

Report by David Hazeldine, Manager Strategic Planning

RECOMMENDATION

That Council resolve to notify the Department of Planning under section 54 (4) of the Environmental Planning & Assessment Act (1979) of Councils intention to prepare a draft Strathfield Comprehensive Local Environmental Plan (LEP 2011).

PURPOSE OF REPORT

To comply with the Department of Planning's recent advice to seek a resolution from Council to formally notify the Department of Councils intention (section 54[4]) to prepare a draft *Strathfield Comprehensive Local Environmental Plan (LEP 2011)*.

BACKGROUND

A Memorandum of Understanding (MOU) for the preparation of the new Strathfield Comprehensive Local Environmental Plan (LEP 2011) was signed by Strathfield Council and the Department of Planning in June 2008.

The timeline in the MOU indicates that the s54 (4) resolution (the Council resolution to formally notify the Department of Councils decision to prepare a draft (LEP) plan) was originally agreed to be prepared in late 2009 after the completion of the Residential Land Use Study and Economic Land Use Study are completed.

The Department of Planning at a meeting with Council on 31 March 2009 advised Council to consider preparing the section 54(4) resolution for the new Strathfield Comprehensive LEP as a priority, rather than wait until late 2009 as previously planned.

REPORT

The Department advised that the timing of the section 54 resolution is important if Council is to retain the ability to prepare the new LEP in accordance with the current planning and certification system, rather than be impacted by changes which were assented to on 25 June 2008 through the 'Environmental Planning and Assessment Act 2008 (Amendment Act)'. These changes have not yet come into effect but the Department expects this to occur by June 2009.

The proposed changes to the LEP planning and certification system essentially provide the Planning Minister with more direct involvement and discretionary decision making power throughout the LEP process. These changes (refer Attachment 1 for further detail) include:

- Minister controls LEP process ie. Minister can initiate an LEP.
- Planning proposals given to Minister ie. planning proposals from planning authorities are firstly submitted to Minister
- Minister making "gateway determination" ie. Minister decides at initial stage whether the matter should proceed or be resubmitted.

- Minister decides what level of community consultation is required.
- Department of Planning will draft LEPs – ie. the Department rather than Planning Authorities will draft planning instruments.

Bringing forward the timing of the section 54 resolution is seen as an advantage for Council to avoid the new changes to the planning and certification system impacting on the preparation of the new Strathfield Comprehensive LEP.

To assist Council in considering the 'Recommendation' in this report, the following background information is provided in relation to the preparation of the new Strathfield Comprehensive Local Environmental Plan (LEP 2011):

- the preparation of this LEP is part of the Department's process to standardize LEPs across the state based on the new standard instrument (standard template)
- the Department has set Council a deadline of March 2011.
- the Department has agreed to provide \$100,000 of funding from the 'Planning Reform Fund' to Council for this project.
- the specific 'aims and objectives' of the project as outlined in the MOU have been provided (refer Attachment 2).

Further reports to update Council on this LEP project will be forwarded at key milestones.

REFERRAL FROM OTHER DEPARTMENT

Not required at this stage of the LEP process.

FINANCIAL IMPLICATIONS

There are no financial implications.

ATTACHMENTS

1. EDO NSW Fact Sheet 2.1.3 LEPs and SEPPS – Local Environmental Plans
2. Memorandum of Understanding – Strathfield LEP – 1.1 Aim and Objectives, pages 3 & 4

Report approved by:

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