

Guidelines for Preparing Planning Proposals

1.0 Planning Proposals (Rezoning or LEP Amendments)

Rezoning land or proposing to change development standards (e.g. amending the building height of floor space ratio or listing or delisting heritage items) is a formal planning process and is the first step in preparing or amending a Local Environmental Plan (LEP). Strathfield Council's current statutory planning instrument is *Strathfield Local Environmental Plan 2012 (SLEP 2012)*.

To prepare or amend a LEP requires the preparation of a planning proposal. This is a document that explains the intended effect of a proposed LEP and sets out the justification for making the plan. It is the first step in preparing a LEP and must be clear and concise and easy to read. It must also be technically competent and include an accurate assessment of the likely impacts of the proposal.

1.1 What is the first step in preparing a Planning Proposal?

Strathfield Local Environmental Plan 2012 (SLEP 2012) first came into effect on 15 March 2013. SLEP 2012 was supported by a number of background studies including the Residential Land Use Study, Economic Land Use and Employment Strategy, Parramatta Road Corridor Urban Design Study. Council is therefore unlikely to support significant amendments to SLEP 2012 unless it can be comprehensively demonstrated that:

- A. land cannot be reasonably developed or used in accordance with the current zoning and statutory controls; or
- B. where land can be developed in accordance with current zoning and controls, the resultant development would not be in the public interest.

The first step in the process is to contact Council's Strategic Planning Department who can explain what will be required to lodge a planning proposal and the various steps along the way.

To ensure all planning proposals are professionally administered, it is imperative that a qualified town planner is engaged at the beginning of the planning proposal process to ensure the application complies with all statutory guidelines and that the standard of information submitted is adequate.

Council will not accept a planning proposal that has not been prepared by a qualified town planning consultant as this may delay the assessment process due to a lack of technical expertise and place additional burden on council to assess the proposal.

1.2 Planning Proposal Pre-Lodgement Meeting

Council strongly advises that applicants and their planning team attend a Planning Proposal Pre-Lodgement Meeting (PPPM) at the beginning of the process to ensure that all potential matters are addressed and if the circumstances so warranted, advice may be given to discourage a planning proposal being lodged.

To ensure that the planning proposal complies with all statutory guidelines, it is important to engage a qualified town planner to assist in preparing the written justification and ensuring all supporting documentation is submitted concurrently.

A pre-lodgement meeting will assist to reach agreement on the information necessary to justify further consideration of the proposed changes to land-use or controls. It will also ensure that unnecessary time and resources are not wasted

preparing information that does not address the main areas of concern with appropriate detail.

To apply for a Pre-Planning Proposal Meeting, fill in the application form and provide all details and documents listed on the form. Two hard copies and one CD of all documentation must be lodged. The appropriate fee is required to be paid on lodgement of the application. Refer to Council's adopted fees and charges for the appropriate fee, which must be paid upon lodgement of the application.

Council's website has relevant links to the following information and documentation you will need to refer to at various stages of the process.

1. Application Form to request a Pre-Planning Proposal Meeting
2. Planning Proposal Application Form
3. Strathfield Local Environmental Plan 2012
4. A guide to Preparing Planning Proposals
5. A guide to Preparing Local Environmental Plans

1.3 What information should a planning proposal include?

A planning proposal must demonstrate the strategic merit of the proposed amendments to the LEP proceeding. The level of detail required should be proportionate to the complexity of the proposed amendment(s) and contain adequate information to demonstrate that relevant environmental, social, economic, and other site specific matters have been identified - and if necessary, that any issues raised can be addressed with additional information and / or through consultation with agencies and the community.

The format of a planning proposal must strictly comply with Section 55 of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Infrastructure's Guide to Preparing Planning Proposals. Section 55 (2) of the EP&A 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

It is important that the 'objectives and outcomes' of the proposal are expressed clearly and concisely. This will provide the basis for the drafting of the legal instrument (the LEP) and conveys the intended effect of the planning proposal for the purpose of community consultation.

Part 2 – An explanation of the provisions that are to be included in the proposed instrument

This section describes the relevant parts of the LEP that the planning proposal is seeking to amend and must be prepared by a qualified town planner. For example, if the FSR is proposed to be amended, the planning proposal must include the suggested wording changes to the relevant LEP clauses accompanied by an explanation of the amendments.

Part 3 – The justification for those objectives, outcomes and the process for their implementation

As detailed in the DP&E's guidelines, when preparing the justification for a planning proposal, it is important that the level of justification for each planning proposal is proportionate to the impact the planning proposal will have.

It is imperative in the early stages of preparing a planning proposal to identify issues that will require more detailed investigation if the planning proposal is to proceed. For example, in situations where it is requested to increase a site's FSR, it may be necessary to submit an economic impact study to justify the increase and explain why the current FSR is inappropriate.

