

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSW-56
DA Number	DA 333.1/2018
LGA	Fairfield City
Proposed Development	Proposed demolition of an existing Residential Aged Care Facility, removal of 28 trees and construction of a new part 2-storey and part 3-storey Residential Aged Care Facility accommodating 134 beds and associated car parking for 35 vehicles, earthworks and landscaping.
Street Address	56 Quarry Road, Bossley Park
Applicant/Owner	Opal Aged Care
Date of DA lodgement	9 July 2019
Number of Submissions	2
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital investment value of the proposed development is over \$30 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • SEPP (Infrastructure) 2007 • Remediation of Land and SEPP No. 55 (Remediation of Land) • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • SEPP – No. 64 – Advertising and Signage • Greater Metropolitan Regional Environmental Plan (REP) No 2—Georges River Catchment • Fairfield Local Environmental Plan (LEP) 2013 • Fairfield City-Wide Development Control Plan 2013
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural, Stormwater and Landscape plans • Written request under Clause 4.6 • Statement of Environmental Effects • Character Assessment Report • Acoustic Report • Traffic Report • NSW Rural Fire Services - GTAs
Clause 4.6 requests	<ul style="list-style-type: none"> • The Local Environmental Plan (LEP) the clause 4.6 application relates too is Fairfield Local Environmental Plan • The development standard the clause 4.6 application relates too is Clause 40(4)(a) and 40(4)(b) of SEPP (Housing for Seniors or People with a Disability) 2004 • The zone the clause 4.6 relates to: R2 Low Density Residential
Summary of key submissions	<ul style="list-style-type: none"> • Built form concerns • Privacy concerns
Report prepared by	Hayley Tasdarian – Senior Development Planner
Report date	04/05/2020

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 / No

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 / No / Not Applicable

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?

Yes / No / Not Applicable

Special Infrastructure Contributions

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

Yes / No / Not

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

Applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Yes / No

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

SWCPP No. PPSSWC-56

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Proposal: Proposed demolition of an existing Residential Aged Care Facility, removal of 28 trees and construction of a new part 2-storey and part 3-storey Residential Aged Care Facility accommodating 134 beds and associated car parking for 35 vehicles, earthworks and landscaping.

Location: LOT: 8 DP: 713734 No. 56 Quarry Road, Bossley Park

Applicant: Opal Aged Care

Determination Authority: Sydney Western City Planning Panel (SWCPP)

Cost of Works: \$31, 280, 000

File No: DA 333.1/2018

Author: Hayley Tasdarian, Senior Development Planner
Fairfield City Council

RECOMMENDATION

1. That Clause 4.6 written request proposing a variation to Clause 40(4)(a) and 40(4)(b) within State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 be supported.
2. That the proposed demolition of an existing Residential Aged Care Facility, removal of 28 trees and construction of a new part 2-storey and part 3-storey Residential Aged Care Facility accommodating 134 beds and associated car parking for 35 vehicles, earthworks and landscaping at No. 56 Quarry Road, Bossley Park be approved, subject to conditions as outlined in Attachment O of this report.

SUPPORTING DOCUMENTS

AT-A	Architectural Plans	Pages
AT-B	Stormwater Plans	Pages
AT-C	Landscape Plans	Pages
AT-D	Statement of Environmental Effects	Pages
AT-E	Character Assessment Report	Pages
AT-F	Photomontages	Pages
AT-G	Written request pursuant to Clause 4.6 of FLEP 2013	Pages
AT-H	Architectural Design Statement	Pages
AT-I	Acoustic Report	Pages
AT-J	Traffic and Parking Assessment Report	Pages
AT-K	NSW Rural Fire Service – General Terms of Approval	Pages
AT-L	Compliance Table – SEPP (Housing for Seniors or People with a Disability) 2004	Pages
AT-M	Compliance Table – SEPP No. 64 – Advertising and Signage	2 Pages
AT-N	Submissions	Pages
AT-O	Draft Conditions	Pages

EXECUTIVE SUMMARY

Council is in receipt of Development No. 48.1/2019 which seeks approval for the demolition of an existing Residential Aged Care Facility, removal of 28 trees and construction of a new part 2-storey and part 3-storey Residential Aged Care Facility accommodating 134 beds (within 112 rooms) and associated car parking for 33 vehicles, earthworks and landscaping at No. 56 Quarry Road, Cabramatta.

The application is referred to the Sydney Western City Planning Panel for consideration pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 as the capital investment value of the proposed development is over \$30 million are to be determined by the Sydney Western City Planning Panel (SWCPP).

The subject site comprises one allotment of land with frontage two street frontages, being Quarry Road to the north and Turquoise Crescent to the south, and has a total site area of approximately 7, 528 square metres. Immediately adjoining the site to the south is an existing seniors housing development and to the west is an existing place of worship (Church). The surrounding land was subdivided in the early 1980's into low density residential allotments which now predominately contain one and two storey dwelling houses.

The subject site is zoned R2 Low Density Residential zone pursuant to the Fairfield Local Environmental Plan (LEP) 2013. 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 Housing for Seniors or People with a Disability SEPP 2004, the provisions of the SEPP apply. The proposed development is defined as a "residential care facility" (RACF) under the SEPP and is a permissible land use.

The south-western corner of the site is identified as a Vegetation Buffer on the Fairfield LEP 2013 Bushfire Prone Land Map as shown in Figure 3 below. Accordingly, the application has been submitted under the provisions of Section 4.46 of the Environmental Planning and Assessment Act (EP&A) 1979 as the proposal is classified as a "Special Fire Protection Purpose" and requires a Bushfire Safety Authority pursuant to Section 100B of the Rural Fires Act 1997.

The application has been referred to NSW Rural Fire Service and General Terms of Approval have been issued and are contained within Attachment K of this report.

The subject site is currently operating as a Residential Aged Care Facility comprising 100 beds within 35 rooms. The majority of the existing aged care beds are provided within shared rooms, with most comprising 4 beds per room. The application is seeking consent to demolish the existing building and associated car parking and construct a new Aged Care Facility. The purpose of the proposal is provide an upgraded purpose built facility in order to improve the services and rooms currently provided on site. The new facility will accommodate for a total of 134 beds across 112 rooms, and therefore will result in a net capacity increase of 34 beds.

Although the proposal will involve only a minor increase of 34 beds provided on site, the number of rooms and communal recreation areas, both indoor and outdoor, will be increased and expanded in order to provide improved amenity for residents. As a result, the new building will have a greater floor area than that of the existing building on site and provide a range of external courtyards, scattered throughout the site. Notwithstanding, based on Council's assessment, it is considered that the application adequately demonstrates that the proposed built form appropriately responds to the constraints of the site and the predominant built form of the surrounding locality.

Whilst the development will be primarily be 2 storeys in height, the building will have a maximum building height of 3 storeys within the eastern portion of the site. Accordingly, the development application is also seeking consent to vary the 8 metre maximum building height standard pursuant to State Environmental Planning Policy (SEPP) (Housing for Seniors or People with a Disability). The maximum building height of the proposed facility is 10.742 metres above natural ground and therefore exceeds the maximum building height limit by a storey (or 2.742 metres which is equal to 34%).

Accordingly, a written request to vary the height standard of the SEPP under Clause 4.6 of the Fairfield LEP 2013 has been submitted to Council. It is considered that the written request has demonstrated that the variation to the development standard is unlikely to result in any unreasonable amenity impacts, is consistent with the objectives of the zone and would be in the public interest. Accordingly, the written request for a variation to the height control is considered reasonable.

