

# Planning Proposal (PP014) – Rezoning of 149 and 151 Larmer Avenue, Sanctuary Point

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Prepared by  
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## 1 Introduction

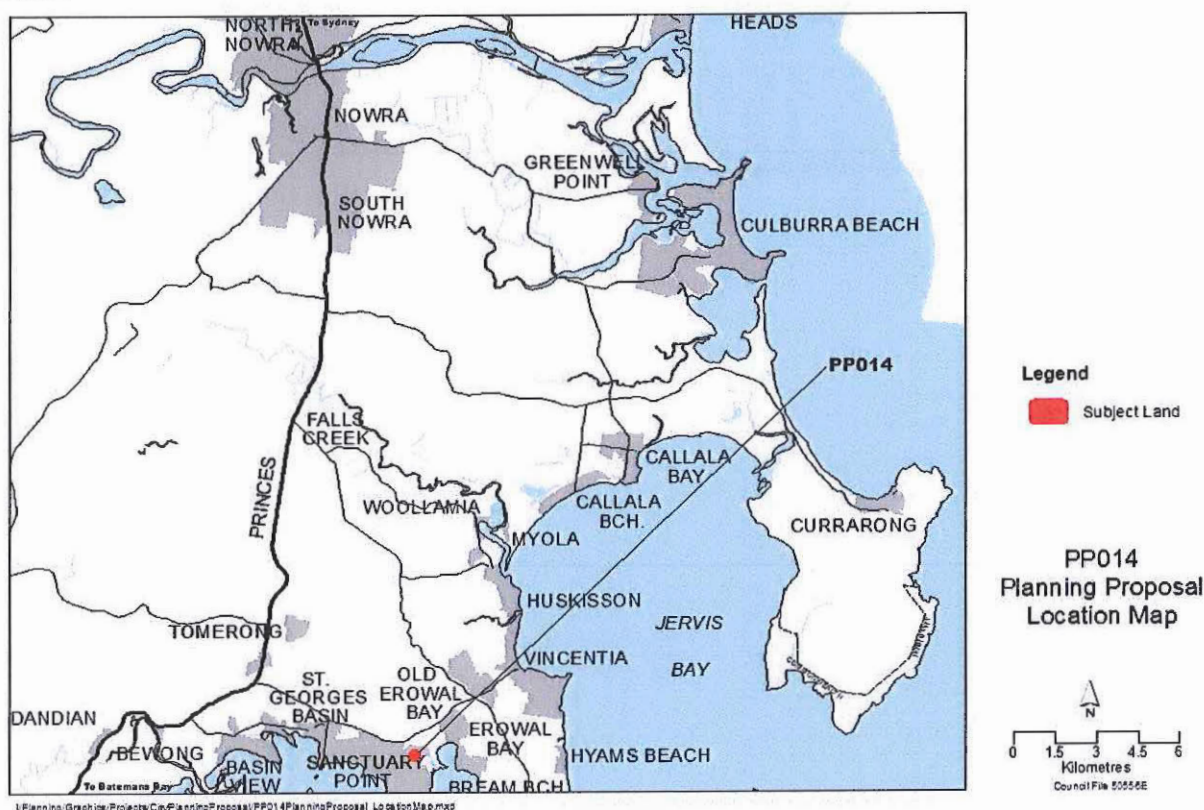
This Planning Proposal seeks to rezone 149 and 151 Larmer Avenue, Sanctuary Point (Lot 1519 and 1520 DP 236518) from R2 Low Density Residential to B5 Business Development under the Shoalhaven Local Environmental Plan (SLEP) 2014 consistent with the existing adjoining zone.

It aims to provide an opportunity for a future extension and better traffic management of the existing service station directly north of the site at 141 to 147 Larmer Avenue. It also proposes to remove the minimum lot size and maximum building height development standards to ensure consistency of the proposed B5 zone with the existing business zone provisions under SLEP 2014.

It is requested that Council be given delegation for plan making functions for this Planning Proposal. The evaluation criteria for the delegation of plan making functions is located at **Attachment E**.

### 1.1 Subject Land

The subject site is situated in the suburb of Sanctuary Point in the Shoalhaven Local Government Area. It is approximately 23km south east of Nowra, as shown in **Figure 1** below.



**Figure 1 – Location Map**

The subject site has a total approximate area of the site is 1114m<sup>2</sup> and occupies a single residential dwelling built over the two lots. To the north of the site is the existing service station (currently zoned B5 Business Development), with vacant SP3 zoned blocks to the east. To the south is the residential area of Sanctuary Point and to the west is the St Georges Basin Country Club land.