Similarly, a request to increase building height may require the support of an urban design analysis including 3D modelling and shadow diagrams.

It will not be acceptable to simply submit architectural concept drawings and a town planners report as the only planning proposal documents. In situations where the planning proposal is likely to result in substantial financial rewards, consideration must be given to the additional community benefits that are anticipated.

The planning proposal report must also integrate the input and recommendations of the specialist reports as a cohesive means of justifying the subject of the LEP amendment(s).

Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

If the planning proposed is to include amendments to LEP maps, (e.g. zoning, height FSR etc.) they must also be included with the planning proposal and are prepared in accordance with the presentation requirements of 'Standard technical requirements for preparing LEP maps'.

The maps must contain sufficient information to explain the effect of the proposed LEP and clearly identify the land that is affected.

Part 5 – Details of the community consultation that is to be undertaken on the planning proposal.

All planning proposals must outline the proposed community consultation that will be undertaken in relation to the proposal.

Consultation includes public exhibition (typically 14 or 28 days) as well as details relating to any agencies that will be consulted. Alternatively, Council may choose to extend the exhibition period if in its opinion additional consultation is needed.

Please note that proposals that are large in nature and involve multiple sites may require additional community consultation, in which case this will be discussed at the pre-planning proposal meeting to ensure the community is well informed during the exhibition period.

1.4 Lodgement of the Planning Proposal

Upon receipt of the final planning proposal, council staff will undertake a preliminary assessment of the information lodged to ascertain whether the information is consistent with Department of Planning and Environment's (DP&E) Guidelines for Preparing Local Environmental Plans and whether the proposal satisfies the matters raised during the pre lodgement meeting.

Planning proposals that do not include all relevant information or have not been prepared in the correct format in accordance with planning guidelines may be rejected at time of lodgement.

Council will not accept any planning proposal which relies upon additional information being forthcoming. All information must be submitted with the planning proposal concurrently with the appropriate fees.

Please note that an appointment must be arranged with Council's Strategic Planning staff to formally lodge a planning proposal.

Applications will not be received unless it has been checked and certified for lodgement by a planning officer.

A copy of the PPPM minutes must also be lodged with the final planning proposal.

1.5 Fees and charges

All planning proposal fees include the costs of advertising and community notification, assessing technical reports and studies, reviewing submissions that may be received following the community consultation phase, preparing documentation to the Department of Planning and Environment and finalisation of the LEP.

A copy of Council's fees and charges pertaining to planning proposals are available from Council's website.

In the event that during the assessment phase, additional studies and/or specialist advice is required, or specialist reports that were submitted with the planning proposal require amendment, the proponent may be required to pay for this additional advice.

Fees will not be refunded for an unsuccessful planning proposal once Council has undertaken the required assessment phase and considered the matter.

1.6 What matters will Council consider in assessing a planning proposal?

Listed below are an indicative range of matters Council considers in assessing a planning proposal. Additional site specific matters may be raised during the assessment phase:-

1. The objectives of the Environmental Planning and Assessment Act 1979 (EP&A Act, 1979);
2. Relevant State Environmental Planning Policies (SEPPs), deemed SEPPs, Departmental Circulars or Ministerial Directions under s117 of the EP&A Act, 1979;
3. The provision of the Strathfield Local Environmental Plan 2012 and Strathfield Development Control Plan.
4. State Government strategies such as the Metropolitan Plan and the Draft Inner West Sub regional Strategy;
5. Any environmental impacts the proposal may create e.g. flooding, site contamination, traffic and transport, infrastructure servicing availability, social infrastructure requirements, economic and urban design analysis and any other constraints that cause a restriction on what is being proposed;
6. Any submissions from the general public, public authorities and/or advice obtained from other internal Council departments.

1.7 How long does it take for a rezoning application to be approved?

The timeframe for determining a planning proposal can vary depending on the complexities and controversial nature of what is involved. It can also depend on

whether the proposal is consistent with the State planning framework. As an indicative guide:

- Minor spot rezoning have a median time frame of 6-9 months.
- More complex proposals have a tendency to take much longer with a median time frame of 9-12 months.

1.8 Reviews of decisions

There are two review mechanisms in relation to the gateway process, which allow an independent body to review decisions by both Council and the Department – these are:

1. Pre-Gateway reviews: may be requested by the proponent if Council has not supported, or made a decision within 90 days of lodgement. These reviews are informed by advice from Joint Regional Planning Panels or the Planning Assessment Commission (PAC).
2. Gateway reviews: may be requested by a Council or a proponent following a Gateway determination by the Department, but before community consultation on the proposal has commenced. These reviews are informed by advice from the Planning Assessment Commission (PAC) or the Joint Regional Planning Panel.

1.9 What are the key steps in the planning proposal process?

Refer to Appendix A.

APPENDIX A

STRATHFIELD'S PLANNING PROPOSAL PROCESS

