

## Legal and process requirements involved in amending Byron LEP 1988 to facilitate conversion from MO to CT

The conversion of an existing multiple occupancy to rural community title subdivision first requires an amendment to Byron Local Environmental Plan 1988 (BLEP 1988) via preparation of a draft LEP amendment. Gazettal of the LEP amendment then allows a development application for the community title subdivision to be lodged.

### ***Preliminary Steps***

- a. Submission of request for an LEP amendment and supporting information (the proposal)
- b. Consultants approached to quote on processing the LEP amendment
- c. Consultant selected
- d. Applicant pays the full amount for processing of the LEP amendment
- e. Consultant engaged
- f. Consultant conducts a preliminary evaluation of the proposal and supporting information
- g. More information from the applicant is requested if required
- h. Further evaluation of proposal and site inspection by process consultant
- i. Council staff and GeoLINK agree on appropriate groupings of proposals
- j. Initial information session for the public about the proposal can be held here
- k. Proposal may be modified to reflect the outcome of the information session
- l. Process consultant drafts a report to Council with recommendations
- m. Report finalised with Council staff and submitted
- n. Applicant notified of date of Council meeting

### **Step 1: Decision to prepare draft LEP**

- Council can resolve to prepare the draft LEP amendment, not prepare the draft LEP amendment and/or an alternate resolution
- If Council resolves to prepare the draft LEP amendment the Department of Infrastructure Planning and Natural Resources (DIPNR) must be given notification of that decision
- DIPNR may advise of any special requirements or considerations in relation to the preparation of the draft LEP amendment (including whether an environmental study is required)
- Applicants are advised of Council's resolution
- Draft LEP amendment is prepared

### **Step 2: Consultation with state government authorities**

- Relevant government departments consulted on the draft LEP amendment
- Issues may be raised and must be addressed; Council cannot proceed if there are unresolved issues

### **Step 3: Draft LEP submitted to DIPNR**

- Draft LEP amendment is submitted to DIPNR with details of the consultation with government departments

### **Step 4: DIPNR issue certificate for exhibition of draft LEP**

- A certificate to enable public exhibition of the draft LEP amendment has to be issued by DIPNR (in some circumstances Council may issue it under delegation)
- Government departments, adjoining landowners and the applicant advised of the public exhibition period
- Exhibition material is compiled and prepared

**Step 5: Public exhibition of draft LEP**

- An advertisement is placed in the Byron News detailing the public exhibition period and how submissions can be made (on or before the start of the exhibition)
- Council's public exhibition point is in the foyer of Council's administration building in Mullumbimby
- Information is also placed at Council's community access points but these are not formal exhibition points
- Exhibition advertised a second time in the Byron News
- Second information session for the public may be held during the exhibition period
- Process consultant answers any phone enquiries from the public during the exhibition period
- Council staff may also take enquiries
- Exhibition must be for at least 28 days

**Step 6: Public may make submissions**

- Submissions are received during the exhibition period and acknowledged by Council

**Step 7: Consideration of submissions**

- Consultant analyses the issues raised in submissions and reports any issues to the applicant
- More information may be requested from the applicant to address issues raised in submissions
- Consultant drafts a report to Council on the submissions and recommends whether or not the draft LEP amendment should proceed
- Report discussed and finalised with Council staff and submitted
- Applicant advised of date of report to Council
- Council resolves to continue with the draft LEP amendment or discontinue the amendment or a variation
- If Council resolves to continue, the draft LEP amendment and supporting information is submitted to DIPNR
- Applicants advised of Council resolution
- Draft LEP amendment is examined by Parliamentary Counsel ('PC') to ensure it can be legally gazetted
- PC advises Council

**Step 8: Report to the Minister (prepared by DIPNR Regional office - Grafton)**

- DIPNR prepares a report to the Minister that addresses public involvement in the preparation of the draft LEP amendment and its consistency with regional and state government planning requirements (Council may prepare this report under certain circumstances)

**Step 9: Gazettal of LEP by State Government**

- Decision made by the Minister
- Decision will be either to approve the LEP; not proceed with the draft LEP amendment or direct that the draft LEP amendment be re-exhibited (in the case where it has been altered since it was publicly exhibited)
- If plan is gazetted (i.e approved) it is effective on the date that it is published in the 'NSW Government Gazette'
- Byron Local Environmental Plan 1988 is amended accordingly
- Government authorities and applicant advised of gazettal of LEP
- After gazettal the applicant may lodge a development application for the community title subdivision

\*\*\***Please note:** this information is a simplified version of the legal and process requirements for preparation of an LEP amendment. As such it should only be used as a guide.