

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76

SUBJECT: Planning Proposal - Rezone the subject site from RE1 Public Recreation to R4 High Density Residential
Premises: Part of 16 Kamira Avenue, Villawood (Lot 31 DP 36718)
Applicant/Owner: NSW Land and Housing Corporation
Zoning: RE1 Public Recreation

FILE NUMBER: 20/03083

REPORT BY: Amanda Seraglio, Para Planner

RECOMMENDATION:

That:

1. Council endorse the Planning Proposal (Attachment A of the report) to amend the Fairfield Local Environmental Plan (FLEP) 2013 in relation to the subject site, part of 16 Kamira Avenue Villawood (Lot 31 DP 36718) as follows:
 - 1.1. Amend the Land Zoning Map from RE1 Public Recreation to R4 High Density Residential.
 - 1.2. Amend the Height of Building Map from no development control to 27 metres.
 - 1.3. Amend the Floor Space Ratio Map from no development control to 2.5:1.
2. Council inform the NSW Department of Planning, Infrastructure and Environment that it wishes to commence the Gateway Determination process to amend the Fairfield LEP 2013.
3. In requesting the Gateway Determination, advise the Department of Planning, Industry and Environment that given the proposal relates to Council owned land, Council does not seek to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 2.4 of the Environmental Planning and Assessment Act 1979).
4. Prior to public exhibition of the Planning Proposal, Council receive a further report detailing a draft Voluntary Planning Agreement to be prepared for the site should the NSW Department of Planning, Infrastructure and Environment issue a Gateway Determination in support of the proposal.

Note: This report deals with a planning decision made in the exercise of a function of Council under the EP&A Act and a division needs to be called.

SUPPORTING DOCUMENTS:

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76

AT-A	Planning Proposal	32 Pages
AT-B	VPA - Letter of Offer - Villawood LAHC	5 Pages
AT-C	Signed FLPP Minutes - 14.07.2020	5 Pages

CITY PLAN

This report is linked to *Theme 2 Places and Infrastructure* in the Fairfield City Plan.

SUMMARY

Council is in receipt of a planning proposal for a 430m² portion of Council owned land at 16 Kamira Avenue Villawood (part of Lot 31 DP 36718). The land presently forms part of Hilwa Park as referred to in Figure 1 below.



Figure 1. Site Map

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76



Figure 2. Location Map

The planning proposal (**Attachment A**) has been submitted on behalf of NSW Land and Housing Corporation (LAHC) and seeks to:

- rezone the site from RE1 Public Recreation to R4 High Density Residential;
- amend the height of building map from no development standard to 27 metres;
- amend the floor space ratio map from no development standard to 2.5:1.

It is noted that the site was reclassified from Community Land to Operational Land on 19 February 1997 under Fairfield LEP 1994 Amendment No.19, and therefore does not require to be reclassified.

This proposal is consistent with the adopted Villawood Town Centre Urban Design Study (VUDS) and complements the recently gazetted Villawood Town Centre Planning Proposal, which increased the maximum height of buildings permitted within the centre, up to 12 storeys.

The intention is for the land to be transferred into LAHC ownership and incorporated into their major Kamira Court renewal project site. In exchange for the subject land, LAHC will dedicate a net increase of 973m² of land in Fairfield City Council's favour that will assist in the creation of a new public park and future road connections as identified in the VUDS.

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76

A draft Voluntary Planning Agreement (VPA) Letter of Offer (**Attachment B**) has been prepared to accompany the planning proposal. Should Council endorse the Planning Proposal, a VPA will be prepared and will be subject to a further report to Council.

THE SUBJECT SITE

The subject site (part of 16 Kamira Avenue) (See Figure 1 above) is owned by Fairfield City Council and forms part of Hilwa Park.

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, future road and the B2 Local Centre, Villawood Town Centre
- To the south – RE1 Public Recreation portion of the Hilwa Park and R4 High Density Residential and R3 Medium Density Residential land
- To the east – Kamira Avenue and R3 Medium Density Residential land.

Hilwa Park is currently 4,230m² in area, with future acquisitions and proposed rezoning seeking to increase the park area to over 7,000m².

The proposal applies to 430m² of the Park which is presently zoned RE1 Public Recreation and is classified as Operational Land.

