

## OUTCOMES COMMITTEE

Meeting Date 14 May 2024

Item Number. 43

**SUBJECT:** Public Exhibition - Draft Fairfield City Wide Development Control Plan 2024

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**FILE NUMBER:** 19/04955

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**REPORT BY:** Amanda Seraglio, Strategic Planner

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### RECOMMENDATION:

That:

1. The draft Fairfield City Wide Development Control Plan 2024, as detailed in the report and Attachment A, be placed on public exhibition in accordance with the consultation strategy outlined in the report.
  2. A further report be submitted to Council at the conclusion of the exhibition period advising of the outcome of community consultation.
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### SUPPORTING DOCUMENTS:

<b>AT-A</b> <a href="#">↓</a>	Draft Fairfield City Wide Development Control Plan 2024	567 Pages
<b>AT-B</b> <a href="#">↓</a>	Amendments Table	17 Pages
<b>AT-C</b> <a href="#">↓</a>	Fairfield City Council - Medium Density Housing Study	43 Pages

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### CITY PLAN

This report is linked to *Theme 2 Places and Infrastructure* in the Fairfield City Plan.

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### SUMMARY

The Fairfield City Wide Development Control Plan 2013 (FCW DCP 2013) provides detailed development controls that support the Fairfield Local Environmental Plan (FLEP) 2013 in guiding the orderly development of land across the Fairfield Local Government Area (LGA).

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The FCW DCP 2013 is subject to continual review to ensure controls remain relevant and respond to emerging issues or changes to legislation. The updates proposed under this review are aimed at addressing a range of issues associated with future development proposed under the Accelerated FLEP Stage 2, updating existing Chapters and Appendices to reflect on-going changes in development and environment, a complete re-format and simplification in certain areas to ensure that the document is current and easy to use for both proponents and Assessment Officers.

Given the above, it is also proposed to rename the Fairfield City Wide DCP 2013 to Fairfield City Wide Development Control Panel 2024 (FCW DCP 2024).

This report details the amendments and seeks Council's endorsement to place the draft FCW DCP 2024 on public exhibition.

### **PROPOSED AMENDMENTS FAIRFIELD CITY WIDE DEVELOPMENT CONTROL PLAN**

This report seeks Council's adoption of the revised FCW DCP 2024 (Attachment A of the report). Within this new Development Control Plan (DCP) a significant formatting alteration is the transition of the entire DCP into a new template and structure, which aligns with Council's corporate style guide. Amendments throughout the DCP include formatting and grammatical updates, as well as several development control changes within the chapters listed below. More details of the proposed amendments are provided in Attachment B of the report.

Key changes as part of Council's Accelerated Stage 2 Planning Proposal include additional Floor Space Ratio (FSR) and Height of Building (HOB) controls within certain well located R3 Medium Density Residential zoned land. Amendments have been incorporated within Chapters 6A and 6B to address these changes, which will allow sites on a sliding scale depending on size and width to achieve a greater FSR and HOB. This increase will address the need for 'missing middle' development and to provide greater housing choice and dwelling diversity. Further changes to Chapter 7 and 8 are proposed to provide more detailed controls for the Carramar Neighbourhood Precinct where changes are proposed under the Accelerated Stage 2 Planning Proposal.

Given the Accelerated FLEP Stage 2 Planning Proposal is still under consideration by the NSW Department of Planning Housing and Infrastructure (DPHI), it is proposed that these specific controls, in Chapter 6A, Chapter 6B, Chapter 7 and Chapter 8, will only come into force once the Accelerated FLEP Stage 2 Planning Proposal is gazetted.

#### **General**

The FCW DCP 2024 rectifies all formatting and grammatical errors throughout the entire DCP. A new Council corporate template has been used to align with Council's style guide.

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Legislation references, terminology and clauses have been updated to reflect current legislation. State Government agencies has also been updated to reflect current terminology. Employment zone references throughout the DCP have been updated to reflect a new Employment (E) zone structure for all previous Business (B) and Industrial (IN) zoned land. This new zone structure was put in place by DPHI and commenced on 26 April 2023.

Local Environmental Plan definitions have been removed throughout each chapter of the FCW DCP 2024 and Appendix A, to minimise repetition, instead the FLEP has been referenced to obtain the legislative definition.

### Table of Contents

Amendments to the table of contents have been made including the removal of all subheadings throughout each chapter of the DCP. This creates a streamlined and orderly table of contents. Each chapter is hyperlinked to the corresponding chapters throughout the DCP. Each Chapter has its own highly detailed contents page to ensure clarity and ease of use.

### Appendix A

All legislative definitions that are within the FLEP 2013, have been removed from the DCP to minimise duplication.

### Appendix G and H

The original Appendix G – Heritage and Development and Appendix H – Aboriginal Heritage Management have now been integrated together in a new Chapter 3B – Heritage and Development.

Appendix G is now a copy of the existing schedules of Classified State, Regional Roads and Neighbourhood Centres that were duplicated in multiple chapters throughout the DCP. A reference to Appendix G has been noted where Classified State, Regional Roads and Neighbourhood Centres were listed in the DCP.

### Chapter 1 – Introduction

Chapter 1 of the FCW DCP 2024 provides an introduction and background to the DCP and contains no major policy or development controls.

Amendments to Chapter 1 include:

- Amendments table has been updated to reflect the Chapters that have changed.
- Information associated with the Fairfield City Local Infrastructure Contributions Plan 2023 has been updated which has replaced Council's previous Section 7.11 Direct Development Contributions and Section 7.12 Indirect Development Contributions Plans.

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### Chapter 2 – Development Application Process

Chapter 2 of the FCW DCP 2024 provides information for applicants on the Development Application (DA) process and contains no major policy or development controls.

Amendments to Chapter 2 include:

- Updated information on the submission process to reflect the introduction of the NSW Planning Portal. DA and Complying Development Certificates are now only accepted and lodged online via the NSW Planning Portal.
- Additional site servicing organisations have been listed that may require consultation in the DA process.
- Further information to assist the understanding of a site's permissibility and constraints has been provided.
- Information associated with aircraft noise from the (Nancy-Bird Walton) Western Sydney Airport at Badgerys Creek, has been updated with reference to the Western Sydney Airport website for the most up to date information regarding aircraft noise.
- Updated information reflecting Council's new Local Infrastructure Contributions Plan 2023.

### Chapter 3A – Environmental Management and Constraints

Previously known as Chapter 3, now renamed to Chapter 3A, Environmental Management and Constraints, with no major policy or development control amendments.

Amendments to Chapter 3A include the updating of the following information:

- All references to the new Employment zone structure for Business (B) and Industrial (IN) zoned land.
- Statutory provisions associated with the Environmental Protection Zones and Waterway Zone.
- References to the preservation of trees and vegetation relating to the biodiversity values of trees and other vegetation.
- Information to reflect changes to the Test of Significance.
- Update to the flood risk area map.
- The inclusion of a Coastal Wetlands section, which provides information on land within 100metres identified as environmentally sensitive under the Resilience and Hazards SEPP. The provisions of complying development do not apply to environmentally sensitive land; therefore a DA is required for any proposed works.

### Chapter 3B – Heritage and Development

The creation of this new Chapter 3B Heritage and Development includes matters previously found in Appendices G and H relating to Aboriginal and Local Heritage.

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In consultation with Council's Heritage Consultant, it is recommended to include heritage controls within the body of the FCW DCP 2024 as is best practise for Local and Aboriginal Heritage - heritage provisions for these developments are a statutory requirement.

The creation of Chapter 3B will include updated statutory requirements and new development controls relating to both Aboriginal and the built and landscaped heritage.

A review of the provisions outlined in both current appendices, which was last updated in 2017, found that the information regarding the regulatory process is outdated. Therefore, the process and development controls have been updated accordingly and applied for all developments in accordance with the NSW Heritage Act 1977 and relevant heritage guidelines.

The changes to the chapter have been made to be consistent with the new format of FCW DCP 2024.

### **Chapter 4A – Development in the Rural Zones**

Chapter 4A provides guidance on development in the rural zones within Horsley Park and Cecil Park. Changes to this chapter are primarily addressing existing issues and updating references to the Western Sydney International Airport (WSIA).

Amendments within Chapter 4A include:

- Landscape plans to be completed by a landscape architect.
- Information associated with aircraft noise of the (Nancy-Bird Walton) WSIA have been updated to reflect the most recently release flight paths from the WSIA and the associated planning restrictions for 'noise sensitive development' in residential areas under the SEPP (Western Sydney Aerotropolis).
- Introducing a setback amendment to avoid grouping buildings on a rural property.