Whilst it is acknowledged that the new aged care facility will have a maximum of 3 storeys within the eastern portion of the site, it is considered that the applicant has adequately demonstrated that the design outcome of the development results in a bulk and scale which appropriately responds to the predominant built form and character of the local area. Although a portion of the building will have a 3 storey element, the proposed lower ground floor of the building is sited up to 2.5 metres below existing ground level at the lowest point of the site. As a result, the built form presents as a 2 storey building when viewed from the existing streetscape and adjoining residential properties.

Additionally, the northern and eastern (side) boundaries of the site are the most sensitive as they are the boundaries shared with residential development, and the proposal deals with this relationship in an appropriate way through the proposed setbacks, landscaping including mature tree planting and window treatments (clerestory windows, etc.).

The application has been assessed against the SEPP (Housing for Seniors or People with a Disability) 2004 and complies with all other relevant development standards.

The application was referred to Council's Building Control Branch, Traffic Section, Environmental Management Branch, Subdivision Branch, Development Engineering Branch and Tree Preservation Officer for assessment. No concerns were raised to the proposal subject to conditions of consent.

The application was notified to surrounding residential neighbours and advertised in the local newspaper in accordance with Council's Notifications Policy for a period of twenty-one (21) days. Two submissions objecting to the proposed development were received during this time. The objectors primarily raised concern for the potential noise and traffic

impacts of the proposed development as well as the scale of the development within the existing low density residential zone.

Council contacted each of the objectors and advised that the application has been assessed by Councils Environmental Management and Traffic Engineering Branch, and based on Councils assessment the operation of the upgraded aged care facility is unlikely to result in any unreasonable traffic and acoustic impacts. Further, the objectors have been advised that the design and siting of the building has regard to the surrounding residential properties, particularly those immediately adjoining the site, incorporating adequate ground and first floor setbacks, appropriate window treatment and dense landscaping and mature tree planting in order to minimise potential amenity impacts. **Accordingly, the objectors that were contacted by Council advised that their concerns have been satisfactorily addressed.**

Having regard to the above, it is considered that the subject site is suitable to accommodate the proposed development and is therefore considered acceptable in these circumstances.

This assessment of the application has considered all relevant requirements of Section 4.15 of the Environmental Planning & Assessment Act, 1979 and finds that there is unlikely to be any significant adverse or unreasonable impacts associated with the development. Accordingly, it is recommended that proposed development be approved, subject to conditions contained within Attachment O of this report.

DEVELOPMENT HISTORY

The existing Residential Aged Care Facility has been operating on site for over 20 years and a number of building alterations and additions have occurred since its commencement. A summary of the development history of the subject site is provided below:

- On 22 February 2000 Council granted consent for the alterations and additions of the existing aged care facility. This was assessed under Building Application No. 41255/1999.
- On 6 December 2013 Council granted consent for the installation of replacement business identification signage at the subject site. This was assessed under Development Application No. 762.1/2013.

No other approvals have been issued by Council relating to the subject site.

SITE DESCRIPTION AND LOCALITY

The subject site is zoned R2 Low Density Residential zone pursuant to the Fairfield Local Environmental Plan (LEP) 2013 and comprises 1 allotment of land located on the southern side of Quarry Road.

The subject site is a regular shaped allotment, with a street frontage to Quarry Road to the north and Turquoise Crescent to the south and has a total site area of approximately 7, 528 square metres.

The subject site is currently operating as a Residential Aged Care Facility comprising 100 beds within 35 rooms. The existing car parking area is located within the northern and eastern portion of the site as shown in Figure 2 below. The easternmost portion of the site is currently undeveloped turfed areas and has become a redundant open space area.

The site slopes from the western portion of the site to the north-east corner and Quarry Road frontage (RL 53.00) and has a fall of approximately 4 metres. The land located along the western property boundary has been excavated and the levels at this boundary are therefore significantly higher at RL60.00 to RL60.90, supported by a 3 metres high retaining wall located approximately 2 metres inside the western property boundary.

Immediately adjoining the site to the south is an existing seniors housing development and to the west of the site is an existing Chaldean Catholic Church. The wider surroundings of the site predominantly consists of low density residential development, and includes Bossley Park Public School which is located approximately 150 metres south west of the subject property.

Located to the southwest of the site is the existing Bossley Road Reserve which is densely vegetated comprising Cumberland Plain Woodland species. This site is mapped as bush fire prone land pursuant to the LEP 2013 Bushfire Prone Map. Given that the subject site is located in close proximity to the reserve, the south-western corner of the site is identified as being located within the Vegetation buffer as stipulated on the Bushfire Prone map.

The subject site contains a variety of vegetation and mature trees including Cumberland Plan Woodland species located along the western and northern property boundaries. An Ecologist Report has been submitted with the application, stating that a total of 28 trees, including 2 Cumberland Plain Woodland species, will be removed from the site and replacement planting will be provided.

Figure 1 – Zoning Map



Figure 2 – Aerial Map



PROPOSAL

The development application is seeking approval for the proposed demolition of an existing Residential Aged Care Facility, removal of 28 trees and construction of a new part 2-storey and part 3-storey Residential Aged Care Facility accommodating 134 beds (112 rooms) and associated car parking for 33 vehicles, earthworks and landscaping at No. 56 Quarry Road, Bossley Park.

Specific details of the proposed development are as follows:

Demolition

- The existing aged care facility and associated car park are proposed to be demolished, and the site redeveloped.

Built Form

- The proposed western portion of the building will be constructed of a maximum of 2-storeys and the eastern portion will be constructed of 3 storeys, comprising Lower Ground, Ground Floor and First Floor.

- The building will comprise 2 main wings (shown in Figure 3 below) which extend out from 2 internal courtyards that are open to the sky.
- The eastern wing will comprise of 2 storeys and the northern portion of the first floor canterlevers the at-grade car park, creating an under-croft car park below.
- The western wing will comprise the 3-storey element of the building, and unlike the eastern wing, will include the lower ground floor and Memory Support Unit.
- The 3 storey element will be located within the eastern portion of the site and the finished floor level of the lower ground level of the building will be sited up to 2.5 metres below existing ground level as a result of the steep fall across the site.
- The maximum building height of the proposed building is 10.742 metres above natural ground. There are 4 components of the building comprising a lift overrun, egress stair and roof plant which exceed the overall building height.
- The building setbacks to each property boundary are as follows:
 - North: 4.85 metres
 - East: 4.36 metres
 - South: 4 metres
 - West: 5.5 metres

- Each floor of the building will contain the following facilities:

Lower Ground:

- Memory Support Unit (MSU) comprising 16 rooms, dining and lounge area. The MSU courtyard provided is also access via the lower ground floor and is provided for MSU patients only.
- Back of house and service areas including kitchen, laundry, staff and store rooms.
- The lower ground level will be located directly below the entry and resident areas above. Direct access between the lower ground the service areas within each resident ward, the enclosed loading dock and waste storage room on the upper levels will be provided via two lift cores.

Ground Floor:

- Main building entrance including foyer and reception/waiting area and cafeteria.
- Staff administration and consultation offices
- Common dining, lounge and sitting areas
- Residential wards comprising 40 rooms
- East and west courtyards which are centrally located within the building and open to the sky.

First Floor:

- Main building entrance including foyer and reception/waiting area and cafeteria.
- Common dining, lounge and sitting areas

- Residential wards comprising 51 rooms

Rooftop level

- External terrace area and sun room
 - Lift overrun
 - Screen plant equipment
 - Solar panels
- The proposed aged care facility will comprise a total of 134 beds and 112 rooms.

Figure 3 – Site Plan



Site Access and car parking

- Vehicular access will be provided via the existing access handle located on Quarry Road.
- Access to the site via the Turquoise Crescent frontage will be for pedestrians only and will only be available for staff members.
- An entry gate and associated fencing will be provided at the front property boundary along Turquoise Crescent.
- A total of 35 car spaces are proposed within the northern portion of the site.
- An ambulance bay and loading facilities will be provided under the proposed porte cochere.
- An enclosed loading dock and loading turning bay is provided within the front building setback adjoining the proposed porte cochere.

