Fairfield Citywide Development Control Plan 2013

Amendment 12

Fairfield City
Celebrating diversity
# Table of Contents

| Chapter 1 | Introduction | 2.1.2.1 | Exempt Development |
|           |             | 2.1.2.2 | Complying Development |
|           | 1.1 Fairfield City Planning Framework | 2.1.3 | Which developments need a Development Application? |
|           | 1.2 Purpose of this Development Control Plan | 2.1.4 | Consult with a designer |
|           | 1.3 To what land does this Development Control Plan apply to? | 2.1.5 | Site Servicing Consultation |
|           | 1.4 Relationship to other Environmental Planning Instruments | 2.2 | Development Application Process Steps |
|           | 1.5 What do terms in this Development Control Plan mean? | 2.2.1 | Overview of steps involved in lodging a Development Application |
|           | 1.6 How does this Development Control Plan work? | 2.3 | Step 1 – Understanding Council land use and development controls and relevant planning Policies |
|           | 1.7 Date of adoption and amendment history | 2.3.1 | Understand land use zone and development controls that apply |
|           | 1.8 Developer Contribution Plans | 2.3.2 | Simple development proposals |
|           | 1.9 Variations to this DCP | 2.3.3 | Complex development proposals |
|           | Insets | 2.3.4 | Heritage item proposals |
| Inset A | Fairfield Town Centre | 2.4 | Site Plan Requirements |
| Inset B | Fairfield Heights Town Centre | 2.4.1 | Plans and Elevation Requirements |
| Inset C | Canley Corridor Town Centres | 2.4.2 | Elevation and Sections |
| Inset D | Cabramatta Town Centre | 2.4.3 | Notification Plans (A4 size) |
| Inset E | Bonnyrigg Town Centre | 2.4.4 | Survey Plan (for new development, alterations) |
| Inset F | Bonnyrigg Living Communities, Bonnyrigg | 2.4.5 | Landscape Plan (for most development) |
| Inset G | Prairiewood Town Centre – Southern Precinct | 2.4.6 | Erosion and Sediment Control Plan Requirements |
| Chapter 2 | Development Application Process | 2.4.7 | Stormwater Disposal (Drainage) Plan Requirements |
| 2.0 | Context | 2.4.8 | Shadow Diagram Requirements |
| 2.0.1 | Development to which this Chapter Applies | 2.4.9 | Subdivision Plan Requirements |
| 2.0.2 | Purpose of this Chapter | 2.4.10 | BASIX Certificate |
| 2.1 | Development Applications | 2.5 | Drainage Concept Plan |
| 2.1.1 | What is a Development Application? | 2.5.1 | On Site Detention (OSD) |
| 2.1.2 | What developments do not need a Development Application? | 2.5.2 | SD/Stormwater Drainage Plan |

Uncontrolled document when printed – Check Council’s website for current version
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.5.6</td>
<td>Waste Management Plan</td>
<td>3.2.10</td>
</tr>
<tr>
<td>2.5.7</td>
<td>Erosion and Sediment Control Plan</td>
<td>3.2.11</td>
</tr>
<tr>
<td>2.5.8</td>
<td>SEPP 65 Statement - Residential Flat Building Development</td>
<td>3.2.11</td>
</tr>
<tr>
<td>2.5.9</td>
<td>Flood Risk Management Report</td>
<td>3.3.1</td>
</tr>
<tr>
<td>2.5.10</td>
<td>Acoustic Reports</td>
<td>3.3.2</td>
</tr>
<tr>
<td>2.5.11</td>
<td>Landscape Plan</td>
<td>3.3.3</td>
</tr>
<tr>
<td>2.5.12</td>
<td>Heritage Assessment</td>
<td>3.3.4</td>
</tr>
<tr>
<td>2.5.13</td>
<td>Social Impact Assessment</td>
<td>3.3.5</td>
</tr>
<tr>
<td>2.6</td>
<td><strong>Step 4</strong> - Complete the Application Form and associated checklists</td>
<td></td>
</tr>
<tr>
<td>2.7</td>
<td><strong>Step 5</strong> - Save all documents submitted with application</td>
<td></td>
</tr>
<tr>
<td>2.7.1</td>
<td>Save all documents as PDF’s</td>
<td>3.4.1</td>
</tr>
<tr>
<td>2.7.2</td>
<td>File Naming Protocol</td>
<td>3.4.2</td>
</tr>
<tr>
<td>2.8</td>
<td><strong>Step 6</strong> - Lodging the Development Application</td>
<td>3.4.3</td>
</tr>
<tr>
<td>2.8.1</td>
<td>Bring all necessary documentation and electronic formats</td>
<td>3.4.4</td>
</tr>
<tr>
<td>2.8.2</td>
<td>Cost of development - Development Application Fees</td>
<td>3.4.5</td>
</tr>
<tr>
<td>2.8.3</td>
<td>Payment Options</td>
<td>3.4.6</td>
</tr>
<tr>
<td>2.8.4</td>
<td>Development Application</td>
<td>3.4.7</td>
</tr>
<tr>
<td>2.8.5</td>
<td>Development Contributions</td>
<td>3.4.8</td>
</tr>
<tr>
<td>2.8.6</td>
<td>Checklist</td>
<td>3.4.9</td>
</tr>
<tr>
<td>2.9</td>
<td>Refusal and Appeals for Tree Work Permits</td>
<td>3.5.1</td>
</tr>
<tr>
<td>2.10</td>
<td>Erosion and Sediment Control Plan</td>
<td>3.5.2</td>
</tr>
<tr>
<td>3.0</td>
<td><strong>Chapter 3</strong> Environmental Management and Constraints</td>
<td></td>
</tr>
<tr>
<td>3.1</td>
<td>Statutory Provisions</td>
<td></td>
</tr>
<tr>
<td>3.1.1</td>
<td>Fairfield Local Environmental Plan</td>
<td>3.6.1</td>
</tr>
<tr>
<td>3.1.2</td>
<td>Fairfield Local Environmental Plan 2013 – Local Clauses</td>
<td>3.6.2</td>
</tr>
<tr>
<td>3.1.3</td>
<td>State and Federal legislation</td>
<td>3.6.3</td>
</tr>
<tr>
<td>3.2</td>
<td>Preservation of Trees or Vegetation</td>
<td>3.6.4</td>
</tr>
<tr>
<td>3.2.1</td>
<td>Tree Work Permits</td>
<td>3.6.5</td>
</tr>
<tr>
<td>3.2.2</td>
<td>Special LEP Provisions in relation to Heritage Items</td>
<td>3.6.6</td>
</tr>
<tr>
<td>3.2.3</td>
<td>Tree Work Permit - Fees</td>
<td>3.6.7</td>
</tr>
<tr>
<td>3.2.4</td>
<td>Tree Work Permits - Inspections</td>
<td>3.6.8</td>
</tr>
<tr>
<td>3.2.5</td>
<td>Exemptions</td>
<td>3.6.9</td>
</tr>
<tr>
<td>3.2.6</td>
<td>General Assessment Criteria</td>
<td>3.6.10</td>
</tr>
<tr>
<td>3.2.7</td>
<td>Statutory Requirements – Threatened Species ‘7 Part Test’</td>
<td></td>
</tr>
<tr>
<td>3.2.8</td>
<td>Assessment Process – Consideration of Threatened Species Issues</td>
<td></td>
</tr>
<tr>
<td>3.2.9</td>
<td>Refusal and Appeals for Tree Work Permits</td>
<td></td>
</tr>
<tr>
<td>3.3</td>
<td>Biodiversity Corridors</td>
<td></td>
</tr>
<tr>
<td>3.4</td>
<td>Riparian Land and Waterways</td>
<td></td>
</tr>
<tr>
<td>3.5</td>
<td>Flood Risk Assessment</td>
<td></td>
</tr>
<tr>
<td>3.6</td>
<td>Land Contamination</td>
<td></td>
</tr>
<tr>
<td>3.7</td>
<td>Land affected by Tidal Waters</td>
<td></td>
</tr>
<tr>
<td>3.8</td>
<td>Acid Sulfate Soils</td>
<td></td>
</tr>
<tr>
<td>3.9</td>
<td>Bushfire</td>
<td></td>
</tr>
<tr>
<td>3.10</td>
<td>Landslide Risk</td>
<td></td>
</tr>
<tr>
<td>3.11</td>
<td>Heritage Items</td>
<td></td>
</tr>
<tr>
<td>3.12</td>
<td>Erosion and Sediment Control Plan</td>
<td></td>
</tr>
</tbody>
</table>

Uncontrolled document when printed – Check Council’s website for current version.
3.12.3 Controls

Schedule

Tree & Vegetation that can be removed without need for an approval

Chapter 4A Development in the Rural Zones

4A Context and objectives

4A.1 Existing Character

4A.1.1 Overview

4A.1.2 Objectives

4A.1.3 Controls - Consistency

4A.2 Roads and Access Points

4A.2.1 Overview

4A.2.2 Objectives

4A.2.3 Controls

4A.2.3.1 Roads (General)

4A.2.3.2 Regional Roads

4A.2.3.3 Collector Roads

4A.2.3.4 Local Roads

4A.2.3.5 Minor Access Roads and Cul-de-sac

4A.2.3.6 Cycleways

4A.3 Landscaping

4A.4 Sewage Management

4A.5 Residential Development near Extractive Industries

4A.6 Aircraft Noise

4A.7 Criteria for Rural Building Design

4A.8 Horsley Park Village

Chapter 4B Secondary Dwellings in Rural Areas

4B.0 Local Context

4B.1 Site Requirements

4B.2 Built Form and Urban Design

4B.3 Car Parking and Access

4B.4 Open Space and Landscaping

4B.5 Amenity

4B.6 Drainage

4B.7.1 Overview

4B.7.2 Objectives

4B.7.3 Controls

4B.7.3.1 Siting of development

4B.7.3.2 Specific building design criteria

4A.8.1 Overview

4A.8.2 Objectives

4A.8.3.1 Tree & Vegetation that can be removed without need for an approval

4A.8.3.2 Development carried out within the village

4A.8.3.3 Roadside stalls

4A.8.3.4 Building Height

4A.8.3.5 Rural ancillary structures

4A.8.3.6 Fencing

4A.9 Agricultural Development

4A.9.1 Overview

4A.9.2 Objectives

4A.9.3 Controls

4A.9.3.1 General

4A.10 Stormwater Detention

4A.10.1 Objectives

4A.10.2 Controls

4B.0.1 Development to which this Chapter applies

4B.0.2 Objectives of this Chapter

4B.1.1 Lot Requirements

4B.2.1 Floor Area

4B.2.2 Building Height

4B.2.3 Setbacks

4B.2.4 Building Appearance & Location

4B.2.5 Building Materials

4B.2.6 Internal Design

4B.2.7 Alterations and Additions

4B.3.1 Car Parking Rate

4B.4.1 Private Open Space

4B.4.2 Landscaping

4B.4.3 Fencing

4B.5.1 Solar Access

4B.5.2 Energy Efficient Measures

4B.5.3 Privacy

4B.6.1 Stormwater Detention

Uncontrolled document when printed – Check Council’s website for current version
4B.6.2 Cut and Fill 5A.4.3 Fencing
4B.6.3 Rainwater Tanks 5A.4.3.1 Fencing Design
5A.4.3.2 Front Boundary Fencing
4B.7 Sewage Management 5A.4.3.3 Side, Rear and Corner Lot Fencing
5A.4.3.4 Front Boundary Fencing along Classified State and Regional Roads
4B.8 Residential Development near Extractive Industries
4B.9 Aircraft Noise 5A.5.1 Amenity
4B.10 Site Servicing 5A.5.2 Solar Access
5A.5.3 Energy Efficient Measures
4B.10.1 Water
4B.10.2 Electricity 5A.6.1 Drainage
4B.10.3 Telephone and Internet 5A.6.1 Concept Plans
4B.10.4 Dwelling Street Number 5A.6.2 Cut and Fill
4B.10.5 Postal Services 5A.6.3 Rainwater Tanks
4B.10.6 Water & Dry Recycling Collection
4B.10.7 TV Antennas 5A.7 Site Servicing
Chapter 5 Dwelling Housing
Chapter 5A Dwelling Houses
5A.0 Local Context
5A.0.1 Zones 5A.7.1 Water and Sewerage
5A.0.2 Objectives 5A.7.2 Electricity
5A.1 Site Requirements 5A.7.3 Telephone and Internet
5A.1.1 Lot Requirements Schedule 1 Classified State and Regional Roads
5A.1.1.1 Lot Size Schedule 2 Unclassified Regional Roads
5A.2 Built Form and urban Design
5A.2.1 Floor Space Ratio (FSR) 5B.0 Local Context
5A.2.2 Height 5B.0.1 Development to which this Chapter applies
5A.2.3 Setbacks 5B.0.2 Objectives of this Chapter
5A.2.3.1 Front Setback Controls
5A.2.3.2 Side and Rear Setback Controls
5A.2.3.3 Corner Lot Setback Controls
5A.2.4 Building Appearance 5B.1 Site Requirements
5A.2.5 Building Design First Floor
5A.2.6 Additions to a Dwelling House
5A.2.7 Ancillary Structures 5B.2 Built Form and Urban Design
5A.2.8 Outbuildings 5B.2.1 Floor Space Ratio (FSR)
5A.2.9 Swimming Pools 5B.2.2 Building Height
5B.2.3 Setbacks
5A.3 Car Parking and Access
5A.3.1 Car Parking Rate 5B.2.3.1 Setback Controls
5A.3.2 Vehicular Access Design 5B.2.4 Building Appearance
5A.3.3 Driveway Materials and Design 5B.2.5 Building Materials
5A.3.4 Driveway Location 5B.2.6 Internal Design
5A.3.5 Garages and Carports 5B.2.7 Alterations and Additions
5B.2.8 Ancillary Structures
5A.3.6 Splay Corner Setbacks and Road Widening
5B.3 Car Parking and Access
5B.3.1 Car Parking Rate
5A.4 Open Space and Landscaping
5A.4.1 Open Space 5B.4 Open Space and Landscaping
5A.4.1.1 Private Open Space 5B.4.1 Open Space
5A.4.2 Landscaping 5B.4.1.1 Private Open Space

Uncontrolled document when printed – Check Council’s website for current version
<table>
<thead>
<tr>
<th>Section</th>
<th>Content</th>
<th>Chapter</th>
<th>Sub-Chapter</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>5B.4.2</td>
<td>Landscaping</td>
<td>5C.7.2</td>
<td>Electricity</td>
<td></td>
</tr>
<tr>
<td>5B.4.3</td>
<td>Fencing</td>
<td>5C.7.3</td>
<td>Telephone and Internet</td>
<td></td>
</tr>
<tr>
<td>5B.5</td>
<td>Amenity</td>
<td>5C.7.4</td>
<td>Dwelling Street Number</td>
<td></td>
</tr>
<tr>
<td>5B.5.1</td>
<td>Solar Access</td>
<td>5C.7.5</td>
<td>Postal Services</td>
<td></td>
</tr>
<tr>
<td>5B.5.2</td>
<td>Energy Efficient Measures</td>
<td>5C.7.6</td>
<td>Waste and Dry Recycling</td>
<td></td>
</tr>
<tr>
<td>5B.5.3</td>
<td>Privacy</td>
<td>5C.7.7</td>
<td>TV Antennas</td>
<td></td>
</tr>
<tr>
<td>5B.6</td>
<td>Drainage</td>
<td>5C.7.8</td>
<td>Templates</td>
<td></td>
</tr>
<tr>
<td>5B.4.2</td>
<td>Landscaping</td>
<td>6A.0</td>
<td>Local Context</td>
<td></td>
</tr>
<tr>
<td>5B.4.3</td>
<td>Fencing</td>
<td>6A.0.1</td>
<td>Zoning</td>
<td></td>
</tr>
<tr>
<td>5B.5</td>
<td>Amenity</td>
<td>6A.0.2</td>
<td>Objectives</td>
<td></td>
</tr>
<tr>
<td>5B.5.1</td>
<td>Solar Access</td>
<td>6A.0.3</td>
<td>Strategies and Policies</td>
<td></td>
</tr>
<tr>
<td>5B.5.2</td>
<td>Energy Efficient Measures</td>
<td>6A.1</td>
<td>Site Requirements</td>
<td></td>
</tr>
<tr>
<td>5B.5.3</td>
<td>Privacy</td>
<td>6A.1.1</td>
<td>Lot Requirements</td>
<td></td>
</tr>
<tr>
<td>5C.2</td>
<td>Built Form and Urban Design</td>
<td>6A.1.1</td>
<td>Lot Width and Depth</td>
<td></td>
</tr>
<tr>
<td>5C.2.1</td>
<td>Floor Space Ratio (FSR)</td>
<td>6A.1.2</td>
<td>Battleaxe Blocks</td>
<td></td>
</tr>
<tr>
<td>5C.2.2</td>
<td>Height</td>
<td>6A.1.2</td>
<td>Land Required for Road Improvements</td>
<td></td>
</tr>
<tr>
<td>5C.2.3</td>
<td>Setbacks</td>
<td>6A.2</td>
<td>Built Form and urban Design</td>
<td></td>
</tr>
<tr>
<td>5C.2.3.1</td>
<td>Front Setback Controls</td>
<td>6A.2.1</td>
<td>Floor Space Ratio (FSR)</td>
<td></td>
</tr>
<tr>
<td>5C.2.3.2</td>
<td>Side Setback Controls</td>
<td>6A.2.2</td>
<td>Height</td>
<td></td>
</tr>
<tr>
<td>5C.2.3.3</td>
<td>Rear Setback Control</td>
<td>6A.2.3</td>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td>5C.2.3.4</td>
<td>Control Lot Secondary Setback Control</td>
<td>6A.2.3.1</td>
<td>Front Setback Controls</td>
<td></td>
</tr>
<tr>
<td>5C.2.4</td>
<td>Building Appearance</td>
<td>6A.2.3.2</td>
<td>Side and Rear Setback Controls</td>
<td></td>
</tr>
<tr>
<td>5C.2.5</td>
<td>Building Facade</td>
<td>6A.2.4</td>
<td>Balanced Building Form</td>
<td></td>
</tr>
<tr>
<td>5C.2.6</td>
<td>Size of Rooms</td>
<td>6A.2.5</td>
<td>Building Separation</td>
<td></td>
</tr>
<tr>
<td>5C.2.7</td>
<td>Access for all Residents</td>
<td>6A.2.6</td>
<td>Mix of Units</td>
<td></td>
</tr>
<tr>
<td>5C.3</td>
<td>Car Parking and Access</td>
<td>6A.2.7</td>
<td>Units per Site Area</td>
<td></td>
</tr>
<tr>
<td>5C.3.1</td>
<td>Car Parking</td>
<td>6A.2.8</td>
<td>Size of Rooms and Storage</td>
<td></td>
</tr>
<tr>
<td>5C.3.2</td>
<td>Driveway Materials</td>
<td>6A.2.9</td>
<td>Access for all Residents</td>
<td></td>
</tr>
<tr>
<td>5C.3.3</td>
<td>Splay Corner Setbacks and Road Widening</td>
<td>6A.2.10</td>
<td>Dwelling Position</td>
<td></td>
</tr>
<tr>
<td>5C.4</td>
<td>Open Space and Landscaping</td>
<td>6A.2.11</td>
<td>Development Façade</td>
<td></td>
</tr>
<tr>
<td>5C.4.1</td>
<td>Open Space</td>
<td>6A.3</td>
<td>Car Parking Rate</td>
<td></td>
</tr>
<tr>
<td>5C.4.1.1</td>
<td>Private Open Space</td>
<td>6A.3.1</td>
<td>Car Parking Rate</td>
<td></td>
</tr>
<tr>
<td>5C.4.2</td>
<td>Landscaping</td>
<td>6A.3.2</td>
<td>Driveways</td>
<td></td>
</tr>
<tr>
<td>5C.4.3</td>
<td>Fencing</td>
<td>6A.3.3</td>
<td>Driveway Materials</td>
<td></td>
</tr>
<tr>
<td>5C.5</td>
<td>Amenity</td>
<td>6A.3.4</td>
<td>Landscaping along Driveway</td>
<td></td>
</tr>
<tr>
<td>5C.5.1</td>
<td>Solar Access</td>
<td>6A.3.5</td>
<td>Vehicle Access Design</td>
<td></td>
</tr>
<tr>
<td>5C.5.2</td>
<td>Energy Efficient Measures</td>
<td>6A.3.6</td>
<td>Access Location</td>
<td></td>
</tr>
<tr>
<td>5C.6</td>
<td>Drainage</td>
<td>6A.4</td>
<td>Landscaping and Open Space</td>
<td></td>
</tr>
<tr>
<td>5C.6.1</td>
<td>Concept Plans</td>
<td>6A.4.1</td>
<td>Open Space</td>
<td></td>
</tr>
<tr>
<td>5C.6.2</td>
<td>Rainwater Tanks</td>
<td>6A.4.1.1</td>
<td>Private Open Space</td>
<td></td>
</tr>
<tr>
<td>5C.6.3</td>
<td>Overland Flow</td>
<td>6A.4.1.2</td>
<td>Common Open Space</td>
<td></td>
</tr>
<tr>
<td>5C.6.4</td>
<td>Cut and Fill</td>
<td>6A.4.2</td>
<td>Landscaping</td>
<td></td>
</tr>
<tr>
<td>5C.7</td>
<td>Site Servicing</td>
<td>6A.4.3</td>
<td>Fencing</td>
<td></td>
</tr>
<tr>
<td>5C.7.1</td>
<td>Water and Sewerage</td>
<td>6A.4.3.1</td>
<td>General Fencing</td>
<td></td>
</tr>
<tr>
<td>5C.7.2</td>
<td>Water and Sewerage</td>
<td>6A.4.3.2</td>
<td>Fencing that addresses the street</td>
<td></td>
</tr>
<tr>
<td>5C.7.3</td>
<td>Water and Sewerage</td>
<td>6A.4.3.3</td>
<td>Internal Fencing</td>
<td></td>
</tr>
<tr>
<td>5C.7.4</td>
<td>Water and Sewerage</td>
<td>6A.4.3.4</td>
<td>Security Fencing</td>
<td></td>
</tr>
<tr>
<td>6A.5</td>
<td>Amenity</td>
<td>6B.2.3.3</td>
<td>Rear Setback Controls</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>----------</td>
<td>-----------------------</td>
<td></td>
</tr>
<tr>
<td>6A.5.1</td>
<td>Solar Access</td>
<td>6B.2.3.4</td>
<td>Corner Lot Secondary Setback Controls</td>
<td></td>
</tr>
<tr>
<td>6A.5.2</td>
<td>Energy Efficient Measures</td>
<td>6B.2.4</td>
<td>Dwelling Position</td>
<td></td>
</tr>
<tr>
<td>6A.5.3</td>
<td>Privacy</td>
<td>6B.3</td>
<td>Car Parking and Access</td>
<td></td>
</tr>
<tr>
<td>6A.5.4</td>
<td>Safety and Security</td>
<td>6B.3.1</td>
<td>Car Parking</td>
<td></td>
</tr>
<tr>
<td>6A.6</td>
<td>Drainage</td>
<td>6B.3.2</td>
<td>Driveway Materials</td>
<td></td>
</tr>
<tr>
<td>6A.6.1</td>
<td>Stormwater Detention</td>
<td>6B.3.3</td>
<td>Splay Corner Setbacks and Road Widening</td>
<td></td>
</tr>
<tr>
<td>6A.6.2</td>
<td>Drainage with basement</td>
<td>6B.3.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6A.6.3</td>
<td>Overland Flow</td>
<td>6B.4</td>
<td>Landscaping and Open Space</td>
<td></td>
</tr>
<tr>
<td>6A.6.4</td>
<td>Cut and Fill</td>
<td>6B.4.1</td>
<td>Open Space</td>
<td></td>
</tr>
<tr>
<td>6A.6.5</td>
<td>Rain Water Tanks</td>
<td>6B.4.2</td>
<td>Landscaping</td>
<td></td>
</tr>
<tr>
<td>6A.7</td>
<td>Site Servicing</td>
<td>6B.4.3</td>
<td>Fencing</td>
<td></td>
</tr>
<tr>
<td>6A.7.1</td>
<td>Water and Sewerage</td>
<td>6B.5</td>
<td>Amenity</td>
<td></td>
</tr>
<tr>
<td>6A.7.2</td>
<td>Electricity</td>
<td>6B.5.1</td>
<td>Solar Access</td>
<td></td>
</tr>
<tr>
<td>6A.7.3</td>
<td>Telephone and Internet</td>
<td>6B.5.2</td>
<td>Energy Efficient Measures</td>
<td></td>
</tr>
<tr>
<td>6A.7.4</td>
<td>Dwelling Street Number</td>
<td>6B.5.3</td>
<td>Privacy</td>
<td></td>
</tr>
<tr>
<td>6A.7.5</td>
<td>Postal Services</td>
<td>6B.6</td>
<td>Drainage</td>
<td></td>
</tr>
<tr>
<td>6A.7.6</td>
<td>Waste and Dry Recycling</td>
<td>6B.6.1</td>
<td>Concept Plans</td>
<td></td>
</tr>
<tr>
<td>6A.7.7</td>
<td>TV Antennas</td>
<td>6B.6.2</td>
<td>Rainwater Tanks</td>
<td></td>
</tr>
<tr>
<td>6A.8</td>
<td>Schedules</td>
<td>6B.6.3</td>
<td>Overland Flow</td>
<td></td>
</tr>
<tr>
<td>6A.8.1</td>
<td>Schedule 1 Classified State and Regional Roads</td>
<td>6B.6.4</td>
<td>Cut and Fill</td>
<td></td>
</tr>
<tr>
<td>6A.8.2</td>
<td>Schedule 2 Unclassified Regional Roads</td>
<td>6B.7</td>
<td>Site Servicing</td>
<td></td>
</tr>
<tr>
<td>6A.9</td>
<td>Site Specific Controls</td>
<td>6B.7.1</td>
<td>Water and Sewerage</td>
<td></td>
</tr>
<tr>
<td>46 &amp; 50 Cobbett Street, Wetherill Park</td>
<td>6B.7.2</td>
<td>Electricity</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>6B.7.3</td>
<td>Telephone and Internet</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>6B.7.4</td>
<td>Dwelling Street Number</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>6B.7.5</td>
<td>Postal Services</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>6B.7.6</td>
<td>Waste and Dry Recycling</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>6B.7.7</td>
<td>TV Antenna</td>
<td></td>
</tr>
</tbody>
</table>

**Chapter 6B Dual Occupancy**

<table>
<thead>
<tr>
<th>6B.0</th>
<th>Local Context</th>
<th>7.0</th>
<th>Context and Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>6B.0.1</td>
<td>Zones and development to which this Chapter applies</td>
<td>7.1</td>
<td>Introduction</td>
</tr>
<tr>
<td>6B.0.2</td>
<td>Purpose of this Chapter</td>
<td>7.1.1</td>
<td>Development</td>
</tr>
<tr>
<td>6B.0.3</td>
<td>Strategies and Policies</td>
<td>7.1.2</td>
<td>Zones</td>
</tr>
<tr>
<td>6B.1</td>
<td>Site Requirements</td>
<td>7.1.3</td>
<td>Site requirements</td>
</tr>
<tr>
<td>6B.1.1</td>
<td>Lot Requirements</td>
<td>7.1.4</td>
<td>Strategies and policies</td>
</tr>
<tr>
<td>6B.1.1.1</td>
<td>Lot Size and Lot Width – R1 General Residential</td>
<td>7.2</td>
<td>Special considerations</td>
</tr>
<tr>
<td>6B.1.1.2</td>
<td>Lot Size – R2 Low Density Residential</td>
<td>7.2.1</td>
<td>Heritage</td>
</tr>
<tr>
<td>6B.1.1.3</td>
<td>Lot Width – R2 Low density Residential</td>
<td>7.2.2</td>
<td>Accessible and flexible units</td>
</tr>
<tr>
<td>6B.1.1.4</td>
<td>Lot Size – R3 Medium Density Residential</td>
<td>7.2.3</td>
<td>Drainage and Stormwater Detention</td>
</tr>
<tr>
<td>6B.1.1.5</td>
<td>Lot Width – R3 Medium Density Residential</td>
<td>7.2.4</td>
<td>Lifts</td>
</tr>
<tr>
<td>6B.1.1.6</td>
<td>Dual Occupancy on Battleaxe Blocks</td>
<td>7.3</td>
<td>Built Form</td>
</tr>
<tr>
<td>6B.2</td>
<td>Built Form and Urban Design</td>
<td>7.3.1</td>
<td>Floor Space Ratio</td>
</tr>
<tr>
<td>6B.2.1</td>
<td>Floor Space Ratio (FSR)</td>
<td>7.3.2</td>
<td>Building Height</td>
</tr>
<tr>
<td>6B.2.2</td>
<td>Height</td>
<td>7.3.3</td>
<td>Building Setbacks</td>
</tr>
<tr>
<td>6B.2.3</td>
<td>Setbacks</td>
<td>7.3.4</td>
<td>Building Articulation</td>
</tr>
<tr>
<td>6B.2.3.1</td>
<td>Front Setback Controls</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6B.2.3.2</td>
<td>Side and Rear Setback Controls</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Topic</td>
<td>Page</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>-------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>7.4</td>
<td>Amenity</td>
<td>8A.2.4</td>
<td></td>
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<td>7.4.1</td>
<td>Ventilation</td>
<td>Building Articulation</td>
<td></td>
</tr>
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<td>7.4.2</td>
<td>Visual and Acoustic Privacy</td>
<td>Amenity</td>
<td></td>
</tr>
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<td>Solar Access</td>
<td>Visual and Acoustic Privacy</td>
<td></td>
</tr>
<tr>
<td>7.4.4</td>
<td>Private Open Space</td>
<td>Solar Access</td>
<td></td>
</tr>
<tr>
<td>7.4.5</td>
<td>Communal Open space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.4.6</td>
<td>Safety and Security</td>
<td>Car Parking and Access</td>
<td></td>
</tr>
<tr>
<td>7.5</td>
<td>Car Parking, Loading and Access</td>
<td>Car Parking Requirements</td>
<td></td>
</tr>
<tr>
<td>7.5.1</td>
<td>Car Parking</td>
<td>Vehicle Access</td>
<td></td>
</tr>
<tr>
<td>7.5.2</td>
<td>Vehicle Access</td>
<td>Splay Corner Setbacks and Road</td>
<td></td>
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<td>7.6</td>
<td>Site servicing</td>
<td>Site Servicing</td>
<td></td>
</tr>
<tr>
<td>7.6.1</td>
<td>Waste Collection</td>
<td>Loading</td>
<td></td>
</tr>
<tr>
<td>7.6.2</td>
<td>Electricity</td>
<td>Waste Management</td>
<td></td>
</tr>
<tr>
<td>7.6.3</td>
<td>Water and Sewage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.6.4</td>
<td>TV Antennas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.6.5</td>
<td>Satellite Dishes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.6.6</td>
<td>Telephone</td>
<td>Landscape Design</td>
<td></td>
</tr>
<tr>
<td>7.6.7</td>
<td>Mail Delivery</td>
<td>Fencing and Walls</td>
<td></td>
</tr>
<tr>
<td>7.6.8</td>
<td></td>
<td>Drainage and Stormwater Detention</td>
<td></td>
</tr>
<tr>
<td>7.7</td>
<td>Landscaping</td>
<td>Schedules</td>
<td></td>
</tr>
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<td>7.7.1</td>
<td>Landscape Design</td>
<td>List of Neighbourhood Centres and property addresses</td>
<td></td>
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<tr>
<td>7.7.2</td>
<td>Fencing and Walls</td>
<td>List of Local Centres and property addresses</td>
<td></td>
</tr>
<tr>
<td>7.8</td>
<td>Miscellaneous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.8.1</td>
<td>Compliance with SEPP 65 Residential Flat Design Code</td>
<td>Chapter 8B Commercial Development in Local Centres– Mixed Use</td>
<td></td>
</tr>
<tr>
<td>7.8.2</td>
<td>Compliance with SEPP 65 Residential Flat Design Code Annexure 1: SEPP 65 Residential Flat Design Code - Pro-forma Design Verification</td>
<td>Local Context</td>
<td></td>
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<td>7.8.3</td>
<td>BASIX</td>
<td>Zones and development to which this Chapter applies</td>
<td></td>
</tr>
<tr>
<td>8A.0</td>
<td>Local Context</td>
<td>Purpose of this Chapter</td>
<td></td>
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<td>Zones and development to which this Chapter applies</td>
<td>Strategies and Policies</td>
<td></td>
</tr>
<tr>
<td>8A.0.2</td>
<td>Purpose of this Chapter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8A.0.3</td>
<td>Strategies and Policies</td>
<td></td>
<td></td>
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<td>8A.1</td>
<td>Public Domain</td>
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<td></td>
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<tr>
<td>8A.1.1</td>
<td>Active Street Frontages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8A.1.2</td>
<td>Commercial Awnings and Pedestrian Amenity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8A.1.3</td>
<td>Advertising Signage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8A.1.4</td>
<td>Outdoor Dining</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8A.1.5</td>
<td>Display of Goods on Footpath</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8A.1.6</td>
<td>Ground Floor Building Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8A.2</td>
<td>Built Form and Urban Design</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8A.2.1</td>
<td>Building Height</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8A.2.2</td>
<td>Floor Space Ratio</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8A.2.3</td>
<td>Building Setbacks</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Chapter 8A Commercial Development in Local Centres– Business Use

Chapter 8B Commercial Development in Local Centres– Mixed Use

Uncontrolled document when printed – Check Council’s website for current version
8B.4 Car Parking and Access
8B.4.1 Car Parking Requirements
8B.4.2 Vehicle Access
8B.4.3 Splay Corner Setbacks and Road Widening
8B.5 Site Servicing and Loading
8B.5.1 Site Servicing
8B.5.2 Loading
8B.5.3 Waste Management
8B.6 Landscaping, Drainage and Stormwater Detention
8B.6.1 Landscape Design
8B.6.2 Fencing and Walls
8B.6.3 Drainage and Stormwater Detention
8B.7 Schedules
8B.7.1 List of Neighbourhood Centres and property addresses
8B.7.2 List of Local Centres and property addresses

Chapter 9 Industrial Development
9.0 Local Context
9.0.1 Development to which this Chapter applies
9.0.2 Purpose of this Chapter
9.0.3 Strategies and Studies
9.0.4 Consultation Requirements
9.1 Site and Built Form
9.1.1 Site Dimensions
9.1.1.1 Consolidation of Allotments
9.1.1.2 Lot Frontage
9.1.1.3 Lot Size
9.2 Car Parking, Access and Vehicle Management
9.2.1 Traffic Generating Developments
9.2.2 Car Parking
9.2.2.1 General
9.2.2.2 Car Parking Requirements
9.2.3 Loading Facilities
9.2.4 On-site manoeuvring
9.2.5 Vehicle Access
9.2.6 Pedestrian Movement
9.2.7 Splay Corners
9.3 Advertising Signage
9.3.1 Assessment Criteria
9.4 Streetscape and Amenity
9.4.1 Landscaping
9.4.2 Fencing
9.4.3 Building Materials
9.4.4 Hours of Operation

9.5 Development Guidelines for Specific Activities and Uses
9.6.1 Consolidated Allotments
9.6.2 Floor Space Ratio
9.6.3 Access Arrangements
9.7 Car Parking, Vehicle and Access Management
9.8.1 Layout
9.8.2 Setbacks
9.8.3 Car Parking, Vehicle and Access Management
9.8.4 Advertising Signs
9.8.5 Streetscape and Amenity
9.8.6 Drainage Channel / Flooding
9.8.7 Specific Land Use Controls
9.8.8 Special Provisions relating to Child Care Centres and Neighbourhood Shops
9.8.9 Neighbourhood Shops
9.8.10 Addendum – Flood Advice
9.9 Industrial/Residential Interface
9.10 Site Servicing

9.5.1 Storage Premises
9.5.2 Vehicle Repair Stations
9.5.3 Vehicle Body Repair Workshops
9.5.4 Sex Services
9.5.5 Kiosks and Take Away Food and Drink Premises in Industrial Areas
9.5.6 Ancillary Retailing – Industrial Retail Outlets

Chapter 9 Industrial Development
9.0 Local Context
9.0.1 Development to which this Chapter applies
9.0.2 Purpose of this Chapter
9.0.3 Strategies and Studies
9.0.4 Consultation Requirements
9.1 Site and Built Form
9.1.1 Site Dimensions
9.1.1.1 Consolidation of Allotments
9.1.1.2 Lot Frontage
9.1.1.3 Lot Size
9.2 Car Parking, Access and Vehicle Management
9.2.1 Traffic Generating Developments
9.2.2 Car Parking
9.2.2.1 General
9.2.2.2 Car Parking Requirements
9.2.3 Loading Facilities
9.2.4 On-site manoeuvring
9.2.5 Vehicle Access
9.2.6 Pedestrian Movement
9.2.7 Splay Corners
9.3 Advertising Signage
9.3.1 Assessment Criteria
9.4 Streetscape and Amenity
9.4.1 Landscaping
9.4.2 Fencing
9.4.3 Building Materials
9.4.4 Hours of Operation

9.5 Development Guidelines for Specific Activities and Uses
9.6.1 Consolidated Allotments
9.6.2 Floor Space Ratio
9.6.3 Access Arrangements
9.7 Car Parking, Vehicle and Access Management
9.8.1 Layout
9.8.2 Setbacks
9.8.3 Car Parking, Vehicle and Access Management
9.8.4 Advertising Signs
9.8.5 Streetscape and Amenity
9.8.6 Drainage Channel / Flooding
9.8.7 Specific Land Use Controls
9.8.8 Special Provisions relating to Child Care Centres and Neighbourhood Shops
9.8.9 Neighbourhood Shops
9.8.10 Addendum – Flood Advice
9.9 Industrial/Residential Interface
9.10 Site Servicing

9.5.1 Storage Premises
9.5.2 Vehicle Repair Stations
9.5.3 Vehicle Body Repair Workshops
9.5.4 Sex Services
9.5.5 Kiosks and Take Away Food and Drink Premises in Industrial Areas
9.5.6 Ancillary Retailing – Industrial Retail Outlets
<table>
<thead>
<tr>
<th>Chapter 10</th>
<th>Miscellaneous Development</th>
<th>10.9</th>
<th>Close Circuit Television (CCTV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.0</td>
<td>Local Context</td>
<td>10.10</td>
<td>Controls for the Cabravale</td>
</tr>
<tr>
<td>10.1</td>
<td>Non-Residential Development in Residential Zones</td>
<td>10.10</td>
<td>Diggers site (Hotel or Motel accommodation)</td>
</tr>
<tr>
<td>10.1.2</td>
<td>Servicing Provisions</td>
<td>10.13</td>
<td>Management of Waste</td>
</tr>
<tr>
<td>10.1.3</td>
<td>Advertising and Signage</td>
<td>10.14</td>
<td>Building Design</td>
</tr>
<tr>
<td>10.1.4</td>
<td>Fencing and Screening</td>
<td>10.15</td>
<td>Extended Operating Hours</td>
</tr>
<tr>
<td>10.1.5</td>
<td>Landscaping</td>
<td>10.16</td>
<td>Home Occupations - Fairfield LEP 2013</td>
</tr>
<tr>
<td>10.1.6</td>
<td>Building Design</td>
<td>10.17</td>
<td>How does this chapter relate to other legislation and regulations</td>
</tr>
<tr>
<td>10.1.7</td>
<td>Extended Operating Hours</td>
<td>10.18</td>
<td>What do terms in this chapter mean?</td>
</tr>
<tr>
<td>10.2</td>
<td>Home Occupations - Fairfield LEP 2013</td>
<td>10.19</td>
<td>Controls for Exhibition Homes and Exhibition Villages</td>
</tr>
<tr>
<td>10.3</td>
<td>Home Businesses, Home Industries and Home Occupations</td>
<td>10.20</td>
<td>Controls for Exhibition Homes and Exhibition Villages</td>
</tr>
<tr>
<td>10.4</td>
<td>Recreational Facilities (indoor) and certain Commercial Premises Providing Personal Services in Town Centres</td>
<td>10.21</td>
<td>Neighbourhood Shops</td>
</tr>
<tr>
<td>10.5</td>
<td>Building Design</td>
<td>10.22</td>
<td>Controls for Boarding Houses (including student accommodation)</td>
</tr>
<tr>
<td>10.6</td>
<td>Fencing and Screening</td>
<td>10.23</td>
<td>Neighbourhood Character</td>
</tr>
<tr>
<td>10.6.1</td>
<td>Landscaping</td>
<td>10.24</td>
<td>Built Form and Appearance</td>
</tr>
<tr>
<td>10.6.2</td>
<td>Building Design</td>
<td>10.25</td>
<td>Unsuitable Locations – Cul de-sac Streets</td>
</tr>
<tr>
<td>10.6.3</td>
<td>Fencing and Screening</td>
<td>10.26</td>
<td>Maximum Size of Boarding Houses</td>
</tr>
<tr>
<td>10.6.4</td>
<td>Landscaping</td>
<td>10.27</td>
<td>Subdivision</td>
</tr>
<tr>
<td>10.6.5</td>
<td>Building Design</td>
<td>10.28</td>
<td>Communal Open Space Location Requirements</td>
</tr>
<tr>
<td>10.6.6</td>
<td>Fencing and Screening</td>
<td>10.29</td>
<td>Boarder Amenity, Safety and Privacy</td>
</tr>
<tr>
<td>10.6.7</td>
<td>Landscaping</td>
<td>10.30</td>
<td>Visual and Acoustic Amenity Impacts</td>
</tr>
<tr>
<td>10.6.8</td>
<td>Building Design</td>
<td>10.31</td>
<td>Traffic Report</td>
</tr>
<tr>
<td>10.6.9</td>
<td>Fencing and Screening</td>
<td>10.32</td>
<td>Plan of Management</td>
</tr>
<tr>
<td>10.6.10</td>
<td>Landscaping</td>
<td>10.33</td>
<td>Schedules</td>
</tr>
<tr>
<td>10.6.11</td>
<td>Building Design</td>
<td>10.34</td>
<td>Flood Compatible Materials and Building Components</td>
</tr>
<tr>
<td>10.7</td>
<td>Recreational Facilities (indoor) and certain Commercial Premises Providing Personal Services in Town Centres</td>
<td>10.35</td>
<td>Land Use Categories</td>
</tr>
<tr>
<td>10.8</td>
<td>Building Design</td>
<td>10.36</td>
<td>Diagrams Explaining Main Car Parking Related Controls</td>
</tr>
<tr>
<td>10.9</td>
<td>Close Circuit Television (CCTV)</td>
<td>10.37</td>
<td>Georges River (South of Hume Highway) Floodplain</td>
</tr>
<tr>
<td>11.0</td>
<td>Context and objectives</td>
<td>10.38</td>
<td>Cabramatta Creek Floodplain</td>
</tr>
<tr>
<td>11.1</td>
<td>Background</td>
<td>10.39</td>
<td>What do terms in this chapter mean?</td>
</tr>
<tr>
<td>11.2</td>
<td>Objectives in relation to Flood Risk Management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.3</td>
<td>How does this chapter relate to other legislation and regulations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.4</td>
<td>What do terms in this chapter mean?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.5</td>
<td>Overview -Criteria for determining applications</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.6</td>
<td>Land Use Categories</td>
<td>10.40</td>
<td>Controls for Exhibition Homes and Exhibition Villages</td>
</tr>
<tr>
<td>11.7</td>
<td>Flood Risk Precincts</td>
<td>10.41</td>
<td>Controls for Exhibition Homes and Exhibition Villages</td>
</tr>
<tr>
<td>11.8</td>
<td>Overview -Which controls apply to proposed developments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.8.1</td>
<td>Objectives</td>
<td>10.42</td>
<td>Controls for Boarding Houses (including student accommodation)</td>
</tr>
<tr>
<td>11.8.2</td>
<td>Performance Criteria</td>
<td>10.43</td>
<td>Neighbourhood Character</td>
</tr>
<tr>
<td>11.8.3</td>
<td>Prescriptive Controls</td>
<td>10.44</td>
<td>Built Form and Appearance</td>
</tr>
<tr>
<td>11.9</td>
<td>Special Requirements for Fencing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.9.1</td>
<td>Objectives</td>
<td>10.45</td>
<td>Unsuitable Locations – Cul de-sac Streets</td>
</tr>
<tr>
<td>11.9.2</td>
<td>Performance Criteria</td>
<td>10.46</td>
<td>Maximum Size of Boarding Houses</td>
</tr>
<tr>
<td>11.9.3</td>
<td>Prescriptive Controls</td>
<td>10.47</td>
<td>Subdivision</td>
</tr>
<tr>
<td>11.10</td>
<td>Special Considerations</td>
<td>10.48</td>
<td>Communal Open Space Location Requirements</td>
</tr>
<tr>
<td>11.11</td>
<td>What information is required with an application to address this chapter?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Uncontrolled document when printed – Check Council’s website for current version
**Chapter 12**  
**Car Parking, Vehicle and Access Management**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.0</td>
<td>Background</td>
</tr>
<tr>
<td>12.0.1</td>
<td>Context</td>
</tr>
<tr>
<td>12.0.2</td>
<td>Purpose/Objectives of this Chapter</td>
</tr>
<tr>
<td>12.0.3</td>
<td>Zones and development to which this Chapter applies</td>
</tr>
<tr>
<td>12.0.4</td>
<td>Additional Guidelines</td>
</tr>
</tbody>
</table>

**Chapter 13**  
**Child Care Centres**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.0</td>
<td>Context and objectives</td>
</tr>
<tr>
<td>13.1</td>
<td>Controls for Child Care Centres</td>
</tr>
<tr>
<td>13.1.1</td>
<td>What approvals are necessary?</td>
</tr>
<tr>
<td>13.1.2</td>
<td>Maximum Capacities</td>
</tr>
<tr>
<td>13.1.3</td>
<td>Location Requirements</td>
</tr>
<tr>
<td>13.1.4</td>
<td>Building Design and Streetscape</td>
</tr>
<tr>
<td>13.1.5</td>
<td>Parking and Traffic</td>
</tr>
<tr>
<td>13.1.6</td>
<td>Indoor Spaces</td>
</tr>
<tr>
<td>13.1.7</td>
<td>Outdoor Spaces and Landscaping</td>
</tr>
<tr>
<td>13.1.8</td>
<td>Visual and Acoustic Privacy</td>
</tr>
<tr>
<td>13.1.9</td>
<td>Emergency Evacuation</td>
</tr>
<tr>
<td>13.1.10</td>
<td>Signage</td>
</tr>
<tr>
<td>13.1.11</td>
<td>Hours of Operation</td>
</tr>
</tbody>
</table>

**Chapter 14**  
**Subdivision**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.0</td>
<td>Context and objectives</td>
</tr>
<tr>
<td>14.1</td>
<td>Preliminary</td>
</tr>
<tr>
<td>14.1.1</td>
<td>What is Subdivision?</td>
</tr>
<tr>
<td>14.1.2</td>
<td>What Subdivision Requires Consent?</td>
</tr>
<tr>
<td>14.1.3</td>
<td>The Subdivision Process</td>
</tr>
<tr>
<td>14.1.4</td>
<td>Information Submitted with a Development Application</td>
</tr>
<tr>
<td>14.1.5</td>
<td>Other Relevant Council Documents</td>
</tr>
<tr>
<td>14.2</td>
<td>General Controls</td>
</tr>
<tr>
<td>14.2.1</td>
<td>Access Handles and Driveways</td>
</tr>
<tr>
<td>14.2.2</td>
<td>Frontage to Classified State and Regional Roads and Unclassified Regional Roads</td>
</tr>
<tr>
<td>14.2.3</td>
<td>Splay Corners</td>
</tr>
<tr>
<td>14.2.4</td>
<td>Road Alignment and Width – New and Existing</td>
</tr>
<tr>
<td>14.2.5</td>
<td>Fencing</td>
</tr>
</tbody>
</table>

**Schedules**

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Classified State and Regional Roads</td>
</tr>
<tr>
<td>2</td>
<td>Unclassified Regional Roads</td>
</tr>
</tbody>
</table>
14.3 Non-Urban (Rural) Areas
14.3.1 Lot Size
14.3.2 Vacant Lot Subdivisions
14.3.3 Battleaxe, Carriageways and Roads
14.3.4 Access Points
14.3.5 Earthworks (Excavation & Filling)

14.4 Residential Areas
14.4.1 Lot Requirements
14.4.2 Subdivision in R2 Low Density Residential Zone
14.4.3 Subdivision in R3 Medium Density Residential and R4 High Density Residential Zone

14.5 Business Zones

14.6 Industrial Zones

14.7 Off Road Cycleways

14.8 Site Specific subdivision development plans

Schedules

Schedule 1 Typical Cross Sections
Schedule 2 Typical Cross Sections
Schedule 3 Right of Carriageway variable width and positive covenant for Maintenance and Repair
Schedule 4 Classified State and Regional Roads and Unclassified Regional Roads
Schedule 5 Site Specific subdivision development plans

Appendices

A Definitions
B Notification Policy
C Advice for Designing Advertising Signs
D Preservation of Trees and Vegetation
E Waste Not policy to Manage Demolition and Construction Waste
F Landscape Planning
G Heritage and Development

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Chapter 1

Introduction

Table of Contents
1.1 Fairfield City Planning Framework
1.2 Purpose of this Development Control Plan
1.3 To what land does this Development Control Plan apply to?
1.4 Relationship to other Environmental Planning Instruments
1.5 What do terms in this Development Control Plan mean?
1.6 How does this Development Control Plan work?
1.7 Date of Adoption and Amendment History
1.8 Developer Contribution Plans
1.9 Variations to this DCP

Insets
Inset A – Fairfield Town Centre
Inset B – Fairfield Heights Town Centre
Inset C – Canley Corridor Town Centres
Inset D – Cabramatta Town Centre
Inset E – Bonnyrigg Town Centre
Inset F – Bonnyrigg Living Communities, Bonnyrigg
Inset G – Prairiewood Town Centre – Southern Precinct
Inset H – Wetherill Park Market Town – Site Specific Development Control Plan
1.1 Fairfield City Planning Framework

The Fairfield City Planning Framework is made up of:

a) Fairfield Local Environmental Plan (LEP) 2013 – The statutory planning instrument which controls land use and key environmental issues.
b) Fairfield City Wide Development Control Plan 2013 – Applies to all land in Fairfield City with the exception of certain town centres. Contains more detailed development provisions than those found in the LEP and are considered by Councils when making decisions about individual development proposals.
c) Fairfield City Site Specific Development Control Plans – A number of site specific development control plans which set out all the planning controls relevant to that locality.
d) Fairfield City Developer Contributions Plans – Impose contributions levies on certain development activities which generate the need for additional community facilities and infrastructure.

1.2 Purpose of this Development Control Plan

The purpose of the Fairfield City Wide Development Control Plan 2013 (the City Wide DCP) is to illustrate the controls that apply to particular types of development. This City Wide DCP supplements Fairfield Local Environmental Plan 2013 and is made according to the Environmental Planning and Assessment Act 1979.

1.3 To what land does this Development Control Plan apply to?

This Development Control Plan applies to all land within Fairfield City, excluding land subject to State Environmental Planning Policy (Western Sydney Employment Area) 2009, as shown in the attached plans which can be found after clause “1.9 Variations to this DCP”.

Please note that there are a number of site specific areas that are covered by other Development Control Plans. These areas are also shown on the map and referred to as insets.

1.4 Relationship to other Environmental Planning Instruments

a) The Fairfield City Wide Development Control Plan supplements the statutory provisions contained in Fairfield Local Environmental Plan 2013.
b) Pursuant to Section 74C(4) of the Environmental Planning and Assessment Act 1979, the Fairfield City Wide Development Control Plan 2013 revokes all development control plans which covered land for which this development control plan now applies.

1.5 What do terms in this Development Control Plan mean?

a) Certain terms identified in this development control plan have been defined. These definitions can be found in Appendix A of this development control plan.

1.6 How does this Development Control Plan work?

The Fairfield City Wide Development Control Plan fundamentally assists in the preparation of development applications. The DCP contains detailed development controls which will be used by Council as benchmarks of what is acceptable development taking into consideration an environmental site analysis.
The Fairfield Citywide Development Control Plan 2013 functions in two tiers:

Requirements for Development Application Submission (Chapter 2)
Environmental Management and Constraints (Chapter 3)
Requirements for Development Application Submission and Environmental Management and Constraints: applies to all developments

Development Principles (Chapters 4–10, 13 and 14)
Development principles are separated into chapters based on the type of development proposed. The development principles are separated into the following chapters:
Chapter 4 Development for Rural Lands
Chapters 5-7 Residential Development
Chapter 8 Neighbourhood and Local Centres
Chapter 9 Industrial Development
Chapter 10 Miscellaneous Developments, which are permitted in some zones
Chapter 13 Child Care Centres
Chapter 14 Subdivisions
It is only necessary to read that chapter, or part of a chapter, which specifically applies to the proposed development.
For example, a proposal for Multi-Unit Housing – Town House and Villa, requires consideration of only Chapter 6A multi-unit housing.

Ancillary Matters
Chapter 11 – Outlines the development controls for properties which have been identified by Chapter 3 as being flood prone.
Chapter 12 – Outlines all the car parking and design provisions that apply to all forms of development.
Appendices – various including advertising signs, preservation of trees and vegetation.

1.7 Date of Adoption and Amendment History
This Development Control Plan came into effect on 31 May 2013. 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.
<table>
<thead>
<tr>
<th>Amendment No.</th>
<th>File Ref.</th>
<th>Purpose</th>
<th>Public exhibition</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>12/09581</td>
<td>The amendments increase the allowable building height for detached granny flat from 3.6 to 4.5m, rectify anomalies and clarify requirements for a range of other matters covered by the DCP so that the controls are better understood by the public and administered in the manner intended by Council.</td>
<td>17 July 2013 to 14 August 2013</td>
<td>5 March 2014</td>
</tr>
<tr>
<td>2</td>
<td>14/04724</td>
<td>Incorporate amendments to chapter 1 to reflect in force status of Wetherill Park Market Town Site Specific Development Control Plan.</td>
<td>1 August 2012 to 29 August 2012</td>
<td>20 March 2013</td>
</tr>
<tr>
<td>3</td>
<td>12/04666</td>
<td>Insert new Chapter 4B to include controls for secondary dwellings in rural areas.</td>
<td>28 August 2013 to 25 September 2013</td>
<td>14 March 2014</td>
</tr>
<tr>
<td>4</td>
<td>14/02417</td>
<td>Amendment to Chapter 9 - Insert Site Specific Provisions in applying to land located at 449 Victoria Street and 96 Newton Road, Wetherill Park</td>
<td>17 July 2013 to 16 August 2013</td>
<td>21 March 2014</td>
</tr>
<tr>
<td>5</td>
<td>14/02417</td>
<td>Amendment to Chapters 2 and 10 and Appendix B to ensure provisions within the DCP for Exempt and Complying Development align with the provisions of the SEPP (Exempt and Complying Development Codes) 2008</td>
<td>5 March 2014 to 2 April 2014</td>
<td>28 May 2014</td>
</tr>
<tr>
<td>5A</td>
<td>11/03069</td>
<td>Amendment to Chapter 6A – Insert Site Specific Provisions applying to land located on 46 &amp; 50 Cobbett Street</td>
<td>31 October 2012 to 28 November 2012</td>
<td>22 August 2014</td>
</tr>
<tr>
<td>6</td>
<td>13/05179</td>
<td>Amendment No.6 – Anomalies review changes the model submission threshold for RFB and new commercial development, amends solar access controls for Narrow Lots and Dual Occupancy, makes changes to lot widths and subdivision for dual occupancy, lot requirements and garbage chutes for Residential Flat Buildings, introduces Neighbourhood Shop controls, amends Site servicing in Chapter 2 Requirements for Development Application Submission, Chapter 6A Multi-Dwelling Housing: Town Housing and Villas, Chapter 7 Residential Flat Buildings, Chapter 8A Neighbourhood and Local Centres, introduces Religious Buildings use for the storage of Cremated remains within Chapter 10 Miscellaneous and corrects various minor inconsequential anomalies.</td>
<td>2 July 2014 to 30 July 2014</td>
<td>3 September 2014</td>
</tr>
<tr>
<td>6A</td>
<td>14/04766</td>
<td>Amendment to Chapter 14 – Insert Site Specific Provisions applying to land located on 630 Elizabeth Drive and 9-10 Schubert Street</td>
<td>2 July – 1 August 2014</td>
<td>3 September 2014</td>
</tr>
<tr>
<td>7</td>
<td>13/05179</td>
<td>Amendments to cover the following issues: 1. Additional controls for childcare centres, boarding houses and granny flats; 2. Revised Heritage Chapter; 3. New provisions relating to CCTV for specific land uses, and 4. Acoustic measures for development in Rural Area.</td>
<td>27 August to 27 September 2014</td>
<td>11 November 2014</td>
</tr>
<tr>
<td>7A</td>
<td>13/25179</td>
<td>Amendment to Chapter 10 include site specific controls for Cabravale Diggers site (Hotel or Motel accommodation)</td>
<td>14 May 2014 to 11 June 2014</td>
<td>16 January 2015</td>
</tr>
<tr>
<td>8</td>
<td>14/14034</td>
<td>Amendment to Chapter 9 – Industrial Development to include additional controls for development of industrial land that adjoins or is adjacent to existing residential development.</td>
<td>17 December 2014 to 28 January 2015</td>
<td>1 April 2015</td>
</tr>
<tr>
<td>Amendment No.</td>
<td>File Ref.</td>
<td>Purpose</td>
<td>Public exhibition</td>
<td>Effective Date</td>
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</tr>
<tr>
<td>10</td>
<td>12/06783</td>
<td>Amendments clarify; the intent of the DCP and DA Process; provisions for rural zone development, Residential Flat Building setback, heritage advice and updated Road Classifications.</td>
<td>27 May 2015 to 24 June 2015</td>
<td>5 August 2015</td>
</tr>
<tr>
<td>11</td>
<td>15/01528</td>
<td>Amendment to introduce site specific controls for 46-50 Cobbett Street, Wetherill Park into Chapter 6A Multi Dwelling Housing – Townhouse and Villas. The amendment also repealed temporary controls that were in place for 46-50 Cobbett Street, Wetherill Park until the detailed site specific controls were prepared.</td>
<td>7 October 2015 to 4 November 2015</td>
<td>16 December 2015</td>
</tr>
<tr>
<td>12</td>
<td>15/09748</td>
<td>Amendments provide clarity on minimum room sizes, updated acoustic proofing measures for new dwellings in rural areas, car parking rates for disabled parking, and provisions for site servicing and loading requirements in neighbourhood shops in residential zones.</td>
<td>9 March 2016 to 6 April 2016</td>
<td>25 May 2016</td>
</tr>
</tbody>
</table>

The Environmental Planning and Assessment Act, 1979 allows local government to levy contributions towards the capital cost of providing or improving facilities, infrastructure and services to meet increased demand created by additional development within their areas.

This City Wide Development Control Plan must be read in conjunction with Council's adopted Development Contribution Plans. The following Development Contribution Plans are applicable as from 4 January 2011 (as amended):

a) Direct (Section 94) Development Contribution Plan 2011
b) Indirect (Section 94A) Development Contribution Plan 2011

For further information on what developer contribution plans may apply please speak with Council’s Customer Service staff.

1.9 Variations to this DCP

The provisions within this DCP represent Council policy and community expectations. As such, it is expected that development proposals comply with the provisions of this DCP as a minimum.

However, there may be circumstances where a variation to a provision within the DCP is warranted. In this circumstance a written statement must be included in the Statement of Environmental Effects. The written statement should detail the provision for which a variation is requested and an explanation as to why Council should depart from its minimum requirements.

Council will consider the merit of each variation on a case by case basis but variation will not be permitted unless Council is satisfied that the relevant objectives relating to the standard are achieved despite the variation.
Fairfield City-Wide Development Control Plan 2013

Note: Applies to all land within Fairfield City except for those areas shown on Insets A to H and those areas shown in gray.
Refer to:
Fairfield City Centre DCP 2013
and in accordance with clause 74C(3) of the
Environmental Planning and Assessment Act 1979
Fairfield City Wide DCP 2013
Chapter 2, Chapter 3, Chapter 10, Chapter 11,
Chapter 12, Chapter 13 and Chapter 14
Appendices A, B, C, D, E, G
R:\MAP\mi_data\FCC_Wide_Development_Control_Plan\Fairfield Town Centre.wor
Refer to:
Fairfield Heights Local Business Centre DCP 2013
and in accordance with clause 74C(3) of the
Environmental Planning and Assessment Act 1979

Fairfield City Wide DCP 2013
Chapter 2, Chapter 3, Chapter 10, Chapter 11,
Chapter 12, Chapter 13 and Chapter 14
Appendices A, B, C, D, E, G

R:\MAP\mi_data\FCC_Wide_Development_Control_Plan\Fairfield HeightsTownCentre.wor
Refer to:

Canley Corridor DCP
and in accordance with clause 74C(3) of the
Environmental Planning & Assessment Act 1979

Fairfield City Wide DCP 2013
Chapter 2, Chapter 3, Chapter 10, Chapter 11,
Chapter 12, Chapter 13 and Chapter 14

R:\MAP\mi_data\FCC_Wide_Development_Control_Plan\Canley CorridorTownCentre.wor
Refer to:

Cabramatta Town Centre DCP
and in accordance with clause 74C(3) of the
Environmental Planning & Assessment Act 1979

Fairfield City Wide DCP 2013
Chapter 2, Chapter 3, Chapter 7, Chapter 8A and Chapter 8B, Chapter 10, Chapter 11,
Chapter 12, Chapter 13 and Chapter 14
Appendices A, B, C, D, E, G

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Refer to:

Bonnyrigg Town Centre DCP
and in accordance with clause 74C(3) of the
Environmental Planning & Assessment Act 1979

Fairfield City Wide DCP 2013
Chapter 2, Chapter 3, Chapter 10, Chapter 11,
Chapter 12, Chapter 13 and Chapter 14
Appendices A, B, C, D, E, G

R:\MAP\mi_data\FCC_Wide_Development_Control_Plan\Bonnyrigg Town Centre.wor
Refer to:

Bonnyrigg Living Communities Master Plan September 2008

Fairfield Local Environmental Plan 1994
(Environmental Planning and Assessment Act 1979-Section 75R(3A) Order 2010)
and in accordance with clause 74 C(3) of the Environmental Planning & Assessment Act 1979

Fairfield City Wide DCP
Chapter 2, Chapter 3, Chapter 10, Chapter 11, Chapter 13
Appendices A, B, C, D, E, G
Refer to Prairiewood Town Centre
Southern Precinct DCP,
and in accordance with clause 74 C (3) of the
Environmental Plan & Assessment Act 1979
Chapter 2 of the City Wide DCP
Chapter 3 of the City Wide DCP
Chapter 11 of the City Wide DCP
Chapter 12 of the City Wide DCP
Chapter 13 of the City Wide DCP
Appendix A, B, C, D & E.
Refer to:

Site Specific Development Control Plan
Wetherill Park Market Town, and in accordance with clause 74 C(3) of the Environmental Planning & Assessment Act 1979

Fairfield City Wide DCP
Chapter 2, Chapter 3, Chapter 7, Chapter 8, Chapter 11, Chapter 12, Chapter 13, Chapter 14

Appendices A, B, C, D, E, F, G
Chapter 2

Development Application Process

Table of Contents

2.0 Context
   2.0.1 Development to which this Chapter applies
   2.0.2 Purpose of this Chapter

2.1 Development Applications
   2.1.1 What is a Development Application?
   2.1.2 What developments do not need a Development Application?
      2.1.2.1 Exempt Development
      2.1.2.2 Complying Development
   2.1.3 Which developments need a Development Application?
   2.1.4 Consult with a designer
   2.1.5 Site Servicing Consultation

2.2 Development Application Process Steps
   2.2.1 Overview of steps involved in lodging a Development Application

2.3 Step 1 - Understand Council land use and development controls and relevant planning policies
   2.3.1 Understand land use zone and development controls that apply
   2.3.2 Simple development proposals
   2.3.3 Complex development proposals
   2.3.4 Heritage item proposals

2.4 Step 2 - Prepare plans and drawings
   2.4.1 Site Plan Requirements
   2.4.2 Plans and Elevation Requirements
   2.4.3 Elevation and Sections
   2.4.4 Notification Plans (A4 size)
   2.4.5 Survey Plan (for new development, alterations)
   2.4.6 Landscape Plan (for most development)
   2.4.7 Erosion and Sediment Control Plan Requirements

2.5 Step 3 - Prepare Statement of Environmental Effects (SEE) and other required plans or reports
   2.5.1 Statement of Environmental Effects (SEE)
   2.5.2 Structural details, external finishes and materials and building specifications.
   2.5.3 BASIX Certificate
   2.5.4 Drainage Concept Plan
   2.5.5 On Site Detention (OSD) SD/Stormwater Drainage Plan
   2.5.6 Waste Management Plan
   2.5.7 Erosion and Sediment Control Plan
   2.5.8 SEPP 65 Statement - Residential Flat Building Development
   2.5.9 Flood Risk Management Report
   2.5.10 Acoustic Reports
   2.5.11 Landscape Plan
   2.5.12 Heritage Assessment
   2.5.13 Social Impact Assessment

2.6 Step 4 - Complete the Application Form and associated checklists

2.7 Step 5 - Save all documents submitted with application
   2.7.1 Save all documents as PDF’s
   2.7.2 File Naming Protocol

2.8 Step 6 - Lodging the Development Application
   2.8.1 Bring all necessary documentation and electronic formats
   2.8.2 Cost of development - Development Application Fees
   2.8.3 Payment Options
   2.8.4 Development Application Acknowledgment
   2.8.5 Development Contributions
   2.8.6 Checklist
2.0 Context

This Chapter describes Council’s requirements for the submission of development applications and is relevant to anyone interested in building or developing land, subdividing land and/or carrying out a use on land. It provides a simple, step-by-step guide to all the things you need to do before submitting an application.

2.0.1 Development to which this Chapter applies

The content of this chapter is general in nature and should not be interpreted as representing the complete list of all requirements for the submission of development applications. Individual development proposals may require the submission of additional information or may trigger requirements not documented in this chapter.

Specific development proposals should be discussed with Council staff who will provide detailed and specific advice on submission requirements.

2.0.2 Purpose of this Chapter

The purpose of this Chapter is to:

- Provide general advice on the development application process and documentation required to accompany development applications;
- Provide advice on exempt and complying development, being development that does not require the submission of a development application, and;
- Outline the steps involved in lodging a development application.

2.1 Development Applications

2.1.1 What is a Development Application?

A Development Application (or DA) is a formal request for permission to use premises for a particular purpose, to develop land, subdivide land and/or carry out building works. A DA consists of:

- Plans and drawings of the proposed development; and
- Documentation such as structural details, BASIX Certificate (where applicable), a Statement of Environmental Effects.

Please refer to Council’s relevant checklist, copy enclosed as part of this guide for a detailed listing of documentation to be submitted with your Development Application.

2.1.2 What developments do not need a Development Application?

On 1 July 1998, two new categories of development were introduced into the Environmental Planning and Assessment Act, (the Act). These are known as “exempt” and "complying" developments.

2.1.2.1 Exempt Development

Exempt development is minor development which does not need any approval from Council. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) details the type of development that is exempt development and outlines the general standards and specific requirements that must be met.
Even though no approval is required from Council, there may be other legislative or approval requirements such as licences and/or permits. Please check the most current version of the Codes SEPP contained on the NSW Government Legislation web site for more details: http://www.legislation.nsw.gov.au/maintop/search/inforce.

Seek advice from Council staff as to whether nominated exempt development types are applicable to your site and circumstances.

In addition to the exempt development contained within the Codes SEPP, Fairfield LEP 2013 nominates the following additional development types as exempt development:

- Advertising on Council Owned or Managed Lands
- Temporary use of Council owned or managed land

Clause 3.1 and Schedule 2 of Fairfield LEP 2013 should be consulted in respect to exempt development categories contained within Fairfield LEP 2013.

If what you are proposing does not meet all of the exempt development standards, then a Development Application may be required to be lodged and assessed by Council.

For more information on the Codes SEPP, visit the NSW Department of Planning website www.planning.nsw.gov.au/housingcode.

2.1.2.2 Complying Development

Complying development is a category of development which does not require development consent. If the development meets predetermined criteria a Complying Development Certificate (CDC) may be issued by Council or an accredited private certifier for that development. Development Consent is not required for development the subject of a CDC.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) details the type of development that is complying development, and the standards that must be met.

The Codes SEPP contains the following development codes, which specify applicable development controls, as of 22 February 2014:

- General Housing Code
- Rural Housing Code
- Housing Alterations Code
- General Development Code
- Commercial and Industrial Alterations Code
- Commercial and Industrial (New Buildings and Additions) Code
- Subdivisions Code
- Demolition Code
- Fire Safety Code

To determine whether these codes apply to your property you should check your Planning Certificate (Section 149), make enquiries at Council’s Customer Service Centre or call Fairfield City Council on 9725 0222.

To obtain approval for a complying development, you are required to submit an application for a Complying Development Certificate (CDC). A CDC may be obtained from Council or a Private Certifier. When making your application for a CDC you must refer to the standards specified within the Codes SEPP.

If your proposal does not meet all of the complying development requirements applicable to your development, then a Development Application will need to be lodged and approved by Council before you can build.
Proposals that are not exempt or complying development are required to go through the development approval process.

For more information, contact Fairfield City Council’s Customer Service Centre on 9725 0222 or www.planning.nsw.gov.au/housingcode.

2.1.3 Which developments need a Development Application?

If your development proposal is not exempt or complying development under the provisions of the Codes SEPP, then you may need to lodge a Development Application with Council. Some examples of proposals which require the submission of a Development Application are:

- **Dwelling houses and ancillary development** that do not comply with the development standards nominated within the Codes SEPP.
- **New residential flat buildings, multi dwelling housing development or dual occupancies**.
- **Heritage items** - Demolition or alteration of a building or place that is a heritage item.
- **All new industrial buildings greater than 20,000m² in area**.
- **All new commercial premises**.
- **Certain additions or alterations to existing commercial and industrial buildings** that are not deemed as complying development under the Codes SEPP.

Please contact Fairfield City Council’s Customer Service Centre on 9725 0222 and ask to speak with the Duty Planner if in doubt as to whether your proposal requires Council approval.

2.1.4 Consult with a designer

Poor quality plans may be unsatisfactory and result in delays in the assessment of your application.

You are engaged to use a qualified and experienced designer to prepare your plans. The plans must contain all relevant information, so as to reasonably assist Council’s assessment of your proposal. Investing in an architect or architectural draftsman will often produce a better design. In NSW, Archicentre – The Home Advisory Division of the Royal Australian Institute of Architects, and the Building Designers Association of NSW can provide you with a list of professional designers.

For larger or more complex proposals, it may be necessary to engage the services of a consultant planner or other professional to prepare documentation in support of your application. Whoever you choose, ask them to show you examples of their finished work before you employ them.

2.1.5 Site Servicing Consultation

Pre DA consultation with Endeavour Energy is helpful in identifying any existing network assets impacted by the proposed development. Applicants are advised to submit load applications to Endeavour Energy as early as possible in the design phase.

Upon receiving load applications, Endeavour Energy can work with applicants and their Accredited Services Provider L3 (network designer) with the preferred method of supply to their developments: for example, the installation of an indoor or pad mounted substation. Any space required to be allocated for any proposed indoor and pad mounted substations will need to be identified in the architectural plans submitted to Council as part of the DA approvals process.

2.2 Development Application Process Steps

2.2.1 Overview of steps involved in lodging a Development Application

If your application includes all the required details, your application can be processed and assessed more quickly. To lodge a Development Application with Fairfield City Council, you will need the consent of the owner of the land. If you are not the owner, reach agreement with the owner(s) about the intention of your proposal and the process of preparing proposal before you follow these steps:
Step 1 Understand Council land use and development controls and relevant planning policies (these are available on Council’s website and can be viewed in hard copy at Council’s Administration Centre)

Step 2 Prepare plans and drawings

Step 3 Prepare a Statement of Environmental Effects (SEE) and other required plans.

Step 4 Complete the application form and associated checklists

Step 5 Save all documents submitted with application (for example, plans, checklists, etc.), on USB, utilising the required file naming protocol.

Step 6 Lodge the development application including the completed development application form with owner’s consent, accompanied by plans, required supporting documentation, USB and payment of application fees. Refer to the Development Application Process Checklist as your final check.

Refer to each of the steps in more detail below.

2.3 Step 1 - Understand Council land use and development controls and relevant planning policies

2.3.1 Describe the development proposed and understand land use zone and development controls that apply - The first step in preparing a Development Application is to find out about Council controls, policies and guidelines that apply to your development. Before you can start designing your proposal, please refer to Council’s Fairfield City Wide Development Control Plan 2013, or if you are located within a town centre, the relevant town centre Development Control Plan.

2.3.2 Simple development proposals - For information about Council’s land use and development controls and relevant planning policies and how they impact your development proposal, contact Fairfield City Council’s Customer Service Centre on 9725 0222 or access Council’s website at www.fairfieldcity.nsw.gov.au.

If you require further assistance and/or wish to discuss your proposal in more detail, you are advised to speak with Council’s Duty Planner or Duty Building Surveyor who are available at Council’s Administration Centre, 86 Avoca Road, Wakeley, between the hours of 8.30am and 4.30pm.

2.3.3 Complex development proposals - A Development Advisory Meeting allows the discussion of more complex proposals, which cannot be discussed thoroughly over the counter. Meetings are held once a week, so it is essential to make an appointment by phone 9725 0183. It will be necessary for you to provide Council with draft plans and any other details or documents that may benefit Council’s Engineer, Development Planner and Building Surveyor in understanding your proposal and providing you with sufficient information and feedback regarding the proposal.

2.3.4 Heritage item proposals - A site that is listed under Fairfield’s Local Environmental Plan, or adjoins a heritage item, or is within the visual catchment of a heritage item contact with Council’s Heritage Advisor as to the extent of assessment required. A heritage assessment is not required for development applications for change of use or occupations.

Refer to Chapter 3 Environmental Management and Constraints, clause 3.10 Heritage Items and Appendix G Heritage and Development for more detailed information.

2.4 Step 2 - Prepare plans and drawings

The plans and drawings required, and the number of plans needed, for your proposal will depend on the type of development proposed. A minimum of 3 plan copies are required to be submitted.
The following is a general guide as to which plans you will need to prepare. We recommend that you refer to Council’s checklist, for detailed and specific requirements relating to your application, or alternatively, contact Council's Customer Service Team on 9725 0222.

i. Site plan (required for all applications)
ii. Plans and elevations (required for all applications)
iii. Notification Plan (A4 size) (necessary for all applications requiring notification)
iv. Survey Plan
v. Landscape Plan
vi. Erosion and Sediment Control Plan
vii. Stormwater disposal (drainage) plan
viii. Shadow Diagram (required for all new buildings or additions where lot size, orientation, slope of site or adjoining buildings create the potential for overshadowing)
ix. Subdivision Plan (required for subdivisions and boundary adjustments)

More detailed requirements for each plan type is provided below.

2.4.1 Site Plan Requirements

Refer to Council’s Checklist to help you prepare and lodge your development proposal. A copy is available on Council’s website [http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252](http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252).

2.4.2 Plans and Elevation Requirements

Refer to Council’s Checklist to help you prepare and lodge your development proposal. A copy is available on Council’s website [http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252](http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252).

2.4.3 Elevation and Sections

Refer to Council’s Checklist to help you prepare and lodge your development proposal. A copy is available on Council’s website [http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252](http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252).

2.4.4 Notification Plans (A4 size)

A4 size plans will need to be provided when a development / proposal requires notification. Notification is a written advice of the proposal, which is sent to neighbours / owners of the properties surrounding the proposal under Council’s Notification Policy - Appendix B of Fairfield City Wide DCP 2013.

Refer to Council’s Checklist to help you prepare your plan. A copy is available on Council’s website [http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252](http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252).

2.4.5 Survey Plan (for new development, alterations)

This is a plan prepared by a registered surveyor showing the exact location of the existing buildings and other features on the site (e.g.: shed, pergola, swimming pool etc).

Refer to Council’s Checklist to help you prepare your plan. A copy is available on Council’s website [http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252](http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252).

2.4.6 Landscape Plan (for most development)

This plan should show the proposed landscape design.

Refer to Council’s Checklist to help you prepare your plan. A copy is available on Council’s website [http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252](http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252).
2.4.7 Erosion and Sediment Control Plan Requirements

This plan details how soil erosion can be controlled on the site.

Refer to Council’s Checklist to help you prepare your plan. A copy is available on Council’s website http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252

2.4.8 Stormwater Disposal (Drainage) Plan Requirements

This plan details how stormwater disposal will discharge to Council’s Stormwater drainage system. Reference should be made to Council’s Stormwater Drainage Policy – September 2002 for advice on how to prepare a drainage concept plan. A copy is available on Council’s website http://www.fairfieldcity.nsw.gov.au/upload/elyur96889/stormwaterdrainagepolicy_sepetember2002.pdf

2.4.9 Shadow Diagram Requirements

Required for all new buildings or additions where lot size, orientation, slope of site or adjoining buildings create the potential for overshadowing. This plan should show the extent of shadow cast over adjoining properties by the proposal.

Refer to Council’s Checklist to help you prepare your plan. A copy is available on Council’s website http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252

2.4.10 Subdivision Plan Requirements

Required for subdivisions, boundary adjustments or if proposing a combined building/subdivision application.

Refer to Council’s Checklist to help you prepare your plan. A copy is available on Council’s website http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252

2.5 Step 3 - Prepare Statement of Environmental Effects (SEE) and other required plans or reports

Some of the additional Information that may be required to be submitted with your application includes:

- Statement of Environmental Effects (SEE)
- Structural details, external finishes and materials and building specifications.
- Residential Flat Development and SEPP 65
- Flood Risk Management Report for all proposed developments on flood prone land.
- Drainage Concept Plan
- On-Site Detention (OSD)
- BASIX Certificate
- Acoustic Reports
- Waste Management Plan
- Landscape Plan
- Heritage Assessment
2.5.1 Statement of Environmental Effects (SEE)

A Statement of Environmental Effects (SEE) Report must address:

(a) the environmental impacts of the development
(b) how the environmental impacts of the development have been identified
(c) the steps to be taken to protect the environment or to lessen the expected harm to the environment
(d) any matters required to be indicated by any guidelines issued by the Director-General of the Department Planning and Environment

When preparing your Statement, refer to Council’s Local Environmental Plan and any relevant Development Control Plan. Council staff can refer you to other information.

When preparing a SEE for Council’s consideration, use the headings below as a guide to make sure you cover all important planning and environmental issues.

Information as it applies to the subject site.

- Address, property description(s).
- Site area, dimensions, and shape.
- The zoning of the site and the surrounding zoning, noting whether the site is or near a heritage item.
- Describe the development proposed, including whether subdivision, demolition, cut and fill, removal of any trees or vegetation is proposed.
- Development standards: height, floor space ratio, minimum area for subdivision etc
- Development controls under the DCP with a summary of the controls that apply
- If the site is identified as bushfire prone, or contaminated land, or is land subject to subsidence, slip, erosion, or a concentrated overland stormwater flood path or within an acid sulphate soil risk area.
- If the site is land with a surface level below a 1% Annual Exceedance Probability (AEP - 1 in 100yr) flood level.
- If the site is within a riparian corridor, being 40 metres from the top of a creek or stream bank.
- If the site contains a heritage item or an Aboriginal place under the National Parks and Wildlife Act 1974.
- If the site is reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna or geological formations or for other environmental protection purposes.
- If the site is located on steep lands which is land with a slope greater than 18° (1m in 3.5 m).
- Present and previous uses - If the site has previously been used as a service station, for mining or extractive industry, waste storage or waste treatment, or for the manufacture of asbestos or asbestos products, this must be noted.
- A description of what improvements are on site and on adjoining properties.
- Site Suitability - Required for all applications except minor additions or alterations.
- Location of nearest local shopping centres, public transport and its frequency of service, and schools – required for all multi-unit housing applications.

A detailed description of the development's impact including:

- Impact on (or availability of) existing utility services – water, sewerage, power, stormwater drainage, telecommunications
• Impact on landscaping, streetscape or scenic quality of the area
• Vehicle access, movements and parking on site - Required for all residential, hotel, clubs, entertainment, commercial and industrial proposals, except minor additions or alterations. Include traffic likely to be generated and the impact on the existing road system and present volumes of traffic carried.
• Impact on the natural environment including flora and fauna, soil and water - required for all new buildings and other proposals involving significant earthworks
• Impact on neighbouring properties including impact of window placement and balconies on privacy, noise generation, overshadowing by buildings on adjoining buildings or open spaces, and any other social impacts - Required for all residential, hotel, clubs, entertainment, commercial and industrial proposals, except internal alterations.
• Operation and management: Required for all hotel, clubs, entertainment, commercial and industrial proposals
• Impact on any heritage item (built or natural)

A detailed description of the justification for variations and measures being taken including:
• Justification for any variation/departure from Fairfield City Council’s Development Control Plan requirements.
• Measures to address any adverse environmental, social, economic impacts

You are required to submit one electronic and three printed copies of the Statement of Environmental Effects with your Development Application.

2.5.2 Structural details, external finishes and materials and building specifications.

Details of the development including:

• Structural details
• External finishes and materials
• Building specifications

2.5.3 BASIX Certificates

BASIX (the Building Sustainability Index), is a web-based planning tool that measures the potential performance of new residential dwellings against a range of sustainability indices: Energy, Water, Thermal Comfort, Stormwater, and Landscape. By reducing the environmental impact of these features, new homes are more comfortable and cheaper to run than most existing homes.

BASIX Certificates are currently required for all new residential dwellings, residential flat buildings, townhouse developments, dwelling additions over $50,000.00 and swimming pools which exceed 40,000 litres.

Compliance with these targets is demonstrated through the completion of a BASIX assessment and the issuing of a BASIX Certificate.

The BASIX online assessment requires information about the proposed development, such as site location, dwelling size, floor area, landscaped area and services. BASIX compares the proposal to average existing homes. The proposal is scored according to its potential to consume less mains supply water and energy than an average existing home.

The web-based BASIX tool provides a comprehensive assessment of how a proposed development will perform against clearly defined sustainability indicators, minimising the need for the labour intensive assessment of individual proposals.
Applicants can generate the BASIX Certificate only on the NSW Governments Department of Planning BASIX website: www.basix.nsw.gov.au.

Any amendments to the design of the proposed development may necessitate changes to the BASIX certificate. As such, you will need to ensure that all factors have been taken into consideration at the design stage of your proposal.

For more information, phone the BASIX Help Line on 1300 650 908.

2.5.4 Drainage Concept Plan

Drainage Concept Plans are required for all proposed Developments not located within Flood Prone Land. For developments in Flood Prone Land, see Clause 2.5.9 Flood Risk Management Report.

In assessing a Development Application, Council needs to be aware of the impact the development will have on adjoining properties.

In terms of stormwater, the following issues will be considered:

- Changes in site levels shall not cause ponding/backwater effects on upstream properties
- Diversion of flows from one drainage catchment to another will not be permitted in most circumstances
- Any development shall not concentrate the overland flow of stormwater onto an adjoining property
- A person has a common law obligation not to carry out any work on their property that will adversely affect adjoining properties.

As such, a development application needs to include a drainage concept plan (except for developments that are change of use or occupations) to demonstrate that runoff from the site is not increased for all storm events up to a 100 year flood event.

Refer to Council’s Stormwater Drainage Policy – September 2002 for advice on how to prepare a drainage concept plan.

Note: As a general rule, where a development site does fall/slope towards the street and there is no drainage outlet for the property, the drainage concept plan will need to demonstrate how stormwater will be drained. If drainage involves the installation of a pipeline across adjoining or nearby properties an “Easement to Drain Water” will be required to be submitted to Council prior to the release of the construction certificate.

2.5.5 On Site Detention (OSD)

Is required for the following developments:

- All multi-unit residential development, residential flat buildings, boarding houses, hostels, senior housing and shop top housing. It may also be required for other forms of residential accommodation which Council considers likely to produce excessive Stormwater runoff.
- All industrial developments where the impervious surfaces are to be increased in area. OSD will not be required in the Wetherill Park Industrial Area.
- All commercial developments where the impervious area is increased.

Note: If you need to know whether OSD is necessary, contact Council’s Development Control Engineer who will make the determination.

Refer to Council’s Urban Area On-Site Detention Handbook for more guidance on the preparation of OSD requirements. For land in Council’s rural area where increases in stormwater runoff is to be
2.5.6 Waste Management Plan

If any demolition/construction is being undertaken, a Waste Management Plan is required to provide information about the volume and type of waste to be generated, how waste is to be stored and treated on site, and waste disposal. A Waste Management Plan Form is available from Council. Consult Council's Waste Not Policy when preparing a Waste Management Plan. (See Appendix E of Fairfield City Wide DCP 2013).

2.5.7 Erosion and Sediment Control

Erosion and sediment control applies to all sites where works over the site will or may have the potential to involve:

- Disturbance of the soil surface or placement of fill
- Changes in the rate and/or volume of run-off from the site
- Stockpiling of soil, sand or other erodible material.

An Erosion and Sediment Control Plan is required for all development sites where soil disturbance, change or stockpiling will occur. Guidelines are available from the NSW Office of Environment and Heritage and NSW Landcom and will be a condition of approval.


2.5.8 SEPP 65 Statement - Residential Flat Building Development

If the development application relates to residential flat development to which State Environmental Planning Policy No 65—Design Quality of Residential Flat Development applies, a statement is required.

A Statement of Environmental Effects for Residential Flat Development must include the following:

- an explanation of the design in terms of the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- drawings of the proposed development in the context of surrounding development, including the streetscape
- development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations
- drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context
- if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts
- a sample board of the proposed materials and colours of the facade,
- detailed sections of proposed facades
- if appropriate, a model that includes the context

2.5.9 Flood Risk Management Report

Flood Risk Management Report required for all proposed developments located within Flood Prone Land.

The State Government’s and Fairfield City Council’s objective with regard to flood prone land is to “reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone...
property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible."

In response to this objective, Fairfield City Council has undertaken flood risk studies in some areas and developed plans to address flooding risks, providing prescriptive controls, performance criteria and policy for the use and development of flood prone land. Information is available in Fairfield City Council’s Citywide Development Control Plan 2013.

A Flood Risk Management report addressing these controls is required for all proposed development on flood prone land.

The procedure to determine what controls apply and to complete the report for the proposed development involves:

1. Identifying the land use category of the development from Schedule 2 at the end of Chapter 11 of Council’s DCP
2. Determining which floodplain and which part of that floodplain the land is located within, this information must be extracted from a relevant Section 149 (2) & (5) Certificate.
3. Determining the appropriate planning matrix (end Chapter 11, DCP) for the relevant Floodplain.
4. Applying the controls of the land use category for the relevant flood risk precinct, this may be undertaken as a Compliance table.

Note:

1. In some instances due to the findings within the Flood Risk Management Report with regard to flood effects (noted in the planning matrix), which indicate possible flood impact to adjoining properties, a Flood Impact Assessment may be required. Council’s adopted Flood Model should be utilised, by entering into a ‘Developer Agreement’. Enquiries to be directed to Council’s Catchment Branch). Final assessment along with the Flood Risk Management report to be submitted with the application.

2. Flood affected areas that have not yet been risked mapped, shall require a flood study prepared by a qualified Engineer experienced in flood modelling, to be submitted with the application.

2.5.10 Acoustic Reports – Rail, Road and Aircraft

Development near a rail corridor or major road - Major roads and rail operations generate noise and vibration, and people living and working near major transport corridors can be adversely affected. In addition, major roads can impact on air quality due to the volume of traffic they carry.

If the development is within or near a rail corridor or in the proximity of a major road, details shall be submitted to address the noise, vibration and air quality impacts of the railway or major road on the development. (Refer to State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning’s ‘Development near Rail Corridors - Interim Guidelines’).

As a guide, if your development is located on any of the following roads within Fairfield City, the requirements of State Environmental Planning Policy (Infrastructure) 2007 may apply:

- Cabramatta Road (between Liverpool Road/Hume Highway and Meadows Road)
- Cowpasture Road
- Cumberland Highway (Orange Grove Road, Joseph Street, Cambridge Street, New Cambridge Street, Palmerston Road and Smithfield Road)
- Elizabeth Drive
- Hume Highway (Liverpool Road)
- The Horsley Drive
- Wallgrove Road
- Woodville Road
- Liverpool to Parramatta Transitway
Aircraft Noise in Horsley and Cecil Park - In April 2014 the Federal Government announced its decision to proceed with an airport at Badgerys Creek. As a result, Fairfield City Council at the August Outcomes Committee 2014 endorsed amendments to the City Wide DCP requiring new residential development in Horsley Park and Cecil Park to meet ‘deemed to satisfy’ criteria for insulation measures to mitigate the impacts of aircraft noise.

The amendments replace a previous interim policy endorsed by Council in May 2014 and are required to mitigate the impacts of aircraft noise on new residential development in Horsley Park and Cecil Park.

The provisions also provide scope for applicants to request a variation on the deemed to satisfy criteria by submitting a report by a qualified acoustic consultant that the measures proposed to be included in a new residential building comply with Australian Standard AS 2021-2000, Acoustic – Aircraft Noise Intrusion – building, siting and construction.

For more information see Chapter 4A page 13.

2.5.11 Landscape Plan

Is to be included for all development (except for development application for change of use or occupations) which provides information detailing trees to be removed, existing and proposed planting (for proposed planting documentation on the type of species and their growth at full maturity is needed), retaining walls, garbage enclosures, detention basins, fences and paving. (See Appendix F of Fairfield City Wide DCP 2013).

2.5.12 Heritage Assessment

The provisions of State Environmental Planning Policy SEPP (Exempt and Complying Development Codes) 2008, known as the “the Codes SEPP”, regarding exempt and complying development do not apply to heritage items, with minor exceptions.

In considering the proposal for any work on a heritage item or its site, Council is required to assess its likely impact on the significance of the item. If the work is minor, approval may be obtained through an exchange of letters between the applicant and Council, for which no fee is payable. Interior work to houses such as kitchen and bathroom renovations can be carried out without notifying Council. Otherwise, a development application will be needed so an assessment can be made about whether the proposal is appropriate.

If the work is on a site near the heritage item (the visual catchment), Council is required to consider its likely impact on the heritage significance of the item. This requirement does not apply to exempt or complying development in the vicinity of an item.

When considering heritage impacts, Council may require the applicant to submit a Statement of Heritage Impact or a Conservation Management Plan. Appendix G Heritage and Development provides a flow chart illustrating the process. Applicants are encouraged to consult with the Heritage Advisor before submitting applications for work on or near heritage items. Advice on design, and on the preparation of a Statement of Heritage Impact, is available at no cost.

Clause 2.5.13 Social Impact Statement

A Social Impact Assessment (SIA) refers to the assessment of the likely social consequences of a proposed development on affected groups of people and on their way of life, life chances, health, culture and capacity to sustain these. Fairfield City exhibits significant cultural diversity with more than 50% of residents born overseas and the unemployment rate consistently higher than for Sydney and NSW.
Any development that is likely to trigger any social issues requires a SIA, that includes:

- Increases in land use intensity or hours of operation (for example, gaming or liquor outlets)
- Larger developments, including: major retail, sports or social infrastructure proposals
- A significant change of land use including new highways or loss of agricultural land
- Land uses or developments likely to be controversial or divisive

A SIA should include:

- A full description of the scope of proposed changes
- Examples of similar changes identified including the impacts to minority groups, different ages, income and cultural groups and future generations
- Impacts that are direct and indirect, long and short term, positive and negative, passing and accumulating
- The relative equity of impacts – How the benefits and losses will be distributed to different sections of the community
- Impacts over time and location are considered (e.g. local as opposed to state and national benefits and losses)
- Impacts which are not amendable to precise measurement are not excluded from consideration – the assessment is not a proof
- The precautionary principle applied in making an assessment.
- A review mechanism where appropriate

Please consult with Council if in doubt about whether your development requires a SIA.

2.6 Step 4 - Complete the Application Form and associated checklists

When completing the development application please ensure that you:

1. **Obtain all owners’ consent through a signature on the Development Application Form.** Where a company owns the property to be developed and/or if the application is submitted on behalf of a company, a list of all partners/directors names are required.

2. **Describe the proposed development in detail** as per requirements specified within the Development Application form and associated checklist/s.

3. **Property details** - Provide correct property details, including the Lot numbers and Deposited Plan.

4. **Cost of Development** - Fees are calculated on a scale, based on the estimated cost of the development. Council may use a published guide to check cost of development estimates.

5. **Identify approvals by other agencies needed under Integrated Development** - Under the planning laws, you must indicate on the application form whether you need an approval from another Government agency specified in the legislation. The following is a general guide to determining which approval body (and which statutory approval) is relevant to your proposal:

   - Fisheries Management Act 1994 □ s.144 □ s.201 □ s.205 □ s.219
   - Heritage Act 1997 □ s.58
   - Mine Subsidence Compensation Act 1961 □ s.15
   - Mining Act 1992□ s.63□ s.64
   - National Parks and Wildlife Act 1974 □ s.90
   - Petroleum (Onshore) Act 1991 □ s.9
- Protection of the Environment Operations Act 1997  § ss.43 (a) .47 and 55§ss 43 (b), 48 and 55§ss 43 (d) .55 and 122
- Roads Act 1993  § s.138
- Rural Fires Act 1997  § s100B
- Water Management Act 2000  § s89, 91, 90,

If you are unsure whether you need approval in relation to the above requirements, speak with a Council duty officer or make enquiries with the relevant government agency.

6. **Political Donations and Gift Disclosure Statement requirements considered.** The Local Government and Planning Legislation Amendment (Political Donations) Act, 2008 requires anyone making any application or submission on a planning matter (e.g. to a development proposal, development control plan or rezoning issue) being dealt with by Council, to disclose political donations (up to a certain value) to any local Councillor or gifts to any local Councillor or Council employee within a two year timeframe before an application or submission is lodged.

A copy of the ‘Political Donations and Gifts Disclosure Statement Form’ is available via Council’s website.

2.7 **Step 5 - Save all documents submitted with application**

2.7.1 **Save all documents as PDF’s**

To meet Government Information (Public Access) Act, 2009, (GIPA) requirements, all Development Application documentation must be submitted in digital format.

You will need to provide Council with a data disk, or USB device containing PDF files of all your DA documentation in addition to normal hard copy plans and documents.

Council can help you have your application scanned at a data bureau for an additional charge which will delay the processing of your application before it is able to be assessed.

2.7.2 **File Naming Protocol**

To assist you in naming your development application files, a file naming protocol has been developed. This document is available to be downloaded from Council’s web site. [http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252](http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252)

The following provides examples of the correct file naming protocol which you are encouraged to adopt. If files are not adequately described then they may be required to be renamed which again creates unnecessary delays to the processing of your application.

Electronic and Hard Copy must be the same. When completing your development application you will be required to certify that the electronic copy and the hard copy of your DA submission are the same. If Council detects any discrepancies this may lead to the rejection of your application or result in significant delays as a result of re-notification or advertising of your development application.

2.8 **Step 6 - Lodging the Development Application**

2.8.1 **Bring all necessary documentation and electronic formats**
When lodging your application, remember to:

- Include all the required plans, supporting information and documents
- Obtain all owners consent
- Provide relevant information relating to political donations / gifts
- Sign the application form
- Pay the appropriate application fees
- Submit a BASIX certificate (if required)
- Submit an electronic copy of your application and all associated plans and documents. The electronic copy is to conform with Council’s Electronic File Lodgement protocol as detailed below.

If in doubt, please make reference to Council's relevant checklist/s - a copy is available on Council’s website.

2.8.2 Development Application Fees

Fees are calculated on a scale, based on the estimated cost of the development.

Please contact the Customer Service Centre on 9725 0222 for a quote of the fees applicable to your application.

2.8.3 Payment Options

The following methods of payment are available at Fairfield City Council:

- Cheque
- EFTPOS / Credit Card payment
- Cash
- Money Order

2.8.4 Development Application Acknowledgment

An acknowledgement letter will be issued advising of your application number.

*The technical officer assessing your application will keep you informed of the process involved in the assessment of your application.*

2.8.5 Development Contributions

Development Contributions (Section 94 or Section 94A) may be applicable to the proposed development.

It is suggested that you speak to Council’s Duty Planning or Building Officer prior to lodging an application to determine whether Development Contributions would be applicable to the development.

A copy of Council’s Direct (Section 94) Development Contributions Plan 2011 and Indirect (Section 94A) Development Contributions Plan 2011 are available on Council’s website. [http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=7&iSubCatId=3281](http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=7&iSubCatId=3281)

2.8.6 Checklist

Refer to Council’s Checklist to help you prepare and lodge your development proposal. A copy is available on Council’s website [http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252](http://www.fairfieldcity.nsw.gov.au/default.asp?iNavCatId=3&iSubCatId=2252)
Chapter 3

Environmental Management and Constraints

Table of Contents

3.0 Context and objectives
3.1 Statutory Provisions
  3.1.1 Fairfield Local Environmental Plan 2013 – Environmental Protection Zones and Waterway Zone
  3.1.2 Fairfield Local Environmental Plan 2013 – Local Clauses
  3.1.3 State and Federal legislation
3.2 Preservation of Trees or Vegetation
  3.2.1 Tree Work Permits
  3.2.2 Special LEP Provisions in relation to Heritage Items - Trees
  3.2.3 Tree Work Permit - Fees
  3.2.4 Tree Work Permits - Inspections
  3.2.5 Exemptions
  3.2.6 General Assessment Criteria
  3.2.7 Statutory Requirements – Threatened Species ‘7 Part Test’
  3.2.8 Assessment Process – Consideration of Threatened Species Issues
  3.2.9 Refusal and Appeals for Tree Work Permits.
  3.2.10 Encroachment and Neighbour Disputes over Trees
  3.2.11 Conditions of Development Consent and Tree Planting.
3.3 Biodiversity Corridors
  3.3.1 Background – Fairfield Biodiversity Strategy
  3.3.2 Fairfield LEP 2013
  3.3.3 Designing to minimise impact on Biodiversity.
  3.3.4 Assessment Requirements
3.4. Riparian Land and Waterways
  3.4.1 Background – Proximity to Watercourses
  3.4.2 Designing to minimise impact on Riparian Land and Waterways
  3.4.3 Assessment Requirements
3.5 Flood Risk Assessment
3.6 Land Contamination
  3.6.1 Overview
  3.6.2 Objectives
  3.6.3 Controls
  3.6.3.1 General Requirement
  3.6.3.2 Initial Assessment
  3.6.3.3 Detailed Investigation
  3.6.3.4 Submissions Requirements for the detailed investigation
  3.6.3.5 Assessment Considerations
3.7 Consideration of SEPP 33 – Hazardous and Offensive Development
  3.7.1 Objectives
  3.7.2 Controls
3.8 Land affected by Tidal Waters
  3.8.1 Overview
  3.8.2 Objectives
  3.8.3 Controls – General
3.9 Acid Sulfate Soils
  3.9.1 Overview
  3.9.2 Objectives
  3.9.3 Controls – General
3.10 Bushfire
  3.10.1 Overview
  3.10.2 Objectives
  3.10.3 Controls – General
3.11 Landslide Risk
  3.11.1 Overview
  3.11.2 Controls
3.12 Erosion and Sediment Control
  3.12.1 Overview
  3.12.2 Objectives
  3.12.3 Controls
3.13 Heritage Items
  3.13.1 Overview
  3.13.2 Objectives
  3.13.3 Control

Schedule: Tree & Plants that can be removed without need for an approval
3.0 Context and objectives

The natural environment of the City comprises the creeks, trees, air, vegetation and soil. There is a complex relationship between these elements which can place a constraint on how development can occur in different parts of the City.

Trees, vegetation and waterway areas of Fairfield City form the backbone of the natural environment and support biodiversity. Trees also provide shade from summer heat, reduce the effects of soil erosion that pollute the City’s creeks and assist in preventing salinity problems that are a growing threat to buildings.

Waterways includes wetlands, creeklines and land immediately adjoining a creek where native vegetation occurs (referred to as the Riparian Corridor) of the City. The urban areas of Fairfield are located in the Georges River Catchment and many parts of the City can experience flooding from creeks (mainstream flooding) or from water surging towards lower lying areas and creeks (over land flooding) along drainage lines and channels.

The objectives of the controls of this chapter are:

a) to protect trees, biodiversity, creekline and riparian areas, and groundwater as part of the City’s natural assets
b) to provide guidance in what trees are appropriate to be removed without the need for Council approval
c) to provide clear guidelines on how to request the removal of tree
d) to provide guidance in respect to development affected by:
   i. Riparian Corridor and Waterways controls
   ii. Flood risk assessment, and
   iii. Land contamination, acid sulphate soils and landslip issues.

3.1 Statutory Provisions

3.1.1 Fairfield Local Environmental Plan 2013 – Environmental Protection Zones and Waterway Zone

Under Fairfield LEP 2013 the Standard LEP Environmental Protection Zones have been applied to a number of areas of the City due to the conservation and/or management of environmental values or constraints relevant to these areas. A Recreation Waterway zone also applies to waterways comprising Chipping Norton Lakes and Georges River which aims to protect the ecological, scenic and recreation values of this area.

Zoning of these areas has been applied in light of strategic investigations carried out by Council under the Fairfield Biodiversity Strategy, having regard to Department of Planning and Infrastructure guidelines/practice notes relating to preparation of Standard LEP’s and advice provided by State Government Agencies. Areas of the City zoned for Environment Protection and Recreation Waterway are shown on the land zoning map accompanying Fairfield LEP 2013.

Key information in relation to assessment issues/requirements applying under the Environment Protection Zones and the Recreation Waterway Zone is provided below.

(i) E2 - Environmental Conservation Zone - The E2 Zone applies to areas of the City with ecological, scientific, cultural or aesthetic values. This zone provides the highest level of protection for management and restoration of such lands.

Under Fairfield LEP 2013 important creekline areas of the City have been zoned E2 due to the existence of endangered species, ecological communities and habitat where over time there is also capacity to either retain or restore the environmental condition of these areas.

For the majority of the existing urban areas, land to be zoned E2 is already in Council ownership but also includes some parcels in private ownership. The E2 zone also applies to privately owned sections of key creeklines in the rural areas of the City (Horsley Park and Cecil Park) generally between the top of banks of these creeks.
Key Assessment Issues for the E2 zone - In this zone key issues relevant to development proposals are as follows:

a) The range of land uses permitted in the E2 zone is more restricted than surrounding zones.
b) Uses permitted in an adjoining zone can be considered as long as potential impacts on the land zoned E2 is minimised.
c) Generally, a higher level of assessment is required for development on land zoned E2 or immediately adjoining land zoned E2.
d) Remnant natural vegetation is located in many of the E2 areas and development will need to address the Conservation Significance Assessment included in the Fairfield Biodiversity Strategy 2010.
e) Land zoned E2 is also affected by a number of overlay clauses contained within Fairfield LEP 2013, including Natural Resources – Biodiversity and Natural Resources – Riparian Land and Waterways. Detailed provisions in relation to these issues are set out in the following sections of Chapter 3.
f) Development within or in close proximity to the E2 zone where there is a creek line is also likely to require approval from State Agencies under Integrated Development Provisions of the Environmental Planning and Assessment Act 1979.

(ii) E3 - Environmental Management Zone - This zone applies to land where there are special ecological, scientific, cultural or aesthetic attributes and environmental hazards/processes that require careful consideration and management. Under Fairfield LEP 2013 this zone has been applied specifically to certain privately owned properties in Lansvale Peninsula previously zoned 6(d) Tourism under Fairfield LEP 1994.

The E3 zone has been applied to the Peninsula based on the following key environmental conservation values and hazards applying to the area:

a) The area is affected by significant flooding hazards and has experienced regular and major flooding events. This is due to the fact that a significant proportion of stormwater run-off from the urban areas of Fairfield (and a number of surrounding Western Sydney Council’s) finds its way into the Peninsula from the Georges River, Prospect and Cabramatta Creeks. Flooding on the Peninsula can be compounded by the fact that the surrounding waterways experience tidal inundation which can magnify the level of flooding impacts.

b) As shown on the Fairfield LEP 2013 - Acid Sulfate Soils Maps the area is an important location with the potential for acid sulfate soils as defined in the NSW Acid Sulfate Soils Assessment and Management Guidelines. Although the aforementioned guidelines provide a framework for managing the risks associated with these soils, the E3 zoning reinforces the context of this hazard for proposed development on the Peninsula.

c) As shown the Natural Resource Maps, the Peninsula supports a range of environmental values including:
   a. Biodiversity – Cumberland Plain Woodland, Fish Habitat;
   b. Riparian Land and Waterways, providing habitat and movement corridors for native species; and
   c. Significant portions of publicly owned land on the Peninsula have been revegetated and rehabilitated. These areas have been zoned E2 (see above) and are subject to ongoing maintenance and care by Council and State Agencies.

Key Assessment Issues for the E3 zone

a) Flooding issues affecting Lansvale Peninsula place significant constraints on development. Any development in the E3 zone must address the controls contained in Chapter 11 of this DCP – Flood Risk Management.
b) Remnant natural vegetation is located in many of the E3 areas and development will need to address the Conservation Significance Assessment included in the Fairfield Biodiversity Strategy 2010.

c) Where relevant, development will need to address the requirements of the *NSW Acid Sulfate Soils Assessment and Management Guidelines*. Further details regarding the relationship of these guidelines to development and level of assessment required is detailed under cl.6.4 of Fairfield LEP 2013 – Acid Sulfate Soils.

d) Land zoned E2 is also affected by a number of overlay clauses contained within Fairfield LEP 2013, including Natural Resources – Biodiversity and Natural Resources – Riparian Land and Waterways. Detailed provisions in relation to these issues are set out in the following sections of Chapter 3.

e) Development within or in close proximity to the E2 zone where there is a creek line is also likely to require approval from State Agencies under Integrated Development Provisions of the Environmental Planning and Assessment Act 1979.

(iii) **W2 – Recreation Waterway Zone** - The W2 Zone applies to the Chipping Norton Lakes and Georges River area in Lansvale Peninsula. This zone has been applied to this location having regard to the ecological, scenic and recreation values of the Chipping Norton Lakes. Permitted uses in the zone includes water-based recreation, boating and water transport, and development associated with fishing industries, such as natural water-based aquaculture and recreational fishing.

**Key Assessment Issues for the W2 zone**

a) Flooding issues affecting Lansvale Peninsula place significant constraints on development in the area. Any development in the W2 zone must address the controls contained in Chapter 11 of this DCP – Flood Risk Management.

b) Where relevant, development will need to address the requirements of the *NSW Acid Sulfate Soils Assessment and Management Guidelines*. Further details regarding the relationship of these guidelines to development and level of assessment required is detailed under cl.6.4 of Fairfield LEP 2013 – Acid Sulfate Soils.

c) Land zoned W2 is also affected by a number of overlay clauses contained within Fairfield LEP 2013, including Natural Resources – Biodiversity and Natural Resources – Riparian land and Waterways. Detailed provisions in relation to these issues are set out in the following sections of Chapter 3.

d) Any development in the Chipping Norton Lakes waterway area will need owners consent/concurrence from relevant State Government Agencies. It will also require approvals under State Government Legislation including the Water Management Act 2000.

e) Applicants seeking to install a mooring should contact the Maritime Division of NSW Roads and Maritime Services (RMS). Moorings are required to be licensed by RMS and subject to satisfactory environmental assessment by that authority may be permitted without development consent.

### 3.1.2 Fairfield Local Environmental Plan 2013 – Local Clauses

Fairfield LEP 2013 includes zones and a number of local clauses originating from the NSW Standard LEP Order that requires Council to take into account the impacts of development on the natural environment.

The following provides a brief overview of the LEP provisions underpinning controls set out in the remainder of this Chapter.
(i) **Clause.5.9 - Preservation of trees or vegetation**
   a) Replaces historic LEP provisions relating to making of Tree Preservation Orders.
   b) Council can require either a Development Application or Permit for removal or works (e.g. pruning) to trees.
   c) Requires Council to prepare DCP controls setting out detailed requirements for applications to remove or conduct ‘works’ to trees.
   d) Detailed requirements in relation to this clause are set out in this Chapter of the DCP.

(ii) **Clause.6.1 – Riparian Lands and Waterways**
   a) Requires Council to take into account the impact of development on creeks, land and associated vegetation immediately adjoining creeklines (referred to as riparian land) and natural water bodies (e.g. wetlands).
   b) The width of riparian lands in the City ranges from approximately 10-50m wide on each side of a creek depending on the classification of the creek.
   c) Riparian Land and Waterways are identified on the Fairfield LEP 2013 Nature Resources – Riparian Land and Waterways Map.
   d) Detailed requirements in relation to this clause are set out in this Chapter of the DCP.

(iii) **Clause.6.2 – Biodiversity Corridors**
   a) Requires Council to take into account the impact of development of areas that support important biodiversity (flora and fauna) and are considered to have special conservation significance.
   b) This includes Cumberland Plain Woodland and fish habitat areas along creeks.
   c) Biodiversity areas are identified on the Fairfield LEP 2013 Natural Resources – Biodiversity Map.
   d) Detailed requirements in relation to this clause are set out in this Chapter of the DCP.

(iv) **Clause.6.3 – Landslide Risk**
   a) Requires Council to take into consideration the impact of underlying geotechnical conditions on development and to restrict development on unsuitable land.
   b) Land affected by landslide risk are shown on the Fairfield LEP 2013 Natural Resources – Landslide Risk Map.
   c) Requirements for submission of a development application are detailed under cl.6.3 of Fairfield LEP 2013.

(v) **Clause.6.4 – Acid Sulfate Soils**
   a) Requires Council to ensure development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
   b) Land affected by acid sulfate soils is shown on the Fairfield LEP 2013 Acid Sulfate Soils Map.
   c) Requirements for submission of a development application are detailed under cl.6.4 of Fairfield LEP 2013.

(vi) **Clause.6.5 – Flood Planning**
   Before granting development consent Council must be satisfied that the development:
   a) is compatible with the flood hazard of the land, and
   b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
   c) incorporates appropriate measures to manage risk to life from flood, and
   d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
   e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
(vii) **Clause 6.6 – Floodplain risk management**

This clause applies to land between the 1:100 average recurrence interval flood event plus 500 millimetres freeboard up to the probable maximum flood.

Council must not grant development consent for the following purposes unless it is satisfied that the development will not affect the safe occupation of, and evacuation from, the land:

a) caravan parks
b) correctional facilities
c) emergency services facilities
d) group homes
e) hospitals
f) residential care facilities
g) tourist and visitor accommodation

In this clause:

*Probable Maximum Flood* is the largest possible flood that can occur at a particular location

*Note:* Council is seeking an exemption to apply flood related development controls on residential development located above the 100 year ARI. As such the clause may not be included, or may be changed, in the final version of the LEP.

(viii) **Clause 6.7 – Earthworks**

Requires Council prior to granting development consent for earthworks to consider:

a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
b) the effect of the proposed development on the likely future use or redevelopment of the land,
c) the quality of the fill or of the soil to be excavated, or both,
d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
e) the source of any fill material or the destination of any excavated material,
f) the likelihood of disturbing relics,
g) proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area.

Further detailed information in relation to requirements relevant to development under the above clauses is set out under following sections of this Chapter.

### 3.1.3 State and Federal legislation

There are a number of pieces of State and Federal legislation relating to environmental management and natural resource issues that Council is required to address in the development assessment process as provided for under the Fairfield LEP 2013 and provisions of this Chapter.

