

## Appendix W: Fairfield Development Control Plan 2013 Compliance Assessment

The following provides an assessment of the relevant provisions contained within the Site Specific DCP 10.14 Controls for 400-404 Cabramatta Road and 2 Links Avenue, Cabramatta (SSDCP) and the Fairfield City Wide Development Control Plan 2013 (CWDGP).

It should be noted that section 4.15(3A) of the EP&A Act makes clear that when considering a standard contained within a DCP with which a development application does not comply, a consent authority must *"be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards"*.

The following assessment demonstrates that the proposed development employs a reasonable alternative solution to the relevant DCP provisions that achieves the relevant objectives of the DCP and is appropriate in the circumstances of this particular site and development proposal. In this regard, it is reiterated that Section 3.42 of the EP&A Act states that *"the provisions of a development control plan made for that purpose are not statutory requirements"*.

The Fairfield DCP 2013 applies to the site, providing guidance for future development to assist the preparation and assessment of a development application. An overview of key controls for medium and high-density residential development on the subject site that are to be considered in design development are provided in **Table 1** for the Multi Dwelling Housing (MDH) component and **Table 2** for Residential Flat Building (RFB) component, respectively, below.

**Table 1** Multi Dwelling Housing

Clause	Response
<b>10.14 Controls for 400-404 Cabramatta Road and 2 Links Avenue, Cabramatta</b>	
1.4.1 Site Design and Layout	<ul style="list-style-type: none"> <li>The layout of the buildings on the subject site is generally in accordance with the SSDCP Site Layout and Building Design, including building siting, setbacks and communal open space areas. Any variations are discussed against the relevant clauses below.</li> <li>Refer to the landscape design at <b>Appendix D</b>. the arrangement of open space is generally consistent with the SSDCP.</li> <li>The application is accompanied by a Waste Management Plan included in <b>Appendix L</b>. This plan provides confirmation that the development provides general waste, recycling and green waste bins in accordance with the appropriate sections of the Waste Management Guidelines. All waste storage and collection points feature designated bins for general waste, recycling and green recycling. A dedicated space has not been identified for clothing and e-waste.</li> <li>The Waste Management Plan identifies that Bulky Waste Storage Areas are located within the confines of each unit's private lot entitlements.</li> <li>For all units with the exception of Units 36 to 43, all waste, recycling and FOGO bins will be stored within the confines of each units lot entitlements as indicated on the Architectural Drawings. For these units, collection services will be provided from a 'kerbside' collection point directly in front of each unit from the internal road network. For these units, all bins will be transported from the communal basement</li> </ul>

