

Report

Subject	LEP 2012 Mapping Cadastral Errors
TRIM Record No	BP13/290:EF13/131
Prepared by	Senior Strategic Planner
Reason	To obtain a resolution of Council to forward the LEP mapping cadastral errors planning proposal to the Minister of Planning and Infrastructure for a Gateway determination and processing through to the making of the plan.
Community Strategic Plan Link	Provide Sustainable Land-use Planning

Overview of Report

Cadastral errors occurred in the LEP 2012 maps during the final stages of the plan making process. Technical problems experienced by the Department of Planning and Infrastructure's mapping division resulted in the erroneous cadaster. The Department has advised Council that they will rectify the problem. However, Council is required to prepare a planning proposal to initiate the correction.

Additionally, Council seeks to update the LEP mapping cadaster in and around the Village of Clunes, and parts of East Lismore, in accordance with the NSW Land and Property Information updated digital cadastral database.

Background

Council resolved at its extraordinary meeting of 31 May 2012 to adopt the Draft Lismore Local Environmental Plan 2012. The written instrument and maps were forwarded to the Minister of Planning & Infrastructure in accordance with the resolution and the terms of the *Environmental Planning and Assessment Act 1979* and associated Regulation. Official notification of the making (gazettal) of LEPs is provided when the plan is published on the NSW Government legislation website. Lismore LEP 2012 was made on 22 February 2013.

LEP 2012 mapping data produced by Council and provided to the Department of Planning and Infrastructure was accurate at the time of production. Cadastral errors were observed when the plan was published on the NSW Government legislation website. Council raised the issue with the Department of Planning and Infrastructure and were advised that a planning proposal would be needed to rectify the problem. The Department advised that a planning proposal would provide a faster pathway than the use of s.73A of the *EP&A Act 1979*. Council was further advised that the Department's mapping division would amend the erroneous cadastre.

In addition to the abovementioned cadastral inaccuracies, NSW Land and Property Information (LPI) have been updating their digital cadastral database and the data is provided to Councils throughout the State. The updated cadastre more accurately reflects property boundaries. This LPI cadastral update has been proceeding at the same time as the Lismore LEP plan making process. In this regard, Clunes cadastre was updated in February 2013 and parts of East Lismore in March 2013, which has resulted in a significant shift of property boundaries in these locations. The cadastre on LEP 2012 maps in these areas is now out of date.

It is worth noting that staff will not normally recommend stand-alone LEP mapping amendments for LPI cadastral adjustments and approved subdivisions, unless a mapping attribute such as land zoning in that location requires amending.

Planning Proposal

Council has initiated the planning proposal in accordance with the advice of the Department of Planning and Infrastructure to rectify the following cadastral inaccuracies:

1. The cadastral errors in LEP 2012 maps made by the Department of Planning and Infrastructure. These errors occur across the series of LEP maps and include missing blocks of cadastre, distorted cadastre, missing boundaries of lots and mapping attributes (zone, height of buildings, floor space ratio etc.) incongruent with the cadastre. These errors are particularly evident in and around the Lismore CBD, but may occur in other locations as well.
2. Out dated cadastre in and around the Village of Clunes and parts of East Lismore across the series of LEP maps. LPI provided Council with updated digital cadastre for Clunes in February 2013 and parts of East Lismore in March 2013.

The following elements of the planning proposal are prepared in accordance with section 55(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Infrastructure's planning proposal guidelines.

Part 1 Objectives and intended outcomes

The objective of the planning proposal is to rectify cadastral inaccuracies in LEP 2012 maps.

Part 2 Explanation of provisions

It is proposed that the full series of LEP 2012 maps be amended to correct cadastral errors including:

- Missing blocks of cadastre
- Distorted cadastre
- Missing cadastre so that some allotments do not have all boundaries present
- Mapping attributes (zone, lot size, etc.) incongruent with cadastre
- Out dated cadastre in and around the Village of Clunes and parts of East Lismore.

The following figures are examples only and do not represent all of the LEP 2012 cadastral inaccuracies:

