

DATE OF DETERMINATION	Monday, 18 May 2020
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Dai Lee and Ninos Khoshaba
APOLOGIES	Frank Carbone
DECLARATIONS OF INTEREST	None

Public meeting held at Teleconference Call on 18 May 2020, opened at 11:20am and closed at 11:49am.

MATTER DETERMINED

PPSSWC-56 – Fairfield City Council – DA333.1/2018 at 56 Quarry Road, Bossley Park – Proposed demolition of an existing Residential Aged Care Facility and construction of new 3-storey Residential Aged Care Facility (as described in Item 2 of Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

- The height of the proposal exceeds the 8 metre development standard applying to the site by 2.742 metres which is equal to 34%, but the exceedance relates to a small part of the new building limited generally to the lift overrun.
- While one element of the building is 3 storeys, the proposed lower ground floor of the building is partly excavated. The completed building will therefore present as a 2 storey building when viewed from the existing streetscape and adjoining residential properties
- The panel agrees with the Council staff assessment of the departure from the height development standard of this small part of the building is unlikely to result in any unreasonable amenity impacts. It is consistent with the objectives of the zone and the height standard. It is in the public interest to vary the standard.
- Accordingly, compliance with the development standard is considered to be unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the development standard to address the requirements of clause 4.6. The written request made adequately addresses the requirements of that clause.
- The concurrence of the Secretary to the variation is assumed (Planning Circular PS 18-003 Varying Development Standards).

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The replacement of the existing residential aged care facility on this site with an upgraded purpose-built building will allow for the upgrade of the services and rooms currently provided on site so as to improve the accommodation for residents. Utilising this existing well situated site, but improving its design will promote the objectives of Housing for Seniors or People with a Disability SEPP 2004 (the 'Seniors SEPP' - see clause 2).
2. While residentially zoned, the site is well placed adjacent to an existing seniors housing development and the Chaldean Catholic Church to the west.
3. The increase of 34 beds in the accommodation provided is also consistent with the objectives of the Seniors SEPP, by reducing in the majority the number of beds per room for most residents. The careful architecture employed will accommodate that increased accommodation without in appropriate impacts. The site will be well landscaped with new trees and a number courtyards to improve amenity for residents. Overall the facility should allow residents greater privacy and a better quality of life.
4. With the amendments to the design made following the applicant's meeting with Council's planning and urban design team on 25 September 2019, the impacts of the proposal have been reduced, with the impacts on adjoining properties lessened and the scale of the new building reduced where it will impact on the adjoining residence.
5. Specifically, it is observed that where residential development adjoins the northern and eastern (side) boundaries of the site, the proposal manages potential impacts through the proposed setbacks, landscaping (including mature tree planting) and window treatments.
6. While a corner of the site is identified as a Vegetation Buffer on the Fairfield LEP 2013 Bushfire Prone Land Map, the application has been referred to NSW Rural Fire Service who have issued general terms of approval to manage that issue, A Bushfire Safety Authority has issued for the proposal under s 100B of the Rural Fires Act 1997.
7. The proposed development, subject to the conditions imposed, adequately satisfies the relevant State Environmental Planning Policies including SEPP (Infrastructure) 2007, and applicable controls within the Fairfield City Wide DCP 2013.
8. In consideration of conclusions 1-7 above, and taking into account the public submissions summarised below, the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report subject to minor revisions agreed by Council assessment staff with the applicant prior to the determination meeting.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from one resident who addressed the panel.

- The two written objections made raise concerns about increased traffic. However, Council's Environmental Management and Traffic Engineering Branch have considered the proposal, and do not see the increase in traffic movements to raise any substantial concerns.
- Issues of bulk, scale and overshadowing raised in the public submissions are (as discussed above) adequately addressed in the design.

PANEL MEMBERS



Justin Doyle (Chair)



Nicole Gurrán



Louise Camenzuli



Ninos Khoshaba



Dai Lee

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-56 – Fairfield City Council – DA333.1/2018
2	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.
3	STREET ADDRESS	56 Quarry Road, Bossley Park
4	APPLICANT/OWNER	Opal Aged Care
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (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 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Fairfield City-Wide Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 4 May 2020 • Clause 4.6 variation request in relation to height • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Patrick Mardaymootoo ○ Council assessment officer – Hayley Tasdarian ○ On behalf of the applicant – Mark Lederder
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 24 February 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Ninos Khoshaba and Dai Lee ○ <u>Council assessment staff</u>: Hayley Tasdarian • Site inspection: Monday, 24 February 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Ninos Khoshaba and Dai Lee ○ <u>Council assessment staff</u>: Hayley Tasdarian

		<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation, Monday, 18 May 2020, 10:05am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Ninos Khoshaba and Dai Lee ○ <u>Council assessment staff</u>: Hayley Tasdarian, Sunnee Cullen and Liam Hawk
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report