

ITEM NO. 2

**FILE NO: 16/331336
RM8 REF NO: PSC2016-01548**

PLANNING PROPOSAL - KINGS HILL CADASTRAL MAPPING UPDATE

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 (NSW) to rectify minor shifts in the cadastre base in and around the Kings Hill area, in accordance with the NSW Land and Property Information updated digital cadastral database.
 - 2) Refer the Planning Proposal to the NSW Department of Planning and Environment with a recommendation that the Minister make a Gateway Determination and give delegation to Council to make the plan.
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**ORDINARY COUNCIL MEETING - 28 JUNE 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Steve Tucker That the recommendation be adopted.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

183	Councillor Ken Jordan Mayor Bruce MacKenzie It was resolved that Council: 1) Adopt the Planning Proposal (ATTACHMENT 1) to amend the Port Stephens Local Environmental Plan 2013 (NSW) to rectify minor shifts in the cadastre base in and around the Kings Hill area, in
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MINUTES ORDINARY COUNCIL - 28 JUNE 2016

	accordance with the NSW Land and Property Information updated digital cadastral database.
2)	Refer the Planning Proposal to the NSW Department of Planning and Environment with a recommendation that the Minister make a Gateway Determination and give delegation to Council to make the plan.

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the Planning Proposal (**ATTACHMENT 1**) to rectify cadastral inaccuracies in the Port Stephens Local Environmental Plan 2013.

The NSW Land and Property Information (LPI) have been updating their digital cadastral and the data is provided to Councils throughout the State. The LPI provided Port Stephens Council with updated digital cadastre for the Kings Hill and surrounding area in February 2016. The cadastre bases for the LEP2013 map series (eg zone map, lot size map etc) in these areas are now out of date and need to be altered to more accurately reflect property boundaries.

The Department of Planning and Environment has advised Council that to rectify these errors a planning proposal is an appropriate mechanism to initiate the correction and rectify the updated mapping cadastre.

The shifts are mostly minor shifts ranging from 1 to 10 metres. Council officers foresee no significant impact to property or property owners as a consequence of the recommended changes, however given the number of shifts, a planning proposal is required to be prepared and advertised.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications for Council as a consequence of the recommendation of this report.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget allocation.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or major risk implications for Council as a consequence of the recommendations of this report. The most relevant legislation and policies are now discussed.

Environmental Planning & Assessment Act 1979 (EP&A)

Council is the relevant planning authority for making the plan under the *Environmental Planning and Assessment Act 1979 (NSW)*. The proposal has followed the process for amending a Local Environmental Plan, as detailed under the *Environmental Planning and Assessment Act 1979 (NSW)*.

Council will seek the Planning Proposal be dealt with under Section 73A as it is considered minor and administrative in nature as it does not have any significant adverse impact on the environment or adjoining land.

EP&A Act 1979	Date	Comment
s54 Relevant Planning Authority	28 June 2016	Council Meeting Date.
s55 Planning Proposal		
s56 Gateway Determination		
s57 Community Consultation		May not be required if plan is made under Section 73A of the Act.
s58 Relevant Planning Authority to vary or Proceed		May not be required if plan is made under Section 73A of the Act.
s59 Making of Plan		

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the LEP maps are outdated and not current.	Medium.	The Proposal seeks to ensure the Port Stephens Local Environmental Plan 2013 remain current, accurate and effective and will assist in the delivery of a high level of customer service, by allowing the maps to be used as originally intended.	Yes.
There is a risk that inappropriate land uses can be carried out on the site.	Medium.	The Proposal seeks to correct anomalies to ensure that appropriate land uses can be carried out on the affected sites.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Proposal is consistent with the Lower Hunter Regional Strategy and the Port Stephens Planning Strategy 2011-2036 (PSPS). The PSPS is based on the principles of balancing environmental, social and economic needs as outlined by the Port Stephens Integrated Plans.

MERGER PROPOSAL IMPLICATIONS

The Proposal has no impacts on any potential merger with another Council.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section. Internal discussions have occurred with Council's Spatial Services in relation to resourcing staff to undertake this work. Consultation has occurred with the Department of Planning and Environment which resulted in the making of this planning proposal. The details of consultation will be determined and undertaken in accordance with the Gateway Determination.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Planning Proposal - Kings Hill Cadastral Mapping update. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.