

Report by Roger Brook, Strategic Planning Co-ordinator

RECOMMENDATION

That the report concerning the update on the application of draft environmental planning instruments (EPIs) in relation to s79c of the EP&A Act 1979 be noted.

PURPOSE OF REPORT

To update Council on the application of draft environmental planning instruments (EPIs) in relation to s79C of the EP & A Act 1979 and their consideration when determining development applications.

BACKGROUND

Council, at its meeting held on 2 December 2008, resolved (Minute No. 256/08)

Old Draft Environmental Planning Instruments

“THAT Strathfield Municipal Council resolves to authorise the General Manager to prepare a report on the application of old draft environmental planning instruments, including, but not limited to, the relevance of Planning Circular PS08-013 to the Strathfield local government area.”

REPORT

Department of Planning Circular

The Department of Planning issued a circular on 13 November 2008 (PS 08-013) to advise consent authorities including Councils of the following new directions relating to draft EPIs that came into effect on 1 March 2009.

- All draft EPIs that were exhibited prior to 1 March 2006 which have not been gazetted or have not been gazetted within 3 years from the date of exhibition should not be considered in terms of s79c (a)(ii) of the EP& A Act 1979 and the development assessment process ie. should not be a matter of consideration when assessing development applications.

The above directions do not apply to Comprehensive LEPS.

Implications for Council's draft EPIs

Council has three draft environmental planning instruments potentially affected by these changes as shown in the following table.

Environmental Planning Instrument	Exhibition Date	S79C Matter for Consideration	Expiry date
Draft LEP 2008 (2003)	15/10/03 - 14/11/03	Yes- (LEP not made in 3 years, but direction does not apply to Comprehensive LEPS)	N/A
Draft LEP 105 Heritage	11/8/05 - 9/9/05	Yes - (LEP not made in 3 years, but draft LEP 105 has been incorporated into Comprehensive LEP)	N/A
Draft LEP 106 Matthews Park	17/1/07 - 17/2/07	Yes - (draft LEP was not exhibited prior to 1/3/06)	17/1/2010

The above table indicates that none of Strathfield's Draft LEPS are currently impacted by this new direction and therefore will all continue to remain matters of consideration under s79C of the EP& A Act 1979.

The Department of Planning have confirmed that the Draft LEP 2008 can be considered as a Comprehensive LEP in regards to interpreting this direction.

The Department of Planning have also confirmed (email dated 1 April 2009) that Council should continue to consider the provisions of draft LEP 105 as a s79C matter for consideration since it has now been incorporated into Strathfield LEP 2008.

Draft LEP 106 for Matthews Park will continue to remain a matter for consideration under s79C of the EP&A Act 1979 as the three year expiry period is not until 17 January 2010.

REFERRAL FROM OTHER DEPARTMENT

Advice has been sought from the Department of Planning in relation to the changes to s79C.

FINANCIAL IMPLICATIONS

There are no financial implications.

ATTACHMENTS

1. Department Of Planning Circular (PS 08-013) 13 November 2008

Report approved by:

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Manager Strategic Planning	Director Technical Services