, (each of which will be constructed in a separate stage), which together will contain 279 beds, associated basement parking and related facilities. Landscaping, drainage, signage and other related works are also proposed.

A level-by-level description of the proposal is provided below:-

Basement

- 28 visitor car parking spaces with foyer/lift access;
- 43 staff car parking spaces – separated from the visitor parking area by security gates;
- an ambulance bay;
- bus parking bay;
- storage spaces;
- OSD tank and pump room; and
- two delivery bays.

Lower Ground Floor

- Back-of-house facilities, which are partly underground, including laundry, kitchen, staff change rooms and amenities, training rooms and storage areas. (Access to these areas will be restricted to staff only);
- 32 high-care beds;
- 51 dementia care beds;
- common areas;
- landscaping; and
- vehicular access/egress to/from Scarcella Place.

Upper Ground Floor

- Construction of the missing section of road to join the northern and southern sections of Sweethaven Road and dedication of the new section of road to Council. This only forms part of the proposal subject to the Voluntary Planning Agreement (VPA);
- vehicular access and egress from Sweethaven Road to the basement car park including a drop off/pick up point;
- 87 high-care beds;
- 38 dementia care beds;
- common areas; and
- landscaping.

First Floor

- 71 high-care beds; and
- common areas.

4.3 Design Rationale

The architect has prepared a design statement, which is provided in **Appendix 4D**.

4.4 Staged Construction

It is intended that the proposal will be constructed in two stages, as follows:-

- Stage 1 – The northern portion of the RACF, the missing section of Sweethaven Road and the access from Scarcella Place; and
- Stage 2 – The southern portion of the RACF.

The precise timing of each of these stages is not yet known. However, it is probable that Stage 1 will be complete before Stage 2 commences; therefore, the consent to the DA, and conditions contained therein will need to be cognisant of, facilitate and permit the staged construction, completion and occupation of this substantial project.

4.5 Subdivision

The proposal seeks to subdivide the site into two lots and two public road reserves, comprising:-

- Lot 1 – an area of 729.13m², which will comprise the residual lot;
- Lot 2 – an area of 12,577.13m², which will comprise the residential care facility;
- Public Road – an area of 1,982.44m² to connect the existing sections of Sweethaven Road. The road is to be constructed by Council (or as negotiated as part of the VPA);
- Public Road – an area of 481.65m² for a new cul-de-sac head in Scarcella Place – as requested by Council.

A proposed plan of subdivision is included in **Appendix 4F**.

There are slight discrepancies between the areas shown on the subdivision plan in **Appendix 4F** and on the architectural plans in **Appendix 4B**. The areas indicated on the subdivision plan are to be relied upon in the assessment of the DA.

4.6 Remediation

The Stage 1 Preliminary Site Investigation report, prepared by SLR Consulting Pty Ltd (see **Appendix 3**) states:-

“Based on a review of the available site history data and observations made during the site walkover, SLR concludes the following:

- The potential for significant widespread contamination to be present on sitesoils that will be located outside the proposed building footprint, as a result of past and present land use activities, is considered to be low. However, asbestos contamination associated with the current and former sheds was observed on site during the site walkover. The potential for isolated chemical contamination (pesticides etc.) in the vicinity of the former and current sheds cannot be precluded;*
- Given the sensitivity of the proposed land use (direct access to site soils), the site in its current condition is not suitable, with respect to contamination, for the proposed land use;*
- It is considered that the site can be made suitable for the proposed development, subject to the undertaking of a stage 2 detailed site investigation, and associated remedial works (if warranted). The investigation should include the proposed building footprint area as well as the areas outside of the proposed building footprint. Based on the nature of contaminants of potential concern identified for the site, there are well established means of remediation and/or management that could be implemented to allow the proposed development to proceed, regardless of the findings of a stage 2 detailed site investigation.*

SLR recommends that the additional work be included as a condition of development consent and if required a remedial action plan (RAP) and a site validation report will be submitted to the Council.”

Council, as part of the letter dated 16 March 2016, required a Stage 2 detailed site investigation report to be submitted. A Stage 2 detailed site investigation report is provided under separate cover.

The Stage 2 detailed site investigation report, prepared by SLR Consulting, concludes:-

“Based on a review of information presented in the Stage 1 PSI (SLR, 2016), observations made during fieldwork, results of laboratory analysis and the proposed redevelopment of the site, SLR concludes that:

- Potential for the site soils to contain significant, widespread contamination is low to negligible. SLR considers that the contamination status of the soils are unlikely to pose an unacceptable risk to human health, in the context of the proposed residential land use;*

- *SLR considers that the site is suitable for the proposed residential land use, subject to the following recommendations being addressed at the construction phase.*

SLR recommends that the following be conducted prior to site clearing works, to minimise potential pose a contamination risk to construction workers and site users:

- *The removal of fragments of fibrous cement sheeting observed along the site surface along the boundaries; and*
- *The removal of asbestos impacted surficial soils at TP20 (on a 5m radius around the location of TP20, to a depth of 200mm).*

The above works should be conducted by appropriately licensed asbestos contractors, under the supervision of a qualified environmental consultant. Asbestos clearance certificates should be issued by a qualified occupational hygienist for areas where asbestos or asbestos impacted soils have been removed, prior to the commencement of site clearance or bulk excavation works."

The Applicant requests that the above recommendations be included as a condition of consent.

4.7 Road Works

4.7.1 Construction of the extension (cul-de-sac) of Scarcella Place

At the development advisory (pre-DA) meeting Council requested that the Applicant construct and dedicate (to Council) the bulb of the cul-de-sac in Scarcella Place to permit service vehicles (i.e. garbage trucks), servicing the existing dwelling within Scarcella Place, to turn around.

The Applicant proposes to enter into a Voluntary Planning Agreement (VPA) with Council whereby the Applicant will construct the missing portion of Sweethaven Road and the head of the cul-de-sac in Scarcella Place, and make the associated land dedications and in return Council is requested to offset the costs associated therewith from the required Section 94A contribution. A draft VPA is provided under separate cover. The VPA is consistent with the Applicants terms of offer in its letter dated 20 May 2016 which have been agreed to, in principle, by Council officers.

The bulb of the cul-de-sac of Scarcella Place will be used:-

- as an ingress/egress for service vehicles (even once the missing section of Sweethaven Road is constructed);
- by waste collection vehicles (even once the missing section of Sweethaven Road is constructed); and
- if the VPA is not agreed to as an ingress/egress for all vehicles until the missing section of Sweethaven Road is constructed by Council.

If Council does not permit use of the bulb of the cul-de-sac to service the proposed development, as outlined above, the Applicant is not willing to construct the Scarcella Place road extension and dedicate it to Council.

Detailed plans, showing the proposed construction of Scarcella Place are provided in **Appendix 7A**.

4.7.2 Construction of the missing section of Sweethaven Road

At the development advisory (pre-DA) meeting Council requested the Applicant to connect the existing northern and southern sections of Sweethaven Road by constructing a new section of road through the north-eastern part of the site.

However, the extension and construction of Sweethaven Road is not required to facilitate adequate vehicular and pedestrian access to the proposed development. Furthermore, the requirement to construct and dedicate part of the site for the purposes of a new road is not stipulated in any of Council's Section 94 Contributions Plans, which is the only way in which Council can require land to be dedicated as part of a proposed development.

The Applicant is prepared to make the associated land dedication (i.e. provide a material public benefit) for the missing section of Sweethaven Road. The Applicant is willing to enter into a Voluntary Planning Agreement (VPA) as per the terms outlined in the letter of offer dated 20 May 2016. A draft VPA is provided under separate cover.

To assist, the plans provided in **Appendix 4B** show the road reserve and the location of the road which Council is to construct (unless the VPA is executed). A proposed road design is provided in **Appendix 7A**.

4.8 Signage

Two building identification signs (which will also include contact details) are proposed adjacent to the driveway from Sweethaven Road, one for each stage of the development. The signs will be affixed to an entry wall on either side of the driveway. There will be 3 flag poles located behind the sign. Australian and "Advantaged Care" flags are expected to be flown from the flag poles.

4.9 Employment

The RACF will have a peak staff level of 75 employees (38 staff within Stage 1 and 37 staff within Stage 2) between 9.00am and 3.00pm.

The RACF will operate 365 days per year, 3 shifts per day and the general rule of thumb is that for each resident, a job is created, hence expected workforce across these shifts is expected to be around 279 jobs. Many employees will live in the suburbs surrounding the RACF.

4.10 GFA

The RACF will have a gross floor area of approximately 13,161m² on a site of 15,041m², which equates to an FSR of 0.875:1. The site area excludes the residual lot but includes the two road reserves which form part of the site.

"Gross floor area" is defined in the Seniors Housing SEPP as:-

“the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls (as measured at a height of 1,400 millimetres above each floor level):

(a) excluding columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, and

(b) excluding cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and

(c) excluding car parking needed to meet any requirements of this Policy or the council of the local government area concerned and any internal access to such parking, and

(d) including in the case of in-fill self-care housing any car parking (other than for visitors) in excess of 1 per dwelling that is provided at ground level, and

(e) excluding space for the loading and unloading of goods, and

(f) in the case of a residential care facility—excluding any floor space below ground level that is used for service activities provided by the facility.”

