



What is a Local Environmental Plan?

Local Environmental Plans (LEPs) guide planning decisions for local government areas. They do this through zoning and development controls, which provides a framework for the way land can be used.

LEPs are the main planning tool to shape the future of communities and also to ensure local development is done appropriately.

Which Local Environmental Plan applies to Coffs Harbour LGA?

Two LEPs currently apply to land in the Coffs Harbour Local Government Area (LGA).

1. Coffs Harbour LEP 2013

Applies to all land parcels within the Local Government Area excluding one land parcel in Sandy Beach (Lot 22 DP 1070182).

2. Coffs Harbour City LEP 2000

Applies to only one land parcel in Sandy Beach (Lot 22 DP 1070182).

Both the written document and maps can be viewed on the NSW Legislation website. An LEP applying to the whole of a Local Government Area is referred to as the principal LEP.

What is an amendment to Coffs Harbour Local Environment Plan 2013?

In order to amend a principal LEP it is necessary to make another LEP (often referred to as an amending LEP).

The process for preparing an amending LEP involves a formal planning process which includes the preparation of a planning proposal.

What is a planning proposal?

A planning proposal is a document that comprehensively explains the intended effect of an amending LEP (e.g. rezoning land), and sets out the justification for making the amendment.

A planning proposal must include an accurate and thorough assessment of the likely impacts of the amending LEP. It should be supported by technical information and studies where necessary, particularly if the land subject to the amending LEP is constrained.

What is Council's role in the planning proposal process?

In most cases, Council is the Relevant Planning Authority, and as such, is responsible for the content of the planning proposal and the quality of the information provided in support of the proposal.

Council must ensure the information in the planning proposal is sufficient to respond to the statutory requirements of the *Environmental Planning and Assessment Act 1979* and the requirements within the NSW Department of Planning, Industry

and Environment's documents: *A guide to preparing planning proposals 2018* and *A guide to preparing local environmental plans 2018*.

Council must also ensure that the information is accurate, current and sufficient for issuing a 'Gateway determination', and subsequently detailed enough for the purposes of consulting with agencies and the community.

Council's role also includes formally considering the planning proposal at its Ordinary Meetings. If Council wishes to initiate the planning proposal, Council must resolve to support the planning proposal and to forward it to the Minister for Planning for a 'Gateway determination'.

What is a Gateway determination?

Gateway determination is a checkpoint for planning proposals before significant resources are committed to undertaking technical studies and investigations. It enables planning proposals that are not credible, well-founded, or not in the public interest to be stopped early in the process, so as not to outlay resources unnecessarily, and before government agencies commit their own resources to carrying out assessments.

If a planning proposal is initiated, the Minister (or delegate) will issue a Gateway determination and the matter will proceed in accordance with any conditions imposed by the Gateway determination. The Gateway determination will also advise who is responsible for the plan making functions (either the Minister or Council where the matters are of local planning significance).

For more information contact

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Public exhibition and finalisation

The process for making an amending LEP is the same regardless of whether the matter is delegated to Council or the Minister.

Following the issue of a Gateway Determination, the planning proposal is required to be publicly exhibited to obtain the views of the community and referred to relevant authorities (as specified by the Gateway Determination).

The Relevant Planning Authority (i.e. Council) may decide to conduct a public hearing into any issue associated with the planning proposal. Where an amending LEP relates to the reclassification of community land, the Relevant Planning Authority is obliged by the *Local Government Act 1993* to hold a public hearing.

The community consultation is complete only when the Relevant Planning Authority (i.e. Council) has considered any submissions made concerning the amending LEP and the report of any public hearing on the amending LEP.

The outcome of the community and stakeholder consultation is then reported to Council with a recommendation to either continue or not continue with the amending LEP. If Council resolves to continue with the amending LEP, the formal written draft LEP is prepared by Parliamentary Counsel, following which the amending LEP is made (finalised) by the Minister or delegate (i.e. Council).

The amending LEP takes effect when it is published on the NSW Legislation website (i.e. in the case of land rezoning, the land is then formally rezoned).

The formal process for preparing an amending LEP can only however be initiated by a Relevant Planning Authority (i.e. a local Council or the Planning Secretary of the Department of Planning, Industry and Environment).

Why are pre-lodgement meetings important?

It is compulsory that a proponent seek a pre-lodgement meeting with Coffs Harbour City Council prior to preparing and submitting a request to amend Coffs Harbour LEP 2013, as this assists in identifying key issues and information necessary to justify further consideration of the proposed LEP amendment. A pre-lodgement meeting also provides an opportunity to discuss the fees and charges associated with the LEP amendment process.

It is recommended that a proponent bring their planning consultant with them to the pre-lodgement meeting.

Who can request an amendment to Coffs Harbour LEP 2013?

Council may decide to amend Coffs Harbour LEP 2013. Alternatively, a request may be made by a landowner or developer to amend the LEP. This is known as a 'proponent-led' amendment to Coffs Harbour LEP 2013. Steps to be undertaken by proponents as part of this request are outlined in Figure 1.

Figure 1: The process for requesting an LEP amendment

