

Planning Proposal

Percy Street Reserve, Fairfield Heights

Draft Fairfield Local Environmental Plan 1994

Amendment No 124

Part 1 – Objectives

The planning proposal applies to lots 43-47 Section 24 Deposited Plan 489 otherwise known as Percy Street Reserve and to lot 48 – 49 Section 24 Deposited Plan 489 otherwise known as 37 Percy Street.

The objective of the Planning Proposal seeks to amend a mapping anomaly which affects Percy Street Reserve.

Percy Street Reserve consists of the following lots 43 to 47, Section 24 Deposited Plan 489. The zoning map referred to in the Fairfield Local Environmental Plan 1994 identifies lots 44 to 48, Section 24 Deposited Plan 489 as being zoned 6(a) Existing and Proposed Recreation with Lot 49 Section 24 Deposited Plan 489 partially zoned 6(a) Existing and Proposed Recreation.

Therefore there is an anomaly with regards to the zoning of lot 43, lot 48 and lot 49. The details this anomaly is as follows:

1. Lot 43 Section 24 DP 489 currently zoned 2(a) Residential A should be rezoned to 6(a) Existing and Proposed Recreation. Council records indicate that this lot is, and has always been, owned by Council and the aerial photo also confirms that the land is used as park. **(Refer to Attachment A)**
2. Lot 48 – 49 Section 24 DP 489 currently zoned 6(a) Existing and Proposed Recreation should be rezoned to 2(a) Residential A. Council records also confirm that this land is indeed privately owned and is occupied by a private dwelling and should appropriately have a residential zoning.

The proposal has no implications in terms of strategic land use planning matters. There will be no change in the quantum of open space provided in the area and there are no impacts on relevant Council strategic studies such as the Draft Fairfield Residential Development Strategy 2009.

As referred to above, the rezoning proposal is aimed purely at addressing a mapping anomaly and in this regard directly addresses the objectives of the EP&A Act in promoting the orderly & economic development of land.

The whole of the park reserve is already in Council ownership and covered by a Generic Plan of Management. As such the land is already classified as Community Land under the Local Government Act 1993 and therefore it is unnecessary for Council to undertake a reclassification as part of the LEP.

Part 2 – Explanation of provisions

To achieve the objective mentioned above, the Planning Proposal will need to amend the Fairfield Local Environmental Plan 1994 (FLEP 1994).

A number of amendments must be made to the FLEP 1994 zoning map. The amendments are outlined below:

1. Rezone Lot 43 Section 24 DP 489 from 2(a) Residential to 6(a) Existing and Proposed Recreation.
2. Align the 6(a) Existing and Proposed Recreation zone to the boundaries of Lots 44 – 47 Section 24 DP 489.
3. Rezone Lot 48 Section 24 DP 489 from 6(a) Existing and Proposed Recreation to 2(a) Residential.
4. Align the 2(a) Residential zone to encompass all of Lot 49 Section 24 DP 489.
5. Align the 2(a) Residential zone along Percy Street to the frontages of Lot 44 – 48 of Section 24 DP 489.

Refer to Attachment B for a map depicting the anomaly

Part 3 – Justification

Section A – Need for a planning proposal.

1. <i>Is the planning proposal a result of any strategic study or report?</i>	No. As a result of an application for a Section 149 Planning certificate for land adjoining the reserve, Council has become aware of an anomaly in respect of the zone boundaries of Percy Street Reserve in Fairfield Heights. As the incorrect zoning on the land may affect a property sale, it is necessary to address this issue as soon as possible.
2. <i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	Council Officers sought to amend the mapping anomaly through the use of Section 73A of the Environmental Planning and Assessment Act 1979. The Department of Planning (DoP) advised that Council's proposal was beyond the scope of a minor amendment under Section 73A of the Act and that a Planning Proposal was required to pursue the matter further.
3. <i>Is there a net community benefit?</i>	Not applicable, the Planning Proposal seeks to correct a mapping anomaly. The proposal will merely reflect the current land uses of the subject sites on a zoning map.

Section B – Relationship to strategic planning framework.

4. <i>Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?</i>	There are no strategic planning implications arising from the proposal.
5. <i>Is the planning proposal consistent with the local Council's community strategic plan, or other local strategic plan?</i>	
6. <i>Is the planning proposal consistent with the applicable state environmental policies?</i>	
7. <i>Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)</i>	

Section C – Environmental, social and economic impact

8. <i>Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?</i>	Not applicable as the Planning Proposal is not in an area that is identified as having any environmental conservation values.
9. <i>Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</i>	Not applicable, the Planning Proposal seeks to correct a mapping anomaly. The proposal will merely reflect the current uses of the subject sites on a zoning map.
10. <i>How has the planning proposal adequately addressed any social and economic effects?</i>	

Section D – State and Commonwealth interests

11. <i>Is there adequate public infrastructure for the planning proposal?</i>	Not applicable, the Planning Proposal seeks to correct a mapping anomaly. The proposal will merely reflect the current uses of the subject sites on a zoning map.
12. <i>What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?</i>	Council officers are of the view that this Planning Proposal is fairly minor as it only seeks to correct mapping anomaly. The proposal will merely reflect the current land uses of the subject sites on a zoning map.

Part 4 – Community Consultation

The Planning Proposal will have no effect on the community as it does not change the current land uses on the subject sites. Council intends to notify the owner of Lots 48 – 49 Section 24 DP 489 otherwise known as 37 Percy Street of the purpose of this Planning Proposal. In summary it is of the opinion of Council Officers that this amendment is minor in nature and that broader community consultation is not required.