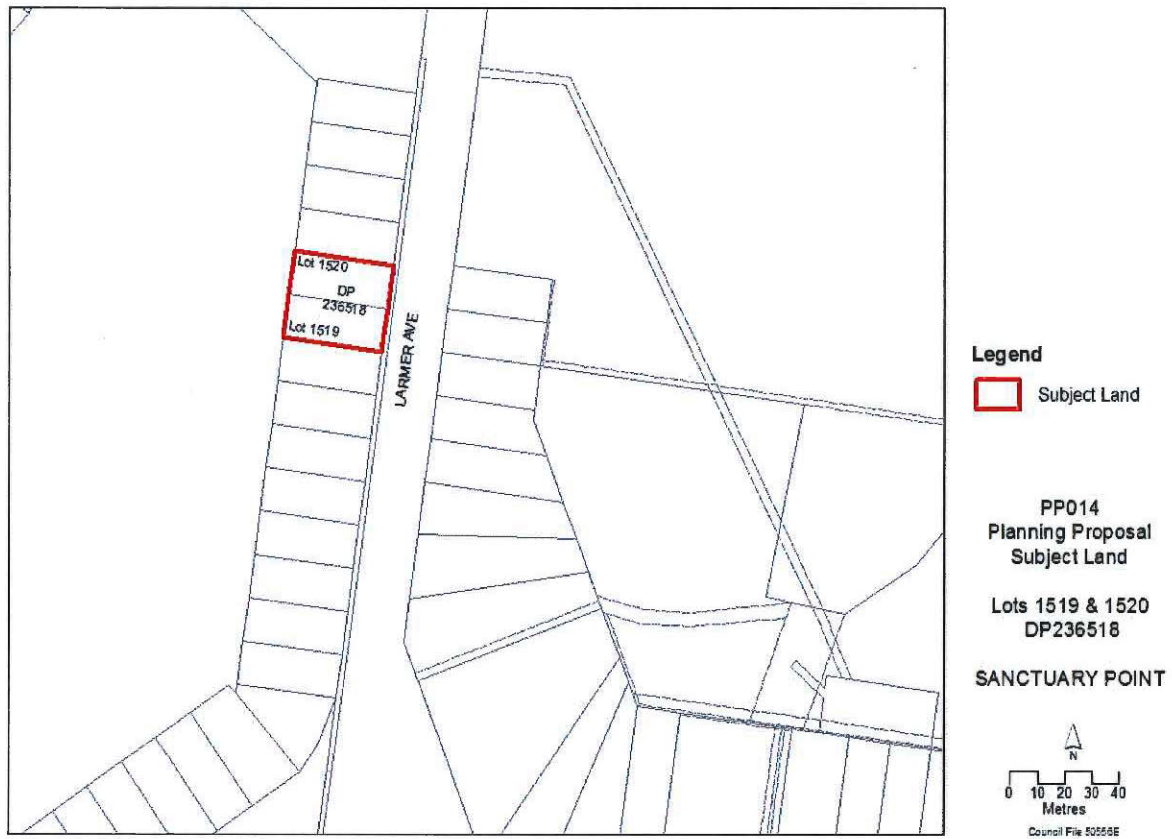


Figure 2 –Cadastral Map



Figure 3 – Aerial Map

## 1.2 Background

Council received a Planning Proposal from SET Consultants Pty Ltd on behalf of the landowner Mr J Macey and Others to rezone 149 and 151 Larmer Avenue, Sanctuary Point.

Prior to receiving the Planning Proposal, Council staff had been involved in preliminary discussions with the proponent. It was advised that the proposed rezoning could be considered subject to the lodgement of a formal Planning Proposal consideration of potential traffic impacts and preliminary consultation with the adjoining and most directly affected residential land owner to the south (153 Larmer Avenue).

The Planning Proposal was lodged on 20 February 2015 and then supported by Council's Development Committee under its delegations on 2 June 2015. The proponent's Planning Proposal is located at **Attachment A**. The report to Council's Development Committee and minutes is located at **Attachment B**.

## 2 Part 1 –Intended Outcome

The intended outcome of this Planning Proposal is to provide an extension to the existing B5 Business Development zone to allow for future growth of the service station. The proponent has argued that this will allow the existing and potential traffic impacts to be managed appropriately.

## 3 Part 2 – Explanation of Provisions

The subject land is currently zoned R2 Low Density Residential under SLEP. It is proposed to rezone the subject land to B5 Business Development as an extension to the existing B5 zoned area to the north. The existing and proposed zones are demonstrated in **Figures 4 and 5** below.

Under the current LEP provisions, maximum building height and minimum lot size provisions apply.

Pursuant to Clause 4.1 the subject land has a minimum lot size 500m<sup>2</sup> with reference to Clause 4.1A. This is proposed to be removed as part of this Planning Proposal.

Pursuant to Clause 4.3 the subject land has an applicable maximum height of buildings of 8.5 metres. This is proposed to be removed as part of this Planning Proposal. However, whilst the maximum building height development standard would be removed, Clause 4.3(2A) would set the maximum height for any building on the subject land to 11 metres.

It is proposed to amend these development standards by way of removal to ensure that the proposed B5 zoned lots are consistent with the existing provisions of the B5 land to the north. The existing and proposed height of buildings and minimum lot size are demonstrated on **Figures 6 and 7** below.

The proposed outcome of this Planning Proposal will be achieved by amending the Land Zoning, Height of Buildings, and Lot Size Map in the SLEP as per the following:

1. *Land Zoning* – Sheet LZN\_020D amend zoning of subject land from R2 Low Density Residential to B5 Business Development.
2. *Height of Buildings* – Sheet HOB\_020D amend maximum height of building of subject land from '12' (8.5m) to no maximum building height.
3. *Lot Size* – Sheet LSZ\_020D amend minimum lot size of subject land from '1' (500m<sup>2</sup>) and reference to Clause 4.1A to no minimum lot size and no reference to Clause 4.1A.