	<p>to be serviced at a kerbside collection point located at the southern side of the entry to the town house basement. It is also understood that this arrangement has been previously agreed with Council during preparation of the planning proposal.</p> <ul style="list-style-type: none"> <li>For Units 36 to 43, all waste, recycling and FOGO bins will be stored within the confines of a communal waste area located in the MDH basement as indicated on the Architectural Drawings.</li> <li>The application includes a subdivision application to create two new lots. One lot contains the R3 Medium Density Residential land, and the second lot contains the R4 High density residential zones land.</li> </ul>
1.4.2 Building Height	<ul style="list-style-type: none"> <li>The proposed height for the multi dwelling housing complies with the LEP maximum of 9 metres above the existing natural ground.</li> <li>The units in Blocks A and B comprise 2 storeys plus attic, and the units in Blocks C to G comprise two storeys (excluding basement).</li> </ul>
1.4.3 Building setbacks and separation	<ul style="list-style-type: none"> <li>The proposed development provides setbacks from Orange Grove Road of 5000mm and 5350mm, complying with the minimum setback of 5000mm.</li> <li>Setbacks from the eastern boundary adjoining other properties is greater than the required 900mm.</li> <li>Each alternate unit from Blocks A and B is stepped in order to better articulate the presentation to the Cumberland Highway. This means some dwellings facing each other across the internal roadway on the western access road are separated less than the required 8850mm. However, this complies with the minimum requirement of 8000mm separation of clause 6A.2.5 Building Separation of the citywide DCP.</li> <li>Except in the corner of Unit 44 and Unit 53, all units in along the eastern access road are set back at least 8500mm, an excess of 0.1m from the minimum required. This point of encroachment is only in one corner and does not inflict on any loss to privacy.</li> </ul>
1.4.5 Building Form Multi Dwelling Housing	<ul style="list-style-type: none"> <li>The total development FSR is 0.59:1, complying with the maximum FSR for multi-dwelling housing on the site.</li> <li>The proposed height for the multi dwelling housing does not exceed the maximum of 9m above the existing sloped ground.</li> </ul>
1.4.8 Solar Access and Natural Ventilation	<ul style="list-style-type: none"> <li>Cross ventilation is provided to each dwelling with the use of windows in opposing facades, complying with the requirements for dwellings to be naturally ventilated.</li> <li>The application includes Solar Access Calculations and Shadow Diagram Certification (<b>Appendix U</b>) at the equinox to demonstrate solar access to the townhouses.</li> </ul>
1.5.1 Vehicular and Pedestrian Access	<ul style="list-style-type: none"> <li>The proposed vehicle ingress and egress to the site is compliant with the required entry and exit point from 6 Links Avenue, internal thoroughfare via a two-way internal access road consistent with the SSDCP. Please refer to the Traffic Engineers Report for assessment against the relevant Australian Standards for swept paths and vehicular circulation. The internal road complies with the minimum 6-metre width requirement.</li> <li>The carriageway width between properties situated adjacent to each other across the internal road network is less than 12.150 metres measured from the building line of the garage. However, the swept path analysis provided by the traffic engineer at <b>Appendix R</b> demonstrates compliant vehicular access to the garages. The reduced</li> </ul>

	<p>width affords provision of storage to the garage of each dwelling to meet the DCP requirement.</p> <ul style="list-style-type: none"> <li>• Pedestrian access is provided in the form of a 3000mm wide passage, in a manner that meets the objective illustrated in Figure 2 of the SSDCP. The proposal is for a straight pedestrian route (rather than the staggered approach in the SSDCP. This approach allows for direct visual connectivity through the site.</li> </ul>
1.5.2 Parking	<ul style="list-style-type: none"> <li>• The parking arrangement presents capacity to comply with the requirement for disabled and emergency vehicle parking. Please refer to the note from the Building Designer on the site plan at <b>Appendix B</b>.</li> <li>• Please refer to clause 12.1.1 Car parking rates of the city wide DCP for further discussion on the number of parking spaces provided for this component.</li> </ul>
1.5.3 Traffic Noise Attenuation	<ul style="list-style-type: none"> <li>• An Acoustic Report is included in this application (<b>Appendix K</b>) which confirms that the construction of the proposed development will be in accordance with the requirements of Clause 102 of the State Environmental Planning Policy – (Infrastructure) 2007, AS 2107:2016 'Acoustics – Recommended Design Sound Levels and Reverberation Times', NSW Noise Policy for Industry (2017), and Fairfield Council requirements.</li> </ul>
1.6.1 Communal and Private Open Space	<ul style="list-style-type: none"> <li>• Each dwelling complies with the minimum principal private open space area control of 25m<sup>2</sup>, with a minimum dimension of 2.5m.</li> <li>• The total area of communal open space is 8.53% of the Stage 1 development area, an excess of the minimum of 8% of the R3 Medium Density Residential component of the site area illustrated on Figure 2 Site Layout and building setbacks and Common Open Space.</li> <li>• The area of the primary communal open space is 1020m<sup>2</sup>, as per the DCP minimum requirements.</li> <li>• Landscape Plans have been included in this application (<b>Appendix D</b>) which confirm that Communal Open Space will include features such as children play areas, communal barbecue area with seating and pergola.</li> </ul>
1.6.2 Landscaping	<ul style="list-style-type: none"> <li>• The Proposed Landscape Planting Plan in the Landscape Plans (<b>Appendix D</b>) show significant planting along the property boundaries that will help provide visual and acoustic separation to adjoining residential dwellings.</li> <li>• The access handle to Links Avenue provides with significant landscape. This includes canopy trees over the parking spots adjacent to the property boundaries adjoining other residential properties. These plantings will provide for visual and acoustic separation between the road, the access road, the car spaces and existing dwellings.</li> <li>• Units fronting the communal open space provide passive surveillance of this area, unobstructed by fencing.</li> </ul>
1.6.3 Tree Protection	<ul style="list-style-type: none"> <li>• This control requires certain existing trees to be retained as illustrated in the SSDCP. The arborist at Appendix F states that the cumulative impacts of excavation, level changes, stormwater piping and swales, and construction, reveals eight trees, seven of which are shown as 'Trees to be Retained' in the SSDCP, would be successfully and safely retained.</li> <li>• The Remaining existing trees are proposed to be removed. It is expected that tree replacement within the common open space areas and broader site landscape will eventually provide an amenable, safer, long-term, and complimentary tree planting</li> </ul>

