



Address: No. 896 Woodville Road, Villawood
Proposal: Shop Top Housing
DECEMBER 2024

STATEMENT OF ENVIRONMENTAL EFFECTS

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WOODVILLE ROAD, VILLAWOOD

PROJECT INFORMATION

The Proposal: This Statement of Environmental Effects accompanies a development application lodged with consent of the registered property owner. The proposal seeks approval for the demolition of the existing structures and construction of a shop top housing development comprising ground floor commercial premises and 148 dwellings over 3 levels of basement car parking.

Site: Lot 100 DP 1070965, Lot 3 DP 208677, Lot 1 DP 217764 & Lot 13 DP 220348
Nos. 896 – 898 Woodville Road & 15 Hilwa Street
VILLAWOOD NSW 2163

Architect: **tony owen ptncs**
Level 2, 12 - 16 Queen Street
CHIPPENDALE NSW 2008





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- PRELIMINARY GEOTECHNICAL ASSESSMENT REPORT
- DETAILED SITE INVESTIGATION
- ARBORICULTURAL IMPACT ASSESSMENT REPORT
- ARCHITECTURAL DRAWINGS & DESIGN VERIFICATION STATEMENT
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1 THE SITE & CONTEXT

1.1 THE SITE

The site is located in Western Sydney within the Fairfield LGA, approximately 21.5 kilometres west of the Sydney CBD, 8 kilometres south of the Parramatta CBD, 30 kilometres east of Penrith, and 6.5 kilometres north of Liverpool. The site is located within the Villawood Town Centre, being approximately 275 metres walking distance from the Villawood Railway Station and within 100 metres of high frequency bus services available along Woodville Road.

The site is identified as Nos: 896 – 898 Woodville Road & 15 Hilwa Street, Villawood and comprises the following properties:

Address: No. 896 Woodville Road, Villawood (Gospel Pianos)
Lot / DP: Lot 3 DP 208677 and Lot 100 DP 1070965
Land Area: 3,432.6m²
Land use zone: Part E1 Local Centre and part RE1 Public Recreation

Address: No. 898 Woodville Road, Villawood
Lot / DP: Lot 1 DP217764
Land Area: 461.6m²
Land use zone: E1 Local Centre

Address: No. 15 Hilwa Street, Villawood
Lot / DP: Lot 13 DP 220348
Land Area: 518.5m²
Land use zone: E1 Local Centre

The site is irregular in shape, has an area of 4,412.7m² and has frontages to Howatt Street of 59.46 metres, Woodville Road of 32.02 metres and Hilwa Street of 14.89 metres (see Survey Plan). Existing development upon the site comprises a single storey commercial building formerly occupied by Gospel Pianos, and 2 x single storey detached dwellings. The Gospel Pianos business is no longer trading from No. 896 Woodville Road.

Pursuant to provisions of the Fairfield Local Environmental Plan 2013, the site is predominately zoned E1 Local Centre, with a slither of land at the corner of Howatt Street and Villawood Road (Lot 100 DP 1070965) being zoned RE1 Public Recreation. The site in combination with the adjoining Apex Petroleum site known as No. 896A Woodville Road comprises the southern gateway to the Villawood Town Centre. The LEP prescribes a maximum building height of 27 metres and has no limitation on FSR. The site does not contain or adjoin an item of heritage significance, nor is it located within a heritage conservation area.

The subject site has the following characteristics:

- Strategically situated on the northern side of Woodville Road (a classified road) at its intersection with Howatt Street within the Villawood Town Centre
- Opportunity for pedestrian and vehicular access to the site from both Howatt Street and Hilwa Street, and for pedestrian access from Woodville Road
- Within E1 Local Centre, adjacent R4 High Density Residential Zone, providing opportunities for high density residential and mixed-use development
- Access to a range of community, recreation and medical facilities, public transport, suburban business centres and employment hubs

The existing road network serving the site comprises:

- Hume Highway – a State Highway and arterial route for both inter and intrastate travel
- Woodville Road – a State Road and arterial route connecting Great Western Highway/M4 and Hume Highway
- Henry Lawson Drive – a State Road and sub-arterial route connecting Hume Highway and M5/Milperra Road
- Christina Road – part of a Regional Road and collector route connecting Carramar and Regents Park, which interchanges with Woodville Road (via on/off ramps)
- The Horsley Drive – a sub-arterial road connecting Hume Highway and Cumberland Highway > Llewellyn Avenue, Villawood Road and Wattle Avenue are minor collector routes connecting Villawood and Carramar
- Villawood Place/Howatt Street – part of a local road system off Woodville Road providing access to the local Villawood shops
- Kamira Circuit – a local one-way access road connecting Kamira Avenue and Villawood Road
- Kirang Avenue – a collector road connecting local streets to Woodville Road
- Hilwa Street – a local road

The existing traffic controls which have been applied to the road network serving the site include:

- The traffic signal controls along Woodville Road at the Villawood Road, Binna Burra Street, Kirang Avenue and Hume Highway intersections
- The pedestrian mid-block traffic signals on River Avenue just to the north of the station
- The roundabout at the Llewellyn Avenue and Marple Avenue intersection\the Bus Only right turn lane from Woodville Road to Howatt Street (southbound)
- The PM (3-7pm) right turn restriction from Woodville Road to Kirang Road (southbound)
- The one-way restriction in the Kamira Circuit carpark and Cheryl Lane

Villawood Railway Station (approx. 275 metres to the north on River Avenue via Woodville Road and Villawood Place) provides high frequency train services on the T3 line between Liverpool and Central. The T3 line also connects with the T5 and T2 lines at Liverpool providing access to Leppington and Parramatta. The train station also has frequent bus services, and car parking and bicycle racks for commuters.

In the 1990s, the need for renewal and envisioning an alternative future for Villawood was demonstrated by Fairfield City Council through a community and stakeholder charrette process. In the early 2000s a period of renewal occurred, initiated by Fairfield Council in the updating of public spaces and the arrival of an Aldi supermarket. Despite this investment and the arrival of a significant supermarket anchor, the centre has not benefited from broader consumer spending. Villawood is currently an under-performing local centre, focused around Villawood Place, and its run down character is reflective of a history of economic decline since the development of alternative comprehensive centres including Bass Hill Plaza and other social changes. Community facilities are also in need of renewal. A number of mixed use development proposals have been approved within the centre since 2015 and a few of these recently constructed. There is potential for significant renewal and a transformation from a centre of decline to a place of opportunity.

The Villawood Town Centre Urban Design Study (VUDS), which later informed the Villawood Town Centre Planning Proposal, was undertaken to identify key urban design, built form and place making actions to improve the vitality and vibrancy of the Villawood Town Centre. The VUDS was prepared to provide greater density and housing choice within close proximity to Villawood Train Station. It was also prepared to stimulate economic development within the town centre. Council's recent endorsement of the Villawood Town Centre Planning Proposal and subsequent Villawood Town Centre Development Control Plan 2020 is the culmination of these efforts to revitalise the centre.

1.2 SITE HISTORY

A Planning Proposal was recently gazetted on 27 August 2024 that included the subject site and the adjoining Apex Petroleum site known as No. 896A Woodville Road. The principle aim of the Planning Proposal was to amend the Minimum Site Area Map Town Centre Precinct Map, which required the consolidation of Nos. 896 and 896A Woodville Road to achieve a site area in excess of 4,000m² to enable any future buildings to be capable of achieving the prescribed maximum 27 metre building height.

The proponent was required to pursue the Planning Proposal as attempts to consolidate the Apex Petroleum site with the Gospel Pianos site proved unsuccessful. The Planning Proposal recognised land acquisition that had been undertaken by the proponent and the existing Fairfield Local Environmental Plan 2013 maps (Land Zoning, Height of Buildings, Minimum Site Area Map Town Centre Precinct and Land Reservation Acquisition Maps) were amended to provide a development outcome commensurate with desired future outcomes for the Villawood Town Centre. The Planning Proposal amended the zoning of No. 15 Hilwa Street and No. 898 Woodville Road from R4 High Density Residential to E1 Local Centre, and required their consolidation with No. 896 Woodville Road via amendments to the Minimum Site Area Map Town Centre Precinct Map to promote an appropriate development outcome, whilst permitting the Apex Petroleum site at No. 896A Woodville Road to be redeveloped independently in the future.

Suitable amendments to the Villawood Town Centre Development Control Plan 2020 to align with the Planning Proposal were also approved to guide future development of these sites, consistent with the built form envisioned in concepts prepared for the site's future development by the proponent's architect Tony Owen Partners.

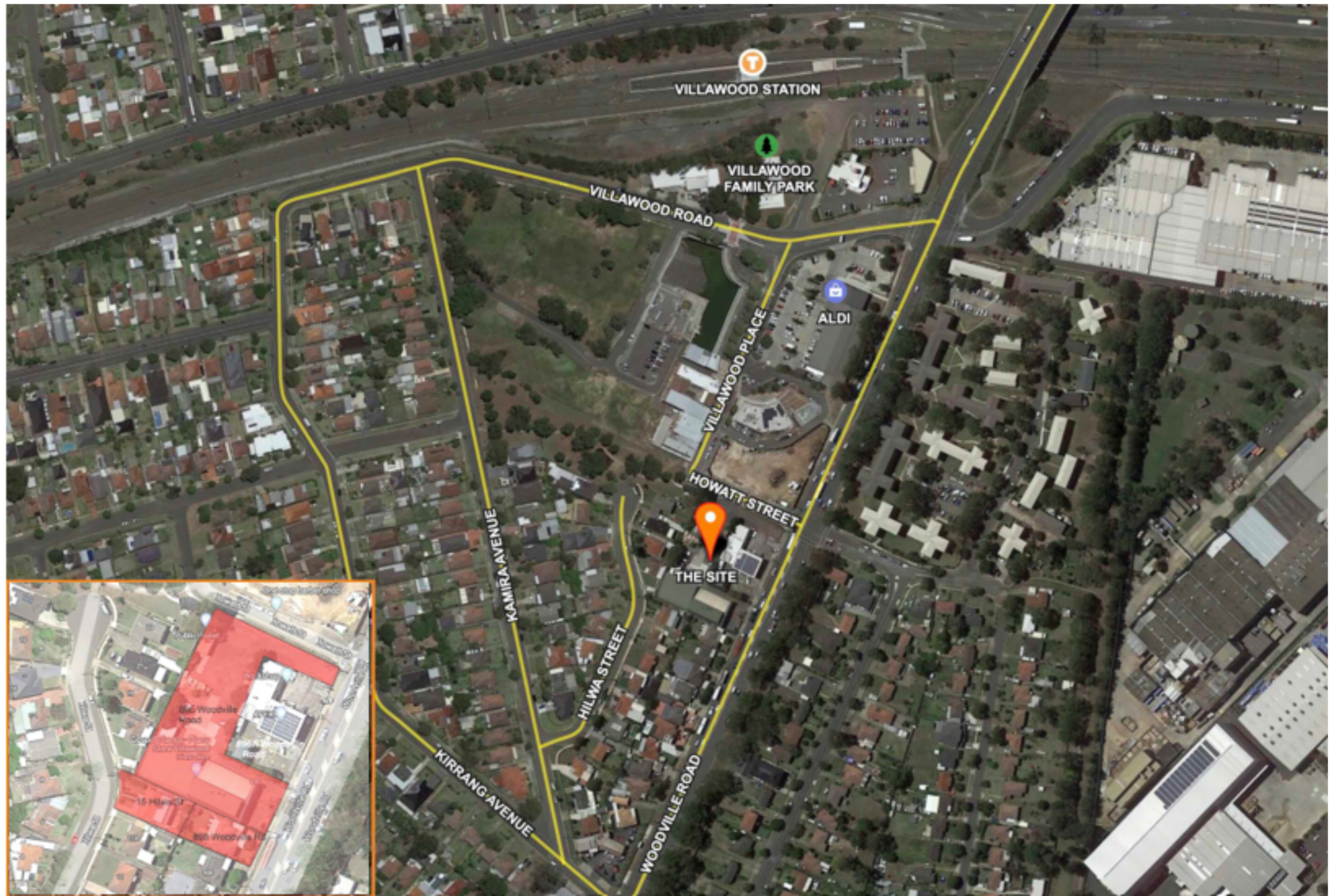


FIGURE 1

The site and its context (Source: Google Earth).



FIGURES 2 – 4
The subject site and its immediate context.



FIGURES 5 – 7

The site's broader context and current amenities available within the Villawood Town Centre.



2 THE PROPOSAL

The application seeks approval for the following:

- demolition of the existing commercial premises and 2 x residential dwellings
- construction of a 11 storey shop top housing development comprising 2 towers over a single storey podium including the following:
 - Retail premises and food shops on the ground floor
 - 148 residential apartments
 - 3 levels of basement car parking providing 257 spaces comprising 61 retail parking spaces including 1 accessible space, and 196 residential parking spaces comprising 144 residential parking spaces, 15 accessible spaces and 37 visitor parking spaces, including 1 accessible space and 1 residential car wash bay
 - provision for vehicular site thru link to Apex Petroleum site No. 896A Woodville Road
 - commercial loading facilities
 - landscaping and site works
- consolidation of allotments
- dedication of land along Howatt Street

Retail Component

The application seeks approval for the use of the building as mix of retail premises and food shops as nominated on the Architectural Drawings. Operating hours will be 7am – 10pm 7 days a week.

Basement Level 1

- Basement car parking for 41 cars plus 2 stacked and loading facilities accessed from Howatt Street
- 3 x Retail storage
- Retail lift, escalators and fire stairs
- Loading facilities, goods lift, retail waste storage rooms
- Pump, fan, switch and comms rooms

Basement Level 1 Mezzanine

- Retail car parking for 20 cars
- Ramp from Basement Level 1
- 2 x Retail storage, retail lift and fire stairs
- Combined fire hydrant and sprinkler room
- Fire Hydrant Tank room
- Grease arrestor, 2 x plant rooms

Ground Floor

- 1 x food shop 177.3m²
- 12 x retail premises ranging in size between 267.3m² and 43.1m²
- Arcade and kiosk
- Pedestrian walkway, civic plaza and public amenities

Hours of Operation

- Monday to Thursday: 7:00am to 10:00pm
- Friday and Saturday: 7:00am to 10:00pm
- Sunday: 7:00am to 10:00pm

Residential Component

- Residential Basement Levels
 - 196 parking spaces comprising 144 resident parking spaces, 15 accessible spaces and 37 visitor parking spaces, including 1 accessible space and 1 residential car wash bay
 - 4 x motorcycle space and 11 x bicycle spaces accessed from Hilwa Street
 - Residential waste storage rooms including bulky waste storage
 - 148 x storage units
- Building A (North)
 - Ten residential storeys located on Levels 1 – 11 of the building will have 61 dwellings (16 x 1 bed, 35 x 2 bed and 10 x 3 bed)
 - 2-3 x lift cores
- Building B (South)
 - Ten residential storeys located on Levels 1 – 11 of the building will have 87 dwellings (10 x 1 bed, 61 x 2 bed and 16 x 3 bed)
 - 2-3 x lift cores
- Communal facilities
 - 2 x residential lobbies to Woodville Road and Howatt Street
 - Lift and waste chutes
 - Communal open space on Level 1 (1,188.6m²) and Level 11 (248.3m²) giving a total area of 1,436.9m² (this area includes on structure landscaping, seating and barbecue facilities)



FIGURE 8

Perspective of proposed development from Hilwa Street looking east (Source: Tony Owen Partners).



FIGURE 9

Perspective of the proposed development from Villawood Place looking south across Hilwa Park. (Source: Tony Owen Partners).

3 STATUTORY PLANNING FRAMEWORK

3.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

The proposed development has been considered against the relevant provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) and the requirements of Chapter 4 Remediation of Land apply to the proposed development.

Chapter 4 - Remediation of Land

Chapter 4 requires Council before determining a development application to consider whether the land is contaminated and, if so, whether it is suitable for the development in its contaminated state or if requires remediation. Clause 4.6(1)(a) of the Resilience and Hazards SEPP states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated to ensure that the health and safety of future users of the land are protected and that the environmental impacts of contamination are addressed before development proceeds. The Department of Planning publication “Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land” provides advice on the process of determination as to whether a site is contaminated. In this regard, Section 2.2 of the Guidelines states:

When carrying out planning functions under the EP & A Act, a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.

When an authority carries out a planning function, the history of the land use needs to be considered as an indicator of potential contamination. Where there is no reason to suspect contamination after acting substantially in accordance with these Guidelines, the proposal may be processed in the usual way.

The Guidelines continue at Section 3.2.1 by stating that:

The potential for contamination is often linked to past uses of land and a good early indicator of possible uses is land zoning. Contamination is more likely to have occurred if the land is currently, or was previously, zoned for industrial, agricultural or defence purposes.

The proposed development application is accompanied with a Preliminary Site Investigation prepared by EI Australia. This Investigation found:

Based on the preliminary site investigation and with consideration of EI’s Statement of Limitations (Section 7) the potential for contamination to exist on site was considered to be low to moderate. The site was deemed suitable for the proposed mixed use (commercial and residential) development, in accordance with the State Environmental Planning Policy (Resilience and Hazards) 2021(former Sepp 55 – Remediation of Land), provided the recommendations below are undertaken.