Figure 1a. Missing blocks of cadastre Zone Map Sheet LZN_005AA

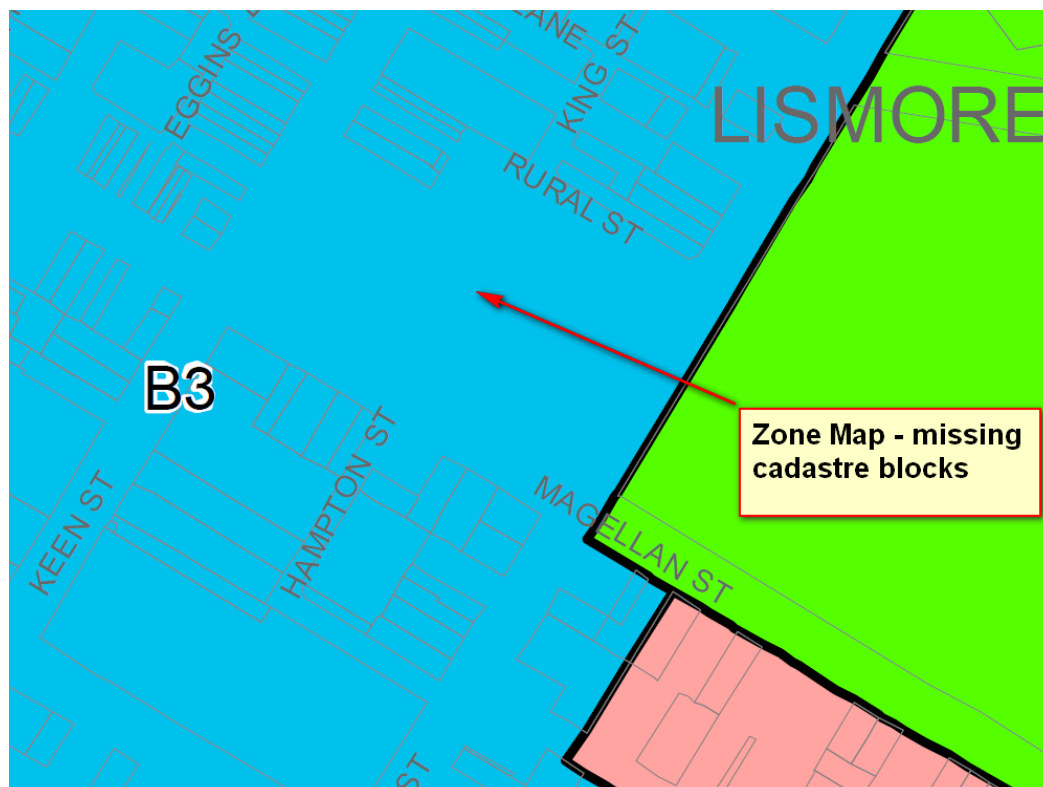


Figure 1b. Zone Map with correct cadastre

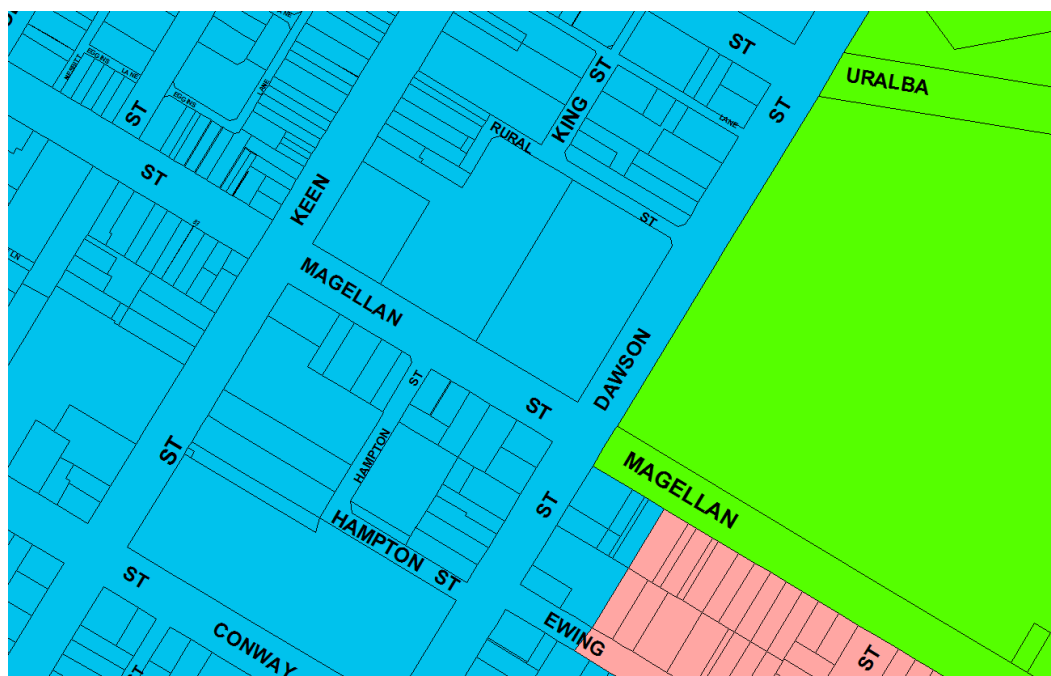


Figure 2a. Missing blocks of cadastre & distorted cadastre Zone Map Sheet LZN_005AB