4.11 Height

The RACF is part two / part three storey above basement car parking.

The maximum height of the buildings proposed on the site is 8 metres, in accordance with the definition of height in the Seniors Housing SEPP, except a small area above the multi-function room and the tea room on the first floor.

The height of the ceiling in the tea room is 8.674 metres, a non-compliance of 674mm.

The height of the ceiling in the multi-function room varies, due to the pattern of the ceiling and the slope of the land, from below 8 metres to a maximum height of 11.379 metres, a non-compliance of 3.379 metres. The image below, illustrates the non-compliances:-



Section showing non-compliances with the height limit in the Seniors Living SEPP

A Clause 4.6 variation request is provided in **Appendix 12**. The non-compliance in the tea room is as a result of a pop-up window in this location, to provide improved solar access. The

additional height in the multi-function room is located above the reception area and not only acts as an entry feature but the additional height also facilitates improved solar access into the room which will be used by most residents within the RACF for activities and religious services.

The buildings are a maximum of 2 storeys in height adjacent to the boundary, however, part of the development has a third storey which is partially below ground and could be alleged to create a non-compliance with this development standard. A Clause 4.6 variation request is provided in **Appendix 13**.

Council, during the pre-lodgement meeting referred the Seniors Housing SEPP and the restriction on buildings located in the rear 25% of the site, to single storey.

It is problematic to define and identify the rear 25% area of the site given the fact that the site has five frontages, its context relative to adjacent buildings and the underlying objectives of the control (which are to minimise amenity impacts of overshadowing and overlooking on adjoining dwellings and their private open spaces and to maintain a low scale residential form adjacent to back yards).

A simple (but erroneous) interpretation of the clause would be that the “rear 25%” is the part of the site at the opposite end of the “rated” road frontage, in which case it would be the 25% of the site furthest away from Booralla Road. The reason why this approach is incorrect and inappropriate is that just because a site is rated to a particular street does not mean that street is at the front of the site. All of the five frontages are standard public roads, albeit some are in the form of cul-de-sacs. No other site, in any of the streets to which the site has a frontage, has its rear facing the street. All buildings along each of the road frontages address the street.

In order to overcome any technical argument to the contrary, a Clause 4.6 variation request in relation to this development standard is provided in **Appendix 14**.

4.12 Setbacks and Privacy

4.12.1 To the North

The building line has been setback approximately 6.5 metres from the northern boundary with a single storey colonnade wall built along the 3 metre setback. The roof line on the upper level has then been setback so that it does not have a presence behind the colonnade wall. The area between the colonnade wall and the resident rooms will include extensive planting to provide a pleasant outlook of the residents and the area between the colonnade wall and the northern boundary will also include extensive landscaping.

All images presented are provided by IDG Architects.

7 Quota Place – single storey dwelling

The dwelling at No. 7 Quota Place is setback approximately 16 metres from the shared boundary with the site.

The upper and first floors of the proposal are setback 4.8m metres from the shared boundary.

Room 59 on the upper floor is at ground level. The fence on the shared boundary will prevent any overlooking.

Room 31 on the first floor will have windows along the northern elevation. However, the building setback at this location is 4.8 metres. In addition, two Elaeocarpus (Blueberry Ash), which grow to a mature height of 8 metres, are to be planted between the northern elevation of the proposal and the shared boundary, to avoid the potential for overlooking.

The images below illustrate the above points:-



View from Sweethaven Road looking south-west (without the landscaping) with No. 7 Quota Place in the foreground

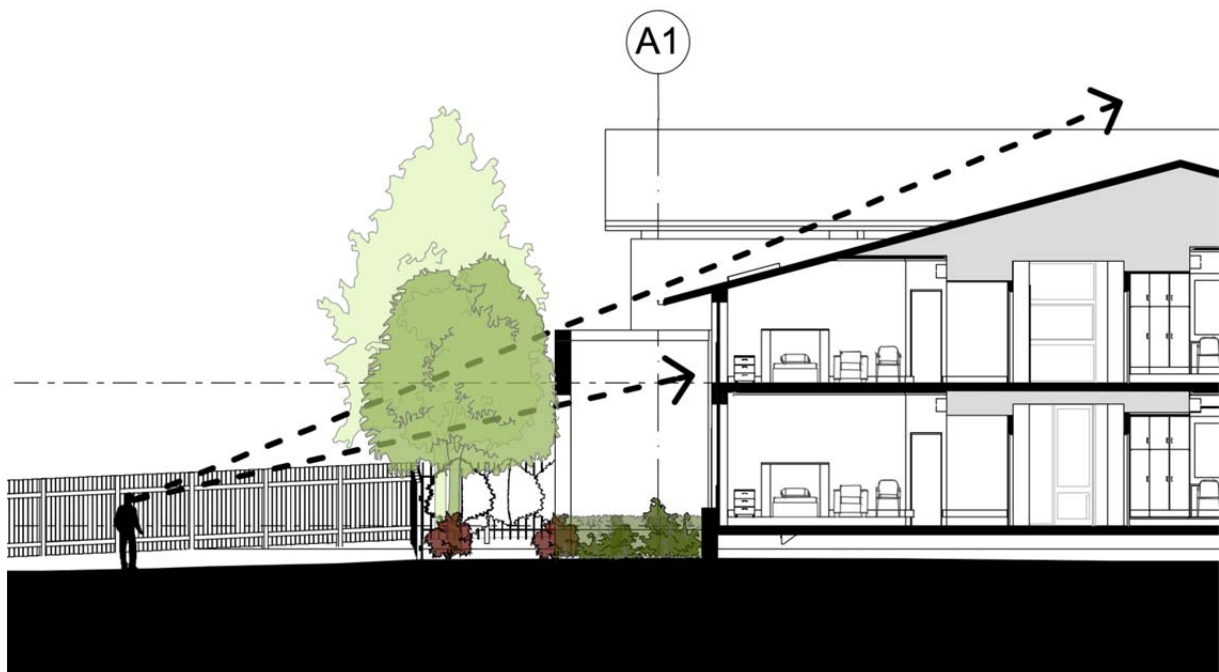


Image to show the effect of the colonnade wall on overlooking from properties to the North

Nos. 8 and 9 Quota Place – townhouse/villa development

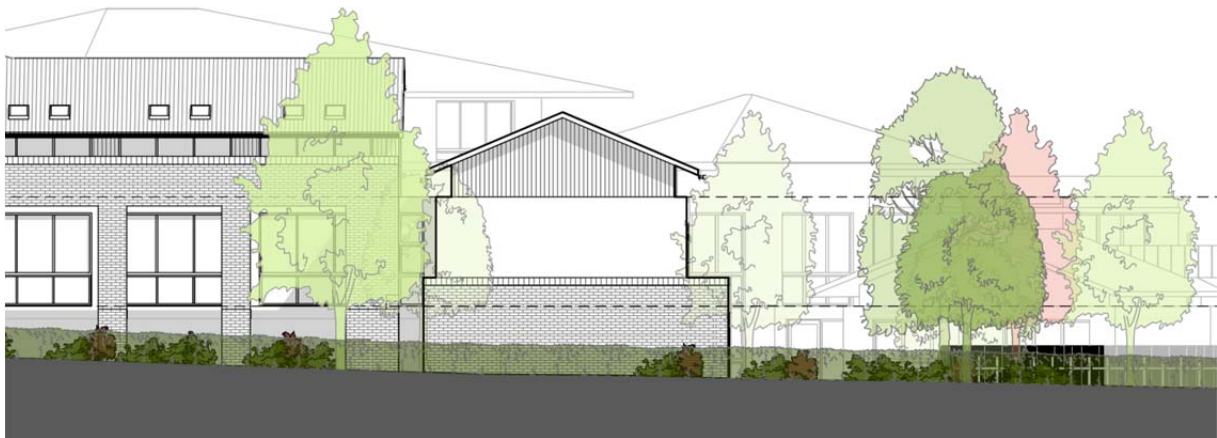
The medium density development provides setbacks to the shared boundary of between approximately 1 and 8 metres.

A Blueberry Ash is proposed between the lounge area and the shared boundary. This will be under planted with a range of large shrubs and medium trees including a grove of macadamias (which also grow to a mature height of 6 metres). In addition, the brick colonnade creates a screen wall that limits overlooking from the first floor and directs views down into a screened garden area.

No. 10 Quota Place – single storey dwelling

The dwelling at No. 10 Quota Place is setback between 17 and 27 metres (angled boundary) from the shared boundary with the site. A mixture of Blueberry Ash (x 4) and Magnolias (x 3)(which grow to a mature height of 6 metres) and Jacaranda (x 4) (which grow to a mature height of 10 metres) are to be planted between the RACF and No. 10 Quota Place.

There is no first floor proposed, adjacent to the boundary with No. 10 Quota Place. The lower ground floor in this location is partially below ground, and no windows face the shared boundary giving the building a single storey expression to this boundary, and a sunken courtyard to the west keeps the lower ground level concealed by the fence. The image below illustrates this location in greater detail:-



View looking at the northern elevation

4.12.2 To the West

No. 35 Furci Avenue – single storey dwelling

The dwelling at No. 35 Furci Avenue is setback approximately 9 metres from the shared boundary with the site.

