

In reply please quote: 10/03476  
Your Ref: PP\_2011\_FAIRF\_004\_00 (11/14866)

Contact: Julio Assuncao on 9725 0228

7 March 2013

Mr Peter Goth  
Regional Director – Sydney West Region  
NSW Department of Planning and Infrastructure  
Locked Bag 5020  
PARRAMATTA NSW 2124



Dear Mr Goth,

**SITE SPECIFIC DEVELOPMENT CONTROL PLAN ASSOCIATED WITH  
PLANNING PROPOSAL TO REZONE 13-21 ROSSETTI STREET, WETHERILL  
PARK (LOT 5 DP 714281) FOR BUSINESS PURPOSES**

I am writing to advise you that Council at its meeting held on 26 February 2013 resolved to adopt a Site Specific Development Control Plan (SSDCP) for land located on 13-21 Rossetti Street, Wetherill Park.

The SSDCP (copy attached) incorporates changes to the maximum height of building and floor space ratio controls as adopted by Council for the associated Planning Proposal that was forwarded to the Department of Planning and Infrastructure (DP&I) on 7 December 2012.

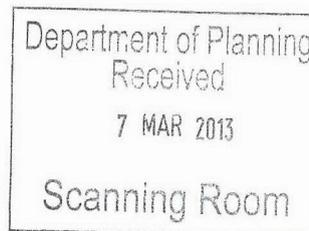
The SSDCP also includes provisions that address the following condition of the Gateway Determination:

*Council is to provide urban design advice which considers the interface between the subject site and the adjoining area of open space. The advice is to demonstrate how any potential overshadowing will be addressed and how the building interface between the two sites will be addressed. This advice should be incorporated into a revised site specific Development Control Plan (DCP) for the site. The DCP should be placed on exhibition with the planning proposal.*

The submission of the Planning Proposal included a request for the DP&I to defer finalisation of the Planning Proposal until such time that the draft SSDCP was further considered by Council.

Council requests that you finalise the Planning Proposal now that it has adopted the associated SSDCP. Refer to the attached copy of the Council Resolution.

A525154



If you have any questions in respect to this matter, please do not hesitate to contact Julio Assuncao on 9725 0228 who will be happy to assist you.

Yours sincerely,



Robert Cologna

**MANAGER STRATEGIC LAND USE PLANNING**

**Attachment:**

- Site Specific Development Control Plan for 13-21 Rossetti Street, Wetherill Park
- Copy of the Council resolution 26/02/2013

**JULIO ASSUNCAO - LAND USE PLANNER****FOR ACTION****Meeting Date:** 26/02/2013**Target Date:** 26/02/2013**Notes:**

- 8: Proposal:** Amendment to draft Site Specific Development Control Plan for 13-21 Rossetti Street, Wetherill Park
- Premises:** 13-21 Rossetti Street, Wetherill Park (Lot 5 DP 714281)
- Applicant:** Rhodes & Haskew and Associates  
Principals: Gary Rhodes and David Haskew  
Owner: Ross Trimboli
- Zoning:** 2(a) Residential A (Fairfield Local Environmental Plan 1994)  
R2 Low Density Residential (draft Fairfield Local Environmental Plan 2012)

File Number: 10/03476

**MOTION:** (Barcha/White)

That:

1. Council adopt the draft Site Specific Development Control Plan subject to the amendments of the Height of Building Controls (maximum height of 14 metres) and Floor Space Ratio Controls (maximum of 1.45:1) and other minor amendments included in the body of the report.
2. Council advise the Department of Planning and Infrastructure that Council has finalised the Site Specific Development Control Plan (SSDCP) for the subject site, therefore, there is no further reason to delay the finalisation of the Planning Proposal for the subject site which Council forwarded to the Department of Planning and Infrastructure in December 2012.
3. The SSDCP included as (Attachment A) comes into force upon gazettal, subject to the approval of the Minister of Planning and Infrastructure of the abovementioned Planning Proposal to rezone the subject site for business purposes.
4. Council adopt the amendment to the Fairfield City Wide Development Control Plan 2006 (Attachment C) that seeks to include a reference to the Wetherill Park Market Town SSDCP and that this amendment also be reflected in Councils Fairfield City Wide Development Control Plan 2012.
5. A public notice of Council's decision be placed in the local newspaper.

**CARRIED UNANIMOUSLY**

# DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN

## WETHERILL PARK MARKET TOWN

### LOTS 4 AND 5 DP 714281



Development Control Plan No. xx/13



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# 1. Introduction

## 1.1. Citation

This plan may be cited as Wetherill Park Market Town, Site Specific Development Control Plan (SSDCP).

## 1.2. Commencement

This Development Control Plan came into effect on dd/mm/yyyy. From time to time, the Development Control Plan will be amended. The following table outlines the amendments that have taken place and their status at the time of printing.

It is the responsibility of those submitting development applications to ensure that their proposal is in accordance with the most recent version of the development control plan.

Amendment No.	File Ref.	Purpose	Public exhibition	Adopted

## 1.3. Land to Which This Plan Applies

This plan applies to land zoned B2 Local Centre under the Fairfield Local Environmental Plan 2013 in Wetherill Park Market Town Shopping Centre, being Lots 4 & 5 DP 714281. The land to which the plan applies is shown in **Figure 1** of this DCP.



**FIGURE 1: LAND TO WHICH THIS DCP APPLIES**

## 1.4. Background

Wetherill Park Market Town is a Local Centre situated on the south-eastern corner of the intersection of the Horsley Drive and Rossetti Street, Wetherill Park.

The centre was erected in 1981 and has functioned as a successful Local Centre. It presently accommodates 6000 m<sup>2</sup> retail floor space in addition to a 10 pin bowling alley occupying 2500 m<sup>2</sup> floor space. The centre is anchored by a chain supermarket (Franklins) which occupies 2500 m<sup>2</sup> retail floor space with the remaining 3500 m<sup>2</sup> floor space occupied by 37 specialty shops.

The site comprises two allotments of land being Lots 4 & 5 DP 714281. Existing retail activities are primarily located on Lot 4, being the northernmost allotment. Lot 4 is zoned B2 Local Centre under Fairfield Local Environmental Plan (FLEP) 2013

The majority of the existing retail floor space, as well as the northern car parking area is situated on Lot 4.

