**Planning Proposal – New Shire-wide Local Environmental Plan**

**(PP\_2019\_MUSWE\_001\_00)**

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| **Local Government Area:** | Muswellbrook Shire Council (MSC) |
| **Name of Draft LEP:** | New LEP - Muswellbrook Local Environment Plan 2019 - PP\_2019\_MUSWE\_001\_00 |
| **Subject Land:** | The whole Local Government Area of Muswellbrook Shire. |
| **Land Owner:** | N/A |
| **Applicant:** | Muswellbrook Shire Council |
| **Folder Number:** | LEP 2009 Review 2016-2020 |
| **Date:** | 20 February 2019 |
| **Author:** | Sharon Pope – Assistant Director Environment and Community Services |
| **Tables:** | Table No. | Details |
|  | 1 | Assessment of the Planning Proposal against relevant SEPPs |
|  | 2 | Consistency with applicable Ministerial Directions |

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| **Maps:** | No. | Details |
|  | 1 | Locality plan |

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| **Attachments:** | No. | Details |
|  | 1 | Draft Muswellbrook Local Strategic Planning Statement 2018 - 2038 |
|  | 2 | Review of Muswellbrook LEP 2009 Discussion Paper - February 2018 |

**Part 1 – OBJECTIVES OR INTENDED OUTCOMES**

The objective of the Planning Proposal is to develop a new Muswellbrook Shire-wide Local Environmental Plan. The current LEP, Muswellbrook LEP 2009, is ten years old and requires updating to implement the directions the *Muswellbrook Local Strategic Planning Statement 2018-2038*, the *Hunter Regional Plan* *2036*, the *Upper Hunter Economic Diversification Project: Action Plan* (Upper Hunter Economic Diversification Task Group, 2016) and the Department of Premier and Cabinet’s *Hunter Regional Economic Development Strategy 2018-2022*.

In particular the intended outcomes of the new LEP are to:

1. Review and amend the aims and objectives set out in clause 1.2 of the Muswellbrook LEP 2009,
2. Establish an appropriate planning framework for important agribusiness lands within the Shire, which protects existing and new agribusiness from land use conflicts and environmental hazards,
3. Establish an appropriate planning framework for mine and quarry footprints (including existing and planned open cut and underground mining footprints, exploration licences) and rehab areas, including identification of suitable activities that may occur on buffer land and rehabilitated land,
4. Establish an appropriate planning framework for *Critical Industry Clusters* and *Important Agricultural Land*,
5. Establish an appropriate planning framework for ecological conservation,
6. Establish an appropriate planning framework to manage rural landscapes,
7. Extend the W1 Natural Waterways zone from the confluence with the Goulburn River to the eastern boundary of the Shire,
8. Facilitate implementation of the Denman Town Centre Concept Master Plan through reviewing and amending the land use zones and development standards applying to the village,
9. Facilitate implementation of the Muswellbrook Town Centre Master Plan through reviewing and amending the land use zones and development standards applying to the Town Centre,
10. To introduce provisions that:
* provide Council with ways to increase housing supply and diversity and limit ongoing housing loss,
* improve the ability of Council to approve boundary adjustments in rural zones,
* provide guidance on the future transition of uses on the Liddell and Bayswater Power Station sites,
* provide opportunities for new renewable power generation facilities in the Muswellbrook LGA,
* introduce a Sewerage Treatment Plant Buffer and local provisions dealing with development within a designated buffer area around the Denman and Muswellbrook Sewerage Treatment Plants,
* Permit ‘moveable dwellings’ with consent in all zones where dwelling houses are permitted with consent, to diversify the housing opportunities within the Shire,
* Enable seniors’ living and “health services facility on the showground site as a permissible use in the B5 zone,
* Manage development in flood liable locations,
* permit additional types of minor development as exempt development,
1. Correct anomalies and errors identified through us of MLEP 2009.