	<p>commensurate with, and sympathetic to the current indigenous species assemblage on the site.</p> <ul style="list-style-type: none"> <li>Please refer to <b>Section 6.6</b> of the SEE for further discussion. The proposed development meets the SSDCP Objectives to provide a tree canopy that will form part of the tree canopy for the broader suburb, and to provide new vegetation that contributes to biodiversity, minimises urban runoff and provides separation between the proposed development and existing residential adjacent.</li> </ul>
1.7.1 On site detention	<ul style="list-style-type: none"> <li>OSD is identified in the civil engineer's documentation at <b>Appendix I</b>. The location is generally in accordance with that illustrated in the SSDCP.</li> <li>Additional OSD is provided on the RFB lot, further controlling stormwater discharge from the development.</li> </ul>
1.7.2 Cut and Fill	<p>The development responds to the natural grade of land such that there is no breach of the 9 metre height limit. The grade of the internal road is designed in accordance with relevant standards for vehicular movement (refer civil documentation at <b>Appendix O</b>). Each dwelling relates to the internal road level, minimising the requirement for retaining walls where possible. Further, levels have been designed to provide consistent grades to adaptable dwellings in accordance with the relevant accessibility requirements. Variations to the DCP control limiting the ground floor level to be no greater than 600mm from the natural ground level do not cause adverse amenity impact to neighbouring properties as analysed in the overshadowing diagrams at <b>Appendix U</b>.</p>
1.8 Easy access for all	<ul style="list-style-type: none"> <li>6 units in Block G (or 11% of MDH) have a bedroom, bathroom and kitchen on the ground floor. This meets the minimum required of 10%. Adaptation plans are included in the Building Designer's set at <b>Appendix B</b>.</li> </ul>
1.9 Boundary Articulation to Orange Grove Road	<ul style="list-style-type: none"> <li>The boundary fence along Orange Grove Road provides a level of articulation generally in accordance with Figure 2 Site Layout and building setbacks and Common Open Space, typically at intervals of 2 units in general.</li> <li>This is further articulated with the use of appropriate landscaping and a mix of species along the street frontage.</li> </ul>
<b>Relevant controls of the Fairfield City Wide Development Control Plan 2013</b>	
6A.2.1 (FSR)	<ul style="list-style-type: none"> <li>As discussed in clause 1.4.5 Building Form Multi Dwelling Housing above, the total development FSR is 0.6:1, complying with the maximum FSR for multi-dwelling housing on the site.</li> </ul>
6A.2.2 Building Height	<ul style="list-style-type: none"> <li>As discussed in clause 1.4.2 Building Height above, the proposed height for the multi dwelling housing is below the maximum of 9m above the existing sloped ground.</li> <li>As discussed with Council at the pre-lodgement meeting (summary provided at <b>Appendix V</b>) the 7.2 metre eave height is not possible to comply with given permissibility in the SSDCP for a third storey. Further, the architectural approach of a skillion roof generally to the townhouses results in eaves greater than 7.2 metres above ground. Council confirmed that the proposal's height must not exceed the LEP 9 metre maximum height. The proposal does not exceed this control.</li> </ul>
6A.2.4 Balanced Building Form	<p>The proposed development exceeds the CWDCP control 6A.2.4, which limits the GFA of the first floor to no greater than 65% of the GFA of the ground floor. The proposal includes a first floor GFA that is greater than the ground floor GFA where a garage is</p>

