



## **Fairfield Local Environmental Plan 1994 (Amendment No 73)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P01/00136/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## 2004 No 162

Clause 1                      Fairfield Local Environmental Plan 1994 (Amendment No 73)

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# Fairfield Local Environmental Plan 1994 (Amendment No 73)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Fairfield Local Environmental Plan 1994 (Amendment No 73)*.

### 2 Aims of plan

This plan aims:

- (a) to establish controls in Fairfield that will result in the management of any disturbance of acid sulfate soils and minimise the potential for impacts on natural waterbodies, wetlands, fishing, aquaculture, urban areas and infrastructure, and
- (b) to require development consent for works that would disturb soils or groundwater levels in localities identified as having acid sulfate soils.

### 3 Land to which plan applies

This plan applies to land within the Fairfield City local government area shown coloured on the map marked “Acid Sulfate Soil Planning Map” deposited in the office of Fairfield City Council.

### 4 Amendment of other environmental planning instruments

This plan amends:

- (a) *Fairfield Local Environmental Plan 1994* as set out in Schedule 1, and
- (b) *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* by inserting at the end of Schedule 1 to that Policy:

*Clause 27A of Fairfield Local Environmental Plan 1994*

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**Schedule 1 Amendments**

(Clause 4 (a))

**[1] Clause 27A**

Insert after clause 27:

**27A Development on land identified on acid sulfate soil planning map**

- (1) A person must not, without development consent, carry out works described in the following table on land of the class specified for those works, except as provided by subclause (3).

<b>Class of land as shown on acid sulfate soil planning map</b>	<b>Works</b>
1	Any works.
2	Works below the ground surface. Works by which the watertable is likely to be lowered.
3	Works beyond 1 metre below the ground surface. Works by which the watertable is likely to be lowered beyond 1 metre below the ground surface.
4	Works beyond 2 metres below the ground surface. Works by which the watertable is likely to be lowered beyond 2 metres below the ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.

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Schedule 1 Amendments

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- (2) For the purposes of the table to subclause (1), **works** includes:
  - (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the provision of infrastructure for utilities, the construction of swimming pools, the construction of artificial waterbodies (including canals, dams and detention basins) or foundations, or flood mitigation works), or
  - (b) any other works that are likely to lower the watertable.
- (3) This clause does not require development consent for the carrying out of works if:
  - (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate Soils Assessment and Management Guidelines* has been given to the Council, and
  - (b) the Council has provided written advice to the person proposing to carry out the works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soils Assessment and Management Guidelines*.
- (4) Development consent required by this clause must not be granted unless the Council has considered:
  - (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment and Management Guidelines*, and
  - (b) the likelihood of the proposed development resulting in the discharge of acid water, and
  - (c) any comments received from the Department of Infrastructure, Planning and Natural Resources within 21 days of the Council having sent that department a copy of the development application and of the related acid sulfate soils management plans.
- (5) This clause requires development consent for works to be carried out by the Council, or other public authorities, despite the provisions of clause 20.

**[2] Dictionary**

Insert in alphabetical order:

*acid sulfate soils* means actual or potential acid sulfate soils as defined in the *Acid Sulfate Soils Assessment and Management Guidelines*.

*Acid Sulfate Soils Assessment and Management Guidelines* means the *Acid Sulfate Soils Assessment and Management Guidelines* published from time to time by the NSW Acid Sulfate Soils Management Advisory Committee (ASSMAC) and adopted by the Director-General.

*Acid Sulfate Soil Planning Map* means the map marked “Acid Sulfate Soil Planning Map” kept in the office of the Council.