

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-25
DA Number	DA/317.1/2019
LGA	Fairfield
Proposed Development	Demolition of Existing Structures and Construction of a Five (5) Storey Boarding House comprising of thirty-five (35) Boarding Rooms, a Manager's Room, two (2) levels of Basement Car Parking and associated site works.
Street Address	102 Broomfield St Cabramatta
Applicant/Owner	Broomfield Developments Pty Ltd
Date of DA lodgement	13 August 2019
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> • Four (4) objecting and two (2) in support • Four (4) objecting and two (2) in support
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Private infrastructure development that has a capital value of more than \$5million
List of all relevant s4.15(1)(a) matters	i.e. any: <ul style="list-style-type: none"> • SEPP (Affordable Rental Housing) 2009 • Fairfield Local Environmental Plan 2013 • Fairfield DCP 2013
List all documents submitted with this report for the Panel's consideration	i.e. any: <ul style="list-style-type: none"> • Architectural and Floor Plan • Stormwater Plan • Landscape Plan • Acoustic Report • Traffic Report and Swept Paths • Geotechnical Report • Arboricultural Report • Building Code Report • Waste Management Plan • BASIX Certificate • Plan of Management • Draft Conditions of Consent
Clause 4.6 requests	<ul style="list-style-type: none"> • N/A
Summary of key submissions	i.e any: <ul style="list-style-type: none"> • Tree Protection • Carparking Design • Privacy • Character • Landscaping
Report prepared by	Jason Liang, Senior Development Planner
Report date	1 December 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes

SYDNEY WESTERN CITY PLANNING PANEL - REFERENCE NO. PPSSWC-25

Proposal: Demolition of Existing Structures and Construction of a Five (5) Storey Boarding House comprising of thirty-five (35) Boarding Rooms, a Manager's Room, two (2) levels of Basement Car Parking and associated site works.

Location: LOT: 7 SEC F DP 4420
NO. 102 BROOMFIELD STREET CABRAMATTA NSW 2166

Owner: Broomfield Developments Pty Ltd

Applicant: Broomfield Developments Pty Ltd

Lodged: 13 August 2019

Capital Investment Value: \$6,225,992.00

File No: DA/317.1/2019

Submissions: Four (4) objecting and Two (2) in support

Author: Jason Liang, Senior Development Planner, Fairfield City Council

RECOMMENDATION

1. That Development Application No. 317.1/2019, for the Demolition of Existing Structures and Construction of a Five (5) Storey Boarding House comprising of thirty-five (35) Boarding Rooms, a Manager's Room, two (2) levels of Basement Car Parking and associated site works at No. 102 Broomfield Street, Cabramatta be approved, subject to conditions outlined in Attachment M of this report.
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SUPPORTING DOCUMENTS

AT- A	Site Locality Plan
AT- B	Architectural and Floor Plans
AT- C	Stormwater Plan
AT- D	Landscape Plan
AT- E	Acoustic Report
AT- F	Traffic Report and Swept Paths
AT- G	Geotechnical Report
AT- H	Arboriculture Report
AT- I	Building Code Report
AT- J	Waste Management Plan
AT- K	BASIX Certificate
AT- L	Plan of Management
AT- M	Draft Condition of Consent

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 317.1/2019, seeking consent for the Demolition of Existing Structures and Construction of a Five (5) Storey Boarding House comprising of thirty-five (35) Boarding Rooms, a Manager's Room, two (2) levels of Basement Car Parking and associated site works at No. 102 Broomfield Street Cabramatta.

In accordance with Schedule 7 (*Regionally Significant Development*) under the State Environmental Planning Policy (State and Regional Development) 2011, private infrastructure development that has a capital investment value of more than \$5 million is required to be determined by a Regional Panel. In this regard, the Sydney Western City Planning Panel (SWCPP) is the determining authority as the proposal's capital investment value is \$6,225,992.00.

The subject site is zoned "R4 – High Density Residential" pursuant to the Fairfield Local Environmental Plan 2013. In accordance with Clause 27 of the State Environmental Planning Policy (Affordable Rental Housing) 2009, the provisions of the SEPP apply. The proposed development is defined as a 'boarding house' under the Affordable Housing SEPP and is a permissible land use within the R4 zone. It is stated within the submitted application that the proposed boarding house will not be operated by a social community housing provider.

It is noted that at the time of lodgement, the proposal was for the 'Demolition of Existing Structures and Construction of a Five (5) Storey Boarding House comprising of forty-eight (48) Boarding Rooms, a Manager's Room, two (2) levels of Basement Car Parking and associated site works'. Over the course of the assessment of the development application, the proposal has progressively seen a reduction in scale from forty-eight (48) boarding rooms to thirty-five (35) boarding rooms.

The key planning considerations associated with the Application relates to the proposed scale and character of the development. Concerns were initially raised in relation to the character of the local area, built form and appearance, landscaping, internal layout, car parking design, quantum of communal open space and parking design. In response to these matters, the Applicant has amended the proposal through improvements to the façade and building articulation, a revised parking arrangement and enhanced landscaping separation. An assessment of the amended proposal indicates that the primary concerns raised with the proposal have been addressed through amendments to the design and the application now complies with the relevant standards applicable to the application.

On 24 February 2020, the Sydney Western City Planning Panel was briefed on the subject proposal. The key issues raised includes:

- The proposed basement's impact on the Eucalyptus trees on the adjoining site;
- Manoeuvrability within the basement carpark;
- Privacy impact with the northern adjoining building;
- Externalised lobbies and associated overlooking impact, maintenance issues; and weather exposure.

Revised plans and documentation have incorporated the above recommendations resulting in the submission of an arborist report for tree retention and tree protection measures of the existing trees, an amended basement car park configuration, removal of balconies along the northern elevation and revision of lobbies to face the public domain.

It is considered that the applicant has satisfactorily demonstrated that the proposal appropriately responds to the character of the surrounding locality in terms of built form, massing and bulk and scale. Amendments to the design to address outstanding concerns includes the reduction in the number of boarding rooms from four-eight (48) to thirty-five (35),

improvement to the built form, landscaping treatment and reconfiguration of the basement carparking.

The application was publicly advertised for fourteen (14) days on two occasions between 12 – 26 September 2019 and 18 June – 2 July 2020. In response, four (4) objecting and two (2) supportive submissions were received during both advertising periods. The objecting submissions raised concern in relation to parking, traffic, impact on existing sewer pipes, overshadowing, devaluing of adjoining properties, character issue, safety concern, increase in urban heat, stability of land, soil erosion, flooding, dust and impact on marine life. The supporting submission outlines the proposal's benefit in providing additional affordable housing supply in an accessible location. These issues have been considered to be satisfactorily addressed and further information is detailed within this report.

An assessment of the amended Application demonstrates that the amended development achieves compliance with the provisions of the SEPP (Affordable Rental Housing) 2009, as well as compliance with the development controls set out in Chapter 10 within the Fairfield Development Control Plan 2013 for boarding houses. The proposed development is for a five storey residential building with large landscaped setbacks and private open space. On this basis, it is considered that the subject building appropriately responds to the built form of the surrounding locality in terms of massing and bulk and scale. Notwithstanding, it is considered that there are further opportunities within the site to provide additional landscaping on the site. In this regard, it is recommended that five (5) additional trees with a mature height of a minimum of three (3) metres be planted at the southern and eastern elevation of the subject site.

