

Statement of Environmental Effects

2 KAMIRA AVENUE
VILLAWOOD

10 MAY 2022



QUALITY ASSURANCE

PROJECT:	Mixed Use Building
ADDRESS:	2 Kamira Avenue, Villawood
LOT/DP:	Lot 37 in DP202006, Lot 39 in DP202006, Lot 136 in DP 16186 and part Kamira Court
COUNCIL:	Fairfield City Council
AUTHOR:	Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
29 April 2022	Draft Issue to Client	Draft	SK	SF
10 May 2022	DA Lodgement Issue	Final	SF	SF

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

Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No

Concurrence

SEPP (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	Yes
SEPP (Planning Systems) 2021	No
SEPP (Precincts—Central River City) 2021	No
SEPP (Precincts—Eastern Harbour City) 2021	No
SEPP (Precincts—Regional) 2021	No
SEPP (Precincts—Western Parkland City) 2021	No
SEPP (Biodiversity and Conservation) 2021	No

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EXECUTIVE SUMMARY

The overall vision for the development site is to deliver a series of three 8 to 11 storeys buildings (Buildings A, B & C) that is to yield 334 residential units including social housing units, new roads, public park, and pedestrian through-site links over two distinct stages within Villawood Town Centre.

This Statement of Environmental Effects has been prepared in support of a development application for Stage 2 development at 2 Kamira Avenue Villawood.

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

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

A DA is currently under assessment via the NSW Sydney and Regional Planning Panels (PPSSWC-221) for Stage 1 which comprises of an 8-10 storey mixed use development consisting of community facilities and an ancillary café on the ground floor with 112 residential units and includes the delivery of the first stage of the new park with high quality embellishment, associated road works and landscaping.

With Stage 1 current under assessment, the current application is seeking to complete the large project via undertaking Stage 2.

Stage 2 is to redevelop the remaining portion of the proposed new public park (which will have an area of 3,000m² at the completion of the overall project) and the construction of a series of two 8-11 storey mixed use buildings (Building A and C) with a shared basement parking area.

Building A is an eleven storey building comprising a total of 158 residential units above a supermarket, speciality retail stores on the ground floor and parking above ground parking within Levels 1 and 2. Building C is an eight storey building comprising a total of 64 residential units above a childcare facility and medical centre on the ground floor with parking above ground level within Levels 1 and 2.

At the completion of Stage 2, the development will deliver a total of 222 residential units over two buildings with a total of 400 car parking spaces on site within a basement level and within Level 1-2 of both buildings.

The development is to remove identified trees, divert a sewer line and water line that traverses the site and remove the portion of Kamira Court within the allocation of the new park as per the enclosed drawings.

The site is contained within a parent allotment that is located within the Villawood Town Centre, 2 Kamira Avenue. The parent allotment is described as a large predominantly vacant land parcel.

The large irregular shaped allotment has frontages to Villawood Road to the north, Kamira Avenue to the west, Kamira Court to the east and Howatt Street (once it is extended) to the south with a total site area of 16,371m². Part of the site known as 16 Kamira Court and the internal road is land owned by Council.

Stage 2, which has a total site area of 10,958m² is situated within the northern portion of the parent allotment and bounds Villawood Road to the north, Kamira Court to the east, Kamira Avenue to the west and the planned future park and Stage 1 to the south.

The ongoing staged redevelopment of 2 Kamira Avenue, Villawood will continue to be consistent with the Villawood Masterplan and this was confirmed when the proposal was referred for review to Gyde (City Plan) by Council's strategic planners. Gyde has endorsed and supported the refined masterplan. A copy of this report is provided with this application for reference.

Image 1: CGI of the Proposal (Source: DKO Architects)



The key aspects of Stage 2 are provided below:

- A community facility with 118m² of GFA
- A supermarket with 1,147m² of GFA
- 9 x retail premises with a total GFA of 1,260m²

- A childcare facility with 1,307m² of GFA
- A medical centre with 248m² of GFA
- 222 residential units
- 400 car parking spaces
- 2,000m² of proposed park.

It is noted that the current development is only seeking consent for the use of the community facility, supermarket, retail premises, childcare facility and medical centre with fit out works and operational details to be addressed by subsequent development applications.

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

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

The parent allotment is within walking distance to existing and anticipated future retail developments within the Town Centre itself whilst also being within proximity to large industrial precincts, a bulky goods precinct, local schools, childcare facilities, and recreation opportunities, including parks and open spaces within the site itself.

The locality is also serviced by public transport including Villawood Train Station which is within walking distance and local bus stops with services to Liverpool, Fairfield, Parramatta, Bankstown, Chester Hill, and Town Hall within a 600m walking radius from the development site.

The land is zoned R4 High Density Residential under the provisions of the Fairfield Local Environmental Plan 2013 with a maximum permitted FSR of 2.5:1 whilst also being subject to a split height limit of between 27m – 39m.

Mixed Use Developments including '*Child Care Facilities*' and '*Residential Flat Buildings*' are permissible with consent with the R4 Zone with the '*Medical Centre*' pursuant to the State Environmental Planning Policy (Transport and Infrastructure) 2021. It is noted that a Planning Proposal is imminent which will amend the Fairfield Local Environmental Plan 2013 by proposing additional permitted uses within the development site to facilitate retail uses, including a supermarket.

The proposed series of two x 8-11 storey mixed use buildings have been designed to generally comply with key planning requirements including communal open space, deep soil, and landscaping.

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

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

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

SITE AND LOCALITY

LEGAL DESCRIPTION

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

PARENT ALLOTMENT

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

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

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

The overall vision is for the parent allotment is to deliver a series of three 8 to 11 storeys buildings (Buildings A, B & C) that is to yield 334 residential units including social housing units to be accommodated within Building B, new roads, a public park, and pedestrian through-site links.

DEVELOPMENT SITE AND BACKGROUND

The subject site was originally part of the Communities Plus Program which was tendered to the market in 2018. Traders in Purple were selected as the preferred proponent in mid-2020 and work commenced on preparing this staged masterplan proposal. Part of the site is formed with two parcels of Council owned land including an internal road and 16 Kamira Court. As part of the rezoning strategy for this site and consistent with an urban design strategy to improve connectivity to the existing town centre and permeability, a VPA was contemplated to be entered into arising to land swap(s) between Council and NSW Land and Housing Corporation. Part of the land swap(s) will also result in 3,000m² of open space park to form part of the development to the benefit of the local community. This VPA has been lodged to Council for consideration and comments are anticipated.

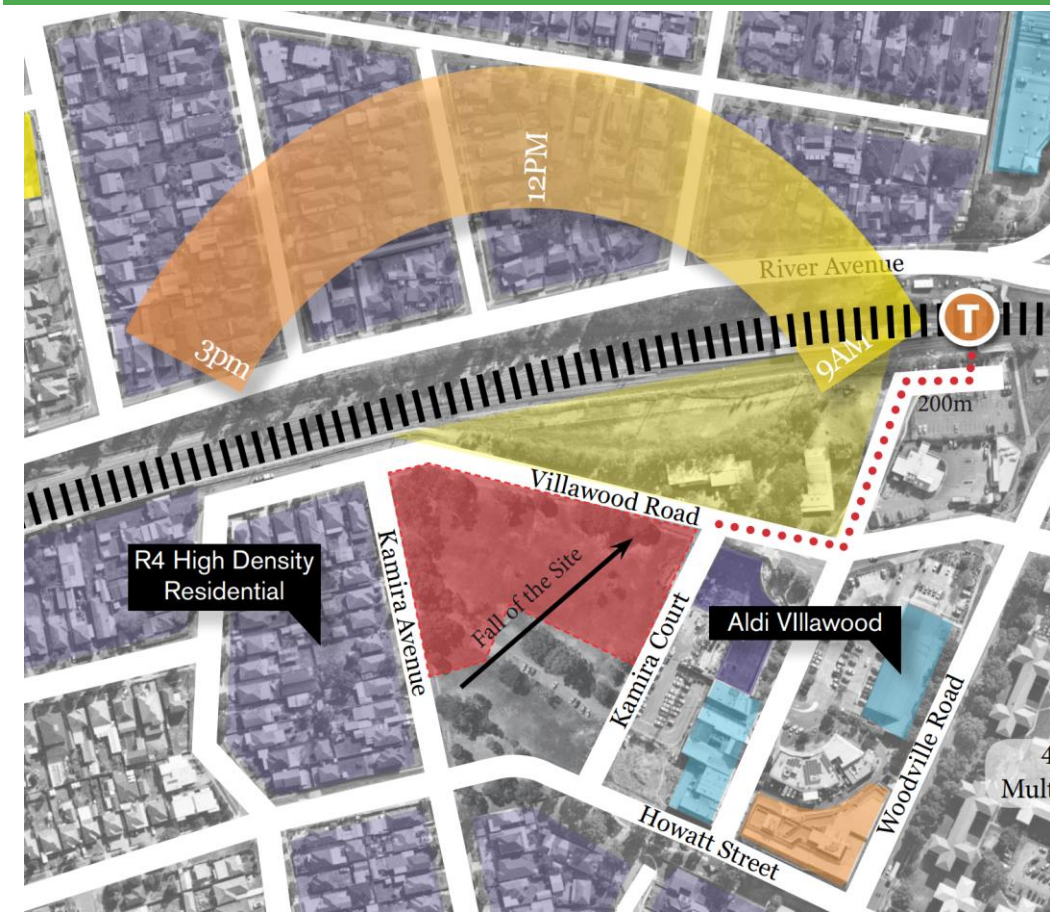
This provides a brief background about the assembly of this site. Please note that additional details can be supplied if needed during the assessment of this application.

This Development Application is Stage 2 of the masterplan development with Stage 1 current subject to a Development Application which was lodged on 30 August 2021.

Stage 2 is situated within the northern portion of the parent allotment and bounds Villawood Road to the north, Kamira Court to the east, Kamira Avenue to the west and the planned future park and Stage 1 to the south with a total site area of 10,958m².

A map extract provided below illustrates the boundaries associated with the 3 buildings within the current redevelopment of the parent site.

Image 2: Map of Development Site Context (Source: DKO Architects)



VILLAWOOD TOWN CENTRE

The parent allotment resides within the Villawood Town Centre associated with the Fairfield Development Control Plan 2013 as illustrated via Council's DCP map extract overleaf.

Over the past 20 years Villawood Town Centre has suffered from a lack of redevelopment and investment despite it residing along a key arterial road network and suburban train station.

The existing built form and historical development pattern does not form a strong or distinct character. There are large vacant undeveloped land parcels however there are a number of recent developments which combined with the proposed application is set to provide a steady pipeline of significant investment essential for renewal of the town centre.

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

Image 3: Villawood Town Centre Boundary Map Extract (Source: Villawood DCP 2020)



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

LOCALITY

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

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

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

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

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



Photograph 1: shows the site as viewed from Villawood Road



Photograph 2: Shows the site as viewed from Kamira Court



DESCRIPTION OF PROPOSAL

As part of the Stage 2 development, this Development Application will facilitate the delivery of a remaining portion of the planned new park (will have a site area of 3,000m² at the completion of the overall project), and the construction of a series of two 8-11 storey mixed use buildings (Building A & C) at 2 Kamira Avenue, Villawood.

Building A is a mixed use eleven storey building comprising a total of 158 residential units above a supermarket and speciality retail stores on the ground floor with parking above ground parking within Levels 1 and 2.

Building C is a mixed use eight (8) storey building comprising a total of sixty-four (64) residential units above a childcare facility and medical centre on the ground floor with parking above ground level within Levels 1 and 2.

At the completion of Stage 2, the development will deliver a total of 222 residential units over two buildings with a total of 400 car parking spaces on site within a basement level and within Level 1-2 of both buildings.

The key aspects of the proposal are provided below:

Non-Residential Use

- Community Facility: 118m² of GFA
- Supermarket: 1,147m² of GFA
- Child Care Facility: 1,307m² of GFA
- Medical Centre: 248m² of GFA
- Retail Premises: nine in total with a GFA of 1,260m² of GFA.

It is noted that the current development is only seeking consent for the use of the community facility, supermarket, retail premises, childcare facility and medical centre with fit out works and operational details to be addressed by subsequent development applications.

Residential

A total of 222 residential units with the following mix:

- 28 x 1 bedroom unit
- 158 x 2 bedroom unit
- 36 x 3 bedroom unit

Building A:

A total of 158 residential units with the following mix:

- 24 x 1 bedroom unit
- 108 x 2 bedroom unit
- 26 x 3 bedroom unit.

Building C:

A total of 64 residential units with the following mix:

- 4 x 1 bedroom unit
- 50 x 2 bedroom unit
- 10 x 3 bedroom unit.

Parking

The development proposal includes a total of 400 parking spaces on-site within a basement level and within Level 1-2 over both buildings:

Building A is provisioned 200 parking spaces comprising:

- Basement 1 – 57
- Ground floor – 0
- Level 1 – 68
- Level 2 – 75.

Building C is provisioned 68 parking spaces comprising:

- Ground floor – 0
- Level 1 – 32
- Level 2 – 36.

The non residential components of the development are provided with the following:

- Retail, Medical and Supermarket Parking: 114 car parking spaces
- Childcare: 18 car parking spaces

Public Park

The new public park proposed incorporates the following:

1. Central green for flexible passive and active recreation

2. Children's playground with nature play and mounding/climbing elements.
3. Active play and games area, table tennis, outdoor exercise space with focus on health and well-being.
4. Brick paved seating grove with seating walls and planter beds with trees.
5. Public art destination and anchor point at junction and east-west link.

The proposed embellishment of the public park has been informed by a recent community consultation event conducted on behalf of Traders in Purple. Further details of the consultation are provided with this development application in the report by Woodville Alliance. The consultation was aimed at gaining community feedback regarding their needs, ideas and ambitions for the outdoor space and dedicated community spaces within the proposal. The results of the consultation are fully detailed in this separate report and information gathered has informed the proposed landscape design and will continue to guide future embellishment works.

Kamira Lane and Villawood Lane

The newly created Kamira Lane and Villawood Lane will deliver a high quality urban design response to the site which incorporates the following:

1. Public art installation acting as a destination and anchor point.
2. Kamira Lane landscape spine containing avenue trees, public domain furniture and seating amenity to define the laneway.
3. Feature catenary lighting and paving finish acting as a consistent ribbon throughout the east-west link.
4. Level threshold crossing at Kamira Court to continue the link through to Villawood Road.
5. Continuation of east-west link through to Villawood Road.
6. Suggested new green space to replace existing car park, pre-empting the future basement car parking allowances in the precinct and additional street car parking provided within the Kamira Court widening.
7. Villawood Lane retail walk and outdoor spill out space for dining and temporary activation.

Interim Land Use

There is a forthcoming development application to be lodged within the coming month for a short term use of part of the subject site for an exhibition home. The exhibition home is to be constructed broadly where the proposed park area is located within the subject site. The exhibition home does not form part of this application and further details will be provided within a separate development application. The exhibition home is to be a dwelling that is built for the purposes of the public exhibition and marketing of new dwellings, will not be sold as a private dwelling after its use for those purposes is completed. The exhibition home will be removed from the site prior to the delivery of the park that is proposed under this application. Further details of this component of the future proposal can be provided if requested by Council.

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

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

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

The proposal will not only permit an orderly redevelopment of an underutilised site but will facilitate and support the redevelopment of Villawood Town Centre. The proposal seeks to utilise the site in accordance with the zoning and take advantage of its location within the town centre and proximity to public transport, essential services, schools, and recreational opportunities. The proposal will play a positive role in increasing additional residential opportunities including social housing within Villawood.

