

**Correction to SP2 Infrastructure - Classified Road boundary along Elizabeth Drive, Mt Pritchard**

Proposal Title : Correction to SP2 Infrastructure - Classified Road boundary along Elizabeth Drive, Mt Pritchard

Proposal Summary : The purpose of the planning proposal is to correct a drafting anomaly that omitted to zone sections of privately owned land as SP2 Infrastructure for road widening. The proposal affects 26 properties along Elizabeth Drive, Mount Pritchard.

PP Number : PP\_2016\_FAIRF\_001\_00      Dop File No : 16/01910

**Proposal Details**

Date Planning Proposal Received : 10-Dec-2015      LGA covered : Fairfield  
 Region : Metro(Parra)      RPA : Fairfield City Council  
 State Electorate : CABRAMATTA      Section of the Act : 55 - Planning Proposal  
 LEP Type : Housekeeping

**Location Details**

Street : Elizabeth Drive  
 Suburb : Mount Pritchard      City : NSW      Postcode : 2170  
 Land Parcel : 26 properties located along Elizabeth Drive, Mount Pritchard, as listed on the attachment 'List of Properties'.

**DoP Planning Officer Contact Details**

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**RPA Contact Details**

Contact Name : Edward Saulig  
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**DoP Project Manager Contact Details**

Contact Name : Derryn John  
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**Land Release Data**

Growth Centre : N/A      Release Area Name : N/A  
 Regional / Sub Regional Strategy : Metro West Central subregion      Consistent with Strategy : Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) : 0.00		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0		No. of Dwellings (where relevant) :	0
Gross Floor Area : 0		No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department's Lobbyist Contact Register has been checked on 22 January 2016 and there are no records of contact with lobbyists in relation to this proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Metropolitan Region (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

**POLITICAL DONATIONS DISCLOSURE STATEMENT**

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

**Supporting notes**

Internal Supporting Notes :

External Supporting Notes :

**Adequacy Assessment**

**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? **Yes**

Comment : **The purpose of the planning proposal is to correct a drafting anomaly that omitted to zone**

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sections of privately owned land as SP2 Infrastructure for road widening. The proposal affects 26 properties along Elizabeth Drive, Mount Pritchard which are currently wholly zoned as R2 Low Density Residential. The property cadastre, as currently drawn, does not extend along the full length of the affected properties.

Roads and Maritime Services were consulted during the preparation of Fairfield Local Environmental Plan 2013 but did not submit comments on the omission of SP2-zoned land on Elizabeth Drive during the consultation period. In addition, Council then referred the proposed rezoning to Roads and Maritime Services prior to submitting this planning proposal. Roads and Maritime Services have now confirmed the accuracy of the areas to be rezoned to SP2.

The amendment will result in 26 properties being part zoned R2 and part zoned SP2 Infrastructure - Classified Road. The change effectively adds a strip of SP2 land along the frontage of each affected property. The amended property boundary will extend into the identified road reserve along Elizabeth Drive.

An amendment to the Fairfield Local Environmental Plan 2013 Land Acquisition Map is proposed to enable Roads and Maritime Services to acquire the land for road widening purposes in the future.

**Explanation of provisions provided - s55(2)(b)**

Is an explanation of provisions provided? **Yes**

Comment : **The following amendments are proposed:**

**1. Amend Fairfield Local Environmental Plan 2013 - Land Zoning Map (Sheets 12 and 13) as it relates to 26 identified properties along Elizabeth Drive Mount Pritchard, to ensure that the cadastral property boundary for affected properties correctly includes land zoned SP2 Infrastructure that is required for future road widening purposes.**

**2. Amend the Fairfield Local Environmental Plan 2013 Land Reservation Acquisition Map to identify the land to be zoned SP2 Infrastructure for future acquisition by Roads and Maritime Services.**

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **3.1 Residential Zones**

\* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered : **No other matters required consideration.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **3.1 RESIDENTIAL ZONES**  
**This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.**  
**The proposal is considered to be CONSISTENT with this direction.**

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment : **Draft Land Zoning Maps and Land Reservation Acquisition Maps have been provided, however they are obscured by the Fairfield City logo in some areas. In addition, no map has been provided that marks the location and corresponding address of each affected property. It is considered that Council be requested to update the planning proposal with a document or map that clearly identifies those properties affected prior to public exhibition.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **Council has stated that community consultation will occur in accordance with the conditions of the Gateway determination. In addition, Council proposes that the following should occur:**