In relation to the operation of the premises, the applicant has submitted a Plan of Management in support of the Application. The Plan of Management provides details of the house rules, site security and the responsibilities of the lodgers and Boarding House Manager to ensure that the proposed Boarding House does not adversely impact the amenity of the surrounding residential area. In addition to this, the submitted Plan of Management outlines procedures for dealing with complaints between lodgers or in the event of any complaints from surrounding residents.

Notwithstanding this and to ensure that the site is appropriately managed, it is also recommended that a register of complaints and incident diary be established, a plan of management and house rules be provided in the tenant's respective language where required and a requirement for a letterbox drop of the name and telephone number of the boarding house manager be circulated to adjoining and neighbouring properties within 100 metres of the premises on an annual basis. Accordingly, the plan of management shall be amended to include these recommendations to the satisfaction of Fairfield City Council prior to the issue of a construction certificate. Further, it is also recommended that closed circuit television be installed to ensure ongoing electronic monitoring of the premises. These matters can be appropriately dealt with as conditions of consent.

With reference to the potential acoustic impacts, the applicant has submitted an Acoustic report prepared by Acoustic Noise & Vibrations Solutions Pty Ltd. The Acoustic report demonstrates that the proposed development would not result in an adverse acoustic impact to the amenity of the nearby residential developments and also comply with Clause 87 of the SEPP (Infrastructure) 2007 in relation to rail noise and vibrations. Council's Senior Environmental Health Officer has reviewed the report and agrees with its recommendations.

With reference to Traffic and Parking, the applicant has submitted a Traffic and Parking Assessment report prepared by One Traffic. The report concludes that the proposed development will not adversely impact traffic movements or road user safety along Bridge Street, Broomfield Street and the local road network. The proposed Boarding House seeks a total of thirty-five (35) rooms and therefore the eighteen (18) car parking spaces provided for the development complies with the applicable car parking rate of 0.5 car spaces per room.

In order to manage internal vehicle movements within the basement carpark given the narrow width of the site of 15.223m, an internal signalised traffic system has been provided in this instance to facilitate vehicle movements between level 1 and 2 of the basement car park. In this regard, a two-way ramp measuring 6.1m in width will provide access between the street level and basement 1. To manage vehicles between basement 1 and 2, an internal traffic light will alert vehicles within basement 1 to give way behind the demarcated line or to wait in the designated passing bay, giving priority to vehicles exiting the basement. Council's Senior Development Engineer has reviewed the associated swept paths and signalised system details and no concerns are raised subject to conditions.

It is considered that the applicant has satisfactorily demonstrated that the proposal appropriately responds to the character of the surrounding locality in terms of built form, massing and bulk and scale. Further, it is considered that the subject development has been designed with appropriate landscaping and building setbacks to adjoining residential properties. The documentation submitted with the application including the plans, acoustic report, traffic report and plan of management has sufficiently demonstrated that the proposed development is consistent with the aims and objectives of the planning instruments and controls relevant to the development.

Further, it should be noted that Boarding Houses being a form of residential accommodation are permitted uses in residential zones and based on Council's assessment of the application, the development proposal complies with the relevant standards contained within SEPP (Affordable Rental Housing) 2009.

The application was referred to Sydney Water, Council's Building Certification Branch, Environmental Health Officer, Development Engineers, Traffic Engineers and Landscape Officer. In response, no concerns were raised subject to conditions of consent.

The application has been assessed pursuant to Section 4.15 of the Environmental Planning and Assessment (EP&A) Act, 1979 and is found to be satisfactory in terms of any likely impacts on the natural and built environment and any social and economic impacts on the surrounding locality. Accordingly, the application is recommended for approval in accordance with the conditions set out in Attachment M of this report.

SITE DESCRIPTION AND LOCALITY

The subject site is known as Lot 7 Sec F DP 4420 – No. 102 Broomfield St Cabramatta and is located at the corner of Broomfield Street and Bridge Street. The subject lot is a regular shaped lot with an area of approximately 885.2sqm.

The subject site currently accommodates a single storey fibro dwelling with limited vegetation of significance. However, it is noted that there are two mature Eucalyptus trees located on the adjoining property close to the subject site's northern boundary. The subject site is located within 190 metres walking distance to Cabramatta Railway Station and the Cabramatta Town Centre.

To the north and east are 1960-1970 era 3-4 storey residential flat buildings. To the south are established single storey detached dwellings and to the west is the railway corridor.



Figure 1: An aerial image of the subject site and locality.

PROPOSAL

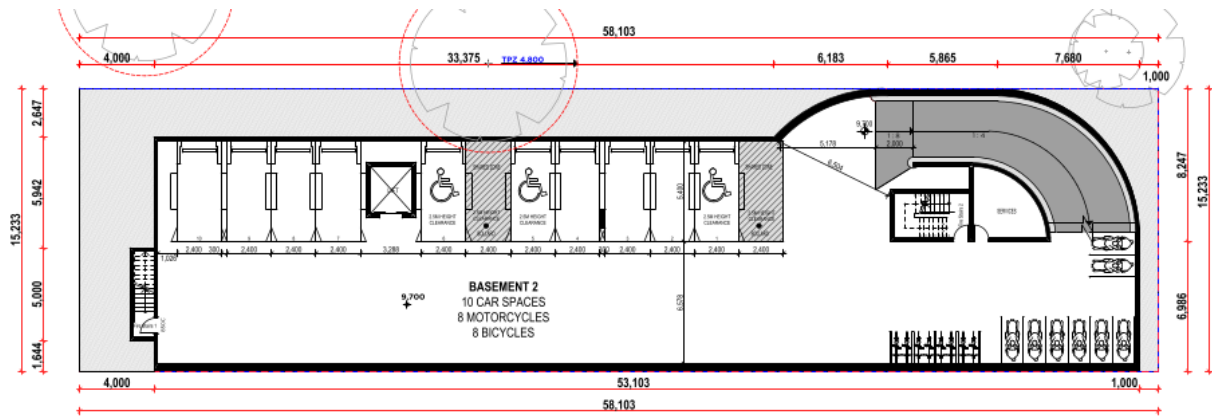
The application seeks approval for:

Demolition of Existing Structures and Construction of a Five (5) Storey Boarding House development comprising of thirty-five (35) Boarding Rooms, a Manager's Room, two (2) levels of Basement Car Parking and associated site works.

Note: All boarding rooms include ensuite and kitchen facilities. Ensuite and kitchen facility areas are excluded for the purpose of the boarding room calculation in accordance with Clause 29 and 30 of the SEPP (Affordable Housing) 2009.