Recommendations

EI provides the following recommendations in relation to the proposed development:

- *A Stage 2 Detailed Site Investigation (DSI) should be undertaken, to further assess site contamination. The DSI should include intrusive soil and groundwater sampling and associated laboratory analysis for the potential contaminants identified in **Section 4.5**. In designing the sampling, analytical and quality plan (SAQP) for the DSI, the NSW EPA (1995) Sampling Design Guidelines should be referred to.*

- Should the DSI confirm the presence of contamination, subject to the degree and extent of impact(s), it may be necessary to develop a remedial works strategy, to mitigate all associated risks and make the land suitable for the intended use.
- Before commencement of any demolition works, a hazardous materials survey (HMS) should be completed by a suitably qualified consultant, to identify any hazardous materials present within the existing building fabrics.
 - If present, all identified hazardous materials must be appropriately managed, to maintain worker health and safety during demolition works and prevent the spread of hazardous substances.
- Following demolition and removal of associated wastes, an inspection of the exposed surface should be performed by a suitably qualified environmental consultant.
- Any material being imported to the site should be validated as suitable for the intended use in accordance with NSW EPA guidelines.

EI notes that these recommendations can be managed through the development application process, in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021 (former SEPP 55 - Remediation of Land).

The subsequent Detailed Site Investigation concluded that based on its findings, and with consideration of the Statement of Limitations, gross or widespread contamination was not present within the site area. The land can be made suitable for the proposed mixed use development, in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, subject to the implementation of the recommendations made in Section 10 of the report.

3.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The proposed development has been considered against the relevant provisions of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) and the requirements of Chapter 2 Vegetation in non-rural areas, and Chapter 6 – Water catchments apply to the proposed development.

Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims 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 preservation of trees and other vegetation.

This chapter applies to clearing of:

- (a) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
- (b) Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the Council's Development Control Plan

The subject site contains 21 trees arising from landscaping associated with past land uses. An Arboricultural Impact Assessment Report prepared by Seasoned Tree Consulting was submitted in support of the development application. The report has assessed the condition and significance of the trees on site, concluding that 20 trees are suitable for removal with replacement planting to facilitate the proposed development.

One tree (T1) a Spotted Gum (*Corymbia maculata*) is situated in the northern corner of the site close to Howatt Street is required to be retained and protected. The tree was found to be in good condition and tree protection measures including trunk protection plus tree protection fencing must be installed prior to any works being undertaken on the site, including demolition.

Chapter 6 Water Catchments

Chapter 6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to land within Sydney’s metropolitan water catchments. Chapter 6 has the following relevant aims and objectives:

- whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,
- whether the development will have an adverse impact on water flow in a natural waterbody,
- whether the development will increase the amount of stormwater run-off from a site,
- whether the development will incorporate on-site stormwater retention, infiltration or reuse,
- the impact of the development on the level and quality of the water table,
- the cumulative environmental impact of the development on the regulated catchment,
- whether the development makes adequate provision to protect the quality and quantity of ground water.

The site is located within the Georges River Catchment and Parts 6.1 and 6.2 of this Chapter are relevant to the proposed development.

TABLE 1
Chapter 6 SEPP (Biodiversity and Conservation) 2021 Assessment

CHAPTER 6 ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
6.1 Land to which Chapter applies	<p>This Chapter applies to land in the following catchments—</p> <p>(a) the Sydney Drinking Water Catchment,</p> <p>(b) the Sydney Harbour Catchment,</p> <p>(c) the Georges River Catchment,</p> <p>(d) the Hawkesbury-Nepean Catchment.</p>	<p>The site is located within the Georges River Catchment.</p>
6.2 Definitions	<p>(1) The Dictionary in Schedule 6 defines words used in this Chapter.</p> <p>(2) A word used in this Chapter has the same meaning as in the Standard Instrument unless otherwise defined in this Chapter.</p>	<p>Noted.</p>
6.3 Relationship with other environmental planning instruments	<p>(1) Unless the contrary intention expressly appears, this Chapter does not permit the carrying out of development—</p> <p>(a) prohibited by another environmental planning instrument, or</p> <p>(b) if another environmental planning instrument provides that development consent is required for the development—without development consent.</p> <p>Note—An express contrary intention appears in sections 6.40 and 6.41.</p>	<p>Noted. The proposed development is permissible with consent via application of the LEP.</p> <p>Noted. The proposed development is permissible with consent via application of the LEP.</p>

CHAPTER 6 ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
	<p>(2) State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2, other than section 2.80(3), prevails to the extent of an inconsistency with this Chapter.</p> <p>(3) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, clauses 4A.11 and 4A.12 do not apply to development to which this Policy, section 6.43 applies.</p> <p>(4) The Standard Instrument, clause 4.6, as adopted by a local environmental plan, does not apply to a development standard imposed by this Policy, Part 6.5.</p> <p>(5) This Chapter otherwise—</p> <p>(a) prevails to the extent of an inconsistency with another environmental planning instrument, whether made before or after the commencement of this Chapter, and</p> <p>(b) supplements, and does not derogate from, another environmental planning instrument applying to land to which this Chapter applies.</p> <p>(6) In this section, a reference to another environmental planning instrument includes a reference to another Chapter of this Policy.</p>	
6.4 Maps	<p>(1) A reference in this Chapter to a named map adopted by this Chapter is a reference to a map by that name—</p> <p>(a) approved by the Minister when the map is adopted, and</p> <p>(b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the persons making the environmental planning instruments when the instruments are made.</p> <p>(2) Two or more named maps may be combined into a single map.</p> <p>(3) If 2 or more named maps are combined into a single map, a reference in this Chapter to 1 of the named maps is a reference to the relevant part or aspect of the single map.</p> <p>(4) The maps adopted by this Chapter are to be kept in electronic form and made available for public access in accordance with arrangements approved by the Minister.</p>	Noted.
Part 6.2 Development in regulated catchments		
Division 1 Preliminary		
6.5 Definitions	<p>In this Part—flood liable land means land—</p> <p>(a) susceptible to flooding by the probable maximum flood event, identified in accordance with the principles set out in the Flood Risk Management Manual, or</p> <p>(b) identified in an environmental planning instrument as flood liable land.</p>	Noted.

CHAPTER 6 ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
	<p>Flood Risk Management Manual means the Flood Risk Management Manual, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.</p> <p>riparian vegetation means hydrophilic vegetation, including submerged, emerging and fringing vegetation, that is within a waterway or the floodplain of a waterway.</p>	
Division 2 Controls on development generally		
6.6 Water quality and quantity	<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</p> <p>(b) whether the development will have an adverse impact on water flow in a natural waterbody,</p> <p>(c) whether the development will increase the amount of stormwater run-off from a site,</p> <p>(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,</p> <p>(e) the impact of the development on the level and quality of the water table,</p> <p>(f) the cumulative environmental impact of the development on the regulated catchment,</p> <p>(g) whether the development makes adequate provision to protect the quality and quantity of ground water.</p> <p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—</p> <p>(a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and</p> <p>(b) the impact on water flow in a natural waterbody will be minimised.</p> <p>(3) Subsections (1)(a) and (2)(a) do not apply to development on land in the Sydney Drinking Water Catchment.</p> <p>Note—Part 6.5 contains provisions requiring development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.</p>	<p>The proposed development will have a neutral effect on water quality. Stormwater Concept Plans has been prepared by Civil and Stormwater Engineering Services Pty Ltd to accompany this application. This design outlines measures to manage both stormwater quantity and quality, ensuring that there will be no adverse impact on water quality. The stormwater management plan includes sediment and erosion control measures to be implemented during the construction phase, minimising cumulative impacts on the surrounding catchment.</p> <p>Additionally, adequate conditions may be imposed to ensure the protection of both the quality and quantity of groundwater, further safeguarding the site's environmental integrity. The stormwater emanating from the development will not unduly impact the water quality of the Georges River.</p> <p>Complies. A neutral effect is proposed.</p> <p>Noted.</p>
6.7 Aquatic ecology	<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,</p>	<p>The development site does not immediately adjoin a natural waterbody. As a result, no clearing of riparian vegetation is proposed, and there is no anticipated adverse impact on local wildlife, wetlands, or nearby aquatic ecosystems. The absence of direct interaction with riparian zones ensures that the development will have minimal environmental disturbance in relation to natural watercourses and their associated habitats.</p>

CHAPTER 6 ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
	<p>(b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require—</p> <p>(i) a controlled activity approval under the Water Management Act 2000, or</p> <p>(ii) a permit under the Fisheries Management Act 1994,</p> <p>(c) whether the development will minimise or avoid—</p> <p>(i) the erosion of land abutting a natural waterbody, or</p> <p>(ii) the sedimentation of a natural waterbody,</p> <p>(d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,</p> <p>(e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,</p> <p>(f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.</p> <p>Example—Additional measures may include the incorporation of a vegetated buffer between the waterbody and the site.</p> <p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—</p> <p>(a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,</p> <p>(b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,</p> <p>(c) if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained,</p> <p>(d) the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,</p> <p>(e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.</p> <p>(3) In this section—coastal wetlands and littoral rainforests area has the same meaning as in the Coastal Management Act 2016, section 6.</p>	
6.8 Flooding	<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.</p>	<p>The Flood Design Statement prepared by Civil & Stormwater Engineering Services Pty Ltd found that the site is not within the 1% AEP flood extent.</p>

CHAPTER 6 ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
6.9 Recreation and public access	(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—	The Stormwater Concept Plans has been prepared by Civil and Stormwater Engineering Services Pty Ltd to accompany this application found the stormwater strategy proposed to address Council's requirements will:
	(a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or	<ul style="list-style-type: none"> meet water quality standards,
	(b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.	<ul style="list-style-type: none"> not change flooding behavior in the locality including levels, flows and velocity not adversely impact receiving waters.
	(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider—	
	(a) the likely impact of the development on recreational land uses in the regulated catchment, and	No impact proposed to recreational land uses within the regulated catchment.
	(b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.	No change to public access to and around foreshore areas proposed.
	(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—	
	(a) the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,	Public access is maintained as no change is proposed by the development.
	(b) new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,	There are no points of public access between natural waterbodies and the site.
	(c) if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.	N/A.
6.10 Total catchment management	(3) This section does not apply to development on land in a regulated catchment if the land is in a special area under the Water NSW Act 2014.	Noted.
	In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.	N/A. The proposed development will not have an adverse environmental impact on the catchment.
Division 3 Controls on development in specific areas		
6.11 Land within 100m of natural waterbody	In deciding whether to grant development consent to development on land within 100m of a natural waterbody in a regulated catchment, the consent authority must consider whether—	The proposed development does not immediately adjoin a natural waterway and the proposal is not a 'water-dependent land use'. There is no conflict in land use.
	(a) the land uses proposed for land abutting the natural waterbody are water-dependent uses, and	
	(b) conflicts between land uses are minimised.	

CHAPTER 6 ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
6.12 Riverine Scenic Areas	<p>(1) Development in a Riverine Scenic Area may be carried out only with development consent.</p> <p>(2) In deciding whether to grant development consent to development in a Riverine Scenic Area, the consent authority must consider the following—</p> <p>(a) whether the development is likely to damage river banks,</p> <p>(b) whether the development will be adequately set back from natural waterbodies in the Hawkesbury-Nepean Catchment,</p> <p>(c) the visibility of the development from the surrounding natural waterbodies and visual catchment,</p> <p>(d) whether the development will be consistent with the scenic character of the Riverine Scenic Area, as described in the document entitled Hawkesbury-Nepean River Scenic Quality Study, published by the Department of Urban Affairs and Planning in 1996,</p> <p>(e) whether the development will increase public recreational and visual access to natural waterbodies,</p> <p>(f) landscaping, including the following—</p> <p>(i) the form and siting of buildings,</p> <p>(ii) the colours and materials proposed to be used in the buildings,</p> <p>(iii) whether the development includes or retains native vegetation,</p> <p>(g) the appropriateness of imposing a condition requiring the protection of the scenic character of the Riverine Scenic Area.</p> <p>(3) Development consent must not be granted to development in a Riverine Scenic Area unless the consent authority is satisfied the impact of the development on the scenic quality of the Riverine Scenic Area will be minimised.</p>	N/A. The site is not located within the Riverine Scenic Area.
6.13 Hawkesbury-Nepean conservation area sub-catchments	<p>(1) Development in a Hawkesbury-Nepean conservation area sub-catchment may be carried out only with development consent.</p> <p>(2) In deciding whether to grant development consent to development in a Hawkesbury-Nepean conservation area sub-catchment, the consent authority must consider the following—</p> <p>(a) whether the development will minimise human interference with the condition of the sub-catchment,</p> <p>(b) whether the development will maintain and enhance the structure and floristics of native vegetation in the sub-catchment,</p> <p>(c) whether the development will maintain or enhance the scenic quality of the locality,</p> <p>(d) whether development has previously been carried out on the development site.</p>	N/A. The site is not located within the Hawkesbury-Nepean conservation area sub-catchments.
6.14 Temporary use of land in Sydney Harbour Catchment	<p>(1) The objective of this section is to provide for the temporary use of land in the Sydney Harbour Catchment if the use does not</p>	N/A. The proposed development is not within the Sydney Harbour Catchment.

CHAPTER 6 ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
	<p>compromise future development of the land or have detrimental economic, social, amenity or environmental effects on the land.</p> <p>(2) This section applies to land in the Sydney Harbour Catchment.</p> <p>(3) Development consent may be granted to development on land in the Sydney Harbour Catchment for a temporary use for a maximum period of 52 days, whether or not consecutive, in a period of 12 months, even if the development would otherwise be prohibited by this Chapter.</p> <p>(4) Development consent must not be granted unless the consent authority is satisfied of the following—</p> <p>(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Chapter and any other applicable environmental planning instrument,</p> <p>(b) the temporary use will not have an adverse impact on adjoining land or the amenity of the neighbourhood,</p> <p>(c) the temporary use and location of structures related to the use will not have an adverse impact on environmental attributes or features of the land or increase the risk of natural hazards that may affect the land,</p> <p>(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.</p> <p>(5) Development consent may be granted to development for the temporary use of a dwelling as a sales office for a new release area or a new housing estate for a period exceeding the maximum period specified in subsection (3).</p> <p>(6) Subsection (4)(d) does not apply to a temporary use referred to in subsection (5).</p>	
Division 4 Controls on development for specific purposes		
6.15 Aquaculture	<p>In deciding whether to grant development consent to development for the purposes of aquaculture on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) the likely direct, indirect and cumulative environmental impacts of related activities, including—</p> <p>(i) the coating of fishing accessories with protective finishes, and</p> <p>(ii) the transport and cleaning of cages, racks and other accessories,</p> <p>(b) whether the development includes adequate measures for the disposal of waste,</p> <p>(c) potential adverse environmental impacts from damage to facilities or equipment associated with the development that is caused by flooding, stormwater or erosion.</p>	N/A. The proposed development is not for aquaculture.
6.16 Artificial waterbodies	<p>(1) In deciding whether to grant development consent to development for the purposes of artificial waterbodies on land in a</p>	N/A. The proposed development is not for an artificial waterbody.

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CLAUSE	REQUIREMENTS	COMMENTS
	<p>regulated catchment, the consent authority must consider the following—</p> <p>(a) the likely impact of the development on other downstream land uses in the regulated catchment,</p> <p>(b) whether the development will enhance the recreational and environmental amenity of the regulated catchment,</p> <p>(c) whether the development will contribute to a propagation zone for noxious aquatic weeds in the regulated catchment,</p> <p>(d) whether the development includes measures to minimise the risk of an increase in algal blooms in the regulated catchment.</p> <p>(2) Development consent must not be granted to development for the purposes of artificial waterbodies on land in a regulated catchment if—</p> <p>(a) a rehabilitation plan is required to be prepared for the development under State Environmental Planning Policy (Resources and Energy) 2021, section 2.23, and</p> <p>(b) the consent authority is not satisfied the development is consistent with the rehabilitation plan.</p>	
6.17 Heavy and hazardous industries	<p>(1) This section applies to—</p> <p>(a) development for the purposes of potentially hazardous industry or potentially offensive industry, and</p> <p>(b) development for the purposes of heavy industrial storage establishments or heavy industries.</p> <p>(2) In deciding whether to grant development consent to development to which this section applies, the consent authority must consider the need for bush fire hazard reduction work on the site.</p> <p>(3) Development consent must not be granted to development to which this section applies unless the consent authority is satisfied—</p> <p>(a) the development includes adequate measures to contain water that is at risk of contamination as a result of the development, and</p> <p>(b) approvals have been obtained, or are obtainable, to undertake bush fire hazard reduction work required on the site.</p> <p>(4) Development for the purposes of heavy industrial storage establishments or heavy industries is prohibited on land in a regulated catchment if the development is carried out—</p> <p>(a) on flood liable land, or</p> <p>(b) within 40m of a natural waterbody or watercourse, or</p> <p>(c) on a floodway.</p> <p>(5) In this section—floodway means an area of a floodplain where a significant discharge of water occurs during floods, which, even if partially blocked, would cause a significant redistribution of flood flow or a significant increase in flood levels.</p>	N/A. The proposed development is not for heavy or hazardous industries.

