



Planning &
Environment

Planning Proposals

*A guide to preparing
planning proposals*

Disclaimer

These guidelines are provided for general guidance and information only. The guidelines are made available on the understanding that the NSW Department of Planning and Environment ('Department') is not providing legal advice. The Department has compiled the guidelines in good faith, exercising all due care and attention.

The guidelines do not affect or replace relevant statutory requirements. Where an inconsistency arises between the provisions of the guidelines and relevant statutory provisions, the statutory requirements prevail.

While every reasonable effort has been made to ensure that this document is correct at the time of printing, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document. The guidelines are not intended to give rise to any rights, claims, benefits, privileges, liabilities or obligations with respect to matters the subject of the guidelines.

It should be noted that the guidelines may be affected by changes to legislation at any time and/or be subject to revision without notice.

It is recommended that independent advice be sought in respect of the operation of the guidelines and the statutory requirements applying to plan making under the *Environmental Planning and Assessment Act 1979*.

A guide to preparing planning proposals

© State of New South Wales through the NSW Department of Planning and Environment December 2018
320 Pitt St Sydney NSW 2000 Australia

www.planning.nsw.gov.au

ISBN 978-0-7313-3585-5

Contents

| | | |
|----------|---|-----------|
| 1 | Introduction | 4 |
| 1.1 | What is a planning proposal? | 4 |
| 1.2 | Who can prepare a planning proposal? | 4 |
| 1.3 | How much information should be in a planning proposal before a Gateway determination has been issued? | 5 |
| 1.4 | When is a pre-lodgement meeting appropriate? | 5 |
| 2 | The parts of a planning proposal | 6 |
| 2.1 | Part 1 – objectives or intended outcomes | 7 |
| 2.2 | Part 2 – explanation of provisions | 7 |
| 2.3 | Part 3 – justification | 9 |
| 2.3.1 | Questions to consider when demonstrating the justification | 11 |
| 2.4 | Part 4 – mapping | 18 |
| 2.5 | Part 5 – community consultation | 19 |
| 2.6 | Part 6 – project timeline | 19 |
| 3 | What happens next? | 21 |
| 4 | Need more information? | 22 |
| | Attachment 1 – Information checklist | 23 |

1 Introduction

This guideline is issued under section 3.33(3) of the *Environmental Planning and Assessment Act 1979 (the Act)* and provides guidance and information on the process for preparing planning proposals.

1.1 What is a planning proposal?

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. It will be used and read by a wide audience including those who are responsible for deciding whether the proposal should proceed, as well as the general community. It must be concise and written in language that is clear and easy to understand. It must also be technically competent and include an accurate assessment of the likely impacts of the proposal. It should be supported by technical information and investigations where necessary.

The preparation of a planning proposal is the first step in preparing a LEP. Throughout the course of preparing the proposed LEP, the planning proposal itself may evolve. This is particularly the case for complex proposals.

The Minister for Planning (the Minister) or their delegate can issue a Gateway determination. It specifies whether a planning proposal is to proceed and if so, in what circumstances. The purpose of the Gateway determination is to ensure there is sufficient justification early in the process to proceed with a planning proposal. It enables planning proposals that lack strategic planning merit to be stopped early in the process before time and resources are committed.

The Gateway determination will confirm the information (which may include studies) and consultation required before the LEP can be finalised. The Gateway determination will also establish the timeframe in which the required steps are to be carried out. As the necessary information is gathered and consultation undertaken, the planning proposal may need to be updated by including additional documentation. The planning proposal may change over time from when it is initially prepared to the point where a definite proposal has been developed for the site, area, locality or local government area.

This document provides guidance on the matters that should be included in a planning proposal to satisfy the requirements of the Act. This guideline should be read in conjunction with other relevant guidance documents issued by the Department which are available on the Department's website. Together, these guideline documents explain the plan making process and the role of planning proposals in the process.

1.2 Who can prepare a planning proposal?

The Act does not say who must prepare the information needed for a planning proposal. In practice, the planning proposal document can be prepared by a council, a landowner or developer seeking to change the planning controls relating to a particular site, area, locality or local government area, or by a third party on behalf of a landowner or council. Generally, a comprehensive, LGA-wide planning proposal would be prepared by a council or planning authority.

The planning proposal document, which is submitted for a Gateway determination is the responsibility of the planning proposal authority (PPA). The PPA is responsible for ensuring that the level of detail in the planning proposal document is sufficient to respond to the statutory requirements of the Act and the requirements set out in this guideline (refer to Section 2 of these guidelines).

In most instances, the PPA will be the council for the local government area to which the planning proposal relates. In exceptional circumstances the PPA may be the Planning Secretary of the Department of Planning and Environment (the Department) or another public body, such as a Planning Panel.

Once the document is prepared, it must be forwarded by the PPA for consideration to the Department as delegate of the Minister. The PPA is responsible for the content of the planning proposal and the quality of the information provided in support of the proposal. The PPA must ensure the information is accurate, current and sufficient for issuing a Gateway determination and subsequently detailed enough for the purposes of consulting with agencies and the general community.

A guide to preparing local environmental plans provides an overview of the plan making process.