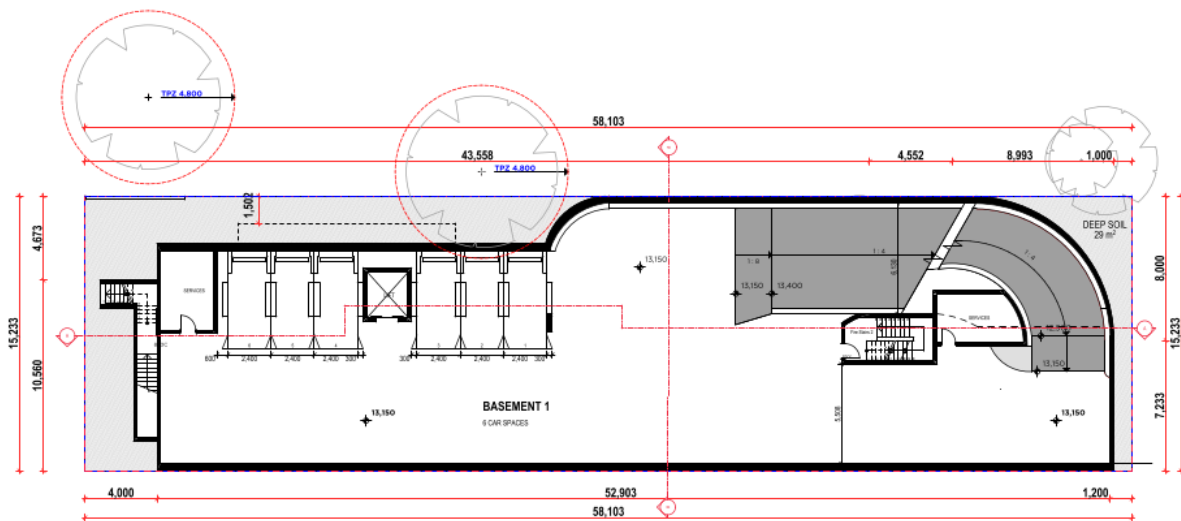
Basement Level 2

- twelve (12) car parking spaces;
- eight (8) motorcycle spaces; and
- eight (8) bicycle spaces



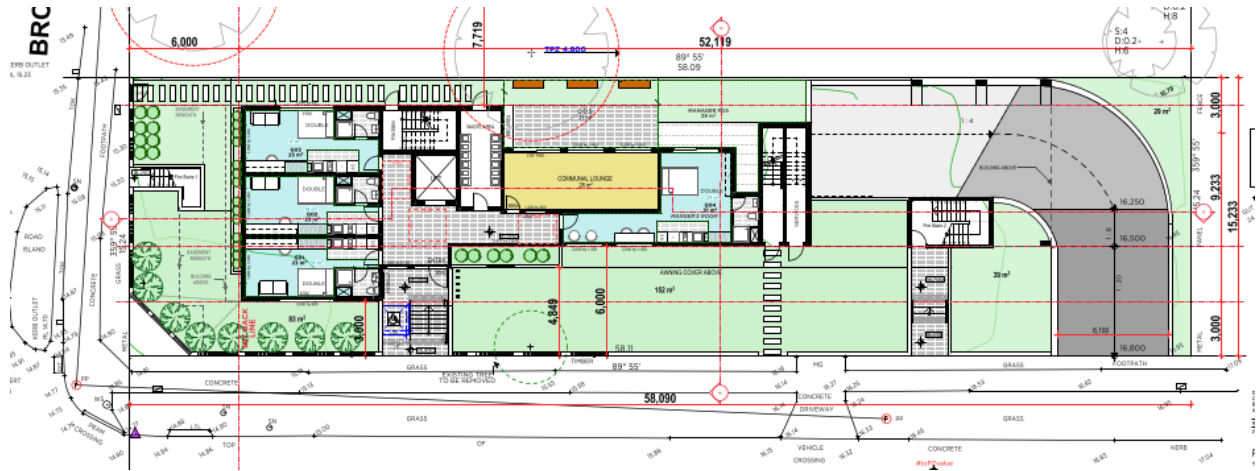
Basement Level 1

- six (6) car parking spaces



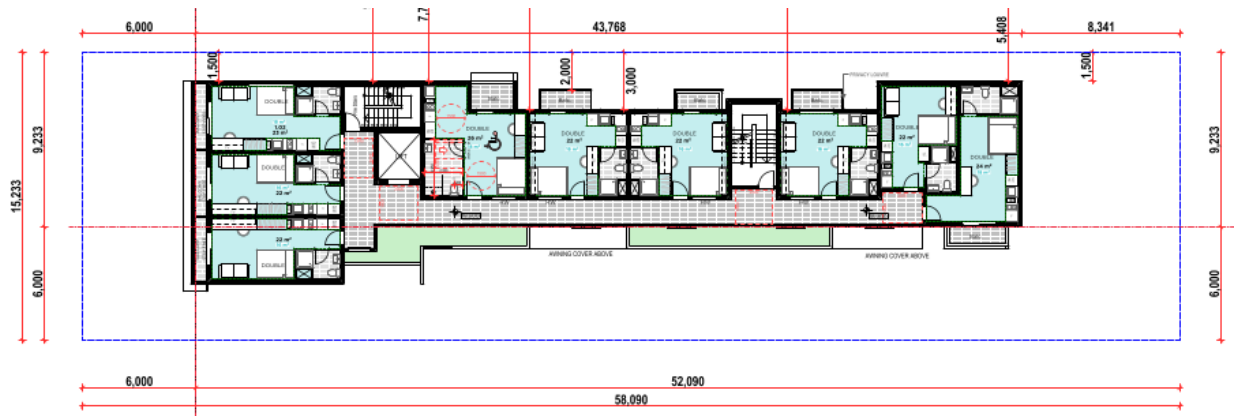
Ground Floor

- A lobby area;
- Communal lounge room measuring 26sqm;
- Communal open space attached to the lounge room measuring 31sqm;
- A manager's room with ensuite and kitchen facilities measuring 31sqm and associated private open space measuring 29sqm;
- 3 x boarding room measuring 16sqm;
- A waste bin storage area.



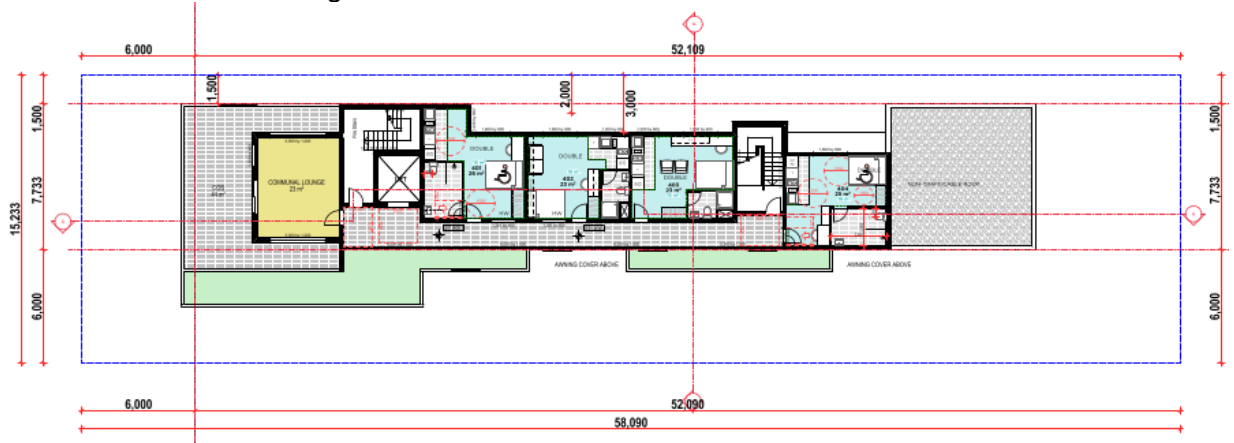
1st to 3rd Floor

- 8 x boarding rooms measuring 16sqm and 1 x boarding rooms measuring 17sqm (including 1 accessible on each level)