Lot 5 comprises the southern portion of the site and is part vacant land and part car parking, servicing retail activities occurring on Lot 4. In addition the main retail building situated on Lot 4 encroaches by a maximum of approximately 11m onto Lot 5.

Lot 5 was rezoned to B2 Local Centre under the FLEP 2013 to permit expansion of the Wetherill Park Market Town Shopping Centre, generally in the form of additional retail floor space and residential unit development above.

## 1.5. Purpose of this Development Control Plan

The purpose of this DCP is to supplement the provisions of Fairfield City Wide Development Control Plan 2012 by providing site-specific development controls, objectives, standards and guidelines for the orderly and economic development of Lot 5 as part of a coordinated and cohesive expansion of the existing shopping centre primarily located on Lot 4.

The development principles, standards and guidelines communicate Council's expectations for future development of the land and are of importance to the development industry in the preparation of Development Applications. The DCP is also relevant to members of the community as a guide to the planned growth of Wetherill Park Market Town.

This Development Control Plan establishes amongst other things, the following:

- the general location and height of building envelopes associated with that development;

- architectural details, structures and other urban form requirements to guide the interface of the subject site with the public domain, including Emerson Street Reserve, and with surrounding residential development;
- the requirement for a pedestrian link between Rossetti Street and Emerson Street Reserve;
- the separation of loading and utility areas from pedestrian areas as well as customer and resident parking areas;
- the opportunity for achieving public art to existing walls fronting Emerson Street Reserve;
- the location and type of vehicular access points into and out of the site;
- the interface of proposed new development with Emerson Street Reserve, particularly in relation to building setbacks, landscaping and architectural aesthetics.
- This Plan will be used by Council to assess any application for the development of the subject site.

## 2. Relationship to Other Planning Documentation

This DCP supplements the statutory provisions contained in FLEP 2013.

Pursuant to Section 74C(4) of the Environmental Planning and Assessment Act 1979, this DCP substitutes all other Development Control Plans applying to the subject site.

Pursuant to Section 74C(3) of the Environmental Planning and Assessment Act 1979, this Plan adopts by reference, the following provisions of Fairfield City Wide Development Control Plan 2012 (including any amendments thereto and including amendments made after the adoption of this DCP);

- Chapter 2. Exempt and Complying Development;
- Chapter 3. Environmental Site Analysis;
- Chapter 7 Residential Flat Buildings
- Chapter 8. Commercial development in local centres;
- Chapter 11. Flood Risk Management;
- Chapter 12. Car-parking, Vehicle and Access Management;
- Chapter 13. Child Care Centres
- Chapter 14. Subdivision
- Appendix A. Definitions
- Appendix B. Notifications Policy
- Appendix C. Signage
- Appendix E. Waste Not Policy
- Appendix F. Landscape Planning

### 2.1. Interpretation

Certain terms used in this DCP have defined meanings. These are consistent with the definitions used in Fairfield City Wide Development Control Plan 2012, which can be found at Appendix A of that plan.

### 2.2. How to Use This Development Control Plan

This plan is to be read in conjunction with Fairfield City Wide Development Control Plan 2012 and is intended to supplement those provisions. The plan fundamentally assists in the preparation and Development Applications by detailing development controls which will be used by Council as benchmarks of what is acceptable development.

### **2.3. Variations to this DCP**

The provisions within this DCP represent council policy and community expectations. Accordingly, it is expected that development proposals comply with the provisions in this DCP.

However, where variation to a particular provision of the DCP is warranted, Council will consider a written statement prepared by the applicant and included within the Statement of Environmental Effects which addresses the non-compliance by reference to the following questions:

- what is the development control in question?
- what is the objective or purpose of the provision and how will that objective or purpose still be satisfied, notwithstanding the proposed variation?
- why is compliance with the development control unreasonable or unnecessary in the circumstances of the case?
- would modification to the development proposal, in order to achieve compliance be unreasonable or unnecessary in the circumstances of the case?

Council will consider the merit of each variation on a case-by-case basis having regard to the above criteria.

## 3. The Role of Wetherill Park Market Town

### 3.1. Overview

The Fairfield City Retail and Commercial Centres Study adopted in June 2006 provides the strategic planning framework by which Council manages the hierarchy of commercial centres within the Fairfield Local Government Area. The Study identifies a system of centres which are arranged in hierarchical order.

Relevant characteristics of each level of centre within the hierarchy are as follows:

#### ***Sub-Regional Centre***

*There are four sub regional centres being Fairfield, Cabramatta, Bonnyrigg and Prairiewood. The characteristics which set a sub regional centre apart from smaller scale centres use:*

- *the size of the trade catchment (usually about 50,000 persons);*
- *the presence of one (or more) Discount Department Stores and one (or more) full-line supermarket;*
- *their high accessibility from public transport networks;*
- *generally containing between 20,000-80,000 m<sup>2</sup> of retail floor space and a wide range of non-retail services including entertainment facilities, community services and office space;*
- *providing opportunity for higher order and comparison goods shopping as well as the provision of specialist, professional and personal services serving the sub region.*

#### ***Local Centres***

*Local Centres include Greenfield Park, Wetherill Park (Market Town), Edensor Park and Smithfield. The distinguishing features of a Local Centre are:*

- *Local Centres are provided with a medium-scale supermarket (1000 to 3000 m<sup>2</sup>);*
- *Generally containing between 5000-10,000 m<sup>2</sup> of retail floor space and have a catchment which includes one or more suburbs;*
- *They provide for the major weekly food shopping and convenience retail needs of that suburb or suburbs;*
- *Provide a range of non-retail professional and personal services;*

- *Can include ancillary services such as a tavern, hardware store, community facilities and post office ;*

### **Neighbourhood Centres and Specialist Centres**

*Neighbourhood Centres are at the lowest end of the hierarchy and generally characterised as those which do not contain a major supermarket as an anchor tenant and which only provide basic convenient services to a local catchment population.*

*Specialist Centres captures all remaining centres which do not fit in to the hierarchy.*

### **Specialist Economic Impact Assessment**

During Council's assessment of the Planning Proposal to amend the zoning of Lot 5, a specialist economic impact assessment was commissioned. This study examined available expenditure within the retail trade catchment having regard to household expenditure, capture of passing trade and the size and proximity of competing retail outlets. The report concluded that the maximum additional retail floor space which can be accommodated by development of Lot 5 is 1500m<sup>2</sup>.