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

PRE LODGEMENT MEETING

A Pre lodgement meeting was held with Fairfield Council on 7 October 2021, regarding the proposed development of Stage 2. These issues are discussed in the table provided below.

Issues Raised	Discussion
Key Issues	
11. Inconsistency with DCP 2020 and Masterplan	<p>The development is not seeking to change the masterplan, noting that the current application is consistent with the planning principles established in the Villawood Town Centre Development Control Plan 2020 and confirmed within the Gyde (City Plan) review.</p> <p>A detailed discussion regarding the proposal's consistency with the DCP is provided further within this report.</p>
2. Retail Use	<p>A Planning Proposal has recently been submitted to Council seeking to amend the Fairfield Local Environmental Plan 2013 by proposing additional permitted uses within the development site to facilitate retail uses, including a supermarket.</p> <p>A detailed discussion regarding the planning proposal is provided further within this report.</p>
3. Above Ground Car Parking	<p>The above ground car parking areas have been designed to be appropriated into the building itself and provided with appropriate internal circulation areas with turning areas to allow vehicles to enter and exit the parking area in a forward direction.</p> <p>The DCP states that car parking is to be provided in an underground basement, or where appropriate, sleeved with active uses to main street frontages. The proposal provides basement parking along with car parking that is above ground and sleeved with active uses as such the proposal is entirely consistent with the provisions of the DCP.</p>
4. Separation Distances	<p>Considering the site's status as a large site set within its own island it will not result in privacy impacts to adjoining properties, noting appropriate building separation is provided between the three buildings. Furthermore, the eastern elevation associated with Building A is to be appropriated treated to minimise private impact to residential properties east of Kamira Court.</p>

5. Truck Turntables

Truck turntables back of house area fronting Villawood Road. The loading dock has been relocated away from open space area to mitigate potential safety issues, noting that the loading dock has been designed in such a manner that it will permit all vehicles to enter and exit the site in a forward direction.

6. Compliance with SEPP 65/ADGs

Development has been designed to be comply with the relevant requirements under SEPP 65/ADG. Refer to discussion against the ADG further within this statement for more detail.

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

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

A high-quality pedestrian through links between Villawood Road and the new park is to traverse between Building A and Building C, noting that the pedestrian connectivity outcome of the Masterplan will continue to be achieved.

General Planning Matters

7. Refer to SWCPP

As the development is over \$80 million, the SWCPP will be referred to for determination in accordance with the Regional SEPP.

8. Compliance to Planning Controls

The development has been designed to be compliant with relevant planning legislation including the Stage Planning Policy No. 65 – Design Quality of Residential Flat Developments, Apartment Design Guide, Fairfield Local Environmental Plan 2013, the Villawood Town Centre Development Control Plan 2020 and Masterplan. This is addressed in detail within this report.

20. Urban Design Statement

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

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

10. Solar Access Diagrams

The proposal has been designed to comply with solar access requirements under the ADG noting

	that solar access diagrams have been prepared and accompanies the current application.
11. Natural Ventilation	The proposal has been designed to comply with natural ventilation requirements under the ADG.
12. Traffic and Car Parking Study	A Traffic and Car Parking Study has been prepared and accompanies the current application.
13. Elevation Plans	Attached architectural package which include elevation plans indicate R.L of the roof and spot levels of natural ground.
14. Lifts	Lifts have been provided in accordance with Objective 4F-1 of the ADG. Refer to discussion against the ADG within this report.
15. Deep Soil Zones	Deep soil zones comply with the dimension requirements under the ADG, noting dimensions of all deep soil zones are provided within the attached Landscaping Plans.
16. Internal Floor Area for Each Unit	Attached architectural plans provide internal dimensions and a summary of the internal floor area for each unit.
17. Waste Management Plan	A Waste Management Plan has been prepared and accompanies the current application. Garbage waste chutes system has been incorporated into the overall development.
18. On-Site Manoeuvring	The internal driveways have been designed in a manner that ensures that all vehicles can enter and exit the site in a forward direction.
19. Design Verification Statement	A Design Verification Statement has been prepared and accompanies the current application.
20. Detailed Elevation Plans	Detailed elevation plans have been prepared and accompanies the current application.
Childcare Centre	
25. Potential Land Use Conflict	It is common practise to provide mixed childcare facility and residential flat buildings, noting that design measures will be incorporated to mitigate potential noise and privacy impacts. Refer to assessment against the Childcare Centre Guidelines further within this statement for detail.
26. Location Analysis	Childcare location analysis is not required under the SEPP (Transport and Infrastructure) 2021.

27. Compliance to Planning Controls	The development has been designed to be compliant with relevant planning legislation including SEPP (Transport and Infrastructure) 2021, Childcare Centre Guidelines and development controls stipulated under Chapter 13 – Child Care Centres and Chapter 12 – Car Paring, Vehicle and Access Management of the Fairfield Citywide DCP 2013.
28. Solar Access	The development has been designed to minimise excessive shadowing to adjoining properties. This is demonstrated via attached Shadow Diagrams, noting that the majority of the residential dwelling to the east of Kamira Avenue is mildly affected or not affected by the shadows that is to be caused by Buildings A & C. It is also noted that shadows casted by the development to properties east of Kamira Court will only be impacted after 12pm, thus enjoying uninterrupted solar access between 9am till 12pm at mid-winter. Furthermore, both buildings will achieve solar access requirements in accordance with the ADG.
29. Signage	No signage is proposed as part of this application; however, it is anticipated signage will be subject to future DAs.
Engineering Matters	
31. Stormwater	A Stormwater Plan has been prepared and accompanies the current application.
32. Easements & 33. Council owned drainage pipe	Development is to relocate a portion of the existing sewer and water lines. Refer to Civil Drawings for detail.
34. Car Parking Spaces	All car parking spaces have been designed in accordance with Australian Standard AS2890.1-2004, noting that the internal circulation areas permit vehicles to enter and exit the parking area in a forward direction. The loading area is clearly shown on the attached architectural plans.
Environmental Matters	
35. Preliminary Site Investigation Report	A Preliminary Site Investigation Report and a Detailed Site Investigation Report accompanies the current application.
36. Waste	A Waste Management Plan has been prepared and accompanies the current application. Garbage

	waste chutes system has been incorporated into the overall development.
37. Sediment Control Plan	A Sediment Control Plan has been prepared and accompanies this application.
38. Acoustic Report – Traffic Noise & Impact of the Railway Line	A comprehensive Acoustic Report has been prepared and accompanies this application.
39. Detailed Floor Plan of Childcare Facility, Retail Premise and Medical Centre	The development is only seeking consent for the use of the childcare facility, retail premises and medical centre with detailed fit out and operation details to be provided within subsequent DAs.
40.& 41 Acoustic Report – child care facility and operation of medical centre	An acoustic Report has been prepared and accompanies this application.
42. Plan of Management	A Plan of Management will be provided with the detailed development application when a future operator is known for this premises.
Building Matters	
43. Building Code of Australia	A Building Code of Australia Report has been prepared and accompanies the current application.
44. Section J Report	A Section J Report (Building Code of Australia) is not required for this proposal.
45. BASIX Certificate	A BASIX Certificate has been prepared and accompanies the current application.
Waste Matters	
46. Kerbside Collection	Driveway from kerbside to collection point/s shall be designed for heavy rigid vehicle in accordance with AS2890.2
47. Garbage Trucks	Garbage trucks shall enter and exit the site in a forward direction. A turntable is provided within the designated loading areas. Refer to attached Traffic Report for detail.
48. Waste Management Areas	Separate waste areas for various land uses (residential, childcare, medical centre and retail) are provided. Refer to attached Architectural Plans for detail.
49. Waste Management Plan	A Waste Management Plan has been prepared and accompanies this application.
Conclusion	

There is a site-specific planning proposal to allow for retail and business premises at 2 Kamira Avenue was submitted to Fairfield City Council in May 2021. The proposal has been supported by:

- a) Council's planning staff and a report recommending its endorsement was presented to the Local Planning Panel
- b) Local Planning Panel endorsed the planning proposal on 29 September 2021.
- c) Council's Outcomes Committee supported the planning proposal and endorsed this on Tuesday 12 October 2021.
- d) NSW Department of Planning has endorsed the planning proposal and issued a gateway determination on 4 November 2021.

There are clearly four levels of endorsement already achieved and the planning proposal is now the subject of community and stakeholder consultation which closed on 17 December 2021. In this case it is extremely likely the planning proposal would be finalised in the first half of 2022.

Given the planning proposal has endorsement from Council's planning staff and the Local Planning Panel, the Council's Outcomes Committee and the NSW Department of Planning, there is certainty about the planning proposal and under the provisions of Section 3.38 of the Environmental Planning and Assessment Act 1979 there is an ability for Council to consider the proposed development application at the same time as the planning proposal.

Documentation

The following documentation are provided via DA submission.

- Statement of Environmental Effects
- Full set of Architectural Plans including survey, site plan, elevations and sections.
- Notification Plans
- Landscape Report
- Geotechnical Report
- Urban Design Statement
- Traffic and Parking Report
- BASIX Certificate
- Solar Access Diagrams
- Shadow Diagrams
- Ventilation Diagrams
- BCA Report
- Stormwater Concept Plan
- Waste Management Plan

- Preliminary Site Investigation
- Schedule of External Materials and Finishes
- Access Report
- Erosion and Sediment Control Plan
- Design Verification Statement.

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

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

CONSIDERATION OF PLANNING CONTROLS

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

STATE ENVIRONMENTAL PLANNING POLICY BASIX

The application has been assessed and is accompanied by a complying BASIX certificate for the proposal that demonstrates how the dwellings will utilise 40% less energy and water than a typical dwelling pre-BASIX.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of three now repealed SEPP's being:

- State Environmental Planning Policy (Coastal Management) 2018.
- State Environmental Planning Policy No 33—Hazardous and Offensive Development; and
- State Environmental Planning Policy No 55—Remediation of Land.

Chapter 2 of the SEPP contains controls for coastal management and it not applicable to this development.

Chapter 3 of the SEPP contains controls for Hazardous and Offensive Development. This development is not for Hazardous and Offensive development and accordingly this chapter is not applicable to this development.

Chapter 4 of the SEPP contains a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

A Preliminary Site Investigation was undertaken at the site by Douglas Partners (DP 2008 – Project 45789) and included a limited intrusive investigation and a review of previous investigations.

The Preliminary Site Investigation concluded that there was a low likelihood of significant contamination risks to human health or the environment at the site. The Preliminary Site Investigation however did not include groundwater investigation and parts of the current site, including soils beneath Kamira Court, were not included in the investigation.

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

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

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of four now repealed SEPP's being:

- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
- State Environmental Planning Policy (Major Infrastructure Corridors) 2020; and
- State Environmental Planning Policy (Three Ports) 2013.

Chapter 2 – contains planning rules and controls from the former Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.

Subdivision 2 Development in or adjacent to road corridors and road reservations

Clause 2.115 Development other than road facilities on public road

The development is not proposed on part of a public road that is to be reclassified as part of this application.

Clause 2.116 Highway service centres in road corridors

The development is not proposed in a road corridor.

Clause 2.117 Development on proposed classified road

The development site is located within proximity to a classified road and as a result the traffic impact assessment considers the provisions of this chapter that requires a consent authority to consider the impact of arterial roads on buildings used for residential purposes.

Clause 2.118 Development with frontage to classified road

The development does not have frontage to a classified road.

Clause 2.119 Impact of road noise or vibration on non-road development

The development is accompanied by an acoustic report that considers the existing acoustic environment and demonstrates the land is suitable for residential development.

Clause 2.120 Excavation in or immediately adjacent to corridors

The proposal is not located in or immediately adjacent to a corridor. The land is more than 30m to the rail corridor.

Clause 2.121 Traffic-generating development

The current proposal is identified as traffic generating development as the site does trigger the threshold requirement. Therefore, concurrence from the RMS is required.

A supplementary traffic memo with a focus on traffic generation was prepared by Stantec as part of analysis for the VPA currently under negotiation. This has been provided for additional context.

STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

Part 2.4 of State Environmental Planning Policy (Planning Systems) 2021 requires development with a Capital Investment Value greater than \$80 million to be referred to the Regional Planning Panel for determination. This application will be referred to the Regional Planning Panel for determination.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of eleven now repealed SEPP's being:

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)
- SEPP No 19—Bushland in Urban Areas (SEPP 19)

- SEPP No 50—Canal Estate Development (SEPP 50)
- SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)
- Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)
- Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP).

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application. This chapter seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The development proposes to undertake redevelopment of a large current vacant land parcel, and the landscape plan and report outlines the trees to be removed and those to be protected throughout the development. In total there are 53 trees to be removed.

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

Chapter 9– contains the provisions from the former Hawkesbury– Nepean River REP to protect the environment of this river system. The site is not identified as being within the Hawkesbury Nepean River catchment and accordingly this chapter is not applicable to this development.

Chapter 10 – contains the provisions from the former Sydney Harbour Catchment SREP to manage and improve environmental outcomes for Sydney Harbour and its tributaries. The subject site is subject to the broad planning principles contained within

the chapter. The Sydney Harbour Catchment Planning Principles must be considered and achieved, where possible, in the carrying out of development within the catchment.

The relevant principles include:

Protect and improve hydrological, ecological and geomorphologic processes.

Consider cumulative impacts of development within the catchment.

Improve water quality of urban runoff and reduce quantity and frequency of urban runoff; and

Protect and rehabilitate riparian corridors and remnant vegetation.

The proposed development does not detract from the above listed principles given the nature of the development and the environmental safeguards proposed, including the detailed drainage concept and erosion and sediment controls that will be in place throughout the construction phase of the development.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The SEPP Educational Establishments and Child Care Facilities and associated Child Care Planning Guidelines were originally gazetted on the 1 September 2017 which has now been consolidated within the State Environmental Planning Policy (Transport and Infrastructure) 2021. The SEPP has been introduced to facilitate the effective delivery of educational establishments and early education and care facilities across the State of NSW.

The table below provides discussions against the relevant provisions of the SEPP.

SEPP	Comment
3 Aims of Policy The aims of this Policy are as follows: (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impacts as exempt development), and, (c) establishing consistent State-wide assessment requirements and design	<p>The proposal will result in an addition of valuable childcare places within the wider Villawood catchment.</p>

considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivery and to minimise impacts on surrounding areas, and

(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and

(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and

(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services,

(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and

(h) encouraging proponent of new development or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

5 Interpretation

centre-based childcare facility means: a building or place used for the education and care of children that provides any one or more of the following:

long day care,
occasional childcare,
out-of-school-hours care (including vacation care)
preschool care, or
an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),

The proposed centre-based childcare facility is consistent with the definition contained within the SEPP.

but does not include:

- a building or place used for home-based childcare or school-based child care, or an office of a family day care services (within the meanings of the Children (Education and Care Services) National Law (NSW), or
- a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- a child-minding service that is provided in connection with - a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Part 3 Early education and care facilities – specific development controls

23 Centre-based childcare facility – matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the *Child Care Planning Guidelines*, in relation to the proposed development.

The current application is only seeking approval to operate a childcare facility within the ground floor associated with Building C.

25 Centre-based childcare facility – non-discretionary development standards

The objective of this clause is to identify development standards for particular matters relating to a centre-based childcare facility that, if complied with, prevents the consent authority from requiring more onerous standards for those matters.