4th Floor

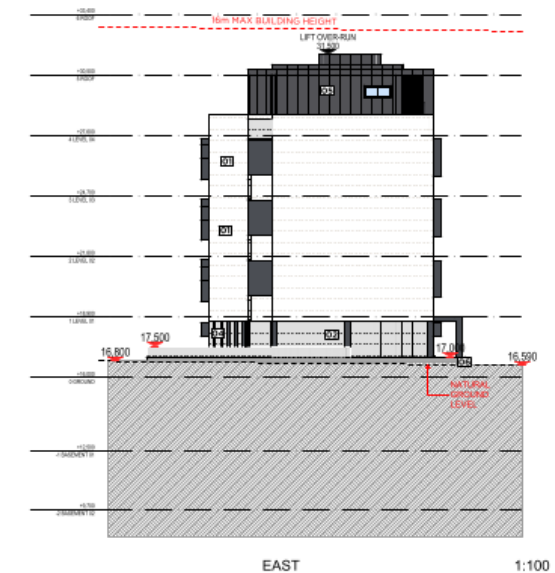
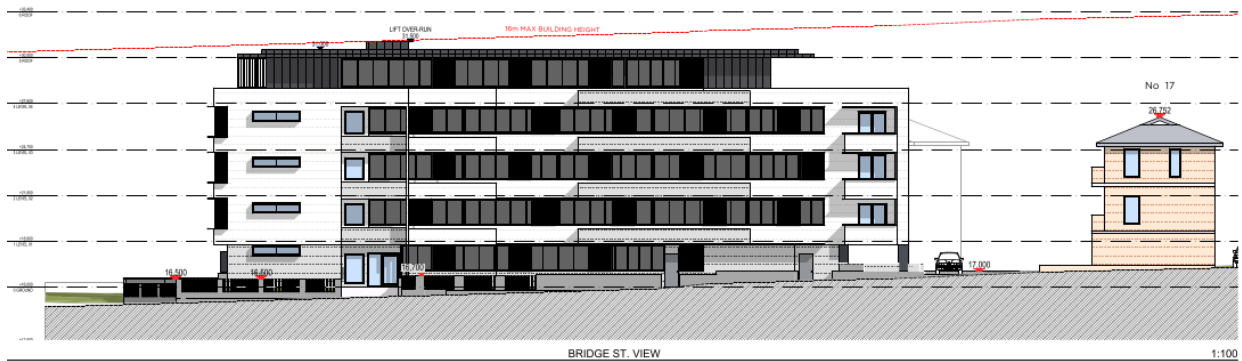
- 4 x boarding rooms measuring 16sqm (inclusive of 2 accessible room)
- 1 x communal lounge room



Site Works

- Demolition of existing structures and removal of 3 x exempt trees;
- Tree protection works to protect 2 x Eucalyptus Trees;
- Stormwater works;

- Landscape works; and
- Driveway/Vehicular crossings.



Use of the Site

- All rooms are 'double' rooms and the maximum number of lodgers proposed is seventy (70) and one (1) boarding manager.

BRIEFING MEETING – SYDNEY WESTERN CITY PLANNING PANEL

On 24 February 2020, the Sydney Western City Planning Panel was briefed on the subject proposal. The panel's comments and the subsequent response is provided below.

Panel's Comments	Response
The proposed car parking design may inevitably lead to the demise of the two Eucalypt trees along the northern boundary towards Broomfield Street.	<p>An arboriculture impact assessment report was prepared by TALC Consultants and the report recommends the retention of these two trees in accordance with the tree protection measures contained within the report.</p> <p>These measures include tree protection zone fencing, ground protection within TPZ</p>

	<p>in accordance with AS4970 and root protection in accordance with AS4970.</p> <p>Council's Landscape and Tree Officer has reviewed the proposal and raises no concerns subject to adherence with the measures recommended in the arborist report.</p>
Compliant and well-designed basement carparking	The basement car parking has been amended to enable compliance with AS2890. Council's Development Engineer has reviewed the proposal and no concerns are raised.
Impact on northern adjoining property	The northern elevation was originally characterised by an open lobby. The lobby has since been amended to face towards Bridge Street and is enclosed. The northern elevation also originally proposed balconies, however, these have since been removed.
Acknowledgement that compromise on setback standards may be required given the size of the site	The built form has been amended to generally incorporate a 6 metre setback along Bridge Street and Broomfield Street with the exception of the corner of the building which reduces to 3 metres for a 7 metre section. This is acceptable given that the reduced setback of the building's corner element provides additional articulation and defines the corner position.
External lobbies result in lack of privacy, overlooking, maintenance issues and weather exposure	The building's lobby was originally open to air and directly faced the northern adjoining property at No. 98 Broomfield Street. The lobby has since been amended to be enclosed and faces towards Bridge Street. It is also considered there is sufficient separation between the sites to ensure privacy impacts are minimised.

STATUTORY REQUIREMENTS APPLICABLE TO THE APPLICATION

COMPLIANCE WITH RELEVANT STATUTORY REQUIREMENTS APPLICABLE TO THE DEVELOPMENT

FAIRFIELD LOCAL ENVIRONMENTAL PLAN (LEP) 2013

Fairfield Local Environmental Plan (LEP) 2013 is the principal planning instrument regulating developments within the Fairfield Local Government area (LGA) including the subject site. The subject land is zoned Zone R4 - High Density Residential and boarding houses are a permissible use in the zone.

A boarding house is defined by the LEP as follows:

boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
 - (b) provides lodgers with a principal place of residence for 3 months or more, and
 - (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
 - (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,
- but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

The objectives of the zone are as follows:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maximise opportunities for increased development on all land by encouraging site amalgamations.

The proposal meets the objectives of the zone in that the development is consistent and is not dissimilar to a development that is characterised as high density housing.

The following compliance table, details the assessment of the proposal in accordance with the relevant requirements of the Fairfield Local Environmental Plan 2013.