**Part 2 – EXPLANATION OF PROVISIONS**

The proposed objective will be achieved by creating a new instrument and set of Map sheets. Anticipated map layers will be:

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| **Amendment Applies to** | **Explanation of provision** |
| Land Zoning Map | Zones likely to be included:**Rural Zones**RU1 RU2 Rural LandscapeRU3 Forestry**Residential Zones**R1 General ResidentialR3 Medium Density Residential**Business Zones**B2 Local CentreB3 Commercial CoreB4 Mixed UseB5 Business Development**Industrial Zones**IN1 General IndustrialIN2 Light Industrial**Special Purpose Zones**SP1 Special ActivitiesSP2 Infrastructure**Recreation Zones**RE1 Public RecreationRE2 Private Recreation**Environment Protection Zones**E1 National Parks and Nature ReservesE2 Environmental ConservationE3 Environmental Management**Waterway Zones**W1 Natural Waterways |
| Lot Size map | Some potential adjustments expected to lot sizes near Sandy Hollow for rural lifestyle lots to replace those lost to mining, plus changes to address anomalies identified through use of Muswellbrook LEP 2009. |
| Environmentally Sensitive Land Map |  |
| Floor Space Ratio map | Some adjustments expected to implement the Muswellbrook Town Centre Master Plan |
| Heritage Map |  |
| Height of Buildings map | Some adjustments expected to implement the Muswellbrook Town Centre Master Plan |
| Land Reservation Acquisition map |  |
| Terrestrial Biodiversity map | Some adjustments expected to implement current OEH mapping. |
| Urban Release Area Map |  |
| Key sites map | Identification of Liddell and Bayswater Power Station sites as key sites where planning is required for transition of employment generating activities, plus identification of mine sites as key sites suitable for agribusiness and other complementary uses. |
| Land Classification (Part Lots) map |  |

**Part 3 – JUSTIFICATION**

**Section A – Need for the Planning Proposal**

1. ***Is the planning proposal a result of any strategic study or report?***

The Planning Proposal is the result of the *Review of Muswellbrook LEP 2009 Discussion Paper - February 2018*, the *draft Muswellbrook Local Strategic Planning Statement 2018-2038*, the *Hunter Regional Plan 2036*, the *Upper Hunter Economic Diversification Project: Action Plan* (Upper Hunter Economic Diversification Task Group, 2016) and the *Hunter Regional Economic Development Strategy 2018-2022* (Department of Premier and Cabinet, 2018).

1. ***Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

It may be possible to make changes to the existing Muswellbrook LEP 2009, however given the age of the existing instrument, and likely number of changes, it is considered more appropriate to convey the significance of the extent of changes by creating a new Shire-wide LEP with a contemporary date in the title.

**Section B – Relationship to Strategic Planning Framework**

1. ***Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

Hunter Regional Plan 2036 (HRP)

The HRP includes four goals and 27 directions. The three goals and directions which are the most pertinent for the Muswellbrook LEP Review, are as follows:

**Goal 1 – The Leading Regional Economy in Australia**

Direction 4: Enhance inter-regional linkages to support economic growth

Direction 5: Transform the productivity of the Upper Hunter

Direction 9: Grow tourism in the region

Direction 10: Protect and enhance agricultural productivity

Direction 11: Manage the ongoing use of natural resources

Direction 12: Diversify and grow the energy sector

Direction 13:Plan for greater land use compatibility

**Goal 2 – A Biodiversity Rich Natural Environment**

Direction 14: Protect and connect natural areas

Direction 15: Sustain water quality and security

**Goal 4 – Greater Housing Choice and Jobs**

Direction 16: Deliver infrastructure to support growth and communities

**Regional Priorities are stated as:**

*Conducting an assessment of land use compatibility;*

*Undertaking a land use assessment of the Viticulture Critical Industry /clusters to align planning controls to achieve a balance between scenic amenity and ongoing growth in tourism;*

*Supporting diversification of the energy and agricultural sectors;*

*Protecting the equine industry and allowing for expansion.*

**Housing policies in the HRP for Muswellbrook are stated as:**

*Deliver existing Urban Release Areas at Denman and Muswellbrook;*

*Manage demand for rural residential development with the potential for longer term demand for residential development, and balance both in the context of potential mining activity surrounding Muswellbrook.*

*Diversify housing opportunities to respond to changing demographics and housing affordability.*

1. ***Is the planning proposal consistent with a council’s local strategy or other local strategic plan?***

Muswellbrook Community Strategic Plan 2017 – 2027

The proposal is considered consistent with the Muswellbrook Community Strategic Plan 2017 – 2027:

***Issue:*** *Community Infrastructure – Our community’s infrastructure is planned well, is safe and reliable and provides required levels of service*

***Goal:*** *Facilitate investment in high quality community infrastructure necessary for a regional centre*

***Strategy:*** *Deliver timely, quality professional development engineering and assessment.*

*Muswellbrook Local Strategic Planning Statement 2018 – 2038*

1. ***Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The Planning Proposal is consistent with the following relevant State Environmental Planning Policies (SEPPs) outlined in Table 1 below.