### **Objectives of this Clause**

The objectives of this clause are:

- To ensure that Wetherill Park Market Town fulfills, but does not exceed its role as a Local Centre.
- To ensure that the future growth within the Wetherill Park Market Town shopping centre achieves a broadening and strengthening of its economic base but which does not result in vertical movement of the centre up the retail hierarchy.

### **Controls**

- Any additions to retail or commercial floor space are to ensure that the total retail or commercial floorspace of the Wetherill Park Market Town Shopping Centre, located upon lots 4 and 5, does not exceed 7500m<sup>2</sup> Gross Leasable Area. This represents an increase of 1500m<sup>2</sup> of Gross Leasable floor space.
- For the purposes of calculating Gross Leasable Floor Area of retail floor space in accordance with (a) above, the floor space of existing 10 pin bowling alley is not included as retail floor space.

- c) Where there is an inconsistency between the development controls contained within Chapter 8. Neighbourhood and Local Centres of the Fairfield City Wide DCP 2012, then the controls in this Site Specific DCP prevail in respect to the inconsistency.<sup>1</sup>

## 4. Site Consolidation

### 4.1. Overview

The land to which this DCP applies, comprises two allotments. The existing Wetherill Park Market Town Shopping Centre is located on Lot 4. The southern adjoining Lot 5 has been rezoned to permit retail and mixed use residential flat building development. However it is important that the two sites continue to operate in a functionally coordinated and cohesive manner.

### Objectives

- a) To ensure that Lots 4 and 5 DP 714281 are developed as a single shopping centre with associated mixed use residential development, under the care, control and management of a single owner, whether the owner is a private individual, corporation or other legally registered entity, notwithstanding separate strata ownership of residential units.
- b) To avoid future design complications arising from Building Code of Australia requirements in relation to site boundaries as a fire source feature.

### Controls

- a) Lots 4 and 5 DP 714281 are to be consolidated into single ownership prior to issue of any construction certificate relating to a Development Consent for large scale redevelopment of Lot 5 as anticipated under this DCP. Any consent of development of the kind anticipated under this DCP is to include a condition requiring consolidation to occur prior to issue of a Construction Certificate.

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<sup>1</sup> Where there is an inconsistency between the development controls contained within Chapter 8. Neighbourhood and Local Centres – Business Use and Chapter 8B. Neighbourhood and Local Centres – Mixed Use of the Fairfield City Wide DCP 2012, then the controls in this Site Specific DCP prevail in respect to the inconsistency.

## 5. Building Design

### 5.1. Overview

The controls provided in Section 4 of this DCP relate to the design, siting, massing, height, bulk and scale, and aesthetic treatment of new development occurring on the site.

An important part of the design process is to ensure that new development positively and sensitively responds to its contextual setting. Wetherill Park Market Town is adjoined by low-density residential housing on the northern side of The Horsley Drive as well as on the western side of Rossetti Street. It is important that new development of the subject site sensitively responds to the scale and character of adjoining residential development and also ensures that the existing level of amenity enjoyed by surrounding residents is protected.

Of particular significance to the site's context, is Emerson Street Reserve, which adjoins the subject site on its eastern boundary. Development of Lot 5 is to incorporate permeability of pedestrian movement through the site, between Rossetti Street and Emerson Street Reserve. It is also important that the future built form provides a high-quality architectural expression to the Reserve and maintains a scale, which is compatible with the Reserve's open character and spaciousness. The building envelope and site master plan adopted by this DCP has been designed having regard to these issues.

Ground floor walls of the existing building on Lot 4 which present to Emerson Street Reserve also provide a potential canvas for public art and the requirement for, and mechanism by which this can be achieved forms part of the DCP.

Good design aims to achieve functional, efficient, comfortable and safe environments. To this extent, the controls contained within this section incorporate and adopt many of the standards, rules of thumb and design principles arising from State Environmental Planning Policy 65 - Design Quality of Residential Flat Buildings; NSW Residential Flat Design Code, and Crime Prevention Through Environmental Design (CPTED).

The controls also provide for new commercial / retail floor space to be provided at ground floor level within an activated elevation facing Rossetti Street.