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CLAUSE	REQUIREMENTS	COMMENTS
	<p>potentially hazardous industry has the same meaning as in State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 3.</p> <p>potentially offensive industry has the same meaning as in State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 3.</p>	
6.18 Marinas	<p>In deciding whether to grant development consent to development for the purposes of marinas on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development includes adequate measures in relation to the collection, storage, treatment and disposal of sewage and other waste,</p> <p>(b) whether the development complies with the document entitled Environmental Guidelines: Best Management Practice for Marinas and Slipways, published in 1998 by the Environment Protection Authority,</p> <p>(c) whether adequate depth of water exists for the development and related foreshore facilities,</p> <p>(d) whether the development is likely to affect the stability of land adjoining a natural waterbody,</p> <p>(e) whether the development will have an adverse impact on the foreshore or the bed of a natural waterbody.</p>	N/A. The proposed development is not for a marina.
6.19 Moorings	<p>(1) Development for the purposes of moorings on land in a regulated catchment—</p> <p>(a) may be carried out with development consent, if the development will be carried out in accordance with a permit under the Fisheries Management Act 1994, and</p> <p>(b) is otherwise prohibited.</p> <p>Note—Development requiring both development consent and a specified permit under the Fisheries Management Act 1994 is integrated development—see the Act, section 4.46.</p> <p>(2) In deciding whether to grant development consent to development for the purposes of moorings on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) the type and size of vessels that will be moored,</p> <p>(b) whether adequate depth of water exists for the development,</p> <p>(c) whether dredging will be needed to carry out the development,</p> <p>(d) whether the development will provide public facilities or promote the shared use of private facilities.</p>	N/A. The proposed development is not for a mooring.
6.20 On-site domestic sewerage systems	<p>(1) This section applies to development for the purposes of on-site domestic sewerage systems on land in a regulated catchment.</p>	N/A. The proposed development does not comprise an onsite domestic sewerage system.

CHAPTER 6 ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
	<p>(2) In deciding whether to grant development consent, the consent authority must consider the following—</p> <p>(a) whether the development will be capable of connecting to a sewerage reticulation system,</p> <p>(b) the suitability of the site for on-site disposal of effluent,</p> <p>(c) the capacity of the development to operate without significant adverse long-term impacts on adjoining land.</p> <p>(3) Development consent must not be granted unless the consent authority is satisfied that the development includes adequate measures—</p> <p>(a) to prevent the spread of disease, and</p> <p>(b) to reuse treated resources, and</p> <p>(c) to facilitate the recycling and reuse of treated effluent, and</p> <p>(d) to minimise adverse impacts on the amenity of the development site and other nearby land, and</p> <p>(e) to maintain storage and treatment capacity in wet weather, and</p> <p>(f) to monitor the relevant sewerage system on an ongoing basis.</p> <p>(4) Development consent must not be granted to single household development that is not connected to a sewage reticulation system unless the consent authority is also satisfied that the development complies with the relevant guidelines.</p> <p>(5) In this section— on-site domestic sewerage system means a building, work or place at which effluent is stored, treated or disposed of on-site for domestic purposes.</p> <p>relevant guidelines means the document entitled Environment and Health Protection Guidelines—On-site Sewage Management for Single Households, published by the Department of Local Government, the Department of Land and Water Conservation, the Department of Health and the Environment Protection Authority in 1998.</p> <p>single household development meant development to which this section applies that is associated with residential accommodation consisting of a single dwelling.</p>	
6.21 Stormwater management	<p>(1) This section applies to development for the purposes of works, including water recycling facilities, water reticulation systems and water storage facilities, that are designed to collect, channel, store, treat or disperse stormwater runoff.</p> <p>(2) Development to which this section applies may be carried out on land in a regulated catchment—</p> <p>(a) by or on behalf of a public authority—without development consent, or</p> <p>(b) otherwise—with development consent.</p>	<p>The proposed development is not for water recycling facilities, water reticulation systems and water storage facilities. The Stormwater Concept Plans prepared by Civil and Stormwater Engineering Services Pty Ltd to accompany this application proposes measures to protect water quality. – see Stormwater Concept Plans.</p>

CHAPTER 6 ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
	<p>(3) Despite subsection (2), development to which this section applies is prohibited on land in a regulated catchment if the works will cause untreated stormwater to be disposed of into a natural waterbody.</p> <p>(4) In this section—untreated stormwater means stormwater that has not been subjected to measures designed to reduce litter, suspended soils, nutrients or other substances that contribute to a decline in water quality.</p>	
6.22 Waste or resource management facilities	<p>(1) Development for the purposes of waste or resource management facilities is prohibited on flood liable land in the Georges River Catchment.</p> <p>(2) Development consent must not be granted to development for the purposes of waste or resource management facilities on land in a regulated catchment unless the consent authority is satisfied of the following—</p> <p>(a) an adequate site management plan has been prepared in relation to the development,</p> <p>(b) the development includes adequate leachate surface controls,</p> <p>(c) the final landform of the development on the site will be stable in the long term.</p>	The proposed development is not for waste or resource management facilities.
6.23 Demolition on certain land	<p>(1) This section applies to land—</p> <p>(a) in a regulated catchment, and</p> <p>(b) to which a local environmental plan that adopts the Standard Instrument does not apply.</p> <p>(2) Development that involves the demolition of a building or work may be carried out only with development consent.</p>	Complies. This application seeks approval for demolition of the existing commercial and residential buildings.
Part 6.3 Foreshores and Waterways Area		
6.24 Application of Part	<p>(1) This Part applies to land that is in, or abuts, the Foreshores and Waterways Area.</p> <p>(2) If development is permitted with development consent under this Part, the permission is subject to a provision of another Part that prohibits the development.</p> <p>(3) If development is permitted without development consent under this Part, the permission is subject to a provision of another Part that—</p> <p>(a) permits the development with development consent, or</p> <p>(b) prohibits the development.</p>	N/A The site is not located within the Foreshores and Waterways Area.
Division 4 Complying development in Foreshores and Waterways area		
		N/A. The proposed development is not complying development.

CHAPTER 6 ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
Division 5 Strategic foreshore sites		
		N/A. The site is not identified as a strategic foreshore site.
Part 6.4 Heritage conservation in Sydney Harbour		
6.51 Application of Part	<p>This Part applies to land in the Sydney Harbour catchment that is—</p> <p>(a) shown on the Heritage Map for the purposes of identifying a heritage item, or</p> <p>(b) an Aboriginal place of heritage significance.</p> <p>Note—Heritage items, other than Aboriginal places of heritage significance, are listed in Schedule 5.</p>	N/A. The site is not identified on the heritage map, nor is it recognized as an aboriginal place of heritage significance.
Part 6.5 Sydney Drinking Water Catchment		
6.58 Objectives of Part	<p>The objectives of this Part are—</p> <p>(a) to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and</p> <p>(b) to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.</p>	N/A. The site is not located within the Sydney Drinking Water Catchment.
Part 6.6 Miscellaneous		
6.65 Savings and transitional provisions	<p>(1) The former provisions continue to apply, and the other provisions of this Chapter do not apply, to an application for development consent lodged, but not finally determined, before the commencement of State Environmental Planning Policy Amendment (Water Catchments) 2022.</p> <p>(2) A master plan adopted and in force under section 10.46 immediately before its repeal by State Environmental Planning Policy Amendment (Water Catchments) 2022 is taken, on and from the commencement of this Chapter, to have effect as a master plan within the meaning of Part 6.3, Division 5.</p> <p>(2A) A development application made, but not finally determined, before the commencement of State Environmental Planning Policy Amendment (Flood Planning) 2023 must be determined as if that policy had not commenced.</p> <p>(3) In this section—former provisions means—</p> <p>(a) Chapters 6–12 as in force immediately before their repeal by State Environmental Planning Policy Amendment (Water Catchments) 2022, and</p> <p>(b) the provisions of each environmental planning instrument amended by State Environmental Planning Policy Amendment (Water Catchments) 2022 that would be in force if the instrument had not been amended by that Policy.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>

3.3 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The proposed development has been considered against the relevant provisions of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) and the requirements of Chapter 2 - Affordable housing, and Chapter 4 – Design of residential apartment development apply to the proposed development.

Chapter 2 – Affordable Housing

Chapter 2 of SEPP (Housing) 2021 relates to development for affordable housing. In December 2023, the NSW Government implemented in-fill affordable housing reforms to encourage private developers to boost affordable housing and deliver more market housing. The objective of the new provisions is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.

TABLE 2

State Environmental Planning Policy (Housing) 2021

AFFORDABLE HOUSING PROVISIONS ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
15C Development to which division applies	(1) This division applies to development that includes residential development if—	
	(a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and	Complies.
	(b) the affordable housing component is at least 10%, and	Complies. The proposed affordable housing component equates to 15%.
	(c) all or part of the development is carried out—	
	(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or	Complies. The site is located within an accessible area.
	(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.	N/A.
	(2) Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.	Noted. No affordable housing is provided as part of another requirement.
16 Affordable housing requirements for additional floor space ratio	(3) In this section—	Noted.
	relevant zone means the following—	
	(a) Zone E1 Local Centre,	
	(b) Zone MU1 Mixed Use,	
	(c) Zone B1 Neighbourhood Centre,	
	(d) Zone B2 Local Centre,	
	(e) Zone B4 Mixed Use.	
	(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).	N/A There is no applicable floor space ratio prescribed by Fairfield Local Environmental Plan 2013 so the provisions of this Section do not apply.
	(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—	

AFFORDABLE HOUSING PROVISIONS ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
	$\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$ <p>(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</p> <p>Example— Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.</p> <p>(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.</p>	
17 Additional floor space ratio for relevant authorities and registered community housing providers	(1) This section applies to residential development to which this division applies that is carried out—	
	(a) by or on behalf of a relevant authority or registered community housing provider, and	N/A. Application is not made on behalf of a relevant authority or community housing provider.
	(b) on land with a maximum permissible floor space ratio of 2:1 or less.	N/A.
	(2) The maximum floor space ratio for the development is—	N/A.
	(a) the maximum floor space ratio calculated in accordance with section 16, or	
	(b) the maximum floor space ratio calculated in accordance with subsection (3).	
	(3) The maximum floor space ratio for subsection (2)(b) is the maximum permissible floor space ratio for the land plus an additional floor space ratio of—	N/A.
	(a) if the affordable housing component is at least 50%—0.5:1, or	
	(b) if the affordable housing component is between 20% and 50%—Y:1, where—	
	AH is the affordable housing component.	
	Y is $\frac{AH}{100}$	
	(4) If development to which this section applies uses the maximum floor space ratio under subsection (2)(a), section 16(3) also applies to the development.	N/A.
18 Affordable housing requirements for additional building height	(1) This section applies to development that includes residential development to which this division applies if the development—	The maximum building height for the site is 27m under Fairfield Local Environmental Plan 2013 (FLEP 2013).
	(a) includes residential flat buildings or shop top housing, and	The application proposes a 15% affordable housing component which permits up to a 30% percentage increase to the maximum building height.

AFFORDABLE HOUSING PROVISIONS ASSESSMENT																			
CLAUSE	REQUIREMENTS	COMMENTS																	
19 Non-discretionary development standards—the Act, s 4.15	(b) does not use the additional floor space ratio permitted under section 16.	Accordingly, the maximum building height when 15.0% of the GFA of the development is dedicated as affordable housing is																	
	(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).	1.3 x 27 = 35.1 metres.																	
	(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows	As the proposed building will have a maximum height of 36.2 metres, the proposal exceeds this new height limit. Accordingly, a Clause 4.6 Variation request is submitted with this application to seek a variation to the development standard, specifically the non-compliance with Clause 4.3(2) of the FLEP 2013.																	
	$\text{affordable housing component} = \frac{\text{additional building height}}{(\text{as a percentage})} \div 2$																		
	(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	Noted.																	
	Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.																		
	(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—																		
	(a) a minimum site area of 450m ² ,	Complies. Site area is 4,412.7m ² .																	
	(b) a minimum landscaped area that is the lesser of—	Does not comply as the site is located within an area that requires commercial uses at the ground floor only. Landscaped area means the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area.																	
	(i) 35m ² per dwelling, or																		
(ii) 30% of the site area,	A Clause 4.6 Variation has been prepared to support the variation to the non-discretionary development standard.																		
(c) a deep soil zone on at least 15% of the site area, where—	N/A.																		
(i) each deep soil zone has minimum dimensions of 3m, and	N/A																		
(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	N/A.																		
(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	Complies – 124 of 148 dwellings or 83.7% achieve the minimum solar access requirements.																		
(e) the following number of parking spaces for dwellings used for affordable housing—	Complies. See Traffic Impact Assessment and tables outlining compliance below.																		
(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,	<table><tr><th colspan="3">Car Parking Requirements for Affordable Housing Units</th></tr><tr><th>Number of Bedrooms</th><th>Number of Units</th><th>Parking spaces required</th></tr><tr><td>1</td><td>3</td><td>1.2</td></tr><tr><td>2</td><td>20</td><td>10.0</td></tr><tr><td>3</td><td>4</td><td>4</td></tr><tr><td>Total</td><td>27</td><td>15.2</td></tr></table>	Car Parking Requirements for Affordable Housing Units			Number of Bedrooms	Number of Units	Parking spaces required	1	3	1.2	2	20	10.0	3	4	4	Total	27	15.2
Car Parking Requirements for Affordable Housing Units																			
Number of Bedrooms		Number of Units	Parking spaces required																
1		3	1.2																
2	20	10.0																	
3	4	4																	
Total	27	15.2																	
(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,																			
(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,																			
	Complies. See Traffic Impact Assessment and tables outlining compliance below.																		

AFFORDABLE HOUSING PROVISIONS ASSESSMENT																					
CLAUSE	REQUIREMENTS	COMMENTS																			
20	(f) the following number of parking spaces for dwellings not used for affordable housing—	<table><thead><tr><th colspan="3">Remaining Car Parking Requirements</th></tr><tr><th>Number of Bedrooms</th><th>Number of Units</th><th>Parking spaces required</th></tr></thead><tbody><tr><td>1</td><td>23</td><td>11.5</td></tr><tr><td>2</td><td>76</td><td>76</td></tr><tr><td>3</td><td>22</td><td>33</td></tr><tr><td>Total</td><td>121</td><td>120.5</td></tr></tbody></table>		Remaining Car Parking Requirements			Number of Bedrooms	Number of Units	Parking spaces required	1	23	11.5	2	76	76	3	22	33	Total	121	120.5
	Remaining Car Parking Requirements																				
	Number of Bedrooms	Number of Units	Parking spaces required																		
	1	23	11.5																		
	2	76	76																		
	3	22	33																		
	Total	121	120.5																		
	(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,	15.2 + 120.5 = 135.7 rounded to 136 spaces																			
	(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,	The total number of residential car parking spaces provided is 196 (inclusive of visitor parking), which is more than the minimum 136 required by this clause.																			
	(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	Complies. All 1 bedroom units are >50m ² , 2 bedrooms >70m ² (+ 5m ² per additional bathroom) and 3 bedrooms > 80m ² (+ 5m ² per additional bathroom).																			
(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	N/A.																				
(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,	N/A.																				
(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas—																					
(i) for each dwelling containing 1 bedroom—65m2,																					
(ii) for each dwelling containing 2 bedrooms—90m2,	Noted. Subsection 2(c) and (d) therefore do not apply.																				
(iii) for each dwelling containing at least 3 bedrooms—115m2 plus 12m2 for each bedroom in addition to 3 bedrooms.																					
(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.																					
20	Design requirements	(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.																			
		(2) Subsection (1) does not apply to development to which Chapter 4 applies.																			
		(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—																			
		(a) the desirable elements of the character of the local area, or																			
		(b) for precincts undergoing transition—the desired future character of the precinct.																			
		N/A. The development type is shop top housing.																			
		Noted. Chapter 4 applies.																			
		Complies. The approved development is consistent with the character of the area, and the desired future character for the Villawood Town Centre. This DA is the culmination of extensive discussions between Council and the proponent during the Planning Proposal and Pre-DA phases prior to lodgment. The redevelopment of the site with an affordable housing component increases the public benefit generated by the development and meets the needs of the locality.																			
		Although the site is currently bordered by low-density dwellings to the west and south, the proposal remains compatible with the surrounding area. Council plans to acquire the dwellings to the west for the expansion of Hilwa Park, and the R4 High Density Residential zoning to the south anticipates redevelopment to six-storey residential flat buildings. The design also ensures appropriate building separation, in line with ADG standards, and comprehensive overshadowing modelling confirms minimal impact on surrounding properties. This development reflects the anticipated transformation of the Villawood Town Centre into a higher-density precinct, aligning with the area's vision and supporting its growth trajectory.																			

AFFORDABLE HOUSING PROVISIONS ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
		The proposed development is consistent with what is to be expected for precincts undergoing transition to higher densities and is therefore in accordance with the desired future character of the Villawood Town Centre.
21 Must be used for affordable housing for at least 15 years	(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—	N/A
	(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and	Able to comply. It is anticipated this will be noted as a condition of development consent.
	(b) the affordable housing component will be managed by a registered community housing provider.	Able to comply. It is anticipated this will be noted as a condition of development consent.
	(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.	N/A
22 Subdivision permitted with consent	Land on which development has been carried out under this division may be subdivided with development consent.	Noted.

Chapter 4 – Design of Residential Apartment Development

The provisions of SEPP Housing, Chapter 4 Design of residential apartment development, applies to projects involving the construction of new residential flat buildings, shop top housing, or mixed-use developments that are three or more storeys high and contain four or more dwellings. Since the proposed development qualifies as shop top housing and is more than three storeys, the guidelines set out in Chapter 4 are applicable.

