



PGF001683

clarence
VALLEY COUNCIL

19 December 2012

Reference: DWS#1007477
Contact: Terry Dwyer

The Regional Manager
Department Planning & Infrastructure
Locked Bag 9022
GRAFTON NSW 2460

Attention: Paul Garnett

Dear Steve

Received
19 DEC 2012
12/20361
North Coast

Planning Proposal - Lot 68, 69 and part Lot 71 DP1156995 and Lot 1020 DP 1108597, Major Mitchell Drive, Gulgarrad

I refer to your request, by way of email dated 18 December 2012, for additional information.

You have requested the following:

1. An estimated time line for the completion of the planning proposal (Section 2.6 of *"A Guide for Preparing Planning Proposals"*)
2. A completed *"Evaluation criteria for the delegation of plan making functions"* form
3. A completed *"Information Checklist"*

Council would estimate a timeline of 6 months for the completion of the planning proposal, commencing from the date of receipt of a Gateway determination that does not impose substantial additional information or procedural requirements that may take considerable time to address or resolve. It is difficult at this stage to provide more precise timeframes for discrete procedural milestones.

Please find enclosed the following:

- (i) Completed *"Information Checklist"* – Attachment 1 of *"A Guide for Preparing Planning Proposals"*
- (ii) Completed *"Evaluation criteria for the delegation of plan making functions"* – Attachment 4 of *"A guide to preparing local environmental plans"*.

In the case of the Attachment 1 *"Information Checklist"* Council has, without too much available guidance, responded on the checklist form by indicating those matters which:

- the planning proposal document has adequately considered and/or acknowledged and that do not require additional consideration or documentation; and
- are not applicable or relevant.

By way of comment, Council finds the Attachment 1 "*Information Checklist*" form somewhat ambiguous in that it is unclear as to what "to be considered" requires. Council has interpreted it to mean that the issue has been considered in the planning proposal which is the workable interpretation at this stage of the process. Alternatively it could imply to the Gateway that all those issues need to be further assessed as part of the Gateway determination.

The form seems best suited as an applicants guide prior to lodgement with Council. A revised form for use at the Gateway stage that identifies those matters which have been addressed satisfactorily, those which are not relevant and those that need more consideration would work better.

If you require further information please contact me on telephone 66 430 243 or David Morrison, Manager Strategic & Economic Planning on telephone 66 430 204.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Terry Dwyer', with a stylized flourish at the end.

Terry Dwyer
Senior Strategic Planner (Policy)

INFORMATION CHECKLIST

Attachment 1

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)

> STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			Urban Design Considerations		
• Demonstrated consistency with relevant Regional Strategy	☒	☐	• Existing site plan (buildings vegetation, roads, etc)	☒	☐
• Demonstrated consistency with relevant sub-regional strategy	☒	☐	• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☒	☐	• Lighting impact	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒	• Development yield analysis (potential yield of lots, houses, employment generation)	☒	☐
Site Description/Context			Economic Considerations		
• Aerial photographs	☒	☐	• Economic impact assessment	☐	☒
• Site photos/photomontage	☐	☒	• Retail centres hierarchy	☐	☒
Traffic and Transport Considerations			• Employment land	☐	☒
• Local traffic and transport	☐	☒	Social and Cultural Considerations		
• TMAP	☐	☒	• Heritage impact	☐	☒
• Public transport	☐	☒	• Aboriginal archaeology	☒	☐
• Cycle and pedestrian movement	☐	☒	• Open space management	☐	☒
Environmental Considerations			• European archaeology	☐	☒
• Bushfire hazard	☒	☐	• Social and cultural impacts	☐	☒
• Acid Sulphate Soil	☒	☐	• Stakeholder engagement	☒	☐
• Noise impact	☐	☒	Infrastructure Considerations		
• Flora and/or fauna	☒	☐	• Infrastructure servicing and potential funding arrangements	☒	☐
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒	Miscellaneous/Additional Considerations		
• Water quality	☐	☒	List any additional studies		
• Stormwater management	☒	☐			
• Flooding	☒	☐			
• Land/site contamination (SEPP55)	☒	☐			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☒	☐			
• Sea level rise	☐	☒			

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: Clarence Valley Council

Name of draft LEP: Clarence Valley Local Environmental Plan 2011 (proposed amendment to)

Address of Land (if applicable): Lot 68, 69 and part Lot 71 DP1156995 and Lot 1020 DP1108597, Major Mitchell Drive, Gulmarrad

Intent of draft LEP: to rezone land at Gulmarrad (described above), for the purposes of urban residential subdivision.

Additional Supporting Points/Information: None other than the proponents planning proposal document entitled "Gulmarrad South Planning Proposal" (9 October 2012) prepared by Planning Resolutions and minuted officer report considered by Clarence Valley Council on 11 December 2012.

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?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
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?	N			
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?		No		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		No		
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?		No		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		No		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		No		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		No		
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?		N/A		
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?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezonings	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?	N			
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?		N/A		

Does the planning proposal create an exception to a mapped development standard?	N			
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).	N			

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.