## 5.2. Building Envelope

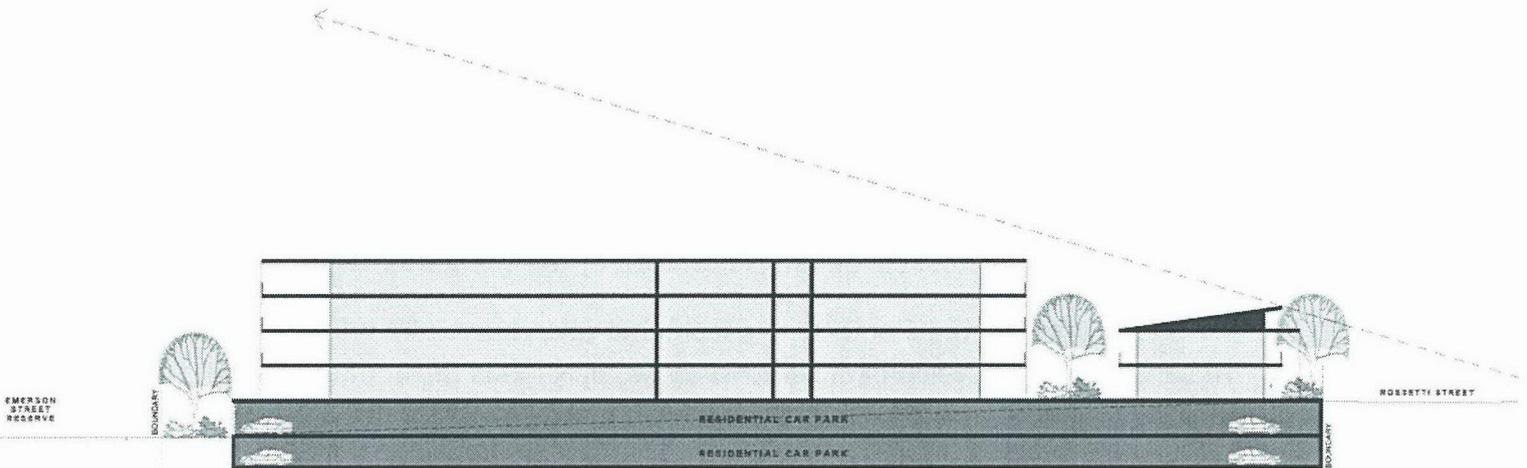
### Objectives

- a) To ensure development carried out in accordance with this plan provides a built form, which is sympathetic to the character of the locality with respect to bulk and scale and which maintains a human scale when viewed from the public domain, and in particular Emerson Street Reserve, as well as when viewed from adjoining residential properties.
- b) To achieve a sensitive interface with adjoining residential development, particularly that located on the western side of Rossetti Street, by ensuring that the upper levels of the development are sufficiently setback so that their visibility when viewed from the western side of Rossetti Street, is obscured by the street wall height.
- c) To set site planning requirements to ensure that when viewed from Emerson Street Reserve, that the development presents as two built forms rather than a single monolithic slab.
- d) To provide certainty to the community and the development industry as to the desired future built form and character of the site
- e) To provide a built form which is water and energy efficient.
- f) To achieve acceptable solar penetration into the site and to ensure overshadowing of adjoining lands is minimised.
- g) That an activated commercial /retail façade at ground floor level fronting Rossetti Street

### Controls

- a) Retail floor space is to be located with active frontage to Rossetti Street and is to be located adjacent the existing loading dock in accordance with **Figure 4**. The retail floor space is to occupy a maximum floor space of 1500m<sup>2</sup> GFA.
- b) The maximum permissible street wall height to Rossetti Street is two storeys and 8 m above natural ground level.
- c) The maximum permissible height of new buildings on the eastern boundary fronting Emerson Street Reserve is to be a maximum of 14 metres above natural ground level.

- d) The maximum number of residential storeys fronting Emerson Street Reserve, and rear of the building elements fronting Rossetti Street, should not exceed a maximum of 4 storeys (12 metres) above the car parking levels.
- e) Development shall ensure that a progressive setback is provided to the Rossetti Street elevation by the use of a sight line constructed in accordance with **Figure 2** below.



**FIGURE 2 – Progressive Setback to Rossetti Street**

- f) Maximum permissible heights at all other locations are variable in accordance with the Building Envelope Plan depicted in **Figure 3** of this DCP.
- g) The line of sight projection is to ensure that residential levels above the podium are to be setback from Rossetti Street by a sufficient distance to ensure that upper levels are obscured from view, when viewed from the footpath on the western side of Rossetti Street, by the street wall height of the development fronting Rossetti Street and ground and first floor levels. The height above the footpath for the purpose of the height projection is 1.7metres with a 20 degree plane.

## 6. Setbacks and Building Separation

### Objectives

- a) To ensure that development achieves satisfactory light and ventilation to residential units and communal open space areas.
- b) To ensure that development achieves satisfactory visual and acoustic privacy between dwellings;
- c) To ensure that development is scaled to achieve appropriate massing and spaces between buildings.
- d) To allow for the provision of communal open spaces having appropriate size and proportion for recreational activities.
- e) To ensure that sufficient setbacks are provided to enable substantive screen planting within a deep soil zone.

### Controls

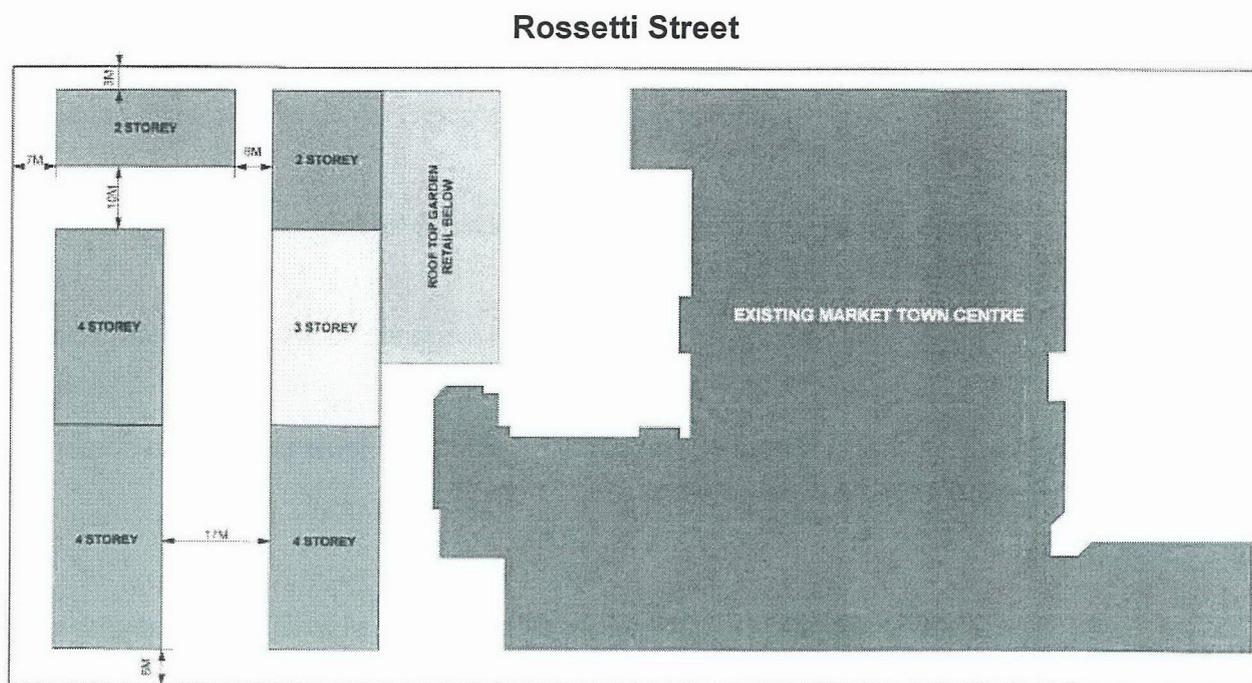
- a) The Building Envelope controls require setbacks to all external site boundaries as follows:
  - i. Western (Rossetti Street) Boundary: **3m**  
**Note:** With the exception of basement car parking levels which can be built to the lot boundary consistent with **Figure 2**.
  - ii. Southern Boundary: **7m**  
**Note:** The setback requirement applies to the residential storeys as well as the car parking levels in order to permit the establishment of a deep soil zone as depicted in **Figure 6**.
  - iii. Eastern (Emerson Street Reserve) Boundary: **6m**

The Rossetti Street frontage has been set to match setback of the existing retail building on Lot 4 and to provide a pedestrian entry threshold to both the residential and retail components.