SEPP Housing, Chapter 4 aims to improve the design quality of new mixed-use developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes. The design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high-quality design. Chapter 4 Design of Residential Apartment Development of the SEPP aims to improve the design of residential apartment development in NSW as follows:

- (a) *to ensure residential apartment development contributes to the sustainable development of New South Wales by—*
 - (i) *providing socially and environmentally sustainable housing, and*
 - (ii) *being a long-term asset to the neighbourhood, and*
 - (iii) *achieving the urban planning policies for local and regional areas,*
- (b) *to achieve better built form and aesthetics of buildings, streetscapes and public spaces,*
- (c) *to maximise the amenity, safety and security of the residents of residential apartment development and the community,*
- (d) *to better satisfy the increasing demand for residential apartment development, considering—*
 - (i) *the changing social and demographic profile of the community, and*
 - (ii) *the needs of a wide range of people, including persons with disability, children and seniors,*

(e) to contribute to the provision of a variety of dwelling types to meet population growth,

(f) to support housing affordability,

(g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions,

(h) to facilitate the timely and efficient assessment of development applications to which this chapter applies.

In order to satisfy these aims and improve the design quality of residential apartment buildings in the State, Schedule 9 of SEPP Housing 2021 sets design principles in relation to context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction, and aesthetics.

Clause 29 of the Environmental Planning and Assessment Regulation 2021 requires that a development application that relates to residential apartment development must be accompanied by a Design Report prepared by a qualified designer. In the statement, the qualified designer is required to:

(a) verify that he or she designed, or directed the design, of the development, and

(b) explain how the development addresses—

(i) the design principles for residential apartment development, and

(ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.

Tony Owen, registration number 7080, is a registered architect in accordance with the Architects Act 1921, has directed the design and prepared the attached Design Report, including how the design addresses the design quality principles.

Section 145(2) of SEPP Housing also requires that before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.

The Apartment Design Guide

Section 148 of SEPP Housing prescribes non-discretionary development standards for particular matters relating to shop top housing development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. The standards are:

(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,

(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,

(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

The proposal is able to achieve each of these criteria, and therefore cannot be refused on the grounds of car parking, apartment size or ceiling height.

Section 147(1) of SEPP Housing requires that in determining a development application for consent to carry out shop top housing development, a consent authority is to take into consideration the quality of the design of the development, evaluated in accordance with the 9 design principles for residential apartment development set out in Schedule 9 and the requirements of the Apartment Design Guide (ADG), a publication of the Department of Planning and Environment, dated July 2015.

Whilst the ADG does not contain development standards, it does contain objectives that describe desired design outcomes for shop top housing developments, and design criteria that provide measurable requirements for how these objectives can be met. The table below evaluates the proposed development against the relevant provisions of part 3 and 4 of the Apartment Design Guide in relation to the siting and design of the proposed development and addresses any relevant explicit Design Criteria provided.

TABLE 3

State Environmental Planning Policy (Housing) 2021: Apartment Design Guide

OBJECTIVES		COMMENTS
PART 3: SITING THE DEVELOPMENT		
3A – SITE ANALYSIS		
Objective 3A-1	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Complies. See Site Analysis in the Architectural Plans.
3B – ORIENTATION		
Objective 3B-1	Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Complies.
Objective 3B-2	Overshadowing of neighbouring properties is minimised during mid-winter.	Complies.
3C – PUBLIC DOMAIN INTERFACE		
Objective 3C-1	Transition between private and public domain is achieved without compromising safety and security.	Complies.
Objective 3C-2	Amenity of the public domain is retained and enhanced.	Complies.
3D – COMMUNAL AND PUBLIC OPEN SPACE		
Objective 3D-1	An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	Complies.
	<u>Design Criteria</u> 1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3). 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	Complies. 1,436.9m² or 32.6% of the site area is provided. Complies. Communal open space is on Level 1 and the roof top enjoying excellent solar access year round.
Objective 3D-2	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.	Complies.
Objective 3D-3	Communal open space is designed to maximise safety.	Complies.

OBJECTIVES		COMMENTS
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Objective 3D-4	Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	Complies.
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3E – DEEP SOIL ZONES

Objective 3E-1	Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	Complies.
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Design Criteria

1. Deep soil zones are to meet the following minimum requirements:

Site Area	Minimum Dimensions	Deep Soil Zone (% of Site Area)
Less than 650m ²	-	
650m ² -1,500m ²	3m	
Greater than 1,500m ²	6m	7%
Greater than 1,500m ² with significant existing tree cover	6m	

Complies. The proposal is in a business zone and there is effectively 100% site coverage proposed at ground level. A small area of deep soil planting is proposed, covering 208.9m² or 5.0% of the site area. However, due to the narrow width of the landscaping, it is excluded from the deep soil area calculation. The proposal demonstrates acceptable stormwater management and planting is proposed on structure which is consistent with the design guidance at this objective for these circumstances. Additionally, the adjacent site to the west is designated as a future public park.

3F – VISUAL PRIVACY

Objective 3F-1	Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.	Complies.
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Design Criteria

1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building Height	Habitable Rooms and Balconies	Non-habitable Rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

Complies. The proposal presents compliant separation distances to all boundaries over all levels in accordance with the design criteria of the ADG.

OBJECTIVES		COMMENTS
	<p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2).</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	
Objective 3F-2	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.	Complies.
3G – PEDESTIRAN ACCESS AND ENTRIES		
Objective 3G-1	Building entries and pedestrian access connects to and addresses the public domain.	Complies. Three building entries proposed at ground level. The retail entry and a residential entry to Building A from Howatt Street and a residential entry to Building B from Woodville Road.
Objective 3G-2	Access, entries and pathways are accessible and easy to identify.	Complies.
Objective 3G-3	Large sites provide pedestrian links for access to streets and connection to destinations.	Complies. Pedestrian through site link proposed along the southern boundary linking the future park to Woodville Road.
3H – VEHICLE ACCESS		
Objective 3H-1	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Complies. Two vehicular access points are proposed to the site. One from Howatt Street is for retail and heavy vehicles including access to the loading dock and waste storage areas. The second access is from Hilwa Street which is restricted to residential light vehicles only. This arrangement seeks to minimise conflicts with pedestrians and residential light vehicles and heavy vehicles associated with the retail component of the development and create a high quality streetscape.
3J – BICYCLE AND CAR PARKING		
Objective 3J-1	<p>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</p> <p><u>Design Criteria</u></p> <p>1. For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p>	<p>Complies.</p> <p>Complies. The proposed development is just 275m from a railway station so complies with the accessibility criteria and complies with Clause 19(2)(e) of this SEPP and therefore cannot be refused on the basis of car parking.</p> <p>Complies.</p>
Objective 3J-2	Parking and facilities are provided for other modes of transport.	Complies. 53 Bicycle and 4 motorbike parking spaces are also provided. See Traffic Impact Assessment.
Objective 3J-3	Car park design and access is safe and secure.	Complies.
Objective 3J-4	Visual and environmental impacts of underground car parking are minimised.	Complies.
Objective 3J-5	Visual and environmental impacts of on-grade car parking are minimised.	N/A.

OBJECTIVES		COMMENTS
Objective 3J-6	Visual and environmental impacts of above ground enclosed car parking are minimised.	N/A.
PART 4 (A-J): DESIGNING THE DEVELOPMENT – AMENITY		
4A – SOLAR AND DAYLIGHT ACCESS		
Objective 4A-1	To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.	Complies.
	<p><u>Design Criteria</u></p> <ol style="list-style-type: none"> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. 	<p>Complies. 124 of the 148 apartments or 83.8% receiving 2 hours direct sunlight between the hours of 9am and 3pm, mid-winter. Once the adjoining site Apex Service Station is redeveloped the proposal will still be compliant with 116 of the 148 apartments or 73.3% receiving 2 hours direct sunlight between the hours of 9am and 3pm, mid-winter.</p> <p>N/A.</p> <p>Complies. 12 of the 148 apartments or 8.1% receive no direct sunlight and this figure remains the same once the adjoining site Apex Service Station is redeveloped.</p>
Objective 4A-2	Daylight access is maximised where sunlight is limited.	Complies.
Objective 4A-3	Design incorporates shading and glare control, particularly for warmer months.	Complies.
4B – NATURAL VENTILATION		
Objective 4B-1	All habitable rooms are naturally ventilated.	Complies.
Objective 4B-2	The layout and design of single aspect apartments maximises natural ventilation.	Complies.
Objective 4B-3	The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.	Complies.
	<p><u>Design Criteria</u></p> <ol style="list-style-type: none"> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. 	<p>Complies. 91 out of 142 apartments or 68.9% in the first nine storeys of the building are naturally cross ventilated. All units above 10 storeys in height are deemed to be cross ventilated.</p> <p>Complies.</p>
4C – CEILING HEIGHTS		
Objective 4C-1	Ceiling height achieves sufficient natural ventilation and daylight access.	Complies.
	<p><u>Design Criteria</u></p> <ol style="list-style-type: none"> Measured from finished floor level to finished ceiling level, minimum ceiling heights are: 	Complies.

OBJECTIVES		COMMENTS														
	<table><tr><th colspan="2">Minimum Ceiling Height for Apartment and Mixed Use Buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for the main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed use areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr><tr><td colspan="2">These minimums do not preclude higher ceilings if desired</td></tr></table>	Minimum Ceiling Height for Apartment and Mixed Use Buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for the main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use	These minimums do not preclude higher ceilings if desired		
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These minimums do not preclude higher ceilings if desired																
Objective 4C-2	Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.	Complies.														
Objective 4C-3	Ceiling heights contribute to the flexibility of building use over the life of the building.	Complies.														
4D – APARTMENT SIZE AND LAYOUT																
Objective 4D-1	The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.	Complies.														
	<p><u>Design Criteria</u></p> <p>1. Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment Type</th><th>Minimum Internal Area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Complies. The minimum internal areas have been provided as follows: 1B = 50m², 2B = 75m² and 3B = 90m²</p> <p>Complies.</p> <p>Complies.</p>				
Apartment Type	Minimum Internal Area															
Studio	35m ²															
1 bedroom	50m ²															
2 bedroom	70m ²															
3 bedroom	90m ²															

OBJECTIVES		COMMENTS															
Objective 4D-2	Environmental performance of the apartment is maximised.	Complies.															
	<u>Design Criteria</u> 1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. 2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Complies. Complies.															
Objective 4D-3	Apartment layouts are designed to accommodate a variety of household activities and needs.	Complies.															
	<u>Design Criteria</u> 1. Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space). 2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space). 3. Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">3.6m for studio and 1 bedroom apartments4m for 2 and 3 bedroom apartments 4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	Complies. Complies. Complies. Complies.															
4E – PRIVATE OPEN SPACE AND BALCONIES																	
Objective 4E-1	Apartments provide appropriately sized private open space and balconies to enhance residential amenity.	Complies.															
	<u>Design Criteria</u> 1. All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table> The minimum balcony depth to be counted as contributing to the balcony area is 1m.	Dwelling Type	Minimum Area	Minimum Depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	Complies. Complies.
Dwelling Type	Minimum Area	Minimum Depth															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															

OBJECTIVES		COMMENTS
Objective 4E-2	2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.	Complies.
		N/A
	Primary private open space and balconies are appropriately located to enhance liveability for residents.	Complies.
Objective 4E-3	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	Complies.
Objective 4E-4	Private open space and balcony design maximises safety.	Able to comply.
4F – COMMON CIRCULATION AND SPACES		
Objective 4F-1	Common circulation spaces achieve good amenity and properly service the number of apartments.	Complies.
Objective 4F-2	<u>Design Criteria</u>	
	1. The maximum number of apartments off a circulation core on a single level is eight.	Complies.
	2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Complies. The proposed development comprises 6 lifts servicing Level 1 which comprises 12 units and 4 lifts for Level 2 to Level 10 which comprises 136 units. This means approximately 34 units share a single lift for Levels 2 to 10.
Objective 4F-2	Common circulation spaces promote safety and provide for social interaction between residents.	Complies.
4G – STORAGE		
Objective 4G-1	Adequate, well designed storage is provided in each apartment.	Complies.
Objective 4G-2	<u>Design Criteria</u>	
	1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	Complies. See Area Schedule and Storage Matrix in the Architectural Plans.
Objective 4G-2	Additional storage is conveniently located, accessible and nominated for individual apartments.	Complies.
4H – ACOUSTIC PRIVACY		
Objective 4H-1	Noise transfer is minimised through the siting of buildings and building layout.	Complies.

OBJECTIVES		COMMENTS
Objective 4H-2	Noise impacts are mitigated within apartments through layout and acoustic treatments.	Complies.
4J – NOISE AND POLLUTION		
Objective 4J-1	In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	Complies. See Acoustic DA Assessment prepared by Acouras Consultancy
Objective 4J-2	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	Complies. See Acoustic DA Assessment prepared by Acouras Consultancy
PART 4 (K-T): DESIGNING THE DEVELOPMENT – CONFIGURATION		
4K – APARTMENT MIX		
Objective 4K-1	A range of apartment types and sizes is provided to cater for different household types now and into the future.	Complies. A range of 1, 2 and 3 bedroom units are proposed.
Objective 4K-2	The apartment mix is distributed to suitable locations within the building.	Complies.
4L – GROUND FLOOR APARTMENTS		
Objective 4L-1	Street frontage activity is maximised where ground floor apartments are located.	N/A.
Objective 4L-2	Design of ground floor apartments delivers amenity and safety for residents.	N/A.
4M – FACADES		
Objective 4M-1	Building facades provide visual interest along the street while respecting the character of the local area.	Complies. Refer to Architectural Plans -Perspectives, Elevations and Design Report.
Objective 4M-2	Building functions are expressed by the façade.	Complies.
4N – ROOF DESIGN		
Objective 4N-1	Roof treatments are integrated into the building design and positively respond to the street.	Complies.
Objective 4N-2	Opportunities to use roof space for residential accommodation and open space are maximised.	Complies. Communal open space is provided on the roof.
Objective 4N-3	Roof design incorporates sustainability features.	Complies.
4O – LANDSCAPE DESIGN		
Objective 4O-1	Landscape design is viable and sustainable.	Complies. See Landscape Plan prepared by Conzept Landscape Architects.
Objective 4O-2	Landscape design contributes to the streetscape and amenity.	Complies. See Landscape Plan prepared by Conzept Landscape Architects.
4P – PLANTING ON STRUCTURES		
Objective 4P-1	Appropriate soil profiles are provided.	Complies. See Landscape Plan prepared by Conzept Landscape Architects.
Objective 4P-2	Plant growth is optimised with appropriate selection and maintenance.	Complies. See Landscape Plan prepared by Conzept Landscape Architects.

OBJECTIVES		COMMENTS
Objective 4P-3	Planting on structures contributes to the quality and amenity of communal and public open spaces.	Complies. See Landscape Plan prepared by Concept Landscape Architects.
4Q – UNIVERSAL DESIGN		
Objective 4Q-1	Universal design features are included in apartment design to promote flexible housing for all community members.	Complies. See Statement of Compliance Access for People with a Disability has been prepared by Accessible Building Solutions.
Objective 4Q-2	A variety of apartments with adaptable designs are provided.	Complies 15 adaptable units proposed. See Statement of Compliance Access for People with a Disability has been prepared by Accessible Building Solutions and Architectural Drawing by Tony Owen Partners.
Objective 4Q-3	Apartment layouts are flexible and accommodate a range of lifestyle needs.	Complies. See Statement of Compliance Access for People with a Disability has been prepared by Accessible Building Solutions.
4R – ADAPTIVE REUSE		
Objective 4R-1	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A.
Objective 4R-2	Adapted buildings provide residential amenity while not precluding future adaptive reuse.	N/A.
4S – MIXED USE		
Objective 4S-1	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	Complies. Retail on ground floor activating Howatt Street, Woodville Road and the future park.
Objective 4S-2	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	Complies.
4T – AWNINGS AND SIGNAGE		
Objective 4T-1	Awnings are well located and complement and integrate with the building design.	Complies.
Objective 4T-2	Signage responds to the context and desired streetscape character.	Complies.
PART 4 (U-X): DESIGNING THE DEVELOPMENT – PERFORMANCE		
4U – ENERGY EFFICIENCY		
Objective 4U-1	Development incorporates passive environmental design.	Complies.
Objective 4U-2	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	Complies.
Objective 4U-3	Adequate natural ventilation minimises the need for mechanical ventilation.	Complies.
4V – WATER MANAGEMENT AND CONSERVATION		
Objective 4V-1	Potable water use is minimised.	Complies. See Stormwater Concept Plans has been prepared by Civil and Stormwater Engineering Services Pty Ltd.
Objective 4V-2	Urban stormwater is treated on site before being discharged to receiving waters.	Complies. See Stormwater Concept Plans has been prepared by Civil and Stormwater Engineering Services Pty Ltd.
Objective 4V-3	Flood management systems are integrated into site design.	N/A. The Flood Design Statement prepared by Civil & Stormwater Engineering Services Pty Ltd found that the site is not within the 1% AEP flood extent.

OBJECTIVES		COMMENTS
4W – WASTE MANAGEMENT		
Objective 4W-1	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Complies. See Operational Waste Management Plan prepared by Elephants Foot Consulting.
Objective 4W-2	Domestic waste is minimised by providing safe and convenient source separation and recycling.	Complies. See Operational Waste Management Plan prepared by Elephants Foot Consulting.
4X – BUILDING MAINTENANCE		
Objective 4X-1	Building design detail provides protection from weathering.	Complies.
Objective 4X-2	Systems and access enable ease of maintenance.	Complies.
Objective 4X-3	Material selection reduces ongoing maintenance costs.	Complies.