In summary key legislation and requirements are summarised in the following table:

<table>
<thead>
<tr>
<th>State Legislation</th>
<th>Provisions</th>
</tr>
</thead>
</table>
| Environmental Planning and Assessment Act 1979 | Section 5A: Requires Council to take into consideration the provisions of the NSW Threatened Species Act. This is a critical component in the assessment of Development Applications and Tree Work Permits (see s.3.2 below for further information)
|                                       | Section 126: Sets a maximum $1,000,000 penalty for offences against the act including Tree Preservation Orders.                                   |
|                                       | Part V, that a review of environmental factors be carried out before removing any tree                                                     |
| Fisheries Management Act 1994         | Section 144 relates to aquaculture permits;  
|                                       | Section 201 requires a permit for dredging or reclamation work;   
|                                       | Section 205 requires a permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease; |
### State Legislation

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Provisions</th>
</tr>
</thead>
</table>
| Section 219 | requires a permit to:  
  (a) set a net, netting or other material, or  
  (b) construct or alter a dam, floodgate, causeway or weir, or  
  (c) otherwise create an obstruction,  
  across or within a bay, inlet, river or creek, or across or around a flat |
| NSW Threatened Species Conservation Act 1995 | Schedules 1.1A and 2: Lists threatened species. Note under this Act the Cumberland Plain Ecological Community (located in Fairfield) is a critically endangered species. |
| Local Government Act 1993 | Section 124: Allows Council to issue an Order for property owners to prune hazardous trees overhanging a public space or causing damage to public property. |
| Water Management Act | Section 91: Controlled activities require a licence from relevant State Agency within 40m of a waterway. |
| Water Act 1912 | Part 5 – requires licences to be obtained for the interception and / or use of groundwater. |
| Soil Conservation Act 1938 | Section 15: Permits the Commissioner of Soil Conservation to issue notice on land owners to abstain from or prohibit, activities which may cause or is causing soil erosion and to prosecute those failing to comply. |
| Rural Fires Act 1997 | Section 66: Allows for tree removal as part of fire hazard reduction. |
| Trees (Disputes Between Neighbours) Act 2006 and Trees (Disputes Between Neighbours) Amendment Act 2010 | Provides residents an opportunity to apply to the Land and Environment Court of New South Wales for an order to remedy, restrain or prevent damage to property or to prevent injury, as a consequence of a tree situated on adjoining land. |
| S.428 requires Council to report on the state of the environment of the area including any unique landscape and vegetation, vegetation cover and any instruments or policies relating to it, including any instrument relating to Tree Preservation |

### Federal

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Protection and Biodiversity Conservation Act 1999</td>
<td>Provides for the listing of nationally threatened native species and ecological communities, native migratory species and marine species. Includes the critically endangered Cumberland Plain Woodland.</td>
</tr>
</tbody>
</table>

### 3.2 Preservation of Trees or Vegetation

As referred to previously, Clause 5.9 of the Fairfield Local Environmental Plan 2013 facilitates preparation of DCP provisions outlining provisions and requirements relating to Preservation of Trees or Vegetation.

Council acknowledges that often there are good reasons to remove trees. Sometimes trees have been planted in the wrong areas and may affect building structures or are dying and need to be removed for safety. Preservation of Trees or vegetation makes sure that trees can be removed where necessary, whilst protecting other trees for the sake of the environment and everyone’s enjoyment.

The Fairfield Biodiversity Strategy provides guidance on the ecological significance of native vegetation in the City, the Strategy identifies areas of remnant vegetation in the City which have High, Moderate or Low Conservation Significance Assessment (CSA). The effect of the CSA areas is to highlight the existence of native vegetation so that the ecological value of the vegetation can be considered as an early part of the development process. A copy of the Biodiversity Strategy and CSA Maps are available on Council’s website www.fairfieldcity.nsw.gov.au under the heading ‘Biodiversity’, ‘Land/Open Space’, ‘Biodiversity Strategy’.

### Objectives
a) to protect, conserve and improve the environment of the City of Fairfield by ensuring that no trees are wilfully injured, removed or destroyed without the approval of Council;
b) to provide further clarification and detailed requirements which support the provisions of clause 5.9 of Fairfield LEP 2013;
c) to ensure that any works in relation to trees meet the objectives of Fairfield LEP 2013 and relevant State and Federal Legislation; and
d) to protect rehabilitated riparian vegetation and prevent the clearing of riparian trees and other vegetation by private landowners.

Definitions
Some of the terms used in this document have a special meaning in the Environmental Planning and Assessment Act 1979 or Fairfield LEP 2013 unless specifically defined.

“Tree” means a perennial plant with a self-supporting stem which:

a. has a height of more than 4 metres if located on land other than land shown on the Fairfield LEP 2013 Riparian land and Waterways Map or 1 metre if located on such land; or
b. has a spread of more than 3 metres if located on land other than land shown on the Fairfield LEP 2013 Riparian land and Waterways Map or 0.5 metre if located on such land; or
c. has a trunk diameter of more than 75mm measured 1 metre above ground level if located on land other than land shown on the Fairfield LEP 2013 Riparian land and Waterways Map or 20mm if located on such land, and is also of a species which has a mature height of more than 4m; or

is listed in Council's Significant Tree Register but excludes any tree declared under the Noxious Weeds Act (NSW) 1993

In addition the following definitions apply under this chapter of the DCP.

<table>
<thead>
<tr>
<th>Word/Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arborist/Arboriculturist</td>
<td>A specialist in the practice of arboriculture, which is the cultivation, management, and study of individual trees, shrubs, vines, and other perennial woody plants, including tree surgery, the diagnosis, treatment and prevention of tree diseases and decay, and the control of pests. Arborists generally focus on the health and safety of individual plants and trees, rather than their harvesting.</td>
</tr>
<tr>
<td>Bushland</td>
<td>Any area that is predominantly indigenous flora and fauna or retains characteristics of natural vegetation.</td>
</tr>
<tr>
<td>Dead Tree</td>
<td>A tree that has not produced leaves for two successive years, exhibits permanent wilting or is shedding bark which is dried out and peeling off to the beginning of sapwood.</td>
</tr>
<tr>
<td>Destroy</td>
<td>Any immediate or ongoing process or activity leading to the death of a tree.</td>
</tr>
<tr>
<td>Canopy</td>
<td>That part of the tree above the main stem comprising primarily branches and foliage.</td>
</tr>
<tr>
<td>Conservation Significance Assessment (CSA)</td>
<td>The conservation rating adopted by Council for remnant natural vegetation as listed in the Fairfield Biodiversity Strategy 2010</td>
</tr>
<tr>
<td>Height</td>
<td>The distance measured vertically between the horizontal plane at the lowest point at the base of a tree which is immediately above ground and the horizontal plane immediately above the uppermost point of a tree.</td>
</tr>
<tr>
<td>Heritage Item</td>
<td>Heritage items listed in Council’s environment plan or the State’s heritage lists.</td>
</tr>
<tr>
<td>Injure/ Wilfully Destroy</td>
<td>To inflict damage by immediate or ongoing process or activity leading to the death of a tree and includes:</td>
</tr>
<tr>
<td></td>
<td>• lopping and topping;                                                                                           • stripping of topsoils</td>
</tr>
<tr>
<td></td>
<td>• poisoning;                                                                                                     • underscrubbing.</td>
</tr>
<tr>
<td></td>
<td>• compaction or excavation</td>
</tr>
<tr>
<td>Lop</td>
<td>Indiscriminate cutting between branch unions or at internodes on a young tree, with the final cut leaving a stub.</td>
</tr>
<tr>
<td>Word/Term</td>
<td>Definition</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Noxious Weed</td>
<td>An invasive species of a plant that has been designated injurious to agricultural or horticultural crops, natural habitats, ecosystems, humans or livestock.</td>
</tr>
<tr>
<td>Poisoning</td>
<td>Applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) plant toxic material onto the root zone.</td>
</tr>
<tr>
<td>Prune</td>
<td>The removal of any stem dead or alive, back to the intersection of another live stem to a swollen area at the intersection called a branch collar, with a final cut at the outer edge of the collar leaving no stub. This also means any act or acts severing any part of a tree so as to cause a reduction of the air space occupied by the branches and foliage of a tree.</td>
</tr>
<tr>
<td>Remove</td>
<td>Dismantle or dislodge a tree, separating the tree from the ground where it is growing so that the tree, including its branches, foliage, trunk, stump and root system will not regrow. This includes the poisoning of the stump and/or roots and/or taking away, or grinding or burning out its remains to prevent regrowth.</td>
</tr>
<tr>
<td>Ringbarking</td>
<td>Scarring the bark so as to significantly restrict the normal vascular function of the trunk or branches.</td>
</tr>
<tr>
<td>Significant Tree</td>
<td>A tree which has been identified by Council displaying biological, cultural, heritage or intrinsic value significant to warrant its protection.</td>
</tr>
<tr>
<td>Tree (Native, Exotic and Indigenous)</td>
<td>Native are trees with natural origins in a particular environment; Indigenous are trees endemic to the local environment ; Exotic are introduced trees and may include native trees in some locations.</td>
</tr>
<tr>
<td>Tree Work</td>
<td>Cutting down, topping, lopping, pruning, ringbarking or removing a tree.</td>
</tr>
<tr>
<td>Top</td>
<td>Cutting away any part of a tree's foliage crown leaving a trunk and stubbed main branches to reduce its height and spread.</td>
</tr>
<tr>
<td>Urban Forest</td>
<td>The totality of trees and shrubs on all land in and around urban areas and is measured as a canopy cover percentage of the total urban area.</td>
</tr>
</tbody>
</table>

**Prosecution** – Any person acting contrary to the provisions of clause 5.9 of Fairfield LEP 2013 or related provisions of this DCP will be liable to prosecution unless it can be demonstrated to the satisfaction of the Council that the tree was dying or dead or had become dangerous.

In the event of prosecution, it will not be a sufficient defence that the species was not appropriately identified by a qualified person.

3.2.1 Tree Work Permits

Under the provisions of clause 5.9 of Fairfield LEP 2013, a tree work permit is required from Council for cutting down, topping, lopping, pruning, ringbarking or removing a tree.

The exception to this is that an approval is not required from Council for the removal of limited undesirable trees and plants listed in the Schedule at the end of this Chapter. You should contact Council if you have any doubt as to whether or not the tree/plant you wish to remove from your property is a species included in the schedule.

Council will generally approve An Application to Prune or Remove a Tree:

a) To remove completely dead trees and dead branches;
b) To remove diseased or unhealthy trees which are not expected to survive;
c) To prune or remove trees which are considered a safety hazard (including those impeding access for pedestrians);
d) To prune or remove trees which are causing structural damage. Council will consider a removal application where the damage is substantial and removal is the best option;
e) On medical advice (from a registered medical practitioner) that the tree in question is injurious to the health and wellbeing of the resident or residents;
f) Pruning which is necessary to improve tree health and stability and reduce risk; and
g) When a tree has caused extensive damage to fences, kerb and guttering, sewer or stormwater drains, where there are no permanent repair alternatives.

Without limiting Council’s discretion, approval would not normally be given:

a) To improve views;
b) For minor property damage such as minor lifting of driveways and paths by tree roots;
c) Because trees are creating a nuisance by shedding leaves, fruit, bark, cones or twigs;
d) Because trees are overshadowing. Increasing solar access will not be considered sufficient reason to remove a tree. But Council may approve selective thinning of the canopy; or
e) To rectify/prevent termite damage. As termites eat only dead wood, removing or pruning an otherwise healthy tree is not a justifiable reason for tree works. Termite damage to private property can be inhibited by appropriate barrier treatment and regular pest inspections by a certified pest inspector.

Council will write to the applicant, stating whether a Tree Work Permit has been approved without conditions, approved subject to conditions or refused. **Our aim is to complete the assessment within three days, and no more than seven working days of receipt.** To ensure consistency and provide a reference, Council will keep a record and regularly publish all determinations.

In keeping with the communities’ sustainability vision, when approval is given to remove a tree, property owners may be required to plant compensatory tree(s) elsewhere within the property. Council will not be responsible or liable, for meeting the cost of any tree work on private and non Council owned property.

As tree work can be dangerous, Council encourages property owners to engage a qualified Arborist/Arboriculturist who meets the requirements of current occupational health and safety legislation, abides by work cover NSW Code of Practice for the amenity tree industry and has current Workers’ Compensation Insurance. The National Arborists’ Association of Australia provides a directory of approved professionals on its website http://naaa.net.au.

Pruning must be done with due regard to the health of the tree, correct pruning techniques and the safety of nearby people and property. All approved pruning work must be done to Australian Standard AS4373 2007, Pruning of Amenity Trees.

### 3.2.2 Special LEP Provisions in relation to Heritage Items - Trees

Clause 5.9 (7) of Fairfield LEP 2013 provides for the following:

A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

(a) that is or forms part of a heritage item or that is within a heritage conservation area, or
(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,
   unless the Council is satisfied that the proposed activity:

(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Notes:** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 of Fairfield LEP 2011 will be applicable to any such consent. Heritage Items are listed under Schedule 5 of Fairfield LEP 2013.
3.2.3 Tree Work Permit - Fees

Inspection fees apply residents who apply for a Tree Work Permit. The fee has been introduced in an attempt to encourage residents to think seriously about the issue of tree preservation, and to perhaps reconsider hasty decisions to remove trees. Contact Council for the fee amount.

3.2.4 Tree Work Permits - Inspections

a) Applications for Inspections – Applicants for a Tree Work Permit can either come in person to the Administration Centre, phone or write to Council asking for permission to carry out work on their tree. A person coming to the Administration Centre, simply fills out a Tree Work Permit application form, pays the inspection fee to the cashier and then makes an appointment for the inspection.

b) Inspections – Inspections are carried out by staff with horticultural qualifications. The inspections are by appointment and the applicant is welcome to attend. If necessary, the trees to be inspected should be clearly identified with a ribbon or something that will be clearly noticed.”

c) Criteria For Assessment – A number of criteria which are taken into consideration when assessing an application for works to be undertaken have been identified:
   a. Health of the tree
   b. Tree environs
   c. Adverse effects
   d. Significance of Treescape

See clause 3.2.6 below for further detail in relation to the above.

d) Possible Liability to Council – The refusal of an application to remove a tree may place a liability upon Council should negligence be proven in the accurate assessment of the tree and its likely effect upon its environment. The potential for the tree to cause damage in the future is also considered in an assessment for removal.

3.2.5 Exemptions

The following trees or works are exempt from the provisions of this DCP and Council permission is not required in relation to:

a) Undesirable’ trees listed under the schedule at the end of this Chapter;

b) All trees, plants declared noxious under the Noxious Weeds Act (NSW) 1993 – see schedule at end of this Chapter;

c) Category W2 - Rhus Tree *Toxicodendron succedaneum*;

d) To trees less than four metres in height or with a branch span of less than 3 metres or with a trunk diameter of less than 75mm measured 1 metre above ground level (not including trees associated with the Cumberland Plain Critically Endangered Ecological Community – see s. 3.2.8 – below for further information);

e) Where permission has been granted with a valid Development Consent issued by Council;

f) Where the Rural Fire Service has issued a Hazard Reduction Certificate (Fire Permit) under the Rural Fires Act 1997;

g) Work permitted under section 48 of the Electricity Supply Act 1995 including pruning of branches within 0.5 metres of electrical service lines on private property;

h) Where the tree’s condition constitutes an immediate threat to life or property. In these circumstances only authorised emergency service personal are permitted to work on trees on Council land;

i) Tree work undertaken by Council or Council’s authorised agents, on Council owned land, providing these works are consistent with Council’s policies and internal guidelines;

j) Minor pruning of branches not more than 50mm in diameter provided work is consistent with the Australian Standard for Pruning of Amenity Trees (AS 4373-2007);
k) Minor pruning of roots not more than 30mm in diameter provided work is consistent with the Australian Standard for Pruning of Amenity Trees (AS 4373-2007);

l) Pruning of branches directly overhanging the roof of a residence or commercial building, only to the nearest branch junction or collar to clear the roofline, subject to owner’s approval and provided work is consistent with the Australian Standard for Pruning of Amenity Trees (AS 4373-2007). Detached garages, carports and ancillary buildings are not included in this exemption; and

m) Trees within 3 metres of an approved, existing residential building, measured from the centre of the trunk of the tree at ground level to the external wall of the building. The trunk of the tree must be located on the same property. Verandas, all carports, detached garages, and ancillary buildings, cantilevered and pier supported structures such as balconies and decks are not included within this exemption; and for pruning and/or removing dead trees and branches.

It should be noted that in a breach of the Order it will not be sufficient defence that the species was not appropriately identified by a qualified person prior to the removal of the tree.

Assessment Process

3.2.6 General Assessment Criteria

In assessing a development application or Tree Work Permit under this Chapter (whether or not the tree requires assessment under a ‘7 Part Test’) the following general criteria will be taken into account.

a) Health of a Tree - The present health of a tree is assessed for any visible signs of decay or deterioration usually indicated by a lack of foliage, dead branches, fungal bodies, excessive sap being exuded from the trunk and evidence of insect attack or has significant holes, unusual change in canopy, physical damage, including splits, inclusions, cracks or splits.

b) Tree Environs – Whether or not there have been changes to soil levels around the tree, excessive root damage caused during construction works, variance in water availability, through damage to the water table, competition from other vegetation (particularly climbing vines) and compaction of soil, including areas used to park cars or other surface changes that have adversely impacted upon the tree and has or will cause the tree to become unhealthy.

c) Adverse Effects – The likelihood of the tree having adverse impact on its surroundings with particular emphasis on risk or life and property damage. Trees having intrusive root systems which cause damage to foundations of houses or blockages to domestic sewer and Stormwater lines where replacement of the pipe will not resolve the situation will be approved for removal. Where the tree has a dense canopy preventing wind from naturally passing through or has extraordinarily long limbs which are in danger of snapping off or there may be a fork in the tree which presents as a potential failure point, approval shall be granted for the tree to be pruned or removed as appropriate.

d) Significance of Tree scape – The inspector will assess the visual environment and the significance of the specimen within the trees cape, whether the tree is an endangered or rare species or of historical significance and whether the tree provides a link between bushland and reserves.

e) Conservation Significance Assessment – Council has adopted a conservation significance assessment (CSA) for trees and patches of vegetation that have significant ecological value to the City. The inspector will consider the impact on the environment by removing trees within areas identified as having a Conservation Significance. Areas that have a CSA can be found on Council’s website www.fairfieldcity.nsw.gov.au under the heading ‘Biodiversity’, ‘Land/Open Space’, ‘Biodiversity Strategy’.

f) State and Federal Legislation – Whether removal of the tree would trigger a requirement to assess removal against any State or Federal Legislation
3.2.7 Statutory Requirements – Threatened Species - ‘7 Part Test’

As referred to above under cl.3.1.3 (State and Federal Legislation), under s.5A of the EP&A Act a key issue that Council needs to take into account when considering a Tree Work Permit or Development Application is whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats. This is generally referred to as the ‘7 Part Test’ with the following 7 issues that need to be taken into account.

(a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,

(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:
   (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
   (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

(d) in relation to the habitat of a threatened species, population or ecological community:
   (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and
   (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and
   (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,

(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),

(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,

(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process

3.2.8 Assessment Process – Consideration of Threatened Species Issues

In Fairfield City, the ‘7 Part Test’ (above) needs to be considered generally in relation to any applications affecting trees or areas associated with Cumberland Plain Woodland which is listed as a Critically Endangered Ecological Community under the NSW Threatened Species Act and Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Where applicable consideration must be given to the local Conservation Significance Assessment prepared by Council as part of the Fairfield Biodiversity Strategy 2010. Conservation significance has been assessed as either, High, Moderate or Low. The Biodiversity Strategy provides an important basis in the assessment process. Any “7 part Test” shall reference the impact of development in relation to the Biodiversity Strategy. A copy of the Biodiversity Strategy and CSA Maps are available on Council’s website www.fairfieldcity.nsw.gov.au under the heading ‘Biodiversity’, ‘Land/Open Space’, ‘Biodiversity Strategy’.

Under Fairfield LEP 2013, a number of areas in the City containing Cumberland Plain Woodland have been zoned E2 – Environmental Conservation, E3 – Environmental Management or are covered by the overlay clauses Natural Resources Biodiversity and/or Natural Resources Riparian Land and Waterways.

There are also other remnant and scattered trees associated with the Cumberland Plain Woodland throughout the City. Whilst these remnant/scattered trees may be located outside the above zones and overlay clauses they may still require some level of consideration under the ‘7 Part Test’ as is detailed below.
The process and level of assessment required for Tree Work Permits and Development Applications impacting on Cumberland Plain Woodland is as follows:

**A. Preliminary Advice – Development Applications**

For larger scale development proposals affecting existing flora or fauna associated with Cumberland Plain Woodland it is recommended applicants book in with Council for a Development Advisory Meeting. Council officers can advise what information and reports is required to be submitted in relation to threatened species with a development application.

Generally, sites zoned E2 – Environment Conservation, E3 – Environmental Management or affected by the natural resources overlay clauses (Biodiversity, Riparian Lands and Waterways) where removal, disturbance or impacts on threatened species is likely will require preparation of a report by a qualified Arborist/Arboriculturist and will need to address criteria under a ‘7 Part Test’.

Land that is being subdivided may require a flora and fauna assessment conducted prior to subdivision approval where it may impact areas of ecological significance. Should a subdivision demonstrate building envelopes and asset protection zones which do not impact on the flora and fauna of the site and surrounding area, a flora and fauna assessment may not be required.

**B. Consideration of Development Applications and Tree Work Permits**

For development applications or Tree Work Permits that:

a) Have potential to impact on Threatened Species, and

b) A ‘7 Part Test’ report prepared by an Arborist/Arboriculturist has not been submitted on whether there is likely to be a significant effect on threatened species.

Council officers will undertake a desktop review of the proposed development, assessing aerial photography and vegetation mapping. If deemed necessary Council officers will do a site inspection and undertake an assessment to determine whether there is likely to be a significant impact on Threatened Species.

Applicants will be advised if a ‘7 Part Test’ report (prepared by an Arborist/Arboriculturist) needs to be submitted to Council.

Where applicable consideration must be given to the local Conservation Significance Assessment prepared by Council as part of the Fairfield Biodiversity Strategy 2010. Conservation significance has been assessed as either, High, Moderate or Low. The Biodiversity Strategy provides the basis for the assessment and reports should reference the impact of development in relation to the Biodiversity Strategy.

**C. Species Impact Statements**

If a ‘7 Part Test’ indicates there is likely to be a significant impact on threatened species than a species impact statement (SIS) will need to be prepared in accordance with Division 2 of Part 6 of the Threatened Species Conservation Act 1995.

There are a range of guidelines in relation to preparation of a SIS and requirements that require concurrence is required from the Director General of the Office of Environment and Heritage for proposals which are likely to have a significant impact on threatened species.


Some development proposals also require approval under Commonwealth legislation known as the *Environmental Protection and Biodiversity Conservation Act 1999*. The Australian Government Department of Sustainability, Environment, Water, Population and Communities (the Department) administers the EPBC Act. Further information concerning the EPBC Act can be found at [www.environment.gov.au/](http://www.environment.gov.au/).

**3.2.9 Refusal and Appeals for Tree Work Permits**

Under the provisions of Clause 5.9(4) of Fairfield LEP 2013, refusal by Council to grant a permit is
taken for the purposes of the Environmental Planning and Assessment Act (1979) to be refusal by Council to grant consent.

Prior to issuing a refusal, Council will advise applicants of its intention to refuse the permit/Development Application. The applicant then has the following avenue of appeal:

**Step 1** Reinspection of the tree is undertaken by Council's Tree Preservation Officer and the applicant is advised of the criteria under which the tree has been inspected and permission for removal or pruning denied. At this point the applicant may raise any additional information not considered in the initial application. An additional inspection fee must be paid if the reinspection is not requested within 3 months of the date of the original refusal.

**Step 2** – Should the applicant remain dissatisfied with the further assessment, the applicant is advised to obtain an independent assessment from a suitably qualified arboriculturalist and submit this assessment to Council for further consideration by the Parks & Gardens Division.

**Step 3** – Council will review the additional technical information/advice provided in the independent assessment and if justified may overturn the initial decision and grant an approval to the tree work permit/development application.

### 3.2.10 Encroachment and Neighbour Disputes over Trees

Sometimes it becomes necessary to prune overhanging branches from a tree on an adjoining property or where it has become a hazard, to remove it. In this circumstance, it is desirable that both property owners agree to the tree work and who should meet the cost.

While either neighbour can apply to Council for a Tree Work Permit, the application can only be approved with the signature of the property owner on which the tree is situated.

Where neighbouring parties can’t agree to the proposed tree work and the tree is considered unsafe, Council is prepared to assess the tree to aid in the mediation process. The applicable Tree Work Permit inspection fee must be paid and the owner’s consent to enter the property given, otherwise Council is not empowered to intervene.

Further mediation can be sought through the Community Justice Centres or affected property owners may apply provisions in the Trees (Disputes Between Neighbours) Act 2006 before the Land and Environment Court of New South Wales.

If the Court orders the tree owner to carry out work in relation to a tree, the neighbouring owner may request Council to enter the tree owner’s land to ascertain whether the ordered work has been carried out and if not, carry out the work itself.

Council is not obliged to act in either of these ways, but must follow a statutory procedure if it elects to take action. That includes giving written notice to the tree owner of its intention to enter the land (except in certain circumstances) and an avenue to recoup the reasonable cost of any tree work undertaken, from the property owner.

Where trees from private property overhang public land, causing a hazard or damage to property, Council may serve an Order under the Local Government Act on the tree owner to prune or remove the offending tree. In some cases Council may notify and then undertake tree works and charge the property owner to recover costs.

### 3.2.11 Conditions of Development Consent and Tree Planting

Council has no legal ability to control tree planting on private property except where this is associated with a condition of development approval. As urban development has expanded, lot sizes have shrunk. With the current trend of building large houses with smaller green space on smaller lots, it is essential that we understand, appreciate and advocate the important role trees play in the urban environment. It is also critical that provisions of Chapter 3 relating to Riparian Corridors and Biodiversity be considered.

In considering development on private property, Council will:

a) Ensure development is carried out with sensitivity to the environment and to any trees in the vicinity;
b) Implement good planning which maximises the positive benefits trees provide by situating buildings, structures and car parks appropriately in relation to trees. Superior site planning and development practices prevent indiscriminate removal or destruction of trees and minimises disturbance to the urban forest;

c) Identify trees to be retained and protected prior to development. This is to be done by drawing up a plan showing the position of trees on the site, their species, age and condition. This work is to be undertaken by a qualified arborist or horticulturalist;

d) Isolate the root zone to the drip line (canopy line) of individual or groups of trees through the erection of a clearly marked fence, (minimum 1.5m high) prior to land clearing or construction work;

e) No dumping of materials, parking of vehicles, excavation, or filling is to be permitted within the fenced root zone;

f) Minimise soil disturbance in the surrounding area (to twice the canopy width);

g) Where trenches for services cannot be laid outside the fenced zone, roots greater than 75mm wide diameter are to be clean cut and treated with a fungicide in accordance with acceptable arboricultural practices. All cut roots will be treated with an approved hormone compound and sealed with bitumen;

h) Require professional treatment of roots disturbed by unavoidable development within the root protection zone;

i) Require minimal soil disturbance, including compaction, excavation and filling within an area twice the canopy width;

j) Require mulching of the area within the root protection zone to a depth of not less than 100mm and the trees regularly watered; and

k) Require erection of signage indicating which tree(s) are protected.

Council recognises that inappropriate plantings can create a nuisance. Most tree problems are caused by inappropriate species selection or unsuitable location.

Before planting, careful consideration should be given to the height, width and shadowing effect the tree will have on maturity. Trees should be planted only where space ensures they can mature without contact with overhead wires, underground services and structures – both existing and proposed. While providing the benefit of shade, trees should be carefully selected to ensure they do not unduly impede solar access. It is recommended not to plant trees within three metres of the boundary or any significant structure or too close together.

In selecting an appropriate species, Council encourages the planting of native varieties, particularly those found locally. Native trees are generally hardier and require less water. They also provide a habitat for native fauna.

In the interests of enhancing the City’s urban canopy, Council will assist and guide appropriate selection for planting on private property by:

a) Developing greater community involvement in the process of tree management;

b) Promoting and encouraging the responsible planting of suitable new trees through appropriate species and location selection; and

c) Providing a guide to appropriate plantings, identifying native species.

3.3 Biodiversity Corridors

3.3.1 Background – Fairfield Biodiversity Strategy

The Fairfield Biodiversity Strategy covers important ‘natural’ areas of the City with conservation significance. It also provides extensive information used to inform preparation of the Fairfield LEP 2013 in meeting the requirements of relevant State and Federal legislation governing the management of land where native flora and fauna exist. The Biodiversity Strategy provides the basis for the assessment and reports should reference the impact of development in relation to the
Biodiversity Strategy.

The Strategy involved extensive research and analysis of biodiversity issues (including detailed mapping of Cumberland Plain Woodland Critically Endangered Ecological Community) and provides a technical and scientific framework covering the application of Environmental Protection Zones and Natural Resource local clauses contained in the Fairfield LEP 2013, including clause 6.2 Biodiversity (Terrestrial) Clause.

To provide guidance on the ecological significance of native vegetation the Biodiversity Strategy identifies areas of remnant vegetation in the City which have High, Moderate or Low Conservation Significance Assessment (CSA). The effect of the CSA areas is to highlight the existence of native vegetation so that the ecological value of the vegetation can be considered as an early part of the development process.


3.3.2 Fairfield LEP 2013

Clause 6.2 of the Fairfield LEP 2013 requires Council to take into consideration the impact of development on areas of the City where biodiversity issues need to be considered. These areas are identified on the Fairfield LEP 2013 Natural Resources – Biodiversity Map and can be viewed on Council’s website www.fairfieldcity.nsw.gov.

The objectives and provisions of the clause 6.2 Biodiversity (Terrestrial) are to maintain terrestrial biodiversity, including:

(a) protecting native flora and fauna,
(b) protecting the ecological processes necessary for their continued existence, and
(c) encouraging the recovery of native flora and fauna, and their habitats.

Other matters that Council must take into account in relation to this clause are set out under Fairfield LEP 2013.

3.3.3 Designing to minimise impact on Biodiversity.

The principal aim for development in areas that benefit from the presence of Biodiversity issues is to consider steps in the early stage of the design process to minimise the impact on the area with biodiversity significance. Recommended measures include:

a) Seek advice from an environmental consultant with expertise in biodiversity issues. This can include consultants with qualifications in ecology, environmental science or related (relevant) fields.

b) Seek advice from Council about information Council has that identify areas that have some conservation significance. These areas have been identified using a Conservation Significance Assessment (CSA). The effect of the CSA areas is to highlight the existence of native vegetation so that the ecological value of the vegetation can be considered as an early part of the development process.

c) The development should be designed to minimise impacts on the area with biodiversity significance. This can be achieved for example by not removing or disturbing areas containing indigenous vegetation, maximising the setback distance or buffer area from the development to the area with biodiversity significance.

d) Provide new planting or ‘undisturbed’ areas which maximise connection to adjoining areas of remnant indigenous vegetation retained on-site or on neighbouring sites.

e) Try to maximise not only the length but width of corridor supporting indigenous vegetation and movement on native fauna. Narrowing or bottlenecks within the biodiversity corridor should be avoided.
f) Ensure any new access roads or provision of services (including stormwater drainage or sewerage systems) avoids indigenous vegetation. Where this is not possible, minimise the level of intrusion (including the length and width of the services) and consider providing for wildlife under/overpasses.

3.3.4 Assessment Requirements

For development affected by clause 6.2 of the Fairfield LEP a Biodiversity a report will need to be submitted with development applications, prepared by a suitably qualified environmental consultant. The report will need to address the following matters:

a) Description of the plant and potential animal species located on the site. Areas of the City identified with Biodiversity significance comprise the Cumberland Plain Woodland Critically Endangered Ecological Community.

b) Development impacting on native vegetation will generally be required to submit a report prepared by a qualified consultant. The report will need to address criteria contained in the ‘7 Part Test’ (see c.3.2.7). In the event the ‘7 Part Test’ indicates there is potential for a significant impact than a species impact statement will need to be prepared.

c) Where applicable consideration must be given to the local Conservation Significance Assessment prepared by Council as part of the Fairfield Biodiversity Strategy 2010. Conservation significance has been assessed as either, High, Moderate or Low. The Biodiversity Strategy provides an important basis for the assessment. Any “7 part Test” shall reference the impact of development in relation to the Biodiversity Strategy.

d) Information on measures to mitigate potential impacts of development on the area with biodiversity significance.

e) Provision of a landscape plan detailing new vegetation to be provided on the site. Note this should include locally occurring indigenous vegetation.

f) Consideration of the potential impacts of the proposal on movement of native fauna through the site.

g) A number of areas of the City with Biodiversity significance have also been zoned E2 Environmental Protection, E3 Environmental Management or W2 Waterways Recreation. Where applicable, the report will also need to address the objectives of these zones.

3.4. Riparian Land and Waterways

3.4.1 Background – Proximity to Watercourses

Properties affected by the Riparian Land and Waterways clause are generally located within 10 to 40 metres of the top of bank of a Watercourse.

Under this clause, the Standard Instrument LEP relies on the following key definitions:

*Watercourse* means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently in a defined bed or channel, but does not include a waterbody (artificial)

*Bank* means “the slope immediately bordering the course of a river along which the water normally runs”.

Land to which this clause applies is shown on the Natural Resources – Riparian Land and Waterways Map and were identified having regard to guidelines issued by the Department of Planning and Infrastructure, advice from State Government Agencies, and work associated with Council’s Biodiversity Strategy.

In addition to the above, aerial photo interpretation and ground surveys were undertaken to determine the top of bank information referred to above.

3.4.2 Designing to minimise impact on Riparian Land and Waterways

The principal aim for development affected by Riparian Land and Waterways issues is to consider
steps in the early stage of design to minimise the impact on the area with biodiversity significance. Recommended measures include:

a) Seek advice from an environmental consultant with expertise in riparian land and waterway issues. This can include consultants with qualifications in ecology, environmental science or related (relevant) fields.

b) Seek advice from Council about information Council has that helps identify areas that have some conservation significance. These areas have been identified using a Conservation Significance Assessment (CSA). The effect of the CSA areas is to highlight the existence of native vegetation so that the ecological value of the vegetation can be considered as an early part of the development process.

c) As far as possible, retain the natural contours of the land. The degree of cut and fill on a site should be minimised and ensure there are no detrimental impacts on the natural water flow characteristics of the site and surrounding area.

d) Minimise stormwater runoff into creeks or bushland.

e) Maximise the amount of soft landscaped area and planting with local native species on a site.

f) Protect, maintain and promote natural vegetated riparian buffer areas for land shown the Riparian Land and waterways Map. Plant species established in the riparian area should consist of local native plant species that are representative of the local vegetation community.

g) Plant local (native) vegetation and tree species other plants should be non-invasive species.

3.4.3 Assessment Requirements

For development affected by clause 6.2 Riparian Land and Waterways consideration of the following matters will be required when documenting the development application, together with appropriate mitigation strategies:

a) Measures that maintain or enhance water quality within the watercourse. This can be achieved by minimising the amount of stormwater discharged from a site into a creek.

b) Development in proximity of a watercourse should include appropriate setbacks and be designed not to compromise the stability of the creek bed, shore and bank of the watercourse.

c) Where relevant measures to ensure the free passage of fish and other aquatic organisms within and along the watercourse.

d) Development impacting on native vegetation will generally be required to submit a report prepared by a qualified consultant, the report will need to address criteria contained in the ‘7 Part Test’ (see c.3.2.7 above). In the event the ‘7 Part Test’ indicates there is potential for a significant impact than a species impact statement will need to be prepared.

e) Where applicable consideration must be given to the local Conservation Significance Assessment prepared by Council as part of the Fairfield Biodiversity Strategy 2010. Conservation significance has been assessed as either, High, Moderate or Low. The Biodiversity Strategy provides the basis for the assessment. Any “7 part Test” shall reference the impact of development in relation to the Biodiversity Strategy.

f) Details of any proposed water extraction from, or discharge into the watercourse.

3.5 Flood Risk Assessment

Fairfield City Council is located within the upper reaches of two floodplains associated with the Georges River (generally to the east of the Sydney Regional Parklands) and Hawkesbury/Nepean River (generally to the west of the Sydney Regional Parklands) Catchment areas.

As such, parts of the City are flood prone and from time to time are subject to the risk of flooding from either mainstream (e.g. associated with discharge from creeks) or overland (e.g. local runoff) flooding.

As part of ongoing flood studies, Fairfield City Council has undertaken a number of investigations into flooding in the City, identifying risk mapped areas.
There are still large sections of the City that require investigation and mapping and as these are completed, additional information and controls will be added to Chapter 11 – Flood Risk Management of this DCP.

The following points set out the steps that need to be followed for all development applications in relation to flood risk analysis and management, regardless of whether or not Council has conducted a flood study for the land. Please read this section carefully and seek assistance from Council officers as required:

a) Check the proposal is permissible in the zoning of the land by reference to Fairfield Local Environment Plan 2013.

b) Consider other relevant planning controls found in other chapters of the City-Wide DCP (e.g. controls which govern size and setback of development).

c) Determine whether the property is flood prone, this can be achieved by obtaining a 149(2) Planning Certificate.

d) If the property is flood prone the Section 149(2) Planning Certificate will also indicate which flood risk precincts (i.e. low, medium or high) are applicable to the site.

e) Additional information about the relative flood risk levels to Australian Height Datum (AHD) and floodplain in which a property is located (e.g. Georges River, Upper Prospect Creek, etc.) can be obtained by applying for a Section 149(5) Certificate which includes this information on a Flood Information Sheet.

f) Enquire with Council regarding existing flood risk mapping or whether a site-specific assessment may be warranted in your case (for example, if local overland flooding is a potential problem). A property may be located in more than one Flood Risk Precinct, in which case the assessment must consider the controls relative to each Precinct.

g) Determine the land use category relevant to your development proposal, by firstly confirming how it is defined by the relevant environmental planning instrument and secondly by ascertaining the applicable land use category from Schedule 2 of Chapter 11 of this Plan.

h) Assess and document how the proposal will achieve the performance criteria for development and associated fencing provided by Clauses 11.5 and 11.6 found in Chapter 11.

i) Check if the proposal will satisfy the prescriptive controls for different land use categories in different flood risk precincts, as specified in Schedules 3 to 5 in Chapter 11 of this Plan depending on which floodplain the site is located.

If the proposal does not comply with the prescriptive controls, determine whether the performance criteria are nonetheless achieved. The assistance of Council staff or an experienced floodplain consultant may be required at various steps in the process to ensure that the requirements of this Plan are fully and satisfactorily addressed.

The following flow diagram below summarises the overall consideration process.
Note: Please refer to clause 6.6 Floodplain Risk Management for additional provisions that apply within Fairfield Local Environmental Plan 2013 in relation to safe occupation of and evacuation of certain flood liable land.
3.6  Land Contamination

3.6.1 Overview
Contaminated land is an important land management issue in Fairfield City. Contaminated land means land in/on or under which harmful substances are present in excess of normal background levels. These substances are often the result of past uses and can have a debilitating effect on human health and the environment. The purpose of this section is to help guide Fairfield City Council and the community in dealing with potentially contaminated land and where relevant, to help safeguard the well being of residents and the environment of Fairfield City.

This section of the City-Wide DCP should be read having regard to the provisions of the Contaminated Land Management Act 1997, Contaminated Land Management (Site Auditors) Regulations 1998, State Environmental Planning Policy (SEPP 55) and in response to the provisions of Managing Land Contamination: Planning Guidelines (prepared jointly by the NSW Department of Urban Affairs and Planning (now the Department of Planning and Infrastructure) and the NSW Government's Office of Environment and Heritage.

3.6.2 Objectives
a) To supplement the provisions of SEPP 55 and associated planning guidelines by clarifying the local context for decision making on contaminated land issues in Fairfield City;
b) To ensure Council considers the likelihood of land contamination as early as possible in the planning and development control process;
c) To link decisions about the development of land with the information available about contamination possibilities; and
d) To provide a policy that will provide strategic and statutory planning options based on the information available about contamination.

3.6.3 Controls
3.6.3.1 General Requirement
All development applications (except for change of use and occupation DA’s) must submit information within the statement of environmental effects (as detailed in Chapter 2) detailing whether there is evidence to suggest that the site of the proposed development may be contaminated. In order to prepare this statement reporting on the site’s history including historical records of land use, land title searches, aerial photographs and the results of a site investigation will be necessary.

3.6.3.2 Initial Assessment
a) All development proposals on known contaminated land, or land that may be contaminated, will require a preliminary investigation of the land subject of a development application where:
   a. Council has reasonable grounds to believe the land is contaminated because of the land’s history, condition, or other information known to Council.
   b. Where there are records or evidence that the land contains fill material and the contamination status of the fill cannot be clarified.
   c. The site has been investigated and/or remediated but there is insufficient information available about the nature and extent of contamination, or the circumstances have changed.
   d. There are restrictions on, or conditions attached to, the use of the site by a regulatory authority that are, or may be, related to contamination, but there is insufficient information available about the nature and extent of contamination.
   e. Council records indicate that the site is associated with pollution incidents or illegal dumping of waste.
   f. The site has previous land uses or is adjoining land that has been associated with activities that may cause contamination such as:

<table>
<thead>
<tr>
<th>Industry</th>
<th>Type of Chemical</th>
<th>Associated Chemicals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural/ horticultural activity</td>
<td></td>
<td>See Fertiliser, Insecticides, Fungicides and Herbicides under 'Chemicals manufacture and use'</td>
</tr>
<tr>
<td>Airports</td>
<td>Hydrocarbons</td>
<td>Aviation fuels</td>
</tr>
<tr>
<td>Industry</td>
<td>Type of Chemical</td>
<td>Associated Chemicals</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Asbestos production and disposal</td>
<td>Metals</td>
<td>Particularly aluminium, magnesium, chromium.</td>
</tr>
<tr>
<td>Battery manufacture and recycling</td>
<td>Metals</td>
<td>Lead, manganese, zinc, cadmium, nickel, cobalt, mercury, silver, antimony Sulphuric acid</td>
</tr>
<tr>
<td>Breweries/distilleries</td>
<td>Alcohol</td>
<td>Ethanol, methanol, esters</td>
</tr>
<tr>
<td>Chemicals</td>
<td>Acid/alkali manufacture and use</td>
<td>Mercury (chlor/alkali), sulphuric, hydrochloric and nitric acids, sodium and calcium hydroxides</td>
</tr>
<tr>
<td></td>
<td>Adhesives/resins</td>
<td>Polyvinyl acetate, phenols, formaldehyde, acrylate, phthalate</td>
</tr>
<tr>
<td>Dyes</td>
<td></td>
<td>Chromium, titanium, cobalt, sulphur and nitrogen organic compounds, sulphates, solvents</td>
</tr>
<tr>
<td>Explosives</td>
<td></td>
<td>Acetone, nitric acid, ammonium nitrate, pentachlorophenol, ammonia, sulphuric acid, nitro-glycerine, calcium cyanamide, lead, ethylene glycol, methanol, copper, aluminium, bis(2-ethylhexyl) adipate, dibutyl phthalate, sodium hydroxide, mercury, silver</td>
</tr>
<tr>
<td>Fertiliser</td>
<td></td>
<td>Calcium phosphate, calcium sulphate, nitrates, ammonium sulphate, carbonates, potassium, copper, magnesium, molybdenum, boron, cadmium</td>
</tr>
<tr>
<td>Floculants</td>
<td></td>
<td>Aluminium</td>
</tr>
<tr>
<td>Foam production</td>
<td></td>
<td>Urethane, formaldehyde, styrene</td>
</tr>
<tr>
<td>Fungicides</td>
<td></td>
<td>Carbamates, copper sulphate, copper chloride, sulphur, chromium, zinc</td>
</tr>
<tr>
<td>Herbicides</td>
<td></td>
<td>Ammonium thiocyanate, carbamates, organochlorines, organophosphates, arsenic, mercury, triazines</td>
</tr>
<tr>
<td>Paints</td>
<td>heavy metals</td>
<td>Arsenic, barium, cadmium, chromium, cobalt, lead manganese, mercury, selenium, zinc, titanium</td>
</tr>
<tr>
<td></td>
<td>solvents</td>
<td>Toluene oils either natural (eg pine oil) or synthetic</td>
</tr>
<tr>
<td>Pesticides</td>
<td>active ingredients</td>
<td>Arsenic, lead, organochlorines, organophosphates, sodium tetraborate, carbamates, sulphur, synthetic pyrethroids</td>
</tr>
<tr>
<td></td>
<td>solvents</td>
<td>Xylene, kerosene, methyl isobutyl ketone, amyl acetate, chlorinated solvents</td>
</tr>
<tr>
<td>Pharmaceutical</td>
<td>solvents</td>
<td>Acetone, cyclohexane, methylene chloride, ethyl acetate, butyl acetate, methanol, ethanol, isopropanol, butanol, pyridine methyl ethyl ketone, methyl isobutyl ketone, tetrahydrofuran</td>
</tr>
<tr>
<td>Photography</td>
<td></td>
<td>Hydroquinone, sodium carbonate, sodium sulphite, potassium bromide, monomethyl para-aminophenol sulphate, ferricyanide, chromium, silver thiocyanate, ammonium compounds, sulphur compounds, phosphate, phenylene diamine, ethyl alcohol, thiosulphates, formaldehyde</td>
</tr>
<tr>
<td>Plastics</td>
<td></td>
<td>Sulphates, carbonates cadmium, solvents, acrylates, phthalate, styrene</td>
</tr>
<tr>
<td>Rubber</td>
<td></td>
<td>Carbon black</td>
</tr>
<tr>
<td>Soap/detergent</td>
<td>general</td>
<td>Potassium compounds, phosphates, ammonia, alcohols, esters, sodium hydroxide, surfactants(sodium lauryl sulphate), silicate compounds Sulphuric acid and stearic acid</td>
</tr>
<tr>
<td></td>
<td>acids</td>
<td>Pal, coconut, pine, Teatree</td>
</tr>
<tr>
<td></td>
<td>oils</td>
<td>Ammonia, eg BTEX (benzene, toluene, ethylebenze, xylene) eg trichloroethane, carbon tetrachloride, methylene chloride</td>
</tr>
<tr>
<td>Defence works</td>
<td>See Explosives under 'Chemicals manufacture and use'; also 'Foundries', 'Engine works' and 'Service Stations'</td>
<td></td>
</tr>
<tr>
<td>Drum reconditioning</td>
<td>See ‘Chemicals manufacture and use’</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>Type of Chemical</td>
<td>Associated Chemicals</td>
</tr>
<tr>
<td>-------------------</td>
<td>------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Dry cleaning</td>
<td></td>
<td>Trichloroethylene and 1,1,1-trichloroethane Carbon tetrachloride Perchloroethylene</td>
</tr>
<tr>
<td>Electrical</td>
<td></td>
<td>PCBs (transformers and capacitors), solvents, tin lead, copper, mercury</td>
</tr>
<tr>
<td>Engine works</td>
<td>Hydrocarbons</td>
<td>Chlorofluorocarbons, hydro chlorofluorocarbons, hydro fluorocarbons</td>
</tr>
<tr>
<td></td>
<td>Metals</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Solvents</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Acids/Alkalis</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Refrigerants</td>
<td></td>
</tr>
<tr>
<td>Foundries</td>
<td>Metals</td>
<td>Particularly aluminium, manganese, iron, copper, nickel, chromium zinc, cadmium and lead and oxides, chlorides, fluorides and sulphates of these metals</td>
</tr>
<tr>
<td></td>
<td>Acids</td>
<td>Sulphuric and phosphoric Phenolic and amines coke/graphite dust</td>
</tr>
<tr>
<td>Gas works</td>
<td>Inorganics</td>
<td>Ammonia, cyanide, nitrate, sulphide, thiocyanate</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Aluminium, antimony, arsenic, barium, cadmium, chromium, copper, iron, lead, manganese, mercury, nickel, selenium, silver, vanadium, zinc</td>
</tr>
<tr>
<td></td>
<td>Organics</td>
<td>BTEX, phenolic, PAHs and coke</td>
</tr>
<tr>
<td>Iron and steel works</td>
<td></td>
<td>BTEX, phenolic, PAHs metals and oxides of iron, nickel, copper, chromium, magnesium, manganese and graphite</td>
</tr>
<tr>
<td>Landfill Sites</td>
<td></td>
<td>Alkanes an ammonia, sulphides, heavy metals, organic acids</td>
</tr>
<tr>
<td>Marinas</td>
<td>Antifouling paints</td>
<td>See 'Engine works' and Electroplating metals under 'Metal treatments' Copper, tributyltin (TBT)</td>
</tr>
<tr>
<td>Metal treatments</td>
<td>Electroplating</td>
<td>Nickel, chromium, zinc, aluminium, copper, lead, cadmium, tin</td>
</tr>
<tr>
<td></td>
<td>• metals</td>
<td>Sulphuric, hydrochloric, nitric, phosphoric sodium hydroxide, 1,1,1-trichloroethane, tetrachloroethylene, toluene, ethylene glycol, cyanide compounds</td>
</tr>
<tr>
<td></td>
<td>• acids</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• general</td>
<td></td>
</tr>
<tr>
<td>Mining and</td>
<td></td>
<td>Arsenic, mercury and cyanides and also explosives under 'Chemicals manufacture and use'</td>
</tr>
<tr>
<td>extractive</td>
<td></td>
<td>Aluminium, arsenic, copper, chromium, cobalt, lead, manganese, nickel, selenium, zinc and radio-radiums</td>
</tr>
<tr>
<td>industries</td>
<td></td>
<td>The list of heavy metals should be decided according to the composition of the deposit and known impurities</td>
</tr>
<tr>
<td>Power stations</td>
<td></td>
<td>Asbestos, PCBs, fly ash metals, water treatment chemicals</td>
</tr>
<tr>
<td>Printing shops</td>
<td></td>
<td>Acids, alkalis, solvents, chromium</td>
</tr>
<tr>
<td>Railway yards</td>
<td>Hydrocarbons</td>
<td>BTEX (i.e. benzene, toluene, ethyl benzene, xylene)</td>
</tr>
<tr>
<td></td>
<td>arsenic, phenolic (creosote), heavy metals, nitrates, ammonia Hydrocarbons, metals, solvents</td>
<td></td>
</tr>
<tr>
<td>Scrap yards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service stations</td>
<td>Aliphatic</td>
<td>PAHs</td>
</tr>
<tr>
<td>and fuel storage</td>
<td>hydrocarbons</td>
<td>Phenols</td>
</tr>
<tr>
<td>facilities</td>
<td>BTEX (i.e. benzene, toluene, ethyl benzene, xylene)</td>
<td></td>
</tr>
<tr>
<td>Sheep/ cattle dips</td>
<td>Arsenic, organochlorines, organophosphates, carbamates, synthetic pyrethroids</td>
<td></td>
</tr>
<tr>
<td>Tanning and</td>
<td>Metals</td>
<td>Metals, the fluoride, chlorides and oxides of copper, tin, silver, gold, selenium, lead and aluminium</td>
</tr>
<tr>
<td>associated trades</td>
<td>Chromium, manganese, aluminium</td>
<td></td>
</tr>
<tr>
<td></td>
<td>General</td>
<td>Ammonium sulphate, ammonia, ammonium nitrate, arsenic phenolic, formaldehyde, sulphide, tannic acid</td>
</tr>
<tr>
<td>Water and sewage</td>
<td>Aluminium, arsenic, cadmium, chromium, cobalt, lead, nickel, fluoride, lime, zinc</td>
<td></td>
</tr>
<tr>
<td>treatment plants</td>
<td>Metals</td>
<td></td>
</tr>
<tr>
<td>Wood preservation</td>
<td>Chromium, copper, arsenic Naphthalene, ammonia, pentachlorophenol, dibenzofuran, anthracene, biphenyl, ammonium sulphate, quinoline, boron, creosote, organochlorine pesticides</td>
<td></td>
</tr>
</tbody>
</table>
b) Subsequent stages in the investigation of contamination need not apply where:
   a. The contaminated land consultant certifies that the preliminary investigation clearly and
      unequivocally demonstrates that contamination of the subject land, and its surrounds, has not
      occurred and the site is appropriate for the proposed use; or
   b. The subject land has previously been remediated to an appropriate standard acceptable to
      Council, for the proposed land use.

c) Where the proponent fails to satisfy the above criteria, a detailed investigation will be required as
   referred to in sub clause 3.6.3.3.

3.6.3.3 Detailed Investigation

a) Should the preliminary investigation fail to clearly demonstrate that the land is suitable for its
   proposed use, a more detailed assessment and evaluation is to be undertaken.

b) This detailed investigation involves formal sampling by a suitably qualified contaminated land
   consultant in accordance with the *Contaminated Land; Planning Guidelines* and is to include
   within the statement of environmental effects which:
   a. defines the nature, extent and degree of contamination;
   b. assesses potential risk posed by contaminants to health and the environment; and
   c. describes whether the site is suitable for the proposed use whether feasible remediation
      options exist (and if so what they are).

3.6.3.4 Submissions Requirements for the detailed investigation phase based on the Category
of the proposed development

a) Those development applications which require a detailed investigation under 3.6.3.3, and are
   category 1 remediations as described by SEPP 55 will be required to submit with there DA a
   Remedial Action Plan (RAP). The RAP should be based on EPA guidelines prepared in 1997.
   The RAP should provide information on investigations and on the proposed development. The
   objectives of the remediation strategy and the recommended clean-up criteria should be clearly
   stated in the RAP. The RAP should demonstrate how the proponent proposes to reduce risks to
   acceptable levels and achieve the desired clean up levels.

b) These development applications which require a detailed investigation under 3.6.3.3, and is a
   category 2 remediation as described by SEPP 55 will be required to submit with this detailed
   investigation information on how they intend to remediate the site. The applicant will undertake
   remediation as described by Council in the conditions of consent, or through deferred
   commencement procedures, before the commencement of other works. Council must be notified
   of validation of this work within one month of the remediation work being completed. Sample
   conditions of consent are found in Appendix C of the Managing Land Contamination (planning
   guidelines SEPP 55 – Remediation of Land, DUAP and EPA 1998) or go to
   www.planning.nsw.gov.au for this information.

c) If the remediation works for a category 2 development is deemed to be inconsistent with the
   objectives of clause 3.6.2 then the work becomes a category 1 development.

3.6.3.5 Assessment Considerations

a) Council before granting consent for a development which requires a RAP or where a detailed
   investigation has been carried out must adequately consider and be satisfied that the proposed
   remediation works is of a standard and quality consistent with EPA guidelines.

3.7 Consideration of SEPP 33 – Hazardous and Offensive Development

3.7.1 Objectives

a) To ensure applicants adequately consider SEPP 33 – Hazardous and Offensive Development
   and NSW Hazardous Industry Planning Advisory Paper No.10 – Land Use Safety Planning,
   2011 when preparing development applications.
3.7.2 Controls

a) Applicants are required to consider and address SEPP 33 – Hazardous and Offensive Development and NSW Hazardous Industry Planning Advisory Paper No.10 – Land Use Safety Planning when proposing a residential use adjoining a Hazardous or Potentially Hazardous or Offensive or Potentially Offensive Development.

3.8 Land Affected by Tidal Waters

3.8.1 Overview

Some land in the City adjoining certain creeks and the Georges River are affected by tidal waters. Clause 5.7 of Fairfield LEP 2013 sets out requirements for properties and development affected by tidal waters and below the mean high water mark. These requirements originate from the NSW Standard LEP Order.

3.8.2 Objectives

a) To ensure appropriate environmental assessment for development carried out on land covered by tidal waters.

3.8.3 Controls – General

The controls below are reproduced from Clause 5.7 of Fairfield Local Environmental Plan 2013:

a) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

b) The controls can apply to a range of development in different zones depending on whether a property is affected by tidal influence or below the mean high water mark.

3.9 Acid Sulfate Soils

3.9.1 Overview

Acid sulfate soils are the common name given to soils containing iron sulphides. The acid produced by oxidation of iron sulfides affects both soil and water, and can damage the environment severely. As sulfuric acid moves through the soil, it strips iron, aluminium and sometimes manganese from the soil. In the soil this mixture can make the soil so acid and toxic that few plants can survive. Drainage of coastal wetlands for agricultural and urban development constantly releases enough sulphuric acid and aluminium to affect our waterways. The purpose of this section is to manage the impacts of acid sulphate soils during the construction phase of a development.

3.9.2 Objectives

a) To manage any disturbance to acid sulfate soils so as to minimise impacts on natural water bodies and wetlands, vegetated riparian zones, native vegetation, and on agricultural, fishing, aquaculture, urban and infrastructure activities.

b) To require development consent for works that would disturb soils or groundwater levels in localities identified as having acid sulfate soils.

3.9.3 Controls - General

The controls below are reproduced from Clause 6.4 of Fairfield Local Environmental Plan 2013:

6.4 Sulfate soils [local]

1. The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

2. Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.
<table>
<thead>
<tr>
<th>Class of Land</th>
<th>Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Any works.</td>
</tr>
<tr>
<td></td>
<td>Works below the natural ground surface.</td>
</tr>
<tr>
<td></td>
<td>Works by which the watertable is likely to be lowered</td>
</tr>
<tr>
<td>2</td>
<td>Works more than 1 metre below the natural ground surface.</td>
</tr>
<tr>
<td></td>
<td>Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</td>
</tr>
<tr>
<td>3</td>
<td>Works more than 2 metre below the natural ground surface.</td>
</tr>
<tr>
<td></td>
<td>Works by which the watertable is likely to be lowered more than 2 metre below the natural ground surface.</td>
</tr>
<tr>
<td>4</td>
<td>Works within 500 metre of adjacent Class 1, 2, 3 or 4 land that is below 5 metre Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td>
</tr>
</tbody>
</table>

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulphate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
   (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan need not be carried out for the works, and
   (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
   (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
   (b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
   (c) minor work, being work that costs less than $20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
   (a) the works involve the disturbance of less than one tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or
   (b) the works are not likely to lower the water table.

(7) Clause 10 of State Environmental Planning Policy No.4 – Development Without Consent and Miscellaneous Exempt and Complying development does not apply to development that requires development consent under this clause.
3.10 Bushfire

3.10.1 Overview

This section is to ensure that consideration in the development assessment process is given to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas.

3.10.2 Objectives

a) To ensure the types of protection measures imposed on a development are governed by the degree of threat posed to a development;
b) To manage vegetation to reduce potential bushfire attack on habitable buildings; and
c) To ensure the siting and construction of a development is done in such a way that it increases the likelihood of a development surviving a bushfire attack.

3.10.3 Controls – General

That development subject to bushfire risk satisfies the specifications and requirements of the Planning for Bushfire Protection 2006 Guidelines (www.rfs.nsw.gov.au) that are relevant to the development, or in the case of a development that is for subdivision purposes and in an area deemed Bushfire Prone that consultation with RFS concerning measures to protect life, property and the environment from bushfire takes place.

3.11 Landslide Risk

3.11.1 Overview

Some land within the City is at increased risk of landslide. Such land has been identified on the Fairfield Local Environmental Plan 2013 Natural Resources – Landslide Risk Map. Where land is identified on the Landslide Risk Map development of such land is subject to the provisions of clause 6.3 of LEP 2013.

3.11.2 Controls

The controls below are reproduced from Clause 6.3 of Fairfield Local Environmental Plan 2013:

6.3 Landslide risk [local]

The objective of this clause is to ensure that proposed development is commensurate to the underlying geotechnical conditions and to restrict development on unsuitable land.

(1) This clause applies to land identified on the Fairfield Local Environmental Plan 2013 Natural Resource – Landslide Risk Map.

(2) Before determining a development application in an area identified as landslide risk, the consent authority must consider whether the proposed development’s design is responsive to the constraints of landslide risk, including:
   a) site layout, including access,
   b) the building’s design and construction methods,
   c) the amount of cut and fill,
   d) wastewater management, stormwater and drainage across the site, and
   e) the specific geotechnical constraints of the site.

(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development
(a) is designed, sited, constructed and managed to avoid any landslide risk and potential adverse impact on the development or on land in the vicinity of the proposed development, and

(b) will appropriately manage wastewater, stormwater and drainage across the site so as to not affect the rate, volume and quality of water leaving the land.

### 3.12 Erosion and Sediment Control

#### 3.12.1 Overview

Erosion and sediment control applies to all sites where works over the site will or may have the potential to involve:

- a) Disturbance of the soil surface or placement of fill
- b) Changes in the rate and/or volume of run-off from the site
- c) Stockpiling of soil, sand or other erodible material.

#### 3.12.2 Objectives

- a) To achieve a healthy aquatic ecosystem within the local and broader Georges River and other catchments
- b) To maintain Council’s and private stormwater drainage infrastructure to maximum operating capacity and life
- c) To maintain natural soil on site as part of biodiversity health.

#### 3.12.3 Controls

- a) An Erosion and Sediment Control Plan is required for all development sites where soil disturbance, change or stockpiling will occur. Guidelines are available from the NSW Office of Environment and Heritage and NSW Landcom and will be a condition of approval.
- b) All conditions attached to an approval that specifies how erosion and sediment will be controlled must be:
  - a. put into place prior to any works occurring onsite, and
  - b. maintained throughout the course of the works until the site has been effectively stabilised and revegetated.

### 3.13 Heritage Items

#### 3.13.1 Overview

Our environmental heritage involves places and landscapes of historic, cultural, social, spiritual sacrifice, archaeological, architectural or aesthetic significance. Aboriginal places and landscapes of significance include ceremonial sites, camping places, sacred landscapes, quarries and burial sites.

The built environment includes buildings, works, relics and places where important events occurred, or which have important historic associations with the local community. The natural environment includes elements of the natural world such as plants, animals, ecosystems on which they depend and geographic features formed by geological and climatic processes such as a woodland or a fossil site. The modified environment, or cultural landscape, includes areas of the natural environment modified by human occupation such as a rural landscape, a designed garden or an avenue of trees.

Fairfield’s heritage is also associated with the significant migration that occurred in the post World War II period. Many cultural and social sites are identified as local heritage items including places of worship. The location of all heritage items located within Fairfield City is available from Council.

To ensure heritage items are kept for existing and future generations to enjoy, it is important to consider heritage issues in the early stages of designing a development proposal or in any maintenance work. Applicants are encouraged to discuss proposals with Council’s independent Heritage Adviser, whose assistance is available free of charge.
3.13.2 Objectives
a) to conserve the heritage significance of the natural and built environment for present and future generations to appreciate
b) to ensure that new development does not diminish the significance of the heritage item
c) to set out all the necessary studies, reviews and information applicants must provide based on their proposed development to help make the submission, processing and assessment of applications easier and quicker
d) to enable Council to make an informed decision on the merits of their development proposal based on the information provided.

3.13.3 Control
a) To assist Council in making the assessments required under clause 5.10 of the Fairfield LEP 2013, and to help applicants and designers to take account of heritage issues when contemplating development, applicants must provide the information set out in the table below:

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Heritage Item (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demolition and/or new building</td>
<td>DA and SOHI (2)</td>
</tr>
<tr>
<td>Major alterations and additions</td>
<td>DA and SOHI (2)</td>
</tr>
<tr>
<td>Minor work associated with</td>
<td></td>
</tr>
<tr>
<td>Council’s Heritage Grants Program (3)</td>
<td>Minor Development Application (4)</td>
</tr>
<tr>
<td>All proposed work</td>
<td>Consideration of the relevant design guidelines “Heritage and Development” contained within Appendix G to this DCP.</td>
</tr>
</tbody>
</table>

Note 1: Requirements apply to:
a) items listed in Schedule 5 of the Fairfield LEP 2013 and to any structure on the same parcel of land as such an item.
b) items listed on the State Heritage Register. The Heritage Council and Fairfield City Council have more detailed requirements, which applicants can obtain by contacting Council’s Heritage Advisor.

Note 2: SOHI means a Statement of Heritage Impact is an assessment of the heritage significance of the item prepared by a suitably qualified heritage consultant in accordance with the guidelines issued by the NSW Heritage Office. In most cases the listing sheet in Council’s Heritage Inventory will provide sufficient detail of the significance of the item. Consultants are invited to discuss the scope of the SOHI with Council’s Heritage Advisor. For minor work, Council’s Heritage Advisor will discuss proposed work with owners and, where it is assessed that there is no adverse impact, may issue a letter stating conditions upon which the requirement for a SOHI will be waived.

Note 3: Minor Development Applications associated with Council’s Heritage Grants Program – In the case of minor works associated with the Heritage Grants Program, Council will accept a development application which includes a completed Development Application Form and the Heritage Grant application details required to be submitted under the Heritage Grants Program.

Note 4: Minor work, including painting, repairs, replacement of original materials with similar materials and some unobtrusive minor alterations, does not require a Development Application but does require owners to write to Council of any intended work. Council will reply with a letter:

a) approving the work, or
b) declining the work, or
c) advising that the work is considered to be major and that a Development Application with SOHI is required.

Note: No fee will be charged for these types of development applications as they form part of Council’s Heritage Grants Program.

Note 2: Discussion with the Heritage Advisor is available free of charge. Council’s booklet “Heritage and Development” also provides guidelines on how to sympathetically alter a heritage item.

b) Vegetation such as significant landmark trees are important heritage items and are to be retained and protected from any proposed works. An Arborist is to be engaged to assess this impact.
SCHEDULE: Trees and plants that can be removed without the need for a permit from Council

List A: Undesirable Trees In Fairfield City

- Acer Negundo (Box Elder)
- African Olive
- Camphor Laurel
- Cocos palms
- Cootamundra Wattle
- Coral
- Golden Cypress
- Honey locust
- Norfork Island Hibiscus
- Ornamental Rubber
- Poplar
- Umbrella
- Willow

List B Declared Noxious Weeds

- African feathergrass [Pennisetum macrourum ]
- African turnipweed [Sisymbrium runcinatum ]
- African turnipweed [Sisymbrium thellungi ]
- Alligator weed [Alternanthera philoxeroides ]
- Anchored water hyacinth [Eichhornia azurea]
- Annual ragweed [Ambrosia artemisifolia ]
- Arrowhead [Sagittaria montevidensis ]
- Artichoke thistle [Cynara cardunculus ]
- Athel pine [Tamarix aphylla ]
- Bear-skin fescue [Festuca gautieri]
- Bitou bush [Chrysanthemoides monilifera subspecies rotundata ]
- Black knapweed [Centaurea nigra]
- Blackberry [Rubus fruticosus aggregate species ]
- except cultivars Black satín, Chehalem, Chester
- Thornless, Dirksen Thornless, Loch Ness, Murrindindi, Silvan, Smoothstem, Thornfree
- Broomrapes [Orobanche species ]
- Includes all Orobanche species except the native O. cernua variety austaliana and O. minor
- Burr ragweed [Ambrosia confertiflora ]
- Cabomba [Cabomba caroliniana ]
- Castor oil plant [Ricinus communis ]
- Cayenne snakeweed [Stachytarpheta cayennensis ]
- Chilean needle grass [Nassella neesiana ]
- Chinese violet [Asystasia gangetica subspecies micrantha]
- Clockweed [Gaura parviflora]
- Corn sowthistle [Sonchus arvensis ]
- Dodder [Cuscuta species ]
- includes All Cuscuta species except the native species C. australis, C. tasmanica and C. victoriana
- East Indian hygrophila [Hygrophila polystachya ]
- Espartillo [Achnatherum brachycaesium ]
- Eurasian water milfoil [Myriophyllum spicatum ]
- Fine-bristled burr grass [Cenchrus brownii ]
- Fountain grass [Pennisetium setaceum ]
- Gallon’s curse [Cenchrus biflorus ]
- Glaucescent starthistle [Carthamus glaucus ]
- Golden thistle [Scorolymus hispanicus ]
- Green cestrum [Cestrum parqui ]
- Harrisia cactus [Harrisia species ]
- Hawkweed [Hieracium species ]
- Horsetail [Equisetum species ]
- Hygrophila [Hygrophila costata ]
- Hymenachne [Hymenachne amplexicaulis ]
- Karoo thorn [Acacia karroo ]
- Kochia [Bassia scoparia ]
- except Bassia scoparia subspecies trichophylla
- Lagarosiphon [Lagarosiphon major ]
- Lantana [Lantana species ]
- Leafy elodea [Egeria densa ]
- Long-leaf willow primrose [Ludwigia longifolia ]
- Ludwigia [Ludwigia peruviana ]
- Mexican feather grass [Nassella tenuissima ]
- Mexican poppy [Argemone mexicana ]
- Micronia [Micronia species ]
- Mimosa [Mimosa pigra ]
- Mossman River grass [Cenchrus echinatus ]
- Onion grass [Romulea species ]
- Includes all Romulea species and varieties except R. rosea var. australis
- Oxalis [Oxalis species and varieties ]
- Includes all Oxalis species and varieties except the native species O. chnoodes, O. exilis, O. perennans, O. radicosa, O. rubens, and O. thompsoniae
- Pampas grass [Cortaderia species ]
- Parthenium weed [Parthenium hysterophorus ]
- Pellitory [Parietaria judaica ]
- Pond apple [Annona glabra ]
- Prickly acacia [Acacia nilotica ]
- Prickly pear [Cylindropuntia species ]
- Prickly pear [Opuntia species except O. ficus-indica ]
- Privet (Broad-leaf) [Ligustrum lucidum ]
- Privet (Narrow-leaf/Chinese) [Ligustrum sinense ]
- Red rice [Oryza rufipogon ]
- Rhus tree [Toxicodendron succedaneum ]
- Rubbervine [Cryptostegia grandiflora ]
- Sagittaria [Sagittaria platyphylla ]
- Salvinia [Salvinia molesta ]
- Sand oat [Avena strigosa ]
- Senegal tea plant [Gymnocoronis spilianthoides ]
Serrated tussock [Nassella trichotoma]
Siam weed [Chromolaena odorata]
Smooth-stemmed turnip [Brassica barrelieri subspecies oxyrhina]
Soldier thistle [Picnomon acarna]
Spotted knapweed [Centaurea maculosa]
St. John’s wort [Hypericum perforatum]
Texas blueweed [Helianthus ciliaris]
Water caltrop [Trapa species]
Water hyacinth [Eichhornia crassipes]
Water lettuce [Pistia stratiotes]
Water soldier [Stratiotes aloides]
Willows [Salix species]
Includes all Salix species except S. babylonica, S. x reichardtii, S. x calodendron
Witchweed [Striga species]
Includes all Striga species except native species and
Striga parviflora
Yellow burrhead [Limnocharis flava]
Yellow nutgrass [Cyperus esculentus]
Chapter 4A

Development in the Rural Zones

Table of Contents

4A.0  Context and objectives

4A.1  Existing Character
4A.1.1  Overview
4A.1.2  Objectives
4A.1.3  Controls

4A.2  Roads and Access Points
4A.2.1  Overview
4A.2.2  Objectives
4A.2.3  Controls
4A.2.3.1  Roads (General)
4A.2.3.2  Regional Roads
4A.2.3.3  Collector Roads
4A.2.3.4  Local Roads
4A.2.3.5  Minor Access Roads and Cul-de-sac
4A.2.3.6  Cycleways
4A.2.3.7  Access Points

4A.3  Landscaping
4A.3.1  Overview
4A.3.2  Objectives
4A.3.3  Controls

4A.4  Sewage Management
4A.4.1  Overview
4A.4.2  Objectives
4A.4.3  Controls
4A.4.3.1  Installation
4A.4.3.2  Location
4A.4.3.3  Non-Residential Development in the rural area

4A.5  Residential Development near Extractive Industries
4A.5.1  Overview
4A.5.2  Objectives
4A.5.3  Controls

4A.6  Aircraft Noise
4A.6.1  Overview
4A.6.2  Objectives
4A.6.3  Design for impacts of Aircraft Noise

4A.7  Criteria for Rural Building Design
4A.7.1  Overview
4A.7.2  Objectives
4A.7.3  Controls
4A.7.3.2  Specific building design criteria
4A.7.3.4  Building height
4A.7.3.5  Cut and fill
4A.7.3.6  Rural ancillary structures
4A.7.3.7  Fencing
4A.7.3.8  Proposals for or to retain a dam

4A.8  Horsley Park Village
4A.8.1  Overview
4A.8.2  Objectives
4A.8.3.1  Building Height
4A.8.3.2  Development carried out within the village
4A.8.3.3  Roadside stalls

4A.9  Agricultural Development
4A.9.1  Overview
4A.9.2  Objectives
4A.9.3  Controls
4A.9.3.1  General

4A.10  Stormwater Detention
4A.10.1  Overview
4A.10.2  Objectives

4A.0  Context and objectives

This chapter applies to all development in those areas zoned:
a) RU1 Primary Production
b) RU2 Rural Landscape
c) RU4 Primary Production Small Lots
d) RU5 Village
under Fairfield Local Environmental Plan 2013.
The objectives of this chapter are to:

a) set out all the necessary information applicants must consider in their proposed development

b) ensure development proposals make a quality contribution to the vision for the City’s rural area

c) ensure development proposals maintain environmental and quality of life standards for present and future residents in the rural area.

For properties identified as heritage items within Fairfield City, refer to:
- Chapter 2 – Development Application Process, clause 2.2.13 – Heritage Assessment
- Chapter 3 – Environmental Management and Constraints, clause 3.12 Heritage Items
- Appendix G – Heritage and Development.

For properties near heritage items, contact Council on how your proposal must minimise potential impacts.

4A.1 Existing Character

4A.1.1 Overview

The existing character of the rural area is generally a semi-rural environment that contains a mix of rural-residential, agricultural and extractive land uses. Several creeks traverse the area and are lined with pockets of vegetation. The remainder of the area has mostly been cleared of natural vegetation.

4A.1.2 Objectives

a) To ensure development is consistent with the existing character of the rural area
b) To prohibit any further intensive agricultural activities such as piggeries and poultry farms
c) To ensure all new development in the area has regard to its rural setting and minimises adverse effects on the environment and adjoining residents.

4A.1.3 Controls

a) To ensure new development is consistent with Council's intention to provide a suitable environment for rural-residential living and at the same time allow the retention of the semi-rural character of the area.

4A.2 Road Access and Points

4A.2.1 Overview

To outline development controls regarding road widths, construction of road verges, cycle ways and access points to properties.

4A.2.2 Objective

a) To ensure road construction in the rural area is consistent with other areas of the City and where appropriate provided in a manner conducive to local conditions.

4A.2.3 Controls

4A.2.3.1 Roads (General)

a) A 20 metre road reserve applies for all public roads in the rural area as it does across other areas of the City. Generally, the sealed carriageway width will be shown on the typical cross sections for the roads in the area. These cross sections are outlined in the following figures:
Typical Cross Sections – DCP Horsley Park

ROADS WITH 3.5m WIDE PAVEMENT & 1.00 m SHOULDER

ANY CUL-DE-SAC, TRUMAN ROAD, BURLIE ROAD (east of Wolworth Road)
GARFIELD ROAD, COBHAM STREET (east of Horsley Road), CHANDOS ROAD.

LOCAL ROADS WITH 6m WIDE PAVEMENT & 1.00m SHOULDER

KOALA WAY
GARFIELD ROAD
BURLEY ROAD (between Arundel Road to Wolworth Road)

NOTES:
1. TABLE DRAIN DEPTH IS GOVERNED BY THE
   APPROPRIATE AMOUNT OF FLOW EXPECTED - STANDARD DEPTH IS TO BE 200mm.
2. NO TABLE DRAIN IS REQUIRED IF ROAD SECTION IS CLOSE TO A DRAIN OR BY SOME
   SPECIAL CASES IN SOME OF THE MINOR ROADS TO BE CONFIRMED AT THE SUBMISSION STAGE.
3. PAVEMENT DETAILS TO BE DETERMINED BY F.C.C. WORKS ENGINEER.
4. ALL DIMENSIONS SHOWN ARE IN METRES.
5. EMBANKMENT SLOPE TO BE MIN 1:2 UP TO 1:5 MAX.

13m WIDE PAVEMENT WITH 3.5m FOOTPATH

THE HORSLEY DR (between Wolgrove Road & Arundel Road)

COLLECTOR ROAD WITH 6m WIDE PAVEMENT & 2.00m SHOULDER

BUFF ROAD
4A.2.3.2 Regional Roads
For these roads, a 7 metre wide sealed carriageway with 2 metre wide shoulders plus table drain applies.

4A.2.3.3 Collector Roads
For these roads, a 6 metre wide sealed carriageway with 2 metre wide shoulders plus table drain applies.

4A.2.3.4 Local Roads
For these roads, a 6 metre wide sealed carriageway with 1 metre wide shoulders plus table drain applies.

4A.2.3.5 Minor Access Roads and Cul-de-sac
a) For these roads, a 3.5 metre wide sealed carriageway with 1 metre wide shoulders plus table drain applies.

b) Each developer will be required to carry out the following works for the full property frontage:
   a. Construction of a low maintenance turfed road verge in accordance with the following figures:
b. that the velocity of stormwater run-off exceeds the scour velocity of the turf lining.

c. Avenue type tree planting to be provided.

d. Where deemed necessary by Council, construction of a turfed flow path through the property carrying flows from road culverts away from development sites.

e. Construction of a sealed access from the existing road pavement to the property boundary for all existing and proposed houses or lots.

f. Where possible all existing piped driveway crossings will be removed and replaced with a sealed access pavement.

c) Before commencement of any works requiring the removal of any ground cover, suitable soil erosion protection measures must be implemented. Such measures may include but need not be limited to sediment traps or ponds, diversion banks and silt fencing. All exposed areas of soil must be turfed or seeded and mulched immediately following completion of earthworks.
4A.2.3.6 Cycleways
a) A cycleway network has been designed for the area, which is a combined on-road and off-road facility. The on-road cycleway will be 2.5m wide and will be delineated from the normal road carriageway by the use of a different coloured asphalt.

b) The off-road facility will also be 2.5m wide and will be a combined pedestrian footway and cycleway. This facility will have a turfed surface.

4A.2.3.7 Access Points
a) Access driveways should as far as possible follow natural contours rather than cutting across the contours. Extensive cut and fill should be avoided in order to:
   a. Retain the natural character of the site by reducing the intrusive appearance of driveways.
   b. Lessen the possibility of erosion thereby minimising maintenance costs.
   c. Allow an informal lot layout and dwelling placement.
   d. Allow easier manoeuvring and reduce speeding.

b) Driveways are to be landscaped along the edges and should be constructed of compacted gravel, paved or sealed in brown, green, grey or ochre tones. Regardless of the proposed method of internal construction all driveways must be sealed between and the property boundary in accordance with drawing S-226 found in this chapter.

c) Access handles serving more than one hatchet lot must be not less than 10 metres in width. Driveways within such access handles should have a 3 metres wide sealed pavement and should avoid long straight sections. Access handles serving a single lot must be not less than 7m in width; single lot driveways must have an all weather surface with a minimum width of 3 metres. Details of proposed driveway lots and landscaping are to be submitted with the development application.

d) The number of access points to arterial roads should be minimised. Subdivision design should provide access via adjacent local roads. Where such arrangements cannot be made, common access points/Driveways should be established as part of the proposed subdivision. A buffer area of 10 metres should be provided between a regional road and an access driveway. This setback should be appropriately landscaped to reduce visible road. Suitable landscaping should include vegetation and moulding.
4A.3 Landscaping

4A.3.1 Overview
All new developments in the rural zone are required to provide landscaping to complement existing vegetation and the surrounding area.

4A.3.2 Objectives
a) To encourage native plantings within the rural area.
b) To soften the built form of rural sheds and other large buildings.

4A.3.3 Controls
Refer to Appendix F – Landscape Planning.

4A.4 Sewage Management

4A.4.1 Overview
The rural area is not served by the Sydney Water reticulated sewerage system. All new dwellings in the rural area need to be provided with an on-site sewage management system to deal with waste water and human wastes. This clause details the requirements for installing and maintaining septic tanks.

4A.4.2 Objectives
a) To prevent the waste water from the system causing a danger to human or animal health or to the environment.
b) To ensure that on-site sewage management systems are designed, installed and located appropriately.

4A.4.3 Controls

4A.4.3.1 Installation
a) On-site sewage management systems are to be installed and maintained in accordance with the Council’s On-Site Sewage Management Policy.

4A.4.3.2 Location
a) A minimum area of 1,600 square metres is to be dedicated for the disposal of waste water arising from the on-site system.
b) The buffer distances (i.e. the distance between the disposal area and the boundaries of the premises, dwellings, swimming pools, driveways, outbuildings and from drainage reserve or flood liable land) shall be according to the distances indicated in the Council’s On-site Sewage Management Policy. The buffer distances vary according to the contours and other features of the land.

4A.4.3.3 Non-Residential Development in the rural area
a) All proposals for non-residential forms of development will need to satisfy the requirements of the NSW Government’s Office of Environment and Heritage.
4A.5 Residential Development near Extractive Industries

4A.5.1 Overview

Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995) provides for controls, referrals to State Government Departments and other matters for consideration for developments located within the vicinity of extractive industry.

The following extractive industry sites are identified within Fairfield City with Schedule 1, Division 1 within Sydney Regional Environmental Plan No 9. If your property is located within 500 metres of an extractive industry boundary, certain development controls may apply to your land.

Site 5
Lots 4–8 and 10–14, DP 236527; Lots 1–2, DP 533788 and Part Lot 25 (Section 5), DP 2954, Cecil Road, Cecil Park. (Now Lots 4–8 and 10–14, DP 236527; Lots 1–2, DP 533788 and Lot 25, DP 653888).

Site 6
Lot 1, DP 106143 Cnr. Old Wallgrove Road and Burley Road, Horsley Park. PGH, Horsley Park.

Site 8
Lot 2, DP 120673, Old Wallgrove Road, Horsley Park. Land in Conveyance Book 2842 No 807, excluding Lot 1, DP 579002, Old Wallgrove Road, Horsley Park, being Part Portion 32 and Part Portion 45, Parish of Melville, County of Cumberland. Austral Plant 3, Horsley Park. (Now Lot 2, DP 120673; Lot 1, DP 843901).
### 4A.5.2 Objectives

a) To ensure development will not be adversely affected by noise, dust, vibration or reduced visual amenity from any nearby extractive industry.

b) To ensure development will not adversely affect any existing or future activity associated with any nearby extractive industry.

### 4A.5.3 Controls

a) Council must not consent to development in the vicinity of extractive industry sites unless it is satisfied that:

   a. the proposed development will not be adversely affected by noise, dust, vibration or reduced visual amenity from any nearby extractive industry, and

   b. the proposed development will not in any way adversely affect any existing nearby extractive industry or prevent any such extractive industry from realising its full economic potential by adversely affecting future expansion of the extractive industry of which the Council is aware.

b) **Noise and Vibration Reports** – For dwelling houses, secondary dwellings and sensitive land uses located within the 500 metre buffer from a nominated extractive industry site, the submission of an acoustic report must accompany all development applications.

A noise and vibration report, prepared by a suitably qualified acoustic engineer, showing how the predicted maximum noise levels will be mitigated, must be submitted to Council. As a guide:

   a. the predicted noise is to be attenuated to a level that complies with AS/NZS 2107:2000 Australian/New Zealand Standard™ Acoustics—Recommended design sound levels and reverberation times for building interiors.

   b. Appropriate criteria for external recreational areas of the dwelling that fall within the 500 metre buffer are to be determined by the acoustic consultant.
c) Dust suppression and visual amenity - Landscaping plans should demonstrate appropriate landscaping that will assist to both reduce dust (permitted through environmental regulations) and visually screen quarry sites.

### 4A.6 Aircraft Noise

#### 4A.6.1 Overview

In April 2014 the Federal Government announced its decision to proceed with an airport at Badgerys Creek in the Liverpool City Council area. The original Environmental Impact Statement prepared for the airport site in the late 1990’s included options and aircraft flight paths that impact on various parts of Fairfield City.

To mitigate the impacts of aircraft noise, new residential development in Horsley Park and Cecil Park must meet ‘deemed to satisfy’ criteria for insulation. The requirements also apply to alterations and additions to existing residential accommodation.

The provisions also provide scope for applicants to request a variation on the deemed to satisfy criteria by submitting a report by a qualified acoustic consultant that the measures proposed to be included in a new residential building comply with Australian Standard AS 2021-2000, Acoustic – Aircraft Noise Intrusion – building, siting and construction.

**Note:** At this stage, Council does not have any detailed information regarding the Badgerys Creek Airport. You should make your own enquiries with the Commonwealth Government Department responsible via the website http://www.infrastructure.gov.au/aviation

#### 4A.6.2 Objectives

a) To mitigate against the acoustic impacts of aircraft noise on new residential development in Horsley Park and Cecil Park as a result of a second airport at Badgerys Creek.

b) To provide clarification of measures required in buildings to mitigate against aircraft noise by achieving compliance with relevant deemed to satisfy criteria.

c) To ensure measures to mitigate against aircraft noise are consistent with provisions contained in the Australian Standard AS 2021-2000, Acoustic – Aircraft Noise Intrusion – building, siting and construction.

#### 4A.6.3 Controls - Design for impacts of Aircraft Noise

Prior to the issue of a construction certificate, amended architectural plans and details indicating compliance with either Option 1 or 2 detailed in the following table shall be submitted to the Principal Certifying Authority for approval.

<table>
<thead>
<tr>
<th>Option 1 - Deemed to satisfy requirements</th>
<th>Deemed to satisfy requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Element</strong></td>
<td><strong>Ratings</strong></td>
</tr>
<tr>
<td>Wall construction</td>
<td>Achieve a minimum construction of Rw of 52dB</td>
</tr>
<tr>
<td></td>
<td>Brick veneer construction with all joints filled solid with mortar, timber stud frame lined with 1 layer 10mm plasterboard and 75mm R1.5 insulation batts between al studs. All plasterboard joints to be sealed taped and set.</td>
</tr>
<tr>
<td>Roof / Ceiling construction</td>
<td>Achieve a minimum construction of Rw of 52dB</td>
</tr>
<tr>
<td></td>
<td>Pitched roof clad with concrete or terracotta roof tiles with R3.0 insulation batts laid between ceiling joists and a medium duty sarking over all rafters to the underside of the roof tiles. The Ceiling shall be a minimum of 1 layer 13mm plasterboard with all joints sealed, taped and set.</td>
</tr>
<tr>
<td>Windows</td>
<td>Bedroom windows to achieve a</td>
</tr>
<tr>
<td><strong>Minimum Rw of 32dB</strong></td>
<td>Laminated glass and acoustic seals. Minimum Rw32.</td>
</tr>
<tr>
<td>------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td><strong>Living rooms to achieve a minimum Rw of 30dB</strong></td>
<td>All lounge/dining/family/kitchen/study windows/glass- 6mm glass and acoustic seals. Minimum Rw30</td>
</tr>
<tr>
<td><strong>Other windows Achieve a minimum Rw of 25dB</strong></td>
<td>All other windows to achieve a minimum Rw 25</td>
</tr>
<tr>
<td><strong>Note</strong></td>
<td>All windows shall be certified by the manufacture to achieve the required Rw rating with acoustic seals.</td>
</tr>
</tbody>
</table>

**External Entry Doors**  
External doors to achieve a minimum Rw of 32dB  
Be a minimum of 35MM thick Solid core construction or 6.38 laminated glass or similar.  
Doors must be fitted with acoustic seals such as Lorient IS7025,IS8011si or Raven RP47 or equivalent to achieve the same Rw or a minimum 30dB  

| **Plasterboard corner details** | Maintain rating between all walls and ceiling.  
Plasterboard must be well sealed at corners and joints. |
|----------------------|--------------------------------------------------|
| **Ventilation and Penetrations** | Must not compromise the external building envelope and maintain all external wall window and ceiling ratings.  
All opening in walls and ceiling shall be sealed to maintain the integrity of the Rw rating.  
- Sealed with non-setting mastic or synthetic rubber,  
- Fibreglass or Rockwool insulation  
- Sponge rubber. |

**Option 2 - Acoustic Report**  

| **Key** | dB – Decibels, measure of Sound level  
Rw – Wight Sound Reduction Index, rate the effectiveness of a soundproofing system or material |

**4A.7 Criteria for Rural Building Design**

**4A.7.1 Overview**

The controls as described below set out the criteria for building design on rural land. Sensitive siting and design of structures and the use of landscaping are important to minimise the impact of the overall development on the landscape.

Consideration also needs to be given to the design and siting of buildings on rural land prior to determining the subdivision layout, as this will determine the future pattern of the built environment. Controls for subdivision of rural land are set out in Chapter 14, Section 14.3.

**4A.7.2 Objectives**

a) To ensure building designs respond to the natural features and topography of the land.  
b) To preserve existing landscape features.

**4A.7.3 Controls**  
**4A.7.3.1 Siting of development**
a) In determining the siting of a building, consideration should be given to the following factors:

a. Dwellings should be orientated to make the best use of sunlight and views. Living areas should have a northerly aspect to maximise energy and the amount of sunshine that a building is exposed to during the year.
b. West facing walls should have very few windows for protection against hot westerly winds and summer sun.
c. Slopes and access to views.
d. Protection from wind and adverse weather.
e. The preservation of prominent ridgelines from intrusion by new buildings.
f. Buildings should not be sited on overland flow paths identified by Council. This may increase any potential flood hazard or flood damage to buildings.
g. The dwelling should be set back from roads and surrounding dwellings in order to reduce noise and other disturbances.
h. Driveway access.
i. Retaining the existing vegetation for possible incorporation with the landscape of the buildings.
j. Future use and enjoyment of the site.

4A.7.3.2 Specific building design criteria

a) Avoid monolithic structures by grouping buildings in a more sympathetic way, through the use of landscaped features and contours, as depicted in the figures above and below.

The roofline of a building is critical to the way that the building blends in with the natural topography of the land. On flat landscapes and sites with hills as backdrops, hipped roofs are generally more appropriate. Split-level homes are generally more suited to sloping sites. The roofline can be staggered according to degree of slope. The use of wider eaves, and in particular, verandas, can bring the roof edge closer to the ground thereby integrating the dwelling into the overall landscape. Dormer windows can be used to allow upper floor accommodation while minimising wall height and roof bulk.

b) The predominant colours of the rural area are the range of greens, greys and brown of the vegetation. Similar or complementary colours are therefore appropriate for new buildings and additions. Any ancillary buildings should be similar materials, style and colour to the main
dwelling building. Highly reflective surfaces such as large expanses of glass or unpainted metal decking should be avoided. Suitable roofing materials include painted corrugated iron, colourbond, slate, shingles or tiles in grey, brown, green or ochre tones

4A.7.3.3 Setbacks
a) Front:
   a. No building is to be built within 30m of either Wallgrove Road or Elizabeth Drive.
   b. In all other situations the minimum setback shall be no less than 15 metres or the average existing setback whichever is the less.

b) Side:
   a. Dwellings must be setback a minimum of 5m.
   b. Ancillary structures must be setback a minimum of 3m.

4A.7.3.4 Building Height
a) Building Height is determined by reference to the Building Height Map which forms a part of Fairfield LEP 2013.

b) The maximum building height within the RU2, RU4 and RU5 zone is 9 metres. Within these zones dwellings should be no greater than two storeys in height.

c) The wall height of the building should not exceed 6.5 metres above natural ground level at any point and the overall height of the building including the roof shall not exceed 9 metres.

d) Ancillary structures should not exceed 5 metres in height, including the roof, above natural ground level.

4A.7.3.5 Cut and Fill
a) A maximum fill of 1 metre will be permitted where the filling is contained within the building envelope by a drop edge beam.

b) Filling of the ground outside the building envelope is not permitted.

4A.7.3.6 Rural ancillary structures
a) The maximum size of a rural ancillary structure proposed on a site with an approved dwelling shall be:
   a. for an awning 100 square metres,
   b. for a carport 100 square metres,
   c. for a garage 100 square metres,
   d. for an outbuilding 75 square metres,
   e. for a rural shed 150 square metres.

b) Only two enclosed rural ancillary structures of any type such as a detached garage or rural shed or the like are permitted per dwelling.

c) For enclosed rural ancillary structures over 60 square metres in size, an internal layout must be provided.

d) The maximum accumulative size of all enclosed rural ancillary structures shall be 250 square metres.

4A.7.3.7 Fencing
a) To maintain a rural setting, boundary and other fencing should be inconspicuous. Post and wire or post and rail fences in natural or earth tones are preferred. Hedges are also suitable.

4A.7.3.8 Proposals for or to retain a dam
a) All existing dams on flood liable land are to be removed and the surface reinstated at the time of subdivision or building construction (whatever comes first) unless the applicant can demonstrate that retention of a dam will mitigate flooding.
b) The stability of a dam proposed to be retained must be certified by a suitably qualified engineer before approval of any development application relating to that property.

c) Development downstream of any dam is to be located clear of the flow path created in the event of a dam-break. The flow path is to be determined by a qualified engineer and provided with the development application.

d) A proposal to fill an existing dam or excavate a new dam requires a development application accompanied by an environmental assessment and a qualified engineer’s report, which must detail aspects of dam safety and effects on adjoining properties and the potential impact on the environment.

e) The Office of Water should be consulted for licensing requirements if the new dam to be constructed exceeds the harvestable right.

4A.8 Horsley Park Village

4A.8.1 Overview

The Horsley Park Village provides for the day-to-day commercial needs of the surrounding area. These development controls are intended to improve visual appearance, encourage consistent building form, integrate access and parking arrangements and promote an overall village theme.

4A.8.2 Objective

a) To ensure all new commercial development in the village is compatible and complementary to the scale, form and functionality of existing commercial developments.

4A.8.3 Controls

4A.8.3.1 Building Height

a) The wall height of a building should not exceed 6 metres at any point. The overall height of a building including the roof should not exceed 9 metres.

4A.8.3.2 Development carried out within the village

a) Development within the village should respect the existing spatial qualities of the streetscape and avoid introducing elements which would create discord in the space such as:
   a. noticeably different setbacks
   b. high solid walls where low or open fences are predominant
   c. replacement or loss of well-established trees
   d. out of scale facades.

4A.8.3.3 Roadside stalls

a) Roadside stalls are permitted on land adjoining local roads within the rural area provided the commercial activity in the stall is carried on in conjunction with the agricultural use of land, on the property on which they are located or from an adjacent property.

b) Roadside stalls are not to be erected within 100m of an Arterial Road.

c) The gross floor area of a road side stall must not exceed 8 square metres.

4A.9 Agricultural Development

4A.9.1 Overview

Describes Council’s position on the extent and nature of agricultural activity which is appropriate given the rural residential character of the area.

4A.9.2 Objectives
a) To facilitate agriculture such as horticulture, flower cultivation and those activities, which can be, in the view of Council, qualify as a hobby farm.

b) To ensure the use of chemical sprays and pesticides are carried out without health affects to the community.

c) To ensure that agricultural activities do not pollute neighbouring properties.

4A.9.3 Controls

4A.9.3.1 General

a) That any development proposal for agricultural development be assessed against the development objectives set out above.

4A.10 Stormwater Detention

4A.10.1 Objectives

a) To minimise the frequency of surcharging of the local drainage system causing downstream flooding problems.

b) To minimise increases in flood levels on the drainage network and on the creek system.

c) To ensure that OSD requirements integrate with the architectural design and layout of the development, ie the OSD system needs to be located so as not to compromise the location of the septic system.

4A.10.2 Controls

a) OSD requirements apply to parcels where there is an increase in the impervious nature of the site.

b) All pervious areas draining into the detention basin shall be treated as impervious unless runoff routing calculations are performed.

c) Where the site is fully affected by flooding, or overland flow paths, OSD requirements do not apply. Applicants should seek more information on flooding by applying for a Section 149(5) certificate from Council, referring to Council's Flood Risk Management Policy and by checking compliance with Council's Flood Risk Management requirements (refer to Chapter 11 of this DCP)

d) The permissible site discharge shall be 78 l/s/ha.

e) In the interests of safety and amenity, ponded water depths are not to exceed:
   a. Parking/paved areas – 0.2 metres.
   b. Landscaped areas – 0.5 metres.
   c. Covered storage – no limit.
   d. Fenced storage – no limit.
   e. Roof area – as required for structural integrity

f) Finished floor levels are to be at the following minimum levels:
   a. Lockup garages – above the maximum 1 in 100 year water surface level.
   b. Finished habitable floor levels – 0.3 metres above the maximum 1 in 100 year water surface level.

For more information on Council’s policy on stormwater detention in rural areas applicants should refer to Council’s Rural Area On-site Detention Guidelines.
Chapter 4B

Secondary Dwellings in Rural Area – Horsley Park and Cecil Park

Table of Contents

<table>
<thead>
<tr>
<th>4B.0</th>
<th>Local Context</th>
</tr>
</thead>
<tbody>
<tr>
<td>4B.0.1</td>
<td>Development to which this Chapter applies</td>
</tr>
<tr>
<td>4B.0.2</td>
<td>Objectives of this Chapter</td>
</tr>
<tr>
<td>4B.1</td>
<td>Site Requirements</td>
</tr>
<tr>
<td>4B.1.1</td>
<td>Lot Requirements</td>
</tr>
<tr>
<td>4B.2</td>
<td>Built Form and Urban Design</td>
</tr>
<tr>
<td>4B.2.1</td>
<td>Floor Area</td>
</tr>
<tr>
<td>4B.2.2</td>
<td>Building Height</td>
</tr>
<tr>
<td>4B.2.3</td>
<td>Setbacks</td>
</tr>
<tr>
<td>4B.2.4</td>
<td>Building Appearance &amp; Location</td>
</tr>
<tr>
<td>4B.2.5</td>
<td>Building Materials</td>
</tr>
<tr>
<td>4B.2.6</td>
<td>Internal Design</td>
</tr>
<tr>
<td>4B.2.7</td>
<td>Alterations and Additions</td>
</tr>
<tr>
<td>4B.3</td>
<td>Car Parking and Access</td>
</tr>
<tr>
<td>4B.3.1</td>
<td>Car Parking Rate</td>
</tr>
<tr>
<td>4B.4</td>
<td>Open Space and Landscaping</td>
</tr>
<tr>
<td>4B.4.1</td>
<td>Private Open Space</td>
</tr>
<tr>
<td>4B.4.2</td>
<td>Landscaping</td>
</tr>
<tr>
<td>4B.4.3</td>
<td>Fencing</td>
</tr>
<tr>
<td>4B.5</td>
<td>Amenity</td>
</tr>
<tr>
<td>4B.5.3</td>
<td>Privacy</td>
</tr>
<tr>
<td>4B.6</td>
<td>Drainage</td>
</tr>
<tr>
<td>4B.6.1</td>
<td>Stormwater Detention</td>
</tr>
<tr>
<td>4B.6.2</td>
<td>Cut and Fill</td>
</tr>
<tr>
<td>4B.6.3</td>
<td>Rainwater Tanks</td>
</tr>
<tr>
<td>4B.7</td>
<td>Sewage Management</td>
</tr>
<tr>
<td>4B.8</td>
<td>Residential Development near Extractive Industries</td>
</tr>
<tr>
<td>4B.9</td>
<td>Aircraft Noise</td>
</tr>
<tr>
<td>4B.10</td>
<td>Site Servicing</td>
</tr>
<tr>
<td>4B.10.1</td>
<td>Water</td>
</tr>
<tr>
<td>4B.10.2</td>
<td>Electricity</td>
</tr>
<tr>
<td>4B.10.3</td>
<td>Telephone and Internet</td>
</tr>
<tr>
<td>4B.10.4</td>
<td>Dwelling Street Number</td>
</tr>
<tr>
<td>4B.10.5</td>
<td>Postal Services</td>
</tr>
<tr>
<td>4B.10.6</td>
<td>Water &amp; Dry Recycling Collection</td>
</tr>
<tr>
<td>4B.10.7</td>
<td>TV Antennas</td>
</tr>
</tbody>
</table>

4B.0 Local Context

4B.0.1 Development to which this Chapter applies

This Chapter applies to Secondary Dwelling development in the RU2 – Rural Landscape zone and RU4 – Primary Production Small Lots zone under Fairfield Local Environmental Plan (LEP) 2013.

4B.0.2 Objectives of this Chapter

The objectives of the Chapter are:

a) To provide for the housing needs of the residents of Horsley Park and Cecil Park that meets the needs of extended families, single households and creates greater availability of affordable accommodation.

b) To ensure that new secondary dwellings provide a high standard of amenity for their occupants;

c) To protect adjacent land and the wider environment from the impact of secondary dwellings;

d) To ensure secondary dwellings make a positive contribution to the vision for the City’s rural area;

e) To ensure secondary dwellings maintain environmental and quality of life standards for present and future residents in the rural area.
For properties identified as heritage items within Fairfield City, refer to:
- Chapter 2 – Development Application Process, clause 2.2.13 – Heritage Assessment
- Chapter 3 – Environmental Management and Constraints, clause 3.12 Heritage Items
- Appendix G – Heritage and Development.

For properties near heritage items, contact Council on how your proposal must minimise potential impacts.

Note: Prefabricated housing is not permitted as they do not comply with BASIX requirements and are not yet at a standard that contribute positively to the streetscape.

4B.1 Site Requirements

The size of an allotment and the density of built structures have an impact on the amenity of the people living on the site as well as those on the adjoining sites and the area as a whole.

The appearance, position and height of dwellings may affect the streetscape and character of a neighbourhood. In order to ensure that the building appearance is maintained in a uniform manner, the dwelling position, development façade, building height, sizes of rooms and access for all residents, and safety and security are regulated.

4B.1.1 Lot Requirements

There is no minimum site area requirement for secondary dwellings in the RU2 – Rural Landscape zone and RU4 – Primary Production Small Lot zone under Fairfield LEP 2013, for which secondary dwellings are permitted with consent. However, a minimum subdivision requirement of 10 hectares applies to the RU2 – Rural Landscape zone and a minimum subdivision requirement of 1 hectare applies to the RU4 – Primary Production Small Lot zone under the Fairfield LEP 2013.

Objectives

a) To ensure occupants are provided with an acceptable standard of independent living
b) To ensure privacy is maximised for neighbours of the development and those who will occupy the secondary dwelling
c) To provide adequate space for landscaped area to promote the healthy growth of trees and shrubs
d) To ensure adequate permeable surfaces are allocated to reduce soil erosion and to increase sustainable management of stormwater and sewage.

Controls

a) Secondary dwelling shall be located on the same lot of land as the principal dwelling.
b) The land shall only contain a principal dwelling and a secondary dwelling, no other dwelling.
c) Secondary dwellings associated with a new principal dwelling are to be attached to the principal dwelling.
d) Secondary dwellings associated with an existing principal dwelling can be detached but shall be setback by no more than 10 metres from the principal dwelling.
e) The design of the secondary dwelling shall complement the new or existing dwelling house and shall have regard to the definition of secondary dwelling outlined in Fairfield LEP.
f) Subdivision of secondary dwelling development is prohibited. This includes Strata, Torrens and Community title forms of subdivision.

4B.2 Built Form and Urban Design

The design and location of a secondary dwelling influence the amenity provided by the dwelling to its occupants as well as the amenity of those living on the same land and/or adjoining sites. To ensure a reasonably high level of residential amenity is provided and/or maintained various building design elements are regulated.
4B.2.1 Floor Area

Objective

a) To ensure building bulk, site coverage and open space provisions are compatible with neighbouring developments
b) To ensure secondary dwellings are provided with a reasonably high level of residential amenity to provide independent living
c) To ensure that secondary dwelling appropriately integrates with and complements the principal dwelling on the land.

Controls

a) The maximum permitted gross floor area for secondary dwelling is 60m$^2$ or 10% of the total floor area of the principal dwelling, whichever is the greater, subject to compliance with the definition of secondary dwelling prescribed in Fairfield LEP 2013.

4B.2.2 Building Height

Objectives

a) To ensure new development is consistent and compatible with established built form and results in a physically cohesive neighbourhood
b) To ensure minimal overshadowing of neighbouring properties
c) To ensure privacy and limited overlooking of neighbouring properties
d) Maintain sunlight in public and private open spaces.

Controls

a) Secondary dwellings shall be single storey construction only.
b) The height of a detached secondary dwelling shall not exceed 4.5 metres, as measured from the natural ground level to the topmost point of the secondary dwelling. Greater heights may be considered where the contour of the land justifies additional building height.
c) Secondary dwelling proposed above or below (i.e. within a basement) the main dwelling will not be supported.

4B.2.3 Setbacks

The position of a secondary dwelling from property boundaries has potential to affect the privacy and solar access of adjoining properties as well as the provision of access to the secondary dwelling from the street. To ensure solar access and privacy of adjoining properties are preserved and sufficient access is provided, setbacks from boundaries are regulated.

Objectives

a) To protect the privacy and solar access of adjacent properties
b) To maintain and enhance established streetscape and the rural character of the neighbourhood
c) To ensure privacy is maximised for neighbours of the development and those who will occupy the secondary dwelling
d) To provide pedestrian and vehicular access to the secondary dwelling from the street.

Controls

a) No building, including secondary dwelling, is to be built within 30metres of either Wallgrove Road or Elizabeth Drive.
b) Secondary dwelling is to be located in line with or behind the front elevation of the principal dwelling.
c) Secondary dwelling is to be setback a minimum of 5 metres from side and rear boundaries;
d) Where a secondary dwelling is proposed on a corner allotment, a minimum secondary street setback of 5 metres is to be provided.
e) A separate access path from the street to the secondary dwelling must be provided that does not rely on passing through the principal dwelling on the site. The access path may pass through a carport/driveway or a path besides the principal dwelling. The path must demonstrate
a clear path to the secondary dwelling from the street and is to be a minimum of 1.2 metres wide.

**Note:** Detached secondary dwelling is to be positioned no greater than a maximum distance of 10 metres from the principal dwelling, as per Control 4B.2.4(f) below.

### 4B.2.4 Building Appearance and Location

The appearance and position of secondary dwelling have potential to affect the amenity of the site and the character of the neighbourhood. In addition, the location of the secondary dwelling also has potential to impact on the operation of the existing septic system for the principal dwelling.

**Objectives**

a) To ensure that the appearance of secondary dwelling is consistent and complement the character of the rural area

b) To ensure that the location of secondary dwelling minimises the loss of landscaping on the site

c) To ensure that secondary dwelling development minimises impact on the amenity of the neighbourhoods, minimises impact on existing septic system for the principal dwelling and suitably integrates with the existing development on the site.

**Controls**

a) Building bulk, height and scale, massing, roof form and materials shall be sympathetic to existing built forms and complement rather than detract from and/or compete with the existing development.

b) Secondary dwelling shall incorporate architectural design elements, articulation and fenestration so as to add architectural interests to the building.

c) In cases where the site contains an older style cottage (e.g., fibro cottage) that lacks architectural merit, the proposed secondary dwelling shall be designed to incorporate modern, contemporary style of architecture that would positively contribute to the area and/or the future character of the area.

d) The building appearance should preserve the visual amenity and rural quality that surrounding residents enjoy.

e) An attached secondary dwelling must be physically and/or structurally attached to the principal dwelling on the site including sympathetic integration with the roof structure of the principal dwelling.

f) A detached secondary dwelling shall be positioned no greater than 10 metres from the principal dwelling and positioned away from designated sewage irrigation zones for the principal dwelling house.

### 4B.2.5 Building Materials

**Objectives**

a) To ensure building materials used for secondary dwellings are sympathetic and complement the principal dwelling

b) To ensure that secondary dwelling development minimises impact on the amenity of neighbouring properties and suitably integrates with existing development on the site

c) To ensure materials selected for secondary dwelling shall achieve maximum energy efficiency.

**Controls**

a) Any new development, when viewed from the street, should be compatible with the character of buildings within the site’s visual locality by using similar shaped windows and similar building materials.

b) Secondary dwellings shall not be prefabricated buildings or kit homes.

c) External building materials and their colours should be compatible with the character of the locality. For example, use bricks and tiled roofs where these predominate.

d) Where a garage, carport or outbuilding is proposed to be converted into a secondary dwelling, this must be in the form of brick veneer construction.

a. Variations may be considered by Council where it can be demonstrated that the materials used meet construction standards relevant under the Building Code of Australia and will
result in a building appearance which is compatible with existing development on the site and surrounding area.

b. Exemptions will also be considered in the case of heritage items where the design and materials utilised for construction are sympathetic with the heritage item and satisfy other heritage requirements specified by Council.

e) The materials used in secondary dwelling housing must achieve the following outcomes:
   a. Durable and robust construction, and
   b. Achieve adequate acoustic amenity, natural ventilation and access to sunlight for the occupants of the secondary dwelling.

f) All new dwellings and renovated dwellings in NSW are required to meet minimum water and energy rating requirements specified by State Legislation – BASIX (Building Sustainability Index). Further details regarding BASIX can be viewed at the Department of Planning and Infrastructure BASIX Website: www.basix.nsw.gov.au

g) Where conversion of an existing structure is proposed to create a secondary dwelling, applicants need to be aware of construction standards specified under the Building Code of Australia and should seek technical advice to ensure compliance with the relevant Australian Standards.

### 4B.2.6 Internal Design

The internal arrangement of a dwelling influences the functionality, the level of comfort and enjoyment of its occupants. Also, the orientation of the dwelling and its ability to achieve natural cross ventilation contribute to the environmental performance of the dwelling and the amenity of its occupants.

#### Objectives

a) To ensure that secondary dwellings are provided with high quality residential amenity
b) To ensure room sizes are functional, are of sufficient size and cater for their intended purpose
c) To ensure that secondary dwellings are provided with essential amenities so as to provide their occupants with an acceptable standard of independent living environment
d) To ensure that secondary dwellings are provided with quality and sufficient private open space that is easily accessible and integrated with the living area
e) To ensure that secondary dwellings maximise the opportunities for solar access and natural cross ventilation for cooling and heating purposes.

#### Controls

a) The following minimum size requirements apply to secondary dwelling:
   a. A bedroom must have a minimum floor area of 11m².
   b. A living room and kitchen must have a combined minimum floor area of 30m².
   c. Where the application is proposing other bedrooms the minimum floor area shall be 9.3m².

b) Dwelling entrances should create a sense of individuality and act as a transitional space between communal and private areas.

c) Dwelling construction should minimise noise penetration between dwellings.

d) Living areas should be directly connected to private outdoor areas and orientated to north or north-east so as to optimise solar access.

e) The siting, orientation and use of openings of the secondary dwelling shall maximise opportunities for natural cross ventilation for the purposes of cooling and fresh air during summer and to avoid unfavourable winter winds.

f) The kitchen within the secondary dwelling should have access to natural ventilation.

g) Entries, doors and passageways should be wide enough to allow furniture movement and wheelchair access.

h) Secondary dwelling must contain a kitchenette/bar, bathroom, living/dining room and bedroom.

i) A common laundry may be provided only where external access for the occupants of each dwelling is possible. Where external access to the main dwelling laundry is not possible, a laundry must be located in the secondary dwelling in a laundry/bathroom combination.

**Note:** All architectural floor plans shall show full dimensions of internal floor layout to demonstrate that the above controls have been achieved.
4B.2.7 Alterations and Additions
Alterations and/or additions to the principal dwelling may be required to ensure that the proposed secondary dwelling is integrated and appear as part of the overall appearance of the dwelling.

Objective
a) To ensure that alterations and additions proposed to create a secondary dwelling are integrated with the overall appearance of the original dwelling and streetscape.

Controls
a) Alterations and additions to the existing dwelling should not detract from the architectural form and style of the original dwelling and adjoining dwellings.
b) New roof lines and materials should match the existing building to ensure the additions/alterations are integrated with the overall appearance of the building and streetscape.

4B.3 Car Parking and Access
Access for vehicles to safely enter and exit a dwelling house lot is essential. Access driveways should, where possible, follow the natural contours rather than cutting across the contours so as to preserve the natural character of the site. For general design information on car parking and the car parking requirement for the principal dwelling, refer to Chapter 4A and Chapter 12 of this DCP.

4B.3.1 Car Parking Rate
Objectives
a) Ensure that vehicle access is provided in a location that minimise hard paved surface and maintains opportunities for roadside planting, paths or other uses
b) Vehicle access to the proposed secondary dwelling shall, where possible, utilise the existing driveway for the principal dwelling to minimise the extent of hard stand on site.