1.3 How much information should be in a planning proposal before a Gateway determination has been issued?

A planning proposal must demonstrate the strategic merit of the proposed LEP amendment.

A planning proposal which is submitted for a Gateway determination must provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan making process. The level of detail required in a planning proposal should be proportionate to the complexity of the proposed amendment.

A planning proposal relates only to a LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application.

The planning proposal should contain enough information to identify relevant environmental, social, economic and other site-specific considerations. The scope for investigating any key issues should be identified in the initial planning proposal that is submitted for a Gateway determination. This would include listing what additional studies the PPA considers necessary to justify the suitability of the proposed LEP amendment. The actual information/investigation may be undertaken after a Gateway determination has been issued and if required by the Gateway determination.

An 'Information Checklist' has been developed to assist both proponents and councils to identify and agree on the range of key issues for the proposed LEP amendment. A copy of the checklist is provided as **Attachment 1**.

Evidence of any pre-lodgement discussions, negotiations and agreement between the parties on the key issues and scope of work to be completed should be provided in the planning proposal that is submitted for a Gateway determination.

1.4 When is a pre-lodgement meeting appropriate?

It is recommended that a proponent seek a pre-lodgement meeting with a PPA prior to preparing and submitting a planning proposal. This will be critical where the matter is complex with many factors to be considered. A pre-lodgement meeting will assist the PPA and the proponent to reach agreement on the key issues and information necessary to justify further consideration of the proposed change to land use or development controls. It will also ensure that a proponent does not commit time and resources undertaking unnecessary studies or preparing information that does not address the main areas of concern with appropriate detail.

The 'Information Checklist' provided at **Attachment 1** forms a suggested framework for discussion at a pre-lodgement meeting. The checklist may also be a useful starting point where a council does not have a similar guide or where a proponent is preparing a planning proposal for the first time. It is worth noting that in some cases the nature of a planning proposal will be such that its merits may be able to be demonstrated without the need to prepare any supporting strategic studies after a Gateway determination has been issued.

2 The parts of a planning proposal

Section 3.33(2) of the Act outlines that a planning proposal must include the following components:

- **Part 1** – A statement of the objectives and intended outcomes of the proposed instrument
- **Part 2** – An explanation of the provisions that are to be included in the proposed instrument
- **Part 3** – The justification for those objectives, outcomes and the process for their implementation
- **Part 4** – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
- **Part 5** – Details of the community consultation that is to be undertaken on the planning proposal.

Section 3.33(3) of the Act allows the Planning Secretary to issue requirements with respect to the preparation of a planning proposal. The Secretary's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the planning proposal
- A project timeline to detail the anticipated timeframe for the plan making process for each planning proposal.

The project timeline forms **Part 6** of a planning proposal.

2.1 Part 1 – objectives or intended outcomes

Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be easily understood by the general community.

The objectives or intended outcomes (in conjunction with Part 2 – the Explanation of Provisions), constitute the actual ‘proposal’ and will be the basis for drafting the legal instrument (the LEP). The objectives and intended outcomes need to be specific enough to accurately reflect the desired outcome of the proposal yet flexible enough to allow for alternative ways of achieving the desired result to be considered.

It is not necessary to identify the mechanism by which the outcomes will be achieved in the objectives of the planning proposal. For instance, in Example 1 the actual zone(s) which are proposed for a site are not needed to be stated in the objectives. The zone(s) may change as a result of consultation with agencies and public exhibition and a number of alternative zones may be suitable for achieving the desired outcome.

Example 1

To amend the Smithville Local Environmental Plan 2009 to enable the redevelopment of the former Acme Factory site at 3 Smith Road, Smithville, for high-density housing, except for a corridor of public open space along the river frontage.

Example 2 outlines the objectives and intended outcomes of a planning proposal which seeks to introduce a new LEP provision.

Example 2

To amend the Smithville Local Environmental Plan 2009 to ensure potential impacts from urban stormwater are minimised.

As indicated in both examples, the details of the planning proposal are specific enough to clearly identify the intent of the proposal, yet flexible enough to enable the PPA to determine the most appropriate zones or development standards to achieve the desired outcome at a later stage of the process.

2.2 Part 2 – explanation of provisions

The explanation of provisions is a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing LEP.

The explanation of provisions should be drafted using plain English descriptions, to ensure the community understands what amendments are being proposed. This will also assist the legal drafting of the Amending LEP, at this stage of the process.

It would be appropriate for the explanation of provisions to identify what zones or development standards are being proposed. In some cases, the actual zones or standards may not be known until all of the necessary studies have been completed after a Gateway determination has been issued.

