

Proposal: Proposed demolition of existing commercial building and Construction of an eight (8) storey Mixed Use Building comprising 6 retail tenancies, café, community facility, public works and 119 residential dwellings over 3 levels of basement carpark.

Location: Lot 4 DP 1013056, No. 1 Villawood Place, Villawood

Owner: Wintolly Property Pty Limited

Proponent: Integrated Project Services Pty Limited

Capital Investment Value: \$28,366,245

File No: DA 674.1/2014

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Fairfield City Council

RECOMMENDATION

That the Proposed demolition of an existing commercial building and Construction of an eight (8) storey Mixed Use Building comprising 7 retail tenancies, café, community facility, public works and 119 residential dwellings over 8 levels of basement carpark at No. 1 Villawood Place Villawood **be Approved**, subject to conditions as outlined in Attachment P of this report.

SUPPORTING DOCUMENTS

AT-A	Architectural Plans	Pages 31
AT-B	Stormwater Plans	Pages 12
AT-C	Landscape Plans and Statement	Pages 13
AT-D	Statement of Environmental Effects	Pages 47
AT-E	Clause 4.6 Exception to Development Standard - Building Height	Pages 10
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EXECUTIVE SUMMARY

Council is in receipt of Development No. 674.1/2014 which seeks approval for demolition of an existing commercial building and Construction of an eight (8) storey Mixed Use Building comprising 6 retail tenancies, café, community facility, public works and 119 residential dwellings over 3 levels of basement carpark. The purpose of the application is to redevelop the site as envisaged within Council's Villawood Town Centre Structure Plan 2008.

The application is referred to the Sydney West Joint Regional Planning Panel for consideration pursuant to Schedule 4A of Environmental Planning and Assessment Act 1979 as general development over \$20 million are to be determined by the Joint Regional Planning Panel (JRPP).

The development is a perimeter building that is proposed to be continuously built to the street edge, reinforcing the geometry of the street pattern. The built form and scale of the development appropriately activates the street with active frontages. A total of 119 residential apartments are proposed which comprise of 17 x 1 bedroom units, 90 x 2 bedroom units and 12 x 3 bedroom units. Three (3) vertical cores service the residential component which includes a floor plate of 17 units per level. Residential communal open spaces are provided at the podium level and on the rooftop of the building.

The site is a corner allotment located within the Villawood Town Centre that presently contains a part 1 and part 2 storey commercial building with on-grade car spaces provided at the rear in a stacked parking arrangement. The site is a prominent corner location, located directly opposite the Aldi Supermarket.

In order to provide a continuous shopfront, vehicular access and servicing for the development are proposed from the rear of the site at Kamira Court and an existing Laneway.

The subject site is within the B2 Local Centre zone as stipulated within the Fairfield City Council Local Environmental Plan 2013. The proposal is permissible within the zone, subject to consent.

There is no site specific Development Control Plan for the Villawood Town Centre, though Fairfield City Wide DCP is relevant. Council, however, at its Outcomes Committee meeting dated 10 June 2008 adopted a Structure Plan for Stage 1 of the Villawood Town Centre to allow Council to consider development applications for the Villawood Town Centre for mixed-use tower developments.

The application as originally submitted was not considered to conform with the Adopted Structure Plan and concern was raised in regards to its potential impact to the desired future character of the town centre. The application has subsequently been amended and it is now considered to conform with the Stage 1 of the Villawood Structure Plan and has been amended to provide the required car spaces for the development including commercial car spaces.

During the assessment of the application Council engaged an independent registered architect to conduct a peer review of the assessment of the proposal against the ten design quality principles of SEPP 65. The independent architect concluded that the proposal successfully meets the guiding principles.

In accordance with the Fairfield City-Wide Development Control Plan 2013, the application was notified via written notification to the surrounding and affected owners and occupiers for a period of fourteen (14) days. One (1) submission was received which is from Woodville Alliance who are a community provider that is currently operating from the existing shopping centre. Currently, the community facility has a lease with the owner for 273m² of the current site. The lease also indicates that if the site was to be redeveloped the community facility was to be moved to another location that has a gross floor area 20% larger than the current facility (total of 327.6m²) and once redeveloped was to be moved back to the site. The disagreement between both parties is that the submitted plans indicate the facility is 273m² (which is the same size and similar location as the existing facility) and not the 327.6m² which the objector considers is to be provided given the terms of the lease. In addition to the above, there is currently a restriction on the subject site (with Council as the benefiting party) which requires the provision of a community facility with a floor area of no less than 140m². The applicant has therefore provided the same floor area as the existing facility and above the amount required by the restriction on the site. Given this, it is considered that the objection has been satisfactorily addressed in the submitted documentation, and the exact size of the facility (273m² or 327.6m²) is a private matter between the two (2) private parties involved. Accordingly, leasing arrangement for the site is not a planning matter that can be taken into consideration in the assessment of the application.

The application was referred to Council's Place Manager, Development Engineering Section, Traffic Section, Tree Preservation Officer, Environmental Management Branch, Building Control Branch, Community Health Section, Waste Management Section and Property Assets for comments and/or conditions. The proposal was deemed acceptable and no objection was raised to the proposal subject to conditions of consent. The application was also referred to NSW Police, NSW Transport Sydney Trains and Roads and Maritime Services for comment and no concerns were raised and General Terms of Approval were issued.

The proposed development is consistent with the long term strategic planning for the Villawood Town Centre regarding the built form outcome adopted by Council. In addition, the manner in which the development has been designed would ensure that any re-development of any neighbouring sites including the Department of Housing's land in Kamira Court would not be adversely affected in terms of development potential, visual and acoustic privacy and overshadowing problems.

This report summarises the key issues associated with the development application and provides an assessment of the relevant matters of consideration in accordance with the Environmental Planning and Assessment Act 1979, the Fairfield Local Environmental Plan 2013 and the Fairfield City-Wide Development Control Plan 2013.

A merit assessment of the application indicates that the development appropriately responds to its urban development context, the adopted Stage 1 of the Villawood Structure Plan, the development potential of neighbouring sites and achieves compliance with the ten design quality principles of SEPP 65. As such, the

development would contribute to the desired future character of the Villawood town centre and is likely to set a benchmark for future developments with the centre. The application is, therefore, recommended for Approval subject to conditions of Consent.

SITE DESCRIPTION AND LOCALITY

The land is described as Lot 4 in DP 1013056, No. 1 Villawood Place, Villawood. The subject site is located at the intersection of Villawood Road and Villawood Place which is a gateway into the town centre from Woodville Road, as shown in Figure 1.



Figure 1 Site Location

The subject site is an irregular L shaped allotment that has an overall area of 2324m².

The context for the development is the Villawood Town Centre. The Villawood Town Centre is a Local Business Centre within the Fairfield Local Government Area. It is situated to the north-east of the Fairfield Town Centre. It is bounded by Woodville Road to the east, Villawood Railway Station to the north, Kamira Court to the west and Howatt Street to the south. The centre is presently characterised by one and two-storey commercial developments that include an Aldi Supermarket (an anchor tenant with large expanse of open car park), a fruit shop, a medical centre, a KFC fast-food restaurant, a bottle shop, 2 community centres and various discount retail shops. These buildings are irregular shaped in built form and do not reinforce the geometry of the street pattern.

Access to the town centre is from Woodville Road via Villawood Road, Howatt Street and Kamira Court. The centre is well serviced by public transport in terms of buses and trains.

