

A guide to preparing planning proposals



Planning &
Infrastructure



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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

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Introduction

This guideline is issued under s55 (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 an LEP. Throughout the course of preparing the proposed LEP, the planning proposal itself may evolve. This is particularly the case for complex proposals.

A Gateway determination is issued by the Minister (or delegate). 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.

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 guidelines/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, or by a third party on behalf of a landowner or council.

Whoever prepares the background information must ensure the level of detail provided is sufficient to respond to the statutory requirements of the Act and the supplementary information requirements set out in this guideline (refer to Section 2 of these guidelines).

Once the document is prepared, it must be forwarded to the Minister for Planning and Infrastructure (the Minister) by the relevant planning authority (RPA) for consideration. In most instances, the RPA will be the council for the local government area to which the planning proposal relates. In exceptional circumstances the RPA may be the Director-General of the Department of Planning and Infrastructure (the department) or another public body, such as a joint regional planning panel (regional panel).

The RPA is responsible for the content of the planning proposal and the quality of the information provided in support of the proposal. The RPA must ensure the information is accurate, current and sufficient for issuing a Gateway determination and 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?

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

A planning proposal 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. The planning proposal should contain enough information to demonstrate that relevant environmental, social, economic, and other site specific matters have been identified and if necessary that any issues can be addressed with additional information and/or through consultation with agencies and the community.

Each planning proposal is unique. It is difficult therefore to prescribe standard 'appropriate information' to support a planning proposal in each and every case.

An 'Information checklist' has been developed to assist both proponents and councils to identify and agree on the range of information that may be appropriate to support a planning proposal. A copy of the checklist is provided as Attachment 1.

Not all information listed on the checklist will be relevant or required in all circumstances. To prevent unnecessary work prior to the Gateway stage, specific information nominated as being necessary would not be expected to be completed prior to the submission of the planning proposal. In such circumstances, it would be sufficient to identify what information may be required to demonstrate the

proposal's strategic merit or compliance with a relevant statutory consideration such as a section 117 Direction. The scope of any information should be outlined and evidence of any preliminary consultation with relevant agencies should be included to support the request for a planning proposal to proceed.

It is recommended that proponents and RPAs work together to agree on the range and scope of information necessary. This is best done via a pre-lodgement meeting.

Evidence of any pre-lodgement discussions, negotiations and agreement between the parties on the scope of work to be completed should be provided to support a request for a pre-Gateway review of a decision by a council not to proceed with a planning proposal, or where the council fails to make a decision on a planning proposal in the required time. This may include a completed 'Information checklist'. Further advice in relation to the pre-Gateway review process can be found in the department publication *A guide to preparing local environmental plans*.

1.4 When is a pre-lodgement meeting appropriate?

It is recommended that a proponent seek a pre-lodgement meeting with an RPA 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 RPA and the proponent to reach agreement on the information necessary to justify further consideration of the proposed change to land-use or 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.

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The parts of a planning proposal

Section 55 (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 55(3) of the Act allows the Director-General to issue requirements with respect to the preparation of a planning proposal. The Director-General'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.

For example, the objectives or intended outcomes of a planning proposal might be:

Example 1

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.

A planning proposal relates only to an LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application. It is essential therefore that a proposal addresses all relevant matters that relate to the planning controls to be amended or introduced.

An amendment to an LEP is a stand-alone component of the development process. The RPA and the community must be confident that the proposed planning controls suggested by the planning proposal are acceptable as an outcome appropriate in that location, regardless of the subsequent approval or refusal of any future development application. Sufficient information must be provided to enable an assessment of the proposal to be undertaken.

It is not necessary to identify the mechanism by which the outcomes will be achieved. For instance, in Example 1 the zone(s) the site will eventually be zoned are not stated. The final 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.

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.

Principal LEPs apply to a whole local government area (LGA) and seek to achieve a number of changes.

The objectives and intended outcomes will need to accurately reflect the full extent of those changes. For example:

Example 2

To implement a Standard Instrument LEP across the Smithville local government area that replaces but maintains the general effect of the existing LEPs applying to the land, except where:

1. *It is intended to introduce a new provision to minimise the impacts of urban stormwater on properties, native bushland and receiving waters.*
2. *It is intended to give effect to the Smithville Housing Strategy by:*
 - a. *Enabling the future redevelopment of land within a reasonable walking distance of Smithville Railway Station (as shown on the attached map) for residential flat buildings;*
 - b. *Reserving land for future acquisition by the Smithville Metro Authority for the construction of additional commuter parking at Black Street, Smithville.*
 - c. *Etc.*

As in Example 1, the details of the planning proposal are specific enough to clearly identify the intent of the proposal, yet flexible enough to enable the RPA to determine the most appropriate zones 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.

