

PLAN-MAKING

Current issues

In 2006-07, more than 200 local environmental plans (LEPs) were gazetted. LEPs are statutory documents which include local planning rules such as zonings, heights, subdivision sizes and other development controls. All LEPs currently require final Ministerial approval. They are the cornerstone of the NSW planning system and provide groundrules for what development and environmental protection can happen.

However, the system in place to create LEPs is completely inflexible. In the Environmental Planning and Assessment Act, the same system is in place for a minor LEP – such as correcting a zoning anomaly or adding definitions – to creating a new LEP for an entire council area.

Furthermore, there are limited incentives in place in the Act for the timely resolution of LEPs. There have been instances where councils have sought to proceed with LEPs based on meeting resolutions taken **20 years ago**.

No timeframes are set for the plan-making process apart from the exhibition period for an LEP, which is set at a minimum of 28 days. A survey of 110 LEPs gazetted between May 2006 and April 2007 found that even the simplest LEPs correcting existing errors took an average of 196 days to make. At the other end of the scale, comprehensive LEPs covering entire council areas took an average of **almost five years** to be gazetted.

As well, the input of State infrastructure agencies which need to support proposed new developments typically happens during and after exhibition towards the end of the process – after considerable work has already taken place. Advice from these agencies can require an entire re-start to the plan-making process.

Key proposals for consideration

- Mandatory timeframes to be created for steps in the plan-making process;
- An outstanding LEP can be referred to the proposed Planning Assessment Commission or Joint Regional Planning Panel, to resolve long-standing problems and issues;
- New gateway screening process at start of LEP creation process, to ensure the LEP meets a set criteria;
- Referral to and consultation with State agencies required at the gateway stage for larger-scale proposals, unless part of areas already approved for release;
- Department of Planning to play its part by working to continue to reduce number of State-wide and regional statutory policies by 50 per cent;
- Department of Planning to continue to produce regional strategies to provide upfront certainty as to areas earmarked for release.

Advantages

- Faster LEP processing time - with finalisation times to be cut by at least 50 per cent;
- Better involvement by the State agencies which must ultimately service new release areas.