The subject site is within the VUDS area (**Figure 3**), which was adopted by Council in March 2018. The VUDS informed a planning proposal and draft development control plan for the renewal of Villawood Town Centre. The planning proposal was gazetted on 5 June 2020.



Figure 3. Extract from Villawood Town Centre Urban Design Study

BACKGROUND

The subject site formed part of the VUDS, which was adopted by Council in 2018. 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 (Figure 4).

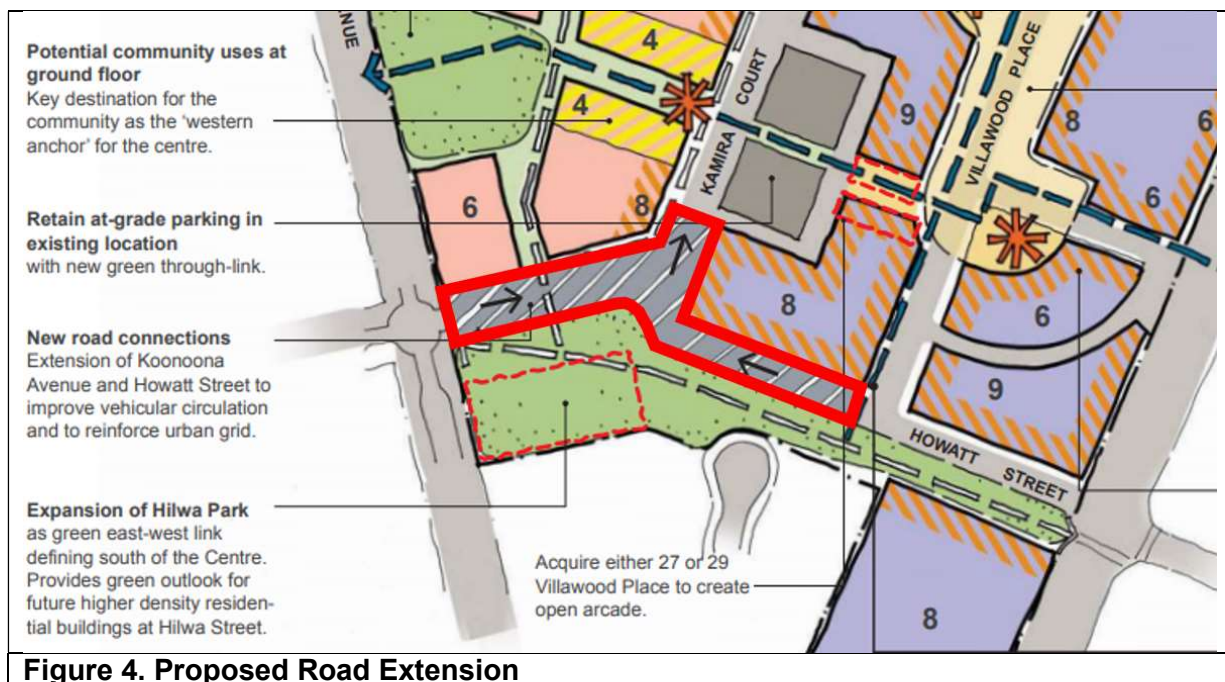


Figure 4. Proposed Road Extension

This road extension would leave a small portion (approximately 430m²) of Hilwa Park (Figure 3) isolated between the new road and the NSW LAHC redevelopment site.

Consultation with LAHC during the finalisation of the now gazetted planning proposal recognised this issue. Accordingly, it was agreed that the current outcome for this portion of the town centre was not the one envisaged in the VUDS and without a rezoning, would result in there being an isolated parcel of council owned open space separated from the main body of Hilwa Park by the future new access road to the immediate south.

It was agreed that the land should be recommended for rezoning as proposed in the VUDS and that a land swap arrangement between the 2 bodies would be pursued. This would ultimately achieve a better planning outcome by incorporating the subject land into the LAHC redevelopment site on the northern side of the new road and LAHC dedicating land that it owns for the new access road and public park.

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76

PROPOSED AMENDMENTS TO THE FAIRFIELD LEP 2013

The planning proposal seeks to amend the following provisions of Fairfield Local Environmental Plan (LEP) 2013 across the site:

- rezone the site from RE1 Public Recreation to R4 High Density Residential (**Figure 5**);
- introduce a height of building for the site of 27 metres; and
- introduce a floor space ratio for the site of 2.5:1.

