

SYDNEY WESTERN CITY PLANNING PANEL

TO: Sydney Western City Planning Panel

REPORT: SWCPP Report

FILE No: DA 303.1/2022
PAN-441332
PPSSWC-281

SUBJECT:

Property:	Lot 1 DP 1302529 at No. 2 Kamira Court, Villawood
Application lodged	10 th October 2022
Applicant	Adam Byrnes (Think Planners)
Owner	NSW Land and Housing Corporation
Application No.	DA 303.1/2022
NSW Planning Portal Application No.	PAN-441332
Planning Panel Reference No.	PPSSWC-281
Proposed Development	Stage 2 of the Redevelopment of No. 2 Kamira Court within the Villawood Town Centre comprising a combination of 8-11 storey Mixed Use buildings containing a total of 228 residential units, a community facility, supermarket, retail premises, medical centre, associated landscaping and road works, car parking located with a basement and above ground (levels 1 and 2) and 2000m ² of public open space.
Cost of Works	\$81,140,147.00
Zoning	R4 High Residential under the Fairfield LEP 2013
Primary Planning Issues	<ul style="list-style-type: none"> • Above Ground Car Parking • Number of social housing units provided • Design Excellence • Potential Impact to Local Road system • Car Parking and Operational Details • Waste management matters

Assessing Officer: Liam Hawke – Coordinator Development Planning

Date of Report: 18th September 2024

ATTACHMENTS

ATTACHMENT A – Architectural Plans

ATTACHMENT B –Urban Design Report and Design Report Responses

ATTACHMENT C – Statement of Environmental Effects

ATTACHMENT D – Council Correspondence

ATTACHMENT E- Response to Council Letter

ATTACHMENT F- Acoustic Report

ATTACHMENT G- Arborist Report

ATTACHMENT H- Civil Engineering Plans

ATTACHMENT I- Geotech report

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ATTACHMENT J- Landscape Report and Plans
ATTACHMENT K- Natural ventilation Assessment
ATTACHMENT L- Survey
ATTACHMENT M- Traffic Impact Assessment
ATTACHMENT N- Draft Operational Waste Management Plan
ATTACHMENT O- ADG Compliance Table
ATTACHMENT P- Villawood DCP 2020 Compliance Table
ATTACHMENT Q- Submissions
ATTACHMENT R- Reasons for Refusal
ATTACHMENT S- Draft Conditions of Consent

SUMMARY

- 1. Development Application No. 303.1/2022 was lodged on 10 October 2022 for Stage 2 of the Redevelopment of No. 2 Kamira Court within the Villawood Town Centre comprising a combination of 8-11 storey Mixed Use buildings containing a total of 228 residential units, a community facility, supermarket, retail premises, medical centre, associated landscaping and road works, car parking located within a basement level as well as on the 1st and 2nd floors of the building, and 2000m² of public open space.*
- 2. The application is referred to the Panel for determination as the development has a capital investment value over \$5 million and has been lodged by the Crown, being NSW Land and Housing (LAHC).*
- 3. On the 23 September 2023 Fairfield Local Environmental Plan (LEP) 2013 Amendment No.43 was gazetted for the subject site which introduced additional permitted uses of 'retail premises' and 'business premises' to the north-eastern portion of the site. The amendment to the LEP was accompanied by an Amended Urban Design Study, which changed the built form and massing within the Villawood Town Centre DCP. The subject Application was submitted prior to the gazettal of the planning proposal and the amendment to the DCP.*
- 4. The assessment of the development as proposed has identified a number of areas of concern. These concerns include above ground car parking, the number of social houses provided, design excellence, potential impact to local road system, car parking and operational details and waste management.*
- 5. The application was publicly notified to occupants and owners of the adjoining properties and on Council's website for a period of 21 days from the 19th October 2022. Four (4) submissions were received. The Application was subsequently amended and the application was again notified for a period of 21 days from the 10th August 2023. No submissions were received.*
- 6. The applicant has submitted a written request for variation of the Height of Building standard pursuant to Clause 4.6 of the LEP 2013 to facilitate the lift overruns.*
- 7. Council's assessment of the amended application has identified fundamental issues, which include above ground car parking that is not in accordance with the Villawood Town centre DCP 2020. It is considered that the development does not exhibit design excellence as required by Clause 6.12 of the Fairfield LEP 2013. The number of social housing dwellings provided does not comply with the requirements set out within the NSW Governments Future Directions for Social Housing in NSW (Future Directions) Policy which is considered to be relevant and applicable to this development. Whilst these matters have been raised with the Applicant, the Applicant has nevertheless requested that the matter be forwarded to the Panel for determination. Given the fundamental issues with the application, Council cannot support the*

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application as proposed and recommends that the application be refused. Notwithstanding, it is considered that the following options identified below would be available to the Panel as part of its deliberation and/or determination of the application as follows;

- I. Provide a further opportunity to the Applicant to amend the Application in order to comply with the Villawood DCP, ensure the development exhibits design excellence, and provide further social housing units.*
- II. Refuse the Application as submitted in accordance with the reasons within Attachment R of this report. This recommendation is considered appropriate given that the development is not yet at a stage that can be supported by Council.*
- III. If the Panel forms an alternate view regarding the assessment of the Application, then the application be approved. Should the Panel decide to approve the Application, it is considered appropriate that the approval should be in accordance with the draft conditions contained in Attachment S.*

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 303.1/2022 for Stage 2 of the redevelopment of No. 2 Kamira Court within the Villawood Town Centre comprising a combination of 8-11 storey Mixed Use buildings containing a total of 228 residential units, a community facility, supermarket, retail premises, medical centre, associated landscaping and road works, car parking located within a basement and above ground (1st and 2nd floors) and 2000m² of public open space.

The development will comprise of privately owned units and does not provide any further social housing units.

The application is referred to the Sydney Western City Planning Panel (SWCPP) for consideration pursuant to State Environmental Planning Policy (Planning Systems) 2021, as the proposal has an 'Estimated Development Cost' greater than \$5 million and has been lodged on behalf of the Crown, being Land and Housing Corporation. Accordingly, the matter is required to be determined by the Sydney Western City Planning Panel (SWCPP).

The subject application is part of the redevelopment of the entire LAHC site and forms part of a 2-stage process. Development Application No. 384.1/2021 comprising of Stage 1 was approved by the Sydney Western City Planning Panel on 23 March 2023 as a deferred commencement consent (subject to the VPA being executed) and approved the *Redevelopment of Villawood Town Centre, involving tree Removal, Construction of a 8-10 Storey Mixed Use Development comprising Community Facilities (Library) and ancillary Cafe on the Ground Floor, 112 Residential Units, Public Open Space, a Podium Car Park comprising 119 car Parking Spaces, associated Road Works and Landscaping pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.*

The current application for Stage 2 and the approved Application for Stage 1, is for the redevelopment of the subject land by the NSW Land and Housing Corporation (LAHC) who is also the owner of the subject site. Traders in Purple are the development partners in conjunction with LAHC for this development project. The site is currently vacant and has a total site area of 16,371m². The subject application, that is Stage 2, relates to the northern portion of the site which has a site area of 10,958m².

It should be noted that Traders in Purple submitted a separate Planning Proposal on behalf of LAHC which sought to introduce 'retail premises' and 'business premises' to the north-eastern portion of the site. The amendment to the LEP aimed to provide a supermarket and several smaller specialty retail shops within the LAHC site (located only within stage 2 of the redevelopment). The introduction

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of commercial uses also changed the building typology and built form layout across the whole site, and therefore the Planning Proposal was accompanied by a revised Urban Design Study.

On 23 September 2023, Fairfield Local Environmental Plan (LEP) 2013 (Amendment No.43) was gazetted. Council then subsequently updated the Villawood Town Centre 2020. The subject Application was submitted prior to the gazettal of the Planning Proposal and the amendment to the DCP.

In order to develop the subject site in accordance with the DCP, a Voluntary Planning Agreement (VPA) was submitted by Land and Housing Corporation (LAHC). The VPA involves land acquisition between Council and LAHC and will also result in the construction and dedication of 3,000m² of open space (public park) and future road connections (at the completion of the overall project) by the developer. NSW Land and Housing Corporation and Traders in Purple have submitted Letters of Offer in accordance with Section 7.4 of the Environmental Planning and Assessment Act (EP&A) 1979. The VPA was signed and executed on the 20th July 2023.

There have been a number of briefings of the Application to the Regional Panel. During these discussions, the Panel requested that the applicant reconsider vehicle and Pedestrian Access, design Excellence and Social Housing.

In response to the Panel's request, a meeting was held between Council and the Applicant which included Council's Architect. In response to the meeting, the Applicant submitted amended documentation. Council officers have considered the amended application in accordance with SEPP No. 65 – Apartment Design Guide, the Apartment Design Guide, State Environmental Planning Policy (Resilience and Hazards) 2021, Fairfield Local Environmental Plan 2013, and the Villawood Town Centre Development Control Plan 2020. Subsequently, a number of non-compliances and issues were identified as follows;

- Above ground parking in the form of a 3-storey podium arrangement has not been appropriately sleeved, as required in the DCP.
- Non-compliance with the number of social housing units provided
- Design Excellence has not been achieved as required by Clause 6.12 within Fairfield LEP 2013.
- Potential Impact to Local Road system as Council's Traffic Engineer and TfNSW still raise concerns regarding the proposal and its impact on certain intersections.
- Car Parking and the lack of Operational Details in order to carry out a comprehensive assessment.
- Waste management matters.

It is noted that Council has consistently raised the above concerns and non-compliances during the course of the assessment of the application. It was indicated to the Applicant that these matters were considered fundamental and would need to be suitably resolved in order for the development to be supported.

Fundamentally, the proposal is non-compliant with the DCP. The proposal includes above ground car parking which is not considered to be appropriately sleeved and is not considered to result in design excellence. This arrangement results in design issues such as streetscape presentation, elongated corridors, car park impacts on amenity, extensive distances to lifts and lost opportunities to provide high quality apartments and position back of house areas in inconspicuous areas. The proposed arrangement with respect to the carpark design is not supported.

In terms of design excellence, Council's Architect has identified a number of outstanding issues in relation to extensive amount of services and vehicle access points along Villawood Road, setbacks

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to No. 1 Villawood Place, presentation and amenity for the ground level residential units located within Building C, location of a substation and reduction in usable private open space due to air conditioning units located within balcony areas. Accordingly, Council's Architect does not consider that the design of the proposal exhibits design excellence as required under Clause 6.12 of FLEP 2013 in its present form and as proposed.

In relation to the matter of the provision of social housing, Council notes that the site previously contained 111 social housing units which were demolished around 2006. The subject application involves the provision of 228 apartments of which none are social housing units, on land that is owned by LAHC. It is noted that under Development Consent No. 384.1/2024, 32 social housing units are proposed. Accordingly, the amount of social housing units provided within the overall site once both stages are completed represents 9.4% (or 10.8% if the Modification Application is approved) of the housing stock. The redeveloped LAHC site will increase the dwelling yield on the site by 229 dwellings, however, will reduce the amount of social housing units by 74.

The proposed quantity of social housing proposed for the entirety of the site does not achieve compliance with the 30:70 social to private tenure mix as required by the NSW Government's Future Directions for Social Housing in NSW (Future Directions) Policy, nor replace the loss of social housing on site. Given the lack of evidence to date that there will be no social impact given current and ongoing loss of social housing within the site, it is considered essential that a condition be imposed that requires the development provide a 30:70 ratio of social to private housing for stages 1 and 2 in compliance with the NSW Government's Future Directions Policy document.

The application proposes an encroachment of the 39m and 27m building height standard that applies to the site. The lift overruns for both Building A and C breach the development standard. Given this, the applicant has submitted a written request for a variation of the standard pursuant to Clause 4.6 of the LEP, which allows the Consent Authority to consider exceptions to development standards in certain circumstances. No concerns are raised regarding the Clause 4.6 written request.

A range of technical reports have been submitted in support of the application including but not limited to an Acoustic Report, Cross Ventilation Report, Traffic Report, Waste Management Plan, Preliminary Geotech Report, Detailed Site Investigation and Remediation Action Plan.

The application was publicly notified to occupants and owners of the adjoining properties and on Council's website for a period of 21 days from the 19th October 2022. Four (4) submissions were received. The Application was subsequently amended, and the application was again notified for a period of 21 days from the 10th August 2023. No submissions were received during the second notification period.

The application was referred to Council's Development Engineer, Public Health and Environment Branch, Building Control Officer, Landscape Officer, Traffic Branch, Waste Branch and Council's Strategic branch. Council's Traffic Branch, Waste Branch and Strategic Branch have raised concerns regarding the proposal.

The application was also externally referred to Sydney Trains who provided conditions of consent. In addition, the Application was referred to TfNSW who raised concerns regarding the proposal.

Council's assessment of the amended application has identified fundamental issues, which include above ground car parking that is not in accordance with the Villawood Town centre DCP 2020. It is considered that the development does not exhibit design excellence as required by Clause 6.12 of the Fairfield LEP 2013. The number of social housing dwellings provided does not comply with the requirements set out within the NSW Governments Future Directions for Social Housing in NSW (Future Directions) Policy which is considered to be relevant and applicable to this development.

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Whilst these matters have been raised with the Applicant, the Applicant has nevertheless requested that the matter be forwarded to the Panel for determination. Given the issues identified with the application, Council cannot support the application as proposed and recommends that the application be refused. Notwithstanding, it is considered that the following options identified below would be available to the Panel as part of its deliberation and/or determination of the application as follows;

- I. Provide a further opportunity to the Applicant to amend the Application in order to comply with the Villawood DCP, ensure the development exhibits design excellence, and provide further social housing units.
- II. Refuse the Application as submitted in accordance with the reasons within Attachment R of this report. This recommendation is considered appropriate given that the development is not yet at a stage that can be supported by Council.
- III. If the Panel forms an alternate view regarding the assessment of the Application, then the application be approved. Should the Panel decide to approve the Application, it is considered appropriate that the approval shall be in accordance with the draft conditions contained in Attachment S.

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SUBJECT SITE AND SURROUNDING AREA

The subject site is legally described as Lot 1 in DP 1302529, and is known as No. 2 Kamira Court, Villawood.



Figure 1: Aerial view of the site, outlined in red.

The site is contained within the western portion of the Villawood Town Centre.

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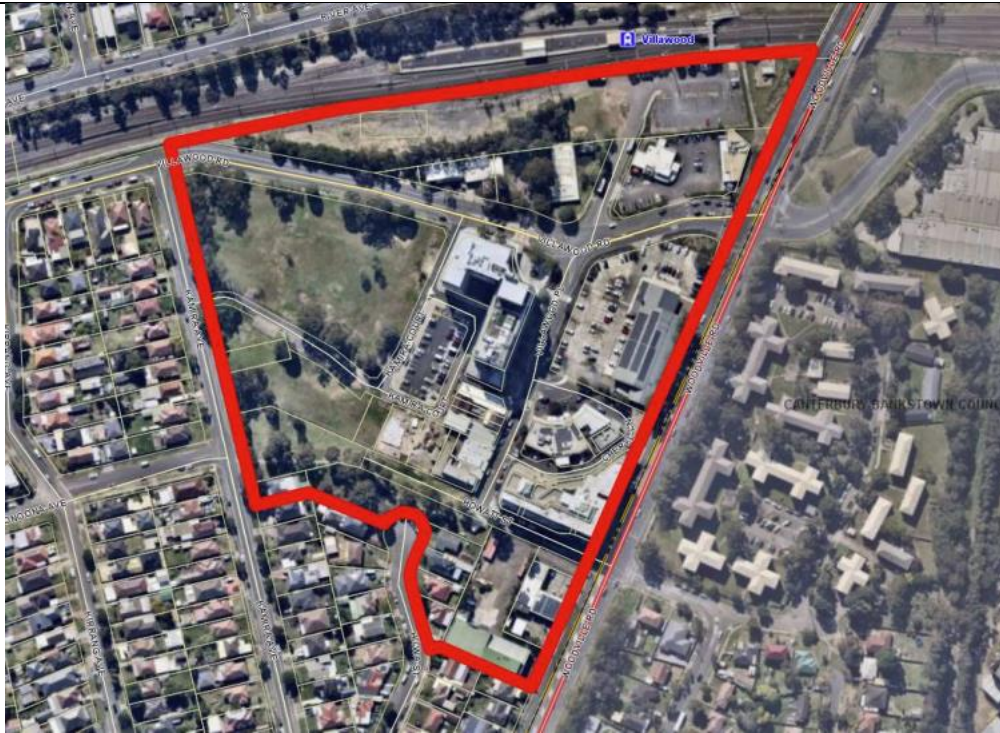


Figure 2: Villawood Town Centre, outlined in red. Application of the Villawood DCP 2020

The allotment is currently vacant and has a total site area of 16,371m² (Stage 1 is 5,413 m² and Stage 2 is 10,958m²). Stage 2 (the subject of this Development Application) is located towards the northern portion of the entire allotment with frontages to Kamira Avenue to the west, the approved Stage 1 to the South, Kamira Court to the east and Villawood Road to the North. Under the Stage 1 approval the application involved the closure of the existing Kamira Court Road through the site and extended Howatt Street to provide a road frontage and vehicular/pedestrian access for the site.

