

**PLANNING PROPOSAL TO AMEND  
MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011 (MLEP 2011)**

**To delete *shop top housing as Permitted with consent*  
from the Land Use Table for the B7 Business Park zone**

**MARCH 2017**

**Introduction**

This planning proposal seeks Gateway approval to amend Marrickville Local Environmental Plan 2011 (MLEP 2011) to delete “shop top housing” as *Permitted with consent* from the Land Use Table for the B7 Business Park zone.

**Background**

At its meeting on 28 February 2017 the Inner West Council considered a report which recommended that Council resolve to prepare a draft Planning Proposal to delete “shop top housing” as a permissible use within the B7 Business Park zone.

As detailed in the report, the purpose of the planning proposal is to address the consequences of a recent Land and Environment Court decision concerning the application of Council’s planning controls to shop top housing development within the B7 Business Park zone.

In dealing with the matter the Council resolved:

***“THAT:***

- 1. the report be received and noted;*
- 2. Council resolves to prepare a Planning Proposal to amend MLEP 2011 to delete “shop top housing” as a permissible use within the B7 Business Park zone and nominate itself as the Relevant Planning Authority;*
- 3. Council submits the draft Planning Proposal to the Department of Planning and Environment for Gateway determination; and*
- 4. Council resolves to publicly exhibit the draft Planning Proposal.”*

The following is an extract from that report providing background and discussion concerning the proposed amendment:

*“Marrickville Local Environmental Plan 2011 (MLEP 2011) was gazetted on 12 December 2011 and includes the B7 Business Park zone.*

The B7 Business Park zone is for employment uses but has been adapted in MLEP 2011 to include innovative provisions supporting creative and population serving industries and to assist in revitalising some industrial areas by allowing small scale opportunities for people to live and work in one place.

One of the objectives of the zone is:

*“To provide for limited residential development in conjunction with active ground floor uses.”*

The controls relating to the provision of limited residential development in the zone are contained in “*Clause 6.13 - Dwellings and residential flat buildings in Zone B7 Business Park*” of MLEP 2011. These are supplemented by provisions in Marrickville Development Control Plan 2011 (MDCP 2011) discussed below, particularly parts 6.5 and 6.6 thereof.

The following types of “residential accommodation” are permitted in the B7 Business Park zone under MLEP 2011:

- *Dwelling houses* (under Clause 6.11, but only purpose built dwelling houses existing on the land that were erected before the commencement of MLEP 2011);
- *Residential flat buildings/dwellings* (under Clause 6.13, but only as “*part of a mixed use development that includes business premises or office premises or light industry on the ground floor*”); and
- *Shop top housing*.

## DISCUSSION

Marrickville Local Environmental Plan 2011 and Leichhardt Local Environmental Plan 2013 both contain land zoned B7 Business Park whereas no land is zoned B7 Business Park under Ashfield Local Environmental Plan 2013.

The provisions in MLEP 2011 relating to the B7 Business Park zone are unique and have been designed to achieve specific outcomes.

The main outcome sought in MLEP 2011 is to allow some types of small scale residential development in the B7 Business Park zone in order to promote live/work creative industries and to revitalise those areas.

This objective is achieved via Clause 6.13 of MLEP 2011, as follows:

### ***“6.13 Dwellings and residential flat buildings in Zone B7 Business Park***

- (1) *The objective of this clause is to provide for limited residential development for small scale live-work enterprises, to assist in the revitalisation of employment areas and to provide a transition between adjoining land use zones.*
- (2) *This clause applies to land in Zone B7 Business Park.*
- (3) *Development consent must not be granted to development for the purpose of a dwelling or a residential flat building on land to which this clause applies unless the consent authority is satisfied that the development is part of a mixed use development that includes business premises or office premises or light industry on the ground floor.”*

The extent of residential development permitted is further controlled via MDCP 2011 provisions that specify a maximum of 40% of GFA for residential development in the B7 Business Park zone.

