

# Fairfield Local Environmental Plan 1994

[1994-382]



New South Wales

## Status Information

### Currency of version

Historical version for 14 December 2001 to 11 April 2002 (accessed 21 July 2024 at 14:04)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 14 December 2001

# Fairfield Local Environmental Plan 1994



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	5
1 Name of plan .....	5
2 What are the aims and objectives of this plan? .....	5
3 Where does this plan apply?.....	6
4 How does this plan affect other environmental planning instruments? .....	6
5 How are terms defined in this plan? .....	7
6 Who is the consent authority for this plan? .....	7
6A What is exempt and complying development?.....	7
<b>Part 2 General restrictions on development of land</b> .....	7
7 What zones apply in this plan? .....	7
8 Zone objectives and development control table.....	8
<b>Part 3 Special provisions applying generally</b> .....	25
9 How does this plan affect agreements, covenants or similar instruments? .....	25
10 Tree preservation order .....	25
11 Development of flood-labile land.....	25
12 Development in the vicinity of creeks and waterways .....	26
13 Landfill and clearing .....	27
14 What provisions apply to unstable land? .....	27
15 What provision must be made for water, sewerage, drainage and electricity? .....	27
16 May a school be used for other community purposes?.....	27
17 What restrictions apply to extractive industries? .....	28
17A Ancillary or incidental development under or over roads.....	28

18 Extractive industries in the Chipping Norton Lake Development Area .....	28
19 What restrictions apply to advertising? .....	30
20 Savings .....	30
20A Bus shelters and seats .....	31
20B Temporary use of Council land .....	31
20C Development near zone boundaries.....	31
<b>Part 4 Special provisions relating to particular land .....</b>	<b>31</b>
21 Subdivision .....	31
22 Multi-Unit Housing in the Non Urban—Residential and Recreation—Tourism Zones .....	32
22A Subdivision in the Residential A Zone .....	32
22B Development applications for multi-unit housing in the Residential A Zone lodged before 31 May 1995 .....	33
22C Sites in the Residential A Zone where multi-unit housing is permissible.....	33
22D Erection of dwellings in certain localities in the Residential A Zone.....	33
22DA Erection of dwellings in certain localities in the Residential A Zone.....	33
22E Development applications for single dwelling houses on lots of less than 450 square metres area in the Residential A Zone lodged before 28 March 2000 .....	34
22F Development applications for single dwelling houses on lots of less than 450 square metres area in the Residential A Zone which are listed in Schedule 6 .....	34
23 Dams on non urban zoned land.....	34
24 Roadside stalls adjacent to arterial roads.....	34
25 Exhibition homes .....	35
25A Brothels .....	35
25C 563–567 Cabramatta Road West, Cabramatta West.....	35
25D 161 Hume Highway, Lansvale (Lansdowne Motel) .....	35
25E Outdoor dining.....	36
26 Development for certain additional purposes.....	36
27 Classification or reclassification of public land .....	36
<b>Part 5 Land acquisition .....</b>	<b>37</b>
28 What requirements are there for the acquisition and development of land in the 5 (a) and 5 (c) zones and the 6 (a) and 6 (c) zones? .....	37

29 What requirements are there for the acquisition and development of land zoned 5 (b)?.....	39
<b>Part 6 Heritage provisions</b> .....	40
30 Restrictions applying to heritage items .....	40
31 Development in the vicinity of heritage items.....	41
32 Development incentives relating to certain heritage items.....	41
33 Notice to the Heritage Council (Items of State or Regional Significance) .....	41
<b>Schedule 1 Public works</b> .....	41
<b>Schedule 2 Additional development</b> .....	44
<b>Schedule 3 Classification or reclassification of public land</b> .....	47
<b>Schedule 4 Heritage items</b> .....	49
<b>Schedule 5 Sites in the Residential A Zone where multi-unit housing is permissible</b> .....	54
<b>Schedule 6 Sites in the Residential A Zone where dwelling houses may be permissible</b> .....	55
<b>Dictionary</b> .....	59

# Fairfield Local Environmental Plan 1994



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan is called the *Fairfield Local Environmental Plan 1994*.

### 2 What are the aims and objectives of this plan?

The aims and objectives of this plan are:

- (a) to repeal all the existing local planning controls, and to replace these controls with a single local environmental plan,
- (b) to give the Council of the City of Fairfield greater responsibility for environmental planning by including broad controls in this plan and more detailed controls in the development control plans prepared by the Council,
- (c) to conserve, improve or safeguard the existing environmental qualities of the City of Fairfield,
- (d) to provide sufficient land for a range of land uses to accommodate:
  - (i) differing lifestyles, incomes and cultures,
  - (ii) economic and employment opportunities for the benefit of business and residents,
  - (iii) a wide range of affordable quality housing, and
  - (iv) public services and facilities that are well located and responsive to the needs of the community,
- (e) to require the provision of services and facilities when development occurs pursuant to a development consent,
- (f) to restrict development on land adversely affected by natural or manmade hazards, and
- (g) to conserve the environmental heritage of the City of Fairfield.

### 3 Where does this plan apply?

- (1) This plan applies to all land within the City of Fairfield.
- (2) However, this plan does not apply to the following land:

Land to which *Sydney Regional Environmental Plan No 31—Regional Parklands* applies.

### 4 How does this plan affect other environmental planning instruments?

- (1) The following environmental planning instruments do not apply to land in the City of Fairfield:

**State Environmental Planning Policies (SEPPs):**

- No 9—Group Houses
- No 12—Public Housing (Dwelling Houses)
- No 16—Tertiary Institutions
- No 22—Shops and Commercial Premises
- No 25—Residential Allotment Sizes and Dual Occupancy Subdivision
- No 28—Town-houses and Villa Homes

**Sydney Regional Environmental Plans (SREPs):**

- No 12—Dual Occupancy
- No 18—Public Transport Corridor

- (2) This plan repeals all deemed environmental planning instruments and local environmental plans that, immediately before this plan came into force, applied to the land to which this plan applies to the extent that they apply to the City of Fairfield.
- (3) Environmental planning instruments (including, where appropriate, State environmental planning policies, regional environmental plans and deemed environmental planning instruments) as in force immediately before the commencement of this plan continue to apply to a development application if:
  - (a) the application was made but had not been finally determined before that commencement, and
  - (b) the development that is the subject of the application is prohibited by other provisions of this plan but could, with development consent, have been carried out in accordance with those instruments as so in force.

## 5 How are terms defined in this plan?

- (1) Some terms used in this plan have a particular meaning, which is set out in the Dictionary at the end of this plan. Notes appearing in the Dictionary do not form part of this plan.
- (2) In this plan:
  - (a) a reference to a map is a reference to a map deposited in the office of the Council, and
  - (b) a reference to a building or a place used for a purpose includes a reference to a building or place intended to be used for the purpose.

## 6 Who is the consent authority for this plan?

The Council is the consent authority for the purposes of this plan.

### 6A What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Fairfield Development Control Plan 29—Guidelines for exempt and complying development* (as adopted by the Council on 24 August 1999) is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Fairfield Development Control Plan 29—Guidelines for exempt and complying development* (as adopted by the Council on 24 August 1999) is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Fairfield Development Control Plan 29—Guidelines for exempt and complying development* (as adopted by the Council on 24 August 1999).
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Fairfield Development Control Plan 29—Guidelines for exempt and complying development* adopted by the Council (as in force when the certificate is issued).

## Part 2 General restrictions on development of land

### 7 What zones apply in this plan?

The following zones apply as identified on the accompanying map:

- Zone 1 (a) Non Urban—Residential,
- Zone 1 (b) Non Urban—Extractive Industry,
- Zone 1 (v) Non Urban—Village,
- Zone 2 (a) Residential A,
- Zone 2 (a1) Residential A1,
- Zone 2 (b) Residential B,
- Zone 3 (a) Sub-Regional Business Centre,
- Zone 3 (b) District Business Centre,
- Zone 3 (c) Local Business Centre,
- Zone 4 (a) General Industrial,
- Zone 4 (b) Light Industrial,
- Zone 4 (c) Special Industrial,
- Zone 5 (a) Special Uses,
- Zone 5 (b) Special Uses—Arterial Road and Arterial Road Widening,
- Zone 5 (c) Special Uses—Sub Arterial Road and Sub Arterial Road Widening,
- Zone 6 (a) Existing and Proposed Recreation,
- Zone 6 (b) Private Recreation,
- Zone 6 (c) Recreation—Corridor,
- Zone 6 (d) Recreation—Tourism.

## **8 Zone objectives and development control table**

- (1) Subject to the other parts of this plan, the following development control table states for each zone:
  - (a) the objectives of the zone,
  - (b) the purposes for which development may be carried out without development consent,
  - (c) the purposes for which development may be carried out only with development consent, and



(d) the purposes for which development is prohibited.

- (2) The Council must not grant consent to development on land within a zone unless it is of the opinion that the carrying out of the development would be consistent with one or more of the objectives of that zone.

Development control table

### **Zone 1 (a) Non Urban—Residential**

#### **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to allow rural-residential development,
- (b) to achieve attractive high quality development which is sympathetic to the rural environment and minimises risks from natural and man-made hazards,
- (c) to ensure that development does not unreasonably increase demand for public facilities and services,
- (d) to allow people to carry out a reasonable range of agricultural activities which are compatible with the living environment of neighbours, and
- (e) to limit activities that have a detrimental effect on the environment, particularly on noise levels and on the quality of soil, air and water.

#### **2 What is allowed without development consent?**

Nil.

#### **3 What is allowed only with development consent?**

Any purpose other than a purpose included in item 2 or 4.

#### **4 What is prohibited?**

Abattoirs, advertisements, amusement centres, amusement parks, brothels, bulky goods, salesrooms or showrooms, business premises, camping grounds and caravan parks, car parks other than those provided by the Council, clubs, communication facilities, entertainment facilities, extractive industry, gaming taverns, generating works, hazardous industry, hazardous storage establishments, heliports, hospitals, hostels, hotels, industry, institutions, intensive agriculture, junkyards, light industry, medical centres, mines, motels, motor showrooms, multi-unit housing, offensive industry, offensive

storage establishments, plant hire, refreshment rooms, residential flat buildings, sawmills, service stations, serviced apartments, shops, stock and sales yards, transport depots, transport terminals, vehicle body repair workshops, vehicle repair stations, warehouses.

## **Zone 1 (b) Non Urban—Extractive Industry**

### **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to identify land containing extractive material of regional significance, and
- (b) to allow the economic development of extractive materials subject to environmental controls.

### **2 What is permitted without development consent?**

Nil.

### **3 What is permitted only with development consent?**

Any purpose other than a purpose included in item 4.

### **4 What is prohibited?**

Abattoirs, advertisements, aged and disabled persons' housing, amusement centres, amusement parks, brothels, bulky goods salesrooms or showrooms, business premises, camping grounds and caravan parks, car parks, clubs, communication facilities, community facilities, dwelling houses except caretakers' dwelling houses, education establishments, entertainment facilities, gaming taverns, generating works, group homes, hazardous industry, hazardous storage establishments, health consulting rooms, heliports, home businesses, hospitals, hostels, hotels, industry, institutions, intensive agriculture, junkyards, light industry, medical centres, mines, motels, motor showrooms, multi-unit housing, offensive industry, offensive storage establishments, places of worship, plant hire, recreation facilities, refreshment rooms, residential flat buildings, roadside stalls, sawmills, service stations, serviced apartments, shops, stock and sales yards, transport depots, transport terminals, vehicle body repair workshops, vehicle repair stations, warehouses.

## **Zone 1 (v) Non Urban—Village**

## **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to promote development in the Horsley Park Village in a manner which is compatible with the rural character of the locality, and
- (b) to encourage and co-ordinate an orderly and economic development of the Horsley Park Village.

## **2 What is permitted without development consent?**

Nil.

## **3 What is permitted only with development consent?**

Any purpose other than a purpose included in item 4.

## **4 What is prohibited?**

Abattoirs, agriculture, amusement centres, amusement parks, brothels, camping grounds and caravan parks, extractive industry, forestry, gaming taverns, generating works, hazardous industry, hazardous storage establishments, heliports, hospitals, hostels, industry, institutions, intensive agriculture, junkyards, mines, motels, motor showrooms, multi-unit housing, offensive industry, offensive storage establishments, plant hire, residential flat buildings, roadside stalls, sawmills, serviced apartments, stock and sales yards, transport depots, transport terminals, vehicle body repair workshops, warehouses.

### **Zone 2 (a) Residential A**

#### **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to set aside land primarily for the purposes of housing and associated facilities,
- (b) to provide for the orderly development of detached housing, essentially domestic in scale and character,
- (c) to achieve attractive high quality residential development,
- (d) to allow people to carry out a reasonable range of business activities from their homes, where such activities are not likely to adversely affect

the living environment of neighbours, and

- (e) to allow a range of non-residential uses that:
  - (i) are capable of integration with the immediate locality,
  - (ii) serve the demands of the surrounding population, and
  - (iii) do not place demands on services beyond the level reasonably required for residential use.

## **2 What is permitted without development consent?**

Nil.

## **3 What is permitted only with development consent?**

Any purpose other than a purpose included in item 2 or 4.

## **4 What is prohibited?**

Abattoirs, advertisements, agriculture, amusement centres, amusement parks, animal establishments, brothels, bulky goods salesrooms or showrooms, business premises, camping grounds and caravan parks, carparks other than those provided by the Council, communication facilities, entertainment facilities, extractive industry, forestry, gaming taverns, generating works, hazardous industry, hazardous storage establishments, helicopter landing sites, heliports, hotels, industry, institutions, intensive agriculture, junkyards, light industry, medical centres, mines, motels, motor showrooms, multi-unit housing, offensive industry, offensive storage establishments, plant hire, plant nurseries, recreation facilities, refreshment rooms, residential flat buildings, roadside stalls, rural industry, sawmills, service stations, serviced apartments, shops, stock and sales yards, transport depots, transport terminals, vehicle body repair workshops, vehicle repair stations, veterinary hospitals, warehouses.