It is noted that separate development application will be sought for the fit out and operation of the childcare facility. However, the proposed childcare facility has been designed in accordance with the Child Care Planning Guidelines.

The following are non-discretionary development standards for the purpose of

section 79C (2) and (3) of the Act in relation to the carrying out of development for the purpose of a centre-based childcare facility:

location

the development may be located at any distance from an existing or proposed early education and care facility,

There are no restrictions relevant to the proposed development.

indoor or outdoor space

for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies – the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or
for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies – the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

The proposed centre-based childcare facility has been designed to comply with the indoor unencumbered space with the facility providing much greater than the minimum of 390m² (3.25m² per child). The proposal provides 3.61m² of unencumbered indoor space. The minimum outdoor unencumbered play space is 840m² (7.0m² per child) and in this case 7.275m² is provided. Noting there is a significant overprovision which will be further interrogated when the detailed DA is lodged for the fit out of the childcare space.

Indoor play space required = 3.25m² for each child

Outdoor place space required = 7m² for each child

site area and site dimensions – the development may be located on a site of any size and have any length of street frontage or any allotment depth,

colour of building materials or shade structures – the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.

26 Centre-based childcare facility – development control plans

A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, numbers of the like, of children) does not apply to development for the purpose of a centre-based childcare facility:

Fairfield DCP requires a minimum ratio of children in the 0-2 years age group as 30% of total overall childcare places or 33 places.

operational or management plans or arrangements (including hours of operation), demonstrated need or demand for childcare services, proximity of facility to other early childhood education and care facilities, any matter relating to development for the purpose of a centre-based childcare facility contained in: the design principles set out in Part 2 of the *Child Care Planning Guidelines*, or the matters for consideration set out in Part 2 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

Clause 26 of the SEPP (Transport and Infrastructure) 2021 stipulates that any provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, number or the like, of children) does not apply to development for the purpose of a centre-based child care facility.

As such the minimum ratio requirement under the DCP is not considered a relevant matter.

DISCUSSION ON CONCURRENCE AND SIMULATED SPACE

It is noted that given the proposal is within a mixed-use development, the outdoor play space is to be 'simulated'. Accordingly, concurrence from the Department of Education is necessary for this area as discussed further in this statement. Noting the proposal is only for concept approval of the childcare facility as such full detailed planning of the spaces will be the subject of a separate and future development application.

The simulated play space has been designed to be capable of incorporating natural features and substantial natural light and solar access which will enable access to natural light and visibility of the sky with natural elements including trees and rain. The provisions of CCPG set out the following in relation to simulated play spaces:



Simulated outdoor environments

Proponents should aim to provide the requisite amount of unencumbered outdoor space in all development applications.

A service approval will only be granted in exceptional circumstances when outdoor space requirements are not met. For an exemption to be granted, the preferred alternate solution is that indoor space be designed as a simulated outdoor environment.

Simulated outdoor space must be provided in addition to indoor space and cannot be counted twice when calculating areas.

Simulated outdoor environments are internal spaces that have all the features and experiences and qualities of an outdoor space. They should promote the same learning outcomes that are developed during outdoor play. Simulated outdoor environments should have:

- more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility
- skylights to give a sense of the external climate
- a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment
- sand pits and water play areas
- furniture made of logs and stepping logs
- dense indoor planting and green vegetated walls
- climbing frames, walking and/or bike tracks
- vegetable gardens and gardening tubs.



Simulated outdoor environments contain sand pits, rocks and elements from the natural environment.



An indoor space designed to be a simulated outdoor space.

The proposal has been designed to satisfy this as follows:

- The simulated outdoor play space located within the under-croft area retains views over the large area of new parkland. The design will also ensure there are views to the sky and clouds.
- The design of the landscape space will facilitate the future delivery of requisite elements with a combination of floor types and textures including decking, mounds, artificial grass, logs, sandstone elements, raised planters, multi surface sensory paths.
- The landscaping area is sufficiently sized to allow for future integration of sand pits and water play areas such as a creek bed or natural boulders and items such as bridge over a simulated creek.
- The landscaping area provides sufficient space to allow for future timber areas such as timber deck seating area, a timber fort and slide.

- The is ample space and capacity to deliver future green walls and plants within the simulated space via planters and the sensory planter beds with steppers to enable children to engage with the space.
- The future simulated landscape space will incorporate climbing elements and tracks.
- There is also ample space within the simulated landscape space to allow for future veggie planters, sensory tables and an extensive environmental sustainability garden.

In relation to natural light and ventilation the CCPG states that there should be more access to natural light and ventilation than required for an indoor space. To quantify this the minimum standard for natural light for an internal space is that window openings (to allow natural light) must be at least 10% of the floor area (BCA standard). The minimum standard for ventilation is that 5% of the floor area must be openable windows (BCA standard).

The proposed simulated outdoor area is 840m² and the requirement is for the surface for natural light (windows and openings) to be 84m² and 42m² for operable windows for ventilation.

The proposal achieves an area of 88m² of natural lighting to the simulated space which is significantly greater than the standard for an internal space. The proposal achieves 88m² of natural ventilation which is double what is required for ventilation.

Natural light and ventilation substantially exceed the control and provides much greater than that required of an indoor space. On that basis the proposal satisfies the CCPG provisions for simulated outdoor space and provides suitable natural light and ventilation. Noting that future details will be provided and confirmed when the detailed development application is submitted for the fit out of the childcare centre.

CHILD CARE PLANNING GUIDELINE

Under the State Environmental Planning Policy (Transport and Infrastructure) 2021, the Child Care Planning Guideline is to be taken into consideration when undertaking a development for a centre-based childcare facility. The New South Wales Government gazetted the guideline on the first of October 2021. The revised guideline is addressed in this report.

The planning guideline also takes precedence over a *Development Control Plan*, with some exceptions, where the two overlap in relation to a childcare facility.

At present the development is only seeking consent for the use of the childcare facility with fit out works and operational details to be addressed by subsequent development applications, however the facility has been designed to in accordance with the Child Care Planning Guidelines.

The table below demonstrates that that proposed childcare facility can comply with standards relevant to the current proposal under the Child Care Planning Guidelines.

SEPP	Comment
Objectives The planning objectives of this Guidelines are to:	
<ul style="list-style-type: none"> promote high quality planning and design of childcare facilities in accordance with the physical requirements of the National Regulations 	The development results in a high-quality centre-based childcare facility designed to comply with the requirements of the Education and Care Service National Regulations.
<ul style="list-style-type: none"> ensure that childcare facilities are compatible with the existing streetscape, context and neighbouring land uses 	The childcare facility is compatible in scale and design with the existing streetscape of the locality.
<ul style="list-style-type: none"> minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment 	The design scheme has undertaken conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. The childcare facility has been sited, oriented and designed so that openings from indoor play areas and outdoor play areas oriented towards the street frontage rather than towards adjoining properties. Combined with compliance to height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.
<ul style="list-style-type: none"> deliver greater certainty to applicants, operators and the community by embedding the physical requirements for service approval into the planning requirements for childcare facilities. 	<p>The development incorporates a mix of blank walls and setbacks to mitigate potential privacy impacts to neighbouring properties.</p> <p>Potential noise impacts associated with the outdoor play area is mitigated by the provision of acoustic fencing consistent with the recommendations of the acoustic report.</p>
Part 2 Design Quality Principles	
Principle 1 – Context <i>Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i>	
	The childcare facility is compatible in scale and design with the emerging streetscape along Villawood Road and Kamira Avenue within the context of the wider locality.

Well-designed childcare facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.

The design scheme has undertaken conscious effort to minimise adverse impacts on social, economic, health and environmental conditions. The childcare facility has been sited, oriented and designed so that openings from indoor play areas and outdoor play areas are oriented away from residential properties.

Well-designed childcare facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.

The site is within proximity to

- Educational facilities including,
 - Carramar Public School,
 - Villawood North Public School,
 - Sacred Heart Catholic Primary School.
- Villawood Town Centre.
- Villawood train station which is less than 400m from the site.
- Arterial roads including Woodville Road and The Horsley Drive.

Principle 2 – Built form

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.

The childcare facility is recessed from its street frontages and as such is not dominant or inconsistent from the public domain. The development is consistent and compatible with the emerging high density-built form character within the subject area.

Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.

The development proposes a highly articulated built form with a variety of materials, colours, and textures.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.

Principle 3 - Adaptive learning spaces
Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings

The play spaces have been designed to provide a variety of experience that facilitate the development of cognitive and physical skills,

and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.

Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.

provide opportunities for social interaction and appreciation of the natural environment.

Principle 4- Sustainability
Sustainable design combines positive environmental, social and economic outcomes.

This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.

The proposed facility has been designed to achieve cross ventilation and adequate natural light access.

Development provides windows facing different orientation with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

Principle 5 - Landscape
Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

The development is to remove identified trees/vegetation in-order to accommodate the proposed childcare facility. However, the development proposes appropriate landscape embellishment works that will contribute to the local context. The proposed landscaping works are considered to appropriately rectify the vegetation lost as part as a result of the development.

The landscaping plan incorporates planting that comprise a mix of trees, shrubs and grasses. Refer to attached Landscaping Plan for detail.

The development provides setbacks from the basement to the boundaries that will allow for appropriate deep soil and drainage, and so that the development will not impact upon vegetation on neighbouring properties.

<p>Principle 6 - Amenity <i>Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.</i></p> <p><i>Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.</i></p> <p><i>Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</i></p>	<p>As previously discussed, the development provides well designed indoor and outdoor play areas, access to sunlight and natural ventilation and visual and acoustic privacy.</p> <p>The development also proposes adequate storage, service areas and accessibility for all.</p> <p>The proposal allows for the future fit out of the child care to be well-designed and provide a comfortable, diverse and attractive space for learning, playing and socialising.</p>
<p>Principle 7 - Safety <i>Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</i></p> <p><i>Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</i></p> <p><i>Well designed vehicular parking and access minimise traffic safety risks on children and staff.</i></p>	<p>The development proposes a design that will optimise safety for children.</p> <p>Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.</p> <p>The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.</p> <p>The proposed development incorporates an active façade that will permit casual surveillance to the common areas within the development site.</p> <p>The proposed facility has been designed with temperature control to avoid extremes in temperature.</p>
<p>Part 3 Early education and care facilities – specific development controls</p>	
<p>3.1 Site selection and location</p>	
<p>C1 – For proposed development in or adjacent to a residential zone, consider:</p>	
<ul style="list-style-type: none">the acoustic and privacy impacts of the proposed development on the residential properties	<p>The acoustic impact of the development on the approved residential units within the mixed-use development has been taken into consideration.</p>

<ul style="list-style-type: none"> • the setback and siting of buildings within the residential context 	<p>With the proposed childcare facility to be located within the ground floor associated with Building C, the childcare facility will have no impact on the setback arrangements of Building C.</p>
<ul style="list-style-type: none"> • traffic and parking impacts of the proposal on residential amenity 	<p>Parking allocated to the childcare facility is to be provided within the shared basement level. Refer to the updated Traffic Report for detail.</p>
C2 – When selecting a site, ensure that:	
<ul style="list-style-type: none"> - the location and surrounding uses are compatible with the proposed development or use 	<p>Centre-based childcare facilities are a permissible and compatible land use within the R4 High Density Residential zone.</p>
<ul style="list-style-type: none"> - the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards 	<p>Site is not identified as being affected by land slope, bushfires, coastal hazards and other environmental hazards.</p>
<ul style="list-style-type: none"> - there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed 	<p>Potential contamination has been addressed.</p>
<ul style="list-style-type: none"> - the characteristics of the site are suitable for the scale and type of development proposed having regards to: <ul style="list-style-type: none"> - size of street frontage, lot configuration, dimensions and overall size - Number of shared boundaries with residential properties - will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas 	<p>Building C is of a sufficient size to accommodate the proposed centre-based childcare facility.</p> <p>The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas, noting the proposed facility is to be located within the ground floor of Building C.</p>
<ul style="list-style-type: none"> - there are suitable drop off and pick up areas, and off and on street parking 	<p>The development provides dedicated car parking spaces within the shared basement level in accordance with the DCP, noting that the allocated car parking spaces permit the drop off and pick up of children.</p>
<ul style="list-style-type: none"> - the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use 	<p>Vehicle access is provided from Villawood Road. Refer to attached Traffic Report for detail.</p>
<ul style="list-style-type: none"> - not located closely to incompatible social activities and uses such as 	<p>Subject land parcel not located close to incompatible social activities and uses.</p>

restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises

C3 – A child care facility should be located;

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship | <p>Located within Villawood Town Centre, the subject site is in wider proximity to educational establishments, parks, community facility and places of public worship.</p> |
| <ul style="list-style-type: none"> • near or within employment areas, town centres, business centres, shops | <p>Subject site is within the Villawood Town Centre.</p> |
| <ul style="list-style-type: none"> • with access to public transport including rail, buses, ferries | <p>Walking distance to Villawood Train Station and bus stops.</p> |
| <ul style="list-style-type: none"> • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like | |

C4 – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:

The subject site is not located within proximity to any identified environmental hazard.

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| <ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites - LPG tanks or service stations - water cooling and water warming systems - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses - extractive industries, intensive agriculture, agricultural spraying activities • any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site | <p>Potential contamination studies are provided.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|

3.2 Local character, streetscape and the public domain interface

C5 – The proposed development should:

- contribute to the local area by being designed in character with the locality and existing streetscape
- reflect the predominant form of surrounding land uses, particularly in low density residential areas
- recognise predominant streetscape qualities, such as building form, scale, materials and colours
- include design and architectural treatments that responds to and integrate with the existing streetscape
- use landscaping to positively contribute to the streetscape and neighbouring amenity
- integrate car parking into the building and site landscaping design in residential areas

Building C has been designed to be compatible within the parent allotment which is to deliver a series of three 8-11 storey buildings.

C6 – Create a threshold with a clear transition between public and private realms, including:

- fencing to ensure safety for children entering and leaving the facility
- windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community
- integrating existing and proposed landscaping with fencing

Childcare facility has been designed to ensure children can safely enter and exit the facility, with direct access from the new pedestrian link between Buildings A & C.

Windows associated with the childcare facility address the new north south running central internal pedestrian link.

Appropriate landscaping provided within a mixed high-density context.

C7 – On sites with multiple buildings and /or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitor and children by changes in materials, plant species and colours

Direct access to the childcare facility via planned new pedestrian link.

The entry point has been designed to be secure, clearly visible, and legible.

C8 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:

- clearly defined street access, pedestrian paths and building entries

The proposal incorporates a clear entry point with a pathway connecting from the new north south entry road.

- low fences and planting which delineate communal/private open space from adjoining public open space

Fencing and landscape works will contribute towards delineating communal/private open space from the public domain.

- minimal use of blank walls and high fences

There are no blank walls proposed.

C10 – High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.

Appropriate acoustic treatment is to be provided.

3.3 Building orientation, envelope and design

C11 – Orient a development on a site and design the building layout to

- ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by;
 - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties
 - placing play equipment away from common boundaries within residential properties
 - locating outdoor play areas away from residential dwellings and other sensitive uses
- optimise solar access to internal and external play areas
- avoid overshadowing of adjoining residential properties

The childcare facility is to be enclosed within the ground floor associated with Building C and designed to minimise potential visual and acoustic impacts to neighbouring properties.