**Note:** Draft Marrickville Local Environmental Plan 2011 (Amendment - *Planning proposal (Department Ref: PP 2017 IWEST 004 00): to protect employment land and support the viability of commercial activities in the B7 Business Park zone and on other business zoned land*) proposes to relocate these MDCP provisions into Clause 6.13 of MLEP 2011 due to the Environmental Planning Assessment Act 1979 Amendments that limit the role of DCPs to derogate from the provisions of LEPs.

Since draft Marrickville Local Environmental Plan 2011 (Amendment No. 4) was considered by the former Marrickville Council, a recent Land and Environment Court matter ([2016] NSWLEC 1618) has identified an additional issue concerning the operation of Clause 6.13 of MLEP 2011.

The listing of the term shop top housing as a use permitted with consent in the land use table for the B7 Business Park zone under MLEP 2011 is an anomaly particularly as the main intent of the zone is to permit employment uses such as business and office premises for the purposes of certain art, technology, production and design sectors and not shops.

This outcome will be consistent with the aims and objectives of the B7 Business Park zone and so this report recommends that a Planning Proposal be prepared and endorsed that amends the Land Use Table for the B7 zone under MLEP 2011 to prohibit shop top housing in the zone.

The proposed amendment relates to all land zoned B7 Business Park under Marrickville Local Environmental Plan 2011. The following maps show all the land that is currently zoned B7 Business Park.

**Marrickville Local Environmental Plan 2011**

**Zone**

87 Business Park

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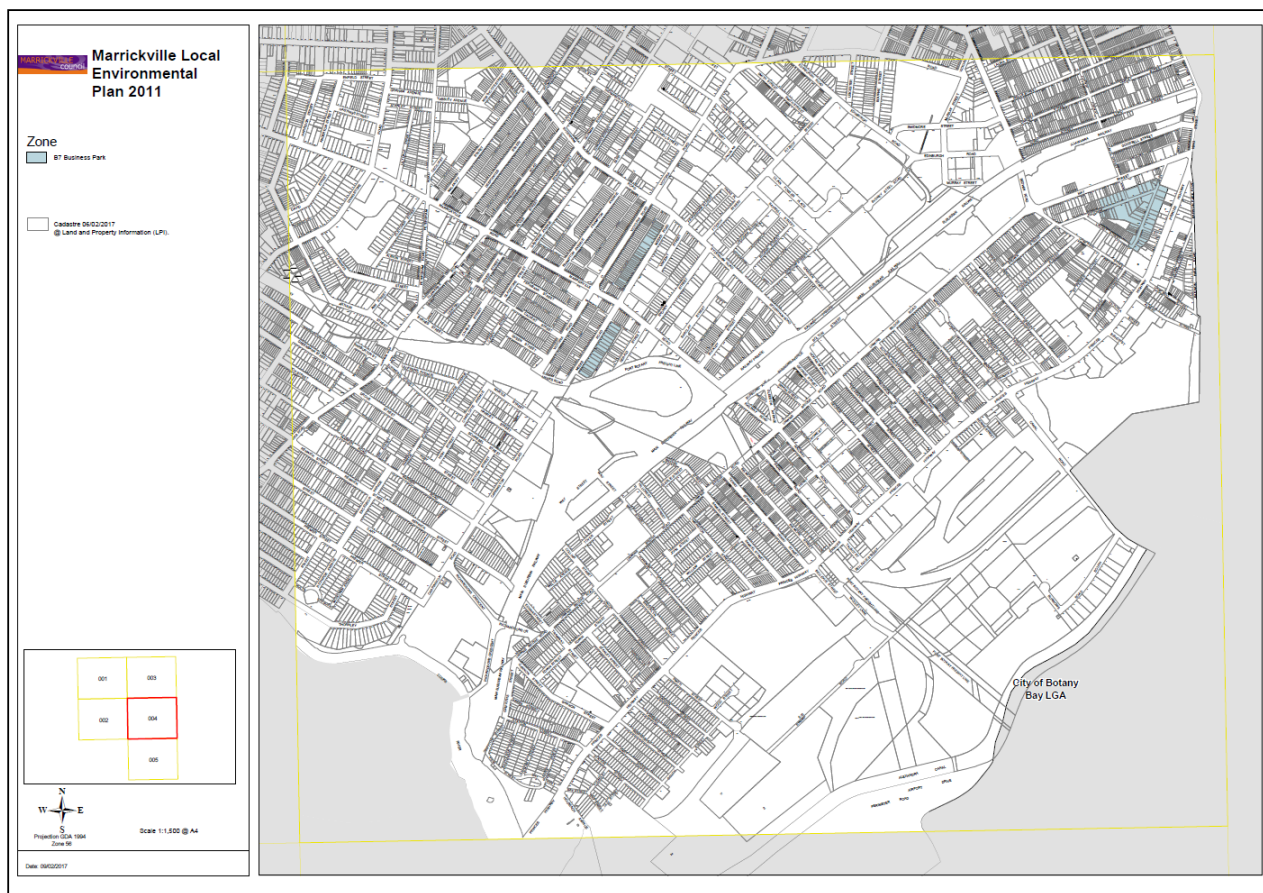
Leichhardt LGA