In the context of Example 1, the explanation of provisions might be:

Example 3

The proposed outcome will be achieved by:

- Amending the Smithville LEP 2009 Land Zoning Map on the former Acme Factory site at 3 Smith Road, Smithville in accordance with the proposed zoning map shown at attachment 1; and
- Amending the Smithville LEP 2009 Height of Building Map in accordance with the proposed height map, shown at attachment 2, which indicates a maximum permissible height of 22 metres onsite; and
- Amending the Smithville LEP 2009 Floor Space Ratio Map in accordance with the proposed floor space ratio map, shown at attachment 3, which indicates a maximum permissible floor space ratio of 2.5:1 on the site

In the case of Example 2 above, where a planning proposal seeks to introduce a new LEP provision, the explanation of provisions should take a form similar to the one as follows:

Example 4

The proposed outcome will be achieved by including new local provisions that:

1. confirms the objectives of the clause, which is to minimise the impacts of urban stormwater.
2. confirms that the clause only applies to land in residential, business and industrial zones.
3. includes heads of consideration for:
 - encouraging designs which maximise use of water permeable surfaces on the land and have regard to the soil characteristics affecting on-site infiltration of water, and
 - encouraging on-site stormwater retention as an alternative water supply, and
 - avoiding significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters,
 - minimising and mitigating any potential impacts.

Explanatory Note

Thumbnail mapping may be used to clearly indicate the intended provisions.

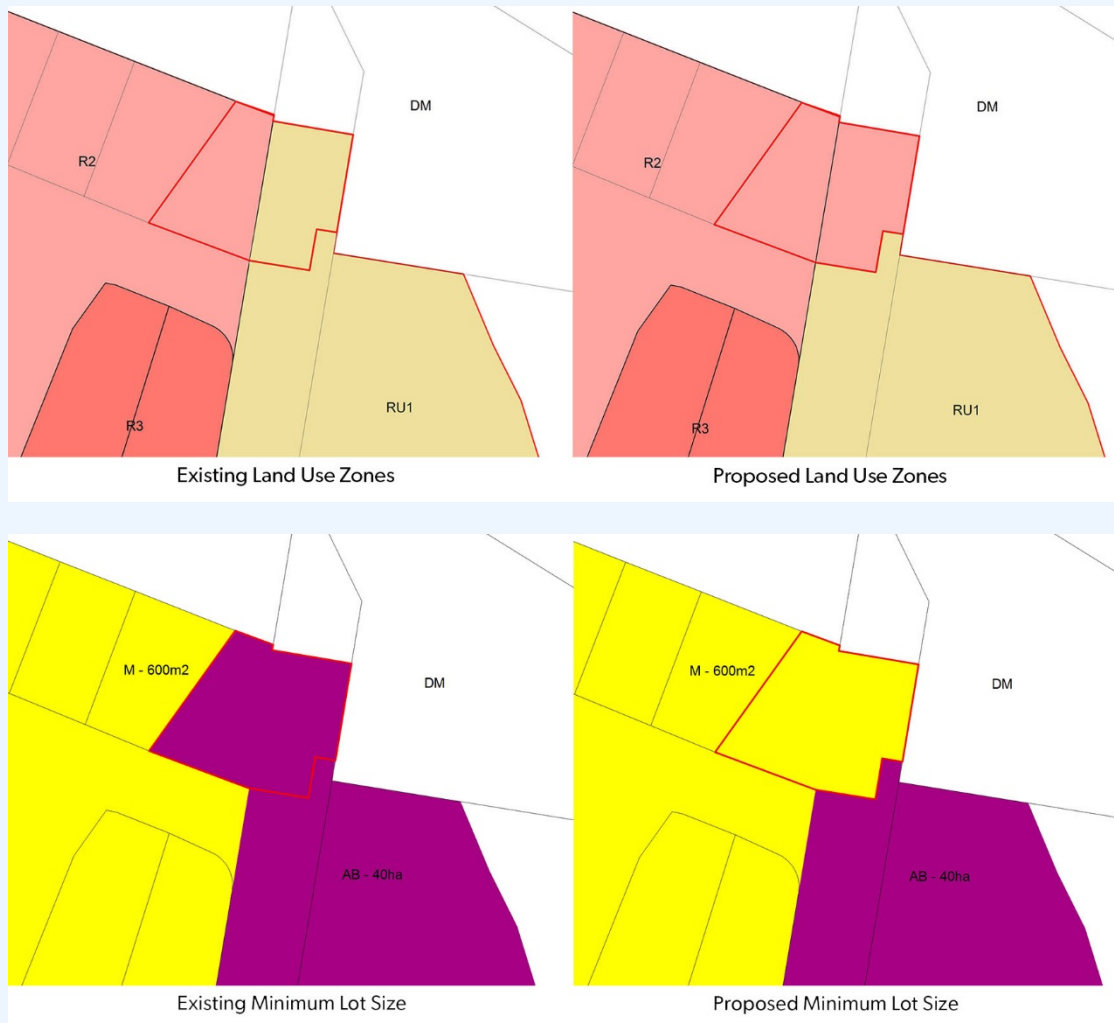


Figure 1 and 2. Showing the existing and proposed Land Use Zones and development controls for a site.

2.3 Part 3 – justification

The justification sets out the case for making the proposed LEP. Changes to an existing LEP can include changes to the current zones and/or development standards and controls. They can affect a single allotment of land, a whole zone, or the entire LGA.