## **Zone 2 (a1) Residential A1**

### **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to set aside land primarily for the purposes of multi-unit housing and associated facilities,
- (b) to provide for the orderly development of a wide range of multi-unit

housing types, essentially domestic in scale and character, which will cater for differing lifestyles and income levels,

- (c) to achieve attractive high quality residential development,
- (d) to allow people to carry out a reasonable range of business activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours,
- (e) to allow a range of non-residential uses that:
  - (i) are capable of integration with the immediate locality,
  - (ii) serve the demands of the surrounding population, and
  - (iii) do not place demands on services beyond the level reasonably required for residential use, and
- (f) to reinforce the economic viability, vitality and security of commercial centres.

## **2 What is permitted without development consent?**

Nil.

## **3 What is permitted only with development consent?**

Any purpose other than a purpose included in item 2 or 4.

## **4 What is prohibited?**

Abattoirs, advertisements, agriculture, amusement centres, amusement parks, animal establishments, brothels, bulky goods salesrooms or showrooms, business premises, camping grounds and caravan parks, carparks other than those provided by the Council, communication facilities, entertainment facilities, extractive industry, forestry, gaming taverns, generating works, hazardous industry, hazardous storage establishments, helicopter landing sites, heliports, hotels, industry, institutions, intensive agriculture, junkyards, light industry, medical centres, mines, motels, motor showrooms, offensive industry, offensive storage establishments, plant hire, plant nurseries, recreation facilities, refreshment rooms, residential flat buildings, roadside stalls, rural industry, sawmills, service stations, serviced apartments, shops, stock and sale yards, transport depots, transport terminals, vehicle body repair workshops, vehicle repair stations, veterinary

hospitals, warehouses.

## **Zone 2 (b) Residential B**

### **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to set aside land primarily for the purposes of housing and associated facilities,
- (b) to provide for the orderly development of a wide range of housing types to cater for differing lifestyles and income levels,
- (c) to achieve attractive high quality residential development and allow sensitive infill development such as multi-unit housing,
- (d) to allow people to carry out a reasonable range of business activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours, and
- (e) to allow a range of non-residential uses that:
  - (i) are capable of integration with the immediate locality,
  - (ii) serve the demands of the surrounding population, and
  - (iii) do not place demands on services beyond the level reasonably required for residential use, and
- (f) to allow for higher density residential flat development around business centres and railway stations.

### **2 What is permitted without development consent?**

Nil.

### **3 What is permitted only with development consent?**

Any purpose other than a purpose included in item 2 or 4.

### **4 What is prohibited?**

Abattoirs, advertisements, agriculture, amusement centres, amusement parks, animal establishments, brothels, bulky goods salesrooms or showrooms, business premises, camping grounds and caravan parks, carparks other than those provided by the Council, communication facilities,

entertainment facilities, extractive industry, forestry, gaming taverns, generating works, hazardous industry, hazardous storage establishments, helicopter landing sites, heliports, hotels, industry, institutions, intensive agriculture, junkyards, light industry, medical centres, mines, motels, motor showrooms, offensive industry, offensive storage establishments, plant hire, plant nurseries, recreation facilities, refreshment rooms, roadside stalls, rural industry, sawmills, service stations, shops, stock and sales yards, transport depots, transport terminals, vehicle body repair workshops, vehicle repair stations, veterinary hospitals, warehouses.

### **Zone 3 (a) Sub-Regional Business Centre**

#### **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to provide for and encourage the development of business activities which will contribute to economic and employment growth within the City of Fairfield,
- (b) to encourage comprehensive development and growth which will reinforce the role of the Fairfield Town Centre as a sub-regional centre and the dominant business centre in the City of Fairfield, and
- (c) to provide for residential development to support business activity in the centre.

#### **2 What is permitted without development consent?**

Nil.

#### **3 What is permitted only with development consent?**

Any purpose other than a purpose included in item 4.

#### **4 What is prohibited?**

Abattoirs, amusement parks, animal establishments, brothels, camping grounds and caravan parks, extractive industry, forestry, generating works, hazardous industry, hazardous storage establishments, industry, institutions, intensive agriculture, junkyards, mines, offensive industry, offensive storage establishments, plant hire, roadside stalls, rural industry, sawmills, stock and sales yards, transport depots, vehicle body repair workshops, warehouses.

### **Zone 3 (b) District Business Centre**

## **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to provide for and encourage the provision of a wide range of goods and services which will contribute to economic and employment growth within the City of Fairfield,
- (b) to encourage the development of Cabramatta Town Centre as a specialist cultural, retail, tourist and entertainment centre, and
- (c) to encourage the District Centres located in Prairiewood and Bonnyrigg to provide residents with major food, clothing and small item shopping opportunities.

## **2 What is permitted without development consent?**

Nil.

## **3 What is permitted only with development consent?**

Any purpose other than a purpose included in item 4.

## **4 What is prohibited?**

Abattoirs, amusement parks, animal establishments, brothels, camping grounds and caravan parks, extractive industry, forestry, generating works, hazardous industry, hazardous storage establishments, industry, institutions, intensive agriculture, junkyards, mines, motor showrooms, offensive industry, offensive storage establishments, plant hire, roadside stalls, rural industry, sawmills, stock and sales yards, transport depots, vehicle body repair workshops, warehouses.

### **Zone 3 (c) Local Business Centre**

#### **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to provide for the establishment in a business centre of retail, commercial, professional and community service activities to serve local residents, and
- (b) to provide for residential development to support business activity in the centre.



## **2 What is permitted without development consent?**

Nil.

## **3 What is permitted only with development consent?**

Any purpose other than a purpose included in item 4.

## **4 What is prohibited?**

Abattoirs, amusement parks, animal establishments, brothels, camping grounds and caravan parks, communication facilities, entertainment facilities, extractive industry, forestry, gaming taverns, generating works, hazardous industry, hazardous storage establishments, helicopter landing sites, heliports, industry, institutions, intensive agriculture, junkyards, mines, motels, motor showrooms, offensive industry, offensive storage establishments, plant hire, roadside stalls, rural industry, sawmills, stock and sales yards, transport depots, transport terminals, vehicle body repair workshops, warehouses.

### **Zone 4 (a) General Industrial**

#### **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to encourage the establishment of a broad range of industrial and allied uses which will generate employment and contribute to the economic development of the City of Fairfield,
- (b) to allow community uses to serve the needs of the local industrial work force, and
- (c) to allow retail development only:
  - (i) where associated with, and ancillary to, industrial purposes on the same land,
  - (ii) where it primarily serves the daily convenience needs of the local industrial work force, or
  - (iii) for motor orientated activities,

and only if the proposed development will not detrimentally affect the viability of any nearby business centre.

## **2 What is permitted without development consent?**

Nil.

## **3 What is permitted only with development consent?**

Any purpose other than a purpose included in item 4.

## **4 What is prohibited?**

Aged and disabled persons' housing, amusement parks, brothels, bulky goods salesrooms or showrooms, business premises, camping grounds and caravan parks, dwelling houses (except caretakers' dwelling house), forestry, gaming taverns, group homes, hazardous industry, hazardous storage establishments, health consulting rooms, home businesses, hospitals, hostels, hotels, institutions, intensive agriculture, medical centres, mines, motels, multi-unit housing, offensive industry, offensive storage establishments, residential flat buildings, roadside stalls, serviced apartments, shops (except take-away food shops) stock and sales yards.

### **Zone 4 (b) Light Industrial**

#### **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to encourage the establishment of a broad range of light industrial and warehouse activities compatible with neighbouring residential areas to generate employment and contribute to the economic development of the City of Fairfield,
- (b) the allow community uses to serve the needs of the local industrial work force, and
- (c) to allow retail development only:
  - (i) where associated with, and ancillary to, industrial purposes on the same land,
  - (ii) where it primarily serves the daily convenience needs of the local industrial work force, or
  - (iii) for motor orientated activities,and only if the proposed development will not detrimentally affect the viability of any nearby business centre.

## **2 What is permitted without development consent?**

Nil.

## **3 What is permitted with development consent?**

Any purpose other than a purpose included in item 4.

## **4 What is prohibited?**

Abattoirs, aged and disabled persons' housing, amusement parks, animal establishments, brothels, bulky goods salesrooms or showrooms, business premises, camping grounds and caravan parks, dwelling houses (except caretakers' dwelling houses), extractive industry, forestry, gaming taverns, generating works, group homes, hazardous industry, hazardous storage establishments, health consulting rooms, helicopter landing sites, heliports, home businesses, hospitals, hostels, hotels, industry, institutions, intensive agriculture, junkyards, medical centres, mines, motels, multi-unit housing, offensive industry, offensive storage establishments, residential flat buildings, roadside stalls, sawmills, serviced apartments, shops (except take-away food shops), stock and sales yards, transport depots, transport terminals.

### **Zone 4 (c) Special Industrial**

#### **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to encourage the establishment of a broad range of light industrial and warehouse activities and a limited range of business and retail activities compatible with nearby residential areas to generate employment and contribute to the economic development of the City of Fairfield,
- (b) to allow community uses to serve the needs of the nearby industrial work force, and
- (c) to allow retail development only:
  - (i) where associated with, and ancillary to, light industrial purposes on the same land,
  - (ii) for the display and sale of bulky goods,
  - (iii) where it primarily serves the daily convenience needs of the local

industrial work force, or

(iv) for motor orientated activities,

and only if the proposed development will not detrimentally affect the viability of any nearby business centre.

**2 What is permitted without development consent?**

Nil.

**3 What is permitted only with development consent?**

Any purpose other than a purpose included in item 4.

**4 What is prohibited?**

Abattoirs, aged and disabled persons' housing, amusement parks, animal establishments, brothels, business premises, camping grounds and caravan parks, dwelling houses (except caretakers' dwelling houses), entertainment facilities, extractive industry, forestry, gaming taverns, generating works, group homes, hazardous industry, hazardous storage establishments, health consulting rooms, helicopter landing sites, heliports, home businesses, hospitals, hostels, hotels, industry, institutions, intensive agriculture, junkyards, medical centres, mines, multi-unit housing, offensive industry, offensive storage establishments, residential flat buildings, roadside stalls, sawmills, serviced apartments, shops (except take-away food shops), stock and sales yards, transport depots.

**Zone No 5 (a) Special Uses**

**1 What is the objective of the zone?**

The objective of the zone is to make provision for community and public authority uses and for any purposes ordinarily incidental or subsidiary to those uses.

**2 What is permitted without development consent?**

Nil.

**3 What is permitted only with development consent?**

The particular land use indicated on the map, land uses ordinarily incidental or subsidiary to that indicated, and aged and disabled persons' housing,

carparks, child care centres, drainage, open space, roads or utility installations.

**4 What is prohibited?**

Any purpose other than a purpose included in item 3.

**Zone 5 (b) Special Uses—Arterial Road and Arterial Road Widening**

**1 What is the objective of the zone?**

The objective of the zone is to identify existing arterial roads and land required for proposed arterial roads and for the widening of existing arterial roads.

**2 What is permitted without development consent?**

Drainage, roads and associated works.

**3 What is permitted only with development consent?**

Carparks, open space, utility installations.

**4 What is prohibited?**

Any purpose other than a purpose included in item 2 or 3.

**Zone 5 (c) Special Uses—Sub Arterial Road and Sub Arterial Road Widening**

**1 What is the objective of the zone?**

The objective of the zone is to identify existing sub arterial roads and land required for proposed sub arterial roads and for the widening of existing sub arterial roads.

**2 What is permitted without development consent?**

Drainage, roads and associated works.

**3 What is permitted only with development consent?**

Carparks, open space, utility installations.

**4 What is prohibited?**

Any purpose other than a purpose included in item 2 or 3.

## **Zone 6 (a) Existing and Proposed Recreation**

### **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to provide public open space to meet the existing and future recreation and leisure needs of residents,
- (b) to provide opportunities to enhance the environmental quality of the City of Fairfield, and
- (c) to identify land that is required for future open space purposes.

### **2 What is permitted without development consent?**

Open space, roads, works for the purposes of landscaping, gardening or bushfire hazard reduction.

### **3 What is permitted only with development consent?**

Agriculture, carparks, child care centres, clubs, communication facilities, community facilities, drainage, entertainment facilities, helicopter landing sites, recreation facilities, utility installations.

### **4 What is prohibited?**

Any purpose other than a purpose included in item 2 or 3.

## **Zone 6 (b) Private Recreation**

### **1 What is the objective of the zone?**

The objective of the zone is to identify land suitable for private recreation and leisure facilities.

### **2 What is permitted without development consent?**

Works for the purposes of landscaping, gardening or bushfire hazard reduction.

### **3 What is permitted only with development consent?**

Carparks, child care centres, clubs, communication facilities, community facilities, drainage, entertainment facilities, helicopter landing sites, motels, open space, recreation facilities, roads or utility installations.

#### **4 What is prohibited?**

Any purpose other than a purpose included in item 2 or 3.

### **Zone 6 (c) Recreation—Corridor**

#### **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to identify land required for regional recreation, open space and leisure purposes,
- (b) to provide opportunities for the development of a wide range of recreation and other facilities that do not conflict with the existing or likely future use of the land for regional recreation or public utility purposes,
- (c) to provide a visual and physical break between existing and future areas of urban development,
- (d) to provide for the maintenance, enhancement and rehabilitation of natural systems for environmental protection, and
- (e) to permit a range of uses by public utilities and other government agencies which are compatible with the locality's open space and recreation objectives.

#### **2 What is permitted without development consent?**

Works for the purposes of landscaping, gardening or bushfire hazard reduction.

#### **3 What is permitted only with development consent?**

Any purpose other than any purpose included in item 2 or 4.