The town centre is surrounded by residential developments. The area to the immediate west of the town centre is presently a vacant allotment owned by the Department of Housing. Up until recently, the Department of Housing's land in Kamira Court was improved with 3 and 4 storey residential flat buildings and is earmarked for the proposed re-development into a series of 6 and 7-storeys residential apartments, as outlined in a Draft Concept Structure Plan prepared for the Department of Housing. At this stage, however, it is noted that the proposed re-development of the Department of Housing's land has not been finalised by the Department of Housing.

The area to the west of the Department of Housing's land and the land to the south of the town centre is a low scale detached residential area, consisting of single and two-storey detached dwellings. The area to the north of the centre is Villawood Railway Station whilst the properties to the east on the opposite side of Woodville Road contain a series of medium density developments owned by the Department of Housing, within the Local Government Area of Bankstown Council.

The site is almost an L-shaped configuration, having a frontage of 49.15m to Villawood Place, an arc of 27.2m to the corner of Villawood Place and Villawood Road, a frontage of 28.5m to Villawood Road, a side and/or rear boundaries of between 21.1m and 31.4m. The site has a total area of approximately 2324m². It is a relatively flat site and does not contain any vegetation, except street trees (brush boxes) along the Villawood Place and Villawood Road frontage of the site. Presently erected upon the site is a part 1 and part 2 storey masonry commercial building with tiled roof with 30 car parking spaces at the rear. This building is of no architectural or heritage significance and will be demolished to accommodate the proposed development. It is noted that this building is being used for a number of commercial activities including a community facility.

DEVELOPMENT HISTORY

Relevant approvals are outlined below:

- On 21 January 1999, Council granted a Deferred Commencement for 'Subdivision to create five (5) lots'. The application was deferred subject to construction works of roads. The subdivision was further amended under MA Nos. 76/99 and 50/2000. On 12 May 2000, the Operative Consent was released. The application formalized the subdivision pattern for Villawood Town Centre which included the town centre.
- On 13 March 2000, Council granted Deferred Commencement Development Consent No. 2772/99 for 'Staged Redevelopment of Villawood Town Centre including Supermarket'. The deferred matter related to the registration of the subdivision pattern. This matter was resolved 6th July 2001 and the Consent became Operative. This application included the subject site and approved the existing 2-storey mixed use building on the subject site. The application was

amended under Modification Applications Nos. 185/2001 and 123/2002. Relevant conditions are as follows:

- The approved GFA is 2,805m²;
 - 30 car parking spaces were required to be provided at the rear (15 double spaces in a stacked arrangement).
- On 4 June 2009, Council granted Development Consent No. 1198 /2007 for “Demolition of an existing building and construction of an eight (8) storey mixed-use development with two (2) levels of basement parking comprising, thirteen (13) retail shops, a community facility and eighty – two (82) residential apartments’. The proposal has a similar building envelope as to what was approved under this consent. It appears that the development did not commence and the consent most likely has subsequently lapsed.

PROPOSAL

The application proposes the demolition of existing commercial building and Construction of an eight (8) storey Mixed Use Building comprising 6 retail tenancies, café, community facility, public works and 119 residential dwellings over 3 levels of basement carpark.

Specific details of the proposed development are as follows:

Commercial

The ground floor commercial component will comprise of the following:

- 6 retail tenancies (total GFA 908m²), a café (GFA 112m²) and a community facility (GFA 273m²). The retail spaces actively address both Villawood Place and Villawood Road frontages.
- Loading Dock that can accommodate a Medium Rigid Vehicle
- 3 Residential Lobbies
- Services including Commercial Garbage Room
- The proposed Café will have a seating capacity of 65 seats, maximum of 3 staff and the Hours of Operation are 7:00am – 7:00pm Monday to Saturday and 7:00am – 5:00pm Sundays.
- The proposed Community Facility will operate in a similar manner as the existing facility which provides services in early intervention for mental health and family services. The premises will have a maximum of ten (10) staff within the premises at any one time. There is currently no restriction imposed regarding the hours of operation.

Residential

Levels 1 – 7 will comprise of residential dwellings as follows:

- A total of 119 residential apartments are proposed which comprise of 17 x 1 bedroom units, 90 x 2 bedroom units and 12 x 3 bedroom units.
- Three (3) vertical cores service the residential component with a total of 4 lifts.

- Each floor plate includes 17 units per level.

Basement

3 Levels of Basement are provided for the proposal and includes the following:

- Level 1 will comprise of 54 car parking spaces (3 residential spaces, 30 residential visitor spaces, 18 retail spaces, 3 community spaces and 32 Bicycle spaces), individual storage units and 2 residential garbage rooms.
- Level 2 will comprise of 59 car parking spaces (all of which are residential and include 5 disabled spaces), and individual storage units.
- Level 3 will comprise of 57 car parking (all of which are residential and include 7 disabled spaces) and individual storage units.

A total of 170 spaces have been provided (119 residential spaces, 30 residential visitor spaces, 18 commercial spaces and 3 community spaces).

Open Space

The residential communal open space for the development is provided on the podium level, on the southern side of the building, and on the rooftop of the building. In addition, private balconies are provided for each individual unit.

General

- The proposal has the following building heights:
 - The RL of the Roof is 46.5
 - The RL of the balustrade and sky lights are 47.5
 - The RL of the Lift overrun and shade structure is 49.54

The site has an approximate natural ground level of 20.25 (north boundary, Villawood Place) to 21.73 (southern boundary, Karima Court) and therefore the building height for the majority of the building is approximately 24.77m - 26.25m. The proposal also includes a balustrade, sky lights, lift overruns and a shade structure for the rooftop garden which has a height of 25.77 - 27.25m and 27.81 - 29.29m respectively.

- The proposal has a Gross Floor Area of 11,527.97m².
- Vehicular access to the basement car park is proposed from Kamira Court via a combined entry and exit driveway.

STATUTORY REQUIREMENTS APPLICABLE TO THE SITE

As part of the assessment of the application Council is obligated to take into consideration the relevant provisions of Section 79C of the Environmental Planning and Assessment Act, 1979 and the relevant statutory requirements. These include State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, Fairfield Local Environmental Plan 2013, Structure Plan for Villawood Town Centre and Fairfield City Wide DCP 2013.

1. Fairfield Local Environmental Plan 2013

The subject site is zoned B2 Local Centre under Fairfield LEP 2013. The proposal would be defined as 'shoptop housing', 'commercial premises' and 'community facility'. All of which are permitted within the zone subject to Council consent.

The objectives of the zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for shop top housing that supports local business activity.*

The proposed development is considered to be consistent with the objectives of B2 Local Centre zone, having regard to the nature of the application and the context of the site.

Clause 4.3(2) of the LEP, entitled 'Height of buildings,' states that the height of the building on any land is not to exceed the maximum height of 26m. The proposal has the following building heights:

- The RL of the Roof is 46.5
- The RL of the balustrade and sky lights are 47.5
- The RL of the Lift overrun and shade structure is 49.54

The site has an approximate natural ground level of 20.25 (north boundary, Villawood Place) to 21.73 (southern boundary, Karima Court) and therefore the building height for the majority of the building is approximately 24.77m - 26.25m. The proposal also includes a balustrade, sky lights, lift overruns and a shade structure for the rooftop garden which has a height of 25.77 - 27.25m (balustrade and sky lights) and 27.81 - 29.29m (lift overruns and a shade structure).

Accordingly, the proposal does not strictly comply with the numerical building height control. Notwithstanding the above, Clause 4.6(4) of the LEP, entitled 'Exceptions to development standards' states that Council can grant consent to development that contravenes a development standard if Council is satisfied that compliance with the standard is unreasonable and unnecessary and that the proposed development will be in the public interest.

A variation request accompanied the application that justifies the non-compliance with the maximum height limit by the following:

This additional height is not easily visible from nearby land and will not result in any greater impact or loss of amenity. The need for the additional height arises from the need to have roof access to the communal open space. This has also given rise to the need for upper level planter boxes, rails and shade structures.

