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What is the process for preparing an LEP?

The plan making process normally involves the following key components:

- the preparation of a planning proposal
- the issuing of a Gateway determination
- community and other consultation on the planning proposal (as required)
- finalising the planning proposal
- drafting of the LEP (legal instrument)
- making the plan
- notifying the LEP on the NSW Government Legislation website.

Two administrative review mechanisms exist within the plan making process – ‘pre-Gateway’ review and ‘post-Gateway’ review. These review mechanisms allow councils and proponents to seek a review of decisions in relation to proposed amendments to LEPs.

To increase the involvement of councils in the plan-making process and streamline the processing and making of draft LEPs, certain plan making powers are delegated to councils.

A flowchart detailing the LEP plan making process is provided at **Attachment 1**.

4.1 Delegation of plan making functions to local councils

Local plan making functions are now largely carried out by councils. Types of proposed instruments that are routinely delegated to councils to make include:

- mapping corrections
- LEPs which will result in a relaxation of a development standard on a site

to promote development including potential increases to FSR and height of building controls and, reduced minimum lot sizes

- Section 73A matters e.g. amending references to documents/agencies, minor errors and anomalies
- reclassification proposals where the Governor’s approval is not required in relation to the removal of covenants, trusts etc relating to the land
- heritage LEPs related to specific items (whether adding or removing an item from a Heritage Schedule) supported by an Office of Environment and Heritage endorsed local strategy or where the Office of Environment and Heritage provides preliminary support to the proposal
- spot rezonings consistent with a Regional Strategy or a local strategy endorsed by the Director-General
- spot rezonings that will result in an upzoning of land in existing areas zoned for residential, business, and industrial purposes, and
- any other matter that the Gateway determines is a matter of local planning significance.

Other types of LEPs not identified above may routinely be delegated to councils if the Gateway agrees that the matter is of local significance.

Delegation of proposed instruments that have been subject to a pre-Gateway review will be considered on a case by case basis.