



Local Plan Making

BETTER PLANNING – BETTER LIVING

The planning system is undergoing the biggest change in 30 years.

The New South Wales Government is changing the way that local environmental plans (LEPs) are developed and approved for our communities.

Local environmental plans are prepared throughout New South Wales to guide decision making on land use. These plans determine the areas in which various types of development can be considered; and which areas of open space and environmental sensitivity need to be protected.

These plans can have a profound and lasting impact on local communities. There are often important environmental considerations surrounding the preparation and approval of these plans. There are also economic concerns as these plans affect the growth of New South Wales.

Working with councils, the NSW Government aims to reduce the time it takes to approve LEPs by 50 percent.

STREAMLINING THE PLAN MAKING PROCESS

These changes will streamline the process so that local environmental plans can be prepared, considered and approved in a much shorter timeframe.

The 'gateway' process provides an early indication of the viability of a proposal. Other benefits include:

- Meeting the government's target of a 50 percent overall reduction in the time taken to produce local environmental plans
- Providing clear and publicly-available justification for each plan at an early stage
- Ensuring vital State and Commonwealth agency input is sought at an early stage
- Replacing the current 'one size fits all' system, under which all LEPs large and small are subject to the same rigid approval steps, with one that better tailors assessment of the proposal to its complexity
- Improving links between long-term strategic planning documents, such as regional strategies and metropolitan strategies.

GLOSSARY

Planning proposal: The first step in developing a local environmental plan, primarily completed by councils.

Relevant planning authority: Bodies that draft or assess planning proposals, generally councils.

Gateway: All planning proposals to be reviewed at an early stage, to test whether they are viable.

Local environmental plan: Following the preparation of the planning proposal, gateway and community consultation processes, the State Government can decide to make a local environmental plan come into effect.

RELEVANT PLANNING AUTHORITY

The process of creating local environmental plans starts with a planning proposal, which is undertaken by what is known as the relevant planning authority, mostly Councils. The Minister for Planning can nominate others to be the relevant planning authority under some circumstances, particularly if the plan is of state or regional environmental significance.

The Minister can nominate:

- The Director General of the Department of Planning; or a
- Joint Regional Planning Panel.

PLANNING PROPOSAL

In preparation of a local environmental plan the relevant planning authority must also explain and justify the proposal. This document must include:

- A **statement** of objectives and intended outcomes of the proposal
- An **explanation** of the provisions of the proposal
- A **justification** of the objectives and outcomes, including how this is to be implemented
- **Maps** containing the appropriate detail are to be submitted, including land use zones, heritage areas and flood prone areas
- Details of the **community consultation** that will be undertaken.

GATEWAY

When a local environmental plan has been prepared it is forwarded to the Minister for Planning for review.

This 'gateway' process allows a planning proposal to be reviewed at an early stage to make a decision whether to proceed further. This means less time is spent on proposals that would not pass the 'gateway'. After reviewing a proposal, the Minister for Planning will determine:

- Whether the proposal will proceed, with or without variation, and whether it should be re-submitted
- The level of community consultation required
- Input from State and Commonwealth authorities
- The necessity for a public hearing by the Planning Assessment Commission or other body
- The appropriate timeframes for the various stages of the proposal.



COMMUNITY CONSULTATION

Before a local environmental plan is made, the relevant planning authority must meet the community consultation requirements set out in the gateway decision.

The guidelines underpinning the new process stipulate at least 28 days' exhibition of a major plan and 14 days for low impact proposals.

Low impact proposals are generally those which are consistent with current zoning or any existing plans in the area. They are not regarded as low impact if they cover all or a significant part of the local government area (also known as a principal LEP).

During exhibition:

- Any person can make a submission concerning the proposed plan
- A public hearing can be arranged, and a report prepared and made public.

The consultation period will not be deemed to have been completed until the relevant planning authority has considered all submissions and reports from any public hearings.

MAKING OF A LOCAL PLAN

Following these processes, the Minister can decide to make a local environmental plan come into effect.

The Minister may:

- Make the plan in full put forward by the relevant planning authority
- Vary the plan
- Decide not to proceed with the plan
- Defer inclusion of certain matters in the proposed plan
- Choose to delegate the making of the plan to the Director General of the Department of Planning
- From later this year, it is expected that the Minister will be able to choose whether to delegate the determination of the plan to the relevant local council.

AN OVERVIEW OF LOCAL PLAN MAKING

- Transparent**
 - More thorough proposals for local environmental plans
 - Planning proposals, gateway decision and local environmental plans available online.
- Rigorous**
 - Each planning proposal must be fully explained and justified
 - Must demonstrate relationship to regional planning strategies.
- Accountable**
 - Where planning proposals include community consultation, this must meet minimum timeframes
 - Progress tracked online.
- Efficient**
 - A tailored assessment process
 - Reducing time to prepare local environmental plans
 - Planning proposals must pass gateway before resources allocated to assessment.



TRACKING THE PLAN MAKING PROCESS

Under these changes, proponents and authorities will be able to track the progress of the plan. A publically accessible website will provide details of all local environmental plans state-wide. This will give the community access to the reasons and justification for a plan, the conditions on which the government is happy for it to proceed, a clear explanation of what the plan will do and the current status of the plan and decision-making.

PARTNERSHIP WITH COUNCILS

The critical relationship between the Department of Planning and local councils will be maintained. The Department's regional offices will be the first point of contact for councils – and other parties – thinking of preparing a planning proposal. Regional offices will primarily receive the proposals and will continue to provide assistance to councils through the drafting stage.

STRENGTHENED CONFIDENCE

These changes create strengthened confidence in the local plan making process by providing greater transparency and efficiency. This confidence will lead to the protection of local communities and growth of the New South Wales economy.

FURTHER INFORMATION

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