The overarching principles that guide the preparation of planning proposals are:

- the level of justification should be proportionate to the impact the planning proposal will have
- it is not necessary to address a question see paragraph 2.3.1 of this guide if it is not considered relevant to the planning proposal. In such cases the reason why it is not relevant should be briefly explained, and
- the level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the LEP can be finalised within the time-frame proposed.

It is not expected that a council or proponent will provide comprehensive information to support a request for Gateway determination. As a minimum, a planning proposal before a Gateway determination has been issued

must identify relevant environmental, social, economic and other site specific considerations. The planning proposal document may identify the need for investigations and an approach for addressing the issues.

It must also demonstrate how the proposed instrument will give effect to the local strategic planning statement of the council of the area.

The level of information that may be reasonable to justify a planning proposal at the Gateway determination stage is outlined in the following examples:

Explanatory Note

Where vegetation management is an issue for a large site to be rezoned, it would be sufficient for the planning proposal to be submitted to the Gateway to identify the issue and indicate what environmental studies may be necessary to assess and analyse the value and location of the vegetation and how the matter(s) could be addressed.

Explanatory Note

Overshadowing and amenity impacts may be potential issues associated with increasing the height and floor space ratio controls on a site. It would not be reasonable to require a proponent to provide detailed architectural design drawings of a proposed development as part of the planning proposal. The planning proposal should provide sufficient justification explaining why it is proposed to increase the development potential of the site by amending these development standards in that location.

The planning proposal could include block / massing diagrams at Gateway review stage to identify the proposed building massing. The PPA may also nominate that a detailed visual impact assessment is necessary after a Gateway determination has been issued to confirm the suitability for increasing the height and floor space ratio controls.

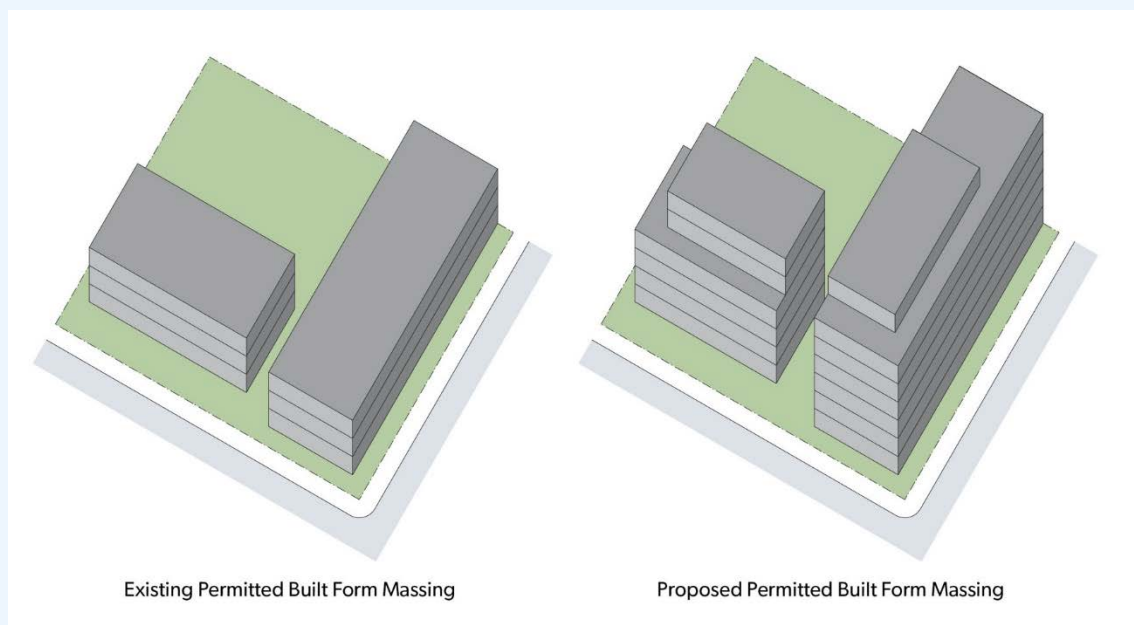


Figure 3. Showing proposed increase in the permitted built form massing

The Minister or delegate will review the planning proposal and confirm in the Gateway determination what information (which may include studies) and consultation is required before the LEP can be finalised. This may include additional information or work than what has been identified under the planning proposal.

As the necessary information is gathered and consultation has been undertaken, the planning proposal would be updated to include additional justification.

2.3.1 Questions to consider when demonstrating the justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The answer to this question helps explain the context of the planning proposal. If the planning proposal aims to give effect to, or is the product of a local planning priority or action in an endorsed local strategic planning statement, this should be clearly outlined and described to justify the proposal. If the planning proposal implements the outcomes of a strategic study or report of some kind, the nature of the study and its key findings should be briefly explained to justify the proposal. A copy of the study or report (or relevant parts) should be submitted with the planning proposal and ultimately form part of the public exhibition material.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Imposing or changing the controls on development is one means of giving effect to policy. But others may be equally effective and implemented quicker.

Even when changing development controls is an appropriate means of giving effect to policy, there is still a range of options regarding how and when the new controls should be introduced. For example, it may be more suitable to amend a land use table or rezone a site, area, locality of LGA rather than including site specific provisions to enable a new land use.

