



Revised Statement of Environmental Effects

2 KAMIRA AVENUE
VILLAWOOD

6 APRIL 2022



QUALITY ASSURANCE

PROJECT:	Residential Flat Building
ADDRESS:	2 Kamira Avenue, Villawood
LOT/DP:	Lot 37 in DP202006, Lot 39 in DP202006, Lot 136 in DP16186, Lot 381 in DP1232437 and Lot 382 in DP1232437
COUNCIL:	Fairfield City Council
AUTHOR:	Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
7 May 2021	Draft Issue to Client	Draft	SK	SF
25 June 2021	DA Lodgment Issue	Final	SK/SF	SF
29 July 2021	Final	Final	SF	SF
6 April 2022	Revised	Submission	SF	SF

Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP 64 Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a development application for the Stage 1 development at 2 Kamira Avenue Villawood. This proposal is for the delivery of a portion of the proposed new public park (which will have an area of 3,000m² at the completion of the overall project), new through site links and pedestrian pathways and the construction of a 10 storey residential flat building (Building B).

The site is contained within a parent allotment that is located within the Villawood Town Centre, 2 Kamira Avenue. The parent allotment is described as a large predominantly vacant land parcel. The large irregular shaped allotment has frontages to Villawood Road to the north, Kamira Avenue to the west, Kamira Court to the east and Howatt Street (once it is extended) to the south with a total site area of 16,371m². Part of the site known as 16 Kamira Court and the internal road is land owned by Council.

Due to the scale of the overall proposal, the redevelopment of 2 Kamira Avenue is to be undertaken over three distinct stages:

- Stage 1 Site Area: 5,413m²
- Stage 2 and 3 Site Area: 10,958m².

The overall vision is for the parent allotment to deliver a series of 3 x 8 to 12 storeys buildings (Buildings A, B & C) that is to yield approximately 371 units including social housing units, new roads, public parks, and pedestrian through-site links.

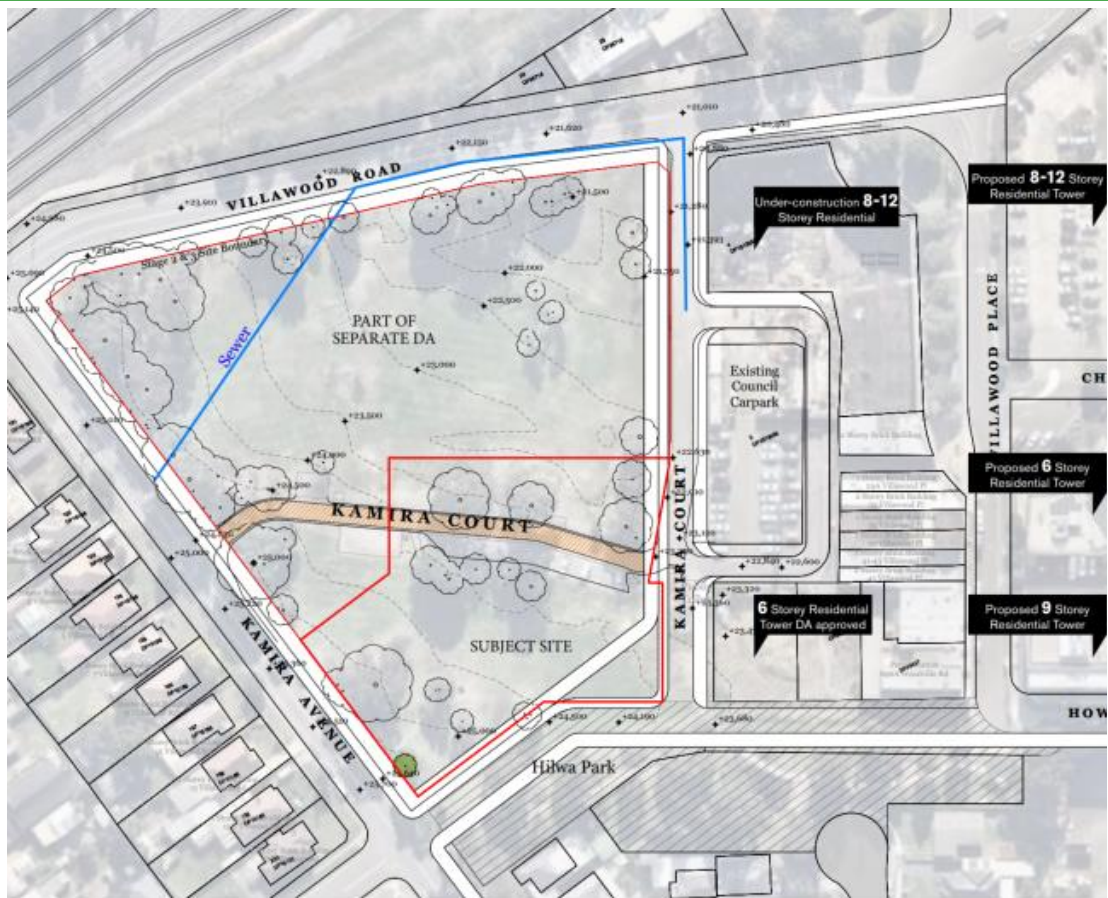
The current application is the first step by the NSW Land and Housing Corporation (LAHC) who is the owner of the site in undertaking substantial redevelopment of the parent allotment. Noting that Traders in Purple are development partners with NSW Land and Housing Corporation for this project.

Building B, the subject of this application, will deliver 112 residential units (including 33 dual key units), 357m² of community use floor space with ancillary cafe, public open space, and a total of 119 car parking spaces. The parking is to be located within a sleeved podium arrangement at the ground, first and second floor.

The site area associated with the Stage 1 development (referred to as the development site) is located towards the southern portion of the parent site with frontages to Kamira Avenue to the west, Stage 2 & 3 to the north, Kamira Court to the east and Howatt Street (once it is extended) to the south with a total site area of 5,413m².

A map extract provided in the following page illustrates the boundaries associated with the Stage 1 redevelopment site within the parent site.

Image 1: Map of Development Site (Source: DKO Architects)



Subject Site

Over the past 20 years Villawood Town Centre has experienced very little redevelopment and investment despite the land being located along a key arterial road network and close to the train station. The existing built form and historical development pattern does not form a strong or distinct character. There are large vacant undeveloped land parcels however there are a number of recent developments which combined with the proposed application is set to provide a steady pipeline of significant investment essential for renewal of the town centre.

The redevelopment of 2 Kamira Avenue, Villawood continues to be consistent with the DCP Masterplan and that the minor changes to the building envelopes are supported by the report commissioned by Council and undertaken by City Plan. A copy of this report is provided with this application for reference.

This development application presents a unique opportunity in the revitalisation of Villawood Town Centre and once completed will increase social and private residential

housing within proximity to services, public transportation, and jobs, while also increasing patronage which will contribute towards boosting the town centre itself.

The key aspects of the current proposal are provided below:

- 357m² for a community facility (information and education facility - library) including 3 x community rooms with an ancillary café
- 112 residential units
- 119 parking spaces
- 1000m² of proposed park.

The parent allotment has remained vacant since the removal of 1960s three storey walk-up public housing flats in 2005 and is also void of any man-made structures except for a road that traverses through the site.

The local topography is relatively flat with the ground surface gently sloping upwards from the south-west to the north-east. The ground surface levels ranging from about RL 22m and RL 26m relative to Australian Height Datum, demonstrating that the site is suitable to accommodate the large scale redevelopment.

The land is within walking distance to existing and anticipated future commercial developments within the Town Centre itself whilst also being within proximity to large industrial precincts, a bulky goods precinct, local schools, childcare facilities, and recreation opportunities, including parks and open spaces within the site itself. The locality is also serviced by public transport including Villawood Train Station which is within a 400m walking radius and local bus stops with services to Liverpool, Fairfield, Parramatta, Bankstown, Chester Hill, and Town Hall within a 600m walking radius from the development site.

The land is zoned R4 High Density Residential under the provisions of the Fairfield Local Environmental Plan 2013 with a maximum permitted FSR of 2.5:1 whilst also being subject to a split height limit of between 27m – 39m. *'Residential Flat Buildings'* and *'Information and Education Facilities'* are permissible with consent with the R4 Zone. The proposed 10 storey residential flat building has been designed to generally comply with key planning requirements including communal open space, deep soil, and landscaping.

The existing land use within the town centre includes a traditional commercial strip comprising of 1 to 2 storey commercial buildings, a free standing Aldi Supermarket, a senior citizen centre, park, a stand-alone fast food outlet and Council owned at-grade commuter parking area. The town centre also includes large vacant sites and two isolated commercial land uses (commercial building and a petrol station) towards its south-eastern edges.

The Villawood Masterplan has been the catalyst for renewal of the town centre with a recently constructed six storey mixed use development located on the corner of Woodville Road and Howatt Street with a second large substantial land parcel within the centre under construction for a mixed use development.

The current proposal will not only permit an orderly redevelopment of an underutilised site but will facilitate and support the redevelopment of Villawood Town Centre. The proposal is also seeking to utilise the site in accordance with the zoning and take advantage of its location within the town centre and proximity to public transport, essential services, schools, and recreational opportunities.

As detailed further in this statement the development concept is consistent with the planning principles applying to the site and represents an efficient use of well-located land. It is concluded that following a review of the relevant planning controls, the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social, or economic impacts, and that the proposal represents an appropriate use of well-located land, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant, and appropriate conditions of consent.

SITE AND LOCALITY DESCRIPTION

A METROPOLIS OF THREE CITIES – THE GREATER SYDNEY REGION PLAN

The Greater Sydney Region Plan sets out a bold vision and strategy for the future of Greater Sydney for the next 40 years. A map extract of the Greater Sydney Structure Plan is provided below.

Image 2: Plan for the Greater Sydney Map Extract (Source: The Greater Sydney Region Plan)



Under the plan, Villawood has been identified as a Local Centre which acts as an important part of local community life as social connectors whilst also providing local employment. In the case of Villawood, it includes public transport which will contribute to the 30 minute city strategy adopted by the Greater Sydney Commission as a centrepiece of its 40-year plan.

The overarching plan aims to create a metropolis of three unique but connected cities: the Western Parkland City, the Central River City, and the Eastern Harbour City and a 30-minute city, which is illustrated by a map extract below.

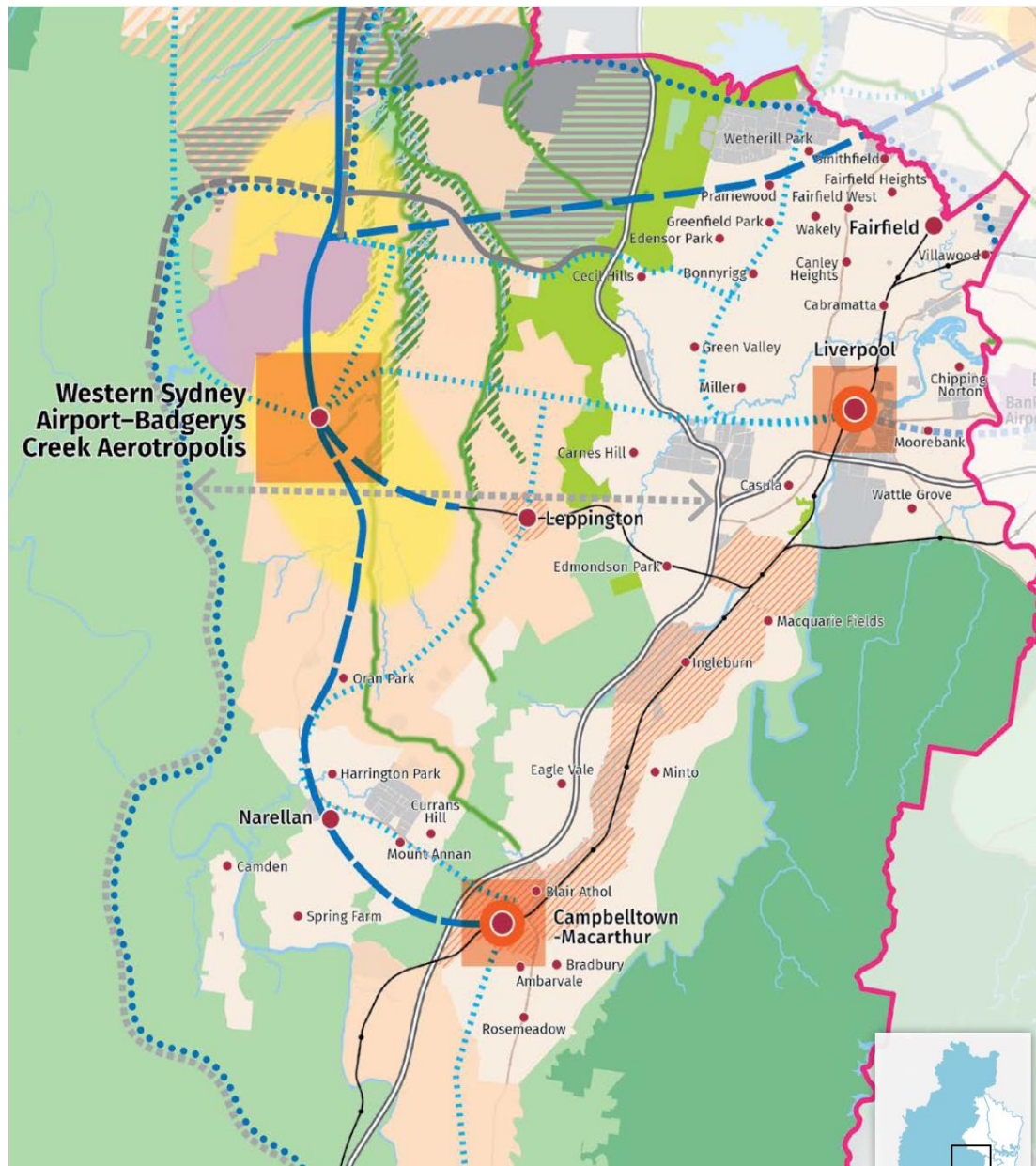
Image 3: Metropolis of Three Cities Map Extract (Source: The Greater Sydney Region Plan)



WESTERN DISTRICT PLAN

The Greater Sydney Region Plan has split the wider metropolitan into 5 districts, with Villawood located within the Western District, as illustrated by the map extract in the following page.

