

Outcomes Committee



SECTION A

'Matters referred to Council for its decision'

**REPORT BY CHAIRMAN
OUTCOMES COMMITTEE**

Meeting Date 10 November 2015

Item Number. 149

SUBJECT: Planning Proposal - Zone SP2 Infrastructure (Classified Road) - Elizabeth Drive Mount Pritchard

FILE NUMBER: 15/17504

REPORT BY: Edward Saulig, Strategic Land Use Planner

RECOMMENDATION:

That Council:

1. Endorse the preparation of a Planning Proposal to amend Fairfield Local Environmental Plan (LEP) 2013 in relation to part of various properties on Elizabeth Drive, Mt Pritchard, included in Attachment A of the report, by adjusting property cadastre and consequently adding the Zone SP2 – Infrastructure and marked “Classified Road” on the amended Zoning Map to the altered parcels of land as well as amend the associated Land Reservation Acquisition Map.
2. Refer the Planning Proposal, included in Attachment B of the report, to the NSW Department of Planning and Environment (NSW DP&E) requesting a Gateway Determination and that the Planning Proposal be placed on public exhibition in accordance with the consultation strategy detailed in the report and the conditions set out in the Gateway Determination.
3. In requesting the Gateway Determination, advise NSW DP&E that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the Environmental Planning and Assessment Act 1979 [EP&A]). The delegated functions will be undertaken by the Group Manager City and Community Development who has been delegated these powers by Council and the City Manager under Section 377 of the Local Government Act 1993.
4. Receive a report following the public exhibition of the Planning Proposal.

Note: This report deals with a planning decision made in the exercise of a function of Council under the EP&A Act and a division needs to be called.

SUPPORTING DOCUMENTS:

AT-A	Locality Plan and list of affected properties	2 Pages
AT-B	Planning Proposal	31 Pages
AT-C	Affected Owner Names and Addresses - <i>CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2)(a) of the Local Government Act, 1993, on the grounds that:</i> <i>(i) personnel matters concerning particular individuals.</i> <i>and dealing with the matter in Open Session would be, on balance, contrary to the public interest.</i>	1 Page

CITY PLAN

This report is linked to *Theme 2 Places and Infrastructure* in the Fairfield City Plan.

SUMMARY

This report details the preparation of a Planning Proposal to correct a cadastre anomaly affecting a number of properties on Elizabeth Drive, Mt Pritchard that are impacted by road widening and acquisition by the NSW Roads and Maritime Service (RMS) and currently are not shown as being affected by the Zone SP2 Infrastructure – Classified Road.

Council's endorsement of the recommendations within this report will correct the cadastre anomaly and consequently alter the zoning and land reservation acquisition maps for affected properties. A Gateway Determination issued by the Department of Planning and Environment with commence the public consultation process, also detailed in this report. A further report will be submitted to Council following the exhibition period.

REPORT

A Planning Proposal has been prepared in response to a cadastre anomaly affecting a number of properties on Elizabeth Drive, Mt Pritchard that are impacted by road widening and acquisition (approximately 5 metres wide) by the NSW Roads and Maritime Service (RMS) for the Elizabeth Drive Corridor.

The anomaly is due to an irregularity recently being identified on cadastral information associated with Council's land information system. It affects the properties identified in Attachment A and listed in Attachment C which were incorrectly shown under the Fairfield LEP 2013 (as made) as not being affected by the ZoneSP2 Infrastructure - Classified Road applying to the Elizabeth Drive Rd corridor.

An audit was undertaken of cadastral information relating to other arterial road corridors zoned SP2 Infrastructure – Classified Road in the City and the subject properties are the only ones affected by this issue. An audit of previous development applications on properties along Elizabeth Drive indicates that road widening/acquisition was taken into account in the assessment process as a result of the requirement for up-to-date land surveys and/or land title information being submitted with development proposals.

Elizabeth Drive has been identified as a Main Road since the 1950's. Over the years, the NSW RMS has acquired sections of properties fronting the road and undertaking road widening to increase the overall width of the road corridor to that shown by the extent of zone SP2 Classified Road under Fairfield LEP 2013.

Over time the RMS has referred information regarding road widening and land acquisition along Elizabeth Drive to the NSW land titles office (now known as NSW Land and Property Information) who subsequently have transferred details of the road widening onto land title (i.e. deposited plan) information.

It is noted that under preparation of the Fairfield LEP 2013, details of the Elizabeth Drive road widening corridor and associated land acquisition map were referred to the RMS. However, the RMS did not raise any comments in relation to the maps and cadastral information provided by Council.

Since identifying the above anomaly, Council Officers have again referred details of the updated cadastral information and relationship with the extent of required road widening/land acquisition to the RMS who have confirmed its accuracy. The status and extent of road widening along other arterial road corridors was also confirmed as part of this process.

Under preparation of the planning proposal this information and updated maps will again be referred to the RMS requesting the agencies endorsement.

Impact for property owners

Land zoned SP2 Infrastructure on Elizabeth Drive at Mt Pritchard and required for future road widening purposes currently does not include privately owned land for a number of properties because the property cadastre as currently drawn does not include the full length of each affected property. Therefore, the property cadastre as currently drawn gives the appearance that the acquisition for road widening has already occurred when in fact it has not.

The required change to the property boundaries on the cadastre layer for properties affected by the Planning Proposal will lead to these properties being part zoned R2 Low Density Residential and part zoned SP2 Infrastructure – Classified Road, as the amended property boundary will encroach into the existing identified road reserve for Elizabeth Drive, Mt Pritchard.

The property owners will in the future be compensated by the RMS for the acquisition of land required for road widening on Elizabeth Drive, Mt Pritchard. Development potential has not been diminished by the cadastral anomaly and the resulting Planning Proposal.

