

**COUNCIL COMPLIANCE TABLE
DEVELOPMENT APPLICATION NO. 167.1.1/2023**

- Fairfield CityWide DCP 2013 – Chapter 7 Residential Flat Buildings

1. Fairfield CityWide Development Control Plan (DCP) 2013

Chapter 7 Residential Flat Buildings

The application has been assessed against the relevant controls of Chapter 7 Residential Flat Buildings of the Fairfield CityWide DCP 2013 as outlined below.

Section	Control	Proposal	Compliance
Section 7.1 Introduction			
7.1.3.1 Site requirements for residential flat building development on irregular lots	A residential flat building development proposed on irregular lots will be assessed on its merits and maximum FSR and height controls may not be achieved. The appropriate FSR and height will be assessed taking into consideration the objectives and controls that apply to similar sized regular lots and the opportunities and constraints of the site and the ability of the design to comply with all other existing relevant controls. An irregular lot is defined as a lot that is not rectangular in shape.	The subject land is an irregular shape given the isolated lots within Stage 2. FSR and Height have been considered.	No
Section 7.2 Special considerations			
7.2.3 Accessible and family friendly units	a) 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.	An Accessibility Compliance Report was submitted with the proposal and reviewed by Council's Building Control Branch who raised no issues.	Yes
	b) One accessible unit per ten units or part thereof must be	Can be conditioned	Yes

	<p>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:</p> <ul style="list-style-type: none"> a. Access to front door and private open space, b. Internal door and passageways, c. Toilet and shower, 		
	<ul style="list-style-type: none"> c) Ramps should have gradients not exceeding 1 in 14, and have an even, non-slip surface, d) Developments must provide barrier free access to at least 20 percent of dwellings in the development, e) Pedestrians must be able to identify the access points from the street or car parking area to the apartment entrance, f) Pathways and corridors must be well illuminated and directional signs/notices be easily read, g) 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, 	<p>The requirements in c), d), e), f), g) are able to be met.</p>	Yes
	<ul style="list-style-type: none"> h) 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. 	<p>The requirements from h) through to m) were introduced to the DCP after the lodgement of the DA as such the submitted plans do not address or achieve these requirements. There</p>	No

	<p>i) 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.</p> <p>j) Grouping family-friendly apartments together to encourage social interaction and a sense of community between families with children.</p> <p>k) Locate 'family friendly' apartment closest to the car parking provided on site.</p> <p>l) 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.</p> <p>m) Living rooms should consider floor area for play (2m x 3m flexible play space) with visibility to the kitchen for passive supervision.</p> <p>n) 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</p>	<p>are no savings provisions applicable as such any future DA for the site would need to consider these matters.</p>	
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	1.5m to allow for manoeuvring prams throughout the apartment.		
7.2.4 Stormwater Disposal	Relevant controls, performance criteria and where the policy applies can be found in Chapter 3 of the Stormwater Management Policy – September 2017.	Council's engineers have assessed this aspect of the proposal and raise concerns that still have not been addressed.	No
7.2.5 On Site Detention	Relevant controls, performance criteria and where the policy applies can be found in Chapter 4 of the Stormwater Management Policy – September 2017.		
7.2.6 Lifts	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.	Sufficient lifts are proposed.	Yes
Section 7.3 Public Domain			
7.3.1 Active Street Frontages	Numerous requirements relevant to local and neighbourhood centres.	Please see Section 5 of the report	No
Section 7.4 Built Form			
7.4.3 Building Setbacks	Numerous requirements relating to building setbacks however as the subject site has a site specific DCP, these controls are considered to be not relevant.	Not relevant to the subject site which has site specific DCP controls which address setbacks.	Not applicable
7.4.4 Building Articulation	a) Building facades shall: i. define a base, middle and top related to the overall proportion of the building by using cornices, a change in materials or building setback; ii. 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; iii. 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	The building articulation of the residential flat building is considered to have met the provisions.	Yes

	<p>floor height, particularly at the lower levels;</p> <p>iv. articulate building entries with awnings, porticos, recesses, blade walls and projecting bays</p> <p>v. use recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the façade;</p> <p>vi. 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;</p> <p>vii. 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</p>		
Section 7.5 Amenity			
7.5.1 Ventilation	a) Buildings should be designed in accordance with the provisions of Part 4B – Natural Ventilation of the Apartment Design Guide.	Refer to ADG controls prevail over the DCP.	Yes
7.5.1.1 Air Conditioning Units	<p>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 to be permitted to be located on:</p> <p>a) The building façade,</p> <p>b) Terraces,</p> <p>c) Private or communal open spaces,</p> <p>d) Balconies, or</p> <p>Any other similar location that is not appropriately concealed or integrated into the built form.</p>	Air conditioning units are not located on the balcony.	Yes
7.5.2.1 Visual	Buildings should be designed in accordance with the	Refer to ADG controls prevail over	Refer to ADG