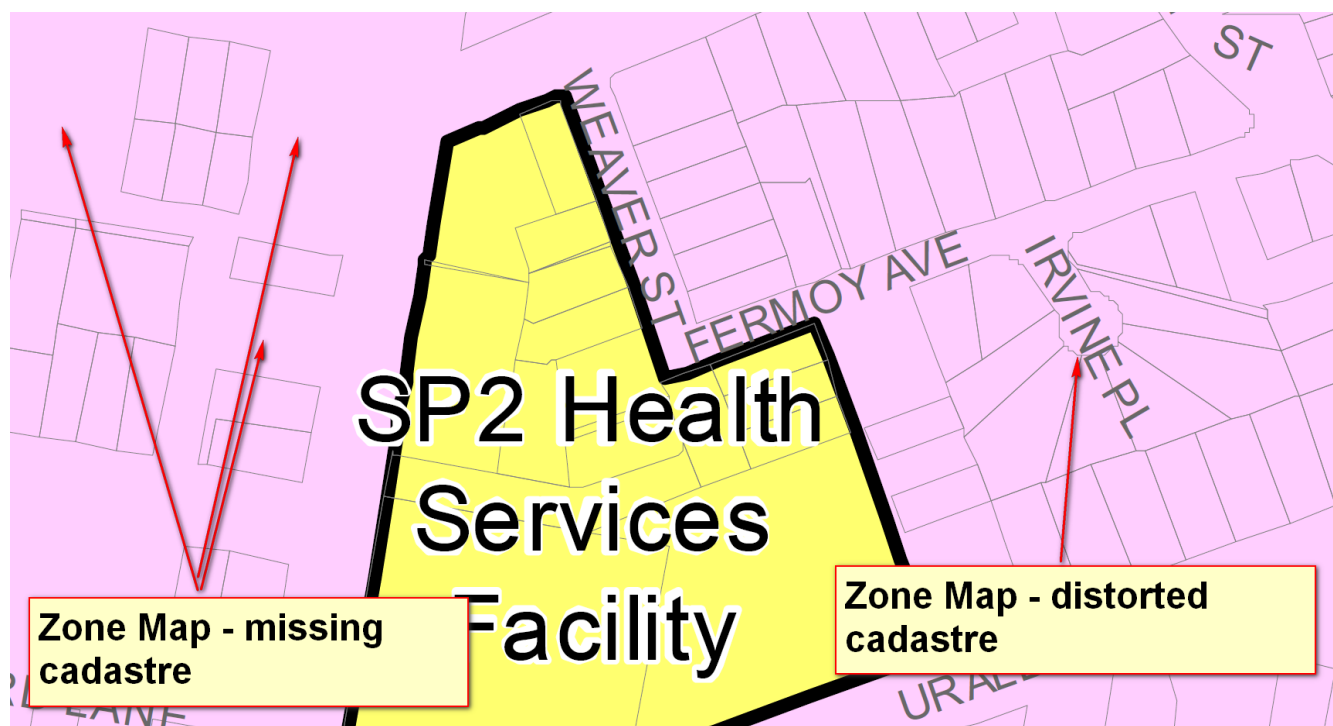


Figure 2b. Zone Map with correct cadastre

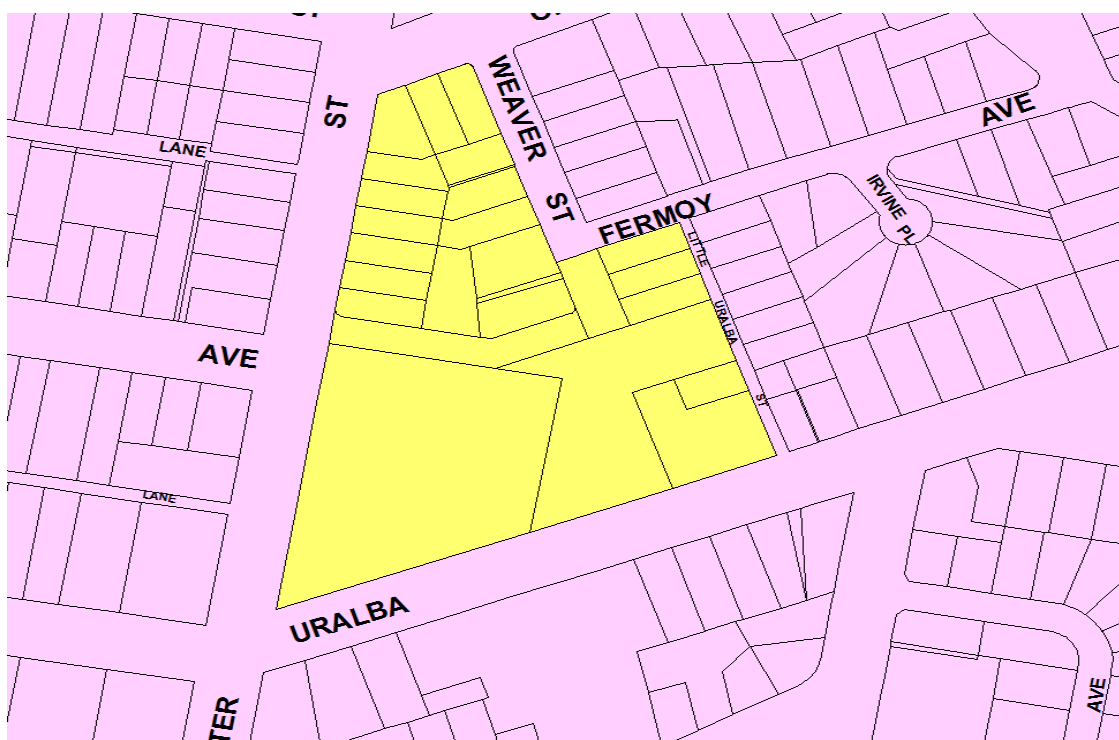


Figure 3a. Missing blocks of cadastre & distorted cadastre Zone Map Sheet LZN_005AB

