

OUTCOMES COMMITTEE

Meeting Date 3 December 2024

Item Number. 119

SUBJECT: Public Exhibition - Fairfield City Wide Development Control Plan - Amendment No.1

FILE NUMBER: 21/14634

PREVIOUS ITEMS: 84 - Post Exhibition - Fairfield City Wide Development Control Plan 2024 - Outcomes Committee - 13 Aug 2024

REPORT BY: Amanda Seraglio, Strategic Land Use Planner

RECOMMENDATION:

That:

1. The Fairfield City Wide Development Control Plan 2024 Amendment No.1, 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.
3. Pursuant to the provisions of 'Division 2, Section 16 Amendment or repeal of development control plan' of the NSW Environmental Planning and Assessment Regulations 2021, Council formally repeal the Fairfield City Wide Development Control Plan 2013 that has now been superseded by the Fairfield City Wide Development Control Plan 2024 as adopted by Council on 13 August 2024.
4. Notice of the repeal Fairfield City Wide Development Control Plan 2013 be made on Council's website in accordance with the NSW Environmental Planning and Assessment Regulations 2021.

Note: This report deals with a planning decision made in the exercise of a function of Council under the Environmental Planning & Assessment Act and a division needs to be called.

SUPPORTING DOCUMENTS:

AT-A	Fairfield City Wide DCP - Amendment No. 1	577 Pages
AT-B	DCP Amendment Register	8 Pages

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CITY PLAN

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

SUMMARY

The Fairfield City Wide Development Control Plan 2024 (FCW DCP 2024) provides development controls to guide the orderly development of land across the Fairfield Local Government Area (LGA).

The FCW DCP 2024 is subject to continual review to ensure that controls remain relevant and respond to emerging issues or changes to legislation. The amendments proposed under this review are mostly minor in nature and will not result in any major policy changes.

This report details the latest review and seeks Council's endorsement to place the draft amendments on public exhibition.

PROPOSED AMENDMENTS TO FAIRFIELD CITY WIDE DCP

The report summarises the key amendments to various sections of the FCW DCP 2024. The DCP Amendment Register, as at Attachment B of this report, provides a detailed overview of each amendment.

The amendments proposed under this review address some issues raised following the major review of the Fairfield City Wide DCP 2024, adopted in August 2024. Council officers have had the opportunity to implement these controls into development application assessments and identify the effectiveness and achievability of these controls in practical scenarios. Amendments throughout the DCP include formatting and grammatical updates, as well as several minor development control changes within the chapters listed below.

More details of the proposed amendments are provided in Attachment B of the report.

General

Amendment No.1 to the FCW DCP 2024 rectifies formatting and grammatical errors throughout the entire DCP to ensure the document is clear, consistent and concise. Legislation references, terminology and clauses have been updated to reflect current legislation.

All chapters listed below include the following amendments:

- Inclusion and update of BASIX requirements to ensure all new dwellings comply with the NSW BASIX requirements.
- Privacy controls have been amended to create a more achievable and reasonable set of development controls.

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- Cut and fill controls have been amended to ensure that any soil movement or retaining walls proposed as part of a development application must be clearly included in the description and Statement of Environmental Effects, which ensures that the application is lodged with all relevant information and Council officers are able complete a full and accurate assessment in a timely manner.

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 ensuring consistency of wording between the chapters.

Amendments within Chapter 4A include:

- An updated reference to Council Vehicular Crossing Policy has been included within Chapter 4A to provide further information and clarity on expectations on driveway and layback designs.

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 primarily address existing issues and ensure consistency of wording between the chapters.

Amendments within Chapter 4B include:

- Minor changes to controls relating to finished floor levels of attached outbuildings (such as awnings, alfresco or patio areas) to secondary dwellings.

Chapter 5A – Dwelling Houses

Chapter 5A provides development controls for dwelling houses in the residential zones across the city. Minor amendments have been completed to ensure a more achievable design outcome and to provide controls for a changing development market.

