

**COMPLIANCE TABLE DCP
DEVELOPMENT APPLICATION NO. 294.1.1/2023**

Nos. 15 – 17 Lupin Ave and 82 Belmore St, FAIRFIELD EAST

Demolition of existing structures, Tree removal and the Construction of a 6-storey Residential Flat Building containing thirty – nine (39) dwellings over a basement car park containing 28 car spaces and associated landscaping and civil works

1. Fairfield CityWide Development Control Plan (DCP) 2013

a. 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.

Table 1. Fairfield CityWide DCP 2024: Chapter 7 Residential Flat Buildings

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 considered not to be regular for a typical shaped corner allotment. It is considered that the site can accommodate a residential flat building, however, the design must take into account the unique nature of the site. building.	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	4 accessible units are required as 39 units are proposed. This can be conditioned to ensure compliance.	Yes

	<p>minimum.</p> <p>b) 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:</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, <p>c) Ramps should have gradients not exceeding 1 in 14, and have an even, non-slip surface,</p> <p>d) Developments must provide barrier free access to at least 20 percent of dwellings in the development,</p> <p>e) Pedestrians must be able to identify the access points from the street or car parking area to the apartment entrance,</p> <p>f) Pathways and corridors must be well illuminated and directional signs/notices be easily read,</p> <p>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> <p>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</p>		
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	<p>bedrooms.</p> <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</p>		
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	larger items Increased hallway widths in family friendly units to 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 are satisfied with the proposed arrangements for stormwater disposal and OSD.	Yes						
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.	A lift is proposed. Notwithstanding this, it is considered appropriate that a additional lift is provided in order to service the residents if a lift breaks down.	No						
Section 7.3 Public Domain									
7.3.1 Active Street Frontages	Numerous requirements relevant to local and neighbourhood centres.	Not relevant to the subject site which is residential only.	Not applicable						
Section 7.4 Built Form									
7.4.3 Building Setbacks	<p>a) The 6 metre front setback area of a Residential Flat Building developments shall not be used for any purpose other than landscaping only. In this regard, private open spaces, car parking spaces including visitor spaces, garbage bays, above ground rainwater tanks, pergola or the like are not permitted in the front setback area.</p> <p>R4 High Density Residential Housing Zone – Areas zoned after making of LEP 2013</p> <table><tr><th>Street setbacks</th><th>Minimum</th></tr><tr><td>Primary Street – shorter length</td><td>Any part of the development (except landscaping and retaining walls) must be located within 1.5 metres of the average existing front street setback.</td></tr><tr><td>Secondary street/lane – longer length</td><td>6 metres</td></tr></table>	Street setbacks	Minimum	Primary Street – shorter length	Any part of the development (except landscaping and retaining walls) must be located within 1.5 metres of the average existing front street setback.	Secondary street/lane – longer length	6 metres	<p>The proposal has a 4.1m – 4.5m setback to Belmore Street and a 4.91m – 6.5m setback to Lupin Avenue.</p> <p>The setback zone also includes terraces/POS of ground floor units.</p> <p>It is considered that the proposal does not comply with the street setback controls of the DCP.</p>	No
Street setbacks	Minimum								
Primary Street – shorter length	Any part of the development (except landscaping and retaining walls) must be located within 1.5 metres of the average existing front street setback.								
Secondary street/lane – longer length	6 metres								

	<p>c) Secondary Street Setbacks – A minor encroachment allowing a reduced setback may be considered where the:</p> <p>i. Development does not result in any part of the building being closer than 3 metres to the secondary street boundary and for no more than 25% of the secondary street frontage only.</p> <p>ii. Development on a corner lot can encroach onto the primary frontage, as well as, the secondary boundary to 3 metres for 25%, however, the 3 metre setback should only be intense landscaping.</p> <p>iii. Reduction in setback does not unreasonably impact the internal residential amenity of the proposed development.</p> <p>iv. Development provides a feature on the corner of the development that results in a good urban design outcome and enhances the streetscape.</p> <p>v. Reduction in setback does not result in the development being inconsistent with any other development control in this DCP.</p>		
7.4.4 Building Articulation	<p>a) Building facades shall:</p> <p>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;</p> <p>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;</p> <p>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</p>	The building articulation of the residential flat building to the north and west is considered to be aesthetic and high quality, with the design meeting these controls.	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>	Details of air conditioning plant has not been provided.	No
7.5.2.1 Visual	Buildings should be designed in accordance with the	Refer to ADG controls prevail over	See ADG table

Amenity	provisions of Part 3F – Visual Privacy of the Apartment Design Guide	the DCP.	
7.5.2.2 Acoustic Amenity	<p>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.</p> <p>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.</p> <p>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.</p> <p>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:</p> <p>i. 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;</p> <p>ii. Restaurants and cafes</p>	A Acoustic Assessment was submitted. Council's PH&E Section reviewed the report and raised no issues with the report.	Yes

	<p>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>		
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 to ADG controls prevail over the DCP.	See ADG table
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 to ADG controls prevail over the DCP.	See ADG table
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 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>	Refer to ADG controls prevail over the DCP.	See ADG table

	<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 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</p>	Achieved.	Yes

	<p>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>		
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>	Refer to SEPP (Housing) 2021 controls which prevail over the DCP.	See Report
7.6.2 Vehicle Access Controls	<p>a) 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.</p> <p>b) Driveway location and vehicle access to properties</p>	The driveway design does not allow a service vehicle and a passenger vehicle to simultaneously pass. Council's Traffic Engineers has raised concerns which are discussed in the report.	No

	<p>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>		
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 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.</p>	An existing splay is provided at the site.	Not applicable
Section 7.7 Site Servicing and Loading			
Site Servicing	g) Provide a sufficient space	No loading or	No

and Loading	for a communal loading and unloading area. This loading area should be located in an easily accessible location (such as adjacent to the lift core) with access and travel paths to be included on the site plan. This loading area should allow servicing vehicles to enter and exit safely in a forward direction.	servicing areas are provided on the site.	
7.7.1.1 Waste Collection for Residential Flat Buildings	<p>Waste and Recycling Bin Storage and Collection Area</p> <p>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:</p> <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 	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. These are discussed under the Key Issues section of the report.	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>	The location of the substation has not been indicated on the plans.	No
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	<p>a) Master TV antennas are to be provided to avoid having many individual antennas.</p> <p>b) The antenna must be located at the rear of the site to</p>	Capable of being achieved.	Yes

	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	a) Landscaping is to: 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. 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.	An amended Landscape Plan was submitted. Refer to ADG controls prevail over the DCP.	See ADG Table
7.8.2.1 Fences and Walls for Residential Flat Buildings	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. 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. c) Fences in floodways - Fences should not be constructed in floodways. Where this is unavoidable	This matter is can be conditioned	Yes

	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		
7.9 Miscellaneous	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.	An Urban Design Study was submitted in support of the Application.	Yes