

## Planning and Assessment

IRF20/4186

### Gateway determination report

|                                 |  |
|---------------------------------|--|
| <b>LGA</b>                      | Fairfield  |
| <b>PPA</b>                      | Fairfield City Council   |
| <b>NAME</b>                     | 16 Kamira Avenue, Villawood (0 homes, 0 jobs)  |
| <b>NUMBER</b>                   | PP 2020 FAIRF 002  |
| <b>LEP TO BE AMENDED</b>        | Fairfield Local Environmental Plan 2013  |
| <b>ADDRESS</b>                  | Part of 16 Kamira Avenue, Villawood  |
| <b>DESCRIPTION</b>              | Lot 31 and DP 36718  |
| <b>RECEIVED</b>                 | 26 August 2020   |
| <b>FILE NO.</b>                 | IRF20/27822  |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required        |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal. |

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to rezone a small portion (430m<sup>2</sup>) of land from RE1 Public Recreation to R4 High Density Residential to correct a minor zoning anomaly. The proposed new road network in the adopted Villawood Urban Design Study isolates this small portion of land at 16 Kamira Avenue, Villawood (Lot 31 DP 36718).

The planning proposal is to provide consistency with the Villawood Urban Design Study (VUDS) and the Villawood Town Centre planning proposal.

The planning proposal has been submitted on behalf of NSW Land and Housing Corporation (LAHC).

The planning proposal seeks to amend the Fairfield Local Environmental Plan 2013 (LEP) by rezoning the site from RE1 Public Recreation to R4 High Density Residential. The planning proposal also seeks to apply the following development standards to the site:

- a height of building control of 27 metres; and
- a floor space ratio control of 2.5:1.

Council has advised that the subject site will be transferred to LAHC ownership and incorporated into the Kamira Court renewal project. In exchange of the subject land,

LAHC will dedicate 2,643m<sup>2</sup> of its land to Council for the creation of a new 3,000m<sup>2</sup> public park and future road connections as identified in the VUDS. A draft Voluntary Planning Agreement (VPA) has been submitted with the planning proposal. Should the planning proposal proceed, a Voluntary Planning Agreement (VPA) will be prepared.

## 1.2 Site description and background

The planning proposal applies to 430m<sup>2</sup> portion of Council owned land at 16 Kamira Avenue, Villawood (Figure 1). Council has advised that the site is underutilised due to parks location behind the centre. The park is closed off and unmonitored which raises safety concerns for the residents in the area.

The land presently forms part of Hilwa Park as shown in the Figure 2 below.

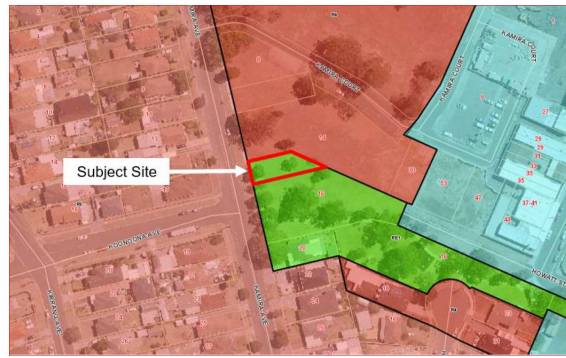


Figure 1 Site Map

Figure 2 Location Map

The subject site is within the VUDS area as shown in Figure 3 and 4 below.



