



New South Wales

# **Fairfield Local Environmental Plan 2013 (Amendment No 33)**

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 33)**

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### **1 Name of Plan**

This Plan is *Fairfield Local Environmental Plan 2013 (Amendment No 33)*.

### **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 Bonnyrigg and Edensor Park.

### **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 1.3 Land to which Plan applies**

Omit clause 1.3(1A).

**[2]    Clause 1.8 Repeal of planning instruments applying to land**

Insert at the end of clause 1.8(1)—

**Note.** The following local environmental plans are repealed under this provision—  
*Fairfield Local Environmental Plan 1994*

**[3]    Clause 1.8(2), note**

Omit the note.

**[4]    Land Use Table**

Insert “Bonnyrigg,” before “Prairiewood” in item 1 of the matter relating to Zone B4 Mixed Use.

**[5]    Clause 4.3 Height of buildings**

Insert “Bonnyrigg,” before “Cabramatta” in the note to clause 4.3(2).

**[6]    Clause 4.4A Exceptions to maximum floor space ratio in Zone R4**

Insert “Bonnyrigg,” before “Cabramatta” in clause 4.4A(1).

**[7]    Clause 7.1 Objectives of Part**

Insert “Bonnyrigg,” before “Cabramatta” in clause 7.1(1)(a).

**[8]    Clause 7.11**

Insert after clause 7.10—

**7.11    Bonnyrigg—height of buildings**

- (1) The objective of this clause is to allow development for the purposes of residential flat buildings and shop top housing to be built to the maximum permissible building height if certain circumstances are met.
- (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 “Bonnyrigg—Area 1” on the Town Centre Precinct Map, and
  - (b) the development is for the purposes of residential flat buildings or shop top housing.
- (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 if the height of the building does not exceed 27 metres.
- (4) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that the development—
  - (a) contributes to an active street frontage along Bonnyrigg Avenue, Bonnyrigg, and

- (b) has a form and external appearance that will improve the quality and amenity of the public domain, such as new pedestrian connections and open space, and
- (c) is designed to be compatible with the desired future character of the area, and
- (d) promotes the appropriate sharing of view corridors, and
- (e) relates appropriately to surrounding heritage items, and
- (f) minimises environmental impacts such as overshadowing, wind and reflectivity, and
- (g) encourages the use of public transport, walking and cycling, and
- (h) achieves excellence in urban design while relating to the local context.

**[9] Schedule 1 Additional permitted uses**

Insert at the end of the Schedule, with appropriate clause numbering—

**Use of certain land at 661 and 673–683 Smithfield Road, Edensor Park**

- (1) This clause applies to land identified as “25” on the Key Sites Map.
- (2) Development for the purpose of a residential flat building is permitted with development consent.

**Use of certain land at 1, 21 and 35 Bonnyrigg Avenue, Bonnyrigg**

- (1) This clause applies to land identified as “26” on the Key Sites Map.
- (2) Development for the following purposes is permitted with development consent—
  - (a) a residential flat building,
  - (b) a restaurant or cafe,
  - (c) a small bar.

**Use of certain land at 27 Bonnyrigg Avenue, Bonnyrigg**

- (1) This clause applies to land identified as “27” on the Key Sites Map.
- (2) Development for the purposes of a restaurant or cafe and small bar is permitted with development consent.

**Use of certain land at 37 and 51 Bonnyrigg Avenue, Bonnyrigg**

- (1) This clause applies to land identified as “28” on the Key Sites Map.
- (2) Development for the following purposes is permitted with development consent if the development is located only on the ground floor—
  - (a) business premises,
  - (b) office premises,
  - (c) a restaurant or cafe.

**[10] Schedule 5 Environmental heritage**

Insert in appropriate order in Part 1—

Bonnyrigg	Temple	2–4 Bibbys Place	Lot 452, DP 747837	Local	I107
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Bonnyrigg	Mosque	10–12 Bibbys Place	Lot 455, DP 807376	Local	I106
Bonnyrigg	Temple	68 Tarlington Parade	Lot 434, DP 701592	Local	I105
Edensor Park	Temple	711–715 Smithfield Road	Lot 4442, DP 748408	Local	I104