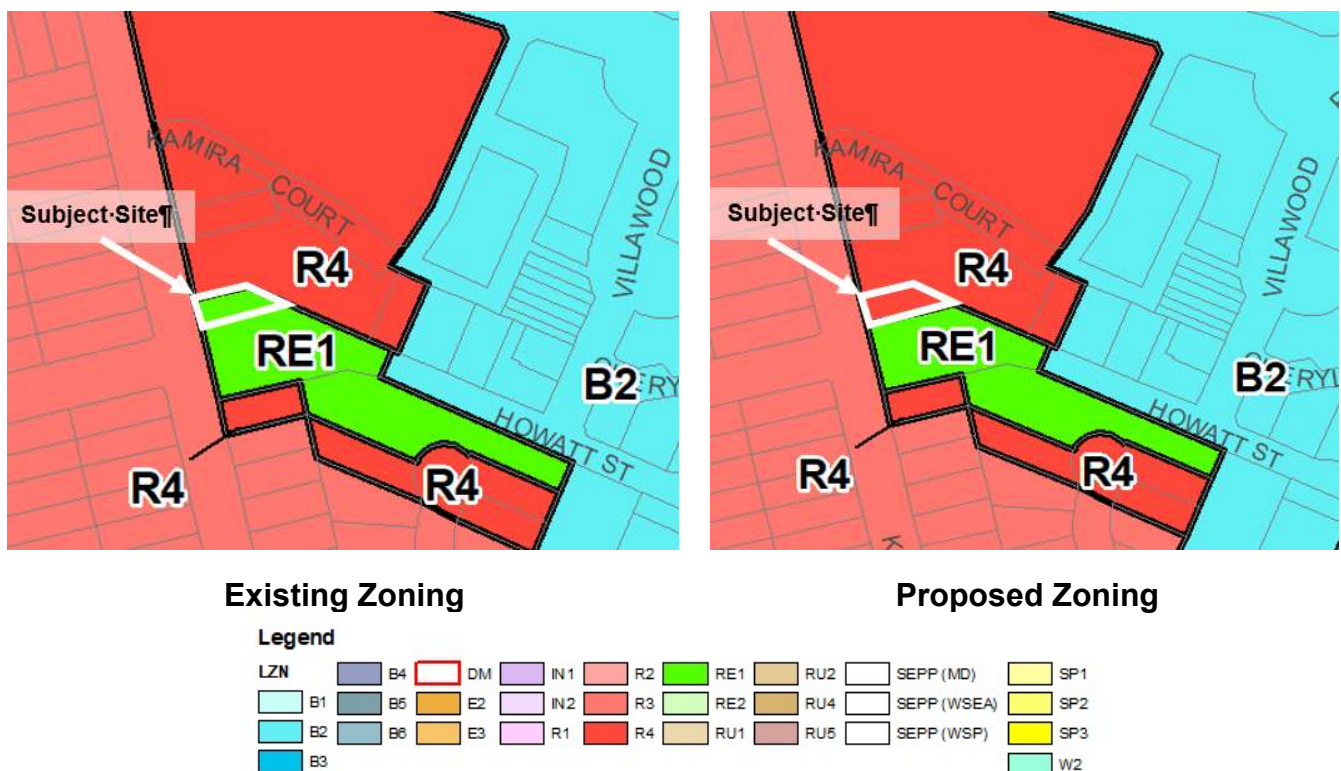


Figure 5. Existing and Proposed Zoning Maps

A. VOLUNTARY PLANNING AGREEMENT

To support the planning proposal, the Land and Housing Corporation (LAHC) has advised that it proposes to enter into a VPA with Council to enable a better neighbourhood park and new road connections primarily on the current LAHC site.