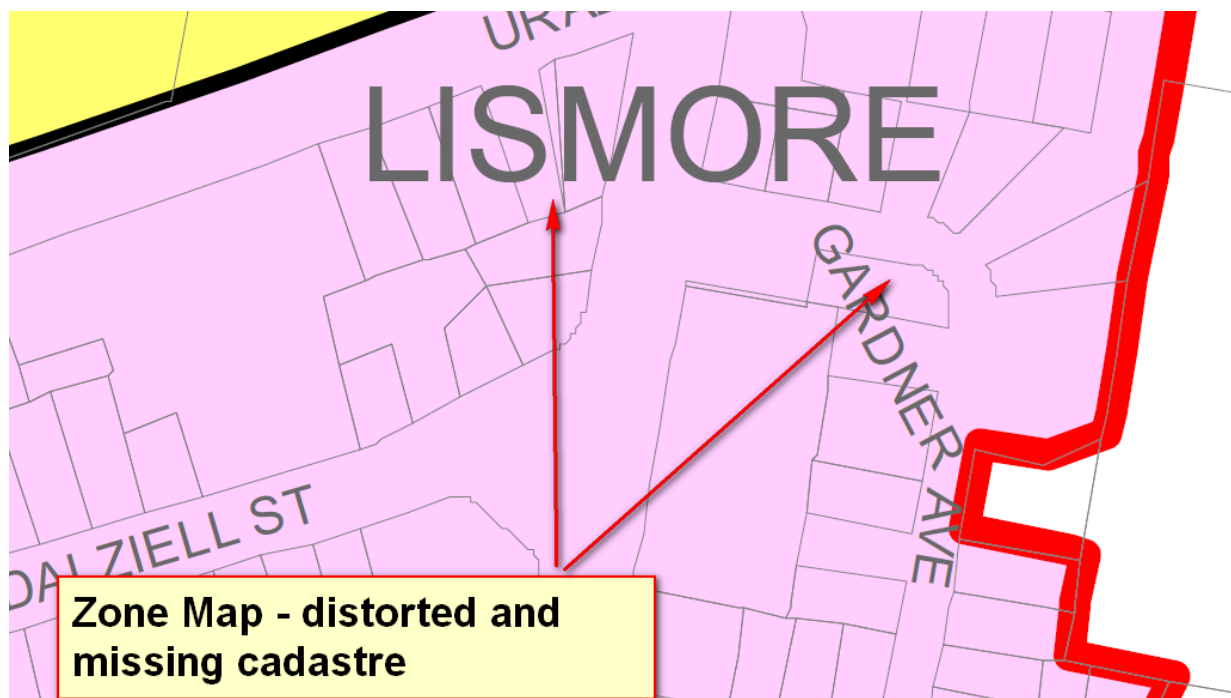


Figure 3b. Zone Map with correct cadastre

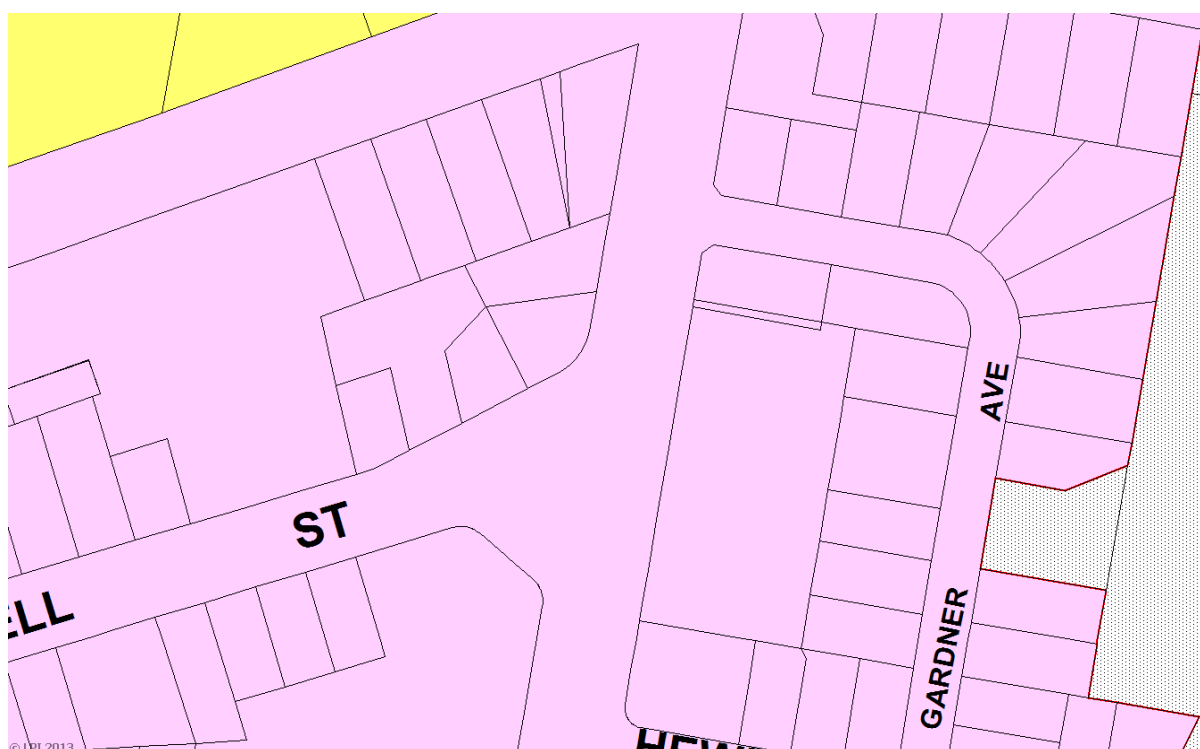


Figure 4a. Mapping attribute incongruous with cadastre Zone Map Sheet LZN_005AA