The planning proposal should demonstrate that alternative approaches to achieving the intended outcomes of the proposal have been considered. It should be evident from this assessment that the proposed approach is the best, most efficient and most time effective approach to delivering the desired outcome.

Section B – Relationship to strategic planning framework.

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Regional and district plans and strategies have been prepared for all parts of NSW. These plans or strategies include directions, planning priorities and specific actions for a range of different matters relevant to that region, district and LGA. In all cases the plans and strategies include specific housing and employment targets and identify regionally important natural resources, transport networks and social infrastructure.

When preparing a planning proposal for an area covered by a plan or strategy, the relationship between the planning proposal and the applicable plan or strategy must be considered in the context of those directions, planning priorities and actions including housing and employment targets, including whether the proposal will give effect to the plans and/or strategies.

Explanatory Note

Mapping may be provided to confirm that a proposal will give effect to directions, planning priorities or actions under a regional/district plan.



Figure 4. Confirming that a site sits inside an urban growth boundary under a regional plan.

Some regional strategies and plans include Sustainability Criteria that provide a framework to consider planning proposals that are not consistent with the strategy but may nonetheless have merit. This may include a proposal for rezoning a site immediately adjoining – but not included in – a future urban investigation area under the relevant strategy. Where this Criteria apply, the planning proposal should demonstrate that the rezoning can meet the Sustainability Criteria or identify the studies necessary to confirm that it can meet this Criteria.

Assessment Criteria have been established to assist proponents or a PPA justify a planning proposal. These criteria form the basis of the strategic merit and site-specific merit assessment for the rezoning review process*. As a minimum, the justification component of a planning proposal should address the following Assessment Criteria where no Sustainability Criteria applies to the land.

* The rezoning review process does not apply to requests for planning proposals which involve a residential use made to City of Ryde Council from 26 June 2018 to 1 July 2020.

Assessment Criteria

- a) Does the proposal have strategic merit? Will it:
- give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
 - give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or

- responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.

There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test.

Note: A draft regional plan outside of the Greater Sydney Region, draft district plan within the Greater Sydney Region or draft corridor/precinct plan that has been released for public comment by the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment does not form the basis for the Strategic Merit Test where the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment announces that there is to be another exhibition of, or it is not proposed to finalise, that draft regional, district or corridor/precinct plan.

- b) Does the proposal have site-specific merit, having regard to the following?
- the natural environment (including known significant environmental values, resources or hazards) and
 - the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
 - the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Local strategic planning statements are a tool for strategic planning in NSW and provide a clear line of sight between key planning priorities in the regional and district plans with local strategic planning and delivery.

Local strategic planning statements will shape how the local environmental plan and development control plans evolve over time as they provide the local context and local-scale expression of actions and priorities from the regional and district plans. Importantly, a LSPS will express a vision for the future of a place, area, locality or LGA that is a product of community consultation and participation.

When preparing a planning proposal, the proposal is required to demonstrate how it will give effect to an endorsed local strategic planning statement. Relevant matters must be identified and the relationship of the planning proposal to those matters should be discussed.

Where there is no endorsed local strategic planning statement, or one does not yet exist for the LGA to which the planning proposal applies, another local strategy or local strategic plan may be considered.

As is the case with strategic studies and reports, the status of council's plan is important. Is it still in draft form? Has it been adopted by the council? Has it been endorsed by the Planning Secretary? A planning proposal that explicitly gives effect to an endorsed local strategy would be expected to be supported.

Local strategies or local strategic plans also provide the opportunity to justify or detail how environmental issues (such as those set out in section 9.1 Directions) can be addressed.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policies (SEPPs) relevant to the planning proposal must be identified and the relationship of the planning proposal with those SEPPs must be discussed. In some instances, it may be necessary to provide some preliminary advice in relation to how the proposal can satisfy the requirements of the SEPP. For example, a Stage 1 contamination report may be necessary under the provisions of SEPP 55 – Remediation of Land. A proponent and / or PPA should identify whether it is considered necessary to undertake this study after a Gateway determination is issued, to demonstrate that the purpose of the planning proposal can be achieved.

Explanatory Note

Mapping may be provided under an initial planning proposal to identify if a SEPP is relevant to the proposal.



Figure 5. Confirming that the provisions of State Environmental Planning Policy 26 – Littoral Rainforests do not apply to a site.

Q6. *Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

Section 9.1 of the Act enables the Minister to issue directions regarding the content of LEPs to the extent that the content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions.

There is a range of section 9.1 Directions (Local Planning Directions) requiring certain matters to be addressed if they are affected by a proposed LEP. The directions can be found on the Department's website at www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/Policy-Directions-for-Plan-Making. Each planning proposal must identify which, if any, section 9.1 Directions are relevant to the proposal, and whether the proposal is consistent with the direction. Where the planning proposal is inconsistent with any of the relevant directions, those inconsistencies must be specifically explained and justified in the planning proposal.

Additional information may be required after a Gateway determination has been issued, to demonstrate consistency with a direction or enable the Secretary to agree to an unresolved inconsistency.

A PPA will need to ensure that any unresolved inconsistency with a direction is addressed and agreed to by the Planning Secretary prior to the LEP being made.