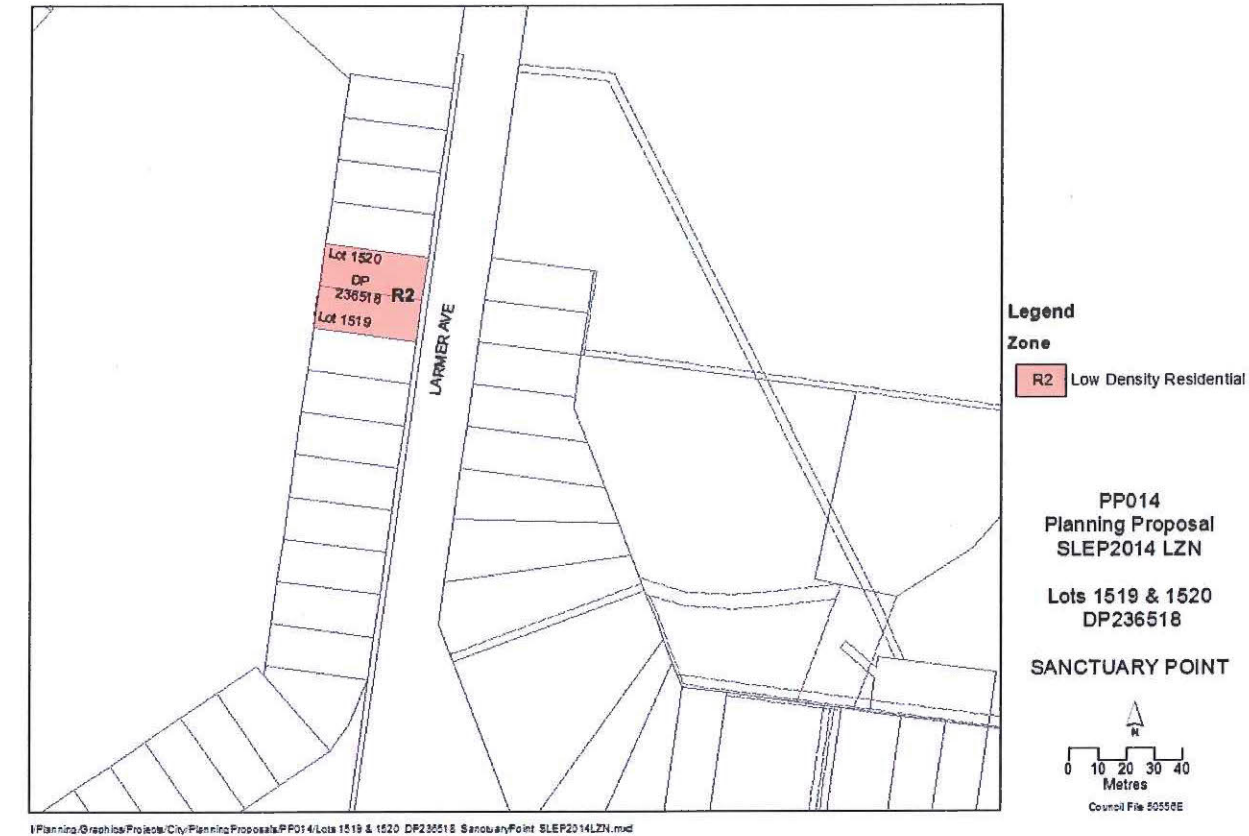


Figure 4 –Shoalhaven LEP 2014 Zoning

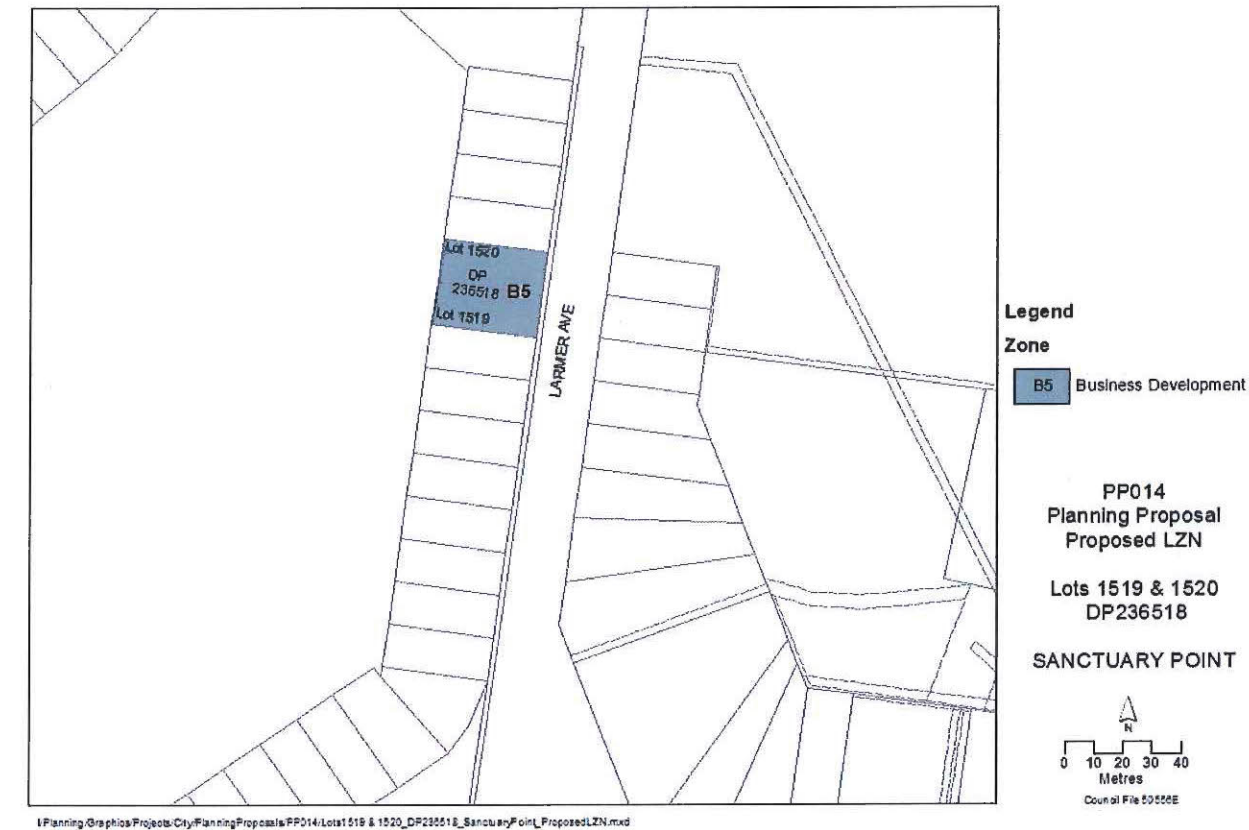


Figure 5 – Proposed Zoning

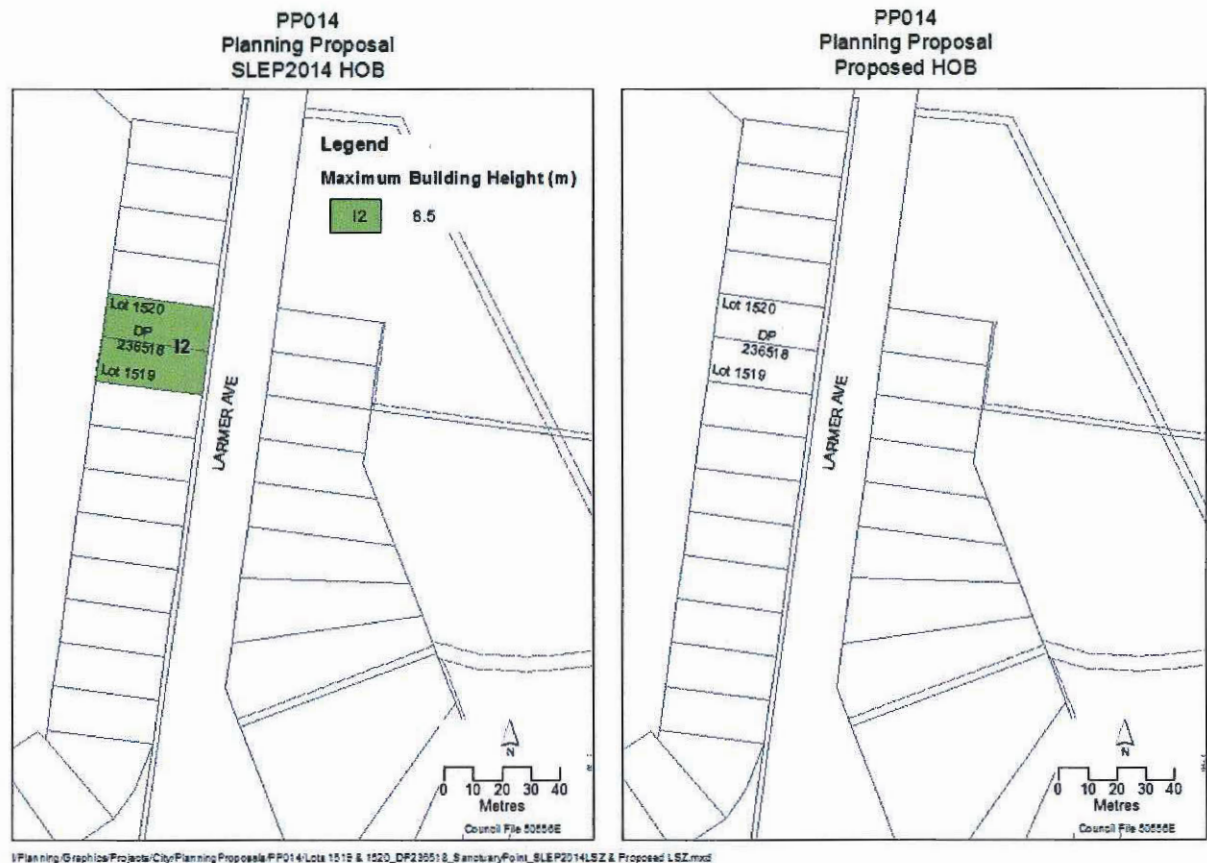


Figure 6 – Existing and Proposed Height of Building

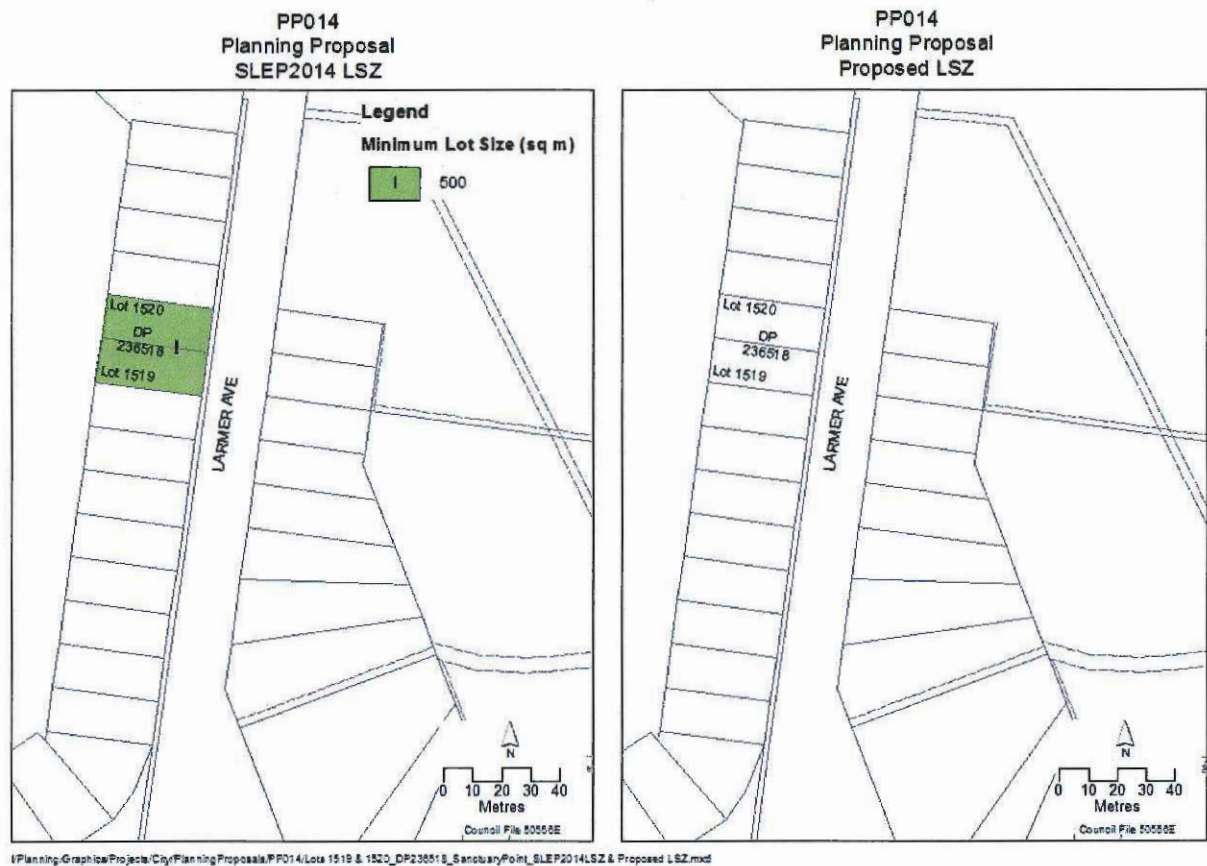


Figure 7 – Existing and Proposed Minimum Lot Size

## 4 Part 3 – Justification

### 4.1 Need for the Planning Proposal (Section A)

#### 4.1.1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not a result of a strategic study or report. The proponent initiated Planning Proposal arose from the need to improve service and traffic flow in and out of the existing service station north of the subject land at 141 to 147 Larmer Avenue. This is proposed to be achieved through a Development Application (DA) after the commencement of the proposed amendment to the SLEP.

#### 4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

To achieve the desired outcome of this Planning Proposal, the following options are available to Council:

- A. **Rezone the land from the current R2 Low Density Residential to B5 Business Development.** This option was adopted by Council and is considered to be appropriate as the proposal is minor in nature as it is an extension to the existing B5 zone.
- B. **Amend Schedule 1 of the SLEP 2014 to include “service stations” as an additional permitted use on the subject land.** This option is not considered appropriate as it contradicts with the Department’s LEP Practice Note on Schedule 1 Additional Permitted Uses in that this is not an exceptional circumstance and there is another acceptable solution to progress the matter.

### 4.2 Relationship to strategic planning framework (Section B)

#### 4.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

*South Coast Regional Strategy (SCRS) and Draft Illawarra Region Growth and Infrastructure Plan (Regional Plan)*