The acoustic impact of the development on the approved residential units within the mixed-use development has been taken into consideration

The centre-based childcare facility has been designed to maximise solar access where appropriate.

No increase to the bulk, scale and height of Building C, as the childcare facility is to be contained within the ground floor.

C12 – The following matters may be considered to minimise the impacts of the proposal on local character:

- building height should be consistent with other buildings in the locality
- building height should respond to the scale and character of the street
- setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility

No change to the height of Building C.

No change to the setback arrangements associated with Building C.

<ul style="list-style-type: none"> • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character 	
C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.	No change to the proposed setback arrangements associated with Building C.
C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.	No change to the proposed setback arrangements associated with Building C.
C15 – Entry to the facility should be limited to one secure point which is:	
<ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessible through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	Entry point to the facility is via one secure point from the new planned pedestrian link.
C16 – Accessible design can be achieved by:	
<ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation 	The foyer and accessibility to the facility achieves the relevant accessible requirements. Furthermore, the lift core provides access to all levels from the basement.
<ul style="list-style-type: none"> • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry 	Appropriate continuous path of travel to and within the building from the planned pedestrian link.
<ul style="list-style-type: none"> • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible 	An Access Report is provided in support of this application.
<ul style="list-style-type: none"> • minimising ramping by ensuring building entries and ground floors are 	The development provides appropriate continuous path of travel to and within the

well located relative to the level of the footpath.	building with appropriate grade, including access between the street entry and main building entrance via a pedestrian pathway.
3.4 Landscaping	
C17 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.	No change to the landscape scheme proposed.
C18 – Incorporate car parking into the landscape design of the site by: <ul style="list-style-type: none"> planting shade tree in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings taking into account streetscape, local character and context when siting car parking areas within the front setback 	Development proposes car parking within a basement, noting no change to the proposed landscape scheme.
3.5 Visual and acoustic privacy	
C19 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.	Development is to be enclosed and designed to minimise overlooking from residential units above and from Building A & B.
C20 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: <ul style="list-style-type: none"> appropriate site and building layout suitable locating pathways, windows and doors permanent screening and landscape design 	Development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public, noting the childcare facility is to be enclosed and located within the ground floor associated with Building C.
C21 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: <ul style="list-style-type: none"> appropriate site and building layout suitable locating pathways, windows and doors permanent screening and landscape design 	Complies, the centre-based childcare facility is designed to minimise direct overlooking of main internal living areas and private open space in adjoining developments and to residential units within the development site as it is designed to orientate the site's northern and western frontages.
C22 – A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located	

adjacent to residential accommodation should:

- provide an acoustic fence along any boundary where the adjoining property contains a residential use (An acoustic fence is one that is a solid, gap free fencing)
- ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure

The acoustic impact of the development on the approved residential units within the mixed-use development has been taken into consideration.

C23 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:

- identify an appropriate noise level for a child care facility located in residential and other zones
- determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use
- determine the appropriate height of any acoustic fence to enable the noise criteria to be met.

An Acoustic Assessment accompanies the development application demonstrating compliance with the requirements.

3.6 Noise and air pollution

Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts. Other noisy environments such as industrial areas and substations may impact on the amenity and well-being of the children and staff. The location of childcare facilities should be selected to avoid or minimise the potential impact of external sources of significant noise.

C24 – Adopt design solution to minimise the impacts of noise, such as:

- creating physical separation between buildings and the noise source
- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of opening facing noise sources
- using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony

Appropriate design/measures have been undertaken including to minimise acoustic impacts to neighbouring properties, noting the childcare centre is to be located within the ground floor of a mixed use building.

The acoustic impact of the development on the approved residential units within the mixed-use development has been taken into consideration.

<p>balustrades, external screens and soffits</p> <ul style="list-style-type: none"> • locating cot rooms, sleeping areas and play areas away from external noise sources 	
<p>C26 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development</p>	<p>Proposed childcare facility is to be enclosed within the ground of an approved mixed use building.</p>
<p>C27 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility. 	<p>The subject site is not located near a major road or heavy industrial development.</p>
<p>3.7 Hours of operation</p>	
<p>C28 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays</p>	<p>Will be confirmed via future DAs, noting at this stage the child care centre is only detailed at a concept level within the ground floor of Building C.</p>
<p>C29 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses</p>	<p>Noted.</p>

3.8 Traffic, parking and pedestrian circulation

<p>C30 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p>	<p>The development is compliant with parking requirements under the Fairfield DCP 2011 as detailed in the Traffic Report submitted with this application.</p>
<p>C31 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicular movement or potential conflicts with truck and large vehicles.</p>	<p>Noted.</p>
<p>C32 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network 	<p>Traffic Report has been provided.</p> <p>Refer to an updated Traffic Report for detail.</p>
<p>C33 – Alternate vehicular access should be provided where child care facilities are on site fronting;</p> <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials <p>The alternate access must have regard to the prevailing traffic conditions</p> <ul style="list-style-type: none"> • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic 	<p>No change to proposed vehicle access arrangement.</p>
<p>C34 – Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the sider locality in times of emergency.</p>	<p>Development site is not within a cul-de-sac or narrow lanes or road. Not applicable.</p>
<p>C35 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment;</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility 	<p>No change to the proposed vehicle and access arrangement, with direct access is to be provided from a new pedestrian link.</p>

- defined pedestrian crossings including within large car parking areas
- separate pedestrian and vehicle entries from the street for parents, children and visitors
- pedestrian paths that enable two prams to pass each other
- delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities
- vehicles can enter and leave the site in a forward direction
- clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations.

C36 Mixed use developments should include: N/A.

- driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks
- drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site
- parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.

C37 – Car parking design should:

- include a child safe fence to separate car parking areas from the building entrance to play areas
- provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards
- include wheelchair and pram accessible parking

Car parking area is sufficiently separated from the building entrance and outdoor play area as the parking is located within a basement level.

Accessible car parking space designed in accordance with Australian Standard is clearly marked and situated near the entry point.

Part 4 Applying the National Regulations to development proposals

4.1 Indoor space requirements

Regulation 107

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.

The proposal has been designed to comply with the required unencumbered indoor play space per child (3.25m² per child). The proposal provides in excess of the minimum floor areas required which will be refined through the detailed DA design process.

Design Guidance

Verandas as indoor space

For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space.

No veranda is to be included as unencumbered indoor space. Not applicable.

Design Guidance

Storage

It is recommended that a child care facility provide;

- a minimum of 0.3m³ per child of external storage space
- a minimum of 0.2m³ per child of internal storage space

Designed to comply with full detail provided with future DAs.

4.2 Laundry and hygiene facilities

Regulation 106

Education and Care Services National Regulations

There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.

On site laundry facilities will be provided with full details to be provided with future DAs.

4.3 Toilet and hygiene facilities

Regulation 109

Education and Care Services National Regulations

Adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Toilet facilities for both the children and staff are provided with full details to be provided with future DAs.

4.4 Ventilation and natural light

Regulation 110

Education and Care Services National Regulations

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

The proposed facility has been designed to achieve cross ventilation, receive and have adequate natural light and be temperature controlled to avoid extremes in temperature.

Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the *National Construction Code*. Ceiling height requirements may be affected by the capacity of the facility.

Design Guidance

Natural light

When designing child care facilities consideration should be given to:

- providing windows facing different orientations
- using skylights as appropriate
- ceiling heights

Development provides windows facing different orientation with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

4.5 Administrative space

Regulation 111

Education and Care Services National Regulations

Services must provide adequate area or areas for the purpose of conducting the administrative functions of the services, consulting with parents of children and conducting private conversations.

Adequate space for administrative tasks being conducted on site are proposed within the office, staff and meeting rooms.

4.6 Nappy change facilities

Regulation 112

Education and Care Services National Regulations

<p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.</p>	<p>Nappy change facilities can be provided for the facility for kids aged between 0-2.</p>
<p>All nappy changing facilities should be designed and located in an area that prevents unsupervised access to children.</p>	<p>Complies.</p>
<p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the <i>National Construction Code</i>.</p>	<p>Nappy changing, and bathing facilities are to be designed to comply with relevant requirements under the National Construction Code.</p>
<p><i>Design Guidance</i> In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> • Properly constructed nappy changing bench or benches • A bench type baby bath within one metre form the nappy change bench • The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area • A space to store steps positioning to enable supervision of the activity and play areas 	<p>Designed to comply.</p>
<p>4.7 Premises designed to facilitate supervision</p>	
<p><i>Regulation 115</i> <i>Education and Care Services National Regulations</i> Centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regards to the needs to maintain their right and dignity.</p>	<p>The design has been revised to include a window overlooking the outdoor play area.</p> <p>The proposed layout ensures that hidden corners are avoided and that supervision views are maximised throughout the development.</p>
<p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the <i>National Construction Code</i>.</p>	<p>Comply.</p>
<p>4.8 Emergency and evacuation procedures</p>	
<p><i>Regulations 97 and 168</i> <i>Education and Care Services National Regulations</i></p>	

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

Regulation 97 sets out the detail for what those procedures must cover including:

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit

a risk assessment to identify potential emergencies that are relevant to the service

The proposed childcare facility has been designed and incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.

Design Guidance

An emergency and evacuation plan should be submitted with a DA and should consider:

- the mobility of children and how this is to be accommodated during an evacuation
- the location of a safe congregation / assembly point, away from the evacuated building, busy road and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings
- how children will be supervised during the evacuation and at the congregation/assembly, relative to the capacity of the facility and governing child-to-staff ratios

An Emergency and Evacuation Plan will be prepared for the detailed DA in accordance with Regulation 97 and design guidance contained within this Guideline and is appended to the submission package.

4.9 Outdoor space requirements

Regulations 108

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 7.0m² of unencumbered outdoor space.

The proposal provides greater than 7m² of unencumbered outdoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline. Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

Design Guidance

Calculating unencumbered space for outdoor areas should not include areas of dense hedges or planting along boundaries designed for landscaping purpose and not for children's play.

Complies, no areas of dense hedges or planting along boundaries are used to calculate unencumbered space for outdoor areas.

4.10 Natural environment

Regulations 113

Education and Care Services National Regulations

The approved provider of a centre-based service must ensure that the outdoor space allow children to explore and experience the natural environment

Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

The application has been revised to decrease the footprint of the basement level, allowing for additional deep soil areas that can accommodate the natural vegetation as per this clause.

Design Guidance

Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:

- are known to be poisonous, produce toxins or have toxic leave or berries
- have seed pods or stone fruit, attract bees, have thrones, spikes or prickly foliage or drop branches

Noted, refer to attached landscape plan for detail.

The outdoor space should be designed to:

- provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment
- Assist supervision and minimise opportunities for bullying and antisocial behaviour
- enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitates interaction
- sand pits and water play areas
- furniture made of logs and stepped logs
- dense indoor planting and green vegetated walls
- climbing frames, walking and/or bike tracks
- vegetable gardens and gardening tubs.

The outdoor space has been designed to facilitate the future design of a variety of experiences will encourage the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.

4.11 Shade

Regulations 114
Education and Care Services National
Regulations

Outdoor play areas should:

- have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required. Complies.
- adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area Appropriate natural and built shade structures are incorporated into the design of the childcare facility that will contribute towards protecting children from overexposure to ultraviolet radiation from the sun.
- have evenly distributed shade structures over different activity spaces.

4.12 Fencing

Regulations 104
Education and Care Services National
Regulations

Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable childcare facility within the wider Local Government Area.

Childcare facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the *National Construction Code*. Designed to comply.

Design Guidance

Fencing at childcare facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding areas. In general, fencing around outdoor play areas should:

- prevent children climbing over, under or through fencing
- prevent people outside the facility from gaining access by climbing over, under or through the fencing
- not create a sense of enclosure.
- if the outdoor space is being fenced internally, then the fence must be at least 1.2m high.

<p>Design consideration for side and rear boundary fences could include:</p> <ul style="list-style-type: none"> • being made from solid prefinished metal, timber or masonry • Having a minimum height of 1.8m • having no rails or elements for climbing higher than 150mm from the ground 	<p>Fencing/barriers has been undertaken in accordance with the Acoustic Assessment.</p>
<p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines.</p>	<p>Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.</p>
<p>Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.</p>	<p>Designed to comply.</p>

4.13 Soil assessment

<p>Regulations 25 Education and Care Services National Regulations</p> <p>Subclause(d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purpose as part of an application for serviced approval.</p>	<p>See prior discussion against SEPP (Resilience and Hazards) 2021.</p>
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EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

At present the development is only seeking consent for the use of the childcare facility with fit out works and operational details to be addressed by subsequent development applications, however the facility has been designed to in accordance with the Child Care Planning Guidelines.

Fit out works, operation details and signage associated the facility will be subject to future DAs, however the facility has been designed to in accordance with the Education and Care Services National Regulations 2012 (National Regulations).

The table below demonstrates that that proposed childcare facility can comply with standards relevant to the current proposal under the Education and Care Services National Regulations 2012 (National Regulations).

Clause	Controls	Comment	Complies
Part 3 Facilities and Equipment Requirements			
28 (1)	Space requirements	<p>(a) An administration room is to be provided within the proposed Child Care Facility, with full fit out details to be provided within subsequent DAs.</p> <p>(b) A staff room is to be provided within the proposed Child Care Facility with full fit out details to be provided within subsequent DAs.</p> <p>(c) Cot rooms that are used only for children under 2 years of age is to be provided within the proposed Child Care Facility with full fit out details to be provided within subsequent DAs.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
28 (2)	Adequate unencumbered indoor play space	The proposed centre-based childcare facility provides 3.25m ² of unencumbered indoor play space per child.	Yes
28 (4)	Adequate unencumbered outdoor play space	The proposed centre-based childcare facility provides 7.0m ² of unencumbered outdoor play space per child.	Yes
28 (6)	Shading	The proposed centre-based childcare facility has provided adequate shading with further information to be provide via future DAs.	Yes
29	Laundry	A laundry facility is to be provided on the premises with further information to be provide via future DAs.	Yes
30	Craft preparation facilities	Craft preparation areas are provided with further information to be provide via future DAs.	Yes
31	Food preparation facilities	A kitchen facility is provided with further information to be provide via future DAs.	Yes
32	Toil and washing facilities	Appropriate toilet and washing facilities are provided with further information to be provide via future DAs.	Yes
33	Nappy change facilities	A nappy changing facility is provided with further information to be provide via future DAs.	Yes
34	Sleeping facilities	The proposed centre-based childcare facility has appropriate sleeping facilities with a separate cot room provided for 0 - 2 year old with further information to be provide via future DAs.	Yes

35	Storage facilities	The proposed centre-based childcare facility has provided adequate storage facilities with further information to be provide via future DAs.	Yes
45	Fencing	Appropriate outdoor play area fencing is proposed at a height of 1.8m as required by the Guidelines.	Yes
Part 3 Staffing Requirements			
52	Staff to child ratio	The current proposal is only seeking consent for the use of the childcare facility with operation details including staff numbers to be subject to subsequent DAs. It is noted that staff numbers will be in accordance with the National Standards.	N/A

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

The development application is accompanied by a design verification statement by DKO Architects (Registered Architect: David Randerson 8542), verifying that the company has directed and designed the proposal, and that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development.