Amenity	provisions of Part 3F – Visual Privacy of the Apartment Design Guide	the DCP.	
7.5.2.2 Acoustic Amenity	a) 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.	Capable of complying with the requirements of a).	Yes
	b) 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.	A Noise Impact Assessment was submitted and reviewed by Council's PH&E Section who raised issues with the report	No
	c) 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.	Site faces a major classified roads and train line. Noise attenuation measures are incorporated and have been reviewed by Council's PH&E Section with no further issues raised to this component.	Yes
	d) 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: i. Goods and service deliveries as well as waste and garbage disposal and collections, particularly if this is occurring	Development is mixed-use development and it is considered that there will be landuse conflict.	No

	<p>early in the morning or late at night;</p> <p>ii. Restaurants and cafes particularly those operating at night or those with outdoor seating; and</p> <p>iii. Extraction fans and air conditioning units.</p> <p>e) 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 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.</p> <p>f) Air conditioning units proposed are to be detailed in the acoustic assessment.</p>	<p>The site is located within existing town centre.</p> <p>The Acoustic Report has considered air conditioning units and other plant and equipment, making recommendations specific to these matters.</p>	<p>Yes</p> <p>Yes</p>
7.5.3 Solar Access	a) Buildings should be designed in accordance with the provisions of Part 4A – Solar and Daylight Access of the Apartment Design Guide.	Refer ADG controls prevail over the DCP.	Refer ADG controls
7.5.4 Private Open Space	a) Buildings should be designed in accordance with the provisions of Part 4E – Private open space and balconies of the Apartment Design Guide.	Refer ADG controls prevail over the DCP.	Refer ADG controls
7.5.5 Common open space (COS)	<p>The area of open space should generally be between 25% to 30% of the site.</p> <p>a) should incorporate a minimum 25% of deep soil</p>	Refer ADG controls prevail over the DCP.	Refer ADG controls

	<p>zone.</p> <p>b) be located within a north, north-east orientation.</p> <p>c) must be accessible from all dwellings within the development.</p> <p>d) should only be accessible from within the site.</p> <p>e) should be overlooked by living areas.</p> <p>f) should ideally be centrally located rather than at the rear or front of a development site</p> <p>g) should include features such as seating, shade structures, child play equipment or barbeques to satisfy the recreation needs of all residents.</p> <p>h) Is not to include in its area calculation clothes drying areas, driveways and parking areas.</p> <p>i) 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.</p>		
7.5.6 Safety and Security	<p>a) All areas in a development should be clearly recognisable as either private, common or public space.</p> <p>b) A dwelling with street frontage should have a clear view of the footpath.</p> <p>c) 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:</p> <p>a. Use of energy efficient</p>	<p>Achieved.</p> <p>Achieved.</p> <p>A Lighting Plan was not required of the applicant.</p>	<p>Yes</p> <p>Yes</p> <p>No</p>

	<p>diffused lights and/or movement sensitive lights;</p> <p>b. Lights directed towards access/egress routes to illuminate potential offenders, rather than towards buildings or resident observation points;</p> <p>c. Lighting with a wide beam of illumination reaching the beam of the next light, or the perimeter of the site or area being traversed</p> <p>d) Barriers to prevent movement between roof spaces of adjoining dwellings will be required.</p> <p>e) Dwellings must have a child-proof storage place for poisons or other dangerous substances.</p>	<p>There is no ability to move between roof spaces.</p> <p>Capable of being provided inside units.</p>	<p>Yes</p> <p>Yes</p>
Section 7.6 Car Parking, Loading and Vehicle Access			
7.6.1 Car parking	<p>a) Off-street parking spaces must be provided as set out below:</p> <p>a. 1 space per dwelling, and</p> <p>b. 1 visitor space per 4 dwellings where a development has more than 2 proposed dwellings.</p> <p>b) 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 CityWide DCP.</p> <p>c) Council gives preference to total or partial underground car parking wherever possible by:</p> <p>a. Retaining deep soil zones,</p> <p>b. Providing natural ventilation to sub-basement parking areas, and</p> <p>c. Integrating ventilation grills into building design.</p>	See Cabramatta Assessment as this prevails	See Cabramatta Assessment
7.6.2 Vehicle Access	a) Driveway design must be in accordance with AS/NZS 2890.1;2004 Parking Facilities	The driveway design does not allow a heavy rigid service	No

