



LEP Review Panel

16 February 2006

The Department of Planning has introduced a new panel review process to streamline local plan-making in NSW. Local environmental plans (LEPs) are prepared by councils to guide local planning decisions via zoning and development controls.

The new review process, which takes effect on 22 February 2006 applies to both newly proposed LEPs and any draft LEPs that are currently in the system.

This is the next step in our reform of the NSW planning system that is delivering a more modern, effective and easy-to-use system.

Why the need for an LEP Review Panel?

There are many LEPs being proposed and worked on but never made. During 2004–05, for example, nearly 400 draft LEPs were considered, but only around 200 of these became law.

A great deal of time and energy is thus wasted on 'dead end' LEPs. In many cases this is because draft LEPs are not consistent with State or regional planning objectives.

The panel review process will make sure this does not happen. The LEP Review Panel will scrutinise proposed LEPs very early in their development. It will ensure that draft LEPs are consistent with State and regional planning objectives and strategies *before* they go to the Minister for Planning.

The review process will:

- speed up plan-making by instituting a benchmark of 15 working days to advise council on its proposed LEP
- provide consistent criteria for evaluating the need for a new LEP and its intended outcomes
- strengthen the strategic and policy consideration of LEP proposals
- reduce the number of draft LEPs 'in the system'.

How will the new process work?

Under section 54 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), a council is required to notify the Department's Director-General of its intention to prepare a draft LEP.

The LEP Review Panel will review these notifications from councils and provide preliminary advice on each proposal. It will:

- evaluate the proposed draft LEP against set criteria
- advise the Director-General and/or Minister about the proposed draft LEP
- advise council whether or not to proceed with drafting the LEP.

The panel may reconvene at later stages, for example to review a council's final draft LEP before it goes to the Minister for Planning for approval, to ensure that it is consistent with previous advice.

What happens to the current practice of delegating certain matters to councils?

Before the panel review system was introduced, councils had delegated authority under certain circumstances from the Director-General of the Department to publicly exhibit a draft LEP (under section 65 of the EP&A Act) and to recommend the Minister approve the plan (section 69). These delegations effectively allowed councils to 'self-certify' their draft LEPs.

For the LEP review panel system to work, all current delegations (issued in 1997) have been withdrawn. Under the new system, the Director-General may delegate certain matters to council regarding a specific draft LEP through written authorisation. The Director-General may seek the opinion of the LEP Review Panel in doing so.

How will each LEP proposal be evaluated?

The panel will evaluate each proposal against set criteria depending on the type of LEP that is proposed. Six categories of LEP have been identified:

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| Spot rezoning LEPs | Usually involves a change of zoning for a single site, or additional permitted uses and/or development controls that relate to the development of that site |
| Reclassification LEPs | LEPs to reclassify council land from community to operational uses under the Local Government Act |
| Precinct LEPs | Involving part of a local government area (LGA), e.g. city centre, including a review of general and specific planning policy and provisions |
| Policy LEPs | Involving a change in general and specific planning policy and provisions across the LGA or part of it, e.g. adding prohibited uses to a number of zones, changing development standards, introducing provisions inconsistent with SEPPs, Ministerial directions or other policies |
| Comprehensive LEPs | LGA-wide LEPs |
| Surplus government land LEPs | Involving the rezoning of surplus State and local government sites |

A set of pro-forma evaluation criteria for each LEP category has been developed and circulated to councils. The panel will be guided by these criteria. To assist the panel in evaluating a draft LEP, the council will complete an evaluation form for the category of LEP proposed and submit this with its notification to the Department that it has decided to prepare a draft plan.

Who will be on the LEP Review Panel?

The panel will comprise:

- Director-General of the Department of Planning (or his nominee)
- senior executives of the Department
- a nominee from the Local Government and Shires Associations.

A representative of the relevant council may also be invited to attend, in person or via teleconference.

What happens after the panel meeting?

Councils will be advised of the panel's decisions and recommendations within 15 working days of the notification being received.

Want to know more?

Enquiries can be directed to the Department of Planning regional office closest to you. More information is also available on the Department's website: www.planning.nsw.gov.au.