City of Sydney LGA

Scale 1:10,000 @ A3

Date: 06/05/2011

## Map 2: Land zoned B7 Business Park under MLEP 2011 on Land Zoning Map LZN\_004



### PART 1: OBJECTIVE OR INTENDED OUTCOME

The objectives of the Planning Proposal are:

- To protect employment land and support the viability of commercial activities in the B7 Business Park zone;
- To delete “*shop top housing*” as *Permitted with consent* from the Land Use Table for the B7 Business Park zone; and
- To address an anomaly in the Land Use Table for the B7 Business Park zone, in that the listing of “*shop top housing*” as a use *Permitted with consent* is contrary to the main intent of the zone to permit employment uses such as business and office premises for the purposes of certain art, technology, production and design sectors and not shops.

### PART 2: EXPLANATION OF THE PROVISIONS

The former Marrickville Council’s planning controls include provisions to protect employment land and support the viability of commercial activities in the B7 Business Park zone and on other business zoned land.

The B7 Business Park zone is for employment uses but has been adapted in MLEP 2011 to include innovative provisions supporting creative and population serving industries and to assist in revitalising some industrial areas by allowing small scale opportunities for people to live and work in one place.

One of the objectives of the zone is:

*“To provide for limited residential development in conjunction with active ground floor uses.”*



The provisions in MLEP 2011 relating to the B7 Business Park zone are unique and have been designed to achieve specific outcomes.

The main outcome sought in MLEP 2011 is to allow some types of small scale residential development in the B7 Business Park zone in order to promote live/work creative industries and to revitalise those areas.

The controls relating to the provision of limited residential development in the zone are contained in "Clause 6.13 - Dwellings and residential flat buildings in Zone B7 Business Park" of MLEP 2011. Those controls are supplemented by provisions in Marrickville Development Control Plan 2011 (MDCP 2011).

As discussed previously a recent Land and Environment Court matter ([2016] NSWLEC 1618) has identified an issue concerning the operation of Clause 6.13 of MLEP 2011. That issue relates to shop top housing. Specifically, shop top housing is permitted with consent in land use tables for the B7 Business Park zone. The Court construed the operation of Clause 6.13 of MLEP 2011 together with the MDCP and concluded that the relevant provisions in the MDCP do not apply to shop top housing developments. As a consequence, the limitation on the quantum of residential floor space specified in the B7 Business Park zone (included as part of Amendment 4) only applies to residential flat buildings and dwellings. Shop top housing remains unconstrained in terms of the quantum of commercial floor space.

The listing of the term *shop top housing* as a use permitted with consent in the land use table for the B7 Business Park zone under MLEP 2011 is an anomaly particularly as the main intent of the zone is to permit employment uses such as business and office premises for the purposes of certain art, technology, production and design sectors and not shops.

This planning proposal seeks to address that anomaly by deleting "*shop top housing*" as a use *Permitted with consent* in the Land Use Table for the B7 Business Park zone.

## **PART 3: JUSTIFICATION**

### **Section A – Need for the planning proposal**

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

Strategic studies were commissioned by Marrickville Council to inform the making of Marrickville Local Environmental Plan 2011. MLEP 2011 was developed to be consistent with overriding strategic studies as well as those strategic studies commissioned by Council.

