

**Reclassification and rezoning - 610-618 Elizabeth Drive and 37 Simpson Road, Bonnyrigg Heights**

Proposal Title : **Reclassification and rezoning - 610-618 Elizabeth Drive and 37 Simpson Road, Bonnyrigg Heights**

Proposal Summary : **To reclassify and rezone part of Lot 2 DP786952 (37 Simpson Road, Bonnyrigg Heights) that is part of an open space reserve owned by Council , and rezone part of Lot 13 DP24063 (610-618 Elizabeth Drive Bonnyrigg Heights) to: (i) address a land ownership and zoning anomaly, and (ii) enable Council to enter into a possible future land exchange and sale of those parts of these lands to resolve this issue.**

PP Number : **PP\_2012\_FAIRF\_004\_00**      Dop File No : **12/15567**

**Proposal Details**

Date Planning Proposal Received :	<b>14-Sep-2012</b>	LGA covered :	<b>Fairfield</b>
Region :	<b>Sydney Region West</b>	RPA :	<b>Fairfield City Council</b>
State Electorate :	<b>FAIRFIELD</b>	Section of the Act :	<b>55 - Planning Proposal</b>
LEP Type :	<b>Reclassification</b>		

**Location Details**

Street :	<b>610-618 Elizabeth Drive and 37 Simpson Road</b>		
Suburb :	<b>Bonnyrigg Heights</b>	City :	<b>Fairfield</b>
		Postcode :	<b>2177</b>
Land Parcel :	<b>Part Lot 2 DP786952 and Part Lot 13 DP24063</b>		

**DoP Planning Officer Contact Details**

Contact Name : **Tai Ta**  
 Contact Number : **0298601567**  
 Contact Email : **tai.ta@planning.nsw.gov.au**

**RPA Contact Details**

Contact Name : **Greg Foster**  
 Contact Number : **0297250229**  
 Contact Email : **gfoster@fairfieldcity.nsw.gov.au**

**DoP Project Manager Contact Details**

Contact Name : **Rachel Cumming**  
 Contact Number : **0298601556**  
 Contact Email : **rachel.cumming@planning.nsw.gov.au**

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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
MDP Number :		Date of Release :	
Area of Release (Ha) :		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 :

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

If Yes, comment :

### Supporting notes

Internal Supporting Notes : **This is a planning proposal seeking to rectify a zoning and associated land ownership anomaly involving small parts of two adjoining open space areas, one in private ownership and the other in Council's.**

The anomaly was identified by Council when drainage works were conducted within the creek separating the two properties, that a car parking area serving the club premises had been constructed on Council land. Council's record indicated that previously Council issued consent for a proposed land exchange and construction of a car parking area for the privately owned sports ground of Bonnyrigg Sports Club.

Although the anomaly appears to be insignificant, for legal reasons it needs to be resolved and the only means of resolution is by way of a planning proposal. The regional team supports the planning proposal.

To the best of the regional team's knowledge, there have been no meetings or communications with lobbyists regarding this planning proposal.

External Supporting Notes :

### Adequacy Assessment

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

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

Comment : **The main objective of the planning proposal is to amend either the Fairfield Local Environmental Plan 1994 or the draft Fairfield Local Environmental Plan 2011, currently being finalised, to:**

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### Heights

1. Enable part of Lot 2 DP786952 that is a Council Open Space Reserve to be reclassified from Community land to Operational land that currently contains an access road and car parking area utilised by the adjoining privately owned sporting ground, the Bonnyrigg Sports Club.
2. Rezone that part of Lot 2 DP786952 from 6(a) Existing and Proposed Recreation to 6(b) Private Recreation under Fairfield Local Environmental Plan 1994 containing these improvements as identified in Figures 1 and 2.
3. Rezone that part of Lot 13 DP24063 currently zoned 6(a) Existing and proposed Recreation to 6(b) Private Recreation under Fairfield Local Environmental Plan 1994 as identified in Figures 1 and 3.
4. Rezone that part of Lot 2 DP786952 from RE1 Public Recreation to RE2 Private Recreation as identified in Figures 4 and 5.
5. Rezone part of Lot 13 DP24063 from RE2 Private Recreation to E2 Environmental Conservation as identified in Figures 4 and 5; and
6. To allow a possible future land exchange and sale of that part of Lot 2 DP786952 containing the access road and carparking area to the adjoining owner to address a land ownership anomaly.