Site Operation

- The facility will operate on a 24-hour basis, 7 days a week.
- A maximum of 30 staff will be on site at any one time.

Communal open space and landscaping

- Open space for resident patients and visitors is provided in the form of two main internal courtyards, and a rooftop terrace within the proposed building and various external landscaped courtyards at ground level.
- A total of 28 trees, including 2 Cumberland Plain Woodland species, will be removed from the site and replacement planting will be provided.
- The application proposes to provide a total of 68 replacement trees, including both exotic and native species.

PLANNING ASSESSMENT

Statutory Requirements applicable to the site:

1. State Environmental Planning Policy (State and Regional Development) 2011

The application is referred to the Sydney Western City Planning Panel for consideration pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 as the capital investment value of the proposed development is over \$30 million and therefore shall be determined by the Sydney Western City Planning Panel (SWCPP).

2. State Environmental Planning Policy (Infrastructure) 2007

The following provisions in the SEPP are applicable:

Subdivision 2 Development in or adjacent to road corridors and road reservations

The proposed development is a Residential Aged Care facility comprising 134 beds and does not trigger the requirements of 'Traffic Generating Development' Pursuant to Clause 104 of the SEPP.

Notwithstanding, the applicant has submitted a Traffic and Parking Assessment Report in support of the application that includes a survey of the proposed vehicle movements. The report concludes that traffic generated by the development is unlikely to result in any adverse impact on Quarry Road and the surrounding road network. In addition, the application was referred to Council's Traffic Engineer who raised no objections to the application subject to conditions of consent.

3. Draft State Environmental Planning Policy (SEPP) - Remediation of Land and SEPP No. 55 (Remediation of Land)

The Draft Remediation of Land SEPP seeks to repeal and replace SEPP No. 55 (Remediation of Land) in relation to the management and remediation of contaminated land. The draft SEPP was exhibited between January and April 2018. New provisions will be added which will:

- Require all remediation work carried out without the need for development consent to be reviewed and certified by a qualified contaminated land consultant,
- Categorise remediation work based on scale, risk and complexity of the work, and
- Require environmental management plans relating to post remediation, maintenance and management of on-site remediation measures to be provided to Council.

A Contamination Report has been submitted with the application and concludes that the site is suitable for the intended land use and building works.

The submitted report has been assessed against the provisions of SEPP No. 55 and it is considered that the land is suitable for the proposed works. Further, the proposal is considered satisfactory with respect to the provisions of Draft SEPP Remediation of Land.

1. Greater Metropolitan Regional Environmental Plan (REP) No 2—Georges River Catchment

The subject development is considered to be consistent with the objectives and the requirements outlined in the above REP. In addition, the specific matters of consideration as outlined in the REP are as follows:

“Specific matters for consideration

- *The potential cumulative environmental impact of any industrial uses on water quality within the Catchment.*
- *The adequacy of proposed stormwater controls and whether the proposal meets the Council’s requirements for stormwater management.*
- *Whether proposed erosion control measures meet the criteria set out in Managing Urban Stormwater: Soil and Construction Handbook (1998) prepared by and available from Landcom and the Department of Housing.*
- *Likely impact on groundwater and remnant vegetation.*
- *The possibility of reusing treated waste water on land and the adequacy of proposed waste water disposal options.*
- *Whether adequate provision has been made to incorporate vegetated buffer areas to protect watercourses, foreshores or other environmentally sensitive areas where new development is proposed.*
- *The adequacy of planned waste water disposal options.”*

The applicant has submitted a Statement of Environmental Effects demonstrating that the proposal will not create an unreasonable environmental impact to the surrounding locality. The application is therefore considered to be satisfactory with respect to addressing the objectives and requirements of REP No. 2.

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

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. 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 Housing for Seniors or People with a Disability SEPP 2004, the provisions of the SEPP apply.

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 as follows:

*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.*

The proposed “residential care facility” (RACF) is consistent with this definition.

The submitted application has provided an analysis of compliance with the provisions of the SEPP. The proposal complies with the requirements of the Senior Housing SEPP as shown in Attachment L of this report.

3. State Environmental Planning Policy (SEPP) – No. 64 – Advertising and Signage

The subject application proposes business identification signage including an entrance sign located at the entrance driveway fronting Quarry Road, that can be viewed from the public domain and therefore the application has been assessed against the provisions of SEPP No. 64, provided in Attachment M of this report.

4. Fairfield Local Environmental Plan (LEP) 2013

The subject site is zoned R2 low density residential under Fairfield LEP 2013 and the subject development is characterised as a Residential Care Facility. Residential Care Facilities are defined by Fairfield LEP 2013 as follows:

*“**residential care facility** means 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.”*

The proposal is permissible within the zone subject to consent.

The objectives of the zone are as follows:

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

It is considered that the proposed development, has been designed to have regard to the objectives of the R2 Low Density Residential zone.

4(a). Clause 4.3 Height of buildings

In accordance with Clause 4.3 of the LEP 2013 *Height of buildings*, the maximum permitted building height at the subject site is 9 metres above natural ground. Building Height is defined under Fairfield Local Environmental Plan as follows:

“Building Height means 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 LEP 2013 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.”

In accordance with Clause 40(4)(a)-Development standards – minimum size and building height of SEPP (Housing for Seniors or People with a Disability) 2004, the maximum permitted building height at the subject site is 8 metres.

The proposed development complies with the 8 metre height limit imposed on the site under the Seniors Living SEPP, except for a non-compliance in the store room, lift lobby and fire egress stair located on the first floor. This non-compliance is discussed in Section 4(c) below:

4(b). Clause 4.4 Floor Space Ratio (FSR)

Pursuant to Clause 4.4 of FLEP 2013 the site has a maximum FSR of 0.45:1. The proposed development has an FSR of 0.90:1 and complies with the 1:1 FSR requirement under the Seniors Living SEPP. The provisions of the SEPP override the LEP in these circumstances.

4(c). Clause 4.6 Exceptions to development standards

The proposed development comprises a maximum of 3 storeys within the eastern portion of the site and has a maximum building height of 10.742 metres above natural ground level. Therefore, the development exceeds the building height limit of 8 metres, by 2.742 metres, which is equal to 34%.

Accordingly, the Application has been accompanied by a written request (made pursuant to Clause 4.6 of the Fairfield LEP 2013) which seeks to justify non-compliance with the following building height development standards of SEPP (Housing for Seniors or People with a Disability) 2004.

The written request states the application proposes to contravene the development standards contained within Clause 40(4)(a), 40(4)(b) and 40(4)(c) of the Seniors Housing SEPP as follows:

Clause 40(4)(a) of the Seniors Housing SEPP prescribed the following:

40 Development standards—minimum sizes and building height

(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted:

(a) the height of all buildings in the proposed development must be 8 metres or less, and....

Per Clause 3 – Height 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.