#### **4 What is prohibited?**

Abattoirs, advertisements, aged and disabled persons' housing, amusement centres, brothels, bulky goods salesrooms or showrooms, business premises, clubs, dwelling houses, extractive industry, gaming taverns, generating works, group homes, hazardous industry, hazardous storage establishments, health consulting rooms, heliports, home businesses, hospitals, hostels, hotels, industry, institutions, intensive agriculture, junkyards, light industry,

medical centres, mines, motor showrooms, multi-unit housing, offensive industry, offensive storage establishments, places of worship, plant hire, residential flat buildings, rural industry, sawmills, service stations, serviced apartments, shops, stock and sales yards, transport depots, transport terminals, vehicle body repair workshops, vehicle repair stations, veterinary hospitals, warehouses.

## **Zone No 6 (d) Recreation—Tourism**

### **1 What are the objectives of the zone?**

The objectives of the zone are:

- (a) to identify land, whether in public or private ownership, which is or may be used for active or passive recreation, residential or tourism purposes, and
- (b) to encourage development of entertainment and tourism facilities which are sympathetic to the environment and minimise risks from natural hazards.

### **2 What is permitted without development consent?**

Works for the purposes of landscaping, gardening or bushfire hazard reduction.

### **3 What is permitted only with development consent?**

Any purpose other than a purpose included in item 2 or 4.

### **4 What is prohibited?**

Abattoirs, advertisements, aged and disabled persons' housing, amusement centres, animal establishments, brothels, bulky goods salesrooms or showrooms, business premises, camping grounds or caravan parks, cemeteries, education establishments, forestry, gaming taverns, generating works, hazardous industry, hazardous storage establishments, health consulting rooms, heliports, hospitals, industry, institutions, intensive agriculture, junkyards, light industry, medical centres, mines, motor showrooms, multi-unit housing, offensive industry, offensive storage establishments, plant hire, residential flat buildings, roadside stalls, sawmills, service stations, serviced apartments, shops, stock and sales yards, transport depots, transport terminals, vehicle body repair workshops, vehicle repair stations, veterinary hospitals, warehouses.



## **Part 3 Special provisions applying generally**

### **9 How does this plan affect agreements, covenants or similar instruments?**

- (1) Subject to this plan, if any agreement, covenant or other similar instrument prohibits development allowed by this plan, then it shall not apply to that development, to the extent necessary to allow that development.
- (2) Nothing in subclause (1) shall affect the rights or interests of any public authority under any registered instrument.
- (3) In accordance with section 28 of the *Environmental Planning and Assessment Act 1979*, the Governor approved of subclauses (1) and (2) before this plan was made.

### **10 Tree preservation order**

- (1) The Council may make, amend or revoke a tree preservation order.
- (2) A tree preservation order may relate to any tree or trees or to any specified class, type or description of trees on land described particularly or generally by reference to the local government area of the City of Fairfield or any divisions of the area.
- (3) If a tree preservation order is in force in relation to any land to which this plan applies, a person must not, except with the consent of the Council, ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree on that land, unless it can be demonstrated to the satisfaction of the Council that the tree is dying or dead or has become dangerous.
- (4) The Council must not grant consent for any action referred to in subclause (3) unless it has made an assessment of the importance of the tree or trees in relation to:
  - (a) soil stability and prevention of land degradation,
  - (b) scenic or environmental amenity, and
  - (c) vegetation systems and natural wildlife habitats.
- (5) A tree preservation order, and any amendment or revocation of a tree preservation order, does not take effect until published in a newspaper circulating in the City of Fairfield.

### **11 Development of flood-labile land**

- (1) The Council must not consent to the erection of a building or the carrying out of a work on flood-labile land unless the provisions of the Council's Flood Management Policy that relate to the proposed development have been taken into consideration. Copies of the Flood Management Policy are available for inspection at the Council's Office.

- (2) The Council may refuse consent to an application to carry out any development which in its opinion will:
- (a) adversely affect flood behaviour, including the flood peak at any point upstream or downstream of the proposed development and the flow of floodwater on adjoining lands,
  - (b) increase the flood hazard or flood damage to property,
  - (c) cause erosion, siltation or destruction of riverbank vegetation in the locality,
  - (d) affect the water table on any adjoining land,
  - (e) affect riverbank stability,
  - (f) affect the safety of the proposed development in time of flood,
  - (g) restrict the capacity of the floodway,
  - (h) require the Council, the State Emergency Service or any other Government agency to increase its provision of emergency equipment, personnel, welfare facilities or other resources associated with an evacuation resulting from flooding, or
  - (i) increase the risk to life and personal safety of emergency services and rescue personnel.
- (3) For the purpose of subclauses (1) and (2), the Council may consult with and take into consideration the advice of the Department of Water Resources and NSW Public Works in relation to the delineation of floodways, the height to which floors should be raised and any other flood-proofing measures.

## **12 Development in the vicinity of creeks and waterways**

- (1) A person must not erect any structure within 20 metres of the top of the bank or mean high water mark of any creek or waterway within the City of Fairfield except with the consent of the Council.
- (2) The Council must not grant a consent referred to in sub clause (1) unless it has made an assessment of the effect which the carrying out of the proposed development will have on ecological systems, the stability of banks, water quality and the needs of existing and potential users of water from those creeks and waterways.
- (3) A person must not carry out development on any land to which this plan applies:
- (a) below high water mark, or
  - (b) forming part of the bed or banks or within 20 metres of the top of the bank of a river, creek, lake, bay, lagoon or other natural watercourse, or

- (c) which has been reclaimed,  
without the consent of the Council.

### **13 Landfill and clearing**

- (1) Land within the City of Fairfield must not be cleared or filled for any purpose except with the consent of the Council.
- (2) The Council must not grant consent to the filling of land unless it is satisfied that:
  - (a) the landfill is required for the reasonable economic use of the land or for the provision of utility services,
  - (b) appropriate measures are proposed to ensure that there will be no adverse impact on waterways or private or public properties,
  - (c) the landfill will not adversely affect flow characteristics, flood behaviour or water quality or promote erosion,
  - (d) the landfill will contain no putrescible waste or hazardous material, and
  - (e) in the case of proposals to fill swamps or wetlands, the ecological and nutrient trapping values of the site have been assessed.
- (3) A person must not place fill in a floodway in Zone 6 (d) (the Recreation Tourism zone) in Lansvale.

### **14 What provisions apply to unstable land?**

An application for consent to carry out development of land shown hatched on the map must not be granted unless the Council has considered a geophysical report prepared by a geotechnical engineer who is a member or is eligible to be a member of the Institution of Engineers of Australia indicating:

- (a) whether the land is sufficiently stable and suitable for development, and
- (b) the appropriate measures required to reduce the risk of slope failure to an acceptable standard.

### **15 What provision must be made for water, sewerage, drainage and electricity?**

The Council must not grant consent to development of land to which this plan applies unless arrangements satisfactory to the relevant authority have been made for the provision of water, sewerage, drainage and electricity services to the land.

### **16 May a school be used for other community purposes?**

The Council may consent to development of land used as an education establishment for any community purpose, such as a meeting room, public hall, public library or recreation

facility, whether or not operated for gain.

**17 What restrictions apply to extractive industries?**

- (1) Development for the purposes of extractive industries and associated activities may be carried out:
  - (a) on land within Zone 1 (b) Non Urban—Extractive Industry,
  - (b) on Lot 3, DP 235478; Lot 1, DP 206617; Lot E, DP 384514; and Lot 4, DP 235478, Wallgrove Road, Horsley Park, and
  - (c) on Lot 2, DP 120673, Old Wallgrove Road, Horsley Park,but only with the consent of the Council.
- (2) The Council must not grant a consent referred to in subclause (1) unless it is satisfied that the carrying out of the development will not:
  - (a) require the Council to provide services or roads, unless the cost of providing those services or roads is fully recoverable from the person carrying out the development,
  - (b) have an adverse impact on flood behaviour,
  - (c) involve the filling of land with fill containing putrescible waste or hazardous material, or
  - (d) have an adverse impact on the water quality or ecological systems of Eastern Creek, Ropes Creek or Reedy Creek.
- (3) On completion of the extraction, the land must be rehabilitated in accordance with the requirements of the Council and (in the case of sites within 20 metres of the top of the bank of any creek) the Department of Water Resources.

**17A Ancillary or incidental development under or over roads**

Nothing in this plan prevents the Council from consenting to development, limited to the type referred to in *Fairfield Development Control Plan No 32—Development Standards Relating to Public Roads*, adopted by the Council on 23 November 1999, which is either under or above a public road and ancillary or incidental to another approved development.

**18 Extractive industries in the Chipping Norton Lake Development Area**

- (1) In this clause:

***development for the purposes of an extractive industry*** includes:

- (a) the extraction of sand or other material,

- (b) the stockpiling of that sand or material,
- (c) the filling and rehabilitation of the land after extraction, and
- (d) any other development that is ancillary or incidental to the development referred to in paragraph (a), (b) or (c).

**the Authority** means the Chipping Norton Lake Authority constituted by the *Chipping Norton Lake Authority Act 1977*.

**the land** means the land shown edged with a broken black line on the map, being part of the land described in the *Chipping Norton Lake Authority Act 1977* as the development area.

- (2) Nothing in this plan prevents a person with the consent of the Authority from carrying out development for the purposes of an extractive industry on the land.
- (3) The Authority must not grant a consent referred to in subclause (2) unless the Authority is satisfied that the carrying out of the development will not:
  - (a) require the Council to provide services or roads, unless the cost of providing those services or roads is fully recoverable from the person carrying out the development,
  - (b) have an adverse impact on flood behaviour,
  - (c) involve the filling of land with fill containing putrescible waste or hazardous material, or
  - (d) have an adverse impact on the water quality or ecological systems of Prospect Creek, the Georges River or the Chipping Norton Lake Scheme.
- (4) The Authority must not grant a consent referred to in subclause (1) for the extraction of sand or other material unless the Authority is satisfied that the land the subject of the application will be rehabilitated in accordance with the requirements of the NSW Public Works.
- (5) The Authority must forward a copy of any application it receives for a consent referred to in this clause to:
  - (a) the Environment Protection Authority,
  - (b) the Director-General of the Department of Mineral Resources, and
  - (c) the Council.
- (6) Before granting or refusing the consent sought, the Authority must take into account any views of a body or person to whom a copy of the relevant application was forwarded under subclause (5) if those views are notified to the Authority within 28

days of the date on which the copy of the application was forwarded to the body or person.

- (7) No other provision of this plan requires the development consent of the Council for, or otherwise prohibits or restricts the carrying out of, development which may be carried out with the consent of the Authority under this clause.

## **19 What restrictions apply to advertising?**

- (1) Despite the other provisions of this plan, the Council may grant consent to the carrying out of development for the purposes of advertising on any land to which this plan applies if it is satisfied that:
- (a) the proposed development will be carried out for the specific purpose of directing the travelling public to buildings or places of tourist interest,
  - (b) any advertisement resulting from the carrying out of the development will relate to a specific building or place, and
  - (c) the dimensions and overall size of any such advertisement will not be larger than would reasonably be required so to direct the travelling public.
- (2) A person may carry out development for the following purposes on any land to which this plan applies without the consent of the Council:
- (a) an internal shop window display,
  - (b) any advertisement which is not visible from a public place,
  - (c) a commercial sign,
  - (d) a temporary advertisement, being one which is displayed on the land to which the advertisement relates for a period not exceeding 2 months in total in any one year,
  - (e) a public notice in a public place, or
  - (f) a road safety or advisory sign.
- (3) Despite the other provisions of this plan, the Council may grant consent to the carrying out of development for the purpose of a pedestrian bridge, incorporating an advertisement, over an arterial road if it is satisfied that the bridge could not be provided within a reasonable time except by private sector funding.

## **20 Savings**

Nothing in this plan restricts, prohibits or requires development consent for:

- (a) the use of existing buildings of the Crown by the Crown,

- (b) the use of a dwelling as a family day care home or home base care home,
- (c) a home business, not involving the preparation or handling of food, being carried out in one room of a dwelling by one person, or
- (d) any activity listed in Schedule 1.

#### **20A Bus shelters and seats**

Despite the other provisions of this plan, development for the purpose of a bus shelter or seat erected by or on behalf of the Council on public land may be carried out without development consent if:

- (a) the development does not exceed an area of 12m<sup>2</sup> and a height of 3.0 metres above the footpath level, and
- (b) any advertising panel does not exceed an area of 3m<sup>2</sup>.

#### **20B Temporary use of Council land**

Despite the other provisions of this plan, development (other than designated development) for the purpose of any temporary use for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year, on Council owned or managed land does not require development consent.

#### **20C Development near zone boundaries**

- (1) Where it is intended to carry out development on a site that is divided by a zone boundary and the proposed development is prohibited within one of the zones, the Council may grant consent to the development if the development does not extend more than 20 metres into the zone where the development is prohibited.
- (2) This clause does not apply in respect of a site that is wholly or partly within any of the following zones:
  - (a) Zone 5 (a) (Special Uses),
  - (b) Zone 5 (b) (Special Uses—Arterial Road and Arterial Road Widening),
  - (c) Zone 5 (c) (Special Uses—Sub Arterial Road and Sub Arterial Road Widening),
  - (d) Zone 6 (a) (Existing and Proposed Recreation),
  - (e) Zone 6 (c) (Recreation—Corridor).

### **Part 4 Special provisions relating to particular land**

#### **21 Subdivision**

- (1) A person must not subdivide land to which this plan applies except with the consent

of the Council.

- (2) The Council may consent to a subdivision in which the boundaries of the proposed allotments do not correspond with a zone boundary only if the Council considers that the departure from correspondence is minor and that the total area of land available for use or identified for use as public open space will not be reduced.
- (3) The Council may consent to the subdivision of land within Zone 1 (a) only if each allotment to be created will have an area of not less than one hectare.
- (4) The Council may consent to the subdivision of land within Zone 6 (c) or Zone 6 (d) only if each allotment to be created will have an area of not less than 20 hectares or 10 hectares respectively.
- (5) Notwithstanding subclauses (3) and (4), land may be subdivided into allotments smaller than the sizes specified in those subclauses if the subdivision is for the purpose of:
  - (a) making minor adjustments to common property boundaries, or
  - (b) rectifying any encroachment upon an existing allotment.