Only a single storey element is proposed adjacent to the boundary with No. 35 Furci Avenue. Garden beds with mixed hedge planting are proposed to be planted between the lounge area (on the first floor) and the shared boundary.

In addition to the screening hedges, Magnolias and Jacarandas are proposed along the shared boundary between the ground floor open space area and No. 35 Furci Avenue.

The outdoor terrace on the upper ground floor is setback approximately 5.5 metres from the common boundary and will have planting and vertical privacy blades along the edge of the terrace to prevent overlooking.

The rooftop open space area on the first floor is setback by 16 metres from the shared boundary with 1.5 - 3.5 metres of landscaping around the perimeter of the trafficable space on the rooftop.

The image below shows the effect of the vertical privacy blades on the upper ground floor terrace:-



View from the upper ground floor terrace area looking north-west

No. 39 Furci Avenue – single storey dwelling

The dwelling at No. 39 Furci Avenue is setback between approximately 7 metres and 13 metres from the shared boundary with the site.

The driveway, from Scarcella Place is located between the RACF and No. 39 Furci Avenue.

A 2 metre high lapped and capped timber fence will be erected along the shared boundary, as per the recommendations in the Acoustic Report prepared by Renzo Tonin (**Appendix 9**).

Xylosma (hedge) and a Silver Bismarckia Palm (which grows to a mature height of 9 metres) are proposed to be planted between the driveway and No. 39 Furci Avenue.

The upper ground floor is setback approximately 7.5 - 10 metres from the shared boundary with No. 39 Furci Avenue.

Bedrooms facing the western boundary are designed with tall narrow windows that limit the field of view from within the bedrooms and minimise the potential for overlooking.

No. 2 Scarcella Place – single storey dwelling

The dwelling at No. 2 Scarcella Place is setback approximately 3.5 metres from the shared boundary with the site.

Magnolias (x 3) are proposed between the bin storage areas and hedges are proposed along the western boundary between the site and No. 2 Scarcella Place.

The arrangement of the buildings has been designed to limit over looking into the private open space at the rear of the property. The building mass aligns with the dwelling at No. 2 Scarcella Place and the proposed terrace and putting green (above the driveway from Sweethaven Road) have been positioned so that the private open space areas (on the site and at No. 2 Scarcella Place) are in the same location. Bedrooms are positioned to avoid windows overlooking the back yard.

No 7 Crestani Place – double storey dwelling

The dwelling at No. 7 Crestani Place is setback approximately 1 metre from the shared boundary with the site.

A combination of screen planting and large trees (Magnolia Grandiflora) are proposed between the RACF and No. 7 Crestani Place.

The lower and upper ground floor are setback 4 metres from the shared boundary and the first floor terrace is setback 6 metres from the shared boundary with 2 metres of landscaping around the perimeter of the terrace.

The arrangement of the buildings has been designed to limit over looking into the private open space at the rear of the property. The building mass aligns with the dwelling at No. 7 Crestani Place and the proposed terrace and putting green (above the driveway from Sweethaven Road) have been positioned so that the private open space areas (on the site and at No. 7 Crestani Place) are in the same location. Bedrooms are positioned to avoid windows overlooking the back yard.

No. 15-17 Booralla Road – vacant site of approximately 2,450m²

Although this site is currently vacant, the proposal has still considered the future privacy impacts, should this site be developed in the future, by planting Magnolias with under planting, using medium size hedges (2 metres high when mature), along the shared boundary.

The lower and upper ground floor levels are setback 5.2 metres from the shared boundary in the middle of the block and stepping in to 4m at the street frontage to Booralla Road.

Approximately 30 metres of the site does not have a building located adjacent to the shared boundary, which is to be utilised as private open space within the development, although the primary area of recreational use of this private open space is setback by 5 -10 metres from the shared boundary.

The windows that address the side boundaries are those of bedrooms, typically residents who are confined to their rooms are bed ridden, and window sill heights limit overlooking from the bed.

The large trees will screen the bedroom windows in time, and the additional setbacks provide improved privacy for both properties. The living spaces are positioned away from the side boundaries and open up onto internal courtyards (i.e. the focus is away from the neighbouring property).

4.13 Parking

Parking for the RACF will be accommodated in a basement car park which provides a total of 71 vehicle parking spaces as well as delivery, ambulance and bus parking. The staff car parking will be separated from the visitor parking via a security gate / swipe card system.

The on-site parking exceeds the requirements of the Seniors Housing SEPP by 8 parking spaces, in line with best practice.

In addition:-

- a total of 15 car parking spaces will also be provided on the new section of Sweethaven Road within the site;
- 2 car parking spaces will be provided along the street frontage to the site on Booralla Road; and
- 7 car parking spaces can be provided along the section of Sweethaven Road that is outside the site, but to which the site still has a street frontage.

Please refer to the indicative road design provided in **Appendix 7A**.

A Traffic and Parking Assessment report, prepared by McLaren Traffic, is provided in **Appendix 7B**.

4.14 Vehicular and Pedestrian Access

Staff and Visitor vehicular access/egress to/from the site is to be provided via driveways to/from Sweethaven Road. Two separate driveways are proposed, one for entry and one for vehicles exiting the basement car park. All service vehicle, waste vehicle and ambulances will access/egress the site via Scarcella Place.

In the event that a VPA is not executed between the Applicant and Council all vehicular access and egress will be via Scarcella Place, until such time as the Council constructs Sweethaven Road.

Waste collection will be undertaken on-street within the extension of Scarcella Place. Bins will be wheeled to / from the kerbside for collection from the adjacent bin storage areas. Council have requested that the extension of Scarcella Place be carried out by the Applicant

to allow waste collection vehicles to service properties within Scarcella Place so it is reasonable for the Applicant to also utilise the cul-de-sac for waste collection.

4.15 Landscaping and Communal Open Space

4.15.1 Landscape Design

Site Design Landscape Architects have prepared detailed landscaping plans which are provided in **Appendix 5**. The proposed landscape scheme includes generous, accessible and well planned landscape areas around the proposed building, including deep soil planting.

4.15.2 Provision of Communal Open Space

Communal open space areas have been provided for residents of the proposed RACF in the form of the gardens and terraces.

4.16 Management

The RACF will be constructed by Melaleuca Ventures Pty Ltd, an entity fully owned by the owners of Advantaged Care. The facility will be operated by Advantaged Care. Advantaged Care will be responsible for the operation and maintenance of the facility in accordance with the requirements of the Commonwealth Department of Social Services (formerly the Department of Health and Ageing).

4.17 Utilities

4.17.1 Stormwater Management Strategy

Stormwater drainage concept plans and an associated report have been prepared for the proposed development by Demlakian Consulting Engineers and are provided in **Appendix 6**.

4.17.2 Sewer

The site is capable of connecting to Sydney Water sewerage infrastructure.

4.17.3 Water

Water services will be made available to the site.

4.17.4 Electricity

The site will be served by the existing electricity grid in the locality. A new substation is proposed in the north-west corner of the site (along Furci Avenue) adjacent to the existing substation.

4.17.5 Fire Hydrants

Sydney Water will supply water required for fire-fighting on the site in accordance with the requirements of the BCA.

4.17.6 Telecommunications

Telstra services will be made available to the site.

4.17.7 Heating and Ventilation

The Commonwealth Department of Social Services require adequate heating and cooling to provide residents with comfortable conditions.

The residential aged care facility will be air conditioned as will the residents bedrooms. Mechanical ventilation will be provided to toilets, bathrooms, ensuites, dirty utility, pan rooms and back of house areas such as the laundry and kitchen. The indicative plant locations have been identified on the site/roof plan prepared by IDG Architects.

4.18 Crime Prevention through Environmental Design

The proposal has been designed to provide a safe and secure environment for residents and staff, with buildings oriented to provide passive surveillance over common areas.

The construction certificate documentation will provide details of pathway lighting design. Appropriate overhead and low level lighting will be provided to pathways and building entrances.

4.19 Waste Management Strategy

All waste on the site during the site preparation works, construction and operation of the development will be appropriately managed, as outlined in the Waste Management Plan prepared by Advantaged Care, provided in **Appendix 10**. The development incorporates bin storage areas on the southern side of Scarcella Place which have been screened from view of the street.

4.20 BCA Compliance

A BCA Assessment Report has been prepared by Blackett Maguire and Goldsmith to assess compliance with the Building Code of Australia ("BCA") (see **Appendix 8**).

The report states:-

"In view of the above assessment we can confirm that subject to the above measures being undertaken that compliance with the Performance Requirements of the BCA is readily achievable. In addition, it is considered that such matters can adequately be addressed in the preparation of the tender documentation design documentation without giving rise to any inconsistencies with the development consent."