The planning proposal is consistent with those studies, and with the objectives of the Plan.

The planning proposal is result of a report considered by Council on a recent Land and Environment Court matter ([2016] NSWLEC 1618) which identified an issue concerning *shop top housing* in the B7 Business Park zone and the operation of Clause 6.13 of MLEP 2011.

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

The planning proposal is considered the best way of achieving the desired objective of protecting employment land and support the viability of commercial activities in the B7 Business Park zone.

Not proceeding with the recommended amendment would compromise the intended planning outcomes for the B7 Business Park zone by allowing more extensive residential development than is desired for the predominantly employment zone.

#### **3. Is there a net community benefit?**

The net community benefit from the planning proposal is to protect employment land in the B7 Business Park zone.

## Section B – Relationship to strategic planning framework

### 4. 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)?

The planning proposal is consistent with the objectives and actions contained within the applicable regional or sub-regional strategy including the Sydney Metropolitan Strategy.

The planning proposal is consistent with the State Government's current Metropolitan Plan *A Plan for Growing Sydney*. The following direction and action outlined in the table below are of particular relevance:

A Plan for Growing Sydney	
Objective	Comment
<b>GOAL 1: A competitive economy with world-class services and transport</b>	
Direction 1.7: Grow strategic centres - providing more jobs closer to home	Action 1.7.1 supports planning initiatives to grow jobs and housing and create vibrant hubs of activity. One of the principles is to provide a large number of jobs to increase jobs close to where people live. Whilst the planning proposal does not relate to land within strategic centres identified in The Plan for Growing Sydney the planning proposal seeks to protect employment land and support the viability of commercial activities to revitalise those areas with small scale residential development to "increase jobs close to where people work".

The Greater Sydney Commission's Draft Central District Plan includes provision 3.5.2 *Protect and manage employment and urban services land*. The Plan states that we "need to ensure that our employment lands are effectively managed and protected across Greater Sydney and within the Central District."(page 68)

The Planning Proposal is consistent with the subject provision in that the proposal seeks to strengthen the planning controls to protect employment land and support the viability of commercial activities in the B7 Business Park zone by deleting *shop top housing* as a use permitted with consent on such land.

### 5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The *Marrickville Community Strategic Plan (Our Place, Our Vision)* was adopted in 2010 to define the long term aspirations and strategic directions for the community. That document, the result of an extensive community engagement process, established four 'key result areas' that summarise the objectives and strategies for the Marrickville community over the next decade. The plan was reviewed and updated in 2012/2013. The Plan's 4 key result areas are as follows:

- "a diverse community that is socially just, educated, safe and healthy;
- a creative and cultural Marrickville;
- a vibrant economy and well planned, sustainable urban environment and infrastructure; and
- an innovative, effective, consultative and representative Council".

The planning proposal is consistent with the former Marrickville Council's Strategic Plan, Marrickville Community Strategic Plan (Our Place, Our Vision) which defines the long term aspirations and strategic directions for the community.

### 6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The planning proposal has been assessed against all relevant State Environmental Planning Policies (SEPPs) as detailed below. Based on that assessment, Council has concluded that overall, the planning proposal is consistent with all relevant SEPPs.

## **7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

An assessment of the planning proposal against all relevant s.117 Directions is provided below. From that assessment, Council has concluded that the planning proposal is consistent with all applicable Ministerial Section 117 Directions.

### **1. Employment and Resources**

- Direction 1.1: Business & Industrial Zones

This Direction aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres. The Direction applies when a planning proposal will affect land within an existing or proposed business or industrial zone, including the alteration of any existing business or industrial zone boundary.

The prime objective of the planning proposal is to protect employment land and support the viability of commercial activities in the B7 Business Park zone. As such the planning proposal is consistent with Direction 1.1.

### **3. Housing, Infrastructure and Urban Development**

- Direction 3.1: Residential Zones

The objectives of this direction are:

- “(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.”*

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within either an existing or proposed residential zone (including the alteration of any existing residential zone boundary) or any other zone in which significant residential development is permitted or proposed to be permitted.