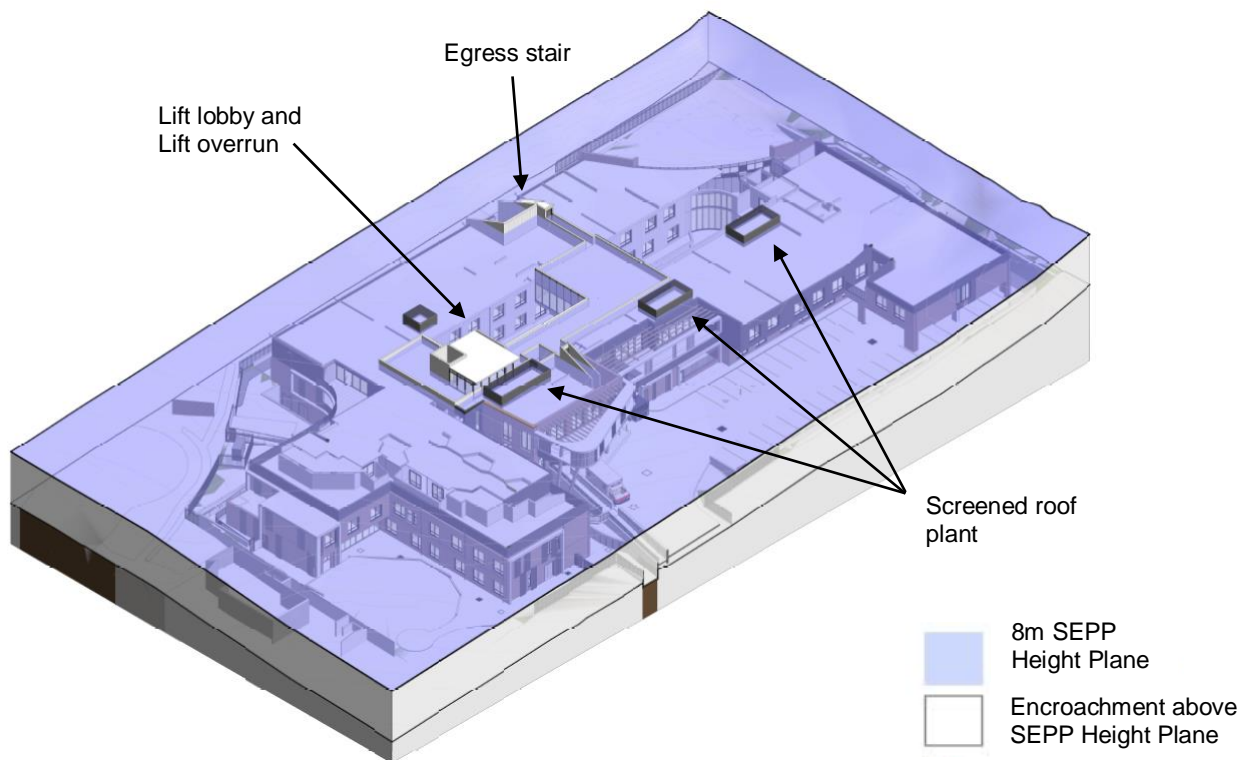
The proposed Residential Aged Care Facility (RACF) mostly complies with the 8m height control prescribed in Clause 40(4)(a) with the exception of a small portion of the building, centralised within the Site.

Table 2 below outlines the proposed Clause 4.6 Variation to SEPP HSPD.

Table 2. Summary of Building Height Non-Compliance			
Location	Development Standard Clause 40 SEPP HSPD	Proposed Height	Non-compliance
Central Lift Lobby	8m	10.742m	2.724m (34%)
Egress Stair	8m	9m	1m (12.5%)
Roof Plant	8m	9m	1m (12.5%)
Storage Room	8m	10.4m	2.4m (30%)

Figure 1 below illustrates the location of the variation. The extent of the variation exceeds the 8m maximum building height by **34%**. The additional building height will not be visible from the public domain and will not result in additional environmental or amenity impacts on adjoining residential properties.

Figure 1 Building Height Plan for 8m Height Limit



Clause 40(4)(b) of the Seniors Housing SEPP prescribes the following:

40 Development standards—minimum sizes and building height

(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted:

(b) 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

Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

The proposed RACF is a Part 2 and Part 3 storey building as depicted in **Figure 2**. The proposed development has been revised at the interface with low density residential development to the east to present as a two (2) storey development. Along the eastern boundary, the lower ground floor is sited up to **2.5m** below existing ground level, further reducing the proposed built form at the interface, and presents at a building height of **5.940m**; a height below that of a two storey development. Further the roof form has been reconfigured to present as a two (2) development and roof feature.

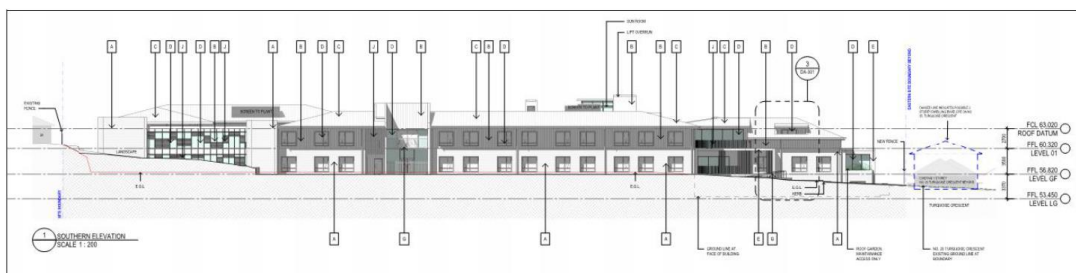


Figure 2. Southern Elevation (Source: Jackson Teece, 2019)

Clause 40(4)(c) of the Seniors Housing SEPP prescribes the following:

40 Development standards—minimum sizes and building height

(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted:...

(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.

The Site is irregular in shape with a frontage to both Quarry Road and Turquoise Crescent. The rear of the site is not defined for the purposes of SEPP HSPD, however ordinarily a “rear” boundary would be one that is opposite and facing the site frontage. As Quarry Road and Turquoise Crescent are parallel roads, the site accordingly has two frontages and does not have a rear boundary. Therefore, the provisions of SEPP Senior Clause 4(4)(c) are not applicable to this development application.