Certain directions require consultation to take place with particular government agencies to demonstrate consistency with the direction's desired outcome. If such a direction is relevant to the planning proposal, this should be identified in the planning proposal in the first instance. Formal consultation with that government

agency should not take place until the initial Gateway determination is issued, confirming the public authorities to be consulted. However, pre-lodgment discussions with agencies if available are encouraged to identify key matters that can be addressed early on in the process.

Section C – Environmental, social and economic impact

Q7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

A planning proposal that is submitted for a Gateway determination should identify if the land subject to the proposal has the potential to contain critical habitat or threatened species, populations or ecological communities, or their habitats.

Explanatory Note

Mapping may be provided under an initial planning proposal to identify known vegetation communities that are located within or near the site.



Figure 6. Identifying known native vegetation communities surrounding a site.

If it is likely that the land may contain critical habitat or threatened species, populations or ecological communities, or their habitats the proposal should identify what studies are necessary to confirm the presence of these species or habitats and their significance. An assessment of its significance and / or consultation should not take place until after, and if required by, the Gateway determination.

If suitable, it may be necessary to carry out an assessment of significance in accordance with Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 and the 'Threatened Species Assessment Guidelines' after a Gateway determination is issued. These Guidelines can be found at www.environment.nsw.gov.au/resources/threatenedspecies/tsaguide07393.pdf

A proponent should also undertake due diligence to ensure any approvals required under the Environment Protection and Biodiversity Conservation Act 1999 are identified.

The assessment of significance will determine whether there is any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal. Notwithstanding the significance of the impact, any adverse impact will trigger the requirement under section 3.25 of the Act for the PPA to consult on the planning proposal with the relevant government agency.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The aim of the strategic planning framework is to provide comprehensive guidance regarding the matters that will shape the growth of NSW. It is possible other likely environmental effects unique to a particular planning proposal may not be already addressed in the strategic planning framework. These matters may be identified in informal guidelines, codes or policies produced by different public authorities including local councils. These may include natural hazards such as flooding, land slip, bushfire hazard and the like.

It is important these are identified in the planning proposal. It is necessary to prepare information or undertake investigations to address an identified matter, the scope of these should be identified in the initial planning proposal while the actual information/investigation may be undertaken following the initial Gateway determination.

Explanatory Note

Imagery may be provided under an initial planning proposal to confirm if the land is mapped as being subject to natural hazards



Figure 8. Identifying if a site is located near mapped bushfire threat.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The response to this question will include effects on items or places of European or Aboriginal cultural heritage not already addressed elsewhere. It may also include an estimate jobs or home growth, impacts on existing social infrastructure such as schools and hospitals and impacts on existing retail centres which may result if the planning proposal proceeds.

In the instance where a planning proposal is to proceed, the Gateway needs to be satisfied that the level of information available leads to the conclusion that the LEP can be completed within a reasonable timeframe and that identified potential impacts can be addressed.

As with other potential impacts, the initial planning proposal should identify the scope of issues to be addressed. The Gateway determination will confirm the scope of matters to be addressed.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Typically, this question applies to planning proposals that:

- result in residential subdivisions in excess of 150 lots
- substantial urban renewal
- infill development
- development that will result in additional demand on infrastructure (such as public transport, roads, utilities, waste management and recycling services, essential services such as health, education and emergency services).

Where applicable, the justification for the planning proposal should address whether existing infrastructure is adequate to serve or meet the needs of the proposal. Any justification should address how any predicted shortfall in infrastructure provision could be met. It is not necessary for a proponent or PPA to identify exactly what infrastructure may be needed at the initial stage. The planning proposal should identify that there may be an expected shortfall in service provision, that studies may be required to identify the extent of that shortfall, potential mechanisms to address any shortfall and which agencies are to be consulted as part of that process.

For planning proposals likely to place additional demands on public infrastructure, this section will be developed following Gateway determination and consultation with the public authorities responsible for the provision of that infrastructure. The Gateway determination would confirm the additional studies required and which public authorities to be consulted.

Proposals in Planned Precincts in the Greater Sydney region

To maximise opportunities associated with the Government's unprecedented investment in infrastructure, strategic planning reviews are being undertaken for a number of centres and growth areas across the Sydney Metropolitan Area.

As part of these strategic reviews, land use and infrastructure plans are being prepared and Special Infrastructure Contribution plans are being investigated. This will ensure infrastructure such as additional public transport, health care, road upgrades, new schools and parks will be coordinated to support the community's needs at the same pace as the delivery of new homes and jobs over time.

The land areas which are under review can be found on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Priority-Growth-Areas-and-Precincts.

Until these strategic reviews are completed, and as an interim measure, all planning proposals within these areas should acknowledge that a satisfactory arrangements provision for contributions to designated State public infrastructure may be required in the final instrument.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

One of the aims of the plan making process is to reduce the number of unnecessary referrals to government agencies. The planning proposal should nominate the state and Commonwealth agencies to be consulted and outline the particular land use issues or site conditions which have triggered the need for the referral. The proposed agency consultation will be confirmed with the Gateway determination.

