

Planning Proposal Guidelines

For Proponent Initiated Planning Proposals



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INTRODUCTION – PLEASE READ CAREFULLY

The professional quality of your Planning Proposal will be on display when your Proposal is reported to Council and, if Council resolves to proceed, when it is referred to public agencies and placed on public exhibition. It is therefore in your best interests to present a professional document.

These Guidelines are intended to assist you to achieve a quality Proposal, based on information and advice provided to Council by the Department of Planning & Environment (the Department). You are advised to also consult the Department's [Guide to Preparing Local Environmental Plans](#) and [Guide to Preparing Planning Proposals](#).

The template reflects certain requirements for the preparation of a Planning Proposal as set out in s.3.33 of the *Environmental Planning and Assessment Act 1979*, and which are addressed in the Guide to Preparing Planning Proposals. The following Parts are included for your completion.

Part 1 – A statement of the objectives and intended outcomes

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, i.e. show which area of land is to be amended (by rezoning, minimum lot size etc).

NB: Failure to adequately complete the Planning Proposal may result in it being returned to you for correction and may delay its consideration by Council and any subsequent consideration by the Department.

Please pay particular attention to the s9.2 (formerly s117) and SEPP responses, because both the Council and the Department rely on these assessment criteria particularly in reviewing the Proposal.

Before submitting the Planning Proposal please ensure all parts are fully completed, including the headers and footers. Any **red text** should be changed to black. It is only in red to identify it as needing your attention.

Please note that Council will complete Part 5 (Referrals & Consultation) and Part 6 (Timeline) as set out in the Guide so that they can be updated as the Planning Proposal progresses and will accompany your original Planning Proposal as it progresses through processing (Consideration by Council, Request for Gateway, Public exhibition, and Post-exhibition reporting to Council.) Council will also incorporate a history of this progress into a cover sheet to accompany the Planning Proposal at each stage.

Thank you for your assistance. Please direct any questions to the Strategic Planning team via mail@wsc.nsw.gov.au or 02 4868 0888.

GUIDELINES FOR COMPLETION OF THE PLANNING PROPOSAL

PLANNING PROPOSAL DESCRIPTION (COVER PAGE)

- Describe the intent of the Planning Proposal including clear reference to the subject property if it is a site specific Proposal.
- This is the title which will appear on the Department's LEP Tracking Page on its website.
- Please provide your contact details.

HEADERS & FOOTERS

- These have been set up to minimise repetition of details.
- **Please complete them adequately and change the red text to black.**
- All pages will then be completed. Page numbering is automatic.

ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

- Complete the numbered list at the conclusion of preparation of the Planning Proposal.
- Name each document to reflect its number in the list.
- Remove the Introductory Comments section.

ADDRESS OF LAND

Include:

- Lot & DP plus physical address of the subject site.
- Location of the subject site on the Shire map using the red star provided.

SITE LOCATION AND DESCRIPTION

Include:

- A written description of the site's location within its immediate and regional context.
- A map indicating the location of the site within its immediate context.
- Total area of the site.
- Summary of the site's key characteristics including current land use, topographical features and vegetation.
- Summary of surrounding characteristics and land uses.
- Location of services and infrastructure, proposed density of development, surrounding development.

- Any other relevant information and/or maps to assist the reader.

PART 1 : OBJECTIVES OR INTENDED OUTCOMES

Please begin with a very clear statement of intent, making specific reference to what will be amended (zoning, minimum lot size etc), and a statement of expectation such as lot yield.

It can be difficult to establish exactly what is intended to result from a Planning Proposal if expectations of outcomes are buried in strategic justifications.

Part 2 below should then provide the technical detail as to what amendments are sought.

PART 2 : EXPLANATION OF PROVISIONS

Describe exactly how WLEP 2010 will be amended to achieve the proposed outcome.

Please ensure that all proposed instrument and map amendments are identified. E.g. if land is being rezoned from B4 to R3, it will be necessary to amend the following maps:

- Zoning.
- Minimum lot size - to apply a new MLS since there is currently none applying to the site under B4.
- Floor space ratio – to remove the current FSR controls which apply under B4 but won't apply under R3.
- Height of buildings – to remove the current HOB controls which apply under B4 but won't apply under R3.

Or, if a site is to be listed as an Item of Heritage, both Schedule 5 and the Heritage map need to be amended.

If a map or schedule amendment is not exhibited, Council cannot then make that amendment later which may limit or prevent the intended outcomes of the Planning Proposal.

PART 3 : JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

- This section requires a thorough strategic assessment of the Proposal and is considered by the Department to be the most important aspect of the Planning Proposal. It is one of the most common areas of rejection in the Department's assessment of Planning Proposals.
- Any strategy, study or report used to provide justification for the Proposal should be discussed here. Please do not include large extracts from other strategic documents; section and page references with a brief description will suffice.

