



Fairfield Local Environmental Plan 1994 (Amendment No 98)

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*. (P03/00604/S69)

DIANE BEAMER, M.P.,

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

2004 No 288

Clause 1 Fairfield Local Environmental Plan 1994 (Amendment No 98)

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1 Name of plan

This plan is *Fairfield Local Environmental Plan 1994 (Amendment No 98)*.

2 Aims of plan

The aims of this plan are:

- (a) to provide for orderly development for the purpose of granny flats in Zone 2 (a) Residential A consistent with the objectives for that zone, and
- (b) to allow for discrete forms of granny flat development in connection with existing and new dwelling houses.

3 Land to which plan applies

This plan applies to all land within the City of Fairfield situated within Zone No 2 (a) Residential A under *Fairfield Local Environmental Plan 1994*.

4 Amendment of Fairfield Local Environmental Plan 1994

Fairfield Local Environmental Plan 1994 is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 4)

Clause 22G

Insert after clause 22F:

22G Granny flats in Zone 2 (a)

- (1) This clause applies to land within Zone 2 (a).
- (2) Despite the other provisions of this plan, the Council may consent to development for the purpose of a granny flat on any allotment of land, but only if:
 - (a) it is not proposed that the granny flat have a separate title from the dwelling to which it is subordinate (the *principal dwelling*), and
 - (b) in the case of the erection of a new granny flat together with a new principal dwelling—the granny flat is proposed to be located under the same roof as the main part of the principal dwelling.
- (3) The Council must not grant consent under this clause that could result in there being more than one granny flat on an allotment of land.
- (4) Despite the other provisions of this plan, the following requirements apply to development for the purpose of a granny flat:
 - (a) the area of an allotment of land on which a granny flat is erected is to be at least 500 square metres (excluding the area of the access handle in the case of battleaxe allotments),
 - (b) the total area of any impervious areas on the allotment on which a granny flat is erected, including the granny flat, is not to exceed 60% of the total area of the allotment,
 - (c) the gross floor area of the granny flat is not to exceed 50 square metres,
 - (d) the height of a detached granny flat is not to exceed 3.6 metres, as measured from natural ground level to the topmost point of the roof of the granny flat.

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Schedule 1 Amendment

- (5) In this clause:
- granny flat* means a dwelling the use and occupation of which is connected and subordinate to another larger dwelling on the same allotment of land whether physically connected to the other dwelling or not.
- impervious area* includes any area containing a building, parking area, driveway, swimming pool or paving.
- (6) Subclause (2) (b) does not apply to a development application that was made, but not finally determined, before the commencement of *Fairfield Local Environmental Plan 1994 (Amendment No 98)*.

BY AUTHORITY