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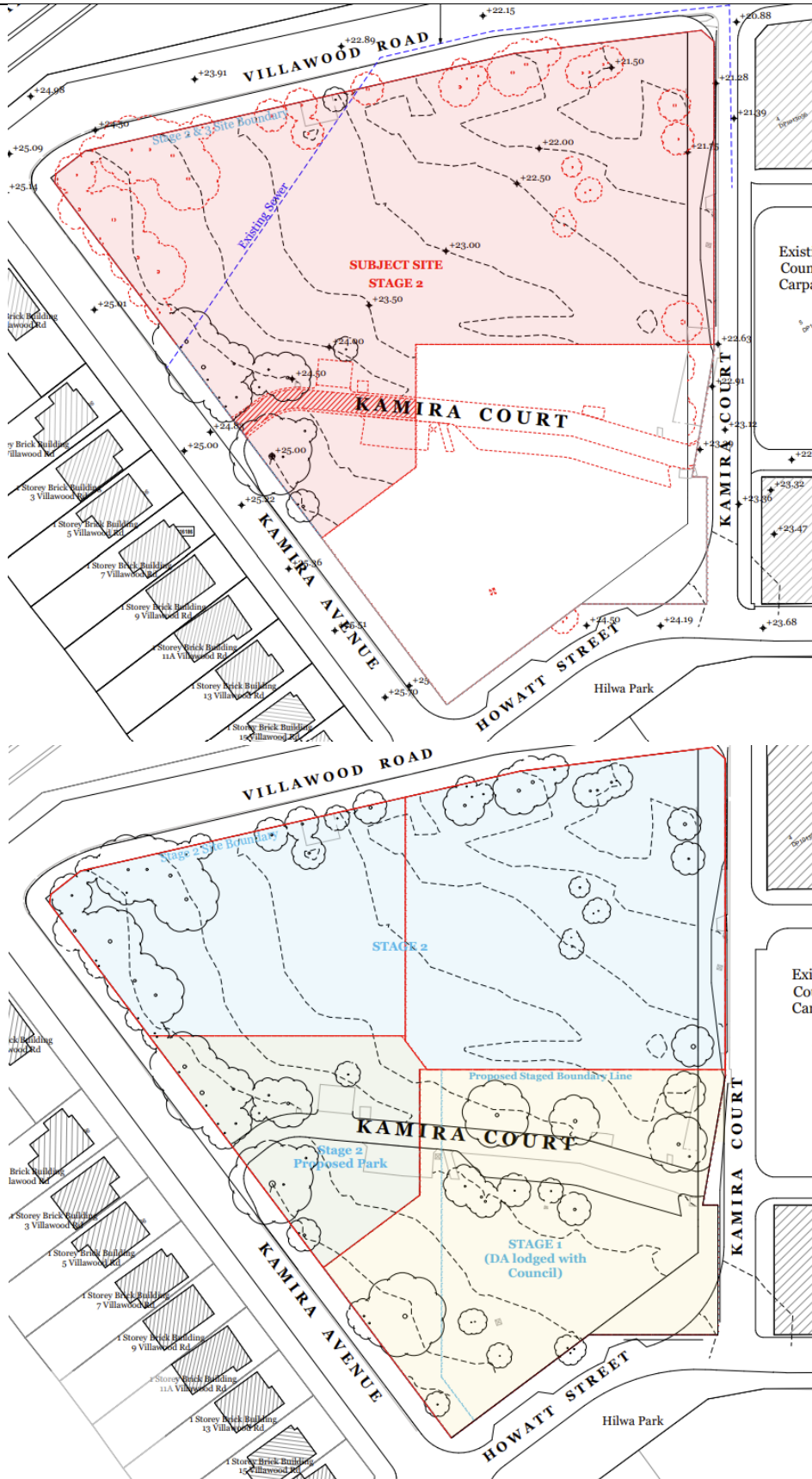


Figure 3 and 4: Site areas for each stage of the redevelopment of Villawood Town Centre.

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DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development forms a part of the redevelopment of Villawood Town Centre involving two (2) stages. The subject Application relates to Stage 2 and applies to the northern portion of the allotment. Stage 2 covers an area of approximately 10,958m² and involves the construction of an 8-11 storey Mixed Use Development, comprising of Building A and C (Building B was subject to Stage 1).

Building A is an eleven (11) storey mixed use development which comprises a total of 158 residential dwellings above a supermarket, retail shops and car parking located in a basement and on Levels 1 and 2.

Building C is an eight (8) storey mixed use development comprising a total of 70 residential dwellings above a ground floor medical centre, retail shops and health services facility and car parking in a basement and on Levels 1 and 2.

The entire development will comprise of the following:

- Two – hundred and twenty eight (228) dwellings located over the two (2) buildings:
 - 28 x 1 bedroom unit
 - 162 x 2 bedroom unit
 - 38 x 3 bedroom unit

Building A will have 24 x 1 bedroom units, 108 x 2 bedroom units and 26 x 3 bedroom units.
Building C will have 4 x 1 bedroom units, 54 x 2 bedroom units and 12 x 3 bedroom units.

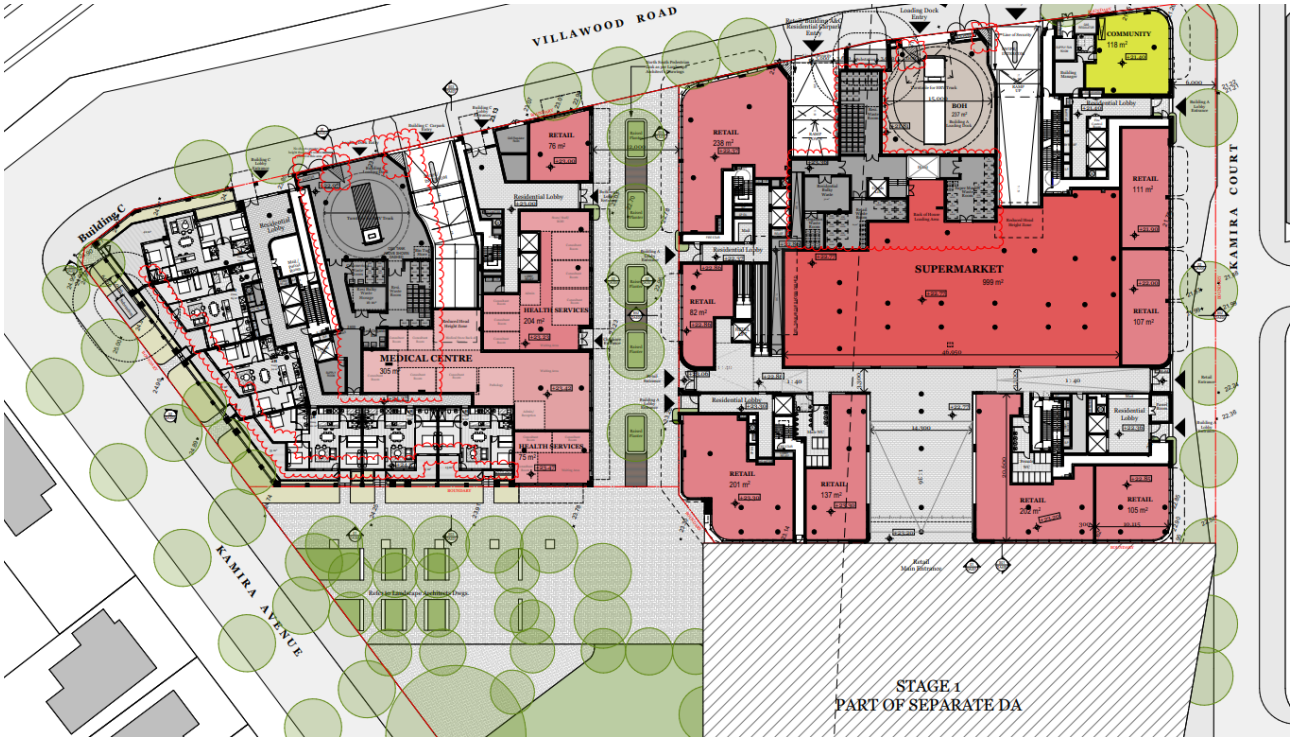
- Non – residential uses located at the ground floor will include:
 - Supermarket with a floor area of 999m²;
 - 118m² for a community facility;
 - 9 x retail premises with a total floor area of 1259m²;
 - Medical Centre with a floor area of 305m² comprising of 5 consulting rooms and a pathology; and
 - 2 x Health Services facility with a total floor area of 279m² (75m² and 204m²) comprising 9 consulting rooms.

The submitted documentation indicates that the application is for the use of the non – residential uses only and the fit-out or operational details will be addressed in subsequent Development Applications.

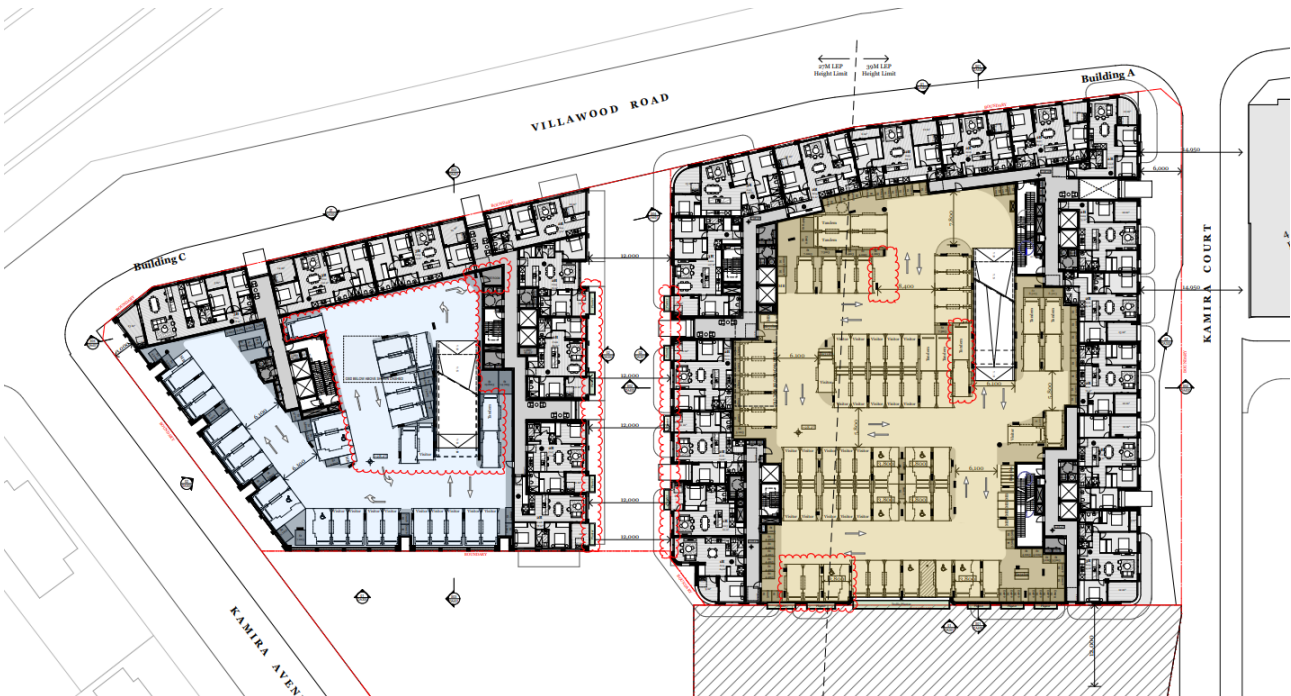
- A total of four – hundred (400) car parking spaces will be provided on the site located with a basement level and podium car parking (Levels 1 and 2 of both buildings).
 - Basement contains 98 car spaces and 4 motor bike spaces for the non-residential uses, 27 car spaces for Building C and 64 car spaces (5 are stacked) for Building A.
 - Level 1 contains 32 car parking spaces (1 is stacked) for Building C and 68 car parking spaces (7 are stacked), 6 motor bike and 13 bike spaces for Building A.
 - Level 2 contains 36 car parking spaces (4 are stacked), 3 motor bike and 4 bike spaces for Building C and 75 car parking spaces (9 are stacked), 4 motor bike and 10 bike spaces for Building A.
- Servicing of the site will be from two (2) loading bays provided for each building that includes a turn table that can cater for a Heavy Rigid Vehicle.
- 2000m² proposed park which will be dedicated to Council. The other 1000m² was provided within Stage 1. The embellishment of the Park is required under the VPA.

Details of the proposed development are as follows:

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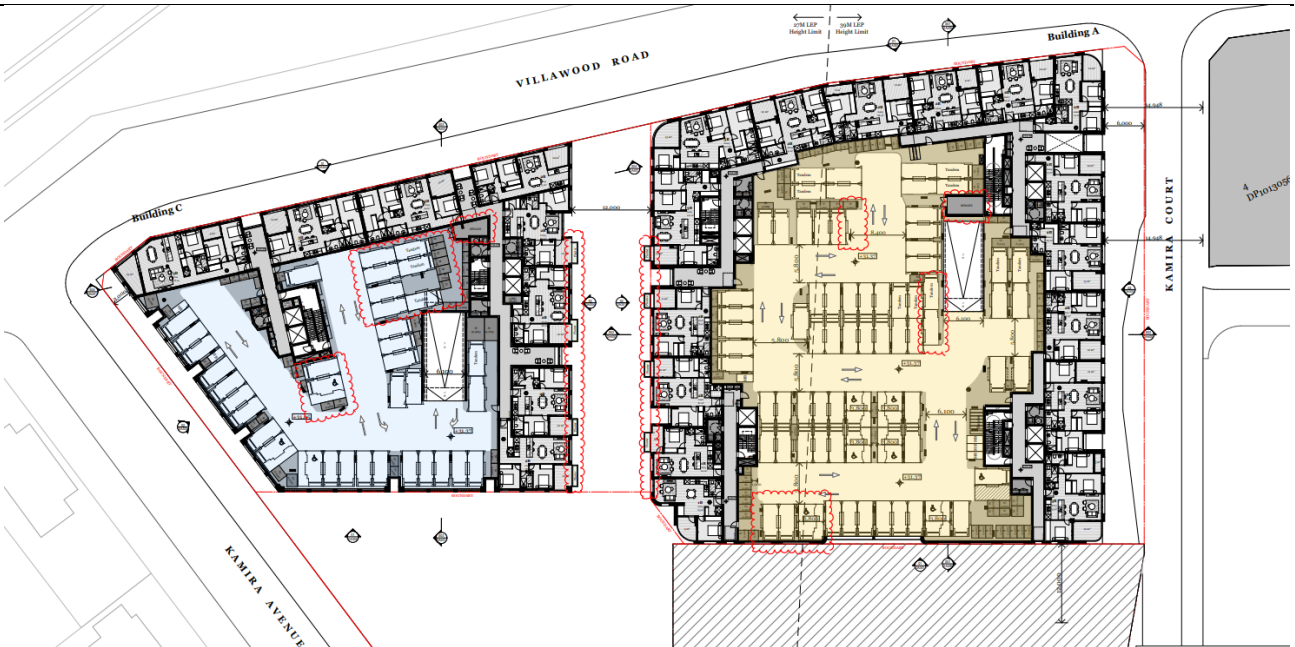