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

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

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

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

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

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Part 3 Siting the Development			
3A Site Analysis	Appendix 1 of the ADG	Provided	Yes
3B Orientation	Building to define the street, by facing it and incorporating direct access from the street.	Both Building A and Building C have been designed to address its frontage, with passive surveillance opportunities provided from primary	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
		<p>living areas and balconies that overlook a future park to the south, Villawood Road to the north, a new retail walkway connecting Villawood Road to the new park and Kamira Court to the east.</p> <p>The retail premises, medical centre, childcare facility and community facility on the ground floor to provide direct engagement to Kamira Court to the east, Villawood Road to the north, Kamia Avenue to the west and to the internal walkway between Building A & C.</p>	
3C Public Domain Interface	Terraces, balconies should have direct street entry, where appropriate	The development comprises of a mix use building with childcare facility, medical centre, community building, retail premises and a supermarket situated on the ground floor and residential units above, with lift core and lobby area situated on the ground floor to provide direct street entrance to the residential units.	Yes
	Mailboxes should be located in lobbies, perpendicular to the street alignment	Mailboxes are appropriately located.	Yes
	Substation, pump room, garbage storage rooms and other service rooms should be located in the basement carpark or out of view	Loading areas and waste rooms are to be enclosed and not visible from the street level.	Yes
		The substation is to be surrounded by landscaping to minimise its impact on the public domain.	Yes
3D Communal and Public Open Space	<u>Design Criteria:</u> Communal open space has a minimum area equal to 25% of the site.	<p>The overall development is proposing to develop a series of building over distinct stages within the parent allotment.</p> <p>With Stage 2 having a site area of 10,958m², the current application provides a total of 3,025m² of</p>	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
		communal open space or 28% within Stage 2 with the following breakdown: Building A: - Level 3: 1,089m ² - Level 7: 612m ² Building C: - Level 3: 684m ² - Level 7: 640m ²	
	50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm <u>Design Criteria:</u>	Complies	Yes
	Minimum dimension of 3m	The communal open space area has a width > 3m. Complies	Yes
	Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.	The proposal ensures that direct, equitable access in line with relevant Australian Standard is provided to communal open space areas from common circulation areas, entries, and lobbies.	Yes
	Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.	Communal open space area is provided within Level 3 and Level 7 of both buildings.	Yes
	Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements: <ul style="list-style-type: none"> • seating for individual or groups • barbecue areas • play equipment or play area. 	Noted.	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
	<ul style="list-style-type: none"> swimming pools, gyms, tennis courts or common rooms 		
	Communal open space and the public domain should be readily visible from habitable room and private open space areas while maintaining privacy.	The proposed mixed-use buildings have been designed with the orientation of balconies and windows to maximise passive surveillance to the future park, to the retail pedestrian pathway on the ground floor and to the public domain.	Yes
	Public open space should be well connected with public street along at least one edge.	The public open space is well connected. Multiple access points to the site are provided. See attached plans for detail.	Yes
3E Deep Soil Zones <u>Design Criteria:</u>			
	A deep soil zone equivalent to 7% of the site must be provided.	Stage 2 has a site area of 10,958m ² and as such the current proposal is to provide a total of 768.46m ² deep soil zone.	Yes
		A total of 940m ² or 9% of the site area is dedicated for deep soil zones.	
	If the site is between 650m ² to 1500m ² then the DSZ must have minimum dimension of 3m. If over 1,500m ² then minimum dimension of 6m	Minimum dimension of 6m.	Yes
3F Visual Privacy			
Building separation up to 4 storeys (up to 12m)	<u>Design Criteria:</u> 12m between habitable rooms (6m) 6m between non-habitable rooms (3m)	Building A provides 6m separation to Kamira Court and 6m separation to the internal north-south pathway. Building A provides 3m separation to the proposed Building C however noting the proposed development for Building C adjoins a 12m wide pedestrian link as such the separation is 15m.	Yes

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
		Building C provides 6m separation to Kamira Avenue and 6m to the north-south pedestrian link. There is 3m separation provided to the north and south of Building C which is providing adequate separation due to the adjoining uses being Villawood Road and the proposed new park.	
Building separation between 5-8 storeys (up to 35m)	18m between habitable rooms (9m) 9m between non-habitable rooms (4.5m)	For Building A there is 8.8m provided to Kamira Court which is slightly under the required 9m. Along this elevation the placement of balconies and living spaces has been strategically located to ensure the privacy between this building and the neighbouring building on the opposite side of Kamira Court is maintained. For Building A, the separation from level 5 and above is increased to 9m as per the ADG requirement. Building C is afforded the same 9m separation to the north-south pedestrian link. Building C has building separation of 6m to Kamira Avenue and 3m to Villawood Road, these distances align with the requirements of the ADG.	
Building separation for building 9 storeys or above	24m between habitable rooms (12m) 12m between non-habitable rooms (6m)	Buildings A has levels 9 and 10 where the building is largely stepped in to achieve adequate building separation. The proposal maintains the 8.8m setback from the eastern boundary of the site which does not strictly comply with the 12m required however there has been detailed consideration of the separation for balconies and living spaces and there are only two balconies that do not strictly comply. These balconies have been offset so they are not in direct line of sight with the balconies on the adjoining site as such the proposal complies with the design intent by ensuring that direct sight lined are avoided for windows and balconies.	

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
		Refer to architectural plans and design verification report for detail.	
3G Pedestrian Access and Entries	Buildings entries should be clearly identified, and communal entries should be clearly distinguished from private areas	Multiple entry points to both Building A and Building C are provided from pedestrian lobby areas that are clearly identifiable and visible access to the residential lobby from Kamira Court and internal retail walkway to Building A and also from the internal retail walkway and Kamira Avenue to Building B.	Yes
3H Vehicle Access	Car park access should be integrated with the building's overall façade	Vehicle access point to the car parking is integrated with the proposed building's overall façade.	Yes
	Car park entry and access should be located on secondary streets or lanes where available	Vehicular access to the shared basement associated with Building A and Building C is to be provided from Villawood Road. Refer to attached Traffic Report for detail.	Yes
	Adequate separation distance should be provided between vehicle entries and street intersection.	The location of the vehicle driveway is sufficiently separated from the intersection of Villawood Road and Kamira Court.	Yes
	Garbage collection, loading and service areas are screened	Garbage room is enclosed and not visible from the street level.	Yes
	Clear sight lines should be provided at pedestrian and vehicle crossing	Clear sight lines are provided at pedestrian and vehicle crossing to ensure safety of pedestrians.	Yes
3J Carparking	<u>Design Criteria:</u>		
	Carparking for sites within 800m of a railway station or light rail stop can provide parking at the rate of:	The development site is within 800m from Villawood Train Station and as such parking rates are provided in accordance with the SEPP.	Yes
	0.4 spaces per 1 bedroom unit.	The combined unit mix for both Building A and C is provided below:	
	0.7 spaces per 2 bedroom unit.	A combined unit yield of 222 residential units for both Building A and C is provided:	

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
	<p>1.2 spaces per 3 bedroom units.</p> <p>1 space per 7 units (visitor parking)</p> <p><i>Design Guidelines:</i></p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas</p>	<ul style="list-style-type: none"> - 28 x 1 bed (0.4 x 28 = 11.2 spaces) - 158 x 2 bed (0.7 x 158 = 110.6 spaces) - 36 x 3 bed (1.2 x 36 = 43.2 spaces) - Visitor (222 / 7 = 31.7 spaces) <p>Total – 196.7 (197 spaces) comprises of 165 residential car parking spaces and 32 residential visitor car parking spaces.</p> <p>The development provides a total of 277 residential car parking space within a shared basement level and also within Levels 1 and 2 of Building A and Building C.</p> <p>Complies – refer to attached Traffic Report for detail.</p> <p>Secure undercover bicycle parking spaces are provided at the ground level and within the above ground parking levels and have been located to be easily accessible from future residents.</p>	<p>Yes</p>
Part 4 – Designing the Building			
4A Solar Access	<p><i>Design Criteria:</i></p> <p>Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter</p> <p>A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid-Winter</p>	<p>Complies:</p> <ul style="list-style-type: none"> - Building A: A total of 110 out of 158 or 70% of units receive a minimum of 2 hours of solar access at mid-winter. - Building C: A total of 47 out of 64 or 73% of units receive a minimum of 2 hours of solar access at mid-winter. - Building A: A maximum of 13 or 8% of units receive no solar access at mid-winter. 	<p>Yes</p> <p>Yes</p>

		<ul style="list-style-type: none"> - Building C: A maximum of 5 or 11% of units receive no solar access at mid-winter. <p>Refer to attached Solar Access Calculation Plan for detail.</p>	
4B Naturally Ventilation	<p><u>Design Criteria:</u></p> <p>60% of units are cross ventilated in a building up to 9 storeys</p> <p><u>Design Guidelines:</u></p> <p>The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths</p>	<ul style="list-style-type: none"> - Building A: A total of 82 out of 158 or 60% of units are cross ventilated. - Building C: A total of 41 out of 64 or 64% of units are cross ventilated. <p>Refer to attached Cross Ventilation Calculation Plan for detail.</p> <p>Overall width of cross over or cross through apartments is < 18m</p> <p>Complies.</p> <p>Development has a mix of dual aspect apartments and corner apartments. See attached architectural plans for detail.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4C Ceiling Height	<p><u>Design Criteria:</u></p> <p>2.7m for habitable and 2.4m for non-habitable</p>	Complies.	Yes
4D Unit Sizes	<p><u>Design Criteria:</u></p> <p>1 bed 50m² 2 beds 70m² 3 beds 90m²</p> <p>+5m² for each unit with more than 1 bathroom</p> <p>Every habitable room must have a window in an external wall with a total</p>	<p>All units comply with the majority of units exceeding, see attached plans for detail. Where additional bathrooms have been provided, unit sizes have been increased by at least 5m².</p> <p>Every habitable room is provided with a window.</p>	<p>Yes</p> <p>Yes</p>

	minimum glass are of not less than 10%		
Habitable Room Depths	<u>Design Criteria:</u> Limited to 2.5m x Ceiling Heights	Despite the noncompliance with object 4D-2 of the ADG, Figure 4D.3 (within the ADG) indicates that an 8.1m depth (3 x ceiling height) is ok for open plan apartments.	Yes
Bedroom sizes			
Master	10m ²	Complies.	Yes
Normal	9m ²	Complies.	Yes
Living room/dining areas have a minimum width of:			
3.6m	Studio/ 1 br	Complies.	Yes
4m	2br / 3br	Complies.	Yes
Open plan layouts that include a living, dining room and kitchen	8m to a window	Complies.	Yes
4E Private Open Space			
Balcony Sizes			
1 bed	8m ² & 2m depth	Complies.	Yes
2 beds	10m ² & 2m depth	Complies.	Yes
3 beds	12m ² & 2.4m depth	Complies.	Yes
Ground level / podium apartments	15m ² & 3m depth	N/A – No ground floor units proposed.	N/A
4F Common circulation and space	<u>Design Criteria:</u>		
Common circulation units per plate	8 – 12 unit per plate	<ul style="list-style-type: none"> - Building A: the development provides a maximum of 7 units per plate servicing a maximum of 24 units. - Building C: the development provides a maximum of 4 units per plate servicing a maximum 12 units. 	Yes

4G Storage	<u>Design Criteria:</u>	The proposal provides:	Yes
	1 bed: 6m ³ 2 beds: 8m ³ 3 beds: 10m ³ Minimum 50% of required storage is within the apartment	1 bed: >6m ³ 2 beds: >8m ³ 3 beds: >10m ³ This is provided within the parking areas and within the units themselves, and where appropriate a minimum of 50% of storage is provided within each individual unit. The development offers storage space that aligns with the provision of the ADG.	Yes
4H Acoustic Privacy	<u>Design Criteria:</u>		
	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses	Development has provided adequate separation from neighbouring buildings/properties in-line with 3F Visual Privacy – design criteria above.	Yes
	Windows and door openings are generally orientated away from noise source	Where appropriate windows and door openings are orientated away from noise sources.	Yes
	Noisy areas within buildings including building enters and corridors should be located next to or above each other and quieter areas next to or above quieter areas.	The application is designed to create different ‘zones’ with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy and takes advantage of the lot orientation. Refer to attached Acoustic Report that accompanies this application for detail.	Yes
4K Apartment Mix	<u>Design Guidelines:</u>		
	A variety of apartment types is provided	Stage 2 is to provide a diversity of dwelling as demonstrated below: Building A: A total of 158 residential units with the following mix:	Yes

- 24 x 1 bedroom unit
- 108 x 2 bedroom unit
- 26 x 3 bedroom unit

Building C:

A total of 64 residential units with the following mix:

- 4 x 1 bedroom unit
- 50 x 2 bedroom unit
- 10 x 3 bedroom unit.

The proposed unit mix will offer a variety of housing choices.

The development has been designed with a mix of units to provide a variety of housing choices that responds to market demand, noting that the bedroom numbers and size of units are varied that will provide for a range of sizes to meet the needs of occupants and provides different pricing points for the alternative sizes which will contribute to affordability.

4M Facades

Design Guidelines:

Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.

The development proposes two separate building over two stages with both buildings designed to address its frontages. Both buildings are broken up with its massing balanced to minimise excessive bulk and scale. The built form is stepped and articulated to break up the bulk of the building envelope.

Yes

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

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

4O Landscape Design			
Site Area			
850m² to 1500m²	1 large tree (12m) or 2 medium trees (8m – 12m) per 90m ² of DSZ	Compliance is achieved. Refer to Landscape Plans.	Yes
4Q Universal Design			
20% of the total apartments	Achieve Liveable Housing Guidelines silver level universal design features	<p>The development provides adaptable housing in accordance with the DCP.</p> <p>The development is to also deliver a total of 152 out of 222 units or 68% as liveable silver level units.</p>	Yes
4U Energy efficiency			
		The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit is provided and the BASIX criteria is exceeded.	Yes
4V Water management and conservation			
	<p><u>Design Guidelines:</u></p> <p>Reduce mains consumption, and reduce the quantity of stormwater runoff</p>	The residential units have been provided with BASIX certificate indicating energy efficiency for each residential unit is provided and that BASIX criteria are exceeded.	Yes
4W Waste Management			
	<p><u>Design Guidelines:</u></p> <p>Supply WMP Allocate storage area</p>	<p>Provided.</p> <p>Appropriate waste storage areas are provided. Refer to attached plans for detail.</p>	Yes Yes
4X Building Maintenance			
	<p><u>Design Guidelines:</u></p> <p>To ensure long life and ease of maintenance for the development</p>	<p>The proposed material is considered durable which may be easily cleaned.</p> <p>The use of masonry on the podium will ensure minimal future scaffolding/repainting is required.</p>	Yes

Setbacks

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

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

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

FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2013

The land is zoned R4 High Density Residential under the provisions of the Fairfield Local Environmental Plan 2013 with a maximum permitted FSR of 2.5:1 whilst also being subject to a split height limit of between 27m – 39m.

Permissibility

Mixed Use Developments including ‘Child Care Facilities’ and ‘Residential Flat Buildings’ are permissible with consent with the R4 Zone with the ‘Medical Centre’ pursuant to the State Environmental Planning Policy (Transport and Infrastructure) 2021, with the proposal consistent with the definition contained within the LEP:

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

centre-based child care facilities mean:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) Out-of-school-hours care (including vacation care),
 - (iv) Preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW), but does not include
 - (c) a building or place used for home-based child care or school-based child care, or
 - (d) an office of a family day care services (within the meaning of the Children (Education and Care Services) National Law (NSW), or
 - (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
 - (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children’s parents are using the facility, or
 - (g) a service that is concerned primarily with providing lesson or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
 - (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

medical centre means premises that are used for the purpose of providing health service (including preventative care, diagnosis, medical or surgical

treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by a health care professionals. It may include the ancillary provisions of other health services.