**Table 1: Assessment of the Planning Proposal against relevant SEPPs**

|  |  |  |
| --- | --- | --- |
| **SEPP** | **Relevance** | **Implications** |
|  |  |  |
| **State Environmental Planning Policy (Affordable Rental Housing) 2009** | The SEPP aims to provide a consistent planning regime for the provision of affordable rental housing. | It is not proposed to include any provisions which would be inconsistent with the SEPP  |
| **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004** | The aim of this SEPP is to ensure consistency in the implementation of the BASIX scheme throughout the State.The Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme. | It is not proposed to include any provisions which would be inconsistent with the SEPP  |
| **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008** | This SEPP aims to provide streamlined assessment processes for development that complies with specified development standards. | It is not proposed to include any provisions which would be inconsistent with the SEPP. Additional Exempt development types are expected to be identified in the LEP. |
| **State Environmental Planning Policy (Housing for Seniors or People With a Disability) 2004** | This SEPP aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability. | It is not proposed to include any provisions which would be inconsistent with the SEPP. |
| **SEPP (Infrastructure 2007)** | The SEPP aims to provide a consistent planning regime for the delivery of infrastructure. It also provides provision for consultation and assessment. | It is not proposed to include any provisions which would be inconsistent with the SEPP. |
| **State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007** | The aims of this SEPP is to provide that the erection of temporary structures is permissible with consent across the State,while ensuring the safety of persons using temporary structures, and protection of the environment. | It is not proposed to include any provisions which would be inconsistent with the SEPP. |
| **SEPP Rural Lands 2008** | The SEPP aims to facilitate the economic use and development of rural lands, reduce land use conflicts and provide development principles. | It is not proposed to include any provisions which would be inconsistent with the SEPP  |
| **State Environmental Planning Policy (State and Regional Development) 2011** | The aims of this SEPP is to identify development that is State significant development, identify development that is State significant infrastructure and critical State significant infrastructure, and to identify development that is regionally significant development. | It is not proposed to include any provisions which would be inconsistent with the SEPP.  |
| **SEPP 21 – Caravan parks** | This SEPP provides considerations and protections for land used or intended to be used as a caravan park, including the provision of community facilities for land so used, and protection of the environment in the immediate vicinity.  | It is not proposed to include any provisions which would be inconsistent with the SEPP.  |
| **State Environmental Planning Policy No 30 - Intensive Agriculture** | The aims of this SEPP is to require development consent for cattle feedlots having a capacity to accommodate 50 or more head of cattle, and piggeries having a capacity to accommodate 200 or more pigs or 20 or more breeding sows, and to provide for public participation in the consideration of these development applications. | It is not proposed to include any provisions which would be inconsistent with the SEPP.  |
| **State Environmental Planning Policy No 33 - Hazardous and Offensive Development** | This SEPP created defintions for hazardous and offensive industries and aims to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy. | It is not proposed to include any provisions which would be inconsistent with the SEPP. |
| **State Environmental Planning Policy No 36 - Manufactured Home Estates** | This SEPP aims to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development, to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services. | It is not proposed to include any provisions which would be inconsistent with the SEPP. |
| **SEPPP 44 – Koala Habitat Protection** | The SEPP encourages the conservation and management of natural vegetation that provides habitat for Koalas. | It is not proposed to include any provisions which would be inconsistent with the SEPP  |
| **State Environmental Planning Policy No 52 - Farm Dams and Other Works in Land and Water Management Plan Areas** | This SEPP aims to require environmental assessment under Part 4 of the Environmental Planning and Assessment Act 1979 of development for the purpose of artificial waterbodies (other than minor works in restricted locations) that will be carried out under farm plans that implement land and water management plans. | It is not proposed to include any provisions which would be inconsistent with the SEPP. |
| **SEPP No 55 – Remediation of Land** | *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) aims to promote the remediation of contaminated land for reducing the risk of harm to human health or any other aspect of the environment. | It is not proposed to include any provisions which would be inconsistent with the SEPP.  |
| **State Environmental Planning Policy No 62 - Sustainable Aquaculture** | This SEPP aims to encourage sustainable aquaculture, and to make aquaculture development permissible in certain zones under the Standard Instrument, and to set out the minimum site location and operational requirements for permissible aquaculture development (the minimum performance criteria). | It is not proposed to include any provisions which would be inconsistent with the SEPP. |
| **SEPP 64 – Advertising and Signage** | The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of the area and provide effective communication in suitable locations. | It is not proposed to include any provisions which would be inconsistent with the SEPP  |
| **State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development** | This SEPP aims to improve the design quality of residential apartment development in New South Wales. | It is not proposed to include any provisions which would be inconsistent with the SEPP.  |

1. ***Is the planning proposal consistent with applicable Ministerial Directions?***

An assessment of the Planning Proposal and its consistency against the applicable Ministerial Directions is provided at Table 2 below.