Proposed Ground Floor Plan



Proposed First Floor

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Proposed Second Level

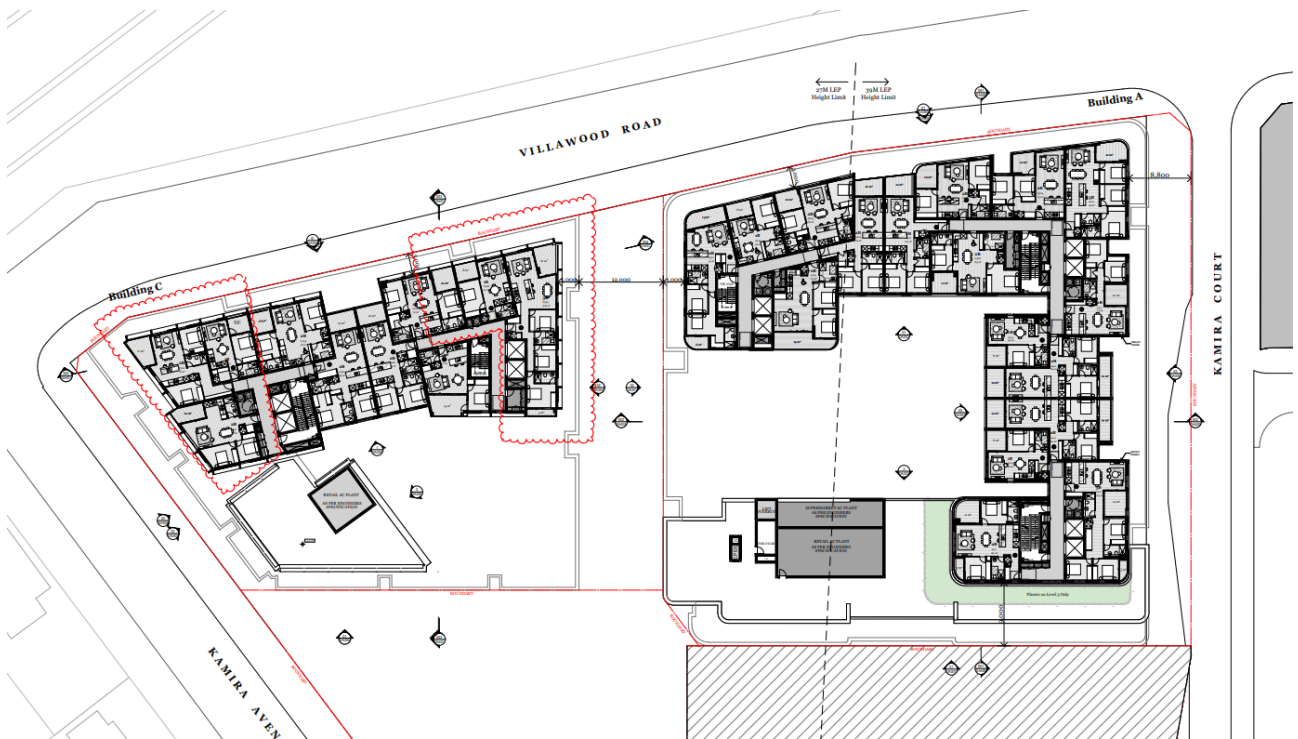


Proposed Third Level

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Proposed Fourth Level



Proposed Fifth and Sixth Level

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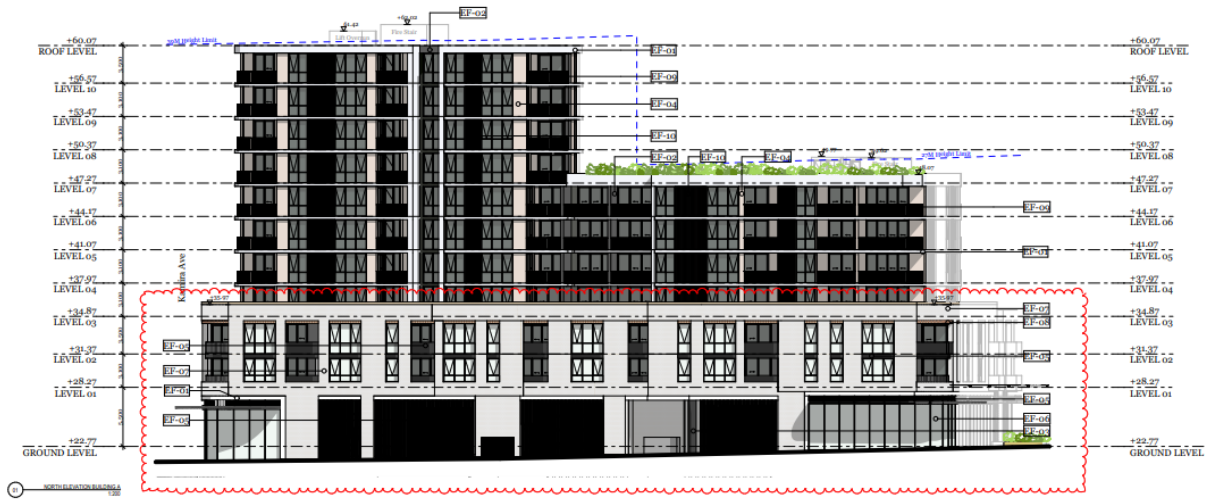


Proposed Seventh Level

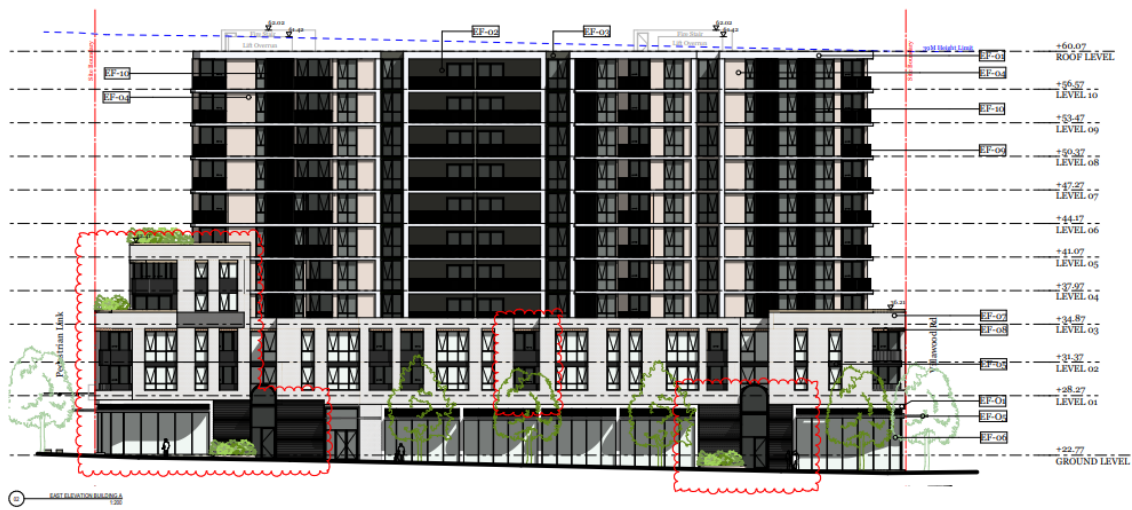


Proposed Eighth to Eleventh Level

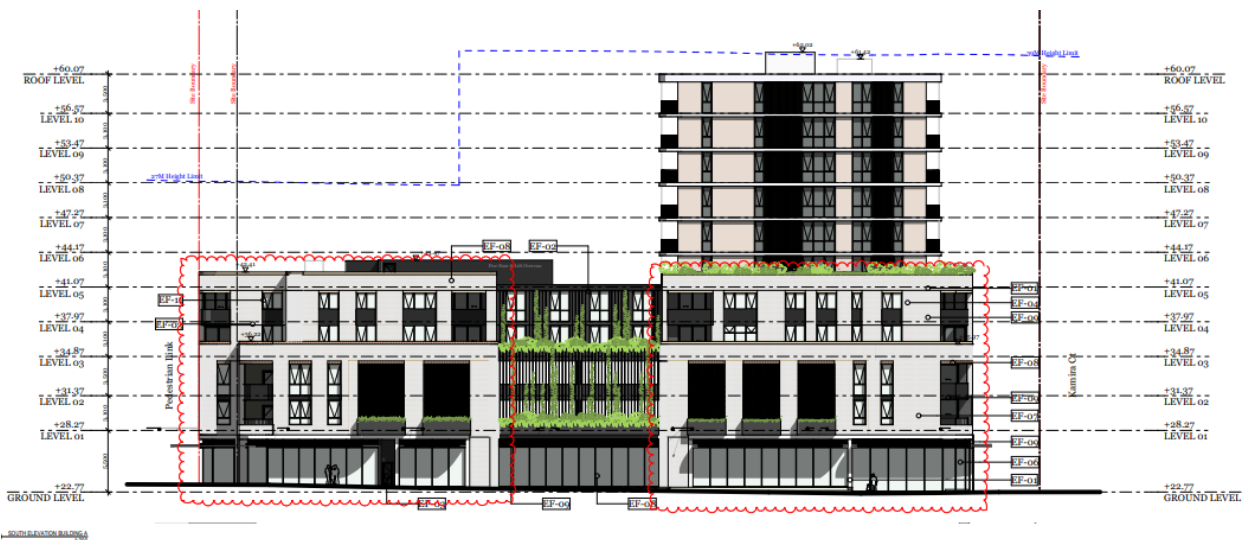
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Proposed North elevation (Villawood Road) of Building A



Proposed Eastern Elevation (Kamira Court) of Building A

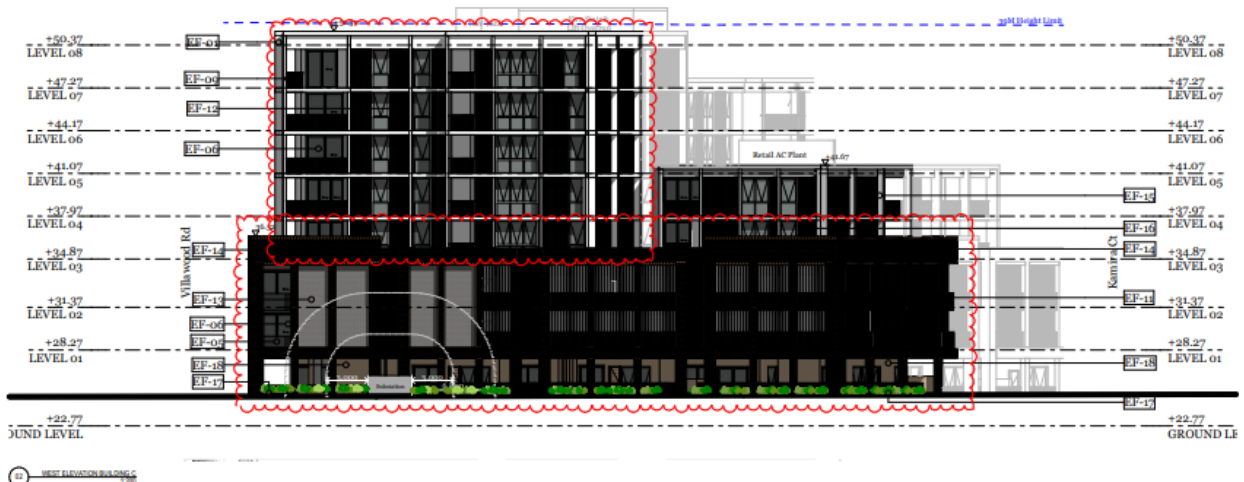


Proposed Southern Elevation (View from Stage 1 development) of Building A

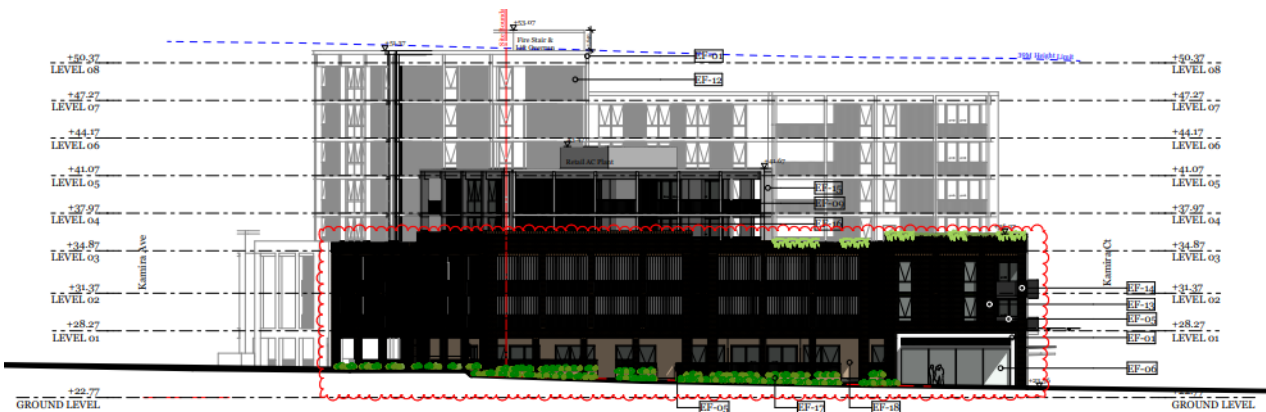
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Proposed Northern Elevation (Villawood Road) of Building C



Proposed Western Elevation (Kamira Ave) of Building C



Proposed Southern Elevation (View from proposed new Park) of Building C

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Proposed Perspectives below:



From the corner of Villawood Road and Karima Court



From the Proposed Park



From the corner of Kamira Avenue and Villawood Road

HISTORY AND BACKGROUND

Existing Development

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The subject site is owned by NSW Land and Housing Corporation (LAHC). The site was previously used as social housing comprising 111 units. In 2006 the buildings were removed, and the site has remained vacant.



Subject site in the 1990s.



Subject site in 2024.

The proposed development will be constructed by Traders in Purple Pty Ltd on behalf of LAHC.

Planning Proposal and Development Control Plan

The land is located within the Villawood Town Centre Urban Design Study Area (VUDS) which seeks to revitalise the Villawood Town Centre. The VUDS was adopted by Council in March 2018. The VUDS informed a Planning Proposal and the Villawood Town Centre DCP which revised the built forms and heights in order to renew the town centre. The town centre DCP was adopted by Council on the 28 April 2020 and the planning proposal was gazetted on 5 June 2020 and the DCP.

In recent years the Villawood Town Centre has begun to transform into the vision established under the LEP and DCP as three (3) large-scale mixed-use developments (ranging from 6 storeys to 12 storeys) have been approved in the town centre. Two (2) at No. 1 Villawood Place and Nos. 882-890 Woodville Road Villawood have been constructed and No. 47 Pedestrian Mall is currently under construction.

Since then, Traders in Purple submitted a separate Planning Proposal on behalf of LAHC that sought to introduce 'retail premises' and 'business premises' to the north-eastern portion of the site. This is seen in Figure 4 below:

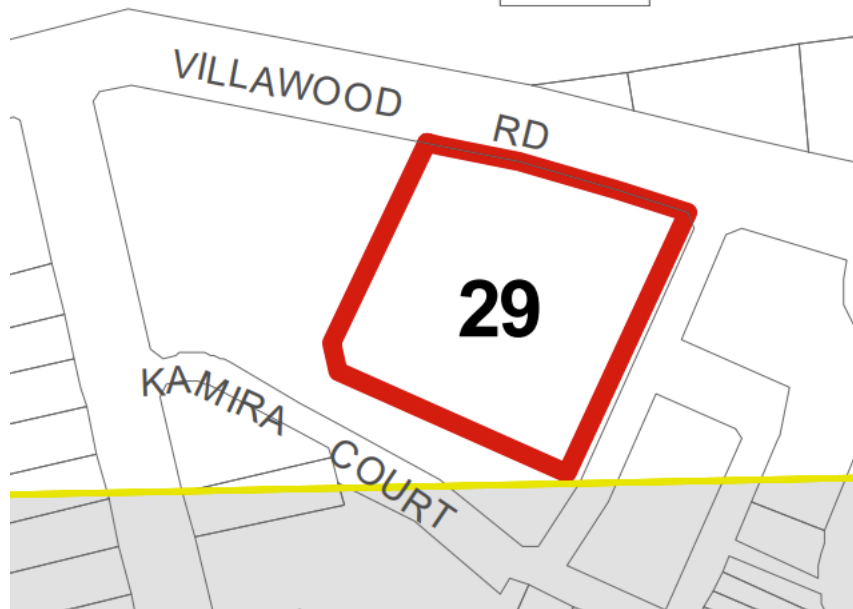


Figure 5: Additional Permitted Uses on the subject site.

The amendment to the LEP aimed to provide a supermarket and several smaller specialty retail shops within the LAHC site. The introduction of the commercial uses also changed the building typology of the site and therefore the Planning Proposal was accompanied by a revised Urban Design Study, specifically for the LAHC site. The changes included:

- The reconfiguration of building heights across the site. The reconfiguration of the heights are within the existing LEP height of building development standards.
- The reconfiguration of the 3,000sqm neighbourhood park, creating a neighbourhood park that has a much greater street frontage with the park extending down to the Kamira Avenue/Kamira Court Intersection. This will visually connect the new neighbourhood park with Council's Hilwa Park.
- Update pedestrian links throughout the site as a result of the reconfiguration.
- Identify the active street frontages with active retail focus where the supermarket and speciality shops will be located.
- Refocusing the community facility along the east – west pedestrian connection that links the neighbourhood park back to the town centre proper.

The changes to the layout are provided below:

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Villawood DCP 2020



Masterplan within the Amended Urban Design Study

The Planning Proposal and Amended UDS was subject to a peer review by external consultants (City Plan) who had prepared the original VUDS for Council. They concluded the documentation was preliminary, but they generally supported the amended Urban Design Study. In regard to the active street edges of the development, facing Hilwa Park and the pocket park, the external consultant stated

- In relation to Building B, we encourage Council and the Proponent to closely consider the visual quality of the vehicle access and car parking levels to ensure continuity in the architectural program and a high quality visual response to the sensitive public open space (Hilwa Park) setting of this façade.
- In relation to Building B and its relationship to the proposed pocket park, we encourage the applicant to consider a non-residential frontage to at least the pocket park noting the development of 47-53 Pedestrian Mall opposite the site will facilitate the creation of a small cluster of active uses that would benefit from a reciprocal approach on the subject site. This will also assist in reducing potential for land use conflicts at ground level in this location.

Furthermore, it is noted in the peer review that Council’s external consultant was unable to consider the overshadowing of the amended concept (as no overshadow diagrams were prepared at that stage) and therefore it was stated:

As previously discussed in Section 2.3, the reconfiguration of UDS/ DCP building heights in this part of the site should not form grounds for refusal of the proposal, rather the focus should be on whether the reconfigured heights support appropriate levels of solar access to Hilwa Park and that the requirements of SEPP 65/ ADG have been suitably addressed.

On 23 September 2023, Fairfield Local Environmental Plan (LEP) 2013 (Amendment No.43) was gazetted. Furthermore, the Villawood Town Centre 2020 was updated to reflect the changes to controls, building height, massing and mapping relating to the NSW Land and Housing Corporation site to reflect the amended Urban Design Study as part of Fairfield LEP 2013 Amendment No.43. The Updated DCP came into effect on 21 February 2023.

