

Report of Planning and Economy to the Ordinary Meeting of Council held on Tuesday
18 April 2017

PE2 – Draft Planning Proposal Policy

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Draft Planning Proposal Policy

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TRIM 8039-2

EXECUTIVE SUMMARY

- This report seeks Council support to publicly exhibit the Draft Planning Proposal Policy.
- Council, as a Relevant Planning Authority under the Environmental Planning and Assessment Act, 1979, is required to assess and prepare planning proposals to amend its Local Environmental Plan.
- A draft policy has been prepared to formalise Council's procedures for the processing of planning proposals. The preparation of this policy is also a requirement of the current Operational Plan.
- It is recommended that the draft Planning Proposal Policy be endorsed and placed on public exhibition.

REPORT

1.1 BACKGROUND

The *Wollondilly Local Environmental Plan 2011* guides planning decisions on development and land use within Wollondilly. It does this through zoning land and development controls which set out what can and cannot be undertaken on the land. It is made up of a written document and a series of maps.

The Wollondilly Local Environmental Plan 2011 is one of Council's core documents and is key to delivering on the long term strategic planning for the Shire. It supports the implementation of the Wollondilly Community Strategic Plan by implementing those actions which are influenced through land use planning.

The statutory process for amending Local Environmental Plans (LEPs) is through the preparation of a Planning Proposal. A Planning Proposal is a written document which explains the intended effect of a proposed amendment to a Local Environmental Plan and considers potential impacts and sets out the justification for the change(s). Amendments can deal with many different matters such as, heritage listing, rezoning of land, amendments to the minimum lot size and other provisions.

A Planning Proposal is considered by Council's and NSW Government, public agencies and other key stakeholders, as well as the general community to inform and make decisions on land use matters.

The NSW Department of Planning & Environment ('Department') determines the statutory process for amending Local Environmental Plans through legislation and the structure and information to be included in a planning proposal through the preparation of guidance documents and directions.

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The guidance documents which include *A guide to preparing planning proposals* and *A guide to preparing local environmental plans* although detailed are focussed on the content within a planning proposal and the statutory process in terms of who can initiate an amendment to the local environmental plan and the process once a planning proposal has been submitted to the Department.

The guides do not cover matters such as how a proposal is submitted to Council, any fees and charges or other local procedures.

In comparison to other local government areas, Wollondilly Shire Council receives a significant number of planning proposals. At present we are processing around 40 planning proposals, which is possibly the most of any Council in New South Wales. Clearly, it is fundamentally important for Council to be consistent and transparent in its procedures for both proponents seeking to submit proposals and local residents and other stakeholders who engage with the strategic planning process.

1.2 FORM & CONTENT OF DRAFT PLANNING PROPOSAL POLICY

The Draft Planning Proposal Policy will cover both planning proposals submitted by proponents (i.e. developers, landowners or consultants) and proposals initiated by Council and will cover the following matters:

- requirements for submitting a planning proposal,
- what fees are applicable throughout the process,
- preliminary consultation with the community and public agencies,
- who will commission and pay for the preparation of specialist studies,
- the process for changing the proponent,
- when a planning proposal can be withdrawn.

The Draft Planning Proposal Policy does not cover those parts of the statutory process which are already covered by the relevant legislation or guides prepared by the Department referred to earlier in this report. It also does not supersede any requirements which are covered in a Gateway Determination issued by the Department.

2.1 CONSULTATION - METHOD OF EXHIBITION

The draft Planning Proposal Policy has been prepared in consultation with staff from Council's Growth and Strategic Planning teams.

As part of the public exhibition consultation will be promoted through Council's community engagement portal "engage.wollondilly".

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In addition:

- information will be available on Council's website
- the draft Policy will be referred to the following stakeholders:
 - public agencies who we are commonly required to consult as part of the Gateway Process and who provide advice on the requirements for the preparation of specialist studies or critical threshold issues,
 - Department of Planning & Environment, Subsidence Advisory NSW,
 - Proponents of any current Planning Proposal submitted to Council.
- hardcopies of the draft policy and information on how to comment will be provided at Wollondilly Library in Picton
- a notice will be placed in any relevant newspapers.

The outcome of the consultation process will be reported back to Council along with any changes to the draft Policy for final consideration.

FINANCIAL IMPLICATIONS

The resources required to exhibit and finalise this policy are available within the existing Growth & Strategic Planning budget, although will have minor implications to the resources available to progress planning proposals.

The Policy is likely to have a positive impact on Council's budgets in the long term as it will establish more certainty around Council's procedures and reduce the risk of and likelihood for disputes.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Draft Planning Proposal Policy.

RECOMMENDATION

That Council endorse the Draft Planning Proposal Policy for public exhibition as described within Section 160 of the Local Government Act, 1993.