

Attachment 4 – Evaluation criteria for authorising council to make the local environmental plan

Checklist for the review of a request for council to become the local plan making authority

Local Government Area:

Lake Macquarie

Name of draft LEP:

General Administrative Amendment to
Lake Macquarie LEP 2014

Address of Land (if applicable):

Various properties - please see cover table
in attached Planning Proposal

Intent of draft LEP:

Rectify zone boundary misalignments, remove land
reservation acquisition mapping, amend foreshore building
line, amend property descriptions associated with heritage and

Additional Supporting Points/Information: remove urban release area mapping.

Evaluation criteria for authorising Council to be the local plan-making authority

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council	Response	Department assessment
	Y/N	Not Relevant	Agree / 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 details related to proposed consultation?	Y		
Does the planning proposal give effect to an endorsed regional or sub-regional planning strategy or a local strategy including the LSPS endorsed by the Planning Secretary?	Y		
Does the planning proposal adequately address any consistency with all relevant s. 9.1 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?	Y		
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?	Y		
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?	Y		

Reclassifications			
Is there an associated spot rezoning with the reclassification?		✓	
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		✓	
Is the planning proposal proposed to rectify an anomaly in a classification?		✓	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		✓	
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?		✓	
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval?		✓	
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding <i>classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		✓	
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		✓	
Spot Rezonings			
Will the proposal result in a loss of development potential for the site (i.e. 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?		✓	
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		✓	
Does the planning proposal create an exception to a mapped development standard?	N		

Section 3.22 matters

Does the proposed instrument

- a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;
- b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or
- c) deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?

(Note – the Minister (or Delegate) will need to form an Opinion under section 3.22(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 council will be authorised to make the plan, 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 Planning Secretary of the Department.

Matters that will be 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/