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Voluntary Planning Agreement

In order to provide the required land size and configuration for the development in accordance with the DCP, a Voluntary Planning Agreement (VPA) was submitted by LAHC. The VPA involves land acquisition between Council and LAHC and will also result in the construction and dedication of 3,000m² of open space public park, and future road connections (at the completion of the overall project) by the developer. The VPA also involves the embellishment of the public park by the developer.

NSW Land and Housing Corporation and Traders in Purple submitted a Voluntary Planning Agreement (VPA) – Letters of Offer in accordance with Section 7.4 of the Environmental Planning and Assessment Act (EP&A) 1979. The VPA was signed and executed on the 20th July 2023.

Stage 1 Redevelopment – Development Application No. 384.1/2021

The subject application is part of the redevelopment of the entire LAHC site and forms part of a 2 stage process. Development Application DA 384.1/2021 for Stage 1 was approved by the Sydney Western City Planning Panel on 23 March 2023 as a deferred development consent for *the Redevelopment of Villawood Town Centre, involving tree Removal, Construction of a 8-10 Storey Mixed Use Development comprising Community Facilities (Library) and ancillary Cafe on the Ground Floor, 112 Residential Units, Public Open Space, a Podium Car Park comprising 119 car Parking Spaces, associated Road Works and Landscaping pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.*

The Approval was subject to a Deferred Commencement that required the following to be satisfied prior to the Consent becoming Operative.

The developer shall enter into a Planning Agreement with Council in respect of the redevelopment of the subject site of Lot 37, DP 138481, No. 2 Kamira Ave, Villawood on the terms offered to Council by NSW Land and Housing Corporation and Traders in Purple in their letters of offer dated 20th September 2022 and 30 August 2022.

The Applicant submitted a copy of the executed Voluntary Planning Agreement between Fairfield City Council, New South Wales Land and Housing Corporation and Villawood Quarter Pty Ltd. As such, an Operative Consent for DA 384.1/2021 was issued on the 9th November 2023.

It is noted that two (2) subsequent Modification Applications have been lodged with Council regarding Development Consent No. 384.1/2021.

Modification Application s4.55(1A) 384.2/2021

Modification Application No. 384.2/2021 seeks the following amendments to the Stage 1 Approval:

- LAHC Unit Layout Changes –
 - 5 additional LAHC Units. Noting no changes to the number of units as Development Consent No. 384.1/2021.
- Community Centre requirements on amenities
 - ramp access to these areas
- OSD tanks, Mechanical and Hydraulic services input (changes to location of services on ground and roof levels)
 - Reduced 1x visitor car space
- relocation of substation
- Electrification to building

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- Moving away from gas in favour of electrification to reduce CO2 emissions.
- Traffic swept paths – changes to entry door
 - Ground floor and Level 1 and Level 2 Parking changes due to traffic and structural swept paths
- Landscaping
 - Amendments to ground floor, public domain, level 3 and 8 landscaping plans due to the relocation of substation and operational requirements.

The proposed amendments would result in the following development:

- Three levels of podium car parking comprising 118 parking spaces including 16 accessible car parking spaces.
- Ground floor community use facility.
- 10 levels of private residential apartments containing a total of 75 units comprising of:
 - 21 x 1 Bedroom apartments
 - 31 x 2 Bedroom apartments; and
 - 23 x 3 Bedroom apartments including 5 Dual Key (DK) units.
- 6 levels of Social Housing Units containing a total of 37 units comprising of;
 - 4 x 1 Bedroom apartments
 - 33 x 2 Bedroom apartments including 23 DK units
- Communal open space on Level 3 and Level 8

At the time of writing this report this Modification Application has not been determined.

Modification Application s4.55(1A) 384.3/2021

Modification Application No. 384.3/2021 seeks the following amendments to the Stage 1 Approval:

BASEMENT

- Reconfiguration to the Ground Floor parking area and loading dock
- Removal of 3 visitor car parking spaces and minor carpark configuration amendments.
- Amendment to Level 1 & Level 2 parking areas to accommodate circulating swept paths.

PODIUM

- Brick Façade in Podium – Removed Stepped brick detailing.
- Brick Balconies in Podium – Amended to metal balustrade with solid backing. Sheeting applied at the rear. Same colour as the approved in original application. Same colour as the metal balustrade.
- All dark brick in the podium is converted to Hebel panel with dark colour finish to match the former brick.
- Parapet of the podium is aligned to be a consistent datum across the entire podium.
- The horizontal brick banding has been amended to align with the slab edge thickness. The change assists in emphasizing the vertical brick banding in the podium.
- The balustrades adjacent the carparking on the southwest side of the podium colour to be amended from grey to match the earthy colours of the ground floor finishes. Amended from grey to match the dark colour finish of the podium.

TOWER

- North and East Elevation – Brick Tower Portion has been amended to Hebel Power Pattern in a light cream colour finish.

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FLOOR PLAN

- Floor plans are shown to be amended to illustrate minor changes to apartments comprising;
 - o Removal of bathtubs to meet the operational requirements of Hume Housing;
 - o Improved bathroom layouts to give greater efficiency and accessibility; and
 - o Minor adjustments to kitchen furnishing to improve efficiency and workability.

The Statement of Environmental Effects also indicates the following:

The developer, Traders in Purple, has been actively working with Homes NSW (former NSW Land and Housing Corporation), Hume Housing (CHP) and Housing Australia (former NHFIC) to allow Hume Housing to commit to purchasing 75 apartments within the building – or the balance of apartments that won't be owned by Homes NSW. This will be undertaken via the provision of NHIF SAH Funding Facility, a federal government initiative by Housing Australia to support financing of projects and ownership of housing, by Community Housing Providers (CHP's).

Upon completion, NSW Homes will own 37 apartments for the provision of social housing and the balance of 75 apartments within the building, will be owned by Hume Housing.

Legal documentation is well advanced between all parties who are working towards achieving contractual and financial close by end of June 2024.

At the time of writing this report this Modification Application has not been determined.

If the Modification Applications are approved as submitted and Hume Housing complete the purchase of the approved dwellings, accordingly the Stage 1 Development will comprise of the following residential dwellings:

- 10 levels of residential apartments containing a total of 75 units comprising of:
 - o 21 x 1 Bedroom apartments
 - o 31 x 2 Bedroom apartments; and
 - o 23 x 3 Bedroom apartments 5 of which are Dual Key units.
- 6 levels of Social Housing Units containing a total of 37 units comprising of;
 - o 4 x 1 Bedroom apartments
 - o 33 x 2 Bedroom apartments 23 of which are DK units

Complete redevelopment of the LAHC Site

If Stages 1 and 2 are completed as proposed, then the total residential dwellings will be three hundred and forty (340) dwellings (of which 28 are DK units) located across the site and the composition would be as follows:

- 308 private dwellings comprising of:
 - o 49 x 1 bedroom unit
 - o 198 x 2 bedroom unit
 - o 61 x 3 bedroom unit, 5 of which are Dual Key units.
- 32 Social Housing Dwellings owned by NSW Homes comprising of;
 - o 4 x 1 Bedroom apartments
 - o 28 x 2 Bedroom apartments, 23 of which are Dual Key units

Timeline of Development Application No. 303.1/2022

Date	Action
10/10/2022	The Development Application was lodged.
22/02/2023	Council issued a letter to the Applicant raising concerns with the Development Application. Further letters were sent on the 10 th and 17 th March raising further concerns regarding waste management and landscaping.
13/03/2023	A Panel preliminary briefing was held with the Sydney Western City Planning Panel. The issues raised in the preliminary briefing are discussed further within this report. The Panel requested that the Council and the Applicant hold a design meeting regarding the matters raised in the briefing.
24/03/2023	Meeting held between Council and its independent Architect and the Applicant and their Architect.
8/08/2023	Applicant submitted an amended application. The principal change to the design was that the childcare centre had been removed from building C and six (6) residential dwellings were provided on the ground floor instead.
6/12/2023	Council issued a further letter to the Applicant raising concerns with the amended proposal.
11/12/2023	An Assessment briefing was held between the Council, Applicant and the Sydney Western City Planning Panel.
21/12/2023	The Applicant responded to the letter with further information and documentation. In the response, the Applicant responded to several matters, however, indicated that Council's concerns regarding Urban Design, Traffic and parking and Waste Management would be responded to Council in early 2024. In addition, the Applicant indicated that as a Crown Development they requested that the Application be reported to the Panel for determination, once a response to the three (3) outstanding matters had been submitted.
24/05/2024	The Applicant submitted a response to Urban Design, Traffic and parking and Waste Management
25/06/2024	Transport for NSW responses to the Applicants latest documentation regarding Traffic and Parking.
23/09/2024	Matter to be reported to a final determination meeting with the Sydney Western City Planning Panel

SYDNEY WESTERN CITY PLANNING PANEL BRIEFING NOTES

On 13 March 2023, a briefing was held via teleconference between the Sydney Western City Planning Panel, Fairfield City Council and the Applicant regarding the subject development application. The following provides a response to each of the key issues of concern raised by the Panel during the briefing.

1. Vehicle and pedestrian Access

- *The proposal has 5 separate vehicle access points on Villawood Road: 2 loading bays and 3 parking entry/exits.*
- *This will create an unappealing streetscape and increase pedestrian safety risks*

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This matter has been addressed directly with Council's Traffic Branch and the new road to be built adjacent to Stage 1 can accommodate bus access.

2. Design Excellence

Several matters were raised for further investigation, including:

- *Suitable sleeving of all podium car parks (as required by the DCP) if they are to remain, particularly in relation to improving passive surveillance of the open space and pedestrian paths.*

The proposed development maintains above ground car parking located on a podium level on Level 1 and 2. This arrangement results in design issues such as excessive bulk and scale, elongated corridors, car park façade, extensive distances to lifts and lost opportunities to provide high quality ground floor apartments and position of back of house areas in inconspicuous areas. The proposed arrangement is not considered to be appropriately sleeved which is further discussed within this report.

- *The suitability of the site for a childcare centre, especially in terms of access to outdoor open space instead of indoor covered space. (Applicant to provide further documentation to justify if indoor play space is to be retained).*

The proposed childcare centre has been removed from the application and therefore this matter is addressed.

- *Better ground level activation of the streetscape, pedestrian paths and open space.*

As discussed above, the removal of the childcare centre is considered to improve activation along the building edge, however, the amount of vehicle access points along Villawood Road is not considered appropriate.

- *Greater variety of façade Building materials and articulation of the towers to reduce massing and bulk*

A peer review by Council's external architect has considered the amended documentation and advises that the design (with the exception of the above ground car parking arrangement) is considered to be well detailed and provides appropriate building materials and articulation.

- *The provision of additional communal open space and improved solar access to the open space on the podium.*

A peer review by the external architect has considered the amended documentation and does not raise any issues with the communal open space and solar access to the open space on the podium.

- *Solar access and setbacks from Stage 1 building*

A peer review by the external architect has considered the amended documentation and notes the proposal now complies with the separation distances and solar access requirements for Stage 1.

3. Social Housing

- *The Panel noted that the DA contained no social housing on a site that was previously used exclusively for social housing and therefore had little to distinguish it from any other private development application to justify consideration of any variation to development controls.*

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- *The Applicant indicated the return from the development would pay for the provision of social housing in Stage 1.*
- *Applicant advised that it was applying for Federal grant funding to enable provision of social housing or affordable housing in Stage 2, which was expected to be determined in July.*

The Applicant has not increased the number of social housing units within the subject development, which does not achieve compliance with the 30:70 social to private tenure mix set out in the Future Directions for Social Housing in NSW (Future Directions). Accordingly, it is considered appropriate that if the Panel was to approve the Application, a condition be imposed that the 30:70 social to private housing is applied across the entire LAHC site. It should be noted that affordable housing is not social housing.

INTERNAL REFERRALS

Asset Management

The development application was referred to Council's Asset Management Branch for assessment. It has been advised that the development application is satisfactory and, therefore, can be supported subject to recommended conditions of consent.

Development Engineering

The development application was referred to Council's Development Engineering Branch for assessment. It has been advised that the development application is satisfactory and, therefore, can be supported subject to recommended conditions of consent.

Building Control Branch

The development application was referred to Council's Building Control Branch for assessment. It has been advised that the development application is satisfactory and, therefore, can be supported subject to recommended conditions of consent.

Public Environment and Health Branch

The development application was referred to Council's Public Environment and Health Branch for assessment. It has been advised that the development application is satisfactory and, therefore, can be supported subject to recommended conditions of consent.

Traffic Engineering Branch

The development application was referred to Council's Traffic Engineering Branch for assessment. Council Traffic engineer has raised concerns regarding the proposed development. The principal concerns raised by the Traffic engineering section is as follows:

Traffic generation (external traffic impacts) comments

- The applicant has not submitted sufficient information to demonstrate that the site has adequate capacity to accommodate the maximum of 215 vehicles during the AM peak hour and 374 vehicles during the PM peak hour;
- Based on the applicant's traffic impact assessment report, the traffic impacts of the development proposal on the intersection of Villawood Road/Woodville Road/Llewellyn Avenue are considered significant. This intersection under the PM peak hour of years (2020

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plus development or 2031 or 2031 plus development) is expected to operate at a LOS F and it is expected to create congestion/delays. Whether it is under the existing or future traffic conditions, the applicant must demonstrate that there will be no adverse traffic and environment impacts by the anticipated traffic generation. Otherwise, mitigation traffic measures shall be proposed at the intersection to ensure the safety of road user and to maintain efficiency;

- The applicant shall provide a loading management plan to Council for assessment. The loading management plan shall incorporate a breakdown of the types of heavy vehicles accessing the site (for examples, medium rigid vehicles, 12.5m heavy rigid etc.) on an hourly basis through the day to Council for assessment. This is to ensure that vehicles servicing/using the site will be managed at peak times in a way that they will not affect traffic circulation within the site and/or cause vehicles queuing onto the external road network;
- The applicant shall undertake queuing analysis at the proposed boom gate of the basement car park. To determine the storage queue of the boom gate, guidance shall be sought from the Australian/New Zealand Standard AS/NZS 2890.1:2004. The 95th percentile queue lengths, would be considered to be the appropriate design standard that should be accommodated. This would ensure that the queuing provision is to accommodate the 95th percentile queue lengths and minimise the potential impacts onto the adjoining external road network;

Other traffic comments

- Adequate delineation shall be provided at/near the raised traffic islands proposed within the site by signs and line markings. This is to guide motorists travelling around and through the traffic control devices. There are intersections where the applicant has not demonstrated that they can accommodate two-way simultaneous traffic movements as the likely scenario. Where simultaneous traffic movements cannot be accommodated within an intersection within the development site, the applicant shall provide further information on how the conflicts between vehicular movements are minimised/eliminated;
- The applicant has not provided sufficient information regarding the operations of the turntables proposed within the site and how they will be managed in the event of a power failure or when the traffic signals are malfunctioning. Council also needs to know how enforcement can be undertaken within a development site (private land) should drivers not comply with the operations of the turntable;
- The swept path diagrams for vehicle movements (forward entry and reverse exit) of swept path diagram (Job No. 221152 Drawing No. DTR-L2011) indicate that vehicles drive very close to or into the adjacent parking spaces;
- Council generally does not favour the use of stack parking. Insufficient information has been provided in regard to the management of the stacked parking arrangement; and
- The intersection area where the ramp meets with the traffic aisle (adjacent to the tandem parking spaces) does not have the sufficient capacity to accommodate two-way traffic simultaneous movements.

Waste Management Branch

The development application was referred to Council's Waste Management Branch for assessment. The Waste Branch has raised concerns as below:

- The chute room contained on every residential floor level of the proposal cannot accommodate a Green Bin (Organic waste);

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- The garbage room within the basement contains a linear track instead of a circular track which would effectively double the waste storage of the chutes and rely less on care takers having to manage the development;
- The Bin hoist that is stored in the basement cannot access the loading areas as the doors proposed are too narrow;
- Each ground floor collection room is not large enough to collect all the 660L red bins and does not provide any 240L green bins; and
- Within Building A, it appears that waste needs to be transferred through the bulky goods waste room, which therefore means the room cannot be accessed if the bulky goods room is full; and
- The elevation plan for Building C does not dimension the height clearance for the roller door and therefore it is unknown that it has the required 4.5m clearance. In addition, the swept path diagrams into the loading bays do not include vehicles parked on the street and therefore it is uncertain that a HRV can access the loading areas.

Tree Preservation Officer

The development application was referred to Council's Tree Preservation Officer for assessment. It has been advised that the development application is satisfactory and, therefore, can be supported subject to recommended conditions of consent.

Heritage Officer

The development application was referred to Council's heritage Officer for assessment. It has been advised that the development application is satisfactory and, therefore, can be supported subject to recommended conditions of consent.

Strategic Land Use Planning branch

Council's Strategic Land Use Planning Branch have reviewed the application and provide the following comments;

Background

The proposal involves the redevelopment of a State-owned site which previously contained 111 social housing units. The subject application (Stage 2) now proposes 228 private units with no social housing units in this stage.

On 23 March 2023, Development Application No. 384.1/2021 was approved for Stage 1 which comprised of 32 social housing units and 80 private units.

Presently, the total amount of social housing units proposed on the overall site once both stages are completed will represent 9.4% of the housing stock. The development proposal falls well short of the 30:70 social to private tenure mix required by NSW Government Policy (see below).