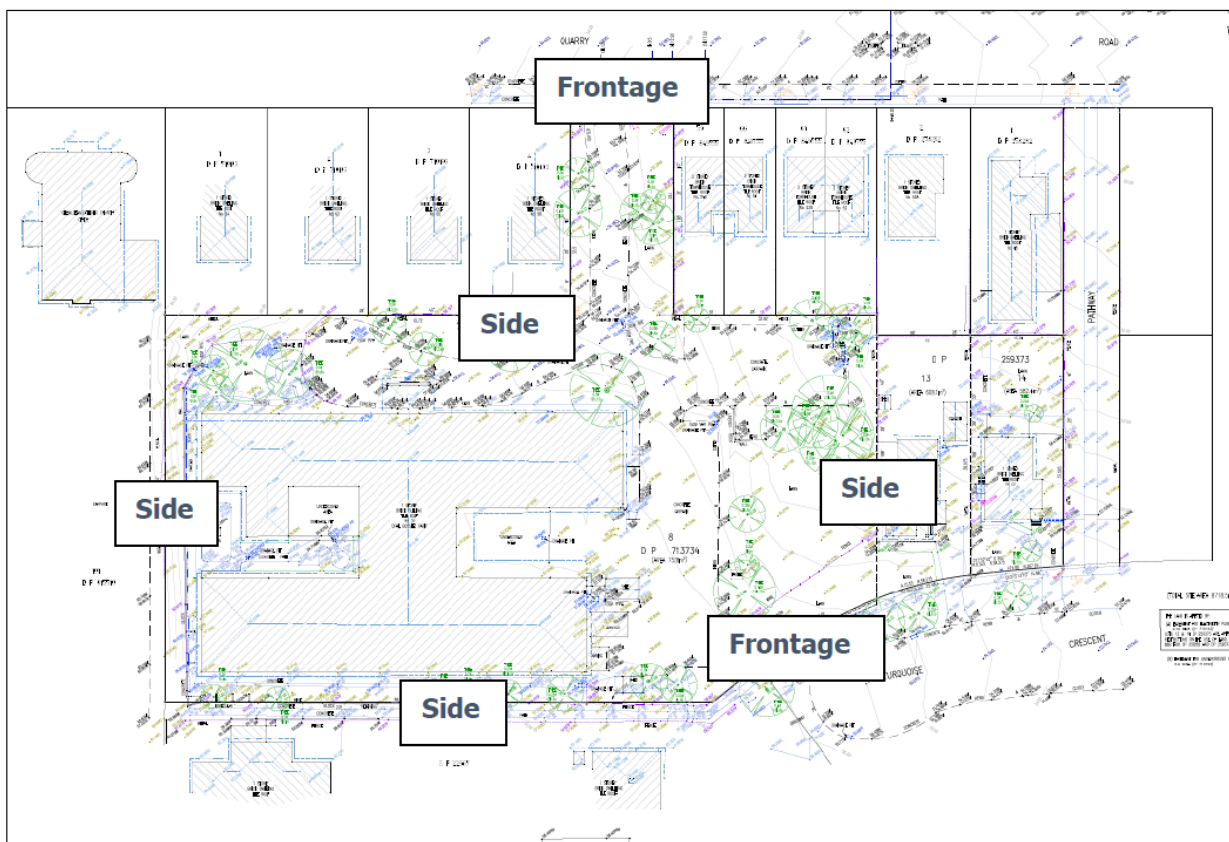


Figure 3. Location of Site Frontage, Side and Rear Boundaries

The site does not contain a “rear 25% area” given that it has two street frontages and several property boundaries. Each of the streets to which the site has frontage are standard public roads, albeit Turquoise Crescent is in the form of a cul-de-sac. All adjoining dwelling houses to the subject land, along each of the road frontages address the street. The purpose of the standard is to minimise the potential for amenity impacts of overshadowing and overlooking on adjoining dwellings and their “private open spaces” and to maintain a low scale residential form in the rear interface area of traditional lots.

The justification in relation to the relevance of Clause 40(4)(c) of the Seniors Housing SEPP to the application is considered reasonable given the particulars of the site which

do appear to indicate or inform the location of a rear boundary as indicated in Figure 3 of the submitted 4.6 written request above.

Notwithstanding, it is considered that the presentation and appearance of the proposed built form is that of a 2-storey building when viewed from the public domain including the existing low density urban streetscape and residential properties immediately adjoining the site. On this basis, it is considered that the development is consistent with the objective of this standard.

The proposed development has been assessed and considered having regard to the matters for consideration under Clause 4.6(3) and 4.6(4) of the Fairfield Local Environmental Plan as follows:

(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

The written request addresses **Clause 4.6(3)(a)** and argues that strict compliance with Clause 40(a) and 40(b) of the Seniors housing SEPP is considered to be unreasonable and unnecessary in the circumstance of the case for the following reasons:

- *The existing aged care facility does not offer a standard of accommodation expected for current aged care provision in terms of room size, fit out, amenity, building layout and proximity to suitable/ wheelchair accessible recreational areas.*
- *The renewal and expansion of the existing facility is consistent with the objectives of the Western City District Plan to provide adequate facilities for an aging population and to provide much needed aged care places in Western Sydney to cater for growing demand which is currently not being met.*
- *The new purpose-built modern facility aims to respond to the site constraints and comply with the applicable deemed to comply FSR of 1:1, having an FSR of **0.90:1**. An examination of the site constraints has determined that a better environmental outcome is achieved by compacting the building footprint.*
- *The variation to the building height control is in order to allow access to the additional communal open space located on the rooftop terrace, as opposed to the creation of additional GFA.*
- *The building is sited and designed to minimise adverse impacts on surrounding residential properties as:*
 - *The compacted building footprint achieves increased setbacks, an improved landscaped setting and a reasonable level of privacy and sunlight access to neighbouring properties;*
 - *The visual impact of the 3 storey built form adjacent to Turquoise Crescent is mitigated by siting the lower ground level below street level;*

- *The back of house facilities such as kitchens, laundry and store rooms are located on the Lower Ground Floor below ground within a basement.*
- *The new aged care facility has multiple positive environmental planning outcomes (ie a better environmental outcome) that are particular to the site that justify contravening the development standard, including:*
 - *Improved internal amenity by replacing an outdated RACF with a new purpose built facility;*
 - *Improved bushfire safety by setting back the new building from the bushfire hazard area;*
 - *Compacting the building footprint to retain a group of significant native trees.*

Strict compliance with the development standard would hinder the objects of the Act. The social and economic welfare of the community would not be promoted as it would thwart the replacement of an outdated nursing home and thwart improvements to bushfire safety.

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

The written requests addresses **Clause 4.6(3)(b)** and argues that there are sufficient environmental planning grounds to justify contravening the development standard for the following reasons:

- *The proposed development is entirely consistent with the underlying objective or purpose of the building height standard*
- *The proposed development fully achieves the objectives of FLEP 2013 for the R2 Low Density Residential zone*
- *The part 2, part 3 development integrates with the character of the area and streetscape;*
- *The built form retains the appearance and character of a residential development, thereby complementing the low density residential environment in which it is situated;*
- *The proposal would deliver a significant supply of new housing, specifically designed to meet the needs of the ageing population and enable seniors to continue living in their established community;*
- *The development would maintain neighbouring amenity with no addition amenity impacts arising that have not already been deemed suitable from the current development.*

(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,***

The written requests addresses **Clause 4.6(4)(a)(ii)** and argues that the proposed development will be in the public interest because it is consistent with the objectives of the development standards (Clause 40(4)(a) and Clause 40(4)(b) of the Seniors Housing SEPP) and the objectives of the R2 Low Density Residential zone as follows:

Consistency with objectives of the Development standards

Clause 40(4)(a)

*(a) the height of all buildings in the proposed development must be **8 metres or less***

The underlying objective of Clause 40(4)(a) which prescribes an 8 metre height standard is assumed to be furthering the design principles contained in SEPP HSPD Clause 33 Neighbourhood amenity and streetscape. The bulk and scale of the RCF is sited and designed to maintain reasonable neighbourhood amenity and streetscape as described in the following:

- *The building setbacks are generous and have been provided to reduce visual bulk and overshadowing.*
- *The built form and siting relates to the site's landform by setting it down below natural ground level where the land steeply rises to Turquoise Crescent. This achieves a built form and siting that is compatible with the locality by reducing the visual impacts of bulk and scale on the streetscape.*
- *The building has been designed to largely orientate windows away from residential neighbour properties and/or to have large setbacks to mitigate potential for privacy impacts. Where smaller setbacks occur to the north (**4.8m**) and east (**4.36m**) boundaries, proposed windows are either high sill bedroom windows (eg bedroom 14) or end corridor windows contain louvres which restrict visibility downwards into neighbour yards (eg East Corridor 2) This mitigates against privacy issues.*
- *The new residential aged care building is setback approximately **40 metres** from Quarry Road and therefore the streetscape impacts of the new facility on the primary frontage is limited.*
- *The 2 to 3 storey building element has a secondary frontage to Turquoise Crescent. The building is sited at the terminus of the cul-de sac with a variable setback to the public domain. The bottom floor of the building is set down well below the existing ground level and street level at this location reducing the visual impact from Turquoise Crescent. The ceiling height of the building along the southern elevation to Turquoise Crescent is generally compliant, ranging from 6.5m to 8m above existing ground.*

Clause 40(4)(b)

(b) 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

Note. *The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.*

*The underlying objective or purpose of the 2-storey height control is contained within the **Clause 40(4)(b)** which states; "Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape". The underlying objective of the control is considered to be satisfied by the development have regard to the following site context attributes:*

- *The 3 storey built form is not readily visible from the Quarry Road frontage given the building setbacks and the location of the non-compliant building height;*
- *The back of house facilities such as kitchens, laundry and store rooms are located on the Lower Ground Floor below ground within a basement to minimise the visible building bulk;*
- *The visual impact of the 3 storey built form adjacent to Turquoise Crescent is mitigated by siting the lower ground level partly below street level. The ground level is at **RL56.82m** which is comparable to the adjacent natural ground level at the Turquoise Crescent frontage that ranges from **RL55.3m** to **RL56.6m**;*
- *The urban form provides a positive enhancement to the wider context of Bossley Park in a way that contributes to the diverse and vibrant neighbourhood, response to its growing population and changing demographic.*

Consistency with the objectives of the zone

The Site is currently zoned R2 Low Density Residential under FLEP 2013. The proposed development is located within an established low density residential area and is permissible at the Site. The proposed development is permissible with the following R2 zone objectives.