The planter boxes and pergola provide a decorative element which also softens the impact of a flat roof and provides a level of visual interest and greenery. It does not include advertising, cannot be converted to floor space and will not

cause significant additional overshadowing. The fire stairs and plant are integrated into the design of the roof elements.

The unique location of this site means that there is minimal impact on other properties. The area is generally flat and no significant views will be interrupted. Solar access is well demonstrated to comply and the lift tower only casts a shadow on the roof top. The site has two (2) street frontages with a car park on the western side. Additional height on this site will not cause any new impact on adjoining properties and the lift-tower is generally not visible from around the site. As detailed in the SEPP 65 Design Verification Statement prepared by Tony Owen Partners submitted in support of this application, the site performs solidly in terms of current urban design standards and amenity requirements.

The proposal responds well to the local urban context and the envisaged future character of the locality. This proposed building is totally within the 26m height limit and the breach is limited to the lift over-run only. Minor breaches by architectural roof features are permissible.

Given the above, it is considered that the application for the variation of the minimum height control is reasonably established that compliance with the standard is unreasonable and unnecessary. It is noted that the majority of the building falls within the building height control except a minor area along the northern boundary and that the other elements on the roof are not readily visible from the public domain. It is considered that the proposed development would unlikely result in an amenity impacts due to the proposed minor breaches, and is consistent with the objectives of the zone and would be in the public interest.

There are no other relevant clauses to the Application in Fairfield LEP 2013.

2. VILLAWOOD TOWN CENTRE STRUCTURE PLAN – STAGE 1

Although Council is in the process of preparing a Development Control Plan for the Villawood Town Centre aimed to increase density and encourage developments to revitalise the town centre, no site specific Development Control Plan has been adopted for the Villawood Town Centre. Council, however, at its Outcomes Committee meeting dated 10 June 2008 adopted the Stage 1 of a Structure Plan for the Villawood Town Centre (Attachment F).

The Structure Plan, which has the same status as a masterplan, establishes Council's vision for the Villawood Town Centre that has been prepared in response to the NSW State Government's Metropolitan Strategy that aims to increase population and density along major transport corridors. The Villawood Town Centre falls into the category of a transport corridor.

Stage 1 of the Villawood Structure Plan outlines the planning framework for the Villawood Town Centre in the absence of a Development Control Plan. It provides guidelines for the re-development of the Villawood Town Centre and sets the parameters to allow for the assessment of development applications for sites within the town centre. It is the only recognised Council planning document that allows the re-development of the Villawood Town Centre to a scale that significantly departs from the existing character of the area of one and storeys.

Whilst it would be ideal had Council formally adopted a Development Control Plan that would enable the subject application to be assessed and determined against, the subject application is already before Council and it cannot be held in abeyance until such time as Council has adopted a DCP, which would take considerable amount of time to prepare, otherwise the application would have to be refused. With this in mind, Council adopted Stage 1 of the Villawood Town Centre Structure Plan as a vehicle to enable Council to consider applications for the Town Centre.

The Villawood Structure Plan contains building envelopes for mixed-used developments of 6 to 8-storeys in height. The building envelopes provide for perimeter buildings to be built to street edges in response to the street patterns. In terms of the site, the Structure Plan allows an 8-storey perimeter building.

It is considered that the proposed development conforms to the Structure Plan – Stage 1 in terms of built form, scale and density.

3. STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development is applicable to the proposed development, as it exceeds three storeys in height and contains more than 4 dwellings. The objective of the SEPP is to improve the quality of residential flat development in NSW through the establishment, inter alia, ten design quality principles that must be taken into consideration in the design and assessment of an application. Pursuant to Clause 31 of SEPP 65, given that the application was lodged prior to the amending of the SEPP in July 2015 (Amendment No. 3), the application is required to be assessed under the previous provisions of the SEPP. Accordingly, the application has been assessed under the ten (10) guiding principles prior to amendment in July 2015.

DESIGN QUALITY PRINCIPLES

The design verification statement submitted in support of the application has demonstrated that the proposed development achieves compliance with the ten design quality principles of SEPP 65. Whilst the proposed development is a major departure from the existing character of the area of 1 and 2 storeys in scale, the development is consistent with the desired future character of the area for the Villawood Town Centre as outlined in the Stage 1 of the Villawood Structure Plan.

During the assessment Council engaged an independent Registered Architect in order to provide a peer review of the proposal against the design quality principles. The independent architect concluded that the proposal successfully and meets the guiding principles. The following provides a summary as to how the proposed development meets the design quality principles of SEPP 65.

Principle 1: Context

The context for the development is the Villawood Town Centre. The Villawood Town Centre is a Local Business Centre that is presently characterised by one and two-storey commercial developments that include an Aldi Supermarket (an anchor tenant with large expanse of open car park), a fruit shop, a medical centre, a KFC fast-food

restaurant, a bottle shop, 2 community centres and various discount retail shops. These buildings are irregular shaped in built form and do not reinforce the geometry of the street pattern.

The site is a corner allotment located within the Villawood Town Centre that presently contains a part 1 and part 2 storey commercial building with on-grade car spaces provided at the rear in a stacked parking arrangement. It is a prominent corner location, located directly opposite the Aldi Supermarket. The rear of the site is a Council car park for the Villawood Town Centre.

Although the existing character of the Villawood Town Centre is low-scale developments, the adopted Stage 1 of the Villawood Structure Plan allows sites within the Villawood Town Centre to be re-developed into mixed-use high rise tower developments. With respect to the site, the allowable building envelope permits up to 8-storey high mixed-use developments, for which the majority of the proposed development conforms to.

The proposed development is considered to satisfactorily address the desired future character of the Villawood Town Centre, as follows:

- The built form of the development responds to the constraints imposed by adjoining properties and the orientation of the site. The development reinforces the street alignment and is consistent with the desired future character of the Villawood Town Centre as outlined the Villawood Town Centre Structure Plan – Stage 1;
- Whilst the southern adjoining 2-storey medical centre between the site and a pedestrian arcade linking Villawood Place with Council car park at the rear of the site would be isolated, the built form of the development does not prevent that site from being re-developed as outlined in the Villawood Structure Plan. The proposed perimeter building would enable neighbouring sites to be re-developed irrespective of their size. In addition, it does not appear as though the owner of the medical centre has any intention in re-developing the site and has raised no objection to the proposal.
- The development ensures satisfactory spatial separation between existing and future developments; and
- The building provides a positive continuous street frontage, which is the desired future character of the Villawood Town Centre.

Principle 2: Scale

The scale of the development is consistent with the development controls outlined in the Villawood Structure Plan (Stage 1) in terms of building envelope and height of 8-storeys. The proposed 8 storey building is considered an appropriate scale for this portion of the Villawood town centre, as the height of the building would be proportional to the width of the street, which would not overwhelm the street.

The height of the building, setbacks together with the orientation of the site would ensure that neighbouring properties' development potential is maintained.

Principle 3: Built Form

The built form of the development is considered an appropriate response to the character of the site. The development provides relative high level of internal amenity to the apartments in that natural cross-flow ventilation and solar access are prevalent in majority of all the apartments.

The proposed built form provides an efficient layout for the site that would ensure that the development not only provides a good internal amenity but also has regard to the development potential of neighbouring sites. That is, neighbouring properties would be capable of similarly re-developed, as the minimum recommended separations between buildings as per The Residential Flat Design Code have been generally provided within the development. In this regard, should neighbouring properties be similarly re-developed, issues of visual/acoustic privacy and overshadowing of one building to another will be to a minimal.

Principle 4: Density

The density of the proposal is in accordance with the Villawood Structure Plan – Stage 1.

Principle 5: Resource, Energy & Water Efficiency

The development is considered to have been designed to make use of natural resources particularly in terms of natural ventilation and solar access. The incorporation of ventilation shafts, sky gardens and sky roofs enables natural ventilation and solar access. Moreover, the roof top garden and the general greening of the building will help reduce cooling and heating costs.

The communal open space proposed on the rooftop allows passive solar access to it and making it an attractive recreation area for the residents.

Principle 6: Landscape

The development has been designed in accordance with the planning controls of the Villawood Structure Plan and as such, landscaping is limited to podium and rooftop area. The circumstances of the site (being CBD context) and the planning controls do not allow the provisions of ground level garden planting normally found in three-storey walk flats. The applicant also seeks public domain works including planting within the road reserve to further beautify the area.

Principle 7: Amenity

It is considered that the amenity provided for the proposed residential apartments is relatively good given that residential apartments receive sufficient cross-ventilation and have northern aspect. The majority of the apartments have a double frontage or skylight that have been provided floor to floor height of 2.7m, which would assist with air-movement within the apartments. There is limited direct overlooking between the

residential apartments given that the windows are either offset from each other or have been carefully located.

Each of the residential apartments is provided with private open space in the form of a balcony, which is consistent with the recommendation of the Rules of Thumb of the Residential Flat Design Code and Council's requirements for residential flat buildings.

Also, the development is unlikely to compromise upon the amenity of adjoining properties when they are re-developed as sufficient spatial separation has been provided from neighbouring sites.

Principle 8: Safety & Security

As the shops have been configured to address the Street, active frontages are provided. The design of the residential apartments is such that they have an outlook onto the laneway and the Streets.

The entrances to the building are to be controlled by security doors and there are no hidden corners away from view. As such, the issue of safety and security is considered satisfactorily addressed by the development. The layout of the development would ensure that the residential apartments overlook the street and public domain.

Principle 9: Social dimensions

The proposed development provides for a mix of one – bedroom, two-bedroom and three-bedroom residential apartments, which is considered to represent a reasonable mix of apartment types that is likely to cater for a diverse range of population, particularly with due regard to the ageing population of Sydney.

Principle 10: Aesthetics

The aesthetics of the building primarily relate to its built form and scale and how the building responds to the environment and context. The building is considered well conceived and satisfactorily reinforces size and nature of the site. The development satisfactorily responds to the orientation of the site and would ensure that neighbouring sites are capable of similarly re-developed. In terms of the appearance of the development, it is considered that the building consists of a balanced composition of built form, modulations, materials and finishes that would contribute to the desired future character of the area.

Pursuant to Clause 30(2) of the SEPP the consent authority is to take into consideration the Residential Flat Design Code. An assessment of the Code is provided in the following table:

RESIDENTIAL FLAT DESIGN CODE		
Standards / Topic	Compliance	Comment
Part 01 – Local Context		
Building Depth 10-18m recommended	Yes	The proposed development has a building depth of approximately 10m - 20m, the depth of individual apartment is within the recommended building depths of 10-18m double frontage or 9m single aspect. The length of the building has been determined by the

RESIDENTIAL FLAT DESIGN CODE		
Standards / Topic	Compliance	Comment
		<p>typography of the area and is considered an appropriate.</p> <p>The depth of the building is a response to the town centre context.</p>
<p>Building Separation up to four storeys/12 metres</p> <ul style="list-style-type: none"> - 12 metres between habitable rooms/balconies - 9 metres between habitable/balconies and non-habitable rooms - 6 metres between non-habitable rooms 	Considered Satisfactory	<p>The zero setbacks on all sides is considered appropriate given the context that it is in a town centre.</p> <p>The Department of Housing has a road that is 9m wide to the West and there is over 20m separation along the north and east which is sufficient.</p> <p>This is not a green field site and the proposed building lines are appropriate in the context of the city centre of Villawood.</p>
Part 02 - Site Design		
<p>Deep Soil Zones</p> <p>Minimum 25% of the open space area should be a deep soil zone, except in urban areas where sites are built out and there is no capacity for water infiltration. In this instance, stormwater treatment measures must be integrated with the design of the residential flat building.</p>	Yes	No deep soil zones are provided. Given that the subject site is located within the middle of the Villawood Town Centre and is consistent with other approvals onsite, this can be accepted. In addition, the application has included planter boxes and sky gardens which will provide some water filtration.
<p>Fences & Walls</p> <p>Provide definition between private and public, improve privacy and contribute positively to the public domain</p>	N/A	No fence is provided nor is it required in this circumstance.
<p>Landscape Design</p> <p>Add value to the quality of live through outlook, privacy and views, habitat for native plants and animals, improve microclimate.</p>	Yes	The landscape design was referred to Council's Tree Preservation and Landscape Officer who supported the submitted plans.
<p>Open Space</p> <p>25 – 30% of the site to be communal open space;</p> <p>Minimum private open spaces areas of 25m², with a dimension of 4m</p>	Yes	<p>Communal open space is provided on the podium 193m² and the roof 1589.7m² therefore total of 1782.7m².</p> <p>Site area is 2343.5m²</p> <p>Therefore 76.1%</p> <p>This arrangement can be accepted and is consistent with the previous approval onsite.</p>
Orientation	Yes	The subject site is constrained in terms of orientation. The proposal provides openings to all elevations (except south) in order to ensure that the development addressed the town centre.
Stormwater Management	Yes	Application referred to Engineers who have accepted the submitted stormwater management of the site.
Safety	Yes	The design of the apartment buildings is considered to

RESIDENTIAL FLAT DESIGN CODE		
Standards / Topic	Compliance	Comment
		be consistent with safer-by-design principles.
Visual Privacy	Yes	The proposal is unlikely to result in privacy impacts to nearby neighbours given the separation of the site to the adjoining lots.
Building Entry	Yes	Mutiple entries are provided into the building.
Pedestrian Access	Yes	Internal access to the building is achieved via the basement level car park as well as ground floor access. Several lobbies are provided for all apartments.
Vehicle Access	Yes	The entry is accessed via a 6 metre driveway off Kamira Court which is considered to be appropriately located away Villawood Place which would have resulted in a break in the continual active frontage.
Part 03 - Building Design		
Apartment Layout Single-aspect apartments to be limited in depth to 8m from a window. Back of a kitchen to be less than 8m from a window. Min apartment sizes: 1 bed – 50m ² 2 bed – 70m ² 3 bed – 95m ²	Yes	The proposal provides a template of 17 units per level. 9 out of the 17 units 53% are double frontage with a cross thru design. Single Aspects have a depth of no more than 8m generally. All units proposed comply with the relevant area requirement. All kitchens have windows or are located within a short distance to a window.
Balconies Provide all apartments with private open space, ensure functional and integrated into the overall architectural form, and allow for casual overlooking and address.	Considered Satisfactory	It is noted that a portion of the balconies are stepped or tapered. This results in some parts of the balcony not providing the full 2m dimension along the entire balcony. Notwithstanding it is important to note that the majority of balconies provide the required depth. In the circumstances of the balconies that do not provide the 2m for the full length of the balcony, it is noted that the provision of outdoor furniture is viable given that the majority of the required area is provided with the 2m depth. It is considered that the balconies provided can provide adequate amenity for the residents.
Ceiling Heights	Yes	Proposal provides ceiling heights of 2.7m with the commercial component 3.6m
Flexibility	Yes	All apartments are accessed via a lift.
Ground Floor Apartments Optimise ground floor apartments with separate entries and access to private open space as a terrace or garden.	Yes	No ground floor apartment have been proposed
Internal Circulation	Yes	17 dwellings per level with 3 lobbies (4 lifts) and therefore each lobby servers no more than 6 dwellings Development considered satisfactory
Storage In addition to kitchen cupboards and bedroom wardrobes,	Considered Satisfactory	50% of the required area for storage is provided within the dwellings, while the remaining 50% is provided for within individual storage units in the basement levels. This is considered an acceptable outcome.

RESIDENTIAL FLAT DESIGN CODE		
Standards / Topic	Compliance	Comment
<p>accessible storage facilities should be provided at the following rate:</p> <p>Studio – 6m³ One-bedroom – 6m³ Two-bedroom – 8m³ Three-bedroom – 10m³</p>		
<p>Acoustic Privacy</p> <p>Ensure high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private open spaces</p>	Yes	It is considered that a sufficient level of Acoustic Privacy is provided for the proposed dwellings.
<p>Daylight Access</p> <p>Living areas and private open spaces of at least 70% of apartments should receive a minimum of 3 hours of direct sunlight between 9am & 3pm in mid-winter. In dense urban areas, a minimum of 2 hours is acceptable.</p> <p>Single aspect apartments with a southerly aspect (SW-SE) to be limited to 10%.</p>	Yes	<p>The Independent architect did not raise concern regarding this matter.</p> <p>83/119 receive at least 3 hours 69.75% (70%) complies</p> <p>7/119 = 6% of single aspect units face south.</p> <p>Complies</p>
<p>Natural ventilation</p> <p>60% of residential units should be naturally cross ventilated.</p> <p>25% of kitchens within a development should have access to natural ventilation.</p>	Yes	<p>83/119 70% Therefore complies</p>
Awning & Signage	Yes	The proposal seeks the construction of an awning along Villawood Road and Place for pedestrian weather protection.
<p>Facades</p> <p>Promotes high quality architecture, ensure facades define and enhance public domain and desired street character, and ensure building elements are integrated into building form and façade design.</p>	Yes	<p>The apartment building employs modern architectural design, the facades are adequately articulated, and it is considered to be a variety of building materials and colours.</p> <p>The design of the buildings is considered to be satisfactory.</p>
<p>Roof Design</p> <p>Contribute to the overall quality of the building, integrate it into the design of the building composition and contextual response</p>	Yes	The modern roof design integrates well into the design of the building.

RESIDENTIAL FLAT DESIGN CODE		
Standards / Topic	Compliance	Comment
Energy Efficiency Reduces the requirement for heating and cooling, reliance on fossil fuels, minimize greenhouse emissions and promote renewable energy initiatives.	Yes	The proposal includes a BASIX certificate
Maintenance	Yes	The building and landscaping is of a design that facilitates future maintenance by a Body Corporate. The applicant has submitted information in regards to the maintenance of the sky gardens.
Waste Management	Yes	A detailed waste management plan has been submitted in support of the application. the plan includes mechanical systems within the basement level in order to provide an efficient system. Council's Waste Management Section have reviewed the submitted plan and support the proposal.

There are no other provisions within SEPP 65 that are relevant to the Application.

4. 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 proposal is considered to be Traffic Generating Development in accordance with Schedule 3 of the SEPP. Accordingly, the application was referred to Roads and Maritime Services (RMS) for review and comment. RMS have provided comment to Council that indicates the proposal is acceptable subject to Conditions of Consent.

5. State Environmental Planning Policy No. 55 Remediation of Land

The proposal has been assessed against State Environmental Planning Policy No. 55 Remediation of Land as the site involves the redevelopment of a potential contaminated site. The applicant has submitted a Preliminary Site Investigation in support of the application. The report concludes that the site is suitable for the proposed development subject to certain recommendations which includes a Detailed Site Investigation and a Remediation/Validation report (if required). This requirement can be imposed as a condition. Council's Environmental Management Branch have reviewed the submitted Preliminary Site Investigation and raised no objection to the findings of the report.

6. Greater Metropolitan Regional Environmental Plan 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.”*

It is considered that the applicant has submitted sufficient information that demonstrates 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.

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

The applicant has submitted a BASIX Certificate in support of the application and in accordance with the provisions of the SEPP.

8. Fairfield City-Wide Development Control Plan 2013

The proposal has been assessed against the controls stipulated within Fairfield City Wide DCP, 2013: Chapter 7 – Residential Flat Buildings. The table below provides a brief assessment summary against the relevant controls within this section of the DCP.

CRITERIA	REQUIRED	PROPOSED	COMPLIES
7.1.1 Development	This chapter applies to residential flat buildings and shop top housing over 2 storeys in height.	Proposal is a 8 storey Mixed Use building.	Yes.
7.1.2 Zones	Residential flat buildings are permitted under Fairfield LEP 2013 in R4 High Density Residential Zone.	The development is for a residential flat building and is permitted within the zone.	Yes
7.1.3 Site requirements for residential flat building development on irregular lots	A residential flat building development proposed on irregular lots will be assessed on its merits and maximum FSR and height controls may not be achieved. The appropriate FSR and height will be assessed taking into consideration the objectives and controls that apply to similar sized regular lots and the opportunities and constraints of the site and the ability of the design to comply with all other existing relevant controls.	Site area - 2324m ² Irregular lot – smallest width is 21.11m Assessment has determined that lot is considered appropriate for the proposed development.	Yes
7.2.1 Heritage	Fairfield LEP 2013 contains issues to be considered in designing a proposal affecting a heritage item.	No heritage item is located on the site. Heritage item (Villawood Station) located about 90m in the vicinity of the site. See Heritage	N/A

		referral below.	
7.2.2 Accessible and flexible units	<p>The application to include a statement on how the development will comply with the provisions of the Disability Discrimination Act, and follow the accessibility standard set out in Australian Standard AS 1428 (parts 1 and 2), as a minimum.</p> <p>1 accessible unit per 10 units to be provided and meet any relevant Australian Standard and BCA requirements relating to wheelchair accessibility.</p> <p>Development proposals are encouraged to investigate the possibility of flexible apartment configurations, which support change in the future.</p>	<p>Accessibility Report submitted with the application.</p> <p>12 of the units are disabled/accessible units.</p>	Yes
7.2.3 Drainage and stormwater detention	<p>A concept plan demonstrating how the development will be drained is required.</p> <p>OSD is required for residential flat buildings.</p>	A drainage concept plans submitted plus the provision of OSD for the development.	Yes
7.2.4 Lifts	Passenger lift access required for 4 storey residential flat building above ground with no basement parking or 3 levels above ground and including basement parking	Lifts are proposed for the development.	Yes
7.3.1 FSR	No applicable FSR control for the site	N/A	N/A
7.3.2 Building Height	Permitted building height is detailed in the building height standards prescribed on the Fairfield LEP Building Height Map.	The maximum building height on the site is 26m (8 storeys). The proposal will have a maximum of 8 storeys and a height of 28.84m.	Considered Satisfactory (see LEP Assessment)
7.3.3 Building Setbacks	<p>Primary setback - 6m</p> <p>Side and rear setbacks: buildings, including balconies, up to 4 storeys/12 metres:</p> <ul style="list-style-type: none"> -12m between habitable rooms/balconies -9m between habitable/balconies and non-habitable rooms -6m between non-habitable rooms 	<p>Zero setback is provided.</p> <p>It is considered that the setback is appropriate given that the site is located within a town Centre.</p>	Considered Satisfactory
7.3.4 Building articulation	<p>Building facades shall:</p> <ul style="list-style-type: none"> i. define a base, middle and top related to the overall proportion of the building by using cornices, a change in materials or building setback; ii. reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation; iii. express the internal layout of the building, for example, vertical bays or its structure, such as party wall- 	<p>The building incorporates appropriately defined base, middle and top.</p> <p>The building does reflect the orientation of the site and sun, with the majority of living spaces facing the North.</p> <p>The front building façade uses balconies and large windows to separate the private from the public and also to create visual depth and shadow to the building design. The design includes rendered block</p>	Yes