Nationally, in 1983, 14 public-sector residential buildings were approved for every 100 private-sector ones. Forty years later, in 2023, it was 1.7 per 100 (Source ABS 873.0, Table 20).

SEIFA Ranking Fairfield LGA

The Socio-Economic Indexes for Areas (SEIFA) is published by the Australian Bureau of Statistics (ABS) and ranks areas according to relative socio-economic advantage and disadvantage, based on information from the five-yearly Census of Population and Housing.

In 2021, Fairfield City was ranked 1st in disadvantage of all 130 local government areas (LGAs) in NSW, meaning that there were no other LGAs that have a lower SEIFA ranking. This indicates high unemployment, low incomes, low education levels, single parent families, low skilled occupations, poor English proficiency. The index is commonly used for funding allocations and advocacy because it highlights the areas of most need.

Villawood is ranked amongst Fairfield City's, and therefore NSW's, most disadvantaged places which include the nearby suburbs of Cabramatta, Canley Vale, Carramar, Fairfield East and Yennora.

Compared to neighbouring LGAs, Cumberland is ranked 7th, Canterbury-Bankstown is ranked 10th, Liverpool City is ranked 20th, Blacktown is ranked 76th, and Penrith City is ranked 82nd in NSW.

Villawood Strategic Planning Context

The Villawood Town Centre Urban Design Study (UDS) was adopted by the Ordinary Meeting of Council on 27 March 2018. It envisaged a 70/30 split of social and private housing for the Kamira Court Site (Stages 1 & 2 combined).

Extracts from the UDS below:

- Safer by Design principles to be incorporated (CPTED implementation with projects). New housing on the Kamira Court site to be socially mixed with a target outcome of 70% private housing and 30% social housing, including a component of affordable housing.

4.4.5 Support social housing

Just under 18,500 South West District households receive social housing – this represents 5% of all District households. There are clusters of social housing in the Campbelltown area, Macquarie Fields, Bonnyrigg, Currans Hill, Liverpool and Fairfield. There is considerable demand for social housing and this is expected to increase. This Study will assist in creating opportunities associated with the large area of LAHC land in the western precinct of the Villawood Town Centre.

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The UDS provided planning justification for Fairfield City Council to proceed with the rezoning to permit greater residential densities at Villawood on the basis of the government-owned Kamira Court site comprising 30% social housing.

Social Housing Shortages in New South Wales

Key Issues for the 58th Parliament relating to Social and Affordable Housing Shortages was published by the NSW Parliamentary Research Service in May 2023, and found:

- *Social and affordable rental housing provides an important safety net for people who cannot afford housing in the general market.*
- *In recent years, demand for social and affordable housing has increased as the cost of renting in the general market has risen significantly.*
- *On 30 June 2022, the social housing waitlist in NSW consisted of 57,558 applicants, an increase of 15% from June 2021.*
- *A 2022 study by the UNSW City Futures Research Centre estimated that there were 221,500 low-income households in NSW with unmet housing need.*
- *Recent NSW Inquiries have made various recommendations to the NSW Government including proposing an increased investment in social and affordable housing.*
- *Some stakeholders such as NCOSS are calling for the NSW Government to build 5,000 additional social housing dwellings every year for the next 10 years.*

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The Review of Housing Supply Challenges and Policy Options for New South Wales was released by the NSW Productivity and Equality Commission in August 2024, and found:

- *There is good evidence that sound investments in social housing can deliver social, fiscal, and economic benefits.*
- *Not everyone can access safe and secure housing in the private market. This includes households suffering from domestic and family violence, those living with disability or complex needs, and households on very low incomes. Without support, these groups risk experiencing homelessness.*
- *Social housing provides an essential safety net for these households. Providing social housing improves recipients' health and quality of life. It also relieves pressures on other government services, such as health, mental health, justice, and specialist homelessness services, which can be costly to provide.*
- *Social housing is an effective and well-targeted government intervention. The supply of social housing, however, has not kept pace with demand.*
- *The social housing waitlist in New South Wales is large and growing. The number of applicants has grown from almost 58,000 households in June 2022 to around 68,000 households (or 140,000 individuals) in June 2023.*
- *In general, governments should focus on increasing the overall supply of housing as an effective way to improve housing affordability, while ensuring a sufficient stock of social housing is available to meet the needs of those who need it most.*
- *Governments should prioritise sustained public investment in social housing.*

Social Housing Waitlist in Fairfield LGA and NSW

The table below shows the number of priority and general applicant households on the NSW Housing Waitlist Register by Allocation Zone at the end of the latest reported month.

Social housing applicant households on the NSW Housing Register by Allocation Zone as at 31 July 2024				
AZ	Allocation Zone	Priori	Gener	TOTA
NSW		9641	48060	57701
✗ GW10	FAIRFIELD	398	3302	3700 ✗
GW9	BANKSTOWN	321	2125	2446
GW11	LIVERPOOL	329	1970	2299
CS4	NORTHERN SUBURBS	659	1517	2176
GW12	CAMPBELLTOWN	399	1693	2092
GW1	PARRAMATTA	180	1846	2026
NN7	NEWCASTLE	135	1872	2007
GW5	PENRITH	186	1608	1794
CS9	ST GEORGE	315	1442	1757
NN20	WYONG	107	1619	1726
CS7	INNER WEST	358	1285	1643
CS3	LEICHHARDT/MARRICKVILLE	381	1098	1479
S15	WOLLONGONG CITY	153	1242	1395
NN19	GOSFORD	105	1284	1389
GW3	BLACKTOWN	131	1095	1226
CS2	EASTERN SUBURBS	287	905	1192
NN37	TWEED HEADS	345	806	1151
NN3	MAITLAND	127	781	908

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Clearly there is both a very high need and very high unmet demand for social housing in Fairfield LGA.

National Framework & NSW Government Policy

The National Housing Accord 2022 “lays the groundwork to improving affordability by addressing Australia’s housing supply challenges and enabling the delivery of more social and affordable housing.”

Under the Accord, NSW has committed to take immediate action with the Commonwealth in “collaborating to improve financing for new social and affordable housing projects” and to “improving zoning, planning and land release...to deliver the joint commitment on social and affordable housing in well located areas, including looking for immediate opportunities to free up well located state land, for example in and around train stations...”

Current NSW Government Policy goes back to 2016 Future Directions for Social Housing in NSW with an ongoing commitment to “ensure large redevelopments target a 70:30 ratio of private to social housing to enable more integrated communities (generally with an increased number of social housing where practicable).”

On 2 February 2024 the NSW Minister for Housing & Homelessness released a major policy statement with the creation of a new agency:

“Homes NSW will rebuild the social and affordable housing system in NSW - an ambitious reform and key election commitment to tackle the state's housing crisis has been delivered with the official launch of Homes NSW, putting people back at the heart of housing and roofs over their heads.

“This marks a once in a generation reform to the largest public housing agency in the southern hemisphere and an important first step to rebuild a broken public housing system.

“Homes NSW has also been tasked with turbocharging the construction, maintenance and repair of social and affordable homes across our state.

“This transformation will help those who need it most, at a time when the need for social and affordable housing has never been greater.

Minister for Housing and Homelessness Rose Jackson said:

“You can’t tackle the housing crisis if you don’t have a strong social and affordable housing system - we need safe, good quality, accessible homes for people who need them most. Homes NSW is a crucial part of this work.

“Adequate housing is a basic human right and Homes NSW will be the driver of much needed and long overdue reform to the social and affordable housing sector.

Homes NSW Chief Executive, Rebecca Pinkstone said:

“I look forward to the challenge of building a thriving social and affordable housing sector in NSW.

“Homes NSW will deliver on the promise of more and better social and affordable housing in NSW. Our aim is to create the best social housing system in the country.

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We will work in partnership to maximise homes on the ground, reduce instances of homelessness and deliver a quality housing service for our residents.”

The Public Interest – Section 4.15 of the EP&A Act 1979

It should not be the responsibility of local government, nor the regional planning panel, to ensure that the State Government satisfies its own policy commitments in the provision of much needed social housing on a State-owned site which previously contained 111 social housing units, and now proposes a total of 32 social housing units in a development of 340 units.

The site is within 400m of Villawood railway station, in a highly disadvantaged suburb in the most disadvantaged LGA in NSW.

The public interest test of section 4.15 of the Environmental Planning & Assessment Act 1979 in relation to the subject DA 303.1/2022 should most appropriately be answered by the NSW Minister for Housing and Homelessness.

Given the above, it is therefore recommended that the development application be referred to the NSW Minister for Housing and Homelessness for a response to the matters outlined above, especially in relation to NSW Government Policy, the overwhelming need for additional social housing in Fairfield LGA, and the public interest according to Section 4.15 of the Environmental Planning & Assessment Act 1979.

Should a satisfactory response not be provided, the resulting recommendation is that the development application be refused.

EXTERNAL REFERRALS

NSW Sydney Trains

The development application was referred to NSW Sydney trains for comment in accordance with Clause 2.99 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. Sydney Trains have responded and raised no objection to the proposal subject to compliance with a number of conditions.

Bankstown Airport

The Application was referred to Bankstown airport for comment. At the time of writing this report, no response has been received from the agency.

Transport for NSW

The development application was referred to TfNSW for comment in accordance with Clause 2.122 (Traffic Generating Development) of the State Environmental Planning Policy (Transport and Infrastructure) 2021. TfNSW have responded to the latest package and still raise concerns with the proposed development as discussed below:

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- The DA proposes to deliver 228 residential apartments, medical and health centres with 15 rooms, retail and neighbourhood shops, community facilities, and a supermarket with 398 car parking spaces. As a result, the DA will produce a trip generation of an additional 295 and 438 vehicle trips in the AM and PM peak periods and have the following network impacts:
 - Right turn at Kirrang Avenue (**local road**) and Villawood Road (**local road**) approach to Woodville Road (**classified road**) during the AM peak period.
 - Right turn on the northern approach of Woodville Road to Villawood Road during the PM peak period.
 - Right turn at Llewellyn Avenue (**local road**) during the PM peak period.
- TfNSW previously raised concerns about the deterioration in the Level of Service (**LoS**) at the Woodville Road/Villawood Road/Llewellyn Avenue intersection and the need for the DA ameliorate the impact. This has been confirmed with the new information provided by the Applicant that shows that there will be a significant increase in delay upon development, particularly for the PM peak for both the 2020 and 2031 models.

Increases in average intersection delay of 37 seconds per vehicle and 51 seconds per vehicle are forecast upon development, respectively, equivalent to more than a two-step deterioration in the LoS, deemed unacceptable and amelioration required by the Applicant.

Given this, TfNSW consider that there are opportunities to provide localised median, kerb and lane marking adjustments to permit three northbound lanes on approach and departure of the intersection to achieve a LoS akin to the base case, and the feasibility of increasing the right turn capacity at Kirrang Avenue on approach to Woodville Road.

PUBLIC NOTIFICATION

In accordance with Council’s 2024 Community Engagement Strategy, the subject Development Application was notified for a period of twenty-one (21) days via written notification letters to surrounding properties and via Council’s website on 19th October 2022. Four (4) submissions were received by way of objection in response to the Development Application.

Following receipt of an amended application, the subject Development Application was renotified in accordance with Council’s 2024 Community Engagement Strategy, for twenty-one (21) days via written notification letters to surrounding properties and via Council’s website on 10th August 2023. No submissions were received in response to the amended Development Application.

The following table outlines the concerns raised within the submissions and Council’s response to each concern.

Issue of Concern	Comment
Car Parking Impacts during construction	<p>Concern was raised about the Car Parking impacts on the local business and that this was not addressed in the submitted Statement of Environmental Effects.</p> <p>It is considered appropriate that a condition be imposed that requires a Construction Management Plan be submitted and approved by Fairfield City Council that demonstrates that the construction of the proposal can be managed without unreasonable impact on the surrounding businesses.</p>
Car Parking Impacts during operation	<p>Concern was raised that no fit-out and operational details have been submitted in relation to the non-residential uses that are proposed. Accordingly, a proper assessment of the suitability of these uses was unable to be undertaken.</p>

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	This is considered relevant.
Lack of Parking for all the residential uses and commercial uses	Concern was raised that there is insufficient car parking provided. Council's assessment of the required car parking has determined that sufficient car parking for the residential units on the site has been provided in accordance with the applicable parking requirements, however, based on the documentation provided there is insufficient car parking for the commercial uses. In this regard, concern is raised to the amount of car parking provided for the commercial uses onsite.
Need to consult what type of community facility is proposed	The Applicant has responded and indicated that a community provider such as Woodville Alliance will be engaged to manage this space and its programs which responds best to the needs of the broader community.
Should be a playground within the park	The embellishment of the park is subject to the VPA.
Will there be security cameras for the safety of the residents?	If approved, a condition is recommended that requires CCTV to be installed.
Oppose Childcare Centre as there is no suitable drop off and pick up and will cause traffic congestion	The childcare centre has been removed from the application.
Oppose the Building being 11 storeys	The Villawood DCP 2020 allows an eleven-storey building on the subject site
Concern regarding the Traffic Impacts to Koonoona Ave	Council's traffic Engineer has reviewed the proposal and has raised concerns regarding the impacts of the proposal on the local road system.
Need to maintain the road surface of Koonoona Ave due to damage	If approved, it is recommended that a condition be imposed that requires a road dilapidation report be prepared to ensure that any damage during Construction is rectified.

STATUTORY REQUIREMENTS

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021, requires the consent authority to consider whether land is contaminated and if it requires remediation prior to granting consent to any development. The consent authority must be satisfied that any necessary remediation has occurred before the use of the land is permitted.

A Detailed Site Investigation (DSI) prepared by Douglas Partners dated March 2020 was submitted in support of the application. The DSI concluded that the presence of building rubble and the limited detection of Asbestos Containing Material (ACM) is possible that additional undetected ACM may be present infill across the site. There is low to medium likelihood of significant contamination risks to human health or the environment associated with the site. Accordingly, a remedial action plan (RAP) was required.

A Remediation Action Plan, prepared by Douglas Partners, Project Number 86819.02, dated July 2022 was submitted to Council for assessment. The RAP concluded that the site can be made

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suitable for the proposed residential/commercial development subject to recommendations including the retainment or relocation of contaminated soils beneath areas of proposed hardstand or the excavation and off-site disposal of soils which do not meet the remediation acceptance criteria. The RAP also recommends the implementation of an asbestos management plan. Accordingly, it is considered that the site can be made suitable for the proposed development subject to conditions of consent.

Council's Public health and Environment Branch have reviewed the submitted documentation and raise no further concerns, subject to conditions of consent.

State Environmental Planning Policy (Building Sustainability Index: BASIX)

BASIX Certificates in support of the application were submitted and are in accordance with the provisions of the SEPP BASIX 2004. The certificate outlines the developer's commitments relating to water, energy and thermal comfort. The Application has been amended and an updated BASIX Certificate has not been provided in the amended package (which includes 6 new dwellings). Given this, it is recommended that a condition be imposed that requires the submission of an amended BASIX Certificate for the amended Application.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The development application was referred to NSW Sydney trains for comment in accordance with Clause 2.99 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. Sydney Trains have responded and raise no objection to the proposal subject to compliance with a number of conditions.

The Application is supported by an Acoustic report that has considered Clause 2.100 Impact of rail noise or vibration on non-rail development of the SEPP. Subject to recommendations within the report, the proposed residential dwellings will meet the threshold decibel levels and will not be exceeded.

It is therefore considered that the application will unlikely be impacted by the nearby rail corridor subject to the recommendations of the Acoustic Report being met.

The development application was referred to TfNSW for comment in accordance with Clause 2.122 (Traffic Generating Development) of the State Environmental Planning Policy (Transport and Infrastructure) 2021. TfNSW have responded to the latest package and still raise concerns with the proposed development. Clause 2.122 Subclause (4) is as follows:

(4) Before determining a development application for development to which this section applies, the consent authority must—

...

(b) take into consideration—

(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including—

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

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Given the comments from Council's traffic engineer and TfNSW, a number of issues remain unresolved with respect to traffic safety and road congestion matters.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposal is considered to be in accordance with the provisions of SEPP (Biodiversity and Conservation) 2021. The development involves the removal of 53 trees. These trees require removal due to the development and or seek to be removed due to low significance and limited useful life expectancy.

Council's Tree Preservation Officer (TPO) reviewed the application and supports the proposal subject to conditions of consent.

Fairfield Local Environmental Plan 2013 (FLEP2013)

The subject site is zoned R4 High Residential under the FLEP 2013.

The proposed development can be characterised and defined as follows:

"Residential flat building"

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

"Shop top housing"

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

"Community Facility"

community facility means a building or place—

(a) owned or controlled by a public authority or non-profit community organisation, and
(b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

"Retail premises"

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a), (b) (Repealed)
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,

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(la) specialised retail premises,

(m) timber yards,

(n) vehicle sales or hire premises,

but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

“Medical Centre”

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

“Health Services Facility”

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

(a) a medical centre,

(b) community health service facilities,

(c) health consulting rooms,

(d) patient transport facilities, including helipads and ambulance facilities,

(e) hospital.

A ‘residential flat building’, ‘shop top housing’ and ‘community facility’ are permitted with consent within the zone. In accordance with Clause 2.60 of State Environmental Planning Policy (Transport and Infrastructure) 2021, the ‘health services facility’ and medical centre are permitted subject to consent.