In the context of Example 1 and 2, 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 a new principal LEP, the Explanation of Provisions will be more detailed even if it relates to the Standard Instrument. The Explanation of Provisions therefore should take a form similar to the one as follows:

Example 4

The proposed outcome will be achieved by:

Preparing a Standard Instrument LEP in the form shown at attachment 1 (to which the standard instrument is attached) and with accompanying maps as shown at attachment 2 (to which the proposed maps are attached).

The Standard Instrument will include the following additional local provision:

2.6B Stormwater management

- 1. The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.*
- 2. This clause applies to all land in residential, business and industrial zones.*
- 3. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
 - a. is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
 - b. includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
 - c. avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

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 Section 2.3(a)) 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.

As a minimum, a planning proposal must identify any environmental, social and economic impacts associated with the proposal. It is not expected that a proponent will provide comprehensive information to support a request for a planning proposal. The Gateway may include a requirement for additional information or determine that additional work on a particular aspect of the proposal is required. Detailed information completed prior to the Gateway may be unnecessary if it does not address the main concerns the Gateway identifies in its review of the proposal.

In some cases it will be necessary to undertake technical studies or carry out consultation with government agencies

to justify or clarify different aspects of a planning proposal. Generally, however these investigations will not need to be carried out before the Gateway, provided the issues giving rise to the need for the investigations and an approach for addressing the issues are identified in the planning proposal. The Gateway determination will then confirm the studies and consultation required and the timeframe for these to be completed.

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

Example 5

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, demonstrate that preliminary analysis of the impacts has been undertaken and indicate what environmental studies would be suggested to assess and analyse the value and location of the vegetation and how the matter(s) could be addressed. Where appropriate the need to potentially enter into a voluntary planning agreement (VPA) to protect any significant species or habitat may be highlighted. It is not expected that a proponent would have undertaken the studies or prepared a draft VPA or offset agreement for the purposes of obtaining the initial Gateway determination. This is because the amount of offset or the matters to be addressed in a VPA or other agreement may vary as a consequence of further agency consultation and public exhibition.

Example 6

Overshadowing and amenity impacts may be potential issues associated with increasing the height and floor space ratio controls on a site to a planning proposal to be submitted to the Gateway. 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 appropriate to increase the development potential of the site by amending these development standards in that location. Block/massing diagrams would be a suitable level of detail to provide with the planning proposal.

The Gateway will need to be confident that the level of information provided with the planning proposal will enable the plan making process to be completed within a reasonable time. Depending on the complexity or scale of the proposal this may require some initial investigations to be carried out prior to submitting the proposal to the Gateway.

2.3(a) Questions to consider when demonstrating the justification

Section A – Need for the planning proposal

Q1. *Is the planning proposal a result of any strategic study or report?*

The answer to this question helps explain the context of the planning 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, implemented quicker, and impose less of a regulatory burden.

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 efficient to implement the controls through the council's LGA wide principal Standard Instrument Local Environmental Plan (SI LEP) if this is close to finalisation rather than proceeding with a stand-alone planning proposal.

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. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Regional and sub-regional strategies have been prepared for many parts of NSW. The strategies include outcomes and specific actions for a range of different matters relevant to that region or sub-region. In all cases the 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 regional or sub-regional strategy, the relationship between the planning proposal and the applicable strategy must be considered in the context of those outcomes and actions including housing and employment targets. Where an outcome or action is directly relevant to the planning proposal it should be briefly described and the planning proposal should set out the reasons why the proposal is either consistent or inconsistent with the outcome or action.

Regional strategies 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. In such cases, the Sustainability Criteria should be addressed in the planning proposal.

In cases where there is no regional or sub-regional strategy in place, Assessment Criteria have been identified to assist proponents in preparing information to justify a planning proposal. These criteria form the basis of the initial eligibility assessment for the pre-Gateway review process. The justification component of a planning proposal should address the following Assessment Criteria as a minimum where a regional or sub-regional strategy is not in place:

Assessment Criteria

- a. Does the proposal have strategic merit and:
 - is consistent with a relevant local strategy endorsed by the Director-General or
 - is consistent with the relevant regional strategy or Metropolitan Plan or
 - can it otherwise demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc)

b. Does the proposal have site-specific merit and is it compatible with the surrounding land uses, 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. *Is the planning proposal consistent with a council's local strategy or other local strategic plan?*

Where a local strategic plan has been prepared for the LGA and endorsed by the Director-General, relevant matters must be identified and the relationship of the planning proposal to those matters should be discussed.

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 Director-General? A planning proposal that is explicitly consistent with an endorsed local strategy has a good chance of being 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 117 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 satisfies 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 RPA should consider whether it is appropriate to undertake this study prior to Gateway to demonstrate that the intent of the planning proposal can be achieved.

Q6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Section 117 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 117 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 <http://www.planning.nsw.gov.au/planningsystem/local.asp>.