Table 1. Consistency of Proposed Development with the Zone Objectives

Objective	Comment
<ul style="list-style-type: none"> ▪ To provide for the housing needs of the community within a low-density residential environment. 	<p>The proposed development complies with the objectives of the R2 zone in that the proposal provides new high care accommodation for 134 frail/aged seniors including residents with dementia to help meet the demand for aged care housing in Western Sydney. The current R2 zone envisages a low density built form, though the SEPP overrides the LEP controls and facilitates a larger built form in the order of 1:1 FSR.</p>
<ul style="list-style-type: none"> ▪ To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	<p>The proposal increases social and community value by allowing more ageing residents the opportunity to 'age in place' and retain their sense of belonging to the neighbourhood.</p>

Public Interest

The written request argues that the proposed non-compliances are in the public interest because the proposed development is consistent with the objectives of the development standards and objectives of the R2 Low Density Residential zone as discussed above and further adds:

- *It is in the public benefit to support the variation in the control in order to provide for a development which is contextually sympathetic to the site and adjacent developments and to provide much needed aged care places in Western Sydney to meet demand.*
- *Reducing the height to comply with the 8m/ 2-storey would likely render the development proposal unfeasible.*
- *The proposal increases social and community value by allowing more ageing residents the opportunity to 'age in place' and retain their sense of belonging to the neighbourhood.*

- *It results in an overall increase in landscape area provision for the benefit of both staff and residents.*
- *It promotes a more efficient use of the developable area and reduces environmental impacts.*
- *It facilitates access for frail-aged occupants by reducing travel distances and avoiding internal ramps.*
- *It minimises tree loss by retaining existing trees in the north-eastern portion by setting back the building and provides a better local environmental outcome.*
- *Achieves an increased setback and improves bushfire safety to the bushfire mapped reserve located to the south west of the site.*

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

Sydney District and Regional planning panels may assume the Secretary's concurrence where development standards will be contravened. The submitted written request further addresses Clause 4.6(4)(b) as follows:

The proposed development and variation from the development standards does not raise any matters of concern for State or Regional environmental planning, nor does it conflict with any State planning policies or Ministerial directives.

The Western City District Plan identifies there will be a 206 per cent proportional increase in people aged 85 and over, and a 93 per cent increase in the 65-84 age group by 2036. This means 18 per cent of the District population will be aged 65 and over in 2036, up from 13 per cent in 2016. Accordingly, the District Plan has identified the need for additional health, social and aged care services to meet the expected increase in demand for local aged care facilities and respite services.

The renewal and expansion of the existing Aged Care facility is consistent with the objectives of the District Plan to provide adequate facilities for an aging population and to provide much needed aged care places in Western Sydney to cater for growing demand which is currently not being met.

Having regard to matters raised above, it is considered that the written request for a variation to the maximum building height standard has reasonably established that compliance with the standard is unreasonable and unnecessary. The proposed part 2 and part 3 storey building and maximum building height 10.742 metres represents a variation of 34% to the maximum 8 metre and 2-storey building height standard.

It is considered that the written request has demonstrated that the variation to the development standard is unlikely to result in unreasonable amenity impacts, is consistent with the objectives of the development standards and the zone, and would therefore be in the public interest. Accordingly, the written request for a variation to the building height controls is considered reasonable. Given that the proposed development generally complies with all other relevant planning controls and the overall design of the development is unlikely to result in any adverse amenity impacts, it is considered that the variation will result in an acceptable planning outcome and is supported in this circumstance.

In addition, the non-compliance with the development standard does not raise any significant matters with respect to State or Regional Planning and no public benefit is obtained by adhering to the relevant planning controls. The variation pursuant to Clause 4.6 of the Fairfield LEP 2013 is therefore considered acceptable in this circumstance and therefore supported.

5. Fairfield City-Wide Development Control Plan 2013

The proposal has been assessed against the controls stipulated within the Fairfield City Wide DCP, 2013, however given the nature of the proposed development the majority of the controls do not apply.

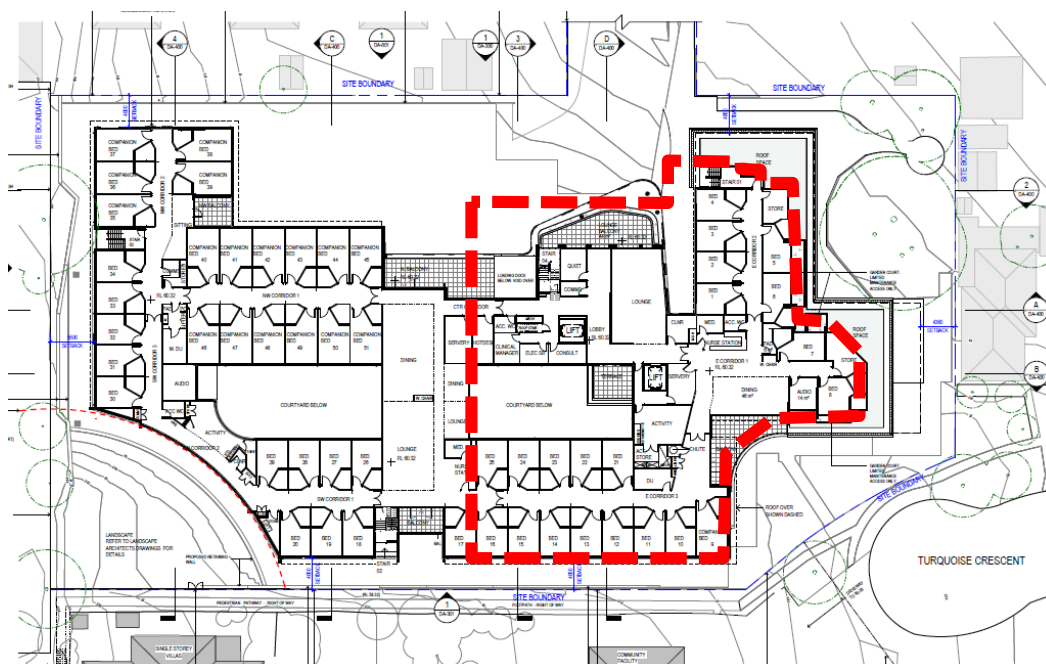
Based on Councils assessment of the application, it is considered that the applicant has adequately demonstrated that the built form appropriately responds to the existing character of the local area and will provide a positive contribution to the existing urban streetscape. The proposed built form and the mitigation of potential amenity impacts of the propose development is further discussed in the Town Planning Assessment below.

PLANNING ASSESSMENT

Built Form

Whilst it is acknowledged that the new aged care facility will have a maximum of 3 storeys within the eastern portion of the site (shown in Figure 4 below) it is considered that the applicant has adequately demonstrated that the design outcome of the development results in a bulk and scale which appropriately responds to the predominant built form and character of the local area.

