

SECTION 69 REPORT WHEN USING DELEGATION

NAME OF COUNCIL

DIRECTOR-GENERAL'S REPORT TO THE MINISTER UNDER SECTION 69 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, REQUESTING THE MAKING OF THE LOCAL ENVIRONMENTAL PLAN TO BE KNOWN AS *(INSERT LEP NAME AND NUMBER)*

SUMMARY

The *(insert name of Council)* Council requests that the Minister make a local environmental plan which *(clearly state the purpose of the plan and why the plan has been prepared)*.

The subject land, is currently zoned *(insert zone)* under *(insert name of current LEP Instrument applying to the land)*. The land is shown *(explain how land shown eg, edged black, hatched)* on the attached map marked *(insert map, name and number)* which also shows the zoning of land surrounding the site.

A copy of the section 65 certificate allowing exhibition of the draft plan is attached. An environmental study was/was not required.

Parliamentary Counsel has provided an opinion that the plan may legally be made.

It is recommended that the Minister make the plan.

STATE ELECTORATE AND LOCAL MEMBER

The subject land is within the electorate of *(name electorate)* where the Local Member is *(name of member)* who has made *(the following or no)* representations on the draft plan.

PUBLIC PARTICIPATION

The draft plan was exhibited for *(insert number of)* days from _____ to _____ . *(Insert number of)* submissions were received from members of the public *(attach copies)*. The main issues raised in the submissions were:

Council considered the submissions made and concluded that *(insert Council's conclusion specifically relating to main issues raised in submissions)*.

VIEWS OF PUBLIC AUTHORITIES

(insert number of) submissions/representations were received from/made by public agencies/authorities. Public authorities comments on the draft plan are as follows:

Indicate how those comments have been addressed

CHANGES MADE TO THE PLAN AFTER EXHIBITION

Insert details of any changes made to the draft plan under s68 and of any re-exhibition.

ADVICE OF THE HERITAGE COUNCIL

Insert views of Heritage Council where relevant. Ensure final draft plan is forwarded to the Heritage Council for consultation under s.83 of the Heritage Act and response is received before finalising this submission. Attach copy of response.

CONSIDERATION

Discussion of all relevant matters affecting the subject LEP should be included in this section including:

- *a statement indicating that the draft LEP is not inconsistent with any State Environmental Planning Policy and any relevant Regional Environmental Plans;*

- *the consistency of the draft plan with any relevant directions made under section 117 of the Act including justification of any inconsistency;*
- *if s.117 direction G3(ii) applies, indicate whether the relevant public authority has given its approval to the creation, alteration or removal of the particular reservation or zoning (attach copy of advice). Note that the Minister's approval is also required;*
- *where Council has, or has had an interest in the land, include a section, setting out that interest, any conflict of interest, issues raised in relevant submissions and an explanation of how these issues have been addressed or resolved, including a statement that the draft plan was prepared and exhibited in accordance with the Best Practice Guideline (Refer to Best Practice Guideline January 1997 LEPs and Council Land);*
- *the relationship between the draft plan and other proposed and existing environmental planning instrument including justification of any inconsistency;*
- *a statement that Council is able to use its section 69 delegation in this instance as the circumstances of the LEP do not fall within any of the exceptions outlined in the 1997 Instrument of Delegation;*
- *such other matters considered appropriate, including compliance with the Minister's section 71 determination as to the format, structure and subject matter of local environmental plans.*
- *a statement indicating that the requirements of section 66 –68 of the Act have been met*
- *details of any development applications affected by the draft plan and/or matters before the Court, including the implications of the plan for those applications/ matters..*

RECOMMENDATION

It is therefore RECOMMENDED that the Minister:

- **(a) approve the alteration/creation/removal of the (open space, special uses reservation or zoning) as required by s.117 direction G3(ii);*
**Include only when applicable*
- (b) under section 70(1)(a) and (8) of the Environmental Planning and Assessment Act, 1979, make (LGA) Local Environmental Plan No. in accordance with the written statement and supporting map attached for the Minister's signature;*
- (c) give no direction to the Council under section 70(7) as to the procedure to be followed in connection with making the Minister's decision known to the public; and*
- (d) authorise the Department to advise Council of the Minister's decision.*

Signed

Date:

Name:

Position:

as a delegate of (INSERT COUNCIL NAME) Council which is the delegate of the Director-General of the Department of Infrastructure, Planning and Natural Resources and I have no notice of the revocation of either delegation

ENCLOSED:

- a copy of the section 65 certificate;
- a copy of the environmental study (if applicable);
- the Planner's report to Council, copies of submissions received following exhibition; Council's resolution and any other relevant information; eg. any view expressed or issue raised by a public authority, including the Heritage Council or Office of Heritage (include copies of documentation);

- the original instrument retyped exactly as advised by the Parliamentary Counsel (plus three(3) copies); and
- the original map: named, numbered, signed, dated and coloured (if necessary - maps should be coloured if principal instrument is coloured) (plus three (3) copies).
- Refer to Best Practice Guideline August 1995 - Preparing Maps for LEPs.

ADDITIONAL MATTERS TO BE COVERED IN THE SECTION 69 REPORT WHEN THE GOVERNOR'S APPROVAL IS REQUIRED

Insert information under these sections of the report, as indicated below:

SUMMARY

[Insert where relevant: In January 1999, changes to the Local Government Act 1993 came into effect. The changes mean that the Governor's approval is required for the extinguishment of public reserve status and other interests in the land council proposes to reclassify from "community" to "operational" status under the Local Government Act 1993. Therefore, an Executive Council minute has been prepared recommending that the Governor approve the extinguishment of public reserve status and discharge of all or specified other interests on the land at the time it is reclassified by the Minister making this draft plan. The Executive Council package is attached.]

PUBLIC PARTICIPATION

Note the new scheme for Governor's approval under s30 of the Local government Act only applies where the s65 certificate is dated after 1.1.99

A Public Hearing was held on *insert date* (as prescribed by s29 of the Local Government Act 1993) and ..

VIEWS OF PUBLIC AUTHORITIES

Government authorities were consulted in relation to the draft plan

CULTURAL and SOCIAL ISSUES

Note - Include brief discussion on impact of removal of land from community land status & the effect on removal or reduction of public access under the relevant land management sub-categories under the Local

Government Act 1993 eg natural area, sports ground, park, area of cultural significance, general community use.

RECOMMENDATION

It is RECOMMENDED that the Minister:-

- (a) Sign the Executive Council Minute recommending that the Governor agree to the extinguishment action under section 30 of the Local Government Act;
- (b) Following the Governor's approval, if obtained, make under section 70 (1)(a) and (8) of the Environmental Planning and Assessment Act, 1979; insert full name of Local Environmental Plan (Amendment No ??) in accordance with the written statement & supporting maps attached for the Minister's signature; and
- (c) Give no direction to the Council under section 70(7) as to the procedure to be followed in connection with making the Minister's decision known to the public.

Signed

Date:

Name:

Position:

as a delegate of (INSERT COUNCIL NAME) Council which is the delegate of the Director-General of the Department of Infrastructure, Planning and Natural Resources and I have no notice of the revocation of either delegation