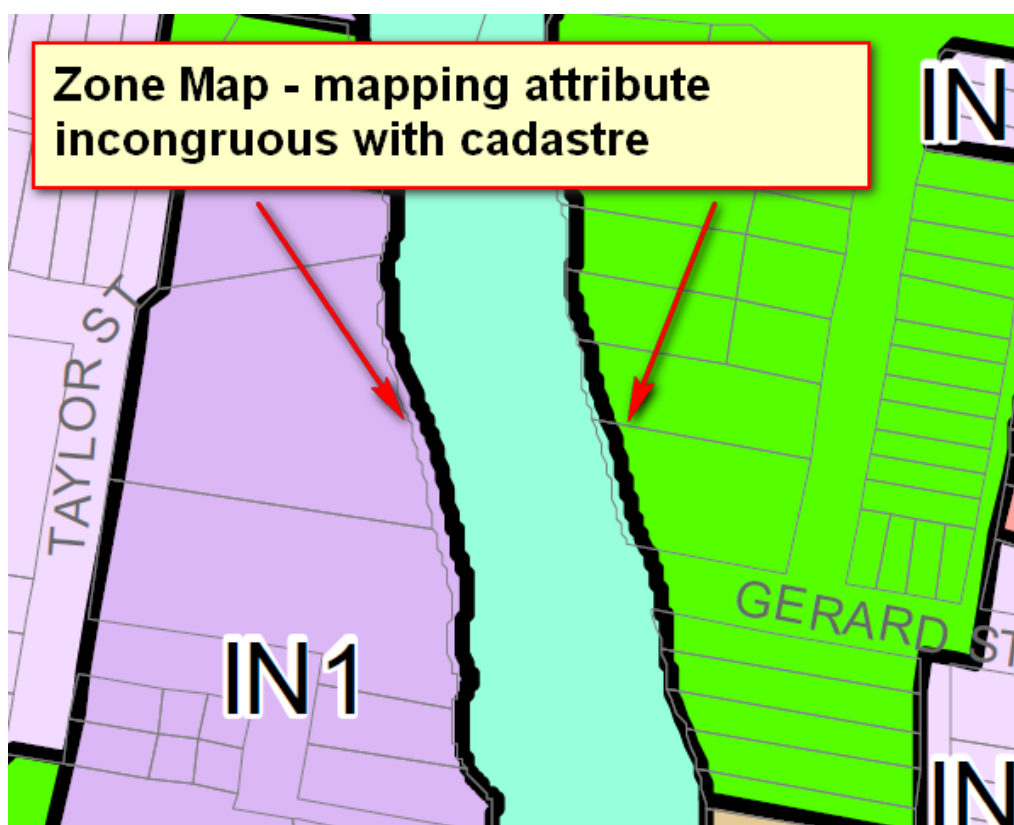


Figure 4b. Zone Map with correct cadastre



Figure 5a. Mapping attribute incongruous with cadastre Lot Size Map Sheet LSZ_005AA

