

POLICY: PLANNING PRINCIPLES FOR PROPONENT INITIATED PLANNING PROPOSALS

PREPARED BY:

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1. PURPOSE

Planning proposals are a mechanism to change the Local Environmental Plan. Councils or a proponent can initiate a planning proposal.

A proponent-initiated planning proposal is a request by a landowner, developer or an individual to amend the zoning or development standards that apply to land they own or in which they have an interest.

All planning proposals are assessed against strategic merit and site-specific merit considerations in accordance with the Department of Planning and Environment 'Local Environmental Plan Making Guideline'. Strategic merit considerations include alignment with the Region Plan, the South District Plan, Local Strategic Planning Statement, and Council sector specific strategies e.g., Housing Strategy, Infrastructure Plans.

Further planning principles for assessing proponent-led proposals assist where:

- the site is not in an identified or priority location for the proposed use,
- the proposal is innovative, unexpected or in response to a newly emerging trend, or
- the proposal responds to a change in circumstances or priorities not recognised by the current planning framework.

This policy sets out additional planning principles which proponent-led proposals will be assessed against.

2. APPLICATION

This policy applies to the assessment of proponent-led planning proposals.

The planning principles set in this policy do not replace the merit test included in the NSW Department of Planning and Environment's 'Local Environmental Planning Guideline'. They are to support and compliment the strategic merit and site-specific merit considerations with local considerations.

The planning principles do not apply to planning proposals which are categorised as 'basic planning proposals' or minor changes to the Local Environmental Plan for administrative and inconsequential matters. 'Basic planning proposals' are described by Department of Planning and Environment (DPE) as Local Environmental Plan amendments to:

- Correct an administrative error
- List a local heritage item
- Reclassify land where the Governor's approval is not required;



- Make changes that are consistent with a DPE endorsed/approved local strategy such as the Local Housing Strategy; or
- Make changes consistent with section 3.22 Expedited amendments of environmental planning instruments of the EP&A Act. This clause specifically supports amendments to correct an obvious error, address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature, and/or deal with matters that the Minister considers do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land.

3. PRINCIPLES

3.1 Application of Principles

No one principle should be applied to the detriment of another. Principles must be collectively considered and applied to the extent that is reasonable and practicable in the circumstances.

Principles must be collectively considered and applied to the extent that is reasonable and practicable in relation to each individual planning proposal. The principles will guide decisions and ensure consistency and transparency in decision-making.

3.2 The planning proposal must not increase risk to life or property in areas of known hazards

The proposal should not be in areas identified as known risk e.g., bushfire prone land or flood prone land, unless the proposal demonstrates that it does not increase risk, or expose more people or property to risk, or it appropriately mitigates against the risk. The proposal should not be on contaminated land unless it demonstrates that the land is suitable for, or can be made suitable for, the proposed development.

3.3 The planning proposal must demonstrate that adequate infrastructure is available or will be provided

The proposal must demonstrate the capacity of existing infrastructure to cope with the increased demand without augmentation, or, if not, a commitment to provide the required system augmentation at no cost to Council. In particular, the proposal must provide required road and intersection upgrades, and augmentation of water, sewerage, and electricity infrastructure, or open space if needed.

3.4 The planning proposal must support sustainability and environmental aspirations

The proposal must demonstrate that environmental impacts are acceptable and support the Council and State Government's goals of net zero emissions by 2050. The proposal must demonstrate alignment with Council's relevant policies regarding the environment.

3.5 The planning proposal must support liveability aspirations

The proposal must demonstrate exceptional design quality and sustainability standards and make a positive contribution to the built environment. The proposal should respect and complement local character and



connection to Country. The proposal must optimise the provision, improvement, and use of public spaces (green and/or urban), pedestrian connections, active transport, and green grid connections.

3.6 The planning proposal should contribute to the supply of housing to meet demonstrated needs not currently being met by the market, particularly providing housing for our ageing community

The proposal should contribute to the provision of affordable rental housing and/or social housing, or housing for specific sectors where there is a demonstrated need not being met by the market e.g., supportive accommodation. The proposal should recognise the importance of providing housing for our ageing community.