Controls
a) A minimum of one (1) car parking space is required for a secondary dwelling. The car parking requirement for the principal dwelling shall be provided in accordance with the requirements of Chapter 12 of this DCP.
b) When a carport is attached to the secondary dwelling, or provided for the use of the secondary dwelling occupant, a maximum area of 25m² will be permitted.
c) Attached garages for the secondary dwelling will not be supported.

4B.4 Open Space and Landscaping
4B.4.1 Private Open Space
To ensure that all residents have access to private open space to meet their needs, such as clothes drying and gardening, it is necessary to require a separate private open space for the secondary dwelling.

Objectives
a) To ensure all proposed private open space is usable, functional and easily accessible for the residents
b) To ensure private open space includes landscaping and soft areas
c) To ensure direct access and a relationship between indoor and outdoor living areas is provided.

Controls
a) A secondary dwelling must be provided with its own individual private open space. The required private open space for secondary dwelling shall contain:
   a. a minimum principal courtyard area of 4m x 4m on level ground;
   b. is located so that the occupants of the secondary dwelling do not have to traverse through the courtyard of the principal dwelling to access their dwelling or courtyard; and
c. an area for outdoor clothes drying facility.

b) The private open space must have direct and level access to the dwelling’s living areas, such as a lounge room, a family room, a dining room or a kitchen.

![Diagram of a living space with a garden]

The principal part of the private open space must be directly connected to the living areas of the dwelling.

c) A gate must provide access between the private open space and the driveway. This will allow items stored in backyards (e.g., garbage bins, garden tools) to be moved to the street without needing to come through the house.

4B.4.2 Landscaping

All new secondary dwelling proposals in the rural zones are required to provide landscaping to complement existing vegetation on the site and surrounding area.

Applicants are encouraged to engage the services of a qualified landscape person to prepare a landscape plan to accompany the application for a secondary dwelling.

Objectives

a) To encourage native plantings within the rural area
b) To soften the built form of secondary dwelling
c) To ensure that landscaping proposed responds to natural features, soften the appearance of developments, improve the living quality of the neighbourhood
d) To encourage landscaping areas which assist in reducing the impacts of a range of environmental problems including salinity, flooding, reduction in biodiversity and climate change.

Controls

a) A minimum of 50% of the front yard of the secondary dwelling is to be landscaped.
b) A landscape plan must be prepared for the site. Refer to Appendix F Landscape Planning of the Fairfield City Wide DCP 2013 for principles when preparing a landscape plan.

4B 4.3 Fencing

For fencing provisions, any relevant requirements specified in Chapter 4 must be met.

4B.5 Amenity

4B.5.1 Solar Access

Secondary dwellings should appropriately respond to the orientation of the site so as to achieve maximum solar access and shall be designed to minimise reliance on mechanical ventilation for heating and cooling purposes. To achieve a high level of solar access for the secondary dwelling, the principal dwelling and surrounding properties, the development must be designed having regard to potential internal and external overshadowing impacts.
Objectives

a) Encourage the benefits of winter sun and minimise the intrusion of harsh summer heat in design
b) Ensure internal living spaces and private open space has adequate access to sunlight
c) Maintain direct sunlight to adjacent dwellings.

Controls

a) All secondary dwellings must be designed to ensure that the living areas are orientated towards north, where possible, and that all north facing living area windows and more than two-thirds of the private open space receives at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.
b) New secondary dwelling design must take into consideration the location of existing solar panels on neighbouring properties. Design of new secondary dwellings must ensure solar access to the existing solar panels during day light.
c) Garages, bathrooms and laundries should be located in areas with a west to southwest orientation, with windows (glazing) minimised in size and number as well as being protected with effective sun shades.
d) Secondary dwellings must be designed to ensure that the windows of adjacent housing and more than two-thirds of their private open space receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.
e) Council may require, where the situation warrants it, the preparation of shadow diagrams showing the impact of a proposal on the adjacent residential buildings and their private open space. Such diagrams shall be based on a survey of the site and adjoining development. The shadow diagrams shall include all openings and windows of adjoining buildings and shall demonstrate likely shadow impact on the 21 June for 9am, 12pm, and 3pm.

4B.5.2 Energy Efficiency Measures

Energy efficiency measures include facilitating energy conservation and minimising energy needs to reduce greenhouse gas emissions.

Objectives

a) To maximise greenhouse gas emission reduction in new development.

Controls

a) Where the solar panel(s) will be visible from the street, the associated tank must be either within the roof or the dwelling.
b) Correct use of glazing, mass and insulation to ensure dwellings are constructed in an energy efficient manner, referring to standards contained within State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - www.basix.nsw.gov.au.
4B.5.3 Privacy
The privacy for neighbours and for residents must be maximised in secondary dwelling development.

Objectives
a) Ensure privacy is maximised for the principal dwelling, neighbouring properties and those who will occupy the secondary dwelling;
b) Avoid overlooking of private open spaces and windows of nearby dwellings; and
c) Limit noise transmission between the principal and secondary dwellings and to nearby dwellings.

Controls
a) Living area windows of secondary dwelling must not result in unsatisfactory direct overlooking of the living areas and private open space of the principal dwelling and neighbouring properties. Living areas do not include bedrooms, laundry and bathrooms.
b) Where there is a direct overlooking between living area windows of the secondary dwelling and the living area windows and private open space of the principal dwelling and neighbouring properties, consideration should be given to providing privacy screens including landscaping in the design.

4B.6 Drainage
The provision of drainage and reuse of rainwater is important to reduce flooding, stormwater damage, and overland flow. To achieve this concept plans and rainwater tanks are regulated.

4B.6.1 Stormwater Detention

Objectives
a) To minimise the frequency of surcharging of the local drainage system causing downstream flooding problems;
b) To minimise increases in flood levels on the drainage network and on the creek system;
c) To ensure that OSD requirements integrate with the architectural design and layout of the development, i.e., the OSD system needs to be located so as not to compromise the location of the septic system.
d) Control flooding and prevent stormwater damage.

Controls
a) OSD requirements apply to parcels where there is an increase in the impervious nature of the site.
b) All pervious areas draining into the detention basin shall be treated as impervious unless runoff routing calculations are performed.
c) Where the site is fully affected by flooding, or overland flow paths, OSD requirements do not apply. Applicants should seek more information on flooding by applying for a Section 149(2) and (5) certificate from Council, referring to Council’s Flood Risk Management Policy and by checking compliance with Council’s Flood Risk Management requirements (refer to Chapter 11 of this DCP).
d) The permissible site discharge shall be 78 l/s/ha.
e) In the interests of safety and amenity, ponded water depths are not to exceed:
   a. Parking/paved areas – 0.2 metres.
   b. Landscaped areas – 0.5 metres.
   c. Covered storage – no limit.
   d. Fenced storage – no limit.
   e. Roof area – as required for structural integrity.
f) Finished floor levels are to be at the following minimum levels:
   a. Lockup garages – above the maximum 1 in 100 year water surface level.
   b. Finished habitable floor levels – 0.3 metres above the maximum 1 in 100 year water surface level.
For more information on Council’s policy on stormwater detention in rural areas applicants should refer to Council’s Rural Area On-site Detention Guidelines.

4B.6.2 Cut and Fill

Objectives
a) Reduce the necessity for retaining walls;
b) Reduce stormwater problems associated with changing the natural contours of the land; and
c) Reduce the necessity to import fill onto the premises.

Controls
a) A maximum fill level of 1 metre will be permitted where the filling is contained within the building envelope by a drop edge beam.

![Diagram of Cut and Fill](image)

b) Any cut proposed over 400mm is required to be appropriately retained immediately.
c) Filling of land outside of the building envelope is not permitted.

4B.6.3 Rainwater Tanks

Objectives
a) Satisfy the requirement of the Building Code of Australia.
b) Position rainwater tank(s) to maximise rear yard space.

Controls
a) Above ground rainwater tanks are to be located a minimum of 450mm from any adjoining property boundary.
b) Only underground water tanks are permitted in the front yard and are encouraged to be placed under the driveway.
c) Pumps must comply with the noise requirements of the New South Wales Protection of the Environment Operations Act, 1997.

4B.7 Sewage Management

Horsley Park and Cecil Park are not connected to the Sydney Water reticulated sewerage system. Like all existing dwellings, secondary dwellings in the rural area require the provision of an on-site sewerage management system to deal with waste water and human wastes.

A critical issue with respect to on-site sewage disposal for secondary dwelling is the adequacy of the loading capacity of the existing on-site sewage management system for the existing principal dwelling to accommodate the additional load generated by the secondary dwelling and the location of the secondary dwelling in relation to dedicated disposal of waste water zone. The following outlines the requirements for the installation and maintenance of septic tanks.
Objectives

a) To prevent waste water from the system causing a danger to human or animal health or to the environment.
b) To ensure that on-site sewage management systems are designed, installed and located appropriately.

Controls

4B.7.1 Installation

a) On-site sewage management systems shall be installed and maintained in accordance with the Council’s On-Site Sewage Management Policy.
b) Secondary dwellings shall be connected into the existing On-Site-Sewerage Management Systems on the site.

4B.7.2 Location

a) The minimum required area of 1,600 square metres dedicated for the disposal of waste water arising from the on-site system for the principal dwelling shall be maintained to accommodate the additional load generated by the secondary dwelling.
b) The buffer distances (i.e. the distance between the disposal area and the boundaries of the premises, dwellings, swimming pools, driveways, outbuildings and from drainage reserve or flood liable land) shall be according to the distances indicated in the Council’s On-site Sewage Management Policy. The buffer distances vary according to the contours and other features of the land.

4B.7.3 Wastewater Report

A standard domestic system has the capacity to cater for up to 10 persons. In order to ensure that the system can cope with the additional load/persons generated by living in the secondary dwelling, a wastewater report shall be submitted with any a Development Application for a secondary dwelling. The required wastewater report shall be prepared by a suitably qualified wastewater/geotechnical engineer, and shall address the following minimum matters:

a) Whether the existing On-Site-Sewerage Management System functions satisfactorily.
b) Whether the capacity of the existing system will be able to cope with the additional load generated by the secondary dwelling.
c) Assess whether the proposed location of secondary dwelling will or will not compromise the land areas required for irrigation and whether the location of the secondary dwellings complies with the buffer distances outlined in Council’s On-Site Sewerage Management Strategy (2002).

In the event that any existing On-Site Sewerage System is deemed inappropriate and recommendations are made to upgrade or replace the system, a new application to install an On-Site Sewerage Management System shall be submitted to and approved by Council.

4B.8 Residential Development near Extractive Industries

There are 4 extractive industries located within Horsley Park and Cecil Park. If your property is located within 500 metres of an extractive industry boundary, certain development controls may apply to your land.

Refer to Chapter 4 of the City Wide DCP 2013 for details in respect to Controls for residential development near extractive Industries.

4B.9 Acoustic Impacts

Refer to the following clauses within Chapter 4A – Development in the Rural Zones:

a) 4A.5 Residential Development near Extractive Industries
b) 4A.6 Aircraft Noise
4B.10 Site Servicing

Objectives
a) Ensure that secondary dwellings are serviced and provided with essential facilities;
b) Ensure front façades are free of utility services and structures; and

c) Ensure secondary dwellings are able to be identified by street number.

Controls

4B.10.1 Water
a) Water connections must meet the requirements of Sydney Water.
b) Rainwater tanks, collecting rainwater from all site roof areas (including separate garages/sheds etc) and used for toilet flushing, laundry, and garden irrigation are encouraged.

4B.10.2 Electricity
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.
b) Electrical services must satisfy the requirements of electricity distribution authority.
c) Meter boxes are to be placed in positions acceptable to the electricity distribution authority but must not face the street.

4B.10.3 Telephone and Internet
a) Telephone line installation must be in accordance with the requirements of Telstra.

4B.10.4 Dwelling Street Number
a) Contact Council to request the allocation of house number if required.
b) Position and secure clearly visible street numbers near property entrances such as the front fence, wall or letterbox.
c) Street numbers should be positioned at a minimum height at 500mm above ground level (existing).

4B.10.5 Postal Services
a) The size of a letterbox must meet the Australia Post approved size. Australia Post recommends a separate box or tube to accommodate newspaper and non-mail articles.
b) A letterbox must clearly mark the street number of the dwelling that it serves.
c) A letterbox must be located on the boundary of the property with the footpath or road or at the junction of the driveway with the road. The opening of the mailbox must face the footpath or road.

4B.10.6 Waste and Dry Recycling Collection
a) Council will provide garbage container(s) to each dwelling. Development plans must show that for each dwelling, in private areas, provision has been made for:
   a. General bin
   b. Dry recycling bin
   c. Space for a third bin.
b) The area identified for garbage and recycle bins storage should be located away from the windows of habitable rooms and be stored in a substantially shaded area or within an enclosure.
c) Garbage and recycle bins must not be visible from common or public areas except when out for collection.
d) A clear path from the dwelling’s garbage and recycle bins storage area to the collection point on the street must be provided.

4B.10.7 TV Antennas
a) The antenna must be located at the rear of the site to reduce visibility from the street.
Chapter 5A

Dwelling houses

Table of Contents

5A.0  Introduction
  5A.0.1  Zones
  5A.0.2  Objectives

5A.1  Site Requirements
  5A.1.1  Lot Requirements
  5A.1.1.1  Lot Size

5A.2  Built Form and urban Design
  5A.2.1  Floor Space Ratio (FSR)
  5A.2.2  Height
  5A.2.3  Setbacks
  5A.2.3.1  Front Setback Controls
  5A.2.3.2  Side and Rear Setback Controls
  5A.2.3.3  Corner Lot Setback Controls
  5A.2.4  Building Appearance
  5A.2.5  Building Design First Floor Balconies
  5A.2.6  Additions to a Dwelling House
  5A.2.7  Ancillary Structures
  5A.2.8  Outbuildings
  5A.2.9  Swimming Pools

5A.3  Car Parking and Access
  5A.3.1  Car Parking Rate
  5A.3.2  Vehicular Access Design
  5A.3.3  Driveway Materials and Design
  5A.3.4  Driveway Location
  5A.3.5  Garages and Carports
  5A.3.6  Splay Corner Setbacks and Road Widening

5A.4  Open Space and Landscaping
  5A.4.1  Open Space
  5A.4.1.1  Private Open Space
  5A.4.2  Landscaping
  5A.4.3  Fencing
  5A.4.3.1  Fencing Design
  5A.4.3.2  Front Boundary Fencing
  5A.4.3.3  Side, Rear and Corner Lot Fencing
  5A.4.3.4  Front Boundary Fencing along Classified State and Regional Roads

5A.5  Amenity
  5A.5.1  Solar Access
  5A.5.2  Energy Efficient Measures
  5A.5.3  Privacy

5A.6  Drainage
  5A.6.1  Concept Plans
  5A.6.2  Cut and Fill
  5A.6.3  Rainwater Tanks

5A.7  Site Servicing
  5A.7.1  Water and Sewerage
  5A.7.2  Electricity
  5A.7.3  Telephone and Internet
  5A.7.4  Dwelling Street Number
  5A.7.5  Postal Services
  5A.7.6  Waste and Dry Recycling
  5A.7.7  TV Antennas

5A.8  Schedules
  Schedule 1  Classified State and Regional Roads
  Schedule 2  Unclassified Regional Roads

5A.0  Introduction

5A.0.1  Zones

This Chapter applies to dwelling houses where permitted with consent in the following residential zones:

a)  R1 General residential
b)  R2 Low density residential
c)  R3 Medium density residential
d)  R4 High density residential

under Fairfield Local Environmental Plan (LEP) 2013.

Dwelling houses in the rural area are covered by the Development in Rural Zones Chapter.
See LEP 2013 for a definition of dwelling house.

**Note:** Prefabricated housing is not permitted as they generally do not comply with BASIX requirements and are not yet at a standard that contribute positively to the streetscape.

**5A.0.2 Objectives**

The general objectives of this Chapter are:

a) To provide controls for the housing needs of the community within a low density residential environment.

b) To ensure that new detached single dwelling house development provides a desired standard of amenity for occupants.

c) To mitigate adverse impacts on adjacent land and the wider environment from new detached single dwelling house development.

d) To ensure that new detached single dwelling house development makes a positive contribution to the streetscape and neighbourhood.

The site controls, setbacks, building appearance, car parking and access, fencing, private open space, landscaping, solar access, privacy, drainage, alterations and additions, ancillary structures, and utilities and services controls have been developed to promote a high standard of residential development.

**Development applications involving the removal and resiting of dwellings** will need to submit proposed external finishes of the relocated dwelling, including those for any proposed additions or alterations.

For properties identified as heritage items within Fairfield City, refer to:

- Chapter 2 – Development Application Process, clause 2.2.13 – Heritage Assessment
- Chapter 3 – Environmental Management and Constraints, clause 3.12 Heritage Items
- Appendix G – Heritage and Development.

For properties near heritage items, contact Council on how your proposal must minimise potential impacts.

**5A.1. Site Requirements**

The size of a lot and the density of built structures affect the amenity of a dwelling house, the adjoining sites and the residential area as a whole. To ensure a high level of amenity, the lot size and the floor space ratio are regulated for detached single dwelling housing.

**5A.1.1 Lot Requirements**

In order to achieve appropriate amenity, it is pertinent to identify lots with appropriate lot size. The lot size and battleaxe block controls ensure that land is appropriate for detached single dwelling house development.

**5A.1.1.1 Lot Size**

**Objectives**

a) Ensure privacy is maximised for neighbours of the development and those who occupy the single dwelling.

b) Provide space for private recreation purposes.

c) Provide space for landscaping.

**Controls**

a) The minimum lot size for the proposed construction of a detached single dwelling house is 450m² (access handles are excluded from this site area) within the Residential R2 zone.

**Note:** Any proposal for the construction of a detached single dwelling house within the area covered by the Bonnyrigg Living Communities Masterplan 2008, as contained on page 147 of the Bonnyrigg Masterplan, shall also have regard to the requirements of Chapter 6A of the Fairfield City Wide DCP 2013.
5A.2 Built Form and Urban Design

The appearance, the position, and the height of a detached single dwelling house may affect the streetscape and character of the neighbourhood. How a dwelling addresses the street and integrates with its neighbours influences the streetscape. To ensure a high level of residential amenity is maintained various building design elements are regulated.

5A.2.1 Floor Space Ratio (FSR)

Objective

a) Ensure building bulk, site coverage and open space provisions are compatible with neighbouring development.

Controls

a) The maximum permissible floor space ratio for any development must comply with the floor space ratio standards prescribed on the Fairfield LEP 2013 Floor Space Ratio Map. The most common maximum floor space ratio for a detached single dwelling house development is 0.45:1

b) Calculation of Floor Space Ratio must comply with the Floor Space Ratio provisions defined in clause 4.5 Calculation of Floor Space Ratio and Site Area of the Fairfield LEP 2013.

c) Due to site constraints and other requirements of this plan, the maximum FSR will not always be achieved on every development site.

Note 1: The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

Note 2: The gross floor area means the sum of the floor area of each storey of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

a) the area of a mezzanine, and
b) habitable rooms in a basement or an attic, and
c) any shop, auditorium, cinema, and the like, in a basement or attic,
but excludes:

d) an area for common vertical circulation, such as lifts and stairs, and
e) any basement:
   i) storage, and
   ii) vehicular access, loading areas, garbage and services, and
f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
g) car parking to meet any requirements of the consent authority (including access to that car parking), and
h) any space used for the loading or unloading of goods (including access to it), and
i) terraces and balconies with outer walls less than 1.4 metres high, and
j) voids above a floor at the level of a storey or storey above.

Note 3: For dwellings greater than one storey, the stairwell on the ground floor will be included in the FSR calculation. All other stairwells will be excluded.

Note 4: A maximum concession of 33m² will be deducted for the garage area where two or more car parking spaces are proposed when calculating the gross floor area.

5A.2.2 Building Height

Objectives

a) Ensure new development is consistent and compatible with the established built form and hence results in a physically cohesive neighbourhood.

b) Ensure minimal overshadowing of neighbours property.

c) Ensure privacy of neighbouring properties is protected by limiting side and rear views of neighbouring properties.

d) Maintain sunlight in public and private open spaces.

Preamble

a) The maximum permissible building height for any development must comply with the building height standards prescribed on the Fairfield LEP Height of Building Map.
b) Ground level (existing) is defined in Fairfield LEP 2013 as *the existing level of a site at any point*. Note: Such ground level must be natural or lawfully approved.

c) Clause 5.6 of Fairfield LEP 2013 allows the maximum building height to be exceeded where the roof is determined to be a decorative architectural feature. Refer Clause 5.6 of Fairfield LEP 2013 for details.

d) Some dwellings may need to be lowered in height to comply with the DCP’s requirements for solar access and privacy (See 5A.5.1 Solar Access and 5A.5.3 Privacy).

e) All two storey dwelling applications must include a sectional diagram that indicates the height of the dwelling from ground level (existing).

## Controls

The following controls apply in all cases where the *Fairfield LEP Height of Building Map* indicates a maximum building height of 9 metres is applicable. Such height typically applies in the RU5 Village, R1 Residential and R2 Low Density Residential zones.

a) A maximum of two (2) storeys above ground level (existing) plus an attic or basement is permitted.

b) The maximum heights of the eave lines and the ridge lines from the ground level (existing) must be 7.2 metres and 9 metres respectively.

c) Dwellings proposing parapet walls, flat roofs and high continuous walls shall be limited to 8 metres in height from ground level (existing) and are to provide articulation.

### Building height requirement

![Building height requirement](image)

### Building height requirement for flat roof

![Building height requirement for flat roof](image)

d) Pedestrian access to a roof terrace on flat roofs will not be supported.

e) For battleaxe blocks, the maximum ridge height is 8 metres and 6.5 metres to the underside of the eaves or 8 metres for flat roofed dwellings to allow for sloping blocks.

f) For battleaxe blocks, habitable rooms other than bedrooms or studies will not be supported on the upper floor.

## 5A.2.3 Setbacks

The distance a detached single dwelling house is setback from the front street and the appearance of the dwelling’s facade influences the streetscape and character of the neighbourhood. The side and rear boundaries affect the privacy and solar access of the surrounding properties. To ensure a high level of streetscape is preserved the front, rear, and side setbacks are regulated. Furthermore, provisions for road widening to improve the road network are considered.

## Objectives

a) Maintain and enhance established streetscape and character of the neighbourhood.

b) Permit flexibility in the siting of the dwelling where no setback has been established or where circumstances might allow for a less rigid approach (eg. corner sites).

c) Ensure the visual focus of the development is the dwelling and not the garage.

d) Lessen the impact of development on battleaxe lots on the surrounding neighbouring properties.

e) Protect the privacy and solar access of adjacent properties.

f) Encourage more efficient use of often wasted land along the perimeter of sites and buildings.
g) Ensure vehicular and pedestrian safety.
h) Encourage on site parking.

5A.2.3.1 Front Setback Controls

a) Any part of the detached single dwelling (except landscaping and retaining walls) must be located within 1.5 metres of the average existing front street setback.

b) The garage and carport setback must be in accordance with control (a).
c) In cases where control (a) equates to a minimum setback less than 5.5 metres, the garage and carport front setback must be a minimum of 5.5 metres.
d) For cases where a garage or carport is proposed on the secondary frontage or fronting an access handle, the garage or carport must be setback 5.5 metres from the boundary or the access handle.
e) The dwelling front setback must be in accordance with control (a). In cases where control (a) equates to a minimum setback less than 4.5 metres, the dwelling front setback must be a minimum of 4.5 metres.
f) Regardless of control (d), dwellings located on battleaxe lots must be setback a minimum of 1.5 metres from all boundaries.
g) Battleaxe lots do not have an additional front setback requirement. However, vehicles must be able to enter and exit the site in a forward direction.

5A.2.3.2 Side and Rear Setback Controls

a) Side setbacks must be a minimum of 900mm.
b) The upper floor side walls may need to be setback further than 900mm to comply with the DCP’s requirements for solar access and privacy (See 5A.5.1 Solar Access and 5A.5.3 Privacy which provides deemed to comply setback distances).
c) The upper floor rear walls must be set back by at least 4 metres from rear boundaries where they adjoin residential properties. The rear wall of a dwelling located on a battle axe block is deemed to be the wall on the opposite side of the dwellings’ front façade.
d) For a proposal with a combined void space greater than 20m², the upper floor side setback must be a minimum of 4m from the south and west boundaries of the property.
5A.2.3.3 Corner Lot Setback Controls

a) Corner sites require a minimum secondary setback of 1.5 metres.

b) Corner sites must have a front setback behind the Splay Corner as indicated at 5A.3.6

5A.2.4 Building Appearance

The appearances, the position and the height of the detached single dwelling may affect the streetscape and character of the neighbourhood. How the dwelling addresses the street and integrates with its neighbours influences the streetscape. To ensure the building appearance is maintained in a uniform manner the dwelling position, dwelling height and cut and fill are regulated.

Objectives

a) Avoid blank/plain facades along the most publicly visible part of the development.
b) Visually integrate the new development into established streetscapes.
c) Provide visual interest through the incorporation of features traditionally associated with those facades facing the street.
d) Ensure the dwelling is oriented toward the street frontage to achieve unobtrusive natural surveillance.

Controls

a) A detached single dwelling house which fronts onto a street and is immediately visible to observers must be designed to address the street.
b) The front door should be visible or at least partially visible from the street and from the driveway.
c) Recessed doorways should be avoided as they restrict opportunities for casual surveillance of the door from outside of the dwelling.
d) On corner sites one elevation must address the street. The other must incorporate architectural features including articulation to the dwelling and to the roof form.
e) Front verandas and windows are to be situated to maximise observation of pedestrian and vehicle movement outside of the dwelling.

5A.2.5 Building Design First Floor Balconies

Objectives

a) Reduce overlooking or intrusion into the privacy of adjoining private open space or dwelling windows from rear, side and back elevations.

Controls

a) **First floor balconies to the side and rear elevations of detached single dwelling houses are prohibited** except where a side or rear balcony looks onto a public reserve or a public space and there is no likelihood of overlooking or intrusion into the privacy of adjoining private open space or dwelling windows.

b) **Battleaxe shape allotments** - First floor balconies are prohibited to all elevations of dwelling houses which are proposed to be sited on battleaxe shape allotments, except where a balcony would look onto a public reserve or public space and there is no likelihood of overlooking or intrusion into the privacy of adjoining private open space or dwelling windows.
5A.2.6 Additions to a Detached Single Dwelling House

Additions to a detached single dwelling house contribute to the streetscape and character of the neighbourhood and the amenity of the adjoining properties. Council sets out the following controls to minimise the impacts of additions and to manage the design and construction of additions so that the amenity of adjoining properties and streetscape is protected.

**Objective**

a) Ensure additions to a detached single dwelling house are complimentary and integrated into the existing dwelling.

**Controls**

a) Dwelling additions are to be internally integrated with the existing dwelling. For example, living rooms are to be connected via openings, and not separated by bedrooms, kitchens, bathrooms or laundries. No internal windows or glass sliding doors will be permitted.

b) The roof of the dwelling addition shall be integrated to complement the existing dwelling’s roof form by:
   a. adopting the existing roof form when seen from a public place or street; or
   b. adopting the existing roof form or a skillion roof where the addition cannot be seen from a public place or street provided that the skillion roof is not more than 25% of the total roof area.

![The skillion roof of the addition must be integrated with existing dwelling and not more than 25% of the roof area.](image)

c) Dwelling additions shall be constructed of materials which complement the existing dwelling, e.g. brick veneer dwelling requires a brick veneer addition.

d) Dwelling additions shall not be capable of being easily adapted to create a dual occupancy.

e) Accredited materials should be used only for their intended purposes. Accreditation by the approved accreditation bodies includes CSIRO, NATA, etc. The manufacturing specifications should be checked to ensure its intended use is appropriate.

f) Additions will be considered on the relevant requirements in this document. Relevant requirements may include Floor Space Ratio (Section 5A.2.1), Setbacks (Section 5A.2.3), and Private Open Space (Section 5A.4.1.1).

5A.2.7 Ancillary Structures

Ancillary structures include outbuildings (such as secondary dwellings, detached garages, detached carports, detached sheds, or awnings whether attached and detached, gazebos, pergolas) swimming pools and satellite dishes. See Chapter 5B for secondary dwellings controls.

5A.2.8 Outbuildings

**Objective**

Ensure outbuildings are visually incorporated into a development.

**Controls**

a) Outbuildings, except secondary dwellings, proposing a habitable use such as entertainment rooms, games rooms, gym and the like will not be supported.

b) One enclosed outbuilding such as a shed, detached garage, secondary dwellings or the like is permitted per dwelling.
c) The size restrictions for outbuildings and awnings are as follows:
   a. If there is no vehicular access to the rear yard available, the maximum size of an
      outbuilding or awning or any combination of the two is 50m².
   b. If the dwelling contains a double garage or greater, the maximum size of an outbuilding or
      awning or any combination of the two is 50m².
   c. Where the dwelling does not contain a double garage or greater and there is vehicular
      access to the rear yard, the maximum size of the outbuilding is 50m² and 25m² for an
      awning.

<table>
<thead>
<tr>
<th>Rear Access</th>
<th>Existing Double Garage</th>
<th>Outbuilding + Awning</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
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<td>50m²</td>
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<tr>
<td>No</td>
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<td>50m²</td>
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<td>50m²</td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
<td>50m² + 25m²</td>
</tr>
</tbody>
</table>

d) The maximum height of an outbuilding, except secondary dwellings, is 3 metres measured from
   ground level (existing) to eave.
e) Setbacks for outbuildings, except secondary dwellings, are to be a minimum of 500mm, unless
   the Building Code of Australia requires a greater setback.
f) Outbuildings proposing the storage of a vehicle will only be permitted where stormwater can be
   gravity fed to either a street gutter or drainage easement.

5A.2.9 Swimming Pools

Objectives
   a) Ensure swimming pool safety.
   b) Minimise noise levels.

Controls
   a) Swimming pools are to be isolated from the main dwelling and outdoor entertainment areas by
      an approved swimming pool fence, in accordance with the Swimming Pools Act, 1992.
   b) Swimming pools must be located in the rear yard.
   c) Swimming pool filters are to be installed in a location that will not cause a noise nuisance to
      surrounding residents. The louder a swimming pool filter is the greater the required installation
      distance from any adjoining property boundary.
   d) Swimming pools are to be landscaped to provide screening and privacy from adjoining
      neighbours.
   e) Swimming pools are to be built on, or in the ground and not elevated more than 1.0 metre
      above the ground.
   f) To assist with determining the required installation distance from the closest adjoining boundary
      the following procedure has been developed:-

      Step 1        Determine the maximum outdoor noise level produced by the swimming pool filter
                     and at what distance it was measured at by the manufacturer (Consult manufacture’s
                     specifications).

      Step 2        Consult the table to determine the required separation distance for the swimming pool
                     filter. If the pool filter is in an acoustic enclosure, see the amended noise levels
                     provided in the table below.

      Step 3        Determine if the required separation distance can be achieved on the property.

      Step 4        If compliance with the following cannot be achieved an acoustic report will be
                     required to be submitted to Council, from a suitably qualified Acoustic Consultant,
                     demonstrating that the proposed swimming pool filter will not cause future noise
                     issues to surrounding residents.
### 5A.3 Car Parking and Access

Access for vehicles to safely enter and exit a detached single dwelling house lot is essential. For general design information on car parking, refer to Chapter 12 of this DCP. In the event of inconsistency between the provisions contained within this chapter and those contained in Chapter 12, the provisions of Chapter 12 apply to the extent of the inconsistency. To ensure that garages and carports, off-street parking, vehicular access design, driveway location, and driveway materials are regulated.

#### 5A.3.1 Car Parking Rate

**Objectives**

a) Minimise the visual impact of off-street parking on the streetscape.

**Controls**

a) Three car spaces must be provided onsite and two of the three car spaces must be located behind the building line.

#### 5A.3.2 Vehicular Access Design

**Objectives**

a) Ensure that vehicle access is provided in a location that minimises hard paved surface and maintains opportunities for roadside planting, paths and other uses.

---

**Note:** To lessen the required distance from an adjoining boundary the swimming pool filter can be located within an approved prefabricated acoustic enclosure. These enclosures will quieten the filter by approximately 15 – 20 dB(A) which will decrease the required distance from an adjoining boundary.

### Maximum swimming pool filter measured (SPL)

<table>
<thead>
<tr>
<th>Distance</th>
<th>SPL</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 1 metre</td>
<td>0 - 48dB(A)</td>
</tr>
<tr>
<td>2 metres</td>
<td>0 - 42dB(A)</td>
</tr>
<tr>
<td>3 metres</td>
<td>0 – 38dB(A)</td>
</tr>
<tr>
<td>4 Metres</td>
<td>42 - 48dB(A)</td>
</tr>
<tr>
<td>54 - 60dB(A)</td>
<td>48 - 54dB(A)</td>
</tr>
<tr>
<td>8 Metres</td>
<td>44 – 50dB(A)</td>
</tr>
<tr>
<td>63dB(A) in an acoustic enclosure</td>
<td>57dB(A) in an acoustic enclosure</td>
</tr>
<tr>
<td>69dB(A) in an acoustic enclosure</td>
<td>63dB(A) in an acoustic enclosure</td>
</tr>
<tr>
<td>75dB(A) in an acoustic enclosure</td>
<td>69dB(A) in an acoustic enclosure</td>
</tr>
</tbody>
</table>
Controls

a) Dimensions for parking spaces and turning areas should be in accordance with Australian Standard 2890 Part 1 and should also achieve the following:
   a. Driveway widths should be minimised to increase landscaped areas while providing adequate space for vehicles to manoeuvre and pass at slow speeds, and
   b. The entry point to the driveway should be 1 metre clear of power poles, telephone poles, street trees, and metre boxes.

Note: The development is to be designed having regard to existing constraints such as street trees, power poles, gully pits etc.

5A.3.3 Driveway Materials and Design

Objectives

a) Minimise the visual impact of expansive driveway surfaces.
b) To provide opportunities for subsoil drainage and landscaping.

Controls

a) Plain concrete driveways, incorporating materials such as paving and other textures or coloured surfaces as borders or elements of interest, are permitted where the area of the driveway is up to 40 square metres (from the front property boundary to the garage).
b) Driveways above 40 square metres in area must be constructed of materials such as paving, coloured concrete surfaces and textures.

c) Details of driveway colours and patterns shall ensure materials and finishes chosen are durable and non-slip to the satisfaction of Council.

d) All driveways are to be set a minimum of 0.5m from any side boundary and incorporate a soft soil zone for turf/landscaping.

5A.3.4 Driveway Location

Objectives

a) Improve traffic safety by providing vehicle access to properties in a location that avoids possible traffic congestion, high speed traffic and bus-only roads.

b) Ensure that vehicle access is kept clear of proposed permanent road closures for other means

Controls

a) Vehicle access and driveways to properties should be in the location that allows for the shortest and most direct access over the nature strip from the road.

b) Vehicle access and driveways from a physically closed road will only be permitted where there is no alternative access opportunity and with the approval of Council’s Traffic Branch.

c) Vehicle access and driveways to properties should be at least 30 metres or as far as possible from an intersection with a Classified State and Regional Road or Unclassified Regional Roads.

d) Vehicular access should be located 6 metres from the corner for a local road.

e) Vehicular access should be designed to avoid existing traffic calming devises, round-a-bouts, gully pits, etc.

f) Multiple driveways will only be considered for properties where access and egress is difficult. These applications will be assessed based on merit and must be designed in consultation with Council and the Roads and Maritime Services.

5A.3.5 Garages and Carports

Objectives

a) Maintain an integrated façade of the dwelling that is not dominated by the garages or carport.

b) Soften the appearance of blank garage door(s) and large expanses of concrete driveways.

c) Ensure the visual focus of the development is the dwelling, not the garage or carport.

d) Reduce the amount of filling required beneath the driveway.

Controls

a) Garages and carports should not be a dominant feature of the building façade. These structures should be subservient in scale to the dwelling, and integrated and compatible with the overall design of the dwelling in terms of height, form, materials, detailing and colour.

b) Garages and carports shall not occupy more than 50% of the dwellings façade that fronts the street.

c) Carports shall have a maximum roof area of 40m2.

d) Carports must integrate with the dwelling by the use of complimentary colours and decorative work.

e) Garages must compliment the roof form and construction types of the dwelling house.

f) All carparks and garages must not be located more than 600mm in front of external face of the foremost part of the dwellings living areas.

Carports and garages must not protrude the building line more than 600mm
g) Garage attachments will only be considered where the garage is integrated within the building and does not detract from the streetscape or create a bulky building.

h) Landscaping is to be maximised at the property boundary and in between two or more garages in order to soften the appearance of blank garage doors and large expanses of concrete driveways.

i) The ground level (finished) of the garage shall be no greater than 300mm above ground level (existing) at the entrance of the garage.

j) Vehicle access and driveways from a physically closed road will only be permitted where there is no alternative access opportunity and with the approval of Council’s Traffic Branch.

k) Vehicle access and driveways to properties should be at least 30 metres or as far as possible from an intersection with a Classified State and Regional Road or Unclassified Regional Roads.

l) Vehicular access should be located 6 metres from the corner for a local road.

m) Vehicular access should be designed to avoid existing traffic calming devices, round-a-bouts, gully pits, etc.

5A.3.6 Splay Corner Setbacks and Road Widening

Objectives

a) Restrict building and landscaping within close proximity to road intersections.

b) Improve traffic safety by increasing site distances for drivers at intersections.

c) Provide the opportunity for Council to acquire land for local road widening, which will improve the road network.

Controls

a) Development on properties adjoining Boundary Lane, Cabramatta should be set back at least 9 metres from the centreline of the road. Council may seek to acquire up to 3 metres width of land for road widening.

b) 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.

Note: A number of properties in Fairfield City are affected by restrictions covering vehicular access denied (e.g. to a major road or heavy pedestrianised areas where alternative access should be provided as part of a new development), road widening, splay corner (to improve sight lines on corner blocks) and road closure provisions. These restrictions are updated from time to time based on advice from the RMS and investigations carried out by Council and need to be considered as part of new development. Up-to-date information is relation to the above can be obtained from Council by requesting a Planning (section 149) Certificate.
5A.4 Open Space and Landscaping

5A.4.1 Open Space

Open space provides a number of amenities to the property, for example space for children to play and for drying clothes. To ensure access to useable private open space is achieved, the amount of private open space and the access to it is regulated.

5A.4.1.1 Private Open Space

Objectives

a) Ensure the private open space is usable, functional and easily accessible for residents.
b) Ensure private open space includes landscaping and soft areas.
c) Ensure direct access and a relationship between indoor and outdoor living areas.

Controls

a) A detached single dwelling house must have a minimum private open space area of 60m², with at least one 5 metre x 6 metre portion in the rear yard.

b) In the calculation of private open space:
   a. a minimum of 50% of the open space area must be a grassed or soft landscaped area located in the rear yard;
   b. no area is less than 2.5 metres in width;
   c. outdoor clothes drying areas are included as private open space; and
   d. car parking spaces are not included in open space calculations.

c) The private open space must have direct and level access to the dwelling’s living areas, such as a lounge room, a family room, a dining room or a kitchen.

d) A garage or gate must provide access between the private open space and the driveway. This will allow items stored in backyards (eg, garbage bins, garden tools) to be moved to the street without needing to come through the house.

5A.4.2 Landscaping

There are many advantages to having landscaping surrounding a dwelling house. Landscaping enhances the streetscape through softening the impact of hard surfaces, i.e. buildings, driveways,
walls, parked cars, fences. Landscaping provides shade and minimises glare from road, footpaths, buildings, and cars. Landscaping also improves air quality as trees use carbon dioxide and give off oxygen. To ensure these contributions are considered controls governing landscaping, existing trees, and new plantings are provided.

For single detached dwellings development, applicants are encouraged to liaise with a horticulturalist at local nurseries and can prepare their own plans using the controls as a guide. Council’s Landscape Assessment Officers can provide more information. Landscaping principles, landscaping planning controls and templates are provided in the Landscape planning appendix to this DCP.

**Significant trees** as those trees that contribute substantially, either individually or as a member of a tree group, to the landscape character, amenity, cultural values or biodiversity of their locality. Generally trees with a girth greater than 500mm and a canopy spread of a 6 metre radius are trees of significance.

**Objectives**

a) To require landscape plans to respond to natural features, soften the appearance of developments, improve the living quality of the neighbourhood.

b) To encourage landscaping areas which assist in reducing the impacts of a range of environmental problems including salinity, flooding, reduction in biodiversity and climate change.

**Controls**

a) A minimum of 30% of the site is to be dedicated for soft soil zone.

b) A minimum of 50% of the soft soil zone is to be located in the rear yard.

c) A minimum of 50% of the front yard is to be landscaped.

d) A landscape plan must be prepared for the site. Refer to Landscaping Appendix for landscaping principles when preparing a landscape plan.

**5A.4.3 Fencing**

Fencing is an important element in creating a pleasant streetscape. To enhance the character of the City’s neighbourhoods, fencing design, height and materials are regulated.

**Objectives**

a) To provide design requirements for side, rear, and corner lot fencing that create a unified streetscape.

b) To allow for fencing that acts as a noise attenuation measure along Classified State and Regional Roads.

c) To allow for security fencing that minimises visual impact on the streetscape.

**Controls**

**5A.4.3.1 Fencing design**

a) Fencing must be designed to highlight entrances and be compatible with the materials used in the dwelling's facade, incorporate a letterbox and garbage storage area and provide a clearly identifiable street number.

b) Walls and fences visible from a public place or within common area property must be divided into segments no longer than 5 metres. (In the fencing design there must be some change in the façade plan or an expressed column to avoid flat featureless walls.) Details of wall and fence treatment must be submitted with the Development Application.

c) Fencing design must provide opportunities for natural surveillance into public spaces.

d) Fencing construction must meet the following criteria:

   a. have adequate footings, be self-supporting and able to withstand loads, and
   b. not include barbed wire, chain wire, razor wire, broken glass, be electrified, or the like, and
   c. not stop or redirect surface waters so as to cause a nuisance and be open style fencing where the property is affected by flooding or by an overland flow, and
   d. be constructed wholly within the property boundary.
5A.4.3.2 Front boundary fencing

a) Fencing in front of the building line shall be a maximum height of 1.5 metres above ground level (existing) and be of masonry and decorative panel construction. The maximum height of the masonry wall portion in front of the building line is 900mm above ground level (existing), with the exception of the masonry piers.

![Figure 1](image1)

![Figure 2](image2)

[The front fence must follow the natural contours of the site as illustrated in Figure 1 and 2.]

b) Infill panels and decorative inclusions must not be made out of reflective materials and must be open to permit views into the front yard and the façade of the dwelling.

c) Gates located in front of the building line should be consistent with the infill panels and not open onto a roadway or public space.

5A.4.3.3 Side, rear and corner lot fencing

a) Fencing behind the front building line shall be a maximum height of 1.8 metres above ground level (existing).

b) For corner lots, a fence of masonry construction up to a height of 1.8 metres is required along the secondary street frontage.

5A.4.3.4 Front boundary fencing along Classified State and Regional Roads

a) Solid front fences with a maximum height of 1.8 metres are permitted provided that the fence incorporates corners and planting beds every 5 metres.

Note: For exempt and complying fencing controls State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 should be consulted.

5A.5 Amenity

5A.5.1 Solar Access

Dwelling design should minimise the need for heating and cooling through appropriate window size, shape and location. To achieve a high level of solar access for both the dwelling and surrounding properties, the development must be carefully designed to minimise overshadowing.

Objectives

a) Encourage the benefits of winter sun and minimise the intrusion of summer heat in design.

b) Ensure internal living spaces and private open space has adequate access to sunlight.

c) Maintain direct sunlight to adjacent dwellings.

d) Ensure development on lots orientated east west maximise access to sunlight for internal living areas such as living rooms, dining rooms and kitchens.

Controls (see diagrams relating to solar plane and shadow diagrams)

a) All dwellings must be designed to ensure:

   a. living areas are orientated towards north where possible
b. all north facing living area windows and more than two-thirds of the private open space receives at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.

c. the potential for sunlight to penetrate the development through windows and atriums for dwellings on east-west orientated lots is maximised, limiting the use of skylights for bathrooms and utility rooms only.

b) The windows to at least one living area of a dwelling on the neighbouring/adjoining dwelling/s must receive a minimum 3 hours of sunlight between 9.00am and 3.00pm at the mid–winter solstice. Where this requirement is already not achieved prior to the single dwelling development, the development must not result in additional overshadowing on the affected living area of the neighbouring dwelling.

c) A development should maintain solar access to a solar hot water system, photovoltaic panel, or other solar collector on an allotment or adjoining allotment.

d) Garages, bathrooms and laundries should be located in areas with a west to southwest orientation, with windows (glazing) minimised in size and number as well as being protected with effective sun shades

e) Council may require the preparation of shadow diagrams showing the impact of a proposal on the adjacent residential buildings and their private open space. Such diagrams shall be based on a survey of the site and adjoining development. The shadow diagrams shall include:

a. all openings and windows of adjoining buildings
b. shall demonstrate likely shadow impact on the 21 June for 9 am, 12 pm, and 3 pm

5A.5.2 Energy Efficiency Measures

Energy efficiency measures include facilitating energy conservation and minimising energy needs to reduce greenhouse gas emissions.

Objectives

a) To maximise greenhouse gas emission reduction in new development.

Controls

a) Where the solar panel will be visible from the street, the associated tank must be either within the roof or the dwelling.

b) Correct use of glazing, mass and insulation to ensure dwellings are constructed in an energy efficient manner, referring to standards contained within State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - www.basix.nsw.gov.au.
5A.5.3 Privacy

The privacy for neighbours and for residents must be maximised in single dwelling development. To ensure this windows and balconies are regulated.

Objectives

a) Ensure privacy is maximised for neighbours of the dwelling house and those who will occupy the dwelling.
b) Avoid overlooking of private open spaces and windows of nearby dwellings.
c) Limit noise transmission to nearby dwellings.

Controls

a) upper floor living area windows, which overlook adjoining premises, must have a sill height of no less than 1.5 metres from the upper floor finished floor level. Living areas do not include bedrooms, laundry, bathrooms or studies.
b) Any upper floor rear and side balconies will not be supported.
c) Any upper floor balconies will not be supported for battleaxe blocks.
d) For battleaxe blocks, habitable rooms other than bedrooms or studies will not be supported in the upper floor.

5A.6 Drainage

Proper drainage and reuse of rainwater is important to reduce flooding, stormwater damage, and overland flow. To achieve this concept plans and rainwater tanks are regulated.

5A.6.1 Concept Plans

Objective

a) Control flooding and prevent stormwater damage.

Controls

a) Where the development site does not fall/slope towards the street and there is no drainage outlet for the property, a concept plan designed by a suitably qualified person must be submitted with the Development Application. The concept plans must demonstrate how the property will be drained.
b) If Council is not satisfied that the dwelling can be drained to the street, the installation of a pipeline across adjoining or nearby properties (an “Easement to Drain Water”) will be required. Council will issue a Deferred Development Consent requiring the easement to be registered with the Office of Land and Property Information (LPI) prior to formal consent being granted.

5A.6.2 Cut and Fill

Objectives

a) Reduce the necessity for retaining walls.
b) Reduce stormwater problems associated with changing the natural contours of the land.
c) Reduce the necessity to import fill onto the premises.

Controls

a) A maximum fill level of 1 metre will be permitted where the filling is contained within the building envelope by a drop edge beam.
b) Any cut proposed over 400mm is required to be appropriately retained immediately.
c) Filling of land outside of the building envelope is not permitted.

5A.6.3 Rainwater Tanks

Objectives
a) Satisfy the requirement of the Building Code of Australia.
b) Position rainwater tank(s) to maximise rear yard space.

Controls
a) Above ground rainwater tanks are to be located a minimum of 450mm from any adjoining property boundary.
b) Only underground water tanks are permitted in the front yard and are encouraged to be placed under the driveway.
c) Pumps must comply with the noise requirements of the New South Wales Protection of the Environment Operations Act, 1997.

5A.7 Site Servicing

Objectives
a) Ensure that developments are serviced and provide for facilities.
b) Ensure front façades are free of utility services and structures.
c) Ensure dwellings are able to be identified by street number.

Controls
5A.7.1 Water and Sewerage
a) Water and sewerage connections must meet the requirements of Sydney Water.
b) Rainwater tanks, collecting rainwater from all site roof areas (including separate garages/sheds etc) and used for toilet flushing, laundry, and garden irrigation are encouraged.

5A.7.2 Electricity
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.
b) Electrical services must satisfy the requirements of electricity distribution authority.
c) Meter boxes are to be placed in positions acceptable to the electricity distribution authority but may not face the street.

5A.7.3 Telephone and Internet
a) Telephone line installation must be in accordance with the requirements of Telstra.

5A.7.4 Dwelling Street Number
a) Contact Council to request the allocation of house number if required.
b) Position and secure clearly visible street numbers near property entrances such as the front fence, wall or letterbox.
c) Street numbers should be positioned at a minimum height at 500mm above ground level (existing).

5A.7.5 Postal Services
a) The size of a letterbox must meet the Australia Post approved size. Australia Post recommends a separate box or tube to accommodate newspaper and non-mail articles.
b) A letterbox must clearly mark the street number of the dwelling that it serves.
c) A letterbox must be located on the boundary of the property with the footpath or road or at the junction of the driveway with the road. The opening of the mailbox must face the footpath or road.
5A.7.6 Waste and Dry Recycling Collection

a) Council will provide garbage container(s) to each dwelling. Development plans must show that for each dwelling, in private areas, provision has been made for:
   a. General bin
   b. Dry recycling bin
   c. Space for a third bin.

b) The area identified for garbage and recycle bins storage should be located away from the windows of habitable rooms and be stored in a substantially shaded area or within an enclosure.

c) Garbage and recycle bins must not be visible from common or public areas except when out for collection.

d) A clear path from the dwelling’s garbage and recycle bins storage area, either through a side passage or through a garage, to the collection point on the street must be provided.

5A.7.7 TV Antennas

a) The antenna must be located at the rear of the site to reduce visibility from the street.

5A.8 Schedules

The schedules applicable to this Chapter are:

Schedule 1 – Classified State and Regional Roads
as classified by the NSW Roads and Maritime Service pursuant to the Roads Act 1993. Last update January 2014

<table>
<thead>
<tr>
<th>Road Name</th>
<th>Road No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cowpasture Road (from North Liverpool Road to The Horsley Drive)</td>
<td>648</td>
</tr>
<tr>
<td>Cumberland Highway (Orange Grove Road, Joseph Street, Cambridge Street, Palmerston Road, Smithfield Road)</td>
<td>13</td>
</tr>
<tr>
<td>Cabramatta Road East</td>
<td>534</td>
</tr>
<tr>
<td>Cabramatta Road West</td>
<td>534</td>
</tr>
<tr>
<td>Elizabeth Drive (from Council boundary at Cecil Park to Wallgrove Road)</td>
<td>515</td>
</tr>
<tr>
<td>Elizabeth Drive (from Council boundary at Mt Pritchard to Council boundary at Cecil Park)</td>
<td>535</td>
</tr>
<tr>
<td>Elizabeth Street (from The Horsley Drive to Victoria Street).</td>
<td>609</td>
</tr>
<tr>
<td>Gipps Road (from Hassall Street to Council boundary with Holroyd City Council)</td>
<td>646</td>
</tr>
<tr>
<td>Hassall Street (from Victoria Street to Gipps Road)</td>
<td>646</td>
</tr>
<tr>
<td>Hassell Street (from The Horsley Drive to Victoria Street)</td>
<td>2106</td>
</tr>
<tr>
<td>Hume Highway (Liverpool Road)</td>
<td>2</td>
</tr>
<tr>
<td>The Horsley Drive [from the Hume Highway at Carramar to Smithfield Road (Cumberland Highway and then again from Elizabeth Street to Wallgrove Road)</td>
<td>609</td>
</tr>
<tr>
<td>The Horsley Drive [from Smithfield Road (Cumberland Highway) to Victoria Street]</td>
<td>2105</td>
</tr>
<tr>
<td>Transit Way - Liverpool to Parramatta</td>
<td>8002</td>
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<tr>
<td>Victoria St, between Elizabeth Street and Cumberland Highway</td>
<td>609</td>
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<tr>
<td>Wallgrove Road (from Elizabeth Drive to Council boundary with Blacktown City Council)</td>
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<tr>
<td>Woodville Road (from Hume Highway at Villawood to Council boundary with Parramatta City Council)</td>
<td>640</td>
</tr>
</tbody>
</table>

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Schedule 2 – Unclassified Regional Roads

as identified by the NSW Roads and Maritime Service pursuant to Administrative Agreement.

Last update January 2014.

<table>
<thead>
<tr>
<th>Road No.</th>
<th>Road Name</th>
</tr>
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<tbody>
<tr>
<td>7231</td>
<td>Avoca Road (between St Johns Road and Orphan School Creek)</td>
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<tr>
<td>7223</td>
<td>Barbara Street (between Lawson Street and Hamilton Road)</td>
</tr>
<tr>
<td>7226</td>
<td>Bareena Street (between Vale Street and First Avenue)</td>
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<tr>
<td>7225</td>
<td>Bartley Street (between Railway Parade and Sackville Street)</td>
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<tr>
<td>7233</td>
<td>Boundary Lane (between Church Street and Railway Parade)</td>
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<tr>
<td>7223</td>
<td>Bulls Road (between Orphan School Creek and Richard Road)</td>
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<tr>
<td>7224</td>
<td>Canley Vale Road (between Railway Parade and Smithfield Rd)</td>
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<tr>
<td>7226</td>
<td>Chancery Street (between Lansdowne Road and Vale Street)</td>
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<td>Church Street (between Cabramatta Road West and Boundary Lane)</td>
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<tr>
<td>7228</td>
<td>Edensor Road (Meadows Road and Cowpasture Road)</td>
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<td>7106</td>
<td>Ellis Parade (between Fairfield Street and Railway Street)</td>
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<td>7222</td>
<td>Fairfield Road (between Woodville Road and Vine Street - up to bridge)</td>
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<td>7153</td>
<td>Ferrers Road (between The Horsley Drive and Water Supply line)</td>
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<td>Gladstone Street (between West Cabramatta Road and St Johns Road)</td>
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<td>Gordon Street (between The Horsley Drive and Vine Street)</td>
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<td>7223</td>
<td>Hamilton Road (between Barbara Street and Orphan School Creek)</td>
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<tr>
<td>7221</td>
<td>Humphries Road (between Edensor Road and St Johns Road)</td>
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<tr>
<td>7231</td>
<td>King Road (between Orphan School Creek and Polding Street)</td>
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<td>7226</td>
<td>Lansdowne Road (between Hume Highway and Chancery Street)</td>
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<td>7223</td>
<td>Lawson Street (between Vine Street and Barbara Street)</td>
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<td>Mimosa Road (between Smithfield Road and The Horsley Drive)</td>
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<td>7267</td>
<td>North Liverpool Road (between Elizabeth Drive and Cowpasture Road)</td>
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<td>7222</td>
<td>Polding Street (between Prospect Creek and Prairievale Road)</td>
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<tr>
<td>7222</td>
<td>Prairievale Road (between Polding Street and Restwell Road)</td>
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<td>7233</td>
<td>Railway Parade (between Boundary Lane and Lawson Street)</td>
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<td>7222</td>
<td>Restwell Road (between Prairievale Road and Cowpasture Road)</td>
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<tr>
<td>7223</td>
<td>Richard Road (between Bulls Road and Smithfield Road)</td>
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<tr>
<td>7102</td>
<td>River Avenue (between Woodville Road and The Horsley Drive)</td>
</tr>
<tr>
<td>7221</td>
<td>Sackville Street (between St Johns Road and Polding Street)</td>
</tr>
<tr>
<td>7220</td>
<td>Smithfield Road (between Elizabeth Drive and Cumberland Highway)</td>
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<tr>
<td>7221</td>
<td>St Johns Road (between Humphries Road and Sackville Street)</td>
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**Schedule 2 – Unclassified Regional Roads**
as identified by the NSW Roads and Maritime Service pursuant to Administrative Agreement.

Last update January 2014.

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<td>Vine Street (between Fairfield Street and Gordon Street)</td>
</tr>
<tr>
<td>7230</td>
<td>Wetherill Street (between Polding Street and Victoria Street)</td>
</tr>
</tbody>
</table>
Chapter 5B

Secondary Dwellings

Table of Contents

5B.0 Local Context
  5B.0.1 Development to which this Chapter applies
  5B.0.2 Objectives of this Chapter

5B.1 Site Requirements
  5B.1.1 Lot Requirements
  5B.1.1.1 Lot Size

5B.2 Built Form and Urban Design
  5B.2.1 Floor Space Ratio (FSR)
  5B.2.2 Building Height
  5B.2.3 Setbacks
  5B.2.3.1 Setback Controls
  5B.2.4 Building Appearance
  5B.2.5 Building Materials
  5B.2.6 Internal Design
  5B.2.7 Alterations and Additions
  5B.2.8 Ancillary Structures

5B.3 Car Parking and Access
  5B.3.1 Car Parking Rate

5B.4 Open Space and Landscaping
  5B.4.1 Open Space
  5B.4.1.1 Private Open Space
  5B.4.2 Landscaping
  5B.4.3 Fencing

5B.5 Amenity
  5B.5.1 Solar Access
  5B.5.2 Energy Efficient Measures
  5B.5.3 Privacy

5B.6 Drainage

5B.7 Site Servicing

5B.0 Local Context

5B.0.1 Development to which this Chapter applies

This Chapter applies to Secondary Dwelling development where permitted with consent in a zone under Fairfield Local Environmental Plan (LEP) 2013.

Note: Any proposal for the construction of a secondary dwelling within the area covered by the Bonnyrigg Living Communities Masterplan 2008, as contained on page 147 of the Bonnyrigg Masterplan, shall also have regard to the requirements of Chapter 5B of the Fairfield City Wide DCP 2013.

5B.0.2 Objectives of this Chapter

The general objectives of the Chapter are:

a) To provide for the housing needs of the community within a low density residential environment, that meets the needs of extended families, single households and creates greater availability of affordable accommodation.

b) To ensure that new development provides a desired standard of amenity for occupants

c) To protect adjacent land and the wider environment from the impact of new development.

d) To ensure the development makes a positive contribution to the streetscape and neighbourhood.

For properties identified as heritage items within Fairfield City, refer to:

- Chapter 2 – Development Application Process, clause 2.2.13 – Heritage Assessment
- Chapter 3 – Environmental Management and Constraints, clause 3.12 Heritage Items
- Appendix G – Heritage and Development.
For properties near heritage items, contact Council on how your proposal must minimise potential impacts.

**Note:** Prefabricated housing is not permitted as they do not comply with BASIX requirements and are not yet at a standard that contribute positively to the streetscape.

**5B.1 Site Requirements**

The size of a lot and the density of built structures affect the amenity of the people living on the site as well as those on the adjoining sites and the residential area as a whole. The floor space ratio and balanced building form controls are provided.

The appearances, position and height of the dwellings may affect the streetscape and character of the neighbourhood. To ensure the building appearance is maintained in a uniform manner, the dwelling position, development façade, building height, sizes of rooms and access for all residents, and safety and security are regulated.

**5B.1.1 Lot Requirements**

In order to achieve appropriate amenity, it is pertinent to identify lots with appropriate lot size. The lot size and battleaxe block controls ensure that land is appropriate for secondary dwelling house development

**5B.1.1.1 Lot Size**

**Objectives**

a) Ensure the occupants are provided with an acceptable standard of independent living.

b) Ensure privacy is maximised for neighbours of the development and those who will occupy the secondary dwelling.

c) Ensure the site coverage and open space provisions per lot are compatible with a secondary dwelling.

d) Provide adequate space for landscaped area to promote the healthy growth of trees and shrubs.

e) Ensure adequate permeable surfaces are allocated to reduce soil erosion and to increase sustainable management of stormwater.

f) Ensure site is an appropriate size to accommodate a high level of amenity for residents of the site including surrounding sites

**Controls**

a) The allotment subject of a secondary dwelling application must have a minimum site area of 450m². On battleaxe allotments this does not include the area of the access handle.

b) In the case of a development application for a new dwelling house which includes a secondary dwelling, the design of the secondary dwelling needs to conform with the definition of a secondary dwelling in the Fairfield LEP.

c) Subdivision of secondary dwelling development is not permitted. This includes Strata, Torrens and Community title forms of subdivision.

**5B.2 Built Form and Urban Design**

The design and location of a secondary dwelling influences the amenity provided by the dwelling to its occupants as well as the amenity of those living on the same and or adjoining sites. To ensure a high level of residential amenity is maintained various building design elements are regulated.

**5B.2.1 Floor Space Ratio (FSR)**

**Objective**

a) Ensure building bulk, site coverage and open space provisions are compatible with neighbouring development.
Controls

a) The maximum permissible floor space ratio for both the principal dwelling and secondary dwelling combined must comply with the floor space ratio standards prescribed on the Fairfield LEP 2013 Floor Space Ratio Map. The most common maximum floor space ratio for secondary dwelling development in conjunction with a detached single dwelling house development is 0.45:1.
b) Calculation of Floor Space Ratio must comply with the Floor Space Ratio provisions defined in clause 4.5 Calculation of Floor Space Ratio and Site Area of the Fairfield LEP 2013.
c) Due to site constraints and other requirements of this plan, the maximum FSR will not always be achieved on every development site.
d) A secondary dwelling is permitted a maximum GFA (Gross Floor Area) of 60sqm or 10% of the total floor area of the principal dwelling whichever is the greater, subject to the secondary dwelling definition in Fairfield LEP 2013.

5B.2.2 Building Height

Objectives

a) Ensure new development is consistent and compatible with established built form and hence results in a physically cohesive neighbourhood.
b) Ensure minimal overshadowing of neighbours’ property.
c) Ensure privacy and limited side and rear views of neighbours’ property are maintained.
d) Maintain sunlight in public and private open spaces.

Controls

a) The height of detached secondary dwelling (granny flat) is not to exceed 4.5 metres, as measured from natural ground level to the topmost point of the secondary dwelling (granny flat). Greater heights will be considered where the contour of the land requires an increased height.
b) A secondary dwelling (granny flat) proposed above or below the main dwelling will not be supported.

5B.2.3 Setbacks

The side and rear boundaries affect the privacy and solar access of adjoining properties and allow access to the secondary dwelling from the street. To ensure solar access of adjoining properties is preserved and sufficient access is provided the rear and side boundaries are regulated.

Objectives

a) Protect the privacy and solar access of adjacent properties.
b) Maintain and enhance established streetscape and character of the neighbourhood.
c) Ensure privacy is maximised for neighbours of the development and those who will occupy the secondary dwelling.
d) Ensure there is access to the secondary dwelling for emergency personal when the main dwelling is locked.

5B.2.3.1 Setback Controls

a) Secondary dwelling (granny flat)s require minimum side and rear setbacks of 900mm.
b) Where a secondary dwelling (granny flat) is proposed on a corner lot, a minimum secondary street setback of 1.5 metres is required.
c) An access path from the street to the secondary dwelling (granny flat) must be provided that does not rely on passing through the other dwelling on the site. The access path may pass through a carport/driveway or a path beside the main dwelling. The path must demonstrate a clear path to the secondary dwelling (granny flat) from the street and is suggested to be 1.2 metres wide.

5B.2.4 Building Appearance

The appearance, the position, the height of the secondary dwelling may affect the amenity of the site and the character of the neighbourhood. To ensure the building appearance of a secondary dwelling is of a high standard the design and materials are regulated.
Objectives

a) Secondary dwelling development is consistent with the character of the single dwelling zone.

b) Ensure that secondary dwelling development minimises impact on the amenity of neighbourhoods and is suitably integrated with existing development on a site.

Controls

a) Building bulk and height, scale, massing, roof form and materials should be sympathetic to existing built forms and complement rather than detract from the existing development.

b) Building design should be of a high quality and of architectural merit.

c) Architects/designers should avoid a monolithic appearance created by large expanses of blank walls through the use of architectural design features, articulation and fenestration.

d) The building appearance should preserve the visual amenity and residential quality that surrounding residents enjoy.

e) An attached secondary dwelling must feature a physical/structural attachment with the principal dwelling on a site and include sympathetic integration with the roof structure of the principal dwelling.

f) A secondary dwelling located alongside the existing dwelling within the front building line must be:
   a. attached to the primary dwelling; and
   b. The front door of the secondary dwelling must be obscured from the street, to achieve the appearance of one dwelling.

5B.2.5 Materials

Objectives

a) Ensure building materials used for a secondary dwelling are sympathetic to the principal dwelling.

b) Ensure that secondary dwelling development minimises impact on the amenity of neighbourhoods and is suitably integrated with existing development on a site.

c) Construction should aim at maximum energy efficiency.

Controls

a) Any new development, when viewed from the street should be compatible with the character of buildings in the site’s visible locality by using similar shaped windows and similar building materials.

b) Secondary dwellings shall not be prefabricated buildings or kit homes.

c) External building materials and their colours should be compatible with the character of the locality. For example, use bricks and tiled roofs where these predominate.

d) Where a garage, carport or outbuilding is proposed to be converted to a secondary dwelling, this must be in the form of brick veneer construction.
   a. Variations may be considered by Council where it can be demonstrated that the materials used meet construction standards relevant under the Building Code of Australia will result in a building appearance which is compatible with existing development on the subject site and surrounding area.
   b. Exemptions will also be considered in the case of heritage items where the design and materials utilised for construction are sympathetic with the heritage item and satisfy other heritage requirements specified by Council.

e) The materials used in secondary dwelling housing must achieve the following outcomes:
   a. Durable and robust construction, and
   b. Achieve adequate acoustic amenity, natural ventilation and access to sunlight for the occupants of the secondary dwelling.

f) All new dwellings and renovated dwellings in NSW are required to meet minimum water and energy rating requirements specified by State Legislation – BASIX (Building Sustainability Index). Further details regarding BASIX can be viewed at the NSW Department of Planning and Environment BASIX Website: www.basix.nsw.gov.au

g) Where conversion of an existing structure is proposed to create a secondary dwelling, applicants need to be aware of construction standards specified under the Building Code of Australia and should seek technical advice to ensure compliance with the relevant Australian Standards.
5B.2.6 Internal Design

The internal design of a secondary dwelling facilitates a functional and enriched environment for the occupancy. To ensure the internal design is of a high standard it is regulated.

Objectives

a) Maintain a high quality of amenity within the secondary dwelling.
b) Ensure room sizes are functional, are of sufficient size and cater for intended use.
c) Furnish secondary dwellings with basic amenities to ensure the occupants are provided with an acceptable standard of independent living.
d) Ensure private open space is easily accessible.

Controls

a) The following minimum size requirements apply to secondary dwelling:
   a. A bedroom must have a minimum floor area of 11m$^2$.
   b. A living room and kitchen must have a minimum floor area of 14m$^2$.
   c. Where the application is proposing other bedrooms the minimum floor area shall be 9.3m$^2$.
   d. No size requirements for kitchen/bar.
b) Dwelling entrances should create a sense of individuality and act as a transitional space between communal and private areas.
c) Dwelling construction should minimise noise penetration between dwellings.
d) Living areas should connect to private outdoor areas.
e) Entries, doors and passageways should be wide enough to allow furniture movement and wheelchair access.
f) The secondary dwelling must contain a kitchenette/bar, bathroom, living room and bedroom(s).
g) A common laundry may be provided only where external access for the occupants of each dwelling is possible. Where external access to the main dwelling laundry is not possible, a laundry must be located in the secondary dwelling (granny flat) in a laundry/bathroom combination.

5B.2.7 Alterations and Additions

Alterations and/or additions to the main dwelling may be required to ensure the proposed secondary dwelling (granny flat) is integrated with the overall appearance of the dwelling. To ensure the alternations and additions are of a high standard they are regulated.

Objective

a) Ensure that the alterations and additions proposed to create a secondary dwelling (granny flat) are integrated with the overall appearance of the original building and streetscape.

Controls

a) Alterations and additions to the existing dwelling should not detract from the architectural form and style of the original dwelling and adjoining buildings.
b) New roof lines and materials should match the existing building to ensure the additions/alterations are integrated with the overall appearance of the building and streetscape.

5B.2.8 Ancillary Structures

For ancillary structures provisions, any relevant requirements specified in Chapter 5 Part A must be met.

Note: All architectural floor plans shall show full dimensions of internal floor layout to demonstrate that the above controls have been achieved.

5B.3 Car Parking and Access

Access for vehicles to safely enter and exit a dwelling house lot is essential. To ensure this car parking and access are regulated. Note for general design information on car parking, refer to Chapter 12 of this DCP. In the event of inconsistency between the provisions contained within this clause and those of Chapter 12, the provisions of Chapter 12 apply to the extent of the inconsistency.
5B.3.1 Car Parking Rate

Objectives

a) Ensure that vehicle access is provided in a location that minimise hard paved surface and maintains opportunities for roadside planting, paths or other uses.

b) Location of vehicle access and driveways to properties should allow the shortest and most direct access over the nature strip from the road.

Controls

a) There is no additional car parking requirement for a secondary dwelling. However, the minimum car parking requirement for the primary dwelling, as set out in Section 5A.4 and Chapter 12 of this DCP must be maintained.

b) When a carport is attached to the secondary dwelling, or provided for the use of the secondary dwelling occupant, a maximum area of 25m² for the carport and any other awning like structures will be permitted.

c) The carport shall be designed such that it is sympathetic and would complement the architectural style and form of the secondary dwelling and the principal dwelling.

d) Attached garages for the secondary dwelling will not be supported.

5B.4 Open Space and Landscaping

5B.4.1 Open Space

To ensure that all residents have access to private open space to meet their needs, for example clothes drying, gardening and pet options, it is necessary to require a separate private open space for the secondary dwelling. To ensure private open space is provided for secondary dwellings, it is regulated.

5B.4.1.1 Private Open Space

Objectives

a) Ensure the private open space is usable, functional and easily accessible for residents.

b) Ensure private open space includes landscaping and soft areas.

c) Ensure direct access and a relationship between indoor and outdoor living areas.

Controls

a) A secondary dwelling must have its own separate open space. The primary and secondary dwelling shall have courtyards which:

   a. have a minimum area of 50 square metres for the primary dwelling and 24 square metres for the secondary dwelling;
   b. each contain one 4m x 4m portion of level ground;
   c. are located so that the occupants of either dwelling do not have to pass through the courtyard of the other dwelling to access their dwelling or courtyard; and
   d. have no more than 12 square metres of covered outdoor area, whether under the same roofline or not.

b) In the calculation of private open space:

   a. a minimum of 50% of the open space area must be a grassed or soft landscaped area located in the rear yard;
   b. no area less than 2.5 metres in width will be included;
   c. outdoor clothes drying areas are included as private open space; and
   d. car parking spaces are not included in open space calculations.

c) The private open space (including covered outdoor areas) must have direct and level access to the living areas – such as the lounge room, a family room, a dining room or a kitchen.
d) The garage or a gate must provide access between the private open space and the driveway. This will allow items stored in backyards (e.g., garbage bins, garden tools) to be moved to the street without needing to come through the house.

5B.4.2 Landscaping

For secondary dwellings, applicants are encouraged to liaise with a horticulturalist at local nurseries and can prepare their own plans. Council’s Landscape Assessment Officers can provide more information.

Significant trees as those trees that contribute substantially, either individually or as a member of a tree group, to the landscape character, amenity, cultural values or biodiversity of their locality. Generally trees with a girth greater than 500mm and a canopy spread of a 6 metre radius are trees of significance.

Objectives

a) To require landscape plans to respond to natural features, soften the appearance of developments, improve the living quality of the neighbourhood.

b) To encourage landscaping areas which assist in reducing the impacts of a range of environmental problems including salinity, flooding, reduction in biodiversity and climate change.

Controls

a) A minimum of 30% of the site is to be dedicated for soft soil zone.

b) A minimum of 50% of the front yard of the primary dwelling is to be landscaped.

c) A minimum of 50% of the soft soil zone is to be located in the rear yard.

d) A landscape plan must be prepared for the site. Refer to Landscaping Appendix for landscaping principles when preparing a landscape plan.

5B.4.3 Fencing

For fencing provisions, any relevant requirements specified in Chapter 5A must be met.

5B.5 Amenity

5B.5.1 Solar Access

For solar access provisions, any relevant requirements specified in Chapter 5 Part A must be met.

5B.5.2 Energy Efficiency Measures

For energy efficiency provisions, any relevant requirements specified in Chapter 5 Part A must be met.

5B.5.3 Privacy

The privacy for neighbours and for residents must be maximised.

5B.6 Drainage

For drainage provisions, any relevant requirements specified in Chapter 5 Part A must be met.
5B.7 Site Servicing

For utilities and services provisions, any relevant requirements specified in Chapter 5 Part A must be met.
Chapter 5C

Dwelling housing on narrow lots

Table of Contents

5C.0  Introduction
  5C.0.1  Zones
  5C.0.2  Objectives

5C.1  Site Requirements
  5C.1.1  Lot Requirements

5C.2  Built Form and Urban Design
  5C.2.1  Floor Space Ratio (FSR)
  5C.2.2  Height
  5C.2.3  Setbacks
  5C.2.3.1  Front Setback Controls
  5C.2.3.2  Side Setback Controls
  5C.2.3.3  Rear Setback Control
  5C.2.3.4  Control Lot Secondary Setback Control
  5C.2.4  Building Appearance
  5C.2.5  Building Facade
  5C.2.6  Size of Rooms
  5C.2.7  Access for all Residents

5C.3  Car Parking and Access
  5C.3.1  Car Parking
  5C.3.2  Driveway Materials
  5C.3.3  Splay Corner Setbacks and Road Widening
  5C.3.4  Rights of Carriageway where lot does not have frontage to a public road

5C.4  Open Space and Landscaping
  5C.4.1  Open Space
  5C.4.1.1  Private Open Space
  5C.4.2  Landscaping
  5C.4.3  Fencing

5C.5  Amenity
  5C.5.1  Solar Access
  5C.5.2  Energy Efficient Measures
  5C.5.3  Privacy

5C.6  Drainage
  5C.6.1  Concept Plans
  5C.6.2  Rainwater Tanks
  5C.6.3  Overland Flow
  5C.6.4  Cut and Fill

5C.7  Site Servicing
  5C.7.1  Water and Sewerage
  5C.7.2  Electricity
  5C.7.3  Telephone and Internet
  5C.7.4  Dwelling Street Number
  5C.7.5  Postal Services
  5C.7.6  Waste and Dry Recycling
  5C.7.7  TV Antennas

5C.8  Templates

5C.0  Introduction

5C.0.1  Zones

This Chapter generally applies to development permitted within the following residential zones under Fairfield Local Environmental Plan (LEP) 2013:

a) R1 General Residential
b) R2 Low Density Residential
c) R3 Medium Density Residential
d) R4 High Density Residential
5C.0.2 Objectives

This chapter applies to all development applications for the purposes of dwelling houses on narrow lots.

The general objectives of narrow lot housing are:

a) To provide for the housing needs of families and households that require smaller dwelling units and more affordable housing choices
b) To ensure that new development provides a desired standard of amenity for occupants
c) To protect adjacent land and the wider environment from the impact of new development
d) To ensure the development makes a positive contribution to the streetscape and neighbourhood.

To ensure the amenity of dwelling housing on narrow lots and the character of the neighbourhood are of high quality, the determination of a narrow lot, floor space ratio, setbacks, building appearance, car parking and access, fencing, private open space, landscaping, solar assess, privacy, drainage, utilities and services, and heritage are regulated.

In addition to providing objectives and controls for narrow lot development, templates are provided in the Schedule. Templates are provided for narrow lot development where north is located to the rear of the lot, north is located to the front of the lot, east/west oriented, and corner lots.

For properties identified as heritage items within Fairfield City, refer to:
- Chapter 2 – Development Application Process, clause 2.2.13 – Heritage Assessment
- Chapter 3 – Environmental Management and Constraints, clause 3.12 Heritage Items
- Appendix G – Heritage and Development.

For properties near heritage items, contact Council on how your proposal must minimise potential impacts.

Note 1: Prefabricated housing is not permitted as they do not comply with BASIX requirements and are not yet at a standard that contribute positively to the streetscape.

Note 2: Any proposal for the construction of dwelling houses on narrow lots within the area covered by the Bonnyrigg Living Communities Masterplan 2008, as contained on page 147 of the Bonnyrigg Masterplan, shall also have regard to the requirements of Chapter 5C of the Fairfield City Wide DCP 2013.

5C.1 Site Requirements

This Chapter provides development controls for a single dwelling that is located on a pre-existing narrow lot. Typically, these lots have a minimum frontage of approximately seven (7) metres and because of this reduced width of frontage these lots are called narrow lots.

The number of narrow lots in a row determines the type of development on each of the lots. Narrow lot development can either be a single dwelling on a single narrow lot, a duplex on two narrow lots, or a triplex on three narrow lots. This chapter provides guidelines for each of these development types.

To ensure the amenity of narrow lots and the character of the neighbourhood are of high quality, the determination of a narrow lot, floor space ratio, setbacks, building appearance, car parking and access, fencing, private open space, landscaping, solar assess, privacy, drainage, utilities and services, and heritage are regulated.

In addition to providing objectives and controls for narrow lot development, templates are provided. Templates are provided for narrow lot development where north is located to the rear of the lot, north is located to the front of the lot, east/west oriented, and corner lots.

5C.1.1 Lot Requirements

Subdivision patterns in the past resulted in narrow parcels in the low and medium density zoned areas of Fairfield City. The narrow lot rules and guidelines apply to properties under one address, comprising 1 to 3 lots each with a site area of less than 300m$^2$. Typically these lots have a frontage that ranges from 6.7 to 7 metres.

In land zone Residential R3 and R4, amalgamation is encouraged to meet the objectives of the medium and high density zones. However, in cases where amalgamation is not achievable, the narrow lot objectives and controls in this chapter apply.
Individual lots in narrow lot properties generally have a lot width between 6.7 m and 7 m. Where an existing lot has a width outside this range any proposal to construct a narrow lot will be considered on merit.

5C.2 Built Form and Urban Design

5C.2.1 Floor Space Ratio (FSR)

The density of built structures on a lot affects the amenity of the residents living on the site as well as those living on the adjoining sites and the residential area as a whole.

Objective

Ensure building bulk, site coverage and open space provisions are compatible with neighbouring development.

Controls

a) The maximum permissible floor space ratio for any development must comply with the floorspace ratio standards prescribed on the Fairfield LEP 2013 Floor Space Ratio Map. The most common maximum floor space ratio for a narrow lot dwelling house development is 0.45:1.

b) Clause 4.6 Exceptions to Development Standards of the Fairfield LEP 2013 allows Council to consider variations to development standards. Variations will be considered where the design is consistent with that shown in the templates that form a part of clause 5C.7.8 up to a maximum of 0.5:1.

c) Calculation of Floor Space Ratio must comply with the Floor Space Ratio defined in clause 4.5 Calculation of Floor Space Ratio and Site Area of the Fairfield LEP 2013.

d) Due to site constraints and other requirements of this plan, the maximum FSR will not always be achieved on every development site.

5C.2.2 Building Height

Objectives

a) Ensure new development is consistent and compatible with the established built form and creates a physically cohesive neighbourhood.

b) Ensure minimal overshadowing of neighbouring properties.

c) Ensure privacy of neighbouring properties is protected by limiting side and rear views of neighbouring properties.

Preamble

a) The maximum permissible building height for any development must comply with the building height standards prescribed on the Fairfield LEP Height of Building Map.

b) Ground level (existing) is defined in Fairfield LEP 2013 as the existing level of a site at any point. Note: Such ground level must be natural or lawfully approved.

c) Clause 5.6 of Fairfield LEP 2011 allows the maximum building height to be exceeded where the roof is determined to be a decorative architectural feature. Refer Clause 5.6 of Fairfield LEP 2013 for details.

d) Some dwellings may need to be lowered in height to comply with the DCP’s requirements for solar access and privacy (See 5C.5.1 Solar Access and 5C.5.3 Privacy).

e) All two storey dwelling applications must include a sectional diagram that indicates the height of the dwelling from ground level (existing).

Controls

The following controls apply in all cases where the Fairfield LEP Height of Building Map indicates a maximum building height of 9 metres is applicable. Such height typically applies in the R1 Residential and R2 Low Density Residential zones.

a) A maximum of 2 storeys above natural ground level (existing) is permitted.

b) The maximum heights to the eave lines and the ridge lines from the natural ground level (existing) are 7.2 metres and 9 metres respectively.
5C.2.3 Setbacks

The distance a dwelling is setback from the street(s) and the visual impact of a dwelling facade influences the streetscape and character of the neighbourhood. The side and rear boundaries affect the amenity of adjoining properties including visual/acoustic privacy and solar access. To ensure a high level of streetscape is preserved the front, side, and rear boundaries are regulated. Furthermore, provisions for road widening to improve the road network are considered.

Objectives

a) Maintain and enhance established streetscape and character of the neighbourhood.
b) Protect the visual/acoustic privacy and solar access of adjacent properties.
c) Achieve a staggered and articulated built form and ensure the visual focus of the development is the dwelling, not the garage.
d) Ensure vehicular and pedestrian safety and provide the opportunity for Council to acquire land for local road widening which will improve the road network.

Controls

5C.2.3.1 Front Setback

a) The minimum front setback of dwellings is 6 metres, measured from the front property boundary to the front of the dwellings. However, porticos and verandas may encroach onto the 6 metres setback area by a maximum of 500mm.
b) Garage(s) must be setback a minimum of 6 metres from the front boundary except in the case of a garage to a secondary street as indicated in the diagram to Clause 5C.3.1(g).
c) Carport(s) must be setback a minimum of 5.5 metres from the front boundary except in the case of a carport to a secondary street as indicated in the diagram to Clause 5C.3.1(g).
d) Private courtyard and/or private open space is not permissible in the front setback area.

5C.2.3.2 Side Setback Controls

a) One side of the development must be setback a minimum of 900mm from the side boundary for drainage and overland flow purposes.

b) First floor may be built to the side boundary but only within the first 10m of the building line and if the following are satisfied:
   a. The roof drainage is designed so that it is easily accessed and designed to drain roof stormwater to the front or back such as a front to back gable with a parapet on the boundary;
   b. Walls located on the boundary must comply with the requirements of the Building Code of Australia in terms of fire separation; and
   c. All boundary walls must extend at least 300mm above the roof line of the dwelling to ensure that roof drainage is contained within the site.

Note: For triplexes, the middle dwelling may be built to the boundary as long as the solar and privacy standards are met.

5C.2.3.3 Rear Setback Control

a) First floor walls must be set back a minimum of 6 metres from the rear boundary where the lot adjoins residential properties.

5C.2.3.4 Corner Lot Secondary Setback Controls

a) With any corner lot redevelopment, an assessment must be prepared based on a realignment of the lots to determine whether a better urban outcome can be achieved. Where boundaries are realigned, a reduced setback will be considered with a minimum setback for a garage of 5.5m.

b) Dwellings shall be appropriately articulated along the primary and secondary setbacks to ensure that the dwellings address both streets.

c) All corner lots at the intersection of public roads will be required to provide a splay corner setback to improve sight distances at intersections. Splay corners setbacks of 3 metres by 3 metres are generally required to be provided. This setback shall be kept free of buildings and other structures and be used for landscaping purposes only. Refer also to Clause 5C.3.3 Splay Corners and road Widening.

5C.2.4 Building Appearance

The appearances, position and height of a dwelling may affect the streetscape and character of the neighbourhood. How a dwelling addresses the street and integrates with its neighbours influences the streetscape. To ensure the building appearance is maintained in a uniform manner the dwellings position and dwelling height is regulated.

Objectives
a) Ensure that new development is visually integrated into the established streetscape.
b) Ensure the dwelling is oriented toward the street frontage to achieve unobtrusive natural surveillance.

Controls
a) The design of the entrance (i.e. portico, patio or elevation treatment) shall be a dominant element of the dwelling to provide a clear indication of the entrance.
b) The front door or a window must be visible from the street and from the driveway to provide surveillance.
c) Front verandas and windows are to be situated to maximise observation of pedestrian and vehicle movement outside of the dwelling.
d) On corner sites the dwelling must address both streets by incorporating appropriate architectural features, articulation to the dwelling and roof form.

5C.2.5 Building Façade

Objective
a) Ensure that new development visually integrates into the established streetscape.
b) Provide visual interest through the incorporation of features traditionally associated with those facades facing the street.

Controls
a) Roof form should be articulated to provide interesting and varied elevations. This can be achieved through the use of gables or skillion roofs which assists the channelling of roof drainage.
b) Pedestrian access to a roof terrace on flat roofs will not be supported.
c) Switchboards for gas, electricity, etc. must not be attached to the front elevation of dwellings.
d) The maximum garage opening for each dwelling is 2.7m.
e) Carports must be designed to integrate into the design of the dwelling.

5C.2.6 Size of Rooms

Objectives
a) Maintain a high quality of amenity within each dwelling.
b) Ensure room sizes are functional, are of sufficient size and cater for intended purpose.

Controls
a) Bedrooms shall be a minimum of 9m$^2$ in size with a minimum of 2.7m dimension.
b) Dining rooms shall be a minimum of 9m$^2$ in size with a minimum 3m dimension.
c) Living rooms shall be a minimum of 18m$^2$ in size with a minimum of 4m dimension.
d) Where an open plan combined lounge / dining is proposed, a minimum area of 27m$^2$ and a minimum dimension of 4m are acceptable.
Minimum bedroom size - 9m²
Minimum dining room size - 9m²
Minimum living room size - 18m² 4 x 4.5m

Note: All architectural floor plans shall show full dimensions of internal floor layout to demonstrate that the above controls have been achieved.

e) A furniture plan must be shown on plans in order for alternative minimum areas to be considered.

5C.2.7 Access for all Residents

Objective
a) To ensure the needs of elderly and disabled persons are accommodated in narrow lot developments.

Control
a) For developments where three or more dwellings are proposed, within one of the dwellings at least one room shall be capable of being adapted for use as a bedroom, and a shower and toilet shall be located on the ground floor.

5C.3 Car Parking and Access

The access for vehicles to safely enter a dwelling house lot is essential. For general design information on car parking, refer to Chapter 12 of this DCP. In the event of an inconsistency between the provisions contained within this clause and those of Chapter 12, the provisions of chapter 12 apply to the extent of the inconsistency.

5C.3.1 Car Parking

Objectives
a) Ensure that vehicle access is provided in a location that minimise hard paved surface and maintains opportunities for onsite landscaping, roadside planting, on street parking, paths and other uses.
b) Maintain an integrated façade to ensure that the dwellings are not dominated by the garages or carport.
c) Ensure the visual focus of the development is the dwellings, not the garage(s) or carport(s).

Controls
a) Two car parking spaces shall be provided per dwelling.
b) A maximum of one undercover car parking space in the form of a garage or carport is to be provided for narrow lots that have access to one street only.
c) For narrow lots that are located on a corner lot with two street access, a double garage may be permitted if the dwelling complies with all other controls such as Private Open Space, Landscaping, Solar Access and Drainage.
d) Garages must be designed in a manner that prevents a garage dominant street environment.
e) Garages must be recessed or ‘flush’ with the 6.0 metre building line.
f) Dimensions for parking spaces and turning areas should be in accordance with Australian Standard 2890 Part 1 and should also achieve the following:
g) Driveway widths should be minimised to increase landscaped areas while providing adequate space for vehicles to manoeuvre, and
h) The entry point to the driveway should be 1 metre clear of power poles, telephone poles, street trees, metre boxes, and storm water pits.

Note: It is recommended that the development be designed with regard to existing constraints of street trees, power poles, gully pits etc.

i) For corner lots, the garages or carports must be located furthest from the corner.

For development on corner lots, the garage/carport needs to be located furthest from the corner

j) For sites affected by overland flow, at least one carport must be provided for one of the dwellings when two or more dwellings are proposed to allow the flows to travel through the site. Alternatives (including another garage) can be considered where they address these drainage concerns to the satisfaction of Council. (Note: Refer to Section 5.C.12 Drainage for details of further requirements).

For sites affected by overland flow, one carport must be provided in a triplex development.

Note: The design of carports need to ensure compliance with the Building Code of Australia (BCA) and may require the provision of fire resisting walls adjoining any openings. To comply with the BCA, the location of windows near carports needs careful consideration."

k) Dimensions for parking spaces and turning areas should be in accordance with Chapter 12 of the City-Wide DCP.

5C.3.2 Driveway Materials

Objectives

a) Provide for driveways which appear as courtyards into which vehicles intrude rather than spaces designed primarily for cars
b) Ensure a high standard of surface finish.
c) Minimise the visual impact of expansive driveway surfaces.
d) Provide for driveways that will, as far as possible, retain their original condition and appearance and resist the wear and marking from car movement.

Controls

a) Driveway material must be clay/concrete pavers, cobblestones or coloured pattern-stamped concrete. If pattern-stamped is used, it must be coloured to reduce harsh glare and finished with a non-slip surface.
b) Stencilled concrete must be sealed and be non-slip.
c) Plain concrete driveways are not permitted.

5C.3.3 Splay Corner Setbacks and Road Widening

Objectives
a) Restrict building and landscaping within close proximity to road intersections.
b) Improve traffic safety by increasing site distances for drivers at intersections.
c) Provide the opportunity for Council to acquire land for local road widening, which will improve the road network.

Controls
a) Development on properties adjoining Boundary Lane, Cabramatta should be set back at least 9 metres from the centreline of the road. Council may seek to acquire up to 3 metres width of land for road widening.
b) 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.

Note: A number of properties in Fairfield City are affected by restrictions covering vehicular access denied (e.g. to a major road or heavy pedestrianised areas where alternative access should be provided as part of a new development), road widening, splay corner (to improve sight lines on corner blocks) and road closure provisions.

These restrictions are updated from time to time based on advice from the RTA and investigations carried out by Council and need to be considered as part of new development.

Note: Up-to-date information is relation to the above can be obtained from Council by requesting a Planning (section 149) Certificate.

5C.3.4 Rights of Carriageway

Where a lot does not have access to a public road a right of carriageway (ROW) having a minimum width of 4 metres is to be created on title of the front lot, with frontage to a public road, in favour of the rear lot. The ROW shall have a minimum constructed pavement width of 3 metres, and a 1 metre wide strip devoted to landscaping and services. The ROW is to be created prior to release of the construction certificate.

Note: Complying Development under the General Housing Code - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 only applies to lots having frontage to a public road.
5C.4 Open Space and Landscaping

5C.4.1 Open Space

Open space provides a number of amenities to the property, for example space for children to play, drying clothes and gardening. To ensure a sufficient amount of private open space is easily accessible, private open space is regulated.

5C.4.1.1 Private Open Space

Objectives

a) Ensure the private open space is usable, functional and easily accessible for residents.
b) Ensure private open space includes landscaping and soft areas.
c) Ensure direct access and a relationship between indoor and outdoor living areas.

Controls

a) Each dwelling must have a minimum private open space area of 60m², with one portion being a minimum of 5 metres by 6 metres of level ground.
b) A 20m² portion of the overall private open space may be in the form of a courtyard located within or along side of the dwelling to ensure living spaces achieve adequate direct sunlight.

c) In the calculation of private open space:
   a. a minimum of 50% of the open space area must be a grassed or soft landscaped area located in the rear yard;
   b. no area is less than 2.5 metres in width;
   c. outdoor clothes drying areas are included as private open space; and
   d. car parking spaces are not included in open space calculations;

d) The private open space must have direct and level access to the dwelling’s living areas, such as a lounge room, a family room, a dining room or a kitchen.
e) A garage or gate must provide access between the private open space and the driveway. This will allow items stored in backyards (eg, garbage bins, garden tools) to be moved to the street without needing to come through the house.
f) Private open space is not permitted in the front setback.

5C.4.2 Landscaping

For narrow lot development, applicants are encouraged to liaise with a horticulturist at local nurseries and can prepare their own plans using the controls as a guide or alternatively engage the services of a landscape architect or other accredited professional with demonstrated experience. Council’s Landscape Assessment Officers can provide more information. Landscaping principles, landscaping planning controls and templates are provided in Appendix E Landscape planning.

Significant trees as those trees that contribute substantially, either individually or as a member of a tree group, to the landscape character, amenity, cultural values or biodiversity of their locality. Generally trees with a girth greater than 500mm and a canopy spread of a 6 metre radius are trees of significance.

Objectives

a) To require landscape plans to respond to natural features, soften the appearance of developments, improve the living quality of the neighbourhood
b) To encourage landscaping areas which assist in reducing the impacts of a range of environmental problems including salinity, flooding, reduction in biodiversity and climate change.

Controls

a) A minimum of 30% of the site is to be dedicated for soft soil zone.
b) A minimum of 50% of the front yard is to be landscaped.
c) A landscape plan must be prepared for the site. Refer to Landscaping Appendix E for principles when seeking to prepare a landscape plan.

5C.4.3 Fencing

Fencing is an important element in creating a pleasant streetscape. To enhance the character of the City’s neighbourhoods, fencing design, height and materials are regulated.

Objectives

a) To provide design requirements for side, rear, and corner lot fencing that create a unified streetscape.
b) To allow for fencing that acts as a noise attenuation measure along Classified State and Regional Roads.
c) To allow for security fencing that minimises visual impact on the streetscape.

Controls

a) A front fence is not supported for narrow lot developments.
b) Fencing behind the front building line shall be a maximum height of 1.8 metres above ground level (existing).
c) For corner lots, a fence of masonry construction up to a height of 1.8 metres is required along the secondary street frontage.

Fencing design

a) Walls and fences visible from a public place or within common area property must be divided into segments no longer than 5 metres. (In the fencing design there must be some change in the façade plan or an expressed column to avoid flat featureless walls.) Details of wall and fence treatment must be submitted with the Development Application.
b) Fencing design must provide opportunities for natural surveillance into public spaces.
c) Fencing construction must meet the following criteria:
   a. have adequate footings, be self-supporting and able to withstand loads, and
   b. not include barbed wire, chain wire, razor wire, broken glass, be electrified, or the like, and
   c. not stop or redirect surface waters so as to cause a nuisance and be open style fencing where the property is affected by flooding or by an overland flow.
d. be constructed wholly within the property boundary.

Note: For exempt and complying fencing controls see State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

5C.5 Amenity
5C.5.1 Solar Access
Dwelling design should minimise the need for heating and cooling through appropriate window size, shape and location. To achieve a high level of solar access for both the dwelling and surrounding properties, the development must be carefully designed to minimise overshadowing.

Objectives
a) Encourage the benefits of winter sun and minimise the intrusion of summer heat in design.
b) Ensure internal living spaces and private open space has adequate access to sunlight.
c) Maintain direct sunlight to adjacent dwellings.

Controls (see diagrams relating to solar plane and shadow diagrams)
a) All dwellings must be designed to ensure:
   a. living areas are orientated towards north where possible
   b. all north facing living area windows and more than two-thirds of the private open space
      receives at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June
   c. the potential for sunlight to penetrate the development through windows and atriums for
      dwellings on east-west orientated lots is maximised, limiting the use of skylights for
      bathrooms and utility rooms only.

b) The windows to at least one living area of a dwelling on an neighbouring/adjoining dwelling/s must
   receive a minimum 3 hours of sunlight between 9.00am and 3.00pm at the mid–winter solstice.
   Where this requirement is already not achieved prior to the single dwelling development, the
   development must not result in additional overshadowing on the affected living area of the
   dwelling.

c) A development should maintain solar access to a solar hot water system, photovoltaic panel, or
   other solar collector on an allotment or adjoining allotment.

d) Garages, bathrooms and laundries should be located in areas with a west to southwest
   orientation, with windows (glazing) minimised in size and number as well as being protected with
   effective sun shades

e) Council may require the preparation of shadow diagrams showing the impact of a proposal on the
   adjacent residential buildings and their private open space. Such diagrams shall be based on a
   survey of the site and adjoining development. The shadow diagrams shall include:
   a. all openings and windows of adjoining buildings
   b. shall demonstrate likely shadow impact on the 21 June for 9 am, 12 pm, and 3 pm
5C.5.2 Energy Efficiency Measures

Energy efficiency measures include facilitating energy conservation and minimising energy needs to reduce greenhouse gas emissions.

Objectives

a) To maximise greenhouse gas emission reduction in new development.

Controls

a) Where the solar panel will be visible from the street, the associated tank must be either within the roof or the dwelling.

b) Correct use of glazing, mass and insulation shall ensure dwellings are constructed in an energy efficient manner. Applicants are referred to standards contained within State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - www.basix.nsw.gov.au.

5C.5.3 Privacy

The privacy of neighbours and other residents must be maximised. To ensure this windows and balconies are regulated.

Objectives

a) Ensure privacy is maximised for neighbours of the dwelling house and those who will occupy the dwelling.

b) Avoid overlooking of private open spaces and windows of nearby dwellings.

c) Limit noise transmission to nearby dwellings.

Controls

a) Any rooftop floor area and/or first floor balconies will not be supported.

b) Noise reduction between common walls and floors is to comply with the provisions of the Building Code of Australia.

c) Where upper floor windows result in unreasonable or unavoidable privacy issues, Council is likely to require:
   a. A sill height of no less than 1.5 metres from the upper floor finished floor level,
   b. Frosted glazing,
   c. Screening, or
   d. The use of some other method to maximise privacy.

5C.6 Drainage

Proper drainage and reuse of rainwater is important to reduce flooding, stormwater damage, and overland flow. To achieve this, concept plans, rainwater tanks, overland flow, and cut and fill are regulated.

5C.6.1 Concept Plans

Objectives

a) Control flooding and prevent stormwater damage.

b) Ensure that proposed drainage of the site does not have an adverse impact on adjoining and downstream properties.

Controls

a) One side setback of the development site must be a minimum of 900mm from the boundary for drainage and overland flow purposes.

b) Where the development land slopes away from the street kerb and there is no alternate provision for stormwater to connect to the street to the satisfaction of Council's drainage engineer, inter allotment drainage is required to be provided. In this instance an easement to drain water shall be created over adjoining properties to connect storm water from the development site to Council's drainage system prior to issue of a development. This requirement will only be waived where the applicant is able to demonstrate that the proposal can drain to the street in a satisfactory manner.

c) A drainage concept plan prepared by a suitably qualified person shall be submitted with the Development Application showing all down pipes, proposed levels, pipe details etc.
5C.6.2 Rainwater Tanks

Objectives
a) Satisfy the requirements of the Building Code of Australia.
b) Position rainwater tank to maximise rear yard space.
c) Harvest and re use stormwater.
d) Ensure that rainwater tanks are located in areas where they do not impinge on the general operation and function of the dwelling as a whole.

Controls
a) Above ground rainwater tanks are to be located no less than 450mm from the side and rear boundary and shall not extend above the height of the fence line.
b) Only underground water tanks are permitted in the front setback area and they are encouraged to be placed under the driveway where possible. All underground water tanks require structural certification from a qualified structural engineer.
c) Pumps and pipe system are to be provided for water recycling.

5C.6.3 Overland Flow

Objectives
a) Ensure overland flow path is conveyed through the site in a satisfactory manner.
b) Minimise flooding affects within the development and on to the adjoining properties.

Control
a) Any major overland flow path from adjoining properties shall be conveyed through the site in a satisfactory and safe manner. The flow paths shall not be directed under the buildings. For details refer to Chapter 11.
b) For sites affected by overland flow, at least one carport must be provided for one of the dwellings when two or more dwellings are proposed to allow flow to travel through the site. Alternatives (including another garage) can be considered where the design addresses these drainage concerns to the satisfaction of Council. (Note: Refer to Section 5.C.12 Drainage for details of further requirements).

5C.6.4 Cut and Fill

Objectives
a) Reduce the necessity for retaining walls.
b) Reduce stormwater problems associated with changing the natural contours of the land.
c) Reduce the necessity to import fill onto the premises.
d) Minimise overshadowing, privacy, and amenity issues to adjoining neighbours by providing maximum finished floor level for proposed development.

Control
a) The height of floor level above the natural ground levels shall be limited to 600mm except where it is required to be raised to achieve a suitable freeboard above the flood level or the 100 year ARI water level of an on-site detention basin. This 600mm height includes the fill, bedding and the slab thickness. Any variation from this floor height shall not cause adverse amenity impacts to the adjoining properties and shall be justified to the Council.

5C.7 Site Servicing

Utilities and services include the day-to-day facets that every single dwelling uses. To ensure utilities and services are considered guidelines and controls are provided.

Objectives
a) Ensure that developments are serviced and provide for facilities.
b) Ensure front façades are free of utility services and structures.
c) Ensure dwellings are able to be identified by street number.
Controls

5C.7.1 Water and Sewerage
a) Water and sewerage connections must meet the requirements of Sydney Water.
b) Rainwater tanks, collecting rainwater from all site roof areas (including separate garages/sheds etc) and used for toilet flushing, laundry, and garden irrigation are encouraged.

5C.7.2 Electricity
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.
b) Electrical services, and alternative energy systems, must satisfy the requirements of E Energy.
c) Meter boxes are to be placed in positions acceptable to the energy provider, but may not face the street.

5C.7.3 Telephone and Internet
a) Telephone lines installation must be in accordance with the requirements of Telstra.

5C.7.4 Dwelling Street Number
a) Contact Council to request the allocation of house number if required.
b) Position and secure clearly visible street numbers near property entrances such as the front fence, wall or letterbox.
c) Street numbers should be positioned at a minimum height at 500mm above ground level (existing).

5C.7.5 Postal Services
a) The size of a letterbox must meet the Australia Post approved size. Australia Post recommends a separate box or tube to accommodate newspaper and non-mail articles.
b) A letterbox must clearly mark the street number of the dwelling that it serves.
c) A letterbox must be located on the boundary of the property with the footpath or road or at the junction of the driveway with the road. The opening of the mailbox must face the footpath or road.

5C.7.6 Waste and Dry Recycling Collection
a) Council will provide garbage container(s) to each dwelling. Development plans must show that for each dwelling, in private areas, provision has been made for:
a. General bin
b. Dry recycling bin
c. Space for a third bin.
b) The area identified for garbage and recycle bins storage should be located away from the windows of habitable rooms and be stored in a substantially shaded area or within an enclosure.
c) Garbage and recycle bins must not be visible from common or public areas except when out for collection.
d) A clear path from the dwelling’s garbage and recycle bins storage area, either through a side passage or through a garage, to the collection point on the street must be provided.

5C.7.7 TV Antennas
a) The antenna must be located at the rear of the site to reduce visibility from the street.
5C.8 Templates

This section provides design templates for narrow lot development and are useful for lots that are less than 35 metres in depth and 7 metres in width. The requirements throughout this chapter are demonstrated through the templates, seeking to maximise the potential for solar access to a property for various orientations.

Nine templates in total are provided for lots with a dimension of 33 metres by 6.7 metres and 30 metres by 6.7 metres with different solar orientation.

a) North toward the street
b) North toward the rear of the lot
c) East/West
d) Corner Lot

The template used must reflect the solar orientation of the development site. In cases, where the site is not truly oriented exactly to the north east or west the template for the closest applicable orientation will be applied.

For lots that are equal or greater than 33 metres depth the template for 33 metres must be used.

For lots that are less than 33 metres depth the template for 30 metres must be used.

In applying a template to a site the following must be true:

a) Achieve the provisions set out in this chapter. Requirements of this chapter are illustrated through each of the templates.
b) Adhere to the provisions in Chapter 3 Environmental Management, in particular considering the particular constraints of the site.
c) In cases where the site dimensions are different to the template, the building depth and room layout of the template must be retained.
Templeton 2

North to Rear

For lots 33 metres or more in depth
development data

narrow lots
north to rear

site
224.80 m²
59.30 m²
112.40 m²

floor
first floor
0.63:1

FDR

site
224.80 m²
66.30 m²
111.80 m²

floor
first floor
0.63:1

FDR

For lots 33 metres or more in depth

narrow lots
north to rear

site
224.80 m²
59.30 m²
112.40 m²

floor
first floor
0.63:1

FDR

site
224.80 m²
66.30 m²
111.80 m²

floor
first floor
0.63:1

FDR

Uncontrolled document when printed – check Council’s website for current version
Template 4
East/West
Orientation

For lots 33 metres or more
in depth
development data

narrow lots
north to rear-triplex

type 1

- ste
  - ground floor (less garage 19.80m²)
  - first floor
    - living 47.40 m²
    - living 47.40 m²
    - living 47.40 m²
    - kitchen 4.00 m²
    - dining 4.00 m²
    - kitchen 4.00 m²
    - laundry 4.00 m²
    - laundry 4.00 m²
    - toilet 3.00 m²
  - g.f.a. 112.50 m²
  - FSR 0.50 : 1

- type 2
  - ste
    - ground floor
    - first floor
    - living 42.84 m²
    - living 42.84 m²
    - living 42.84 m²
    - kitchen 4.00 m²
    - dining 4.00 m²
    - kitchen 4.00 m²
    - laundry 4.00 m²
    - laundry 4.00 m²
    - toilet 3.00 m²
  - g.f.a. 112.60 m²
  - FSR 0.50 : 1
Template 6
North to Rear

For lots 30 metres or less in depth

development data

narrow lots
north to rear-triplex

type 1
site
ground floor
first floor
G.F.A.
FSR

204.40 m²
60.69 m²
41.456 m²
102.15 m²
0.50 : 1

type 2

204.40 m²
63.45 m²
38.75 m²
102.20 m²
0.50 : 1
Template 7
East / West Orientation

For lots 30 metres or less in depth

Development data

<table>
<thead>
<tr>
<th>Narrow Lots</th>
<th>East to West - Triplex</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 1</td>
<td></td>
</tr>
<tr>
<td>Site</td>
<td>204.40 m²</td>
</tr>
<tr>
<td>Ground floor</td>
<td>54.80 m²</td>
</tr>
<tr>
<td>First floor</td>
<td>47.35 m²</td>
</tr>
<tr>
<td>G.F.A.</td>
<td>102.20 m²</td>
</tr>
<tr>
<td>FSR</td>
<td>0.50 : 1</td>
</tr>
<tr>
<td>Type 2</td>
<td></td>
</tr>
<tr>
<td>Site</td>
<td>204.40 m²</td>
</tr>
<tr>
<td>Ground floor</td>
<td>64.80 m²</td>
</tr>
<tr>
<td>First floor</td>
<td>37.20 m²</td>
</tr>
<tr>
<td>G.F.A.</td>
<td>102.00 m²</td>
</tr>
<tr>
<td>FSR</td>
<td>0.50 : 1</td>
</tr>
</tbody>
</table>
Template 9
North to Rear Courtyards

For lots 33 metres or more in depth
development data

narrow lots
north to rear-triplex

type 1
site  224.80 m²
ground floor 60.90 m²
first floor (less area void 6.50m²) 51.70 m²
g.f.a 112.60 m²
FSR 0.50:1

type 2
site  224.00 m²
ground floor (less garage 20.67m²) 61.20 m²
first floor (less area void 6.00m²) 51.30 m²
g.f.a 112.50 m²
FSR 0.50:1
Chapter 6A

Multi Dwelling Housing – Townhouses and Villas

Table of Contents

6A.0 Local Context
6A.0.1 Zones and development to which this Chapter applies
6A.0.2 Purpose of this Chapter
6A.0.3 Strategies and Policies

6A.1 Site Requirements
6A.1.1 Lot Requirements
6A.1.1.1 Lot Width and Depth
6A.1.1.2 Battleaxe Blocks
6A.1.2 Splay Corner Setbacks and Road Widening

6A.2 Built Form and urban Design
6A.2.1 Floor Space Ratio (FSR)
6A.2.2 Height
6A.2.3 Setbacks
6A.2.3.1 Front Setback Controls
6A.2.3.2 Side and Rear Setback Controls
6A.2.4 Balanced Building Form
6A.2.5 Building Separation
6A.2.6 Mix of Units
6A.2.7 Units per Site Area
6A.2.8 Size of Rooms and Storage
6A.2.9 Access for all Residents
6A.2.10 Dwelling Position
6A.2.11 Development Façade

6A.3 Car Parking and Access
6A.3.1 Car Parking Rate
6A.3.2 Driveways
6A.3.3 Driveway Materials
6A.3.4 Landscaping along Driveway
6A.3.5 Vehicle Access Design
6A.3.6 Access Location

6A.4 Landscaping and Open Space
6A.4.1 Open Space
6A.4.1.1 Private Open Space
6A.4.1.2 Common Open Space

6A.4.2 Landscaping
6A.4.3 Fencing
6A.4.3.1 General Fencing
6A.4.3.2 Fencing that addresses the street
6A.4.3.3 Internal Fencing
6A.4.3.4 Security Fencing

6A.5 Amenity
6A.5.1 Solar Access
6A.5.2 Energy Efficient Measures
6A.5.3 Privacy
6A.5.4 Safety and Security

6A.6 Drainage
6A.6.1 Stormwater Detention
6A.6.2 Drainage with basement
6A.6.3 Overland Flow
6A.6.4 Cut and Fill
6A.6.5 Rain Water Tanks

6A.7 Site Servicing
6A.7.1 Water and Sewerage
6A.7.2 Electricity
6A.7.3 Telephone and Internet
6A.7.4 Dwelling Street Number
6A.7.5 Postal Services
6A.7.6 Waste and Dry Recycling
6A.7.7 TV Antennas

6A.8 Schedules
6A.8.1 Schedule 1 Classified State and Regional Roads
6A.8.2 Schedule 2 Unclassified Regional Roads

6A.9 Site Specific Controls – 46 & 50 Cobbett Street, Wetherill Park

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6A.0 Local Context

6A.0.1 Zones and development to which this Chapter applies

This Chapter generally applies to development permitted within the following residential zones under Fairfield Local Environmental Plan (LEP) 2013:

a) R1 General Residential
b) R3 Medium Density Residential
c) R4 High Density Residential

6A.0.2 Purpose of this Chapter

This chapter applies to all development applications for the purposes of multi dwelling housing – town house and villa development.

Multi dwelling housing – Townhouse / villa means three or more dwellings (whether attached or detached) on one lot of land where each dwelling has ground floor access to private open space.

The site controls, development controls, setbacks, building appearance, car parking and access, fencing, private open space, landscaping, overshadowing, privacy, drainage, utilities and services are regulated to establish a high standard of residential development.

Council encourages townhouse / villa development where the car park is located in an underground enclosed basement. Townhouse and villa development that is developed with basement car parking has different controls which may allow for greater densities as noted clause 6A.2.7 Unit Per Site Area.

The general objectives of the Chapter are:

a) To provide for the housing needs of the community within a medium density residential environment, meeting the needs of families and households that require smaller dwelling units and more affordable housing choices.

b) To ensure that new development provides a desired standard of amenity for occupants.

c) To protect adjacent land and the wider environment from the impact of new development.

d) To ensure the development makes a positive contribution to the streetscape and neighbourhood.

For properties identified as heritage items within Fairfield City, refer to:

- Chapter 2 – Development Application Process, clause 2.2.13 – Heritage Assessment
- Chapter 3 – Environmental Management and Constraints, clause 3.12 Heritage Items
- Appendix G – Heritage and Development.

For properties near heritage items, contact Council on how your proposal must minimise potential impacts.

6A.0.3 Strategies and Policies

Refer to the Fairfield Residential Development Strategy for Council’s planning framework for multi dwelling housing – Townhouse / villa throughout the eastern half of the City.

Note 1: Prefabricated housing is not permitted as they do not comply with BASIX requirements and are not yet at a standard that contribute positively to the streetscape.

Note 2: Any proposal for the construction of a multi-unit housing – townhouses and villas within the area covered by the Bonnyrigg Living Communities Masterplan 2008, as contained on page 147 of the Bonnyrigg Masterplan, shall also have regard to the requirements of Chapter 6A of the Fairfield City Wide DCP 2013.

6A.1 Site Requirements

The size of a lot and the density of built structures affect the amenity of the people living on the site as well as those on the adjoining sites and the residential area as a whole. In this regard, floor space ratio, balanced building form, mix of units, and unit per site area controls are provided.
The appearances, position and height of the dwellings may affect the streetscape and character of the neighbourhood. To ensure the building appearance is maintained in a uniform manner, the dwelling position, development façade, building height, sizes of rooms and storage, access for all residents, safety and security are regulated.