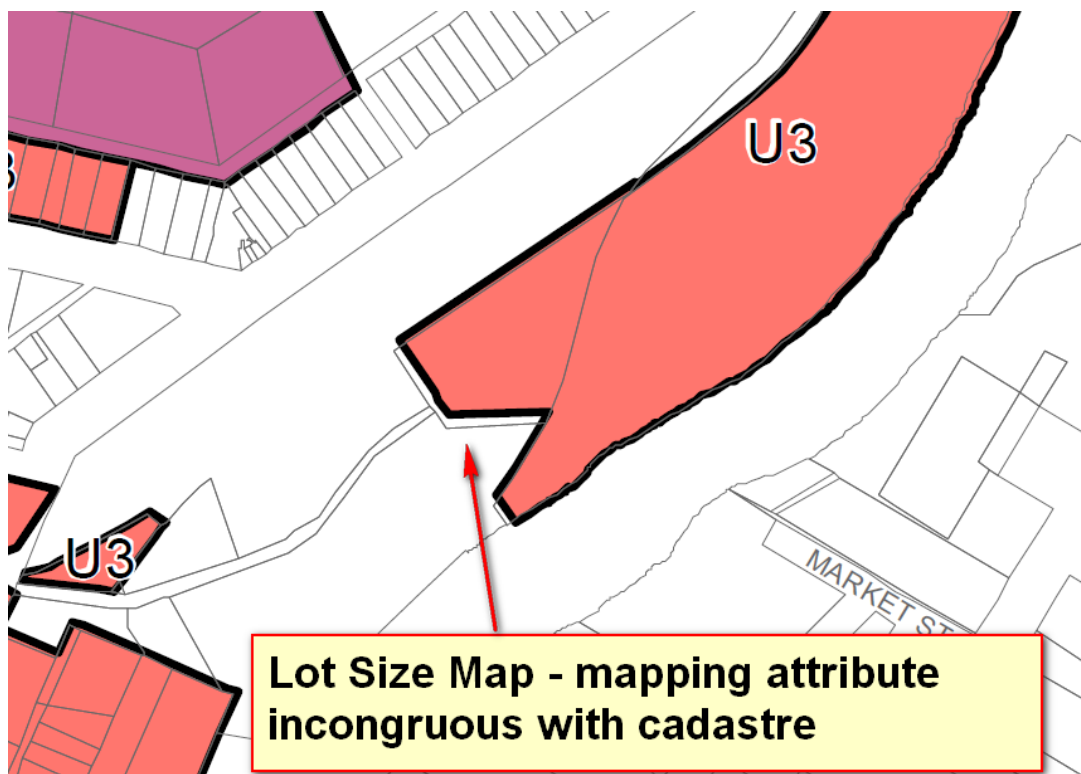


Figure 5b. Lot Size Map with correct cadastre



Figure 6. Clunes cadastral inaccuracies - LPI updated cadastre

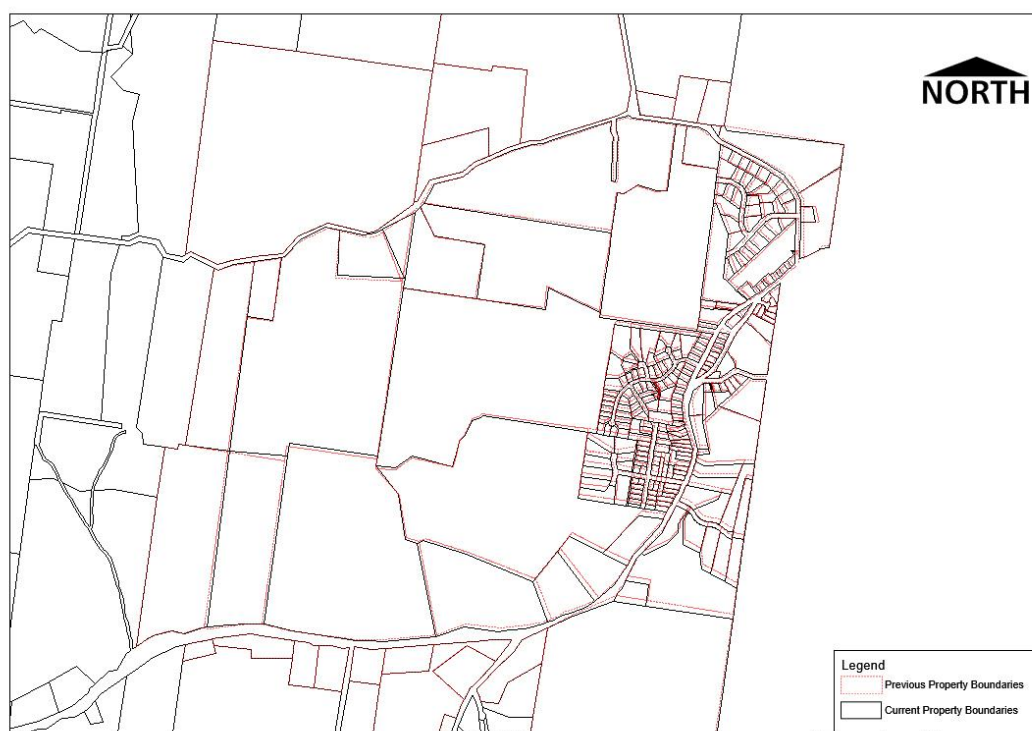
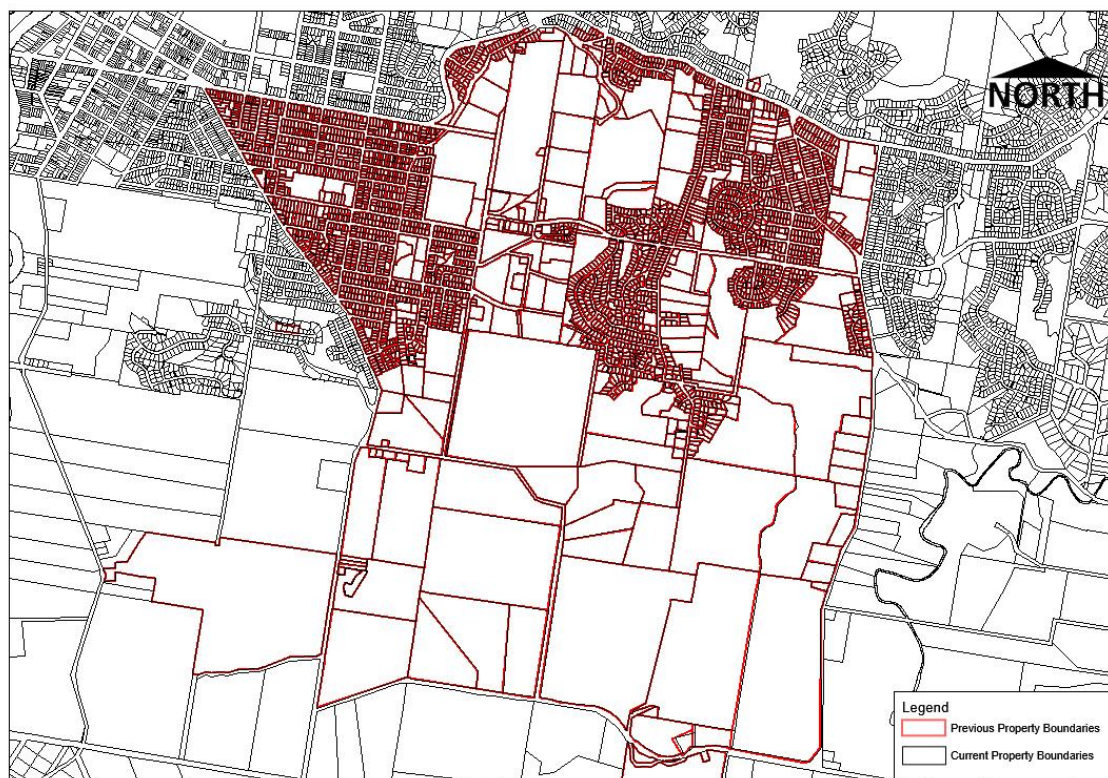


