

Kings Hill Cadastral Update

Proposal Title : **Kings Hill Cadastral Update**

Proposal Summary : **The cadastre for Kings Hill has recently been updated. As a result, the Port Stephens LEP 2013 maps for the Kings Hill area need to be realigned so that they apply to the correct land as identified by the new cadastre. The PP would do this by making a series of minor changes to the land zoning, lot size, height of buildings, heritage, acid sulfate soils, flood planning, wetlands, urban release area, drinking water catchment, and the additional permitted uses, precinct areas and waste or resource facility maps for Kings Hill.**

PP Number : **PP_2016_PORTS_006_00**

Dop File No : **16/09034**

Proposal Details

Date Planning
Proposal Received : **10-Aug-2016**

LGA covered : **Port Stephens**

Region : **Hunter**

RPA : **Port Stephens Council**

State Electorate : **PORT STEPHENS**

Section of the Act : **73A - Minor Matter**

LEP Type : **73A**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Various lots at Kings Hill as identified by the site identification map included in the PP.**

DoP Planning Officer Contact Details

Contact Name : **Ben Holmes**

Contact Number : **0249042709**

Contact Email : **ben.holmes@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Jessica Franklin**

Contact Number : **0249800141**

Contact Email : **Jessica.Franklin@portstephens.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	N/A
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 :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

ADDITIONAL INFORMATION

The Department sought clarification regarding the extent of the changes proposed. This information was provided on 10 August 2016.

USE OF SECTION 73A

Council proposes that this LEP amendment occur using s73A of the EP&A Act 1979. It states that the changes proposed are minor in nature as it does not have any significant adverse impact on the environment or adjoining land.

Section 73A may be used in order to do one or more of the following:

- (a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error,
- (b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature,
- (c) deal with matters that the Minister considers do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land.

Council has advised that the majority of changes would represent shifts of between 1 and 10 metres to align with the new cadastre boundaries. No material change to land zoning or development standards should result. Given this, updating the LEP accordingly so that its maps apply to the correct land is not considered to have a significant adverse impact on the environment or adjoining land. It is considered that the PP could proceed under s73A(c).

OTHER PLANNING PROPOSALS THAT RELATE TO THIS LAND

Planning proposals PP_2012_PORTS_005_00 and PP_2012_PORTS_009_00 are with the Department for finalisation and relate to this land. They have been placed on hold at the request of Council. These proposals will need to be updated should this s73A LEP amendment proceed.

External Supporting Notes : Council is of the opinion that a PP is required in order to make these changes. It is understood that the issue of spatial data shifts and how they can be more easily facilitated is being reviewed by the Department as part of the ePlanning program.

Adequacy Assessment

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

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

Comment : The PP states it is to rectify minor shifts in the cadastre base. It states that this should occur using the provisions of s73A of the EP&A Act 1979.

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

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

Comment : The PP identifies the maps that would be changed. This includes the land zoning, lot size, height of buildings, heritage, acid sulfate soils, flood planning, wetlands, urban release area, drinking water catchment, and the additional permitted uses, precinct areas and waste or resource facility maps for the Kings Hill area only.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered : **No s117 directions or SEPPs have been identified by Council as relevant to this PP.**

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided a site application map and a land application map which identify the areas that would be affected by the PP. Existing and proposed maps are also provided for the relevant map sheets. However, the changes proposed are unable to be determined from the maps due to their large scale. On request, Council provided further maps with a smaller scale for a specific lot to demonstrate the alignment issue that the PP seeks to fix (refer Tab Example Map).

As s73A is to be used, smaller scale maps that demonstrate each change are not required. Should the Gateway support the PP and the use of s73A, Council may progress to preparing the replacement LEP maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Council proposes that the LEP amendment occur using s73A of the Act. It states that community consultation is not required where s73A is used. This is agreed.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **COMPLETION TIMEFRAME**

Council has suggested that a 3 month completion timeframe is suitable. As no studies, agency or community consultation is proposed, a 3 month timeframe is supported.

PLAN-MAKING DELEGATION

Council has plan-making delegation and has indicated that it seeks to use its delegation for this PP. This PP is for a minor matter and the request is supported.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The PS LEP 2013 commenced in early 2014.**

Assessment Criteria

Need for planning proposal : **Council is progressively moving away from using its own cadastre and will instead use the NSW LPI cadastre. In this instance, the Kings Hill area has moved to the new cadastre and it is evident that the LEP maps (which were based on the old cadastre) need to be realigned so that they match up with the new cadastre. It is important that the LEP reflect the new property information and so the need for the PP is justified.**

Consistency with strategic planning framework : **The PP is for a minor matter. There is no specific guidance in the regional strategy, Council strategies, s117 directions or SEPPs which are relevant to this PP.**

Environmental social economic impacts : **The PP would result in minor changes to the LEP maps. The changes are to ensure that the LEP maps reflect the new cadastre, and in turn maintain the LEPs accuracy given this new information. This is a positive outcome. Further, aligning the cadastre with the NSW LPI cadastre will help facilitate ongoing improvements to the planning system in NSW through the Department's ePlanning program.**

Assessment Process

Proposal type : **Minor** Community Consultation Period : **Nil**

Timeframe to make LEP : **3 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :

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 :

Documents

Document File Name	DocumentType Name	Is Public
Council Request Letter.pdf	Proposal Covering Letter	Yes
Council Report and Minutes.pdf	Study	Yes
Planning Proposal - 73A - Kings Hill.pdf	Proposal	Yes
Tab Example Map.docx	Map	No

Planning Team Recommendation

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

S.117 directions:

- Additional Information :
- 1. No community consultation is required.**
 - 2. No consultation is required with public authorities.**
 - 3. A public hearing is not required.**
 - 4. The timeframe for completing the LEP is to be 3 months.**
- Plan-making delegation should be given to Council.**

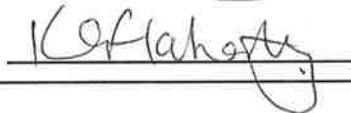
Kings Hill Cadastral Update

Supporting Reasons : **per report**

Signature:



Printed Name:



Date:

24-08-2016