**Table 2: Consistency with applicable Ministerial Directions**

|  |  |  |
| --- | --- | --- |
| **Ministerial Direction** | **Objective/s** | **Consistency / Comment** |
| 1. **Employment and Resources**
 |
| 1.1 Business and Industrial Zones | (a) Encourage employment growth in suitable locations,(b) Protect employment land in business and industrial zones, and(c) Support the viability of identified strategic centres. | It is not proposed to include any provisions which would be inconsistent with this Direction |
| 1.2 Rural Zones | Protect the agricultural production value of rural land. | It is not proposed to include any provisions which would be inconsistent with this Direction |
| 1.3 Mining, Petroleum Production and Extractive Industries | Ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. | It is proposed to include provisions which may be inconsistent with this Direction, but address various strategic policy directions on managing conflict between mining and other uses. Discussions will be required to resolve. |
| 1.4 Oyster Aquaculture | Ensure Priority Oyster Aquaculture areas and oyster aquacultures generally are adequately considered when preparing a planning proposal. | N/A |
| 1.5 Rural Lands | Ensure Planning Proposals that modify existing rural or environmental protection zones or minimum lot sizes to be consistent with SEPP Rural Lands 2008. | It is not proposed to include any provisions which would be inconsistent with this Direction |
| 1. **Environment and Heritage**
 |
| 2.1 Environment Protection Zones | Protect and conserve environmentally sensitive areas. | It is not proposed to include any provisions which would be inconsistent with this Direction, but discussions will be required on a number of matters. |
| 2.2 Coastal Protection | Implement the principles in the NSW Coastal Policy. | N/A  |
| 2.3 Heritage Conservation | Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. | It is not proposed to include any provisions which would be inconsistent with this Direction. |
| 2.4 Recreation Vehicle Areas | Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. | It is not proposed to include any provisions which would be inconsistent with this Direction. |
| 1. **Housing, Infrastructure & Urban Development**
 |
| 3.1 Residential Zones | (a) Encourage a variety and choice of housing types to provide for existing and future housing needs,(b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and(c) Minimise the impact of residential development on the environment and resource lands. | It is not proposed to include any provisions which would be inconsistent with this Direction. |
| 3.2 Caravan Parks and Manufactured Home Estates | (a) Provide for a variety of housing types, and(b) Provide opportunities for caravan parks and manufactured home estates. | It is not proposed to include any provisions which would be inconsistent with this Direction. |
| 3.3 Home Occupations | Encourage the carrying out of low-impact small businesses in dwelling houses. | It is not proposed to include any provisions which would be inconsistent with this Direction |
| 3.4 Integrating Land Use and Transport | Ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:(a) improving access to housing, jobs and services by walking, cycling and public transport, and(b) increasing the choice of available transport and reducing dependence on cars, and(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and(d) supporting the efficient and viable operation of public transport services, and(e) providing for the efficient movement of freight. | It is not proposed to include any provisions which would be inconsistent with this Direction. |
| 3.5 Development Near Licensed Aerodromes | (a) Ensure the effective and safe operation of aerodromes, and(b) Ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and(c) Ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. | N/A  |
| 3.6 Shooting Ranges | (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,(b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,(c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. | It is not proposed to include any provisions which would be inconsistent with this Direction |
|  |  |  |
| 1. **Hazard & Rise**
 |
| 4.1 Acid Sulfate Soils | Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. | It is not proposed to include any provisions which would be inconsistent with this Direction. |
| 4.2 Mine Subsidence and Unstable Land | Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. | It is not proposed to include any provisions which would be inconsistent with this Direction. |
| 4.3 Flood Prone Land | (a) Ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and(b) Ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. | It is not proposed to include any provisions which would be inconsistent with this Direction. |
| 4.4 Planning for Bushfire Protection | (a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and(b) Encourage sound management of bush fire prone areas. | It is not proposed to include any provisions which would be inconsistent with this Direction. |
| 1. **Housing, Infrastructure & Urban Development**
 |
| 5.10 Implementation of Regional Plans | Ensure Planning Proposals are consistent with a Regional Plan. | It is not proposed to include any provisions which would be inconsistent with this Direction. |
| 1. **Local Plan Making**
 |
| 6.1 Approval and Referral Requirements | Ensure that LEP provisions encourage the efficient and appropriate assessment of development. | Consistent. It is not proposed to include any provisions which would be inconsistent with this Direction. |
| 6.2 Reserving Land for Public Purposes | (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. | It is not proposed to include any provisions which would be inconsistent with this Direction |
| 6.3 Site Specific Provisions | To discourage unnecessarily restrictive site specific planning controls. | A number of site specific provisions will be required to implement the various Strategies applicable to the Shire. It is not proposed to include any provisions which would be inconsistent with this Direction |
| 6.2 Reserving Land for Public Purposes | (a) Facilitate the provision of public services and facilities by reserving land for public purposes, and(b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. | It is not proposed to include any provisions which would be inconsistent with this Direction.. |
| 6.3 Site Specific Provisions | Discourage unnecessarily restrictive site specific planning controls. | It is not proposed to include any provisions which would be inconsistent with this Direction. |
| 1. **Metropolitan Planning**
 |
| Not Applicable |