### **Chapter 4B – Secondary Dwellings in Rural Areas**

Chapter 4B provides specific controls for development of secondary dwellings in the rural zones within Horsley Park and Cecil Park. Changes to this chapter are primarily addressing existing issues and updating references to the WSIA.

Amendments within Chapter 4B include:

- Changes to Internal Design controls which encourages larger bedrooms and walkways for better accessibility and moveability throughout the dwelling.
- Addition of the most recently released flight paths from the WSIA and the associated planning restrictions for 'noise sensitive development' in residential areas under the SEPP (Western Sydney Aerotropolis).
- Changes to front setback controls to ensure consistency along the street.

### **Chapter 5A – Dwelling Houses**

Chapter 5A provides development controls for dwelling houses in the residential zones across the City. Changes to this chapter relate to setback controls; ancillary buildings to ensure these buildings are actually ancillary and not used as dwellings; controls relating to basements; and open space to be consistent with the State provisions. Other controls aligning with other policies such as the BCA and SEPPs have also been made.

Amendments to Chapter 5A include:

- Changes to controls associated with side and rear setbacks to reduce the bulk and scale of developments.
- Additional controls included for ancillary buildings. Attached and detached outbuildings are separated and specific classification of the types of outbuildings are listed to ensure these outbuildings are incorporated with the primary dwelling and not used as a secondary dwelling.
- A minimum area for basements has been introduced.
- Changes to calculating front setback controls.
- Swimming pool controls have been amended to reflect the BCA and Australian Standards.
- Car parking controls have been modified to allow for on street car parking, to encourage space between driveways and visitor parking spaces.
- Changes to private open space to reflect controls under the State Environmental Planning Policy Exempt and Complying Development Codes 2008 (SEPP Exempt and Complying).
- Amended controls for driveway materials and the driveway location from a corner on a local road.
- Additional controls associated with private open space on corner properties.
- Schedules for Classified and Unclassified State and Regional Roads have been removed and placed into a new Appendix G.

### **Chapter 5B – Secondary Dwellings**

Chapter 5B provides specific development controls for development of secondary dwellings (also known as granny flats) in the residential zones across the City. Proposed amendments are relatively minor and do not change the intent of the Chapter.

Amendments Chapter 5B include:

- Additional setback controls to allow for an accessible pathway from the street to the secondary dwelling.
- Modification to internal design controls to encourage a more spacious living area outcome.
- Car parking controls have been updated to allow for on-street car parking to encourage space between driveways and visitor parking spaces.

**Chapter 5C – Dwelling Houses on Narrow Lots**

Chapter 5C provides specific development controls for development of narrow lots in the residential zones across the City. These areas are primarily found in Fairfield Heights, Canley Heights and Cabramatta West. Proposed amendments seek to ensure accessibility and other minor amendments to reflect changes in policy.

Amendments within Chapter 5C include:

- To promote accessibility, developments proposing 2 or more dwellings will be required to provide 1 room at ground level, that has the capability to be converted to a bedroom or bathroom.
- All images updated.
- Removal of on-site detention objectives as it is no longer required for narrow lot developments due to a change in policy.

**Chapter 6A – Multi Dwelling Housing**

Chapter 6A sets out development controls for multi dwelling housing. Major changes relate to the pending gazettal of the Accelerated Stage 2 Planning Proposal which proposes significant changes to development standards within the R3 Medium Density zone to encourage more development and address feasibility issues around “missing middle” developments.

Amendments within Chapter 6A include:

- Adjustment to lot width and depth controls which will now be consistent with the SEPP Exempt and Complying.
- The pending gazettal of the Accelerated Stage 2 Planning Proposal will allow for additional FSR and HOB controls within specific R3 Medium Density Residential zoned land.
- Garage setback controls have been introduced to ensure front setbacks are used only for landscaping purposes.
- Additional building separation controls to promote privacy between dwellings.
- Inclusion of controls around dwelling mix within a development.
- Additional controls for minimum size of bedrooms and storage areas have been introduced, to ensure each dwelling has sufficient space and storage area.
- Further controls introduced around the orientation of doors and windows from the street to promote safety and security.
- Additional car parking provisions to be provided for developments with basement parking.
- Controls included for driveway entrances, and a maximum width of a carriageway crossing.
- Controls for communal open space and landscaping have been updated to reflect Fairfield City Council Medium Density Housing Study (Attachment C of the report).
- Schedules for Classified and Unclassified State and Regional Roads have been removed and placed into a new Appendix G.