There is a site-specific planning proposal to allow for retail and business premises at 2 Kamira Avenue which was submitted to Fairfield City Council in May 2021. The proposal has been supported by:

- a) Council's planning staff and a report recommending its endorsement was presented to the Local Planning Panel
- b) Local Planning Panel endorsed the planning proposal on 29 September 2021.
- c) Council's Outcomes Committee supported the planning proposal and endorsed this on Tuesday 12 October 2021.
- d) NSW Department of Planning has endorsed the planning proposal and issued a gateway determination on 4 November 2021.

There are clearly various levels of endorsement already achieved and the planning proposal is now the subject of community and stakeholder consultation which closed on 17 December 2021. In this case it is extremely likely the planning proposal would be finalised in the first half of 2022.

Given the planning proposal has endorsement from Council's planning staff and the Local Planning Panel, the Council's Outcomes Committee and the NSW Department of Planning, there is certainty about the planning proposal and under the provisions of Section 3.38 of the Environmental Planning and Assessment Act 1979 there is an ability for Council to consider the proposed development application at the same time as the planning proposal.

Section 3.38 of the Environmental Planning and Assessment Act 1979 states that:

(1) This Division applies if a development application is made to a consent authority for consent to carry out development that may only be carried out if an environmental planning instrument applying to the land on which the development is proposed to be carried out is appropriately amended.

(3) A reference in this Division to the appropriate amendment of an environmental planning instrument includes a reference to the making of an appropriate principal environmental planning instrument.

This Section of the Act applies to a development application that is made while at the same time Council is considering a planning proposal that would permit the proposal. This Division applies to the subject site and in the current circumstance.

Then Section 3.39 of the Environmental Planning and Assessment Act 1979 further states that:

Nothing in this Act prevents:

(a) the making of a development application to a consent authority for consent to carry out development that may only be carried out if an environmental planning instrument applying to the land on which the development is proposed to be carried out is appropriately amended, or

(b) the consideration by a consent authority of such a development application, subject to this Division.

This Section of the Act clearly states there is nothing to prevent a development application being made to a consent authority, which in this case is Fairfield City Council, if the Local Environmental Plan is proposed to be appropriately amended. Part B of this Clause also permits the Council to consider the development application.

It is anticipated the amendment to the Fairfield Local Environmental Plan will occur in the first half of 2022 which means the development application can be considered by the Council at the same time. It is accepted that the amendment to the local environmental plan needs to be finalised prior to the determination of this development application and this approach contains some risk borne by the client.

Objectives of the zone

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

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

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

Fairfield Local Environmental Plan 2013 – Compliance Table			
Clause	Controls	Comment	Complies
Zoning	R4 High Density Residential	<p>Childcare facilities and residential flat buildings are permissible with Council consent in the R4 High Density Residential zone.</p> <p>The ‘<i>Medical Centre</i>’ pursuant to the State Environmental Planning Policy (Transport and Infrastructure) 2021.</p> <p>See above discussion relating to the additional permitted use that is imminent.</p>	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	<p>The site as currently vacant is underutilised in terms of its potential.</p> <p>The proposal is consistent with the zone objectives of the R4 High Density zone and will provide additional housing in the catchment of public transport and services whilst contributing to range of housing types to suit the needs of residents within a high-density context.</p> <p>The proposed retail premises will provide valuable services to meet the needs of the local community. The proposed lot consolidation also facilitates delivery of higher density development.</p> <p>The proposal will not only permit the site to be developed to its full zoning potential but will be consistent with the evolving high-density built form character within the Town Centre.</p>	Yes
2.6	Subdivision – Consent Requirements	<p>No subdivision is proposed as part of this application.</p> <p>This would be addressed via subsequent applications. It is intended that a stratum subdivision will excise the land for the Stage 2 development land.</p>	N/A
2.7	Demolition Requires Consent	There are no structures on the site.	N/A

Part 4 Principal Development Standards

4.3	Height of Buildings: 27m – 39m	<p>The development site is subject to a split maximum building height control with the majority of the site subject to a maximum building height of 39m and a small portion of the site to the west subject to a maximum building height of 27m under the Fairfield Local Environmental Plan 2013.</p> <p>The majority of both buildings comply with the prescribed height control; however, the proposal does incorporate a minor variation to the building height control.</p> <p>For Building C, the minor non-compliance is limited to the lift overrun to the 27m height provision, a maximum encroachment of 600mm or 27.6m and minor 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 minor 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>It is noted that the majority of the building form including all habitable areas are contained below the maximum permitted height control.</p> <p>Considering the minor nature of the non-compliance is negligible from the street level, will not result in any additional amenity impacts in terms of bulk and mass, overshadowing or privacy and that it limited to the parapet, the variation is considered appropriate.</p> <p>A variation is sought, and an address of Clause 4.6 is provided within Annexure 1.</p>	Clause 4.6 Variation
4.4	Floor Space Ratio	<p>A maximum floor space ratio of 2.5:1 is identified for the site under Fairfield Local Environmental Plan 2013.</p> <p>The development proposes a maximum FSR of 2.36:1.</p>	Yes

See attached plans for detail. FSR calculations have been undertaken in accordance with Clause 4.5.				
4.6	Exceptions to Standards	Development	The proposed development marginally exceeds the height control, and a clause 4.6 departure is submitted. Refer to discussion within Annexure 1.	Yes
Part 5 Miscellaneous Provisions				
5.10	Heritage Conservation		<p>The development is not identified as a heritage item nor is it within a heritage conservation area, however there is a local heritage item (Villawood Railway Station group) located within proximity to the development site.</p> <p>It is noted that there is sufficient separation between the development site and the local heritage item with Villawood Road providing buffer that will ensure the heritage curtilage of the local heritage item is maintained.</p> <p>Accordingly, no independent heritage assessment or reporting is considered necessary with the development not subject to any heritage restrictions.</p>	N/A
5.20	Flood planning		<p>The parent allotment was identified as being flood prone. However, after consultation with Council it was determined that this initial assessment was deemed to be incorrect and that the site is not affected by flooding.</p> <p>A copy of the relevant correspondence from Council's flood engineers is provided with this development application.</p>	N/A
Part 6 Additional Local provisions				
6.1	Acid Sulfate Soils		The development site is not affected by acid sulfate soils.	N/A
6.2	Earthworks		This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, particularly for the car parking area will have minimal adverse environmental or amenity impact.	Yes

		<p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	
6.5	Terrestrial biodiversity	The development site is not identified as containing Biodiversity Land under the Fairfield LEP 2013.	N/A
6.6	Riparian land and watercourses	The development site is not identified as containing Riparian Land and Waterways under the Fairfield LEP 2013.	N/A
6.9	Essential services	The parent allotment is well serviced water, sewer and electricity and the required utility clearances will be obtained prior to the issue of the occupation certificate.	Yes
6.10	Active street frontages	<p>Under Council's Active Street Frontage Map, the eastern portion of the parent allotment is to be activated.</p> <p>The development proposes retail premises and a community facility to the site's eastern boundary to Kamira Court as per the Planning Proposal which will contribute towards activating the street level. The ground floor retail premises, medical centre and childcare facility will also activate Villawood Road and Kamira Avenue.</p>	Yes

6.12	Design excellence	Both Building A & C is considered to exhibit design excellence as demonstrated below:	Yes
		<p>a) At the completion of all stages, the development will deliver a series of three 8-11 storey building that seeks to set the tone and scale for future residential development with the Villawood Town Centre. Both Building A & C have been designed to achieve a high standard of architectural design which incorporates physical articulation of the built form and a mixed palette of building materials and finishes.</p> <p>The range of materials will contribute towards articulating both buildings whilst reducing the overall bulk and mass of the building.</p> <p>b) At the completion of the project within the parent allotment, the delivery of the three contemporary buildings will not only set the tone and scale for future development towards the western portion of Villawood Town Centre but will significantly improve the urban character within the precinct. Furthermore, the overall development will also improve the public domain with high quality walkways and connecting throughfares, the introduction of new public spaces, park and attractive built form that address its frontages.</p> <p>Further, the proposed development is to be appropriately landscaped and is of a form and style that will positively contribute to the cohesiveness and visual appreciation of the streetscape.</p> <p>c) The proposal will not impact on significant views due to its location and that the proposal is to be of a size and scale that is predominantly consistent with Council controls.</p> <p>d) (i) The development site has been earmarked via the Villawood Town Centre to undertake substantial redevelopment to deliver additional housing for the locality.</p>	

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

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

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

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

(iv) The development site resides within the western portion of Villawood Town Centre which has been identified as the residential precinct. The imminent planning proposal which seeks to allow an additional permitted use on the site for the supermarket will provide much needed retail and commercial services for the growing population within Villawood.

As per the Villawood Town Centre Development Control Plan, the precinct has been earmarked for significant renewal with the current proposal aiming to set the tone and scale for future redevelopment within the Residential Precinct and at the completion will deliver additional housing, new pedestrian links and a new park which will ensure an orderly redevelopment of the town centre. As the parent allotment resides within its own island and away from other R4 – B4 zoned land parcels, it will have no amenity impacts to neighbouring land parcels in terms of building separation, establishment of setbacks and amenity, however, will contribute towards setting the tone and scale for future residential development within the town centre.

(v) The development proposes two additional buildings (11 storey building

and an 8 storey building) broken up with its massing balanced to minimise excessive bulk and scale. This includes the podium brick base breaks up the bulk/scale together with stepped/articulated building form.

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

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

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

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

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

(vii) Development has been designed to minimise excessive shadowing to adjoining properties. This is demonstrated via attached Shadow Diagrams, noting that the majority of the residential dwelling to the east of Kamira Avenue is mildly affected or not affected by the shadows that is to be caused by Buildings A & C. It is also noted that shadows casted by the development to properties east of Kamira Court will only be impacted after 12pm, thus enjoying uninterrupted solar access between 9am till 12pm at mid-winter.

Furthermore, both buildings will achieve solar access requirements in accordance with the ADG.

Finally, the building will be designed to minimise reflectivity.

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

(ix) Development will continue to contribute towards the planned park, whilst also a new pedestrian link between Villawood Road and the new park.

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

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

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

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

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

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

Fairfield Development Control Plan 2013 – Chapter 3: Environmental Management and Constraints Compliance Table			
Clause	Controls	Comments	Complies
3.2	Preservation of Trees or Vegetation	<p>There is a landscape report and plan provided with this submission which outlines there are 53 trees are to be removed with the remaining trees on the site being retained.</p> <p>The development proposed appropriate landscaping work within high density residential context. Refer to attached Landscape Plan for detail.</p>	Yes
3.5	Flood Risk Assessment	<p>The parent allotment was identified as being flood prone. However, after consultation with Council it was determined that this initial assessment was deemed to be incorrect and that the site is not affected by flooding.</p> <p>A copy of the relevant correspondence from Council's flood engineers is provided with this development application.</p>	N/A
3.6	Land Contamination	<p>A Preliminary Site Investigation was undertaken at the site by Douglas Partners (DP 2008 – Project 45789) and included a limited intrusive investigation and a review of previous investigation. The Preliminary Site Investigation concluded that there was a low likelihood of significant contamination risks to human health or the environment at the site. The Preliminary Site Investigation however did not include groundwater investigation and parts of the current site, including soils beneath Kamira Court, were not included in the investigation.</p> <p>A Detailed Site (Contamination) Investigation has also been undertaken by Douglas Partners (dated: March 2020 Project 86819.01) found the following:</p> <p><i>'Based on the results of previous investigations and the results presented in this report, it is considered that there is a low to medium likelihood of significant contamination risks to human health or the environment associated with the site. It is considered that the site can be made suitable from a contamination perspective,</i></p>	Yes

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

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

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

Fairfield Development Control Plan 2013 – Chapter 7 Residential Flat Buildings Controls Compliance Table			
Clause	Controls	Comments	Complies
Part 2 Objectives and Development Controls			
7.2.1	Heritage	<p>The parent allotment is not identified as a heritage item nor is it within a heritage conservation area, however there is a local heritage item (Villawood Railway Station group) located within proximity to the development site.</p> <p>It is noted that there is sufficient separation between the development site and the local heritage item with Villawood Road to provide buffer that will ensure the heritage curtilage of the local heritage item is maintained.</p> <p>Furthermore, the heritage significance of heritage item 103 comes from the heritage building itself rather than the streetscape. Accordingly, no independent heritage assessment or reporting is considered necessary with the development not subject to any heritage restrictions.</p>	N/A
7.2.2	<p>Accessible and Flexible Units</p> <p>DCP requires 1 accessible unit per 10 units</p>	<p>The development provides lifts from the ground floor and delivers equitable access to common areas and communal open space areas.</p> <p>The development provides a total of 22 out of 222 units or 10% of the total unit yield as adaptable housing.</p> <p>At DA stage there is insufficient information to certify compliance with the Standard, however, in accordance with the table below, the units can comply with the spatial requirements of AS4299 for Adaptable Housing.</p>	Yes
7.2.3	Drainage and Stormwater Detention	<p>A Stormwater Management Plan has been prepared and accompanies this application.</p> <p>The proposed development will incorporate Water Sensitive Urban Design principles that seek to minimise and manage the impact of stormwater on site and within the area.</p>	Yes

Clause	Controls	Comments	Complies
		<p>Stormwater Quantity Management will be achieved by the use of an onsite stormwater detention tank.</p> <p>This detention tank will mitigate the peak discharge for the development for all rainfall events up to and including the 1% AEP (100yr ARI).</p> <p>Whilst a traditional stormwater quality treatment train is not required, the project will still look to adopt stormwater quality best management practices wherever possible. This could be in the form of rainwater harvesting for reuse for irrigation purposes, directing surface runoff to turfed areas or garden bed areas, with the potential for infiltration where possible.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p>	
7.2.4	Lifts	Lifts are provided in accordance with the ADG. Refer to relevant discussion within the ADG for more detail.	Complies – SEPP 65
7.3 Built Form			
7.3.1	Floor Space Ratio	<p>A maximum floor space ratio of 2.5:1 is identified for the site under Fairfield Local Environmental Plan 2013.</p> <p>The development proposes a maximum FSR of 2.36:1.</p>	Yes
7.3.2	Building Height	<p>The proposed two 8-11 storey mixed use buildings have been designed to comply with key planning controls including communal open space, deep soil and landscaping.</p> <p>The proposal incorporates a minor variation to the building height control. The minor non-compliance is limited to the parapet to Level 8 and lift overrun to the 27m height provision to both Buildings and minor non-compliance limited to the lift overrun to the 39m height provision to Building A.</p> <p>It is noted that the majority of the building form including all habitable areas are contained below the maximum permitted height control. Considering the minor nature of the non-compliance is negligible from the street level, will not result in any additional amenity impacts in terms of bulk and mass,</p>	Clause 4.6 Variation