Development Standard	Compliance
Clause 4.3 - Height of Building	Yes
Height of Building = 16 metres	The maximum height of building is 15.98 metres
Clause 4.4A – Floor Space Ratio	Yes
FSR (FLEP2013) = 0.8:1	Maximum FSR proposed = 1.29:1 (1145sqm)
SEPP (ARH) 2009 = Additional 0.5:1 as the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher.	
Therefore, the maximum FSR allowed = 1.3:1 (1150.76sqm)	

<p>Clause 6.2 – Earthworks</p> <p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	<p>Yes</p> <p>A geotechnical report prepared by Foundation Earth Sciences recommends the incorporation of measures including anchoring systems, ground water management and foundational and subgrade preparation. Council's Senior Development Engineer and Environmental Health Officer have reviewed the report and raises no concerns subject to adherence to the recommendations contained within the report.</p> <p>Further, a comprehensive dilapidation report of adjoining structures shall be prepared prior to excavation and prior to the issue of an Occupation Certificate. The will form a condition of consent.</p>
<p>Clause 6.3 – Flood Planning</p> <p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <ul style="list-style-type: none"> (a) is compatible with the flood hazard of the land, and (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. 	<p>Yes</p> <p>Council's Development Engineer has reviewed the proposal and notes that the site is not affected by flooding.</p>

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application has been accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements

outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

State Environmental Planning Policy 55 – Remediation of Land

The Draft Remediation of Land Environmental Planning Policy seeks to repeal and replace SEPP No. 55 (Remediation of Land) in relation to the management and remediation of contaminated land. The site is not identified in Council's records as being contaminated. The subject site has been continuously used for residential purposes.

There is no known previous industrial or commercial usage on the site, which would potentially contribute to land contamination or any history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated. Accordingly, a Phase 1 Environmental site assessment is not required in this instance. Notwithstanding this, conditions will be applied to address any unexpected contamination finds that may occur during excavation and construction.

GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2 – GEORGES RIVER CATCHMENT

The site is located within the designated hydrological catchment of the Georges River and is subject to the provisions of the above SEPP.

The GRMREP must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- Protect and improve hydrological, ecological and geomorphologic processes;
- Consider cumulative impacts of development within the catchment;
- Improve water quality of urban runoff and reduce quantity and frequency of urban runoff; and
- Protect and rehabilitate riparian corridors and remnant vegetation.

The site is not located on the foreshore. The proposed development is consistent with the aims of the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 45 – Development likely to affect an electricity transmission

The application is subject to clause 45 of the SEPP as the development proposes works within the vicinity of electricity infrastructure. The application was referred to Endeavour Energy who raised no concerns subject to recommended conditions.

Clause 87 – Impact of rail noise or vibration on non-rail development

The application is subject to clause 87 of the SEPP as the subject site is adjacent to a rail corridor. An acoustic/vibrations report prepared by Acoustic Noise & Vibrations Solutions was submitted in support of the application. Council's Senior Environmental Health Officer reviewed the application and raises no concerns subject to conditions.

Clause 101 – Development with frontage to classified road

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road.

Clause 102 - Impact of road noise or vibration on non-road development

The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Broomfield and Bridge Street is less than 40,000 vehicles.

State Environmental Planning Policy (Vegetation In Non-Rural Areas) 2017

The application has been assessed against the requirements of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

A total of four (4) trees being Crepe Myrtle, Rhus Weed and Camellia trees are proposed to be removed. Tree protection measures are also proposed to safeguard two mature Eucalyptus trees on the northern adjoining site. Council's Tree Management Officer has considered the tree removal and raises no concerns subject to conditions of consent.

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (referred to in this report as '*the Affordable Housing SEPP*') was introduced in July 2009. Its main aims are to facilitate the effective delivery of new affordable rental housing and provide development incentives for the provision of such housing by way of expanding zoning permissibility, providing floor space ratio bonuses, and the like.

The Affordable Housing SEPP provides objectives, requirements and controls for a number of development types, including *in-fill affordable housing, secondary dwellings, boarding houses, supportive accommodation, residential flat buildings and group homes*.

Pursuant to Clause 26 of the SEPP boarding houses are permissible with consent on the subject land. Accordingly, the provisions of the SEPP are applicable to the proposed development.

The Application has been submitted as a Boarding House, defined by the SEPP as follows:

“boarding room means a room or suite of rooms within a boarding house occupied or so constructed or adapted as to be capable of being occupied by one or more lodgers.”

The following table indicates compliance with the relevant Development Controls in the SEPP (Affordable Rental Housing) 2009 for the proposed boarding house. Relevant clauses are found in “Division 3 Boarding Houses” clauses 26 – 30A:

Clause No.	Clause content	Proposal	Compliance
Clause 26: Permissible Zone for Boarding House Development	This Division applies to land in ... (c) Zone R4 High Density Residential (or equivalent)	The proposal is located within the R4 Low Density Residential zone as defined by Fairfield LEP 2013 and therefore is a permissible development	Yes
Clause 27: Applicable Part of Zone for Development	(2) ... applies to land zoned R2 Low Density Residential and only if the land is within an	The subject site is located within 190 metres walking distance to Cabramatta Transport Interchange and	Yes

	<p>accessible area.</p> <p>Accessible is defined in clause 4 as (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates.</p>	<p>Town Centre.</p> <p>Therefore, the subject land is located within an accessible area.</p>	
Clause 28: DA Consent required for this form of Development	DA Consent required for boarding houses	DA lodged	Yes
<p>Clause 29 (1): Standards that cannot be used as grounds for refusal ...</p> <p>Density</p>	<p>If the density and scale of the buildings when expressed as a FSR are not more than:</p> <p>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land ...</p> <p>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus—0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p><i>Fairfield LEP 2013 permits— 0.8: 1 (80%) maximum FSR.</i></p> <p><i>0.8+0.5 = 1.3:1</i></p>	<p>Maximum FSR allowed = 1.3:1 (1150.76sqm)</p> <p>Maximum FSR proposed = 1.29:1 (1145sqm)</p>	Yes
Clause 29 (2a) Standards that cannot be used as	If the building height of all proposed buildings is not more than the	15.8 metres	Yes

grounds for refusal ... Building Height	maximum building permitted under another environmental planning instrument for any building on the land. <i>Fairfield LEP permits a maximum building height of 16 metres.</i>		
Clause 29 (2b) Standards that cannot be used as grounds for refusal ... Landscaped Area	If the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.	<p>A site inspection and aerial analysis reveals that the front setback of properties within the vicinity of the subject site are characterised by landscaped front setbacks, affording a generally uniform landscaped streetscape appearance.</p> <p>The proposed landscape treatment at the front setback is well accommodated, comprising of a well-designed landscaping with a depth up to 6 metres</p> <p>A large number of species are proposed to be accommodated within the landscaped front setback.</p> <p>In this regard, the proposal is considered to satisfy Clause 29 of the SEPP (ARH) 2009.</p>	Yes
Clause 29 (2c) Standards that cannot be used as grounds for refusal ... Solar Access	Where the development provides one or more communal living rooms, if at least one of those rooms receives a minimum of 3hrs direct sunlight between 9am and 3pm in mid-winter.	The communal living room is located at the ground floor's northern elevation and receives in excess of 3 hours of solar access on the day of the winter solstice.	Yes
Clause 29 (2d) Standards that cannot be used as grounds for refusal ... Private Open Space	If at least the following private open space areas are provided (other than the front setback area) (i) one area of at least 20m ² with a minimum dimension of 3m is provided for the use of	<p>A private open space area in excess of 30 sqm is provided at adjoining the communal living room at the northern elevation.</p> <p>A private open space of 16sqm with minimum dimension exceeding 2.5m</p>	Yes