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

5.1 Aims

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("the Seniors Housing SEPP") aims to encourage the provision of housing that will:-

- "(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) make efficient use of existing infrastructure and services, and*
- (c) be of good design"*

These aims are to be achieved by:-

- "(a) 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, and*
- (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
- (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes."*

5.2 Applicability to the Site

The Seniors Housing SEPP applies to land in New South Wales that is zoned primarily for urban purposes or that adjoins land zoned primarily for urban purposes, and on which development of any of the following is permitted:-

- dwelling houses;
- residential flat buildings;
- hospitals; and
- development of a kind identified in respect of land zoned special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries.

The site is zoned R2 Low Density Residential under the provisions of Fairfield LEP 2013 (**Figure 4A**). The site is therefore land that is zoned primarily for urban purposes.

As the site is not "environmentally sensitive land", as listed in Schedule 1 of the Seniors Housing SEPP, the Seniors Housing SEPP applies.

The proposed development is characterised as a "residential care facility", which is a form of seniors housing defined in Clause 11 of the Seniors Housing SEPP.

*"In this Policy, a **residential care facility** is residential accommodation for seniors or people with a disability that includes:*

- (a) meals and cleaning services, and*

(b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hostel, hospital or psychiatric facility.

Note. The Aged Care Act 1997 of the Commonwealth requires residential care facilities to which that Act applies to meet certain requirements.” (Our emphasis)

The proposed “residential care facility” (referred to herein as a RACF) is consistent with this definition.

Chapter 3 of the Seniors Housing SEPP is entitled “Development for Seniors Housing”. Clause 15 in Chapter 3 states:-

“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:

(a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and

(b) development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.”

The site is characterised as land that is zoned primarily for urban purposes (being land zoned R2 Low Density Residential). The proposed RACF is thus permissible with consent under the provisions of Chapter 3 of the Seniors Housing Policy.

In the R2 Low Density Residential zone under FLEP 2013, the following development is permissible with consent:-

*“Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; **Dwelling houses**; Educational establishments; Emergency services facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Hospitals; Hostels; Information and education facilities; Places of public worship; Public administration buildings; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; **Seniors housing**” (our emphasis)*

All other forms of development are prohibited in the R2 Low Density Residential zone.

5.3 Applicable Instrument

It has been established in the Land and Environment Court that if “seniors housing” is permissible under an LEP and the Seniors Housing SEPP, an applicant can opt to lodge under either the LEP or the Seniors Housing SEPP. The Applicant is intending on lodging under the Seniors Housing SEPP.

5.4 Compliance with the Provisions of the Seniors Housing SEPP

CRITERIA	CONSISTENT?	COMMENT
PART 2 – SITE RELATED REQUIREMENTS		
Clause 26 - Location and Access to Facilities		
<p><i>“(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 residents of the proposed development will have access that complies with subclause (2) to:</i></p> <p><i>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</i></p> <p><i>(b) community services and recreation facilities, and</i></p> <p><i>(c) the practice of a general medical practitioner.</i></p> <p><i>(2) Access complies with this clause if:</i></p> <p><i>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</i></p> <p><i>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</i></p> <p><i>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</i></p> <p><i>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</i></p> <p><i>(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:</i></p> <p><i>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</i></p> <p><i>(ii) 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 referred to in subclause (1), and</i></p>	Yes	<p>The site is approximately 180 metres walking distance from the bus stops (one on each side of the road) located on Edensor Road (to the south-west) and, therefore, complies with the “distance to public transport” development standard in Clause 26(2)(b) of the Seniors Housing SEPP.</p> <p>There are level footpaths along both sides of Furci Avenue and Edensor Road.</p> <p>The facility will provide 24-hour nursing and personal care for seniors who are less independent or frail. The facility has been designed to provide residents with medical, rehabilitative and restorative care. Personal care services will include cleaning, laundry, meals and assistance with bathing, personal hygiene, eating and transport. Essential health services such as GPs, physiotherapy, occupational therapy, recreational therapy and podiatry will also be provided on-site. Further there will be an onsite hair and beauty salon, the facility arranges on site visitors from clothing providers, there will be available small retail items such as cafe style coffee dispensation and drinks and snack food dispensers. Billing will occur via direct debit arrangements, and residents will have access to drawing down small amounts of petty cash against their accounts under comfort fund arrangements. A full activity</p>

CRITERIA	CONSISTENT?	COMMENT
<p><i>(iii) that 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),</i></p> <p><i>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)) complies with subclause (3),</i></p> <p><i>Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.</i></p> <p><i>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</i></p> <p><i>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</i></p> <p><i>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</i></p> <p><i>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</i></p> <p><i>(4) For the purposes of subclause (2):</i></p> <p><i>(a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and</i></p> <p><i>(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</i></p> <p><i>(5) In this clause:</i></p> <p><i>bank service provider means any bank, credit union or building society or any post office that provides banking services."</i></p>		<p>program will be ongoing including visiting groups and entertainers as well as regular excursions.</p>

CRITERIA	CONSISTENT?	COMMENT
Clause 28 – Water and Sewer		
<p><i>“(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.</i></p> <p><i>(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.”</i></p>	Yes	A reticulated water system and sewerage system is provided to the site which will be augmented (as necessary) to accommodate the proposed development.
Clause 29 - Site compatibility criteria for development applications to which clause 24 does not apply		
<p><i>“(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.</i></p> <p><i>Note. Clause 24 (1) sets out the development applications to which that clause applies.</i></p> <p><i>(2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).</i></p> <p><i>(3) Nothing in this clause limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.”</i></p> <p>Clause 25(5)(b)(i), (iii) and (iv) state:-</p> <p><i>“(5) The Director-General must not issue a site compatibility certificate unless the Director-General:</i></p> <p><i>(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:</i></p>	Yes	<p>Clause 24 does not apply to the proposed development.</p> <p>The natural environment is conducive to the proposed development. The site is not bushfire prone, is not affected by flooding and is in a residentially zoned area.</p> <p>The RACF will provide 24-hour nursing and personal care for seniors who are less independent or frail. The facility has been designed to provide residents with medical, rehabilitative and restorative care. Personal care services will include cleaning, laundry, meals and assistance with bathing, personal hygiene, eating and transport. Essential health services such as physiotherapy, occupational therapy, recreational therapy and podiatry will also be provided.</p>

CRITERIA	CONSISTENT?	COMMENT
<p>(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,</p> <p>(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,</p> <p>(iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development”</p>		
PART 3 – DESIGN REQUIREMENTS		
Clause 30 – Site analysis		
<p>“(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.</p> <p>(2) A site analysis must:</p> <p>(a) contain information about the site and its surrounds as described in subclauses (3) and (4), and</p> <p>(b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining land zoned primarily for urban purposes, an aerial photograph of the site):</p> <p>(i) explaining how the design of the proposed development has regard to the site analysis, and</p> <p>(ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.</p> <p>(3) The following information about a site is to be identified in a site analysis:</p> <p>(a) Site dimensions:</p> <p>Length</p>	Yes	<p>The site analysis is presented in Section 2 and is supported by the site analysis plan in Appendix 4A and the written statement prepared by IDG Architects in Appendix 4D, as well as surveys, figures, and diagrams forming part of this SEE.</p>

CRITERIA	CONSISTENT?	COMMENT
<p><i>width</i></p> <p><i>(b) Topography:</i></p> <p><i>spot levels and/or contour</i></p> <p><i>north point</i></p> <p><i>natural drainage</i></p> <p><i>any contaminated soils or filled areas</i></p> <p><i>(c) Services:</i></p> <p><i>easements</i></p> <p><i>connections for drainage and utility services</i></p> <p><i>(d) Existing vegetation:</i></p> <p><i>location</i></p> <p><i>height</i></p> <p><i>spread of established trees</i></p> <p><i>species</i></p> <p><i>(e) Micro climates:</i></p> <p><i>orientation</i></p> <p><i>prevailing winds</i></p> <p><i>(f) Location of:</i></p> <p><i>buildings and other structures</i></p> <p><i>heritage features and items including archaeology</i></p> <p><i>fences</i></p> <p><i>property boundaries</i></p> <p><i>pedestrian and vehicle access</i></p> <p><i>(g) Views to and from the site</i></p> <p><i>(h) Overshadowing by neighbouring structures</i></p> <p><i>(4) The following information about the surrounds of a site is to be identified in a site analysis:</i></p> <p><i>(a) Neighbouring buildings:</i></p> <p><i>location</i></p> <p><i>height</i></p> <p><i>use</i></p> <p><i>balconies on adjacent properties</i></p> <p><i>pedestrian and vehicle access to adjacent properties</i></p> <p><i>(b) Privacy:</i></p> <p><i>adjoining private open spaces</i></p> <p><i>living room windows overlooking site</i></p> <p><i>location of any facing doors and/or windows</i></p> <p><i>(c) Walls built to the site's boundary:</i></p>		

