



New South Wales

Fairfield Local Environmental Plan 2013 (Amendment No 37)

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*.

ADRIAN HOHENZOLLERN

As delegate for the Minister for Planning and Public Spaces

Fairfield Local Environmental Plan 2013 (Amendment No 37)

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1 Name of Plan

This Plan is *Fairfield Local Environmental Plan 2013 (Amendment No 37)*.

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 certain land to which *Fairfield Local Environmental Plan 2013* applies.

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 1.8A, heading

Omit “**provision**”. Insert instead “**provisions**”.

[2] Clause 1.8A

Insert at the end of the clause, after the note—

- (2) An amendment made to this Plan by *Fairfield Local Environmental Plan 2013 (Amendment No 37)* does not apply to a development application made but not finally determined before the commencement of the amendment.

[3] Clause 4.3 Height of buildings

Insert after clause 4.3(1)(c)—

- (d) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- (e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,
- (f) to allow adequate natural light and ventilation between dwellings and sufficient separation for acoustic and visual privacy.

[4] Clause 4.4 Floor Space Ratio

Insert after clause 4.4(1)(b)—

- (c) to control building density and bulk in relation to the site area and within building envelopes to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
- (d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,
- (e) to reduce the visual impact of development by limiting floor space to ensure that a building’s bulk and scale are appropriate for the site,
- (f) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
- (g) to establish the maximum development density and intensity of land use, having regard to the availability of infrastructure and generation of vehicular and pedestrian traffic,
- (h) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,
- (i) to provide an appropriate correlation between the size of a site and the extent of any development on that site.

[5] Clauses 6.10–6.13

Insert after clause 6.9—

6.10 Active street frontages

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use.
- (2) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—
 - (a) entrances and lobbies (including as part of mixed use development),
 - (b) access for fire services,
 - (c) vehicular access.

6.11 Ground floor business premises, medical centres and retail premises

- (1) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.
- (2) Development consent must not be granted to the erection of a building, or the change of the use of a building, on land to which this clause applies unless the consent authority is satisfied that all premises on the ground floor of the building facing the street will be used only for the purpose of business premises, medical centres or retail premises.

6.12 Design excellence

- (1) The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Fairfield.
- (2) This clause applies to development involving the construction of a new building or external alterations to an existing building on land in the following zones—
 - (a) Zone R4 High Density Residential,
 - (b) Zone B2 Local Centre,
 - (c) Zone B3 Commercial Core,
 - (d) Zone B4 Mixed Use.
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) 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 and use mix,
- (iii) heritage issues and streetscape constraints,
- (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
- (v) bulk, massing and modulation of buildings,
- (vi) street frontage heights,
- (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
- (viii) the achievement of the principles of ecologically sustainable development,
- (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
- (x) the impact on, and any proposed improvements to, the public domain,
- (xi) the interface with the public domain,
- (xii) the quality and integration of landscape design.

6.13 Hospital helicopter airspace

- (1) The objective of this clause is to protect hospital helicopter airspace.
- (2) Development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority—
 - (a) refers the application for development consent to the chief executive of the relevant local health district, and
 - (b) considers any submission to the consent authority by the chief executive made within 21 days of the referral, and
 - (c) is satisfied the development does not present a hazard to helicopters using hospital helicopter airspace.
- (3) In this clause—
 - hospital helicopter airspace* means the airspace above the Helicopter OIS Contours shown for the land hatched red on the Key Sites Map.
 - relevant local health district* means the local health district constituted in respect of the area above which hospital helicopter airspace is located.

Note. See the *Health Services Act 1997*, sections 17 and 18 and Schedule 1.

[6] Schedule 2 Exempt development

Omit “Maximum” from subclause (2) of the clause relating to Temporary use of land.
Insert instead “Subject to subclause (3), maximum”.

[7] Schedule 2

Insert at the end of the clause relating to Temporary use of land—

- (3) In relation to part of Lot 1, DP 1251493, 480–482 Smithfield Road, Wakeley, known as Fairfield Showground, maximum period of 104 days, whether or not consecutive days, in any period of 12 months.

[8] Schedule 2

Insert in appropriate order—

Display of goods on footpath (associated with retail premises)

- (1) Must be associated with retail premises being carried out with lawful consent on land identified as one of the following on the Town Centre Precinct Map—
 - (a) Cabramatta,
 - (b) Canley Heights,
 - (c) Canley Vale,
 - (d) Fairfield,
 - (e) Fairfield Heights,
 - (f) Villawood.
- (2) Width of goods on display must not be more than the width of the frontage of the retail premises.
- (3) Any goods on display must not protrude by more than 60cm from the boundary line of the premises.
- (4) Must not include the display of any goods, material or products that pose a significant risk in the locality to human health, life or property or to the biophysical environment.

Emergency works

- (1) Must be located on land that is owned or managed by Council.
- (2) Must not involve the removal of asbestos, unless that removal is undertaken in accordance with *How To Safely Remove Asbestos: Code of Practice* (ISBN 978 0 642 33317 9) published by Safe Work Australia.
- (3) For the purposes of this clause, **emergency works** has the same meaning as in *State Environmental Planning Policy (Infrastructure) 2007*, clause 5(2).

[9] Schedule 5 Environmental heritage

Omit “Hughes Street” from the matter relating to item I18 in Part 1.
Insert instead “Cabramatta Road West”.

[10] Schedule 5, Part 1, item I18

Insert “Lot 1, DP 865075” in the column headed Property description.

[11] Schedule 5, Part 1, item I22

Omit “Lot A, DP 373764”. Insert instead “Lot 0, SP 91686”.

[12] Schedule 5, Part 1, item I25

Omit “2 Canley Vale Road”. Insert instead “2–8 Canley Vale Road”.

[13] Schedule 5, Part 1, item I25

Omit “Lot 4, DP 23143”. Insert instead “Lot 100, DP 1196908; Lots 1 and 2, DP 23143”.

[14] Schedule 5, Part 1, item I75

Omit “7 Greenfield Road”. Insert instead “7–9 Greenfield Road”.

[15] Schedule 5, Part 1, item I00030

Omit “Lots 60 and 61, DP 1081261”. Insert instead “Lot 60, DP 1081261”.

[16] Schedule 5, Part 1, item I87

Omit “Lot 3, DP 300186”. Insert instead “Lots 31 and 32, DP 1160188”.

[17] Schedule 5, Part 1, item I90

Omit “1 Justin Street”. Insert instead “1–11 Justin Street”.

[18] Schedule 5, Part 1, item I96

Omit “632 The Horsley Drive”. Insert instead “634 The Horsley Drive”.

[19] Schedule 5, Part 1, item I99

Omit “4–8 Chalmer Close (also known as 91 Corinda Street)”.

Insert instead “4 and 5 Chalmer Close”.

[20] Schedule 5, Part 1, item I99

Omit “Lot 1, DP 1065983”. Insert instead “Lots 1 and 2, DP 1202385”.

[21] Schedule 5, Part 1, item I100

Omit “Lot B, DP 349645”. Insert instead “Lot 11, DP 1147610”.

[22] Dictionary

Insert in alphabetical order—

Active Street Frontages Map means the Fairfield Local Environmental Plan 2013 Active Street Frontages Map.