Amendments to Chapter 5A include:

- Inclusion of basement, stairs and lift shafts in the calculation of gross floor area to create more usable areas in the dwelling.
- The minimum size of bedrooms has been amended to 9sqm (equivalent to a 3m x 3m room) which allows a more achievable room size.
- An updated reference to Council Vehicular Crossing Policy has been included within Chapter 5A to provide further information and clarity on expectations on driveway and layback designs.

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 to Chapter 5B include:

- Removal of a minimum floor area control for additional rooms within the secondary dwelling (controls remain for bedrooms and living areas).
- Removing the detached outbuilding section, as Council only supports attached outbuildings to secondary dwellings.
- The private open space controls have been amended to create consistency with the secondary dwelling chapters.

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. Minor amendments are proposed to achieve better design outcomes.

Amendments within Chapter 5C include:

- Removing a number of sections in ‘site requirements’ as this information was in relation to design templates which had been deleted as part of the recent major review of the DCP.
- A restriction on unusable void space to encourage efficient design.
- Fencing controls have been updated to reflect the minimum height in the State Environment Planning Policy (Exempt and Completing Development Codes) 2008.
- Size of rooms have been updated to ensure storage requirements are more achievable in narrow dwellings.

Chapter 6B – Dual Occupancy

Chapter 6B sets out specific development controls for dual occupancy developments. Dual occupancies are among the most common development types within the city, so ensuring appropriate development controls exist means good amenity for neighbours and residents of the new buildings. Minor changes to this chapter have been completed to ensure a more achievable design outcome.

Amendments within Chapter 6B include:

- Removal of controls within side setbacks section which contradict other controls in the rear setback section of the chapter.
- Inclusion of an additional control for corner lots to promote visibility and security.
- Size of rooms have been updated to ensure storage requirements are more achievable.

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- Fencing control has been updated to reflect the minimum height in the State Environment Planning Policy (Exempt and Completing Development Codes) 2008.
- Swimming pool controls have been updated to ensure wording and development control consistency throughout the chapters.

FAIRFIELD CITY WIDE DCP 2013

At the time that the new Fairfield City Wide DCP 2024 came into effect, the previous plan should have been formally repealed to ensure there is not a duplication of DCPs. Accordingly, it is recommended that Council formally repeal the Fairfield City Wide DCP 2013 in accordance with the provisions of 'Division 2, Section 16 Amendment or repeal of development control plan' of the NSW Environmental Planning and Assessment Regulations 2021.

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.

As per Council's Community Engagement Strategy 2024, if the FCW DCP 2024 is on public exhibition between the period of 15 December 2024 and 3 January 2025 (inclusive), then this time period will be excluded from the 28-day public exhibition period.

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 stakeholders. These stakeholders will be notified and provided with the opportunity to review material and make a submission.

CONCLUSION

This report proposes a number of housekeeping amendments to the FCW DCP 2024 as part of the on-going review process.

The proposed amendments seek to improve the operation and clarity of the document, particularly for applicants and assessing staff. It is recommended that the FCW DCP 2024 (known as Draft Amendment 1) be placed on public exhibition in accordance with the consultation strategy outlined in this report.

Council will receive a further report following the public exhibition period.

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Additionally, as outlined in the report it is recommended that Council formally repeal the Fairfield City Wide Development Control Plan 2013, that has now been superseded by the Fairfield City Wide Development Control Plan 2024 as adopted by Council on 13 August 2024. Notice of the repeal of Fairfield City Wide Development Control Plan 2013 will be made on Council's website in accordance with the NSW Environmental Planning and Assessment Regulations 2021.

Amanda Seraglio
Strategic Land Use Planner

Authorisation:
Coordinator Strategic Planning
Manager Strategic Land Use Planning
Director City Planning

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***** END OF ITEM 119 *****