3.7 The planning proposal must align with the targets in the Local Housing Strategy

A proposal for residential development will be considered in the context of the Housing Strategy target, the rate of delivery and the future dwellings development pipeline. This may mean that a proposal for additional residential density may not be supported if it is not necessary to achieve the housing target(s) and/or the priorities set in the Housing Strategy.

3.8 The planning proposal should support the local economy

The proposal should increase local employment and maintain the economic contribution, role and function of urban services land and existing centres. The proposal should optimise supply chains and support innovative and emerging industries and economic activity.

3.9 The planning proposal must ensure the orderly development of land.

The proposal should be for a precinct or large site, avoid mid-block transitions and isolated lots and provide a transitional scale to adjacent development.

4. RESPONSIBILITIES

4.1 Responsible Officer

The Manager Strategic Planning is the Responsible Officer for this policy and is responsible for ensuring that proponent-led proposals are assessed against these principles.

4.2 Directors

Directors are responsible for ensuring their Directorate adheres to the requirements of this Policy and providing guidance in respect of planning proposals within the Organisation.



5. POLICY COMPLIANCE

The Manager Strategic Planning will prepare and submit an assessment report to a council meeting for formal consideration. The report will address and document an assessment of the planning proposal against these planning principles.

Should Council determine that the planning proposal has strategic and site-specific merit, and it aligns with these planning principles and is to be supported, it will be submitted to the Department for a Gateway determination.

At the conclusion of the plan making process a review of the planning proposal will be undertaken to ensure that these principles have been considered.

6. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

Council adheres to and complies with the *NSW State Records Act 1998* and *Privacy and Personal Information Protection Act 1998* through its Access to Information Policy and Privacy Management Plan.

7. BREACHES OF POLICY

Breaches of this Policy will be dealt with in accordance with normal disciplinary procedures and will be advised to the Chief Executive Officer and / or Director Planning & Growth, via the Manager Strategic Planning where appropriate.

8. RELATED DOCUMENTS

- Greater Sydney Region Plan
- The South District Plan
- Sutherland Shire Local Environmental Plan
- Sutherland Shire Local Strategic Planning Statement
- Local Housing Strategy 2041
- Department of Planning and Environment 'Local Environmental Plan Making Guideline'

9. RELEVANT LEGISLATION AND REGULATIONS

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*



10. DEFINITION OF TERMS

Term	Meaning
Gateway determination	In accordance with section 3.34 of the EP&A Act, the Minister or delegate must issue a Gateway determination (with or without conditions) when it receives a planning proposal from the Council. The Gateway determination will determine (among other things) whether the planning proposal may proceed to the next stage of the process.
Planning Proposal	A document and supporting information that explains the intended effect and justification of a proposed Local Environmental Plan or amendment to a Local Environmental Plan.
Proponent	A developer, landowner or third party who initiates a proposal, prepares a planning proposal and submits it to Council.
Site-specific merit	A proposal's demonstrated environmental, social, and economic impact on the site and surrounds and ability to be accommodated within the capacity of the current and/or future infrastructure and services. When a Local Environmental Plan is made or amended through a planning proposal, it must demonstrate site-specific merit by having regard to the criteria in Section 2 of the Department of Planning and Environment 'Local Environmental Plan Making Guideline'
Strategic merit	A proposal's demonstrated alignment with the NSW strategic planning framework or current government priority. When an LEP is made or amended through the planning proposal, it must demonstrate strategic merit having regard to the criteria in Section 2 of the Department of Planning and Environment 'Local Environmental Plan Making Guideline'.

End of Document

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Document Name: Planning Principles for Proponent-Initiated Planning Proposals Policy		Policy Accountability Manager Strategic Planning	
Version: 1.0	Approved by: Council PLN001-23	Minute No: 17	Date approved: 20 February 2023
Original: November 2023		Last Revision:	Next Revision: