

## **REASONS FOR REFUSAL**

### **Inconsistent with Draft Villawood DCP 2020**

Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not comply with the Draft Villawood DCP 2020. The proposed development does not comply with Clause 4.2.2 and the maximum building heights. The number of stories exceeds the maximum permitted storeys as identified within the DCP.

### **Development Fails to Demonstrate Design Excellence**

Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate design excellence in accordance with Clause 6.12 of the Fairfield Local Environmental Plan 2013. The proposal fails to exhibit design excellence regarding the building façade colours, building massing, podium car park, signage and artwork and treatment of pocket park.

### **Excessive Height/Bulk/Scale**

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is excessive in height and bulk and scale. The proposal is non-compliant with the built form and massing envisioned in the Draft Villawood DCP 2020 and results in an unacceptable overshadowing to Hilwa Park as well as residential properties adjoining the park to the south.

### **Impact Upon Existing and Future Desired Streetscape**

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not achieve a high quality design and would adversely impact upon the existing and future desired streetscape due to the provision of podium car parking that has not been sleeved.

### **Privacy**

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the development would have an adverse impact on the future neighbouring residents with respect to overlooking and privacy due to the non-compliant ADG separation distance on northern setback on Level 4.

### **Usability of Private Open Spaces**

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the development would have an adverse impact on the usability and accessibility of the private open spaces due to the positioning of the air-conditioning units.

### **Vehicle Access**

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the development would have an adverse impact on traffic and vehicular access due to the positioning of the inward opening door design which can obstruct vehicle access and circulation on the ground floor.

### **Traffic and Pedestrian Access**

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the development would have an adverse impact on traffic and pedestrian access due to insufficient road widths and inappropriate location of pedestrian crossings.

### **Ground Floor Layout**

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the development would have an adverse impact on the usability of the ground floor areas due to the provision of back of house areas on the ground floor and provision of a substation in the corner pocket park.

### **Adverse Social Impact**

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development would have an adverse social impact upon the locality due to the insufficient supply of social housing apartments. The subject application does not provide the 30:70 social to private housing ratio as set out in the Future Directions for Social Housing in NSW (Future Directions).

### **Insufficient Information**

Insufficient information has been submitted to allow Council to carry out a full assessment of the application. In this regard, no response has been received to Council's letters dated 24 October 2022, requesting additional information/amended plans addressing the outstanding landscaping concerns. (Environmental Planning & Assessment Act, 1979, Section 4.16(b)).

### **Public Interest**

Pursuant to the provisions of Section 4.16(1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.