

Request for Delegation of Plan Making Functions

1. 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 Council

Name of draft LEP:

Shoalhaven Local Environmental Plan 2014
PP-2022-2631

Address of Land (if applicable):

The subject land is Lot 200 DP 1192140 (17 Croobyar Road), Milton.

Intent of draft LEP:

The PP request seeks to amend the LEP to allow an additional permitted use under Schedule 1 for a 'centre-based childcare facility' on the subject land.

Additional Supporting Points/Information:

Given that a childcare centre has operated on the site for several years and that the community will be consulted as part of the DA process, there is a strong argument that public exhibition of the PP is unnecessary in this instance.

Evaluation criteria for the issuing of an Authorisation	Council Response		Department Assessment	
	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 PP consistent with the Standard Instrument Order, 2006?	Y			
Does the PP 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 PP contain details related to proposed consultation?	Y			
Is the PP compatible with an endorsed regional or sub-regional strategy or local strategy endorsed by the Director-General?	Y			
Does the PP adequately address any consistency with all relevant Section 9.1 Planning Directions?	Y			
Is the PP consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments				
Does the PP 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		
Heritage LEPs				
Does the PP seek to add or remove a local heritage item and is it supported by a strategy / study endorsed by the Heritage Officer?		N/A		

Does the PP include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the PP potentially impact on item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		
Reclassifications				
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 PP proposed to rectify an anomaly in a classification?		N/A		
Will the PP 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 PP?		N/A		
Has the council identified that it will exhibit the PP 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?		N/A		
Has council acknowledged in its PP that a Public Hearing will be required and agree to hold one as part of its documentation?		N/A		
Spot Rezonings				
Will the PP 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 PP deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the PP contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the PP create an exception to a mapped development standard?	N			
Section 3.22 matters				
<p>Does the proposed instrument:</p> <p>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 works or a formatting error?;</p> <p>b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?;</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 3.22 of the Act in order for a matter in this category to proceed).</p>		N/A		

2. Any other relevant documentation e.g. letters of support from State Government agencies.