Figure 3 Extract from Villawood Town Centre Urban Design Study

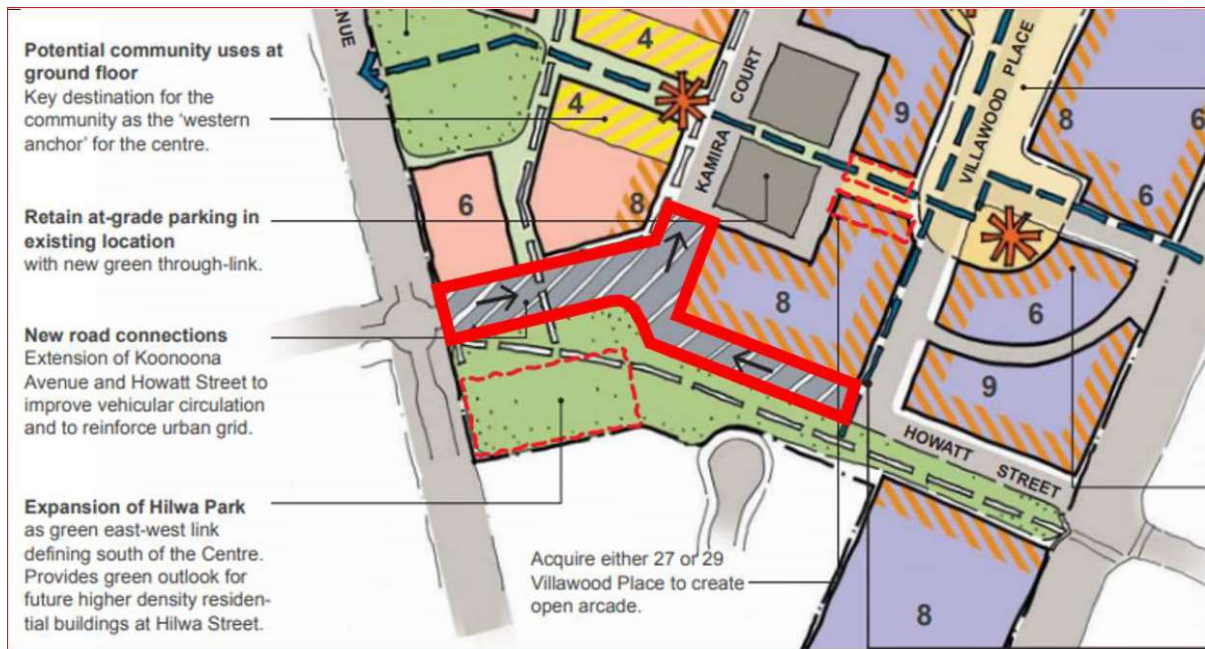


Figure 4 Proposed Road Extension as shown in Villawood Town Centre Urban Design Study

The VUDS identified greater density for the LAHC site and recommended increased Floor Space Ratio and Height of Building controls.

The VUDS also identified a future road network to support the growth of the town centre. This new road network included a road extension from Howatt Street to Kamira Avenue as shown above in Figure 4.

The road extension would leave approximately 430m<sup>2</sup> of Hilwa Park (shown in Figure 3) isolated between the new road and the NSW LAHC redevelopment site. To overcome this isolation problem, the subject site is proposed to be rezoned.

### 1.3 Existing planning controls

Under the Fairfield Local Environmental Plan 2013, the site is zoned RE1 Public Recreation (Figure 2). Currently, no height of building, floor space ratio controls or other controls apply to the site.

The site was reclassified from Community Land to Operational Land in 1997 and does not require reclassification as a result of rezoning.

### 1.4 Surrounding area

The site is surrounded by:

- To the north – R4 High Density Residential zoned site owned by NSW LAHC
- To the east – R4 High Density Residential zoned site owned by NSW LAHC
- To the south – RE1 Public Recreation portion of the Hilwa Park
- To the east – Kamira Avenue and R3 Medium Density Residential land.



Figure 5 An aerial view of the site

## 1.5 Summary of recommendation

It is recommended that the planning proposal should proceed with conditions as it seeks to implement Council adopted Villawood Town Centre Urban Design Study by ensuring urban renewal in the Villawood Town Centre and reconciling open space within the Town Centre.

## 2. PROPOSAL

### 2.1 Objectives or intended outcomes

The objectives of the planning proposal are to amend the Fairfield Local Environmental Plan 2013 to rezone the site from RE1 Public Recreation to R4 High Density Residential to:

- ensure consistency with the zoning and built form recommendations of Villawood Town Centre Urban Design Study for the site;
- ensure consistency with Council's Villawood Town Centre DCP for the site;
- support the renewal of Villawood Town Centre, as envisaged under the Villawood Town Centre Planning Proposal; and
- facilitate development of an open space area within the LAHC site, through a VPA.