**Section C – Environmental, Social and Economic Impact**

1. ***Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

It is not proposed to include any provisions which would have an adverse impact.

1. ***Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed***

No impact expected.

1. ***How has the planning proposal adequately addressed any social and economic effects?***

The new LEP is intended to address social and economic policy directions in adopted polices and strategic documents..

**Section D – State and Commonwealth Interests**

1. ***Is there adequate public infrastructure for the planning proposal***

There is generally adequate public infrastructure in place. The Liddell Innovation Precinct master planning process may identify new infrastructure requirements, however these would be funded by new development in that Precinct.

1. ***What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?***

Council has not yet received a Gateway Determination.

**Part 4 – MAPPING**

**Map 1 – Locality**

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**Part 5 – COMMUNITY CONSULTATION**

The Planning Proposal, and other supporting information, will placed on public exhibition in accordance with the terms outlined in the Gateway Determination*.*

**Part 6 – PROJECT TIMELINE**

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| --- | --- |
| **Action** | **Timeframe** |
| Anticipated commencement date (date of Gateway determination) | May 2019 |
| Anticipated timeframe for completion of required technical information | Nil |
| Timeframe for government agency consultation (pre exhibition) | 45 days (if required) |
| Public exhibition (commencement and completion dates) | 60 days |
| Date of Public hearing (if required) | Nil |
| Consideration of submissions | 8 weeks |
| Timeframe for government agency consultation (post exhibition if required) | 60 days |
| Post exhibition planning proposal consideration / preparation | 12 weeks |
| Submission to Department to finalise LEP | 2 weeks |
| Date RPA will make Plan (if delegated) | N/A |
| Date RPA will forward to the Department for notification (if not delegated) | 4 weeks |

Council does not intend to utilise delegations under s3.36 of the EP & A Act 1979 to finalise the Planning Proposal – see Attachment 2.

**Attachment 1**

**1 Draft Muswellbrook Local Strategic Planning Statement 2018 - 2038**

**2 Review of Muswellbrook LEP 2009 Discussion Paper - February 2018**

**Attachment 2**

**Evaluation Criteria for the Issuing of an Authorisation**

**Attachment 2 – New LEP – Muswellbrook LEP 2019**

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| **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 to attach information to explain why the matter has not been addressed)** | **Council****response** | **Department assessment** |
| **Y/N** | **Not Relevant** | **Agree** | **Disagree** |
| 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 detail 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 Secretary? | 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** |
| 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? |  | NR |  |  |
| **Heritage LEPs** |
| 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 |  |  |  |
| **Reclassifications** |
| Is there an associated spot rezoning with the reclassification? |  | NR |  |  |
| 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 |  |  |
| Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal? |  | NR |  |  |
| Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor’s approval? |  | NR |  |  |
| Has the council identified that it will exhibit the planning proposal in accordance with the Department’s Practice Note regarding *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 |  |  |
| **Spot Rezonings** |
| Will the planning 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? |  | NR |  |  |
| 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? | Y |  |  |  |
| 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? | N |  |  |  |
| 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 instrument1. Correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provision, 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?;
2. Address matter in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or
3. 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/GSC (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). |  | 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, or any other local strategic planning document that is endorsed by the Secretary of the Department.
* Matters that will routinely delegated to a Council under administration are confirmed on the Department’s website [www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/](http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/)