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76



Figure 6 – Map of land to be acquired and dedicated to Council

Table 1 – Land to be dedicated to Council

Land	Future Use	Quantum	Current Zoning
37/202006 (Part)	Public Open Space	1260m ²	R4
39/202006 (Part)	Public Open Space	500m ²	R4
381/1232437	Future Road Connection	403m ²	R4
382/1232437 (Part)	Future Road Connection	480m ²	R4
Total		2,643 m²	

Table 2- Land to be acquired by LAHC

Land	Future Use	Quantum	Current Zoning
31/36718	Incorporated into development site consistent with Urban Design Study creating consistent street wall	430m ²	RE1
Kamira Court Road	Incorporated into development site to facilitate built form and street pattern in Urban Design Study.	1,260m ²	R4
Total		1,670m²	

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76

The VPA will aim to formalise some of the community benefits that were directly associated with the recently gazetted Villawood Town Centre Planning Proposal, in addition to the improvement of land associated with this planning proposal.

Ultimately, the land swap as part of the VPA arrangement will result in a net increase of 973m² land in Fairfield City Council's favour. Additionally, while there is a net increase, the suitability of the land to be dedicated to Council will also be a more rational parcel.

Notwithstanding, the VPA offer will undergo a separate evaluation process and if supported provide the necessary legally binding commitments concerning the proposed arrangements.

In this regard, the VPA is presently being negotiated by Council Officers and will be reported to Council prior to the public exhibition of the draft planning proposal should it receive a Gateway Determination from the NSW Department of Planning, Industry and Environment.

B. STRATEGIES AND STUDIES

STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)

SEPP No. 65 Design Quality of Residential Apartment Development (SEPP 65)

Concepts for the site were reviewed considering urban design principles envisaged in the Urban Design Study, the requirements of SEPP 65 and the accompanying Apartment Design Guide (ADG). The planning proposal meets the objectives of the VUDS and the matters requiring consideration under SEPP 65 and the ADG. Future development within the Villawood Town Centre will be subject to the SEPP 65 and the ADG.

SEPP 55 – Remediation of Land

The Villawood Town Centre Planning Proposal confirmed that the town centre including 16 Kamira Avenue, did not have any previous history of development or use requiring remediation to make it suitable for any medium and high density development. However, should land contamination be uncovered as part of the development process, works will be undertaken in accordance with SEPP 55.

METROPOLITAN STRATEGIES

Metropolis of 3 Cities – A Vision to 2056 (Metro Strategy)

The Metro Strategy is the overarching strategic land use plan for the Greater Sydney Metropolitan area, outlining the strategic vision for managing growth to 2056. The vision seeks to transform Greater Sydney into a metropolis of 3 cities, with the site being located within the Western Parklands City.

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76

The strategy for Greater Sydney is underpinned by 10 strategic directions each with specific objectives designed to deliver the plan. This planning proposal will support the renewal of Villawood Town Centre as envisaged by the VUDS, providing additional housing and open space within the Town Centre and stimulating economic development.

The renewal of Villawood aligns with the following key objectives of the Greater Sydney Region Plan:

- Objective 10: Greater Housing Supply
- Objective 11: Housing is more affordable and diverse
- Objective 12: Great places that bring people together
- Objective 14: Integrated land use and transport creates walkable and 30-minute cities
- Objective 31: Public open space is accessible, protected and enhanced

Western City District Plan

The Western City District Plan sets out 20 strategic planning priorities to achieve the Plan's vision. Table 3 below sets out the key planning priorities applicable to this proposal and justification of consistency.

Table 3 – Western City District Plan Key Principles	
Planning Priority	Consistency of Planning Proposal
Planning Priority W1 – “Planning for a city supported by infrastructure”	The proposal maximises the high density residential in the Villawood City Centre, which seeks to increase growth adjacent to Villawood Station and offer community and recreational facilities.
Planning Priority W5 – “Providing housing supply, choice and affordability with access to jobs, services and public transport”	The proposal will boost and contribute to the 6-10 year housing supply within Villawood City Centre, which has the potential to accommodate up to 1,295 new apartments. The site is within walking distance of services, community facilities and the rail station, able to deliver the ‘30-minute City’.
Planning Priority W6 – “Creating and renewing great places and local centres, and respecting the District’s heritage”	The proposal seeks to support the implementation of the Villawood Town Centre Urban Design Study, which sets out an approach to the renewal of Villawood, which aligns with this action.
Planning Priority W7 – “Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City”	This proposal seek 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.

