

DATE OF DEFERRAL	17 April 2025
DATE OF PANEL BRIEFING	23 September 2024
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Greg Woodhams, Kevin Lam, Ninos Khoshaba
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli declared a conflict of interest as she is engaged by the NSW Land and Housing Corporation in her capacity as a solicitor. She does not act for Traders in Purple but considers that there may be a reasonably perceived conflict of interest.

Papers circulated electronically on 19 September 2024

MATTER DEFERRED

PPSSWC – Fairfield – DA 303.1/2022– 2 Kamira Avenue Villawood 2163 - Stage 2 of the Redevelopment of No. 2 Kamira Court within the Villawood Town Centre comprising a combination of 8-11 storey Mixed Use buildings containing a total of 228 residential units, a community facility, supermarket, retail premises, medical centre, associated landscaping and road works, car parking located within a basement and above ground (levels 1 and 2) and 2000m² of public open space.

ACTIONS SINCE LAST DEFERRAL

On 23 September 2024, the Panel held a briefing to discuss Council’s assessment report on the merits of the proposal, which recommended refusal of the development application (DA).

Following the briefing, the Panel decided on 3 October 2024 to defer the determination of the DA to give the Applicant the chance to address its concerns about the DA, including:

- the 3 driveways and 2 loading docks along Villawood Road
- the interface of Building C with Kamira Avenue and the new park, including the unsleeved car parking on levels 1 and 2 of the podium and the ground floor apartments which were located below the ground level and recessed under the podium
- privacy issues associated with the non-compliances with the Apartment Design Guide setbacks along the north-south pedestrian laneway.

The Panel also commissioned Peter Smith of Smith and Tzannes to carry out an independent review of the design excellence of the proposal.

This review reinforced the Panel’s major concerns about the proposal and concluded that the proposal in its current form does not demonstrate design excellence as it fails to provide a good interface at two key frontages – Kamira Avenue and the new park – and it fails to provide adequate amenity to the ground floor apartments along these frontages.

However, with several changes to the design of the proposal the review was satisfied that the proposal would demonstrate design excellence (see attached report).

The Panel forwarded a copy of the review report to Council and the Applicant for comment and asked them to confer on the draft conditions of consent.

RESPONSE TO REVIEW REPORT

Both the Council and the Applicant have subsequently provided their comments to the Panel on the review report, including the recommended changes to the design of the proposal.

The Applicant is “comfortable, in principle” with the recommended changes to the design of the proposal but wanted to understand the Panel’s view on these changes before committing resources to amending the plans to incorporate these changes.

Council noted that while the recommended changes may assist in resolving some of the urban design issues raised in Council’s assessment report, they would not resolve all the matters raised in its report. Further, given the “extent and nature” of the recommended changes, Council did not support incorporating the recommended changes into deferred commencement conditions. This was principally because the recommended changes are likely to alter other elements of the proposal, and the implications of these alterations should be fully considered before the DA is determined by the Panel.

Consequently, Council recommended “at the very least” that the Applicant be requested to provide updated or amended plans for the proposal incorporating the recommended changes.

COMMENTS ON DRAFT CONDITIONS

Council and the Applicant have conferred on the draft conditions for the proposal.

In general, Council has agreed to most of the changes recommended by the Applicant (see attached email).

However, Council objects to the proposed removal of condition 88 (social housing) and requires further information on how stormwater runoff will be managed before construction when the roof cladding is up before it will agree to any changes to condition 67.

Council is also seeking to make a minor amendment to condition 8 to incorporate the proposed stormwater diversion works on Kamira Avenue and Villawood Road.

REASONS FOR FURTHER DEFERRAL

The Panel has considered Peter Smith’s review report and Council’s and the Applicant’s comments on the report and concluded that the proposal will demonstrate design excellence if the plans for the proposal are updated to incorporate the recommended changes in the review report.

The Panel is also satisfied that the other concerns raised in Council’s report can be addressed via changes to the draft conditions.

Consequently, the Panel agreed to a further deferral to the determination of the matter until the 13 June 2025 to allow the following actions to be carried out.

