What is a Local Environmental Plan (LEP)?

A Local Environmental Plan (LEP) is prepared by Councils to guide planning decisions and control development through land use zoning and development standards.

The main function of an LEP is to separate incompatible land uses through land use zones. In addition, LEPs often include other planning provisions which set out additional planning controls or matters to consider to guide development. For example, heritage provisions are included in LEPs to ensure heritage values are specifically considered and addressed in development assessment.

Each Council in NSW is required by law to have an LEP, which is prepared by Council in consultation with the community before it is approved by the Minister for Planning. The Minister for Planning grants approval in accordance with the Environmental Planning and Assessment Act and its associated Regulations.

The Cessnock Local Environmental Plan (CLEP) 1989 is the main environmental planning instrument that applies to the Cessnock Local Government Area. Twenty eight (28) zones and the Cessnock Development Control Plan (DCP) 2006 provide detailed development guidelines to supplement the CLEP.

Why is Council preparing a new Local Environmental Plan (LEP)?

The NSW Government has introduced a range of reforms aimed at streamlining the planning process. One of the reforms includes the release of a standard Local Environmental Plan template Standard Instrument for Councils to use. All Councils in NSW are required to prepare a new comprehensive Local Environmental Plan in accordance with the Standard Instrument.

The Local Environmental Plan template outlines how Council’s new Local Environmental Plan should be structured. It identifies standard zones, zone objectives, specifies permitted and prohibited uses in zones and identifies compulsory and optional provisions. Council may add other provisions which are relevant to local planning issues.

How has Council prepared its new Local Environmental Plan (LEP)?

Council started by transferring its current planning instrument, the CLEP, into the new format. It then incorporated new planning provisions resulting from local strategies like the City Wide Settlement Strategy prepared by Council in 2003 and the Lower Hunter Regional Strategy undertaken by the NSW Department of Planning in 2006.

Preliminary consultation has also been undertaken with relevant Government agencies, neighbouring Councils and the Department of Planning to identify key issues concerning the translation of the CLEP into the new LEP format.

What is happening now?

Council resolved on 16 April 2008, subject to various amendments, to adopt a draft Local Environmental Plan for the purpose of submitting it to the Department of Planning (DoP) with a request to issue Council with a certificate to place this draft document on public exhibition.

Council is still waiting a formal response to this request.
How can the community provide input?

Following acceptance by the Department of Planning, Council hopes to exhibit the draft Local Environmental Plan, including the draft City Wide Settlement Strategy 2007 and draft Development Control Plan 2008, for a period of 10 weeks.

Council is committed to involving the community, including key organisations and interest groups, and will provide various opportunities for community participation during the exhibition period.

To view when and where exhibition of these documents will be undertaken and when and where you can attend a community meeting, click on “LEP Exhibition Document”.

What are the recent State Government Planning Reforms?

On 30 September 2004, the NSW Government announced a number of planning reforms aimed at achieving consistency in land use management decision making.

The reforms also aim to reduce the number of planning instruments, prevent duplication, promote uniformity in plans across local government and reduce delays in the development approval process. The planning reforms will also reduce the number of State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs) and require Councils to prepare a single consolidated Development Control Plan (DCP) that applies to a locality or the entire local government area.

What is the Standard Instrument?

The Standard Instrument (LEPs) Order 2006 came into effect on 31 March 2006. The Order was later revised on 1 September 2006 and 14 December 2007. The Order specifies the form and content of comprehensive Local Environmental Plans for a local government area. Every council in NSW must prepare a new Comprehensive LEP using the Standard Instrument within the next five years.

Due to the work already undertaken on Cessnock’s Strategy, and its importance in accepting the growth identified in the Lower Hunter Regional Strategy, Cessnock has been identified as a 2 year Council. This means that the new LEP must be substantially completed by 2008.

The Standard Instrument provides a consistent format for all new comprehensive LEPs in NSW. The Standard Instrument identifies the standard zones, zone objectives, mandating certain permitted and prohibited uses in zones and identifies compulsory and optional provisions. Other provisions relevant to local planning issues can be added, but only with the approval of the NSW Department of Planning and the Minister. The Order, the Standard Instrument and explanatory notes can be viewed on the Department of Planning website.

What is the Lower Hunter Regional Strategy?

The Lower Hunter Regional Strategy (LHRS) was released by the Minister for Planning on the 17 October 2006 and affects the five Local Government areas of Newcastle, Lake Macquarie, Port Stephens, Maitland and Cessnock. It also endorses major development in Singleton LGA.
The strategy identifies a land use plan for the region over the next 25 years which:

- provides for 115,000 new homes to cater for a projected population growth of 160,000 people;
- plans for up to 66,000 new jobs;
- promotes growth in major regional centres and designated growth areas
- creation of an Urban Development Program (UDP);
- 20,000ha of Government lands to form the backbone “green corridor” from Watagans Ranges through Hexham Swamp to Port Stephens;
- 12,000ha of private land to be secured in recognition of additional development potential of 3280ha; and
- protects high quality agricultural land and natural resources such as water aquifers and extractive materials.

The **Lower Hunter Regional Strategy** can be viewed on the Department of Planning website.