Image 4: Structural Plan for the Western City District Map Extract (Source: The Greater Sydney Region Plan)



Villawood has been identified by the Western City District Plan as a Local Centre.

The Western City District sets targets for infrastructure and community services, including transport, schools, health, and community facilities in-order to achieve the 40-year vision for Greater Sydney. The formulation and eventually adoption of the Villawood Town Centre Development Control Plan 2020 has been undertaken to ensure that Council achieves the District Plan's housing and employment targets.

SITE AND LOCALITY

LEGAL DESCRIPTION

The parent allotment is legally described as part Lot 37 & 39 in DP 202006, Lot 381 & Lot 382 in DP 1232437 and Lot 136 in DP 16186 though more commonly known as 2 Kamira Avenue, Villawood.

PARENT ALLOTMENT

The parent allotment can be best described as a large predominantly vacant, undeveloped land parcel. The large irregular shaped allotment has frontages to Villawood Road to the north, Kamira Avenue to the west, Kamira Court to the east and Howatt Street (once it is extended) to the south with a total site area of 16,371m².

The parent allotment has remained vacant since the removal of 1960s three storey walk-up public housing flats in 2005 and is also void of any man-made structures except for a road that traverses through the site.

The local topography is relatively flat with the ground surface gently sloping upwards from the south-west to the north-east. The ground surface levels ranging from about RL 22m and RL 26m relative to Australian Height Datum, demonstrating that the site is suitable to accommodate the large scale redevelopment.

The overall vision for the parent allotment is to deliver a series of 3 x 8 to 12 storeys buildings (Buildings A, B & C) that is to yield approximately 371 units including social housing units to be accommodated within Building B, new roads, public parks, and pedestrian through-site links.

DEVELOPMENT SITE AND BACKGROUND

The site area associated with the Stage 1 development (referred to as the development site) is located towards the southern portion of the parent allotment with frontages to Kamira Avenue to the west, future Stages 2 & 3 to the north, Kamira Court to the east and Howatt Street (once it is extended) to the south with a total site area of 5,413m² for Stage 1. Part of the site known as 16 Kamira Court and the internal road is land currently owned by Council.

The subject site was originally part of the Communities Plus Program which was tendered to the market in 2018. Traders in Purple were selected as the preferred proponent in mid 2020 and work commenced on preparing this staged masterplan proposal. Part of the site is formed with two parcels of Council owned land including an internal road and 16 Kamira Court. As part of the rezoning strategy for this site and consistent with an urban design strategy to improve connectivity to the existing town centre and permeability, a VPA was contemplated to be entered into arising to land

swap(s) between Council and Land and Housing Corporation. Part of the land swap(s) will also result in 3,000m² of open space park to form part of the development to the benefit of the local community. This VPA has been lodged to Council for consideration.

This provides a brief background about the assembly of this site. Please note that additional details can be supplied if needed during the assessment of this application. This Development Application is stage one of a three stage masterplan development with Stage 2 and 3 Development Applications to be lodged in due course.

A map extract provided below illustrates the boundaries associated with the Stage 1 redevelopment site.

Image 5: Site Plan Map Extract (Source: Land and Housing Corporation Website accessed on 1 May 2021.)



 Subject Site

VILLAWOOD TOWN CENTRE

The parent allotment resides within the Villawood Town Centre associated with the Fairfield Development Control Plan 2013 as illustrated via Council's DCP map extract overleaf. Over the past 20 years Villawood Town Centre has suffered from a lack of redevelopment and investment despite it residing along a key arterial road network and suburban train station.

The existing built form and historical development pattern does not form a strong or distinct character. There are large vacant undeveloped land parcels however there are a number of recent developments which combined with the proposed application is set

to provide a steady pipeline of significant investment essential for renewal of the town centre.

Fairfield City Council commissioned an urban design study for the Villawood Town Centre in 2017 based on the principles set out in the NSW Government South West District Plan. The study identified key urban design, built form and place-making actions to improve the vitality and vibrancy of the Villawood Town Centre.

Image 6: Villawood Town Centre Boundary Map Extract (Source: Villawood DCP 2020)



The Villawood Town Centre Development Control Plan 2020 which came into force on the 5 June 2020 provides the framework for the redevelopment of the Villawood Town Centre, that aims to enhance its commercial viability and housing diversity.

LOCALITY

The parent allotment which resides within the Villawood Town Centre is located on the eastern edge of the Fairfield Local Government Area (LGA).

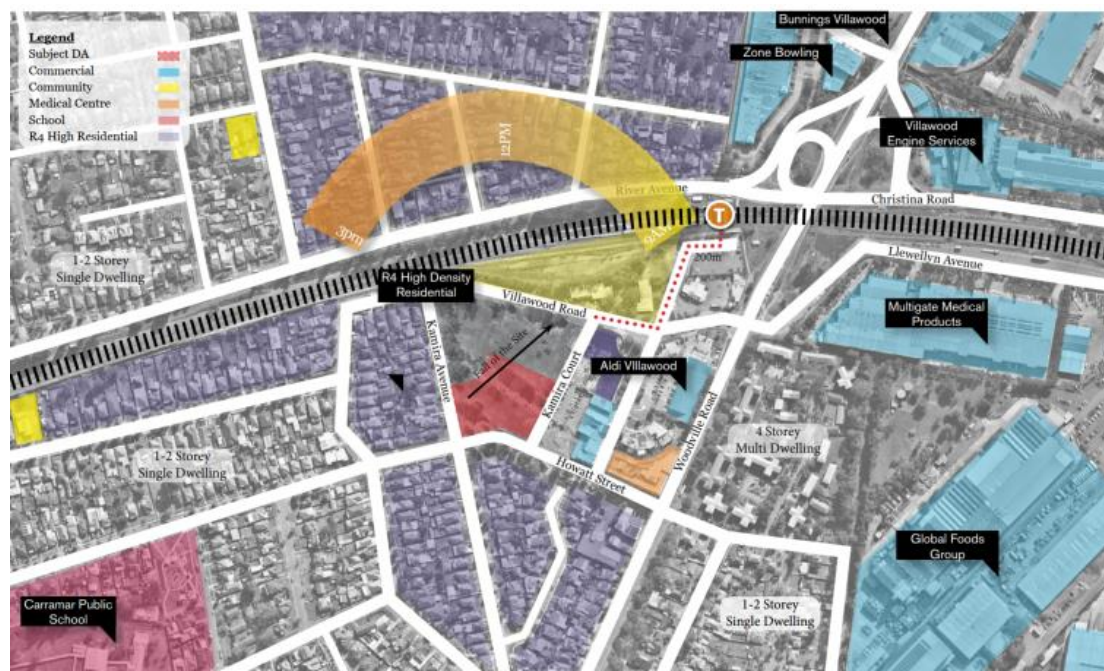
The Villawood Town Centre is also within proximity to significant employment areas, Fairfield East Industrial Area and Villawood/Chester Hill Industrial Area.

The parent allotment is located immediately south of the railway line which runs in an east-west direction, providing direct connection between Villawood, Liverpool, Bankstown, and Sydney CBD. It also provides connection to Parramatta CBD via Lidcombe.

The train corridor includes the Southern Sydney Freight Line. Villawood Town Centre is accessible to the broader road network via The Horsley Drive (A22) providing access to Fairfield City Centre and further afield via Smithfield Road (A28) to the M4 Motorway.

A site context map is provided below showing the site in its broader context.

Image 7: Site Context Map (Extract from DKO Architecture Plans)



Photographs are provided in the following page that illustrate the context of the locality.



Photograph 1: shows the site as viewed from Villawood Road



Photograph 2: Shows the site as viewed from Kamira Court



ZONING

The parent allotment including the development site is zoned R4 High Density Residential under the provision of the Fairfield Local Environmental Plan 2013.

'Residential Flat Buildings' and 'Information and Education Facilities' are permissible with consent within the R4 zone.

The parent allotment has remained vacant and void of man-made structure (except for a road that travels through the site) since the removal of 1960s three storey walk-up public housing flats in 2005 and as such represents an undercapitalisation for valuable land that is not only underutilising its full zoning potential but is inconsistent with the planning framework for the redevelopment of Villawood Town Centre.

HEIGHT PROVISION

The parent allotment including the development site is subject to a split height limit of between 27m – 39m with majority of the parent allotment subject to a height limit of 27m with the eastern portion of the allotment fronting Kamira Court subject to a maximum building height of 39m under the Fairfield Local Environmental Plan 2013.

FSR PROVISION

The parent allotment including the development site is subject to a maximum FSR of 2.5:1 under the Fairfield Local Environmental Plan 2013. There are 32 of the proposed residential units which are provided by Land and Housing Corporation within the proposed development. The remaining 80 units are private residential apartments. There is an applicable FSR bonus under the Affordable Rental Housing SEPP 2009 however with the proposed FSR of 2:1 the proposal is not utilising any relevant applicable bonus.

DESCRIPTION OF PROPOSAL

As part of the Stage 1 development, this Development Application will facilitate the delivery of a new park (will have a site area of 3,000m² at the completion of the overall project), new through site links and pedestrian pathways and the construction of a 10 storey residential flat building (Building B).

The proposal comprises of 112 residential units, non-residential development comprising of 357m² of community use floor space in the form of community facility and public open space within the ground floor with a total of 119 car parking spaces between the ground, first and second floor.

The key aspects of the proposal are provided below:

Non-Residential Use

The development provides 357m² of non-residential use in the form of community facility (library) including 3 x community rooms as well as an ancillary café.

Residential

A total of 112 residential units with the following mix:

- 25 x 1 bedroom unit
- 36 x 2 bedroom unit
- 28 x 2 bedroom dual key unit
- 18 x 3 bedroom unit
- 5 x 3 bedroom dual key unit.

A more detailed breakdown of the unit mix per level is provided in the following page:

Ground Floor:

- 7 residential units with the following mix:
 - 2 x 1 bedroom unit
 - 5 x 2 bedroom dual key unit

Level 1:

- 6 residential units with the following mix:
 - 1 x 1 bedroom unit
 - 1 x 2 bedroom unit
 - 4 x 2 bedroom dual key unit

Level 2:

- 10 residential units with the following mix:
 - 1 x 1 bedroom unit
 - 1 x 2 bedroom unit
 - 8 x 2 bedroom dual key unit

Level 3:

- 13 residential units with the following mix:
 - 2 x 1 bedroom unit
 - 5 x 2 bedroom unit
 - 2 x 2 bedroom dual key unit
 - 3 x 3 bedroom unit
 - 1 x 3 bedroom dual key unit

Levels 4 - 7:

- 14 residential units per level or total 56 residential units with the following mix:
 - 4 x 1 bedroom unit (total 16 units)
 - 5 x 2 bedroom unit (total 30 units)
 - 1 x 2 bedroom dual key unit (total 4 units)
 - 3 x 3 bedroom unit (total 12 units)
 - 1 x 3 bedroom dual key unit (total 4 units)

Level 8:

- 10 residential units with the following mix:
 - 1 x 1 bedroom unit
 - 6 x 2 bedroom unit
 - 2 x 2 bedroom dual key unit
 - 1 x 3 bedroom unit

Level 9:

- 10 residential units with the following mix:
 - 2 x 1 bedroom unit
 - 3 x 2 bedroom unit
 - 3 x 2 bedroom dual key unit
 - 2 x 3 bedroom unit.

Parking

The development proposal includes a total of 119 parking spaces over three levels with the detailed breakdown of spaces proposed in the traffic and parking assessment.

A brief description of the various aspects of the development is provided below:

Level	Inclusions
Ground Floor	<p>Access</p> <p><u>Vehicular</u></p> <p>Vehicular crossover and driveway provided from Howatt Street (which is to be extended as part of this application). Noting the extension forms part of the VPA to be submitted to Council. The internal driveway provides a two way access to the at-grade parking area whilst also providing access to the Level 1 via a graded ramp.</p> <p>The at-grade parking area includes internal circulation areas with turning areas to allow vehicles to enter and exit the parking area in a forward direction.</p> <p><u>Pedestrian</u></p> <p>Direct pedestrian access to the proposed residential flat building is via specific entry points from Kamira Lane, a pathway that run between building B and a new park to the west as well as a footpath that wraps around the building along its frontage to Howatt Street. Refer to attached Architectural Plans for detail.</p> <p>Parking</p> <p>A total of 20 car parking spaces with the following breakdown:</p> <ul style="list-style-type: none"> - 13 x residential car parking spaces including 5 accessible car parking spaces; and - 7 x visitor car parking spaces including an accessible car parking space. <p>Residential</p> <p>7 residential units with the following mix:</p> <ul style="list-style-type: none"> • 2 x 1 bedroom unit • 5 x 2 bedroom dual key unit. <p>The development also provides residential storage areas.</p>

Service

Services provided on the ground floor include:

- Separate bin storeroom and bulky waste room adjacent to the loading dock
- 2 x additional bin storage area
- OSD tank
- Rainwater tank
- Hydrant/sprinkler pump room
- Hydrant and gas cupboard
- Fire control room
- Electrical room
- Communication and electrical rooms

Pad mount substation (external to the building).