CRITERIA	CONSISTENT?	COMMENT
<p>location</p> <p>height</p> <p>materials</p> <p>(d) Difference in levels between the site and adjacent properties at their boundaries</p> <p>(e) Views and solar access enjoyed by neighbouring properties</p> <p>(f) Major trees on adjacent properties</p> <p>(g) Street frontage features:</p> <p>poles</p> <p>trees</p> <p>kerb crossovers</p> <p>bus stops</p> <p>other services</p> <p>(h) The built form and character of adjacent development (including buildings opposite on both sides of the street(s) fronted):</p> <p>architectural character</p> <p>front fencing</p> <p>garden styles</p> <p>(i) Heritage features of surrounding locality and landscape</p> <p>(j) Direction and distance to local facilities:</p> <p>local shops</p> <p>schools</p> <p>public transport</p> <p>recreation and community facilities</p> <p>(k) Public open space:</p> <p>location</p> <p>use</p> <p>(l) Adjoining bushland or environmentally sensitive land</p> <p>(m) Sources of nuisance:</p> <p>flight paths</p> <p>noisy roads or significant noise sources</p> <p>polluting operations</p> <p>(n) Adjoining land uses and activities (such as agricultural activities).</p>		
Clause 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	Noted	Addressed below

CRITERIA	CONSISTENT?	COMMENT
<i>that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.</i>		
Clause 33 – Neighbourhood amenity and Streetscape		
<p><i>The proposed development should:</i></p> <p>(a) <i>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</i></p>	Yes	The proposal will primarily consist of a 2 storey building with part single storey and part 3 storey elements on the site. Basement parking will also be provided. The predominant two storey approach to the design is consistent with the desired future character of the area as reflected in the R2 Low Density Residential zoning of the surrounding sites under Fairfield LEP 2013 (see Figure 4A).
<p>(b) <i>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</i></p>	N/A	
<p>(c) <i>maintain reasonable neighbourhood amenity and appropriate residential character by:</i></p> <p>(i) <i>providing building setbacks to reduce bulk and overshadowing, and</i></p>	Yes	<p>Refer to Section 4.12 for more details on the proposed setbacks.</p> <p>Appropriate setbacks have been provided.</p>
<p>(ii) <i>using building form and siting that relates to the site's land form, and</i></p>	Yes	The form and siting of the buildings has been designed in accordance with the existing site characteristics.
<p>(iii) <i>adopting building heights at the street frontage that are compatible in scale with adjacent development, and</i></p>	Yes	The heights of the proposed buildings are generally consistent with a two storey building – which is what is expected in the R2 Low Density Residential zone.
<p>(iv) <i>considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i></p>	N/A	

CRITERIA	CONSISTENT?	COMMENT
(d) <i>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, and</i>	N/A	
(e) <i>embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</i>	Yes	A landscape plan is provided in Appendix 5 .
(f) <i>retain, wherever reasonable, major existing trees, and</i>	Yes	There are no existing trees on the site.
(g) <i>be designed so that no building is constructed in a riparian zone.</i>	N/A	
Clause 34 - Visual and Acoustic Privacy		
<p><i>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</i></p> <p>(a) <i>appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</i></p>	Yes	<p>The proposal has been designed to ensure visual and acoustic privacy to the adjoining properties to the north and west of the site are maintained.</p> <p>This has been achieved through the setting back of development from the northern and western boundaries, landscaping of the setback areas, the inclusion of standard glazing to windows of the rooms with acoustic seals and the capability of closing these windows.</p> <p>Most of the adjoining properties on the northern and western sides of the site are setback from the shared boundary, thus increasing the setback of the RACF to the adjoining buildings.</p>
(b) <i>ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</i>	Yes	<p>An Acoustic Report is provided in Appendix 9.</p> <p>The report states:-</p> <p><i>“The study of external noise intrusion into the subject development has found that appropriate controls can be incorporated such as acoustic glazing into the building design to</i></p>

CRITERIA	CONSISTENT?	COMMENT
		<p><i>achieve compliance with acoustic requirements of SEPP (Infrastructure) 2007."</i></p> <p>It should be noted that SEPP (Infrastructure) 2007 does not apply. Nonetheless, the criteria from the ISEPP was used as they are considered the most appropriate criteria for this development.</p>
Clause 35 - Solar access and design for climate		
<p><i>The proposed development should:</i></p> <p><i>(a) 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, and</i></p>	Yes	Shadow diagrams, prepared by IDG Architects, are included in Appendix 4B .
<p><i>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</i></p>	Yes	<p>The RACF has been designed to maximise natural ventilation and lighting.</p> <p>Refer to the landscape plans, in Appendix 5, for details of landscaping.</p>
Clause 36 – Stormwater		
<p><i>The proposed development should:</i></p> <p><i>(a) 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</i></p> <p><i>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</i></p>	Yes	Stormwater drainage concept plans and a Stormwater Report have been prepared for the proposed development by Demlakian Consulting Engineers and are provided in Appendix 6 .
Clause 37 – Crime Prevention		
<p><i>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</i></p>		
<p><i>(a) 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, and</i></p>	Yes	The reception desks, located on both sides of the driveway off Sweethaven Road on the upper ground floor, permit observation of the entrance to the building and the site.

CRITERIA	CONSISTENT?	COMMENT
		<p>An open space area is proposed adjacent to the extension of Scarcella Place which allows occupants and staff to view the street.</p> <p>To enter the site a person will either need to be let in via intercom, need a FOB/swipe card or know security keypad codes. Perimeter gates will be locked and CCTV cameras will cover external exit points into the building. A keypad code to exit the site will also be used to assist/prevent residents leaving the site.</p> <p>All dementia wings will be secure and require keypad codes to access or egress these wings. The garden areas will also be secure. Generally, outdoor access will be on timed doors, with free access to residents, staff and visitors during the daylight hours and restricted, or no access during night hours. Reception will operate during business hours and nurse stations will be manned 24/7 and will control access and incoming calls outside of normal business hours.</p>
<i>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</i>	N/A	
<i>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</i>	N/A	Whilst the proposal involves a RACF rather than ILU's, the RACF has been designed to ensure overlooking of all five street frontages.
Clause 38 - Accessibility		
<i>The proposed development should:</i>		
<i>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</i>	Yes	Refer to BCA Report provided in Appendix 8 .

CRITERIA	CONSISTENT?	COMMENT
<i>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</i>	Yes	The proposal achieves this with separate basement parking for visitors and staff as well as access for service vehicles and ambulances.
Clause 39 – Waste Management		
<i>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</i>	Yes	Refer to the waste management plan, prepared by Advantaged Care, provided in Appendix 10 .
PART 4 – DEVELOPMENT STANDARDS TO BE COMPLIED WITH		
Clause 40 – Development Standards – minimum sizes and building height		
<i>Clause 40(2) - The size of the site must be at least 1,000 square metres.</i>	Yes	The site has an area of 15,041m ² (which excludes the residual lot).
<i>Clause 40(3) - The site frontage must be at least 20 metres wide, measured at the building line.</i>	Yes	The site does not have a specific frontage. The site has frontages to five different streets. It has a frontage to Sweethaven Road of well in excess of 20 metres.
<i>Clause 40(4) -If the development is proposed in a residential zone where residential flat buildings are not permitted:</i> <i>a) the height of all buildings in the proposed development must be 8 metres or less, and</i> Building height is defined under the SEPP as: <i>“the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.”</i>	Considered consistent	<p>The maximum height of the buildings proposed on the site is 8 metres, in accordance with the definition of height in the Seniors Housing SEPP, except two small areas above the tea room and above the multi-function room on the first floor.</p> <p>The height of the ceiling in the tea room is 8.674 metres, a non-compliance of 674mm.</p> <p>The height of the ceiling in the multi-function room varies, due to the pattern of the ceiling and the slope of the land, from below 8 metres to a maximum height of 11.379 metres, a non-compliance of 3.379 metres.</p> <p>A Clause 4.6 variation request is provided in Appendix 12.</p>

CRITERIA	CONSISTENT?	COMMENT
b) <i>a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and</i>	Considered consistent	The buildings are a maximum of 2 storeys in height adjacent to the boundary, however, part of the development has a third "storey" which is partially below ground. Height, under the Seniors Living SEPP is measured from ground level. The proposal presents as two storeys above ground level and as such we believe compliance with this standard is achieved. To avoid any alleged non-compliance with this standard, a Clause 4.6 variation request is provided in Appendix 13 , although we are of the opinion that the proposal complies.
c) <i>a building located in the rear 25% area of the site must not exceed 1 storey in height.</i>	Considered consistent	<p>It is problematic to define and identify the rear 25% area of this site given the fact that the site has a frontage to five different streets and given the context and the underlying objectives of the control.</p> <p>It can be assumed that the objective of the standard is to minimise amenity impacts of overshadowing and overlooking on adjoining dwellings and their private open spaces and to maintain a low scale residential form.</p> <p>A Clause 4.6 variation request against this development standard is provided in Appendix 14.</p> <p>The proposed development provides an appropriate, compatible and low scale residential form, notwithstanding that it presents as a two storey development.</p> <p>The adjoining properties to the North and West are a mixture of dwellings and a Townhouse / Villa development. These properties are setback from</p>

