

# What is a Local Environmental Plan?

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## What is a Local Environmental Plan?

A local environmental plan (LEP) is a legal document prepared by Council and approved by the State Government to regulate land use and development.

LEPs guide planning decisions for local governments. The plan allows Council to regulate the ways in which all land both private and public may be used and protected through zoning and development controls.

Lithgow City Council has prepared a new LEP known as the Draft Lithgow LEP 2013 which will replace Council's existing Lithgow City LEP 1994 and the Rylstone LEP 1996.

The Draft LEP is a Principal LEP meaning that it applies to all land in the Lithgow City Local Government Area.

## What is a Planning Proposal?

Before an LEP can be made, Council is required to prepare, publicly exhibit and adopt a Planning Proposal. A Planning Proposal is a document that explains the intended effect of a proposed Local Environmental Plan and sets out the justification for making that plan. The Draft LEP 2013 is therefore the subject of the Planning Proposal currently on exhibition.

## Why has Council prepared a new LEP?

The new Draft LEP has been prepared in response to the State Government's requirement for all NSW Councils to prepare an LEP which conforms to the Standard Instrument (Local Environmental Plan) Order 2006 (also known as the Standard LEP Template or SI instrument).

It has also been prepared to implement the strategies and recommendations of the Lithgow Land Use Strategy 2010-2030. This strategy has been adopted by Lithgow City Council and endorsed by the Department of Planning and Infrastructure.

The current LEPs have both been in place for close to two decades and are in need of significant review to keep pace with the changing face of our built and natural environments and community profile as well as the significant changes to planning and environmental law.

## What is the Standard LEP Template?

The standard instrument provides a 'template' that all NSW councils must use as the basis for preparing a new LEP, using standard

- zones (including standard zone objectives and mandated permitted and prohibited uses)
- definitions
- clauses
- format

In reviewing the Draft LEP it is important to note what Council can and cannot alter or add into the plan. In developing a new LEP

### Council can:

- prepare additional local provisions that address local planning issues and which reflect the outcomes of local and regional strategies
- add local objectives to the core zone objectives
- add additional permitted or prohibited uses in the land use tables
- decide whether or not to include optional provisions in their LEP to specify what will be permitted as exempt and complying development in addition to those identified in the SEPP (Exempt and Complying Development Codes)
- insert local criteria or standards into certain mandatory clauses
- prepare maps that specify the lot sizes, building heights and floor space ratios appropriate to the local areas
- define terms within a local provision in certain circumstances
- suggest new definitions to the Department of Planning for inclusion in the standard dictionary for all Councils to use.

### Council cannot:

- add new zones or create sub-zones
- prohibit uses that are mandated as permissible in a zone
- permit uses that are mandated as prohibited in a zone

- add local provisions that are inconsistent with the mandatory provisions.
- change the standard dictionary by altering or adding terms
- change the standard clause numbering
- change the format
- change the wording of the provisions.

**NOTE: In the Draft Lithgow City LEP 2013 the content in black text represents the standard instrument content and the red text represents the local provisions prepared by Council. It is only that content in red text that Council can consider changing.**

All local provisions prepared by council must be consistent with the relevant core zone objectives and mandated land uses, other mandatory provisions and relevant state or regional planning guidance.

## How may the Draft LEP affect you?

**Generally the zoning of your land will have a new name and the range of permitted land use may have changed.**

**Zones under the Draft LEP 2013 have been, as much as possible, aligned to existing zoning categories under the current plans, except where change has been justified by way of appropriate strategic analysis.**

**Simply, if you plan to develop or subdivide your land (whether rural or urban), carry out any renovations or additions or alter the way in which you use your land then the Draft LEP may affect you.**

To find out what the proposed zoning of your land is go to [www.lithgow.com/lep/map.html](http://www.lithgow.com/lep/map.html).

To find out more information about relevant zones please refer to the fact sheet for each zone, or for quick reference in relation to land use permissibility, the **land use matrix** on Council's web page at [www.lithgow.com/lep/](http://www.lithgow.com/lep/).

## When will the new Plan take effect?

The new LEP needs to be made by the Minister of Planning and Infrastructure and gazetted prior to taking effect.

The next steps in the process are as follows:

- Completion of the Public Exhibition of the Draft LEP
- Analysis and consideration of public submissions
- Final Planning Proposal LEP submitted to Department of Planning and Infrastructure – Gateway
- Department arranges legal drafting of LEP
- Plan is signed made by the Minister of Planning and Infrastructure and is gazetted.

## What happens if I want to develop my property in the meantime?

You may lodge a development application at any time in accordance with the current requirements. However, once the Draft LEP is on public exhibition its provisions must be considered as part of the assessment of any development application. This is in addition to the usual development assessment considerations guided by the existing LEPs. The extent to which the Draft LEP affects the proposed development is determined on a case by case basis depending on the specific elements of the proposed development.

## For information

Further information on this or any other aspect of Draft LEP 2013 can be obtained:

- Online at [www.lithgow.com/lep/](http://www.lithgow.com/lep/); or
- By contacting a Council Planner on 0263549906 or 0263549920; or
- Emailing [lep@lithgow.nsw.gov.au](mailto:lep@lithgow.nsw.gov.au).

**Please note: this document has been prepared to assist you in understanding the Draft Lithgow LEP 2013 and should not be relied on in preparing a formal submission. Any submission should be based on the formal exhibition material and documents exhibited at Council's Administration Centre, town libraries or online at [www.lithgow.com/lep/](http://www.lithgow.com/lep/).**