6A.1.1 Lot Requirements

In order to achieve appropriate amenity, it is pertinent to identify lots with appropriate lot width. The lot width, lot depth and battleaxe block controls ensure that land is appropriate for townhouse/villa development.

6A.1.1.2 Lot Width and Depth

Objectives

a) Ensure site is an appropriate size to accommodate a high level of amenity for residents of the site including surrounding sites.
b) Promote orderly patterns of development that encourage efficient use of land.
c) Ensure that an orderly development of the immediate and surrounding locality is achieved.
d) Improve pedestrian and vehicle safety by ensuring amalgamation pattern minimises access points onto classified and regional roads.

Controls

a) A minimum average lot width and depth of 22 metres is required for all townhouse/villa developments.
b) Lots that front onto Classified State and Regional Roads and Unclassified Regional Roads, a minimum of 25 metre street frontage is required. For a list of Classified State and Regional Roads and Unclassified Regional Roads, refer to Schedule 1 and 2 at the end of this Chapter.

6A.1.1.3 Battleaxe Blocks

Objectives

a) Identify suitable sites that have minimum amenity impact the people living on adjoining properties.
b) Discourage subdivisions that promote single dwelling and dual occupancy allotments in multi unit development zones.

Control

a) Townhouse/villa development will not be supported on existing battleaxe lots.

6A.1.2 Splay Corner Setbacks and Road Widening

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Objectives

a) Restrict building and landscaping within close proximity to road intersections.
b) Improve traffic safety by increasing site distances for drivers at intersections.
c) Provide the opportunity for Council to acquire land for local road widening, which will improve the road network.

Controls

a) Development on properties adjoining Boundary Lane, Cabramatta should be set back at least 9 metres from the centreline of the road. Council may seek to acquire up to 3 metres width of land for road widening.
b) 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.

Note: A number of properties in Fairfield City are affected by restrictions covering vehicular access denied (e.g. to a major road or heavy pedestrianised areas where alternative access should be provided as part of a new development), road widening, splay corner (to improve sight lines on corner blocks) and road closure provisions. These restrictions are updated from time to time based on advice from the RTA and investigations carried out by Council and need to be considered as part of new development.

Note: Up-to-date information is relation to the above can be obtained from Council by requesting a Planning (section 149) Certificate.

6A.2 Built Form and Urban Design

6A.2.1 Floor Space Ratio (FSR)

Objective

a) Ensure building bulk, site coverage and open space provisions are compatible with neighbouring development.

Controls

a) Maximum permissible floor space ratio for any development must comply with the floor space ratio standards prescribed on the Fairfield LEP Floor Space Ratio Map.
b) Clause 4.6 Exceptions to Development Standards of the Fairfield LEP 2013 allows Council to consider variations to the FSR. Council will consider variations to the Fairfield LEP 2013 development standards where basement car parking is proposed. Basement car parking is not included in FSR as long as it does not constitute a storey (i.e. extends more than 1 metre above existing ground level).
c) Calculation of Floor Space Ratio must comply with the Floor Space Ratio provisions defined in clause 4.5 Calculation of Floor Space Ratio and Site Area of the Fairfield LEP 2013.

d) Due to site constraints and other requirements of this plan, the maximum FSR will not always be achieved on every development site

6A.2.2 Building Height

Objectives

a) Ensure new development is consistent and compatible with established built form and hence results in a physically cohesive neighbourhood.

b) Ensure minimal overshadowing of neighbours’ property.

c) Ensure privacy, and limited side and rear views, of neighbours’ property are maintained.

d) Maintain sunlight in public and private open spaces.

Controls

a) Maximum permissible building height for any development must comply with the building height standards prescribed on the Fairfield LEP Height of Building Map.

b) A maximum of 2 storeys from ground level (existing) is permitted.

c) The maximum heights of the eave line and the ridge line from ground level (existing) shall not exceed 7.2 metres and 9 metres respectively.

Note: Ground level (existing) is either natural ground level or a new level that is lawfully approved.

d) Dwellings proposing parapet walls with flat roofs and high continuous walls shall be limited to 8 metres in height from ground level (existing) and are to be articulated.

e) Some dwellings may need to be lowered in height to comply with this chapter’s requirements for solar access and privacy (see Sections 6A.5.1 Solar Access and 6A.5.3 Privacy).

f) All two storey dwelling applications must include a sectional diagram that indicates the height of the dwelling from ground level (existing).

g) Refer also to Clause 5.6 Architectural Roof Features of Fairfield LEP 2013. This clause permits variations to maximum height standards for decorative roof elements that enhance a building’s appearance.
6A.2.3 Setbacks

Setbacks serve to create consistent streetscapes and neighbourhood character and maintain privacy and solar access for surrounding properties. Setback controls are set for development to meet these aims, as well as for road widening where identified to improve the road network.

Objectives

a) Maintain and enhance established streetscape and character of the neighbourhood. Components of streetscape and character of the neighbourhood include building setback, landscaping, fencing, lighting, pathways, and street trees.
b) Protect the privacy and solar access of adjacent properties.
c) Avoid blank/plain façades along publicly visible parts of the development.
d) Achieve a staggered and articulated built form.
e) Ensure vehicular and pedestrian safety.
f) Ensure landscaping opportunities (sufficient deep soil areas) are available along the boundaries in cases where basement car park is proposed.

6A.2.3.1 Front Setback Controls

a) The minimum front setback of dwellings is 6 metres, measured from the front property boundary to the front of the dwellings. However, porticos and verandas may encroach onto the 6 metres setback area by 500mm.

![Front property boundary setback](image)

b) Garages must be behind the façade of the dwelling.
c) The 6m front setback area of townhouse/villa developments shall not be used for any purposes other than landscaping only. In this regard, private courtyards, 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.

6A.2.3.2 Side and Rear Setback Controls

a) Side and rear walls may be built to the boundary if the following are satisfied:
   a. Located on the ground floor only;
   b. Continuous length of wall does not exceed 10 metres;
   c. Walls are not more than 50% of a boundary's length;
   d. Walls comply with requirements of the Building Code of Australia in terms of fire separation; and
   e. Walls and fences are of the same material being brick/masonry.

b) Side and rear walls not built to the boundary should be at least 900 mm from the boundary.

c) For the first 20 metres of a site, the upper floor side walls must be setback by a minimum of 900mm from boundaries. A further distance may be necessary in order to satisfy solar access and privacy requirements of Sections 6A.5.1 Solar Access and 6A.5.3 Privacy of this chapter.

d) Beyond the first 20 metres of the site, the upper floor walls must be setback a minimum of 4 metres from side and rear boundaries and further where necessary in order to satisfy solar access and privacy requirements of Sections 6A.5.1 Solar Access and 6A.5.3 Privacy of this chapter.
6A.2.3.3 Corner Lot Setback Controls

a) Dwellings shall be appropriately articulated along the primary and secondary setbacks.
b) The secondary building setback shall be a minimum of 3 metres, when measured from the lot boundary.
c) The secondary frontage must orient the dwellings to the street in such a manner that the dwellings have a direct relationship with the street.

6A.2.4 Balanced Building Form

Objectives

a) Ensure privacy is maximised for neighbours of the development and those who will occupy the townhouse/villas development.
b) Reduce bulk and achieve a mix of single and 2 storey built elements that respond to the opportunities and constraints of the site.
c) Encourage the massing of the dwellings to take into account overshadowing impacts on surrounding properties and private open space within the development.
d) Ensure development is compatible with its surroundings.

Controls

a) For townhouse/villa development, the overall gross floor area (GFA) of the upper floors shall be a maximum of 65% of the total GFA at ground level.
b) Garages or car spaces which are excluded from the calculation of Gross Floor Area are also excluded for the purpose of calculating the first floor to ground floor ratio.

c) Due to site constraints and other requirements of this plan, the maximum Balanced Building Form may not always be achieved on every development site.

6A.2.5 Building Separation

Objectives

a) Ensure there is sufficient spatial separation between dwellings to accommodate access (i.e. both vehicular and pedestrian access) and landscaping needs.

b) Ensure there is adequate spacing of dwellings to protect residents’ privacy and amenity and to reduce overshadowing and overlooking within the development.

Controls

a) The minimum separation for dwellings facing one another across a driveway area shall be 8 metres in order to accommodate up to 6 metres for vehicle and pedestrian access and a 1 metre wide garden bed adjacent to each dwelling on both sides of the driveway.

b) In the case of sites with basement car parking, a 6 metre building separation for facing dwellings shall be provided to address privacy and solar access issues.

6A.2.6 Mix of Units

Objectives

a) Ensure housing supply responds to the needs of the local population.

b) Ensure a mix of units is available which provides for different family sizes and people at different stages of their life cycle.

Control

a) The table below outlines the minimum mix of dwellings to be provided in multi dwelling housing – townhouse/villa development.

<table>
<thead>
<tr>
<th>Total number of units proposed</th>
<th>Minimum required number of “unit-type” – i.e. 1 bedroom, 2 bedroom etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 – 6 units</td>
<td>One - 2 bedroom unit</td>
</tr>
<tr>
<td>7 – 10 units</td>
<td>One - 1 bedroom unit or 2 bedroom unit</td>
</tr>
<tr>
<td>11 or more units</td>
<td>10% - 2 bedroom units, and 10% - 1 bedroom units</td>
</tr>
</tbody>
</table>

6A.2.7 Unit Per Site Area

Objectives

a) Provide a guide as to the potential yield of a development site.

b) Encourage amalgamation of lots.

c) Provide adequate space for dwellings and their amenities.

Control

a) The table below outlines the maximum number of units permitted per development site. The minimum site area per unit is provided for each bedroom type. The minimum site area per unit is based on the width of the frontage. A different rate is relevant for basement parking development proposals.
### Allotment width

<table>
<thead>
<tr>
<th>Allotment width</th>
<th>Number of units per site area</th>
</tr>
</thead>
<tbody>
<tr>
<td>For site with a width less than 28m</td>
<td>A 1 bedroom unit for each 220m² of site area</td>
</tr>
<tr>
<td></td>
<td>A 2 bedroom unit for each 240m² of site area</td>
</tr>
<tr>
<td></td>
<td>A 3 or more bedroom unit for each 260m² of site area</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>For site with a width equal to or greater</td>
<td>A 1 bedroom unit for each 210m² of site area</td>
</tr>
<tr>
<td>than 28m</td>
<td>A 2 bedroom unit for each 230m² of site area</td>
</tr>
<tr>
<td></td>
<td>A 3 or more bedroom unit for each 250m² of site area</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>For site with basement car parking</td>
<td>A 1 bedroom unit for each 160m² of site area</td>
</tr>
<tr>
<td></td>
<td>A 2 bedroom unit for each 180m² of site area</td>
</tr>
<tr>
<td></td>
<td>A 3 or more bedroom unit for each 200m² of site area</td>
</tr>
</tbody>
</table>

### Note:

The maximum number of units indicated by applying the above Unit per Site Area calculation will not be achieved in all cases. Site constraints and compliance with other development controls in this chapter may mean the maximum number cannot be achieved in every case.

An example of the possible number of units per site area is the following:

For a site with the dimensions of 33m (frontage) x 58m (depth) and a site area 1914m², see the table below for an example of mix of units that would be permitted. Any combination which when calculated gives a total area no greater than the site area (i.e. 1914m² in this case) would be permitted as long as it also complies with the mix of unit controls in Section 6A.2.6.

<table>
<thead>
<tr>
<th>Mix of units</th>
<th>Calculations</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 x 3 or more bedroom units and 1 x 2 bedroom unit</td>
<td>$6 \times 250m^2 + 1 \times 230m^2 = 1730m^2$</td>
</tr>
<tr>
<td>5 x 3 or more bedroom units and 2 x 2 bedroom units</td>
<td>$5 \times 250m^2 + 2 \times 230m^2 = 1710m^2$</td>
</tr>
<tr>
<td>4 x 3 or more bedroom units, 3 x 2 bedroom units, and 1 x 1 bedroom unit</td>
<td>$4 \times 250m^2 + 3 \times 230m^2 + 1 \times 210m^2 = 1900m^2$</td>
</tr>
<tr>
<td>8 x 2 bedroom units</td>
<td>$8 \times 230m^2 = 1840m^2$</td>
</tr>
<tr>
<td>8 x 1 bedroom units and 1 x 2 bedroom unit</td>
<td>$8 \times 210m^2 + 1 \times 230m^2 = 1910m^2$</td>
</tr>
<tr>
<td>9 x 1 bedroom units</td>
<td>$9 \times 210m^2 = 1890m^2$</td>
</tr>
<tr>
<td>7 x 1 bedroom units, 1 x 2 bedroom unit, and 1 x 3 or more bedroom unit</td>
<td>$7 \times 210m^2 + 1 \times 230m^2 + 1 \times 250m^2 = 1910m^2$</td>
</tr>
</tbody>
</table>

### 6A.2.8 Size of Rooms and Storage

**Objectives**

a) Maintain a high quality of amenity within each dwelling.

b) Ensure room sizes are functional, are of sufficient size and cater for intended use.

c) Ensure bulky storage provisions are provided within each dwelling to avoid storage items reducing the effective use of the garage as a vehicle storage area and sheds in the open space.

**Controls**

a) Bedrooms shall be a minimum of 9m² with a minimum of 2.7m dimension.

b) Dining rooms shall be a minimum of 9m² with a minimum 3m dimension.

c) Living rooms shall be a minimum of 18m² with a minimum of 4m dimension.
Minimum bedroom size - 9m²  Minimum dining room size - 9m²  Minimum living room size - 18m²  4 x 4.5m

Minimum size for bedrooms, dining rooms & living rooms

Note: All architectural floor plans shall show full dimensions of internal floor layout to demonstrate that the above controls have been achieved.

d) A furniture plan must be shown on plans in order for alternative minimum areas to be considered.

e) An internal storage area must be provided in the garage that meets the following criteria:
   a. Has a minimum area of 3m² at ground floor level;
   b. Has a minimum dimension of 1 metre;
   c. Does not restrict the parking of a vehicle area which will require 2.8 m x 5.8 m area, and
   d. Has a volume no less than 8m³.

f) For basement car parking developments, the storage area must meet the above criteria outline in control (e) and ensure that there is adequate security to the storage area.

6A.2.9 Access for all Residents

Objectives

a) Provide easy access for all, including people with prams, wheelchairs, walking difficulties, sight, hearing or intellectual impairments.

b) Ensure a single storey component is incorporated into all development sites to account for the needs of individuals with disabilities and the elderly.

Controls

a) All applications must include a statement on how the development will comply with the provisions of the Disability Discrimination Act. The following specific elements are required:
   a. Townhouse/villa development must have night lighting along all driveways and footpaths throughout the site.
   b. Any signage on the site (e.g. parking) must be clear and simple to understand.
   c. Ramps should have gradients not exceeding 1 in 14, and have an even, non-slip surface.
   d. Unnecessary barriers to direct access must be avoided.

b) The table below provides the type of single storey component required based on the developed size.

<table>
<thead>
<tr>
<th>Total Number of Units</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 5 units</td>
<td>At least 1 bedroom on the ground floor for one unit</td>
</tr>
<tr>
<td>6 – 10 units</td>
<td>1 villa</td>
</tr>
<tr>
<td>10 or more units</td>
<td>1 villa per 10 units or part there of</td>
</tr>
</tbody>
</table>

c) The number of accessible units specified above must 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:
  a. Access to front door and private open space
  b. Internal door and passageways
  c. Ground level toilet and shower.

d) For developments with basement car parking, separate pedestrian access from the street must be provided to each dwelling.
e) For townhouse/villa developments with basement car parking one of the following must be achieved:
   a. Installation of a mechanical assistance i.e. lift or “stair lift” devices that provides access to the ground level; or
   b. Disabled parking on ground level with potential concessions on parking in the front setback for accessible spaces (spaces need to be allocated to the accessible unit provided on the site in any strata plan).

6A.2.10 Dwelling Position / Orientation

Objectives
a) Avoid blank/plain façades along the most publicly visible part of the development.
b) Visually integrate the new development into established streetscapes.
c) Provide visual interest through the incorporation of features traditionally associated with those façades facing the street.
d) Ensure the dwellings are oriented toward the street frontage to achieve unobtrusive natural surveillance.
e) Maintain and enhance the streetscape and its surroundings through building appearance.

Controls
a) Dwellings which front onto a street and are immediately visible to observers must be designed to address the street.
b) The front door of dwellings should be visible or at least partially visible from the street and from the driveway.
c) Long unarticulated sidewalls will not be supported.
d) On corner sites the dwellings must address both streets by incorporating appropriate architectural features, articulation to the dwelling and roof form.

6A.2.11 Development Façade

Objectives
a) Efficiently use private open space that might otherwise be underutilised.
b) Ensure development respects the established pattern of the front façade entry treatment and as such is visually integrated with the streetscape.
c) Ensure development offers visual interest and variety to the observer.
d) Ensure development is built to human scale.
e) Ensure dwellings and overall built forms are not bulky.
f) Provide relief from the visual monotony of long and uninterrupted façades.
g) Ensure dwellings are oriented toward the street frontages to achieve unobtrusive natural surveillance.

Controls
a) Design of dwellings should make it clear even to someone unfamiliar with the building where the main entry is. Verandah roofs or hoods are one means of achieving this effect.
b) Building elevations fronting the street or internal driveways must be divided into segments or bays no longer than 5 metres.
c) A change in the façade plane, ridge line and eaves line will be required after a 5 metre distance.
d) Switchboards for gas, electricity, etc. must not be attached to the front elevations of the buildings.
e) Rooflines that have continuous long runs will not be supported. Rooflines should be provided with articulation.
f) Mirror reverse designs addressing the streets will not be supported.

g) A dominant entry feature/treatment should be provided to encourage opportunities for casual surveillance of the door from outside of the dwelling.
h) Front verandas and windows are to be situated to maximise observation of pedestrian and vehicle movement.

6A.3 Car Parking and Access

Safe access for vehicles to enter and exit a development is essential along with maintaining onsite parking spaces. The driveway is a highly visible part of the development area thus the design and location needs to be considered to ensure the best outcome. To ensure traffic safety and streetscape, the car parking rate, driveways, driveway materials, landscaping along driveways, vehicle access design, and access location are regulated. For general design information on car parking, refer to Chapter 12 of this DCP. In the event of inconsistency between the provisions contained within this clause and those of Chapter 12, the provisions of Chapter 12 apply to the extent of the inconsistency.

6A.3.1 Car Parking Rate

Objectives

a) Ensure adequate off-street car parking spaces are available on site.
b) Ensure off-street car parking is appropriately located on site, is accessible, and available at all time to residents and visitors.

Controls

a) Off-street parking spaces must be provided as set out below. The number of parking spaces required will be determined according to the table below. The greater of the rate will be applied.

<table>
<thead>
<tr>
<th>Dwelling Location</th>
<th>Car Spaces per Dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>A – Less than 400m from railway station or major bus station.</td>
<td>A</td>
</tr>
<tr>
<td>B – Greater than 400m from railway station or major bus station.</td>
<td>1.00</td>
</tr>
</tbody>
</table>

Dwelling Size or Number of Bedrooms

<table>
<thead>
<tr>
<th>Car Spaces per Dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
</tr>
<tr>
<td>1 - 2 bedroom unit or less than 110m²</td>
</tr>
<tr>
<td>3 or more bedroom unit and/or greater than 110m²</td>
</tr>
<tr>
<td>Add for Visitors per Dwelling</td>
</tr>
</tbody>
</table>

Note: Car parking requirement must be provided by using the larger of the two calculations. For example, a 108m² 3 bedroom unit located 500m from a railway or major bus station requires 2 car spaces. Any dwelling with an area greater than 110m² will be regarded as a 3 bedroom unit, for parking calculation purposes.

Note 2: In cases where the calculation for required visitor spaces results in a proportion of a space being required (i.e. 0.25, 0.50, or 0.75 of a visitor space) the following calculation method will apply:
A. For developments where 1 - 8 units are proposed, the number of visitor spaces will always be rounded up to the nearest whole number.
B. For developments where more than 8 units are proposed, the required number of spaces will be rounded to the nearest whole number. That is for where only “0.25” of a visitor space is required, the number of visitor spaces required can be rounded down to the nearest whole number. Conversely, where “0.50” or “0.75” of a visitor space is required, the number of visitor spaces will be rounded up to the nearest whole number.

Note 3: Area of units is based on Gross Leasable Area. Refer DCP - Appendix A for definition.

b) Visitor spaces must be accessible and made available at all times. If a proposed visitor parking is located within an enclosed basement an intercom system allowing residents to grant visitors access to the visitor spaces in the basement must be provided.

c) Any room, or space within a room at first floor level capable of being enclosed as a room, will be regarded as a bedroom for the purposes of calculating car parking if:
   a. It has an area of 9m² or greater; or
b. It has an area less than 9m², but Council Officers can demonstrate that it is capable of being used as a bedroom because the space accommodates a standard single bed, a wardrobe 1m x 1.5m in dimension & suitable circulation space. Refer to Section 6A.2.8 Size of Rooms and Storage.

### 6A.3.2 Driveways

**Objectives**

a) To retain the maximum number of on-street parking spaces.
b) To avoid gaps in the streetscape created by open driveways.
c) To maintain onsite parking spaces.
d) To maximise traffic and road safety on roads where access and egress is difficult.

**Controls**

a) For sites along local roads with a frontage less than 28 metres, no more than 9 metres in total width of driveway frontage will be supported. (See figure on next page).
b) For sites along local roads with a frontage 28 metres or greater, no more than 12 metres in total width of driveway surface will be supported. (See diagram).

c) Regardless of frontage, for lots that front onto classified and regional roads, only one vehicle access driveway will be supported with a combined entry/exit separated by minimum 1.0 metre median.
d) Driveways for dwellings with street frontage must be located where the maximum number of on-street parking spaces is retained.

### 6A.3.3 Driveway Materials

**Objectives**

a) Integrate driveway surfaces into the overall scheme of the development by use of different materials and colours that compliments, enhances the development, and that soothes the overall appearance of the driveway area.
b) Ensure a high standard of surface finish.
c) Minimise the visual impact of expansive driveway surfaces.
d) Provide for driveways that will, as far as possible, retain their original condition and appearance by resisting wear, tear and marking from car movement.

**Controls**

a) Plain and coloured concrete is not acceptable as it does not provide any visual interest (and hence attractiveness) for the observer and it also reflects strong light in the form of glare.
b) Clay/concrete pavers are preferred for driveway materials. If pattern-stamped or stencilled concrete is used, it must be coloured to reduce harsh glare and finished with a non-slip surface.

### 6A.3.4 Landscaping along Driveway

**Objectives**

The maximum total driveway surface is based on the lot width.

Uncontrolled document when printed – check Council’s website for current version
a) Soften the visual impact of the dwellings, overall built form, fencing, parked cars and driveways.
b) Protect neighbouring properties’ amenities.

**Single Loaded Driveway Controls**

a) Driveways serving more than 2 dwellings are to be bordered by a densely landscaped area at least 1 metre wide along the common boundary. None of landscape area may be turfed, but must be mulched.

![The landscape requirement along the edge of a single loaded driveway](image)

b) At 10 metre intervals along the driveway, the landscape bed must be enlarged to create a node with a radius of 1.5 metres (when measured from the boundary).
c) Larger scale planting must be placed in the enlarged nodes.
d) Kerbs are required along the edge of the driveway and landscape bed.

**Double Loaded Driveway Controls**

e) A minimum 1 metre width of landscaped area on each side of the driveway must be provided as a buffer between the driveway and dwellings for the length of the driveway except where garage and dwelling entrances are located.
f) Kerbs are not permitted along the edge of the driveway and landscape bed.

![The landscape requirement along the edge of a double loaded driveway.](image)  
\( X = 1 \text{ metre minimum} \)

**6A.3.5 Vehicular Access Design**

**Objectives**

a) Ensure that vehicle access is provided in a location that minimises hard paved surface and maintains opportunities for roadside planting, paths or other uses.
b) Ensure that vehicles leaving sites with basement car parking have a safe stopping place to see pedestrians, cyclists, vehicles, etc before entering into the road reservation.

**Controls**

a) Long straight driveways shall be avoided and broken into bays through the use of landscape nodes in order to avoid ‘gun barrelled’ driveways.
b) For sites with basement car parking the following basement design must be achieved:
   a. The driveway gradient of the first 6 metres from the boundary in towards the car park shall not exceed 1 in 20 (5%).
   b. Residential driveways up to 20 metres long shall have a maximum grade of 1 in 4 (25%).
c. The change of grade within the driveway shall not exceed 12.5% algebraically for summit changes and 15% algebraically for sag changes.
d. For more information refer to 2890.1:2004 : Parking facilities - Off-street car parking

![Diagram of parking area](image)

Council’s basement car parking designs must be achieved

c) In cases where driveways serve more than 1 dwelling the following criteria must be achieved:
a. Vehicle access must be designed so that all vehicles enter and exit the site in a forward direction.
b. A minimum width of 6m for a length of 6m is required at the entrance of the development on Classified State and Regional Roads and Unclassified Regional Roads included at the end of this chapter. In respect to other roads this requirement will be considered on an individual basis depending on local traffic conditions.
d) Dimensions for parking spaces and turning areas must be in accordance with Australian Standard 2890.1:2004 : Parking facilities - Off-street car parking Part 1 and should also achieve the following:
a. Driveway widths should be minimised to increase landscaped areas while providing adequate space for vehicles to manoeuvre and pass at slow speeds, and
b. The driveway should be 1 metre clear of power poles, telephone poles, stormwater pits, street trees, and metre boxes.

**Note:** It is recommended that the development be designed with regard to existing constraints of street trees, power poles, gully pits etc.
6A.3.6 Access Location

Objectives

a) Ensure that vehicle access and driveways to properties are located at the shortest, most direct access over the nature strip from the road.

b) Improve traffic and road safety by providing vehicle access to properties in a location that avoids possible traffic congestion, high speed traffic and bus-only roads.

c) Ensure that there is adequate sight distance to traffic on the frontage road and sight distance to pedestrians walking along the footpath.

Controls

a) Vehicle access and driveways from a physically closed road will only be permitted where there is no alternative access opportunity and with the approval of Council’s Traffic Branch.

b) Vehicle access and driveways from Classified State and Regional Roads and Unclassified Regional Roads will only be permitted via a slip lane where it is beneficial to the development and has the approval of Council’s Traffic Branch or where there is no alternative access opportunity.

Vehicle Turning Template – 85% design car turning path.
Minimum turning circle is 11.0 metres.

Road and Traffic Authority of NSW
c) Vehicle access and driveways from the Bus Transitway corridor will not be permitted, except on the following streets where there is no alternative access opportunity: Canley Vale Road (north of the Horsley Drive), Victoria Street and eastern side of Walter Street.

d) Vehicle access and driveways to properties should be at least 30 metres or as far as possible from an intersection with an Classified State and Regional Road.

e) Vehicular access should be designed to avoid existing traffic calming devices, round-a-bouts, gully pits etc.

6A.4 Landscaping and Open Space

6A.4.1 Open Space

Open space provides a number of amenities to the residents of the property, for example space for children to play and for drying clothes. To ensure a sufficient amount and the access to private open space is achieved the private open space and the common open space are regulated.

6A.4.1.1 Private Open Space

Objectives

a) Ensure the private open space is usable, functional and easily accessible for residents.

b) Ensure private open space includes landscaping and soft areas.

c) Ensure direct access and a relationship between indoor and outdoor living areas.

Controls

a) The minimum private open space area for dwellings with direct ground floor access is as follows:

<table>
<thead>
<tr>
<th>Number of bedrooms</th>
<th>Private Open Space Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bedroom unit</td>
<td>20m² – 1 portion to be a minimum of 4m x 4m of level ground</td>
</tr>
<tr>
<td>2 bedroom unit</td>
<td>50m² – 1 portion to be a minimum of 5m x 5m of level ground</td>
</tr>
<tr>
<td>3 bedroom unit</td>
<td>60m² – 1 portion to be a minimum of 5m x 6m of level ground</td>
</tr>
</tbody>
</table>

b) Any room, or space within a room at first floor level capable of being enclosed as a room, will be regarded as a bedroom for the purposes of calculating private open space if:

a. It has an area of 9m² or greater, or

b. It has an area less than 9m², but Council Officers can demonstrate that it is capable of being used as a bedroom because the space accommodates a standard single bed, a wardrobe 1m x 1.5m in dimension & suitable circulation space. Refer to Section 6A.2.8 Size of Rooms and Storage Any dwelling that is greater than or equal to 110m² in size regardless of the number of bedrooms shown in plans will be regarded as a 3-bedroom dwelling for the purposes of calculating private open space requirements.
c) In the calculation of private open space:
   a. no area is less than 2.5 metres in width
   b. outdoor clothes drying areas are included as private open space
   c. car parking spaces are not included in open space calculations

d) The private open space must have direct and level access to the dwelling’s living areas, such as a lounge room, a family room, a dining room or a kitchen.

![Image]
The principal part of the private open space must be directly connected to the living areas of the dwelling.

e) A garage or gate must provide access between the private open space and the driveway. This will allow items stored in backyards (eg, garbage bins, garden tools) to be moved to the street without needing to come through the house.

6A.4.1.2 Common Open Space

Objective

a) Ensure adequate open space is provided for large development a site, that is accessible, functional, and practical to all residents of the development.

Controls

a) Sites exceeding 4,500m² must provide 4% of their site area for common open space. (Only those sites adjoining public open space may be excluded from this requirement.)

b) Clothes drying areas, driveways and parking areas are not included as common open space.

c) Common open space must include features such as seating, shade structures, child play equipment or barbeques to satisfy the recreation needs of all residents.

d) Common open space must be accessible from all dwellings within the development. It should be possible for residents of at least 2 dwellings to visually monitor this space.

e) Common open spaces may be used for detention basins with particular attention paid to the issues listed below. The incorporation of these will reduce the basin capacity and should be recognised when preparing OSD calculations:
   a. The height difference between natural ground level and the lowest level of the basin is not more than 0.5 metres;
   b. It is not located in the front yards of the development (unless it is a visual feature);
   c. It incorporates a variety of plant species (details of appropriate plants are available from Council); and
   d. It provides recreation features such as a barbeque, seat or similar.

Note: The incorporation of these elements will reduce basin capacity and should be recognised when preparing calculations

6A.4.2 Landscaping

For multi-dwelling housing, a landscape plan must be prepared by a landscape architect.

Significant trees are those trees that contribute substantially, either individually or as a member of a tree group, to the landscape character, amenity, cultural values or biodiversity of their locality.
Generally trees with a girth greater than 500mm and a canopy spread of a 6 metre radius are trees of significance.

Objectives

a) To require landscape plans to respond to natural features, soften the appearance of developments, improve the living quality of the neighbourhood.
b) To encourage landscaping areas which assist in reducing the impacts of a range of environmental problems including salinity, flooding, reduction in biodiversity and climate change.

Controls

a) A minimum of 30% of the site is to be dedicated for soft soil zone.
b) A landscape plan must be prepared for the site by a landscape architect or other accredited professional with demonstrated experience. Refer to Appendix F for Landscaping principles when seeking to prepare a landscape plan.

6A.4.3 Fencing

Fencing is an important element in creating a pleasant streetscape. To enhance the character of the City's neighbourhoods, fencing design, height and materials are regulated.

Objectives

a) To provide design requirements for side, rear, and corner lot fencing that create a unified streetscape.
b) To allow for fencing that acts as a noise attenuation measure along Classified State and Regional Roads (refer to Schedule 1 at this end of this Chapter for a list of Classified State and Regional Roads).
c) To allow for security fencing that minimises visual impact on the streetscape.

Controls

Fencing design

a) Fencing must be designed to highlight entrances and be compatible with the materials used in the dwelling's facade, incorporate a letterbox and garbage storage area and provide a clearly identifiable street number.
b) Walls and fences visible from a public place or within common area property must be divided into segments no longer than 5 metres. (In the fencing design there must be some change in the façade plan or an expressed column to avoid flat featureless walls.) Details of wall and fence treatment must be submitted with the Development Application.
c) Masonry walls, brushwood, lapped and capped timber and Colourbond fences will be permitted in townhouse/villa developments. Colourbond fences are not permitted to be erected on the front or on any boundary that is visible from the public domain.
d) Fencing design must provide opportunities for natural surveillance into public spaces.
e) Fencing construction must meet the following criteria:
   a. have adequate footings, be self-supporting and able to withstand loads, and
   b. not include barbed wire, chain wire, razor wire, broken glass, be electrified, or the like, and
   c. not stop or redirect surface waters so as to cause a nuisance and be open style fencing where the property is affected by flooding or by an overland flow.
   d. be constructed wholly within the property boundary.

Front boundary fencing

a) Fencing in front of the building line shall be a maximum height of 1.5 metres above ground level (existing) and be of masonry and decorative panel construction. The maximum height of the masonry wall portion in front of the building line is 900mm above ground level (existing), with the exception of the masonry piers.
b) Infill panels and decorative inclusions must not be made out of reflective materials and must be open to permit views into the front yard and the façade of the dwelling.

c) Gates located in front of the building line should be consistent with the infill panels and not open onto a roadway or public space.

**Side, rear and corner lot fencing**

a) Fencing behind the front building line shall be a maximum height of 1.8 metres above ground level (existing).

b) For corner lots, a fence of masonry construction up to a height of 1.8 metres is required along the secondary street frontage.

**Front boundary fencing along Classified State Roads and Regional Roads**

a) Solid front fences with a maximum height of 1.8 metres are permitted provided that the fence incorporates corners and planting beds every 5 metres.

**Front boundary fencing for security**

a) Fencing with a maximum height of 1.8 metres are permitted where a safety risk is established.

b) Side and rear boundary fences may be a maximum height of 2.0 metres, where it can be demonstrated that significant security risk is evident.

c) Side and rear boundary fences of a maximum height of up to 2.2 metres will be considered if the site is sloping and the fence incorporates a retaining wall.

**Internal Fencing**

a) Screen walls or fences which enclose open space should be at least 1.8 metres high to maximise privacy. Enclosing walls must be a timber, brushwood or masonry construction and be in segments or bays not longer than 5 metres.

b) The tops of masonry walls, timber and brushwood fencing used on the site must be decoratively treated such as lapped and capped.

c) Open style fencing is required where the property is affected by flooding or by an overland flow.

**Note:** For exempt and complying fencing controls see Chapter 2 Exempt and Complying Development of the Fairfield City Wide Development Control Plan and/or, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 whichever is in effect at the date of application.

**6A.5 Amenity**

**6A.5.1 Solar Access**

Dwelling design should minimise the need for heating and cooling through appropriate window size, shape and location. To achieve a high level of solar access for both the dwelling and surrounding properties, the development must be carefully designed to minimise overshadowing.
Objectives
a) Encourage the benefits of winter sun and minimise the intrusion of summer heat in design.
b) Ensure internal living spaces and private open space has adequate access to sunlight.
c) Maintain direct sunlight to adjacent dwellings.

Controls (see diagrams relating to solar plane and shadow diagrams)
a) All dwellings must be designed to ensure:
   a. living areas are orientated towards north where possible
   b. all north facing living area windows and more than two-thirds of the private open space receives at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.
   c. the potential for sunlight to penetrate the development through windows and atriums for dwellings on east-west orientated lots is maximised, limiting the use of skylights for bathrooms and utility rooms only.

b) The windows to at least one living area of a dwelling on a neighbouring/adjoining dwelling/s must receive a minimum 3 hours of sunlight between 9.00am and 3.00pm at the mid–winter solstice. Where this requirement is already not achieved prior to a multi dwelling development, the development must not result in additional overshadowing on the affected living area of the dwelling.

c) A development should maintain solar access to a solar hot water system, photovoltaic panel, or other solar collector on an allotment or adjoining allotment.

d) Garages, bathrooms and laundries should be located in areas with a west to southwest orientation, with windows (glazing) minimised in size and number as well as being protected with effective sun shades.

e) Council may require the preparation of shadow diagrams showing the impact of a proposal on the adjacent residential buildings and their private open space. Such diagrams shall be based on a survey of the site and adjoining development. The shadow diagrams shall include:
   a. all openings and windows of adjoining buildings
   b. shall demonstrate likely shadow impact on the 21 June for 9 am, 12 pm, and 3 pm

6A.5.2 Energy Efficiency Measures

Energy efficiency measures include facilitating energy conservation and minimising energy needs to reduce greenhouse gas emissions.

Objectives
a) To maximise greenhouse gas emission reduction in new development.

Controls
a) Where the solar panel will be visible from the street, the associated tank must be either within the roof or the dwelling.
b) Correct use of glazing, mass and insulation to ensure dwellings are constructed in an energy efficient manner, referring to standards contained within State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - www.basix.nsw.gov.au.

6A.5.3 Privacy
The privacy for neighbours and for residents must be maximised in townhouse/villa development. To ensure this windows and balconies are regulated.

Objectives
a) Ensure privacy is maximised for neighbours of the development and those who will occupy the townhouse/villas.
b) Avoid overlooking of private open spaces and windows of nearby dwellings.
c) Limit noise transmission to nearby dwellings.

Controls
a) Townhouse/villas should be designed so that the number of windows directly overlooking adjacent dwellings is kept to a minimum.
b) Where upper floor windows result in unreasonable or unavoidable privacy issues, Council is likely to require:
   a. A sill height of no less than 1.5 metres from the upper floor finished floor level,
   b. Frosted glazing,
   c. Screening, or
   d. The use of some other method to maximise privacy.

c) Facing windows closer than 9 metres will require additional appropriate privacy measures.
d) Upper floor balconies or roof terraces are not permitted unless they are on the elevation facing the street.
e) Recreational facilities such as swimming pools, tennis courts or play equipment must be located away from bedrooms of dwellings.
f) Noise reduction between common walls and floors is to comply with the provisions of the Building Code of Australia.

6A.5.4 Safety and Security

Objective
a) Create an environment which is safe and secure from theft, personal threat and accidents.

Controls
a) All areas in a development should be clearly recognizable as private, common or public space. Responsibility for supervision and maintenance of these areas should be understood at the design stage and explained in the application. (Reference: Safe as Houses, Wendy Sarkissian, 1984).
b) Surveillance from dwellings is important for the safety of residents and passing pedestrians. Accordingly, a dwelling with street frontage should have a clear view of the footpath.
c) Barriers to prevent movement between roof spaces of adjoining dwelling will be required.
d) Dwellings must have a child-proof storage space for poisons or other dangerous substances.
6A.6 Drainage

Proper drainage and reuse of rainwater is important to reduce downstream flooding, stormwater damage, and overland flow. To achieve this, stormwater detention and rainwater tanks are regulated. A full description of on-site stormwater detention (OSD) requirements is available in Council’s “On-Site Detention Handbook”.

6A.6.1 Stormwater Detention

Objectives

a) Ensure stormwater detention facilities in landscaped or open space areas enhance rather than detract from the development.
b) Minimise increases in flood levels on the major trunk drainage network and on the creek system.
c) Minimise downstream flooding caused by surcharging of the local drainage system.
d) Ensure that 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.
e) Ensure that proposed drainage of the site does not have an adverse impact on adjoining and downstream properties.

Controls

a) OSD is required for townhouse/villa developments in cases which Council considers likely to produce excessive stormwater runoff.
b) Open space areas serving as on-site detention basins must act as visual features in the development, rather than liabilities. Details of such are contained in the open space section of this chapter.
c) Private open space areas are not to be used for OSD.
d) Applicants should seek site-specific advice from Council on overland flow paths and OSD requirements at the early development concept stages, before submitting an application. For properties affected by flooding, applicants shall refer to Council's Flood Risk Management Policy. Information on flooding or overland flow paths can be obtained by applying for a Section 149(5) certificate from Council.
e) Permissible site discharges (PSD) are as follows:
   a. The PSD for the 9 hour 1 in 100 year Annual Recurrence Interval (ARI) storm event is to be 140 litre/second/hectare:
   b. 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
   c. The PSD for the shorter duration 1 in 100 year ARI storm event is to be the undeveloped site discharge for the corresponding storm event.
f) In the interest of safety and amenity, ponded water depths are not to exceed:
   a. Parking/paved areas – 0.2 metres;
   b. Landscaping – 0.5 metres;
   c. Covered storage – no limit;
   d. Fenced storage – no limit; and
   e. Roof area – as required for structural integrity.
g) Finished floor levels are to be at the following minimum levels:
   a. Lockup garages – above the maximum 1 in 100 year water surface level; and
   b. Finished habitable floor levels – 0.3 m above the maximum 1 in 100 year water surface level.

6A.6.2 Drainage within Basement Car Parks

Objectives

a) Ensure that clean water is discharged into the stormwater system.
b) Ensure appropriate drainage and water quality measures are implemented in cases where basement car parking is permitted.

Controls

a) Any runoff collected within the basement car park area shall be isolated from the stormwater system and removed from the site.
b) Runoff from the access driveway shall be collected before entering the car park and drained into the stormwater system.
6A.6.3 Overland Flow

Objectives

a) Ensure overland flow path is conveyed through the site in a satisfactory manner.
b) Minimise flooding affects within the development and on to the adjoining properties.

Control

a) Any major overland flow path from adjoining properties shall be conveyed through the site in a satisfactory and safe manner. The flow paths shall not be directed under the buildings. For details refer to Chapter 11 of this DCP.

6A.6.4 Cut and Fill

Objectives

a) Reduce the necessity for retaining walls.
b) Reduce stormwater problems associated with changing the natural contours of the land.
c) Reduce the necessity to import fill onto the premises.
d) Minimise overshadowing, privacy, and amenity issues to adjoining neighbours by providing maximum finished floor level for proposed development.

Control

a) The height of floor level above the natural ground levels shall be limited to 600mm except where it is required to be raised to achieve a suitable freeboard above the flood level or the 100 year ARI water level of an on-site detention basin. This 600mm height includes the fill, bedding and the slab thickness. Any variation from this floor height shall not cause adverse amenity impacts to the adjoining properties and shall be justified to the Council.

6A.6.5 Rainwater Tanks

Objectives

a) Satisfy the requirements of the Building Code of Australia.
b) Position rainwater tank to maximise rear yard space.
c) Harvest and re use stormwater.
d) Ensure that rainwater tanks are located in areas where they do not impinge on the general operation and function of the dwelling as a whole.

Controls

a) Above ground rainwater tanks are to be located no less than 600mm from the side and rear boundary and shall not extend above the height of the fence line.
b) Only underground water tanks are permitted in the front setback area and they are encouraged to be placed under the driveway where possible. All underground water tanks require structural certification from a qualified structural engineer.
c) Pumps and pipe system are to be provided for water recycling.

6A.7 Site Servicing

Utilities and services include the day-to-day facets that every single dwelling uses. To ensure utilities and services are considered the following guidelines and controls are provided.

Objectives

a) Ensure that developments are serviced and provide for facilities.
b) Ensure front façades are free of utility services and structures.
c) Ensure dwellings are able to be identified by street number.

Controls

6A.7.1 Water and Sewerage

a) Water and sewerage connections must meet the requirements of Sydney Water.
b) Rainwater tanks, collecting rainwater from all site roof areas (including separate garages/sheds etc) and used for toilet flushing, laundry, and garden irrigation are encouraged.
6A.7.2 Electricity

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.

b) Electrical services must satisfy the requirements of the energy provider. Pre DA consultation with Endeavour Energy is helpful in identifying any existing network assets impacted by the proposed development. Applicants are advised to submit load applications to Endeavour Energy as early as possible in the design phase.

Upon receiving load applications, Endeavour Energy can work with applicants and their Accredited Services Provider L3 (network designer) with the preferred method of supply to their developments: for example, the installation of an indoor or pad mounted substation. Space required to be allocated for any proposed indoor and pad mounted substations can be incorporated within final architecture plans submitted to Council as part of the DA approvals process.

c) Meter boxes are to be placed in positions acceptable to the energy provider, but may not face the street.

d) Alternative energy systems which generates electricity on the land using an energy source other than the electricity supply grid, and includes a photovoltaic power system, must meet relevant requirements.

6A.7.3 Telephone and Internet

Telephone lines installation must be in accordance with the requirements of the telecommunications provider.

6A.7.4 Dwelling Street Number

a) Contact Council to request the allocation of house number if required.

b) Position and secure clearly visible street numbers near property entrances such as the front fence, wall or letterbox.

c) Street numbers should be positioned at a minimum height at 500mm above ground level (existing).

6A.7.5 Postal Services

a) The size of a letterbox must meet the Australia Post approved size. Australia Post recommends a separate box or tube to accommodate newspaper and non-mail articles.

b) A letterbox must clearly mark the street number of the dwelling that it serves.

c) A letterbox must be located on the boundary of the property with the footpath or road or at the junction of the driveway with the road. The opening of the mailbox must face the footpath or road.

6A.7.6 Waste and Dry Recycling Collection

a) Council will provide garbage container(s) to each dwelling. Development plans must show that for each dwelling, in private areas, provision has been made for:

   a) General bin
   b) Dry recycling bin
   c) Space for a third bin.

b) The area identified for garbage and recycle bins storage should be located away from the windows of habitable rooms and be stored in a substantially shaded area or within an enclosure.

c) Garbage and recycle bins must not be visible from common or public areas except when out for collection.

d) A clear path from the dwelling’s garbage and recycle bins storage area, either through a side passage or through a garage, to the collection point on the street must be provided.

e) Ensure that Waste and Dry recycling Collection is in accordance with the Department of Environment and climate change’s guide ‘Better Practice Guide for Waste Management in Multi-unit dwellings (2008)’. 
6A.7.7 TV Antennas

a) The antenna must be located at the rear of the site to reduce visibility from the street.

b) Master TV antennas are to be provided where there is more than one dwelling in any development.

6A.8 Schedules

The schedules applicable to this Chapter are:

Schedule 1 – Classified State and Regional Roads

<table>
<thead>
<tr>
<th>Road No.</th>
<th>Road Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>648</td>
<td>Cowpasture Road (from North Liverpool Road to The Horsley Drive).</td>
</tr>
<tr>
<td>13</td>
<td>Cumberland Highway (Orange Grove Road, Joseph Street, Cambridge Street, Palmerston Road, Smithfield Road)</td>
</tr>
<tr>
<td>534</td>
<td>Cabramatta Road East</td>
</tr>
<tr>
<td>534</td>
<td>Cabramatta Road West</td>
</tr>
<tr>
<td>515</td>
<td>Elizabeth Drive (from Council boundary at Cecil Park to Wallgrove Road)</td>
</tr>
<tr>
<td>535</td>
<td>Elizabeth Drive (from Council boundary at Mt Pritchard to Council boundary at Cecil Park)</td>
</tr>
<tr>
<td>609</td>
<td>Elizabeth Street (from The Horsley Drive to Victoria Street).</td>
</tr>
<tr>
<td>646</td>
<td>Gipps Road (from Hassall Street to Council boundary with Holroyd City Council)</td>
</tr>
<tr>
<td>646</td>
<td>Hassall Street (from Victoria Street to Gipps Road)</td>
</tr>
<tr>
<td>2106</td>
<td>Hassell Street (from The Horsley Drive to Victoria Street)</td>
</tr>
<tr>
<td>2</td>
<td>Hume Highway (Liverpool Road)</td>
</tr>
<tr>
<td>609</td>
<td>The Horsley Drive [from the Hume Highway at Carramar to Smithfield Road (Cumberland Highway) and then again from Elizabeth Street to Wallgrove Road]</td>
</tr>
<tr>
<td>2105</td>
<td>The Horsley Drive [from Smithfield Road (Cumberland Highway) to Victoria Street]</td>
</tr>
<tr>
<td>8002</td>
<td>Transit Way - Liverpool to Parramatta</td>
</tr>
<tr>
<td>609</td>
<td>Victoria St, between Elizabeth Street and Cumberland Highway</td>
</tr>
<tr>
<td>515</td>
<td>Wallgrove Road (from Elizabeth Drive to Council boundary with Blacktown City Council)</td>
</tr>
<tr>
<td>640</td>
<td>Woodville Road (from Hume Highway at Villawood to Council boundary with Parramatta City Council)</td>
</tr>
</tbody>
</table>

Schedule 2 – Unclassified Regional Roads

<table>
<thead>
<tr>
<th>Road No.</th>
<th>Road Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>7231</td>
<td>Avoca Road (between St Johns Road and Orphan School Creek)</td>
</tr>
<tr>
<td>7223</td>
<td>Barbara Street (between Lawson Street and Hamilton Road)</td>
</tr>
<tr>
<td>7226</td>
<td>Bareena Street (between Vale Street and First Avenue)</td>
</tr>
<tr>
<td>7225</td>
<td>Bartley Street (between Railway Parade and Sackville Street)</td>
</tr>
</tbody>
</table>
## Schedule 2 – Unclassified Regional Roads

as identified by the NSW Roads and Maritime Service pursuant to Administrative Agreement.

<table>
<thead>
<tr>
<th>Road No.</th>
<th>Road Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>7233</td>
<td>Boundary Lane (between Church Street and Railway Parade)</td>
</tr>
<tr>
<td>7223</td>
<td>Bulls Road (between Orphan School Creek and Richard Road)</td>
</tr>
<tr>
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<tr>
<td>7226</td>
<td>Chancery Street (between Lansdowne Road and Vale Street)</td>
</tr>
<tr>
<td>7233</td>
<td>Church Street (between Cabramatta Road West and Boundary Lane)</td>
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<tr>
<td>7228</td>
<td>Edensor Road (Meadows Road and Cowpasture Road)</td>
</tr>
<tr>
<td>7106</td>
<td>Ellis Parade (between Fairfield Street and Railway Street)</td>
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<tr>
<td>7222</td>
<td>Fairfield Road (between Woodville Road and Vine Street - up to bridge)</td>
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<tr>
<td>7230</td>
<td>Wetherill Street (between Polding Street and Victoria Street)</td>
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</table>
6A.9 Site Specific Controls – 46 & 50 Cobbett Street, Wetherill Park

1 Introduction

1.1 Citation

This plan may be cited as Cobbett Street Townhouse Development - Site Specific Development Control Plan (SSDCP).

1.2 Land to Which This Plan Applies

This plan applies to land zoned R3 Medium Density under the Fairfield Local Environmental Plan, being Lots 1 DP 1032608 and Lot 20 DP 1185034. The land to which the plan applies is shown outlined in red in Figure 1 below.

1.3 Background

The site is located at the southeast corner of The Horsley Drive and the Liverpool to Parramatta Bus Transit way (T-Way). It has an area 7,607sqm.

The site comprises two allotments of land — Lot 1 DP 1032608 and Lot 20 DP 118534. Lot 1 is identified as 46 Cobbett Street and is occupied by a single house. Lot 20 is identified as 50 Cobbett Street (previously known as 1184 The Horsley Drive) and is vacant land previously owned by NSW Roads and Maritime Services and disposed of after it was identified as being surplus to their needs.

Lots 1 and 20 were recently rezoned to R3 Medium Density under the Fairfield Local Environmental Plan 2013 to permit development in the form of two-storey townhouses.
1.4 Purpose of this Development Control Plan

The purpose of this DCP is to supplement the provisions of Fairfield City Wide Development Control Plan 2013 by providing site-specific development controls, objectives, standards and guidelines for the orderly and economic development of Lots 1 DP 1032608 and Lot 20 DP 1185034.

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. This DCP is also relevant to members of the community as a guide to the planned growth of the site.

This DCP addresses the following:
- Building form
- Mix of units
- Dwelling density
- Car parking rate
- Private open space

This DCP will be used by Council to assess any application for the development of the subject site.

2 Relationship to Other Planning Documents

This DCP supplements the statutory provisions contained in Fairfield LEP 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 2013 (including any amendments thereto and including amendments made after the adoption of this DCP):
- Chapter 2 Requirements for Development Application Submission
- Chapter 3 Environmental Management and Constraints
- Chapter 6A Multi Dwelling Houses – Townhouse and Villa (excluding subsections 6A.2.4 Balanced Building Form; 6A.2.6 Mix of Units; 6A.2.7 Unit Per Site Area; 6A.3.1 Car Parking Rate; and 6A.4.1.1 Private Open Space)
- 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 D Preservation of Trees and Vegetation
- Appendix E Waste Not Policy
- Appendix F Landscape Planning
- Appendix G Heritage and Development

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 2013, which can be found at Appendix A of that plan.

2.2 How to Use This DCP

This plan is to be read in conjunction with Fairfield City Wide Development Control Plan 2013 and is intended to supplement those provisions. The plan fundamentally assists in the preparation of
Development Applications by detailing development controls that 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 noncompliance 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 Balanced Building Form

The provision of townhouse development that allows the overall gross floor area (GFA) of the upper floors to be a maximum of 100% of the total GFA at ground level responds to its immediate surroundings and to the wide range of housing needs in Fairfield, particularly for sites that are located in very close proximity to good public transport.

3.1 Objectives

- Enable the development of townhouses with full sized upper levels.

3.2 Controls

a) For townhouse development, the overall gross floor area (GFA) of the upper floors shall be a maximum of 100% of the total GFA at ground level.

b) Garages (or car spaces) and patios that are excluded from the calculation of Gross Floor Area are not excluded for the purpose of calculating the first floor to ground floor ratio.

4 Mix of Units

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

4.1 Objectives

- Enable flexible building design.

4.2 Controls

a) No minimum unit mix applies to townhouse development.
5 Unit Per Site Area

Given the size of the site and its strategic location in relation to public transport, community facilities and jobs, a more flexible approach to the dwelling density of development as a whole will provide for dwelling units that are more in keeping with the desired future character of such sites.

5.1 Objectives

- Provide a guide as to the potential yield of the development site.
- Provide adequate space for dwellings and their amenities.

5.2 Controls

a) Dwelling density for the site as a whole shall not exceed 1 dwelling per 210sqm.
b) This control applies regardless of the number of bedrooms in a dwelling.

6 Car Parking Rate

A Parking Strategy, prepared by a qualified parking/transport consultant, has identified the following specific site characteristics that suggest the overall Fairfield Council parking rate for town houses could be reduced at the subject site as part of the SSDCP:

- A parking rate for the total local government area (LGA) suggest that parking rates are consistent over this large LGA and would suggest that applicable transport condition are consistent over the total LGA. This is not considered to be practical due to the variance in housing densities to the east of the LGA compared to individual dwellings to the south western part of the LGA and differing transport modes in operation
- The subject site is clearly located in a part of the LGA well serviced by regional and local public transport facilities connecting with Parramatta to the north, Liverpool to the south and Fairfield CBD and Fairfield railway station to the east. Local bus services also link the site via The Horsley Drive bus route to the sub regional centres including Prairiewood Town Centre, Stockland’s Wetherill Park as well as, Smithfield Business Centre as well as Wetherill park TAFE
- Retail land uses including restaurants, fast food facilities along with retail outlets such as Officeworks etc. are closely located to and are within easy walking distance of the site. This would negate the need to drive to these food uses, which need to be undertaken within a relatively circuituous local road system to access these facilities when a walk trip would require possible less time and be undertaken under safe condition under signalised crossings over The Horsley Drive.
- The proposed 3 bedroom town house / villa type development is expected to create a demand for young families with negligible children of driving age. Further, due to the young ages of the children is could be expected that a number of families will be one car families with journeys to work trip by the family breadwinner being undertaken by using public transport with the stay at home parent only requiring the one vehicle for school and shopping uses.
- In unlikely event of additional parking demands occurring over and above the resident parking provision of 1 space per dwelling, there is standby position to assist with a possible short term condition of onsite parking unavailability within the site should it ever arise. This involves the possible short-term use of Cobbett Street on that section of roadway adjoining the non-residential land uses on its western side that would not impact the amenity of existing dwellings on the opposite side of Cobbett Street.
- A State government initiative is in place to reduce onsite parking where practicable with view to encouraging greater use of public transport where such public transport is readily available and thus easily accessible. Such is the case with the subject site where the facility is within easy walking distances of the proposed dwellings which in turn reduces the reliance on a combined vehicle use to access the transport facility between the dwelling and the transport node.
6.1 Objectives

- Ensure adequate off-street car parking spaces are available on site for residents and visitors.
- Ensure off-street car parking is accessible and available at all time to residents and visitors.
- Encourage the use of public transport.
- Minimise the portion of the site dedicated to vehicle parking.

6.2 Controls

a) Off-street parking for residents must be provided at minimum rate of 1 space per dwelling.
b) Visitor off-street parking must be provided at a minimum rate of 0.25 spaces per dwelling.
c) Visitor spaces must be accessible and made available at all times.

7 Private Open Space

Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

7.1 Objectives

- Ensure adequate private open space for townhouse developments.
- Ensure private open space includes landscaping and soft areas.
- Ensure direct access and a relationship between indoor and outdoor living areas.

7.2 Controls

a) The minimum private open space area for any dwelling with direct ground floor access shall be 40.0sqm.
b) In the calculation of private open space:
   i. No area is less than 2.5m in width,
   ii. Outdoor clothes drying areas are included as private open space,
   iii. Car parking spaces are not included in open space calculations.
c) The private open space must have direct and level access to the dwelling’s living areas, such as a lounge room, a family room, a dining room or a kitchen.
d) A garage or gate must provide access between the private open space and the driveway. This will allow items stored in backyards (e.g. garbage bins, garden tools) to be moved to the street without needing to come through the house.
Chapter 6B

Dual Occupancy

Table of Contents

6B.0 Local Context
6B.0.1 Zones and development to which this Chapter applies
6B.0.2 Purpose of this Chapter
6B.0.3 Strategies and Policies

6B.1 Site Requirements
6B.1.1 Lot Requirements
6B.1.1.1 Lot Size and Lot Width – R1 General Residential
6B.1.1.2 Lot Size – R2 Low Density Residential
6B.1.1.3 Lot Width – R2 Low density Residential
6B.1.1.4 Lot Size – R3 Medium Density Residential
6B.1.1.5 Lot Width – R3 Medium Density Residential
6B.1.1.6 Dual Occupancy on Battleaxe Blocks
6B.1.1.7 Subdivision of Dual Occupancy – R2 Low Density Residential

6B.2 Built Form and Urban Design
6B.2.1 Floor Space Ratio (FSR)
6B.2.2 Height
6B.2.3 Setbacks
6B.2.3.1 Front Setback – R2 Low Density Residential
6B.2.3.2 Front Setback – R3 Medium Density Residential
6B.2.3.3 Side Setback – R2 Low Density Residential
6B.2.3.4 Side Setback – R3 Medium Density Residential
6B.2.3.5 Rear Setback
6B.2.3.6 Corner Lot Secondary Setback
6B.2.4 Dwelling Position
6B.2.5 Size of Room
6B.2.6 Dual Occupancies Proposed in Conjunction with an Existing Dwelling

6B.3 Car Parking and Access
6B.3.1 Car Parking
6B.3.2 Driveway Materials
6B.3.3 Splay Corner Setbacks and Road Widening

6B.4 Landscaping and Open Space
6B.4.1 Open Space
6B.4.2 Landscaping
6B.4.3 Fencing

6B.5 Amenity
6B.5.1 Solar Access
6B.5.2 Energy Efficient Measures
6B.5.3 Privacy

6B.6 Drainage
6B.6.1 Concept Plans
6B.6.2 Rainwater Tanks
6B.6.3 Overland Flow
6B.6.4 Cut and Fill

6B.7 Site Servicing
6B.7.1 Water and Sewerage
6B.7.2 Electricity
6B.7.3 Telephone and Internet
6B.7.4 Dwelling Street Number
6B.7.5 Postal Services
6B.7.6 Waste and Dry Recycling
6B.7.7 TV Antenna

6B.0 Local Context

6B.0.1 Zones and development to which this Chapter applies

This Chapter generally applies to development permitted within the following residential zones under Fairfield Local Environmental Plan (LEP) 2013:

a) R1 General Residential
b) R2 Low Density Residential
c) R3 Medium Density Residential

For dual occupancy development within the rural zones, refer to Chapter 4 – Development Principles for Rural Lands. It should be noted that dual occupancies in the rural area are only permissible where the lots are equal to or greater than 2 hectares, thus allowing for the existing minimum subdivision size of 1 hectare per dwelling.
6B.0.2 Purpose of this Chapter

This chapter applies to development applications for the purposes of dual occupancy development.

The general objectives of the chapter are:

a) To provide for the housing needs of the community.
b) To ensure new development provides a desired standard of amenity for occupants.
c) To protect adjacent land and the wider environment from the impact of new development.
d) To ensure the development makes a positive contribution to the streetscape and neighbourhood.

For properties identified as heritage items within Fairfield City, refer to:
- Chapter 2 – Development Application Process, clause 2.2.13 – Heritage Assessment
- Chapter 3 – Environmental Management and Constraints, clause 3.12 Heritage Items
- Appendix G – Heritage and Development.

For properties near heritage items, contact Council on how your proposal must minimise potential impacts.

6B.0.3 Strategies and Policies

Refer to the Fairfield Residential Development Strategy (Draft 2009) for Council’s planning framework for Dual Occupancy throughout the eastern half of the City.

Note 1: Prefabricated housing is not permitted as they do not comply with BASIX requirements and are not yet at a standard that contribute positively to the streetscape.

Note 2: Any proposal for the construction of dual occupancy within the area covered by the Bonnyrigg Living Communities Masterplan 2008, as contained on page 147 of the Bonnyrigg Masterplan, shall also have regard to the requirements of Chapter 6B of the Fairfield City Wide DCP 2013.

6B.1 Site Requirements

The size of a lot and its width and depth affect the amenity of the lot, the amenity of the adjoining sites and the residential area as a whole. To ensure a high level of amenity the lot size and width are regulated for dual occupancy development.

6B.1.1 Lot Requirements

Objectives

a) Encourage development which will address the street along publicly visible boundaries.
b) Encourage development on sites where dwellings will be able to maximise the benefits of winter sun and minimise the intrusion of summer heat.
c) Ensure privacy is maximised for neighbours of the development and those who will occupy the new dwellings.
d) Encourage development which maximise space devoted to the dwellings’ landscaping and open space.
e) Provide space for private recreation purposes and landscaping.
f) Integrate open space with internal space so that residents can maximise the use of both, while ensuring open space is sufficient for the needs of the residents.

Controls

6B.1.1.1 Lot Size and Lot Width – R1 General Residential

a) Dual occupancy development within the R1 General Residential zone shall take into consideration the Bonnyrigg Living Communities Master Plan 2008.

6B.1.1.2 Lot Size – R2 Low Density Residential

b) The minimum lot size for dual occupancy must be consistent with the lot sizes prescribed on the Fairfield LEP 2013 – Minimum Lot Size for Dual Occupancy Map. A minimum lot size of either 600m² or 900m² is applicable.
6B.1.1.3 Lot Width – R2 Low Density Residential

c) A minimum lot width of 15 metres when measured from the front building line is required for dual occupancy development in the R2 Low Density Residential zone.

6B.1.1.4 Lot Size – R3 Medium Density Residential

d) No minimum lot size applies to development for the purposes of dual occupancy in the R3 Medium Density Residential zone.

6B.1.1.5 Lot Width – R3 Medium Density Residential

e) A minimum lot width of 15 metres when measured from the front building line is required for dual occupancy development in the R3 Medium Density Residential zone.

6B.1.1.6 Dual Occupancy on Battleaxe Blocks

f) In the case of a dual occupancy on a battle axe allotment, the developable area must have a minimum width and depth of 22 as shown in the figure below:

![Diagram showing minimum lot width and depth of 22]

6B.1.1.7 Subdivision of Dual Occupancy – R2 Low Density Residential

g) Minimum Lot Size - For subdivision of dual occupancy requirements in the R2 Low Density Residential refer to Clause 4.1A Minimum Lot Size for Dual Occupancy Development of the Fairfield Local Environmental Plan 2013.

h) Future Lot areas created – In the design of either an attached or detached dual occupancy development, consideration must be given to future subdivision arrangements so that future lot sizes are equal or similar in size.

6B.2 Built Form and Urban Design

6B.2.1 Floor Space Ratio (FSR)

Objectives

a) To ensure the Minimum Lot Size for dual occupancy development provides for desired internal and external amenity.
b) To ensure future lot areas created in dual occupancy development provide for equitable amenity for the occupants of both dwellings.
c) To ensure site widths of dual occupancy development provide for amenity and good design.

Controls

a) The FSR for dual occupancy must be consistent with the FSR prescribed on the Fairfield LEP 2013 – Floor Space Ratio Map. The FSR within the R2 and R3 zone is a maximum of 0.45:1.
b) Calculation of Floor Space Ratio must comply with the Floor Space Ratio provisions defined in clause 4.5 Calculation of Floor Space Ratio and Site Area of the Fairfield LEP 2013.
c) Depending on site constraints and other requirements of this DCP, the maximum FSR may not always be achieved.
6B.2.2 Building Height

Objectives

a) Ensure new development is consistent and compatible with established built form and hence results in a physically cohesive neighbourhood;
b) Ensure minimal overshadowing of neighbours' property;
c) Ensure privacy, and limited side and rear views, of neighbours' property are maintained; and
d) Maintain sunlight in public open spaces such as parks and squares.

Controls

a) The height for dual occupancy development must be consistent with the height prescribed on the Fairfield LEP 2013 – Height of Buildings Map.
b) The maximum heights of eave lines and ridgelines above the natural ground level must be 7.2 metres and 9 metres respectively.

6B.2.3 Setbacks

The distance a dwelling is setback from the street(s) and the visual impact of a dwelling facade influences the streetscape and character of the neighbourhood. The side and rear boundaries affect the amenity of adjoining properties including visual/acoustic privacy and solar access. To ensure a high level of streetscape is preserved the front, side, and rear boundaries are regulated.

Objectives

a) Maintain and enhance established streetscape and character of the neighbourhood. Components of streetscape and character of the neighbourhood include building setback, landscaping, fencing, lighting, pathways, and street trees.
b) Protect the visual/acoustic privacy and solar access of adjacent properties.
c) Achieve a staggered and articulated built form.
d) Ensure vehicular and pedestrian safety.
e) Ensure the visual focus of the development is the dwelling, not the garage.
f) Visually recess garage so that observer's attention is drawn to the dwelling rather than the garage.
g) Provide the opportunity for Council to acquire land for local road widening, which will improve the road network.
h) Improve traffic safety by increasing site distances for drivers at intersections.

Controls

6B.2.3.1 Front Setback – R2 Low Density Residential

a) Any part of the dual occupancy development in the R2 Low Density Residential zone (except landscaping and retaining walls) must be located within 1.5 metres of the average existing front street setback.
b) In cases where control (a) equates to a minimum setback less than 6 metres, the dwelling, garage and carport front setback must be a minimum of 6 metres. However, porticos and verandas may encroach onto the 6 metre setback area by 500mm.

c) Garages must be behind the façade of the dwelling.

d) The 6m front setback area of dual occupancy developments shall not be used for any purposes other than landscaping only. In this regard, private courtyards, 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.

6B.2.3.2 Front Setback – R3 Medium Density Residential

a) The minimum front setback of dwellings is 6 metres, measured from the front property boundary to the front of the dwellings. However, porticos and verandas may encroach onto the 6 metres setback area by 500mm.

b) Garages must be behind the façade of the dwelling.

c) The 6m front setback area of dual occupancy developments shall not be used for any purposes other than landscaping only. In this regard, private courtyards, 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.

6B.2.3.3 Side Setback Controls – R2 Low Density Residential

a) Attached dual occupancies require one side of the development to be setback a minimum 900mm from the side boundary.

b) Detached dual occupancies must be setback 900mm from each side boundary.

6B.2.3.4 Side Setback Controls – R3 Medium Density Residential

c) Attached dual occupancies require one side of the development to be setback a minimum 900mm from the side boundary.

d) Detached dual occupancies must be setback 900mm from each side boundary.

e) First floor for dual occupancies may be built to the side boundary but only within the first 10m of the building line and if the following are satisfied:

   a. The roof drainage is designed so that it is easily accessed and designed to drain roof stormwater to the front or back such as a front to back gable with a parapet on the boundary;
b. Walls located on the boundary must comply with the requirements of the Building Code of Australia in terms of fire separation; and  
c. All boundary walls must extend at least 300mm above the roof line of the dwelling to ensure that roof drainage is contained within the site.

6B.2.3.5 Rear Setback

a) First floor walls must be set back a minimum of 6 metres from the rear boundary where the lot adjoins residential properties.

6B.2.3.6 Corner Lot Secondary Setback

a) Dwellings shall be appropriately articulated along the primary and secondary setbacks to ensure that the dwellings address both streets.

b) The secondary setback for a dual occupancy development must be setback the average of the existing secondary setback of the dwellings immediately adjoining. The minimum secondary setback is 1.5 metres.

c) Garages forming part of a detached dual occupancy which fronts a secondary street shall be setback a minimum of 5.5 metres from the street.

d) Corner sites must have a front setback behind the Splay Corner as indicated at 6B.3.3 Splay Corner Setbacks and Road Widening

6B.2.4 Dwelling Position

Objectives

a) Avoid blank/plain facades along the most publicly visible part of the development;

b) Visually integrate the new development into established streetscapes.

c) Provide visual interest through the incorporation of features traditionally associated with those facades facing the street.

Controls

a) Dwellings which front onto a street and are immediately visible to observers must be designed to address the street. Also the front door of those dwellings must face the street, as should any feature windows or roof treatment.

b) Presentation of long sidewalls to the street will not be accepted.

6B.2.5 Size of Room

Objective

a) Maintain a high quality of amenity within each dwelling.

b) Ensure room sizes are functional, are of sufficient size and cater for intended purpose.

Controls

a) Bedrooms shall be a minimum of 9m$^2$ in size with a minimum of 2.7m dimension.

b) Dining rooms shall be a minimum of 9m$^2$ in size with a minimum 3m dimension.

c) Living rooms shall be a minimum of 18m$^2$ in size with a minimum of 4m dimension.
d) Where an open plan combined lounge / dining is proposed, a minimum area of 27m² and a minimum dimension of 4m are acceptable.

<table>
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<th>Minimum bedroom size</th>
<th>Minimum dining room size</th>
<th>Minimum living room size</th>
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<tr>
<td>9m²</td>
<td>9m²</td>
<td>18m²  4 x 4.5m</td>
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Note: All architectural floor plans shall show full dimensions of internal floor layout to demonstrate that the above controls have been achieved.

e) A furniture plan must be shown on plans in order for alternative minimum areas to be considered.

Clause 6B.2.6 Dual Occupancies Proposed in Conjunction with an Existing Dwelling

Dual occupancy development where the proposal seeks to retain the existing dwelling can have adverse impacts on the amenity of residents if they are not managed appropriately. To ensure the orderly development of the site and to minimise the potential amenity issues associated with developing a new dwelling adjoining or adjacent an existing dwelling on the same lot of land, consideration shall be given to the improvement or rectification of the existing dwelling and managing the amenity impacts associated with the development.

Objectives

a) To ensure the development makes a positive contribution to the streetscape and neighbourhood.
b) To encourage the renewal of old housing stock as part of any dual occupancy development seeking to retain an existing dwelling
c) To ensure the orderly development of dual occupancy sites

Controls

a) Where an existing dwelling is proposed to be retained, it must demonstrate that the existing dwelling can still address relevant development controls identified in this chapter.
b) Where development of the new dwelling affects the existing dwelling’s ability to comply with the relevant controls in the DCP or does not comply with relevant BCA requirements, Council may require the existing dwelling to be:
   a. Upgraded to meet the relevant development controls identified in this DCP and/or BCA requirements or
   b. The applicant should consider rebuilding in accordance with the controls identified in the DCP.

6B.3 Parking and Access

Safe access for vehicles to enter and exit a development is essential along with maintaining onsite parking spaces. The driveway is a highly visible part of the development area thus the design and location needs to be considered to ensure the best outcome. To ensure traffic safety and streetscape, the car parking rate, driveways, driveway materials, landscaping along driveways, vehicle access design, and access location are regulated. For general design information on car parking, refer to
Chapter 12 of this DCP. In the event of inconsistency between the provisions contained within this clause and those of Chapter 12, the provisions of Chapter 12 apply to the extent of the inconsistency.

6B.3.1 Car Parking

Objectives

a) Ensure that vehicle access is provided in a location that minimises hard paved surface and maintains opportunities for onsite landscaping, roadside planting, on street parking, paths and other uses.
b) Maintain an integrated façade so as to ensure that the dwellings are not dominated by the garages or carport.
c) Ensure the visual focus of the development is the dwellings, not the garage(s) or carport(s).

Controls

a) Two car parking spaces shall be provided per dwelling.
b) Garages must be designed in a manner that prevents a garage dominant street environment.
c) Garages must be behind the façade of the dwelling.
d) Dimensions for parking spaces and turning areas should be in accordance with Australian Standard 2890.1:2004 : Parking facilities - Off-street car parking and should also achieve the following:
   a. Driveway widths should be minimised to increase landscaped areas while providing adequate space for vehicles to manoeuvre; and
   b. The entry point to the driveway should be 1 metre clear of power poles, telephone poles, street trees, metre boxes, and storm water pits.

Note: It is recommended that the development be designed with regard to existing constraints of street trees, power poles, gully pits etc.

e) For corner lots, the garages or carports must be located furthest from the corner.

   Note: The design of carports need to ensure compliance with the Building Code of Australia (BCA) and may require the provision of fire resisting walls adjoining any openings. To comply with the BCA, the location of windows near carports needs careful consideration.

f) Dimensions for parking spaces and turning areas should be in accordance with Chapter 12 of this DCP.

6B.3.2 Driveway Materials

Objectives

a) Provide for driveways which appear as courtyards into which vehicles intrude rather than spaces designed primarily for cars.
b) Ensure a high standard of surface finish.
c) Minimise the visual impact of expansive driveway surfaces.
d) Provide for driveways that will, as far as possible, retain their original condition and appearance and resist the wear and marking from car movement.

Controls

a) Driveway material must be clay/concrete pavers, cobblestones or coloured pattern-stamped concrete. If pattern-stamped is used, it must be coloured to reduce harsh glare and finished with a non-slip surface.
b) Stencilled concrete must be sealed and be non-slip.
c) Plain concrete driveways are not permitted.

6B.3.3 Splay Corner Setbacks and Road Widening

Objectives

a) Restrict building and landscaping within close proximity to road intersections.
b) Improve traffic safety by increasing site distances for drivers at intersections.
c) Provide the opportunity for Council to acquire land for local road widening, which will improve the road network.
Controls

a) Development on properties adjoining Boundary Lane, Cabramatta should be set back at least 9 metres from the centreline of the road. Council may seek to acquire up to 3 metres width of land for road widening on some sites where it is deemed necessary.

b) 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.

6B.4 Open Space and Landscaping

Open space provides a number of amenities to the property, for example space for children to play, drying clothes and gardening. To ensure a sufficient amount of private open space is easily accessible, private open space is regulated.

6B.4.1 Open Space

Objectives

a) Ensure the private open space is usable, functional and easily accessible for residents.
b) Ensure private open space includes landscaping and soft areas.
c) Ensure direct access and a relationship between indoor and outdoor living areas.

Controls

a) Each dwelling must have a minimum private open space area of 60m$^2$, with one portion being a minimum of 5 metres by 6 metres of level ground.
b) A 20m$^2$ portion of the overall private open space may be in the form of a courtyard located within or alongside of the dwelling to ensure living spaces achieve adequate direct sunlight.

c) In the calculation of private open space:
   a. a minimum of 50% of the open space area must be a grassed or soft landscaped area located in the rear yard;
   b. no area is less than 2.5 metres in width;
   c. outdoor clothes drying areas are included as private open space; and
   d. car parking spaces are not included in open space calculations.

d) The principal private open space must:
   a. have direct and level access to the living, dining or kitchen
b. be orientated towards north and north-east, where possible

c. not be significantly covered in the form of the alfresco or such.

Note: The Principal Private Open Space is the portion of the open space which includes the minimum 5m x 6m dimension within the rear yard.

d) A garage or gate must provide access between the private open space and the driveway. This will allow items stored in backyards (i.e. garbage bins, garden tools) to be moved to the street without needing to come through the house.

e) Private open space is not permitted in the front setback.

6B.4.2 Landscaping

For dual occupancy development, applicants are encouraged to liaise with a horticulturalist at local nurseries and can prepare their own plans using the controls as a guide. Council’s Landscape Assessment Officers can provide more information. Landscaping principles, landscaping planning controls and templates are provided in Appendix F – Landscaping Planning of this DCP.

Significant trees are those trees that contribute substantially, either individually or as a member of a tree group, to the landscape character, amenity, cultural values or biodiversity of their locality. Generally trees with a girth greater than 500mm and a canopy spread of a 6 metre radius are trees of significance.

Objectives

a) To require landscape plans to respond to natural features, soften the appearance of developments, improve the living quality of the neighbourhood; and

b) To encourage landscaping areas which assist in reducing the impacts of a range of environmental problems including salinity, flooding, reduction in biodiversity and climate change.

Controls

a) A minimum of 30% of the site is to be dedicated for soft soil zone.

b) A landscape plan must be prepared for the site in consultation with a horticulturalist with demonstrated experience. Refer to Appendix F – Landscaping Planning of for landscaping principles when seeking to prepare a landscape plan.

6B.4.3 Fencing

Fencing is an important element in creating a pleasant streetscape. To enhance the character of the City’s neighbourhoods, fencing design, height and materials are regulated.

Objectives

a) To provide design requirements for side, rear, and corner lot fencing that create a unified streetscape.

b) To allow for fencing that acts as a noise attenuation measure along Classified State and Regional Roads and Unclassified Regional Roads (refer to Chapter 12).

c) To allow for security fencing that minimises visual impact on the streetscape.

Controls

a) A front fence is not supported for dual occupancy developments except in respect to sites that have a primary frontage to a Classified or Regional Road.

b) Fencing behind the front building line shall be a maximum height of 1.8 metres above ground level (existing).

c) For corner lots, a fence of masonry construction up to a height of 1.8 metres is required along the secondary street frontage, but must not be in front of the building line.

Fencing design

a) Walls and fences visible from a public place or within common area property must be divided into segments no longer than 5 metres. (In the fencing design there must be some change in the façade plane or an expressed column to avoid flat featureless walls.) Details of wall and fence treatment must be submitted with the Development Application.
b) Front fencing design must provide opportunities for natural surveillance into public spaces.

c) Fencing construction must meet the following criteria:
   a. have adequate footings, be self-supporting and able to withstand loads, and
   b. not include barbed wire, chain wire, razor wire, broken glass, be electrified, or the like, and
   c. not stop or redirect surface waters so as to cause a nuisance and be open style fencing
      where the property is affected by flooding or by an overland flow.
   d. be constructed wholly within the property boundary.

Note: For exempt and complying fencing controls, see State Environmental Planning Policy (Exempt and Complying
Development Codes) 2008.

6B.5 Amenity

6B.5.1 Solar Access

Dwelling design should minimise the need for heating and cooling through appropriate window size, shape and location. To achieve a high level of solar access for both the dwelling and surrounding properties, the development must be carefully designed to minimise overshadowing.

Objectives

a) Encourage the benefits of winter sun and minimise the intrusion of summer heat in design.

b) Ensure internal living spaces and private open space have adequate access to sunlight.

c) Maintain direct sunlight to adjacent dwellings.

d) Ensure development on lots orientated east west maximise access to sunlight for internal living areas such as living rooms, dining rooms and kitchens.

Controls (see diagrams relating to solar plane and shadow diagrams)

a) All dwellings must be designed to ensure:
   a. living areas are orientated towards north where possible
   b. all north facing living area windows and more than two-thirds of the private open space
      receives at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.
   c. the potential for sunlight to penetrate the development through windows and atriums for
      dwellings on east-west orientated lots is maximised, limiting the use of skylights for
      bathrooms and utility rooms only.

b) The windows to at least one living area of a dwelling on a neighbouring/adjoining dwelling/s must
   receive a minimum 3 hours of sunlight between 9.00am and 3.00pm at the mid–winter solstice.
   Where this requirement is already not achieved prior to the dual occupancy development, the
   development must not result in additional overshadowing on the affected living area of the
   dwelling.

c) A development should maintain solar access to a solar hot water system, photovoltaic panel, or
   other solar collector on an allotment or adjoining allotment.

d) Garages, bathrooms and laundries should be located in areas with a west to southwest
   orientation, with windows (glazing) minimised in size and number as well as being protected with
   effective sun shades

e) Council may require the preparation of shadow diagrams showing the impact of a proposal on
   the adjacent residential buildings and their private open space. Such diagrams shall be based on
   a survey of the site and adjoining development. The shadow diagrams shall include:
   a. all openings and windows of adjoining buildings
   b. shall demonstrate likely shadow impact on the 21 June for 9 am, 12 pm, and 3 pm
6B.5.2 Energy Efficiency Measures

Energy efficiency measures include facilitating energy conservation and minimising energy needs to reduce greenhouse gas emissions.

Objectives

a) To maximise greenhouse gas emission reduction in new development.

Controls

a) Where the solar panel will be visible from the street, the associated tank must be either within the roof or the dwelling.
b) Correct use of glazing, mass and insulation shall ensure dwellings are constructed in an energy efficient manner. Applicants are referred to standards contained within State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - www.basix.nsw.gov.au.

6B.5.3 Privacy

The privacy of neighbours and other residents must be maximised. To ensure this, windows and balconies are regulated.
Objectives
a) Ensure privacy is maximised for neighbours of the dwelling house and those who will occupy the dwelling.
b) Avoid overlooking of private open spaces and windows of nearby dwellings.
c) Limit noise transmission to nearby dwellings.

Controls
a) Any rooftop floor area, or first floor balconies not facing the street, will not be supported.
b) Noise reduction between common walls and floors is to comply with the provisions of the Building Code of Australia.
c) Where upper floor windows result in unreasonable or unavoidable privacy issues, Council is likely to require:
   a. A sill height of no less than 1.5 metres from the upper floor finished floor level;
   b. Frosted glazing;
   c. Screening; or
   d. The use of some other method to maximise privacy

6B.6 Drainage
Proper drainage and reuse of rainwater is important to reduce flooding, stormwater damage, and overland flow. To achieve this, concept plans, rainwater tanks, overland flow, and cut and fill are regulated.

6B.6.1 Concept Plans
Objectives
a) Control flooding and prevent stormwater damage.
b) Ensure that proposed drainage of the site does not have an adverse impact on adjoining and downstream properties.

Controls
a) One side setback of the development site must be a minimum of 900mm from the boundary for drainage and overland flow purposes.
b) Where the development site slopes away from the street kerb and there is no alternate provision for stormwater to connect to the street to the satisfaction of Councils drainage engineer, inter allotment drainage is required to be provided. In this instance an easement to drain water shall be created over adjoining properties to connect storm water from the development site to Council’s drainage system prior to issue of a Construction Certificate. This requirement will only be waived where the applicant is able to demonstrate that the proposal can drain to the street in a satisfactory manner.
c) A drainage concept plan prepared by a suitably qualified person shall be submitted with Development Application showing all down pipes, proposed levels, pipe details etc.

6B.6.2 Rainwater Tanks
Objectives
a) Satisfy the requirements of the Building Code of Australia;
b) Position rainwater tank to maximise rear yard space;
c) Harvest and reuse stormwater; and
d) Ensure that rainwater tanks are located in areas where they do not impinge on the general operation and function of the dwelling as a whole.

Controls
a) Above ground rainwater tanks are to be located no less than 450mm from the side and rear boundary and shall not extend above the height of the fence line.
b) Only underground water tanks are permitted in the front setback area and they are encouraged to be placed under the driveway where possible. All underground water tanks require structural certification from a qualified structural engineer.
c) Pumps and pipe system are to be provided for water recycling.
6B.6.3 Overland Flow

Objectives
a) Ensure overland flow path is conveyed through the site in a satisfactory manner.
b) Minimise flooding affects within the development and on to the adjoining properties.

Control
a) Any major overland flow path from adjoining properties shall be conveyed through the site in a satisfactory and safe manner. The flow paths shall not be directed under the buildings. For details refer to Chapter 11 Flood Risk Management of this DCP.

6B.6.4 Cut and Fill

Objectives
a) Reduce the necessity for retaining walls.
b) Reduce stormwater problems associated with changing the natural contours of the land.
c) Reduce the necessity to import fill onto the premises.
d) Minimise overshadowing, privacy, and amenity issues to adjoining neighbours by providing maximum finished floor level for proposed development.

Control
a) The height of floor level above the natural ground levels shall be limited to 600mm except where it is required to be raised to achieve a suitable freeboard above the flood level. This 600mm height includes the fill, bedding and the slab thickness. Any variation from this floor height shall not cause adverse amenity impacts to the adjoining properties and shall be justified to the Council.

6B.7 Site Servicing

Utilities and services include the day-to-day facets that every single dwelling uses. To ensure utilities and services are considered guidelines and controls are provided.

Objectives
a) Ensure that developments are serviced and provide for facilities;
b) Ensure front façades are free of utility services and structures; and
c) Ensure dwellings are able to be identified by street number.

Controls

6B.7.1 Water and Sewerage
a) Water and sewerage connections must meet the requirements of Sydney Water.
b) Rainwater tanks, collecting rainwater from all site roof areas (including separate garages/sheds etc) and used for toilet flushing, laundry, and garden irrigation are encouraged.

6B.7.2 Electricity
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.
b) Electrical services must satisfy the requirements of energy supply authority.
c) Meter boxes are to be placed in positions acceptable to energy supply authority, but may not face the street.
d) Alternative energy systems which generates electricity on the land using an energy source other than the electricity supply grid, and includes a photovoltaic power system, must meet relevant requirements.

6B.7.3 Telephone and Internet
a) Telephone lines installation must be in accordance with the requirements of the telecommunications provider.
6B.7.4 Dwelling Street Number
a) Contact Council to request the allocation of house number if required.
b) Position and secure clearly visible street numbers near property entrances such as the front fence, wall or letterbox.
c) Street numbers should be positioned at a minimum height at 500mm above ground level (existing).

6B.7.5 Postal Services
a) The size of a letterbox must meet the Australia Post approved size. Australia Post recommends a separate box or tube to accommodate newspaper and non-mail articles.
b) A letterbox must clearly mark the street number of the dwelling that it serves.
c) A letterbox must be located on the boundary of the property with the footpath or road or at the junction of the driveway with the road. The opening of the mailbox must face the footpath or road.

6B.7.6 Waste and Dry Recycling Collection
a) Council will provide garbage container(s) to each dwelling. Development plans must show that for each dwelling, in private areas, provision has been made for:
   a. General bin
   b. Dry recycling bin
b) The area identified for garbage and recycle bins storage should be located away from the windows of habitable rooms and be stored in a substantially shaded area or within an enclosure.
c) Garbage and recycle bins must not be visible from common or public areas except when out for collection.
d) A clear path from the dwelling’s garbage and recycle bins storage area, either through a side passage or through a garage, to the collection point on the street must be provided.

6B.7.7 TV Antennas
a) The antenna must be located at the rear of the site to reduce visibility from the street.
b) Master TV antennas are to be provided where there is more than one dwelling in any development.
Chapter 7

Residential Flat Buildings

Table of Contents

| 7.0 | Context and objectives |
| 7.1 | Introduction |
| 7.1.1 | Development |
| 7.1.2 | Zones |
| 7.1.3 | Site requirements |
| 7.1.4 | Strategies and policies |
| 7.2 | Special considerations |
| 7.2.1 | Heritage |
| 7.2.2 | Accessible and flexible units |
| 7.2.3 | Drainage and stormwater detention |
| 7.2.4 | Lifts |
| 7.3 | Built Form |
| 7.3.1 | Floor Space Ratio |
| 7.3.2 | Building Height |
| 7.3.3 | Building Setbacks |
| 7.3.4 | Building Articulation |
| 7.4 | Amenity |
| 7.4.1 | Ventilation |
| 7.4.2 | Visual Amenity and Acoustic Privacy |
| 7.4.3 | Solar Access |
| 7.4.4 | Private Open Space |
| 7.4.5 | Communal Open space |
| 7.4.6 | Safety and Security |
| 7.5 | Car Parking, Loading and Access |
| 7.5.1 | Car Parking |
| 7.5.2 | Vehicle Access |
| 7.6 | Site servicing |
| 7.6.1 | Waste Collection |
| 7.6.2 | Electricity |
| 7.6.3 | Water and Sewage |
| 7.6.4 | TV Antennas |
| 7.6.5 | Satellite Dishes |
| 7.6.6 | Telephone |
| 7.6.7 | Mail Delivery |
| 7.7 | Landscaping |
| 7.7.1 | Landscape Design |
| 7.7.2 | Fencing and Walls |
| 7.8 | Miscellaneous |
| 7.8.1 | SEPP 65 - Design Quality of Residential Flat Development |
| 7.8.2 | Compliance with SEPP 65 Residential Flat Design Code |
| 7.8.3 | Annexure 1: SEPP 65 Residential Flat Design Code - Pro-forma Design Verification Statement |
| 7.8.4 | BASIX |

7.0 Context and objectives

This chapter applies to all development applications submitted to Council for residential flat buildings (apartments) and the residential component of shop top housing over two storeys in height located in business zones.

This chapter provides controls for residential flat buildings (apartments) and shop top housing. The general objectives for residential flat building developments are to:

a) visually integrate new development with neighbouring housing via compatible dwelling form
b) maximise privacy between dwellings from overlooking
c) maximise access to sunlight for dwellings in and around the development
d) maximise the effective use of the site including front and side setbacks.

The controls for each section contain standards with which new development must comply. In general, developments must satisfy the relevant standards. Variation will not be permitted unless the proposal will achieve a standard equal to or higher than the required.
7.1 Introduction

7.1.1 Development
This chapter applies to residential flat buildings and shop top housing over two storeys in height. Definitions for residential flat buildings and shop top housing are provided in Fairfield Local Environmental Plan (LEP) 2013.

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Shop top housing means one or more dwellings located above (or otherwise attached to) ground floor commercial premises (business, office, or retail premises).

7.1.2 Zones
Residential flat buildings are permitted under Fairfield LEP 2013 in the following zones:

a) R1 General Residential Zone – Refer to the Bonnyrigg Living Communities MasterPlan for residential flat building controls
b) R4 High Density Residential Zone.

Note: Any proposal for the construction of a residential flat building within the area covered by the Bonnyrigg Living Communities Masterplan 2008, as contained on page 147 of the Bonnyrigg Masterplan, shall also have regard to the requirements of Chapter 7 of the Fairfield City Wide DCP 2013.

Shop top housing is permitted under Fairfield LEP 2013 in the following zones:

a) B1 Neighbourhood Centre Zone
b) B2 Local Centre Zone
c) B4 Mixed Use Zone
d) B6 Enterprise Corridor.

Note: Apartment building/shop top housing controls for developments in:

a) the Fairfield, Cabramatta, Canley Vale, Canley Heights, Prairiewood Southern Precinct, and Bonnyrigg town centres are contained within their respective Town Centre Development Control Plans
b) the B6 Enterprise Corridor sites within Cabramatta are contained with the Cabramatta Town Centre DCP.
c) Business zones only apply to the residential component of the development. Refer to Neighbourhood and Local Centres Chapter for controls relating to the business component of the development.

7.1.3 Site requirements

7.1.3.1 Regular Lots
Regular lots are defined as rectangular lots.

Minimum lot area – there is no minimum lot size requirement for residential flat buildings and shop top housing. Development standards and other requirements will determine viable lot areas.

Minimum lot width- there is no minimum lot width requirement for residential flat buildings housing. Any proposed Residential Flat Buildings will be required to address the development standards identified within the FLEP 2013 relating to building heights and FSRs as well as other controls contained within this Chapter.

Minimum lot depth - there is no minimum requirement for residential flat buildings and shop top housing. Development standards and other requirements will determine the minimum viable lot depth.

Note: Lot width and depth will impact on the Floor Space Ratio that is able to be achieved. For more information, refer to Clause 7.3.1 Floor Space Ratio

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.

7.1.4 Strategies and policies

Refer to the Fairfield Residential Development Strategy for Council’s planning framework for residential flat development throughout the eastern part of the City.

7.2 Special considerations

7.2.1 Heritage

For properties identified as heritage items within Fairfield City, refer to:

- Chapter 2 – Development Application Process, clause 2.2.13 – Heritage Assessment
- Chapter 3 – Environmental Management and Constraints, clause 3.12 Heritage Items
- Appendix G – Heritage and Development.

For properties near heritage items, contact Council on how your proposal must minimise potential impacts.

7.2.2 Accessible and flexible units

Access for all potential residents and those that visit the residence must be considered in residential flat building developments and shop top housing. The number of accessible and adaptable apartments to cater for a wide range of occupants should be optimised. Flexible flat design ensures that buildings can accommodate a wide range of inhabitants and their changing lifestyle needs.

Objective

a) To provide easy access for all including people with prams and people that use wheelchairs or have walking difficulties or sight, hearing or intellectual impairment.

Controls

Accessible 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.

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:
   a. Access to front door and private open space,
   b. Internal door and passageways,
   c. Toilet and shower,
   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,
   h) Ground floor apartments must be provided with separate entries and access to private open space, preferably as a terrace or garden, wherever possible.

Flexible units

a) 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.
Locating a bedroom with an ensuite on the ground floor of this two storey apartment facilitates a variety of uses: small business, third bedroom, shared housing for independent adults, or housing for an elderly parent. Source: Residential Flat Code (2002), p.75

7.2.3 Drainage and Stormwater Detention

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: 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 Citywide DCP 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 minimise increases in flood levels on the major trunk drainage network and on the creek system;
d) To minimise downstream flooding caused by surcharging of the local drainage system; and
e) 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) A concept plan demonstrating how the development will be drained must be submitted with the development application.
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) On-site stormwater detention (OSD) is required for residential flat buildings.
b) Open space areas serving as on-site detention basins must act as visual features in the development, rather than liabilities. Details of such are contained in the open space section of this plan.
c) Private open space areas are not to be used for OSD.
d) 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.
e) Permissible site discharges (PSD) are as follows:
a. The PSD for the 9 hour 1 in 100 year Annual Recurrence Interval (ARI) storm event is to be 140 litre/second/hectare,
b. 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

c. 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.

f) In the interest of safety and amenity, ponded water depths are not to exceed:
   a. Parking/paved areas 0.2 metres,
   b. Landscaping 0.5 metres,
   c. Covered storage no limit,
   d. Fenced storage no limit, and
   e. Roof area (as required for structural integrity).

g) Finished floor levels are to be at the following minimum levels:
   a. Lockup garages – above the maximum 1 in 100 year water surface level,
   b. Finished habitable floor levels – 0.3 metres above the maximum 1 in 100 year OSD water surface level.

7.2.4 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.

7.3 Built Form

7.3.1 Floor Space Ratio (FSR)

The density of built structures affects the amenity of the lot, adjoining sites and the residential area as a whole. To ensure a high level of amenity the floor space ratio is regulated for residential flat building developments. Clause 4.4A Floor Space Ratio - Zone R4 High Density Residential of Fairfield LEP 2013 prescribes the maximum permitted Floor Space Ratio for residential flat buildings.

Objectives

a) To promote residential amenity for the development, adjoining sites and neighbourhood; and

b) To assist with preliminary yield calculation.

Controls

For residential flat buildings within the R4 High Density Residential Zone (excluding Clause 4.4A (1) of the Fairfield LEP 2013, the Zone R4 High Density Residential in Cabramatta and Canley Vale), the maximum floor space ratio for residential flat buildings is contained within the following table:

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site with a street frontage up to 30 metres</td>
<td>0.8:1</td>
</tr>
<tr>
<td>Site with a street frontage of 30 metres and less than 45 metres, and site depth of less than 40 metres.</td>
<td>1.25:1</td>
</tr>
<tr>
<td>Site with a street frontage of 30 metres and less than 45 metres, and site depth of 40 metres or more.</td>
<td>1.5:1</td>
</tr>
<tr>
<td>Site with a street frontage of 45 metres or more, and a site depth of less than 40 metres.</td>
<td>1.5:1</td>
</tr>
<tr>
<td>Site with a street frontage of 45 metres or more, and site depth of 40 metres or more.</td>
<td>2:1</td>
</tr>
</tbody>
</table>

Note: The Floor Space Ratios indicated above are the maximum permitted. The maximum will not be achieved in all cases due to site constraints and the need to comply with the other DCP requirements.

7.3.2 Building Height

Building height is an important control because it has a major impact on the physical and visual amenity of a place.

Objective

a) To allow reasonable daylight access to all developments and the public domain.

Controls

a) Building height - Maximum permissible building height for any development must be consistent with the building height standards prescribed on the Fairfield LEP Building Height Map.
Generally, a height limit of 16 metres (5 storeys) and 20 metres (6 storeys) applies to the R4 High Density Residential Zone.

Note: In cases where there is overshadowing or other impact, the maximum height may not be achieved on a site or an all other parts of site. Car parking that is located on the ground floor is regarded as a storey and is included in the height limit.

7.3.3 Building Setbacks

Street setbacks establish the front building line. Street setbacks are measured from the street boundary to the outside edge of the building. In general, no part of a building or above ground structure may encroach into a setback zone.

Controls over street setbacks create the proportions of the street and can contribute to the public domain by enhancing streetscape character and the continuity of street façades.

Side setbacks are important tools to ensure that the building height and distance of the building from its boundaries maintain the amenity of neighbouring sites and within the new development.

Rear setbacks can be used to create usable common open space and deep soil zones.

Objectives

a) To establish a desired consistent street setback;

b) To provide for building separation to promote visual and acoustic privacy between apartments;

c) To provide for road improvements required at specified intersections and local roads;

d) To allow for landscaping to the street and between buildings and maximise the opportunity to retain and promote mature vegetation; and

e) To maintain deep soil zones to maximise natural site drainage and protect the water table.

Controls

a) Street setbacks – buildings, including balconies, generally shall be set back from the street in accordance with the following tables:

<table>
<thead>
<tr>
<th>Street setbacks</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street – shorter length</td>
<td>6 metres</td>
</tr>
<tr>
<td>Secondary street/lane – longer length</td>
<td>3 metres</td>
</tr>
</tbody>
</table>

b) Side and rear setbacks – buildings, including balconies, generally shall be set back from the side and rear boundaries in accordance with the following table. For buildings over three storeys, building separation increases in proportion to building height to ensure appropriate urban form, adequate amenity and privacy for building occupants. Dimensions within a development, for internal courtyards and between adjoining sites are:

<table>
<thead>
<tr>
<th>Up to four storeys/ 12 metres</th>
<th>12 metres between habitable rooms/balconies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Five to six storeys/ up to 20 metres</td>
<td>9 metres between habitable/balconies and non-habitable rooms</td>
</tr>
<tr>
<td></td>
<td>6 metres between non-habitable rooms</td>
</tr>
<tr>
<td></td>
<td>18 metres between habitable rooms/balconies</td>
</tr>
<tr>
<td></td>
<td>13 metres between habitable rooms/balconies and non-habitable rooms</td>
</tr>
<tr>
<td></td>
<td>9 metres between non-habitable rooms</td>
</tr>
</tbody>
</table>

Exceptions to the above are walls containing no windows or balconies. In such cases walls may be have a zero side boundary setback subject to:

a. Compliance with solar access controls contained with Section 7.4.3;
b. Adjoining properties having similar zero boundary setback potential i.e. they have redevelopment potential in accordance with this DCP;

c) **Land Required for Road Improvements**

   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 and 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.

   b. Development on properties adjoining Boundary Lane, Cabramatta should be set back at least 9 metres from the centre line of the road. Council may seek to acquire up to 3 metres width of land for road widening.

7.3.4 **Building Articulation**

Providing articulation of building features such as windows and balconies, using a combination of colours and finishes, and the use of sunshade structures and awnings help to create buildings of architectural quality. Variation of balcony proportions and orientation within a coherent theme also helps to achieve articulation of the building form.

**Objectives**

a) To promote high architectural quality in residential flat buildings

b) To ensure that new developments have facades which define and enhance the public domain

c) To ensure that building elements are integrated into the overall building form and facade design.

**Controls**

a) **Building facades** shall:

   a. define a base, middle and top related to the overall proportion of the building by using cornices, a change in materials or building setback;

   b. 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;

   c. express the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions and the variation in floor to floor height, particularly at the lower levels;

   d. articulate building entries with awnings, porticos, recesses, blade walls and projecting bays

   e. use recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the façade;

   f. 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;

   g. co-ordinate and integrate building services and utility items, such as drainage pipes; and security grills/screens, ventilation louvers and car park entry doors with overall facade and balcony design.

7.4 **Amenity**

7.4.1 **Ventilation**

The intention of ventilation or cross ventilation is to keep a dwelling as cool as naturally possible in summer and reduce the reliance on electric fans and air conditioners. By positioning windows across from each other, good airflow can be maintained within the dwelling.

**Objective**

a) To ensure that natural cross ventilation is incorporated into building design.
Controls

a) The siting, orientation, use of openings and built form of the development shall maximise opportunities for natural cross ventilation for the purposes of cooling and fresh air during summer and to avoid unfavourable winter winds.

b) Minimum of 60% of residential units should be naturally cross ventilated.

c) Minimum of 25% of kitchens within a development should have access to natural ventilation.

7.4.2 Visual Amenity and Acoustic Privacy

Objectives

a) To minimise the direct overlooking of internal and external living areas,

b) To ensure acoustic privacy within and between bedrooms and internal living areas for dwelling occupants and adjoining neighbours, and

c) To ensure the acoustic design of new development takes into account surrounding existing development and implements appropriate sounds attenuation measures to mitigate any conflict between the existing development and the proposed new residential development.

Controls

7.4.2.1 Visual Amenity

a) Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments.

b) Use detailed site and building design to increase privacy without compromising access to light and air which may include offset windows, recessed balconies and louvers or screen panels to windows and balconies.

7.4.2.2 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.

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.

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.

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:
   a. 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;
   b. Restaurants and cafes particularly those operating at night or those with outdoor seating; and
   c. Extraction fans and air conditioning units.

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.

f) **Air conditioning units** proposed are to be detailed in the acoustic assessment.
### 7.4.3 Solar Access

Building forms should provide a maximum northerly exposure for as many rooms as possible in each dwelling and minimise casting of shadows. Windows facing west to southwest should be minimised and protected with effective sun shades.

**Objectives**

a) To encourage the layout and construction of buildings so that adequate thermal comfort, lighting and ventilation can be achieved with minimum energy consumption,

b) To minimise greenhouse gas emissions that are an indirect result of new development, and

c) To ensure internal living spaces and open space have adequate sunlight and direct sunlight is maintained to adjacent dwellings.

**Control**

a) Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter (21 June).

b) The number of single aspect apartments with a southerly aspect (SW-SE) is limited to a maximum of 10% of the total units proposed.

c) Dwellings must be designed to ensure the windows associated with habitable rooms (living, dining, kitchens) of adjacent housing, and more than two thirds of their open space, receive at least 3 hours daily of direct sunlight (between 9am and 3pm) in mid winter (21 June).

d) Council will require the preparation of shadow diagrams showing the impact of a proposal on adjacent residential buildings and their open space. Such diagrams should be based on a survey of the site and adjoining developments.
7.4.4 Private Open Space

Objectives

a) To provide private open space for functional and passive recreational opportunities.

Controls

a) Each dwelling shall have the following minimum primary private open space area in the form of a balcony/terrace or courtyard and horizontal dimensions:

<table>
<thead>
<tr>
<th>Area of Dwelling</th>
<th>Minimum Area (m²)</th>
<th>Minimum Horizontal Dimension (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 85m²</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>Greater than 85m²</td>
<td>15</td>
<td>2.4</td>
</tr>
</tbody>
</table>

b) A second private open space area/balcony should be considered where they would contribute to the amenity of the dwelling.

c) All primary balconies shall be no deeper than 4m to ensure sunlight penetration into all dwellings.

d) Balconies shall be recessed and partially enclosed. All balconies must be entirely contained within the building envelopes as shown in Section 4 except, balconies on elevations directly fronting a primary street where the balcony may extend a maximum of 1 metre outside the envelope.

e) Balcony design should take into consideration the issues identified in the site analysis and be located, oriented and designed to address the following issues:

a. take advantage of views and any natural features
b. minimise overlooking of adjoining dwellings
c. maximise solar access.

def) The use of balconies for storage and clothes drying uses often impacts on views from the public domain and other units. Where balconies are clearly visible from the street or other properties the design of the balcony must address the following issues:

a. A screened drying cupboard area should be provided as part of the balcony, ideally with good access to natural light,
b. The balustrade design and materials should be a mix of solid and opaque elements. The more prominent the balcony in views from the public domain and adjoining resident the greater the proportion of solid materials in the balustrade to filter views of anything stored on the balcony. Council will require any balcony located on the first five floors of a building to be made from a mix of materials so that 75% of the balustrade is solid (not opaque),
c. Where the balcony is on an elevation facing a primary street frontage this requirement will be applied to all balcony balustrades on all levels unless the designer can demonstrate that the impact has been addressed using alternate means.
d. The underside of balconies must provide an attractive appearance to the street and to the dwelling underneath.

g) Mechanisms to reduce noise impacts from the railway lines and main roads such as glass shutters to balconies etc. are required to be provided. Similar measures to assist in controlling extremes in wind, rain and temperature should also be considered.

h) Provide water and gas outlets on the primary balconies and terraces.

i) Council Officers may require balcony furniture layouts to be provided where there are doubts about the usability of any balconies and terraces.

7.4.5 Common open space

The area of open space should generally be between 25 – 30% of the site.

Objectives

a) To provide communal open space designed to be useable and attractive.

b) To provide for a natural environment within developments with a pleasant outlook.

Controls

Common open space:

a) should incorporate a minimum 25% of deep soil zone.
b) be located within a north, north-east orientation.
c) must be accessible from all dwellings within the development.
d) should only be accessible from within the site.

e) should be overlooked by living areas.

f) should ideally be centrally located rather than at the rear or front of a development site.

g) should include features such as seating, shade structures, child play equipment or barbeques to satisfy the recreation needs of all residents.

h) Is not to include in its area calculation clothes drying areas, driveways and parking areas.

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.

7.4.6 Safety and Security

Objective

a) To create an environment which is safe and secure from theft, personal threat and accidents.

Controls

a) All areas in a development should be clearly recognisable as either private, common or public space.

b) A dwelling with street frontage should have a clear view of the footpath.

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:
   a. Use of energy efficient diffused lights and/or movement sensitive lights;
   b. Lights directed towards access/egress routes to illuminate potential offenders, rather than towards buildings or resident observation points;
   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

d) Barriers to prevent movement between roof spaces of adjoining dwellings will be required.

e) Dwellings must have a child-proof storage place for poisons or other dangerous substances.

7.5 Car parking, Loading and Vehicle Access

7.5.1 Car parking

Objective

a) To provide adequate car parking for residents and visitors.

Controls

a) Off-street parking spaces must be provided as set out below:
   a. 1 space per dwelling, and
   b. 1 visitor space per 4 dwellings where a development has more than 2 proposed dwellings.

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 City Wide DCP.

c) Council gives preference to total or partial underground car parking wherever possible by:
   a. Retaining deep soil zones,
   b. Providing natural ventilation to sub-basement parking areas, and
   c. Integrating ventilation grills into building design.

d) In cases of inconsistency between the controls contained within Part 7.5 and controls contained within Chapter 12 – Car Parking, Vehicle and Access Management, then the provisions of Chapter 12 will prevail to the extent of the inconsistency.

7.5.2 Vehicle Access Controls

Objective

a) To provide safe and efficient vehicle access to the development site.
Controls

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.

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.

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.

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.

e) **Driveway length** should be minimised where possible by being broken into bays through the use of landscape nodes.

7.6 Site servicing

Objectives

a) To ensure that developments are serviced in a timely, coordinated and efficient manner.

b) To ensure front facades visible from the street are free of utility structures.

Controls

7.6.1 Waste Collection

**All residential flat buildings up to and including three (3) storeys** shall be provided with bin storage including recycling bins for each dwelling in private areas. Container must not be visible from common or public areas except when out for collection.

In cases where bins cannot be stored in private areas, a place near the street frontage is to be purpose designed for bin storage. The bin storage area must be provided in a well ventilated enclosing structure that complements the overall development.

**All residential flat buildings six (6) storeys and higher** shall be provided with a comprehensive waste management system.

a) A Waste Management Plan must be submitted as part of the approval process and shall incorporate the following:

   a. **Garbage compartment areas** shall:
      i. be provided for each level containing residential units being not less than 1.5m² in area for each 6 residential units or part of each additional 6 residential units on that level.
      ii. display posters providing educational material on how to use the system.
      iii. be provided with a loading opening to the garbage chute connected directly to a main garbage room.
      iv. be located within a shaft and the shaft shall be maintained under a negative air pressure and ventilated to outside atmosphere of sufficient distance from air intake locations.

   b. **Garbage chutes** shall:
      i. have a minimum diameter of 500mm and be constructed to comply with the relevant requirements of the Building Code of Australia.
      ii. be provided with manual access for clearing blockages.
      iii. discharge directly to a suitably constructed main garbage room housing a bulk waste container or mobile garbage bins carousel.

   c. **Garbage rooms** shall:
      i. be accessible and cause minimal visual impact, noise, vermin or odour to public and adjoining private spaces.
      ii. include adequate space for separation of waste material for recycling.
      iii. include separation facilities for waste to be divided into separate waste streams in order to recycle materials
      iv. be secured to prevent unauthorised access.
      v. utilise ventilation stacks wherever possible to vent the area.
d. **All garbage compartments and garbage rooms** shall:
   i. be constructed using materials impervious to water, capable of being washed out to maintain them clean
   ii. be supplied with a fresh supply of water and provided with a drain connected to the sewer.

e. **Waste separation facilities** must be provided in all kitchens to separate waste at its source.

f. **Management and cleaning of waste services** including all compartments, garbage rooms and associated equipment shall be incorporated into the duty statement of the building caretaker.

b) The collection of waste materials from the site shall be in accordance with the NSW Environment Protection Authority, Industrial Noise Policy (2000), so as not to generate excessive noise.

**Note:** Refer to Appendix E Waste Not Policy concerning requirements for the management of demolition and construction waste.

### 7.6.2 Electricity

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.

b) Electrical services must satisfy the requirements of Endeavour Energy.

   Pre DA consultation with Endeavour Energy is helpful in identifying any existing network assets impacted by the proposed development. Applicants are advised to submit load applications to Endeavour Energy as early as possible in the design phase.

   Upon receiving load applications, Endeavour Energy can work with applicants and their Accredited Services Provider L3 (network designer) with the preferred method of supply to their developments: for example, the installation of an indoor or pad mounted substation.

   Space required to be allocated for any proposed indoor and pad mounted substations can be incorporated within final architecture plans submitted to Council as part of the DA approvals process.

c) **Meter boxes** are to be placed in positions acceptable to Endeavour Energy, but not face the street.

### 7.6.3 Water and Sewerage

Water and sewerage connections must meet the requirements of Sydney Water.

### 7.6.4 TV Antennas

a) **Master TV antennas** are to be provided to avoid having many individual antennas.

b) The antenna must be located at the rear of the site to reduce visibility from the street.

### 7.6.5 Satellite Dishes

a) Satellite dishes in residential areas, either for domestic or international broadcasts, must meet the following requirements:

   Satellite dishes attached to the development must be:
   a. less than 900mm in diameter,
   b. of a height that does not exceed the ridge line, and
   c. located on the rear elevation of the development.

   Larger satellite dishes that are freestanding and visible from a public place, road or adjoining residents must:
   a. be no greater than 2.5m in diameter.
   b. have a pole height no greater than 1.8 metres above natural ground level.
   c. be adequately screened so as to not reflect, cast glare or impact upon surrounding residences.
   d. located 3 metres from any boundary.
   e. be of a dark colour.
7.6.6 Telephone
Telephone lines installation must be in accordance with the requirements of Telstra.

7.6.7 Mail Delivery
A letterbox must be provided in accordance with the requirements of Australia Post.

7.7 Landscaping
A landscape design should improve the amenity of open space, contribute to the streetscape character, improve the energy efficiency and solar efficiency of the public domain, contribute to the sites characteristics, contribute to water and stormwater efficiency, provide a sufficient depth of soil for planting and minimise maintenance.

