

## **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:**Griffith City Council

**Name of draft LEP:**Griffith Local Environmental Plan 2014 (Amendment No. 5)

**Address of Land (if applicable):**Lots 309 & 610 DP 751743 and Lots 102 & 104 DP 1018640, Boorga Road and West Road, Nericon

**Intent of draft LEP:** To amend Lot Size Map (Sheet LSZ\_003B) of Griffith Local Environmental Plan 2014 to amend the minimum lot size requirements from 5ha (AA) to 1ha (Y).

#### **Additional Supporting Points/Information:**

In terms of the objectives of the zone, the reduction in the minimum lot size would not be contrary to the objectives of the zone which state:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

It is noted that the reduction in the minimum lot size for subdivision on the RU1 zone land is inconsistent. The applicant has included that parcel of land in order to obtain a dwelling entitlement for a residue parcel of land which was created as a result of a number of subdivisions and boundary adjustments since the mid-1990s.

Historically since the gazettal of GLEP 2002 when subject land was zoned 1(d) General Expansion, the site has been earmarked for future residential development for rural residential purposes and subdivision has generally been permissible and in late 2008 development consent was granted to DA 439/2007 for the subdivision of

land creating 417 lots with an average lot size of 3000m<sup>2</sup>. This was conditional on the applicant extending and connecting to sewer.

At the time of the LUS and drafting of GLEP 2014 consideration was given to rezoning the land, however in light of an active consent Council was reluctant to back zone land. Council as a consequence created a 5ha minimum lot size which could be reduced to 3000m<sup>2</sup> if the site was connected to sewer. In 2017 Council approved a 34 lot subdivision with lots ranging in size from 1ha to 2.4ha under the lot averaging provisions without the need to connect to sewer.

In terms of the Riverina-Murray Regional Plan, the key priorities for Griffith City Council are:

- Support the delivery of residential release areas, including at Lake Wyangan, and Griffith North, and at Hanwood and Yenda in Griffith, and increase the range of housing options in existing urban areas.
- Support industrial land development, including at Tharbogang in Griffith, and protect industrial areas from incompatible land uses.
- Support the establishment of a health precinct around Griffith Base Hospital and St Vincent's Private Community Hospital.

The proposed change to the minimum lot size is consistent with the the first priority and not contrary to the remaining points.

In terms of the goals of the Riverina-Murray Regional Plan

- It is consistent with Goal 1 - a growing and diverse economy
- It generally consistent with Goal 2 - a health environment with pristine waterways
- Is consistent with Goal 3 - efficient transport and infrastructure networks
- It is consistent with Goal 4 - strong connected and healthy communities.

<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 attach information to explain why the matter has not been addressed)</b>	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?		NR		
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			
<b>Minor Mapping Error Amendments</b>	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			
<b>Heritage LEPs</b>	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?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			
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?	N			

<b>Reclassifications</b>	<b>Y/N</b>			
Is there an associated spot rezoning with the reclassification?	N			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		NR		
Is the planning proposal proposed to rectify an anomaly in a classification?		NR		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		NR		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		NR		
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?		NR		
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?		NR		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		NR		
<b>Spot Rezonings</b>	<b>Y/N</b>			
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?	N			
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?		NR		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		NR		

Does the planning proposal create an exception to a mapped development standard?	N			
<b>Section 73A matters</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>		NR		

#### 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.