	lodgers (ii) if accommodation is provided on site for a boarding house manager – one area of at least 8m ² with a minimum dimension of 2.5m is provided adjacent to that accommodation.	is also proposed adjoining the manager's room.	
Clause 29 (2e) Standards that cannot be used as grounds for refusal ... Parking	(i) if in the case of development in an accessible area – at least 0.5 parking spaces are provided for each boarding room... (iii) if in the case of any development not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.	The subject site is identified as an accessible area. A total of 18 car parking spaces are proposed over two levels of basement car parking. Council's Development Engineer has reviewed the proposal and raises no concerns in relation to compliance with AS 2890 or manoeuvring.	Yes
Clause 29 (2f) Standards that cannot be used as grounds for refusal ... Accommodation Size	If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12m ² in the case of a boarding room intended to be used by a single lodger, or (ii) 16m ² in any other case.	All rooms are proposed to accommodate double lodgers and exceed 16 sqm in area (excluding private kitchens and associated circulation areas and bathrooms)	Yes
Clause 30 (1) (a) Standards required for Boarding Houses Communal Rooms	If a boarding house has 5 or more boarding rooms, at least one communal living room will be provided.	A communal living room measuring 29sqm is proposed. The living room adjoins the communal open space.	Yes
Clause 30 (1) (b) Standards required for Boarding Houses Room Maximum Size	No boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25m ² .	All rooms proposed do not exceed 25m ² .	Yes
Clause 30 (1) (c)	No boarding room will	The proposal does not	Yes

Standards required for Boarding Houses Max Occupancy	be occupied by more than 2 adult lodgers.	seek to occupy more than 2 adult lodgers in any room.	
Clause 30 (1) (d) Standards required for Boarding Houses Bathroom Facilities	Adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger.	Bathrooms and Kitchen facilities are incorporated into each boarding room. It is considered that the facilities in each room are of a sufficient capacity to provide for the needs of each lodger.	Yes
Clause 30 (1) (e) Standards required for Boarding Houses Manager's Room	If the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or onsite dwelling will be provided for a boarding house manager.	A manager's room is provided on the ground floor adjoining the communal lounge.	Yes
Clause 30 (1) (h) Standards required for Boarding Houses Bike/motorbike parking	At least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	Bicycle racks with capacity to accommodate 8 bicycles are proposed. Eight motorcycle spaces are also proposed.	Yes
Clause 30A Character of local area	A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	The proposed development is compatible with the character of the area and reflects the built form of a modern residential flat building. The proposal is also generally consistent with the residential flat building controls contained within Chapter 7 of the Fairfield Development Control Plan 2013.	Yes
Clause 30AA Boarding Houses in Zone R2 Low Density Residential	A consent authority must not grant development consent to a boarding house on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone unless it is satisfied that the boarding house has no more than 12	The subject site is zoned R4 High Density Residential.	N/A

	boarding rooms.		
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FAIRFIELD CITY WIDE DEVELOPMENT CONTROL PLAN 2013 COMPLIANCE TABLE

Fairfield City Wide Development Control Plan 2013 (the DCP) applies to the subject site. The DCP is a detailed document that supplements the statutory provisions of Fairfield LEP 2013.

BOARDING HOUSE – CHAPTER 10.7

The following table provides an assessment of the proposed development against the development controls for boarding houses in Chapter 10.7 of the DCP.

Applicable Clauses in Fairfield DCP 2013	Development Control	Comment
10.7.1 Neighbourhood character	Boarding House development applications must comply with the relevant City Wide DCP 2013 controls, relating to the predominant housing form within the neighbourhood, where such controls are not in conflict with SEPP provisions.	Yes
The proposed development is compatible with the character of the area as it is a multi-level residential building with generous landscaped front and side setbacks that reflect the predominant built form in the surrounding locality – a residential flat building. As a guide, the proposal was assessed against the residential flat building controls within Chapter 7 of the Fairfield Development Control Plan 2013. This assessment is attached to the appendix of this report.		
10.7.2 Built Form and Appearance	a) New boarding house development shall be designed to reflect the predominant built form and design elements of the surrounding locality and streetscape b) A boarding house shall be designed to consist of a single front entry point that addresses the street and minimise potential privacy impacts.	Yes
The surrounding locality is characterised as an established high density residential area with narrow rectangular allotments accommodated by residential flat buildings. The form of the proposal is reflective of a residential flat building within a generously landscaped context. The schedule of materials and finishes are also considered to be consistent with the streetscape character having a combination of brown and tan coloured bricks and landscape planters. The proposal's primary entrance is from Bridge Street.		
It is considered that the applicant has satisfactorily demonstrated that the proposal		

appropriately responds to the character of the surrounding locality in terms of built form, massing and bulk and scale.		
10.7.3 Unsuitable Locations – Cul-de-sac streets	To ensure preservation of neighbourhood character and minimise amenity impacts, boarding houses shall not be located in cul-de-sac streets.	The proposal is not located in a cul-de-sac.
10.7.4 Maximum Size of Boarding Houses	The total number of rooms permitted in boarding houses located in the R3, R4, B1, B2, B3 and B4 zones will be dependent upon the proposals capacity to maintain consistency with the prevailing neighbourhood character. Proposals must also demonstrate that neighbourhood amenity will not be adversely impacted by factors such as noise, privacy, overshadowing, traffic generation and the like.	N/A – the subject site is not located in the R2 zone therefore is not subject to a maximum of 12 maximum boarding rooms.
10.7.5 Subdivision	The subdivision, including strata or community title subdivision, of boarding houses is not permitted.	Subdivision is not proposed.
10.7.6 Communal Open Space Location Requirements	<ul style="list-style-type: none"> i. receive a minimum 3 hours solar access to at least 50% of the area during 9am and 3pm on 21 June; ii. be provided at ground level in a courtyard or terrace area, wherever possible; iii. provide partial cover from weather; iv. incorporate soft/porous surfaces for 50% of the area; v. be connected to communal indoor spaces, such as kitchens or living areas; vi. contain communal facilities such as barbecues, seating and pergolas where appropriate; and vii. be screened from adjoining properties and the public domain with plantings or similar, such as a trellis 	<p>Yes</p> <p>The communal open area is located at the northern elevation and will receive unobstructed solar access.</p> <p>The communal open space is also partially undercover and will provide opportunities for barbecues, seating and passive recreation activities.</p>