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76

Planning Priority W18 – “Delivering high quality open space”	Whilst this Planning Proposal seeks to rezone open space for residential development, the LAHC renewal project for Villawood Town Centre, includes the development of a 3,000m ² park. This new open space will ensure that Villawood Town Centre complies with the requirement for high density residential areas to be within 200m of open space. This new park will become a desirable and sought to space to enjoy for residents inside and adjoining the development site.
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Draft Greener Places and Policy

This urban green infrastructure state policy released in draft by the Government Architect NSW in November 2017, identifies objectives to promote a more liveable, healthier and natural green space environment. This proposal is consistent with a number of the performance criteria listed in the policy for planning of open space and recreation areas. Whilst this planning proposal specifically seeks to rezone land from RE1 to R4, the proposal forms part of the overall renewal project for Villawood, which will include a 3,000m² park that is within a short walking distance from a high density development.

Fairfield Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) has recently been finalised, it 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 Town Centre Urban Design Study (VUDS) and the resulting planning proposal to facilitate the renewal of the town centre.

This proposal is consistent with the following key objectives in the LSPS:

- Planning Priority 1 – Providing housing that accommodates the needs of the existing and future residents.
- Planning Priority 2 – Deliver greater housing diversity and affordability to meet the changing needs for the community.
- Planning Priority 3 – Plan for and manage areas identified for future urban development.
- Planning Priority 4 – Provide attractive, healthy and safe places for the whole community.

LOCAL PLANNING CONSIDERATIONS

2016 – 2026 Fairfield City Plan (City Plan)

The Planning Proposal is consistent with all relevant themes and goals within the City Plan. The table below illustrates how the planning proposal aims to achieve the outcome of its themes and goals.

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76

Table 4 - 2016 – 2026 Fairfield City Plan (City Plan) Key Themes

Relevant FCCSP Outcome within the theme	Outcome	How the planning proposal achieves the outcome
Theme 2 – Places and Infrastructure	High quality development that meets the community's needs.	Provides diversity in housing type to meet needs of the community in an accessible location.
	Open spaces are well utilised for entertainment, leisure and recreation opportunities for all	Will provide a publically accessible neighbourhood park of 3000m ² in a precinct with significant undersupply of accessible and attractive open space.

Fairfield Local Environmental Plan 2013 (Fairfield LEP 2013)

The Fairfield LEP is the key environmental planning instrument that applies to the site.

In summary, the planning proposal will:

- Provide appropriate housing types to meet a range of lifestyles and cultures,
- Provide a built form that is sensitive to the existing character of the surrounding residential properties and will not generate any unacceptable impacts on the amenity of the neighbouring dwellings, and
- Integrate development in accessible locations to maximise public transport patronage and encourage walking and cycling.

Table 5 – Fairfield Local Environmental Plan 2013 (Fairfield LEP 2013) compliance with objectives

Objective FLEP 2013	Proposal Compliance
To ensure that appropriate housing opportunities are provided for all existing and future residents and that those housing opportunities accommodate different lifestyles, incomes and cultures,	Together with the original planning proposal for Villawood Town Centre, the development of 1,295 new dwellings will increase the diversity of housing opportunities in the City.
To ensure that the economic, employment and educational needs of the existing and future community are appropriately planned for,	Will continue to generate employment retail, service and commercial related employment.
To conserve the environmental heritage of Fairfield,	Given the developed nature of the site, will not impact on heritage infrastructure.
To protect and manage areas of remnant bushland, natural watercourses and threatened species.	Given the developed nature of the site, will not impact on sensitive ecological systems.

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76

Objectives of possible R4 High Density Residential Zone	Proposal Compliance
To provide for the housing needs of the community within a high density residential environment.	Will contribute to the development of 1,295 new apartments within a city centre context.
To provide for a variety of housing types within a high density residential environment.	Will contribute to a development mix with a variety of one, two and three bedroom apartments.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Will be within a mixed use development offering close proximity to services and facilities.
To maximise opportunities for increased development on all land by encouraging site amalgamations.	LAHC is working to complete its renewal project for Villawood.
Objectives of possible RE1 Zone Public Recreation Zone	Proposal Compliance
To enable land to be used for public open space or recreational purposes.	Will result in the creation of a neighbourhood park of 3000m ² that will be dedicated back to Council.
To provide a range of recreational settings and activities and compatible land uses.	Will create a neighbourhood park within a higher density residential environment.
To protect and enhance the natural environment for recreational purposes.	Will reintroduce a green space in a highly development precinct current lacking access to open space.