<ul style="list-style-type: none"> • Council (and the Department) is more interested in how your proposal will address strategic goals and objectives so this should be the focus of your comments. • Use the individual questions provided as a framework for presenting your case. Comments on each question follow. Much of the text reflects Departmental conversations and Circulars. 	
1. Is the Planning Proposal a result of any strategic study or report?	Refer to any relevant specific study or report which has been prepared. A copy should be provided with the Planning Proposal.
2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Explore other options, but don't include options if they really aren't. An option has to be something that could legitimately be used in accordance with the EP&A Act or Departmental policy.
3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?	S9.2 requires that the Proposal must give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the South East & Tablelands Regional Plan. Your Proposal needs to address this requirement. Your response here may be repeated at Section 6 below.
4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?	<p>The Wingecarribee Local Planning Strategy 2015-2031 has been adopted by Council and, apart from Chapter 4, endorsed by the Department.</p> <p>The Proposal needs to identify how it is consistent with it with the Strategy. It is not sufficient to say it is 'not inconsistent'.</p> <p>If the Proposal cannot be justified you need to convincingly argue your case as to why it should proceed anyway.</p> <p>Reference should also be made to the Wingecarribee Community Strategic Plan 2031+.</p> <p>If seeking a rezoning, reference to zone objectives may be relevant.</p>

5. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The SEPPs are located on the NSW Legislation website under EPIs – S (for SEPPs

[Link to SEPPs on NSW Legislation website.](#)

- This is one aspect that the Department insists be done thoroughly so a SEPP table is provided in the Planning Proposal template for your convenience.
- Failure to adequately address the SEPPs may delay consideration of your Planning Proposal and may result in it being returned to your for adequate completion of this section.
- Black text may remain, but **red text** needs to be replaced with your own comments (**in black**). In doing so, please refer to the aims of the SEPP and explain how your Planning Proposal is consistent or justifiably inconsistent.
- Please note that simply copying out the aims and then saying the Planning Proposal is consistent will not be accepted by the Department and therefore cannot be accepted by Council.

6. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE SECTION 9.1 (FORMERLY S117) DIRECTIONS?

- This is another section that the Department insists be done thoroughly so a s.9.1 table is provided in the Planning Proposal template for your convenience. Failure to adequately address the SEPPs may delay consideration of your Planning Proposal and may result in it being returned to your for adequate completion of this section.
- Be sure to address these Directions from the perspective of both the current zoning and the proposed. Also include all relevant heritage, environmental sensitivity or reservation provisions. Proper consideration of these Directions will assist in the completion of other sections of the Proposal.
- Please ensure your Proposal specifically addresses the following Directions as relevant.

Direction 1 – Employment & Resources

- A Planning Proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone or contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village) unless it can be justified by a regional or subregional strategy or similar study prepared in support of the rezoning which gives consideration to the objectives of this direction, or is of minor significance.
- Any Proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any boundary), or that

seeks to vary the existing minimum lot size on land within a rural or environment protection zone, must be consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008. Consistency with each Principle should be demonstrated

- The Rural Planning Principles of the SEPP are:
 - (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
 - (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
 - (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
 - (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,
 - (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
 - (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
 - (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
 - (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Direction 2 – Environment & Heritage

- A Planning Proposal affecting such land must make provision to facilitate the conservation of:
 - (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area
 - (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974
 - (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of

heritage significance to Aboriginal culture and people.

Direction 3 – Housing, Infrastructure & Urban Development

- A Proposal to rezone land for residential development, or to increase the residential density of residential zoned land, must demonstrate the requirement that the land is adequately serviced, or that arrangements satisfactory to the Council have been made to service it).
- A Planning Proposal involving residential development must demonstrate how it seeks to address the following as required under this Direction:
 - (a) encourage a variety and choice of housing types to provide for existing and future housing needs through broadening the choice of building types and locations available in the housing market
 - (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services
 - (c) minimise the impact of residential development on the environment and resource lands through reducing the consumption of land for housing and associated development on the urban fringe.
 - (d) be of good design. (NB: Council considers 'good design' to be a design which complies with the requirements of the relevant Development Control Plan.)
- A Planning Proposal seeking development affecting urban structures, building forms, land use locations, development designs, subdivision and street layouts must demonstrate how it will achieve the following planning objectives:
 - a) improve access to housing, jobs and services by walking, cycling and public transport
 - b) increase the choice of available transport and reducing dependence on cars
 - c) reduce travel demand including the number of trips generated by development and the distances travelled, especially by car
 - d) support the efficient and viable operation of public transport services
 - e) provide for the efficient movement of freight.
- A Planning Proposal involving residential development must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:
 - (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and

(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

Direction 4 – Hazard & Risk

- No Planning Proposal may rezone land within flood planning areas from any Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zone to a Residential, Business, Industrial, Special Use or Special Purpose Zone.
- No Planning Proposal may impose flood related development controls above the residential flood planning level for residential development on land, unless it provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).
- A Proposal involving development on flood prone land must:
 - a) be consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).
 - b) ensure that the provisions of WLEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.
- A Proposal involving development on flood prone land must not:
 - a) permit development in floodway areas
 - b) permit development that will result in significant flood impacts to other properties
 - c) permit a significant increase in the development of that land
 - d) be likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services
 - e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.
- All Planning Proposals must:
 - a) have regard to Planning for Bushfire Protection 2006
 - b) introduce controls that avoid placing inappropriate developments in hazardous areas