### Department comment

The objectives are considered to be clear and adequate.

## **2.2 Explanation of provisions**

The planning proposal seeks to amend the Fairfield LEP 2013 by:

- Rezoning 430m<sup>2</sup> of land from RE1 Public Recreation to R4 High Density Residential;
- Applying a maximum height of building of 27m (8 storeys); and
- Applying a maximum floor space ratio of 2.5:1.

These changes would be made through amendments to the Land Zoning, Height of Buildings and Floor Space Ratio maps.

### Department comment

The explanation of provisions are considered to be clear and adequate.

## **2.3 Mapping**

The current and proposed maps are provided in Section 2.1, 2.2 and 4.4 of the planning proposal. The planning proposal will amend the following maps:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map

The existing and proposed maps are shown as below.

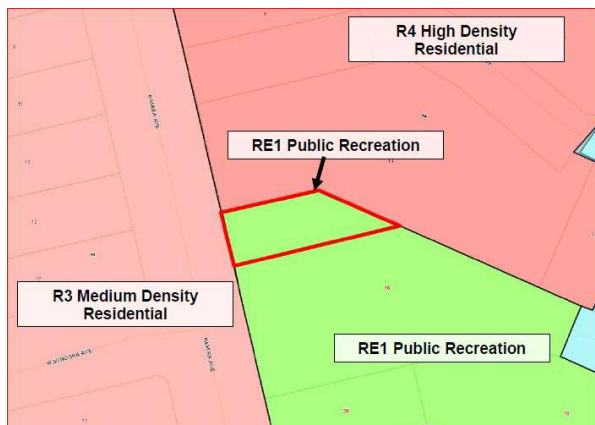


Figure 6 Existing Zoning Map

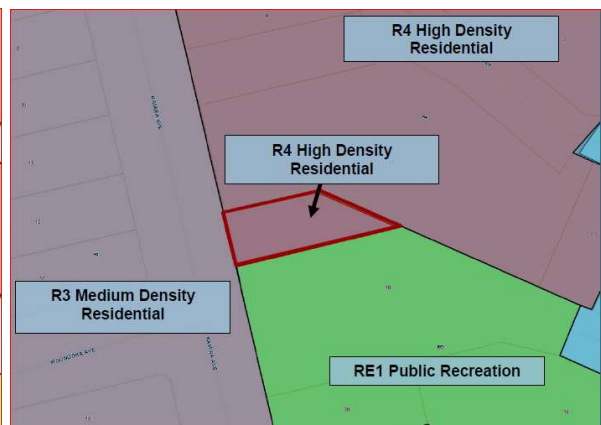


Figure 7 Proposed Zoning Map

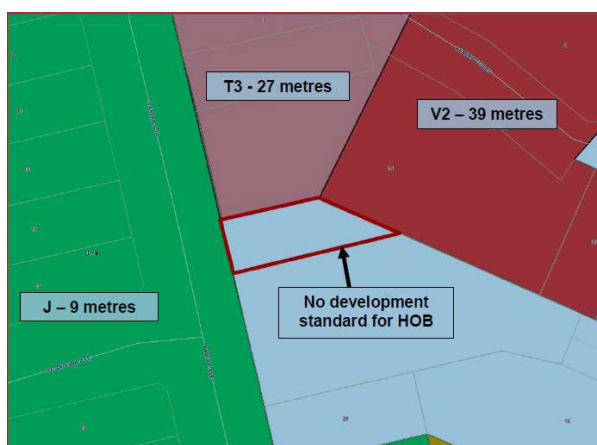


Figure 8 Existing Height of Building Map

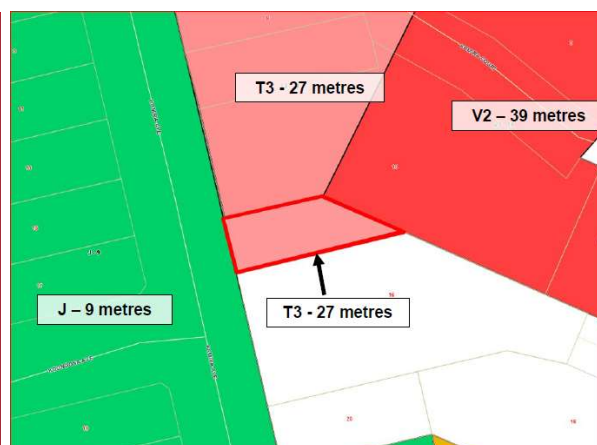


Figure 9 Proposed Height of Building Map

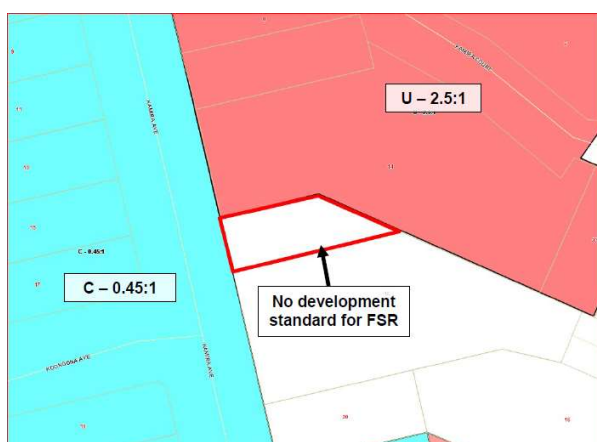


Figure 10 Existing Floor Space Ratio Map

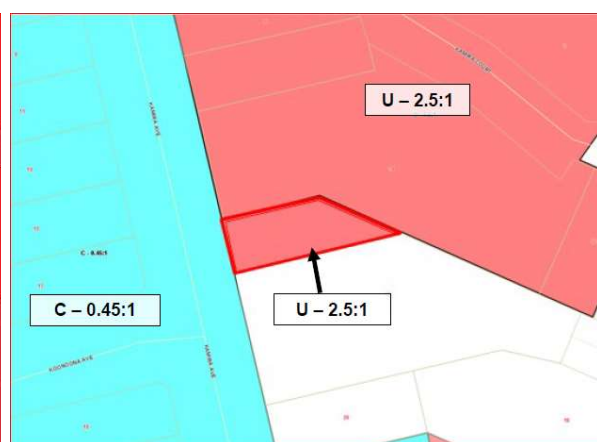


Figure 11 Proposed Floor Space Ratio Map

### Department Comment

It is considered that the supporting maps in the planning proposal are adequate for public exhibition purposes.

## **3. NEED FOR THE PLANNING PROPOSAL**

The planning proposal is the result of the Villawood Urban Design Study, which was adopted by Council in March 2018. The planning proposal aligns with the proposed zoning and building design/development layout of the Land and Housing Corporation site under the Villawood Town Centre Urban Design Study.