Figure 7. Parts of East Lismore cadastral inaccuracies - LPI updated cadastre



Part 3 Justification

Section A – Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

The planning proposal is not a result of any strategic study or report. Lismore LEP 2012 was made on 22 February 2013 in accordance with the *Environmental Planning and Assessment Act 1979* and associated Regulation. The planning proposal is to correct cadastral inaccuracies in LEP 2012 maps.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There is no scope for cadastral inaccuracies in LEP maps. They must be 100% correct for the provision of good customer service and for Council to be able to exercise its regulatory functions under the *EP&A Act 1979*. The Department of Planning and Infrastructure has advised Council that a planning proposal is the best means of achieving the objectives i.e. to rectify cadastral inaccuracies in LEP 2012 maps.

Section B – Relationship to Strategic Planning Framework

Is the Planning Proposal consistent with the objectives and actions contained within the Far North Coast Regional Strategy?

LEP 2012 was prepared in accordance with the objectives and actions contained within the Far North Coast Regional Strategy. Rectification of cadastral inaccuracies will remove confusion and enable accurate use of LEP 2012.

Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with the Council's Community Strategic Plan.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with the applicable State Environmental Planning Policies.

Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with the applicable section 117 Ministerial Directions.

Section C – Environmental, social and economic impact

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?

The planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no likely negative environmental effects as a result of the planning proposal.

How has the Planning Proposal adequately addressed any social and economic effects?

There are no negative social or economic effects associated with the planning proposal.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the Planning Proposal?

There is no nexus between the planning proposal and public infrastructure.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The planning proposal will not require consideration by either State or Commonwealth public authorities.

Part 4 Mapping

The cadastral inaccuracies are likely to involve the full series of LEP 2012 maps. The Department of Planning and Infrastructure have advised that the supply of maps is not required.

Part 5 Community Consultation

The community was consulted on two separate occasions in accordance with the legislative requirements during the Draft LEP plan making process. This planning proposal does not involve any policy changes. Moreover, the planning proposal seeks to a) return the LEP maps to the form that was endorsed both by Council and the Department of Planning and Infrastructure; and b) update cadastre in certain locations in accordance with the LPI digital cadastral database.

Based on advice from the Department of Planning and Infrastructure, Council is of the opinion that the Minister will not require community consultation, in accordance with section 56(2)(c) of the *Environmental Planning and Assessment Act 1979*, before consideration is given to the making of the proposed instrument.

Part 6 Project Timeline

The proposed timeline for the completion of the planning proposal is as follows:

Estimated completion	Plan making step
May 2013	Report to Council.
June 2013	Gateway determination.
July – August 2013	Planning proposal remains with DP&I to undertake mapping amendments.
September 2013	Planning proposal remains with DP&I for making of the plan (Council do not exercise delegation). Plan (amended maps) officially notified on NSW legislation website.