Setbacks to the southern and eastern boundary are required to allow for dense screen planting within a deep soil zone and also to ensure opportunity for fenestration openings within both elevations.

- b) Minimum acceptable building separation controls are as shown in **Figure 3** of this DCP:
  - i. **17m** between habitable rooms / balconies

- ii. 9 m between habitable rooms / balconies and non-habitable rooms
- iii. 6 m between non-habitable rooms



**FIGURE 3: BUILDING SEPARATION AND SETBACK REQUIREMENTS**

**Note:** Number of Storeys shown in the above diagram is the number of Storeys permitted above the 2 levels of car park shown in Figure 2 that fits within the 14 metre height control for this site.

It is noted in relation to Clause 6(b)(i) above that the minimum building separation between 5-8 storey buildings under the NSW Residential Flat Design Code is 18m. This DCP, in consultation with urban design experts, allows for a minor variation to the Residential Flat Design Code standard on the grounds the relevant building heights are 5 and 6 storeys and that the 5 storey building is situated on the northern side of the 6 storey building to allow greater solar penetration than would be the case if both buildings were 6 storeys in height or the northern building were 6 storeys. In this regard, it is critical and relevant that the building envelope has been tested to ensure a minimum of 70% of all dwellings achieve 3 hours solar access between 9am and 3pm mid winter.

## 7. Floor Space Ratio

### Objectives

- a) To ensure the development is in keeping with the optimum capacity of the site and the local area.

- b) To provide opportunities for modulation and depth of external walls within the allowable FSR.
- c) To allow generously sized, habitable balconies.

## Controls

- a) The maximum permissible FSR for new development of Lot 5 is 1.45: 1 and which is to be calculated on the basis of the site area of Lot 5 only.

## 8. Aesthetics

### Objectives

- a) To ensure that new development of Lot 5 is visually as well as functionally cohesive with the built form character of existing commercial floor space occurring on Lot 4.
- b) To ensure that new development of Lot 5 provides a high quality architectural expression which incorporate building facades which define and enhance the public domain.

### Controls

- a) New development of Lot 5 is to incorporate colours, textures and materials which serve to integrate existing and new development. This can be achieved by selecting colours and materials which are compatible with the pallet used by the existing shopping centre, or by modification and upgrading of the external finishes and materials of the existing shopping centre. The retail building façade to Rossetti Street is to be activated. The facade detailing of new development of Lot 5 is to be consistent with the Building Form - Facade requirements of the NSW Residential Flat Design Code.
- b) New development is to employ architectural techniques including building articulation, fenestration proportioning, roof form manipulation and colours and textures pallet selection which:
  - i. enhances and protects the pedestrian realm and other public spaces including Emerson Street Reserve,
  - ii. Retain a human scale at the street edge
  - iii. Assists in defining a sense of place which is unique and characteristic of Wetherill Park Market Town Shopping Centre.

## 9. Movement and Access

### 9.1. Pedestrian Through Link

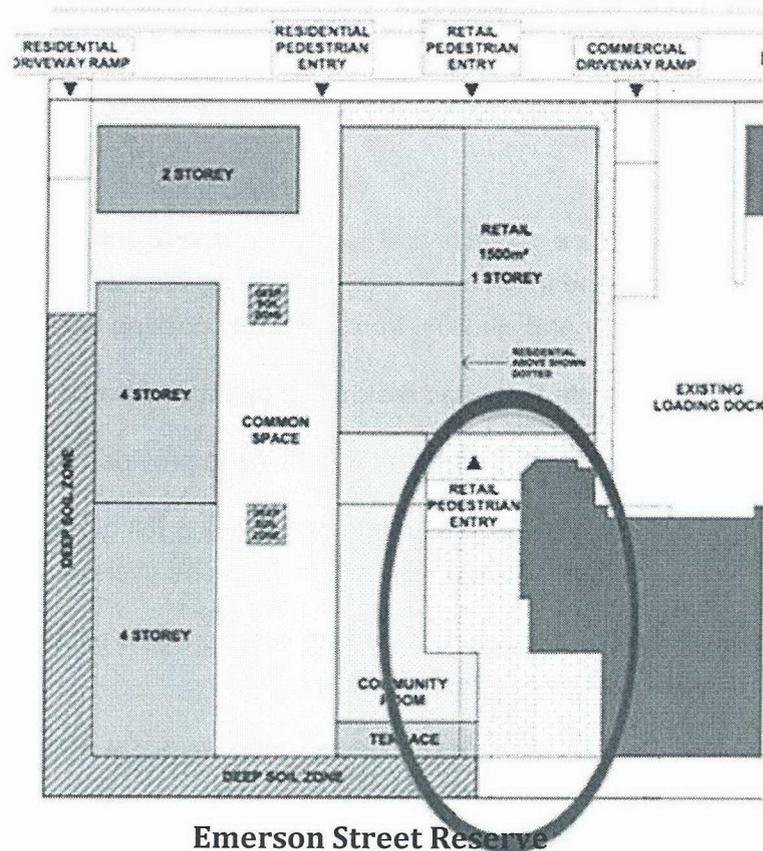
#### Objectives

- a) To provide safe, convenient, attractive and disabled accessible pedestrian thoroughfare through the site between Rossetti Street and Emerson Street Reserve.
- b) To ensure after hours pedestrian access is controlled through 'barriers to entry' in accordance with principles of Crime Prevention Through Environmental Design.
- c) To improve access to retail floor space for improved commercial viability.

