

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: Albury

Name of draft LEP: Albury Local Environmental Plan 2010 (Amendment No. 14)

Address of Land (if applicable): 481 Urana Road, Lavington

Intent of draft LEP: Amend the Albury Local Environmental Plan 2010 (ALEP 2010) by including 481 Urana Road, Lavington within Schedule 1 - Additional Permitted Uses for the purposes of a 'service station'.

Additional Supporting Points/Information: The proposed amendment seeks to include 481 Urana Road, Lavington within Schedule 1 of ALEP 2010 for the purposes of a 'service station'. It is noted that the subject site previously operated as a service station, but no longer retains 'existing use rights' as defined under Section 106 of the Environmental Planning & Assessment Act 1979.

Given that the subject site no longer retains existing use rights and is zoned R1 General Residential under ALEP 2010 (which prohibits service stations), there are no opportunities available to redevelop the site for service station purposes in the absence of undertaking an amendment to existing planning controls. It is noted that a separate development will be required to be lodged prior to the site recommencing operations as a service station.

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Yes		YES	
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes		YES	
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Yes		YES	
Does the planning proposal contain details related to proposed consultation?	Yes		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		YES	
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Yes		YES	
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Yes		YES	
Minor Mapping Error Amendments	Y/N			
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?		Yes	YES	
Heritage LEPs	Y/N			
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?		Yes	YES	
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		Yes	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	YES	
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		Yes	YES	
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		Yes	YES	
Is the planning proposal proposed to rectify an anomaly in a classification?		Yes	YES	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		Yes	YES	
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		Yes	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	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	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	YES	
Spot Rezoning	Y/N			
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?		Yes	YES	
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?		Yes	YES	
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?		Yes	YES	
If yes, does the planning proposal contain sufficient documented		Yes	YES	

justification to enable the matter to proceed?				
Does the planning proposal create an exception to a mapped development standard?		Yes	YES	
Section 73A matters				
Does the proposed instrument 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?; or 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? (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).		Yes	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.