The SCRS is a high level strategic planning document which currently applies to Shoalhaven. The SCRS addresses the provision of suitable land for employment and housing needs. The Vincentia district, including Sanctuary Point is identified as a ‘Major Town’ under the SCRS. In order to address economic development and employment growth, the SCRS sets actions to protect and add to employment in existing economic centres, including major towns, by considering zoning changes that address concerns with respect to constraints and specific opportunities.

The Planning Proposal notes that the extension to the service station will meet the demands of future population growth given that it is the only service station in the Sanctuary Point area and one of four service stations in the Vincentia district. This is demonstrated by the current servicing trends identified in the proponent's proposal of approximately 68 vehicles per hour in the morning and 49 vehicles per hour in the afternoon, during a non-holiday week.

Should the potential future extension of the service station not go ahead, other permitted uses of the proposed B5 Business Development zone will nevertheless provide other economic development and employment growth opportunities within the B5 zone area.

The Planning Proposal is not inconsistent with the SCRS.

Once the Regional Plan is finalised, the SCRS will no longer be relevant. The strategies related to employment and economic development in the Vincentia district in the draft IRGIP did not significantly change to that of the SCRS. Therefore the Planning Proposal is not inconsistent with draft IRGIP.

#### **4.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

The following strategies are relevant to this Planning Proposal:

- Jervis Bay Settlement Strategy (2003)
- Council's Community Strategic Plan – Shoalhaven 2023