Villawood Town Centre Urban Design Study 2018

The Villawood Town Centre Urban Design Study (VUDS) was adopted by Fairfield City Council on 27 March 2018. The study guides urban design options for the Villawood Town Centre. The study guides development proposals with recommended height of buildings, 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 in the Villawood Town Centre Development Control Plan and VUDS. The development proposed is high density residential blocks with active street frontages on the ground level, as per the VUDS (see Figure 7 below).

- a. a height of building of 27 metres;
- b. a floor space ratio of 2.5:1; and
- c. vehicular and pedestrian connections.

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76

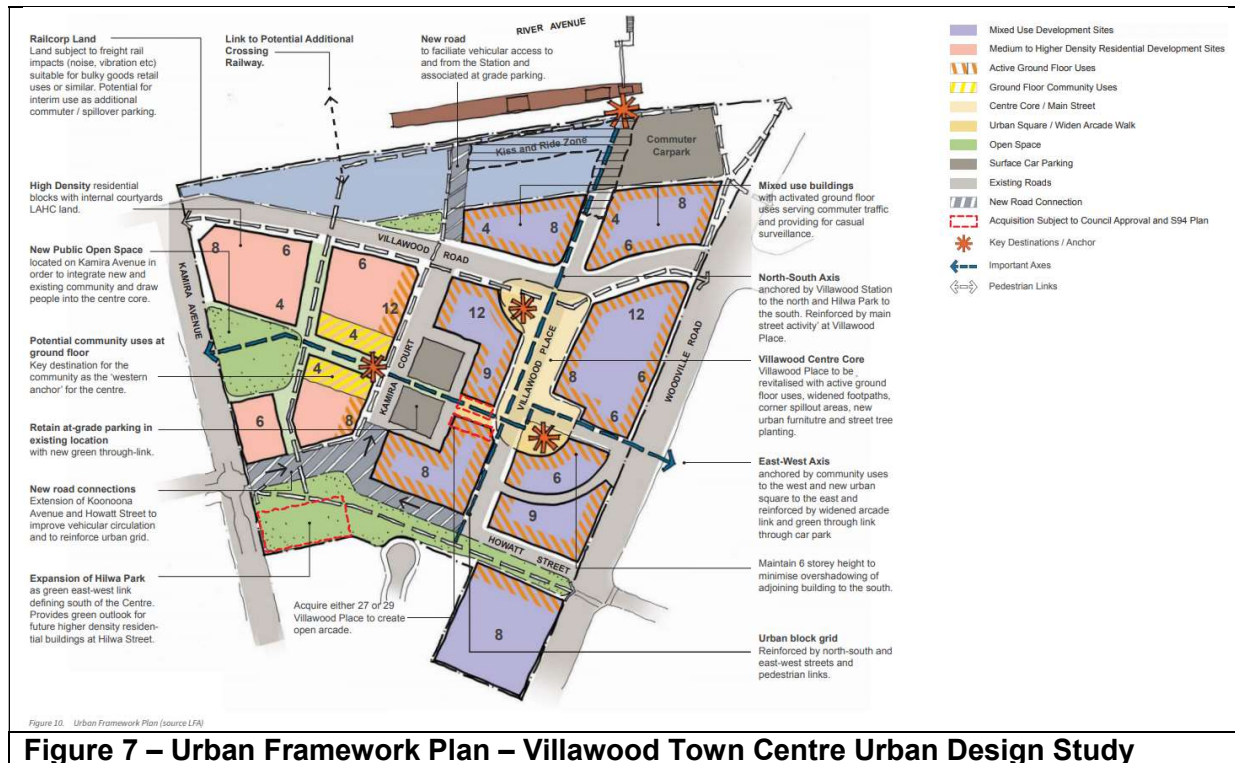


Figure 7 – Urban Framework Plan – Villawood Town Centre Urban Design Study

C. FAIRFIELD LOCAL PLANNING PANEL REFERRAL

Planning Proposals are required to be referred to the Fairfield Local Planning Panel (FLPP) for advice prior to being reported to Council, as set out by the Local Planning Panels Direction – Planning Proposals under Section 9.1 of the Environmental Planning and Assessment Act 1979.