Review of road reservations across the City

Given that the particular situation on Elizabeth Drive, Mt Pritchard may be symptomatic of other errors across the Fairfield Local Government Area (LGA), Council requested that the RMS provide the same information about road widening requirements from their Geographic Information System (GIS) across the rest of the Fairfield LGA.

A review of the whole LGA ensures the integrity of RMS road reservations are maintained and that Council does not suffer litigation for providing incorrect advice, as could have occurred in the Elizabeth Drive, Mt Pritchard property case.

Consultation Strategy

In addition to requirements issued by the Department of Planning and Environment in its Gateway Determination detailing consultation with State Government agencies and utility providers, it is proposed that consultation and public exhibition of the planning proposal (for a minimum of 28 days) be undertaken as outlined below:

- Letters to affected landowners
- Notice in the local circulating newspaper
- Notice on Council's website.

An information session is proposed at the beginning of the exhibition period to address questions, issues or concerns.

CONCLUSION

In order to correct the maps associated with Fairfield Local Environmental Plan 2013, it is recommended that Council endorse the preparation of a Planning Proposal to correct the cadastre anomaly affecting part of a number of properties on Elizabeth Drive, Mt Pritchard that are impacted by road widening not yet reflected on the LEP zoning and land reservation acquisition maps.

An audit of cadastral information indicates that this issue does not apply to any other arterial road corridors zoned SP2 in the City.

In requesting the Gateway Determination, it is recommended that Council also advise NSW Department of Planning & Environment that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the Environmental Planning and Assessment Act 1979).

**REPORT BY CHAIRMAN
OUTCOMES COMMITTEE**

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**Edward Saulig
Strategic Land Use Planner**

Authorisation:
Manager Strategic Planning

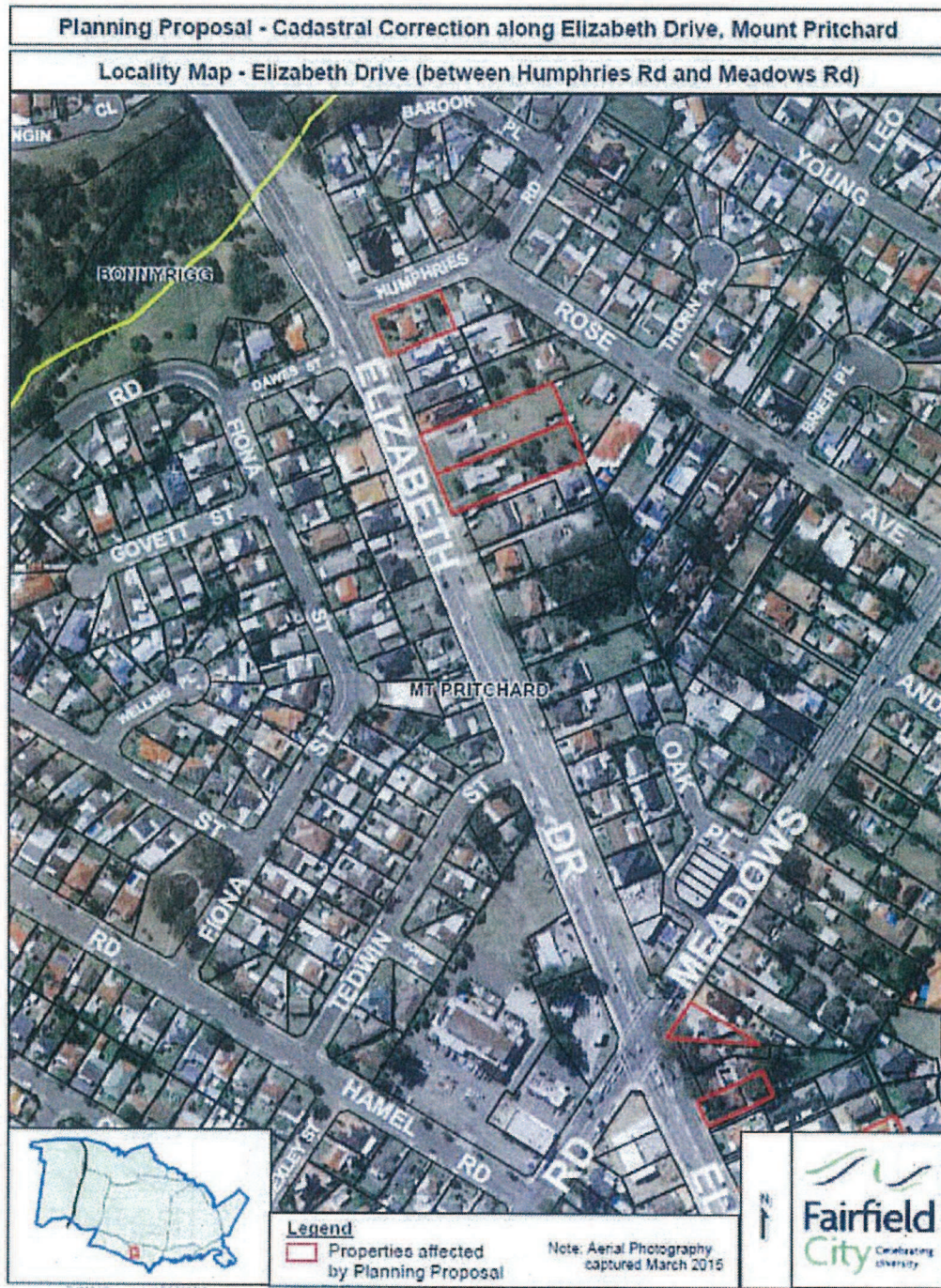
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***** END OF ITEM 149 *****

Attachment A

Locality Plan – North of Meadows Road



Attachment A

Locality Plan – South of Meadows Road