CRITERIA	CONSISTENT?	COMMENT
		the boundary of the site as they face other street frontages rather than the site.
Division 2 – Residential Care Facilities – standards concerning accessibility and useability		
<i>Note: Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. For relevant standards, see the Commonwealth aged care accreditation standards and the BCA.</i>		
PART 7 – DEVELOPMENT STANDARDS THAT CANNOT BE USED AS GROUNDS TO REFUSE CONSENT		
Clause 46 – Inter-relationship of Part with design principles in Part 3		
<p><i>Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been to the principles set out in Division 2 of Part 3.</i></p> <p><i>Note: - It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios.</i></p>	N/A	Noted – Division 2 of Part 3 is considered above.
Clause 48 – Standards that cannot be used to refuse development consent for residential care facilities		
“(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),”	Yes	The proposal complies with this standard, except for the multi-function room on the first floor.
“(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,”	Yes	The RACF will have a gross floor area of approximately 13,161m ² on a site of 15,041m ² , which equates to an FSR of 0.875:1.
“(c) landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided;	Yes	<p>A total of 6,975m² of landscaped area satisfies the requirements of clause 48 of the SEPP and thus the DA cannot be refused on grounds of inadequate landscaped area (i.e. 279 beds @ 25m² of landscaped area per bed).</p> <p>A total of 7,102m² of landscaped area is provided for a total of 279 beds, which equates to 25.46m² per bed.</p> <p>In addition, 656m² of indicative landscaping could be provided</p>

CRITERIA	CONSISTENT?	COMMENT
		<p>within the Sweethaven Road reserve and 149m² of landscaping is proposed within the extension of Scarcella Place.</p> <p>Therefore, the proposal provides a total landscaped area of 7,907m², which equates to 28.34m² per bed.</p>
<p>“(d) parking for residents and visitors: if at least the following is provided:</p> <p>(i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and</p> <p>(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and</p> <p>(iii) 1 parking space suitable for an ambulance</p>	Yes	<p>The proposal will provide 71 car spaces within the basement, which is 8 spaces above the required parking under Clause 48 of the SEPP.</p> <p>Ambulances will be able to drive into the basement and park in a dedicated ambulance bay.</p> <p>A dedicated bus parking bay is provided as well as two dedicated delivery spaces.</p> <p>A traffic and parking assessment report is provided in Appendix 7B.</p>

6. OTHER RELEVANT PLANNING CONTROLS

6.1 Greater Metropolitan Regional Environmental Plan No 2— Georges River Catchment

The general principles of the Deemed SEPP – Georges River Catchment are as follows:-

- “(a) the aims, objectives and planning principles of this plan,*
- (b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,*
- (c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,*
- (d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),*
- (e) the Georges River Catchment Regional Planning Strategy (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),*
- (f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,*
- (g) whether there are any feasible alternatives to the development or other proposal concerned.”*

The proposed development is considered to satisfy the above principles in the following manner:-

- the proposed development is not inconsistent with the aims, objectives and planning principles of the deemed SEPP; and
- the stormwater system for the proposed development will not permit sediment into the Georges River, thus reducing the impacts on the Georges River and its tributaries.

6.2 State Environmental Planning Policy 55 (SEPP55) – Remediation of Land

SEPP 55 requires Council to consider whether the subject land of any rezoning or development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, Council must be satisfied that the land can and would be remediated before the land is used for that purpose.

The Stage 1 Preliminary Site Investigation report, prepared by SLR Consulting Pty Ltd (see **Appendix 3**) states:-

“Based on a review of the available site history data and observations made during the site walkover, SLR concludes the following:

- The potential for significant widespread contamination to be present on sitesoils that will be located outside the proposed building footprint, as a result of past and present land use activities, is considered to be low. However, asbestos contamination associated with the current and former sheds was observed on site during the site walkover. The potential for isolated chemical contamination (pesticides etc.) in the vicinity of the former and current sheds cannot be precluded;*
- Given the sensitivity of the proposed land use (direct access to site soils), the site in its current condition is not suitable, with respect to contamination, for the proposed land use;*
- It is considered that the site can be made suitable for the proposed development, subject to the undertaking of a stage 2 detailed site investigation, and associated remedial works (if warranted). The investigation should include the proposed building footprint area as well as the areas outside of the proposed building footprint. Based on the nature of contaminants of potential concern identified for the site, there are well established means of remediation and/or management that could be implemented to allow the proposed development to proceed, regardless of the findings of a stage 2 detailed site investigation.*

SLR recommends that the additional work be included as a condition of development consent and if required a remedial action plan (RAP) and a site validation report will be submitted to the Council.”

Council, in its letter to the Applicant dated 16 March 2016, required that a Stage 2 detailed site investigation report be submitted. A Stage 2 detailed site investigation report is provided under separate cover.

The Stage 2 detailed site investigation report, prepared by SLR Consulting, concludes:-

“Based on a review of information presented in the Stage 1 PSI (SLR, 2016), observations made during fieldwork, results of laboratory analysis and the proposed redevelopment of the site, SLR concludes that:

- Potential for the site soils to contain significant, widespread contamination is low to negligible. SLR considers that the contamination status of the soils are unlikely to pose an unacceptable risk to human health, in the context of the proposed residential land use;*
- SLR considers that the site is suitable for the proposed residential land use, subject to the following recommendations being addressed at the construction phase.*

SLR recommends that the following be conducted prior to site clearing works, to minimise potential pose a contamination risk to construction workers and site users:

- *The removal of fragments of fibrous cement sheeting observed along the site surface along the boundaries; and*
- *The removal of asbestos impacted surficial soils at TP20 (on a 5m radius around the location of TP20, to a depth of 200mm).*

The above works should be conducted by appropriately licensed asbestos contractors, under the supervision of a qualified environmental consultant. Asbestos clearance certificates should be issued by a qualified occupational hygienist for areas where asbestos or asbestos impacted soils have been removed, prior to the commencement of site clearance or bulk excavation works.”

The Applicant requests that the above recommendations be included as a condition of consent.

6.3 State Environmental Planning Policy No 64—Advertising and Signage

Clause 8 of *State Environmental Planning Policy No. 64 – Advertising and Signage* requires signage to be consistent with the objectives of Clause (3)(1)(a) and satisfy the assessment criteria in Schedule 1 prior to development consent being granted.

Although only one building identification sign is proposed, a SEPP 64 Analysis is provided in **Appendix 15**.

6.4 State Environmental Planning Policy (Infrastructure) 2007

The proposed development is not considered a traffic generating development with relevant size and/or capacity under Clause 104 of the SEPP (Infrastructure) 2007. Therefore, the proposal does not require referral to the RMS under the provisions of SEPP (Infrastructure) 2007.

6.5 State Environmental Planning Policy (State and Regional Development) 2011

Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 applies to “*development that has a capital investment value of more than \$20 million.*”

The Capital Investment Value (CIV) of the proposed development is in excess of \$20 million.

Therefore, Part 4 of the SEPP will apply to the proposed development and the consent authority for the proposed development will be the Sydney West Joint Regional Planning Panel (JRPP).

6.6 Fairfield Local Environmental Plan (FLEP) 2013

6.6.1 Zoning

The site is zoned R2 Low Density Residential pursuant to the Fairfield Local Environmental Plan 2013 (see **Figure 4A**).

6.6.2 Zone Objectives

The objectives of the R2 Low Density Residential under FLEP 2013 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.”*

The proposal is consistent with these objectives.

6.6.3 Permissibility

‘Seniors Housing’ is defined under FLEP 2013 as:-

“a building or place that is:

(a) a residential care facility, or

(b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or

(c) a group of self-contained dwellings, or

(d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

(e) seniors or people who have a disability, or

(f) people who live in the same household with seniors or people who have a disability, or

(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note. Seniors housing is a type of residential accommodation—see the definition of that term in this Dictionary.”

A ‘Residential Care Facility’ is defined under FLEP 2013 as:-

“accommodation for seniors or people with a disability that includes:

(a) meals and cleaning services, and

(b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note. Residential care facilities are a type of seniors housing—see the definition of that term in this Dictionary.”

“Seniors Housing” is permissible with consent in the R2 Low Density Residential zone under FLEP 2013. However, the DA has been lodged under the provisions of SEPPHS.

'Building identification signs' and 'Business Identification signs' are also permissible with consent.

6.6.4 Minimum Subdivision Lot Size (Clause 4.1)

Pursuant to Clause 4.1 of FLEP 2013 the site has a minimum subdivision lot size of 450m² (see **Figure 4B**).

The two lots proposed under the subdivision of the site are each in excess of 450m² (Lot 1 has an area of 729.13m² and Lot 2 has an area of 12,577.13m²).

6.6.5 Height of Buildings (Clause 4.3)

Pursuant to Clause 4.3 of FLEP 2013 the site has a maximum "building height" of 9 metres (see **Figure 4C**).

"Building height" is defined under FLEP 2013 as:-

"the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like."

The above definition of "building height" in FLEP 2013, differs from the definition of "height" in the Seniors Living SEPP, which is as follows:-

"in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point."

The proposed development complies with the 8 metre height limit imposed on the site under the Seniors Living SEPP, except for one minor non-compliance in the multi-function room on the first floor.

6.6.6 Floor Space Ratio (FSR) (Clause 4.4)

Pursuant to Clause 4.4 of FLEP 2013 the site has a maximum FSR of 0.45:1 (see **Figure 4D**).