##### *Jervis Bay Settlement Strategy (JBSS)*

The JBSS applies to the Jervis Bay Region and establishes a set of principles to manage growth in the Region. The settlement hierarchy identifies Sanctuary Point as a 'town' which provides a range of local services and variety of employment opportunities. The requested extension of the B5 zone will maintain the level of local services provided, however will provide opportunity for the more efficient operation of the existing service station in the future (subject to future Development Consent). This will allow this service to keep up with future demand created by ongoing development in this location.

Alternatively, if the potential future extension of the service station is not realised, the proposed B5 zone will allow for other local services and employment opportunities to be provided. The use of the B5 zone instead of a B2 Local Centre zone will ensure that economic competition between the existing Local Centre area is minimised.

The Planning Proposal is not inconsistent with the JBSS.

*Community Strategic Plan – Shoalhaven 2023 (CSP)*

The CSP identifies objectives and strategies for prosperity in Shoalhaven and creating opportunities for growth to existing services. The proponent's Planning Proposal notes that the rezoning of the land will satisfy the following objective and strategy:

- |                |                                                                                        |
|----------------|----------------------------------------------------------------------------------------|
| Objective 3.2  | An economy that supports and is supported by growing, diverse and changing communities |
| Strategy 3.2.4 | Advocate for infrastructure improvements to support economic activity and investment   |

The Planning Proposal is not inconsistent with the CSP.

**4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?**

The Planning Proposal is generally consistent with the applicable state environmental planning policies (SEPP), except for where specified. A full list of SEPPs is provided as **Attachment C**. The most relevant SEPPs are discussed below.