Controls	<p>– 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.</p> <p>b) 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.</p> <p>c) 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.</p> <p>d) Driveway width is generally limited to a maximum of six metres and should be minimised to increase landscaped area while providing adequate space for vehicles to manoeuvre and pass at slow speeds.</p> <p>e) Driveway length should be minimised where possible by being broken into bays through the use of landscape nodes.</p>	<p>vehicle.</p> <p>Access is provided to a laneway which access Cabramatta Road.</p> <p>Provided.</p> <p>Driveway width is acceptable.</p> <p>Achieved.</p>	<p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
7.6.3 Splay Corner Setbacks and Road Widening			
	<p>a) All corner lots at the intersections of public roads will be required to maintain a setback to the corner of the public road to improve site distances at intersections. In this splay corner setback no buildings, fences or other structures will be permitted. Landscaping will be restricted to lawn or low growing shrubs and other plant species. Splay corner setbacks will generally be required to be 6 metres x 6</p>	<p>Council's Engineer's as well as Transport for NSW (TfNSW) have not identified this as a requirement for this site, as such it is considered not relevant to the site.</p>	<p>Not applicable</p>

	metres in the following suburbs: Wetherill Park, Bossley Park, Prairiewood, Wakeley, Greenfield Park, Edensor Park, St Johns Park, Abbotsbury and Bonnyrigg Heights. Splay corner setbacks in the others suburbs will generally be required to be 3 metres by 3 metres.		
Section 7.7 Site Servicing and Loading			
7.7.1.1 Waste Collection for Residential Flat Buildings	Waste and Recycling Bin Storage and Collection Area A bin storage area must be provided to include garbage and recycling bins for all dwellings onsite. This area is for the storage and use by the residential component of the building. This area must: <ul style="list-style-type: none"> a) Include adequate space for waste to be separated into separate waste streams in order to maximise recyclable materials with the potential to provide a garden and/ or food organics service. b) Be accessible and cause minimal visual impact, noise, vermin or odour to public and adjoining private spaces. c) In the cases where bins cannot be stored in private areas, a location near the street frontage should be designed for bin storage. d) The bin storage area must be well ventilated e) Be secured to prevent unauthorised access. f) Garbage and Recycling bins must not be visible from the common or public areas except when out for collection. g) Be constructed using materials impervious to water, capable of being washed out to maintain them clean h) Be supplied with a fresh supply of water and provided 	<p>The waste requirements for the site require on-site collection of waste which will take place by Council by HRV.</p> <p>Applicant proposes a private collection with a smaller vehicle</p> <p>Council's Waste Management Section has assessed the application against Council's requirements for waste storage and collection and raised a number of issues that have not been adequately addressed by the applicant. These are discussed under the Key Issues section of the report.</p>	No

	<p>with a drain connected to the sewer.</p> <p>i) Bins may be collected through a kerbside collection. The location of the proposed bin collection point on the Council verge must be shown on the plans. The applicant must demonstrate that there will be no adverse impact on safety, traffic flow, amenity and streetscape for the provision of a weekly garbage and fortnightly recycling collection service</p>		
	<p>Bulky Waste Storage and Collection Area</p> <p>A designated household bulky waste storage area must be provided for all residential dwellings onsite. This area must be separate from the waste bin storage area, and if applicable, the loading and unloading area, temporary storage area and commercial waste bin storage areas. This area must:</p> <p>a) Be of a minimum of 10m² for up to 40 units / apartments. For every additional 10 units, an increase 2m² must be added.</p> <p>b) Be accessible and cause minimal visual impact, noise, vermin or odour to public and adjoining private spaces.</p> <p>c) The bulky waste storage area must be well ventilated</p> <p>d) Be secured to prevent unauthorised access and reduce the potential of illegal dumping.</p> <p>e) Have a minimum entry way of 1.6m in width.</p> <p>f) Bulky waste may collected at kerbside. The proposed collection point on the Council verge must be shown on the plans to demonstrate that there</p>	<p>As already mentioned above, Council's Waste Management Section has raised concerns with the bulky waste storage and collection area which are discussed under the Key Issues section of the report.</p>	<p>No</p>