#### Controls

- a) Any design for additional development over Lot 5 is to ensure that disabled accessible pedestrian movement can be achieved between Emerson Street Reserve and Rossetti Street.
- b) In order to ensure good passive and active surveillance opportunity of the pedestrian through link, only one such link will be permitted.
- c) The link is required to be generally in the location shown on the masterplan site layout as illustrated in the **Figure 4** of this DCP.

## Rossetti Street



**FIGURE 4: PREFERRED LOCATION OF PEDESTRIAN THROUGH LINK**

- d) The minimum width of the pedestrian thoroughfare is 15m. This minimum width is required to ensure the space retains an open and inviting feel and can accommodate benches and other seating.
- e) The design language used to ensure the legibility of publicly accessible access, shall include attention to colours, materials, landscaping, street furnishings as well as proportions and widths of access routes.
- f) It is the responsibility of the applicant to submit such information with the Development Application so as to demonstrate legible, high amenity, publicly accessible access.
- g) The pedestrian access shall be made available and freely accessible to members of the public at all times during the operating hours of shopping centre.
- h) Nothing within this DCP requires pedestrian access to be made available to the public outside the operating hours of the shopping centre.
- i) Security gates are required to be installed in such a way as to prevent afterhours access into the site. Full details of location, materials, design and visual

presentation of the gates must be submitted with the Development Application to enable Council to properly assess public domain impacts of the gates.

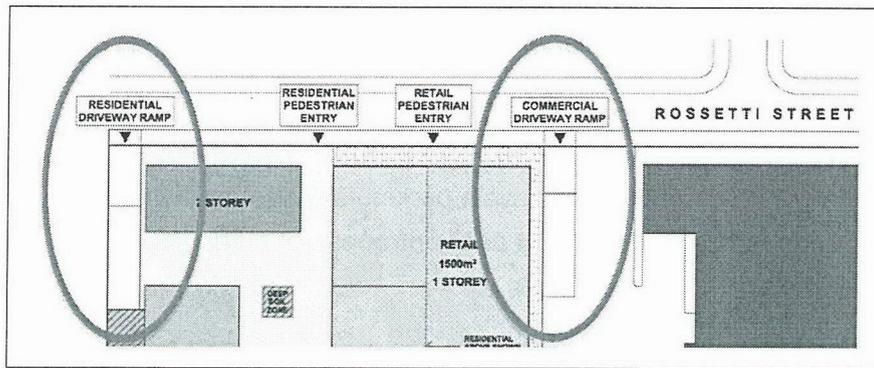
## 9.2. Vehicular Access and Parking

### Objectives

- a) To minimise conflicts and safety hazards associated with commercial vehicle access and manoeuvring by separating the loading dock and utility area, both physically and visually, from customer parking and pedestrian movement areas.
- b) To separate retail and residential orientated traffic.
- c) To ensure that adequate car-parking is provided on site.
- d) To encourage bicycle usage by providing full bike storage, especially given that the centre is located adjacent to Council's cycleway.
- e) To ensure that resident parking is secure and separated from parking associated with retail and commercial uses.
- f) To ensure that resident visitor parking is accessible at all times, including outside retail and commercial operating hours.
- g) To ensure high quality presentation of the development to Emerson Street Reserve by requiring basement parking to be substantially below natural ground level.
- h) To ensure opportunity is retained for deep soil planting within the residential communal open space area.
- i) To minimise the travel distance of retail related traffic along Rossetti Street.

### Controls

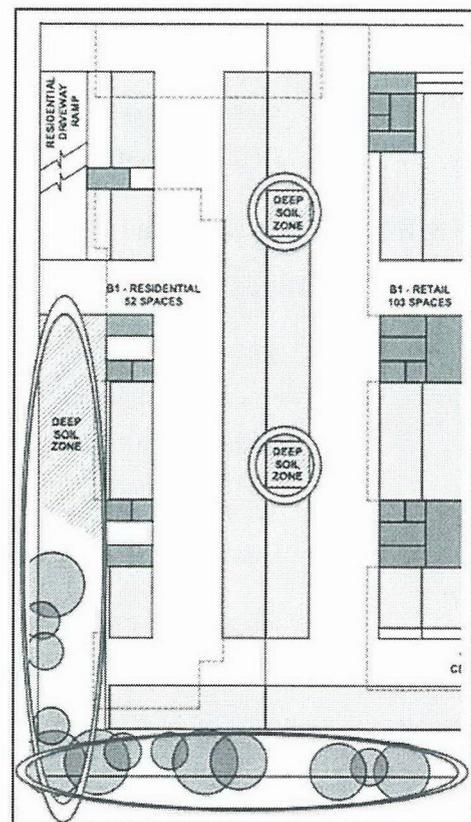
- a) Commercial vehicle access, manoeuvring and loading shall occur within the site's existing loading dock located upon Lot 4 and 5.
- b) Commercial and Residential basement access ramps are to be positioned in accordance with the masterplan as highlighted in the **Figure 5** of this DCP.



**FIGURE 5: PREFERRED LOCATION OF COMMERCIAL AND RESIDENTIAL ACCESS RAMPS**

- c) Ramp design, car parking and aisle width dimensions as well as car parking rates shall be in accordance with the provisions of Fairfield City Wide Development Control Plan 2013 Chapter 12 and Australian Standard 2890.2 – Off-Street Parking Facilities.
- d) The basement parking design shall allow for deep soil planting along the southern and eastern boundaries in accordance with the building envelope setbacks. In addition, at least one deep soil area is required underneath the residential communal open space area to accommodate a substantial sized tree in that space. **Figure 6** on the right illustrates one possible example.