**SEPP 55 – Remediation of Land**

- SEPP 55 requires that contamination and remediation of land be considered in a Planning Proposal. Specifically, it requires that a relevant planning authority not rezone land that is identified as an investigation area declared by the *Contaminated Land Management Act 1997*, development listed in Table 1 of the Contaminated Land Management Guidelines, or development for the purposes of residential, educational, recreational, child care or hospital purposes. The Planning Proposal proposes to rezone the land from residential to business. The subject land is not an investigation area as declared by the Contaminated Land Management Act 1997. Any proposed development on the land through the DA process will be required to submit supplementary studies should the development proposed be listed in Table 1 of the Contaminated Land Management Guidelines.

**SEPP 71 – Coastal Protection**

- SEPP 71 applies to land within a coastal zone (1 km from the coast). It is considered that the Planning Proposal is consistent with the matters for consideration in that public access to the foreshore is not impacted by the proposal, and it is unlikely that the proposal will impact water quality of coastal waterbodies, Aboriginal cultural heritage places and the amenity and scenic quality of the coastal foreshore.

#### 4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Ministerial directions are considered in **Attachment D** and those that are specifically relevant to the site and the proposal are discussed in greater detail below.

##### 1.1 Business and Industrial Zones

- This Planning Proposal is consistent with this Direction in that it does not reduce the total potential floor space area for employment uses and related public services in business zones. The proposal is to increase the size of the existing B5 Business Development zone area in Sanctuary Point to allow for potential future expansion of the existing service station to the north.

##### 2.2 Coastal Protection

- The subject land is located in the coastal zone. The Planning Proposal is consistent with this Direction and the *NSW Coastal Policy: A sustainable future for the New South Wales Coast*, *Coastal Design Guidelines 2003*; and the *NSW Coastline Management Manual 1990*.

##### 3.1 Residential Zones

- The Planning Proposal proposes to rezone land from residential to business. The proposal is inconsistent with this Direction in that it reduces the residential zoned land available in Sanctuary Point. It is considered that the inconsistency is reasonable as it is of minor significance given that the subject land is a total of 1114m<sup>2</sup> and does not preclude the availability of housing stock and choice in the area.

##### 3.4 Integrating Land Use and Transport

- The proposal seeks to rezone the subject land from residential to business and therefore increase the size of the existing B5 Business Development zone. The Planning Proposal is consistent with this Direction in that it will not create new business and service centres and disperse trip-generating development. The Planning Proposal generally achieves the principles and objectives of *Improving Transport Choice — Guidelines for planning and development* and *The Right Place for Business and Services — Planning Policy*.

If the Planning Proposal receives a Gateway determination, a traffic assessment should subsequently be completed. The traffic assessment should investigate left and right turn manoeuvres into the site to ascertain the impact on through traffic on Larmer Avenue. The findings of the assessment will need to recommend appropriate left and right turn treatments and ensure that any traffic impacts can be appropriately managed should the rezoning proceed.

#### 4.1 Acid Sulfate Soils

- The subject land is identified as Class 5 Acid Sulfate Soils in the SLEP 2014 Acid Sulfate Soils (ASS) Mapping. The Planning Proposal proposes an intensification of the land use from residential to business zone, and is therefore inconsistent with this Direction. It is considered that this inconsistency is of minor significance and is justified as there are existing provisions under Clause 7.1 of the SLEP to mitigate any potential effects as a result of acid sulfate soils. Future geotechnical and/or soil study should be completed as part of any future DA over the site.

#### 4.4 Planning for Bushfire Protection

- A majority of the subject land is bushfire prone. As such development in this area will need to be considered against Planning for Bushfire Protection. The Planning Proposal is consistent with this Direction, subject to consultation with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination.

#### 5.1 Implementation of Regional Strategies

- The consistency of the Planning Proposal with the SCRS is discussed in Section 4.2.1. The Planning Proposal is consistent with this Direction.

#### 6.1 Approval and Referral Requirements

- The Planning Proposal does not include provisions that relate to concurrence, consultation or referral of DAs or identify development as designated development. The Planning Proposal is consistent with this Direction.

#### 6.3 Site Specific Provisions

- The Planning Proposal does not include site specific provisions and is therefore consistent with this Direction.

### 4.3 Environmental, Social and Economic Impact (Section C)

#### 4.3.1 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?

The subject land is located in an urbanised area and comprises of a single residential dwelling and associated structures. It is unlikely that proposed change from a residential to business zone as part of this Planning Proposal will result in any effects to critical habitat, threatened species, populations or ecological communities or their habitats.

#### 4.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no likely environmental effects as a result of this Planning Proposal. It is considered that any likely environmental effects as a result of a future proposed development must be considered as part of the DA process.

### 4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

#### *Social Impact*

It is considered that this Planning Proposal will not cause any adverse effects on existing social infrastructure.

#### *Economic Impact*

The subject land is approximately 950 metres north of the Sanctuary Point local centre. The Planning Proposal notes that the goods and services available within the local centre differ to the services provided by the existing service station and any future extension to the service station. Rezoning the subject land to B5 Business Development rather than B2 Local Centre will restrict any potential economic competition with the existing centre in Sanctuary Point and the Vincentia district and is considered to adequately address any economic effects.

Any potential impact on the Sanctuary Point local centre and surrounding business centres in the Vincentia district should be considered in detail as part of any future DA over the site.

## 4.4 State and Commonwealth Interests (Section D)

### 4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal does not require the provision of additional public infrastructure. The subject land has adequate road, sewer, water and utility access.