## **22 Multi-Unit Housing in the Non Urban—Residential and Recreation—Tourism Zones**

- (1) Despite the other provisions of this plan, a person may, with the consent of the Council, on land within Zone 1 (a) or 6 (d):
  - (a) alter or add to a dwelling house erected on an allotment so as to create 2 dwellings, or
  - (b) erect 2 attached dwellings on an allotment, or
  - (c) erect 2 detached dwellings on an allotment.
- (2) The Council must not grant a consent referred to in subclause (1) unless it is satisfied that:
  - (a) the area of the allotment to be developed is not less than 2 hectares, and
  - (b) not more than 2 dwellings will be situated on the allotment after the development has been carried out.

### **22A Subdivision in the Residential A Zone**

- (1) The Council may consent to the subdivision of land within Zone 2 (a) only if each allotment to be created will have an area of not less than 450 square metres.
- (2) The area of an access handle serving an internal allotment is not to be taken into account for the purpose of subclause (1).



**22B Development applications for multi-unit housing in the Residential A Zone lodged before 31 May 1995**

Despite the other provisions of this plan, the Council may consent to development for the purpose of multi-unit housing on land within Zone 2 (a) if the development application was lodged with the Council before 31 May 1995.

**22C Sites in the Residential A Zone where multi-unit housing is permissible**

Despite the other provisions of this plan, the Council may consent to development for the purpose of multi-unit housing on land within Zone 2 (a) identified in Schedule 5 if:

- (a) the development application has been lodged not later than 30 days after the date this clause comes into effect, and
- (b) no other application relating to that land has been granted pursuant to the provisions of this clause.

**22D Erection of dwellings in certain localities in the Residential A Zone**

(1) The erection of a dwelling on any parcel of land within the area shown edged heavy black on the map marked "*Fairfield Local Environmental Plan 1994 (Amendment No 60)*" is prohibited, unless that parcel:

- (a) has an area of not less than 450 square metres, or
- (b) comprises an existing parcel.

(2) In subclause (1):

**existing parcel** means the aggregation of all adjoining or adjacent land held in the same ownership at the appointed day which has an area of not less than 230 square metres and on which a dwelling could have been lawfully erected immediately prior to the appointed day.

(3) In subclause (2):

**appointed day** means Wednesday, 17 November 1999.

**22DA Erection of dwellings in certain localities in the Residential A Zone**

(1) This clause applies to land shown edged heavy black on the map marked "*Fairfield Local Environmental Plan 1994 (Amendment No 70)*".

(2) Despite clause 22D, the Council may consent to the erection of a dwelling on a lot if:

- (a) the lot has an area of at least 230 square metres, and
- (b) the lot forms part of a parcel of land comprising not more than 3 adjacent or adjoining lots held in the same ownership, and

(c) that parcel of land is isolated.

(3) For the purposes of subclause (2) (c), a parcel of land is **isolated** if:

(a) in the case of parcel of land that is not on a corner—on either side of the land there is a dwelling that is on a separate lot with an area of less than 450 square metres, or

(b) in the case of a parcel of land that is on a corner lot—on each lot at the side and at the rear of the land there is a dwelling that is on a separate lot with an area of less than 450 square metres.

**22E Development applications for single dwelling houses on lots of less than 450 square metres area in the Residential A Zone lodged before 28 March 2000**

Despite the other provisions of this plan, the Council may consent to development for the purpose of a dwelling house on land which has an area of not less than 230 square metres within Zone 2 (a) if the development application was lodged with the Council before 28 March 2000.

**22F Development applications for single dwelling houses on lots of less than 450 square metres area in the Residential A Zone which are listed in Schedule 6**

Despite the other provisions of this plan, the Council may consent to the erection of a dwelling house on any parcel of land which has an area of not less than 230 square metres within Zone 2 (a) and is identified in Schedule 6 if:

(a) the development application is lodged not later than 17 November 2000, and

(b) consent has not been granted under this clause to any other application relating to that land.

**23 Dams on non urban zoned land**

(1) A person shall not construct a dam on land within Zone 1 (a), 1 (b) or 1 (v) without the consent of the Council.

(2) The Council must forward to the Department of Water Resources a copy of any application it receives for consent referred to in this clause.

(3) Before granting or refusing the consent sought, the Council must take into account any views notified by the Department within 28 days of the date on which the copy of the application was forwarded to the Department.

**24 Roadside stalls adjacent to arterial roads**

A roadside stall must not be erected on land within 100 metres of an arterial road.

## **25 Exhibition homes**

A dwelling on land within Zone 2 (a) may be used as an exhibition home with the consent of the Council.

### **25A Brothels**

Despite the other provisions of this plan, the Council may grant consent to the carrying out of development for the purposes of a brothel on land shown edged heavy black on the map marked "*Fairfield Local Environmental Plan 1994 (Amendment No 15)*" or on the following land:

Lot 6, DP 847128  
14 Sleigh Place, Wetherill Park,

as shown by distinctive colouring on the map marked "*Fairfield Local Environmental Plan 1994 (Amendment No 26)*".

### **25C 563-567 Cabramatta Road West, Cabramatta West**

- (1) This clause applies to land known as 563-567 Cabramatta Road, Cabramatta West being lots 1 and 2 DP 519044 and lot 15 DP 657667 as shown edged heavy black on the map marked "*Fairfield Local Environmental Plan 1994 (Amendment 48)*".
- (2) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on lot 15 DP 657667 for the purpose of a delicatessen in a building with a maximum gross leasable floor area of 750 square metres and a maximum height of one storey for non-residential use.
- (3) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on lot 1 DP 519044 for the purpose of a car park with up to a maximum of 19 car spaces or from using lot 2 DP 519044 for the purpose of vehicular access and manoeuvring to the car park on lot 1.

### **25D 161 Hume Highway, Lansvale (Lansdowne Motel)**

- (1) This clause applies to land known as 161 Hume Highway, Lansvale within the City of Fairfield being lot 203 DP 732440 as shown edged heavy black on the map marked "*Fairfield Local Environmental Plan 1994 (Amendment No 55)*".
- (2) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on lot 203 DP 732440 for the purpose of a hotel.
- (3) Notwithstanding subclause (2), Council must not consent to the carrying out of development for the purpose of a hotel on lot 203 DP 732440 if the gross leasable floor area of the public bar and any gaming room area in the hotel exceeds 180 square metres.

- (4) *State Environmental Planning Policy No 1—Development Standards* does not apply to any development standard imposed by subclause (3).

## **25E Outdoor dining**

- (1) This clause applies to land within Zone 3 (a) Sub-Regional Business Centre in the Fairfield Town Centre and land within Zone 3 (b) District Business Centre in the Cabramatta Town Centre.
- (2) Nothing in this plan prevents a person from carrying out development for the purpose of an outdoor dining area on land to which this clause applies if:
- (a) the outdoor dining area is the subject of an approval under section 125 of the *Roads Act 1993*, and
  - (b) the width of the outdoor dining area is no greater than the horizontal frontage of the associated refreshment room, and
  - (c) the person is the owner or lessee of the associated refreshment room, and
  - (d) a minimum width of at least 2 metres of unobstructed footpath is kept clear for use by pedestrians, and
  - (e) the outdoor dining area does not involve any form of structure (other than table umbrellas).

## **26 Development for certain additional purposes**

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 2 for a purpose specified in relation to the land in that Schedule, subject to such conditions, if any, as are so specified.
- (2) Development on land referred to in Schedule 2 remains subject to those provisions of this plan that are not inconsistent with subclause (1) or with a consent granted by the Council for that development.

## **27 Classification or reclassification of public land**

- (1) The public land described in Schedule 3 is classified or reclassified, as described in the Schedule, as operational land or community land for the purposes of the *Local Government Act 1993*.
- (2) Subclauses (3)–(6) do not apply to land classified or reclassified as community land.
- (3) In accordance with section 30 of the *Local Government Act 1993*, a parcel of land described in Part 2 of Schedule 3, to the extent that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land,

except for:

- (a) any reservations that except land out of a Crown grant relating to the land, and
  - (b) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (4) Before the relevant amending plan that inserted the description of a parcel of land into Part 2 of Schedule 3 was made, the Governor approved of subclauses (3) and (5) applying to the land.
- (5) In this clause, ***the relevant amending plan***, in relation to a parcel of land described in Part 2 of Schedule 3, is the local environmental plan cited at the end of the description of the parcel.
- (6) Land described in Part 1 of Schedule 3 is not affected by the amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.

## **Part 5 Land acquisition**

### **28 What requirements are there for the acquisition and development of land in the 5 (a) and 5 (c) zones and the 6 (a) and 6 (c) zones?**

- (1) The owner of any land within Zone 5 (a), 5 (c), 6 (a) or 6 (c) may, by notice in writing, require:
- (a) in the case of land within Zone 5 (a) and lettered on the map “College”, the Technical and Further Education Commission,
  - (b) in the case of land within Zone 5 (a) and lettered on the map “Water Board”, the Water Board,
  - (c) in the case of land within Zone 5 (a) and lettered on the map “Railway”, the State Rail Authority of New South Wales,
  - (d) in the case of land within Zone 5 (a) and lettered on the map “Sub-Station” or “Electricity”, “Prospect Electricity”,
  - (e) in the case of land within Zone 5 (a) and lettered on the map “Public Transport Corridor”, the Corporation,
  - (f) in the case of land within Zone 5 (a) and lettered on the map “Hospital”, the Health Administration Corporation,
  - (g) in the case of other land within Zone 5 (a), and land within Zone 5 (c) and 6 (a), not already in the ownership of a public authority and held for the purpose which it is reserved, the Council,
  - (h) in the case of land within Zone 6 (c), the Corporation,

as the public authority having responsibility for acquisition of the land, to acquire the land.

- (2) On receipt of a notice referred to in subclause (1), the public authority concerned must acquire the land.
- (3) Until the land referred to in subclause (1) is acquired by the public authority concerned, development may be carried out for any purpose on that land with the consent of the Council.
- (4) The Council must not consent to the carrying out of development of land to be acquired by a public authority other than itself, unless it obtains the concurrence of the other public authority.
- (5) The Council may, in granting a consent referred to in subclause (4), apply conditions requiring:
  - (a) the removal of the building or work for which it has granted consent,
  - (b) the reinstatement of the land or removal of any waste materials or refuse, or
  - (c) compliance with any condition requested by a public authority in granting its concurrence.
- (6) In considering whether to grant concurrence required by subclause (4), the public authority concerned must take into consideration:
  - (a) the effect of the proposed development on acquisition costs,
  - (b) the imminence of acquisition, and
  - (c) the cost of reinstating the land for the purposes for which the land is reserved.
- (7) The Council must not grant consent for any development on land within Zone 6 (c) unless:
  - (a) it has considered the impact of the proposed development on:
    - (i) the visual quality of the Horsley Park Corridor, and
    - (ii) the existing and likely future use of nearby land in the Horsley Park Corridor, and
  - (b) it imposes conditions that will in its opinion mitigate any adverse impact of the proposed development.
- (8) The Council must not consent to the carrying out of development on land within Zone 6 (a) unless it has considered:
  - (a) the impact of the proposed development on the existing or likely future use of the

land,

- (b) the need for the proposed development on the land, and
- (c) the need to retain the land for its existing and likely future use.

**29 What requirements are there for the acquisition and development of land zoned 5 (b)?**

- (1) The owner of any vacant land within Zone 5 (b) may, by notice in writing, require:
  - (a) in the case of land that is included in the 5 year works program of the Roads and Traffic Authority current at the time of receipt of the notice, the Roads and Traffic Authority, or
  - (b) in any other case, the Corporation,to acquire the land.
- (1A) The owner of any land within Zone 5 (b) that is not vacant, may, by notice in writing, require the Roads and Traffic Authority to acquire the land if:
  - (a) the land is included in the 5 year program of the Roads and Traffic Authority current at the time of receipt of the notice, or
  - (b) the Roads and Traffic Authority has decided not to give concurrence referred to in subclause (4) to an application for consent to the carrying out of development on the land, or
  - (c) the Roads and Traffic Authority is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (2) On receipt of a notice referred to in subclause (1) or (1A) the Roads and Traffic Authority or the Corporation (as appropriate) must acquire the land unless the land might reasonably be required to be dedicated for public road.
- (3) A person may carry out development on land within Zone 5 (b) subject to:
  - (a) the consent of the Council, and
  - (b) the concurrence of the Roads and Traffic Authority and the Corporation.
- (4) Development may, with the consent and concurrences referred to in subclause (3), be carried out on land within Zone 5 (b) for a purpose permitted on adjoining land or a purpose compatible in the opinion of the Council with development on adjoining land.
- (5) In deciding whether to grant concurrence to proposed development under this clause, the Roads and Traffic Authority and the Corporation must take the following matters into consideration:
  - (a) the need to carry out development on the land for the purposes of classified roads

or proposed classified roads, within the meaning of the *Roads Act 1993*,

- (b) the imminence of acquisition, and
- (c) the likely additional cost to the Roads and Traffic Authority or the Corporation which would result from the carrying out of the proposed development.

## **Part 6 Heritage provisions**

### **30 Restrictions applying to heritage items**

- (1) A person must not, in respect of a building, work, relic, place or tree which is a heritage item:
  - (a) demolish or alter the building or work,
  - (b) damage or move the relic,
  - (c) excavate for the purpose of exposing the relic,
  - (d) damage or despoil the place or tree,
  - (e) erect a building on or subdivide land on which the building, work or relic is situated or that comprises the place, or
  - (f) damage any tree on land on which the building, work or relic is situated or on land which comprises the place,except with the consent of the Council.
- (2) The Council must not grant consent to a development application relating to a heritage item unless it has considered:
  - (a) the heritage significance of the item and its setting,
  - (b) the extent to which the carrying out of development in accordance with the consent would affect the heritage significance of the item or its site,
  - (c) whether any features of the item or its site should be retained, and
  - (d) whether the item constitutes a danger to the users or occupiers of that item or to the public.
- (3) The Council must not grant consent to a development application required by this clause for consent to erect a building or to alter a building which is a heritage item unless it has made an assessment of:
  - (a) the pitch and form of the roof,
  - (b) the style, size, proportion and position of the openings for windows and doors (if



any), and

- (c) whether the colour, texture, style, size and type of finish of the materials to be used on the outside of the building are compatible with the materials used in buildings which are heritage items on the site and nearby.