3.4 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Infrastructure SEPP) was gazetted on 1 March 2022. The policy comprises chapters which relate to State and regional development, aboriginal land and concurrences and consent.

The Infrastructure SEPP Chapter 2 Infrastructure applies to the proposed development as the subject site has road frontage to Woodville Road which is a classified road between the Hume Highway and M4 Western Motorway. The aim of this policy is to “facilitate the effective delivery of infrastructure across the State”, by improving regulation certainty, and controlling impacts that may affect infrastructure.

The aims of Chapter 2 infrastructure are as follows:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- (b) providing greater flexibility in the location of infrastructure and service facilities, and
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (d) identifying the environmental assessment category into which different types of infrastructure and services
- (e) development fall (including identifying certain development of minimal environmental impact as exempt development), and
- (f) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (g) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (h) providing opportunities for infrastructure to demonstrate good design outcomes.

Section 2.119 Development with frontage to classified road

(1) The objectives of this section are—

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment: The proposed development is not seeking direct vehicular access from Villawood Road. Vehicular access is proposed from Howatt and Hilwa Streets and the traffic volumes are not expected to not negatively impact the safety, efficiency or ongoing operation of Villawood Road. The proposal will not lead to undue emission of smoke or dust and the development has been designed to ensure traffic noise and vibration will not reduce the amenity for future occupants.

Section 2.120 Impact of road noise or vibration on non-road development

(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—

- (a) residential accommodation,
- (b) a place of public worship,
- (c) a hospital,
- (d) an educational establishment or centre-based child care facility.

(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Comment: An Acoustic DA Assessment was prepared by Acouras Consultancy in support of the application demonstrating the development is capable of complying with the minimum acoustic requirements of the SEPP.

3.5 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 (SEPP Sustainable Buildings) was made in August 2022 and came into effect on 1 October 2023 and applies to both residential and non-residential development. The aims of the SEPP encourage design and construction of more sustainable buildings across NSW. The standards prescribed by the SEPP ensure the general sustainability measures incorporated into the building design including but not limited to water usage, energy consumption and thermal performance as well as the monitoring of embodied energy used within building materials.

Chapter 2 prescribes standards for residential development that is considered BASIX development. As the proposed development is for a new dwelling house, it is considered a BASIX development to which this chapter applies. In accordance with the requirements of this SEPP, a BASIX Certificate has been obtained in support of the proposed development and accompanies this application. The BASIX Certificate also includes a reference to the quantified embodied emissions.

3.6 STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

State Environmental Planning Policy (Planning Systems) 2021 was gazetted on 1 March 2022. The policy comprises chapters which relate to State and regional development, aboriginal land and concurrences and consent.

The aims of Chapter 2 State and regional development are as follows:

- (a) to identify development that is State significant development,*
- (b) to identify development that is State significant infrastructure and critical State significant infrastructure,*
- (c) to identify development that is regionally significant development.*

The estimated development cost of the residential component of the development is \$65,146,673 and is not considered to be State Significant Development (Schedule 1).

3.7 FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2013

The Fairfield Local Environmental Plan 2013 was gazetted on 17 May 2013 and applies to all land within the Fairfield City local government area (LGA). The particular aims of the LEP are to:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to ensure that appropriate housing opportunities are provided for all existing and future residents and that those housing opportunities accommodate different lifestyles, incomes and cultures,*
- (b) to ensure that the economic, employment and educational needs of the existing and future community are appropriately planned for,*
- (c) to ensure that the recreational and social needs of the existing and future community are appropriately planned for,*
- (d) to ensure that development is properly integrated with, or assists in improving, Fairfield's public services, infrastructure and amenities,*
- (e) to ensure the proper management of productive agricultural land and prevent the fragmentation of agricultural holdings,*
- (f) to conserve the environmental heritage of Fairfield,*
- (g) to protect and manage areas of remnant bushland, natural watercourses and threatened species.*

Land Use Zone

The site is zoned E1 Local Centre Zone. The objectives of the zone are:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.

- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure local centres are not dominated by one type of development and have ongoing capacity to provide a mix of retail, business and community use

The proposed shop top housing development is permissible with consent within the E1 Local Centre zone and satisfies the objectives of the zone, as the development will provide a mixture of compatible land uses that support the viability of Villawood.

Clause 4.3 – Building Height

Clause 4.3 of the LEP prescribes a maximum building height of 27 metres for the site. The development proposes a building height of 36.2 metres. A Clause 4.6 Variation has been prepared to support this variation to the development standard.

Clause 4.4 – Floor Space Ratio

Clause 4.4 of the LEP fails to prescribe a maximum FSR for the site.

Clause 4.6 – Exceptions to Development Standards

The proposal seeks to vary the development standard of SEPP Housing at Section 18(2) Affordable housing requirements for additional building height, and the non-discretionary development standard at Section 19(2)(b) for landscape area.

The two Clause 4.6 Exceptions to development standards variation requests are separately attached.

Clause 5.10 – Heritage Conservation

Clause 5.10 of the LEP relates to heritage conservation. The site does not contain a heritage item, nor does it adjoin an item of heritage significance. The site is not located within a heritage conservation area.

Clause 5.21 – Flood Planning

The Flood Design Statement prepared by Civil & Stormwater Engineering Services Pty Ltd notes the site is not within the 1% AEP flood extent.

Clause 6.2 – Earthworks

The objective of this clause is to ensure that development does not have detrimental impact on environmental functions, neighbouring sites or cultural and environmental heritage items and features. The proposal involves earth works which are ancillary to the development to create a single level of basement car parking which is an acceptable amount of excavation and site works to accommodate a development of this scale and density. The extent of proposed earthworks is not considered to be unreasonable for the proposed land use or to give rise to any detrimental impacts in the locality.

Clause 6.9 – Essential Services

The site has access to the necessary essential services to meet the needs of the proposed development including:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,

- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

Detailed servicing plans have been prepared to demonstrate the allocation of appropriate volumes and areas with the building to accommodate the respective servicing requirements.

Clause 6.10 – Active Street Frontages

The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone E1 Local Centre. The site is mapped as requiring an active street front to Howatt Street. The proposed development complies by siting the pedestrian arcade entry and a café along this frontage.

Clause 6.11 – Ground Floor Business Premises, Medical Centres and Retail Premises

This clause requires that development consent must not be granted for the erection of a building on land identified as “*active street frontage*” unless the ground floor of the building facing the active street frontage will be used for business premises, medical centres or retail premises. As stated above the proposed development complies by siting the pedestrian arcade entry and a café along this frontage. A café is a food and drink premise which is a form of retail premises.

Clause 7.8 – Villawood – Height of Buildings

The objective of this clause is to only allow development to be built to the maximum permissible building height if certain development standards are met despite the provision of clause 4.3. The subject site is required to achieve a minimum site area of 4,000m² in order to achieve the 27 metre height limit prescribed under Clause 4.3. The proposed site area exceeds 4,000m² so the proposal complies with the requirements of this provision.

4 SECTION 4.15 OF THE EPAA

4.1 ENVIRONMENTAL PLANNING INSTRUMENTS – SECTION 4.15(1)(a)(i)

The proposal is permissible subject to the provisions of the FLEP 2013. The impacts of other environmental planning instruments including SEPP (Housing), SEPP (Sustainable Buildings), SEPP (Resilience and Hazards), SEPP (Transport and Infrastructure), SEPP (Biodiversity and Conservation) and SEPP (Planning Systems) have also been considered in the preparation of this development application. The provisions of these relevant environmental planning instruments have been satisfactorily addressed within Section 3 of the Statement of Environmental Effects.

4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS – SECTION 4.15(1)(a)(ii)

Nil.

4.3 DEVELOPMENT CONTROL PLANS – SECTION 4.15(1)(a)(iii)

Fairfield City Wide Development Control Plan 2024

The Fairfield City Wide Development Control Plan 2024 (the DCP) came into effect on 22 August 2024 and applies to land within the Fairfield City LGA.

TABLE 4

Fairfield City Wide Development Control Plan 2024 Compliance Table.

FAIRFIELD CITY WIDE DEVELOPMENT CONTROL PLAN 2024			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
SECTION 3A – ENVIRONMENTAL MANAGEMENT AND CONSTRAINTS			
3.2 – Preservation of Trees or Vegetation	a) To protect, conserve and improve the environment of the City of Fairfield by ensuring that no trees are wilfully injured, removed or destroyed without the approval of Council; b) To ensure that any works in relation to trees meet the objectives of Fairfield LEP 2013 and relevant State and Federal Legislation; and c) To protect rehabilitated riparian vegetation and prevent the clearing of riparian trees and other vegetation by private landowners..	Existing trees and shrubs considered to be of low significance are proposed to be removed and single Spotted Gum tree is proposed to be retained and protected. Please see attached an Arboricultural Impact Assessment Report prepared by Seasoned Tree Consulting.	YES
3.3 – Biodiveristy Corridors	N/A.	N/A.	N/A
3.4 – Riparian Land and Waterways	N/A.	N/A.	N/A
3.5 – Flood Risk Assessment	Determine the nature and extent of flooding and manage accordingly.	The Flood Design Statement prepared by Civil & Stormwater Engineering Services Pty Ltd found that the site is not within the 1% AEP flood extent. The Stormwater Concept Plans prepared by Civil and Stormwater Engineering Services Pty Ltd found the stormwater strategy proposed to address Council's requirements will not change flooding behavior in the locality including levels, flows and velocity.	YES
3.6 – Land Contamination	To ensure Council considers the likelihood of land contamination as early as possible in the planning and development control process.	The proposed development application is accompanied with a Preliminary Site Investigation (PSI) prepared by EI Australia. This Investigation found the potential for contamination to exist on site was considered to be low to moderate. The site	YES

FAIRFIELD CITY WIDE DEVELOPMENT CONTROL PLAN 2024			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
		was deemed suitable for the proposed mixed use (commercial and residential) development, in accordance with the State Environmental Planning Policy (Resilience and Hazards) 2021, provided the recommendations of the PSI are undertaken.	
3.8 – Land Affected by Tidal Waters	N/A.	N/A.	N/A
3.9 – Acid Sulfate Soils	N/A.	N/A.	N/A
3.10 – Bushfire	N/A.	N/A.	N/A
3.11 – Landslide Risk	N/A.	N/A.	N/A
3.12 – Erosion and Sediment Control	a) To achieve a healthy aquatic ecosystem within the local and broader Georges River and other catchments b) To maintain Council's and private stormwater drainage infrastructure to maximum operating capacity and life c) To maintain natural soil on site as part of biodiversity health.	Please see Sediment and Erosion Control Plan.	YES
3.13 – Heritage Items	N/A.	N/A.	N/A
CHAPTER 7 – RESIDENTIAL FLAT BUILDINGS			
7.2 – Special Considerations	<u>Heritage</u>	N/A.	N/A
	<u>Accessible and family friendly units</u> All applications must include a statement on how the development will comply with the provisions of the Disability Discrimination Act, and follow the accessibility standard set out in Australian Standard AS 1428 (parts 1 and 2), as a minimum.	See attached Building Code of Australia 2022 Capability Statement for DA Submission and Statement of Compliance Access for People with a Disability has been prepared by Accessible Building Solutions.	YES
	One accessible unit per ten units or part thereof must be provided and meet any relevant Australian Standard and Building Code of Australia requirements relating to wheelchair accessibility, with the following minimum controls incorporated within the dwellings designed to be able to accommodate wheelchairs: – Access to front door and private open space, – Internal door and passageways, – Toilet and shower,	Complies. 10% of units are provided as accessible units.	YES
	Ramps should have gradients not exceeding 1 in 14, and have an even, non-slip surface,	See attached Building Code of Australia 2022 Capability Statement for DA Submission.	YES
	Developments must provide barrier free access to at least 20 percent of dwellings in the development,	See attached Building Code of Australia 2022 Capability Statement for DA Submission and Statement of Compliance Access for People with a Disability has been prepared by Accessible Building Solutions.	YES
	Pedestrians must be able to identify the access points from the street or car parking area to the apartment entrance,	Complies.	YES
	Pathways and corridors must be well illuminated and directional signs/notices be easily read,	Complies.	YES
	A mix of one and three-bedroom apartments on the ground level where accessibility is more easily achieved for the disabled, elderly people or families with children is to be provided,	N/A. No ground floor units are proposed.	N/A

FAIRFIELD CITY WIDE DEVELOPMENT CONTROL PLAN 2024			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
	Provide a minimum of 25% of two-, three- and four-bedroom apartments as 'family friendly apartments' to accommodate the needs of families with children, with a higher ratio of two and three bedrooms.	Complies	YES
	Locate 'family-friendly apartments' on ground level, with direct access to outdoor space to allow visibility of communal outdoor space for passive supervision of playing children	N/A.	N/A
	Grouping family-friendly apartments together to encourage social interaction and a sense of community between families with children.	Complies	YES
	Locate 'family friendly' apartment closest to the car parking provided on site.	Complies	YES
	Ground floor apartments must be provided with separate entries and access to private open space, preferably as a terrace or garden, wherever possible. Development proposals are encouraged to investigate the possibility of flexible apartment configurations, which support change in the future. Design solutions may include the minimisation of internal structural walls and higher floor to floor dimensions on the ground floor.	N/A. No ground floor units are proposed.	N/A
	Living rooms should consider floor area for play (2m x 3m flexible play space) with visibility to the kitchen for passive supervision.	Complies	YES
	Developments to consider an additional 10% of storage on top of the minimum ADG requirements within each family-friendly unit. Consider walk-in storage closets to accommodate the storage of larger items Increased hallway widths in family friendly units to 1.5m to allow for manoeuvring prams throughout the apartment.	Complies	YES
	<u>Stormwater disposal</u> Relevant controls, performance criteria and where the policy applies can be found in Chapter 3 of the Stormwater Management Policy – September 2017.	See attached Stormwater Concept Plans prepared by Civil and Stormwater Engineering Services Pty Ltd.	YES
	<u>On site detention</u> Relevant controls, performance criteria and where the policy applies can be found in Chapter 4 of the Stormwater Management Policy – September 2017.	See attached Stormwater Concept Plans prepared by Civil and Stormwater Engineering Services Pty Ltd.	YES
	<u>Lifts</u> Passenger lift access is required for any residential flat building either 4 levels above ground with no basement parking or 3 levels above ground and including basement parking.	Complies.	YES
7.3 – Public Domain	<u>Active street frontages</u> Active Retail / Commercial street frontages - The facade treatment and design of ground floors in all buildings must ensure an active frontage is provided. The design/treatment of the ground floor facades must: <ul style="list-style-type: none"> – Avoid blank or solid walls and the use of dark or obscured glass on street frontages; – Maximise glazing for retail uses, with the glazing being broken into sections to avoid large expanses of glass; – Provide direct access from the footpath to the shop; – Wrap shop fronts around any street corner; – Have manual inward opening or automatic sliding doors oriented towards the street; – Ensure all commercial uses are oriented to the street to maximise opportunities for casual surveillance; – Ensure all under awning areas are well lit; – Ensure access to building meets BCA accessibility requirements. 	The development will activate Howatt Street and Woodville Road frontages.	YES
	Ground floor entrances and foyers in local town centres - On ground floor elevations fronting primary streets the width of the building facade used for	Complies.	YES

FAIRFIELD CITY WIDE DEVELOPMENT CONTROL PLAN 2024			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
7.4 – Built Form	entrances / foyers (including service areas for mail, intercom systems or service cupboards and the like) must be between 2 and 3.5 metres wide;		
	Building elevations on corner sites shall address both the primary and secondary street frontages.	Complies.	YES
	<u>Commercial awnings and pedestrian amenity</u> All awnings should not exceed 3.5m in height above the footpath.	Complies.	YES
	The awning is required to cover as much of the footpath as possible and may not be closer than 600mm to the kerb line.	Complies.	YES
	Awnings should be complementary to other awnings within the development and surrounding sites.	Complies.	YES
	Awnings shall be parallel to the pavement and be of metal construction as glazed awnings transmit heat and glare to pedestrians.	Complies.	YES
	Ensure all awnings are structurally sound and safe and comply with relevant BCA requirements.	Complies.	YES
	Carry out regular maintenance or repair work to awnings and their stormwater disposal systems e.g. painting, repairing any leaks, etc.	Noted.	
	All awnings associated with Heritage Items are specified in Schedule 5 of the Fairfield Local Environmental Plan 2013 must comply with 5.10 – Heritage Conservation of the Fairfield LEP 2013.	N/A.	N/A
	An Awnings Maintenance Plan is required to be submitted with all Development Applications for the construction of a building proposing an awning or occupation of a building that already contains an awning: <ul style="list-style-type: none"> – The Maintenance Plan for development including the construction of new building will include maintenance details that cover the life of the awnings; – The Maintenance Plan for awnings that are on existing buildings will provide details of repair that will be carried out. – To ensure the visual amenity of the structure is maintained through the proper maintenance of existing awnings; – To ensure the maintenance and upgrade of awnings on Heritage Listed Properties maintains the Heritage significance of the site. 	Awnings Maintenance Plan can be conditioned prior to release of Occupation Certificate.	YES
	<u>Ground floor building use</u>	Complies. No ground floor units are proposed. Retail uses proposed to activate street frontage.	YES
	<u>Floor space ratio</u>	N/A. No FSR applicable to the site.	N/A
	<u>Building height</u> Maximum permissible building height for any development must be consistent with the building height standards prescribed on the Fairfield LEP Building Height Map. Generally, a height limit of 16 metres (5 storeys) and 20 metres (6 storeys) applies to the R4 High Density Residential Zone.	N/A. E1 zoning	N/A
	<u>Building setbacks</u>	Complies.	YES
	<u>Building articulation</u> Building facades shall: <ul style="list-style-type: none"> – define a base, middle and top related to the overall proportion of the building by using cornices, a change in materials or building setback; – reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation; 	Complies.	YES