1,000m² of communal open space.

2 x lobby area with each lobby area provided with 2 x lifts and stairwells.

Level 1

Access

Vehicular

Graded ramp from the ground floor provides access to parking area within Level 1 with a second internal ramp providing access to the parking area within Level 2.

The parking area include 2 way internal circulation areas with turning areas to allow vehicles to enter and exit the parking area in a forward direction.

Parking

A total of 56 parking spaces including 4 accessible car parking spaces.

Residential

6 residential units with the following mix:

- 1 x 1 bedroom unit
- 1 x 2 bedroom unit
- 4 x 2 bedroom dual key unit

The development also provides residential storage areas.

	<p>Service</p> <p>Services provided within Level 1 include:</p> <ul style="list-style-type: none"> - Comms room - Electrical cupboard - Hydrant and gas cupboard <p>2 x lifts and stairwells.</p>
<p>Level 2</p>	<p>Access</p> <p><u>Vehicular</u> Graded ramp from Level 1 provides access to parking area within Level 2.</p> <p>The parking area include 2 way internal circulation areas with turning areas to allow vehicles to enter and exit the parking area in a forward direction.</p> <p>Parking</p> <p>A total of 45 parking spaces including 5 accessible car parking spaces.</p> <p>Residential</p> <p>10 residential units with the following mix:</p> <ul style="list-style-type: none"> • 1 x 1 bedroom unit • 1 x 2 bedroom unit • 8 x 2 bedroom dual key unit <p>The development also provides residential storage areas.</p> <p>Service</p> <p>Services provided within Level 2 include:</p> <ul style="list-style-type: none"> • Electrical and comms cupboard • Hydrant and gas cupboard <p>2 x lifts and stairwells.</p>
<p>Level 3</p>	<p>Residential</p> <p>13 residential units with the following mix:</p> <ul style="list-style-type: none"> • 2 x 1 bedroom unit • 5 x 2 bedroom unit • 2 x 2 bedroom dual key unit • 3 x 3 bedroom unit

	<ul style="list-style-type: none"> • 1 x 3 bedroom dual key unit
	1,149m ² of communal open space.
	Service Services provided within Level 2 include: <ul style="list-style-type: none"> - Electrical and comms cupboard - Hydrant and gas cupboard
	2 x lobby areas each with 2 x lifts and stairwell.
Levels 4 – 7	Residential 14 residential units per level or total 56 residential units with the following mix: <ul style="list-style-type: none"> • 4 x 1 bedroom unit (total 16 units) • 5 x 2 bedroom unit (total 30 units) • 1 x 2 bedroom dual key unit (total 4 units) • 3 x 3 bedroom unit (total 12 units) • 1 x 3 bedroom dual key unit (total 4 units).
	Service Services provided per level includes: <ul style="list-style-type: none"> - Electrical and comms cupboard - Hydrant and gas cupboard
	2 x lobby area each with 2 x lifts and stairwell per level.
Level 8	Residential 10 residential units with the following mix: <ul style="list-style-type: none"> • 1 x 1 bedroom unit • 6 x 2 bedroom unit • 2 x 2 bedroom dual key unit • 1 x 3 bedroom unit
	218m ² of communal open space.
	Service Services provided per level includes: <ul style="list-style-type: none"> - Electrical and comms cupboard - Hydrant and gas cupboard
	2 x lobby area each with 2 x lifts and stairwell per level.
Level 9	Residential

<p>10 residential units with the following mix:</p> <ul style="list-style-type: none"> • 2 x 1 bedroom unit • 3 x 2 bedroom unit • 3 x 2 bedroom dual key unit • 2 x 3 bedroom unit. 	
<p>Service</p> <p>Services provided per level includes:</p> <ul style="list-style-type: none"> - Electrical and comms cupboard - Hydrant and gas cupboard 	
<p>2 x lobby area each with 2 x lifts and stairwell per level.</p>	
Level 10	Rooftop services and plant.

The relevant architectural plans for the proposal have been prepared by DKO while supporting reports and documents have been prepared by relevant sub consultants dealing with matters such as traffic and parking, noise, drainage, and landscaping.

The proposal also incorporates several ancillary elements, including detailed landscape embellishment works, articulation of the built form, design measures to safeguard and establish privacy and relevant drainage elements as shown on the submitted plans.

The design of the proposed development incorporates contemporary architectural aesthetics that is consistent with residential flat buildings envisioned by SEPP 65 and the associated Apartment Design Guide.

The proposal will not only permit an orderly redevelopment of an underutilised site but will facilitate and support the redevelopment of Villawood Town Centre.

The proposal seeks to utilise the site in accordance with the zoning and take advantage of its location within the town centre and proximity to public transport, essential services, schools, and recreational opportunities. The proposal will play a positive role in increasing additional residential opportunities including social housing within Villawood.

As detailed further in this statement the development concept is consistent with the planning principles applying to the site and represents an efficient use of well-located land.

PRE LODGEMENT MEETING

A Pre lodgement meeting was held with Fairfield Council in February 2021, regarding the proposed residential flat building. These issues are discussed in the table provided below.

Issues Raised	Discussion
11. Inconsistency with DCP 2020 and Masterplan	<p>The development is not seeking to change the masterplan, noting that the current application is consistent with the planning principles established in the Villawood Town Centre Development Control Plan 2020 and confirmed within the City Plan review.</p> <p>A detailed discussion regarding the proposal's consistency with the DCP is provided further within this report.</p>
12. Access and Roads	<p>The development is to facilitate the delivery of an important pedestrian link between Kamira Court to Kamira Avenue (Kamira Lane) as per the masterplan whilst also providing pedestrian links between a planned park and Building B to the west and Howatt Street extension to Kamira Avenue.</p> <p>There is a minor variation to the north-south pedestrian link pathway as per the Masterplan, however the diversion is a result of delivering the 3,000m² park and considering that the proposal will still provide a north-south pathway between Building B and the proposed park, the underlying pedestrian connectivity outcome of the Masterplan will continue to be achieved. Therefore, the minor variation to the pedestrian connectivity is considered acceptable and worth of Council support.</p>
13. East – West Connection	<p>The current application delivers the east-west through pedestrian connection between Kamira Court and Kamira Avenue (via Kamira Lane) that is to be delivered as part of this current application.</p> <p>This ensures consistency with the Villawood Masterplan.</p>
14. Truck Loading Zone	<p>The loading dock has been relocated away from open space area to mitigate potential safety issues, noting that the said loading dock has been designed in such a manner that it will permit all</p>

vehicles to enter and exit the site in a forward direction.

15. Above Ground Car Parking

The above ground car parking areas have been designed to be appropriated into the building itself and provided with appropriate internal circulation areas with turning areas to allow vehicles to enter and exit the parking area in a forward direction.

Furthermore, the parking areas are appropriately screened and sleeved with residential uses in such a manner that it will not be visible from the public domain.

16. Non Retail Uses

It is noted that the parent allotment is currently subject to a Planning Proposal (PP) to permit non-residential development (retail use) within the parent allotment, however it is worth noting that the PP will have no impact to the Stage 1 application. It is also worth noting that the current application is seeking approval for the community use (education and information facility – library) with ancillary cafe which is permissible with consent with the R4 Zone.

17. Land Use Conflict

For ground floor units that front a future park to the west, the private open space area combined with pathway and landscaping will provide adequate buffer between the two land uses. Sufficient privacy is achieved with raised courtyards/apartments above the private open space.

General Planning Matters

19. Compliance to Planning Controls

The development has been designed to be compliant with relevant planning legislation. This is addressed in detail within this report

20. Urban Design Statement

An Urban Design Statement has been prepared and accompanies the current application.

Clause 6.12 (Design Excellence) of the Fairfield Local Environmental Plan 2013 is addressed within this report.

22. Solar Access Diagrams

The proposal has been designed to comply with solar access requirements under the ADG noting that solar access diagrams have been prepared and accompanies the current application.

22. Natural Ventilation

The proposal has been designed to comply with natural ventilation requirements under the ADG.

- | | |
|---------------------------------------|--|
| 23. Traffic and Car Parking Study | A Traffic and Car Parking Study has been prepared and accompanies the current application. |
| 24. Elevation Plans | Attached architectural package which include elevation plans indicate R.L of the roof and spot levels of natural ground. |
| 25. Lifts | Lifts have been provided in accordance with Objective 4F-1 of the ADG. Refer to discussion against the ADG within this report. |
| 26. Deep Soil Zones | Deep soil zones comply with the dimension requirements under the ADG, noting dimensions of all deep soil zones are provided within the attached Landscaping Plans. |
| 27. Internal Floor Area for Each Unit | Attached architectural plans provide internal dimensions and a summary of the internal floor area for each unit. |
| 28. Waste Management Plan | A Waste Management Plan has been prepared and accompanies the current application. Garbage waste chutes system has been incorporated into the overall development. |
| 29. On-Site Manoeuvring | The internal driveways have been designed in a manner that ensures that all vehicles can enter and exit the site in a forward direction. |
| 30. Design Verification Statement | A Design Verification Statement has been prepared and accompanies the current application. |

General Planning Matters

- | | |
|-----------------------------|--|
| 33. Stormwater | A Stormwater Plan has been prepared and accompanies the current application. |
| 35. Council's Drainage Pipe | The current proposal is limited to the construction of a 10 storey building that is part of a staged redevelopment of the overall site, noting that the development will have no impact on existing drainage pipes that traverse the site. |
| 36. Flooding | A Flood Report is not required as it has later been revealed the site is not impacted by flooding. Correspondence from Council relating to this issue is provided with this development application. |
| 37. Car Parking Spaces | All car parking spaces have been designed in accordance with Australian Standard AS2890.1- |

2004, noting that the internal circulation areas permit vehicles to enter and exit the parking area in a forward direction.

The loading area is clearly shown on the attached architectural plans.

Environmental Matters

38. Erosion and Sediment

An Erosion and Sediment Plan has been prepared and accompanies the current application.

39. Preliminary Site Investigation Report

A Preliminary Site Investigation Report and a Detailed Site Investigation Report accompanies the current application.

40. Noise and Vibration

A Noise Impact Assessment has been prepared and accompanies the current application.

41. Building Code of Australia

A Building Code of Australia Report has been prepared and accompanies the current application.

42. Section J Report

A Section J Report (Building Code of Australia) is not required for this proposal.

43. BASIX Certificate

A BASIX Certificate has been prepared and accompanies the current application.

Documentation

The following documentation are provided via DA submission.

- Statement of Environmental Effects
- Full set of Architectural Plans including survey, site plan, elevations and sections.
- Notification Plans
- Landscape Report
- Geotechnical Report
- Urban Design Statement
- Traffic and Parking Report
- BASIX Certificate
- Solar Access Diagrams
- Shadow Diagrams
- Ventilation Diagrams
- BCA Report
- Stormwater Concept Plan
- Waste Management Plan
- Preliminary Site Investigation
- Schedule of External Materials and Finishes
- Access Report
- Erosion and Sediment Control Plan
- Design Verification Statement

The proposed development has been amended in line with Council's comments to satisfactorily address all the key issues raised, and this Statement of Environmental Effects provides detailed justification and context with respect to any outstanding items.

Please refer to the relevant compliance tables below for further discussion.

CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

STATE ENVIRONMENTAL PLANNING POLICY NO.55 - REMEDIATION OF LAND

Clause 7 of SEPP 55 provides:

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A Preliminary Site Investigation was undertaken at the site by Douglas Partners (DP 2008 – Project 45789) and included a limited intrusive investigation and a review of previous investigations. The Preliminary Site Investigation concluded that there was a low likelihood of significant contamination risks to human health or the environment at the site. The Preliminary Site Investigation however did not include groundwater investigation and parts of the current site, including soils beneath Kamira Court, were not included in the investigation.

A Detailed Site (Contamination) Investigation has also been undertaken by Douglas Partners (dated: March 2020 Project 86819.01) found the following:

Based on the results of previous investigations and the results presented in this report, it is considered that there is a low to medium likelihood of significant contamination risks to human health or the environment associated with the site. It is considered that the site can be made suitable from a contamination perspective, for the proposed residential development subject to the recommendation listed within the report'.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The development site is not located on a classified road and as a result it is not necessary to consider the provisions of Clause 102, and 104 of the SEPP.

Clause 104 identifies several types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'.

The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements.

Therefore, concurrence from the RMS is not required. However, a Traffic Report accompanies this application.

STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

The proposed development has a Capital Investment Value greater than \$5million with Land and Housing Corporation as the applicant. The proposal will be referred to the Regional Planning Panel for determination.

STATE ENVIRONMENTAL PLANNING POLICY– (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) was introduced in August 2017. This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The development proposes to undertake redevelopment of a large current vacant land parcel, and an arborist report is provided with this submission which outlines the trees to be removed and those to be protected throughout the development. In total there are 11 trees to be removed.

Where appropriate and as outlined in the arborist report there are existing trees that will be retained with tree protection measures. The subject proposal comprises substantial landscaping work including planting of additional appropriate street trees and landscape verges to be incorporated into a high density residential in accordance with the attached Landscape Plans. The overall outcome for this site is a green and leafy development that will offer the residents highly amenable communal and public landscaped areas to relax and recreate within.

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

The development application is accompanied by a design verification statement by DKO Architects (Registered Architect: David Randerson 8542), verifying that the company has directed and designed the proposal, and that the design quality

principles set out in Part 2 of the SEPP are achieved for the residential flat development.

A description of compliance with the applicable development facets and guidelines such as setbacks, building heights etc. is provided in the local planning controls discussion and tables below.

An assessment against the relevant objectives and design guidelines contained in parts 3 and 4 of the Apartment Design Guide can be found below, noting that a number of these provisions are embodied within the Fairfield Local Environmental Plan 2013 and supporting Fairfield Development Control Plan 2013.