### Department comment

The planning proposal is the best and most appropriate means of achieving the outcomes of the Villawood Town Centre Urban Design Study.

## 4. STRATEGIC ASSESSMENT

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### 4.1 Regional / District

Western City District Plan (March 2018)

The proposal is consistent with:

- the *Infrastructure and collaboration – W1 Planning for a city supported by infrastructure*: the proposal maximise the use of the existing infrastructure, such as the facilities and services provided in the Villawood Town Centre and Villawood railway station.
- the *Liveability Planning Priority - W5 Providing housing supply, choice and affordability, with access to jobs, services and public transport*: the proposal will contribute to housing supply and a range of housing types at a location (within Villawood Town Centre) with very good access to jobs, services and public transport.
- the *Liveability Planning Priority – W6 Creating and renewing great places and local centres, and respecting the District heritage*: The proposal seeks to support the implementation of the Villawood Town Centre Urban Design Study, which aims to renewal a local centre.
- the *Productivity Planning Priority -W7 – Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City*: the proposal seeks to implement the Villawood Town Centre Urban Design Study, which locates housing growth in close proximity to Villawood Railway Station supporting the vision of the 30-minute city.
- the *Sustainability Planning Priority -W18 – Delivering high quality open space*: whilst the planning proposal proposes to rezone a part of the open space for residential development, the LAHC renewal project for the Villawood Town Centre includes the development of a 3,000m<sup>2</sup> park, which will be enjoyed by residents inside the and adjoining the development site.