The preliminary views of any state or Commonwealth agency obtained by a proponent in relation to a proposal prior to its submission to a PPA should be included in this section. This should include agreement about the scope of any additional information/investigations that may be required by that agency subsequent to the issuing of a Gateway determination. Evidence of this pre-lodgement consultation and any agreement in relation to the progression of the planning proposal should be provided with the planning proposal.

This information will also be a relevant consideration in the assessment of whether a proposed instrument qualifies for a Rezoning Review.

2.4 Part 4 – mapping

Planning proposals should be supported by relevant and accurate mapping where appropriate. The mapping should be clear and accurately identify, at an appropriate scale, relevant aspects of the proposal including:

- the land subject to the planning proposal
- current land use zone/s applying to the land
- current development standards relating to the land (i.e. FSR, building height, minimum lot size)
- the proposed alternative zone, if a change in zone is proposed
- a map illustrating the extent of the proposed revised development standard, if a change to a development standard is proposed
- relevant maps or figures illustrating the intent of the planning proposal including:
 - extent of a proposed heritage conservation area
 - location of a specific heritage item
 - proposed extent of an environmental conservation area
 - area to which a local provision will apply.

Additional material such as aerial photographs clearly identifying the site should also be included where appropriate.

Mapping should be prepared at an appropriate scale showing the subject site and immediate area surrounding the site.

It is encouraged that mapping should be consistent with the requirements of the Department's Standard Technical Requirements for Spatial Datasets and Maps (ie. Using the same format template, colours, zone names etc as required under the Department's guidelines). Where the planning proposal is prepared by a proponent, this may not initially be possible. However, for exhibition purposes, the Gateway determination may require that

mapping compliant with these technical requirements be prepared to ensure consistency with council's current SI LEP maps.

The Gateway may also determine that additional mapping be prepared to support the exhibition of a planning proposal. Where this is the case, this requirement will be included in the Gateway determination.

2.5 Part 5 – community consultation

An indication of any proposed community consultation is required with the planning proposal.

The planning proposal should outline the community consultation to be undertaken in respect of the proposal, having regard to the requirements set out in '*A guide to preparing local environmental plans*'. For the purpose of public notification the guide distinguishes between 'low impact' and other types of planning proposals.

If a PPA considers a greater period of public notification is required or that a public hearing should be held, it should be explained in this part of the planning proposal.

The Gateway determination will then confirm the public consultation that must be undertaken in respect of the planning proposal. This part of the proposal must be revised to reflect any change to the consultation requirements specified in the Gateway determination prior to the proposal being publicly exhibited.

Additional information or studies may be required to be included in the planning proposal before consultation is undertaken with the public or Government agencies. This is to ensure interested parties / persons can make an informed opinion regarding the proposed LEP amendment. The requirement for this additional information or studies will be outlined in the Gateway determination document.

2.6 Part 6 – project timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. The Gateway determination will confirm the level of information necessary to support a planning proposal and the consultation requirements. This is to ensure that the plan making process will be completed within a reasonable time.

To meet this goal, the Minister may consider taking action to finalise the LEP if the timeframes approved for the completion of the planning proposal are significantly or unreasonably delayed.

The inclusion of a project timeline with the planning proposal will provide a mechanism to monitor the progress of the planning proposal through the plan making process. It will also allow the PPA, the Department and Parliamentary Counsel's Office (PCO) to more accurately manage resources to ensure there are no unexpected delays in the process.

The timeframe for the completion of the planning proposal will depend on the complexity of the matter, the nature of any additional information that may be required and the need for agency and community consultation. The following details should be provided as a minimum in the project timeline:

- anticipated commencement date (date of Gateway determination)
- anticipated timeframe for the completion of required technical information
- timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)
- commencement and completion dates for public exhibition period
- dates for public hearing (if required)
- timeframe for consideration of submissions
- timeframe for the consideration of a proposal post exhibition
- date of submission to the Department to finalise the LEP

- anticipated date the local plan-making authority will make the plan (if authorised)
- anticipated date the local plan-making authority will forward to the PCO for publication.

The project timeline will be assessed by the Department, and may be amended by the Gateway to provide the necessary level of confidence that the LEP will be finalised within a reasonable time.

3 What happens next?

The PPA will undertake an assessment of the planning proposal information provided and decide whether the proposal contains sufficient information to meet the requirements of the Act and this guideline. The PPA will then to decide whether or not to send the proposal to Gateway. The PPA will generally consider the matter at a council meeting and resolve to send the planning proposal to the Department for consideration.

Once the planning proposal is submitted to the Department the proposal is assessed by the Department's regional office, and in some instances the LEP Review Panel. The regional office or Panel, where relevant, will make a recommendation to the Minister or delegate as to whether there is merit in the proposal proceeding and if so, whether any conditions should be attached to the proposal to ensure it progresses. If it is determined that a proposal should proceed, the Minister or delegate will issue a Gateway determination and the matter will be returned to the PPA to finalise in accordance with any conditions imposed by the Gateway.