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- Site specific controls associated with 46 and 50 Cobbett St Wetherill Park have been removed as the development is already constructed as per the DA and Site Specific DCP and is built to its full capacity.

### Chapter 6B – Dual Occupancy

Chapter 6B sets out specific development controls for dual occupancy developments. Dual occupancies are one of the most common development types within the City, so ensuring appropriate development controls means good amenity for neighbours and residents of the new buildings. As per Chapter 6A, changes relate to the pending gazettal of the Accelerated Stage 2 Planning Proposal which proposes significant changes to development standards within the R3 Medium Density zone to encourage more development and address feasibility issues around “missing middle” developments.

Amendments within Chapter 6B include:

- Additional FSR and HOB controls within specific R3 Medium Density Residential zoned land will enable greater FSR and HOB. This will only come in force once the Accelerated Stage 2 FLEP Planning Proposal has been gazetted.
- Changes to front setback controls to ensure consistency along the street.
- Duplicate controls with front setbacks and side setbacks have been removed and merged.
- Introduction of controls around the orientation of doors and windows from the street to promote safety and security.
- Additional controls for minimum room size for bedrooms, dining rooms and storage areas, to promote larger living areas to accommodate residents needs within the dwelling.
- Car parking controls have been updated to allow for on street car parking, to encourage space between driveways and visitor parking space.
- Adjustment to permitted driveway material controls.
- Introduction of landscaping controls, to increase the deep soil zone to ensure there is sufficient space for the growth of mature trees. Introduction of an increased landscaping area within the front setback and identify a minimum for impervious materials used on site.
- Fencing controls have been introduced to reflect the controls within the SEPP Exempt and Complying.
- Images updated throughout the chapter.

### Chapter 7 – Residential Flat Buildings

Chapter 7 sets out specific development controls for residential flat building developments, which are permissible in the R4 High Density Residential areas within the City. Proposed amendments aim to ensure positive development outcomes are achieved and accommodate all residents. Amendments specific to Carramar Town Centre are pending the gazettal of the Accelerated Stage 2 Planning Proposal which proposes significant changes to residential development standards within Carramar Town Centre.



Amendments within Chapter 7 include:

- NSW Health released recommendations for Healthier Higher Density Living for Kids - these controls are associated with accessible units updated to reflect the recommendations outlined in the NSW Health document. These additional controls will encourage developments to emphasise child friendly built environments, to allow for a healthier urban development for children. Creating more mixed-use spaces, considers families with all ages of children.
- Following the completion of the Draft Carramar Urban Design Study, controls for FSR, HOB and setbacks have been introduced to create opportunities for residential growth within the town centre. However, these controls will only come into force once the Accelerated Stage 2 FLEP Planning Proposal has been gazetted.
- Additional controls for air conditioning units, to ensure their location does not create an adverse impact on the development.
- Removal of the schedule at the end of the chapter and incorporated into new Appendix G.

### **Chapter 8 – Neighbourhood Centres**

Chapter 8 sets out specific development controls for neighbourhood town centre developments within the City. The Accelerated FLEP Stage 2 Planning Proposal was informed by the outcomes and recommendations of the completed urban design studies, which proposes significant uplift and promotes economic growth within town centres.

Amendments within Chapter 8 include:

- An increase of FSR's, HOB's and building setbacks controls for town centres. However, these controls will only come into force once the Accelerated Stage 2 FLEP Planning Proposal has been gazetted
- Removal of the schedule list of neighbourhood town centres and placed into new Appendix G.

### **Chapter 9 – Industrial Development**

Chapter 9 provides specific development controls for industrial development in the relevant employment zones across the City. Proposed amendments are relatively minor and do not change the intent of the Chapter.

Amendments within Chapter 9 include:

- Incorporating the Artisan Food and Drink Industry use into Industrial Retailing, including car parking requirements. The two uses have been combined due to their similarity.
- Updating of street numbers to reflect Council's internal mapping system.