### **31 Development in the vicinity of heritage items**

When determining an application for consent to carry out development on land in the vicinity of a heritage item, the Council must take into consideration the likely effect of the proposed development on the heritage significance of that heritage item and on its setting.

### **32 Development incentives relating to certain heritage items**

- (1) Nothing in this plan prevents the Council from consenting to any alteration to, addition to or use of a building that is a heritage item if the Council is satisfied that the proposed alteration, addition or use:

- (a) would have little or no adverse effect on the amenity of the area, and
- (b) would assist in the conservation of the building.

- (2) In assessing a development application for a site which is occupied by a building which is a heritage item, the Council may exclude the floor space of that building:

- (a) for the purpose of determining the floor space ratio, and
- (b) for the purpose of determining the number of parking spaces to be provided on the site,

if the Council is satisfied this will result in the retention of the heritage item or enhancement of its significance.

### **33 Notice to the Heritage Council (Items of State or Regional Significance)**

Before granting consent to an application to demolish, deface or damage a heritage item identified in Schedule 4 as having State or Regional significance, the Council must notify the Heritage Council of its intention to do so and take into consideration any comments received from the Heritage Council within 28 days of the notice being sent.

## **Schedule 1 Public works**

(Clause 20)

### **1 Railway undertakings comprising:**

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, or

(b) the erection of buildings within the limits of a railway station,

but excluding:

(c) the construction of new railways, railway stations and bridges over roads,

(d) the erection, reconstruction and alteration of buildings for purposes other than railway undertakings,

(e) the reconstruction or alteration of railway stations or bridges where that reconstruction or alteration would materially affect the design of those railway stations or bridges, and

(f) the formation or alteration of any means of access to a road.

**2** Public utility water, sewerage, drainage, electricity or gas undertakings comprising:

(a) development of any description at or below the surface of the ground,

(b) the installation of any plant inside a building,

(c) the installation or erection within the site of a generating station or substation of any plant or structure required in connection with the station or substation,

(d) the installation or erection of any plant or structure by way of addition to or replacement or extension of plant or structures already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housings, but not including the erection of pipes above the surface of the ground for the supply of water,

(e) the provision of overhead service lines under any statutory power to provide a supply of electricity,

(f) the erection of service reservoirs provided reasonable notice of the proposed erection is given to the Council, or

(g) any other development except:

(i) the erection of buildings,

(ii) the installation or erection of plant or structures,

(iii) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and

(iv) the formation or alteration of any means of access to a road.

**3** Public utility water transport undertakings, comprising any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

(a) the erection of buildings,

(b) the reconstruction or alteration of buildings where that reconstruction or alteration would

materially affect the design or external appearance of those buildings, and

(c) the formation or alteration of any means of access to a road.

**4** Public utility wharf or river undertakings, comprising any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, live-stock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:

(a) the construction of bridges,

(b) the erection of any other buildings,

(c) the reconstruction or alteration of bridges or of buildings where that reconstruction or alteration would materially affect the design or external appearance of those bridges or buildings, and

(d) the formation or alteration of any means of access to a road.

**5** Public utility air transport undertakings comprising, within the boundaries of any aerodrome, any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant required for that purpose, except:

(a) the erection of buildings,

(b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and

(c) the formation or alteration of any means of access to a road.

**6** Public utility road transport undertakings comprising any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

(a) the erection of buildings,

(b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and

(c) the formation or alteration of any means of access to a road.

**7** Any development required for the purpose of a mine (other than a mineral sands mine) including the installation or erection of plant or structures required for the mining, working, treatment or disposal of minerals but excluding:

(a) the erection of buildings,

(b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance or those buildings, and

- (c) the formation of any means of access to a road.
- 8** The carrying out by the Council or the Roads and Traffic Authority of any development required in connection with the construction, reconstruction, improvement, widening, realignment, relocation, maintenance or repair of any road.
- 9** The carrying out by State Forests, the School Forest Trust or the Community Forest Authorities of afforestation, construction and maintenance of roads, protection, cutting and marketing of timber and other forestry purposes under their relevant Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the [Forestry Act 1916](#).
- 10** The carrying out by a Rural Lands Protection Board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
  - (a) the erection of buildings,
  - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or purpose of those buildings, and
  - (c) any development designed to change the use or purpose of any such reserve.
- 11** The carrying out by the Council or by the Department of Water Resources of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement under the provisions of the [Water Act 1912](#), the [Irrigation Act 1912](#), the [Farm Water Supplies Act 1946](#), or the [Rivers and Foreshores Improvement Act 1948](#), except:
  - (a) the erection of buildings,
  - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and
  - (c) the formation or alteration of any means of access to a road.

## Schedule 2 Additional development

(Clause 26)

So much of lot 601 and lot 602, DP 849708 as is shown edged heavy black on the map marked "*Fairfield Local Environmental Plan 1994 (Amendment No 12)*",  
Cowpasture Road and North Liverpool Road, Bonnyrigg Heights:

Service station, takeaway food shop/refreshment room.

Lot 6A, DP 388567 and Lot 7, DP 8466,  
Cabramatta Road East, Cabramatta:

Hardware and produce store with a maximum floor space ratio of 1.5:1.

Lots 74 and 75, DP 36137,  
Quest Avenue, Carramar:

Carparking purposes ancillary to restaurant.

Lot D, DP 20450,  
Polding Street, Fairfield:

Medical centre with a left in and left out vehicular movement only.

Lot 160, DP 13095 and Part Lots 161 and 162, DP 346819 (being parts not required for road widening),  
Wallgrove Road, Horsley Park:

Service station.

Lot 13, DP 515110,  
Elizabeth Drive, Mt Pritchard:

Service station.

Lots 5 and 6,  
4 The Grove, Fairfield:

Land uses ancillary or incidental to use of adjoining land for the purposes of a service station, but only if the land uses commence before the second anniversary of the commencement of *Fairfield Local Environmental Plan 1994 (Amendment No 12)*.

Lots 1 and 2, DP 500367,  
47-53 Villawood Place, Villawood:

Warehouse.

Lots B and C, DP 393396 and Lot 14 DP 654879,  
No 40 Church Street, No 1 Mallee Street and No 238 Railway Parade, Cabramatta:

Any land use permitted within Zone 4 (b), but only if the use commences before the third anniversary of the commencement of *Fairfield Local Environmental Plan 1994 (Amendment No 24)* and only if the land on which the use is permitted has an area greater than 923 square metres.

Lot 51, DP 837969, Lots 2 and 3, DP 508810 and Lots 4 and 8, DP 227203, Cnr Cumberland Highway and Cabramatta Road West, Cabramatta:

Service station and refreshment room, with a maximum gross floor area of 800 square metres.

So much of Lots 6-10, DP 8659 as is within Zone 2 (a) and shown coloured on Sheet 1 of the map marked "*Fairfield Local Environmental Plan 1994 (Amendment No 33)*",  
22-30 Longfield Street, Cabramatta:

In the case of each of those allotments on which a dwelling is situated, access for the use of the remainder of the allotment (being land within Zone 4 (c)) for development allowed within Zone 4 (c), but only if:

- (a) all buildings on the allotment used for that development are situated within 20 metres of the southern boundary of the allotment (within the building envelope show diagonally hatched on Sheet 2 of that map), and
- (b) not more than 300 square metres of building floor space is used for that development on the allotment.

Lot 12, DP 716715, No 60 O'Connell Street and Lots 7 and 8, DP 39422, No 58 O'Connell, Smithfield:

Bulky goods salesroom or showroom, but only if:

- (a) the sale of items is by auction only, and
- (b) where building materials are to be auctioned, the Council is satisfied that there will be at least 2 sales conducted in each one-week period, and only one sale will be conducted per day, and
- (c) a minimum of 160 car parking spaces are provided on auction days, and
- (d) the land use commences, in accordance with a development consent, before the first anniversary of the commencement of *Fairfield Local Environmental Plan 1994 (Amendment No 31)*.

Lot 9, DP 104279, 751 The Horsley Drive, Smithfield:

Retailing within a warehouse facility, being retailing ancillary to the use of the building as a warehouse, if Council is satisfied that:

- (a) the floor space used for retailing and for the display of goods intended to be sold by retail will constitute not more than 10% of the total floor space, and
- (b) retail sales will constitute not more than 2% of total sales and will be restricted to military, camping, "outdoor" and related items made or warehoused on site, and
- (c) the parking area fronting the premises in The Horsley Drive will be used for customer parking only.

Lot 5, DP 714281,  
Rossetti Street, Wetherill Park:

Carparking associated with the Wetherill Park Shopping Centre.

Lot 112, DP 634620 and part of Lot 120, DP 805454,  
Smithfield Road, Wakeley, as shown coloured on the map marked "*Fairfield Local Environmental Plan 1994 (Amendment No 40)*":

Service station/convenience store, fast food outlet, and horse stable and training facility.

Part Lot 2, DP 845860,  
25-27 Redfern Street, Wetherill Park,  
as shown coloured on the map marked "*Fairfield Local Environmental Plan 1994 (Amendment No 43)*":

Multi-unit housing.

Lot 11, DP 12161,  
23 Railway Parade, Fairfield:

Carparking.

Lots 22 and 23, DP 1003125,  
230-234 Cabramatta Road West, Cabramatta:

Medical centre, restricted to 3 consulting rooms, at which no more than 3 health care professionals provide health services at any one time.

Lot 10, DP 36123,

49 Whitaker Street, Yennora:

Storage of cars (either waiting repair or having been repaired), used in conjunction with a vehicle repair station at 34 Whitaker Street, Yennora (Sec 6, lots 15 and 16 DP 1625).

Part of Lot 131, DP 878543,

1197 The Horsley Drive, Wetherill Park,

as shown edged heavy black on the map marked "*Fairfield Local Environmental Plan 1994 (Amendment No 50)*":

Transport depot, but only if vehicular access to and egress from the land via The Horsley Drive is denied.

Lot 14D, DP 399857 and Lot 1, DP 201402,

958–960, Woodville Road, Villawood:

Car wash facility.

Lot 1, DP 827778,

27–31, Mallacoota Street, St Johns Park:

Multi-unit housing, restricted to a maximum of 4 dwellings.

Lot 901, DP 1002518 and part of Lot 456, DP 817646,

Bonnyrigg Avenue, Bonnyrigg,

as shown edged heavy black on the map marked "*Fairfield Local Environmental Plan 1994 (Amendment No 72)*":

Bus depot.

## **Schedule 3 Classification or reclassification of public land**

(Clause 27)

### **Part 1**

- Part of Lot 8, Section E, DP 6934 having an area of approximately 10,860m<sup>2</sup>, corner of Restwell and Prairievale Roads, Prairiewood, as shown edged heavy black on the map marked "*Fairfield Land Classification Map—Amendment No 1*" is classified as operational land.
- Lot 4, DP 622127 and part Lot 6, DP 703302, Edensor Road, Edensor Park and Lot 1, DP 332770, Marconi Road, Bossley Park, as shown edged heavy black on the map marked "*Fairfield Land Classification Map—Amendment No 2*" are reclassified as operational land.
- Part of Lot A, DP 364091, corner of Canberra Street and Runcorn Street, St Johns Park, as shown edged heavy black on the map marked "*Fairfield Land Classification Map—Amendment No 3*" is classified as operational land.
- Part of Lot 47, DP 244287, Roma Avenue, Mt Pritchard and part of Lot A, DP 389542, Simpson Road,

Bonnyrigg Heights, as shown edged heavy black on Sheets 1 and 2 of the map marked "*Fairfield Land Classification Map—Amendment No 4*" are classified as operational land.

- Part of Lot A, DP 389542, Simpson Road, Bonnyrigg Heights, as shown edged heavy black on Sheet 3 of the map marked "*Fairfield Land Classification Map—Amendment No 4*" is classified as community land.
- Part of Lot 5, DP 787194, Aplin Road, Bonnyrigg Heights, as shown edged heavy black on the map marked "*Fairfield Land Classification Map—Amendment No 5*" is reclassified as operational land.
- Lot 27, DP 217764, Hilwa Street, Villawood, and Lot 31, DP 36718, Kamira Avenue, Villawood, as shown edged heavy black on the map marked "*Fairfield Land Classification Map—Amendment No 6*" are classified as operational land.
- Part of Lot 104, DP 862308, part of Lot 34, DP 734966, part of land formerly known as Salter Road, part of Lot 68, DP 261051 and part of Lots 1 and 2, DP 545050 bounded by Restwell, Sweethaven and Prairie Vale Roads, Bossley Park as shown edged heavy black and lettered "operational land" on the map marked "*Fairfield Land Classification Map—Amendment No 8*" is classified as operational land.
- Part of Lot 2, DP 545050, Prairie Vale Road and Sweethaven Road, Bossley Park, as shown edged heavy black and lettered "community land" on the map marked "*Fairfield Land Classification Map—Amendment No 8*" is classified as community land.
- Lot 19, DP 829911, Nos 679–681 Cowpasture Road and part Lot 20, DP 829911, Nos 52–70 Gloucester Street, Bonnyrigg Heights, as shown edged heavy black on the map marked "*Fairfield Land Classification Map—Amendment No 9*" is reclassified as operational land.
- Lot 30, DP 249417, Davis Road, Wetherill Park, as shown edged heavy black on the map marked "*Fairfield Land Classification Map—Amendment No 10*" is reclassified as operational land.
- Lot 16, DP 812983, Zoe Close, Yennora, as shown edged heavy black on the map marked "*Fairfield Land Classification Map—Amendment No 12*" is reclassified as operational land.
- Lot 36, Section 6, DP 1625, corner of Whitaker Street and Junction Street, Yennora, as shown edged heavy black on the map marked "*Fairfield Land Classification Map—Amendment No 13*" is classified as operational land.
- Lot 2, DP 36688 and Lots 35 and 36, DP 36718, Villawood, as shown edged heavy black on the map marked "*Fairfield Land Classification Map—Amendment No 14*" is reclassified as operational land.
- Lot 1 and part Lot 2, DP 863631, Elizabeth Drive, Bonnyrigg, as shown edged heavy black on the map marked "*Fairfield Land Classification Map—Amendment No 15*" is classified as Operational land—*Fairfield Local Environmental Plan 1994 (Amendment No 32)*.