4 Need more information?

The preparation of a planning proposal is the critical first step in the plan making process. The plan making process includes opportunities for the review of decisions to be undertaken to ensure that proposals with strategic merit can be considered in a timely manner. In certain circumstances the plan making process has been delegated to council to ensure that local planning decisions are made at the local level.

To assist understanding of the plan making system the Department has prepared Planning Circulars "Independent reviews of plan making decisions" and "Delegation of plan making decisions" which explains in more detail the various components of the plan making process. A guide to preparing local environmental plans has also been updated.

These documents may be found on Department's website at www.planning.nsw.gov.au/gateway-process

If you require additional information about preparing a planning proposal or the plan making process, you should initially contact one of the Department's regional teams. Contact details for these teams can be found on the Department's website (www.planning.nsw.gov.au/contact-us) or by phoning the Department's Information Centre on (02) 9228 6333 or 1300 305 695.

Attachment 1 – Information checklist

STEP 1: REQUIRED FOR ALL PROPOSALS

(under s3.33(2)(a-e) of the EP&A Act)

- | | |
|--|--|
| <ul style="list-style-type: none"> Objectives and intended outcome Mapping (including current and proposed zones) Community consultation (agencies to be consulted) | <ul style="list-style-type: none"> Explanation of provisions Justification and process for implementation (including compliance assessment against relevant section 9.1 direction/s) |
|--|--|

STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

| Planning Matters or Issues | to be considered | | | to be considered | |
|--|--------------------------|--------------------------|--|--------------------------|--------------------------|
| | | N/A | | | N/A |
| Strategic Planning Context | | | Environmental Considerations | | |
| Consistent with the relevant regional, district or corridor/precinct plans applying to the site, including any draft regional/district or corridor/precinct plans released or public comment; or | <input type="checkbox"/> | <input type="checkbox"/> | Flooding | <input type="checkbox"/> | <input type="checkbox"/> |
| Consistent with a relevant local council strategy that has been endorsed by the Department; or | <input type="checkbox"/> | <input type="checkbox"/> | Land/site contamination (SEPP55) | <input type="checkbox"/> | <input type="checkbox"/> |
| Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls; or | <input type="checkbox"/> | <input type="checkbox"/> | Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining) | <input type="checkbox"/> | <input type="checkbox"/> |
| Seeking to update the current planning controls if they have not been amended in the last 5 years | <input type="checkbox"/> | <input type="checkbox"/> | Sea level rise | <input type="checkbox"/> | <input type="checkbox"/> |
| Site Description / Context | | | Urban design Considerations | | |
| Aerial photographs | <input type="checkbox"/> | <input type="checkbox"/> | Existing site plan (buildings, vegetation, roads, etc) | <input type="checkbox"/> | <input type="checkbox"/> |
| Site photos / photomontage | <input type="checkbox"/> | <input type="checkbox"/> | Building mass/block diagram study (changes in building height and FSR) | <input type="checkbox"/> | <input type="checkbox"/> |
| Traffic and Transport Considerations | | | Lighting impact | <input type="checkbox"/> | <input type="checkbox"/> |
| Local traffic and transport | <input type="checkbox"/> | <input type="checkbox"/> | Development yield analysis (potential yield of lots, houses, employment generation) | <input type="checkbox"/> | <input type="checkbox"/> |
| TMAP | <input type="checkbox"/> | <input type="checkbox"/> | Economic Considerations | | |
| Public transport | <input type="checkbox"/> | <input type="checkbox"/> | Economic impact assessment | <input type="checkbox"/> | <input type="checkbox"/> |
| Cycle and pedestrian movement | <input type="checkbox"/> | <input type="checkbox"/> | Retail centres hierarchy | <input type="checkbox"/> | <input type="checkbox"/> |
| Environmental Considerations | | | Employment land | <input type="checkbox"/> | <input type="checkbox"/> |
| Bushfire Hazard | <input type="checkbox"/> | <input type="checkbox"/> | Social and Cultural Considerations | | |
| Acid sulphate Soil | <input type="checkbox"/> | <input type="checkbox"/> | Heritage impact | <input type="checkbox"/> | <input type="checkbox"/> |
| Noise impact | <input type="checkbox"/> | <input type="checkbox"/> | Aboriginal archaeology | <input type="checkbox"/> | <input type="checkbox"/> |
| Flora and/or fauna | <input type="checkbox"/> | <input type="checkbox"/> | Open space management | <input type="checkbox"/> | <input type="checkbox"/> |
| Soil stability, erosion, sediment, landslip assessment and subsidence | <input type="checkbox"/> | <input type="checkbox"/> | European archaeology | <input type="checkbox"/> | <input type="checkbox"/> |
| Water quality | <input type="checkbox"/> | <input type="checkbox"/> | Social and cultural impacts | <input type="checkbox"/> | <input type="checkbox"/> |
| Stormwater management | <input type="checkbox"/> | <input type="checkbox"/> | Stakeholder engagement | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | Infrastructure Considerations | | |
| | | | Infrastructure servicing and potential funding arrangements | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | Miscellaneous / Additional Considerations | | |
| | | | List any additional studies that should be undertaken post Gateway determination | <input type="checkbox"/> | <input type="checkbox"/> |