Clause 6A of the amended SEPP states that development control plans cannot be inconsistent with the Apartment Design Guide for the following matters set out in parts 3 and 4 of the guide:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

The SEPP states that if a development control plan contains provisions that specify requirements, standards, or controls in relation to a matter to which clause 6A applies, those provisions are of no effect.

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Part 3 Siting the Development			
3A Site Analysis	Appendix 1 of the ADG	Provided	Yes
3B Orientation	Building to define the street, by facing it and incorporating direct access from the street.	Building B has been designed to address its frontage, with passive surveillance opportunities provided from primary living areas and balconies that overlook a future park to the west, Howatt Street to the south, Kamira Court to the east with proposed community facility on the ground floor to provide direct engagement to Kamira Lane to the north.	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
		Direct access from Howatt Street. (once it is extended), Kamira Court and Kamira Lane is provided to the building ensuring direct access from the street is achieved.	
	Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by >20%	Not applicable to this proposal.	N/A
	4 hours of solar access should be retained to solar collectors on neighbouring buildings.	Adjoining properties do not contain solar collectors.	N/A
3C Public Domain Interface	Terraces, balconies should have direct street entry, where appropriate	Ground floor units fronting a proposed park to the west are to be provided direct access to internal walkway via private open space area. Direct access to the 2 x ground floor units fronting Kamira Court via private open space.	Yes
	Mailboxes should be located in lobbies, perpendicular to the street alignment	Mailboxes are appropriately located.	Yes
	Substation, pump room, garbage storage rooms and other service rooms should be located in the basement carpark or out of view	Garbage storage area is to be enclosed and not visible from the street level. The substation is to be surrounded by landscaping to minimise its impact on the public domain.	Yes
3D Communal and Public Open Space	<u>Design Criteria:</u>		
	Communal open space has a minimum area equal to 25% of the site.	The overall development is proposing to develop a series of building over distinct stages within the parent allotment. With Stage 1 having a site area of 5,413m ² , the current application provides a total of 1,367m ² of communal open space or 25%	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
		within Stage 1 with the following breakdown: - Level 3: 1,149m ² - Level 8: 218m ²	
	50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm <u>Design Criteria:</u>	Complies.	Yes
	Minimum dimension of 3m	The communal open space area has a width > 3m. Complies	Yes
	Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.	Proposal ensures that direct, equitable access in line with relevant Australian Standard is provide to communal open space areas from common circulation areas, entries and lobbies.	Yes
	Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.	Communal open space area is provided within Level 3 and Level 8.	Yes
	Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements: <ul style="list-style-type: none"> • seating for individual or groups • barbecue areas • play equipment or play area. • swimming pools, gyms, tennis courts or common rooms 	Noted.	Yes
	Communal open space and the public domain should be readily visible from habitable room and	The proposed RFB has been designed with the orientation of balconies and windows to maximise passive surveillance to the park on	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
	private open space areas while maintaining privacy.	the ground floor and to the public domain.	
	Public open space should be well connected with public street along at least one edge.	The public open space is well connected. Multiple access points to the site are provided. See attached plans for detail.	Yes
3E Deep Soil Zones	<u>Design Criteria:</u>		
	A deep soil zone equivalent to 7% of the site must be provided.	Stage 1 has a site area of 5,413m ² and as such the current proposal is to provide a total of 545m ² deep soil zone.	Yes
		A total of 545m ² or 10% of the site area is dedicated for deep soil zones.	
	If the site is between 650m ² to 1500m ² then the DSZ must have minimum dimension of 3m. If over 1,500m ² then minimum dimension of 6m	Minimum dimension of 6m.	Yes
3F Visual Privacy			
Building's separation up to 4 storeys (up to 12m)	<u>Design Criteria:</u> 12m between habitable rooms (6m) 6m between non-habitable rooms (3m)	The development site resides within its own island and as such does not bound any other land parcel. The development which is proposing to construct a series of 3 buildings over the parent allotment is to ensure the 3 buildings are to be separated in accordance with the ADG.	Yes
Building separation between 5-8 storeys (up to 35m)	18m between habitable rooms (9m) 9m between non-habitable rooms (4.5m)		
Building separation for building 9 storeys or above	24m between habitable rooms (12m) 12m between non-habitable rooms (6m)		
3G Pedestrian Access and Entries	Buildings entries should be clearly identified, and communal entries should be clearly distinguished from private areas	Multiple entry points to the proposed 10 storey building are provided from pedestrian lobby areas that area clearly identifiable and visible from Howatt Street, Kamira Court, Kamira Lane to the north and internal	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
		pathway that runs along the western side of the building.	
3H Vehicle Access	Car park access should be integrated with the building's overall façade	Vehicle access point to the car parking is integrated with the proposed building's overall façade.	Yes
	Car park entry and access should be located on secondary streets or lanes where available	Noted, vehicular access to the site is to be from Howatt Street via the extension.	Yes
	Adequate separation distance should be provided between vehicle entries and street intersection.	The location of the vehicle driveway is sufficiently separated from the intersection of Howatt Street and Kamira Court.	Yes
	Garbage collection, loading and service areas are screened	Garbage room is enclosed and not visible from the street level.	Yes
	Clear sight lines should be provided at pedestrian and vehicle crossing	Clear sight lines are provided at pedestrian and vehicle crossing to ensure safety of pedestrians.	Yes
3J Carparking	<u>Design Criteria:</u>		
	Carparking for sites within 800m of a railway station or light rail stop can provide parking at the rate of:	Parking rates are provided in accordance with the ARH SEPP 2009 and SEPP 65.	Yes
		The following is provided for the private units:	
	0.4 spaces per 1 bedroom unit.	21 units = 8.4	
	0.7 spaces per 2 bedroom unit.	36 units = 25.2	
	1.2 spaces per 3 bedroom units.	23 units = 27.6	
	1 space per 7 units (visitor parking)	Subtotal residential = 61.2 (61) 80/7 = 11.	
		In the proposal there are 7 parking spots provided for visitors as such there are two spaces in shortfall. In this case the proposal can be supported due to the availability of car parking on adjacent streets.	

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
		Further analysis is provided in the traffic assessment.	
		In total there are 72 residential spaces required which are provided within the development.	
	<u>Design Guidelines:</u>		
	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas	Secure undercover bicycle parking spaces are provided at the ground level and have been located to be easily accessible from future residents.	Yes
Part 4 – Designing the Building			
4A Solar Access	<u>Design Criteria:</u> Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter	For the purpose of calculating solar access all units are to be calculated as individual units especially dual key units resulting in a total of 145 units.	Yes
		A total 107 out of the 145 or 74% of units receive a minimum of 2 hours of solar access at mid-winter. Refer to attached Solar-Access Calculation Plan for detail.	
	A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid-Winter	A maximum of 22 units of 15% of units receive no direct sunlight at mid-winter.	Yes
4B Naturally Ventilation	<u>Design Criteria:</u>		
	60% of units are cross ventilated in a building up to 9 storeys	60% of units are cross ventilated. Refer to attached Cross-Ventilation Calculation Plan for detail.	Yes
	Overall width of cross over or cross through apartments is < 18m	Complies.	Yes
	<u>Design Guidelines:</u>		
	The building should include dual aspect	Development has a mix of dual aspect apartments and corner	Yes

	apartments, cross through apartments and corner apartments and limit apartment depths	apartments. See attached architectural plans for detail.	
4C Ceiling Height	<u>Design Criteria:</u>		
	2.7m for habitable and 2.4m for non-habitable	Complies.	Yes
4D Unit Sizes	<u>Design Criteria:</u>		
1 bed	50m ²	All units comply with the majority of units exceeding, see attached plans for detail. Where additional bathrooms have been provided, unit sizes have been increased by at least 5m ² .	Yes
2 bed	70m ²		
3 bed	90m ²		
+5m² for each unit with more than 1 bathroom			
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10%	Every habitable room is provided with a window.	Yes
Habitable Room Depths	<u>Design Criteria:</u>		
	Limited to 2.5m x Ceiling Heights	Despite the noncompliance with object 4D-2 of the ADG, Figure 4D.3 (within the ADG) indicates that an 8.1m depth (3 x ceiling height) is ok for open plan apartments.	Yes
Bedroom sizes			
Master	10m ²	Complies.	Yes
Normal	9m ²	Complies.	Yes
Living room/dining areas have a minimum width of:			
3.6m	Studio/ 1 br	Complies.	Yes
4m	2br / 3br	Complies.	Yes
Open plan layouts that include a living, dining room and kitchen	8m to a window	Complies.	Yes
4E Private Open Space			
Balcony Sizes			
1 bed	8m ² & 2m depth	Complies.	Yes
2 bed	10m ² & 2m depth	Complies.	Yes

3 bed	12m ² & 2.4m depth	Complies.	Yes
Ground level / podium apartments	15m ² & 3m depth	Complies.	Yes
4F Common circulation and space	<u>Design Criteria:</u>		
Common circulation units per plate	8 – 12 unit per plate	The development provides a total of 4 lifts per plate servicing a maximum 4 units per lift core.	Yes
Corridors > 12m	Are articulated	N/A	N/A
4G Storage	<u>Design Criteria:</u>		
		The proposal provides:	Yes
	1 bed: 6m ³ 2 bed: 8m ³ 3 bed: 10m ³	1 bed: >6m ³ 2 bed: >8m ³ 3 bed: >10m ³	
	Minimum 50% of required storage is within the apartment	This is provided within the parking areas and within the units themselves, and where appropriate a minimum of 50% of storage is provided within each individual unit. The development offers storage space that aligns with the provision of the ADG.	Yes
4H Acoustic Privacy	<u>Design Criteria:</u>		
	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses	Development has provided adequate separation from neighbouring buildings/properties in-line with 3F Visual Privacy – design criteria above.	Yes
	Windows and door openings are generally orientated away from noise source	Where appropriate windows and door openings are orientated away from noise sources.	Yes
	Noisy areas within buildings including building enters and corridors should be located next to or above each other and quieter areas next to or above quieter areas.	The application is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy and takes advantage of the lot orientation. Refer to attached Noise Impact Assessment that	Yes

accompanies this application for detail.			
4K Apartment Mix	<u>Design Guidelines:</u>		
	A variety of apartment types is provided	<p>Dwelling diversity provided with the development providing the following unit mix:</p> <ul style="list-style-type: none"> ○ 25 x 1 bedroom unit; ○ 36 x 2 bedroom unit; ○ 28 x 2 bedroom dual key unit; ○ 18 x 3 bedroom unit; ○ 5 x 3 bedroom dual key unit. <p>The proposed unit mix will offer a variety of housing choices.</p> <p>The proposal is designed with a mix of units to provide a variety of housing choices that responds to market demand, noting that the bedroom numbers and size of units are varied that will provide for a range of sizes to meet the needs of occupants and provides different pricing points for the alternative sizes which will contribute to affordability.</p>	Yes
4M Facades	<u>Design Guidelines:</u>		
	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.	<p>The development proposes a 10 storey building broken up with its massing balanced to minimise excessive bulk and scale. This includes the podium brick base breaks up the bulk/scale together which breaks up the stepped/articulated building form.</p> <p>Furthermore, the range of materials also contribute towards articulation of the building whilst also reducing the overall bulk and mass of the building.</p> <p>The development is provided with facades that are well articulated with a mixture of vertical and horizontal features including windows, projecting walls, recessed balconies</p>	Yes

and framed elements that reduces large expanses of unbroken wall.			
4O Landscape Design			
Site Area			
850m² to 1500m²	1 large tree (12m) or 2 medium trees (8m – 12m) per 90m ² of DSZ	Refer to Landscape Plans.	Yes
4Q Universal Design			
20% of the total apartments	Achieve Liveable Housing Guidelines silver level universal design features	The total number of residential units in the development that achieve silver level is 29 out of 145 which equates to 20%.	Yes
4U Energy efficiency			
		The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit is provided and the BASIX criteria is exceeded.	Yes
4V Water management and conservation			
	<u>Design Guidelines:</u> Reduce mains consumption, and reduce the quantity of stormwater runoff	The residential development has been provided with BASIX certificate indicating energy efficiency for each residential unit is provided and that BASIX criteria is exceeded.	Yes
4W Waste Management			
	<u>Design Guidelines:</u> Supply WMP	Provided.	Yes
	Allocate storage area	Appropriate waste storage areas are provided.	Yes
4X Building Maintenance			
	<u>Design Guidelines:</u> To ensure long life and ease of maintenance for the development	The proposed material is considered durable which may be easily cleaned. The use of masonry on the ground floor will ensure minimal future scaffolding/repainting is required. The upper level façade is to be a combination of prefinished CFC (or similar) and glazing, thus ensuring	Yes

scaffolding of the building for
maintenance will not be required.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING 2009)

State Environmental Planning Policy (Affordable Rental Housing) 2009 was introduced in July 2009 as a response to the ongoing issue of housing affordability within NSW. This section of the Statement addresses the relevant provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

Part 2 New Affordable Rental Housing: Division 1 In-Fill Affordable Housing

Clause 10 – Development to which Division Applies

Clause 10 stipulates that for the development of In-fill affordable housing to be permitted under the SEPP, the development concerned is permitted with consent under another environmental planning instrument and needs to be within an accessible area, which the SEPP identifies as:

- (a) 800m walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- (b) 400m walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400m walking distance of a platform of the light rail station, or
- (c) 400m walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990 that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

The SEPP applies as residential flat buildings are permitted with consent under the Fairfield Local Environmental Plan 2013, and the site is located within a 450m walking distance to Villawood Train Station.

Refer to walking route map extract provided within the following page for detail.

Image 8: Walking Route Map Extract (Source: Google Maps)



Clause 13 – Floor Space Ratio (FSR)

A maximum floor space ratio of 2.5:1 is identified for the site under Fairfield Local Environmental Plan 2013. The proposal seeks approval for an FSR of 2:1 as such there is no requirement to rely on the FSR bonus provisions within the Affordable Rental Housing SEPP.

Clause 14 – Standards that cannot be used to refuse consent

The SEPP prescribed several standards that cannot be used to refuse consent. They are summarised with the table below:

Therefore, the site is located within an ‘accessible area’ and the SEPP applies.

Control	Numerical Requirement	Proposed Development	Complies
Site Area	450m ²	Stage 1 has a site area of 5,413m ²	Yes
Landscaped Area	30% of site area	Stage 1 provides a total of 2,368m ² or 43% of the site as landscaping area. This is achieved with the following: <ul style="list-style-type: none"> Ground floor landscaping – 1,000m² Level 3 - 1,149m² Level 8 – 218m². 	Yes

Solar Access	3 hours to 70% of dwelling between 9am and 3pm at mid-winter	74% of units achieve a minimum of 2 hours of solar access between 9am and 3pm at mid-winter as per the ADG.	Yes compliance is achieved with the 2 hours required by the ADG
Parking	1 Bed: 0.4 spaces 2 Bed: 0.5 spaces 3 Bed: 1 spaces	4 = 1.6. 28 = 14 0 = 0	Yes
Part 2 Division 14(2)		Total needed for the (social) affordable housing is 15.6 (16) which are provided as such the car parking required by the SEPP are provided.	
Dwelling Sizes	1 Bed: >50m ² 2 Bed: >70m ² 3 Bed: >95m ²	Dwelling size is provided in accordance with the ADG.	Yes - ADG

Clause 15 – Design Requirements & Clause 16 – Continued Application of SEPP 65

The proposal involves a residential flat building and therefore the reference to the Seniors Living Policy: Urban Design Guidelines for Infill Development is not relevant to the current proposal.

As noted by Clause 16 the provisions of SEPP 65 continue to apply to the development and the provisions of SEPP 65 are addressed previously in this statement and the accompanying Design Verification Statement prepared by (Registered Architect: David Randerson).

Clause 16A – Character of Local Area

The design ensures compatibility with the local area as outlined in the planning principle established in *Project Venture Development Pty Ltd V Pittwater Council*. Of relevance to the current proposal is the recent decision in *Moscaritolo v Ryde City Council* where Senior Commissioner Brown outlined, in relation to a proposal under the ARH SEPP AT [18] that:

I accept that any assessment of the proposed development against the character of the local area should include an assessment of existing building forms and also the character envisaged by the forms of development contemplated.

Future character is a consideration, noting that Villawood Town Centre has been earmarked for significant redevelopment.

In accordance with the Planning Principle set out in *Project Venture Developments v Pittwater Council (2005) NSW LEC 191* the following tests apply in determining whether development is compatible with surrounding development:

24 Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked:

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the building around it and the character of the street?*

These questions will be dealt with in turn however it is important to note that as set out in the planning principles *'Compatibility is...different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increase, harmony is harder to achieve'*. Therefore, it can be seen that it is not necessary that the development adopt the same built form, scale and appearance as surrounding developments.

In terms of the physical impacts of development the following points are made:

- Development has been designed to minimise excessive shadowing to adjoining properties. This is demonstrated via attached Shadow Diagrams, noting that the majority of the residential dwelling to the south of Hilwa Park is mildly affected or not affected by the shadows that is to be cast by Building B. Furthermore, the Building B will receive appropriate solar access in accordance with the ADG.
- As stated above, with the parent allotment residing within its own development block will not result in privacy impacts to adjoining properties.
- Noise impacts arising from the proposal are limited to traffic movements. Given the location and design of the vehicle entry arrangements, it is not anticipated that the level of noise generated will substantially impact on adjoining properties. Refer to attached Noise Impact Assessment that accompanies this application for detail.
- The development proposal does not result in the constrained development potential of the adjoining properties or impact on any existing view corridors, noting its status as a large site set within its own island and that it is located within a town centre earmarked for substantial redevelopment as per the Villawood Town Centre DCP 2020.

Therefore, it can be seen that the physical impacts of the proposal are acceptable.

The planning principle establishes that the three (3) key elements that define urban character are building height, setbacks, and landscaping. In this regard the following comments are made below:

Height

- The development site is subject to a split height control with the proposed 10 storey residential flat building predominantly complying with the prescribed height control. It is noted that the minor non-compliance is limited to the parapet associated with Level 8 to the 27m height provision, a maximum encroachment of 1800mm. It is noted that the majority of the built form including all habitable areas contained below the maximum permitted height control. Considering the minor nature of the non-compliance is negligible from the street level, will not result in any additional amenity impacts in terms of bulk and mass, overshadowing or privacy and that it is limited to the parapet, the variation is considered appropriate. Refer to Clause 4.6 discussion provided at the end of this statement for detail.

Setbacks

- The development is consistent with setbacks controls within the Villawood Town Centre DCP 2020.
- The proposed building will sit comfortably in the streetscape and establish the setback within the parent allotment which is located within its own island and therefore will have no impact on the setback character for other land parcels within the Villawood Town Centre. The spatial sequencing of the proposed built form is consistent with the setbacks found within higher density zones. Furthermore, the setbacks and separation distances proposed will ensure that the development will not create any adverse amenity, visual or privacy impacts on adjoining properties.

Landscaping

- The landscape concept provides for deep soil and landscape embellishment works in accordance with the Landscape Plans.
- A variety of plant species are proposed including small sized canopy trees, shrubs and hedge plantings, and groundcovers.

3D photomontages are provided in the following page that demonstrates the excellence exhibited by the proposed development that will deliver a high quality urban design outcome on the site and for the broader precinct.



Image 9: 3D Map Extract Perspective 1 (Source: DKO)





Image 10: 3D Map Extract Perspective 2 (Source: DKO)



Based on the foregoing discussion it is considered that the development will exist in harmony with the anticipated future development in the vicinity of the site and as such is worthy of support by Council as the development is compatible with the desired character of the locality.

The current proposal will not only permit an orderly redevelopment of an underutilised site but will facilitate and support the redevelopment of Villawood Town Centre. The proposal is also seeking to utilise the site in accordance with the zoning and take advantage of its location within the town centre and proximity to public transport, essential services, schools, and recreational opportunities. The development concept is consistent with the planning principles applying to the site and represents an efficient use of well-located land.

FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2013

The land including the development site is zoned R4 High Density Residential under the provision of the Fairfield Local Environmental Plan 2013. ‘*Residential Flat Buildings*’ and ‘*Information and Education Facilities*’ are permissible with consent within the R4 zone with the development site permitted maximum FSR of 2.5:1 and subject to a split height limit of between 27m – 39m.

‘*Residential Flat Buildings*’ and ‘*Information and Education Facilities*’ are permissible with consent and the proposal is consistent with the definition contained within the LEP:

residential flat buildings mean a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

The proposal is consistent with the prescribed zone objectives that are stipulated as:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maximise opportunities for increased development on all land by encouraging site amalgamation.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Fairfield Local Environmental Plan 2013 – Compliance Table			
Clause	Controls	Comment	Complies
Zoning	R4 High Density Residential	Residential flat buildings and information and education facilities are permissible with Council consent in the R4 High Density Residential zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R4 High Density zone and will provide additional housing in the	Yes

		<p>catchment of public transport and services whilst contributing to range of housing types to suit the needs of residents within a high-density context.</p> <p>The site as currently vacant is underutilised in terms of its potential.</p> <p>The proposal will not only permit the site to be developed to its full zoning potential but will be consistent with the evolving high-density built form character within the Town Centre.</p>	
2.6	Subdivision – Consent Requirements	No subdivision is proposed as part of this application. This would be addressed via subsequent applications. It is intended that a stratum subdivision will excise the land for the Stage 1 development land.	N/A
2.7	Demolition Requires Consent	There are no structures on the site.	N/A
Part 4 Principal Development Standards			
4.3	Height of Buildings: 27m – 39m	<p>The development site is subject to a split maximum building height control with the majority of the site subject to a maximum building height of 39m and a small portion of the site to the west subject to a maximum building height of 27m under the Fairfield Local Environmental Plan 2013.</p> <p>The majority of the proposed 10 storey building complies with the prescribed height control; however, the proposal does incorporate a minor variation to the building height control. The minor non-compliance is limited to the parapet to Level 8 to the 27m height provision, a maximum encroachment of 1800mm or 28.8m.</p> <p>It is noted that the majority of the building form including all habitable areas are contained below the maximum permitted height control.</p> <p>Considering the minor nature of the non-compliance is negligible from the street level, will not result in any additional amenity impacts in terms of bulk and mass, overshadowing or privacy and that</p>	Clause 4.6 Variation

		<p>it limited to the parapet, the variation is considered appropriate.</p> <p>A variation is sought, and an address of Clause 4.6 is provided within Annexure 1.</p>	
4.4	Floor Space Ratio	<p>A maximum floor space ratio of 2.5:1 is identified for the site under Fairfield Local Environmental Plan 2013. The development proposes a maximum FSR of 2:1.</p> <p>See attached plans for detail. FSR calculations have been undertaken in accordance with Clause 4.5.</p>	Yes
4.6	Exceptions to Development Standards	<p>The proposed development marginally exceeds the height control, and a clause 4.6 departure is submitted. Refer to discussion within Annexure 1.</p>	Yes
Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	<p>The development is not identified as a heritage item nor is it within a heritage conservation area, however there is a local heritage item (Villawood Railway Station group) located within proximity to the development site.</p> <p>It is noted that there is sufficient separation between the development site and the local heritage item with Villawood Road and future planned development to provide buffer that will ensure the heritage curtilage of the local heritage item is maintained.</p> <p>Accordingly, no independent heritage assessment or reporting is considered necessary with the development not subject to any heritage restrictions.</p>	N/A
Part 6 Additional Local provisions			
6.1	Acid Sulfate Soils	<p>The development site is not affected by acid sulfate soils.</p>	N/A
6.2	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>The proposed excavation is limited given above ground parking and that the</p>	Yes

		<p>earthworks are limited to cut/fill and demolition of existing Kamira Court that runs through the site.</p> <p>As such it considered that the proposed excavation will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	
6.3	Flood planning	<p>The parent allotment was identified as being flood prone. However, after consultation with Council it was determined that this initial assessment was deemed to be incorrect and that the site is not affected by flooding.</p> <p>A copy of the relevant correspondence from Council's flood engineers is provided with this development application.</p>	N/A
6.5	Terrestrial biodiversity	The development site is not identified as containing Biodiversity Land under the Fairfield LEP 2013.	N/A
6.6	Riparian land and watercourses	The development site is not identified as containing Riparian Land and Waterways under the Fairfield LEP 2013.	N/A
6.9	Essential services	The parent allotment is well serviced water, sewer and electricity and the required utility clearances will be obtained	Yes

		prior to the issue of the occupation certificate.	
6.10	Active street frontages	<p>Under Council's Active Street Frontage Map, the eastern portion of the parent allotment is to be activated.</p> <p>Where the proposed building is to be sited within the large site is not identified as having to activate the street frontage. However, the development proposes a non-residential use (community facility) on the northern portion of the proposed 10 storey building at the ground floor level which will contribute towards activating Kamira Lane.</p>	Yes
6.12	Design excellence	<p>Building B is considered to exhibit design excellence as demonstrated below:</p> <p>a) The current proposal seeks to set the tone and scale for future residential development with the Villawood Town Centre. This will be achieved by the proposed delivery of the contemporary 10 storey building that will achieve a high standard of architectural design which incorporates physical articulation of the built form and a mixed palette of building materials and finishes.</p> <p>The range of materials will contribute to the articulation of the building and reducing the overall bulk and mass of the building.</p> <p>b) The overall development within the parent allotment which will comprise of 3 buildings will not only set the tone and scale for future development towards the western portion of Villawood Town Centre but will significantly improve the urban character but the amenity of the public domain with high quality walkways and connecting thoroughfares, the introduction of new public spaces and parks and attractive built form that address its frontages.</p> <p>Further, the proposed development is to be appropriately landscaped within a high density residential context and is of a form and style that will positively contribute to</p>	Yes

the cohesiveness and visual appreciation of the streetscape.

c) The proposal will not impact on significant views due to its location and that the proposal is to be of a size and scale that is predominantly consistent with Council controls.

d) (i) The development site has been earmarked via the Villawood Town Centre to undertake substantial redevelopment to deliver additional housing for the locality.

The parent allotment is of sufficient size to accommodate the proposed development.

(ii) The site is currently vacant and represents an undercapitalisation of valuable land situated within a town centre earmarked for substantial redevelopment.

The redevelopment of the parent allotment which will comprise a series of 3 buildings, road works, pedestrian links and parks will ensure that the site is redevelopment in accordance with the Villawood Town Centre DCP 2020.

(iii) As discussed further within this statement, the parent allotment is not burdened by any heritage restrictions.

(iv) The development site resides within the western portion of Villawood Town Centre which has been identified as the residential precinct.

As per the Villawood Town Centre Development Control Plan, the precinct has been earmarked for significant renewal with the current proposal aiming to set the tone and scale for future redevelopment within the Residential Precinct and at the completion will deliver additional housing including social housing, new pedestrian links and new parks which will ensure an orderly redevelopment of the town centre.

As the parent allotment resides within its own island and away from other R4 – B4 zoned land parcels, it will have no amenity impacts to neighbouring land parcels in terms of building separation, establishment of setbacks and amenity, however will contribute towards setting the tone and scale for future residential development within the town centre.

(v) The development proposes a 10 storey building broken up with its massing balanced to minimise excessive bulk and scale. This includes the podium brick base breaks up the bulk/scale together with stepped/articulated building form.

Furthermore, the range of materials also contribute towards articulation of the building whilst also reducing the overall bulk and mass of the building.

The development is provided with facades that are well articulated with a mixture of vertical and horizontal features including windows, projecting walls, recessed balconies and framed elements that reduces large expanses of unbroken wall. Building B will provide a strong interface with its frontages.

(v) The range of materials significantly contribute to the articulation of the building and reducing the overall bulk and mass of the building.

As such the design of the development reflects the transition of the Villawood Town Centre towards higher residential and commercial densities.

(vi) The development will deliver street frontage height that provides appropriate scale and form with a building broken up with appropriate legibility at the street level.

(vii) Development has been designed to minimise excessive shadowing to adjoining properties. This is demonstrated via attached Shadow Diagrams, noting that the majority of the residential dwelling to the south of Hilwa Park is mildly affected or not affected by the shadows

that is to be caused by Building B. Furthermore, the proposed 10 storey residential flat building is to achieve solar access in accordance with the ADG.

Finally, the building will be designed to minimise reflectivity.

(vii) A BASIX Certificate accompanies this application. Furthermore, the development has been designed to exceed the solar access and natural ventilation requirements under the ADG.

(ix) Development will facilitate the delivery of an important pedestrian link between Kamira Court to Kamira Avenue (Kamira Lane) whilst also providing pedestrian links between a planned park and Building B to the west and Howatt Street extension to Kamira Avenue.

(x) & (xi) The design concept gives address to the street frontage and acknowledges the prominence of the site, whilst minimising dominance of the driveway entry.

It is considered that the proposal positively contributes to the public domain and proposes a development that is consistent with the objectives of its zone whilst setting the tone and scale for future development within the residential precinct associated with the Villawood Town Centre.

The proposal will incorporate appropriate finishes and landscaping that will positively contribute to public domain areas and visual appreciation of the development. See attached Architectural and Landscape Plans for detail.

(xii) Development propose appropriate landscape embellishment works in accordance with the Landscape Plans.

FAIRFIELD DEVELOPMENT CONTROL PLAN 2013 – CHAPTER 3: ENVIRONMENTAL MANAGEMENT AND CONSTRAINTS

All relevant Council controls have been considered in the following compliance table.

Fairfield Development Control Plan 2013 – Chapter 3: Environmental Management and Constraints Compliance Table			
Clause	Controls	Comments	Complies
3.2	Preservation of Trees or Vegetation	<p>There is an arborist report provided with this submission which outlines there are 14 trees are to be removed with the remaining trees on the site being retained.</p> <p>The development proposed appropriate landscaping work within high density residential context. Refer to attached Landscape Plan for detail.</p>	Yes
3.5	Flood Risk Assessment	<p>The parent allotment was identified as being flood prone. However, after consultation with Council it was determined that this initial assessment was deemed to be incorrect and that the site is not affected by flooding.</p> <p>A copy of the relevant correspondence from Council's flood engineers is provided with this development application.</p>	N/A
3.6	Land Contamination	<p>A Preliminary Site Investigation was undertaken at the site by Douglas Partners (DP 2008 – Project 45789) and included a limited intrusive investigation and a review of previous investigation. The Preliminary Site Investigation concluded that there was a low likelihood of significant contamination risks to human health or the environment at the site. The Preliminary Site Investigation however did not include groundwater investigation and parts of the current site, including soils beneath Kamira Court, were not included in the investigation.</p> <p>A Detailed Site (Contamination) Investigation has also been undertaken by Douglas Partners (dated: March 2020 Project 86819.01) found the following:</p> <p><i>'Based on the results of previous investigations and the results presented in this report, it is considered that there is a low to medium likelihood of significant contamination risks to human health or the environment associated with the site. It is considered that the site can be made suitable from a contamination perspective,</i></p>	Yes

Clause	Controls	Comments	Complies
		<i>for the proposed residential development subject to the recommendation listed within the report'.</i>	
3.8	Acid Sulfate Soils	The development site is not identified as being affected by Acid Sulfate Soils.	N/A
3.11	Erosion and Sediment Control	<p>Appropriate measures will be undertaken during the construction phase of the development application to ensure that all soil materials will be contained on the site.</p> <p>Appropriate erosion and sediment control measure such as the use of sediment fencing will be undertaken to minimise erosion during the construction phase of the proposal.</p> <p>An Erosion and Sediment Control Plan is attached as part of this application.</p>	N/A
3.12	Heritage Items	<p>The parent allotment is not identified as a heritage item nor is it within a heritage conservation area, however there is a local heritage item (Villawood Railway Station group) located within close proximity to the development site.</p> <p>It is noted that there is sufficient separation between the development site and the local heritage item with Villawood Road and future planned development to provide buffer that will ensure the heritage curtilage of the local heritage item is maintained.</p> <p>Furthermore, the heritage significance of heritage item 103 comes from the heritage building itself rather than the streetscape. Accordingly, no independent heritage assessment or reporting is considered necessary with the development not subject to any heritage restrictions.</p>	N/A

FAIRFIELD DEVELOPMENT CONTROL PLAN 2013 – CHAPTER 7: RESIDENTIAL FLAT BUILDINGS

All relevant Council controls have been considered in the following compliance table.

Fairfield Development Control Plan 2013 – Chapter 7 Residential Flat Buildings Controls Compliance Table			
Clause	Controls	Comments	Complies
Part 2 Objectives and Development Controls			
7.2.1	Heritage	<p>The parent allotment is not identified as a heritage item nor is it within a heritage conservation area, however there is a local heritage item (Villawood Railway Station group) located within proximity to the development site.</p> <p>It is noted that there is sufficient separation between the development site and the local heritage item with Villawood Road and future planned development to provide buffer that will ensure the heritage curtilage of the local heritage item is maintained.</p> <p>Furthermore, the heritage significance of heritage item 103 comes from the heritage building itself rather than the streetscape. Accordingly, no independent heritage assessment or reporting is considered necessary with the development not subject to any heritage restrictions.</p>	N/A
7.2.2	<p>Accessible and Flexible Units</p> <p>DCP requires 1 accessible unit per 10 units</p>	<p>The development provides lifts from the ground floor (a maximum of 4 lifts per level) and delivers equitable access to common areas and communal open space areas.</p> <p>The development provides a total of 15 adaptable units and as such complies with this control. The units designated as adaptable are Units 003, 006, 103, 106, 203, 206, 307, 308, 403, 408, 503, 508, 603, 608, 703 & 708.</p> <p>At DA stage there is insufficient information to certify compliance with the Standard, however, in accordance with the table below, the units can comply with the spatial requirements of AS4299 for Adaptable Housing.</p>	Yes
7.2.3	Drainage and Stormwater Detention	A Stormwater Management Plan has been prepared and accompanies this application.	Yes

Clause	Controls	Comments	Complies
		<p>The proposed development will incorporate Water Sensitive Urban Design principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>Stormwater Quantity Management will be achieved by the use of an onsite stormwater detention tank which will be installed on the ground Level of Building B.</p> <p>This detention tank will mitigate the peak discharge for the development for all rainfall events up to and including the 1% AEP (100yr ARI).</p> <p>Whilst a traditional stormwater quality treatment train is not required, the project will still look to adopt stormwater quality best management practices wherever possible. This could be in the form of rainwater harvesting for reuse for irrigation purposes, directing surface runoff to turfed areas or garden bed areas, with the potential for infiltration where possible.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p>	
7.2.4	Lifts	A total of 4 x lifts provide access to all levels from the ground floor.	Yes
7.3 Built Form			
7.3.1	Floor Space Ratio	Complies, with the proposal providing an FSR of 2:1.	Yes
7.3.2	Building Height	<p>The proposed 10 storey residential flat building has been designed to comply with key planning controls including communal open space, deep soil and landscaping.</p> <p>The proposal incorporates a minor variation to the building height control. The minor non-compliance is limited to the parapet to Level 8 to the 27m height provision, a maximum encroachment of 1800mm or 28.8m.</p> <p>It is noted that the majority of the building form including all habitable areas are contained below the maximum permitted height control. Considering the minor nature of the non-compliance is negligible from the street level, will not result in any additional</p>	Clause 4.6 Variation

Clause	Controls	Comments	Complies
		<p>amenity impacts in terms of bulk and mass, overshadowing or privacy and that it limited to the parapet, the variation is considered appropriate.</p> <p>A variation is sought, and an address of Clause 4.6 is provided within Annexure 1.</p>	
7.3.3	Building Setbacks	Refer to discussion against the Villawood DCP 2020 for detail.	Refer to Villawood DCP 2020
7.3.4	Building Articulation	<p>The proposed residential flat building represents a modern development that has been designed to set the tone and scale for future residential development within the southern portion of Villawood Town Centre.</p> <p>The development proposes a 10 storey building broken up with its massing balanced to minimise excessive bulk and scale. This includes the inclusion of podium brick base breaks up the bulk/scale together with stepped/articulated building form.</p> <p>Furthermore, the range of materials also contribute towards articulation of the building whilst also reducing the overall bulk and mass of the building.</p> <p>The development is provided with facades that are well articulated with a mixture of vertical and horizontal features including windows, projecting walls, recessed balconies and framed elements that reduces large expanses of unbroken wall.</p> <p>The range of materials will significantly contribute to the articulation of the building and will help to reduce the overall bulk and mass of the building.</p> <p>The proposed balconies represent an extension of internal living areas and the development provides an interface with the public domain in a visually prominent location.</p>	Yes
7.4 Amenity			
7.4.1	Ventilation	The development has been designed to comply with the natural ventilation requirements under the ADG with 60% of units achieving natural ventilation.	Yes

Clause	Controls	Comments	Complies
7.4.2	Visual and Acoustic Privacy	7.4.2.1 Visual Amenity Considering the site's status as a large site set within its own island it will not result in privacy impacts to adjoining properties.	Yes
		7.4.2.2 Acoustic Amenity The application is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy. Refer to submitted Noise Impact Assessment for detail.	Yes
7.4.3	Solar Access	The proposal has been designed to reduce the potential for overshadowing of neighbouring properties. Refer to attached shadow diagrams for detail. As per the ADG, 74% of units achieve the minimum 2 hours of solar access at mid-winter.	Yes – ADG
7.4.4	Private Open Space	The proposal provides a minimum of one balcony for each residential unit. Where appropriate, primary balconies are located adjacent to main living areas and comply with the private open space requirements under SEPP 65 to ensure that they are sufficiently sized to cater for the needs of future occupants. The proposed balconies have been designed to ensure that future residents will be provided with high quality private open space areas that are both useable and functional.	Complies – SEPP 65
7.4.5	Common Open Space	Development provides common open space in accordance with the ADG (25%).	Complies – SEPP 65
7.4.6	Safety and Security	The proposed development incorporates an active façade that will permit casual surveillance of the subject site. The proposal incorporates open space and landscaped areas but will contribute to activity and natural surveillance of the area. The community facility on the ground floor will active Kamira Lane. The proposed landscaping is appropriate within a high density residential context when considering	Yes

Clause	Controls	Comments	Complies
		<p>CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal incorporates design elements including clearly defined and controlled access points as well as clearly defined public and private space in order to minimise opportunity for criminal activity.</p> <p>The proposal incorporates built elements and landscaping that clearly distinguished between the public and private domain.</p> <p>Clear entry points are proposed, that are easily read by residents, visitors and passer by alike.</p> <p>It is considered that the proposal does not impact on amenity or the streetscape of the area, but it is in context with development and street presentation of surrounding development.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	
7.5 Car Parking, Loading and Vehicle Access			
7.5.1	Car Parking	<p>Car parking rates discussed in Chapter 12 below, with the development designed to comply with the parking rates under the ARH SEPP 2009 and the SEPP 65 provisions. Refer to attached Traffic Report for detail.</p> <p>Refer to discussion against Chapter 12 of the DCP for more detail.</p>	Refer to Chapter 12.
7.5.2	Vehicle Access Controls	<p>It is considered that the internal vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic within the proposed parking areas.</p> <p>The proposal has been designed to ensure that all vehicles utilising the car parking areas are able to enter and leave the stie in a forward direction.</p> <p>Access ways and car parking spaces are to be appropriately dimensioned in accordance with Council controls and will permit the safe movement and parking of vehicles on site.</p>	Yes

Clause	Controls	Comments	Complies
		The proposed car parking area is considered appropriate and will satisfactorily service the traffic and parking needs of the proposal.	
7.6 Site Servicing			
		Dedicated loading bay within the ground floor is provided.	Yes
		The proposed waste rooms with waste chutes combined with the communal bin storage area at-grade will be located to enable residents to easily deposit waste and recycling items.	
		All appropriate facilities such as mailboxes are to be provided and comply with Council's controls. The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	
7.7 Landscaping			
7.7.1	Landscape Design	Development propose landscape embellishment works that are appropriate within a high density residential context.	Yes
		Refer to attached Landscape Plans for detail.	
7.7.2	Fencing and Walls	No fencing is proposed as part of this application.	N/A
7.8 Miscellaneous			
7.8.1	SEPP 65	Assessment of the relevant provisions under SEPP 65 is provided within this Statement and a Design Verification Statement is also submitted in support of the proposed design concepts.	Yes
7.8.3	BASIX	A BASIX Report has been prepared and is attached as part of this application.	Yes

FAIRFIELD DEVELOPMENT CONTROL PLAN 2013 – CHAPTER 12: CAR PARKING, VEHICLE AND ACCESS MANAGEMENT

All relevant Council controls have been considered in the following compliance table.