7.7.1 Landscape Design
Objectives
a) To add value to residents’ quality of life within the development in the forms of privacy, outlook and views.
b) To provide habitat for native indigenous plants and animals.
c) To improve stormwater quality and reduce quantity and to improve urban air quality.
d) To improve the microclimate and solar performance within the development.
Controls
a) Landscaping is to:
   a. 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.
   b. 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.

7.7.2 Fencing and Walls
Fences and walls should be designed to define the boundaries between the development, provide privacy and security and contribute positively to the public domain.
Objectives
a) To define the edges between public and private land.
b) To define the boundaries between areas within the development having different functions or owners.
c) To provide privacy and security.
d) To contribute positively to the public domain.
Controls
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 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.

7.8 Miscellaneous
7.8.1 SEPP 65 - Design Quality of Residential Flat Development
It is important to consider the provisions of SEPP 65 in all development proposals.
The State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) was introduced in 2002. It aims to improve the design quality of residential flat buildings in NSW and contains principles for good design. It requires that residential flat buildings are designed by registered architects.

SEPP 65 applies to the whole state of NSW for development being:
a) The erection of a new residential flat building that are three or more storeys and contain more than four units, and
b) The substantial redevelopment or the substantial refurbishment of an existing residential flat building, and
c) The conversion of an existing building to a residential flat building.

The Residential Flat Design Code provides tools for improving the design of residential flat buildings and gives guidance on how the design quality principles provided under SEPP 65 can be applied to new developments.

Council’s controls align with the intent of SEPP 65. All residential flat building proposals must be accompanied by Design Verification Statement.

How a development application must be made for a residential flat building, under clause 50 of EP&A Regulation 1994, is detailed below.

(cf clause 46A of EP&A Regulation 1994)

(1) A development application:
   (a) must contain the information, and be accompanied by the documents, specified in Part 1 of Schedule 1, and
   (b) if the consent authority so requires, must be in the form approved by that authority, and
   (c) must be accompanied by the fee, not exceeding the fee prescribed by Part 15, determined by the consent authority, and
   (d) must be delivered by hand, sent by post or transmitted electronically to the principal office of the consent authority, but may not be sent by facsimile transmission.

(1A) A development application that relates to a residential flat development, and that is made on or after 1 December 2003, must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies:
   (a) that he or she designed, or directed the design, of the residential flat development, and
   (b) that the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development are achieved for the residential flat development.

(1B) If a development application referred to in subclause (1A) is also accompanied by a BASIX certificate with respect to any building, the design quality principles referred to in that subclause need not be verified to the extent to which they aim:
   (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or
   (b) to improve the thermal performance of the building.

7.8.2 Compliance with SEPP 65 Residential Flat Design Code

Under clause 50 of EP&A Regulation 1994, a development application that relates to a residential flat development, and that is made on or after 1 December 2003, must be accompanied by design verification from a qualified designer, being a statement in which the qualified designer verifies:
   (a) that he or she designed, or directed the design, of the residential flat development, and
   (b) that the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development are achieved for the residential flat development.

Complete the following Pro-forma Design Verification Statement contained within Annexure 1 to demonstrate how you have satisfied the design quality principles and submit it with your application.
Annexure 1:

**SEPP 65 Residential Flat Design Code - Pro-forma Design Verification Statement**

<table>
<thead>
<tr>
<th>SEPP 65 CONTROL</th>
<th>EVALUATION</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building depth</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In general an apartment building of a maximum depth of 18 metres is appropriate.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building Separation – for buildings up to 20 metres in height in the R4 Zone</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Up to 4 storeys:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) 12m between habitable rooms/balconies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) 9m between habitable/balconies &amp; non-habitable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) 6m between non-habitable rooms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 to 6 storeys:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) 18m between habitable rooms/ balconies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) 13 m between habitable/balconies &amp; non habitable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) 9m between non habitable</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Deep Soil Zones</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A minimum of 25% of the open space area shall be deep soil zones. Exemptions may be made in urban areas where sites are built out and there is no capacity for water infiltration.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Fences and Walls</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fences and walls should be designed to define the boundaries between the development, provide privacy and security and contribute positively to the public domain.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Landscape Design</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A landscape design should:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) improve the amenity of open space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) contribute to the streetscape character</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) improve the energy efficiency and solar efficiency of the public domain</td>
<td></td>
<td></td>
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<tr>
<td>d) contribute to the sites characteristics</td>
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<td></td>
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<tr>
<td>e) contribute to water and stormwater efficiency</td>
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<td></td>
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<tr>
<td>f) provide a sufficient depth of soil for planting</td>
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<td></td>
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<tr>
<td>g) minimise maintenance</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Open Space Configuration</strong></td>
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</tr>
<tr>
<td>Area of open space should generally be between 25 – 30% of the site. Where developments are unable to achieve this, they must demonstrate that the residential amenity is provided in the form of increased private open space, Minimum area of private open space at ground level shall be 25m².</td>
<td></td>
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<tr>
<td><strong>Orientation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In order to achieve better design practise:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Plan the site to optimise solar access;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Select building types or layouts that respond to the streetscape by optimising solar access;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Optimise solar access to living spaces. Detail building elements to modify environmental considerations</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Planting on Structures</strong></td>
<td></td>
<td></td>
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<tr>
<td>In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity.</td>
<td></td>
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</tr>
</tbody>
</table>

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### Building Entry

Building entries should:

a) Create entries that provide a desirable residential amenity.

b) Orientate the visitor.

c) Contribute positively to the streetscape or building façade design.

### Pedestrian Access

a) Identify the access requirements from the street or car parking area to the apartment entrance.

b) Follow the accessibility standard set out in Australian Standard AS 1428 (parts 1 and 2), as a minimum.

c) Provide barrier free access to at least 20% of dwellings in the development.

### Vehicle Access

a) Generally limit the width of driveways to a maximum of six metres.

b) Locate vehicle entries away from main pedestrian entries and on secondary frontages.

### Apartment Layout

a) Single-aspect apartments should be limited in depth to 8 metres from a window.

b) The back of a kitchen should be no more than 8 metres from a window.

c) The width of crossover or cross-through apartments over 15 metres deep should be 4 metres or greater to avoid deep narrow apartment layouts.

d) As a guide, the following minimum apartment sizes apply:
   
   a. 1 bedroom: 50sqm  
   b. 2 bedroom: 70sqm  
   c. 3 bedroom: 95sqm

### Balconies

a) Provide primary balconies for all apartments with a minimum depth of 2 metres.

b) Require scale plans of balcony with furniture layout to confirm adequate, useable space when an alternate balcony depth is proposed. Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context-noise, wind - cannot be satisfactorily mitigated with design solutions.

### Ceiling Heights

The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and do not preclude higher ceilings, if desired. Developments which seek to vary the recommended ceiling heights must demonstrate that apartments will receive satisfactory daylight (eg. shallow apartments with large amount of window area).

### Ground Floor Apartments

a) Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units.

b) Provide ground floor apartments with access to private open space, preferably as a terrace or garden.
### Internal Circulation

<table>
<thead>
<tr>
<th>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core / corridor should be limited to eight. Exceptions may be allowed:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a) For adaptive reuse buildings;</td>
<td></td>
</tr>
<tr>
<td>b) Where developments can demonstrate the achievement of the desired streetscape character and entry response;</td>
<td></td>
</tr>
<tr>
<td>c) Where developments can demonstrate a high level of amenity for common lobbies, corridors and units (cross over, dual aspect apartments).</td>
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</tbody>
</table>

### Storage

<table>
<thead>
<tr>
<th>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Studio apartments: 6m³</td>
<td></td>
</tr>
<tr>
<td>b) One bedroom apartments: 6m³</td>
<td></td>
</tr>
<tr>
<td>c) Two bedroom apartments: 8m³</td>
<td></td>
</tr>
<tr>
<td>d) Three plus bedroom apartments: 10m³</td>
<td></td>
</tr>
</tbody>
</table>

### Daylight Access

<table>
<thead>
<tr>
<th>Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed.</td>
<td></td>
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<tr>
<td>Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency)</td>
<td></td>
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</tbody>
</table>

### Natural Ventilation

<table>
<thead>
<tr>
<th>Minimum of 60% of residential units should be naturally cross ventilated.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum of 25% of kitchens within a development should have access to natural ventilation.</td>
<td></td>
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</tbody>
</table>

### Verification

I……………………………………………………………………………………………………………………….

of company ………………………………………………………………………………………………………

am a qualified designer, and verify that:

(a) I designed, or directed the design, of the residential flat development, and

(b) the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development are achieved for the residential flat development.

…………………………………………………..

Signed       date
7.8.3 BASIX

Introduced by the NSW Government, BASIX, the Building Sustainability Index, ensures homes are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for residential buildings.

Since 1 July 2005, BASIX applies to residential flat buildings and they will need to be designed according to BASIX principles. A BASIX Certificate must be attached to the development application before it can be processed.

For more information, refer to www.basix.nsw.gov.au.
Chapter 8A

Neighbourhood and Local Centres – Business Use (Business Uses Only)

Table of Contents

8A.0 Local Context
  8A.0.1 Zones and development to which this Chapter applies
  8A.0.2 Purpose of this Chapter
  8A.0.3 Strategies and Policies

8A.1 Public Domain
  8A.1.1 Active Street Frontages
  8A.1.2 Commercial Awnings and Pedestrian Amenity
  8A.1.3 Advertising Signage
  8A.1.4 Outdoor Dining
  8A.1.5 Display of Goods on Footpath
  8A.1.6 Ground Floor Building Use

8A.2 Built Form and Urban Design
  8A.2.1 Building Height
  8A.2.2 Floor Space Ratio
  8A.2.3 Building Setbacks
  8A.2.4 Building Articulation

8A.3 Amenity
  8A.3.2 Visual and Acoustic Privacy
  8A.3.3 Solar Access

8A.4 Car Parking and Access
  8A.4.1 Car Parking Requirements
  8A.4.2 Vehicle Access
  8A.4.3 Splay Corner Setbacks and Road Widening

8A.5 Site Servicing and Loading
  8A.5.1 Site Servicing
  8A.5.2 Loading
  8A.5.3 Waste Management

8A.6 Landscaping, Drainage and Stormwater Detention
  8A.6.1 Landscape Design
  8A.6.2 Fencing and Walls
  8A.6.3 Drainage and Stormwater Detention

8A.7 Schedules
  8A.7.1 List of Neighbourhood Centres and property addresses
  8A.7.2 List of Local Centres and property addresses

8A.0 Local Context

8A.0.1 Zones and development to which this Chapter applies
This Chapter applies to development permitted within the following zones under Fairfield LEP 2013:

a) B2 Local Centre
b) B1 Neighbourhood Centre
c) B6 Enterprise Corridor

The controls outlined in this Chapter apply to development that does not include any residential component (i.e. Business Use Only). They apply to local and neighbourhood centres that do not have a site specific development control plan. The Chapter also applies to the Enterprise Corridors adjoining the Fairfield and Cabramatta Town Centres.

**B2 Local Centre** - Local Centres are generally larger in scale and provide more retail, commercial, medical and entertainment services than the smaller neighbourhood centres. Local Centres generally provide retail services to one or more suburbs. Local Centres generally contain a medium full-line supermarket and provide for the major weekly food shopping and convenience retail needs to the surrounding population. A complete list of Local Centres and their property addresses can be found in **8A.7 Schedules** of this Chapter.

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1 - Edensor Park Local Centre
2 - Fairfield West Local Centre (Corner Hamilton Road & Tasman Parade)
3 - Greenfield Park Local Centre
4 - Smithfield Town Centre
5 - Wakeley Local Centre
6 - Wetherill Park Local Centre (Corner Rossetti Street & The Horsley Drive, Wetherill Park Market Town)

B1 Neighbourhood Centre - Neighbourhood Centres are generally smaller in scale and provide for the day-to-day needs of the neighbourhood. Neighbourhood Centres provide convenience retail services to the residents of the neighbourhood or suburb in which it is located and may contain a small grocery/supermarket of usually less than 500sq.m. A complete list of Neighbourhood Centres and their property addresses can be found in 8A.7 Schedules of this Chapter.

1 - Abbotsbury 14 - Sackville Street 27 - Oliphant Street
2 - Edensor Road 15 - Loscoe Street 28 - Hamel Road
3 - Cabramatta Road West 16 - Tangerine Street 29 - Meadows Road
4 - Brown Road 17 - The Horsley Drive (Fairfield East) 30 - Broughton Street
5 - Mimosa Road 18 - Fairfield Street 31 - Dublin Street
6 - Bolivia Street 19 - Corner Hamilton Road & The Boulevarde 32 - Brenan Street
7 - Coventry Road 20 - Corner Hamilton Road & Nangar Street 33 - The Horsley Drive (Granville St)
8 - Cooks Hill (Lord Street) 21 - Rawson Street 34 - Hassall Street
9 - John Street 22 - Thorney Road 35 - Canberra Road
10 - Avoca Road 23 - Lansvale (Lansvale Centre) 36 - Daniel Street
11 - St Johns Road 24 - Ferry Road 37 - Orchardleigh Street
12 - Denison Street (The Horsley Dr) 25 - Elizabeth Drive (Elizabeth Centre)
13 - Carramar 26 - Town View Road

B6 Enterprise Corridors - The only two areas with B6 Enterprise Corridor zoning are adjacent to the two largest town centres in the eastern half of the City, Fairfield and Cabramatta. The objective of the zone is to promote businesses along main roads and encourages a mix of compatible land uses supporting the adjoining town centres. A complete list of Enterprise Corridors and their property addresses can be found in 8A.7 Schedules of this Chapter.

1 – Cabramatta B6 Enterprise Corridor Precinct (Cabramatta Road West)
2 – Fairfield B6 Enterprise Corridor Precinct (The Horsley Drive)

8A.0.2 Purpose of this Chapter
The purpose of this Chapter is to:

a) Promote revitalised, vibrant, attractive and sustainable centres
b) Ensure local centres provide a range of retail, business, entertainment and community uses which serve the needs of the people who work, live and visit the local area
c) Ensure neighbourhood centres provide a range of convenience retail and commercial services which serve the needs of the people who live in the local area
d) Ensure Enterprise Corridors provide a mix of compatible uses that support the adjoining town centres
e) Maintain and improve the economic viability and vitality of local and neighbourhood centres in the City
f) Minimise the impact of development on the environment and adjoining properties.
8A.0.3 Strategies and Policies

Refer to the Fairfield Citywide Development Control Plan 2006 for Council’s planning framework for retail and commercial development.

Note: All applications should consider the Fairfield Commercial Centres Policy 2006. However, only large retail/commercial redevelopments or uses which have the potential to impact on other centres will be assessed against the Strategy and Policy.

8A.1 Public Domain

8A.1.1 Active Street Frontages

Active street frontages are critical to the viability and vitality of local and neighbourhood centres as direct, easy access from the footpath draws people from the street into the shop. Active street frontages also add to the safety and security of a street by enabling passive / casual surveillance.

Objectives

a) To retain and reinforce activities along the street
b) To enhance the retail and commercial viability of the local centre
c) To allow access to other uses whilst retaining the continuity of the retail frontage
d) To promote community safety and crime prevention.

Controls

a) Active Retail / Commercial street frontages - The façade treatment and design of ground floors in all buildings must ensure an active frontage is provided. The design/treatment of the ground floor facades must:
   a. Avoid blank or solid walls and the use of dark or obscured glass on street frontages;
   b. Maximise glazing for retail uses, with the glazing being broken into sections to avoid large expanses of glass;
   c. Provide direct access from the footpath to the shop;
   d. Wrap shop fronts around any street corner;
   e. Have manual inward opening or automatic sliding doors oriented towards the street;
   f. Ensure all commercial uses are oriented to the street to maximise opportunities for casual surveillance;
   g. Ensure all under awning areas are well lit;
   h. Ensure access to building meets BCA accessibility requirements.

b) Ground floor entrances and foyers in local town centres - On ground floor elevations fronting primary streets the width of the building facade used for entrances / foyers (including service areas for mail, intercom systems or service cupboards and the like) must be between 2 and 3.5 metres wide;

8A.1.2 Commercial Awnings and Pedestrian Amenity

Awnings provide a pleasant pedestrian environment and protection from the weather. To maintain the visual and pedestrian amenity, new buildings must incorporate awnings along the facades fronting roadways. Buildings must maintain their awnings to ensure structural integrity and visual amenity.

Objectives

a) Provide awnings that allow safety and security to pedestrians;

b) Ensure safe and secure environment for pedestrians through the provision of awnings that are structurally sound;
To ensure the visual amenity of the structure is maintained through the proper maintenance of existing awnings; and

d) To ensure the maintenance and upgrade of awnings on Heritage Listed Properties maintains the Heritage significance of the site.

Controls

a) All awnings should not exceed 3.5m in height above the footpath.

b) The awning is required to cover as much of the footpath as possible and may not be closer than 600mm to the kerb line.

c) Awnings should be complementary to other awnings within the development and surrounding sites.

d) Awnings shall be parallel to the pavement and be of metal construction as glazed awnings transmit heat and glare to pedestrians.

f) Ensure all awnings are structurally sound and safe and comply with relevant BCA requirements.

g) Carry out regular maintenance or repair work to awnings and their stormwater disposal systems e.g. painting, repairing any leaks, etc.

h) All awnings associated with Heritage Items are specified in Schedule 5 of the Fairfield Local Environmental Plan 2013 must comply with 5.10 – Heritage Conservation of the Fairfield LEP 2013.

h) An Awnings Maintenance Plan is required to be submitted with all Development Applications for the construction of a building proposing an awning or occupation of a building that already contains an awning:
   a. The Maintenance Plan for development including the construction of new building will include maintenance details that cover the life of the awnings;
   b. The Maintenance Plan for awnings that are on existing buildings will provide details of repair that will be carried out.

8A.1.3 Advertising Signage

Advertising signage is an important part of retail and commercial developments. Advertising signage identifies the business as well as being designed to attract attention to the premises and to identify products sold or services offered. However, signage needs to be erected so that it is sympathetic to the overall development and does not negatively impact on the streetscape of the centre.

Controls

a) A limit of 0.6 square metres of advertising (not including under awning and fascia signs) will be allowed per lineal metre of street frontage. For example, commercial premises with a frontage of 15 metres will be allowed to have up to 9 square metres of advertising space. This advertising could be in the form of flush wall signs, top hamper signs, painted wall signs or projecting wall signs where appropriate.

b) The amount of advertising space can also be increased by 0.1 square metres for each lineal metre of street frontage, for every storey above two storeys.

c) The advertising must also relate to the business being carried out on the property.

d) Where multiple occupancy of a building occurs, only one sign (other than an under awning sign or fascia sign) per occupant will be permitted with Council approval.

For information about signage controls in Local and Neighbourhood Centres, refer to Appendix C – Advice for Designing Advertising Signs of this DCP.

8A.1.4 Outdoor Dining

Refer to Council’s Outdoor Dining Policy 2013

8A.1.5 Display of Goods on Footpath

Refer to Council’s Policy for Display of Goods on Council Owned Footpaths.
8A.1.6 Ground Floor Building Use
Retail or commercial uses with an active frontage should be located on the ground floor on the primary street frontage. Residential development is not permitted at ground level.

8A.2 Built Form and Urban Design

8A.2.1 Building Height
Height is an important control because it has a major impact on the physical and visual amenity of a place. It can also reinforce an area’s existing character or relate to an area’s desired character.

Objectives
a) To ensure future development responds to the desired scale and character of the street and local area; and
b) To allow reasonable daylight access to all developments and the public domain.

Controls
a) Maximum permissible building height for any development must comply with the building height standards prescribed on the Fairfield LEP Height of Building Map.

8A.2.2 Floor Space Ratio
There is no specified floor space ratio for Neighbourhood and Local Centres. However, the floor space ratio for this type of development is essentially controlled by the maximum height, car parking, open space, solar access requirements and the other development controls within this Chapter.

8A.2.3 Building Setbacks
Building setbacks contribute towards the integration of new development with the local streetscape while ensuring visual, solar and acoustic amenity of adjoining sites.

There are many types of Neighbourhood and Local Centres within Fairfield City. In some cases a zero setback may be appropriate, and in other cases a setback in line with the existing developments may be more appropriate.

Neighbourhood Centres in Fairfield City generally consist of groups of individual properties. Any new development or redevelopment will, unless sites are amalgamated, take place on small lots incrementally. While the impact of development on adjoining areas will be gradual, it will be noticed over time.

The Local Centres are often located in close proximity to residential development. This proximity gives rise to special design challenges relating to the manner in which amenity concerns such as noise, privacy, loss of sunlight and traffic impacts are resolved. Building setbacks assist in reducing amenity impacts.

Objectives
a) To permit flexibility in the siting of buildings;
b) To protect the amenity of adjoining sites and reduce the impact of buildings on the public domain;
c) To ensure a consistent built streetscape;
d) To require a continuous built edge adjacent to footpaths that will reinforce the retail activity and commercial uses within the majority of the town centre;
e) To require setbacks which appropriately respond to the building separation requirements;
f) To provide visual and acoustic privacy for existing residents; and
g) To ensure appropriate separation and articulation to minimise overshadowing of other residential areas and the public domain.

Controls
a) Primary and Secondary Frontages
   a. Setbacks for new development shall observe the setbacks for the existing Neighbourhood Centre;
b. Corner sites shall reinforce the street corner, incorporate strong architectural elements and adhere to a nil setback for the lower two storeys.

b) **Side Boundary**
   a. Nil setback for the ground floor and second storey is permitted;
   b. Walls not built to the boundary should be setback at least 0.9 metres from the boundary.

c) **Rear Boundary**
   a. Nil setback for the ground floor;
   b. Second storey walls must be a minimum 4 metres from the rear boundary where they adjoin residential properties;
   c. Further setbacks may be required where solar access and privacy are affected.

**Note:** Where building work is in close proximity to underground and overhead powerlines, Council is required to consult with the electricity authority and take their requirements into consideration when determining the DA.

### 8A.2.4 Building Articulation

**Objectives**
- To create visual interest in a building while ensuring the bulk, scale and proportions of the building are appropriate for the local area; and
- To encourage building massing and articulation that creates strong building lines.

**Controls**
- Buildings shall incorporate external wall articulation which reduces blank continuous walls;
- Buildings shall incorporate balanced horizontal and vertical proportions and well spaced and proportioned windows;
- Buildings shall incorporate architectural features which give human scale at street level, such as entrances and porticos;
- Articulation of the building exterior shall be achieved through recesses in the horizontal and vertical plane, adequate contrasts in materials, design features and the use of awnings; and
- Features such as windows and doors shall be in proportion with the scale and size of the new building and any adjoining buildings which contribute positively to the streetscape.

### 8A.3 Amenity

Amenity is an important aspect of any development adjacent to residential dwellings. Ventilation, visual and acoustic privacy, solar access and access to private open space all contribute to the overall liveability of dwellings within and adjacent to the development.

#### 8A.3.1 Visual and Acoustic Privacy

When managing the impacts of a new development, the ability to maintain adequate visual and acoustic privacy is a critical contribution to the quality of life of adjoining residents.

**Objectives**
- To minimise the direct overlooking of adjoining living areas;
- To ensure acoustic privacy within and between bedrooms and internal living areas of adjoining neighbours; and
- To ensure the acoustic design of new development takes into account surrounding existing developments and implements appropriate sounds attenuation measures to mitigate any conflict between the existing development and the proposed new development.

**Controls**
- **Visual Amenity (Lighting Impact)** - As part of the Development Application a lighting plan shall be submitted that incorporates the following elements:
  - Use diffused lights and/or movement sensitive lights;
  - Direct these lights towards access/egress routes to illuminate potential offenders, rather than towards buildings or resident observation points;
  - Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed;
d. Avoid lighting spillage onto neighbouring properties as this can cause nuisance and reduce opportunities for natural surveillance;
e. As a guide, areas should be lit to enable users to identify a face 15 metres away;
f. Illuminate possible places for intruders to hide; and
g. Use energy efficient lamps/fittings/switches to save energy.

b) **Acoustic Amenity**
   a. **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.
   b. **Noise attenuation** measures must be incorporated in all new development along the 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.
   c. **Air conditioning units** proposed are to be detailed in the acoustic assessment.

8A.3.2 Solar Access

**Objectives**

a) To ensure new development will not unduly overshadow public open space and the public domain areas along primary streets;
b) To ensure new development will not unduly impact on solar or natural daylight access to habitable areas and rooms of existing dwellings;
c) To maximise the use of natural light to reduce energy consumption; and
d) To minimise the need for artificial lighting during daylight hours.

**Controls**

a) The windows to at least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 9.00am and 3.00pm at the mid–winter solstice. Where this requirement cannot be met, the development must not result in additional overshadowing on the affected living area of the dwelling.
b) A development should maintain solar access to a solar hot water system, photovoltaic panel, or other solar collector on an allotment or adjoining allotment.

8A.4 Car Parking and Access

8A.4.1 Car parking requirements
Car parking rates shall be provided in accordance with **Chapter 12 – Car Parking, Vehicle and Access Management** of the Fairfield City Wide DCP.

8A.4.2 Vehicle access

**Objectives**

a) To encourage discrete vehicular access to each site;
b) To maximise pedestrian safety and bicycle safety; and
c) To maximise the extent of active frontage along any street.

**Controls**

Driveway access, design and location must:

a) Be in accordance with **Chapter 12 – Car Parking, Vehicle and Access Management**.
b) Minimise the visual prominence of the driveway when viewed from the public domain or adjoining sites.
c) Minimise transfer of noise and/or vehicle emissions into residential dwellings on adjoining sites.

8A.4.3 Splay Corner Setbacks and Road Widening

**Objectives**

a) Restrict building and landscaping within close proximity to road intersections;
b) Improve traffic safety by increasing site distances for drivers at intersections; and

c) Provide the opportunity for Council to acquire land for local road widening, which will improve the road network.

Controls

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.

b)

![Diagram of splay corner setbacks]

Note 1: A number of properties in Fairfield City are affected by restrictions covering vehicular access denied (e.g. to a major road or heavy pedestrianised areas where alternative access should be provided as part of a new development), road widening, splay corner (to improve sight lines on corner blocks) and road closure provisions.

Note 2: These restrictions are updated from time to time based on advice from the RTA and investigations carried out by Council and need to be considered as part of new development.

Up-to-date information is relation to the above can be obtained from Council by requesting a Planning (section 149) Certificate.

8A.5 Site Servicing and Loading

8A.5.1 Site Servicing

Development should make adequate and appropriate provisions for site facilities and waste. Their location and their design should minimise impact to the streetscape and minimises opportunities for criminal and anti-social behaviour.

Objectives

a) To minimise the impact of service access on pedestrians and the retail frontage.

b) To ensure that sufficient provision is made for the following services in commercial developments:
   a. Garbage storage and collection areas;
   b. Loading and unloading areas;
   c. Ventilation stacks from shops and basements;
   d. Telecommunication facilities;
   e. Electricity sub-stations;
   f. Fire-fighting equipment.

c) To ensure the streetscape retains active frontages 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 storage areas should not be accessible from locations shown as access denied.

b) Garbage storage areas must not be visually prominent from the street. Any storage areas located in proximity to the street must be screened.

c) Waste Management - Refer to section 8A.5.3 Waste Management for information on waste storage and collection, and requirements to submit a waste management plan with Development Application.

d) Ventilation stacks - Utilise ventilation stacks wherever possible to vent shops and basements. The stacks should be integrated into the overall design and not visible from the roof structure.

e) Utility availability - Appropriate conditions will be inserted in any development consents granted requiring certification on the availability of suitable telecommunications, electricity, water and sewer services for the development.

Pre DA consultation with Endeavour Energy is helpful in identifying any existing network assets impacted by the proposed development. Applicants are advised to submit load applications to Endeavour Energy as early as possible in the design phase.

Upon receiving load applications, Endeavour Energy can work with applicants and their Accredited Services Provider L3 (network designer) with the preferred method of supply to their developments: for example, the installation of an indoor or pad mounted substation.

Space required to be allocated for any proposed indoor and pad mounted substations can be incorporated within final architecture plans submitted to Council as part of the DA approvals process.

f) Utility location and screening - 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) Safe environment - Any service or utility area must be well lit and secured for the sole use of building occupiers and be designed using the principles of Crime Prevention through Environmental Design.

8A.5.2 Loading

Adequate loading and unloading arrangements are required so that the activity, pedestrian amenity and traffic are not unduly impacted.

Objectives

To ensure that land in a Neighbourhood or Local Centre zone can accommodate the servicing and loading provisions of the use, whilst maintaining pedestrian amenity, traffic movement and the activity operation.

Controls

a) To ensure new development does not adversely intrude on pedestrian and vehicle amenity, applicants will need to demonstrate that loading for their activity can either be carried out:
   a. via a rear service lane;
   b. on-site without interfering with the efficient operation of the premises (including car parking);
   c. via access to an on-street loading zone at the front or side of the premises where the site does not have rear access.

b) Loading / unloading zones must be capable of accommodating at a minimum, a small rigid truck which should enter and leave the site in a forward direction.

8A.5.3 Waste Management

The responsibility of reducing the demand on the world's resources and limiting the need for landfill space is shared by all communities and local town centres. Applicants should refer to Appendix E – Waste Not DCP for further detail.
Objectives

a) To encourage waste minimisation, source separation, reuse and recycling.

Controls

a) Garbage storage areas must:
   a. Be designed so that the floors and walls can be washed on a regular basis and the wastewater collected, treated and disposed of to the sewer;
   b. Include separation facilities for waste to be divided into separate waste streams in order to recycle materials;
   c. Be located away from adjoining residential dwellings; and
   d. Be located so as to not cause any negative impacts, in terms of visual appearance, noise or smell, to adjoining properties, or to the street.

b) Waste collection noise minimisation - The collection of waste materials from the site must be in accordance with the NSW Environment Protection Authority, Industrial Noise Policy (2000).

c) Liquid waste storage areas - shall be covered and bunded to prevent external spillage.

d) Odour Impact Assessments - Commercial / Retail premises that generate odour from their activity may be required to submit an Odour Impact Assessment to Council conducted in accordance with the NSW Environment Protection Authority's Draft Policy "Assessment and Management of Odour from Stationary Sources in NSW" January 2001.

e) Air handling systems in Commercial / Retail premises - Commercial / Retail premises that require an air handling system such as a cooling tower are required to obtain Development Approval from Council. The installation and operation of the cooling tower is to be conducted in accordance with the Public Health Act and Public Health (Microbial) Regulation. An approved air handling system is to be installed to the cooking appliances in accordance with Australian Standard, 1668 – 1991, The Use of Mechanical Ventilation and Air Conditioners in Buildings.

f) Food premises - New food premises or existing food premises that are requiring a refit are required to obtain development approval from Council prior to commencement of trade. The fit out of a food premises is to be conducted in accordance with Council's Food Premises Code

8A.6 Landscaping, Drainage and Stormwater Detention

8A.6.1 Landscaping

Landscaping forms an integral part of the overall design concept. Landscape reinforces the architectural character of the street and softens the impact of buildings and car parking areas as well as providing screening.

Objectives

a) To create attractive buildings, public spaces and walkways;
   b) To improve visual quality and contribute to positive presentation to public domain;
   c) To reduce impacts on climate change at the local level and improve the natural environmental features and local ecology of the centre;
   d) To provide a buffer between existing residential dwellings.

Controls

a) Landscaping is to be prepared for the site by a landscape architect or other accredited professional with demonstrated experience. Refer to Appendix F Landscape Planning for Landscaping Principles when seeking to prepare a landscape plan.

b) Street trees are to be planted away from commercial awnings to minimise future maintenance issues.

c) Car parking areas, shall be landscaped in accordance with the controls in Chapter 12 – Car Parking, Vehicle and Access Management.

8A.6.2 Fencing and Walls

Fences and walls are used to define spaces. They should be used to define the boundary between properties as well as between public and private land. They also provide privacy by screening views and security by restricting access. Fences and walls can contribute to the image and identity of the place.
Objectives

a) Ensure developments avoid blank canvas walls that attract graffiti;

b) Define boundaries between properties with different owners or functions;

c) Provide privacy by screening views and security by restricting access;

d) Characterize a place within the built environment by marking the change in landscape.

Controls

a) Open grill style fencing to be used along rear boundaries adjoining public open space areas and parks.

b) Fence and wall design is required to respond to the architectural character of the street and area.

c) The maximum height of fences between properties along the side and a rear boundary is 1.8 m high.

d) Where development adjoins residential dwellings, fence heights may be required to be higher to maintain acoustic and visual privacy.

e) 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.

f) Avoid the use of continuous blank walls.

g) Minimise the length and height of retaining walls along the street frontages.

h) The design of the walls and fences should relate to and be integrated into the design of the building.

i) Select durable materials, which are easily cleaned and graffiti resistant.

8A.6.3 Drainage and Stormwater Detention

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 Citywide DCP for more information.

Objective

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 minimise increases in flood levels on the major trunk drainage network and on the creek system.

d) To minimise downstream flooding caused by surcharging of the local drainage system.

e) 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

a) 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.

b) 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.

8A.7 Schedules

8A.7.1 List of Neighbourhood Centres and property addresses

<table>
<thead>
<tr>
<th>B1 Neighbourhood Centre Name(s)</th>
<th>Address</th>
<th>Suburb</th>
<th>West Central Sub-Regional Strategy – Centre Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbotsbury</td>
<td>60 – 68 Stockdale Crescent</td>
<td>Abbotsbury</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Edensor Road</td>
<td>134-136 Edensor Road</td>
<td>Bonnyrigg</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Cabramatta Road West (Aldi)</td>
<td>Corner Cabramatta Road West and Elizabeth Drive</td>
<td>Bonnyrigg</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Brown Road</td>
<td>Corner Brown Road and Montgomery Road</td>
<td>Bonnyrigg</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Mimosa Road</td>
<td>Intersection of Mimosa Road and Quarry Road</td>
<td>Bossley Park</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Bolivia Street</td>
<td>20-36 Bolivia Street</td>
<td>Cabramatta</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Coventry Street</td>
<td>21-25 Coventry Road</td>
<td>Cabramatta</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Cooks Hill (Lord Street)</td>
<td>465-485 Cabramatta Road West (Corner Lord Street and Boyd Street)</td>
<td>Cabramatta West</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>John Street</td>
<td>64-66 Satara Street and 259-283 John Street</td>
<td>Cabramatta West</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Avoca Road</td>
<td>44-50 Harden Street (Comer Avoca Road)</td>
<td>Canley Heights</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>St Johns Road</td>
<td>191-207 St Johns Road</td>
<td>Canley Heights</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Neighbourhood Centre Details</td>
<td>Details of Location</td>
<td></td>
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<tr>
<td>-------------------------------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Denison Street (The Horsley Drive)</td>
<td>28-68 The Horsley Drive, Carramar, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carramar</td>
<td>130-154 Wattle Avenue (Opposite Carramar Railway Station), Carramar, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sackville Street</td>
<td>181 Sackville Street (Corner Malabar Street), Fairfield, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loscoe Street</td>
<td>449-459 The Horsley Drive (Corner Loscoe Street), Fairfield, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tangerine Street</td>
<td>105A Tangerine Street (Corner Hercules Street), Fairfield East, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Horsley Drive (Fairfield East)</td>
<td>244-251 Fairfield Street (Corner The Horsley Drive), Fairfield East and Yennora, Neighbourhood Centre</td>
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<td></td>
</tr>
<tr>
<td>Fairfield Street</td>
<td>137-143 &amp; 150-160 Fairfield Street (Intersection of Crown Street and Ellis Parade), Fairfield East, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corner Hamilton Road and The Boulevarde</td>
<td>189A-207 &amp; 222-234 Hamilton Road (Corner of The Boulevarde), Fairfield &amp; Fairfield Heights, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hamilton Road</td>
<td>336-338 Hamilton Road (Corner Nangar Street), Fairfield West, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rawson Street</td>
<td>97 Rawson Street (Corner Ainslie Street), Fairfield West, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thorney Road</td>
<td>72-80A Thorney Road, Fairfield West, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lansvale (Lansvale Centre)</td>
<td>206-216 The Hume Highway (Corner Cutler St), Lansvale, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ferry Road</td>
<td>139-141 Hollywood Drive (Corner Ferry Road), Lansvale, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elizabeth Drive</td>
<td>Intersection of Elizabeth Drive and Meadows Road, Mount Pritchard, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Town View Road</td>
<td>170-178 Town View Road (Corner Parkside Place), Mount Pritchard, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oliphant Street</td>
<td>1A-3 Drysdale Road (Corner Oliphant Street), Mount Pritchard, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hamel Road</td>
<td>33 Hamel Road (Corner Horton Street), Mount Pritchard, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meadows Road</td>
<td>35 &amp; 42-56 Meadows Road and 600-602 Cabramatta Road West, Mount Pritchard and Cabramatta West, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Broughton Street</td>
<td>71-81 Broughton Street (Corner Whitaker Street), Old Guildford, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dublin Street</td>
<td>48-66 Dublin Street (Between Jane Street and Brennan Street), Smithfield, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brenan Street</td>
<td>63A-67B Brenan Street and 50A-50 Marlborough Street, Smithfield, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Horsley Drive</td>
<td>107 Granville Street (Corner The Horsley Drive), Smithfield, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hassall Street</td>
<td>2A-12 Hassall Street (Between The Horsley drive and Sharland Place), Smithfield, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canberra Road</td>
<td>56-70 Canberra Street, St Johns Park, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Daniel Street</td>
<td>12-16 Daniel Street and 1179-1181 The Horsley Dr, Wetherill Park, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Orchardleigh Street</td>
<td>80 Railway Street Yennora (Corner Orchardleigh St), Yennora, Neighbourhood Centre</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
8A.7.2 List of Local Centres and property addresses

<table>
<thead>
<tr>
<th>B2 Local Centre Name(s)</th>
<th>Address</th>
<th>Suburb</th>
<th>West Central Sub-Regional Strategy – Centre Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edensor Park Local Centre</td>
<td>Corner Edensor Road and Allambie Road</td>
<td>Edensor Park</td>
<td>Small Village</td>
</tr>
<tr>
<td>Fairfield West Local Centre (Tasman Parade)</td>
<td>Corner Tasman Parade and Hamilton Road</td>
<td>Fairfield West</td>
<td>Small Village</td>
</tr>
<tr>
<td>Greenfield Park Local Centre</td>
<td>Corner Greenfield and Mimosa Road</td>
<td>Greenfield Park</td>
<td>Small Village</td>
</tr>
<tr>
<td>Smithfield Town Centre</td>
<td>Intersection of The Horsley Drive and Cumberland Highway</td>
<td>Smithfield</td>
<td>Small Village</td>
</tr>
<tr>
<td>Wakeley Local Centre</td>
<td>Corner Bulls Road and Lomond St</td>
<td>Wakeley</td>
<td>Small Village</td>
</tr>
<tr>
<td>Wetherill Park Local Centre (Rossetti Street) (Wetherill Park Market Town)</td>
<td>Corner The Horsley Drive and Rossetti Street</td>
<td>Wetherill Park</td>
<td>Small Village</td>
</tr>
</tbody>
</table>

8B.7.3 List of Enterprise Corridors and property addresses

<table>
<thead>
<tr>
<th>B6 Enterprise Corridor Centre Name(s)</th>
<th>Address</th>
<th>Suburb</th>
<th>West Central Sub-Regional Strategy – Centre Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabramatta B6 Enterprise Corridor</td>
<td>208 to 256 Cabramatta Road West and 2 to 2A Church Street</td>
<td>Cabramatta</td>
<td>Town Centre</td>
</tr>
<tr>
<td>Fairfield B6 Enterprise Corridor</td>
<td>303 to 311 The Horsley Drive</td>
<td>Fairfield</td>
<td>Potential Major Centre</td>
</tr>
</tbody>
</table>
Chapter 8B

Neighbourhood and Local Centres – Mixed Use (Up to two storeys)

Table of Contents

8B.0 Local Context
8B.0.1 Zones and development to which this Chapter applies
8B.0.2 Purpose of this Chapter
8B.0.3 Strategies and Policies

8B.1 Public Domain
8B.1.1 Active Street Frontages
8B.1.2 Commercial Awnings and Pedestrian Amenity
8B.1.3 Advertising Signage
8B.1.4 Outdoor Dining
8B.1.5 Display of Goods on Footpath
8B.1.6 Ground Floor Building Use

8B.2 Built Form and Urban Design
8B.2.1 Building Height
8B.2.2 Floor Space Ratio
8B.2.3 Building Setbacks
8B.2.4 Building Articulation

8B.3 Amenity
8B.3.1 Ventilation
8B.3.2 Visual and Acoustic Privacy
8B.3.3 Solar Access
8B.3.4 Private Open Space
8B.3.5 Communal Open Space

8B.4 Car Parking and Access
8B.4.1 Car Parking Requirements
8B.4.2 Vehicle Access
8B.4.3 Splay Corner Setbacks and Road Widening

8B.5 Site Servicing and Loading
8B.5.1 Site Servicing
8B.5.2 Loading
8B.5.3 Waste Management

8B.6 Landscaping, Drainage and Stormwater Detention
8B.6.1 Landscape Design
8B.6.2 Fencing and Walls
8B.6.3 Drainage and Stormwater Detention

8B.7 Schedules
8B.7.1 List of Neighbourhood Centres and property addresses
8B.7.2 List of Local Centres and property addresses.

8B.0 Local Context

8B.0.1 Zones and development to which this Chapter applies

This Chapter applies to development permitted within the following zones under Fairfield LEP 2013:

a) B2 Local Centre

b) B1 Neighbourhood Centre

c) B6 Enterprise Corridor.

The controls outlined in this Chapter apply to development within local and neighbourhood centres that do not have a site specific development control plan and are proposing a mix of residential and business uses. The Chapter also applies to the Enterprise Corridors adjoining the Fairfield and Cabramatta Town Centres.

Mixed use developments in Neighbourhood and Local Centre that propose a residential component greater than 2 storeys are required to meet the provisions of this Chapter and Chapter 7 – Residential Flat Buildings of this DCP as well as SEPP 65 – Residential Flat Design Code.
B2 Local Centre - Local Centres are generally larger in scale and provide more retail, commercial, medical and entertainment services than the smaller neighbourhood centres. Local Centres generally provide retail services to one or more suburbs. Local Centres generally contain a medium full-line supermarket and provide for the major weekly food shopping and convenience retail needs to the surrounding population. A complete list of Local Centres and their property addresses can be found in 8A.7 Schedules of this Chapter.

1 - Edensor Park Local Centre
2 - Fairfield West Local Centre (Corner Hamilton Road & Tasman Parade)
3 - Greenfield Park Local Centre
4 - Smithfield Town Centre
5 - Wakeley Local Centre
6 - Wetherill Park Local Centre (Corner Rossetti Street & The Horsley Drive, Wetherill Park Market Town)

B1 Neighbourhood Centre - Neighbourhood Centres are generally smaller in scale and provide for the day-to-day needs of the neighbourhood. Neighbourhood Centres provide convenience retail services to the residents of the neighbourhood or suburb in which it is located and may contain a small grocery/supermarket of usually less than 500sq.m. A complete list of Neighbourhood Centres and their property addresses can be found in 8A.7 Schedules of this Chapter.

1 - Abbotsbury
2 - Edensor Road
3 - Cabramatta Road West
4 - Brown Road
5 - Mimosa Road
6 - Bolivia Street
7 - Coventry Road
8 - Cooks Hill (Lord Street)
9 - John Street
10 - Avoca Road
11 - St Johns Road
12 - Denison Street (The Horsley Dr)
13 - Carramar
14 - Sackville Street
15 - Loscoe Street
16 - Tangerine Street
17 - The Horsley Drive (Fairfield East)
18 - Fairfield Street
19 - Corner Hamilton Road & The Boulevarde
20 – Corner Hamilton Road & Nangar Street
21 - Rawson Street
22 - Thorney Road
23 - Lansvale (Lansvale Centre)
24 - Ferry Road
25 - Elizabeth Drive (Elizabeth Centre)
26 - Town View Road
27 - Olphant Street
28 - Hamel Road
29 - Meadows Road
30 - Broughton Street
31 - Dublin Street
32 - Brenan Street
33 - The Horsley Drive (Granville St)
34 - Hassall Street
35 - Canberra Road
36 - Daniel Street
37 - Orchardleigh Street

B6 Enterprise Corridors - The only two areas with B6 Enterprise Corridor zoning are adjacent to the two largest town centres in the eastern half of the City, Fairfield and Cabramatta. The objective of the zone is to promote businesses along main roads and encourages a mix of compatible land uses supporting the adjoining town centres. A complete list of Enterprise Corridors and their property addresses can be found in 8A.7 Schedules of this Chapter.

1 – Cabramatta B6 Enterprise Corridor Precinct (Cabramatta Road West)
2 – Fairfield B6 Enterprise Corridor Precinct (The Horsley Drive)

8B.0.2 Purpose of this Chapter

The purpose of this Chapter is to:

a) Promote revitalised, vibrant, attractive and sustainable centres;
b) Ensure local centres provide a range of retail, business, entertainment and community uses which serve the needs of the people who work, live and visit the local area;
c) Ensure neighbourhood centres provide a range of convenience retail and commercial services which serve the needs of the people who live in the local area;
d) Ensure Enterprise Corridors provide a mix of compatible uses that support the adjoining town centres;

e) Maintain and improve the economic viability and vitality of local and neighbourhood centres in the City; and

f) Minimise the impact of development on the environment and adjoining properties.

For properties identified as heritage items within Fairfield City, refer to:

- Chapter 2 – Development Application Process, clause 2.2.13 – Heritage Assessment
- Chapter 3 – Environmental Management and Constraints, clause 3.12 Heritage Items
- Appendix G – Heritage and Development.

For properties near heritage items, contact Council on how your proposal must minimise potential impacts.

**8B.0.3 Strategies and Policies**

Refer to the Fairfield City Retail and Commercial Centres Policy 2006 for Council's planning framework for retail and commercial development.

**Note:** All applications should consider the Fairfield Commercial Centres Policy 2006. However, only large retail/commercial redevelopments or uses which have the potential to impact on other centres will be assessed against the Strategy and Policy.

**8B.1 Public Domain**

**8B.1.1 Active Street Frontages**

Active street frontages are critical to the viability and vitality of local and neighbourhood centres as direct, easy access from the footpath draws people from the street into the shop. Active street frontages also add to the safety and security of a street by enabling passive / casual surveillance.

**Objectives**

a) To retain and reinforce activities along the street;
b) To enhance the retail and commercial viability of the local centre;
c) To allow access to other uses whilst retaining the continuity of the retail frontage;
d) To promote community safety and crime prevention.

**Controls**

a) **Active Retail / Commercial street frontages** - The façade treatment and design of ground floors in all buildings must ensure an active frontage is provided. The design/treatment of the ground floor facades must:
   a. Avoid blank or solid walls and the use of dark or obscured glass on street frontages;
b. Maximise glazing for retail uses, with the glazing being broken into sections to avoid large expanses of glass;
c. Provide direct access from the footpath to the shop;
d. Wrap shop fronts around any street corner;
e. Have manual inward opening or automatic sliding doors oriented towards the street;
f. Ensure all commercial uses are oriented to the street to maximise opportunities for casual surveillance;
g. Ensure all under awning areas are well lit;
h. Ensure access to building meets BCA accessibility requirements.

b) **Ground floor entrances and foyers in local town centres** - On ground floor elevations fronting primary streets the width of the building facade used for entrances / foyers (including service areas for mail, intercom systems or service cupboards and the like) must be between 2 and 3.5 metres wide;

c) Building elevations on corner sites shall address both the primary and secondary street frontages.

**8B.1.2 Commercial Awnings and Pedestrian Amenity**

Awnings provide a pleasant pedestrian environment and protection from the weather. To maintain the visual and pedestrian amenity, new buildings must incorporate awnings along the facades fronting roadways. Buildings must maintain their awnings to ensure structural integrity and visual amenity.
Objectives

a) Provide awnings that allow safety and security to pedestrians;
b) Ensure safe and secure environment for pedestrians through the provision of awnings that are structurally sound;
c) To ensure the visual amenity of the structure is maintained through the proper maintenance of existing awnings;
d) To ensure the maintenance and upgrade of awnings on Heritage Listed Properties maintains the Heritage significance of the site.

Controls

a) All awnings should not exceed 3.5m in height above the footpath.
b) The awning is required to cover as much of the footpath as possible and may not be closer than 600mm to the kerb line.
c) Awnings should be complementary to other awnings within the development and surrounding sites.
d) Awnings shall be parallel to the pavement and be of metal construction as glazed awnings transmit heat and glare to pedestrians.
e) Ensure all awnings are structurally sound and safe and comply with relevant BCA requirements.
f) Carry out regular maintenance or repair work to awnings and their stormwater disposal systems e.g. painting, repairing any leaks, etc.
g) All awnings associated with Heritage Items are specified in Schedule 5 of the Fairfield Local Environmental Plan 2013 must comply with 5.10 – Heritage Conservation of the Fairfield LEP 2013.
h) An Awnings Maintenance Plan is required to be submitted with all Development Applications for the construction of a building proposing an awning or occupation of a building that already contains an awning:
   a. The Maintenance Plan for development including the construction of new building will include maintenance details that cover the life of the awnings;
   b. The Maintenance Plan for awnings that are on existing buildings will provide details of repair that will be carried out.

8B.1.3 Advertising Signage

Advertising signage is an important part of retail and commercial developments. Advertising signage identifies the business as well as being designed to attract attention to the premises and to identify products sold or services offered. However, signage needs to be erected so that it is sympathetic to the overall development and does not negatively impact on the streetscape of the centre.

Controls

a) A limit of 0.6 square metres of advertising (not including under awning and fascia signs) will be allowed per lineal metre of street frontage. For example, commercial premises with a frontage of 15 metres will be allowed to have up to 9 square metres of advertising space. This advertising could be in the form of flush wall signs, top hamper signs, painted wall signs or projecting wall signs where appropriate.
b) The amount of advertising space can also be increased by 0.1 square metres for each lineal metre of street frontage, for every storey above two storeys.
c) The advertising must also relate to the business being carried out on the property.
d) Where multiple occupancy of a building occurs, only one sign (other than an under awning sign or fascia sign) per occupant will be permitted with Council approval.

For information about signage controls in Local and Neighbourhood Centres, refer to Appendix C – Advice for Designing Advertising Signs of this DCP.

8B.1.4 Outdoor Dining

Refer to Council’s Outdoor Dining Policy 2013

8B.1.5 Display of Goods on Footpath

Refer to Council’s Policy for Display of Goods on Council Owned Footpaths.
8B.1.6 Ground Floor Building Use
Retail or commercial uses with an active frontage should be located on the ground floor on the primary street frontage. Residential development is not permitted at ground level.

8B.2 Built Form and Urban Design

8B.2.1 Building Height
Height is an important control because it has a major impact on the physical and visual amenity of a place. It can also reinforce an area’s existing character or relate to an area’s desired character.

Objectives
a) To ensure future development responds to the desired scale and character of the street and local area;
b) To allow reasonable daylight access to all developments and the public domain.

Controls
a) Maximum permissible building height for any development must comply with the building height standards prescribed on the Fairfield LEP Height of Building Map.

8B.2.2 Floor Space Ratio
There is no specified floor space ratio for Neighbourhood and Local Centres. However, the floor space permitted for this type of development is essentially controlled by the maximum height, car parking, open space, solar access requirements and the other development controls within this Chapter.

8B.2.3 Building Setbacks
Building setbacks contribute towards the integration of new development with the local streetscape while ensuring visual, solar and acoustic amenity of adjoining sites.

There are many types of Neighbourhood and Local Centres within Fairfield City. In some cases a zero setback may be appropriate, and in other cases a setback in line with the existing developments may be more appropriate.

Neighbourhood Centres in Fairfield City generally consist of groups of individual properties. Any new development or redevelopment will, unless sites are amalgamated, take place on small lots incrementally. While the impact of development on adjoining areas will be gradual, it will be noticed over time.

The Local Centres are often located in close proximity to residential development. This proximity gives rise to special design challenges relating to the manner in which amenity concerns such as noise, privacy, loss of sunlight and traffic impacts are resolved. Building setbacks assist in reducing amenity impacts.

Objectives
a) To permit flexibility in the siting of buildings;
b) To protect the amenity of adjoining sites and reduce the impact of buildings on the public domain;
c) To ensure a consistent built streetscape;
d) To require a continuous built edge adjacent to footpaths that will reinforce the retail activity and commercial uses within the majority of the town centre;
e) To require setbacks which appropriately respond to the building separation requirements;
f) To provide visual and acoustic privacy for existing and new residents;
g) To ensure appropriate separation and articulation to minimise overshadowing of other residential areas and the public domain.

Controls
a) Primary and Secondary Frontages
   a. Setbacks for new development shall observe the setbacks for the existing Neighbourhood Centre;
b. Corner sites shall reinforce the street corner, incorporate strong architectural elements and adhere to a nil setback for the lower two storeys.

b) Side Boundary
   a. Nil setback for the ground floor and second storey is permitted;
   b. Walls not built to the boundary should be setback at least 0.9 metres from the boundary.

c) Rear Boundary
   a. Nil setback for the ground floor;
   b. Second storey walls must be a minimum 4 metres from the rear boundary where they adjoin residential properties;
   c. Further setbacks may be required where solar access and privacy are affected.

d) Mixed Use Developments
   a. Mixed use developments in Neighbourhood and Local Centre that propose a residential component greater than 2 storeys are required to meet the provisions of Chapter 7 – Residential Flat Buildings of this DCP as well as SEPP 65 – Residential Flat Design Code for setbacks for the parts of the building above the second storey.

Note: Where building work is in close proximity to underground and overhead powerlines, Council is required to consult with the electricity authority and take their requirements into consideration when determining the DA.

8B.2.4 Building Articulation

Objectives
a) To create visual interest in a building while ensuring the bulk, scale and proportions of the building are appropriate for the local area;

b) To encourage building massing and articulation that creates strong building lines.

Controls
a) Buildings shall incorporate external wall articulation which reduces blank continuous walls;

b) Buildings shall incorporate balanced horizontal and vertical proportions and well spaced and proportioned windows;

c) Buildings shall incorporate architectural features which give human scale at street level, such as entrances and porticos;

d) Articulation of the building exterior shall be achieved through recesses in the horizontal and vertical plane, adequate contrasts in materials, design features and the use of awnings;

e) Features such as windows and doors shall be in proportion with the scale and size of the new building and any adjoining buildings which contribute positively to the streetscape.

8B.3 Amenity

Amenity is an important aspect of any development containing residential or adjacent to residential dwellings. Ventilation, visual and acoustic privacy, solar access and access to private open space all contribute to the overall liveability of dwellings within and adjacent to the development.
8B.3.1 Ventilation

The intention of ventilation or cross ventilation is to keep a dwelling as cool as naturally possible in summer and reduce the reliance on electric fans and air-conditioners. By positioning windows across from each other good airflow can be maintained within the dwelling.

Example of cross ventilation through a room (Source: Residential Flat Design Code (2002), p. 87)

Objective
a) To ensure that natural cross ventilation is incorporated into building design.

Controls
a) The siting, orientation, use of openings and built form of the development shall maximise opportunities for natural cross ventilation for the purposes of cooling and fresh air during summer and to avoid unfavourable winter winds.

8B.3.2 Visual and Acoustic Privacy

When managing the impacts of a new development, the ability to maintain adequate visual and acoustic privacy is a critical contribution to the quality of life of future residents.

Objectives
a) To minimise the direct overlooking of internal and external living areas;
b) To ensure acoustic privacy within and between bedrooms and internal living areas for dwelling occupants and adjoining neighbours;
c) To ensure the acoustic design of new development takes into account surrounding existing developments and implements appropriate sounds attenuation measures to mitigate any conflict between the existing development and the proposed new residential development;

Controls
a) Visual Amenity (Lighting Impact) - As part of the Development Application a lighting plan shall be submitted that incorporates the following elements:
   a. Use diffused lights and/or movement sensitive lights;
   b. Direct these lights towards access/egress routes to illuminate potential offenders, rather than towards buildings or resident observation points;
   c. Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed;
   d. Avoid lighting spillage onto neighbouring properties as this can cause nuisance and reduce opportunities for natural surveillance;
   e. As a guide areas should be lit to enable users to identify a face 15 metres away;
   f. Illuminate possible places for intruders to hide;
   g. Use energy efficient lamps/fittings/switches to save energy.

For controls relating to the residential flat building component of a mixed use development, refer to Chapter 7 Residential Flat Buildings of this DCP.
b) 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.

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.

c. **Noise attenuation measures must be incorporated** in all new development along the 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.

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 early in the morning or late at night;
   ii. Restaurants and cafes particularly those operating at night or those with outdoor seating; and
   iii. Extraction fans and air conditioning units.

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.

f. **Air conditioning units** proposed are to be detailed in the acoustic assessment.

8B.3.3 Solar Access

**Objectives**

a) To ensure new development will not unduly overshadow public open space and the public domain areas along primary streets;

b) To ensure new development will not unduly impact on solar or natural daylight access to habitable areas and rooms of existing dwellings;

c) To ensure building layouts facilitate good solar access to both internal and external living spaces and communal open space areas;

d) To maximise the use of natural light to reduce energy consumption; and

e) To minimise the need for artificial lighting during daylight hours.

**Controls**

a) The windows to at least one living area in more than 70% of dwellings in the residential flat component of a building must receive a minimum 3 hours of sunlight between 9.00am and 3.00pm at the mid–winter solstice.

b) The windows to at least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 9.00am and 3.00pm at the mid–winter solstice. Where this requirement cannot be met, the development must not result in additional overshadowing on the affected living area of the dwelling.

c) A development should maintain solar access to a solar hot water system, photovoltaic panel, or other solar collector on an allotment or adjoining allotment.

8B.3.4 Private Open Space

The ability to provide unpaved areas within Local and Neighbourhood Centres is limited due to the functional requirements of ground floor retailing. Private outdoor open spaces include areas of paving or planting located at either ground level or above ground level upon the podium in the form of terraces, balconies or roof top garden.
Objectives

a) Ensure every dwelling has access to private, usable and functional open space directly off main internal living spaces;

b) Contribute to the articulation and modulation of the building façade through the use of balconies and terraces;

c) Ensure any private open space proposed has minimal impact of the visual amenity of public areas and neighbouring properties;

d) Ensure anything stored on balconies including clothe line structures, or air-conditioner units cannot be viewed from the street;

e) Encourage the use of rainwater within rooftop open space and internal green spaces.

Controls

a) Each dwelling shall have the following minimum primary private open space area in the form of a balcony, terrace or courtyard.

<table>
<thead>
<tr>
<th>Area of Dwelling</th>
<th>Minimum Area</th>
<th>Minimum Horizontal Dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 85m²</td>
<td>10m²</td>
<td>2m</td>
</tr>
<tr>
<td>Greater than 85m²</td>
<td>15m²</td>
<td>2.4m</td>
</tr>
</tbody>
</table>

b) Orientate the private outdoor space to maximise solar access.

c) A second private open space area/balcony should be considered where they would contribute to the amenity of the dwelling.

d) North and east facing balconies shall be no deeper than 4 metres to ensure sunlight penetration into all dwellings. The primary balcony is to be recessed and partially enclosed to ensure privacy and façade articulation. Additional balconies should have a minimum depth of 1.5 metres.

e) Balcony design should take into consideration the issues identified in the site analysis and be located, orientated and designed to address the following issues:
   a. Take advantage of views and any natural features;
   b. Minimise overlooking of adjoining dwellings; and
   c. Maximise solar access.

f) The use of balconies for storage and clothes drying often impacts on views from the public domain and other units. Where balconies are clearly visible from the street or other properties the design of the balcony must address the following issues:
   a. A screened drying area should be provided as part of the balcony, ideally with good access to natural light;
   b. The balustrade design and material should be a mix of solid and opaque elements. The more visible the balcony is from the public domain and adjoining properties the greater the proportion of solid material that may be required in the balustrade so as to ensure stored items are not visible. Alternatively shutters may be provided to provide a temporary screening mechanism for facilities such as clothes drying;
   c. Where the balcony is on an elevation facing a primary street frontage, the above balustrade requirement will be applied to all balcony balustrades on all levels unless the designer can demonstrate that the impact has been addressed using alternative means;
   d. The underside of balconies must provide an attractive appearance to the street and to the dwelling underneath.

g) Where Neighbourhood or Local Centre is located on an Arterial or Sub-Arterial Road, mechanisms that reduce noise impacts such as an appropriate screen to balconies are required.

h) Provide water and gas outlets to the main balcony and terraces.

i) Council officers may require balcony furniture layouts to be provided where there is doubt about the usability of the balconies and terraces.

8B.3.5 Communal Open Space

Communal open space is not required for two storey mixed use developments. For larger mixed use developments greater than two storeys, refer to Chapter 7 – Residential Flat Buildings for the communal open space requirements.
8B.4 Car Parking and Access

8B.4.1 Car parking requirements

Car parking rates shall be provided in accordance with Chapter 12 – Car Parking, Vehicle and Access Management of the Fairfield City Wide DCP.

8B.4.2 Vehicle access

Objectives

a) To encourage discrete vehicular access to each site;
b) To maximise pedestrian safety and bicycle safety;
c) To maximise the extent of active frontage along any street.

Controls

a) Driveway access, design and location must:
   a. Be in accordance with Chapter 12 – Car Parking, Vehicle and Access Management.
   b. Minimise the visual prominence of the driveway when viewed from the public domain or adjoining sites.
   c. Minimise transfer of noise and/or vehicle emissions into residential units in the subject and adjoining sites.

8B.4.3 Splay Corner Setbacks and Road Widening

Objectives

a) Restrict building and landscaping within close proximity to road intersections.
b) Improve traffic safety by increasing site distances for drivers at intersections.
c) Provide the opportunity for Council to acquire land for local road widening, which will improve the road network.

Controls

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.

Note 1: A number of properties in Fairfield City are affected by restrictions covering vehicular access denied (e.g. to a major road or heavy pedestrianised areas where alternative access should be provided as part of a new development), road widening, splay corner (to improve sight lines on corner blocks) and road closure provisions.

Note 2: These restrictions are updated from time to time based on advice from the RTA and investigations carried out by Council and need to be considered as part of new development.
8B.5 Site Servicing and Loading

8B.5.1 Site Servicing

Development should make adequate and appropriate provisions for site facilities and waste. Their location and their design should minimise impact to the streetscape and minimises opportunities for criminal and anti-social behaviour.

Objectives

a) To minimise the impact of service access on pedestrians and the retail frontage
b) To ensure that sufficient provision is made for the following services in commercial and mixed use developments:
   a. Garbage storage and collection areas;
   b. Loading and unloading areas;
   c. Ventilation stacks from shops and basements;
   d. Laundries;
   e. Telecommunication facilities;
   f. Electricity sub-stations;
   g. Fire-fighting equipment.
c) To ensure the streetscape retains active frontages 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 storage areas should not be accessible from locations shown as access denied.
b) Garbage storage areas must not be visually prominent from the street. Any storage areas located in proximity to the street must be screened.
c) Waste Management - Refer to section 8A.5.3 Waste Management for information on waste storage and collection, and requirements to submit a waste management plan with Development Application.
d) Ventilation stacks - Utilise ventilation stacks wherever possible to vent shops and basements. The stacks should be integrated into the overall design and not visible from the roof structure.
e) Utility availability - Appropriate conditions will be inserted in any development consents granted requiring certification on the availability of suitable telecommunications, electricity, water and sewer services for the development.
f) Utility location and screening - 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) Safe environment - Any service or utility area must be well lit and secured for the sole use of building occupiers and be designed using the principles of Crime Prevention through Environmental Design.

8B.5.2 Loading

Adequate loading and unloading arrangements are required so that the activity, pedestrian amenity and traffic are not unduly impacted.

Objectives

a) To ensure that land in a Neighbourhood or Local Centre zone can accommodate the servicing and loading provisions of the use, whilst maintaining pedestrian amenity, traffic movement and the activity operation.

Controls

a) To ensure new development does not adversely intrude on pedestrian and vehicle amenity, applicants will need to demonstrate that loading for their activity can either be carried out:
   a. via a rear service lane;
   b. on-site without interfering with the efficient operation of the premises (including car parking);
   c. via access to an on-street loading zone at the front or side of the premises where the site does not have rear access.
b) Loading / unloading zones must be capable of accommodating at a minimum, a small rigid truck which should enter and leave the site in a forward direction.

c) The service / loading area should also be available for use by furniture trucks servicing residential development with a suitable travel path from this area to the stairs / lift core and all residential units.

8B.5.3 Waste Management
The responsibility of reducing the demand on the world's resources and limiting the need for landfill space is shared by all communities and local town centres. Applicants should refer to Appendix E – Waste Not DCP for further detail.

Objectives
a) To encourage waste minimisation, source separation, reuse and recycling.

Controls
a) Garbage storage areas must:
   a. Be designed so that the floors and walls can be washed on a regular basis and the wastewater collected, treated and disposed of to the sewer;
   b. Include separation facilities for waste to be divided into separate waste streams in order to recycle materials;
   c. Be located away from windows to habitable rooms;
   d. Be located away from adjoining residential dwellings; and
   e. Be located so as to not cause any negative impacts, in terms of visual appearance, noise or smell, to adjoining properties, or to the street.

b) Waste collection noise minimisation - The collection of waste materials from the site must be in accordance with the NSW Environment Protection Authority, Industrial Noise Policy (2000).

c) Liquid waste storage areas - shall be covered and bunded to prevent external spillage.

d) Odour Impact Assessments - Commercial / Retail premises that generate odour from their activity may be required to submit an Odour Impact Assessment to Council conducted in accordance with the NSW Environment Protection Authority's Draft Policy "Assessment and Management of Odour from Stationary Sources in NSW" January 2001.

e) Air handling systems in Commercial / Retail premises - Commercial / Retail premises that require an air handling system such as a cooling tower are required to obtain Development Approval from Council. The installation and operation of the cooling tower is to be conducted in accordance with the Public Health Act and Public Health (Microbial) Regulation. An approved air handling system is to be installed to the cooking appliances in accordance with Australian Standard, 1668 – 1991, The Use of Mechanical Ventilation and Air Conditioners in Buildings.

f) Food premises - New food premises or existing food premises that are requiring a refit are required to obtain development approval from Council prior to commencement of trade. The fit out of a food premises is to be conducted in accordance with Council's Food Premises Code

8B.6 Landscaping, Drainage and Stormwater Detention

8B.6.1 Landscaping
Landscaping forms an integral part of the overall design concept. Landscape reinforces the architectural character of the street and softens the impact of buildings and car parking areas as well as providing screening.

Objectives
a) To create attractive buildings, public spaces and walkways;

b) To improve visual quality and contribute to positive presentation to public domain;

c) To reduce impacts on climate change at the local level and improve the natural environmental features and local ecology of the centre;

d) To provide a buffer between existing residential dwellings;
Controls

a) Landscaping is to be prepared for the site by a landscape architect or other accredited professional with demonstrated experience. Refer to Appendix F Landscape Planning for Landscaping Principles when seeking to prepare a landscape plan.

b) Development shall incorporate landscaping in the form of planter boxes to soften the upper level of buildings.

c) Street trees are to be planted away from commercial awnings to minimise future maintenance issues.

d) Car parking areas, shall be landscaped in accordance with the controls in Chapter 12 – Car Parking, Vehicle and Access Management.

8B.6.2 Fencing and Walls

Fences and walls are used to define spaces. They should be used to define the boundary between properties as well as between public and private land. They also provide privacy by screening views and security by restricting access. Fences and walls can contribute to the image and identity of the place.

Objectives

a) Ensure developments avoid blank canvas walls that attract graffiti;

b) Define boundaries between properties with different owners or functions;

c) Provide privacy by screening views and security by restricting access;

d) Characterize a place within the built environment by marking the change in landscape.

Controls

a) Open grill style fencing to be used along rear boundaries adjoining public open space areas and parks.

b) Fence and wall design is required to respond to the architectural character of the street and area.

c) The maximum height of fences between properties along the side and a rear boundary is 1.8 m high.

d) Where development adjoins residential dwellings, fence heights may be required to be higher to maintain acoustic and visual privacy.

e) 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.

f) Avoid the use of continuous blank walls.

g) Minimise the length and height of retaining walls along the street frontages.

h) The design of the walls and fences should relate to and be integrated into the design of the building.

i) Select durable materials, which are easily cleaned and graffiti resistant.

j) Incorporate other uses within fences and walls in communal and private open spaces such as:
   a. Benches and seats;
   b. Planter boxes;
   c. Barbeques etc.

8B.6.3 Drainage and Stormwater Detention

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 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 Citywide DCP for more information.

**Objective**

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 minimise increases in flood levels on the major trunk drainage network and on the creek system.
d) To minimise downstream flooding caused by surcharging of the local drainage system.
e) 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**

a) **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.

b) **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 event 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.
## 8B.7 Schedules

### 8B.7.1 List of Neighbourhood Centres and property addresses

<table>
<thead>
<tr>
<th>Centre Name(s)</th>
<th>Address</th>
<th>Suburb</th>
<th>West Central Sub-Regional Strategy – Centre Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbotsbury</td>
<td>60 – 68 Stockdale Crescent</td>
<td>Abbotsbury</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Edensor Road</td>
<td>134-136 Edensor Road</td>
<td>Bonnyrigg</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Cabramatta Road West (Aldi)</td>
<td>Corner Cabramatta Road West and Elizabeth Drive</td>
<td>Bonnyrigg</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Brown Road</td>
<td>Corner Brown Road and Montgomery Road</td>
<td>Bonnyrigg</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Mimosa Road</td>
<td>Intersection of Mimosa Road and Quarry Road</td>
<td>Bossley Park</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Bolivia Street</td>
<td>20-36 Bolivia Street</td>
<td>Cabramatta</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Coventry Street</td>
<td>21-25 Coventry Road</td>
<td>Cabramatta</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Cooks Hill (Lord Street)</td>
<td>465-485 Cabramatta Road West (Corner Lord Street and Boyd Street)</td>
<td>Cabramatta West</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>John Street</td>
<td>64-66 Satara Street and 259-283 John Street</td>
<td>Cabramatta West</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Avoca Road</td>
<td>44-50 Harden Street (Corner Avoca Road)</td>
<td>Canley Heights</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>St Johns Road</td>
<td>191-207 St Johns Road</td>
<td>Canley Heights</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Denison Street (The Horsley Drive)</td>
<td>28-68 The Horsley Drive</td>
<td>Carramar</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Carramar</td>
<td>130-154 Wattle Avenue (Opposite Carramar Railway Station)</td>
<td>Carramar</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Sackville Street</td>
<td>181 Sackville Street (Corner Malabar Street)</td>
<td>Fairfield</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Tangerine Street</td>
<td>449-459 The Horsley Drive (Corner Loscoe Street)</td>
<td>Fairfield</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Tangerine Street</td>
<td>105A Tangerine Street (Corner Hercules Street)</td>
<td>Fairfield East</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>The Horsley Drive (Fairfield East)</td>
<td>244-251 Fairfield Street (Corner The Horsley Drive)</td>
<td>Fairfield East and Yennora</td>
<td>Neighbourhood Centre</td>
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<tr>
<td>Fairfield Street</td>
<td>137-143 &amp; 150-160 Fairfield Street (Intersection of Crown Street and Ellis Parade)</td>
<td>Fairfield East</td>
<td>Neighbourhood Centre</td>
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<tr>
<td>Corner Hamilton Road and The Boulevard</td>
<td>189A-207 &amp; 222-234 Hamilton Road (Corner of The Boulevard)</td>
<td>Fairfield &amp; Fairfield Heights</td>
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<td>Hamilton Road</td>
<td>336-338 Hamilton Road (Corner Nangar Street)</td>
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<td>Rawson Street</td>
<td>97 Rawson Street (Corner Ainslie Street)</td>
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<td>Neighbourhood Centre</td>
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<td>Thorney Road</td>
<td>72-80A Thorney Road</td>
<td>Fairfield West</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Lansvale (Lansvale Centre)</td>
<td>206-216 The Hume Highway (Corner Cutler Street)</td>
<td>Lansvale</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Ferry Road</td>
<td>139-141 Hollywood Drive (Corner Ferry Road)</td>
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<tr>
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<td>Intersection of Elizabeth Drive and Meadows Road</td>
<td>Mount Pritchard</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Centre Name(s)</td>
<td>Address</td>
<td>Suburb</td>
<td>West Central Sub-Regional Strategy – Centre Classification</td>
</tr>
<tr>
<td>--------------------------------</td>
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<td>-----------------</td>
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<tr>
<td>Town View Road</td>
<td>170-178 Town View Road (Corner Parkside Place)</td>
<td>Mount Pritchard</td>
<td>Neighbourhood Centre</td>
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<tr>
<td>Oliphant Street</td>
<td>1A-3 Drysdale (Corner Oliphant Street)</td>
<td>Mount Pritchard</td>
<td>Neighbourhood Centre</td>
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<tr>
<td>Hamel Road</td>
<td>33 Hamel Road (Corner Horton Street)</td>
<td>Mount Pritchard</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Meadows Road</td>
<td>35 &amp; 42-56 Meadows Road and 600-602 Cabramatta Road West</td>
<td>Mount Pritchard and Cabramatta West</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Broughton Street</td>
<td>71-81 Broughton Street (Corner Whitaker Street)</td>
<td>Old Guildford</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Dublin Street</td>
<td>48-66 Dublin Street (Between Jane Street and Brenan Street)</td>
<td>Smithfield</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Brenan Street</td>
<td>63A-67B Brenan Street and 50A-50 Marlborough Street</td>
<td>Smithfield</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>The Horsley Drive</td>
<td>107 Granville Street (Corner The Horsley Drive)</td>
<td>Smithfield</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Hassall Street</td>
<td>2A-12 Hassall Street (Between The Horsley Drive and Sharland Place)</td>
<td>Smithfield</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Canberra Road</td>
<td>56-70 Canberra Street</td>
<td>St Johns Park</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Daniel Street</td>
<td>12-16 Daniel Street and 1179-1181 The Horsley Drive</td>
<td>Wetherill Park</td>
<td>Neighbourhood Centre</td>
</tr>
<tr>
<td>Orchardleigh Street</td>
<td>80 Railway Street Yennora (Corner Orchardleigh Street)</td>
<td>Yennora</td>
<td>Neighbourhood Centre</td>
</tr>
</tbody>
</table>

8B.7.2 List of Local Centres and property addresses

<table>
<thead>
<tr>
<th>Centre Name(s)</th>
<th>Address</th>
<th>Suburb</th>
<th>West Central Sub-Regional Strategy – Centre Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edensor Park Local Centre</td>
<td>Corner Edensor Road and Allambie Road</td>
<td>Edensor Park</td>
<td>Small Village</td>
</tr>
<tr>
<td>Fairfield West Local Centre</td>
<td>Corner Tasman Parade and Hamilton Road</td>
<td>Fairfield West</td>
<td>Small Village</td>
</tr>
<tr>
<td>Greenfield Park Local Centre</td>
<td>Corner Greenfield Road and Mimosa Road</td>
<td>Greenfield Park</td>
<td>Small Village</td>
</tr>
<tr>
<td>Smithfield Town Centre</td>
<td>Intersection of The Horsley Drive and Cumberland Highway</td>
<td>Smithfield</td>
<td>Small Village</td>
</tr>
<tr>
<td>Wakeley Local Centre</td>
<td>Corner Bulls Road and Lomond Street</td>
<td>Wakeley</td>
<td>Small Village</td>
</tr>
<tr>
<td>Wetherill Park Local Centre</td>
<td>Corner The Horsley Drive and Rossetti Street</td>
<td>Wetherill Park</td>
<td>Small Village</td>
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</table>
8B.7.3 List of Enterprise Corridors and property addresses

<table>
<thead>
<tr>
<th>Centre Name(s)</th>
<th>Address</th>
<th>Suburb</th>
<th>West Central Sub-Regional Strategy – Centre Classification</th>
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</thead>
<tbody>
<tr>
<td>Cabramatta B6 Enterprise Corridor</td>
<td>208 to 256 Cabramatta Road West and 2 to 2A Church Street</td>
<td>Cabramatta</td>
<td>Town Centre</td>
</tr>
<tr>
<td>Fairfield B6 Enterprise Corridor</td>
<td>303 to 311 The Horsley Drive</td>
<td>Fairfield</td>
<td>Potential Major Centre</td>
</tr>
</tbody>
</table>
# Chapter 9

## Industrial Development

### Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.0</td>
<td>Local Context</td>
<td>9.7</td>
</tr>
<tr>
<td>9.0.1</td>
<td>Development to which this Chapter applies</td>
<td>9.7.1 Setbacks</td>
</tr>
<tr>
<td>9.0.2</td>
<td>Purpose of this Chapter</td>
<td>9.7.2 Floor Space Ratio</td>
</tr>
<tr>
<td>9.0.3</td>
<td>Strategies and Studies</td>
<td>9.7.3 Height</td>
</tr>
<tr>
<td>9.0.4</td>
<td>Consultation Requirements</td>
<td></td>
</tr>
<tr>
<td>9.1</td>
<td>Site and Built Form</td>
<td>9.8</td>
</tr>
<tr>
<td>9.1.1</td>
<td>Site Dimensions</td>
<td>Development Guidelines for land at 634A-640 Woodville Road Old Guildford</td>
</tr>
<tr>
<td>9.1.1.1</td>
<td>Consolidation of Allotments</td>
<td>9.7.1 Setbacks</td>
</tr>
<tr>
<td>9.1.1.2</td>
<td>Lot Frontage</td>
<td>9.7.2 Floor Space Ratio</td>
</tr>
<tr>
<td>9.1.1.3</td>
<td>Lot Size</td>
<td>9.7.3 Height</td>
</tr>
<tr>
<td>9.2</td>
<td>Car Parking, Access and Vehicle Management</td>
<td>9.8.1 Layout</td>
</tr>
<tr>
<td>9.2.1</td>
<td>Traffic Generating Developments</td>
<td>9.8.2 Setbacks</td>
</tr>
<tr>
<td>9.2.2</td>
<td>Car Parking</td>
<td>9.8.3 Car Parking, Vehicle and Access Management</td>
</tr>
<tr>
<td>9.2.2.1</td>
<td>General</td>
<td>9.8.4 Advertising Signs</td>
</tr>
<tr>
<td>9.2.2.2</td>
<td>Car Parking Requirements</td>
<td>9.8.5 Streetscape and Amenity</td>
</tr>
<tr>
<td>9.2.3</td>
<td>Loading Facilities</td>
<td>9.8.6 Drainage Channel / Flooding</td>
</tr>
<tr>
<td>9.2.4</td>
<td>On-site manoeuvring</td>
<td>9.8.7 Specific Land Use Controls</td>
</tr>
<tr>
<td>9.2.5</td>
<td>Vehicle Access</td>
<td>9.8.8 Special Provisions relating to Child Care Centres and neighbourhood Shops</td>
</tr>
<tr>
<td>9.2.6</td>
<td>Pedestrian Movement</td>
<td>9.8.9 Neighbourhood Shops</td>
</tr>
<tr>
<td>9.2.7</td>
<td>Splay Corners</td>
<td>9.8.10 Addendum – Flood Advice</td>
</tr>
<tr>
<td>9.3</td>
<td>Advertising Signage</td>
<td></td>
</tr>
<tr>
<td>9.3.1</td>
<td>Assessment Criteria</td>
<td></td>
</tr>
<tr>
<td>9.4</td>
<td>Streetscape and Amenity</td>
<td>9.9</td>
</tr>
<tr>
<td>9.4.1</td>
<td>Landscaping</td>
<td>Industrial/Residential Interface</td>
</tr>
<tr>
<td>9.4.2</td>
<td>Fencing</td>
<td>9.9.1 General Design Requirements</td>
</tr>
<tr>
<td>9.4.3</td>
<td>Building Materials</td>
<td>9.9.2 Bulk and scale</td>
</tr>
<tr>
<td>9.4.4</td>
<td>Hours of Operation</td>
<td>9.9.3 Vehicular and Pedestrian Access</td>
</tr>
<tr>
<td>9.4.5</td>
<td>Residue Land</td>
<td>9.9.4 Privacy</td>
</tr>
<tr>
<td>9.5</td>
<td>Development Guidelines for Specific Activities and Uses</td>
<td>9.9.5 Light Spill</td>
</tr>
<tr>
<td>9.5.1</td>
<td>Storage Premises</td>
<td>9.9.6 Noise and Vibration</td>
</tr>
<tr>
<td>9.5.2</td>
<td>Vehicle Repair Stations</td>
<td>9.9.7 Landscaping</td>
</tr>
<tr>
<td>9.5.3</td>
<td>Vehicle Body Repair Workshops</td>
<td></td>
</tr>
<tr>
<td>9.5.4</td>
<td>Sex Services</td>
<td></td>
</tr>
<tr>
<td>9.5.5</td>
<td>Kiosks and Take Away Food and Drink Premises in Industrial Areas</td>
<td></td>
</tr>
<tr>
<td>9.5.6</td>
<td>Ancillary Retailing – Industrial Retail Outlets</td>
<td></td>
</tr>
<tr>
<td>9.6</td>
<td>Development Guidelines for land in Orchardleigh Street</td>
<td>9.9.10 Addendum – Flood Advice</td>
</tr>
<tr>
<td>9.6.1</td>
<td>Consolidated Allotments</td>
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</tr>
<tr>
<td>9.6.2</td>
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<td>9.6.3</td>
<td>Access Arrangements</td>
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</tr>
<tr>
<td>9.6.4</td>
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</tr>
<tr>
<td>9.6.5</td>
<td>Built Form</td>
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</tr>
<tr>
<td>9.6.6</td>
<td>Landscaping</td>
<td></td>
</tr>
</tbody>
</table>

| 9.7     | Development Guidelines for land at 449 Victoria Street and No.96 Newton Road, Wetherill Park |
| 9.8     | Development Guidelines for land at 634A-640 Woodville Road Old Guildford |
| 9.9     | Industrial/Residential Interface |

### Annexure 1

Lots within Wetherill Park Industrial Estate subject to Clause 9.0.4
9.0 Local Context

9.0.1 Development to which this Chapter applies
This Chapter generally applies to development permitted within the following zones under Fairfield Local Environmental Plan (LEP) 2013:

a) IN1 General Industrial  
b) IN2 Light Industrial  
c) B5 Business Development  
d) B6 Enterprise Corridor (Fairfield – see note below).

Note: Development in the B6 Enterprise Corridor Zone in Fairfield proposing shop top housing, business premises and/or office premises should also refer to specific controls contained in Chapter 8 Neighbourhood and Local Centres of this DCP.

9.0.2 Purpose of this Chapter
This chapter applies to all development applications for the purposes of industrial and bulky goods development.

Council has a responsibility to ensure industrial development is catered for in Fairfield City in a manner that encourages business investment and promotes local employment opportunities. Appropriate development controls can contribute to these objectives. This chapter of the City Wide DCP focuses on industrial uses that are:

a) compatible with its development site;  
b) supporting quality design with workforce amenity a priority;  
c) environmentally sustainable with minimum impact on air and water quality, reduce noise impacts; and

d) reinforcing recycling and waste management principles.

For properties identified as heritage items within Fairfield City, refer to:
- Chapter 2 – Development Application Process, clause 2.2.13 – Heritage Assessment
- Chapter 3 – Environmental Management and Constraints, clause 3.12 Heritage Items
- Appendix G – Heritage and Development.

For properties near heritage items, contact Council on how your proposal must minimise potential impacts.

9.0.3 Strategies and Studies
Refer to the Fairfield Employment Lands Strategy 2008 for Council’s planning framework for employment / industrial development.

9.0.4 Consultation Requirements with Electricity Supply Authorities – Wetherill Park
High voltage electricity assets are located within the Wetherill Park industrial estate generally as shown in Annexure 1. In respect to the TransGrid asset located between Cowpasture Road and Davis Road, Wetherill Park, it is protected by a 30 metre easement. TransGrid has advised Council that it intends to also enter into restrictive covenant agreements with owners for a further 15 metres either side of the existing easement. Before determining a development application (or application for modification of consent) Council must: (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and (b) take into consideration any response to the notice that is received within 21 days after the notice is given.

Applicants should contact the relevant electricity supply authority prior to lodging a development application to ascertain how their application may be impacted by their proximity to these electricity assets. TransGrid may be contacted by telephoning 1800 222 537.

When proposing work near power lines reference should be made to “Workcover Code of Practice 2006: Work Near Overhead Power Lines.”
9.1 Site and Built Form

9.1.1 Site Dimensions

The layout of an industrial development is dependent on the allotment size and the capacity for the industrial activity to accommodate; in an appropriate form all functions to ensure that its activities are orderly, for example satisfying the car parking and access requirements.

Objectives

a) To ensure lot sizes are large enough to adequately satisfy car parking and vehicular access.
b) Encourage development form that responds positively to existing streetscape.
c) That sufficient land area is available to ensure the development site can function without compromising other functions required on site.

Controls

9.1.1.1 Consolidation of Allotments

a) Where new development is proposed on two or more existing allotments, a condition of approval will require the consolidation of such allotments into one title and registration with the Land Titles Office before occupation of the building.
b) This subclause applies to development for the purposes of bulky goods retailing. In some areas, existing sites are too small to achieve bulky goods retailing in an orderly and efficient manner. In such cases, consolidation of allotments will be required to ensure that site access and landscaping requirements are satisfied.

9.1.1.2 Lot frontage

a) The minimum frontage to the Horsley Drive, Victoria Street, Canley Vale Road extension, Walter Road and Bonnyrigg Avenue, Woodville Road, Hume Highway, Cumberland Highway, Old Wallgrove Road and Wallgrove Road is 60m.
b) The minimum frontage to all other roads is to be 30 metres.
c) Development of narrower lots will be subject to conditions on a development consent that will limit the size of trucks, which can use the site.
d) Battleaxe blocks are to have an average width (excluding access way) of 60 metres.

9.1.1.3 Lot size

a) The Torrens Title subdivision of any allotment within the Wetherill Park, Bonnyrigg Precincts must not be less than 930 square metres as identified on the Fairfield LEP 2013 – Minimum Lot Size Map.

9.1.2 Building Setbacks

Setbacks provide guidelines for managing the overall layout of the site, provide opportunity for landscaping and ensure that new developments keep an even set back with existing developments.

Objectives

a) To ensure sufficient land is set aside for significant landscaping.
b) To ensure a consistent development form is provided which enhances the scale and appearance of the streetscape.

Controls

a) The minimum setback for all industrial development is to be 10 metres of which 5 metres is to be used for landscaping only unless described otherwise by the following table:

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yennora Precinct</td>
<td>5 metres of which 1.5 metres is to be used for landscaping only. The remainder of the setback may be</td>
</tr>
</tbody>
</table>
### Precincts and Controls

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>North side (No's 2-8) of Orchardleigh Street</td>
<td>5 metres of which 1.5 metres is to be used for landscaping only.</td>
</tr>
<tr>
<td>East Fairfield Precinct - Lisbon, Fairfield, Seville, Malta, Mandarin, Scott and Donald Streets.</td>
<td>5 metres, all of which is to be used for landscaping.</td>
</tr>
<tr>
<td>Wetherill Park Precinct - The Horsley Drive, Walters Street, Victoria Street between Cowpastures Road and Hassall Street excluding Canley Vale Road</td>
<td>20 metres of which 10 metres is to be used for landscaping only. The remainder of the setback may be used for car parking purposes</td>
</tr>
<tr>
<td>Wetherill Park Precinct</td>
<td>The minimum setback for all land within Wetherill Park, other than those roads described immediately above is to be 10 metres, all of which is to be landscaped</td>
</tr>
</tbody>
</table>

b) The minimum building setback on corner allotments is to be 5 metres to the secondary frontage. This entire setback is to be landscaped.

c) This subclause applies to existing buildings which are to be converted to a bulky goods premises. In such a circumstance, the minimum setback to roads is to be 10 metres which is used for landscaping only. However, where this cannot be met Council will examine the existing building setback and how the proposal meets the other requirements within this chapter and will require the upgrading of the existing landscaping.

**Note:** Building setbacks apply from future road boundaries where a road is proposed to be widened. Council will require dedication of any road widening as a condition of development consent.

### 9.2 Car Parking, Vehicle and Access Management

#### 9.2.1 Traffic Generating Development

Detailed traffic studies need to be submitted for developments listed in Schedule 3 of *State Environment Planning Policy (Infrastructure) 2007*.

**Note:** The Infrastructure SEPP, under Clause 104, requires that certain types of development specified in Schedule 3 must be referred to the Roads and Traffic Authority (RTA) for assessment of traffic impacts. Council will take into consideration comments provided by the RTA before determining a development application. Matters for consideration include the accessibility of the site concerned, including:

a) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

b) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

c) any potential traffic safety, road congestion or parking implications of the development.

Refer to *State Environment Planning Policy (Infrastructure) 2007* for more information.

**There are guidelines for preparing traffic reports** in the RTA’s ‘Guidelines to Traffic Generating Developments’. In summary, traffic generation impacts are assessed in terms of floor space, access, safety, pedestrian movements, servicing of the site and the impact that proposed development will have on the road system and which might require intersection upgrades (traffic signals, roundabouts etc). Refer to the RMS website for more information.

#### 9.2.2 Car parks

Car parks, through their positioning, operation, landscaping and sheer occupation of space, can have a disproportionately large influence on the quality of our environment. As such, it is important to manage this space being aware of their function, the necessity to integrate them into the development and preserve the visual integrity of the streetscape.

In addition to the need for car parking spaces many developments regularly take delivery of goods and thus there is a need to determine appropriate loading arrangements. This servicing arrangement can have a considerable adverse impact on pedestrian and vehicle traffic flow unless it is conducted via suitable means such as a loading dock on the premises.

Enough space is needed on an industrial site to ensure trucks of different sizes can easily service and access the site.

**Objectives**
a) To ensure there are sufficient car parking spaces for customers and staff.
b) To ensure land used for car parking is used efficiently.
c) To improve site distance at intersection and driveways so as to increase safety.
d) To ensure that all customer vehicles and loading trucks and vans have sufficient area to
manoeuvre and load.
e) Ensure environmental amenity.
f) Ensure more efficient site operation to allow both pedestrians and vehicles to service and access
the site safely and efficiently.
g) Allow larger trucks to have access and service the site.
h) To manage access arrangement according to the road functions, degree of traffic and
i) To ensure safe access arrangement are provided that do no interfere with traffic flow and improve
pedestrian amenity.

Controls

9.2.2.1 General
a) Chapter 12 of this DCP outlines general advice and guidelines for the management of car
parking, vehicle and access management. This appendix should be read in conjunction with this
sub clause to assist in the overall development proposal.

9.2.2.2 Car parking requirements
a) For general design information on car parking requirements, access and vehicle arrangements,
refer to Chapter 12 of this DCP.
b) Car parking requirements for land in the Yennora Precinct, that being land in Orchardleigh Street
is to be 1 space per 80 square metres of gross leasable area, including mezzanine areas.

9.2.3 Loading Facilities
a) To ensure new development does not adversely intrude on pedestrian and vehicle amenity,
applicants will need to demonstrate that loading for their activity can either be carried out:
a. on-site without interfering with the efficient operation of the premises (including its car park);
or
b. gain access to an on-street loading zone at the front or side of their premises.

b) Loading requirements for selected activities are detailed below.

<table>
<thead>
<tr>
<th>Type of activity</th>
<th>No. of loading facilities spaces required</th>
<th>Size of loading bay (all truck clearance is 3.6m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other industry (including wholesaling) and small warehouse developments (less than 3,000 sq.m)</td>
<td>1 space per 700 sq.m GLA</td>
<td>Development up to: • 150sq.m GLA – Medium Rigid Vehicle (3.5 x 8.8m) • 150sq.m to 700sq.m GLA – Heavy Rigid (3.5 x 11m) • 700sq.m to 3,000sq.m GLA – Semi trailer (3.5 x 17.5m)</td>
</tr>
<tr>
<td>Large warehouse developments (greater than 3,000 sq.m)</td>
<td>Loading facilities for large warehouse developments will be assessed on merit and are to be justified on basis of size, number and frequency of goods vehicles likely to visit premises.</td>
<td>3.5 x 17.5m (semi trailer) (Where B-Double vehicles are proposed additional clearances may be required)</td>
</tr>
<tr>
<td>Bulky Goods Premises</td>
<td>A minimum of 1 dock for every 4,000sq.m GLA of bulky goods floor space or part thereof; plus 1 additional dock for every additional 4,000sq.m (or part thereof) provided on site. This could involve a complex of two or more units sharing a common dock area or where there is a stand alone bulky goods unit on a site, it shall be provided with its own loading dock.</td>
<td>Internal loading area of 3.7 x 17.5 metres, signposted and separated from the remainder of the unit or building by bollards or other approved measures. If an internal loading area cannot be provided, an external loading area of the same dimensions is to be provided adjacent or in close proximity to the roller door entrance.</td>
</tr>
</tbody>
</table>

Note: The provision of a loading area is exclusive of the relevant car parking requirements.
9.2.4 On-site manoeuvring

Adequate on-site manoeuvring is to be provided to enable a large rigid truck to enter and leave the site in a forward direction. Where this is not possible because of insufficient lot width then Council will restrict future use of buildings to those uses which do not require servicing by large rigid or articulated vehicles.

AS2890.2 Means the current Australian Standard 2890.2 – Commercial Vehicle Facilities
9.2.5 Vehicular Access

Objectives

a) To manage access arrangement according to the road functions, degree of traffic, and
b) To ensure safe access arrangement are provided that do not interfere with traffic flow and improve pedestrian amenity:

a. Vehicle access and driveways from a physically closed road will only be permitted: where there is no alternative access opportunity and with the approval of Council’s Traffic Branch.

b. Vehicle access and driveways from Classified State and Regional Roads (identified within Schedule 1 of Chapter 12), will only be permitted: via a slip lane where it is beneficial to the business and has the approval of the RTA or where there is no alternative access opportunity.

c. Vehicle access and driveways from Unclassified Regional Roads (identified within Schedule 2 of Chapter 12), will only be permitted: via a slip lane where it is beneficial to the business and has the approval of Council’s Traffic Branch or where there is no alternative access opportunity.

d. Access to and from the Bus Transitway will not be permitted, except on the following streets where there is no alternative access opportunity: Canley Vale Road (North of The Horsley Drive), Victoria Street and Eastern side of Walter Street.

e. Vehicle access and driveways to properties should be at least 30 metres or as far as possible from an intersection with a Classified State and Regional Road or Unclassified Regional Roads.

f. For bulky goods premises, separate vehicular entry and egress points will be required.

9.2.6 Pedestrian Movement

There are many large, heavy and small vehicles that regularly service industrial sites; this sub section will help ensure these vehicles are catered for in a manner that improves pedestrian movement and safety.

Objectives

a) Ensure pedestrian safety to, from and within the site and car park.

Controls

a) Pedestrian access through car parking areas should be clearly marked, and where possible emphasised by the use of raised and textured surfaces.

b) As far as possible, pedestrian access through car parks should be kept separate from vehicle access ways.

c) Development for the purposes of bulky goods premises will also be required to provide weather protection for pedestrians by way of awnings, colonnades or verandas where footpaths are adjacent to structures.

9.2.7 Splay Corner Setbacks and Road Widening

Objectives

a) Restrict building and landscaping within close proximity to road intersections.

b) Improve traffic safety by increasing site distances for drivers at intersections.

c) Provide the opportunity for Council to acquire land for local road widening, which will improve the road network.

Controls

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

Note: A number of properties in Fairfield City are affected by restrictions covering vehicular access denied (e.g. to a major road or heavy pedestrianised areas where alternative access should be provided as part of a new development), road widening, splay corner (to improve sight lines on corner blocks) and road closure provisions. These restrictions are updated from time to...
time based on advice from the RTA and investigations carried out by Council and need to be considered as part of new development.

Note: Up-to-date information is relation to the above can be obtained from Council by requesting a Planning (section 149) Certificate.

9.3 Advertising Signage

Signs are used by many businesses to advertise their products or services. These signs are designed to attract attention to the premises and to identify the products sold or services offered there. Controls need to be in place to prevent "visual clutter", where signs begin to detract significantly from the amenity of their surrounds and compete with other signs for the attention of potential customers.

This sub section serves as a guide for business owners as to what size and types of signs they will be able to have on their property, with the aim to promote an attractive Fairfield City.

Objectives

a) Promote a standard of advertising signs and structures that contribute to or at least will not detract from the existing amenity of an area in terms of their visual impact, size, illumination, overshadowing or for any other reason.
b) Ensure that no advertising sign dominates or obscures other signs and is compatible with the buildings and the streetscape in the area.
c) Make sure that signs do not adversely affect traffic safety on streets.
d) Control the amount of outdoor advertising so it does not lead to visual clutter through an abundance of signs.

Controls

9.3.1 Assessment criteria

a) Total advertising area of up to 0.5 square metres for every metre of lineal street frontage is permitted. On corner allotments, the largest street frontage only can be used to calculate the advertising area allowed. This means that for a property with a frontage of 30 metres the total maximum advertising area for signs of any permitted kind will be 15 square metres of total advertising area.
b) No single sign may be permitted to exceed an area of 30 square metres.
c) Only one free standing commercial sign that identifies the name of the occupants and/or products manufactured on the site will be allowed. These signs must be contained wholly within the site.
d) For factory units or other multiple occupancy buildings one free standing sign will be permitted and the owners of the building need to make sure that there is adequate provision for identifying all occupiers. For larger complexes more than one free standing commercial sign will be considered.
e) Freestanding commercial signs in Wetherill Park must be setback a minimum distance of one third of the building line setback. For example, if the building line is 20 metres from the road, then the sign must be setback at least 6.6 metres.
f) For information about the type of signs permitted within the Fairfield City and the design specifications for those refer to Appendix “C” of this DCP.
g) Referral to the RTA may be required under SEPP 64 – Advertising and Signage. In addition, an assessment under Schedule 1 of the SEPP may also be required to be submitted with the Development Application.

9.4 Streetscape and Amenity

All new development should contribute to preserving or enhancing the presentation of the street by ensuring their business activities accommodate all activities on-site without interfering with the visual state and character of their location. The controls in this section manage those aspects of the development that if done well provide a pleasant setting, strong landscaped atmosphere and minimises the impacts on residential amenity.
Objectives

a) To ensure new development provides a better integration of consistent landscape forms.
b) To provide for fencing that creates an open streetscape and maintains visual security.
c) To connect administrative functions and provide strong visual elements which enhance the architectural quality of buildings facing the street.
d) To minimise the impact of industrial activity at night and on weekends on the amenity of surrounding areas.
e) To ensure residue land is well kept for health and safety purposes.

Controls

9.4.1 Landscaping

a) The use of decorative paving treatments such as paving bricks adds interest to large areas of hard paving.
b) Open car parking areas should be landscaped to reduce the impact of hard paving. Established tall trees with wise spreading foliage provide desirable shade reducing the effects of heat.

9.4.2 Fencing

Note: For properties within a flood risk precinct, refer to the Flood Risk Management section of the Citywide DCP for the type of fencing required in these areas.

Controls

a) For fencing along the front boundary or a boundary facing a classified (arterial) road, the requirements are:
   a. a maximum height of 2.4 metres on the boundary line
   b. solid construction up to 600 mm above natural ground level
   c. be constructed in an open style, such as powder-coated wrought iron pickets and be of dark colour
   d. for security fencing, only palisade fencing made from metal is permitted.
b) Fencing requirements along the side or rear boundaries are:
   a. maximum height is 2.4 metres on the boundary line
   b. constructed in an open style such as powder-coated wrought iron pickets or chain wire.
c) General requirements applying to all fencing are:
   a. access gates should swing inward
   b. any fencing which in the opinion of Council is in a dilapidated condition should be replaced
   c. integrating landscaping around the fencing that is easy to maintain and will not act as a security risk when trees are fully mature
   d. solid fencing appropriately screened with landscaping is only permitted where required by Council or other legislation as an acoustic treatment.

Note: The RTA Guidelines for Traffic Generating Development require trucks to travel a minimum of 30 metres from the road before being required to stop. Accordingly, any fencing on the site must allow trucks to access the site and ensure that it does not force or encourage drivers to stand their vehicles on a public road.

9.4.3 Building materials

a) All development applications for new buildings or extensions or renovations involving the external cladding of existing buildings must be accompanied by details of the building construction and the materials to be used on external facades. This is necessary to ensure that the new buildings are harmonious in form and style with existing and intended development. To minimize discomfort from glare and reflected heat, external glass is not to exceed 20% reflectivity.

9.4.4 Hours of operation

a) Where industrial properties are within 500 metres of residential properties, industrial operating hours will generally be restricted within the range of 7.00am to 6.00pm Monday to Friday and 7.00am to 12.00 noon on Saturdays with no operations on Sunday.
b) Development for the purposes of bulky goods premises will need to comply with the following maximum hours of operation:
   a. Monday to Friday (7:00am – 9:00pm)
   b. Saturday (8:00am – 6:00pm)
c. Sunday (9:00am – 5:00pm)

c) Hours of operation for the purposes of a Sex Service premise will be considered by Council on merit. This is only relevant to restricted areas of Wetherill Park, see Fairfield LEP 2013 (Schedule 1) for further details.

d) Proposals to operate outside of either of these hours will be considered upon their merits and may be required to be supported by an Acoustic Engineer’s Report.

9.4.5 Residue land

Undeveloped land must be kept in a clean and tidy state.

9.5 Development Guidelines for Specific Activities and Uses

There are some industrial activities, which require more specific development controls to ensure they are managed effectively and reinforce the objectives of this chapter. The developments identified are those activities, which are more likely to have a greater impact on the environment. Council has prepared these controls to minimise their impacts and ensure they are integrated more sympathetically into the streetscape.

9.5.1 Storage Premises

Objectives
a) To ensure storage areas are kept in a clean and tidy state.
b) To ensure premises are clutter free and safe.

Controls
a) Temporary and permanent storage premises will in all cases require:
   a. Gutter and footpath crossing to be constructed
   b. Suitable site sealing
   c. Runoff and silt trap controls
   d. Landscaping; and
   e. Truck and car parking facilities
b) Permanent storage premises are to be screened with decoratively constructed screen walls, using brick or other approved material, having a maximum height of 2.5 metres.
c) The use of unscreened open storage premises is not permitted. A temporary storage premises (one used for less than 5 years) may be screened using colour bond fencing of a height equivalent to the height of material stored. A maximum screen/storage height will be applied.

9.5.2 Vehicle repair stations

Objectives
a) To ensure that this activity contributes to opportunities for employment generation.
b) To ensure there is sufficient parking for customer storage of vehicles.

Controls
a) A single worker establishment must have a minimum gross leasable area of 100 square metres;
b) A minimum gross leasable area of 50 square metres is required per additional tradesman employee:

<table>
<thead>
<tr>
<th>Floor Area m²</th>
<th>Maximum No. of Tradesman Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>1</td>
</tr>
<tr>
<td>150</td>
<td>2</td>
</tr>
<tr>
<td>200</td>
<td>3</td>
</tr>
<tr>
<td>250</td>
<td>4</td>
</tr>
</tbody>
</table>
c) Vehicle storage and repair areas are to be wholly contained within the factory unit unless an approved open storage premises is available.

9.5.3 Vehicle body repair workshops

Objectives

a) Ensure both customers and employees have sufficient parking.
b) Ensure there is sufficient storage for customer vehicles.
c) Ensure that any environmental hazards are identified, controlled and minimised.

Controls

a) Single worker establishments must have a minimum gross leasable area of 200 square metres.
b) A minimum gross leasable area of 100 square metres is required per additional tradesman employee.
c) Vehicle storage facilities are to be provided in conjunction with all vehicle body repair workshops; and
d) All spray painting is to be carried out in a fully enclosed spray booth. The location of the spray booth and associated vehicle storage; areas are to be shown on the floor plan to be submitted with the development application.
e) The site should be designed to accommodate the intended movements of a tow truck.
f) Adequate space should be designated on site to accommodate a car washing facility.
g) All vehicle washing, wet rubbing and engine degreasing shall be conducted within a suitably restricted wash bay connected to the sewers of Sydney Water via an approved pre-treatment device; and
h) To prevent rainwater and surface water from entering the sewerage system, the vehicle wash area must be roofed and include bunding in the form of a speed hump around the wash area.

9.5.4 Sex Services Premises

Objectives

a) Provide detailed planning controls to ensure that the location, operation and design of sex services premises do not adversely affect the amenity of the area.
b) Protect community health and welfare.

Controls

a) Sex services premises are permissible, with consent, only within the areas identified on the Fairfield Local Environmental Plan 2013 – Key Sites Map as Site 18.
Fairfield Citywide Development Control Plan
Chapter 9 – Industrial Development - Amendment No. 12
Page 12

Uncontrolled document when printed – check Council’s website for current version

a) No sex services premises is to be located within a radius of 300 metres of any approved sex services premises site (existing or proposed) as shown by the following figure. This provision is to ensure that sex services premises do not concentrate their operations within an area to an extent where they become a noticeable element within the streetscape.

c) A sex services premises shall not contain more than 10 rooms used or capable of being used for the purposes of prostitution.

d) All activities and displays associated with sex services premises must be contained wholly within the building. Window displays will not be permitted and in no circumstances should sex workers display themselves in the windows or doorways of the subject premises. Similarly, no persons are to loiter outside the building or property encouraging entry. A public address system or sound amplifying equipment may not be installed in or on the premises so as to cause or permit the emission of sound onto any public place.

e) Sex services premises must be operated in a discreet manner, so as not to cause disturbance from noise, lighting, advertising or the activities of employees or customers.

f) Adequate security measures are to be in place, so as to ensure the safety and well-being of staff and clients at all times that the sex services premises is in operation. These measures are further described in section 5 of this Plan – "Security".
g) All sex services premises must be fitted with the necessary services and facilities which are
currently required for Class 7 or Class 8 buildings under the Building Code of Australia.

h) All sex services premises should comply with the provisions of the Health and Safety Guidelines
for Brothels Guide 2001 issued by WorkCover NSW.

i) The premises must be ventilated in accordance with the requirements of the Building Code of
Australia and Australian Standard 1668, Parts 1 and 2. The premises must be provided with
adequate lighting in accordance with AS 1680.

j) The use of the premises must not give rise to:
   a. Transmission of vibration to any place of different occupancy; or
   b. A sound level at any point on the boundary of a site greater than the background levels
      specified in Australian Standard AS1055, "Acoustics – Description and Measurement
      of Environmental Noise", or an "offensive noise" as defined in the Protection of the
      Environmental Operations Act 1997

k) All bars and food preparation areas must be constructed, fitted out and finished in compliance
   with the Food Safety Code contained in the Food Act 2003 and Food Regulations 2010.
   Applicants are advised to discuss the plans of layout for all bar and food preparation areas with
   Council's Environmental Health Officers prior to the lodgement of any application.

l) Passageways must be kept clear and accessible to a minimum width of 1 metre or as directed by
   Council. Fire fighting equipment, emergency lighting and exit signs (essential services) are to be
   provided to the satisfaction of Council. The correct type of fire extinguishers must be provided (for
   example, water-based extinguishers for paper and wood fires; dry extinguishers for electrical
   fires). These must be appropriately identified, accessible and their location(s) made known to all
   employees.

m) A separate rest room shall be provided for staff. This room shall not be used for the purposes of
   prostitution at any time. Separate toilet facilities and amenities are to be provided for staff use
   only, preferably with private access from the rest room.

n) Each room used or capable of being used for the purposes of prostitution should contain its own
   sanitary facilities in one of the following arrangements:
   a. a separate en-suite bathroom containing a toilet, shower and hand basin; or
   b. a shower enclosure.

o) Where a spa bath is provided to a room, there is also to be an en-suite as described in "o" above.
   No variation is permitted from the above options. All required hand basins must be provided with
   an adequate supply of potable water, at a temperature of at least 40 degrees Celsius, delivered
   through an approved mixing device which can be adjusted to enable hands to be washed under
   hot running water. Liquid soap and single use towels must be provided at all hand basins required
   in the premises.

9.5.5 Kiosks and Take Away Food and Drink Premises in Industrial Areas

Objectives

a) To ensure that the proposed developments are of a scale that will not detrimentally affect the
   viability of any nearby business centre.

b) To clarify that restaurants are not permitted in the industrial areas. Restaurants fall within the
   definition of Food and Drink Premises. They are a type of Retail Premises forming a part of the
   commercial premises group definition within Fairfield LEP 2011. Food and Drink Premises other
   than Take Away food and Drink Premises and are prohibited within the industrial zones.

c) To provide controls to regulate take-away food and drink premises and kiosks that serve the daily
   needs of workers within the industrial area.

Controls

a) The retail floor area of a Kiosk is not to exceed 40 square metres as identified within the Fairfield
   Local Environmental Plan 2013 – Clause 5.4 (6).

b) No individual take away food and drink premises is to exceed 100 square metres in gross
   leaseable area.

c) No more than one (1) take away food and drink premise or kiosk shall be established on an
   individual lot or industrial unit within an industrial factory unit complex.

d) A minimum distance of 300 metres shall be maintained between individual take away food and
   drink premises and or kiosks. The methodology to determine the 300 metre distance shall be the
   same as detailed in clause 9.5.4(b).
e) The number of seats permissible, in association with a take away food and drink premises, is to be limited to a maximum of 18 and the seating area (whether indoor or outdoor) is not to exceed 50% of the total floor area of the take away food and drink premises.

f) Development for the purposes of kiosks and or take away food and drink premise will be required to comply with the following hours of operation, unless associated with a bulky goods premises located on the same site, in which case the maximum operating hours nominated in Clause 9.4.4(b) apply:

<table>
<thead>
<tr>
<th>Day</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday to Friday</td>
<td>6:00am – 6:00pm</td>
</tr>
<tr>
<td>Saturday</td>
<td>6:00am – 12noon</td>
</tr>
</tbody>
</table>

Note:
Gross Leasable Area means the total floor area contained within the outer faces of external walls of a building, excluding stairs, lifts, public arcades, public foyers, public toilets, plant rooms, loading areas and car parking.
Take away food and drink premises means food and drink premises that are predominately used for the preparation and sale of food or drink (or both) for immediate consumption away from the premises.
Kiosk means a retail premises used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, film and the like.

9.5.6 Ancillary Retailing – Industrial Retail Outlets

Objectives
a) To ensure industrial land is primarily retained for industrial purposes; and
b) To permit retailing in industrial areas in conjunction with an industry (including a light industry) that is carried out on the same land, but not associated with a warehouse or distribution centre;
c) To permit the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on site.

Controls
a) The area for retail activities as part of a manufacturing development is limited to a maximum of 20% of the gross floor area up to a maximum area of 400 square metres as identified within the Fairfield Local Environmental Plan 2013 – Clause 5.4 (4).

Note: Industrial Retail Outlet means a building or place that:
1) Is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
2) Is situated on the land on which the industry is carried out, and
3) Is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out.

9.5.6.1 Car Parking and Operating Hour Requirements for Industrial Retail Outlets

Objectives
a) To ensure an appropriate amount of car parking is provided on-site to service industrial retail outlets.
b) Minimise the impact of ancillary retailing – industrial retail outlets on adjoining industrial developments.
c) Provide operating hour controls for industrial retail outlets.

Controls
a) Car parking requirements for industrial retail outlets are 1 space per 50m² gross leasable area plus the requirement for any associated use such as Take Away Food and Drink Premises. Refer to Chapter 12 - Car parking, Vehicle and Access Management of this DCP, for full details of car parking requirements applicable to industrial uses.
b) Development for the purposes industrial retail outlets will be required to comply with the following maximum hours of operation:

<table>
<thead>
<tr>
<th>Day</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday to Friday</td>
<td>7:00am – 9:00pm</td>
</tr>
<tr>
<td>Saturday</td>
<td>8:00am – 6pm</td>
</tr>
<tr>
<td>Sunday</td>
<td>9:00am – 5:00pm</td>
</tr>
</tbody>
</table>
9.5.6.2 Site Servicing

a) Utility availability - Appropriate conditions will be inserted in any development consents granted requiring certification on the availability of suitable telecommunications, electricity, water and sewer services for the development.

b) Pre DA consultation with Endeavour Energy is helpful in identifying any existing network assets impacted by the proposed development. Applicants are advised to submit load applications to Endeavour Energy as early as possible in the design phase.