### 4.4.2 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council will consult with the following public authorities and any additional public authorities identified in the Gateway determination:

| Public Authority                       | Reason                                                                                   |
|----------------------------------------|------------------------------------------------------------------------------------------|
| Commissioner of NSW Rural Fire Service | As per s117 Directions 4.4 Planning for Bushfire Protection (prior to public exhibition) |

Table 1 - Public Authorities to be consulted

## 5 Part 4 – Mapping

This Planning Proposal is supported by the following maps:

- Location Map;
- Cadastral Map;
- Aerial Map;
- Current zoning;
- Proposed zoning;

- Current and proposed Height of Buildings Map; and
- Current and proposed Lot Size Map.

## 6 Part 5 - Community Consultation

Preliminary consultation was undertaken with letters sent to the most affected property owner at 153 Larmer Avenue. Letters were sent at various stages including at lodgement, consideration of the Planning Proposal by Council's Development Committee, and resolution to support the Planning Proposal by Council's Development Committee. Letters were sent by both Council staff and the proponent, however no response has been received from the landowner.

The proposal is considered to be 'low impact' and Council intends to exhibit the Planning Proposal for a minimum period of 14 days in accordance with the requirements of Section 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and as determined by the Gateway process. Public notification of the exhibition will include a notice in newspapers circulating in the local area, a notice on Council's website and hard copies to be available at Council's Administrative Building.

Consultation will be made with relevant State or Commonwealth public authorities in accordance with Section 56 (2)(d) of the Environmental Planning and Assessment Act 1979 (EP&A Act) and/or any other requirements as determined by the Gateway process.

## 7 Part 6 – Project Timeline

The following milestone timeframes are anticipated and will be revised if any significant delays are encountered during the process:

| Task                                                                                 | Anticipated Timeframe   |
|--------------------------------------------------------------------------------------|-------------------------|
| Commencement date (i.e. date of Gateway determination)                               | September 2015          |
| Completion of Gateway requirements – i.e. studies and government agency consultation | October- November 2015  |
| Public exhibition (minimum 14 days)                                                  | November 2015           |
| Post exhibition consideration of Planning Proposal                                   | December – January 2015 |
| Finalisation and notification of Plan                                                | January 2016            |

Table 2 – Project Timeline

**Attachment A – Proponent’s Planning Proposal Document**

**Attachment B – Development Committee Report and Resolution**

Development Committee report and resolution to prepare a Planning Proposal (MIN).

## Attachment C – State Environmental Planning Policies

| Draft LEP Checklist<br>State Environmental Planning Policies |          |                                                             |              |                  |                |
|--------------------------------------------------------------|----------|-------------------------------------------------------------|--------------|------------------|----------------|
| SEPP                                                         | Date     | Name                                                        | Inconsistent | Not Inconsistent | Not Applicable |
| IREP1                                                        | 11.4.86  | (Deemed SEPP) Illawarra Regional Plan No 1                  |              |                  | ✓              |
| JBREP                                                        | 10.1.97  | (Deemed SEPP) Jervis Bay Regional Environmental Plan        |              |                  | ✓              |
| 14                                                           | 12.12.85 | Coastal wetlands                                            |              |                  | ✓              |
| 21                                                           | 24.4.92  | Caravan parks                                               |              |                  | ✓              |
| 26                                                           | 5.2.88   | Littoral rainforests                                        |              |                  | ✓              |
| 30                                                           | 8.12.89  | Intensive agriculture                                       |              |                  | ✓              |
| 32                                                           | 15.11.91 | Urban consolidation (Redevelopment of urban land)           |              |                  | ✓              |
| 33                                                           | 13.3.92  | Hazardous and Offensive development                         |              |                  | ✓              |
| 36                                                           | 16.7.93  | Manufactured home estates                                   |              |                  | ✓              |
| 44                                                           | 6.1.95   | Koala habitat protection                                    |              |                  | ✓              |
| 50                                                           | 10.11.97 | Canal estate development                                    |              |                  | ✓              |
| 55                                                           | 28.8.98  | Remediation of land                                         |              | ✓                |                |
| 62                                                           | 25.9.00  | Sustainable aquaculture                                     |              |                  | ✓              |
| 64                                                           | 16.3.01  | Advertising and signage                                     |              |                  | ✓              |
| 65                                                           | 26.7.02  | Design quality of residential apartment development         |              |                  | ✓              |
| 71                                                           | 1.11.02  | Coastal protection                                          |              | ✓                |                |
| --                                                           | 31.3.04  | Housing for Seniors or People with a Disability 2004        |              |                  | ✓              |
| --                                                           | 25.6.04  | Building Sustainability Index: BASIX 2004                   |              |                  | ✓              |
| --                                                           | 1.8.05   | Major Development 2005                                      |              |                  | ✓              |
| --                                                           | 16.2.07  | Mining, Petroleum Production and Extractive Industries 2007 |              |                  | ✓              |
| --                                                           | 1.1.08   | Infrastructure 2007                                         |              |                  | ✓              |
| --                                                           | 9.5.08   | Rural Lands 2008                                            |              |                  | ✓              |
| --                                                           | 12.12.08 | Exempt and Complying Development Codes 2008                 |              |                  | ✓              |
| --                                                           | 31.7.09  | Affordable Rental Housing 2009                              |              |                  | ✓              |
| --                                                           | 21.1.11  | Sydney Drinking Water Catchment 2011                        |              |                  | ✓              |
| --                                                           | 28.9.11  | State and Regional Development 2011                         |              |                  | ✓              |