	with climbing vines.	
10.7.7 Boarder Amenity, Safety and Privacy	<p>Boarding houses are to maintain a high level of resident amenity, safety and privacy by ensuring:</p> <ul style="list-style-type: none"> i. communal spaces, including laundry, bathroom, kitchen and living areas are located in safe and accessible locations; ii. bedrooms are located so that they are separated from significant noise sources and incorporate adequate sound insulation to provide reasonable amenity between bedrooms; iii. structural fittings and fixtures for all internal rooms enhance nonchemical pest management of the building, with all cracks and crevices sealed and insect screening provided to all openings; iv. that a minimum of 70% of bedroom windows face north or east; v. at least 1 in 10 bedrooms is an adaptable bedroom suitable for residents with a disability; vi. Cross ventilation is achievable such that reliance on air conditioning is minimised. 	<p>Yes</p> <p>All bedrooms have access to a north, eastern or western elevation to maximise solar access.</p> <p>All units are self-contained and include a kitchen, laundry and bathroom. These facilities are considered to be of a sufficient size to be able to accommodate a double lodger.</p> <p>The proposal also provides for 5 accessible rooms, one on each level.</p> <p>Council's Building Surveyor has reviewed the proposal and raises no concerns subject to conditions of consent.</p>
10.7.8 (g) Visual and Acoustic Amenity	<ul style="list-style-type: none"> a) main entry point at front of site and away from adjoining properties b) common areas and bedroom windows away from main living area of bedroom windows of adjacent building c) Acoustic screens and planting in suitable 	<p>Yes</p> <p>The main entrance faces towards Bridge Street, and are well setback from adjoining properties.</p> <p>Council's Environmental Health Officer has reviewed the</p>

	locations	accompanying acoustic report and raises no concerns subject to conditions.
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Northern Elevation

At the north elevation, all windows are either highlight bedroom windows with a window sill of a minimum of 1.5 metres above the finished floor level or a frosted bathroom window. Further, given that there is in excess of 6 metres of separation between the adjoining established built form and the subject site's boundary, it is considered that the potential overlooking impacts are minimal.

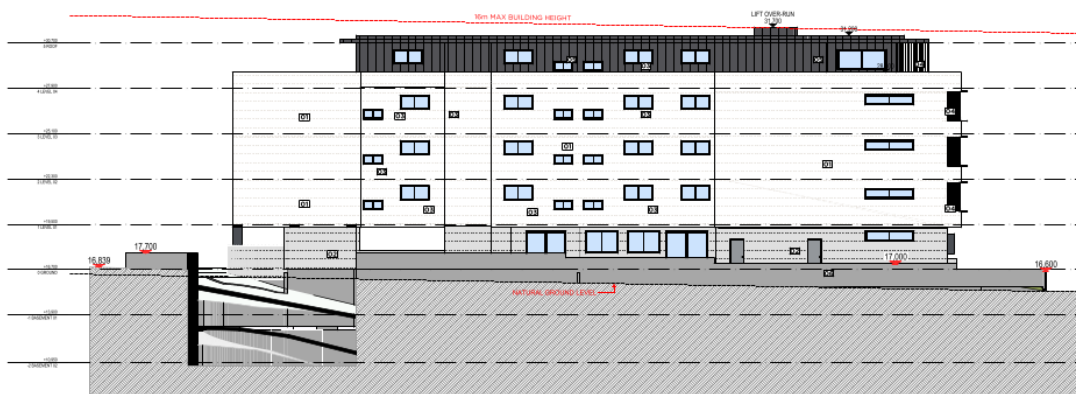


Figure 2: Northern elevation

Eastern Elevation

At the eastern elevation, there are no windows and therefore there are no potential overlooking impact.

10.7.9 (h) Traffic Report	An application for a Boarding House incorporating 20 or more bedrooms is to be supported by a Traffic Report.	<p>Yes</p> <p>A traffic report and additional supporting documentation prepared by One Traffic Consulting was submitted in support of the proposal.</p> <p>Council's Traffic Engineer reviewed the proposal and raises no concerns subject to conditions.</p> <p>Further discussions in relation to the proposed traffic arrangement is detailed in the town planning assessment</p>
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		section of this report.
10.7.10 (i) Plan of Management	To be prepared to accompany each DA and address various clauses.	Yes The plan of management is satisfactory subject to additional recommended conditions.

PUBLIC NOTIFICATION

The application was publicly advertised for fourteen (14) days on two occasions between 12 – 26 September 2019 and 18 June – 2 July 2020. In response, four (4) objecting and two (2) supportive submissions were received during both advertising periods. The objecting submissions raised concern in relation to parking, traffic, impact on existing sewer pipes, overshadowing, devaluing of adjoining properties, character issue, safety concern, increase in urban heat, stability of land, soil erosion, flooding, dust and impact on marine life.

The supporting submission outlines the proposal's benefit in providing additional affordable housing supply in an accessible location. The following comments are provided in response to the issues raised;

Issue Raised	Town Planning Comment
Parking	A total of eighteen (18) car parking spaces are proposed over two level of basement. The car parking provided complies with the SEPP (Affordable Rental Housing) 2009.
Traffic and Safety	The proposed development is not considered to be a traffic generating development. Council's Development Engineer has reviewed the proposal and raises no concerns in relation to vehicle manoeuvrability.
Impact on existing sewer pipes	Sydney Water reviewed the proposal and raises no concern subject to conditions of consent.
Overshadowing	Due to the east-west orientation of the site, the building primarily overshadows Bridge Street. Further, the building is setback 8.3 metres from the eastern boundary, resulting in overshadowing to a small corner of the front setback of No. 17 Bridge St after 3pm mid-winter.
Devaluing of adjoining properties	This is not a matter of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.
Character Issues	The proposed development is generally consistent with the built form of a residential flat building, the predominant

	built form in the R4 – High Density Residential zone. The proposal is also considered to satisfy Clause 30A of the SEPP (ARH) 2009.
Traffic Generation and Safety	The proposed development is not considered to be a traffic generating development. Council's Development Engineer has reviewed the proposal and raises no concerns in relation to vehicle manoeuvrability.
Stability of Land	A geotechnical report has been submitted providing a number of recommendations to ensure the stability of land during and post construction. The recommendations within this report will be included as part of the condition of consent. Further, a comprehensive dilapidation report of adjoining structures shall be prepared prior to excavation and prior to the issue of an Occupation Certificate. This will form a condition of consent.
Soil Erosion	The preparation of a sedimentation control and erosion plan prior to the issue of a construction certificate is included as a condition of consent. Further conditions will be included to ensure sedimentation control are carried out prior to the commencement of any works.
The Proposal results in Further Flooding	The subject site and the surrounding land is not identified as being flood prone.
Dust	Dust suppression controls are included as a condition of consent.
Impact on Marine Life	The subject site is not located on a foreshore. Conditions of consent have been included to ensure the installation of erosion and sedimentation measures.
The boarding house provides affordable housing for the community	Noted.

The issues raised in the objections received are not considered significant to warrant refusal of the application. It is considered that where warranted, conditions can be imposed to mitigate the concerns of the objectors.

TOWN PLANNING ASSESSMENT

In addition to the relevant aforementioned provisions and requirements, including those contained within the Fairfield Local Environmental Plan 2013 and the Fairfield Citywide Development Control Plan 2013, the key planning considerations including concerns raised in the submissions received by surrounding residents primarily relate to character of the local area, built form and appearance, potential Acoustic Impacts, Traffic and Parking implication, Waste Management and management of residents. These matters are discussed in more

details as follows;

Character, Built Form and Scale

It is noted that boarding houses are a type of residential accommodation which are permitted in all residential zones. It is considered that the proposed development is compatible with the character of the area and reflects the built form of a residential flat building. While, boarding houses are not required to be compliant with the Apartment Design Guide, it is noted that the proposal is generally consistent with the built form and amenity controls contained within Chapter 7 (residential flat buildings) of the Fairfield Development Control Plan 2013.