Clause	Controls	Comments	Complies
		overshadowing or privacy and that it limited to the fire stair and lift overrun, the variation is considered appropriate.	
		A variation is sought, and an address of Clause 4.6 is provided within Annexure 1.	
7.3.3	Building Setbacks	Refer to discussion against the Villawood DCP 2020 for detail.	Refer to Villawood DCP 2020
7.3.4	Building Articulation	<p>The proposed two mixed use buildings represent a modern development that has been designed to set the tone and scale for future residential development within the southern portion of Villawood Town Centre.</p> <p>The development within Stage 2 comprises of a series of two 8-11 storey building broken up with its massing balanced to minimise excessive bulk and scale. The range of materials also contribute towards articulation of the building whilst also reducing the overall bulk and mass of the building.</p> <p>The proposed balconies represent an extension of internal living areas, and the development provides an interface with the public domain in a visually prominent location.</p>	Yes
7.4 Amenity			
7.4.1	Ventilation	The development has been designed to comply with the natural ventilation requirements under the ADG with both building proving a minimum of 60% of units achieving natural ventilation.	Complies – SEPP 65
7.4.2	Visual and Acoustic Privacy	<p>7.4.2.1 Visual Amenity Considering the site's status as a large site set within its own island it will not result in privacy impacts to adjoining properties, noting appropriate building separation is provided. Furthermore, the eastern elevation associated with Building A is to be appropriately treated to minimise privacy impacts to residential properties east of Kamira Court.</p> <p>7.4.2.2 Acoustic Amenity The application is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy.</p>	<p>Yes</p> <p>Yes</p>

Clause	Controls	Comments	Complies
		Refer to submitted Noise Impact Assessment for detail.	
7.4.3	Solar Access	<p>The proposal has been designed to reduce the potential for overshadowing of neighbouring properties. Refer to attached shadow diagrams for detail.</p> <p>As per the ADG, both building achieve the minimum 2 hours of solar access at mid-winter in accordance with the ADG.</p>	Complies – SEPP 65
7.4.4	Private Open Space	<p>The proposal provides a minimum of one balcony for each residential unit.</p> <p>Where appropriate, primary balconies are located adjacent to main living areas and comply with the private open space requirements under SEPP 65 to ensure that they are sufficiently sized to cater for the needs of future occupants.</p> <p>The proposed balconies have been designed to ensure that future residents will be provided with high quality private open space areas that are both useable and functional.</p>	Complies – SEPP 65
7.4.5	Common Open Space	Development provides common open space in accordance with the ADG (25%).	Complies – SEPP 65
7.46	Safety and Security	<p>The proposed development incorporates an active façade that will permit casual surveillance of the subject site.</p> <p>The proposal incorporates open space and landscaped areas but will contribute to activity and natural surveillance of the area. The ground floor medical centre, childcare facility, retail premises and community facility will activate the ground floor.</p> <p>The proposed landscaping is appropriate within a high density residential context when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal incorporates design elements including clearly defined and controlled access points as well as clearly defined public and private space in order to minimise opportunity for criminal activity.</p>	Yes

Clause	Controls	Comments	Complies
		<p>The proposal incorporates built elements and landscaping that clearly distinguished between the public and private domain.</p> <p>Clear entry points are proposed, that are easily read by residents, visitors and passer by alike.</p> <p>It is considered that the proposal does not impact on amenity or the streetscape of the area, but it is in context with development and street presentation of surrounding development.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	
7.5 Car Parking, Loading and Vehicle Access			
7.5.1	Car Parking	Car parking is provided in accordance with the RMS guideline as permitted by SEPP 65. Refer to attached Traffic Report for detail. Refer to discussion against Chapter 12 of the DCP for more detail.	Yes
7.5.2	Vehicle Access Controls	<p>It is considered that the internal vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic within the proposed parking areas.</p> <p>The proposal has been designed to ensure that all vehicles utilising the car parking areas are able to enter and leave the stie in a forward direction.</p> <p>Access ways and car parking spaces are to be appropriately dimensioned in accordance with Council controls and will permit the safe movement and parking of vehicles on site.</p> <p>The proposed car parking area is considered appropriate and will satisfactorily service the traffic and parking needs of the proposal.</p>	Yes
7.6 Site Servicing			
		<p>A dedicated loading bay within the ground floor is provided.</p> <p>The proposed waste rooms with waste chutes combined with the communal bin storage area at-grade and within the basement level will be located</p>	Yes

Clause	Controls	Comments	Complies
		<p>to enable residents to easily deposit waste and recycling items.</p> <p>All appropriate facilities such as mailboxes are to be provided and comply with Council's controls.</p> <p>The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.</p>	
7.7 Landscaping			
7.7.1	Landscape Design	<p>Development propose landscape embellishment works that are appropriate within the Villawood Town Centre.</p> <p>Refer to attached Landscape Plans for detail.</p>	Yes
7.7.2	Fencing and Walls	No fencing is proposed as part of this application.	N/A
7.8 Miscellaneous			
7.8.1	SEPP 65	Assessment of the relevant provisions under SEPP 65 is provided within this Statement and a Design Verification Statement is also submitted in support of the proposed design concepts.	Yes
7.8.3	BASIX	A BASIX Report has been prepared and is attached as part of this application.	Yes

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

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

Fairfield Development Control Plan 2013 – Chapter 12 Car Parking, Vehicle and Access Management Controls Compliance Table			
Clause	Controls	Comments	Complies
		Parking for the residential component is provided in accordance with the ADG.	Yes
		The parking rates for the other proposed land uses are provide below:	See traffic and parking assessment for further details relating to the non-residential component.
		- Childcare facility: 1 space per employee and 1 space per 10 children in care	
		- Medical centre: 3 spaces per consulting room or per health care professional, whichever is the grater	
		- Commercial Premises: 1 space per 40m ² gross leasable area	
		As per the Traffic Impact Assessment that accompanies this application, parking rate specified in the DCP for commercial use has been adopted for the library.	
		The DCP parking rate for commercial premises is:	
		- 1 space per 40m ² gross leasable area (1,263/40 = 32)	
		As stated in the traffic report provided with this application, the non-residential uses are secondary destinations and as a result no carparking is required for these parts of the development.	
		The development is to deliver a total of 400 car parking spaces which adequately caters for the development proposal as further detailed in the Traffic Impact Assessment.	
		The DCP prescribes 1 bicycle parking space for every 3 units and 1 motorcycle parking space for every 15 units.	
		Bicycle parking is also provided as specified within the traffic impact assessment. Building A has 10 motorcycle spaces and 23 bicycle spaces. Building C has 5 motorcycle spaces and 10 bicycle spaces.	

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

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

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

FAIRFIELD CITYWIDE DEVELOPMENT CONTROL PLAN 2013 – CHAPTER 13: CHILD CARE CENTRES

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

Fairfield Development Control Plan 2013 – Chapter 13 Child Care Centre Compliance Table			
Clause	Controls	Comments	Complies
13.1	Controls for Child Care Centres	<u>13.1.2 Maximum Capacities</u>	
		13.1.2.1 – Childcare Centres in Residential Zones	
		Clause 26 of the SEPP (Transport and Infrastructure) 2021 stipulates that any provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, number or the like, of children) does not apply to development for the purpose of a centre-based childcare facility.	N/A – SEPP overrides DCP controls
		As such the minimum ratio requirement under the DCP is not considered a relevant matter.	
		<u>13.1.3 Location Requirements</u>	
		a) A detailed site analysis has been provided, noting that under Clause 26 of the SEPP indicates that controls under the DCP that specifies a requirement, standard or control in relation to the demonstrated need or demand for childcare services or the proximity of facility to other childcare facilities does not apply to the development of a centre-based childcare facility.	Yes – SEPP
		c) The location of the childcare facility has taken into consideration its proximity to environmental health or safety risk hazards.	Yes
		The site is not identified as being floor prone land.	
		Furthermore, the subject site is not within 100m of Classified and Regional Road, high-voltage power lines, telecommunication base stations and towers and LP above ground gas-tank or tanker unloading position.	
		<u>13.1.4 Building Design and Streetscape</u>	
		a) The site has a frontage >22m.	Yes

c) The development DCP prescribes those childcare facilities are to be located only at the ground floor level of the building within which they are located in. **Yes**

The childcare facility is located within the ground floor of Building C.

d) No boundary fencing required as the development is to be located within the ground floor of Building C. **N/A**

13.1.5 Parking and Traffic

a) DCP requires 1 space per employee and 1 space per 10 per children. **Yes**

The development is to provide appropriate parking for the childcare facility with full details to be provided within subsequent DAs.

c) Car parking area has been designed to permit vehicles to enter and exit the site in a forward direction. **Yes**

d) No change to the overall vehicular access arrangement proposed. **N/A**

e) The proposed car parking area permit the safe drop-off and collection of children and also the safe movement and parking of staff, parent, visitor and service vehicles. **Yes**

f) A Traffic Report has been prepared. Refer to attached Traffic Report for detail. **Yes**

13.1.6 Indoor Space

A minimum of 3.25m² of unencumbered indoor floor space is provided. Complies. **Yes**

13.1.7 Outdoor Space and Landscaping

a) – d) Development is to provide landscaping within a mixed high density context. **Yes**

e) A minimum of 7m² of unencumbered outdoor floor space is provided. Complies. **Yes**

f) The outdoor space is designed to include a range of different areas including open space for activities. **Yes**

g) Outdoor space is to be adequately divided to provide appropriate space per age group. **Yes**

h) Outdoor play area is separated from main entrance, car parking area, vehicle circulation areas. **Yes**

13.1.8 Visual and Acoustic Privacy

a) Proposed childcare facility designed to comply with Council's ambient noise level with future details to be provided within subsequent DAs. **Yes**

Sleeping rooms and play areas are located away from noise sources.

b) The childcare facility has been designed to minimise noise pollution; this is achieved via containing the ground floor on the ground floor with appropriate treatment to the fence. A detailed Operational Management Plan will accompany subsequent DAs. Furthermore, the proposed childcare facility has been designed to comply with Council's ambient noise level with future details to be provided within subsequent DAs. **Yes**

13.1.9 Emergency Evacuation

An Emergency and Evacuation Plan will accompany subsequent DAs. **Yes**

13.1.10 Signage

No signage is proposed as part of the DA. **Yes**

13.1.11 Hours of Operation

The current proposal is only seeking consent for the use of the childcare facility with operation details including hours of operation to be subject to subsequent DAs. **Yes**

13.1.12 Stormwater

A Stormwater Management Plan has been prepared and is attached as part of this application. **Yes**

13.1.17 Educator to Child Ratio

The current proposal is only seeking consent for the use of the childcare facility with operation details including staff numbers to be subject to subsequent DAs. It is noted that staff numbers will be in accordance with the National Standards. **Yes**

13.1.18 Bushfire Prone Land

The site is not identified as being bushfire prone. **N/A**

13.1.19 Flood Risk Management

The site is not identified as being flood prone. **N/A**

13.1.20 Energy Efficiency and Solar Access Controls

a) The childcare facility designed to maximum solar access with full detail to be provided within subsequent DAs. **Yes**

b) The childcare centre, which is to be located within the ground floor of Building C will have no impact on the shadows associated with Building C. **N/A**

c) Where appropriate, children's sleeping area, toilets, staff rooms and internal play spaces will be designed to have access to natural lighting. **Yes**

13.1.21 Ventilation and Lighting

a) The childcare centre is designed to promote cross ventilation. **Yes**

b) Heating and cooling units located in a manner that is inaccessible to children. **Yes**

e) Childcare facility designed to maximum natural lighting. **Yes**

VILLAWOOD TOWN CENTRE DEVELOPMENT CONTROL PLAN 2020

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

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

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

Stage 2 is to develop a series of two 8-11 storey mixed use buildings that is part of a staged redevelopment of Villawood Town Centre at 2 Kamira Avenue, Villawood.

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

- Provide an orderly development within the Villawood Town Centre by facilitating the development of a large site that will not only revitalise the town centre but deliver additional housing opportunity.
- Deliver a range of dwelling size and types
- Will support the economic development and retail/commercial growth in the town centre by increase additional patronage by 222 additional units.
- Will protect and enhance the public domain by delivering additional parkland and open space.

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

- Continue to provide additional pedestrian thoroughfare that will improve the connectivity and legibility of the town centre.
- Will increase open space land areas and public parkland whilst also providing legibility at the street level by delivering a series of two 8-11 storey buildings.
- Support mixed use development whilst increasing social and private housing within the town centre.
- Will enhance the commercial viability by increasing additional patronage whilst contributing towards the housing diversity.
- Increase pedestrian movement and connectivity within the town centre with the delivery of pedestrian through-site links.

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

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

- **High Density Residential Block:** The proposal will continue to deliver high density residential blocks. The redevelopment of 2 Kamira Avenue, Villawood continues to be consistent with the DCP Masterplan and that the minor changes to the building envelopes in-order to deliver a substantial public park are supported by Report commissioned by Council and undertaken by Gyde (City Plan).
- **New Public Open Space:** The reconfiguration of the residential block will permit an expansion of the new public open space and better interface with a new north

south running pedestrian link from Villawood Road to the new park. As such the redesign and expansion of the of the park will yield a better outcome for the overall site as a whole.

- **Community Uses at Ground Floor:** The development will continue to provide community facility land uses within the ground floor associated with Building A and Building C as per the Villawood Town Centre DCP 2020, including other land uses including a childcare facility and medical centre.
- **New Road Connections:** Stage 1 will extend Howatt Street.
- **Expansion of Hilwa Park:** The current proposal will have no impact on the expansion of Hilwa Park as per Villawood Town Centre DCP 2020.