- 1. Public exhibition and public authority consultation for 28 days**
- 2. Letters to affected landowners**
- 3. Notice in the local circulating newspaper**
- 4. Notice on Council's website**
- 5. An information session at the beginning of the exhibition period.**

**Additional Director General's requirements**

Are there any additional Director General's requirements? **No**

If Yes, reasons :

**Overall adequacy of the proposal**

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

**Proposal Assessment**

**Principal LEP:**

Due Date : **May 2013**

Comments in relation to Principal LEP : **Fairfield Local Environmental Plan 2013 was notified on 17 May 2013.**

**Assessment Criteria**

Need for planning proposal : **The need to correct the cadastral drafting anomalies on Elizabeth Drive, Mt Pritchard was first identified in the processing of a Planning Certificate for an affected property along Elizabeth Drive, Mt Pritchard, in February 2015.**

**Investigations by Council with NSW Land and Property Information indicated that the lot in question, along with numerous others either side, were still subject to road widening, as no acquisition had taken place despite Council's cadastre (property boundary database) indicating otherwise.**

**Council's investigation revealed 26 properties were still subject to the original road widening first described in the 1960s. The NSW Roads and Maritime Services has confirmed that the land to be zoned as SP2 Infrastructure is still required for road widening purposes. The cadastre and maps require correction to correct the omission.**

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Consistency with strategic planning framework :

Section 75A1 of the Environmental Planning & Assessment Act 1979 requires the relevant strategic planning authority to give effect to any regional or district plan applying to the region in respect of which the subject land is part. In this case the relevant regional plan is A Plan for Growing Sydney.

The amendment corrects an error in the cadastral boundary for Elizabeth Drive, Mount Pritchard and will result in minor rezonings, as required for potential road widening by Roads and Maritime Services. As such it is considered that the proposal is not inconsistent with the objectives of A Plan for Growing Sydney and the draft West Central Subregional Strategy.

Environmental social economic impacts :

**ENVIRONMENTAL**

The properties are zoned R2 Low Density Residential, and are situated in an established, developed residential area. Due to the residential environs and the small size of land to be rezoned, no environmental impact is anticipated.

**SOCIAL AND ECONOMIC**

The property owners will in the future be compensated by Roads and Maritime Services for the sections of their property to be zoned SP2 Infrastructure. Due to location and size of the land to be rezoned, development potential on the properties will not be diminished by the proposed changes.

**Assessment Process**

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

**Other - provide details below**

If Other, provide reasons :

**No additional studies are required.**

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

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**Documents**

Document File Name	DocumentType Name	Is Public
COVER LETTER - ELIZABETH DRIVE, MT PRITCHARD.pdf	Proposal Covering Letter	Yes
PLANNING PROPOSAL pgs 1-18 - ELIZABETH DRIVE, MT PRITCHARD.pdf	Proposal	Yes
PLANNING PROPOSAL pgs 19-31 - ELIZABETH DRIVE, MT PRITCHARD.pdf	Proposal	Yes
COUNCIL REPORT - ELIZABETH DRIVE, MT PRITCHARD.pdf	Proposal	Yes
LIST OF PROPERTIES AFFECTED - ELIZABETH DRIVE, MT PRITCHARD.docx	Proposal	Yes

**Planning Team Recommendation**

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones**

Additional Information : I, Catherine Van Laeren, Director, Sydney Region West, at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 ('the Act'), that an amendment to the Fairfield Local Environmental Plan 2013 to adjust boundaries relating to SP2 Infrastructure-zoned land on Elizabeth Drive, Mount Pritchard should proceed subject to the following conditions:

1. Council is requested to amend the maps within the planning proposal as follows:  
 (a) remove the Fairfield city logos that obscure parts of the land marked for rezoning  
 (b) provide a document or map linking the location of each affected property with the corresponding address

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ('EP&A Act') as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and  
 (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

3. Consultation is required with the Roads and Maritime Services under section 56(2)(d) of the EP&A Act. Roads and Maritime Services is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : The amendment seeks only to correct errors in the cadastral boundary for Elizabeth Drive, Mount Pritchard. The minor rezonings are required for potential road widening by Roads and Maritime Services and will not reduce the development potential of the residential properties.

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Signature:

*Derryn John*

Printed Name:

DERRYN JOHN

Date:

18 FEBRUARY 2016