Each planning proposal must identify which, if any, section 117 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.

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. If additional information is required, sufficient detail should be provided to enable the Director-General to determine whether the inconsistency is of minor significance or whether the planning proposal can be justifiably inconsistent with the conditions of the relevant direction.

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?*

If the land affected by the planning proposal contains habitat of any sort, it will be necessary to carry out an assessment of significance in accordance with section 5A of the Act and the 'Threatened Species Assessment Guidelines', which can be found at <http://www.environment.nsw.gov.au/resources/threatenedspecies/tsaguide07393.pdf>.

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 34A of the Act for the RPA to consult on the planning proposal with the relevant government agency. If required, this consultation does not need to take place until after the issuing of the initial Gateway determination.

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 and addressed in the planning proposal. Again, if it is necessary to prepare information or undertake investigations to address an identified matter, the scope of these should be identified in the planning proposal while the actual information/investigation may be undertaken following the initial Gateway determination where appropriate.

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 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 impacts can be addressed.

As with other potential impacts, proponents are required to undertake preliminary assessments and identify the scope of issues to be addressed in any information. The Gateway will confirm the need for the information and 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 shortfall in infrastructure provision is to be met. It is not expected that a proponent will 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 – and potential mechanisms to address any shortfall – and which agencies will be consulted as part of that process.

For planning proposals likely to place additional demands on public infrastructure, this section will be developed following consultation with the public authorities responsible for the provision of that infrastructure. Proponents may wish to have informal/ preliminary discussions with relevant agencies to inform this process prior to the initial Gateway determination. The initial Gateway determination would confirm the public authorities to be consulted.

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 an RPA 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 pre-Gateway 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.

Where a council is preparing the planning proposal and already has a SI LEP in force, mapping should be carried out consistently with the requirements of *Standard technical requirements for LEP maps*. That is, the maps should be prepared using the same format template, colours, zone names etc as required under the department's guidelines. Mapping should be prepared at an appropriate scale showing the subject site and immediate area surrounding the site. Where the planning proposal is prepared by a proponent, this may not initially be possible. However, for exhibition purposes, the Gateway may determine that SI LEP compliant mapping should 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 initial Gateway determination.

As the planning proposal progresses through the plan making process, it may be necessary to prepare additional mapping and supporting figures. Any additional maps should also be of a sufficient standard and quality to meet the department's mapping guideline requirements.

2.5 Part 5 – community consultation

This part of 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 an RPA 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 having regard to the details set out in the planning proposal. This part of the proposal must be revised to reflect any change to the consultation requirements specified in the determination.

The Act sets out the community consultation requirement for planning proposals and these are determined or confirmed at the Gateway. It may be premature to undertake extensive consultation with the broader community on a particular planning proposal before the Gateway. The Gateway will confirm the scope of additional information that may be required and the range of agencies to be consulted. As a result, the planning proposal may vary from the time it is initially conceived to the point where a definite proposal evolves for the site.

The community consultation should provide the full range of completed technical and background information relating to a site so interested parties/ persons can make an informed opinion if the planning proposal is approved at Gateway.

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

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 will need to be confident, should the planning proposal proceed, that the level of information provided with the planning proposal will enable the plan making process to be completed within a reasonable time. In order to meet these goals 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 RPA, 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 RPA will make the plan (if delegated)
- anticipated date RPA will forward to the department for notification.

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 RPA 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 RPA will then to decide whether or not to send the proposal to Gateway. The RPA 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 before being considered by the LEP Review Panel. The Panel 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 RPA to finalise in accordance with any conditions imposed by the Gateway.

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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 a Planning Circular (PS 12-006 *Delegations and independent reviews 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.

ATTACHMENT 1 – INFORMATION CHECKLIST

▶ STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 117 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	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			<ul style="list-style-type: none"> • Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining) • Sea level rise 	<input type="checkbox"/>	<input type="checkbox"/>
• Demonstrated consistency with relevant Regional Strategy	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
• Demonstrated consistency with relevant Sub-Regional strategy	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
• Demonstrated consistency with Threshold Sustainability Criteria	<input type="checkbox"/>	<input type="checkbox"/>		<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 & cultural impacts	<input type="checkbox"/>	<input type="checkbox"/>
• Stormwater management	<input type="checkbox"/>	<input type="checkbox"/>	• Stakeholder engagement	<input type="checkbox"/>	<input type="checkbox"/>
• Flooding	<input type="checkbox"/>	<input type="checkbox"/>	Infrastructure Considerations		
• Land/site contamination (SEPP55)	<input type="checkbox"/>	<input type="checkbox"/>	• Infrastructure servicing and potential funding arrangements	<input type="checkbox"/>	<input type="checkbox"/>
			Miscellaneous/Additional Considerations		
			<i>List any additional studies</i>		