Fairfield Development Control Plan 2013 – Chapter 12 Car Parking, Vehicle and Access Management Controls Compliance Table			
Clause	Controls	Comments	Complies
		<p>Parking for the residential component is provided in accordance with the ARH SEPP 2009.</p> <p>The development also proposes a community facility in the form of a library of 328m² and ancillary café.</p> <p>As per the Traffic Impact Assessment that accompanies this application, parking rate specified in the DCP for commercial use has been adopted for the library.</p> <p>The DCP parking rate for commercial premises is:</p> <ul style="list-style-type: none"> - 1 space per 40m² gross leasable area (246/40 = 6) <p>And the parking rate for restaurants and café is:</p> <ul style="list-style-type: none"> - 1 space per 7m² gross leasable area (43/7 = 6) <p>As stated in the traffic report provided with this application, the non residential uses are secondary destinations and as a result no carparking is required for these parts of the development.</p> <p>The development is to deliver a total of 119 car parking spaces. However as per the Traffic Impact Assessment, the proposed library and ancillary café is expected to be used only by the residents of Kamira Court and the visitors of Villawood Town Centre as a secondary destination. Therefore, most of the trips to these non-residential facilities would be walking trips. Also, on-street parking provisions on Howatt Street and Kamira would cater for any vehicular parking, and no on-site parking is to be provided for the library and ancillary café.</p> <p>The DCP prescribes 1 bicycle parking space for every 3 units and 1 motorcycle parking space for every 15 units.</p>	<p>Yes</p> <p>See traffic and parking assessment for further details relating to the non residential component.</p>

Building B is to provide a total of 112 units and as such is to provide 37 bicycle parking spaces and 8 motorbike parking spaces on-site.

The proposal has been designed to ensure that all vehicles utilising the car parking areas are able to enter and leave the site in a forward direction.

Access ways and car parking spaces are to be appropriately dimensioned in accordance with Council controls and will permit the safe movement and parking of vehicles on site. See attached plans for detail.

The proposed car parking area is considered appropriate and will satisfactorily service the traffic and parking needs of the proposal.

VILLAWOOD TOWN CENTRE DEVELOPMENT CONTROL PLAN 2020

All relevant Council controls have been considered in the following compliance table.

The Aims of the Villawood Town Centre Development Control Plan include:

- a. Implement and built upon the aims and objectives of the Villawood Town Centre amendment to Fairfield Local Environmental Plan 2013
- b. Ensure that all development in the town centre implement the aims, objectives and desired built form of the Villawood Town Centre Urban Design Study
- c. Provide guidelines and controls for development within the Villawood Town Centre
- d. Provide a framework for the orderly development of the town centre.
- e. Ensure the future residential development provides for a range of dwelling sizes and affordability.
- f. Ensure economic development and retail/commercial growth in the Town Centre.
- g. Protect and enhance the public domain and open space.

The current proposal is to construct a 10 storey residential flat building that is part of a staged redevelopment of Villawood Town Centre at 2 Kamira Avenue, Villawood.

The development continues to be consistent with the aims of the Development Control Plan as demonstrated below:

- Provide an orderly development within the Villawood Town Centre by facilitating the development of a large site that will not only revitalise the town centre but deliver additional housing opportunity.
- Deliver a range of dwelling size and affordability including the provision of adaptable units and social housing.
- Will support the economic development and retail/commercial growth in the town centre by increase additional patronage by 112 additional units.
- Will protect and enhance the public domain by delivering additional parks and open space.

The proposal is also consistent with the main objectives for the Revitalisation of Villawood Town Centre in that it will:

- Continue to provide additional road and pedestrian thoroughfare that will improve the connectivity and legibility of the town centre.
- Will increase open space land areas and public parks whilst also providing legibility at the street level by delivering a 10 storey building.
- Support mixed use development whilst increasing social and private housing within the town centre.

- Will enhance the commercial viability by increasing additional patronage whilst contributing towards the housing diversity including the delivery of social housing.
- Increase pedestrian movement and connectivity within the town centre with the delivery of pedestrian through-site links.

Further detailed urban design analysis of the high quality outcomes achieved in the current proposal and the overall masterplan are provided in the Urban Design Statement provided with this submission.

The proposal seeks to align with the overall vision for the revitalisation of Villawood as it is commensurate with the key planning principles established under the DCP for the Villawood Town centre Structure Plan as demonstrated below:

- **High Density Residential Block:** The proposal will continue to deliver high density residential blocks. The redevelopment of 2 Kamira Avenue, Villawood continues to be consistent with the DCP Masterplan and that the minor changes to the building envelopes in-order to deliver a substantial public park are supported by Report commissioned by Council and undertaken by City Plan.
- **New Public Open Space:** The reconfiguration of the residential block will permit an expansion of the new public open space and better interface with the north-south pedestrian link from Villawood Road to Howatt Street. As such the redesign and expansion of the of the park will yield a better outcome for the overall site as a whole.
- **Community Uses at Ground Floor:** The development will continue to provide community facility land uses within the ground floor associated with Building B as per the Villawood Town Centre DCP 2020.
- **Retain At-Grade Parking in Existing Location:** The current proposal will facilitate road extension as per the Villawood Town Centre DCP 2020.
- **New Road Connections:** The current proposal will extend Howatt Street.
- **Expansion of Hilwa Park:** The current proposal will have no impact on the expansion of Hilwa Park as per Villawood Town Centre DCP 2020.

Villawood Development Control Plan 2020 Compliance Table			
Clause	Controls	Comments	Complies
4. Development Controls			
4.1	Building Use	<p>1. The development is to provide non-residential land use (community facility) on the ground floor in the form of a community facility and ancillary cafe that will engage with the public realm and address future planned pedestrian street.</p> <p>2. The residential units on the ground floor are to front a park to the west and Kamira Road to the east is provided about the ground level as per the DCP.</p>	Yes
4.2	Building Height	<p>1. Building B complies with the height requirement under the Fairfield LEP 2013.</p> <p>2. Despite the minor reconfiguration with the building envelope associated with Building B, the current application will continue to be consistent with the planning principles established in the Villawood Town Centre Development Control Plan 2020 as confirmed within the City Plan review. Refer to detail discussion against the Villawood DCP 2020 provided above for further detail. It is worth noting that reconfiguration of the building envelope is considered to be less intensive than that proposed by the DCP.</p> <p>In regards to compliance with the height control, the development predominantly compile with the split height controls that applies with minor encroachment to parapet to the 28m height limit. Refer to Clause 4.6 variation within Annexure 1 for more detail.</p>	<p>Yes</p> <p>Variation – On Merit</p>
4.3	Floor Space Ratio	<p>1. A maximum floor space ratio of 2.5:1 is identified for the site under Fairfield Local Environmental Plan 2013. The development proposes a maximum FSR of 2:1.</p> <p>See attached plans for detail. FSR calculations have been undertaken in accordance with Clause 4.5.</p>	Yes
4.4	Minimum Site Area	Not applicable as the minimum site area controls do not apply to the subject site.	N/A

Clause	Controls	Comments	Complies
4.5	Building Depth	a) East-west facing apartments have a maximum depth of 18m from glass line to glass line.	Yes
		b) North-south facing apartment have a maximum depth of 12-18m from glass line to glass line.	Yes
4.6	Building Setbacks	<p>1. Building B is subject to a zero setback to its frontage along Howatt Street, setback to permit adequate road widening of Kamira Court and the remaining parts of the building is to provide setback in accordance with building separation requirements under the ADG.</p> <p>The 10 storey building will be built to boundary along Howatt Street with a 3.6m wide footpath located adjacent as per the DCP. The delivery of the footpath will facilitate pedestrian pathway that will increase movement and connectivity within the site whilst also ensuring access to the residential lobby areas.</p> <p>Sufficient setback is provided to permit road widening of Kamira Court. Finally, Building B has been designed to ensure compliance with the building separation controls under the ADG.</p>	Yes
4.7	Public Domain and Place Making	1. Development will facility the delivery of a new public park (3,000m ² at its completion) that will be larger and more expansive than that required under the Villawood Town Centre Master Plan.	Yes
		2. The new park is to be connected to the town centre via internal open-air pedestrian link that aligns with a planned future east west pedestrian link as per the Villawood Town Centre Structural Plan.	Yes
4.8	Vehicle Access and Car Parking	1. The proposed development will have no impact on the planned road extension as per the Villawood Town Centre Structural Plan.	N/A
		2. Car parking is to be provided on the ground floor and also within Level 1 and Level 2, noting that they will be incorporated into the building itself and as such will not be visible from the street level.	Yes

Clause	Controls	Comments	Complies
		Furthermore, the parking at the ground floor is to be sleeved by both residential and community facility use that will contribute towards activating the site's frontages.	
4.9	Pedestrian Access	The development will increase pedestrian movement and connectivity within the town centre with the delivery of pedestrian through-site links.	Yes
4.10	Treatment of Rear Laneways	Not application to the current proposal.	N/A
4.11	Facades	<p>The development proposes a 10 storey building broken up with its massing balanced to minimise excessive bulk and scale. This includes the inclusion of podium brick base breaks up the bulk/scale together with stepped/articulated building form.</p> <p>Furthermore, the range of materials also contribute towards articulation of the building whilst also reducing the overall bulk and mass of the building.</p> <p>The development is provided with facades that are well articulated with a mixture of vertical and horizontal features including windows, projecting walls, recessed balconies and framed elements that reduces large expanses of unbroken wall.</p> <p>The proposed balconies represent an extension of internal living areas and the development provides an interface with the public domain in a visually prominent location.</p> <p>Building entries have been designed to be clearly defined at the street level.</p> <p>Overall, the proposed facade is considered a quality design outcome that is compatible with other comparable modern RFB within the broader locality.</p>	Yes
4.12	Building Materials	The materials and finishes to be used will be consistent with that existing in the broader locality while also being contemporary in character.	Yes

Clause	Controls	Comments	Complies
		The range of materials will significantly contribute to the articulation of the building and will help to reduce the overall bulk and mass of the building. Refer to attached plans including for detail.	
4.13	Streetscape and Building Design	1. The development will provide community facility land uses within the ground floor associated with Building B that will contributing towards activating the street level as per the Villawood Town Centre DCP 2020. Furthermore, the ground floor residential units fronting Kamira Court and future planned park to the west have been provided above ground level in-order to active the street frontages.	Yes
		A planned internal pedestrian link will connect Villawood Place and Kamira Court as per the Villawood Town Centre DCP 2020. 3. Appropriate awning is to be provide to the community facility.	Yes
4.14	Active Street Frontages	1. Under Council's Active Street Frontage Map, the eastern portion of the parent allotment is to be activated. Where the proposed building is to be sited within the large site is not identified as having to activate the street frontage. However, the development proposes a non-residential use (community facility) on the northern portion of the proposed 10 storey building at the ground floor level which will contribute towards activating Kamira Lane.	Yes
		2. The ground floor residential units fronting Kamira Court have been provided above ground level in-order to active the street frontages.	Yes
4.15	Residential Mix	1. Multiple entry points to the proposed 10 storey building is via pedestrian lobby areas that are clearly identifiable and visible from Howatt Street, Kamira Court, Kamira Lane and internal pathway that runs along the western side of the building.	Yes
		Clear and identifiable entry points are also provided from the carparking areas from the ground floor, Level 1 and Level 2.	Yes

Clause	Controls	Comments	Complies
		<p>2. Pathway and corridors within Building B is to be well illuminated to incorporate directional sign that are easy to read.</p> <p>3. A mix of 1, 2 and 3 bedroom units including dual key units and adaptable units are to be provided on the ground floor to ensure it is easily accessible for elderly people or disable people.</p> <p>Furthermore the accessible entry points and lifts will ensure that the building is accessible.</p> <p>4. The majority of ground floor units are provided with individual entries and private open space.</p> <p>5. Disability Discrimination Act and the Australian Standards AS 1428.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4.16	Awnings	<p>1. The proposed awning has been designed to comply with relevant BCA requirements.</p> <p>2. & 3. Regular maintenance to the proposed awning is to be undertaken. Awning Maintenance Plan can be provided as per conditions of consent.</p> <p>4. The height of the proposed awning is no less than 2.7m high and does not exceed 3.5m in height above the footpath.</p> <p>6. The proposed awning width is less than 350mm.</p> <p>8. The proposed awning is parallel to Kamira Lanet to the immediate north of Building B and is of metal construction.</p> <p>9. Noted.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4.17	Private Open Space	<p>The proposal incorporates appropriate private open space for each dwelling to ensure that future residents will be provided with high quality outdoor areas and amenity.</p> <p>It is noted that private open space is provided in accordance with the ADG. In addition, private open space areas will be of a functional and useable size compliant with ADG controls and will be easily accessible. Please see attached architectural plans for details.</p>	Yes – ADG

Clause	Controls	Comments	Complies
4.18	Communal Open Space	<p>The overall development is proposing to develop a series of 3 residential flat building over distinct stages within the large site.</p> <p>The current application is limited to the construction of a 10 storey building within the south-eastern portion of the site, noting that at the completion of the development, the proposal is to deliver new parks which will ensure future residents have both passive and recreational opportunities.</p> <p>The proposed development is to deliver a total of 1,367m² of communal open space within the proposed 10 storey building comprising of 1,149m² of communal open space within Level 3 and 218m² of communal open space within Level 8.</p> <p>The communal open space will achieve >50% direct sunlight for a minimum of 3 hours between 9am and 3pm at mid-winter. Refer to attached shadow diagrams for detail.</p>	Yes
4.19	Landscaping	<p>1. & 3. A Landscape Plan has been prepared and accompanies the current application.</p> <p>2. The landscape concept provides for deep soil and landscape embellishment works appropriate within a high density residential context. Refer to attached Landscape Plans for detail.</p>	Yes Yes
4.20	Safety and Security	<p>The proposed development incorporates an active façade that will permit casual surveillance of the site frontages, a planned new park to the west and pedestrian street to the north as well as the open space and driveway areas.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing are appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p>	Yes

Clause	Controls	Comments	Complies
		<p>The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain.</p> <p>Clear entry points are proposed, that are easily read by resident, visitor and passer by alike. It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.</p> <p>All materials and finishes are appropriate.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	
5. General Provisions			
5.1	Trading Hours	The current proposal is seeking approval for a 10 storey residential flat building and includes an information and facility (library) as well as ancillary cafe within the ground floor. It is noted that the fit out and operation of the library and ancillary café will be subject to future approvals.	Yes
5.2	Noise Attenuation	A Noise Impact Assessment has been prepared and accompanies this application.	Yes
5.3	Lighting	Appropriate lighting is to be provided in accordance with Council requirements.	Yes
5.4	On-Site Detention	A Stormwater Management Plan has been prepared and accompanies this application.	Yes
5.6	Energy Efficiency	The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided. Furthermore, 74% of units achieve the minimum 2 hours of solar access at mid-winter and 60% of units achieve natural ventilation as per the ADG.	Yes
5.7	Signage	No signage is proposed as part of this application. Signage is to be provided as part of future DAs.	N/A
5.8	Waste Management and Storage	1. Ventilation stacks	Yes

2. Each residential unit is provided with a laundry.	Yes
3. A loading dock within the ground floor is within close proximity to permit the	Yes
4. Service closets, fire hose cupboards, electrical base stations are not visible from the primary street.	Yes
5. Bin storage areas are provided at-grade and designed to not be visible from the public domain.	Yes
6. A Waste Management Plan has been prepared and accompanies this application.	Yes
12. Each dwelling is provided with adequate storage in accordance with the ADG.	Yes
Section 7.11/712 Contributions	
Further discussions are to be conducted to establish an appropriate approach to local contributions for the development. These discussions will commence during the detailed assessment of this application.	