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

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

Comment :

### Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

**6.1 Approval and Referral Requirements**

**6.2 Reserving Land for Public Purposes**

\* May need the Director General's agreement

**7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

**SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development**

**SEPP No 19—Bushland in Urban Areas**

**SEPP (Exempt and Complying Development Codes) 2008**

**SEPP (Infrastructure) 2007**

**SEPP (Temporary Structures and Places of Public Entertainment) 2007**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

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

Is mapping provided? **Yes**

Comment :

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

Has community consultation been proposed? **Yes**

Comment :

**In the event a Gateway is issued by the Director General the following consultation strategy will be undertaken by Council:**

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1. Notice in the local newspaper as per legislative requirements
2. Letter to owners of affected properties;
3. Letters to owners and/or occupiers of properties within 100 metres fronting onto Simpson Road to be the only adjoining properties notified, as all other adjoining properties are a significant distance away and there will be no physical change to the site.

A public hearing will also be required as this planning proposal involves a reclassification of part of the land from community to operational.

**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 : **December 2012**

Comments in relation to Principal LEP : **In May 2012 Council submitted the Draft Fairfield LEP 2011 to the Department for finalisation and making.**

**This planning proposal seeks to amend both the Fairfield Local Environmental Plan 1994 and the draft principal Fairfield Local Environmental Plan 2011. This will depend on the progress of the principal LEP.**

**Assessment Criteria**

Need for planning proposal : **The planning proposal is the best means of resolving the anomaly as outlined in the proposal summary, and internal supporting notes.**

Consistency with strategic planning framework : **This planning proposal is not inconsistent with any strategic planning framework. The proposal results from an identified need to resolve a property boundary and zoning anomaly that will involve the reclassification and rezoning of part of Lot 2**

Environmental social economic impacts : **The subject sites do not contain any critical habitat or threatened species, or communities. The sites are currently occupied by an access road and an at grade car parking area. This planning proposal does not envisage any further development of the sites.**

**The planning proposal will ensure that the social benefits of the community who currently benefit from the vehicular access and parking arrangement will continue to benefit with the rectification of the boundary and zoning anomaly as these existing facilities will be able to be retained on the site.**

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**Assessment Process**

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

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage  
Origin Energy  
Sydney Water**

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. :

If Other, provide reasons :

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 : **The planning proposal does not involve any funding of state infrastructure but seeks to ensure that public infrastructure in the form of land for both private and public open space purposes is retained.**

**Documents**

Document File Name	DocumentType Name	Is Public
Fairfield City_14-09-2012 00_00_00_610-618 ELIZABETH DRIVE AND 37 SIMPSON ROAD BONNYRIGG HEIGHTS_.pdf	Proposal	No
Figure 1.pdf	Map	No
Figure 2.pdf	Map	No
Figure 3.pdf	Map	No
Figure 4.pdf	Map	No
Figure 5.pdf	Map	No

**Planning Team Recommendation**

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

S.117 directions: **6.1 Approval and Referral Requirements  
6.2 Reserving Land for Public Purposes  
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **The planning proposal should proceed subject to the following conditions:**

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1. 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 available for 28 days; and  
(b) the relevant planning authority must comply with notice requirements for public exhibition of planning proposals and the specifications for material that must be available along with the planning proposal.

2. Consultation with Sydney Water, Origin Energy and Office of Environment and Heritage is required under section 56(2)(d) of the EP&A Act.

3. A public hearing is required to be undertaken after the public exhibition period in accordance with the Department of Planning and Infrastructure Practice Note PN09-003, as the planning proposal involves a reclassification of community land into operational land.

4. The time frame for completing the LEP is 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The community consultation process is required to inform affected landowners and local residents as well as the local community of the proposed changes in land use and reclassification of part of Council land from community to operational.

Consultation with the relevant public authorities is necessary to seek feedback on likely impacts of the change from community land into operational land and subsequent land exchange between Council and the owner(s) of adjoining land (lot 13).

Signature:

RJ Cumming

Printed Name:

Rachel Cumming

Date:

28/9/2012