Upon receiving load applications, Endeavour Energy can work with applicants and their Accredited Services Provider L3 (network designer) with the preferred method of supply to their developments: for example, the installation of an indoor or pad mounted substation.

Space required to be allocated for any proposed indoor and pad mounted substations can be incorporated within final architecture plans submitted to Council as part of the DA approvals process.

9.6 Development Guidelines for land in Orchardleigh Street

This clause applies to land shown on the map below within the area marked by a thick black line. The controls in this clause supersede any other clauses covering the same issue elsewhere in this chapter.

This area of Orchardleigh Street will remain for light industrial purposes and as an employment area. Specific emphases by virtue of these guidelines encourage warehouse type units or a broad range of warehouse uses at a smaller scale and other ancillary uses. These uses are most compatible to the area given the high concentration of residential development adjoining the zoned area.

Development proposals will need to consider the impact a proposed activity will have on residential development, including design and operational aspects of the development.

Objectives

a) Consolidating allotments to ensure larger sites are developed so that the form of an industrial activity can be accommodated on site without the development activities spilling on to the street and interfering with the visual state and character of the residential streetscape.

b) Encourages development forms whereby potential impacts on amenity of adjoining residents is minimised.

c) Encourage a large but consistent setback from the street designed to create a greater separation between adjoining land uses and to minimise the impact of larger developments on the streetscape.

d) To protect existing vegetation and provide intensely landscaped buffered areas that front Orchardleigh Street to ensure external walls are screened improving the physical appearance from Orchardleigh Street.

Controls

9.6.1 Consolidating allotments

a) Council will require a minimum lot size of 1,500 square metres as identified on the Fairfield Local Environmental Plan 2013 – Lot Size Map, for light industrial developments to ensure that
developments are able to accommodate access for a variety of truck sizes and landscaping provisions.

<table>
<thead>
<tr>
<th>Lot 1</th>
<th>Lot 2</th>
<th>Lot 3</th>
<th>Lot 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>450 sq.m.</td>
<td>450 sq.m.</td>
<td>450 sq.m.</td>
<td>450 sq.m.</td>
</tr>
</tbody>
</table>

**Example Site amalgamation No. 1**

Total lot size = 1,800 sq.m.
(Achieves objective A)

**Orchardleigh Street**

<table>
<thead>
<tr>
<th>Lot 1</th>
<th>Lot 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 sq.m.</td>
<td>750 sq.m.</td>
</tr>
</tbody>
</table>

**Example Site amalgamation No. 2**

Total lot size = 1,500 sq.m.
(Achieves objective A)

### 9.6.2 Floor Space Ratio

a) To ensure an adequate imperviously sealed area is set aside for on-site manoeuvring, storage, car parking, general waste, pedestrian access and landscaping, a maximum floor space ratio of 0.33:1 applies as identified on the Fairfield Local Environmental Plan 2013 – Floor Space Ratio Map.

### 9.6.3 Access arrangements

a) Loading docks and warehouse access should not front the street.
b) Storage areas should be confined within the building. Opportunities to utilise the rear of the site may exist for storage areas provided it does not conflict with other operational components of the development such as truck parking bays, waste disposal points, and car parking does not detract from the amenity of adjoining properties screened from the street and adjoining properties.

### 9.6.4 Car parking

a) Car parking requirements are 1 space per 80 square metres of gross leasable area, including mezzanine areas. Refer to Chapter 12 - Car parking, Vehicle and Access Management of this DCP, for full details of car parking requirements applicable to industrial uses.

### 9.6.5 Built form

a) The height, bulk, scale and appearance of the development are to be compatible with the streetscape of Orchardleigh Street.
b) A setback of 5m with a 1.5 m landscaping strip is to be provided along Orchardleigh Street for all developments.
c) Where entries and storage areas may be directly visible to residential properties, a minimum 3 metre wide landscaped area is to be provided along affected boundaries (excluding any access ways).

### 9.6.6 Landscaping

a) The landscape area is to be planted with indigenous vegetation appropriate to the width, with a preference for hardy species with a longer life. Trees and groundcovers provide opportunities to soften industrial environments, while generally allowing interrupted surveillance of front facades.
b) Where entries and storage areas may be directly visible to residential properties, the required three metre wide landscaped area is to be planted with indigenous vegetation forming a permanent, hardy and continuous hedge like screen that obtains a mature height of 2.5 metres.
9.7 Development Guidelines for 634A-640 Woodville Road Old Guildford (Service Station)

The purpose of this clause is to provide specific detail for the development controls relating to the redevelopment of the Service Station at 634A – 640 Woodville Road, Old Guildford, so that the interface with the residential does not have significant impacts.

Objectives

a) Ensure that the scale of any development and / or acoustic walls do not have significant impacts on the adjoining residential premises.

b) Ensure the area between the retaining wall and western boundary is suitably landscaped.

Controls

9.7.1 Setbacks

a) Setback of the retaining / acoustic wall to the adjoining residential premises (149 The Promenade, Old Guildford) be a minimum of 2.0 metres from the western boundary.

b) That 1.0 metre of land directly adjacent to the retaining wall be landscaped with an appropriate watering system.

c) That 1.0 metre of land directly adjacent to the western boundary being a pathway with suitable path treatment such as concrete stamping, artificial grass, or the like.

9.7.2 Floor Space Ratio

a) To ensure the development is of a scale that will limit impacts on the surrounding residential dwellings, a maximum floor space ratio of 0.1:1 applies, as identified on the Fairfield Local Environmental Plan 2013 – Floor Space Ratio Map.

9.7.3 Height

a) To ensure the development is of a scale that will limit impacts on the surrounding residential dwellings, a maximum building height of 8 metres applies, as identified on the Fairfield Local Environmental Plan 2013 – Height of Building Map.

9.8 Development Guidelines for 449 Victoria Street and 96 Newton Road Wetherill Park

The following site specific provisions apply to land to the south-western corner of intersection of Newton Road and Victoria Street Wetherill Park.

The subject sites are known as No. 449 Victoria Street and No.96 Newton Road Wetherill Park. The properties are also known as Lot 304 in DP 1098762 and Lot 4 in DP 851250. (Refer to Figure 1)

These site specific provisions have been prepared to guide and assist development on the land referred to above; in a manner that encourages business development and investment; and promotes local employment opportunities whilst servicing the daily needs of the workforce.

The provisions of other Chapters of this Development Control Plan (DCP), where they are relevant, will also apply but where there are any inconsistencies, the following site specific provisions prevail over those controls prescribed by the other chapters of this DCP.
SUBJECT SITES

1 - 449 Victoria Street, Wetherill Park (Lot 304 in DP 1098762)
2 - 96 Newton Road, Wetherill Park (Lot 4 in DP 851250)

Figure 1: Area to which these site specific provisions apply
9.8.1 Layout

The layout of the buildings on the subject site shall be generally in accordance with Figure 2 but an alternate layout will be considered subject to flooding issues being addressed.

On this basis, Figure 2 depicts four (4) pad sites and landscaping on the land adjacent to either side of the drainage channel portion that crosses the North East site corner, to provide a natural setting, whilst re-enforcing the site as a destination and focal point.

The layout referred to in Figure 2 is based on extensive flood risk assessment and flood modelling of the site given possible flow implications within the catchment.

![Figure 2: Plan of subject land showing location of pad sites](image)

9.8.2 Setbacks

Setbacks shall be provided in accordance with **Clause 9.1 Site and Built Form**. Notwithstanding the following is provided:

**Controls**

a) A minimum setback of 20 metres to the Victoria Street frontage shall be provided, of which 10 metres is to be used for landscaping only.

b) A minimum setback of 20 metres to the Newton road frontage shall be provided, of which 5 metres is to be used for landscaping only.

c) A minimum setback of 13.5 metres to the southern and western boundaries shall be provided, of which 1.5 metres is to be used for landscaping only.

d) A minimum setback of 5 metres to the existing concrete channel shall be provided, of which 2 metres is to be used for landscaping only.
9.8.3 Car Parking, Vehicle and Access Management

Car parking shall be provided in accordance with Clause 9.2 Car Parking, Access and Vehicle Management. Notwithstanding the following is provided:

Controls

a) A maximum of two separate entry and exit points are permitted each to the Victoria Street and Newton Road Frontages.

b) A maximum of three (3) crossings over the existing drainage channel; two being cambered cross over’s and one being a pedestrian bridge located in the centre of the site.

Note: These crossings are subject to future investigation, provided that Council specifications are satisfied.

Amendments will be required to the 88B Instrument, which forms part of the Deposited Plan, to deal with issues relating to the maintenance, repairs, liability, indemnity and access of any future crossings that are proposed over the easement that bisects the subject sites. Such amendments will also allow for easements for access and the like over the stormwater channel to mutually benefit the two (2) landowners. In addition, as the stormwater channel currently lies along the south eastern boundary of 449 Victoria Street, Council will also require unrestricted access from both sides of the channel as part of the amendment to the 88B Instrument or alternatively a new 88B prepared accordingly to enable upstream renewal, maintenance and/or rectification works.

c) Loading and unloading areas shall be appropriately screened from public view and are not permitted along street frontages.

d) Driveway widths shall comply with the requirements as specified in AS 2890.2-2002 (Parking Facilities - Off street commercial vehicle facilities). The manoeuvring of vehicles into and out of the property and within the property shall be justified using the relevant turning templates. In deciding the driveway locations, appropriate sight distances shall be taken into account.

9.8.4 Advertising Signs

Signage shall be provided in accordance with Clause 9.3 Advertising Signage.

9.8.5 Streetscape and Amenity

Despite the provisions of Clause 9.4 Streetscape and Amenity, the built form and appearance of the development shall be reinforced by the roundabout and ability to have varied architectural forms, which reinforce the hub of the Wetherill Park industrial estate.

The concentration of a hub in one mass will ensure that the development has a more legible focus. On this basis, the hub will present as a place of arrival and add to the urban qualities of the area.

Crime Prevention through Environmental Design (CPTED) is an integral component of high quality urban design and must be considered holistically throughout the design and development processes.
Controls

a) The height of the development shall be compatible with the character and amenity of the existing and likely future development in the area.

b) An attractive streetscape shall be provided to both street frontages; in this regard buildings shall be orientated to allow surveillance from the street and adjoining buildings.

9.8.6 Drainage Channel / Flooding

To enhance the appearance of the site, landscaping shall occur adjacent to the channel portion located at the North East corner of the site (as shown in Figure 2) to provide a natural setting, therefore re-enforcing the site as a destination and focal point.

In addition to the provisions and requirements of **Chapter 11 - Flood Risk Management**, Figure 4 of this SSDCP depicts the modelled and agreed finished ground floor building levels proposed for the site, which are 43.90 and 44.00. The driveways and accessways around the site have also adopted minimum finished levels as shown in Figure 4, being in accordance with flood modelling undertaken for the overall development. These levels have been adopted in principle by both Council and the Office of Water to assist with the location of future buildings and stipulate minimum finished floor levels.

Controls

a) Before granting consent to any development the Council shall have regard to the levels of the land as shown in Figure 4, with respect to:
   a. The risk of entry of flood waters.
   b. Any implications for flood water storage capacity of any filling or the like.

b) The channel shall be left as open form in its current natural state.

c) The modelling and recommendations contained in the Supplementary Flood Risk Assessment for 449 Victoria Street Wetherill Park – Dated 5 July 2011 and Addendum to Flood Risk Assessment for 449 Victoria Street, Wetherill Park – Dated 4 August 2011, and will be provided upon request (quote Objective Reference: A1295652)

*Figure 4: Plan of subject land with flood levels*
9.8.7 Specific Land Use Controls

Council at its May 2010 meeting, subject to the lodgement of a planning proposal and SSDCP, resolved to consider the following additional uses on the subject site:

a) Child care centre accommodating 60 places
b) Hotel or motel accommodation (with ancillary conference rooms) up to 7,000m²
c) Medical Centres up to 300m²

This SSDCP accompanied a planning proposal which sought to amend the Fairfield Local Environmental Plan 2013 (FLEP 2013) to permit the above uses on the subject site with the addition of small retail uses to primarily serve the daily needs of the local industrial workforce. The amendment to the FLEP 2013 was gazetted on the 21 March 2014 which permitted the following uses, with associated size restrictions, on the subject site:

a) Hotel or Motel Accommodation (with ancillary conference rooms) up to 7,000m²
b) Medical Centres up to 300m²
c) Neighbourhood Shops up to 80m²

It is noted that child care centres and neighbourhood shops are currently permissible uses on the subject site and therefore do not require an amendment to the FLEP 2013. However, special provisions apply which are discussed below.

9.8.8 Special Provisions relating to Child Care Centres and Neighbourhood Shops

Child care centres on the subject site are required to comply with the following controls:

Controls

a) Only one (1) child care centre with a maximum capacity of 60 spaces is permitted on the subject site,
b) Any additional child care centres proposed on the site is required to comply with the maximum capacity of forty (40) places as detailed in Chapter 13.1.2 Maximum Capacities, and
c) Any proposal for a child care centre on the site will be required to comply with the requirements for Child care centres as detailed in Chapter 13 Child Care Centres.

9.8.9 Neighbourhood Shops

To enable a range of small scale retailing on the subject site to serve the daily needs of the local industrial workforce and to enhance the facilities of the service node, the following controls apply:

a) Neighbourhood Shops are permitted on the subject site providing they can demonstrate they are consistent with the following definition as provided by the FLEP 2013:
b) Neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live and work in the local area, and may include ancillary services such as a post office, bank or dry cleaning but does not include restricted premises.
c) Neighbourhood Shops are restricted to a retail/business floor area of 80m² as outlined in Clause 5.4(7) of the FLEP 2013.
d) The following table indicates the type of businesses that would be appropriate on the subject site under the definition of Neighbourhood Shop:

<table>
<thead>
<tr>
<th>Business</th>
<th>Neighbourhood Shops (max 80m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Convenience Shop</td>
</tr>
<tr>
<td></td>
<td>Chemist</td>
</tr>
<tr>
<td></td>
<td>Newsagency</td>
</tr>
<tr>
<td></td>
<td>Bakery</td>
</tr>
</tbody>
</table>

Any proposal for neighbourhood shops outside of those listed above will be assessed on its merits to ensure the proposed use is consistent with the intent and definition detailed in subclause a).
9.8.10 Addendum – Flood Advice

Supplementary Flood Risk Assessment for 449 Victoria Street Wetherill Park – Dated 5 July 2011 and Addendum to Flood Risk Assessment for 449 Victoria Street, Wetherill Park – Dated 4 August 2011 form part of this development control plan.

9.9 Industrial/Residential Interface

All new development should contribute to preserving or enhancing the residential amenity of adjoining and/or nearby residential properties. Historical subdivision and development patterns within Fairfield City have created many areas where residential properties immediately adjoin industrial/employment zones. It is critical that land uses permitted in industrial/employment zones at the interface with residential development are located, sited, designed and operated to protect residential amenity. The controls in this section aim to manage the potential issues that can arise at the interface of residential and industrial/employment lands and minimise negative impacts on residential amenity.

Objectives

a) To ensure that development does not adversely impact on the amenity of adjoining and nearby residential development.

b) To ensure that new industrial and/or employment development is located, sited, designed and operated to minimise potential impacts associated with:
   a. Noise;
   b. Odour;
   c. Vibration;
   d. Overshadowing;
   e. Privacy impacts; and
   f. Excessive bulk and scale.

c) To ensure that industrial buildings are appropriately sited and setback from nearby residential properties in order to ensure the amenity of adjoining and surrounding residential properties is preserved.

d) To encourage a high standard of aesthetically pleasing and functional industrial developments that sympathetically relate to adjoining and nearby residential land.

e) To ensure that heavy vehicles associated with industrial development do not adversely impact upon residential amenity.

Controls

9.9.1 General Design Requirements

a) Side and rear boundary setbacks to adjoining residential development will be determined taking into account the potential impacts of the proposed development on the privacy and amenity of existing residential development.

b) Loading areas, driveways, rubbish, storage areas and roof top equipment shall not be located adjacent to residential properties.

c) Any odour generating activities (including take-away food and drink premises) shall provide ventilation facilities to ensure that no odour is emitted in a manner that adversely impacts upon adjoining residential properties.

9.9.2 Bulk and Scale

a) The height, bulk, scale and appearance of new development is to be compatible with adjoining residential development.

b) New buildings or additions to existing buildings shall not unnecessarily overshadow adjoining residential development including private open space. In this regard, Council may require the submission of shadow diagrams where it considers the proposed development may create the potential for overshadowing.

c) Buildings should be constructed of high quality, durable, UV stabilised / resistant building materials. Materials utilised shall ensure any reflective materials do not impact on adjoining residential properties.
9.9.3 Vehicular and Pedestrian Access

a) Secondary access or battle-axe handles from residential streets shall not be utilised for vehicular and/or pedestrian access where the site has alternative primary road frontage for example for properties zoned B5 Business Development fronting the Hume Highway, Cabramatta and properties zoned B6 Enterprise Corridor fronting Cabramatta Road West, Cabramatta.

9.9.4 Privacy

a) Windows and/or other openings facing residential properties are to be located and designed to minimise the potential for direct overlooking of habitable rooms and private open space or dwellings.

b) Places where people/employees may gather in an outdoor environment, such as a car park, patio, deck or balcony are not to be located directly adjoining residential properties.

9.9.5 Light Spill

a) External lighting shall be positioned to avoid light spillage to adjoining residential properties. In this regard, Council may require additional information such as Light Spill diagrams where it considers there is potential for negative impacts on residential amenity from any proposed development.

9.9.6 Noise and Vibration

a) Noise and/or vibration generating activities are to be located within buildings or orientated away from residential properties or other sensitive land uses such as child care centres or places of public worship.

b) An Acoustic Engineers Report may be required to be prepared as part of a development application where Council considers that the proposed development has the potential to produce an adverse noise and/or vibration impact.

9.9.7 Landscaping

a) Site boundaries that immediately adjoin residentially zoned land must include a continuous landscaped strip planted with vegetation of sufficient height and dimensions to soften the development as viewed from the adjoining residential properties.

b) The depth and width of the required landscaped area shall allow for growth and maintenance of tree species endemic to the locality.

Such landscaping strips are to be suitably maintained so as to provide ongoing benefit to adjoining residences.

9.10 Site Servicing

a) Utility availability - Appropriate conditions will be inserted in any development consents granted requiring certification on the availability of suitable telecommunications, electricity, water and sewer services for the development.

b) Pre DA consultation with Endeavour Energy is helpful in identifying any existing network assets impacted by the proposed development. Applicants are advised to submit load applications to Endeavour Energy as early as possible in the design phase.

Upon receiving load applications, Endeavour Energy can work with applicants and their Accredited Services Provider L3 (network designer) with the preferred method of supply to their developments: for example, the installation of an indoor or pad mounted substation.

Space required to be allocated for any proposed indoor and pad mounted substations can be incorporated within final architecture plans submitted to Council as part of the DA approvals process.
Annexure 1
Lots within Wetherill Park Industrial Estate subject to Clause 9.0.4

ANNEXURE - 1 Land within Wetherill Park Industrial Area Subject to Clause 9.0.4


Key: Properties affected

Transgrid 330kV Easement

Western Section
From Cowpasture Rd to 183 Newton Rd

Central Section
From 183 Newton Rd to Wenban Pl

Eastern Section
From Wenban Pl to LGA Boundary
Chapter 10

Miscellaneous Development

Table of Contents

10.0 Local Context
10.0 Context and objectives
10.1 Non-Residential Development in Residential Zones
10.1.1 Parking Provisions
10.1.2 Vehicle Access and Road Provisions
10.1.3 Servicing Provisions
10.1.4 Management of Waste
10.1.5 Advertising and Signage
10.1.6 Building Design
10.1.7 Fencing and Screening
10.1.8 Landscaping
10.1.9 Extended Operating Hours
10.2 Home Occupations
Fairfield LEP 2013
10.3 Home Businesses, Home Industries and Home Occupations
SEPP (Exempt and Complying Development Codes) 2008.
10.4 Controls for Exhibition Homes and Exhibition Villages
10.5 Recreational Facilities (indoor) and certain Commercial Premises Providing Personal Services in Town Centres
10.6 Controls for Stables and the Keeping of Animals
10.7 Controls for Boarding Houses (including student accommodation)
10.7.1 Neighbourhood Character
10.7.2 Built Form and Appearance
10.7.3 Unsuitable Locations – Cul-de-sac Streets
10.7.4 Maximum Size of Boarding Houses
10.7.5 Subdivision
10.7.6 Communal Open Space Location Requirements
10.7.7 Boarder Amenity, Safety and Privacy
10.7.8 Visual and Acoustic Amenity Impacts
10.7.9 Traffic Report
10.7.10 Plan of Management
10.8 Neighbourhood Shops
10.8.1 Residential Zones
10.8.2 Industrial Zones
10.9 Religious buildings used for the storage of cremated remains of deceased persons.
10.10 Close Circuit Television (CCTV)
10.11 Controls for the Cabravale Diggers Site (Hotel or Motel accommodation)

10.0 Context and Objectives

This Chapter applies primarily to a variety of development types not otherwise covered by other Chapters of this DCP. The major focus of this chapter is non-residential development in residential zones. Additionally this chapter provides a commentary on home occupations which are permitted without consent throughout the residential and rural zones under LEP 2013.

Particular development types may be permitted across many different zones within the local government area, subject to meeting the objectives of that zone. The objectives for the controls for miscellaneous development are:

a) To control the impact of development on adjoining development and neighbourhoods.
b) To ensure development is carried out in an integrated and safe manner.
c) To ensure that activity is conducted according to expectations regarding general amenity.

Certain aspects of this chapter when referencing specific developments will outline controls for car parking and access vehicle management. In the event of an inconsistency in regards to car parking matters, the provisions of Chapter 12 “Car Parking, Access and Vehicle Management” will prevail.

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For properties identified as heritage items within Fairfield City, refer to:
- Chapter 2 – Development Application Process, clause 2.2.13 – Heritage Assessment
- Chapter 3 – Environmental Management and Constraints, clause 3.12 Heritage Items
- Appendix G – Heritage and Development.

For properties near heritage items, contact Council on how your proposal must minimise potential impacts.

10.1 Non-Residential Development in Residential Zones

Overview

Section 10.1 applies to those developments which are permissible in residential zones but are non-residential in nature, for example community facilities, etc.

Under the Fairfield Local Environmental Plan 2013 “Residential Zones” are classified as:

a) R1 General Residential
b) R2 Low Density Residential
c) R3 Medium Density Residential
d) R4 High Density

The purpose of this section is to concentrate on such developments by imposing controls to ensure that such activities are compatible with the predominate residential environment while providing an important service to the community.

10.1.1 Parking Provisions

Overview

This section “Parking Provisions” provides consideration for the provision of car parking for present and future needs of the site and its locality.

Objectives

a) Ensure the type of parking required and the quantity are consistent with use/activity proposed;
b) Encourage development that seeks to address the physical aspects of the car parking area that are safe, efficient and maintain the existing amenity of the locality; and
c) Encourage consistency in the location of car parking facilities within Fairfield City.

Controls

a) All off-street parking and access and vehicle management should refer to Chapter 12 – Car Parking, Vehicle and Access Management.

10.1.2 Vehicle Access and Road Provisions

Overview

Vehicular access and driveways to properties are important for ensuring that the shortest, most direct access is provided. This section explores the possible access points from different roads and opportunities for road improvements within Fairfield City.

Objectives

a) Provide opportunities for road improvements;
b) Encourage the dedication of land for the provision of intersections on public roads within Fairfield City; and
c) Promote development with safe entry and exit points from driveways.

Controls

a) Vehicle access and driveways to properties should be in the location that allows the shortest, most direct access over the nature strip from the road.
b) Vehicle access and driveways to properties should be at least 30 metres or as far as possible from an intersection with a Classified State and Regional Roads or Unclassified Regional Roads.
Refer to Schedules 1 and 2 to Chapter 12- Car parking, Vehicle and Access Management, for a list of Classified State and Regional Roads or Unclassified Regional Roads.

Consent will need to be sought from Council or the appropriate responsible authority regarding the provision of vehicle access and driveways from the following:

a. **A physically closed road** will only be where there is no alternative access opportunity and with the approval of Council’s Traffic Branch.

b. **Classified State and Regional Roads and Unclassified Regional Roads:** will only be permitted via a slip lane where it is beneficial to the business and has the approval of the RTA or where there is no alternative access opportunity.

c. **The Bus Transit way Corridor:** will not be permitted, except on the following streets where there is no alternative access opportunity: Canley Vale Road (North of The Horsley Drive), and Victoria Street and eastern side of Walter Street.

c) Development on properties adjoining Boundary Lane, Cabramatta should be set back at least 9 metres from the centre line of the road. Council may seek to acquire up to 3 metres width of land for road widening.

d) 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.

e) Vehicle movement near intersection driveways on local and collector roads are not permitted within 6 metres of a splay corner. Detached housing sites are exempted from these requirements.

### 10.1.3 Servicing Provisions

**Overview**

Servicing arrangements can have considerable impacts on pedestrian and vehicular traffic flow. This section attempts to address such impacts through planning controls relating to servicing provisions affecting a site and the wider locality. The layout and design of access, parking and service areas should address the needs of the site occupants and visitors as well as respecting the amenity of the area.

**Objectives**

a) Promote safe and efficient servicing of sites, which does not adversely intrude on pedestrian and vehicle amenity; and

b) Ensure the type and scale of the development addresses present and future servicing needs.

**Controls**

a) Servicing times should occur between the hours of 8.00am and 6.00pm, where practical, all servicing should occur at one time.

b) Servicing by different vehicles at different times during the day should be avoided where possible.

**Note:** Vans and small trucks can normally satisfy delivery requirements because of the predominantly low key nature of non-residential uses permissible in residential zones. On-site delivery arrangements may be required to be able to cater for large rigid trucks because of the size or nature of the development.

### 10.1.4 Management of Waste

**Overview**

Efficient management of waste is crucial for minimising the overall environmental impacts of waste, in line with the principles of Ecologically Sustainable Development.
Objective

a) To provide for design and location standards, which assist waste and recycling collection and management services, offered by Council and private providers.

Controls

a) Times when any Waste/Garbage removal will need to be carried out is between 6.00am and 6.00pm, Monday to Friday, preferably within the same hour of service loading activities.

10.1.5 Advertising and Signage

Overview

Advertising and Signage structures are an important element of the built environment of the City of Fairfield although these are not typically associated with residential areas. This section attempts to provide development standards intending to encourage well designed and well positioned signs which contribute to the vitality and legibility of the City of Fairfield and which respects the amenity of the residents within the residential locale.

Objective

a) To establish some parameters for the type and size of advertising signs for non residential development in Residential zones to ensure the signs are sufficient to provide information to passing motorists or pedestrians but at a scale which doesn’t dominate a locality.

b) Maintain and encourage advertising and signage subject to provisions outlined in Appendix C – Signage or the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. This will help to ensure that the visual amenity of residents is maintained.

Controls

a) General advertising (i.e. that is not related to the use on site) is not permissible.

b) Window Displays are not permissible in residential zones.

c) In respect to those developments which involve the use of an existing dwelling for a business ancillary to the residential activity, permissible signs in residential zones, include those that identify a Home Occupation or other approved non-residential uses, such as a health consulting room.

d) Illuminated signage is prohibited and signs should be in muted colours. The materials used in the sign should not detract from the architecture and character of the residential building to which it is attached, and to the existing streetscape.

e) Signage should be located flush with the building facade or flush with a front fence/wall and be parallel to the street.

f) A sign for a Home Occupation must not be larger than 0.4 square metres in area, with a maximum dimension of 0.8 metres.

g) A maximum of one sign is permitted for a Home Occupation, and the applicant must nominate whether the location of the sign will be on the wall of the house or on the front fence.

h) Fence/wall signs may not be more than 0.8 metres above ground and may not project above the wall/fence.

i) Large-scale development such as shops, churches, service stations or schools, in residential areas will be assessed on their individual merits and the objectives of this development control plan. Consideration will be given to the scale of the development that the sign relates to and the character of the surrounding buildings and environment.

j) Some of these large-scale uses may require pole or pylon signs. Such signs will be restricted to a maximum height of 6000 mm and maximum advertising area of 3 square metres. This is to make sure that advertising does not dominate the streetscape in residential zones.
k) Should there be an inconsistency between the provisions contained in this clause, and those applicable clauses in Appendix C, the applicable clauses of Appendix C apply to the extent of the inconsistency.

l) Appropriate landscaping around free standing signage is to be provided for all types of development.

10.1.6 Building Design

Overview

Building design is crucial in ensuring that the established character of the residential area is maintained. This section will explore the development standards and principles for creating an attractive public domain.

Objective

a) Encourage new development to be consistent and compatible with established built form resulting in a cohesive neighbourhood;

b) Maintain sunlight in public open spaces such as parks and squares; and

c) Ensure solar access to private open space.

Controls

a) The height of the building is to be limited to two storeys above ground level in order to maintain the established character.

b) Any new building adjoining residential development should be designed:
   a. To allow a daily minimum of 3 hours of direct sunlight to adjoining windows and two-thirds of the private open space, between 9am and 3pm on 21 June.
   b. To protect adjoining windows and open spaces from overlooking and unreasonable transmissions of noise.

c) Where a structure is situated on a sloping site, consideration will be given to undercroft parking on the low side of the site, provided that the proposed development does not result in overshadowing or overlooking of an adjoining property, or unacceptable visual dominance when viewed from the adjacent property.

10.1.7 Fencing and Screening

Overview

Fencing and screening must be visually acceptable and in character with other development in the locality. The streetscape should not be negatively affected by the fencing of a development.

Objective

a) Reinforce the intrinsic character of a locality;

b) Ensure consistency in the building design by avoiding fencing design that interfere or obstruct resident’s vision onto adjoining premises and public spaces;

c) Ensure that the design and materials used are consistent and complement the existing streetscape;

d) Fences must have adequate footings, be self-supporting and able to withstand loads; and

e) Fences must not stop or redirect surface waters so as to cause a nuisance.

Controls

a) Boundary fences to public roads are to be visually acceptable and in character with other development in the locality.

b) Where a development has frontage to two or more streets there may be the need to screen rear storage, servicing or parking areas from public view.

c) Timber or masonry materials are to be used in the construction of any boundary fences that are required to adequately screen storage, car parking or service areas and generally complement the building and surrounding environment. Wire mesh fences are not acceptable.
d) Where there is the potential for a development to cause nuisance to adjoining residences such as by traffic movement, parking, headlight glare or security lighting, adequate protective screening must be provided, comprising screen fencing and/or landscaping to Council's satisfaction.

e) The following criteria applies to security fencing:
   a. Must not contain barbed wire, chain wire, razor wire, broken glass or the like
   b. Must be designed with landscaping and gardens to reduce the visual impact of walls and in keeping with streetscape and neighbourhood character
   c. Must provide opportunities in fencing design for natural surveillance
   d. Must be designed to highlight entrances, and be compatible with buildings, letterboxes and garbage storage areas.
   e. Will only be permitted where it can be demonstrated that a security risk exists.

f) The following criteria applies to the construction of fences:
   a. Must be constructed from lightweight materials including those that are "see through" in design such as panels, lattice, timber or metal pickets, which are set into a timber frame or between bricks where any solid base is no taller than 1 metre.
   b. Must not contain barbed wire, chain wire, razor wire, broken glass or the like

g) The following criteria applies to front boundary fences:
   a. Maximum height is 1.5 metres generally along front boundaries provided that they are a high quality design, and
   b. Constructed from masonry and decorative panel construction. Decorative panels may consist of lightweight materials such as timber, lattice, metal pickets etc.

h) The following criteria applies for side and rear boundary fences:
   a. Maximum height is 2.0 metres generally.
   b. Council may consider a height of up to 2.2 metres on sites where it can be demonstrated that a significant security risk exists.
   c. An overall maximum height of 2.4 metres may be considered if the site is sloping and the fence incorporates a retaining wall.

i) Solid front fences to a maximum height of 1.8 metres are only permitted along:
   a. The Horsley Drive
   b. The Cumberland Highway
   c. Cabramatta Road provided that the fence incorporates corners and planting beds every 5 metres.

10.1.8 Landscaping

Overview
Non-residential developments in residential zones are a more intensive use of the site than a simple dwelling. This increased “intensity” takes the form of extra building area, additional parking, signage and staff.

Objectives
a) Encourage development, which maximises space devoted to the dwellings’ landscaping and open space.

Controls
a) To reduce the visual intrusiveness of non-residential development, the landscaping measures detailed will be required for any new development or for more intensive use of any existing operations/activities.

b) As a general rule, non-residential development in residential zones will be considered on their merits and judged against the requirements of a comparable activity.

10.1.9 Extended Operating Hours

Extended Operating Hours are operating hours within the period of 10pm to 7am

Objectives
a) To consider the relationship and proximity of premises to residential development;
b) To consider the scale and operation of the business; and

c) To consider proposed works to minimise adverse effects of the activity on residential areas; and the history of the subject premises in relation to complaints about noise, nuisance, etc.

Controls

a) An acoustic report may be required, prepared by a suitably qualified person, to be submitted with any application for extended trading hours.

b) Council may issue a time-limited consent or consent subject to reviewable operating hour conditions in order to assess the impact of a proposed change.

c) If the impact cannot be acceptably controlled, Council may refuse the application when extension of the consent is sought.

10.2 Home Occupations - Fairfield LEP 2013

Home Occupations are permitted without consent in the following zones under the provisions of Fairfield LEP 2013:

a) Zone RU1 Primary Production  
b) Zone RU2 Rural Landscape  
c) Zone RU4 Primary Production Small Lots  
d) Zone RU5 Village  
e) Zone R1 General Residential  
f) Zone R2 Low Density Residential  
g) Zone R3 Medium Density Residential  
h) Zone R4 High Density Residential  
i) Zone B1 Neighbourhood Centre  
j) Zone B2 Local Centre  
k) Zone B4 Mixed Use  
l) Zone B6 Enterprise Corridors  
m) Zone SP3 Tourists  
n) Zone E3 Environmental Management

The LEP defines a Home Occupation as:

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

(a) the employment of persons other than those residents, or

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

(c) the display of goods, whether in a window or otherwise, or

(d) the exhibition of any signage (other than a business identification sign), or

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Fairfield LEP 2013 does not permit a Home Business or a Home Industry within any residential or rural zone. The main difference between these uses and a Home Occupation is that a Home Occupation does not permit the employment of non-permanent residents of the dwelling, located on the same property, in connection with the occupation.

Where a person has previously obtained consent for a Home Business, under the provisions of the previous Fairfield LEP 1994, then such use may now be covered by the definition of Home Occupation, and if so no consent is required.

Whilst consent is not required for a Home Occupation this does not mean that there are no specific requirements. For example if your occupation involves the production of food then you must comply with the requirements of the Food Act, 2003 and Food Regulation, 2010, you must hold the relevant licences and be registered. If your occupation involves skin penetration such as piercing you must be registered with Council under the provisions of the Public Health (Skin Penetration) Regulation. Legislation relating to noise impact on surrounding residential properties would also apply.

It is advisable that you contact Council’s Environmental Health Surveyors to discuss the licensing and environmental impact implications of your home occupation before you commence your occupation.
10.3 **Home Businesses, Home Industries and Home Occupations - SEPP (Exempt and Complying Development Codes) 2008.**

A current version of the SEPP should be consulted for the applicable provisions relating to Home Businesses, Home Industries and Home Occupations.

10.4 **Controls for Exhibition Homes and Exhibition Villages**

**Overview**

This Clause applies to exhibition homes and villages, which are permissible in residential zones with development consent.

**Objectives**

To ensure that exhibition homes and villages are located ideally and with negligible impact to the surroundings.

**Controls**

a) **Location** - Exhibition homes and villages should be located in residential subdivisions where little residential development has taken place. Access to exhibition homes and villages will not be permitted on roads designated as arterial roads, sub-arterial roads or collector roads.

   Exhibition homes and villages will be permitted in cul-de-sacs only when all allotments in the cul-de-sac, including the corner allotments, are to be used for exhibition homes and associated parking.

b) **Car Parking** - One allotment is to be provided for off-street car parking for every five exhibition homes or part thereof. The exhibition homes and villages are to be fenced to allow pedestrian access only from the off-street parking area. The car parking area is to be suitably signposted, and surfaced in accordance with Chapter 12 of this DCP.

   For each exhibition home, Council will permit only one advertising sign.

c) **Approval** - Any approval for an exhibition home or village will be for a period of 2 years from the date of completion of the dwelling house and any extension of consent will require an application to Council.

d) **Site Operation** - No floodlighting, bunting, or security dogs will be permitted.

   a. Exhibition homes and villages may open seven days a week and hours of operation will be restricted to 9:00am to 5:00pm.

   b. Rubbish disposal facilities are to be placed at the customer entry and exit points to the development.

10.5 **Recreational Facilities (indoor) and certain Commercial Premises providing personal services in Town Centres**

**Overview**

This clause applies to indoor recreational facilities, and certain types of commercial premises providing personal services in town centres which are permissible within the following zones:

a) Zone B1 – Neighbourhood Centre

b) Zone B2 – Local Centre

c) Zone B3 - Commercial Core

d) Zone B4 - Mixed Use

The type of uses that provide people with indoor leisure and recreational opportunities as well as specialised services throughout the City covered by the controls in this section include, but are not limited by, the following examples:

a) Amusement centres

b) Internet cafes

c) Tattoo parlours.
To encourage active street shop fronts in town centres, it is desirable to have these type of uses located on the ground floor. Many commercial premises located above the ground floor are also not accessible by lifts and ramps. Locating recreational and personal services on the ground floor helps to address access for a diverse community, as well as increase perceptions of safety.

The types of uses not covered by this section include **restricted premises**, meaning those business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises.

**Objectives**

a) Encourage development that address the personal and recreational needs of people from a wide range of age groups, particularly youth;
b) Promote community safety and accessibility for all members of the community;
c) Make sure the location and internal arrangements of personal and recreational services are of a standard that encourages good management and supervision of customers; and
d) Take into consideration the needs, issues and opinions of the target client group when considering an application for a personal and recreational service as well as the potential impact on the surrounding neighbourhood.

**Controls**

a) **General**

   a. **Site Suitability Considerations** - The suitability of the location will be assessed by considering:
      i. The proximity of residential areas, schools, clubs and hotels.
      ii. The availability of public transport near the site.
      iii. The nature of surrounding businesses and the likelihood of adverse impacts on them.
      iv. Whether the use is readily visible to the general public, or in an area of restricted viewing, resulting in lack of surveillance and possible security issues.
      v. The security of the site’s neighbourhood.
      vi. The level of interest of local people of various ages, and
      vii. Where relevant, compliance with Chapter 12 of this DCP.

   b. Ground Floor Only – uses covered by this section are only permitted on the ground floor of buildings to meet accessibility requirements under the Disability Discrimination Act 1992 as well as improve opportunities for surveillance of centres directly from the street.

   c. **Access** - Access to recreation and personal services centres must follow the guidelines contained in Council’s “Access for People of with a Disability”.

   d. **Noise** - No noise greater than 5db (A) above the normal background noise is allowed to come from the premises. Activities such as spruiking outside the premises to encourage people to come inside, which raise external noise levels, are not permitted

   e. **Hours of Operation** - The closing time is to be assessed on the individual merits of the location. Opening times will usually be no earlier than 7.00am. Closing times will usually be no later than 10:00 p.m. Consideration will be given to the closing time of surrounding businesses in the area and the proximity of the nearest residential occupations when making this decision.

   f. **Safer by design** – Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that employs four key strategies: territorial re-enforcement, surveillance, access control and space/activity management. Proposals should consult the “Crime Prevention and the Assessment of Development Applications - Guidelines Under Section 79C of the Environmental Planning and Assessment Act 1979” available, with other supporting information, through the NSW Police website.

   g. **Site Management Plans** - proposed uses need to consider the potential amenity impacts or risks that may arise as a result from their activity. A Site Management Plan will need to be prepared to council’s satisfaction as part of the submission requirements detailing how the site is able to be managed without adverse impact on the surrounding locality. Applicants are encouraged to contact council to discuss their proposal before submitting applications.
h. Fire Safety
   i. There must be adequate general maintenance of the building in which the use is located. This should cover, for example, electrical safety and maintenance of floors to avoid trip hazards.
   ii. The correct type of fire extinguishers must be provided. For example, water based extinguishers for paper and wood fires or dry chemical extinguishers for electrical fires. These must be appropriately identified and accessible to all employees.
   iii. Emergency evacuation lighting and illuminated exit signs must be provided within the building that complies with Australian Standard 2293.
   iv. The premises must comply fully with all relevant provisions of the Building Code of Australia.

b) Amusement Centres
   a. Layout and Interior Design
      i. Number of devices/tables - a limit of one amusement centre/table for every five square metres of public floor space is permitted. Council reserves the right to require a reduced number of amusement devices/tables where the number of large devices/tables is relatively high.
      ii. Types of devices/tables - a range of amusement devices should be provided to cater to the diverse interests and abilities of various age groups.
      iii. Lighting and ventilation - The amusement centre must be well lit, with a light intensity that allows the entire playing area to be seen easily from both inside and outside the centre. The amusement centre will also be well ventilated under the requirements of the Building Code of Australia.
      iv. Layout - The layout of the centre must be open, with no area where vision is restricted. There should be no separated rooms (apart from toilets and a secured storage room), partitions or divided off areas in the amusement centre. This is to make sure good supervision of customers is possible by the amusement centre attendant.
      v. Food and drink - Food and drink vending machines and seating for patrons to use must be provided. In centres where food is prepared, those areas must meet the requirements of the Food Act. Applicants should contact Council’s Environmental Health Branch to determine precise requirements.
      vi. Notice board - A Notice board in a prominent location must be made available for the use of the police, Council or other approved groups. This is to provide information to the customers of the amusement centre on items such as youth initiatives, activities and health and other related promotions.

   b. Hours of operation - To make sure that the hours of operation for amusement centres will not interfere with schools or surrounding businesses and residents, amusement centres will only be allowed to open after 9:30 a.m. The closing time to be assessed on the individual merits of the location. Closing times will usually be no later than 10:00 p.m. Consideration will be given to the closing time of surrounding businesses and the proximity of the nearest residential developments in the area when making this decision.

   c. Toilet facilities - Toilet facilities are required for all amusement centres. The toilets need to be easily accessed, with a direct entry from the playing area of the amusement area.

<table>
<thead>
<tr>
<th>Toilet facilities must be provided at the following rates:</th>
</tr>
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<tbody>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Female</td>
</tr>
<tr>
<td>Disabled access</td>
</tr>
</tbody>
</table>

d. Amusement Centre Management
   i. The amusement centre must be attended during all operating hours by at least one person over the age of 18 years, who is clearly identifiable as an attendant for the centre.
   ii. The attendant at the amusement centre is to make sure of the following:
a. No school children are in the centre during school hours, unless they can show that they are absent from school with approval, for example, a letter from their school principal stating that it is a pupil free day at their school on that day, or if they are accompanied by a parent;
b. A sign clearly displayed at the front entrance of the amusement centre showing the entry requirements detailed above;
c. No intoxicating liquor, any illegal drugs or people under the influence of liquor or drugs are in the amusement centre;
d. No gambling is occurring in the centre, with no monetary prizes allowed as a reward for skill for playing any machine; and
e. Contact with, and information on local youth and community organisations is established and maintained to provide assistance to customers.

10.6 Controls for Stables and the Keeping of Animals

a) Please refer to Council’s Policy for the erection of stables for further information.

10.7 Controls for Boarding Houses (including student accommodation)

Overview

This clause applies to boarding houses which are permissible with consent in certain residential and commercial zones under Fairfield Local Environmental Plan 2013.

The LEP defines a Boarding House as:

Boarding house means a building that:

(a) is wholly or partly let in lodgings, and
(b) provides lodgers with a principal place of residence for 3 months or more, and
(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers’ accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Registration of Boarding Houses - the Boarding Houses Act 2012

Pursuant to the provisions of the Boarding Houses Act 2012, the owner of a boarding house is required to register the boarding house with the Commissioner for Fair Trading, Department of Finance and Services. Boarding houses are required to be conducted with regard to the requirements of the Boarding Houses Act, 2012 and the Boarding Houses Regulation 2013. (Refer to www.legislation.nsw.gov.au for details of the Boarding Houses Act 2012 and Boarding Houses Regulation 2013).

Objectives

a) To ensure that the location of boarding houses has due regard for compatibility with neighbourhood character
b) To minimise adverse impacts on neighbourhood amenity
c) To provide controls additional to those contained within State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP)
d) To ensure an acceptable level of amenity in boarding house premises to meet the needs of residents.

Controls

10.7.1 Neighbourhood Character

a) Boarding House development applications must comply with the relevant City Wide DCP 2013 controls, relating to the predominant housing form within the neighbourhood, where such controls are not in conflict with SEPP (Affordable Rental Housing) provisions. For example, where the neighbourhood character is established by the presence of single detached dwellings then
Chapter 5A – Single Dwelling Housing controls apply, where multi dwelling housing predominates then Chapter 6A – Multi Dwelling Housing Town Houses or Villa, or Chapter 6B – Multi Dwelling Housing – Dual Occupancy apply. Similarly in areas dominated by residential flat buildings the applicable DCP controls are contained in Chapter 7- Residential Flat Buildings.

b) **Boarding houses development applications must be accompanied by a detailed site and neighbourhood analysis** to assist with the determination of neighbourhood character. Neighbourhood character is influenced by many factors such as the type, age and scale of buildings as well as the spaces between buildings and the amount of green space provided.

c) **Boarding houses shall be designed to have a sympathetic relationship with adjoining development** so as to ensure that they are capable of successfully integrating with neighbouring properties. A site analysis is required to establish the site context and should be reflected in the design, addressing the constraints and opportunities of the site and its context.

d) **A site analysis is to be submitted with all new boarding house development applications.** Guidance for the content of a site analysis is contained within Clause 30 of State Environmental Planning Policy (Housing for Seniors or Persons with a Disability) 2004.

10.7.2 Built Form and Appearance

a) New boarding house development shall be designed to reflect the predominant built form and design elements of the surrounding locality and streetscape.

b) A boarding house shall be designed to consist of a single front entry point that addresses the street and minimises potential privacy impacts on neighbouring properties. A single entry point ensures that access to and from the boarding house is controlled and enables the improved visual surveillance to the building.

   **Note:** Multiple entry points, where separate entry is provided to each individual boarding room, has the potential to create adverse visual and acoustic privacy impacts upon neighbouring properties as well as create security issues. This form of boarding house is discouraged.

c) New boarding houses shall not adversely impact upon solar access of adjoining properties.

10.7.3 Unsuitable Locations - Cul-de-sac streets

a) To ensure preservation of neighbourhood character and minimise amenity impacts, boarding houses shall not be located in cul-de-sac streets.

10.7.4 Maximum Size of Boarding Houses

a) R1 General Residential and R2 Low Density Residential zones
   a. A maximum number of 12 bedrooms per boarding house will be permitted in the R1 and R2 zones and the development shall have a maximum capacity for 12 residents.

b) R3 Medium Density Residential zone, R4 High Density Residential zone, B1 Neighbourhood Centre zone, B2 Local Centre zone, B3 Commercial Core zone, and B4 Mixed Use zone
   a. The total number of rooms permitted in boarding houses located in the R3, R4, B1, B2, B3 and B4 zones will be dependent upon the proposals capacity to maintain consistency with the prevailing neighbourhood character. Proposals must also demonstrate that neighbourhood amenity will not be adversely impacted by factors such as noise, privacy, overshadowing, traffic generation and the like.

c) Any shared rooms are to be limited to a maximum of 2 occupants per room.

10.7.5 Subdivision

The subdivision, including strata or community title subdivision, of boarding houses is not permitted.

10.7.6 Communal Open Space Location Requirements

In addition the Affordable Rental House SEPP the following communal open space requirements apply:
a) receive a minimum 3 hours solar access to at least 50% of the area between 9am and 3pm on 21 June;
b) be provided at ground level in a courtyard or terrace area, wherever possible;
c) provide partial cover from weather;
d) incorporate soft/porous surfaces for 50% of the area;
e) be connected to communal indoor spaces, such as kitchens or living areas;
f) contain communal facilities such as barbecues, seating and pergolas where appropriate; and
g) be screened from adjoining properties and the public domain with plantings or similar, such as a trellis with climbing vines.

10.7.7 Boarder Amenity, Safety and Privacy

Boarding houses are to maintain a high level of resident amenity, safety and privacy by ensuring:

a) Living areas and communal kitchen of a boarding house shall be designed as the focal point of the development. Boarding rooms shall be designed around this centrally located communal facility;

b) communal spaces, including laundry, bathroom, kitchen and living areas are located in safe and accessible locations;

c) bedrooms are located so that they are separated from significant noise sources and incorporate adequate sound insulation to provide reasonable amenity between bedrooms;

d) structural fittings and fixtures for all internal rooms enhance nonchemical pest management of the building, with all cracks and crevices sealed and insect screening provided to all openings;

e) that a minimum of 70% of bedroom windows face north or east;

f) at least 1 in 10 bedrooms is an adaptable bedroom suitable for residents with a disability;

g) cross ventilation is achievable such that reliance on air-conditioning is minimised.

h) Boarding houses must provide the following facilities within each building:
   a. Bedrooms
   b. Communal laundry facilities
   c. Communal kitchen and dining area (one per floor for multi storey boarding houses)
   d. Individual ensuite and/or communal bathrooms
   e. Communal lounge room (one per floor for multi storey boarding houses)
   f. Communal garbage storage and recycling facilities
   g. Communal outdoor open space area
   h. Car parking (as required by SEPP (Affordable Rental Housing 2009)
   i. On-site manager accommodation (for 20 or more lodgers)

10.7.8 Visual and Acoustic Amenity Impacts

a) Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings by locating:
   a. the main entry point at the front of the site, away from side boundary areas near adjoining properties;
   b. communal areas and bedroom windows away from the main living area or bedroom windows of any adjacent buildings;
   c. screen fencing, plantings, and acoustic barriers in appropriate locations.

b) Council may require an acoustic report prepared by a suitably qualified acoustic consultant, if there is the potential for significant impacts from noise emissions. The investigation shall include but is not limited to the following:
   a. the identification of sensitive noise receivers potentially impacted by the proposal;
   b. the quantification of the existing acoustic environment at the receiver locations;
   c. the formulation of suitable assessment criteria;
   d. details of any acoustic control measures that will be incorporated into the proposal;
   e. the identification of all noise that is likely to emanate from the boarding house and the subsequent prediction of resultant noise at the identified sensitive receiver locations; and
10.7.9 Traffic Report

a) An application for a boarding house incorporating 20 or more bedrooms is to be supported by a Traffic Report, prepared by a suitably qualified person, addressing, as a minimum, the following factors:

   a. the prevailing traffic conditions;
   b. the likely impact of the proposed development on existing traffic flows and the surrounding street system;
   c. pedestrian and traffic safety; and
   d. justification for on-site parking provision.

10.7.10 Plan of Management

a) An operating ‘Plan of Management’ is to be submitted with each development application for a boarding house (including new and existing boarding houses) to ensure that it operates in a manner that minimises impacts on adjoining occupiers and maintains a high level of amenity for residents. The Plan of Management is to include details of:

   a. **boarding house staffing arrangements**, including the location and/or 24/7 contact details of any on-site manager or resident caretaker, who has overall responsibility for the operation, administration, cleanliness, maintenance and fire safety of the premises;
   b. **house rules**, including details of how they will be publicised to residents, that cover, but need not be limited to, guest behaviour, activities and noise, visitor policy, and the use of alcohol and/or drugs, and location of smoking area;
   c. **plans outlining the occupancy rate** for each sleeping room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with disabilities;
   d. **measures to minimise unreasonable impact to the habitable areas** of adjoining properties, including the management of communal open spaces, which, for boarding houses within residential areas or where adjoining sites contain residential activities, should be restricted to 10pm;
   e. **waste minimisation, recycling and collection arrangements**, including the servicing of any ‘sharps’ and/or sanitary napkin receptacles;
   f. **professional cleaning and vermin control arrangements**, which, at a minimum, should include the weekly professional cleaning of shared facilities such as kitchens and bathrooms;
   g. **safety and security measures**, including, but not limited to:
      i. perimeter lighting;
      ii. surveillance or security camera systems;
      iii. fencing and secure gates;
      iv. room and access key arrangements; and
      v. the provision of a landline telephone for residents to ring emergency services in the event of an emergency; and
   h. **internal signage arrangements**, including:
      i. the name and contact number of the property caretaker or manager;
      ii. emergency contact numbers for essential services;
      iii. house rules;
      iv. a copy of the annual fire safety statement and current fire safety schedule; and
   i. **floor plans** that will be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room; and
j. **minimum lease period**. Conditions to include:
   i. Resident agreement to comply with the boarding house rules; and
   ii. Minimum lease period of 3 months.
10.8 Neighbourhood Shops

Under Fairfield LEP2013 a neighbourhood shop is defined as:

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Under Fairfield LEP2013 the maximum retail floor area for a neighbourhood shop is 80m$^2$ [FLEP 2013 Clause 5.4(7)].

10.8.1 Residential Zones

A neighbourhood shop provides day-to-day shopping needs of residents. This section applies to neighbourhood shops in the:

a) R1 General Residential
b) R3 Medium Density Residential, and
c) R4 High Density Residential zone.

Objectives

a) To maximise convenience for residents while protecting the vitality of town centres.
b) To provide an active frontage and level of surveillance to the street.
c) To ensure an identifiable entrance point to the neighbourhood shop.
d) To ensure the amenity of adjacent properties and the neighbourhood is maintained.

Controls

a) Maximum Floor Area - The maximum retail floor area of a neighbourhood shop is 80sqm as per Clause 5.4(7) in the FLEP 2013.
b) Maximum number per site - A maximum of one neighbourhood shop per site is permitted. Furthermore a development site that is strata sub-divided or proposed to be strata subdivided will not be permitted to develop a neighbourhood shop per strata as the development site as a whole will be permitted one neighbourhood shop only.
c) Entries to the neighbourhood shop should be clearly visible to pedestrians with direct access to the street and large window space facing the street.
d) Amenity – conditions will be imposed upon hours of operation to protect the amenity of the neighbourhood.

e) Carparking and Access

I. A Neighbourhood Shop must also comply with Clause 10.1 Non-residential Development in Residential Zones and Chapter 12 Car Parking, Vehicle and Access Management- Shops.
II. Car Parking must not interfere with pedestrian access into the shop.
III. Car parking does not visually dominate the streetscape or impact on stormwater management.
IV. A neighbourhood shop must also comply with Clause 10.1 Non-residential Development in Residential Zones and Chapter 12 Car Parking, Vehicle and Access Management – Shops.
f) Frontages – Neighbourhood shop must have a minimum of two street frontages.
g) Loading and Unloading - All loading and unloading is to be undertaken on-site and shall be serviced by vehicles no larger than small ridged vehicles.
h) Waste management - Waste disposal facilities shall be provided for the neighbourhood shop.

10.8.2 Industrial Zones

A neighbourhood shops can serve the daily needs of the local industrial workforce. This section applies to neighbourhood shops in the IN1 General Industrial and IN2 Light Industrial zones.
Objectives

a) To maximise convenience for local workforce while protecting the vitality of town centres.
b) To provide an active frontage and level of surveillance to the street
c) To ensure an identifiable entrance point to the neighbourhood shop

Controls

a) **Maximum Floor Area** - The maximum retail floor area of a neighbourhood shop is 80sqm as per Clause 5.4[7] in the FLEP 2013.
b) **Maximum number per site** - A maximum of one neighbourhood shop per site is permitted. Furthermore a development site that is strata sub-divided or proposed to be strata subdivided will not be permitted to develop a neighbourhood shop per strata as the development site as a whole will be permitted one neighbourhood shop only.
c) **Entries to the neighbourhood shop** should be clearly visible to pedestrians with direct access to the street and large window space facing the street.
d) **Car parking and Access** - Neighbourhood Shops must also comply with Chapter 12 Car Parking, Vehicle and Access Management- Shops.
e) **Loading and Unloading** - All loading and unloading is to be undertaken on-site and shall be serviced by vehicles no larger than small ridged vehicles.
f) **Waste management** - Waste disposal facilities shall be provided for the neighbourhood shop

10.9 Religious buildings used for the storage of cremated remains of deceased persons

The erection or use of a religious building within a residential zone for the storage of cremated remains of deceased persons is prohibited.

The reason for prohibition is that such buildings are not considered to be in character with the amenity of a residential area nor meet the objectives of the residential zones.

10.10 Closed Circuit Television (CCTV)

Overview

This clause applies to applications for new commercial uses as listed below:

a) licensed premises;
b) commercial premises seeking to operate past 12 midnight
c) amusement centres;
d) internet cafes;
e) retail premises were firearms are sold;
f) sex services premises;
g) restricted premises; and
h) tattoo parlours.
i) Activities where the local Police request the installation of CCTV and considered appropriate by the Manager of Development Planning.
j) Other uses or any commercial premises seeking to operate between 10pm – 12 midnight where the Manager of Development Planning consider installation necessary and appropriate.

Objective:

a) To reduce the potential for crime in the Fairfield Local Government area, enhance community safety and to assist in the management of risk through the surveillance of behaviours and actions of persons for certain land use and public places.

Controls

a) The applicant and/or the licensee shall submit a plan showing locations of CCTV including specification of the CCTV units within the premises demonstrating that they meet the following minimum requirements:

Location
a) A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable the identity of an individual to be established beyond a reasonable doubt when:
   a. the person represents not less than 100% of screen height, and
   b. there is an unobstructed view of the person’s face.

b) In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
   a. all other public entrances and exits, whether or not in use at the time
   b. staircases in multi-level premises
   c. all portions of the floor area accessible to the public where facilities are provided
   d. toilet external areas
   e. all general areas accessible by the public
   f. the car park area adjacent or within the premises.

Recording capabilities

a) The CCTV recordings of these cameras must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they may have seen before when:
   a. the person represents not less than 50% of the screen height, and
   b. there is an unobstructed view of the person’s face.

b) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

c) Recordings must:
   a. be in digital format
   b. record at a minimum of six frames per second, and
   c. commence one (1) hour prior to opening, and operate continuously until at least one (1) hour after closure of the venue.

d) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.

e) Recordings should be retained for a period of 30 days before being reused or destroyed. The consent holder or licensee shall ensure that no person is able to delete or alter any recordings within the 30 day period.

f) When the premises is open and trading, at least one person shall be at the premises that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.

g) Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, and other regulatory officers upon request. Upon installation of the CCTV system the NSW Police Local Area Command that cover the site must be notified that the system is operating.

h) The CCTV system shall be able to reproduce a copy of the recordings on compact disk, DVD or USB memory stick and must be provided within one working day to NSW Police, and other regulatory officers upon request.

i) Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the consent holder shall take all reasonable steps to repair the system as soon as practical.

j) Camera recordings must meet the standards set in (a) and (i) at all times, either by way of camera technology and settings, and/or by maintenance of lighting, camera positioning, camera shades and other environmental factors.

10.11 Controls for the Cabravale Diggers site (Hotel or Motel accommodation)

Overview
This clause applies to the development of hotel or motel accommodation at the Cabravale Diggers site at 1 Bartley Street, Canley Vale (Lot 51 DP 1120245) subject of amendment no.12 to the Fairfield LEP 2013 (as amended).

The definition of *hotel or motel accommodation* as detailed in the Fairfield LEP 2013 is follows:

*hotel or motel accommodation* means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

(a) comprises rooms or self-contained suites, and
(b) may provide meals to guests or the general public and facilities for the parking of guests’ vehicles,

*but does not include* backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

*Note.* Hotel or motel accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

**Objectives**

The objectives of these controls are:

a) To ensure that the location and siting of the proposed hotel/motel at the subject site has regard for compatibility with neighbourhood character, and

b) To minimise adverse impact on neighbourhood amenity

**Controls**

a) **Building Envelopes**

a. Any hotel/motel development at the subject site must comply with the building envelopes (ie. location/siting, building heights, setbacks) detailed in the below diagrams:

![Location/Siting of Hotel/Motel](image1)

![Building Envelope](image2)

b) **Traffic and Car Parking**

a. Any proposal for a hotel or motel must comply with the traffic and car parking requirements outlined in Chapter 12 of this DCP
b. The proposed parking layout and access must comply with the requirements as specified in AS 2890.1:2004 and servicing of the site should comply with the requirements as specified in AS 2890.2:2002.

c. An updated traffic study will be required to be submitted as part of any Development Application that provides the appropriate traffic modelling (i.e. SIDRA) for adjacent and surrounding intersections for the existing and proposed traffic conditions.

c) Flood Risk Management

a. The provisions of Chapter 11 Flood Risk Management of this DCP as well as the NSW Government’s Flood Planning Development Manual 2005 must be complied with to ensure flooding impact is managed appropriately.
Chapter 11

Flood Risk Management

Table of Contents

11.0 Context and objectives
11.1 Background
11.2 Objectives in relation to Flood Risk Management
11.3 How does this chapter relate to other legislation and regulations?
11.4 What do terms in this chapter mean?
11.5 Overview - Criteria for determining applications
11.6 Land Use Categories
11.7 Flood Risk Precincts
11.8 Overview - Which controls apply to proposed developments
  11.8.1 Objectives
  11.8.2 Performance Criteria
  11.8.3 Prescriptive Controls
11.9 Special Requirements for Fencing
  11.9.1 Objectives
  11.9.2 Performance Criteria
  11.9.3 Prescriptive Controls
11.10 Special Considerations
11.11 What information is required with an application to address this chapter?

Schedule 1 Flood Compatible Materials and Building Components
Schedule 2 Land Use Categories
Schedule 3 Diagrams Explaining Main Car Parking Related Controls
Schedule 4 Georges River (south of Hume Highway) Floodplain
Schedule 5 Cabramatta Creek Floodplain
Schedule 6 Other floodplains (including areas affected by Local Overland Flooding)

11.0 Context and objectives

In 1984, the State Government introduced its current flood prone land policy applicable to New South Wales. The first Floodplain Development Manual (FDM) was published in 1986, providing guidelines for the implementation of the government’s flood prone land policy and the merit approach that underpins its application.

In 2005, the State Government released revised guidelines under the Floodplain Development Manual (FDM April 2005) to support the Flood Prone Land Policy, the primary objective of which is:

“To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.”

In response to this objective, Fairfield City Council has undertaken a number flood risk studies or developed plans to address flooding risks, with the following controls being an important product of this work.
Chapter 11 – List of Schedules

1. Flood Compatible Materials & Building Components
2. Land Use Categories
3. Diagrams Explaining Main Car Parking Related Controls
4. Prescriptive Controls – Georges River (south of the Hume Highway) Floodplain
5. Prescriptive Controls – Cabramatta Creek Floodplain.
6. Prescriptive Controls – Other Floodplains (Including Areas Affected by Local Overland Flooding)

11.1 Background

To implement the objectives the Floodplain Development Manual the following broad hierarchy of flood risk management measures apply:
   a) risk prevention;
   b) risk (reduction) mitigation;
   c) risk transfer; or
   d) risk acceptable.

Flood risk mitigation is the least preferred option, being costly and most likely to adversely affect the natural environment. Prevention of flood risk is the option most likely to be acceptable and is primarily reliant on land use planning and development control for implementation.

Local Government is the primary authority responsible for both flood risk management and land use planning in New South Wales. The State Government’s flood policy provides for a flexible merit based approach to be followed by local government when dealing with planning, development and building matters on flood prone land. For Council to fully carry out its responsibilities for management of flood prone land, it is necessary to prepare a local “Floodplain Risk Management Plan” (FRMP).

The FDM requires that Councils prepare Floodplain Risk Management Studies (FRMS) as a prelude to the formulation of a FRMP that, among other things, would control development and other activity within the floodplain. The process for preparing a FRMS and FRMP is depicted by Figure 11.1.

The following controls are consistent with the State Government’s “Flood Prone Land Policy” and the FDM. The controls in this chapter, represent an application of the State Policy that reflects local circumstances, as identified for some floodplains, through the preparation of FRMS’s and FRMP’s.

Figure 11.1: Floodplain Risk Management Process (FDM, 2005)
11.2 Objectives in relation to Flood Risk Management

a) To minimise the potential impact of development and other activity upon the aesthetic, recreational and ecological value of the waterway corridors.

b) Increase public awareness of the hazard and extent of land affected by all potential floods, including floods greater than the 100 year average recurrence interval (ARI) flood and to ensure essential services and land uses are planned in recognition of all potential floods.

c) Inform the community of Council’s controls and policy for the use and development of flood prone land.

d) Reduce the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods.

e) Provide detailed controls for the assessment of applications lodged in accordance with the Environmental Planning and Assessment Act 1979 on land affected by potential floods.

f) Provide different guidelines, for the use and development of land subject to all potential floods in the floodplain, which reflect the probability of the flood occurring and the potential hazard within different areas.

g) Apply a “merit-based approach” to all development decisions which takes account of social, economic and ecological considerations.

h) To control development and other activity within each of the individual floodplains within the LGA having regard to the characteristics and level of information available for each of the floodplains, in particular the availability of FRMS’s and FRMP’s prepared in accordance with the FDM and its predecessor.

i) Deal equitably and consistently with applications for development on land affected by potential floods, in accordance with the principles contained in the FDM, issued by the NSW Government.

11.3 How does the plan relate to other legislation and regulations?

This Plan should be read in conjunction with the relevant provisions of the NSW Government Flood Prone Lands Policy and Floodplain Development Manual (FDM 2005), the Environmental Planning and Assessment Act, 1979, and Regulations thereto, applicable Environmental Planning Instruments (in particular Fairfield Local Environmental Plan (LEP) 2013 and Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment and other relevant controls of this DCP and policies adopted by Council.

11.4 What do the terms in this chapter mean?

For the purpose of this Plan, the following definitions have been adopted:

**Adequate Warning Systems, Signage and Exits** is where the following is provided:

(a) an audible and visual alarm system which alerts occupants to the need to evacuate, sufficiently prior to likely inundation to allow for the safe evacuation of pedestrians and vehicles;

(b) signage to identify the appropriate procedure and route to evacuate; and

(c) exits which are located such that pedestrians evacuating any location during any flood do not have to travel through deeper water to reach a place of refuge above the 100 year flood away from the enclosed car parking.

**Australian Height Datum (AHD)** is a common national plain of level corresponding approximately to mean sea level.

**Average Recurrence Interval (ARI)** means the long-term average number of years between the occurrence of a flood as big as, or larger than, the selected event. For example, floods with a discharge as great as, or greater than, the 20 year ARI flood event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event.

**Boundary of Significant Flow** defines that area of the floodplain where a significant discharge of water occurs during floods. Should the area within this boundary be fully or partially blocked, a significant distribution of flood flows or increase in flood levels would occur.

**Note:** Flood maps prepared by Council for individual floodplains may identify this boundary. This line is intended to identify an area of the floodplain within which any obstruction such as a building, fence or filling is likely to have an unacceptable impact on flood levels or flows. Notwithstanding, unacceptable impacts on other properties in the floodplain may also occur due to development outside of the area, and the need to assess this may be required by Council.
Compensatory Works refers to earthworks where material is excavated (or "cut") from one location in the floodplain and placed (or "filled") at another location in the floodplain, with no net importation of fill material, such that the volume available for storage of flood waters is not altered for all floods.

Conveyance is a direct measure of the flow carrying capacity of a particular cross-section of a stream or stormwater channel. (For example, if the conveyance of a channel cross-section is reduced by half, then the flow carrying capacity of that channel cross-section will also be halved).

Design floor level or ground level means the minimum floor level that applies to the development. If the development is concessional development, this level is determined based on what land use category would apply if it was not categorised a Concessional Development. The floor level standards specified for the relevant land use category (excluding Concessional Development) in the low flood risk precinct are to be applied.

Ecologically sustainable development (ESD) is using, conserving and enhancing natural resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be maintained or increased.

Effective warning time is the time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to move farm equipment, move stock, raise furniture, evacuate people and transport their possessions.

Enclosed car parking means car parking which is potentially subject to rapid inundation, which consequently increases risk to human life and property (such as basement of bunded car parking areas). The following criteria apply for the purposes of determining what is enclosed car parking:

(a) Flooding of surrounding areas may raise water levels above the perimeter which encloses the car park (normally the entrance), resulting in rapid inundation of the car park to depths greater than 0.8m, and

(b) drainage of accumulated water in the car park has an outflow discharge capacity significantly less than the potential inflow capacity.

Extreme flood means an estimate of the probable maximum flood, which is the largest flood likely to ever occur.

Flood is a relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flooding associated with major drainage as defined by the FDM before entering a watercourse.

Note: Consistent with the FDM, these controls do not apply in the circumstances of local drainage inundation as defined in the FDM and determined by Council. Local drainage problems can generally be minimised by the adoption of urban building controls requiring a minimum difference between finished floor and ground levels.

Flood awareness is an appreciation of the likely effects of flooding and a knowledge of the relevant flood warning and evacuation procedures.

Flood compatible building components means a combination of measures incorporated in the design and/or construction and alteration of individual buildings or structures subject to flooding, and the use of flood compatible materials for the reduction or elimination of flood damage.

Note: A list of typical flood compatible building components is provided in Schedule 1 of this chapter.

Flood compatible materials include those materials used in building which are resistant to damage when inundated.

Note: A list of typical flood compatible materials is provided in Schedule 1 of this chapter.

Flood evacuation strategy means the proposed strategy for the evacuation of areas within effective warning time during periods of flood as specified within any policy of Council, the FRMP, the relevant SES Flood Plan, by advices received from the State Emergency Services (SES) or as determined in the assessment of individual proposals.

Flood prone land (being synonymous with flood liable and floodplain) is the area of land which is subject to inundation by the probable maximum flood (PMF).


Floodplain Risk Management Plan (FRMP) means a plan prepared for one or more floodplains in accordance with the requirements of the FDM or its predecessors.
Note: The predecessors to the FDM provided similar processes for the preparation and adoption of FRMPs and Floodplain Management Plans, which all have the status of FRMPs for the purposes of this Plan.

**Floodplain Risk Management Study (FRMS)** means a study prepared for one or more floodplains in accordance with the requirements of the FDM or its predecessors.

Note: The predecessors to the FDM provided similar processes for the preparation and adoption of FRMSs and Floodplain Management Studies, which all have the status of FRMSs for the purposes of this Plan.

**Freeboard** provides reasonable certainty that the risk exposure selected in deciding on a particular flood chosen as the basis for a FPL is actually provided. It is a factor of safety typically used in relation to the setting of flood levels, levee crest levels, etc. (as specified at Section K5 of the FDM). Freeboard is included in the flood planning level.

**Habitable floor area** means:

- in a *residential situation*: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom;
- in an *industrial or commercial situation*: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood.

Note: Separate considerations are specified for the car parking area of a development irrespective of the land use with which it is associated.

**Hazard** is a source of potential harm or a situation with a potential to cause loss. In relation to this plan, the hazard is flooding which has the potential to cause harm or loss to the community.

**Hydraulic hazard** is the hazard as determined by the provisional criteria outlined in the FDM in a 100 year flood event.

**Local drainage** means small scale inundation in urban areas outside the definition of major drainage as defined in the FDM. Local drainage problem invariably involve shallow depths (less than 0.3m) with generally little danger to personal safety.

**Local overland flooding** means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

**Flood Risk Merit approach** is an approach, the principles of which are embodied in the FDM which weighs social, economic, ecological and cultural impacts of land use options for different flood prone areas together with flood damage, hazard and behaviour implications, and environmental protection and well being of the State's rivers and floodplains.

**Outbuilding** means a building that is ancillary to a principal residential building and includes sheds, garages, carports and similar buildings but does not include granny flats.

**Probable maximum flood (PMF)** is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

**Probable maximum precipitation (PMP)** is the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organisation, 1986). It is the primary input to the estimation of the probable maximum flood.

**Probability** is a statistical measure of the expected chance of flooding (see ARI).

**Rebuilt dwelling** refers to the construction of a new dwelling on an allotment where an existing dwelling is demolished.

**Reliable access** during a flood means the ability for people to safely evacuate an area subject to flooding, having regard to the depth and velocity of flood waters and the suitability of the evacuation route, without a need to travel through areas where water depths increase.

**Flood Risk** means the chance of something happening that will have an impact. It is measured in terms of consequences and probability (likelihood). In the context of this plan, it is the likelihood of consequences arising from the interaction of floods, communities and the environment.

**Site Emergency Response Flood Plan (not being an SES Flood Plan)** is a management plan that demonstrates the ability to safely evacuate persons and include a strategy to move goods above the flood level.
within the available warning time. This Plan must be consistent with any relevant flood evacuation strategy, flood plan or similar plan.

**Survey plan** is a plan prepared by a registered surveyor which shows the information required for the assessment of an application in accordance with the provisions of this Plan.

### 11.5 Overview - Criteria for determining applications

The criteria for determining applications for proposals potentially affected by flooding are structured in recognition that different controls are applicable to different land uses and levels of potential flood inundation and hazard.

The procedure to determine what controls apply to proposed development involves:

a) firstly, identifying the land use category of the development (from Schedule 2 at the end of Chapter 11);
b) secondly, determine which floodplain and which part of that floodplain the land is located within (refer to Clause 11.7 and relevant flood risk mapping); and
c) then apply the controls outlined under Clause 11.8

Clause 11.9 provides specific requirements for fencing in the floodplain, while Clause 10.10 identifies special considerations which will apply only to some development in specific circumstances.

Clauses 11.8 and 11.9 which provide controls for development and fencing in the floodplain contain objectives, performance criteria and prescriptive controls, with the following purpose:

a) **The objectives** represent the outcomes that the Council wishes to achieve from each control.
b) **The performance criteria** represent a means of assessing whether the desired outcomes will be achieved.
c) **The prescriptive controls** are preferred ways of achieving the outcome. While adherence to the prescriptive controls may be important, it is paramount that the objectives and the performance criteria are clearly satisfied.

### 11.6 Land Use Categories

Eight major land use categories have been adopted. The specific uses, as defined by the applicable Environmental Planning Instruments, which may be included in each category, are listed in **Schedule 2 at the rear of Chapter 11**.

### 11.7 Flood Risk Precincts

Each of the floodplains within the local government area can be divided into precincts based on different levels of potential flood risk. The relevant Flood Risk Precincts (FRP’s) for each of the floodplains are outlined below.

- **High Flood Risk Precinct** - This has been defined as the area of land below the 100 year flood that is either subject to a high hydraulic hazard or where there are significant evacuation difficulties.
  
  **Note:** The high flood risk precinct is where high flood damages, potential risk to life or evacuation problems would be anticipated, or development would significantly and adversely effect flood behaviour. Most development should be restricted in this precinct. In this precinct, there would be a significant risk of flood damages without compliance with flood related building and planning controls.

- **Medium Flood Risk Precinct** - This has been defined as land below the 100 year flood that is not in a High Flood Risk Precinct. This is land that is not subject to a high hydraulic hazard or where there are no significant evacuation difficulties.
  
  **Note:** In this precinct there would still be a significant risk of flood damage, but these damages can be minimised by the application of appropriate development controls.

- **Low Flood Risk Precinct** - This has been defined as all other land within the floodplain (i.e. within the extent of the probable maximum flood) but not identified within either the High Flood Risk or the Medium Flood Risk Precinct.
  
  **Note:** The Low Flood Risk Precinct is where risk of damages are low for most land uses. The Low Flood Risk Precinct is that area above the 100 year flood and most land uses would be permitted within this precinct.
11.8 Overview - Which Controls Apply to Proposed Developments

The development controls apply to all land within a Flood Risk Precinct described above. The type and stringency of controls have been graded relative to the severity and frequency of potential floods, having regard to categories determined by the relevant Floodplain Risk Management Study and Plan or, if no such study or plan exists, council’s interim considerations. The categories applicable to each floodplain are depicted on the planning matrices contained in the following schedules at the rear of Chapter 11:

a) Schedule 4 – Georges River (south of the Hume Highway) Floodplain;
b) Schedule 5 – Cabramatta Creek Floodplain; and
c) Schedule 6 – All Other Floodplains including areas affected by local overland flow.

Note: The controls applying to “all other floodplains” are interim only until catchment specific Flood Risk Management Plans are prepared as required by the FDM.

11.8.1 Objectives

a) To ensure the proponents of development and the community in general are fully aware of the potential flood hazard and consequent risk associated with the use and development of land within the floodplain.
b) To require developments with high sensitivity to flood risk (e.g. critical public utilities) be sited and designed such that they are subject to no or minimal risk from flooding and have reliable access.
c) Allow development with a lower sensitivity to the flood hazard to be located within the floodplain, subject to appropriate design and siting controls, provided that the potential consequences that could still arise from flooding remain acceptable having regard to the State Government’s Flood Policy and the likely expectations of the community in general.
d) To restrict any intensification of the use of High Flood Risk Precinct or land within the boundary of significant flow, and wherever appropriate and possible, allow for their conversion to natural waterway corridors.
e) To ensure that design and siting controls required to address the flood hazard do not result in unreasonable impacts upon the amenity or ecology of an area.
f) To minimise the risk to life by ensuring the provision of appropriate access from areas affected by flooding up to extreme events.
g) To minimise the damage to property, including motor vehicles, arising from flooding.
h) To ensure that proposed development does not expose existing development to increased risks associated with flooding.

11.8.2 Performance Criteria

a) The proposed development should not result in any increased risk to human life.
b) The additional economic and social costs which may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general community.
c) The proposal should only be permitted where effective warning time and reliable access is available for evacuation from an area potentially affected by floods to an area free of risk from flooding. Evacuation should be consistent with any relevant flood evacuation strategy.
d) Development should not detrimentally increase the potential flood effects on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.
e) Motor vehicles are able to be relocated, undamaged, to an area with substantially less risk from flooding, within effective warning time.
f) Procedures would be in place, if necessary, (such as warning systems, signage or evacuation drills) so that people are aware of the need to evacuate and relocate motor vehicles during a flood and are capable of identifying an appropriate evacuation route.
g) Development should not result in significant impacts upon the amenity of an area by way of unacceptable overshadowing of adjoining properties, privacy impacts (eg. by unsympathetic house-raising) or by being incompatible with the streetscape or character of the locality.
h) Proposed development must be consistent with ESD principles.
i) Development should not prejudice the economic viability of any Voluntary Acquisition Scheme.
11.8.3 Prescriptive Controls

Schedules 3 to 5 outline the controls relevant to each of the floodplains to which this Chapter applies.

11.9 Special Requirements for Fencing

11.9.1 Objectives

a) To ensure that fencing does not result in the undesirable obstruction of the free flow of floodwaters.
b) To ensure that fencing does not become unsafe during floods and potentially becomes moving debris which threatens the integrity of structures or the safety of people.

11.9.2 Performance Criteria

a) Fencing is to be constructed in a manner that does not affect the flow of flood waters so as to detrimentally increase flood affection on surrounding land.
b) Ability to be certified by a suitably qualified engineer, that the proposed fencing is adequately constructed so as to withstand the forces of floodwaters, or collapse in a controlled manner to prevent the undesirable impediment of flood waters.

11.9.3 Prescriptive Controls

11.9.3.1 Fencing within a High FRP or the boundary of significant flow requires a Development Application and needs be designed to minimize the potential for any adverse impacts on human life or property having regard to the degree of flood risk affecting a site. Council may require such fencing to be able to be opened at the bottom with the force of floodwaters. (This requirement may be secured by a Section 88B instrument burdening the title of the land).

11.9.3.2 Council will require a Development Application for all new solid (non-porous) and continuous fences in the High and Medium FRP’s unless otherwise stated by exempt and complying development provisions which may be incorporated into Council’s Environmental Planning Instruments from time to time.

11.9.3.3 An applicant will need to demonstrate that the fence would create no impediment to the flow of floodwaters. Appropriate fences must satisfy the following:

a) An open collapsible hinged fence structure or pool type fence;
b) Other than a brick or other masonry type fence (which will generally not be permitted); or
c) A fence type and siting criteria as prescribed by Council.

11.9.3.4 Other forms of fencing will be considered by Council on merit.

11.10 Special considerations

When assessing proposals for development or other activity within the area to which this Plan applies, Council will take into consideration the following specific matters.

a) The proposal should not have a significant direct or cumulative detrimental impact on:
   a. water quality;
   b. native bushland vegetation;
   c. riparian vegetation;
   d. estuaries, wetlands, lakes or other water bodies;
   e. aquatic and terrestrial ecosystems;
   f. indigenous flora and fauna; or
   g. fluvial geomorphology.

b) Measures employed to mitigate the potential impact of flooding (eg. house raising) must be undertaken in a manner which minimises the impact upon the amenity and character of the locality.

c) The design of car parking (enclosed or uncovered) and associated driveways should not result in unacceptable environmental or amenity impacts. Unacceptable impacts may include visual intrusion from elevated driveways and parking structures and overshadowing of adjoining residential properties in excess of Council’s relevant standards.
d) The proposal must not constrain the orderly and efficient utilisation of the waterways for multiple purposes.

e) The proposal must not adversely impact upon the recreational, ecological, aesthetic or utilitarian use of the waterway corridors, and where possible, should provide for their enhancement, in accordance with ESD principles.

f) Proposals for house raising must provide appropriate documentation including:
   a. a report from a suitably qualified engineer to demonstrate the raised structure will not be at risk of failure from the forces of floodwaters in a 100 year flood; and
   b. the provision of details such as landscaping and architectural enhancements which ensure that the resultant structure will not result in significant adverse impacts upon the amenity and character of an area.

g) Notwithstanding any other provision where a property is identified within a Voluntary Acquisition Scheme Area, Council will only consent to further development being “concessional development” or “recreation or non-urban development”; provided:
   a. the development is for only minor works such as small awnings over existing balconies or in-ground swimming pools; and
   b. the capital investment intended for the property is, in the opinion of Council, not greater than the minimum required to satisfy acceptable standards.

h) Critical Uses and Facilities (see Schedule 2 at the end of Chapter 11) are identified as ‘unsuitable’ uses in low, medium or high flood risk precincts. (see Schedules 4,5&6 at the end of Chapter 11) However, Council will take into account:
   a. broader community needs and considerations relating to this issue,
   b. whether the proposal relates to the replacement of existing facilities (e.g. in a town centre), and
   c. whether the development has been designed in accordance with the prescriptive and performance criteria of Chapter 11.

Note: Council will not permit any type of development that would be inconsistent with the objective of discouraging further development in areas of high flood risk and with Council’s commitment to the Voluntary Acquisition Scheme.

11.11 What information is required with an application to address this chapter?

a) Applications must include information that addresses all relevant controls listed above, and the following matters as applicable.

b) Applications for Concessional Development (see Schedule 2) to an existing dwelling on Flood Prone Land shall be accompanied by documentation from a registered surveyor confirming existing floor levels.

c) Development applications affected by this plan shall be accompanied by a survey plan showing:
   a. The position of the existing building/s or proposed building/s;
   b. The existing ground levels to Australian Height Datum around the perimeter of the building and contours of the site; and
   c. The existing or proposed floor levels to Australian Height Datum.

d) Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan (with a contour interval of 0.25m) showing relative levels to Australian Height Datum.

e) For large scale developments, or developments in critical situations, particularly where an existing catchment based flood study is not available, a flood study using a fully dynamic one or two dimensional computer model may be required.

f) Where the controls for a particular development proposal require an assessment of structural soundness during potential floods, the following impacts must be addressed:
   a. hydrostatic pressure;
   b. hydrodynamic pressure;
   c. impact of debris; and
   d. buoyancy forces.

   Foundations need to be included in the structural analysis.

This information is required for the pre-developed and post-developed scenarios

For smaller developments the existing flood study may be used if available and suitable (eg it contains sufficient local detail), or otherwise a flood study prepared in a manner consistent with the “Australian Rainfall and Runoff”
publication, any relevant Council Drainage Design Code and the Floodplain Development Manual, will be required. From this study, the following information shall be submitted in plan form:

a. water surface contours (including the 100 year flood and PMF extents)
b. velocity vectors;
c. velocity and depth product contours;
d. delineation of flood risk precincts relevant to individual floodplains; and
e. show both existing and proposed flood profiles for the full range of events for total development including all structures and works (such as revegetation/enhancements).

**Schedule 1 - Flood Compatible Materials & Building Components**

<table>
<thead>
<tr>
<th>Building component</th>
<th>Flood compatible material</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flooring and Sub-floor Structure</td>
<td>A. concrete slab-on-ground monolith construction</td>
</tr>
<tr>
<td></td>
<td>B. suspension reinforced concrete slab.</td>
</tr>
<tr>
<td>Floor Covering</td>
<td>A. clay tiles</td>
</tr>
<tr>
<td></td>
<td>B. concrete, precast or in situ</td>
</tr>
<tr>
<td></td>
<td>C. concrete tiles</td>
</tr>
<tr>
<td></td>
<td>D. epoxy, formed-in-place</td>
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<tr>
<td></td>
<td>E. mastic flooring, formed-in-place</td>
</tr>
<tr>
<td></td>
<td>F. rubber sheets or tiles with chemical-set adhesives</td>
</tr>
<tr>
<td></td>
<td>G. silicone floors formed-in-place</td>
</tr>
<tr>
<td></td>
<td>H. vinyl sheets or tiles with chemical-set adhesive</td>
</tr>
<tr>
<td></td>
<td>I. ceramic tiles, fixed with mortar or chemical-set adhesive</td>
</tr>
<tr>
<td></td>
<td>J. asphalt tiles, fixed with water resistant adhesive</td>
</tr>
<tr>
<td>Wall Structure</td>
<td>A. solid brickwork, blockwork, reinforced, concrete or mass concrete</td>
</tr>
<tr>
<td>Roofing Structure (for Situations Where the Relevant Flood Level is Above the Ceiling)</td>
<td>A. reinforced concrete construction</td>
</tr>
<tr>
<td></td>
<td>B. galvanised metal construction</td>
</tr>
<tr>
<td>Doors</td>
<td>A. solid panel with water proof adhesives</td>
</tr>
<tr>
<td></td>
<td>B. flush door with marine ply filled with closed cell foam</td>
</tr>
<tr>
<td></td>
<td>C. painted metal construction</td>
</tr>
<tr>
<td></td>
<td>D. aluminium or galvanised steel frame</td>
</tr>
<tr>
<td>Wall and Ceiling Linings</td>
<td>A. fibro-cement board</td>
</tr>
<tr>
<td></td>
<td>B. brick, face or glazed</td>
</tr>
<tr>
<td></td>
<td>C. clay tile glazed in waterproof mortar</td>
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<td></td>
<td>D. concrete</td>
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<tr>
<td></td>
<td>E. concrete block</td>
</tr>
<tr>
<td></td>
<td>F. steel with waterproof applications</td>
</tr>
<tr>
<td></td>
<td>G. stone, natural solid or veneer, waterproof grout</td>
</tr>
<tr>
<td></td>
<td>H. glass blocks</td>
</tr>
<tr>
<td></td>
<td>I. glass</td>
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<tr>
<td></td>
<td>J. plastic sheeting or wall with waterproof adhesive</td>
</tr>
<tr>
<td>Insulation Windows</td>
<td>A. foam (closed cell types)</td>
</tr>
<tr>
<td></td>
<td>B. aluminium frame with stainless steel rollers or similar corrosion and water resistant material.</td>
</tr>
<tr>
<td>Nails, Bolts, Hinges and Fittings</td>
<td>A. brass, nylon or stainless steel</td>
</tr>
<tr>
<td></td>
<td>B. removable pin hinges</td>
</tr>
<tr>
<td></td>
<td>C. hot dipped galvanised steel wire, nails or similar.</td>
</tr>
</tbody>
</table>
Schedule 1

Flood Compatible Materials & Building Components continued.

**Electrical and Mechanical Equipment** - For dwellings constructed on land to which this Plan applies, the electrical and mechanical materials, equipment and installation should conform to the following requirements.

**Main power supply** - Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the relevant flood level. Means shall be available to easily disconnect the dwelling from the main power supply.

**Wiring** - All wiring, power outlets, switches, etc., should, to the maximum extent possible, be located above the relevant flood level. All electrical wiring installed below the relevant flood level should be suitable for continuous submersion in water and should contain no fibrous components. Earth core linkage systems (or safety switches) are to be installed. Only submersible-type splices should be used below the relevant flood level. All conduits located below the relevant designated flood level should be so installed that they will be self-draining if subjected to flooding.

**Equipment** - All equipment installed below or partially below the relevant flood level should be capable of disconnection by a single plug and socket assembly.

**Reconnection** - Should any electrical device and/or part of the wiring be flooded it should be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.

**Heating and Air Conditioning Systems** - Heating and air conditioning systems should, to the maximum extent possible, be installed in areas and spaces of the house above the relevant flood level. When this is not feasible every precaution should be taken to minimise the damage caused by submersion according to the following guidelines.

**Fuel** - Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.

**Installation** - The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the relevant flood level.

**Ducting** - All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, the ductwork should be protected by a closure assembly operated from above relevant flood level.

**Ancillary Structures (steps, pergolas, etc.)** Suitable water tolerant materials should be used such as masonry sealed hardwood and corrosive resistant metals. Copper Chrome Arsenate (CCA) treated timber is not a suitable material.
### Schedule 2

#### Land Use Categories: Critical Uses and Facilities

<table>
<thead>
<tr>
<th>Critical Uses and Facilities</th>
<th>Sensitive Uses and Facilities</th>
<th>Subdivision</th>
<th>Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community facility that may provide an important contribution to the notification or evacuation of the community during flood events but excluding counselling services, community development centres, libraries, museums, galleries, visitor information centres, and the like; Emergency services facility; Hospitals; and a Residential care facility.</td>
<td>Communication facility; Seniors housing but excluding a residential care facility; Child care centre; Correctional centres; Educational establishments; Liquid fuel depot; and Public utility undertakings which are essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events; Electricity generating works, Respite day care centres</td>
<td>Subdivision of land that involves the creation of new allotments, with potential for further development.</td>
<td>Camping ground/caravan park site – long-term sites only(1) ; Health consulting rooms; Home business; Residential accommodation including Attached dwellings, Backpackers accommodation; Bed and breakfast accommodation; Boarding houses, Dual occupancies, Dwelling houses, Group homes, Family day care home, or home based care home, Farm stay accommodation ; Group homes, Hostel, Multi dwelling housing, Residential flat buildings, Serviced apartments, Rural workers dwellings, Secondary dwellings. Semi – detached dwellings, Shop top housing; and Utility installations (other than critical utilities)</td>
</tr>
</tbody>
</table>

(1) As defined by the Local Government (Caravan Park and Camping Grounds) Transitional Regulation 1993.
Schedule 2

Land Use Categories: Commercial or Industrial

<table>
<thead>
<tr>
<th>Commercial or Industrial</th>
<th>Tourist Related Development</th>
<th>Recreation or Rural Uses</th>
<th>Concessional Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir; Amusement centre; Amusement park; Boat building and repair facilities; Bulky goods salesroom or showroom; Business premises; Commercial premises; Community Facility Depots; Freight transport facilities; Heavy industry storage establishments; Heliports; Highway service centre; Hotel; Industries; Industrial retail outlet; Industrial training facility; Junk yard; Medical Centre; Mortuaries; Motel; Motor showroom; Entertainment facilities; Passenger transport facilities; Place of public worship; Plant hire; Recreation facility( indoor, major or outdoor); Registered club; Restaurant; Restricted premises; Roadside stall; Rural industry; Sawmill; Service station; Sex services premises; Shop; Storage premises; Transport depot; Truck depots; Vehicle body repair workshop; Vehicle repair station; Veterinary hospital; and Warehouse or Distribution centres; Waste or resource management facilities; Wholesale supplies</td>
<td>Camping ground/ caravan park site – short term sites (1) only;</td>
<td>Air transport facilities; Agriculture; Animal boarding or training establishments; Extractive industry; Farm buildings; Forestry; Helicopter landing site; Mine; Open cut mining; Plant nursery; Recreation areas and minor ancillary structures (e.g. toilet blocks or kiosks); Stock and sales yard; and Turf farming.</td>
<td>(a) In the case of residential development:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(a) In the case of residential development:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>a. An addition or alteration to an existing dwelling of not more than 10% or 30m$^2$ (whichever is the lesser) of the habitable floor area which existed at the date of commencement of this Plan;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>b. The construction of an outbuilding with a maximum floor area of 30m$^2$; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>c. Rebuilt dwellings which substantially reduce the extent of flood affectionation to the existing building;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(b) In the case of other development:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>a. An addition to existing buildings of not more than additional 100m$^2$ or10% of the floor area which existed at the date of commencement of this DCP (whichever is the lesser);</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>b. Rebuilding of a development which substantially reduces the extent of flood effects to the existing development;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>c. A change of use which does not increase flood risk having regard to property damage and personal safety; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>d. Subdivision that does not involve the creation of new allotments with potential for further development</td>
</tr>
</tbody>
</table>

(1) As defined by the Local Government (Caravan Park and Camping Grounds) Transitional Regulation 1993
Schedule 3

**HIGH ROADWAY AND CAR PARK SPACE**
(No part of driveway more than 0.3m below 100 year flood level)

**LOW ROADWAY**
(Driveway inundation depth not greater than roadway inundation depth)

**LOW CAR PARK SPACE**
(Driveway inundation depth not greater than car park inundation depth)

**LOW ROADWAY AND CAR PARK SPACE**
(Driveway inundation depth not greater than car park or roadway inundation depth)
## Schedule 4
### Georges River (South of Hume Highway) Floodplain

<table>
<thead>
<tr>
<th>Flood Risk Categories</th>
<th>Low Flood Risk</th>
<th>Medium Flood Risk</th>
<th>High Flood Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fluvial Morphology</td>
<td>1.00</td>
<td>2.00</td>
<td>3.00</td>
</tr>
<tr>
<td>Inundation</td>
<td>1.00</td>
<td>2.00</td>
<td>3.00</td>
</tr>
<tr>
<td>Climate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drainage</td>
<td>1.00</td>
<td>2.00</td>
<td>3.00</td>
</tr>
<tr>
<td>Environmental Planning</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Planning Considerations

#### Low Flood Risk

- **Low** risk level: All areas are considered safe from flooding.
- **Medium** risk level: Some areas may experience minor flooding.
- **High** risk level: Significant flooding is possible in these areas.

#### Medium Flood Risk

- **Low** risk level: Minimal flooding risk.
- **Medium** risk level: Increased risk of flooding.
- **High** risk level: Severe flooding risk.

#### High Flood Risk

- **Low** risk level: Moderate flooding risk.
- **Medium** risk level: High flooding risk.
- **High** risk level: Extreme flooding risk.

### Flood Mitigation Measures

1. **Structural Solutions**
   - **Inundation**
     - **Structural Solutions**
       - **Low** risk level: Minimal structural measures.
       - **Medium** risk level: Increased structural measures.
       - **High** risk level: Significant structural measures.

2. **Non-structural Solutions**
   - **Low** risk level: Minimal non-structural measures.
   - **Medium** risk level: Increased non-structural measures.
   - **High** risk level: Significant non-structural measures.

### Other Considerations

- **Environmental Planning**
  - **Low** risk level: Minimal environmental impact.
  - **Medium** risk level: Increased environmental impact.
  - **High** risk level: Significant environmental impact.

---

### Note

1. **Flood Mitigation Measures**
2. **Non-structural Solutions**
3. **Environmental Planning**

---

### References

- Council's website for current version of the Flood Risk Management Plan.
- Fairfield City Council's floodplain management planning guide.

---

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### Schedule 1

**Other Floodplains (including areas affected by Local Overland Flooding)**

<table>
<thead>
<tr>
<th>Flooding</th>
<th>Low Flood Risk</th>
<th>Medium Flood Risk</th>
<th>High Flood Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Piping &amp; Drainage</td>
<td>0.1</td>
<td>0.2</td>
<td>0.3</td>
</tr>
<tr>
<td>Structural Engineering</td>
<td>0.4</td>
<td>0.5</td>
<td>0.6</td>
</tr>
<tr>
<td>Structural Engineering</td>
<td>0.7</td>
<td>0.8</td>
<td>0.9</td>
</tr>
<tr>
<td>Total Flood Risk</td>
<td>1.5</td>
<td>1.7</td>
<td>1.9</td>
</tr>
</tbody>
</table>

**Notes:**

- Flood risk assessments must be undertaken by a registered professional engineer.
- Flood risk assessments must be undertaken by a registered professional engineer.

**General Notes:**

- Flood risk assessments must be undertaken by a registered professional engineer.
- Flood risk assessments must be undertaken by a registered professional engineer.

**Conclusion:**

- Flood risk assessments must be undertaken by a registered professional engineer.
- Flood risk assessments must be undertaken by a registered professional engineer.
Chapter 12

Car Parking, Vehicle and Access Management

Table of Contents

12.0 Background
  12.0.1 - Context
  12.0.2 - Purpose/Objectives of this Chapter
  12.0.3 - Zones and development to which this
           Chapter applies
  12.0.4 - Additional Guidelines

12.1 Car Parking
  12.1.1 - Car Parking Rates
  12.1.2 - Car Parking "Credits"

12.2 Design Guidelines
  12.2.1 - Dimension of Spaces and Aisles
  12.2.2 - Dead End Aisles
  12.2.3 - Headroom
  12.2.4 - Streetscape and Car Parking
  12.2.5 - Driveways near Intersections
  12.2.6 - Driveway and Ramp Width
  12.2.7 - Vehicle Movement Direction
  12.2.8 - Location and Layout
  12.2.9 - Manoeuvring
  12.2.10 - Pedestrian and Car Park Layout
  12.2.11 - Landscaping
  12.2.12 - Line Marking
  12.2.13 - Pavement Materials
  12.2.14 - Boom Gates
  12.2.15 - Signage
  12.2.16 - Lighting

12.3 Special Requirements
  12.3.1 - Drivers with a disability
  12.3.2 - Stack Parking
  12.3.3 - Bicycles
  12.3.4 - Mechanical Parking
  12.3.5 - Multi-Storey Car Parks
  12.3.6 - Car Theft
  12.3.7 - Heritage buildings and Parking Bonuses
  12.3.8 - Trucks and Vans – Loading Information for
           Commercial and Industrial Developments

12.4 Overcoming problems
  12.4.1 - Exceptions to the Rules
  12.4.2 - Parking Contributions

Schedule 1 – Classified State and Regional Roads
Schedule 2 – Unclassified Regional Roads

12.0 Introduction

12.0.1 - Context
Motor vehicles continue to have a significant impact on the design, function and appearance of the
Sydney Metropolitan Area. Car Parks, through their positioning, operation, landscaping and sheer
occupation of space, can have a disproportionately large influence on the quality of our environment.
This impact is particularly noticeable in an area such as Fairfield City, which is relatively poorly served
by public transport and as a consequence has a high level of car-dependence.

12.0.2 - Purpose/Objectives of this Chapter
The purpose of this Chapter is to provide applicants who require car parking as a part of their
development with information and specifications on ways to design their car park so that it is:

a) physically attractive yet visually and functionally subservient to the buildings they serve and
the environment in which they are set
b) meets the needs of users, and

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12.0.3 - Zones and development to which this Chapter applies

This Chapter applies to development permitted within all zones under the Fairfield LEP 2013.

Note: Should there be an inconsistency between the provisions of this chapter and the car parking, access and vehicle arrangements described in other chapters of this DCP, then this chapter (Chapter 12) applies to the extent of the inconsistency.

12.0.4 - Additional Guidelines

Where applicable, in addition to the requirements of this chapter, Council will access certain aspects of applications (where applicable) against the requirements of the following guidelines:

a) Roads and Traffic Authority – Guide to Traffic Generating Developments
b) Australian Standard 2890.1:2004 – Parking facilities - Off-street car parking
c) Australian Standard 2890.2-2002 – Parking facilities - Off-street commercial vehicle facilities
d) Australian Standard 2890:3:1993 – Parking facilities - Bicycle parking facilities

12.1 Car Parking

Overview

Different types of development have different parking requirements. The following section details the car and truck parking requirements for various land uses. Definitions for the various land uses referenced in this chapter can be found in the Fairfield Local Environmental Plan 2013, additional uses are also defined in Appendix A of this DCP.

To calculate parking requirements for some activities you will need to know how Council defines floor area in Fairfield City. With the exception of residential development all floor area is calculated according to “Gross Leasable Area”.

Gross Leasable Area means the total floor area contained within the outer faces of the external walls of a building, excluding stairs, lifts, public arcades, public foyers, public toilets, plant rooms, loading areas and car parking areas.

Gross Floor Area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

(a) the area of a mezzanine, and
(b) habitable rooms in a basement or an attic, and
(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

(d) any area for common vertical circulation, such as lifts and stairs, and
(e) any basement:
   (i) storage, and
   (ii) vehicular access, loading areas, garbage and services, and
(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

(g) car parking to meet any requirements of the consent authority (including access to that car parking), and
(h) any space used for the loading or unloading of goods (including access to it), and
(i) terraces and balconies with outer walls less than 1.4 metres high, and
(j) voids above a floor at the level of a storey or storey above.
12.1.1 Car Parking Rates

Objective
To ensure that adequate off-street parking is provided to serve the needs of development

Controls

a) The car parking rate for development types are outlined in Table 1.

b) Development types not listed in the Table 1 would be subject to a merit based assessment based on the provisions set out in the Roads and Traffic Authority – Guide to Traffic Generating Developments. Council may require a detailed Parking Study to be prepared for such development types.

c) In calculating your total parking requirement you may find you arrive at a fractional answer, eg, 5.4 spaces. In such a case, the rule used by Council is to “round up” any requirement of 0.5 or more and “round down” any requirement below 0.5. For example, a calculated requirement of 5.49 spaces would be rounded down to a requirement of 5 spaces on-site whereas a calculated requirement of 5.5 spaces would be rounded up to 6 spaces.

It should be noted that the parking spaces required by this DCP are minimum numbers. Some uses, due to the nature of their operation, may warrant additional parking spaces and these may be required by Council.

12.1.2 Car Parking “Credits”

When determining how many car spaces your development may require it is important to remember that you may be eligible for parking “credits”.

A parking credit is available when you are developing a site already occupied by a building. Provided your development retains the structure of the existing building you will be exempted from the parking requirements for the existing floor space.

For example, if you wish to develop an existing 300m² shop building into a 600m² shop building, the parking requirement would only be for the additional 300m², even if the existing building has no parking whatsoever.

