

FACT SHEET

– Changing the Wollondilly Local Environmental Plan



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wollondilly.nsw.gov.au



This fact sheet is aimed at anyone who wants to understand the process of making changes to the Wollondilly Local Environmental Plan 2011.

Background Information; What is a Local Environmental Plan?

The Wollondilly Local Environmental Plan 2011 (WLEP) is a legal document which regulates land use and development in the Wollondilly Shire council area. It includes a written document and accompanying maps.

In legal terms it is a type of environmental planning instrument made under Part 3 of the *Environmental Planning and Assessment Act 1979*.

What is a planning proposal?

The first step in amending the WLEP 2011 is the preparation of a planning proposal.

A planning proposal is a document that explains the change and effect of proposed changes to the local environmental plan. It is the basis of any formal application to make changes to the local environmental plan.

The most commonly sought change to the WLEP is to identify land for growth by changing the land use zone, for example from a rural land zone to a residential land zone. Changes can also include things like changing the controls around subdivision, designating a building as a heritage item, or identifying environmentally sensitive land.

The process of making changes to the Wollondilly Local Environmental Plan is called the 'Gateway process'.

Steps in the Gateway process

The gateway process has the following steps:

- **Request for a Planning Proposal to be initiated** – A planning proposal is usually initiated by a landowner or their representative (the proponent) or by the Council. If initiated by a proponent, they will submit a planning proposal to the Council and pay the relevant fee for their planning proposal to be considered.
- **Preliminary Community Consultation** – Council usually require planning proposals to be notified as part of the preliminary assessment to ensure that members of the public potentially affected by a planning proposal have input into the assessment process at an early stage. Where a planning proposal relates to a specific land parcel this will involve, at minimum, notifying owners of the property of land directly adjoining the property, advertising in the local newspaper, and on Council's website.
- **Report to Council** – Once a preliminary assessment has been undertaken, including considering any submissions from the public, a recommendation will be made to an Ordinary Meeting of the Council as to whether a planning proposal should proceed. If the Council resolve to support the planning proposal it is then forwarded to the Minister for Planning and Environment for a Gateway Determination. If Council endorses a proposal it is deemed to be Council's Planning Proposal.

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- **Gateway** – The minister (or delegate) determines whether the planning proposal is to proceed. The gateway acts as a checkpoint to ensure that the proposal is justified before significant resources are committed to carrying out specialist studies and before extensive consultation with public agencies.

As part of the Gateway process, the Minister or their delegate will decide:

- Whether the proposal is justified on planning grounds
 - Whether the planning proposal should proceed (with or without variation)
 - Whether the planning proposal should be re-submitted for any reason (including further studies or other information, or for the revision of the planning proposal)
 - The community consultation required
 - Any consultation required with state and Commonwealth agencies
 - Whether a public hearing by the Planning Assessment Commission or other specified person or body is required
 - The timeframes for the various stages of the procedure to make the draft amendment
 - Whether the function of making the LEP is to be exercised by the Minister for Planning and Environment or delegated to Council
- **Post Gateway Assessment & Community Consultation** – Specialist studies will be prepared and consultation with public agencies undertaken to consider the proposal in more detail.

The proposal will also be publicly exhibited (generally low impact proposals for 14 days, others for 28 days).

The Council considers all the information available in the planning proposal, including specialist studies, consultation with public agencies and any public submissions. The planning proposal is varied as necessary and is again reported to an Ordinary Meeting of the Council.

- **Decision** – With the Minister's (or delegate's) approval the plan becomes law and is published on the [NSW legislation website](#).