	<p>provided at ground floor, and a first floor GFA that approximates the ground floor GFA where a basement parking space is provided in lieu of a garage.</p> <p>The resulting bulk and scale of the proposed townhouses is assessed with respect to the adjacent low density residential development. The proposed density and scale does not present an adverse impact to neighbouring development, with mitigation measures as discussed in the accompanying SEE.</p>
6A.2.7 Unit Per Site Area	<ul style="list-style-type: none"> <li>The numbers of units provided aligns with the number of units anticipated in Figure 2 of the site specific DCP (53 dwellings).</li> <li>Further, the CWDPC control for a site with basement parking requires a minimum of 200sqm of site area per dwelling (3 bedrooms+). The maximum allowable is therefore 60 dwellings, greater than that proposed).</li> </ul>
6A.2.8 Size of rooms and storage	<ul style="list-style-type: none"> <li>All bedrooms and dining rooms comply with the 9m<sup>2</sup> minimum area and 2.7m minimum dimension. Dining rooms are often integrated with kitchen and/or living room, but still comply with the minimum size and dimension requirements.</li> <li>Living rooms typically comply with the 18m<sup>2</sup> minimum area and 4m minimum dimension. In some cases, there is a dimension of less than 4m to one living room. However, in these cases, two living rooms have been provided which equate to greater than 18m<sup>2</sup>. It is therefore considered that the objective for living room space has been met.</li> <li>The internal storage areas provided in the garage for Units 1 to 35 and 43 to 53 meet the 3m<sup>2</sup> minimum area, 1m minimum dimension and 8m<sup>3</sup> minimum volume. These storage areas are within the secure zone of the garages and with direct access from each townhouse.</li> <li>The storage areas provided in the basement for Units 36 to 43 meet the 3m<sup>2</sup> minimum area, 1m minimum dimension and 8m<sup>3</sup> minimum volume. These are accessible from the basement and include adequate security to each storage area.</li> <li>The proposed garages have a minimum width of 3.1m and a typical length of between 5.5m and 5.6m. The Traffic Engineer has reviewed this departure from the DCP minimum of 5.8 metres and confirms compliance with the relevant Australian Standards, refer report at <b>Appendix R</b>.</li> </ul>
6A.2.10 Dwelling Position / Orientation	<ul style="list-style-type: none"> <li>All dwellings present a front door to the internal access road.</li> <li>The dwellings fronting Cumberland Highway present a highly articulated façade with detailed fenestration, avoiding blank walls and providing visual interest. The length of the sidewall for each block end is limited. Windows are not proposed to these side walls to achieve privacy and avoid light spill from vehicles on the internal road.</li> </ul>
6A.2.11 Development Façade	<ul style="list-style-type: none"> <li>Windows, balconies and the main entrance to the development is oriented towards the street. The building entrance is clearly defined by a building separation and pathways.</li> <li>The façade and roof lines are highly articulated and avoid continuous long runs, following the natural grade of the land.</li> </ul>
6A.5.1 Solar Access	<ul style="list-style-type: none"> <li>Please refer to clause 1.4.8 Solar Access and Natural Ventilation for further discussion on solar access to living rooms and shadow diagrams.</li> <li>The proposed townhouses do not present overshadowing to the adjacent rear private open space of the Smiths Avenue properties until approximately 1pm. These</li> </ul>