By 16 May 2025 the Applicant is to submit revised plans for the proposal to Council. These plans must be prepared having regard to the recommendations in the review report and incorporate, at a minimum, the following changes:

- remove the loading dock from Building C
- rationalise and integrate the waste storage facilities in Building C with those in Building A, address the relevant requirements in condition 21 and update the waste management plan for both buildings
- redesign the Villawood Road frontage to include additional commercial development where the loading dock was proposed
- move the proposed substation from Kamira Avenue and integrate it into the redesigned frontage along Villawood Road
- increase the street planting along Villawood Road
- sleeve the car park in Building C by making the ground floor units along Kamira Avenue and the park two storey units

- lift the recessed units in Building C along Kamira Avenue and the park to at or ideally above the ground level and minimise the recession of the glazing of the units under the podium
- redesign parking to accommodate the above changes so proposal complies with revised parking requirements and replace the units on Level 2 in Building C with unsleeved car parking if there is a shortfall
- ensure the design treatment of any unsleeved car parking is similar to the treatments in the Stage 1 DA
- provide additional secure bicycle parking for residents and employees in both buildings.

Alternatively, the Applicant is to advise the Panel Secretariat by 3 May 2025, at the latest, that it will not make these changes to the plans and that the Panel should proceed to determine the DA on the available information.

If the Applicant submits revised plans for the proposal, by 30 May 2025 Council is to provide revised conditions to the Applicant for comment. These conditions should, at a minimum:






- include the changes agreed to by Applicant and Council
- settle the proposed changes to conditions 8 and 67
- delete condition 15 - interpretation strategy Villawood Station
- delete condition 88 - social housing
- add a condition requiring the high quality materials and finishes proposed in the plans to be carried through to the actual construction of the building
- add a condition requiring “localised median, kerbing and line marking changes” to the Villawood Road, Woodville Road and Llewellyn Road intersection prior to the issue of an occupation certificate
- add standard condition requiring basic EV charging infrastructure to be provided to the parking on site so charging stations can be installed easily in the future
- amend any conditions affected by the required changes to the plans.

By 6 June 2025, the Applicant is to provide its final comments on the revised conditions to Council.

By 13 June 2025, Council is to provide the following to the Panel Secretariat:

- the recommended conditions for the proposal
- a table outlining any disputes between Council and the Applicant on the recommended conditions
- any other information that Council would like the Panel to consider in determining the DA.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Justin Doyle (Chair)	 David Kitto
 Greg Woodhams	 Kevin Lam
 Ninos Khoshaba	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-281 – Fairfield – DA 303.1/2022
2	PROPOSED DEVELOPMENT	Stage 2 of the Redevelopment of No. 2 Kamira Court within the Villawood Town Centre comprising a combination of 8-11 storey Mixed Use buildings containing a total of 228 residential units, a community facility, supermarket, retail premises, medical centre, associated landscaping and road works, car parking located with a basement and above ground (levels 1 and 2) and 2000m ² of public open space.
3	STREET ADDRESS	2 Kamira Avenue, Villawood Lot 1 DP 1302529
4	APPLICANT/OWNER	Applicant: Think Planners/Traders In Purple Co Pty Ltd Owner: NSW Land and Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy No. 65 – Design of Quality Residential Apartment Development Fairfield Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Villawood Development Control Plan 2020 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 18 September 2024 Clause 4.6 variation requests for Height of Buildings: <ul style="list-style-type: none"> Building A: lift overrun 2.2% and 4.8% variation Building C: building 1.3% variation, lift overrun 7.0% variation Written submissions during public exhibition: Four (4) Total number of unique submissions received by way of objection: Four (4) Design Excellence Review Report completed by Peter Smith: 13 January 2025
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 13 March 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Greg Woodhams, Clr. Hugo Morvillo, Clr. Kevin Lam

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Geraldine Pham, Sunnee Cullen, Liam Hawke ○ <u>Applicant representatives</u>: Ryan Duff, Adam Byrnes, Charlie Daoud, Thomas Zdun, Weixi Ji, Fouad Habbouche ○ <u>Planning Panels Team</u>: Kate McKinnon, Sharon Edwards <ul style="list-style-type: none"> ● Applicant Briefing: 11 December 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Greg Woodhams, Clr. Hugo Morvillo, Clr. Kevin Lam ○ <u>Council assessment staff</u>: Liam Hawke ○ <u>Planning Panels Team</u>: Kate McKinnon, Sharon Edwards, Tim Mahoney <ul style="list-style-type: none"> ● Final briefing to discuss council's recommendation: 23 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Greg Woodhams ○ <u>Council assessment staff</u>: Liam Hawke, Sunnee Cullen ○ <u>Applicant representatives</u>: Were invited, but did not attend ○ <u>Planning Panels Team</u>: Renah Givney, Kim Holt
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Applicable