- c) ensure that bushfire hazard reduction is not prohibited within the APZ.
- d) where development is proposed, comply with the following provisions, as appropriate:
 - (i) provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - o an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - o an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
 - (ii) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks
 - (iii) contain provisions for adequate water supply for firefighting purposes
 - (iv) minimise the perimeter of the area of land interfacing the hazard which may be developed
 - (v) introduce controls on the placement of combustible materials in the Inner Protection Area.

Direction 5 – Sydney Drinking Water Catchments

- If the Proposal applies to land within an environment protection zone, or land otherwise identified for environment protection purposes in a LEP, it must not reduce the environmental protection standards that apply to the land, including by modifying development standards (other than minimum lot sizes which applies under Direction 1.5) unless it can be justified by a regional or subregional strategy or similar study prepared in support of the rezoning which gives consideration to the objectives of this direction, or is of minor significance.
- A Proposal must:
 - a) be consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
 - b) give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority

<p>c) be in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:</p> <p>(i) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality</p> <p>(ii) future land use in the Sydney drinking water catchment should be matched to land and water capability</p> <p>d) retain the ecological values of land within a Special Area that is:</p> <p>(i) reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or</p> <p>(ii) declared as a wilderness area under the Wilderness Act 1987, or</p> <p>(iii) owned or under the care control and management of the Sydney Catchment Authority.</p> <ul style="list-style-type: none"> All Planning Proposals must consider the provisions of SEPP 44 (Koala Habitat Protection) which encourages the conservation and management of natural vegetation areas that provide habitat for koalas. <p>Direction 6 – Local Plan Making</p> <ul style="list-style-type: none"> Complete as required.
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SECTION C : ENVIRONMENTAL, SOCIAL & ECONOMIC IMPACTS	
<p>7. 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 Planning Proposal?</p> <p>8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?</p> <p>9. Has the Planning Proposal adequately addressed any social effects?</p>	<p>Council's Customer Service staff may be able to assist with this information. Please also consult the following:</p> <ul style="list-style-type: none"> The NSW Bionet/ Atlas of NSW Wildlife (http://www.bionet.nsw.gov.au) EPBC Act Protected Matters Search Tool (http://www.environment.gov.au/epbc/pmst/index.html). Council's <u>Flora and Fauna Assessment Guidelines for Development Applications</u>. In particular, Pg. 56 Appendix E of the guidelines contains a list of additional biodiversity databases which may also be relevant. Include the following if relevant: <ul style="list-style-type: none"> Heritage implications. Economic impacts on existing businesses

	or services.
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SECTION D : STATE AND COMMONWEALTH INTERESTS

This question only applies to proposals that will result in 150+ residential lots, substantial urban renewal, infill development, or development that will result in additional demand on infrastructure, such as public transport, roads, utilities, waste, or essential services. Refer to page 15 of the Department's [Guide to Preparing Planning Proposals](#).

PART 4 : MAPPING

Please use the table format included in the template to show and label map extracts and how they will be amended.

The following Parts will be completed by Council and will form part of the Planning Proposal as it progresses.

PART 5A : AGENCY REFERRALS

Agency referrals will occur as directed in the Gateway Determination.

This Part of the Planning Proposal will be updated as the Planning Proposal progresses.

PART 5B : COMMUNITY CONSULTATION

Community consultation will occur as directed in the Gateway Determination. Council normally provides 30-31 days of public exhibition which includes, as relevant, notification by letter/email to adjoining property owners and weekly advertising in the Southern Highland News for the duration of the exhibition period. The Planning Proposal will also be listed on Council's What's On Exhibition page and notification of the exhibition will included in Council E-Newsletters sent to over 3,500 recipients.

The principal place of public exhibition is the Customer Service Counter at the Civic Centre, 68 Elizabeth Street, Moss Vale, NSW 2577 and the Planning Proposal is also available for view on Council's website and at all relevant libraries including Council's Rural Outreach & Delivery Service (ROADS) Mobile Library.

This Part of the Planning Proposal will be updated as the Planning Proposal progresses.

PART 6 : TIMELINE

Should Council resolve to proceed with the Planning Proposal, it is anticipated that it will progress in accordance with the following key timeline milestones.

MILESTONE	INDICATIVE DATE
Gateway Determination	
Agency Consultation	
Public Exhibition	
Report to Council on exhibition of Planning Proposal.	
S.59 Documents to DP&E & PCO.	
Approximate completion date	

This Part of the Planning Proposal will be updated as the Planning Proposal progresses.

DELEGATIONS

Council would normally seek to use its delegations unless prevented from doing so through legislation.