

## **ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS**

### **Checklist for the review of a request for delegation of plan making functions to councils**

**Local Government Area:** Snowy Valleys

**Name of draft LEP:** Tumut Local Environmental Plan 2012 (Amendment No. 6)

**Address of Land (if applicable):**

Not applicable.

**Intent of draft LEP:**

Introduce the 'artisan food and drink industry' land use as permissible with consent in the B2 Local Centre land use zone of Tumut Local Environmental Plan 2012.

**Additional Supporting Points/Information:**

The Standard Instrument LEP has inserted artisan food and drink industry as a subcategory of 'light industry', resulting in that new use being prohibited in the B2 Local Centre Zone. The B2 zone applies to the Tumut CBD. Council considers that the 'artisan food and drink industry' land use should be permissible with consent in the B2 Local Centre land use zone of Tumut Local Environmental Plan 2012 to support the vitality of the Tumut CBD, uplift the overall economic profile of Tumut and support private sector investment in dining and beverage experiences in suitable locations.

Council has received numbers of enquiries in respect of appropriate locations for artisan food and drink premises. Inquirers have made it clear that it would be desirable and logical to locate in the Tumut CBD.

<b>Evaluation criteria for the issuing of an Authorisation</b>  <b>(Note: where the matter is identified as relevant and the requirement has not been met, council is to attach information to explain why the matter has not been addressed)</b>	<b>Council response</b>		<b>Department assessment</b>	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Yes			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	No	Yes		
Does the planning proposal contain details related to proposed consultation?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Yes			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Yes			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Yes			
<b>Minor Mapping Error Amendments</b>	Y/N	Not relevant	Agree	Not agree
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	No			
<b>Heritage LEPs</b>	Y/N	Not relevant	Agree	Not agree
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	No			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		Yes		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		Yes		

Reclassifications	Y/N	Not relevant	Agree	Not agree
Is there an associated spot rezoning with the reclassification?		Yes		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		Yes		
Is the planning proposal proposed to rectify an anomaly in a classification?		Yes		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		Yes		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		Yes		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		Yes		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		Yes		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		Yes		
Spot Rezonings	Y/N	Not relevant	Agree	Not agree
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	No			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	No			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	No			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		Yes		

Does the planning proposal create an exception to a mapped development standard?		Yes		
<b>Section 73A matters</b>	<b>Y/N</b>	<b>Not relevant</b>	<b>Agree</b>	<b>Not agree</b>
<p>Does the proposed instrument</p> <p>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?;</p> <p>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c. deal with matters that 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?</p> <p>(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>		Yes		

#### NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.