FAIRFIELD CITY WIDE DEVELOPMENT CONTROL PLAN 2024			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
	<ul style="list-style-type: none"> – express the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions and the variation in floor to floor height, particularly at the lower levels; – articulate building entries with awnings, porticos, recesses, blade walls and projecting bays; – use recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the facade; – express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height; – co-ordinate and integrate building services and utility items, such as drainage pipes; and security grills/screens, ventilation louvers and car park entry doors with overall facade and balcony design. 		
7.5 – Amenity	<p><u>Ventilation</u> Buildings should be designed in accordance with the provisions of Part 4B –Natural Ventilation of the Apartment Design Guide.</p> <p><u>Air Conditioning Units</u> Air conditioning units/condensers are to be located within the basement, or on the upper most roof, within the building, or similar areas that allow for concealment of the air conditioning units. Air conditioning units are not permitted to be located on: a) The building façade, b) Terraces, c) Private or communal open spaces, d) Balconies, or Any other similar location that is not appropriately concealed or integrated into the built form.</p> <p><u>Visual amenity and acoustic privacy</u> Buildings should be designed in accordance with the provisions of Part 3F – Visual Privacy of the Apartment Design Guide.</p> <p>Noise transmission BCA requirements - development must comply with the noise transmission requirements of the Building Code of Australia 2004. Noise transmission must be minimised through the design of internal layouts of apartments and the location of courtyards, terraces / balconies, and openings.</p> <p>Noise impact assessments may be required. An assessment of the existing and expected future noise levels together with a mitigation strategy must be provided in the noise impact assessment.</p> <p>Noise attenuation measures must be incorporated in all new developments along Classified State and Regional Roads and Unclassified Regional Roads and properties in proximity to the railway line. Developments adjacent to rail corridors, shall take into consideration the provisions within SEPP (Infrastructure) 2007 relating to impact of rail noise or vibration on non-rail development.</p> <p>Land uses/activities noise conflicts minimised - In mixed-use developments, the design must minimise the transfer of noise between business and commercial activities and residential development by using measures that will address noise associated with:</p> <ul style="list-style-type: none"> – Goods and service deliveries as well as waste and garbage disposal and collections, particularly if this is occurring early in the morning or late at night; – Restaurants and cafes particularly those operating at night or those with outdoor seating; and – Extraction fans and air conditioning units. <p>Land use conflicts between existing and new development – Noise attenuation measures must be incorporated into all new residential development proposed near an existing retail/commercial property that generates noise at times or levels not</p>	<p>Complies. 65.5% or 97 out of 148 apartments are naturally cross ventilated.</p> <p>Complies.</p> <p>Complies</p> <p>See attached Acoustic DA Assessment.</p> <p>See attached Acoustic DA Assessment.</p> <p>See attached Acoustic DA Assessment.</p> <p>See attached Acoustic DA Assessment.</p> <p>See attached Acoustic DA Assessment.</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>

FAIRFIELD CITY WIDE DEVELOPMENT CONTROL PLAN 2024			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
	compatible with residential living. An acoustic assessment and proposed acoustic attenuation measures are to be detailed in an Acoustic Report prepared by an Acoustic Engineer or suitably qualified individual.		
	Air conditioning units proposed are to be detailed in the acoustic assessment.	See attached Acoustic DA Assessment.	YES
	<u>Solar access</u> Buildings should be designed in accordance with the provisions of Part 4A – Solar and Daylight Access of the Apartment Design Guide.	Complies.	YES
	<u>Private open space</u> Buildings should be designed in accordance with the provisions of Part 4E – Private open space and balconies of the Apartment Design Guide.	Complies.	YES
	<u>Common open space</u> The area of open space should generally be between 25 – 30% of the site.	Complies. 32.6% of the site area is proposed as communal open space across Levels 1 and the roof top level.	YES
	Common open space: <ul style="list-style-type: none"> – should incorporate a minimum 25% of deep soil zone. – be located within a north, north-east orientation. – must be accessible from all dwellings within the development. – should only be accessible from within the site. – should be overlooked by living areas. – should ideally be centrally located rather than at the rear or front of a development site – should include features such as seating, shade structures, child play equipment or barbeques to satisfy the recreation needs of all residents. – is not to include in its area calculation clothes drying areas, driveways and parking areas. – may only be used for detention basins if the height difference between natural ground level and the lowest level of the basin is not more than 0.5 metres. 	Complies	YES
	<u>Safety and security</u> All areas in a development should be clearly recognisable as either private, common or public space.	Complies.	YES
	A dwelling with street frontage should have a clear view of the footpath.	N/A.	N/A
	Wall mounted night lighting in internal and external common area including along all driveways and footpaths must be provided throughout the site. As part of the Development Application a lighting plan may be required to be submitted that incorporates the following elements: <ul style="list-style-type: none"> – Use of energy efficient diffused lights and/or movement sensitive lights; – Lights directed towards access/egress routes to illuminate potential offenders, rather than towards buildings or resident observation points; – Lighting with a wide beam of illumination reaching the beam of the next light, or the perimeter of the site or area being traversed 	Able to comply.	YES
	Barriers to prevent movement between roof spaces of adjoining dwellings will be required.	N/A.	N/A
	Dwellings must have a child-proof storage place for poisons or other dangerous substances.	Able to comply.	YES
7.6 – Car Parking, Loading and Access	<u>Car parking</u> Off-street parking spaces must be provided as set out below: <ul style="list-style-type: none"> – 1 space per dwelling, and – 1 visitor space per 4 dwellings where a development has more than 2 proposed dwellings. 	See Traffic Impact Assessment.	YES

FAIRFIELD CITY WIDE DEVELOPMENT CONTROL PLAN 2024			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
	Dimensions for parking spaces and turning areas must be in accordance with AS/NZS 2890.1;2004 Parking Facilities – Off-Street Car Parking and the Car Parking Chapter of the City Wide DCP.	See Traffic Impact Assessment.	YES
	Council gives preference to total or partial underground car parking wherever possible by: <ul style="list-style-type: none"> – Retaining deep soil zones, – Providing natural ventilation to sub-basement parking areas, and – Integrating ventilation grills into building design. 	Complies.	YES
	In cases of inconsistency between the controls contained within Part 7.5 and controls contained within Chapter 12 – Car Parking, Vehicle and Access Management, then the provisions of Chapter 12 will prevail to the extent of the inconsistency.	Noted.	
	<u>Vehicle access controls</u> Driveway design must be in accordance with AS/NZS 2890.1;2004 Parking Facilities – Off-Street Car Parking and the Car Parking Chapter of the City Wide DCP, noting the need to accommodate regular garbage truck movements and delivery/removalist vans.	Complies.	YES
	Driveway location and vehicle access to properties should be at least 30 metres or as far as possible from an intersection with a State or regional road.	Complies.	YES
	Vehicle entries must be located away from main pedestrian entries and on secondary frontages and not be obstructed by power/telephone poles, meter boxes etc.	Complies.	YES
	Driveway width is generally limited to a maximum of 6 metres and should be minimised to increase landscaped area while providing adequate space for vehicles to manoeuvre and pass at slow speeds.	Complies.	YES
	Driveway length should be minimised where possible by being broken into bays through the use of landscape nodes.	N/A	N/A
	<u>Splay corner setbacks and road widening</u>	N/A	N/A
7.7 – Site Servicing and Loading	<u>Waste Management for shop top housing</u> Garbage storage areas must: <ul style="list-style-type: none"> – Be designed so that the floors and walls can be washed on a regular basis and the wastewater collected, treated and disposed of to the sewer; – Include separation facilities for waste to be divided into separate waste streams in order to recycle materials; – Be located away from windows to habitable rooms; – Be located away from adjoining residential dwellings; and – Be located so as to not cause any negative impacts, in terms of visual appearance, noise or smell, to adjoining properties, or to the street. 	Complies. See attached Operational Waste Management Plan prepared by Elephants Foot Consulting.	YES
	Waste collection noise minimisation must <ul style="list-style-type: none"> – be in accordance with the NSW Environment Protection Authority, Industrial Noise Policy (2000). – Liquid waste storage areas - shall be covered and bunded to prevent external spillage. – Odour Impact Assessments - Commercial / Retail premises that generate odour from their activity may be required to submit an Odour Impact Assessment to Council conducted in accordance with the NSW Environment Protection Authority's Draft Policy "Assessment and Management of Odour from Stationary Sources in NSW" January 2001. 	Complies. See attached Operational Waste Management Plan prepared by Elephants Foot Consulting.	YES

FAIRFIELD CITY WIDE DEVELOPMENT CONTROL PLAN 2024			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
	<ul style="list-style-type: none"> Air handling systems in Commercial / Retail premises - Commercial / Retail premises that require an air handling system such as a cooling tower are required to obtain Development Approval from Council. The installation and operation of the cooling tower is to be conducted in accordance with the Public Health Act and Public Health (Microbial) Regulation. An approved air handling system is to be installed to the cooking appliances in accordance with Australian Standard, 1668 -1991, The Use of Mechanical Ventilation and Air Conditioners in Buildings. Food premises - New food premises or existing food premises that are requiring a refit are required to obtain development approval from Council prior to commencement of trade. The fit out of a food premises is to be conducted in accordance with Council's Food Premises Code 	<p>Able to comply.</p> <p>N/A.</p>	<p>YES</p> <p>N/A</p>
	<p>Electricity:</p> <ul style="list-style-type: none"> Internal/on-site power poles must be located at the intersection of the front and side boundaries. They must be black or grey in colour. Electrical services must satisfy the requirements of Endeavour Energy. Meter boxes are to be placed in positions acceptable to Endeavour Energy, but not face the street. Pre DA consultation with Endeavour Energy is helpful in identifying any existing network assets impacted by the proposed development. Applicants are advised to submit load applications to Endeavour Energy as early as possible in the design phase. Upon receiving load applications, Endeavour Energy can work with applicants and their Accredited Services Provider L3 (network designer) with the preferred method of supply to their developments: for example, the installation of an indoor or pad mounted substation. Space required to be allocated for any proposed indoor and pad mounted substations can be incorporated within final architecture plans submitted to Council as part of the DA approvals process. 	<p>Complies. Detailed servicing plans demonstrate the allocation of appropriate volume of area with the building to accommodate the respective servicing requirements.</p>	<p>YES</p> <p>YES</p> <p>YES</p>
	<p><u>Water and sewerage</u></p> <p>Water and sewerage connections must meet the requirements of Sydney Water.</p>	<p>Able to comply.</p>	<p>YES</p>
	<p><u>TV antennas</u></p> <p>Master TV antennas are to be provided to avoid having many individual antennas. The antenna must be located at the rear of the site to reduce visibility from the street.</p>	<p>Able to comply.</p>	<p>YES</p>
	<p><u>Mail Delivery</u> must be in accordance with the requirements of Australia Post</p>	<p>Able to comply.</p>	<p>YES</p>
	<p><u>Satellite dishes</u></p> <p>Satellite dishes in residential areas, either for domestic or international broadcasts, must meet the following requirements:</p>	<p>Able to comply.</p>	<p>YES</p>
	<p>Satellite dishes attached to the development must be:</p> <ul style="list-style-type: none"> less than 900mm in diameter, of a height that does not exceed the ridge line, and located on the rear elevation of the development. 	<p>Able to comply.</p>	<p>YES</p>
	<p>Larger satellite dishes that are freestanding and visible from a public place, road or adjoining residents must:</p> <ul style="list-style-type: none"> be no greater than 2.5m in diameter. have a pole height no greater than 1.8 metres above natural ground level. be adequately screened so as to not reflect, cast glare or impact upon surrounding residences. located 3 metres from any boundary. be of a dark colour. 	<p>Able to comply.</p>	<p>YES</p>

FAIRFIELD CITY WIDE DEVELOPMENT CONTROL PLAN 2024			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
7.8 – Landscaping	<u>Telephone</u> Telephone lines installation must be in accordance with the requirements of Telstra.	Able to comply	YES
	<u>Mail delivery</u> A letterbox must be provided in accordance with the requirements of Australia Post.	Able to comply	YES
	<u>Landscaping for shop top housing</u>		
	– Development shall incorporate landscaping in the form of planter boxes to soften the upper level of buildings.	Complies. Planter boxes proposed in communal open space areas to soften the appearance of the built form.	YES
	– Street trees are to be planted away from commercial awnings to minimise future maintenance issues.	Complies.	YES
	– Car parking areas, shall be landscaped in accordance with the controls in Chapter 12 – Car Parking, Vehicle and Access Management.	N/A. All carparking is below ground.	N/A
	<u>Fences and walls for shop top housing</u>		
	– Open grill style fencing to be used along rear boundaries adjoining public open space areas and parks.	N/A. No fence is proposed.	N/A
	– Fence and wall design is required to respond to the architectural character of the street and area.		
	– The maximum height of fences between properties along the side and a rear boundary is 1.8 metre high.		
7.9 Miscellaneous	– Where development adjoins residential dwellings, fence heights may be required to be higher to maintain acoustic and visual privacy.		
	– Fences should not be constructed in floodways. Where this is unavoidable, fences are to be constructed of flood compatible and open type materials that will not restrict the flow of flood waters and be resistant to blockage.		
	– Avoid the use of continuous blank walls.		
	– Minimise the length and height of retaining walls along the street frontages.		
	– The design of the walls and fences should relate to and be integrated into the design of the building.		
	– Select durable materials, which are easily cleaned and graffiti resistant.		
	– Incorporate other uses within fences and walls in communal and private open spaces such as:		
	i. Benches and seats;		
	ii. Planter boxes;		
	iii. Barbeques etc.		
	Mixed-use developments are required to submit an Urban Design Report, which forms part of the development application. This report addresses the principles in SEPP 65 and the criteria in the Apartment Design Guide.	Complies. – Urban Design Report submitted.	YES

TABLE 5

Villawood Town Centre Development Control Plan 2020 Compliance Table.

VILLAWOOD TOWN CENTRE DEVELOPMENT CONTROL PLAN 2020			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
SECTION 3 – DESIGN ELEMENTS			
3.1 – Desired Future Character	This Plan aims to encourage the redevelopment of Villawood Local Town Centre into a visually attractive, vibrant, socialising and pedestrian-friendly environment. It further seeks to enhance the commercial viability and housing diversity that will create a distinct identity for Villawood Town Centre.	Consistent.	YES
	The range of services offered by the Centre should predominantly be aimed at satisfying the needs of the local population. These services include the transport facilities, such as the railway line, bus services and the Council owned car parking facility. All in which will provide a better vision of connectivity to ensure the safety of pedestrians whilst providing a satisfactory response to the needs of the drivers.	The development proposes a mix of uses including retail, commercial, and residential accommodation.	YES
	Ideally, Villawood will become an active, vibrant Town Centre in which people can enjoy spending business and leisure time. The desired development for the Town Centre is a retailing and commercial activity, supported by necessary larger operations such as the Aldi supermarket.	Complies.	YES
	Existing and additional R4 High Density Residential zones, together with multi storey B2 Local Centre zones will increase population and provide opportunities for mix use developments and dwelling types. The R4 High Density Residential zoned land with a total area of 17,350m ² and a maximum height of building of twelve (12) storeys will provide opportunities for approximately 360- 400 apartment units to benefit from the redeveloped and socialising B2 Local Centre shops and services. The B2 Local Centre with a total area of 25,270m ² will also increase the surrounding open space; interconnection between the pedestrian network and new shop top housing.	The proposal seeks approval for an 11 storey shop top housing development that is consistent with the desired future character of the Villawood Town centre.	YES
	This Plan aims to build on the opportunities of the Town Centre to achieve an active commercial hub will deliver a vibrant, attractive and safe Town Centre that will provide the daily needs, recreation, and socialising to the residents of Villawood.	Consistent.	YES
3.2 Urban Framework Plan	The Villawood Urban Design Study has established an Urban Framework Plan to guide future development in the Town Centre. The Town Centre comprises of two precincts (as shown in Figure 2): 1. Business Precinct, and 2. Residential Precinct.	Noted. The proposed site is within the Business Precinct.	YES
	A statement must be submitted with all development applications that demonstrates consistency with the vision, land use principles and urban framework structure as outlined in this Section of the DCP.	Complies. The proposed development is consistent with the vision, land use principles and urban frame works structure established in this Section of the DCP for the following reasons: <ul style="list-style-type: none"> o A mixed use development is proposed. o Active street frontages to Howatt Street and Woodville Road are proposed. o Land on Howatt street is being dedicated for open space east-west link. o The ground floor land uses on western facade addresses the future park. o A pedestrian through link is proposed from the future park to Woodville Road. The proposal presented in this application arose from a Planning Proposal and has been the subject of Pre-DA meeting with Council. Further information on how the proposal satisfies these requirements is contained in the Architectural Plan package and the ADG Design Quality Statement.	YES