**FIGURE 6 (RIGHT) – DEEP SOIL ZONES WITH THE BASEMENT PARKING STRUCTURE TO ALLOW DEEP SOIL PLANTING WITHIN THE RESIDENTIAL COMMUNAL OPEN SPACE AREA**



- e) Given that Lot 5 is currently used to provide car-parking spaces for development occurring on Lot 4, the two lots shall be consolidated prior to any further development of Lot 5.
- f) A minimum of one (1) bicycle parking/storage facility for every 20 car-parking spaces shall be provided near entrances or in the pedestrian through link to Emerson Street Reserve.
- g) Residential parking shall be secure and separated from retail parking, and preferably located on a separate basement level.
- h) An intercom facility shall be provided at the entry to the residential basement access ramp to facilitate afterhours access to resident visitor spaces.
- i) Provisions shall be made to ensure that the operation of the intercom facility does not impede the normal operation of the entry to the residential car park such as a slip lane or alternatively separating the visitor spaces from the secure residential parking areas.
- j) All car parking generated by the development in accordance with the parking requirements detailed in Chapter 12 – Car Parking, Vehicle and Access Management of Fairfield City Wide DCP 2012, shall be provided on site. No provision exists for contributions in lieu of car parking under Section 94 of the Environmental Planning and Assessment act, 1979.
- k) Parking provision contained on Lot 5 but which relates to the existing development on Lot 4 must be retained in any redevelopment of the site.
- l) Refer to Section 15 - Development Application Submission Requirements of this DCP for Traffic Study requirements.

### **9.3. Pedestrian access**

#### **Objectives**

- a) To ensure that pedestrian access to different uses within the development i.e. residential and retail/commercial, are clearly discernible and legible to their intended purpose.
- b) To ensure that pedestrian access to retail floor space including access from Emerson Street Reserve is inviting, legible and safe.
- c) To ensure that access to residential areas by residents and visitors is legible, convenient and safe.

## Controls

- a) Convenient and direct access to retail and/or commercial floor space is to be made available from the pedestrian thoroughfare required under Clause 9.1(c) of this DCP, linking Rossetti Street with Emerson Street Reserve.
- b) Attention is to be given to the use of materials, colours, textures and signage to ensure pedestrian access points from Emerson Street Reserve are legible as publicly accessible.
- c) Residential access shall be provided in such a manner as to not require thoroughfare through commercial and/or retail floor space with the exception of Clause 13.1(e)
- d) Lift access is to be provided directly between the basement resident parking area and residential levels of the development.
- e) Ramp, travelator or lift access is to be provided between the retail parking basement level and the retail floor space.
- f) Residential access routes are to be clearly identifiable and legible from the public domain.

## 10. Crime Prevention Through Environmental Design

### 10.1. Overview

Crime Prevention through Environmental Design (CPTED) refers to the process of designing buildings, spaces, and places in a manner which minimises opportunity, and decreases the incentive for crime to occur. The principal policy document for CPTED in NSW is *Crime Prevention and the Assessment of Development Applications - Guidelines Under Section 79C of the Environmental Planning and Assessment Act 1979*, Department of Urban Affairs and Planning, 2001.

This section of the DCP invokes the provisions of that document.

#### Objectives

- a) To ensure that new development contributes to a safe urban environment for users of the site, adjoining and surrounding landowners and the wider community.
- b) To ensure that new development contributes to the creation of a physical environment that encourages a sense of safety for its users.
- c) To reduce the opportunity for crime to occur within and around the subject site.
- d) To ensure that new development is consistent with principals of Crime Prevention through Environmental Design (CPTED)

#### Controls

##### a) CPTED Assessment

A detailed CPTED assessment is to be submitted with the development application which assesses the degree to which the control principles have been implemented in the submitted design.

## 11. Public Art

### 11.1. Overview

Public art in urban environments can provide opportunity for social, economic, cultural, ecological, visual and spiritual enrichment for residents and visitors to Fairfield City.

In the case of the subject site, public art provides opportunity to soften the visual presentation of the existing basement wall on Lot 4 which presents to Emerson Street Reserve, in a way which engages local community groups.

#### Objectives

- a) To facilitate the provision of a public art mural on the existing podium wall fronting Emerson Street Reserve.
- b) To enrich the lives of residents and visitors of Fairfield City by providing opportunities for cultural and/or artistic expression which promotes a sense of place and local identity.
- c) To ensure that public art contributions for the proposed development are strategically planned, adequately resourced and effectively managed.

#### Controls

- a) The podium wall fronting Emerson Street Reserve is to be afforded opportunity for public art in the form of a public art element. Any proposed public art should update or expand on any existing public art elements.
- b) The nature and form of the public art element is to be approved by Council prior to work commencing.
- c) The value of the public art element shall not be less than 1% of the Capital Investment Value of the development project.
- d) Where feasible the public art element may also function as a screening device to open car parking spaces.

## 12. Residential Development

### 12.1. Overview

The principal policy framework for Residential Flat Building Design within NSW is State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Buildings (SEPP 65) together with the NSW Residential Flat Design Code.

Fairfield City Council has adopted development controls contained in Chapter 7 – Residential Flat Buildings, of Fairfield City Wide DCP 2012. These controls supplement those contained in the Residential Flat Design Code and are applicable to the residential flat component of development on Lots 4 and 5.

#### Objectives

- a) To ensure that residential unit development is consistent with the aims, objectives and development standards contained within SEPP 65 and the NSW Residential Flat Design Code and Chapter 7 – Residential Flat Buildings, Fairfield City Wide DCP 2012.

#### Controls

- a) Development for the purposes of residential flat buildings is to be designed in accordance with the 10 design quality principles contained within SEPP 65, is to be designed by a registered architect and accompanied by a Design Verification Statement in accordance with the requirements of Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.
- b) The specific development controls contained within Chapter 7 – Residential Flat Buildings, of Fairfield City Wide DCP 2012, are adopted under this DCP.
- c) Where there is an inconsistency between the development controls contained with Chapter 7 – Residential Flat Buildings, of Fairfield City Wide DCP 2012, then the controls in this Site Specific DCP prevail in respect to the inconsistency.

## 13. Waste Management and Site Services

### 13.1. Overview

Provision of adequate facilities for waste storage and collection is an important component of the successful operation of retail and commercial developments. In the case of mixed use development, it is also necessary that the interaction between commercial and residential waste management requirements are properly considered at the design stage.

The functionality of retail and commercial development and the amenity of residential development is also influenced by the provision of suitable and appropriate site services, including loading and unloading opportunities, laundries, telecommunications, electricity sub-stations, and fire fighting equipment.