Alternatively, if you are changing the use of the existing building and the new use requires more parking than the old use, your “credit” is for the original use, even though the floor space may not be increasing. For example, converting a warehouse with no parking into a shop, with no increase in floor space would still be required to provide extra parking but this will be for the shop requirement minus the warehouse requirement.
<table>
<thead>
<tr>
<th>Use/Activity</th>
<th>Minimum Number of Car Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aged Care Facility, Respite Day Care Centre</td>
<td>1 space for each 10 beds (each space suitable for a driver with a disability) plus 1 space for each 2 employees on site at same time plus 1 space for ambulance</td>
</tr>
<tr>
<td>Animal boarding or training establishment</td>
<td>To be determined by a car parking survey of a comparable facility</td>
</tr>
<tr>
<td>Amusement Centre</td>
<td>1 bicycle rail per 3 amusement devices plus 1 space per 25m² devoted to amusement devices</td>
</tr>
<tr>
<td>Bulky Goods Premises</td>
<td>1 space per 50m² gross leasable area plus the requirement for any associated use such as cafe etc.</td>
</tr>
<tr>
<td>Caravan Park</td>
<td>1 space per caravan/cabin plus one space for manager</td>
</tr>
<tr>
<td>Child Care Centre</td>
<td>1 space per 4 children in care                                                                -------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Business Premises, Office Premises</td>
<td>1 space per 40m² gross leasable area (when provided on-site)</td>
</tr>
<tr>
<td>Canley Heights Town Centre, Canley Vale Town Centre</td>
<td>1 space per 66m² gross leasable area (if provided by way of contribution to centralized car park.)</td>
</tr>
<tr>
<td>Retail Premises</td>
<td>1 space per 40m² gross leasable area (if provided on-site)</td>
</tr>
<tr>
<td>Canley Heights Town Centre, Canley Vale Town Centre</td>
<td>1 space per 40m² gross leasable area (if provided by way of contribution to centralised parking area)</td>
</tr>
<tr>
<td>Retail Premises, Business Premises and Office Premises</td>
<td>1 space per 40m² gross leasable area</td>
</tr>
<tr>
<td>Elsewhere in the city and not defined elsewhere in this chapter</td>
<td></td>
</tr>
<tr>
<td>Includes Bonnyrigg Town Centre, Prairiewood Town Centre (Stocklands) and Neighbourhood Shops</td>
<td></td>
</tr>
<tr>
<td>Commercial Premises within the Cabramatta Town Centre</td>
<td>Refer to the Cabramatta Town Centre Development Control Plan No.5/2000 for applicable Car Parking rates.</td>
</tr>
<tr>
<td>Commercial Premises within the Fairfield Town Centre</td>
<td>Refer to Appendix 5 Parking Requirements of the Fairfield City Centre DCP 2013 for applicable Car Parking rates.</td>
</tr>
<tr>
<td>Business Premises</td>
<td>1 space per 5m² gross leasable area or 1 space per 6 seats (whichever is the greater) of entertainment/recreation area plus 1 space per 5m² gross leasable area of bar/lounge/gaming area, plus a compilation of the requirements for each of the specific activities the club incorporates (eg restaurant, recreation facility, place of public entertainment).</td>
</tr>
<tr>
<td>Office Premises</td>
<td></td>
</tr>
<tr>
<td>Retail Premises</td>
<td></td>
</tr>
<tr>
<td>Community Facility/ Registered Club</td>
<td>To be determined by a car parking survey of a comparable facility</td>
</tr>
<tr>
<td>Correctional Centre</td>
<td></td>
</tr>
<tr>
<td>Use/Activity</td>
<td>Minimum Number of Car Spaces Required</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Crematorium</td>
<td>1 Space per employee</td>
</tr>
<tr>
<td></td>
<td>1 Space for a delivery vehicle</td>
</tr>
<tr>
<td></td>
<td>Any associated Chapel will be subject to the following requirements:</td>
</tr>
<tr>
<td></td>
<td>1 space per 6 seats or 1 space per 5m² of gross leasable area (whichever is the greater)</td>
</tr>
<tr>
<td></td>
<td>Note: The above provisions will be in addition to the requirements of a funeral parlour or mortuary.</td>
</tr>
<tr>
<td>Depot</td>
<td>To be determined by a car parking survey of a comparable facility</td>
</tr>
<tr>
<td>Drive in Liquor Store</td>
<td>1 space per employee plus sufficient area to allow customers to park their cars and browse for liquor.</td>
</tr>
<tr>
<td>Note: Is a type of Retail Premises</td>
<td></td>
</tr>
<tr>
<td>Educational Establishment</td>
<td></td>
</tr>
<tr>
<td>Schools</td>
<td>1 space per employee plus 1 space per 10 students in Year 12 (where applicable).</td>
</tr>
<tr>
<td>Tertiary Institutions or Technical Colleges</td>
<td>1 space per employee plus 1 space per 5 students.</td>
</tr>
<tr>
<td>Note: The above rates do not apply to Tuition Centres, Coaching Colleges and the like that are located within existing Town Centres. These uses will be regarded as Business Premises for the purposes of calculating car parking requirements. In addition such uses will be required to prepare a Plan of Management which demonstrates adequacy of car parking and student drop off and pick up facilities.</td>
<td></td>
</tr>
<tr>
<td>Entertainment Facility (includes a theatre, cinema, music hall, concert hall, dance hall and the like).</td>
<td>1 space per 5m² gross leasable area or 1 space per 6 seats, whichever is greater.</td>
</tr>
<tr>
<td>Exhibition home</td>
<td>Common car park at the following rate:</td>
</tr>
<tr>
<td></td>
<td>• 4 spaces per exhibition home</td>
</tr>
<tr>
<td>Food and Drink Premises (within the town centres of Canley Vale, Canley Heights, Smithfield and Fairfield Heights and Prairiewood)</td>
<td>Restaurant and Café 1 space per 25m² gross leasable area when provided on – site; or 1 space per 33m² sq gross leasable area if provided by way of contribution to centralised car park in areas where the Section 94 Contributions Plan for Car Parking is applicable.</td>
</tr>
<tr>
<td></td>
<td>Take Away Food and Drink Premises</td>
</tr>
<tr>
<td></td>
<td>Pub</td>
</tr>
<tr>
<td>Food and Drink Premises (outside the town centres of Fairfield, Cabramatta, Canley Vale, Canley Heights, Smithfield and Fairfield Heights and Prairiewood)</td>
<td>Restaurant and Café 1 space per 7 square metres gross leasable area</td>
</tr>
<tr>
<td></td>
<td>Take Away Food and Drink Premises</td>
</tr>
<tr>
<td></td>
<td>Pub</td>
</tr>
<tr>
<td>Food and Drink Premises Cabramatta Town Centre</td>
<td>Restaurant and Café Refer to the Cabramatta Town Centre Development Control Plan No.5/2000 for applicable Car Parking rates.</td>
</tr>
<tr>
<td></td>
<td>Take Away Food and Drink Premises</td>
</tr>
<tr>
<td></td>
<td>Pub</td>
</tr>
<tr>
<td>Freight Transport Facility</td>
<td>To be determined by a car parking survey of a comparable facility</td>
</tr>
<tr>
<td>Function Centre</td>
<td>1 space per 5m² gross leasable area restaurant/function room</td>
</tr>
<tr>
<td>Funeral Home, Mortuary</td>
<td>1 space per 6 chapel seats plus 1 space per 40m² gross leasable area of office room.</td>
</tr>
<tr>
<td>Hardware and Building Supplies</td>
<td>1 space per 130m² site area plus 1 space per 40m² gross leasable area office.</td>
</tr>
<tr>
<td>Use/Activity</td>
<td>Minimum Number of Car Spaces Required</td>
</tr>
<tr>
<td>-------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td><strong>Health Services Facility</strong></td>
<td></td>
</tr>
<tr>
<td>Health Consulting Rooms</td>
<td>3 spaces per consulting room or per health care professional, whichever is the greater plus the parking rate for any residential component.</td>
</tr>
<tr>
<td>Hospital</td>
<td>Determined by Parking Survey of a hospital of a similar scale.</td>
</tr>
<tr>
<td>Medical Centre</td>
<td>3 spaces per consulting room or per health care professional, whichever is the greater.</td>
</tr>
<tr>
<td><strong>Heritage Item</strong></td>
<td>Subject to negotiation with Council.</td>
</tr>
<tr>
<td><strong>Home Business/Home Industry/Home-Based Childcare/Home Occupation</strong></td>
<td>1 space for the dwelling plus 1 space for business component.</td>
</tr>
<tr>
<td><strong>Hotel or Motel Accommodation</strong></td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>1 space per 5m² gross leasable area bar/lounge/dining area/restaurant/function room plus 1 space per 40m² gross leasable area office/administration area plus 1 space per 3 bedrooms accommodation (if applicable).</td>
</tr>
<tr>
<td>Motel Accommodation</td>
<td>1 space for each motel unit plus 1 space per 2 employees plus 1 space per 5m² gross leasable area restaurant/function room</td>
</tr>
<tr>
<td><strong>Industrial Retail Outlet</strong></td>
<td>1 space per 50m² gross leasable area plus the requirement for any associated use such as Take Away Food and Drink Premises.</td>
</tr>
<tr>
<td><strong>Industrial Training Facility</strong></td>
<td>1 space per employee plus 1 space per 5 students.</td>
</tr>
<tr>
<td><strong>Information and Education Facility</strong></td>
<td>1 space per employee plus 1 space per 5 students.</td>
</tr>
<tr>
<td><strong>Junk Yard/Wrecking yards</strong></td>
<td>1 space per 70m² storage/wrecking area (both indoor and outdoor) including ancillary sales/office.</td>
</tr>
<tr>
<td><strong>Kiosk</strong></td>
<td>1 Space per 40m² of Gross Leasable Area</td>
</tr>
<tr>
<td><strong>Landscaping and Material Supplies, Plant Nursery, Garden Centre</strong></td>
<td>Determined by parking survey of a Plant Nursery/Garden Centre of a similar scale.</td>
</tr>
<tr>
<td><strong>Light Industry (excluding Home Industry), Yennora Precinct - Orchardleigh Street</strong></td>
<td>1 space per 80m² Gross Leasable Area; including mezzanine areas</td>
</tr>
<tr>
<td><strong>Light industry(excluding Home Industry)</strong></td>
<td>1 space per 70m² gross leasable area including ancillary plus 1 space per unit for factory units.</td>
</tr>
<tr>
<td><strong>Market</strong></td>
<td>2.5 spaces per stall.</td>
</tr>
<tr>
<td>Where a market is located within an existing shopping centre or similar location, Council will give consideration to multiple usage requirements of existing parking facilities.</td>
<td></td>
</tr>
<tr>
<td><strong>Passenger Transport Facility, Truck Depot</strong></td>
<td>Determined by a parking survey of similar sized facility</td>
</tr>
<tr>
<td><strong>Place of Public Worship eg Church, Mosque, Temple</strong></td>
<td>The appropriateness of these rates shall be confirmed by way of a Parking Study.</td>
</tr>
<tr>
<td>Where seating is provided</td>
<td>1 space per 6 seats or 1 space per 5m² of gross leasable area (whichever is the greater).</td>
</tr>
<tr>
<td>Where no seating provided</td>
<td>1 space per 2.5m² of worship floor area or 1 space per 3m² of gross leasable area (whichever is the greater).</td>
</tr>
<tr>
<td><strong>Note</strong>: For the purpose of the Parking Study worship hall capacity shall be estimated based on 1 person per 0.75m² of worship area floor space. Traffic generation shall be based on a vehicle occupancy rate of 1.3 persons per vehicle. A minimum of 50% of the estimated parking demand must be provided on site. On street parking capacity must be available for remaining spaces within a 400metre radius of the place of public worship otherwise additional off street parking will be required.</td>
<td></td>
</tr>
<tr>
<td>Use/Activity</td>
<td>Minimum Number of Car Spaces Required</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td><strong>Recreation Facility (indoor)</strong></td>
<td></td>
</tr>
<tr>
<td>Bowling Alleys</td>
<td>3 spaces per alley</td>
</tr>
<tr>
<td>Gymnasium</td>
<td>1 space per 11m² gross leasable area</td>
</tr>
<tr>
<td>Indoor Cricket</td>
<td>16 spaces per pitch</td>
</tr>
<tr>
<td>Snooker/Pool/Table Tennis</td>
<td>3 spaces per table</td>
</tr>
<tr>
<td><strong>Recreation Facility (Major)</strong></td>
<td></td>
</tr>
<tr>
<td>Sports Stadium</td>
<td>1 space per 5m² gross leasable area, or 1 space per 6 seats whichever is greater</td>
</tr>
<tr>
<td><strong>Recreation Facility (Outdoor)</strong></td>
<td></td>
</tr>
<tr>
<td>Bowling Greens</td>
<td>30 spaces for first green, and 15 spaces for each additional green.</td>
</tr>
<tr>
<td>Squash Courts</td>
<td>3 spaces per court</td>
</tr>
<tr>
<td>Tennis Courts</td>
<td>3 spaces per court</td>
</tr>
<tr>
<td><strong>Recreation Facility (indoor, major and outdoor)</strong></td>
<td></td>
</tr>
<tr>
<td>Other Sports</td>
<td>Subject to parking survey and details of the requirements of any associated restaurants, gaming area etc.</td>
</tr>
<tr>
<td><strong>Residential Accommodation</strong></td>
<td></td>
</tr>
<tr>
<td>Dwelling House</td>
<td>3 Car spaces to be provided on site</td>
</tr>
<tr>
<td>Secondary Dwellings</td>
<td>No additional car parking required above that which is required for single dwelling development.</td>
</tr>
<tr>
<td>Attached Dwelling, Dual Occupancy, Multi Dwelling Housing, Semi Detached Dwelling</td>
<td>Off-street parking spaces must be provided as set out below. The number of parking spaces required will be determined according to the below table. The greater of the rate will be applied.</td>
</tr>
<tr>
<td><strong>Dwelling Size or Number of Bedrooms</strong></td>
<td>Car Spaces per Dwelling</td>
</tr>
<tr>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>1 - 2 bedroom unit (less than 110m²)</td>
<td>1</td>
</tr>
<tr>
<td>3 or more bedroom unit (ie greater than 110m²)</td>
<td>1.5</td>
</tr>
<tr>
<td>Add for Visitors per dwelling</td>
<td>0.25</td>
</tr>
<tr>
<td><strong>Residential Flat building, Shop Top Housing (excluding shop top housing in the Cabramatta, Canley Heights and Canley Vale Town Centres)</strong></td>
<td>1 space per dwelling plus 1 visitor space per 4 dwellings where a development has more than 2 proposed dwellings</td>
</tr>
<tr>
<td><strong>Shop Top Housing - Cabramatta Town Centre</strong></td>
<td>Refer to the Cabramatta Town Centre Development Control Plan No.5/2000 for applicable Car Parking rates.</td>
</tr>
<tr>
<td><strong>Shop Top Housing – Canley Heights and Canley Vale Town Centres</strong></td>
<td>Proposed Dwelling Size (1. Not including separate storage areas and garages, 2. Car parking must be provided by using the larger of the two calculations)</td>
</tr>
<tr>
<td>Small or 1 bedroom or &lt; 75 square metres</td>
<td>1 per dwelling</td>
</tr>
<tr>
<td>Medium or 2 bedroom or &gt; 75 square metres &lt; 110 square metres</td>
<td>1.25 per dwelling</td>
</tr>
<tr>
<td>Large or 3 bedroom or &gt; 110 square metres</td>
<td>1.5 per dwelling</td>
</tr>
<tr>
<td>Add for visitors spaces per dwelling</td>
<td>0.25 per dwelling</td>
</tr>
<tr>
<td>Use/Activity</td>
<td>Minimum Number of Car Spaces Required</td>
</tr>
<tr>
<td>------------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td><strong>Residential Accommodation</strong></td>
<td></td>
</tr>
<tr>
<td>Group Home</td>
<td>1 space for the carer/nurse/employee plus 1 space for each 5 bed rooms (may be stack parked).</td>
</tr>
</tbody>
</table>
| Hostel                       | Parking as per SEPP (Housing for Seniors or People with a Disability) 2004 viz:  
  (i) 1 parking space for each 5 dwellings in the hostel, and  
  (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and  
  (iii) 1 parking space suitable for an ambulance. |
| Boarding House               | Parking to be provided in accordance with SEPP (Affordable Rental Housing) 2009 |
| Seniors Housing              | No. small units (less than 55m²) x 0.5 spaces  
  No. medium units (between 55 and 85m²) x 0.85 spaces  
  No. large units (greater than 85m²) x 1 spaces  
  Or in accordance with SEPP (Housing for Seniors or People with a Disability) 2004 |
| Dwelling House               | 3 Car spaces to be provided on site |
| Secondary Dwellings          | No additional car parking required above that which is required for single dwelling development. |
| Residential care facility    | Parking as per SEPP (Housing for Seniors or People with a Disability) 2004 viz:  
  (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and  
  (ii) parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and  
  (iii) 1 parking space suitable for an ambulance. |
| Resource Recovery Facility   | To be determine by a car parking survey of a comparable facility |
| Roadside Stall               | 4 spaces |
| Rural Industry               | 1 per 70m² of GLA with a minimum of 3 spaces. |
| Rural Supplies               | (Group with as nursery or garden centre)  
  Determined by parking survey of a Plant Nursery/Garden Centre of a similar scale. |
| Service Station              | 6 spaces per work bay plus  
  1 space per 25m² gross leasable area of convenience store plus  
  1 space per 25m² gross leasable area of restaurant |
| Serviced Apartment           | 1 space for each apartment plus  
  1 space per 2 employees |
| Sex Services Premises (Brothel) | 1.7 spaces per room used for prostitution with at least 1 car space being suitable for drivers with a disability.  
  Minimum of 4 spaces required per brothel. |
| Storage premises             | 1 space per 80m² gross leasable area |
| **Timber Yard**              | 1 space per 140m² of yard area plus  
  1 space per 70m² of shed / processing area.  
  Ancillary Office uses are subject to the following requirements:  
  1 space per 40m² gross leasable area |
### Table: Use/Activity and Minimum Number of Car Spaces Required

<table>
<thead>
<tr>
<th>Use/Activity</th>
<th>Minimum Number of Car Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tourist and Visitor Accommodation</td>
<td></td>
</tr>
<tr>
<td>Backpackers accommodation</td>
<td>1 space per 3 beds plus</td>
</tr>
<tr>
<td></td>
<td>1 space for caretaker/manager</td>
</tr>
<tr>
<td></td>
<td>1 space per 2 employees</td>
</tr>
<tr>
<td>Bed and breakfast accommodation</td>
<td>1 space for each lettable room</td>
</tr>
<tr>
<td></td>
<td>1 space per 2 employees</td>
</tr>
<tr>
<td>Tow Truck Office</td>
<td>1 space per truck in addition to the requirements of other uses on site</td>
</tr>
<tr>
<td>Transport Depot</td>
<td>1 truck space per vehicle at peak capacity plus sufficient car spaces as determined by a survey</td>
</tr>
<tr>
<td>Truck Stops with Accommodation</td>
<td>1 truck space per motel unit, plus</td>
</tr>
<tr>
<td></td>
<td>1 car space per 2 employees</td>
</tr>
<tr>
<td>Tyre Retail Outlets</td>
<td>1 space per 25m² gross leasable area or</td>
</tr>
<tr>
<td></td>
<td>3 spaces per work bay, whichever is the greater</td>
</tr>
<tr>
<td><strong>Note:</strong> Is a type of Retail Premises</td>
<td></td>
</tr>
<tr>
<td>Vehicle sales or hire premises</td>
<td>1 space per 130m² site area plus</td>
</tr>
<tr>
<td></td>
<td>6 spaces per work bay servicing area (if applicable).</td>
</tr>
<tr>
<td>Vehicle Repair Station</td>
<td>6 spaces per work bay plus</td>
</tr>
<tr>
<td>Vehicle Body Repair Workshop</td>
<td>1 space per 40m² gross leasable area for any spare parts shop</td>
</tr>
<tr>
<td>Veterinary Hospital</td>
<td>3 spaces per surgery</td>
</tr>
<tr>
<td>Warehouse or Distribution Centre</td>
<td>1 space per 80m² gross leasable area</td>
</tr>
</tbody>
</table>

### 12.2 Design Guidelines

#### Overview

This DCP references the provisions contained in the current Australian Standard 2890:2009 – Parking Facilities, which sets out the minimum requirements for the design and layout of parking facilities. It includes access and egress requirements for both public and private car parks, and car parking on domestic properties.

#### Objectives

Location, means of access and on-site arrangement are integral factors in the effective functioning of a car park and its impact on a locality. The standards outlined in this Chapter detail how your car park can be designed to maximize its safety and efficiency of operation while minimizing any environmentally intrusive qualities.

#### Controls

**12.2.1 Dimension of Spaces and Aisles**

a) This DCP adopts the provisions contained in the following Australian Standard:


**12.2.2 Dead End Aisles**

a) Dead end aisles are generally not accepted for the following reasons:

   a. they do not allow through-flow of traffic
   b. they pose difficulties for vehicles exiting the rear bays

b) Council may consider an exception to the above rule if the car park:

   a. has a capacity not exceeding 7 vehicles
   b. has a capacity of 14 vehicles in an opposing layout
   c. is reserved for a low turnover use (such as for employees)

In "dead end" aisles a maximum of 14 spaces in an opposing layout are permissible.
12.2.3 Headroom

Headroom is defined as the vertical distance between the surface level of the car park and the lowest point of any roof or structure above it.

a) In order to ensure satisfactory access for a reasonable range of cars, vans and four wheel drive vehicles, the minimum clear headroom required in an undercover parking area is 2.5 metres.

b) The above requirement may be reduced to 2.2 metres provided that all relevant aspects of Australian Standard 2890.1:2004 – Parking facilities - Off-street car parking are addressed.

c) The headroom height should be clearly signposted at entrances to car parks.

d) If access to the loading bays is via the car park, 3.6 metre headroom will be required.

12.2.4 Streetscape and Car Parking

It is important to recognise that vehicle access to a site and its parking areas will have an impact on urban design, pedestrians and even vehicular conflict.

The following principles should be observed when designing for vehicular access:

a) In commercial centres priority should be given to the needs of pedestrians. In this regard vehicles should gain access from rear lanes or side streets rather than from main streets which have greater pedestrian traffic;

b) Parking/loading bays will not be permitted in the front setback areas of commercial centres because this creates an undesirable streetscape character and disrupts pedestrian movement;

c) In those areas where a number of sites have redevelopment potential, joint or shared access should be considered in order to minimize conflict points between pedestrians and vehicles;

d) The design and location of vehicular access points should not interrupt the continuity of a streetscape. Footpath re-direction to allow vehicular access will not be permitted;

e) Entry/exit points should be clearly identified. Larger sites or those with a high vehicle turnover (such as shopping centres) should provide separate entry/exit points to minimize potential vehicle conflict.

f) On-street queuing of vehicles should be minimized through the creation of adequate on-site “waiting areas”. The depth of the queuing bays required will depend on the traffic expected to be generated by the development.

12.2.5 Driveways near Intersections

a) Sites located near intersections pose problems of safe entry to and exit from parking areas. To ensure safe vehicle movement near intersections, driveways on local and collector roads are not permitted within 6 metres of a splay corner. (Council’s Traffic Services Division should be contacted in relation to driveways near intersections of Classified State and Regional Roads and Unclassified Regional Roads). Dwelling house sites are exempted from these requirements.

b) Vehicle access and driveways to properties should be at least 30 metres or as far as possible from an intersection with an Classified State and Regional Roads and Unclassified Regional Roads (refer to Schedule 1 and Schedule 2 at the end of this DCP.

12.2.6 Driveway and Ramp Width

a) The appropriate driveway width is dependent upon:
   a. whether entry and exit points are combined or separate;
   b. the types of vehicles using the site;
   c. the number of vehicles using the site; and
   d. the amount of traffic on the access road.

   Note: Council’s Design & Traffic Services Division will advise you of the appropriate driveway and ramp width for your proposal.

b) Vehicle access and driveways to properties should be in the location that allows the shortest, most direct access over the nature strip from the road.
c) Vehicle access and driveways from:
   a. A physically closed road will only be permitted: where there is no alternative access opportunity and with the approval of Council's Traffic Branch.
   b. Classified State and Regional Roads (refer to Schedule 1 at the end of this chapter), will only be permitted: via a slip lane where it is beneficial to the business and has the approval of the RTA or where there is no alternative access opportunity.
   c. Unclassified Regional Roads (Refer to Schedule 2 at the end of this chapter), will only be permitted: via a slip lane where it is beneficial to the business and has the approval of Council's Traffic Branch or where there is no alternative access opportunity.
   d. Parramatta to Liverpool Transitway corridor will not be permitted, except on the following streets where there is no alternative access opportunity: Canley Vale Rd (North of The Horsley Drive), Victoria Street and Eastern side of Walter Street.
   e. The M7 Motorway will not be permitted.

12.2.7 Vehicle Movement Direction
a) Whenever possible, vehicle movement within the car park should be in a forward direction to lessen the chance of collision.

12.2.8 Location and Layout
Car parks can occupy a considerable amount of space and are often located with a degree of prominence not warranted by their role as a building ancillary.

a) In recognition of their function, car parks for commercial and industrial development should be designed to incorporate all the spaces in one location so that the amount of access roadway is minimized and occupied for a preferable use such as landscaping or floor space.

b) When site conditions permit, parking should be accessed from a rear lane. Parking for large-scale developments generating significant vehicle turnover and associated noise/fumes, should be located away from residential areas that would be most adversely affected.

c) To maximize site utilization, developers should consider construction of basement parking so that ground level pedestrian access to customers/occupiers can be maintained. Such treatment would also allow use of the space for landscaping or provision of open space/recreation facilities.

12.2.9 Manoeuvring
To function effectively a car park must provide appropriate manoeuvring room. The amount of manoeuvring space required is dependent upon the number and size of vehicles using the site and the arrangement of parking and loading bays.

To ensure your car park has adequate manoeuvring area for vehicles using the site it will be necessary to test “turning templates” over the proposed parking plan layout.

Council uses the Roads and Traffic Authority turning path guidelines/templates (ie Austroads Design Vehicles and Turning Path Templates, AUTOTURN vehicle swept path computer program) to determine whether a development will provide adequate manoeuvring area for cars. Australian Standard 2890.1:2004 – Parking facilities - Off-street car parking and Australian Standard 2890.2-2002 – Parking facilities - Off-street commercial vehicle facilities can be similarly used to check truck-manoeuvring space is adequate.

12.2.10 Pedestrian and Car Park Layout
When sites have both pedestrian and vehicular access there is a reasonable chance of conflict, to help minimize the likelihood of such conflict:

a) Parking areas should be designed so that through traffic is either excluded or minimized,

b) Pedestrian entrances/exits should be separated from the vehicular entrances/exits (parking spaces must not obstruct required exit doors).
Those developments generating a significant amount of pedestrian movement throughout the car park (such as shopping centres or office parks) should establish a clear and convenient pedestrian route. This route should minimize the number of points which cross vehicle paths and be appropriately marked to heighten driver awareness (e.g., through zebra crossings, a change in pavement material, lighting or signage).

12.2.11 Landscaping

The purpose of landscaping in parking areas is to:

- provide visual relief from the expanse of hard surfaces;
- screen the car park from surrounding areas, (thereby softening the visual impact of cars and the glare often associated with them);
- provide shade for vehicles and consequently increase driver comfort;
- assist in containing surface water runoff; and
- provide cover over hard surfaces to ensure heat retention and reflection is reduced and help limit the impact of inclement weather (such as hail storms).

In order to achieve the above effects the following measures should be undertaken when landscaping your site:

a) **Perimeter Planting** - On those sites where the building is set back from the front or side boundaries landscaping should be carried out along the perimeters. Front planting beds should have a minimum depth of 3 metres and side beds a minimum depth of 1 metre.

b) **Plant Layout** - Planting height should be graded across the width of a bed from larger species in the centre to smaller at the edge. This approach will permit maximum display of species and ensure larger, overhanging plants do not obstruct vehicle or pedestrian movement. Shade trees should be placed throughout the car park, particularly between rows of vehicles in order to provide a canopy of cover and to reduce the visual monotony of expansive hard surfaces which serve to trap and reflect heat.

c) **Landscape “islands”** should be incorporated every 10-15 vehicles.

d) **Low growing shrubs** should be placed around signs and bollard lighting in order to ensure visibility is maintained. Similarly, entry and exit points to the site should have clear sight distances and thus planting at these points should be a combination of taller trees and low growing shrubs. Midsized shrubs should be avoided.

e) **Plant Choice** - In choosing appropriate plants it is important to avoid those species, which may prove problematic. Plants which have a short life, which tend to drop branches, gum or fruit, or plants which interfere with underground pipes are not suitable for car parks.

f) **Plant Protection/Maintenance** - In order to ensure your investment in landscaping is safeguarded, it will be necessary to provide adequate protection and maintenance of planting. Protection may be achieved through the use of measures such as wheel stops, bollards, raised planter beds, **gutters or timber** barriers. Plant survival rates can be enhanced and maintenance minimized through appropriate plant choice and labour saving devices such as automatic water reticulation systems. This also ensures plant survival.

▲ Examples of parking layouts with trees.
12.2.12 Line Marking

Maximizing the capacity of parking areas can be achieved through clear identification of all parking spaces. Line marking parking bays provides drivers with a clear guideline on where to locate vehicles.

a) It is preferable to line mark plain surfaces such as concrete or asphalt with highly visible white or yellow paint.

b) Parking areas constructed of brick or concrete pavers can also identify spaces with paint or by the use of a paver which contrasts in colour with that used for the bulk of the surface.

c) To be effective, all line marking should have a minimum width of 75 mm and a maximum width of 100 mm.

12.2.13 Pavement Materials

Those areas of a car park which will be traversed by vehicles and pedestrians need to be constructed of materials which will resist wear and offer sufficient traction in order to allow safe, effective movement by users.

Controls

a) Pavement materials which are appropriate for car park surfaces include:
   a. pattern stamped concrete
   b. pavers (clay or concrete)
   c. pebble crete
   d. concrete
   e. asphalt.

b) The type of materials used will depend on the type of development. Additional details for pavement treatments are provided in the appropriate chapters contained within this DCP for those specific types of developments.

c) Appropriate pavement depth/load bearing capacity can be determined using the relevant Australian Standard or following discussion with Council's City Services Department.

d) Surfaces which may prove slippery to pedestrians (particularly the aged and disabled) should be avoided.

12.2.14 Boom Gates

Card operated boom gates are another security measure which may be incorporated into larger scale car parks. Boom gates limit access to those vehicles authorized by car park owners/operators and can improve security in facilities such as shopping centres and office car parks by requiring drivers to present their entry tickets before they may exit.

Controls

a) The location of boom gates should be such that they allow sufficient queuing space for vehicles entering the site (this space will vary according to car park capacity); and

b) where appropriate, enable visitors to the site to gain access to space without having to pass through the boom gates.

12.2.15 Signage

The effective use of parking areas relies on awareness by drivers of the availability and location of parking spaces and loading bays, and the correct means of gaining access to these facilities.

Controls

To ensure the efficient operation of parking areas:-

a) Vehicle entry and exit points to the site should be clearly marked with either pavement arrows or signage.
b) The location of any parking/loading areas which are out of sight of the driver should be clearly indicated with signage.

c) Desired traffic movement should be indicated through the use of arrows painted on the pavement, preferably in a highly visible colour such as white or yellow.

12.2.16 Lighting

The safety of vehicles and occupants in a car park can be enhanced through the use of appropriate illumination.

Suitable lighting will allow easy observation/monitoring of car parks and thereby limit the cover darkness provides to anyone contemplating vehicle theft or vandalism.

Lighting can also clearly outline paths and roadway details to pedestrians and drivers who are attempting to navigate the car park at night. Lighting can provide drivers with an early warning of approaching pedestrians thereby minimizing possible conflict.

Lighting may be either wall mounted, free standing pole lights or bollard lights. In some instances all three forms of lighting may be incorporated to provide effective illumination.

Controls

a) Interior lighting should be provided in accordance with Australian Standards 1680

b) Exterior lighting should be provided in accordance with Australian Standards 1158 – Lighting for Roads and Public Spaces

12.3 Special Requirements

Car parks for some developments have special requirements due to their size, types of users or nature of operation. The guidelines for those instances are contained below.

12.3.1 Drivers with a disability

Provision of car spaces catering for the needs of drivers with a disability is often overlooked in new developments. In the interest of staff and customers, building owners/developers should consider provision of parking for those with a disability beyond that required by this DCP.

Controls

a) **Spaces Required** - The minimum spaces required shall be in accordance with Building Code of Australia AS1428.

b) **Location** - Spaces should be located close to the entry of the building to minimize travel distances and maximize accessibility. Spaces should be located on level ground.

c) **Access** - Parking areas should recognize the needs of the disabled by ensuring gutters/stairs or other obstacles do not impede access into the building.

d) **Identification** - Spaces for the disabled should be clearly identified by both signage and stenciled disabled symbol on the surface. The space should be painted blue.
e) **Width of Space** - Car spaces for the disabled should be in accordance with AS2890 Building Code of Australia AS1428.

12.3.2 - **Stack Parking**

Stack parking occurs when one vehicle is parked behind/beside/beneath another in a way that prevents the other vehicle from existing.

In general Council does not favour the use of stack parking. However, Council is prepared to consider the provision of parking in a stacked arrangement when the applicant can demonstrate that such a proposal:

a) will not adversely affect use of the site;

b) only requires the removal of one vehicle to enable another vehicle to exit;

c) allows for a change of use/occupancy of a building without impacting on parking needs of tenants/users;

d) only involves a small proportion of total parking numbers (in non-residential situations);

e) will be for use by employees of the same organization or inhabitants of the same household; and

f) stack parking will be permitted for the parking needs of each dwelling unit.

12.3.3 - **Bicycles**

To encourage the use of bicycles, new developments should incorporate appropriate bicycle parking/storage facilities.

Bicycle racks can be placed around the perimeter of a building in areas where they will not act as obstructions. Bicycle parking is often in high demand at educational or recreation facilities, corner shops and civic buildings.

**Controls**

Bicycle parking/storage facilities should be provided in accordance with the provisions of Australian Standard 2890:3:1993 – Parking facilities - Bicycle parking facilities.

12.3.4 - **Mechanical Parking**

Mechanical parking can include a variety of vertical, horizontal or underground vehicle storage/parking methods. Council will consider any application for mechanical parking arrangement on its merits as measured against compliance with the objectives of this DCP.

12.3.5 - **Multi-Storey Car Parks**

Multi-storey car parks are often highly visible and can have a significant impact on the townscape and image of a centre.

a) Multi storey car parks should be constructed at a scale and bulk compatible with surrounding buildings.

b) The proportions of openings and materials used in parking stations should reflect those of nearby structures. This may require a façade to be incorporated in the design of some parking stations since many are designed with floor slabs exposed to the street.

c) Multi storey car parking facades also provide an opportunity for the incorporation of public art elements. Where public art is proposed design concepts shall be developed and discussed with council through the development application process.
d) Where the zoning permits, owners of multi storey car parks should consider activation of the ground floor level by incorporating activities such as shops or offices.

12.3.6 Car Theft

a) To help minimise opportunities for theft, the lighting and landscaping measures (described in this Chapter) should be incorporated.

b) Multi Dwelling and Residential Flat Buildings which have underground car parks that are out of sight (and hence prone to theft) may improve vehicle security by installing security screens or roller doors at car park entrances.

12.3.7 Heritage buildings and Parking Bonuses

Heritage buildings are those items that are considered to be of such historic, cultural, social, architectural or aesthetic significance to the community that their development warrants special attention.

Refer to Schedule 5 of the Fairfield Local Environmental Plan 2013 for a listing of the Heritage Items contained within the Fairfield Local Government Area.

If your proposal involves development of a heritage building you may be eligible for parking bonuses. In general, if your development will result in the retention and/or enhancement of a heritage building, Council may waive the parking normally required by this DCP if it is felt that this parking would reduce the significance of the building. For example, if you wished to convert a heritage house into two dwellings and you have insufficient site area to provide both parking and landscaping, Council may accept landscaping alone.

12.3.8 Trucks and Vans – Loading Information for Commercial and Industrial Developments

In addition to the need for car parking spaces many developments regularly take delivery of goods and thus there is a need to determine an appropriate loading arrangement.

To ensure new development does not adversely intrude on pedestrian and vehicle amenity, applicants will need to demonstrate that loading for their activity can either:

a) be carried out on-site without interfering with the efficient operation of the premises (including its car park); or

b) gain access to an on-street loading zone at the front or side of their premises; or

c) arrange deliveries outside of business hours

Additional details for loading arrangements are provided in the appropriate chapters contained within this DCP for those specific types of developments.

12.4 Overcoming problems

Some developers may experience difficulties in attempting to comply with the requirements of this DCP. This section outlines means of resolving these difficulties where a development proposal meets Council’s broad objectives.

12.4.1 Exceptions to the Rules

Council encourages innovative approaches to the issue of parking provision where it can be demonstrated that the aims of this DCP can be satisfied.

In those instances where the applicant can demonstrate that the use/activity will generate a demand for parking outside those times when peak demand is likely to be expected (for example, restaurant peak times and retailing peak times rarely coincide) Council will consider variations to the requirements of this DCP.

Similarly if it can be shown that the requirements of this DCP are excessive Council may vary its application. The validity of the applicant’s argument must be demonstrated by presentation of relevant data and practical examples of comparable situations.
The provision of nearby public car parking and the type of transport used to gain access to the premises, along with car ownership rates among users, will also be considered as mitigating factors in determining appropriate parking rates. In shopping centres, customers may patronize a number of shops during their visit and thus parking required may be less than this DCP might otherwise necessitate. Consideration of this argument by Council will mean the applicant will need to submit a parking accumulation/turnover study with their proposal.

Where the problem is one of layout (i.e., spaces, aisles, ramps and so on) then reference to the current Australian Standard 2890 - Parking Facilities will provide greater flexibility than the basic layouts provided in this code. However, the standards are complex and require a professional designer experienced in their use.

12.4.2 Parking Contributions

While Council generally requires that car parking for a development be located on-site, in some cases a monetary contribution may be accepted (under Section 94 of the Environmental Planning & Assessment Act) so that Council may provide the spaces nearby.

Council will only accept a parking contribution if:

a) parking on-site would create an undesirable traffic problem (for example it would encourage unwanted and unrelated traffic and parking to a site in a heavily trafficked area); or

b) the applicant’s site has a number of restrictions which make it difficult/impossible to provide the required parking on-site; or

c) Council’s DCP for a commercial centre does not allow the necessary parking to be provided on-site; or

d) the parking would have an unwanted impact on the streetscape of a centre.

**Council will not accept contributions in relation to residential development**

It should also be noted that Council can only accept a contribution for parking provision where it has adopted a contributions plan to ensure adequate parking will be provided near the applicant’s site.

Parking contributions may vary in different areas. Details of the contribution rates are contained in Council’s Development Contributions Plans, which are available online at www.fairfieldcity.nsw.gov.au.

**Schedules applicable to this Chapter**

**Schedule 1 – Classified State and Regional Roads**

<table>
<thead>
<tr>
<th>Last update January 2014</th>
<th>Gazette Road No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cowpasture Road (from North Liverpool Road to The Horsley Drive).</td>
<td>648</td>
</tr>
<tr>
<td>Cumberland Highway (Orange Grove Road, Joseph Street, Cambridge Street, Palmerston Road, Smithfield Road)</td>
<td>13</td>
</tr>
<tr>
<td>Cabramatta Road East</td>
<td>534</td>
</tr>
<tr>
<td>Cabramatta Road West</td>
<td>534</td>
</tr>
<tr>
<td>Elizabeth Drive (from Council boundary at Cecil Park to Wallgrove Road)</td>
<td>515</td>
</tr>
<tr>
<td>Elizabeth Drive (from Council boundary at Mt Pritchard to Council boundary at Cecil Park)</td>
<td>535</td>
</tr>
<tr>
<td>Elizabeth Street (from The Horsley Drive to Victoria Street).</td>
<td>609</td>
</tr>
<tr>
<td>Gipps Road (from Hassall Street to Council boundary with Holroyd City Council)</td>
<td>646</td>
</tr>
<tr>
<td>Hassall Street (from Victoria Street to Gipps Road)</td>
<td>646</td>
</tr>
</tbody>
</table>
### Schedule 1 – Classified State and Regional Roads

as classified by the NSW Roads and Maritime Service pursuant to the Roads Act 1993.

Last update January 2014

<table>
<thead>
<tr>
<th>Road No.</th>
<th>Road Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>2106</td>
<td>Hassell Street (from The Horsley Drive to Victoria Street)</td>
</tr>
<tr>
<td>2</td>
<td>Hume Highway (Liverpool Road)</td>
</tr>
<tr>
<td>609</td>
<td>The Horsley Drive [from the Hume Highway at Carramar to Smithfield Road (Cumberland Highway) and then again from Elizabeth Street to Wallgrove Road]</td>
</tr>
<tr>
<td>2105</td>
<td>The Horsley Drive [from Smithfield Road (Cumberland Highway) to Victoria Street]</td>
</tr>
<tr>
<td>8002</td>
<td>Transit Way - Liverpool to Parramatta</td>
</tr>
<tr>
<td>609</td>
<td>Victoria St, between Elizabeth Street and Cumberland Highway</td>
</tr>
<tr>
<td>515</td>
<td>Wallgrove Road (from Elizabeth Drive to Council boundary with Blacktown City Council)</td>
</tr>
<tr>
<td>640</td>
<td>Woodville Road (from Hume Highway at Villawood to Council boundary with Parramatta City Council)</td>
</tr>
</tbody>
</table>

### Schedule 2 – Unclassified Regional Roads

as identified by the NSW Roads and Maritime Service pursuant to Administrative Agreement.

Last update January 2014.

<table>
<thead>
<tr>
<th>Road No.</th>
<th>Road Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>7231</td>
<td>Avoca Road (between St Johns Road and Orphan School Creek)</td>
</tr>
<tr>
<td>7223</td>
<td>Barbara Street (between Lawson Street and Hamilton Road)</td>
</tr>
<tr>
<td>7226</td>
<td>Bareena Street (between Vale Street and First Avenue)</td>
</tr>
<tr>
<td>7225</td>
<td>Bartley Street (between Railway Parade and Sackville Street)</td>
</tr>
<tr>
<td>7233</td>
<td>Boundary Lane (between Church Street and Railway Parade)</td>
</tr>
<tr>
<td>7223</td>
<td>Bulls Road (between Orphan School Creek and Richard Road)</td>
</tr>
<tr>
<td>7224</td>
<td>Canley Vale Road (between Railway Parade and Smithfield Rd)</td>
</tr>
<tr>
<td>7226</td>
<td>Chancery Street (between Lansdowne Road and Vale Street)</td>
</tr>
<tr>
<td>7233</td>
<td>Church Street (between Cabramatta Road West and Boundary Lane)</td>
</tr>
<tr>
<td>7228</td>
<td>Edensor Road (Meadows Road and Cowpasture Road)</td>
</tr>
<tr>
<td>7106</td>
<td>Ellis Parade (between Fairfield Street and Railway Street)</td>
</tr>
<tr>
<td>7222</td>
<td>Fairfield Road (between Woodville Road and Vine Street - up to bridge)</td>
</tr>
<tr>
<td>7153</td>
<td>Ferrers Road (between The Horsley Drive and Water Supply line)</td>
</tr>
<tr>
<td>7227</td>
<td>Gladstone Street (between West Cabramatta Road and St Johns Road)</td>
</tr>
<tr>
<td>7232</td>
<td>Gordon Street (between The Horsley Drive and Vine Street)</td>
</tr>
<tr>
<td>7223</td>
<td>Hamilton Road (between Barbara Street and Orphan School Creek)</td>
</tr>
<tr>
<td>7221</td>
<td>Humphries Road (between Edensor Road and St Johns Road)</td>
</tr>
<tr>
<td>7231</td>
<td>King Road (between Orphan School Creek and Polding Street)</td>
</tr>
<tr>
<td>7226</td>
<td>Lansdowne Road (between Hume Highway and Chancery Street)</td>
</tr>
<tr>
<td>7223</td>
<td>Lawson Street (between Vine Street and Barbara Street)</td>
</tr>
<tr>
<td>7228</td>
<td>Meadows Road (between North Liverpool Road and Edensor Road)</td>
</tr>
</tbody>
</table>

Uncontrolled document when printed – check Council's website for current version
### Schedule 2 – Unclassified Regional Roads

as identified by the NSW Roads and Maritime Service pursuant to Administrative Agreement.

Last update January 2014.

<table>
<thead>
<tr>
<th>Road Name</th>
<th>Road No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mimosa Road (between Smithfield Road and The Horsley Drive)</td>
<td>7229</td>
</tr>
<tr>
<td>North Liverpool Road (between Elizabeth Drive and Cowpasture Road)</td>
<td>7267</td>
</tr>
<tr>
<td>Polding Street (between Prospect Creek and Prairievale Road)</td>
<td>7222</td>
</tr>
<tr>
<td>Prairievale Road (between Polding Street and Restwell Road)</td>
<td>7222</td>
</tr>
<tr>
<td>Railway Parade (between Boundary Lane and Lawson Street)</td>
<td>7233</td>
</tr>
<tr>
<td>Railway Street (between Ellis Parade and Council Boundary)</td>
<td>7106</td>
</tr>
<tr>
<td>Restwell Road (between Prairievale Road and Cowpasture Road)</td>
<td>7222</td>
</tr>
<tr>
<td>Richard Road (between Bulls Road and Smithfield Road)</td>
<td>7223</td>
</tr>
<tr>
<td>River Avenue (between Woodville Road and The Horsley Drive)</td>
<td>7102</td>
</tr>
<tr>
<td>Sackville Street (between St Johns Road and Polding Street)</td>
<td>7221</td>
</tr>
<tr>
<td>Smithfield Road (between Elizabeth Drive and Cumberland Highway)</td>
<td>7220</td>
</tr>
<tr>
<td>St Johns Road (between Humphries Road and Sackville Street)</td>
<td>7221</td>
</tr>
<tr>
<td>Vale Street (between Chancery Street and Bareena Street)</td>
<td>7226</td>
</tr>
<tr>
<td>Victoria Street/Cowpasture Road (between Elizabeth Street and The Horsley Drive)</td>
<td>7480</td>
</tr>
<tr>
<td>Vine Street (between Fairfield Street and Gordon Street)</td>
<td>7232</td>
</tr>
<tr>
<td>Wetherill Street (between Polding Street and Victoria Street)</td>
<td>7230</td>
</tr>
</tbody>
</table>
Chapter 13

Child Care Centres

Table of Contents

13.0 Context and objectives

13.1 Controls for Child Care Centres

13.1.1 What approvals are necessary?
13.1.2 Maximum Capacities
13.1.3 Location Requirements
13.1.4 Building Design and Streetscape
13.1.5 Parking and Traffic
13.1.6 Indoor Spaces
13.1.7 Outdoor Spaces and Landscaping
13.1.8 Visual and Acoustic Privacy
13.1.9 Emergency Evacuation
13.1.10 Signage
13.1.11 Hours of Operation
13.1.12 Drainage
13.1.13 Alternative Building Forms of Types of Care
13.1.14 Aboveground Child Care Centres in Commercial Zones
13.1.15 Home based child care
13.1.16 Other facilities
13.1.17 Educator to Child Ratio
13.1.18 Bushfire Prone Land
13.1.19 Flood Risk Management
13.1.20 Energy Efficiency and Solar Access Controls
13.1.21 Ventilation and Lighting

Schedule 1 – Classified State and Regional Roads
Schedule 2 – Unclassified Regional Roads

13.0 Context and objectives

The State Government is responsible for licensing child care centres under the Children and Young Persons (Care and Protection) Act, 1998. The NSW Department of Education and Community Services (DECS) administers this Act as well as the Children’s Services Regulation 2004.

Fairfield City Council is responsible for land-use planning throughout the Fairfield Local Government Area. This is regulated through plans and policies prepared under the Environmental Planning and Assessment Act, 1979.

This chapter is intended to be complementary to DOCS requirements. It identifies specific issues over which Council has care and control. DOCS’ requirements must be complied with in addition to those included in this chapter.

13.1 Controls for Child Care Centres

Overview

This clause applies to child care centres permissible in all land within the Fairfield Local Government Area.

This section attempts to establish specific objectives and controls for child care centres. Although these are often located in residential zones, Council acknowledges that they are permissible in a variety of zones subject to meeting the objectives of that zone.

Objectives

a) To provide a clear planning framework for the development of child care centres in the Fairfield City,

b) To ensure child care centres are located and designed to minimise the impact on the amenity of surrounding residents and other land users,

c) To ensure child care centres are located and designed to provide children with a safe, healthy and active environment, conducive to positive development,
d) To ensure that staff and other users of child care centres are provided with a high quality work environment, and
e) These broad objectives are expanded further within the objectives of the individual development controls.

For properties identified as heritage items within Fairfield City, refer to:
- Chapter 2 – Development Application Process, clause 2.2.13 – Heritage Assessment
- Chapter 3 – Environmental Management and Constraints, clause 3.12 Heritage Items
- Appendix G – Heritage and Development.

For properties near heritage items, contact Council on how your proposal must minimise potential impacts.

13.1.1 What approvals are necessary?

Overview
Child care centres require development consent to be obtained from Council prior to commencement of operation. Any building work requires the prior issue of a Construction Certificate. At the completion of building work an Occupation Certificate will be issued to permit occupation of the building. Council or an independent certifier may issue these certificates.

In addition to the above, the activity must be licensed by DECS. The Children’s Services Regulation 2004 provides that where development consent is required under the EP&A Act, an application for license may not be made until development consent has been obtained.

The requirements of DECS may vary from time to time, or they may implement policies or practices in addition to the statutory provisions. It is therefore recommended that DECS be contacted to determine these requirements. Council does not enforce or control such requirements and the onus rests with the applicant to ensure that their licensing obligations are satisfied.

13.1.2 Maximum Capacities

13.1.2.1 Childcare Centres in Residential Zones

Overview
Whilst child care centres are a permitted land use in the residential zones, they are also a commercial activity and must not result in any adverse impacts upon neighbours and the existing residential area. In this regard, Council considers that it is necessary, among other things, to limit the capacity of child care centres in residential zones. Additionally, in acknowledging that larger centres create greater impacts, provide for varying controls for child care centres of different scales.

Council is also aware of a general shortage in the provision of child care places for the 0-2 year’s age group and would seek to redress the imbalance.

Objectives
a) To ensure that the capacity of a child care centre is compatible with existing land uses and does not alter the immediate character and the amenity of existing residential areas,
b) To ensure that child care centres are appropriately integrated into existing or new residential environments,
c) To encourage a distribution of smaller child care centres across all appropriate zones, and
d) To encourage the provision of places for children in the 0-2 years age bracket.

Controls
a) Child care centres shall be classified according to the number of children under care in accordance with the following table:

<table>
<thead>
<tr>
<th>Number of children under care</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seven (7) children or less</td>
<td>Home-Based Child Care</td>
</tr>
<tr>
<td>Eight (8) to thirty (30) children</td>
<td>Type A</td>
</tr>
<tr>
<td>Thirty-one (31) to forty (40) children</td>
<td>Type B</td>
</tr>
</tbody>
</table>
b) The maximum number of children that a child care centre, located in any zone, may accommodate at any time must not exceed forty (40).

c) If a proposed child care centre has a common boundary with an existing centre, then the applicant must demonstrate that the new centre is not an addition to the existing centre. That licences are not in the same name is not sufficient proof. It must be illustrated that the centres cannot be combined in the future.

d) In each of the child care centre types, the following minimum ratio of the children under care shall be in the 0-2 years age group:

<table>
<thead>
<tr>
<th>Classification</th>
<th>0-2 years age group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A</td>
<td>No minimum</td>
</tr>
<tr>
<td>Types B</td>
<td>1 in 8 or part thereof</td>
</tr>
</tbody>
</table>

Design of the building and provision of facilities shall be such as to cater for this age group.

13.1.2.2 Childcare Centres in Non-Residential Zones

Overview
There is an increasing need to have child care centres in close proximity to work places such as within or adjoining employment zones. This need is balanced by the requirement to ensure that surrounding uses do not adversely affect the operation of a child care centre and vice versa.

Objectives:

a) To ensure that proposed child care centres will be compatible with the objectives of the relevant zone
b) To ensure that proposed child care centres in non-residential zones are compatible with, and does not affect the operation of, any existing or likely future non-residential land uses in the immediate vicinity.
c) To provide opportunities for child care places close to work places and business centres
d) To locate child care centres where they would not have an adverse impact on the safety and health of children

Controls

a) Child care centres shall be classified according to the number of children under care in accordance with the following table:

<table>
<thead>
<tr>
<th>Number of children under care</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eight (8) to thirty (30) children</td>
<td>Type A</td>
</tr>
<tr>
<td>Thirty-one (31) to forty (40) children</td>
<td>Type B</td>
</tr>
<tr>
<td>Forty-one (41) and above</td>
<td>Type C</td>
</tr>
</tbody>
</table>

b) Proposed child care centres in non-residential zones should not affect the operation of any existing likely future non-residential land uses in the immediate vicinity.
c) In each of the child care centre types, the following minimum ratio of the children under care shall be in the 0-2 years age group:

<table>
<thead>
<tr>
<th>Classification</th>
<th>0-2 years age group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A</td>
<td>No minimum</td>
</tr>
<tr>
<td>Type B</td>
<td>1 in 8 or part thereof</td>
</tr>
<tr>
<td>Type C</td>
<td>30% of total group</td>
</tr>
</tbody>
</table>

13.1.3 Location Requirements

Objectives

a) To ensure child care centres are provided as equitably as possible across the LGA, subject to the areas of greatest need being adequately serviced.
b) To minimise the impact of child care centres on residential amenity in terms of traffic generation and movement, traffic noise and noise from children by encouraging an even distribution of small centres in residential areas.

c) To encourage the clustering of child care centres with community facilities and other complementary land-uses.

d) To ensure that selected sites are not subjected to environmental hazards that may be detrimental to the health or safety of the users of the facility.

e) To ensure that principal character and purpose of the various zones is maintained and that child care centres are an ancillary facility, serving the local community within which they are located.

Controls

a) A location analysis shall be submitted with each application as prescribed by Chapter 2 of this DCP. For child care centres, the locational analysis should also indicate in map form all existing child care centres as well as all parks, schools and other community facilities within a two-kilometre (2km) radius of the proposed centre. The map shall identify the capacity of surrounding centres, as well as any potential health and safety risk hazards. An analysis of the need for a centre in the proposed location must also support the application. Council discourages the location of child care centres in the following zones:
   a. RU2 - Rural Landscape.
   b. RU4 - Primary Production Small Lots.

b) Where a child care centre is located in a commercial zone, the applicant must demonstrate that it is ancillary to the principal commercial uses on the same land and primarily serves the needs of the local work force.

c) The location of child care centres shall take into consideration the proximity to environmental health or safety risk hazards. To this end consent will not be granted for centres located:
   a. having frontage to, or access from:
      i. Classified State and Regional Roads (Schedule 1),
      ii. Unclassified Regional Roads (Schedule 2), and
      iii. Cul-de-sacs
   b. within 100m of the following features:
      i. Classified State and Regional Roads (see Schedule 1),
      ii. High-voltage power lines,
      iii. Telecommunication base stations and towers, and
      iv. LPG above ground gas-tank or tanker unloading position.
   c. Any site where following Council’s assessment, the road upon which the child care centre is proposed to be located, is not suitable due to:
      i. the prevailing traffic conditions,
      ii. pedestrian and traffic safety, and
      iii. the likely impact of the activity on the flow of traffic on the surrounding street system.
   d. Any site located in high or medium flood risk zone

d) In addition, consideration shall be given to the following hazards either within the site or in the surrounding area:
   a. Contaminated land;
   b. Proximity to water cooling and water warming systems;
   c. Proximity to odour generating uses and sources; and
   d. Any other identified environmental hazards or risks relevant to the child care activity.

Note: Council encourages child care centres to be located in school or church properties, or on sites used for other complementary community land-uses. Each application will be considered on its merits having regard to the objectives of this DCP and the circumstances of the case to determine how best to promote the co-location of community facilities.

13.1.4 Building Design and Streetscape

Overview

Building Design and streetscape must be maintained within a residential area. This section will attempt to provide provisions for child care centre developments to be compatible with the existing built environment.
Objectives

a) To ensure that sites selected for child care centres minimise adverse impact on the locality and provides a suitable environment for the users;

b) To ensure that sites selected are capable of accommodating centres that provide adequate vehicle parking and manoeuvring area, open space, landscaping and the like;

c) To ensure that the layout and building design take into account the characteristics, constraints and opportunities of the site and its surrounds;

d) To ensure that the development has a high quality appearance that enhances and complements the streetscape of the area;

e) To ensure the building design addresses the relevant strategies of “Crime Prevention Through Environmental Design” (CPTED); and

f) To ensure the amenity of adjoining neighbours (including aural and visual amenity and privacy) is maintained and is not detrimentally affected by a Child care centre. This includes the impact of any measures, such as acoustic barriers, designed to ameliorate amenity impacts.

Controls

a) Child care centres shall have a minimum road frontage as listed below. Where there is more than one frontage this width relates to the nominated frontage of the centre:

   a. Type A, 20 metres
   b. Types B, 22 metres.

b) Child care centres, and all areas used by children, shall be located only at the ground level of the building within which they are located.

c) Council will encourage the adaptive re-use of buildings where possible, consistent with the objectives of environmental sustainability. This shall be weighed against the social objective of providing high-quality community facilities. In the development of child care centres, the social objective shall prevail and Council may require that facilities be purpose-built to satisfy the requirements of this plan.

d) That if a proposal for a child care centre requires boundary fences or other structures to be greater than 2.1 metres in height so as to adequately mitigate noise and/or to otherwise protect the amenity of neighbours, then the scale of the child care centre is inappropriate and should be reduced.

Note 1: Council encourages the provision of high quality public art. Each application will be considered on its merits having regard to the objectives of this DCP and the circumstances of the case to determine how best to promote public artworks.

Note 2: Frontage means the width of the property measured at the street alignment. Where there is more than one street frontage, the nominated frontage is the one selected as the principal vehicular access to the site.

13.1.5 Parking and Traffic

Overview

Parking and traffic controls can help provide equitable access and allow for access issues to be tackled early in the development design process of child care centres.

Objectives

a) To provide adequate and safe on-site parking of staff vehicles, as well as suitable space for deliveries, service access, and the setting down and picking up of children,

b) To reduce the incidence of on-street parking, which may be detrimental to road safety and the amenity of residents,

c) To ensure the safe and efficient movement of pedestrian and vehicular traffic entering and leaving the site, and

d) To minimise the impact of traffic movements on the surrounding precinct.

Controls

a) The car-parking requirement is 1 space for every 4 children in care or part thereof. Off-street car parking shall be provided at the same rate as that required by Chapter 12 - Car-Parking, Vehicle and Access Management, with at least one of these to be a disabled car space.
b) Where there is another use on the same site, additional spaces at the rate applicable to that use shall be provided.

c) All vehicles shall enter and leave the site in a forward direction.

d) Child care centres shall only be permitted where their nominated frontage is to a roadway that has a minimum carriageway width (sealed road measured kerb to kerb) of twelve metres (12m).

e) The traffic circulation system serving the centre shall be designed to allow the safe drop-off and collection of children and the safe movement and parking of staff, parent, visitor and service vehicles. The design shall take into account nearby traffic generators, street design, and the safety of pedestrians and cyclists. For example, driveways shall not be located opposite, or in the vicinity of, roads at a T-intersection or near a round-about.

f) All applications for child care centres shall be accompanied by a ‘traffic and parking’ report, prepared by a suitably qualified person addressing the above issues to Council’s satisfaction. For centres of Type B & C, suitably qualified means a certified traffic engineer, transport planner or equivalent.

13.1.6 Indoor Spaces

Overview

Planning development standards must ensure that indoor spaces are designed in a way so as to ensure that child development and supervision are not compromised in any way.

Objectives

a) To provide attractive and functional indoor spaces which provide positive experiences and developmental growth of children, and

b) To provide indoor spaces that are safe and functional and enable adequate staff supervision of children at all times.

Controls

A minimum of 3.25 square metres of unencumbered indoor floor space shall be provided for each child under care, exclusively for the use of children. (Refer cl. 30 of Children (Education and Care Services) Supplementary Provisions Regulation 2004.

Note: The Regulation provides “For the purposes of calculating unencumbered indoor play space, items such as any passage way or thoroughfare, door swing areas, kitchen, cot rooms, toilet or shower areas located in the building or any other facility such as cupboards are to be excluded.”

13.1.7 Outdoor Spaces and Landscaping

Overview

Outdoor areas should be designed as an extension of indoor spaces.

Objectives

a) To ensure adequate and well-designed outdoor play area is provided to cater for children’s needs including learning, play, quiet time and other developmental experiences;

b) To provide outdoor spaces that are safe, secure and functional, comply with CPTED principles, and enable adequate staff supervision of children at all times;

c) To enhance the setting of child care centres and the environmental quality of the neighbourhood;

d) To protect the existing landscape features of the site where possible; and

e) To protect the amenity and privacy of adjoining property owners.

Controls

a) A minimum of three metres of landscaping must be provided to the street frontage.

b) A minimum on metre of landscaping from the rear boundary is to be provided for Type B and Type C centres.

c) A minimum one metre of landscaping for each of the side boundaries is to be provided for Type A, Type B centres and Type C centres.
d) In each case, this landscaping shall include substantial trees to provide visual privacy for neighbours. Trees should not be such as to compromise the security of the children in care by providing a means for climbing over fences.

e) Child care centres must have at least 7 square metres of useable outdoor play space per child that is exclusively for the use of children.

f) Outdoor spaces must include a range of different areas including open space for activities such as running, shaded areas for reading and other quiet activities and active areas which include play equipment.

g) A physical division in the form of a low fence (600mm high) or similar structure is to be maintained between the play spaces provided for children under the age of two years and that provided for older children to ensure the younger children have adequate access to play areas and equipment.

h) Outdoor play areas shall be physically separated from the main entrance, car-parking areas and vehicle circulation areas and shall be adequately fenced on all side.

i) Please refer to Chapter 2 – Requirements for Development Application Submission for further information regarding landscape plans.

13.1.8 Visual and Acoustic Privacy

Overview
Child care centre designs should address the established character of the area in order to minimise visual outlook and protect privacy. The character can be determined by the scale, massing, siting, size, height, spacing, form, intensity and use of surrounding buildings.

Objectives
a) To minimise noise generation from the centre and intrusion of noise from external sources, and
b) To ensure the privacy of surrounding premises is maintained and protected from overlooking.

Controls
a) Child care centres must achieve an ambient noise level within the centre not exceeding 40dB(A) within learning areas. Designated sleeping areas are to achieve a level not exceeding 35dB(A) within the room. Designs should aim to locate sleep rooms and play areas away from the principal noise sources. Where necessary the impact of noise must be reduced by solid fencing and double glazing.

b) Centres must be carefully designed so that noise is kept to a minimum and does not create “Offensive Noise” as defined by the Protection of the Environment Operations Act 1997. Factors to consider, and which Council may require to be addressed include:
   a. Orientating the building having regard to impacts on neighbours. This may include locating play areas away from neighbouring bedrooms;
   b. Providing double-glazing of windows where necessary;
   c. Erection of noise barriers, which may include fencing types that minimise noise transmission;
   d. Insulation of external noise sources such as air conditioners;
   e. Placing restrictions on the number of children to be outdoors at any one time.

c) All applications for Type B & C, child care centres shall be accompanied by an ‘acoustic’ report, prepared by a suitably qualified person addressing the above issues to Council’s satisfaction.

d) Overlooking of adjoining principal living areas and private open spaces must be kept to a minimum. This may be done by a number of means including appropriate building layout, landscaping or screening.

13.1.9 Emergency Evacuation

Overview
Child care centres must have an emergency evacuation plan to ensure the safety of the occupants.
Objectives
a) To ensure that child care centres have emergency evacuation plans that ensure the safe evacuation of occupants.

Controls
a) Prior to the issue of an Occupation Certificate for the child care centre, an evacuation plan complying with AS31045 must be prepared and implemented. This plan shall consider:
   a. The mobility of children;
   b. The location of a safe congregation area away from the evacuated building, busy roads and other hazards; and
   c. The supervision of children during evacuation and at the safe congregation area.

3.1.10 Signage
Overview
Provisions for signage for child care centres should attempt to address the streetscape and the cumulative impact with relation to existing signage in the area.
Objectives
a) To minimise the visual impact of signs and ensure signs complement the design of buildings and preserve the streetscape and amenity of the area.
Controls
a) The signage shall comply with provisions outlined in Appendix C – Advice for Designing Advertising Signs.

13.1.11 Hours of Operation
Overview
Hours of operation must be restricted so as to ensure that the effect of the childcare centres is negligible to the residents of the locality.
Objectives
a) To ensure the hours of operation of child care centres do not adversely affect the amenity of surrounding properties.
Controls
a) Hours of operation for child care centres shall not extend beyond 7:00am to 7:00pm Mondays to Fridays and 8:00am to 7:00pm Saturdays. No operation will be permitted on Sundays or public holidays;
   b) Centres proposing to obtain a licence for long-day care may be granted consent to operate from 6:00am from Mondays to Fridays. Any such application shall be accompanied by an acoustic report, prepared by a suitably qualified person addressing issues raised in 13.1.8 (b).

13.1.12 Drainage
Overview
Provisions must be made for water, sewerage and drainage services.
Objectives
a) To minimise the impact of stormwater on the subject site and the surrounding properties and the catchment.
Controls
a) Stormwater On-site Detention - On-site detention shall be provided, in accordance with Council’s Stormwater On-site Detention Policy. The applicant shall contact Council’s Development Engineering Assessment Branch for assistance as requirements for each site may vary.
b) **Drainage Concept Plans** - A Drainage concept plan shall be prepared by a suitably qualified person, satisfying the requirements of Council’s Stormwater On-Site Detention Policy for the area, and shall be submitted with the development application. Drainage concept Plans are to be designed to ensure that surface detention basins are located clear of children play areas.

### 13.1.13 Alternative Building Forms of Types of Care

**Dual Use – Child care centre and dwelling**

**Objectives**

a) To avoid the over-development of such dual use sites, and  
b) To provide adequate and separate private open space for each of the uses.

**Controls**

a) The combined Floor Space Ratio (FSR) for both uses shall not exceed the FSR for dwellings in the same zone.  
b) An open space area must be provided for the exclusive use of the residential component of the dual use. This area must be in addition to the outdoor area provided in this plan, and should comply with the private open space requirements in the relevant section for residential development.  
c) Separate facilities, such as kitchen, laundry and toilets, shall be provided for the exclusive use of the residents, and children in care must not be able to access any part of the dwelling.  
d) Where applicable the controls from Chapter 5A Dwelling Houses will also be considered in assessing the dwelling component of dual use - child care centre and dwelling.

### 13.1.14 Above Ground Child Care Centres in Commercial Zones

**Objectives**

a) To encourage the provision of child care centres in commercial zones where they service the workforce in the immediate locality.  
b) To allow for the location of child care centres above ground where no viable alternatives exist.  
c) To ensure that the elevated location does not compromise the safety of the users of the child care centre.

**Controls**

a) This clause may be applied only to the following commercial zones:  
   a. B1 Neighbourhood Centre;  
   b. B2 Local Centre.  
   c. B3 Commercial Core  
   d. B4 Mixed Uses  
   e. B5 Business Development  
   f. B6 Enterprise Corridor  
b) Above ground child care centres shall not be located higher than the first floor (above ground) of a building.  
c) Where it is impracticable to provide outdoor spaces, Council may permit some or all of that space to be provided indoors, provided that space is designed to allow children to participate in activities that promote gross motor skills.  
d) Where outdoor spaces are provided above ground level and outdoors appropriate measures shall be implemented for the protection of those spaces from adverse wind and other climatic conditions.  
  
  e) Adequate fencing shall be provided for the safety of children and to prevent objects from being thrown over the edge.  
  f) Fencing shall be integrated into the building design.  
  g) A safe refuge area shall be provided within the child care centre and opening directly to a dedicated fire-isolated stair.
h) The area of the refuge shall be 0.25m² per person for the capacity of the centre, including staff.
i) The doors, walls, floors and ceiling of the refuge shall have a minimum Fire Resistance Level (FRL) equal to that required for the fire stairs.

13.1.15 Home Based Child Care

Home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

a) the service is licensed within the meaning of the Children and Young Persons (Care and Protection) Act 1998; and
b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

All home-based child care services must comply with the relevant licensing standards, and be licensed by DECS.

Home based child care is permitted without consent in the following zones:

a) Zone RU5 - Village
b) Zone R1 - General Residential
c) Zone R2 - Low Density Residential
d) Zone R3 - Medium Density Residential
e) Zone R4 - High Density Residential
f) Zone B1 - Neighbourhood Centre
g) Zone B2 – Local Centre
h) Zone B4 – Mixed Uses
i) Zone B6 – Enterprise Corridor

13.1.16 Other Facilities

DECS have identified a range of facility types, each of which has different standards and requirements for licensing. These include:

a) Long day care centre;
b) Pre-Schools or Kindergartens;
c) Occasional Child care centres;
d) Out of School Hours Care;
e) Multipurpose Child care centres.

Applicants should identify the specific type of facility proposed to be provided and seek their consents and licenses accordingly.

13.1.17 Educator to Child Ratio

Objective

To ensure that educator to child ratios for Child Care Centres are consistent with the Education and Care Services National Regulations.

Controls

Minimum standards of Educator to Child Ratio is to be provided in accordance with latest Education and Care Services National Regulation. As of the 1 of September 2013 the following Educator to Child Ratio are in force:

<table>
<thead>
<tr>
<th>Age</th>
<th>Educator-to-child ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth to 24 months</td>
<td>1:4</td>
</tr>
<tr>
<td>24 to 36 months</td>
<td>1:8</td>
</tr>
<tr>
<td>36 months to 72 months</td>
<td>1:10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Age</th>
<th>Educator-to-child ratio</th>
</tr>
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<tbody>
<tr>
<td>Birth to 24 months</td>
<td>1:4</td>
</tr>
<tr>
<td>24 to 36 months</td>
<td>1:5</td>
</tr>
<tr>
<td>36 months to 72 months</td>
<td>1:10</td>
</tr>
</tbody>
</table>

Note: Please check the Education and Care Services National Regulation for the most up to date ratios.
13.1.18 Bushfire Prone Land

Objective

a) To ensure the types of bushfire protection measures are imposed on Child Care Centre Developments.
b) To manage vegetation within Child Care Centre Developments to reduce potential bushfire attack on habitable buildings; and
c) To ensure the siting and construction of a Child Care Centre development is carried out in such a way that it increases the likelihood of a development surviving a bushfire attack.

Controls

a) Child Care Centre proposed on or in close proximity to Bushfire prone land must be compliant with Clause 3.9 Bushfire of Chapter 3 Environmental Management Controls of this Development Control Plan.

13.1.19 Flood Risk Management

Sites that are affected by flooding will need to refer to Chapter 11 Flood Risk Management in the City Wide DCP for more information. This chapter identifies different controls applicable to specific land uses based on the level of flood inundation and hazard. According to 13.1.3 Location Requirements, childcare centres will not be permitted in medium and high flood risk zones.

Note: A Section149(2) & (5) certificate will need to be purchased in order to obtain the relevant flooding affectation as well as any other environmental and planning constraints for the site.

13.1.20 Energy Efficiency and Solar Access Controls

Objectives

a) To ensure best practice for sustainable buildings are utilised when designing any new building or substantial additions to child care centres.
b) Maximise natural airflow and minimise reliance on mechanical heating and cooling within child care centres.
c) To encourage recycling and composting facilities within child care facilities.
d) To ensure child care centre designs reflect the site analysis drawings having regard to optimal orientation for both indoor and outdoor play area.

Controls

a) The centre shall be designed and sited to maintain solar access for a minimum period of four hours between 9am and 3pm on 22 June to key areas of the centre, including indoor and outdoor play spaces.
b) The design of the centre must not affect solar access to adjacent buildings for a minimum period of four hours between 9am and 3pm on 22 June.
c) Children’s sleeping areas, toilets, staff rooms and internal play spaces are to have access to natural lighting during daylight hours.
d) The centre design should have regard to Part J of the Building Code of Australia – Energy Efficiency applicable to sustainable design of Class 9B buildings.

13.1.21 Ventilation and Lighting

Objective

a) To ensure that Child care centres are properly ventilated, with natural airflow to provide sufficient cooling, lighting and heating.

Controls

a) The child care centre is to be designed in a manner that utilises cross ventilation as the primary ventilation control system.
b) All heating and cooling units must be placed in a position that is inaccessible to children.
c) Floor mounted heaters should be permanently fixed in position, and be provided with a guard to prevent children from coming into contact with them.
d) Where possible clerestory windows should be provided to allow warm air to escape in summer and to provide passive solar heating in winter.
e) All natural ventilation is to be provided in accordance with the requirements of the Building Code of Australia. All child care centres are to be provided with suitable natural lighting.

Note: Artificial ventilation control measures may be required in some areas where natural ventilation is not feasible.

Schedules applicable to this Chapter

**Schedule 1 – Classified State and Regional Roads**
as classified by the NSW Roads and Maritime Service pursuant to the Roads Act 1993. Last update January 2014

<table>
<thead>
<tr>
<th>Road</th>
<th>Gazette Road No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cowpasture Road (from North Liverpool Road to The Horsley Drive)</td>
<td>648</td>
</tr>
<tr>
<td>Cumberland Highway (Orange Grove Road, Joseph Street, Cambridge Street, Palmerston Road, Smithfield Road)</td>
<td>13</td>
</tr>
<tr>
<td>Cabramatta Road East</td>
<td>534</td>
</tr>
<tr>
<td>Cabramatta Road West</td>
<td>534</td>
</tr>
<tr>
<td>Elizabeth Drive (from Council boundary at Cecil Park to Wallgrove Road)</td>
<td>515</td>
</tr>
<tr>
<td>Elizabeth Drive (from Council boundary at Mt Pritchard to Council boundary at Cecil Park)</td>
<td>535</td>
</tr>
<tr>
<td>Elizabeth Street (from The Horsley Drive to Victoria Street)</td>
<td>609</td>
</tr>
<tr>
<td>Gipps Road (from Hassall Street to Council boundary with Holroyd City Council)</td>
<td>646</td>
</tr>
<tr>
<td>Hassall Street (from Victoria Street to Gipps Road)</td>
<td>646</td>
</tr>
<tr>
<td>Hassell Street (from The Horsley Drive to Victoria Street)</td>
<td>2106</td>
</tr>
<tr>
<td>Hume Highway (Liverpool Road)</td>
<td>2</td>
</tr>
<tr>
<td>The Horsley Drive [from the Hume Highway at Carramar to Smithfield Road (Cumberland Highway) and then again from Elizabeth Street to Wallgrove Road]</td>
<td>609</td>
</tr>
<tr>
<td>The Horsley Drive [from Smithfield Road (Cumberland Highway) to Victoria Street]</td>
<td>2105</td>
</tr>
<tr>
<td>Transit Way - Liverpool to Parramatta</td>
<td>8002</td>
</tr>
<tr>
<td>Victoria St, between Elizabeth Street and Cumberland Highway</td>
<td>609</td>
</tr>
<tr>
<td>Wallgrove Road (from Elizabeth Drive to Council boundary with Blacktown City Council)</td>
<td>515</td>
</tr>
<tr>
<td>Woodville Road (from Hume Highway at Villawood to Council boundary with Parramatta City Council)</td>
<td>640</td>
</tr>
</tbody>
</table>

**Schedule 2 – Unclassified Regional Roads**
as identified by the NSW Roads and Maritime Service pursuant to Administrative Agreement. Last update January 2014

<table>
<thead>
<tr>
<th>Road</th>
<th>Road No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avoca Road (between St Johns Road and Orphan School Creek)</td>
<td>7231</td>
</tr>
<tr>
<td>Barbara Street (between Lawson Street and Hamilton Road)</td>
<td>7223</td>
</tr>
<tr>
<td>Bareena Street (between Vale Street and First Avenue)</td>
<td>7226</td>
</tr>
<tr>
<td>Bartley Street (between Railway Parade and Sackville Street)</td>
<td>7225</td>
</tr>
<tr>
<td>Boundary Lane (between Church Street and Railway Parade)</td>
<td>7233</td>
</tr>
<tr>
<td>Bulls Road (between Orphan School Creek and Richard Road)</td>
<td>7223</td>
</tr>
</tbody>
</table>
Schedule 2 – Unclassified Regional Roads
as identified by the NSW Roads and Maritime Service pursuant to Administrative Agreement.

Road No.

<table>
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</tr>
</tbody>
</table>
Chapter 14

Subdivision

Table of Contents

14.0  Context and objectives
14.1  Preliminary
    14.1.1 What is Subdivision?
    14.1.2 What Subdivision Requires Consent?
    14.1.3 The Subdivision Process
    14.1.4 Information Submitted with a Development Application
    14.1.5 Other Relevant Council Documents
14.2  General Controls
    14.2.1 Access Handles and Driveways
    14.2.2 Frontage to Classified State and Regional Roads and Unclassified Regional Roads
    14.2.3 Splay Corners and Road Widening
    14.2.4 Road Alignment and Width – New and Extension of Existing Roads
    14.2.5 Fencing
14.3  Non-Urban (Rural) Areas
    14.3.1 Lot Size
    14.3.2 Vacant Lot Subdivisions
    14.3.3 Battleaxe, Carriageways and Roads
    14.3.4 Access Points
    14.3.5 Earthworks (Excavation & Filling)
14.4  Residential Areas
    14.4.1 Lot Requirements
    14.4.2 Subdivision in R2 Low Density Residential Zone
    14.4.3 Subdivision in R3 Medium Density Residential and R4 High Density Residential Zone
14.5  Business Zones
14.6  Industrial Zones
14.7  Off Road Cycleways
14.8  Site Specific subdivision development plans

Schedule 1 – Typical Cross Sections
Schedule 2 – Typical Cross Sections
Schedule 3 – Right of Carriageway variable width and positive covenant for Maintenance and Repair
Schedule 4 – Classified State and Regional Roads and Unclassified Regional Roads
Schedule 5 – Site Specific subdivision development plans

14.0  Context and objectives

This chapter applies to all development applications for subdivisions. The types of subdivisions are categorised by land use type.

The general objectives of subdivision are:

a) To encourage a high standard of design at both subdivision stage and for subsequent development of newly created lots,
b) To ensure that subdivision development is carried out within appropriate environmental criteria,
c) To provide a comprehensive design approach in the rural, residential, business, industrial, and tourism areas of Fairfield,
d) To provide for the environmentally sustainable subdivision of land, and
e) To ensure that where appropriate, the subdivision takes into account the likely future use of the land.

For properties identified as heritage items within Fairfield City, refer to:
14.1 Preliminary

14.1.1 What is Subdivision?

Section 4B of the Environmental Planning and Assessment Act 1979 (No. 203) deals with the subdivision of land and defines ‘subdivision’ as set out in Appendix A of this DCP.

14.1.2 What Subdivision Requires Consent?

Clause 2.6 – Subdivision – consent requirements of Fairfield Local Environmental Plan 2013 provides that subdivision of land to which that plan applies may only be subdivided with development consent.

Notes:

1. If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.

2. Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.

3. Clause 2.6(2) of Fairfield Local Environmental Plan 2013 provides that Secondary dwellings are not permitted to be subdivided unless the resulting lot is not less than the minimum shown on the Lot Size Map.

Clause 4.1 Minimum subdivision lot size of Fairfield Local Environmental Plan 2013 applies to a subdivision of land shown on the subdivision Lot Size Map. The size of any lot resulting from a subdivision of land, excluding lots within a strata plan or community title scheme, must not be less than the minimum size shown on the Lot Size Map.

Minimum lot size for dual occupancy development - minimum lot size for dual occupancy development is shown on the Fairfield LEP 2013 Minimum Lot Size Map for Dual Occupancy.

Clause 4.1A Minimum lot size for dual occupancy development of Fairfield Local Environmental Plan 2013 provides that the minimum lot size for dual occupancy development shall not be less than the size shown on the Minimum Lot Size Map for Dual Occupancy. Accordingly the size of any lot resulting from the subdivision of an approved dual occupancy in zone R2 Low Density Residential must not be less than 300m² in the 600m² area (Minimum Lot Size Map for Dual Occupancy) and 450m² in the 900m² area (Minimum Lot Size Map for Dual Occupancy) excluding any access handle in a battleaxe lot.

Area of each lot created - Despite Clause 4.1A Minimum lot size for dual occupancy development under Fairfield LEP 2013, the subdivision of dual occupancies shall result in equal or similar proportion of lots in size as detailed in Clause 6B.1.1.7 Subdivision of Dual Occupancy – R2 Low Density Residential of Chapter 6B of Fairfield City Wide DCP 2013.

Clause 4.2 Rural subdivision of Fairfield Local Environmental Plan 2013 provides that in certain circumstances land may be subdivided so as to create a lot having a size less than the minimum shown on the Lot Size Map. The lot must be used for primary production and a dwelling cannot be erected upon such lot. Refer also to Clause 14.3.2 Vacant Lot Subdivisions – Controls (e) of this Chapter.
14.1.3 The Subdivision Process - Development Application Flow Chart

Preparing the Application

**Step 1**
Obtain Section 149 Certificate (Part (2) and Part (5)) to determine the zoning of the land and any other constraints and determine which minimum controls and design standards apply.

**Step 2**
Prepare initial site analysis - See Chapter 2 and relevant provisions of this Chapter for details of required information to be included.

**Step 3**
Consider the likely future use of the land and refer to the relevant chapter of the DCP, as well as Chapter 11 if the land is flood liable.

**Step 4**
Prepare concept subdivision plans and building envelope plans (if required under this Chapter). Council considers that it is desirable to have a pre-lodgement meeting with Council staff. Determine the need for any specialist consultants.

**Step 5**
Prepare final site analysis and subdivision plans (including building envelopes if required) as well as Statement of Environmental Effects (including any specialist reports as required under Chapter 3).

**Step 6**
Lodge application with Council together with completed Development Application form, Subdivision Checklist, owner’s consent and Council fees and regulatory fees.

If Application is approved

**Step 7**
Where the subdivision involves construction work, lodge a Engineering Construction Certificate Application with Council or other Certifying Authority along with engineering design plans. Refer to Council’s Traffic and Road Safety Branch for specifications on Roadwork and Drainage for detailed design requirements. Where no construction work is required, go to Step 9.

**Step 8**
Upon approval of the Engineering Construction Certificate, carry out subdivision work.

**Step 9**
Comply with all conditions of the consent. Early attention is drawn to the following requirements, all or some of which will apply to most subdivisions:
- Preparation of easement, covenant instruments
- Payment of Fees and Bonds
- Payment of Section 94 Contributions
- Obtain Section 73 Certificate from Sydney Water
- Electricity provider clearance
- Telecommunications Carrier Compliance Certificate
- Australian Gas and Lighting Requirements

**Step 10**
Obtain Subdivision Certificate to enable registration of the final plan of subdivision with the Land and Property Information Division, Department of Finance.

If Application is refused

Reconsider proposal having regard to the reasons for refusal.

If you consider the application has been refused for unreasonable reasons, a review of determination is available under Section 82A of the Act.

Applicants also have a right of appeal to the NSW Land and Environment Court.
14.1.4 Information Submitted with a Development Application

In addition to the requirements of Chapter 2 – Requirements for Development Application Submission, all development applications for the subdivision of land are to include the following:

Application Form

A development application form is available from Council's Administration Centre or from Council's web site. This application form must be fully completed and signed by all owners of all properties included in the application.

In the case of the subdivision of a previously strata subdivided property, the application will need to be accompanied by a resolution of the Body Corporate granting consent to the proposed subdivision. This requirement also applies to land previously subdivided under the Community Title Act 2001.

Where it is proposed to subdivide land, which gains access to a public road via a right of carriageway, the application to subdivide may need to be accompanied by the written consent (including original signatures) of all parties with an interest in the right of carriageway.

In completing the Development Application Form, applicants are also required to complete Council’s Subdivision checklist, which details minimum information requirements and the number of plan / document copies required for lodgement.

Torrens Title Subdivision

One electronic copy and four (4) paper copies of plans drawn to a regular scale detailing the following information:

a) The proposed subdivision including all existing and proposed lot boundaries, dimensions, areas and proposed roads/accessways, etc as well as location of lot boundaries and roads (including extent of existing construction) adjoining the site.
b) North point.
c) Proposed lot numbers. Please note that the use of letters to describe lots (e.g. lot A) is no longer accepted by the Land and Property Information Division, Department of Lands. It will therefore be required that all lots be numbered.
d) The location and use of all existing structures and services on the land along with dimensions from the structures to the proposed boundaries.
e) Any easements, covenants.
f) Natural features including slope, vegetation, watercourses and overland flow paths, top of bank and riparian land shown on the Riparian Land and Waterways Map that forms a part of Fairfield LEP 2013.
g) The location of all trees or stands of trees on the land and on neighbouring land within 10 metres of the extent of the proposed subdivision.

Note: The location of trees on the adjoining property is only required where the proposed subdivision requires the construction of works such as driveways or drainage adjacent to the side boundaries.
h) Existing and proposed levels of the land, at Australian Height Datum, in relation to buildings, roads and properties. Any areas of proposed cut and fill are to be clearly delineated on the plans.
i) Where new public roads or rights of carriageway are proposed, the proposed width and proposed pavement treatments.
j) Any land, including notation of area, to be dedicated as open space, drainage etc.

Strata Subdivision and Community Title Subdivision

One electronic copy and four (4) copies of a plan drawn to a regular scale detailing the following information:

a) The proposed strata lots including any designated car spaces.
b) The location of all common property.
c) The location of all existing and proposed structures on the property.
d) North point.
e) Proposed lot numbers.
The original plan of strata subdivision drawn by a registered surveyor can be lodged with the application but is not required to be lodged until all conditions of approval issued by Council have been satisfied.

**Statement of Environmental Effects**

A Statement of Environmental Effects is required to accompany all Development Applications in accordance with Chapter 2 of this DCP.

**Application Fee**

This fee is based on the number of lots proposed to be created. The rates for this fee are determined by statute and may vary from time to time. The current fees applicable to an application are available on Council’s web site or from the Customer Service section.

**14.1.5 Other Relevant Council Documents**

In addition to Clauses 2.6, 4.1, 4.1A and 4.2 of Fairfield Local Environmental Plan 2013, there are several Council policies and site specific Development Control Plans which may affect the manner in which land should be subdivided. Applicants are encouraged to consider the following documents as they may be relevant to the subject land.

**Council Policies**

a) Policy for Erosion and Sediment Control
b) Stormwater Drainage Policy – September 2002
c) Building in a Saline Environment
d) Rural Area On-site Detention Guidelines
e) Retail and Commercial Centres/Activities Policy
f) Urban Areas On-Site Detention Handbook

**Site Specific Development Control Plans and Masterplans**

a) Bonnyrigg Town Centre DCP
b) Cabramatta Town Centre DCP
c) Canley Corridor DCP
d) Fairfield City Centre DCP
e) Fairfield Heights Town Centre DCP
f) Prairiewood Masterplan (January 2006)

**14.2 General Controls**

Some subdivision controls are common to all land use types, whilst others are land use type specific. Accordingly, this section applies to all subdivision proposals.

**14.2.1 Access Handles and Driveways**

**Objectives**

a) To ensure that new subdivision accommodates safe and efficient vehicular access and movement.
b) To ensure that new subdivision provides appropriate opportunity for the provision of services.
c) To ensure that new lots are capable of being accessed by emergency vehicles and other non-passenger vehicles.

**Controls**

a) Access driveways opening onto major roads will need to be widened at the entrance to allow two vehicles to pass within the driveway entry area so that delays to the traffic flow along the road are minimised.
b) Easements for drainage and services are required, sufficient to enable full servicing of all of the lots to be created.
c) Building clearances related to access handles in battle axe subdivisions shall comply with the requirements of the Building Code of Australia and rights of carriageway shall be free from any building encroachment or overhang.

d) For non-industrial access driveways of greater than 30m length, Council may require vehicular passing bays to be incorporated into the access handle width to enable vehicular movement in both directions.

14.2.2 Frontage to Classified State and Regional Roads and Unclassified Regional Roads

Objective
a) To ensure that new subdivisions maintains the safety and efficiency of the main road system.

Controls
a) Subdivisions creating new allotments requiring access from a Classified State and Regional Roads will not be permitted unless in the opinion of Council and the RTA, alternate access is neither practicable nor available from any other road.

b) Subdivision creating new lots should be designed so as to minimise the number of vehicle access points from an Unclassified Regional Road.

14.2.3 Splay Corners

Objectives
a) To ensure that adequate area is provided within the road reservation to achieve adequate sight distance at road intersections.

b) To ensure adequate area is provided within the road reservation to accommodate vehicular turning paths.

Controls
a) For the purposes of ensuring adequate sight distance, all applications proposed to create corner lots at the intersection of public roads may be required to dedicate a splay corner as public road. Any existing, fencing or other improvements within the splay corner will need to be removed prior to issue of a Subdivision Certificate on the final plan of subdivision. Any vegetation which would affect vehicular sight distance within the splay corner will need to be removed and is subject to a Tree Permit issued by Council.

b) Splay corners will generally need to be 6m x 6m in the following suburbs: Wetherill Park, Bossley Park, Edensor Park, St. Johns Park, Abbotsbury, Bonnyrigg and Bonnyrigg Heights.

c) Splay corners in other residential suburbs will generally be required to be 3m x 3m.

d) Splay corners in industrial areas will be required to be 6m x 6m.

e) Due to particular site circumstances, Council may also require splay corners in a number of identified locations/intersections. This information is available on a S.149 (Planning Certificate).
14.2.4 Road Alignment and Width – New and Extension of Existing Roads

Objectives
a) To provide for a minimum standard of width for new roads to facilitate traffic and pedestrian movement.
b) To provide for a consistent approach to the alignment and width of extensions to existing roads.

Control
a) The minimum width of any proposed road must be 7.0m laneway which allows for two-way traffic under AS 2890.2 (6.5 m width) and a footpath. Nothing in this control prevents Council from requesting wider roads where they are required in some circumstances.
b) In respect of all zones, the alignment and width of proposed roads, which extend existing roads, shall generally conform with existing construction. Where feasible to do so, Council will consider a proposal to reduce the width of road pavement to be constructed subject to the applicant providing sufficient details to support the proposal. In such instances, any works required to be constructed on existing roads in order to support the proposed amended road width will be required to be carried out by the subdivider.

14.2.5 Fencing

Objective
a) To create a visually unified streetscape via a common approach along the boundaries of a property.

Control
a) The provisions of a decorative, low maintenance fence along boundaries of subdivision must be provided.

14.3 Rural Areas

The rural areas (Horsley Park and Cecil Park) are generally described as consisting of a semi-rural environment, which contains a mix of rural residential, agricultural and extractive land uses.

In considering the subdivision of land in the rural areas, due regard needs to be paid to the other relevant chapters of this DCP and particularly the provisions of Chapter 2 – Requirements for DA Submission, Chapter 3 – Environmental Management, Chapter 4 – Development Principles for Rural Land and Chapter 11 – Flood Risk Management.

To ensure a high level of subdivision design in the rural areas the lot size, vacant lot subdivisions, road access and points, and land fill are regulated.

14.3.1 Lot Size

Objectives
a) To provide an alternate living environment to that of the urban areas,
b) To allow people to carry out a reasonable range of agricultural activities which are compatible with the living environment of neighbours,
c) To ensure that development complements and enhances the existing landscape and that the settlement pattern of the area so as to maintain the rural character and lifestyle,
d) To ensure that development of the land will not lead to a decline in ground and surface water quality and does not lead to significant risk to life and property from the natural and other hazards such as bushfire, flooding, slippage and contamination, and
e) To minimise the cost to the community by ensuring that development does not create unreasonable or uneconomic demands for the provision of services.

Controls
a) The minimum lot size applicable within rural zones is that shown on the Minimum Lot Size Map and the Minimum Lot Size Map for Dual Occupancy.
b) The minimum lot size for the RU2 Rural Landscape zone shown on the Minimum Lot Size Map is 10 hectares.

c) The minimum lot size for the RU4 Primary Production Small Lots zone shown on the Minimum Lot Size Map is 1 hectare.

d) There is no minimum lot size shown on the Minimum Lot Size Map for the RU1 Primary Production or the RU5 Village zone.

e) In the rural areas, for the purposes of calculating lot area, the area of any access handle is included. This is a requirement of clause 4.1(5) of Fairfield LEP 2013.

14.3.2 Vacant Lot Subdivisions

“Vacant Lot Subdivisions” are defined at Appendix A. The location and orientation of future buildings can have an important influence on the quality of the rural environment. To enable proper consideration of this issue at the subdivision stage, vacant lot subdivisions are required to include particular information not otherwise required for subdivision of developed sites where no further development is likely.

Objective

a) To allow the full and proper assessment of the impact of subsequent development of future buildings on newly created lot in the rural areas of the City.

Controls

a) All subdivisions involving the creation of vacant lots in the rural areas must be accompanied by a site analysis in accordance with the provisions of Chapter 3 of this DCP as well as information covering the following:
   a. Topographical features such as slope, native vegetation and watercourses, top of bank and riparian land;
   b. Phase 1 Contamination Assessment;
   c. Location of existing farm buildings and any industrial / commercial operations;
   d. Views and Vistas;
   e. Vehicular and pedestrian access;
   f. Availability of services including any easements affecting the land;
   g. Available waste water disposal areas based on a preliminary waste water disposal report prepared by a suitably qualified professional;
   h. Relationship to adjoining development (including extractive industries in accordance with Chapter 4);
   i. Setbacks from roads in accordance with Chapter 4;
   j. Aircraft Noise; and
   k. Aboriginal and European Heritage items.

b) Subdivision plans must show available building envelopes where the site analysis demonstrates that the site is affected by any of the following constraints:
   a. Flooding;
   b. Any requirement for an activity approval under Part 3 of Chapter 3 of the Water Management Act 2000 which may be triggered by future development, in accordance with the Integrated Development Provisions of the Environmental Planning and Assessment Act 1979, generally a zone extending for a distance of 40 metres from the top of bank of a watercourse.
   c. Bushfire prone land;
   d. Contaminated Land;
   e. Aboriginal or European Heritage; and
   f. Threatened Species.

c) The identification of the appropriate building envelope must have regard to the objectives and controls contained within Chapter 4 of this DCP.

d) The building envelope required under subclause (b) above will be required as a condition of consent to be reflected as a Restrictive Covenant on the final plan of subdivision pursuant to 88B of the Conveyancing Act 1919 such that the building envelope(s) is placed on the Title of the land.

e) Lots created for the purpose of primary production, pursuant to the concession contained within clause 4.2 of Fairfield LEP 2013, shall have registered on title a Restrictive Covenant pursuant to
88B of the Conveyancing Act 1919 that prevents the erection of a dwelling on any lot the area of which is less than that shown on the Lot Size Map.

14.3.3 Battleaxe, Carriageways and Roads

Objectives

a) To ensure road construction in the rural area is consistent with other areas of the City and appropriately provide in a manner conducive to local conditions
b) To provide for a road network which clearly defines the function of each road, allowing for the required level of construction, including servicing and which provides suitable and appropriate access, safety and convenience for all users in a manner which minimises environmental impact
c) To ensure that new subdivision accommodates safe and efficient vehicular access and movement
d) To ensure that new subdivision provides appropriate opportunity for the provision of services
e) To ensure that new lots are capable of being accessed by emergency vehicles and other non-passenger vehicles.

Controls

a) For subdivisions for a single lot serviced off an access handle, the battle axe width must be a minimum width of 7m with a minimum all weather surface of 3 metres which need not be sealed.

b) The minimum width of new roads in the rural zones is 20m or such greater width as is required to provide pavement, table drains and verges. The cross sections are outlined in Schedule 1.

c) A cycleway network has been designed for the area (see Fairfield Bike Plan), which is a combined on-road and off-road facility. The on-road cycleway will be 2.5m wide and will be delineated from the normal road carriageway by the use of different coloured asphalt. The off-road facility will also be 2.5m wide and will be a combined pedestrian footway and cycleway. This facility will have a turfed surface.

d) Each developer will be required to carry out the following works for the full property frontage:
   a. Construction of a low maintenance turfed road verge in accordance with the Schedule 2.
   b. All table drains shall be turf lined.
   c. Avenue type tree planting to be provided.
   d. Where deemed necessary by Council, construction of a turfed flow path through the property carrying flows from road culverts away from development sites.
   e. Construction of a sealed access from the existing road pavement to the property boundary for all existing and proposed houses or lots.
   f. Where possible all existing piped driveway crossings will be removed and replaced with a sealed access pavement.
   g. Before commencement of any works requiring the removal of any ground cover, suitable soil erosion protection measures must be implemented in accordance with guidelines produced by the Department of Natural Resources. Such measures may include but need not be limited to sediment traps or ponds, diversion banks and silt fencing.

e) For subdivisions where two lots that are serviced off an access handle the following criteria must be met:
   a. A minimum of 10m width with a sealed pavement width of 3 metres constructed to a minor access public road standard.
   b. Council will require the developer, by condition of consent, to construct a low maintenance driveway – reinforced concrete or similar – to Council’s satisfaction for the full length of the access handle prior to the issue of the Subdivision Certificate.

For subdivisions where a right of carriageway may be proposed for three or more lots, the access way needs to be dedicated as a public roadway and must meet the following criteria:

a) Must be a 20m reserve, with a minimum of 7m carriageway, 2m shoulder, and a minimum of 1m table drain.

b) Amalgamation of adjoining properties to create a public road in lieu of multiple access handles will be given consideration for concession with regard to reducing the lot area below the 1 hectare minimum lot size policy. In these circumstances the area utilised for the public road will be apportioned to the lots created as would be the case with a private access handle to satisfy the minimum 1 hectare lot size.
14.3.4 Access Points

Objectives

a) To ensure the vehicle access is provided in a location that minimises cut and fill and erosion, and
b) To ensure that new subdivisions maintains the safety and efficiency of the main road system.

Controls

a) Access driveways should as far as possible follow natural contours rather than cutting across the contours. Extensive cut and fill should be avoided in order to:
   a. Retain the natural character of the site by reducing the intrusive appearance of driveways.
   b. Lessen the possibility of erosion thereby minimising maintenance costs.
   c. Allow an informal lot layout and dwelling placement.
   d. Allow easier manoeuvring and reduce speeding.

b) Driveways are to be landscaped along the edges and should be constructed of compacted gravel, paved or sealed in brown, green, grey or ochre tones. Regardless of the proposed method of internal construction all driveways must be sealed between the edge of sealed road and the property boundary in accordance with drawing S-226 found in Schedule 2 of this chapter.

c) The number of access points to arterial roads should be minimised. Subdivision design should provide access via adjacent local roads. Where such arrangements cannot be made, common access points/driveways should be established as part of the proposed subdivision. A buffer area of 10 metres should be provided between an arterial road and an access driveway. This setback should be appropriately landscaped to reduce visible road. Suitable landscaping should include vegetation and moulding.

A well planned driveway which follows natural contours is pleasant and easy to drive on and preserves the natural character of the site

Driveways located straight down slopes are susceptible to erosion and will require constant maintenance. They are clearly visible to the public and destroy the natural character of the land

14.3.5 Earthworks (Excavation & filling)

Clause 6.7 of Fairfield Local Environmental Plan 2013 sets out statutory requirements in relation to earthworks which includes land fill.

Land fill in association with subdivisional work will only be permitted where the fill is required:

a) for the reasonable economic use of the land, or
b) in connection with drainage works or,

The “reasonable economic use” of the land is defined as:

a) to fill a dam on the land,
b) to reinstate the land to the condition or state it was in immediately before the carrying out of development on the land that altered the state or condition of the land,
c) to fill the area surrounding the footprint of a lawful building on the land, out to a maximum distance of 1m from the footprint, to a maximum depth of 300mm.
Objectives

a) To ensure that any earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
b) To control soil erosion, sedimentation, tree loss and drainage impacts associated with land filling and excavation, and
c) To ensure the environmental amenity of adjoining properties is protected.

Matters for consideration

Before granting development consent for earthworks, Council must consider the following matters:

a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
b) the effect of the proposed development on the likely future use or redevelopment of the land,
c) the quality of the fill or of the soil to be excavated, or both,
d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
e) the source of any fill material or the destination of any excavated material,
f) the likelihood of disturbing relics,
g) proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area.

Controls

a) The depth of cut and fill around the footprint of a lawful building on the land is not to exceed 300mm.
b) Cut and fill batters are not to exceed a gradient of 1 in 4 unless otherwise approved by Council. Batters are to be landscaped with grasses, groundcovers and shrubs.
c) Any cut or fill works within 40m of a natural watercourse will result in the development being “Integrated Development” and an activity approval under Part 3 of Chapter 3 of the Water Management Act 2000 will be required from the Office of Water, Department of Primary Industries.
d) Where filling works require importation of fill material, Council will require certification that the imported material is free from contaminants.
e) Where filling works require the importation of fill material into flood prone land, Council will require a flood report demonstrating to the satisfaction of Council that the filling works will not unreasonably affect flood levels within the flood catchment.
f) Cut and fill works are not to alter the natural contours of the land at the property boundary.
g) All exposed areas of soil must be turfed or seeded and mulched immediately following completion of earthworks.

14.4 Residential Areas

In considering the subdivision of land in the residential areas, due regard needs to be paid to the other relevant chapters of this DCP and particularly the provisions of Chapter 5 – Single Dwelling Houses, Chapter 6 – Multi Dwelling Housing, Chapter 7 – Residential Flat Buildings and Chapter 11 – Flood Risk Management.

14.4.1 Lot Requirements

The size of a lot, relative to the future built form, controls the level of amenity available to future residents, whilst lot size can restrict opportunities available to future dwelling design in terms of maximising the amenity for future residents and minimising impact on adjoining residents. It is important therefore, in designing a subdivision, to consider the likely future built form as well as the existing or likely future built form of adjoining land. In this regard, due consideration needs to be given to the provisions of Chapter 5A – Single Dwelling Housing, Chapter 5C – Single Dwelling Housing Narrow Lots, Chapter 6 – Multi Dwelling Housing Town House and Villa and Chapter 7 – Residential Flat Buildings.
14.4.2 Subdivision in the R2 Low Density Residential Zone

Objectives
a) To ensure that development on the land is consistent with the objectives in Chapter 5A – Single Dwelling Housing or Chapter 5C – Single Dwelling Housing Narrow Lots and consistent with the established urban form and character of the area,
b) To provide space for private recreation purposes, landscaping purposes, and access and sufficient space for parking and manoeuvring of motor vehicles,
c) To ensure that the development demonstrates a positive relationship to the local context in terms of character and amenity of the immediate locality,
d) To ensure that the development complements the lot layout and size given the site attributes and the relationship of the proposal to the surrounding development,
e) To ensure that development complements and enhances the existing streetscape and that the development pattern of the area so as to maintain the residential character and lifestyle,
f) To ensure that development of the land will not lead to a decline in ground and surface water quality and does not lead to significant risk to life and property from the natural and other hazards such as bushfire, flooding, slippage and contamination,
g) To provide for a public road network which clearly defines the function of each street, allowing for the required level of construction, including servicing and which provides suitable and appropriate access, safety and convenience for all users in a manner which minimises environmental impact, and
h) To ensure that maintenance arrangements for the access handle and driveway surface are put in place prior to occupation or sale of newly created lots.

Controls

Conventional Lots
a) The minimum lot size is shown on the Lot Size Map which forms a part of Fairfield LEP 2013.
b) The minimum frontage is 11m unless the application includes a proposal for the future dwelling to be erected on the land, which demonstrates that a lesser width can accommodate the proposed dwelling. Council will require the dwelling identified in the accompanying Development Application for dwelling construction to be identified as a Restrictive Covenant on the final plan of subdivision, pursuant to 88B of the Conveyancing Act 1919 such that the dwelling envelope is placed on the Title of the Land.

Note: Council will consent to the issue of a Subdivision Certificate on the final plan of subdivision creating lots less than 11m average width, prior to the construction of the approved dwelling(s) subject to the following conditions:
a. Council has issued approval of the Development Applications for the dwelling(s),
b. The subdivision does not involve the creation of a boundary along a future party wall
c. Attached dwellings will need to be fully constructed prior to issue of the Subdivision Certificate on the final plan of subdivision.

Battle Axe, Carriageways and Roads in the R2 Low Density Residential Zone
a) Council’s experience of battle axe subdivisions has shown that this subdivision type has potential to create significant land use conflicts and impacts as well as difficulties associated with motor vehicle manoeuvrability. At subdivision stage, it is essential that careful consideration be given to the likely impacts arising from future dwelling construction on the newly created lot, and that all avenues are investigated at subdivision stage to minimise or avoid such impacts.
b) The minimum lot size is shown on the Lot Size Map which forms a part of the Fairfield LEP 2013. In calculating the minimum required lot size the area occupied by the access handle, in the case of battle axe lots is excluded. Refer to Clause 4.1(3A) of Fairfield LEP 2013.
c) For local Roads serving up to 10 dwellings a 10.5m (5.5m pavement and 2 x 2.5m footpaths) width is required.
d) The minimum width of the access handle is 4 metre, of which 3m is to be hard paved surface.
e) For local Roads serving greater than 10 dwellings a 13m (7m pavement and 2 x 3m footpaths) width is required.
f) For roads likely to be used for bus routes a 15m (8m pavement and 2 x 3.5m footpaths) width is required.
g) For a residential road the minimum cul-de-sac radius for the kerb and gutter is to be 9m.
h) For subdivisions that create 2-3 lots serviced off an access handle, the following criteria must be met:
   a. The applicant is required to consider in consultation with Council, whether the provision of a public road would represent an improved planning outcome.
   b. Council will require the developer, by condition of consent, to construct a low maintenance driveway – reinforced concrete or similar – to Council’s satisfaction for the full length of the access handle prior to the issue of the Subdivision Certificate.
   c. To enable adequate emergency vehicle access, minimum carriageway width of 4m with overhead clearance of 4.5m is required. Should it be proposed to incorporate bends in the access handle, the applicant must demonstrate that the access handle is capable of accommodating the design swept path of a large rigid vehicle in accordance with the provisions of AS2890.2.
   d. Council will require it to be demonstrated that the access handle and its associated manoeuvring area are such as to enable a passenger vehicle to ingress and egress the lot in a forward direction.
   e. Where there is joint responsibility of the land owners in terms of the maintenance of the access handle, Council will require as a condition of consent, for Torrens Title subdivision involving reciprocal rights of way, that a positive covenant for maintenance and repair be created on the Title of the lot pursuant to Section 88B of the Conveyancing Act 1919. The wording of the 88B Instrument is included as Schedule 3 of this chapter. In the case of Community Title or Strata Title subdivision, maintenance arrangements for communal land should be clearly outlined in the by-laws.

For subdivisions that create 4 or more lots serviced off a carriageway the following criteria must be met:
   a) Must be built to the standard of a public road.
   b) Must be dedicated to Council as a public road or have a Community Title/Strata Title.

Vacant lot battle axe subdivision

a) For vacant lot battle axe subdivisions, the site analysis required in accordance with Chapter 2 of this DCP shall address those matters contained within Chapter 2 and particularly the following:
   a. Assessment of potential impact on indigenous vegetation and fauna
   b. Topographical features such as slope, native vegetation and watercourses
   c. Bushfire prone land
   d. Identification of any Flood Risk Precinct and Flood Levels if the land is flood liable land or alternatively, confirmation that the land is not flood liable
   e. Details of any buildings on the subject land and adjoining land, including height, location, windows to habitable rooms and uses of private open space areas
   f. Views and vistas
   g. Vehicular and pedestrian access and manoeuvrability
   h. Availability of services including any easements affecting the land, and
   i. Aboriginal and European Heritage items.

b) The site analysis must be considered in conjunction with the various controls contained within Chapter 5A – Single Dwelling Housing of this DCP, a building envelope is to be nominated on the subdivision plans.

c) Where it cannot be demonstrated that two storey development of a newly created battle axe lot will not ensure compliance with the provision of Chapter 5A of this DCP, it may be necessary to limit the achievable building envelope for the vacant lot to single storey, with that requirement being reflected by way of Restrictive Covenant on the final plan of subdivision pursuant to 88B of the Conveyancing Act 1919 such that the height limit is placed on the Title of the land. If the applicant does not wish to provide a building envelope and assessment, Council will limit development to single storey.
14.4.3 Subdivision in the R3 Medium Density Zone and the R4 High Density Residential Zone

Objectives
a) To ensure future development on the land is consistent with the objectives in Chapter 6 – Multi Dwelling Housing Town House and Villa, and Chapter 7 - Residential Flat Buildings, and consistent with the established urban form and character of the area,
b) To ensure that development complements and enhances the existing streetscape and that the development pattern of the area maintains the residential character and lifestyle,
c) To ensure that the development complements the lot layout and size given the site attributes and the relationship of the proposal to the surrounding development, and
d) To ensure that development of the land will not lead to a decline in ground and surface water quality and does not lead to significant risk to life and property from the natural and other hazards such as bushfire, flooding, slippage and contamination.

Controls
There is no minimum area for subdivision within the R3 Medium Density Zone or the R4 High Density Residential Zone.

a) In order to ensure that subdivision within the R3 Medium Density Zone or the R4 High Density Residential Zone allows for future development to take place in accordance with the objectives of the zone, Council requires all vacant lot subdivision applications within the R3 Medium Density Zone or the R4 High Density Residential Zone to be accompanied by a Development Application for subsequent development of the proposed lots.

b) Where the land to be created is intended to be developed for more than 2 dwellings, the provisions of Chapter 6 or 7 apply.

c) Restriction on use and positive covenant will be required where it is shown that the roof water for one dwelling flows over the adjoining dwelling.

d) Multi dwelling housing and or residential flat buildings will not be supported on existing battleaxe lots.

e) Subdivision for battleaxe lots will only be approved where Council has already approved multi dwelling housing development and or residential flat building development on the site.

14.5 Business Zones

Objectives
a) To ensure that new subdivision within the business zones provides opportunity for the orderly and efficient economic development of land in accordance with the applicable zone objectives.

b) To ensure that development complements and enhances the existing streetscape and that the development pattern of the area maintains the urban character and lifestyle.

c) To ensure that development of the land will not lead to a decline in ground and surface water quality and does not lead to significant risk to life and property from the natural and other hazards such as bushfire, flooding, slippage and contamination.

d) To minimise the cost to the community by ensuring that development does not create unreasonable or uneconomic demands for the provision of services.

e) To provide for a public road network which clearly defines the function of each street, allowing for the required level of construction, including servicing and which provides suitable and appropriate access, safety and convenience for all users in a manner which minimises environmental impact.

Controls

a) There are no minimum area or frontage requirements for subdivision within the Business areas, however in considering the subdivision of land in the business zones, due regard needs to be paid to the other relevant chapters of this DCP and particularly the provisions of Chapter 8 – Neighbourhood and Local Centres, in respect of Local Centres and the site specific Development Control Plan or Masterplan.

b) Proposed new roads shall be consistent with the prevailing standard of construction in the centre.
14.6 Industrial Zones

Objectives

a) To ensure that lot sizes are large enough to adequately satisfy vehicle manoeuvring, including commercial vehicles,
b) To provide sufficient area frontage setbacks and landscaping,
c) To ensure that development complements and enhances the existing industrial development.
d) To ensure that development of the land will not lead to a decline in ground and surface water quality and does not lead to significant risk to life and property from the natural and other hazards such as bushfire, flooding, slippage and contamination,
e) To minimise the cost to the community by ensuring that development does not create unreasonable or uneconomic demands for the provision of services,
f) To provide for a public road network which clearly defines the function of each street, allowing for the required level of construction, including servicing and which provides suitable and appropriate access, safety and convenience for all users in a manner which minimises environmental impact, and
g) To ensure that new subdivision accommodates safe and efficient vehicular access and movement.

Controls

a) The minimum lot size is shown on the Lot Size Map which forms a part of Fairfield LEP 2013. Due consideration should also be given to the provisions of Chapter 9 of this DCP in assessing the suitability of proposed lots to accommodate orderly and efficient future development.
b) The minimum frontage to the Horsley Drive, Victoria Street, Canley Vale Road, Walter Street, Bonnyrigg Avenue, Woodville Road, Hume Highway, Cumberland Highway, Old Wallgrove Road and Wallgrove Road is 60m.
c) The minimum frontage of all other roads 30m.
d) All industrial subdivisions must have regard to the topography of the site to ensure that commercial vehicular access is available to each of the lots created, in accordance with maximum gradient requirements set out in AS2890.2

e) For local access, a 20m width (13m pavement and 2x3.5m footpaths) is required.
f) For Classified State and Regional Roads and Unclassified Roads where a central median is required, the incorporation of exclusive right turn lanes with a width of 24m is required. This will need to be determined by the Traffic and Road Safety Branch. See Schedule 4 for Classified State and Regional Roads and Unclassified Regional Roads in Fairfield City.
g) For an industrial road the minimum cul-de-sac radius for the kerb and gutter is to be 15m.
h) In the case of industrial development, the driveway entry area will need to accommodate commercial vehicles in accordance with AS2890.2.

Battle Axe Subdivision in the Industrial Zones

a) The minimum average lot width for battle axe lots is 60m excluding the width of any access handle that serves another battle axe lot.
b) The access handle shall be located so as to minimize conflicts on the public road system, ensure adequate sight distance and to avoid conflicts with other property driveways.
c) The minimum width of a straight access handle is 6.5m. For angled or curved access handles, the width will need to be increased in accordance with AS2890.2. In this regard, applicants are to demonstrate that the access handle is capable of accommodating safe opposing direction movement at any point along the access handle.

Note: Where services cannot be located within the manoeuvring area of the access handle, the width will need to be increased accordingly.
14.7 Off Road Cycleways

Overview
To encourage off-road cycleways within the footpath reserve of the main road created within a new subdivision pattern.

That the subdivision pattern, including the main road is located and formed in a manner that best integrates with the Bicycle Plan adopted by Council.

Controls
a) Connections for a cycleway need to be:
   a. 2.5 metres wide
   b. Hard paved
   c. Located within the road reserve, with a minimum requirement to be located on one side of the road reserve.

Exceptions
a) Where it can be demonstrated that a 2.5 metre hard paved area on this main road will affect the practicality of configuring allotments, then a minimum width of 1.8 metres will be considered.

b) Applicants will need to examine Council’s Bicycle Plan and cycleway network when preparing their application to determine whether allocation of an off-road cycleway along the main road of their subdivision is the only cycleway provision they need to accommodate.

14.8 Site specific subdivision development plans
Specific subdivision development plans for sites throughout the City are contained in Schedule 5.
Schedule 3

Right of Carriageway Variable Width and Positive Covenant for Maintenance and Repair

1. Full and free right for every person who is at any time entitled to an estate or interest in possession in the land identified in the abovementioned plan as a lot benefited or any part thereof with which the right shall be capable of enjoyment, and every person authorised by that person to go, pass and re-pass at all times and for all purposes with or without animals or vehicles or both to and from the said lot benefited or any part thereof, subject to the following provisions.

2. The proprietors of the lots hereby benefited shall at all times and from time to time maintain and repair without delay any part of any lot hereby burdened identified on the above mentioned plan as the site of the right of carriage way variable width and in respect of any part of any such lot hereby burdened on which any part of such right of carriage way variable width is constructed or located PROVIDED THAT all costs and expenses of such maintenance and repair shall be borne equally by the proprietors of the lots hereby benefited or the proprietors of any part or parts thereof with which the right shall be capable of enjoyment.

3. The land to which the benefit of the positive covenant referred to in paragraph 2 hereof is appurtenant is any lot hereby burdened by the right of carriage way variable width identified in the abovementioned plan.

4. The land which is subject to the burden of the positive covenant referred to in paragraph 2 hereof is any lot hereby benefited by the right of carriage way variable width identified in the abovementioned plan.

5. If any dispute arises relating to the need to carry out any maintenance and repair pursuant to the positive covenant referred to in paragraph 2, including the nature of work or its reasonable cost, that dispute shall be determined by an arbitrator appointed by the proprietors under the Commercial Arbitration Act, 1984 whose determination shall be final and binding on all proprietors.

6. For the purposes of the positive covenant referred to in paragraph 2 hereof, unless inconsistent with the context:­

Maintain and repair includes in relation to the lots burdened, the maintenance, repair and replacement of any pavement, surface or finish to the site of the right of carriage way variable width together with any foundation to same and any gutters, drains, trenches, earth banks and kerbs forming part of the site of the right of carriage way variable width.

Proprietor includes the registered proprietor of any lot from time to time and all the heirs, executors, assigns and successors in title to any lot and where there are two or more registered proprietors of such lot the terms of the positive covenant shall bind all those registered proprietors jointly and severally.
### Schedule 4

#### Classified State and Regional Roads
as classified by the NSW Roads and Maritime Service pursuant to the Roads Act 1993.

**Last update January 2014**

<table>
<thead>
<tr>
<th>Road No.</th>
<th>Road Name</th>
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<tbody>
<tr>
<td>648</td>
<td>Cowpasture Road (from North Liverpool Road to The Horsley Drive).</td>
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<tr>
<td>13</td>
<td>Cumberland Highway (Orange Grove Road, Joseph Street, Cambridge Street, Palmerston Road, Smithfield Road)</td>
</tr>
<tr>
<td>534</td>
<td>Cabramatta Road East</td>
</tr>
<tr>
<td>534</td>
<td>Cabramatta Road West</td>
</tr>
<tr>
<td>515</td>
<td>Elizabeth Drive (from Council boundary at Cecil Park to Wallgrove Road)</td>
</tr>
<tr>
<td>535</td>
<td>Elizabeth Drive (from Council boundary at Mt Pritchard to Council boundary at Cecil Park)</td>
</tr>
<tr>
<td>609</td>
<td>Elizabeth Street (from The Horsley Drive to Victoria Street).</td>
</tr>
<tr>
<td>646</td>
<td>Gipps Road (from Hassall Street to Council boundary with Holroyd City Council)</td>
</tr>
<tr>
<td>646</td>
<td>Hassall Street (from Victoria Street to Gipps Road)</td>
</tr>
<tr>
<td>646</td>
<td>Hassell Street (from The Horsley Drive to Victoria Street)</td>
</tr>
<tr>
<td>2</td>
<td>Hume Highway (Liverpool Road)</td>
</tr>
<tr>
<td>609</td>
<td>The Horsley Drive [from the Hume Highway at Carramar to Smithfield Road (Cumberland Highway) and then again from Elizabeth Street to Wallgrove Road]</td>
</tr>
<tr>
<td>2105</td>
<td>The Horsley Drive [from Smithfield Road (Cumberland Highway) to Victoria Street]</td>
</tr>
<tr>
<td>8002</td>
<td>Transit Way - Liverpool to Parramatta</td>
</tr>
<tr>
<td>609</td>
<td>Victoria St, between Elizabeth Street and Cumberland Highway</td>
</tr>
<tr>
<td>515</td>
<td>Wallgrove Road (from Elizabeth Drive to Council boundary with Blacktown City Council)</td>
</tr>
<tr>
<td>640</td>
<td>Woodville Road (from Hume Highway at Villawood to Council boundary with Parramatta City Council)</td>
</tr>
</tbody>
</table>

#### Unclassified Regional Roads
as identified by the NSW Roads and Maritime Service pursuant to Administrative Agreement.

**Last update January 2014.**

<table>
<thead>
<tr>
<th>Road No.</th>
<th>Road Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>7231</td>
<td>Avoca Road (between St Johns Road and Orphan School Creek)</td>
</tr>
<tr>
<td>7223</td>
<td>Barbara Street (between Lawson Street and Hamilton Road)</td>
</tr>
<tr>
<td>7226</td>
<td>Bareena Street (between Vale Street and First Avenue)</td>
</tr>
<tr>
<td>7225</td>
<td>Bartley Street (between Railway Parade and Sackville Street)</td>
</tr>
<tr>
<td>7233</td>
<td>Boundary Lane (between Church Street and Railway Parade)</td>
</tr>
<tr>
<td>7223</td>
<td>Bulls Road (between Orphan School Creek and Richard Road)</td>
</tr>
<tr>
<td>7224</td>
<td>Canley Vale Road (between Railway Parade and Smithfield Rd)</td>
</tr>
<tr>
<td>7226</td>
<td>Chancery Street (between Lansdowne Road and Vale Street)</td>
</tr>
</tbody>
</table>
Unclassified Regional Roads
as identified by the NSW Roads and Maritime Service pursuant to Administrative Agreement.

Last update January 2014.