Figure 4 – location of 3-storey element



In terms of building height, the non-compliance with the 8 metre height standard of the Seniors Housing SEPP is limited to the lift lobby and overrun, plant equipment and fire

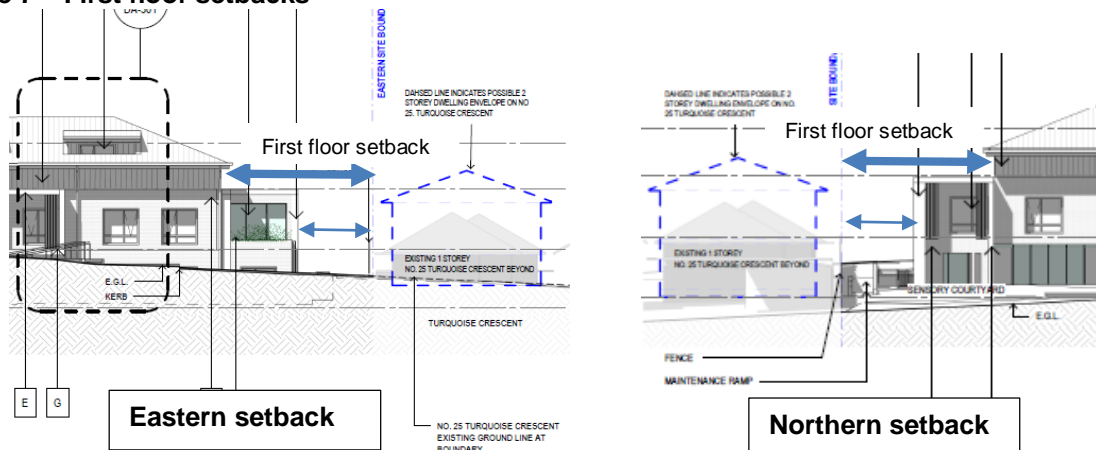
Figure 6 – Building setbacks



In addition, the built form has been stepped, where the development immediately adjoins residential dwellings along the eastern and northern property boundaries so that the first floor is further setback from the building line as shown in Figure 7 below. This figure demonstrates the relationship between the built form of the existing single storey northern and eastern adjoining dwellings and of the development and takes into consideration to the development potential of these properties should they be redeveloped into 2-storey dwellings.

Based on the submitted information, it is considered that the provision of increased setbacks to the first floor will provide for an adequate transition of built form between the subject site and its interface with low density residential development.

Figure 7 – First floor setbacks



Privacy Impacts

In addition to the ground and first floor setbacks, appropriate window treatment has been incorporated into the design which includes the use of dormer windows, raised sill heights of 1.7 metres above the finished floor level, frosted glazing and privacy louvres/screens,

particularly along the eastern and northern property boundary where the first floor of the building cantilevers over the northern car parking area. These measures have been included as conditions of consent contained within Attachment O of this report.

In addition, the submitted landscape plan contained within Attachment C, demonstrates that dense landscaping and tree planting is proposed within these setbacks and along the perimeter of the upgraded car park to provide an adequate landscape buffer in order to screen the development, and maintain the visual and acoustic privacy of the adjoining residential dwellings.

Having regard to the above, it is considered that the proposed built form is an appropriate contextual fit within the existing urban streetscape and low density residential environment. Further, the design and siting of the building provides a sympathetic response to the residential properties immediately adjoining the site to the north and east.

Light Spill and Acoustic Impacts

Whilst it is acknowledged that the sole purpose of the proposed development is to upgrade and improve an existing aged care facility located at the subject site, proposing only a net increase of 34 beds, there may be potential for amenity considerations to be taken into account in its operation.

The location of the car parking area within the northern portion of the site will remain as existing, however in order to deal with any potential amenity impacts and improve the operation of the upgraded at-grade car park, particularly in relation to light spill and noise, the applicant has submitted an Acoustic Impact Assessment Report and details addressing Light Spill.

The submitted Acoustic Impact Assessment Report states that the operation of the open deck levels will comply with the relevant NSW Environment Protection Authority Noise level criteria at the nearest residential receivers without the need for additional noise controls. Councils Environmental Management Section has assessed this Report and raises no concern in relation to the potential acoustic impacts as a result of the operation of the development, including the car park.

It is also noted within the submitted Traffic Impact Assessment Report that the peak parking demand of the car park will occur during the day-time hours and that the traffic generation and related traffic impacts will be of a very minor nature. On this basis, the use and therefore associated with generated by the car park operation are considered negligible. Experiences of the existing aged care facility and those surrounding also indicate that the night time visitation is minimal.

In order to address the impacts of potential light spill, the application proposes to illuminate the pedestrian walkways and car park using low level bollard lighting constructed with low-glare fittings. This will also achieve compliance with the lighting provisions of the Housing for Seniors SEPP, as well as facilitate passive surveillance of all pedestrian and parking areas.

Having regard to the above the submitted application indicates that the operation of the car park is unlikely to result in unreasonable amenity impacts in relation to light spill upon

the adjoining residences provided that these mitigation measures to control fixed lighting spill are implemented.

Further, Council's Environmental Management Section has assessed the Application and supporting documentation and advises that the applicant has adequately demonstrated that the development complies AS 4282-1997 'Control of the Obtrusive Effects of Outdoor Lighting' and is unlikely to result in any unreasonable light spill impacts upon adjoining properties provided that the abovementioned methods to control light spill are implemented on site. Notwithstanding this, a condition is included in the conditions of consent which requires all lighting on site to comply with the relevant Australian Standards.

INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

Building Control Branch	No concern has been raised and conditions have been provided to comply with the BCA.
Development Engineering	No concern has been raised, subject to conditions.
Environmental Management Branch (EMB)	EMB is satisfied with the information submitted, including the Acoustic Assessment and raises no concern to the proposal, provided that the recommendations of these reports are implemented and subject to conditions of Consent.
Traffic Engineering Branch	In relation to traffic generation and car parking, a Traffic Report has been submitted with the application. The report has been assessed by Council's Traffic Engineer and no concerns are raised in relation to the proposed car parking and traffic generation of the proposal. Based on Council's assessment, it is considered that the application adequately demonstrates that the proposal will not result in any significant traffic impacts upon the surrounding road network and that sufficient car spaces are provided to accommodate the aged care facility.
Tree Preservation Officer	<p>The subject site contains a variety of vegetation and mature trees including Cumberland Plain Woodland species located along the western and northern property boundaries. An Ecologist Report has been submitted with the application, stating that a total of 28 trees, including 2 Cumberland Plain Woodland species, will be removed from the site and replacement planting will be provided.</p> <p>Accordingly, the application has been assessed by Council's Tree Preservation Officer, and no concerns are raised in relation to the proposed tree removal given that the majority of the Cumberland Woodland Plain species will be retained, and replacement planting</p>

	<p>comprising a total of sixty eight (68) trees, including both exotic and native species, will be provided on site. On this basis, Council's Tree Preservation Officer advises that the proposed replacement planting is considered sufficient to compensate for the loss of trees.</p> <p>In relation to the proposed landscaping, a variety of ground covers, shrubs and mature trees will be provided on site. Given that the proposed redevelopment of the site will reduce the existing northern and eastern building setbacks, dense landscaping comprising mature trees, is proposed within these areas in order to provide a landscape buffer that is intended to screen the development and maintain both visual and acoustic privacy for the adjoining residential properties.</p>
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EXTERNAL REFERRALS

NSW Rural Fire Service (RFS)

The south-western corner of the site is identified as a Vegetation Buffer on the Fairfield LEP 2013 Bushfire Prone Land Map as shown in Figure 3 below. Accordingly, the application has been submitted under the provisions of Section 4.46 of the Environmental Planning and Assessment Act (EP&A) 1979 as the proposal is classified as a "Special Fire Protection Purpose" and requires a Bushfire Safety Authority pursuant to Section 100B of the Rural Fires Act 1997.