	will be no adverse impact on safety, traffic flow, amenity and streetscape.		
	<p>On-site Collection of Waste Should a kerbside collection of waste bins or bulky waste not be appropriate for the building, an option for on-site collection will be considered. Collection points should be designed to ensure the storage and collection of waste is user friendly and readily accessible for the residents and the waste collector. In order to provide an adequate on-site collection:</p> <p>a) This collection location must be approved by Council and it must be conveniently located for waste collection vehicles.</p> <p>b) The site must allow for waste collection vehicles to enter and exit in a forward direction and provide an adequate and safe manoeuvring space once on site.</p> <p>c) It is recommended that all onsite collection be on ground floor level.</p> <p>d) A minimum height clearance of 4.5m is required for a Heavy Rigid Vehicle with a minimum width of 5m.</p> <p>e) All vehicular manoeuvring space (including collection point) must be able to withstand a 22 tonne Heavy Rigid Vehicle.</p> <p>f) The site plans must include the location of collection point, including path of travel for waste collection.</p> <p>g) The collection of waste materials from the site shall be in accordance with the NSW Environmental Protection Authority, Industrial Noise Policy (2000), so as not to generate excessive noise.</p>	As already mentioned above, Council's Waste Management Section has raised concerns with the bulky waste storage and collection area which are discussed under the Key Issues section of the report.	No

	<p>Residential Flat Building that has 12 or more dwellings, must provide a comprehensive waste management system</p> <p>A Waste Management Plan for the day to day management of waste must be submitted as part of the Development Application and shall address the following: Numerous requirements as identified in the DCP including but not limited to:</p> <ul style="list-style-type: none"> - communal garbage and recycling rooms - garbage and recycling compartment areas - garbage chutes - waste separation facilities - management and maintenance of waste. 	As already mentioned above, Council's Waste Management Section has raised concerns with the amended Waste Management Plan submitted by the applicant in March 2024 which are discussed under the Key Issues section of the report.	No
7.7.2 Electricity	<p>a) 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.</p> <p>b) Electrical services must satisfy the requirements of Endeavour Energy.</p> <p>c) Meter boxes are to be placed in positions acceptable to Endeavour Energy, but not face the street.</p> <p>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>	<p>The location of the substation is supported.</p> <p>The requirements in a), b) and c) are capable of being achieved.</p>	Yes
7.7.3 Water and Sewerage	Water and sewerage connections must meet the requirements of Sydney Water.	Capable of being achieved.	Yes
7.7.4 TV Antennas	a) Master TV antennas are to be provided to avoid having many individual antennas.	Capable of being achieved.	Yes

	b) The antenna must be located at the rear of the site to reduce visibility from the street.		
7.7.5 Satellite Dishes	Satellite dishes must be in accordance with the numerous requirements identified in this section of the DCP.	None proposed in the application but the controls are capable of being achieved.	Yes
7.7.6 Telephone	Telephone lines installation must be in accordance with the requirements of Telstra.	Capable of being achieved.	Yes
7.7.7 Mail Delivery	A letterbox must be provided in accordance with the requirements of Australia Post.	Plans show provision for letterboxes along the Orange Grove Road entry to the building.	Yes
Section 7.8 Landscaping			
7.8.1.1 Landscaping for Residential Flat Buildings	<p>a) Landscaping is to:</p> <p>i. be prepared for the site by a landscape architect or other accredited professional with demonstrated experience. Refer to Landscape Planning Appendix for Landscaping Principles when seeking to prepare a landscape plan.</p> <p>ii. provide a deep soil zone of no less than 25% of the required open space area which adjoins deep soil zones of neighbouring properties where possible.</p>	<p>Council's Landscape architect does not raise any objections to the amended Landscape plan and amended documentation.</p> <p>Refer to Table 5 as ADG controls prevail over the DCP.</p>	<p>Yes</p> <p>Refer to ADG</p>
7.8.2.1 Fences and Walls for Residential Flat Buildings	<p>a) Fence design - Fences adjoining streets are to reflect the materials of the buildings that they front, highlight entrances and incorporate letterboxes, provide people with views to and from street activity, avoid continuous lengths of blank walls, and be softened with landscaping.</p> <p>b) Front fence height - Front fences to a maximum height of 1.2m are desirable, however, front fences may be permitted to a maximum height of 1.8m where noise attenuation or safety require a higher fence.</p>	No fence proposed	Not Applicable

	<p>c) Fences in floodways - 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</p>		
7.9 Miscellaneous	<p>Residential Flat Building and 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. For further information on the report, refer to Chapter 2.5.8 – SEPP 65 Statement - Residential Flat Building and Mixed-Use Developments.</p>	<p>An Urban Design Report (UDR) has been submitted. Please refer to ADG regarding compliance.</p>	No