Ordinarily, retail premises would be prohibited within the zone, however, the proposal was subject to Planning Proposal in order to allow retail and business premises within the north-eastern portion of the site. On 23 September 2023, Fairfield Local Environmental Plan (LEP) 2013 (Amendment No.43) was gazetted, which allowed additional permitted uses on the north-eastern portion of the site. Accordingly, the proposed retail premises can be considered subject to consent.


The objectives of the R4 High Density Residential zone are as follows:

- 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 amalgamations.

It is considered that the proposal is consistent with the zone objectives.

Other relevant matters to be considered under Fairfield LEP 2013 for the proposed development are summarised below.

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Development Standard	Compliance
<p>Clause 4.3 - Height of Building</p> <p>Control Height of Building =</p> <p>The site is subject to a split height control with the eastern portion within the maximum 39m height limit and the western portion in the 27m height limit.</p> 	<p>The majority of both buildings comply with the prescribed height control, however, the proposal does incorporate a variation to the building height development standard.</p> <p>For Building A, the non-compliance is due to the lift overrun to the 27m height provision, a maximum encroachment of 600mm or 27.6m and non-compliance limited to the lift overrun to the 39m height provision, a maximum encroachment of 1890mm or 40.89m.</p> <p>For Building C, the non-compliance is limited to a small portion of the parapet to Level 8 and lift overrun to the 27m height provision, a maximum encroachment of 1890mm or 28.89m.</p> <p>The applicant has submitted a written request for variation of the standard pursuant to Clause 4.6 of the LEP, which allows the consent authority to consider exceptions to development standards in certain circumstances. This is discussed further below.</p>
<p>1.4 Floor space ratio</p> <p>The maximum permitted floor space ratio (FSR) at the subject site is Max: 2.5:1</p>	<p>The proposed FSR is 2.36:1 and therefore complies.</p>
<p>Clause 6.2 – Earthworks</p> <p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, 	<p>Yes</p> <p>A Preliminary Geotech Report prepared by Douglas Partners dated November 2008 was submitted in support of the application. Council’s Development Engineers assessed the application and raised no concerns.</p>

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<p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	
<p>Clause 6.3 – Flood Planning</p> <p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p>	<p>The subject site is located within a part low and part medium flood risk precinct due to overland flooding.</p> <p>Council’s Development Engineer has assessed the application and raise no concerns, subject to conditions of consent.</p>
<p>Clause 6.5 – Terrestrial Biodiversity</p> <p>Before determining a development application for development on land to which this clause applies, the consent authority must consider:</p> <p>(a) whether the development is likely to have:</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p>	<p>N/A</p> <p>There are no vegetation communities on site that are of biodiversity value.</p>

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<p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	
<p>Clause 6.9 – Essential Services</p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.</p>	<p>Yes</p> <p>Should the Panel wish to approve the application, a condition of consent can be imposed to ensure satisfactorily arrangements or amplification of services, if required, are provided prior to the issue of a Construction certificate.</p>
<p>6.12 Design excellence</p> <p>(1) The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Fairfield.</p> <p>(2) This clause applies to development involving the construction of a new building or external alterations to an existing building on land in the following zones— (a) Zone R4 High Density Residential,</p> <p>(3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.</p> <p>(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d) how the development addresses the following matters— (i) the suitability of the land for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints,</p>	<p>The applicant submitted an Urban Design Report (UDR) prepared by DKO, which illustrates the impacts of the development upon the surrounding residential developments and public park including overshadowing, visual impacts, privacy, and pedestrian connections.</p> <p>The application was forwarded by Council to an external architect to undertake a peer review of the urban design and SEPP 65 review of the proposal. A number of outstanding issues have been identified by the review of the amended application in relation to the above ground car parking arrangement, the number of vehicle access points along Villawood Road, upper setbacks to the neighbouring development at No. 1 Villawood Place, the single level of residential underneath the car park levels, lengthy corridors, the location of external substations and air conditioning units on balconies have reduced the balcony area below the minimum that is required.</p> <p>Accordingly, it has not been demonstrated that the design of the proposed development exhibits design excellence as required under Clause 6.12 of FLEP 2013.</p>

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<ul style="list-style-type: none"> (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access, circulation and requirements, (x) the impact on, and any proposed improvements to, the public domain, (xi) the interface with the public domain, (xii) the quality and integration of landscape design. 	
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Variation to Clause 4.3 Height of Building Standard

As outlined in the table above, the site is subject to a split height control under Clause 4.3 of the Fairfield LEP 2013, with the eastern portion within the maximum 39m height limit and the western portion in the 27m height limit.

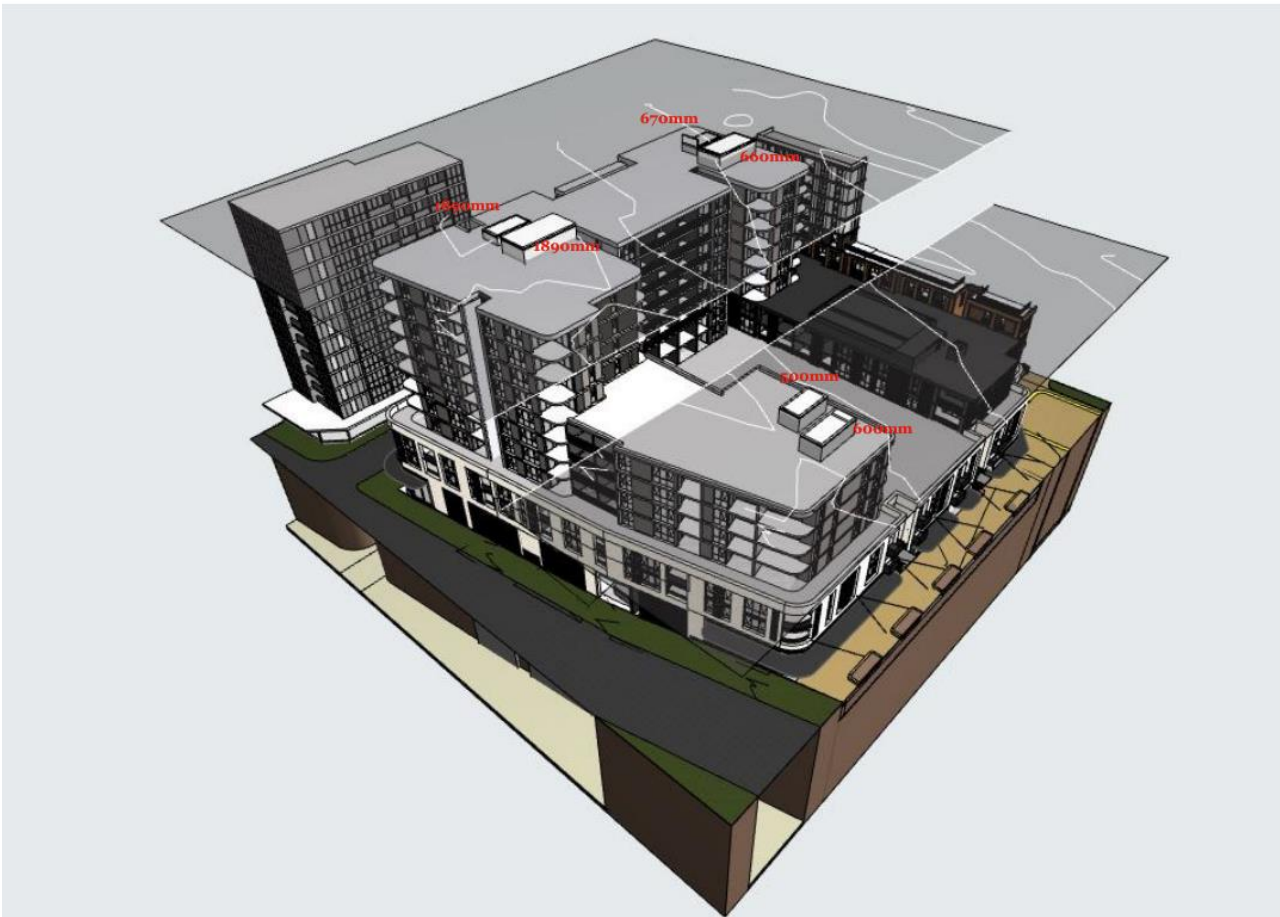
The application proposes several encroachments into the 39m building height and 27m building height standard. The applicant has submitted a written request for variation of the standard pursuant to Clause 4.6 of the LEP, which allows the Consent Authority to consider exceptions to development standards in certain circumstances.

Building A

The submitted Clause 4.6 variation indicates the following breaches with Building A:

<i>Portion</i>	<i>Maximum Height</i>	<i>Departure</i>
Lift overrun	27.6m to the 27m height provision	600mm or 2.2% variation
	40.89 to the 39m height provision	1890mm or 4.8% variation

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Building C

The submitted Clause 4.6 variation indicates the following breaches with Building C:

<i>Portion</i>	<i>Maximum Height</i>	<i>Departure</i>
Building	27.36m to the 27m height provision	360mm or 1.33% variation
Lift overrun	28.89m to the 27m height provision	600mm or 7.0% variation



Clause 4.6(3) of the LEP prescribes that:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The submitted Clause 4.6 Variation has provided the following reasons that compliance with the development standard is unreasonable or unnecessary in the circumstances:

- *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 proposal does not breach the maximum building height limit to gain additional yield on the site. The proposal is permitted to have a maximum floor space ratio up to 2.5:1 and 2.36:1 of floor space ratio is proposed. This demonstrates the additional building height is not a factor of proposing excessive density on the site. The additional building height is proposed to achieve a better amenity for the occupants through improved solar access to the dwellings as well as improving/minimising any solar impacts that result from the proposal.*
- *The development proposal is consistent with the intent of the maximum height control under the Fairfield LEP and will provide an attractive 8-11 storey building that addresses the site's frontages.*
- *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.*

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- *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 both the 39m & 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 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.*

The submitted Clause 4.6 Variation has provided the following reasons that there are sufficient environmental planning grounds to justify the contravention of the development standard:

- *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).*

After reviewing the applicant's written request for a Clause 4.6 Variation to the Height of Building, it is considered that the Applicant's written request for variation of the standard has met the tests set out in Clause 4.6 of the LEP.

SEPP No. 65 – Design Quality of Residential Apartment Development

SEPP No. 65 – Design Quality of Residential Apartment Development (prior to it being incorporated into SEPP (Housing) 2021) and the accompanying Apartment Design Guide (ADG) applies to the proposed Shop Top Housing. A detailed assessment against the criteria of the ADG is provided in Attachment O. SEPP 65 sets out 9 design quality principles that needs to be taken into consideration. An assessment of these principles is provided below:

ADG design quality principle	Response
1. Context	<p>The subject site forms part of the Villawood Town Centre. The Villawood DCP 2020 was formed to guide the development of the Town Centre. Since the introduction of the DCP, a number of large-scale mixed-use development has been developed within the Town Centre.</p> <p>A review of previous development applications for sites within the Villawood Town Centre including No. 47 Pedestrian Mall and No. 1 Villawood Place revealed that these developments were compliant with the development controls and objectives within the Villawood Town Centre DCP and results in an optimum planning outcome.</p> <p>Assessment of the application revealed significant issues in relation to the above ground car parking arrangement, the number of vehicle access points along Villawood Road, upper setbacks to the neighbouring development at No. 1 Villawood Place, single level of residential between car parking, lengthy corridors, location of external substations and air conditioning units on balconies reducing the balcony area below the minimum.</p>
2. Built form and scale	<p>The DCP allows podium style development across the site with inclusion of appropriate sleeved car parking, however, it is considered that the design as proposed is not appropriate for a number of reasons. The current design contains substantial unsleeved carparking on Building C. This sterilises 2 levels of facade facing Kamira Avenue and the new developments to the west, as well as a major edge to the park and introduces unresolved issues of noise, light glare and service/inactive facades to these important new addresses. The inclusion of extensive unsleeved above ground parking is a departure from the intent of the DCP and leads to extensive facade /elevations to streets and parks of up to two storeys in height of carpark occupancy.</p>
3. Density	<p>The FLEP 2013 allows a maximum FSR of 2.5:1. The proposal seeks an FSR of 2.36:1. There is the potential to provide additional residential units on site as there is a surplus of floor space available. It appears that if further basement car park was provided further GFA could be provided on the site.</p>
4. Sustainability, resource, energy & water efficiency	<p>An updated BASIX Certificate is required for the amended application, which has not been submitted.</p>
5. Landscape	<p>Council's Tree Preservation Officer has assessed the submitted landscape plan and supports the design subject to conditions of consent.</p>
6. Amenity	<p>In terms of the large residential areas at ground level (which replaced the childcare centre) the location of these units is not an ideal outcome. These apartments are set back and oriented away from sun, accessed through long dog leg internal corridor and with their location below carparking will result in negative impacts within the units and is highly unusual, providing a less than ideal outcome.</p>

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<p>7. Safety & security</p>	<p>The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy, except in relation to the 2 levels of car parking that front Kamira Ave and the park, which does not provide an appropriate surveillance arrangement.</p>
<p>8. Social dimensions/housing affordability</p>	<p>The site previously contained 111 social housing units which were demolished around 2006. The subject application involves the provision of 228 apartments of which none will be for social housing units, on land that is owned by LAHC. It is noted that under Development Consent No. 384.1/2024 and subsequent Modification applications, 32 social housing units are approved. Accordingly, the amount of social housing units provided within the overall site once both stages are completed represents 9.4% (or 10.8% if the Modification Application is approved) of the housing stock. The redeveloped LAHC site will increase the dwelling yield on the site by 229 dwellings, however, will reduce the amount of social housing units by 74.</p> <p>The proposed quantity of social housing does not achieve compliance with the 30:70 social to private tenure mix set out in the Future Directions for Social Housing in NSW (Future Directions). It is considered appropriate that if the Panel was to approve the Application, a condition be imposed that 30:70 social to private housing is applied across the entire LAHC site.</p>
<p>9. Aesthetics</p>	<p>Council’s architect considers that the design generally is very detailed and of a quality that provides a good outcome overall for the precinct (with the exception of the above ground parking). Notwithstanding this, the design includes major truck, delivery, car access driveways and services along Villawood road effectively locking in this corridor as a secondary pedestrian zone and negatively impacting on the development of an appropriate street /precinct character.</p> <p>Furthermore, the design of the single level residential at Ground level in Building C (which has replaced the childcare center) is not ideal as its design is largely recessed under two levels of carparking which now presents as a commercial/service frontage to both Kamira Avenue and the new park. This locks into the precinct a secondary quality services appearance in what should be a quality residential amenity through an appropriately sleeved facade outcome to these important new street and park addresses.</p>

Council’s Architect has undertaken a SEPP 65 and Apartment Design Guidelines assessment of the subject Application. The Consultant Architect has advised that it is considered that the proposal does not meet all of the requirements of SEPP 65 and the ADGs.

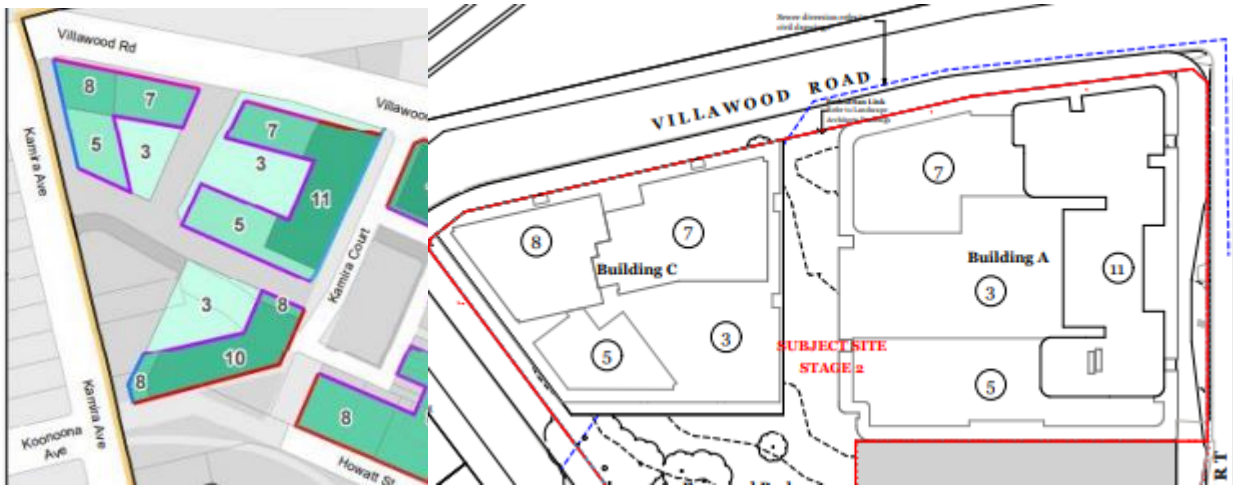
Villawood Town Centre Development Control Plan (DCP) 2020

A detailed assessment against the relevant controls of Villawood Town Centre DCP 2020 is provided in Attachment P. The proposed development is considered to generally meet the controls set within the DCP. Notwithstanding this, the proposed development is not considered to comply with Clause 4.8 which requires car parking to be located within a basement and where appropriate sleeved with active uses. The proposal does not provide all car parking within a basement, and it is considered

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that the proposed development particularly the above ground car parking for Building C is not appropriate.