	<p>divisions and the variation in floor to floor height, particularly at the lower levels;</p> <p>iv. articulate building entries with awnings, porticos, recesses, blade walls and projecting bays</p> <p>v. use recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the façade;</p> <p>vi. express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height;</p> <p>vii. co-ordinate and integrate building services and utility items, such as drainage pipes; and security grills/screens, ventilation louvers and car park entry doors with overall facade and balcony design.</p>	<p>form features as part of the front building façade to further differentiate private space and public space.</p>	
7.4.1 Ventilation	<p>minimum 60% of residential units should be naturally cross ventilated</p> <p>minimum of 25% of kitchens within a development should have access to natural ventilation</p>	<p>83/119 70% Therefore complies</p> <p>More than 25% of kitchens are naturally ventilated</p>	Yes
7.4.2 Visual Amenity and acoustic privacy	<p>Visual Amenity Design building to minimise direct overlooking of rooms and private open spaces adjacent to apartments. Use detailed site and building design to increase privacy without compromising access to light and air which may include offset windows, recessed balconies and louvers or screen panels to windows and balconies.</p> <p>Acoustic Amenity Development to comply with the noise transmission requirements of the Building Code of Australia 2004.</p> <p>Land uses/activities noise conflicts minimised - In mixed-use developments, the design must minimise the transfer of noise between business and commercial activities and residential development by using measures that will address noise associated with:</p> <p>i Goods and service deliveries as well as waste and garbage disposal and collections, particularly if this is occurring early in the morning or late at night;</p> <p>ii Restaurants and cafes particularly those operating at night or those with</p>	<p>The location of the windows and balconies are considered satisfactory given that they are orientated towards the surrounding road system.</p> <p>The proposal is a Class 2 building under the BCA 2004, and requires to comply with <i>2.4 Options to satisfy the BCA under Sound Insulation in the BCA 2004.</i></p> <p>Commercial is only located on the ground floor with no residential component. The proposed hours of the café are considered unlikely to impact the proposed dwellings.</p>	Considered Satisfactory

	<p>outdoor seating; and</p> <p>iii Extraction fans and air conditioning units.</p>		
7.4.3 Solar access	<p>a) Living rooms and private open space for at least 70% of apartments to receive a minimum 3 hours sunlight between 9am to 3pm in mid winter.</p> <p>b) single aspect apartments with a southerly aspect (SW-SE) be limited to a maximum of 10% of total units proposed</p> <p>c) dwellings must be designed to ensure the windows associated with habitable rooms (living, dining, kitchens) of adjacent housing, and more than 2/3 of their open space, receive at least 3 hours daily of direct sunlight (between 9am and 3pm) in mid winter.</p>	<p>83/119 receive at least 3 hours 69.75% (70%) complies</p> <p>7/119 = 6% of single aspect units face south.</p> <p>Achieves compliance</p> <p>Overshadow is consistent with the previous approval onsite</p>	Yes
7.4.4 Private open space	<p>Each dwelling shall have the following min private open space:</p> <p>- < 85m²: 10m² with 2m minimum horizontal dimension</p> <p>- > 85m²: 15m² with minimum of 2.4 horizontal dimensions.</p> <p>All primary balconies to be no deeper than 4m.</p> <p>Balconies be recessed and partially enclosed, and entirely contained within the building envelopes. Balconies on elevations directly fronting a primary street may extend 1 metre outside the envelope.</p>	<p>It is noted that a portion of the balconies are stepped or tapered. This results in some parts of the balcony not providing the full 2m dimension along the entire balcony. Notwithstanding it is important to note that the majority of balconies provide the required depth. In the circumstances of the balconies that do not provide the 2m for the full length of the balcony, it is noted that the provision of outdoor furniture is viable given that the majority of the required area is provided with the 2m depth. It is considered that the balconies provided can provide adequate amenity for the residents.</p>	Considered Satisfactory
7.4.5 Common open space	<p>Common open space:</p> <ul style="list-style-type: none"> - incorporate a minimum 25% of deep soil zone, - located within a north, north-east orientation. - accessible from all dwellings within the development. - only be accessible from within the site. - be overlooked by living areas. - should ideally be centrally located rather than at the rear or front of a development site - should include features such as seating, shade structures, child play equipment or barbeques to satisfy the recreation needs of all residents. 	<p>Communal open space is provided on the podium 193m² and the roof 1589.7m² therefore total of 1782.7m².</p> <p>Site area is 2343.5m²</p> <p>Therefore 76.1%</p>	Yes
7.4.6 Safety and security	<p>a) All areas in a development be clearly recognisable as either private, common or public space.</p> <p>b) A dwelling with street frontage should have a clear view of the</p>	<p>The development is clear in defining areas which are common, public and private, through the use of materials, doors and changes in level.</p>	Yes

	<p>footpath.</p> <p>c) Wall mounted night lighting in internal and external common area including along all driveways and footpaths must be provided throughout the site.</p>	<p>The proposed development which fronts multiple roads has a clear view of the public domain.</p> <p>Entry into the lobbies are in a controlled manner.</p>	
7.5.1 Car parking	<p>a) Off street parking spaces required:</p> <ul style="list-style-type: none"> - 1 space per dwelling = 119 - 1 visitor space per 4 dwellings = 29.75 <p>b) Dimensions for parking spaces and turning areas to comply with AS/NZ 2890.1;2004.</p>	Please see car parking assessment below	Yes
7.5.2 Vehicle access controls	Driveway design to comply with AS/NZ 2890.1;2004 Parking Facilities – Off-Street Car Parking and the Car Parking Chapter of the City Wide DCP, noting the need to accommodate regular garbage truck movements and delivery/removalist vans.	6m wide driveway proposed for the development, off Kamira Court.	Yes
7.6.1 Waste collection	<p>All residential flat buildings up to and including three (3) storeys shall be provided with bin storage including recycling bins for each dwelling in private areas. Container must not be visible from common or public areas except when out for collection.</p> <p>In cases where bins cannot be stored in private areas, a place near the street frontage is to be purpose designed for bin storage. The bin storage area must be provided in a well ventilated enclosing structure that complements the overall development</p>	The applicant has submitted a waste management plan in support the application. The proposal provides a waste storage room within the basement level and is not visible from the public domain. The storage room is sufficient for one garbage and recycling bin per dwelling given the mechanical carousel system proposed.	Yes
7.6.2 Electricity	<p>a) Internal/on-site power poles must be located at the intersection of the front and side boundaries. They must be black or grey in colour.</p> <p>b) Electrical services must satisfy the requirements of Integral Energy.</p> <p>c) Meter boxes are to be placed in positions acceptable to Integral Energy, but not face the street.</p>	Proposal to comply with the requirements of electricity supplier as consent condition. A substation room is provided onsite and not on Council's footpath.	Yes, provision is made to comply with these requirements.
7.6.3 Water and sewerage	Water and sewerage connections must meet the requirements of Sydney Water	Proposal to comply with the requirements of Sydney as consent condition.	Yes
7.6.4 TV antennas	<p>a) Master TV antennas are to be provided to avoid having many individual antennas.</p> <p>b) The antenna must be located at the rear of the site to reduce visibility from the street.</p>	The proposal does not include TV antennas. Consent condition that 1 master TV antenna be provided for the building.	Yes
7.6.5 Satellite dishes	<p>a) Satellite dishes in residential areas, either for domestic or international broadcasts, must meet the following requirements:</p> <p>Satellite dishes attached to the development must be:</p> <ul style="list-style-type: none"> i less than 900mm in diameter, 	The proposal does not include Satellite dishes, therefore it is not applicable	N/A

