



New South Wales

Fairfield Local Environmental Plan 2013 (Amendment No 32)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

CATHERINE VAN LAEREN

As delegate for the Minister for Planning and Public Spaces

Fairfield Local Environmental Plan 2013 (Amendment No 32)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Fairfield Local Environmental Plan 2013 (Amendment No 32)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land to which *Fairfield Local Environmental Plan 2013* applies, including certain land in Fairfield Heights and Smithfield.

4 Maps

The maps adopted by *Fairfield Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Fairfield Local Environmental Plan 2013

[1] Clause 4.3 Height of buildings

Omit “and Villawood” from the note to clause 4.3(2).

Insert instead “, Villawood and Fairfield Heights”.

[2] Clause 7.1 Objectives of Part

Omit “and Villawood” from clause 7.1(1)(a).

Insert instead “, Villawood and Fairfield Heights”.

[3] Clauses 7.9 and 7.10

Insert after clause 7.8—

7.9 Fairfield Heights—height of buildings

- (1) The objective of this clause is to allow development to be built to the maximum permissible building height if certain development standards are met.
- (2) This clause has effect despite clause 4.3.
- (3) The height of a building resulting from the erection or external alteration of a building on land identified as “Fairfield Heights” on the Town Centre Precinct Map must not exceed 9 metres unless the site area of the building is to be at least the minimum site area shown for the land on the Minimum Site Area Map.

7.10 Fairfield Heights—design excellence

- (1) The objective of this clause is to ensure that development exhibits the highest standard of architectural and urban design as part of the built environment.
- (2) This clause applies to development involving the erection of a new building or external alterations to an existing building if—
 - (a) the building is on land identified as “Clause 7.10” on the Town Centre Precinct Map, and
 - (b) under clause 7.9, the height of the building is eligible to be 20 metres.
- (3) Despite clause 4.3, the height of a building to which this clause applies may exceed the maximum height shown for the land on the Height of Buildings Map by an additional 6.5 metres.
- (4) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) whether the development detrimentally impacts on view corridors,
 - (d) how the development addresses the following matters—

- (i) the suitability of the land for development,
- (ii) existing and proposed uses,
- (iii) heritage issues and streetscape constraints,
- (iv) bulk, massing and modulation of buildings,
- (v) street frontage heights,
- (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
- (vii) the achievement of the principles of ecologically sustainable development,
- (viii) pedestrian, cycle, vehicular and service access, circulation and requirements,
- (ix) the impact on, and any proposed improvements to, the public domain,
- (x) the interface with the public domain,
- (xi) the quality and integration of landscape design.