The proposed development complies with the 1:1 FSR requirement under the Seniors Living SEPP.

6.6.7 Exceptions to development standards (Clause 4.6)

Clause 1.9 of FLEP 2013 states:-

"(1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.

(2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:

State Environmental Planning Policy No 1—Development Standards"

Clause 4.6 of FLEP 2013 states (as relevant):-

*“(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this **or any other environmental planning instrument**. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.” (our emphasis)

Therefore, whilst the Seniors Housing SEPP prevails, to the extent of any inconsistency, over FLEP 2013, SEPP 1 does not apply. As such, any departures from the development standards within the Seniors Housing SEPP require a Clause 4.6 variation request under FLEP 2013 rather than a SEPP 1 Objection.

6.6.8 Preservation of trees or vegetation (Clause 5.9)

The proposal does not seek to remove any trees on the site.

6.6.9 Heritage (Clause 5.10)

The site does not contain any heritage items, is not located within the vicinity of any heritage items and is not located within a heritage conservation area (see **Figure 4E**).

6.7 Fairfield City Wide DCP 2013

Fairfield City Wide DCP 2013 does not contain any provisions which directly relate to the development of a “Residential Care Facility”.

The relevant chapters from the DCP are addressed below.

6.7.1 Chapter 3 - Environmental Management and Constraints

6.7.1.1 Land Contamination

Section 3.6.3.1 of Chapter 3 of the DCP states:-

“All development applications (except for change of use and occupation DA’s) must submit information within the statement of environmental effects (as detailed in Chapter 2) detailing whether there is evidence to suggest that the site of the proposed development may be contaminated. In order to prepare this statement reporting on the sites history including historical records of land use, land title searches, aerial photographs and the results of a site investigation will be necessary.”

A Phase 1 Preliminary Site Investigation prepared by SLR Consulting is provided in **Appendix 3**. A Stage 2 detailed site investigation is provided under separate cover.

6.7.1.2 Erosion and Sediment Control

An erosion and sediment control plan is included with the stormwater concept plans, provided in **Appendix 6**.

6.7.2 Chapter 12 - Car Parking, Vehicle and Access Management

The car parking requirements within the Seniors Housing SEPP prevail over the car parking requirements within FDCP 2013.

The traffic and parking impact assessment report (and supplementary statement) provided in **Appendix 7B**, addresses the design requirements for the access and parking for the development.

6.7.3 Appendix F - Landscape Planning

The landscape plans, provided in **Appendix 5**, have been prepared in accordance with Appendix F of the DCP.

6.8 Fairfield City Council – Indirect (Section 94A) Development Contributions Plan 2011

The Fairfield City Council Indirect (Section 94A) Development Contributions Plan 2011 was adopted by Council on 22 November 2011 and commenced on 4 January 2012.

This plan applies to:-

“all applications for development consent and complying development certificates required to be made by or under Part 4 of the Act in respect of development on land to which this plan applies, except development identified in relevant Ministerial Directions where Indirect Contributions

cannot be imposed, or any development proposal relating to the land to which the Direct (Section 94) Contributions Plan 2011 applies that results in an increase in:

- (a) the number of residential dwellings or occupancies;*
- (b) the number of residential development lots; or*
- (c) the area of commercial or retail floor space where a developer cannot provide the required car spaces on site; or*
- (d) any combination of the above.*

2. This plan does not apply to applications submitted by or on behalf of Fairfield City Council for the provision of public facilities or infrastructure.

3. This Plan applies to development applications and complying development certificates by or on behalf of the Crown. For the purpose of applying Indirect (Section 94A) Development Contributions to Crown Development the following principles apply:

(a) Section 94A Development Contributions apply to Crown developments that propose an expansion/increase the current facility size and floor space and/or provide additional capacity to accommodate additional persons. (An example of this would be development at a school which would result in an increase in the number of people/student or expansion of the local police station to accommodate additional people/officers).

(b) Section 94A Development Contributions do not apply to Crown developments that propose a redevelopment of facilities that purely involves internal fit out, refurbishment or upgrading facilities with no increase in capacity or additional persons. (An example of this would be upgrading / internal fit out of a trade quality kitchen/workshop at a high school. This does not increase the capacity, purely the quality of facility)."

The extension and construction of Sweethaven Road is not required to facilitate adequate vehicular and pedestrian access to the proposed development. Furthermore, the requirement to construct and dedicate part of the site for the purposes of a new road is not stipulated in any of Council's Section 94 Contributions Plans.

In *Fairfield City Council v N & S Olivieri Pty Ltd* [2003] the Court of Appeal ruled that Section 94 is the only provision of the Environmental Planning and Assessment Act, 1979 that can authorise a consent condition requiring the dedication of land. However, there is nothing preventing the Applicant from choosing to dedicate land to Council.

6.9 Draft Voluntary Planning Agreement (VPA)

The Applicant has offered to enter into a VPA to construct the missing portion of Sweethaven Road and the cul-de-sac in Scarcella Place, and make the associated land dedications. In return for the construction and dedication of the roads, Council has been requested to offset the costs associated therewith from the required Section 94A contribution. A draft VPA is provided under separate cover, as per the terms of the letter of offer dated 20 May 2016 which has been agreed to, in principle, by Council officers.

7. ASSESSMENT OF ENVIRONMENTAL EFFECTS

7.1 Section 79C - Matters for consideration

In determining the subject DA, Council is required to consider those relevant matters listed in Section 79C(1) of the Act. Each of the relevant matters is addressed below.

7.1.1 Section 79C(1)(a) – Statutory Planning Considerations

Section 79C(a) of the Act requires the consent authority to take into consideration:-

"(a) the provisions of:

- (i) any environmental planning instrument; and*
- (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*
- (iii) any development control plan; and*
- (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*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,"

In relation to **Section 79C(1)(a)(i)** and **(a)(iii)** of the Act, these matters are addressed in Sections 5 and 6 of this SEE.

In relation to **Section 79C(1)(a)(ii)**, there are no draft instruments that are or have been the subject of public consultation, applicable to the site.

In relation to **Section 79C(1)(a)(iii)(a)**, a draft Voluntary Planning Agreement (VPA) is proposed and is provided under separate cover.

In relation to **Section 79C(1)(a)(iv)**, there are no matters arising out of the proposed development which raise compliance issues with relevant regulations. The demolition works will be carried out in accordance with the Regulations and the relevant Australian Standards.

In relation to **Section 79C(1)(a)(v)**, this sub-section does not apply to this DA.

7.1.2 Section 79C(1)(b) – Impacts of the Development (Environmental, Social and Economic)

Section 79C(1)(b) requires the consent authority to consider:

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

These matters are addressed below.

Impacts on the natural environment

The site is located within an established residential area which is predominately residential in nature, with a large park to the east of the site.

No trees will be removed as part of the proposal. New and extensive plantings will be used as part of an overall comprehensive landscape scheme for the site which includes deep soil planting opportunities. Details of the proposed landscaping are provided in the landscape plans.

The impact of the proposal on the natural environment will be minimal.

Impacts on the built environment

Character, siting, bulk and scale

The proposal has been designed having regard to the site's existing context and the likely future context. The development complies with the height limit imposed under the Senior's Housing SEPP, apart from one minor non-compliance an alleged non-compliance and a potential technical non-compliance. The development provides appropriate setbacks to all boundaries and street frontages. Facades are well articulated by steps in walls, balcony elements, landscaping and stairs. The main entry is clearly defined.

The character and scale of the proposal are appropriate within a low density residential area.

Overshadowing

The proposed RACF will not result in any unreasonable overshadowing of the adjoining properties due to the site's location and orientation.

Shadow diagrams are provided under separate cover.

Privacy

Privacy issues are addressed in detail in Section 4.12 of this SEE. The privacy impacts from the proposal are entirely acceptable.

Noise

Noise impacts have been considered in the acoustic report prepared by Renzo Tonin. The recommendations of the acoustic report are invited as conditions of development consent.

Landscape

The site is to be landscaped in accordance with the plans prepared by Site Design Studios. The landscape plans will result in a significant positive improvement to the landscape design qualities of the site and its surrounds.

The proposed landscape scheme includes generous, accessible and well planned landscape areas around the proposed building, including deep soil planting.

The key features of the landscaping design are the putting green and the ceremonial lawn areas.