	<p>ii of a height that does not exceed the ridge line, and</p> <p>iii located on the rear elevation of the development.</p> <p>Larger satellite dishes that are freestanding and visible from a public place, road or adjoining residents must:</p> <p>i be no greater than 2.5m in diameter.</p> <p>ii have a pole height no greater than 1.8 metres above natural ground level.</p> <p>iii be adequately screened so as to not reflect, cast glare or impact upon surrounding residences.</p> <p>iv located 3 metres from any boundary.</p> <p>v be of a dark colour.</p>		
7.6.6 Telephone	Telephone lines installation must be in accordance with the requirements of Telstra.	This is to be dealt with by virtue of consent conditions to comply with the requirements of Telstra	Yes
7.6.7 Mailbox delivery	A letterbox must be provided in accordance with the requirements of Australia Post	This is to be dealt with by virtue of consent conditions to comply with the requirements of Australia Post.	Yes
7.7.1 Landscape design	<p>Landscaping is to:</p> <p>i. be prepared for the site by a landscape architect or other accredited professional with demonstrated experience.</p> <p>ii. provide a deep soil zone of no less than 25% of the required open space area which adjoins deep soil zones of neighbouring properties where possible</p>	Landscape plan prepared a landscape architect supports the proposal.	Yes
7.7.2 fencing and walls	<p>a) Fence design - Fences adjoining streets are to reflect the materials of the buildings that they front, highlight entrances and incorporate letterboxes, provide people with views to and from street activity, avoid continuous lengths of blank walls, and be softened with landscaping.</p> <p>b) Front fence height - Front fences to a maximum height of 1.2m are desirable, however, front fences may be permitted to a maximum height of 1.8m where noise attenuation or safety require a higher fence.</p> <p>c) Fences in floodways - Fences should not be constructed in floodways. Where this is unavoidable fences are to be constructed of flood compatible and open type materials that will not restrict the flow of flood waters and be resistant to blockage.</p>	No fences are proposed and are not considered appropriate to require in the town Centre context.	Yes

The above compliance table demonstrates that the application is considered satisfactory with the controls stipulated within Fairfield City Wide DCP, 2013: Chapter 7

– Residential Flat Buildings. A detailed assessment of the relevant aspects of the application is provided further within the report.

INTERNAL REFERRALS

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

Building Control Branch	No objection has been raised.
Development Engineering	No objection has been raised.
Environmental Management Branch (EMB)	EMB is satisfied with the information submitted and holds no objections to the proposal, subject to conditions of Consent.
Traffic Section	Traffic Section has reviewed the parking assessment and turning circles and raise no objection to the proposal, subject to conditions.
Place Manager	See discussion below
Tree Preservation Officer	The submitted landscape plan can be supported
Community Health Section	The proposal and the fitout of a café can be supported subject to conditions of Consent.
Waste Management Section	The proposed waste management system can be supported subject to conditions of Consent
Property Assets	The proposed public domain works can be accepted subject to final design which can form a condition of the Consent.

The Place Manager of Fairfield has requested upgrading of the footpath works along the frontage of the site and the provision of lighting to the awning, as follows:

1. 'The proponent upgrades the pedestrian footpath area along the length of the development's front boundary on Villawood Place and Villawood Road out to the back of kerb. Prior to implementation the pavement upgrade works must be approved by Council and reflect the high quality pavement character already in use at the Centre.
2. 'The proponent upgrades the secondary pedestrian footpath area along the rear of the development adjacent to the public carpark out to the back of kerb. Prior to implementation the works must be approved by Council and reflect the character of similar secondary treatments in use at the Centre.
3. The proponent will install under awning lighting along the length of the cantilevered awning of the building frontage in Villawood Place and Villawood Road. The lighting will meet Australian standards and be part of the awning infrastructure.
4. The proponent will erect a protective fence around the existing artworks in the public footpath area at the intersection of Villawood Place and Villawood Road.

All damage to these artworks, as a result of the development works, will be repaired by the proponent to Council's satisfaction.

5. The proponent will take all measures to protect the existing brush box trees in the public footpath area along Villawood Place and Villawood Road. All damage to these existing trees as a result of the development works will be repaired by the proponent to Council's satisfaction.

These requirements have been made into conditions of consent.

EXTERNAL REFERRALS

During the assessment process, comments were sought from a number of external bodies who were considered to have an interest in the proposed development. Detailed below are the comments received from those external bodies.

NSW Transport Sydney Trains

The subject site is located near a Rail way corridor and accordingly, there is potential that future occupants may be affected by the nearby railway corridor. The application was therefore referred to Sydney Trains for comment. No objection was raised subject to the imposition of a condition that an acoustic assessment be undertaken demonstrating compliance with State Guidelines. This can form conditions of Consent.

Roads and Maritime Service (RMS)

The application is required to be referred to Roads and Maritime Services pursuant to State Environmental Planning Policy (Infrastructure) 2007 as the proposal was defined as Traffic Generating Development (Schedule 3 of the SEPP). RMS raised no concerns subject to conditions of Consent.

NSW Police

The application was referred to NSW Police for a crime assessment. NSW Police raise no concerns regarding the proposed development.

PUBLIC NOTIFICATION

The original application was advertised in the local newspaper and notified to neighbouring property owners for a period of 14 days in accordance with Council's Notification Policy. In addition, the amended proposal was also notified to neighbouring property owners for a period of 14 days. One (1) submission was received in response to the public consultation process.

The submission was received from Woodville Alliance who are a community provider that is currently operating from the subject site. Currently, the community facility has a lease with the owner for 273m² of the current site. The lease also indicates that if the site was to be redeveloped the community facility was to be moved to another location that has a gross floor area 20% larger than the current facility (total of 327.6m²) and

once redeveloped was to be moved back to the site. The disagreement between both parties is that the submitted plans indicate the facility is 273m² (which is the same size and similar location as the existing facility) and not the 327.6m² which the objector considers is to be provided given the terms of the lease. In addition to the above, there is currently a restriction on the title of the subject site (with Council as the benefiting party) which requires the provision of a community facility with a floor area of no less than 140m².

The applicant has therefore provided the same floor area as the existing facility and above the amount required by the restriction on the site. Given this, it is considered that the objection has been satisfactorily addressed in the submitted documentation, and the exact size of the facility (273m² or 327.6m²) is a private matter between the two (2) private parties involved. Accordingly, the disagreement is not considered to be a planning matter that can be taken into consideration as part of the assessment of the application.

SECTION 79C CONSIDERATIONS

The proposed development has been assessed and considered having regard to the matters for consideration under Section 79C 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 79C.

(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

Fairfield Local Environmental Plan 2013 is applicable to the proposed development. The subject site is zoned B2 Local Centre under Fairfield LEP 2013 and the proposed development is a permissible use subject to consent by Council.

The proposal is consistent with the objectives of the B2 Local Centre zone as per Fairfield LEP 1994.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development is relevant to the proposed development and the proposed development satisfies the 10 design quality principles of SEPP 65.

(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

There are no draft environmental planning instruments that relate to the site.

(iii) any development control plan

The proposed development has demonstrated general compliance with the requirements of Fairfield City Wide Development Control Plan 2013.

The bulk, scale and density of the development is consistent with the building envelope controls of Stage 1 of the Villawood Town Centre Structure Plan as adopted by Council at its Outcomes Committee meeting in June 2008.