Council considers the planning proposal to not be inconsistent with this Direction.

- Direction 3.4: Integrating Land Use and Transport

The objectives of this direction *“is to 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.”*

This direction applies to a planning proposal that “*will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes*”.

The planning proposal includes amendments that “*will create, alter or remove a zone or a provision relating to urban land.*”

The proposed amendment seeks to delete “shop top housing” as *Permitted with consent* from the Land Use Table for the B7 Business Park zone.

Consequently the planning proposal is consistent with the aims and objectives of this Direction.

## **6. Local Plan Making**

- Direction 6.1: Approval & Referral Requirements

The objective of this direction is “*to ensure that LEP provisions encourage the efficient and appropriate assessment of development.*”

This Direction applies when a relevant planning authority prepares a planning proposal and states, inter alia, that the planning proposal must minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of the appropriate Minister or public authority, and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

The planning proposal is consistent with this Direction.

## **7. Metropolitan Planning**

- Direction 7.1: Implementation of A Plan for Growing Sydney

The objective of this direction is “*to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.*”

This Direction applies to the planning proposal. The Plan for Growing Sydney “*provides key directions and actions to guide Sydney’s productivity, environmental management, and liveability – including the delivery of housing, employment, infrastructure and open space*”.

The planning proposal is consistent with one of principles under the plan to “*increase jobs close to where people work*”.

Council considers the planning proposal to be consistent with the NSW Government’s ‘A Plan for Growing Sydney’, and thereby consistent with this Direction.

## **Section C – Environmental, social and economic impact**

### **8. 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?**

All significant issues in relation to critical habitat or threatened species, populations or ecological communities, or their habitats were taken into account in the making of MLEP 2011. The planning proposal does not include any proposed amendments to those controls. Consequently it is considered little likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the proposal.



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

There are unlikely to be environmental effects, either individually or cumulatively, as a result of the planning proposal.

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

The planning proposal is an amendment to address an anomaly in the Land Use Table for the B7 Business Park zone, in that the listing of “shop top housing” as a use *Permitted with consent* is contrary to the main intent of the zone to permit employment uses such as business and office premises for the purposes of certain art, technology, production and design sectors and not shops. In view of the circumstances it is considered that the planning proposal would not cause any social or economic impacts.

**Section D – State and Commonwealth Interests**

**11. Is there adequate public infrastructure for the planning proposal?**

As discussed above, the planning proposal is essentially a housekeeping amendment and in view of the nature of the proposal it is considered that there is adequate public infrastructure for the planning proposal.

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

As this planning proposal has not yet proceeded to Gateway determination, the views of State and Commonwealth public authorities have not been sought, nor is this required at this stage. In accordance with the Gateway determination process, the Department of Planning and Environment will inform Council which State and Commonwealth authorities are to be formally consulted during the public exhibition period.

**PART 4: MAPPING**

The planning proposal does not involve any map amendments.

The proposed amendment relates to all land zoned B7 Business Park under Marrickville Local Environmental Plan 2011. (Maps showing all the land that is currently zoned B7 Business Park under MLEP 2011 are included earlier in this submission).

**PART 5: COMMUNITY CONSULTATION**

Council considers that the planning proposal would have a low impact overall. The planning proposal would not create the need for any additional infrastructure servicing.

The planning proposal would be publicly exhibited in accordance with the requirements of any Gateway determination issued.

**PART 6: PROJECT TIMELINE**

Following are estimated dates (month/year) for completion of key tasks in the planning proposal process:

- anticipated commencement date (date of Gateway determination) – March 2017;
- anticipated timeframe for the completion of required technical information – April 2017;
- timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) – to be determined after Gateway determination;
- commencement and completion dates for public exhibition period – May /June 2017;

- dates for public hearing (if required) – N/A at this stage;
- timeframe for consideration of submissions – June 2017;
- timeframe for the consideration of a proposal post exhibition – July 2017;
- date of submission to the Department to finalise the LEP – August 2017; and
- anticipated date RPA will forward to the Department for notification – August 2017.