Sustainability Assessment

Sustainable Economic Growth and Development

Sustainable economic growth and development are underpinned by contemporary land use planning strategies, plans and policies. In this regard, the recently made LEP 2012 provides additional land for residential, business and industrial uses, while maintaining around 85% of the Local Government Area within a rural zone. LEP mapping accuracy is of paramount significance in the operation of a contemporary local environmental plan.

Social Inclusion and Participation

The planning proposal will result in a benefit to the community and other users of LEP 2012. There are no negative social impacts associated with the planning proposal.

Protect, Conserve and Enhance the Environment and Biodiversity

The planning proposal does not impact negatively on the natural environment.

Best-Practice Corporate Governance

The correction of LEP mapping inaccuracies will assist in the delivery of a high level of customer service by allowing the maps to be used as originally intended. Customer service is a key component of corporate governance.

Comments

Finance

Not required.

Other staff comments

Not necessary.

LEP delegations

Council resolved at its Ordinary meeting of 11 December 2012 to accept the delegations which will enable Council to process the final stages of a planning proposal (LEP amendment) as outlined in Planning Circular PS12-006.

In accordance with the resolution Council wrote to the Minister of Planning and Infrastructure accepting the delegations under section 59 of the *Environmental Planning and Assessment Act 1979* and informed the Minister that the function is sub-delegated to the General Manager in accordance with section 381 of the *Local Government Act 1993*.

The delegations only extend to routine LEPs as listed below:

- Section 73A amendments (minor errors and anomalies, amending references to documents etc)
- Council land reclassifications
- Some local heritage items
- Spot rezonings consistent with endorsed strategies and/or surrounding zones
- Mapping alterations
- Other matters of local significance as determined by the Gateway.

It is noted that this is a routine matter and it may be possible for Council to exercise its plan making delegations under s.59 of the *EP&A Act 1979*. However, this would involve additional staff resources for no net gain. Council does not wish to exercise delegations for plan making in this instance.

Public consultation

The Department has advised Council that the Minister will not require community consultation, in accordance with section 56(2)(c) of the *Environmental Planning and Assessment Act 1979*.

Conclusion

The Department of Planning and Infrastructure has been consulted in relation to the LEP 2012 mapping inaccuracies. The Department has advised that a planning proposal in accordance with Division 4 of Part 3 of the *EP&A Act 1979* is an appropriate mechanism to rectify the erroneous mapping cadaster.

There is sufficient information to enable Council to support the planning proposal and forward it to the Department of Planning and Infrastructure for processing.

Attachment/s

There are no attachments for this report.

Recommendation

That Council:

1. Support the planning proposal to rectify LEP 2012 mapping cadastral errors as outlined in the report and forward the proposal to the Department of Planning and Infrastructure to seek a Gateway determination.
2. Request the Department of Planning and Infrastructure that no public consultation is required in respect of this matter.
3. Request that the Department of Planning and Infrastructure rectify LEP 2012 mapping inaccuracies as outlined in the report.
4. Request that the Minister (or delegate) makes the plan under s.59 of the *EP&A Act 1979* without Council exercising its plan making delegations.

11.13 LEP 2012 Mapping Cadastral Errors

86/13

RESOLVED that:

1. Support the planning proposal to rectify LEP 2012 mapping cadastral errors as outlined in the report and forward the proposal to the Department of Planning and Infrastructure to seek a Gateway determination.
2. Request the Department of Planning and Infrastructure that no public consultation is required in respect of this matter.
3. Request that the Department of Planning and Infrastructure rectify LEP 2012 mapping inaccuracies as outlined in the report.
4. Request that the Minister (or delegate) makes the plan under s.59 of the *EP&A Act 1979* without Council exercising its plan making delegations.

(Councillors Marks/Clough) (BP13/290)

Voting for: Councillors Battista, Bennett, Clough, Dowell, Ekins, Houston, Marks, Meineke, Ritchie, Scheibel and Smith

Voting against: Nil

11.14 2012-2013 Capital Works Program Update for Roads, Parks and Water Infrastructure - March 2013

87/13

RESOLVED that the progress report for the 2012-2013 Capital Works Program for Roads, Parks and Water infrastructure to March 2013 be received and noted.

(Councillors Smith/Bennett) (BP13/296)

Voting for: Councillors Battista, Bennett, Clough, Dowell, Ekins, Houston, Marks, Meineke, Ritchie, Scheibel and Smith

Voting against: Nil

11.15 March 2013 Quarterly Budget Review Statement

88/13

RESOLVED that Council:

1. Receive and note the March 2013 Quarterly Budget Review Statement.
2. Approves all the recommended 2012/13 Budget changes as shown in the March 2013 Quarterly Budget Review Statement
3. Forward this report to Council's Auditor for information.

(Councillors Clough/Ritchie) (BP13/385)