Traffic and Parking Impacts

Traffic and parking impacts are assessed in the report (and supplementary statement) prepared by McLaren Traffic, which concludes as follows:-

"In view of the foregoing, the subject proposal (as depicted in Annexure A) is fully supportable in terms of its traffic and parking impacts. The following outcomes of this traffic impact assessment are relevant to note:

- ☐ *The proposed development makes provision for a total of 71 car parking spaces (including 28 for visitors and 43 for staff, representing an overall off-street parking surplus of 5 spaces above Council's requirements and 8 spaces above SEPP requirements. The parking requirement for each user class has also been met by the proposed parking provision, satisfying both Council and SEPP requirements.*
- ☐ *A designated mini-bus parking space has also been provided on-site within the basement level. The mini-bus envisaged to be used by the RACF is equivalent to a 7m, 20 seater Toyota Coaster. In addition to the Ambulance bay and mini-bus bay, two (2) small loading bays are also proposed for use by vehicles no larger than a 6.4m Small Rigid Vehicle (SRV). It is envisaged that the above vehicles will enter and leave the site via the cul-de-sac to be located at Scarcella Place.*
- ☐ *Waste collection will be undertaken on-street within the Scarcella Place cul-de-sac where waste bins will be wheeled to / from the kerbside for collection. Given the applicant will be providing the formalised cul-de-sac within the subject site it is not unreasonable that the development benefit from this by permitting on-street waste collection.*
- ☐ *Future traffic generation estimates has been shown to be adequately accommodated by the surrounding road network.*
- ☐ *The application includes the extension of Sweethaven Road facilitating a 9.0m wide carriageway between the face of kerbs and includes a parking lane on the western side of the road (site frontage). A 3.0m wide verge is shown between the road carriageway and the site's boundary with a concrete footpath provided along the site's frontage and adjacent to the proposed on-street car parking. The proposed on-street car parking is provided along the site frontage of the proposed extension, adjacent to the proposed footpath. The location of the on-street parking on the western side of the extension is a safer outcome (compared to the opposite side) as it connects directly to the proposed footpath and allows safe, at-grade (level) access to elderly visitors as well as the general community.*
- ☐ *The completion of Sweethaven Road is likely to deliver other community benefits whilst the proposal does not rely upon the delivery of Sweethaven Road to access the site, as the development site has several other road frontages that could provide adequate access. It is most likely that the development will be staged until such time as Sweethaven Road is built (or alternatively the extension was not provided) then two-way access for all vehicles would be via Scarcella Place. In the instance where all two-way access is provided via Scarcella Place, the forecast 85 to 86 vehicle trips in*

the peak hour will unlikely impact the residential amenity threshold of 200 vehicles per hour for a local road or 300 vehicles per hour as a maximum threshold. It is noted that Furci Avenue currently carries 87 to 118 vehicles during the peak hour where the increase of 85 to 86 vehicles per hour will be within the acceptable thresholds."

Social and economic impacts

The proposal will have significant positive social and economic effects in that it will provide 279 high care beds within the Fairfield LGA. There is a recognised shortage of aged care accommodation to comply with current Commonwealth Accreditation requirements and capable of providing 24 hour care for seniors who can no longer remain in their own home.

The proposed development will generate employment both during construction and occupation.

In August 2013, the NSW Department of Planning and Infrastructure released a report, known as *"NSW in the future: Preliminary 2013 population projections"*. The preliminary release of the 2013 NSW population projections is based on analysis of up-to-date demographic statistics relating to births, deaths and migration.

The report indicates that the Fairfield Local Government Area (LGA) will have a population in excess of 200,000 people in 2031 (approximately 238,950 people). The number of people aged 65 and over in the Fairfield LGA will increase from 23,300 people in 2011 to 51,250 people in 2031, providing a growth rate of 120.1%. The proposal will help increase the availability of residential aged care facilities in the Fairfield LGA.

In September 2008 Fairfield Council released a report titled *"Options for Residential Aged Care Facilities in Fairfield City"* which was prepared by Heather Nesbitt Planning. The report found that the 85+ aged group will grow in Fairfield will grow by the year 2026 by 102% and that the aged group over 70 will grow by almost 10,000 people.

Table 3: Older Age Groups Projections in Fairfield City 2006 and 2026

Age Group	% of older age group in in 2006	No. in 2006	% of older age group in in 2026	No. in 2026	% increase 2006-2026
55-59	27	10342	20	11326	+9
60-64	19	7274	19	10530	+45
65-69	16	6149	17	9602	+56
70-74	14	5159	15	8183	+59
75-79	11	4231	13	6985	+65
80-84	7	2740	8	4644	+69
85 and over	5	1803	8	4600	+102
Total		37698		55870	+48
Target Groups	% of total population in 2006		% of total population in 2026		
Aged 65 years and over	11	20082	19	34014	+69
Aged 70 years and over	8	13933	14	24412	+75

The report also identifies that there are only 4 Residential Aged Care Facilities in West Fairfield and relied on the development of a RACF in Bonnyrigg Living Communities of 110 places to increase provision. As far as we are aware this project has not progressed.

The report makes the following recommendation:-

“Fairfield City has ‘significant and specific’ need for residential aged care facilities and this should be advocated to both government and aged care providers.”

It is proposed that the high care aged care facility will be well managed, operate responsibly and be located in an appropriate location within the Fairfield LGA. The proposal will bring a number of benefits to the area including:-

- the provision of additional aged care accommodation to meet the growing needs for aged care services;
- the generation of significant employment during construction and operation of the facility; and
- the provision of a quality high care facility that is compatible with the amenity of the site and with the adjoining area.

7.1.3 Section 79C(1)(c) – Suitability of the Site

Section 79C(1)(c) requires the consent authority to consider:

“(c) the suitability of the site for the development”

The site is suitable for the purpose of an RACF as is evident from the detailed site analysis and assessment of relevant considerations in the Seniors Housing SEPP.

7.1.4 Section 79C(1)(d) – Submissions

Section 79C(1)(d) requires the consent authority to consider:

“(d) Any submissions made in accordance with this Act or the Regulations.”

Any submissions will need to be considered by the JRPP in the determination of the DA.

7.1.5 Section 79C(1)(e) – Public Interest

Section 79C(1)(e) requires the consent authority to consider:

“(e) the public interest.”

The public interest is best served by the orderly and economic use of land for permissible purposes in a form which is cognisant of and does not impact unreasonably on development on surrounding land, and which satisfies a market demand, in this case for new aged care housing facilities.

The proposal is in the public interest as it will:-

- provide additional high care seniors housing accommodation within the local area to meet existing and future demand;
- transform the existing under-utilised site in a manner which is compatible with and sympathetic to the locality;



- have positive social and economic impacts; and
- exhibit a high quality design which will provide a high level of amenity for future residents without impact unreasonably on nearby properties.

8. CONCLUSION

The proposal involves the erection of a RACF containing 279 high care beds and displays a high level of compliance when assessed against relevant planning and environmental controls relating to the site. The proposal will also assist in satisfying an increasing need in the local area for high care facilities. The proposal is sympathetic to, and compatible with, the immediately surrounding locality.

The proposal will provide an excellent living environment for seniors requiring high care and improve the viability and economic efficiency of local services for the aged in the locality.

A VPA is proposed in relation to various road works and land dedications.

The proposal is in the public interest.

Having regard to the above, and in light of the relevant heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act, 1979, the proposal is considered to be reasonable and appropriate and warrants favourable assessment by Council and approval by the JRPP.



FIGURES



APPENDIX 1

Deposited plan and Certificate of Title



APPENDIX 2

Survey Plans prepared by Calibre Consulting (see Volume 2)



APPENDIX 3

Phase 1 Preliminary Site Investigation prepared by SLR Consulting Pty Ltd



APPENDIX 4A

Site Analysis Plan prepared by Integrated Design Group (IDG) (see Volume 2)



APPENDIX 4B

DA Drawings prepared by Integrated Design Group (IDG) (see Volume 2)



APPENDIX 4C

External Colours and Finishes Schedule prepared by Integrated Design Group (IDG) (see Volume 2)



APPENDIX 4D

Architect's Statement prepared by Integrated Design Group (IDG)



APPENDIX 4E

Letter regarding driveway design prepared by Integrated Design Group (IDG)



APPENDIX 4F

Plan of Subdivision prepared by Calibre Consulting (see Volume 2)



APPENDIX 5

Landscape plans prepared by Site Design Studio Landscape Architects (see Volume 2)



APPENDIX 6A

**Stormwater, Civil Engineering and Erosion and Sediment Control
Drawings prepared by Demlakian Consulting Engineers (see
Volume 2)**



APPENDIX 6B

Stormwater and Water Management Report prepared by Demlakian Consulting Engineers



APPENDIX 7A

Plans and Statement regarding the new section of Sweethaven Road and Scarcella Place prepared by Calibre Consulting (see Volume 2)



APPENDIX 7B

**Traffic and Parking Impact Assessment Report prepared by
McLaren Traffic**



APPENDIX 8

BCA/Access Review prepared by Blackett Maguire and Goldsmith



APPENDIX 9

Acoustic Report prepared by Renzo Tonin



APPENDIX 10

Waste Management Plan prepared by Advantaged Care



APPENDIX 11

**Details of Advantaged Care and Plan of Management prepared by
Advantaged Care**



APPENDIX 12

Clause 4.6 variation request prepared in relation to the “maximum height of all buildings” standard in Clause 40(4)(a) of the Seniors Housing SEPP



APPENDIX 13

Clause 4.6 variation request prepared in relation to the “maximum height permitted for a building that is adjacent to a boundary of the site” standard in Clause 40(4)(b) of the Seniors Housing SEPP



APPENDIX 14

Clause 4.6 variation request prepared in relation to the “maximum height permitted for a building located in the rear 25% of the site” standard in Clause 40(4)(c) of the Seniors Housing SEPP



APPENDIX 15

SEPP 64 Analysis prepared by BBC Consulting Planners