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

### 4.2 Local

#### Fairfield Local Strategic Planning Statement

The Fairfield Local Strategic Planning Statement (LSPS) identifies Villawood as a town centre that has the potential to grow and increase its built form permissibility within the town centre. The LSPS refers to the Villawood Urban Design Study and the resulting planning proposal to facilitate the renewal of the town centre.

The proposal is consistent with the objectives of the LSPS as it will provide additional housing (Theme 1); deliver greater housing diversity and affordability to meet the changing needs for the community (Theme 2); plan and manage areas identified for future urban development (Theme 3); and, provide attractive, healthy and safe places for the whole community (Theme 4).

### Fairfield City Plan 2016-2026

Fairfield City Plan 2016-2026 (the City Plan) contains the Community's vision, priorities and goals for Fairfield City over the next 10 years.

The planning proposal is consistent with the City Plan as it will provide diversity of housing types to meet needs of the community in an accessible location and will provide an accessible 3,000m<sup>2</sup> neighbourhood park, in a precinct with significant undersupply of accessible and attractive open space (Theme 2).

### Villawood Town Centre Urban Design Study 2018

The Villawood Town Centre Urban Design Study (VUDS) was adopted by Council in March 2018. The study guides urban design options for the Villawood Town Centre. The study guides development proposals with recommended height of building, floor space ratios and potential community benefits such as open space, pedestrian and vehicular links.

In the study, 16 Kamira Avenue, is proposed to be developed for a new road connection which will improve vehicular circulation and reinforce the urban grid. The northern portion of the subject site is proposed to be integrated with the development associated with the LAHC site, as identified Figure 3 and 4 above. The development proposed is high density residential blocks with active street frontages on the ground level.

### Fairfield Local Planning Panel

The planning proposal was considered by the Fairfield Local Planning Panel on 14 July 2020 (**Attachment A4**) and supported it. The Panel considered the proposal will contribute to the future re-development of Villawood Town Centre.

## **4.3 Section 9.1 Ministerial Directions**

**Consistent:** The planning proposal is consistent with the following Section 9.1 directions identified below:

### 3.1 Residential Zones

This direction applies when a planning proposal will affect an existing or proposed residential use or any other zone in which significant residential development is permitted or proposed to be permitted and approval of the Secretary is required if the reduction in density is involved.

This direction applies as the draft proposal seeks to rezone land from RE1 Public Recreation to R4 High Density Residential. The proposal is considered to be consistent with the direction as the proposal facilitates additional housing in a suitable location in line with strategic directions, and with access to the existing infrastructure and services.

### Direction 3.4 Integrating Land Use and Transport

The objective of this direction is to increase the choice of available transport and reduce dependence on cars.

The planning proposal is consistent with this direction given the site is within walking distance of Villawood train station and is well served by bus transport services.

### Direction 3.5 Development Near Licensed Aerodromes

This Direction aims to ensure effective and safe operation of aerodromes. The direction also aims to ensure operations are not compromised by development, as well as, ensuring that residential development between 20 and 25 ANEF contours incorporates appropriate mitigation measures.

The site is located in close vicinity of the Bankstown Airport. However, it is located outside the ANEF 20 contour. Council has advised that it will consult with Sydney Metro Airports during agency consultation.

It is recommended that a condition be attached to the determination requiring Council to consult with Sydney Metro Airports (Bankstown Airport Limited).