VILLAWOOD TOWN CENTRE DEVELOPMENT CONTROL PLAN 2020			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
SECTION 4 – DEVELOPMENT CONTROLS			
4.1 – Building Use	The ground floor level of the development shall comprise a component of retail or commercial floor space that engages with the public realm. Some locations can benefit from multiple public addresses and where practicable they should be encouraged.	Complies.	YES
	Where residential floor space is included in the development, it is to be provided above ground level for development fronting Kamira Court, Hilwa Street and Villawood Place which will activate the street frontages and retail sector in the Town Centre.	Complies.	YES
4.2 – Building Height and Storeys	The maximum building height must be in accordance with the provisions of the Fairfield LEP 2013.	No, but acceptable. The proposed development is seeking to exceed the maximum building height prescribed for the site under FLEP 2013 by utilising the 30% height bonus permissible under the Affordable Housing provisions contained in the Housing SEPP.	NO
	The maximum height of building in storeys and building envelope is shown in Figure 4 (8 Storeys)		
4.3 – Floor Space Ratio	<u>Business precinct</u> Fairfield Local Environmental Plan 2013 does not apply a Floor Space Ratio to land zoned B2 Local centre in the Villawood Town Centre. The maximum floor space of a development is guided by the maximum height of building in Fairfield LEP 2013 and the provisions of this DCP.	N/A.	N/A
4.4 – Minimum Site Area	<u>Business precinct</u> Fairfield Local Environmental Plan 2013 applies a minimum site area (4,000m ²) for land zoned E1 Local Centre and is identified within the Fairfield Local Environmental Plan 2013 maps.	Complies. The proposed site area exceeds 4,000m ² .	YES
4.5 – Building Depth	East-west facing apartments shall have a maximum depth of 18 metres from glass line to glass line.	Complies.	YES
	North-south facing apartments shall apply a maximum depth of 12-18 metres from glass line to glass line in.	Complies.	YES
	Calculation of building depth is to include the internal floor plate, external walls, balconies and external circulation and articulation such as steps in plan and section.	Noted.	
	Any variation from the controls above must be consistent with the Apartment Design Guidelines.	Noted.	
4.6 – Building Setbacks	The minimum setback requirements are shown in Figure 4 below.	Complies.	YES
	Additional basement level setbacks are required for 896 – 898 Woodville Road and 15 Hilwa Street as follows: a. 1 metre basement setback to western boundary (Hilwa Park) b. 3 metre basement setback to southern boundary	Complies Complies	YES YES
4.7 – Public Domain and Place Making	<u>Business precinct</u> Active frontages in the form of commercial, retail or other non- residential uses are to be provided within the heart of Villawood Town Centre, especially along Villawood Place, the spine of the Town Centre.	Complies.	YES
	Active uses of ground level street frontages, to ensure there is a positive connection between the E1 Local Centre zone and R4 High Density Residential zone.	Complies.	YES
	Re-development of Villawood Centre Core to incorporate widened footpaths and corner spill outs to encourage pedestrian activity.	No change.	

VILLAWOOD TOWN CENTRE DEVELOPMENT CONTROL PLAN 2020			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
4.8 – Vehicle Access and Car Parking	Improvements to the local roads both throughout the Town Centre and area will allow for a better service for commuter traffic.	Noted.	
	A minimum of 75% of active frontages in the form of commercial, retail or other non-residential uses are to be provided on the ground floor frontage of development adjacent Hilwa Park.	Complies.	YES
	Ensure all services for the site 896-898 Woodville Road and 15 Hilwa Street, including but not limited to; driveways, stairwells are positioned within the allotment, to ensure public domain and pedestrian pathways around the site is not interrupted.	Complies.	YES
	<u>Business precinct</u> No vehicle access is to be provided from Villawood Place, with the exception of the portion of Villawood Place north of site at 3-5 Howatt Street and 882-890 Woodville Road, Villawood.	Complies.	YES
	Service areas, substations and refuse collection should not be provided on the Villawood Place frontage, with the exception of the portion of Villawood Place north of site at 3-5 Howatt Street and 882-890 Woodville Road, Villawood.	Complies.	YES
	To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.	Complies.	YES
	Open car parking areas should be landscaped with trees to reduce the impact of hard paving and summer sun.	N/A.	N/A
	Vehicle access is to be provided from service lanes where existing or proposed.	No change.	N/A
	Car parking is to be provided in an underground basement, or where appropriate, sleeved with active uses to main street frontages.	Complies.	YES
	The Council owned grade parking in existing location on 9 Kamira Court, Villawood will remain and be revitalised with public domain works and a new green through link.	Noted.	N/A
	Access to business and residential premises must be retained to allow appropriate delivery and service vehicles to support the centre.	Complies.	YES
	All major development will require on site loading, unloading to provide freight and servicing demands of the site.	Complies.	YES
4.9 – Pedestrian Access	Vehicular access is restricted and must be consistent with Figure 5 below. Any significant redevelopment of 896-898 Woodville Road and 15 Hilwa Street (including construction of a basement level) must make provision for shared access to 896A Woodville Road via a suitable easement that allows for construction of a breakthrough basement connection at the first basement level. Access to 896A Woodville Road will not be permitted from Woodville Road.	Complies. A breakthrough basement connection at the first basement level is proposed.	YES
	Establishing a new pedestrian overpass bridge over Woodville Road. This link has potential to connect residential areas east of Woodville Road to Kamira Avenue via Villawood Place and Council owned car park to the west of Villawood Place.	N/A.	N/A
	Incorporate a lift at the train station to allow for easy access to the platform.	N/A.	N/A
	Improve pedestrian precinct at intersection of Villawood Road and Villawood Place.	N/A.	N/A
	Incorporate pedestrian links to connect the Open Space of Hilwa Park to Woodville Road.	Complies.	YES

VILLAWOOD TOWN CENTRE DEVELOPMENT CONTROL PLAN 2020			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
4.10 – Treatment of Rear Laneways	Where fences to rear lane ways are proposed they must be no higher than 1.8m high and set back 1m from the boundary to allow for landscape enhancements, temporary waste bin storage and bulk waste pick-ups.	N/A.	N/A
	Fences to refuse collection / storage areas are to be screened from view by use of solid fence types.	N/A.	N/A
	Fences to retail / commercial back of house areas are to be black palisade or similar.	N/A.	N/A
	Fences to residential rear entries are to be semi-transparent to allow for privacy and visual surveillance of the laneway.	N/A.	N/A
4.11 – Facades	The apartment layout must be expressed externally through façade features such as party walls and floor slabs.	Complies.	YES
	Floors elements such as balconies and windows must be grouped together on gateway sites that achieve design excellence.	Complies.	YES
	Building entries must be clearly defined at street level.	Complies.	YES
	Important corners must be given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.	Complies.	YES
4.12 – Building Materials	Large flat blank façades of a new development must provide finishes or artwork that provides visual interest to the observer.	Complies.	YES
	All development applications for new buildings or extensions must be accompanied by details of the materials to be used on external walls.	Complies. See attached Schedule of Materials and Finishes in the Architectural Drawings.	YES
	To minimise reflective discomfort from glare and heat, external glass is not to exceed 20% reflectivity in accordance with Australian Standard 1288.	Complies.	YES
4.13 – Streetscape and Building Design	<u>Business precinct</u> Active frontages in the form of commercial, retail or other non-residential uses are to be provided to Villawood Place, Villawood Road, Kamira Place, Kamira Avenue and Woodville Road. Active uses are to be provided to a minimum of 75% of the ground floor frontage to these streets.	Complies.	YES
	Where proposed, active frontages in the form of neighbourhood shops, or community facilities or other non-residential uses are to be provided to address Kamira Court and be collocated with the east west pedestrian link proposed to connect Villawood Place and Kamira Court.	Complies.	YES
	Where a building fronts onto the existing lane way (i.e. part of Villawood Place north of site at 3-5 Howatt Street and 882-890 Woodville Road Villawood), active frontage is not required. Consideration should be given for passive surveillance and establishing a high quality visual appearance.	Complies.	YES
	Provide continuous awnings for all development fronting Villawood Place, Villawood Road and Woodville Road.	Complies.	YES
	Awnings should be parallel to the pavement and be of metal construction.	Complies.	YES
	Increase tree planting along the proposed open space along Kamira Avenue to enhance plaza space and inclusion of street furniture, paving treatments and traffic calming measures to enhance pedestrian amenity in the Centre.	N/A	N/A

VILLAWOOD TOWN CENTRE DEVELOPMENT CONTROL PLAN 2020			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
	A two staged activating site boundary approach is required along the western boundary of the development site (896 and 898 Woodville Road and 15 Hilwa Street) with the interface to the future expanded Hilwa Park.	Complies	YES
	<ul style="list-style-type: none"> 1.1. Stage 1 – When residential dwellings interface the eastern boundary of 896-898 Woodville Road, active street frontage design should incorporate appropriate setbacks from the building line to achieve adequate pedestrian and public domain connections between Hilwa Street and Howatt Street, then onto Villawood Place. 1.2. Stage 2 – At the time Council has acquired, demolished the residential properties, and extended Hilwa Park, the owner of 896-898 Woodville Road and 15 Hilwa Street, is responsible to create an uninterrupted public domain connection, between Hilwa Street to Howatt Street as part of any future development application (inclusive of complying development application) for the site. 	Complies	YES
4.14 – Active Street Frontages	All development must be consistent with the Active Street Frontages controls within the Fairfield Development Control Plan 2013.	Complies.	YES
	Where a redevelopment proposes a supermarket, larger scale retail or medical development that cannot achieve the required the active frontage identified in Figure 7, the active street frontage component must address Villawood Place. The treatment of the other facades and frontages must be designed to a high standard, and to accommodate landscaping and or public domain improvements.	N/A.	N/A
	Redevelopment to the eastern edge of Villawood Place to have larger setbacks on to develop a new urban space, in accordance with Figure 4 above.	N/A.	N/A
	Actives street frontages are required to be consistent with Figure 6 below.	Complies.	YES
	Two stage active street frontage along with western boundary of the site, fronting the future expanded Hilwa Park.		
	<ul style="list-style-type: none"> Stage one where low density residential houses are existing will include a green buffer with tree planting and pedestrian connectivity from Hilwa Street to Howatt Street. Stage two, which includes the expansion of Hilwa Park, this allows for speciality retail shops to front the park. Increasing the pedestrian connectivity between Hilwa Street and Howatt Street. 	Complies	YES
		Complies	YES
4.15 – Residential Mix	Pedestrians must be able to identify the access points from the street or car parking area to the apartment entrances.	Complies.	YES
	Pathways and corridors within the Residential Flat Buildings must be well illuminated to incorporate directional signs that are easy to read.	Able to comply.	YES
	A mix of one and three bedroom apartments on the ground floor to ensure it is easily accessible for elderly people or disabled people or families with children.	Complies.	YES
	Where possible, ground floor apartments must be all provided with individual entries and private open space within the R4 High Density Residential zone. These apartments are encouraged to appear as their own apartment with their own street address.	N/A.	N/A
	All development application must include a statement with reasons on how that development complies with the provisions within the Disability Discrimination Act and the Australian Standards AS1428.	Complies. See attached Building Code of Australia 2022 Capability Statement for DA Submission and Statement of Compliance Access for People with a Disability	YES
4.16 – Awnings	All awnings must comply with the relevant BCA requirement.	Complies.	YES
	Applicants must carry out regular maintenance to awnings and their stormwater disposal systems.	Able to comply.	YES

VILLAWOOD TOWN CENTRE DEVELOPMENT CONTROL PLAN 2020			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
	An approved awning maintenance plan is required to be submitted with all Development Applications for the construction of a building proposing an awning or occupation of a building that already contains an awning.	Can be conditioned prior to OC.	YES
	The Height of an awning is no less than 2.7m high at any point measured above ground level (existing) and should not exceed 3.5m in height above the footpath.	Complies.	YES
	In the case of the replacement of an existing awning fascia, it has a vertical depth for the replacement fascia not greater than the vertical depth of the existing awning fascia.	N/A.	N/A
	The awning width should not be greater than the average vertical width of the immediately adjoining awning fascia's or, if there are no adjoining awning fascias, 350mm.	Complies.	YES
	The awning is required to cover as much of the footpath as possible and must be 600mm from the kerb line to permit street tree planting.	Complies.	YES
	Awnings must be parallel to the pavement and be of metal construction.	Complies.	YES
	Awnings are to be constructed to the in accordance with the Awning and Footpath Plan identified in Figure 8 below.	Complies.	YES
4.17 – Private Open Space	Where a mixed use development proposes residential apartment, buildings should be designed in accordance with the provisions of Part 4E – Private open space and balconies of the Apartment Design Guide.	Complies. See ADG compliance table.	YES
4.18 – Communal Open Space	Communal open space with an area equivalent to 30% of the site area or 200 square metres (whichever is the greater) must be provided on the podium level in one contiguous area in all residential developments. Communal open space dimensions and siting of the required communal open space area: i. 50% must be provided in the form of a primary communal courtyard on the podium of a minimum dimension of 8 metres or greater exposed to no less than 3 hours direct sunlight between 9am and 3pm on 21 June. Where the primary communal courtyard cannot achieve the direct sunlight requirements, a secondary communal open space on the rooftop rooftop with a dimension of 8 metres must be provided. ii. 50% of the remaining communal open space must have a minimum dimension of 3 metres.	Complies. The total area of communal open space is 1,436.9m ² or 32.6% of site area.	YES
4.19 – Landscaping	A landscape maintenance plan is to be submitted by the applicant with a Development Application.	See attached Landscape Plan prepared by Conzept Landscape Architects.	YES
	High quality landscape treatments to be provided that establish a cohesively landscape, enhancement of existing plaza spaces.	Complies.	YES
	A landscape plan with a detailed planting list including species, number and location is to be provided to with a Development Application.	See attached Landscape Plan prepared by Conzept Landscape Architects.	YES
	Landscaped communal open space must be provided at podium or roof levels.	Complies. Communal open space provided at Level 1 and the rooftop.	YES
	Use of endemic native trees and other vegetation is required, to reduce heat island effects of new development.	Able to comply.	YES
	Green walls and green roofs are highly encouraged along with supporting watering maintenance systems	Noted.	

VILLAWOOD TOWN CENTRE DEVELOPMENT CONTROL PLAN 2020			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
4.20 – Safety and Security	<p>All proposed development in the Villawood Town Centre should be supported by a Crime Prevention Through Environmental Design (CPTED) study to demonstrate how the development incorporates ‘Safer by Design’ principles of:</p> <p>SURVEILLANCE: Maximise visibility and surveillance of the public environment. When there are ‘eyes on the street’ or ‘natural surveillance’ from passers-by, and if public places are overlooked from adjoining buildings, people feel safer and potential offenders feel exposed. Natural surveillance is one of the primary aids for crime prevention.</p> <p>ACCESS, MOVEMENT AND SIGHTLINES: Provide safe movement, good connections and access. People feel more comfortable using public places that provide well defined routes and clear sightlines (day and night) so they can see and be seen. Entrances to buildings should be safe and accessible without compromising security.</p> <p>ACTIVITY: Maximise activity in public places. Balancing the needs of all users of streets and public places is vital so that people feel comfortable and safe. Encouraging walking increases activity, social interaction and surveillance in public places and reduces the risk of crime.</p> <p>OWNERSHIP: Clearly define private and public space responsibilities clarifying ‘ownership’ of private and public space is important for improving public safety. Where the ‘ownership’ of an area is ambiguous, it is often ‘unclaimed’ and can become the focus of anti-social and criminal behaviour. It is important to encourage residents to take responsibility and pride in places they use and inhabit.</p> <p>MANAGEMENT AND MAINTENANCE: Manage public space to ensure that it is attractive and well used. Well maintained public places improve people’s perception of how safe a place is and supports their desire to occupy and use those places. Management programs to clean, repair and maintain public spaces and private buildings are vital for community safety and wellbeing.</p>	See CPTED Markup of Architectural Plans t.	YES
SECTION 5 – GENERAL PROVISIONS			
5.1 – Trading Hours	<p>The extension of trading hours for business will be considered on merit base and the following factors will be taken into consideration by the Environmental Standards Department:</p> <ul style="list-style-type: none"> Proximity of premises to residential development The scale of operation of the business Proposed works to minimise adverse effects on residential areas, and The history of the subject premises in relation to previous complaints about noise, nuisance, etc. 	Complies	YES
5.2 – Noise Attenuation	<p>Future development applications must demonstrate that dwellings can achieve the relevant internal noise criteria to ensure that an active town centre does not detrimentally impact the amenity of the town centre residents.</p> <p>Future development applications must consider existing service area and services lanes and ensure that apartments directly facing these areas have suitable acoustic measures in place.</p> <p>Any future Development Application located near a major road or train line must address the noise, vibration and air quality impacts of the major road on the development. The requirements of State Environmental Planning Policy Infrastructure (2007) apply. Villawood Town Centre is located adjacent to Woodville Road and the T3 Bankstown Train Line, both of which provide significant noise barriers.</p>	<p>See attached Acoustic DA Assessment.</p> <p>Noted.</p> <p>See attached Acoustic DA Assessment.</p>	<p>YES</p> <p></p> <p>YES</p>
5.3 – Lighting	<p>The attractiveness and security of a commercial centre can be significantly enhanced through appropriate illumination. Lighting allows easy observation/</p>	Complies.	N/A