	<p>properties therefore retain their existing solar access for the 4 hours from 9am to 1pm.</p> <ul style="list-style-type: none"> <li>The southern townhouses overshadow part of the private open space of the Links Avenue properties (number 4 and 8, also 22 Orange Grove Road) from 9am to 3pm. However, these properties retain direct sun to part of their private open space throughout the day. Further, the arrangement of townhouses is consistent with the SSDCP, which includes separation of townhouses from the southern boundary to allow for the internal road, reducing the magnitude of overshadowing.</li> </ul>
12.1.1 Car parking rates	<ul style="list-style-type: none"> <li>The multi dwelling component proposes a total of 154 parking spaces. The exceeds the DCP requirement identified below.</li> <li>The DCP requires: <ul style="list-style-type: none"> <li>1.5 spaces per dwelling of 3+ bedrooms (when development is less than 400 metres from a major bus station) which equates to 80 resident spaces.</li> <li>0.25 spaces per dwelling for visitors, which equates to 14 spaces.</li> <li>A total of 94 spaces</li> </ul> </li> <li>Discussions with Council during the Planning Proposal phase included agreement to provide 2 parking spaces per dwelling (refer letter from Ason Group to Fairfield City Council dated 16 January 2020 at <b>Appendix X</b>). As such, the proposal includes: <ul style="list-style-type: none"> <li>106 resident spaces (2 per dwelling)</li> <li>47 visitor spaces (33 additional to DCP minimum, equates to approx. 0.9 spaces per dwelling).</li> </ul> </li> </ul>

**Table 2**      **Residential Flat Building**

Clause	Response
<b>10.14 Controls for 400-404 Cabramatta Road and 2 Links Avenue, Cabramatta</b>	
1.4.1 Site Design and Layout	<ul style="list-style-type: none"> <li>The layout of the buildings on the subject site is generally in accordance with the SSDCP Site Layout and Building Design, including building siting, setbacks and communal open space areas. Departures from the SSDCP setbacks are noted below: <ul style="list-style-type: none"> <li>The south western boundary setback has been reduced from 9m to 7.5m. However, this is in accordance with the ADG setback requirement.</li> <li>The south eastern boundary setback has been reduced from 12m to 9m for the first 4 storeys only. This is in accordance with the ADG setback requirement.</li> </ul> </li> <li>The application is accompanied by a Waste Management Plan included in <b>Appendix L</b>. This plan provides confirmation that the development provides general waste, recycling and green waste bins as well as sufficient space for bulky waste, in accordance with the appropriate sections of the Waste Management Guidelines. All waste storage and collection points feature designated bins for general waste, recycling and green recycling as well as space for bulky waste.</li> <li>All waste and recycling collections will take place from a dedicated temporary waste storage for collection area in the form of a loading bay, located on the south-western side of the ground floor for kerbside collection accessed via the internal roads of the development.</li> </ul>