<table>
<thead>
<tr>
<th>Road No.</th>
<th>Road Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>7233</td>
<td>Church Street (between Cabramatta Road West and Boundary Lane)</td>
</tr>
<tr>
<td>7228</td>
<td>Edensor Road (Meadows Road and Cowpasture Road)</td>
</tr>
<tr>
<td>7106</td>
<td>Ellis Parade (between Fairfield Street and Railway Street)</td>
</tr>
<tr>
<td>7222</td>
<td>Fairfield Road (between Woodville Road and Vine Street - up to bridge)</td>
</tr>
<tr>
<td>7153</td>
<td>Ferrers Road (between The Horsley Drive and Water Supply line)</td>
</tr>
<tr>
<td>7227</td>
<td>Gladstone Street (between West Cabramatta Road and St Johns Road)</td>
</tr>
<tr>
<td>7232</td>
<td>Gordon Street (between The Horsley Drive and Vine Street)</td>
</tr>
<tr>
<td>7223</td>
<td>Hamilton Road (between Barbara Street and Orphan School Creek)</td>
</tr>
<tr>
<td>7221</td>
<td>Humphries Road (between Edensor Road and St Johns Road)</td>
</tr>
<tr>
<td>7231</td>
<td>King Road (between Orphan School Creek and Polding Street)</td>
</tr>
<tr>
<td>7226</td>
<td>Lansdowne Road (between Hume Highway and Chancery Street)</td>
</tr>
<tr>
<td>7223</td>
<td>Lawson Street (between Vine Street and Barbara Street)</td>
</tr>
<tr>
<td>7228</td>
<td>Meadows Road (between North Liverpool Road and Edensor Road)</td>
</tr>
<tr>
<td>7229</td>
<td>Mimosa Road (between Smithfield Road and The Horsley Drive)</td>
</tr>
<tr>
<td>7267</td>
<td>North Liverpool Road (between Elizabeth Drive and Cowpasture Road)</td>
</tr>
<tr>
<td>7222</td>
<td>Polding Street (between Prospect Creek and Prairievale Road)</td>
</tr>
<tr>
<td>7222</td>
<td>Prairievale Road (between Polding Street and Restwell Road)</td>
</tr>
<tr>
<td>7233</td>
<td>Railway Parade (between Boundary Lane and Lawson Street)</td>
</tr>
<tr>
<td>7106</td>
<td>Railway Street (between Ellis Parade and Council Boundary)</td>
</tr>
<tr>
<td>7222</td>
<td>Restwell Road (between Prairievale Road and Cowpasture Road)</td>
</tr>
<tr>
<td>7223</td>
<td>Richard Road (between Bulls Road and Smithfield Road)</td>
</tr>
<tr>
<td>7102</td>
<td>River Avenue (between Woodville Road and The Horsley Drive)</td>
</tr>
<tr>
<td>7221</td>
<td>Sackville Street (between St Johns Road and Polding Street)</td>
</tr>
<tr>
<td>7220</td>
<td>Smithfield Road (between Elizabeth Drive and Cumberland Highway)</td>
</tr>
<tr>
<td>7221</td>
<td>St Johns Road (between Humphries Road and Sackville Street)</td>
</tr>
<tr>
<td>7226</td>
<td>Vale Street (between Chancery Street and Bareena Street)</td>
</tr>
<tr>
<td>7480</td>
<td>Victoria Street/Cowpasture Road (between Elizabeth Street and The Horsley Drive)</td>
</tr>
<tr>
<td>7232</td>
<td>Vine Street (between Fairfield Street and Gordon Street)</td>
</tr>
<tr>
<td>7230</td>
<td>Wetherill Street (between Polding Street and Victoria Street)</td>
</tr>
</tbody>
</table>
Schedule 5

Site specific subdivision plans

5.1 Bonnyrigg: Lalich Avenue, Brown Road and Coori Place
   (Lot 320 DP 263089 and Lot 1 DP 616457)

5.1.1 General controls

The following general controls contained in this Chapter should be referred to guide development of this site:

14. 2 General Controls
   14.2.1 Access Handles and Driveways
   14.2.3 Splay Corners
   14.2.4 Road Alignment and Width – Extension of Existing Roads
   14.2.5 Fencing

14.4 Residential Areas
   14.4.1 Lot Requirements
   14.4.2 Subdivision in R2 Low Density Residential Zone
   Battle Axe, Carriageways and Roads in the R2 Low Density Residential Zone

5.1.2 Specific controls

The layout of roads and dedication of open space is detailed on Site Specific Map 5.1.2.

5.2 Bonnyrigg Heights: 630 Elizabeth Drive and 9-10 Schubert Place, Bonnyrigg Heights
   (Lot 102 DP 801688 and Lot 1 DP 711262)

5.2.1 General controls

The following general controls contained in this Chapter should be referred to guide development of this site:

14. 2 General Controls
   14.2.1 Access Handles and Driveways
   14.2.3 Splay Corners
   14.2.4 Road Alignment and Width – Extension of Existing Roads
   14.2.5 Fencing

14.4 Residential Areas
   14.4.1 Lot Requirements
   14.4.2 Subdivision in R2 Low Density Residential Zone
   Battle Axe, Carriageways and Roads in the R2 Low Density Residential Zone

5.2.2 Specific controls

The layout of roads is detailed on Site Specific Map 5.2.3.
Appendix A

Definitions

Context and objectives

This appendix defines the meaning of certain terms that appear in the City Wide Development Control Plan. Other defined terms which may be relevant to this Plan, are also contained in The Dictionary forming part of Fairfield LEP 2013.

Definitions

A Plan for Growing Sydney is the NSW Governments long term plan to maintain Sydney’s role in the global economy and to plan for growth and change.

Accredited Certifier, means a person who is accredited under Part 2 of the Building Professionals Act 2005.

Acid Sulphate Soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulphuric acid (for example, by drainage or excavation).

Advertised Development has the same meaning as in Section 4 of the Act and includes development that is identified as “other advertised development” in Appendix B of this DCP.

Advertisement means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

Advertising structure means a structure used or to be used primarily for the display of an advertisement.

Note: Advertising structures are a type of signage.

Affected properties means properties, any part of which fall within the extent of impact indicated in the table found in Section 1.1 of Appendix B.

Agriculture means any of the following:
(a) aquaculture,
(b) extensive agriculture,
(c) intensive livestock agriculture,
(d) intensive plant agriculture.

Applicant means the person who is lodging the development application.

Arterial and Sub-Arterial Road means a classified Road as determined under the Roads Act 1993.

AS2890.2 Means the current Australian Standard 2890.2 – Commercial Vehicle Facilities.

Attached dwelling means a building containing 3 or more dwellings where:
(a) each dwelling is attached to another dwelling by a common wall, and
(b) each of the dwellings is on its own lot of land, and
(c) none of the dwellings is located above any part of another dwelling.

Note. Attached dwellings are a type of residential accommodation.

Balcony means an upper storey platform projecting from the wall of a building supported by posts or brackets, and enclosed by a balustrade.
**Battle Axe Blocks** (also referred to as hatchet shaped lots) means the creation of a lot which does not have public road frontage and for which access is made available by means of an access handle which either forms part of the lot on which is provided by means of a right of way.

**Brothel** means a brothel within the meaning of the *Restricted Premises Act 1943*, other than premises used or likely to be used for the purposes of prostitution by no more than one prostitute.

**Building Envelope** refers to a three dimensional zone which limits the extent of a building in any direction. Building envelope plans are to show the block outline of a building (but not detail design) in plan view, including each floor area, as well as in section.

**Building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**Building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

*Note.* Building identification signs are a type of signage.

**Building line or setback** means the horizontal distance between the property boundary or other stated wall (measured 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**Bulky goods premises** means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

*Note.* Bulky goods premises are a type of retail premises.

**Bush fire prone land** is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146(2) of the Act.

**Business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person who does not carry on business at the premises or place.

*Note.* Business identification signs are a type of signage.

**Business premises** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to the members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.
Note. Business premises are a type of commercial premises.

**Car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**Certifying Authority** means a person who is authorised by or under section 85A of the Act to issue complying development certificates and may be the Council or an accredited certifier.

**Child Care Centre** means a building or place used for the supervision and care of children that:
- provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- does not provide overnight accommodation for children other than those related to the owner or operator of the centre,
- but does not include:
- a building or place used for home-based child care, or
- an out-of-home care service provided by an agency or organisation accredited by the Children’s Guardian, or
- a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children’s parents are using the facility, or
- a service that is concerned primarily with the provision of:
  - lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - private tutoring, or
- a school, or
- a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**City Plan** is Council’s corporate plan which describes Council’s vision and how it intends to implement programs and systems for achieving that vision.

**Commercial premises** means any of the following:
- business premises,
- office premises,
- retail premises.

**Complying Development** means development for which provision is made as referred to in section 76A(5) of the Act.

*Note:* In this regard complying development is routine development, which may be certified in its entirety as complying with predetermined standards and policies that will ensure minimum environmental impact. This is to say, the traditional approval of Council will not be required and proponents will be able to obtain a complying development certificate either from Council or an independent accredited certifier in order to proceed with development.

**Common Open Space** means useable community open space for recreation and relaxation of residents and which is under the control of a body corporate.

**Community facility** means a building or place:
- owned or controlled by a public authority or non-profit community organisation, and
- used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**Complying Development Certificate** means a complying development certificate referred to in section 85 of the Act.

**Contamination of land** means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.
Council means Fairfield City Council.

CPTED means Crime Prevention Through Environmental Design.

Curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

Designated Development has the same meaning as that given in section 77A of the Act.

Designated Road means any arterial, sub arterial or other road listed in this DCP.

Development means
(a) the use of land, and
(b) the subdivision of land, and
(c) the erection of a building, and
(d) the carrying out of a work, and
(e) the demolition of a building or work, and
(f) any other act, matter or thing referred to in section 26 of the Environmental Planning and Assessment Act 1979 that is controlled by an environmental planning instrument, but does not include any development of a class or description prescribed by the Environmental Planning and Assessment Regulation 2000 for the purposes of this definition.

Development Application means an application for consent under Part 4 of the Environmental Planning and Assessment Act 1979 to carry out development but does not include an application for a complying development certificate. It is an application submitted to a Council seeking permission to carry out development for a specific purpose.

Development Control Plan (DCP) is a detailed set of standards and guidelines that illustrate the controls that apply to a particular type of development or in a particular area. A DCP refines or supplements a regional environmental plan or local environmental plan and is made according to the Environmental Planning and Assessment Act 1979.

Development Contribution Plan is a document which identifies and describes financial contributions required to be paid as a consequence of new development. The contribution assists in providing or improving facilities, infrastructure and services to meet increased demand created by additional development within the local government area.

DOCS means the NSW Department of Community Services (or its equivalent).

Dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note. Dual occupancies are a type of residential accommodation.

Dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of residential accommodation.

Dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note. Dual occupancies (detached) are a type of residential accommodation.

Duration of notification means the period during which the proposed development will be available for public exhibition, and by the end of which all submissions should be received.

Dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Dwelling house means a building containing only one dwelling.

Note. Dwelling houses are a type of residential accommodation.

Earthworks means excavation or filling.

Ecologically Sustainable Development (ESD) has the same meaning as in The Act.

Educational establishment means a building or place used for education (including teaching), being:
(a) a school, or
(b) a tertiary institution, including a university or a TAFE establishment, that provides formal
education and is constituted by or under an Act.

Entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but
does not include a pub or registered club.

Environmental Impact Statement (EIS) is a report that documents the information required to
evaluate the environmental impact of a project. It informs decision-makers and the public of the
reasonable alternatives that would avoid or minimise adverse impacts or enhance the quality of the
environment.

Environmental Planning and Assessment Act 1979 is the legislation which governs all land use
and planning in New South Wales.

Environmental protection works means works associated with the rehabilitation of land towards its
natural state or any work to protect land from environmental degradation, and includes bush
regeneration works, wetland protection works, erosion protection works, dune restoration works and
the like, but does not include coastal protection works.

Environmental Site Analysis is the environmental research conducted by a proponent in order to
establish site constraints and environmental impacts. This research is submitted with a development
application to enable Council to assess the impacts of a particular development.


Excavation means the removal of soil or rock, whether moved to another part of the same site or to
another site, but does not include garden landscaping that does not significantly alter the shape,
natural form or drainage of the land.

Exempt Development is development for which provision is made as referred to in section 76(2) of
the Act.

Note: In this regard exempt development is minor development where there will be no need to seek any approval from Council, provided that certain preset standards are met

Exhibition home means a dwelling built for the purposes of the public exhibition and marketing of
new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those
purposes is completed, and includes any associated sales or home finance office or place used for
displays.

Exhibition village means 2 or more exhibition homes and associated buildings and places used for
house and land sales, site offices, advisory services, car parking, food and drink sales and other
associated purposes.

Extent of notification means the distance from the boundaries of a proposed development that is
used to determine which of the surrounding properties will be provided with a letter of notification.

Fill means the depositing of soil, rock or other similar extractive material obtained from the same or
another site, but does not include:

(a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden
landscaping, turf or garden bed establishment or top dressing of lawns and that does not
significantly alter the shape, natural form or drainage of the land, or

(b) the use of land as a waste disposal facility.

Floor Space Ratio in relation to the buildings on a site, means the ratio of the gross floor area of all
buildings within the site to the site area.

Note: See clause 4.5 of Fairfield LEP 2013 for an explanation of calculation of floor space ratio and site area.

Food and drink premises means premises that are used for the preparation and retail sale of food or
drink (or both) for immediate consumption on or off the premises, and includes any of the following:

(a) restaurant of cafe,

(b) take away food and drink premises,

(c) a pub.

Note. Food and drink premises are a type of retail premises.

Frontage means the width of the property measured at the street alignment. Where there is more
than one street frontage, the nominated frontage is the one selected as the principal vehicular access
to the site.
**Function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**Funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

*Note.* Funeral homes are a type of business premises.

**Garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or café and the sale of any of the following:

(a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
(b) pets and pet supplies,
(c) fresh produce.

*Note.* Garden centres are a type of retail premises.

**Gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

(a) the area of a mezzanine, and
(b) habitable rooms in a basement or an attic, and
(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

(d) any area for common vertical circulation, such as lifts and stairs, and
(e) any basement:
   i.  storage, and
   ii. vehicular access, loading areas, garbage and services, and
(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
(g) car parking to meet any requirements of the consent authority (including access to that car parking), and
(h) any space used for the loading of goods (including access to it), and
(i) terraces and balconies with outer walls less than 1.4 metres high, and
(j) voids above a floor at the level of a storey or storey above.

**Gross Leasable Area** means the total floor area contained within the outer faces of the external walls of a building, excluding stairs, lifts, public arcades, public foyers, public toilets, plant rooms, loading areas and car parking.

**Ground level (existing)** means the existing level of a site at any point.

**Ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**Ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**Hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumber supplies, and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

*Note.* Hardware and building supplies are a type of retail premises.

**Health consulting rooms** means premises comprising one or more rooms within (or within the cartilage of) a dwelling house used by not more than 3 health care professionals at any one time.

*Note.* Health consulting rooms are a type of health services facility.
Health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration of health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

(a) a medical centre,
(b) community health services facilities,
(c) health consulting rooms,
(d) patient transport facilities, including helipads and ambulance facilities,
(e) hospital.

Home Based Child Care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

(a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
(b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

Home Business means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

(a) the employment of more than 2 persons other than those residents, or
(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
(c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
(d) the exhibition of any signage (other than a business identification sign), or
(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Home Industry means a dwelling (or a building ancillary to a dwelling) by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

(a) the employment of more than 2 persons other than those residents, or
(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
(c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
(d) the exhibition of any signage (other than a business identification sign), or
(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note. Home industries are a type of light industry.

Home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

(a) the employment of persons other than those residents, or
(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
(c) the display of goods, whether in a window or otherwise, or
(d) the exhibition of any signage (other than a business identification sign), or
(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

(a) comprises rooms or self-contained suites, and
(b) may provide meals to guests or the general public and facilities for the parking of guests’ vehicles,
but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note: Hotel or motel accommodation is a type of tourist and visitor accommodation.

**Industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting, or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**Industrial retail outlet** means a building or place that:
(a) is used in conjunction with an industry or rural industry, and
(b) is situated on the land on which the industry or rural industry is located, and
(c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,
but does not include a warehouse or distribution centre.

**Industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

**Information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**Integrated Development** has the same meaning as that given in section 91 of the Act and generally means development that, in order for it to be carried out, requires development consent and one or more approval.

**Kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. Kiosks are a type of retail premises.

**Land** includes any building or part of a building erected on the land.

**Landscape Plan** is the preparation of graphic and written criteria, specifications, and detailed landscape plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks, irrigation, landscape lighting, erosion control, on site drainage and other features to comply with the provisions of a community landscape code.

**Landscaped Area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**Lanscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note. Landscaping material supplies are a type of retail premises.

**Light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:
(a) high technology industry,
(b) home industry.

Note. Light industries are a type of industry.

**Local Context** is information submitted with a development application which describes all the things that have an impact on an area, its key natural and built features.

**Local Environmental Plan (LEP)** is the principal legal document for controlling development at the council level. The zoning provisions establish permissibility of uses and standards regulate the extent of development. They are prepared by councils and approved by the Minister (after public exhibition)
**Market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**Medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provisions of other health services.

Note. Medical centres are a type of health services facility.

**Mezzanine** means an intermediate floor area within a room.

**Mode of notification** means the collection of methods used to advise the community of a proposed development.

**Multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access to ground level, but does not include a residential flat building.

Note. Multi dwelling housing is a type of residential accommodation.

**Medical centre** means premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provisions of other health services.

**Neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note. Neighbourhood shops are a type of shop.

**Occupier** includes a tenant or other lawful occupant of premises, not being the owner.

**Office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note. Office premises are a type of commercial premises.

**Owner** means the name of the proprietor as registered on Council’s rating records.

**Parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**Place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**Plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note. Plant nurseries are a type of retail premises.

**Primary setback** in relation to corner lots means the setback to the side boundary with the longest street frontage.

**Private Open Space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**Pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note. Pubs are a type of food and drink premises.

**Registered club** means a club that holds a club licence under the *Liquor Act 2007*.

**Remedial Action Plan** means a plan that outlines a specific program leading to the remediation of a contaminated site.

**Residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following:
(a) attached dwellings,
(b) boarding houses,
(c) dual occupancies,
(d) dwelling houses,
(e) group homes,
(f) hostels,
(g) multi dwelling housing,
(h) residential flat buildings,
(i) rural worker’s dwellings,
(j) secondary dwellings,
(k) semi-detached dwellings,
(l) seniors housing,
(m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

Residential Flat Building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note. Residential flat buildings are a type of residential accommodation.

Residue Lot means a lot which is created in a subdivision which could be the subject of further subdivision or amalgamation with adjoining land.

Restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not takeaway meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of food and drink premises.

Restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

Retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

(a) bulky goods premises,
(b) cellar door premises,
(c) food and drink premises,
(d) garden centres,
(e) hardware and building supplies,
(f) kiosks,
(g) landscaping material supplies,
(h) markets,
(i) plant nurseries,
(j) roadside stalls,
(k) rural supplies,
(l) shops,
(m) timber yards,
(n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of commercial of premises.

Riparian Corridor means the zone of the banks of a river, being 40 metres from the top of a creek or stream bank.

Roadside stall means a place or temporary structure used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. Roadside stalls are a type of retail of premises.
Rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note. Rural supplies are a type of retail premises.

Secondary dwelling means a self-contained dwelling that:
(a) is established in conjunction with another dwelling (the principal dwelling), and
(b) is on the same lot of land as the principal dwelling, and
(c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. Secondary dwellings are a type of residential accommodation.

Secondary setback in relation to corner lots means the setback to the side boundary with the shortest street frontage.

Section 149 Planning Certificate provides information, including the statutory planning controls that apply to a parcel of land on the date the certificate is issued.

Self storage units means storage premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials)

Semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note. Semi-detached dwellings are a type of residential accommodation.

Seniors housing means a building or place that is:
(a) a residential care facility, or
(b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or, or
(c) a group of self-contained dwellings, or
(d) a combination of any of the buildings or places referred to in paragraphs (a) – (c), and that is, or is intended to be, used permanently for:
(f) seniors or people who have a disability, or
(g) people who live in the same household with seniors or people who have a disability, or
(h) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital

Note. Seniors housing is a type of residential accommodation.

Service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:
(a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
(b) the cleaning of motor vehicles,
(c) installation of accessories,
(d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
(e) the ancillary retail selling or hiring of general merchandise or services or both

Serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents

Note. Serviced apartments are a type of tourist and visitor accommodation.

Setback means the distance between a property boundary and any proposed building or structure. A minimum setback is usually required by law.

Sex services premises means a brothel, but does not include home occupation (sex services).

Shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

Note. Shops are a type of retail premises.
Shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Note. Shop top housing is a type of residential accommodation.

Signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:
   (a) an advertising structure,
   (b) building identification signs,
   (c) business identification signs,
but does not include traffic signs or traffic control facilities.

Site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:
   (a) any basement,
   (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
   (c) any eaves,
   (d) unenclosed balconies, decks, pergolas and the like.

Splay corner means a triangular section at the corner where two streets meet, and remains free of any structure.

Streetscape means the view along a street from the perspective of a driver or pedestrian, especially of the natural and man-made elements in or near the street right of way, including street trees, lawns, landscape buffers, signs, street lights, above-ground utilities, drainage structures, sidewalks, bus stop shelters and street furniture.

State Environmental Planning Policy (SEPP) is a policy proposed and executed by the Minister and approved by the Governor. They address matters of state significance.

Statement of Environmental Effects (SEE) is a document prepared by a proponent that accompanies a development application for non-designated developments unless the proposal is considered to have negligible effects. The SEE should demonstrate that the environmental impacts of the development have been considered and should set out steps to be taken to protect the environment or mitigate any potential harm.

Storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include heavy industrial storage premises or a warehouse or distribution centre.

Storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:
   (a) a space that contains only a lift shaft, stairway or meter room, or
   (b) a mezzanine, or
   (c) an attic

Subdivision of land means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.

Submission means a letter, petition or similar written representation received from individuals or groups of people regarding a particular application.

Take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note. Take away food and drink premises are a type of food and drink premises.
Test of Significance is an assessment (included in Statement of Environmental Effects) under Section 5A of the *Environmental Planning and Assessment Act 1979*. Section 5A lists seven factors that need to be considered when assessing the impact of a proposed development or activity on threatened species, populations, ecological communities or their habitats (as listed on the Schedules to the *NSW Threatened Species Conservation Act 1995*). If the results of the Test conclude that the development is likely to cause a significant impact:

**The Act** means the *Environmental Planning and Assessment Act 1979*

**Threatened Species** are those species facing threatening processes such as extensive destruction of habitat; the process may threaten the survival, abundance or evolutionary development of the species

**Timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

*Note.* Timber yards are a type of retail premises.

**Tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

(a) backpackers accommodation,
(b) bed and breakfast accommodation,
(c) farm stay accommodation,
(d) hotel or motel accommodation,
(e) serviced apartments,
(f) but does not include
(g) camping grounds, or
(h) caravan parks, or
(i) eco-tourist facilities.

**Tow Truck Office** may be a type of home occupation or office premises, and may be ancillary to a resource recovery facility, vehicle body repair workshop, vehicle repair station or vehicle sales or hire premises.

**Transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**Truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**Vacant Lot Subdivision** means a subdivision which involves the creation of at least one (1) vacant lot which will be the subject of further development or will be used for primary production. This does not include a vacant lot to be created as a residue parcel.

**Vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**Vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or a vehicle sales or hire premises.

**Vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

*Note.* Vehicle sales or hire premises are a type of retail premises.

**Veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**Vehicle Access** means a driveway crossing, slip lane, mountable kerb, ramp or double gate opening which would enable a private motor vehicle to access a private property from a public road.
Warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

Water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note. Water storage facilities are a type of water supply system.

Wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the A New Tax System (Australian Business Number) Act 1999 of the Commonwealth.
Appendix B

Notifications Policy

Context and objectives

The purpose of this Policy is to provide the community with opportunities to have a say in decisions about development proposals that could affect their lives. The requirements for notification are a balance of timeframes, resources and levels of potential impact from decisions made in the development and/or activity approval process.

The objectives of the notification policy are:

a) to keep the community informed, acknowledge comments and provide feedback on what influenced the final decision,

b) to seek out and facilitate the involvement of those potentially affected by or interested in a development proposal and its subsequent determination,

c) to obtain feedback on development proposals which will assist in identification of issues of concern and opportunities for alternative outcomes, and

d) to promote sustainable decisions by recognising and communicating the needs and interests of all affected persons, including decision makers.

1. Notification Procedures

1.1.1 What are the types of Notification?

There are five types of notification identified as Types A1, A2, B, C and D. These types reflect the varying impacts, complexity or sensitivity of proposed developments, and consist of:

<table>
<thead>
<tr>
<th>Type of Notification</th>
<th>Mode</th>
<th>Extent</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Letter sent to affected properties</td>
<td>30 metres from all property boundaries</td>
<td>14 days</td>
</tr>
<tr>
<td>A2</td>
<td>Letter sent to affected properties and public authorities with likely interest</td>
<td>50 metres from all property boundaries</td>
<td>14 days</td>
</tr>
<tr>
<td>B</td>
<td>Letter sent to affected properties and public authorities with likely interest; Advertisement in local newspaper.</td>
<td>50 metres from all property boundaries</td>
<td>14 days unless the regulations require some other period</td>
</tr>
<tr>
<td>C</td>
<td>Letter sent to affected properties and public authorities with likely interest; Advertisement in local newspaper.</td>
<td>100 metres from all property boundaries</td>
<td>21 days unless the regulations require some other period</td>
</tr>
<tr>
<td>D</td>
<td>Letter sent to affected properties when development about to start</td>
<td>20 metres from all property boundaries</td>
<td>Advisory only, two days before commencement of works</td>
</tr>
</tbody>
</table>

a) Developments referred to in the Act and regulations that may require a longer notification period include State Significant development, designated development and integrated development. The provisions of the Act and the EP&A Regulations shall prevail for these developments.

b) All other developments that require Types B or C notification are identified by this DCP as "other advertised development" as defined by Clause 5 of the EP&A Regulation 2000.
c) For Type D notifications, notice of intention to commence works must be given in writing at least 2 days prior to the commencement of works, to the owner or occupier of each dwelling that is situated within 20 metres of the lot on which the works will be carried out.

d) Notification requirements for complying development are specified under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

S82A Review

The same type of notification carried out as part of the original development application will also apply to S82A review applications.

1.2 What are the specific requirements for the modes of notification?

1.2.1 Letter of notification

The letter sent by Council will have the following details:

a) The address of the proposed site
b) A description of the proposal
c) The name of the applicant
d) An A4 notification plan, which depicts the height, external configuration and siting of the proposed development
e) Name and contact number of the relevant development assessment officer
f) Advice regarding the location(s) where the application may be inspected, and
g) The closing date for written submissions.

If the development is integrated development, the following additional information must be included in Council’s letter of notification:

a) A statement that the development is integrated development, and
b) An indication of the other approval(s) that are required and the relevant approval bodies for those approvals.

c) The letter sent by Council will be sent under the following conditions:

d) Both owners and occupiers of affected properties will be notified;
e) Where land is owned or occupied by more than one person, a letter to one owner or occupier is taken to be a letter to all the owners and occupiers;
f) Where strata titled land is an affected property, a letter will be sent to the secretary of the body corporate of that land only; and

g) Any public authority deemed to have an interest will be notified.

1.2.2 Advertisement in local newspaper

The advertisement in the local newspaper shall include the following as a minimum:

a) the address of the site of the development proposal,
b) a brief description of the proposed development; and
c) Council’s contact details.

1.2.3 Notification on Council’s Web Site

Council’s web site provides details of all applications received, determined and subject to public notification.

1.3 How is the extent of notification measured?

The extent of notification is measured radially from each point on the boundary of the subject site. Any property, any part of which is within this area will be notified. An example of how notified properties are selected based on this approach, is provided below:
1.4 What does the duration of notification refer to?

1.4.1 General

The duration is the period during which the subject plans will be on exhibition. Written submissions are required to be made within the exhibition period.

Council may consider any submissions received in the two weeks following the closure of the exhibition period, but only if the application has not been determined at the time of receipt of the late submission. Council will not consider any submissions received later than two weeks after the completion of the exhibition period, except where the relevant manager (being the Manager Development Planning or Manager Building Control) determines otherwise.

1.4.2 Duration over the Christmas period

All development applications received during the period of 15 December to 3 January will have the duration of exhibition extended by seven (7) days.

1.5 What type of notification (if any) is required for your development?

1.5.1 Which developments do not require notification?

The following development applications need not be notified:

a) Development types identified as Type ‘D’ not requiring notification in the tables 1.5.3 to 1.5.9 of this Appendix;
b) Developments to carry out works for the sole purpose of upgrading fire safety in an existing building;
c) The proposed works are internal only and the completed development will not have any significant impacts (intensity of use, visual, auditory or other like impacts) on properties that would otherwise be considered to be affected properties;
d) Outbuildings having a gross floor area less than 50m² or having a combined floor area of less than 75m²;
e) Refurbishment of existing commercial and industrial uses;
f) Shop fits;
g) Satellite dishes less than 2.5 metres in diameter that meet all other Council requirements;
h) Change of use of an existing development (with the exception of nonconforming uses);
i) Modifications to development applications made prior to the determination of the application, where in the opinion of the Executive Manager Environmental Standards or the relevant manager (being the Manager Development Planning or the Manager Building Control) such modifications reduce adverse impacts, do not create new issues and the development is substantially the same. (As an example of a development that fails this test, the amendment of a two-storey development to a single-storey with a larger floor plate, may reduce some impacts but generates new issues that will require notification);
j) Modifications to consents involving minor error, incorrect description or miscalculation under section 96(1) of the Act;
k) Modifications involving minimal environmental impact properly made under section 96(1A) of the Act except for Designated Development;
1) **Strata subdivision of existing buildings** (including residential, business and industrial) and **Torrens Title subdivision of an existing dual occupancy or multi-unit development**.

**Note:** Modifications under section 96(2) of the Act will be notified / advertised in the same manner as the original application.

1.5.2 **Is notification required for Building Certificates for Unauthorised Work?**

In addition to development applications, Council will notify Building Certificate Applications for unauthorised work as if they were submitted as development applications.

1.5.3 **Residential Development & Related Land Uses**

<table>
<thead>
<tr>
<th>Development</th>
<th>Type of Notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached dwellings</td>
<td>A2</td>
</tr>
<tr>
<td>Dual occupancies</td>
<td>A2</td>
</tr>
<tr>
<td>New dwellings in rural zones, or dwellings with two or more storeys, and dwellings and dwelling additions with a floor level that is greater than 1.5 metres above natural ground level at any point</td>
<td>A1</td>
</tr>
<tr>
<td>Group homes, Boarding houses and Hostels</td>
<td>B</td>
</tr>
<tr>
<td>Multi dwelling housing</td>
<td>B</td>
</tr>
<tr>
<td>Outbuildings that are in an excess of 50m² or where the combined area of two or more outbuildings exceeds 75m² in residential zones.</td>
<td>A1</td>
</tr>
<tr>
<td>Outbuildings that are in an excess of 150m² in the rural zones</td>
<td>A1</td>
</tr>
<tr>
<td>Residential flat buildings</td>
<td>B</td>
</tr>
<tr>
<td>Semi-detached dwellings</td>
<td>A2</td>
</tr>
<tr>
<td>Seniors housing</td>
<td>B</td>
</tr>
<tr>
<td>Shop top housing</td>
<td>A2</td>
</tr>
</tbody>
</table>

1.5.4 **Tourist and Visitor Accommodation**

<table>
<thead>
<tr>
<th>Development</th>
<th>Type of Notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Backpackers accommodation</td>
<td>B</td>
</tr>
<tr>
<td>Bed and breakfast accommodation</td>
<td>A2</td>
</tr>
<tr>
<td>Caravan parks</td>
<td>B</td>
</tr>
<tr>
<td>Camping Grounds</td>
<td>B</td>
</tr>
<tr>
<td>Farm stay accommodation</td>
<td>A2</td>
</tr>
<tr>
<td>Hotel and motel accommodation</td>
<td>B</td>
</tr>
<tr>
<td>Serviced apartments</td>
<td>B</td>
</tr>
</tbody>
</table>
### 1.5.5 Commercial Development and Related Land Uses

<table>
<thead>
<tr>
<th>Development</th>
<th>Type of Notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement centres</td>
<td>B</td>
</tr>
<tr>
<td>Bulky goods premises</td>
<td>D</td>
</tr>
<tr>
<td>Business premises</td>
<td>D</td>
</tr>
<tr>
<td>Entertainment facilities</td>
<td>B</td>
</tr>
<tr>
<td>Function centres</td>
<td>C</td>
</tr>
<tr>
<td>Garden centres</td>
<td>A1</td>
</tr>
<tr>
<td>Hardware and building supplies</td>
<td>A1</td>
</tr>
<tr>
<td>Health consulting room</td>
<td>A2</td>
</tr>
<tr>
<td>Highway service centres</td>
<td>B</td>
</tr>
<tr>
<td>Internet cafes or Internet access facilities</td>
<td>B</td>
</tr>
<tr>
<td>Landscape material supplies</td>
<td>A2</td>
</tr>
<tr>
<td>Markets (not on Council owned or managed land)</td>
<td>B</td>
</tr>
<tr>
<td>Medical centres</td>
<td>B</td>
</tr>
<tr>
<td>Neighbourhood shops in residential zones</td>
<td>B</td>
</tr>
<tr>
<td>Neighbourhood shops in industrial zones</td>
<td>A1</td>
</tr>
<tr>
<td>Office premises</td>
<td>D</td>
</tr>
<tr>
<td>Plant nurseries</td>
<td>A2</td>
</tr>
<tr>
<td>Public administration building</td>
<td>A2</td>
</tr>
<tr>
<td>Pubs (including extension of hours of operation)</td>
<td>C</td>
</tr>
<tr>
<td>Registered clubs (including extension of hours of operation)</td>
<td>C</td>
</tr>
<tr>
<td>Restaurants or cafes – not licensed (including extension of hours of operation)</td>
<td>A1</td>
</tr>
<tr>
<td>Restaurants or cafes – licensed (including extension of hours of operation)</td>
<td>B</td>
</tr>
<tr>
<td>Restricted premises</td>
<td>C</td>
</tr>
<tr>
<td>Retail premises (shops &amp; kiosks)</td>
<td>D</td>
</tr>
<tr>
<td>Roadside stalls</td>
<td>A1</td>
</tr>
<tr>
<td>Rural supplies</td>
<td>A1</td>
</tr>
<tr>
<td>Service stations</td>
<td>B</td>
</tr>
<tr>
<td>Sex services premises</td>
<td>C</td>
</tr>
<tr>
<td>Take-away food and drink premises</td>
<td>A1</td>
</tr>
<tr>
<td>Timber yards</td>
<td>D</td>
</tr>
<tr>
<td>Vehicle sales or hire premises</td>
<td>D</td>
</tr>
<tr>
<td>Veterinary hospitals</td>
<td>A1</td>
</tr>
</tbody>
</table>

### 1.5.6 Industrial Development and Related Land Uses

<table>
<thead>
<tr>
<th>Development</th>
<th>Type of Notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat building and repair facilities</td>
<td>A1</td>
</tr>
<tr>
<td>Depots</td>
<td>D</td>
</tr>
<tr>
<td>Freight transport facilities</td>
<td>A1</td>
</tr>
<tr>
<td>General industries</td>
<td>D</td>
</tr>
<tr>
<td>Development</td>
<td>Type of Notification</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Industrial retail outlets</td>
<td>A1</td>
</tr>
<tr>
<td>Industrial training facilities</td>
<td>D</td>
</tr>
<tr>
<td>Light industry</td>
<td>D</td>
</tr>
<tr>
<td>Self storage units</td>
<td>D</td>
</tr>
<tr>
<td>Storage premises</td>
<td>D</td>
</tr>
<tr>
<td>Transport depot</td>
<td>D</td>
</tr>
<tr>
<td>Truck depots</td>
<td>D</td>
</tr>
<tr>
<td>Vehicle body repair workshops</td>
<td>D</td>
</tr>
<tr>
<td>Vehicle repair stations</td>
<td>D</td>
</tr>
<tr>
<td>Warehouse and distribution centre</td>
<td>D</td>
</tr>
<tr>
<td>Waste or resource management facilities</td>
<td>B</td>
</tr>
<tr>
<td>Wholesale supplies</td>
<td>D</td>
</tr>
</tbody>
</table>

### 1.5.7 Primary Industry and Related Land Uses

<table>
<thead>
<tr>
<th>Development</th>
<th>Type of Notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural produce industries</td>
<td>A2</td>
</tr>
<tr>
<td>Animal boarding or training establishments</td>
<td>B</td>
</tr>
<tr>
<td>Aquaculture</td>
<td>A2 unless Designated Development</td>
</tr>
<tr>
<td>Extensive Agriculture in zone RU4</td>
<td>A2</td>
</tr>
<tr>
<td>Extractive industries</td>
<td>B unless Designated Development</td>
</tr>
<tr>
<td>Farm buildings (not being Complying Development)</td>
<td>A1</td>
</tr>
<tr>
<td>Forestry</td>
<td>C</td>
</tr>
<tr>
<td>Intensive livestock agriculture</td>
<td>C</td>
</tr>
<tr>
<td>Intensive plant agriculture</td>
<td>B</td>
</tr>
<tr>
<td>Open cut mining</td>
<td>C</td>
</tr>
<tr>
<td>Water storage facilities</td>
<td>A1</td>
</tr>
</tbody>
</table>

### 1.5.8 Community and Recreational Land Uses Development

<table>
<thead>
<tr>
<th>Development</th>
<th>Type of Notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child care centres</td>
<td>B</td>
</tr>
<tr>
<td>Community facilities</td>
<td>B</td>
</tr>
<tr>
<td>Educational establishment</td>
<td>B</td>
</tr>
<tr>
<td>Emergency services facilities</td>
<td>B</td>
</tr>
<tr>
<td>Hospitals</td>
<td>C</td>
</tr>
<tr>
<td>Information and education facilities</td>
<td>B</td>
</tr>
<tr>
<td>Methadone clinics and other drug-use health buildings</td>
<td>C</td>
</tr>
<tr>
<td>Places of public worship</td>
<td>C</td>
</tr>
</tbody>
</table>
### Development

<table>
<thead>
<tr>
<th>Development</th>
<th>Type of Notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation facilities</td>
<td>A1</td>
</tr>
<tr>
<td>Recreation facilities (indoor)</td>
<td>A1</td>
</tr>
<tr>
<td>Recreation facilities (outdoor)</td>
<td>A1</td>
</tr>
<tr>
<td>Recreation facilities (major)</td>
<td>C</td>
</tr>
<tr>
<td>Respite day care centres</td>
<td>B</td>
</tr>
</tbody>
</table>

### Type of Notification

See section 1.1 for mode, extent and duration of notification types.

### 1.5.9 Other Land Uses & Additional Development Considerations

<table>
<thead>
<tr>
<th>Development</th>
<th>Type of Notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising structures</td>
<td>A1</td>
</tr>
<tr>
<td>Air transport facilities, airstrips and helipads</td>
<td>C unless Designated development</td>
</tr>
<tr>
<td>Boats and boat launching ramps</td>
<td>B</td>
</tr>
<tr>
<td>Building identification signs</td>
<td>D</td>
</tr>
<tr>
<td>Business identification signs</td>
<td>D</td>
</tr>
<tr>
<td>Car parks</td>
<td>B</td>
</tr>
<tr>
<td>Charter and tourism boating facilities</td>
<td>B</td>
</tr>
<tr>
<td>Correctional centres</td>
<td>C</td>
</tr>
<tr>
<td>Crematorium</td>
<td>C</td>
</tr>
<tr>
<td>Designated development</td>
<td>B</td>
</tr>
<tr>
<td>Earthworks</td>
<td>A2</td>
</tr>
<tr>
<td>Environmental facilities</td>
<td>A1</td>
</tr>
<tr>
<td>Exhibition homes</td>
<td>A2</td>
</tr>
<tr>
<td>Exhibition villages</td>
<td>A2</td>
</tr>
<tr>
<td>Flood mitigation works</td>
<td>A1</td>
</tr>
<tr>
<td>Funeral homes</td>
<td>C</td>
</tr>
<tr>
<td>Heritage items (State significant) - (any development involving)</td>
<td>B</td>
</tr>
<tr>
<td>Illuminated signage</td>
<td>A1</td>
</tr>
<tr>
<td>Jetties, marinas, moorings or mooring pens</td>
<td>B</td>
</tr>
<tr>
<td>Mortuaries</td>
<td>B</td>
</tr>
<tr>
<td>Passenger transport facilities</td>
<td>A1</td>
</tr>
<tr>
<td>Poker Machines: including any increase in the number of poker machines</td>
<td>C</td>
</tr>
<tr>
<td>Telecommunication facilities</td>
<td>B</td>
</tr>
<tr>
<td>Water recreation structures</td>
<td>B</td>
</tr>
</tbody>
</table>

### 1.6 What if your development has more than one proposed use?

If there are any uses within the development that require Type C notification, then this shall be applied. If not, then Council will consider whether any of the uses require Type B notification. Finally, only if there are no uses that invoke the need for Types B or C notification will Type A be applied.

### 1.7 Can these requirements be varied?

The Manager Development Planning has the discretion to vary any of the requirements based on the circumstances of the particular case, subject to the objectives of this plan being achieved.

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The Manager Building Control and Compliance has the discretion to vary any of the requirements in 1.5.3 (other than for multi-unit housing and residential flat buildings), based on the circumstances of the particular case and subject to the objectives of this plan being achieved.

For example, an application may relate to adjustment of internal walls in a registered club. Although this is listed as requiring Type C notification, the likely impact on others would be negligible and so no notification may be required.

1.8 What if there is any ambiguity or lack of clarity?
Where, for a particular application, the provisions of this plan may be interpreted in more than one way, or if no single interpretation can be derived, then the relevant manager (being the Manager Development Planning or Manager Building Control) shall determine notification requirements.

2. Viewing Applications and Making a Submission

2.1 Where can Applications be viewed?
All applications that are notified will be available for viewing at Council’s Administration Centre, 86 Avoca Road, Wakeley between 8.30am and 4.30pm on normal business days.

2.2 Who can view an application and make a submission?
   a) Any person may inspect the development application and any accompanying information and make extracts from or copies of them; and
   b) Any person may make written submissions to the consent authority with respect to the development application. Council advises that it is prohibited from exhibiting certain documents as a result of legislative restrictions.

2.3 What must be included in a submission?
Any submission must contain the following information:
   a) The name, address and contact phone number of the person making the submission;
   b) The address of the property that is the subject of the application;
   c) The grounds of the objection must be clearly set out. It should be noted that laws governing the assessment of an application limit the matters Council may take into consideration when assessing an application. For example, the personal circumstances of individuals cannot be taken into account.
   d) Council will include a standard form for submissions with all notification letters. Completing this form ensures that all the relevant information has been provided.

3. Requirements for Applicants
To reduce delays, applicants are required to provide six copies of A4 sized plans to be used for notifying neighbours. These plans should show the site boundaries, building footprint, shadow diagrams, north point and relevant elevations. The key levels and dimensions (e.g. natural ground, finished floor and eaves levels) should also be shown, together with a clear indication of the extent of the proposed new work.
Appendix C

Advice for Designing Advertising Signs

Context and objectives

Signs are used by many businesses to advertise their products or services. These signs are designed to attract attention to the premises and to identify the products sold or services offered there.

Within particular chapters of the City-Wide Development Control Plan are controls which stipulate the type of signage appropriate for certain development types.

This Appendix serves as additional guidance for business owners about the specifications that apply to those signs permitted by Council.

Note: Reference should also be made to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP). The SEPP contains provisions that exempt certain signs from the necessity of obtaining development consent.

1.0 Types of signs and specifications

'A' frame signs: These signs are usually small mobile signs used to advertise businesses. They must not be placed on or near public land, especially footpaths. (See diagram below)

Advertising panel/billboard:

This is a non-illuminated structure, such as a bulletin board or a sign, which advertises products sold on the premises. Must comply with the following:

(a) maximum size 12 square metres  
(b) only one per building facade  
(c) does not extend above or laterally from the wall it is attached to  
(d) does not cover any windows or architectural features.  
(See diagram below)
Awning sign:  Attached to the underside of awning (other than the fascia or return end). Above awning signs are prohibited in Fairfield City.
(See diagram on page 2 and below)

Under awning signs however must:
(a) be not more than 2500mm in length and 500mm in depth
(b) be at least 2600mm above the ground
(c) not project beyond the awning
(d) be securely fixed by metal supports
(e) not be closer than 3000mm to any other under awning sign.

Cold air balloons:  These are signs made of materials that enable them to be inflated by means of cold air. Consent is required for the erection of these signs and this will usually have a time limit attached to it.
(See diagram below)
Drop awning sign: Sign displayed on a roll down shade blind attached to the underside of an awning. (See diagram below)

Fascia sign: Attached to the fascia or return end of an awning. Fascia signs will not:
(a) project above or below the fascia or return end on which it is attached.
(b) extend out more than 300mm out from the fascia or return end of the awning.

Fin sign: Erected above or on the canopy of the building. Fin signs are prohibited in Fairfield City.

Flashing sign: Illuminated at frequent intervals by an internal source of artificial light. This sign could be included in other types of signs, for example a flashing under awning sign. These will only be considered in the Cabramatta Town Centre, however, consideration must be given to any detrimental effects they could have on surrounding residents, business or traffic.

Floodlit sign: Any part of the advertisement may be illuminated by an external source of artificial light.

Floodlit signs will comply with the following:
(a) maximum size is 12 square metres
(b) only one per building facade
(c) must not extend beyond or above the wall it is attached to
(d) not to cover any windows or architectural features.

Flush wall sign: Attached to the wall of a building, including painted wall other than above the doorway or display window. (See diagram above)

Flush wall signs will:
(a) not project more than 300mm from the wall to which they are attached
(b) not cover more than 20% of the area of the wall and only one per building facade for each company of the premises
(c) not project above or beyond the wall to which they are attached.

**Mobile advertising:** These are signs that are attached to trucks or trailers that are usually parked beside major roads. These signs are not permitted in Fairfield City.

**Moving sign:** Signs that have moving parts with power supplied from an outside source, for example, a moving flush wall sign. These signs will only be considered in the Cabramatta Town Centre.

**Painted wall sign:** Advertisement painted directly onto the facade of a building. Painted wall signs will not cover more than 20% of the area of the wall and only one per building facade for each separate business occupying the premises.

(See diagram on page 3).

**Pole sign:** Signs that are erected on a pole independent of any other building or structure.

(See diagram below)

These must comply with the following:
(a) maximum height of 8000mm
(b) minimum height above ground level must be at least 2600mm
(c) maximum sign area of 4.5 square metres
(d) pole signs along the same street should have the same setback and spacing where possible
(e) pole signs should not obscure traffic signals or distract drivers in an unsafe way.

**Pylon sign:** Signs that are erected on a pylon independent of any other building or structure.

(See diagram below)

These must comply with the following:
(a) maximum height of 8000mm
(b) maximum width of 2500mm
(c) pylon signs along the same street should have the same setback and spacing where possible
(d) pylon signs should not obscure traffic signals or distract drivers in an unsafe way.

Roof sign: Erected on or above the roof of a building. These signs are not permitted in Fairfield City. (See diagram below)

Projecting wall sign: Vertical:

Attached to the wall of a building, projecting more than 300mm. A vertical projecting wall sign is one where the height of the sign is larger than its width (See diagram below)

The vertical wall sign will:
(a) only be permitted where there is no awning
(b) not project above the wall to which it is attached
(c) be at least 2600mm above ground
(d) not have an area of more than 1.5 square metres
(e) be securely fixed to the building.

The maximum height of the sign will be determined as follows:
Height of sign above ground level*  |  Maximum projection**
---|---
2600mm to 3700mm  |  800mm
3700mm to 4600mm  |  900mm
4600mm to 5500mm  |  1200mm
5500mm and above  |  1500mm

* Measured to the underside of the sign
** Measured vertically from the supporting wall to the outside face of the sign

**Projecting wall sign**

**Horizontal:**

Attached to the wall of a building, projecting more than 300mm. A horizontal projecting wall sign is one where the height of the sign is less than its width. (See diagram below)

The horizontal wall sign will only be permitted where there is no awning:
(a) not project above the wall to which it is attached project beyond the point within 600mm of the kerb line
(b) be at least 2600mm above ground
(c) not have an area of more than 1.5 square metres
(d) be securely fixed to the building

The maximum height of the sign will be determined as follows:

Height of sign above ground level*  |  Maximum height**
---|---
2600mm to 3700mm  |  500mm
3700mm to 6100mm  |  1200mm
6100mm and above  |  1500mm

* Measured to the underside of the sign
** Measured vertically from the underside of the sign to the top side of the sign

▼HORIZONTAL PROJECTING WALL SIGN
Top hamper sign:  Attached above a doorway or a display window. These signs will not extend beyond any building line or below the level of the door and/or window above which it is attached. (See diagram on page 5)

Window sign:  Any advertisement located or displayed on or in the window of a building. This sign should not cover more than 25% of the window area. (See diagram on page 5)
Appendix D

Preservation of Trees and Vegetation

**Note:** Specific requirements relating to the preservation of trees and vegetation and an explanation of the Tree Permit requirements are contained within Chapter 3 of this DCP.

Appendix D presently does not contain any content. In the future Appendix D will contain general horticultural advice and best practice examples relating to tree and vegetation care and management.
Appendix E

Waste Not Policy to manage demolition and construction waste

Context and objectives

Construction and demolition waste is a significant component of the waste stream. Achieving waste reduction targets will depend on how much waste can be diverted from waste disposal sites. Waste production can also be avoided by considering how material on site can be reused in the proposed development. Building materials can also be sold to recyclers for reuse or reprocessing, including concrete, bricks, roof tiles, metals, wood, as well as soil and vegetation. Older structures also pose dangers, with many older homes and industrial building built from asbestos products. Special requirements need to be followed to ensure everyone in the community is kept safe.

The objectives of this Waste Not Policy are:

a) to effectively reuse and recycle materials from the demolition and construction associated with development where possible rather than dispose to land fill.

b) to provide guidance and controls on the on safe treatment and disposal of fibro.

1. Introduction

1.1 Why reduce, reuse and recycle demolition and construction waste?

The New South Wales Government has replaced the Waste Minimisation and Management Act 1995 with the Waste Avoidance and Resource Recovery Act 2001 that continues the framework for managing waste.

To support this Act in achieving a reduction in waste generation and turning waste into recoverable resources, a further framework for reducing waste and making better use of our precious resources was introduced in 2003 being the NSW Waste Avoidance and Resource Recovery Strategy (the ‘Waste Strategy’), a first for Australia. This Strategy was reviewed and updated in 2007 and the Strategy is now known as the NSW Waste Avoidance and Resource Recovery Strategy 2007.

The main targets identified in this Strategy to be achieved by 2014 are:

a) an increase in recycling of municipal waste from baseline 26% to 66%; and

b) an increase in recycling of commercial and industrial waste from baseline 28% to 63%; and

c) an increase in recycling of construction and demolition waste from baseline 65% to 76%.

In Fairfield City, the need to reduce, reuse and recycle waste happens at the local level: from small developments to large construction sites.

Reducing waste at many smaller demolition and construction sites over time has a bigger impact on diverting waste to land fill than a single large development.

That is why everyone must play their part in reducing demolition and construction waste where they can.

1.2 How will Council control the reduction, reuse and recycling of demolition and construction waste?

All development applications will need a Waste Management Plan prepared by applicants.
Waste Management Plans will need to show that:

a) the potential of waste is first avoided
b) any waste is then reused on site where possible, then
c) any waste that cannot be reused on site is then recycled, then finally
d) waste with no reuse or recycling potential is disposed of at landfill sites.

1.3 What is a Waste Management Plan?

A Waste Management Plan is a checklist of:

a) the volume and type of waste generated from a construction or demolition site
b) how the waste is to be stored
c) the way waste that cannot be reused or recycled will be disposed of that follows Council’s requirements for construction and demolition sites.

1.4 What are Council’s requirements for reusing, recycling and disposing of demolition and construction waste?

See Section 2.

1.5 How do you prepare a Waste Management Plan for demolition and construction waste?

See Section 3.

2. Council’s requirements for reusing, recycling and disposing of waste

2.1 What are the principles for reusing, recycling and disposing of waste at demolition sites?

To promote the use and recycling of demolition waste before disposal, the following is needed:

a) careful demolition of a building so that components can be easily taken apart for reuse and recycling, and
b) minimise site disturbance to avoid unnecessary excavation.

You will need to show how you will achieve these things in a Waste Management Plan (see Section 3).

2.2 What are the principles for reusing, recycling and disposing of waste at construction sites?

To promote the use and recycling of construction waste before disposal, the following is needed:

a) identify and eliminate from reuse or recycling any material that could contain asbestos: if you don’t know, then treat the material as if it does contain asbestos - it is deadly when disturbed – you must know your obligations under the law regarding the removal and disposal of material that contains asbestos (See Section 6 – Removal and disposal of asbestos material),
b) careful source separation of off-cuts to make reuse, recycling and resale of material easy
c) using prefabrication of materials where possible,
d) minimise site disturbance to avoid unnecessary excavation.

You will need to show how you will achieve these things in a Waste Management Plan (see Section 3).

2.3 What are the requirements for the reuse, recycling and disposal in demolition and construction works on site?

Separate containers or storage areas for the recycling of the following materials when needed during the demolition and construction stage.

<table>
<thead>
<tr>
<th>Demolition material</th>
<th>Reuse/recycling potential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asbestos</td>
<td>Special treatment needed</td>
</tr>
<tr>
<td>Bricks</td>
<td>Reuse when cleaned or render over</td>
</tr>
</tbody>
</table>
A container for waste that must be disposed of:
  a) with minimum dimensions of 2.4 \times 2.4 \times 0.9 \text{ metres}
  b) located on site and away from Council footpaths and land.

2.4 How do you show Council’s requirements for the reuse, recycling and disposal in demolition and construction works are going to be followed?

Follow the instructions in Section 3, which include:
  a) a copy of a blank Waste Management Plan to help you plan
  b) an example of a completed Waste Management Plan for a development involving demolition and construction.

3. Waste Management Plans

3.1 What is needed for a completed Waste Management Plan?

Think about what materials can be avoided, reused, recycled and disposed of that are involved in the demolition or construction work. Work out how the materials can be:
  a) first, avoided
  b) second, reused on site
  c) third, recycled at a recycle centre or dealer
  d) last, disposed of at a legal landfill site.

Need help? See Section 2.3 and see information prepared by the Western Sydney Waste Board that is available from Council.

Complete the Waste Management Plan form, shown blank on the next page.
  a) For demolition work, fill in Section 1
  b) For construction work, fill in Section 2.

For both demolition and construction waste, you will need to:
  a) detail all materials that will be avoided, reused on site, recycled and then disposed of
  b) specify how much of each material type you expect in your demolition/construction work.
  c) name which company will be recycling and disposing of waste from your site, with full contact details of principal operator’s name, company address, and contact telephone numbers (contactable during Council office hours).

An example of a completed Waste Management Plan is also attached to help you.

On plans and drawings, show the following details:
  a) Location of on-site storage for materials that are going to be reused, recycled and disposed.
  b) Vehicle access on site allowing the collection of material for reuse, recycling and disposal.
4. **Requirements during demolition and construction**

4.1 What is needed during the recycling and disposal of demolition and construction waste?

All demolition and construction waste dockets must be kept which show which facility received the material for recycling or disposal. Audits may be conducted by Council to verify that dockets have been kept and waste recycled and disposed of as described within the Waste Management Plan. Dockets will need to show the company’s Australian Business Number (ABN).

5. **Waste and dry recycling facilities in developments**

Consider your waste and dry recycling facilities needs on site by referring to the controls that are specific to your development type. All residential development types will need bin storage areas that are accessible and screened from public view.

As a community obligation and responsibility to sustainable living, the aim is always to reduce or avoid waste generation wherever possible. The focus of any waste collection must make provision to dispose of (general garbage), recycle (paper, plastics, metals) and re-use (green waste for compost) waste.

Contact Council for more information on how to reduce, recycle and reuse waste.

6. **Removal and disposal of asbestos material**

**Older development in Fairfield City**

In its residential areas in the east of the City, Fairfield has many fibro houses built before and after the WWII period, with significant development after the war. Bonded materials containing asbestos (commonly like ‘fibro’) are the most common asbestos materials in these types of domestic houses. Asbestos has been identified as a deadly substance when disturbed in activities such as demolition and renovation. Many of those houses are being altered or demolished.

**Your responsibilities under the law – in summary**

a) A person / contractor licensed by WorkCover NSW is required for the removal of more than 10m$^2$ of bonded asbestos material.

b) A suitably licensed contractor is required for the removal of any amount of friable asbestos in accordance with WorkCover NSW requirements. A clearance certificate from an occupational hygienist must also be obtained following the completion of all friable asbestos removal work.

c) The handling of any asbestos waste must be in carried out in accordance with Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.

d) Asbestos waste in any form, may only be disposed of at a waste facility licensed by the Office of Environment and Heritage (OEH) to accept such waste, in a manner approved by that authority.

**WARNING:** A decision to cut costs and undertake asbestos removal without following the requirements of law, expert experience, equipment, clothing and proper handling and disposal is high risk and could lead to death.

**Where you will find asbestos in the home and other buildings**

**Inside the house**, bonded materials containing asbestos were often used for wall sheeting, particularly in ‘wet’ areas such as the kitchen, bathroom and laundry (e.g. the glazed patterned panels around showers and baths that are held in with screws). They were also used as ceiling sheeting. Asbestos might also be found bonded in plaster patching compounds, textured paint and vinyl floor tiles.

Loosely bound materials containing asbestos might be found in a few older forms of insulation used in domestic heaters and stoves. Asbestos-felt was used as a backing for many vinyl and linoleum sheet floorings and does not pose a health risk while it remains undisturbed. However, these materials become loose when the floor covering is damaged or removed.
Outside the house, externally bonded materials containing asbestos were commonly used for roof sheeting and capping, guttering, gables, eaves/soffits, water pipes and flues, wall sheeting, flexible building boards and imitation brick cladding. They have also been used for fencing and building car ports and sheds.

Asbestos has also been sprayed in buildings for acoustic (noise-proofing) and decorative purposes since the 1940's. The demolition of buildings with asbestos insulation or lagging has the potential for the release of massive amounts of asbestos fibre unless stringent precautions are taken.

The deadly dangers of asbestos

Disturbed asbestos releases tiny asbestos fibres into the air. When asbestos fibres are breathed in, they may get trapped in the lungs and remain there for a long time. Over time, these fibres can accumulate and cause scarring and inflammation, which can affect breathing and lead to serious health problems. Asbestos has been classified as a known human carcinogen (a substance that causes cancer). Studies have shown that exposure to asbestos may increase the risk of lung cancer and mesothelioma (a relatively rare cancer of the thin membranes that line the chest and abdomen). Although rare, mesothelioma is the most common form of cancer associated with asbestos exposure.

The safe removal and disposal of asbestos

Removal of asbestos eliminates the hazard forever provided it is done with professional, accredited companies to handle and remove asbestos related materials from building sites.

Before any work commencing, a risk assessment should be carried out. A safe work procedure should then be devised that minimises the release of dust and fibres and avoids exposure. Work involving friable (crumbles easily) asbestos is considered to present the greatest risk of exposure to air-borne fibres. Bonded asbestos (fibro) is unlikely to release airborne fibres unless it is damaged or disturbed. Your contractor should tell you what they plan to do complete the job and minimise any risk.

Specific safety precautions for work involving asbestos are:
1. Wearing protective clothing and an approved respirator
2. Using non-powered hand tools as these generate less dust
3. Wetting down material to reduce the release of dust or using vacuum attachments fitted with High Efficiency Particulate Air (HEPA) filters.
4. Working in well-ventilated areas if possible.
5. Using drop sheets to collect debris.
6. Disposing of smaller asbestos pieces and collected dust in plastic bags labelled "asbestos waste".

Your contractor, at a minimum, should be practicing these precautions. Work should stop if these practices are not being followed.

Removal of asbestos

Removal of friable asbestos-containing material, or bonded asbestos that is damaged or more than 10 square metres in area, must be carried out by licensed operators in accordance with relevant State legislation. A permit must also be obtained from WorkCover before commencing any work. All asbestos removal companies must be registered under relevant State legislation.

The following safety measures are required:
1. For external work, close all windows and doors on the building.
2. Use warning signs and barriers when removing asbestos cement materials.
3. If practical, seal asbestos-cement sheets with PVA paint or wet with water.
4. Wear coveralls and an approved respirator (see personal protective equipment below).
5. Wet clean gutters and collect material for waste disposal.
6. Remove asbestos sheets with minimal breakage and lower asbestos sheets to the ground; do not drop them.
7. Stack removed asbestos sheets on polythene sheeting, wrap and seal for disposal.
8. Do not leave asbestos sheets on site where they may break or be crushed.
9. Do not skid or drag asbestos sheets over other sheets - this can release asbestos fibres.
10. Clean asbestos-cement residues with an approved vacuum cleaner.
11. Keep waste containing asbestos wet or wrapped in polythene and remove from site as soon as practical.
12. Place used disposable coveralls, masks and filters with other asbestos waste in bags for removal.

Your contractor, at a minimum, should be practicing these precautions. Work should stop if these practices are not being followed.

Waste Handling and Disposal

Contact the Office of Environment and Heritage for waste disposal requirements and approved waste facilities. All waste containing asbestos must be:

1. Kept damp (prevent excess runoff water).
2. Collected, labelled and sealed using plastic or leak-proof containers.
3. Stored at a secure site in labelled, lined bins or a leak-proof container.
4. Removed from the site as soon as practicable and/or collected and stored in a manner approved by the EPA or an appropriate disposal authority.
5. Transported in a covered leak-proof vehicle or a manner approved by the OEH
6. Disposed of in a manner and at a site approved by OEH or an appropriate disposal authority.
7. Vehicles must be cleaned before leaving the landfill site.

Your contractor, at a minimum, should be practicing these precautions. Work should stop if these practices are not being followed.

Useful References


**Working with Asbestos: Guide** PDF Format-1242 Kb - Publication Number - 5484

**Asbestos Demotion Application Forms** - Publication Number - 772, 808, 773, 809, 5397, 5398

Forms for asbestos and/or demolition work, include guides

**Notification and Permit Forms for Asbestos and Demolition** - Publication Number - 940, 941, 942, 943

Use these forms to notify WorkCover of demolition and/or bonded asbestos work, or to lodge an application for a permit to remove friable asbestos or undertake certain demolition work.
Waste Management Plan
Demolition and Construction

This Waste Management Plan:
- must be completed and submitted to the Principle Certifying Authority;
- details what and how much waste will be generated, avoided, reused on site, recycled and disposed of;
- shows on a site plan the location of containers, separated materials, and treatment;
- will be assessed on how it keeps disposal of waste to a minimum; and
- will be audited by Council through the checking of all demolition and construction waste dockets which show which facility received the material for recycling or disposal.

Your proposal

Site address:

Applicant's name and address:

Phone:    Mobile:      Fax:

Email

Buildings and other structures on site: What is on the land now?

Description of proposal: What do you want to do on the land?

The details provided in this Waste Management Plan are how I intend to treat waste during this project.
- I have made an assessment on the material on site and considered if it contains asbestos. I know my responsibilities about asbestos removal and disposal under and that if asbestos is disturbed during renovation and demolition it can be deadly.
- I will keep all demolition and construction waste dockets which show which facility received the material for recycling or disposal. I understand that an audit may be conducted by Council to verify that dockets have been kept and waste recycled and disposed of as described within the Waste Management Plan.

Applicant's signature          Date …………………..
Demolition – Asbestos Checklist

Section 1: Demolition Waste Management Plan

**WARNING:** A decision to cut costs and undertake asbestos removal without following the requirements of law, expert experience, equipment, clothing and proper handling and disposal is high risk and could lead to death. You must know your responsibilities under the law.

<table>
<thead>
<tr>
<th>Checklist Type of material</th>
<th>Found on site?</th>
<th>Estimated Volume (m² or m³)</th>
<th>DISPOSAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Interior</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall sheeting, particularly in ‘wet’ areas such as the kitchen, bathroom and laundry</td>
<td>Yes/No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ceiling sheeting.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plaster patching compounds, textured paint.</td>
<td>Yes/No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vinyl floor tiles; asbestos-felt used as a backing for many vinyl and linoleum sheet flooring</td>
<td>Yes/No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insulation used in old domestic heaters and stoves</td>
<td>Yes/No</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Exterior</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall sheeting – house, outbuildings, carports, fences</td>
<td>Yes/No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Imitation brick cladding</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roof sheeting and capping; Guttering, gables, eaves/soffits</td>
<td>Yes/No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water pipes and flues</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Your responsibilities under the law – in summary**

a) A person / contractor licensed by WorkCover NSW is required for the removal of more than 10m² of bonded asbestos material.

b) A suitably licensed contractor is required for the removal of any amount of friable asbestos in accordance with WorkCover NSW requirements. A clearance certificate from an occupational hygienist must also be obtained following the completion of all friable asbestos removal work.

c) The handling of any asbestos waste must be in carried out in accordance with Clause 42 of the *Protection of the Environment Operations (Waste) Regulation 2005*.

d) Asbestos waste in any form, may only be disposed of at a waste facility licensed by the Office of Environment and Heritage (OEH) to accept such waste, in a manner approved by that authority.
## Demolition

### Section 1: Demolition Waste Management Plan

<table>
<thead>
<tr>
<th>Materials on site</th>
<th>Destination Reuse and recycling</th>
<th>OFF-SITE Detail contractor and recycling outlet</th>
<th>DISPOSAL Detail contractor and landfill site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of material</td>
<td>Estimated Volume (m² or m³)</td>
<td>ON SITE Detail reuse or onsite recycling</td>
<td>• Company Name</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Telephone number</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(contactable during Council office hours).</td>
</tr>
<tr>
<td>Excavation material</td>
<td></td>
<td>DISPOSAL Detail contractor and landfill site</td>
<td>• Company Name</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Telephone number</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(contactable during Council office hours).</td>
</tr>
<tr>
<td>Green waste</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bricks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concrete</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Timber – what kind?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plasterboard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metals – what kind?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Construction

### Section 2: Construction Waste Management Plan

<table>
<thead>
<tr>
<th>Materials on site</th>
<th>Destination</th>
<th>Reuse and recycling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of material</td>
<td>Estimated Volume (m² or m³)</td>
<td>ON SITE Detail reuse or onsite recycling</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Excavation material
- Green waste
- Bricks
- Concrete
- Timber – what kind?
- Plasterboard
- Metals – what kind?
- Other
Waste Management Plan

Demolition and Construction - Example

This Waste Management Plan:
- must be completed and submitted to the Principle Certifying Authority
- details what and how much waste will be generated, avoided, reused on site, recycled and disposed
- shows on a site plan the location of containers, separated materials, and treatment.
- will be assessed on how it keeps disposal of waste to a minimum
- will be audited by Council through the checking of all demolition and construction waste dockets which show which facility received the material for recycling or disposal.

Your proposal

Site address: 162 Bonnyrigg Road, Fairfield Heights

Applicant’s name and address: Jim Samosa-Nguyen, Smith Construction

P O Box 3456 Fairfield NSW

Phone: 9999 9876 Mobile: 0499 876 543 Fax: 9999 8765

Email jsn@internetplus.com

Buildings and other structures on site: What is on the land now?

Brick dwelling house, concrete slab and driveway, timber fencing

Description of proposal: What do you want to do on the land and how?

Two storey commercial premises plus office, built with a metal frame and brick construction

The details provided in this Waste Management Plan are how I intend to treat waste during this project.

- I have made an assessment on the material on site and considered if it contains asbestos. I know my responsibilities about asbestos removal and disposal under and that if asbestos is disturbed during renovation and demolition it can be deadly.
- I will keep all demolition and construction waste dockets which show which facility received the material for recycling or disposal. I understand that an audit may be conducted by Council to verify that dockets have been kept and waste recycled and disposed of as described within the Waste Management Plan.

Applicant’s signature          Date 1/7/2009

J Samosa-Nguyen
**Demolition – Asbestos Checklist**

**Section 1: Demolition Waste Management Plan**

**WARNING:** A decision to cut costs and undertake asbestos removal without following the requirements of law, expert experience, equipment, clothing and proper handling and disposal is high risk and could lead to death. You must know your responsibilities under the law.

<table>
<thead>
<tr>
<th>Checklist</th>
<th>Found on site?</th>
<th>Estimated Volume</th>
<th>DISPOSAL</th>
<th>Detail contractor and landfill site</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of material</strong></td>
<td>Yes/No</td>
<td>(m² or m³)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Interior</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall sheeting, particularly in ‘wet’ areas such as the kitchen, bathroom and laundry</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ceiling sheeting</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plaster patching compounds, textured paint</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vinyl floor tiles; asbestos-felt used as a backing for many vinyl and linoleum sheet flooring</td>
<td>Yes</td>
<td>2 m³</td>
<td>Asbestos Safe and easy removal 9999 6767 Secure Land fill, uptown Road, Deep Gully</td>
<td></td>
</tr>
<tr>
<td>Insulation used in old domestic heaters and stoves</td>
<td>Yes</td>
<td>One stove and one heater</td>
<td>Asbestos Safe and easy removal 9999 6767 Secure Land fill, uptown Road, Deep Gully</td>
<td></td>
</tr>
<tr>
<td><strong>Exterior</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall sheeting – house, outbuildings, carports, fences</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Imitation brick cladding</td>
<td>Yes - front wall</td>
<td>28 m²</td>
<td>Asbestos Safe and easy removal 9999 6767 Secure Land fill, uptown Road, Deep Gully</td>
<td></td>
</tr>
<tr>
<td>Roof sheeting and capping; Guttering, gables, eaves/soffits</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water pipes and flues</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>No</td>
<td></td>
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<td></td>
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</table>

**Your responsibilities under the law – in summary**

a) A person / contractor licensed by WorkCover NSW is required for the removal of more than 10m² of bonded asbestos material.

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## Demolition

### Section 1: Waste Management Plan - Example

<table>
<thead>
<tr>
<th>Materials on site</th>
<th>Destination</th>
<th>Off-Site</th>
<th>Disposal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of material</strong></td>
<td><strong>Estimated Volume (m² or m³)</strong></td>
<td><strong>ON SITE Detail reuse or onsite recycling</strong></td>
<td><strong>Detail contractor and recycling outlet</strong></td>
</tr>
<tr>
<td><strong>Excavation material</strong></td>
<td>200</td>
<td>Reuse top soil for landscaping; store on site; use behind retaining walls</td>
<td>Remainer to XYZ Landscape Suppliers for reuse/compost. - 9987 4563</td>
</tr>
<tr>
<td><strong>Green waste</strong></td>
<td>60</td>
<td>Separated; some chipped for landscaping</td>
<td>Remainder to XYZ, Landscape Suppliers for reuse/compost. - 9987 4563</td>
</tr>
<tr>
<td><strong>Bricks</strong></td>
<td>50</td>
<td>Clean and reuse lime mortar bricks for footings. Broken bricks for internal walls.</td>
<td>Concrete mortar bricks to KLM Crushing and Recycling Company. - 9987 4563</td>
</tr>
<tr>
<td><strong>Concrete</strong></td>
<td>15</td>
<td>Existing driveway to remain during construction</td>
<td>On completion to KLM Crushing and Recycling Company. - 9987 4563</td>
</tr>
<tr>
<td><strong>Timber – what kind?</strong></td>
<td>5</td>
<td>Reuse for formwork and studwork. Chip remainder for use in landscaping</td>
<td>To stockpile at EFG Transfer Station, by JKL Waste Contractor. - 9978 4563</td>
</tr>
<tr>
<td><strong>Plasterboard</strong></td>
<td>3</td>
<td>Break up and use in landscaping</td>
<td>Remainder to XYZ, Landscape Suppliers. - 9987 4563</td>
</tr>
<tr>
<td><strong>Metals – what kind?</strong></td>
<td>1</td>
<td>Nil</td>
<td>To FGH Metal Recyclers. - 9987 4563</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>5</td>
<td>Broken tiles for fill.</td>
<td>Remainder to STU Building Supply Company - 9987 4563</td>
</tr>
</tbody>
</table>

---

Uncontrolled document when printed – check Council’s website for current version
## Construction

### Section 2: Construction Waste Management Plan – Example

<table>
<thead>
<tr>
<th>Materials on site</th>
<th>Destination</th>
<th>Reuse and recycling</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of material</strong></td>
<td><strong>Estimated Volume (m² or m³)</strong></td>
<td><strong>ON SITE</strong> Detail reuse or onsite recycling</td>
</tr>
<tr>
<td><strong>ON SITE</strong> Detail reuse or onsite recycling</td>
<td><strong>DISPOSAL</strong> Detail contractor and landfills site</td>
<td></td>
</tr>
<tr>
<td><strong>Company Name</strong></td>
<td><strong>Telephone number</strong> (contactable during Council office hours).</td>
<td></td>
</tr>
</tbody>
</table>

### Excavation material
- See demolition section

### Green waste
- See demolition section

### Bricks
- 2
- Remainder to KLM Crushing and Recycling Company - 9987 4563
- Nil

### Concrete
- 5
- Remainder to KLM Crushing and Recycling Company - 9987 4563
- Nil

### Timber – what kind?
- 3
- Oregon
- Pine
- Remainder to XYZ Landscape Suppliers for chipping and composting - 9987 4563
- Nil

### Plasterboard
- 1
- Remainder to XYZ Landscape Suppliers - 9987 4563
- Nil

### Metals – what kind?
- 3
- Aluminium
- Copper pipe
- Some to FGH Metal Recyclers - 9789 4563
- Remainder to Deep Gully Landfill by JKL Waste Contractor - 9978 4563

### Other
- 1
- Plastics
- ………
- To Deep Gully Landfill by JKL Waste Contractor - 9978 4563
Appendix F

Landscape Planning

Context and objectives

Fairfield City has lost much of its original Cumberland Plain vegetation through urban development and remaining vegetation is under threat from weed invasion and erosion. Fairfield City is also expected to suffer from the impacts of climate change and increases in local temperatures which are also due, in part, to the loss of vegetation and its cooling effect.

Council is keen to reverse these trends and enhance the city landscape. An important way of doing this is through the application of development controls for landscaping.

The objectives of the landscaping planning policy are:

a) to increase biodiversity in Fairfield City in line with the targets given in Council's Environmental Management Plan,
b) to combat climate change and the urban heat island effect,
c) to control the quantity and quality of stormwater runoff, and
d) to improve the amenity and liveability of Fairfield City.

1.0 Landscaping requirement overview

The growth of urban areas and the corresponding increase in average temperature is called the Urban Heat Island Effect, where urban areas can become significantly warmer than its surroundings. Effective landscaping can significantly reduce the heating effect on horizontal and vertical surfaces by providing shade, particularly for western walls.

Landscape planning needs to be thought about at the beginning of the development process with appropriate landscape professionals engaged when building designers or architects are employed. The site assessment required by Chapter 3 of this DCP also identifies landscape considerations that need to be identified and addressed when preparing a development proposal.

For single dwellings, secondary dwellings, dual occupancies and narrow lot development applicants are encouraged to liaise with a horticulturalist at local nurseries and can prepare their own plans using these controls as a guide. Council’s Landscape Assessment Officers can provide more information. Landscaping templates are provided at the end of this landscaping section as a guide.

For larger scale developments including development such as residential flats, multi-dwelling housing), child care centres, commercial development, industrial development, subdivision, tourist facilities and seniors housing and similar scaled developments, the landscape plan must be prepared by a landscape architect because of the potential impact of these developments.

Significant trees are those trees that contribute substantially, either individually or as a member of a tree group, to the landscape character, amenity, cultural values or biodiversity of their locality. Generally trees with a girth greater than 500mm and a canopy spread of a 6 metre radius are trees of significance. For more information about controls relating to significant trees and vegetation which will affect landscape planning, refer to:

a) Chapter 3 - Environmental Management and Constraints, Section 2, Preservation of Trees and Vegetation
b) Chapter 3 - Environmental Management and Constraints, Section 3, Biodiversity Corridors
c) Chapter 3 - Environmental Management and Constraints, Section 4, Riparian Land and Waterways
d) Local Environmental Plan 2013, Schedule 5, to determine if a tree has been identified as a heritage item.

2.0 Landscape planning and plans

The relevant chapters that relate to specific development types contain controls for minimum areas and dimension requirements together with some controls relevant to landscaping planning.

Objectives

a) To require landscape plans to respond to natural features, soften the appearance of developments, improve the living quality of the neighbourhood,
b) To encourage landscaping areas which assist in reducing the impacts of a range of environmental problems including salinity, flooding, reduction in biodiversity and climate change,
c) To encourage the planting of indigenous vegetation to Fairfield City and low water use plants that act as shade and shelter planting and maintains privacy from public views and screens unattractive areas, and
d) To complement existing heritage landscape plantings adjacent to heritage properties.

Controls

2.1 Landscape planning principles

a) A landscape plan is to be prepared based on understanding and demonstrating the following landscape planning principles:

i Planning for existing and proposed elements and uses:
   a. existing plants and trees as well as new trees for shade, maintaining or blocking views either for outlook or privacy;
   b. walls or fences to be used as wind screens or for privacy;
   c. slopes or land elevation that need to be changed to accommodate for water drainage;
   d. soft soil zones should adjoin those on neighbouring properties to provide a continuous landscape zone with planting;
   e. the location of all utilities;
   f. functional and practical outdoor activities such as play area for the children, work areas and storage space for gardening equipment areas, entertaining areas that require paving or pergolas for outdoor furniture, flower or vegetable garden areas, storage of household bins and outdoor clothes drying areas;
   g. vehicle access to the back parts of the yard including car ports; and
   h. lawn area in proportion to the size of the private open space.

ii Planning for multi dwelling housing – townhouse and villa
   a. a garden between the dwelling and the front property boundary a minimum of 1.5m wide; and
   b. a 1.5m landscape strip intensively planted with a variety of native species running along the front and side boundaries and abutting any driveway.

b) Turfing is only permitted in the following locations:
   a. in private courtyards;
   b. for children’s playgrounds and common area hemmed by a 1.5 metre wide landscaping strip; and
   c. areas used for on-site detention basins that complies with the provisions in 6A.4.1.2 Common Open Space.

iii Planting for scale:
   a) for properties of less than 550m², shrubs or a medium tree should be considered rather than a large tree. Where a tree is not practical, a line of shrubs should be planted along the rear boundary (or other suitable location) at one metre intervals with no less than five shrubs;
   b) for properties 550m² or more, a medium to large trees should be considered either in the front or rear yard;
c) for properties 1ha and greater, three cluster planting areas of native plants, each containing no less than four trees and an minimum assortment of six shrubs or groundcovers must be provided.

iv Planting considering utilities and sewerage systems:

a) For suburban areas: locate tree planting and gardens away from sewer lines and underground power/telecommunication cables.

b) For the rural area: where the disposal of effluent is on-site, the installation of waste water management systems (Septic Tanks, On-site sewage management systems) either sprays or injects wastewater into the soil. Wastewater effluents are high in nutrients, including phosphorus, which is not tolerated by native vegetation and will kill advanced native trees. Care needs to be taken in both the location of wastewater systems near existing native trees and the planting of new native trees near them. Large leaved plants and shrubs enhance the transpiration of effluent in disposal areas.

v Plant species for low maintenance - landscaping works preferably should utilise hardy, low water usage native plants and consider ongoing general maintenance needs. See Schedule of Trees located at the end of landscaping controls. Grasses that are suitable for Australian conditions should be chosen. These include the Sir Walter Premium Lawn Turf, Sapphire Soft Leaf Buffalo and the Shademaster Buffalo.

vi Planting for winter – deciduous trees which lose their leaves in winter should be planted along the northern elevation of buildings to allow sunlight to indoor and outdoor living areas. See Schedule of Trees located at the end of landscaping controls.

vii Planting for summer – evergreen trees such as native trees should be planted along the eastern and western elevations to provide shade to indoor and outdoor living areas, and to reduce the heating of masonry walls.

viii Planting location for safety - trees should generally be planted no closer to a building either on or adjoining the site than the height they are expected to grow to avoid potential impact on footings and to reduce the risk of structural damage during storms.

ix Planting for biodiversity – where space permits, native plantings that include trees, shrubs, groundcovers and grasses are encouraged to provide greater biodiversity to support plant and animal life. Any existing tree(s) that are located five metres from the front and rear boundaries must be retained.

x Planting for stormwater quantity and quality control - landscaping works should incorporate water sensitive urban design (WSUD) systems such as raingardens, rainwater tanks, permeable paving, artificial wetlands, buffer strips and infiltration trenches that are designed to manage the quantity and quality of stormwater runoff from the development site.

xi Planting to enhance the streetscape and the relationship of development to adjoining public spaces. Trees with a minimum full growth height of 8 metres must be planted at 7 metre intervals across the frontage of the site (excluding driveways).

xii Planting for privacy and general residential amenity noting the importance to maintain sightlines for casual surveillance of entry areas for improved security and safety.

xiii Planting styles to reflect the landscape character of rural and heritage areas of the site.

2.2 Landscape plans

b) Landscape plans are to be prepared based on the following requirements:

a. drawn at either 1:100 or 1:200 scale showing; a north point, adjoining properties, notations on the plan reflecting adopted landscape planning principles,

b. dedicate a soft works zones at a minimum of 30% of the site which is landscaped with gardens, lawns, shrubs and trees accompanied by a list of plants shown on the plan including either their botanical name or common name and the number of plants proposed,

c. the hard works zones containing paved areas, driveways, and parking,

d. the location of utility areas (eg garbage bin areas and clothes drying areas) and screening details,
e. **existing features of the site** such rock outcrops, heritage items and creeks and other
c watercourses,

f. **all existing vegetation** that is covered by the City Wide DCP 2013, Chapter 3 tree protection
provisions needs to be noted (has a height of more than 4.0 metres and a spread of more than
3.0 metres) and is to be identified in development plans submitted to Council, with vegetation
to remain and vegetation to be removed shown. Where possible, the species name and
common name of all trees should be noted on the plan, and

g. **for rural properties**, show:
   a. the type and location of wastewater system, including the area affected by spraying and
   subsoil irrigation; and
   b. avenue plantings at a minimum pot size of 25 litres planted at appropriate spacings
   between approximately 5 – 10m spacing depending on species.

**Landscape plan concepts** for residential dwellings with different lot orientations, and a concept plan
for a rural property, are provided in Schedule 1 as a guide.

3. **Landscape Works**

Lanscaping undertaken properly on site will ensure plants that have been identified on approved
landscaping plans have a greater rate of survival, particularly in dry and warm periods.

**Objectives**

a) To ensure landscaping plans are executed as shown on approved plans.
b) To ensure plants survive their early establishment phase.

**Controls**

a) All planting should use water crystals expanded in water before planting to help keep plant roots
well watered.
b) All landscape beds must be mulched to a depth of 100mm to keep the ground from drying out.
c) All landscape works must ensure that plants are tagged, ready for Council inspection. A list of
native and exotic trees, shrubs, groundcovers and ferns is provided below.

**Plant List Native Species**

**Trees - Bold denotes native to Fairfield City**

<table>
<thead>
<tr>
<th>Native tree Botanical Name</th>
<th>Common Name</th>
<th>Height X Width</th>
<th>Native tree Botanical Name</th>
<th>Common Name</th>
<th>Height X Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acmena smithii</td>
<td>Lillypilly</td>
<td>12.0mx6.0m</td>
<td>Glochidion ferdinandii</td>
<td>Cheese Tree</td>
<td>10.0mx6.0m</td>
</tr>
<tr>
<td>Angophora subvelutina</td>
<td>Broadleaved Apple</td>
<td>15.0mx8.0m</td>
<td>Lophostemon confertus</td>
<td>Brush Box</td>
<td>20.0mx8.0m</td>
</tr>
<tr>
<td>Backhousia myrtifolia</td>
<td>Grey Myrtle</td>
<td>6.0mx5.0m</td>
<td>Melaleuca decora</td>
<td>White Feather Honeymyrtle</td>
<td>10.0mx3.0m</td>
</tr>
<tr>
<td>Banksia integrifolia</td>
<td>Coastal Banksia</td>
<td>15.0mx4.0m</td>
<td>Melaleuca linarifolia</td>
<td>Snow in Summer</td>
<td>10.0mx5.0m</td>
</tr>
<tr>
<td>Brachychiton acerifolium</td>
<td>Illawarra Flame Tree</td>
<td>25.0mx5.0m</td>
<td>Melaleuca nodosa</td>
<td>Ball Honeymyrtle</td>
<td>6.0mx2.0m</td>
</tr>
<tr>
<td>Araucaria cunninghamiana</td>
<td>Hoop Pine</td>
<td>25.0mx10.0m</td>
<td>Melaleuca quinquenervia</td>
<td>Broad-leaved Paperbark</td>
<td>15.0mx7.0m</td>
</tr>
<tr>
<td>Callistemon viminalis</td>
<td>‘Hanna Bay’ Weeping Bottlebrush</td>
<td>10.0mx5.0m</td>
<td>Pittosporum rhombifolium</td>
<td>Queensland Laurel</td>
<td>10.0mx5.0m</td>
</tr>
<tr>
<td>Elaeocarpus reticulatus</td>
<td>Blueberry Ash</td>
<td>12.0mx5.0m</td>
<td>Syzygium leuhmanni</td>
<td>Lilly Pilly</td>
<td>15.0mx10.0m</td>
</tr>
<tr>
<td>Eucalyptus tereticornis</td>
<td>Forest Red Gum</td>
<td>35.0mx12.0m</td>
<td>Tristaniopsis laurina</td>
<td>Water Gum</td>
<td>10.0mx8.0m</td>
</tr>
</tbody>
</table>
### Shrubs - Bold denotes native to Fairfield City

<table>
<thead>
<tr>
<th>Native shrub Botanical Name</th>
<th>Common Name</th>
<th>Height X Width</th>
<th>Native shrub Botanical Name</th>
<th>Common Name</th>
<th>Height X Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banksia ericifolia</td>
<td>Heath Banksia</td>
<td>4.0mx3.0m</td>
<td>Grevillea rosmarinifolia</td>
<td>Rosemary Grevillea</td>
<td>1.0mx1.0m</td>
</tr>
<tr>
<td>Banksia serrata</td>
<td>Old Man Banksia</td>
<td>6.0mx4.0m</td>
<td>Hakea salicifolia</td>
<td>Willow-leaf Hakea</td>
<td>5.0mx3.0m</td>
</tr>
<tr>
<td>Boronia floriunda</td>
<td>Pale Pink Boronia</td>
<td>1.0mx1.0m</td>
<td>Hebe x franciscana</td>
<td>‘Blue Gem’ Veronica Blue Gem</td>
<td>1.5mx1.5m</td>
</tr>
<tr>
<td>Bursaria spinosa</td>
<td>Blackthorn</td>
<td>3.0mx1.0m</td>
<td>Inigofera australis</td>
<td>Austral Indigo</td>
<td>2.0mx2.0m</td>
</tr>
<tr>
<td>Callistemon</td>
<td>‘Kings Park Special’ King’s Park Bottlebrush</td>
<td>4.0mx3.5m</td>
<td>Kennedia rubicunda</td>
<td>Dusky Coral Pea</td>
<td>3.0m-</td>
</tr>
<tr>
<td>Callistemon citrinus</td>
<td>Crimson Bottlebrush</td>
<td>4.0mx2.0m</td>
<td>Kunzea ambiguia</td>
<td>Tick Bush</td>
<td>2.5mx2.5m</td>
</tr>
<tr>
<td>Callistemon salignus</td>
<td>Pink Tipped Bottlebrush</td>
<td>9.0mx4.0m</td>
<td>*Leptospermum juniperinum</td>
<td>Prickly Tea-tree</td>
<td>3.0mx2.0m</td>
</tr>
<tr>
<td>Ceratopetalum gumniferum</td>
<td>NSW Christmas Bush</td>
<td>6.0mx1.5m</td>
<td>*Leptospermum petersonii</td>
<td>Lemon Scented Tea Tree</td>
<td>4.0mx2.0m</td>
</tr>
<tr>
<td>Coleonema pulchrum</td>
<td>Diosma</td>
<td>1.5mx1.5m</td>
<td>*Leptospermum polygalifolium</td>
<td>Pacific Beauty</td>
<td>1.5mx2.0m</td>
</tr>
<tr>
<td>Corea alba</td>
<td>White Corea</td>
<td>1.5mx1.0m</td>
<td>*Melaleuca thymifolia</td>
<td>Thyme Honey-myrtle</td>
<td>0.8mx1.5m</td>
</tr>
<tr>
<td>Dodonaea viscosa</td>
<td>Hop Bush</td>
<td>2.0mx1.5m</td>
<td>Westringia brevifolia var. Raleighii</td>
<td>Native Rosemary</td>
<td>1.0mx1.5m</td>
</tr>
<tr>
<td>Doryanthus excelsa</td>
<td>Gymea Lily</td>
<td>2.0mx2.0m</td>
<td>Westringia fruticosa</td>
<td>Coastal Rosemary</td>
<td>2.0mx2.0m</td>
</tr>
<tr>
<td>Grevillea ‘Ivanhoe’</td>
<td>Ivanhoe Grevillea</td>
<td>4.0mx3.0m</td>
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</table>

### Groundcovers - Bold denotes native to Fairfield City

<table>
<thead>
<tr>
<th>Native Groundcover Botanical Name</th>
<th>Common Name</th>
<th>Height X Width</th>
<th>Native Groundcover Botanical Name</th>
<th>Common Name</th>
<th>Height X Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anigozanthos ‘Bush Ranger’</td>
<td>Kangaroo Paw</td>
<td>0.5mx0.2m</td>
<td>Grevillea ‘Poorinda Royal Mantle’</td>
<td>Grevillea Royal Mantle</td>
<td>0.2mx3.0m</td>
</tr>
<tr>
<td>Baumea articulata</td>
<td>Jointed Twigrush</td>
<td>1.5m-</td>
<td>Grevillea juniperina</td>
<td>Prickly Spider Flower</td>
<td>1.5mx1.5m</td>
</tr>
<tr>
<td>Baumea rubiginosa</td>
<td>Twigrush</td>
<td>1.0m-</td>
<td>Hardenbergia violacea</td>
<td>‘Happy Wanderer’</td>
<td>3.0mx3.0m</td>
</tr>
<tr>
<td>Carex appressa</td>
<td>Tall Sedge</td>
<td>0.75mx0.75m</td>
<td>Sansparilla Hibernia scandens</td>
<td>Snake Vine</td>
<td>2.0mx</td>
</tr>
<tr>
<td>Danthonia racemosa</td>
<td>Wallaby Grass</td>
<td>0.7mx0.1m</td>
<td>Isolepsis nodosa</td>
<td>Knobbly Clubrush</td>
<td>1.0mx0.5m</td>
</tr>
<tr>
<td>Dianella caerulea</td>
<td>Paroo Lily</td>
<td>0.6mx0.6m</td>
<td>Juncus usitatus</td>
<td>Tussock Rush</td>
<td>1.0m</td>
</tr>
<tr>
<td>Dianella revoluta</td>
<td>Black Anther Flax Lily</td>
<td>0.8mx0.8m</td>
<td>Lomandra confertifolia</td>
<td>Little Con Grassy Mat-rush</td>
<td>0.3mx0.3m</td>
</tr>
<tr>
<td>Dianella tasmanica</td>
<td>Flax Lily</td>
<td>0.4mx0.5m</td>
<td>Lomandra longifolia</td>
<td>Mat Rush</td>
<td>0.7mx1.0m</td>
</tr>
<tr>
<td>Native Groundcover Botanical Name</td>
<td>Common Name</td>
<td>Height X Width</td>
<td>Native Groundcover Botanical Name</td>
<td>Common Name</td>
<td>Height X Width</td>
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<tr>
<td>----------------------------------</td>
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</tr>
<tr>
<td><strong>Dichondra repens</strong></td>
<td>Kidney Weed</td>
<td>0.1m</td>
<td><strong>Myoporum parvifolium</strong></td>
<td>Creeping Boobialla</td>
<td>0.2mx1.5m</td>
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<tr>
<td><strong>Dietes bicolor</strong></td>
<td>Yellow Wild Iris</td>
<td>1.0mx1.0m</td>
<td><strong>Pandorea pandorana</strong></td>
<td>Wonga Wonga Vine</td>
<td>5.0m</td>
</tr>
<tr>
<td><strong>Dietes grandiflora</strong></td>
<td>Wild Iris-</td>
<td>1.0m</td>
<td><strong>Poa labillardii</strong></td>
<td>Tussock Grass</td>
<td>0.8mx0.5m</td>
</tr>
<tr>
<td><strong>Eragrostis elongate</strong></td>
<td>Lavender Grass</td>
<td>0.6mx0.15m</td>
<td><strong>Scaevola albida</strong></td>
<td>Fanflower</td>
<td>0.15mx0.4m</td>
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<tr>
<td><strong>Festuca glauca</strong></td>
<td>Blue Fescue</td>
<td>0.3mx0.2m</td>
<td><strong>Scaevola humilis</strong></td>
<td>Fanflower</td>
<td>0.15mx0.4m</td>
</tr>
<tr>
<td><strong>Grevillea 'Bronze Rambler'</strong></td>
<td>Bronze Rambler</td>
<td>0.3mx4.0m</td>
<td><strong>Thedea australis</strong></td>
<td>Kangaroo Grass</td>
<td>0.8mx0.3m</td>
</tr>
<tr>
<td><strong>Viola hederacea</strong></td>
<td>Native Violet</td>
<td>0.1mx0.3m</td>
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<table>
<thead>
<tr>
<th>Ferns</th>
<th></th>
<th></th>
<th>Palms</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Asplenium australasicum</strong></td>
<td>Birds Nest Fern</td>
<td>1.0mx1.0m</td>
<td><strong>Phoenix canariensis</strong></td>
<td>Canary Island Date Palm</td>
<td>15.0mx10.0m</td>
</tr>
</tbody>
</table>

**Plant List Exotic Species**

**Trees**

<table>
<thead>
<tr>
<th>Exotic Tree Botanical Name</th>
<th>Common Name</th>
<th>Height X Width</th>
<th>Exotic Tree Botanical Name</th>
<th>Common Name</th>
<th>Height X Width</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Acer palmatum</strong></td>
<td>Japanese Maple</td>
<td>8.0mx3.0m</td>
<td><strong>Platina x hybrida</strong></td>
<td>Oriental Plane</td>
<td>25.0mx10.0m</td>
</tr>
<tr>
<td><strong>Calodendrum capense</strong></td>
<td>Chestnut</td>
<td>15.0mx12.0m</td>
<td><strong>Podocarpus elatus</strong></td>
<td>Brown Pine</td>
<td>30.0mx5.0m</td>
</tr>
<tr>
<td><strong>Cupressus glabra</strong></td>
<td>'Blue ice' Blue Ice Arizona Cypress</td>
<td>10.0mx2.5m</td>
<td><strong>Prunus cerasifer</strong></td>
<td>'Negra' Flowering Plum</td>
<td>10.0mx10.0m</td>
</tr>
<tr>
<td><strong>Cupressus sempervirens</strong></td>
<td>Italian Cypress</td>
<td>10.0mx2.5m</td>
<td><strong>Prunus calleryana</strong></td>
<td>'Chanticlear' Ornamental Pear</td>
<td>10.0mx4.0m</td>
</tr>
<tr>
<td><strong>Juniperus scopulorum</strong></td>
<td>'Blue Arrow' Blue Arrow Juniper</td>
<td>4.0mx0.8m</td>
<td><strong>Prunus ussurensis</strong></td>
<td>Manchurian Pear</td>
<td>13.0mx6.0m</td>
</tr>
<tr>
<td><strong>Lagerstroemia indica</strong></td>
<td>Crepe Myrtle</td>
<td>6.0mx3.0m</td>
<td><strong>Schinus molle</strong></td>
<td>Peppercorn Tree</td>
<td>10.0mx8.0m</td>
</tr>
<tr>
<td><strong>Liriodendron tulipifera</strong></td>
<td>Tulip Tree</td>
<td>15.0mx10.0m</td>
<td><strong>Ulmus parvifolia</strong></td>
<td>Chinese Elm</td>
<td>10.0mx4.0m</td>
</tr>
<tr>
<td><strong>Platina x digitata</strong></td>
<td>Cypress Plane</td>
<td>20.0mx10.0m</td>
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<td></td>
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</table>

**Shrubs**

<table>
<thead>
<tr>
<th>Exotic Shrub Botanical Name</th>
<th>Common Name</th>
<th>Height X Width</th>
<th>Exotic Shrub Botanical Name</th>
<th>Common Name</th>
<th>Height X Width</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Abelia x grandiflora</strong></td>
<td>Abelia</td>
<td>2.0mx2.0m</td>
<td><strong>Lavendula dentata</strong></td>
<td>French Lavender</td>
<td>1.5mx1.0m</td>
</tr>
<tr>
<td><strong>Agave attenuata</strong></td>
<td>Century Plant</td>
<td>1.5mx1.5m</td>
<td><strong>Phormium tenax 'Bronze Baby'</strong></td>
<td>Bronze Baby Flax</td>
<td>0.75mx0.8m</td>
</tr>
<tr>
<td><strong>Boronia flonbunda</strong></td>
<td>Pale Pink Boronia</td>
<td>1.0mx1.0m</td>
<td><strong>Photinia glabra</strong></td>
<td>'Rubens' Photinia</td>
<td>3.0mx2.0m</td>
</tr>
</tbody>
</table>
### Exotic Shrub

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Height X Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convolvulus cneorum</td>
<td>Silverbush</td>
<td>0.6mx0.7m</td>
</tr>
<tr>
<td>Eriostemon myoporoides</td>
<td>Long-leaf Wax Flower</td>
<td>1.5mx2.5m</td>
</tr>
<tr>
<td>Hebe 'Inspiration'</td>
<td>Veronica Inspiration</td>
<td>0.7mx1.0m</td>
</tr>
<tr>
<td>Hebe 'Wiri Cloud'</td>
<td></td>
<td>0.4mx0.4m</td>
</tr>
<tr>
<td>Hebe x franciscana 'Blue Gem'</td>
<td>Veronica Blue Gem</td>
<td>1.5mx1.5m</td>
</tr>
<tr>
<td>Lavendula angustifolia</td>
<td>English Lavender</td>
<td>1.5mx1.0m</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Height X Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pittosporum tobira</td>
<td></td>
<td>0.8mx1.5m</td>
</tr>
<tr>
<td>Thryptomene saxicola</td>
<td></td>
<td>1.0mx1.5m</td>
</tr>
<tr>
<td>Thryptomene</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Viburnum tinus</td>
<td></td>
<td>3.0mx2.0m</td>
</tr>
<tr>
<td>Westringia longifolia</td>
<td>Rosemary</td>
<td>2.0mx1.5m</td>
</tr>
<tr>
<td>Yucca filamentosa</td>
<td>Adam’s Needle</td>
<td>1.5mx1.0m</td>
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</table>

### Exotic Groundcover

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Height X Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dietes grandiflora</td>
<td>Wild Iris</td>
<td>1.0m-</td>
</tr>
<tr>
<td>Dietes bicolor</td>
<td>Yellow Wild Iris</td>
<td>1.0mx1.0m</td>
</tr>
<tr>
<td>Juniperus conferta prostrata</td>
<td>Japanese Shore Juniper</td>
<td>0.3mx2.5m</td>
</tr>
</tbody>
</table>

### Fern

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Height X Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blechnum cartilagineum</td>
<td>Gristle Fern</td>
<td>1.0mx1.0m</td>
</tr>
<tr>
<td>Blechnum nudum</td>
<td>Fishbone Water Fern</td>
<td>0.7mx0.5m</td>
</tr>
<tr>
<td>Cyathea australis</td>
<td>Rough Tree Fern</td>
<td>10.0mx3.0m</td>
</tr>
<tr>
<td>Cyathea cooperi</td>
<td>Sclyay Tree Fern</td>
<td>6.0mx5.0m</td>
</tr>
<tr>
<td>Doodia aspera</td>
<td>Rasp Fern</td>
<td>0.2mx0.4m</td>
</tr>
</tbody>
</table>
North facing residential property - landscape plan concept

Street

<table>
<thead>
<tr>
<th>Significant tree – existing</th>
<th>Species:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evergreen small tree, planted along western boundary to provide shade from summer sun</td>
<td>Species:</td>
</tr>
<tr>
<td>Deciduous small tree, planted along northern boundary to provide winter sun and summer shade and provide privacy</td>
<td>Species:</td>
</tr>
</tbody>
</table>

Garden bed with groundcovers

Patio & BBQ area

Drying area

Uncontrolled document when printed – check Council’s website for current version
### Western facing residential property - landscape plan concept

<table>
<thead>
<tr>
<th><strong>Western facing residential property - landscape plan concept</strong></th>
</tr>
</thead>
</table>

#### Street

- **Evergreen small tree, planted along western boundary to provide shade from summer sun**
  - Species:

- **Deciduous small tree, planted along northern boundary to provide winter sun and summer shade and provide privacy**
  - Species:
Southern facing residential property - landscape plan concept

Significant tree – existing
Species:

Evergreen small tree, planted along western boundary to provide shade from summer sun
Species:

Deciduous small tree, planted along northern boundary to provide winter sun and summer shade and provide privacy
Species:
Eastern facing residential property - landscape plan concept

Street

<table>
<thead>
<tr>
<th>Significant tree – existing</th>
<th>Species:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evergreen small tree, planted along western boundary to provide shade from summer sun</td>
<td>Species:</td>
</tr>
<tr>
<td>Deciduous small tree, planted along northern boundary to provide winter sun and summer shade and provide privacy</td>
<td>Species:</td>
</tr>
</tbody>
</table>
Rural property – typical 1 hectare lot - landscape plan concept

<table>
<thead>
<tr>
<th>Landscape Concept</th>
<th>Species:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant tree cluster - existing</td>
<td></td>
</tr>
<tr>
<td>Evergreen medium tree, planted along western boundary to provide shade from summer sun</td>
<td></td>
</tr>
<tr>
<td>Deciduous small trees, planted along northern, eastern boundaries, as well to rear of dwelling house to provide winter sun and summer shade and provide privacy for rear private outdoor living space</td>
<td></td>
</tr>
<tr>
<td>Native plant cluster consisting of three large trees and six mixed shrubs and ground covers</td>
<td>Trees, Shrubs, Groundcovers</td>
</tr>
</tbody>
</table>
Appendix G

Heritage and Development

Context and objectives

Fairfield City contains many items that have environmental heritage value or that are located within the vicinity of such items. Schedule 5 of Fairfield LEP 2013 contains a list of heritage items located within Fairfield City. These items are subject to the provisions of Clause 5.10 of the LEP.

The guidelines contained within this Appendix are designed to assist owners of heritage listed properties and those in the vicinity of such properties when contemplating maintenance, renovation and building works.

Council also employs the services of a qualified Heritage Advisor who can provide you with more specific advice should you require it. The services of the Heritage Advisor are free of charge.

Table of Contents

1 Introduction
  1.1 Approvals and Statement of Heritage Impact
  1.2 Aboriginal Cultural Heritage
  1.3 Heritage Incentives
  1.4 Local Heritage Grant Fund

2 Development and Activity
  2.1 Demolition
  2.2 Development Proposals – the design process
  2.3 Alterations to heritage items
  2.4 Additions to heritage items
  2.5 Subdivision
  2.6 Maintenance – approval may be needed
  2.7 Signage
  2.8 New Technology
  2.9 New buildings on the site of a heritage item or in its vicinity

1. Introduction

Environmental heritage includes significant buildings, structures, streetscapes, landscapes, Aboriginal items, natural places and archaeological sites. Significance is assessed under the criteria gazetted by the NSW Heritage Council: historical, historical association, aesthetic, technical/research and social significance, rarity and representativeness.

Council maintains an inventory which describes each listed heritage item, provides some history, and includes a Statement of Significance summarising its importance.

1.1 Approvals and Statements of Heritage Impact

The provisions of State Environmental Planning Policy SEPP (Exempt and Complying Development Codes) 2008, known as the “the Codes SEPP”, regarding exempt and complying development do not apply to heritage items, with minor exceptions. Most work on a heritage item or on the site of a heritage item requires Council’s approval under clause 5.10 of the Fairfield Local Environmental Plan 2013 (LEP).
In considering the proposal for any work on a heritage item or its site, Council is required to assess its likely impact on the significance of the item.

**If the work is minor**, approval may be obtained through an exchange of letters between the applicant and Council, for which no fee is payable. Interior work to houses such as kitchen and bathroom renovations can be carried out without notifying Council.

**Otherwise**, a development application will be needed so an assessment can be made about whether the proposal is appropriate.

**If the work is on a site near the heritage item** (the visual catchment), Council is required to consider its likely impact on the heritage significance of the item. This requirement does not apply to exempt or complying development in the vicinity of an item.

When considering heritage impacts, Council may require the applicant to submit a Statement of Heritage Impact or a Conservation Management Plan.

The following flow chart illustrates the process. Council encourages applicants to consult with the Heritage Advisor before submitting applications for work on or near heritage items. Advice on design, and on the preparation of a Statement of Heritage Impact, is available at no cost.
1.2 Aboriginal Cultural Heritage

Council supports the conservation of items of Aboriginal cultural heritage, but there are no such items listed in the Fairfield Local Environmental Plan. At the time of writing of this Development Control Plan, new legislation which will transfer responsibility for Aboriginal cultural heritage from the NSW National Parks and Wildlife Service to a stand-alone authority is proposed.

Proponents should check the Aboriginal Heritage Information Management System to ascertain whether their site may contain items of Aboriginal cultural heritage which may be protected by the relevant legislation. Whether or not a site is so protected, once work starts developers have a legal obligation to exercise due diligence and notify the relevant authority of any discoveries.

1.3 Heritage incentives

The Fairfield Local Environmental Plan allows Council to consent to the use of a heritage item for a purpose that would not otherwise be permitted in the zone provided that there is no undue impact on the amenity of the area and that the change of use facilitates conservation of the item.
1.4 Local Heritage Grant Fund

Council and the NSW Heritage Office contribute to the Local Heritage Fund, from which dollar for dollar grants are made to assist owners with approved repairs, maintenance and reconstruction of missing elements of heritage items. In some cases the work will require a development application or approval under Fairfield Local Environmental Plan 2013, sub-clause 5.10 (3).

2. Development and activity

2.1 Demolition

The objective of heritage listing is to conserve the item, and applications to demolish heritage items will therefore generally not be supported. Applications based on claimed structural faults will need to be supported by a report from a qualified structural engineer. The report will need to show not only that the item is structurally unsound, but that the faults which render it unsound cannot be rectified.

Applications based on a contention that the item does not have heritage significance must be supported by a report from a suitably qualified and experienced heritage consultant. It should be noted such reports will in no way guarantee that Council will consent to the proposal. Council may obtain independent advice on any aspect of the application.

Council may also require the development application for demolition to include an application for a replacement building.

Owners contemplating demolition are encouraged to consult with Council’s Heritage Advisor regarding possible remedial action, grant funding and the use of the heritage incentive provisions of the Fairfield Local Environmental Plan.

Applications for or including the demolition of less significant elements such as altered parts of a building, ancillary rooms and outbuildings will be considered on merit.

2.2 Development proposals – the design process

A design leading to a development proposal which does not take account of heritage values and constraints cannot be easily amended to do so later. Heritage item owners and their consultants should refer to this Appendix and consult with Council’s Heritage Advisor at an early stage in the design process. Doing so may avoid investing considerable time, money and emotional energy in a concept which may not be ultimately approved.

The starting point is becoming aware of those characteristics of the listed item which need to be conserved, as set out in the Statement of Significance in Council’s inventory. This will help in developing a design which will preserve and complement the valuable characteristics and modify any which are detracting.

This carport addition recognises its relationship to the heritage house by being:
- set back from the facade of the house,
- separated from house which affect the fabric of the building,
- matching the roof of the house and detailing.

The carport helps to create a sense of "family" between the two structures.
2.3 Alterations to heritage items

Houses are the most commonly heritage listed building type in Fairfield. As such, applications for alterations and additions to heritage houses are likely to form the majority of heritage-related projects considered by Council. The following section deals in detail with houses, but the same approach is applicable to other building types.

The original and significant elements of a heritage item will often be the roof form and the façade or front section of the building. However the rear, interior, outbuildings or site features may also be significant. Significant elements should be altered as little as possible, except when it is necessary to reconstruct them. In particular:

- Original face brick or stone may not be cement rendered or painted
- Original plaster, stucco or render may not be removed
- Joinery which was originally painted may not be stained
- Timber which was originally unpainted may not be painted
- Original timber doors, windows, fascias, veranda framing and weatherboards should be repaired if necessary, and may only be replaced with similar timber elements; not with steel, aluminium, fibre cement or plastic substitutes
- Veranda floors may not be replaced with a different type of flooring

**Any new window or door openings** should be of similar proportions to the existing. Windows and doors may have subtle differences in detail to indicate on close inspection that they are not original.

**Original unpainted galvanised corrugated iron roofing** may not be replaced with unpainted zincalume, except where the roof is hidden from view: only corrugated galvanised steel may be used. Previously painted galvanised iron may be replaced with factory-prepainted zincalume (“Colorbond”). The replacement of other types of roofing with a different material will be considered on its merits.

**Fences** must be of the original type or sympathetic to the age and style of the item.

**Decorative details** such as cast iron lace or fretted barge boards which were not originally present should not be added.

These provisions are not exhaustive. Consultation on the options with the Heritage Advisor is recommended.

2.4 Additions to heritage items

Extensions may take several forms, such as wing additions, simple projections of existing volumes, linked pavilions and vertical additions. Extensions will generally be best located at the rear. In some cases, additions at the side of a building may be acceptable. Dormer windows and second storey additions to houses are not favoured but will be considered on their merits. Extensions should not visually overwhelm, compete with or draw attention from the item.

**In style, extensions should complement the original building.** This requires a sensitive and thoughtful handling of the meeting between old and new, and selection of appropriate forms, proportions, materials, colours, textures and details.

**Mock period details should be avoided** as they devalue the item’s authentic features. These types of details are sometimes used in a misguided attempt to add charm to a design or make it more compatible with the item being extended.

**Smaller extensions may be best treated by matching existing elements**, with subtle differences indicating that the work is new. One valid approach to larger extensions is a contemporary interpretation of the essential design features of the existing building: its scale, the form and pitch of the roof, the proportion of openings, the degree of articulation, its colours and materials. A more
overtly contemporary approach may be successful, in the hands of a sensitive designer, in integrating complementary new work into a heritage building.

2.5 Subdivision

The subdivision of the site of a heritage item must not obscure historic subdivision patterns. Council will consider the possible impact on the item of future buildings which might be constructed on a new subdivision and may impose controls on the title as a condition of consent.

2.6 Maintenance – approval may be needed

The Heritage Advisor can advise on maintenance as well as work requiring approval. Council approval is not required for maintenance, which includes:

- cleaning,
- replacing or securing fixings,
- painting of previously painted surfaces in similar colours,
- minor repairs to walls, roofing, guttering, downpipes and external joinery, and
- the replacement of building elements with elements similar to those originally used.

Owners are advised to contact Council about any intended work on a heritage item.

2.7 Signage

The size, colour, placement, style and any illumination of signage on a listed building must complement the item.

2.8 New technology

Solar hot water systems, photovoltaic panels, satellite dishes, air conditioning units and other modern technological devices should not be installed on a front roof plane or where otherwise visible from a public place. Collector panels, wherever located, should where practicable be installed parallel to the roof pitch. These controls may have implications for the operation of some devices whose placement is critical to their efficiency. Owners are encouraged to discuss such cases with Council’s Heritage Advisor.

2.9 New buildings on the site of a heritage item or in its vicinity

New buildings should not visually overwhelm, compete with or draw attention from a heritage item, nor obscure important views to or from the item. As with extensions, new buildings should complement the item through the thoughtful design of forms, proportions materials, colours, textures and details, and the avoidance of mock replication of period features.

Council has created a heritage buffer around heritage items so that Council officers receiving development applications are able to check whether the site is listed or within the buffer, which is generally a 50 metre distance in an urban setting.

Council’s Heritage Advisor will determine whether any development site is within the visual catchment of a listed heritage item. If the property is outside the visual catchment, the heritage provisions will not apply. Otherwise, either a Statement of Heritage Impact or a written exemption from this requirement may be required.