The Planning Proposal was referred to the FLPP for advice at its meeting of 14 July 2020. The Panel Chair undertook a pre-meeting site inspection with Council Officers.

FLPP Comments and Recommendation

In considering the Proposal, the FLPP has no major concerns regarding the current planning proposal, which will contribute to the future re-development of Villawood Town Centre. The FLPP minutes form **Attachment C** of this report and the main points have been summarised below.

- **Land Swap**

The panel acknowledged that the net increase of 973m² of land is in Fairfield City Council's favour, however, the suitability of the land needs to be confirmed to ensure that the land that will be dedicated to Council will provide a community benefit.

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76

Council Officer comments:

Council's Recreation and Open Space Officer has no concerns regarding the current planning proposal with matters identified for consideration as part of a future development application, and the Council's Property Section has no objections to the planning proposal. Ultimately, the community will gain a greater amount of open space as a result of the planning proposal and Voluntary Planning Agreement (VPA).

- **Voluntary Planning Agreement**

The Panel recommended that additional details be provided within the VPA, particularly in relation to the future embellishment of the proposed park, and were of the view that embellishment of the park should form part of the VPA agreement, or Council ensure that the park is embellished through its own funds and completed prior to the issue of any Occupation Certificate.

Council Officer comments:

The Panel sought information from Council Officers as to the value comparisons of land to be acquired and land to be given. The Panel noted that based on that information, it seemed that Council would be receiving value for money. It is noted that the VPA has not been prepared, only a formal letter of offer. Should the planning proposal proceed to Gateway Determination, a formal VPA will be prepared, including the matter of embellishment, and reported to Council for consideration.

D. INTERNAL REFERRALS

Open Space – As part of any future development application to Council the applicant must provide a detailed landscape plan. The landscape plan will identify a plant list including species, number and location of all vegetation that will improve the open space area. A well-designed open space and environment will encourage a positive, usable attractive space.

Property Management – As part of the process of the acquisition of the public road, Kamira Court will need to address roadway widths, and street lighting to comply with relevant Council or Australian Standards. Consideration of pedestrian safety, fencing and bollards, tree species and various required Council approvals will be required.

It is recommended to expedite the acquisition of the public road (Kamira Court) that the Department of Housing proceed via compulsory acquisition rather than Council proceed along the protracted road closure process. It is noted that part lot in 31 DP 36718 being part of Hilwa Park Reserve is classified operational land and will not impose any restrictions on the Department of Housing to acquire the 430m² required as part of the VPA.

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76

NEXT STEPS

Subject to Council's endorsement to the recommendations of this report, the Planning Proposal included in **Attachment A** would be referred to the Department of Planning and Environment (DPE) requesting a Gateway Determination.

If the Department is satisfied with the contents of the Planning Proposal, it is anticipated that Council would be issued with a Gateway Determination in approximately 2-3 months' time authorising public exhibition of the document.

Following issue of the Gateway Determination, the Planning Proposal would be placed on public exhibition.

CONSULTATION STRATEGY

Generally, public exhibition of a Planning Proposal of this nature will be required for a minimum statutory period of 28 days and would involve:

- Notification to landowners both within and directly adjoining the land affected by the Planning Proposal; and
- Publication of all relevant information on Council's website.

The Gateway Determination will also require Council to undertake consultation with a number of State Government Agencies and utility providers.

Following public exhibition, a report will be presented to Council to consider the outcomes of the public exhibition, including submissions received and consultation with the State Agencies and utility providers.

CONCLUSION

The planning proposal seeks to implement the adopted Villawood Town Centre Urban Design Study by ensuring urban renewal in the Villawood Town Centre and reconciling open space within the Town Centre.

The Fairfield Local Planning Panel has considered the Planning Proposal and supported it proceeding to Gateway Determination to permit consultation with the community and with relevant stage agencies and utility providers.

Should the Planning Proposal receive a favourable Gateway Determination, a further report will be submitted to Council to consider a draft Voluntary Planning Agreement prior to public exhibition.

OUTCOMES COMMITTEE

Meeting Date 11 August 2020

Item Number. 76

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Outcomes Committee - 11 August 2020

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