### Direction 4.3 Flood Prone Land

This Direction aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and that potential flood impacts are considered.

Council has advised that the Villawood Town Centre is impacted by low and medium overland flooding. Council has further advised that this planning proposal will be part of a further flood assessment in accordance with Council's current controls with the City Wide DCP 2013 and the Floodplain Development Manual 2005.

It is noted that Council has indicated that the flood assessment will occur for development in accordance with the Floodplain Development Manual 2005. However, given the increase in housing density, it is recommended that Council formally consult with the NSW State Emergency Service during the exhibition period.

### Direction 6.2 Reserving Land for Public Purposes

This direction requires that a planning proposal shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary (or an officer of the Department nominated by the Secretary).

This Direction applies as the proposal seeks to rezone 430m<sup>2</sup> of public recreation land to high density residential. The parcel is owned by Fairfield Council and therefore satisfies the requirement of the Direction that the relevant authority approve the rezoning. Given the Land and Housing Corporation in exchange of the site will dedicate 2,643m<sup>2</sup> of its land to Council for the creation of a new 3000m<sup>2</sup> public park, any inconsistency is considered to be of minor significance.

The approval of the delegate of the Secretary is recommended to satisfy the Direction.

## **4.4 State environmental planning policies (SEPPs)**

### State Environmental Planning Policy No. 55 – Remediation of Land

Council has advised that the site is not contaminated.

### State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

The requirements of SEPP 65 and the accompanying Apartment Design Guidelines (ADG) were reviewed under the Villawood Town Centre Urban Design Study. Future developments within the Villawood Town Centre will need to comply with this SEPP.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social and Economic**

The planning proposal together with the urban renewal of Villawood Town Centre and increase in population will result into economic benefits as it will encourage the town centre to thrive. Further, the proposal will provide a net increase and choice of housing, along with recreational and community service opportunities. Additionally, Council has advised that the proposal will also be supported by a Voluntary Planning Agreement, which will seek to dedicate a 3,000m<sup>2</sup> neighbourhood park to Council.

### **5.2 Environmental**

Council has advised that the site does not contain any critical habitat or threatened fauna.

The flooding issues relating to the site have already been discussed under the relevant section 9.1 Ministerial Direction.

### **5.3 Infrastructure**

The planning proposal is located within the Villawood Town Centre, which is within close proximity to the public transport facilities. Given the minor nature of the proposal, it is not anticipated it will have significant additional impact on the existing and planned infrastructure.

## **6. CONSULTATION**

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### **6.1 Community**

No community consultation period has been proposed by Council. However, given the nature of the planning proposal, it is recommended that it should be placed on public exhibition for a minimum of 14 days.

### **6.2 Agencies**

Council proposes to consult Sydney Metro Airports (Bankstown Airport Limited).

Proposed consultation with this authority by Council is supported. However, as previously discussed, consultation with NSW State Emergency Service is recommended.

## **7. TIME FRAME**

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Council proposes a timeframe of 9-months to finalise this planning proposal. Given the nature of the planning proposal, a 9-months timeframe is considered appropriate.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has resolved not to exercise the local plan-making function under delegation in relation to this planning proposal as the site is owned by Council.

It is noted that though the proposal is a minor planning proposal with local significance only, however in consideration of Council's resolution, it is recommended that no authorisation be issued to Council to exercise the S.3.36 delegation in this instance.

## 9. CONCLUSION

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It is recommended that the planning proposal proceed with conditions as it is to fix a minor zoning anomaly inadvertently created by the proposed road extension between the new road and the LAHC redevelopment site, leaving a small portion of RE1 Public Recreation zoned land isolated.

## 10. RECOMMENDATION

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 6.2 Reserving Land for Public is of minor significance.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. Consultation is required with the following public authorities:
  - Land and Housing Corporation
  - NSW State Emergency Service
  - Sydney Metro Airports (Bankstown Airport Limited)
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
4. In consideration of Council's request, Council should not be authorised to be the local plan-making authority to make this plan.



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22/9/20

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