Notwithstanding, the proposed building location and building heights generally comply with Clause 4.2 of the DCP as shown below:



Fairfield City Wide Development Control Plan 2013

Chapter 7 Residential Flat Buildings

The subject Development Application has been assessed against the relevant controls of Fairfield City Wide Development Control Plan 2013 including Chapter 7 Residential Flat Buildings. An assessment against these provisions identifies that the proposed development generally meets the requirements set out within the DCP. Notwithstanding this, it is considered that the proposed development has not been appropriately designed to comply with Clause 7.7.1 Waste Collection, and Council’s Waste Officer still raises concerns regarding the proposed development.

Chapter 12 Car Parking

Chapter 12 of Council’s DCP requires the following rates apply for the proposed development:

- Retail is 1 space per 40m² of GLA;
- Health Service Facilities or Medical Centres are 3 spaces per consulting room or Health Care Professional;
- Community facility is 1 space per 5m² of GLA; and
- Shop top housing is 1 space per dwelling and 1 visitor space per 4 dwellings.

Accordingly, the following car parking spaces are required:

Non - residential

Community Facility is 118m² and therefore 23.6 car spaces are required.

Retail Premises has a total area of 2258m² and therefore 56.45 car spaces are required.

Medical Centre/Health Service Facility has an indicative layout with 15 consultancy rooms which would require 45 car spaces.

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It is noted that a detailed assessment of the car parking calculations cannot be completed for the medical centre/health service facility given no operational details have been provided such as how many health care professionals would be on the premises.

Given this a total of 125 car parking spaces would be required for the non-residential uses of the premises. The proposal provides for a total of 98 car parking spaces within the basement and therefore contains a shortfall of 27 carparking spaces.

Residential

Building A will have 24 x 1 bedroom units, 108 x 2 bedroom units and 26 x 3 bedroom units (total of 158 dwellings). Building C will have 4 x 1 bedroom units, 54 x 2 bedroom units and 12 x 3 bedroom units (total of 70 dwellings).

Building A will have a total of 207 car parking spaces (21 of which are in a stacked arrangement) and Building C will have a total of 95 car parking spaces (5 of which are in a stacked arrangement).

Given the above, Council's DCP requires 197.5 car parking spaces for Building A and 87.5 car parking spaces for Building C.

The proposal therefore complies with the required residential car parking spaces in accordance with Council's DCP.

It is noted that there are a number of stacked parking spaces, however, no details in terms of how such spaces will be allocated and/or accessed has been provided. This either needs to be provided and assessed to confirm it's suitability, or alternatively, the carpark layout amended to remove the stacked parking arrangement.

TOWN PLANNING ASSESSMENT

In addition to the relevant provisions and requirements previously mentioned and discussed within this report, including those contained within the State Environmental Planning Policies, Fairfield Local Environmental Plan 2013 and Villawood Development Control Plan 2020, the key planning considerations with the application are identified below.

Above Ground Car Parking

In the Villawood Town Centre Development Control Plan 2020, Clause 4.8 is as follows:

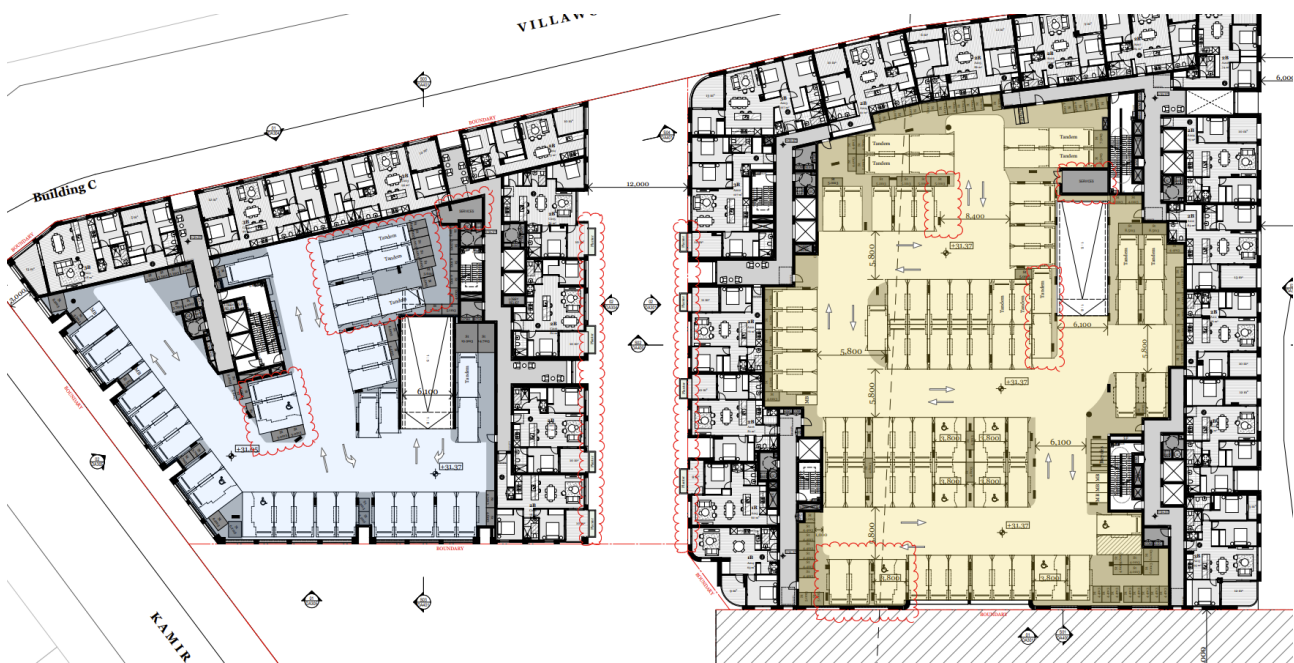
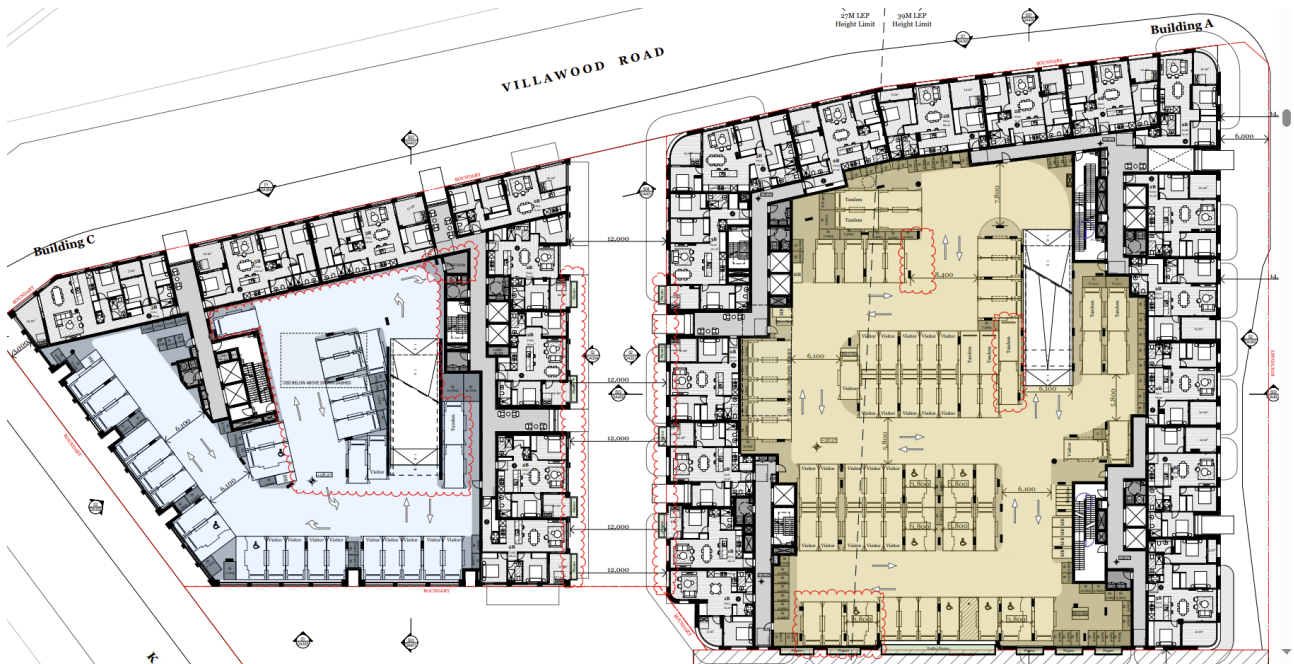
1. *Car parking is to be provided in an underground basement, or where appropriate, sleeved with active uses to main street frontages.*
2. *Sleeved car parking at ground level or above ground level must be architecturally designed and meet design excellence controls outlined within Fairfield LEP 2013.*

The application in its current form involves the provision of car parking in a podium arrangement, which is considered an inappropriate arrangement. This arrangement results in design issues which has effectively locked many uses into internalised spaces without access to natural light ventilation or outlook. It has also created an access system to the apartments which is excessively long, dog legged and without adequate relief from natural light. There are lost opportunities to provide high quality apartments and position back of house areas in inconspicuous areas. If further basement car parking was provided then further GFA could be provided. In the redevelopment of Villawood Town Centre, there has been three (3) recent large mixed-use developments that have been approved all with basement car parking and no above ground car parking. No 1 Villawood that is adjacent to the

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site to the immediate east has been constructed with 4 levels of basement car parking and it is within the building envelopes envisaged in the DCP.

The above ground car parking is not considered to be sleeved nor meet design excellence as indicated in the following diagrams below;



Levels 1 and 2 will have car parking facing Kamira Ave, the new park and the Internal east/west pedestrian link.

An earlier perspective that was submitted as part of the documentation provides a perspective of Building C when viewed from the new park/Kamira Ave as depicted below.



Given the above, it is considered that the current design contains substantial unsleeved carparking, particularly for Building C. This sterilises 2 levels of facade facing Kamira Avenue and new developments to the west, as well as a major edge to the park and introduces unresolved issues of noise, light glare and service/inactive facades to these important new addresses. The inclusion of extensive unsleeved above ground parking is a departure from the intent of the DCP and leads to extensive facade/elevations to streets and parks of up to two storeys in height of carpark occupancy.

Social Housing Apartments

The subject site contained 111 social housing units prior to them being demolished in 2006. The subject application involves the provision of 228 apartments which do not include any social housing units. It is noted that under Development Consent No. 381.1/2021 which approved the Stage 1 redevelopment, the following will also be provided on the site.

- 10 levels of residential apartments containing a total of 80 units comprising of:
 - 21 x 1 Bedroom apartments
 - 36 x 2 Bedroom apartments; and
 - 23 x 3 Bedroom apartments 5 of which are Dual Key units.
- 6 levels of Social Housing Units containing a total of 32 units comprising of;
 - 4 x 1 Bedroom apartments
 - 28 x 2 Bedroom apartments 23 of which are Dual Key units

Accordingly, if Stages 1 and 2 are completed as proposed, then the total residential dwellings will be three hundred and forty (340) dwellings (of which 28 are dual key units) located across the site and the composition would be as follows:

- 308 private dwellings comprising of:
 - 49 x 1 bedroom unit
 - 198 x 2 bedroom unit
 - 61 x 3 bedroom unit, 5 of which are Dual Key units.
- 32 Social Housing Dwellings owned by NSW Homes comprising of;
 - 4 x 1 Bedroom apartments
 - 28 x 2 Bedroom apartments, 23 of which are Dual Key units

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This represents 9.4% (or 10.8% if the Modification Application is approved) of social housing apartments within the housing stock for the entire LAHC site. If you were to include dual key units as 2 dwellings then this would represent 16.3% (60/368).

Accordingly, the redeveloped LAHC site will increase the dwelling yield on the site by 229 dwellings, however, will reduce the amount of social housing units by 74.

The proposed quantity of social housing does not achieve compliance with the 30:70 social to private tenure mix set out in the Future Directions for Social Housing in NSW (Future Directions). The applicant has responded with correspondence from LAHC that indicates they have assessed the development to meet the 'broader strategic objectives of the social housing portfolio'. However, no evidence has been submitted demonstrating there will be no social impact. Accordingly, it is considered appropriate that if the Panel was to approve the Application, it is considered essential that a condition be imposed that requires the development provide a 30:70 ratio of social to private housing.

Council's Strategic Land Use Planning Branch have reviewed the application. They have indicated that when the Villawood Town Centre urban Design Study (UDS) was adopted by the Ordinary Meeting of Council on 27 March 2018, it envisaged a 70/30 split of social and private housing for the Kamira Court Site (Stages 1 & 2 combined).

The UDS provided planning justification for Fairfield City Council to proceed with the rezoning to permit greater residential densities at Villawood on the basis of the government-owned Kamira Court site comprised of 30% social housing.

The Strategic Branch have also stated that it should not be the responsibility of local government, nor the regional panel, to ensure that the State Government satisfies its own policy commitments in the provision of much needed social housing on a State-owned site which previously contained 111 social housing units, and now proposes a total of 32 social housing units in a development of 340 units.

As discussed earlier, the site is within 400m of Villawood railway station, in a highly disadvantaged suburb in the most disadvantaged LGA in NSW, that has a high unmet social housing need.

It is not considered that the current proposal would meet the public interest test, as set out in Clause 4.15 of the Environmental Planning & Assessment Act 1979.

Design Excellence

A meeting with the applicant and the Architect as requested by the Regional Panel in order to discuss the design issues was undertaken between the applicant and Council. In response to this meeting the Applicant submitted amended plans which have been considered by Council's Architect.

Comments are as follows:

Above Ground Car Parking

This has been discussed within this section of the Assessment report.

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Streetscape presentation to Villawood Road

The presentation to Villawood Road has been designed to include major truck, delivery, car access driveways and services which effectively locks in this corridor as a secondary pedestrian zone and negatively impacts on the development of an appropriate street /precinct character. It is noted that some vehicle access at grade is necessary, however it is considered a reasonable expectation that the carparking, with very limited exceptions, should be below ground in any new development across Sydney. It is also arguable that loading docks for retail should also be below grade with lifts, as this is a very well tested approach, in denser living/retail environments.

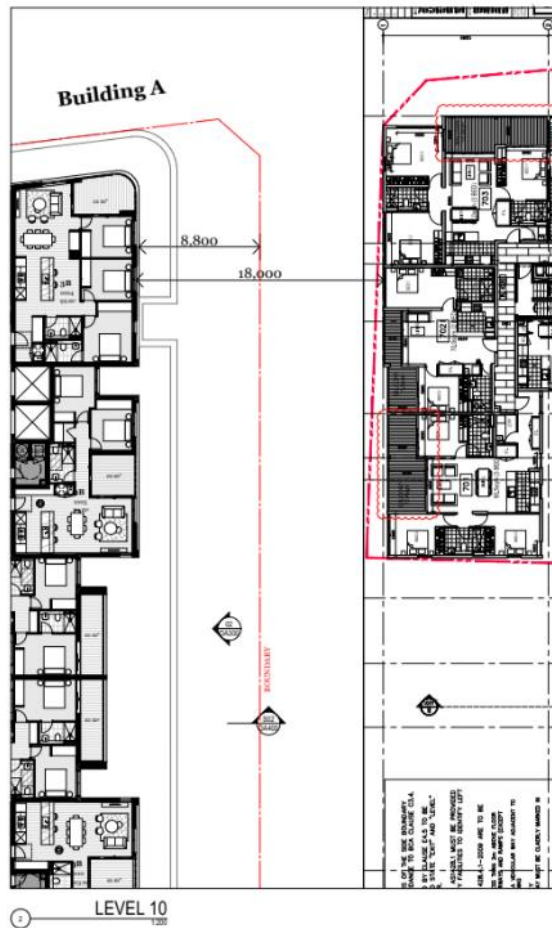
The current design does not provide an appropriate balance of the competing issues of the location of servicing elements when assessed against the amenity and character objectives. It is considered that some rebalance be sought within the design to ground level Building A and C to remove or reduce extensive loading docks and entries from Villawood Road. The current design has more than 60% of the Villawood Road frontage as service or vehicle entries, and at very high level/scale to underside of awnings which severely impacts upon the quality of the pedestrian scale to Villawood Road.



Location of three (3) vehicle crossings and two (2) loading bays along the Villawood frontage.

Setbacks to No. 1 Villawood Place

It is noted that the separation distances as required by the apartment Design guidelines between Tower A and existing the existing building at No. 1 Villawood Place do not strictly comply. The east corner of Building A tower does not comply for level 8, 9 and 10 as 24 metre separation between tower forms and habitable areas including balconies is required to meet the ADG. It is noted that in this distance 18m is provided at these levels.



An image from a response from the Applicant, which shows the separate distances between the eastern edge of the upper levels of Building A from the existing development at No. 1 Villawood Place.