	<ul style="list-style-type: none"> <li>The application includes a subdivision application to create two new lots. One lot contains the R3 Medium Density Residential land, and the second lot contains the R4 High density residential zones land.</li> </ul>
1.4.2 Building Height	<ul style="list-style-type: none"> <li>The building height complies with that prescribed for a residential flat building, being 6 storeys (excluding basements) and 20 metres.</li> </ul>
1.4.3 Building setbacks and separation	<ul style="list-style-type: none"> <li>The siting and setbacks of the building on the subject site is generally in accordance with the SSDCP Site Layout and Building Design. Please refer to discussion at clause 1.4.1 Site Design and Layout.</li> <li>The building setback to Cabramatta Road West and Orange Grove Road complies with the minimum of 6 metres.</li> <li>Refer also discussion above at Clause 1.4.1</li> </ul>
1.4.4 Residential Flat Building Design	<ul style="list-style-type: none"> <li>Consistency with the SEPP65's nine quality design principles is detailed in the architect's SEPP 65 Design Verification Statement, included at <b>Appendix C</b>.</li> </ul>
1.4.7 Units per site area	<ul style="list-style-type: none"> <li>The residential flat building has a FSR of 2:1, complying with the maximum permissible FSR.</li> </ul>
1.4.8 Solar Access and Natural Ventilation	<ul style="list-style-type: none"> <li>Cross ventilation is achieved for 52 units (60%), complying with the minimum requirement in the ADG.</li> </ul>
1.5.1 Vehicular and Pedestrian Access	<ul style="list-style-type: none"> <li>Please refer to clause 1.5.1 Vehicular and Pedestrian Access in Table 1 for compliance assessment of this item.</li> </ul>
1.5.2 Parking	<ul style="list-style-type: none"> <li>Please refer to clause 12.1.1 Car parking rates of the CWDCP discussed below for parking rates.</li> </ul>
1.5.3 Traffic Noise Attenuation	<ul style="list-style-type: none"> <li>An Acoustic Report is included in this application (<b>Appendix K</b>) which confirms that the construction of the proposed development will be in accordance with the requirements of Clause 102 of the State Environmental Planning Policy – (Infrastructure) 2007, AS 2107:2016 'Acoustics – Recommended Design Sound Levels and Reverberation Times', NSW Noise Policy for Industry (2017), and Fairfield Council requirements.</li> </ul>
1.6.1 Communal and Private Open Space	<ul style="list-style-type: none"> <li>The communal open space provides appropriate landscaping, shared paths, informal removable seating areas, barbeque area with seating and pergola over, a communal pool, a lawn area with a communal vegetable garden.</li> </ul>
1.6.2 Landscaping	<ul style="list-style-type: none"> <li>The Proposed Landscape Planting Plan in the Landscape Plans (<b>Appendix D</b>) show significant planting along the property boundary to the existing low density residential area that will help provide visual and acoustic separation.</li> </ul>
<b>Relevant controls of the Fairfield City Wide Development Control Plan 2013</b>	
7.2.2 Accessible and Flexible Units	<ul style="list-style-type: none"> <li>The proposed RFB development has been reviewed by the access consultant and compliance has been confirmed in the access report at <b>Appendix J</b>.</li> <li>A mix of units is provided at ground level including: <ul style="list-style-type: none"> <li>Two studio units</li> <li>Five 1-bedroom units</li> <li>Four 2-bedroom units</li> <li>One 3-bedroom unit</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• 9 units (1 in ground floor and 2 in each floor above) have been nominated as adaptable (10.34% of the total). Refer to the architect's plans at <b>Appendix A</b> for pre and post adaption plans.</li> <li>• All ground floor apartments provide a separate entry and access to their private open space.</li> </ul>
7.5.3 Solar Access	<ul style="list-style-type: none"> <li>• The application includes shadow diagrams at 9am, 12pm and 3pm, as well as Solar Access Diagrams. These confirm that living rooms in 65 units (75%) have at least 2 hours of solar access in mid-winter between 9am and 3pm. This is above the ADG minimum requirement of 70% .</li> </ul>
12.1.1 Car parking rates	<ul style="list-style-type: none"> <li>• The RFB component proposes 109 parking spaces in total, meeting the DCP requirement identified below.</li> <li>• The DCP requires: <ul style="list-style-type: none"> <li>- 1 space per dwelling, which equates to 87 resident spaces.</li> <li>- 1 space per 4 dwellings for visitors, which equates to 22 spaces.</li> <li>- A total of 109 spaces</li> </ul> </li> <li>• The development also provides 1 car wash bay at Basement 1.</li> </ul>