#### Objectives

- a) To minimise the impact of service area access on pedestrians and the retail frontage.
- b) To ensure that sufficient provision is made for the following services for new mixed use commercial and residential development occurring on Lot 5:
  - Garbage storage and collection areas,
  - Loading and unloading facilities,
  - Ventilation stacks from shops and basements,
  - Laundries,
  - Telecommunications,
  - Electricity sub-stations,
  - Fire-fighting equipment.
- c) To ensure that the streetscape retains an active frontage and the building enhances the visual amenity of the town centre by ensuring the location and provision of services considers the presentation of the development to the street.

## Controls

- a) Garbage collection is to occur from the Rossetti Street commercial vehicle servicing area required under Clause 9.2(b) of this DCP.
- b) Refer to Chapter 7 – Residential Flat Buildings of the Fairfield City Wide DCP 2012 for provisions relating to managing and storage of waste for residential flat building developments.
- c) Ventilation stacks to be utilised wherever possible to ventilate the basement and retail areas not serviced with window ventilation.
- d) 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.
- e) 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.
- f) 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.
- g) Council's Drug Action Plan includes objectives relating to the management of needles. In any redevelopment where public toilets are to be provided a needle disposal bin must be provided and maintained.

## 14. Drainage and Stormwater Detention

### 14.1. Overview

Stormwater drainage design is an important consideration in planning the development layout. In general, stormwater drainage of the site must be gravity fed into Council's system. A concept stormwater plan in accordance with Council's Stormwater Drainage Policy is required to be submitted with the Development Application.

On-site stormwater detention basins often appear after a design has been established and as such detract from the overall presentation of the development. Rather than being a liability, detention basins can serve as features or highlights of the development. This can be achieved by designing the basin so that it appears as a courtyard/green, or as a natural feature such as a creek bed. A full description of OSD requirements is available in Council's "On-Site Detention Handbook".

**Note 1:** Development that does not propose an increase in impervious surfaces generally would not be required to provide OSD, however, it is recommended that

this issue be discussed at the Development Advisory Meeting (DAM) prior to submitting a development application.

**Note 2:** Development applications potentially affected by flooding are assessed and determined recognising that different controls are applicable to different land uses and levels of potential flood inundation and hazard. Refer to the Chapter 11 Flood Risk Management in the Fairfield City wide Development Control Plan 2012 for more information.

## Objectives

- a) To control flooding, prevent stormwater damage and provide an adequate stormwater drainage system for the development.
- b) To ensure stormwater detention facilities in landscaped or open space areas enhance rather than detract from the development.
- c) To ensure that the siting of any building elements are clear of any existing overland flow paths or if not clear then flow paths are managed in such a way so as not to adversely impact on adjoining properties.
- d) To ensure that any works (such as landscaping) do not impact on the function of existing overland flow paths.
- e) To minimise increases in flood levels on the major trunk drainage network and on the creek system.
- f) To minimise downstream flooding caused by surcharging of the local drainage system.
- g) To ensure that on-site stormwater detention (OSD) systems are considered at the very early stages of the design process so that adequate storage areas can be located in the most efficient, attractive and cost effective way.

## Controls

### Drainage

- a) Where the development site does not fall/slope towards the street and there is no drainage outlet for the property, a concept plan demonstrating how the development will be drained must be submitted.
- b) If drainage involves the installation of a pipeline across adjoining or nearby properties, an "Easement to Drain Water" will be required to be created prior to release of an operational Development Consent.

### Stormwater Detention

- a) Applicants should seek site-specific advice from Council on overland flow paths and OSD requirements at the early development concept stage, before submitting an application.
- b) Permissible site discharges (PSD) are as follows:
  - i. The PSD for the 9 hour 1 in 100 year Annual Recurrence Interval (ARI) storm event is to be 140 litre/second/hectare,
  - ii. The PSD for the shorter duration 1 in 5 year ARI storm event is to be the undeveloped site discharge for the corresponding storm event, and
  - iii. The PSD for the shorter duration 1 in 100 year ARI storm even is to be the undeveloped site discharge for the corresponding storm event.
- c) In the interest of safety and amenity, ponded water depths are not to exceed:
  - i. Parking/paved areas 0.2 m,
  - ii. Landscaping 0.5 m,
  - iii. Covered storage no limit,
  - iv. Fenced storage no limit, and
  - v. Roof area (as required for structural integrity).
- d) Finished floor levels are to be at the following minimum levels:
  - i. Lockup garages – above the maximum 1 in 100 year water surface level.
  - ii. Finished habitable floor levels – 0.3m above the maximum 1 in 100 year OSD water surface level.

## 15. Development Application Submission Requirements

A development application for the redevelopment of Lot 5 in accordance with this plan shall as a minimum be supported by the following documentation:

- DA forms Part A and B and an 2 Electronic Copies (CD or USB device) of all submission materials plus 3 sets of plans
- Reduced A4 size plans suitable for neighbour notification purposes
- Model of the Development
- Comprehensive Review of Environmental Factors and Site Analysis

- Acoustic – Noise and Vibration Assessment
- Traffic and Parking Impact Report including:
  - A **Sidra (Signalised and Unsignalised Intersection Design and Research Aid) Analysis** to assess the impact of the proposed development on the operation of Rossetti Street, Thompson Street, Shakespeare Street, Mansfield Street, Emerson Street and at the intersection of Rossetti Street/Horsley Drive.

The study shall be undertaken for existing conditions and for post developed conditions, to ascertain the level of service on the operation of Rossetti Street, Thompson Street, Shakespeare Street, Mansfield Street, Emerson Street and at the intersection of Rossetti Street/Horsley Drive.

- Information related to the layout of the proposed carparking areas, type of vehicle proposed to service the development and provision of truck swept path diagram.
- CPTED Report
- BASIX Certificates
- Waste Management Reports – Demolition and Construction Phase as well for Completed Development
- Awnings Maintenance Plan
- Shadow Diagrams
- Schedule of Materials and Finishes
- SEPP 65 Design Verification Report
- Staging Plan for the development if it is proposed to develop in stages. Such plan is to also demonstrate how each stage will be serviced and accessed during the building of subsequent stages.
- Storm water Design Concept Plans including On Site Detention
- Quantity Surveyors Cost Report – Capital Investment Value as defined in Major Development SEPP