The application has been referred to NSW Rural Fire Service and General Terms of Approval have been issued and are contained within Attachment K of this report.

PUBLIC NOTIFICATION

The application was notified to surrounding residential neighbours and advertised in the local newspaper in accordance with Council's Notifications Policy for a period of twenty-one (21) days. Two submissions objecting to the proposed development were received during this time.

The following table summarises the objections received and provides commentary with respect to each objection.

Objection/concern	Comment
The proposed development will increase traffic and noise impacts in the area	The application and submitted Traffic Report has been assessed by Council's Traffic Engineer and advises that the traffic generation will not be significantly increased and will not have any significant traffic impact upon the surrounding road network. Whilst it

	<p>is acknowledged that the development will provide for a larger building on site, the upgraded facility will provide an additional 34 rooms only.</p>
<p>The scale of the buildings is too large for the locality</p>	<p>The building has been designed to respond to the adjoining scale at each interface with neighbouring land around the site. The main entry and communal facilities are located within the central portion of the building, also centrally located within the site.</p> <p>The scale of the majority of the development is of a standard two storey dwelling to maintain the existing streetscape relationships. At the side boundaries the scale of the development will present as a two storey structure and provides adequate ground floor and first floor setbacks that exceed the standard setback distances that would ordinarily be expected of the existing low density residential environment.</p>
<p>Inadequate provision of on-site parking.</p>	<p>The amount of parking provided slightly exceeds the requirements of Seniors Housing SEPP. The applicant has advised of a management strategy to stagger shift times between wards to ensure that shift changes do not result in on-site parking shortfalls. With respect to visitors, the applicant has advised from experience, based on their other facilities that it is an unfortunate reality that visitation tends to be low and that it is very rare that the provided visitor parking is exceeded.</p>
<p>Trees need to be planted to screen the development from adjoining properties.</p>	<p>The landscaping plan submitted with the DA indicates a high-level of planting to the boundaries with appropriate species nominated for their height and screening capacity. This issue will be covered as a condition of development consent.</p>
<p>Overlooking from first floor windows onto adjoining properties is not acceptable.</p>	<p>First floor windows facing neighbours boundaries are generally limited. However, where any windows face adjoining residential properties window treatment including the use of dormer windows, raised sill heights and frosted glazing has been incorporated into the design of the development.</p> <p>In addition to this, significant landscaping including mature tree planting is proposed within the setback areas which adjoin residential dwellings which will further assist in maintaining privacy.</p>
<p>The development will overshadow adjoining residential properties.</p>	<p>The shadow diagrams are consistent with the</p>

	requirements for DA submission and confirm that there are no unreasonable shadow impacts to adjoining properties.
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There are no issues raised by the public that warrant refusal of the application. As discussed above, certain areas of concern can be addressed by conditions of development consent.

SECTION 4.15 CONSIDERATIONS

The proposed development has been assessed and considered having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment (EP&A) Act 1979 and no issues have arisen that would warrant the application being refused on planning grounds. The following is a brief assessment of the proposal with regard to Section 4.15(1).

(1) **Matters for consideration—general**

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

(a) the provisions of:

(i) Any environmental planning instrument

This report has demonstrated that the proposed development is permitted with consent within the R2 Low Density Residential zone under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004.

Consideration of the development under the provisions of Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, SEPP (Infrastructure) 2007, Draft Remediation of Land SEPP, SEPP No. 64 – Advertising and Signage, has been found to be satisfactory.

(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

Consideration of the development under the provisions of Draft Remediation of Land SEPP has been found to be satisfactory.

(iii) any development control plan

The proposed development complies with the provisions of Fairfield City Wide Development Control Plan 2013.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Impacts on the natural environment

The site is located within an established residential area with a large reserve to the southwest of the site.

The subject site contains a variety of vegetation and mature trees including Cumberland Plan Woodland species located along the western and northern property boundaries. An Ecologist Report has been submitted with the application, stating that a total of 28 trees, including 2 Cumberland Plan Woodland species, will be removed from the site.

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 plan contained within Attachment C of this report.

The subject land is not identified as a "Sensitive Area" on Fairfield City Council's Natural Resource Biodiversity Map. The subject land has no biodiversity value and is not part of any wildlife corridor.

Traffic Impacts

Council's traffic engineers reviewed the applicant's traffic and parking study and supported its findings. Based on Council's assessment of the application, it is considered that the upgraded facility will not result in any significant traffic impacts upon the surrounding road network.

Noise Impacts

Based on the minor increase of additional beds to be provided on site within the upgraded facility, it is considered unlikely that there will be any additional noise impacts from the operation of the car park.

Notwithstanding, an Acoustic Report has been submitted concluding that the noise generated by the proposed development is of minimal impact within the context of the site. Council's Environmental Management Officer has assessed the submitted report and has raised no concerns in relation to the potential acoustic impacts of the proposal and advised that the noise generated by the proposed development complies with the maximum noise limit of NSW Industrial Noise Policy.

Water Pollution

Council's Development Engineering Branch and Environmental Management Section has assessed the submitted application and has raised no concern in relation to potential water pollution of the proposed development on site.

Impacts on the Built Environment

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 minor non-compliances as a result of plant equipment, lift overrun and lobby. The development provides appropriate setbacks to all boundaries and street frontages. Facades are well articulated by steps in walls, balcony elements, landscaping and stairs. It is considered the character and scale of the proposal are appropriate in the context of a low density residential area.

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

Social and Economic Impacts

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 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 proposed development 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 by 102% till 2026 and that the age group over 70 will grow by almost 10,000 people by the year 2026.

Therefore, the proposed development will provide a much needed aged care accommodation in the existing as well as future local community.

(c) the suitability of the site for the development

The site is considered suitable for the proposed development as is evident from the detailed site analysis and assessment of relevant heads of consideration in the Seniors Housing SEPP as shown in Attachment L of this report.

There are no known constraints which would render the site unsuitable for the proposed development.

(d) any submissions made

There are no issues raised by the public that warrant refusal of the application. As discussed above, certain areas of concern can be addressed by conditions of development consent.

(e) the public interest

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

REASONS FOR RECOMMENDATION

The proposed development is considered acceptable and is recommended for approval for the following reasons:

1. The proposed development includes demolition of an existing Residential Aged Care Facility, removal of 28 trees and construction of a new part 2-storey and part 3-storey Residential Aged Care Facility accommodating 134 beds and associated car parking for 35 vehicles, earthworks and landscaping and would be defined as an aged care facility. The site is zoned R2 Low Density Residential under the provisions of Fairfield LEP 2013. The site is therefore land that is zoned primarily for urban purposes and provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) apply.
2. It is considered that the written request submitted under the provisions of Clause 4.6 Exceptions to Development Standards pursuant to Fairfield LEP 2013 has demonstrated that the proposed variation to the building height development standards of State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004 is unlikely to result in any unreasonable amenity impacts, is

consistent with the objectives of the zone and would be in the public interest. The written submission is considered well founded and supported.

3. The Applicant has satisfactorily demonstrated that the proposed development is consistent with the objectives and the development principles stipulated within the Fairfield City Wide DCP 2013.
4. Pursuant to the Section 4.15C of the EP&A Act 1979, the proposed development has been assessed having regard to likely impacts on the natural and built environment and any social and economic impacts on the locality, and found to be acceptable.
5. The applicant has satisfactorily demonstrated that the proposal appropriately responds to the character of the surrounding locality in terms of built form, massing, bulk and scale. It is considered that the proposed development has been designed to minimise potential impacts on the environment and the amenity of the adjoining locality.

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