



11 December 2018

Regional Director (Western Region)  
NSW Department of Planning & Environment  
PO Box 717  
DUBBO NSW 2830

Dear Mr Pfeiffer

**PP\_2018-GRIFF-02-00 - ADDITIONAL PERMITTED USES AT LOT 641 DP 75173**

I refer to the additional information requested in respect to the subject planning proposal and wish to confirm:

- The APU definition *educational establishment* will be removed as Country Universities Centre meets the definition of a *community facility* which is permissible within the E2 zone.

Furthermore Council requests delegation to make the amended LEP and encloses a copy of the completed *Attachment 4 – Evaluation Criteria for the Delegation of Plan Making Functions*.

For further information regarding this matter please contact Council's Co-Ordinator Land Use Planning & Compliance, Mr Steven Parisotto on (02) 6969 4840.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carel Potgieter', is written over a circular stamp or seal.

**CAREL POTGIETER**  
**ACTING DIRECTOR SUSTAINABLE DEVELOPMENT**

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## **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.3)

**Address of Land (if applicable):** Lot 641 DP 751743, Remembrance Driveway, Griffith

**Intent of draft LEP:** To amend Schedule 1 of Griffith Local Environmental Plan 2014 to include the following:

4. Use of certain land at Remembrance Driveway, Griffith

(a) This clause applies to land at Remembrance Driveway, Griffith, being Lot 641, DP 751741, identified as "Item 4" on the Additional Permitted Uses Map.

(b) Development for the purpose of an office is permitted with development consent.

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

The underlying reasons for supporting the additional permitted use is to prevent the existing building becoming derelict or otherwise falling into a state of disrepair.

In terms of rezoning of the land, this was not considered to be the best outcome. While Council is keen to see the use of the building it does not think a spot rezoning to a business zone (B1 Neighbourhood Centre) the most appropriate way to go as due to the sensitive nature of E2 zoning which surrounding the site allowing a greater range of uses could prove detrimental.

Due to its former activities which included clearing of the site to enable the construction of a purpose built broadcasting studio and associated car parking none of the listed objectives for the E2 zone are relevant to the land. Enabling an additional permitted use as an office, while inconsistent with the objectives of the zone, it would in many ways no different from the former use of the land. By enabling this use and

the building being occupied it would minimise the risk of the building falling into the state of disrepair and, due to its isolation, being a target for vandalism. The development of the land as an office (or for one of the current permitted uses, including a community facility) would not necessarily prevent the objectives of the zone being met on the site or more importantly on the surrounding land.

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 additional land use for Lot 641 DP 751743 does not run contrary to the key priorities.

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

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

The use of the land for an office would not undermine the take up of existing commercial lands nor undermine the retail core and otherwise utilises an unused site to create an opportunity for development that would otherwise be restricted by the zoning of the land. In addition it reduces the potential impact on an area having a high environmental value because of increased activity and passive observation from a site that potential would become derelict.



<b>Evaluation criteria for the issuing of an Authorisation</b>	<b>Council response</b>		<b>Department assessment</b>	
	<b>Y/N</b>	<b>Not relevant</b>	<b>Agree</b>	<b>Not agree</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>				
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	N			

Heritage Significance and if so, have the views of the Heritage Office been obtained?				
<b>Reclassifications</b>	Y/N			
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>	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?	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.