**Attachment D – Ministerial Directions (Section 117 Directions)**

| Direction No:                                              | Applies? | Relevant? | Consistent? | Comment                                                                             |
|------------------------------------------------------------|----------|-----------|-------------|-------------------------------------------------------------------------------------|
| 1 Employment and Resources                                 |          |           |             |                                                                                     |
| 1.1 Business and Industrial Zones                          | ✓        | ✓         | ✓           |                                                                                     |
| 1.2 Rural Zones                                            | ✓        |           |             |                                                                                     |
| 1.3 Mining, Petroleum Production and Extractive Industries | ✓        |           |             |                                                                                     |
| 1.4 Oyster Aquaculture                                     |          |           |             |                                                                                     |
| 1.5 Rural lands                                            | ✓        |           |             |                                                                                     |
| 2 Environment and Heritage                                 |          |           |             |                                                                                     |
| 2.1 Environmental Protection Zones                         | ✓        |           |             |                                                                                     |
| 2.2 Coastal Protection                                     | ✓        | ✓         | ✓           |                                                                                     |
| 2.3 Heritage Conservation                                  | ✓        |           |             |                                                                                     |
| 2.4 Recreation Vehicle Area                                | ✓        |           |             |                                                                                     |
| 3 Housing, Infrastructure and Urban Development            |          |           |             |                                                                                     |
| 3.1 Residential Zones                                      | ✓        | ✓         |             | The inconsistency is deemed of minor significance and is justified in Section 4.2.4 |
| 3.2 Caravan Parks and Manufactured Home Estates            | ✓        |           |             |                                                                                     |
| 3.3 Home Occupations                                       | ✓        |           |             |                                                                                     |
| 3.4 Integrating Land Use and Transport                     | ✓        | ✓         | ✓           |                                                                                     |
| 3.5 Development Near Licensed Aerodromes                   | ✓        |           |             |                                                                                     |
| 3.6 Shooting Ranges                                        | ✓        |           |             |                                                                                     |
| 4 Hazard and Risk                                          |          |           |             |                                                                                     |
| 4.1 Acid Sulfate Soils                                     | ✓        | ✓         | ✓           | The inconsistency is deemed of minor significance and is justified in Section 4.2.4 |
| 4.2 Mine Subsidence and Unstable Land                      |          |           |             |                                                                                     |
| 4.3 Flood Prone Land                                       | ✓        |           |             |                                                                                     |
| 4.4 Planning for Bushfire Protection                       | ✓        | ✓         | ✓           |                                                                                     |

| <b>5 Regional Planning</b>                                       |   |   |   |  |
|------------------------------------------------------------------|---|---|---|--|
| 5.1 Implementation of Regional Strategies                        | ✓ | ✓ | ✓ |  |
| 5.2 Sydney Drinking Water Catchments                             | ✓ |   |   |  |
| 5.3 Farmland of State & Regional Significance on Far North Coast |   |   |   |  |
| 5.4 Commercial & Retail Development, Pacific Hwy                 |   |   |   |  |
| 5.8 <sup>2nd</sup> Sydney Airport: Badgerys Creek                |   |   |   |  |
| 5.9 North West Rail Link Corridor Strategy                       |   |   |   |  |
| <b>6 Local Plan Making</b>                                       |   |   |   |  |
| 6.1 Approval and Referral Requirements                           | ✓ | ✓ | ✓ |  |
| 6.2 Reserving Land for Public Purposes                           | ✓ | ✓ | ✓ |  |
| 6.3 Site Specific Provisions                                     | ✓ | ✓ | ✓ |  |

## **Attachment E – 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:**

Shoalhaven City

**Name of draft LEP:**

Shoalhaven Local Environmental Plan 2014  
PP012 149 and 151 Larmer Avenue, Sanctuary Point

**Address of Land (if applicable):**

The subject land is known as 149 and 151 Larmer Avenue, Sanctuary Point and is legally described as Lots 1519 and 1520 DP 236518.

**Intent of draft LEP:**

The Planning Proposal seeks to rezone the subject land from R2 Low Density Residential to B5 Business Development. The Planning Proposal includes the removal of Height of Buildings and Minimum Lots Size development standards.

**Additional Supporting Points/Information:**

The proposal is minor in nature and considered to be justifiable as it is an extension to the existing B5 Business Development zone area in Sanctuary Point.

The Planning Proposal is the best means of achieving the intended outcome of the proposal.

| <b>Evaluation criteria for the issuing of an Authorisation</b>                                                                                                                         | <b>Council Response</b> |              | <b>Department Assessment</b> |           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|--------------|------------------------------|-----------|
|                                                                                                                                                                                        | Y/N                     | Not relevant | Agree                        | Not agree |
| (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)                |                         |              |                              |           |
| 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 strategy or 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>                                                                                                                                                  |                         |              |                              |           |
| 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           |                              |           |
| <b>Heritage LEPs</b>                                                                                                                                                                   |                         |              |                              |           |
| 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 Officer?                                     |                         | NR           |                              |           |
| Does the Planning Proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?                                           |                         | NR           |                              |           |
| Does the Planning Proposal potentially impact on item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?                                   |                         | NR           |                              |           |
| <b>Reclassifications</b>                                                                                                                                                               |                         |              |                              |           |
| 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 |  |  |
| 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 (PN09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guidelines for LEPs and Council Land? |   | NR |  |  |
| Has council acknowledged in its Planning Proposal that a Public Hearing will be required and agree to hold one as part of its documentation?                                                                                                                                     |   | NR |  |  |
| <b>Spot Rezoning</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?                                                                                                                                                                  | Y |    |  |  |
| Does the Planning Proposal create an exception to a mapped development standard?                                                                                                                                                                                                 | Y |    |  |  |
| <b>Section 73A matters</b>                                                                                                                                                                                                                                                       |   |    |  |  |
| 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,                                                                                                                       | N |    |  |  |

|                                                                                                                                                                                                                    |   |  |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--|--|--|
| a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary works or a formatting error?;                                                              |   |  |  |  |
| b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?;                                                                                        | Y |  |  |  |
| 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? | Y |  |  |  |
| (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).                                                           |   |  |  |  |

**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.