(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

There are no planning agreements that relate to the site.

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

The application was notified in accordance with the Regulations.

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

There are no coastal management plans that relate to this site.

(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

The proposed development is unlikely to result in a detrimental impact upon the locality.

(c) the suitability of the site for the development

The proposed development is considered to be appropriate and suitable development for the site that would make a positive impact to the area.

(d) any submissions made

One (1) submission was received during the notification process. It is considered that the submissions have been satisfactorily resolved by the applicant and can be address via Conditions of Consent.

(e) the public interest

Approval of the application is considered to be in the public interest.

TOWN PLANNING ASSESSMENT

Given that the proposal is consistent with the development controls of the Stage 1 of the Villawood Town Centre Structure Plan and has satisfied the design principles of SEPP 65, the other key planning consideration with the application relates to provisions of private and communal open space, car parking and the community facility.

Communal Open Space

The communal open space for the development is provided in 2 parcels, being on the podium and on the rooftop. The communal open space on the podium level is considered to be less than ideal in that it is situated on the southern side of the building and would not be able to receive direct sunlight due to overshadowing from the building. The desire of Council to ensure that any re-development of the site reflects the geometry of the street pattern combined with the orientation of the site means that the provision of any communal open space on the podium level will be in shade – an unavoidable situation. This is offset by the rooftop communal open space that will receive direct sunlight all day.

By comparison, it is to be noted that under Council's DCP for Fairfield Town Centre, mixed-use development is required to be provided with a communal open space at a rate equivalent to 30% of the site in one continuous parcel at ground or podium level. Also, the communal open space must include a rectangular principal courtyard of 100m² in size with a minimum dimension of 8m and have a northern orientation to promote solar access with no less than 3 hours of direct sunlight between 9am and 3pm in winter available to 50% of the courtyard. Applying this requirement, the proposed development requires a minimum communal open space of 715m².

As submitted, the proposed development provides communal open space at the podium of 193m² and on the rooftop of 1589.7m², which exceeds the requirement of the Fairfield Town Centre DCP.

The desired building envelope outlined in Stage 1 of the Villawood Structure Plan would not allow the required communal open space to be provided in one location at ground level or the podium. Given the circumstances, the provision of a large communal area on the rooftop of the building is acceptable.

Car Parking

Under Chapter 12 of Council's City Wide DCP 2006, new residential developments within Business Zones are required to be provided with a minimum of 1 car parking space per dwelling plus 1 visitor space per 4 dwellings where a development has more than 2 proposed dwellings. In terms of retail shops (outside Cabramatta, Fairfield, Bonnyrigg and Prairiewood), the required car parking spaces is 1 space per 40m² of gross leasable area. Applying these requirements to the proposed development, the residential component of the development, involving 119 residential dwellings, requires

a minimum of 119 car parking spaces and 30 visitor spaces. The retail shop component of the development, involving 908m² of retail floor space, requires 23 car parking spaces.

The existing commercial building at the site, which has a total floor area of 1890m² of ground and first floor space, is provided with 30 car spaces. Based on these figures, the car parking rate for the existing building was provided at a rate of 1 space per 63m² of leasable floor area.

Given that the proposed development is replacing the existing retail/commercial floor space with less floor space, there is an argument that it would be inappropriate to apply the commercial parking rate of Council current DCP. Instead, and in this instance, the parking for the commercial component of the development should and ought to be provided at the same rate for which the existing building was provided. Accordingly, the commercial component of the development would require a minimum of 14 commercial car parking spaces ($908 / 63 = 14.4$).

In terms of the residential component of the development, the car parking rate should be provided based on the current DCP on the basis that this component of the application is a new structure.

Accordingly, the proposed development is required to be provided with 119 residential car spaces, 30 visitor car spaces and 14.4 retail/commercial car spaces.

The proposed development provides a total of 170 spaces comprising 119 residential spaces, 30 residential visitor spaces, 18 commercial spaces and 3 community spaces). This represents a surplus of required car parking spaces to be provided for the development than required.

Community Facility

The terms of the Positive Covenant of DP 1013056 stipulates that any re-development of the burdened lots (subject site) shall include a community facility of not less 140m², the location and design of which to be approved by Council. As submitted, the proposed development provides a ground floor community facility (273m²) at the north-western corner of the building, which satisfies the terms of the positive covenant. In terms of its design and location, whilst the proposed community facility is located away from the principal frontages of the site, being Villawood Place and Villawood Road, it is considered to be in an acceptable location. The fact that its entrance is along Kamira Court ensures, to a degree, an activation of Kamira Court.

Acoustic Treatments

Given that the proposal is in close proximity of the Villawood Railway Station, it is prudent that conditions be imposed upon any consent requiring the applicant to submit an acoustic report prepared by a suitably qualified acoustic consultant in accordance with the Department of Environment and Climate Change's requirements, demonstrating that appropriate noise attenuation measures will be incorporated into the development in order to ensure that railway noise does not affect the amenity of the proposed residential apartments.

SECTION 94 AND SECTION 94A

The application is subject to S94 Contributions given an additional 12 small, 95 medium and 12 large dwellings are proposed. In accordance with Council's S94 Contributions Plan a payment of \$935,901.00 is applicable to the Application.

CONCLUSION

Having regard to the assessment of the application, the proposed development can be summarised as follows:

1. The subject site is zoned B2 Local Centre under Fairfield Local Environmental Plan 2013. The proposed development is a permissible use with the consent of Council under Fairfield LEP 1994.
2. The proposal meets the objectives of B2 Local Centre zone – Local Business Centre objectives under Fairfield LEP 2013. The application provides for development of business activity that is likely to contribute to economic and employment growth within the City of Fairfield as well as providing for residential development that would support the business activities in the Centre.
3. The built form and scale of the proposed development is consistent with the building envelope contained within Stage 1 of the Villawood Town Centre Structure Plan as adopted by Council in 2008.
4. The applicant has satisfactorily demonstrated that the proposed development achieves compliance with the ten design quality principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. The development achieves a quality high-rise development for the Villawood town centre.
5. The proposed development satisfactory address its urban context in a number of manners including:
 - i. Its built form satisfactorily responds to the orientation and constraints of the site and it reinforces the street alignment;
 - ii. The building has been designed having regard to the possibility of other developments occurring on neighbouring sites in that adequate spatial separation has been provided with existing and future development of neighbouring sites;
 - iii. The building reflects the desired future character of the Villawood Town Centre.
 - iv. The internal amenity provided by the development is relatively good resulting is good cross-ventilation and passive solar access to the majority of the apartments.

- v. The building will make a positive contribution to the streetscape and the Fairfield town centre.
6. 1 submission was received during the notification of the proposal. However, the issues of concern to the objectors are considered to be have been resolved by the applicant and can be addressed via Conditions of Consent.

In consideration of the assessment of the application against the relevant planning instruments applicable to the development, the proposed development is consistent with the long term strategic planning for the Villawood Town Centre which was the built form outcome adopted by Council.

The proposed development appropriately responds to its urban development context, the adopted Stage 1 of the Villawood Structure Plan, the development potential of neighbouring sites and achieves compliance with the ten design quality principles of SEPP 65. As such, the development would contribute to the desired future character of the Villawood town centre and is likely to set a benchmark for future developments of the town centre.

Accordingly, it is recommended that the application be approved, subject to conditions outlined in Attachment P of this report.

RECOMMENDATION

1. That the Proposed demolition of existing commercial building and Construction of an eight (8) storey Mixed Use Building comprising 6 retail tenancies, café, community facility, public works and 119 residential dwellings over 3 levels of basement carpark **be Approved**, subject to conditions as outlined in Attachment P of this report.