**Chapter 10 – Miscellaneous Development**

This chapter provides development controls for a range of uses and developments not captured by other chapters. Only formatting changes have been made with no changes to the content or intent of the chapter.

**Chapter 11 – Flood Risk Management**

Chapter 11 sets out development controls for flood risk management of the City, to reduce the impacts of flooding and flood liability on communities and individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods.

Amendments within Chapter 11 include:

- General updates to ensure consistency with the NSW Government’s latest flood prone land package which commenced on 14 July 2021.
- The introduction of the Flood Risk Management Manual (July 2023) and updated NSW Flood Prone Land Policy. These State documents now form the foundation for the management of flood liable land aimed at:
  - better management of flood risk beyond the 1% annual exceedance probability.
  - greater resilience built into communities in floodplains and reduces potential property damage and loss of life in recognition of increasing extreme flood events throughout NSW.
- The DCP now references the new mandatory flood planning clause (5.21) and optional special flood considerations clause (5.22), both of which are now included within FLEP 2013.
- New provisions in the DCP highlight Council’s existing position to restrict any intensification of the use of land within a High Flood Risk Precinct, including granny flats and secondary dwellings that are an unsuitable form of accommodation within these areas.
- The 3 individual matrices in the DCP set out detailed controls for the following floodplains of the City: Georges River, Cabramatta Creek and Other floodplains. The 3 tables have now been combined into a single table. The content of the controls has not been changed, however, the table has been reformatted.

**Chapter 12 – Car Parking**

Chapter 12 sets out development controls for car parking and car park design for all development types across the City. Proposed amendments are relatively minor and include changing the names of specific development types to align with FLEP definitions and introducing development controls for car parking where controls did not previously exist. Generally, the changes do not impact the intent of the Chapter.

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Amendments within Chapter 12 include:

- Aged Care Facility, replaced by Seniors Housing.
- Bulky Goods, replaced by Specialised Retail Premises.
- Centre-based Child Care Facility, added to Child Care Centre
- Co-Living, added to Boarding Houses

### Chapter 13 – Child Care Centres

This chapter provides development controls for childcare centres within the City. Only formatting changes have been made with no changes to the content or intent of the chapter.

### Chapter 14 – Subdivision

Chapter 14 sets out development controls for subdivisions within the City. Amendments proposed in the Chapter are relatively minor ensuring consistency with other chapters.

Amendments within Chapter 14 include:

- Updated information detailing the submission process.
- An amendment to the minimum frontage for a dwelling on R2 Low Density Residential zoned land, which will create a more streamlined process.

### Appendices B to F

Appendices within the City Wide DCP provide guidance on a range of matters which relate to built form and land use across the City. These include advice for designing advertising signs, preservation of trees and vegetations, waste policy to manage construction waste, and landscaping. Only formatting changes have been made to the Appendices with no changes to their content or intent.

## CONSULTATION STRATEGY

The draft amendments are recommended to be placed on public exhibition for a minimum period of 28 days in accordance with the Environmental Planning and Assessment Regulations and Council's Community Engagement Strategy.

The exhibition material will be made available on Council's website and the customer service counter at the Council's Administration Building during normal office hours.

In addition, further consultation will be undertaken with key internal and external stakeholders. These stakeholders will be notified and provided with the opportunity to make a formal submission.

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### CONCLUSION

This report proposes a major revamp of the FCW DCP 2013. The proposed amendments seek to improve the operation and clarity of the document, particularly for applicants and assessing officers.

Amendments to chapters that are affected by the Accelerated FLEP Stage 2 Planning Proposal are proposed to ensure that the increased densities are supported by appropriate development controls. These changes will only come into force once the Accelerated FLEP Stage 2 Planning Proposal is gazetted.

Other key changes include controls and guidelines for Aboriginal and Local Heritage within a new Chapter 3B Heritage and Development.

Proposed amendments for the re-formatting of the entire FCW DCP 2013 into a new template and structure, will align the document with Council's corporate style guide. Other amendments include general formatting and grammatical improvements, as well as several control changes within a number of chapters.

The proposed changes are substantial enough to warrant a change in name from FCW DCP 2013 to FCW DCP 2024, and that it be placed on public exhibition in accordance with the consultation strategy outlined in this report.

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Outcomes Committee - 14 May 2024

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