## Part 2

Lot 1, DP 620107 Hamilton Road, Fairfield as shown edged heavy black on Sheet 1 of the map marked "*Fairfield Land Classification Map—Amendment No 17*" is classified as operational land.

Part Lot 136, DP 260488 Greenfield Road, Greenfield Park, as shown edged heavy black on Sheet 2 of



the map marked “Fairfield Land Classification Map—Amendment No 17” is classified as operational land.

Part Lot 20, DP 853602 Victoria Street, Wetherill Park, as shown edged heavy black on Sheet 3 of the map marked “Fairfield Land Classification Map—Amendment No 17” is classified as operational land.

Lot 311, DP 263767, Prairie Vale Road, Bossley Park, as shown edged heavy black on Sheet 4 of the map marked “Fairfield Land Classification Map—Amendment No 17” is classified as operational land.

Lot 264, DP 227657 Tasman Parade, Fairfield West, as shown edged heavy black on Sheet 5 of the map marked “Fairfield Land Classification Map—Amendment No 17” is classified as operational land.

Lots 1 and 2, DP 879424 Kenyon Lane, Fairfield, as shown edged heavy black on Sheet 6 of the map marked “Fairfield Land Classification Map—Amendment No 17” is classified as operational land.

Sec L, DP 1127 Canley Vale Road, Canley Heights, as shown edged heavy black on Sheet 7 of the map marked “Fairfield Land Classification Map—Amendment No 17” is classified as operational land.

Lot 9, DP 854196 Santangelos Close, Edensor Park, as shown edged heavy black on Sheet 8 of the map marked “Fairfield Land Classification Map—Amendment No 17” is classified as operational land.

Lot 20, DP 260470 Morna Street, Greenfield Park, as shown edged heavy black on Sheet 9 of the map marked “Fairfield Land Classification Map—Amendment No 17” is classified as operational land.

## Schedule 4 Heritage items

(Part 6 and Dictionary)

Location	Description	Significance
<b>A</b>		
13 Alick Street	Hoop Pine	Local
13 Artie Street	Inter-War Houses	Local
<b>B</b>		
Bland Street (Oakdene Park)	Blands Oak	State
7 Bowden Street	Church	Local
12 Bowden Street	Oak Tree	Local
132 Broomfield Street	Federation Worker’s Cottage	Local
<b>C</b>		
Cabramatta Road (Cabramatta Golf Course)	Red Gums	Regional
Cabramatta Road East	School	Local
103 Cabramatta Road East	Church	Local

62 Campbell Street	Federation Worker's Cottage	Local
2 Canley Vale Road	Corner Shop	Local
94 Canley Vale Road	Victorian/Federation Cottage	Local
269 Canley Vale Road	Victorian Church	Local
320 Canley Vale Road	Stone Pine Tree	Local
322 Canley Vale Road	Federation House	Local
Cartwright Street	Male Orphan School (Bonnyrigg House)	State
Cnr Chandos Drive & Trivett Street	Hoop Pines	Local
45 Chifley Street	Victorian/Georgian Cottage	Local
76 Chifley Street	Slab Cottage	State
91 Corinda Street (West Cnr Canberra Street)	Federation House	Local
Cross Street	Bridge	State
<b>D</b>		
Darling Street	City Farm	Regional
Dublin Street	Smithfield Cemetery	Local
<b>E</b>		
Elizabeth Drive, Abbotsbury (Lots 6, 7, 9, 10, 11, 12 DP 2954) (Sec 1, Lot 80, DP 2954 and Lot A DP 344556)	Relics of early Homestead and stands of exotic vegetation (African Olive Trees, Hawthorn, fruit trees)	Regional
<b>F</b>		
Fairfield Street	Railway Viaducts	Local
Ferrer & Chandos Road Intersection	Forest of Spotted Gums	Regional
26 Frederick Street	Federation Cottage	Local
28 Frederick Street	Federation Cottage	Local
30 Frederick Street	Federation Cottage	Local
40 Frederick Street	Federation House	Local
<b>G</b>		
16 Granville Street	Inter-War House	Local

**H**

59 Hamilton Road	Federation House	Local
63 Hamilton Road	Federation House	Local
19 Harris Street	School of Arts	Local
21-25 Harris Street	Church and Hall	Local
Haughton Street	Von Heiden Gardens	Regional
7 Haughton Street	Federation House	Local
9 Hawkesbury Street	Federation House	Local
Hume Highway	Site of Toll House & Gates	Regional
Hume Highway	Lansdowne Bridge	Regional
Hume Highway (between Lansdowne Road & Hollywood Drive—South Side)	Milestone	Regional
11 Hunter Street	Inter-War Bungalow	Local

**I****J**

52-58 Jamieson Close	Horsley House Homestead	State
136 John Street	Church	Local
Justin Street	Church	Local

**K**

Kaluna Avenue	Kaluna Cellars	Local
1 Kay Street	Victorian House	Local
2 Kay Street	Federation Cottage	Local

**L**

23 Lawson Street	Federation Cottage	Regional
------------------	--------------------	----------

**M**

Marconi Road	Bossley Park Public School	Local
1 Matthews Street	Victorian Houses	Local
1 Matthews Street (nature strip)	Oak Tree	Local
8 Megan Avenue	Victorian/Georgian House	Local

---

11 Melbourne Road	Victorian House	Local
Moonlight Street (Cnr Christie)	Indigenous Flora	Regional
43 Myddleton Avenue	Inter-War House	Local
<b>N</b>		
118 Nelson Street	Inter-War Bungalow	Local
16 North Street	Federation Cottage	Local
<b>O</b>		
130 Orchardleigh Street	Church and Trees	Local
<b>P</b>		
Park Road (South End)	Pailau Gateway	Regional
161 Polding Street	Victorian House	Local
13 Prout Street	Federation House & Garden	Local
<b>Q</b>		
<b>R</b>		
Railway Parade (opposite Hughes Street)	Horse Water Trough	Local
Railway Parade (Cabramatta Creek)	Railway Viaducts	Local
Railway Parade (Cabramatta)	Brick Railway Building	Regional
Railway Parade (Cabravale Park)	Bandstand	Local
Railway Parade (between Stuart Street & Canley Vale Road)	Railway Viaduct	Local
110 Railway Parade	Victorian Cottage (Westacott)	Local
165-178 Railway Parade	Cabramatta Civic Hall	Local
275 River Avenue	Oak & Peppercorn Tree	Local
10 Riverview Road	Inter-War Bungalow	Local
10 Rosedale Street	Georgian House	Local
<b>S</b>		
65 Sackville Street	Victorian Cottage	Local
214 Sackville Street	Victorian House (Ettinger House)	Regional
Sandal Crescent	Railway Bridge	Regional

---

---

24 Shackel Avenue	Georgian House	Local
Smart Street (Intersection The Horsley Drive)	Public School	Local
Smithfield Road	Fairfield Showground—Original grandstand and trees	Local
Southdown Road	Remnants of Abbotsbury House (relic)	Regional
63 Station Street	Victorian House	Local
43 Stimson Street	Georgian House	Local
1 Stuart Street	Victorian House	Local
<b>T</b>		
The Crescent	Crane	Regional
The Crescent	Fairfield Station	State
The Horsley Drive (north-west Cnr Cowpasture Road)	Bunya Pine Tree	Regional
452 The Horsley Drive	Inter-War Bungalow	Local
542 The Horsley Drive	Victorian Cottage	Local
632 The Horsley Drive	Victorian Museum Building	Regional
632 The Horsley Drive	Slab Hut (Museum)	Regional
632 The Horsley Drive	Museum Collection	Regional
704 The Horsley Drive	Mid Victorian Church	Local
711 The Horsley Drive	Uniting Church Cemetery	Local
716 The Horsley Drive	Brick Federation House	Local
87 Thorney Road	Federation House	Local
<b>U</b>		
<b>V</b>		
Victoria Street (ridgetop)	Bunya Pines	Local
Villawood Road	Villawood Railway Station	Local
<b>W</b>		
Lot 190 Warana Road	Inter-War Spanish Mission House	Local
5 Waratah Street	House	Local
Wattle Avenue	Carramar Station	Local

---

1-3 William Street	Fire Station	Local
63 Wolseley Street	Victorian House	Local

## **Schedule 5 Sites in the Residential A Zone where multi-unit housing is permissible**

(Clause 22C)

- Lot 13 DP 228479, No 68 Dublin Street, Smithfield.
- Lot 29 DP 871317, No 40 Eton Street, Smithfield.
- Block bounded by George, Prince, Gladstone and Chatham Streets, Canley Heights. (DA No 551/95).
- Lot 1 DP 839819 Wattle Avenue, Carramar.
- Lot 2 DP 845860 Redfern Street, Wetherill Park.
- The Flower Power Site, Lot 24 DP 957, Lots A, B and C DP 363414 Station Street and Lot 2 DP 510834 Camden Street, Fairfield Heights.
- Lots A and B DP 365683 in the vicinity of Restwell Road, Zadro Avenue, Marconi Road and Salter Road, Bossley Park.
- Lot 112 DP 634620 and Part Lot 120 DP 805454, Nos 485-487 Smithfield Road, Prairiewood.
- Lot 16 DP 7511, Nos 80-90 King Road, Fairfield West.
- Lot 9, No 74 St Johns Road, Cabramatta West.
- No 115B Reservoir Road, Mt Pritchard.
- Lot 8 DP 227203, No 397 Cabramatta Road, Cabramatta.
- Lot 10 DP 201035, No 29 Judith Avenue, Cabramatta.
- Lot 74 DP 19311, No 3 Quest Avenue, Carramar.
- Lot 209, Nos 47-49 Boomerang Road, Edensor Park.
- Lot 12, Sec B, DP 4334, No 27 Harold Street, Fairfield.
- Proposed Lot 21 in plan of subdivision of lot 14 DP 844499 corner of Brown and Aplin Roads, Bonnyrigg.
- Lots 2 and 3 DP 818568 Devenish Street, Greenfield Park.
- No 29 Springfield Street, Old Guildford.
- Lot 10 DP 834281 Nos 71-87 Allambie Road, Edensor Park.
- Lot 18, Sec D, DP 4334, No 19 Frederick Street, Fairfield (DA No 461/95).

- Lot 11, Sec B, DP 4334, No 25 Harold Street, Fairfield.
- Lot A, No 66A Beckenham Street, Canley Vale.
- Lot 101 DP 811637 Mallacoota Street, Morton Close and Bunya Place, Wakeley.
- Lots 39–49 DP 35134 Edmondson Crescent and Quest Avenue, Carramar.
- Lots 29, 30 and 32 and 34–40 DP 35511, Nos 9–21 Cumberland Street and Melville Street, Cabramatta.

## **Schedule 6 Sites in the Residential A Zone where dwelling houses may be permissible**

(Clause 22F)

- 2 Dawson Street, Fairfield Heights (Lots 17, 18 & 19, Sec 46, DP 753)
- 13 Dawson Street, Fairfield Heights (Lots 35 & 36, Sec 4, DP 948)
- 14 Dawson Street, Fairfield Heights (Lots 5 & 6, Sec 46, DP 753)
- 24 Dawson Street, Fairfield Heights (Lots 13 & 14, Sec 45, DP 753)
- 38 Dawson Street, Fairfield Heights (Lots 3 & 4, Sec 45, DP 753)
- 40 Dawson Street, Fairfield Heights (Cnr Lot 1 & Lot 2, Sec 45, DP 753)
- 47 Dawson Street, Fairfield Heights (Lots 45 & 46, Sec 13, DP 489)
- 73 Dawson Street, Fairfield Heights (Lots 52 & 53, Sec 14, DP 489)
- 14 Evans Street, Fairfield Heights (Lots 26 & 27, Sec 50, DP 753)
- 28 Evans Street, Fairfield Heights (Lots 32 & 33, Sec 49, DP 753)
- 57 Evans Street, Fairfield Heights (Lots 25, 26 & 27, Sec 22, DP 489)
- 59 Evans Street, Fairfield Heights (Lots 22, 23 & 24, Sec 22, DP 489)
- 61 Evans Street, Fairfield Heights (Lots 20 & 21, Sec 22, DP 489)
- 250 Hamilton Road, Fairfield Heights (Lots 17 & 18, Sec 11, DP 489)
- 255 Hamilton Road, Fairfield Heights (Lots 18 & 19, Sec 6, DP 431)
- 260A Hamilton Road, Fairfield Heights (Lots 4 & 5, Sec 11, DP 489)
- 272 Hamilton Road, Fairfield Heights (Lots 22, 23, 24 & 25, Sec 12, DP 489)
- 5 Ligar Street, Fairfield Heights (Lots 33, 34 & 35, Sec 52, DP 753)
- 9 Ligar Street, Fairfield Heights (Lots 30 & 31, Sec 52, DP 753)