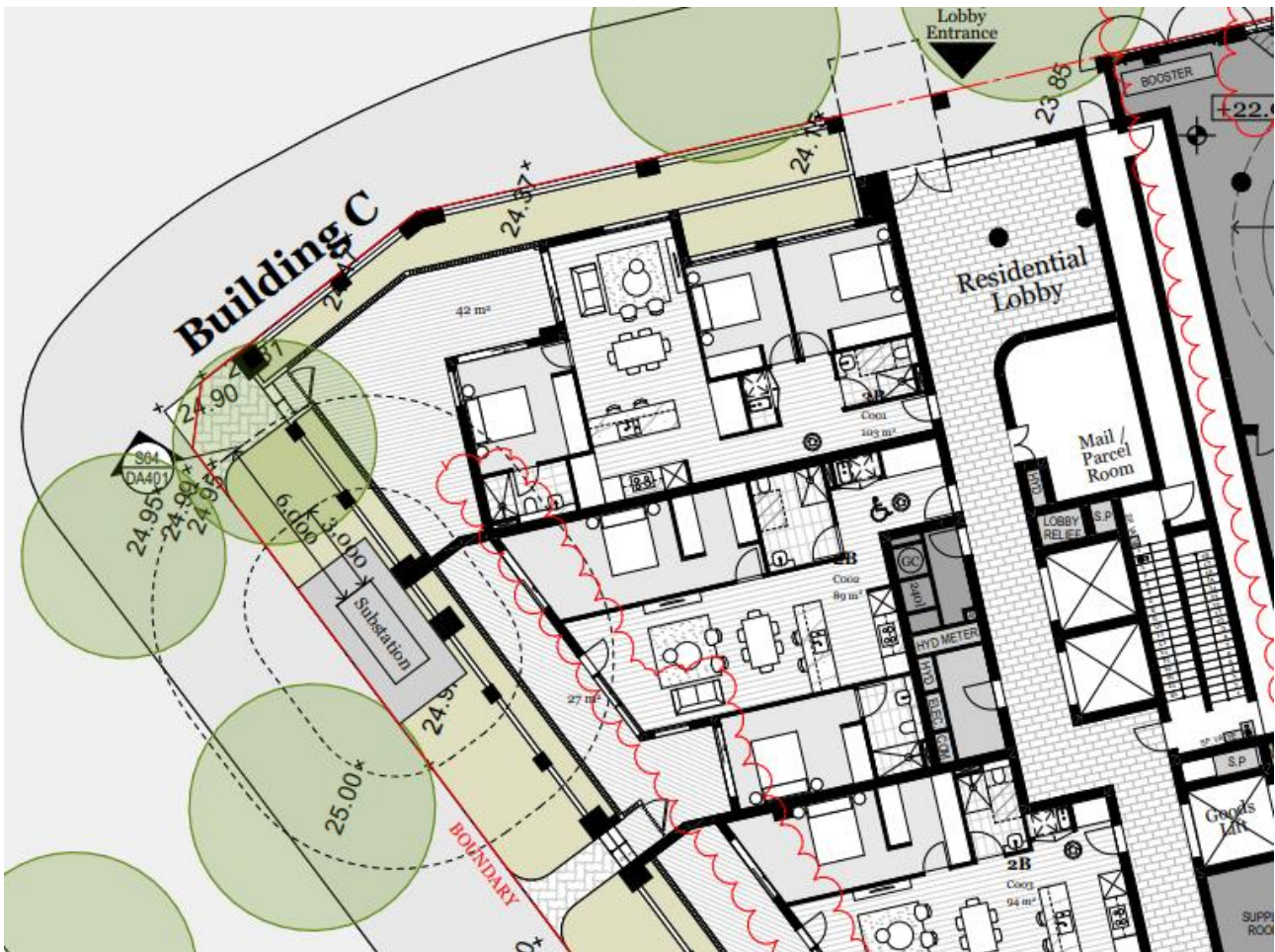
Ground Level Apartments

The Application was initially lodged with Council that did not provide any ground level residential units and this included a Childcare centre located within Building C. During the course of the application, the application was amended, and the childcare centre was removed and replaced with six (6) residential dwellings.

While these apartments would technically provide an active edge to the new park and Kamira Ave, the design of the single level residential at ground level in Building C to replace childcare is not ideal. This is due to the design being largely recessed under two levels of carparking which now presents as a commercial/service frontage to both Kamira Avenue and the new park. It has also created an access arrangement to the apartments which is excessively long, dog legged and without adequate relief for natural light. Given the size of the block it is recommended that a courtyard be considered to provide light, ventilation and landscaped outlet to these central areas.

Location of Substation

The location of the substation for Building C is not considered appropriate as it is located within the front landscape area and is located immediately in front of a ground floor unit. This is not considered to provide for a high level of public domain nor amenity for the residents within that unit.



Location of Substation in front of two (2) dwellings located at the ground floor of Building C.

Air conditioning Units on Balconies

The Application now includes details of the AC units. It is noted that the AC units will be located on the balcony and will reduce the area of the balcony in some instances to below what is required by the Apartment Design Guidelines. This arrangement is not considered to be an appropriate outcome for the private open space required for the residents.

Council's Architect has advised that whilst several issues have been addressed or resolved in the amended documentation, it is considered that the proposal in its current form does not meet the requirements of Clause 6.12 Design Excellence given the above.

Impact to Local Road System

The development application was referred to Council's Traffic Engineering Branch for assessment. Council's Traffic engineer has raised concerns regarding the proposed development. One of the principal concerns raised by the Traffic engineering section is as follows:

- Based on the applicant's traffic impact assessment report, the traffic impacts of the development proposal on the intersection of Villawood Road/Woodville Road/Llewellyn Avenue are considered significant. This intersection under the PM peak hour of years (2020 plus development or 2031 or 2031 plus development) is expected to operate at a LOS F and

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it is expected to create congestion/delays. Whether it is under the existing or future traffic conditions, the applicant must demonstrate that there will be no adverse traffic and environment impacts by the anticipated traffic generation. Otherwise, mitigation traffic measures shall be proposed at the intersection to ensure the safety of road user and to maintain efficiency.

In addition, the development application was referred to TfNSW for comment in accordance with Clause 2.122 (Traffic Generating Development) of the State Environmental Planning Policy (Transport and Infrastructure) 2021. TfNSW have responded to the latest package and still raise concerns with the proposed development as discussed below:

- The DA proposes to deliver 228 residential apartments, medical and health centres with 15 rooms, retail and neighbourhood shops, community facilities, and a supermarket with 398 car parking spaces. As a result, the DA will produce a trip generation of an additional 295 and 438 vehicle trips in the AM and PM peak periods and have the following network impacts:
 - Right turn at Kirrang Avenue (**local road**) and Villawood Road (**local road**) approach to Woodville Road (**classified road**) during the AM peak period.
 - Right turn on the northern approach of Woodville Road to Villawood Road during the PM peak period.
 - Right turn at Llewellyn Avenue (**local road**) during the PM peak period.
- TfNSW previously raised concerns about the deterioration in the Level of Service (**LoS**) at the Woodville Road/Villawood Road/Llewellyn Avenue intersection and the need for the DA ameliorate the impact. This has been confirmed with the new information provided by the Applicant that shows that there will be a significant increase in delay upon development, particularly for the PM peak for both the 2020 and 2031 models.

Increases in average intersection delay of 37 seconds per vehicle and 51 seconds per vehicle are forecast upon development, respectively, equivalent to more than a two-step deterioration in the LoS, deemed unacceptable and amelioration required by the Applicant.

Both Council's Traffic Engineer and TfNSW have raised concerns regarding the potential impact of the proposal on the local road system. TfNSW have requested that the Applicant further consider opportunities to provide localised median, kerb and lane marking adjustments to permit three northbound lanes on approach and departure of the intersection to achieve a LOS akin to the base case, and the feasibility of increasing the right turn capacity at Kirrang Avenue on approach to Woodville Road.

Car parking and Operational Details

The Application seeks approval for the non-residential uses on the site, however, does not include fit-out and operational details of these proposed uses. The Statement of Environmental effects indicates that these details will be provided as part of any future subsequent applications. It is considered essential that operational details are provided in the subject application should the applicant wish to pursue these uses. Council is unable to undertake a complete assessment of the site suitability, parking requirement and any potential amenity impacts of these uses without details on their operation. The floor area and parking spaces for these uses are proposed in the subject application and the approval of the uses will effectively allow these uses without proper consideration.

It is noted that Council's assessment of the car parking requirements based on the information provided, indicates that there would be a shortfall in the required number of car parking spaces. Accordingly, this is not considered satisfactory and may impact the Villawood town centre in terms of parking implications. It is noted that in one of the submissions from a nearby business, that without the operational details, they are unable to determine if there will be an impact to them particularly in regards to parking demand.

Waste Management

The development application was referred to Council's Waste Management Branch for assessment. The Waste Branch has raised concerns as below:

- The chute room contained on every residential floor level of the proposal cannot accommodate a Green Bin (Organic waste);
- The garbage room within the basement contains a linear track instead of a circular track which would effectively double the waste storage of the chutes and rely less on care takers having to manage the development;
- The Bin hoist that is stored in the basement cannot access the loading areas as the doors proposed are too narrow;
- Each ground floor collection room is not large enough to collect all the 660L red bins and does not provide any 240L green bins; and
- Within Building A, it appears that waste needs to be transferred through the bulky goods waste room, which therefore means the room cannot be accessed if the bulky goods room is full; and
- The elevation plan for Building C does not dimension the height clearance for the roller door and therefore it is unknown that it has the required 4.5m clearance. In addition, the swept path diagrams into the loading bays do not include vehicles parked on the street and therefore it is uncertain that a HRV can access the loading areas.

Given the above, Council has recommended conditions of consent in the event that the application is approved.

Environmental Planning and Assessment Act 1979 – Section 4.15 Evaluation

The proposed development has been assessed and considered having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. A number of important issues have been identified that warrant the application being refused on planning grounds. The following is a brief assessment of the proposal with regard to Section 4.15(1).

The provisions of any Environmental Planning Instruments (EP& A Act s4.15 (1)(a)(i))

An assessment of the proposal against the following Environmental Planning Instruments identified as being of relevance to the proposal has been undertaken:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX)
- SEPP (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- Fairfield Local Environmental Plan 2013 (FLEP 2013).

The provisions of any draft Environmental Planning Instruments (EP& A Act s4.15 (1)(a)(ii))

Not applicable – there is currently no draft environmental planning instrument of relevance to the subject site or proposal.

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The provisions of any Development Control Plans (EP& A Act s4.15 (1)(a)(iii))

The Villawood Town Centre Development Control Plan 2020 applies to the subject site and was adopted by Council on 28 April 2020. The DCP came into force on 5 June 2020 and implements the vision for the site. The subject proposal seeks variations to the Villawood Town Centre Development Control Plan 2020 as the proposed development does not provide the car parking within a basement nor is it appropriately sleeved and designed to achieve architectural merit. Based on the information provided it is considered that the degree of variation is significant and results in unacceptable streetscape and amenity issues.

Any planning agreement that has been entered into under part 7.4, or any draft planning agreement that a developer has offered to enter into under part 7.4, (EP&A Act s4.15(1)(a)(iiia))

The VPA was executed on 20th July 2023.

The provisions of the Regulations (EP& A Act s4.15 (1)(a)(iv))

There are no matters prescribed by the Regulations that apply to the subject development.

The Likely Environmental, Social or Economic Impacts (EP& A Act s4.15 (1)(b))

Social Impacts

Council notes that the site previously contained 111 social housing units which were demolished around 2006. The subject application involves the provision of 228 apartments which none are to be social housing units, on land that is owned by LAHC. It is noted that under Development Consent No. 384.1/2024, 32 social housing units are proposed. Accordingly, the amount of social housing units provided within the overall site once both stages are completed represents 9.4% (or 10.8% if the Modification Application is approved) of the housing stock. The redeveloped LAHC site will increase the dwelling yield on the site by 229 dwellings, however, will reduce the amount of social housing units by 74.

The proposed quantity of social housing proposed for the entirety of the site does not achieve compliance with the 30:70 social to private tenure mix as required by the NSW Government's Future Directions for Social Housing in NSW (Future Directions) Policy, nor replace the loss of social housing on site. Given the lack of evidence to date that there will be no social impact given current and ongoing loss of social housing within the site, it is considered essential that a condition be imposed that requires the development provide a 30:70 ratio of social to private housing for stages 1 and 2 in compliance with the NSW Government's Future Directions Policy document.

Environmental Impacts

The development involves the provision of podium parking on the ground, first and second floors which is not considered to be a suitable arrangement for the type of development proposed and results in other urban design issues such as bulk and scale, elongated internal corridors and loss of opportunity for street activation. This arrangement also results in amenity impacts to the ground floor apartments which are not considered to be provided with a high level of amenity.

The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The site is considered suitable for the proposed development.

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

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Council's website

Mail

In accordance with Council's Community Engagement Strategy 2024, the application was notified for a period of twenty-one (21) days. Four (4) submissions were received. It is considered that the concerns raised regarding car parking are considered relevant and need to be further considered.

The public interest (EP& A Act s4.15(1)(e))

Having regard to the assessment the proposed development, the development in its current form is not considered to be in the public interest.

CONCLUSION

There have been a number of briefings of the Application to the Regional Panel. During these discussions, the Panel requested that the applicant reconsider vehicle and Pedestrian Access, design Excellence and Social Housing.

In response to the Panel's request, a meeting was held between Council and the Applicant which included Council's Architect. In response to the meeting, the Applicant submitted amended documentation. Council officers have considered the amended application in accordance with SEPP No. 65 – Apartment Design Guide, the Apartment Design Guide, State Environmental Planning Policy (Resilience and Hazards) 2021, Fairfield Local Environmental Plan 2013, and the Villawood Town Centre Development Control Plan 2020. Subsequently, a number of non-compliances and issues were identified as follows;

- Above ground parking in the form of a 3-storey podium arrangement has not been appropriately sleeved, as required in the DCP.
- Non-compliance with the number of social housing units provided
- Design Excellence has not been achieved as required by Clause 6.12 within Fairfield LEP 2013.
- Potential Impact to Local Road system as Council's Traffic Engineer and TfNSW still raise concerns regarding the proposal and its impact on certain intersections.
- Car Parking and the lack of Operational Details in order to carry out a comprehensive assessment.
- Waste management matters

It is noted that Council has consistently raised the above concerns and non-compliances during the course of the assessment of the application. It was indicated to the Applicant that these matters were considered fundamental and would need to be suitably resolved in order for the development to be supported.

Essentially, the proposal is non-compliant with the DCP, as it includes above ground car parking which is not considered to be appropriately sleeved and is not considered to result in design excellence. This arrangement results in design issues such as streetscape presentation, elongated corridors, car park impacts on amenity, extensive distances to lifts and lost opportunities to provide high quality apartments and position of back of house areas in inconspicuous areas. The proposed arrangement with respect to the carpark design is not supported.

In terms of design excellence, Council's Architect has identified a number of outstanding issues in relation to extensive amount of services and vehicle access points along Villawood Road, setbacks to No. 1 Villawood Place, presentation and amenity for the ground level residential units located within Building C, location of a substation and reduction in usable private open space due to air

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conditioning units. Accordingly, Council's Architect does not consider that the design of the proposal exhibits design excellence as required under Clause 6.12 of FLEP 2013 in its present form and as proposed.

In relation to the matter of the provision of social housing, Council notes that the site previously contained 111 social housing units which were demolished around 2006. The subject application involves the provision of 228 apartments of which none are for social housing units, on land that is owned by LAHC. It is noted that under Development Consent No. 384.1/2024, 32 social housing units are proposed. Accordingly, the amount of social housing units provided within the overall site once both stages are completed represents 9.4% (or 10.8% if the Modification Application is approved) of the housing stock. The redeveloped LAHC site will increase the dwelling yield on the site by 229 dwellings, however, will reduce the amount of social housing units by 74.

The proposed quantity of social housing proposed for the entirety of the site does not achieve compliance with the 30:70 social to private tenure mix as required by the NSW Government's Future Directions for Social Housing in NSW (Future Directions) Policy, nor replace the loss of social housing on site. Given the lack of evidence to date that there will be no social impact given current and ongoing loss of social housing within the site, it is considered essential that a condition be imposed that requires the development provide a 30:70 ratio of social to private housing for stages 1 and 2 in compliance with the NSW Government's Future Directions Policy document.

RECOMMENDATION

Council's assessment of the amended application has identified a number of issues, which include above ground car parking that is not in accordance with the Villawood Town centre DCP 2020. It is considered that the development does not exhibit design excellence as required by Clause 6.12 of the Fairfield LEP 2013. The number of social housing dwellings provided does not comply with the requirements set out within the NSW Governments Future Directions for Social Housing in NSW (Future Directions) Policy which is considered to be relevant and applicable to this development. Whilst these matters have been raised with the Applicant, the Applicant has nevertheless requested that the matter be forwarded to the Panel for determination. Given the issues with the application, Council cannot support the application as proposed and recommends that the application be refused. Notwithstanding, it is considered that the following options identified below would be available to the Panel as part of its deliberation and/or determination of the application as follows;

- I. Provide a further opportunity to the Applicant to amend the Application in order to comply with the Villawood DCP, ensure the development exhibits design excellence, and provide further social housing units.
- II. Refuse the Application as submitted in accordance with the reasons within Attachment R of this report. This recommendation is considered appropriate given that the development is not yet at a stage that can be supported by Council.
- III. If the Panel forms an alternate view regarding the assessment of the Application, then the application be approved. Should the Panel decide to approve the Application, it is considered appropriate that the approval shall be in accordance with the draft conditions contained in Attachment S.