

Clause	Yes	No	N/A	Comment
The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
1.6 Consent authority The consent authority for the purposes of this Plan is (subject to the Act) the Council.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.9 Application of SEPPs and REPs (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act. (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies: <i>State Environmental Planning Policy No 1—Development Standards.</i>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	 There are a number of State Policies relevant to the development application which are addressed elsewhere in the report. The state policies specified below are not relevant to this application.
1.9A Suspension of covenants, agreements and instruments (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose. (2) This clause does not apply: (a) to a covenant imposed by the Council or that the Council requires to be imposed, or (b) to any prescribed instrument within the meaning of section 183A of the <i>Crown Lands Act 1989</i> , or (c) to any conservation agreement within the meaning of the <i>National Parks and Wildlife Act 1974</i> , or (d) to any Trust agreement within the meaning of the <i>Nature Conservation Trust Act 2001</i> , or (e) to any property vegetation plan within the meaning of the <i>Native Vegetation Act 2003</i> , or (f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i> , or (g) to any planning agreement within the meaning of Division 6 of Part 4 of the	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	

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Act.				
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Part 2 Permitted or prohibited development				
2.1 Land use zones				
RE1 – Public Recreation E2 – Environment Conservation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The part of the land the subject of this DA is zoned RE1 Public Recreation. Showgrounds are permitted under the definition of “ <i>recreation facility (major)</i> ” The proposed development of a grandstand is a component of a showground and is permitted with consent on land so zoned.
2.2 Zoning of land to which Plan applies				
For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.3 Zone objectives and land use table				
(1) The Table at the end of this Part specifies for each zone: (a) the objectives for development, and (b) development that may be carried out without consent, and (c) development that may be carried out only with consent, and (d) development that is prohibited.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The zone objectives have been considered during the assessment of the development application.
(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(3) In the Table at the end of this Part: (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(4) This clause is subject to the other provisions of this Plan.				

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<p>Notes.</p> <p>1. Schedule 1 set out additional permitted uses for particular land.</p> <p>2. Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.</p> <p>3. Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).</p> <p>4. Clause 2.6 requires consent for subdivision of land.</p> <p>5. Part 5 contains other provisions which require consent for particular development.</p> <p>6. Part 6 contains local provisions which require consent for particular development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>2.4 Unzoned land</p> <p>(1) Development may be carried out on unzoned land only with consent.</p> <p>(2) Before granting consent, the consent authority:</p> <p style="margin-left: 20px;">(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and</p> <p style="margin-left: 20px;">(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Not applicable as the land is zoned.</p>
<p>2.5 Additional permitted uses for particular land</p> <p>(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—</p> <p style="margin-left: 20px;">(a) with development consent, or</p> <p style="margin-left: 20px;">(b) if the Schedule so provides—without development consent,</p> <p style="margin-left: 20px;">in accordance with the conditions (if any) specified in that Schedule in relation to that development.</p> <p>(2) This clause has effect despite anything to</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The land is not listed in Schedule 1.</p>

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the contrary in the Land Use Table or other provision of this Plan.				
2.6 Subdivision—consent requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Subdivision is not proposed.
2.7 Demolition requires consent The demolition of a building or work may be carried out only with consent. Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this plan or <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> as exempt development, the Act enables it to be carried out without development consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Consent for demolition is not required or sought by this Application.
Zone RE1 Public Recreation				
1 Objectives of zone • To enable land to be used for public open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development meets the relevant objectives of the zone by providing for high level sporting facilities.
2 Permitted without consent Environmental protection works; markets				
3 Permitted with consent Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Charter and tourism boating facilities; Community facilities; Environmental facilities; Flood mitigation works; Function centres; Heliports; Information and education facilities; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); <u>Recreation facilities (major)</u> ; Recreation facilities (outdoor); Restaurants or cafes; Roads; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is permissible with consent in the zone as a component of the showground, being a <i>recreation facility (major)</i>
4 Prohibited Any development not specified in item 2 or 3				
Part 4 Principal development standards				
4.3 Height of buildings				
(1) The objectives of this clause are as follows: (a) to establish the maximum height for buildings,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No maximum height of buildings is prescribed. Notwithstanding, the building height is comparable to the existing grandstand building and therefore

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<p>(b) to ensure that the height of buildings complements the streetscape and character of the area in which the buildings are located,</p> <p>(c) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	considered to be compatible with its purpose or context.
<p>4.4 Floor space ratio</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide an appropriate density of development consistent with the established centres hierarchy,</p> <p>(b) to ensure building density, bulk and scale make a positive contribution toward the desired built form as identified by the established centres hierarchy.</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No maximum FSR is prescribed. Notwithstanding, the bulk and scale of the proposed grandstand building is considered to be compatible with its purpose and context.
<p>4.6 Exceptions to development standards</p> <p>.....</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No Cl.4.6 variations are required.
Part 5 Miscellaneous provisions				
<p>5.1 Relevant acquisition authority</p> <p>.....</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The land is not subject to any acquisition.
<p>5.6 Architectural roof features</p> <p>(1) The objectives of this clause are:</p> <p>(a) To ensure that any decorative roof element does not detract from the architectural design of the building, and</p> <p>(b) To ensure that prominent architectural roof features are contained within the height limit.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable as there is no breach of the height limit. The roof form is appropriate for the development and its context.

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<p>(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.</p> <p>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:</p> <p>(a) the architectural roof feature:</p> <p>(i) comprises a decorative element on the uppermost portion of a building, and</p> <p>(ii) is not an advertising structure, and</p> <p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing, and</p> <p>(a) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>5.10 Heritage conservation</p> <p>Note. Heritage items, if any are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.</p> <p>(1) Objectives</p> <p>The objectives of this clause are as follows:</p> <p>(a) to conserve the environmental heritage of Fairfield,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	 <p>The site is opposite a dwelling that is listed in the</p>

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<p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p> <p>(6) Heritage conservation management plans</p> <p>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Archaeological assessment has discovered artefacts elsewhere on the land that were not previously known.</p> <p>No such artefacts were found in the vicinity of the work area the subject of the DA.</p>
<p>(7) Archaeological sites</p> <p>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(8) Aboriginal places of heritage significance</p> <p>The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance: 2010 No 616 Fairfield Local Environmental Plan 2010 Clause 5.11 Miscellaneous provisions Part 5 Page 47</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate about the application and take into consideration any response received within 28 days after the notice is sent.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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<p>(a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land,</p> <p>(b) to allow earthworks of a minor nature without separate development consent.</p> <p>(2) Development consent is required for earthworks, unless:</p> <p>(a) the work does not alter the ground level (existing) by more than 600 millimetres, or</p> <p>(b) the work is exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(c) the work is ancillary to other development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or of the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>Note. The <i>National Parks and Wildlife Act 1974</i>, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>footings) are considered as part of this application.</p>
6.3 Flood planning				

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<p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>				
<p>6.6 Riparian land and watercourses</p> <p>(1) The objective of this clause is to protect and maintain the following—</p> <p>(a) water quality within watercourses,</p> <p>(b) the stability of the bed and banks of watercourses,</p> <p>(c) aquatic and riparian habitats,</p> <p>(d) ecological processes within watercourses and riparian areas.</p> <p>(2) This clause applies to land identified as “Riparian area” on the Riparian Lands and Watercourses Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether or not the development is likely to have any adverse impact on the following—</p> <p>(i) the water quality and flows within the watercourse,</p> <p>(ii) aquatic and riparian species, habitats and ecosystems of the watercourse,</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Although parts of the land are mapped as riparian land and watercourse, the part of the site to be developed as shown in the overlay below.</p> 

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(iii) the stability of the bed and banks of the watercourse, (iv) the free passage of fish and other aquatic organisms within or along the watercourse, (v) any future rehabilitation of the watercourse and riparian areas, and (b) whether or not the development is likely to increase water extraction from the watercourse, and (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.				
6.7 Landslide risk 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The land is not subject to landslide risk.
6.8 Infrastructure development—Council (1) Development may be carried out by or on behalf of the Council without development consent on any land, other than land in a heritage conservation area or land containing a heritage item, unless the development is carried out in accordance with a heritage conservation management plan that has been approved by the Council. (2) Subclause (1) does not apply to the following development— (a) the erection of a class 1–9 building under the <i>Building Code of Australia</i> , (b) development that is not exempt development under State Environmental Planning Policy (Infrastructure) 2007 and has a capital investment value of more than \$1,000,000. (3) Development for the purpose of a car park may be carried out by or on behalf of Council with development consent on any	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Consent is required for the development.

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<p>land if the capital investment value is more than \$1,000,000.</p> <p>(4) In this clause, <i>capital investment value</i> has the same meaning as it has in the Environmental Planning and Assessment Regulation 2000.</p>				
<p>6.9 Essential services</p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The land is serviced by the necessary service infrastructure.</p>
<p>Schedule 1 Additional permitted uses “Nil”</p>				