VILLAWOOD TOWN CENTRE DEVELOPMENT CONTROL PLAN 2020			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
	monitoring of buildings and thereby limits the cover darkness provided to anyone contemplating theft or vandalism. Additionally, illuminated window displays and building facades can visually enliven shopping centres at night and draw the attention of potential customers. Shopping centres that are popular also act as a deterrent to criminals. For these reasons, Council encourages the use of appropriate lighting.		
	Lighting may take the form of internal illumination of window displays, "up-lighting" of the building facade by way of inconspicuous lights on awnings, or "down lighting" recessed into the underside of the awning.	Complies.	N/A
5.4 – On-site Detention	Some developments will increase the proportion of the site that is covered in water impervious materials such as roofing or paved surfaces.	See attached Stormwater Concept Plans prepared by Civil and Stormwater Engineering Services Pty Ltd.	YES
	In those circumstances where development of a property involves a reduction in the proportion of the site covered by "soft surfaces" (such as grassed, soil or landscaping), on-site detention of the water, which runs off the extra impervious surface, is required.		
	For further information, refer to Chapter 4 of Fairfield City Council's Stormwater Management Policy – September 2017.		
	Council's Development Assessment Engineers can provide further technical details on this matter.		
5.5 – Outdoor Dining Policy	For information about Council's Outdoor Dining Policy or Display of Goods on Council Owned Footpaths Policy, please refer to the Fairfield City Council website.	N/A.	N/A
	<i>Note: Outdoor Dining applications under the Roads Act 1993 are required for dining areas proposed on Councils footpath.</i>		
5.6 – Energy Efficiency	Council requires development to meet BASIX sustainability requirements and other rating systems through better design practice. For additional design practice linked to passive environmental design and energy efficiency see sections 4A Solar and daylight access, 4B Natural ventilation and 4D Apartment size and layout of the residential apartment design guide.	See attached BASIX Certificate.	YES
5.7 – Signage	Advertising signage identifies the local business within the centre, and designed to attract attention to the premises. Signage must ensure it is sympathetic to the overall development and does not create a negative impact to the streetscape of the centre.	N/A.	N/A
	In order to stop signage impacting the amenity of a well-designed building, details of likely sign locations and types should be provided when development applications are lodged.		
5.8 – Waste Management and Storage	Ventilation stacks to be utilised wherever possible to ventilate the basement and retail areas not serviced with window ventilation.	Complies.	YES
	A laundry is to be provided to each residential unit and shall be located so as to not adversely affect the presentation of the building to the public domain.	Complies.	YES
	Opportunity is to be provided to accommodate a removalist truck within the commercial vehicle servicing area to accommodate furniture removals for the residential component of the development. The design is to ensure that there is a suitable path of travel from this area to the residential lifts and or stair wells.	See attached Operational Waste Management Plan prepared by Elephants Foot Consulting.	YES
	Any service closets, fire hose cupboards, electricity base stations etc. required as part of any servicing arrangement or system must not be visible from a primary street.	Complies.	YES

VILLAWOOD TOWN CENTRE DEVELOPMENT CONTROL PLAN 2020			
CONTROL	REQUIREMENTS	COMMENT	COMPLIANCE
	Provision must be made for bin storage, including recycling bins, for each dwelling in private areas or basements. Waste containers must not be visible from common or public areas except when out for collection.	Complies.	YES
	The waste management plan must provide details of the light and ventilation of the waste and recycling storage areas.	See attached Operational Waste Management Plan prepared by Elephants Foot Consulting.	YES
	A circulation design must be provided detailing how bins can be to be manoeuvred between storage and collection points.	See attached Operational Waste Management Plan prepared by Elephants Foot Consulting.	YES
	Temporary storage areas must be provided for the storage of bulk waste items.	See attached Operational Waste Management Plan prepared by Elephants Foot Consulting.	YES
	A waste management plan must be prepared and submitted with the development application.	See attached Waste Management Plan.	YES
	All dwellings must have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days of waste and recycling.	Complies.	YES
	Communal waste and recycling rooms must be located in convenient and accessible locations related to each vertical core.	See attached Operational Waste Management Plan prepared by Elephants Foot Consulting.	YES
	For mixed use developments, residential waste and recycling storage areas and access must be separate and secure from other uses.	Complies.	YES
	Each dwelling must have adequate storage space.	Complies with Objective 4G of the ADG.	YES
5.9 – Window Display	Window displays are required to enhance presentation to the street, all ground floor premises should have a window display, showing the types of goods offered for sale or made on the premises. Any signage associated with the window display must be consistent with the section 5.6 Signage above and the relevant provisions within the Fairfield city Wide DCP 2013.	Able to comply.	YES
5.10 – Protection of Air Space	The Villawood Town Centre is in close proximity to Bankstown Airport. Under the Protection of Airspace regulations, development applications that propose buildings or cranes which will penetrate this air space require a full aviation assessment to be carried out.	N/A the proposed development does not penetrate airspace.	N/A

4.4 IMPACTS OF THE DEVELOPMENT – SECTION 4.15(1)(b)

The impacts of the proposal are considered acceptable in the circumstances of the case. Environmental, economic and social impacts, along with quantitative controls have been addressed throughout this report. Specific impacts of the development are addressed in the subsections below.

4.4.1 Crime Prevention Through Environmental Design

The application of Crime Prevention Through Environmental Design (CPTED) principles as developed in the USA in the early 1960s helps improve and maintain safe living and working environments. CPTED is considered in the literature as an environmental design science, but may also be considered as a risk management strategy, since there is likely to be risk and uncertainty created in terms of human behavioural outcomes resulting from, or being affected by, environmental and social conditions encountered in the community design process. CPTED is a crime prevention strategy that focuses on the design, planning and structure of cities and neighbourhoods. It aims to reduce opportunities for crime by employing design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space. The CPTED principles applied in the proposed development as follows.

Surveillance: There are three levels of surveillance which has been implemented within the development and includes natural, technical and formal guardians/organised surveillance. The natural forms of surveillance include the retention of existing site lines and the opportunity to see from upper level balconies to the ground floor entries of the site. Technical surveillance will be provided in the form of CCTV and appropriate lighting throughout the development. Organised surveillance of the site will be provided by the occupants of the building, who act as formal guardians of the site. The development provides the opportunity for a mix of uses both commercial and residential to create formal guardians and users of the space at various times of the day which will provide a form of opportunity surveillance to watch an area. External balconies and windows overlooking the public realm to promote passive opportunities for surveillance 24 hours a day.

Surveillance can also be achieved on site by providing safe paths of travel into a building, providing signage, mirrors and educating occupants about the building.

Access Control: There are three types of access control, including natural access control, technical access control and organised access control, which has been implemented within the design of the building. The aim of access control is to attract, channel, encourage and restrict people into, throughout and out of an area. The environment should provide cues about who belongs there, when they can be there, what they should be doing and how long they can stay. Access control can be either real or symbolic barrier.

There are numerous access points available to the site between the development and the public domain., At the Howatt Street frontage there is dedicated retail arcade entry, residential lobby and basement car park access for retail and heavy vehicle. A residential lobby and pedestrian access to the retail tenancy on Woodville Road and basement car park access for residential vehicles only from Hilwa Street. All access points will be appropriately secured to permit access only to desired users, being retail tenants, their customers and residential occupants and their visitors.

Territorial Reinforcement: The aim of territorial reinforcement is about ownership, who owns the space, who manages the space and who cares for the space. The hierarchy of spaces is allocated into three categories; private space, semi public/semi private and public spaces. This is further reinforced by the design, definition and designation of a space. This is demonstrated within the design by the differentiation between the public and private domains being unambiguous. In addition to access control, which clearly delineates public and private spaces, additional visual cues such as paving materials will be used to distinguish between public and private spaces.

Space and Activity Management: The publicly accessible areas of the site will be controlled and monitored by CCTV. Some of the most common criminal activities include malicious damage to property, assault, theft, break and enter to dwellings and commercial premises, and theft from a motor vehicle. These forms of incidents would be sensitive to the introduction of security hardware and personnel within the complex. CCTV will be of a quality high enough to enable intruder identification.

In addition to the CPTED principles applied in the proposed development the following recommendations will be incorporated into the proposed development:

- External lighting quality to meet ANZ standards;
- Lighting maintenance policy be established for this development;
- Sufficient security measures be put into place in relation to preventing possible theft during construction;
- Traffic control and safety messages be incorporated throughout the construction process to increase safety to motorists and minimise risk and theft.

A separate Security and CPTED Report has been prepared by LOTE Consulting. This review incorporated Australian and international standards, as well as the Safer by Design guidelines developed by the NSW Police. Additionally, key documents such as Fairfield City Wide Development Control Plan 2024 were considered in the development of Lote's CPTED strategy. Adherence to the control measures and recommendations in these documents can help bolster the security posture of this development. The security recommendations contained within this report are marked to the attention of the project design teams and subsequently the operations teams to serve as an ongoing basis to mitigate risks to security.

4.4.2 Demolition, Construction Management & Waste Management

Prior to the commencement of demolition and/or excavation work on site, the following details will be submitted to and be approved by the Principal Certifying Authority:

- (i) Plans and elevations showing distances of the subject building from the site boundaries and the location of adjoining and common/party walls.
- (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
- (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
- (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.

These statements will, where applicable, be in compliance with *AS2601-1991 Demolition of Structures*, the *Work Health and Safety Act 2011 and Regulation*; the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations, and will include provisions for:

- (i) A Waste Management Plan for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
- (ii) The name and address of the company/contractor undertaking demolition/excavation works.
- (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
- (iv) The name and address of the transport contractor.
- (v) The type and quantity of material to be removed from site.
- (vi) Location and method of waste disposal and recycling.
- (vii) Proposed truck routes, in accordance with this development consent.
- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
- (ix) Measures to control noise emissions from the site.
- (x) Measures to suppress odours.
- (xi) Enclosing and making the site safe.
- (xii) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (xiii) Induction training for on-site personnel.
- (xiv) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
- (xv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
- (xvi) Disconnection of utilities.
- (xvii) Fire Fighting. (Firefighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- (xviii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- (xix) Waterproofing of any exposed surfaces of adjoining buildings.
- (xx) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
- (xxi) Working hours, in accordance with this development consent.
- (xxii) Any Work Cover Authority requirements.

Demolition and construction works include temporary fencing, hoarding and warning notices required to conduct the works and protect the general public. All demolition, construction and building work will be adequately managed so as to minimise disruption to the local community and the environment. Noise generated by construction activities will comply with Council's standard construction times. A Plan of Demolition can be found in Architectural Plans.

An Operational Waste Management Plan had been prepared by Elephants Foot to assess the operational waste management of the mixed use development.

4.4.3 Geotechnical Investigation

A Preliminary Geotechnical Assessment has been prepared by EI Australia to accompany this application and to provide advice and recommendations prior to intrusive geotechnical investigations being conducted.

Following the assessment of the proposed development and likely subsurface conditions that may be encountered it was determined that the main issues for the development include the following:

- *Basement Excavation,*
- *Excavation Retention,*
- *Depth to rock and rock quality for foundation design,*
- *Depth of Ground Water, and*
- *Foundation conditions of adjoining properties.*

EI Australia has recommended that:

- detailed intrusive geotechnical investigation of subsurface conditions be undertaken following demolition to determine the site-specific sub surface conditions and geotechnical parameters to inform the design of the footings. This will entail at least six cored boreholes within the site until bedrock and at least three groundwater wells to monitor ground water conditions,
- dilapidation surveys of adjoining structures within the zone of influence for the excavation is required prior to the design of the footings and to inform construction methodologies.

Given that groundwater is likely to be encountered at a depth between 5.0 and 6.0m below existing ground level (BEG) and since excavation for the proposed 3-level basement is expected to reach approximately 10m BEG, encountering groundwater is probable. Depending on the extent of interference, a tanked basement design may be necessary including dewatering which may require an Aquifer Interference Approval from WaterNSW which could trigger an Integrated Development application under section 91 of the Water Management Act 2000.

4.4.4 Acoustic Impacts

An Acoustic DA Assessment was prepared by Acouras Consultancy to investigate the potential for noise impacts from the operation of the completed project as well as potential noise impacts from existing noise sources within the vicinity of the site which predominantly includes traffic noise from Woodville.

The acoustic assessment of the proposed development was conducted according to Fairfield City Council's DCP and relevant Australian Standards. The noise criteria for mechanical plant and equipment were determined based on EPA noise policies, and further assessment will be conducted during the Construction Certification Stage to confirm compliance once plant selection is finalised. Noise control measures for glazing, external walls and roof systems have been designed to meet internal noise standards, ensuring that, with these recommendations, the development will comply with all relevant acoustic requirements.

4.4.5 Building Code of Australia and Accessibility

A Building Code of Australia 2022 Capability Statement for DA Submission has been prepared by Technical Inner Sight to assess if the proposed development complies with Building Code of Australia 2022 (BCA) and the Disability Access to Premises (Buildings) Standard 2010. The proposed development will consist of Class 2, Class 6, Class 7a and 7b. The assessment of the design documentation has determined that the proposal is capable of achieving compliance with the BCA or the Deem to Satisfy provisions.

A Statement of Compliance Access for People with a Disability has been prepared by Accessible Building Solutions to assess if the proposed development is capable of achieving compliance with the following provisions:

- The Access Provisions of the BCA 2019
- The Access To Premises Standard
- AS1428 suite of Standards
- AS2890.6 for car parking
- AS1735.12 for lifts
- AS4299 Adaptable Housing
- SEPP 65 – Part 4Q
- Council's DCP relating to Access for People with a Disability

The assessment has concluded that the proposal can achieve compliance with the access provisions of the BCA, ADG and the essential requirements of AS4299 – Adaptable Housing.

4.4.6 Access, Parking and Traffic Impacts

A Traffic Impact Assessment has been prepared by Genesis Traffic to assesses the adequacy of the proposed site access arrangements, parking provision, internal circulation and servicing arrangements with reference to relevant Council, Roads & Maritime Services and Australian Standard specifications; assesses the existing traffic, parking and transport conditions surrounding and servicing the subject development site including a description of the surrounding road network, traffic demands, operational performance and available public transport infrastructure; and estimate the projected traffic generating ability of the proposed development and assesses the ability or otherwise of the surrounding road network to be capable of accommodating the altered demand in a safe and efficient manner. Based on the assessment undertaken, the following conclusions are made:

- *the site benefits from good accessibility to local transport services and connectivity to the Villawood Town Centre*
- *the existing intersections in the vicinity of the site have been shown to operate with adequate levels of service and minimal delays*
- *the envisaged parking provisions will be consistent with SEPP 65 and DCP criteria*
- *the projected traffic generation outcome will be some 138vtpd each way during the busiest PM peak*
- *the existing road network will remain within capacity following development, although the Woodville Road/Villawood Road intersection will operate near capacity during busier PM peak*
- *it is recommended that the existing bus-only right turn bay from Woodville Road to Howatt Street be modified to permit all vehicles to turn right*
- *the proposed site access arrangements represents an outcome that complies with the TfNSW's planning principles and preservation of residential amenities at Hilwa Street*
- *the proposed access design, internal circulation and service arrangement will have regard to the relevant AS2890 design requirements.*

It is considered, based on the contents of this report and the conclusions contained herein, there are no parking or traffic related issues that should prevent approval of the subject application. This action is therefore recommended to Council.

4.5 SUITABILITY OF THE SITE – SECTION 4.15(1)(c)

The site is not affected by any known natural or technological constraints that would prevent development in accordance with the zone objectives.

TABLE 6

Does the proposal fit the locality?

CONSIDERATION	OUTCOME
Are the constraints posed by adjacent developments prohibitive?	No
Would development lead to unmanageable transport demands?	No
Are there adequate transport facilities in the area?	Yes
Will the locality contain adequate recreational opportunities and public spaces for new occupants?	Yes
Are utilities and services available to the site and adequate for the development?	Yes
Is the air quality and microclimate appropriate for the development?	Yes
Are there hazardous land uses or activities nearby?	No
Are ambient noise levels suitable for the development	Yes
How critical is the site to the water cycle in the catchment?	N/A

TABLE 7

Are the site attributes conducive to development?

CONSIDERATION	OUTCOME
Is the site subject to natural hazards including floodplain, tidal inundation, subsidence, slip, mass movement, and bushfires?	No
Is the proposal compatible with conserving the heritage significance of the site?	Yes
Are the soil characteristics on the site appropriate for development?	Yes
Is development compatible with protecting any critical habitats or threatened species, populations, ecological communities and habitats on the site?	N/A
Is the site prime agricultural land and will development prejudice future agricultural production?	No
Will development prejudice the future use of the site for mineral and extractive resources?	N/A

4.6 PUBLIC INTEREST – SECTION 4.15(1)(e)

The proposed development is considered to serve the public interest as the proposal makes efficient use of land that is currently underutilised, contributing to the local economy and urban renewal; the development responds to the housing demand in the locality, offering a variety of housing types, including affordable housing, which is crucial in addressing housing shortages and providing diverse options for the community; the development aligns with the scale and character of the existing streetscape, ensuring it blends with the surrounding built environment. It complements nearby developments and respects the established urban form; and the project includes the dedication of land for public use on Howatt Street and integrates well with the planned future park. It also includes a public thoroughfare between the proposed park and Woodville Road, enhancing pedestrian connectivity and community engagement in the area.

This proposal ensures a balance between private development and public benefit, making it consistent with community interests and contributing to local infrastructure and amenities and is therefore consistent with the public interest.

5 CONCLUSION

Having taken into account the relevant heads of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposal is considered an appropriate development of the site, sensitively considering context, whilst promoting design excellence, urban consolidation, the provision of affordable housing and transport oriented development as a suitable precedent for shop top housing development in the Villawood Town Centre.