- 58 Ligar Street, Fairfield Heights (Lot 31 & Cnr Lot 32, Sec 24, DP 489)
- 66 Ligar Street, Fairfield Heights (Lots 23 & 24, Sec 24, DP 489)
- 67 Ligar Street, Fairfield Heights (Lots 57, 58 & 59, Sec 22, DP 489)
- 89 Linda Street, Fairfield Heights (Lots 35, 36 & 37, Sec 12, DP 489)
- 1 Lombard Street, Fairfield West (Lots 31 & 32, Sec 2, DP 486)
- 3 Lombard Street, Fairfield West (Lots 29 & 30, Sec 2, DP 486)
- 9 Lombard Street, Fairfield West (Lots 23 & 24, Sec 2, DP 486)
- 48 Lombard Street, Fairfield West (Lots 121 & 122, Sec 6, DP 431)
- 51 Lombard Street, Fairfield West (Lots 40 & 41, Sec 7, DP 431)
- 67 Lombard Street, Fairfield West (Lots 22 & 23, Sec 7, DP 431)
- 70 Lombard Street, Fairfield West (Lots 95 & 96, Sec 6, DP 431)
- 76 Lombard Street, Fairfield West (Lots 90 & 91, Sec 6, DP 431)
- 79 Lombard Street, Fairfield West (Lots 9 & 10, Sec 7, DP 431)
- 83 Lombard Street, Fairfield West (Lots 3, 4 & 5, Sec 7, DP 431)
- 88 Lombard Street, Fairfield West (Lots 77, 78 & 79, Sec 6, DP 431)
- 90 Lombard Street, Fairfield West (Lots 75 & 76, Sec 6, DP 431)
- 17 Madeline Street, Fairfield (Lots 15 & 16, Sec 4, DP 486)
- 24 Madeline Street, Fairfield (Lots 48 & 49, Sec 3, DP 486)
- 42 Madeline Street, Fairfield West (Lots 112 & 113, Sec 8, DP 490)
- 66 Madeline Street, Fairfield West (Lots 86 & 87, Sec 8, DP 490)
- 85 Madeline Street, Fairfield West (Cnr Lot 1 and Lots 2 & 3, Sec 9, DP 490)
- 1 Margaret Street, Fairfield (Lots 66, 67 & 68, Sec 4, DP 486)
- 3 Margaret Street, Fairfield (Lots 63, 64 & 65, Sec 3, DP 486)
- 7 Margaret Street, Fairfield (Lots 57, 58 & 59, Sec 4, DP 486)
- 11 Margaret Street, Fairfield (Lots 53 & 54, Sec 4, DP 486)
- 33 Margaret Street, Fairfield West (Lots 114 & 115, Sec 9, DP 490)
- 38 Margaret Street, Fairfield West (Lots 48 & 49, Sec 10, DP 490)
- 41 Margaret Street, Fairfield West (Lots 106 & 107, Sec 9, DP 490)



- 54 Margaret Street, Fairfield West (Lots 31, 32, 96 & 97, Sec 10, DP 490)
- 56 Margaret Street, Fairfield West (Lots 29, 30, 94 & 95, Sec 10, DP 490)
- 62 Margaret Street, Fairfield West (Lots 23, 24, 88 & 89, Sec 10, DP 490)
- 68 Margaret Street, Fairfield West (Lots 16, 17, 81 & 82, Sec 10, DP 490)
- 70 Margaret Street, Fairfield West (Lots 14, 15, 79 & 80, Sec 10, DP 490)
- 72 Margaret Street, Fairfield (Lots 12, 13, 77 & 78, Sec 10, DP 490)
- 73 Margaret Street, Fairfield West (Pt Lot 69 and Lots 70 & 71, Sec 9, DP 490)
- 1 Parker Street, Fairfield (Lots 35 & 36 and Cnr Lot 37, Sec 5A, DP 486)
- 11 Parker Street, Fairfield (Lots 23 & 24, Sec 58, DP 486)
- 15 Rosina Street, Fairfield (Lots 15, 16, 17 & 18, Sec 3, DP 486)
- 3A Stella Street, Fairfield Heights (Lots 31, 32 & 33, Sec 46, DP 753)
- 8 Stella Street, Fairfield Heights (Lots 12 & 13, Sec 48, DP 753)
- 17 Stella Street, Fairfield Heights (Lots 32 & 33, Sec 45, DP 753)
- 18 Stella Street, Fairfield Heights (Cnr Lot 1 and Lot 2, Sec 48, DP 753)
- 26 Stella Street, Fairfield Heights (Lots 11 & 12, Sec 47, DP 753)
- 96 Stella Street, Fairfield Heights (Lots 6 & 7, Sec 17, DP 489)
- 98 Stella Street, Fairfield Heights (Lots 4 & 5, Sec 17, DP 489)
- 102 Stella Street, Fairfield Heights (Lots 31 & 32, Sec 18, DP 489)
- 106 Stella Street, Fairfield Heights (Lots 26 & 27, Sec 18, DP 489)
- 111 Stella Street, Fairfield Heights (Lots 52 & 53, Sec 16, DP 489)
- 121 Stella Street, Fairfield Heights (Lots 42 & 43, Sec 16, DP 489)
- 16 Throsby Street, Fairfield Heights (Lots 5 & 6, Sec 50, DP 753)
- 18 Throsby Street, Fairfield Heights (Lots 3 & 4, Sec 50, DP 753)
- 23 Throsby Street, Fairfield Heights (Lots 28 & 29, Sec 47, DP 753)
- 91 Throsby Street, Fairfield Heights (Lots 35 & 36, Sec 18, DP 489)
- 68 Brenan Street, Smithfield (Lots 28 and 30, Sec 1, DP 1732)
- 25 Dawson Street, Fairfield Heights (Lots 28 and 29, Sec 3, DP 948)
- 74 Evans Street, Fairfield Heights (Lots 49, 50 and 51, Sec 20, DP 489)

- 75 Evans Street, Fairfield Heights (Lots 6 and 7, Sec 22, DP 489)
- 78 Evans Street, Fairfield Heights (Lots 45 and 46, Sec 20, DP 489)
- 82 Evans Street, Fairfield Heights (Lots 41 and 42, Sec 20, DP 489)
- 1 Linda Street, Fairfield Heights (Lots 22, 23 and 24, Sec 2, DP 948 and Lot 11, DP 1009518)
- 9 Linda Street, Fairfield Heights (Lots 33 and 34, Sec 2, DP 948)
- 15 Linda Street, Fairfield Heights (Lots 37 and 38, Sec 2, DP 948)
- 20 Linda Street, Fairfield Heights (Lots 17, 18 and 19, Sec 3, DP 948)
- 24 Linda Street, Fairfield Heights (Lots 13 and 14, Sec 3, DP 948)
- 35 Linda Street, Fairfield Heights (Lots 62, 63 and 64, Sec 11, DP 489)
- 58 Linda Street, Fairfield Heights (Lots 7, 8 and 9, Sec 13, DP 489)
- 77 Linda Street, Fairfield Heights (Lots 49 and 50, Sec 12, DP 489)
- 83 Linda Street, Fairfield Heights (Lots 43 and 44, Sec 12, DP 489)
- 13 Parker Street, Fairfield (Lots 21 and 22, Sec 5A, DP 486)
- 23 Parker Street, Fairfield (Lots 11 and 12, Sec 5A, DP 486)
- 26 Parker Street, Fairfield (Lots 41 and 42, Sec 5, DP 486)
- 1 Rosina Street, Fairfield (Lots 31 and 32, Sec 3, DP 486)
- 7 Rosina Street, Fairfield (Lots 25 and 26, Sec 3, DP 486)
- 11 Rosina Street, Fairfield (Lots 21 and 22, Sec 3, DP 486)
- 23 Rosina Street, Fairfield (Lots 6, 7 and 8, Sec 3, DP 486)
- 27 Rosina Street, Fairfield (Lots 57, 58 and 59, Sec 8, DP 486)
- 31 Rosina Street, Fairfield (Lots 52, 53 and 54, Sec 8, DP 490)
- 35 Rosina Street, Fairfield (Lots 48 and 49, Sec 8, DP 490)
- 55 Rosina Street, Fairfield West (Lots 22, 23 and 24, Sec 8, DP 490)
- 57 Rosina Street, Fairfield West (Lots 20 and 21, Sec 8, DP 490)
- 85A The Boulevarde, Fairfield West (Cnr Lot 62 and Lots 61, 63 and 64, Sec 7, DP 431)
- 78 Throsby Street, Fairfield Heights (Lots 17, 18 and 19, Sec 20, DP 489)
- 92 Throsby Street, Fairfield Heights (Lots 1, 2 and 3, Sec 20, DP 489)
- 7 Wenden Street, Fairfield (Lots 71 and Cnr Lot 72, Sec 4, DP 486)

17A Wenden Street, Fairfield (Lots 70 and 37, Sec 3, DP 486)

21 Wenden Street, Fairfield (Lots 33 and 34, Sec 3, DP 486)

33 Wenden Street, Fairfield (Lots 36 and 37, Sec 2, DP 486)

## Dictionary

**Abattoir** means a building or place used for the slaughter of animals, whether or not the by-products are processed, manufactured or distributed, and includes a knackery.

**Advertisement** means a display of symbols, messages or devices for promotional purposes or for conveying information, instructions or directions, whether or not the display involves the erection of a structure or the carrying out of a work.

**Aged and disabled persons' housing** means residential accommodation which:

- (a) is or is intended to be used permanently as housing for persons aged 55 years or over or for disabled persons,
- (b) may consist of hostels or a grouping of 2 or more self-contained dwellings or a combination of both, and
- (c) includes one or more of the following facilities provided for use in connection with that accommodation:
  - (i) accommodation for staff employed or to be employed,
  - (ii) chapels,
  - (iii) health consulting rooms,
  - (iv) meeting rooms,
  - (v) recreation facilities,
  - (vi) shops,
  - (vii) therapy rooms, and
  - (viii) any other facilities for the use or benefit of persons living in the accommodation.

**Agriculture** means:

- (a) the cultivation of crops,
- (b) the keeping or breeding of livestock, bees, poultry or other birds, or
- (c) the cultivation (including the propagation and rearing) of the living resources of the sea or inland waters, whether or not that cultivation is carried out in a farm established for that purpose, using an artificially created body of water,

for commercial purposes, but (except in this Dictionary) does not include anything elsewhere defined in this plan.

**Alter**, in relation to a heritage item, means make structural or non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, not including maintenance.

**Amusement centre** means a building used for the purposes of playing:

- (a) billiards, pool or other table games, or
- (b) pinball machines or other electrical or mechanical amusement devices.

**Animal establishment** means a building or place used for the breeding, boarding, training or keeping of, or caring for, animals for commercial purposes.

**Amusement park** means a place where amusements or mechanical or electrical entertainments are permanently situated.

**Arterial road** means:

- (a) a road shown on the map by grey colour with a continuous black line, or
- (b) a classified road as determined under the [Roads Act 1993](#).

**Brothel** means a building or place used or designed to be used by one or more persons for the purpose of prostitution, a swingers' club, a sex-on-premises venue or for any similar purpose.

**Bulky goods salesroom or showroom** means a building or place used for the sale by retail or auction or the hire or display of items (whether goods or materials) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading items into their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing.

**Business premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities or in which there is carried on an occupation or profession, but does not include a building or place elsewhere defined in this plan.

**Camping ground** and **caravan park** have the same meanings as under the [Local Government Act 1993](#).

**Note—**

In the *Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993*:

**caravan park** means a property used for the placement of caravans and camper vehicles.

**camping ground** means a property used for the placement of tents and camper vehicles,

**Carpark** means a building or place used for parking vehicles (other than in conjunction with another purpose) whether or not operated for gain, and includes any associated access and manoeuvring space.

**Child care centre** means a building or place (other than a family day care home or home base care

home) used for the purpose of supervising or caring for children which:

- (a) caters for more than 7 children, whether or not some of those children are related to the owner or operator,
- (b) includes an educational function,
- (c) may operate for the purpose of gain, and
- (d) does not provide overnight accommodation for children other than those related to the owner or operator.

**Club** means a building or place used for the gathering of persons for social, literary, political, sporting, athletic or other lawful purposes and includes a club registered or intended to be registered under the [Registered Clubs Act 1976](#).

**Commercial sign** means an advertisement which contains only:

- (a) a reference to:
  - (i) the identification or description of the building or place,
  - (ii) the identification or description of any person living or carrying on an occupation in the building or place,
  - (iii) particulars of any occupation carried on or in the building or place, or
  - (iv) any affiliation with a trade, professional or other association relevant to the business carried on in the business or place,on which the advertisement is displayed, or
- (b) particulars relating to:
  - (i) any necessary or usual directions or cautions relating to the building or place or any occupation carried on,
  - (ii) goods, commodities or services dealt with or provided, or
  - (iii) any activities held or to be held,at the building or place on which the advertisement is displayed, or
- (c) a notice that the building or place on which the advertisement is displayed is for sale or lease together with details of the sale or lease, or
- (d) information required or permitted to be displayed by or under any State or Commonwealth Act.

**Communication facility** means a building, structure, work or place used primarily for the purposes of transmitting or receiving signals for the purposes of communication and includes radio masts and towers but excludes satellite dishes.

**Community facility** means a building or place owned or controlled by a public authority or a body of persons which provides for the physical, social, cultural or intellectual development, safety or welfare

of the community, but does not include a building or place elsewhere defined in this clause.

**Corporation** means the Corporation constituted by section 8 (1) of the *Environmental Planning and Assessment Act 1979*.

**Note—**

Section 8 (1) of the *Environmental Planning and Assessment Act 1979* states that:

the Minister is, for the purpose of exercising those functions expressed to be conferred or imposed on the corporation by or under this or any other Act, incorporated as a corporation sole with the corporate name “Minister administering the *Environmental Planning and Assessment Act 1979*”.

**Council** means the Council of the City of Fairfield.

**Demolish**, in relation to a heritage item, means damage, deface, destroy, pull down or remove any part of the outside of the heritage item.