The proposal is considered to be a reasonably well-conceived development that has been designed with adequate regard to neighbouring residential properties to ensure there are adequate separation to mitigate visual or acoustic issues and overshadowing on the adjoining residential properties. The existing building form, bulk and scale, combined with the position of the building and the setbacks provided from neighbouring properties are considered satisfactory in ensuring that the development will have minimal impact upon neighbouring properties.

Potential Acoustic Impacts

With reference to the potential acoustic impacts, the applicant has submitted an Acoustic report prepared by Acoustic Noise & Vibrations Solutions Pty Ltd. The Acoustic report demonstrates that the proposed development would not result in an adverse acoustic impact to the amenity of the nearby residential dwellings and will also comply with Clause 87 of the SEPP (Infrastructure) 2007 in relation to rail noise and vibrations. Council's Senior Environmental Health Officer has reviewed the report and agrees with its recommendations.

Traffic and Parking

The applicant has submitted a Traffic and Parking Assessment report prepared by One Traffic in support of the application. The report concludes that the proposed development will not adversely impact traffic movements or road user safety along Broomfield St, Bridge St and the local road network. The proposed Boarding House seeks a total of thirty-five (35) rooms and therefore the eighteen (18) car parking spaces provided for the development complies with the applicable car parking rate of 0.5 spaces per room.

In order to manage internal vehicle movements within the basement carpark given the narrow width of the site of 15.223m, an internal signalised traffic system has been provided in this instance to facilitate vehicle movements between level 1 and 2 of the basement car park. In this regard, a two-way ramp measuring 6.1m in width will provide access between the street level and basement 1. To manage vehicles between basement 1 and 2, an internal traffic light will alert vehicles within basement 1 to give way behind the demarcated line or to wait in the designated passing bay, giving priority to vehicles exiting the basement. Council's Senior Development Engineer has reviewed the associated swept paths and signalised system details and no concerns are raised subject to conditions.

Waste management

The applicant has submitted a Waste Management report in support of the Application. It is noted that a designated waste storage area is provided onsite for the storage of bins. The submitted documentation outlines how waste will be managed in an appropriate manner onsite. The documentation was assessed by Council's waste officer, who raised no concerns to the management of waste onsite. Accordingly, it is considered that the waste generated for the proposal can be appropriately managed.

Management of Boarding House Operation

The applicant has submitted a Plan of Management in support of the Application. The Plan of Management provides details of the house rules, site security and the responsibilities of the lodgers and Boarding House Manager to ensure that the proposed Boarding House development does not adversely impact on the amenity of the surrounding residential area. In addition to this, the submitted Plan of Management outlines procedures for dealing with complaints between lodgers or from residents.

In addition to the above and to ensure that the site is appropriately managed, it is also recommended that a register of complaints and incident diary be established; the plan of management and house rules be provided in the tenant's respective language where required and a requirement for a letterbox drop of the name and telephone number of the boarding house manager is circulated on an annual basis to adjoining and neighbouring properties within 100 metres of the premises. On this basis, the plan of management shall be amended to include these recommendations to the satisfaction of Fairfield City Council prior to the issue of a construction certificate. Further, it is also recommended that closed circuit television be installed to ensure ongoing electronic monitoring of the premises. These matters can be appropriately dealt with as conditions of consent.

Accordingly the Application is recommended for approval subject to conditions.

REFERRALS

The application was referred to Sydney Water, Endeavour Energy, Council's Development Engineer, Subdivision Engineer, Traffic Engineer, Building Control Branch, Environmental Management Section, and Tree Protection Officer. No concerns were raised subject to conditions of consent.

SECTION 4.15 CONSIDERATIONS

In determining a Development Application consideration must be given to the matters referred to within Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, being:

(a) (i) the provisions of any environmental planning instrument.

The proposed development is consistent with the provisions of all relevant State Environmental Planning Policies (SEPP) and Fairfield Local Environmental Plan 2013.

(a) (ii) the provisions of 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.

There are no Draft Environmental Planning Instruments of relevance which apply to the site.

(a) (iii) the provisions of any development control plan.

The proposed development is consistent with the provisions of the Fairfield City Wide DCP 2013 and is considered acceptable subject to conditions of consent.

(a) (iia) the provisions of 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.

There are no Planning Agreements or Draft Planning Agreements which apply to the site.

(a) (iv) the provisions of the regulations.

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

(a) (v) the provisions of any coastal zone management plan.

Not applicable

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

It has been demonstrated within the submitted documentation that the proposed development will not result in any adverse impacts to the natural and built environment. Furthermore, it is considered that the proposal is unlikely to result in any unacceptable social or economic impacts.

(c) the suitability of the site for the development

It is considered that the proposed development is unlikely to result in any adverse impact upon the locality and surrounding properties. Further, it is considered that the locality of the proposed development is suitable to accommodate the proposed development.

(d) any submissions made

The application was publicly advertised for fourteen (14) days on two occasions between 12 – 26 September 2019 and 18 June – 2 July 2020. In response, four (4) objecting and two (2) supportive submissions were received during both advertising periods. The issues raised in the objections received have been considered and are not considered significant to warrant refusal of the application. It is considered that where warranted, conditions can be imposed to mitigate the concerns of the objectors.

(e) the public interest

It has been demonstrated within the submitted documentation that the proposed development is unlikely to result in any adverse impacts to the natural and built environment. Furthermore, it is considered that the proposal is unlikely to result in any unacceptable social or economic impacts.

DEVELOPER CONTRIBUTIONS

A section 7.11 contribution will apply for the proposed development. The creation of 35 x boarding rooms and 1 x manager's room will result in a development contribution of \$118,616. The amount will be required to be paid to Fairfield City Council prior to the issue of a Construction Certificate.

RECOMMENDATION

Having regard to the assessment of the application, the proposed development is considered acceptable for the following reasons:

1. The subject site is zoned 'R4 – High Density Residential zone'. The proposed development is defined as a 'boarding house' which is permissible within the zone.

2. The proposed development is considered to meet the objectives of the 'R4 – High Density Residential' zone.
3. The proposed development satisfactory addresses key planning considerations; such as in relation to built form, amenity, privacy, traffic, car parking and character.
4. The application was referred to external referral bodies and Council's internal specialists, and no concerns were raised, subject to conditions of consent.
5. Assessment of the Application has considered all relevant requirements of Section 4.15 of the Environmental Planning and Assessment Act 1979 and finds that there will be no significant adverse or unreasonable impacts associated with the development, subject to the development operating in accordance with the conditions of consent.

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in this report. The constraints of the site together with the design issues have been assessed and the site is considered suitable for the proposed development.

Accordingly, it is recommended that the proposed development be approved subject to conditions contained within Attachment M of this report.