CONCLUSION

It is concluded that following a review of the relevant planning controls, the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.



ANNEXURE 1: CLAUSE 4.6 VARIATION BUILDING HEIGHT

Under Clause 4.3 of the Fairfield LEP 2013 the development site is subject to a split building height of 27m to the west and 39m to the east. As per the 3D Height Extract below, towards the south western end of the tower, there is a slight over-run of the parapet to Level 8 to the 27m height level. Accordingly, a variation pursuant to Clause 4.6 of the Fairfield Local Environmental Plan 2013 is requested.

<i>Portion</i>	<i>Maximum Height</i>	<i>Departure</i>
Building	28.8m to the 27m height provision	1800mm or 6.6% variation

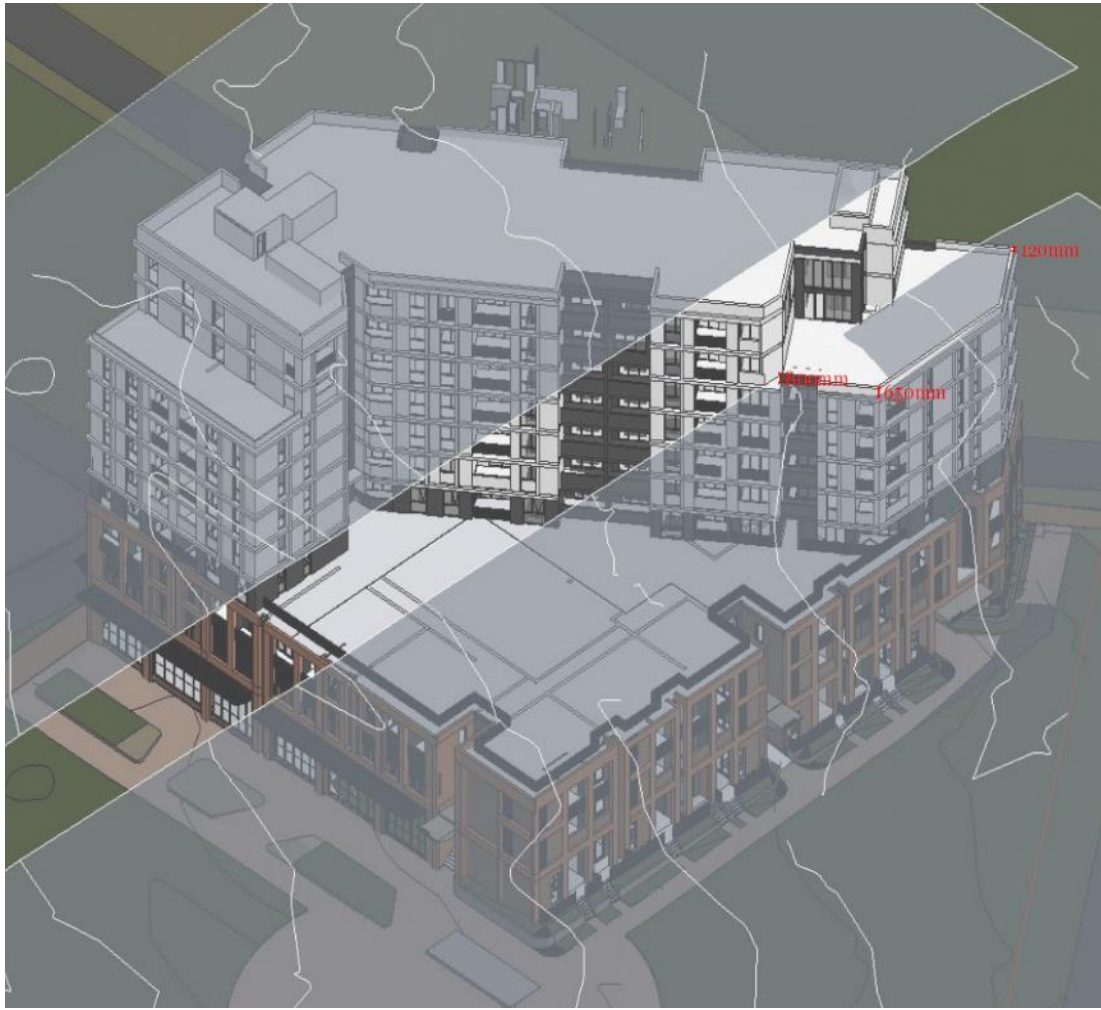
The proposal does incorporate a variation to the height limit under the LEP which is largely a function of the existing built form and the desire to improve the amenity and design of the building. The departure to the height control has no material impact on noting the location of the building and area of departure means no privacy, overshadowing or bulk and scale impacts. A visual depiction of the departure is provided below and within the following page.

Image 11: 3D Height Extract 1 (Source: DKO Architects)





Image 12: 3D Height Extract 2 (Source: DKO Architects)



It is noted that the majority of the development comply with the prescribed height control, noting that the encroachment is limited to the south western end of the tower with a slight over-run of the parapet to Level 8 to the 27m height level, with the majority of the building form including all habitable areas are contained below the maximum permitted height control.

ADDRESSING CLAUSE 4.6 PROVISIONS – HEIGHT

Clause 4.6 of the Fairfield Environmental Plan 2013 provides that development consent may be granted for development even though the development would contravene a development standard. It is submitted that cl.4.3(2) of LEP 2013 is consistent with the definition of “development standard” contained in s.1.4(1) of the *Environmental Planning and Assessment Act 1979 (the Act)*, being:

..... provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which

requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

.....

*(c) the character, location, siting, bulk, scale, shape, size, **height**, density, design or external appearance of a building or work,*

Clause 4.6(3) to (5) of LEP 2013 follows:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Clause 4.6 does not fetter the consent authority's discretion as to the numerical extent of the departure from the development standard. Each of the relevant provisions of Clause 4.6 are addressed in turn below.

CLAUSE 4.6(3)(A) - COMPLIANCE UNREASONABLE AND UNNECESSARY

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as:

The underlying objectives of the control are satisfied, known as the first way in the decision of *Wehbe v Pittwater Council* (2007) 156 LGERA 446;

Underlying Objectives are Satisfied

The objectives of the 'Height of Buildings' development standard are stated as:

(1) The objectives of this clause are as follows:

- (a) to establish the maximum height for buildings,*
- (b) to ensure that the height of buildings complements the streetscape and character of the area in which the building are located,*
- (c) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,*
- (f) to allow adequate natural light and ventilation between dwellings and sufficient separation for acoustic and visual privacy.*

The proposal, despite the numerical non-compliance identified, is consistent with the objectives of cl. 4.3 – Height of Buildings of LEP 2013. Each objective is considered below.

- The proposed development, however, is compatible with the existing character of the locality, being one of divergent building heights, bulks, and scales. The development, being surrounded by generous landscaped areas, is also consistent with the character of landscaping in the local area.
- The development proposal is consistent with the intent of the maximum height control under the Fairfield LEP and will provide an attractive 10 storey building that addresses the site's frontage.

- The additional height does not generate any additional amenity impacts regarding overshadowing, visual privacy, acoustic privacy, or view loss. The non-compliant portions of the buildings do not increase the shadows cast by the building. The proposed development would not have an unacceptable impact on the amenity of adjoining properties in terms of overlooking or overshadowing.
- Regarding visual impact, the area of the development which contravenes the development standard is largely imperceptible at street level. Therefore, the proposal minimises visual impact as viewed from the public domain and surrounds.
- Considering that the site is subject to a split-level height control, the encroach to the 28m height control is of a minor nature and negligible when viewed from the street level.
- The large site resides within its own island and as such the minor encroachment to the height control will not incur shadowing impacts to adjoining properties nor will it result in privacy impact to adjoining properties and therefore will satisfy objective (c).
- The proposed development will permit the site to develop to its full zoning potential whilst complementing the future vision envisioned for the site as per the Villawood Town Centre DCP 2020 by providing an attractive residential flat building that provides good address to the street frontage and complying with key planning controls applying to the proposal.
- The proposal does not result in a significant loss of amenity to neighbouring properties in terms of acoustic impacts because of the location of the minor height variation.
- A development of a compliant height would have a similar visual appearance when viewed from the public domain and adjoining properties as shown on the elevations.
- The proposal, and specifically the additional building height, will not impact on views enjoyed from the public domain or adjoining residential properties.
- The subject property is not proximate to heritage items, heritage conservation areas and areas of scenic or visual importance. This objective is not relevant to the proposed development.
- The subject property is not on the interface with an area of lesser intensity, with surrounding and nearby properties being similarly zoned and having similar restrictions on height and FSR. The subject height has not been nominated to provide a transition on the subject property to an area of lesser intensity.

Based on the above points the development is clearly in the public interest because it is consistent with the underlying objectives of the height control; and the numerical departure from the height control facilitates a positive design outcome on the site.

CLAUSE 4.6(3)(B) - SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development

meets the objectives of the development standard and the zone, it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, being grounds that are specific to the site.

Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the height development standard because:

- The variation is a result of the split level height control. This variation provides a beneficial planning outcome as it allows the delivery of high quality new housing to provide for the needs of the community.
- The proposal seeks to set the tone and scale for future high density residential development within the Residential Precinct associated with the Villawood Town Centre DCP 2020, noting that the minor encroachment of the height control will have no impact on the future built form character of the town centre.
- The departure does not impact on the achievement of suitable land use intensity (demonstrated by compliance with FSR).

The proposed development and in particular the variation to the Height of Buildings Standard would further the following objectives of the Act specified in S.1.3:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources,

The variation facilitates the delivery of new housing in a high-density context where there are no resultant environmental planning impacts. The delivery of high-quality housing in a highly accessible location results in a sustainable outcome and the minor height variation results in an improved design outcome which is a positive planning outcome.

(c) to promote the orderly and economic use and development of land,

The provision of high-density housing in this highly accessible location results in the orderly and economic use of the site.

(g) to promote good design and amenity of the built environment,

The resulting development is high quality in its architecture and will be a positive contribution to the amenity of the site for its intended use as within a high-density residential context. The building will have a harmonious relationship with neighbouring development and will not harm the amenity of the built environment.

CLAUSE 4.6(4) ZONE OBJECTIVES & THE PUBLIC INTEREST

In accordance with the provisions of Clause 4.6(4)(a)(i) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) for the reasons set out previously.

In relation to the provisions of Clause 4.6(4)(a)(ii) the consent authority can be satisfied that the development, including the numerical building height departure, is in the public interest given that the proposed development is consistent with the objectives of the building height control (see above), and is consistent with objectives of the R4 zone as set out below.

In relation to the zone objectives, they are stated as:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provides facilities or services to meet the day to day needs of residents.
- To maximise opportunities for increased development on all land by encouraging site amalgamation

The proposal directly satisfies bullet points 1 and 2 above by delivering high density housing and a variety of housing types to suit the needs of the emerging community. Also, the proposal ensures the high-density nature of the zone is retained and there is not a significant change to the character of the locality.

In addition, the proposal is to set the tone and scale for future high density residential development within the Residential Precinct associated with the Villawood Town Centre DCP 2020, noting that the minor encroachment of the height control will have no impact on the future built form character of the town centre.

On the basis of the above points the development is in the public interest because it is consistent with the objectives of the building height standard, and the objectives of the R4 zone and the numerical departure from the building height control facilitates a better design outcome on the site.

CLAUSE 4.6(5)

As addressed, it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality based on the observed building forms in the locality and the nature and height of approved developments in the locality.

CONCLUSION

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties, noting that most of the building form including all habitable areas are contained below the maximum permitted height control.

The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and considering the absence of adverse environmental, social, or economic impacts, it is requested that Council support the development proposal.

The proposal will not have any adverse effect on the surrounding locality, and is consistent with the future character envisioned, while supporting the role of Villawood as a local centre. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the proposed variation.