# INFORMATION CHECKLIST

# Attachment 1

## Marrickville Local Environmental Plan 2011 (Amendment No. X) – To delete “shop top housing” as *Permitted with consent* from the Land Use Table for the B7 Business Park zone

### > STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- |   |   |
|---|---|
| • Objectives and intended outcome                   | • Explanation of provisions   |
| • Mapping (including current and proposed zones)    | • Justification and process for implementation (including compliance assessment against relevant section 117 direction/s) |
| • Community consultation (agencies to be consulted) |   |

### > STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
<b>Strategic Planning Context</b>			<b>Urban Design Considerations</b>		
• Demonstrated consistency with relevant Regional Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Existing site plan (buildings vegetation, roads, etc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Demonstrated consistency with relevant sub-regional strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Building mass/block diagram study (changes in building height and FSR)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Lighting impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Demonstrated consistency with Threshold Sustainability Criteria	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Development yield analysis (potential yield of lots, houses, employment generation)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Site Description/Context</b>			<b>Economic Considerations</b>		
• Aerial photographs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Economic impact assessment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Site photos/photomontage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Retail centres hierarchy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Traffic and Transport Considerations</b>			• Employment land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Local traffic and transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Social and Cultural Considerations</b>		
• TMAP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Heritage impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Public transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Aboriginal archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Cycle and pedestrian movement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Open space management	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Environmental Considerations</b>			• European archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Bushfire hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Social and cultural impacts	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Acid Sulfate Soil	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Stakeholder engagement	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Noise impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Infrastructure Considerations</b>		
• Flora and/or fauna	<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Infrastructure servicing and potential funding arrangements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Soil stability, erosion, sediment, landslip assessment, and subsidence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Miscellaneous/Additional Considerations</b>		
• Water quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	List any additional studies		
• Stormwater management	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
• Flooding	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
• Land/site contamination (SEPP55)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			



## Attachment 4 – Evaluation criteria for the delegation of plan making functions

<b>Checklist for the review of a request for delegation of plan making functions to councils</b>
Local Government Area: Inner West Council (Plan only relates to land in the former Marrickville LGA)
Name of draft LEP: Marrickville Local Environmental Plan 2011 (Amendment No. X)
Address of Land (if applicable): N/A
Intent of draft LEP:
<p>The intent of the draft LEP is:</p> <ul style="list-style-type: none"> <li>i. To protect employment land and support the viability of commercial activities in the B7 Business Park zone and on other business zoned land;</li> <li>ii. To delete “<i>shop top housing</i>” as <i>Permitted with consent</i> from the Land Use Table for the B7 Business Park zone; and</li> <li>iii. To address an anomaly in the Land Use Table for the B7 Business Park zone, in that the listing of “<i>shop top housing</i>” as a use <i>Permitted with consent</i> is contrary to the main intent of the zone to permit employment uses such as business and office premises for the purposes of certain art, technology, production and design sectors and not shops.</li> </ul>
Additional Supporting Points/Information:
<p>Inner West Council Report Item 5 C0217 Council Meeting 28 February 2017 (Trim doc: 13047.17)</p> <p>Council Minutes Item 5 C0217 Council Meeting 28 February 2017 (Trim doc: 22789.17)</p>

## Marrickville Local Environmental Plan 2011 (Amendment No. X)

Evaluation criteria for issuing 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	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Yes			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Yes			
Does the planning proposal contain details related to proposed consultation?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Yes			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Yes			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Yes			
<b>Minor Mapping Error Amendments</b>	NO			
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/A		
<b>Heritage LEPs</b>	NO			
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/A		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
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/A		
<b>Reclassifications</b>	NO			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an		N/A		



Evaluation criteria for issuing 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	
	Y/N	Not relevant	Agree	Not agree
anomaly in a classification?				
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		N/A		
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?		N/A		
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?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
<b>Spot rezonings</b>	NO			
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/A		
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/A		
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/A		
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/A		
<b>Section 73A Matters</b>	NO			
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		N/A		

Evaluation criteria for issuing 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	
	Y/N	Not relevant	Agree	Not agree
<p>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>				