**Dwelling** means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

**Dwelling house** means a dwelling which is the only dwelling erected on an allotment of land.

**Education establishment** means a building or place used for teaching and learning and includes:

- (a) a school,
- (b) a tertiary institution, being a university, college of advanced education, teachers’ college, technical college or other tertiary college providing formal education which is constituted by or under an Act, and
- (c) an art gallery or museum not used to sell the items it displays,

whether or not accommodation for staff and students is provided and whether or not used for the purposes of gain.

**Entertainment facility** means a building or place used for the purpose of sport, entertainment, exhibitions or displays and includes sport stadiums, showgrounds, race courses and places of public entertainment, but does not include a building or place defined elsewhere in this plan.

**Extractive industry** means:

- (a) an activity involving the obtaining or removal of extractive material from land,
- (b) an industry or undertaking (other than a mine) which depends on the obtaining or removal of extractive material from the land on which it is carried on and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land, or
- (c) manufacturing of clay products.

**Extractive material** means natural resources such as sand, soil, clay, shale and gravel, but does not include coal, petroleum, uranium or any material within the meaning of the *Mining Act 1992*, the *Coal Mines Regulation Act 1982* or the *Petroleum (Onshore) Act 1991*.

**Family day care home** or **home base care home** means a dwelling used for the supervision and care (excluding overnight accommodation) of not more than 7 children.

**Flood-liable land** means land identified by the Council as being affected by flooding and indicated on the flood maps held by the Council.

**Floodway** means the channel of a river or stream and those portions of the flood-plan adjoining the channel which constitute the main flow path for floodwaters.

**Floor space ratio** means the proportion of the floor area of a building to the area of its site.

**Forestry** means the cultivation, growing and tending of trees and shrubs and includes forest protection, the cutting, dressing and preparation of wood and other forest products other than in a sawmill, and any construction or maintenance of roads required for the removal of wood, forest products and forest protection.

**Gaming machine** means any device declared to be an approved amusement device pursuant to section 158 of the [Liquor Act 1982](#), any approved amusement device as defined in the [Registered Clubs Act 1976](#), any approved gaming device as defined in the [Liquor Act 1982](#) or the [Registered Clubs Act 1976](#), or any approved, authorised or established poker machine as defined in the [Liquor Act 1982](#) or the [Registered Clubs Act 1976](#).

**Gaming tavern** means a hotel which does not provide accommodation (other than caretaker's facilities) and includes more than 3 gaming machines.

**Generating works** means a building or place used for the purpose of making or generating gas, electricity or other forms of energy, but excludes temporary or portable generating works.

**Group home** means a permanent group home or a transitional group home.

**Hazardous industry** means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Hazardous storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed, (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Health care professional** is a person registered under the appropriate Act or by the appropriate professional association and who renders health services to members of the public.

**Health consulting rooms** means a room or rooms within a dwelling house used by not more than 3 health care professionals of whom one permanently resides in the dwelling house and each of whom employs not more than one additional person.

**Helicopter landing site** means a place not open to the public used for the taking-off and landing of helicopters.

**Heliport** means a place open to the public used for the taking-off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

**Heritage item** means a building, work, relic, tree or place identified in Schedule 4.

**Heritage significance** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

**Home base care home** or **family day care home** means a dwelling used for the supervision and care (excluding overnight accommodation) of not more than 7 children.

**Home business** means an activity (not being prostitution) carried on for the purpose of an office, light industry or business by means of:

- (a) a dwelling, or
- (b) an allotment containing a dwelling, or
- (c) a building erected on an allotment containing a dwelling,

but only if:

- (d) the use is carried on only by permanent residents of the dwelling and by no more than two of those permanent residents, and
- (e) the use does not interfere unreasonably with the amenity of adjoining properties or the locality in which the dwelling is situated.

**Hospital** means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to people admitted as in-patients, whether or not out-patients are also cared for or treated, and may include:

- (a) a nursing home,
- (b) ancillary facilities for accommodation of staff and visitors, and
- (c) associated education or research facilities.

**Hostel** means a building where accommodation and meals or kitchen facilities are provided to the residents whether or not on a shared basis and where a person with nursing or social work experience, or other similar experience, maintains and provides services for the occupants of the building on a full-time basis.



**Hotel** means a building or place specified or proposed to be specified in a hotelier's licence granted under the *Liquor Act 1982*.

**Industry** means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or articles for commercial purposes, but (except in this Dictionary) does not include anything elsewhere defined in this plan.

**Institution** means a building or place used as a penal or reformatory establishment.

**Intensive agriculture** means any form of agriculture which requires the waste, including faeces, to be disposed of on land which is not simultaneously used for the nurturing of livestock and poultry, and includes poultry farming and piggeries.

**Junkyard** means a building or place used for abandoning materials or for collecting, dismantling, storing or recycling second-hand or scrap materials for the purpose of resale.

**Light industry** means an industry that is not an offensive or hazardous industry in which none of the processes carried on or the transportation involved or the machinery or materials used or the scale of the activities involved interferes unreasonably with the amenity of the neighbourhood.

**Maintenance** means the continuous protective care of the existing detail, fabric, finish or appearance of the outside of a heritage item.

**Map** means the map consisting of 7 sheets marked "Fairfield Local Environmental Plan 1994" as amended by the maps marked as follows:

*Fairfield Local Environmental Plan 1994 (Amendment No 1—Sheets 1 to 5)*

*Fairfield Local Environmental Plan 1994 (Amendment No 3)*

*Fairfield Local Environmental Plan 1994 (Amendment No 5—Sheets 1 and 2)*

*Fairfield Local Environmental Plan 1994—(Amendment No 7)—Sheets 1-6*

*Fairfield Local Environmental Plan 1994 (Amendment No 8)—Sheets 1 to 7*

*Fairfield Local Environmental Plan 1994 (Amendment No 8A)*

*Fairfield Local Environmental Plan 1994 (Amendment No 9)*

*Fairfield Local Environmental Plan 1994 (Amendment No 10)*

*Fairfield Local Environmental Plan 1994 (Amendment No 11)*

*Fairfield Local Environmental Plan 1994 (Amendment No 13)*

*Fairfield Local Environmental Plan 1994 (Amendment No 14)—Sheets 1 and 2*

*Fairfield Local Environmental Plan 1994 (Amendment No 17)—Sheets 1 and 2*

*Fairfield Local Environmental Plan 1994 (Amendment No 18)*

*Fairfield Local Environmental Plan 1994 (Amendment No 19)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 27)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 28)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 29)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 32)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 33)—Sheet 1*  
*Fairfield Local Environmental Plan 1994 (Amendment No 34)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 35)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 38)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 39)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 40)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 43)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 46)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 49)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 52)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 58)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 66)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 67)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 75)*  
*Fairfield Local Environmental Plan 1994 (Amendment No 76)*

**Medical centre** means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

**Mine** means a place at which there is obtained, or from which there is removed, any material to which the [Mining Act 1992](#), the [Coal Mines Regulation Act 1982](#), or the [Petroleum \(Onshore\) Act 1991](#) applies, and includes the storage and primary processing of the material obtained.

**Motel** means a building or place used for the temporary or short-term accommodation of travellers or the general public, whether or not a refreshment room is included, but does not include a hotel.

**Motor showroom** means a building or place used for the display or sale of motor driven or motor drawn vehicles or boats.

**Moveable dwelling** has the same meaning as in the [Local Government Act 1993](#).

**Note—**

**Moveable dwelling** as defined in the [Local Government Act 1993](#) means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not) used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.

**Multi-unit housing** means 2 or more dwellings (whether or not attached) on one allotment of land, each with private access to ground level open space.

**Offensive industry** means an industry which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the industry from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact on the locality or on existing or likely future development on other land in the locality.

**Offensive storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

**outdoor dining area** means a footpath, town square, plaza, park or other space that, in association with an adjacent refreshment room, is used for the purpose of placing tables and chairs for eating or socialising.

**Permanent group home** means a dwelling:

- (a) which is used to provide a household environment for disabled persons or socially disadvantaged persons, whether or not those persons are related, and
- (b) which is occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care and with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy No 5—Housing for Aged or Disabled Persons* applies.

**Place of public entertainment** has the same meaning as in the [Local Government Act 1993](#).

**Note—**

**Place of public entertainment** as defined in the [Local Government Act 1993](#) means:

- (a) a drive-in theatre, or
- (b) an open-air theatre, or
- (c) a theatre or public hall, or
- (d) licensed premises.

**drive-in theatre** means any place or structure:

- (a) which is used or intended to be used for the purposes of exhibiting or screening films (within the meaning of the *Film and Video Tape Classification Act 1984*) in the open air, and
- (b) in respect of which provision is made for the parking or accommodation of motor vehicles from which such films are to be viewed, and
- (c) to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission,

and includes any building used or intended to be used in connection with the place or structure.

**open-air theatre** means any place or structure:

- (a) which is used or intended to be used for the purpose of exhibiting or screening films (within the means of *Film and Video Tape Classification Act 1984*) in the open air, and
- (b) to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission,

and includes any building used or intended to be used in connection with the place or structure, but does not include a drive-in theatre.

**theatre or public hall** means any building or part of a building that is used or intended to be used for the purpose of providing public entertainment or conducting public meetings.

**licensed premises** means premises the subject of:

- (a) a licence under the *Liquor Act 1982*, or
- (b) a certificate of registration under the *Registered Clubs Act 1976*,

that are used or intended to be used for the purpose of providing entertainment.

**Place of worship** means a building or place used predominantly for the purpose of religious worship, whether or not the building or place is also used for counselling, social events or religious training by a congregation or religious group.

**Plant hire** means a building or place used for the purpose of hire of builder's and handyman's tools, plant and equipment and the service and maintenance of such machinery.

**Plant nursery** means a building or place used for growing and selling plants whether or not also for storing, handling and subsequent distribution of plants, landscape supplies (including earth products) or other horticultural products for wholesale or retail sale to the public.

**Prostitution** means the offering by a person of his or her body to a person of the same or different sex for sexual gratification in return for payment, and includes:

- (a) sexual intercourse as defined in section 61H of the *Crimes Act 1900*, and

(b) masturbation committed by one person on another, for payment.

**Putrescible waste** means any material which produces a gas of decomposition as a by-product of degradation, fermentation or stabilisation.

**Recreation facility** means a building or place used for sporting, recreation or leisure activities whether or not operated for the purpose of gain but does not include a building or place elsewhere defined in this plan.

**Refreshment room** means a building or place used principally to provide food for people to consume in that building or place.

**Relic** means any deposit, object or material evidence more than 50 years old relating to the use or settlement of the area of Fairfield.

**Residential flat building** means a building containing 3 or more dwellings, but does not include multi-unit housing.

**Road** means a public thoroughfare used for the passage of persons, vehicles or animals, and includes:

- (a) the airspace above the surface of the road, and
- (b) the soil beneath the surface of the road, and
- (c) any bridge, tunnel, causeway, road ferry, ford or other works or structure forming part of the road.

**Roadside stall** means a temporary structure used to sell primary produce grown on the land on which the structure is located.

**Rural industry** means an industry involving:

- (a) the treating or processing of primary products, or
- (b) the regular servicing or repairing of plant or equipment used for agriculture or for the treating or processing of primary products.

**Sawmill** means a mill handling, cutting and processing timber from logs or baulks.

**Service station** means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following purposes:

- (a) the sale by retail of spare parts and accessories and installation of motor vehicle accessories for motor vehicles,
- (b) the washing and greasing of motor vehicles,
- (c) the repairing or servicing of motor vehicles (other than body building, panel beating or spray painting), and
- (d) the sale by retail of grocery and other small consumer items.

**Serviced apartments** means a building containing dwellings which are cleaned and otherwise

serviced or maintained by the non-occupant owner or an agent.

**Shop** means a building or place used for the purpose of retail sale, auction sale, hire or display for the purpose of sale or hire of goods, materials and merchandise, but does not include a building or place elsewhere defined in this plan.

**Stock and sales yard** means a building or place used for the purpose of offering livestock or poultry for sale.

**Telecommunications facility** means a telecommunication pit, manhole, cable location marking post or sign, public pay phone instrument, underground equipment shelter or housing, underground conduit or cable, satellite dish, overhead cabling on existing power lines or any similar structure or facility but does not include a building or place elsewhere defined in this plan.

**Transitional group home** means a dwelling:

- (a) which is used to provide temporary accommodation for the purpose of relief or rehabilitation for disabled persons or socially disadvantaged persons, whether or not those persons are related, and
- (b) which is occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care, and with or without payment for board and lodging being required,

but does not include a building to which *State Environmental Planning Policy No 5—Housing for Aged or Disabled Persons* applies.

**Transport depot** means a building or place used for the servicing, garaging, parking or repair of motor powered or any motor drawn vehicle used in connection with passenger or goods transport, business or industry, but does not include a building or place elsewhere defined in this plan.

**Transport terminal** means any building or place used for the assembly and dispersal of passengers or goods.

**Used clothing bin** means a free standing, attached or removable structure or object used or designed to be used for the purpose of collecting clothing, whether used or not.

**Utility installation** means a building or place used by or on behalf of a public authority or any Government Department or in pursuance of any Commonwealth or State Act for the purposes of:

- (a) railway, road, water or air transport, or wharf or river undertakings,
- (b) the provision of sewerage or drainage services,
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities.

**Vehicle body repair workshop** means a building or place used for the repair of motor vehicles or agricultural machinery involving body building, panel beating or spray painting.

**Vehicle repair station** means a building or place used for:

- (a) the selling or fitting of accessories to, or

(b) the repair other than body building, panel beating or spray painting of, motor vehicles or agricultural machinery.

**Veterinary hospital** means a building or place used for the purpose of providing professional services to animals (including preventative care, diagnosis, medical or surgical treatment) whether or not the animals are kept on the premises for the purpose of treatment.

**Warehouse** means a building or place used for the storing, handling and subsequent distribution of goods, materials or merchandise but does not include a shop or other building or place elsewhere defined in this plan.

**Zone** means a classification of land shown on the map by distinctive colouring and lettering.