



KEMPSEY
Shire Council

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

14th March 2006

**DSDS5 LOCAL ENVIRONMENTAL PLAN (LEP)
REVIEW PANEL
FILE: 170 DNM**

SUMMARY:

Reporting on the introduction of the Department of Planning (DoP) LEP Review Panel and the implementation of new procedures intended to streamline the LEP making process.



The new Department of Planning procedures came into affect on 22 February 2006, affecting new LEP amendments proposals and those already in the system. The changes were made without consultation with notification received on 21 February 2006.

Why the need for an LEP Review Panel?

Section 54(4) of the (EP and A Act) requires Council to inform the Director-General of a decision to prepare a draft LEP. Clause 9 of the EP and A Regulation requires the inclusion of the terms of a Council resolution and information about the proposed LEP.

What is the role of the LEP Review Panel?

The Review panel will have the following roles:

- To provide advice to councils about proposed draft LEP's;
- To provide advice to the Director-General and / or Minister for Planning about proposed draft LEP's; and
- To review section 54(4) notifications against the relevant set of evaluation criteria.

- To review draft LEP's submitted at section 64 stage;
- To review draft LEP's when submitted to the Department at section 68(4) stage; and
- To review section 69 reports to the Minister.

Who is on the LEP Review Panel?

The panel will include senior departmental officers and a nominee from the Local Government and Shires Association.

How will the LEP Review Panel consider section 54 notifications?

The review panel will consider the evaluation criteria pro-forma, supporting documentation and determine whether the proposed LEP can proceed.

The panel will also make recommendations in terms of section 74(2)(b) of the EP and A Act i.e. if an environmental study should be prepared prior to preparation of a draft LEP.

Council will not be permitted to proceed to the next steps in the LEP process without Department of Planning advice.

REPORT IMPLICATIONS

- *Environmental*

There are no specific environmental issues.

- *Social*

The Review Panel will have the power to prevent draft LEP's proceeding to public exhibition, and may limit Councils ability to justify LEP's that are inconsistent with State Government policy.

- *Economic (Financial)*

Council has in the past supported preparation of draft LEP's and committed time and resources to the exhibition, reporting and consultation processes, which have ultimately not been supported by the Department of Planning. This will potentially save Council resources in pursuing draft LEP's that ultimately are not made.

- *Policy or Statutory*

Previously, Council had delegations from the Department of Planning to exhibit most draft LEP's without specific approval. These delegations have been revoked, and new delegations issued that require specific authority from Department of Planning for each draft LEP before Council can exercise its delegations.

The changes do not incorporate any transition provisions. This means current draft LEP's will need to comply with the new process. Current draft LEP's are:

- *153 Macleay Street, Frederickton (Rezone 1(a3) to 2(a)*
- *Reclassification of community land to operational land, South West Rocks and Frederickton*
- *Beranghi Road community title rural subdivision*
- *LEP standard template*
- *Farrowells industrial land South Kempsey*
- *Saltwater land*
- *Former Shell Oil Terminal site*
- *Thurgoods Industrial rezoning, South Kempsey*
- *Channels rezoning, East Kempsey*
- *Crescent Head expansion*
- *Old School House, South West Rocks*

RECOMMENDATION:

That the information be noted.

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R B Pitt

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES