



KEMPSEY
Shire Council

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

14th February 2006

DSDS3	KEMPSEY	SHIRE	COUNCIL	LOCAL
	ENVIRONMENTAL PLAN – STANDARD LOCAL			ENVIRONMENTAL PLAN (LEP)
	FILE: RZ-06-03 GAN			

SUMMARY:

Reporting that the NSW Department of Planning's (DoP) recent planning reforms require each local government area within NSW to create an LEP in accordance with the Standard LEP template released by the DoP. This draft standard LEP is required to be prepared by March 2007 for finalisation by March 2008.

In accordance with Section 54 of the *Environmental Planning and Assessment Act 1979* this report recommends Council resolve to commence preparation of the Draft LEP for the entire local government area in accordance with the Standard LEP template.

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Background

The State Government considers that the planning system introduced in 1979 is in urgent need of an overhaul. The planning reforms released in 2005 are aimed at actioning this overhaul, and contain several major implications for the NSW Planning System.

One of these implications is the introduction of a standard LEP template for all Local Government Areas in NSW. The standard LEP template has been produced in order to streamline the NSW planning system; making it easier to do business and achieve better community outcomes.

The objective of this template is to create consistency in planning instruments across NSW.

There are no statutory requirements for Council to undertake Strategic Planning in producing the new LEP, however several projects at varying stages of development are being undertaken. These projects may be incorporated into the strategic planning process for the development of the Standard LEP, and include:

Vegetation Mapping;
Residential Release Strategy;
Rural Residential Release Strategy; and
Kempsey Settlement Strategy;

Council has received funding from DoP to assist finalising the ongoing strategic projects and preparation of the standard template.

As part of the memorandum of understanding for this funding, the project requires a Section 65 Certificate to enable public exhibition of the new LEP, to be issued by the DoP in March 2007. Council is required to finalise the new LEP by March 2008.

Funding

To assist in the preparation of the Kempsey LEP in accordance with the Standard Template and the other related projects Council has received (round 3) Planning Reform Funding from the DoP of \$75000.

Council is contributing approximately \$64,000 to this project, inclusive of funding made available for the Vegetation Mapping currently being undertaken. The Catchment Management Authority is contributing \$16,000 towards vegetation mapping.

Working Group

A condition of the funding by the DoP is that Council form a working group to assist in the preparation of the LEP. This working group is required to contain a representative from DoP, it should also contain representatives from other relevant government departments, Councils Strategic Planning Group and other staff as required.

Community Education

To keep the community informed, it is proposed hold a community information session prior to finalising the draft LEP. This forum will be advertised and key stakeholders, community groups will be notified.

Planning Reforms and Development Control Plans (DCP)

Another of the major implications of Planning Reforms is the requirement for a single DCP to apply to each individual land parcel.

The state government has indicated that all existing DCPs will remain valid until such time that new ones are created or existing ones are amended after the 30 April 2006.

After 30 April 2006 any DCP created or amended must be the only DCP applying to the land affected. If Council does not ensure that this occurs then all DCPs applying to a site will become void.

There are a number of ways of achieving a single DCP per site.

- The first is to amalgamate all existing DCPs. The amalgamated DCP may simply contain separate chapters on development controls previously contained within existing DCPs (covering issues such as car parking; exempt and complying development; residential development etc).
- The second would be to prepare DCPs for individual precincts or zonings.
- The third would be a hybrid of the first 2 options with some precinct based DCPs and a generic DCP for the remainder of the Shire.

A future report to Council will be made with the preferred option.

REPORT IMPLICATIONS:

- ***Environmental***

In association with other projects currently being undertaken, such as the vegetation mapping, the new LEP will give opportunities to identify areas of significant environmental value and provide them with appropriate level of protection/conservation.

- ***Social***

The preparation of the new LEP in accordance with the Standard Template will provide greater certainty to business and the community in regards to land use.

- ***Economic (Financial)***

As discussed above funding has been made available to Council from other organisations and Council is contributing the overall project to assist in the preparation of the LEP.

The standard LEP should make the development process more streamlined and efficient and thus cost effective for development across the state.

- ***Policy or Statutory***

It is a statutory requirement for Council to prepare an LEP in accordance with the Standard Template. In accordance with Section 54 of the Environmental Planning and Assessment Act 1979, and in order to commence the preparation of the draft LEP, Council must resolve to prepare the draft LEP and then notify the DoP of this decision.

Under Section 62 of the Environmental Planning and Assessment Act 1979 Council is required to consult with other public authorities and neighbouring Councils in regards to the preparation of the Draft LEP.

The preparation of the new LEP will produce a statutory planning document that will be consistent with LEPs in all NSW Local Government Areas.

Because part of the Shire is within the coastal zone, the Coastal Policy requires a Local Environmental Study to be prepared to support the LEP. It will be necessary to obtain the Department of Planning's requirements for the content of the Local Environmental Study.

RECOMMENDATION:

1. That Council, in accordance with section 54 of the Environmental Planning and Assessment Act 1979 prepare a draft Local Environmental Plan for the entire Kempsey Shire Local Government Area. This Local Environmental Plan to be prepared pursuant to the Standard LEP Template format.
2. That Council seek the Department of Planning's requirements for the Local Environmental Study to support the standard LEP.
3. That Council establish a Standard LEP Working Group and invite representatives from the following organisations to participate;
 - Department of Planning;
 - Department of Natural Resources;
 - Catchment Management Authority;

- Department of Environment and Conservation.

4. That a community information session be held during the preparation process, prior to finalising the Draft LEP.

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES