

## How is a Local Environmental Plan made?

A local environmental plan, often referred to as an LEP, is made under the legislative requirements of the NSW Environmental Planning and Assessment (EP&A) Act, 1979.

Council may decide to prepare an LEP based on a review and updating of Council's own planning requirements, in response to an application for a rezoning request from residents or developers external to Council or, as in this case, as required by the NSW Department of Planning.

Generally preparation of an LEP can take a minimum of 18 months and upwards to a number of years, depending on the complexity of the plan, the suitable strategic context (consistency with the state, regional and local planning requirements) or the issues and impacts arising from the plan. The LEP generally has to satisfy evaluation criteria which has been set up by the Department of Planning. This criteria can be found at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

A simplified flow chart has been provided with this fact sheet to help illustrate the plan making process. Sections of the Act referred to are requirements of the Environmental Planning & Assessment Act (EP&A Act) 1979.

Council is currently at Step 7 - public exhibition of the process - as indicated by the green text and progress box on the table on page 2 of this fact sheet.

## How can I have a say?

You are strongly advised to review the plans whilst on public exhibition and you are invited to make written submissions. Written submissions will be accepted until 12 October 2009.

Council staff will be available during 9am - 12pm, Monday to Friday by appointment, to discuss the exhibition material and answer your questions.

Fact Sheet 11 details where the exhibition material may be reviewed and how to make a submission.

## What are the next steps?

Following completion of the public exhibition, all submissions and comments will be considered in the final review of the draft LEP. The final draft LEP is anticipated to be reported to Council for final endorsement, with the draft City Wide Settlement Strategy (2009) and draft Development Control Plan 2009, with referral of the draft LEP to the Department of Planning for gazettal towards the end of 2009.

Fact Sheet 1	Draft Local Environmental Plan 2009
Fact Sheet 3	Draft Cessnock Development Control Plan (2009)
Fact Sheet 4	Relationship of the draft LEP 2009 and the wider planning framework
Fact Sheet 5	Zones in the draft Local Environmental Plan 2009
Fact Sheet 6	Development Standards
Fact Sheet 7	Biodiversity and Conservation
Fact Sheet 8	Consultation and Local Presentations
Fact Sheet 9	Spot Rezoning Proposals
Fact Sheet 10	Understanding the Mapping
Fact Sheet 11	How to make a submission

**For more information please contact**

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# Local Environmental Plan making process



## Fact Sheet 2 *continued*

Step	Task	Requirements	Milestone
Step 1	Decision to Commence	Notice of Council decision (resolution) to prepare draft Comprehensive Local Environmental Plan under Section 54 of the EP&A Act, 1979.	August 2006
Step 2	Report to Council and the Department of Planning (DoP)	Report to the DoP and referral to the "LEP Review Panel" for approval to proceed. This advice will include any requirements for a Local Environmental Study (LES) under section 57 and Council's responsibilities under Section 61.	September 2006
Step 3	Preparation of draft LEP	Consultation with government authorities, adjoining local governments and other parties under Sections 62 and 63, as well as commencement of an extensive draft LEP mapping process.	April – June 2007
Step 4	Report to Council	Report the draft LEP and supporting material, including the draft City Wide Settlement Strategy (2009) and DCP (2009) to Council for endorsement to exhibit.	November 2007
Step 5	Approval of the Department of Planning	Referral of the draft LEP to Parliamentary Counsel (PC) for a legal opinion, and the referral of a section 64 report to the DoP outlining the intent and justification of the draft plan. The draft plan is required to be consistent with State and Regional Planning Policies and the Ministerial Section 117(2) Directions.	December 2007
		Second Report to Council incorporating policy changes recommended by the DoP.	April 2008
Step 6	Approval to publicly exhibit	Section 65 Certificate issued by Department of Planning to exhibit draft Plan and endorsed by Council.	June 2009
Step 7	Public exhibition	Public exhibition for a minimum period of 28 days under Section 66. (A 10 week exhibition period has been set by Council to enable intensive consultation across the Local Government Area).	Currently occurring
Step 8	Consider submissions	Acknowledgment, consideration and assessment of submissions received and finalisation of the draft LEP. At this time if the draft LEP requires significant amendment a second exhibition may be required. Where relevant a public hearing may also be required.	October 2009
Step 9	Report to Council	Report to Council seeking endorsement to finalise draft LEP.	November 2009
Step 10	Report to the Department of Planning	Referral of the draft LEP under Section 68 to the DoP outlining the process, and compliance with the EP&A Act. DoP will then prepare a Section 69 report to the Minister for Planning, seeking gazettal.	Late 2009
Step 11	Gazettal of the LEP	Gazettal of the draft LEP by the Minister for Planning under Section 70.	Anticipated late 2009