Villawood Development Control Plan 2020 Compliance Table			
Clause	Controls	Comments	Complies
4. Development Controls			
4.1	Building Use	1. As per the Planning Proposal, the development is to provide non-residential land use (community facility, childcare facility medical centre and retail premises) on the ground floor will engage with the public realm and address future planned pedestrian pathways.	Yes
		2. The residential units are provided above the ground level as per the DCP.	Yes
4.2	Building Height	1. Buildings A & C will predominantly comply with the height requirement under the Fairfield LEP 2013. Refer to Clause 4.6 variation discussion within Annexure 1 for more detail.	Clause 4.6 Variation
		2. Despite the minor reconfiguration with the building envelope associated with Building A & C, the current application will continue to be consistent with the planning principles established in the Villawood Town Centre Development Control Plan 2020 as confirmed within the Gyde (City Plan) review. Refer to detail discussion against the Villawood DCP 2020 provided above for further detail. It is worth noting that reconfiguration of the building envelope is less intensive than that proposed by the DCP.	Variation – On Merit
		In regard to compliance with the height control, the development predominantly compiles with the split height controls that applies with minor encroachment to parapet and lift overrun to the 28m height limit	

Clause	Controls	Comments	Complies
		associated with Building A & C and lift overrun to the 38m height limit associated with Building A. Refer to Clause 4.6 variation within Annexure 1 for more detail.	
4.3	Floor Space Ratio	<p>A maximum floor space ratio of 2.5:1 is identified for the site under Fairfield Local Environmental Plan 2013.</p> <p>The development proposes a maximum FSR of 2.36:1.</p> <p>See attached plans for detail. FSR calculations have been undertaken in accordance with Clause 4.5.</p>	Yes
4.4	Minimum Site Area	Not applicable as the minimum site area controls do not apply to the subject site.	N/A
4.5	Building Depth	<p>a) East-west facing apartments have a maximum depth of 18m from glass line to glass line.</p> <p>b) North-south facing apartment have a maximum depth of 12-18m from glass line to glass line.</p>	<p>Yes</p> <p>Yes</p>
4.6	Building Setbacks	<p>1. Building A is subject to split setback of zero to Villawood Road then zero setback with 3m setback from the 4th floor travelling westwards along the road network and also a setback that will permit adequate road widening of Kamira Court.</p> <p>Building A - the development provides a 0m front setback to Villawood Road with the 3m setback from Level 3 on-wards and provides appropriate setback along Kamira Court to permit future road widening.</p> <p>Building C is subject to a zero setback with 4m from 4th floor to Villawood Road and a setback of 3m with 6m from 4th floor to Kamira Avenue.</p> <p>Building C - the development provides a 0m front setback to Villawood Road with the 3m setback from Level 3 on-ward. Setback to Kamira Avenue, the development provides a 3m setback to Kamira Avenue up to Level 2</p>	<p>Yes</p> <p>Minor Non-Compliance</p>

Clause	Controls	Comments	Complies
		<p>and then is setback 5.9m between Levels 3-4 and then 6m to the remaining levels. The minor non-compliance to front setback between Levels 3-4 is of a minor nature and will be negligible when viewed from the public domain and as such is worthy of support.</p> <p>Finally, Buildings A and C have been designed to ensure compliance with the building separation controls under the ADG, noting building separation of between 12m from the ground floor to Level 2, which increase to 18m from Level 3 onwards.</p>	
4.7	Public Domain and Place Making	1. Development will continue to facilitate the delivery of a new public park (3,000m ² at its completion) that will be larger and more expansive than that required under the Villawood Town Centre Master Plan.	Yes
		2. The new pedestrian link will provide direct access to the proposed park from a north-south running from Villawood Road.	Yes
4.8	Vehicle Access and Car Parking	1. The proposed development will have no impact on the planned road extension as per the Villawood Town Centre Structural Plan.	N/A
		<p>2. Car parking is to be provided within a basement level and also within Level 1 and Level 2, noting that above ground parking will be incorporated into the building itself and as such will not be visible from the street level.</p> <p>Furthermore, the above ground parking is to be sleeved by both residential use that will contribute towards activating the site's frontages.</p>	Yes
4.9	Pedestrian Access	The development will increase pedestrian movement and connectivity within the town centre with the delivery of pedestrian through-site links.	Yes
4.10	Treatment of Rear Laneways	Not application to the current proposal.	N/A
4.11	Facades	The development proposes a series of two 8-11 storey building broken up with its massing balanced to minimise excessive bulk and	Yes

Clause	Controls	Comments	Complies
		<p>scale. This includes the inclusion of podium brick base breaks up the bulk/scale together with stepped/articulated building form.</p> <p>Furthermore, the range of materials also contribute towards articulation of the building whilst also reducing the overall bulk and mass of the building.</p> <p>The development is provided with facades that are well articulated with a mixture of vertical and horizontal features including windows, projecting walls, recessed balconies and framed elements that reduces large expanses of unbroken wall.</p> <p>The proposed balconies represent an extension of internal living areas, and the development provides an interface with the public domain in a visually prominent location.</p> <p>Building entries have been designed to be clearly defined at the street level.</p> <p>Overall, the proposed facade is considered a quality design outcome that is compatible with other comparable modern mixed use developments within the broader locality.</p>	
4.12	Building Materials	<p>The materials and finishes to be used will be consistent with that existing in the broader locality while also being contemporary in character.</p> <p>The range of materials will significantly contribute to the articulation of the building and will help to reduce the overall bulk and mass of the building.</p>	Yes
4.13	Streetscape and Building Design	<p>1. The development proposes retail premises, childcare facility, medical centre and community facility within the ground floor associated with Building A & C that will contributing towards activating the street level as per the Villawood Town Centre DCP 2020.</p> <p>Stage 1 will deliver a planned internal pedestrian link that will connect Villawood Road and Kamira Court as per the Villawood Town Centre DCP 2020.</p>	Yes

Clause	Controls	Comments	Complies
		3. Appropriate awning is to be provided at the ground floor level to both buildings.	
4.14	Active Street Frontages	<p>1. Under Council's Active Street Frontage and Pedestrian Connectivity Map, the eastern portion of the parent allotment is to be activated.</p> <p>The development proposes retail premises and a community facility to the site's eastern boundary to Kamira Court as per the Planning Proposal which will contribute towards activating the street level. The ground floor retail premises, medical centre and childcare facility will also activate Villawood Road and Kamira Avenue.</p>	Yes
4.15	Residential Mix	<p>1. Multiple entry points to the Building A & Building C via pedestrian lobby areas that are clearly identifiable and visible from Kamira Court, Kamira Lane and internal pathway that runs alongside of the building and between Building A & Building C.</p> <p>2. Pathway and corridors within both Building A and Building C are to be well illuminated to incorporate directional sign that are easy to read.</p> <p>3. & 4. Ground floor apartments. Not applicable – no ground floor apartments are proposed. However, a total of 22 adaptable unit are to be provided, noting graded pathways and lifts will ensure it is easily accessible for elderly people or disable people.</p> <p>5. Comply - Disability Discrimination Act and the Australian Standards AS 1428.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>
4.16	Awnings	<p>1. The proposed awning has been designed to comply with relevant BCA requirements.</p> <p>2. & 3. Regular maintenance to the proposed awning is to be undertaken. Awning Maintenance Plan can be provided as per conditions of consent.</p> <p>4. The height of the proposed awning is no less than 2.7m high and does not exceed 3.5m in height above the footpath.</p> <p>6. The proposed awning width is less than 350mm.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Clause	Controls	Comments	Complies
		8. Noted – designed to comply.	Yes
		9. Noted.	Yes
4.17	Private Open Space	<p>The proposal incorporates appropriate private open space for each dwelling to ensure that future residents will be provided with high quality outdoor areas and amenity.</p> <p>It is noted that private open space is provided in accordance with the ADG. In addition, private open space areas will be of a functional and useable size compliant with ADG controls and will be easily accessible. Please see attached architectural plans for details.</p>	Complies – SEPP 65
4.18	Communal Open Space	<p>The overall development is proposing to develop a series of three mixed use buildings over two distinct stages within the large site.</p> <p>Stage 2 will deliver a series of two 8-11 storey mixed use buildings, noting that at the completion of the proposal is to deliver a new park which will ensure future residents have both passive and recreational opportunities.</p> <p>The proposed development is to deliver a total of 3,025m² of communal open space. The minimum requirement is for 2,740m² as such the proposal delivers a generous amount of communal open space.</p> <p>The communal open space will achieve >50% direct sunlight for a minimum of 3 hours between 9am and 3pm at mid-winter. Refer to attached shadow diagrams for detail.</p>	Yes
4.19	Landscaping	<p>1. & 3. A Landscape Plan has been prepared and accompanies the current application.</p> <p>2. The landscape concept provides for deep soil and landscape embellishment works appropriate within an emerging town centre. Refer to attached Landscape Plans for detail.</p>	Yes
4.20	Safety and Security	The proposed development incorporates an active façade that will permit casual surveillance of the site frontages as well as the open space and driveway areas, noting	Yes

Clause	Controls	Comments	Complies
		<p>the active ground floor land uses will also contribute towards activating the street level.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing are appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain. Clear entry points are proposed, that are easily read by resident, visitor and passer by alike. It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.</p> <p>All materials and finishes are appropriate.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	
5. General Provisions			
5.1	Trading Hours	The current proposal is seeking approval for a series of two 8-11 storey mixed use buildings. It is noted that the fit out and operation of the ground floor childcare facility, medical centre, community facility and retail premises will be subject to future approvals.	N/A
5.2	Noise Attenuation	A Noise Impact Assessment has been prepared and accompanies this application.	Yes
5.3	Lighting	Appropriate lighting is to be provided in accordance with Council requirements.	Yes
5.4	On-Site Detention	A Stormwater Management Plan has been prepared and accompanies this application.	Yes
5.6	Energy Efficiency	The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes

		Furthermore, the units of both buildings achieve the minimum 2 hours of solar access at mid-winter and natural ventilation as per the ADG.	
5.7	Signage	No signage is proposed as part of this application. Signage is to be provided as part of future DAs.	N/A
5.8	Waste Management and Storage	1. Ventilation stacks are to be provided where applicable.	Yes
		2. Each residential unit is provided with a laundry.	Yes
		3. Loading docks are provided within the ground floor.	Yes
		4. Service closets, fire hose cupboards, electrical base stations are not visible from the primary street.	Yes
		5. Bin storage areas are within the combined basement and also within the ground floor and designed to not be visible from the public domain.	Yes
		6. A Waste Management Plan has been prepared and accompanies this application.	Yes
		12. Each dwelling is provided with adequate storage in accordance with the ADG.	Yes
Section 7.11/712 Contributions			
Further discussions are to be conducted to establish an appropriate approach to local contributions for the development. These discussions will commence during the detailed assessment of this application.			

DISCUSSION INCONSISTENCY WITH DEVELOPMENT CONTROL PLAN

Within the hierarchy of planning controls of the Environmental Planning and Assessment Act 1979, the planning system establishes the LEP as the statutory and legally binding document whereas the DCP is not. To clarify, Section 3.42 of the Environmental Planning and Assessment Act provides that the purpose of any DCP is to provide guidance on:

- a) giving effect to the aims of any environmental planning instrument that applies to the development,
- b) facilitating development that is permissible under any such instrument, and

- c) achieving the objectives of land zones under any such instrument.

This means that a DCP does not have significant weight in the consideration of a development application and that it **must** be interpreted with flexibility. The overarching requirement is to consider the aims and objectives contained within the LEP. The DCP is there to facilitate development.

The proposed configuration of development may vary from the DCP however as a higher level of amenity and a superior urban design outcome is achieved, the Council assessment should consider the merit of the proposal as is legally required through the relevant planning provisions within the Environmental Planning and Assessment Act 1979 and more specifically within Section 3.42.

Independent review

In February 2021 the proposed masterplan was presented to Council's strategic planners who sent the masterplan through to Gyde (City Plan) for an independent urban design review. Upon request, I can provide a copy of the comments received from this urban design review. Some of the key comments that were stated in the independent review include:

- *Based on our review of the preliminary scheme provided, we commend the Proponent for their thoughtful approach to the planning and design of this of this important site. It is clear that the Proponent's aim is to maximise the potential for this site to deliver a range of public benefits including affordable housing, new open space high level of connectivity, and places for the community to interact.*
- *The proposal will establish new inclusive residential, employment and enjoyment opportunities. While the scheme proposes some variations of the intended outcome set out in the UDS, it is clear that this has been undertaken with a sound understanding and informed interpretation of the of the underlying principles of the plan.*

A development application in the format presented in this submission maintains the intentions of the masterplan and DCP therefore the opportunity exists for Council to consider the merit of the proposal.

CONCLUSION

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

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

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

ANNEXURE 1: CLAUSE 4.6 VARIATION BUILDING HEIGHT

Under Clause 4.3 of the Fairfield LEP 2013 the development site is subject to a split building height of 27m to the west and 39m to the east.

Building A:

As per the 3D Height Extract overleaf, minor encroachment by the lift-overrun to both the 27m height level and the 39m height level. Accordingly, a variation pursuant to Clause 4.6 of the Fairfield Local Environmental Plan 2013 is requested.

<i>Portion</i>	<i>Maximum Height</i>	<i>Departure</i>
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

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

A visual depiction of the departure is provided below and within the following page.



Image 4: 3D Height Limit Building A (Source: DKO Architects)



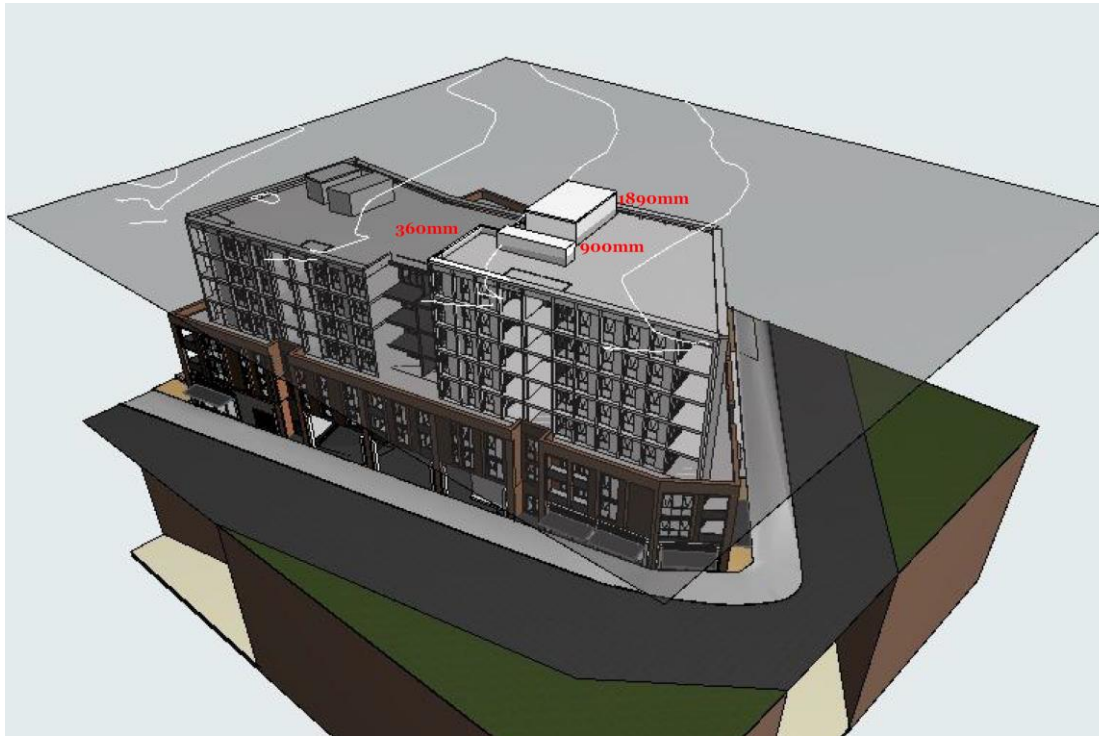
Building C:

As per the 3D Height Extract overleaf, minor encroachment by the parapet and lift-overrun to the 27m height level. Accordingly, a variation pursuant to Clause 4.6 of the Fairfield Local Environmental Plan 2013 is requested.

<i>Portion</i>	<i>Maximum Height</i>	<i>Departure</i>
Building	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



Image 5: 3D Height Limit Building C (Source: DKO Architects)



It is noted that the majority of both buildings comply with the prescribed height control, noting that the encroachment is limited to the parapet to Level 8 to the 27m height level associated with Building C and to the lift core to both Building A & Building C, with the majority of the building form including all habitable areas are contained below the maximum permitted height control.

ADDRESSING CLAUSE 4.6 PROVISIONS – HEIGHT

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

..... provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

.....

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

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

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

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

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

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

(a) the consent authority is satisfied that:

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

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

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

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

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

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

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

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

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

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

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

Underlying Objectives are Satisfied

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

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

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

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

- The proposed development, however, is compatible with the existing character of the locality, being one of divergent building heights, bulks, and scales. The development, being surrounded by generous landscaped areas, is also consistent with the character of landscaping in the local area.
- The 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.
- 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.

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

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

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone, it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, being grounds that are specific to the site.

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

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

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

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

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

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

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

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

The resulting development is high quality in its architecture and will be a positive contribution to the amenity of the site for its intended use as within a mixed high-density residential context.

The building will have a harmonious relationship with neighbouring development and will not harm the amenity of the built environment.

CLAUSE 4.6(4) ZONE OBJECTIVES & THE PUBLIC INTEREST

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

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

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

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

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

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

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

CLAUSE 4.6(5)

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

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

CONCLUSION

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

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

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

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

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